## VOLUME IV, PART II.

# CONGRESSIONAL RECORD.

FIRST SESSION, FORTY-FOURTH CONGRESS.

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# CONCIRENCE AND ARCORD.

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# CONGRESSIONAL RECORD:

CONTAINING

# THE PROCEEDINGS AND DEBATES

OF THE

FORTY-FOURTH CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

VOLUME IV.

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# CONGRESSIONAL RECORD.

FIRST SESSION, FORTY-FOURTH CONGRESS.

fully repel those charges which always follow where the temptation soon demonstrate that no more corrupt or corrupting device, no wilder or more visionary project, ever entered the brain of the schemer or

the empiric.

If the people of the United States were fully awake and aroused to If the people of the United States were fully awake and aroused to their interests, and could see things as they are, instead of increasing the power of Congress over the currency they would by the shortest practicable process divorce the two, completely and forever. And this can only be done finally, effectually, irreversibly, by the resumption of specie payment. Why, Mr. Chairman, it is hardly an exaggeration to say that, ever since the Government was compelled to resort to irredeemable currency during the war, the assembling of Congress and its continuance in session have been the most disturbing elements in the business of the country. It is literally true that no man can tell what a day may bring forth. One large interest looks hopefully to contraction and the lowering of the gold premium; another is ruined unless there is such a movement toward expansion as will send gold up. Each side, of course, endeavors to influence and convince Congress. Both sides naturally have their sympathizing advocates on this floor, and hence the substantial business interests of the country are kept in a feverish, doubtful, speculative state. Men's minds are turned from honest industry to schemes of financial gambling, the public morals suffer, old-fashioned integrity is forgotten, and solid, enduring prospective with heact gainst and solid, enduring prospective with heact gainst and solid, enduring prospective. suffer, old-rasmoned integrity is forgotten, and solid, enduring prosperity, with honest gains and quiet contentment, is rendered impossible. We have suffered thus far in perhaps as light a degree as could be expected under the circumstances; but once adopt the insane idea that all currency shall be issued directly by the Government, and that Congress shall be the judge of the amount demanded by the "wants of trade," and you have this country adrift, rudderless, on a sea of troubles, shoreless and soundless.

It is a singular circumstance, Mr. Chairman-one of those odd happenings sometimes brought about by political mutations—that those who urge this scheme upon the Government are democrats, every one of whom would doubtless claim to be a true disciple of Andrew Jackson. And yet all the evils of which Jackson warned the country in his famous controversy with the United States Bank are a thousand fold magnified and a thousand-fold aggravated in this plan of making the Treasury Department itself the bank, with Congress for the govthe Treasury Department itself the bank, with Congress for the governing board of directors. I commend to gentlemen of democratic antecedents a careful perusal of Jackson's great message of July 10, 1832, and I wish them to frankly tell this House how they think Jackson would have regarded the establishment of a great national papermoney machine, to be located for all time in the Treasury Department, the bills of which shall have no provision for their redemption, and the amount of those bills to be determined by a majority vote in

a party caucus.

And then, after Jackson's veto message shall have been diligently perused and inwardly digested by the democratic advocates of irredeemable paper money, I will ask them if the present national-bank system does not fully meet all of Jackson's objections, and if it is not, indeed, as nearly as the difference of time and circumstances will perindeed, as nearly as the difference of time and circumstances will permit, such a system of banking as Jackson indirectly commended and as he professed himself ready to submit a plan for if Congress should desire it? Disclaiming, as I have done, any special championship of the national banks, but merely referring to facts of record, I would be glad further to ask if the present system, in its entire freedom from monopoly, being equally open to all; if in the absolute protection it affords to that innocent third party, the billholder, (no man ever having lost a dollar by the bills of national banks during the thirteen years the system has been in operation, whereas in the preceding thirteen the system has been in operation, whereas in the preceding thirteen years the losses to the people by bills of State banks exceeded fifty millions of dollars;) if in that universal credit attached to its bills, saving the people all losses from exchange or discount wherever payment is to be made within the United States; if in its protection of ment is to be made within the United States; if in its protection of the rights of depositors; if in its strength and solvency in time of financial disaster; if in its subjection to taxation, both by the General and State Governments, until it confessedly pays a heavier tax than any other species of property; if in its capacity to measure by the unvarying law of supply and demand the precise amount of circulation required by the "wants of trade,"—I would be glad, I repeat, to ask any democratic opponent of the system if it does not in each and all these features fill the ideal requirement of a bank as foreshadowed by Jackson, and if it does not indeed far transcend any ideal Jackson had, in its freedom for all to engage in it, in its absolute security to the public, and in its singular adaptation to act as a regulator of the currency, preventing undue expansion and undue contraction with equal and unfailing certainty, and adjusting itself at once to the specie standard whenever the Government shall place its own notes at par with coin?

once to the specie standard whenever the Government shall place its own notes at par with coin?

It is urged by the opponents of the banking system that the three hundred and twenty millions of bank circulation can be supplied by legal-tenders and the interest on that amount of bonds stopped! How? Does any gentleman suppose that the bonds owned by the banks, and on deposit in the Treasury, will be exchanged for legal-tenders of a new and inflated issue? Those bonds are payable, principal and interest, in gold; and, with the present amount of legal-tender notes, they are worth in the market from \$1.16 to \$1.25. What will they be worth in paper money when you double the amount of legal-tenders and postpone the day of specie resumption far beyond the

vision of prophet or seer? And this enormous issue of legal-tenders to take the place of bank-notes is only the beginning of the policy to be inaugurated. The "wants of trade" would speedily demand another issue, for the essential nature of an irredeemable currency is that it has no limit till a reaction is born of crushing disaster. A lesson might be learned (by those willing to be taught by fact and experience) from the course of events during the war. When we had one hundred and fifty millions of legal-tender in circulation, it stood for a long while nearly at par with gold. As the issue increased in amount the depreciation was very rapid, and at the time we fixed the four hundred million limit, that whole vast sum had less purchasing power in exchange for lands, or houses, or merchandise than the hundred and fifty millions had two years before. In the spring of 1862, \$150,000,000 of legal-tender would buy in the market \$147,000,000 in gold coin. In June, 1864, \$400,000,000 of legal-tender would buy only \$140,000,000 in gold coin.

And if we had not fixed the four-hundred-million limit, but had

gone on issuing additional amounts according to the "wants of trade," as now argued and urged by the modern democratic financiers, the result would have been that at each successive inflation the purchasing power of the aggregate mass would have been made less, and the value of the whole would have gone down, down, till it reached that point of utter worthlessness which so many like experiments have reached before; and the legal-tender, with all its vast capacity for good in a great national crisis, would have taken its place in history alongside of the French assignat and the Continental currency. The alongside of the French assignat and the Continental currency. The four-hundred-million limit happily saved us that direful experience, and at once caused the legal-tender to appreciate; but, unwilling to learn by this striking fact, the inflationists insist upon a scheme of expansion which would speedily raise the price of bonds to unprecedented figures, and by the time they should succeed in purchasing those that now stand as security for national-bank circulation they would have increased the national debt by countless millions, and instead of making a saving for the Treasury they would end by depriving it of the eight millions of tax annually paid by the banks, and the people would have lost the additional eight millions of local tax derived from the same source.

tax derived from the same source.

I have not spoken of the confusion, the distress, the ruin that would result from forcing twenty-one hundred banks suddenly to wind up their affairs with nearly a thousand millions of dollars due them, which

their affairs with nearly a thousand millions of dollars due them, which in some form must needs be liquidated and paid. The commercial fabric of the country rests upon the bank credits, and nothing short of financial lunacy could demand their rude disturbance. Whoever would strike down the banks, under the delusion that they can be driven to surrender their bonds for inflated legal-tenders, knows little of the laws of finance and still less of the laws of human action. Among the anomalies presented in the currency discussion, Mr. Chairman, is that the West and the South should have so large an element clamorous for inflation. Of all sections interested in the specie standard the West and the South stand first. The great staples produced in those vast and fertile regions, wheat, corn, flour, beef, pork, hides, tobacco, hemp, cotton, rice, and sugar, are inevitably and peremptorily subjected to the gold standard when sold. The price of cotton sent to Lowell is just as much determined by the gold standard as that which is exported to Manchester, and the breadstuffs sold in New York are daily equated with the prices of the Liverpool corn in New York are daily equated with the prices of the Liverpool corn exchange. And so of all the other commodities. And yet we hear representatives of the great interests that are thus compelled to sell at gold prices, resolute and determined in their demands that they shall be allowed to purchase all their supplies on the paper basis. When it is remembered that the whole of the annual crop in this country, reckoning all products, reaches the enormous amount of three thousand millions on the gold basis, and that the surplus not consumed by the producers is many hundreds of millions of dollars, and that the value of the whole is estimated by the gold standard, the farmers of the country may find profitable food for reflection in calculating what the agricultural interest loses every year by an irre-

calculating what the agricultural interest loses every year by an irredeemable paper currency.

One great and leading interest of my own and other States has suffered, still suffers, and will continue to suffer so long as the currency is of irredeemable paper. I mean the ship-building and navigation interest—one that does more for the country and asks less from it than any other except the agricultural; an interest that represents our distinctive nationality in all climes and upon all seas; an interest more essentially and intensely American than any other that falls under the legislative power of the Government, and which asks only to-day to be left where the founders of the Republic placed it a bundred years ago. Give us the same basis of currency that our bundred years ago. Give us the same basis of currency that our great competitors of the British Empire enjoy, and we will, within the lifetime of those now living, float a larger tonnage under the American flag than was ever enrolled by one nationality since the science of navigation has been known among men. Aye, more, sir; give us the specie basis, and the merchant marine of America, sailing into all zones and gathering gain from all continents, will bring back into all zones and gathering gain from all continents, will bring back to our shores its golden profits and supply to us that coin which will steady our system and offset the drains that weaken us in other directions. But ships built on the paper basis cannot compete with the lower-priced ones of the gold basis, and whoever advocates a perpetuity of paper money in this country confesses his readiness and willingness to sacrifice the navigation and commercial interest for all time

It is often made the subject of reproach by the opponents of the republican party that ten years have elapsed since the war closed and nothing effective has been done toward the resumption of specie payment. Even if this were true the democrats are not justified in making the charge, for their party organization has been the principal obstacle and stumbling-block in the way of resumption. But, cipal obstacle and stumbling-block in the way of resumption. But, in fact, a great deal has been done toward specie payment by preventing inflation and keeping the Government thus far within the four-hundred-million limit. To do this it has been necessary to wage a very sharp war with the democrats, and against their demands that the national debt be paid in legal-tender notes, the republicans have had their hands full thus far to maintain the demands and dues of common heavests. common honesty

As matter of fact, however, I am quite willing to admit that during these ten years no positive and vigorous steps have been taken ing these ten years no positive and vigorous steps have been taken toward specie payment. So long as the business of the country was progressing reasonably well, it was not practicable or possible to set to work deliberately, without the pressure of necessity, to force specie resumption. Every man of affairs knows instinctively, without argument, that this was so, and he knows why it was so. Though not having the same moral issue involved, we were situated very much as Mr. Pitt found himself when asked why he did not bring in a bill for the suppression of the slave-trade. He said, "The Bristol merchants are too strong for the ministry, because so many interests in the kingdom are connected with them."

But now the case is changed. Over-trading, the wild spirit of

But now the case is changed. Over-trading, the wild spirit of speculation, the undue expansion of credits, enormous investments in premature enterprises, have worked out their legitimate and inevitable results, and with a full volume of paper money the crash came; prices have fallen, settling day has arrived, painful liquidation proceeds, and the whole commercial and financial fabric is settling down on a solid foundation. Experience convinces where precept falls only on deaf ears, and to-day we have men by the thousand longing and asking for a return to specie, who, three years ago, would have vio-lently opposed it. To attempt now to build up business by further inflation of the currency involves a theory so wild and destructive that it requires a man of great nerve or of great ignorance to propose it. It requires a man of great herve or or great ignorance to propose it. Indeed, the shock to confidence by the panic of 1873 was so great that many commodities, and especially many fabrics, are below their normal price, and a firm, clear, decisive step in the direction of a sound, redeemable currency, imparting stability to our financial system and confidence to the people, would, in the judgment of our best merchants and manufacturers, be followed by a rise in prices, by a quick and widespread demand for labor, and by a generous and general revival of trade and business throughout the country. And beyond that we should enter upon an export trade in our fabrics such as we have not dreamed of in the past. The time is ripe for it, outward circumstances are all propitious, and it only remains for Congress to give to the country a steady currency, and the bounding energy and enterprise of our people will do the rest.

There is not a cotton-plantation in the South, not a grain or grazing farm in the West, not a coal-pit or iron-furnace in Pennsylvania or Ohio, not a manufactory in New England, not a ship-yard on the Atlantic coast, not a lumber-camp from the Penobscot to the Columbia, not a mile of railway between the two oceans, that would not feel the quickening, gainful influence of a final and general acquies-cence in measures looking to specie payment. The republicans medi-tate no harsh, or hasty, or destructive policy on this queston—but one that shall be firm, considerate, and conclusive. The democracy, by refusing to co-operate in the good work, can keep the matter in agitation and prolong the era of dullness and inactivity in the country. Having stubbornly refused to vote for legal-tenders when the salvation of the Union demanded them, that party can now fittingly complete its financial record by resisting all honest efforts to restore the

specie standard to the people.

We are told, however, Mr. Chairman, in tones of most solemn warnwe are tool, however, Mr. Charman, in tones of most solemn warring, that this country is not able to maintain its paper-money at par with coin. Sir, I reject the suggestion with scorn, and it seems to me if I could be persuaded of its truth I should be ashamed to rise in the American Congress and proclaimit. Here is California, one of our youngest States, (thirty members of the Union being senior to her,) with a vast territory and a sparse population, able to maintain coin payment, and maintaining it through a financial storm of terrific force, and by reason of it regaining a position of solvency and safety with a rapidity and a certainty to which the paper basis affords no parallel but only a contrast. Here to the north of us lies the Dominion of Canada, stretching from Newfoundland to the borders of Alaska, with an inhospitable climate, a soil in great part inferior to ours, commerce checked and suspended half the year by frozen rivers, manufactures scant, crude, and undeveloped, with a population throughout the whole territory not so large as that of New York, and with wealth greatly inferior to that of the Empire State; with a debt as large, in proportion to people and product, and property, as our own; and yet Canada finds no difficulty in maintaining specie payment. And at Toronto, Montreal, and Halifax the American tourist is mocked and made ashamed by the sight of coin dollars and gold eagles from our own mint, circulating freely as currency among a people whose wealth and resources are but an inconsiderable fraction of our own magnificent inheritance and

When the National Government was organized in 1789 the most

liberal estimate of the property of the entire thirteen States placed it at six hundred millions of dollars-less than the wealth of Boston or at six hundred millions of dollars—less than the wealth of Boston or of Chicago to-day. The population was four millions, showing a property of one hundred and fifty dollars to each inhabitant. By the census of 1870 our population had increased to thirty-eight millions and our wealth to thirty thousand millions, showing eight hundred dollars per capita for the whole people. Our population had increased in the eighty intervening years not quite tenfold, but our wealth had increased fifty-fold. The patriots of 1790, with their slender resources, did not hesitate to assume a national debt of ninety millions of dollars, heing more thin one seventh of their entire possessions; and it never being more than one-seventh of their entire possessions; and it never occurred to them that an abandonment of the specie basis would make their burden lighter. They knew from their terrible experience with continental currency that all their evils would be painfully increased by a resort to paper money. And in their poverty, with no accumuby a resort to paper money. And in their poverty, with no accumulated capital, with manufactures in feeblest infancy, with commerce undeveloped, with low prices for their agricultural products, they maintained the gold and silver standard, they paid their great debt, they grew rich in the property which we inherited, but far richer in that bright, unsullied honor which they also bequeathed to us.

To-day, the total debts of the American people, national, State and municipal, are not so large in proportion to already acquired property as was the national debt alone in 1790. And when we take into the account the relative productive power of the two periods, our present burdens are absolutely inconsiderable. When we reflect what the rail-way, the telegraph, the cotton-gin, and our endless mechanical inventions and agencies have done for us in the way of increasing our capacity for producing wealth, we should be ashamed to pretend that we cannot bear larger burdens than our ancestors. And remember, Mr. Chairman, that our wealth from 1790 to 1870 increased more than five times as rapidly as our population, and that the same development is even now progressing with a continually accelerating ratio. Remember, also, that the annual income and earnings of our people are larger than those of any European country, larger than those of England, or France, or Russia, or the German Empire. The English people stand next to us, but we are largely in advance of them. The annual income of our entire people exceeds six thousand millions in gold, and despite financial reverses and revulsions is steadily increasing.

In view of these facts, it would be an unpardonable moral weak-ness in our people—always heroic when heroism is demanded—to doubt their own capacity to maintain specie payment. I am not willing, myself, to acknowledge that as a people we are less honorable, less courageous, or less competent than were our ancestors in 1790; still less am I ready to own that the people of the entire Union have not the pluck and the capacity of our friends and kinsmen in California; and last of all would I confess that the United States of America, with forty-four millions of inhabitants, with a territory surpassing all Europe in area, and I might almost say all the world in fertility of resources, are not able to do what a handful of British subjects, scattered from Cape Race to Vancouver's Island, can do so easily, so

steadily, and so successfully.

Mr. Chairman, one great trouble in this whole financial question has been the general and for many years the growing disposition of our people not to regard the legal-tender note as a debt of the Government, but rather as something which is never to be paid. Such was not the feeling among the people when the legal-tenders first appeared, and I think this erroneous and injurious conception resulted appeared, and I think this erroneous and injurious conception resulted from an act of Congress, which in a most vital point changed the character of the notes. When the first three hundred millions of legal-tenders were issued, they couldbe funded at the option of the holder in 5-20 bonds in sums of \$50 and any multiple thereof. This provision gave a fixed, determinate character to the legal-tender, connected it with other Government issues by an equated value, made it on intermal part of our whole exptens of public conditional made. it an integral part of our whole system of public credit, and established it, in short, as a sort of balance-wheel to our somewhat comlished it, in short, as a sort of balance-wheel to our somewhat complicated financial machinery. So long as that provision was in force the money of the people was precisely as good and just the same as the money of the bondholder. By a mistaken policy, as I venture to affirm, this section of the law, on the request of Secretary Chase, was repealed after due notice given, and the moment that was done the legal-tender became a sort of financial orphan among us; it had thenceforward no connection or relationship with any other issue by the Government; it measured nothing itself and was measured by nothing, and ever since that day it has had to fight its own battle, not merely unsided by other forms of public credit, but in a sense not merely unaided by other forms of public credit, but in a sense constantly hindered by them. To establish a fixed, steady value for it under these circumstances were as impossible as to determine a pound avoirdupois without reference to the law of gravitation.

pound avoirdupois without reference to the law of gravitation.

Congress having taken away the provision for redemption, the public have naturally come to regard the legal-tender as perpetually irredeemable; and one of the first steps toward resumption is to change that impression, by reviving the funding privilege, in a bond of lower rate, with extended time, and a limitation on the amount that could be funded in any given period. As an amelioration to the debtor class, the suggestion has been made that the bonds into which the legal-tenders should be thus converted, might themselves be made a legal tender for all debts contracted prior to the passage of the act. This featender for all debts contracted prior to the passage of the act. This feature may have merit, but I should desire to consider it very fully in all its bearings before assenting to it, and especially as to its effect on the value of the legal-tender note, and also as to its constitutionality.

We have done much to maintain our public credit, but I think we began at the wrong end when we made special exertion to raise the price of our bonds and left the legal-tender to take care of itself. Had we devoted our energies to bringing the legal-tender to par with coin the bond would have followed; but, unfortunately, we have found that the reverse is not the case. For myself, I confess I always feel ashamed to see our bonds quoted at a large premium, while our legal-tenders are at a heavy discount; and while there has been no little demagoguery about the bondholding class getting their pay in coin as the law directs, I have wondered that the mass of our people so quietly endure being deprived of gold for their legal-tenders as the law in its spirit

equally guarantees.

But whether we shall succeed or shall fail in restoring to the United States notes the funding privilege with which they were originally endowed, I must here record my earnest protest against the policy of repealing the legal-tender clause which has given to these notes their great strength as a circulating medium. I cannot see how the Government can consistently deprive these notes of their legal-tender quality until it is ready to redeem them in coin on presentation; and when it is so ready to redeem them, what need or advantage will there be in raising the question? And I have never heard any argu-ment at all satisfactory to my mind that the repeal of the legal-tender clause would tend to make resumption easier. On the contrary, it seems to me that it would render resumption far more difficult than it will otherwise prove; that it would throw an undue share of the burden on the banks; that it would force them into the most rigid contraction and needlessly cripple their power of discount; thus plunging the whole country into confusion, disturbing credits, embarrassing payments, fatally deranging business, and creating widespread distress among the people. It would be a peculiarly severe blow to the debtor class, and would make resumption to them the signal of bankruptcy and ruin. All wise legislation toward resumption will take care that no needless burden be thrown on those who have debts to pay, and that in the transition the banks shall be kept in such a condition as will make them as helpful as possible to the business community. But this policy would drive the banks into a struggle for self-preservation in which debtors would necessarily be sacrificed. If I correctly apprehend the sound public judgment on this question, there is no desire to destroy the legal-tender character of the note, but a settled determination to bring it to par with coin burden on the banks; that it would force them into the most rigid of the note, but a settled determination to bring it to par with coin, and by this means bring every bank-note to the same standard. This policy will restore the coin of the country, of which we are producing over eighty millions per annum, to active circulation in the channels of trade, and will result not only in making our money better, but assuredly more plentiful among the people. It is a humiliating fact that, producing as we do a far larger amount of precious metal than all the rest of the world beside, we drive it into export because we will not create a demand for it at home. And the miners of the Pacific slope are furnishing the circulating medium for every country of the civilized world except their own, whose financial policy to-day outlaws and expatriates the product of their labor.

The act providing for resumption in 1879 requires, in the judgment of the Secretary of the Treasury, some additional legislation to make it practical and effective. As it stands, it fixes a date, but gives no adequate process; and the paramount duty of Congress is to provide a process. And in all legislation looking to that end it must be borne in mind that unless we move in harmony with the great business interests of the country, we shall assuredly fail. Specie payment can only be brought about by wise and well considered legislation, based on the experience of other nations, embodying the malation, based on the experience of other nations, embodying the matured wisdom of the country, healthfully promoting all legitimate business and carefully avoiding everything that may tend to create fear and distrust among the people. In other words, what we most need as the outgrowth of legislation is confidence, public and private, general and individual. To-day we are suffering from the timidity of capital, and so long as the era of doubt and uncertainty prevails, that timidity will continue and increase. Store toward inflation will release timidity will continue and increase. Steps toward inflation will make it chronic; unwise steps toward resumption will not remove it. We shall have discharged our full duty in Congress if we can mature a measure which will steadily advance our currency to the specie standard, and at the same time work in harmony with the reviving industries and great commercial wants of the country.

In any event, Mr. Chairman, whatever we may do, or whatever we may leave undone on this whole financial question, let us not delude may leave undone on this whole financial question, let us not delude ourselves with the belief that we can escape the specie standard. It rules us to-day, and has ruled us throughout the whole legal-tender period, just as absolutely as though we were paying and receiving coin daily. Our work, our fabrics, our commodities, are all measured by it, and so long as we cling to irredeemable paper we have all the burdens and disadvantages of the gold standard, with none of its aids and gains and profits. "The thing which hath been is that which shall be." The great law-giver of antiquity records in the very opening chapters of Genesis that "the gold of the land of Havilah is good." And, with another precious metal, it has maintained its rank to this day. No nation has ever succeeded in establishing any other standard of value: no nation has ever made the experiment except at ard of value; no nation has ever made the experiment except at great cost and sorrow; and the advocates of irredeemable money to-day are but asking us to travel the worn and weary road, traveled so many times before—a road that has always ended in disaster and often in disgrace.

Mr. TARBOX. Mr. Chairman, I have listened, the House has listened, and the country will listen with attention and respect to what the gentleman from Maine [Mr. Blaine] has uttered. His eminent position in the party of which he is an acknowledged leader, his position as one long experienced in public affairs, justly challenges for him the attention not only of this deliberative body but of the whole coun-

try when he makes his deliverance uponsubjects of public importance. I have listened, sir, for instruction; for I know the gentleman can speak well and wisely when he will. But in this discourse, it seems tome, he evinces rather the spirit of the advocate than the spirit of the savan. Still defending criminals! His speech is an attempted vindication of the financial policy of the party that has ruled the country without let or hinderance since the flowers of peace blossomed on the spears of war, and an attempted impeachment of the political action of that party which since that time has had no power at all in the counsels of the country so far as to shape it legislation or its administrative policy. In what the gentleman advances of the mischief already wrought

and the mischiefs that menace in prospect the honor of the country and the welfare of its people from the unconstitutional and treacher-ous currency which his party forced upon our commerce, I entirely concur. I fully agree in the expressed need of a return to a gold ba-That we are not anchored there already is a mortification to the country, a shame to the party and the lawgivers who have controlled the policy of the country ever since that fatal mistake was made when we cut loose from a policy based on gold as the standard of value in the exchanges of trade.

value in the exchanges of trade.

But this, sir, is only the scaffolding of his discourse. The substance and the marrow of his speech has more relation to a near political event of great importance to persons and to parties, affecting the political control of the country, than it has to the elucidation of any problems of public policy in aid of legislation here.

He reviews what he is pleased to term the political history of the currency question and seeks to assail the democratic party for its part in that history. Why, sir, the democratic party has had no hand in

currency question and seeks to assail the democratic party for its part in that history. Why, sir, the democratic party has had no hand in the fashioning of that history. It is the work of the republican party now in power; and if it needs to have any apology, that apology needs to come from the other side of the House; and the gentleman in his speech to-day has sought to make that apology. I propose ere I close to discuss the merits and the soundness of that apology. Ay, sir, I repeat, from the legal-tender act, the origin, the fountain of our financial columities down to the act of one year ago, that wratched for leaf cial calamities, down to the act of one year ago, that wretched fig-leaf cover of the nakedness of the republican party, that party has made this history; and by that record it shall be judged and its deserts

awarded by an intelligent people.

To begin with, the gentleman defends the legal-tender act as meritorious and wise. Had he made excuse for that act, urging that it was passed in a time of great financial stress when statesmen lost their heads and were carried away by panic, and that it was done for a patriotic purpose, I would have admitted weight to his excuse; I would concede that the statesmen of that day should have the benefit of a lenient construction of their blunder. But when he seeks to gather from the adoption of that weak financial expedient laurels to wreathe the brows of the party that is responsible for it, and would invoke odium on the democrats of that day who opposed it, then he frames an issue which we are not loath to meet.

It is conceded that the legal-tender act was unconstitutional. We know what dire results have come from it. And what is the excuse and the justification offered for it? The gentleman tells us that the country was in great financial perplexity; that its Treasury was nearly bankrupt; that the safety of the nation—ay, that is the term, and I have heard it before; it is the convenient cover for many and many an outrage on constitutional liberty and the welfare of the ple—that the safety of the nation demanded it. Sir, I deny it. England in her twenty years of suspension of specie payments never ventured to that length. She did not dare to make her bank-notes legal tender and thus change the fixed standard of values and unsettle

the foundations of her business prosperity.

Doubtless our rulers in 1862, wiser in their own conceit than the wisdom of experience, thought by the legal-tender act to give value o the notes and save them from depreciation. But the notes after being given the legal-tender quality were no more money than they were before. They met the assured fate which inevitably waits on all paper issue not convertible with coin.

The attempt to force value into them by coercive legislation failed The attempt to force value into them by coercive legislation failed conspicuously. And just here I venture to say that the scheme urged by some to appreciate the "greenbacks" by making them receivable for customs, for a like reason, if tried, will fail of the object. The only result can be to diminish the Government revenue by the difference between the value of gold and the value of legal-tenders and to send more gold abroad. For, sir, gold will not stay idle. If it cannot find employment here, it will seek employment elsewhere.

One exhibit the gentleman makes furnishes a most striking illustration of this truth. He says that when the issue in 1862 was \$150,000,000 it would buy more gold and therefore was worth more than the \$400,000,000 of legal-tender issue in 1864; that is, the more money the Government issued the less it had. And still the debt grew.

money the Government issued the less it had. And still the debt grew, sir, and to that fatal policy of irredeemable paper issue by the Government the country to-day may charge the addition of a burden of at least \$1,000,000,000 to the public debt, under which the industry of the country suffers and must suffer.

An able student of political economy in discussing this legislation very forcibly, as I believe, puts the correct proposition. I quote from Professor Sumner, of Yale College. Speaking of this particular legislation and the debate which preceded its enactments, he says:

islation and the debate which preceded its enactments, he says:

The spirit of debate was that of panie. The finances had been allowed to drift into a serious condition, and then, instead of applying cool and calm reason to find out and correct mistakes, recourse was taken to the last and most desperate resource. The financial interests of a great nation for an indefinite future were staked upon the desperate resource to tide over a temporary exigency. When the lessons of history were quoted they were answered by the flag and eagle. When objection was urged in view of possible contingencies, it was answered by prophecies of military success and denunciations of rebels. When the need of deliberation was urged, it was answered by clamor in regard to the necessities of the Government. When it was said, irredeemable paper had always wrought ruin, it was answered that our resources were unlimited, and that these precedents did not make a rule for us. When it was prophesied that the paper would depreciate and we would not be able to retrace our steps, the prophets of evil were indignantly pointed to the plighted faith of the United States, and asked if they thought that would be violated.

The question whether it is necessary to issue legal-tender notes is a question not of law, but of political economy, and political economy emphatically declares it never can be necessary. All history shows that paper money with a forced circulation is not a temporary resource. It cannot be taken up and laid down as we choose. It is a mischief easily done, but most difficult to cure.

Sir, the gentleman from Maine and his political associates are well-

Sir, the gentleman from Maine and his political associates are welcome to all the glory of this financial policy, as they are responsible for all its results. The democrats who opposed this ruinous policy out of reverence for the Constitution and fidelity to economic laws, which can never be broken with impunity, may well trust to the judg-ment of their countrymen and the verdict of posterity for the vindi-

cation of their wisdom and of their patriotism.

But, sir, the gentleman waxes eloquently virtuous over the dishonorable suggestion that the democrats or anybody else may violate the plighted faith of the nation contained in the law which limits the issue of greenbacks to \$400,000,000. Suppose I admit his proposition that that law is a pledge of public honor; that to violate it would be a national disgrace. Then, sir, he convicts his own party out of his own mouth. The original legal-tender act, by which the Treasury notes were first made legal-tender, contained the self-same proviso of limitation that the issue should never exceed \$150,000,000. His party broke that pledge of public faith, and his lips were mute of their eloquence to rebuke it.

To be sure, sir, I make no personal application of the suggestion. The gentleman, when that pledge was broken, I believe was the Speaker of this body, and since I have come here I have learned something I never imagined before, and that is that the Speaker of this House is not responsible in any degree for the legislation done here, even though that legislation come from the very committee of which

he is chairman!

Now the gentleman says apologetically for his party, when he attempts to answer why, having control of all branches of the Government, this and the other branch of Congress by a two-thirds majority, his party has not put us squarely on a sound financial basis, that they could not do it. To be sure they make the answer of democratic opposition, but it is weak and pusillanimous, unworthy of serious reply, for a party controlling both branches of the legislative body by a two-thirds majority, with the national Administration in sympathy

with them, to urge any such miserable plea as that.

But he says they could not. Why? Because of the condition of the country. It was impossible, it was not practicable to adopt measures for specie resumption while the business of the country was going or proportionally. ing on prosperously. We had to have a crash, a business depression that should beat the very life out of the business community and leave it prostrate. Such a penitential state of affairs as that was necessary,

so the gentleman affirms, to bring the country to a realizing sense of the indispensable necessity of specie resumption.

Well, sir, we got that crash. It came in 1873, in the early autumn of that year, before the Forty-third Congress had assembled. It lasted through all the active life of that Congress; ay, sir, and during a year and more of this depression in business, this very condition of commercial affairs which the gentleman argues as favorable for a measure for specie resumption to compel public approbation, not one step was taken in that direction. Ay, sir, and when the country had languished in the depths of business depression for over a year this Congress, under complete republican control, passed a bill to augment the currency volume, which only failed to become a law by the interposition of the executive veto. That is the history of what the republican party has done in the management of the finances. Now, republican party has done in the management of the mances. Now, sir, suppose this: Suppose this Congress should neglect to pass any financial legislation and leave the country just where the republican party left it, and leave the country to realize to the full the results of the republican policy, would it lie in the lips of the gentleman from Maine or his political associates to complain?

Now, sir, further, one charge the gentleman makes is so unjust, so monstrous, and so uncandid that I will not characterize it further lest monstrous, and so uncandid that I will not characterize it further lest I exceed the limits set by the decorum of debate. I understand the gentleman to allege that the democratic party in 1868 proposed an almost illimitable issue of legal-tenders. I suppose he rests that allegation, for there is no other warrant for it possible, upon the resolution of the democratic national convention of 1868, in regard to the payment of the public debt, or certain portions of the public debt, with greenbacks. Now, sir, I appeal from the gentleman defending his client and attempting to convict an opponent, to the record itself.

I read, sir, the resolution adopted as one of the planks of the democratic party in its national convention in 1868:

Third. Payment of the public debt of the United States as rapidly as practicable; all moneys drawn from the people by taxation, except so much as is requisite for the necessities of the Government economically administered, being honestly applied to such payment; and where the obligations of the Government do not expressly state upon their face or the law upon which they were issued does not provide they shall be paid in coin, they ought in right and in justice to be paid in the lawful money of the United States.

The proposition involved in this is simply that that portion of the public debt which by its terms, expressed on its face, which terms were made by the republican party, is payable in lawful money, should be paid in that which the republican party through its legisla-

tion declared was lawful money.

Now, I do not stand here to defend that proposition at all. I do not discuss it. I simply say: If it was error, the republican party was responsible for it. Their law provided that the interest of certain debts should be paid in coin, and that the debt itself should be paid in lawful money. The law which created the debt contemplated the payment of the interest and principal in different currencies. Else why the discrimination in the law? If we fell into a pit the republican party dug it, and are responsible for our fall. But, sir, there was no hint of inflation. There was no suggestion in that resolution of any new issue of greenbacks. The very terms of the resolution determined what the resolution intended. It said that the debt should be paid-how? Not out of a new issue but out of the greenbacks that be paid—how? Not out of a new issue but out of the greenbacks that remained in the Treasury after the payment of the current expenses of the Government. That was the fund out of which the debt was proposed to be paid, and not from any new issue of legal-tenders. What is the argument of the gentleman? Why, as at that time there were outstanding against the United States sixteen hundred millions of 5.20 bonds, and this resolution proposed to pay them in greenbacks, therefore any the gentleman to therefore, argues the gentleman, we were to issue sixteen hundred millions of greenbacks to pay them with. Why, sir, that sort of logic would be laughed down in any primary-school room in the country.

We propose, sir, and the gentleman from Maine proposes, and the country proposes, to pay the debt of the country in gold. But he does not contemplate, nor does anybody contemplate, that in order to pay our two thousand millions and upward of debt we are to use two thousand millions of gold coinage to do it with. It would exhaust

the coinage of the world, sir.

Again, sir, the alarm is sounded that the democrats of the North and of the South have formed an alliance. Well, sir, I confess the But whatever peril that alliance may threaten to individaniance. But whatever peri that alliance may threaten to individ-ual ambition or partisan success, there lurks in it no element of peril to the public welfare of the country. The alliance has no meaner ob-ject than the restoration of the Union upon the basis of loyal amity and constitutional law. We do not invite here the representatives of the South as inferiors, but welcome them here as our peers and or the South as interiors, but welcome them here as our peers and equals, equally honored, equally endowed in this council-chamber of a common government. And let me tell the gentleman, what he seems slow to recognize, that this compact is made not between men as partisans, North and South, but by the people of all sections, and that this league of perpetual union is to be welded so firmly under the warmth of the spirit of concord now abroad in the land, that it shall be beyond the selfish intrigues of political ambition or political well-gritted broads it. malignity to break it.

Why, sir, since I have occupied a seat upon this floor I have been brought in contact with and associated in public and private with those gentlemen of the South who sit here representing a part of the people of my country. I have heard from them in public and in private no disloyal word. So far as the future of the country is convate no disloyal word. So far as the future of the country is concerned, so far as their purposed action hereafter goes, they are as loyal to the flag, as loyal to the Government, as the gentleman from Maine [Mr. Blaine] or myself. I grant you, sir, they may differ from us in opinion as to the facts of accomplished history; they may differ from us in their estimate of the character of individuals. I care not who they admire or approve, whether it be Jefferson Davis or the gentleman from Maine, [Mr. Blaine.] Every man has a right to his own personal admiration and attachments, nor do I care what they may believe as to the facts of Andersonville. That is history, sir: matters believe as to the facts of Andersonville. That is history, sir; matters upon which any man has the unquestioned right of private judgment without thereby having his loyalty impeached.

Sir, I remember that in 1860 Jefferson Davis was introduced to a

Boston audience by a distinguished gentleman who, if not loyal enough to be made a judge of our Supreme Court, was loyal enough to be sent as minister to Spain, Caleb Cushing, "as eloquent among the eloquentest in debate, wise among the wisest in counsel, and brave among the bravest in battle-field." So far as I know, Caleb Cushing has never recanted that opinion of Jefferson Davis's personal qualities even unto this day. I remember also, sir, that General Butler, about the same time, in Lowell, Massachusetts, declared in a public speech that among all the eminent statesmen of the country, and he had looked them over carefully with a view of selecting the one most worthy of his vote, the statesman who stood pre-eminent was Jefferson Davis. Now, sir, if General Butler entertains that same opinion to-day, who cares? or how does that private judgment affect his loyalty one way or the other?

I suppose, sir, that the people of the North and the people of the South, of this generation at least, will differ in regard to the facts

of the history of the late war. I suppose they will differ, and continue to, in their estimate of the virtues or demerits of the actors and events of that drama; but of that we must be tolerant. It does not go at all to the question of a man's loyalty and truth.

Now, sir, I do not propose to discuss the financial question at any length. I simply rose for the purpose of responding to that part of the speech of the gentleman from Maine [Mr. Blaine] which attempts to

speech of the gentleman from Maine [Mr. BLAINE] which attempts to appropriate undue honor to his own party, and to throw unmerited reproach upon the party to which I belong.

Sir, it would be uncandid and idle to dispute the existence of a wide diversity of views in the judgment of the political student and business communities of the country on this grave subject. When the gentleman claims that his party is united he claims what is foolish and absurd for him to claim. If he has any doubt upon that point I will refer him to the distinguished gentleman, the senior member of this body, who represents the Keystone State, [Mr. Kelley.] I would refer him to the opinions of the organs of his party in the West, notably such representative organs of the republican party as the Inter-Ocean of Chicago, and Toledo Blade, and the Cincinnati Gazette, and other papers of that character which do not concur in the opinion advanced here that the specie-resumption law should be maintained and vanced here that the specie-resumption law should be maintained and vanced here that the specie-resumption law should be maintained and measures for its enforcement carried out. Sir, the republican party and the democratic party are each divided within themselves on this question. The republican party a year ago, when it occupied this Hall in the pride and arrogance of absolute power, was unable to pass an effectual measure for resumption. The republican Congress was at direct odds with the republican Administration. We might as well be in some degree honest upon this question, even in the shadow of a presidential canvass. For myself, sir, I have a conviction formed from such reflection as I am capable of and from the counsels of the statesmen sages at whose feet I have been accustomed to sit for political instruction. I am for specie resumption, sure and soon. cal instruction. I am for specie resumption, sure and soon.

The gentleman from Maine [Mr. Blaine] patronizingly invites the

The gentleman from Maine [Mr. BLAINE] patronizingly invites the democrats who are in favor of resumption to join his party. Thanks. But what is the inducement? An early return to the gold basis? Is that the promise? What assurance have we if we go into your party that you will keep your promises? The gentleman says that the action of his party in the past is a guarantee of the future. Well, sir, the action of the republican party in the past has failed to command public confidence, and because of your policy in the past the country supplanted you to the extent of its power in the legislative council of the nation.

Now, sir, adopting the popular form of quotation, I wish to suggest a simple proposition in mathematics by which we can test the accomplishments of the republican party in the past while in power as a gage of its future if restored to power. The gentleman from Maine [Mr. Blaine] gives the past as a guarantee. Sir, the security is not satisfactory. Adopting, as I have said, the popular form of quotation, gold was at 109 in 1870, and is 113 in 1876. Now, I challenge the best cipherer on the other side of the House to demonstrate a speedy return to specie payments from this mathematical proposi-tion. If in six years under republican rule we were four points further removed from specie payments, at the same rate of progress how long would it take us to reach resumption? When the gentleman shall elucidate that problem to my satisfaction and show as a result early specie resumption, then I will consider his proposition. But, in the meanwhile, even though our own hearthstone shall grow cold, still there is for us no hospitable warmth at the fireside under his political roof-tree.

I submit my judgment or conduct in a public trust to the absolute dictation of no political convention. I would sooner be thought in-subordinate as a partisan than treacherous to the public weal and dissubordinate as a partisan than treacherous to the public weal and disloyal as a citizen. Fortunately I am put to no such test of virtue, no such ordeal of choice. Loyalty to my political associations harmonizes with my convictions of what I owe to the common welfare. The last democratic national council at Baltimore spoke by authority the collective will of the democrats of the country in this emphatic assurance: "A speedy return to specie payments is demanded alike by the highest considerations of commercial morality and honest government."

This declaration I approved then, and I approve it now; not because it is the golden legend on the banner I follow on the field of politics, but because it seems to me to embody the true policy of industrial prosperity and public honor. I never had faith in the alchemy that boasts the power to transmute baser stuff into gold. I emulate not the adventurous spirit which explores the wilderness of speculation, so disastrous to all former explorers, in search of some royal road to plenty. Rather I would have the nation plant its feet firmly in the safe path worn by all successful experience, in which I am sure we

shall not fall or stumble.

Mr. RANDALL. Mr. Chairman, to have listened for several days past to the remarks of various gentlemen on this floor who have at all addressed themselves to the details of this bill or any of the matthe details of this bill of any of the matters relating to it, one would suppose that the Committee on Appropriations had, with deliberation, been guilty of interfering with the commercial interests of the country, instead of, as I believe, exercising only a prudent economy. I say that in no degree have we interfered with any of the commercial interests of the people.

I approach this subject with no claim to superior self-knowledge. But I do assert that the Committee on Appropriations has given to

this bill more consideration than I have known given during my service in Congress to any similar bill. Nay more, so far as I am concerned, I say deliberately that I have given much more time to the consideration of its details than was justified by the claims of other duties. It is well, therefore, for us to examine and see what the committee do recommend, and not run away from the bill and engage in a general condemnation of its supposed features, without a critical examination of the objects sought to be accomplished by it.

Now, in reference to the diplomatic agents of the Government, there are two points to be considered. The first point is in regard to their salaries. The committee deemed that the salaries paid to our their salaries. The committee deemed that the salaries paid to our agents abroad, of our ministers, were in disproportion to the salaries of our faithful agents at home; that not only were they disproportioned in amount, but there was an unjust discrimination in their favor by reason of the manner of payment. It may not be known to all gentlemen on this floor that our foreign embassadors, without authority of low simply by regulation receive the payments of their

all gentlemen on this floor that our foreign embassadors, without authority of law, simply by regulation, receive the payments of their salaries in gold. Gentlemen will therefore readily see that, for instance, our ministers to England, France, Germany, and Russia today are each paid \$20,000, or nearly that, per year, when you come to reduce his salary to the same standard applied to salaries paid at home. Allusion has been made to the period, long since, when our representatives abroad were of that character that we subsequently found necessary to make Presidents of. Let us for a moment compare the salaries then given to that class of men with the salaries given at the present time to the men now representing us abroad. At the time when Mr. Everett, Mr. Wheaton, Mr. Cass, and that class of men represented us abroad, they received a salary of \$9,000 a year, an outlit of \$9,000 and without authority of law, \$4,500 for their return expenses. of \$9,000 and without authority of law, \$4,500 for their return expenses; that was the practice. Now, take that outfit and home-fit and consider the average duration of service abroad, which as I have been informed was three years; you will see that the Committee on Appropriations have in this bill placed the salaries of our ministers at a higher rate than they received at the time I allude to. We propose to give

them \$14,000 a year.

Now, when we come to consider the fact that economy in every branch of the service is necessary, because we have not the means to pay excessive sums, and your Secretary of the Treasury in his communication to Congress has deliberately told you that frugality alone can save you from an empty Treasury, what is the course pursued by the other side of the House? When this side of the House attempts, in a reasonable, steady, and determined way, to reduce the expenditures of this Government, we are interrupted, obstructed, and sneered at by gentlemen on the other side of the House. Do you imagine for an instant that you are going to deceive any one by that course? Every toe that we tread upon brings forth a howl that we can hear. Gentlemen, you are not for economy; your profession is simply the word of mouth; no act of yours so far as yet seen upon this floor indicates the least sincerity of your professions in favor of economy. You always want economy to commence somewhere else except in the bill under consideration.

We have heard the suggestion that, instead of breaking up the South American missions, we should rather have broken up those in Europe; that we should have left the South American republics alone. Is the House aware of the fact that in 1869 a republican House of Representatives, so far as it was able to do so, ingrafted upon the law a

resentatives, so far as it was able to do so, ingrafted upon the law a provision that these very South American missions should be consolidated almost precisely as we have proposed in this bill?

As to the European missions, I am willing to go with the gentleman from New York, [Mr. Hewitt,] and consolidate Denmark with Sweden and Norway. They are of one blood extraction; they are in harmonious according overnmental views and policy. We might have gone further, possibly, and recommended that Italy should be placed with Austria by a mission in common; but the committee were presented in that connection with the objection that the public policy of those Austria by a mission in common; but the committee were presented in that connection with the objection that the public policy of those two nations were directly at variance. We did agree to abolish the mission to Greece, and we did so with abundant reason. We were not only prompted to do so by our individual knowledge as to the utter uselessness of a mission there, but we had the word of a distinguished gentleman who held position in Greece under Mr. Lincoln's administration, who declared that the mission was utterly valueless either in a diplomatic sense as between nations or in connection with any commercial interests between Greece and this country. That any commercial interests between Greece and this country. That gentleman tells us distinctly that we might as well send a minister to the kingdom of Dahomey as to Greece; and I think this is good authority for what we have recommended in this connection.

We have not proposed the abolition of the mission to Portugal for state reasons, which will be perhaps apparent to everybody here. Portugal being bounded by Spain and the ocean, we wanted to have a

representative there for purposes which are manifest to any one who will study the map and the events which are transpiring about us.

I have but a brief time, for I am anxious to get this bill passed and out of the way; but there are some things which I must of necessity notice. The gentleman from New York [Mr. Hewitt] laid particular stress upon our action in connection with the consulates in China, and the gentleman from Ohyo [Mr. Gappener] objected to the action and the gentleman from Ohio [Mr. Garfield] objected to the action of the committee in connection with China, Japan, and the South American States. Surely the gentlemen never stopped to inquire what we had really done in regard to those countries. How many consulates have we abolished there? You will be surprised, Mr. Chairman, when I tell you that we abolish but three consulates in China, but one in Japan, and but four in all South America, and these of the lowest class, the salary being but\$1,000 each. And let me here say that our action with reference to those consulates is not calculated at all to interfere with the interests of commerce, because of the simple fact that we have remitted them to the fee system, which enables the President under the law, or even the consul-general nearest stationed, to appoint a person there to attend to any of our interests, if there is

danger that those interests may be interfered with.

I want to notice in detail our action in regard to Chin-Kiang. We found that at that port the fees in 1872 were \$3,300; that in 1874 they fell to \$371-an enormous decline, and one which we thought should be inquired into. In making this inquiry we sought other advice and counsel than our own. We discovered that as far back as 1870 Mr. Seward, the consul at Shanghai, since promoted, I believe, as minister to China, recommended the abolition of this consulate. We have remitted that port to the fee system, because the trade, which has fallen off at that place, is carefully taken care of by the consul at Shanghai. The consulat Chin-Kiang formerly granted permits so that persons could go into the interior of China could relate the consulation of the consul permits so that persons could go into the interior of China and make sale of their goods. This was the sole benefit which resulted in the most prosperous times of that consulate. Now the same duty is performed by the consul at Shanghai.

The next consulate we have changed the character of in that country is that at Swatow. That is within the jurisdiction of the viceroy of Canton. The receipts there were in 1872 \$679; in 1874 they had declined to \$316. Hence we thought that post could be remitted to the fee system; and even if that should not answer, no possible harm can come, because the consul at Canton can attend to all the duties.

The third and last consulate in China that we propose to interfere with is that at Ningpo; and in regard to this port I want to give the House some information upon another point. In addition to the general reasons applying to the other places I have named, there was as to Ningpo a particular and additional reason. There has prevailed there a practice such as this: For a consideration of say \$200 the consul has absolutely sold to native boats and crews from that port and various other places the American flag, which was used in assisting smuggling goods into the interior of China. And this character of business was permitted by the State Department, which seems to command so much respect on the other side of the House. So far as I am concerned I am willing to award to the State Department the credit of honesty in administration; but I say deliberately on this floor, after thorough investigation, that there is not a more extravagant Department in the Government. True, it has not the power to spend so much money as some other Departments of the Government; but what it has the power to spend it wastes as lavishly as any other, and their estimates seem recklessly made.

Let me say further that another distinguished gentleman formerly connected with the consuls in China, (I will give his name whenever it is asked,) approached some members of the committee and declared that it was of no earthly consequence to have a consul at Ning-po, and that the office ought to be abolished; and this was a gentleman distinguished in the consular service of this country under republican administration.

While we remitted to the fee system three consulates in China, what have we left behind? We have left five principal consulates in that country, and more than thirty officers in the consular service of various other grades.

I do not believe that either the consular system of the United States or our commerce with China is to suffer in the least degree by reason of these three changes recommended by the Committee on Appropriations. During 1874 the fees received at these consulates (and I do insist that such receipts are indicative of commercial importance) were only \$1,260 in the aggregate at all three of these consulates, while the salaries paid out of the United States Treasury to the three consuls were \$10,500. Certainly no member here will rise up and say there can be any necessity for such vast disproportion between receipts and expenditures. There is here no such commercial importance, no such amount of revenue as would justify any continuance of so large an expenditure on our part.

Expenditure on our part.

Let me come next to Japan. Hakodadi is on one of the Japanese islands, and most of the business transacted there is with Shanghai and Yokohama. So far as we have been able to learn, very few ships require the service of the United States consul at Hakodadi. If it should turn out in the future we do need a representative at that port in Japan, the power rests with the President of the United States or with the consul-general at Shanghai or Yokohama to provide the remedy. As to the particular case of the consul at Hakodadi, the only natural reason ever given to us why that consulate should be continued at expense to the United States Treasury was the one given to us by a gentleman who had the kindness to call into the committeeroom and state that his son was consul there and he did not want the consulate abolished. [Laughter.]

We next come to the consulates in South America. The first one we next come to the consulates in South America. The first one we propose to abolish is Guayaquil, in Ecuador. I should like to read something in reference to this consulate from a report made by a republican inspector of consulates. The committee have examined carefully the reports of these inspectors of consulates, although the gentleman from New York seemed to think that we had not read anything. One of these republican visitors and inspectors of consulates states as follows in regard to Guayaquil:

The business is excessively small and unimportant. The unimportance of our ommerce at this port may be seen by the returns of the consulate.

So, Mr. Chairman, we thought, and therefore recommended the consulate be abolished. In 1865 only one vessel arrived at Guayaquil, and between 1862 and 1865 there were no arrivals of American ves sels. Nevertheless this consulate has been kept up at a salary of \$1,000 a year. We thought so long as there were so few arrivals of American vessels at Guayaquil, the average being only one in two years, that the consulate should be abolished and the port remitted to a consular agent with fees.

We come next to Rio Grande de Sul. This consulate, which we commended be abolished for the reasons already given, is in Brazil. We have also recommended the abolition of the consulate at Maranham. In reference to this place we have not been able to learn anything from the books, although we made most diligent search. It seems that this port of Maranham in former times was a place at

which our vessels took refuge in distress. While we could find nothing in the state reports in reference to this place, we subsequently learned from a gentleman who had formerly been stationed at Maranham in our service that there was not in his judgment the slightest reasonable ground for keeping up a consulate there. He had experience as our consul.

The next place in South America which we proposed to abolish was the consulate at Talcahuano, in Chili. In former times it was an important place in some respects so far as shipping was concerned. The whaling vessels from New Bedford then made it a place of resort. Since that time a change has been effected, and our whaling-fleets now ren-dezvous instead at San Francisco. The occasion, therefore, has ceased for our whaling-vessels going so far south, and likewise the necessity for a consul there.

Gentlemen by looking at the facts and figures which I have given can see how far we have destroyed American interests in South America by the abolition of these four minor consulates. While we have only abolished four consulates in South America, we have allowed to remain various consulates in South America to the number of seventy. When gentlemen come to examine the whole subject in its details they will be able to discover to whom the charge of ignorance will apply, and to determine for themselves whether the committee was ignorant in this regard or the gentlemen who have spoken against this bill. It will be very apparant then that those gentlemen do not know quite as much as they thought they did in reference to these South Ameri-Where the self-assurance exists I do not believe can consulates. there can be any doubt.

But, Mr. Chairman, I do not want to detain the House by going into detail in reference to all these consulates which we have proposed to change the character of; nor is it necessary just now, because when we come to consider the bill I will take the opportunity to give the fullest information to the House as each subject comes up on amendment under the five-minutes debate.

In my judgment all these consulates can be abolished and the duties remunerated by fees without the slightest commercial injury to this remunerated by fees without the slightest commercial injury to this country. The fees received at these forty-four consulates in 1874 were \$11,086, while the salaries paid to the consuls at said ports by the United States amounted to \$65,000! An opportunity to retrench was therefore furnished to the Committee on Appropriations, which, if that committee had not taken advantage of, it would have been derelict in the discharge of its duty to the country. We believe by saving this money and by the changes which we have made in reference to the consular and diplomatic system we present to the House a safe and proper bill. We invite gentlemen on this side of the House to walk in the way we have marked out, for there is safe ground to tread upon. The complaint which comes from gentlemen on the other side of the House is only part of a system on their part to prevent the accomplishment of the good purpose we have in view of retrenchment of the expenditures of the Government. I say here to-day, deliberately, that there is no doubt, in my judgment, if we are sustained in this House by our friends—and we mean to do no injus-tice—the total retrenchment and reduction of governmental expenses in connection with appropriation bills will reach more than \$30,000,000. If there hopes for more, as I am of a sanguine temperament; but I say without fear to-day that if you gentlemen will let us alone, if you will not obstruct us, we will reduce the expenditures of this Government for the next fiscal year \$30,000,000. And I promise you another. thing, that we will in no particular, as far as we are able, cripple the administration to the extent of one dollar. Now, why will you not let us do it quietly and peacefully without getting ruffled about it, as my friend over there did the other day? We mean to do it. We feel that we are right in doing it.

Mr. HEWITT, of New York. Did the gentleman refer to me in the

remark he made a moment ago.?

Mr. RANDALL. Neither the manner of your speech nor its substance, so far as I am concerned, warrants me in extending you any courtesy in the matter of interrupting me.

Mr. HEWITT, of New York. I shall not avail myself of any cour-

tesy offered in that spirit.

Mr. RANDALL. Now the truth is that, when gentlemen come to

examine the details of this bill, I will defy the most skeptical and the most critical in any part of the House to find a single flaw in it. And it is a remarkable fact that in the investigation of this subject the committee knew no political considerations; that, so far as I know, with two or three unimportant exceptions, with which such considerations had nothing to do, the committee were unanimous, and I have yet to hear any member on that side of the House, a member of that committee, attempt to find fault with the details of this bill. I think I have said all that is necessary at this time and I will not detain the committee any longer. I ask, Mr. Chairman, that we proceed to consider the details of the bill under the five-minute rule. I ask that

The CHAIRMAN. Is there objection to the proposition that by unanimous consent general debate shall now close.

The CHAIRMAN. Is there objection to the proposition that by unanimous consent general debate on the bill shall now cease, and that the committee proceed to consider the bill by paragraphs for amendment under the five-minute rule?

There was no objection, and the Clerk proceeded to read the bill by paragraphs for amendment.

The following paragraph was read:

For salaries of envoys extraordinary and ministers plenipotentiary to Great Brit-ain, France, Germany, and Russia, at \$14,000 each, \$56,000.

Mr. WOOD, of New York. I offer the following amendment: Strike out "\$56,000," and insert "\$65,000."

I offer this amendment for the purpose simply of saying one or two words with reference to some of the remarks made by my friend, the gentleman from Pennsylvania, [Mr. RANDALL.] It will be recollected, sir, that I took occasion the other day to make some general remarks sir, that I took occasion the other day to make some general remarks with reference to the impolicy of doing anything, either through this bill or in any other way, which would impair to the least extent our proper efficient representation abroad. With reference to the consulships more especially, I said what I did in the interest of the foreign commerce of our country; not for the purpose of antagonizing the Committee on Appropriations in its very laudable and proper effort to reduce the extravagant expenditures of the Government. I do not know, sir, of my own knowledge that this bill contains one item that I would not have assented to had I been a member of that committee. But informed as I was that there is a reduction of about thirty-two But informed, as I was, that there is a reduction of about thirty-two consulships out of a little over two hundred, I was inevitably drawn to the conclusion that in that reduction there was an injury done to the commerce of our country.

Now, sir, I go with the honorable chairman of the Committee on

Appropriations in reducing the expenditures of the Government; and I do hope he will effect a reduction, as he says, of \$30,000,000. But I will suggest to him that if he will apply the same percentage of reduction to the other appropriation bills as he has done to this, instead of \$30,000,000 he will have a reduction of nearly \$80,000,000. Out of \$30,000,000 he will have a reduction of nearly \$80,000,000. Out of a total aggregate expenditure of about thirteen hundred to fourteen hundred thousand dollars he proposes a reduction of 33½ per cent. on this one bill alone. Now, sir, the same ratio of reduction applied generally would produce a result which I am very sure the people of this country would be very glad to see, of a reduction of at least \$80,000,000 in the total aggregate of expenditures. I think, sir, we will all concede, gentlemen upon this side of the House and gentlemen upon that side of the House, that the State Department has been administered with more economy, with less wasteful extravagance, with more purity of administration than any other of the Executive Departments of the Government. Therefore, sir, if in this Department we can reduce 33½ per cent., it does appear to me that we can go as high as 50 per cent. in the other Departments.

But, sir, be that as it may, I say now, as I said before, that if the bill were to reduce the expenditures of this Government a million dollars instead of \$400,000, I never would give my consent if in that reduc-

instead of \$400,000, I never would give my consent if in that reduction I should do anything to impair the prosecution of the foreign commerce of this country; because, sir, notwithstanding the importance of our agriculture, of our manufactures, of our mineral resources, notwithstanding all those great products of our nation, which I duly respect and am conscious of their importance, yet what would then be not the site of the sit they be worth without a foreign commerce, without an opportunity to carry our flag and our products to every portion of the world, and without the necessary protection for that flag and that commerce when it reaches foreign ports with a people that must produce over what they can consume? Therefore I cannot consent to do anything here that would in the least degree impair that protection in the prosecution of that great trade and commerce.

Now, sir, I am not here to say that this bill does that. I am waiting to hear from the chairman of the committee when we come to the details of the bill, but so far as the general question is concerned I wish it distinctly understood that although I am an economist of the most rigid order I am not willing to do anything to dishonor or impair the usefulness of our foreign commerce abroad. I withdraw the

Mr. SINGLETON. I renew the amendment. Mr. Chairman, I fully agree with the gentleman from New York in the spirit of his remarks; and if I believed that this bill would have a tendency to impair the service of our Government abroad, by reducing salaries and abolishing some of these consulates abroad, I should be the last man on this

floor to advocate such a proposition.

But I wish now to bring to the consideration of the House the insidious manner, the stealthy steps, by which the salaries of these

foreign ministers have grown to proportions not at all in harmony with the times. When the salaries were first raised to \$17,500 the services to be rendered embraced twelve months of honest, faithful labor. Afterward, to favor these officers, a law was passed, or it was a regulation of the State Department, allowing two months' absence from the post of duty, thereby requiring ten instead of twelve months' service. During this two months the salary continued to run at \$17,500 a year or \$1,458.50 per month; and the secretary of legation acting in the place of the minister receives one-half the salary of the minister for the two months, making \$1,458.50, which, added to the \$17,500, amounts to the sum of \$18,958.50. Then, by an act of Congress or by courtesy of the State Department, one month's salary was allowed to the appointee before he left home, namely, \$1,458.50, which, added to \$18,958.50, made the ten months cost \$20,417. And this minister after his term of office expires is allowed \$1,458.50 for one month's salary his term of office expires is allowed \$1,458.50 for one month's salary for the time he is returning to his own country, which adds still not less than one-fourth a month's salary, namely, \$364.62\frac{1}{2}. Supposing the officer to continue in the position four years, add this to the \$20,417, and it foots up for each ten months' service the exorbitant sum of \$20,781.62\frac{1}{2}. It is true that the secretary of legation does not draw his salary while acting as minister. This amount, \$416.66\frac{2}{3}, each year, which is his two months' pay, at the rate of \$2,500 per year, is to be deducted from the \$20,781.62\frac{1}{2}, which still leaves to the minister the net sum of \$20,364.96 for each ten months' actual service. I should not say perhaps, that the minister gets the full amount of minister the net sum of \$20,304.96 for each ten months' actual service. I should not say, perhaps, that the minister gets the full amount of the last-named sum, but rather that each first-class foreign mission costs the Government that sum, and the embassador actually pockets not less than \$20,000 of it annually. Now, Mr. Chairman, I ask if it does not require a good amount of cheek to ask this House to continue in this line of extravagance?

I propose now to show that under the bill reported by the committee cost first large minister receives at the rote of short \$17,500.

tee each first-class minister receives at the rate of about \$17,500, counting his services at ten months, and allowing him salary for one month at home for preparation, and one month's salary for return. A salary of \$14,000 for ten months' service is \$14,000; add to that \$2,800 for the month of preparation and the month of return, and you have \$16,800 for ten months' service, which is considerably in excess of

the \$17,500 for twelve months' service.

I withdraw the amendment.

Mr. CHITTENDEN. I move to strike out lines 8, 9, 10, and 11 of the bill, as follows:

For salaries of envoys extraordinary and ministers plenipotentiary to Great Britain, France, Germany, and Russia, at \$14,000 each, \$56,000.

In moving this amendment, sir, I claim to be as honest an economist as any man on the other side of the House. None shall ever, while I have the honor to have a seat here, justly connect me with while I have the holor to have a seathere, justly connect me with any real extravagance. But, sir, I believe it more honorable for this nation to abolish these high offices than to degrade them. I am not speaking of the men who fill them, but I am speaking of the offices themselves; and unless I am greatly mistaken this proposition is an

themselves; and unless I am greatly mistaken this proposition is an impeachment so far as it goes of the spirit of the whole bill from the beginning to the end. I cannot justify it to reason or good policy. My friend from Pennsylvania, [Mr. RANDALL,] the gentleman of vigorous rhetoric from Illinois, [Mr. Springer,] or my musical colleague from New York, [Mr. Cox,] who kept the House dancing to his fiddle for one hour yesterday, would either of them blush to ask the highest or the humblest servant in their employ to take one cent less pay for any proper services than they were paid in the year 1855. Sir there any proper services than they were paid in the year 1855. Sir, there is not a man in this House who does not know that there is nothing which we eat or drink, that there is no service or accommodation we command from any person or subordinate, at home or abroad, that we can have for less money than we paid for the same in the year 1855. Now, the salaries of these four chief embassadors of the United States were fixed in that year by a democratic administration at \$17,500 after careful study of the subject. No valid reason has been given for reducing them, and there is not a man who blacks the boots of any member of this House who will not say that in view of the present condition of the country it is petty economy and unbecoming the American people to reduce these salaries to \$14,000 in the existing state of things. If the gentlemen suppose that this is the way to conciliate majority votes they are greatly mistaken or I am. The chambermaid who makes your bed and the man who waits at your table would say "it is mean" if you were to ask them to take less or even the same you if you were to ask them to take less or even the same you paid them twenty years ago; and this is as true in London, Paris, Berlin, and St. Petersburg as in Washington. Moreover, when the salaries of these ministers were fixed the salary of a member of Congress was also fixed at \$3,000. You propose to leave your own pay now at \$4,500. Why so?

Now, what has Congress done for the last two months? I believe this nation has suffered three hundred millions a year from a deprestation has surfered the number of the first state and we have reduced the salaries of half a dozen professors, more or less, in that institution, and abolished its military band! We have less, in that institution, and abolished its military band! also, without an act of Congress, adopted twine in the post-office de-partment of the Capitol instead of red tape, and thereby saved a little.

And a tariff bill has been introduced here so radical and crude in its proposed changes as to excite general apprehension.

Now that, in brief, is what this Congress has done so far? It seems to me, sir, that this paring down of salaries of American ministers at London, Paris, Berlin, and St. Petersburg is poor business, and not the sort of service and work which the American people expect and require of us.

[Here the hammer fell.]
Mr. RANDALL. I call for a vote.
Mr. CHITTENDEN. I withdraw my amendment.
Mr. RANDALL. I object to the withdrawing of the amendment, but call for a vote on it.
Mr. HALE. I move to amend the amendment, or rather to amend the paragraph before the question is taken upon the motion to strike out. I move to strike out "\$14,000" and insert in lieu "\$17,500." That will restore the salary of our ministers to Great Britain, France, Germany, and Russia to the rate at present in force. The motion of the gentleman from New York [Mr. CHITTENDEN] is to strike out the entire paragraph; my motion is to restore the salary to the amount now in force. I do not wish to discuss the matter further, but will ask for a vote.

The amendment to the amendment was not agreed to, upon a divi-

sion—ayes 64, noes 101.

The motion to strike out was not agreed to.

Mr. KASSON. I move to strike out "\$14,000" and insert in lieu
"\$15,000," for the purpose mainly of asking the gentlemen in charge
of this bill if they have established the grade of salaries in it upon a principle of action by which we can stand; that is to say, with due reference to payments made for like services, either in the previous history of this country or in the actual history of other countries, or with reference either to the increase or diminution of expenses since

with reference either to the increase or diminution of expenses since the existing grade of salaries was fixed.

By a question which I put to the gentleman from Mississippi [Mr. SINGLETON] the other day, I desired to ascertain the principle upon which the committee had fixed these salaries. It was impossible for me to find out by an examination of the figures in the bill. If economy consists in cutting down every salary without discrimination, that I could understand. But in that case I must complain of the gentleman in charge of this bill that he has not carried out the rule of economy by cutting down these salaries to \$1.000 a year because economy by cutting down these salaries to \$1,000 a year, because upon that principle that would be greater economy than cutting them down to \$14,000 a year. I assume that no gentleman who respects the honor or credit of his country desires to make that the principle

the honor or credit of his country desires to make that the principle upon which this bill is founded and advocated; a sort of economy which consists in the mere reduction of expenditures without reason. I give the gentleman the credit, then, of having some principle by which what he calls economy is measured. What is that principle? Mr. SINGLETON. Do you wish an answer? Mr. KASSON. Certainly I do.

Mr. SINGLETON. Take the basis of \$17,500 a year for our first-class embassadors abroad, and this bill as reported, giving \$14,000 for ten months' services, with one month's pay before they go to their labors and one month's pay upon returning, would bring the salary up to more than \$17,500, more than the amount which was received by our ministers when the act was first passed.

Mr. KASSON. Then I understand the principle to be that while they have reduced the salaries—

Mr. HAMILTON, of New Jersey. Will the gentleman allow me to make a suggestion?

Mr. KASSON. I would prefer not to be further interrupted, for my

Mr. KASSON. I would prefer not to be further interrupted, for my five minutes will soon be out.

Mr. HAMILTON, of New Jersey. I wish to say that it is only within a few years that our minister to England had more than \$12,000.

Mr. KASSON. If that is the principle upon which the gentlemen are acting, that they are in fact giving our ministers a salary of \$17,500, then this bill is evidently a deception; it is not a reduction in salaries, but only a reduction of contingent allowances. Now, every man knows that the salary is for a year's services, and not for ten months only. If a man has leave of absence, it is only for a certain number of weeks; and some of our ministers are at their posts every week in the year.

And when the gentleman talks of a minister receiving a month's salary before he leaves this country, and proposes to take that into consideration in calculating the amount of subsequent yearly compensation, I would ask him if he does not know that some of our min-

isters have been abroad from six to eight years, and more?

The committee have attacked the salary of our minister to Italy, a gentleman without private fortune with which to supplement his salary and to enable him to respectably maintain his official position. He is a man who has been appealed to by two nations of the Old World to settle disputes between them, because of his high character and extensive learning in international law. They have reduced his salary, not as in the pending paragraph, but by one-third of the entire amount he now receives. amount he now receives.

Now I undertake to say that this bill has been so framed that none Now I undertake to say that this bill has been so framed that none but rich men can go abroad and represent our country under respectable official conditions. Our present system has resulted lately in sending worthy men to some places where it would be impossible for our representatives to maintain themselves respectably upon former salaries. When Mr. Rush represented us in England he hired a house for 450 guineas a year. Mr. Motley told me, if I am not mistaken in my recollection, that he paid £1,400 a year rent for a house to live in.

When the democratic party in 1855 and 1856 fixed the salaries of our ministers at London and Paris, they fixed them at \$17,500 a year, abolishing outfits and infits. Now they propose to make a reduction of \$3,500 in that old democratic salary. When I ask for the principle upon which this is done, I get no information as to the principle of economy which regulates these matters. The question is left in just this position: that when democratic representatives were sent abroad this position: that when democratic representatives were sent abroad (and one of them who was for a term of years ending in 1861 the representative of a democratic administration at Parisis now a worthy colleague of ours on this floor) \$17,500 a year was freely allowed, and no objection was made to the salary; but now when a republican represents there the honor and credit of this country, "economy" falls upon him and demands a reduction of \$3,500 in his salary. I should have been glad to have heard—what would have been authorities of me on this floor-a declaration from that former representative of a democratic administration at Paris whether he found \$17,500 too much to enable him to represent his country creditably there? If he will say that he found \$17,500 too much, I shall not ask that the salary be maintained where it is at present and has been for twenty years.

Mr. RANDALL. I ask for a vote.

Mr. KASSON. I withdraw my amendment, because if gentlemen on the other side are resolved to maintain the salaries named in the bill it is replication.

bill it is useless for us to present facts or reasons.

Mr. RANDALL. We will give you an opportunity to make a record in the House if you wish it.

Mr. KASSON. That has already been done upon one of these ques-

Mr. HOAR. I renew the amendment. Mr. Chairman, it seems to me we have a right to demand that gentlemen on the other side of the House should give us some information in regard to the expense of an honorable and creditable maintenance in London, Paris, and the other two capitals mentioned in this paragraph. Nobody desires, I suppose, that a gentleman representing our Government in Paris or London shall be denied the means to become acquainted with the governing social life of the nations to which he is accredited. England is governed directly or indirectly by a hundred thousand families; and the man who knows the opinions and sentiments of those families. lies knows how to deal with the public opinion that governs England. As was well stated on this floor the other day, it was the social relations maintained by our envoy in that country that stopped the issuing of the rams in the darkest period of the late war and thereby prevented a war with England. When ordinary diplomacy failed, the envoy of this country devoted himself to two objects: first, to learn in private from the representatives of the influential classes whether they wanted a war with this country, and then to let them understand that they would have it if those rams went out. Nobody can expect that a minister representing this country abroad can receive from his fellows in the diplomatic corps or other residents of the country to which he is accredited attentions which he does not dec-

country to which he is accredited attentions which he does not decorously and respectfully return.

Now, I should like to have the gentleman from Mississippi [Mr. SINGLETON] or the gentleman from Pennsylvania [Mr. RANDALL] tell us how much a suitably furnished and equipped house of proper size for social and public entertainments costs in London or Paris when rented by the year. What is the cost of maintaining there a respectable and suitable style of living, such as is maintained by the representatives of foreign countries in this city? As was said by the gentleman from Iowa, [Mr. Kasson,] I would like to hear from the gentleman from West Virginia, [Mr. FAULKNER,] an honored and distinguished member of the democratic party, who represented this country in Paris as long ago as 1860, when prices were about half what they are now. I wish he would be good enough to inform us how much of his salary of \$17,500 he had left at the end of the year. I have heard that he paid \$7,000 for rent alone. I suppose in speaking of a public question it is not indecorous to allude on this floor to matters of this kind.

Mr. RANDALL. I call for a vote.

Mr. RANDALL. I call for a vote.

The question being taken on the amendment, it was not agreed to.

The Clerk read as follows:

For salaries of envoys extraordinary and ministers plenipotentiary to Spain, Austria, Brazil, Mexico, Japan, and China, at \$10,000 each, \$60,000.

Mr. KASSON. I rise to commend one motion to the consideration of the gentlemen in charge of this bill. It is to insert before the word "Spain" the word "Italy." I beg the attention of the committee for a moment.

In the next succeeding clause Italy has been taken from the cateand has been put in a category by itself, this officer being the only minister who is to be paid at this rate. I submit to gentlemen of the committee, or gentlemen in charge of this bill, whether Italy, now united, a nationality of equal rank certainly with Spain, Brazil, and

Mexico, ought not to be put in the same category where it has always been, leaving still the mission at a reduced rate of pay.

In making this motion I may be allowed to remind the committee again of the facts to which I alluded a moment ago, that the gentleman who represents this country in Italy is not able to supplement the legal provision for pay out of his private means. The proposition in the bill seems to single out a gentleman whom members on the other side of the House as well as on this admit to be one of our ablest representatives abroad putting him in a lower settorary by ablest representatives abroad, putting him in a lower category by

himself, as if something in his history had subjected him to that im-

Mr. RANDALL. I want to say to the gentleman that in making up this bill no personal considerations entered the mind of any memup this bill no personal considerations entered the mind of any member of the committee. We could not take into consideration the question whether men of wealth or men of mederate means occupied particular places. When we reached Italy, the disposition of some members of the committee was to abolish that mission entirely. We have thirty-six consulates in that country; and I was among the number of those who deemed it advisable to abolish this mission. But, for the reason which I stated in the remarks I made awhile ago, the estrangement between Italy and Austria, so that we could not consolidate these countries into me mission, the Secretary of State I

the estrangement between Italy and Austria, so that we could not consolidate those countries into one mission, the Secretary of State, I believe, consented to the reduction of the salary rather than have the consolidation take place.

Mr. KASSON. I need hardly remind the House, I trust, that we are also indebted to our minister in Italy for his study of a question that has been of great importance to us in the Western States, that of irrigation. For the most valuable paper on that subject ever presented to the people of this country, we are indebted to him and to

his studies which he made in Italy upon it.

Italy is an important nation, ranking next to the five great powers of Europe. Already our personal relations with that country in the way of travel and study are very great. Our commercial relations are increasing. Many of our citizens go there as students of art. Many also go there as invalids; and in case of their death their estates are to be taken charge of. Thus there are various reasons why this legation should be continued. But the special point I make now is that the committee have taken this mission out of the category where it always has been kept, and have put it by itself.

Gentlemen will of course do as they please, and without their approval I should find it useless to make any motion. I have now simply to ask that they will put back this mission to Italy in the same category to which it belonged before, though with the reduced salary

of that class

Mr. RANDALL. Let me say to the gentleman from Iowa that we cannot legislate for clever men, for men of intellect, but must look to the interests of the great mass of our people.

Mr. KASSON. Leave that question out altogether, for what I said was merely in passing. But I claim that Italy has a right to be classed with Austria, Spain, and Brazil, and I only ask it shall be put back in the same category where it was before.

[Here the hammer fell.]

Mr. SPRINGER. Mr. Chairman, I desire to say one word in regard to this Italian mission and the necessity urged by the gentleman from Iowa to increase the pay of our minister at that court. The present minister has been there for many years, and any gentleman who may travel in Italy will find his office hours begin at twelve and end at two o'clock, while he seldom entertains Americans, Italians, or any-

Mr. KASSON. I beg to dissent from that.

Mr. SPRINGER. I speak of this matter because I know about it.
Mr. KASSON. My experience is entirely different from that of the
gentleman, and I am sorry he did not have the same reception on the part of our minister I did.

Mr. RANDALL. If the gentleman is going to engage in personalities, I hope this debate will be brought to a close, and we will go on with the consideration of the bill.

Mr. KASSON. It was not my intention at all to drift into personalities, and I believe I have not done so.

alties, and I believe I have not done so.

Mr. SPRINGER. Since this personal matter has come up I want to say a word or two in that regard.

Mr. KASSON. I beg the gentleman not to refer to it in that way, as it was not intended to be personal. I honestly regretted the gentleman from Illinois did not have the acquaintance of the minister to Italy as I had and was not as agreeably entertained.

Mr. SPRINGER. I called at the American minister's office in Italy and found the rules in reference to his office hours on his door precisely as I have stated them. Besides I was informed by Americans who re-

as I have stated them. Besides I was informed by Americans who re-

as I have stated them. Besides I was informed by Americans who resided there that this gentleman was devoting all his time and energy to literary pursuits, while the American consul-general who lived at Florence did all the entertaining, and socially all that which it was incumbent upon our minister to do.

Now that this personal matter has been referred to I desire to call the attention of this committee to some remarks made this morning by the gentleman from Maine, [Mr. Hale.] I have asked the reporter, as I was not within hearing-distance at the time, to furnish me with what that gentleman did say. It was in reference to an assumed invitation extended by some of the Cabinet officers to the honorable gentleman from Indiana [Mr. Holman] to dinner. Thereupon the gentleman from Maine was unkind enough to remark that "the constituents of the gentleman from Illinois would not have occasion to complain of him, because he would hardly have to receive or make acknowledgment of any such invitation." I do not know whether the gentleman has been authorized to notify me that I am to receive social ostracism from the members of this administration or not on account of my efforts to reduce the expenditures of the Government; but if I am to have notice served upon me and other gentlemen that we are not to be honored with invitations to dine with these gentlements. we are not to be honored with invitations to dine with these gentlemen in high places on account of our course on this and other bills,

(because, as the Chair knows and I can assure the House, I have been exceedingly respectful to every gentleman here in my social intercourse and relations and careful that no personal offense should be given by me to any gentleman upon this floor,) if we are to have be given by me to any gentleman upon this floor,) if we are to have such notice served upon us, if we are to be socially ostracised by reason of our efforts to cut down expenditures in this Government, all I have to say to the gentleman from Maine is that we can stand it quite as well as they can. Moreover, it is no evidence of a man's integrity or manhood that he rides on the Avenue with those in high places or dines with those occupying high positions of power, or that he is the recipient of the hospitalities of those who have plundered this District and are now complaining because their days of peculation are at an end. Further than that, let me tell the gentleman that it is no evidence of a man's ability or character that he is permitted to dine in these high places with the people to whom he has referred, because men lately enjoying such privileges are now serving out terms in the penitentiaries, while others are on their way to join them as rapidly as the law can take them. [Laughter and applause.]

Here the hammer fell.

Mr. HALE. I want to say a word, and hope the amendment will Mr. HADE. I want to say a word, and hope the amendment will be withdrawn so I may renew it.

Mr. RANDALL. Let us go on with the bill; you have had a shot at each other. I insist on going on with the bill.

Mr. HALE. The gentleman from Pennsylvania knows I can make

my motic: afterward. I wish to say only one word in this place.

Mr. RANDALL. You assaulted him and he struck back; that is all there is of it.

The CHAIRMAN. The pending question is on the amendment, on which debate has been exhausted.

The amendment was disagreed to.

The amendment was disagreed to.

Mr. HALE. I move to strike out the last word of the paragraph. I do it solely for the purpose of saying that the gentleman from Illinois [Mr. Springer,] entirely misapprehended the scope of what I said this morning. Ldo not think anybody else understood me to be affirming here as a serious matter that invitations in Washington went by favor, depending on whether a man opposed or advocated reductions upon the different appropriation bills. If the gentleman had been here long enough, he would have known that no member here would advance any proposition of that kind. I have had something to do heretofore with striking down appropriations in the different Departments, and I never saw any difference in the estimation so far as I could observe, held of me by the heads of the Departments; and other gentlemen on this side and on the other side of the House, the chairman of the committee who now faces me, the witty gentlethe chairman of the committee who now faces me, the witty gentle-man from New York, [Mr. Cox,] the gentleman from Indiana, [Mr. Holman,] the veterans of the House, all know that these things have nothing whatever to do with social life. It is fortunate they have not. Dinner-parties are things that have existed for years, and will exist, and republicans in democratic administrations frequent the houses of officers of the democratic party. It would be a sad thing if it were otherwise. So when we meet at the houses of the cabinet ministers here, under one form or another of invitation or entertainment, it is a very pleasant thing for members of the two political par-ties to clasp hands on these occasions.

I made no suggestion of the kind the gentleman from Illinois has I made no suggestion of the kind the gentleman from Infinois has intimated. In a humorous bringing up of a supposed invitation to the gentleman from Indiana, I was moved to a thrust at the gentleman from Illinois, [Mr. Springer.] But if I have to repeat the reason why I was so moved, I will say that it was not because of his position with reference to the reduction of expenditures, but because yes-terday he thought proper to entertain the House with an apocryphal anecdote of Mr. Lincoln, which I considered was not seemly for this

Mr. SPRINGER. I have heard Mr. Lincoln tell that anecdote before better audiences than have ever listened to the gentleman from

Mr. HALE. I will not raise that question with the gentleman. But that is the reason I gave why, supposing the gentleman from Indiana might receive these pleasant invitations, perhaps the constituents of the gentleman from Illinois might find how he did not receive them. The reason why I said so was because the gentleman said here what he did yesterday, which I regretted to hear, and which I sup-

what he did yesterday, which I regretted to hear, and which I suppose he now regrets himself having spoken.

Mr. RANDALL. Now that amity is restored I ask the Clerk to proceed with the reading of the bill.

The CHAIRMAN. Does the gentleman from Maine [Mr. HALE] withdraw his amendment?

Mr. HALE. I do.

The following paragraph was read:

For salary of envoy extraordinary and minister plenipotentiary to Italy, \$8,000.

Mr. GARFIELD. I move to amend by striking out "\$8,000" and inserting "\$10,000."

It seems to me an exceedingly violent and unjust amendment to take a salary of \$12,000, fixed so many years ago, and cut it down to \$8,000. I do not believe this House can do that. I will not detain the committee by argument. I will say, however, while I have the floor, that it seems to me gentlemen have greatly underestimated the kind of influence that our diplomatic representatives are supposed to

Laugh at it as we may, make as much fun of it as we may, a large share of the great affairs of the Government is settled in fact over din-ner-tables. This is true of caucus committees and committees of all sorts, and notably diplomatic agents find in the relations of social life the chief means of adjusting all great difficult international questions. Why here in the early days of our Government these questions of ceremony had far more to do with the management of affairs than they have now. For five days the administration of George Washington and all the strongest and ablest men about him were giving their extremest care and attention to the question of detail how they should receive a minister from France, and the regulations that were written out, which I have here in print before me, described minutely how that minister should approach in a coach and be met by two mem-bers of Congress in a coach, and which hand should be given to him, and which party should offer a hand first. All these minute details of social and diplomatic arrangements were considered of great state importance in those days. Silas Dean, one of the greatest of our old Americans, wrote back to Congress in the midst of the agony of our diplomatic arrangements with France—arrangements which resulted finally in the sending of a French fleet and a French army, and in our liberty being secured-wrote under date of December 3, 1776, speaking of Marie Antoinette, these words:

The queen is fond of parade, and, I besieve, wishes for war, and is our friend. She loves riding on horseback. Could you send me a fine Narragansett horse or two! The money would be well laid out. Rittenhouse's aviary, or Arnold's collection of insects, a phaeton of American make, and a pair of bay horses, a few barrels of apples, walnuts, cranberries, butternuts, &c., would be great curiosities.

Now, sir, why did not some of the wise statesmen and great economists of that day get up and make fun of all this? Why, sir, if my friend from Indiana [Mr. Holman] had been in that Continental Congress and had got hold of that rich tidbit, and if he had been followed by the witty gentleman from Illinois [Mr. Springer] in criticism of this letter, you would have seen our fathers shaking their big wigs with delight if they were the same sort of men as we are to-day. But our fathers saw that the fate of the nation depended on using all these social forces in the way the nations of the world used them, even in humoring the little frivolities of court life for the sake of reaching the spirit and character of the nation to which their minister was sent

Now it is proposed to cut down the salaries of our ministers by this bill so that a man can go into the fourth story of some boarding-house and just barely live through his term. He cannot accept any courpoor man, especially, he must be a boarder, a mere boarder in the city to which he is accredited.

Now, if gentlemen opposite will answer any of the points I have made on the subject I will vote with them; but, so far, they have answered none.

[Here the hammer fell.]
Mr. HOLMAN. The Committee on Appropriations have certainly approached this question of the mission to Italy without any personal consideration; indeed, but few of us, I think none of us perhaps, have any personal acquaintance whatever with the scholarly gentleman who represents us at that court. We understand, as the gentleman from Ohio must understand and know, that that place is a mere sine-cure; that we have no relations with Italy beyond treaties of amity and commerce. We have no political relations whatever, and quite limited commercial relations, and we have provided heretofore and still provide for an ample body of consuls to look after our commercial interests there, indulging in the belief, in the hope that the tendency toward free institutions among the people of Italy, which we have witnessed with so much pleasure for the last few years in that project empire of scholarship and liberty in olden times will find it. ancient empire of scholarship and liberty in olden times, will find it rather a pleasant thing that the United States in failing to send a minister there at the same time consults the interests of the people by supplying a sufficient force of consuls to look after the commercial inter-

ests existing between the two countries.

Mr. KASSON: The gentleman from Indiana [Mr. HOLMAN] will allow me to say that within a year past very important information touching our own laws and institutions has been asked for by the more liberal elements in Italy for the purpose of guiding the legisla-ture of Italy on certain points. Instead of being without political relations with Italy, they are more than ever looking to us for politi-

cal guidance.

Mr. HOLMAN. I have mentioned time and again that gentlemen are forgetting all the time that we are not now in the Middle Ages. Business is now transacted not through ministers, but directly through

the Departments of State of the two countries.

Mr. KASSON. I simply wish to dissent from that.

Mr. HOLMAN. All important business recently transacted between our Government and foreign governments has been transacted directly by our Foreign Office and the foreign offices of other countries or by by our Foreign Office and the foreign offices of other countries or by special commissioners, and if I wanted to single out a particular case I would refer to the fact that postal treaties were negotiated with foreign nations by the gentleman from Iowa himself, instead of our minister abroad. All important business to foreign governments is now transacted by special agents.

Mr. KASSON. I beg to say, with the assistance of the minister.

Mr. HOLMAN. My honorable friend when he made these treaties made them himself, without the assistance of any minister; and I repeat that all important events with foreign governments are now

transacted by men of affairs, and not by politicians who for political services have been sent to foreign courts; and that remark applies to all political parties. A hundred years ago, when the American colonies were struggling for recognition, then the grand presence of men like Benjamin Franklin might be necessary at foreign courts, but we have got beyond that.

Sir these one hundred wears have been grand in the structure of the structure of

Sir, those one hundred years have been grand in their results and achievements. The American Government now has no business with the sovereignty of courts, with a few men who guide and control public events abroad, but depend upon the solid foundations of the sovereignty of the people.

[Here the hammer fell.]

The question was taken on Mr. GARFIELD's amendment; and it was

not agreed to.

Mr. BANKS. I desire to offer an amendment in line 18 by inserting after the word "Switzerland" the word "Greece;" so that it shall

For ministers resident at Portugal, Switzerland, Greece, Belgium, Netherlands, Denmark, Sweden and Norway, Turkey, Venezuela, and the Hawaiian Islands, at \$6,500 each, \$58,500.

\$6,500 each, \$58,500.

Mr. Chairman, I do not deny that there is a public exigency for some legislation of this character, but the course which the debate has taken for several days in regard to the representation of this country at Greece admits a possibility of its being interpreted as a public censure on the minister of this country at that post, and I rise chiefly for the purpose of saying a few words in regard to that subject, with a hope of doing our minister there something like justice.

I understand that there is a wish on the part of the friends of this

I understand that there is a wish on the part of the friends of this bill that it be passed without amendment, and I trust that if I occupy a moment or two more than my allotted minutes the Chair will

not notify me of the fact.

The minister to Greece (General Read) has been for a long time in the diplomatic service of the country at other posts. There is in my opinion no young man in the diplomatic service of the country who is more earnest, faithful, or capable than that gentleman. He was consul-general at Paris during the Franco-German war, and I am quite sure that he was earnest and energetic in the discharge of his duties there, and gave as much satisfaction to the Government as any other officer in the service. He was one of the officers employed, with the con-sent of the French and American governments, in giving protection to the citizens and subjects of twelve different European and American governments who were in France during the war. I think he was promoted to the post of minister to Greece in consideration of his honorable services in Paris.

Then, sir, in regard to the mission itself, it is not so unimportant a

post as it has been represented in this debate.

One dispatch printed in the volume of diplomatic correspondence of last year has been the principal theme of criticism so far as reference has been made to the Grecian mission.

While we may very well concede that that dispatch was not important, yet it was certainly an eminently proper one. One of the duties of diplomatic representatives is to report from the several countries they represent the course of social as well as of political events. If hereafter there should be published reports of the representatives of European governments of the social affairs of this Govsentatives of European governments of the social analis of this covernment during the administrations of Washington and Jefferson, of Madison and Monroe, and even of Jackson, of which we know but little, it would be of great interest to the people as well as to the history of the country. This dispatch, I admit, was not an important one; but I want to say to gentlemen who have spoken on this question that because one dispatch is not deemed important, it does not follow that others may not have been received which were of important. follow that others may not have been received which were of importance to the Government.

Oftentimes diplomatic representatives make reports that it is not advisable for the Government to publish. Such was the case in regard to the French government during the events preceding and attending the war in this country. Among the dispatches from our minister to Greece there may have been many which the Secretary of State has not thought necessary or proper, with due regard to the public interests, to place in the volumes of the diplomatic correspondence of the country, but which, if known, would change the opinion of

many with regard to that minister.

Now one word in regard to the character of the mission itself. A mission abroad is not to be estimated upon the occurrences of a single We are to take a period of time, two or three years, or five or six, in order to determine whether or not the mission is of sufficient interest and importance to be continued. There are some circumstances connected with the mission to Greece which give it interest and importance. There was no agent, except that of consul, sent from the United States to Greece until 1855, when a citizen of Virginia was sent there as special agent during the administration of Mr. Pierce. In 1866, when the Cretan war broke out, the people of this country were interested in the efforts of that people to secure their independence from Turkey. It was thought a proper if not a necestive form the country were interested in the efforts of that people to secure their independence from Turkey. It was thought a proper if not a necestive form the country were interested in the efforts of that people to secure their independence from Turkey. sary course for the Government to send a minister there. It think the first person so appointed did not enter upon the discharge of his duties; I am not quite sure about that. At any rate there was a vacancy in 1868, when Mr. Tuckerman of New York was appointed.

Upon his arrival there he was received by the people of Greece with great enthusiasm in 1869. The presence of an American minister gave

them renewed confidence in the success of the Cretans in their struggle against Turkey. It was to them as if Pericles had appeared to them as their leader. The metropolitan, the highest officer of the Hellenic or Greek church, waited upon him and made known to him, in the name of the Greek church and the Greek nation, their heartfelt thanks for the interest and support which the American people had given to their cause. They could not have continued their struggle for independence and liberty, he said, had it not been for the encouragement and sympathy they had received from the American people.

Sir, no such compliment as this has ever been paid to a representa-tive of this country by the people of any other government. It rep-resented not merely the Christians of Greece through their highest officer, but it expressed the sympathy of 75,000,000 Christians in the eastern part of the world for the American Government. A mission which has been thus honored cannot be considered altogether useless

or unimportant either as it regards our own or other governments.

That is all I have to say. I want it to be understood that there is at least one member of this House who will not attribute to General Read any default in the performance of his duty, and who will not consent to any underestimate of the character and importance of

the Greek mission.

the Greek mission.

Mr. RANDALL. I rise to disavow on the part of the Committee on Appropriations any reflection whatever on Mr. Read. Neither his name nor his dispatches were mentioned or read in the committee. I know Mr. Read well. He was a boy while I was yet a young man, and all my personal feelings would prompt me to oblige him. But we approached this subject with a high sense of public duty; at any rate I did. Now in reference to this mission to Greece. In 1866 the mission to Greece was abolished by the repeal of the act of March 3, 1863. In so far as Greece was concerned it was stricken from the list of full missions. It was again revived in 1868 for reasons rather of a personal than of a public character. The reasons which prompted the repeal of the mission at the time I have named are in much greater force to-day than they were then; and the committee, therefore, irrespective of any personal consideration, propose to abolish that mis-

Mr. BANKS. The gentleman will allow me to say that the course of debate would imply another reason therefor.

Mr. RANDALL. I am quite glad you have given me an opportunity personally to say what I have and to disavow any such reason.

Mr. BANKS. I want it understood that the vote, whatever it may

be, shall not be considered as a reflection upon our minister there.

Mr. RANDALL. I cannot myself prevent these passages from his letters being read. They are his own dispatches, and he alone is re-

sponsible for them.

The question was then taken upon the amendment moved by Mr. Banks, and it was not agreed to upon a division—ayes 65, noes 94.

Mr. DUNNELL. I move that the committee now rise.

Mr. RANDALL. I hope not; let us first get through the diplomatic

portion of the bill. The CHAIRMAN. The CHAIRMAN. The Chair would suggest to the gentleman from Minnesota [Mr. DUNNELL] that courtesy would require that the gentleman having charge of the bill shall indicate the time when the committee shall rise.

Mr. SINGLETON. It is now about five o'clock, and I would move

that the committee rise.

The CHAIRMAN. The gentleman from Mississippi [Mr. Singleton] having charge of the bill, agreeing to the motion of the gentleman from Minnesota, [Mr. Dunnell,] the Chair will submit the motion as coming from him.

The question was taken on the motion that the committee rise; and

it was agreed to.

The committee accordingly rose; and Mr. Holman having taken the chair as Speaker pro tempore, Mr. Hoskins reported that the Com-mittee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

#### CAPTAIN GEORGE A. ARMES.

Mr. GLOVER. This morning the Speaker laid before the House a communication from the Secretary of War, transmitting a report of the Judge-Advocate-General in the case of Captain George A. Armes, late a captain of the Tenth Cavalry, and it was referred to the Committee on Military Affairs and ordered to be printed. I ask unanimous consent that the order to print be revoked.

There was no objection, and it was so ordered.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of their clerks, informed the House that the Senate had passed an act (S. No. 416) for the relief of C. H. Frederick, late a lieutenant-colonel in the Ninth Missouri Infantry.

The message further announced that the Senate insisted on their amendment to the joint resolution of the House (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other pur-

oses, had agreed to the committee of conference asked for by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. Morrill of Maine, Mr. Thurman, and Mr. Sargeni as managers at the said conference on the part of the Senate.

#### REPRINTING THE TARIFF BILL.

Mr. HOAR. I ask unanimous consent that the tariff bill intro-Mr. HOAR. Task disaminous consent that the tarm bill intro-duced by the chairman of the Committee on Ways and Means [Mr. Morrison] be reprinted for the use of the House. Mr. RANDALL. There is no objection to that. There being no objection, the order to print was made.

BREAKWATER AT MOUTH OF AU SABLE RIVER, MICHIGAN.

Mr. BRADLEY, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of War be, and he is hereby, directed to send to this House the engineer's report of the survey and estimate for a breakwater at the mouth of the Au Sable River, Michigan, made pursuant to act of Congress making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes, approved March 3, 1875.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Hurl-

Mr. RANDALL. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and five minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ANDERSON: The petition of L. D. Couch and 50 others, of Lawrence County, Illinois, for the repeal of the resumption act, to the Committee on Banking and Currency.

By Mr. J. H. BAGLEY: The petition of citizens of Kingston, New York, that chemists' dyes, drugs, medicines, paints, and oils be placed on the free list in the tariff bill, to the Committee of Ways and Means.

By Mr. BLAINE: The petition of the Grand Lodge of Good Tem-

By Mr. BLAINE: The petition of the Grand Lodge of Good Templars of Maine, representing fourteen thousand members, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. BUCKNER: A paper relating to a post-route from Wentz-ville to Josephville, Missouri, to the Committee on the Post-Office and Post-Roads.

Post-Roads.

Also, the petition of Thomas Sherridun, for pay for damages to his property in Washington, District of Columbia, to the Committee for

By Mr. CATE: The petition of J. C. Adams and Jacob Jacobs, for the relief of a portion of the Stockbridge and Munsee Indians, of Wisconsin, to the Committee on Indian Affairs.

By Mr. CRAPO: Papers relating to the claim of William T. Smith, Jonathan Bourne, and Samuel Osborn, agents of the barks Midas, Progress, Lagoda, and the ships Daniel Webster and Europa, for pay on account of losses sustained by abandoning their voyages and taking on board their vessels twelve hundred wrecked seamen, to the Committee of Chaire mittee of Claims

By Mr. DUNNELL: The petition of Elizabeth Willingford, for a pension, to the Committee on Revolutionary Pensions.

By Mr. DURHAM: The petition of Joshua S. Dye, for pay for giving information and aiding in the suppression of illicit distilleries, to the Committee of Claims.

Also, a paper relating to a post-route from Danville to Lancaster,

Also, a paper relating to a post-route from Danville to Lancaster, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. ELY: The petition of Henry Mentz, for a pension, to the Committee on Invalid Pensions.

By Mr. FOSTER: Papers relating to the claim of William S. Mc-Knight and James W. Richardson, to the Committee on War Claims.

By Mr. GOODIN: The petition of A. Dunlap and other citizens of

Kansas, for the extension of post-route No. 33042, to the Committee on the Post-Office and Post-Roads.

Also, papers relating to the appointment of a commissioner to settle the claims of certain citizens of Kansas for pay for property destroyed during the early settlement of the State, to the Committee of

By Mr. HARTZELL: Papers relating to the petition of Thomas F. Alexander for additional compensation as a United States officer, to the Committee on Military Affairs.

Also, papers relating to the granting of certain swamp lands to the county of Randolph, Illinois, to the Committee on Public Lands.

By Mr. HENKLE: The petition of Jane C. Dyer, for pay for the destruction of her property by the United States Army, to the Committee on War Claims.

Also, the petition of Thomas P. Gray, of similar import, to the same

By Mr. HUNTON: The petition of Jacob C. Hartman, for pay as a

United States officer, to the Committee on Military Affairs.
Also, the petition of Lydia Miller, for pay for supplies taken by the
United States Army, to the Committee on War Claims.
By Mr. HURD: The petition of citizens of Fulton County, Ohio,
for the repeal of the resumption act, to the Committee on Banking and Currency.

Also, the petition of citizens of Toledo, Ohio, of similar import, to the same committee.

By Mr. JENKS: The petition of William Gold, for a pension, to the Committee on Invalid Pensions.

By Mr. McDILL: The petition of J. W. Handayside and 40 others, for the repeal of the resumption act, to the Committee on Banking

By Mr. MILLER: The petition of Butler Finch and others, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. O'NEILL: Remonstrance of the Philadelphia Board of Nav-

igation against the passage of the bill to protect life on steamships, to

the Committee on Commerce.

By Mr. PARSONS: The petition of Maria A. Rousseau, for an increase of pension, to the Committee on Invalid Pensions.

By Mr. STENGER: The petition of George Eyster, assistant treasurer of the United States at Philadelphia, to be relieved from the payment of \$882.50, the amount of a deficit which occurred in his office in 1873 through the dishonesty of a clerk, to the Committee of Ways and Means.

By Mr. STEVENS, of Arizona: The petition of J. Collingwood and others, for a post-route from Florence to New Camp Grant, Arizona, to the Committee on the Post-Office and Post-Roads.

By Mr. SWANN: The petition of John C. McConnell, for \$17,261 for services rendered by him in recruiting three hundred men from the State of Massachusetts to serve in a Maryland regiment, to the Committee on War Claims.

By Mr. THOMAS: The petition of citizens of Delaware, and of Cecil and Kent Counties, Maryland, for an appropriation for the removal of obstructions to the navigation of Sassafras River, Mary-

land, to the Committee on Commerce.

By Mr. WADDELL: The petition of Matthew M. Jones, for pay for property taken by United States soldiers at the close of the late war,

by Mr. WILLARD: The petition of J. M. McPhee and 500 citizens of Michigan, for an appropriation for a survey for a ship-canal across the State of Michigan, to the Committee on Commerce.

By Mr. YOUNG: Papers relating to the claims of John J. Hill, Edward J. Tucker, Samuel McKenna, and Indiana E. Hughes, administratrix of John P. Hughes, for property taken by the United States Army, to the Committee on War Claims.

#### IN SENATE.

#### FRIDAY, February 11, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

On motion of Mr. WHYTE, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a memorial of the Legisla-tive Assembly of New Mexico, asking Congress for compensation to New Mexico volunteers for lesses of horses in battle during the war of the rebellion; which was referred to the Committee on Claims,

He also presented a memorial of the Legislative Assembly of New Mexico, asking for an appropriation to satisfy claims for Indian depredations; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Legislature of the State of Wisconsin, asking the establishment of a mail-route between Osceola Mills, Polk County, Wisconsin, via El Salem, Sucker Lake, Lincoln Center, East Lincoln, Clear Lake, Black Brook, Wagon Landing, and Alden, back to Osceola Mills; which was referred to the Committee on Post-Offices and Post-Roads.

Offices and Post-Roads.

Mr. WITHERS presented additional papers in support of the claim of Isaac Davenport; which were referred to the Committee on Claims. He also presented papers relating to the petition of Haskins & Bridgeford, praying for compensation for the use of their wharf at Rockett's Landing, Virginia, by the United States Quartermaster's Department during the late war; which were referred to the Committee on Claims on Claims.

He also presented the petition of William Greaner, of Richmond, Virginia, praying compensation for the use of buildings by the Government during the late war; which was referred to the Committee on Claims.

Mr. HOWE presented a memorial of the Legislature of Wisconsin, asking for the establishment of a mail-route between Osceola Mills, asking for the establishment of a mail-route between Osceola Mills, Polk County, Wisconsin, by way of El Salem, Sucker Lake, Lincoln Center, East Lincoln, Clear Lake, Black Brook, Wagon Landing, and Alden, back to Osceola Mills; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also presented a petition of citizens of Brown County, Wisconsin, veterans of the Mexican war, praying to be allowed pensions for services rendered during the war with Mexico; which was referred to the Committee on Post-logs.

the Committee on Pensions.

Mr. KELLY presented a resolution of the Walla Walla Grange, in favor of the annexation of Walla Walla and Columbia Counties, in the Territory of Washington, to the State of Oregon; which was referred to the Committee on Territories.

ferred to the Committee on Territories.

Mr. CONKLING presented the memorial of H. B. Claflin & Co. and other citizens of New York, favoring the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. ANTHONY presented the petition of Isabella H. Silvey, widow of the late Major William Silvey, United States Army, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. LOGAN presented the petition of Emily R. Gibbs, widow of James A. Gibbs, of Marion, Williamson County, Illinois, praying for a pension; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Pennsylvania, praying for the passage of an act giving to soldiers and sailors of the late war

for the passage of an act giving to soldiers and sailors of the late war a bounty of \$8.33\frac{1}{4} per month for time served, deducting all bounties already paid; which was referred to the Committee on Military Affairs.

He also presented a petition of bankers and others, citizens of Illinois, praying for the repeal of the United States two-cent checkstamp tax on bank-checks; which was referred to the Committee on Finance.

He also presented a memorial of seed-merchants and others, of Chicago, Illinois, protesting against appropriating money for the distribution of any more seeds through the Agricultural Department; which was referred to the Committee on Agriculture.

#### REPORTS OF COMMITTEES.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the bill (S. No. 59) to amend certain provisions of the Revised Statutes of the United States relating to the trans-

portation of animals, reported it with amendments.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the petition of Elizabeth B. Thomas, widow of the late General Lorenzo Thomas, praying to be allowed a pension, submitted a report thereon accompanied by a bill (S. No. 431) granting a pension to Elizabeth B. Thomas, widow of General Lorenzo Thomas, late of the

United States Army.

The bill was read and passed to the second reading; and the report

was ordered to be printed.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 295) to amend the act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation," reported it with amendments

Mr. ROBERTSON, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 359) to incorporate the Washington City Incbriate Asylum in the District of Columbia, reported it with amendments.

#### BILLS INTRODUCED.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave \* to introduce a bill (S. No. 432) to re-open, state, and settle the claims of the several States against the United States for advances made in the war of 1812; which was read twice by its title, and, together with a resolution of the Legislature of Virginia on the same subject, referred to the Committee on Claims.

Mr. CRAGIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 433) directing the transfer of certain amounts from the naval pension fund; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered

to be printed.

Mr. BOUTWELL. I ask leave to introduce a bill without previous notice, furnished by the Treasury Department, covering what are rep-

resented to be errors and omissions in the Revised Statutes.

By unanimous consent, leave was granted to introduce a bill (S. No. 434) to correct errors and to supply omissions in the Revised Statutes. ntes of the United States; which was read twice by its title, referred to the Committee on the Revision of the Laws of the United States, and ordered to be printed.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LOGAN, it was

Ordered, That the petition and papers in the case of B. H. Grierson be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. LOGAN, it was

Ordered. That the petition and papers in the case of Lyman Guinnip be taken from the files of the Senate and referred to the Committee on Claims.

#### TWENTY-SECOND JOINT RULE.

Mr. BAYARD. On the 20th of January I introduced a resolution which has been laid over from that time to this, and I now ask its present consideration.

The PRESIDENT pro tempore. The Secretary will report the resolution for information.

The Chief Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the Committees on Rules of the Senate and House of Representatives be, and they are hereby, instructed to examine, and, after conference, to report whether any, and what, legislation is expedient in regard to the matters considered in the twenty-second joint rule of the last session.

Mr. BAYARD. At the time I offered the resolution I did not understand that it was objected to by any one. The Senator from New York [Mr. Conkling] made some suggestion on the subject, and the Senator from Vermont, [Mr. EDMUNDS,] who is not now in his seat, suggested that he might desire to discuss it; but the importance of this question no one denied. We cannot move on this subject too early, nor do I believe more appropriately than in the method we propose. Unless some Senator believes that this matter should be further discussed in the Senate, as this is a mere resolution of instruction to a committee to take up and examine the subject, I would ask its present consideration in the Senate.

Mr. MORRILL, of Vermont. I desire to inquire of the Senator from

Delaware whether the action of the Senate on a part of the joint rules

has yet been considered by the House of Representatives

Mr. BAYARD. The Senator is aware that for the first time, so far as I can ascertain, in the history of our Government, the Senate elected, without notice to the House, to retire from one of the joint rules. So far as I have been able to give consideration to the subject, it seems to me we have that power. At the same time it never has before to my knowledge been exercised. Now if the subject to which the twenty-second joint rule of the last session related is to be considered, I am very clear that this is the best mode of procuring its considered, I am very clear that this is the best mode of procuring its consideration, and that the conference which will be held by these two committees is much more likely to result in a proper and non-partisan method of dealing with this important subject, than any other way. I sincerely trust that, lifting this matter out of the influence of party, some method satisfactory to the entire country will be reached by which the difficulties surrounding the subject may be overcome. It is in the belief, it is in the hope, that that experiment will be successful that I have felt it my duty to say as much as I have said heretofore on this subject and now again repeat to the Senate.

I have heard of no action of the other House in reference to the late action of the Senate in re-adopting these rules with the exception of the twenty-second joint rule, and I think it important that there should be an adjustment between the two Houses of their co-operative rules which shall be satisfactory to all. There never has been any opposition manifested to that course. The politi-cal complexion of the two Houses—I speak now in a party sense—is cal complexion of the two riouses—I speak now in a party sense—is such as to make it certain that a rule agreed upon by the two Houses will be satisfactory to the entire country; and therefore if the Senator will examine the resolution I think he will see that this is a very proper method of approaching the subject. I propose to do my duty in regard to it, because I thoroughly appreciate the importance of the question. I do not think that it will do to leave the matter where it now rests. I can see difficulties, and very serious difficulties, arising unless some action is taken, and this is a step in the right direction, believing that in this way the matter will be considered in a purely non-partisan manner so as to bring the minds of the two House together in a non-partisan manner, and the sooner it is done the better. We are progressing toward the close of the session; we are coming near the time for the canvass for President and Vice-President; and therefore I think the sooner this question is considered by a committhe of the two Houses the better. I trust there will not be any delay in acting on the resolution. If it is thought to be incomplete and that there is anything omitted which in the mind of any Senator is necessary to a proper consideration of the question, of course I have

no objection to amending it.

Mr. MORRILL, of Vermont. I am cordially in favor in the main of the proposition as presented by the Senator from Delaware, and at the proper moment I shall certainly vote for it. I do not wish to diminish the magnitude of the question; I regard it in as serious a light as that Senator possibly can; but it seems to me that the measure would be disencumbered of any embarrassment if the action of the House of Representatives were to precede this request on the part of the Senator from Delaware. I therefore hope that we will wait until the House has taken action, so that there will be left but this one sub-

ject to be considered.

Mr. BAYARD. The Senator seems to me to imply that the House has power to object to the action of the Senate in regard to the joint rules. If the matter is within the jurisdiction of the Senate to adhere to or retire from a joint rule at their will and pleasure, then it seems to me the action of the House upon that is entirely outside of our consideration; I say outside, beyond that comity and courtesy which, it seems to me, should exist between the two Houses. The Senate without any consultation with the House, for the first time in our legislative history, has broadly re-affirmed and re-adopted the joint rules with the exception of one from which it has elected to retire. As I have stated before, it seems to be incidental to the existence and independence of the Senate that it should have that power, and as this question was embraced by the twenty-second joint of fixed legislation, if legislation can be framed satisfactory to the opinion of both Houses, I think it should now be met and treated in the way I propose. I believe time will be saved, I believe feeling will be saved, I believe a coincidence of opinion reported to each House respectively by this joint committee would go very far toward procuring the assent of each House to the action of the committee. I am very clear in my mind that this subject and the provisions of

the Constitution relating to it should be aided by a law of Congress from which neither House could retire at will. The subject should not be left—and I do not think the Senator can fail to agree with me in that-to the mere caprice of either body of Congress at any moment to retire from a rule regulating so important a subject as this. I desire that the method to be adopted shall be found. The difficulty is very apparent. It is because I believe it important to arrive at some such arrangement that I press its consideration now. I think the suggestion I have made is important, and I trust the Senate, unless there be some reason on account of the absence again of some gentleman who desires to say something on this subject, will take up the question now

Mr. MORRILL, of Vermont. It was obvious when this question was up before that there were several Senators who desired to discuss it at length; that it was one involving some amount of difficulty to decide whether the joint rules were operative beyond the term of a Congress or not. It is clear that one House cannot adopt joint rules without the action of the other. I have not been given any information that there is any discrepancy of opinion upon the part of members of either House in relation to the propriety of adopting the joint rules so far as the Senate have already proceeded. Therefore, it seems to me it would be much better that we should have joint rules adopted for every action of the two Houses, and let this matter come up sep-arately and distinctly by itself, where it will be unembarrassed and unencumbered by any other questions. It seems to me clearly that

that is the proper course to pursue.

Mr. HAMLIN. Mr. President, I have certainly inclined to the opinion that there should be some action on this matter by both the House of Representatives and the Senate, and as at present advised I do not now perceive any objection to the course which is suggested by the Senator from Delaware. There is only this reason which occurs to my mind why it is not wise to act upon it now, and that is the fact, as I understand it, that the House has not yet seen fit to consider the proposition which was sent to it by the Senate. It was a new thing for the Senate to act upon the joint rules. Having acted upon them, it is important that we come to an understanding with the House upon that question, as well as upon the question of canvassing the vote for President and Vice-President.

I did not rise to discuss this question at all, but simply to say that the original proposition came from the Senator from Vermont, [Mr. EDMUNDS.] He was absent the other day, out of the city, when it came up. His absence was suggested, and for that reason the resolution went over. I rose for the purpose of suggesting that we would not consider it until that Senator should be present. I was going to remark that he had conferred with me once or twice, from which I inferred that he had something to say upon it, although he did not say so in direct words; but I see the Senator is now present, and the main object for which I rose is now accomplished, to wit, the presence

of the Senator from Vermont.

Mr. BAYARD. The Senator is in error, I think, for I drew the resolution myself.

Mr. HAMLIN. I spoke of the original resolution upon the joint rules, which we sent to the House, and the resolution of the Senator from Delaware necessarily followed that. Certainly this resolution

was drawn by the Senator from Delaware.

Mr. BAYARD. It was proposed as a substitute for the other, but under the suggestion of the Senator from Vermont I withdrew it and

did not press it.

Mr. HAMLIN. Precisely; but I infer that the whole thing had its origin in the resolution which was drawn by the Senator from Ver-

Mr. BAYARD. It was because the Senator from Vermont very distinctly, as I remember, intimated his approval of the proposition now before the Senate as an independent measure from that which he had before the Senate as an independent measure from that which he had submitted to the Committee on Rules, or something to that effect, and the objection was made simply at another time. It was thrown over on account of the objection of the Senator from New York, [Mr. Conkling.] Still I merely do what I think is right. The subject is very important, and I think this is the proper way to deal with it. I feel it is tending to bring the matter into an atmosphere certainly favor able to a proper understanding of the subject. With that view only I have offered this resolution. With that view only I now ask its consideration. consideration.

Mr. EDMUNDS. I do not know that I have any objection to the present consideration of this resolution. The subject is unquestionably one that ought to be considered; but, after the action we have taken about the joint rules of the last session, it does not appear to me that the Committee on Rules of either House is the proper committee to consider the subject. We omitted this twenty-second rule of the last session from the rules for this session that we passed, as I supposed, upon the universal understanding or judgment that the subject was not a proper one for a matter of rule between the two Houses, but ought to be regulated by law. I had the impression that everybody agreed to that. That being the state of the case, we eliminated anything on the subject of counting the presidential votes from the

Now the subject itself undoubtedly ought to be considered, but the proper committee to consider it is the Committee on Privileges and Elections, as it appears to me. It falls under the head of elections. But it does not appear to me that the Committee on Rules, from its

nature, from its organization, from the small number of persons who compose it, is the proper committee to consider a question of that kind; and as a practical matter it might be embarrassing in respect of our getting any joint rules at all at this session, because the other branch, if the Committees on Rules of the two Houses were to go into the consideration of this subject as related to the joint rules, might not act upon our proposition about the joint rules until those might not act upon our proposition about the joint rules until those committees should have reported and we should have agreed on what they had reported. That would leave us without any joint rules, because I think it is evident to a large majority of the Senate that at this moment we have not any joint rules at all; and I give notice (if that is the proper expression to use) that whenever anything which involves the joint rules (except the mere acts of committee between the two Havese which can go on without any mining which involves the joint rules (except the mere acts of communication between the two Houses, which can go on without any rules just as well anyway by mere custom and usage) comes up, I shall make the point that we have not any joint rules, and I shall be merely making a point that the Senate, as I understand, has already decided. If the Senator from Delaware desires to have the subject embraced in his resolution considered by the Committee on Privileges and Elections, of which I believe he is a member—though of that I am not sure. Learning on in favor of it for one

am not sure—I certainly am in favor of it for one.

Mr. BAYARD. The Senator from Vermont I think has failed to inspect this resolution. These two committees who heretofore have had the examination of this very subject, that is to say, the subject-matter embraced by the twenty-second joint rule of the last ses-

Mr. EDMUNDS. I do not understand that is so.
Mr. BAYARD. I presume that joint rule was framed by and was
the product of the minds of the Joint Committees of the two Houses The rules of the Senate come from the Committee on Rules,

on Rules. The rules of the Senate come from the Committee on Rules, and I understand joint rules come from the joint committees.

Mr. EDMUNDS. If the Senator will pardon me, I think I can correct his misunderstanding. This twenty-second joint rule had its birth on an occasion when a joint resolution of the two Houses was pending before President Lincoln on the subject, I think, of the State of Louisiana; and it was feared, as I understand, that President Lincoln might not approve of that joint resolution, and that the day for counting the votes would come on before it would be known certainly whether he did or not and that a Senator from Illinois Mr. Trumwhether he did or not, and that a Senator from Illinois, Mr. Trumwhether he did or not, and that a Senator from Illinois, Mr. Trumbull, from the Judiciary Committee—whether that committee had it formally referred to them or not I do not know, but acting under the advice of the Judiciary Committee at any rate—proposed this as an additional joint rule in this body, and it was adopted forthwith and went to the House of Representatives and was adopted there.

Mr. BAYARD. The history of that joint rule is interesting, I doubt not, but it is not important as affecting the matter we are now considering. This resolution does not ask to have this question reconsidered and regulated by a joint rule at all, but it does ask whether

sidered and regulated by a joint rule at all, but it does ask whether these two committees will not, after conference and examination, re-port any and what legislation is expedient with regard to the matters considered in the twenty-second joint rule of the last session. Therefore the question will simply be, first, whether in the sense of this Senate the subject-matter of counting the electoral votes should be regulated by law, or whether it should continue to be regulated or attempted to be regulated by a joint rule, the existence of which and the operation of which is subject to the caprice and the mere breath of Congress or either House of Congress. I thought it had become a conceded fact in this Chamber now, although it was not for fifteen years, that the question had been improperly dealt with by the twenty-second joint rule, and improperly sought to be regulated by a rule at all; that the proper method of dealing with it was by a law, from which neither House was at liberty to recede without the consent of the other.

Now it is proposed that they should consider what legislation is necessary touching the subject-matter of the twenty-second joint rule. Is there objection to that? I have heard no argument raised against it, although I have seen constant objection and postponement of the proposition. If there be reason against it, we may as well know it, and the country may as well know it, because there are few questions of more importance before us, few questions which call, in my opinion, for the action of Congress more decisively now than this one.

Then the objection may be raised, as has been suggested by the Senator from Vermont, that the Committees on Rules are not appropriate, or from some other cause should not be intrusted with the consideration of the subject. If the Senate thinks some other committees are proper, I have not the least objection to that reference. I do not know the composition; I perhaps ought to know, but I am not aware of who constitute the Committee on Rules of the Senate or who constitute the Committee on Rules of the House; but I believe they have been chosen by the Senate and House with due reference to their fitness, and I have no question that they are competent to deal intelligently and I have no question that they are competent to deal intelligently and properly and in the proper spirit with this grave question. If the Senate has reasons why it does not propose to submit this question to the action of the Joint Committee on Rules, if the Senate considers that it is not a proper method of arriving at a union of the minds of the two Houses on this important subject, that of course will be decided according to its opinion. But now I think that this is the proper way to deal with it and the Senate can express its pleasure on the subject by its vote.

Mr. CONKLING. Mr. President, I see no great importance in any

question practically before the Senate now, because the whole of the question before the Senate, as I understand it, is whether the object question before the Senate, as I understand it, is whether the object in view will be best promoted by proceeding now to consider this resolution or by allowing it, as was the judgment of the Senate the other day, to wait a little, to the end that all the joint rules except one may be concurred in by the two Houses. That is a very small question. It is a question which relates to the order of business, to the expedient time to do a thing which everybody favors accomplishing. see but one thing of importance connecting itself with this that could be accomplished by anybody, and that I think would be a very pernicious thing. The Constitution makes it the duty of the two Houses of Congress, acting as witnesses or in some other character, to see to the honest counting of electoral votes. I feel sure that there is no Senator acting with the party to which I belong so mad with partisanship, so oblivious to the obligations of his oath, as to wish to do anything except that which will lead to an honest and complete performance at all times of that duty. That Senator, if there be one in this Chamber on either side, who can do it, will do a great disservice and in my opinion a great wrong if he succeeds in convincing anybody within this Chamber or without, either that it is a high test of nonpartisanship to go honestly forward in this regard or that anybody can be found unwilling to go forward or who desires to trip up any suitable measure or endeavor honestly to accomplish this purpose. There is no such thing.

This joint rule has been the subject of solicitude for a long time with those who have thought of it. I have had occasion myself repeatedly, not at this session nor in this year only, but at previous sessions and in previous years, to invite attention to this topic. It was at the commencement of this session the subject of consultation between Senators; and, without further referring to that, I may allude to the circumstance that the Senator from Vermont offered a resolution the specific object of which was to bring up this question. He offered a resolution to inquire whether the joint rules without action on the part of the Senate remained in a body, all of them, including the twenty-second joint rule, the rules of the two Houses. In response to that resolution came a reply which brought up this question; and then on the motion of the Senator from Indiana the twenty-second joint rule was selected and picked out as the one rule not to be adopted and not to continue, but, in the language of some Senator to be struck down, because it was an unsafe rule, and something ought to be put

in its place.

Now, a resolution is offered proposing to commit this subject to the Committee on Rules of both Houses. I see no objection to that. I have no preference, for one, as to the committees to which this may go, because I assume—I assume despite some intimations somewhat to the contrary—that no Senator can be found on the opposite side of this Chamber (I am very sure he will not be found on this side) inclined to do anything on this subject except that which will result in a strict and honest compliance with the Constitution. Then I say, as I began by saying, that the question is merely one of discretion and convenience. If it is true that having acted upon all the other joint rules and invited the House of Representatives to concur in them, before time enough has elapsed to enable the House to express its opinion on that subject, it will be wise to send a proposition the effect of which may be to unsettle that understanding as far as it has effect of which may be to unsettle that understanding as far as it has gone in reference to the other rules, so be it; I have no objection. My own judgment was the other day—so I stated—it is that economy of time and a regard for accomplishing the purpose, if that be the object, will be promoted by allowing the House to act upon all these rules touching which there is no controversy. When the twenty-second joint rule comes to be the only one dividing the two Houses, then, I repeat, I see no objection to the mode suggested now by the Senator from Delaware. I should see no objection to any other feasible or natural mode of coming to a conclusion and a concurrence between the two Houses on this question; but I hope that we shall between the two Houses on this question; but I hope that we shall not allow this debate to take such a course as to give to the public the idea that we think it is a high act of non-partisanship to do a plain constitutional duty, or that any man must lay aside his partisanship in order to be honest in that regard. I am conscious myself of having no partisanship that I need lay aside for that purpose. I am conscious of being quite willing to day, if it be the judge. myself of having no partisanship that I need lay aside for that purpose. I am conscious of being quite willing to-day, if it be the judgment of the Senate to make this the time, to take the action proposed or any other appropriate action; but I am quite unwilling to be put in the category of objecting or obstructing, because I think we shall make more headway if we go on and agree as far as there is no discord and no objection, and then take up this separate matter and see what we can agree to about it, rather than to take action which may have the effect to even all these internals for discussion and delay have the effect to open all these joint rules for discussion and delay, and hinder an agreement, and postpone the time when this very fit and necessary thing shall be done. I think it had better stand. If we find that the House, after enough time has elapsed, does not mean to act, then we shall be compelled, however glad we might be to have them act on the residue of the rules, to consider the whole subject in them act on the residue of the rules, to consider the whole subject in the best way we can. If, on the contrary, as we are bound to sup-pose, the House shall act and shall agree to the residue of these rules, then we shall have one single thing before us; and, when we come to treat of that thing, if it shall be found that Senators divide accord-ing to the party to which they belong, I shall be ready to confess my 'great astonishment. It seems to me that if you could select a question which does not appeal to party, which appeals to nothing but the

judgment and the conscience of Senators, the very question is now

Mr. BAYARD. Mr. President, I do not know what thought was passing in the mind of the honorable Senator from New York when I was addressing the Senate on this subject; but I think that more than his genius will be required to discover the least reference to the possibility of partisan feeling in this Chamber on this subject. There was nothing which I said, there was no word I used, there was neither look nor expression I am sure that could give rise to any such suggestion, or make as I consider any such reference at all necessary in regard to anything that I said. I simply declared that which was a plain fact, that when the committees of the two Houses, composed as the two Houses of Congress now are as to political sentiment, as the two Houses of Congress now are as to political sentiment, should come together and present a measure which met with their joint approval it would go far toward banishing anything like the possibility of a partisan advantage or feeling in regard to so broad and important a matter as this. It was because I desired it should be so, not only for the sake of the action of the Senate and of the House, but for the sake of the feeling of our fellow-countrymen throughout this broad land, that I believed anything done should be concurred. out this broad land, that I believed anything done should be concurred out this broad land, that I believed anything done should be concurred in by committees representing the varied sentiment not in this Chamber alone, but in the two Houses. That being once established to the satisfaction of the people of the country, they would be satisfied that there could be no possible party advantage obtained in the conference or consultation of the two Houses of Congress, the dominant party in each being different.

So far as the Senate is concerned there has not been an allusion, and no language of mine capable of having an allusion, drawn or tortured, or to justify the suggestion that I ascribed partisanship to action on an abstract question of public duty on the part of any Senator on either side of the Chamber. I merely spoke of the known difference of opinion politically between the two Houses of Congress, and my belief that a law which would be satisfactory to committees representing the variant parties would be satisfactory to our fellowcountrymen; and that it was important that there should be acquiescence in the justice of a rule or a law touching so broad and funda-

Mr. CONKLING. Mr. President, as I always mean to be frank, I will be so now. Meaning no offense to the Senator from Delaware, I did refer to him, and to him alone, as the member of this body who, as I understand, made repeated reference to this subject as if there was danger of partisanship entering into it. I have heard the Senator avow and reiterate that all partisanship ought to be abandoned in this regard, that it should be kept out of the domain of partisanship. I have heard him say that several times to-day and on other days; and I listened with more surprise to-day to this suggestion which fell from him—I may not be able to quote his words exactly that if there were hose there who wished to impede or obstruct, (perhaps he used neither word, but an equivalent term,) it had better be known by the Senate and by the country. I think I am not mistaken in supposing that the Senator said that.

Now I submit to that honorable Senator and to the other members of this body, that, considering the nature of this question, and considering the utter absence, as he himself avows, of partisan manifestation in regard to it, it is hardly worth while for either of us to attempt or unconsciously by inadvertence to create the impression beyond this Chamber that anybody here is seeking a partisan advantage here over anybody else upon the naked question whether a true count of the votes should be made. Whenever this body or any of its members falls so low that an honest office of counting, a duty so plain as that imposed upon us by the Constitution, cannot be discharged because we are so mad-party-wise, it will be a sorry day in-deed and a sorry illustration of the total failure of our institutions

and the instrumentalities by which they are to be carried out.

If the Senator from Delware did not intend to carry that idea, I certainly do not wish to impute it to him; but I have thought from his repeated references to this that there might slumber in his mind a fear that somebody somewhere in the Senate was going to refuse to do that which ought to be done because he was driven by the stress of party in regard to it. It was to disabuse the mind of anybody who might be so affected, if I could, that I referred to this subject, and if the Senator from Delaware did not mean to give the impression which

I received from his remark, then I misunderstood him.

Mr. BAYARD. The Senator from New York can scarcely require me to continue this matter, because the RECORD must disclose what I have said. I intended in what I said last to the Senate simply to refer to what I had said on this subject before, and to repeat that I did not believe even the ingenuity of the Senator from New York or any one else could discover in anything I had said the suggestion that there was a partisan spirit in this Chamber on this subject. That is

what I meant to say, and I think I succeeded in saying it.

Mr. MORTON. Mr. President, if I understand the proposition, it is
to refer this question to the Committee on Rules of the two Houses.

It is discussed here as if it was a new question. It is not so by any I remember the debate last session on a bill for the purpose of repealing the twenty-second joint rule and establishing a law to provide for counting the electoral votes, taking away from one House the power to disfranchise a State, and providing that no electoral vote should be rejected except by the concurrent action of both Houses. I thought the bill was eminently fair and that no valid objection was

made to it. I remember that my friend from Delaware voted against it and spoke against it for a long time, but that the bill finally passed. It was impossible that it should be in favor of one party or the other. It was simply to provide a safe rule for counting the electoral votes, abolishing the twenty-second joint rule, and providing that both Houses of Congress must concur to reject a single vote from any State —the only safe rule that we can adopt—and providing also for a limited debate so that a vote should not be rejected without consideration. It was voted against by a number of Senators on this floor, but the bill passed this body and failed to pass the House of Representa-tives. Now that same bill is pending again, and I see no reason for undertaking to transfer the matter to the consideration of the Committee on Rules.

Mr. BAYARD. Is there such a bill upon the files of the Senate? Mr. MORTON. There is. I introduced it, and it is now before the Committee on Privileges and Elections.

Mr. BAYARD. Then it is not before the Senate. It is in commit-

Mr. MORTON. It will be before the Senate, I doubt not, before a great while. Whatever is done, in my opinion, ought to be done in the form of a law. The idea of the two Houses by a simple rule rejecting the vote of a State is preposterous.

The PRESIDENT pro tempore. The question is on proceeding to the consideration of the resolution called up by the Senator from

Delaware.

The motion was agreed to; and the Senate proceeded to consider

the following resolution:

Resolved by the Senute, (the House of Representatives concurring,) That the Committees on Rules of the Senate and House of Representatives be, and they are hereby, instructed to examine, and, after conference, to report whether any, and what, legislation is expedient in regard to the matters considered in the twenty-second joint rule of the last session.

Mr. EDMUNDS. I move to amend by striking out that part of the resolution which makes it a concurrent resolution and refers the mat-ter to the Committee on Rules, and inserting the Committee on Privileges and Elections of this body, which will take it to the tribunal that now has the subject under consideration.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.
The PRESIDENT pro tempore. The question is on agreeing to the solution as amended.

Mr. CONKLING. I ask that the resolution be read as it stands now. The Chief Clerk read as follows:

Resolved, That the Committee on Privileges and Elections be, and they are hereby, instructed to examine and report whether any and what legislation is expedient in regard to the matters considered in the twenty-second joint rule of the

Mr. BAYARD. It will be observed that this was meant to be a joint resolution. It was so framed. It is so still, even as the Clerk has read it, because the amendment striking out the Committee on Rules and inserting the Committee on Privileges and Elections has not gone far enough.

Mr. EDMUNDS. My motion was to strike out all that part making it a concurrent resolution, and all the part referring to the other House, and to make it simply an order to the Committee on Privileges

and Elections of this body.

The PRESIDENT pro tempore. The Chair so understood, and the Senate has agreed to that amendment.

Mr. BAYARD. Now, I simply desire to submit to the Senate whether it is not reasonably proper to suppose that upon private conference of the committees of the two Houses a measure is more apt to be generated which will receive the approval of both Houses on this subject. It was because I believed it was better for neither House to act upon the measure in priority of the other, but that when the measure came it should come, as it were, simultaneously into both Houses, it being understood that the committee had conferred and had agreed that this was a proper measure upon this important subject. It is my belief that the two Houses ought to agree. It will be to me a source of very great regret, anxiety, and concern if the Houses fail to agree, and believing that the best chance to produce concurrence between these two Houses of Congress, relatively under concurrence between these two Houses of Congress, relatively under the influence of different partisan feelings, is by a quiet conference between the two committees, I submit that the amendment of the Senator from Vermont ought not to prevail.

The PRESIDENT pro tempore. The Chair will remind the Senator that the Senate has agreed to the amendment.

Mr. BAYARD. Then the resolution must be further amended than he has gone, because the amendment, as I understood it, was simply to substitute the Committee on Privileges and Elections of the Senate and the like committee in the House instead of the two Commit-

ate and the like committee in the House instead of the two Committees on Rules; and the resolution, so far as I heard the amendment read, leaves it still in its frame a joint resolution of the two Houses It is very plain to me—I cannot forsake my judgment on that subject-that our chance of producing concurrent action on this subject between the two Houses, organized as they are at present, is much better when we shall have a rule presented by the two committees, each reflecting the political sentiments of the relative body it represents, which would be very apt to produce a concurrence of sentiment between both bodies. My object is that which I avow.

Mr. CLAŸTON. I ask that the resolution be read again. The PRESIDENT pro tempore. The Secretary will report the reso-

lution as it stands amended.

Mr. THURMAN. I rise merely to say that as I understood the mo-tion of the Senator from Vermont to be submitted to the Senate and voted upon, it was simply to substitute the Committees on Privileges and Elections for the Committees on Rules, leaving the resolution a concurrent resolution as first introduced. If it has any wider scope than that, it certainly was misunderstood by me, and I think by others. I do not think it was voted upon with the understanding that it was to strike out the concurrent part of the resolution and make it simply a reference of the question to the Committee on Privileges and Elec-

tions of the Senate.

Mr. EDMUNDS. That was certainly my motion; but we can test the sense of the Senate on that by moving to reconsider the vote, and, if we choose to reconsider the vote, then it will stand as a con-

current resolution.
Mr. THURMAN.

I did not vote on the motion at all. Well, in order to test the sense of the Senate, as Mr. EDMUNDS. Mr. EDMUNDS. Well, in order to test the sense of the Senate, as it is said it was misunderstood, I move to reconsider the vote adopting my amendment. I shall of course vote against the reconsideration; but this will give gentlemen who did not understand it an opportunity to see what the amendment of the Senate is.

Mr. SARGENT. Let it be reported again.

The PRESIDENT pro tempore. The Secretary will report the resolution as it will read when amended.

The Chief Clerk read as follows:

Resolved. That the Committee on Privileges and Elections be, and they are here-by, instructed to examine and report whether any, and what, legislation is expedient in regard to the matters considered in the twenty-second joint rule of the last ses-

Mr. BAYARD. I certainly understood, as the Senator from Ohio did, that the only amendment offered by the Senator from Vermont was the substitution of one named committee for another, without altering the frame of the resolution in any other respect.

The PRESIDENT pro tempore. The question is on the reconsidera-

Mr. THURMAN. I do not know, Mr. President, that practically it makes much difference in what form the legislation that everybody seems to consider necessary shall be inaugurated. It certainly has been urged upon the Senate very strongly, it was so urged at previous sessions, that something must be done; and we remember with what carnestness and zeal the Senator from Indiana pressed a bill which he introduced from the Compilton Provided From the Compilto introduced from the Committee on Privileges and Elections to regulate the count of the votes for President and Vice-President, and how he told us that a civil war might break out by reason of the imperne told us that a civil war might break out by reason of the imperfection of the twenty-second joint rule and the want of some proper legislation upon that subject. I think, too, that the general sense of the Senate was that anything we did provide should be by law, and not by a rule of the two Houses; and certainly, since a majority of the Senate have taken the ground that a joint rule is a thing that subsists only during the good pleasure of the respective Houses and that either House may retire from it, that either House may withdraw its assent from the rule and let it fall the precessity of anything whatever

either House may retire from it, that either House may withdraw its assent from the rule and let it fall, the necessity of putting whatever we do in the shape of law is more apparent than it ever was before. Then if there be necessity for this legislation—and that does not seem to be denied—the Senate has shown that such is its opinion by the passage of the bill introduced by the Senator from Indiana from the Committee on Privileges and Elections—that mode which will most speedily and certainly secure action on the subject is the best mode. Looked at in the point of view, I are after the production of the subject is the best mode. Looked at in that point of view, I am of the impression that if the committees of the two Houses were to sit upon such a bill and concur in it and report it to each House, it would more likely pass than if a bill was framed in one House and sent to the other.

I am not very much in favor of joint committees as a general thing.

I do not think I shall ever vote for a joint committee of investigation as long as I live; but a joint committee to consider a subject and report legislation is not obnoxious to the objections that exist against joint committees of investigation. I think it might facilitate an understanding between the two Houses as to what ought to be done if we referred this matter to a committee of the Senate and the House.

I am therefore inclined to favor the proposition of the Senator from Delaware to make this a concurrent resolution and have the reference to the two committees to consider it together. For that reason I hope the vote will be reconsidered and the concurrent character of the resolution retained. I have no objection for my own part to the substitution of the Committees on Privileges and Elections for the Committees on Rules. That, I think, is better.

#### CENTENNIAL EXPOSITION.

Mr. CAMERON, of Pennsylvania. I ask for the regular order. The PRESIDENT pro tempore. The morning hour has expired, and the unfinished business is the bill (H. R. No. 514) relating to the centennial celebration of American Independence. That bill is before

Mr. RANDOLPH. Mr. President, I know that the Senate is weary of debate, and that no words of mine will add a vote in favor of the bill, as I trust no expressions I shall utter will take a vote from it.

I was charmed yesterday with the eloquence of the Senator from Georgia, [Mr. Norwood.] I listened to him with great attention,

and, as I ever do, with respect, but failed to become convinced by his arguments. As a dissection of the Constitution I admit that no more careful argument can be prepared. If we want to know no more careful argument can be prepared. If we want to know how capital letters should be placed, how colons and semicolons, how periods and exclamation points should be arranged in the print of the Constitution, and how they bore upon its interpretation, I am sure we were fully informed yesterday by my distinguished friend from Georgia. I am not sure that it is so, but it seemed to me as he closed that part of his argument I had been made to understand what a constitutional comma was. There was a reference made by the Senator from Georgia, without due reflection, I must believe, that did great injustice, not only to a class of men I have known long and well, and who stand without superiors in all this country as men of honor, integrity, and fidelity—I refer to the men who now control the boards of the centennial exposition—a reference was made by the Senator that I am sure he did not intend as a reflection upon them, and I am equally sure that he could not have intended it as a reflection upon any member of this body. It was as to the lobby influence that had pressed the passage of this bill. If, sir, such lobby has had an existence the Senator is possessed of knowledge I am not.

Not a human being has ever asked me to vote for or against this bill. Even the people of my own State, largely favorable to the exposition, have never sought to embarrass my perfect freedom of speech

Mr. NORWOOD. I do not know, sir, to what reference in the remarks that I made yesterday my honorable friend from New Jersey alludes. I remember making one allusion in which the word "lobby" was used, but only one, and I am sure that that expression did not apply either to the centennial board or to any member of this branch of Congress or the other branch. It was a general reference as to what in my judgment would be the effect upon the future legislation of this country if we were to set precedents like that which I think legislation of this character would set. I meant simply that, and nothing more. Nothing was further from my intention than to make any reflection upon any gentlemen outside of or inside of Congress, in its application to this bill. The expression that I refer to that I made was when I spoke of what this legislation would teach future genera-tions; and I said that it would teach them not to rely upon them-selves, but to rely upon the General Government for support, and it would change the form of our Government and destroy the spirit of the American citizen as it has been exhibited heretofore; and in that the American citizen as it has been exhibited heretofore; and in that connection I said that it would follow probably that we would teach genius that the high road to fame and fortune did not lie through labor and want and privation and toil, as hitherto, but that it would lie through the power of the lobby to the Halls of Congress. My remark was general and had no application to the centennial board or to the members of the Senate or House. If any other expression fell from my lips than the one to which I have reference. I do not remember. from my lips than the one to which I have reference, I do not remember it. I certainly did not intend to make any such reference, and if

I did, I will with the greatest pleasure withdraw it.

Mr. RANDOLPH. Mr. President, it was because I had the full assurance in my heart that the Senator from Georgia was incapable of making so unjust a reference as that which he has taken occasion to explain, that I have made this reference to his remarks of last evenof the exposition; they need none at my hands. My allusion is made principally that the Senator might have that opportunity I would ask him to give me, like misinterpreted—one that I knew he would promptly avail himself of, to make his record right, his real meaning

incapable of misinterpretation.

Mr. President, my honorable friend the Senator from Kentucky [Mr. McCreery] who delivered a speech in this body upon a recent occasion remarkable for its eloquence, for the beauty of its language, and I wish I could say for the logic that usually enforces his utter-ances—my friend the Senator introduced, as amendatory of the bill now before the Senate, some such provision as this: Striking out all after the enacting clause he proposed to recommend that on a given day in July the people of the States should join in universal prayer. I am as firm a believer, sir, in the efficacy of prayer as any man in all this land. I have been brought up to believe that all power comes from Almighty God; that he gives to those who ask in faith. I regret I was compelled under the circumstances to vote against so pure, so

peaceful, and so pious a proposition.

But, sir, I have always been taught to believe that, effective as prayer is, there is another Christian duty and that lies in good works. When the Senator from Kentucky was making his most admirable speech, I could not help but think of that line which somewhere I have seen, that—

Prayer is the food which men bestow for alms.

The Senator will observe, therefore, that, pious as his proposition was, it was not original.

The Centennial Commission have come asking an appropriation for what they deemed to be a commendable object, and my friend from Kentucky offers them prayer. His knowledge of biblical history, no doubt, far outruns mine, but I do not recollect to have read that ever

The Senator from Kentucky proposed in place of the centennial exhibition to have a day of universal prayer. In its stead he would have praise, without a jubilant note; thanksgiving, without the feast; gratitude, without a cent of cost. Is that the way, sir, the American

people are to show their appreciation of what "God hath wrought?"

His command has ever been to erect temples in which to worship

Him—monuments to indicate the growth and gratitude of the peoples

I leave this branch of the subject, Mr. President, with this single remark, with the purpose of recalling to the mind of my distinguished friend from Kentucky that "prayer is the soul's sincere desire," and that he who would have it effective, must not have much faith in it

as a legislative "rider."

I pass, sir, to the consideration of the main question. There is no controversy as to the propriety of the contemplated celebration. The time is fitting; the place appropriate; the welcome is all that can be asked. The right or the expediency of the celebration alone is questioned. How can we, it is asked by prudent men, careful of our following productions of parity to expend the result that the result to expend the result the result that the resul questioned. How can we, it is asked by prudent men, careful of our fellow-needs, in a time of national distress—of peril to general credit—give the money of the people toward a centennial celebration—a celebration which it has been claimed by my friend from Georgia as a mere private enterprise, by the Senator from Virginia as a stock operation; how can we give of our meager funds to such an enterprise?

Mr. President, the fact is that a large proportion of the expendit

Mr. President, the fact is that a large proportion of the expenditure consequent upon the exposition took place prior to the hard times. Either by contracts made or by moneys paid out, the larger outlay involved had taken place prior to any application for con-

But aside from this fact there is, in my opinion, a better answer That in the judgment of acute commercial men every dollar that is contributed by Congress for the purpose proposed will be more than returned by the moneys which will flow into this country from other lands because, and only because, of this exposition. The incidental pecuniary advantages arising from the exhibition are those that have been often repeated, the new impulse given to commercial life, turning the now sluggish wheels of trade, and putting into life and mo-

tion that which to-day hangs almost motionless

Human nature covets that which it sees and likes. I do not think my friend from Kentucky will differ with me as to this proposition. It may be very wicked, and I suspect sometimes it is, but it is always true; and so from this exhibition a thousand new wants will arise; a thousand new and almost unthought-of demands will be produced and the aggregate of these will alone, in their supply, start the dull pulse of commerce with new and healthful throb. Mr. President, this view of the subject may seem an inferior one to suggest, but to the starving artisan, to the willing tens of thousands of half-fed men and women in the land, it has more of interest just now, singular as this may seem, than the most labored and learned of technical disquisitions.

We have of money in abundance. Was it ever more plentiful in financial centers? The rich are weary of hoarding and are luxuriously miserable in the knowledge of their loss of interest.

The poor need it, alas, how largely and how sadly!

It is no exaggeration to say that the impetus given to trade and

It is no exaggeration to say that the impetus given to trade and commerce by the exposition will, in the judgment of our best commercial men, our reflecting, thoughtful men, men who wield millions of trade themselves each year, be worth more to the people of this country in general return, through absolute gain, than all the moneys that will be expended by authority of the Congress of the United States. The gathered multitudes, the vast agricultural, mechanical, and artistic display, the attrition of forces, will do more to germinate the single element needed—public confidence—than any other movement Congress can now give aid to.

It has seemed to me, sir, that nationally and commercially we were as a ponderous engine with its great driving-wheel upon the "center;" that there was power enough behind it and to spare; that the very retention of the power was, in conservative minds, one of the great and impending dangers of the country. Because this power is not called into requisition, because the great wheel stands motionless, we lack prosperity. The turn of a finger's breadth, and throbbing, heltahful life will run into countless pulses. If for no other reason than the firm belief that the Centennial exposition will give the im-

heltahful life will run into countless pulses. If for no other reason than the firm belief that the Centennial exposition will give the impulse to trade and commerce which is wanting I should vote for this bill, and will no more question the constitutionality of that vote than I would stop to ask my friend the Senator from Connecticut for instance, to repeat to me the Longer or the Shorter Catechism (and I hope he knows them both) before I helped to save his imperiled life. I will not tediously recapitulate other reasons, many of which come to my mind, in favor of the passage of this bill. A word, however, as to its political effect. Every word of reconciliation that may be spoken during the months of that great exposition seems to me to be so many seeds of promise for the future; and assuredly as the Great Master taught "blessed are the peacemakers," so every word, so every act of ours that leads the way to true reconciliation, will be blessed of Heaven. The great heart of the people turns toward peace. They are weary of strife. They do know that men gather not grapes of are weary of strife. They do know that men gather not grapes of thorns nor figs of thistles. If no other gain were had than the reconciliation which is promised, the reconciliation which we are told by members of all parties in Congress is almost sure to follow, if no other gain was had than this, I should vote for this bill and feel my-

Self amply justified.

I recollect, sir, that upon a recent occasion I heard my friend the Senator from Texas, [Mr. Maxey,] who had stood in the front of the battle and who had raised his own arm against this Government, I

recollect the appeal that he made to the Senate in behalf of the exposition because it was one of the best modes of bringing about a real peace, of re-establishing a perfect union of the States. I believe that peace and reconciliation are best had through better knowledge of each other, through social and familiar intercourse, through those interests, sympathies, and affections that personal knowledge can alone give to mankind as to each other.

Mr. President, a thousand tongues have sounded the praise of Penn-Mr. President, a thousand tongues have sounded the praise of Pennsylvania, and a thousand more, I doubt not, of the city of Philadelphia, because of their liberality, because of their generosity, because of their munificence in the matter of the celebration. There has been no word spoken in behalf of that grand old State that lies neighbor to mine, one of the old thirteen; there is no word which has been said commendatory of the State, of her people, of her great city, of her munificence, that I do not indorse. But they need no words of commendation from me; they ask no praise from me; they seek no compliment from the Senate. They stand to-day peerless, among American authorities, in their munificence, their waiting hospitality. It has been said, Mr. President, that there were those who hoped to find some gain because of this exposition. I think my friend from Kentucky intimated that it might prove profitable to some people.

Kentucky intimated that it might prove profitable to some people. Kentucky intimated that it might prove profitable to some people. Well, sir, it is possible that there be those who have contributed toward this exhibition who have found their profit and their patriotism in very amiable companionship. It is possible, I say, that this has happened; but I recollect long, long years ago—of course before any of the present members of this Congress had membership here—that gentlemen connected with one or the other Houses of Congress found their profit and patriotism in close fellowship. Is that any reason why the Congress of these States should be dissolved? God forbid, I hear on every side, and loudest and longest perhaps from those gentlemen who situated as I am, have a long term before them. gentlemen who situated as I am, have a long term before them.

No, Mr. President, because bad men or mean men have found it to

whole affair should be charged with being a mere money-making concern. It is not true. I prefer to believe that the inspiration came from nobler and higher and better motives, and that those who have lived for long years under the shadow of Independence Hall give to us an honest welcome, and that in their invitation they mean what they say. From them these hearty words come: "Join us in commemorating the glories of our country in the past; join us in giving a full welcome to the waiting century."

There is another view I desire to take of this subject. I look upon

the celebration as a duty. Not only is it a mile-stone that marks the national progress, but it is a monumental stone that fixes the line between the experimental republicanism of the past and the established and fixed Union of these States. It is a duty to proclaim to millions of men in other lands that free institutions, with personal, civil, and religious liberty are no longer political problems but established facts. It is because this proclamation is to go to millions of men who look with anxious hearts toward the result of a republican experiment that I believe our national duty, if I may use the word "national"—
and not offend the Senator from Connecticut—

Mr. EATON. You are free to use any word you please.

Mr. RANDOLPH. I am very much obliged for the liberty that my

friend from Connecticut gives me. The word "national" seems to be an offensive word to him, and it would be to me, I have no doubt, if it had that broad interpretation in my mind that he imagines it has in some others. I am not so learned in the use of words as he perhaps, nor am I so learned in the technical meaning of them, perchance, as some who have made constitutional law their peculiar study. We Jersey people are a plain people, given up largely to plain pursuits, and do not get the time that our Connecticut friends obtain to dissect questions of constitutional law.

Mr. President, I have endeavored to show thus far that the exposition is commendable in its character and expedient to have; that it is more likely to conduce to prosperity than to bring about additional adversity; and that the expenditure of the public moneys may prove, and in the judgment of sincere and honest men will prove directly and indirectly, most remunerative to those to whom the public money

belongs-the people.

belongs—the people.

Consulting my own tastes, I would have preferred the omission of this purely material view of the subject. I know, however, that the people are burdened with debt, are jealous of the exercise of doubtful power, and look forward with great anxiety to our return to a simple, honest, and economical form of government. In all these feelings and desires they have my hearty sympathy. If I believed that my vote to-day would aid to expend a dollar not quickly returning to them full, complete, and ample payment, despite my belief in the constitutionality of the act, I would not vote for the appropriation. It is because of these practical results most likely to occur that I am enabled to-day to give what I deem not only a constitutional vote, but a hearty co-operation to the measure. but a hearty co-operation to the measure.

I am in full accord, sir, with every member of this body who would resist the passage of any appropriation that has not the clear sanction of constitutional law. No pecuniary advantage to the people, no sentiment of patriotism, no probable bond of fellowship even, would induce me to transgress the plain purpose of those who framed the fundamental law. I profess to have as much conscience upon this subject and to be as anxious to preserve the Constitution of the United States from violation as the most rigid constructionists. I do not impugn their sincerity; I do not propose they shall mine, unchallenged. I regret the tone of debate coming from Senators differing with those

who favor the pending bill.

I have been accustomed to consider these States—and I am not going to give their history, I beg to say, just now—as in their original condition under the old confederation, as so many pieces of timber in a raft, bound together by withes, stronger or weaker, of more or less value, loosely held, and of equal strength, as my friend from Delaware [Mr. SAULSBURY] suggests. I do not know whether he was in the original convention or not, and I am not always sure I was not, for I by the first rough sea as lacking in coherence, and driven by their singleness to constant peril. The great raft was known to be most valuable; it had cost years of toil to gather, thousands of lives to preserve. Yet the confederacy proved but a raft when they who manned it, menaced no longer by a common danger, gave in part to other and necessary labor their attention.

Because of manifest weakness, by common agreement, the separate pieces were builded into one; and so, using a common metaphor, these States were united as parts of one great ship of state.

Whatever conduces to its preservation is our common duty to perform. If the strength of its frame is to be supplemented, we hew

new States from old Territories. If weakness is found in ribs or keelson we strengthen by constitutional amendments, or think wedo. May
we not also give the old ship a good preserving coat of paint once
in a century? Will it not help preserve its beaten sides and tighten
the ever-occurring seams?

Pardon me, Mr. President. I know that metaphors are light missiles
when weed, exist constitutional chiestions.

when urged against constitutional objections.

Sir, it is admitted on almost every side that the Federal Government can erect such buildings as it may deem proper; provided the land upon which these buildings are erected shall be ceded to or originally owned by it. It is not denied, therefore, that if five or ten acres of the Philadelphia park were now held in fee by the Government, then its power to appropriate the money, and for this precise purpose, would be unquestioned.

Mr. SAULSBURY. For what purpose?

Mr. RANDOLPH. The Senator asks me for what purpose. I say

for any purpose within the limits of the Constitution; and the Constitution seems by the Senator's predecessors to have been construed that public buildings can be erected far in excess of any uses of the government or necessities of the case. I do not know how extravagant the public buildings are in Delaware, but I do know that in my own State, and throughout all the States, there are public buildings being erected to-day costing ten times as much as any necessity of the Federal Government. When you have broken the barrier no human being can decide for another where the constitutional line is.

Just as the Government has built light-houses from Maine to Texas; custom and court-houses, and costly ones too, in every State; the Capitol and public buildings here; because it deemed them not necessary alone, (for much simpler and inexpensive ones would have done as well,) but as buildings fitted to the dignity and power of a great government as well as to its needs.

The most rigid constructionist found no difficulty in voting for extravagant custom-houses at New York, New Orleans, Richmond, New Haven, and elsewhere. They were built on bits of property nominally owned by the Federal Government, actually held as completely in the possession of the communities wherein situated as the irremovable ground on which they were built. Did not the events of the late war prove this? Of what real value was the title deed of the land on which the New Orleans or Richmond custom-house was built, till Federal troops possessed it. Fee though we owned and yearn as we did, events proved that neither groans nor title availed against possession.

Federal property in the States is valuable only so long as Federal power can obtain and keep it; and just so long as this can be done all property, public and private, within the State is equally within the grasp or power of the Federal Government.

I know my legal friends may deem this a broad doctrine, and I also

believe that there is no warrant for it in constitutional law; but the fact stands, that whenever the Federal exigency or "necessity" has arisen its claim has been generally acceded to, and will to the end. I

do not indorse the exercise of the power; I simply state the fact.

Thus, Mr. President, I have endeavored to show that those who contend against the power of Congress to furnish means to erect public buildings on State or other property, and admit the right of appro-priation for constructions on the same when cession of it has been made by the State, make an objection so destitute of practical force and so technical in character as to make those less acquainted than I am with them doubt their sincerity. This injustice I cannot and will not do them. For my own part, I have no more doubt of the right of Congress to celebrate the centennial year of the nation than I have of its right to fly a flag over this Capitol. That is but a piece of bunting. If the centennial celebration prove no more than mere display, still no violation of the Constitution would occur, however our co-operation might make questionable our economy or impeach our wisdom.

I gladly acknowledge, Mr. President, that all my sympathies have been with the proposed celebration from its inception. For reasons I have given and for others unnamed, I have desired its complete suc-

cess. I cannot forget that in part I represent a State whose soil was fattened by the blood of her revolutionary heroes; that hers, during the long years of revolutionary war, was the bloody ground, the confessed battle-field of the Revolution.

To Jerseymen, as to you, sir, the names of Trenton, of Princeton, of Morris, of Springfield, and of Monmouth are electric words.

The hills of my State held the Continental Army during two of the

most terrible winters of the war. The valleys gave of their meager supply to save the half-famished troops of Virginia, Maryland, and of Connecticut. My home is on consecrated ground—made so by men I have seen and known—who tracked the snow with their bleeding feet treading their weary rounds, knowing that they whom they guarded from danger were all that stood 'twixt Britain's tyranny and America's liberty.

It would be strange, indeed, if with these memories and associatious I did not look with peculiar favor upon any circumstance that would revive grateful recollections of my State and people, that would renew

revive grateful recollections of my State and people, that would renew the memory of events never too often recalled, upon which, as upon a trembling balance, hung the fate of American freedom, of civil and religious liberty.

Mr. JONES, of Florida. Mr. President, the opposition to the bill before the Senate has been put by nearly every speaker who has opposed it upon constitutional grounds. Very few that I am aware of have objected to this measure on the ground of policy wiedom or have objected to this measure on the ground of policy, wisdom, or expediency. We are asked to point out the power in the Constituexpediency. We are asked to point out the power in the Constitu-tion which justifies this appropriation. There is nothing more diffi-cult to do than to strain language in order to carry explicitness be-yond the point that plain words can go. Chief Justice Marshall very often felt the force of this truth, and he has said that he was never more embarrassed than when he attempted to explain those powers and those provisions of the Constitution which were obvious from an inspection of the instrument. It was in something like this spirit that Dr. Johnson replied, I think, to Dr. Berkeley when the latter asked him to refute the argument which accounted for the non-existasked nim to refute the argument which accounted for the non-existence of matter. The learned philosopher simply stamped his foot upon the earth and exclaimed, "I refute it thus."

When gentlemen ask where the power resides for this Government to commemorate its own blood-stained birth, I tell them that if it

cannot be found in the Constitution, (which I think it can,) it is because it has existed before the Constitution, and that it was unnecessary to specify a power which was inseparable from the exist-ence of the United States as an independent power from the first day of its existence. We are told by able writers that government is created

its existence. We are told by able writers that government is created to protect society, and society for the protection of individuals. Whatever the form of government, the interests and passions of men render some kind a necessity, and no matter where we turn we find men living in a state of subjection to some description of law. It would be difficult to fix a time when the people of America were not united in some form of alliance together. Before the Revolution, there is the advice were cettled and conversed wavelendighted the solution. though the colonies were settled and governed under distinct char-ters, they were regarded as part of the same empire, and in matters of a purely external character were bound by the same laws. Yet, while in that state, they not unfrequently acted together in matters affecting their common interests without any authority from the Crown. They were accustomed from a very early period, and at a time when no one claimed for them sovereign rights, but while yet dependent colonies of the British power, to associate together in order to advance their industrial and commercial intents and provide for their common defense and general welfare. And it may be said that the arbitrary attack by the mother-country upon the charter rights in 1754, in consequence of the exercise of those inalienable rights of defense and association which they claimed even as dependent colonies, laid the foundation of that jealous spirit of liberty which finally culminated in their permanent separation from the British Crown.

One would suppose, sir, from the arguments which we have heard, that the people of this country had never been accustomed to exercise

any rights or privileges for which authority could not be found in some moth-eaten charter or dusty Parliament roll. The general wel-fare clause, about which so much has been said, was known to the people of the United States before it found its way into the present Constitution. It formed a distinct substantive grant of power in the Articles of Confederation, and no one can claim that it had any such connection with the other specific powers in those articles which is claimed to exist between it and the delegated powers contained in the present Constitution.

Article 8 of the Articles of Confederation reads as follows:

All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the

This grant of power does not stand at the head of all the others, and it cannot be said to mean any more than a simple indefinite authority to expend the money of the Government in the execution of the powers that follow. It is well known that the difficulty under the Articles of Confederation respecting the power of taxation arose out of the failure or refusal of the States to comply with the just and legal requisitions of the General Government upon them and the absence of any power in the latter to enforce its demands except by physical force or by persuasion. The Government was a league created, not by the people, but by the States in their corporate character. and, while the Congress had full authority to demand any sum of money which they deemed necessary to meet expenses incurred for the general welfare, and the States were bound to furnish it, there existed no remedy but persuasion for its collection, and this, as we know,

utterly failed.

If the government of the confederation had authority under the article which I have cited to demand money from the States to pay expenses incurred for what Congress considered the general welfare, how can it be claimed that the same clause or language when transposed into the present Constitution—which is confessedly an instrument of larger and broader powers-will not warrant the same demands upon the people that were formerly authorized to be made upon the States? All expenses incurred for the general welfare and allowed by Congress were chargeable upon the common treasury of the confederation. The present Constitution empowers Congress "to lay and collect taxes, duties, imposts, and excises; to pay the debts and provide for the common defense and general welfare of the United

Can you give to the language of the Constitution less force or effect than was authorized by that of the articles of confederation? Can the said with the least show of reason that the words "to provide for the general welfare" mean nothing; that the powers of Congress would be as full and ample without them, by reason of the other specific powers which follow, when the very same language, employed in connection with other powers, has been held to be pregnant with

force and meaning?

Congress is to provide for calling forth the militia, to provide and maintain a navy, to provide for arming the militia. And each of these powers, according to a certain class of opinions, constitute disthese powers, according to a certain class of opinions, constitute distinct grants of authority to do the precise things mentioned, while "to provide for the general welfare" means no more than to attend to the public interests by exercising all the delegated trusts except this. Now, sir, the language "to provide for the general welfare," by the exercise of the revenue power, is just as definite, as clear, and pointed as the words "to provide and maintain a navy" or to provide for arming and organizing the militia.

Mr. Curtis, in his history of the Constitution, informs us that the revenue clause, as reported from the committee on detail, and as adopted unanimously by the convention on the 16th of August, gave Congress power to lay and collect taxes, duties, and excises, with a restriction only as to the taxation of exports, and that it did not designate any of the objects to which the revenue should be applied. At

ignate any of the objects to which the revenue should be applied. At a subsequent period the words "to pay the debts and provide for the general welfare" were added, and there is no part of the Constitution that throws more light upon the trials and difficulties connected with the adoption of our present form of government than the history of that clause, and nothing which I have heard has presented the true history of the adoption of that clause. Mr. Rutledge, from South Carolina, moved for a grand committee to consider the expediency of assuming the debts of the several States by the United States, which was granted, and it appears that the object of the reference was the propriety of inserting a specific power in the Constitution to authorize special appropriations for the payment of the debts of the United States and of the several States, and not to make a declaration of the purposes for which revenue should be raised. The grand committee reported the following provision:

The legislature of the United States shall have power to fulfill the engagements entered into by Congress, and to discharge as well the debts of the United States as the debts incurred by the several States during the late war for common defense and general welfare.

The committee on detail, on the following day, recommended that at the end of the clause already adopted, which gave Congress unlimited power of taxation, &c., the following words should be added:

For the payment of the debts and necessary expenses of the United States: Provided, That no law for raising any branch of revenue, except what may be specially appropriated for the payment of interest on debts and loans, shall continue in force for more than a term of years.

Two separate propositions, Mr. President, it appears were thus submitted to the convention. One to give Congress the power to pay the revolutionary debt, including those of the States; the other to declare that revenue and taxes were to be raised for the purpose of paying the debts and necessary expenses of the United States.

When the convention came to consider these propositions the report of the grand committee was modified, and instead of adopting the language of the report, the convention substituted that now found in the first clause of the sixth article of the Constitution, which declares

All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

The State debts were omitted from this article, but they were provided for by an amendment to the revenue clause, by the addition of the words to that clause as they are now found in the Constitution, as follows:

To pay the debts and provide for the common defense and general welfare of the United States.

I say, sir, and I say with great confidence, that these words were never intended as a limitation on the revenue power; that they were put into the Constitution not to restrain the authority of the Government in raising revenue, but to enlarge it even beyond the spirit of

the very general power previously agreed to by the convention. We know, sir, that there was no subject which engaged more serious attention after the Revolution than the question of the assumption of the debts of the States by the General Government. It was discussed and considered in the convention at Philadelphia, and it agitated, as we know, very greatly the councils of the new Government at New York. Mr. Jefferson has left it upon record that the disputes and dissensions which it occasioned gave rise to the first threat of secession ever heard in the United States, and that the location of the Capitol in this District was the result of a compromise entered into between the friends and the enemies of that measure. It is not just, in my opinion, therefore, to attempt to limit the power of this Government over taxation and revenue by the words which were added to the revenue clause for the purpose stated. I believe, sir, that the power and authority of this Government over the subject of revenue is as full and as broad as it would have been had the first clause of the eighth section of the first article never been amended. But, sir, see to what length the opposite doctrine will lead to! It is claimed that the revenue power should be limited to raising money for the payment of

Congress is empowered to borrow money on the credit of the United States, and there is no limit to this power whatever but what Congress may decide upon as arising out of the wants and the duties of the Government. We may borrow money, it seems, and create as many debts as we please in fulfilling any duty which we conceive to rest up on the Government, but we cannot in the exercise of the revenue power accomplish the same end and avoid a circuity of action by drawing directly upon the people.

Now, sir, I have but one authority to cite upon this part of this case, and I propose to show from the writings of Mr. Calhoun himself that this narrow view of the revenue power, which it has been attempted to restrict by confining it to cases within the express provisions of the delegated powers, was not the view entertained by that distinguished man of the meaning of the Constitution. In speaking about this very clause of the Constitution which has elicited so much dis-cussion in connection with this bill, Mr. Calhoun said:

cussion in connection with this bill, Mr. Calhoun said:

The first power delegated to Congress is comprised in these words: "To lay and collect taxes, duties, imposts, and excises, to pay the debts, and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States; but all duties, imposts, and excises shall be uniform throughout the United States." First, the power is given to lay taxes; next, the objects are enumerated to which the money accruing from the exercise of this power may be applied, namely, to pay the debts, provide for the defense, and promote the general welfare; and, last, the rule for laying the taxes is prescribed, to-wit, that all duties, imposts, and excises shall be uniform. If the framers had intended to limit the use of the money to the powers afterward enumerated and defined, nothing could have been more easy than to have expressed it plainly. I know it is the opinion of some that the words "to pay the debts and provide for the common defense and general welfare," which I have just cited, were not intended to be referred to the power of laying taxes contained in the first part of the section, but that they are to be understood as distinct and independent powers, granted in general terms, and are qualified by a more detailed enumeration of powers in the subsequent part of the Constitution.

That is what he says was claimed, but that is not his view of it.

That is what he says was claimed, but that is not his view of it.

If such were, in fact, the meaning intended, surely nothing can be conceived more bungling, awkward, than the manner in which the framers have enacted their intention.

That has been the argument against this bill, that the revenue power in the Constitution must be confined to cases falling within the specific or delegated powers that follow; and that is just what Mr. Calhoun has declared, strict constructionist as he was, that the Constitution did not mean.

If it were their intention to make a summary of the powers of Congress in general terms, which were afterward to be perticularly defined and enumerated, they should have told us so plainly and distinctly; and if the words "to pay the debts and provide for the common defense and general welfare" were intended for this summary they should have headed the list of our powers, and it should have been stated that, to effect these general objects, the following specific powers were granted.

Can language be more plain? And then he adds:

But suppose the Constitution to be silent, why should we be confined in the application of moneys to the enumerated powers?

I say so, too. Why should we be confined in the application of moneys to the enumerated powers?

Mr. MERRIMON. When did Mr. Calhoun make that speech?

Mr. JONES, of Florida. I do not care when he made the speech. I accept it as his recorded view, and I have too high an opinion of his judgment to think that any subsequent change of opinion as to the politics of the country could affect his position upon a constitutional enterties. question. He says:

There is nothing in the reason of the thing, that I can perceive, why it should be so restricted; and the habitual and uniform practice of the Government coincides with my opinion.

I say if Mr. Calhoun from his stand-point when he made that speech could have honestly entertained the sentiments therein set forth, surely I can entertain similar sentiments at this advanced day in our history. Surely the advocates of the strictest construction cannot object to Mr. Calhoun as an authority on this subject, and he gave it as his deliberate opinion that the first clause of the eighth section of the first article of the Constitution did contain a substantive grant of power to this Government, and that there exists no necessary connection between the revenue and taxing power of the Government and the other enumerated powers in the Constitution, and to this doctrine I fully subscribe.

It would be a profitless task for me to point out the many instances in which Congress has voted the money of the people for objects not within any of the specific powers of the Constitution. The truth is, sir, the only proper limitation upon the powers of the Government in cases like this is in the sense and justice of the people. It has never happened, and I do not think that it ever will happen, that Congress will be in advance of the people in its desires to promote the happiness or mitigate the sufferings of the human race. And if we can find no protests upon record from the people against the many instances in which this Government exerted the blessed powers of charity and benevolence, it is because the strong feelings and sentiments of justice and humanity outweighed the selfish dictates of man, and our people have claimed the right to infuse into the cold and calculating nature of the statesman and politician some of the warm sympathy and generosity which have ever resided in the popular

Never did the sage of Monticello indicate a more profound knowledge of the virtues of this people than when, with all his deep-rooted convictions against the exercise of indefinite power, he advocated the bestowment of a fortune upon Lafayette. And when the future glory and grandeur of his country demanded that he should not hesitate to open up the great valley of the Mississippi to the sea, schooled as he was in the principles of strict construction, he sacrificed his scruples for the sake of his country, and found his vindication in the confiding

and patriotic approbation of the American people.

Sir, this Government has been forced very frequently by the advanced sentiments of the people to acts of charity and benevolence. It it now asked to do something in the interests of patriotism and national unity, to borrow a phrase from the distinguished Senator from Indiana. I can conceive of nothing more worthy or meritorious than the proposed celebration of our national independence, and if I thought that the people of this great country were so far lost to all the promptings of national pride and patriotism as to be unwilling to see the birthday of their independence properly honored in this cen-tennial year, I would regard such a symptom of degeneracy as an evil

tennial year, I would regard such a symptom of degeneracy as an evil omen for the future glory and increased greatness of the Republic.

I am not sure, Mr. President, that if it were now proposed for the first time to celebrate this great event in the manner already determined upon, that I would favor the plan. I think I should oppose it. I believe that it is always best to do directly what is proper to be done at all. And I would prefer, if I had my way in this matter, that the proposed celebration should be under the sole direction of the Government of the United States, and that there existed no ground for even the insinuation that a profit may possibly result to any individual from so holy an undertaking as this.

But, sir, we have now no choice about the matter. Whether wisely or unwisely, this Government and this nation are committed to this object. I will not hunt up the record to see who voted for or against

object. I will not hunt up the record to see who voted for or against the several acts of Congress which have made the proposed celebra-tion a national affair. It is not a subject for crimination or recrimi-nation. I will not treat it in a party spirit. I will concede to those who passed those laws the same honesty of purpose that I claim for

who passed those laws the same honesty of purpose that I claim for myself. It is enough for me to know that the representatives of the people in Congress assembled did decide to celebrate the grandest event in human history by appropriate ceremonies under the direction of a corporation created for the purpose.

It is enough to know that the national authority has been put forth and the broad seal of its commendation stamped upon this enterprise. However much we may wrangle and differ here about our municipal or local concerns, there is no one I believe in this body who does not feel an bonest pride in everything which explicated who does not feel an honest pride in everything which exalts and dignifies the character of our institutions in the eyes of surrounding nations. If we cannot add to the character and dignity of the nation and increase its claims to the respect and confidence of those who may have an interest in depreciating its grandeur and honor, let us not by any act of ours either tarnish or sully its name.

I have heard it said, sir, that the Government, in every act of Congress enacted upon this subject, disclaimed all liability for the expenses enacted upon this subject, discraimed an inability for the expenses of the proposed exhibition, and that no one could impute bad faith to the United States even if, by refusing to aid the enterprise, it should ultimately fail. Sir, this sounds too much like the language of the exchange. All admit that there would in the event supposed be no money liability; but, sir, there are some things in the world, even at this day, the importance and value of which cannot be measured by dol-lars and cents. Do not imagine that those haughty princes and poten-tates whom you have notified of the grand exhibition will ever trouble themselves by looking into your statutes to find an excuse or apology for republican shame. Does any one suppose that, after the formal and high-contracting solemnity of the invitations you have sent to all the nations of the earth to come and meet you on the spot where one hundred years ago your freedom was proclaimed, you could tell them without shame and dishonor that you intrusted their reception and entertainsname and dishonor that you intrusted their reception and entertainment to a company of gentlemen commissioned to take up a subscription to meet the expenses of the occasion; but that, owing to the hardness of the times—the contraction of the currency, it may be—the money could not be raised, and the affair had to be postponed for a hundred years hence? There is not a bawdy chronicle or penny magazine in all Europe that would not hold us up as a laughing-stock to the world, and the derision of maukind, if such a disgraceful failure should attend this centennial business. should attend this centennial business.

Sir, this is a subject with which we cannot afford to trifle. corporation which you have created to conduct and carry out the pro-gramme of the proposed celebration is in no sense a business corporation. I confess that I share in none of the prejudices entertained against corporations. I shall always look to the object in view more than to the means to be employed to attain it, in forming my opinions upon questions like this before us. A stranger to these proceedings would have supposed that the chief object of the proposed appropriation was the endowment of a private corporation for the benefit of its stockholders. I hope, sir, notwithstanding all we have heard about the degeneracy of the times, that we are not sunk quite so low about the degeneracy of the times, that we are not sunk quite so low in the scale of turpitude and degradation as to afford justification for the charge that there is a single person connected with this grand undertaking who would be willing to engage in the business of speculating in the honor and glory of his country. For myself I do not, I cannot believe it. I do not think there is a man worthy of the name who is capable of contemplating the sublime patriotism of the men who declared our independence, and with a knowledge of the sacrifices and perils which they incurred for their country, that could be induced to accept under any circumstances a necessiary advantage. induced to accept under any circumstances a pecuniary advantage for whatever little return he can make to the memory of those to whom he stands indebted for his freedom.

I have said, sir, that I looked more to the object than to the means intended to accomplish it. And what is that object? It is to show to the world what man can do for himself when left to the free choice of the means and agencies to work out his own happiness and prosperity. It is proposed to put in comparison with all the civilized world this great country, with its institutions, its arts, and its industries. I say its institutions, Mr. President, for, although there will be no pavilion at Philadelphia where we can exhibit within a narrow to do in respect of improvements and refinements in every other art, still the thousands of men who shall come here from the four quarters of the globe and from under every system of government known to the world will, from the moment they touch your soil until they leave it, and in every State they shall visit, have before them and placed in comparison with the systems they left behind the great results of one hundred years of "a government of the people, by the people, and for the people."

And if, in reviewing the unparalleled advancement of our country during this time from a state of colonial vassalage and weakness to its present state of grandeur and power, our invited critics may find fault with the deplorable civil contest through which we have lately passed, let us hope that, while we cannot claim any exemption from the passions and jealousies which drive men to madness and to war, we will at least be able to show them that we are not behind the rest

of the world in the cultivation and honest exhibition of those manly virtues which inculcate the lessons of charity and brotherly love. If we shall be unfortunately compelled to admit that the evil prophefulfilled, and that civil war has desolated our land and for a time divided our people, let it be our pride, as I trust it will be, to show to the whole world that a government founded upon the unalienable rights of man has survived our civil dissensions; and while we have had conquerors whose achievements have equaled those of Napoleon and Caser, he Publican has yet been greated at the set of the property of the set of the set of the property of the set of the property of the set of th and Cæsar, no Rubicon has yet been crossed or grenadiers directed to enter these Halls to crush the liberties of the people. For one, sir, I am anxious that this comparison shall be made. We owe it to ourselves, and we owe it more to the memory of the men and patriots whose wisdom and blood have given us our freedom. The immortal

even now be looking down upon us from his habitation in the skies, to see in what way we estimate his exalted services. His spirit will to see in what way we estimate his exalted services. His spirit will hover over us during this centennial year, and I trust in God that the influence of his great example will inspire us with something like the wisdom and charity which he exhibited while here below. And while we shall with pride observe the great advancement which has been reached in everything that was capable of improvement since he has departed from earth, we will also rejoice that it has not been permitted to the world to furnish a rival whose virtues or glory can cast a shadow upon his great name. shadow upon his great name.

spirit of him whose ashes lie almost within sight of this Capitol may

great name.

Land of the West! though passing brief
The record of thine age,
Thou hast a name which darkens all
On history's wide page.
Let all the blasts of fame ring out,
Thine shall be loudest far;
Let others boast their-satellites,
Thou hast the morning star.
Thou hast a name whose character
Of light shall ne'er depart;
'Tis stamped upon the dullest brain,
And warms the coldest heart.

Let us not stop now in this great work. This Philadelphia show, depend upon it, will be of infinite benefit to the human race. The cause of liberty at home and abroad will receive a new impulse from its teachings and inspirations. The state of Europe at this time will be compared with the state of America, and the cause of human freedom may profit by the comparison. Looking into the affairs of other nations as we shall see them represented here we will entertain a higher opinion of our own. The legions of despotism now darken the fairest portions of the earth. Millions of men at this moment are fairest portions of the earth. Millions of men at this moment are

under arms ready to do the bidding of kings and emperors and deluge Europe with the blood of its people. With all the light and knowledge of this most enlightened century combined with the influence of the meck spirit of the gospel, the condition of man as regards the enjoyment of liberty is little better in the Old World to-day than it was one hundred years ago. Look at the present state of Europe. Germany is armed and drilled and every energy and resource of that great country is directed to the support of a huge military despotism which is preying on the vitals of her people. Conscription in the midst of seeming peace drags from industry a vast proportion of her inhabitants, and millions of men that might be profitably employed in multiplying the productions of the earth and contributing to the wealth and happiness of the world are dressed in the trappings of war and stand ready to sacrifice their lives in executing some scheme of ambition. France, smarting under the defeats of an ill-advised war, is marshaling her forces and spending her vast treasures in order to be ready at a future day to enter upon a new contest to regain her lost prestige as a warlike power. The huge military power of the north still maintains its despotic sway over its vast empire, and millions of souls there continue to hope in vain for some gleam of popular liberty. Spain, torn and distracted by civil war, is struggling to prop the throne of a feeble prince upon the ruins of a short-lived republic. England, the great seat of European wealth and wisdom, while yielding on one hand to the popular spirit of her people, still has her coercion bills and mutiny acts, and denies to millions of her subjects the common benefits of her wise constitution.

In America alone, with all the mistakes and errors of party, the Government is yet subject to the control and under direction of the people. All the blundering of politicians, all the bitter fruits of the most bitter civil war the world has ever seen, all the usurpations of the hour, all the strain and tension to which our constitutional system has been subjected, have not yet destroyed the temple of American liberty. Despots and tyrants have prayed and wished for its downfall. Its simplicity and grandeur have been felt in the recesses of their haughty palaces and council chambers, and have filled them with hesitation and dismay. It has kept constantly before the eyes of oppressors and tyrants the unpalatable truth that behind all their formidable intrenchments of power there is no security for injustice against the attacks of an enlightened and spirited people. That while man may be blinded for a time into a tame abandonment of his rights, by withholding from him all knowledge of his rank and end in the creation, once the guiding star of freedom dispels the darkness of tyranny from around him, the images of royalty, the purple of oppression, no longer dazzle or intimidate. He becomes converted from a worshiper into an iconoclast, and these objects which inspired him with feelings of mingled devotion and terror, under an awakened sense of his rights and his errors he tramples forever in the dust.

with feelings of mingled devotion and terror, under an awakened sense of his rights and his errors he tramples forever in the dust.

Mr. President, it is said that we are very poor; that we are in debt, and cannot afford this expenditure. Sir, we are not poor, and our debt is within our means of payment. I have never known the plea of economy interposed when the national character was involved. I believe in holding officers to accountability, and watching the expenditure of the public money. But I do not believe in that statesmanship or in that policy which would refuse to every enterprise the aid of the Government because the advantages to be derived from it cannot be calculated in dollars and cents. I believe in the wisdom of cultivating, especially at this time, the national spirit of our people. And if the proposed celebration will only have the effect of softening in some small degree the asperities yet lingering between the sections of this great country, the amount appropriated by this bill could not be better expended than in contributing to such a

It was impossible to devise a plan which would be worthy of the object to be accomplished by this exposition without connecting this Government with it. Had the enterprise been attempted solely by individuals, however wealthy or influential they might be, the affair would not have attracted notice beyond the State in which it originated? Had the States undertaken the matter they could not have negotiated with one another or entered into agreements regarding it, for they are prohibited by the Constitution from making any such agreements and from holding any intercourse with foreign States? It would be strange if the Constitution, while containing barriers like these and in appropriating to itself all power over our international and interstate affairs, should be so very defective as to have left us without any public authority by which and through which the nations of the earth could be invited to share in this most important celebration.

And, sir, independent of the special interest which all must feel in this exhibition as commemorative of our liberty and glory, who can tell what benefits may not result to the material interests of our people from the enterprise proposed? Much has been accomplished within the last one hundred years for the happiness and well-being of our race by the labors and exertions of science. And it cannot be denied that the efforts of those who were ever in advance of those around them in progressive science were met with objections numerous and weighty, which it is well for all did not prevail. This is the last country in the world which should refuse its aid to science. In the beautiful Art-Gallery which adorns this city may be seen a magnificent picture of Columbus struggling to convince the haughty doctors of Spain that the true theory of the earth's surface justified his convic-

tions as to the existence of a western continent. What would not that great man have given if, when he first conceived the thought of his great discovery, he only had an audience to appreciate the grandeur of his bold design? If in that dark day there could have been a show at Madrid like that proposed at Philadephia, it is possible that innumerable blessings in addition to that conferred by the genius of Columbus would have resulted to the human race. Much has been accomplished during the present century in the field of science and art, and it should be both our pride and our duty to compare the part we have performed in this great contest of mind over matter. In summing up the work of the century in philosophy and science, to use the language of one of the most gifted writers of the present cra, we can show what has been done for the interests of our race in these fields of inquiry.

They have lengthened life; they have mitigated pain; they have extinguished diseases; they have increased the fertility of the soil; they have given new securities to the mariner; they have furnished new arms to the warrior; they have spanned great rivers and estuaries with bridges of form unknown to our fathers; they have guided the thunder-bolt from heaven to earth; they lighted up the night with the splendors of day; they have extended the range of the human vision; they have multiplied the power of muscle; they have accelerated motion; they have annihilated space; they have enabled man to descend to the depths of the sea, to soar into the air, to penetrate securely into the noxious recesses of the earth.

But it is claimed that the Constitution in providing for copyrights and patents for the security of authors and inventors has done all which was intended to be done in the interest of science and art. This provision of the Constitution, it is true, was intended to promote the interests of science by giving a premium to those who should bring to light new discoveries and inventions. But if this proves anything, it proves the interest which the people felt in this subject, by withdrawing this power from the States and conferring it on the General Government. It is well known that before the adoption of the Constitution laws were enacted by the several States regulating copyrights and patents, and it has ever been a subject of legislation in all countries; and the transfer of this power from the States to the General Government cannot be construed as making a limitation upon the other powers of Congress. Suppose this power had been left with the States and nothing was said in the Constitution upon the subject of copyrights or patents? Then, with this very power in the hands of the States, the powers of Congress to promote science and art it seems would not be open to this objection. But, sir, this provision was intended to confer authority upon Congress to establish a permanent system to protect inventors and discoverers; and one of the largest departments of your Government is now devoted to this object. It was not the purpose of the Constitution to limit the general authority of Congress by a provision extending its power to cases which would not otherwise fall within it. But even admitting that this is the only way in which Congress can promote the interests of science, which I do not believe, let it be remembered that the avowed object of the proposed exhibition is not the promotion of science or art. In discussing this question we cannot disregard the language of the acts of Congress, which are the groundwork of this whole centennial business. The avowed purposes of the exhibition is the celebration of the ce

sion. This is the means to be employed to accomplish another and a distinct purpose.

Mr. CAPERTON. Mr. President, I feel very reluctant to participate in this debate, wearied as I am sure the Senate is with the protracted discussion. I feel impelled to take part in it from the consideration that I am alone among the representatives of the State which I in part represent in voting for this bill. I do not propose to entertain the Senate by a dissertation upon the Constitution or constitutional history, nor do I promise to entertain you with anything in the way of rhetorical exhibition. I feel it due that I should statethe grounds on which I shall give my hearty and earnest support to the bill under consideration, in order that the people whom I in part represent may account for the singular position which I chance to occupy.

occupy.

This is a bill for an appropriation of money to a national celebration, and the question is whether we have the constitutional right to make such appropriation. I have listened to the various objections upon constitutional grounds, and I shall briefly reply to them.

In the first place, we might very well felicitate ourselves upon the

In the first place, we might very well felicitate ourselves upon the announcement made by the distinguished Senator from Georgia who addressed the Senate yesterday, [Mr. Norwood,] that there are some five or six clauses in the Constitution upon which we justify this bill. That is more than sufficient for our purpose. But I will endeavor to show that there are certainly one or two; I will address myself to one, upon which we might safely rely.

The Constitution provides that Congress shall have power to lay taxes, &c., for certain specified purposes, namely, for the payment of debts, to provide for the common defense, and to promote the general welfare. Let us see whether the authority is to be derived under this

The Constitution provides that Congress shall have power to lay taxes, &c., for certain specified purposes, namely, for the payment of debts, to provide for the common defense, and to promote the general welfare. Let us see whether the authority is to be derived under this clause of the Constitution. I know it will be somewhat shocking to those gentlemen who entertain peculiar views as to the powers derivable from the Constitution to attempt to maintain an appropriation under this clause. But I think it may well be maintained.

under this clause. But I think it may well be maintained.

What is meant by the general welfare? Anything which promotes

the great ends and objects enumerated in the preamble to the Constitution, reference to which was made by the Senator from Texas, Mr. Maxey, ] for which he was twitted by the Senator from Virginia [Mr. Maxey,] for which he was twitted by the Senator from Virginia [Mr. Withers] as having proposed to derive authority not from the Constitution but from this preamble. Now, the view taken by the Senator from Texas is altogether defensible. If you ask what "general welfare" embraces, surely it will not be denied that the insuring of "domestic tranquillity" is indispensably necessary to the general welfare. In determining what is included in this expression, you will, and properly, look to the preamble for determining what were the great ends and purposes in ordaining the Constitution, and as one of the great purposes was to insure domestic tranquillity, we may advance that great purpose under the power to lay and collect taxes in order that great purpose under the power to lay and collect taxes in order to promote the general welfare.

Why, sir, if the Congress of the United States believes that this

appropriation will have the effect to soften, to relieve, or to remove the unpleasant and unfriendly feelings which were caused by that unfortunate conflict from which we have so lately emerged, it is certainly a great end to be accomplished, and one which may be attempted

under the power to which I have referred.

Now, sir, I ask my friends, the strict constructionists, if they can conceive of any exercise of power under that particular provision of the Constitution according to their views? If there can be no occasion for the exercise of power under that particular clause in the Constitution, why was it placed there? They render it superfluous and nugatory, and it might as well be erased. I ask my friend on my right, who addressed some remarks to the Senate the other day, where did Congress get the authority to purchase Louisiana and Florida?

Mr. EATON. Does the Senator from West Virginia refer to me?

Mr. EATON. That question was not put to me, that I recollect, during the time I was discussing this matter, nor did I go into the discussion of the question at all. I simply said that elsewhere, not here, it had been urged that we had the right to do this because of Now, sir, I ask my friends, the strict constructionists, if they can

there, it had been urged that we had the right to do this because of the purchase of Louisiana. I did not defend the purchase; I simply said that Mr. Jefferson himself doubted the power to purchase Louisiana, but the great public necessity induced him to do what he believed not to be strictly constitutional.

Mr. CAPERTON. I do not recollect precisely the language of the Senator from Connecticut in answer to the inquiry as to where the power was derived to purchase Florida and Louisiana. He said something about the duty of Congress being to provide pensions; I do not know in what connection or with what meaning, but there was an exercise of power; and under what provision of the Constitution? Where do you find any specific grant of power in the Constitution under which you will support those acts and a number of other acts? Where do you find any authority to provide by appropriations for pensions, for revolutionary pensions? Where do you find a power to make those numerous appropriations, running down through the history of our Government? Where is it, unless it is under the clause which authorizes Congress to levy taxes in order to promote the gen-

I think that of all occasions this is the one where that particular power may and should be invoked in support of the appropriation which is now the subject of discussion. I do not propose to enter into any particular detail of instances, and shall only recall the minds of Senators to a long list of appropriations for medals for the Vienna exposition, for the London exposition, for the Paris exposition, and for the relief of the people of Ireland during the Irish famine. Where did Congress derive authority for those enactments unless it was un-

did Congress derive authority for those enactments unless it was under this provision to promote the general welfare?

Mr. EATON. Will the Senator allow me to interrupt him?

Mr. CAPERTON. Certainly.

Mr. EATON. I beg to ask if the Senator from West Virginia says that the money which purchased provisions for the relief of the poor of Ireland was appropriated under that clause of the Constitution which relates to the general welfare of the United States or the general welfare of Ireland? Which? [Laughter.]

Mr. CAPERTON. I will ask the Senator from Connecticut, if it was not under that, to tell the Senate under what clause of the Constitution the authority was derived.

Mr. EATON. That is another question entirely.

Mr. CAPERTON. Yes, sir; and I think it is a fair offset to the inquiry.

quiry.

But, sir, the Senator from Georgia as well as the Senator from Connecticut, maintains boldly and emphatically that we have no right to make an appropriation to a national celebration. I believe their principal objection and difficulty is to the word "national." I have understood that the question has been asked in the course of the discussion of this question as to whether the Constitution contained the word "nation" or the word "national." Now, I understand that the United States were consolidated for the purpose of making this Government national with reference to foreign nations. Certainly the gentleman cannot object to the employment of the word to that extent. We might compromise. It is national to this extent at least. There was no necessity for inserting the word national or nation in the Constitution any more than there would be occasion for inseribing upon the name of the lord of the forest "this is the lion." We are a nation with reference to foreign nations. We were made so by this very Constitution under which we are now living.

But if gentlemen do not want to, are not willing that we shall rest this appropriation upon this particular clause of the Constitution, let us see if we can find authority for it under another clause of the Consti-In regard to the doctrines of the general welfare, my view is that wherever there is anything to be done which plainly and indisputably has a national character, we can do it under the clause authorizing the raising of money for the general welfare. It must be national, it must be plainly so, to satisfy my mind; it must be indisputably so. That is to say, the act must of course be necessary to be performed; and when it is so, if there is no special provision in the Constitution authorizing the act to be done, then we can come in under "the general-welfare" provision. Otherwise you make the language employed in this particular clause of the Constitution absolutely nugatory and unmeaning. All these appropriations to which I have referred I have no doubt did have reference to that particular clause, for there is specified power under which they could have been allowed.

But, sir, there is a provision in the Constitution which authorizes Congress to regulate commerce between foreign nations and with the Congress to regulate commerce between foreign nations and with the several States. Let us see if it may come under that provision. There is another provision in the Constitution which authorizes the enactment of all laws necessary and proper to carry into effect the granted powers. I suppose these strict constructionists contend that in acting under that provision of the Constitution they can do nothing which is not absolutely necessary to carry into execution the granted powers. That I suppose is the view of my friend from Constitution that the constitution that the constitution described the second of necticut; but the language of the Constitution does not admit of any such interpretation, because it is not that Congress has a right to make all laws necessary; it does not say that Congress has the right

make all laws necessary; it does not say that Congress has the right to make all laws absolutely and indispensably necessary; but it says Congress has a right to make all laws "necessary and proper." The word "proper" qualifies the preceding word "necessary."

Under this authority to regulate commerce, is there anything in the object for which this appropriation is asked to be made which constant that it is appropriation of the same of the constant of the co nects itself in any manner with commerce? The regulation of commerce, I suppose, means the promotion of commerce. I do not know but that my friends who are so strict in their views of the Constitution might attempt to maintain that, although Congress has the right to regulate, Congress has not the right to promote. I apprehend, however, that everything which promotes commerce can be done lawfully and properly under that clause in the Constitution. Well, sir, has this occasion on account of which we are asked to make this apand between the States? I can only refer to our past experience in regard to those expositions to which Congress has made appropriations. Take the Vienna exposition. What was the result of that? Our artisans went there and made an exposition of their various arts and manufactures, and the result was a very great enlargement of our trade with nations that had never perhaps before had any or a very limited trade with us. I saw it stated somewhere the other day, and I have no doubt of the truth of it, that in the article of leather and leather goods a trade which amounted to some \$300,000 or \$400,000 was increased to some \$7,000,000 or \$8,000,000. I saw it stated further, and it is a fact which I have no doubt has come to the attention of the distinguished Senator from Connecticut, that one concern in Hartford went to Vienna and exhibited the machinery that they had wrought for the purpose of working in iron and steel, and such was the effect that in a short time thereafter there was an order from the Prussian government for machinery to make a million rifles, and that company actually put in their pockets the sum of \$800,000 for the machinery which they furnished. Now I ask my friend who wants to do something for his suffering people, who, he says, are oppressed with debt and taxation, to go with me and unite in an effort to do something in their behalf. There is one single instance of experience, and I cite him that as showing that, in carrying out this great centennial exposition, his people and that class of his people upon whom he most relies will be

greatly benefited.

Sir, we have not only that experience to satisfy us that we may promise ourselves great benefit from this collection of the industries of the world at Philadelphia on this great occasion, but we have the experience of France and of Great Britain. I shall not occupy the time of the Senate by going into a reference to these facts, but I maintain the proposition as a general one that in every conceivable art, manufacture, and industry, I have no question that our interests will be greatly subserved by this great national exposition.

One word upon another point. When it is said that Congress has a sight to appropriate money for a salebastion than if the gentle.

One word upon another point. When it is said that Congress has no right to appropriate money for a celebration, then if the gentlemen who oppose this bill believe that it can come in under its power to regulate commerce, I ask their assent and support. Why, sir, the object is the celebration; but as incidental to that, in order to hold out all the inducements for the purpose of gathering around the people of Philadelphia on that great occasion from all portions of this country, they have made this a national exposition. I say it was wisely done. It was wisely done, because it was done no doubt with a view to make it as popular and to assemble there as large a number of people as was possible to do, throwing out all sorts of temptations and all sorts of inducements.

It is beneficial in another respect, which was referred to by the distinguished Senator from Vermont [Mr. MORRILL] the other day. It affords to our people, our skilled laborers, the best opportunity that can be afforded for improving in their arts. There they will come,

and they will study the improvements that are brought from all portions of the country and from abroad, and we know how apt and ready our skilled artisans are to appropriate to themselves the benefit of suggestions which may come to them in that way. lieve I have seen it stated somewhere that at the London exposition the government actually provided free transportation for all the skilled workmen of the realm, and that they came up there by thousands and tens of thousands in order to avail themselves of that great school, of that great opportunity for education which was afforded by the munificence of the government. I regret, sir, that this Government is not in a condition to extend its appropriations for the purpose of securing a benefit of that kind.

So much for the power under the Constitution to regulate commerce. I shall hasten through, for I am very much indisposed to weary the Senate. But this is objected to upon the score that the Government is becoming a party to a joint-stock company, as the Senator from Georgia said a joint-stock company for speculation. I think I heard my friend from Connecticut make a similar objection. Has it never been that the Government has united with a joint-stock company for the purpose of promoting the great interests of the country? Does the gentleman from Connecticut recollect that as far back as 1816 the Government became a stockholder in a great joint-stock company to the extent of \$7,000,000? I refer to the Bank of the United States. Where was the objection then to the Government being a party or a stockholder in a joint-stock company?

It is objected further that this is a subsidy to a joint-stock company. "Subsidy" is a most unpopular word at this particular time. This may have resulted from proceedings had before the Congress of the United States a year or two ago in reference to the Pacific Mail matter. A certain odium has attached to that word, and it is seized upon now and made a synonym for plunder and fraud. It is an unpopular word, and the idea is if you can attach it to any proposition made

word, and the idea is if you can attach it to any proposition made before Congress it will destroy it.

I am free and bold to say that I am not opposed to subsidies. In this particular instance, granting that it is a subsidy, how fortunate it is for us now, at a time when the Government is so much embarrassed in her finances that she cannot afford without great inconvenience to embark in any matters of national concern, that we find gentlemen in Philadelphia, patriotic and able, who come forward and enter upon the initiative in this great celebration, the Government being only asked to supply one fifth or one-seventh of the cost. Apart from the asked to supply one fifth or one-seventh of the cost. Apart from the efforts of private individuals, it was the high duty of this Government to contribute largely to the full measure of all that was necessary for a great occasion of this sort, the celebration of the centennial birthday of freedom. But when these patriotic gentlemen about Philadelphia who initiated this movement, who have contributed their money, not upon any sordid calculation of pecuniary gain, but from a generous and noble and patriotic impulse, have come forward and contributed their five or six million dollars, and this Government is to that extent relieved and is only asked to come in and supply about one-seventh of the whole cost necessary to the great coming celebration, what if she does do it by way of subsidy? So with reference to every other thing. If there is a measure of great national importance proposed to be carried out by private enterprise, if it is a matter of great necessity to the Government as a nation, where is the objection to the Government coming in and giving it such aid as it can afford to give? If you will look through the history of subsidies, you will find that that has been a part of the policy of the British government for the last five hundred years, and by means of that as much as anything last five hundred years, and by means of that as much as anything else that government has built up her arts and her manufactures, her navigation and her commerce, until she now is the great creditor nation of all the nations of the world. If we had adopted this system of subsidies, in all probability we now might have successfully competed with England for that carrying trade which she has appropriated to herself exclusively. I believe the attempt was made. I am not very familiar with the history of it, but I believe there were subsidies given to the Collins line. Subsidies had been given by the English government to the Cunard line, and the Collins line was English government to the Cunard line, and the Collins line was started here and subsidies were supplied by this Government until it became weak kneed and finally abandoned the contest.

If we are to build up our carrying trade, we can only do it upon the system of subsidies. It is a convenient way; it is a proper way; there is no constitutional difficulty in the way; and whenever an occasion occurs I shall vote for it. And now, instead of yielding to that opposition to subsidies which has become the shibboleth of party, I say opposition to substitute which has become the simboleth of party, I say now I am an advocate of subsidies. I shall not be restrained by the denunciation of this party or that party from voting in favor of a policy to which I can in my judgment and conscience subscribe.

I am proceeding with this discussion in rather a discursive way,

because I only intended to note the objections made by those who oppose the bill, and I therefore omit some matters that I desired to I do not regard for one moment the criticisms and the objections that have been made to this bill with reference to the previous pledges given with regard to the appropriation; that is altogether out of the question. It does not stand in my way one single moment; nor do I regard the assaults that have been made upon the generous and patriotic men who have initiated and carried forward this enterprise to its present condition. The attempt has been made to belittle and absolutely impugn their motives, charging that it is a mere private speculation, charging that it is a ring, that we are asked to make this

appropriation for the benefit of a ring. Those charges and objections do not weigh on my mind. I am willing to concede that it is for a ring—yes, sir, a great ring that is encircling that tree of liberty planted one bundred years ago, which is extending its branches until we are emboldened to invite the nations of the world to come and repose under its shade. That is the ring. That is the character which I would ascribe to these gentlemen who have gone on and who have done so much for the advancement of this great national celebration. I did not propose to engage in this discussion; and I should not have said any-thing if it had not been for the objections made to the original proposition. I am satisfied that for great political reasons this enterprise ought to go through. I am satisfied that for special reasons affecting our condition in a commercial point of view it ought to take place; and upon every conceivable ground, without the slightest doubt or misgiving as to our constitutional power, I think it is our highest duty to grant that appropriation, and to secure the benefits of it.

Mr. ALCORN. Mr. President, I did not intend to say a word upon the subject water discovering the Senate and I would not now

the subject under discussion before the Senate, and I would not now attempt to speak were it not for the fact that the question here to be decided is about to be decided upon what logicians call false issues. To hear the speeches that have been made to the Senate upon this subject one would suppose that there was a class of Senators here who were opposed to the centennial exhibition at Philadelphia. I do not suppose there is a man in the Senate, I do not suppose in truth there suppose there is a man in the Senate, I do not suppose in truth there is one in all the broad land, who is opposed to the centennial exhibition at Philadelphia. Is there a man here, is there one in all the land, who is not proud of the grandeur, of the glory, of the wealth of this nation of ours? Certainly there can be none. I object, then, that any imputation shall go out to the country upon the patriotism of those who see proper to vote against this bill. I yield for myself to no Senator on this floor in the patriotism which is necessary to the citizen in maintaining the Government under which we live, and I object that there should be any imputation or deduction of a want of natriotism upon my part because I see proper to vote against this patriotism upon my part because I see proper to vote against this bill; nor do I hold that there is any clause in the Constitution pro-hibitory to the appropriation. Among the powers that are granted under the Constitution there are implied powers, and those powers then go forward and merge into expediencies, and from these expediencies it becomes the province of the Congress of the United States oftentimes to vote money in cases where the authority would be difficult if it were endeavored to be traced in the express language of the Constitution.

The Government as framed by our fathers was framed for a particular purpose; but as the population extends, as the country grows in wealth, the Constitution was made to expand itself, and be at all times sufficient for the protection and the outgrowth of the Governtimes sufficient for the protection and the outgrowth of the Government. This Government is a government of the people, and while Senators present the fact that the government of Great Britain gave its treasure in support of the great international exhibition at London, that France gave its treasure in support of the great international exhibition at Paris, and that the Austrian government gave its protection also and its treasure in support of the exhibition at Vienna, they would go further and say that the government also paid the officials, and that the government at those exhibitions was represented in all its strength in all its property. But the Government in all its strength, in all its power, in all its glory. But the Government of the United States is different from these. While I would urge forward the citizens of this nation to the centennial exhibition at Philadelphia and to the celebration of the centennial day of Independence everywhere in the broad land, I would endeavor to preserve the distinctive character of our Government when contrasted with the governments of the Old World. This is a Government of the people, and the centennial exhibition should represent the people of this nation, by whose consent they are governed and by whose power the Government is maintained. The characteristic difference between the governments of the Old World and the Government of the New, the one that we represent, should be maintained even at the Centennial, and the Centennial at Philadelphia should represent the patriotism of the people, the outburst of the people of the nation, whose Government it is, and not the power of a government that controls and man-

ages the people.

I hold that the wealth of this nation owes something to the Government. Do the wealth and intelligence of this country owe nothernment. ing to the Government except merely that which is enacted by law? The wealth of the country, the possession of that wealth, the title to that wealth, are maintained by the virtue and intelligence of the people which takes the form of law by the consent of the people and is made to give protection to the possessions which they hold. The holders of the wealth of the country owe it to the country that in all exhibitions of this kind they should represent their patriotism—a patriotism which they owe to the Government which maintains them in the possession of their fortunes. The poverty, the toiling millions of the country, should not under the coercion of law be called upon to give these exhibitions for the amusement or for the benefit of others. I repeat, does the wealth of the country owe nothing except those duties which are defined by law? It certainly does. Without the consent of the people, without the voice of the people upholding and maintaining the resources of this land, their title is liable at any time to waste away. The men of wealth throughout the land should be permitted to come forward without any coercion on the part of the Government and make these exhibitions of their patriotism for the benefit of the masses of the people. In order to afford the opportunity to them to do this, it should be stripped of all the attributes of coercion

given in the form of law and derived from taxation.

Certain gentlemen in Philadelphia saw proper to come forward and ask for an act of incorporation, that they might be protected under the law of the country and that the Government by giving this act of incorporation should recognize, as far as is proper to be recognized, its consent and the consent of the people; and no further than this should the people be required to contribute, certainly not one dime beyond what they willingly give from their own purses.

I regret that a single word has fallen from any Senator on this

for assailing or impugning the motives of the people of Philadelphia, who have gone forward in a spirit of enterprise, or, if you please, prompted by the desire of gain, in order to make this exhibition a success. They are entitled to the commendation of every man in the land. They deserve the approbation of the people everywhere. But, when they come to ask that the Congress of the United States shall when they come to ask that the Congress of the United States shall furnish the means, they undertake to make the international exhibition at Philadelphia conform to the character of exhibitions which have been held in the Old World. Must my patriotism be impugned if I refuse here to tax the people of the State which I in part represent, or to take a portion of the money which is derived from the taxes that accrue from their labor, for the purpose of carrying forward this exhibition? Must my patriotism be called in question when I present the fact that there are dozens of men in Philadelphia and New York whose wealth nearly equals the value of the whole and New York whose wealth nearly equals the value of the whole taxable area of the land of the State which I in part represent? Must my patriotism be impugned, or must I be held to be opposed to the centennial exhibition, if I refuse here to divert a portion of the tax which is derived from the poor laboring-men of the South, or of the East, or of the West, derived from their hard earnings, in order to contribute to a great national exhibition that is now on foot, that to contribute to a great national exhibition that is now on foot, that is to be in full glow in Philadelphia on the 4th of July, 1876? Must Congress be represented at the Centennial? Must the Government be represented there? I hold that the people should be represented at the Centennial and that the Government should only give its recognition in a form and to an extent sufficient to enable them to go forward in doing what patriotism demands they should do.

I know it is said that Congress is asked to give only a million and a half. Only a million and a half! Truly we are a great people who can speak so flippantly of this large sum. Our large wealth is represented by the debt which we owe; \$2,000,000,000 represents the debt of the nation; three thousand millions will scarcely cover the debts now horne by the State and manifold several cover the debts now borne by the State and municipal governments. Truly a stupendous sum; the mind can with difficulty compute its magnitude. This debt must be paid; paid by the sweat of the toiling millions. Only a million and a half! a sum above the annual cost of most of the State governments of this Union. Only a million and a half!

But, sir, the Senator from Oregon, [Mr. MITCHELL,] in the very handsome and well-considered speech that he delivered yesterday,

Shall our Government issue its cards of invitation to a centennial banquet and send them to the representative heads of all the civilized governments on earth, and yet, when these governments shall have responded to the invitation and shall be seated at our festal board, shall it be said that the host is absent?

Who is to be the host at the centennial exposition? Does the Senator imply by what he has said that the Government shall be there as the host; that the Government has extended these invitations to the powers of the earth to come here and witness the grandeur and glory of this nation? And if the Government has extended these written invitations, I ask whether the Government intends that its guests shall pay the expenses of their coming to sit around its festal board? Is it the purpose of the Government of the United States, taking the language of the Senator from Oregon, to extend these invitations to the powers of the earth to come and sit around this festal board and then require the guests to foot the bills? If you do not intend to require the guests to foot the bills? quire the guests to foot the bills, they being the guests of the United States, how do you propose to pay them? Do you propose by a further tax on the people to raise the money necessary to pay the bills after they have been made and the estimate of the cost has been ascertained? It seems to me that if we have invited these guests, if the invitations have gone out and they must come and sit around the banquet that the nation has prepared for them, it will be necessary that we shall provide the means for the payment for the entertainment of our guests, and that we shall in truth be chargeable with meanness and parsimony if we fail to provide the means for the payment of the cost of the entertainment.

In order to avoid a difficulty of this kind, and in order to absolve the Government and its treasures from any association with the cen-tennial exhibition, I would divorce it just here and make good that divorce, which was the intention of the framers of the bill first introdivorce, which was the intention of the framers of the bit his introduced, as was set out and clearly and unmistakably placed in the act of incorporation. I would make good the words of the Senator from Pennsylvania, [Mr. CAMERON,] who stated in his place at the time the act of incorporation was passed, when the invitations were given, that they did not propose to ask the Government of the United States for the control of the control of the United States for the control of the cont

one cent of money.

Mr. MORRILL, of Maine. Not quite that.

Mr. ALCORN. I will stand corrected if the Senator says "Not quite that."

Mr. MORRILL, of Maine I did not mean in a general sense; but I would like the Senator, when he quotes that act, to look at the language. If he will look at the language he will see its precaution.

Mr. ALCORN. I ask the Senator's pardon. I was speaking in regard to what the Senator from Pennsylvania said in the discussion that arose on the bill, not with regard to the language of that act it-

Mr. MORRILL, of Maine. I beg pardon. I thought the Senator was putting an interpretation on that bill itself.

Mr. ALCORN. Not at all.

Mr. MORRILL, of Maine. I do not wish to interrupt the Senator. Mr. ALCORN. I refer to the declaration made at the time by the Senator from Pennsylvania who is not now in his seat, when the objection was made that the incorporators would come to Congress and ask the assistance of the Government in carrying forward this enter-His answer was emphatic that the Government would not be sked under any state of circumstances to contribute one dollar to

the exhibition that was proposed to be held.

Now, sir, in the face of these declarations, and in the face of the act of incorporation itself, we see the Senator come forward and ask that a million and a half of dollars shall be appropriated in order to finish the buildings that are now reported to be far on the way to being finished, and that excel in grandeur and in proportion anything that has ever been seen in the world. I am gratified to hear that the buildings are upon so extensive a scale, that the grandeur of the people is represented in so striking and forcible a manner; and I propose that the buildings shall represent the generous outpouring of the wealth of this country, the patriotism of the people, and that there shall not be impressed upon those buildings or upon the international exhibition the evidences of coercion on the part of the Government that any man has contributed one dollar, except what came from him with his own consent. Let that be the course pursued, and this exhibition will represent the people; it will represent the wealth, the patriotism, and the power of the people; and it will be stripped of all the attributes of coercion upon the part of the Government, and thus it will be presented in contrast, and it will be a beautiful contrast, with the

exhibitions that were given in the Old World.

But my friend from Texas who is not now in his seat [Mr. Maxey] and my honored friend from West Virginia who is in his seat [Mr. Caperton] seemed to imply that there are those in the Senate who are absolutely opposed to their enjoying the high privilege of going to the Centennial. No, Mr. President, I say to each of them go and may all joy go with you, my friend; but as you whirl on the highway upon a railroad train, perhaps with a dead-head ticket in your pocket, to go there and represent the grandeur of the nation, go at your own to go there and represent the grandeur of the nation, go at your own expense; do not tax the poor people down in my country who are denied the privilege on account of their poverty of going out to see the world. The rich enjoy themselves. They enjoy the protection of the Government, They should be mindful of the fact that the Government protects them in all they possess; that it is under the institutions which we foster and maintain that they have been enabled to gather this wealth. They have the privilege, they have the capacity of going out and looking at the world; and though they may not without the consent of the people be chosen for the high places in the land, out the consent of the people be chosen for the high places in the land, still if they have wealth they have it within their power to go out and look at the grandeur, the beauty, and the glory of the world. But the poor who toil from early dawn until the sun goes down and the horizon closes around them are denied even the privilege of going ont and looking at the world. Is not the wealth of this nation, repre senting its grandeur and its power, sufficient of itself to contribute the means necessary to the grand exhibition at the Centennial with-out going to the pockets of the poor, to the labor of the poor, to ask them to contribute from their toil and from their sweat and their hard earnings to push forward and to advance the Centennial at Phila-

delphia ?

Ah, Mr. President, there are other reasons, and I might just as well state them here. The section that I represent has been desolated by the hand of war. The flame followed in the track of the sol-dier, and the land was charred of all that was valuable upon its sur-The slaves that belonged to the orphan and the widow were made free. That people sit brooding in poverty and desolation to-day; and they owe and they feel and they pay that devotion which is proper from good citizens to the Government of the United States; is proper from good citizens to the Government of the United States; but when you come to tax their scanty garments, while they toil from day to day for the bread of life, in order that they shall contribute to the great centennial exhibition, may I not say that I refuse to vote for such a bill without having an imputation cast upon my patriotism? The wealthy can go, and God speed them as they do go; but how can these people go? They have no reserved seats. The gates will be closed upon them except they thrust their hands into their packets and from their scanty means pay the contribution that their pockets and from their scanty means pay the contribution that is levied at the gates of the Centennial upon the patriotism of the peois levied at the gates of the Centennial upon the patriotism of the people. While you pay your tribute to patriotism, and while you go forward to see the beauty and grandeur of this Centennial, I will not coerce from any man's pocket one cent. Let it be a free offering, a patriotic offering, representing the love of country and the love of liberty innate and inherent in the people of this land.

But, sir, the war did more than I have stated. It became necessary as the struggle progressed to strike from the pension list the soldiers of the South who had fought in the war of 1812. Must I not

think of that regiment-ah, it is not a regiment-that company of octogenarians who are now bending their way to their graves, who were stripped of their property; who are too old to labor; who are not able to obtain by the sweat of their brows their daily bread? These objects of charity nevertheless contribute in some degree to the revenues of the country; if from no other means, the tobacco that consoles them at the silent hour of night pays a tax to the Government. They have been denied their pensions; they have been stricken from the pension-rolls; they are now, as I say, bending into their graves. Shall I be accused of a want of patriotism if I refuse to take a portion of that tax derived from the pipe of the poor old soldier or the tobacco that he carries in his pouch—shall I be accused of a want of patriotism if I refuse to divert a dime of that tax to the great cen-

Again, sir, of the remaining property of the people of the South, and of the people of my own State, there was taken in violation of law, after the war ended, cotton which was sold and now represents \$12,000,000 in the Treasury of your Government. The proceeds of this property have been held by the courts of the country, by the Chief-Justice of the United States, to be money held in trust for the benefit of the owners. While it is so held in the Treasury, and while the people of the State that I represent and the people of the South hold out their hands and ask that this may be given to them, and it is denied to them, shall I be accused of a want of patriotism because I refuse to vote an appropriation for a great centennial exhibition while this injustice rests upon the people of Mississippi and of the South?

In no spirit of complaint do I make this utterance, but I make it in the language of a protest that I shall not be charged with a want of patriotism because I see proper to withhold my support from a measure like this. Go forward, Senators, with your centennial exhibition, but when you do, go forward as American citizens, free with your own means, without any of the attributes of coercion, without any of the revenues derived from the people under the force of law by the giving of the money that is enforced from the hard-working men of this

But there has been a great deal said here about patriotism, and we have had gushing speeches made upon the duty of the Government.

Mr. President, there are some herbs that are a little too sweet to be wholesome; and when I hear such gushing utterances of patriotism, wholesome; and when I hear such gushing utterances of patriotism, if I did not know so well who the parties were, I should suspect that there was a good deal of lip-service on the part of those Senators without springing and welling up from the heart. I make no professions here at all of patriotism, except to say that I yield to no man in patriotic devotion to this country; I yield to no man in the admiration that I have for its gradeur, its glory, its wealth; I yield to no man in the wish that it may endure forever; but in order that it may endure forever, and that it may go forward and lose none of the attributes that have made it grand as it is, I would strip all centennial exhibitions and all shows that are made for the amusement or for the edification of the people of the attribute of coercion, and let them stand based upon the will, the patriotism, and the liberality of the people. Let the wealthy give this, that the poor may have the privilege

of enjoying it.

But, sir, there is not so much patriotism in this thing, I think, as some of the gushing Senators would imagine. Look, if you please, just here within the range of your vision and see the monument that thirty years ago was laid in its foundation a monument to the glory, the greatness, the patriotism, and the Christian virtues of the Father of his Country. It stands with its column still broken, unfinished. Where is the patriotism in the country that will falter or hesitate to go forward and finish that monument? We asked the nations of the earth to contribute their relics of antiquity, their works of art, in order that we might beautify that monument to be erected to Washder that we might beautily that monument to be erected to wasnington. These valuable relics and these valuable contributions from the lands of the earth are here inclosed in a wooden building that sits at the base of the monument, and there they have remained for the last quarter of a century, and the patriotism of the country when appealed to has up to this time failed to respond to the demand of the country that the monument should be finished. If you talk about a triotism and about huilding monuments to the glory of our areas. country that the monument should be finished. If you talk about patriotism and about building monuments to the glory of our ancestors, I say then go with me and let us finish the Washington Monument with this million and a half dollars, and that will stand and endure forever. [Applause in the galleries.] But when you come to an international show, made for the amusement of the people and for the enjoyment of those who are able to participate in that enjoyment, let the wealthy provide for it; let the millionaires of the North—and God prosper them in their wealth—while they drive around Fairmount Park helpind their splendid \$20.000 spans reflect that they have con-Park behind their splendid \$20,000 spans, reflect that they have con-Fark behind their splendid \$20,000 spans, reflect that they have contributed of their own means to this great entertainment. True, their bonds are safe, are secure from the tax-gatherer. You cannot reach them with your tax-gatherer. Your law does not reach a bondholder, but reaches the poor man in Mississippi and in Kansas, and takes from his pocket the hard earnings of his labor to contribute to this fair in order that the bondholders may drive around Fairmount Park at his expense. Let them go and drive, and I shall be glad to see them, for I envy no man, nor do the people I represent envy any of the men of this great land of ours. They owe their wealth to the institutions of the country: but in the name of the masses of the people, the hardthe country; but in the name of the masses of the people, the hardworking, toiling millions, who will never see the centennial exhibition at Fairmount Park, I protest that they shall not be taxed for a show that is made to exhibit the grandeur and the wealth of this nation.

Mr. FRELINGHUYSEN. Mr. President, the nation to-day mourns the death of a distinguished statesman, of a learned lawyer, of a true patriot; many of us of a former companion and friend. Without dispatrot; many of us of a former companion and friend. Without distinction of party, the people lament to-day that the country will never again have the living counsels of Reverdy Johnson. Within the last ten days I received, as one or two other Senators did, a slip of anewspaper giving to the country his views on the constitutionality of the appropriation which is now being considered by the Senate. I know that there are other statesmen of a different school who differ from him in opinion; but I will ask the favor of having his views on this constitutional question read from the desk, and with that I close my remarks.

The Chief Clerk read as follows:

BALTIMORE, January 25, 1876.

MY DEAR MR. RANDALL: During my recent visit to London I was glad to find the interest generally felt there in our approaching Centennial.

My DEAR MR. RANDALL: During my recent visit to London I was grad to find the interest generally felt there in our approaching Centennial.

The power to levy taxes, &c., and to borrow money, vested in Congress without limitation as to amount, to pay the debts and to provide for the common defense and general welfare, to minds of ordinary comprehension, not shackled by astute and nice distinctions—distinctions which would deprive the Government of powers most essential to its wholesome operation—would seem to be clear. Congress has made appropriations involving this question of power which the people never objected to, and which were never the subject of serious dispute. Not to mention other instances, they have provided for the relief of those whose properly has been destroyed by earthquake. They have established an Agricultural Bureau, erected extensive buildings, provided for the purchase of seeds, &c., abroad, authorized an annual report of its proceedings, and published it annually in very large numbers and at a very great expense. There is no express power in the Constitution to authorize this. Its legality, therefore, must rest upon implied and not express powers. The former are as much delegated as the latter, as these could not be carried out advantageously without the aid of the former. Under the clause referred to, which authorizes the levying of taxes, it will be seen to be the object to pay the debts of the United States and also to provide for the common defense and general welfare. These latter terms are not to be fulfilled without the means afforded by the taxing power. But, as will be seen, the power to tax, to provide for the common defense and general welfare, is given in the same words as the power to provide for the payment of the debts. Whatever, therefore, Congress may think will promote the common defense and general welfare, and which money can accomplish, may be done with the money supplied by the taxing power. And upon this point the decision of Congress must be conclusive. Independent

who declared and made us to be a nation, but on the contrary remember them with grateful reverence?

There are some I know, though I suppose they are now but few, who apply to the Constitution a strictly literal construction. These deny that the United States is a nation, and, as it is certain that the States are not a nation, the consequence would be that a people of forty-three millions and as many more as may come into being under the present Constitution are living under a Government which has no national character. It is true, relative to all concerns with foreign nations, the United States is invested with ample powers. Congress can alone regulate commerce with them, and the President, with the advice and consent of the Senate, can make treaties with and appoint representatives to other countries. But, say the strict constructionists, the Constitution nowhere declares that the United States is a nation, and no implication is admissible to prove it to be one.

If such an interpretation of our organic law was to prevail, the United States would be without powers essential to its prosperity, and be reduced to the mere dimensions of a petry municipality. It is not to be supposed, therefore, that Congress, in acting upon the matter of the Centennial, will be governed by so narrow and ruinous a construction.

Knowing how much you have at heart the success of the approaching celebration,

Knowing how much you have at heart the success of the approaching celebration, I venture to trouble you with this communication.

I remain, with regard, your friend and obedient servant,

REVERDY JOHNSON.

Mr. CONOVER. Mr. President, I had no thought or intention of participating in this debate, content to leave the matter in the hands of older Senators, more experienced in debate and more competent to deal with the general features of the subject. But now, even after the very thorough discussion which has been had, I find myself con-strained to ask attention to a few remarks, from a settled conviction that very much less than merited attention has been given to what strikes my mind as being of the greatest possible consequence that may result from our action. I allude to the possible and, as I think, very probable efficiency of a well-conducted exposition, if animated with the proper feeling, in securing that entire and emphatic reunion of every section of our country in a common sentiment of patriotism and that complete restoration of an all-pervading and comprehensive fraternity now for many years so ardently desired by all right-minded men in all parts of our land.

I do not care to discuss the question of legality or constitutionality of the appropriation asked for. That has been already ably handled, and I believe under all the circumstances is entirely dominated by considerations of paramount consequence to the general peace and welfare, and are already practically decided by the universal voice of the whole people, which is of co-ordinate supremacy with that of the Constitution itself.

the Constitution itself.

I believe that a national gathering of the people from every State and Territory of the Union will demonstrate beyond a doubt the prevalence of an earnest desire for a decided and emphatic resumption of kindly and friendly feelings throughout the whole extent of the land. The precise period of the termination of hostilities was long ago exactly determined by the highest legal and judicial authority. It is full time that, by some equally emphatic movement of the people themselves, as precise and decided a termination be given to the heartburnings, jealousies, and recriminations that have inevitably resulted from the war. "Let us have peace" really and truly.

I believe that the exposition will directly and powerfully promote that harmony and internal peace upon which more than upon all other conditions our national strength and prosperity depend.

The near approach of the hundreth anniversary of the declaration to which we all acknowledge our obligation seems to have stirred the heart of the nation to its very depths. From every State and section, heart of the nation to its very depths. From every State and section, by men of every party and holding every conceivable shade of political doctrine has been manifested an eager desire that, after the trials and dangers, the blessings and the rewards of a century, we should, in some formal and decided manner, announce to the world that as an intelligent and thoughtful people we fully recognize and appreciate the innumerable blessings that have come to us from the operations of the principles of the Declaration of Independence, and that we call the attention of the nations of the world to our own progress and condition, as giving incontestible proof of the sufficiency and perfect dition, as giving incontestible proof of the sufficiency and perfect adaptation of popular government to the progressive and permanent

advancement of a free people.

I know of no way in which an intelligent, industrious, and prosperous people can, in better accordance with the principles of their government, with more credit to themselves or more beneficially to the world, make a more decided acknowledgment of their appreciation of the inestimable value to them of one hundred years of continued prosperity and of the significant fact that all this unprecedented prosperity has to a great extent been based upon actual work, upon skilled labor, than in gathering together in hundreds of thousands to do special honor to mechanical industries and inventions as the only reliable and effective source of national growth and greatness.

It is strikingly edifying and wholesome for the wealthy, the wise,

and the learned occasionally to glance over the condition of the whole world in this particular respect and compare the comfort, the hopefulness, and the certainty of success which invariably await upon the efforts of intelligent labor here, with the poverty and degradation, the suffering in the present and the gloomy hopelessness in the future that hang over the lot of the laborer in so many less favored lands. I leave to others the privilege of better illustrating the thousand benefits that will result to our own mechanical processes and industrial pursuits from such an opportunity as will be afforded by the exposipursuits from such an opportunity as will be afforded by the exposi-tion for comparing the masterpieces of our own skill with the results of ages of continued improvement accomplished elsewhere, but can-not doubt that so desirable a project will meet with ultimate success; for, even if the Government should shrink from the responsibility which it has already assumed, I feel sure that the people themselves will sustain it, and that already its success is assured. I am so im-pressed with the importance and grandeur as well as the strangeness of the scene that will be presented and which is so well portrayed in the address of the commissioners to the neonle of the United States the address of the commissioners to the people of the United States that I quote briefly from them:

when we add to such an exhibition of our own progress and present attainment the thousand rare productions, the many curious and valuable arts, and the rich and varied manufactures that will crowd to our country from every nation on the globe; when we reflect that in the exposition of 1876 the hoary civilization of prehistoric times will freely mix with that of nations that are as of to-day, that the citizens of the stripling nation of only a single century will jostle with the children of the remote and mysterious nations of the farther East, whose dim and mystic records are almost obliterated by the angust march of untold centuries; when we remember that, from the polar snows of Russia, and the fervent sands of Africa, and the solemn forests and mighty rivers of South America, the strangely varied races of men shall come in throngs, each bearing his appropriate tribute, we begin to appreciate the magnitude of the occasion.

Mr. President, it is only with the hope that what I say may possibly have some little effect in giving such a character of hearty good-will and cordial good feeling to the projected exposition as may have a tendency to rekindle in southern hearts that old love of our common country, the country of our children and the country of our fathers, that has induced me to say one word.

A little proper effort will again arouse in the hearts of southrons the same pride and glory in the American name for which they were the same pride and giory in the American name for which they were distinguished in years gone by. And while I shall certainly, whenever opportunity is offered, give my vote in favor of the appropriation in aid of so patriotic and useful an undertaking, I still have no fears that the failure of this bill will necessarily involve the failure of the exposition. Only make it instinct throughout with a feeling of gratitude and of exultation at the prospect of a speedy and full return to internal and cordial peace and unity, and success is assured.

I speak from personal and positive knowledge of what I affirm when I say that many of the leading and most influential of the citizens of

the South will gladly hail the return of real peace and sincere good-will. High-spirited and manly, they are not disposed to confess to any what may be called their political sins, and they require from none any instruction or exhortation as to the fatal stupidity of the secession movement, for manifold demonstrations of its folly are engraved upon their hearts. Still, while reluctant to confess their errors, thousands are waiting the opening of some honorable door of access to a full and final resumption of the cordial and hearty relations of

friendship and citizenship which they enjoyed prior to the war.

My own feelings in this respect are so well portrayed in the address of the Centennial Commission, which was drafted by a personal friend and fellow-citizen of my own State and a northern man like myself, that I will close my remarks by quoting the language used in that address, and which I have reason to believe truthfully represents the feelings of all intelligent southern men, and which I adopt as an apt expression of my own views:

There is a possible mission for the contemplated exposition, in the importance and value of which all other probable results are nearly lost in insignificance.

The nation has recently experienced one of those deadly convulsions which might

have been historically expected to attend the course of other governments, but from which we had fondly but vainly hoped that our own, founded upon the safe and sure basis of universal equality and political right, would have been spared.

How terrible was that conflict let the spirits of the hundreds of thousands of brave men who fell as its victims whisper in the solemn language of the grave.

The strife is finished. The terrible harvest of death has been gathered, and the only present consolation is that the one element of inevitable bitterness and constant danger is now thoroughly climinated from the field of national discussion, and the majesty of the Declaration and the sanctity of the Union are sadly but solemnly vindicated.

And what now! Shall the bitterness and over the constant that the constant danger is now thoroughly climinated from the field of national discussion, and the majesty of the Declaration and the sanctity of the Union are sadly but solemnly vindicated.

stant danger is now thoroughly climinated from the field of national discussion, and the majesty of the Declaration and the sanctity of the Union are sadly but solemnly vindicated.

And what now? Shall the bitterness and animosity engendered by the war remain forever? Is final reconciliation utterly hopeless?

No truly generous mind can fail to appreciate and respect the soreness and despondency that follow always as attendant upon severe defeat; and when to these, whether from other circumstances or as resulting from legislation temporarily necessary, there is added a deep and despairing sense of decradation and subjection, every noble and generous sentiment of the human hear is stirred, and the earliest possible resumption of friendly and fraternal relations is demanded by the heart and judgment of the majority of the forty million citizens of this restored and reunited country, with a power and an emphasis that will ere long command obedience.

So thousands of brave and noble hearts in every section and of every party in our country are yearning inexpressibly for the full and entire restoration of the kindly and fraternal relations that in the time before this terrible war existed between the citizens of this goodly land. How long shall such appeal in vain?

How rapidly the signs and mementos of the war are passing away: stockades are decaying, earth, works are crumbling away, and over all, as well as the innumerable graves of the unknown dead, kindly and loving nature is rapidly drawing her beautiful mantle of refreshing verdure to hide them away from the sight and recollection of all! How long ere the hearts of the people shall fully respond to the gentle intimation, and all the errors of the past be hidden in high and holy aspirations for the future of our restored nationality?

It is to be hoped that every trace of soreness and bitterness arising from the war may be obliterated by common consent.

Then, on the 4th day of July, 1876, from every corner of this broad land, from mountain to valley, from shop

Mr. MERRIMON. Mr. President, my natural impulses incline me to favor any measure or movement looking to an appropriate celebration of the centennial natal day of our country. I yield to nore in the measure of my love and reverence for the memory of the great and good men who achieved American Independence, and I trust that the American people, when the next Fourth of July shall come, will not anywhere be remiss in their duty in doing such acts and inaugurating such ceremonies and patriotic movements as will evince to the world how well and how truly they love and honor the memory of those who secured to them freedom and free institutions. While I am thus in favor of such a celebration, I must be permitted to exercise a practical judgment in reference to the means to be employed to that end.

The Congress of the United States is asked here to appropriate, to donate a million and a half of dollars—a very large sum, that is at this time—to complete the preparations for a celebration of the Fourth of July next at a particular place and in a particular way. I think that this is unnecessary and unwise. I believe that the celebration which ought to take place should be the free offering of the patriotic heart of America. I believe that if proper application is made the American people will not hesitate to make a voluntary contribution of money sufficient to make the celebration at Philadelphia what it ought to be. If their patriotism is not sufficient to induce them to do it voluntarily, how scandalous it will be that their representatives in Congress assembled shall undertake to compel them to do it by the power of a statute. What a shameful mockery of patriotism is such The people are to be forced to manifest their love of a proposition!

The history of the proposed celebration shows that it was intended that it shall take place exactly in the way I have indicated. When Congress granted a charter to certain patriotic gentlemen to make provision for this grand international exhibition of arts, products, &c., of all nations, they gave them the benefit of doing so under the auspices of the Government; they gave dignity and character in that way to their proposed movement; they gave them the material advantages that that would secure to them; but it was expressly provided in the original act of incorporation, in the first section thereof, that while they should have the benefit of this clause—

That an exhibition of American and foreign arts, products, and manufactures shall be held, under the auspices of the Government of the United States, in the city of Philadelphia, in the year 1876—

it was further provided in another section in these words:

That no compensation for services shall be paid to the commissioners or other officers provided by this act from the Treasury of the United States; and the United States shall not be liable for any expenses attending such exhibition, or by reason of the same.

Thus there was an express declaration on the part of Congress that while these corporate authorities should provide for and conduct this proposed exhibition under the auspices of the Government, it should be done free of expense to the Government. It was the policy of Congress in passing this act with this provision in it that the money congress in passing this act with this provision in it that the money necessary to defray the expenses necessary to that end should be the free, patriotic offering and contribution of the American people. That act was approved March 3, 1871. Another act enlarging the corporate powers granted was passed and approved June 1, 1872, and in that act it was again provided that—

Nothing in this act shall be so construed as to create any liability of the United States, direct or indirect, for any debt or obligation incurred, nor for any claim, by the centennial international exhibition, or the corporation hereby created, for aid

or pecuniary assistance from Congress or the Treasury of the United States in support or liquidation of any debts or obligations created by the corporation herein authorized

There has never been any act or resolution on the part of Congress by which the United States as a nation should be committed to pay one dollar toward this celebration of the Fourth of July or any other that may take place in the country. On the contrary, these provisions were incorporated into these acts for the express purpose of controverting and cutting off any such idea or any pretense whenever or wherever or by whomsoever it might be set up. It seems that it was expected that the opportunity would be seized upon at once, that it would be gladly done!

I do not oppose this appropriation upon the ground that Congress has not the constitutional power to make it. I believe it has such power; and there might be a contingency in which I would be willing to vote for the appropriation asked for or even a larger one. If I could be convinced that the honor of the nation was imperiled if I could be convinced that the honor of the nation was imperied if this appropriation were not made, I should not hesitate one moment to vote a million and a half, or three millions, or five millions of dol-lars; but nothing has been said or shown in this debate, nothing has been brought to my attention by any one in or out of the Senate which goes to show any such state of things. The truth is there is no necessity for this appropriation. It is to be a gift in effect, and nnnecessary gift, of one and a half million dollars to a corporation, the money to be drawn from the people at a time when they are oppressed and greatly distressed with excessive taxes and when the industries of the country are languishing and prostrate, when, above all other times, they are least able to pay so great a sum. The money is thus to be forced from them to make a display and show which

comparatively few of them can see, participate in, or enjoy.

Why is it not just and fair to let those who can enjoy it and realize the great pecuniary benefits arising from it pay for it? The city of Philadelphia itself could well afford, in view of the advantages that Philadelphia itself could well afford, in view of the advantages that are to accrue to that people, to contribute every dollar that is demanded. They I believe could have afforded to expend all the money that has been or may be necessary to complete the exhibition, beginning it at the beginning. There are railroad interests in the State of Pennsylvania that could well afford to do it. Take the great Central Railroad Company of Pennsylvania, which controls a hundred millions of property; 1½ per cent. upon the property owned and controlled by one corporation would supply them with the funds needed. New York, Philadelphia, and Baltimore could well afford to spend this sum. What vast advantages in trade they will replize from this sum. What vast advantages in trade they will realize from this grand exhibition! They cannot afford in a business and commercial point of view to allow it to fail; they will not do so. The American people generally, when properly applied to, will not allow it to fail.

Nothing has been said here, nothing has been said anywhere to

convince reasonable men that this amount of money cannot be raised by a proper application to the people and particularly those who are to be so richly benefited pecuniarily.

In further support of the view that I have submitted that there is

no necessity for this appropriation, and that Congress contemplated that no such provision should be made, that the Government should not be called upon for money, the last act to which I referred contains this provision:

That the centennial board of finance shall have authority to issue bonds, not in excess of its capital stock, and secure the payment of the same, principal and interest, by mortgage upon its property and prospective income.

I beg to ask the honorable chairman who reported this bill, if any such mortgage has been made by this company. He answers me and says that no such mortgage has been made. The property owned now by this corporation must amount to several millions of dollars; now by this corporation must amount to several millions of dollars; and are we to be told that, by a proper mortgage upon that property, as was contemplated by this act by its express terms, a million and a half dollars cannot be raised upon it? No business man can so believe for one moment. The property there now is thus available, and the receipts of money from the exhibition will be increased, amounting to several millions. It must be remembered that visitors have to pay to see the celebration; it is not to be free to all without price. If they do not put a mortgage on their property, as they may do, am I not warranted in inferring that the purpose is to get an appropriation—a gift—of a million and a half dollers, so that in the end the stock-holders in this corporation may realize profits by this patriotic enterprise? When I came to look at the acts of incorporation this morning I was astonished to see the provision, which I will read, in one of them. I had supposed it could not be contemplated by any one that a dollar paid to the corporation should be devoted to any other than patriotic purposes, but I find this provision in the act:

Sec. 10. That as soon as practicable after the said exhibition shall have been

SEC. 10. That, as soon as practicable after the said exhibition shall have been closed, it shall be the duty of said corporation to convert this property into cash, and, after the payment of all its liabilities, to divide its remaining assets among its stockholders pro rata in full satisfaction and discharge of its capital stock. And it shall be the duty of the United States Centennial Commission to supervise the closing up of the affairs of said corporation; to audit its accounts, and submit, in a report to the President of the United States, the financial results of the centennial exhibition.

There is an express provision that the stockholders shall have the surplus earnings and revenues of the corporation. No wonder, then, the power to mortgage the property is not exercised! No wonder that Congress is asked to give a million and a half of dollars! It is easy to force this sum from the people, and leave the surplus for the stock-

In view of the vast multitude which I trust will assemble there on that day, in view of the vast advantages which this corporation posthat day, in view of the vast advantages which this corporation possesses and shall possess in taxing visitors in a variety of ways, it may be, and it will be, that they will realize vast sums of money. How great the profits will be, I take it, no one to-day can estimate. How much they are to be advantaged by it, no one can tell; but whether they are or not, if this was simply a patriotic movement, if we looked simply to having the hundredth natal day of the nation properly celebrated before the world why was it not varyided in the acts of incorporation properly celebrated before the world why was it not varyided in the acts of incorporation possesses and shall be a supposed to the provide and the property of the provided in the acts of incorporation possesses and shall possess in a variety of ways, it not world the provided in the acts of the provided in the acts of incorporation possesses and shall possess in a variety of ways, it not warried to the provided in the acts of the provided particles and the provided provided in the acts of the provided particles are the profits with the provided provided particles and the provided particles are the provided particles and the provided particles are the provided particle brated before the world, why was it not provided in the acts of incorporation, and why not embrace such a provision in the bill now be-fore the Senate—a provision that any surplus realized shall be devoted to the completion of the Washington Monument in this city, which stands there to-day in some measure a disgrace to the American people, because it is not completed, as it ought to have been long ago? I say to the friends of this bill again that if I could be convinced there was an actual necessity for this appropriation, that there was even a reasonable demand for it, I should not withhold my vote for one moment. On the contrary, I would cheerfully yield it, for, as I said in the outset, my natural impulses lead me to favor any measure looking to the due celebration of that great day in memory of the great men and the noble and ever-memorable deeds they did, who secured the blessings of the established freedom which I and my fei-low-countrymen everywhere enjoy this day. Their names and their deeds are immortal; they merit the unbounded love and reverence of their descendants to the latest posterity, and I confidently trust their memories will be and remain forever fresh in the American heart

My opposition to the bill goes on the ground that the money needed ought to be the free offering of the people, and the absence of any reasonable necessity for demanding the appropriation. I put it on reasonable necessity for demanding the appropriation. I put it on these grounds, and on these grounds exclusively. I thought at one time I might be induced to vote for the bill, but since I have failed to get from the honorable chairman of the committee who reported it, and who, I suppose, is in possession of all the information that could be laid before the committee on this subject-when I have failed to get from the advocates of this bill any information going to satisfy my mind and judgment of the necessity of this appropriation, I cannot hesitate about my vote; and though I may seemingly oppose a measure looking to a patriotic end, I do not do so in truth and fact and for the reasons I have stated. Some Senator suggested that the hard time had prevented the converted for the residue of the second residue of the seco

for the reasons I have stated. Some Senator suggested that the hard times had prevented the corporation from raising as much money as they anticipated, and therefore the application to Congress. Then if the people are so distressed that they cannot contribute voluntarily, shall we force them to do so by a statute? I trust not.

I thought, Mr. President, it was due that I should state thus briefly and hurriedly my reasons for voting against the bill before us. They are such as control my judgment and vote, and I believe they will commend themselves to disinterested people everywhere.

Mr. RANSOM. Mr. President, I had not intended to address the Senate on this bill, and should have been content simply to cast my vote for it, but this morning I received the newspapers from Wilmington, North Carolina, containing the account of a patriotic meeting of the citizens of Pender County and the people of the Cape Fear mington, North Carolina, containing the account of a patriotic meeting of the citizens of Pender County and the people of the Cape Fear country, for the purpose of commemorating the centennial anniversary of the battle of Moore's Creek, which occurred in that county on the 27th day of February, 1776, before the Declaration at Philadelphia. The resolutions of that meeting represent so truly and eloquently the sentiment of the people of North Carolina and of the whole South that I have felt it to be my duty to lay them before the Senate and the country. Senate and the country.

I ask the Clerk to read the resolution which I send to the desk. would have all of the proceedings read, but the resolution indicated is most pertinent to the question before us, and I know, at this very late hour, how impatient Senators must be.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Resolved, That the results of the late war have not abated one jot or tittle of our devotion to the principles of the Constitution upon which the Government is founded; and although the issues at stake were decided adversely to our hopes and expectations, yet being settled, there exists no reason why we should not love the Government which our fathers aided in establishing, and the old flag which they honored and loved, with as much ardor and faith as do the citizens of any section of our common country; and that we consider it a patriotic duty, not alone to cherish affection for the Government, but to teach our children to love it.

Mr. RANSOM. I need not remind you, Mr. President, that the battle of Moore's Creek was one of the most interesting of the Revolution, and that the great victory gained there by the patriots gave a decided impulse to our arms; and I must in this place declare my gratification that the worthy children of the noble heroes of that field propose to honor their ancestors and to honor themselves by an appropriate celebration of its hundredth anniversary. Sir, I send them from this Chamber our heartiest sympathies. But, Mr. President, that the Senate may comprehend and fully appreciate the resolution which has just been read, I beg to say that the county of Pender, once a part of New Hanover, in which this meeting was held, has been established since the civil war, and was named in honor of General Pender, a gallant and distinguished confederate soldier who fell at Gettysburgh; that the people of the Cape Fear country, in which this new county lies, were not only distinguished during the war for independence for their gallantry and patriotism, but that in the entire South during the un-happy strife of the States no people were more devoted to the confederate cause.

The resolutions were drawn and presented by Dr. S. S. Satchwell, surgeon in the southern army from the beginning to the end of the

war; a gentleman of great intelligence, of eminent position in the medical profession, and of universally admitted scientific attainment and distinction. Among the many persons who were present at the meeting I see the names of the representative men of that section of our State—gentlemen of substance, of character, of high social and political influence, and I also notice that it is contemplated that that entire section of our State, embracing many counties and thousands of people, is to join in the celebration. I mention and call attention, Mr. President, to these circumstances, that it may be known that the sentiments expressed and the spirit pervading these resolutions are the true representative opinions and feelings of the people of North Carolina and the South, and as such I present them to the Senate and to the country.

I have before declared on this floor that as an American Senator I had one object constantly before me which rose above all others, and to which no other consideration except the honor of my country approached, and that object was the reconciliation of the North and the south, and the restoration of all our people of both sections to the Union of our fathers. Before my eyes and in my breast this aspiration and purpose have been and will be sacredly and fervently kept, and the benignant Providence that holds the destinies of this country can confer upon me no greater blessing than to make me one of the humble instruments in again bringing together and uniting as friends and

brothers our whole people.

In this light, Mr. President, the centennial anniversary at Philadelphia has been to me a subject of the deepest interest; and when I have reflected upon the wonderful mercies of a beneficent Providence to the American people since they first left the shores of the Old World and made their home on this continent up to this hour, it has seemed to me almost a divine interposition that this centennial reunion should so soon follow the bloody years of war, to obliterate its memories and to bring back associations of patriotism, of joy, and of gratitude, in which every American citizen could join upon a common and fraternal ground. I have often observed that the sweet heavens soon pour their kind rains upon the field of carnage, as if to wash out the signs of the bloody struggle, and I have more than hoped that in the great coming-together at Philadelphia the memories of a common ancestry, the glories of a united history, all the duties of patriotism, and all the hopes of humanity would combine to remove from all our hearts every bitter trace of the ensangnined strife through which we have passed. It is not profane to say that the hand of that beneficent Providence which has always guided us as a people would be in such a scene with such a consummation.

And just here, Mr. President, seeing before me some distinguished sons of Virginia, I am reminded of that never-to-be-forgotten incident which occurred over one hundred years ago in the first Congress of the American patriots at Philadelphia. When a suggestion was made calculated to excite State jealousy and incite division, Patrick Henry, than whom no man ever was more jealous of State rights, sprang to his feet and with intense feeling declared, "I am not a Virginian but an American." That was the sentiment of the great Virginian in the an American. That was the sentiment of the great virginian in the presence of this danger of division to his country; and now at the end of a hundred years, in presence of the evils and calamities of which that same jealous spirit of division was the fountain, and in the hope that we will end and destroy that peril forever, may we not say in the spirit of Henry that on this question, and for the peace and perpetuity of that Union which from that hour was established, "We are not Virginians or Carolinians, but we are Americans?" If, sir, that sentiment and that expression was patriotic and just when the Union was beginning to be formed, it is not less patriotic and just upon an occasion when the efforts of all good men are to be made to restore that Union with all its beauty and virtue to the affections of

I heard with great pleasure my distinguished colleague declare that he had no doubt that this appropriation was strictly constitutional. On that point, Mr. President, I have had no trouble. If I had serious doubts that this bill was constitutional, if I could discover in its provisions the slightest violation of the Constitution, of course I could not support it. When I read the Constitution in the light of eighty-six years, when I run down the line of precedents for nearly a century, beginning with the very foundation of the Government and continuing in unbroken succession to this hour, and behold this character of power constantly and almost invariably exercised, I find myself almost without capacity to argue such a question. Sir, can the first and highest duty of the people, regard, affection, gratitude, justice to the founders of their liberties, be unconstitutional? Can this great Government, with its forty millions of people, enact and achieve every other work of beneficence and still be without the capacity to render proper respect to the men and the events to whom it mainly owes its existence? Can it, in its just benignity and duty, bestow pensions on the revolutionary soldiers and be denied the holy privilege of honoring the signers of the great Declaration? Can it send expeditions of science and humanity to the polar seas, load ships of charity for noble but suffering peoples, take care of Indian savages, and go to the uttermost limits of the earth in pursuit of its humane and national functions, and yet cannot expend one dollar to testify its admiration for the virtues of the the authors of our liberty? Sir, I find myself at a loss to argue such a proposition. What State of the Union does this bill involve? Whose liberty does it strike down? What muniment of property or life does it endanger?

Last night I read for my instruction (and if I had time I would read it now to the Senate) the history of that great event. I saw be-fore me the actors in that sublime drama: Hancock and Adams, and Jefferson and Carroll, and Hewes and Hooper and Caswell of my own State. I thought of Mecklenburgh and Philadelphia, Lexington and Yorktown. I thought of the great deed and of what that deed had done and would do for the world in all time to come. And I thought, if some malignant being had entered that assembly and said: "You may perform this immortal deed; you may put your hands and scals to the 'declaration;' you may proclaim it at the head of the Army, publish it to the world, accomplish its grand purposes, and bless all mankind with your achievement; but one hundred years from now, on the return of this day, your very children will hesitate to acknowledge their obligations to you and will decline to honor your God-like act," what would have been their indignant incredulity? Senators, this grand Government of ours, with its precious liberties, for which our fathers poured out their noble blood and their poor treasure like rain-water, must not be indifferent to their memories.

But, sir, we are told that the country is in financial distress and we have been reminded that the people of the South are poor. I hope that our recommendations are the country in the country will be so that the country that the country will be so that the country that the country will be so that the country that the country that the country will be so that the country that t

that our economy will begin in other quarters. I respect the spirit of economy; it is one of the greatest virtues of a republic; but let it be exercised on proper occasions and for proper purposes. respect for that professed economy which grows exacting when sacred duties are to be discharged. I have no respect for the economy which in the son hesitates to erect a tombstone to his father. I have no respect for the economy which in the daughter declines to strew flowers on the grave of her mother. Sir, we are moral beings; we have sentiments, emotions, affections; we are not altogether material; and that government which does not cultivate and foster the exalted sentiments of patriotism, duty, gratitude, and love of the good in all its forms, will soon be a curse to its citizens. These virtues are

worth more than all the gold in California.

It is, sir, because many of our people are poor that I desire to see this bill pass; that I desire to see the Government which represents every human being within the country contribute to this celebraevery human being within the country contribute to this celebra-tion. For one, I am unwilling that the fortunate and wealthy alone should discharge this great duty. I wish every one of us, every citizen in the United States, to have his part in this noble work, to have his share in the glory of this deed. I wish every American, as he beholds that illustrious day, as he treads that proud ground, whether he be rich or poor, from the North or the South, to feel that it is the hundredth anniversary of his country's birthday, and that he has given to it from his own means and his own patriotism. that day I wish to see in the face of every American citizen the image of "American Independence."

It is true, Mr. President, that at the South we are poor, very poor. I regret our poverty; but, sir, it will not affect our honor and our duty here that we are poor. If the South had the wealth she once enjoyed, to contribute her portion to the centennial would be but a trifle. We should not feel it or miss it. But, sir, I desire to see the South—poor as she is, wasted, desolated, stricken, and with all her great, proud sorrows at her door, still unbroken and unshaken in her devotion to the principles she declared one hundred years ago, and with nothing left her but her virtues—coming up to that great day, and then and there declaring her unchangeable love of liberty and fidelity to constitutional government. Sir, around her on that day and at that place memories will cluster that will make the South brighter than if she was adorned with diamonds. No, sir; in our distress, amid our ruin, under our sorrows, let us stand up and declare to the people of the North that for liberty-the liberty our fathers -for good government, constitutional government, we can forget and forgive what we have conceived to be our wrongs, and we cannot see why they cannot meet us and unite with us as our fathers and their fathers united.

I confess, sir, that the allusions made by the Senator from Mississippi to the fact that the venerable patriots of the South who had been soldiers in the war of 1812 had been stricken from the pension-rolls, and to the further fact that there were still some seven hundred persons in the South who had not received amnesty, quite touched me. I have reflected deeply and sadly on that subject. I have no words to express my sorrow, and I had almost said my shame, that this great Government should longer suffer this reproach on her justice and magnanimity. should longer suffer this reproach on her justice and magnanimity. But, Mr. President, as a patriot, as an American Senator representing a patriotic and a great Strte, I must not and I cannot permit a suggestion of this character to divert me from my duty. I will do right; I will ask my State to do right; I will appeal to the South to do right; and I will leave the consequences to the wisdom, justice, and patriotism of the American people. I desire to see the Union restored in all its beneficence and harmony. I cherish the honor and the glory of my State and the South, and I will not by a hair's-breadth impair the Union representations. Union or by one shadow dim the character of the South by taking counsel of our passions or prejudices, and certainly not by following

the bad example I so deeply condem and deplore.

But, Senators, as I before said, my great purpose in voting for this bill is to do everything in my power to reconcile our people and to restore and perpetuate the Union. I desire the patriotic men of both sections to meet together at Philadelphia, to recur to the great event that brought our fathers together, and then, looking together over the last hundred years, to learn again the lesson of American patriots.

I desired the people of the whole Union to see and to know that those of us who had taken up arms against the Government had now laid them down forever, and that we had come back with our hearts to the Union and its flag, and were determined to live by it and to die for it, and that we claimed and asked nothing but equal rights, equal honors, equal duties under the Constitution and in the Union of our fathers. To that great centennial we proposed to bring the images of the patriots, statesmen, and heroes who contributed so much to our independence and the establishment of this Government; we proposed to bring the history of eighty years of undivided devotion to posed to bring the history of eighty years of undivided devotion to the Union, its laws, and its good name; and then we proposed, on the altars where our fathers first sanctified the Union, to extinguish the last flame of discord. As Philadelphia on the 4th day of July, 1776, was the birthplace of our National Independence, so we devoutly desired to see it made on the 4th day of July, 1876, the sepulcher of our sectional animosities. The century has completed its great circle, and though the vast circumference has been once broken by discord, we desired to see it end where it began, in ardent devotion to liberty, in undiminished patriotism, in Christian humanity, and in renewed and ever strengthening and continuing bonds of union.

ever strengthening and continuing bonds of union.

Mr. CAMERON, of Pennsylvania. I hope we shall now take the

The PRESIDENT pro tempore. The question is on ordering the bill

to be read the third time.

Mr. EDMUNDS. I ask that the question may be divided, taking the question first on the bill and then upon the preamble.

The PRESIDENT pro tempore. The question is on ordering the body of the bill, separate from the preamble, to be read the third

The bill was ordered to a third reading, and was read the third time

The bill was ordered to a third reading, and was read the third time. The PRESIDENT pro tempore. The question will now be on the preamble. Will the Senate order the third reading of the preamble?

Mr. EDMUNDS. I do not know that I care to divide the Senate or do more than express my own opposition to the preamble. That was why I asked the question to be divided. It does not state the facts as they are and as almost everybody knows them to be. Therefore I shall vote against it, but I do not care about calling for the yeas and now myself as we stoteward is enough to show are neverties. and nays myself, as my statement is enough to show my opposition

The PRESIDENT pro tempore. Will the Senate order the third read-

ing of the preamble?

The question being put, it was determined in the affirmative.

The PRESIDENT pro tempore. The question is on the passage of

Mr. SAULSBURY called for the yeas and nays; and they were ordered.

Mr. EDMUNDS. I ask that the question be taken separately again.

The PRESIDENT pro tempore. The question will be taken, first, on
the body of the bill, and then on the preamble. The question is on
the passage of the body of the bill.

Mr. THURMAN. Mr. President, I have no speech to make on this
bill. I wish simply to say that with the view I entertain of the Con-

stitution, and which I expressed at a former session when a bill asking for an appropriation for this exhibition was before the Senate, I cannot vote for the bill.

Mr. FRELINGHUYSEN. I understood that the preamble was adopted without a division.

Mr. EDMUNDS. It was ordered to be read a third time.

The PRESIDENT pro tempore. That vote was on the third reading.

The question now is on the passage of the bill without the preamble.

Mr. SAULSBURY. Idesire, Mr. President, to simply say that I cannot vote for this bill. It is too late to assign the reasons for the vote which I shall give. If I could have obtained the floor at an earlier period of the session I introduced to express my consection to the bill both on I shall give. If I could have obtained the floor at an earlier period of the session I intended to express my opposition to the bill both on constitutional grounds and as a question of expediency and propriety. It is now near five o'clock, entirely too late to enter into any argument in reference to this measure; but I cannot permit the remarks which fell from the honorable Senator from North Carolina [Mr. RANSOM] to pass without expressing my dissent. If I understood him aright he said that in the consideration of this bill we should not pause at the Constitution of the country. Sir, it is that sentiment that has brought upon us much of the trouble which this country now experiences and we ought not by any vote of ours to encourage the experiences, and we ought not by any vote of ours to encourage the utterance of such sentiments or to encourage them in the practice of the Senate. Sir, it is only by a strict adherence to the principles of the Constitution that we can bring back this Government to the plain the Constitution that we can bring back this Government to the plain republican system of government that it was intended to be by the framers of that instrument. Let us pause when a question of constitutional power is concerned. I remember reading in my profession the utterance of a distinguished English judge when a question came before him involving millions to the exchequer of England, that however much he should regret to see the exchequer of the country affected by the decision, yet, sitting as a judge to determine the question presented to him, he would not pause to consider the effect upon the exchequer of England, but that he would decide the question according to the very right of the matter and the law of the land. So, sir, here as Senators, when a question of this kind is presented before us, looking to the fact that we have no power and can exercise no power except what is expressly granted in the Constitution of the country or arises out of it by necessary implication, shall we be told in the lan-

guage of the distinguished Senator from North Carolina that we are not to pause at the Constitution in considering a question of this kind? Sir, if that sentiment prevails, farewell not only to the liberties of this country, but to the prosperity of this country; and I think I found the echo of that sentiment in something which fell from the distinguished Senator from West Virginia [Mr. CAPERTON] when he

declared himself in favor of subsidies.

Sir, is that the teaching of the fathers of this Republic, that the money of the people should be taken by taxation and applied to subsidizing corporations? I speak not in any reproachful terms of these corporations because they are corporations. When I use the term "corporation," I do not mean it in any offensive sense. I believe that the object proposed by this corporation is a commendable object, and I sympathize heartily with the object which the corporation proposes in celebrating the anniversary of our independence. Sir, I yield to no man in my devotion to the institutions of the country; I yield to no man in attachment to the principles secured by our revolutionary fathers; but I pause to do anything outside of the Constitution; and when the Constitution inhibits an action, so help me God,

no vote of mine shall ever be given for what it inhibits. Sir, I should like, if there were time for me to enter into an explanation of my views as to the power in the Constitution which is claimed to warrant this appropriation, the power to provide for the general welfare. That is a vague, uncertain, undefined, fugitive power, lodged somewhere, according to gentlemen here; but according to my reading of the Constitution that is simply a power granted to Congress to lay and collect taxes, &c., "in order," in the language of Judge Story, "to provide for the common defense and promote the general welfare. It is an authority to promote the general welfare by exercising the powers delegated to Congress in the Constitution, not outside of the Constitution. That is the true interpretation of it, that when Congress shall provide for the common defense and the general welfare, they shall do it by the exercise of the delegated powers contained in the Constitution and granted to Congress.

But, Mr. President, I did not intend to say even this much. I regret

exceedingly that on this question I am not able to agree with gentleexceedingly that on this question I am not able to agree with gentlemen for whose opinions and judgment I have the very highest regard and respect; and I would not now have offered a single sentiment except in explanation of the vote I shall give. I cannot find in the Constitution of the country a sufficient warrant for this appropriation; nor do I believe that it is right and proper in view of the present existing circumstances of the country. Why, sir, the very last year you had between seven and eight thousand cases of adjudicated bankruptcy in this country; and all over this land, in the language of the Senator from Mississippi, "there is the cry of the poor and the desolate, the needy and the distressed." There are hundreds and thousands of men to-day trembling on the very verge of bankruptcy, while there are hundreds of thousands who have not the common necessaries of life; and yet the taxes wrung from the people are to be taken by this life; and yet the taxes wrung from the people are to be taken by this bill and appropriated to a celebration in Philadelphia.

I cannot, therefore, either on the ground of constitutional power or because I believe it is expedient or proper, vote for this bill.

The PRESIDENT pro tempore. The question is on the passage of the

body of the bill.

The Secretary proceeded to call the roll.

The Secretary proceeded to call the roll.

Mr. BOOTH, (when his name was called.) On this question I am paired with the Senator from Connecticut, [Mr. English.] If he were here he would vote "yea" and I should vote "nay."

Mr. COCKRELL, (when his name was called.) On this question I am paired with the Senator from Michigan, [Mr. CHRISTIANCY.] Were he here he would vote "yea" and I should vote "nay" as to the approximation.

Mr. DAVIS, (when his name was called.) On this question I am paired with the Senator from Ohio, [Mr. SHERMAN.] If present he would vote "yea" and I should vote "nay."

Mr. NORWOOD, (when his name was called.) On this question

Mr. NORWOOD, (when his name was called.) On this question I am paired with my colleague, [Mr. GORDON.] Were he present he would vote "yea," and I should vote "nay."

Mr. SAULSBURY, (when his name was called.) On this question I am paired with the Senator from Wisconsin, [Mr. CAMERON.] If he were here he would vote "yea," and I should vote "nay."

Mr. ALLISON, (when Mr. WRIGHT's name was called.) My colleague [Mr. WRIGHT] desired me to say to the Senate that if he were here he would vote in favor of this bill; but he is necessarily absent from the Chamber to-day. from the Chamber to-day.

The result was announced-yeas 41, nays 15; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Boutwell, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Conover, Cragin, Dawes, Dennis, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamlin, Harvey, Hitchcock, Ingalls, Jones of Florida, Jones of Nevada, Kelly, Logan, McDonald, McMillan, Maxey, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Randolph, Ransom, Robertson, Sargent, Spencer, Wallace, and Windom—41.

NAYS—Messrs. Alcorn, Cooper, Eaton, Goldthwaite, Hamilton, Howe, Kernan, Key, McCreery, Merrimon, Stevenson, Thurman, Wadleigh, Whyte, and Withers—15.

ABSENT—Messrs. Bogy, Booth, Bruce. Burnside, Cameron of Wisconsin, Christiancy, Cockrell, Davis, English, Gordon, Johnston, Norwood, Saulsbury, Sherman, West, and Wright—16.

So the bill was passed.

The PRESIDENT pro tempore. The question is next on the passage of the preamble.

Mr. CAMERON, of Pennsylvania. I trust we shall not interfere

with the preamble.

The question being put, was decided in the affirmative, there being, on a division-ayes 37, noes 16.

#### DISTRICT 3.65 BONDS.

Mr. THURMAN. I ask to be excused from serving upon the committee of conference on House joint resolution No. 52, which, I understand, will want to hold a session very soon, and it is probable I shall be absent for a few days, so that I cannot attend. I expect to be absent to-morrow and possibly until Monday. I therefore ask to be

The PRESIDENT pro tempore. Will the Senate excuse the Senator from Ohio from serving upon the committee of conference on House joint resolution No. 52, relative to the payment of interest on District of Columbia 3.65 bonds?

The question being put, was decided in the affirmative.

The PRESIDENT pro tempore being authorized to fill the vacancy by unanimous consent, Mr. DAVIS was appointed.

Mr. CONKLING. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and seven minutes by the Senate adjourn.

p. m.) the Senate adjourned.

#### HOUSE OF REPRESENTATIVES.

#### FRIDAY, February 11, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

CHARLES H. FONDÉ.

The SPEAKER. Before the regular order proceeds, the Chair desires to make a request of the House in reference to the bill for the relief of Charles H. Fondé, which was reported from the Committee on Patents and was under consideration at the close of the morning hour on last Friday. The gentleman from Michigan [Mr. Conger] informs the Chair that he made an earnest effort at that time to secure the entry of a motion to reconsider the vote by which the House refused to order the engrossment and third reading of the bill. That motion is not entered in the RECORD or the Journal, and it was not heard by the Chair; but, notwithstanding this fact, the Chair desires that the friends of this bill shall have whatever benefit might result from the appropriate entry of the motion to reconsider at that time. The Chair therefore asks the House that it shall now be regarded as

having been entered in proper form and time, so that it may be called up hereafter upor the pleasure of the parties interested.

Mr. BURCHARD, of Illinois. I think the bill had better be referred simply to the Committee of the Whole, where there is free opportunity for discussion. I ask that by general consent it be so referred and placed on the Calendar.

Mr. TOWNSEND, of New York. My recollection is different from that of the gentleman from Michigan, and still more in aid of him. When the morning hour expired a gentleman upon our left here, whose name I do not remember, was making a very loud and earnest

whose name I do not remember, was making a very call for the yeas and nays.

Mr. CALDWELL, of Alabama. For tellers.

Mr. TOWNSEND, of New York. Was it for tellers? Well, at any rate it was a proposition relative to some more advanced stage of proceeding. I do not think the bill is in such a situation as to need a reconsider: I believe it is still before the House. I deem it

fair to make this statement, although I am opposed to the bill and spoke against it the other day.

The SPEAKER. The Chair is compelled to say that, if the point of order is pressed, he will have to rule that the demand for tellers cannot now be availed of; that it is too late.

Mr. RANDALL. I think I can solve this difficulty by asking unanimous consent that the bill be recommitted to the Committee on Patents.

The SPEAKER. That is the better mode of proceeding.

Mr. RANDALL. Then the committee, when again called, can report
the bill in a modified form.

Mr. CONGER. Perhaps it is due to myself to say that in the misunderstanding between the Chair and the gentleman who tried to make the call for tellers, and in the attending confusion, other business intervened; and although the gentleman who then occupied the chair stated that the bill would be the first business in the morning hour on the next Friday, yet I felt satisfied, from the lapse of time be-fore the recognition of the call for tellers, that the Speaker would be obliged to hold that it was not to-day the regular order to divide on that question. As I had no opportunity then, while coming to that conclusion, to enter my motion to reconsider, therefore on the next Monday (this was on Friday and there was no session of the House on Saturday) I wrote a special notice of a motion to reconsider and filed it with the Clerk.

Mr. RANDALL. That was within the two days.

Mr. CONGER. That was within the two days. But it was not entered on the Journal, and therefore there is no record of it. Now, I

do not care what the process may be. I would agree to the sugges-

tion that by unanimous consent the bill be referred to the Committee

on Patents with the privilege of reporting it on their regular call.

The SPEAKER. Is there objection to the proposition that the bill be recommitted with leave to the committee to report it hereafter upon their regular call?

There being no objection, it was ordered accordingly.

#### CORRECTION OF A VOTE.

Mr. HARRIS, of Virginia. I am recorded in the Journal and the RECORD as not having voted the day before yesterday upon House bill No. 192, relating to the public lands at Vincennes. I voted "no."

#### CENTENNIAL AUTOGRAPH REGISTERS.

Mr. PHILIPS, of Missouri, by unanimous consent, introduced a joint resolution (H. R. No. 63) concerning the centennial autograph registers of F. B. Taylor and E. W. Bixby; which was read a first and second time, referred to the Committee on the Centennial Celebration, and ordered to be printed.

#### EASTERN BAND OF CHEROKEE INDIANS.

Mr. VANCE, of North Carolina, by unanimous consent, introduced a bill (H. R. No. 1987) to authorize the Eastern Band of Cherokee Indians to institute suits, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

#### ROOM FOR COMMITTEE ON PATENTS.

Mr. VANCE, of North Carolina. Mr. Speaker, I am directed by the Committee on Patents to report to the House a resolution to provide a room for the Committee on Patents, which I ask be referred to the

Committee on Rules.

The SPEAKER. The Chair will not order that reference unless the gentleman from North Carolina desires to take the sense of the House on the motion. The resolution properly goes to the Committee

Mr. BLAINE. I object.
Mr. CONGER. I think, on a question of privilege, the gentleman submitting the resolution should have the right to indicate its reference. I desire to say in behalf of the Committee on Patents in regard to this resolution that the extent and importance of the business befor that committee, requiring subcommittees to meet every day, entitle it to be assigned some place in this Capitol where they can meet without interruption. These subcommittees are now compelled to meet in rooms where other committees have priority. If there be any use at all in having such a committee, it is proper they should have a place where they can properly do their work. The object, therefore, of this resolution is to have some authority in this House designate a place where the Committee on Patents may meet to perform its business. If there be no such place assigned, perhaps it would be better that the committee was abolished.

Mr. BLAINE. My object in objecting was in no way to deprive the committee of a room, but I remembered that a few days since, on the request of the Speaker himself, the whole question of the disposition of committee rooms was given to the Committee of Accounts. And the Committee on Rules does not wish to take it away from that committee or to divert it in any way whatever. That is the ground of

my objection.

The SPEAKER. In addition to the fact that the House has already ordered that the regulation and disposition of committee-rooms shall be referred to the Committee of Accounts, the Chair desires to say that now at this late day, after so many assignments have been made by that committee, to refer this whole matter to another committee must of necessity involve a needless amount of unpleasant collision and trouble.

Mr. VANCE, of North Carolina. Mr. Speaker, the reason for referring the resolution to the Committee on Rules is that it involves the question who has the right of dispossessing one committee and placing another committee in their room. It is eminently proper that the ong another committee in their room. It is eminently proper that the Committee on Rules should have charge of that matter. I understand the whole subject was referred to the Committee of Accounts, but they have never made any report to the House. We are placed in a very embarrassing situation. We have not only no committee-room which we can call our own, but we cannot control the drawers in the tables. Our subcommittees, rendered necessary for the prompt discharge of the vast amount of business referred by the House to us, have no place to meet. Yet every day there is necessity for the meeting of some one or other subcommittee of the Committee on Patents. The public business cannot of course be discharged unless we have such committee-room. We will be content with any room assigned to us which is proper and suitable for the meeting of the committees. We ought to have a room where our models may be in safe-keeping under our own control. We have no such place. We have no place

under our own control. We have no such place. We have no place which we can call our own at the present time.

Mr. HOSKINS. Let me say one word. I see by looking toward the desk of the gentleman from Indiana, [Mr. WILLIAMS,] chairman of the Committee of Accounts, that he is not in his seat. Were he present I would not say a word. This whole subject has, by order of the House, been referred to the Committee of Accounts, of which I am a member, and I desire to say that that committee have endeavored to discharge the duty confided to them to the best of their ability. The truth is there are twice as many committees as there are committee. truth is, there are twice as many committees as there are committee-

rooms, so that it is impossible to give to each committee of the House a separate room. The question of what room shall be occupied by the Committee on Patents has been before the Committee of Accounts, and the chairman of that committee has been specially delegated to arrange the matter so that it shall be satisfactory to that committee. He has endeavored to do it. I can say, in relation to the pending resolution, that, if this resolution be adopted and this particular matter be taken from the Committee of Accounts, I shall then, so far as I myself am concerned, move that the Committee of Accounts be discharged from the further consideration of the whole question. The Committee on Patents will receive such attention at the hands of the Committee of Accounts as it is possible to give. We will do the very best thing possible, considering the number of committees to be served and the few rooms available for that purpose.

Mr. J. H. BAGLEY. I should like to say it is utterly impossible for

the subcommittee of the Committee on Patents, of which I am a member, to properly discharge our duty unless we have some separate room. No longer than yesterday the committee was driven from the room we were then occupying—that of the Committee on Railways and Canals; and when we went to another room we were again interrupted by gentlemen coming in. The day before yesterday the same thing occurred, so that that committee cannot transactneessary business un-less we have a room over which we can have control. I hope the committee to whom this resolution may be referred will take the matter into consideration and come to some conclusion upon it that will be satisfactory.

Mr. CONGER. I wish to say one word further in regard to this matter. The old room of the Committee on Patents, a very suitable room, on which the name of that committee has been painted for years, as are the names of other committees on all other committee-rooms, has been taken from that committee by some process and they have now, as has been said, no place where they can meet. Whatever the opinion of the House may be as to the necessity of such a committee or its bringing any matter to the consideration of the House, yet I presume it will not be denied that all the classes of people interested in the matters referred to them have a right to be heard, whatever the House may determine in regard to their applications. The room now assigned to the Committee on Patents is dark and entirely unfitted for the examination of drawings, models, and manuscripts which that committee must make if they attend to their business properly.

Again, we are required continually to send to the Patent Office for

the models in possession of the Government for examination, and the Patent Office will not permit those models to be taken to any room to remain there for examination unless it can be closed against the public, which cannot be done under the present arrangement. Now, I speak of this, not that I care what room the committee occupy, but from my knowledge of its business. Having served as chairman of the committee in the last Congress, I say to the Speaker and to the House that it is utterly impossible in the room assigned to us to do

our business properly.

Mr. FORT. Mr. Speaker, as one of the humblest members of the Committee of Accounts I will say to my friend from Michigan, who has just taken his seat, that in my judgment the remarks he has made here would have been very properly made before the Committee of Accounts; and I believe, counting myself out entirely, that the Committee of Accounts is better prepared to determine what committee-room should be occupied by the Committee on Patents than this House is. I say that more particularly with reference to the chairman of the Committee of Accounts; and I say to this House, that if every member here would endeavor to do his duty as well as that gentleman en-

deavors to do and does do his duty, things would go on very well here.

Now the trouble is, Mr. Speaker, that the Capitol needs to be enlarged. It is too small for the members of this House and the very important committees that have been appointed to investigate matters of great public concern. I do not see how it is possible that every committee of this House are horse a committee. mittee of this House can have a committee-room separately to themselves unless there be as many committee-rooms as there are commit-tees. And I have yet to find, Mr. Speaker, a single committee come before the Committee of Accounts and admit that they are second in before the Committee of Accounts and admit that they are second in point of importance to any other committee. Every single one of them has business that requires its sessions to be held all the time every day; and most of them think they ought to have a room where they can meet in private and in secret. I do not complain of this, but the difficulty is with the Capitol, with the building, or with the architect who constructed this building, in not making plenty of committee-rooms, and all of them light, airy, and convenient.

I see that the worthy chairman of the Committee of Accounts is now present. He was not in the House when I took the floor. The

now present. He was not in the House when I took the floor. The Committee of Accounts have done and will do their very best to accommodate all the committees, but I do not know of any other way in which it can be done than by providing for an extension of this building or forest time.

building or for renting rooms outside.

Mr. WILLIAMS, of Indiana. I would like to hear the resolution read.

The SPEAKER. The pending motion is to refer to the Committee on Rules the resolution which the Clerk will again read.

The resolution was again read.

Mr. WILLIAMS, of Indiana. When the duty was imposed on the Committee of Accounts to assign rooms to the different committees, we found on the door of the committee-room occupied by the Com-

mittee on Patents the name of another committee marked for that room. We supposed that had been done by order of the Speaker. Consequently we took no control of that, but hoped that in so far as the committee-rooms had been assigned the arrangement was satis-factory. We consulted with the various committees as much as we could in order to give satisfaction, and where we could not get the gentlemen of one committee to agree to take in another committee with them, in some cases, but very few, we assigned them rooms con-trary to the wish of other committees. But we have taken no action in relation to the Committee on Patents and another committee which we found occupying the same room at the time when the duty

was assigned by the House to the Committee of Accounts.

Mr. HOSKINS. I move to amend the motion so as to refer the resolution to the Committee of Accounts instead of the Committee

Mr. VANCE, of North Carolina. In reply to my friend from Indiana, I wish to say that a proposition was first made to the Committee on Patents that the Committee on the Post-Office and Post-Roads should come into the room occupied by the Committee on Patents and have joint occupancy. This was not objected to. It was afterward proposed that the Committee on Patents should surrender their room The committee was called together to consider that proposition, and it was objected to. The Committee on Invalid Pensions were notified not to occupy the room, because it was against the will and wish of the Committee on Patents. But when you, Mr. Speaker, referred this matter by consent to the Committee of Accounts, I appeared before the Committee of Accounts in behalf of the Committee on Patents and stated the wants of our committee of Accounts never reported. It was not the fault of the Committee on Patents that a notice was put up on the door of their own room that the Committee on Invalid Pensions met there. Neither was it the fault of the Committee on Patents that a similar notice was put up on the door of the room of the Committee on Railways and Canals that the Committee on Patents should meet there. That was against the will and the wish and against the protest of the committee. I think we ought to go back to our old room. The question is, Who that really the right to dispossess us of our old room and place another committee in possession of it? We are willing to do what is right under the circumstances. We desire a room; we desire to have a place where we can have kept the models required by the committee for their examination; we desire to have drawers in which to

tee for their examination; we desire to have drawers in which to preserve our papers. At present we have none of these things, and we consider them essential to the proper transaction of the public business with which we are charged.

Mr. WILLIAMS, of Indiana. In answer to what the gentleman has said, I will say that we submitted the matter to the three committees interested. We proposed that they should make satisfactory arrangements by changing about, removing from one room to another, as they pleased. The gentleman from Pennsylvania, the chairman of the Committee on Invalid Pensions, [Mr. Jenks,] occupied one of the lower committee-rooms. We said to the committee in the upper room that if they could make an arrangement with the Pension Committee it would be satisfactory to the Committee of Accounts.

The SPEAKER. Is there objection to receiving the resolution and referring it to the Committee of Accounts?

Mr. CONGER. I must object to that reference, because, as I understand, that committee has informed us that they propose to make no change. I therefore repeat what I said before, the Committee on

no change. I therefore repeat what I said before, the Committee on Patents should have a place in which to do its business or else should be discharged. I do not know by what right a committee takes pos-session of the room which from time immemorial has been assigned to another committee, at least without an order of the House. I think it cannot be assigned under the rules. The rules of this House give to the Speaker the right to control unoccupied or unassigned committee-rooms; that is the extent of the rule. There is no power, except the mere power of might, that will authorize one committee to

take possession of the room of another—no power that I know of or ever have heard of without an order of the House.

I suppose that our committee could regain possession of their room. I venture to say that we could do so if that was the desirable way of certified the matter. settling the matter. But we would rather that this House should assign us our proper room. It was because the Committee of Accounts, as we understood it, refused to make any change in the present arrangements, that our committee instructed its chairman to bring the subject to the attention of the House, and ask that it be referred to the Committee on Rules, in order that that committee might determine what was the rule in regard to the right of committees to the possession of rooms which from time immemorial have been assigned to them, and the names of which committees have been made fixtures on the doors of those rooms. These changes of which we complain had been made by means of pasteboards or cards. Some gentleman has come along with a ten-spot and taken our nine, because it was the higher card. [Laughter.]

The SPEAKER. There being objection, the resolution is not before

the House.

#### BARRACKS AT FORT MONROE.

Mr. TERRY. I am instructed by the Committee on Military Affairs, to whom was referred the letter of the Secretary of War transmitting plans for the erection of new barracks at Fort Monroe, Virginia, and

asking an appropriation therefor, to report the same back with a favorable recommendation, and ask that it be referred to the Committee on Appropriations.

There being no objection, it was so ordered.

## ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty minutes to one o'clock. This being Friday, the first business in order during the morning hour is the call of committees for reports of a private nature.

#### COMMITTEE CLERK.

Mr. ROBERTS. The Committee of Accounts, to whom was referred a resolution allowing a clerk to the Committee on Expenditures in the Department of Justice, have had the same under consideration, and have directed me to report it back with a substitute, and to recommend that the substitute be adopted.

The SPEAKER. The original resolution and the substitute will

The Clerk read the resolution as follows:

Resolved. That the Committee on Expenditures in the Department of Justice be allowed a clerk, at a salary to be fixed by the Committee of Accounts.

The substitute reported from the committee was read, as follows:

Resolved. That there be allowed to the Committee on Expenditures in the Navy Department and also to the Committee on Expenditures in the Department of Justice each a clerk for the term of one month, to be paid each the sum of \$4 per day.

The substitute was agreed to, and the resolution, as amended, was then adopted.

#### REVISED STATUTES FOR REPORTERS OF DEBATES.

Mr. FORT, from the Committee of Accounts, reported back, with a recommendation that the same be adopted, the following resolution: Resolved, That the Clerk of the House furnish each of the Official Reporters of the House one copy of the Revised Statutes of the United States.

The resolution was adopted.

#### T. J. NEWBER.

Mr. McMAHON, from the Committee on Expenditures in the Department of Justice, reported back the bill (H. R. No. 547) for the relief of T. J. Newber; and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee

The motion was agreed to.

## HERMANN KREISMAN.

Mr. BRADLEY, from the Committee of Claims, reported a bill (H. R. No. 1988) for the relief of Hermann Kreisman, late consular agent at Berlin; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

### J. H. JONES.

Mr. PHILIPS, of Missouri, from the same committee, reported back, with the recommendation that it do not pass, the bill (H. R. No. 123) for the relief of J. H. Jones; and the same was laid on the table.

## HEIRS OF JOHN S. CLARK.

Mr. TARBOX, from the same committee, reported adversely on the memorial of the widow and heirs at law of John S. Clark, deceased, late of Vincennes, Indiana, praying compensation for services performed in the transportation of the mails; and the same was laid on the table.

## THOMAS VAN DUZEN.

Mr. AINSWORTH, from the Committee on Private Land Claims, reported back a bill (H. R. No. 1026) for the relief of Thomas Van Duzen and his assigns for lands; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

### ROSETTA HERT ET AL.

Mr. HOOKER, from the Committee on Indian Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 534) for the relief of Rosetta Hert, (late Rosetta Scoville,) Charles C. Benoist, Emily Benoist, and Logan Fanfan, half-breed Indians; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

# SURETIES OF INDIAN AGENTS

Mr. SCALES, from the same committee, reported a bill to amend section 10 of the act making appropriation for the current and contingent expenses of the Indian Department for the year ending June

30, 1876.
Mr. SCALES. This is an act to amend a bill passed at the last session of Congress in reference to the agencies then existing in the Indian Department. This bill is a mere amendment, intended to apply that law to all the agents; that law only applied to agents then in exist-ence at that time. The bill comes from the Secretary of the Interior, and I hope it will be passed. The bill was read in part.

During the reading,
Mr. FORT said: That is no doubt a very good bill, but it is not in
order, and I suggest whether it is worth while to have it read further

The SPEAKER. The Chair thinks not.

Mr. SCALES. It comes from the Committee on Indian Affairs.

The SPEAKER. It is a public bill, and there is a call for reports of a private nature.

Mr. FORT. I do not wish to oppose the bill, but it is not a private bill.

#### TREATY WITH THE POTTAWATOMIE INDIANS.

Mr. VAN VORHES, from the Committee on Indian Affairs, reported back a bill (H. R. No. 157) to carry into effect the tenth article of the treaty with the Pottawatomie Indians of February 27, 1867, accompanied by a written report, and moved that the report be printed, and that the bill and report be recommitted to the Committee on Indian Affairs, not to be brought back by a motion to reconsider.

The motion was agreed to.

## SHARP & SHAW.

Mr. PAGE, from the same committee, reported adversely on the memorial and papers relating to the claim of Messrs. Sharp & Shaw, and moved that the same be laid on the table.

The motion was agreed to.

## HEIRS OF WILLIAM STEVENS.

Mr. KETCHUM, from the Committee on Private Land Claims, reported back with a recommendation that it pass, the bill (H. R. No. 719) for the relief of the heirs of William Stevens; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## ARMY OFFICER'S RECORD.

Mr. TERRY, from the Committee on Military Affairs, reported back adversely the bill (H. R. No. 1317) to amend an Army officer's record; which was laid on the table, and the accompanying report ordered to be printed.

## W. C. SPENCER.

Mr. TERRY also, from the same committee, reported back adversely the memorial of W. C. Spencer, making application for re-instatement in the Army, to be placed either on the active or the retired list of captains; which was laid on the table, and the accompanying report ordered to be printed.

#### CHARLES D. C. WILLIAMS.

Mr. TERRY also, from the same committee, reported back adversely papers relating to the claim of Charles D. C. Williams, late a captain of marine artillery; which was laid on the table, and the accompanying report ordered to be printed.

# FORT BUTLER MILITARY RESERVATION.

Mr. TERRY. The bill (H. R. No. 350) to release the Fort Butler Mr. TERRY. The bill (H. R. No. 350) to release the Fort Butler military reservation was referred to the Committee on Military Affairs. We find that the Secretary of War thinks the reservation is no longer needed for military purposes; but as the reservation is claimed by the heirs of the grantee the committee think it appropriate that the bill should be referred to the Committee on Private Land Claims. I move, therefore, that the Committee on Military Affairs be discharged from the further consideration of the bill and that it be referred to the Committee on Private Land Claims.

The motion was agreed to.

### JOHN NEWS.

Mr. A. S. WILLIAMS, from the Committee on Military Affairs, reported a joint resolution (H. R. No. 64) granting the rights and benefits of the Soldiers' Home to John News; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# MRS. C. THRUSH AND WILLIAM B. STONE.

Mr. ROBBINS, of Pennsylvania, from the Committee on Naval Affairs, reported back, with a recommendation that it pass, the bill (H. R. No. 732) for the relief of Mrs. Catharine Thrush and William B. Stone, owners of the schooner Flight; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## CIVIL ENGINEERS IN THE NAVY.

Mr. MILLS, from the same committee, reported back adversely the bill (H. R. No. 1164) fixing the rank and pay of civil engineers in the Navy; which was laid on the table, and the accompanying report ordered to be printed.

### MEDICAL AND PAY DIRECTORS.

Mr. MILLS also, from the same committee, reported back adversely the bill (H. R. No. 1091) to amend section 1588 of the Revised Statutes, relative to the pay of medical and pay directors; which was laid on the table, and the accompanying report ordered to be printed.

### ISAIAH DEWLING.

Mr. MILLS also, from the same committee, reported back adversely the memorial of Isaiah Dewling; which was laid on the table, and the accompanying report ordered to be printed.

### ROBERT BURTON RODNEY.

Mr. BURLEIGH, from the same committee, reported back adversely the bill (H. R. No. 417) for the transfer of paymaster Robert Burton Rodney from the retired list to the active list of the Navy; which was laid on the table, and the accompanying report ordered to be printed. CREW OF THE UNITED STATES STEAMER COLORADO.

Mr. WILLIS, from the same committee, reported back adversely the petition of Captain John Lee Davis, United States Navy, on behalf of the crew of the United States steamer Colorado at the time of the capture of New Orleans, in April, 1862, asking that they be allowed head and prize money; which was laid on the table, and the accompanying report ordered to be printed.

ASSIMILATED RANK OF WARRANT OFFICERS IN THE NAVY.

Mr. LEWIS, from the same committee, reported back adversely the petition of 55 boatswains, 62 gunners, 50 carpenters, and 38 sailmak-rs, all warrant officers of the United States Navy, relative to the act authorizing assimilated rank to warrant officers of the Navy; which was laid on the table, and the accompanying report ordered to be printed.

#### PRESENT FROM GREAT BRITAIN TO EDWIN JAMES.

Mr. FAULKNER, from the Committee on Foreign Affairs, reported a joint resolution (H. R. No. 65) authorizing Edwin James, United States consular agent at San José, to accept a piece of plate from the Queen of Great Britain; which was read a first and second time.

The joint resolution authorizes Edwin James to accept from Her Majesty the Queen of Great Britain a piece of plate which she desires to present to him in recognition of his courageous and efficient services rendered in support of J. Magee, the British vice-consul, when his life was threatened by the commandant of San José.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time,

and passed.

## CONSULATES AT AIX-LA-CHAPELLE, OMOA, AND TRUXILLO.

Mr. FORNEY, from the same committee, reported back, with a recommendation that it pass, the bill (S. No. 305) to change the consulates at Aix-la-Chapelle and at Omoa and Truxillo.

The bill was read. It provides that the consulate now established at Aix-la-Chapelle, in class 5, in schedule B of consulates, be removed to

Cologne, within the same consular district; and the consulate now established at Omoa and Truxillo, in class 7, in schedule C of consulates, be removed to Utila, in the Bay Islands; and that such removals shall in no manner affect the appropriations for such consulates or the existing provisions of law applicable thereto, except as modified thereby.

Mr HOLMAN. I suppose there is a report accompanying this bill;

if not, perhaps some explanatian can be made which will be satisfac-

Mr. FORNEY. It is a Senate bill and has for its object to change the consulate from Aix-la-Chapelle to Cologne, in the same consular district. No additional expense will be incurred thereby. It has been recommended by our minister to Berlin, and also by the Secretary of State. The committee are satisfied the change would be to the benefit of the Government.

Mr. HOLMAN. Will it be left in the same class?
Mr. FOENEY. Cologne is supposed to be the most prominent city.
Mr. HOLMAN. Does it raise the salary?
Mr. FORNEY. It does not; it is left in the same class.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# MARY B. HOOK.

Mr. HUNTON, from the Committee on Revolutionary Pensions, moved that that committee be discharged from the further consideration of the petition of Mary B. Hook, widow of Colonel James H. Hook, United States Army, praying a pension for services rendered by him to the Government; and the same was referred to the Committee on Invalid Pensions.

# CHARLES H. FORRESTALL.

Mr. JENKS, from the Committee on Invalid Pensions, moved that that committee be discharged from the further consideration of a bill (H. R. No. 384) for the relief of Charles H. Forrestall, late private in Company F, Second Regiment United States Sharpshooter Volunteers; and the same was referred to the Committee on Military Affairs.

## ROBERT CAVANAUGH.

Mr. RICE, from the same committee, reported a bill (H. R. No. 1989) granting a pension to Robert Cavanaugh; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# EDWARD HEINZEL.

Mr. RICE also, from the same committee, reported a bill (H. R. No. 1990) granting a pension to Edward Heinzel; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

### MARY ANN M'DONALD.

Mr. RICE also, from the same committee, reported a bill (H. R. No. 1991) granting a pension to Mary Ann McDonald; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## HARRIS B. LOVELL.

Mr. BAGBY, from the same committee, reported back, with the

recommendation that it do pass, a bill (H. R. No. 1236) granting a pension to Harris B. Lovell, late private in Company C, One hundred and twenty-second Illinois Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and, with the acceptance in the Private Calendar, and, with the acceptance in the Private Calendar, and the private Calendar is the private Ca companying report, ordered to be printed.

#### JEFFERSON BOWERS

Mr. BAGBY also, from the same committee, reported back, with the recommendation that it do pass, a bill (H. R. No. 1588) granting an additional pension to Jefferson Bowers, of Mason County, Illinois; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### JAMES W. THOMPSON.

Mr. BAGBY also, from the same committee, reported back, with the recommendation that it do pass, a bill (H. R. No. 1245) granting a pension to James W. Thompson, late of Company H, Forty-seventh Illinois Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# MRS. LYDIA JOHNSON.

Mr. BAGBY also, from the same committee, reported back, with the recommendation that it do pass, a bill (H. R. No. 1499) granting a pension to Mrs. Lydia Johnson, of De Witt County, Illinois; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### HARRISON MITCHELL.

Mr. WILSON, of West Virginia, from the same committee, reported back adversely a bill (H. R. No. 501) granting a pension to Harrison Mitchell; which was laid on the table, and, with the accompanying report, ordered to be printed.

#### MARY P. ABEEL.

Mr. HEWITT, of Alabama, from the same committee, reported a bill (H. R. No. 1992) granting an additional pension to Mary P. Abeel; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ADVERSE REPORTS.

Mr. HEWITT, of Alabama, also, from the same committee, reported back, with adverse recommendations, the following petitions; and the same were severally laid on the table:

Petition for invalid pension by John Pope, late private Company K, Eighty-eighth Pennsylvania Volunteers;

Petition of Catharine Greybig, for pension on account of the loss of her husband, Philip Greybig, in the naval service of the United States during the rebellion; and

Petition of William A. Henderson, praying that he be granted a

# WILLIAM H. H. ANDERSON.

Mr. SINNICKSON, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 258) granting a pension to William H. H. Anderson; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## JOHN E. WUNDERLIN.

Mr. RAINEY, from the Committee on Invalid Pensions, reported back, with the recommendation that it do pass, the bill (H. R. No. 183) granting an increase of pension to John E. Wunderlin, late a private in the Thirty-third Regiment of New York Volunteer Infantry; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

### EMPLOYMENT OF COMMITTEE-CLERK.

Mr. O'BRIEN. I am instructed by the Committee on Coinage, Weights, and Measures to offer the following resolution, and ask res reference to the Committee of Accounts:

Resolved, That the Committee on Coinage, Weights, and Measures be allowed a clerk, at a salary of \$4 per day.

The SPEAKER. Is there objection to the reference? It can only be done by unanimous consent.

There was no objection; and the resolution was referred to the Com-

mittee of Accounts.

The SPEAKER. The call of committees for reports of a private nature has now been completed,

# DUTY ON BOOKS.

Mr. GARFIELD. I ask unanimous consent to have a short petition read, which I think will be interesting to the House and which I present for reference to the Committee of Ways and Means.

There was no objection, and the Clerk read as follows:

To the honorable the Senate and House of Representatives: Your petitioners, teachers and men of letters and science, respectfully represent that the present high duty on all foreign books less than twenty years old is a tax upon knowledge of the most onerous character, which bears with especial severity upon those who are desirous of keeping themselves acquainted with the progress of letters and science abroad. At the same time your petitioners recognize the fact that the abolition of duty on all books, though eminently desirable, is not now practicable. But books in the modern foreign languages constitute a class easily distinguishable, rarely reprinted in this country, and containing the largest part of that knowledge which is sought by your petitioners. They therefore pray that books in other than the English, Latin, and Greek languages be added to the list of articles admitted through the custom-house free of duty.

H. W. Longfellow, J. R. Lowell, O. W. Holmes, Charles Francis Adams, Theodore D. Woolsey, W. C. Bryant, R. W. Emerson, George Bancroft, Francis Parkman, and six hundred professors and men of science in Harvard University, Yale College, and fifty other colleges in the United States.

The petition was referred to the Committee of Ways and Means.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. RANDALL. I move that the rules be suspended and that the House resolve itself into the Committee of the Whole on the diplomatic and consular appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Hoskins in the chair,) and resumed the consideration of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The paragraph pending when the committee rose yesterday was the

following:

For ministers resident at Portugal, Switzerland, Belgium, Netherlands, Denmark, Sweden and Norway, Turkey, Venezuela, and the Hawaiian Islands, at \$6,500 each, \$58,500.

Mr. MONROE. I offer the following amendment:

Add after the word "Venezuela" the words "Ecuador, Colombia, and Bolivia." The object of the amendment is to give each of these countries a

minister by itself. Mr. RANDALL. The effect of it is to break up the consolidations

which the committee recommend.

Mr. MONROE. Yes; certainly. The question being taken on Mr. Monroe's amendment, it was not

Mr. HEWITT, of New York. I offer the following amendment:

Amend by striking out "\$58,500" in line 21, and inserting in lieu thereof "\$45,500;" and add the following paragraph:
For minister resident accredited to Denmark, Sweden and Norway, to reside at such place as the President may from time to time direct, in either of the states

The effect of that amendment is to consolidate the missions to Denmark, Sweden and Norway, and I offer it as in accordance with the remarks which I had the honor to make in reference to this bill. I there suggested the consolidation of these missions as more desirable, if consolidations are to be effected, than those of the South American missions. I am not aware certainly whether the Committee on Appropriations is disposed to accede to this amendment or not; but I have the impression that they do regard it as acceptable. I think that if the committee should conclude to accept it, it might form a practical answer to a remark which was made yesterday to me by the

chairman of the Committee on Appropriations, in a manner designed undoubtedly to be personally offensive, that there was nothing in the manner of my speech or in its substance, so far as he was concerned, which entitled me to any courtesy at his hands. I confess I was very which entitled me to any courtesy at his hands. I confess I was very much astonished and very much pained when that remark was addressed to me, and I have therefore carefully gone over the remarks which I made on this subject, to see if I gave any reasonable ground for any irritation on the part of the chairman of the committee. I have been unable to find any ground of offense. If I had, I should apologize to him and to the House. My crime seems to have been that I ventured to form an independent judgment. I desire, sir, to work with my colleague on this side of the House in favor of every just measure of reform: but the gentleman who undertakes to bring me measure of reform; but the gentleman who undertakes to bring me into line has not long enough been accustomed to command upon this floor—and I believe that his long service hitherto has been in the minority—to have that gracious manner and kindly courtesy which are desirable in order to bring gentlemen into harmony with him. So far as I am concerned, I do not propose to allow his ungracious treat-

ness before the House. Now, sir, on looking over the criticisms in which the gentleman indulged upon my remarks I find that he made no sufficient answer to what I had said as to the difficulty in relation to the Chinese consulates, and when that subject comes up I shall show that his positions are untenable in regard to those consulates. He did not meet my criticism as to the abolition of our only consulate on the Black Sea, the omission as to Hayti, and the other points to which I called the attention of the committee.

ment to disturb me in the plain performance of my duty in any busi-

But he left the subject simply with the assertion that there was nothing in the matter or substance of my remarks which commands attention. The decision of the committee as to the amendment which

I propose will be a sufficient answer to this assertion.

Mr. RANDALL. I have not read the remarks of the gentleman Mr. RANDALL. I have not read the remarks of the gentleman from New York [Mr. HEWITT] as they appear in the RECORD, but I heard them very distinctly; and one of them inferentially, if not directly, attributed ignorance to the Committee on Appropriations. Now that was a very unkind remark for him to make.

Mr. HEWITT, of New York. There is no charge of ignorance against the committee in my speech.

Mr.RANDALL. The remarks made on this floor were that probably the Committee on Appropriations did not know where the Yang-tse-Kiang River was.

Kiang River was.

Mr. HEWITT, of New York. I beg to say that I read my speech word for word from the manuscript, and that it was printed from my

manuscript at the RECORD office, as may be easily ascertained.

Mr. RANDALL. I heard it on the floor. Now, the remark that the committee were ignorant on that point was not true, and was very unkind, and, not being true, it was very unjustifiable. That is all I have to say upon the subject.

Mr. HOLMAN. I ask that the amendment be again reported for

the purpose of seeing where the language comes in.

The amendment was again read.

Hr. HOLMAN. This amendment is entirely satisfactory to the members of the Committee on Appropriations, so far as I am advised, and it seems to me a very proper amendment to be made. It comes in properly at the end of the paragraph instead of in the midst of it, inasmuch as the three countries are thrown together, and it should be made a separate paragraph. The same arrangement has been adopted in regard to other consolidated countries.

The gentleman from New York [Mr. HEWITT] has not mentioned the fact-but of course all gentlemen have heard of it-that this consolidation is attended with no embarrassment whatever. These are friendly powers with whom we have little commerce and no political

relations beyond amity and national friendship.

Mr. HAMILTON, of New Jersey. I suggest that the words "Denmark," "Sweden," and "Norway" should be stricken from line 19 if this amendment is to prevail.

Mr. HEWITT, of New York. I supposed that it had provided for that, and I accept the amendment.

Mr. HOLMAN. I understood that the language of the amendment strikes out those words.

The CHAIRMAN. That is not the language of the amendment: but the Clerk will modify it.

The question was taken; and the amendment, as modified, was agreed to.

Mr. HALE. I offer the following amendment to come in after the word "Islands" in line 20: "and to Uruguay also accredited to Paraguay;" so that it will read:

For ministers resident at Portugal, Switzerland, Belgium, Netherlands, Turkey, Venezuela, and the Hawaiian Islands, and to Uruguay also accredited to Paraguay, at \$6,500 each, \$58,500.

Mr. Chairman, I do not want to take up endless time on this bill, and if the gentleman in charge of it, and the chairman of the Committee on Appropriations will consent to this amendment, I hope I shall not be called upon to trouble the diplomatic part of the bill any further.

The missions at Uruguay and Paraguay have already been consolidated into one. There were formerly two missions, but under a general statute the two were consolidated as one, and half the pay of either saved. Therefore at present the minister at Uruguay accredited also to Paraguay receives a salary of \$10,500 a year. That salary in this bill has been struck out, and in the paragraph beginning at line 30 in the printed bill the mission to those two countries is further onsolidated with that to the Argentine Repub.ic. I do not seek here—
I state this to the gentleman from Mississippi [Mr. SINGLETON] and
the chairman of the Committee on Appropriations [Mr. RANDALL]—
to put back this mission to its old salary; I think that would be too
much, considering the line in which this bill is being conducted.

But I do ask that it may be put in at this reduced rate of \$5,500 a year, and for this reason: There is no good reason why Uruguay and Paraguay, if any intercourse at all is main ained with them, should be consolidated with the Argentine Republic. There are no relations between those states that go to make them harmonize in a diplomatic way. On the other hand, there are constant troubles, outbreaks, and wars occurring between those governments. So far as intercourse is concerned with Uruguay and Paraguay, it may be said that we need no minister whatever there. But there is a large commerce with Uruguay, mainly at the city of Montevideo, one that should be encouraged and nourished. And at the same time, unless we propose to strike out pretty much all these South American missions, it is fitting that a minister should be allowed there. There are a large number of American residents there at the present time; there is an important commerce of ours there; and a minister at this reduced rate I am sure cannot be objectionable even in the line of economy pursued in this bill. I hope that in this matter neither the gentleman from Mississippi nor the chairman of the Committee on Appropriations

will object to my amendment.

Mr. SINGLETON. In the consolidation which we have made of these South American missions, we are but following the example which was set us several years ago by a republican Congress. In order that I may show the gentleman that there is not that reason for his amendment which he seems to think there is, permit me to read from the Congressional Globe of 1868-69. I do not know whether the gentleman was a member of Congress or not at that time. We are but following in the line that was dictated to us by a republican Congress. Let me read. The consular and diplomatic appropriation bill was then under consideration:

Mr. Butler, of Massachusetts. I move to amend by adding at the end of the pending paragraph the following:

"Provided, That the minister accredited to the government of Nicaragua shall also be accredited to the governments of Honduras, Guatemala, San Salvador, and Costa Rica, and shall receive as compensation \$9,000 a year, with a secretary of legation who shall receive a salary of \$1,500 a year and no more.

The minister at New Granada shall also be accredited to the governments of Venezuela and Ecuador, and shall receive a salary of \$7,500 a year, with a secretary of legation who shall receive a salary of \$1,500 a year and no more.

The minister at Uruguay shall also be accredited to the Argentine Confederation, and shall receive a salary of \$7,500 a year and no more, with a secretary of legation who shall receive a salary of \$1,500 a year and no more.

The minister at Peru shall also be accredited to the governments of Chilí and Bolivia, and shall receive a salary of \$10,000 a year, with a secretary of legation who shall receive a salary of \$1,000 a year and no more.

Mr. Butler then went on to give his reasons for the amendment, and if I had time I would like to read the remarks of the gentleman.

Mr. HALE. The House did not agree to that amendment.
Mr. SINGLETON. It did that very thing.
Mr. RANDALL. The House adopted the amendment.
Mr. HALE. Then it must have been overruled elsewhere, because it never became the law.

Mr. SINGLETON. It was adopted by this House nem. con. I supposed that some gentlemen in the House would make an objection to posed that some gentlemen in the House would make an objection to the consolidation, and would make elaborate speeches upon it; but there was not a single voice raised against it. We are but following the example that was set us by Congress in 1868-'69.

Mr. HALE. Hardly "set by Congress," my friend will see.

Mr. SINGLETON. Well, by the House; by this part of Congress.

Mr. BANKS. What is the date of that?

Mr. SINGLETON. February 6, 1869.

Mr. HALE. I think it must be very evident to the gentleman that no attention was called to the matter, from the fact that he says it was passed in the House perm come.

was passed in the House nem. con.

Mr. SINGLETON. I have here the remarks made by Mr. Butler at length. I would like to read to the gentleman the reasons given for the consolidation, which reasons have just as much force to day as they then had. I will ask the Clerk to read the remarks of Mr. Butler at that time.

Mr. BANKS. The amendment went to the Senate and was dis-

agreed to.

The CHAIRMAN. The time of the gentleman from Mississippi [Mr.

Mr. RANDALL. I move to amend the pending amendment by striking out the last word in order to state that the gentleman from Maine [Mr. Hale] is perhaps aware of the belligerent condition of Paraguay and of its hostility to Brazil, and will further recollect that this consolidation-

Mr. HALE. I know that Paraguay is pretty much wiped out.
Mr. RANDALL. The consolidation is somewhat in the line of the suggestion made by the Secretary of State himself in our committeeroom on the day when he appeared before us. In fact I may say that this consolidation was made rather at his suggestion than at the in-

stance of the Committee on Appropriations.

Mr. HALE. I hardly think the gentleman would say that deliberately. I have here a memorandum from the State Department saying that this is not deemed an expedient consolidation.

Mr. RANDALL. I am not mistaken. My memory upon this point is as clear and distinct as of any act I ever witnessed in my life.

Mr. HALE. Of course the gentleman knows that it is not proper for either him or me to state what occurred in the committee at a con-

Mr. HALE. This is a matter best settled by the formal communi-

cation of the Department to the House.

Mr. RANDALL. Well, I did not mean to transcend any legitimate rule of decorum. I supposed the House wanted information, and I

was giving it.

was giving it.

Mr. BANKS. I rise to oppose the amendment. The suggestion of the Secretary of State to the Committee on Foreign Affairs upon the combination of these diplomatic posts was governed by considerations not so much of political affinity as of contiguity and reasonable opportunities of reaching the different posts. The objection stated by the Secretary of State to the Committee on Foreign Affairs to the combination of University and Paragraphy was not based upon political. combination of Uruguay and Paraguay was not based upon political considerations; the objection, as he stated, had relation to the opportunities and facilities of getting from one country to the other.

In regard to what the gentleman from Mississippi [Mr. Singleton] has said about the action of the House in 1869, the probability is that the House agreed to the consolidation of these diplomatic stations, that the Senate disagreed to it, and that, upon consideration of the subject by a committee of conference, the House assented to the representation as it had existed before. And an explanation of the fact that there was no debate may perhaps be given in this way: that as that there was no debate may perhaps be given in this way: that as this consolidation had been urged for many years there was a disposition on the part of the House at last to try it. Although I had always opposed it myself, I did consent in the House that the consolidation or combination as then proposed should be made. But the Senate disagreed to the proposition, and the committee of conference on the part of the two Houses thought it best to continue the representation as it had before existed.

Mr. SINGLETON. I simply wish to say that there was considerable debate on this subject; it was participated in by Mr. Butler himself, by Mr. Maynard, and by others.

Mr. BANKS. Very likely.

Mr. SINGLETON. The Congressional Globe shows that fact; and was after discussion that the House agreed to the proposition.

Mr. BANKS. It is an old question; it has been debated here for many years and defeated many times. I do not see that there is any harm under the existing circumstances in consenting to a reasonable consolidation where the minister has reasonable facilities of access to

both the countries to which he is accredited.

Mr. RANDALL. I withdraw my amendment to the amendment.

The question recurring on the amendment of Mr. Hale, it was not

agreed to.

Mr. TUCKER. I move to amend by striking out in the twentieth line the words "and the Hawaiian Islands;" inserting the word "and" before "Venezuela," and changing the aggregate of the appropriation by striking out "fifty-eight" and inserting "thirty-eight." I will state my reasons for offering the amendment.

The Hawaiian Islands have a population of not over 50,000. The government is very inconsiderable. A consulate has been established there at a salary of \$3,500 by this bill; and to give a minister resident there \$6,500, the same that is allowed to the minister to Portugal or Belgium, or any similar power, seems to me entirely unnecessary. The amount of trade—exports and imports—between this country and the Hawaiian Islands does not exceed \$2,000,000 annually. A consulate of high grade seems to me all that is necessary for the pur-

pose of communication between the two countries.

Mr. HALE. Aside from either population or trade, there are certain reasons why a mission to the Hawaiian Islands should be kept up; and it was those reasons, I may say, that influenced the Committee on Appropriations in leaving the provision for this mission in the bill. The Sandwich Islands, as they are commonly called, have a peculiar relation, not only in the present, but in the promise of the future, to the vast commerce which in the years to come must be opened in the Pacific Seas. So marked and salient a point do they present in view of that commerce that there is constantly on the part of Great Britain an endeavor to gain the leading influence and control there, so that by and by, when the islands drop into the hands of some great power, that power shall be Great Britain, rather than ourselves or any other nation. One main object, therefore, of this mission is to maintain

what at present exists there: the ascendency of American influence.

I do not believe that the gentleman from Virginia, [Mr. Tucker,]
with his mind directed to this view—and he is a man who can appreciate the vast commercial advantages which in the years to come will be derived from the United States, rather than Great Britain, having the control and ascendency in those islands—I do not believe that he, with that view, would be in favor of striking down this mission. It is a moral influence that is to be exerted upon the people of those islands; and it is a moral influence that cannot be exerted by a mere consular business agent. That government is feeble, its peo-ple are few, its revenues small; but still it has the form and some of the panoply of a monarchy; and to be regarded as a power to which a minister shall be sent has always been, and is to-day, deemed by

that people an especially gratifying fact.

I believe, Mr. Chairman, if this mission be abolished, in order to save this sum of money which the gentleman seeks to save, we will in the near future lose, in my judgment, untold thousands and perhaps millions in our commerce for every dollar that is saved. These

islands had better be kept under our protection so far as that can be done through the influence of this mission.

Mr. LAWRENCE. Does the British government keep a minister

Mr. HALE. I do not exactly know the title given to the British agent at the Sandwich Islands; but Lean state to the gentleman that there is not a month in the year when the British empire is not seeking to get control and to hold supreme influence over those islands.

Mr. LAWRENCE. I think the gentleman from Maine is right.

Mr. HALE. Of course I am; and this Government cannot afford to give up the influence which it now holds there.

Here the hammer fell.]

Mr. HOLMAN. I trust the amendment of the gentleman from Maine will be withdrawn for a moment.

ill be withdrawn for a moment.

Mr. HALE. I replied to the gentleman from Virginia.

Mr. HOLMAN. Then I move to amend by striking out the last
ord. I will not detain the committee long. We have provided not word. I will not detain the committee long. We have provided not only for a minister resident to the Hawaiian Islands at a salary of \$5,500, but we have also provided for a consul of the second class at Honolulu at a salary of \$3,500 per annum. Now, considering the population and the extent of the commerce of that kingdom, it would seem that this is out of all disproportion to the other provision contained in this bill. Itherefore suggest to the gentleman we make the minister resident also consul-general and reduce the consulate at Honolulu down to a lower rate. We have placed this position unusually high, considering population and commerce, and we have done so on account of the fact mentioned by the gentleman from Maine.

These islands are in the treak of what must be in the acaly fortune.

These islands are in the track of what must be in the early future to us an important commerce. Their relation also to our Pacific coast makes it important that they should be regarded with special consideration. I make the suggestion, for the purpose of getting rid of the anomaly of the great expense of these positions as compared with the other provisions in this bill, that we make the minister resident also consul-general, fixing the salary at \$3,500, as his duties are mainly

those of consul-general rather than anything else and dispense with the consulate at Honolulu or reduce it to a lower rate. How will that

suit the gentleman from Maine?

Mr. HALE. While I can sympathize with what the gentleman is seeking to obtain, yet just at present, with the critical commercial relations between us and those islands, and considering the fact that there is to-day before Congress a provision in respect to a treaty, it must be evident that any act of ours reducing our representation there will be looked upon by that people as an indication of failing interest on our part for them. I do not know that difficulty will arise if we leave the minister as he is and reduce the consulate to a lower grade; but, looking at the whole subject in the view in which I have already presented it, I am very anxious that nothing should be done which would indicate to those people that we meant to let go the hold we have upon them now and let them slip into the control of any other power. I know the gentleman is intelligent on the subject of our commerce and its necessities, for he has served on the Committee on Commerce, and I feel assured that he will agree with me that it is not advisable to do any such thing at this time. I ask the mission be left as it is, and then, when we come to the consulate, we can determine whether it shall be transferred to a lower grade or not. It is a subject which I had not examined, but for the present I think we had better let this stand as it is.

Mr. HOLMAN, by unanimous consent, withdrew his pro forma amend-

The question then recurred on Mr. Tucker's amendment. The committee divided; and there were—ayes 62, noes 68. Mr. Tucker demanded tellers.

Tellers were ordered; and Mr. TUCKER and Mr. HALE were appointed.

Mr. HALE. I hope gentlemen will be content to let this go as it is.
Mr. RANDALL. Let us strike this out, and when we come to the consulate we can make a provision which will be satisfactory.

The committee again divided; and the tellers reported—ayes 93,

noes 85.

So the amendment was agreed to.

Mr. HALE. I give notice that I will ask for a vote by yeas and

mays on this proposition in the House.

Mr. TUCKER. At the suggestion of my friend from Indiana and to carry out the views I have, I am perfectly willing to add this amendment.

The Clerk read as follows:

For minister resident and consul-general at the Hawaiian Islands, \$3,000.

Mr. HALE. That is less than the consul-general gets at the pres

ent time. I do not wish to say anything more than that.

Mr. TUCKER. Then I will modify my amendment and make it \$3,500. I may be permitted to say, in answer to what the gentleman from Maine [Mr. Hale] said a moment ago, that I appreciate as highly as he does the command by the American Government of the Pacific; but I would achieve it in some other way than by creating a minister resident at the Hawaiian Islands at \$6,500 and a consul-general at Honolulu at \$3,500 per annum.

Mr. HALE. Does not the gentleman see that we are not creating, but that we are simply maintaining what was created years ago, and to which these people have become accustomed. And they measure the recognition of their importance largely by the kind of agent or

minister that we send them.

Mr. HOLMAN. Will my friend from Maine bear in mind that we have but one consul there at a salary of \$4,000 a year? We are proposing to do even more than that so far as commerce is concerned, and we will retain in our agent the character of minister, by the amend-

ment of the gentleman from Virginia, [Mr. Tucker.]

Mr. KASSON. I wish to inquire if there is a precedent anywhere in our diplomatic or commercial history for combining the two offices

in one minister resident and consul?

Mr. HOLMAN. Why, certainly; it is a very common thing in our practice.

Mr. KASSON. Will the gentleman refer me to an instance? Mr. HOLMAN. I refer the gentleman to the case of Liberia, where we have a minister resident and consul-general. It is all through our system.

Mr. KASSON. I admit that the gentleman shows a precedent. I had forgot the case of Liberia, with which, however, we have almost no commercial relations.

Mr. HALE. Has the gentleman from Indiana ever known the case of a minister resident at a salary of \$3,500 ?
Mr. HOLMAN. I know that the minister resident in Liberia, the

offspring of our Republic, receives but \$4,000.

Mr. HALE. But Liberia is an offspring that is almost dead, growing of little account and every year of still less account. But this is a growing child.

Mr. HOLMAN. I am sorry to hear my friend say so. The popula-

tion is far greater and this republic has been planted by us and is

Mr. TUCKER. Allow me to suggest to the gentleman from Maine that we heard a great deal yesterday about the expenses at these European ports. You give your representative at one of these European ports \$6,500, and you propose to give the same at the Hawaiian port, where I suppose the expenses cannot be so great as at the European,

Mr. HALE. The allowances have been cut down at the ports all over Europe

Mr. KELLEY. I would like to correct an error into which my friend from Maine has fallen. He says Liberia is a failing child and thinks this a growing one. He is mistaken in both propositions.

Mr. HALE. I did not mean to speak of the Hawaiian Islands as

growing in population. I alluded to their importance, commercially

and politically, in the future.

Mr. KELLEY. The Hawaiian population has dwindled down from 400,000 to 49,000, and they have never been able to tempt over 7,000

foreigners to live among them.

Mr. HALE. Those islands are getting into good shape for us to occupy them.

The question being taken on Mr. Tucker's amendment, the committee divided; and there were—ayes 94, noes 73.

So the amendment was agreed to.

Mr. MONROE. With the view which I have of the importance of the South American republics to us and our commerce, I do not wish to let this paragraph pass without offering one more amendment, and to let this paragraph pass without one ring one and the Appropri-I will then try to relieve the patience of my friends on the Appropri-te amend by inserting the word "Chili" ation Committee. I move to amend by inserting the word "Chili" after the word "Venezuela." I will explain in a moment what is my object in making this motion. I would insert Chili here, and, if the committee accept my amendment, I will then move to strike that word out in the next paragraph and insert "Peru" in its place, so as to connect Peru with Bolivia, and I will then move to strike out "Peru" in the paragraph following that. It will be a rather mild modification of the plan of the committee, and I should be very much gratified if it could be adopted.

Mr. HOLMAN. What is the proposition?
Mr. MONROE. The plan is this: when the several motions have been adopted the modifications of the bill would be this: It would give Chili, which is really the most interesting and one of the most important of all the South American states—it would give that state a minister resident by itself at \$5,500 a year.

Mr. HOLMAN. It will have one substantially now, will it not,

Chili being connected with Bolivia?

Mr. MONROE. I will explain. It would give Chili a minister by itself and would then attach Bolivia to Peru and give those two countries one minister. And the connections of Bolivia with Peru are so much closer than they are with Chili, because really all the commerce of Bolivia with foreign countries is done through a port of Peru, I have always felt willing to attach Bolivia to Peru and have but one minister to those two countries. Then we should leave Ecuador and Chili together and assign one minister to those two countries.

I think that gentlemen will find that it is nearly impracticable to have one minister attempt to represent the United States in all three of the states of Peru, Ecuador, and Colombia. Since I made some remarks on this subject the other day I have conversed with gentlemen who have been over all that ground, who have been from Bogota to Quito and from Quito to Lima, and it is the opinion of such gentlemen that it is impracticable for one minister to attempt to represent the United States at three states whose capitals are separated by such barriers of time and space.

Now, this modification is not a very great one of the committee's plan. It would give the most interesting state of South America, namely Chili, a minister by itself; it would assign one minister to Bolivia and Peru, which would naturally go together, and would then give one more minister to Ecuador and Chili. That is my plan.

Mr. HOLMAN. A good deal has been said on the subject of the liberality of Great Britain in promotion of her commerce by accrediting ministers and consuls to the various republics of South America. I have before me a statement, furnished by the State Department, showing that, while Great Britain finds it necessary to have a minister at Brazil, she has one minister, as we have, to all the Central American states; but she has only charges d'affaires at New Grenada, United States of Colombia, Venezuela, Peru, and Chili. That is the extent of her connection with the commerce and political relations of those countries, far less than this bill of ours proposes, while the commercial relation of those countries, as my friend well knows, are mainly with Great Britain,
Mr. MONROE. Will the gentleman tell us what pay Great Britain
gives its chargés d'affaires ?

Mr. HOLMAN. The salaries are very materially greater than we

Mr. MONROE. Yes; £2,000 sterling per annum.
Mr. HOLMAN. Yes, and Great Britain gives her ministers larger salaries but she does not employ so many of them as are proposed, now as we are proposing; indeed Great Britain attaches no political importance to any part of South America except the Central American states and Brazil; all her relations are purely commercial, and she is represented there by commercial agents.

Mr. MONROE. The plan I propose now would give us the same number of ministers that Great Britain has there.

Mr. HOLMAN. We all know Great Britain has two ministers in South America, one at Brazil, and one at the Central American States, sent there for the manifest reason that her commerce is interested on that isthmus; but at all other positions she has chargé d'affaires, her relations being mainly commercial.

Mr. MONROE. Does not my friend from Indiana know that a

Mr. MONROE. Does not my friend from Indiana know that a chargé d'affairès is a diplomatic officer.

Mr. HOLMAN. Why certainly he has diplomatic powers, but directly connected with commerce. I will not say the State Department advises the combination proposed in this bill, but I do believe that that Department thinks th t if these combinations are to be made, it is proper that Chili and Bolivia should be placed together, and that Peru, Ecuador, and the United States of Colombia should be united together. It is the United States of Colombia, Chili, and Peru that furnish as commerce. Our relations with these states are important furnish us commerce. Our relations with these states are important on no political account. I believe the Committee on Appropriations were unanimous in the opinion that if this combination was proper at all, we have made the proper combination.

The question was taken, and the amendment was not agreed to. The Clerk read as follows:

For minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua, to reside at the place that the President may select in either of the states named, \$10,000.

Mr. HALE. I rise for the purpose of asking why, if other consolidated missions are put at \$6,500 a year, this one is put at \$10,000? Why should they not be the same?

Mr. HOLMAN. I rose at the same time the gentleman did for the purpose of offering an amendment on that point. If he will offer it there will be no objection to it.

Mr. HALE. In other cases the ministers have to travel much more than in this. I yield to the gentleman to offer the amendment.

Mr. HOLMAN. I move to strike out "\$10,000" and insert "\$6,500;"

this was a mere oversight.

The question was taken, and the amendment was agreed to.
The Clerk read as follows:

For salary of the secretary to the legation (when acting also as interpreter) at Japan, \$3,000.

Mr. SEELYE. I would like to inquire of the chairman of the Committee on Appropriations what would take place if the secretary of legation was not able to act as interpreter, which I believe is actually the fact at the present time. It has been the case, Mr. Chairman, that no person in Japan who would be accepted perhaps as secretary

Mr. RANDALL. The salary of the secretaries of legation was formerly \$2,500; we have raised it to \$3,000, with the view of allowing

him \$500 for the purpose of paying an interpreter.

Mr. SEELYE. The salaries of the secretary of legation in Japan was \$2,500 and the salary of the interpreter was \$2,500.

Mr. RANDALL. Yes; you are correct in that.

Mr. SEELYE. It has been necessary here to have the posts occupied by different men, and I suppose that necessity exists at the present time.

Mr. RANDALL. The committee found that in other places where we employ interpreters the work could be done for \$500; and therefore they deemed it best to make it uniform

Mr. SEELYE. The gentleman will allow me to say that in reference to China the only man in the Chinese Empire who could act as

interpreter was

Mr. RANDALL. Mr. Williams.
Mr. SEELYE. Yes, Dr. Williams; but this condition does not exist

Mr. RANDALL. We used to allow the secretaries of legation \$2,500 a year; and we propose now to allow them an additional \$500 in order that they may employ an interpreter, and I think that that

amount is sufficient.

Mr. SEELYE. I suppose that \$500 would not employ a competent

interpreter for the legation at Japan.

Mr. RANDALL. The same thing is done in regard to Turkey; that is to say, it did exist heretofore as to Turkey, and we have allowed

Mr. SEELYE. I move to amend the pending paragraph by striking out the words "when acting also as interpreter," and changing the amount from \$2,500 to \$3,000.

Mr. CONGER. I move to amend the amendment in the way of a substitute for the paragraph. I move to strike out the pending paragraph, and insert in lieu thereof the following:

For salary of the secretary of legation at Japan, \$2,500.

For an interpreter, while employed as such, a salary at the rate of \$2,500 per annum.

Mr. HOLMAN. That is the present law.

Mr. CONGER. I know that. I believe there has been no case where
the law provided a secretary to act also as interpreter, except in the
case of China. That required a special act of Congress in order to authorize one person to hold two offices, to act in two capacities and draw two salaries. A special act was passed authorizing that to be done in the case of the only man probably who could combine the duties of secretary with that of interpreter, that is Mr. Williams, the old missionary to China. I understand that that combination of these two offices in one person has been very satisfactory and advantageous to the Government. I learn from the State Department that there is no person sufficiently familiar with the Japanese language who could act as secretary of legation and also be a suitable interpreter for the lega-

which they have reported appropriates \$3,000 for salary of secretary which they have reported appropriates \$3,000 in sainty of secretary of legation when also acting as interpreter at Japan. Former bills have appropriated \$2,500 for secretary of legation in Japan and \$2,500 when acting as interpreter. It is probable that the appropriation which has been made for several years for the salary of \$3,000 for a secretary of legation in China when acting as interpreter, at \$5,000, has induced this clause in the present bill. The fact is that but a single citizen of the United States, Mr. Williams, was known to be competent as secretary and able to speak the Chinese language and to act as interpreter. He has been connected with the American legation in China since June 27, 1855, and has received an increased compensation of \$5,000 on account of his long service and his capacity to speak and write

It will be remembered that the authority for Mr. Williams to hold the offices of secretary of legation and interpreter was given by a special act. Without this special legislation it would be extremely doubtful, even if an individual were found capable of performing both duties, if he could hold the office and receive compensation. If the provisions in this bill are to remain, no American citizen is known who can speak Japanese who is fitted for the position of secretary of legation; and the Revised Statutes prohibit any diplomatic officer who is not a citizen of the United States from receiving com-pensation. The effect, therefore, must be either to have no inter-preter and no person who can speak the language at the legation in Japan, and to increase the salary of the secretary of legation to \$3,000 upon the theory that he performs interpreter's services, which he is incapable of doing, or to leave both offices vacant.

The question was taken upon the substitute moved by Mr. CONGER;

and upon a division it was not agreed to—ayes 65, noes 79.

The question was then taken upon the amendment moved by Mr.

SEELYE; and it was not agreed to.

The Clerk resumed the reading of the bill, and read the following: For the salary of the secretary to the legation (when acting also as interpreter) at China, \$3,000.

Mr. SEELYE. I move to amend the paragraph just read by striking out "\$3,000" and inserting "\$5,000." As I said before, this Government is exceedingly fortunate in securing the services of probably the only man in the Chinese Empire competent to fill both of these offices; the only man that the Chinese government and our own Government might be said to have equal confidence in. When one thinks of the worth of the confidence of such a people as the Chinese in the diplomatic officers with whom they have to do, I think gentlemen will all acknowledge that it is important to keep these offices in the hands of the present holder.

Mr. RANDALL. I agree with everything the gentleman has said in reference to the character of this officer. He is here now. I have conversed with him, have obtained a great deal of information from him, and have had a very satisfactory interview with him. But we cannot on that account vary the general purpose of the bill, because by making this an exception we would be doing injustice to others. The increase the gentleman proposes in his amendment is certainly

very much.

Mr. SEELYE. The increase is-

Mr. RANDALL. I do not know but what I would compromise on

an increase of five hundred or a thousand dollars.

Mr. SEELYE. The increase is nothin more than we have paid for these services heretofore. Moreover, if this office of secretary of legation should be held by any other man, we would be obliged to pay the full amount of \$5,000 for the two services of secretary of lega-

the full amount of \$5,000 for the two services of secretary of legation and interpreter.

Mr. RANDALL. Not at all; if we should have any other man we would only pay \$2,500 for the secretary of legation, and then do just as we have done in the case of Japan, give \$500 additional for the services of an interpreter. Perhaps I am too generous in my suggestion of a compromise. I find I am not sustained by my colleagues on the Committee on Appropriations, and therefore I withdraw the sug-

Mr. SEELYE. I think it would be very difficult to obtain in Japan the services of an interpreter for \$500; much more difficult to obtain

them in Peking.

them in Peking.

Mr. RANDALL. There are a great many American citizens on that coast whose services can very readily be obtained for that amount.

Mr. SEELYE. They will not be able to interpret for the American legation; they are not Americans that the Chinese government has that confidence in that it has in the present official.

The question was then taken upon the amendment moved by Mr. SEELYE; and it was not agreed to, upon a division—ayes 68, noes 87.

Mr. SEELYE. I now move the amendment suggested by the chairman of the Committee on Ampropriations to make the amount \$4000.

Mr. SELLIE. I now move the amendment suggested by the charman of the Committee on Appropriations, to make the amount \$4,000.
Mr. RANDALL. I have withdrawn that suggestion.
Mr. HOLMAN. I hope—
Mr. RANDALL. Let us have a vote.
The question was then taken upon the amendment to increase the

sum to \$4,000; and it was agreed to, upon a division—ayes 91, noes 70.

The Clerk resumed the reading of the bill, and read the following: For contingent expenses of foreign intercourse proper, and of all the missions abroad, \$50,000.

I have made this proposition to restore the old rule. I submit it to the consideration of the Committee on Appropriations. The bill they have information from the State Department as to the suffi-Mr. KASSON. I wish to ask the Committee on Appropriations if ciency of this sum; whether they can maintain the actual relations upon the basis of existing laws for \$50,000 ?

Mr. RANDALL. I will state to the gentleman that one of the great

abuses to which our attention has been called is this contingent allowance for the Departments. I believe that of the \$100,000 heretofore appropriated, and it may be of the \$50,000 which we propose to appropriate, much will be expended that we regard as abuses. We have therefore brought down the amount to such sum as we conceived to be entirely sufficient for this purpose during the next year.

Mr. KASSON. Let me ask the gentleman whether the committee

really made a statement of that part of this expenditure which was

regarded as abusive?

Mr. RANDALL. We looked over all the expenditures; we had a report in detail before us; and the Secretary of State was interrogated on that subject.

Mr. KASSON. Now my question is, what was the amount which the committee regarded as abusive, or, in other words, as being made

up of unnecessary expenses?

Mr. RANDALL. Well, the gentleman can measure that by the amount we have cut down.

Mr. KASSON. I do not know whether I can. That is the point I am making. I want to see if the figures are upon that basis.

Mr. RANDALL. We came to the conclusion that cutting off the abuses \$50,000 would be sufficient.

Mr. KASSON. I make this inquiry in great sincerity, because I know that a gentleman on this floor has information from the Department that, making all allowances, it will be impossible for the business of the Government to be transacted for the amount here pro-

The CHAIRMAN. This debate is entirely out of order. No amend-

ment is pending.

Mr. KASSON. I move, then, to amend by striking out the last word.

Mr. BLOUNT. Mr. Keim, who was before the committee, stated that in almost every instance a large part of this fund had been used, not legitimately in the payment of office-rent, but in paying the rent

of residences of ministers.

Mr. KASSON. Did Mr. Keim mention the name of any one minister who paid the rent of his residence out of this fund?

Mr. BLOUNT. He did not mention any particular name; but he

Mr. BLOUNT. He did not mention any particular name; but he said that that was the general rule in reference to that fund; that there were great abuses in this matter.

Mr. KASSON. I should be glad to have a single instance given.

Mr. RANDALL. The gentleman will understand that in many instances as much as \$3,600 was allowed to different ministers as contingent expenses. I think my recollection on this point is accurate; if not, I can be corrected.

Mr. KASSON. Still the gentleman does not seem to understand this point: It is charged that out of these contingent expenses minis-

ters have paid the rent of their residences. Now, in the absence of any single instance specifically stated I must dissent from that statement, because it is contradictory to all my former information about the Department. I have in former days had charge of diplomatic bills in this House, and I never found a single instance in which the rent of the residence of any minister was paid out of the contingent fund. Hence I ask again for a single case in which this has been done

and the charge al'owed by the Department.

Mr. SINGLETON. I have here a partial statement furnished at our request by the Secretary of State. We have time and again sought information on this subject; but we have never been able to get a satisfactory account of the manner in which this contingent has been used. Here is a partial statement which has been furnished to us and which, if the gentleman will examine it, he will find altogether unsatisfactory. He will find that this account foots up only \$13,530.

Mr. KASSON. But the gentleman will remember that the chairman of the committe [Mr. RANDALL] has just stated that they had the

items before them.

Mr. SINGLETON. That was in regard to the \$131,000.

Mr. RANDALL. I am corrected properly by the gentleman from Mississippi. The items we did get were as to another appropriation—the contingent fund of \$131,000 appropriated in last year's bill.

Mr. SINGLETON. I propose to call the attention of the gentleman from Iowa [Mr. Kasson] to some of the expenditures embraced in this propert.

Mr. KASSON. I will not require the gentleman to do that if only the general information I have asked for can be given, which is simply as to the rule by which the committee have reduced this sum; because the Department does unquestionably say that the business of the Department properly chargeable to contingencies cannot be carried on for this amount. Hence my inquiry to the gentleman as to the rule by which the committee have ascertained the amount necessary; whether they have cut off from the estimates submitted the

sary; whether they have cut off from the estimates submitted the amounts they regarded as irregnlar and nunecessary, or whether they have taken a running jump at the amount, and cut it down arbitrarily. I withdraw my pro forma amendment.

Mr. SPRINGER. I renew the amendment. I desire to state that there are two items for contingent expenses in this bill. One is for intercourse with foreign nations and all our missions abroad, \$50,000. It was formerly \$100,000. The other is for contingent expenses of Unite I States consulates, such as stationery, book-cases, &c., \$100,000. Under the head of intercourse proper, the contingent expenses of min-

isters resident and plenipotentiaries to foreign courts were paid last year, and, on an examination of the accounts in the office of the Fifth

year, and, on an examination of the accounts in the office of the Fifth Auditor of the Treasury, we found the rent of offices of foreign ministers charged up in this contingent account.

Mr. KASSON. The rent, not of residences, but of offices?

Mr. SPRINGER. Yes, sir; I am not speaking of residences. Auother reason, I presume, why the committee have reduced this appropriation to \$50,000 is that an item of \$10,000 for presents to Turkish officials was paid out of this appropriation. priation to \$50,000 is that an item of \$10,000 for presents to Turkish officials was paid out of this appropriation. Also, the sum of \$25,000 for paying the expense of dispatching in London, which expense at this time can almost entirely, or at least three-quarters of it, be dispensed with, without any detriment to the public service; for, sir, we have recently established a postal treaty with nearly every civilized nation on the earth, by means of which we can send mail-matter from this country at the mere cost of transportation by putting the official stamp of this Government upon it. That stamp, paid for by this Government, will carry it to its destination in any government embraced in the postal union. Yet \$11,000 a year in gold in London is asked to pay for stamps in England and to pay postage on these printed documents sent out to the various ministers and consuls abroad. It is because we can dispense with this expense that this abroad. It is because we can dispense with this expense that this

item has been cut down. Mr. HEWITT, of New York. Will the honorable gentleman let me ask him whether this is the provision for diplomatic officers, where

they do business!

Mr. SPRINGER. No, sir.
Mr. HEWITT, of New York. I understand the chairman to say there was found charged among the items of expense the rent of offices?
Mr. SPRINGER. Yes, sir.
Mr. HEWITT, of New York. Is it true that it is now proposed

they shall no longer have any allowance for offices in which to do business

Mr. SPRINGER. There is nothing in that respect.

Mr. SPRINGER. There is nothing in that respects.

Mr. HEWITT, of New York. Then you are at variance, as I understand it, with the chairman of the committee, for I understand the chairman to say they found that rent charged. It is charged, has been from the foundation of the Government, and must be, I suppose,

been from rotal data on or the Government, and must be, I suppose, to the close of the Government.

Mr. SPRINGER. These contingent expenses are governed entirely by the Department, and are allowed by the Department here; but

there is no particular appropriation for rent for any particular office. Mr. RANDALL. If gentlemen will look to page 11, lines 245, 246, 247, 248, 249, they will discover all these items are provided for, such as rent, freight, postage, and other miscellaneous matters. I underas rent, freight, postage, and other miscellaneous matters. I understand this item relates to those ministers who have a rest or vacation of two months. They propose to give \$59,000 for that purpose or for what is called "lapping." That is, when a minister is absent for sixty days, he is allowed to receive his pay, while the next in rank, who takes his place, receives one-half of his pay.

Mr. HALE. Does he refer to this as covering those cases?

Mr. RANDALL. Yes, sir; those "lapping" cases.

Mr. HALE. Then what is the item in line 40 "for chargés d'affaires ad interim and diplomatic officers abroad, \$20,000?" That is the item which covers the class of cases to which the gentleman has just referred. I think he will find, on reflection, that this item of \$50,000 does not cover any of these cases.

does not cover any of these cases.

Mr. RANDALL. That is a part of the contingencies abroad—the twenty thousand as well as the fifty thousand.

Mr. HALE. But the twenty thousand covers the class of cases to

which the gentleman has referred.

Mr. RANDALL. They are covered in both items.
Mr. SPRINGER. I withdraw the amendment.
The Clerk read as follows:

SCHEDULE B.

For the agent and consul-general at Cairo, \$3,000.

Mr. HEWITT, of New York. I move to amend by striking out the word "three," in line 67, and inserting "four." My reason for that, Mr. Chairman, is briefly this: The consul-general at Cairo is also the Mr. Chairman, is briefly this: The consul-general at Cairo is also the diplomatic agent of this Government. Egypt is not an independent but a quasi sovereignty, and it happens at this particular moment to occupy a very important position in reference to the commerce of the world. It is known to every gentleman upon this floor that within three days the speech of the Queen of Great Britain has referred to the control secured to that country of the Suez Canal. It is also known that very large English loans are being made to the Pasha of Egypt; and the probability is that the commercial control of that country, which means the control of the trade of the East Indies, is to pass into the hands of Great Britain. We have commercial interests not merely directly with Egypt, but with the great East beyond, and it is most important that this position of consul-general should be filled by a man who is competent not merely to discharge should be filled by a man who is competent not merely to discharge the ordinary duties of a consular office but also with capacity and comprehension enough to understand precisely the nature of the policy which is soon to be inaugurated in that country. The recent consul-general of Egypt, Mr. Beardsley, is just dead. I understand his successor has been nominated and his confirmation is pending in the

I think I need not say another word to the gentlemen of this House beyond the mere statement I have made to show that no man of sufficient ability can be got to fill that place for the sum of \$3,000 per annum. I doubt whether he can be got for \$4,000; but I am unwilling, in the present temper of the House, to go beyond one additional thousand dollars.

Mr. HOLMAN. Mr. Chairman, the proposition, if I understand it correctly, of the gentleman from New York is simply to increase the salary to \$4,000.

Mr. HEWITT, of New York. Yes; that is it.

Mr. HEWHI1, of New York. Yes; that is it.
Mr. HOLMAN. So it is merely a question, not of diplomacy, or of
the importance of this mission, but a question whether the salary
shall be \$3,000 or \$4,000 a year. The fact that Great Britain is obtaining the control of the Suez Canal does not seem to affect this
question at all. We think it does not increase the importance of our relations with that portion of the Turkish Empire. That Great Britain is likely to obtain important control over that part of the world is quite manifest. But that certainly does not increase or complicate our relations with the Turkish Empire.

The title of this officer of the Government is agent and consul-

general. It is a purely commercial relation; for the remarkable and anomalous relation of Egypt to the Turkish Empire still leaves our political relations with that country, so far as treaties and amity of commerce are concerned, with the old Byzantium, Constantinople. So it is a mere question of commerce, and in that respect this is not

a very important position.

I can well see that if our commerce to the East were largely affected by the Suez Canal there might be increased importance attaching to this position on account of the increased commercial relations; while the Suez Canal is being constructed on the one side, shortening the travel between the East and the Atlantic, on the other side the whole current of our commerce has been changed by the opening up of the through route from New York to San Francisco, and the Pacific Ocean becomes the great highway of America, not the Mediterranean Sea, the great waters which formerly bore the commerce of the world. Our commercial relations in all likelihood will diminish rather than increase with the regions of country connected with the old Mediterranean commerce. We think \$3,000 a year very ample provision for this station.

The question being taken on the amendment of Mr. Hewitt, of New York, it was not agreed to.

The following paragraph was read: For salaries of consulates, vice-consuls, commercial agents, and thirteen consular clerks, \$230,400.

Mr. SEELYE. I move to amend by striking out "\$230,400" in the eighty-seventh line, and inserting in lieu thereof "\$232,900."

I offer this amendment intending to move to amend line 101 by inserting Singapore in class 4. My reasons for that can be very simply stated. We all know that since the introduction of steam the most prodigious revolution accomplished in the commerce of the globe has been wrought by the opening of the Suez Canal. In consequence of that event almost the entire commerce between eastern Asia and Europe is obliged to pass through the gates of Singapore. consequence of that event almost the entire commerce between eastern Asia and Europe is obliged to pass through the gates of Singapore. 'Lying as it does at the southeastern opening of the Straits of
Malacca, every steamer from any port in Japan or China for India, or
Ceylon, or Egypt, or Europe, must touch at Singapore, and does touch
there. Our own commerce is very slight there, owing to reasons
which I think are sufficiently apparent, but which need not here be
dwelt upon. Our commerce is very slight indeed, but our consul
there has a prodigious service to American travelers and American
business interests to perform. And when we remember what Great business interests to perform. And when we remember what Great Britain is trying to accomplish, and is doing, in gaining hold of the entire control of the islands of the East Indies, and that if we abolish this consulate at Singapore we have not a single foothold there, I claim that the committee should authorize the insertion of this in the

class I have indicated.

Mr. RANDALL. This is a mere question of salary. We have not abolished the consulate at all. We have transerred it to class 5.

The gentleman will find it there.

Mr. SEELYE. I know it is in class 5. I know also that the salary in class 4 is inadequate to the support of our present consul there and his family. He is obliged to live in Singapore and his family at home.

Mr. RANDALL. We have not reached class 5 yet.
Mr. SEELYE. But Singapore is taken from class 4 and placed in class 5. My amendment is to change the amount in line 87 so that this consul may be placed in class 4.
Mr. RANDALL. I will suggest to the geutleman, if he will permit

me, how he can reach his object. When we reach class 4 he may move to insert Singapore there; and if the House approve of his amendment it can be taken out when we reach class 5.

amendment it can be taken out when we reach class o.

Mr. SEELYE. I had supposed that it was necessary to vote the money necessary before the consulate could be inserted in class 4.

Mr. RANDALL. The amount of the item covering all these consulates will be regulated when we have gone through the whole list.

Mr. HALE. The chairman of the Committee on Appropriations

will not object, if any additional consuls are inserted, to the figures here being changed?

Mr. RANDALL. Certainly not.

Mr. SEELYE. Very well, I withdraw my amendment.

The CHAIRMAN. The Chair desires to know if it is the under-

standing of the committee that if consuls are added the paragraph

fixing the aggregate may be corrected.

Mr. RANDALL. Or if consuls are deducted. Certainly; that is

always done.

Mr. SEELYE. With that understanding I withdraw my amendment.
Mr. HOLMAN. The consul at Honolulu perhaps ought not to be
in that classification as matters are now. As we have created a minister resident and consul-general at that port at a salary of \$5,000,
and that being an important port, it would seem that the classification should be different, and for the purpose of adding it to class 5 I move to strike it out now.

Mr. RANDALL. That is right.

Mr. HOLMAN. I move that it be stricken out from class 2.

The question was taken; and on a division there were ayes 80, noes not counted.

So the amendment was agreed to.

Mr. HEWITT, of New York. I move to insert in line 95 the words
"Chin-Kiang and Ningpo." I do not move to insert Swatow, which is also stricken out of the bill of last year, for reasons which I shall give.

In the speech of the chairman of the Committee on Appropriations

yesterday he says:

We discovered that as far back as 1870 Mr. Seward, the consul at Shanghai, since promoted. I believe, as minister to China, recommended the abolition of this consulate. We have remitted that port to the fee system, because the trade, which has fallen off at that place, is carefully taken care of by the consul at Shanghai. The consul at Chin-Kiang formerly granted permits so that persons could go into the interior of China and make sale of their goods. This was the sole benefit which resulted in the most prosperous times of that consulate. Now the same duty is performed by the consul at Shanghai.

Now, Mr. Chairman, I do not know upon whose authority the chairman of the Committee on Appropriations makes that assertion, and I trust he will give it. I have been this morning to the State Department, and have gone very carefully over the files of the Department, assisted by one of the heads of Bureaus. and I find no recommendation of that sort upon the files of the office, but possibly we were not

able to discover it.

In the next place, as to the falling off of fees, the chairman of the Committee on Appropriations does not seem to comprehend that the fees are due rather to the exports from that country than to the imports from this country into China. There are no fees on imports; there are only fees upon exports. All the commerce of a large area of the country watered by the Yang-tse-Kiang passes through the consulate at Chin-Kiang, near the mouth of that river. By our treaty with China we have a right to pass our imports into the country, but under the treaty it is an open question whether we have a right to force the Chinese to allow their exports to come out into the commerce of the world at Chin-Kiang. Throughout that portion of the Chinese domain there are many provinces, at the head of which are viceroys, and they can erect customs-barriers; and the reason for the reduction of fees is that occasionally a viceroy sets up such a barrier and will not allow exports to come out. I find that in one case a viceroy stopped exports for four months, but our consul finally got the order revoked and the trade restored, and then the export trade was resumed and the consular fees increased. But the thing that concerns us most is the import trade, because it makes a market for our products; and unless we have a man of firmness and ability stationed there we are likely to lose the import trade of that entire

Now, sir, another statement made by the chairman of the commit-

tee was this:

There has prevailed there a practice such as this: For a consideration of, say, \$200 the consul has absolutely sold to native boats and crews from that port and various other places the American flag, which was used in assisting smuggling goods into the interior of China. And this character of business was permitted by the State Department, which seems to command so much respect on the other side of the

Now, in regard to the Ningpo consul, there is Dr. Edward C. Lord; he is a clergyman and a man of eminent qualifications for his position, and no complaint, as I am assured by the Secretary of State, has ever been made of this traffic in the American flag; and, if any man here knows that such a traffic is carried on, it is no reason for abolishing the consulate, although it would be a good reason for turning out the consul. If any man here has that information in his breast it is his duty to go to the State Department and give information of the fact. Now, sir, in this connection allow me to read a dispatch from the

consul-general at Shanghai, Mr. George F. Seward, to the Secretary of State; it is as follows:

United States Consulate-General, Shanghai, October 21, 1874.

Shanghai, October 21, 1874.

Sir: I have the honor to transmit to you herewith a copy of a letter (No. 401) which I have addressed to the legation suggesting that the minister should mention to the Department the propriety of retaining the services of Dr. Lord as consul at Ningpo.

If the Government should go seeking for an officer for Ningpo throughout the whole service, it could hardly secure a better one. If it appoint one from home there is not one chance in ten that a person so well fitted by natural endowments for the work would be secured; and of course in such event Dr. Lord's lorg experience and his knowledge of all Chinese matters and of the language would be lost to us. to us.

I am, sir, your obedient servant,

GEORGE F. SEWARD, Consul-Gene

Hon. John L. Cadwalader, Assistant Secretary of State, Washington.

Here is another dispatch, signed by Mr. Avery, the predecessor of Mr. Seward as minister to China, in which he comments in equally strong language upon the importance of the services of Dr. Lord and of the consulate at Ningpo, in connection with the business interests of this country. It is as follows:

LEGATION OF THE UNITED STATES, Peking, November 2, 1874.

Peking, November 2, 1874.

Sir: The consul general has recently addressed me in respect to the Ningpo consulate, which has, by the last consular appropriation bill, been restored to the list of salaried consulates, and urged the claim of Edward C. Lord to be retained as consul. Mr. Seward informs me that he has sent a cryp of his dispatch of October 29, 1874, on this subject, to you, so that there seems to be no necessity or repeat it in this dispatch, but to refer to it as containing the most cogent reasons for continuing him at the post. His experience in the usages of the port where he has lived nearly thirty years, his acquaintance with the spoken and written languages of China, and his long and faithful services in the consulate all prove the desirableness of making no change. A reference to the correspondence from this legation will afford you all needed proofs of this position; but I may content myself with noticing the settlement he made of the difficulties at Hang-Chow, in 872 and 1873, as set forth in Mr. Low's dispatches Nos. 202 and 211, and Mr. William's No. 17, which it is quite within propriety to say could not have been so satisfactorily made by any other foreign official in that region. If services and qualifications like those possessed and done by Dr. Lord do not constitute a claim and a reason for keeping bim in his post, I know not where you will find stronger; but I cherish the idea that this plea in his behalf is unnecessary on my part, because you have no intention of superseding him.

I have the honor to be, sir, your obedient servant,

BENJ. P. AVERY.

Hon. HAMILTON FISH, Secretary of State.

I will only add that it is the deliberate opinion of the State Department that these two consulates cannot be dispensed with

Mr. RANDALL. In reply to the gentleman I will first allude to Ningpo, and will give him my authority for what I stated yesterday. If he will look at Executive Document No. 11, Forty-second Congress, second session, which the State Department ought to have seen and known of, he will read the following as among some of the com-plaints in connection with this consulate. It is dated December 23, 1870, and written from Shanghai. I read from it the following:

First. The granting of the American flag to a number of Ningpo (native) boats and native junks. Native vessels sailing under a foreign flag are known as lorchas.

The object in seeking a foreign flag is the evasion of the Chinese laws controlling the river or coast trade of the open portions of the empire, by Chinese and foreigners in native craft. In this species of enterprise foreign parties generally share the proceeds. About 1863 the number of lorchas under the American flag, it is stated, was not less than sixty. Before and since, the American flag was thus perverted and dishonored for the practice of illegal trade.

I ask now whether I was not justified in everything which I said upon this subject? This is the report of an officer appointed by the present President of the United States, and it is his statement that the flag of the United States is dishonored by the consuls selling to foreigners the right to carry on illicit commerce under the American

foreigners the right to carry on illicit commerce under the American flag. I think I have pretty well disposed of that.

Mr. HEWITT, of New York. I might make a remark, but after my experience of yesterday perhaps I ought not to venture to do so.

Mr. RANDALL. That experience I cannot help. As to Chin-Kiang, we had the authority and recommendation of Mr. Flint, who formerly held a position either at that point or somewhere near. B. t I do not have to rely upon Mr. Flint or upon anything other than the report published under the eye of the State Department. Mr. A. E. Salter perhaps the Department can tell who he is-in a long communication dated September 30, 1874, gives three principal reasons for the decline of trade at that port. He says:

of trade at that port. He says:

The principal causes of this decline are, I consider, three:
First. The excessive imports of foreign manufactured woolens and cottons during the years 1871 and 1872, all of which were sent direct to the consuming district inland, and a large portion of the excess is still undistributed.

Second. The deterioration of English and other cotton goods sent to China, more especially shirtings and drills, which have, during the past two or three years, been very much overweighted with foreign matter, (size,) losing, after being washed, in some cases 34 per cent. (In this connection it will be well to mention the difference in American and English cotton manufactures, the former in no case losing more than 34 to 5 per cent. after washing.)

Third. The withdrawal by the Chinese government of the facilities granted under what was termed "export transit passes," for the barter of native produce for cottons, by which the foreign merchant was enabled to take in exchange for his goods the products of the country immediately around the districts consuming the foreign article. It must, however, be pointed out that the regulations under which these passes were issued necessitated the exports to a foreign country of the goods bought in the interior, and the failure to do this by the foreign trader caused the authorities to withdraw the privilege. These goods, however, were mostly of a character unsuited to markets outside of China. The renewal of these passes under a different form has been talked of, but at present the matter is in abeyance.

And he also says:

And he also says:

And he also says:

Before concluding this report I think it well to point out the great falling off in the receipts of fees for this year when compared with previous ones. The table annexed will give the receipts of this, as well as former years, and I would remark that the causes of this falling off, in my opinion, have been through the alterations in the manner of collecting the tonnage dues on American vessels trading on this river, (vide circular No. 43, section 331 of the Consular Regulations.) and also to the withdrawal of the export transit passes. These passes had to be vised by the consul, for which a charge of \$\$2\$ per seal was made under regulation, and sometimes as many as one hundred passes per week went through the consulate.

After a review of the trade of this port and consular district for the year, and from a perusal of the tables annexed, the conclusion will be arrived at that the business has not been up to the average of former years either in extent or profitableness.

Now, these are their own reports, upon which the committee base the action which they take, and to my mind they must be satisfactory to every intelligent man in this House.

Mr. HOLMAN. I move to strike out the last word in the paragraph, for the purpose of making a single remark. I regret exceedingly to differ with the gentleman from New York, [Mr. Hewitt,] as he has manifestly devoted a great deal of attention to this bill and brings to its consideration a large amount of information. But I wish to call the attention of the Committee of the Whole to the fact that this consular office at Ningpo is within the consulate of Amoy, and the consulate at Chin-Kiang is within the consulate of Canton. When these salaries were fixed the amount of fees largely exceeded the salaries, as gentlemen will remember. The low salaries at this time have not resulted from revolution, but from the fact that there has been a steady decline in the fees from year to year for the last few years. The re-

decline in the fees from year to year for the last few years. The result is that both of these consulates yield only \$946.68—the one of Chin-Kiang \$371.84, and Ningpo \$574.84.

But what I wish to call the attention of the gentleman to is this: The only effect of abolishing these consulates is to convert them into vice-consulates or commercial agencies. There will be a commercial agent or a vice-consul appointed at once to each of these places, if the business of the country requires it, and he will receive the fees, so that no commercial interest will suffer. We treat these consulates just as this Government has been in the habit of treating a very large portion of our consulates paying the count these sand pathing because. portion of our consulates, paying the consul the fees and nothing beyond. We certainly cannot afford to pay, as we do, \$7,500 a year for these two consulates when the annual fees are less than \$1,000. Let them become vice-consulates within the districts in which they are

respectively placed.

We feel quite confident that upon this subject we are possessed of some information which my friend from New York [Mr. HEWITT] has not in his possession. We have been able to confer with gentlemen who, from long residence in China, are familiar with the business of

both these consulates.

Mr. HEWITT, of New York. Is the gentleman aware that one of these gentlemen was removed from the office of consul for malfeasance

Mr. HOLMAN. I cannot say to whom the gentleman refers. I am able to say from my own knowledge that the gentleman from whom we obtained our information had no motive to misrepresent any

fact valuable to the Government.

Mr. HEWITT, of New York. In reply to the statement of the gen-tleman from Indiana, that no interest will suffer because the duties of these consulates can be transferred to a commercial agency, I am compelled to call his attention again to the peculiar nature of our consupelled to call his attention again to the peculiar nature of our consular system in China. Our consuls are not merely commercial agents; they are judicial officers. Under the treaty with China an American citizen cannot be arrested and tried in a Chinese court, but must be brought before the consul for trial. No American citizen can be sued in a Chinese court; if any claim is made against an American citizen it must be brought before the American consul for trial.

Now, in the dispatch I hold in my hand Mr. Seward says:

Thus, as commercial cities, neither Ningpo nor Chin-Kiang would deserve to be ranked before Kiu-Kiang; yet, owing to circumstances of location—Ningpo as near Shanghai, and a favorite resort of bad characters, and Chin-Kiang as the lowermost port of the Yang-tse River—they need more important consular establishments.

Now the testimony upon which the committee appear to have acted is that of an individual who, as I have said, (and the chairman of the committee has named him) was removed from the office of consul for malfeasance; and he has been about this Capitol endeavoring to destroy the position of his successor, one of the most estimable, able, and useful men in the service of this Government.

There is no difference of opinion on the part of Mr. Seward or Mr. Avery or the State Department as to the importance of these consulates, not merely with reference to trade but also with regard to their judicial functions. These gentlemen of the committee tell us that the business can be taken to Shanghai. Have they examined into the distance of these ports from Shanghai? To take these cases to Shanghai would be very much like arresting a mau in Charleston, South Carolina, and taking him to Portland, Maine, for trial. In one case, as I find, an unhappy Englishman who called himself an American seized where there was no consul and was hanged before he could assert his true nationality and get his case before the proper court. The same thing might happen to American citizens and irreparable injury inflicted before they could be brought to these distant consulates for

This is no mere question of dollars and cents, nor is it merely whether the dignity of the American name shall be preserved; but whether American merchants, American sailors, and American travelers shall be taken care of when they happen to go into that distant

Mr. HOLMAN. Will the gentleman say that the relation of these places to Amoy and Cauton is not the important question?

Mr. HEWITT, of New York. But Mr. Seward says, in a dispatch which I have read to the House, that these consulates should be made

which I have read to the House, that these constitutes should be made more efficient. How does the gentleman deal with that?

Mr. HOLMAN. I withdraw the amendment to the amendment.

The question being taken on the amendment of Mr. HEWITT, of New York, there were—ayes 75, noes 84.

Mr. OLIVER called for tellers,

Tellers were ordered; and Mr. Holman, and Mr. Hewitt, of New York, were appointed.

The committee divided; and the tellers reported—ayes 70, noes 100. So the amendment was not agreed to.

The Clerk read as follows:

CLASS TV

GREAT BRITAIN.

Manchester; Glasgow; Bradford; Demerara; Birmingham; Sheffield; Kingston, (Jamaica.)

Mr. SEELYE. I move to amend by adding to the clause just read the word "Singapore." This amendment proposes merely to restore this consulate to the position which it occupied last year. This consulate is growing in importance to the United States every year. It was never so important as now. I respectfully suggest to the Committee on Appropriations and to the Committee of the Whole that this is not a fit time for the reduction of this salary.

Mr. HOLMAN. This is a mere question of salary, and the pro-

posed increase is not large; but—
Mr. RANDALL. O, never mind; we will vote it down.
The amendment was not agreed to.

The Clerk read as follows:

CLASS V.

GREAT BRITAIN.

Singapore; Tunstall; Leeds; Dundee; Leith; Toronto; Hamilton; Halifax; St. John's, (New Brunswick;) Belfast.

Mr. FOSTER. I move to amend by inserting in class 5 "Nassau, New Providence." The fees at this place are considerably more than \$1,500, the amount allowed to the class in which it is now placed. Besides that, there are many invalids going to Nassau, and a large extra duty is imposed on the consul.

Mr. RANDALL. I appreciate fully the fact that there has been an

Ohioan filling this place. [Laughter.] But we cannot vary from the

general rule on his account.

The amendment was not agreed to.

The Clerk read as follows:

Cape Haytien

Mr. HOLMAN. There was a consul-general at Port au Prince, and that seems to be the more important port, and I do not know but what it might have been better to have made the classification somewhat different from what it is. I move to strike out "Cape Haytien" and insert "Port au Prince."

Mr. HEWITT, of New York. I only wish to say that Port au Prince is one of the points to which I called the attention of the committee in that unhappy speech which contained so little in it; and that I have a mass of information in regard to other consulates, which in their order I proposed to submit to the House, but as I have no more meritorious cases than those in China, and having been fairly and squarely beaten on that issue, I do not propose longer to embarrass the committee or take up the time with amendments. I am glad the gentleman from Indiana took charge of Port au Prince, and put it in where

I think it ought to be.

Mr. HOLMAN. I designed to add before taking my seat that this suggestion came from the gentleman from New York himself. While Cape Haytien was the post of the consul, it is manifest when we abolish the office of minister resident the principal point of the consul-general should be at Port au Prince. The suggestion of the gentleman from New York is correct.

The amendment was agreed to. The Clerk read as follows:

URUGUAY.

Mr. HOLMAN. I move to add "Hawaiian Islands; Honolulu." The amendment was agreed to.

The Clerk read as follows:

CLASS VI.

GREAT BRITAIN.

Cork; Dublin; Prescott; Port Sarnia; Windsor, (Canada West;) Saint John's, (Canada East;) Barbadoes; Fort Erie; Coaticook; Nassau, (New Providence;) Cardiff; Port Louis, (Mauritius;) Bermuda.

Mr. HALE. I move to insert after Great Britain "Pictou." I wish to make an appeal to the committee. I move to insert "Pictou" for this reason, and I ask the chairman of the committee and the gentleman from Indiana especially to consider the reasons I give for this amendment. If gentlemen on the other side, who seem to be voting in solid column, see fit to reject it, I must submit. Picton, in Nova Scotia, has always been in the old bill in this class. The pay is small; it is next to the lowest class. We have a considerable coal trade there, but still I am bound to admit the fees are not very large. It was probably because of that this was struck out.

probably because of that this was struck out.

This place raises another question, and that is this: it lies right in the track of our great fishing fleet. It is the place to which our fishermen resort in times of peril and wreck. It is the place to which they are constantly resorting and imploring interposition of the American consul paid out at different times for the relief of wrecked American consul paid out at different times for the relief of wrecked American consul paid out at different times for the relief of wrecked American consul paid out at different times for the relief of wrecked American seamen who had been driven there by wind and wave \$2,979.73. This raises the simple question whether it is worth while to abolish this consulate simply because the fees do not pay for its being maintained. It would be an abandonment, so far as this case is concerned, of the time-honored principle of the American Government to maintain at such ports consuls who shall contribute to the relief of our

wrecked seamen. I have a deep interest, representing as I do a dis-

wrecked seamen. I have a deep interest, representing as I do a district which sends out hundreds and thousands of fishermen every year, in having the question settled here now.

Mr. RANDALL. Let me ask the gentleman from Maine how far Pictou is from Charlottetown, in Prince Edward Island?

Mr. HALE. I do not know the exact distance. These distances are all great. A wreck which would send seamen into Pictou would not be benefited by Charlottetown any more than Boston, because there is no connection between them. One place may be on one headland and another sixty miles off, with the Bay of Fundy intervening. I do not say this is the case here, but that is so with these different ports. The consulate at Pictou is able to furnish relief to wrecked American seamen. seamen

Mr. RANDALL. There was a large falling off in the receipts at the

onsulate of Pictou between 1872 and 1874.

Mr. HALE. The gentleman is speaking of fees.

Mr. RANDALL. I was going on to say, as there had been so great a falling off in the receipts, the committee thought it best to remit this consulate to fees. In 1872 the receipts were \$750, while for the latter year they were only a little over \$500, so far as my recollection

Mr. HALE. That is because the coal trade has fallen off, and for that very reason, the fees being so small, you cannot get a responsible man for fees alone. I hope the committee will let this consulate stand

as it is.

The committee divided; and there were ayes 73, noes 85.

The amendment was not agreed to.

Mr. SINGLETON. I am directed by the Committee on Appropriations to report the following amendment, to come in after "Bermuda," in line 151: "Quebec; Goderich."

The amendment was agreed to. The following paragraph was read:

FRENCH DOMINIONS.

Nice. Martinique.

Mr. HUNTON. I offer the following amendment:

Insert at end of line 153 the word "La Rochelle."

I find that La Rochelle is an important point, and I think the consulate there ought not to be abolished. The report of the consul for the year ending September 30, 1874, shows that the value of articles exported from that district for that year amounted to \$1,784,939. I find, Mr. Chairman, that the consul at Cork is retained, and for the same year the exports to the United States from that district amounted only to \$114,374. At Dublin, where the consul is retained, they amounted in the same year to £187,160 4s. 6d. The consuls at these two points are retained in the bill, while the consulate at La Rochelle is abolished. It appears from this book that it is the most important of the three, and I will ask that it may be inserted in the bill.

Mr. RANDALL. I hope not. I see no necessity for amending the bill in this respect.

bill in this respect.

The amendment was not agreed to. The following paragraph was read:

Venezuela, Laguayra

Mr. KASSON. If the chairman of the Committee on Appropriations will give me his attention for a moment, or the gentleman from Mississippi [Mr. Singleton] who reported the bill, I wish to say to them that I have found nowhere in the bill Beirut, in Syria, in the Turkish Dominions. I wish to know if it has been omitted intentionally by the committee, as, if so, I desire to ask his attention to the propriety of restoring it. I think this is the class, class 7, in which it

priety of restoring it. I think this is the class, class?, in which is should be found.

Mr. HEWITT, of New York. It belonged originally in class 5 following "Danish dominions," but was dropped.

Mr. KASSON. Then I move to insert after "Larguaya" these words: "Turkish dominions; Beirut."

Beirut is, as gentlemen will remember, the sea terminus of the old wagon-road beginning at the sea and leading to Damascus; so that all commercial transportation, whatever it is, and it is not large, must all commercial transportation, whatever it is, and it is not large, must pass to the sea at Beirut. An immense number, also, of American travelers go by that road when visiting the Holy Land and other parts of Syria. There is an American college, also, at Beirut, endowed munificently by American Christianity. There are several missionary establishments at Beirut, which make it the center of missionary operations in that region. In the mountains back of Beirut are three missions conducted by Americans, whose lives are at the mercy of the inissions conducted by Americans, whose rives are at the heavy of the flerce—gentlemen can scarcely realize how flerce—fanaticism of the Mussulmans of the Ottoman Empire. It was right in sight of Beirut that the fearful massacre occurred a few years ago of Christians; near it those terrible strifes between the Druses and Christians have taken place in which so many Christians have lost their lives.

It is most vital that we should make provision for the protection of interests there which we cannot ignore and ought not to ignore, involving the lives of American citizens, and I therefore specially ask the Committee on Appropriations to give their concurrence to my motion, or at least allow the sense of the House to be taken upon it without interposing opposition. What I have said is not merely from my reading, but is largely from personal knowledge. I do not know who the consul is. I have not the slightest personal acquaintance with him. I speak purely and exclusively for the important interests I have indicated, protection being absolutely needed for those interests. Mr. HOLMAN. The Committee on Appropriations regard this particular point in the Turkish dominions as being of no more importance as a consulate than multitudes of others. The information gathered by the committee respecting this consulate would place it with a great number of points which it might be convenient, if the nation had unlimited resources for such a purpose, to establish as agencies or consulates. It is of no importance, my friend is aware, agencies of constrates. It is of no importance, my friend is aware, in a commercial point of view. The whole fees for a year have never exceeded two or three hundred dollars. Last year they were \$224.80. There may be occasional travelers who might be protected by a consulthere; but the same might be said of almost any of the cities spread over the face of that country. The adventurous American traveler is everywhere. We take it for granted that the President of the United States will see that so far as it may be necessary there will be a consular agent at such a point as that, receiving, as in multitudes of other cases, such fees as the consulate will pay. But my friend will see that it is impossible, without stretching our expenditures even far beyond what has ever occurred before, to provide consuls to all these comparatively unimportant points, where our people have no commerce

Mr. KASSON. Will the gentleman allow me to say this: It is not worthy of us to deal in those generalities. He and I know that a good many consulates may be dispensed with and a good many cannot be. My point is on this one place, Beirut, for which I have made a plea, and I ask him if the considerations I have stated are not im-

Mr. HOLMAN. There are American travelers to be found everywhere, but of course we cannot establish consulates everywhere that Americans think proper to travel. But if they go on commercial missions, we will try to protect their commercial interests.

Mr. HEWITT, of New York. I did not propose, Mr. Chairman, to say another word on any of the items of this bill except to suggest to the committee points where I thought it was open to improvement,

but I must say in regard to Beirut that I have received letters from New York since this bill has been under consideration, begging me if possible to get the consulate at Beirut retained, because it is the great protection for American Christians who are endeavoring to evangelize the country around about. The gentleman from Iowa [Mr. Kasson] said that he did not know who was the consul there, nor do I, sir, but I know that James Augustus Johnson, who is now the law partner of William Walter Phelps, formerly a distinguished member of the House, was consul, and that he concurs in the necessity of continuing the existence of this consulate. I know, also, that the son of William E. Dodge, of New York, once one of the most respected members of this House, has given the best years of his life as a missionary there, and I know that a college has been founded there by Christopher R. Roberts, of New York, with a large endowment, all of which might be wiped out at a moment's notice unless protected in case of insurrection by the consul of the United States

Sir, I do not ask gentlemen on this side of the House to vote for Christianity, but I do say that it would be a very serious calamity to the democratic party in the city of New York to lose the Presbyterian

The question was taken; and on a division there were—ayes 99,

So the amendment was agreed to.

Mr. HEWITT, of New York. May I ask the gentlemen of the committee whether they propose to make any provision for a consul at Copenhagen† because, if they do, here is the proper part of the bill to We have consolidated the ministers to Denmark, Norway and Sweden, and we have made no provision for a consul on the mainland of Denmark. Will the gentlemen on the committee tell me whether they propose to provide a consul for the mainland at Denmark? If not I will offer an amendment.

Mr. HOLMAN. We do not propose to increase the number of con-

Mr. HEWITT, of New York. Then in class 6 I propose to insert the "Danish dominions," "Copenhagen," to come in at the end of the

The question was taken; and on a division there were-ayes 51, noes not counted.

So the amendment was not agreed to.

Mr. HALE, of Maine. I move to insert at the end of line 191 the word "Talcahuano," and I will simply say that it raises the same points that were raised with reference to Pictou. It is one of the most important ports on the Chilian coast. In the year 1873 the American consul, whom it is proposed to abolish by this bill, sport to relief of distributed American consul, whom it is proposed to abolish by this bill, sport to relief of distributed American consul, whom it is proposed to abolish by this bill, sport to relief of distributed American consults. for relief of distressed American seamen the sum of \$3,347, and in 1874 the sum of \$3,590 It is a port to which our seamen resort more than to Valparaiso, the consulship of which has been retained in this bill. The needs are great for the whaling business on the Pacific coast, as

is proved by these expenditures of the consul at this port.

Sir, I had so little luck in presenting the case of Pictou, which involved the same considerations, that I do not choose to take up more of the time of the committee, and, unless some other gentlemen

desire to be heard, I ask for a vote upon the amendment.

Mr. CRAPO. Mr. Chairman, I think this amendment ought to be

of the commerce at this point. The reason that was urged yesterday by the chairman of the Committee on Appropriations was that in the changed condition of the whaling business San Francisco had become practically the only rendezvous of the whaling-fleet on the Pacific Ocean. This, sir, is erroneous. There are two classes of whalers in the Pacific. First, the North Pacific whalers who cruise in the North Pacific and Arctic Oceans. The vessels engaged in this branch of business all recruit partially at San Francisco and partially at Honelulu. Honolulu.

But there is another class of whalers in the Pacific Ocean which my friend from Pennsylvania [Mr. RANDALL] seems to have entirely forgotten: that is the sperm-whale fishery, requiring a different trainforgotten: that is the sperm-whale issiery, requiring a different training, education, and cruising-grounds. There are at this time in the Pacific Ocean, cruising off the coast of Chili, and on the line and around the Gallapagos Islands, from twenty to twenty-five whale-ships, the natural port of entry for which for recruiting and supplies is Talcahuano. There is property invested in that business to the amount of about a million dollars, and there are employed from six to eight hundred American search and as often as once in its cruisle. eight hundred American seamen, and as often as once in six or eight months they are required to go into the port of Talcahuano for the purposes of their voyages. These ships are fitted out on the Atlantic coast for voyages of four years' duration, and as often as about once in six months they must seek a port for recruits, supplies, and liberty for their men.

Now the natural port on that coast for that industry is Talca-It seems to me there is very little real economy in the abolition of that consulate. It is a consulate that costs but \$1,000 or \$1,500 a year, and the fees are from \$500 to \$700 a year. There are from six hundred to eight hundred or one thousand American seamen who need the services of an American consul at that point. There are men to be discharged, new men to be shipped, and sick and disabled seamen to be sent home. Our commerce requires the protection of an American consul at that point.

In this business there are certain burdens which we must necessarily assume. When our whalers go into the port of Talcahuano and any of the men are discharged either because of sickness or by mutual consent, the masters of our ships are required by law to pay \$30 in gold for each man so discharged. And if any of our ships touch there gold for each man so discharged. And if any of our ships touch there on their way home, as they do to recruit for the home passage, they are required by law to take all the sick and disabled seamen there and transport them to the United States, a distance of 15,000 miles, boarding them for five or six months; and when they are landed on the wharf at New Bedford we get \$10 each. That is one of the burdens, but we do not complain of it. But we do think that, considering the large amount of property in those waters and the large number of American seamen there requiring protection, we should have the benefit of a consul on that coast. the benefit of a consul on that coast.

Mr. RANDALL. I know that Talcahuano is the port to which

whalers formerly went, as I said yesterday, as a place of refuge and supply. But our information was that our whalers new recruit and rendezvous at San Francisco. And the class of whalers to which the

gentleman alludes is very small.

Mr. HALE. The figures I have given for the last year show that Talcahuano is a place to which whalers do resort, for the amount expended there for the relief of American seamen is more than at any other port on that coast.

Mr. RANDALL. That is the old whaling-port, I know; but the whaling-vessels do not now go so far south, but they go into San Francisco. However, I am not very tenacious about the matter, although a consular agent there will answer all necessary purposes. Mr. HALE. The proof that they do go in there is found in the

figures I have given for last year.

Mr. CRAPO. Where is provision made for a consular agent at Talcahuano?

Mr. RANDALL. Under the law the President can appoint a consular agent or other consular officer there, and provide that he shall

receive the fees.

Mr. CONGER. There is collected every year from the wages of seamen who serve in those seas and who may enter that port somewhere in the neighborhood of \$4,500, at the rate of forty cents a month from their wages all the time they serve as seamen. The obmonth from their wages all the time they serve as seamen. The object of that money is to provide for their safety in foreign ports, and, if need be, for their return home from those ports. If this consulate shall be abolished there will be no place where these seamen can go and receive back what they have paid to the Government to be distributed by their consuls in the ports to which they may go, in their care, in case of sickness, or for their return to the United States. It is not appropriating the money of the United States to pay an officer there; it is but repaying to the sailor the tax of forty cents a month which we impose upon him as a sailor, and which he is entitled to receive wherever he may be sick or disabled.

The question was then taken on the amendment moved by Mr. HALE; and it was not agreed to, upon a division—ayes 66, noes 87.

The Clerk resumed the reading of the bill, and under the head of "Schedule C" read the following:

Feejee Islands: Ovalau.

adopted upon sound business principles. The recommendation of the Committee on Appropriations for the abolition of this consulate I think is founded upon ignorance and misapprehension of the extent nevertheless the name of this place is "Lauthala," and not "Ova-

lau." There are two islands, as I understand, one of which is the island of Lauthala, which has a port called "Lauthala." Ovalau is unknown in the State Department; they have never heard of it. I have no doubt the Committee on Appropriations are better informed than I am on this subject. But I must call their attention to the fact

that there is no such place as Ovalau, the one named in this bill.

Mr. KASSON. I beg to remind gentlemen that this change was
made about a year ago; Lauthala is the name of the port, and Ovalau

is not.

The amendment of Mr. Hewitt, of New York, was not agreed to.
Mr. FOSTER. I move to amend by inserting after the word "year," in line 227, the following:

For clerk for the consul at St. John's, New Brunswick, \$600, while the present incumbent holds the office, and no longer.

Amend also by inserting "six hundred" after the word "thousand" in the same

Mr. RANDALL. The committee make no objection to this amendment. The consul at that place has lost his right arm.

The amendment was agreed to.

The Clerk read as follows:

For salaries of the marshals for the consular courts in Japan and China, Siam, and Turkey, including loss by exchange, \$7,700.

Mr. KASSON. I wish to ask the chairman of the committee in what part of his bill, if any, there is an appropriation for paying the salaries of consular officers not citizens of the United States. It usu-

ally comes in at this point. Is there such a provision in the bill?

Mr. SINGLETON. No, sir.

Mr. KASSON. Then I would be glad to call the attention of the committee to the necessity of a provision of this kind. For the purpose of saying properly what I have to say, I move to amend by inserting after the clause last read the following:

For the payment of consular officers not citizens of the United States, \$10,000.

This is the usual amount. I will state the reason for the amendment. When a consul dies or is under disability, a vice-consul or other person not a citizen of the United States may discharge the other person not a citizen of the United States may discharge the duties of the office, and he is entitled to pay. But under the construction of the Treasury Department, the appropriations made directly for consuls cannot be disbursed in that way, because they can be paid only to citizens of the United States. Hence the necessity for a specific appropriation for the payment of consular officers not citizens of the United States. Without such an appropriation these persons cannot be paid. This provision does not increase the expense at all; it only names the fund out of which payment is to be made

at all, it only hames the fund out of which payment is to be made under exising law.

Mr. HOLMAN. We understand that a small sum is required for this purpose, and we had supposed that a provision of that kind was already in the bill; but we are not informed that so large a sum as \$10,000 will be necessary.

Mr. KASSON. It may not be; but it will not be expended if it is

Mr. HOLMAN. Our experience is that whatever is appropriated for purposes of this kind is generally expended.

Mr. CONGER. The amount actually expended last year was \$5,839.07. Of course no more will be expended under the appropriation than comes under the law.

Mr. HOLMAN. I suggest that the amount of the appropriation be

fixed at \$8,000.

Mr. KASSON. I will not make a point with the gentleman. This is all regulated by law. If the gentleman suggests \$8,000, let that

Mr. CONGER. I suggest \$9,000, as the amount actually expended last year was \$8,839.

Mr. HOLMAN. But in this bill we make some reductions in the

consular service.

Mr. KASSON. I suppose I must yield \$900 of the amount actually expended last year, in order to accomplish the object. I modify my amendment in accordance with the suggestion of the gentleman from Indiana.

The amendment, as modified, was adopted.

The Clerk read as follows:

For loss by exchange on consular service, \$15,000.

For loss by exchange on consular service, \$15,000.

Mr. CONGER., I call the attention of the committee to the fact that the amount appropriated for this item last year and in former years was \$48,000. Are they able to inform the House that \$15,000 will be sufficient to meet this loss by exchange?

Mr. SINGLETON. The whole amount paid on this score last year was \$3,165.76. I am instructed by the committee to move an amendment to strike out "15" and insert "10," so as to make the amount of this appropriation \$10,000. After the committee had agreed upon the allowance named in the bill they received the information which I have just laid before the House as to the expenditure last year; hence we deem it proper to move this amendment, which allows more than the amount that was actually expended last year.

Mr. KASSON. I hope my friend from Mississippi is able to guarantee that the rate of exchange will remain the same. As he is aware,

tee that the rate of exchange will remain the same. As he is aware,

it has always been deemed necessary to allow a margin.

Mr. SINGLETON. If the gentleman from Iowa [Mr. Kasson] can
guarantee that the rate of exchange will not be less, perhaps we can
come to some agreement.

The amendment was agreed to.

The Clerk read as follows:

For rent of prisons for American convicts in Turkey, and for wages of keepers of the same, including loss by exchange, \$2,000.

Mr. SINGLETON. I move to amend the clause just read by striking out "\$2,000" and inserting "\$1,600."

I have before me a report from the First Comptroller's Office of the Treasury Department, showing that for the service named in this and several succeeding paragraphs—rent of prisons for American convicts—the amount paid out last year was \$16,014.17.

According to the bill as it now stands it amounts to upward of

\$19,000. We propose to reduce on these several items from 10 to 20 per cent., which will bring it down to \$16,050, and leave it still in excess of what was expended last year. These reductions are based upon the report from the First Comptroller's Office.

The amendment was agreed to.

The Clerk read as follows:

For rent of prison for American convicts in China, \$1,500.

Mr. SINGLETON. I move to strike out "\$1,500" and in lieu thereof to insert "\$1,360."

The amendment was agreed to.

The Clerk read as follows:

For wages of keepers, care of offenders, and expenses, \$10,000.

Mr. SINGLETON. I move to strike out "\$10,000" and in lieu thereof to insert "\$8,000."

The amendment was agreed to.

The Clerk read as follows:

For rent of prison for American convicts in Japan, \$750.

Mr. SINGLETON. I move to strike out "\$750" and insert "\$650."
Mr. KASSON. Is this not the prison for which a fixed rate of rent
has been fixed by the State Department? There is such a case where they have made a contract and of course we must be guided by that

Mr. SINGLETON. This is not the case.
Mr. KASSON. Why is this appropriation reduced?
Mr. SINGLETON. Because the estimate of the Treasury Depart. ment for these five paragraphs the gentleman will find, if he will turn to the report of the First Comptroller, is \$16,014.17.

Mr. KASSON. Do I understand that the amount spent for Amer-

ican offenders and convicts in prisons in Japan came to no more than

650 last year?

Mr. SINGLETON. Yes, sir.

Mr. KASSON. In making the reduction in every one of these cases the gentleman will discover that it is very different from reducing in the aggregate. While the aggregate may not be in excess, fixing the amount in each particular instance, it may be found, while they may be less in some, in others they may be rather beyond the amount ap-

Mr. SINGLETON. We find the estimates are furnished in solido, asking for \$16,014.17, without going into any detail whatever.
Mr. KASSON. I suggest, instead of making separate items in each one of these cases, that the appropriation be made for the aggregate sum. Otherwise the service may be very much embarrassed.

The amendment was agreed to.

The Clerk read as follows:

For wages of keepers, care of offenders, and expenses, \$5,000.

Mr. SINGLETON, I move to strike out "\$5,000" and insert in lieu thereof "\$4,500."

The amendment was agreed to.

The Clerk read as follows:

For bringing home from foreign countries persons charged with crimes, and exenses incidental thereto, including loss by exchange, \$5,000.

Mr. SINGLETON. I move to strike out "\$5,000" and in lieu thereof to insert "\$3,000."

The amendment was agreed to.

The Clerk read as follows:

For relief and protection of American seamen in foreign countries, \$60,000.

Mr. DUNNELL. I move in line 272 to strike out "sixty" and insert "ninety;" so it will read:

For relief and protection of American seamen in foreign countries, \$90,000.

Mr. Chairman, it seems to me it would be difficult for the committee to explain the large reduction made in this item. Last year we appropriated \$100,000. It has been stated by some one during the depropriated \$100,000. It has been stated by some one during the debate on this bill that very great embarrassments will ensue if a sufficient amount of money be not appropriated to meet the consular drafts which are drawn upon the Treasury for the support and sending home of American seamen. It will be seen at once that consuls abroad will impose upon shipmasters who are compelled under the law to take a discharged sailor and receive but \$15 for taking him home, unless there be a sufficient amount appropriated.

But, Mr. Chairman, there can possibly be no loss to the Government by appropriating an amount precessary to meet these drafts. It is not

by appropriating an amount necessary to meet these drafts. It is not like a contingent item. Consuls do not have the handling of this money. It is merely so much money appropriated to meet consular drafts. One hundred thousand dollars was appropriated last year; only \$60,000 is in this bill.

I desire to know from the gentleman from Mississippi, [Mr. SINGLETON,] who has charge of this bill, whether he is able to state how

much of the \$100,000 appropriated last year has been expended? I

will yield to him for that purpose.

Mr. SINGLETON. I will not take the floor now, but when the gentleman's five minutes have expired, I will take the floor in my own right.

Mr. DUNNELL. I will only add, Mr. Chairman, that this looks toward the humane side of the consular system. There are in every toward the numane side of the consular system. There are in every foreign country more or less of American seamen who have been discharged. They are poor, without friends, often without clothing, and they make their way to the American consul. Many have been left behind, perhaps in a row in the port where their vessels stopped, without means to get home. The Government, in protection of American commerce, has provided heretofore, humanely and wisely, that these discharged and poor American seamen, found in various ports of the world, shall be brought back to their homes. It is in our interests that they should come back to re-enlist and again enter the service. I do hope this committee will appropriate a sufficient sum of money to meet this humane side of the consular system; and therefore, in order that there may be no embarrassment on this score, I have moved to increase the appropriation from \$60,000 to \$100,000.

[Here the hammer fell.]

Mr. SINGLETON. When the gentleman from Ohio, the day before yesterday, was making his speech, and asserted that the amount of money expended in bringing home those seamen had never come down as low as \$60,000, I proposed to read a letter from the First Comptroller of the Treasury, which showed an altogether different state of things. I propose to have read new that letter, which shows upon its face how much money has been expended in this way for the last four or five years.

The Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE,
Washington, D. C., February 8, 1876.

SIR: In answer to your inquiry, made through a messenger, I have to state that the amounts drawn against the appropriation for relief of seamen are as follows:

For the fiscal year ending June 30, 1872 \$216, 675 65. 242 88

For the fiscal year ending June 30, 1873 59, 699 15.

For the fiscal year ending June 30, 1875, as far as adjusted at the Treassury \$30, 844 10.

During 1872 the great disaster to the whaling-fleet occurred, and the cost of bringing home seamen was large, as were also board, clothing, and hospital charges. I would further state that the appropriations made by Congress for relief of seamen for said years are as follows:

For the fiscal year ending June 30, 1872 \$100,000 00 For the fiscal year ending June 30, 1873 100,000 00 For the fiscal year ending June 30, 1873 100,000 00 For the fiscal year ending June 30, 1874 100,000 00 For the fiscal year ending June 30, 1875 100,000 00

For the sear 1872, in addition to the above appropriation of \$100,000, an additional appropriation of \$100,000 was made to supply the deficiency, making \$200,000 appropriated for that year. The excess of expenditure for that year over and above this sum (\$16,675.65) was paid from extra wages received during that fiscal year.

I am, sir, very respectfully yours,

Hon. S. J. RANDALL, Ohairman of Committee on Appropriations, House of Representatives.

Mr. SINGLETON. It will be found, therefore, from the statement of the Comptroller there that last year the amount did not reach \$40,000.

Mr. KASSON. The Comptroller gives a statement of the accounts so far as adjusted. They are not yet fully adjusted.

o far as adjusted. They are not yet fully adjusted.

Mr. SINGLETON. I wish to know when the adjustment is to

Mr. KASSON. When the bills come in from all over the world.
Mr. HALE. Let me suggest another thing to the gentleman from
Mississippi. I think the figures he has given only include what was
expended for relief, and that the transportation, amounting to about
\$12,000 in addition, should be reckoned besides that. The gentleman's figures are correct so far as he goes, so far as the accounts have come in, and correct so far as they apply to relief, but not to the transportation item.
Mr. SINGLETON.

At all events, taking the two years preceding that, it did not reach \$60,000 a year.
Mr. GARFIELD and Mr. CONGER rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. GARFIELD. I desire to renew the amendment, if the gentleman from Minnesota will withdraw it.

Mr. RANDALL. I object to its being withdrawn.
Mr. CONGER. I move to amend the amendment by making the amount \$100,000.

Mr. Chairman, I have a carefully prej ared statement from the Department, of the expenses of the last four years prior to the year 1875, and while they correspond with those reported as the expenditures for relief to the seamen, there is an additional expense for passage-money home, which is not included in the amount stated by the genmoney home, which is not included in the amount stated by the gentleman from Mississippi, and in seeking to ascertain what has been the actual expense in the whole four years prior to the present fiscal year, I find by this statement from the Fifth Auditor's report that the amount expended for relief, by way of subsistence, to seamen for several years past has been as follows:

In 1871 the amount was \$61,429; in 1872, \$179,147; in 1873, \$59,950; in 1874, \$53,794. There should be added to that the actual expenses for two parts of the parts of the second state of the state of the second state.

for transportation home during those years as follows: In 1871, \$8,751; in 1872, \$12,069; in 1873, \$11,019; in 1874, \$10,095—making for those

items, including what the gentleman stated and the expenses of passage home, an aggregate as follows: For 1871, \$70,180; for 1872, \$191,000; for 1873, \$70,970; for 1874, \$63,890.

Now, there is no year of those four years but the expenditure has exceeded that of any year, even the smallest, the appropriation made

by the committee, by nearly \$4,000.

Now, I desire to say in this connection that there is paid into the Now, I desire to say in this connection that there is paid into the relief fund for American seamen, of which this payment forms a part, by a tax of forty cents a month on every seaman's wages, which he is compelled to pay, although it is paid in the first instance by the vessel-masters, the sum of \$338,893. That was the amount in the last fiscal year. The money appropriated in this bill is the forty cents a month taken from the wages of every seaman in the United States on the high seas or our inland lakes and inland rivers. It is the only return the sailors have for this \$339,000 which they pay. The relief return the sailors have for this \$339,000 which they pay. The relief they receive from consuls and their return to the United States, the relief they receive in the marine hospitals of the United States, all the expenditures in this direction, are not equal to the amount that is received from them; and I submit to the House whether they will make so small an appropriation of the money retained from the hard earnings of the sailors as will prevent their being relieved in foreign ports and prevent their being returned to their homes when they are sick and disabled, when their own money, and not taxation from the people, furnishes abundant means for that purpose.

Now, sir, the law makes it the duty of every consul appointed by the United States to take, receive, care for, relieve, and send home every such destitute seaman. He is bound to do it, and he draws his draft against this fund in the Treasury. If that draft be dishonored in one instance in our foreign ports, he fails to have the power to return disabled and destitute seamen to their country and to their homes. There is no loss in this case, if the appropriation should exceed the amount that would be expended in a year, for, by the very terms of the law governing these appropriations if not expended in

terms of the law governing these appropriations, if not expended in the year for which they are made, they are covered into the Treasury.

I add as part of my remarks the following connected statement of the matter. The bill provides "For the relief and protection of American seamen in foreign countries, \$30,000." The law makes it incum-American seamen who shall be destitute. He is compelled by law to afford relief, consisting of subsistence, clothing, medical attendance, and transportation to the United States, to all destitute seamen who may be entitled thereto. Seamen being destitute are entitled to these services at the consul's hands. The Revised Statutes, section 4577, provide that-

It shall be the duty of consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time, to provide for the seamen of the United States who may be found destitute within their districts, respectively, sufficient subsistence and passage to some port in the United States in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give.

The amounts expended for the relief, by way of subsistence, &c., of seamen, taken from the Fifth Auditor's reports for several years past, have been as follows:

1971	\$61, 429	29
1872		
1873	59, 950	46
1874	53, 794	27

To these sums must be added the actual expenses for transportation home, as follows, during those years:

1872	. 12,069	20
1873		
1874	. 10,095	81
making, as the expenses for relief of seamen for the years-		
1871	\$70, 180	79
1872		
1873	70, 970	37

It will be seen that the appropriation, therefore for the relief and protection of American seamen is entirely inadequate. In 1872, there being some very tempestuous weather and the number of seamen being some very tempestuous weather and the number of seamen falling upon the hands of the consuls being unusually large, the appropriation was also inadequate, and numbers of consular drafts were protested for non-payment. A like consequence will probably follow with such an appropriation as is here proposed. As the law imposes on the consul the obligation to expend the money and as a failure in the appropriation would cause the protest of consular drafts, the bill places the consular officers of the United States at numberless consular in the application of having sold drafts which would be one. sulates in the condition of having sold drafts which would be protested and injure their credit and the credit of the country. The whole thing would simply end finally in the passage of a deficiency bill after all this odium had been incurred. It is not possible to decrease the expenditures on this head if shipwrecks and disasters rendered distinctly appropriate the expenditures of the expenditures. der additional payment necessary. The amount of the expenditure depends entirely upon these disasters; but making so inadequate an appropriation would also necessarily cause a protest of consular

Mr. HOLMAN. Mr. Chairman, will the gentleman from Michigan allow me to call his attention to the fact that we desire to appropriate every dollar required for this purpose, but that the Secretary of State informs us that for the year 1873 the amount expended for this

Mr. CONGER. There are two items, and you have only one of them; one is for the subsistence of sick and disabled seamen abroad

and the other for their transportation home.

Mr. HOLMAN. The provision made in this bill is "for the relief and protection of American seamen in foreign countries, \$60,000," and the inquiry made was, how much had been expended heretofore under that appropriation, which amounted annually to \$100,000. The answer was as follows: "In answer to your inquiry, made through a messenger, I have to state that the amounts drawn against the appropriation for relief of seamen are as follows:

For the fiscal year ending June 30, 1872. \$216, 675 65
For the fiscal year ending June 30, 1873. 56,242 88
For the fiscal year ending June 30, 1874. 59, 699 15
For the fiscal year ending June 30, 1875, as far as adjusted at the Treas-

Now the bill as it stands appropriates \$90,000.

Mr. GARFIELD. O. no; it appropriates only \$60,000, and we are trying to make it \$90,000.

Mr. HOLMAN. The gentleman is correct; the bill appropriates \$60,000, being at the date of this letter, February 8, 1876, in excess of the amount expended for the last fiscal year. After seven or eight the amount expended for the last fiscal year. After seven or eight months of the year had expired the whole amount expended was \$39,844.10, and in neither of the two preceding years did the amount run up to as much as \$60,000.

Now, while we are willing to appropriate as much as is required, we

deem it unwise to appropriate a dollar beyond what is a tually re-

quired for the purpose.

Mr. CONGER. Add to that \$11,019 for transportation, and \$10,095 in 1875, and the gentleman's figures will agree with mine. I with-

draw the amendment.

draw the amendment.

Mr. GARFIELD. I renew the amendment. I desire to say that when I was in the midst of my remarks the other day the gentleman from Mississippi [Mr. Singleton] desired to read this letter which bas now been twice read within a few moments, to correct the statement which I was making. That letter has now been read; the shell has exploded in the House, and with what effect? The answer is complete and overwhelming, made by the gentleman from Michigan, [Mr. Conger.] An answer that no gentleman can fail to see is a perfectly conclusive and unanswerable one. My figures were given by the Secretary of State, who has the accounts of both items, namely, for the relief of seamen and for the transportation of them home, both for the relief of seamen and for the transportation of them home, both of which came under the head of this appropriation.

Mr. SINGLETON. Do I understand the gentleman from Ohio to

state that the books are kept at the State Department?

Mr. GARFIELD. I say that his books give a complete account of all expenditures under both heads. Now, what did the Committee on Appropriations do? They went to the Comptroller, or rather sent a messenger there and asked for the expenditures under the relief fund. Well, they got their answer, but they failed to inquire also for the expenditures for the transportation of seamen home; if they had

the expenditures for the transportation of seamen home; if they had asked that question they would have got exactly my figures.

Mr HOLMAN. It is all covered by the same appropriation.

Mr. GARFIELD. The gentleman from Michigan has given the figures under the other items. Now, I hold in my hand a report of the Secretary of State, which is in print and before the House, and which says that in the year 1874 the sum of \$63,593.08 was paid for

these two purposes out of this one appropriation.

Mr. RANDALL. Well, this bill appropriates \$60,000.

Mr. GARFIELD. My statement therefore was absolutely correct, Mr. GARFIELD. My statement therefore was absolutely correct, that in no one year for the last fourteen years have the expenditures gone below the amount which the gentleman now proposes to appropriate. Furthermore, I am here to state on official figures that for the last fourteen years the expenditures have amounted to \$120,000. It occasionally went away up. I wish it might go down below \$60,000. But I ask, gentlemen, is it safe to neglect the law of averages? Ought we not to appropriate a sum at least equal to the averages of recent years? The Committee on Appropriations have reported \$4,000 less than the average has been for twenty years past. Is that safe? Is that wise? We should appropriate enough to meet the ordinary expenditure for this purpose according to the average for the past twenty

Mr. HOLMAN. The gentleman must see that it was less than \$40,000

Mr. GARFIELD. What is the gentleman talking about? It takes

six months for these accounts to come in.

Mr. HOLMAN. And those six months have already expired. Mr. GARFIELD. The very report you read from says "as far as

Mr. HOLMAN. Certainly.

Mr. GARFIELD. I say that it takes much more than the time that has already elapsed for these returns to come in.

Mr. HOLMAN. Since the 30th of June last?

Mr. GARFIELD. I say the gentleman cannot tell, no man can tell,

what the expenditures for last year were until the accounts of the consuls in all parts of the world have come in and the records have

been made up. Mr. RANDALL. I ask the Clerk to read an extract from the report of Mr. Keim in connection with this subject.

The Clerk read as follows:

Indeed, the most interesting feature of my investigation was the ingenuity displayed by consular officers since the act of 1856 particularly in defrauding the Government. Great frauds are practiced in the disbursement of the fund for the relief of American seamen in foreign ports. There is no branch in the consular service subject to greater abuse than the administration of these humane funds. Vouchers have been paid by the ream when the Treasury officers believed that they were questionable. There is, however, no law which authorizes an officer to dispute an account that is in due form, and against which no circumstantial objection can be found.

Mr. RANDALL. I think that \$60,000 is enough, when we take into consideration this statement.

Mr. CONGER. Who is the writer of that?
Mr. RANDALL. One of your own officers, appointed by President Grant.

Mr. GARFIELD. Will the gentleman name some one case of fraudulent vouchers

Mr. RANDALL. I have named what he states.

Mr. GARFIELD. Name the case.
Mr. RANDALL. It is not my business to do it.
Mr. GARFIELD. Why did he not do it?
Mr. RANDALL. He has examined the subject, and as an officer of our own appointment he makes this statement.

The question was taken on the motion of Mr. Garfield to make

the sum \$100,000, and it was not agreed to. The question was then taken on the motion of Mr. Dunnell to make the sum \$90,000; and it was not agreed to upon a division—ayes

70, noes 101. Mr. DUNNELL. I give notice that I will renew the amendment in

the House if I have the opportunity.

Mr. CONGER. In order that I may test the sense of the committee upon the proposition I make, I move to increase the sum to \$75,000. I have no desire to appropriate one cent more than the necessities of the case require. I do say, however, that we should appropriate of

the sailors' own money enough to take care of them.

Mr. RANDALL. We say that the sailors' own money ought not to

be stolen.

Mr. CONGER. It ought not to be stolen, but this money is paid for drafts, which the consul is by law compelled to make. If you wish to have further accounting before that is done, then change the law. But if a draft is dishonored which any consul draws, then no more aid can be given by that consul, because he cannot procure any more money to do so. I assert that it is the duty of this Congress to take care of seamen in foreign ports as we do at home. It is our duty to give them relief and assistance and to make an appropriation sufficient to return them to their home. The sum of \$75,000 will be the average for the last four years, leaving out the year in which the whalers of the Arctic Ocean suffered so much and caused such great additional expense.

I desire to have the sense of this committee on my proposition. I cannot see that there can be any reasonable objection to it. Of course it is of no interest to any one of us one way or the other, except that it is our duty to provide for seamen abroad who are left there, and that too ont of their own money.

Mr. SPRINGER. The gentleman from Ohio [Mr. GARFIELD] has called for a specification. I will ask the Clerk to read one. Mr. Keim in his report states the condition in which he found the consulates with reference to the distribution of the seamen's relief fund in the South American states on the Pacific coast. One instance worthy of note, and which answers the question of the gentleman from Ohio, will be read by the Clerk.

The Clerk read as follows:

At Payta the greatest frauds have been committed for some years under the plea of relieving seamen from whale-ships. I may say it is my belief, after careful investigation, that not one voucher out of ten is an honest statement of a bona fide expenditure. The port has no trade with the United States, and the number of whale ships arriving there is small. As the town is surrounded by a desert, it furnishes neither wood nor provisions, nor even water. It will be seen, too, that the expenditures at Payta, with no commerce, exceed the port of Callao, where there is a large American trade.

Mr. GARFIELD. That does not allege one specific fact. Mr. HENDERSON. If what has just been read is an argument for Mr. HENDERSON. If what has just been read is an argument for the reduction of this appropriation, is it not equally an argument in favor of making no appropriation whatever?

Mr. SPRINGER. Not at all.

Mr. HENDERSON. If the money is going to be stolen, then we should not make any appropriation.

Mr. SPRINGER. We do not say it is stolen everywhere. We pro-

pose to make a sufficient appropriation for an honest expenditure, not for dishonest disbursements.

Mr. HENDERSON. How do we prevent fraud by cutting down the

appropriation?

Mr. SPRINGER. It will require the officers to scrutinize these accounts and see what are fraudulent and what are honest, before they

pay them.

Mr. HENDERSON. The reduction of the amount appropriated does not, so far as I can see, prevent fraud in the remotest degree. I repeat, that if the liability to dishonest expenditure is an argument against appropriating \$75,000, it is an equally good argument against appropriating \$30,000, which the committee have agreed to.

Mr. SPRINGER. Not at all.

Mr. HENDERSON. If there are frauds, why not provide some remedy to prevent them! Mr. SPRINGER.

The remedy is in the appropriating power, and

we will provide for that at the proper time.

Mr. CONGER. I withdraw my amendment, giving notice that I shall ask a vote on the proposition in the House.

The Clerk resumed and concluded the reading of the bill.

Mr. SINGLETON. I move to amend by adding at the end of the bill the following:

And the salaries provided in this act for the officers aforesaid, respectively, shall be in full for the annual salaries thereof from and after the 1st day of July, 1876; and all laws and parts of laws in conflict with the provisions of this act are hereby repealed from and after said day.

Mr. CONGER. I make the point that this is new legislation. The CHAIRMAN. The Chair thinks that under the amended

Mr. CONGER. Under the amended rule the point is that we may not only increase but decrease salaries on appropriation bills; but there was no provision made for new legislation of this kind. Besides, the proposition is not germane; it is independent legislation, chang-

ing existing law.

The CHAIRMAN. The Chair is not entirely clear in his remem-The CHAIRMAN. The Chair is not entirely clear in his remembrance of the rule; but, if his memory is correct, the provision is that it is in order to include in the appropriation bills any legislation looking toward a reduction of expenses. The Chair therefore rules that the amendment is in order. There may be a very wide scope for reduction, but that is not the fault of the Chair.

Mr. GARFIELD. I make the further point that the rule authorizes the Committee on Appropriations to report bills having in view reductions. But this is an amendment offered in the House.

Mr. RANDALL. But by instruction of the committee.

Mr. RANDALL. But by instruction of the committee.
Mr. GARFIELD. But it is not reported in the bill.
The CHAIRMAN. The amendment comes from the gentleman who

reported the bill.

Mr. HOLMAN. The language of the rule is—
The CHAIRMAN. The Chair has made his ruling that the amendment is in order.

The amendment was agreed to.

Mr. WELLS, of Missouri. I move to amend by inserting in class 7, line 176, "Kingston, Canada." I presume there will be no objection to this amendment.

Mr. RANDALL. There is no objection.

The amendment was agreed to.

Mr. KASSON. Before the motion is made that the committee rise,
I wish to inquire whether provision has been made anywhere in this
bill for payment of rent of court-house and jail at Yeddo, under an existing lease executed pursuant to a law passed two years ago. Perhaps it may be more convenient for the committee to examine the

matter and allow the amendment to be offered in the House.

Mr. RANDALL. The provision is not in the bill, and the commit-

tee do not desire it to be there.

Mr. KASSON. Then they repudiate the contract of the Government

Mr. RANDALL. We deemed the provision unnecessary Mr. KASSON. But the lease was made in pursuance of law.

Mr. RANDALL. Such a lease cannot be made for over a year. Mr. KASSON. Certainly the Government is bound by virtue of the

act passed two years ago.

Mr. SINGLETON. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Hoskins reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, and had directed him to report the same back to the House with sundry amendments.

Mr. SINGLETON. I demand the previous question on the bill and

amendments. The previous question was seconded and the main question ordered. The SPEAKER. On what amendment is a separate vote demanded? Mr. HALE. I demand a separate vote on the amendment abolishing the mission to the Hawaiian Islands.

The SPEAKER. If there be no objection the other amendments of the Committee of the Whole will be concurred in.

There was no objection, and it was ordered accordingly.

The SPEAKER. The question recurs on the amendment upon which a separate vote has been asked by the gentleman from Maine [Mr.

a separate vote has been asked by the gentleman from Maine, [Mr. HALE.

The Clerk read as follows:

Strike out in line 20 the words "and the Hawaiian Islands," and insert "and" before the word "  ${\tt Venezuela}$  ."

Mr. CONGER. What will be the effect of that amendment?

Mr. CONGER. What will be the effect of that amendment?

Mr. HALE. To vote in favor of this amendment is to vote for the abolition of the Hawaiian mission, and to vote against it is to keep the mission where it now is.

Mr. STONE. I move the House adjourn.

Mr. COX. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The metion was agreed to

The motion was agreed to.

The question was taken on Mr. STONE's motion, and the House refused to adjourn.

Mr. HALE. I demand the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative yeas 131, nays 77, not voting 81; as follows:

yeas 131, nays 77, not voting 81; as follows:

YEAS—Messrs. Ainsworth, Anderson. Ashe, Atkins, Banning, Barnum, Beebe, Blackburn, Bland, Blount, Boone, Bradford, John Young Brown, Buckner, John H. Caldwell William P. Caldwell, Caudier, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Collins, Cook, Cox, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Egbert, Ellis, Faulkner, Felton, Forney, Frank-lin, Fuller, Gause, Glover, Goode, Goodin, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, John T. Harris, Harrison, Hartzell, Hatcher, Havmond, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holianu, Hooker, Hopkins, Honse, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Knott, George M. Landers, Levy, Lewis, Maish, McMahon, Meade, Metcalfe, Milliken, Money, Morgan, Morrison, Mutchler, Neal, New, Odell, Parsons, Payne, Phelps, John F. Philips, Piper, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Savage, Savler, Scales, Schleicher, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Tarbox, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Walsh, Warren, Erastus Wells, Wike, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, and Yeates—130.

James D. Williams, Jeremiah N. Williams, Willis, Benjamin Wilson, and Yeates—130.

NAYS—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Blaine, Blair, Bradley, Horatio C. Burchard, Burleigh, Campbell, Cannon, Chittenden, Conger, Crapo, Crounse, Davy, Denison, Dunnell, Eames, Evans, Fort, Foster, Freeman, Frost, Frye, Garfield, Hale, Benjamin W. Harris, Hatborn, Hendee, Henderson, Hoar, Hoskins, Hubbell, Hunter, Kusson, Ketchum, Kimball, Laue, Lapham, I. awr. nee, Leavenworth, Lunch, Lynde, Magoon, MacDougall, McCrary, McDill, Monroe, Oliver, Page, William A. Phillips, Pierce, Rainey, Robinson, Rask, Sampson, Seelve, Sinnickson, Smalls, Stowell, Martun I. Townsend, Tafts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, White, Willard, Andrew Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodburn—78.

NOT VOTING—Messrs. Banks, Bass, Bell, Bliss, Bright, William R. Brown, Samuel D. Burchard, Cabell, Cason, Caswell, Cate. Chapin, Clymer, Cochrane, Cowan, Culberson, Danford, Darrall, Dobbins, Ely, Farwell, Gibson, Gunter, Hancock, Haralson, Henry R. Harris, Hartridge, Hays, Henkle, Hoge, Hurbut, Hyman, Jovee, Kehr, Kelley, King, Lamar, Franklin Landers, Lord, Lurtell, Edmund W. M. Mackey, Levi A. Mackey, McFarland, Miller, Mills, Morey, Nash, Norton, O'Brien, O'Neill, Packer, Plaisted, Platt, Powell, Pratt, Purman, Roberts, Sobieski Ross, Schumaker, A. Herr Smith, Strait, Stevenson, Swann, Teese, Thomas, Thornburgh, Washington Townsend, Waddell, Walling, Ward, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wigginton, Charles G. Williams, Wilshire, Fernando Wood, Woodworth, and Young—81.

So the amendment was concurred in.

During the vote, Mr. CLYMER stated that he was paired with his colleague, Mr. SMITH, who was necessarily absent from the House, and that, while his colleague would vote in the negative, he himself would vote in the affirmative.

Mr. WALSH stated that his colleague, Mr. SWANN, was unable to attend the session of the House to-day by reason of sickness.

Mr. HILL stated that his colleague, Mr. HARRIS, was detained at his room by sickness, and that if present he would vote in the affirmative.

Mr. STEVENSON stated he was paired with his colleague, Mr. HURLBUT, necessarily detained from the House, and who, if present,

would vote in the negative, while he would vote in the affirmative.

Mr. SCHLEICHER stated that his colleague, Mr. Mills, was compelled to leave the House before the vote was taken because of sickness in his family, and that if present he would vote in the affirmative.

Mr. HOSKINS moved that the reading of the names be dispensed

There was no objection, and it was ordered accordingly.

Mr. HUNTER stated that his colleague, Mr. Cason, was absent from the House on account of illness

The vote was then announced as above recorded.

Mr. RANDALL. I demand the yeas and nays on the passage of

The yeas and nays were ordered.

Mr. CONGER. Pending that motion, I move the House adjourn.

The motion was disagreed to.

The SPEAKER pro tempore, (Mr. Cox in the chair.) The vote will now be taken on the passage of the bill.

Mr. HOSKINS. I rise to a point of order, that the vote cannot be taken on the passage of the bill, as it has not yet been ordered to be engrossed and read a third time.

Mr. HOLMAN. That was done by unanimous consent. Mr. HOSKINS. No; it was not.

Mr. HOSKINS. No; it was not.
Mr. RANDALL. It was passed over by unanimous consent.
Mr. BLAINE. It could not be passed over.
The SPEAKER pro tempore. The Chair is informed by the Clerk that the bill is not now engrossed, and therefore the point of order by the gentleman from New York is well taken.

Mr. HOLMAN. The gentleman from New York, [Mr. Hoskins,] I understand, calls for the reading of the engrossed bill. I move to reconsider the vote by which the yeas and nays were ordered.

Mr. FORT. That is manly; now we will get at it.

The question being taken, the vote ordering the yeas and nays was

reconsidered. Mr. HOLMAN. Now I suppose the point of order is not being

made on the bill itself. Mr. HALE. Let it go through without the yeas and nays. Mr. HOSKINS. I raised the point of order that the bill has not

been engrossed.

The SPEAKER pro tempore. And the Chair sustained the gentleman's point of order.

Mr. HOSKINS. But I desire to say that I do not insist on the point of order if we can pass the bill at once and go home.

Mr. RANDALL. We want the record.

Mr. HOLMAN. I move to reconsider the vote by which the House

ordered the third reading and engrossment of the bill.

The SPEAKER pro tempore. That has not yet been ordered.

Mr. RANDALL. I do not understand how the gentleman from New York [Mr. HOSKINS] can make a conditional objection to the engrossment of the bill. He must either object or not object.

Mr. HOSKINS. I raised the point of order, in which the Chair sustained me, that the bill has not been ordered to be engrossed and read a third time.

Mr. RANDALL. I ask the Chair to put the question whether the

Mr. HANDALL. I ask the chart to put the question whether the bill shall be engrossed and read the third time.

Mr. HOSKINS. The point of order involves this point: that the third reading of the engrossed bill cannot now be had, for the reason that it is not engrossed.

Mr. RANDALL. I understood you to say that you did not make

that point.

Mr. HOSKINS. I certainly do.
Mr. LAWRENCE. I rise to a question of order.
The SPEAKER pro tempore. The gentleman will state his question

Mr. LAWRENCE. It is not in order to demand the reading of the engrossed bill until the House has first ordered the bill to be engrossed.

The SPEAKER pro tempore. The bill cannot be read until it is

Mr. LAWRENCE. The question now is, Shall the bill be ordered to engrossed and read the third time? When the House has decided that question, then it will be in order to demand the reading of the engrossed bill if any gentleman desires it.

The SPEAKER pro tempore. The Chair understands that the motion of the gentleman from Pennsylvania [Mr. RANDALL] is that the bill be engrossed and read a third time.

Mr. HOLMAN. I rise to make a parliamentary inquiry. Has this

bill been ordered to be engrossed and read a third time?

The SPEAKER pro tempore. It has not.

Mr. McCRARY. I wish to make a suggestion to the House. I do Mr. McCkaki. I wish to make a suggestion to the House. I do not understand that any gentleman on this side of the House proposes to vote against the bill. It is necessary as a matter of course that this bill should pass. All the trouble has arisen from the call for the yeas and nays. I think that by unanimous consent this bill may now be passed, and that the gentleman from New York [Mr. Hoskins] will withdraw the point of order if the demand for the yeas and nays be withdrawn.

Mr. HOLMAN. I call for the regular order.

The SPEAKER pro tempore. The House will please proceed in der. Gentlemen will take their seats.

order. Gentlemen will take their seats.

Mr. HOLMAN. I rise to make this parliamentary inquiry: Is not the question now pending whether this bill shall be engrossed or not?

The SPEAKER protempore. The question is, Shall the bill be ordered to be engrossed and read a third time?

Mr. HÖLMAN. I ask that that question may now be put.

The SPEAKER protempore. Is the House ready for the question?

[Cries of "Question!" "Question!"]

The question was taken, and it was decided in the affirmative.

So the bill was ordered to be engressed and read a third time.

So the bill was ordered to be engrossed and read a third time.

Mr. HOSKINS. Now I make the point of order that the bill is not engrossed. I call for the reading of the engrossed bill.

Mr. RANDALL. We will have it engrossed.

Mr. HOLMAN. I move to reconsider the last vote by which the House ordered the bill to be engrossed and read a third time; and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PAGE. I move that the House do now adjourn.

The motion was not agreed to

Mr. HOSKINS. I desire to withdraw the point of order I made in

relation to the engrossed bill.

The SPEAKER pro tempore. Does the gentleman from Indiana withdraw his motion to reconsider the vote ordering the engrossment and third reading of the bill?

Mr. HOLMAN. I do. The bill was then read the third time by its title.

Mr. RANDALL. I now ask for the yeas and nays on the passage of

The yeas and nays were ordered.

The question was taken; and there were—yeas 190, nays 2, not voting 97; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., John H. Baker, William H. Baker, Banning, Barnum, Beebe, Bell, Blackburn, Blaine, Blair, Bland, Blount, Boone, Bradford, John Young Brown, Buckner, Horatio C. Burchard, Burleigh, John H. Caldwell, Campbell, Campler, Canler, Canlfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Collins, Conger, Cook, Cox, Crounse, Cutler, Davis, Davy, De Bolt, Donison, Dibrell, Douglas, Dunnell, Durand, Durham, Eames, Eden, Egbert, Ellis, Evans, Felton, Forney, Fort, Foster, Franklin, Freeman, Frost, Fuller, Gause, Glover,

Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Benjamin W. Harris, John T. Harris, Harrison, Harrizell, Hatcher, Haymond, Hendee, Henderson, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill. Hoar, Holman, Hooker, Hopkins, Hoskins, House, Hunter, Hunton, Hurd, Jenks, Frank Jones, Thomas L. Jones, Kerchum, Kimball, Knott, George M. Landers, Lane, Lapham, Lawrence, Leavenworth, Levy, Lewis, Lynch, Lynde, Maish, MacDougall, McCrary, McDill, McMahon, Meade, Metcalfe, Milliken, Money, Mouroe, Morgan, Morrison, Mutchler, Neal, New, Odell, Oliver, Packer, Parsons, Payne, Phelps, John F. Philips, William A. Philips, Pierce, Piper, Poppleton, Potter, Rainey, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Sampson, Savage, Sayler, Scales, Schleicher, Seelye, Sheakley, Singleton, Sinnickson, Slemons, Smalls, William E. Smith, Southard, Sparks, Springer, Stenger, Stone, Stowell, Tarbox, Terry, Thompson, Martin L. Townsend, Tucker, Tufts, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Walls, Walsh, Warren, White, Wike, Williams, Juliams, James Williams, James D Williams, Jeremiah N. Wılliams, Willis, Benjamin Wilson, James Wilson, Alau Wood, jr., and Yeates—190.

NAYS—Messrs. Page and Woodburn—2.

NOT VOTING—Messrs. George A. Bagley, Ballou, Banks, Bass, Bliss, Bradley, Bright, William B., Brown, Samuel D. Burchard, Cabell, William P. Caldwell, Cason, Caswell, Cate, Chapin, Chittenden, Cochrane, Cowan, Crapo, Culberson, Danford, Darrell, Dobbins, Ely, Farwell, Faulkner, Frye, Garfield, Gibson, Hancock, Haralson, Henry R. Harris, Hartridge, Hathorn, Hays, Henkle, Hoge, Hubbell, Hurlbut, Hyman, Joyce, Kasson, Kehr, Kelley, King, Lamar, Franklin Landers, Lord, Luttrell, Edmund W. M. Mackey, L. A. Mackey, Mazoon, McFarland, Miller, Mills, Morey, Nash, Norton, O'Brien, O'Neill, Plaisted, Platt, Powell, Pratt, Survenson, Swann, Teese, Thomas, Thornburgh, T

So the bill was passed.

During the roll-call, Mr. STEVENSON said: On this bill I am paired with my colleague, General Hurlbut, who is necessarily detained from the House. he were here, I would vote ay, and I am inclined to think he would

vote the same way. [Laughter.]
Mr. JENKS said: My colleague, Mr. Cochrane, is necessarily absent on account of the sickness of a child; if present, he would vote

The result of the vote was then announced as above recorded.

Mr. HOLMAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

#### MES-AGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of their clerks, informed the House that the Senate had passed without amendment a bill of the House of the following title:

A bill (H. R. No. 514) relating to the centennial celebration of

American Independence.

The message further announced that the Senate had passed a bill (S. No. 14) of the following title: "An act to extend the time for the completion of the Northern Pacific Railroad."

Mr. HOLMAN. I move that the House adjourn, but I am willing to yield to the gentleman from Missouri, Mr. CLARK, who desires to introduce a bill which it is very desirable should be printed before

Mr. TOWNSEND, of New York. I call for the regular order.

### SERVICES OF THE POST-OFFICE DEPARTMENT.

Mr. CLARK, of Missouri. I simply desire to introduce a bill that was drawn up by the assistant attorney of the Post-Office Department in accordance with a suggestion made by the First Assistant Postmaster-General in a letter written to the Postmaster-General, and ask

that the bill, with the accompanying letter, be printed.

There was no objection, and the bill (H. R. No. 1993) to repeal section 11 of the act approved June 23, 1874, entitled "An act making appropriations for the service of the Post-Office Department," was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and, with the accompanying letter, ordered to be printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Cas-WELL for ten days, on account of important business; to Mr. SMITH, of Pennsylvania, for five days, on account of important business; to Mr. WALLACE, of South Carolina, for three days, on account of important business; to Mr. Harris, of Massachusetts, for ten days; to Mr. Mackey, of South Carolina, for five days, and to Mr. Walling indefinitely.

### CHANGE OF REFERENCE.

On motion of Mr. KASSON, by unanimous consent, the Committee of Claims was discharged from the further consideration of the papers in the case of R. B. Ferguson; and the same were referred to the Committee on Public Buildings and Grounds.

Mr. HOLMAN. To accommodate two or three gentlemen who have bills to introduce, I am willing to yield. Mr. HOAR. I call for the regular order of business. There is no quorum in the House.

Mr. TOWNSEND, of New York. We have been kept here an hour in order to get the yeas and nays, and gentlemen must not find fault if I insist on the regular order.

The question was taken on Mr. Holman's motion, and it was agreed to; and accordingly (at six o'clock and thirty minutes p. m.) the House adjourned until Monday next.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. AINSWORTH: Resolutions of the Citizens' Association of McGregor, Iowa, favoring the completion of the improvement of Des Moines Rapids and the building of the Wisconsin ship-canal, to the Committee on Commerce.

By Mr. BASS: Papers relating to the claim of Gustavus A. Scroggs,

by Mr. CALDWELL, of Tennessee: The petition of citizens of Tennessee, for the relief of B. F. Scates, postmaster at Union City, Tennessee, to the same committee.

By Mr. DAVY: Papers relating to the petition of Thomas Allcock, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Frederick Foote, for pay for property taken by

the United States Army, to the Committee on War Claims.

By Mr. GARFIELD: The petition of the governor and soldiers of the National Home for Disabled Soldiers at Dayton, Ohio, for a more equitable adjustment of pensions, to the Committee on Invalid Pen-

By Mr. GOODE: Papers relating to the claim of John R. Hathaway, for pay for the use of his printing office and damage thereto by the United States authorities, to the Committee on War Claims.

By Mr. JENKS: The petition of sundry citizens of the United States, for relief for Edward O'Meagher Condor, now confined in prison in England, to the Committee on Foreign Affairs.

Also, the petition of officers and soldiers of the war of 1861, for an increase of pension, to the Committee on Invalid Pensions.

By Mr. LANDERS, of Connecticut: Papers relating to the petition of E. W. Whitaker, for relief on account of a post-office robbery, to the Committee of Claims.

By Mr. LUTTRELL: A letter from General A. M. Winn, asking that the old marine hospital in San Francisco, California, be granted to the Ladies' Seamen's Society of that city for a sailor's home, to the Committee on Naval Affairs. mittee on Naval Affairs

Also, a memorial of Oliver Eldrige and other members of the Ladies' Seamen's Friend Society of San Francisco, California, of similar import, to the same committee.

Also, papers relating to the payment of the California Indian war

bonds, to the Committee of Claims.

Also, papers relating to the claim of Washington L. Parvin and Henry A. Greene, on account of moneys advanced for supplies furnished United States troops, to the Committee on War Claims.

By Mr. McDILL: The petition of S. M. Kier and 109 other voters, and of Mrs. Amy A. Barker and 56 other ladies, of College Springs, Iowa, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. McFARLAND: The petition of Thomas J. Dillow, for a pen-

sion, to the Committee on Invalid Pensions.

By Mr. NEAL: Papers relating to the petition of V. B. Strider, for relief, to the Committee on War Claims.

By Mr. PAYNE: Papers relating to the claim of Lieutenant Thilo Schultze and others, officers and men of Company B, Fourteenth United States Infantry, for property destroyed on the Nashville and Chattanoga Railroad, to the Committee on Military Affairs.

Also, papers relating to a bill to increase fees in pension cases, to

the Committee on Invalid Pensions.

By Mr. POPPLETON: The petition of James Hindman, D. M. Shrack, E. B. Thompson and 2,700 other citizens of Ohio, for the appontinent of a commission of inquiry concerning the alcoholic liquor traffic, for the prohibition of the sale of liquors in the District of Columbia, and other prohibitory legislation touching the manufacture, sale, and importation of alcoholic liquors, to the Committee of Ways and Means.

By Mr. VANCE, of North Carolina: Papers relating to the petition of A. B. & J. J. Welch for pay for stores and horses furnished the United States Army, to the Committee on War Claims.

Also, papers relating to the petition of Alexander Cooper, Joseph W. Green, Jesse Williams, John McMerrill, Nancy Patton, and Littleton Lytle, for pay for supplies furnished the United States Army, to the same committee.

Also, papers relating to the claim of Judson Female College for damages sustained from occupation by United States Army after the

close of the war between the States, to the same committee.

Also, a paper relating to the claim of J. M. Roane on account of supplies furnished the Indian service in California, to the Committee of Claims.

Also, papers relating to the claim of J. T. Sorrells on account of

carrying mails in North Carolina, to the same committee.

Also, a letter from W. H. Doherty to the Committee on Appropriations, detailing the operations of the United States Patent Office, to

the Committee on Appropriations.

By Mr. WALDRON: The petition of 46 citizens of Ann Arbor, Michigan, for authority to construct a bridge across the river at Detroit, Michigan, to the Committee on Commerce.

Also, the petition of 49 citizens of Chelsea, Michigan, of similar

import, to the same committee.

By Mr. WELLS, of Missouri: The petition of George K. McGunni-

By Mr. WELLS, of Missouri: The petition of George K. McGunnigel, for interest on the fund paid him for supplies furnished the United
States during the Black Hawk war, to the Committee of Claims.

By Mr. WILLARD: The petition of Orra Wilder, for the extension
of the time for applying for bounty under act of July 28, 1866, to the
Committee on Military Affairs.

By Mr. WILLIAMS, of Wisconsin: The petition of citizens of Racine, Wisconsin, for the repeal of the check-stamp tax, to the Committee of Ways and Magne

mittee of Ways and Means.

## IN SENATE.

# Monday, February 14, 1876.

Prayer by the Chaplain, Rev. Byron Sunderland, D. D. The Journal of the proceedings of Friday last was read and ap-

PETITIONS AND MEMORIALS

Mr. SARGENT. I present several petitions, numerously signed, from citizens of the State of California who say that, considering the importance to the welfare of their State and to the country at large of a line of railway from the Atlantic to the Pacific south of the snow line, which at all times and in all seasons shall be open for the wants of Government as well as the uses of commerce, "we earnestly and respectfully petition your honorable bodies to grant to the Texas and Pacific Railway Company such aid as will secure an early completion of that road to the Pacific Ocean, and ask at your hands such legislation as will accomplish that result." They submit that "the single artery of railroad communication between California and the East is even now barely sufficient for the increased and rapidly growing commerce of the Pacific coast, and even if free from snow would soon become utterly unequal to the task of supplying the wants of the West and South." They believe "that a railway route opening to commerce the vast mineral and agricultural resources of this southern belt, with its climatic advantages, is a great national necessity, and will, by securing competition, cheapen transportation, refive the drooping industries of the country, and be of incalculable benefit to the whole people." I move that these petitions be referred to the Committee on Railroads.

The motion was agreed to.

Mr. KELLY presented the petition of the Walla Walla Grange, of Washington Territory, praying Congress to cause a canal to be constructed at the Cascades of the Columbia River, in Oregon; which was referred to the Committee on Commerce.

He also presented the petition of 819 citizens, who are residents and qualified electors in the counties of Columbia and Walla Walla, in Washington Territory, praying Congress to annex those counties to the State of Oregon; which was referred to the Committee on Terri-

Mr. MITCHELL presented the petition of Isaac E. Higgins, of Washington Territory, praying compensation for his land claim in Whatcom, Washington Territory, of which he was dispossessed by the military authorities of the United States; which was referred to the Committee on Military Affairs.

Mr. INGALLS. I have received from the Land Reform Association of New York a remonstrance containing many reasons why section 2303 of the Revised Statutes, sometimes known as the southern homestead act, should not be repealed. This memorial is embellished with a photograph of the association, I suppose as a guarantee of good faith. As the bill is before the Senate, I move that the remonstrance lie upon

the table. The motion was agreed to.

Mr. JOHNSTON presented the petition of Samuel P. Holt, of Lynchburgh, Virginia, praying compensation for services as an assistant assessor and gauger for the first division of the fifth district of Virginia; which was referred to the Committee on Claims.

Mr. CRAGIN presented the petition of Commander George A. Stevens, praying the passage of a bill authorizing the President to nominate and, by and with the advice of the Senate, appoint him as a eaptain on the active list of the Navy; which was referred to the Committee on Naval Affairs.

Mr. ENGLISH presented the petition of James C. Welling and others, of Washington, District of Columbia, praying that books in other

than the English, Latin, and Greek languages be admitted free of duty; which was referred to the Committee on Finance.

The PRESIDENT pro tempore presented the memorial of the Legislative Assembly of the Territory of Montana, asking an appropriation for the removal of obstructions to navigation in the Missouri and Yellowstone Rivers; which was referred to the Committee on Com-

He also presented a resolution of the Legislature of the State of Kansas, requesting of Congress legislative action to declare forfeited the land grant in aid of the construction of railroads from Leaven-worth to the southern line of the State of Kansas in the direction of Galveston Bay, in Texas.

Mr. INGALLS. That last concurrent resolution has also been forwarded to me. The subject is one of very considerable importance, and while I am not aware of the facts in the case nor whether the forfeiture has occurred or not, I think the subject requires early action by some committee of this body. I therefore move that this concurrent resolution of the Legislature of Kansas be printed in the RECORD and referred to the Committee on Railroads.

The motion was agreed to.

The concurrent resolution is as follows:

House concurrent resolution No. 5, relating to lands conveyed to the State of Kansas in aid of a certain railroad, and which have subsequently reverted to the United

in aid of a certain railroad, and which have subsequently reverted to the United States.

Whereas by an act of Congress approved March 3, 1863, certain lands were granted to the State of Kansas for the purpose of aiding in the construction of a railroad from the city of Leavenworth by the way of the town of Lawrence and via the Ohio City crossing of the Osage River to the southern line of the State in the direction of Galveston Bay in Texas, with a branch from Lawrence by the valley of the Wakarusa River to a point on the Atchison, Topeka and Santa Fé Railroad where said road intersects the Neosho River; and whereas said act contained a proviso in the words following, to wit: "That if any part of said road and branches is not completed within ten years from the passage of this act, no further sale shall be made and the land unsold shall revert to the United States;" and whereas the State of Kansas by act of Legislature approved February 9, 1864, accepted said grant and assumed the execution of the trust; and whereas the said period of ten years has elapsed and said railroad has not been completed, nor has Congress extended the time for such completion; and whereas alarge portion of land included within said grant and lying within the limits of the State of Kansas unsold and are not open to settlement; and whereas the declaration of forfeiture and assertion of ownership alone abides in the legislative authority of the Government: Therefore,

Be it revolved by the house of representatives of the State of Kansas, (the senate therian concurring.) That we respectfully request the Congress of the United States to declare said lands forfeited and to take such legislative action as may be necessary to render them subject to entry under the pre-emption and homestead laws of the United States; that we respectfully solicit our Senators and Representatives in Congress to use their influence to secure such action as may effect the desired result; that the secretary of state is hereby instructed to furnish a copy of this pre

I hereby certify that the above resolution was adopted by the house, January 21, 1876.

HENRY BOOTH, Chief Clerk.

Concurred in by the senate January 29, 1876.

JOHN H. FOLKS

I, Thomas H. Cavanaugh, secretary of state of State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution on file in my

In testimony whereof I have hereunto subscribed my name and affixed the great eal of State. Done at Topeka this 3d day of February, A. D. 1876. THOS. H. CAVANAUGH, Secretary of State.

Mr. WHYTE. I present the petition of Robert C. Buchanan, colonel and brevet major-general United States Army, praying compensation for the use of his invention and the infringement of his patent-right for portable boats by the United States Army. As this petition re-lates to military affairs, I move that it be referred to the Committee on Military Affairs.

on Military Affairs.

The motion was agreed to.

Mr. STEVENSON presented the petition of Martha J. Coston, praying an appropriation for the amount justly due on the manufacture by her husband of the Coston signal-lights for the use of the Navy Department; which was referred to the Committee on Naval Affairs.

Mr. SHERMAN presented three petitions of citizens of Cleveland, Ohio, praying Congress, under proper guarantees, to extend the national credit to the completion of a great southen line to the Pacific; which were referred to the Committee on Railroads.

Mr. CONKLING. I present the petition of William Coventry H. Waddell, submitting a plan for a convertible United States bond, bearing a low rate of interest. This petitioner, a citizen of New York, asks me to move that this petition be printed; but knowing as I do that the judgment of the Senate is against printing memorials, I do not feel at liberty to make that request; but I move its reference to the Committee on Finance. the Committee on Finance.

The motion was agreed to.

Mr. CAMERON, of Pennsylvania, presented a petition of citizens of
Montgomery County, Pennsylvania, and a petition of citizens of Hazleton, Pennsylvania, praying that aid be granted in the construction
and completion of the Texas Pacific Railroad; which were referred to the Committee on Railroads.

### REPORTS OF COMMITTEES.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 410) for the relief of First Lieutenant George W. Wright, Seventh United States Infantry, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of James L. Sherman, first lieutenant First Artillery United States Army, praying to be re-imbursed in the sum of \$1,429.04 on account of a deficiency in his commissary stores while acting as commissary of subsistence, occasioned by the dishonesty of his commissary sergeant, reported adversely thereon and asked to be discharged from its further consideration; which was agreed to.

Mr. COCKRELL, from the Committee on Military Affairs, to whom

was referred the bill (S. No. 292) for the relief of Thomas Belew, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army, to report it without amendment with a written report thereon;

and I ask for its present consideration.

The PRESIDENT pro tempore. The bill will be reported for information, subject to objection.

The Chief Clerk read the bill.

Mr. SHERMAN. I think that, being a private bill to compensate for the loss of money and property, it ought to go on the Calendar to be taken up in regular order with all other private bills.

Mr. COCKRELL. The evidence is very explicit, I will state to the

enator from Ohio, and we shall save time by considering it now.

Mr. SHERMAN. The only trouble is that it may involve a precent. I think it would be better to let that class of bills go on the

alendar to be taken up in regular order.

Mr. COCKRELL. I have recommendations from the Secretary of War and the Paymaster-General showing that the bill ought to be

Mr. SHERMAN. No doubt the bill will be passed when it is reached in its order, but I think it had better take its place on the Calendar.

The PRESIDENT pro tempore. The Senator from Ohio objects, and the bill will be placed upon the Calendar.

#### BILLS INTRODUCED.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 435) to amend section 5546 of the Revised Statutes of the United States, providing for imprisonment and transfer of United States prisoners; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. CLAYTON. I have here some correspondence between the Attorney-General and myself bearing upon this subject, which I ask to have printed and referred with this bill. I also move that so much of the Attorney-General's report as relates to the amendment of this

of the Attorney-General's report as relates to the amendment of this section be referred to the same committee, and also that Senate Executive Document No. 13, bearing upon the same subject, be referred to the Committee on the Judiciary in connection with the bill.

The PRESIDENT pro tempore. The Senator from Arkansas asks that the correspondence of the Attorney-General relating to the subject of the bill just introduced be printed and referred to the committee. The Chair hears no objection. He also asks the reference of a portion of the Attorney-General's report and Senate Executive Document No. 13. The Chair hears no objection, and that reference is also made.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 436) for the relief of William S. Robinson, of Malden, Massachusetts; which was read twice by its title, referred to

the Committee on Claims, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 437) for the relief of Henry C. Caldwell; which was read twice by its title, referred to the Committee on the Judiciary,

Mr. INGALLS. I believe the attention of the Senate has been previously called at this session to the subject of the ravages of insects that are injurious to vegetation. I am informed that accurate information and statistics show that during the past year the actual loss to the industries of this country by the ravages of the locust, the chinch-bug, the army and cotton worm, and the Hessian fly exceed \$200,000,000; that the ravages from the locust alone exceed \$50,000,000. In seven counties in the State of Minnesota during the past season nearly sixty thousand bushels of locusts were destroyed at an expense to that community of nearly \$80,000. It is believed that the subject is worthy the attention of Congress, and that by the use of proper means a very large proportion of this destruction can be averted and hereafter prevented. With a view to that end, I have been requested by the State entomologist of Missouri to introduce a bill, which I ask may be referred to the Committee on Agriculture; and I venture to express the hope that the chairman of that committee may give it very early attention.

By unanimous consent, leave was granted to introduced a bill (S. No. 438) for the protection of agriculture against injurious insects; which was read twice by its title, referred to the Committee on Agriculture, and ordered to be printed.

Mr. CRAGIN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 439) for the relief of George A. Stevens; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. CAMERON, of Pennsylvania. I am requested to introduce a bill by a most meritorious and gallant officer of my State.

By unanimous consent, leave was granted to introduce a bill (8. No. 440) to repeal section 2 of an act entitled "An act for the relief of General Samuel W. Crawford, and to fix the rank and pay of retired officers of the Army," approved March 3, 1875; which was read twice by its title, referred to the Committee on Military Affairs, and ordered

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 441) to facilitate the transit of merchandise from the Dominion of Canada through the territory of the United

States; which was read twice by its title.

Mr. CONKLING. I wish to say that I introduced this bill at the

request of a respectable gentleman who vouches for its merit. I do not understand its merits myself. I move that it be printed and referred to the Committee on Finance.

The motion was agreed to.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 442) for the relief of John Bowles, late lieutenant-colonel Seventy-ninth Regiment United States Colored Troops; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

# PENITENTIARY AT FORT SMITH, ARKANSAS.

Mr. CLAYTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on the Judiciary be, and they are hereby, instructed to inquire into the expediency of establishing a penitentiary upon the abandoned military reservation at Fort Smith, Arkansas, for the confinement of United States

#### PAPERS WITHDRAWN.

Mr. CAMERON, of Pennsylvania. I present an order which I ask the Senate to act upon at present. It is to restore to the State Department copies of old treaties that have been on the files of the Senate for a long while without action, and it is necessary for the purpose of keeping up their records that they should be restored to the Department. I present a letter from the Secretary of State who states the reasons for this better than I can:

Peasons for this better than I can:

Ordered. That the Secretary be directed to transmit to the Secretary of State to be deposited with the archives of the State Department the following conventions and treaty heretofore transmitted to the Senate of the United States by the President of the United States and not definitively acted on:

Convention of commercial reciprocity between the United States of America and His Majesty the King of the Hawaiian Islands, concluded at Washington the 20th day of July, 1855;

Convention between the United States of America and Her Britannic Majesty for the establishment of international copyright, concluded at Washington the 17th of February, 1853;

Treaty of amity and navigation and commerce between the United States of America and the republic of Nicaragua, concluded at the city of Leon, the 3d of September, 1849.

The PRESIDENT pro tempore. The letter of the Secretary of State will be read.

The Chief Clerk read as follows:

DEPARTMENT OF STATE, Washington, February 9, 1876.

Washington, February 9, 1876.

Sir: It is supposed that several treaties between the United States and foreign powers, which, from time to time, have been submitted by the President to the Senate, but not definitely disposed of by that body, may be among the archives of the committee of which you are chairman. Among these must be the treaty as to copyright with Great Britain, concluded by Mr. Everett when Secretary of State, some time in 1853, as is understood. The treaty concluded by Mr. Squier with Nicaragan in 1849, containing an article or articles on a ship-canal, and the reciprocity treaty with the Sandwich Islands, signed by Governor Marcy in 1855, may also be among the number.

I will thank you to cause an examination to be made on this subject and to take into consideration the expediency of moving for the return of such instruments to this Department. Their detention at the Senate usually leaves us no way of being certain as to the stipulations which they may contain.

I have the honor to be, sir, your obedient servant,

HAMILTON FISH.

HAMILTON FISH.

Hon. Simon Cameron, Chairman of the Committee on Foreign Relations, Senate.

The order was agreed to.

# RAILROAD THROUGH BENICIA RESERVATION.

Mr. SARGENT. I move to take up Senate bill No. 153, reported favorably from the Committee on Military Affairs. I think it will take but a few moments to dispose of it.

The motion was agreed to; and the bill (S. No. 153) to grant the right of way for railroad purposes through the United States arsenal grounds near Benicia, California, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That the right of way, not exceeding one hundred feet in width, through the lands of the United States included in the military reservation near Benicia, in the State of California, is hereby granted to the Northern Railway Company for the purpose of constructing a railroad: Provided, That the said right of way and the width and location thereof through said lands and the regulations for operating said railroad within the limits of the reservation so as to prevent all danger to public property shall be submitted to and approved by the Secretary of War prior to any entry on said lands or the commencement of the construction of said works: Provided, also, That whenever said rights of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

Mr. BOUTWELL. I would like to suggest to the Senator from

Mr. BOUTWELL. I would like to suggest to the Senator from California to add a proviso.

Mr. SARGENT. I will state that this bill is simply that, under such regulations as may be established by the Secretary of War—the Senator will observe that the bill is very well guarded by the committee and I think the amendment in that respect is better than the original bill—there shall be a right of way through the military reservation near the Benicia arsenal. The Benicia arsenal grounds come down by a point upon the Karquenas Straits so that they shut off any access to the upper country. To surmount this by a railroad from the city of Benicia requires a grade, within a mile of ground, of from two hundred to two hundred and fifty feet. In other words, it is actually impossible. The people are isolated by that circumstance; and this bill simply gives the right to run the road along the marsh between the waters of the strait and this jutting headland. It can be no inconvenience to the Government at all. In fact an officer at

the grounds told me it would be a convenience to them in transacting their business, and I can perceive no possible objection to the bill.

Mr. BOUTWELL. The only point I had in my mind was whether Congress should not reserve in the bill the right to expel the railroad from these lands if the public interests should require it.

Mr. SARGENT. I do not know that such a provision would be im-

Mr. BOUTWELL. It seems to me we ought to have the control of

this perpetual right, if they do not lose the right by non-user.

Mr. SARGENT. If the Senator from Massachusetts will prepare
an amendment to that effect, I shall make no objection to it. I believe the United States will not, of course, exercise this power improvidently, but, if the public interests require it, it ought to be

Mr. BOUTWELL. I move to insert the following proviso:

Provided, That the right to repeal, alter, or amend this act is reserved to Con-

Mr. SARGENT. I have no objection to that amendment. The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. DAVIS. I suppose the bill is all right, but I should like to

have it read again.

The Chief Clerk read the bill as amended.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MICHAEL W. BROCK.

Mr. KEY. I move the present consideration of Senate bill No. 165. The motion was agreed to; and the bill (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers, was considered as in Committee of the Whole.

It appearing that Michael W. Brock, late a private in Company D, Tenth Tennessee Cavalry, is erroneously charged on the rolls of the company with a horse, horse-equipments, arms, &c., of the value of \$225, the bill proposes to relieve him of all liability on account of these charges, and provides for correcting the record accordingly.

Mr. EDMUNDS. Is there a report?

Mr. KEY. There is a written report, which can be read.

The Chief Clerk read the following report, submitted by Mr. Ca-

PERTON, from the Committee on Claims, on the 9th instant:

PERTON, from the Committee on Claims, on the 9th instant:

The Committee on Claims, to whom was referred the petition of M. W. Brock, praying to be relieved from liability for certain Government property all aged to have been taken possession of by him during the late war, have had the same under consideration, and make the following report:

The petitioner alleges that he enlisted as a private in Company D, Tenth Tennessee Cavalry Volunteers, on Jannary I, 1864, for three years, and became thereby entitled to a bounty of \$300; that in consequence of severe injuries, caused by a fall from his horse while pursuing a portion of the rebel forces, he was furloughed and allowed to go home, and was never after able to return; that his name was carried upon the rolls as a deserter; that he furnished proof showing that he did not desert, and succeeded in obtaining an honorable discharge on or about the 4th of May, 1875; that when he applied for his pay he ascertained that he was charged with the value of a horse, horse equipments, &c., amounting to \$225; that he exhibited proof that be had not taken with him any of the articles charged at the time of leaving for home; that the matter having been referred to the Adjutant-General, he declined to allow any correction of the rolls to be made after so great a lapse of time.

The committee are satisfied that injustice was done the petitioner in charging him with desertion and also in charging him with the property alleged to have been a sufficient reason why the Adjutant-General should refuse the correction asked for, the committee do not regard that there was such delay as should proclude him from the relief which he now seeks. He was in no position to make his claim for his pay until he had secured his discharge, which was given him only in 1875, and it was orly then that he ascertained he was charged with the horse, equipments, &c. The committee think he is entitled to relief, and therefore report the accompanying bill and recommend its passage.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

# LEAVENWORTH STREET RAILROAD.

Mr. INGALLS. I move that the Senate proceed to the considera-tion of Senate bill No. 25.

The motion was agreed to; and the bill (S. No. 25) granting the right of way to the Leavenworth Street Railroad Company across the Fort Leavenworth military reservation was considered as in Committee of the Whole.

The Committee on Military Affairs reported an amendment, to add to the bill the following proviso:

Provided, however, That whenever said railroad shall abandon said right of way, or fail to use the same for the purposes provided in this act, then and in that case said right of way shall revert to the United States.

The amendment was agreed to.
Mr. SHERMAN. I move to add to that section, that Congress reserves the right to alter, amend, or repeal the act.
Mr. INGALLS. I have no objection.
The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments was agreed to the senate as amended.

ments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DANIEL T. CHANDLER.

Mr. WHYTE. I move that the Senate proceed to the consideration of Senate bill No. 261.

The motion was agreed to; and the bill (S. No. 261) to remove the political disabilities of Daniel T. Chandler, of Baltimore, Maryland, as considered as in Committee of the Whole.

The bill was reported to the Senate, and ordered to be engrossed for a third reading.

Mr. CONKLING. May I inquire from what committee came this

The PRESIDENT pro tempore. The Committee on the Judiciary.
The bill was read the third time; and passed by a two-thirds vote. GEORGE SCHWARTZ.

Mr. CLAYTON. I move that the Senate proceed to the consideration of Senate bill No. 168

The motion was agreed to; and the bill (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry, was considered as in Committee of the Whole. It is a direction to was considered as in Committee of the Whole. It is a direction to the Secretary of War to amend the record of George Schwartz, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry, by causing the charge of desertion to be removed, and a provision that his legal representatives shall be treated in respect to claims for pay, allowances, bounty, and pension the same as if the death of Schwartz had been proved to have taken place in the line of his duty and in the military service of the United States.

Mr. EDMUNDS. Is there a report in that case?

Mr. CLAYTON. There is a report.

Mr. EDMUNDS. Let us hear it read.

The Chief Clerk read the following report, submitted by Mr. CLAYTON on the 24th of January from the Committee on Military Affairs:

Ton on the 24th of January from the Committee on Military Affairs:

The Committee on Military Affairs, to whom were referred the memorial of the Legislature of the State of Wisconsin and accompanying papers, asking the removal of the charge of desertion from George Schwartz, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry, have had the same under consideration, and beg leave to submit the following report:

That they find that this case was before our committee at the first session of the Forty-third Congress, and that the matter was at that time fully examined, and the following report adopted:

"It is shown by the papers before the committee that George Schwartz enlisted at Waukesha, Wisconsin, in Company F, Fifth Regiment Wisconsin Volunteers, in May, 1861; that he served about thirty-three months in said company and regiment, and then re-enlisted as a veteran in February, 1864, and, not being in good health at the time of said re-enlistment, he went home on a sick furloup of thirty days, which was further extended five days on account of continued illness; that upon the 9th day of April, 1864, the said Schwartz, being still unwell but anxious to rejoin his regiment, let his home in Waukesha, Wisconsin, for the purpose of regioning his regiment. At Chicago, Illinois, he procured from the proper officer an order of transportation from Chicago to Pittsburgh, and after so procuring said order of transportation and leaving Chicago the said Schwartz has never been heard from, and that he never rejoined his regiment. The papers further show that proper efforts have been made to find some trace of the said Schwartz, but have proved unavailing.

"Affidavits from responsible versons showing that said Schwartz was recarded."

vailing.

"Affidavits from responsible persons showing that said Schwartz was regarded

"Affidavits from responsible persons showing that said Schwartz was regarded as an upright and honorable man are also presented.

"The captain and lieutenant of said Company F, Fifth Wisconsin Regiment Volunteers, and the major of said regiment, all testify that the said Schwartz was a faithful soldier and upright man; and the second lieutenant of Company F testifies that the charge of desertion was made against the said Schwartz simply because he did not personally appear and answer to the roll-call, as was the invariable custom. "These facts were presented to the Legislature of Wisconsin, and that body, after consideration, adopted the following memorial:

STATE OF WISCONSIN, EXECUTIVE DEPARTMENT,

Madison, March 5, 1874.

SIR: I have the honor to inform you that the Legislature of this State has adopted the following memorial to Congress, No. 5, senate:

Memorial to Congress to remove the charge of desertion from George Schwartz, late private of Company F, Fifth Regiment Wisconsin Infantry Volunteers

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Wisconsin respectfully repre-

The memorial of the Legislature of the State of wisconsin respectivity represents:

That in the opinion of this Legislature, founded upon the evidence presented, and which is herewith transmitted, the charge of "desertion," which now rests upon the above-named George Schwartz on the record in the Office of the Adjutant-General of the United States, should be removed; and that as, from the peculiar circumstances of the case, it is impossible to prove the death of said George Schwartz in the manner prescribed by the Adjutant-General of the United States, therefore your memorialists respectfully ask for the passage of a special act of Congress removing the charge of "desertion" now resting upon the good name and reputation of said George Schwartz, and ordering that the military record of said George Schwartz, in the Office of the Adjutant-General of the United States, shall be so altered that it will appear of record in that Office that he died in the line of his duty and in the military service of the United States.

Approved February 26, 1874.

Very respectfully, your obedient servant,

W. R. TAYLOR,

Governor.

W. R. TAYLOR, Governor.

Hon. MATT. H. CARPENTER, United States Senator, Washington, D. C.

"After a careful examination of the papers presented, your committee are of the opinion that the relief asked should be accorded, and therefore report the accompanying bill and recommend its passage."

In this report and its recommendations your committee fully concur, and herewith report and recommend the passage of the bill (S. No. 168) without amendment. Your committee will further state that this bill passed the Senate on June 13, 1874, and was sent to the House of Representatives, where no final action was had

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

OREGON CENTRAL RAILROAD.

I move that the Senate proceed to the consider-Mr. MITCHELL. ation of Senate bill No. 146.

The motion was agreed to; and the bill (S. No. 146) extending the time for the completion of the Oregon Central Railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon, was considered as in Committee of the Whole.

The time within which the Oregon Central Railroad Company was,

The time within which the Oregon Central Railroad Company was, by the sixth section of the act entitled "An act granting lands to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon," approved May 4, 1870, to complete their entire railroad and telegraph line is by the bill extended five years from its passage.

Mr. INGALLS. Is that a land-grant railroad?

Mr. MITCHELL. Yes, sir. I desire to offer an amendment which is precisely similar to the one incorporated in the Northern Pacific bill a few days since. I move to insert the following:

bill a few days since. I move to insert the following:

Provided, That this extension is granted upon the express condition and understanding that, where pre-emption and homestead claims were initiated or private entries and locations were allowed upon lands embraced in the grant to said company prior to the receipt of the orders of withdrawal at the respective district land offices, the land embraced in such entries shall not be held as within the grant to said company, and shall be patented to the parties lawfully entering the same, and in case of a bandonment by them, shall be open to pre-emption and homestead entry only by actual settlers. But the company shall be entitled to indemnity therefor as now provided by law.

I desire to say one word in explanation of this bill, which was reported from the Committee on Railroads. The only object of the bill is to extend the time five years from this date for the completion of this road. On the 4th of May, 1870, an act was passed making a land grant to the Oregon Central Railroad Company in aid of the construction of a railroad from Portland, Oregon, to Astoria, in that State, and also from a suitable point of junction on that road to the Yamhill River, in Oregon. The road has been completed to the junction, and has also been completed from the junction to the Yamhill River; that branch of the road is entirely completed: so that there only remain branch of the road is entirely completed; so that there only remain about eighty miles of the road to be completed. The last section of the act of May 4, 1870, provides as follows:

The act of May 4, 1010, provides as follows.

Sec. 6. And be it further enacted. That the said company shall file with the Secretary of the Interior its assent to this act within one year from the time of its passage; and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years, and the entire railroad and telegraph within six years from the same date.

The time, it will be observed, expires on the 4th of May next. The only purpose of the bill is to extend the time five years. It makes no additional grant whatever. The road, as I have said, is nearly half completed. It is impossible to complete the road within the time fixed in the act, and I hope there will be no objection, as there was not in the Committee on Railroads, to the extension.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amend-

ment was reported in.

Mr. EDMUNDS. I think there ought to be added the same provision which was added to the Northern Pacific Railroad extension bill, that this legislation, as well as that which has preceded it, shall be subject to the pleasure of Congress in the way of amendment and repeal, and that the company shall assent to it by filing its assent; in other words, exactly the same provision that appears after section

4, before section 5, in the Northern Pacific bill.

Mr. MITCHELL. I have no objection.

Mr. EDMUNDS. I move to amend by inserting the following words, to come in at the end of the bill as an additional section:

SEC. —. This act shall not be construed to affect existing private rights otherwise than as hereinbefore expressly provided, and shall, as well as said charter and other acts and resolutions hereinbefore mentioned, be subject to alteration, amendment, and repeal at the pleasure of Congress. That said Oregon Central Railroad Company shall file with the Secretary of the Interior, within six months from the date hereof, its assent to and acceptance of the provisions of this act, or be forever deprived from taking or receiving any benefit from or under the same.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the bill (S. No. 305) to change the location of the consulates at Aix-la-Chapelle, Omoa, and Truxillo.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30,

A joint resolution (H. R. No. 65) authorizing Edwin James, consular agent at San José, to accept a piece of plate from the Queen of Great

### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following bills; which were thereupon signed by the President pro tempore:
A bill (H. R. No. 514) relating to the centennial celebration of Amer-

ican Independence; and
A bill (S. No. 53) fixing the time of holding the circuit court of the
United States in the districts of California, Oregon, and Nevada.

## TRANSPORTATION OF ANIMALS.

Mr. FRELINGHUYSEN. I move to take up for consideration Senate bill No. 59.

The motion was agreed to; and the bill (S. No. 59) to amend certain provisions of the Revised Statutes relating to the transportation of animals was considered as in Committee of the Whole, which had been reported with amendments by the Committee on the Judiciary.

The first amendment of the committee was to fill blanks in the first section, in line 9, by inserting "fourth" before "day" and "July" before "anno Domini."

The amendment was agreed to.

The next amendment was in line 22, page 2, to strike out "eight" and insert "four;" and in line 23 to strike out "five" and insert

Shall confine the same in vehicles, railroad-cars, boats, or vessels of any description for a longer period than twenty-four consecutive hours, without unloading the same for rest, water, and feeding for a period of at least seven consecutive hours.

The amendment was agreed to.

The next amendment was in line 29, after the word "roads," to insert "or lines of transportation;" and in line 32 to strike out "eight" and insert "four;" so as to read:

In estimating such confinement, the time during which the animals have been confined without such rest on connecting roads or lines of transportation from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-four hours.

The amendment was agreed to.

The next amendment was in line 40, after the word "company," to insert "or persons operating any railroad;" and in line 43 to insert or persons operating the said railroad."

"or persons operating the said railroad."

The amendment was agreed to.

The next amendment was in line 50, after the word "company," to insert "or persons operating any railroad;" and in lines 51 and 52 to strike out "who knowingly and willfully fails" and insert "whose duty it may be to perform any of the duties in either of the preceding sections mentioned, who shall knowingly fail," &c.

The amendment was agreed to.

The next amendment was in line 55, after the word "sections," to insert "or either of them;" in line 60 to insert after the word "than" the words "one hundred;" in line 61 to fill the blank with "five;" and in line 62 to fill in blank with "one."

The amendment was agreed to.

The amendment was agreed to.

The next amendment was in line 77, after the word "ride," to insert "at his own risk of personal injury."

The amendment was agreed to.

The next amendment of the committee was after line 100, to insert:

The next amendment of the committee was after line 100, to insert:

And any railroad company, or persons operating any railroad, or the owners or masters of the vehicles or boats or vessels transporting any cattle, sheep, swine, or other animals, which shall have been carried on any line or lines of transportation in the Dominion of Canada, in estimating the twenty four consecutive hours beyond which animals, as provided by this act, shall not be confined without unloading for rest, water, and food, as aforesaid, shall compute the consecutive hours such animals shall have been contined in transportation in Canada, and on knowingly failing to do so shall be subject to the penalties of this act.

And any railroad company, or persons operating any railroad, or the owners or masters of the vehicles, boats, or vessels subject to the jurisdiction of the United States, whose line of transportation forms a part of, or is connected with, any line of transportation in the Dominion of Canada, in making any contract for the transportation of animals aforesaid, whether such transportation be wholly or partly in the United States, shall be subject to the provisions of this act; and if any such company, owner, master, or person shall knowingly bring into, assist, arrange, or provide for bringing into, the United States, for consumption, any of the animals aforesaid, which have been transported in said Dominion, without having been there unloaded for rest, watering, or feeding, as herein directed, shall be liable to the penalties of this act.

The amendment was agreed to.
Mr. FRELINGHUYSEN. An amendment is necessary on the third line of the first page in consequence of striking out the preamble. I move to strike out the words "preventing the aforesaid evils and;"

That for the purpose of correcting errors in the act entitled, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. BOGY. I should like to have the bill read through as amended before it is passed.

The PRESIDENT pro tempore. The bill will be reported as amended.

In full?

Mr. BOGY. In full. It is a very important bill. I want to know all about it.

The bill was read at length, as amended, as follows:

Be it enacted, &c., That for the purpose of correcting errors in the act entitled "An act to revise and consolidate the statutes of the United States in force on the 1st day of December, A. D. 1873," the following amendments are hereby made therein; which amendments shall take effect on the 4th day of July, A. D. 1876:

Section 4386 is amended by striking out the whole section and inserting the fol-

Section 4386. No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in vehicles, railroad-cars, boats, or vessels of any description for a longer period than twenty-four consecutive hours, without unloading the same for rest, water, and feeding for a period of at least seven consecutive hours, unless prevented from so unloading by storm or other accidental causes; or shall carry or cause or permit to be carried such animals in a cruel or inhuman manner. In estimating such confinement the time during which the animals have

been confined without such rest on connecting roads or lines of transportation from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-four hours, except upon contingencies hereinbefore stated."

hibit their continuous confinement beyond the period of twenty-four hours, except upon contingencies hereinbefore stated."

Section 4387 is amended by striking out the whole section and inserting the following:

"Sec. 4387. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company, or persons operating any railroad, or owners or masters of the vehicles, or boats, or vessels transporting the same, at the expense of the owner or person in custody thereof; and such company, or persons operating the said railroad, owners, or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals."

Section 4388 is amended by striking out the whole section and inserting the following:

"Sec. 4388. Any company, or persons operating any railroad, owner, or custodian of such animals, whose duty it may be to perform any of the duties in either of the preceding sections mentioned, who shall knowingly fail to comply with the provisions of the two previous sections, or either of them, shall, for every such failure, be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars; and any owner, custodian, or person having control over such animals who shall violate any provisions of such sections, shall be punished by a fine of not less than one hundred nor more than one year, or by both such fine and imprisonment. a nine or not less than one number for more than live influence dollars, or by mi-prisonment for not more than one year, or by both such fine and imprisonment. But when animals shall be earried in vehicles, railroad-ears, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply."

Section 4389 is amended by striking out the whole section and inserting the fol-

Section 4389 is amended by striking out the whole section and inserting the following:

"Sec. 4389. Every United States marshal shall, upon the application in writing of any duly incorporated society for the prevention of cruelty to animals, designate an agent of such society, who shall thereupon, within the jurisdiction of such marshal, have power to make arrests and bring before any court or magistrate having jurisdiction offenders found violating any provision of the three preceding sections. Any agent of any such society may ride, at his own risk of personal injury, in or upon any vehicle, railroad car, boat, or vessel of any description in which animals are transported, upon paying the legal rates of fare entitled to be charged upon vehicles, railroad-cars, or vessels intended for the transportation of passengers. And such agent shall also have the right to be present at the loading or unloading upon and off any vehicle, railroad-car, boat, or vessel in which animals are transported, and examine the condition of such animals."

Section 4390 is amended by striking out the whole section and inserting the following;

Section 4390 is amended by striking out the whole section and inserting the following;

"Sec. 4390. Any person or corporation entitled to a lien under section 4:87 may enforce the same by a petition filed in the district court holden within the district where the food, care, and custody have been furnished or the owner or custodian of the property resides; and the court shall have power to issue all suitable process for the enforcement of such lien by sale or otherwise, and to compel the payment of all costs, penalties, charges, and expenses of proceedings under the provisions of this and the four preceding sections. The word "State" in such sections shall be held to include the Territories of the United States and the District of Columbia. "And any railroad company, or persons oper ating any railroad, or the owners or masters of the vehicles or boats or vessels transporting any cattle, sheep, swine, or other animals, which shall have been carried on any line or lines of transportation in the Dominion of Canada, in estimating the twenty-four consecutive hours beyond which animals, as provided by this act, shall not be confined without unloading for rest, water, and food, as aforesaid, shall compute the consecutive hours such animals shall have been confined in transportation in Canada, and on knowingly failing to do so shall be subject to the penalties of this act.

"And any railroad company, or persons operating any railroad, or the owners or masters of the vehicles, boats, or vessels subject to the jurisdiction of the United States, whose line of transportation forms a part of, or is connected with, any line of transportation of animals aforesaid, whether such transportation be wholly or partly in the United States, shall be subject to the provisions of this act; and if any such company, owner, master, or person shall knowingly bring into, assist, arrange, or provide for bringing into, the United States, for consumption, any of the animals aforesaid, which have been transported in said dominion, without havin

Mr. INGALLS. The carrying trade of domestic cattle is very largely conducted through the territory of my own State, and I have long been familiar with the evils that attend it and the fact that some remedy should be applied; but it seems to me that the section reported here by the committee in lieu of section 4389 of the Revised Statutes is open to very serious objection. It creates an officer unknown to the law, bestows upon him very extraordinary powers, leaves him entirely irresponsible, and subjects property always very large in amount to his control and jurisdiction without subjecting him to any bond or obligation whatever to act in good faith and in accordance with law. I trust the chairman of the committee will explain the reasons that induced them to substitute that amendment for the original section, which I think is sufficient.

Mr. FRELINGHUYSEN. This bill modifies the act which was passed some two or three years ago, in several particulars. For convenience, to have the law in better shape, this bill is offered as a substitute for the existing law; and I would here say to my friend from Kansas that this bill was submitted to the leading cattle-dealers of the country at a meeting they had in Washington, and it met their approval; that it also has the approval of most of the lines of railway that are engaged in the cattle business. The evil to be remedied is that men who are engaged in that business are obliged practically to conform to the bad practices of others engaged in the business. If there are those who have no principle, and who are entirely regardless of the public health and have no scruples in inflicting cruelty on animals, and who will run their cattle through without giving them water or food or rest for three or four days, those vicious parties practically compel those who desire to do a fair business and to act houestly, to adopt the same rule. There are those who will run their cattle through without giving them any food or rest for three or four days, and then give them plenty of water just before they offer them for sale, which increases their weight some sixty or seventy pounds. The cattle-dealers and the railroad companies are in favor of this bill.

One alteration made in this bill is that it makes twenty-four instead of twenty-eight hours the limit for which cattle may be confined, that being, as I understand, not only a sufficient length of time for the cattle to be confined, but making a proper depot at which they can unload. Another alteration is, that it requires cattle to have rest for seven instead of five hours, five hours not being sufficient to load and unload the many trains of cattle that are transported on these roads.

Another alteration is—and I believe it is that one to which my friend has called attention—in section 4389 of the Revised Statutes, simply authorizing the marshal to appoint a deputy. That officer is as responsible as any other deputy marshal. The marshal appoints a deputy at the suggestion of duly incorporated societies for the prevention of cruelty to animals. I do not know that there is any other party to whom that presentation could more properly be left. It is provided that this agent shall have the right, at his own risk, and paying his fare, to travel on these cattle-cars, the object of which is to secure the evidence that the cattle had been retained without water or food for more than twenty-four hours—a very proper provision, I think.

There is further in this bill the addition of a section which makes

the time cattle are carried in Canada to be computed in the twentyfour hours; because, if that provision was not in, it would be giving railroad companies in Canada a preference over our own companies. In order to avoid this law, evil-disposed persons would send their cattle by that route rather than over the routes in this country. I think our railroads are fairly entitled to that protection. We have clearly a right constitutionally to make any provision we please as to the character of the food which shall be introduced into this country for consumption. I do not know that it is necessary to say anything further to explain the provisions of the bill.

Mr. INGALLS. The purposes of this bill certainly are such as must meet the approbation of all humane men; but the Senator from New Jersey still fails to note the objection to which I desired to call his attention. The original section in the Revised Statutes declares:

The penalty created by the preceding sections shall be recovered by civil action in the name of the United States, in the circuit or district court of the United States holden within the district where the violation may have been committed or the person or corporation resides or carries on its business; and it shall be the duty of all United States marshals, their deputies and subordinates, to prosecute all violations which come to their notice or knowledge.

It appears to me that the authority there conferred and the protection there sought to be enforced are ample. The objection that I urge against the section that is substituted by the committee is that creates an officer unknown to the law, without responsibility, and delegates to him very extraordinary powers. In fact it places the whole property that may be in a train of cars for transportation solely at the mercy of an agent of a society for the prevention of cruelty to animals designated by a marshal and residing, as it may be, in New York when in fact the property is in transit through Kansas, or Nebraska, or Texas, and upon whom the owners of the property have no guarantee whatever for the proper discharge of his duties.

Mr. FRELINGHUYSEN. Will my friend show me what part of the act does place the cattle at the disposal of that agent?

Mr. INGALLS. Certainly. The provision is:

Every United States marshal shall, upon the application in writing of any duly incorporated society for the prevention of cruelty to animals, designate an agent of such society—

Not as a deputy marshal.

Mr. FRELINGHUYSEN. Go on.

Mr. INGALLS. Not as a deputy marshal, having no responsibility whatever under the bond of the marshal—

who shall thereupon within the jurisdiction of such marshal have power to make arrests and bring before any court or magistrate having jurisdiction offenders found violating any provision of the three preceding sections.

Mr. FRELINGHUYSEN. There is nothing in that section except that a deputy marshal shall be appointed by the marshal at the suggestion of these societies. When he is appointed a deputy he gives bond I presume of course, and is amenable to the law as any other deputy marshal is. Mr. INGALLS.

Then let that proviso be inserted.

Mr. FRELINGHUYSEN. I have no objection.

Mr. INGALLS. This certainly does not constitute an agent of a society for the prevention of cruelty to animals a deputy of the marshal, as it now stands; but it makes him an independent officer of the law and confers upon him extraordinary powers. I would suggest that the section be so amended as to provide that this agent shall give bond like any other deputy marshal of the United States

Mr. FRELINGHUYSEN. I will accept any amendment of that kind, but I do not think it is necessary. I think it is really there

already.

Mr. WHYTE. I would inquire whether a deputy marshal does give bond. The marshal gives bond, but I do not think a deputy

marshal ever gives a bond.

Mr. FRELINGHUYSEN. I believe my friend is right, so that the amendment is not necessary. All that it is necessary to say is that he

shall be a deputy marshal.

Mr. BOGY. But the marshal is responsible on his bond for the ac-

tion of his deputy.

Mr. WHYTE. I was going to make that very remark. The language of this section should certainly be changed so as not to put

this power in the hands of an agent, but the appointment should be of a deputy marshal, subject to removal just as deputy marshals are now subject to removal by the district or the circuit court. They are under the control of the court. This agent would be not under the control of the courts at all; and he might be a very bad man; he might be a very bad character, and yet the court would not have the power to remove him unless he be made a deputy marshal and subject to the penalties and subject to the powers reserved by the statutes to the courts of the United States over deputy marshals.

Mr. INGALLS. It appears to me that he ought also to be a citi-

Mr. INGALLS. It appears to me that he ought also to be a citizen of the jurisdiction.

Mr. BAYARD. The Senator from Maryland is precisely right. On looking at line 70, page 4, of this bill, you will observe that it is made compulsory on the United States marshal—on "the application in writing of any" and of course of every, "duly-incorporated society for the prevention of cruelty to animals," to "designate an agent of such society." That is delegating the discretion of the appointment to the society. We have here, then, a law, or a bill intended to become a law, which will give to these societies the discretionary appointment of their own agents to exercise power under a law of the United States. There is no question but that the bill is open to that objection:

Every United States marshal shall upon the amplication in writing of any duly.

Every United States marshal shall, upon the application in writing of any duly-incorporated society for the prevention of cruelty to animals, designate an agent of such society, who shall thereupon, within the jurisdiction of such marshal, have power to make arrests and bring before any court or magistrate having jurisdiction offenders found violating any provision of the three preceding sections.

Mr. FRELINGHUYSEN. I ask the Senator who designates the

Mr. BAYARD. The society for the prevention of cruelty to animals.
Mr. FRELINGHUYSEN. Not at all. The marshal does.
Mr. BAYARD. It is done on their application. "Qui facit per alium, facit per se." The society has the power to demand the appointment of whom? Of some one in writing whom they shall suggest to the marshal, and who shall thereupon designate that person to be—what? To be the agent for the society to enforce this act. The language of the act is precise and unmistakable.

Not only that Mr. President: not only by the force of this act do.

Not only that, Mr. President; not only by the force of this act do you transfer the power of appointing deputy marshals to these privately-incorporated institutions—which is certainly a matter entirely beyond the power of Congress, because the power of appointment is one of high discretion, and discretion cannot be delegated—but, in addition to that, it not merely proposes this system of compulsory appointment of the agents of these societies, but it authorizes them to do what the United States marshal cannot do; that is, it purports to confer power to make arrests, no word being said of previous warrant or of application for due process of law to precede this. This is meant to be a summary arrest, without writ, not by a marshal, but by an agent thus appointed. We cannot authorize that. It is an invasion of personal liberty that the Congress of the United States is not competent to authorize. There is no "due process of law" in it; but this authorizes not only the marshal to do this, but his deputies to do it; and he shall appoint these deputies, not at his own discretion, but upon the application in writing of these societies.

It strikes me that even admitting (which I do not) that this is a wholesome assumption of power by the United States, an extension of their functions over those matters which properly belong to the police power of the States themselves, yet to give to the agents of these societies powers without responsibility, and powers of executing arrests without those safeguards which the liberty of the citizen demands, is open to the objection made by the Senator from Maryrant or of application for due process of law to precede this.

demands, is open to the objection made by the Senator from Maryland and the Senator from Kansas to the section.

Mr. FRELINGHUYSEN. This act says that every United States marshal shall do what? "Designate an agent;" not that the societies shall designate the agent at all.

Every United States marshal shall, upon the application in writing of any duly-incorporated society for the prevention of cruelty to animals, designate an agent of such society.

Mr. BAYARD. May I ask the Senator a question? Can he designate any one not an agent of the society?

Mr. FRELINGHUYSEN. He designates any one who is a member

f that society as an agent.

Mr. BAYARD. Then the society tell him whom to designate.
Mr. FRELINGHUYSEN. The only limitation on the power of the
marshal is that the person shall be a member of that society. Now,
as to the power to make arrests, it is rather news to me that a deputy marshal cannot make arrests even without process for a violation of law before his eyes. He can do it; and this is only to be done under these circumstances.

As to the point that this is an invasion of the police powers of the States, if Congress has any power it is the power to regulate commerce between the States, and this only applies to the transportation of cattle between the States—to interstate commerce.

Mr. INGALLS. Will the Senator allow me to ask him whether in

his opinion, under the provisions of this section, it would not be pos sible to appoint citizens of New York or Massachusetts, who should proceed to Nebraska or Texas or Kansas and there exercise these extraordinary functions under the marshals of those States; and whether or not in that case, if these agents violate their duty or inflict a wrong upon the citizen, the marshal himself would be responsible for their acts?

Mr. FRELINGHUYSEN. There is in this law no limitation as to who this deputy marshal shall be, any more than there is a law as to who shall be marshal for the district of the United States which is composed of the State of Kansas. It is left just as the law is left in reference to all marshals and all deputy marshals. The only limitation is that the person appointed must be a member of the society making the application.

making the application.

Mr. MORTON. I suggest to the Senator from New Jersey that as I think this bill will run some time, I trust he will have no objection to

this this on will rule some time, I take he will have he objection to having it passed over, so that we may proceed to the consideration of the resolution in regard to Mr. Pinchback.

Mr. FRELINGHUYSEN. Of course the Senator from Indiana has a right to call for the regular business at any time. As I believe there is but one opinion in reference to this bill, if there are any Senators who prefer looking at it further so as to suggest amendments, I have no objection to its going over. If we can have a vote now I should

Mr. INGALLS. If the Senator would consent to strike out the section proposed as a substitute for section 4389 and allow the section to stand as it is in the Revised Statutes, I should have no objection

to the passage of the bill.

Mr. FRELINGHUYSEN. That would be to destroy the bill en-

The PRESIDENT pro tempore. The Chair would suggest to the Senator from New Jersey that there is no priority of measures to-day. Mr. FRELINGHUYSEN. Then I think we had better finish this

The PRESIDENT pro tempore. The bill is before the Senate.

Mr. MORTON. I move, I trust with the approbation of my friend from New Jersey, to postpone this and all other prior orders, in order to proceed to the consideration of the Pinchback case.

The PRESIDENT pro tempore. The question is on the motion of

the Senator from Indiana.

The question being put, there were on a division-ayes 18, noes 16;

no quorum voting.

Mr. FRELINGHUYSEN. I think if my friend from Indiana will suffer us to go on a little while with this bill we can dispose of it soon.

Mr. MORTON. I fear it will take all the afternoon.

Mr. MORTON. I fear it will take all the afternoon.
Mr. FRELINGHUYSEN. I do not think it will.
Mr. EDMUNDS. As there does not appear to be a quorum present,
I would ask the Chair to count Senators and ascertain if there is a

The PRESIDENT protempore. The Secretary will count the Senate. A count having been made, the President pro tempore announced that there was a quorum present in the Senate.

Mr. EDMUNDS. Will not my friend from Indiana postpone his motion for half an hour, and perhaps in that time the bill can be disposed of?

Mr. MORTON. If the Senator from New Jersey is satisfied to allow this bill to go by at two o'clock, if not then disposed of, I shall be satisfied.

Mr. FRELINGHUYSEN. I supposed my friend from Indiana had a right to call up the Pinchback resolution at any time, and I would not wish to interpose this bill in opposition to him; but as this bill is regularly before the Senate, I think we can dispose of it in a very

The PRESIDENT pro tempore. Is there objection to continuing the consideration of this bill? The Chair hears none. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. INGALLS. In response to what has fallen from the Senator from New Jersey, I desire to call his attention to the fact that in the original section, as it now stands, it is made the duty of the United States marshals, their deputies and subordinates, to prosecute all violations which come to their notice or knowledge; and I must object to the provisions of this substituted section which authorize the appointment of these extraordinary agents with unusual powers and without any guarantee for their proper exercise; and I shall propose, if a motion is necessary, that the Senate do not agree to the amend-ment reported by the committee, the effect of that being to allow the

ment reported by the committee, the effect of that being to allow the law to stand as it is in the original statute upon the subject.

The PRESIDENT pro tempore. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. EDMUNDS. I should like to say one word in reply to my friend from Kansas on the section about which he has been speaking. It appears to me, and I think it appeared to the committee, that there could be no denoted to viviate rights in the exercise of this power. could be no danger to private rights in the exercise of this power. The offense which is to be committed is an offense which is to be ascertained, like a row in the public streets by a policeman, on inspection. Anybody having any reasonable intelligence can see on going into a car or into a railroad-yard where there is a train of cattle, whether they are in distress and are famishing or not. It is a thing that is as open to observation, I submit, as any act of wrong that can happen. It is a plain case. Mr. INGALLS.

He cannot tell whether they have ridden twenty-

four or twenty-five hours, on inspection.

Mr. EDMUNDS. That is perfectly true; you cannot tell whether they have ridden twenty-four or twenty-five hours, but you can tell that an animal has ridden so long (which is supposed to be beyond twenty-four hours) that it is in a condition that nobody, with any sense of feeling or kindness to brute animals, would fail to feel greatly

disturbed at seeing. Now, then, this responsible person, a deputy marshal, who is supposed to be intelligent, who must act in good faith or otherwise he is personally liable—

Mr. INGALLS. Does this constitute him a deputy marshal?

Mr. EDMUNDS. I do not know whether it does or not.

Mr. EDMUNDS. I do not know whether it does or not.
Mr. INGALLS. I think it does not.
Mr. EDMUNDS. It says that every United States marshal shall lesignate a certain agent, which I take to mean a deputy.

Mr. INGALLS. It certainly does not say so.

Mr. EDMUNDS. I know it does not say so, but it is a person who is acting under his authority; and if he finds that a person or a company has been guilty of violating this act, from the knowledge that he had before in riding on this train, or from the appearance of the animals that it is a case for interference, he then brings the proper parties immediately before a United States commissioner.

Mr. INGALLS. But the bill expressly says he is the agent of the

Mr. INGALLS. But the bill expressly says he is the agent of the society and not of the marshal; so he cannot be a deputy.

Mr. EDMUNDS. I know he is an agent of the society; but that is the description of the person, I submit to my friend. It is only that in order to exercise this authority, which probably nobody but some one acting under the authority of the United States can exercise, he is to take as his deputy or person acting for him in executing this law, his agent, out of a particular class of persons; that is, out of that class of persons who make it their humane business to protect animals against cruelty; and it certainly is a humane business; not only humane in respect to that kindness with which we ought to treat other beings not human, but humane in the sense of protecting society against diseased food, which is a branch of the subject that ought not to be lost sight of. Now, this responsible person thus carefully elected on view of the circumstances is authorized to make an arrest. He takes the party before a United States commissioner. Suppose it should turn out in some instance, as undoubtedly it would turn out, as it does in all classes of arrests, that the arrest was wrong and that the law and humanity had both been complied with, what of it? That is a fault that exists everywhere in jurisprudence, I submit to my friend. Sometimes it will happen that innocent people are wrongfully subjected to criminal prosecution. But in the great majority of instances under this act the parties interested will be powerful railroad corporations; and they are powerful; they have great influence, that extends everywhere. Here are powerful railroad corporations to operate against. The arrest of the conductor of a train if you please or of the master of transportation, or of anybody, brings down upon this luckless agent the whole weight of the corporate authority. think, then, it will not happen very often that the persons who are to make these arrests will make a mistake on the wrong side. The mistakes they will make will be in being overcareful not to interfere mistakes they will make will be in being overcareful not to interfere with these great powers that are running these railroads—these lines of transportation. While in a strict personal sense, if it were applied to private and personal affairs, it might be said this was a stretch of discretion, when you apply it to the particular body of people to whom it alone does apply, I submit to my friend there can be no danger at all. ger at all.
Mr. INGALLS. Certainly railroad corporations are entitled to pre-

cisely the same protection as private individuals.

Mr. EDMUNDS. So they are.

Mr. INGALLS. And it is just as much our duty as Senators upon this floor to see that they are properly guarded, and that the possibility of wrongs against them is justly restrained; and upon the admission of the Senator himself this bill is so indefinite in its terms that sion of the senator masser has an is so intermited in the terms that it is not possible for him to say whether the words "agent of such society" are a description of the person merely, or whether they refer to his office. Further than that, in line 77 there seems to be a perfect divorce between the powers of this agent of the society and his assumed capacity as deputy marshal, because it is expressly declared that "any agent of any such society," apparently ignoring entirely his power under and by virtue of his appointment, "shall have the authority to ride in and upon any vehicle, railroad-car, boat," &c., for the express purpose of exercising these very powers that are conferred upon him. So that it seems to me that the point I make is entirely proper, and that there is an attempt to confer upon somebody, not a citizen it may be of the State or the country, irresponsible authority, that places at his control and his mercy the interests of corporations it may be, but at the same time interests that are entitled to our protection; and this agent, if he is the agent of the marshal, certainly ought to be declared to be subject to the same punishment and to the same restriction that a deputy marshal is, and there ought to be some bond given, or at least some way provided by which a person who has been wronged shall have the means of immediate redress.

Mr. EDMUNDS. I entirely agree with the Senator from Kansas that a railroad corporation is just as much entitled to our protection, as Senators in law-making, as the humblest person in the United States; but this is not a question of power and protection in that sense. It is a mere question of the abuse of delegated powers. Now, when you come to the question of the abuse of delegated powers, there when you come to the question of the abuse of delegated powers, there is a wide difference whether such abuse is likely to happen against somebody who is powerful or whether it may happen against somebody who is weak. That is the difference; and in that respect I submit to my honorable friend that there is a great difference in respect of the expediency of this law whether you apply it to some private citizen in a school district or whether you apply it to somebody who

is always ready and able to take care of himself. So far as the right goes and protection of the right, of course the law ought to be equal for the high and for the low; but when you are merely making an objection to a law on the ground that it may be abused, then you have a right to look to the question whether it is likely that the persons who may be abused by the exercise of this power are people who would fall under the category of those who were not able to take care of themselves. I think that is the point.

of themselves. I think that is the point.

Now, my friend says that these persons ought to be responsible.

Mr. WEST. Will the Senator allow me to ask him a question?

Mr. EDMUNDS. Certainly.

Mr. WEST. Will the constituting of this agent of the society a deputy marshal give him the same jurisdiction and powers in other matters outside of the duties embraced in this bill that pertain to

other deputy marshals?

Mr. EDMUNDS. That depends upon how you constitute him. A deputy marshal is a thing unknown to the law, except in the sense that the marshal is authorized to execute process and to make arrests, and he may employ other persons to do this work for him. The statutes of the United States do not recognize any such office as that of a deputy marshal, any more than the common law recognizes

Mr. WEST. The law authorizes the marshal to appoint deputy marshals and makes him responsible for their acts.

Mr. EDMUNDS. Yes, it makes him responsible for their acts, which is a mere affirmance of the common law. Any marshal or sheriff who appoints a deputy is responsible for his acts, whether the law says so or not. It results from the very nature of the relation between the principal and his deputy. Everybody is responsible for the acts of his deputy or agent; it is a mere question of phrase. Whatever an agent does in the line of authority binds his principal,

and the principal is responsible for it.

Mr. WEST. This, then, binds the marshal to select a man that the society shall designate and makes the marshal responsible for the

acts of that man.

Mr. EDMUNDS. It does not bind the marshal to designate the agent. Mr. WEST. Then I cannot understand the language.

Mr. EDMUNDS. Out of a particular class of persons the marshal is to designate a person in whom he has confidence and who will

is to designate a person in whom he has confidence and who will truly execute the law. That is all there is to it.

Then when my friend from Kansas comes to the next paragraph in the section, which he says refers to any agent of this society, as it does, and gives any agent general authority, he is mistaken. It does not give any agent general authority. Any agent of these humane societies is entitled to ride, on the payment of his fare, on the freight trains, but it is only one agent of the society who is to be selected by the marshal, who has the power to make arrests; and if this thing were carried into force the humane societies would have various agents riding mon these trains all the time to see first and on the agents riding upon these trains all the time to see, first, and on the spot, that these poor animals, that have nobody to take care of them but Congress, (for the States cannot do it, because they are passing from State to State all the time,) are duly treated, and, in the second place, that everybody who eats beef or pork or whatever is also protected; but the power of the law so far as it respects making arrests is confined to one person, who is to be selected by the marshal, and who is in effect his deputy, exercising the power of the law to arrest persons who have been guilty of cruelty. That is all. I am sure there is no danger in it.

Mr. INGALLS. I move to amend the amendment of the committee in his 20 persons the provided in the committee.

in line 72, page 4, by striking out the word "designate" and inserting the word "deputize," and after the word "society" in line 73 inserting "for whose official acts the marshal so deputizing shall be responsi-

ble;" so that, if amended, the clause will read:

Every United States marshal shall, upon the application in writing of any duly-incorporated society for the prevention of cruelty to animals, deputize an agent of such society, for whose official acts the marshal so deputizing shall be responsible, who shall thereupon, within the jurisdiction of such marshal, have power, &c.

Mr. WHYTE. It occurs to me that there is ample power now in the deputy marshals of the several States through which cattle are transported; but I would suggest, if it is in order, in lieu of the proposition of the Senator from Kansas, to strike out, in lines 72 and 73, the words "designate an agent of such society" and insert "appoint a deputy marshal." Under the law of the United States the powers of a deputy marshal are regulated just as the marshal's powers are regulated. He takes an oath before the court to discharge his duty with fidelity. This person, who seems to be under no responsibilities what-ever, who gives no bond, is to be invested with power to arrest par-ties on their way from the West to the seaboard, apparently without warrant, and either to detain the train or allow the train to pass on

warrant, and either to detain the train or allow the train to pass on with the cattle on board with no care of the cattle-dealer over his stock. If it is in order at this time, I would suggest, therefore, that the words "designate an agent of such society" be stricken out and the words "appoint a deputy marshal" be inserted in lieu thereof.

Mr. INGALLS. The amendment suggested by the Senator from Maryland confers no new power. The marshal now has authority to appoint a deputy whose duty it shall be to bring to punishment any violator of this law. The Senator will find that, in the original section, No. 4389, the authority there conferred is ample for the very nurpose he suggests: purpose he suggests:

It shall be the duty of all United States marshals, their deputies and subordinates, to prosecute all violations which come to their notice or knowledge,

Mr. CONKLING. Will the Senator from Kansas allow me a mo-

Mr. CONKLING. Will the Senator from Kansas allow me a moment? I suggest to him that it would be rather singular legislation to authorize a marshal to deputize an agent.

Mr. INGALLS. That is what I think.

Mr. CONKLING. I entirely concur with the Senator in his idea and suggest to him that if, after the word "who," if I remember the phraseology of the section, he would amend by inserting the words "being specially deputized," it would answer his purpose and would make the person not only a deputy but a special deputy, and that would involve, among other advantages, the safeguard of his always being required to show his precent as a special deputy always must. being required to show his precept, as a special deputy always must, I believe, whereas a general deputy need not. A regular peace officer, beside the power to arrest on view for a violation of law and the power to arrest on rumor, in many cases, on reputation, can arrest power to arrest on rumor, in many cases, on reputation, can arrest with the precept in his pocket and nobody can demand of him, as I understand the law, that he shall show his precept; whereas, if he is a special deputy, he is subject to a more rigid obligation both in the act of making an arrest or exerting his power and in the act of justifying when he comes to be called to account afterward. Now I suggest to the Senator that if he were to say "being specially deputized" he would answer his own purpose and also that of one or two other Senators who have suggested that this is conferring a somewhat large discretion.

The PRESIDENT pro tempore. As the amendment of the Senator from Kansas [Mr. Ingalls] and also that of the Senator from Maryland [Mr. Whyte] pertain to the text of the bill, the Chair will put the question on concurring in the amendments made as in Committee

of the Whole.

The amendments were concurred in.

The PRESIDENT pro tempore. The question recurs on the amendment proposed by the Senator from Kansas; and the Senator from

Maryland has offered an amendment to the amendment.

Mr. WHYTE. The object I had in view was to secure the designa-tion of an officer who would be under the control of the courts of the United States. I think that heretofore, in addition to the power of the marshal to remove his own deputy, Congress has thought proper to put into the hands of the district court and the circuit court a revisory power over the marshal's appointee. Now, unless this officer is a regular deputy marshal, recognized under the statutes of the United States, he will not be removable by the courts. I think that this is a very healthy provision, and therefore I offer it as a substitute for the proposition of the Senator from Kansas. In lieu of the proposition of the Senator from Kansas. In lieu of the proposition of the Senator from Kansas, I propose to strike out the words "designate an agent of such society" and insert "appoint a deputy marshal." Then the marshal is responsible on his bond for his acts without inserting the language used by the Senator from Kansas.

Mr. INGALLS. That is the common law without any statutory

Mr. FRELINGHUYSEN. There are two objections to the amendment of the Senator from Kansas. I wish my friend would adopt the suggestion of the Senator from New York. It seems to me it would cover the whole case. The objection to his amendment is that it entirely divorces the societies who have this matter in charge from

entirely divorces the societies who have this matter in charge from having any opportunity for a supervision of the subject.

Mr. INGALLS. Will the Senator allow me to make a single suggestion? As I understand the law, a deputy marshal can only be specially appointed to perform a specific service.

Mr. CONKLING. A single act of service.

Mr. INGALLS. Yes, sir; and I understand that the object of this law is to create an officer whose duties shall be general within any given jurisdiction, to have particular charge of this special branch of business.

Mr. CONKLING. Shall I understand the Senator from Kauser to

Mr. CONKLING. Shall I understand the Senator from Kansas to mean that if a person becomes a deputy marshal for a special service, as, for example, this service, or the service involved in the statute denouncing obscene literature in the mails, he must necessarily thereby

nouncing obscene literature in the mails, he must necessarily thereby become a general deputy, chargeable with and responsible for all the functions and ministrations of a general deputy marshal?

Mr. INGALLS. My understanding has always been very distinct that a deputy specially appointed could only act within the particular jurisdiction which he was to exercise.

Mr. CONKLING. Is that this case?

Mr. INGALLS. I should very much doubt whether a deputy could be appointed specially to attend to any particular branch of business with a sort of roving commission to prosecute it wherever he pleased.

be appointed specially to attend to any particular branch of business with a sort of roving commission to prosecute it wherever he pleased. The PRESIDENT pro tempore. The question is on the amendment of the Senator from Kansas, [Mr. INGALLS.]

Mr. FRELINGHUYSEN. I would simply say that if that fails I will then offer an amendment to insert after the word "society" the words "to be a deputy marshal."

The PRESIDENT pro tempore. The Secretary will report the amendment of the Senator from Kansas.

The CHEEF CLEEK. The amendment of Mr. INGALLS is to strike out

ment of the Senator from Kansas.

The CHMEF CLERK. The amendment of Mr. INGALLS is to strike out the word "designate," in line 72, and insert "specially deputize;" and after the word "society," in line 73, to insert "for whose official acts the marshal so deputizing shall be responsible."

Mr. INGALLS. What does the Senator from New Jersey propose to substitute for that?

Mr. FRELINGHUYSEN. I propose after that is voted upon, unless it be withdrawn, to insert after the word "society," in the seventy-third line, "to be a deputy marshal;" avoiding the question which

seems to have arisen as to the powers of the special marshal, although that did not present any difficulty to my mind.

The PRESIDENT pro tempore. The Senator from New Jersey will bear in mind that an amendment to this clause was proposed by the Senator from Maryland, [Mr. Whyte,] which will come next.

Mr. FRELINGHUYSEN. That I think ought to be voted down, as well as the pending amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Kansas.

The question being put, a division was called for and the

The question being put, a division was called for, and the aves

were 7.

The PRESIDENT pro tempore. Does the Senator from Kansas insist upon his amendment?

Mr. INGALLS. No, sir; I withdraw it.

The PRESIDENT pro tempore. The amendment of the Senator from Kansas is withdrawn and the question recurs on the amendment of the Senator from Maryland, [Mr. Whyte,] which will be reported.

The Chief Clerk. In line 72 it is proposed to strike out the words "designate an agent of such society" and insert "appoint a deputy marshal." so as to read:

marshal;" so as to read:

Every United States marshal shall, upon the application in writing of any duly in-corporated society for the prevention of cruelty to animals, appoint a deputy mar-shal, who shall thereupon, within the jurisdiction of such marshal, have power to make arrests, &c.

Mr. WHYTE. Of course it is in contemplation that the society shall pay the expenses of this deputy marshal braveling upon the road, and that each marshal in the district through which the railway passes

will appoint the same man deputy marshal.

Mr. FRELINGHUYSEN. It seems to me that that provision, in the first place, is not necessary, for the marshal has the power now to appoint deputy marshals, but the serious objection to it is that it divorces these societies from having any charge over this subject. amendment which I shall propose, if this is voted down, as I hope it may be, will make the section read in this way:

Every United States marshal shall, upon the application in writing of any duly incorporated society for the prevention of cruelty to animals, designate an agent of such society to be a deputy marshal, who shall thereupon, within the jurisdiction,

Mr. CLAYTON. The objection which the amendment of the Senator from Maryland brings to my mind is this: You require the marshal to appoint this deputy upon the recommendation of the society; he has no control of the matter himself. He must appoint upon their recommendation, and the moment he makes such an appointment he becomes responsible in his official character for the act of that deputy;

Mr. FRELINGHUYSEN. He is to make an appointment, but they are not to say whom he shall appoint.

Mr. CLAYTON. I am speaking now of the amendment of the Senator from Maryland.

Mr. WHYTE. My amendment is that whoever he shall appoint

shall be a deputy marshal. I have moved to strike out the words "designate an agent of such society."

Mr. CLAYTON. I did not so understand the reading of it. I ask the Clerk to read the section again as it would stand if amended by the amendment of the Senator from Maryland.

The PRESIDENT pro tempore. The amendment will be again re-

The Chief Clerk read as follows:

Every United States marshal shall, upon the application in writing of any duly incorporated society for the prevention of cruelty to animals appoint a deputy marshal, who shall thereupon, within the jurisdiction of such marshal, have power to make arrests, &c.

Mr. CLAYTON. That is right.

Mr. McDONALD. The objection the Senator from New Jersey makes to this amendment is the very reason why I think it ought to be adopted. He says it divorces these societies from the execution of this law. That is precisely what I desire to see done. It seems to me that if they have the power to bring to the attention of proper officers violations of this law and to see that those officers discharge their duties with reference to them, that is all that ought to be conceded to them. I am not in favor of intrusting the administration of the laws of the country to voluntary associations of this kind, or in any manner to give them any peculiar privilege or prerogative in reference to the enforcement of the law. This bill as it stands now, without the amendment, vests in these associations the sole power of providing an officer of the Government to execute this law, for although the marshal has to appoint a deputy he is limited in the selection of that deputy to a member of one of these associations. It seems to me to be a very vicious principle, and therefore I desire most earnestly that the amendment of the Senator from Maryland shall prevail.

Mr. WEST. Suppose they do not recommend anybody, what then? Mr. McDONALD. If the amendment prevails the marshal can appoint any one he may deem a fit and proper person for the purpose; but if the amendment does not prevail, as I understand the original act, then he can only make his selection from the associations and

can take no one outside of them.

Mr. INGALLS. And put the whole eattle business of the country at the mercy of Henry Bergh.

Mr. FRELINGHUYSEN. It seems to me that no objection should be made to these societies having so much to do with this subject as

that the appointment shall be made from a member of a society, its agent, who is to be kept there.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Maryland, [Mr. Whyte.]

The amendment was agreed to; there being on a division—ayes 27,

The bill was ordered to be engrossed for a third reading, and was read the third time

The PRESIDENT pro tempore. The committee also reported an amendment to strike out the preamble. The question is on the amendment of the committee striking out the preamble.

The preamble was read, as follows:

Whereas animals which are transported in the United States in railroad-cars, vehicles, boats, and other vessels from one State to another are frequently deprived of their sustenance for long periods of time, and are overcrowded, and otherwise inhumanly and cruelly ill-treated, and their flesh in many cases thereby rendered diseased and unfit and dangerous for human food; and whereas the provisions of the Revised Statutes of the United States intended hereby to be amended are insufficient to prevent such evils.

The amendment was agreed to.
The PRESIDENT pro tempore. The question now is, Shall the bill

Mr. BAYARD. It may seem ungracious perhaps to make any opposition to a measure so well intended as the present, its object being to relieve suffering, whether animal or human; nor do I deny, I am not prepared to deny, that there is authority in Congress under the enumeration of powers delegated in the Constitution, included in which is that to regulate commerce between the States, to infuse the spirit of humanity into the operations of Congress. It has been done too often, and it speaks too strongly in its own behalf to be opposed. At often, and it speaks too strongly in its own behalf to be opposed. At the same time, there is a legislation into which too much of sentimentality may be infused for safety and for wisdom. While I am not prepared to deny that there is power in the Government of the United States to frame its law in the regulation of commerce between the States so as to prevent any acts of inhumanity in anything having a bearing on commerce, at the same time I believe the present law in its very laudable desire to check cruelty, one of the worst of human vices has gone too much into detail and left too little to of human vices, has gone too much into detail and left too little to those other regulating forces that exist under our system of government. Almost all the States have power, either statutory or by common law, to punish the vice of human cruelty, whether exerted toward human beings or toward the animal creation; and almost all the States have by legislation and through their machinery of justice prevented and punished much that otherwise would have occurred in the way of cruelty. But here in section 4389 of the Revised Statutes as amended by this bill, it seems to me that Congress is exercising a power unwisely and inexpediently. There is too much of detailed intermeddling with the active business of our population which can be much better left to the plenary powers of the States to control by their own police organization.

See what the result of this section will be. The great body of the transportation of merchandise and passengers in the United States is carried on now by means of railways and other vehicles, referred to in this bill. You have by this section created a whole broad of United States police officers who are, without regard to locality, all over the States police officers who are, without regard to locality, all over the Union to enter upon these numberless conveyances and exercise an espionage upon the conduct of traffic, which may be exceedingly mischievous, exceedingly irritating, exceedingly annoying, for the sake of accomplishing a good which the law of every State to-day permits to be accomplished through other agencies. Every man who desires the defense of our system will be very glad to avoid the possibility of a clashing of jurisdiction. There are many cases in which the United States are confessed to have jurisdiction in which I think it would be unwise to claim or exercise it, simply because the functions it proposes can be better executed by the authority of the States.

it proposes can be better executed by the authority of the States.

This section, even as amended, gives in effect the power to a society incorporated for this benevolent purpose of preventing cruelty, to apply to the marshal, no matter where the society may exist; its power of application to the marshal is untrammeled; it extends to every district of the United States wherein there is a marshal, and he must, upon application of any society of any State or any number of soscieties in all the States, appoint just as many deputy marshals as they shall respectively call on him to appoint for the purpose of making this law efficient. Every railroad company and every common carrier must, without regard to their convenience, without regard to their safety, permit any one of this unlimited number of officials to take his place upon cars not designated or intended for the safe transportation of human beings

Then, coupled with that, is the power of summary arrest. We have been told that an officer has power to arrest when an act is performed is his view of an unlawful character. Grant that that is an exception; but this is not the performance of an act of an unlawful character in his view. It is the possession and custody of these dumb animals which have been deprived of food and water at a place for a space of time over which the individual who may then have them in charge may have no knowledge or control.

I can see in this a new pretext for new appointments, the creation

of new offices, of new expenses, of new interferences, of more government of the people of the United States by the Federal Congress. Now, sir, I may say that after all the great remedy for the wrongs which are attempted to be fought by this bill is perhaps the not very

high one of human self-interest. If the cruelties hinted at by this bill were to be performed, they must be at the cost of the owner of these cattle. He must suffer in his pocket; the purchaser must suffer, the consumer must suffer. Therefore, it seems to me, when you have these natural safeguards to protect it, legislation is not wise, because it is not necessary.

For these reasons, very unpremeditatedly, very partially, and very feebly expressed, I shall vote against this bill. I voted, two years ago I think, against the enactment of the law to which this is proposed as an amendment. I am unable, after hearing the debate and after close examination of the section, to get rid of the idea that this act does delegate to these benevolent societies a virtual power of appointment of United States officials, which the Congress of the United States in my opinion has no power to grant to them. No man has a right to be an officer of the United States except under law; and we cannot delegate to others the power to greate officers, nor can we remand delegate to others the power to greate officers, nor can we remand delegate to others the power to greate officers, nor can we remand delegate to others the power to greate officers, nor can we remand the second of the content of the cannot delegate to others the power to create officers, nor can we restrain the marshals of the United States in executing the laws of the United States to a designated class of persons, and those to be the agents of incorporated societies, no matter how benevolent or excelagents of incorporated societies, no matter how benevolent or excellent may be the object of that corporation. It is clearly beyond the
power of Congress so to delegate its discretion. It would be unwise,
if it were not beyond its power. There are many functions of this
Government the existence of which I readily admit but the exercise
of which I very distinctly question. This is one. I think it unwise to
meddle with this question, or control it in the way in which it has been
sought to be controlled by the original law, of which this is an amendment, as well as by the present bill. It is only going further in the
wrong direction in my view, and for that reason I shall ask for the
yeas and navs on the passage of this bill, in order to place myself upon yeas and nays on the passage of this bill, in order to place myself upon the record against it.

The yeas and nays were ordered.

Mr. MERRIMON. Mr. President, I should be very glad to vote for some proper measure having in view the main purpose contemplated by this bill; but it is utterly impossible for me to vote for this bill if it and the latest statement of the Period State.

by this bill; but it is utterly impossible for me to vote for this bill if it contains the clause amending section 4389 of the Revised Statutes. It seems to me that that clause violates expressly personal rights and the plain provisions of the Constitution of the United States. It authorizes an official, without warrant or without affidavit, to arrest a party upon his own suggestion and carry him before a magistrate. It seems to me, with all respect, that that proposition is monstrous, and I am astonished to find it in a bill of so serious a character as this. The Constitution provides that—

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to seized.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

There are cases where a peace officer, seeing the criminal law of the country violated, may interfere to prevent the commission of crime; but that is not the case contemplated here. Here the marshal must go himself, or he must send a regular deputy, upon an expedition of espionage, and whenever he finds what he conceives to be a violation of this statute, setting himself up as a judge, when he finds one violating it according to his judgment, he is to seize him, without warrant, without the oath of anybody, and take him before a commissioner or a judge of the United States, and have him committed or discharged as the judge may determine that the marshal was right or wrong.

It seems to me, I again say with all respect, that such a proposi-tion is monstrous. It shocks my notions of legal propriety and set-tled principles of liberty. I repeat what I said at the ouset, that I am ready, and willing, and anxious, because I believe there is such a grievance as that contemplated by this bill, to vote for a reasonable proposition; but I cannot consent to see a citizen of the United States under such circumstances arrested without a warrant or the

affidavit of anybody.

The question being taken by yeas and nays, resulted-yeas 30, nays 24; as follows:

YEAS—Messrs. Anthony, Booth, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Ilarvey, Howe, Ingalls, Jones of Nevada, Kernan, McMilan, Maxey, Mitchell, Morrill of Vermont, Morton, Oglesby, Randolph, Robertson, Sherman, West, and Windom—30.

NAYS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Dennis, Eaton, English, Goldthwaite, Johnston, Jones of Florida, Kelly, Key, McCreery, McDonald, Merrimon, Norwood, Ransom, Saulsbury, Stevenson, Wallace, Whyte, and Withers—24.

ald, Merrimon, Norwood, Kansom, Sausbury, Secretary, Village, Conver, Cragin, Dorsey, ABSENT-Messrs. Alcorn, Allison, Bruce, Burnside, Conover, Cragin, Dorsey, Gordon, Hitchcock, Logan, Morrill of Maine, Paddock, Patterson, Sargent, Spencer, Thurman, Wadleigh, and Wright-18.

So the bill was passed.

### WITHDRAWAL OF PAPERS.

On motion of Mr. McCREERY it was

Ordered. That the Committee on Claims be discharged from the further consideration of the petition and papers of A. L. Shotwell, and that the petitioner have leave to withdraw his petition and papers.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had, on the 12th instant, approved and signed the act (S. No. 62) to authorize George P. Marsh to accept a certain present from the government of Switzerland and a certain present from the government of Italy.

#### PENSIONERS OF THE WAR OF 1812.

Mr. WITHERS. I desire to give notice that I will call up to-morrow Senate bill No. 89.

Mr. SHERMAN. What is it about?

Mr. WITHERS. It is to restore to the pension-roll the names of

persons stricken from it on account of disloyalty.

#### HOUSE BILLS REFERRED.

The bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, was read twice by its title, and re-

The joint resolution (H. R. No. 65) authorizing Edwin James, consular agent at San José, to accept a piece of plate from the Queen of Great Britain, was read twice by its title and referred to the Com-

mittee on Foreign Relations.

#### THE EIGHT-HOUR LAW.

# Mr. HARVEY. I offer the following resolution:

Resolved, That the Secretary of War be, and he is hereby, directed to present to the Senate such suggestions as may be deemed expedient for the public service, covering the period between May 19, 1869, and October 1, 1872, to enable the Government to carry out the provisions of an act constituting eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, approved June 25, 1868.

Mr. SHERMAN. The Secretary of War is not the proper person, it seems to me. I have no objection to the resolution myself, but a great deal of delusion has grown up and a great waste of public money been incurred by applying to Government employés a rule not applied to those of private individuals. At the same time I think the Secretary of the Treasury ought rather to be called upon

think the secretary of the Treasury ought rather to be called upon for the information, as it affects our public buildings, I suppose.

Mr. HARVEY. Mr. President, in answer to the suggestion of the Senator from Ohio I will state that I think the information sought for can only be obtained from the War Department, inasmuch as the difficulty for which we seek a remedy grew out of the fact that in some of the military departments the commanders, or those upon whom the practical administration of the law referred to devolved, seem to have ignored the law or misconstrued it until attention was called to it by Executive proclamations, and the men affected by it were thereafter paid the wages they were entitled to for the time contemplated by the law. The Secretary of War, no doubt, has knowledge of the facts, and can suggest a remedy for the complications resulting from the facts alluded to.

Mr. EDMUNDS. I think the resolution had better go over. It involves a question that we have had up two or three times

Mr. HARVEY. If it gives rise to any discussion, I am willing that

it shall go over until to-morrow.

The PRESIDENT pro tempore. Objection being made to its present consideration, the resolution lies over.

# SENATOR FROM LOUISIANA.

Mr. MORTON. I move that the Senate proceed to the consideration of the resolution in regard to Mr. Pinchback.

The motion was agreed to; and the Senate resumed the considera-tion of the following resolution submitted by Mr. Morton on the 5th of March, 1875:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years beginning the 4th day of March, 1873;

The pending question being on the amendment of Mr. Edmunds to insert the word "not" before the word "admitted."

The PRESIDENT pro tempore. Is the Senate ready for the question on the amendment?

Mr. MORTON. If no other Senator desires to speak, I will say something in respect to what has been said, before the vote is taken. I do not care about anticipating any Senator who desires to speak

The PRESIDENT pro tempore. Is the Senate ready for the question? Mr. MORTON. I take it for granted that no other Senators desire to debate this question, and as the Senator who introduced the res-olution, and as the chairman of the Committee on Privileges and Elec-

olution, and as the chairman of the Committee on Privileges and Elections, I propose to say something in answer to the argument advanced by the Senator from Ohio, [Mr. Thurman.]

Mr. Morton proceeded to address the Senate, but without concluding yielded to Mr. EDMUNDS.

[Mr. Morton's speech is reserved from publication at his request until after it shall have been concluded. It appears in full in the Appendix 1. Appendix.]

## EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business, After thirty-six minutes spent in executive session the doors were re-opened, and (at three o'clock and fifty-six minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

# MONDAY, February 14, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev.

I. L. TOWNSEND, D. D.
The Journal of Friday last was read and approved.

COMMITTEE ON EXPENDITURES IN THE POST-OFFICE DEPARTMENT.

Mr. STONE. I am instructed by the Committee on Expenditures in the Post-Office Department to ask permission of the House for the committee to sit during the sessions of the House.

There was no objection, and it was so ordered.

#### ORDER OF BUSINESS.

The SPEAKER. Before proceeding with the regular order of business on this morning, the Chair will ask permission to lay before the House sundry communications lying upon his desk. Before doing so, however, the Chair will submit a report from the Committee on Enrolled Bills.

#### ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same: An act (H. R. No. 514) relating to the centennial celebration of

American Independence.

## LAWS OF WASHINGTON TERRITORY.

The SPEAKER laid before the House two copies of the laws of Washington Territory, presented to Congress in compliance with the third section of the organic act of that Territory; which were re-ferred to the Committee on the Territories.

#### MAJOR JOHN S. WALKER.

The SPEAKER also laid before the House a letter from the Secretary of War transmitting, for the information of the Committee on Military Affairs, a report of the Paymaster-General on bill (H.R. No. 48) for the relief of the estate of Major John S. Walker, deceased, late paymaster in the United States Army; which was referred to the Committee on Military Affairs.

## DR. JOHN B. READ.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a report of the Chief of Ordnance on the bill (H. R. No. 1156) for the relief of Dr. John B. Read; which was referred to the Committee on Military Affairs.

# DUTY ON COAL.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from one of the agents of the Department at San Francisco, relative to the duties on coal, and the cost of collecting the same; which was referred to the Committee of Ways and Means.

# EXPLORATION OF THE BLACK HILLS COUNTRY.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, submitting estimates of appropriation for expense of geological exploration and report on the Black Hills country; which was referred to the Committee on the Territories.

### MAIL-ROUTE IN WISCONSIN.

The SPEAKER also laid before the House a memorial of the Legislature of Wisconsin, asking the establishment of a certain mail-route in that State; which was referred to the Committee on the Post-Office and Post-Roads.

## NATIONALITY OF ENLISTED MEN.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting, for the information of the Committee on Military Affairs, a report of the Adjutant-General of the United States Army, showing the nationality of men enlisted in the United States Army from January 1, 1865, to December 31, 1874; which was referred to the Committee on Military Affairs.

### AMENDMENT OF REVISED STATUTES.

The SPEAKER also laid before the House a letter from the acting Secretary of War, transmitting the draught of a bill to correct sundry errors and omissions in the Revision of the Statutes at Large, as passed June 22, 1874, together with a statement with reference to the reason for each of the corrections proposed; which was referred to the Committee on the Revision of the Laws.

### NAVIGABLE WATERS OF MONTANA.

The SPEAKER also laid before the House a joint memorial of the council and house of representatives of the Legislative Assembly of the Territory of Montana, asking an appropriation for the improve-ment of the navigable waters of that Territory; which was referred to the Committee on Commerce.

# VOLUNTEERS IN MEXICAN WAR, ETC.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a copy of his letter of May 26, 1874, relative to the

payment of certain volunteer companies in the war with Mexico and in the suppression of Indian disturbances; which was referred to the Committee on Military Affairs.

# CAPTAIN W. W. VAN ANTWERP.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Adjutant-General in relation to the horse claim of Captain W. W. Van Autwerp, Fourth Michigan Cavalry; which was referred to the Committee on War Claims.

#### IMPROVEMENT OF THE DES MOINES RAPIDS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting reports of Colonel J. N. Macomb and his assistant, upon the improvement of Des Moines Rapids; which was referred to the Committee on Commerce.

#### WAR CLAIMS OF NEW MEXICO.

The SPEAKER also laid before the House a memorial of the council and house of representatives of the Legislative Assembly of New Mexico, asking payment for certain horses captured by confederates in 1862, and asking indemnity for Indian depredations; which was referred to the Committee on the Territories.

#### IMPORTATION AND EXPORTATION OF CATTLE, ETC.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the collector of customs at Brownsville, Texas, recommending additional legisla-tion in regard to the importation and exportation of cattle, hides, &c., under the treaty with Mexico; which was referred to the Committee of Ways and Means.

#### T. A. GREGG.

The SPEAKER also laid before the Hous a letter from the Secre-The SPEARER also laid before the Hous' a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a report of the Adjutant-General United States Army on House bill No. 1267, for the relief of T. A. Gregg; which was referred to the Committee on Military Affairs.

## MILITIA FORCE OF THE UNITED STATES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with section 232 of the Revised Statutes, an abstract of the militia force of the United States according to the latest returns received by the Adjutant-General of the United States Army; which was referred to the Committee on Military Affairs.

## WINNEBAGO INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting a supplemental report of the Commissioner of Indian Affairs in answer to a resolution of the House of the 6th ultimo relative to certain Winnebago Indians; which was referred to the Committee on Indian Affairs.

### SECTION 2503 OF REVISED STATUTES.

The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, dated February 12, 1876, transmitting information relative to the effect of the repeal of section 2503 of the Revised Statutes; which was referred to the Committee of Ways and

## CURRENTS OF THE MISSOURI RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the provisions of the river and harbor act of March 3, 1875, a report from Major Suter, of the Engineer Corps, of an examination of the locality near Saint Joseph, Missouri, relative to currents of the Missouri River; which was referred to the Committee on Commerce.

# TEXAS BORDER TROUBLES.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, for the information of the Select Committee on Texan Frontier Troubles, the report of Colonel J. H. Potter, Major A. J. Alexander, and Captain J. F. Randolph relative to Texas border troubles; which was referred to the Select Committee on Texan Frontier Troubles.

# ORDER OF BUSINESS.

The SPEAKER. The Chair will inquire whether it is the pleasure of the House that he shall now lay before it bills on the Speaker's table for appropriate reference? If there be no objection, the Chair will proceed to do so.

There was no objection.

# JOHN A. TORRENCE.

The bill (S. No. 269) for the relief of John A. Torrence was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

# LOUISVILLE BAPTIST ORPHANS' HOME.

The bill (S. No. 259) for the benefit of the Louisville Baptist Orphans' Home, was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

# CAPTAIN TEMPLE AND LIEUTENANT-COMMANDER WHITING.

The joint resolution (S. R. No. 4) authorizing Captain Temple and Lieutenant-Commander Whiting, of the Navy, to accept a decoration

of the King of the Hawaiian Islands was taken from the Speaker's table, read a first and second time, and referred to the Committee on Naval Affairs.

#### IMPROVEMENT OF CAPITOL GROUNDS.

The bill (S. No. 417) for continuing the work of improving the Capitol grounds was taken from the Speaker's table, read a first and second time, and referred to the Committee on Public Buildings and

#### C. H. FREDERICK.

The bill (S. No. 416) for the relief of C. H. Frederick, late a lieutenant-colonel in the Ninth Missouri Infantry, was taken from the Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

#### NORTHERN PACIFIC RAILROAD.

The SPEAKER. If there be no objection, the Chair will lay before the House a bill (S. No. 14) to extend the time for the construction and completion of the Northern Pacific Railroad.

Mr. DUNNELL. I object.

The SPEAKER. Objection being made the bill will remain upon

the Speaker's table.

#### RE-ORGANIZATION OF THE JUDICIARY.

Mr. McCRARY. Mr. Speaker, the bill (H. R. No. 1798) to re-organize the judiciary, which has been made the special order for Wednesday next, is out of print, and I therefore move by unanimous consent that the bill be reprinted.

There was no objection, and it was ordered accordingly.

#### SURVEY OF THE ISTHMUS.

Mr. COX. I ask unanimous consent to introduce a resolution for reference to the Committee on Printing.

The Clerk read as follows:

Resolved. That there be printed three hundred copies of Lieutenant F. Collins's report on the late survey of the Isthmus of Darien for an interoceanic canal.

Mr. CONGER. Let me inquire of the gentleman from New York why he does not include in his resolution the printing of all the reports of that survey which have not yet been printed?

why he does not hended in his resolution the printing of all the reports of that survey which have not yet been printed?

Mr. COX. I have no objection to have the Committee on Printing consider the resolution in that way. I think perhaps it would be wise.

Mr. CONGER. Then let the gentleman modify his resolution in

that way.

Mr. COX. I will accept the modification. Then the whole matter will be in the discretion of the Committee on Printing. It commits nobody. I ask the gentleman to draw up his modification and I will accept it.

The SPEAKER. The Chair would suggest to the gentleman from Michigan that he state the substance of his modification so that the business of the House may proceed.

Mr. CONGER. I move to include in the reference to the Committee

on Printing the expediency of printing all of the reports of surveys of the Isthmus which now remain unprinted. I understand there are two or three on the same general subject which have not been printed. The SPEAKER. The resolution of the gentleman from New York

will be modified so as to include in the reference to the Committee on Printing the propriety of printing such reports of surveys of the Isthmus of Darien as have not yet been printed.

The resolution as modified was adopted.

# ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at a quarter before one o'clock. This being Monday, the first business in order during the morning hour is the calling of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference.

Is there objection that this call of the States shall be completed as

in the morning hour without reference to the actual termination of

that hour?

There was no objection, and it was ordered accordingly.

The SPEAKER called Mr. BLACKBURN to the Chair as Speaker pro

# LIEN ON VESSELS FOR REPAIRS.

Mr. FRYE introduced a bill (H. R. No. 1994) to create a lien in favor of material-men and others for supplies, materials, and repairs furnished to a vessel in her home port, and to make the law upon that sub-ject uniform throughout the United States; was read a first and sec-ond time, referred to the Committee on the Judiciary, and ordered to be printed.

## CHARLES H. BAGBEE.

Mr. BLAIR introduced a bill (H. R. No. 1995) granting a pension to Charles H. Bagbee, late private Company A, Third Vermont Volunteers; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

DONATION OF CANNON, HOLYOKE, MASSACHUSETTS.

Mr. SEELYE introduced a bill (H. R. No. 1996) for donating con-

demned ordnance to Post 71, Grand Army of the Republic, Holyoke, Massachusetts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## CALEB L. BRAYTON.

Mr. CRAPO introduced a bill (H. R. No. 1997) to grant title to certain lands to the heirs of Caleb L. Brayton; which was read a first and second time, referred to the Committee on Private Lands Claims, and ordered to be printed.

#### CHARLES D. CHAPIN.

Mr. BANKS introduced a bill (H. R. No. 1998) granting a pension to Charles D. Chapin, late a private in Company C, Ninth Regiment Minnesota Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

#### BOUNTIES TO NINE-MONTHS VOLUNTEERS.

Mr. BANKS also (by request) introduced a bill (H. R. No. 1999) in relation to bounties to nine-months volunteers and their heirs; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### HEIRS OF LEONIDAS HASKELL.

Mr. THOMPSON introduced a bill (H. R. No. 2000) to authorize the Court of Claims to hear and adjudicate upon the cases of the heirs and legal representatives of Leonidas Haskell, deceased, on their substantial merits; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### HEIRS OF NICHOLAS AND MARK FOUQUET.

Mr. THOMPSON also introduced a bill (H. R. No. 2001) for the relief of the heirs of Nicholas and Mark Fouquet for services in the revolutionary war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### POINT SAN JOSÉ MILITARY RESERVATION.

Mr. THOMPSON also introduced a bill (H. R. No. 2002) for the relief of the former occupants of the present military reservation at Point San José, in the city and county of San Francisco; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## HENRY E. RHOADES.

Mr. BARNUM introduced a bill (H. R. No. 2003) for the restoration of Henry E. Rhoades to the active list in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

# S. M. NORTON.

Mr. LANDER, of Connecticut, introduced a bill (H. R. No. 2004) for the relief of S. M. Norton, of Bristol, Connecticut; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## CUSTOMS-REVENUE LAWS.

Mr. MEADE introduced a bill (H. R. No. 2005) to provide for the construction of an act entitled "An act to amend the customs-revenue laws and to repeal moieties;" which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

# PAYMENT OF UNITED STATES NOTES, ETC.

Mr. MEADE also introduced a bill (H. R. No. 2006) to provide for the payment of United States notes and to strengthen the public credit; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## ENLISTED MEN IN THE NAVY.

Mr. WILLIS introduced a bill (H. R. No. 2007) to protect the interests of enlisted men and others in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

## MILTON B. CUSHING.

Mr. BASS introduced a bill (H. R. No. 2008) for the relief of Milton B. Cushing, paymaster United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

## BUTLER FITCH.

Mr. MILLER introduced a bill (H. R. No. 2009) granting a pension to Butler Fitch, late captain in the Eighth Independent New York Battery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### ANDREW LUTZ.

Mr. ELY introduced a bill (H. R. No. 2010) for the relief of Andrew Lutz, of New York City; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## JOHN ROOP.

Mr. RANDALL introduced a bill (H. R. No. 2011) authorizing the President to restore John Roop, late engineer in the Navy, to the active list, engineer corps, in the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

#### SALE OF CERTAIN ORDNANCE STORES.

Mr. RANDALL also introduced a bill (H. R. No. 2012) to authorize the sale of certain ordnance stores to the First Troop, Philadelphia City Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# CONTINENTAL GENERAL AGENCY AND EXPRESS COMPANY.

Mr. KELLEY (by request of a constituent) introduced a bill (H. R. No. 2013) to incorporate the Continental General Agency and Express Company; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### NATIONAL-BANK REDEMPTION AGENCY.

Mr. JENKS introduced a bill (H. R. No. 2014) to repeal the third section of the act of June 20, 1874, establishing a national-bank redemption agency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

#### ADAM SMOUSE.

Mr. JENKS also introduced a bill (H. R. No. 2015) granting a pension to Adam Smouse; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### DRAWINGS AND SPECIFICATIONS OF PATENTS.

Mr. MUTCHLER introduced a bill (H. R. No. 2016) to amend section 493 of the Revised Statutes, regulating the cost of uncertified printed copies of drawings and specifications of patents, which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

#### DOROTHEA IRONS.

Mr. HOPKINS introduced a bill (H. R. No. 2017) for the relief of Dorothea Irons, mother of Lieutenant Joseph F. Irons, late of the First United States Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### EXCHANGE NATIONAL BANK OF PITTSBURGH.

Mr. HOPKINS also introduced a bill (H. R. No. 2018) to authorize the Exchange National Bank of Pittsburgh, Pennsylvania, to improve certain real estate; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### EDWIN MORGAN.

Mr. KETCHUM introduced a bill (H. R. No. 2019) for the relief of Edwin Morgan, late captain Company G, Seventy-seventh Regiment Pennsylvania Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## THOMAS P. GRAY.

Mr. HENKLE introduced a bill (H. R. No. 2020) for the relief of Thomas P. Gray; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### JAMES W. DOWNING.

Mr. DOUGLAS introduced a bill (H. R. No. 2021) for the relief of James W. Downing, of Northampton County, Virginia; which was read a first and second time, and, with the accompanying papers, referred to the Committee on War Claims, and ordered to be printed.

### THOMAS STRIDER.

Mr. HUNTON introduced a bill (H. R. No. 2022) for the relief of Thomas Strider, of Winchester, Virginia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## WILLIAM G. BARNARD.

Mr. HUNTON also introduced a bill (H. R. No. 2023) for the relief of William G. Barnard, late a clerk in the custom-house, city of New York; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

# MRS. CELIA STOCKTON.

Mr. HARRIS, of Virginia, introduced a bill (H. R. No. 2024) for the relief of Mrs. Celia Stockton, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# IMPROVEMENT OF THE POWELL'S AND CLINCH RIVERS.

Mr. TERRY, introduced a bill (H. R. No. 2025) for the improvement of the Powell's and Clinch Rivers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## IMPROVEMENT OF APPOMATTOX RIVER.

Mr. STOWELL introduced a bill (H. R. No. 2026) for the completion of the improvement of the Appointtox River, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# JAMES B. PRESNELL.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 2027) for the relief of James B. Presnell; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### RACHAEL FRISBER.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 2028) for the relief of Rachael Frisber, widow of Elzy Frisber, deceased; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## LEVI SUTTON AND GEORGE GROOMS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 2029) to remove the charge of desertion against Levi Sutton and George Grooms, of Company K, Eleventh Tennessee Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### MINOR CHILDREN OF CHARLES PETERSON.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 2030) for the relief of the minor children of Charles Peterson, late of Company K, Thirty-ninth Regiment Kentucky Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### NANCY FRANKLIN.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 2031) granting a pension to Nancy Franklin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## DANIEL E. FREEMAN.

Mr. VANCE, of North Carolina, also introduced a bill (H.-R. No. 2032) for the relief of Daniel E. Freeman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### W. R. CAPEHART.

Mr. YATES introduced a bill (H. R. No. 2033) in favor of W. R. Capehart, of Bertie County, North Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

# PAMLICO RIVER, NORTH CAROLINA.

Mr. YATES also introduced a bill (H. R. No. 2034) to remove obstructions in Pamlico River, North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### MORGAN RAWLS.

Mr. HARTRIDGE introduced a bill (H. R. No. 2035) for the relief of Morgan Rawls, of the State of Georgia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## DANIEL WOODRUFF.

Mr. CALDWELL, of Alabama, introduced a bill (H. R. No. 2036) to authorize the Paymaster-General of the United States Army to pay to the heirs of Daniel Woodruff the pay and bounty due said Woodruff as a soldier; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# TRANSFER OF CLAIMS.

Mr. SINGLETON introduced a bill (H. R. No. 2037) transferring certain claims from the commissioners of claims to the Court of Claims, and for other purposes; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### NORTHERN JUDICIAL DISTRICT OF MISSISSIPPI.

Mr. MONEY introduced a bill (H. R. No. 2038) to amend the several acts in relation to the northern judicial district of the State of Mississippi and to provide for the times and places of holding the district courts of the United States therein in future; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## LOUISIANA BONDS.

Mr. LEVY introduced a joint resolution (H. R. No. 66) directing the delivery of certain bonds in the custody of the Secretary of the Treasury for safe-keeping to the governor of the State of Louisiana or his authorized agent; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

## AMENDMENT OF REVISED STATUTES.

Mr. SAYLER introduced a bill (H. R. No. 2039) to amend sections 2450 and 2451 and to repeal section 2452, title 32, chapter 11, of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

### TAKING OF TESTIMONY ON INTERROGATORIES.

Mr. SAYLER also introduced a bill (H. R. No. 2040) to provide for taking testimony in criminal cases on interrogatories; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## AMENDMENT OF REVISED STATUTES.

Mr. SAYLER (for Mr. Walling, absent on leave) also introduced a bill (H. R. No. 2041) to amend section 2291 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

#### FOURTEENTH INFANTRY.

Mr. PAYNE introduced a bill (H. R. No. 2042) to authorize the Secretary of War to compensate the officers and men of the Fourteenth Infantry for private property destroyed by fire on the Nashville and Chattanooga Railroad; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### DOWER IN THE DISTRICT OF COLUMBIA.

Mr. LAWRENCE introdued a bill (H. R. No. 2043) to improve the law in relation to dower in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### JAMES RICHARDSON.

Mr. COWAN introduced a bill (H. R. No. 2044) for the relief of James Richardson, of Mansfield, Ohio; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### ARMY OFFICERS FOR CENTENNIAL EXPOSITION.

Mr. BANNING introduced a joint resolution (H. R. No. 67) authorizing the Secretary of War to detail and assign to duty Army officers in connection with the centennial exposition; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### W. O. CORY.

Mr. NEAL introduced a bill (H. R. No. 2045) for the relief of W.O. Cory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### SAMUEL B. WILLIAMSON.

Mr. BLACKBURN introduced a bill (H. R. No. 2046) for the relief of Samuel B. Williamson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### PHILIP ROBERTS.

Mr. DURHAM introduced a bill (H. R. No. 2047) for the relief of Philip Roberts; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### JOSEPH G. TILFORD.

Mr. DURHAM also introduced a bill (H. R. No. 2048) for the relief of Joseph G. Tilford, major of the Seventh United States Cavalry; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## SUSAN ADAMS.

Mr. WHITE introduced a bill (H. R. No. 2049) granting a pension to Susan Adams, widow of Isaac Adams, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

## BARTON R. BAKER.

Mr. WHITE also introduced a bill (H. R. No. 2050) granting arrears of pension to Barton R. Baker; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### GRANVILLE PHILPOT.

Mr. WHITE also introduced a bill (H. R. No. 2051) granting an increase of pension to Granville Philpot, of Clay County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## MARGARET STEWART.

Mr. WHITE also introduced a bill (H. R. No. 2052) granting arrears of pension to Margaret Stewart, of Knox County, Kentucky; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# DANIEL LEWIS.

Mr. WHITE also introduced a bill (H. R. No. 2053) granting arrears of pension to Daniel Lewis; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### DAVID LUNDY.

Mr. WHITE also introduced a bill (H. R. No. 2054) granting arrears of pension to David Lundy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## ANDREW J. BURNS.

Mr. WHITE also introduced a bill (H. R. No. 2055) granting arrears of pension to Andrew J. Burns; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### MOSES LORD.

Mr. WHITE also introduced a bill (H. R. No. 2056) directing the Second Auditor of the Treasury to settle the pay and bounty account of Moses Lord; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## W. S. PIERCE.

Mr. WHITE also introduced a bill (H. R. No. 2057) granting a pension to W. S. Pierce; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### BOUNTIES AND PENSIONS.

Mr. WHITE also introduced a bill (H. R. No. 2058) granting bounty and pension to soldiers who served one year in the Federal Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### EXEMPTION OF TOBACCO TAX.

Mr. WHITE also introduced a bill (H. R. No. 2059) to authorize producers to sell twenty-five dollars' worth of tobacco on the farm where produced, free of tax, and without requiring a license therefor; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

## UNITED STATES COURT BUILDING, LOUISVILLE, KENTUCKY.

Mr. PARSONS introduced a bill (H. R. No. 2060) to provide for the purchase of a suitable building for the use of the United States courts holden at Louisville, Kentucky; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

## INTERNAL IMPROVEMENT IN TENNESSEE.

Mr. McFARLAND introduced a bill (H. R. No. 2061) authorizing the Secretary of War to have an examination and survey of the Holston River above the mouth of French Broad, and of the Nolachucky River from its mouth to Warrensburgh, to be made, with estimates of cost, &c.; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### HUGH L. CARRICK AND JOHN M. CARRICK.

Mr. DIBRELL introduced a bill (H. R. No. 2062) for the relief of Hugh L. Carrick and John M Carrick, of Sparta, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### DEALERS IN LEAF-TOBACCO.

Mr. CALDWELL, of Tennessee, introduced a bill (H. R. No. 2063) for the modification of the revenue laws in relation to dealers and retail dealers in leaf-tobacco; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### A. M. BOYD AND R. P. WALT.

Mr. YOUNG introduced a bill (H. R. No. 2064) for the payment of the claim of A. M. Boyd and R. P. Walt, of Shelby County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered be printed.

# T. C. FINNEY, MEMPHIS, TENNESSEE.

Mr. YOUNG also introduced a bill (H. R. No. 2065) for the relief of T. C. Finney, of the city of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## SURVEY OF PORT OF MEMPHIS.

Mr. YOUNG also introduced a joint resolution (H. R. No. 68) instructing the Secretary of the Navy to have survey made of the port of Memphis, Tennessee; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### INSUFFICIENT POSTAGE.

Mr. RIDDLE introduced a bill (H. R. No. 2066) to direct the transmission of printed matter through the mails when the postage thereon is insufficient; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

### HIRAM LYLES.

Mr. RIDDLE also introduced a bill (H. R. No. 2067) for the relief of Hiram Lyles, of Smith County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## JOHN O. CAGE.

Mr. RIDDLE also introduced a bill (H. R. No. 2068) for the relief of John O. Cage, of Wilson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# CURRENCY OF THE UNITED STATES.

Mr. EVANS introduced a bill (H. R. No. 2069) in relation to the currency of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

# JONATHAN R. SILMAN.

Mr. FULLER introduced a bill (H. R. No. 2070) granting a pension to Jonathan R. Silman; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### FREE BANKING.

Mr. BAKER, of Indiana, introduced a bill (H. R. No. 2071) to make banking free and to repeal the act providing for the resumption of specie payment approved January 14, 1875; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

### JOHN J. VINTON.

Mr. CASON introduced a bill (H. R. No. 2072) to enable John J. Vinton to procure an extension of letters-patent; which was read a

first and second time, referred to the Committee on Patents, and ordered to be printed.

#### GRAND RAPIDS, WABASH RIVER, INDIANA.

Mr. CASON also introduced a bill (H. R. No. 2073) making appropriation for the rebuilding and construction of the lock and dam at the Grand Rapids, Wabash River, State of Indiana, and for other purposes incidental thereto; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

RESUMPTION OF SPECIE PAYMENT. Mr. HARRISON introduced a bill (H. R. No. 2074) for the repeal of parts of the act entitled "An act for the resumption of specie payments," approved January 14, 1875, and for an amendment to the third section of said act, and for the purpose of preparing a way to the resection of said act, and for the purpose of preparing a way to the resumption of specie payments; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

The bill was read in extenso, and ordered to be printed in the Rec-

The bill was read in extenso, and ordered to be printed in the Record, as follows:

Be the enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the whole of section 1 and so much of section 3 of an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as provides for the redemention of the legal-tender United States notes on the 1st day of January, 1879, be, and the same is hereby, repealed.

Sec. 2. That section 3 of said act be, and the same is hereby, so amended that it shall be the duty of the Secretary of the Treasury, and he is hereby directed, whenever national-bank notes are withdrawn from circulation, to issue in the place and stead thereof an amount of legal-tender United States notes equal to the amount of national-bank notes so withdrawn: Provided, however, (and the Secretary of the Treasury is hereby directed,) That he shall not, at any time, issue legal-tender United States notes in accordance with the provisions of this section, unless at such time the aggregate amount of unredeemed legal-tender United States notes and of national-bank notes in circulation shall be less than the aggregate amount of legal-tender United States notes which were unredeemed, and of national-bank notes which were in circulation shall be less than the aggregate amount of legal-tender United States notes which were unredeemed, and of national-bank notes which were in circulation abanks now in existence or which may hereafter be in existence be, and they are hereby, required to retain as a part of their reserve all the gold received by them as interest on their bonds held by the United States for security of their circulation, until the amount of gold so retained shall be equal to one-third of their circulation, until the amount of gold so retained shall be equal to one-third of the amount of legal-tender United States from the gold received from customs-duties \$16,000,000 annually, until the amount so retained shall be

### FORESTS OF THE NATIONAL DOMAIN.

Mr. FORT (by request) introduced a bill (H. R. No. 2075) for the preservation of the forests of the national domain adjacent to the sources of the navigable rivers and other streams of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## HENRY W. HIGLEY.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 2076) granting a pension to Henry W. Higley, of Lena, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## WILLIAM SPANGLER.

Mr. BURCHARD, of Illinois, also introduced a bill (H. R. No. 2077) granting a pension to William Spangler, of Lena, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## GEORGE M. D. THORNTON.

Mr. BAGBY introduced a bill (H. R. No. 2078) granting a pension to George M. D. Thornton, late a private of Company C, One hundred and nineteenth Regiment Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### HENRY H. KAISER.

Mr. MORRISON introduced a bill (H. R. No. 2079) granting a pension to Henry H. Kaiser, late a private in Company H, Eighth Regiment United States Veteran Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### JOHN B. SLACK.

Mr. CAULFIELD introduced a bill (H. R. No. 2080) for the relief of John B. Slack, late an acting third assistant engineer, United States Navy; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# WILLIAM M'LAY.

Mr. HARTZELL introduced a bill (H. R. No. 2081) granting a pension to William McLay, late a private in Company C, Twelfth Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### JOHN HEBERER.

Mr. HARTZELL also introduced a bill (H. R. No. 2082) for the relief of John Heberer; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### JOHN CONROY.

Mr. BUCKNER introduced a bill (H. R. No. 2083) to increase the pension of John Conroy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### H. K. RANDALL AND OTHERS.

Mr. BUCKNER also introduced a bill (H. R. No. 2084) for the relief of H. K. Randall and others, for damages to their property on Pennsylvania avenue, Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

# RIVER FRONT AT SAINT LOUIS.

Mr. WELLS, of Missouri, presented the memorial of the mayor and city council of the city of Saint Louis, Missouri, asking Congress to define the river front or wharf-line opposite said city; which was referred, with accompanying documents, to the Committee on Commerce.

Mr. WELLS, of Missouri. I ask unanimous consent that the memorial may be printed in the Congressional Record.

There was no objection, and it was so ordered.

The memorial is as follows:

MAYOR'S OFFICE, Saint Louis, February 8, 1876.

Saint Louis, February 8, 1876.

GENTLEMEN: On behalf of the city of Saint Louis, and in accordance with the request of the city council of said city, I have the honor to memorialize your honorable bodies for such action as may be necessary to permanently establish the legal front or wharf-line of the city of Saint Louis as the same is defined and recommended in the last annual report of General J. H. Simpson, Corps of Engineers, being appendix L of the annual report of the Chief of Engineers for 1875.

In carrying out municipal improvements along the river front with a view to facilitating commerce and protecting our harbor, questions have arisen in connection with the territory of the State of Illinois opposite this city, which render it desirable that the lines on both sides should, if practicable, be established and confirmed by Congress.

ble that the lines on both sides should, if practicable, be established and confirmed by Congress.

For the purpose of consummating a permanent and satisfactory settlement of all questions involved, a consultation took place between the governor and other officials of the State of Illinois and the authorities of this city which has resulted in a mutual concurrence in the lines defining both sides of the Mississippi in front of this city at low water, as proposed and explained in the report of General Simpson above referred to, and the plat accompanying same, at Washington.

Wherefore your memorialist respectfully prays the early consideration of this subject by Congress, and for such legislation thereon as may be necessary to accomplish the object above stated.

Accompanying this memorial will be found a copy of the resolutions adouted by

Accompanying this memorial will be found a copy of the resolutions adopted by the city council of the city of Saint Louis in connection with the subject, and also a certified copy of the ordinance establishing the wharf-line in the southern part of the city upon the lines proposed by General Simpson.

Respectfully submitted.

J. H. BRITTON, Mayor of the City of Saint Louis.

The Senate and House of Representatives of the United States in Congress assembled.

## POST-OFFICE APPROPRIATIONS ACT FOR 1876.

Mr. STONE introduced a bill (H. R. No. 2085) to amend section 4 of Mr. STONE introduced a bill (H. R. No. 2003) to amend section 4 of the act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1876, and for other purposes," approved March 3, 1875; which was read a first and second time, referred to the Committee on Expenditures in the Post-Office Department, and ordered to be printed.

# SAMUEL CODAY.

Mr. BLAND introduced a bill (H. R. No. 2086) for the relief of Samuel Coday; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# RANK OF RETIRED ARMY OFFICERS.

Mr. GAUSE (by request) introduced a bill (H. R. No. 2087) to repeal certain laws reducing the ranks of a few retired Army officers, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# REUBEN GOODRICH.

Mr. HUBBELL introduced a bill (H. R. No. 2088) for the relief of Reuben Goodrich; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### FORTIFICATIONS ON GALVESTON ISLAND, TEXAS.

Mr. HANCOCK introduced a bill (H. R. No. 2089) to provide for the erection of military fortifications on Galveston Island, in the State of Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

# HARBORS OF WESTERN TEXAS.

Mr. SCHLEICHER introduced a bill (H. R. No. 2090) making appropriation for the improvement of the harbors on the coast of Western Texas; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# SETTLEMENTS ON THE DES MOINES RIVER LANDS.

Mr. OLIVER presented joint resolutions of the General Assembly of Iowa, asking such legislation as will secure to settlers on the Des Moines River lands in said State titles to their homes; which was referred to the Committee on Public Lands, and ordered to be printed.

#### MRS. SARAH MILLER.

Mr. SAMPSON introduced a bill (H. R. No. 2091) for the relief of Mrs. Sarah Miller, widow of A. P. Miller, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

#### F. M. BRUNER.

Mr. SAMPSON also introduced a bill (H. R. No. 2092) granting a pension to F. M. Bruner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

#### WILLIAM H. NEEDHAM.

Mr. SAMPSON also introduced a bill (H. R. No. 2093) for the relief of William H. Needham, late second lieutenant Company D, Twenty-second Regiment Iowa Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### MRS. NANCY READ.

Mr. TUFTS introduced a bill (H. R. No. 2094) granting a pension to Mrs. Nancy Read, widow of John Read; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## ÅHNEPEE A PORT OF ENTRY.

Mr. KIMBALL introduced a bill (H. R. No. 2095) to make Ahnepee in the State of Wisconsin, a port of entry; which was read a first and second time, referred to the Committee on Commerce, and ordered to

#### BROTHERTOWN INDIANS.

Mr. KIMBALL also introduced a bill (H.R. No. 2096) to authorize the issue of patents to certain lands in Brothertown, on the Brothertown reservation, in the State of Wisconsin, to the persons selected by the Brothertown Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

#### PAUL P. HAWLEY.

Mr. WILLIAMS, of Wisconsin, introduced a bill (H. R. No. 2097) granting a pension to Paul P. Hawley; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### PATENT LAWS.

Mr. BURCHARD, of Wisconsin, introduced a bill (H. R. No. 2098) to amend section 4921 of the Revised Statutes relating to patents; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# INDIANS OF LAKE SUPERIOR.

Mr. CATE introduced a bill (H. R. No. 2099) providing for the set-tlement of certain claims of the Indians of Lake Superior; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

# PUBLIC BUILDING AT GREEN BAY, WISCONSIN.

Mr. KIMBALL presented joint resolutions of the Legislature of Wisconsin, asking for an appropriation for building a suitable structure for the use of the post-office, custom-house, and other Government offices at Green Bay, Wisconsin; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

# GOLD COINAGE OF THE UNITED STATES.

Mr. WIGGINTON introduced a bill (H. R. No. 2100) to amend sections 3111 and 3535 of the Revised Statutes relating to the gold coinage of the United States; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

# SETTLERS IN CALIFORNIA.

Mr. WIGGINTON also introduced a bill (H. R. No. 2101) to restore certain lands in California to homestead and pre-emption settlers; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

# A. P. JACKSON AND OTHERS.

Mr. LUTTRELL (by request) introduced a bill (H. R. No. 2102) for the relief of A. P. Jackson and others; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### WILLIAM THOMAS.

Mr. DUNNELL introduced a bill (H. R. No. 2103) granting a pension to William Thomas; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

# RELIEF OF CERTAIN CHEROKEES AND OTHERS.

Mr. GOODIN introduced a bill (H. R. No. 2104) for the relief of certain Cherokees and citizens of Kansas and the Indian Territory; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

# APPEALS FROM DECISIONS IN LAND CASES.

Mr. GOODIN also introduced a bill (H. R. No. 2105) providing for appeals to the circuit and district courts of the United States from decisions rendered by the Secretary of the Interior in land cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### CHARLES S. WILDER.

Mr. GOODIN also introduced a bill (H. R. No. 2106) for the relief of Charles S. Wilder; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### RAILROAD LANDS IN KANSAS.

Mr. GOODIN. Mr. Speaker, I desire to present some resolutions passed by the Legislature of Kansas upon the subject of certain public lands granted to the State in aid of the construction of a railroad. I suppose under this call, if introduced, they would go properly to the Committee on the Public Lands. It is not, however, for the purpose of influencing the committee that these resolutions are now presented, but rather with a view to get them published in the RECORD, so that the members of the House will have an opportunity to peruse them, as the Public-Lands Committee has already acted upon the subject of the resolutions and have directed me to report the action of the same to the House, which I shall do as soon as I can get the floor for that purpose. I would therefore ask unanimous consent to have the resolutions printed in the RECORD of to-morrow.

There was no objection, and it was ordered accordingly.

The concurrent resolution is as follows:

House concurrent resolution No. 5, relating to lands conveyed to the State of Kansas in aid of a certain railroad, and which have subsequently reverted to the United States.

United States.

Whereas, by an act of Congress approved March 3, 1863 certain lands were granted to the State of Kansas for the purpose of aiding in the construction of a railroad from the city of Leavenworth, by the way of the town of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the State, in the direction of Galveston Bay, in Texas, with a branch from Lawrence, by the valley of the Wakarnsa Eiver, to the point on the Atchison, Topeka and Santa Fé Railroad where said road intersects the Neosho River; and whereas said act contained a proviso, in the words following, to wit: "That, if any part of said road and branches is not completed within ten years from the passage of this act, no further sale shall be made, and the land unsold shall revert to the United States;" and whereas the State of Kansas, by act of Legislature approved February 9, 1864, accepted said grant and assumed the execution of the trust; and whereas the said period of ten years has elapsed, and said railroad has not been completed, nor has Congress extended the time for such completion; and whereas a large portion of land included within said grant and lying within the limits of the State of Kansas insold, and is not open to settlement; and whereas the declaration of forfeiture and assertion of ownership alone abide in the legislative authority of the Government: Therefore.

Be it resolved by the house of representatives of the State of Kansus, (the sencte therein concurring.) That we respectfully request the Congress of the United States to declare said lands forfeited and to take such legislative action as may be necessary to render them subject to entry under the pre-emption and homestead laws of the

United states.

That we respectfully solicit our Senators and Representatives in Congress to use their influence to secure such action as may effect the desired result.

That the secretary of state is hereby instructed to furnish a copy of this preamble and resolution to the President of the Senate and the Speaker of the House of Representatives and to each Senator and Representative in Congress from the State of Kansas.

I hereby certify that the above resolution was adopted by the house January 21,

HENRY BOOTH, Chief Clerk.

Concurred in by the senate January 29, 1876.

JOHN H. FOLKS,

I, Thomas H. Cavanaugh, secretary of state of State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution on file in my office.

office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of State. Done at Topeka this 5th day of February, A. D. 1876.

THOS. H. CAVANAUGH. Secretary of State.

# CHARLESTOWN BAPTIST CHURCH, WEST VIRGINIA.

Mr. FAULKNER introduced a bill (H. R. No. 2107) for the relief of the trustees of the Baptist church of Charlestown, Jefferson County, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## THORNTON GANOE.

Mr. FAULKNER also introduced a bill (H. R. No. 2108) for the relief of Thornton Ganoe, a citizen of West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## MARGARET WARD.

Mr. ELKINS introduced a bill (H. R. No. 2109) for the relief of Mrs. Margaret Ward, administratrix of Peter Allison, deceased; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

# MEETING OF THE LEGISLATURE OF NEW MEXICO.

Mr. ELKINS also presented a memorial of the Legislative Assembly of the Territory of New Mexico, asking that that Legislative Assembly be authorized to meet in January next; which was referred to the Committee on the Territories, and ordered to be printed.

# CLAIM OF MILITIA OF NEW MEXICO FOR LOST PROPERTY.

Mr. ELKINS also presented the memorial of the Legislative Assembly of New Mexico, concerning the claims of militia for lost property; which was referred to the Committee on War Claims, and ordered to be printed.

## CLAIMS FOR INDIAN DEPREDATIONS.

Mr. ELKINS also presented a memorial of the Legislative Assembly of New Mexico, in regard to claims for Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be

#### RESTORATION TO MARKET OF LANDS IN UTAH.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 2110) for the restoration to market of certain lands in the Territory of Utah; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

# ADMIRALTY CAUSES IN TERRITORIAL COURTS.

Mr. JACOBS introduced a bill (H. R. No. 2111) to conform the practice in the district courts of the Territories in admiralty causes in cases of appeal to the supreme courts thereof to the practice of the district courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### FRANCIS W. PETTIGROVE.

Mr. JACOBS also introduced a bill (H. R. No. 2112) for the relief of Francis W. Pettigrove, of Washington Territory, for services as clerk of the district court of the third judicial district of said Territory; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# MILITARY WAGON ROAD IN COLORADO.

Mr. PATTERSON presented the memorial of the Legislative Assembly of Colorado Territory, praying for the establishment of a military post in Southwestern Colorado and for the construction of a military wagon-road from some point upon the Rio Grande River across the main range of the Rocky Mountains to Fort Defiance; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### UTE INDIANS.

Mr. PATTERSON also presented a memorial of the Legislative Assembly of Colorado Territory, calling the attention of Congress to the grievances of the Ute Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

## MILITARY WAGON-ROAD IN COLORADO AND ARIZONA.

Mr. PATTERSON also introduced a bill (H. R. No. 2113) for the locamir. FATTERSON also introduced a bill (H. R. No. 2113) for the location and construction of a military wagon-road from San Luis Park, in Colorado, to Fort Defiance, in Arizona Territory, via the valley of the Rio Grande, across the main range of the Rocky Mountains, Baker's Park, and the Animas River; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be

#### RIGHTS OF SETTLERS ON PUBLIC LANDS.

Mr. KIDDER introduced a bill (H. R. No. 2114) to give parties contestant time to file on or enter land under the pre-emption, homestead, or timber-culture acts, after the contests shall have been finally decided; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## PRE-EMPTORS IN DAKOTA TERRITORY.

Mr. KIDDER also introduced a bill (H. R. No. 2115) to extend the time for making final proof and payment by pre-emptors in the Territory of Dakota one year; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

# BURLEIGH COUNTY, DAKOTA TERRITORY.

Mr. KIDDER also introduced a bill (H. R. No. 2116) modifying a part of chapter 25 of the laws of 1872-73 of the Territory of Dakota, so far as the county of Burleigh is concerned; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

## JAMES C. BATES.

Mr. BENNETT introduced a bill (H. R. No. 2117) granting a pension to James C. Bates, of Indiana; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

## MILITARY POSTS ON YELLOWSTONE AND MUSCLE-SHELL RIVERS.

Mr. MAGINNIS introduced a bill (H. R. No. 2118) to provide for the construction of military posts on the Yellowstone and Muscle-Shell Rivers; which was read a first and second time, referred to the Com-mittee on Military Affairs, and ordered to be printed.

## IMPROVEMENT OF MISSOURI AND YELLOWSTONE RIVERS.

Mr. MAGINNIS also presented a memorial of the Legislature of Montana Territory, in relation to the improvement of the Missouri and Yellowstone Rivers; which was referred to the Committee on Commerce, and ordered to be printed.

### JOHN W. RISEN.

Mr. WILSHIRE introduced a bill (H. R. No. 2119) for the relief of John W. Risen, administrator of Francis J. Ditter, deceased; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# GEOLOGICAL SURVEY WESTERN ARKANSAS AND INDIAN TERRITORY.

Mr. WILSHIRE also introduced a joint resolution (H. R. No. 69) directing a geological survey of Western Arkansas and the Indian Territory west; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

## THOMAS W. HEWITT.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 2120) to grant a pension to Thomas W. Hewitt; which was read a first and second

time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### DEPOSITS BY ARMY OFFICERS.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 2121) to authorize commissioned officers of the Army to make deposits under the act of May 15, 1872; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### WIDOWS AND HEIRS OF ARMY OFFICERS.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 2122) for the protection of widows, orphans, and heirs at law of officers of the Army of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### FISH-WAY OVER GREAT FALLS OF THE POTOMAC.

Mr. O'BRIEN presented a joint resolution of the Legislature of the State of Maryland, for the erection of a fish-way over the Great Falls of the Potomac, and for other purposes; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD.

The resolution is as follows:

The resolution is as follows:

Whereas it is of the greatest importance to the States of Maryland, Virginia, Pennsylvania, West Virginia, and the District of Columbia that the shad, salmon herring, rock, and other migratory fish, which form already so large a proportion of the food-resources of the States and District named, and are destined to be a yet greater source of sustenance and revenue to the said States and District, should have an opportunity to reach the upper waters of the Potomae and its tributaries, not only that they may there find their appropriate spawning-beds, but also that the inhabitants of the States named, living upon such upper waters, may have the advantage and benefit of the yearly migration of such fish as well as those who dwell upon the lower waters of these States named and said District of Columbia; and whereas it is impossible for such fish to reach said upper waters on account of the impassability of the Great Falls of the Potomac, unless there be built a fishway to enable such fish to go around said falls, and so get to the upper waters of the Potomac and its tributaries; and whereas at a convention of the commissioners of fisheries of the States of Maryland, Pennsylvania, and New Jersey, held in Philadelphia on the 26th day of January, A. D. 1876, a resolution was passed declaring the necessity of the erection of a fish-way over the Great Falls of the Potomac, and urging action by the United States Commissioner of Fish and Fish-cries; and whereas it appears from the report of the Commissioner of Fisheries of this State that it is entirely practicable to erect a fish-way at that point:

Bett resolved by the General Assembly of Maryland, That the Senators of this State be instructed, and its Representatives in Congress requested, to urge upon the Congress of the United States the passage of such measures as will secure the erection of the same by the Government of the United States, and the appropriation of the necessary funds for such purpose.

And be it resolved, That a copy o

President of the Senate. LEWIS CASS SMITH. Speaker of the House of Delegates.

## WASHINGTON MONUMENT.

Mr. GAUSE presented a memorial of the Washington National Monument Society, asking an appropriation by Congress for the completion of the monument; which was referred to the Committee on Appropriatious, and ordered to be printed in the RECORD.

The memorial is as follows:

To the Senate and House of Representatives in Congress assembled:

Your memorialists, corporators of the Washington National Monument Society,

Your memorialists, corporators of the Washington National Monument Society, respectfully represent—

That the Continental Congress, after the proclamation of the peace which terminated the revolutionary war, on the 7th of August, 1783, resolved unanimously, "That an equestrian statue of General Washington be erected at the place where the residence of Congress shall be established." On the pedestal the following words were to have been engraved, "The United States in Congress assembled ordered this statue to be erected in the year of our Lord 1783, in honor of George Washington, the illustrious Commander-in-Chief of the Armies of the United States of America during the war which vindicated and secured their liberty, sovereignty, and independence."

of America during the war which vindicated and secured their liberty, sovereignty, and independence."

That on the 24th of December, 1799, Congress passed a resolution that a marble monument be erected in the city of Washington to the memory of the Father of his Country, which resolution still remains unexecuted.

On the 8th of May, 1890, the House of Representatives passed a resolution "that a manusleum be erected for George Washington in the city of Washington."

On the 1st of Jannary, 1891, the House of Representatives passed a bill appropriating \$290,000 for the erection of the mausoleum.

In 1833 the Monument Society was formed for the purpose of erecting "a great national monument to the memory of Washington at the seat of the Federal Government."

In 1833 the Monument Society was formed for the purpose of erecting "a great national monument to the memory of Washington at the seat of the Federal Government."

John Marshall was its first president. He was succeeded by James Madison, who in accepting the position said: "A monument worthy of the memory of Washington, reared by the means proposed, will commemorate at the same time a virtue, a patriotism, and a gratitude of which our country may always be proud."

January 31, 1848, Congress recognized the national character of the work of the society by granting authority to the society to erect the monument upon a site in the public grounds to be selected by the President of the United States and the managers of the society.

July 4, 1848, the corner-stone was laid in the presence of the President and Vice-President, heads of Executive Departments, Senators and Representatives, executive, judicial, and military and naval officers of the United States. numerous civic societies, and a countless multitude of citizens from every quarter of the Union. Ex-President John Quiney Adams had accepted the duty of pronouncing the oration on the occasion, but owing to his death his place was taken by Hon. Robert C. Winthrop, Speaker of the House of Representatives.

For seven years the work progressed until the monument had risen to the height of one hundred and seventy-four feet, at a cost of about \$240.000, when the funds of the society became exhausted and the work was suspended. From 1855 to the present time the society has continued its efforts to raise by voluntary contributions the required amount to enable them to proceed with the work, but without success. The approach of the Centennial inspired them with the hope that the patriotic feeling and national pride of their fellow-citizens might be aroused to a sense of the disgrace which would fall upon us in the eyes of the visitors from all quarters of the globe, whom we had invited to our shores to participate in our national jubilee, if

we should leave in the national capital a standing insult to the memory of the man to whom, under Providence, we were mainly indebted for the independence and liberty to which our beasted progress is chiefly due. They have accordingly addressed a special appeal to the organized societies of the country to aid in raising the sum required to finish the monument.

Had their recent appeal fallen dead upon the country and yielded no fruits, they would have been inclined to despair of ever achieving success in the great undertaking which has been so long intrusted to their care. But the liberality and promptitude with which so many societies and other organizations have recognized the obligations of patriotism and the prompting of national pride in the matter of the monument have inspired the society with new hope and encouraged them to renew and urge with increased carnestness the solicitations which they have heretofore addressed to their fellow-citizens.

They submit herewith the responses which have been made by the leading organizations to their last appeal, and a list, necessarily incomplete, of the subscriptions received. No better index of the sentiment of the whole American people could be given than the expressions of the feelings of these great societies whose membership extends to every quarter of the land and everywhere embraces the great voting population of the country.

The American people, we feel justified in saying, are not only willing but anxious that this monument should be completed, and that the work should be in progress and at least approach completion duri g the centenary of our independence.

The society has put forth during the last year every exertion in its power to secure the means to continue and complete the great work they have so long had in hand, and they feel encouraged by the unanimity with which the public voice has declared in favor of the consummation of their labors. But they do not expect to be able to accomplish the task without the aid of Congress and they feel justified

scrutiny.

Indeed, having no personal ends to serve, their only object being to secure the early completion of the monument, the society would be willing to have the work done under such contract and supervision as Congress in its wisdom should think best to provide, even though it involved their own relinquishment of the work to which they have been so long and so earnestly devoted.

Your memorialists forbear to give a reason why a monument should be raised to Washington. There is no true American to whom the great and venerable name of the Father of his Country does not suggest sufficient reasons for a monument to his memory.

of the Father of his Country does not suggest sufficient reasons for a monument to his memory.

It is an auspicious time now to complete it, when the doctrines he inculcated and of which he was in his person the most illustrious exponent again prevail over our whole country. While generations after generations shall look upon the monument to Washington, his great deeds will rise before them, and they will catch something of his spirit of patriotism; a patriotism not bounded by State lines, but embracing in its ample scope an indestructible union of many States.

The approach of our national centennial, when we have invited the nations of the earth to assist at our celebration, seems an appropriate occasion for a final appeal to Congress to fulfill the fledges so long unredeemed and pay to the memory of Washington the honor so long denied.

In conclusion, your memorialists respectfully pray that your honorable bodies will, on behalf of the people of the United States, carry into effect the resolution of December 24, 1799, and appropriate such sum toward the completion of the monument in the city of Washington as the previous action of Congress and the sense of the country may seem to require.

JOHN CARROLL BRENT,

JOHN CARROLL BRENT

## APPROPRIATIONS FOR CAPTIVE INDIANS.

Mr. SCALES, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of the Interior be requested to inform this House as to the disposition made of the \$300,000 appropriated heretofore by Congress for the benefit of captive Indians; whether all of said appropriation has been expended; and if not, whether the unexpended balance will be needed; and that he laso be requested to inform the House whether section 2088, page 367, of the Revised Statutes at Large of the United States, in relation to the appointment by the President of a military officer to be present at the delivery of all moneys and goods to be paid or delivered to the Indians, has been complied with.

## RENT OF QUARTERMASTER-GENERAL'S BUILDING.

Mr. WILLIS, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and agreed to:

Amble and resolution; which were read, considered, and agreed to:

Whereas the Forty-third Congress at its first session passed the following enactment: "And hereafter no contract shall be made for the rent of any building, or part of any building, in Washington not now in use by the Government, to be used for the purposes of the Government until an appropriation therefor shall have been made in terms by Congress," approved June 22, 1574; and whereas it is represented that the building on the corner of G and Fifteenth streets, used for ten years for offices for the Quartermaster-General of the Army, was vacated on or about the 17th of last November and another building on the corner of Pennsylvania avenue and Fifteenth street leased for the same purpose:

Resoived, That the Secretary of War be, and he is hereby, requested to inform this House under whose direction and by what authority the Acting Quartermaster-General, Rufus Ingalls, leased the aforesaid building on the corner of Pennsylvania avenue and Fifteenth street, what time it is leased for, and the amount of rent to be paid yearly; also that the Secretary of War be, and he is hereby, requested to transmit to this House true copies of all bills for material and labor paid by the post-quartermaster, Major Myers, acting quartermaster, including those approved and ordered to be paid by Acting Quartermaster-General Rufus Ingalls, on account of the building on the corner of Fifteenth and G streets to the condition stipulated between the owner and the Government; and that the Secretary of War also inform this House out of what fund appropriated for the Quartermaster-General's Office these amounts were paid.

ORDER OF BUSINESS.

# ORDER OF BUSINESS.

The SPEAKER pro tempore (Mr. BLACKBURN in the chair.) The Chair will state that it was his object in recognizing gentlemen from

the several States to afford opportunity to every member to present such bills, joint resolutions, and memorials as were entitled to come in under the call now being had before the morning hour in its ex-tension should terminate. There are many members who have not in under the call now being had before the morning nour in its extension should terminate. There are many members who have not had an opportunity to present bills for reference, not being in when their States were called.

Mr. KASSON. I rise to a question of order. Understanding from the Chair that the morning hour has expired and the call of States and Territories for bills and joint resolutions has been completed, I would like to know whether the regular order of business is not

would like to know whether the regular order of business is not now the call of States and Territories for resolutions under the suspension of the Rules?

The SPEAKER pro tempore. It is in the power of any gentleman to call for the regular order of business.

Mr. KASSON. In order to avoid confusion, I believe it better to commence with the call of States for resolutions, under which call bills may also be introduced for reference.

#### SENATE AND HOUSE TELEGRAPH OPERATORS.

Mr. MacDOUGALL. I ask unanimous consent to introduce and put on its passage a joint resolution (H. R. No. 70) fixing the pay of the telegraph operators of the Senate and House of Representatives

at \$1,440 per annum.

The joint resolution was read a first and second time.

Mr. GARFIELD. I think that joint resolution ought to be referred. to the Committee on Appropriations. It ought certainly to go to some committee before it is put on its passage. I object.

Mr. MacDOUGALL. Objection being made, let the resolution be

referred to the Committee of Accounts.

The joint resolution was referred to the Committee of Accounts.

#### LIGHT ON WATER-WORKS TOWER, CHICAGO.

Mr. CAULFIELD introduced a bill (H. R. No. 2123) making appropriation for a light on the tower of the crib at the lake end of the tunnel of the water-works of the city of Chicago; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## MARY J. JOSLING AND LAVINIA SCOTT.

Mr. MORGAN introduced a bill (H. R. No. 2124) for the relief of Mary J. Josling and Lavinia Scott; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CLERK TO SPECIAL COMMITTEE ON REAL-ESTATE POOL, ETC.

Mr. NEW, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved. That the special committee appointed to investigate the real estate pool and Jay Cooke & Co.'s indebtedness, &c., be, and are hereby, anti-orized to employ a clerk for such length of time and at such rate of compensation as may be fixed by the Committee of Accounts.

## JOHN D. MACNAUGHTON.

Mr. DAVY introduced a bill (H. R. No. 2125) for the relief of John D. MacNaughton; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## PURCHASE OF GOVERNMENT BONDS.

Mr. ROBBINS, of Pennsylvania, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

the following resolution; which was read, considered, and agreed to:

Resolved. That the Committee of Ways and Means be requested to examine into
the expediency of passing an act directing the Secretary of the Treasury to defer,
for a limited period, making any further reduction of the bonded indebtedness of
the United States by purch sing Government bonds before they become due; this
act not to conflict in the slightest degree with the act authorizing the refunding
of the national debt, approved July 14, 1870.

This committee is also requested to examine into the propriety of directing the
Secretary of the Treasury to discontinue any further reduction in the volume or
amount of legal-tender notes now in use.

And, further, the committee is requested to inquire into the expediency of directing the Secretary of the Treasury to discontinue selling gold coin or bullion instead thereof. After paying the interest on Government bonds regularly, let the
balance accumulate in the Treasury until it reaches — millions of dollars; and
whenever there is a reasonable excess over said amount, then the Secretary of the
Treasury shall be authorized to exchange said excess of coin for legal-tender notes,
not to be canceled or destroyed, but to be re-issued and paid out for demands against
Government, as he now does under existing laws. And report by bill or otnerwise.

### BUREAU OF PENSIONS.

Mr. JENKS, by unanimous consent, submitted the following reso-

lution; which was read, considered, and adopted:

Resolved, That the Committee on Invalid Pensions be authorized to call for witnesses and papers, for the purpose of inquiring into the conduct of the Burean of Pensions and the disbursement of funds appropriated thereto.

## CLAIMS UNDER ACT OF JULY 4, 1864.

Mr. RIDDLE. I ask unanimous consent to submit the following resolution for consideration at this time:

resolution for consideration at this time:

Resolved, That the Quartermaster-General and the Commissary-General of Subsistence be, and they are hereby, requested to report to the House of Representatives the aggregate amount of claims allowed and rejected in their respective Departments under the act of July 4, 1864, and the acts amendatory thereto, in the States of Indiana, Ohio, and Pennsylvania; and, also, the aggregate amount of claims allowed and rejected under said law and the amendments thereto in the Southern States to which the law applies.

Mr. DÜNNELL. I object.

Mr. RIDDLE. I move that the rules be suspended and the resolution adopted.

tion adopted.

Mr. KASSON. I rise to a question of order. If we are acting as within the morning hour, a single objection to a resolution carries it

over.
The SPEAKER. The Chair holds that the morning hour has terminated and a motion to suspend the rules is in order. Before the motion is put, the Clerk will again report the resolution.

Mr. KELLEY. I rise to a point of order. I suggest that the inquiry should be addressed to the Secretary of War and not to his subordinates. I suggest that the gentleman from Tennessee make that amend-

Mr. RIDDLE. I accept the amendment.
The SPEAKER. The resolution will be so modified.
Mr. DUNNELL. I withdraw my objection to the resolution. There being no further objection, the resolution was adopted.

## SESSION OF THE HOUSE ON SATURDAY.

Mr. KELLEY. I move that the rules be suspended and the following resolution adopted:

Resolved, That on Saturday next, the 19th instant, the House shall meet for the reading of the Journal and debate only, no vote to be taken other than on the question of adjournment.

The rules were suspended (two-thirds voting in favor thereof) and the resolution was adopted.

SUPERINTENDENCY OF BATTERIES AT PORTSMOUTH HARBOR.

Mr. BANNING. I move that the rules be suspended and the following resolution adopted:

Resolved. That the Secretary of War be, and he is hereby, required to furnish the House with a copy of all letters and charges now on file in the office of the Chief of Engineers, General A. A. Humphreys, with all the indorsements and recommendations made thereon, asking the removal of Robert Sarthorf, superintendent of batteries at Portsmouth Harbor, in the State of New Hampshire, and each and all of the papers connected with said removal, and the appointment of William Flynn, of South Berwick, Maine, in his place.

The rules were suspended (two-thirds voting in favor thereof) and the resolution was adopted.

#### AGRICULTURAL REPORT FOR 1873.

Mr. CALDWELL, of Alabama, moved that the rules be suspended and the following concurrent resolution adopted:

Whereas from information derived from the Commissioner of Agriculture there are about 10,000 copies of the Agricultural Report for the year 1873 undistributed: Therefore,

Be it resolved by the House of Representatives, (the Senate concurring therein,) That the Commissioner of Agriculture be, and he is hereby, authorized and directed to deliver to each Senator and member of the House of Representatives twenty-five copies of said report, including the number heretofore delivered to members of Congress during the present session.

Mr. GARFIELD. That should be "excluding."
Mr. CALDWELL, of Alabama. No, sir; "including." I ask unanimous consent to make a brief explanation.

The SPEAKER. Is there objection to agreeing to the resolution?

There was no objection, and the resolution was adopted.

## SECTION 162 OF REVISED STATUTES

Mr. REA, by unanimous consent, introduced a bill (H. R. No. 2126) to enforce section 162 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

# SAMUEL B. OLMSTEAD.

 Mr. STRAIT, by unanimous consent, introduced a bill (H. R. No. 2127) to direct that patents be issued to Samuel B. Olmstead for certain lands in the State of Minnesota; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

### HENRY PLOWMAN.

Mr. STRAIT also, by unanimous consent, introduced a bill (H. R. No. 2128) for the relief of Henry Plowman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## REPORTS OF THE DEBATES.

Mr. PLATT, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Committee on Printing be, and are hereby, required to examine and report to the House if there have been such material alterations of the debates before printing in the RECORD as require action by the House; also, if remarks have been altered or suppressed by others than the members making them.

# BUILDINGS RENTED TO EXECUTIVE DEPARTMENTS.

Mr. LEAVENWORTH. On behalf of the Committee on Reform in the Civil Service I offer the following resolution, which I send to the desk and ask its passage

The Clerk read as follows:

Resolved. That the Secretaries of the Treasury, of the Navy, of War, and of the Interior, and the Postmaster-General, be, and are hereby, respectively requested to report to this House a full statement of all buildings and grounds in the city of Washington now rented for the use of said Departments respectively, giving, first, a sufficient description of each piece of property that it may be easily identified, with street and number in each case; second, the date of such leases respectively, the name or names of the lessor or lessors in each case, the amount of the annual rent secured to be paid by said leases respectively, and the number of years for which said leases are respectively to run, the purposes for which such buildings and grounds are severally used; fourth, whether the said buildings are respectively fire-proof or otherwise.

Mr. HOLMAN. I would suggest that the resolution should include

also the Department of Justice.

Mr. LEAVENWORTH. I agree to that, and will insert the Department of Justice in the resolution.

There being no objection, the resolution, as modified, was adopted.

#### HARBOR AT SAINT JOSEPH, MICHIGAN,

Mr. POTTER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, That the Secretary of War be, and hereby is, requested to transmit to this House a copy of the report of the board of engineer officers recently convened at Saint Joseph, Michigan, to examine and report upon the location of the railroad bridge across that harbor and its effect upon navigation.

#### FRAUDULENT IMPORTATION OF WOOL.

Mr. MORRISON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolution, which was read, considered, and agreed to.

Resolved, That the Secretary of the Treasury be requested to furnish to the House of Representatives, at his earliest convenience, all information in the possession of the Treasury Department respecting recent fraudulent importations, or attempted fraudulent importations, of wool, with all correspondence from merchants, manufacturers, or importers in relation thereto.

# CURRENCY AND SPECIE PAYMENTS.

Mr. HALE. I offer the following preamble and resolution, and move that the rules be suspended and that they be adopted.

The Clerk read as follows:

The Clerk read as follows:

Whereas the currency now in use among the people of the United States consists of the national-bank notes and the greenbacks, the latter being a debt of the Government widely distributed among the people, and the former being redeemable in the greenback and subject to like fluctuation with it; and whereas the United States Treasury has thus far failed to meet its obligations and to redeem its notes, thereby depreciating the value of the people's money and keeping it at a large discount, which depreciation varies from day to day, causing risk and uncertainty in business affairs, to the great prejudice of all legitimate industry and enterprise; and whereas Congress by its enactments and both the political parties by resolutions adopted in their several national conventions stand committed to the early resumption of specie payments: Therefore,

Be it resolved by the House of Representatives in Congress assembled, That prompt measures should be taken by such legislation as is needed to render effective the policy to a resumption of specie payments, by placing in the hands of the Secretary of the Treasury all necessary powers to carry out said objects, to the end that a sound and stable currency may be provided for the people.

Mr. MORPISON. It trust the gentleman will allow that resolution

Mr. MORRISON. I trust the gentleman will allow that resolution to go to the Committee on Banking and Currency.

Mr. PAGE. O, no.

Mr. HALE. I think we had better have an expression of the opinion of the House upon it. We want to see whether caucusing has done our friends on the other side some good.

The question was taken on Mr. HALE's motion by a vice voce vote;

and the Speaker stated that the noes appeared to have it.

Mr. HALE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DOUGLAS. I desire to ask whether this resolution—
The SPEAKER. Debate is not in order; the Clerk will call the

Mr. OLIVER. I desire to know whether we are not voting to suspend the rules and not on the adoption of the resolution?

The SPEAKER. Upon suspending the rules and adopting the reso-

Mr. OLIVER. On both at once?

Mr. OLIVER. On both at once.

Mr. OLIVER. Certainly, on both at once.

Mr. OLIVER. Then I desire to raise the point of order that the rules must first be suspended before we can vote on the resolution.

The SPEAKER. The Chair overrules the point of order, and the

Clerk will call the roll.

The question was taken; and there were-yeas 85, nays 139, not voting 65; as follows:

The question was taken; and there were—yeas 85, nays 139, not voting 65; as follows:

YEAS—Messrs. Adams, Bagby, George A. Bagley, William H. Baker. Ballou, Bass, Bell, Elaine, Blair, Bliss, Bradley, Horatio C. Burchard, Burleigh, Chittenden, Conger, Crapo, Crounse, Darrall, Davy, Denison, Dunnell, Durand, Eames, Farwell, Freeman, Frost, Frye, Garfield, Hale, Haralson, Benjamin W. Harris, Hendee, Hoskins, Hubbell, Joyce, Kasson, Kehr, Ketchum, Kimball, Lapham, Lawrence, Leavenworth, Lynch, MacDongall, McCrary, McDill, Miller, Monroe, Nash, Norton, Packer, Page, Pierce, Platt, Potter, Powell, Pratt, Rainey, Rusk, Sampson, Seelye, Sinnickson, Smalls, Strait, Stowell, Tarbox. Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, Wheeler, White, Whiting, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams, Willis, James Wilson, Alan Wood, jr., and Woodburn—84.

NAYS—Messrs. Ainsworth, Ashe, John H. Baker, Barnum, Beebe, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Cate, Caulfield, John B. Clark, eof Kentucky, John B. Clark, jr., of Missonri, Collins, Cook, Cowan, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Ellis, Evans, Felton, Forney, Fort, Franklin, Fuller, Gause, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Haymond, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunter, Franklin Landers, George M. Landers, Lynde, Levi A. Mackey, McFarland, McMahon, Meade, Metcalfe, Millken, Money, Morgan, Morrison, Mutchler, Neal, New, O'Brien, Oliver, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Piper, Poppleton, Randall, Rea, Reagan, John Relly, James B. Reilly, Rice, Eliddle, John Robbins, William E. Smith, Southard, Sparks, Sprin

NOT VOTING—Messrs. Anderson, Atkins, John H. Bagley, jr., Banks, Banning, William R. Brown, Cannon, Caswell, Chapin, Clymer, Cochrane, Danford, Dobbins, Ely, Faulkner, Foster, Gibson, Robert Hamilton, Hatcher, Hathorn, Hays, Henderson, Hoar, Hoge, Hurlbut, Jenks, King, Lane, Levy, Lewis, Lord, Luttrell, Edmund W. M. Mackey, Magoon, Maish, Mills, Morey, Odell, O'Neill, Plaisted, Purman, Roberts, Sobieski Ross, Schumaker, Sheakley, Singleton, A. Herr Smith, Stevenson, Swann, Teese, Thomas, Turney, Charles C. B. Walker, Walling, Walls, Ward, Erastus Wells, G. Wiley Wells, Whitehouse, Whitthorne, Wigginton, James Williams, Fernando Wood, and Young—65.

So (two-thirds not voting in favor thereof) the rules were not sus pended.

During the roll-call, Mr. HOUSE said: My colleague, Mr. Young, is absent on a com-

mitte, and my colleague, Mr. ATKINS, is detained from the House by indisposition. If present, they would both vote "no."

Mr. COCHRANE. I desire to state that I am paired upon this question with my colleague, Mr. O'NEILL. I do not know how he would vote if present, but, being paired with him, I decline to vote.

Mr. MAISH, (having voted.) I am assured that my colleague, Mr.
Ross, with whom I am paired, would have voted "ay" on this ques-

ion, if present, and therefore, I desire to withdraw my vote.

Mr. BLAND. My colleague, Mr. HATCHER, is detained from the

House by sickness in his family. If present he would vote "no."

Mr. STEVENSON. I am paired upon this question with my colleague, Mr. HURLBUT. If he were here I would vote "no" and he would vote "ay." And I desire to say further that my colleague, Mr. Anderson, has been called home by important business; if here he would vote no.

Mr. REAGAN. My colleague, Mr. Mills, requested me to state that he was called home yesterday by the sickness of a relative, and if this is the proper time I would ask leave of absence for him for three or four days.

The SPEAKER. That can be done at the proper time.

#### PERSONAL EXPLANATION.

Mr. RANDALL. I rise to make the motion to adjourn. Before doing so, however, I desire to make a statement. I see by the New York Herald of to-day that an interpretation has been given to my remarks in connection with the diplomatic and consular appropriation bill which I never intended. I stated that the American flag had been illegally used within the limits of the consulate of Ningpo. I am made to appear as having made that charge against Mr. Lord, the United States consul at Ningpo. I made the statement upon the authority of Mr. Keim, and I ask permission to have printed in the attnorty of the entire letter from which I quoted, and it will then be seen that the charge is just as I intended to make it, against the consul-general. In the haste of speaking I used the word "consul" instead of "consulgeneral." Ningpo is within the consul-generalship, but Mr. Lord is only the consul.

I am thus prompt in making this explanation, because it has always been my pleasure never to offend if possible to avoid it, and always to correct any error I may have fallen into. I do not consider that this is any error of mine, but in the abundance of caution, and in the full wish to be always right, I ask that the entire letter of Mr. Keim be printed in the RECORD.

Mr. CONGER I object for the reason—
Mr. RANDALL. Then I will insert it as a portion of my remarks. The gentleman cannot object to that.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] has the right to do that

The letter is as follows:

SHANGHAI, CHINA, December 23, 1870.

SIR: In my dispatch dated at this port, December 22, 1870, I confined myself entirely to matters which appertained to the consulate-general as such. I would respectfully call your attention in this supplementary dispatch to transactions which have been brought to my notice, and which relate more particularly to the

respectfully call your attention in this supplementary dispatch to transactions which have been brought to my notice, and which relate more particularly to the consul-general.

I would greatly have preferred examining the accusations personally, but, as I had no expressed authority to make investigations where I might think necessary, under oath, I saw at once that I could accomplish nothing of a satisfactory character. In several cases to which I did allude, the consul-general resorted so clearly to evasion that I was strengthened in my belief that there must be some foundation for what had been mentioned to me. The persons giving the information have long been residents in the East, and have had more or less business with the consul-general. Their statements I consider worthy of recognition, if for no other purpose than to lay the foundation for further investigation.

The irregularities to which I found it necessary to call your attention and other circumstances led me to suppose that there were other matters which would not appear in the consulate, but with regard to which it was my duty to inquire about. It was clear to me that the consul-general during his residence here had derived a large revenue from some source. It was equally patent that that revenue did not come exclusively from his compensation as consul-general. If that revenue did not come exclusively from his compensation as consul-general. If that revenue did not conflict with his official duties, it was no matter of mine to inquire further; if it did, I considered that the facts, if accessible, should be known. The revenues from "unofficial fees" I alluded to in my former dispatch and explained how they were applied.

The following are the transactions from which it is alleged the consul-general derived pecuniar, benefit contrary to law and the tariff of consular fees, and of which no account was rendered to the Government:

First. The granting of the American flag to a number of Ningpo (native) boats and native craft. In this species of enter

Frederick Jenkins. son of the interpreter to the United States consulate-general; A. N. Shearer, subsequently, that is, in the years 1366-67-68, in the United States custom-house, New York, and, I learn, a son-in-law of Mr. Smith, former consul at Shanghai, and Benjamin Wardell, of Wardell & Co., at last accounts Water street near Wall street, New York.

W. B. Porter, at one time connected with this consulate, is also mentioned as having some knowledge of the consulate-general, and the actions of the present consulatences.

and the accounts Mr. Porter was with Johnston & Higgins, average adjusters and marine lawyers, Wall street, New York. It is charged that the consul-general permitted the use of the flag on lorchas for a consideration of \$250 or thereabouts per lorcha per annum, for which he gave no receipt. This was an item, from what I learn, amounting to many thousand dollars to the consul-general per annum. Second. The granting of licenses for drinking an 1 boarding houses in Honque, or the American concession, for which the consul-general received compensation. Owing to the rigid regulations governing the English concession, it was impossible to scenre licenses for such establishments in that quarter. The consul-general at the time having exclusive jurisdiction over the American concession, such establishments were permitted to be set up in those limits, it is alleged, for the consideration stated. It is a notorious fact that the American concession, under the protection of the American flag, became the seat of every species of vice and crime.

the protection of the American flag, became the seat of every species of vice and crime.

The existence of a state of things so outrageous could no longer be endured. Under the pressure of a common outcry from the reputable foreign residents at the port, in the autumn of 1863, the American concession was incorporated with the English for all municipal purposes, though extensive powers still remained in the consul-general of the United States. This action restored order, by putting a check upon the iniquities which prevailed under the previous system.

Third. The building until recently occupied as the consular office was owned by Mr. Warden, superintendent of Russell & Co., an American firm, then agent of N. L. and G. Griswold, of New York. It was leased by one S C. Woodruff, shipchandler. The brother of the consul-general, then a mere boy, and employed in the consulate, it is stated, became a partner with Woodruff. The latter failed. The lease was sold, and bought up by a representative of the consul-general.

Fourth. In a case of mixed arbitration on the collision of the Moro Castle, an American vessel, with two junks, about October last, Lieutenant-Commander Wheeler, United States Navy, and the harbor-master of Shanghai were two of the arbitrators. The consul-general was called in as a third, the first two failing to agree. The captain of the Moro Castle paid for three arbitrators. The two arbitrators first named state that they received nothing for their services up to date, though allowed compensation by the rules in such cases.

Fifth. That the seamen's fund to the amount of many thousands of dollars was allowed to accumulate in the consulate-general. It is alleged that this was used for purposes of speculation at from 1 to 2 per cent. a month. The suggestion which the consul-general states he made last winter, that this fund should be turned over to the Treasury Department at Washington, at this late day seems intended as a check to inquiry as to the use of this fund while in his possession.

Sixth. The

general, in which it is alreged more than the authorized fee for shipping seamen was charged.

I will also add that, during my stay at this port, the consul-general took possession, for his own residence, of the late consular building, with the intention of occupying the whole, except probably one room, as he has stated. For this building the Government pays as follows:

Office-rent	168
	1,038

In lieu of this building, he has taken a smaller one, not in the least as creditable a place as the one abandoned. The new building at the utmost would not be worth over \$50 per month rent.

As I have already said, had I been possessed of sufficient powers, I could have ascertained their tru h for all practical purposes. It is a notorious fact here that the consul-general, who was barely of age upon his arrival at Shanghai in 1862, had no means, apparently, save his pay from the Government.

The case is evidently quite the reverse at present. I am led to believe from the sources mentioned he derived personal benefit. If this be correct, the consul-general at Shanghai has been guilty of a serious violation of his office.

It is due to the Government, in my opinion, that a proper investigation be made.

I have the honor to be, sir, your obedient servant,

DE B. RANDOLPH KEIM,

Agent of the United States, &c.

Hon. George S. Boutwell. Secretary of the Treasury, Washington, D. C.

Mr. RANDALL. I move that the House now adjourn. The motion was agreed to; and accordingly (at three o'clock and twenty-five minutes p. m.) the House adjourned.

### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAGBY: The protest of A. F. Beal, against the extension of

the post-route from Raritan to La Harpe, Illinois, to the Committee on the Post-Office and Post-Roads.

By Mr. BAKER, of New York: The petition of officers and soldiers of the late war, for the passage of the bill for the equalization of bounties pending before Congress, to the Committee on Military Af-

By Mr. BANNING: The petition of J. A. Fay & Co., for an amend-

ment of the patent laws, to the Committee on Patents.

Also, the petition of Major J. A. Gunther and 15 other Army officers, for a change in the pension laws, to the Committee on Invalid Pensions.

By Mr. BASS: Remonstrance of 48 merchants and ship-owners of Buffalo, New York, against the passage of the bill to authorize the construction of a bridge over Detroit River, to the Committee on Commerce.

Also, remonstrance of F. N. Jones and 100 other merchants and shipowners of Buffalo, New York, of similar import, to the same committee.

By Mr. BLACKBURN: The petition of John T. Clark, for relief, to the Committee on the Post-Office and Post-Roads

By Mr. BROWN, of Kansas: Concurrent resolutions of the Legislature of Kansas, in relation to the Indian Territory, to the Committee on the Territories

By Mr. CABELL: The petition of citizens of Danville and of Pittsylvania County, Virginia, for the abolition of import duty upon mass and stick licorice, to the Committee of Ways and Means.

By Mr CALDWELL, of Alabama: The petition of Thomas W. Martin, for relief as surety on the bond of the late Robert J. McCaleb, of

Madison County, Alabama, to the Committee of Claims.

Also, the petitions of Richard C. Baine, J. B. Hardman, and J. J. N.

McConnell, for a rehearing of their claims for property taken and used
by the United States Army heretofore rejected by the southern claims
commission, to the Committee on War Claims.

By Mr. CANDLER: The petition of the heirs of Colonel James Mayson, for pay for services rendered by him during the revolutionary war, to the same committee.

By Mr. COX: The petition of L. Brunswig and 175 other citizens of

New York, for an amendment of the law relating to the suppression of

obscene literature, to the Committee on the Judiciary.

By Mr. CRAPO: The petition of William Phillips and other owners of the bark Richmond, for pay for losses incurred in the rescue and transportation of American seamen, to the Committee on Commerce. By Mr. CROUNSE: The petition of Uriah Sullivan, for pay for carrying the United States mails, to the Committee of Claims.

Also, the petition of certain chiefs and head-men of the Otoe and

Missouri tribes of Indians, relating to the sale of a portion of their

reservation, to the Committee on Indian Affairs.

By Mr. DARRALL: The petition of Jean Louis Comeaux, for pay for services in enlisting and recruiting men for the United States Army, to the Committee on Military Affairs.

By Mr. DIBRELL: A paper relating to a post-route from Parksville, Tennessee, to Alaculsy Valley, Georgia, to the Committee on the Post-Office and Post-Roads.

Also, the petition of L. S. Dearing, for an increase of pension, to the

Also, the petition of L. S. Dearing, for an increase of pension, to the Committee on Revolutionary Pensions.

Also, the petition of Mrs. Jane Richesin, for pay for stores taken and used by the United States Army, to the Committee on War Claims.

By Mr. EAMES: The petition of David Ballou and others, of Providence, Rhode Island, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. FREEMAN: The petition of the Board of Marine Underwriters of Philadelphia, that the disability that now rests upon insurance companies with reference to their status before the court of commissioners on the distribution of the Geneva award fund by recommissioners on the distribution of the Geneva award fund by recommissioners on the distribution of the Geneva award fund be re-

moved, to the Committee on the Judiciary.

By Mr. FOSTER: The petition of officers and members of the McPherson Monumental Association, to prevent the use of any money
contributed for the erection of a statue of the late General McPherson

at Clyde, Ohio, at any other place, to the Committee on Appropriations. By Mr. FULLER: The petition of Jonathan R. Silman and others, for pensions, to the Committee on Invalid Pensions.

By Mr. GARFIELD: The petition of Franklin C. May, for a pension, to the same committee.

Also, the petition of 104 citizens of Ashtabula, Ohio, for the repeal of the resumption act, to the Committee of Ways and Means.

Also, the petition of men of letters and science, for the repeal of

duty on certain books, to the same committee.

By Mr. GUNTER: Papers relating to certain land claims in Louisiana of Mrs. Myra Clarke Gaines, to the Committee on Private Land Claims.

By Mr. HARRIS, of Georgia: A paper relating to a post-route from Whitesburgh to Douglassville, Georgia, to the Committee on the Post-Office and Post-roads.

By Mr. HARTRIDGE: Memorial of the mayor and aldermen of the

Chamber of Commerce, of the Board of Trade, of the Central Railroad and Banking Company, and of the Atlantic and Gulf Railroad Company, of Savannah, Georgia, calling attention to the superiority of Savannah to Port Royal as a naval station, to the Committee on

Also, a memorial of citizens of Darien, Georgia, asking an appropriation for the improvement of the Doboy Harbor, to the Committee on

By Mr. HAYMOND: The petition of citizens of La Porte, Indiana, for the repeal of the check-stamp tax, to the Committee of Ways and Means

By Mr. HENDEE: The petition of Charlotte Abbott, for a pension, to the Committee on Revolutionary Pensions.

By Mr. HENKLE: The petition of the trustees of the Washington

Ci y Orphan Asylum, for pay for damages to the asylum building while leased by the United States, to the Committee of Claims.

By Mr. HOOKER: The petition of Thomas J. Wharton, for the payment of a claim audited and allowed by the judge of the United States district court for the southern district of Mississippi, to the

By Mr. HUBBELL: The petition of John S. Dixon and other citizens of Michigan, for an appropriation for the improvement of the Pine Rive, to the Committee on Commerce.

By Mr. HUNTON: The petition of the board of supervisors of Alex-

andria County, Virginia, for re-imbursement of moneys annually expended in supporting and educating certain poor, infirm, and crippled negroes, who were located by the Freedmen's Bureau at the village called Freedmen's Village, in said county, to the Committee of Claims.

Also, the petition of Henry and Lorenzo Thomas, for pay for property taken and used by the United States Army, to the Committee on War Claims

Also, the petition of the heirs of F. F. Bowen, for pay for a woolen factory destroyed by the United States Army, to the same committee. By Mr. KASSON: The petition of Professor C. S. Lyman and oth-

ers, of Yale College, and citizens of Connecticut, for further legisla-tion in favor of the metric-decimal system of weights and measures, to the Committee on Coinage, Weights, and Measures. Also, the petition of Charles G. Rockwood and other citizens of New

Jersey, of similar import, to the same committee.

By Mr. KIDDER: The petition of H. M. Davis and 100 other citizens of Bismarck, Dakota, for a post-route from Bismarck to the Black Hills, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Charles Housemann for relief, to the Committee on Public Lands.

By Mr. LANDERS, of Indiana: The petition of Hiram Mathews, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Margaret A. Northen and Anna Koeniger, for

pensions, to the same committee.

By Mr. LUTTELL: Remonstrance of W. S. Hampton and 100 other

citizens of Mendocino County, California, against the passage of the House bill relating to the confirming of title to certain lands in the

Albion land grant in California, to the Committee on Public Lands.

By Mr. LYNDE: Memorial of Philip Hilke and 310 other citizens of the United States, for an amendment to the Constitution abolishing the Senate of the United States, to the Committee on the Revision of the Laws

By Mr. MAISH: The petition of William Harvey, for the payment to him of \$15,000, money lost by him during his life while under secret and clandestine influences, to the Committee of Claims.

By Mr. MILLIKEN: The petitions of J. W. McClanahan and C. T.

By Mr. MILLIKEN: The petitions of J. W. McClanahan and C. T. Eubanks, for pay for property taken and destroyed by the United States Army, to the Committee on War Claims.

Also, papers relating to the claim of J. W. Bowling, for pay for fifty barrels of whisky libeled and sold by a United States district court in Kentucky, to the Committee of Claims.

By Mr. O'BRIEN: The memorial of A. G. Hammond, for relief, to the Committee on Military Affairs.

the Committee on Military Affairs.

By Mr. PARSONS: Memorial of J. F. Buckner, collector of inter-

relief from payment of amount of the defalcation of George N. Jackson, a clerk in his office, to the Committee of Ways and Means.

Also, papers relating to the petition of Brannin, Summers & Co., to have refunded to them the duties paid on imported goods wrong-

fully collected from them, to the same committee.

By Mr. PHELPS: Papers relating to, the petition of Samuel H. Canfield, for re-imbursement of money robbed from the post-office at Seymour, Connecticut, to the Committee of Claims.

By Mr. PHILLIPS, of Kansas: Concurrent resolutions of the Kansas Legislature, relating to railroad lands in that State, to the Committee on the Judiciary.

By Mr. POPPLETON: The petition of John G. Youngblood, John G. Reese, J. B. Spencer, Mrs. A. E. Strong, and 385 other citizens of Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

Also, the petition of C. J. Feitt, L. G. Haines, C. P. Simmons, and

165 other citizens of Cambridge, Ohio, of similar import, to the same committee

By Mr. POTTER: The petition of 81 citizens of Centreville, Michigan, for authority for a bridge to be constructed across the river at

Detroit, Michigan, to the Committee on Commerce.

By Mr. RIDDLE: The petition of Alfred M. Tinsley, for a pension, to the Committee on Invalid Pensions.

By Mr. ROBBINS, of Pennsylvania: The petition of John Coltman,

for relief, to the Committee on Revolutionary Pensions.

By Mr. SAVAGE: The memorial of W. Worthington, for relief, to the Committee of Claims.

By Mr. SEELYE: Memorial of the Boston Society for Medical Ob-

to the Committee on Coinage, Weights, and Measures, to the Committee on Coinage, Weights, and Measures.

Mr. SMITH, of Georgia: A paper relating to a post-route from Morven to Indian Creek Mills, to the Committee on the Post-Office and

Post-Roads.

Also, a paper relating to a post-route from Newton Haggard's Mills,

to the same committee.

By Mr. STONE: The petition of citizens of Saint Louis, Missouri, for Congress to fix the channel-line of the Mississippi River between the Illinois and Saint Louis bridge and the river Des Peres, in accordance with the recommendation of Colonel J. H. Simpson and the line adopted by the city council of Saint Louis, and for an appropriation for the closing of the present eastern channel of the Mississippi River, to the Committee on Commerce.

By Mr. STRAIT: A paper relating to certain post-routes in Minnesota, to the Committee on the Post-Office and Post-Roads.

By Mr. SWANN: The petition of Mary Clagett, for a pension, to the Committee on Revolutionary Pensions. By Mr. THOMPSON: The petition of Louisa E. Lunt, of similar im-

port, to the Committee on Invalid Pensions.

By Mr. VANCE, of North Carolina: The petition of Joel W. Cooper, for a pension, to the same committee.

Also, the petition of Levi Sutton, for relief, to the Committee on

By Mr. WALDRON: The petition of Aaron Good, for pay for services rendered in burying United States and confederate soldiers who fell at Antietam, South Mountain, and Gettysburgh, to the Committee on War Claims.

By Mr. WALKER, of Virginia: Memorial of the tobacco-dealers and manufacturers of Richmond, Virginia, for the repeal of the import duty on mass and stick licorice, to the Committee of Ways and Means. By Mr. WALSH: The petition of Anna Ella Carroll, for compensa-

war, to the Committee on Military Affairs.

By Mr. WHITE: The petition of 1,000 citizens of the ninth congressional district of Kentucky, for an appropriation for the improvement of the Cumberland River above Cumberland Falls, to the Com-

mittee on Roads and Canals.

By Mr. A. S. WILLIAMS: Memorial of 190 citizens of Detroit, for an amendment to the Constitution abolishing the office of President and transferring the Executive functions to the administrative coun-

and transferring the Executive functions to the administrative conficil or congressional committee, to the committee on the Judiciary.

Also, a memorial of the disabled United States soldiers at the National Home, relative to the inequality of the pay of retired officers and pensioned officers of the same rank and disability, to the Com-

mittee on Military Affairs.

By Mr. WILLIAMS, of Wisconsin: The petition of Nathaniel B. Burtch, for a pension, to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Alabama: A paper relating to a post-road from Ozark to Geneva, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. WOOD, of Pennsylvania: The petition of citizens of Swede-land, Montgomery County, Pennsylvania, for aid to be extended to the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. YEATES: Memorial of citizens of Martin County, North Carolina, favoring the payment of the claim of John G. Watts, to the Committee of Claims.

Also, the petition of James R. Parker, for bounty and back pay, to

the same committee.

Also, a paper relating to a post-route from Manteo to Stumpy Point, North Carolina, to the Committee on the Post-Office and Post-Roads. Also, a paper relating to a post-route from Harrellsville to Poinell's Cross-Roads, to the same committee.

By Mr. YOUNG: The petition of Boyd & Watt, of T. C. Finney, of John J. Hill, and of Samuel McKenna, for pay for property taken and used by the United States Army, to the Committee on War Claims.

# IN SENATE.

### TUESDAY, February 15, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved.

### EXECUTIVE COMMUNICATION.

The PRESIDENT pro tempore presented a letter from the Secretary of War, transmitting the final report of Major G. K. Warren, Corps of Engineers, on the improvement of the route of water communication between the Mississippi River and Lake Michigan along the valleys of the Fox and Wisconsin Rivers, and a letter of the Chief of Engineers submitting the same, recommending that the report, maps, and dia-

grams accompanying the report be printed.

Mr. WINDOM. I move that the report, maps, and diagrams be printed, and referred to the Select Committee on Transportation-Routes to the Seaboard.

The motion was agreed to.

#### PETITIONS AND MEMORIALS.

Mr. WRIGHT presented a joint resolution of the General Assembly of the State of Iowa, relating to the Des Moines River land grant; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD; as follows:

Whereas the title of the lands known as lands of the Des Moines River grant, up and along the Des Moines River above the mouth of the Raccoon Fork, after long years of litigation, are still unsettled: Therefore, Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed and our Representatives requested to use their utmost influence and so vote for such congressional legislation as will, as far as just and practicable, secure the settlers on the lands of said grant titles to their homes and forever settle the title to and ownership of the lands of this grant.

Resolved, That the secretary of state be, and is hereby, instructed to forward a duly certified copy of the foregoing preamble and joint resolution to each of our Senators and Representatives in Congress.

JNO. H. GEAR,

JNO. H. GEAR, Speaker of the House. J. G. NEWBOLD, President of the Senate.

STATE OF IOWA,
Office of Secretary of State, ss:

I, Josiah T. Young, secretary of state, ss:

I, Josiah T. Young, secretary of state of the State of Iowa, do hereby certify that
the above and foregoing is a true copy of a certain joint resolution passed by the
sixteenth General Assembly of the State of Iowa, relative to certain lands known
as lands of the Des Moines River grant.

In testimony whereof I have hereunto set my hand and affixed the great seal of

In testimony whereon a base of the State.

Done at Des Moines this — day of February, A. D. 1876.

JOSIAH T. YOUNG,

Secretary of State.

Mr. INGALLS presented papers pertaining to the application of Amos Chapman to be allowed a pension on account of wounds received in action while acting as a scout in the employ of the United States forces in the Indian Territory and Texas in September, 1874; which were referred to the Committee on Pensions.

Mr. KERNAN presented the petition of David Klein, inventor of a state of the property of the presented the periods of the periods of the presented the periods of the presented the periods of the presented the periods of the peri

patent ponton bridge, praying compensation as royalty for the use of the patent by the Government; which was referred to the Com-

mittee on Commerce.

He also presented the petition of George N. Barber, late a private in Company G, Fourteenth Regiment New York Volunteers, praying to be allowed a pension; which was referred to the Committee on

Mr. BOOTH-presented a petition of citizens of California, praying that, as the best interests of the State and the welfare of the people demand it, the land on the line of the proposed Southern Pacific Railroad, between the town of Hollister, in the county of Monterey, and the station of Joshen, in the county of Tulare, in said State, be restored to the public domain; which was referred to the Committee on Public Lands.

Mr. WHYTE presented a memorial of the Legislature of Maryland, suggesting the necessity of a fish-way over the Great Falls of the Potomac, and praying the passage of an act authorizing its erection by the Government of the United States and appropriating a sum of money for that purpose; which was referred to the Committee on

He also presented the petition of William H. French, jr., late first lieutenant United States Army and Indian agent at Crow Creek, praying the passage of an act authorizing the accounting officers of the Treasury to adjust and settle a charge against him in the Office of the Second Additor of \$16,000; which was referred to the Committee on Military Affairs.

He also presented the petition of William Devries & Co.; Johnson, Sutton & Co., and other prominent merchants and business firms of Baltimore, Maryland, praying for the repeal of the general bankrupt

law and the acts supplemental thereto; which was referred to the Committee on the Judiciary.

Mr. COCKRELL presented the petition of citizens of Missouri, late soldiers of the United States in the volunteer service, praying for an equalization of bounties; which was referred to the Committee on

Military Affairs.

Mr. ENGLISH presented the petition of R. W. White and others, late members of the Metropolitan police force of the District of Columbia, stating certain grievances, and praying to be granted a new hearing upon the charges preferred against them, and upon which they were relieved from duty; which was referred to the Committee on the District of Columbia.

Mr. THURMAN presented the petition of Thomas Worthington, of Warren County, Ohio, praying compensation for water delivered to the troops at Camp Dennison, Ohio, during the late war, under a contract; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 324) to authorize deposits by clerks and other officers of courts in banks other than designated depositories,

and other officers of courts in banksother than designated depositories, to report it back adversely. The committee are of opinion that the law ought not to be changed in this case.

Mr. WRIGHT. I ask that that bill go upon the Calendar. The PRESIDENT pro tempore. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 46) granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Commany across the Eart Walla Walla military reservation in

road and telegraph line to the Walla walla and Columbia River Railroad Company across the Fort Walla Walla military reservation, in Washington Territory, reported it with amendments.

He also, from the same committee, to whom was referred the petition of A. Werninger, jr., late of the Sixth Wisconsin Cavalry, praying to be allowed the pay of a second lieutenant from February 3, 1865, to March 25, 1865, the time during which he was a paroled prisoner of war and could not be mustered as such lieutenant, submitted a report, accompanied by a bill (S. No. 443) for the relief of Alstorphens Werninger.

The bill was read and passed to a second reading, and the report was ordered to be printed.

Mr. HITCHCOCK, from the Committee on Territories, to whom was referred the bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government and for the admission of the said State into the Union on an equal footing with the original States, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads,

to whom was referred the petition of Daniel Stickney, of Presque Isle, Maine, praying to be re-imbursed for money-order funds stolen from him while postmaster, August 17, 1873, submitted a report thereon, accompanied by a bill (S. No. 446) for the relief of Daniel Stickney, of Presque Isle, Maine.

The bill was read and passed to a second reading, and the report was ordered to be printed.

#### BILLS INTRODUCED.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 444) to establish a certain post-road; which was read twice by its title, referred to the Committee on Post-Offices

Mr. BOOTH asked, and ordered to be printed.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 445) for the relief of settlers on public lands in the State of California; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

#### PAPERS WITHDRAWN.

#### Mr. MAXEY. I offer the following order:

Ordered. That the claimants in the case of Henry Warren, for Indian depreda-tions, have leave to withdraw the papers in the case from the files of the Senate.

There is a bill pending before the Indian Committee of the other House covering this claim. A portion of the testimony filed has been I find the claim recommended by the Secretary of the Interior, and I want to withdraw the testimony here and file it in the House.

The PRESIDENT pro tempore. The Chair hears no objection, and

that order will be made.

#### REPAVING PENNSYLVANIA AVENUE.

Mr. SPENCER, from the Committee on the District of Columbia, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on the District of Columbia be, and are hereby, instructed to inquire into the necessity of repaving Pennsylvania avenue from the Capitol grounds to Fifteenth street; to ascertain the best material to be used, the cost of the same, and the proportionate amount to be borne respectively by the United States and property-holders along said avenue; and to report by bill or

#### PENSION APPROPRIATION BILL.

Mr. MORRILL, of Maine. I move that the Senate proceed to the

Mr. MORKILL, or Maine. I move that the Senate proceed to the consideration of the pension appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1877.

The bill was reported from the Committee on Appropriations with

amendments.

The first amendment of the committee was in lines 7 and 8 to strike out the words "\$12,800,000;" in line 9 to strike out "\$14,100,000" and insert the word "and;" and in line 11 to strike out "one million five" and insert "twenty-eight million four;" so as to read:

That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated for the payment of pensions for the fiscal year ending June 30, 1877: Pensions for Army invalids, for widows, minors, and dependent relatives, and for survivors and widows of the war of 1812, \$22,400,000, including such contingent expenses as may be authorized by the Commissioner of Pensions; fees for preparing vouchers and administering oaths, \$250,000; fees of examining surgeons, \$100,000; compensation to pension agents and the expenses of the several pension agencies, \$200,000 as provided under the act of June 6, 1874, and of March 3, 1873; also for furnishing artificial limbs or apparatus for resection, with transportation or commutation therefor, \$50,000.

Mr. DAVIS. As is known, I am a member of the Committee on Mr. DAVIS. As is known, I am a member of the Committee on Appropriations, but I disagree with the amendments reported by that committee to this bill. My judgment is that the amendments ought not to be concurred in by the Senate. The House, as it will be observed, passed the bill designating how this \$23,400,000 should be appropriated, \$12,800,000 for Army invalids, \$14,100,000 for widows, minors, and dependent relatives; \$1,500,000 for survivors and widows of the war of 1812, &c. The amendment consolidates these items. The object is the same in both cases. I am in full sympathy with the bill, but I think that the items of appropriation should be kept separates and distinct. In the Book of Estimates the Department separates the items and recommends just the amount that the House has proposed, and in the way the House has proposed. The Committee on Appropriations of the Senate, owing to some reason which the chairman no doubt will give in the department of back leaves the latest that the senate of the s man no doubt will give in the department of book-keeping, thought it best to consolidate the items. My impression is, after carefully examining the report of the Commissioner of Pensions, that the bill should be passed as it has come from the House in this particular. Therefore I hope the Senate will not concur in the amendments recommended by the committee. The amount is the same in both cases. There is no difference in that respect, but it conforms with the Book of Estimates to have the bill remain as the House have sent it to us.

Mr. MORRILL, of Maine. I will make a brief statement in regard to this matter. The bill as it comes from the House of Representatives appropriates about the same sum as last year, or rather a slightly tives appropriates about the same sum as may year, or racher a signify smaller sum. Now, what are the amendments of the committee † By the bill as it comes from the House the items of expenditure for widows, minors, and dependent relatives, for Army invalids, and for survivors and widows of the war of 1812 are distinct. The Senate committee has amended the bill so as to blend them all together.

That has been the way in which these appropriations have been made heretofore. The object is this: If you separate them, you make as many distinct accounts as you have subjects. It will be seen that the subjects are germane; that they all really form one subject. the subjects are germane; that they all really form one subject. When you classify them you make so many different accounts and of course you add very much to the labor both in the Pension Office and throughout the whole country at all the pension agencies. That is all the difference, and precisely what it is.

Mr. EATON. I would like to ask the Senator from Maine if the amendments change the amount appropriated?

Mr. MORRILL, of Maine. Not in the slightest.

Mr. EATON. In no particular?

Mr. MORRILL, of Maine. In no particular whatever. We have adopted the hill so it comes to us from the House of Representatives.

adopted the bill as it comes to us from the House of Representatives, upon examination found to conform to the estimates and according to the statements of the Department; but this change is a mere transposition of the classification. Instead of specifying each class, we group them. The amendment is in harmony with the methods which have always obtained, and we have no information on the subject that any difficulty has grown out of it. The proposition is made for the purpose of obviating the necessity of several classes of accounts. The expenditures relate only to pensions. As to expenditures for pension agents and the like, we have followed the order adopted by the House of Representatives, which was to classify them and make them distinct, as that would not necessarily incur any additional expenditure the Committee on Appropriations of the Senate followed the secadopted the bill as it comes to us from the House of Representatives, ture, the Committee on Appropriations of the Senate followed the action of the House; but we are entirely satisfied, on a careful examination of the whole case, that there would be no security to the public by adopting the new method, and we followed the old and uniform way of doing it, believing that the method adopted by the House, which I think is imperfect, would increase the labors, both in the

Pension Office and also at the pension agencies in the country at large.
Mr. DAVIS. Mr. President, the chairman of the Committee on Appropriations perhaps has not examined the pension report. If he will turn to page 5, he will find that the accounts are now kept separately. On page 5 we find that the Army invalid pensions for the fiscal year 1874 cost \$10,055,654.90 and for 1875 \$10,961,218. So the report goes on to give the amounts paid to Army widows, survivors of the war of 1812, the widows of 1812, the Navy invalids, and the Navy widows. The accounts are all kept separate now in the Department, and have been kept that way, as I understand, from the begin-

ning of the Government.

Further, the numbers on the rolls of the last year and previous years are reported in separate items, and not consolidated, and in the estimates submitted by the Department for the present year you will find that they are separated there. In the Book of Estimates they are net consolidated, as is proposed now by the Committee on Appropriations, but are separated, as the bill passed the House.

I conceive that it is much the best way to separate them from the fact that we then always know just what each division costs (for they are paid in divisions) in the Bureau of the Commissioner of Pensions. There are six classes: Army invalids; Army widows, minors, and dependent relatives; survivors of the war of 1812; widows of the soldiers of the war of 1812; Navy invalids; and Navy widows, minors, and dependent relatives. In total there are 234,821 persons on the pension-list, and the reason why the classes ought to be kept separate I can readily assign.

If you take up the pension-roll you will find that for the year 1875 it includes 234,821 pensions, and the amount paid in the total, though it is separated into six different classes, reached \$23,259,519 59. Now if you take the actual amount asked for in this bill to be appropriated you will find that it is \$29,500,000 or \$3,200,000 more than the actual roll calls for. So there was a difference in last year of over \$3,000,000, or, to be exact, \$3,393,692.04 between the roll of pensioners and the amount expended for pensions. This \$3,300,000 is expended in some way or other; for it does not go, according to the report of the Commissioner, to the pensioners. I will say here that the entire expense of the Pension Department in Washington is provided for by the legislative and executive appropriation bill and not paid for out of the appropriations in this bill. The \$3,303,000 for 1875 was therefore for other purposes than to pay pensioners on the pen-sion-roll proper and the clerical force which includes three hundred and eighty-five persons employed here in the Pension Office. They are paid from an appropriation in the legislative and executive ap-

propriation bill, which is entirely independent of this appropriation.

Mr. EATON. What becomes of that \$3,393,000?

Mr. DAVIS. The chairman has a letter on that subject. I called Mr. DAVIS. The chairman has a letter on that subject. I called on the Commissioner of Pensions and had probably three conversations with him to know why this great difference was, which resulted in not a very satisfactory explanation to myself and also in a letter to the chairman of the Committee on Appropriations, which no doubt will be read, stating what in his judgment became of it, but I failed to see that it was all accounted for. It is true that some six or seven hundred thousand dollars of it is accounted for by the payment of pension agents and fees, and commissions at different places throughout the country. There are fifty-eight rension agents and that would out the country. There are fifty-eight pension agents, and that would make each one get a little less than \$8,000 for his expenses, fees, &c. There are some other expenses, of course, some limited expenses, such as printing blanks and one thing and another, which account for part of the sum, but the large amount of \$2,800,000, according to my recollection, is accounted for in gross as having been added to the pension-roll for pensions to persons who were added during the year or increased pensions; but it was my thought, and it is yet, and upon examination I state that the deaths, the remarriages, and the minors coming of age ought to fully balance the new pensioners coming on the rolls, and the facts prove that the pension-roll has decreased last year between one and two thousand persons.

These amendments make no difference in the gross amount, but by These amendments make no difference in the gross amount, but by keeping the accounts separate and distinct it will always be known to Congress and to the country just what each division of pensioners costs the Government. I believe that it is far the best to keep these pension accounts separate, as provided in the bill that comes from the House, and not to consolidate them. Evils might grow out of this consolidation. True, it may be an extreme case to suppose so, but on the same principle you might say the Government costs \$200,000,000 to run and just appropriate the entire amount. Certainly that would be dangerous. I think we ought not to agree to the amendments of the committee.

Mr. MORRILL, of Maine. My honorable friend undoubtedly thinks so; but if it added anything to the public security in any way I should not disagree with him about it.

Mr. MERRIMON. I beg to ask the chairman, before he passes on, what objection is there to appropriating the money as provided by

Mr. MORRILL, of Maine. That I tried to state when I was up before, but I suppose my honorable friend was not in his seat. The only objection in the world is that it compels the Office to keep separate accounts of each class of items. Instead of one class relating to the whole subject of invalid and other pensions, it requires a separate account and separate books to be kept of each. That is all there is of it so far as the Department is concerned.

Mr. COCKRELL. Permit me to ask a question. The Senator from West Virginia has said that they already keep their accounts separate.

Mr. MORRILL, of Maine. The Senator undoubtedly thinks so. Mr. COCKRELL. How, then, will this increase the labor? That

Mr. COCKRELL. How, then, will this increase the labor? That is the question I wish to ask.

Mr. MORRILL, of Maine. So I understand. The Senator undoubtedly thinks so. The Bureau know what they pay out to each class, but they only keep one set of books, whereas if the bill passes as it came from the House they would require separate books for each class. I am not an expert in the manner of book-keeping at the Bureau, but I will send to the Clerk's desk and ask to have read a communication from the Commissioner of Pensions, which is the information we have in regard to the inconvenience of the proposed method of keeping the books.

Before the letter is read, however, I wish to say while I am up that

Before the letter is read, however, I wish to say while I am up that, in addition to the inconvenience and labor which I understand by this bill would be imposed on the Department, the same difficulty would extend to the country service as to the pension agents. Now these pension agents draw money from the Treasury Department on requisitions which they make near the close of each quarter, in which they specify the amount of money they will need to cover the pensions of their particular districts. They draw the aggregate sum. For instance, in the city of Saint Louis, where the payments are pretty large, probably a million of dollars, if they were required to specify how much precisely it would take for each class, they would be unable to do that precisely, because the pensioners are constantly changing—changing by death, changing by absence, by going to another part of the State, another district, &c. So there would be a difficulty about that, and, as you will see by this communication from the Commissioner of Pensions, they never could know precisely the amount they should send to a pension agent. They would either have to send a larger amount than they would like to send, and than was necessary, or they might come short in one of the particular classes owing to the inability of the pension agent at any particular time to indicate the precise amount that might be required for each class.

This, together with the book-keeping, was the chief difficulty which pension agents draw money from the Treasury Department on requi-

This, together with the book-keeping, was the chief difficulty which led the committee to conform to the old method in this respect of making the appropriation. That is all there is in it. It is not very important so far as security to the public is concerned. The whole of it rather relates to a matter of convenience and expense as to keep-

ing the books in the Commissioner's Bureau.

Mr. EATON. I do not quite see the force of the honorable Senator's Mr. EATON. I do not quite see the force of the nonorable Senator's remarks. He takes the pension agent at Saint Louis. If the pension agent at Saint Louis can inform the Department how much he wants, if he desires \$3,550,000, he certainly can tell how much he wants for each department of his agency; else he cannot make up the whole

amount.

Mr. MORRILL, of Maine. If my honorable friend will allow me, the difficulty is that there are six distinct classes. If he were required to make his requisitions on the Treasury for precisely what he wants for each class, it would be impossible for him to tell.

Mr. EATON. How then can he tell how much he wants in gross?

Mr. MORRILL, of Maine. He cannot tell exactly what he wants in gross; he never can tell; there may be a little surplus. But the difficulty is that if we make the appropriation for each class it must in gross; he never can ten; there may be a none surplus. Due the difficulty is that, if we make the appropriation for each class, it must be paid to each class specifically, and if he does not draw precisely the amount that we have allowed for each class, and it falls short, then, as a matter of course, he has not the funds; he has to make

another requisition, because the money must be paid out precisely as it is appropriated. Does my honorable friend understand it? That is all there is of it. My friend from California [Mr. SARGENT] suggests that meanwhile the pensioner must be delayed. Anybody can see that this is not a very vital matter in any way. It is simply a matter touching the convenience of the distribution of this fund, and that convenience or inconvenience extends as well to the Department of the Interior as to the country at large. Now I ask to have the communication read.

The PRESIDENT pro tempore. The communication will be reported. The Chief Clerk read as follows:

The Chief Clerk read as follows:

Department of the Interior, Pension Office,
Washington, D. C., January 28, 1876.

Sir: I beg to call your attention to the construction of House bill 811, making appropriations for the payment of pensions for the year ending June 30, 1877, wherein itemized appropriations are made for each class of pensioners and each specific purpose mentioned therein, instead of a single aggregate appropriation, as in the bills of previous years.

Much inconvenience, additional labor, and embarrassment will result if the appropriations are thus made. Separate accounts will have to be opened under each head and requisitions and remittances made under each. An agent now paying Army pensions has a single remittance made to him from the appropriation for Army pensions, which he can use for the payment of any class of pensioners, as vouchers are presented, till exhausted. If specific appropriations are made for each class, a remittance from each appropriation will have to be made simultaneously to meet the demands of pensioners of each specific class. Should the remittance for any class of pensioners be insufficient, that class would be denied payment while others would be paid. This would cause much complaint and be difficult of satisfactory explanation. So, at the close of a fiscal year, the appropriations for a certain class, based upon a very close estimate, might by unexpected legislation or allowances be found insufficient while a more than ordinary decrease in the allowances to or number of pensioners of another class might leave a surplus of the appropriation for them, which could not be used to meet the deficiency in the other.

Very respectfully, your obedient servant,

H. M. ATKINSON, Commissioner.

Hon. Lot M. Morrill, Chairman Senate Committee on Appropriations.

Mr. MORRILL, of Maine. I send to the Chair a further communication from the Commissioner of Pensions, and ask that that be read, as it is explanatory of what appears to be a discrepancy.

The Chief Clerk read as follows:

The Chief Cierk read as 1010ws:

Department of the Interior, Pension Office,
Washington, D. C., February 5, 1876.

Sir: I have the honor to submit the following explanation of items in my annual report for the fiscal year ending June 30, 1875, upon which is based the estimate for appropriation asked for the approaching fiscal year, referring to the tables in report for a more detailed exhibit of the items embraced in each. The annual amount of all pensions on the Army-roll, as shown in table C, page 22, of report was.

\$25, 816, 445 84

Annual amount of pensions on Navy-roll as in table G, page 25,
was.

473, 473 75

These amounts are obtained from the tables showing the rates of pension and number to each rate of invalids, (K, pages 31, 32, and 33,) and tables of ranks and number to each rank of widows and dependent relatives, (O, page 37, and P, page 38,) adding \$2 per month for each child. Pensions of the war 1812 are computed at \$96 each.

The amount disbursed during the fiscal year was:

For Army pension, table B, page 21. \$29, 162, 768 16
For Navy pensions, table F, page 24. \$29, 348 47

29, 683, 116, 63

29, 683, 116 63 amount disbursed, \$29,683,116.63, is \$3,393,597.04, which arises from expenses of disbursement, payments to examining surgeons, and payment of arrears of pension, as follows:

2010 00	
1. Payments to pension agents:	
For salaries	\$212,740 06
For fees on vouchers	214, 523 00
For postage	9, 362 04
For office safe	575 00
For stationery	12, 830 39
For periodical, ordered, and special examinations	57, 291 36
For postage on accounts to this Office	1,086 01
3. Arrears of pension on claims admitted during the fiscal year, as follows:	
Original Army, 10,212; original Navy, 284; increase Army, 15,410, and increase Navy, 151, amounting to	2, 885, 189 18

3, 393, 597 04

3, 393, 597 04

The annual amount of the roll for the present fiscal year will be but little, if any, less than that shown above, while the aggregate of the expenses of disbursement, payments to surgeons, and for arrears in admitted cases, will probably not differ materially from the figures given.

Very respectfully,

H. M. ATKINSON,

Hon. LOT M. MORRILL, United States Senate.

Mr. DAVIS. Mr. President, it will be noticed that a very large amount, \$2,800,000, is added in one lump by the letter from the Pension Bureau for increased pensions, making no allowance for deaths, remarriages, and children becoming of age, as between the roll and the amount actually expended. I made the best effort that I knew how to satisfy myself that that was correct and proper. I called at the Pension Office more than once, and with the best feeling toward the bill and with a sympathy for the pensioners I was willing to allow a great many dollars beyond what I could see myself;

but the amount appears to be so large that to my mind it cannot be correct. I call the attention of the Senate to the fact that there are \$2,800,000 added to the roll for what are called increased pensions. It is a known fact that the pension-roll is decreasing; for instance, in the year just past, 1875, there are nearly twelve or thirteen hundred names less on the roll than there had been the previous year. They reached their maximum number five years ago, and have been decreasing each year since. Now, the decrease from deaths, remarriages, and minors becoming of age ought to be, and in my opinion is, greater than the becoming of age ought to be, and in my opinion is, greater than the increase; so that I am unable to see the reason for this great difference; and one of the aids I think in discovering it will be to keep these accounts separate. It will be noticed that they are now kept separate in fact. They are so in the Book of Estimates that the Department sends to us. They separate the items into dollars and cents, giving the precise amounts, showing that what is aimed at is already done in the Pension Bureau. My judgment is that it will cause increased carefulness and prevent these funds being put together in such a way that one can be used to pay another; and in many cases money go without properly accounting for it. The large amount of expenditure over the roll, which calls for \$26,000,000, and the actual expenditure, \$29,000,000, in round numbers, is \$3,000,000, and that is too great a difference to be accounted for by increased pensions. is too great a difference to be accounted for by increased pensions. However, this is a question that involves no dollars as to the appropriation; but I shall follow this with additional amendments, which I understand the committee will agree with me in, providing some

further guards.

Mr. WALLACE. I do not regard the objections of the Senator from West Virginia as vital. I was not present at the session of the Committee on Appropriations when this bill was considered; and I rise now to call attention to the vast increase of expense to the Govrise now to call attention to the vast increase of expense to the Government in getting to the pensioners the money we appropriate. We expend this year, if we follow the estimate of the Commissioner of Pensions, nearly one and a quarter millions of so send twenty-nine millions of money to the pensioners. If we take the fiscal year 1867, we find that it cost us but about \$1.70 per \$100 to send money to the pensioners, while now it costs us \$4.20. We find the expenses of the Pension Department proper during that year, in which there was sent \$25,400,000 to the pensioners, to have been but \$230,000, while now there is an appropriation asked for by the estimates of \$490,000. There were then one hundred and seventy-five employés in this Department, while now we have three hundred and eighty-five. These are matters that seem to me to call for attention on the part of Congress and to be a subject upon which we can very properly

of Congress and to be a subject upon which we can very properly make retrenchment. I do not desire to thrust it now on the attention of the Senate or interfere with the passage of this bill; but when the subject of the expenses of the Pension Department proper shall come before the Senate, I shall ask the Senate to consider it.

The PRESIDENT pro tempore. The question is on the amendment reported by the Committee on Appropriations, which has been read.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment of the committee will be reported.

The CHIEF CLERK. The next amendment of the committee is on page 2, lines 24, 25, and 26, to strike out—

Surgeon-General's Office, as provided under the act of June 18, 1874.

And to insert:

Surgeon-General of the Army, and in accordance with existing laws. So as to read:

Provided, That the same shall be expended and disbursed under the direction of the Surgeon-General of the Army, and in accordance with existing laws.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was in line 27, to strike out "\$190,000" and insert "and;" and in line 29 to strike out "335" and insert "525;" so as to make the clause read:

For Navy pensions, to invalids, and for widows and dependent relatives, \$525,000.

The amendment was agreed to.

The next amendment of the committee was on page 3, lines 39 and 40, to strike out "Surgeon-General's Office" and insert "Surgeon-General of the Army;" so as to read:

For furnishing artificial limbs or apparatus for resection, with transportation or commutation th refor, \$2,000, which appropriation shall be expended under the direction of the Surgeon-General of the Army.

The amendment was agreed to.

The amendment was agreed to.

Mr. DAVIS. In line 12 we find after the word "dollars" the words "including such contingent expenses as may be authorized by the Commissioner of Pensions." The contingent expenses are part of the three millions I was talking about. I desire to throw additional safeguards about that. I move in line 13 to strike out "authorized" and insert "recommended" and after the words "Commissioner of Pensions" to insert "and approved by the Secretary of the Interior." The object of the amendment is that the Secretary of this office may have some supervision ever the contingent expenses of this office. may have some supervision over the contingent expenses of this office. May have some supervision over the contingent expenses of this office. As it is now, the Commissioner of Pensions alone has it in his discretion. The bill takes it from the head of his Department, as I understand, and gives it to him. I believe the committee, or at least the chairman whom I have consulted, concurs in this amendment.

Mr. MORRILL, of Maine. I have no objection to the amendment.

The amendment was agreed to.

Mr. DAVIS. The amendment we have just made relates to the Army pensions. In lines 35 and 33 you will find the same provision as to the Navy pensions. I suggest that the same amendment be made there.

The PRESIDENT pro tempore. The Secretary will report the pro-

posed amendment.

The CHIEF CLERK. It is proposed, in line 35, to strike out the word "authorized" and insert "recommended" and after the word "pen-

sions," in line 36, to insert "and approved by the Secretary of the Interior."

The amendment was agreed to.

Mr. DAVIS. It will be seen by the letter of the Commissioner, read this morning, that there would be no necessity for that explanation if it were not for the fact that in his annual report he does not give any account of his contingent expenses. There are upwards of \$3,000,000 of contingent expenses in that office. Now, I think that, if he spends a thousand or a hundred thousand or a million dollars, the fact ought to be stated in his annual report. I have carefully examined his annual report, and there is nothing in it as to the contingent expenses, not even the amounts paid to pension agents or the surgeons who examine pensioners. It just goes in whosesale, so much. I propose, and on that I hope the committee will agree with me, something like this; I do not know that the exact wording is proper:

Hereafter it shall be the duty of the Commissioner of Pensions in his annual report to give a statement of the contingent expenses of the Pension Bureau.

The PRESIDENT pro tempore. The morning hour has expired.

Mr. DAVIS. We can soon finish this bill.
Mr. SARGENT. I trust we shall be allowed to get through with

this bill.

The PRESIDENT pro tempore. Is there objection to continuing the consideration of this bill?

Mr. EDMUNDS. Subject to a call for the regular order.

The PRESIDENT pro tempore. The Chair hears no objection to continuing the bill subject to a call for the regular order.

Mr. SARGENT. The contingent expenses, properly so called, are very small, not only not \$3,000,000, but probably not a tenth of that. I have no objection to the amendment as I understand it, but the Senator from West Virginia in his statement put the contingent expenses of the Pension Office at \$3,000,000. Two million eight hundred thousand dollars of the sum stated by him are accounted for a sestated penses of the Pension Office at \$5,000,000. Two million eight hundred thousand dollars of the sum stated by him are accounted for, as stated in the letter which has been read, by the increase of the roll caused by additionally allowed pensions, frequently by the legislation of Congress, which by a few lines, passed carelessly here, increase the cost of the roll two or three million dollars, bills which I have fought against and I think my friend from West Virginia has over and over again stood by me in opposing that careless legislation by high by again stood by me in opposing that careless legislation by hich by a few ill-considered lines the pension-roll is increased. While i believe in reasonable and fair pensions and that pensions should be extended to those who have suffered in serving the country, I do not elieve that Congress should be careless in doling out that justice.

The only thing I wished to remark on was the statement of my friend putting the contingent expenses at \$3,000,000 when, as the Com-

missioner distinctly states, \$2,800,000 of that amount is in one item by

the increase of the pension-roll which is no more a contingent expense than is the original item of the pension-roll.

Mr. DAVIS. When I sent my amendment to the desk I said that some amendment like that ought to be made; it was hurriedly written, and I was not sure that it was worded correctly. If my friend from California or the chairman of the committee can amend my amendment so as to cover the ground that I wish to cover, I shall be That is, I want to know how the sum constituting the difference between the roll and the actual amount expended is expended. There is now no statement of such expenses given by the Commissioner of Pensions, and I believe that in all other Departments such statements are given. As to the phraseology, I have no choice; but

statements are given. As to the phraseology, I have no choice; but I want to cover that ground.

Mr. EDMUNDS. Do not the accounts in the Treasury Department show what the items of the contingent expenses of the Commissioner of Pensions are or how much the aggregate is?

Mr. DAVIS. I have not examined the accounts in the Treasury Department, and have not had an opportunity to do so. My friend well knows it would take me a year to do it. The point that I want to cover is that in the annual report of the Commissioner of Pensions, where there is a difference between the roll of pensioners and the where there is a difference between the roll of pensioners and the actual amount expended, we ought to know how that difference is accounted for, whether it is a million or three millions of dollars—

accounted for, whether it is a million or three millions of dollars—whatever the amount may be. I do not say the items should be given with detailed particularity; but it should be stated how the money is expended. I take it, it is expended properly, but I think the country and Congress ought to know how it is expended.

Mr. EDMUNDS. So do I. I sympathize perfectly with the idea. My only inquiry was intended to be whether this is not making a duplication of the same duty; whether this officer is not now bound by law to report to his superior or to the Treasury Department his contingent expenses, and thus we get them before us through another channel. I merely rose for an inquiry on that noint. Certainly what channel. I merely rose for an inquiry on that point. Certainly what the Senator wishes to accomplish, in some way ought to be accom-plished. I think it must be the law now in some form.

plished. I think it must be the law now in some form.

Mr. DAVIS. I have no doubt the Senator is correct, that the ex-

penses must go through some auditor; but in the report given to the country the amount of these contingent expenses should be stated. I know there are some reports that contain many items that I think it useless to publish. Perhaps it is only necessary to give what has been stated in the letter that was read this morning, that so much goes for fees to the pension agents, fifty-eight of them. As I have stated, there are fifty-eight pension agents; and, if you take the list for 1875, you will find that the offices of these men cost about \$8,000 a piece on the average, some less probably and some a great deal more. If that be so, I think it ought to be stated in the Commission-

Mr. WRIGHT. I had an impression—I do not know that it reaches the case that the Senator from West Virginia refers to—that we had a general statute which covered this subject, as the Senator from Vermont has suggested. By reference to section 193 of the Revised Statutes of the United States it will be found that it is provided that-

The head of each Department shall make an annual report to Congress, giving a detailed statement of the manner in which the contingent fund for his Department, and for the Burcaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for any services rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent. And he shall require of the disbursing officer, acting under his direction and authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and shall communicate the results of such returns and the sums total, annually, to Congress.

I suggest that that covers the case.

Mr. DAVIS. If that be the law, and I suppose it is, why is it that in the pension report, which purports to represent the doings of that Office, there is not one word as to the expenditure of the sum that makes the difference between the amount the roll calls for and the amount actually expended? I want in the pension report a statement of what becomes of this large amount between what the roll calls for and the actual amount spent.

Mr. WRIGHT. I suggest to my friend whether he has examined the report of the Secretary of the Interior to see whether this report

has not been made.

Mr. DAVIS. I have.

Mr. WRIGHT. If it has been made, as it is required by law to be made, certainly there is no necessity for requiring it also from the Pension Bureau.

I take it that the Senator from Iowa, who is so well Mr. DAVIS. I take it that the Senator from Iowa, who is so well informed on all matters of this kind, knows that the Pension Commissioner's report comes through the Secretary of the Interior. It is in fact a part of his report. Now, if he will take that report and examine it carefully, he will see that there is not one word in it on this

Mr. MORRILL, of Maine. I think there is a little confusion here, perhaps. The information which the Senator from West Virginia thinks should be in the report of the Commissioner of Pensions is always to be found on our table. It has been on our table this year, and is in detail, item by item. If I understand the Senator from West Virginia, he desires that the Commissioner should report the items of the contingent expenditures of his Office. If I understand him right that is what he means. There is no great objection to that. He does substantially state that always. The Senator wants it a little more specific. He says there is now about \$3,000,000 as to which he does not precisely see how the Commissioner accounts for; but the letter the Commissioner sends here shows us how it is. He does not give us the items, but he explains precisely the sources of expenditure; and if anybody is desirious of knowing accurately and precisely what the items are, he can go to the report of the head of that Department whose duty it is, as shown by the Senator from Iowa, to give us in detail the particulars of the expenditures of any contingent fund.

Mr. EDMUNDS. He has given it this session, and it is in print now. Mr. MORRILL, of Maine. I think I have seen it on our tables. Mr. EDMUNDS. I understand it is already in print from the In-

Mr. EDBACKDS. I didderstand to is already in print from the interior Department covering the expenses of this very Bureau.

Mr. MORRILL, of Maine. Still the Senator from West Virginia thinks it would be a proper thing if the Commissioner of Pensions would state these sums, but not in detail, in his report which he is bound to make to the Secretary of the Interior. I understand that

to be all that the amendment requires.

Mr. DAVIS. The chairman of the Committee on Appropriations has stated the substance of what I desire the pension report to contain. In other words, when we examine the report of the Commis-

tain. In other words, when we examine the report of the Commissioner of Pensions, I want that of itself to explain this great difference, without having to go to some other report to find it. I want it there not in detail, but in substance as in his letter read this morning. Mr. WRIGHT. I do not know that there is any particular objection to this, but it does occur to me that, in view of this statute, the very thing that is sought here is required to be done now; and why shall we have a provision making it the special duty of the Commissioner of Pensions to do this and not apply to others as well? The law as it stands now requires the Secretary of the Interior to make this report not only of the contingent fund of his Department proper this report not only of the contingent fund of his Department proper, but of the contingent fund of every Bureau in his Department. That is required now, and not only the aggregate amount but the amount in detail as well. But if the chairman of the Committee on Appro-

priations deems that there is no objection to the amendment, I shall

not resist it, but it seems to me quite unnecessary.

Mr. MORRILL, of Maine. I do not think that it is necessary, but

Mr. MORRILL, of Maine. I do not think that it is necessary, but I do not see that it is particularly objectionable.

Mr. EDMUNDS. Will it not operate as a repeal, pro tanto as to the Pension Bureau, of the present provision of law which requires the Secretary of the Interior to give us the whole of the contingent-expense account of that Bureau? If by a later law we substitute a report from the Commissioner of Pensions alone, and leave that so indefinite, as the Senator from West Virginia wishes to do, as not to require a detailed statement but only a kind of generalized summary, I suppose, that would not be very expensive or very long, we run the risk of being told at some future session that the provision of law which the Senator from Iowa has read has been superseded by this other which is to take its place; and so instead of making an improvement we shall have gone downward in the line of enforcing accountability of public officers and get practically no information at all. I think there is some danger of this unless you put in a qualifying clause that this shall not be held to affect the present duty of these officers under the law to give us a detailed statement. I suggest that to the committee.

Mr. MORRILL, of Maine. Will the Senator from West Virginia

Mr. Mothers, or Maine.

Accept that suggestion?

Mr. DAVIS. Certainly.

Mr. EDMUNDS. Now, if the Senator will pardon me, I have in my hand the account of the contingent fund of the Pension Office for my hand the account of the contingent fund of the Pension Office for the fiscal year ending the 30th of June, 1875, being contained in House of Representatives Executive Document 13 of the Forty-fourth Congress, transmitted by the Secretary of the Interior on the 7th of December, 1875, which contains a detailed statement, of course altogether too long to read, of what I suppose make up the very things which my friend from West Virginia desires to have accounted for about the contingent fund. It purports to cover all the contingent expenses. Now there is no objection to this amendment except the mere additional expense it involves, if we do not by this provision distributes a very superficiently as in law it.

disturb the existing one which does give us practically, as in law it ought, complete information.

Mr. DAVIS. I think we all agree practically. I have not said that such a statement was not published anywhere; but my point is that it ought to be in the Commissioner of Pension's report. the expense, it would not be worth thinking of because the statement would be short. Let the Clerk read the amendment as it has been

modified

The PRESIDENT pro tempore. The amendment will be read as modified.

The Chief Clerk read as follows:

That hereafter it shall be the duty of the Commissioner of Pensions to report to the Secretary of the Interior in his annual report a statement of the contingent expenses of the Pension Bureau, to be by said Secretary communicated to Congress.

Mr. MORRILL, of Vermont. I suggest after the word "Bureau" to insert "as has been heretofore done" and strike out all that follows.

[Laughter.]

Mr. INGALLS. Would it not be better to say "in addition to the

report now required by law?"

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Vermont [Mr. Morrill] to the amend-

ment of the Senator from West Virginia, [Mr. DAVIS.]
Mr. MORRILL, of Maine. I want to say one word to my friend from West Virginia. By the amendment already made on the suggestion of that Senator this contingent fund is to be expended by the Secretary of the Interior.

Mr. DAVIS. On the recommendation of the Commissioner of Pen-

sions.

Mr. MORRILL, of Maine. Now, so far as the expenditure of the contingent fund is concerned, it is all to be under the control of the Secretary of the Interior. I submit to my friend whether his antecedent amendments do not make this proposition unnecessary? Has he not secured now, by the direct supervision of the Secretary of the Interior over this contingent fund, all that he possibly can by this amendment? If so, it is not necessary.

Mr. DAVIS. That is so to a very great extent. We have put an additional safeguard around the expenditure, and, if the chairman believes that is all that is necessary, I will withdraw the amendment.

Mr. MORRILL, of Maine. I think the Senator has accomplished all that he can accomplish by the other amendments. His first amendment holds the Secretary of the Interior directly responsible.

Mr. DAVIS. Then I withdraw the amendment; but I wish to say

Then I withdraw the amendment; but I wish to say Mr. DAVIS.

word on the bill.

The PRESIDENT pro tempore. The amendment is withdrawn.
Mr. DAVIS. I have two or three thoughts that I will throw out,
not for the Committee on Appropriations, but for the Committee on Pensions; and I hope the chairman of that committee will hear me. I think that there ought to be some additional safeguards thrown around the Pension Bureau to prevent frauds upon it. I believe that a very considerable portion of the money purporting to be paid to pensioners is paid fraudulently and wrongfully. I doubt very much whether many of the persons who are entitled to pensions really get them; and very many, in one manner or another, get them who are not entitled to them.

It has occurred to me that the pension agents might possibly be dis-

pensed with entirely, and pensioners be paid from the Pension Office here. Each pension agent costs about \$3,000 a year on an average; and there are fifty-eight of them. The system now is that the money in bulk, so many hundred thousand dollars, is sent to the various pension agents over the country. The agent deposits it in bank or elsewhere to suit himself; he draws his check, and sends it to the pensioner, through the post-office, wherever he may be over the country. It has occurred to me that all that work could be done here in the Pension Office. The post-office address of every pensioner is upon the record here; and the money could be sent to the postmaster of the place with directions to deliver it to the pensioner himself, and in many cases the pensioner would not be found probably. I believe pension agents could be entirely done away with, and a Government draft sent to the pensioner direct, which would be worth more to him than the check of the pension agent, living no matter where through the country. Very often the pensioner has to pay to have that check cashed, while, if it was a Government draft on New York, he would never have to pay a discount to have it cashed.

to pay a discount to have it cashed.

I throw out these thoughts in hopes that the Pension Committee will think of them. Again, I think that the system of examining surgeons is very defective. If you will look at the pension report for last year you will find that there are thirteen thousand persons whose pensions have been raised. How is it done? The pensioner lives in the country, the surgeon lives near him; through sympathy and through influence, and for one reason or another, he is got to say the man is entitled to a higher pension than he gets, and so reports. The pensions always go up and never down. It occurs to me that some remedy ought to be applied there. If these subjects, the use of pension agents and the examination of pensioners, were looked into carefully, perhaps half a million of dollars yearly could be saved to the Gov-ernment and the entire work be done through the main office, instead

of being scattered all over the country.

Mr. EATON. I beg to say to my friend from West Virginia that
the committee which was organized last winter, of which the senior Senator from Massachusetts is chairman, have had that whole mat-ter under consideration, and when their report comes before the Sen-ate I have no doubt a great many thousand, not to say a great many hundred thousand dollars will be saved to the country if their report

Mr. DAVIS. That is in the right direction, and I am glad to hear it.
Mr. INGALLS. Mr. President, in behalf of the Committee on Pensions, of which I have the honor to be chairman, I desire to extend our thanks to the Senator from West Virginia for the very valuable address he has made, so replete with information, on the subjects that pertain to that committee; and in response I would simply remark that if he had been more familiar with the course of legislation upon that subject he would have ascertained that upon the files of the Senate are already bills relating to the matters to which he has called our attention. Early in the session I introduced a bill, submitted as a projet from the Department of the Interior, for the appointment of forty special agents to investigate pension frauds. I believe with him forty special agents to investigate pension fractus. To eneve with him that very extensive wrongs are perpetrated upon this fund, and that a proper examination would show that of the twenty-nine or thirty millions of dollars that are paid annually to the pensioners of this Government at least five millions are fraudulently and improperly paid; that in consequence of recovery from disability, improper ratpaid; that in consequence of recovery from disability, improper ratings, payments to minors who have reached the age prescribed by law at which the pension shall cease, the remarriage of widows, false personations, and in various other ways that are familiar to the authorities and that are continually brought to our attention, at least one-sixth part of the entire amount that is paid to pensioners is fraudulently and wrongfully paid. I trust the Senator from West Virginia, whose desire I am sure is second to no member of the Senate for economy in the administration of our public affairs, will second the economy in the administration of our public affairs, will second the committee in their efforts to pass that bill for the appointment of

agents to investigate these glaring and admitted frauds.

Mr. SAULSBURY. I desire to ask the chairman of the Committee on Appropriations for my own information what the appropriation contained in the fourteenth and fifteenth lines of this bill is for? I that have no doubt he can give an explanation; and yet before I vote for the bill I should like to know, that I may vote intelligently on it. It is \$250,000 for preparing vouchers and administering oaths. My supposition in regard to the vouchers and administration of oaths in order to entitle a party to a pension has been that the party prepared them at his own expense, so as to prove his title to the Department. I desire to know what youchers and administering of oaths this item refers to. I suppose it is to the investigations in the cases of fraud spoken of by the Senator from Kansas—to the vouchers taken in the investigation of fraudulent claims by pensioners of the Government. That I apprehend is the case; but I am not fully aware that it is, and I desire that information if I can get it from the Senator having and I desire that information, if I can get it from the Senator having

charge of the bill.

Mr. MORRILL, of Maine. That relates entirely to the preparation of the vouchers which are required by law to be taken on the payment of pensioners. Pretty much all the payments are made by checks; and certificates or vouchers are sent in in the first place, and the checks are sent out. It applies entirely to the expenses incurred in the preparations for the payment of pensioners at the pension

Mr. SAULSBURY. My supposition was that the claimants pre-

pared at their own expense the vouchers for money to be drawn from this fund

Mr. MORRILL, of Maine. Not that.
Mr. SAULSBURY. In reference to the matter of the special agents referred to by the Senator from Kansas, the chairman of the Committee on Pensions, I think that there has been a service of that kind already in existence. I find in the report of the Commissioner of Pensions that the special agents examined some fifteen hundred and thirty claims during the last fiscal year.

Mr. INGALLS. Those have been merely details of clerks from the Mr. INGALLS. Those have been merely details of clerks from the Pension Bureau for the purpose of inquiring into certain alleged specific irregularities or frauds. The bill introduced by me contemplates the appointment of forty special agents whose duty it shall be to investigate those frauds and perform no other function under the

Mr. SAULSBURY. I find that on the investigation of fifteen hundred and thirty claims three hundred and nine were rejected; showing that one-fifth of the pension claims are fraudulent claims. saving to the Department, the report says, has been \$144,000 by dropping the names of parties from the pension-roll, and by the recovery of part of the money which had been paid, and the rejection of claims that were fraudulent. Something, therefore, ought to be done in the direction indicated by the chairman of the Committee on Pensions. direction indicated by the chairman of the Committee on Pensions. Some steps ought to be taken to thoroughly investigate the pensionrolls. The honest pensioner ought to be paid; the fraudulent claimants ought to be rejected. According to that ratio, if one-fifth of the
pension list is fraudulent, then the suggestion of the Senator from
Kansas is very near right, and some five or six million dollars now appropriated to pensions are obtained by persons having no valid claim
upon the fund. I hope that something will be done. Whether the
bill of the Senator from Kansas to which he referred, for the appointment of special agents, is the appropriate mode to reach these great ment of special agents, is the appropriate mode to reach these great frauds on this fund, I am not able to say; but I hope that during the session some action will be taken so as to secure a thorough investigation of the entire pension-roll, so that none but those properly entitled to pensions may be permitted to draw upon this appropriation of something near \$30,000,000.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### COURTS IN WASHINGTON TERRITORY.

Mr. WRIGHT. I ask the indulgence of the Senator from Indiana, [Mr. Morrox,] who is entitled to the floor, to make a report from the Committee on the Judiciary of a little bill, and I shall ask the indulgence of the Senate also to consider it at this time. The Committee on the Judiciary, to whom was referred the bill (H. R. No. 353) to amend section 1911 of the Revised Statutes, instruct me to report it back with an amendment.

By unanimous consent the bill was considered as in Committee of the Whole. The amendment was to strike out in line 5 the words "the laws of the United States" and insert "laws;" so as to make the

That section 1911 of the Revised Statutes of the United States be amended by inserting the words "and laws" after the word "Constitution" in the latter clause of said section.

Mr. SARGENT. I hope the Senator will explain what that means. Mr. SARGENT. I hope the Senator will explain what that means. Mr. WRIGHT. I will explain it. By this section of the Revised statutes it has occurred that in the Territory of Washington, differing from their organic act and from the organic act and laws as applicable to all the other Territories, jurisdiction is not given to the courts of the Territory in matters arising under the laws of the United States, but the jurisdiction is confined to matters arising under the Constitution of the United States and the laws of the Territory. The words "and laws" are omitted from that section of the statute conforming jurisdiction upon courts in Washington Territory. conferring jurisdiction upon courts in Washington Territory in cases arising under the Constitution of the United States. It is unmistakably an omission, and it is intended by this bill to remedy that difficulty.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 1911 of the Revised Statutes of the United States, defining the jurisdiction of courts in Washington Territory."

#### PUBLIC LANDS IN SOUTHERN STATES.

Mr. CLAYTON. I move that the Senate proceed to the consideration of Senate bill No. 2, which has been up heretofore.

Mr. INGALLS. The Senator from Massachusetts [Mr. Boutwell]

is absent.

Mr. CLAYTON. I have sent a page for him, and think he will be here in a moment.

Mr. INGALLS. He offered a substitute for the bill, and I know desires to be heard upon it. I hardly think the Senate should proceed with the bill in his absence.

Mr. CLAYTON. I think he will be in very soon.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, the pending question being on the amendment of Mr. Clayton to the amendment of Mr. EDMUNDS.

The amendment was to insert the following proviso at the end of

the bill:

And provided, That the public lands affected by this act shall not be open to private entry until the same shall be offered at public sale after the passage of this act.

The amendment to the amendment was to strike out the amendment after the words "and provided," and insert in lieu thereof the

That the public lands affected by this act shall be offered at public sale as soon as practicable, from time to time and according to the provisions of existing laws, and shall not be subject to private entry until they are so offered.

Mr. INGALLS. Without any desire to delay action on this bill, there are so many Senators who have expressed an interest in it absent at this time from the Chamber and the whole subject is admitted to be one of such importance to a large portion of the country, that I submit to the Senator from Arkansas whether it would not be well to let this bill be made the special order for some day in order that

notice may be given, so that all Senators interested in it may be present, and then let it be taken up for consideration.

Mr. CLAYTON. I did give notice the other day that I would call it up immediately after the centennial bill was disposed of, but at that time I was unable to do so on account of other business which was pressing before the Senate. I apprehend the Senator from Massachusetts, and other Senators are merely absent from the Chamber, but are in the building. If objection can be made to the present consideration of a bill because the seats of Senators are empty, we might as well stop all business at once. This bill has been before the Senate day after day and has been discussed somewhat at length. The amendment now pending I do not think will lead to any discussion from the fact that the Senator from Vermont [Mr. EDMUNDS] accepted the substitute I offered to his amendment before I offered it. I see the Senator from Massachusetts [Mr. BOUTWELL] is now here, and I hope the bill may be proceeded with and disposed of.

Mr. INGALLS. I doubt if there is a quorum present in the Cham-

ber, Mr. President.

The PRESIDENT pro tempore. The Secretary will count the Senate (A pause.) There is a quorum present, as shown by a count; and the question is on agreeing to the amendment to the amendment. Mr. OGLESBY. While I am opposed to the bill and shall vote

against it when the question comes up on its passage, I believe there is no utility in the amendment to the amendment. I believe that it would only entail expense upon the Government through the Land Department. I believe that no good would come of these sales from an advertisement of the lands. Any offering of them in the market at public anction, according to the old custom, I believe would involve additional expense; and probably the expense would be more than any immediate profit to be derived from the sale of the land, should this

While I will oppose both amendments and think there is no utility in the amendments, I will do so because should the bill pass I think they would make the disposition of the lands more expensive. While I shall oppose the amendment, I shall also when the question comes up on the passage of the bill be compelled to vote against it, because I am opposed to the policy of it. I think the lands ought to be kept for actual settlers in those States, and ought not to be opened again to private or public sale. These are my views, which I have stated once before, and there is perhaps no occasion for pressing them again

once before, and there is perhaps no occasion for pressing them again upon the attention of the Senate.

Mr. HOWE. Mr. President, it seems to me that nothing can be clearer than that if the bill is to pass at all it ought to pass with the amendment as proposed to be amended. I think the form of the amendment submitted by the Senator from Arkansas, if he was the originator of it, is better than that moved by the Senator from Vermont. But the bill presupposes that there are men who want to buy these lands, and who, if they were not withheld from sale, would buy them. If there are no such men, then it is not of the slightest importance that we pass the bill, because they will not buy the lands; but if there are men waiting to buy them at ten shillings, how can we possibly know that there are men who would not be glad to pay more possibly know that there are men who would not be glad to pay more than ten shillings for them? And if there are such men, of course they ought to have the opportunity of bidding against each other. It is the established usage of the Land Office when lands have been out of market for any time that they shall not be subject to private entry again until they have been offered at public sale, so that if they are worth more than the minimum price the Government may have some chance of getting what they are really worth, and the men who want them most may have an equal chance of purchasing. I cer-

tainly cannot see the slightest objection to the amendment to the amendment, and shall vote for it very cheerfully.

Mr. OGLESBY. I do not wish to detain the Senate with debate upon what is perhaps an immaterial matter. To rightly discuss the question of offering lands at public sale that have been once withdrawn from market or are about to be offered in the market would

take up a great deal of time, and it would be a big field to go over. My recollection of the old policy has been that where lands have been offered in the market for the purpose of getting a higher price by competition than the minimum price of the Government, if the lands are worth having, if they are worth entering at all, experience shows that combinations are always made to prevent that competishows that combinations are always made to prevent that competi-tion, so that those desiring to get lands always get them, after the great expense of offering them at public sale by the Government, at the minimum price or at certainly a very small sum in excess of it. Now, these lands are represented by the Senators from these Southern States, and particularly from Arkansas, as being barren and substan-States, and particularly from Arkansas, as being barren and substantially worthless lands; and that the timber upon them, in many instances, is of no value. They have represented here, if they have represented anything, that a dollar and a quarter an acre for these lands is all that they are worth. They cannot be purchased at a less rate than that now; so that if this bill shall pass, and these lands shall again come upon the market for private entry, and the Government shall go to the expense of advertising them, of fixing times and places for public auction, and they shall be offered in different places here and there again at public sale before they may be put down for private entry, my opinion is that the expense of the experiment will exceed any profit to be derived from it in the way of increased price of the lands. Therefore I think, if the amendment becomes a law, it of the lands. Therefore I think, if the amendment becomes a law, it will add nothing whatever to the Treasury. I believe that the future will show, when the lands shall be practically put upon the market, that they will bring not an extra dollar to the Treasury. I think it would be better, if these lands are to be offered, that they should be offered at the minimum price to whoever will take them; but I do not want that thing done. I want the lands retained for actual settlers. I want them kept in these States. I would be glad if in all the United States there were no pre-emption law at all. It would be better to be rid of it. The time has gone by when there is any necessity for it. Let the public lands be retained in the custody of the Government for the purpose of occupation by actual settlers without compensation. I would be glad to see that principle, which has been applied to these five States, extended to all the States.

Therefore I would not be apt to favor a bill that would remove the

present restrictions on the five States now covered by the bill proposing this new law; so that, while I see no utility in the amendment and probably shall not vote for it, I still hope that the bill itself will not

Mr. HAMLIN. I think I can understand the force of the sugges Mr. HAMLIN. I think I can understand the force of the suggestions made by the Senator from Illinois. I do not fail to appreciate them; but yet I think they are made upon the basis that all the lands offered in the market are to be agricultural lands or lands suitable for settlement. If that were so, I think I would agree with the Senator from Illinois, because it is desirable above all things that lands susceptible of cultivation shall be cultivated, and that by the strong arms of the men who till them they shall be made more valuable, and you thus add wealth to the body politic. I believe that is the reasoning upon which your homestead and pre-emption laws are based. I think they are sound rules, but my knowledge is—and I confess think they are sound rules, but my knowledge is—and I confess it is very limited, but it is such knowledge as I get from that ob-servation which I have been able to make and that information which I get through the reports relating to our public lands—that almost as a rule pine lands are not susceptible of cultivation; at least if they are not totally valueless they are so near it that they will never be occupied exclusively for agricultural purposes.

If you pass the bill in the form in which it is proposed, without protecting the revenues of the Government, you will give only to a

man the right to pre-empt or enter for homestead purposes and to strip the land of that which makes it valuable, and, when he has so stripped it, to leave it never to be cultivated and never to have value added to it by cultivation, contrary to the very reasons upon which your pre-emption and homestead laws are founded. Now, it occurs to me that there is a way in which this thing might be met; and yet it is a matter about which I have not given enough reflection to know definitely. I think that there is a great deal in what the Senator definitely. I think that there is a great deal in what the Senator from Illinois has said in relation to combination to prevent a fair price being given at public auction; but it occurs to me that some provision in the bill might be made authorizing the lands to be sold not at public auction but by private sale, with a discretionary power in the Land Office to sell at a sum exceeding that which is now the maximum price of the Government—above the maximum price, \$1.25.

Mr. MORRILL, of Vermont. Minimum.

Mr. HAMLIN. As I understand language, it would be the largest price we now get; but it would be the minimum price I great if

they were to be sold above; you cannot sell below. We will call it the minimum price. I think it is minimum or maximum, precisely as you view it. It would be the minimum if Government could not sell above; it would be the maximum, I think, if they could not sell below. No matter; give to the Land Department the power to dispose of these lands to any individual for what the individual may give, whether it be \$1.25 an acre or \$4 an acre. I would not incorporate that principle in lands that are susceptible of cultivation, but, if these lands are truly valuable only for that which is upon them, and, that being taken off, they are little less than valueless, it seems to me the best interests of the Government admonish us that something of this kind should be done. I do not think that it can be reached by public auction, or I have some doubt whether it can; but

most assuredly, if these lands are valuable and very valuable for the timber growing upon them, and valueless when that timber is taken away, we here, as the guardians of the public Treasury and of the public interest, ought not to allow them to go into the hands of spec-

ulators, whether they be small or great.

Mr. HOWE. Mr. President, the objection made to requiring these lands to be offered at public sale is that it will entail some expense upon the Government and will realize no more for the lands. certain it will entail some expense upon the Government, but it is certain it will entail some expense apon the Government, but it is certain it will entail but very little expense. All the Government will have to do is to make proclamation that the lands within a given district will be offered at public sale at such a place, at such a time. That proclamation being duly published it is the notice, and that is all there is of it. Then each tract is put up by itself, and if anybody is willing to bid more than ten shillings an acre, the man who bids the most gets the land. The expense is very trifling.

The Senator from Illinois thinks that it is entirely improper to in-

cur that expense, because combinations will be formed which will defeat the sale of the land at more than ten shilling per acre. His observation has certainly been very different from mine if it has led him to the conclusion that such combinations are usual or will be inevitably formed. I do not know but that they have been an incident of some public sale; but I have known Government lands sold as high as \$75 an acre at public sale in the State of Wisconsin. I never knew a combination to prevent a fair sale. Lands were sold there a few years ago, not as high as that, lands belonging to an Indian reservation, but sold away above not only the minimum price of lands but the appraised value of the lands. When you put up a tract of land covered with pine timber especially, or loaded with mineral, or being extremely valuable, and offer it to the highest bidder with notice to all the world to come in and bid, it is a pretty difficult thing to effect a combination which will throw that particular tract of land into the hands of one man and at ten shillings an acre. There are too many greedy for it.

When the representatives from the States in which these lands lie When the representatives from the States in which these lands lie tell us that men are wanting to purchase them at ten shillings per acre, I do not see how we can safely conclude that there are not men who would be glad to pay more than ten shillings an acre for the best of the lands. I cannot see any objection to the amendment, therefore. I think the bill would be very objectionable without the amendment. There is some force in the objection which the Senator from Illinois urges to it if the amendment be adopted; but I think the Senator from Arkansas is entirely right when he says that either you ought to permit these lands to be sold or if you will withdraw them from to permit these lands to be sold, or if you will withdraw them from sale you ought to withdraw the public domain everywhere. The time has gone by, if it ever was proper, when we should make any distinc-tion in our legislation upon the subject of the public domain between the different States. Unhappily there was a time when we were ab-

solutely driven to such discriminations in our legislation.

The PRESIDENT pro tempore. The question is on the amendment

to the amendment.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The question recurs on the amendment as amended.

The amendment, as amended, was agreed to.

Mr. BOUTWELL. I propose to amend the bill by adding as a new section what I send to the desk.

The amendment was read, as follows:

The amendment was read, as follows:

SEC. —. That the Secretary of the Interior is hereby authorized and required to cause appraisals to be made from time to time of the timber standing upon lands of the United States, and plans to be made of the same in lots containing not more than three hundred and twenty acres each; and any person may make entry of the stumpage upon any one of such lots, paying therefor a sum not less than the appraised value thereof, nor less than \$1.25 per acre; and any person making such entry shall be allowed three years within which to remove the wood and timber from the land, but no person shall be permitted to make entry of a second lot until the wood and timber shall have been removed from any lot previously entered: Provided. That there shall be left standing upon each lot an average of one tree to the acre of every variety of wood and timber found growing thereon, the trees so reserved to be marked at the time the appraisal is made: And provided further, That all live-oak and red cedar shall be reserved, unless the President of the United States, by a specific order in particular cases, shall otherwise direct.

Mr. President if I can command the attention

Mr. BOUTWELL. Mr. President, if I can command the attention of the Senate to this amendment, it will be observed that it proceeds upon a different idea as to what is true public policy from the idea that controls the bill before the Senate, and perhaps from the general idea that pervades the action of the Government in regard to the timber lands of the country. The amendment which I propose looks to the preservation of the forests and not to their destruction, while the bill, substantially in harmony with the policy of the country, and certainly in harmony with the practice of the people, promotes the destruction of the forests.

It is perhaps too early in the life of the country to suggest that in two particulars we are moving in that clear path which is marked on every page of the history of the effete and extinct nations of the world: in the impoverishment of the land, and in the waste of the resources of nature for the support of animal life, which goes on to-day in every section of country except perhaps a few of the older States; and in the destruction of the forests of the country. We have placed, at the suggestion I suppose of the representatives from Minnesota and Maine and other timber-producing States, a duty upon the importation of the products of the forests of other countries, when as a matter of fact the products of the forests of other countries ought to be admitted free in order that if there is to be a waste of this important material in civilization, it should be at the expense of other people rather than at the ex-

pense of our own people.

I am of those who believe that nothing which has been granted by nature is more essential to the comfort, to the health, to the prosperity, and to the increase of the human race, except the preservation of the soil itself, than the preservation of the forests. This bill is a proposition to invite all the speculators and adventurers of the coun-To-day Mr. Marsh, in his Statistics and Observations upon the Relations of Man to Nature, shows that the southern portion of France, or that part bordering on the Mediterranean, is losing its population in consequence of the destruction of the forests. The same process that went on upon the southern shores of the Mediterranean, with the exception of Lower Egypt, has taken possession of the countries north of the Mediterranean wherever the forests have been destroyed. May not what has happened to other countries occur here? This is a fresh, new country; but our business is to preserve the forests for the benefit of the whole people, and to preserve the lands in the Government, so far as they can be preserved consistently with the growth of the coun-

This proposition is bad in the particular that it opens the possession and the title of these lands to whoever may have the ability to purchase them. They are to be sold for the value or something less than the value of the wood and the timber growing upon them; and the title to the soil is to be taken from the Government upon the suggestion that it is valueless, and transferred to those who may be able to obtain large tracts and hold them for their own purposes

and against the public good.

The amendment which I submit to the Senate contemplates the sale of the timber standing upon the public lands, from time to time, as it may be wanted, and the preservation of the lands themselves that they may hereafter be open to pre-emption and homestead under the laws, instead of allowing them to be aggregated in the hands of rail-ways or capitalists, and held against the interest of the people of

the country.

I have here a letter from a venerable gentleman, Mr. George B. Emerson, of Massachusetts, who for fifty years has made this subject his study. He has investigated the influence of forests upon the prosperty and population of other countries than our own; and I think it worth the attention of the Senate to listen to what he says

upon the subject that is now before us. He says:

The owners of the forests have been, in every one of the northern States and in Canada, improvident in their management and wasteful to the last degree; and they continue so. At the rate at which they have gone in cutting down their forests for the last ten or twelve years, the forests will be completely stripped of valuable timber within that space of time.

The largest demand on the forests, till within a few years, has been for timber for ship-building, in this and several foreign countries. This demand will not be likely to diminish, while that for railroads and bridges will probably increase. For the building of houses of all kinds, public and private, for barns and fences and bridges, and numberless other uses, large quantities of wood will always be necessary; to say nothing of the many manufactories of wooden materials. Forests of tall trees, especially on the tops and sides of hills, give protection from the violence of winds, and thus do much to secure the comfort of the inhabitants. They are essential to the continuance of springs and streams and to the gradual but constant and perennial supply of rivers.

He further says:

He further says:

The leaves of trees and shrubs of all kinds drink in from the atmosphere all deleterious and unwholesome gases, the poisonous parts of which they convert into their own substance, and pour back into the atmosphere the pure oxygen essential to animal life.

Again he says:

I have, from the constant consideration of the whole subject, come to the conclusion that the uses of the forests, present and future, as furnishing timber of all kinds for fuel, as materials for building, for railroads, for ships, for bridges, for numerous manufactures, as protection against furious winds and malarious discases, and the preservation of springs and streams, and the comfort and beauty of every town, are such that there is no room to doubt that everywhere, in every State and every town, at least one-third part of the surface should be kept in forest or restored to it.

I have neglected to say anything about the action and preservation of given but

I have neglected to it.

I have neglected to say anything about the action and preservation of rivers, but I must add something upon the subject.

The sides of hills and mountains have so frequently become agents of destruction and ruin, from being stripped of their trees, converted from precious reservoirs of moisture, for the preservation of springs and streams, into sources of destruction to the plains below, that the forests on mountain-sides and hill-sides should be considered sacred.

We see how the Ohio has been changed, from the beautiful and constantly useful stream it was when first known, into a river of floods in spring and shallows in summer, and we should take care that our own Kennebec, and Penobscot, and Saco, and Connecticut shall not be quite ruined in the same manner. We must look forward and preserve from the same fate the affluents of the Mississippi and the Missouri and those noble streams themselves.

Now, sir, I am so convinced of the truth of these suggestions, of the wisdom of these observations, the result, not of the experience and investigation of a single man, even through a long life, but the result of the sad experience of nations that have risen and flourished and disappeared chiefly through the two causes which I have mentioned—the impoverishment of the soil and the destruction of the forests—that for one I wish, here in the Senate, to enter my protest against a measure which is not a measure of revenue or of loss of revenue to the Treasury to-day. The question of the public lands, whether they are sold or held as a means of revenue, is of no consequence to the country compared with the continuance of a system of waste, which

is not merely a system of waste to the Treasury and to the people of is not merely a system of waste to the Treasury and to the people of the country to-day, but is a system of robbery and plunder of generations yet to come; and for one I enter my protest against this policy of urging and encouraging the waste of the timber lands upon any plea that it is necessary for the support of the Treasury or to increase the business, the population, or the present resources of any State or district of the Union.

Mr. HOWE

Mr. HOWE. Mr. President, I am, as well as my judgment informs me, ready to labor by the side of the Senator from Massachusetts for the welfare of the Government to-day and of the generation now existing; but, when he calls upon us to embark very heavily in the protection of generations yet unborn, I am very much inclined to reply to that that they have never done anything for me, and I do not want

to sacrifice too much.

Mr. BOUTWELL. That is on the ground that our relations are personal, and do not concern human nature.

Mr. HOWE. Most of my relations are personal. I think the Senator's amendment, however, is quite at war with his theory. He complains that the timber of the country is being consumed too rapidly. A good deal might be said upon that point. I really do not think we have any conclusive testimony that such is the fact. Nobody consumes timber unless he thinks he needs it or needs the space it occupies; and if a full-grown man with unimpaired intellect really thinks he needs to cut down and cut up a pine tree, and is willing to pay a fair price for it to the owner of the tree, why should he not have it? Are we not legislating upon rather a dangerous domain when we undertake to say he shall not have it? Or, if he does not want to use the tree, but does want to cultivate the spot on which it stands, why should we not permit it, he paying for the tree and the Mr. HOWE. Most of my relations are personal. I think the Senstands, why should we not permit it, he paying for the tree and the soil? Why should we not permit him to do it?

Mr. EDMUNDS. That depends on whether the public good will

permit it.

Mr. HOWE. That would not depend on whether the public good will permit it. You put your price upon the tree and the land, and he pays the price. If you have marked your goods too low, the remedy is very plain; mark them up; but the remedy proposed by the Senator from Massachusetts does not do that.

Senator from Massachusetts does not do that.

The public good my friend suggests may require us to preserve the forests. Perhaps it is so; but it would be difficult I think to make that plain. It may be the duty of this generation not merely to carry on a great war and fight great battles and spend thousands of millions to hand down liberty to our posterity, but it may be our duty to tax ourselves in order to hand down pine timber to our posterity. I do not propose to stop just now to argue that question. I think, however, that our posterity will not be troubled to find timber for a good while to come. But I say the amendment proposed by the for a good while to come. But I say the amendment proposed by the Senator from Massachusetts is not calculated to preserve timber. The great discouragement in the way of purchasing your lands at present is that a man has not merely to pay for the land the price which your laws fix upon the land with the timber on it, but he has to become the owner of the land and thus pay taxes on it. The property becomes taxable. It is somewhat onerous for him to carry it. The Senator's amendment properse to relieve him to carry

it. The Senator's amendment proposes to relieve him of that, the greatest embarrassment in the way of carrying large bodies of land.

It proposes in the first place to have not the land appraised, but the timber on it appraised. The first prediction I have to make is that you would never see ten shillings an acre, nor fifty cents an acre for your timber. You never could correct an appraisal, and the purchaser or the man seeking to purchase would be very sure to have an appraisal which was not in the interest of the Government, but was in his own interest. Then when he has bought the timber on your land, which is all he cares about, for from twenty-five to seventy-five cents an acre, he goes on to cut it off. Then the land is left in the hands of the Government never to be sold. The man who purchased the timber has no further interest in it; he has no burden resting upon him; there are no taxes paid to the local government, and never will be, for your pine lands will not be purchased for a century to come after the timber is taken off.

There is a provision in the section, to be sure, which says that when a man has bought one tract he shall not buy another until he has taken the timber off that. If the Senator supposes that practically that is a limitation or will operate as a limitation on a man's purchasing he is entirely mistaken, for what is not purchased in his own name, if he wants it, will be purchased in the name of his friend. I have no manner of doubt that this amendment will do two things: It will hasten the destruction of timber and it will diminish the reve-

nues of the Government.

Mr. WINDOM. Mr. President, I like very well the speech of the Senator from Massachusetts on this subject; but unfortunately it does not seem to me to apply at all to his amendment. I too would favor any provision looking toward the preservation of the timber of the country, and I think that the bill reported from the Committee on Public Lands will tend to do that much more effectually than the amendment of the Senator from Massachusetts. The Senator from

At present these timber lands, spread all over the country, are owned by the Government, and it is nobody's interest to take care of them. If, as is feared by the Senator from Massachusetts and others who oppose this bill, large quantities of these lands shall be entered

by private parties, it will be to the interest of those parties to protect these timber lands from fire and other waste. Now it is nobody's interest to protect them. Therefore, I say that they are much more likely to be wasted now than they would be if entered.

Again, the Senator from Massachusetts proposes in his speech, though I think not in his bill, to prevent the use to some extent, or to check,

or in some way limit the use of these timber lands for manufacturing purposes. I think his bill does not do it. I think that no man is going to enter the stumpage provided for in the Senator's bill.

Mr. MORRILL, of Maine. Will the Senator yield to me for the purpose of presenting the report of a conference committee?

Mr. WINDOM. Yes, sir.

#### DISTRICT 3.65 BONDS.

Mr. MORRILL, of Maine. I present the report of the committee of conference on the disagreeing votes of the two Houses on the Dis-

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: Strike out all after the word "provided" in I ine 4 of the words proposed to be inserted by said amendment down to and including the word "dollars" in line 10, and insert in lieu thereof the following:

down to and including the word "dollars" in line 10, and listed which and following:

That the said commissioners are hereby directed to discontinue all work and labor on streets, avenues, bridges, sewers, canals, and structures of every kind the payment for which is to be made in 3.65 bonds of the District of Columbia: And provided further. That so much of the sixth section of the said act of June 20, 1874, as directs and requires the First Comptroller of the Treasury and the Second Comptroller of the Treasury to audit and adjust the floating and unfunded debt of the District of Columbia and issue certificates therefor, be, and the same is hereby, repealed; but this proviso shall not prohibit the audit and issue of certificates for claims for work and labor already performed and materials furnished, not, however, to exceed in the aggregate of certificates the sum of \$15,000,000. including those that have already been converted into 3.65 per cent. bonds of the District of Columbia.

Columbia.

Strike out all of said Senate amendment after the word "dollars" in line 7 of section 2 of said amendment. And the Senate agree to the same.

LOT M. MORRILL,
A. A. SARGENT,
H. G. DAVIS,
Managers on the part of the Senate.
A. H. BUCKNER,
G. W. CATE,
GEORGE WILLARD,
Maragers on the part of the House.

Mr. MORRILL, of Maine. I will in a few words state to the Senate the effect of this report. As the report fixes the matter, the bill provides that there shall be no further issue of 3.65 bonds. In the next place it provides that the commissioners shall make no more expenditures for improvements or repairs of any kind for which 3.65 bonds were provided to be issued. In the third place, the functions of the board of audit shall be suspended altogether, except that they shall be authorized to issue certificates for the claims already audited and for other claims not audited where labor has been performed and materials furnished; but except as to those their functions are en-

materials furnished; but except as to those their functions are entirely suspended.

Mr. STEVENSON. Will the chairman have any objection to letting this report be printed?

Mr. MORRILL, of Maine. If that is desirable, after I have made a statement, I will not object, because I think the Senate has a right to have that done if it chooses.

Mr. STEVENSON. I think we ought to have it printed.

Mr. MORRILL, of Maine. It is provided, however, that these certificates shall in no case exceed the fifteen million-dollar limitation in the bill, including the certificates already carried into bonds. This also includes the amendment offered by the Senator from Vermont, that there shall be no increase of the public debt.

Mr. EDMUNDS. You mean no increase of the debt of the District.
Mr. MORRILL, of Maine. That amendment is left in as it was,
whatever may have been its language.
Mr. THURMAN. Allow me to inquire of the Senator whether he has any objection to this report going over until to-morrow and in the mean time being printed in such wise that we can understand what we are to vote upon. I am not aware that the amendments made in the Senate have ever been printed at all. I understand that the other House simply disagreed to our amendment. If the bill were printed as it passed the Senate and the report of the committee were also printed and laid on our tables to-morrow morning, we should then know exactly how to vote. There is a way of doing that thing; I have known it done repeatedly; and I hope that it may be done in this case. I have no objection to interpose merely for delay, but I want to understand this matter before I vote.

Mr. MORRILL, of Maine. I shall certainly acquiesce, so far as I am concerned, in any desire of the Senate on this subject. I have no Mr. THURMAN. I think that will be better.

Mr. MORRILL, of Maine. The Senator will perceive that we ought

to act with proper dispatch.

Mr. THURMAN. I am not interposing for delay.

Mr. EDMUNDS. Is it not a matter of right that the report shall

Mr. THURMAN. I move that it be printed in the manner I have indicated—the Chief Clerk will understand it—so that the bill as it passed the Senate and the report of the committee shall be printed in such wise as to show us precisely what we are to vote on when

we act upon this report.

Mr. SARGENT. On that motion I wish to be heard for but a moment. I was a member of this conference committee and signed the report with some reluctance. My reluctance arose from two circumstances. In the first place, as the House and Senate both agreed, the further issuance of these bonds is absolutely prohibited. That feature is retained in the report. The limit which the Senate fixed for the \$15,000,000 of certificates also is retained; and there is a margin between the sum of \$14,000,000 and \$15,000,000 entirely unprovided for by this bill. That is to say, the parties cannot get the bonds for their certificates, and there is no provision for paying them in money. I thought it was only just to honest creditors that there should be some means provided by which they could get the money due them or receive the bonds.

Another provision I thought ought to be inserted in the report, and that was that, after Congress had determined that the proper amount issued up to this time was a little over \$14,000,000 of bonds, the interest thereon should be paid regularly at the Treasury, as provided by the legislation of June 1874, and that the amount should be assessed upon the District, or half the amount, if that was the proper sum, to be paid out of the revenue derived from taxation in the District and paid into the Treasury, so that these bonds might not be hawked about and liable to have a black eye by debates in Congress hereafter arising from any motives.

As both these things are not provided for in this legislation, I had considerable hesitancy in signing the report at all; but as there was at any rate a provision to redeem the pledge of the United States in the legislation of 1874 for the balance of this fiscal year, and as the session of Congress would probably run into June or July, and there would be a possibility of more comprehensive legislation to cover the subject, I finally concluded to sign the report and agree with my colleagues. I have no objection to its going over and being printed.

The PRESIDENT pro tempore. Objection being raised to present consideration, the report will go over and be printed.

#### PUBLIC LANDS IN SOUTHERN STATES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making restrictions in the disposition of the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, the pending question being on the amendment of Mr. BOUTWELL

The PRESIDENT pro tempore. The Senator from Minnesota is en-

titled to the floor.

Mr. W.NDOM. I was about to say that it seemed to me that the man who buys a tract of land and owns the fee simple is not more likely to waste the valuable growth of timber upon it than he who merely buys the right to cut that timber from it and is limited to three years to get it off.

It seems to me that the amendment of the Senator from Massachusetts if designed to hasten the destruction of timber could not be better drawn. The man who buys the land has every inducement to keep it. If the timber on it is going to become more valuable in the future he will take out as much as he needs for present use and carefully preserve the thrifty young timber for the future. But, under fully preserve the thrifty young timber for the future. But, under the amendment now under consideration, the man who buys three hundred and twenty acres of stumpage has no interest in it after his three years are up. He is compelled to sweep it off within that lim-ited time, and there is no provision whatever whereby the young and growing timber shall be preserved, and no one has any interest in preserving it. Therefore I think that the whole tendency of this amendment is to destroy rather than to save, except in this, that the Senator from Massachusetts has provided that there shall be three hundred and twenty trees selected and left standing upon every three hundred and twenty acres of land. As the amendment was originally printed—I presume it was a mistake, however—he had provided that there should be one tree on each tract of three hundred and twenty acres. That would be tolerably sparse; but the amendment as now read by the Secretary has considerably enlarged that, and we are to have three hundred and twenty trees to the tract, or six hundred and forty trees on every mile square, to produce this wonderful effect, by way of increasing the moisture, and precipitating more rain-fall, and all that sort of thing, in this country!

I have an objection to this amendment on another ground, its vast expense. There are about forty millions of acres, I am told, in these five States. The amendment provides:

That the Secretary of the Interior is hereby authorized and required to cause appraisals to be made from time to time of the timber standing upon lands of the United States—

It covers all the lands, as well in other States as in these fiveand plans to be made of the same in lots containing not more than three hundred and twenty acres each.

This requires a resurvey, a remapping of all the timber lands in the country, and not only must these appraisers resurvey them to know

where the lines are of each three hundred and twenty acre tract, but they must go over that three-hundred-and-twenty-acre tract and select and mark three hundred and twenty trees on each tract, because the amendment provides that the persons buying the stumpage shall leave upon the land one tree to every acre on the tract, and the trees so reserved are to be marked at the time the appraisal is made. Now I fancy this is a pretty expensive contract that somebody is to take. Imagine these appraisers going over the swamps of Florida, of Alabama, and of Mississippi, and even in the northern part of my own State and of yours, Mr. President, surveying these lands off into threehundred-and-twenty-acre tracts, then wading through the swamps to mark three hundred and twenty trees on each tract. Why, sir, we shall have as many appraisers as there were locusts in Egypt if this work is ever done.

The amendment provides that the Secretary of the Interior shall be required to do it. It is true it must be done "from time to time," but I apprehend under this amendment it must be done when the demand is made for the purchase of these timber lands; and when a demand is made for any particular locality, I apprehend that a fair construction of the bill would require that the Government should get ready to show where the lines of these tracts are, and to indicate these favored three hundred and twenty trees that shall be left stand-

ing on the three hundred and twenty acres.

Mr. CLAYTON. It is not alone three hundred and twenty trees, but three hundred and twenty of each species, of each kind, as I

Mr. WINDOM. "There shall be left standing upon each lot an average of one tree to the acre of every variety of wood and timber

found growing thereon."

Mr. CLAYTON. "One tree of every variety."

Mr. WINDOM. I think, Mr. President, that I was altogether too limited in my construction and that the Senator from Arkansas is right that this commission must go over and they must not only ascertain the lines of each three-hundred-and-twenty-acre tract, but they must ascertain every kind of tree and timber that grows on that three-hundred-and-twenty-acre tract.

Mr. CLAYTON. And they must locate every acre also.
Mr. WINDOM. I think not. I cannot go so far as that with my
friend. They must ascertain every kind of tree that grows on it, and then they must find, if they can, three hundred and twenty trees of each and every one of those kinds. My friend says they must locate them on each acre. I do not think so. I do not want to give any unfair construction to this amendment. It says:

That there shall be left standing upon each lot an average of one tree to the acre.

Upon each three hundred and twenty acre lot; but it does not follow that every one of those three hundred and twenty trees of every conceivable kind growing in that country shall be in each particular acre; but it must be on the three hundred and twenty acres. I do not believe the Senate is ready to enter upon that kind of survey just at present over all the vast expanse of timber lands of this country; and the amendment applies not only to the lands in the five States covered by the original bill, but to all timber lands in the United States, as I understand it.

Then, again, the argument the Senator from Massachusetts based

upon the letter of his friend-and I agree most fully with the theories there advanced-is that this timber is to be left standing for the sake of its effects upon climate, the increase of rain-fall, the increased amount of moisture which is to be produced, &c. In some sections of the country it is very important to increase the rain-fall and the moisture; but I appeal to my friend from Florida if they have not got nearly moisture enough down in the everglades of his State. Is it very important that three hundred and twenty trees be left standing on every three hundred and twenty acre tract in Florida in order that those swamps and bayous may be kept full? I think it would be considered a benefit to Florida if we could reduce the moisture there somewhat. It is so in other States. My objection, therefore, to this amendment is that as it applies to all the States of the Union it should be more carefully considered, and that we should not enact a general law applicable to the timber lands of the United States in an amendment called up without any consideration, without discussion before a committee, and without the investigation, too, that such a measure

should receive before it is passed.

Now, Mr. President, I do not conceive of the serious difficulties which have been mentioned to the bill reported from the committee. which have been mentioned to the bill reported from the committee. It simply places these five States upon an equality with all the other States. If the timber lands of the country are being wasted, they are being wasted as much in other States as there; and when you make a law on this subject, I would make it to apply to each and every State alike. In the first place, I want to wipe out this obnoxious distinction between the lands in these five States and in others; and then I am ready to meet with my friend from Massachusetts and frame a general law, if he pleases, to protect the timber lands of the country. I want in the mean time, however, to stop what the Commissioner of the General Land Office says is a great waste to the Govcountry. I want in the mean time, however, to stop what the Commissioner of the General Land Office says is a great waste to the Government. Under the existing law nobody can take these lands except under the homestead act; and this act is used, he says, as a cover for fraud. Parties will go and take possession of the land under the homestead act, steal the timber from it, and then desert it. There is no protection to the timber as the law now stands. I do not see if

my friend from Massachusetts can succeed in defeating this bill that he protects the timber at all, for we are told by the officer to whom we are to look for information on this subject that the timber is being wasted, it is being stolen. The law is at present offering a reward to perjury in all these States, because the man who goes upon the lands swears that he takes them as a homestead for his own use and cultivation, meaning simply to take them for the purpose of robbing them of timber and then deserting them, thus swearing to that which is not true.

Mr. INGALLS. Is he not required to make the same oath under the

pre-emption law?

Mr. WINDOM. Not the same oath precisely; but that he takes them for cultivation.

Mr. INGALLS. It is substantially the same.
Mr. WINDOM. We propose by this act that he shall have an opportunity to go into the land offices in these States and honestly pay his money for the land without swearing to a falsehood in order to coverup his efforts to steal from the Government.

I think for all these reasons, and many others, this bill ought to pass and certainly this amendment ought not to prevail until it is much more fully considered and investigated than it has been yet.

Mr. President, I seem to have made two converts by the speech, if so it may be called, which I had the honor to address to the Senate. It was rather unexpected to me that I should do so, and especially unexpected, and gratifying as well, that those converts should come from States where, reasoning beforehand, I should have least expected them; from States in which the general policy has been to destroy the timber by many reasonable methods, and by many extraordinary processes. They object to the amendment. They favor the principle, but they dislike the way. The State from which my distinguished friend on my left [Mr. Hamlin] comes has given name to a law that has been known over the country, and an attempt has been made to enforce it in some places. It is said that there were persons who favored the law, but were opposed to the execution of I congratulate myself that my distinguished friend from Minnesota on my right [Mr. Windom] and my no less distinguished friend from Wisconsin on my left [Mr. Howe] have accepted the principle that the forests of the country ought to be preserved. I do not know exactly on what ground the Senator from Wisconsin accepted that idea, for he said he was under no obligations to posterity, and had no desire to do anything for them; but inasmuch as they have accepted the proposition that the forests of the country ought to be preserved either for the present or for future generations, I trust they will agree in some method by which the doctrines presented in my observations may be made a part of the public policy of the country.

The Senator from Minnesota misapprehended my amendment in several particulars. He made progress by the help of other Senators

as he went on; and if that spirit of progress shall continue to animate him in time to come I have no doubt he will approach this submate him in time to come I have no doubt he will approach this subject at some future session with not only the inclination but with the capacity to devise and present a plan by which that which is so near to his heart, the preservation of the forests upon the public lands, shall be fully and fairly accomplished. At first he thought that there was to be but one tree upon a whole tract of three hundred and twenty acres preserved; and he thought as well that it was for the purpose of furnishing moisture to the soil and renovation to the atmosphere. He then discovered that three hundred and twenty trees were to be preserved. He thought that a slight provision for the accomplishment of so great a result. But again, with the help of the honorable Senator from Arkansas, he discovered that there were to be three hundred and twenty trees of each variety of wood and timber growing upon the lot to be preserved; and, while he thought that suffi-cient for the moist lands of Florida that sink and rise with the slight ebb and flow of the tide in the Saint John's River, he could not comprehend that it would be sufficient for the somewhat arid plains of the West and the Northwest, as you approach the regions of the great desert between this and the Pacific Ocean. The thought was not in my mind that either one tree to a tract of three hundred and twenty acres or three hundred and twenty trees to a tract of three hundred and twenty acres or one tree of every variety to every acre of each lot of three hundred and twenty acres would be sufficient to accomplish the result which he desires. No, sir; it was, inasmuch as these lands under this amendment were to be held as public property, subject under this amendment were to be held as public property, subject only to the right of the settlers under the pre-emption or homestead laws to occupy them from time to time, as the demand for settlement and for homes should increase, that these trees left should furnish a shade and protection to the growing vegetation, or to the vegetation that might seek to grow, and especially furnish seeds for the reproduction of other forests; for I am not indifferent to future generations. The Senator from Wisconsin said that he is under no obligations to them. Has he not proved the benefits he has received from the fathers of the Republic and from civilization and civilized men through all times, from the earliest period when the light of civilization dawned times, from the earliest period when the light of civilization dawned in the human mind till now? Has he not become responsible to future generations for the transmission, not only of the principles of liberty and of good government, but for those natural privileges and advantages God has given, not to us of this generation, but to mankind of every generation?

I do not expect this measure to be carried to-day; but I for one ask the Senate, if not by a majority, by an expression of opinion however

small or however large, to make a record that posterity may see that there were some who were willing to forego the temporary advantages of gathering a small amount of revenue into the public Treasury that they might leave for future generations the means of subsistence in a country where not only the principles of liberty but all natural advantages continuing from generation to generation should enable the people to have homes in which the light of liberty would be a blessing and not a rebuke.

Mr. HOWE. Mr. President, I am afraid I compromised myself in the eyes of posterity—evidently I did in the eyes of my friend from Massachusetts—by my seeming carelessness as to those who are to come after us. I did not mean to do myself injustice, I am sure; and I did not really mean to do injustice to succeeding generations. I did not mean to say, and do not think I did say, that I was under no obligations to succeeding generations. I believe I did say that I did not want to tax myself too heavily for those who are to come after us; and suggested as one reason why I did not that those who are to come after us had not done anything for us. That, I believe, was about the extent to which I went. But I believe I will say upon this point that I do think the work of affording timber for succeeding generations, if not Utopian, is not exactly practical. I do not think as a rule the timber will be consumed unless the person wants it; and if the person wants the shelter of the timber or the use of the soil on which the timber stands, I do not think you should strip the person of these necessities because we think somebody is coming hereafter who may want them more, any more than I think my friend should go to bed to-night with half a dinner because he may think that in some generation to succeed a descendant of his would not be able to get food at all. Suppose you could level every tree now standable to get food at all. Suppose you could rever every tree now standing with the dust, next year; before a very remote posterity comes along you could reproduce forests, and the work of maintaining and perpetuating standing trees is a little arduous. Decay overtakes them. They will not live beyond a certain age, or perhaps an uncer-

Children are growing up at their side.

Mr. HOWE. Well, I am quite in favor of nursing the children; but as for the old people, the trunks come down as fast as they are wanted. There are other ways in which we can serve posterity, and I

think serve posterity better.

My friend from Massachusetts was good enough to take notice that both the Senator from Minnesota and myself have shown a disposition to have the forests protected, so far as they could be; and, as he ought to have done, he took courage from that fact. think, no more than justice, certainly no more than justice to myself. I was always remarkable for my tenderness for forests. When I was young I never could bear to cut them down. I did not like to cut them up, and I did not quite relish carrying them in after they were

cut up. [Laughter.] I think he can rely on my good will to forests.

Mr. CLAYTON. I want to say just one word on that branch of the
question which relates to the destruction of timber. I take it for question which relates to the destruction of timber. I take it for granted that men do not go into a forest and cut down trees for the mere fun of hearing them fall. They have an object when they cut down trees, and probably it is either one of two: They either desire to cut down the timber in order to cultivate the land which it stands upon or they cut down the timber for some useful purpose. Of course, if these lands were agricultural lands there would be danger of the destruction of the timber upon them in order to open them up for cultivation; but it is assumed that these lands are not agricultural cultivation; but it is assumed that these lands are likely alone the lands. Hence the only reason for destroying the timber upon them must be to subserve some useful purpose. That being the case, if must be to subserve some useful purpose. That being the case, if this timber is valuable now or is likely to be in the future, if men purchase these lands they will be interested in protecting the timber. Any one who knows anything about these timbered countries knows that fire is the principal destroying cause. Nearly every autumn they are swept over by fire that destroys all the undergrowth, and very frequently the large trees themselves. Men who would own these small tracts could afford to plow furrows around the tracts, as is often done, and prevent such fires from extending over the lands. I repeat, then, it is not likely that they will destroy the timber upon these lands unless it is for the purpose of clearing the land for agriculture or for some useful purpose. In this case it must be for some useful purpose, because the lands are unfit for agriculture.

The object of this bill is not at all to perpetuate or to increase the

destruction of timber. It is to give the people of these five States an opportunity to use a limited portion of that timber for useful purposes, and to take care of the rest of it; that is all. It seems to me the proposition is so clear, so plain, that all this talk about the destruction of timber if this bill should pass ought to go for nothing.

Mr. WINDOM. As the honorable Senator from Massachusetts has deserted his amendment, I do not care to say much more about it. He stated to us in his last speech that he did not expect it to pass the Senate. I did not believe he expected that when he offered it; but, as he has notified the Senate that he does not expect it, I agree with

him that nobody else expects it to pass.

I want to make a remark simply on another point. The Senator refers to me as being from a State where timber has been destroyed by various means, suggesting that some of them were not quite proper. I want to say to the honorable Senator that he has news on that subject which I have never received. I know of no destruction of timber by the people of my State. In fact they value it very.

highly. It is guarded as well as it can be. The destruction of timber in Minnesota arises from fires spreading over the Government lands, and not from wanton waste by the people. I will add this by way of suggestion to the Senator: When he and I meet to devise the best mode of increasing the growth of timber in this country, if he will agree to appropriate one-half the money it would take to set these thousands of appraisers and markers to work over the swamps of the country, to plant out timber in the prairie portions of the country, he would do vastly more benefit than by the expensive arrangement which he now proposes. In my State we have planted out within the last year millions of trees on the open prairie. Societies have been formed in many counties, and a parent society in the State capital, for the express purpose of encouraging their cultivation, and the people of that State have taken great interest in the subject. Now, if instead of marking all the hackberry and dogwood bushes and every conceivable kind of vine and gum and beech and everything else down in Florida and Alabama, in order that you may have three hundred and twenty of each kind on a tract, he would appropriate one-half of that money to set out timber, growing timber, on the treeless plains, we should have some benefit from it. thousands of appraisers and markers to work over the swamps of the

we should have some benefit from it.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Massachusetts, [Mr. Boutwell.]

he amendment was rejected.

Mr. CLAYTON. I move to strike out the second section. As the bill was originally reported the second section provided that it should go into effect ninety days after its passage. The idea as it was orig-inally reported was to give time for the public to be advertised of this measure; but since the amendment suggested by the Senator from Vermont has been put upon it, which requires advertisement through the papers and a resurvey of these lands, I think that the

Mr. WEST. The remarks of the Senator from Arkansas would seem to imply that this bill was not operative upon any other than timber lands. The amendments that have been put upon it relate entirely to timber lands. In my State, however, there are other lands that this bill will apply to, and I certainly cannot consent to the prop-

osition to strike out the ninety-days' notice.

Mr. CLAYTON. That does not affect it at all.

You propose it shall Mr. WEST. · I cannot see why it does not. take effect immediately.

Mr. CLAYTON. There is no mention of timber lands in this bill.

Mr. CLAYTON. There is no mention of timber fands in this bill.
Mr. WEST. Are not the lands to be appraised?
Mr. CLAYTON. They are to be offered for sale; not appraised.
Mr. WEST. What has become of the amendment which provided for their appraisal?
Mr. CLAYTON. That has just been voted down.
Mr. WEST. All right. Then I have no objection to it. I have been out of the Chamber and did not know what was done.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Arkansas, to strike out the second section:

That this act shall take effect at the expiration of ninety days from the date of its

The amendment was agreed to.

Mr. INGALLS. It is admitted by the advocates of this bill that it is not devised or intended in the interest of agriculture. The Senators from all the States which are affected by its provisions, I think, have said openly that its object was to throw open the timber lands of that portion of the country to acquisition. There appears to be a remarkable discrepancy or inconsistency between the arguments that have been used and the statements that have been made by those who favor the passage of the bill. If we could believe the arguments of the Senator from Arkansas, the Senate would be led to suppose that there was an immense demand for the immediate repeal of the provisions of what is known as the southern homestead act; that thousands of men who were unable to obtain title to land in the State of Arkansas, men who were unable to obtain title to land in the State of Arkansas, or in the State of Florida, or Mississippi, were at the doors of the local land offices and are at the doors of the Senate imploring some immediate action for the purpose of removing this restriction and allowing them to pre-empt the lands in those States.

The Senator from Georgia, [Mr. Norwood,] in some remarks that he made the other day, stated to the Senate that thousands of acres of heavily timbered land could be obtained along the seaboard, in a section penetrated by four lines of railroad, for from ten to twenty cents an acre. The Senator from Arkansas informed as the through

cents an acre. The Senator from Arkansas informed us that through his State, along the lines of intersecting railroads, enormous tracts of this very kind of lands were accessible and could be obtained by persons desiring to secure a title to them, and that they remained unsold for the want of purchasers. Then, upon the other hand, I find in the report of the Commissioner of the General Land Office for the

current year the following statement:

Since the close of the war of the rebellion attention has been attracted to these timbered tracts, and in many localities they have been subject to wholesale depredation, their product forming the basis of a large commerce, employing extensive mills for manufacture, ships for transportation, and being distributed generally along the Atlantic seaboard.

Mr. CLAYTON. Will the Senator inform the Senate whether the

lands referred to there are exclusively in these five States?

Mr. INGALLS. I read from the report of the Commissioner of the General Land Office for the year 1875 in relation to the act of June 21, 1863, which he says is an act for the disposal of the public lands

for homestead actual settlements in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida.

This restriction is continued in force, and is now found embodied in section 2303 of the Revised Statutes of the United States.

Mr. THURMAN. If it does not interrupt the Senator from Kansas, I should like to make one single inquiry for my own information. should like to ask the question whether, if this bill passes, the lands in the five States named will stand on precisely the same footing with

the lands in the other States?

Mr. INGALLS. That is my understanding.

Mr. THURMAN. There will be no difference then in the land sys-

tem throughout the Republic †
Mr. BOGY. None at all.
Mr. INGALLS: It will become symmetrical and harmonions.
Mr. THURMAN. I only wanted to know if that was the fact.
Mr. BOGY. That is the object, and the only object.

Mr. INGALLS. So then, sir, taking the statement of the Senators from the States interested, in connection with the statement made by the Commissioner of the General Land Office, I think that the Senate is justified in assuming that the only object for the passage of this bill is to promote what is commonly known as speculation and speculation in timber. I use the term "speculation" now in no offensive sense, for speculation in its way is just as honest and just as honorable and just as legitimate as agriculture or any other human pursuit or any other method of industry. But I say, sir, that I assume that the object that the promoters of this bill have in urging its passage is to enable men to speculate in the timber on the public domain. I think I am correct in assuming that there cannot be any doubt about it.

The land is not useful for agriculture; it is not desired for the farming interests of the country. The Senators tell us in one breath that it is useless, valueless for any purpose whatever, thousands of acres being obtainable for from ten to twenty cents an acre, and at the same time we learn from the authorized officer of the Government having the matter under control and in charge that the products of these very lands are the subject of an enormous illicit annual commerce, requiring, as he says, very large amounts of machinery for the manufacture of lumber and the employment of ships for its transportation. Well, sir, if this is the case, certainly it seems to me, as I have previously affirmed, that, the object of the pre-emption and homestead laws being for the interest of agriculture alone, we ought not to be called upon to remove a restriction from the disposal of these lands when it is admitted that they have a commercial value that is very greatly in

advance of that which is placed upon lands exclusively agricultural. But, sir, admitting for the purposes of the arguments that these gentlemen advance that it is legitimate and proper to ask the Government to enable men who are desirous of speculating in timber to obtain by selection from among the public lands of the United States obtain by selection from among the public lands of the United States enormous tracts, covered it may be with the most valuable timber for the manufacture of lumber for domestic purposes, or it may be for ship-building—admitting that it is right and proper that they should have the opportunity of selecting these lands at a dollar and a quarter an acre, how is that interest, how are the purposes that these Scantors have in view to be promoted by removing the restrictions that now are placed on these lands and opening them to the operations of the pre-emption law? Every Scantor who is at all familiar with the methods for the disposition of the public domain knows that for pre-emption purposes a residence, a settlement, an

Amminar with the methods for the disposition of the public domain knows that for pre-emption purposes a residence, a settlement, an improvement is just as necessary as for homestead purposes.

Mr. CLAYTON. Will the Senator allow me a moment?

Mr. INGALLS. Yes, sir.

Mr. CLAYTON. This bill does not require these lands to be subjected to the pre-emption law. It requires them to be offered for sale as soon as practicable. After that they are subject to private entry,

Mr. INGALLS. The Senator from Minnesota [Mr. WINDOM] said in the course of his argument the other day that the object was to open these lands to pre-emption so that persons could obtain legitimately a title to them, and therefore by that process remove the temptation to depredation, to plunder, to trespass, and to robbery of the public domain

Mr. CLAYTON. The bill has been amended since then.
Mr. INGALLS. I understand it has been amended; but if the preemption law is what the Senators rely upon it is entirely impracticable, it is entirely useless and valueless for their purposes, because it does as I say require settlement, residence, improvement, and occu-

pation.

Mr. WINDOM. Will the Senator yield for a moment, as he has quoted me !

Mr. INGALLS. Certainly.

Mr. WINDOM. What I said was that it would leave these lands subject to the existing land laws; that they might be taken then either by homesteads or pre-emptions or private entry; that as they had once been offered they were subject to private entry. It is not likely that any one is going to settle on these lands, improve them, and then pay a dollar and a quarter an acre for them, when he can go into the Land Office and buy them for a dollar and a quarter an acre without this improvement. Consequently the pre-emption act would not apply to them; at least it would not be used. It might apply, but it would not be used; men would buy them at private outry. Mr. INGALLS. At what price?

Mr. WINDOM. A dollar and a quarter an acre as it stands now.
Mr. INGALLS. That is just what I have been saying; and on the
very theory on which the repeal of this section is asked men ought very theory on which the repeal of this section is asked men ought not to have them at a dollar and a quarter an acre. There is no justice in allowing these men to go onto the timbered portion of the public domain and select at their pleasure hundreds or thousands of acres, it may be, of the most valuable and heavily timbered land for commercial purposes and pay for it at the rate of a dollar and a quarter an acre. Aside from the economical questions the Senator from Massachusetts has raised in regard to the effect upon the country of its denudation of timber, there comes in the question of actual instice and right to the Treasury and to the people. justice and right to the Treasury and to the people.

Mr. CLAYTON. You can compete.
Mr. INGALLS. I understand that, but I am not in the timber-

speculating business.

Mr. CLAYTON. Any person can compete. That is what I mean.

Mr. INGALLS. That is true; but the Senator understands very well in regard to the disposition of public lands by public or private well in regard to the disposition of public lands by public of pivate sale that whenever a certain number of men desire to secure a title to a portion of the public domain they always combine, and it is exceedingly unsafe for any interloper or any man not in the combination, or in "the ring," as it might be called, to compete with them or to attempt to obtain title. It is one of the most dangerous experiments that any man can make to intrude upon a body or association of squatters upon the public domain or claimants upon the public domain, and attempt to compete with them for the purpose of enforcing what may be his natural rights, as well as theirs, to obtain a given or particular portion of the land. They select their tracts; they associate themselves together for the purpose of obtaining the title; and, if any man attempts to compete with them, he is quietly warned that it will be dangerous for him; that he had better withdraw; and the result is that it is in every instance obtained at the lowest price at which the Government offers it for sale.

Now, sir, a word with regard to the suggestion made by the Senator from Ohio, [Mr. Thurman.] He asked whether the removal of this restriction, or the passage of this bill, would not leave the laws applicable to the public domain uniform in their operation throughout the entire country. It is very true that it would; but the conditions and circumstances of the public domain in different portions of this country. try are not the same. So far as I am concerned, coming from one of the distinctively great public-land States of this Union, instead of removing this restriction from the five States named in the bill, I should prefer to extend its provisions over every other State in this country. If I had my way I would do it before the Senate adjourns this after-

noon. But that, of course, is not feasible.

Considering the great importance of this whole question, considering the admissions of the Senators themselves who are urging the passage of this bill, considering the fact that the depredations upon this portion of the public domain are so great as to form the basis of one branch of our commerce, and believing that there has not been sufficient time for the discussion of measures that ought to be elaborated before we can consider fully this subject, I move that this bill and the amendments be committed to the Committee on Public Lands with instructions to report a general bill for the sale and disposition of the timber lands of the United States.

Mr. CLAYTON. I hope that will not be done. It is well known that such a measure was before Congress at the last session. I have no objection in the world to joining my friend from Kansas if he thinks in his own State the public lands ought to be excluded from the pro-visions of the pre-emption law and other laws. The conditions are not the same; and we have so averred all the time. If there are any arguments at all to apply to public lands these restrictions, they would extend to such States as his. The trouble is that, whenever we bring up this simple, plain proposition to put these five States on an equality with the other States of this Union, we are met with a proposition to bring in some theoretical question; some question that may have merit in it or may not; some question which may pass the Senate or may not, but which certainly has not during the past. Our experience during the last session was that, when other measures were tacked to this bill, the whole failed. We want this measure of justacked to this bill, the whole lahed. We want this measure of justice to these five States to stand upon its own bottom, separate and distinct of itself. Put them on a footing with other States; and then we will talk to you about general legislation, such as the Senator from Kansas has alluded to.

I hope that this bill will not be recommitted. I am satisfied that the Committee on Public Lands considered it thoroughly and well

before they reported it, although I am not a member of that committee and cannot speak for it. I hope it will not be recommitted, but that it will stand upon its own merits and receive the judgment of

the Senate, whatever that may be.

Mr. INGALLS. Mr. President, I omitted to call the attention of the Senate to the recommendation of the Commissioner of the General Land Office, that some general bill should be passed upon the subject of the disposition and sale of the pine and other timber lands of the United States. Among the arguments that he uses are the following:

Reasonable facilities for the purchase of timber lands being thus provided, the law against depredations which in the absence of surveys is practically inoperative could and ought to be rigorously and relentlessly enforced. The homestead and pre-comption laws have no possible application to this class of lands. It ought to be so declared by statute.

Again, in his remarks upon the action of Congress that is invoked on the very bill now under consideration, he says:

In addition to what I have said, looking toward a repeal of the existing prohibition against acquiring title to the lands in question by cash entry, it seems to me proper to suggest that these "timber lands" of the South, and all others of their class—that is, all of the unsold "offered lands," which are chiefly valuable for their timber—might well be made to fall within the rule of exclusion, to the extent, at least, of declaring them not subject to homestead, entry, which course has already been recommended in the case of the unoffered and unsurveyed timber lands.

Mr. WINDOM. I wish to ask the Senator from Kansas a question. I ask him whether he has read further in the report of the Commissioner of the General Land Office a distinct and specific recommendation of this measure urged by an argument covering nearly two pages of his report, showing that these lands are being depredated upon, and that the only way to save the Government from loss is the pas-

sage of precisely the kind of bill now before us.

Mr. INGALLS. I read the recommendation that the restriction be repealed; but it is accompanied with the recommendation, further, upon page 10 of the report of the Interior Department, Executive Document 1, part 5, of this session, that a general law shall be passed for the disposition and sale of the pine and other timber lands of the United States, including those now under consideration. The Commissioner does specially recommend that the lands that are in these States subject now to this restriction shall be subject neither to homestead nor pre-emption entry nor private sale under existing land laws, but that a special system shall be devised for the survey, appraisal, and sale of the pine and other timber lands of the United States as

Mr. MAXEY. Mr. President, I trust the motion of the Senator from Kansas will not be sustained. The law complained of, it seems to me, deprives the citizens of the five States of Arkansas, Alabama, Mississippi, Florida, and Louisiana of the same privileges and immunities which are extended to the citizens of the other States of this Union within which the public domain of the United States lies. The Constitution of the United States declares that the citizens of each State shall be entitled to the privileges and immunities of citizens in the several States. Here in all the land States outside of these five a citizen can acquire the vacant public domain in any of the modes pre-scribed by law. Within these five States that public domain can only be acquired by homesteads. That is drawing a distinction, and not giving citizens of all the States the like privileges and immunities; and it seems to me that that point is worthy of consideration. If this be a Federal Union of co-equal States, as we all understand it to be, then why should citizens of the five States named be excluded from the privileges which are extended to the citizens of all the other States of the Union within whose limits there are public lands? I can-

not see a reason for it.

But it has been said in the progress of debate that the original intent and design of this restriction was to aid the colored people. I apprehend there is not a Senator representing a southern State in this Chamber who does not know that the class of land which is vacant and public and subject to appropriation in these five States, is land that the colored people will never settle upon. They would starve upon that kind of land. You may go into any of these States now and you that kind of land. You may go into any of these States now and you will not find them there. You will find them on the rich bottom lands where there were the finest plantations before the war, and where there are many now; and they can make more money by paying rent upon that class of land and cultivating it, far more money than they can make by going out into the hills and cultivating the land there. Hence you will find it to be true—every Senator from the South knows it—that the colored people are settled upon the rich plantations; it is universally the case; and you may go through these hills and ride a day and not find any of these people settled there. That is my experience and I presume every southern Senator pere will agree that the rience, and I presume every southern Senator here will agree that the fact is so.

But, even admitting it to be true that this provision of law was originally designed and intended to benefit a particular class of persons, that would be class legislation, and class legislation ought not to be tolerated anywhere. By the fourteenth amendment they are made citizens like you and me, with all the rights, privileges, and immunities that you and I have; no greater, no less. Then why, I say, upon any ground, should citizens of these States be deprived of the same privileges and immunities of citizens of the other States and why privileges and immunities of citizens of the other States and why should there be class legislation in favor of any class? But, in point of fact, this legislation does not benefit that class, because they do not take this land. What, then, is the effect? The South is recovering from the effects of the war. This timber is a necessity to the prairie countries. If this land could be appropriated in any of the modes known to the law, the timber would be cut up, sawed, converted into lumber and he used for females and building account. into lumber, and be used for fencing and building purposes on the prairie lands. As it is now, it is locked up, and useless for any beneficial purposes.

Believing that this is a restriction which in justice ought not to be allowed, depriving the citizens of five States of the privileges which the citizens of other States have, and believing that as a matter of wise economy the timber on these lands ought to be placed in a con-

wise economy the timber on these lands ought to be placed in a condition where it may be utilized, I support the measure of the Senator from Arkansas who has introduced this bill.

Mr. JONES, of Florida. Mr. President, the Senator from Kansas, in referring to the report of the Commissioner of the General Land Office, did not do that report justice. I thought the Senator from Minnesota, the other day, had called the attention of the Senator

from Kansas and of the Senate to the recommendation of the Commissioner upon this particular subject. It is not fair to cite the opin-ion of the Commissioner on one subject in support of or against a measure relative to another. He has given his opinion upon this particular subject, and his opinion has been cited by the Senator from Kansas in reference to a different matter. What does he say in regard to this restriction?

Mr. INGALLS. I hope the Senator will not leave me under the imputation of having improperly or imperfectly quoted the report of the Commissioner.

Mr. JONES, of Florida. Certainly not.
Mr. INGALLS. I certainly read from page 18 of the report of the Interior Department, which relates specially to what is known as the act of June 21, 1866, which is now embodied in section 2303 of the Revised Statutes.

Mr. JONES, of Florida. The object of the bill introduced by the Senator from Arkansas is simply to repeal what is admitted by the Commissioner of the General Land Office to be an obnoxious restriction, and it is so regarded by the people of the States to which that restriction applies, and I can say that it is so regarded by them without respect to party. It is not a party question; and when the representatives of those people on this floor, without regard to party, urge, as they do, the repeal of this obnoxious provision, I think it ought to have some weight with the Senators from other sections. Now what does the Commissioner say:

This restriction is continued in force, and is now found embodied in section 2303 of the Revised Statutes of the United States.

Whatever may have been the exigencies which, at the time of the passage of this act, seemed to justify its policy of exclusion, certain it is that there are not now existing, nor likely to arise in the future, any conditions rendering its continuance

It is unequal and obnoxious, in that it denies to citizens of the States named the equal privileges enjoyed by their fellow-citizens of other States with respect to lands within their borders. For this reason the section ought to be repealed; but added to this is another reason of grave importance why an early repeal is desirable. In the States to which this act refers a large, and perhaps the largest, portion of the public lands remaining to the Government is covered with valuable timber.

He urges this as an argument in favor of its repeal:

It is "offered land," and would be in the market for cash sale at private entry but or the act of 1866. The soil of most of this land is notoriously barren, and is valuable only for its timber.

Which is true.

Which is true.

Since the close of the war of the rebellion attention has been attracted to these timbered tracts, and in many localities they have been subject to wholesale depredation, their product forming the basis of a large commerce, employing extensive mills for manufacture, ships for transportation, being distributed generally along the Atlantic seaboard. The wrong thus done the Treasury is not altogether carried on in open defiance of the law, but there is, to some extent, an observance of its forms. Laborers employed in lumbering operations are induced to make homestead entry of desirable tracts and there is thus obtained shelter from interruption while the work of removing the timber goes on. Once removed, the land is abandoned, and thenceforward, for an indefinite period, may be considered as useless for any purpose. for any purpose.

And that is the condition it will be in if the amendment proposed by the Senator from Massachusetts were to become a law. port of the argument made by the Commissioner that fraud is being committed under color of this law, I ask the Secretary to read from the report of the surveyor-general of Louisiana, one of the States interested in this subject, what he says in regard to the practical

workings of this law.

The Secretary read as follows, from the report of O. H. Brewster, surveyor-general of Louisiana, dated September 1, 1874:

The Secretary read as follows, from the report of O. H. Brewster, surveyor-general of Louisiana, dated September 1, 1874:

The law is especially open to these objections in this State. I cannot better explain my views than by referring to the just remarks of one of my predecessors, Hon. John Lyuch, in his report for 1870, and contained in the annual report for that year, page 334. Since that date, however, the lapse of time has justified the opinions then expressed, and afforded the most conclusive evidence of the inutility of the law as a mode of colopizing the public domain with bona fide settlers, or even of making any considerable disposition of it. The act went into effect in this State soon after its passage, and from the records of the United States consolidated land office in this city (embracing about half the State in point of area) it is clear that it has in no manner answered the object of its creators. Up to this time there have been 4,040 entries, and of this number 1,048 were made more than five years ago.

By law the settler has the option at any time after five years from date of entry to make final proof and receive his final certificate, on which patent issues in due course; and this final proof is required to be made within two years thereafter, (that is, within seven years from date of entry,) or the entry will be forfeited. The seven years' limit has clapsed in 259 cases. Now, there have been up to date only 65 cases in which final proof has been made and final certificates issued. So that of the 1,048 entries in which the settler might have made final proof, and of the 259 entries in which they were compelled by law to do it, they have only made it in 65.

With reference to the entries over five years-old, not yet proved up, charity may suggest that within the seven years the settlers may yet proved up, charity may suggest that within the seven years have expired, and no intention to comply with the law is manifest, and no proof filled to show there was such an intention, the bare facts a

Mr. JONES, of Florida. Now, sir, it appears from the report of the surveyor-general of Louisiana that out of four thousand entries that might have been perfected into titles under the homestead law only

about sixty-five were ever completed. This shows the truth of what the Commissioner has said, that these entries were made for the purpose of fraud, with a fraudulent view of cutting off the timber. That is what the Senators from Arkansas and Mississippi have said, and it

Shows the practical workings of this law.

Now, sir, I do not believe in the doctrine of hoarding the public domain. I think it would be better to let it all go under the control of private ownership. I do not agree with the Senator from Illinois, [Mr. Oglesby,] who said it would be a misfortune for the lands to be disposed of soon. No, sir; private energy will go much further than the Government in facilitating settlements. It never has been the policy of this Government to hold the public domain for the purpose of looking out for the future. The Government in that respect has looked only to the present. It would be better to-day if the entire public domain of the United States were in the hands of private owners than in the hands of the Government; I care not under what system the title may be acquired. But, so far as this law is concerned, the great objection is that it is against equality, and a great writer has said that equality is equity. All we ask is that the States of the South that are restricted by the provisions of this law shall be placed on an equality with the other States of this Union, and after that is done if the Senator from Massas or done, if the Senator from Kansas or the Senator from Massachusetts desires that a new system shall be inaugurated which shall apply to all the States alike, I will go with them and assist in devising some

system which will apply equally to all the States of the Union.

The PRESIDENT pro tempore. The Senator from Kansas moves that the bill be recommitted to the Committee on Public Lands with

instructions to report a general bill.

The motion was not agreed to. Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. CLAYTON. We are just about passing the bill now. Mr. CAMERON, of Pennsylvania. If there is to be no more speaking, I will withdraw the motion for the purpose of allowing a vote to be taken.

The bill was reported to the Senate as amended, and the amend-ments made as in Committee of the Whole were concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. OGLESBY. I ask for the yeas and nays on the passage of the

The yeas and nays were ordered; and, being taken, resulted-yeas 41, nays 17; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Booth, Caperton, Clayton, Cockrell, Cooper, Davis, Dennis, Dorsey, English, Ferry, Goldthwaite, Harvey, Hitchcock, Howe, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, McMillan, Maxey, Merrimon, Morton, Norwood, Paddock, Ransom, Robertson, Saulsbury, Sherman, Spencer, Stevenson, Wadleigh, Wallace, West, Whyte, and Window.

other State and Special Comments of Pennsylvania, Cameron of Wisconsin, Christiancy, Dawes, Frelinghuysen, Hamilton, Hamilin, Ingalls, Jones of Nevada, Morrill of Maine, Morrill of Vermont, Oglesby, Sargent, and Wright-

ABSENT—Messrs. Bruce, Burnside, Conkling, Conover, Cragin, Eaton, Edmunds, Gordon, Logan, Mitchell, Patterson, Randolph, Thurman, and Withers—14.

So the bill was passed. Mr. CLAYTON. I mov I move to amend the title by inserting after the

word "Florida" the words "and for other purposes."

The amendment was agreed to.

# EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-two minutes spent in executive session the doors were re-opened and (at four o'clock and twenty-eight minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

### TUESDAY, February 15, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of their clerks, informed the House that Mr. Davis had been appointed in place of Mr. Thurman, excused, a manager on the part of the Senate on the conference agreed to upon the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes.

The message further announced that the Senate had passed and re-

quested the concurrence of the House in bills of the following titles: A bill (S. No. 25) granting the right of way to the Leavenworth Street Railroad Company across the Fort Leavenworth military res-

A bill (S. No. 59) to amend certain provisions of the Revised Stat-

A bill (S. No. 32) to amend certain provisions of the Revised Statutes relating to the transportation of animals;
A bill (S. No. 146) extending the time for the completion of the Oregon Central Railroad and Telegraph line from Portland and Astoria to McMinnville, in the State of Oregon;
A bill (S. No. 153) granting the right of way for railroad purposes through the United States arsenal grounds near Benicia, California;
A bill (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late a private in Company D, Tenth Tennessee Volunteers:

Volunteers:

A bill (S. No. 168) for the relief of the legal representatives of George Schwartz, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry; and

A bill (S. No. 261) to remove the political disabilities of Daniel T. Chandler, of Baltimore, Maryland.

#### SESSIONS OF COMMITTEE ON PRINTING.

Mr. VANCE, of Ohio. I am instructed by the Joint Committee on Printing, in consequence of the amount of business before that committee, to request permission to sit during the sessions of the House. There was no objection, and leave was accordingly granted.

INTEREST-BEARING OBLIGATIONS OF THE UNITED STATES.

Mr. JONES, of Kentucky. I ask unanimous consent to introduce and have referred to the Committee on Banking and Currency the joint resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

The Clerk read as follows:

Whereas the Congress of the United States passed an act approved March 18, 1869, entitled "An act to strengthen the public credit," and providing for the payment in coin or its equivalent of the interest-bearing obligations of the United States; and whereas said act was virtually a violation of various acts providing for the issue of certain bonds and obligations of the United States, especially those known as five-twenties, the principal of which at the time of their issue was underderstood to be payable in the lawful money of the United States, and so expressed in substance by both the political parties of the country in national convention, the republican convention of 1868 declaring that the national honor required the payment of the public indebtedness in the uttermost to the creditors at home and abroad not only according to the letter but the spirit of the laws under which it was contracted, and the democratic party of the same year declaring that where the obligations of the Government do not expressly state upon their face, or the law under which they were issued does not provide, that they shall be paid in coin, they ought in right and justice to be paid in the lawful money of the United States; and whereas said act, being no part of the original contract in letter or in spirit, was without consideration and therefore repealable at the will of any subsequent Congress; and whereas it was unjust, unequal, and oppressive legislation, greatly increasing the amount to be paid by the Government, and has inured, and as long as it exists will continue to inure, to the benefit of bondholders and capitalists and the positive detriment of the property and labor of the people: Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the said act, approved March 18, 1869, entitled "An act to strengthen the public credit," be, and is hereby, repealed.

The SPEAKER. Is there objection to the reception of this joint resolution and its reference to the Committee on Banking and Cur-

Mr. GARFIELD. It should go to the Committee of Ways and

Means, should it not?

The SPEAKER. The mover prefers the Committee on Banking and Currency

Mr. GARFIELD. I certainly think it should go to the Committee

of Ways and Means.

The SPEAKER. The functions of these two committees overlap in so many instances that the Chair is inclined to think it does not make much difference to which committee this matter may go.

Mr. GARFIELD. I do not care very much about it. There being no objection, the joint resolution (H. R. No. 71) was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

RAILROAD FROM NEW ORLEANS TO SHREVEPORT, LOUISIANA.

Mr. DARRALL, by unanimous consent, submitted the following resolution; which was referred to the Committee on Public Lands:

Resolved, That the Committee on Public Lands be directed to inquire whether the New Orleans, Baton Rouge and Vicksburgh Railroad Company, to which a grant of land was made by the provisions of section 22 of chapter 122 of act of 1871, approved March 3, 1871, to aid in the construction of a railroad from New Orleans to Shreveport, Louisiana, have constructed the whole or any part of said road, and whether under existing circumstances it would be for the public interest to extend the time for the completion of said railroad, or to transfer said grant to some other railroad company engaged in the construction of a railroad from New Orleans to Shreveport, Louisiana, or whether said grant should be declared forfeited to the Government.

#### INDIAN BOUNTY FRAUDS.

Mr. GAUSE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Attorney-General of the United States and the Secretary of the Interior be, and they are hereby, requested to furnish to the House certified copies of all papers and records in their respective Departments relating to the complicity of William P. Ross, formerly a Cherokee Indian delegate, in the alleged Indian bounty frauds of John W. Wright,

### APPOINTMENT OF DELEGATES UPON COMMITTEES.

Mr. FORT. The Committee on the Territories have unanimously instructed me to report the following resolution and ask its adop-

Resolved. That the Committee on the Rules be requested to inquire into the expediency and justice of reporting an amendment to the rules under which Dele-

gates from the Territories shall be appointed on the following committees with the same privileges they have in the House, to wit: Committee on Indian Affairs, Military Affairs, Mines and Mining, Pacific Railroad, Public Lands, Private Land Claims, Post-Office and Post-Roads, and Commerce.

There being no objection, the resolution was adopted.

#### GOLD AVAILABLE FOR SPECIE RESUMPTION.

Mr. SAYLER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of the Treasury is hereby requested to report to this body within ten days the actual amount of gold owned by the Government available for the resumption of specie payments, after deducting the amount of gold certificates now outstanding, accrued interest on Government bonds and bonds called for the sinking fund to this date.

#### JOHN JOHNSON.

Mr. STEVENSON, by unanimous consent, introduced a bill (H. R. No. 2129) granting a pension to John Johnson, of McLean County, Illinois, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### JOHN T. SILVERNAIL.

Mr. STEVENSON also, by unanimous consent, introduced a bill (H. R. No. 2130) granting a pension to John T. Silvernail, of Mason County, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### MRS. FLORENCE PEARCE.

Mr. STEVENSON also, by unanimous consent, introduced a bill (H. R. No. 2131) granting to Mrs. Florence Pearce, of Tazewell County, Illinois, an additional pension; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to

#### TRANSFER OF INDIAN AFFAIRS TO WAR DEPARTMENT.

Mr. COOK, by unanimous consent, reported back from the Committee on Military Affairs the bill (H. R. No. 987) to transfer the conduct of Indian affairs from the Interior Department to the War Department; which was ordered to be printed and recommitted.

#### REPAIR OF MISSISSIPPI LEVEES

Mr. ELLIS. I ask unanimous consent to submit for adoption the following resolution:

Resolved. That when the river and harbor appropriation bill is before the House it shall be in order to offer an amendment to said bill making such appropriation for the repair of the levees of the Mississippi River as may be recommended by the Committee on Mississippi Levees.

Mr. RANDALL and others objected.

Mr. ELLIS. I ask unanimous consent to offer for adoption the following resolution:

Resolved. That permission be granted to a subcommittee of the Committee on the Mississippi Levees, of such number as may be appointed, together with their clerk, to visit the inundated regions of the Mississippi Valley for the purpose of obtaining such information as will enable them to determine the necessity and amount of an appropriation to rebuild the levees and protect said valley from inundation: Provided, That said visit by said committee shall not be made at the public expense.

Mr. HOLMAN. I believe this resolution is not in order.
The SPEAKER. If there be objection, it is not.
Mr. HOLMAN. I call for the regular order.
The SPEAKER. Does the gentleman object to the consideration of the resolution?

Mr. BAKER, of Indiana. I object.

### ORDER OF BUSINESS.

The SPEAKER. The regular order being demanded, the morning hour begins at seventeen minutes before one o'clock.

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 305) to change the location of the consulates at Aix-la-Chapelle and at Omoa and Truxillo; and

An act (H. R. No. 217) donating condemned cannon and cannon balls to the Ladies' Monumental Association of Allegheny County, for monumental purposes.

### SURVEY OF ECHO HARBOR, NEW YORK.

The SPEAKER, by unanimous consent, laid before the House a let-The SPEARER, by unanimous consent, laid before the rouse a feter from the Secretary of War, transmitting, in compliance with the provisions of the river and harbor act of March 3, 1875, the report of Lieutenant-Colonel John Newton, of the Corps of Engineers, on the survey of Echo Harbor, New Rochelle, New York; which was referred to the Committee on Commerce.

#### CONVEYANCE OF GROUNDS TO NEWPORT, KENTUCKY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Adjutant-General on the bill (H. R. No. 1055) to authorize the Secretary of War to convey to the city of Newport, Kentucky, certain grounds; which was referred to the Committee on Military Affairs.

### SHREWSBURY HARBOR, NEW JERSEY.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with

a provision of the river and harbor act of March 3, 1875, a report of he survey of the north and south branches of the Shrewsbury River, New Jersey; which was referred to the Committee on Commerce.

Mr. CONGER. I believe these reports of surveys, if sent in time, would have been printed in the Engineer's report. I think they should

now be ordered to be printed. They are surveys, I believe, ordered by the House last year.

The SPEAKER. The Chair desires to say, in reference to these numerous small reports, which seem to be mere responses to inquiries on the part of the House, that it is quite unnecessary to order them to be printed. Unless they possess special public importance and have wider range than a mere locality the Chair does not see why they should be ordered to be printed. He has therefore been acting under the impression that it is not the pleasure of the House to order

the printing of unnecessary matter.

Mr. CONGER. I thought they were reports of surveys heretofore ordered under acts of Congress. If they are only in response to House

resolutions that is another thing.

The SPEAKER. Many of them are in response to resolutions and some in response to previous requirements of law in appropriation bills. Whenever it is the desire of the House to have these things printed the Chair will most gladly yield to the wish of the House.

#### PRINTING DONE FOR THE WAR DEPARTMENT.

The SPEAKER. The Chair also lays before the House a letter from the Secretary of War, transmitting a report of the work done for the War Department and each separate Bureau by the Government Printing Office during two years ending December 31, 1875. Accompanying this letter is a bagful of records, which, unless otherwise ordered, the Chair will direct to be referred to the Joint Committee on Printing, without being ordered to be printed.

There was no objection, and it was ordered accordingly.

#### PAY OF TROOPS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication from the Paymaster-General United States Army, requesting a separate act be passed appropriating \$500,000 for the payment of troops from June 15 to June 30, 1875; which was referred to the Committee on Appropriations.

GRAND RIVER HARBOR, OHIO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a copy of a statement of Lieutenant-Colonel C. E. Blunt, Corps of Engineers, in relation to the improvement of Grand River Harbor, Ohio; which was referred to the Committee on Commerce.

#### WILLIAM F. BLOOR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of William F. Bloor, for pay as second lieutenant from June 18, 1863, to November 8, 1863; which was referred to the Committee on Military

#### IMPROVEMENT OF THE MISSISSIPPI RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a copy of the report of Colonel J. H. Simpson, Corps of Engineers, of his survey in con-nection with the improvements of the Mississippi River between Saint Louis and Cairo; which was referred to the Committee on Commerce, and ordered to be printed.

#### BREAKWATER, SAN LUIS OBISPO.

The SPEAKER also, by unanimous consent, laid before the House the report of the Secretary of War on the bill (H. R. No. 139) to authorize the construction of a breakwater at San Luis Obispo Harbor, California; which was referred to the Committee on Commerce.

#### WEST HAVEN HARBOR, CONNECTICUT.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with the provisions of the river and harbor act of March 3, 1875, the report of Major J. W. Barlow, Corps of Engineers, of the survey of the channel of West Haven Harbor, near New Haven, Connecticut; which was referred to the Committee on Commerce.

#### REQUEST TO VOTE.

Mr. ODELL. Mr. Speaker, if there be no objection, I should like to ask unanimous consent of this House to have my vote recorded in the negative upon the resolution introduced yesterday by the gentle-

man from Maine, [Mr. Hale.]

The SPEAKER. If the gentleman was present and voted, and his name is not recorded, the Journal will be corrected, but he cannot have his vote recorded if he was not present or did not vote. He has accomplished his purpose, however, for the statement which he has just made goes into the RECORD.

Mr. ODELLL. If present, I would have voted in the negative on

that resolution.

#### MORNING HOUR.

The SPEAKER. The regular order this morning is the call of committees for reports of a public nature, commencing with the Commitmittee on Patents, the call resting with the Committee on Patents.

CHARLES H. FONDÉ.

Mr. J. H. BAGLEY, from the Committee on Patents, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1440) to enable Charles H. Fondé to make application to the Commissioner of Patents for extension of letters-patent for improvement in dredging-machines.

The question was on ordering the bill to be engrossed and read a

third time.

The bill was read. It provides that the petition of Charles H. Fondé, of Mobile, Alabama, for extension of letters-patent for an improvement in dredging-machines, granted the 17th day of April, improvement in dredging-machines, granted the 17th day of April, 1855, No. 12720, and extended by the Commissioner of Patents for seven years from the 17th day of April, 1869, which term will expire on the 17th day of April, 1876, be, and the same is hereby, referred to the Commissioner of Patents, with full power and authority to hear and determine the same; and, if, after hearing the said petition, upon due notice to the public according to the practice of the Patent-Office in cases of extension, the said Commissioner should decide that said activities are by the boundary of the practice of the Patent-Office in cases of extension, the said Commissioner should decide that said petition ought to be granted, he is hereby authorized and empowered to extend said letters-patent for seven years from the 17th day of April, 1876, to said Charles H. Fondé.
Mr. J. H. BAGLEY. I ask that the report accompanying the bill

may be read.

The report was read. The committee stated that they had exampapers accompanying the petition of Charles H. Fondé, and the affidavit of the petitioner, and also received his statement, and are of opinion that the said Fondé has made every effort in his power to perfect and put into use the dredging-machine for which he seeks an extension of patent. He has expended large sums of money in the several attempts, but from adverse circumstances which he could not control has suffered great loss. With others he has lost three machines, one by an explosion of the boiler and two by other accidents, rendering them nearly a total loss. The committee find that the machine of which Fondé is the inventor is not of such a character that the general interests of the public would be damaged or interfered with should the application be granted. No opposition whatever is offered to the application, and the committee therefore were of the unanimous opinion that the bill should pass, and so recommended.

Mr. J. H. BAGLEY. I yield to the gentleman from Alabama, [Mr.

CALDWELL.

Mr. CALDWELL, of Alabama. It will be observed that the Committee on Patents have made a unanimous report in favor of granting the prayer of the petitioner, Charles II. Fondé. I feel sure, sir, that, if the House had in its possession all the facts which have been submitted to the Committee on Patents, there would not be a dissenting voice as to the justice or propriety of granting this prayer. I invite the attention of the House to a short statement of the facts in the case, and I ask especially the attention of gentlemen on this side of the House that they may thoroughly understand the facts, and if possible give me an opportunity to remove the objections which on a previous

day rested in their minds against this bill.

In the year 1847 Mr. Fondé, a mere youth, had his mind directed to the importance of machines of sufficient power and capacity to dredge our harbors and rivers. He went to work and invented such a machine, and after seven or eight long years he submitted a model to the Patent Office and upon it obtained a patent. In the year 1854, by the aid of friends he was enabled to construct a machine and presented it to the public in an experiment, I believe, in the waters of New York Bay. By the carelessness of the engineer the boiler exploded, which resulted in the destruction of the machine and in the

injury of the applicant.

Shortly thereafter, through the aid of other friends, Mr. Fondé succeeded in building a second machine, which he called Pioneer No. 2. That machine when it was ready for work, lying in the waters of New York Bay, was run over and destroyed by a bark, the Peru, that was passing out of the harbor. Thus the second machine was destroyed. Mr. Fondé still had faith in his invention, and he persuaded friends to assist him in constructing the third machine, and when that was completed he entered into a contract with the Long Dock Company of Jersey City, hoping from that contract to realize some profit. But in 1857 the panic came on, the Long Dock Company failed, Mr. Fondé failed, and his friends failed. From that time until the beginning of the war there were no enterprises in the country demanding or requiring the use of such a machine.

Prior to the war Mr. Fondé returned to the city of Mobile. He was thus cut off during the war from those who had assisted him in the construction of the machine, which was wrecked and was sold for wharfage or dockage. His partners or friends who had aided him died during the war in the city of New York. Thus his machine was gone

and his friends were gone.

In the year 1869 Mr. Fondé made application to the Patent Office stating all these facts, and had his patent extended. But he had no means. He interested, however, other friends, and has now constructed the fourth machine, costing \$50,000, and it is lying in the harbor of Baltimore ready to do work.

Now, if it be true that patents are intended as a premium upon the genius and talent of the country, and are intended to indemnify persons for their study, for their skill, and for the means which they employ to produce something useful, will this House under all these circumstances

deny Mr. Fondé the right to go before the Commissioner of Patents and make an application for the extension of his patent? If ever there was a case, it seems to me, that commends itself favorably to the consideration of members of this House, whether democrats or republicans, this is the case. Mr. Fondé and his friends have expended largely, to the amount of over \$100,000, in the construction of these several machines; and they have not realized more than \$25,000 or \$26,000. Now, I trust that the House will grant this privilege to a man who has spent long years, and who has spent his money in the accomplishment of that which mechanics and artisans for two hundred years had been making unsuccessful efforts to accomplish. His patent expires on the 17th of April next, and if this privilege, this extension, is not granted to him he will be remitted to poverty, while the country will get the benefit of his long years of toil and labor.

If I have stated anything that is not warranted by the facts submitted to the committee, I beg them to correct me. If I have stated the facts as they are and as they have been proved before the commit-

tee, I beg the House to pass the bill.

Mr. REAGAN. Mr. Speaker, when this bill was first reported, I made objection to its passage on the general ground of opposition to a second renewal of a patent. Since it comes back a second time, with the unanimous indorsement of the Committee on Patents, I do not feel justified in further opposition to the bill or in voting against it.

The question was put on ordering the bill to be engrossed and read a third time; and on a division there were ayes 89, noes not counted. So the bill was ordered to be engrossed and read a third time; and

being engrossed, was read the third time.

Mr. ATKINS. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 97, not

voting 60; as follows:

voting 60; as follows:

YEAS—Messrs, Ashe, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banning, Beebe, Blair, Bland, Blount, Bradford, John Young Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Candler, Caulfield, John B. Clarke of Kentucky, Cochrane, Conger, Cook, Cowan, Crapo, Crounse, Culberson, Davis, Demison, Dibrell, Dobbins, Douglas, Dunnell, Durand, Eames, Ellis, Felton, Forney, Frost, Frye, Gause, Gunter, Hardenbergh, Benjamin W. Harris, Henry K. Harris, Harrison, Harizell, Haymond, Hendee, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoge, Hooker, Hopkins, House, Hubbell, Hunton, Hyman, Jenks, Thomas L. Jones, Ketchum, Kimball, Franklin Landers, George M. Landers, Lane, Leavenworth, Levy, Lynch, Levi, A. Mackey, Maish, McCrary, McDill, McFarland, Metcalfe, Miller, Money, Mutchler, Nash, New, Norton, O'Brien, Odell, O'Neill, Page, Parsons, Payne, Platt, Powell, Rainey, Rea, Reagan, John Reilly, Riddle, William M. Robbins, Roberts, Sampson, Schleicher, Schumaker, Seelye, Sheakley, Smalls, William E. Smith, Sparks, Strait, Swann, Tarbox, Terry, Thompson, Throckmorton, Tucker, Robert B. Vance, Waddell, Waldron, Gilbert C. Walker, Alexander S. Wallace, John W. Wallace, Walls, Walsh, Warren, G. Wiley Wells, Willard, Andrew Williams, Alpheus S. Williams, Jeremiah N. Williams, Williams B. Williams, Wilshire, Woodburn, Yeates, and Young—132.

Jeremiah N. Williams, William B. Williams, Wilsinire, Wooddin, Leates, and Young—132.

NAYS—Messrs. Ainsworth, Atkins, John H. Baker, Bell, Blackburn, Blaine, Boone, Bright, William R. Brown, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cannon, Cason, Cate, Chittenden, John B. Clark, jr., of Missouri, Collins, Cutler, Davy, De Bolt, Durham, Eden, Egbert Ely, Evans, Faulkner, Fort, Foster, Franklin, Garfield, Glover, Goodin, Hale, Andrew H. Hamilton, Robert Hamilton, John T. Harris, Hathorn, Henderson, Holman, Hunter, Frank Jones, Joyce, Kehr, Kelley, Knott, Lapham, Lawrence, Luttrell, Lynde, MacDongall, McMahon, Milliken, Monroe, Morgan, Morrison, Neal, Packer, Phelps, John F. Philips, William A. Phillips, Piper, Plaisted, Poppleton, Potter, Pratt, Randall, Rice, John Robbins, Robinson, Miles Ross, Sobieski Ross, Rusk, Savage, Sayler, Scales, Sinnickson, Southard, Springer, Stenger, Stevenson, Stone, Stowell, Thomas, Martin I. Townsend, Tufts, Van Vorhes, John L. Vance, Erastus Wells, Whiting, Wike, Charles G. Williams, James Williams, Willis, Benjamin Wilson, James Wilson, and Woodworth—97.

and Woodworth-97.

and Woodworth—97.

NOT VOTING—Messrs. Adams, Anderson, Banks, Barnum, Bass, Bliss, Bradley, Campbell, Caswell, Chapin, Clymer, Cox, Danford, Darrall, Farwell, Freeman, Fuller, Gibson, Goode, Hancock, Haralson, Hartridge, Hatcher, Hays, Hoar, Hoskins, Hurd, Hurlbut, Kasson, King, Lamar, Lewis, Lord, Edmund W. M. Mackey, Magoon, Meade, Mills, Morey, Oliver, Pierce, Purman, James B. Reilly, Singleton, Slemons, A. Herr Smith, Teese, Thornburgh, Washington Townsend, Turney, Charles C. B. Walker, Walling, Ward, Wheeler, White, Whitehouse, Whitthorne, Wigginton, James D. Williams, Alan Wood, jr., and Fernando Wood—60.

So the bill was passed.
During the roll-call,
Mr. BLAND said: I desire to say that my colleague, Mr. HATCHER, is sick and necessarily absent from the House.

The result of the vote was announced as above recorded.

Mr. CALDWELL, of Alabama, moved to reconsider the vote by which the bill was passed; and also moved that the motion to recon-sider be laid on the table.

The latter motion was agreed to.

ENCOURAGEMENT OF HORTICULTURE AND FLORICULTURE.

Mr. VANCE, of North Carolina, from the Committee on Patents, reported back with an adverse recommendation the bill (H. R. No. 182) to encourage the production of new and valuable fruits and plants; and the same was laid on the table.

# HEIRS OF WILLIAM A. GRAHAM.

Mr. VANCE, of North Carolina, also, from the same committee, reported back with an adverse recommendation the bill (H.R. No. 431) for the relief of the heirs of William A. Graham; and the same was laid on the table.

# TAXATION IN THE DISTRICT OF COLUMBIA.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 2132) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia; which was read

a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### SURETIES OF INDIAN AGENTS, ETC. .

Mr. SCALES, from the Committee on Indian Affairs, reported a bill H. R. No. 2133) to amend section 10 of an act making appropriation for the current and contingent expenses of the Indian Department for the year ending June 30, 1576, and for other purposes; which was read a first and second time.

The bill was read in full, as follows:

a first and second time.

The bill was read in full, as follows:

That section 10 of the act making appropriation for the current and contingent expenses of the Indian Department for the year ending June 30, 1876, be amended so as to read as follows:

That hereafter the surety or sureties upon the bond to be given by each Indian agent, subagent, and special agent appointed by the President of the United States, the Secretary of the Interior, or other competent authority, before entering upon the duties of his office, shall file a sworn statement with the Secretary of the Interior setting forth the nature and kind of property owned by such surety or sureties, the value of the same, and where situated; and that no moneys appropriated by any act of Congress or otherwise and no trust fund or any other public funds appropriated or set apart for the benefit of any Indian or Indians shall be paid to any Indian agent, subagent, or special agent to be hereafter appointed, and no public property of any kind, whether designed for the use of Indians or for any other purpose, shall be turned over to any Indian agent, subagent, or special agent to be hereafter appointed, until the surety or sureties shall have filed such statement. Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources, and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor; and true transcripts of all entries of every character in said books shall be forwarded quarterly by each agent to the Commissioner of Indian Affairs; Provided, That should any agent knowingly make any false entry in said books or in the transcripts directed to be forwarded to the Commissioner of Indian Affairs, or shall knowingly fail to keep a perfect entry in said books as herein prescrib

Mr. SCALES. I ask that the letter of the Secretary of the Interior be read.

The Clerk read as follows:

The Clerk read as follows:

Department of the Interior,

Washington, December 11, 1875.

Sir: I have the honor to invite your attention to section 10 of the act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1876, which is as follows:

"That hereafter the security or securities upon the bond required by the act of February 27, 1851, to be given by each Indian agent before entering upon the duties of his office, shall file a sworn statement with the Secretary of the Interior, setting forth the nature and kind of property owned by such security or securities, the value of the same, and where situated; and that no money appropriated by this act shall be paid to any Indian agent hereafter appointed until the security or securities shall have filed such statement. Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of money from all sources; and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor; and true transcripts of all entries of every character in said books shall be forwarded quarterly by each agent to the Commissioner of Indian Affairs. Provided, That should any agent knowingly make any false entry in said books or in the transcripts directed to be forwarded to the Commissioner of Indian Affairs, or shall knowingly fail to keep a perfect entry in said books, as herein prescribed, he shall be deemed guilty of a misdemeanor, and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than \$500 nor more than \$1,000, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agents in the employ of the Government. I have required the Indian Office to extend the provision of s

Z. CHANDLER.

The Speaker House of Representatives.

Mr. SCALES. Mr. Speaker, I will simply state that the object of this amendment to the law is to place all the Indian agents, &c., on the same footing, with the same bonds and securities, and there s very high propriety in passing it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed. Mr. SCALES moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

table. The latter motion was agreed to.

### FORTIFICATION APPROPRIATION BILL.

Mr. WHEELER (the morning hour having expired) reported from the Committee on Appropriations a bill (H. R. No. 2134) making appro-

priation for fortifications and other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1877, and for other purposes; which was read a first and second time.

Mr. WHEELER. The bill embraces but half a dozen items, and

I ask unanimous consent that it be considered now in the House.

There was no objection.
The Clerk read the bill as follows:

The Clerk read the bill as follows:

That the sum of \$100,000 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the protection, preservation, and repair of fortifications and other works of defense, for the fiscal year ending June 30, 1877, the same to be expended under the direction of the Secretary of War; also the following sums for armament of fortifications, namely:

For the armament of sea-coast fortifications, including heavy guns, Gattling guns, and howitzers for flank defense, carriages, projectiles, fuses, powder, and implements, their trial and proof, and all necessary expenses incident thereto, \$165,000.

SEC. 2. That from and after the passage of this act the Secretary of War be, and he is hereby, authorized and directed to cause to be sold, in such manner, and at such times and places, and in such quantities as shall most conduce to the interests of the United States, all obsolete and condemned projectiles for heavy ordnance now on hand and stored in the various arsemals of the United States, and to cause the net proceeds of such sales, after paying the necessary expenses attending the same, to be covered into the Treasury of the United States, with full account of said expenses.

expenses.

Note.—The total sum recommended by this bill is \$315,000.

The question was upon ordering the bill to be engrossed and read

a third time

Mr. WHEELER. The estimates sent in for this purpose for the next fiscal year were in round numbers \$3,500,000. The bill reported appropriates \$315,000, so marked a reduction as naturally to excite comment. Yet while the Committee on Appropriations have differed in relation to the policy adopted in regard to some of the appropriation bills, they are a unit in believing that the reduction proposed by

this bill may safely be made.

We have in our arsenals immense accumulations of ordnance and ordnance stores. Every cemetery of the land that cares to ask for them obtains condemned cannon and cannon-balls for monumental purposes, as the many bills for that purpose passed by Congress will abundantly testify. The Book of Estimates itself furnishes complete proof of the redundancy of ordnance stores. The Department asks for an appropriation of a quarter of a million of dollars for the purchase of new projectiles and for heavy ordnance, and that is accompanied by a request for authority for the Department to sell obsolete and condemned projectiles and ordnance stores. And yet those stores were asked for with as much earnestness as these are now asked for. If the request should be granted, the resulting manufactures would soon become the prey of devouring rust and take their place with the obsolete and the condemned.

With constant improvements in guns and projectiles, in the judg-ment of the committee it would be most wasteful and extravagant to accumulate larger stores, which any day may be superseded by better patterns. In any great emergency, as was proven by the results of the late war, we may with safety and reliance turn to the iron manufactories of the country, where work is equally well done and certainly far more cheaply than in our arsenals and armories under the eight-hour system and under the system of illimitable red tape and superintendence that prevails in our Government arsenals. We may safely at all times rely upon our ordnance officers, who are certainly among the most skillful in the world, for the most improved models.

among the most skillful in the world, for the most improved motels. With these advantages, and with our innumerable iron manufactories and inexhaustible fields of coal and iron, we may safely abide any event.

To the most unprofessional mind it is evident that hereafter we must rely for the protection particularly of our scaboard cities upon

must rely for the protection particularly of our scaboard cities upon the use of iron-clads and the torpedo system of defense. It is a reflection upon our Navy and upon the skill and spirit of our people to admit for a moment that we would allow an enemy to approach unhindered within striking distance of our cities.

But, independent of all this, this is the centennial year. We want no shotted guns pointed seaward. For this year at least there ought to be a lull in the manufacture of implements of human destruction. We have voted a million and a half of dollars to provide for making the nations of the world our guests, and to show them, as we shall show them, how invincible we are outside of fortifications and the the nations of the world our guests, and to show them, as we shall show them, how invincible we are outside of fortifications and the other enginery of war. In my judgment that is to be one of the best results of our great national exhibition. Foreign nations will learn, they will see for themselves, the material out of which we can rapidly improvise vast armies, and the resources with which we can feed, clothe, and transport millions of men in arms. As I have said, in my judgment this is to be one of the best and most productive results of the great exhibition. The nations of the world will take away with them a knowledge of us and of our resources which will teach them them a knowledge of us and of our resources which will teach them that, while we have the disposition to accord to all in every clime their just rights, we have the spirit and the power to demand and secure them for ourselves.

Mr. RANDALL. I wish only to add that it is a source of very great

Mr. KANDALL. I wish only to add that it is a source of very great satisfaction to find the Committee on Appropriations a unit in respect to this bill. I have no doubt that that exhibition will be gratifying to the people of this country.

There is one consideration which the gentleman from New York [Mr. Wheeler] omitted to mention, which I think induced the committee to largely reduce the appropriations asked for. That is, that there is not the discharge to work housing the tiff we shall deal into the there is not the slightest apprehension that if we shall deal justly by other nations there will be any conflict of arms between us and any foreign power. The appropriations heretofore made seemed to the

committee to have been altogether too large. For instance, experience has shown that the best means of resisting an armed force, whether of artillery on land or of iron-clads on the water, is by earthworks. That I believe is the universal judgment of all those who were engaged in the artillery struggles of the recent war. Therefore it is that the Committee on Appropriations feel, and I am glad to repeat the words of the gentleman in charge of this bill, [Mr. WHEELER,] that no material interest will suffer in the least degree by this reduction. tion, either as regards our fortifications or the experiments to be made in the trial of armament or torpedoes.

I may state here that it is a singular fact that the 15-inch guns which were deemed the best from 1859 to 1865 are now not regarded as so important, are not deemed as sufficient to resist any iron-clad of the first class. It is true that other countries are experimenting largely in connection with arms and the heavier machinery of destruction in warfare through the agency of guns. All that we appreciate, and of it we shall get the benefit. It is impossible to throw a Chinese wall, as it were, around the intelligence of the world in connection with these subjects. Whatever experiments we may make traverse the length and breadth of the land; and so it is with experiments by other nations; we realize the benefit of those experiments. Therefore no interest whatever can suffer by reason of these reductions.

Mr. WHEELER. If no gentlemen desires to ask any questions, I

Mr. WHEELER. If no gentlemen desires to ask any questions, I will call for the previous question.

Mr. LAWRENCE. I would be glad to have the gentleman state the amount appropriated by the present bill and also the amount appropriated by the corresponding bill of last year.

Mr. WHEELER. The amount appropriated last year was \$1,022,000; the amount appropriated by this bill is \$315,000.

I wish to express my assent to what the chairman of the committee.

I wish to express my assent to what the chairman of the committee, the gentleman from Pennsylvania. [Mr. RANDALL,] has said in relation to the expenses of the Ordnance Department. My former experience in connection with Army appropriations taught me that that was one of the most extravagant Departments of the Government. We have now (I do not speak without due consideration) millions of dollars of accumulated useless ordnance stores. In the last Congress I brought in a bill for the sale of surplus lead. I found, on examination last year, that we had eighteen years' supply of lead; and I learned that we might safely sell a million dollars' worth of it. At a proper time I shall introduce, through the Committee on Appropriations, a section into some of these appropriation bills which shall direct the Secretary of War to sell all obsolete and condemned ordnance stores; for our arsenals fairly groan with their accumulation. I think that this bill appropriates every dollar that the Government needs at this time. I call for the previous question. of the most extravagant Departments of the Government. We have call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed

and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. WHEELER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I move that the House now adjourn.

Mr. TUCKER. I would like to make a report.

Mr. RANDALL. I yield to the gentleman.

# EXECUTION OF CUSTOM-HOUSE BONDS.

Mr. TUCKER. The Committee of Ways and Means directed me some time ago to make a report on the bill (H. R. No. 1192) relating to the execution of custom-house bonds. I am directed to report back a substitute for that bill; and I ask that it may be acted on

now and passed.

The SPEAKER pro tempore, (Mr. Blackburn.) Does the gentleman desire that the substitute shall be considered in place of the original

bill?

Mr. TUCKER. Yes, sir.

The substitute (H. R. No. 2135) was read. It provides that when any bond is required by law to be executed by any firm or partnership for the payment of duties upon goods, wares, or merchandise imported into the United States by or for the use and benefit of such firm or partnership, the execution of such bond by any member of such firm or partnership shall bind the other members or partners thereof in like manner and to the same extent as if such other members or partners had personally executed the same; and any action or bers or partners had personally executed the same; and any action or suit may be instituted on such bond against all the members or partners of such firm as if all the members or partners had executed the

Mr. TUCKER. As I understand, it has been a matter of very great inconvenience that under the existing law, where a custom-house bond is required of a firm, all the members of the firm are obliged to join in its execution. The measure now reported proposes to allow one member of the firm to execute such a bond, and thereby bind all the members of the firm or partnership to the same extent as if each of

them had executed it.

Mr. KASSON. I did not understand whether the gentleman from Virginia [Mr. Tucker] stated that if a member of a firm executed a bond in the firm name for this purpose it should bind the firm, or if he executed it in the name of any single member of the firm for firm

business it should bind the firm.

Mr. TUCKER. The provision of the bill is that wherever a bond is required of a firm for the payment of custom duties on goods, wares, or merchandise imported by or for their use, and it is executed by any member of the firm under that requisition, it shall be equally binding on all the members of the firm as if they had executed it.

Mr. KASSON. The only question that occurs to me is whether we

can by law bind parties who are not on the face of the bond bound; for that is different from a liability under the common law. In other words, the question is whether, if one member of a firm signs his individual name to a bond, although it concerns firm business, we can by force of our statute bind by that act every other member of the firm who might be interested in the result but might not have assented to

the giving of the bond.

Mr. TUCKER. I have no doubt about the power of Congress to make the act obligatory upon all the members of the firm under these circumstances; but if the gentleman has any doubt about it I have no objection to the insertion of the words which he suggests, "in the name of the firm.

Mr. KASSON. I have great confidence in the report of the committee; and if they have considered that point, whether we can create a

statutory liability against the face of a written instrument—
Mr. TUCKER. I have no doubt about our power on that point;
but I would like of course to remove any doubts upon the other side of the House on this question, and have no objection to inserting the

words the gentleman suggests.

Mr. KASSON. I do not know what words would cure the difficulty.

The point of doubt is this: When John Smith, of the firm of John Smith & Co., gives a bond to the Government in his individual name, although there may be a beneficiary interest resulting to other par-ties, can we by statute say that these other parties who never as-sented to the written instrument shall be bound without their consent

sented to the written instrument shall be bound without their consent by the act of a party whose individual name the Government accepts? Mr. TUCKER. I have no doubt about that. Mr. KASSON. There is the difficulty which I see as a lawyer; but if the committee has considered our ability to do that thing and are satisfied we have the power, I do not propose any amendment. Mr. TUCKER. I can explain in a very few words. The Clerk will send the bill back to me.

Mr. BURCHARD, of Illinois. The gentlemen from Virginia will.

send the bill back to me.

Mr. BURCHARD, of Illinois. The gentleman from Virginia will allow me to say that the point suggested by the gentleman from Iowa I do not think was discussed by the Committee of Ways and Means. I do not think it arises. The bill provides where a bond is required in the name of a firm that then the bond may be signed by one member of the firm. This is done for the convenience of those partners ber of the firm. This is done for the convenience of those partners who cannot be present personally to execute the bond or who cannot personally execute the bond jointly with the other partners without great inconvenience. It is in the interest of commerce and for the convenience of merchants, and I do not think there should be any objection interposed to the passage of the bill.

Mr. HALE. Even supposing that to be so, looking beyond this to the question of remedial power, where does the gentleman from Illinois, or the gentleman from Virginia, who reports this bill, find any power in any legislative body to enact that where a single party has signed a contract with the Government any other party shall be held

signed a contract with the Government any other party shall be held in a court of law bound and pledged under that contract? Now, the point raised by the gentleman from Iowa seems to me to be of great force, and I should go further than he has done. It does not rest in my mind as a matter of doubt, but it seems to me, looking beyond the convenience of the merchant to the right of the Government to enforce its contract, they are going too far. There will be no power to hold the partner who has not signed the bond, although you may declare as a matter of convenience the bond may be signed by

Mr. TUCKER. I think I can remove all difficulty. The terms of the act, as reported, are that "when any bond is required by law to be executed by any firm or partnership for the payment of duties on goods, wares, or merchandise imported into the United States by or goods, wares, or merchandise imported into the United States by or for the use and benefit of such firm or partnership." Now, by the law merchant, as I apprehend, if one partner under such circumstances signs a parol-instrument, the firm would be bound. The only question is, when it is a signed and sealed instrument, by common law they would not be bound. Now, the proposition of the committee is that if one partner, in a case where a firm would be bound by parol contract executed by one party, seals the instrument, the other parties shall be alike bound as if they had sealed it. I think there can be no doubt about it. It would remove all difficulty. But there is no necessity to have any difficulty. I would insert the words suggested by the gentleman from lowa: "The execution of such bond by any member of such firm or partnership in the name of such firm or partnership shall bind the other members."

Mr. HALE. Would you not put in the other words: "With and by the consent of the firm?"

Mr. TUCKER. I do not think that it is necessary. If the bond is

Mr. TUCKER. I do not think that it is necessary. If the bond is required of them for goods imported for their use, one has the right for the others.

Mr. HALE. It is upon the theory that it is a part of the business

Mr. TUCKER. That was the purpose of the original bill, that whatever one partner did in the course of business of the firm bound

Mr. CONGER. I would ask the gentleman whether it would not also be well to include in the bill the case when such a firm is con-

signee ?

Mr. TUCKER. I would have some difficulty about that, because the firm might be the consignee of goods, when they would not be justified in entering into any contract for payment of duty, and one member might not be able to bind the other members of the firm. I put it, that where the goods are imported by or for the use of the firm, this is in the course of their business and one partner binds the

Mr. LAWRENCE. Suppose the partnership contract provides that a partner shall not sign any sealed instrument which shall bind the individual members of the partnership except those who sign it, will it be possible by statute for one member of such a partnership as that to have the power, notwithstanding the terms of the partnership contract, to sign a sealed instrument in the name of the firm which shall bind all the members of the firm?

Now I apprehend that there would be no difficulty in providing by law that, as to all partnerships hereafter entered into, the act of one member of the partnership, either in his individual name or signing the partnership name, in executing a sealed instrument, would be obligatory on all the individual members of the partnership, because in such a case as that the law would enter into and become a part of

Mr. HALE. Every contract would be made in subordination to it.

Mr. LAWRENCE. Precisely; as my friend suggests, every contract hereafter made would be in subordination to it. But that is not the case I am now contemplating. This bill is so framed as to apply to partnerships which have been heretofore entered into. And there are doubtless cases of partnership, where the terms of the partnership contract provide that the active members of the firm shall not undertake to bind those who are not active members by a sealed instrument. Now we propose by this bill, in its broad and comprehensive terms, to give to the active members of a partnership firm the power to bind silent partners, who would not, if they knew they ran the risk of incurring such liability, enter into any such partnership contract at all.

It seems to me that this bill ought to be carefully guarded, and ought to protect the rights of those silent partners and other partners who by the terms of the partnership contract run no risk now

of being bound by any sealed instrument.

Mr. HALE. Take, for instance, the contract which has been suggested, a contract of partnership, with limitations as to signatures under seal by the different partners; can you by any legislation impair the strength of such a contract any more than of any other contract that is a thing of the past? In reference to a partnership exist-

tract that is a thing of the past? In reference to a partnership existing under such a contract and the rights of partners to-day being controlled and guided by the instrument of partnership already made, can you by legislation here impair the obligation of that?

Mr. BURCHARD, of Illinois. Let me suggest that by the law at present, as I understand it, and as was stated by the gentleman from Virginia, [Mr. Tucker,] one partner cannot bind his copartner by an instrument under seal.

Mr. LAWRENCE. That all depends upon his authority.

Mr. BURCHARD, of Illinois. But if he has an authority it must also be by an instrument under seal. Now, that is the law in respect to all these obligations. I cannot see the force of the suggestion or objection that we cannot change the law in regard to existing partnerships.

Mr. LAWRENCE. Existing partnerships the terms of which exclude the power of acting partners to sign sealed instruments bind-

ing the others.

Mr. BURCHARD, of Illinois. That is the law in relation to all existing partnerships. No law permits a partner to bind his copart-ner by instrument under seal unless the partner has express power to bind his copartner.

Mr. LAWRENCE. The articles of copartnership may themselves be under seal, and may give all the powers of the partnership to any

partner.

Mr. BURCHARD, of Illinois. If such powers exist, if they are expressly provided, there is no difficulty. But the general principle of law is as I have stated. Now it is proposed to modify the law as regards custom-house bonds executed on behalf of a firm by one of the partners.

As the law stands at present, in order to permit a New York firm to As the law stands at present, in order to permit a New York firm to import any article into the city of New York, every partner must sign the bond individually. One partner cannot sign the name of or bind his copartners unless there is an express power given by the other members of the firm authorizing him to sign their names. This bill proposes to relieve the merchants of New York who are doing business as copartners from this hardship and to allow one partner to sign the bond for the firm. I do not think that this works any hardship. I think it is in the interest of all those who are as copartners engaged in importing. I do not see that it will be any disadvantage.

engaged in importing. I do not see that it will be any disadvantage to the Government; on the contrary it will be rather a convenience.

Mr. LAWRENCE. We throw upon the Government the proof of who the individual members of the partnership are. The fact is that this thing of getting wiser than the common law by statute is a pretty difficult undertaking. I have never seen a statute yet whose provisions were better than those of the common law.

Mr. CHITTENDEN. I do not know much about law, but I know something in regard to this question, and I will try to make the House

understand it in a few words.

The successors of my firm to-day are notified that a package of dry goods or of hardware has arrived on board ship; the firm we will say consists of five men, and instead of the head of that firm, or any one member of the firm authorized to do so, being called to go and sign the bond for each individual member, each member of that firm, sick or well, must be brought to the custom-house to sign the bond and the sureties must go as many times as the members of the firm in order to get the goods through the custom-house. Now, sir, there is certainly no good reason why any man engaged

in commerce should be subjected to an inconvenience of that kind and

Moreover, sir, since the year 1825 until within a brief period, which I will not attempt to state, (my practice does not warrant me in doing it and I have not the facts before me,) what is proposed in the bill reported by the gentleman from Virginia [Mr. Tucker] has been the practice in New York. I venture to say that there is not a man of clear intellect in this House that can go to the custom-house in New York and stand at the bond-clerk's desk for five minutes of any one day without being convinced that there should be no law against the convenience of merchants such as this bill seeks to obviate. The case

on venience of merchants such as this offi seeks to obviate. The case is as clear as any case can possibly be made.

Mr. TUCKER. I think, if gentlemen will give me their attention for a mement, I can relieve this question of any difficulty. The point I think may be made clear by this statement: However it might be as to ordinary contracts, whether there is a partnership formed with a limitation upon the power of the partners as to contracts under seal, it seems to me that, under the power of the Government to lay and collect taxes and to make the laws necessary and proper for the purpose of laying and collecting taxes, there is full power in Congress to provide that any contract, whether sealed or unsealed, which any party shall make in respect to the matter of customs, shall be under the Federal law and controlled exclusively by it. And, therefore, when a contract is made by a member of a firm, who otherwise would be unable to make a sealed contract, yet when that contract is made in reference to business with the Government, each member of the firm must be considered as consenting to the paying of impost duties, and must be regarded as so consenting without regard to a general

restriction in partnership.

Mr. HALE. How does the gentleman fix that very matter of con-

Mr. TUCKER. Because it is done for their benefit.

Mr. HALE. But suppose it is in direct contravention of the stipulations of the partnership agreement, upon which the partners rely and

under which they live and do business?

Mr. TUCKER. That is my point, that the law of Congress is supreme; and I beg gentlemen to admit that I do acknowledge the supremacy of Federal law. [Laughter.] Within the granted powers it is supreme.

But not to the impairing of obligations.

Mr. TUCKER. I say that the power to lay and collect duties is, if

gentlemen choose to have it so, a national power.

Mr. LAWRENCE. That is right.

Mr. TUCKER. And that any man dealing with the Government within the limitation of granted powers is bound by the laws of the Government, any individual contract to the contrary notwithstand-I have no doubt the gentleman from Ohio [Mr. LAWRENCE] will yield his objections now.

Mr. LAWRENCE. I have no objection to that; it is all right. Mr. TUCKER. That being the case, I apprehend there will be no

Mr. TUCKER. That being the case, I apprehend there will be no further difficulty about this matter.

Mr. KASSON. The gentleman from Virginia will allow me a single word. I had not supposed that there was any disposition to go into a constitutional discussion upon this measure, and certainly I did not desire to inaugurate an argument of that kind myself. I wish to inquire whether the Committee of Ways and Means could not end this question for all time by simply changing the form of the contract and providing that the contract shall not be required to be scaled, which is an absolute superfluity. Then there will be no difficulty whatever under any circumstances in executing these contracts in the ordinary course of business, just as promissory notes are executing these contracts in the ordinary course of business, just as promissory notes are executing these contracts in the ordinary course of business, just as promissory notes are executing these contracts in the ordinary course of business, just as promissory notes are executing these contracts in the ordinary course of business. in the ordinary course of business, just as promissory notes are executed. I name that, because in a State like mine, where we are getting over useless formalities, we have found no difficulty and great facility in the transaction of business by abolishing these seals. I think therefore the more perfect mode would be to do away by statute with the necessity for sealed instruments.

Mr. HALE. I do not suppose that anybody here has any objection to the object sought to be attained by the passage of this bill, but there were certain legal difficulties suggested first by the gentleman from Iowa, [Mr. Kasson] and it seems to me advisable, looking to the point the gentleman seeks to accomplish, that he disembarrass the bill of objections which may in the end paralyze the Government in seeking to enforce its rights.

Mr. SAYLER. I would like the gentleman to tell me how this can embarrass the Government, inasmuch as every member of the firm can bind his firm? I do not understand, as a legal proposition, how it can embarrass the Government.

Mr. TUCKER. I think the House is prepared to vote on this bill, and I think the suggestion of the gentleman from Iowa [Mr. Kasson] was a very proper one in its way, but I think with the modifications I have made the bill is in such form that the Government is perfectly safe so far as these custom-house bonds are concerned. I therefore call the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read

the third time, and passed.

Mr. TUCKER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

#### PROCEEDS OF PUBLIC LANDS FOR EDUCATION.

Mr. WALKER, of Virginia. The Committee on Education and Labor, to which was referred the bill (H. R. No. 748) to apply the proceeds of sales of public lands to the education of the people, have instructed me to report it back with a recommendation that the same do pass. As it is a very important bill, I ask that it may be printed in full in the RECORD, in order that every member of the House may

have a fair opportunity to read it.

This bill will have to go to the Committee of the Whole House, and I ask that it may be made the special order therein on the Tuesday of week after next, and from day to day thereafter until disposed of.

Mr. HOLMAN. The reports of the Committee on Appropriations

excepted.

Mr. WALKER, of Virginia. Of course.

Mr. KASSON. I wish to say, with the permission of the gentleman, that I took very great interest in this question in a former Congress, being opposed to anything that contemplates the continued speculative sale of the public lands. I hope that before the House takes action on this bill it will be referred to the Committee on Public

Mr. SAYLER. I move that this bill be referred to the Committee

on Public Lands.

Mr. WALKER, of Virginia. I have already moved its reference to the Committee of the Whole.

The SPEAKER pro tempore. The motion to refer to the Committee of the Whole takes precedence of a motion to refer to a standing or special committee.

Mr. WALKER, of Virginia. My request is that the bill be printed in full in the RECORD, and that it be made the special order in Committee of the Whole for two weeks from to-day, and from day to day till disposed of. Mr. KASSON.

Mr. KASSON. I object to its being made a special order.

The SPEAKER pro tempore. Is there objection to referring the bill to the Committee of the Whole and printing it in the RECORD?

There was no objection, and it was so ordered. The bill is as follows:

There was no objection, and it was so ordered.

The bill is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the net proceeds of the public lands are hereby forever consecrated and set apart for the education of the people: Provided, That this act shall not have any effect to repeal, impair, or suspend any law now authorizing the pre-emption of public lands or the entry of public lands for homesteads, nor as limiting in any manner the power of Congress to alter or extend the right of homestead upon such lands: And provided further, That nothing contained in this section shall be held to limit or abridge the power of Congress over the public domain or interfere with granting bounty lands.

SEC. 2. That the Secretary of the Interior shall cause an account to be taken upon the close of each fiscal year, and ascertain the total receipts from the sale or other disposition of the public lands of the United States, including all fees received at the general and district land offices during such year, and the amount of expenditures during said year, incurred or occasioned by the survey, sale, location, entry, or other disposition of such lands, including appropriations for the expenses of the said officers for said year, and shall certify to the Secretary of the Treasury the amount of the net cash proceeds from the sale, entry, location, or other disposition of such lands, including such expenses and expenditures.

SEC. 3. That upon the receipt of such certificate the Secretary of the Treasury shall, on or before the 31st day of July of each year, apportion to the several States and Territories, between the ages of five and twenty-one years, the net proceeds of sales of public lands for the previous year: Provided, That after five years one half of said net proceeds, and after ten years the whole of the same, shall be set apart as an educational fund, which said fund shall be invested in the bonds of the United States and Territories, betw

benefits of this act, it shall maintain for at least three months in each year a system of free public schools for all the children within its limits between the ages of six and sixteen, and shall, through the proper officer thereof, for the year ending the 30th day of June last preceding such apportionment, make full report of the number of public free schools, the number of teachers employed, the number of school-houses owned and the number of school-houses hired, the total number of children taught during the year, the actual daily attendance, and the actual number of months of the year schools have been maintained in each of the several school districts or divisions of said State, Territory, or District, and the amounts appropriated by the Legislature or otherwise received for the purpose of maintaining a system of free public schools. And if any State or Territory shall misapply, or allow to be misapplied or in any manner appropriated or used other than for the purposes herein required, the funds, or any part thereof, received under the provisions of this act, or shall fall to comply with the conditions herein prescribed, or to report, as herein provided, through his proper officers, the disposition thereof, such State or Territory, shall forfeit its right to any subsequent apportionment by virtue hereof, until the full amount so misapplied, lost, or misappropriated shall have been replaced by such State or Territory, and applied as herein required, and until such report shall have been made; and all apportionments so forfeited and withheld shall be added to, and become part of, the principal of the educational fund hereby created.

Sec. 6. That nothing contained in this act shall be so construed as to affect in any manner the existing laws and regulations in regard to the adjustment and payment to States of the per cent of the net proceeds of the sales of the public lands within their respective limits as provided in section 3689 of the Revised Statutes of the United States.

SALE OF LANDS AT VINCENNES, INDIANA.

Mr. PARSONS. I now call up the motion to reconsider the vote by Mr. PARSONS. I now call up the motion to reconsider the vote by which the House rejected the bill (H. R. No. 192) authorizing the sale of certain lands at Vincennes, Indiana, upon which I believe the gentleman from Illinois [Mr. CAULFIELD] is entitled to the floor.

Mr. CAULFIELD. I will yield to the gentleman from Indiana, [Mr. WILLIAMS,] who desires to move an amendment to the bill.

Mr. PARSONS. I submit that the first question is upon the motion to reconsider.

to reconsider.

The SPEAKER pro tempore. The gentleman is correct

The motion to reconsider was agreed to.

Mr. WILLIAMS, of Indiana. Upon consultation with gentlemen opposed to the bill, I have prepared an amendment which I think will remedy the evils complained of.

Mr. WILSON, of Iowa. The first thing to be done, before an amendment can be offered, is to reconsider the vote by which the bill was ordered to be engrossed and read a third time.

Mr. HOLMAN. That motion cannot be made now, the time for re-

consideration having passed. I move that the bill be recommitted to the Committee on Private Land Claims.

The motion to recommit was agreed to, upon a division, ayes 91, noes not counted.

ADOLPH VON HAACKE.

Mr. HOSKINS. I am instructed by the Committee on War Claims to report back the bill (H. R. No. 586) for the relief of Adolph von Haacke, and to move that the committee be discharged from its further consideration and that it be referred to the Committee on Military

The motion was agreed to.

#### J. T. MORRIS.

Mr. RANDALL. The Committee on Appropriations, to whom were referred the claim and accompanying papers of J. T. Morris, have instructed me to report the same back, and move that the committee be discharged from their further consideration and that they be referred to the Committee of Claims.

The resolution was agreed to.

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### LEAVE OF ABSENCE.

Mr. Anderson was granted leave of absence for one week from to-day on account of important business. Mr. RANDALL. I move that the House now adjourn.

The motion was agreed to; and accordingly (at two o'clock and fifty-five minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CALDWELL, of Alabama: Papers relating to the claim of Ephraim Dockney, for pay for horses, forage, and farm produce taken and used by the United States Army, to the Committee on War

By Mr. CONGER: Remonstrance of Abram Smith and 44 other citizens of Algonac, Saint Clair County, Michigan, against the granting of authority for the construction of low bridges across the Detroit

River, to the Committee on Commerce.

Also, remonstrance of T. Whiting and 99 other citizens of Detroit,
Michigan, of similar import, to the same committee.

Also, remonstrance of J. S. Martin and 38 other citizens of Saginaw

City, Michigan, of similar import, to the same committee.

Also, remonstrance of E. G. Atwood and 100 other citizens of Con-

neaut, Ohio, of similar import, to the same committee.

Also, remonstrance of John Winchell, jr., and 46 other citizens of Detroit, Michigan, of similer import, to the same committee.

Also, remonstrance of Ebei Ward, Edward W. Bissell, and 98 other

citizens of Detroit, Michigan, of similar import, to the same committee.

Also, remonstrance of P. G. Fish and 45 other citizens of Racine, Wisconsin, of similar import, to the same committee.

Also, remonstrance of J. R. Whiting, Eugene Smith, and 71 other

citizens of Saint Clair, Saint Clair County, Michigan, of similar im-

port, to the same committee.

Also, remonstrance of J. W. Finch and 100 other ship-owners and citizens of Manitowoc, Wisconsin, of similar import, to the same

Also, remonstrance of E. B. Mather and 69 other citizens of Mus-kegon, Michigan, of similar import, to the same committee. Also, remonstrance of Captain Alvin Neil and 87 other citizens of

Bay City, Michigan, of similar import, to the same committee.

Also, remonstrance of John Howard and 40 other citizens of Port

Huron, Michigan, of similar import, to the same committee.

By Mr. DUNNELL: A paper relating to the establishment of postroutes from Dover Center to Chatfield, from Preston to Greenleafton,

Minnesota, and from Freeborn, Minnesota, to Lake Mills, Iowa, to the Committee on the Post-Office and Post-Roads.

By Mr. HAYMOND: The petition of L. D. Gale, Frank Hume, Alexander Ray, Dr. W. J. C Duhamel and others, for the establishment of a hospital for the indigent in the District of Columbia, to the Committee of the Committee of Columbia, and the Committee of Columbia, and Columbia of Columbia, to the Committee of Columbia, to the Columbia of Columbia of Columbia, to the Columbia of C

mittee on Appropriations.

By Mr. JENKS: A paper relating to a mail-route, from Dayton to New Bethlehem, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

By Mr. JONES, of New Hampshire: The petition of Wingate N. Ilsley and other citizens of Portsmouth, New Hampshire, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

Also, the petition of Augustus S. Parshley and other citizens of Rochester, New Hampshire, of similar import, to the same committee. By Mr. LAWRENCE: The petition of members of the Grand Division of Sons of Temperance and others, 1,404 citizens of Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the

Committee on the Judiciary.

By Mr. LEVY: Papers relating to the claim of Clara H. Flower, for supplies furnished the United States Army, to the Committee on

By Mr. McDILL: The petition of Thodore Yarrington and other citizens of Iowa, for a post-route from Walnut to Red Oak, Iowa, to the Committee on the Post-Office and Post-Roads.

Also, the petition of Sarah J. King and others, for a pension, to the

Committee on Invalid Pensions.

By Mr. PARSONS: Papers relating to the petition of Will R. Hervey, for relief on account of payment by him of a forged check of \$4,000, to the Committee of Claims.

By Mr. POTTER: The petition of 239 citizens of Kalamazoo, Mich-

igan, that authority be granted for the erection of a bridge across the river at Detroit, Michigan, to the Committee on Commerce.

Also, the petition of 257 citizens of Niles, Michigan, of similar im-

port, to the same committee. Also, the petition of 50 citizens of Three Rivers, Michigan, of sim-

ilar import, to the same committee.

By Mr. RICE: The petition of J. A. Lamb, William McCullough, H. Guthrie, S. A. Lecky, and other citizens of Shelby County, Ohio, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. STEVENS: A paper relating to certain post-routes in Arizona Territory, to the Committee on the Post-Office and Post-Roads. By Mr. STEVENSON: Resolutions of the Illinois State Medical Society, that the Medical Corps of the Army should be placed upon an

ciety, that the Medical Corps of the Army should be placed upon an equal footing with the officers of the other staff corps of the Army and of the Medical Corps of the Navy, to the Committee on Military Affairs.

By Mr. VAN VORHES: The petition of J. W. Bates and 179 other citizens of Athens County, Ohio, who are opposed to inflation, but ask for the repeal of so much of the act of Congress approved March 14, 1875, as provides for the payment of United States legal-tender notes in coin on the 1st of January, 1879, and so much of the said act as authorizes the Secretary of the Treasury to sell and dispose of the bonds of the United States to enable him to redeem such legal-tender bonds of the United States to enable him to redeem such legal-tender notes, to the Committee on Banking and Currency. By Mr. WARREN: The petition of R. L. Samson and 41 others, for the

repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. WILLARD: The petition of 46 citizens of Marshal, Michigan, that authority be granted to erect a bridge across the river at Detroit, Michigan, to the Committee on Commerce.

Also, the petition of 55 citizens of Battle Creek, Michigan, of similar import, to the same committee.
Also, the petition of 49 citizens of Albion, Michigan, of similar im-

port, to the same committee. Also, the petition of 44 citizens of Grass Lake, Michigan, of similar

import, to the same committee.
Also, the petition of 104 citizens of Jackson, Michigan, of similar import, to the same committee.

Also, the petition of 50 citizens of Eaton Rapids, Michigan, of simi-

lar import, to the same committee.

By Mr. A. S. WILLIAMS: The petition of 42 citizens of Inkster, Michigan, that authority be granted to construct a bridge across the river at Detroit, Michigan, to the same committee.

Also, the petition of 66 citizens of Howell, Michigan, of similar

import, to the same committee.

Also, the petition of 17 citizens of Dearborn, Michigan, of similar

Also, the petition of 20 citizens of Mattawan, Michigan, of similar import, to the same committee.

Also, the petition of 20 citizens of Mattawan, Michigan, of similar import, to the same committee.

Also, the petition of 71 citizens of Rochester, Michigan, of similar

import, to the same committee.

Also, the petition of 28 citizens of Grand Lodge, Michigan, of similar import, to the same committee.

Also, the petition of 50 citizens of Plymouth, Michigan, of similar import, to the same committee.

Also, the petition of 50 citizens of Vandalia, Michigan, of similar import, to the same committee.

Also, the petition of 52 citizens of Lansing, Michigan, of similar

import, to the same committee.

Also, the petition of 40 citizens of Wayne, Michigan, of similar import, to the same committee.

Also, memorial of 10s merchants and citizens of Detroit, Michigan,

for a reduction of duty on imported block and building stone, to the Committee of Ways and Means. By Mr. W. B. WILLIAMS: The petition of 86 citizens of Grand

Rapids, Michigan, that authority be granted to erect a bridge across the river at Detroit, Michigan, to the Committee on Commerce. Also, the petition of 200 citizens of Ionia, Michigan, of similar im-

port, to the same committee. Also, the petition of 39 citizens of Portland, Michigan, of similar im-

port, to the same committee.

IN SENATE. Wednesday, February 16, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. BOOTH presented a joint resolution of the Legislature of California, in favor of the passage of a law at an early day providing for the transfer of the entire management of Indian affairs from the Department of the Interior to the War Department; which was referred

barelinett of the Herital to the War Department, which was referred to the Committee on Indian Affairs.

Mr. KERNAN presented the petition of James Dalton, of New York, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. KELLY presented the petition of M. P. Jones, praying for reimbursement of moneys expended in the survey of public lands in the State of Oregon; which was referred to the Committe on Public Lands.

Mr. WITHERS. I present the petition of Joseph Segar, of Virginia, praying for pay as a United States Senator. This properly belongs to the Committee on Privileges and Elections, I presume, but it is calcium, and perhaps had best got a the Committee on Claims.

is a claim, and perhaps had best go to the Committee on Claims.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Claims, and if they desire further action they can be discharged from its further consideration in order to have it referred

to the Committee on Privileges and Elections.

Mr. CAMERON, of Pennsylvania. I present a petition, signed by General Patterson and other officers who served during the late war, praying for the establishment of a military and marine hospital in Virginia. I desire to have the petition read. The PRESIDENT pro tempore. The petition will be reported, if

there be no objection.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Your petitioners respectfully represent that they have been informed by a number of credible physicians that extraordinary medical powers are contained in the waters of the Massanetta Springs, located in the county of Rockingham, in the valley of Virginia. They are described as decidedly restorative in that large class of chronic diseases which entail so much persistent ill-health and disconfort upon the officers and men of armies and navies. They therefore ask that you cause inquiry to be instituted into the merits and qualities of these springs, with a view to establishing a military and a marine hospital there for invalids. If, upon the investigation of this matter, you find that these singular beneficial properties do pertain to these waters, in view of the great benefits and comforts incident to such an infirmary, we feel assured that to furnish it will be both a national pleasure and a national duty.

The petition was referred to the Committee on Military Affairs.

Mr. CONKLING. I present the memorial of Myron H. Tarbox &
Co., of Lockport, New York, remonstrating against the extension
of the patent of Thomas A. Weston. They recite that this patent
has never been established in law; that there are pending litigations, involving the question of its extension, in England and in
this country; that the monorous belower to a correction in Conthis country; that the monopoly belongs to a corporation in Connecticut; and that this corporation has largely increased the price of pulley-blocks, although the materials of which they are made are much less in value than formerly; and that very large sums have already been made and profits realized. I move the reference of the

The motion was agreed to.

Mr. CONKLING presented the petition of Simmons, Darling & Co., and other business men of Troy, New York, praying for a repeal of the bankrupt law; which was referred to the Committee on the

REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the bill (S. No. 432) to re-open, state, and settle the claims of the several States against the United States for advances made in the war of 1812, reported adversely thereon, and the bill was postponed

He also, from the same committee, to whom was referred the me-morial of the Territorial Council of New Mexico, praying compensa-tion to volunteers from New Mexico for horses captured by the rebel forces during the late war, asked to be discharged from its further

consideration; which was agreed to.

He also, from the same committee, to whom was referred the petition of Glover & Mather, praying that their claims for compensation for transporting the United States mails from Louisville, Kentucky, to New Orleans, Louisiana, be restored to the docket of the Court of Claims, submitted an adverse report; which was agreed to, and or-

dered to be printed.

Mr. WRIGHT. The same committee, to whom was referred a resolution of the Legislature of Virginia, in favor of the payment of the balance due that State for advances made to the United States during the war of 1812, the subject upon which the bill just postponed indefinitely was based, have instructed me to report it back, asking

to be discharged from its further consideration.

The committee was discharged from the further consideration of

the resolution.

Mr. WRIGHT. The same committee, to whom was referred the bill (8. No. 345) for the relief of Reuben Wright, a licensed trader in the Indian Territory, have had it under consideration, and instruct me to report it adversely. The committee find that this same claim was at one time before the Committee on Indian Affairs, that the bill was reported against, and the report concurred in. Your committee have reached the same conclusion, and ask that this bill be indefinitely postponed.

The bill was postponed indefinitely.

Mr. COCKRELL. I am directed by the Committee on Claims, to whom was referred the bill (S. No. 260) for the relief of Mrs. Mary A. Thayer, of Washington, District of Columbia, to submit an adverse report thereon. The claim was originally presented in the House of Representatives, referred to the Committee on War Claims, and reported favorably. It came to the Senate and was referred to the Committee on Claims, and was reported adversely by Judge WRIGHT, recommitted to the Committee on Claims, reconsidered by that com-

recommitted to the Committee on Claims, reconsidered by that committee, and again reported adversely, and the bill then indefinitely postponed, since which time there has been no new evidence. I move that the bill be postponed indefinitely and that the report accompanying the bill be printed.

The motion was agreed to.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of John S. Sheppard, of Missouri, praying payment of damages for false arrest and imprisonment in jail at Jefferson City, Missouri, by United States officials as the supposed murderer of Horace Metcalf late a denuty United States marshal for

murderer of Horace Metcalf, late a deputy United States marshal for the western district of Missouri, submitted an adverse report thereon;

which was agreed to, and ordered to be printed.

Mr. JONES, of Florida, from the Committee on Claims, to whom as referred the petition of Isaac H. Tower, of Norfolk County, Mass was referred the petition of isaac H. Iower, of Norion County, Massachusetts, praying compensation for the destruction of and injury to his buildings and fences and other structures on his farm in that part of Dedham called Readville, Massachusetts, by United States troops in their occupation of it as a rendezvous in 1864 and 1865, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. ANTHONY. The Committee on Printing, to whom was referred the motion to print the memorial of Samuel S. Smoot, asking aid in the construction of the Southern Maryland Railroad, have instructed me to report it back and to move to be discharged from its further consideration. It is not the practice of the Senate to print memorials except in very exceptional cases.

The motion was agreed to.

Mr. CONKLING, from the Committee on the Judiciary, to whom was referred the bill (S. No. 69) to repeal so much of section 3480 of the Revised Statutes as forbids the payment of the accounts, claims, and demands therein named, and all laws and clauses of laws forbidding the payment thereof, and appropriating money to pay the same when duly established, reported adversely thereon, and the bill was

postponed indefinitely.

Mr. CONKLING. I am instructed by the same committee to report back with amendments Senate bill No. 32. I call the attention of the Senator from Kansas near me [Mr. INGALLS] to its title. It is a bill conferring exclusive jurisdiction over Indian reservations upon the United States courts, and for the punishment of crimes committed by and against Indians. I imagine there is not likely to be opposition to this bill, and at the suggestion of another Senator that such would be the pleasure of the Senate, I ask that it may be considered now.

The PRESIDENT pro tempore. The bill will be reported at length,

The PRESIDENT pro tempore.

The Chief Clerk read the bill.

Mr. SARGENT. Is this bill reported this morning?

The PRESIDENT pro tempore. It has just been reported by the enator from New York.

I would like to examine the bill. I think it had Mr. SARGENT. better lie over and be printed.

The PRESIDENT pro tempore. Objection being made to its present consideration, the bill will be placed upon the Calendar.

#### BILLS INTRODUCED.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 447) for the relief of Child, Pratt & Fox; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 448) securing land for an agricultural college to certain Indians in the Indian Territory; which was read twice by

its title, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 449) to establish certain post-routes; which was read twice by its title, referred to the Committee on Post-Offices

was read twice by its litte, referred to the Committee on Post-Omces and Post-Roads, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 450) for the better security of property in patterns for metal castings; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 451) to establish a certain post-road; which

was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 452) to provide for the purchase of a suita-ble building for the use of United States courts holden at Louisville, Kentucky; which was read twice by its title, referred to the Com-tee on Public Buildings and Grounds, and ordered to be printed. which was read twice by its title, referred to the Commit-

#### PAPERS WITHDRAWN AND REFERRED.

#### On motion of Mr. DAWES, it was

Ordered, That the papers in the case of Turner Merritt be taken from the files of the Senate and referred to the Committee on Claims.

#### On motion of Mr. WHYTE, it was

Ordered. That the petition and papers relating to the claim of the sufferers from a raid (July, 1864) upon Washington for an appropriation to pay their claims, which were audited by a board of officers, approved by General Augur, &c., be taken from the files of the Senate and referred to the Committee on Claims.

### On motion of Mr. WITHERS, it was

Ordered, That the petition and accompanying papers of Osceola C. Green, administrator of Uriah Forrest, be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

# On motion of Mr. COOPER, it was

Ordered, That the petition and papers of Payne, James & Co. be taken from the files of the Senate and referred to the Committee on Claims.

### On motion of Mr. CHRISTIANCY, it was

Ordered. That the papers in the case of the claim of Maximillian Rosenberg, praying pay and allowances as second lieutenant of infantry, presented at the second session of the Forty-second Congress, be taken from the files and referred to the Committee on Military Affairs.

# CIVIL-SERVICE COMMITTEE.

# On motion of Mr. BOUTWELL, it was

Ordered. That the committee appointed to examine the several branches of the civil service be authorized to report in print the evidence taken by the committee and their correspondence with the Executive Departments of the Government.

#### PERSONAL EXPLANATION.

Mr. ALCORN. I rise for a personal explanation. I desire to have

a paragraph read.
The PRESIDENT pro tempore. The Secretary will read it. The Chief Clerk read, as follows:

### WASHINGTON, February 8.

\*\*Mashington, February 8.

\*\*A conclave of carpet-baggers was held to-night in the room of the Senate. Spencer and about sixty of his brethren were in council, the purpose of which was to decide on a policy for a better presentation of the bloody shirt and the upholding of Mortonism. Spencer, in behalf of the committee of which he is the leader, reported that he waited upon Chief Justice Waite, with Morey, of Louisiana, and represented to the Judge the necessity of an early and favorable decision on the enforcement act. Spencer related in lugubrious tones his discomiture with the Chief Justice. That gentleman listened to his remarks coldly, and replied, with no evidence of sympathy, that it was not the practice of the supreme bench to discuss decisions before they are rendered, and that, in short, such an appeal from any source was no more or no less than a contempt of court.

Rebuffled at this point the disconsolate carpet baggers waited on the President, and informed him of the situation of things, urging his co-operation. They informed him that telegrams had been received from Kellogg to the effect that one of the judges in Mississippi had been impeached, and would inevitably be deposed; that he expected his own impeachment daily, and that unless the strongest clauses of the enforcement act could be brought to bear the last vestige of power would be torn from the hands of the President's supporters. General Grant promised to lend a hand, but gave no very definite idea as to how it would come. A warm discussion followed on the presentation of these reports. Letters were read from Governor Ames, suggesting a plan for a campaign for the recapture of Mississippi, which met with Senator Alcoms's approval. Alcoms, who has heretofore been bitterly opposed to Ames, now supports that gentleman, and is urging the bloody-shirt policy. policy

Mr. ALCORN. I should not deem it necessary to notice this matter but for a statement that I shall make. This article was published in the Chicago Times and purports to be a communication from the correspondent of that paper at this capital. The extract that I have had read at the desk was published in the Memphis Appeal, which credits the article to the Times. I am placed by it for the first time,

I believe, in the category of a carpet-bagger. I had up to this time escaped at least that imputation. That, however, is a small matter. That to which I desire to direct the attention of the Senate is that I That to which I desire to direct the attention of the Senate is that I am charged with having approached, or having belonged to a conspiracy that approached, the Chief Justice of the Supreme Court of the United States, at the head of the judicial department of this Government, for the purpose of endeavoring to influence his action upon a certain case now pending before that court for its decision. Had I been guilty of this, I should not only be unworthy as a lawyer and deserve to be stricken from the roll, but I should in truth be unworthy of a seat in this body. Whether any such conspiracy or association of gentlemen ever assembled in the Capitol I do not know. I am sure I was not a party to it.

While I am n. I may as well remark upon the latter clause of the

While I am up, I may as well remark upon the latter clause of the paragraph, in which it is stated that I am in co-operation with General Ames and that I was in accord before the President with General Ames's suggestion as to the means to be used to recapture the State of Ames's suggestion as to the means to be used to recapture the State of Mississippi, those means being chiefly by the use of the Army, or Federal interposition. I have had no correspondence with Governor Ames for the past five years, and I am not acquainted with his views touching the recapture by the republicans of my State. Governor Ames defeated me for the office of governor in 1873. The leading democrats of that State, the democratic newspapers of that and other States who supported his claims to the office, the paper from which the paragraph is read being one of these, are better entitled to the private views of the governor than I who opposed him can be supposed to be. I will state emphatically that no such interview was held within my knowledge. I have had no meeting upon any such subject nor have I communicated any such ideas as are imputed to me by this correspondent since I have been in Congress. since I have been in Congress.

since I have been in Congress.

My record touching Federal troops is one that those in Mississippi and of the country who desire to know can without trouble ascertain. It cannot be forgotten by the people of that State that in 1869, when a candidate for governor, I refused to canvass the State under the protection of Federal troops. It cannot be forgotten that when I was tendered in 1869 the position of military governor of Mississippi I declined the office upon the ground that I would not consent to rule over the people of my State except by their free and unrestrained wish expressed at the ballot-box. It cannot be forgotten that in 1870, when dissatisfied members of the Legislature of Mississippi appealed to the President for troops in order to suppress insurrection in that State, I protested against that appeal; that I remonstrated with the President against interfering in the civil affairs of the State. My telegrams now of record were so many protests against the policy now telegrams now of record were so many protests against the policy now imputed to me. It cannot be forgotten by the people there that I did protect both life and property in Mississippi while I was governor of that State, and without any interposition upon the part of the Federal Government. It cannot be forgotten that, when I resigned the office of governor in 1871, I left the State in a repose that it had not enjoyed for ten years, and which it has not since that time enjoyed. As to who is responsible for the condition of things as they now exist in Mississippi I may at some subsequent time upon the floor of the Senate explain to the country.

#### REPORTS OF DEBATES.

Mr. ANTHONY. I rise to offer a concurrent resolution. This is a Mr. ANTHONY. I rise to ofter a concurrent resolution. This is a resolution that passed the Senate substantially at the last session or the session before, and as it relates to the order of business, and should be passed, if at all, at as early a period as possible in the session, I ask that it be printed and lie on the table, giving notice that I will ask the indulgence of the Senate to state briefly the reasons why I think it should be passed. I will ask to do so to-morrow at the close of the morning proceedings.

The resolution was read, as follows:

The resolution was read, as follows:

Resolved by the Senate. (the House of Representatives concurring.) That the reports in the Congressional Record shall be an accurate transcript of the proceedings and the debates of the two Houses of Congress, and that no speech shall be published therein which was not spoken in the Senate or in the House of Representatives; and such speeches shall be printed as they were actually delivered, without omission, alteration, or addition, except verbal alterations, made by the author of the speech, and by no other person; and that when speeches are reserved by their authors for correction, they shall be returned to the reporter of the House in which they were delivered within one week, and, if not so returned, they shall then be printed in the Congressional Record from the original notes of the reporter.

The resolution was ordered to lie on the table and be printed.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 2135) relating to the execution of custom-house

A bill (H. R. No. 1440) to enable Charles H. Fondé to make application to the Commissioner of Patents for extension of letters-patent

for improvement in dredging-machines;
A bill (H. R. No. 2133) to amend section 10 of the act making apropriations for the current and contingent expenses of the Indian

Department for the year ending June 30, 1876; and
A bill (H. R. No. 2134) making appropriations for fortifications and
for other works of defense, and for the armament thereof, for the fiscal
year ending June 30, 1877, and for other purposes.
The message also announced that the House had passed a resolution

authorizing the Commissioner of Agriculture to deliver to each Senator and member of the House of Representatives twenty-five copies of the Agricultural Report for 1873, including the number heretofore delivered to members of Congress during the present session.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker had signed the following enrolled bills; which were thereupon signed by the President

A bill (S. No. 305) to change the location of the consulates at Aix-la-Chapelle and at Omoa and Truxillo; and

A bill (H. R. No. 217) donating condemned cannon and cannon-balls to the Ladies' Monumental Association of Allegheny County, for monumental purposes.

SALE OF TIMBER LANDS.

Mr. KELLY. I move to take up the bill (S. No. 6) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States.

The motion was agreed to; and the bill was considered as in Committee of the Whole.

mittee of the Whole.

The bill was reported to the Senate without amendment.

Mr. BOUTWELL. I should like to hear what, in the opinion of the committee reporting it, is to be the effect of this bill.

Mr. KELLY. Mr. President, I will simply state that this bill is a copy of one that passed the House of Representatives at the last session of Congress. It was then well considered by the House committee and a printed report made upon it. It came to the Senate too late for consideration at the last session. At an early day in this session it was introduced by me, referred to the Committee on Public Lands of the Senate, and received a full consideration before that committee at two or three meetings and laws instructed by the term. committee at two or three meetings, and I was instructed by that committee to report it back without amendment and recommend its pas-

sage.

I will say further that the object of the bill is to carry into effect the recommendations of the Commissioner of the General Land Office. For several years he has recommended that some legislation be enacted by Congress to dispose of the timber lands; I mean those lands that are valuable chiefly for their timber and unfit for agricultural purposes. I hope this bill will be well considered by the Senate; because it is the inauguration of a new policy in regard to these timber

It will be perceived that the lands which this bill authorizes to be sold are those chiefly valuable for the timber. It is well known to every one conversant with the disposal of the public lands that the only two modes now for the disposal of them are the pre-emption law and the homestead law; and with respect to the homestead and pre-emption laws, they are for the purpose of enabling settlers to go upon the public lands, reside upon them for a certain length of time, make improvements, cultivate them, and, in short, to make a permanent home upon the land. That is the object of the pre-emption and homestead laws.

Mr. HOWE. Will the Senator from Oregon state why these lands

cannot be entered?

Mr. KELLY. The Senator from Wisconsin has inquired of me why these lands cannot be entered under existing law. They can be entered. This bill does not propose to abrogate either the pre-emption or the homestead law, but it allows any person to become a purchaser in the States of California and Oregon and in Washington Territory of a quantity of land not exceeding one hundred and sixty acres, without residing upon it, and also in the other Territories of the United States to acquire by the same method a quantity not exceed-

The object of this bill is simply that any person may purchase without going upon the land to reside upon it, because it is unfit for residence, it is unfit for agricultural purposes, and the consequence is now that if any one goes upon the land it is simply for the purpose of residing upon it for a short time, removing the timber, and then abandoning the land. It has been too frequently the case that persons desiring to cut timber on the public lands will take either a presons desiring to cut timber on the public lands will take either a pre-emption or homestead claim, go upon it, cut down and sell the tim-ber, and never pay for or enter the land. The purpose of this bill is to do away with those trespasses upon the public domain, so that persons may acquire a title without residence, and have an interest in the timber lands, and protect them from destruction and protect them from trespass.

It will be seen by reading the bill that any person may acquire title by paying double the minimum price, that is, two dollars and a half an acre, instead of one dollar and a quarter.

Mr. HOWE. If the Senator will indulge me, he does not quite understand my inquiry. There are no timber lands that I know of in Wisconsin or any of those States which have been once offered for sale, and in accordance with your laws therefore they cannot be entered now by anybody who wants to buy them at ten shillings. Why

cannot these lands be entered in that way?
Mr. KELLY. They never have been offered Mr. KELLY. They never have been offered. The Senator inquires why these lands cannot be entered. I will say the policy of the Government has been not to offer any lands on the Pacific coast, and I presume none have been offered for the last fifteen or twenty years. In Oregon they have never been offered except two or three townships, and I presume the policy of the Government is never to offer

any hereafter, but to allow them to remain open for pre-emption and homestead claims only. Now, if the Senator from Wisconsin will examine the bill, he will see that it does not refer to any lands except those in the States of California and Oregon and in the several Territories of the United States.

As I said, the object is twofold. First, that the Government may receive something at least for its timber lands; that the forests may not be cut down and the timber taken away and the Government get nothing at all for it. The Government should receive something for its lands; there is no reason why it should not; and the committee, after careful consideration, thought that many persons, rather than go upon a tract of land as a homestead and reside upon it five years, would prefer to pay two dollars and a half per acre; and in that way it will make an honest business, and people will get the timber honestly, instead of cutting it from the public lands as trespassers.

stead of cutting it from the public lands as trespassers.

There is another reason. As I said, many persons owning claims in the vicinity of the timber lands trespass upon them, cut down the timber, and take it for the purposes of fencing and building, removing it from the public lands. The object of this bill is that they may acquire the right to this timber by purchasing the land. Then they will have an interest in protecting the timber, instead of destroying it. It must be manifest to every one who is conversant with the public lands of the United States that, when they are not under the control of any one, but are liable to be trespassed upon by everybody, they will not and cannot be protected as if they were in the hands of individuals who have an interest in the timber and an interest in the

The reason why a distinction is made in the amount allowed to be acquired between the States of California and Oregon and Washington Territory and the other Territories is this: Along the sea-coast in those States and that Territory the lands are very heavily covered with timber, and one hundred and sixty acres is none too much; but in the other Territories the amount is limited to forty acres, because the timber lands are very sparse, very scarce, and it would be allowing one person to acquire too much to permit him to get one hundred and sixty acres there. These lands are generally in gorges and on the mountains—sometimes inaccessible almost; and to allow any one to get one hundred and sixty acres there would take up nearly all the timber land of the vicinity. timber land of the vicinity.

I may say further, that in the mining countries, where it is necessary to have timber for mining purposes to smelt the ores, the timber is removed from the public lands now by any person who may choose to take it. It may be said that they should be punished for their trespasses. That may be, but they never are. In fact it becomes a necessity to have timber to smelt the ores and to conduct mining operations wherever they are carried on; and to say that the timber erations wherever they are carried on; and to say that the timber shall not be taken, is to say that we simply mean to shut down on mining operations forever. It is the policy of the Government not to do that, but to protect the miners, and to give them a right to timber lands, and enable them to use them for legitimate purposes, instead of removing the timber from the lands by trespass.

I think the provisions of the bill are well guarded. It has been the object of the committee, as it was the object of the House committee

at the last session, to guard it in every way, and protect the interests of the United States, and I think it has been done. If the measure can be better protected and better guarded, more than it is now, of course the Committee on Public Lands will be glad to see it done.

Mr. INGALLS. Mr. President, if we may believe the arguments that were used by the advocates of the bill that passed yesterday, to repeal the southern homestead act, and those that are offered by the Senator from Oregon this morning, a very large proportion of the in-habitants of the States in which these lands are situated are thieves and engaged in the business of larceny for a livelihood. The great argument that is offered is that they are continually stealing the timber; and we are asked, as a measure of justice to the United States, in order to protect the public domain, to fix some price on these lands, in order that men may be deprived of the temptation to steal the timber from them. Now, sir, I confess that I am not sufficiently acute to understand how, if men are determined to steal the timber from these lands and have the opportunity to do so under existing laws, you are going to prevent them from stealing by putting a price on these lands and compelling them to buy them. The homestead and pre-emption laws are in force in the States of California and Oregon and in Washington Territory. Persons desiring to obtain the timber upon these lands can make a declaratory statement either under the homestead or pre-emption law, and, as these Senators say, strip the timber from the land, commit waste upon it, commit trespass upon it, and then before the time has expired at which they are compelled to make final proof can abandon it, having rendered it thereby unfit for any purpose whatever.

Now, it is proposed by this bill to say that persons shall be allowed to acquire these lands at \$2.50 per acre, when the fact is now that they can go on and commit all the waste they desire and steal all the timber there is on the land without paying anything. I hope that the Senator who has charge of this bill will explain in what manner the Treasury of the United States or the value of the public domain is to be protected by the provision that is inserted here.

Again, sir, I am unable to understand upon what theory it is pro-

posed to amend the public land laws of the United States by permitting corporations or associations of persons to acquire title. That

seems to me to be a provision that certainly requires explanation. And I also am unable to notice particularly the reasons why these same provisions should not be extended to the other Territories of the In lines 11, 12, and 13 of the first section the bill excludes the inhabitants of all other Territories of the United States from the provisions of this act and limits them to forty acres, while it allows citizens of California and Oregon and of Washington Territory to obtain one hundred and sixty acres. Certainly, as was said in the argument on the bill which was under consideration yesterday, laws ought to be uniform in their operation; and if this is good law for the States of California and Oregon and for Washington Territory, it is certainly good law for all the other Territories of the United States. I trust the bill will not pass, at least without some explanation of

these obnoxious features

Mr. McMILLAN. Mr. President, I think this bill should not be ordered to be engrossed for a third reading at present. I have not had an opportunity of examining the bill particularly, and the fact that it is limited to certain States in the United States and contains very important provisions induces me to suppose that the regulations in regard to timber should not be limited to those States, if any provision is to be made. It should be a general provision, I think, if there is any provision of this kind incorporated into the law; but as the bill now stands I wish to propose an amendment to it, if that is in order.

The PRESIDENT pro tempore. An amendment is in order.

Mr. McMILLAN. In section 2, after the word "himself" in the twentieth line, I propose to insert these words:

Nor has deponent executed any mortgage or other instrument upon said land or any part thereof by or under which, or any proceedings thereunder, the title may be vested in any other person.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Minnesota.

Mr. SARGENT. Mr. President, I think the friends of the bill have no objection to the amendment proposed by the Senator from Minnesota; I certainly have none myself; and if the machinery of the bill can in any way be guarded so that speculators cannot take advantage of this law if we pass it, I shall be very glad to have that done. Nearly the whole bill is taken up with provisions hedging out opportunity for speculators to avail themselves of its provisions to opportunity for speculators to avail themselves of its provisions to acquire large tracts of land under it. One difficulty in the disposal of public land, except under the homestead law, has been that, no matter how cunningly laws might be devised, persons with evil intentions could evade them and acquire too much of the public domain. So far as California is concerned, we have been cursed a great deal in that direction, not so much by the application of the pre-emption law, which, from my observation and all I have learned about it, has been pretty fairly administered in that State; and there have not been pretty fairly administered in that State; and there have not been the charges of fraud, shameful and glaring to heaven, which have oc-curred in Kansas and some other States of the West. In my State the pre-emption law seems to have been honestly administered; persons have applied for forty, eighty, or one hundred and sixty acres, proved up their right under the pre-emption law, paid for their tract, and used it as a home for themselves and their families, not selling it, at any rate, until after the time they had procured the title and the ex-igencies of business required them to divide up their property or to sell it to some other person. But we are negaliarly situated so far as our igencies of business required them to divide up their property or to sell it to some other person. But we are peculiarly situated so far as our timber lands are concerned. Senators are well aware that the Sierras, which are the backbone of the whole coast, and the Coast Range, and the Cascade Range, start in Washington Territory and run all the way down nearly to the Isthmus of Panama, and so far as California and Oregon, and a portion of Washington Territory are concerned they are well defined. These Sierras are from seven to eleven thousand feet high. They are above the line of verdure, where there is frost every month in the year where anything like agriculture is also. every month in the year, where anything like agriculture is absolutely impossible, and where the existence of pines in their luxuriance is a wonder to those who see them, that upon such altitudes, and through such snow-banks, penetrating through the original rock of granite, such forests can grow. But the idea of settlement there is entirely excluded, as any one knows who has observed that region.

These treasures of forests, however, are absolutely necessary to the continued existence of our people as a community on that coast. From that treasure they draw the firewood which they burn, the wood out of which they build their cities or construct their fences, the miners their flumes, or the timbers with which they construct their tunnels; and if the door were absolutely closed by penalties to access to these forests, all these kinds of business would be compelled to cease; if our towns burned down, there would be no means of repairing them, and we build very largely of wood. Of course we could not maintain fences; mining operations would have to stop. In fact, the general industries of the coast would cease, and residence

there would be impossible.

Now, there is no honest settlement there under the law. If a man goes there under the pre-emption law and makes the oath required, he necessarily commits perjury. He must satisfy his conscience that he is only observing a form of law. He cannot honestly make the oath that he takes up the land for cultivation, because it is not succeptible of cultivation, and yet he must have timber. We are met with that difficulty that here are these timber lands which the Government provides no means whatever for the disposition of, allows no opportunity to purchase. There is no law on the statute-book which any man can point out whereby that timber can honestly be acquired.

It has been so for twenty-five years in the State of California; and yet our people have been compelled to use the timber. They would be glad to purchase it if they could. I have received representations from thousands of my fellow-citizens, asking for an opportunity to be honest men in this regard; and one reason perhaps which urges them to it is that there are really very severe and cruel penalties on the statute-book, and in rare cases men have been sent to the State prison or heavily fined for pursuing a business that was absolutely necessary These cases would excite public attention, and for the community. even conventions have been held to call the attention of members of Congress to the subject, as did our press very generally, almost without exception, showing the hardships under which we labored because we could not honestly buy the lands, and yet we could not exist there unless we took the timber and unless the Government provided

some way in which it could be done.

Under these exigencies we have frequently brought the subject to the attention of Congress. Several years ago, I remember, a bill very similar to this was passed by the House of Representatives. It was again passed under the urgency of the Representatives of the Pacific coast in the last Congress. The Senate up to this time has never given the subject the attention it deserves. The simple proposition of this bill is that lands so situated, valuable for timber only, may be sold in a limited quantity of one hundred and sixty acres—it ought to be three hundred and twenty acres—for two dollars and a half, which is the minimum price; that no person or association shall buy more than one tract; and after Le or it has bought it the right is exhausted. This is hedged around by oaths and papers and documents in every form which careful ingenuity can provide. If any Senator, as the Senator from Minnesota has proposed, can devise language which will still more guard that portion of this bill we should like it to be guarded, because, while I would desire that there be an opportunity for our people honestly to carry on this business, I do not wish this land to be absorbed by speculators. Really, then, the provision of this bill is that persons may buy one hundred and sixty acres for two dollars and a half an acre without the necessity of residence, which would be a mere blind, which would be doing a vain thing, for no man can reside and cultivate at from five to twelve thousand feet above the level of the sea, and that is the altitude to which the mass of this timber belongs.

Mr. HOWE. Why not provide that these lands shall be offered at

public sale #

Mr. SARGENT. Because then you give an opportunity to specu-

Mr. HOWE. Any better opportunity than this?

Mr. SARGENT. I think so. This bill simply provides that a person shall exhaust his privilege by a single purchase and that he shall make it for his own use and not for speculation. At public sale a dozen or a hundred persons may be employed to go and buy each a single tract for another.

Mr. HOWE. These limitations will all be avoided entirely, but if

they are secure you can put them all to a bill which still requires that the lands shall be offered at public sale.

Mr. SARGENT. Will the Senator then tell me any advantage there Mr. SARGENT. Will the Senator then tell me any advantage there will be in offering the land at public sale if all these limitations are put in, instead of allowing individuals to enter it?

Mr. HOWE. This advantage: If the Senator wants a particular tract of land and I want the same tract, the Government will get

what the one who wants it the most is willing to pay.

Mr. SARGENT. Then the Senator proposes that the limit shall not be two dollars and a half an acre; and as he would not impose a limit in the other direction, the land might be sold for less than two dollars and a half.

Mr. HOWE. Let that still be the minimum as the bill has fixed it;

Mr. HOWE. Let that still be the infilling as the bill has need it; but if anybody wants to pay more, let him have the opportunity.

Mr. SARGENT. The experience of the Government is unfavorable to the idea the Senator advances. Down to twenty years ago the system of offering lands was supposed to be a judicious one. Twenty years ago it was entirely abandoned, simply because it was found a sure means of playing into the hands of speculators. There has not been any offering of land in that time, though for years thereafter the law remained on the statute-book, simply because it was forced on the attention of the executive department that it was a method on the attention of the executive department that it was a method for fraud, and that the experience of the country under it had been

most unhappy.

In my own State the lands which were open to private entry until they were closed by legislation which I proposed myself came from the system of offering lands; and the speculators took advantage of that very system of private entry, which is the correlative of the proposition of the Senator, by entering vast tracts of land at a really nominal price, for that was what it amounted to. So that there are tracts in the fertile valleys of my State owned by single individuals which a man cannot traverse in a day upon a fleet horse. That was the system which the Senator perhaps alluded to; that was the system of private entry which always follows the system of offering lands. I should like to ask the Senator, if you offer at public auction and nobody buys, what is the alternative? Are we to go back to the system of private entry, or be without any statute that will authorize the sale of lands?

Mr. HOWE. Have your bill then, precisely. The only object of offering the lands at public sale is this: That if there is a tract which

is worth more than twenty shillings or twenty dollars per acre, as there may be a great many tracts which are desirable, not to one but to a dozen and to a hundred who will crowd about the land office and seek it, there is one way of settling two things: first, what the Government shall get for that particular tract, and second, which of the hundred men shall have it. That is the man who will pay the

Mr. SARGENT. I understand the Senator proposes to retain the limitations there are here on the offering at public sale to private speculation, so that an individual shall buy but a single tract of one

hundred and sixty acres.

Mr. HOWE. Certainly, if that be desirable.

Mr. HOWE. Certainly, it that be desirable.

Mr. SARGENT. The result will be that if you make it as a general system of offering these lands at public sale, a single man who wants a tract of one hundred and sixty acres will attend only one sale, and you will soon find you will have all your expense of advertising, all your adjournments from place to place, without any bidders whatever. You would find simply large expenses devolving on the Government of the United States without any sales of land. Furthermore, a man would be little likely to buy, because he would know that by the alternative proposition in a short time he could by waiting get his land simply at the double minimum price. So then you would merely put the Government to extraordinary expense. You very well know how much advertising costs. The advertising of the sale of the navy-yard at Philadelphia the other day cost \$18,000. Advertising is one of the most expensive luxuries the Government indulges in. All these enormous expenses would be incurred, and the only offer you would make to bidders would be that they might buy a single tract not exceeding one hundred and sixty acres. It would not be popular like those sales under the system to which I referred before, where a person might buy not merely one hundred and sixty acres, but might buy a township provided he saw fit to bid more than anybody else. You would find a lack of bidders, and you would simply postpone a necessary reform.

As to the adequacy of this price, it seems to me the double mini-

mum is what the Government ought to ask. After the timber is off the land is worth very little. The Senator from Massachusetts [Mr. BOUTWELL] by his proposition yesterday proposed that there should be a system of stumpage instead of a sale of the land. The Government ought not to be a proprietor of land in that sense. It should dispose of the land itself. The Senator, I see, assents to my proposition. Now, I believe that while the Government should dispose of its land, it also should dispose of it at a decent price; but it ought not to attempt to wring out of the settler the very last dollar it can possibly squeeze from him. If two dollars and a half an acre on the average is a fair price for the land, let it go for that. It seems to me, from my knowledge of the subject, that that is a decent price for the sale of these timber lands. The timber on them is pine timber, not particularly valuable for any purpose except the most ordinary kinds of building. It is not ornamental. It is a very ordinary species of wood. The price which is fixed by this bill seems to me as much as any man could profitably buy it for. If, however, there might be a tract here and there which might be worth \$5 an acre, the additional amount which the Government might get would not compensate for the expensive machinery the Senator would put afloat. But I rose simply to say that along the sierras there is an excep-

tional case, on account of the great altitude and the sterility of the land, that requires exceptional legislation. I should like to remark, in reference to the criticism of the Senator from Kansas, that I am not sure but he may be right. I was not aware, until I saw this bill reported, that the amount of land allowed to be entered in the other Territories than Washington was cut down to forty acres. Perhaps it ought to be one hundred and sixty. It seems to me one hundred and sixty acres is little enough; but I defer to the committee in that

The limitation against associations, corporations, or individuals buying more than one hundred and sixty acres is made to apply to each, and is necessary, because sometimes an association may own a saw-mill; and of course you must allow the man who buys the land

machinery in order to cut his timber up into lumber.

Mr. KELLY. Mr. President, in answer to the remarks of the Senator from Wisconsin, I beg leave to read from the last report of the Commissioner of the General Land Office. He gives in it a quotation from his report of the previous year, wherein he strongly recommends Congress to pass some act to dispose of these public lands; and referring to the matter suggested by the Senator from Wisconsin, he

It is true that the law provides that in the discretion of the President this class of lands may be proclaimed and sold at public outery to the highest bidder, but the experience of this Office shows this method to be entirely ineffectual; for the reasons, first, that under the ordinary system of surveys the "field-notes" cannot disclose, with any degree of accuracy, which are pine lands and which are not; and, second, that there is little room for doubt that combinations are formed among purchasers at Government public sales, whereby prices are kept down to a merely nominal figure. The usual result is, therefore, the Government receives the minimum price of the lands, less the large expense of three months' advertising required by law. Another and greater evil results from such public sales under existing laws. This Office having, as I have before stated, no reliable means of distinguishing pine lands, it is reduced to the necessity of including in the proclamation all lands supposed to contain pine. It results that only such small proportion of the tracts proclaimed as are known to the purchasers to contain pine are sold, while the great mass of them, receiving no bid, remain with the Government as "offered lands," subject thenceforth to private cash purchase without settlement,

and become the easy prey of non-resident speculators, thus defeating the now well established and beneficent policy of the Government in that regard. The remarks here made apply as well to the "fir lands" of the Pacific as to the pine lands east of the Rocky Mountains, and are indeed of more importance as bearing on the question of the future disposals of "fir land," since the quantity of "pine lands" remaining unsurveyed and unsold is now comparatively limited. Under this state of facts, I would urgently recommend the passage of a law providing, &c.

I entirely agree with what has been said by the Senator from Cali-I entirely agree with what has been said by the Senator from California, that the expenses of advertising would be only a burden to the Government without any adequate good resulting therefrom. That has been the result, as stated by the Commissioner, of offering these lands at public sale. Combinations of persons attend the sales. And again, as he states, but few persons will know from the public advertisements what are fir lands and what are not, unless they actually go upon the ground and examine for themselves, which is rarely done, so that it is mere guess-work when persons go to a sale of public lands whether they buy a valuable tract of land. Inasmuch as this policy of offering the public lands for sale has been discontinued for twenty years, and as the Commissioner is indisposed to revive it, as it has not been done, and probably will not be done, for the reasons stated here, we of course are only left to this mode of acquiring the lands, or else taking them as homestead or pre-emption claims by making the affi-davit that they are intended for the purposes of cultivation, when in truth they are not. I think the reasons adduced by the Commissioner in favor of the proposed policy are good and unanswerable. '
In his communication to the Committee on Public Lands of the

House of Representatives at the last session of Congress, when this very bill, or one word for word like it, was under consideration, he gave his reasons in support of it and why the bill should be passed. I do not care to take up time by reading his communication unless it is called for; but it is sufficient for me to say that he recommended a bill of this kind at the last session of Congress, and I have no doubt

he would recommend the passage of this bill now.

The Senator from Kansas has made objection to the clause allowing any "person, corporation, or association of persons" to acquire these lands. I do not think that there is any objection to that for this reason: In the Territories where mining operations are carried on they are almost entirely conducted by corporations or associa-tions. Very few persons are engaged in mining operations—I mean in quartz mining or in fluming operations—in their individual capacity. The business is altogether carried on by corporations or associations. Hence it would be wrong, in my judgment, to confine the disposal of these lands to individuals when corporations are desiring them and when they are as necessary for their use as for individual purposes. I think it would be wrong to limit the bill in that way.

Now a word in regard to the forty-acre provision for the Territories. The bill was originally introduced into the House allowing any person to acquire title to lands not exceeding three hundred and twenty acres, but it was considered advisable to limit it to one hundred and sixty acres in the States of California and Oregon and Washington that it would be giving to any one individual too much of the timber lands, which are so scarce in the Territories, if we allowed more. It would be giving to him an undue proportion of the timber lands. It would be wrong; it would be creating a monopoly of them. Every one who has crossed the plains knows that the timber lands are ex-ceedingly scarce in the Territories, and they are only upon the mountain tops or in the deep mountain gorges that are almost inaccessible for purposes of agriculture and wholly unfit for agriculturists to reside upon. If a person could take a whole clump of timber situated in one of these mountain gorges he would get all there was and could dispose of the timber to his neighbors at exorbitant rates. Hence the Delegates from the Territories insisted that so far as the Territories outside of Washington were concerned no individual should be permitted to acquire more than forty acres of timber land, and I think it is just and right that it should be so. If the timber lands were more abundant in the Territories, I would say it would be right and proper that individuals should have the same rights there as where the timber is abundant, as in California and Oregon and in Washington Territory. This is the explanation of the reason why this distinction It was made after due and full consideration, after consultation with the Delegates, and consultation with the members of the House from the different States named in the bill.

It has been asked, if this be a good bill, why not extend it to all the States, as well those east of the Rocky Mountains as those west? As I said before, this is a new policy about to be inaugurated in respect to the timber lands; it has been approached cautiously. If it is desired by gentlemen in whose States timber lands exist to include them, I have no doubt they can have their States inserted here if they choose; but so far as we could discover they were not prepared for it, at least did not desire that it should be made applicable to their States. If it shall be deemed necessary it can be extended hereafter. It is experimental as it is, and perhaps it would be well enough to confine it to those States mentioned in the bill, and, if it works as well as we think it will, no doubt it will be extended hereafter to every State of the Union where timber lands exist. This is the reason the committee have confined it to the States named, because on account of the necessities of the case we are called upon to do something in regard to the timber lands there. It is much more necessary that action should be taken with regard to these States than the others, where the timber lands have been nearly all disposed of.

Mr. OGLESBY. Mr. President, the Committee on Public Lands is of this question, that it should be fully considered by this body. The question is one that had excited a good deal of solicitude in the public mind. Year after year, since I have been in this body, in some shape or other, the question has been recurring, so that at last the Commit-tee on Public Lands felt that they ought to take some step toward the settlement of the question of the disposition of the timber lands of the United States. The bill has received ample consideration, if I may say so, in the other House of Congress at a previous session. did receive pretty full consideration before our committee again this winter. Questions of expediency, questions of policy, questions of propriety in connection with the subject, as well as the question of legal rights, were over and over, again and again, considered. The public sentiment of the country, as the Senator from Massachusetts said yesterday, demands that something shall be done to preserve the timber lands of the United States. Do we intend to preserve them or timber lands of the United States. Do we intend to preserve them or let them go to waste? They are going to waste and have been going to waste for about six thousand years, and they are going to waste while we are talking about them; and yet every inquiring mind is ready with the suggestion "Why is not something done to preserve the timber lands of the United States?" So this committee have presented this bill. It does not cover all the States of the Union; it is not general in its application. It is general in its provision as to the Territories to which it applies; but as an experimental measure it does not apply to the whole country. It is limited confined to two does not apply to the whole country. It is limited, confined to two States on the Pacific Coast and the Territory of Washington, and to the other Territories of the United States.

How shall we go about preserving the timber lands of the United States? That is a very difficult question. One gentleman says the Committee on Public Lands are going to turn the timber lands over to the speculators, going to turn them over to monopolies; you are going to let the lands be stripped of the timber and carried off to market without any tax upon it or any revenue to the Government from it. You may ask forty questions about it in half an hour as to what is going to be done about it. In the mean time, I repeat again, what is going to be done about it. In the mean time, I repeat again, the timber lands of the country are perpetually being stripped of the timber. The fires are running over them every year and burning down more trees than are sawed into lumber. Whose business is it to watch them? It is not my business, Mr. President; it is not the business of this honorable body to do it; nor is it the business of our honorable constituency. Nobody watches them. The timber grows upon the mountains as free as the water runs down the mountainupon the mountains as free as the water runs down the mountainside; and as the thirsty traveler will stop to slake his thirst in that mountain stream as the free gift of God to man, so will he, whenever his convenience requires it, take the tree the same as the water. The trees are growing spontaneously upon the earth. We claim that they are our property. We may just as well claim the water as the timber, because within the confines of our territorial jurisdiction there the timber is growing upon the mountains, and the plains all belong to the people of the United States, but to no one of the people in particular. So that even the discret and prudent Senator from Masse. ticular. So that even the discreet and prudent Senator from Massa-chusetts, who has at heart as much as I or your honor the preserva-tion of the timber lands of the United States, I venture to say if he were traveling across the western plains and came at night alongside of a log or a handsome grove, would not stop long to consider who had the title to it, especially if hunger and cold were pinching on both sides at the same time. He would build his fire, as all discreet and judicious pioneers do, and he would take Uncle Sam's timber and make a rousing fire, and then in the morning he would move away and leave the fire to take care of itself.

That is the way in which the public timber lands are preserved; that is the way they have been, and the way they are and will be preserved. One theory of this bill is this—of course it is a theory preserved. One theory of this bill is this—of course it is a theory that rests merely in reason or rather in suggestion; I do not know how it may strike Senators, nor do I know how it will strike the friends of timber culture and of the preservation of the national forests throughout the country; but the committee argued in this way: If we can get individuals to go along the mountain-sides, along the ravines, along the gorges, along the border of civilization, along the border of agricultural lands—if we can induce citizens to go and enter forty acres, eighty acres, or even one hundred and sixty acres of this timber land, and pay the Government \$2.50 an acre for it, here and there, making their claims in different localities through a forest on a given belt of timber, and could get them to make those locations or entries, or purchases rather, there would then be established a cordon of sentinels about that belt or grove of timber that would look after its preservation. If a man owns one hundred and sixty acres of timits preservation. If a man owns one hundred and sixty acres of timber land or a half dozen men in a township own that quantity, will not each more naturally look to keeping the fire out of that belt of timber than if he owned none at all? Take the men along the

mountain-side.

Mr. SHERMAN. I should like to ask my friend from Illinois, who is an expert in all the ways of pioneer life, what difficulty a pioneer will have in selling timber fifty miles away under this bill, or contracting to sell the timber to a large corporation? Can he not do it

under the operations of this bill?

Mr. OGLESBY. I do not hear the Senator.

Mr. SHERMAN. I ask what there is in this bill that will prevent one of these pioneers who enters on the land and pays two and a half !

dollars an acre from contracting with a corporation, before he enters on the land, to sell it all the pine timber upon it, and getting from the corporation money, and with that money, and under that contract, taking the title in his own name, the land being worthless when the

timber is stripped off?

Mr. OGLESBY. I will say to the Senator that when the title is vested in the purchaser, whatever his motive may have been in purchasing the land, he can of course sell the timber to a railroad cor-

Mr. SHERMAN. I speak of it before that time. Suppose that I, being one of those pioneers, should go out on the public lands and make a contract beforehand with a corporation that after I get title to the land, or as soon as I get title, I will give them a full and indisputable right to all the timber growing on the land, and borrow money of the corporation for the purpose of getting the title, I could hon-estly take every oath that is prescribed here. Mr. OGLESBY. I cannot see what object the corporation would

have in making such an agreement with a citizen, when that corpora-tion can go and get the timber without paying him a dollar or a cent for it as things are now.

Mr. SHERMAN. We all know very well, those who have dwelt in Mr. SHERMAN. We all know very well, those who have dwelt in pine woods, like my friend from Maine, [Mr. Hamlin,] that pine is more valuable to a large company to manufacture lumber than it is to any citizen, and a tract of one hundred and sixty acres of land is of no account to a person manufacturing lumber. One hundred acres would be exhausted by a good saw-mill in six months or a year, at the outside. Therefore, this land, when it is opened to purchase, will be acquired by large corporations, who will monopolize the whole of the timber land in that region of country under the operation of this bill because they can employ a hundred men to go and make this bill, because they can employ a hundred men to go and make these entries and acquire title in their own respective names, and buy the timber without violating a single clause or word of this bill.

Mr. OGLESBY. If the honorable Senator has concluded his remarks,

I will go on. I do not see that he gets rid of the suggestion I made a moment ago. What is the use, where is the sense of a corporation entering into an agreement with private individuals to enter these pine lands at \$2.50 an acre for the purpose of getting the pine from the individual after the entry is made? Where is the sense or the necessity of a corporation doing that when they can go upon the lands to-day and get the timber without paying anybody a cent? There is no restriction upon them if they are determined to take it, as they do now take it, and take it without compensation. But if the Senator from Ohio wants to guard that point, I know that I am authorized to say for the Committee on Public Lands that they will be glad to have any defense thrown around the system that can possibly be contrived in any sensible and reasonable spirit.

Mr. SARGENT. Will the Senator from Illinois allow me a moment? Mr. SARGENT. Will the Senator from Illinois allow me a moment? I should like to show the chairman of the committee that the committee did endeavor to guard it, and my impression is that the bill does guard it; or, if it does not, I certainly concur in the suggestion that it should be made to do it. The affidavit which the enterer is required to make says, among other things, "That he does not apply to purchase the same on speculation, but in good faith to appropriate it to his own exclusive use and benefit and not for sale."

Mr. SHERMAN. That is, the title.
Mr. SARGENT. No, it does not say anything about its title up to this time. It is for his own exclusive use and property, and not for speculation. The Senator has described a speculation of a corporation: but further:

And that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself.

That is to say, there are two things: in the first place, no speculation whatever moves him in this matter and, in the next place, the title is entirely for his own use. But if the Senator is not satisfied with that language, I ask him, for the sake of the people of my own State, to propose an amendment which will cover them; I think this

does.

Mr. OGLESBY. I was submitting, Mr. President, general considerations in regard to the policy of this bill; I had not yet come to the details of the bill at all. I only wished to direct the attention of the Senate to this subject now. I say again that it has been a complaint here, year in and year out, that no policy has been adopted in regard to the timber lands of the United States. The Committee on Public Lands have essayed at last in that direction one measure, one step. We present it as the best that suggests itself to our minds. We believe that the sale of the timber lands in the States and in the Territories mentioned in this bill where the normalizion is snarse where tories mentioned in this bill, where the population is sparse, where the country is mountainous and rugged, where they are remote from commerce, remote from densely-populated communities, is the best possible measure that can be devised to protect the magnificent growth of timber on the mountains of the Pacific slope. They are going to decay, going to destruction. No man watches them; no community takes care of them. The Government receives no return from them.

One gentleman asks, why not let the homestead men settle upon them? Certainly we should be very glad indeed to have them do so; but this bill provides that the timber lands to be sold must be of that kind which are not agricultural, or which are noted chiefly for their timber. The purchaser must make affidavit to that fact before he can purchase a tract. It is not mineral land; it is useful for nothing except for timber, or chiefly for timber. Timber is growing in great abundance on the Pacific slope; and we think that to induce the people of those States and Territories to go to the land office, and after pursuing the carefully guarded course provided in this bill, after due application after public paties of the supplication of the supplication. application, after public notice, after an affidavit that sets out in full everything of any possible interest so far as national or individual rights are concerned, to enter tracts of one hundred and sixty acres rights are concerned, to enter tracts of one hundred and sixty acres will be good policy. We have guarded the bill as well as our suggestions would enable us to guard it; but it is open still for any such amendments as may be offered here. We have thought it the best possible system to present now. Let it be tried for a series of years, and see what the future will develop. If it shall prove to be in its results good; if the timber shall not be taken up by the purchaser, the timber that will be control of the Covernment will be results good; if the timber shall not be taken up by the purchaser, the timber that will remain under the control of the Government will be measurably protected from fire by those persons who will make entries here and there through the forests, along the railroads, along the ravines, along the margin of civilization, very well. If we can get them to make purchases, to take possession of this timber land, we believe, I repeat, that it will do more to keep fires out of the forests that prove so destructive in those mountain regions; that it will do more regard that if the Government were to explain an entry of one more good than if the Government were to employ an army of one hundred thousand paid agents to-day to travel over the timber lands to protect them.

Is Congress ready to-day to make appropriations of money to protect the timber lands of the United States? Suppose a bill were introduced here now authorizing the appointment of timber commissioners or agents, under the direction and control of the Secretary of the Interior, to travel over the Western States and Territories and the Interior, to travel over the Western States and Territories and plains to take possession of and guard and protect this timber that lies so near our hearts. That bill would meet with no sort of recognition here. It would be an expense and a drain on the Treasury. If we are not prepared as a deliberative body to devise the means to protect these timber lands, let us quit talking on the subject entirely, let us stop debating about the matter. Let us cease the controversy about the timber lands of the Republic, or else present some such measure as this that will induce men along these settlements to take up

the timber lands.

The honorable Senator from Ohio suggests that these pine lands are the honorable senator from only suggests that these pine lands are chiefly profitable for manufacturing purposes. Does he not know that every farmer who has one hundred and sixty or three hundred and twenty acres of prairie land would be very glad to have forty or eighty acres of timber land to go as an accompaniment with his prairie, though it might be three, five, or ten miles away? The universal practice in my own State, where the prairie lies six, eight, ten, and twelve miles from a body of timber land, is that the occupants of the prairie are glad to have timber land to be preserved and perpetuated with the prairie or with the land under cultivation.

Mr. McMILLAN. Will the Senator from Illinois allow me to ask him whether this bill would be applicable to such lands? The bill

is only applicable to lands that are unfit for cultivation. Mr. OGLESBY. Certainly.

Mr. McMILLAN. Belts of timber scattered through a prairie country, it seems to me, would be very rare. It would be a rare case indeed where you would find a belt of timber running through a prairie where the land on which the timber grew would not be fit for culti-

Mr. OGLESBY. That may be true when you come down into the plains this side of Cheyenne, when you get off the mesa lands, when you get off the dry, arid, desert land, when you come this side of the one hundredth meridian, or when you come this side of the ninety-seventh meridian line. It may be true there that the largest bodies of land will be the growth of highly productive bottoms, soils along the never we margine of streams. the narrow margins of streams.

Mr. McMILLAN. The Senator was illustrating his position by a

reference to his own State of Illinois.

Mr. OGLESBY. The Senator did not understand me. I was illustrating this point, that the people in California and Oregon and Washington Territory who have agricultural possessions would be very glad to go into the timber region and make entries of timber land to go on with their agricultural possessions, losing sight of the distance be-tween the timber and the arable land. Of course if they were adjoin-ing together, so much the better. But in our own State farmers frequently have to go five, ten, fifteen, and sometimes twenty miles, as in one instance I have in my mind, to bring the timber necessary for the support of the prairie lands under one ownership. It helps the sale of prairie lands immensely. So we believe in presenting this bill here that farmers will be found, if not farmers who are occupy-ing these States and Territories now farmers who will come in hereing these States and Territories now farmers who will come in hereafter taking this public agricultural land, who will go into the foot
of the mountains, will go along these gorges, will go into the timber
belts, and make selections and pay for them and get the title to them
that it may go along as a part of their arable and cultivable land. I
think it will be so considered, Indeed, if this class of people are not
the ones to take this timber land, we have no hope that any very great
amount of it will ever be disposed of under this bill. What we desire
is, putting this land at a reasonable price—two dollars and a half an
acre, or what the friends of the bill living in that region more particularly than myself desire—is to interest their neonle in these lands. ticularly than myself desire—is to interest their people in these lands

by private ownership, so as to induce them to stand as sentinels to watch the belts of timber from that destruction which comes of fire

watch the beits of timber from that destruction which comes of fire and waste. Now nobody does it; nobody will do it. It is useless and senseless to talk about it. None of us here will do it. Why talk about expecting other people to do it?

The only way to protect the timber lands of the United States is to put them in possession or occupancy of men who will individually look after them, just as we turned over the great and exhaustless mineral regions to the occupancy of the men who would seek the placers. look after them, just as we turned over the great and exhaustless mineral regions to the occupancy of the men who would seek the placers and develop the mineral wealth. And a wise and humane and liberal policy it was, that the wealth of the Republic buried in the earth might be brought up and applied to all the useful purposes of life, and the Government has immensely benefited and profited by it.

Here are these timber lands standing almost in the same list with

the mineral lands and with the free water that runs down the mountain-side. We want these timber lands protected. We want some-body that will take an interest in them. I say this Congress will never pass a bill to pay men to watch and preserve them. Congress never intends to do any such thing. We expect somebody else to do it. Then let us make it an object for somebody else to do it. Let us invite people to go and enter these lands under carefully guarded provisions, paying two dollars and a half an acre for them; let them get the custody and control of them, and they will preserve that tim-

ber very much more largely than the great general moving multitude will ever do. That is my opinion, and the opinion of this committee.

Why do we fix the price of the land at two dollars and a half an acre? Look at California to-day, or particularly look at Oregon. Under republican administration, under democratic administration, the State of Oregon—of course she has good land; well selected, chosen lands—offers her public lands in the market at two dollars or two dollars and a half an acre. Those people live there upon the ground; those people mingle in that community; they live right where this timber grows. They know its value better than the Committee on Public Lands of the United States Senate can know it. The State of Oregon fixed the price of its public lands at two dollars or two dollars and a half an acre. So, guided by that light, guided by that direction, we thought it would be better to fix the price rather than embark in that old experiment exploded twenty years ago of advertising them and offering them at public sale here and there all over the country to the highest bidder. The trouble about that is the over the country to the highest bidder. The trouble about that is the highest bidder never comes; you cannot find the highest bidder; he is one of the most indefinite subjects you ever went in search of; he is the hardest fellow to get an introduction to that I ever undertook to form the acquaintance of. The highest bidder does not live. He is not to be found. Now, put this land where the people in those States and the Territory of Washington can be induced to make purchases, and I believe me sensible star will have been taken in the chases, and I believe one sensible step will have been taken in the right direction.

The Senator from Kansas very naturally inquired why it was that we

limited the amount to forty acres in the other Territories. The Senator from Oregon has substantially answered that. The reason that induced us to do it was that we thought it would be accepted as a favor by the other Territories. Get this side of the Rocky Mountains, or get on the high plateaus or table-lands of the great interior basin between the Nevada and the Rocky Mountain range, and the country is but sparsely wooded; there are but small bodies of timber to be found. Sometimes high up on the mountains, away up beyond the reach of man almost, large bodies of very excellent timber will be found. But we thought it would be better in those Territories to limit the amount to forty acres, as the quantity is much less. It is true that it is not in desirable locations; it is so situated as not to be convenient for farming uses, and large portions of it, especially on the mesa lands, are adjoining to lands that never will be irrigated or cultivated at all, and in regard to which lands, just as surely as we live, another policy before long must be inaugurated. The survey of those desert lands under the old system of dividing them out into one-hundred-and-sixty-acre tracts to occupants or purchasers will not pracdred-and-sixty-acre tracts to occupants or purchasers will not practically answer for the future. No man wants to go on these desert lands, for they cannot be irrigated. Nature does not furnish the necessary supply of water. They will not be taken up under our old system, which applied to nothing but agricultural lands. In all probability in a short time we shall have to substitute another system altogether different from this with these wild, desert, and unirrigable lands.

But coming back to this timber proposition: The committee I know

are perfectly willing that any amendments or any suggestion made by Senators here shall be put upon this bill. It is not introduced in the interest of monopolies, corporations, or combinations of wealthy men. That is not the purpose of the bill. The men who stand behind it are not actuated by such sentiments. The object of the bill is to bring this land within the reach of that great moving class of western citizens who may be induced to take it, and to that extent to preserve

it, not only for the present uses required for farming purposes and the purpose of commerce, but to preserve it for that future generation of which we heard yesterday.

Now, then, in brief this is the bill. It is an effort to start a new system as applied to these States and Territories. It is true it contemplates parting with the title of the land from the Government. We go upon the theory that to make it effective the title to the land must pass out of the Government. If you want to protect the timber land the title must pass into the hands of the citizen. That is our

theory about it that in the custody of the Government this destruction will never cease. Saw-mills will be placed everywhere just as fire rages unrestricted and undisturbed everywhere. The timber will be hewn down and sawed up and shipped off. It will be wasted in every direction and by every imaginable and possible means. We have at heart the cultivation and preservation of this timber, so far have at heart the cultivation and preservation of this timber, so far as the Committee on Public Lands are supposed to have any heart on that subject. It especially comes under our province. We are driven as a committee to do something about it. We cannot sit here idly any longer. We have presented this system to the Senate and Congress as the best our genius has prompted us to offer. If it can be improved, we shall be very thankful to the Senate for improving it. But do not belittle and do not fritter it all away; do not talk it out

of countenance by all kinds of free and easy generalities; do not worry it to death by ceaseless and idle suggestions.

Mr. SHERMAN. Mr. President, I am disposed to regard this bill with a good deal of favor, and especially after the excellent speech made by my friend from Illinois. I look upon this bill rather in the light of a revenue measure than in any other aspect. I suppose that by the operations of the bill we shall get some revenue from the public lands in these States, and in no other way. It is manifest that the timber in these States, and in no other way. It is manifest that the timber is rapidly disappearing, the Government of the United States gets no benefit from it, and that the Government now receives not even enough to pay for the expenses of keeping up the land system, because under the homestead and pre-emption laws we get nothing, and the land is not cultivated at all. The operation of this bill, however, is to secure to the Government of the United States two dollars and a half an acre for the timber lands in these localities, and to that extent and with that view only it is a benefit to the Government of the United States. But whether it will inure to the benefit of the people of that region of country I very much doubt. of that region of country I very much doubt.

The honorable Senator from Illinois says that if private persons owned this property it would be protected from fire. All experience shows exactly the contrary. There are Senators here who represent timber countries who know that the more settlements are extended through timber lands the more they are subject to fire. The State of Michigan was the most magnificent pine forest probably in this continent, unless we may perhaps except some portions of Oregon or California; and the State of Michigan was free from ravages by fire until the timber land was largely settled and occupied by cabins and distant and scattered settlements throughout the timber country, when fires appeared and began to be destructive, and in one single year destroyed millions upon millions of dollars of public and private property. It is the settlement in a region of timber country that destroys the country by fire. That land in the peninsula of Michigan had existed for a thousand years beautifully timbered, and was not destroyed by the fire lit by a pioneer or lit by a transient traveler or by a surveyor going his rounds through the country. Such lires were easily extinguished; but when there were fires in every cabin scattered all over the country they began to spread and destroyed vast regions. When saw-mills were established, then the fires began to rage and destroy all the timber in the country; and I assure my honorable friend from Illinois that, while his measure may be a wise revenue measure, it will not protect the forests of Oregon and California from ravages by fire; nor will it protect them from the speculator, against whom my friend seems to have some ill-will. A speculator can ride through this bill with a coach and four without any difficulty. A speculator can organize a system under the terms of this bill by the timber land was largely settled and occupied by cabins and dis-A speculator can organize a system under the terms of this bill by which he could buy for a corporation every quarter section of land in that timber country that he desired to purchase. How? He could send its agents all through this timber land to select favored quarter sent its agents an intoight this timber land to select havored quarter sections; each agent would go and make the affidavit prescribed by this bill, and even before he started on his journey he would make a contract with the corporation or with a lumber company to sell the lumber growing upon that land. He could make the oath without even swearing falsely. Now no man can gain possession of a quarter

section in this timber country except by swearing falsely.

This bill is confined entirely to land unfit for cultivation, timber land, not now offered for sale, and no man has the legal right to go and, not now offered for sale, and no man has the legal right to go upon that land unless he swears that he goes to occupy it and to cultivate it for a farm, to make upon it a home. We know when an affidavit is made in regard to any portion of this timber land that it is a false affidavit, because Senators all concur that no one goes upon this timber land, in the high altitude of five thousand feet or upward, with a view to make it a home, because it is unfit for cultivation, and it does not come within the limits of this bill unless it is unfit for cultivation. If this land is opened for settlement under the provisions of this bill, a man could very easily say that he would not sell the title of the land, the ownership of the land, the fee of the land, or any other term we may use, and yet he may make a contract to cut and sell the stumpage, I believe they call it in a timber country, the growing timber on the land; or he may give a lease of the land for ten years. That would be sufficient for the adventurous proprietor of a saw-mill to cut every stick of timber upon it and thus evade the provisions of the law.

I do not regard all these provisions intended to hamper and cripple the right to sell what a man buys as worth the paper on which they are written. If the Government of the United States mean to sell this land, let them sell it for the most they can get for it. If they mean to preserve it intact as a vast forest useful not only for tim-

ber, but useful for its effect upon the climate of the country, then they ought to preserve it untouched. If they sell it, let them sell it, but do not let them sell it with the idea that they can prevent peobut do not let them sen it with the idea that they can prevent peo-ple cutting down the timber on it or selling the timber on it, or that they can prevent the man who has paid \$2.50 an acre from selling the timber or doing what he pleases with it. All these provisions looking to that end are simply illusory; they are deceptive. They may lead some persons to vote for this bill who would not do so otherwise. I some persons to vote for this bill who would not do so otherwise. I do not think the bill ought to have any of these provisions in it. If the Government sell this land, let them sell it for all that it is worth. Let them give the title, the right of possession, the right of ownership, and no restriction whatever which you can put upon the settler or purchaser of the land at \$2.50 an acre will prevent him from using it in the way he thinks most profitable for himself, or will prevent the owner of a saw-mill from buying the timber. The public land in a lumber country is of no value unless it can be held in large tracts. We know well enough that if a man owns only one hundred and sixty We know well enough that if a man owns only one hundred and sixty acres of forest land in Oregon or California he cannot make timber enough to build a small cabin unless he has a saw-mill. A good saw-mill, such as any Yankee can build nowadays, would ent all the timber on one hundred and sixty acres of land in six months. The oldber on one hundred and sixty acres of land in six months. The old-fashioned saw-mills which cut a few logs a day are among the myths of the past. The saw-mill now devours a forest, and it requires thousands of acres of land to keep one of these great gang-mills running for a year or two. Therefore, if this land is to be opened so as to enable the forest to be utilized for lumber, as a matter of course it will get into the hands of corporations and great companies, who will devour the forest for lumber and cut a thousand acres probably in a single year. single year.

I think, therefore, that if we are to pass this bill, (and I am not sure but that it ought to be passed—I rather think it ought,) the better way is to strike off all these provisions which hold out the deceptive idea that the land is to be protected from fire, from sale, and let this public land stand, like all other public land, open to entry at a fixed price of \$2.50 an acre, to be sold to whoever will advance the money to pay for it, to any corporation or any person; because that is the effect of it at any rate.

I am told now by Senators around me, and I violate no secrecy in mentioning it, that under the present system of affairs a man goes and makes an entry there by a false oath, and at once sells the timber. In that way a few men may go on a broad pine forest in Oregon and get a kind of pre-emption or homestead claim, and then sell at once to some owner of a saw-mill. Thus the timber is taken off; the Government gets no revenue from it; the law is violated, and their oaths are violated. I see no reason why we should not throw this land open to public entry. Sell it for as much as you will.

The proposition of the Senator from Wisconsin to sell it at public

sale I do not believe in, simply because I know from practical observation that in Ohio and some of the Western States the difference between the minimum price of lands at public sale and the price for which they were sold never yet paid the cost of advertising in the last thirty years. Those sales were very common formerly, and those of us who have lived and been raised in the Western States know very well that when the sale comes sometimes a few tracts may be bid at three or four cents an aere more than the minimum price, but as a general rule there is a combination which prevents any advance whatever above the legal rate. It is more than a man's life is worth to go among a hundred or two hundred rough, hardy, brave men, I will say, to bid against them and try to compel them to pay one or two cents an acre more than the law allows. They combine against it. Indeed, I believe that even in Ohio thirty years ago a man's life would have been in danger who would have attempted to get a piece of land at a forced sale of this kind when some other person living in that neighborhood thought he had a right to it, although he had no more right to it than any other man in the United States of America. Therefore it is utterly idle to attempt to sell land at public sale by the Government unless it is a single tract of land in a particular locality, where there may be an opportunity to bid and where you cannot make a combination. It is utterly idle to sell any other land at public sale. When you offer a whole district of country of public land for sale and read over the description of each section and quarter section, and invite a bid of one cent an acre more than a dollar and a quarter, you may endanger your life by bidding the one cent, or two cents, or three cents, or four cents, and nothing is accomplished. The result is either that those who have an alleged claim by a kind of informal pre-emption or sight of the land get the land at just about the Government price, or at a very little more, one, two, or three cents an acre more. Therefore any attempt to sell these lands at public sale involves the Government of the United States in more expense than the sum we probably would secure in any case whatever.

I am in favor of the general idea that we had better sell these lands

just like any other proprietor would sell them. Sell them for the most we can get. Put upon them a fair minimum price. If \$2.50 is not enough, put more; get all the money we can from the sale of the land; but let us not deceive ourselves with the idea that we are selling to people who are going to live on this land, to a man who is going to hold one hundred and sixty acres of timber land in the wilderness, that he promises he will not sell, that he swears he will not sell. We all know that is perfectly illusory; that he will get around that oath just as sure as fate; and we simply make him commit perjury merely

because we are afraid we are willing to sell the public land to any-body who comes and offers us our price for it. I would rather do it openly; strip this bill of all these restrictions upon the sale of the land and sell it openly and above board: first, on the ground that we

openly; strip this bill of all these restrictions upon the sale of the land and sell it openly and above board: first, on the ground that we cannot preserve it from fires or from depredations; second, that we do not want to be cheated under color of pre-emption or homestead by a false oath; and, third, because we want to get as much revenue as we can. At the same time, put these lands into the hands of private persons, corporations, individuals, settlers, or anybody else who will pay \$2.50 an acre for them.

Mr. HOWE. I did not mean to take any part in the discussion of this bill, and do not mean to take much part in it now. It seems to have been framed somewhat, as the lawyers say, with a double aspect. I understood the Senator from Oregon to say when he introduced the bill that its object was to enable those who have need of this timber to acquire it by purchasing and paying for it, and I sympathized with that purpose. I have no great ambition to see the Government of the United States undertake to hoard any good thing. All good things, I believe, are designed for use, and had better be used, just as much by this generation as any succeeding generation or any past generation. So, when the proposition was submitted to enable people to buy these lands and pay for them because they needed what was growing upon them or standing upon them, I sympathized with that purpose.

purpose.

But the Senator from Illinois introduces the bill to us in a new as-But the Senator from Illinois introduces the bill to us in a new aspect and from a new point of view. He says that the object of this bill is not to enable men who need this timber to buy it, but it is to protect the timber, and his method is original. I think he says it is an experiment. It would not become me to condemn it in advance. It may succeed. He will allow me to say, however, that I have not entire confidence in the experiment. Briefly, it is to induce purchasers to go on to the outskirts of these forests and buy forty or one hundred and sixty acres and keep the swash of the world from drifting by them on to lands lying behind. It is ingenious, as I say: it is original as on to lands lying behind. It is ingenious, as I say; it is original, as I know. That it will succeed, I do not know. You take a flock of wolves and station them about a sheep-ranch, give each one of them a lamb apiece and you might protect possibly the residue of the flock, but I would not bet on it myself. I have not found these sentinels so absolutely reliable in my experience and I do not quite see what the inducement would be for them to stand guard over the thousands upon thousands of acres right in the rear of their lots, simply because they have got forty or one hundred and sixty acres.

Mr. President, I do not think this bill will save your timber. That is my impression about it. I speak modestly. I am willing, with the Senator from Ohio, that these lands shall be sold. I am of the opinion to-day, as I was yesterday, (and it is rather a remarkable thing perhaps to find a Senator who holds to the same opinion two days in suc-

haps to find a Senator who holds to the same opinion two days in succession,) that it is fairer to sell the land with whatever stands upon it than to sell the growth upon the land, the stumpage. I do not propose to repeat the reasons why I prefer that.

I only want, therefore, two things to be done in this bill. One is that the Government shall get what those who most desire the lands are willing to pay, and the other is that everybody shall have a fair chance to buy the lands. I said yesterday and repeat to-day that there is but one way to secure that, and that is to offer the lands at public sale. I am utterly astonished to hear Senators as familiar with public sale. I am utterly astonished to hear Senators as familiar with the alienation of our public domain as the Senator from Illinois and the Senator from Ohio say that that has proved a failure and has been abandoned. I undertake to say that they are mistaken upon both points. It never has been proved a failure, it never has been abandoned, but the Land Office is year after year offering lands at public sale and selling them.

Mr. SARGENT. As I made the statement that that had not been

done for twenty years, I should like to have the Senator show some authority upon it. I say that since Buchanan's administration there have been no lands offered at public auction by the Government of the United States, unless it might be some Indian reservation or a

Ittle military reservation; and I know of no instance of that kind.

Mr. HOWE. I undertake to say that they are offered every year.

I do not know that fact. They have not been within my personal knowledge; but I have known within my personal knowledge a score of such sales within twenty years. Senators certainly do not seek to controvert that. Mr. SARGENT.

Mr. SARGENT. I simply say I think the Senator is mistaken. Mr. KELLY. The Senator from California is correct. Mr. HOWE. What is the evidence?

Mr. KELLY. I know this: that for the last fifteen or twenty years none have been offered in the State of Oregon, and the Commissioner of the General Land Office has recommended that that system be abolished altogether.

abolished altogether.

Mr. HOWE. I noticed, as the Senator read the report, that the Commissioner made that very extraordinary recommendation. I say every Commissioner you have had has acted in direct disregard of it. I said yesterday, and repeat to-day, that Government lands have been sold at public auction for more than \$50 an acre within a very few years, and within the county in which I live.

Mr. SARGENT. Under special legislation, the Senator will acknowledge; under special legislation, which was earnestly urged by

the Representatives from Wisconsin, they insisting that if we would only apply it to those particular cases it would be some benefit to the Government. It was not under the general law. I mean to say that under the general law there has been no such offer of public land, and the Senator must admit that I am right in that.

Mr. HOWE. No, sir; I will not admit it.

Mr. SARGENT. It was some timber land in Wisconsin. Excuse
me; I do not wish to interrupt the Senator without his permission.

Mr. HOWE. Certainly; go on.

Mr. HOWE. Certainly; go on.

Mr. SARGENT. There was some timber land in the State of Wisconsin. There was very much doubt whether it could be sold at all or should be sold; and I remember the proposition was advanced and it was earnestly insisted upon; and some of us good-naturedly gave way and allowed a special law to be applied to the State of Wisconsin.

Mr. HOWE. The Senator does not know what lands I refer to and I do not know to what lands he refers. I will now mention the lands to which I refer, which sold for more than \$50 an acre. It was a portion of a tract of some seven thousand acres which formerly belonged to what was called the Fort Howard military reserve. That is one instance. That was sold under a special act, to be sure.

Mr. SARGENT. That is what I referred to.
Mr. HOWE. Unfortunately for the accuracy of the Senator's recollection, the law under which that was sold was passed before he came

Mr. SARGENT. When was it passed?

Mr. HOWE. In 1861.
Mr. SARGENT. I was in Congress at that time.
Mr. HOWE. Not in the Senate.

Mr. SARGENT. I was in the House. I referred to the action of the House

Mr. HOWE. I have no doubt the Senator was in the House; and

I have no doubt he was perfectly good-natured in the House.

Mr. SARGENT. I remember the legislation very well, and several instances have occurred since, and that precedent was urged in more recent legislation, which my recollection is was within the last five

or six years.

Mr. HOWE. That is one instance. Another instance is that a township and a half which formerly belonged to the Stockbridge Indians, a reserve, was under a special law, because only under a special law could it be sold at all, brought into market. That was not only subdivided, but it was appraised and a new minimum put upon it, and then it was offered at public sale upon the condition that no tract should be sold at less than the appraised value, and should be sold as much higher as any one would give.

should be sold as much higher as any one would give.

Mr. INGALLS. Does the Senator mean sealed bids?

Mr. HOWE. No, sir; I mean at open public sale.

Mr. SARGENT. I supposed the Senator referred to those cases. 1

Mr. SARGENT. I supposed the Senator referred to those cases. I had them in my mind.

Mr. HOWE. And in both cases the land sold for very much more than the appraised value, for thousands of dollars more than the appraised value. But suppose those were the only cases, which they are not, I want to know, if combinations would not prevent the sale of a tract of seven thousand acres right in the neighborhood of a city and would not prevent the sale of a township and a half of land at above the minimum price, how can combinations prevent the appreciation of lands anywhere?

The Senator from Ohio ventured upon the extraordinary statement.

The Senator from Ohio ventured upon the extraordinary statement The Senator from Ohio ventured upon the extraordinary statement that it would not be safe for a man to bid a cent an acre above the minimum price at one of these sales. I feel bound to deny that. I have been for thirty years a resident upon what might be called the frontier; a large part of the time it was really your frontier. I know the sort of people who settle Territories. I went into Wisconsin when it had a population of less than 130,000. I have seen that State built up. I know the men who have built it up. I know that not an acre of land has ever been sold in that State except under a special grant, which granted it to one man, or in pursuance of laws which offered it first to the open bidding of every one. Is any Senator here prepared to controvert that statement?

Mr. SARGENT. I did not exactly catch the statement.

Mr. SARGENT. I did not exactly catch the statement.
Mr. HOWE. The statement is that not an acre of the whole territory of Wisconsin has ever been settled except by one of two methods: first, a grant of the land to a specific individual; and, secondly, ods: first, a grant of the land to a specific individual; and, secondly, under your general laws, which provided for offering every foot of it first at public sale, and if it be not purchased at public sale, making it open to private entry or homestead.

Mr. SARGENT. Does the Senator mean that we have had no premption law providing for that?

Mr. HOWE. No, no; under your general law, which provides those three methods, pre-emption, homestead, and private entry after public sele.

public sale.

Mr. SARGENT. Very well; but the pre-emption and homestead laws do not first require that the land shall have been offered at pub-

Mr. HOWE. Of course they do not.
Mr. SARGENT. Then I do not see the point the Senator makes.
Mr. HOWE. That no land has ever been purchased at private entry, I will say then, in that State that had not first been offered at public sale.

Mr. SARGENT. That is the rule universally. A correlative of the system of offering is that if no one purchases the land it shall then

be open to private entry.

Mr. HOWE. Undoubtedly it is, and undoubtedly it will be here No possible detriment can follow from requiring these lands to be of-fered at public sale, except the mere insignificant sum it may cost to advertise them. I do not know why we required the lands in the several States of Arkansas, Mississippi, and Louisiana, in the bill which was passed yesterday upon the motion of the Senator from Arkansas, to be offered at public sale. Why make a distinction? Why should we have required that of those lands and not of these? The allegation with regard to those lands was that it would be difficult to sell them at a dollar and a quarter. It is conceded that these lands are worth two dollars and a half. I suspect Senators would admit, if they were put upon their oaths, that great bodies of these lands are worth a good deal more than two dollars and a half.

I do not attach any particular importance to the machinery in this bill, which seems to be intended to limit the amount of land that one man shall acquire. I hope no member of the Committee on Public Lands and that no Senator on this floor expects that it will absolutely work a limitation. I do not conceive it will have that effect myself. On the contrary, the man who wants a thousand quarter sections and can find friends enough to buy them with his money, upon a contract to take the title and transfer the timber to him, can do it under this

act with entire safety.

Mr. WINDOM. Mr. President, I do not quite agree with the Senator from Wisconsin that no detriment can come from offering these lands at public sale. I think an injury would arise in this, that, if they were offered in large quantities in these States and Territories, and the whole thereby become subject to private entry, they would be bought up for speculation and held in that way. I think that would be bad policy. I am very glad to hear the Senator say that the people of Wisconsin are so honest in these public-land sales. I think Wisconsin is exceptional in that regard, if we can offer there large bedies of nine lands at public sale and have free competition in hidbodies of pine lands at public sale and have free competition in bidding prevail. I think no other Senator can bear witness to the same thing in his State; and I may compliment the Senator from Wisconsin on the peculiar honesty of his constituency. I would not have been willing to do it until I heard him make the statment, for the reason that some of the pine-land men of Wisconsin have sometimes crossed the line into my State, and the reputation they have borne in land matters there is not quite so good as that stated by the Senator here to-day.
Mr. HOWE rose.

Mr. WINDOM. It may be because they had got into another State. The Senator perhaps wishes to answer that they got into mine; but that certainly has been the case when they have gone over on the

Minnesota side.

Mr. HOWE. Who had legislation, the Senator will allow me to suggest, which opened to them larger opportunities than our laws ever did.

Mr. WINDOM. I was not aware of that. I believe the same general laws for selling land prevail in all the States. Certainly, men are disposed to take advantage of opportunities when presented to them, and I think that will be the case in all the States and Terri-

Now, I am unwilling that these large tracts of land in Washington and Oregon, and smaller tracts in the Territories named in this bill, shall be thus generally thrown open to private entry; but I think this bill should pass, and mainly for this reason: In the States and in all the Territories named in the bill there is absolutely, as I understand it, no way of obtaining small quanties of these timber lands for use by the farmers and others except by committing perjury. They are not open to private entry. They can only be taken under the pre-emption or homestead laws, and I do think any man who takes the lands described in this bill, not fit for cultivation, and swears before the land office that he has settled upon them and cultivated them to make a home of them, as he must under either of those laws, commits perjury. So I say the people of these States and Territories under the existing state of things are absolutely denied the use of any of these lands unless they commit perjury to get them. I want to relieve them from that necessity. This bill does not propose to open the lands generally to private entry. It does not propose to allow large tracts to be taken; but it does propose to give to the people of those States and Territories who desire them for their own use small quantities in an honest way by paying for them. For that reason, among others, I think the bill should pass.

The Senator from Ohio, in my judgment, touched one of the most objectionable arguments against the bill, and that is, that it does not go far enough in some of the Territories. I believe it would be better to allow companies who are actually manufacturing, or who can show that they are prepared to manufacture certain quantities of lumber per annum, to take a larger quantity of timber land than one hundred and sixty acres for their own use. I think that it would be a better policy, that it would avoid some of the difficulties mentioned, and that it would be liable to no serious objection. I do not wish any law that will tend to destroy the timber of the country; I wish to preserve as much of it as possible for the future; and yet I say to you that I believe it utterly impossible to prevent the people of the States and Territories here named, or of any other State, from taking I

in some way so much of the timber lands within their borders as the demands of the present require. We must provide for it in an honest way or they will be at liberty to take it. If this bill proves upon trial not to have gone far enough in this direction, it will be open to amendment and may be enlarged in its operations in the future. I am therefore in favor of trying this bill, of making the experiment, so far as it goes; and I think that it is carefully made to the extent of the provisions of the bill. I believe that the pine lands of this country are of sufficient importance to justify more attention than is given to them by Congress or ever has been. I believe it would be good policy to appoint a commission to fully investigate that subject and to report to Congress the best means for taking care of and preserving them, and at the same time furnish to the people so much as is needed for present use. But I apprehend Congress would not be ready now to appoint such a commission. I certainly would vote for it with great pleasure. Until that be done I see no better meas-

Mr. BOGY obtained the floor.

Mr. EDMUNDS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Vermont?

Mr. BOGY. Yes, sir.

#### SENATOR FROM LOUISIANA.

Mr. EDMUNDS. I was about to inquire what had become of what was the regular order yesterday, the case of Mr. Pinchback claiming to be a Senator from the State of Louisiana.

The PRESIDENT pro tempore. It was not called up yesterday, and has been superseded by other business. It was subject to call then,

has been superseded by other business. It was subject to call then, but was not called up.

Mr. EDMUNDS. If the Senator from Missouri will allow me to make a motion, I wish to get that subject before the Senate again. It is one, as stated by the Senator from Indiana a day or two ago, of high privilege, that has been delayed too long in this body; and I move therefore to postpone this and all other orders with a view to take up that while take up that subject.

The PRESIDENT pro tempore. Does the Senator from Missouri

yield for that purpose?

Mr. BOGY. I yield for any purpose.

Mr. MORTON. The Pinchback case was the unfinished business for yesterday, but I did not press it then, and did not propose to press it this morning for several reasons, and among them was the fact that there were several absent Senators who desired to be present when it was considered; and when the vote is taken on the case, I

desire at least to have a full Senate.

The PRESIDENT pro tempore. The Senator from Vermont moves the postponement of the present and all prior orders for the purpose of taking up what is known as the Pinchback case.

Mr. MORTON. If the Senator desires to have it taken up simply

for the purpose of making a speech or for debate, I shall not object.

Mr. EDMUNDS. In the short time I have served in this body, to
the best of my recollection I have never moved to take up anything for the purpose of debate, or for the purpose of making a speech. The object of my motion is to do what the Senator from Indiana has so strongly impressed upon us was our bounden duty to do, and that is to get this case forward after proper discussion (it may last a considerable time, or it may not) to a final determination. That is the oberable time, or it may not) to a final determination. That is the object of my motion. The little I have to say I trust will not occupy thirty minutes. Perhaps I shall not have anything to say at all, but certainly my object is not to take it up for the purpose of delivering

orations on the subject and laying it aside then to do something else.

Mr. MORTON. If the Senator does not desire to speak to the question, but simply to take it up for the purpose of having it acted upon,
I shall certainly not consent to have it taken up to-day. There is one
Senator anxious to be here who is sick and unable to be present; and

Senator anxions to be here who is sick and unable to be present; and this was the case yesterday.

Mr. EDMUNDS. Who is that?

Mr. MORTON. The Senator from Oregon, [Mr. MITCHELL.]

Mr. EDMUNDS. Is he not paired?

Mr. MORTON. He was unable to effect a pair yesterday. That is the case also with other Senators. I hope when this question is voted on, after such a long delay, it will be with a full Senate. That is the only interest I have in it. I am ready to vote this instant. If the Senator desires to make a speech, of course I will accommodate him. Senator desires to make a speech, of course I will accommodate him,

but he says he does not.

Mr. EDMUNDS. We left off with the Senator from Indiana in the middle of some observations. I remember that I moved an executive session with his assent, because the Senator was evidently fatigued, and was not feeling well. Yesterday the matter got displaced in some way in my absence and contrary to my intention, so far as I had any-thing to do about it, which was, as the Senator from Indiana seemed to desire, to secure a final determination, after everybody had said what he desired to say. Now, if we are to wait in this body till seventy-three Senators, if that is the number excepting the State of Louisiana as to one, are present, then the matter of the right of Louisiana to another Senator here in the person of Mr. Pinchback will never be determined. mined at all. If any Senator is ill at this time who cannot come here to vote, who is to vote on the side of Mr. Pinchback, as I shall not, I certainy, if he has not made a pair, would feel it to be a matter of duty which I should be glad to extend to him, as other Senators have always done

to me. I will pair with him with pleasure. My object is not to get a vote that does not make a fair expression of the Senate by any means; but I make this notion believing that the Senate is as full as it ever will be in the natural course of things, and because I think, as the Senator from Indiana has stated he thinks, that it is a matter of high duty to dispose of this question one way or the other. I do not know how it will be determined; I do not care how it will be determined except in the interests of what I think is the Constitution, the law, and the fact. Other Senators think otherwise. That is so as to every measure. Still we must determine it, and we ought to determine it, and that is my object in making the motion.

The PRESIDENT pro tempore. The question is on postponing the present and all prior orders for the purpose of taking up the resolution for the admission of Mr. Pinchback.

The question being put, a division was called for; and the ayes were

The question being put, a division was called for; and the ayes were

26 and the noes 24.

Mr. LOGAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to

Mr. FERRY, (when his name was called.) I am paired with the Senator from Georgia, [Mr. GORDON.] If he were present he would vote "yea," and I should vote "nay."

The call of the roll was concluded; and the result was announced yeas 30, nays 33; as follows:

yeas 30, nays 33; as follows:

YEAS—Messrs. Bayard, Bogy, Booth, Caperton, Cockrell, Cooper, Davis, Dennis, Eaton, Edmunds, English, Goldthwaite, Johnston, Jones of Florida, Kernan, Key, McCreery, McDonald, Maxey, Merrimón, Norwood, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Wallace, West, Whyte, and Withers—30.

NAYS—Messrs. Alcorn, Allison, Boutwell, Bruce, Cameron of Pennsylvanic, Cameron of Wisconsin, Clayton, Conkling, Conover, Dawes, Dorsey, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalks, Jones of Nevada, Logan, McMillan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Patterson, Sargent, Sherman, Spencer, Wadleigh, Windom, and Wright—33.

ABSENT—Messrs. Anthony, Burnside, Christianey, Cragin, Ferry, Gordon, Kelly, Mitchell, and Robertson—9.

So the motion was not agreed to.

#### CLAIMS OF SOUTHERNERS.

I find that the honorable Senator from New Mr. MERRIMON. Mr. MERRIMON. I find that the honorable Senator from New York [Mr. Conkling] this morning reported adversely from the Judiciary Committee the bill (8. No. 69) to repeal so much of section 3480 of the Revised Statutes as forbids the payment of the accounts, claims, and demands therein named, and all laws and clauses of laws forbidding the payment thereof, and appropriating money to pay the same when duly established, and it was indefinitely postponed. At the time the report was made, I was either absent or my attention was not attracted to his action. I now desire to move to reconsider the yoth by which the bill was indefinitely postponed in order to place the vote by which the bill was indefinitely postponed, in order to place it on the Calendar. I move that the vote by which it was indefinitely postponed be reconsidered.

The motion was agreed to.

Mr. MERRIMON. I now ask that the bill be placed on the Calen-

The PRESIDENT pro tempore. The bill will be placed on the Calendar, with the consent of the Senate.

The Chair hears no objection.

#### DISTRICT 3, 65 BONDS.

Mr. MORRILL, of Maine. Mr. President-

The PRESIDENT pro tempore. The Senator from Missouri [Mr. Bogy] is entitled to the floor on Senate bill No. 6.
Mr. MORRILL, of Maine. Will the Senator from Missouri allow

me to make a motion?

Mr. BOGY. Yes, sir.
Mr. MORRILL, of Maine. I move that the Senate proceed to the consideration of the conference report presented yesterday and then

The motion was agreed to; and the Senate proceeded to the consideration of the report of the committee of conference on the disagreeeration of the report of the committee of conference on the disagree-ing votes of the two Houses on the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress ap-proved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other pur-

Mr. MORRILL, of Maine. Let the bill be read as it stands amended

by the report.

The PRESIDENT pro tempore. The bill will be so read.

The Chief Clerk read the joint resolution as it would stand if amended by the report of the committee of conference, as follows:

amended by the report of the committee of conference, as follows:

Resolved, &c., That the commissioners of the District of Columbia are hereby directed to transfer to the Treasurer of the United States, for the payment of the interest, due the 1st of February, 1876, on the bonds of said District, issued under the provisions of the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," the same from any unexpended appropriations heretofore made by Congress, or from any revenues derived by taxation on the property of said District of Columbia, subject to the requisition of said commissioners, excluding funds raised for the support of public schools: Provided, That any further issue of 3.65 bonds, under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited: And provided, That the said commissioners are hereby directed to discontinue all work and labor on streets, avenues, bridges, sewers, canals, and structures of every kind the payment for which is to be made in 3.65 bonds of the District of Columbia: And provided further, That so much of the sixth section of the said act of June 20, 1874, as directs and requires the First Comptroller of the Treasury

and the Second Comptroller of the Treasury to audit and adjust the floating and unfunded debt of the District of Columbia, and issue certificates therefor, be, and the same is hereby, repealed; but this provise shall not prohibit the audit and issue of certificates for claims for work and labor already performed and materials furnished, not, however, to exceed in the aggregate of certificates the sum of \$15,000,000, including those that have already been converted into 3.65 per cent. bends of the District of Columbia.

SEC. 2. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years, and by fine not exceeding \$10,000.

Mr. MORRILL, of Maine. Having stated yesterday the effect of this report, and it having been upon the tables of Senators up to the present time, I shall not deem it necessary to make any further statement unless I am called upon by some Senator to explain.

Mr. BAYARD. Mr. President, on the discussion of this bill it appeared that something like a million and a half of dollars short of the fifteen millions authorized by it of bonds of the District guaranteed by the Government of the United States still remained unissued; and I understood it to be the sense of the Senate expressed by a number by the Government of the United States still remained unissued; and I understood it to be the sense of the Senate, expressed by a number of votes, that this funded debt, represented by bonds of the District paying 3.65 per cent. interest, should not be increased beyond the amount which had been issued up to the 27th day of January, 1876. It has pleased the committee of conference to yield on the part of the Senate that restriction upon this debt; and I for one hope the Senate will not concur in such agreement. As I said, by more than one vote—I think by several affirmative votes—the sense of the Senate was given against the present proposition of the committee of conference, and therefore, in making this proposition, it seems to me they have disre-

against the present proposition of the committee of conference, and therefore, in making this proposition, it seems to me they have disregarded the expressed vote of the Senate on this subject.

Mr. MORRILL, of Maine. Will my friend allow me a moment? He is greatly mistaken. He misapprehends the bill entirely. The limitation as to the amount of bonds stands precisely as it stood before.

Mr. BAYARD. Then I must misapprehend the report. The amendment proposed by the committee is to insert certain language found on pages 4 and 5 of the present report as printed, to strike out from line 23 to line 29, inclusive, of the first section, on the second page, and then to "strike out all of said Senate amendment after the word 'dollars,' in line 7 of section 2 of said amendment." Now, after line 7 and the word "dollars" we find this:

Provided, That the board of audit created by the act for the government of the District of Columbia, approved 20th June, 1874, is hereby abolished, and shall, immediately upon the approval of this resolution, transmit all the books and property in their possession belonging to the District to the commissioners of the District of Columbia, and make a report of their proceedings not hitherto made: And provided further, That this resolution shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any of such bonds as may have been issued on or since the 27th day of January, 1876.

I say that this was the sense of the Senate proclaimed by more than one affirmative vote. The question was made before the Senate that claims had been improperly audited and bonds ordered to be issued and would be issued after the date at which this matter came up for consideration. The substantial reason for it all was this: That the Senate, and I know the country generally, were amazed to find that that which had been intended as a measure of retrenchment and reform had by some means or other been permitted to be nothing but form had by some means or other been permitted to be nothing but the confirmation of a grossly extravagant system of expenditure in this District; that after twenty millions of money had been spent upon the streets of this town in three years, five millions more were added in the fourth year; and upward of five millions more were proposed to be added in the fifth year. These were the very alarm-ing facts that came before the Senate and the country; and the action of the Senate was to put a stop to the possibility, under any construc-tion of the existing laws, of the continuance of a system of expendi-ture so grossly out of proportion to the size of this community or the capacity of the community or of the people of the United States to capacity of the community or of the people of the United States to

bear such burdens.

Mr. MORRILL, of Maine. Now, if the Senator will allow me, am I to understand him to say that, by the report of the committee, the limitation as to the bonds will be removed or enlarged?

Innitation as to the bonds will be removed or enlarged?

Mr. BAYARD. I say the limitation as to the amount of bonds which have been issued upon the audited claims up to or since the 27th day of January, 1876, is dropped out in this report.

Mr. MORRILL, of Maine. There are two propositions, and they are included in this report. The first is to provide that there shall be no further issue of bonds; that stands in the report as the Senate agreed to it. No further issue of bonds is to take place. Now if the Senator will look on the second page, immediately following the limitation on the amount of the bonds, he will find the limitation on the certificates to be issued.

certificates to be issued.

Mr. BAYARD. What line?

Mr. MORRILL, of Maine. On page 2, from line 23 to line 28 is

stricken out. That was a limitation on the certificates.

Mr. BAYARD. It was true that was a limitation as to fifteen millions; but the limitation in a subsequent clause was an additional

Mr. MORRILL, of Maine. Allow me to make a further statement.

My understanding is that so far as the general limitation, both on bonds and certificates, is concerned, this report is identical in its effect with the bill as passed by the Senate. No further bonds are to be issued, and no certificates are to be issued beyond the sum of \$15,000,000. That I understand to be the effect of the report of the committee.

Mr. BAYARD. In the long discussion we had on the subject of this bill the amendments which were offered struck me at the time as somewhat incongruous. The amendment which I desire to see retained was offered, I believe, by the Senator from Vermont, and was the subject of some discussion between him and me at that time. I showed, from figures which were sent to me by one connected with the city, that thirteen millions and some hundred thousands of dol-lars of bonds had been issued up to the 26th or 27th of January. It was proposed then, to test the sense of the Senate whether any more bonds at all should be issued, to add a proviso that this act should not bind the United States to pay the principal or the interest on any bonds issued after the 27th day of January. It was intended to arrest the issue of these bonds any further than had then been accomplished. Facts were stated to the Senate, to which I scarcely need recall their attention, showing that the system of audit had been, to say the least, excessively mysterious; and I believe a case was stated in this Chamber where a certificate issued to a man who stated that nothing whatever was due upon it. The system was so loose, or, as I said before, so mysterious, that a man to whom nothing was due could procure a certificate that something was due. Under a state of affairs so alarming as that, we found the amount had rolled up to a sum so staggering as \$5,000,000 for the repairs of streets in a town of this size for a single year, upon the heels of having in three years before that time spent the frightful sum of \$20,000,000. I do not wonder, Mr. President, that the Senate stood aghast at it; and this bill, as I understood the action of the Senate, was to make such further expenditures impossible; and if there had been either inaccurate or improper allowances under this system of a board of audit, they were to be impossible after the Senate had passed upon the subject.

Now, what do we find? Here was a clear, incisive repeal of the power of the board of audit further to continue a system which had

worked so loosely and with such monstrous extravagance. It simply abolished that board of audit and directed them immediately to trans fer their books and the property in their possession to the District commissioners and to make up a report of their proceedings not hitherto made. I do not believe, Mr. President, that that measure of reform can be improved, and I do not think that the report of this committee of conference is committee of conference is any improvement on it; but, on the contrary, it does go on in some degree still to recognize the operations of board of audit. After providing that so much of the act of June 20, 1874, "as directs and requires the First Comptroller of the Treasury and the Second Comptroller of the Treasury to audit and adjust the floating and unfunded debt of the District of Columbia, and issue certificates therefor, be, and the same is hereby, repealed," it goes on

But this provise shall not prohibit the audit and issue of certificates for claims for work and labor already performed and materials furnished, not, however, to exceed in the aggregate of certificates the sum of \$15,000,000.

What does this provide? It is a continuance of authority in a board of audit for whose acts the commissioners by their friends on this floor hold themselves not responsible. When I asked the honor-able Senator from Indiana and the honorable Senator from California whether it was or not true that certain private counsel for the old board of public works had been paid large fees out of the United States Treasury in the shape of 3.65 bonds, they told me that they did not know whether it was so or not. The Senator from Indiana, I think, at first denied it, and then said he did not know about it, but he only knew that the commissioners had not approved it. That such a claim was paid and paid by the board of audit, that certifi-cates were issued by them, that the certificates went, in some indi-rect way, to the city of New York and came back here through a national bank who obtained the bonds, I believe is a fact which can be readily established. It is not, I understand, denied by those who would defend the action of the board of public works or the board of

Now I say that my sense is to approve the action of the Senate as stated in section 2, and I trust therefore that no further operations, to the amount of one farthing, of a board of audit that has permitted such claims to aggregate against the Treasury, as this board has done, will be listened to for one moment by the Senate. The action of the Senate was, I think, thoroughly understood by them, and the action of the committee of conference abandons the ground which I hoped had been successfully taken by the Senate, and which I still hope they

My attention has been called by the honorable Senator from Vermont [Mr. EDMUNDS] to the fact that the clause remains which declares that "any officer or person who shall knowingly increase or aid or abet in increasing such total indebtedness shall be deemed guilty of a high misdemeanor" and be punished by fine and imprisonment. I have heard that amendment often and I did not concur in it; I did approve of it. It seems to me that this thing of carrying on a government by terrorism and inflicting high penalties upon civil officers for maladministration is not the way to meet the evil. The President of the United States is responsible for the action of his appointees; and if looking at the state of affairs in this District he shall see that the confidence imposed in those officials has been abused, it is in his power instantly to render them powerless by removing them from office. we have a fair and a correct administration there is no necessity for these high penalties making it a misdemeanor punishable by a long term of imprisonment and heavy fine. The best control of this coun-

try is in a sound and honest public opinion. The best control of this country is in a rigid administration and an honest administration of the law. I always would couple power with responsibility. I would never stand in the way by factious opposition of the fair exercise of a high discretion; but, when it had been exercised and power granted for the purpose, I then would hold the appointing power to responsibility. I did not approve of that amendment, and, had the vote been taken formally in the Senate, I should have recorded myself against I do not believe in the exercise of violent coercive powers in civil administration.

I remember the objection was made by my friend from Maryland [Mr. Whyte] at the time that the jurisdiction of the offense here created was not pointed out, nor the proper machinery adequate to carry it into force. He considered this amendment as brutum fulmen, as something that would be simply there to terrify those who were ignorant that it could not be made effective. Therefore this section of fine and imprisonment I give very little value to; and I would not have cared if the committee had stricken it out. It is the latter part of the section that I do consider valuable and that I trust the Senate

will insist upon retaining.

It is of importance to us that the liability of the United States to pay the principal or interest on these bonds should be investigated, and certainly it should not be extended beyond the day when the facts were brought to our knowledge of this excessive issue of bonds, and this alarming increase of the public dobt of the United States, or, what is the same thing, a debt of the District for which the United

States had by their legislation made their Treasury answerable.

There were other provisions in the original bill, found on page 2, which the House originally coupled with a cautionary provision:

That nothing in this resolution contained shall involve the Government of the United States in any obligation to pay principal or interest of any such bonds which have been issued contrary to or not in pursuance of law.

I regretted exceedingly that the Senate did not retain that proviso. trust still that the House may insist upon retaining it, and I do not see how any fair creditor of this District or of this Government can ask to receive principal and interest on Londs which had been issued in violation of law. It does not affect the bonam fidem of his claim; it does not affect his right in morals and in law to have his claim paid; but it does affect, and it ought to affect, the obligation of the people of the United States to pay bonds issued in violation of law. Ignorance of the law excuses no one, and men who have taken these bonds under this loose system, issued without law, took them, in my opinion, equitably at their peril. I trust by my votes here to exhibit as much of a proper anxiety to sustain the honorable obligations and the credit of this Government as any other member of the body; but the way to do that, the way to make such professions of any weight or importance, is to couple them with acts to show that you mean to adhere to your just obligations; for, if we embark on such a system as I hoped had been uprooted by the debate of last week on this subject, then gentlemen may talk about meeting their obligations, but the capacity to meet them will be gone, for the debt will be too large for

our mastery.

I trust, Mr. President, that the Senate will insist upon the amendments placed here, and which I cannot but believe are in accord with the sentiment of the other House, and that we shall not forsake the simple, plain, direct abolition of this board of audit, and a cutting off of all their powers after the 26th day of January, 1876, at which time the Senate became aware of the result of their action in the District. The report of the conference committee, it seems to me, weakens the force of that, because it provides that this amendment shall not prohibit the issuance of certificates on claims for work and labor already performed and materials furnished. Who is to judge of that? Who is to judge whether work and labor have been already performed and materials furnished? There were read here in the Senate a dozen cases where men were paid ten, sixteen, and one hundred fold upon completed contracts. Until this shall be explained and until we are satisfied by some other machinery than that of this board of audit that work and materials have been furnished and that labor has been performed, I, for one, wish to record my vote against the power of this board of audit to bind the Treasury of the United States to the pay-

ment of one other farthing.

I regard the amendment of the Senator from Vermont adopted, as I say, by more than one affirmative vote of the Senate, that this debt should not be increased one dollar beyond what it was on the 26th day of January, 1876, as essential; and I do not see the power of the committee to yield, and, even if it was in their power, I trust the Senate

will not sustain them in it.

Mr. MORRILL, of Maine. I had hoped that as to this subject of the 3.65 bonds the discussion we had on it on a former occasion would have sufficed. I suppose the real question now is, so far as the Senate takes an interest in it, whether this report is in essential accord with the bill which was the expression of the Senate out of which the report grows. Now, I submit that to all intents and purposes, with one exception to which I will refer in a moment, and which is entirely explainable, it is identical with the bill itself. My colleagues on the committee will bear me witness that that is the effect of the report.

Take the first feature of the bill as it passed the Senate, and what was it? The payment of this interest in the mode provided. That is here. The second feature in the bill was that no further bonds

should be issued. That is here. The third proposition in the bill as passed by the Senate was that there should be a limitation on the certificates to be issued, \$15,000,000; that they should not exceed that. That is preserved in the report of the committee. So that thus far you see the report and the bill are identical.

The next proposition was the amendment of the Senator from Ver-

mont. If my honorable friend had done the committee the honor of having read their report before he spoke, he would have found that he had no reason to complain that that was not in the bill.

Mr. BAYARD. I read the report through, and more than once, from beginning to end.

Mr. MORRILL, of Maine. Then my honorable friend has made a

most surprising mistake, because he says the proposition of the Senator from Vermont, which he most cherished, is not in the report. It is in it in hac verba, every word of it. Thus far the report and the

Now what is the divergence between this report and the bill? Let me tell the honorable Senator and the Senate. The only difference is this, and I submit to the Senate whether they believe it is essennot: By a clause inserted in the bill on the motion of my that or not: By a clause inserted in the bill on the motion of my honorable friend from Kentucky [Mr. Stevenson] the board of audit was abolished; in the report it is suspended; its functions are suspended absolutely and unqualifiedly, with one exception; and what is that? They shall have a right to put into certificates what they have already audited, and they shall have the right to audit certain claims growing out of work and labor performed and materials furnished, which were to be carried into 3.65 bonds.

Mr. STEVENSON Will the honorable Senator allow me to ask

Mr. STEVENSON. Will the honorable Senator allow me to ask

Mr. STEVENSON. Will the honorable Senator abow me to ask him a question?
Mr. MORRILL, of Maine. Certainly.
Mr. STEVENSON. If I understand this report it professes to limit both the certificates and the bonds to \$15,000,000. That was clearly a limitation which a large majority of the Senate intended to put upon the bill. Now, the question that I propound to him is this: Suppose that this board of audit, which we did abolish, but which this conference report for certain purposes continues, should, in auditing and issuing certificates of claims for work and labor already performed or materials furnished, exceed the \$15,000,000, what becomes

Mr. MORRILL, of Maine. If my honorable friend will turn to the

fifth page he will see.

Mr. STEVENSON. I read from the fifth page.
Mr. MORRILL, of Maine. The language there is: "Work and labor already performed and materials furnished, not, however, to exceed in the aggregate of certificates the sum of \$15,000,000, including those that have already been converted into 3.65 per cent. bonds of the District of Columbia," thereby preserving the limitation in the bill of fifteen millions, including all that had theretofore been issued.

Now, a single word upon this suspension of the board of audit instead of its abolition. I will state the reason for that. There was no objection to the abolition of it, except upon the suggestion that the House of Representatives, if I have a right to refer to that, are already investigating the board of audit; and it was suggested that while that was being done it was not quite the thing to take it out of the power of a committee of the House to make that investigation

against the board of audit. For that reason, and that reason alone, it was suspended instead of abolished.

One other remark as to the board of audit. It appears by a statement from the board of commissioners that the whole amount of audit ment from the board of commissioners that the whole amount of addition to the 9th of February was \$14,577,646.44, which are put into certificates, and there are two hundred and four thousand and odd dollars audited and not in certificates, and \$179,000 of supposed claims for labor and for materials furnished, which make the aggregate sum \$14,962,092.29. This extension of authority will cover these two facts: first, the right to issue certificates on the two hundred and four thousand and odd dollars and, next, the right to audit the balance in certificates, but no right to carry them into bonds.

Mr. DAWES. I desire to make an inquiry of the Senator. He says

that the conference report does not abolish the board of audit, but

suspends it after it has audited in the aggregate \$15,000,000.

Mr. MORRILL, of Maine. No; after it has audited a certain class of claims which come short of \$15,000,000, according to the estimate,

but in no case to exceed \$15,000,000.

Mr. DAWES. What is the condition of the board of audit after they have audited those claims?

Mr. MORRILL, of Maine. They are simply a board in existence,

Mr. DAWES. With salaries of \$2,000 each ?
Mr. DAWES. Suspended with a salary of \$2,000 each and nothing to do.

Mr. MORRILL, of Maine. That would be the effect of it probably.
Mr. DAWES. Does the Senator think that desirable?
Mr. MORRILL, of Maine. I do not think it would be good legislation to do it for the purpose of paying the salary; but the committee did think it desirable that while the House of Representatives were investigating the board Congress should not abolish the board.

Mr. DAWES. I understand the law to add to the present salary of the First and Second Comptrollers of the Treasury \$2,000 each for the services which they render as this board of audit. I understand the

Senator to say that after the performance of a certain duty prescribed here they are to be suspended as to everything else except the drawing of this \$2,000 each.

Mr. MORRILL, of Maine. I will thank the honorable Senator not to put language in my mouth which I did not use. If he intends to make that statement to the country I did not say any such thing.

Mr. DAWES. Will the Senator be so kind as to enlighten me upon the functions of this board of audit after they have audited this

class of claims?

Mr. MORRILL, of Maine. I will undertake to enlighten my honorable friend so far as any question arising on this report is concerned; but as to undertaking to enlighten my honorable friend upon any speculative opinions that he may have or upon any speculative questions of the control of t tions lying outside of this report, he is as well informed as I am and can draw his own conclusions.

Mr. DAWES. The Senator will excuse me. I understood him to ay that he thought the effect of it would be to continue their salary

\$2,000 each.

Mr. MORRILL, of Maine. But the Senator from Maine did not say, nor did the Senator from Massachusetts, I take it, understand that the Senator from Maine said that this board were to be continued after they had exercised the authority herein prescribed, for the purpose of drawing the salaries. I did not say that, and the Senator certainly should not put that language into my mouth to go to the

country.

Mr. DAWES. The Senator from Maine will pardon me. I had no intention of putting that language into his mouth, but I had the intention of ascertaining whether it was the purpose of the Senator, whether it was the object that they should have the power to draw \$2,000 additional salary although all their functions were suspended except that.

Mr. MORRILL, of Maine. I believe I said to the honorable Senator

that I supposed that would be the effect.

Mr. DAWES. That was what I understood the Senator from Maine to say, and I asked him after that if he thought that was desirable.

Mr. MORRILL, of Maine. My complaint was that the Senator undertook to characterize a remark I made by using language I did

Mr. DAWES. I wish to call the attention of the Senate to the fact that the conference report has left this board of audit in this singular position. It is highly important, I understand, that they should not be abolished after all their duties are performed, and I can conceive of no other reason and no other effect than that suggested by the Sentral Maintain that it is the said of the sa ator from Maine, that it leaves them in the enjoyment of a salary of \$2,000 each indefinitely. I submit to the Senate that the committee of conference should have taken care that no such result as that should have followed the conference report. If they are of any service whatever after they are suspended, after the limitation is reached suggested by the conference report, the Senator from Maine has failed to indicate it, and I think, therefore, he should have taken pains that they should not have been permitted in this suspended state to draw

Mr. MORRILL, of Maine. I believe I have the floor. It ought to be satisfactory, I submit to my honorable friend, that the committee have already explained through their chairman the reason why this board were left suspended after the partial duty devolved upon them had been accomplished. It was that the other branch of Congress were dealing with them in their official relations, and while they were dealing with them in their official relations, and while they were so dealing with them the propriety of allowing them to exist in their official relations was suggested. I say the fitness and propriety of the thing was suggested that they should be left in that position. It might have been proper, it might have been well that we should have provided ultimately for their abolition; but my honorable friend knows very well that when the House of Representatives has done dealing with that board it will be a very easy thing to abolish them. That is the way the committee has left it. Finding this board with their duties nearly finished, the committee provide for the finishing of those duties, and then instead of abolishing them they suspend them on the ground that the other branch of Congress is dealing with them on the ground that the other branch of Congress is dealing with

them as a board. That is the whole of it.

Mr. FRELINGHUYSEN. It seems to me that the statement of the Senator from Maine that these salaries continue, the question being asked when he was on the floor, merits a little reflection. I understand that this board of audit consists of certain Comptrollers whose offices exist by the laws of the United States and for which there is a salary, and that certain additional duties are imposed upon them by law and for the discharge of those duties they receive at the rate of \$2,000 a year, and this proposed law permanently suspends those duties after a certain time. I do not believe that \$2,000 continues at all. They get that \$2,000 not as a salary, not as an incident to their office, but for a duty imposed upon another office, and when you take

omee, but for a duty imposed upon another office, and when you take away the duty the compensation falls with it.

Mr. DAWES. It may be a good reason why the salary should fall with it. I agree with the Senator.

Mr. FRELINGHUYSEN. I do not understand it to be salary.

Mr. DAWES. Doubtless the Senator is correct; the Senator has a clearer idea of what the law is than myself; but from the knowledge I have had of the action of these officers and the construction put upon the laws in the District of Columbia, I have my apprehensions. While it may be and doubtless is the opinion of the Senator

that the compensation ends, that will probably be the last conclusion to which this board of audit will come. It is just as easy to abolish the board of audit after their duties are performed as it is to suspend the board of audit after their duties are performed as it is to suspend them. It takes no more words in the statute to do the one than it does the other. And as long as the House of Representatives is not examining what the board of audit is going to do hereafter but only what the board of audit has done I do not see that it will throw any obstacle in the way of their examination or do any injustice to the board of audit to say that now their functions are all performed, their duties all done, they might as well cease to exist as a board of audit. If any other branch of the Government desires to examine into the character of what they have done herefore, it throws no obstacle

character of what they have done heretofore, it throws no obstacle in their way. It does not embarrass the board of audit; it does not their way. It does not emparrass the board of addit; it does not reflect upon the board of audit that we say "having discharged all the duties contemplated by law, you are to cease to exist," rather than on the other hand to say "you are suspended"—I do not know what that means—"you are suspended with nothing to do." The Senator from Maine is of opinion that they are suspended to all intents and purposes except the drawing of their salaries. The Senator from New Jersey thinks that they are totally and absolutely suspended. It seems to me that we should not leave a chance for any more strange constructions of the law by paid attorneys upon which we may be landed nobody knows where. Let us make plain terms of this and say, "When this board of audit have done certain work which we presay, "When this board of audit have done certain work which we prescribed for them, having nothing further for them to do as a board of audit, they shall as a board of audit cease to exist." That would seem to be the natural way. I do not quite see through this method of going round and round and round again in this matter.

Mr. SARGENT. I have no doubt that if we could have had the benefit of the advice of the Senator from Massachusetts we should have

efit of the advice of the Senator from Massachusetts we should have made the report perfect. As it is, we tried to do the best we could without his assistance. We absolutely repeal the law which provided for the performance of certain functions by these officers, saying, however, that before the repeal shall take effect they shall discharge their duties up to a certain limit. The original law provided that for discharging these duties these officers of the Treasury should receive \$2,000 compensation, and we then repeal the law which authorizes them to discharge the duties, and of course they receive no further compen-Whether this might not have been put in better phrase than Massachusetts raises the question, I shall submit at once; but of course we have no power to amend this report. Substantially it does repeal any power of these parties to discharge these duties at all. It repeals any authority under the act whatever. For discharging these duties they were to receive a certain compensation. Of course the compensation falls with the repeal of the law which gave them this power. It is not in the form of a salary at all. The sixth section of the act of 1874 which is referred to says:

Each of the said officers constituting said board shall be paid the sum of \$2,000 for his services under this act.

· When a subsequent section comes in and says he shall not discharge service under the act, of course the compensation falls. I suppose is perfectly proper to say that it was at the earnest request of the members of the conference committee from the House that words were not used actually abolishing the board. They stated that at that time an investigation was going on, and it would faciliate the investigation to have the board have some organized power. We yielded to this consideration which seemed to spring, on their part, out of fairness. We therefore allowed the board to continue without any duties to discharge as a board beyond those prescribed.

Mr. KERNAN. Mr. President, certainly the Senate by a very de

cided vote put upon this joint resolution the language which I will read:

That the board of audit created by the act for the government of the District of Columbia, approved 20th June, 1874, is hereby abolished.

Now, that which is agreed upon by the conference committee does not merely suspend them, but it is:

That so much of the sixth section of the said act of June 20, 1874, as directs and requires the First Comptroller of the Treasury and the Second Comptroller of the Treasury to audit and adjust the floating and unfunded debt of the District of Columbia and issue certificates therefor be, and the same is hereby, repealed.

That is what they call suspending; but they add:

But this proviso shall not prohibit the audit and issue of certificates for claims for work and labor already performed and materials furnished, not, however, to exceed in the aggregate of certificates the sum of \$15,000,000, including those that have already been converted into 3.65 per cent. bonds of the District of Columbia.

Why is that in? Certainly, as the discussion went on before the Why is that in? Certainly, as the discussion went on before the Senate the other day, there was a vote that showed we were disposed to put a stop to their auditing or issuing certificates for any sum at all. This suspends them, but says that if by any providential interposition they have not got up to \$15,000,000 they may go on while suspended and run it up to that. I object to that. I think we had better stand upon the original proviso on this subject inserted by the Senate. It will be remembered that the proviso which had been previously adopted by the Senate, by which they provided that the board should not issue beyond \$15,000,000, was substantially nullified by this last; for we abolished the board at once, prohibited them from issuing certificates, auditing claims, or doing anything else. And it seems certificates, auditing claims, or doing anything else. And it seems to me that the yielding should be in reference to striking out the

\$15,000,000 clause of the original joint resolution and we should adhere to that which puts a stop to any more certifying of indebtednes here, or to any more certificates, in view of what was said on this floor before we adopted the last proviso and after we adopted the first.

Mr. DAVIS. Mr. President, as I understand the case, there were but three questions to be determined. First, the amount of bonds to be issued. We all agree that in the report of the conference committee that provision is the same as it was in the bill as the Senate passed it. There is no change whatever in that respect. The next point was as to the extent of the certificates to be audited. The

limitation is identically the same, \$15,000,000.

Mr. KERNAN. Allow me to inquire of the Senator from West Virginia whether it is not true that the provise afterward inserted, by which we abolished the board, put an end to them at once though they had not got up to the \$15,000,000 limit?

Mr. DAVIS. I will come to that in a moment. We will take the words of the bill as it passed the Senate, and they are the same. There is no difference whatever as to the limit upon certificates audited by this board of audit.

Mr. BAYARD. I submit to the honorable Senator that there is a difference

Mr. DAVIS. There may be a difference of opinion; but the pro-

visions are certainly the same, as I believe.

Mr. BAYARD. If it is so, what is the object of the committee

changing it? Mr. DAVIS. The committee, as I think, have not changed it. They have not used the same words, because it was admitted here in the Senate by a sort of general opinion that a portion of what was added by my friend from Connecticut [Mr. EATON] was immaterial; and in fact it was moved to reconsider for the purpose of striking that out; but afterward it was said, I believe by the Senator from

that out; but afterward it was said, I believe by the Senator from Ohio, [Mr. Sherman,] that it could go to a committee of conference, and there it could be arranged.

Mr. STEVENSON. Let me say to the Senator from West Virginia that the amendment which I offered was "that the board of audit created by the act for the government of the District of Columbia, approved 20th June, 1874, is hereby abolished, and shall, immediately upon the approval of this resolution, transmit all the books and property in their possession belonging to the District to the commissioners of the District of Columbia, and make a report of their proceedings not hitherto made." That amendment was adopted with almost unanimity. It was put on the resolution by almost the unanimous vote of the Senate. Now the conference report says that the act creating the board is repealed, but that repeal is subject to a proviso which authorizes this same auditing board to go on and audit claims and issue certificates for claims for work and labor already done or materials furnished.

Mr. SARGENT. Does the Senator understand that the duty of the committee of conference is to report a codified bill as it passed the Senate, or are they a committee of full and free conference, to go and consult with the representatives of the other House, and to bring in a bill as near as is consistent with the circumstances agreeing with the sense of the Senate?

sense of the Senate?

Mr. STEVENSON. To the Senator from California I say it is their business to go on and have a full and fair conference. I am replying, however, to a statement of the Senator from West Virginia that there is no material change. That is the difference. I say that there is a manufacture of the Senator from the beard of a maintain the senator of the senator for the beard of a maintain the senator for the senator for a maintain the senator for the senator form California I say it is their business to go on and have a full and fair conference. I say that there is a manufacture of the senator form the senator form

however, to a statement of the Senator from West Virginia that there is no material change. That is the difference. I say that there is a material change; and that, so far from abolishing the board of audit, they have a right under this report to go on and audit, as I understand, claims for work and labor already performed and materials furnished. When? After the 1st of July? This does not state.

Mr. DAVIS. Allow me to state to my honorable friend from Kentucky that I have not come to that yet. I said there were three questions submitted: one as to the board, which I had not yet come to when he interrupted me. I think my friend from Kentucky, as well as my friend from Delaware, probably does not know all the surroundas my friend from Delaware, probably does not know all the surroundings of a committee of conference. The Senate alone is not the committee of conference. There are two sides to a conference. If the Senate could have had its own way, why send the bill to a committee of conference? Something has to be yielded by each body. In this case I think the Senate got the lion's share and yielded the least.

In regard to the provision as to the amount to which the board of audit were limited, as I thought in committee and as I think now, the limit is identically the same in the report and in the bill as passed by the Senate, namely, \$15,000,000 The report furnished the committee by the commissioners states that there are to be audited from one hundred to two hundred thousand dollars. It is believed, so far as the board of commissioners are concerned, that they will stop short of that. The Senate had limited it to \$15,000,000, and the report uses

the same words that the Senate had adopted as to that limitation.

Now, as to the abolishing of the board of audit, we probably would all have agreed upon that and stopped it immediately, but there were two reasons which to my mind were sufficient to induce us to yield something on that matter. First, it is known that there are perhaps a thousand men in this District who have earned perhaps \$100,000 in all, and these wages are from ten to fifty dollars each. This money is due now by contract. Unless in some way or other this \$100,000, or about that, is audited or arranged or in some way taken up, the parties who have performed the labor cannot be paid. That was a consideration with me. Whether or not it was with others, is for

Mr. EATON. May I ask my friend a question? Is this suspended

board of audit going to take care of these laborers?

Mr. DAVIS. I did not use any such expression.

Mr. EATON. I know you did not, but I did. I asked if they were.

Mr. DAVIS. I cannot tell. My friends may differ from me, but I think it will furnish the means of paying them. Now, as to whether the board is going to take care of the laborers of the contractors, I did not intend to refer to that; but, as it has been asked, I may say that probably the men will be taken care of through that channel, and perhaps properly so. These men have earned their money, as I believe, and their employers—contractors—have claims now pending to the extent of about \$100,000 not audited. There is no certificate or anything by which the contractors can have any evidence of indult. anything by which the contractors can have any evidence of indebt-edness from the District to them, so as to get money to pay those laborers, and of course it cannot be done, and will remain just as it is, and the men must go without their wages, unless in some way or other the accounts are settled.

The report of the committee of conference steps all work instanter. They cannot go one step further. It does more than that, I understand; it provides only for payment on work already performed, not work hereafter to be performed, and materials already delivered.

There is another consideration. We all perhaps understand that there is an investigation now going on on the part of the House of Representatives; and perhaps if this board of audit were abolished just now the effect might be to stop that investigation. I am for a thorough investigation, a proper and honest investigation; and I have no desire whatever to put anything in the way or to prevent a thorough investigation into matters in the District of Columbia; but let everything that has been done, wrong or right, come to light. If the board were abolished the question might be raised whether the investigation could be continued. The committee of the House was certainly in communication with the commissioners and with the certainly in communication with the commissioners and with the board, getting information. It may be that they will be continued in office but a short time. Their salary ceases, as we understand. In fact, I thought nothing of the amount of salary, the \$2,000 which the Senator from Massachusetts thinks so much of, and which appears to be the ruling thought with him. It would not have weighed with me a minute, on the question whether to continue this board of audit for one week or two weeks longer, as the case might be, that we had to pay them \$50 or \$100, or whatever the amount might be, if by so doing we stowed an important investigation from going on doing we stopped an important investigation from going on.

Mr. STEVENSON. I do not think the response of the Senator from

West Virginia is satisfactory at all as to the failure of the committee to comply with the manimous consent of the Senate for the abolition of this board of audit. I do not doubt the motives and I do not doubt the capacity or the power of the conference committee to interchange a free conference of sentiment as to what the subject-matter before them should demand; but, when the Senate of the United States had by so large a vote determined to abolish this board of audit, it does seem to me that the conference committee ought at least to have carried out that sentiment. Why was the Senate so nearly unanimous in the abolition of the board of audit? It was because they had audited claims that ought not to have been audited. This conference committee knew that the board of audit had recommended and au-dited claims for attorneys' fees to the old board of public works.

Mr. SARGENT. I did not know it.

Mr. SARGENT. I did not know it.

Mr. STEVENSON. I state it on the authority of one of the board of audit himself. He told me that they had audited attorneys' fees, and I do not believe they had any authority, as I stated to him, to audit them. I wanted to stop the board of audit, and therefore I offered this amendment, and I had hoped that it would be recommended by the approximate of conference of the state of mended by the committee of conference.

Now, sir, the mere fact that there may be outstanding claims due to workmen whom I desire to see paid, and whom Congress can pay without continuing this board of audit, is no satisfactory answer to me why the board of audit should be continued. But let me ask the Senator from West Virginia, suppose it should turn out that there are

outstanding claims of honest, upright workmen, which should bring the total to an amount exceeding fifteen millions, what will he do?

Mr. DAVIS. As I said before, the board of audit is abolished by this report for all purposes except for the one specific purpose stated in the report, and that is to audit a certain amount of claims for labor and materials, and for no other purpose whatever, and the total shall not exceed \$15,000,000 under any circumstances. The Senator from Kentucky asks, suppose it exceeds \$15,000,000, what then? My answer is that the board of commissioners of the District of Columbia state that it is less than \$15,000,000. Now let me ask the Senator, suppose the senator supposed the senator supposed the senator supposed the senator supposed to the senator supposed the senator supposed to the senator pose there are more certificates out now than the \$15,000,000 limited by the Senate, would not the same thing exist exactly? There is no further indebtedness to take place. If it is real indebtedness this re-

ort does not change it one way or the other. My understanding is that it is less than \$15,000,000.

Mr. STEVENSON. I will state to my friend from West Virginia the difference between him and myself. Both of us want to pay all just claims. I want to pay every debt that is justly due to the laborer or to anybody else; but I am not willing to let this board of audit who I know have audited improper claims, continue any longer and ting. I would have some other changed to the relationship. auditing. I would have some other channel to audit any just claims.

If this board of and which this conference report continues submit to us a larger sum of just claims than the \$15,000,000 limit, what shall we do about them? Shall it be that those who come first, whether just or not, shall be first paid, and those who do not come in before the limit of \$15,000,000 as reported by this board of audit shall have been reached are to go unpaid; or shall we have another appeal to Congress to make another appropriation for an amount of just claims reported by this board of audit over and above the \$15,000,000?

This board of audit having audited claims already that ought not to have been audited, I want to see it abolished. The Senate did determine to abolish it. That is the conference report; although it says the law establishing the board is repealed, yet gives it power to go If this board of audit which this conference report continues submit

the law establishing the board is repealed, yet gives it power to go on and audit and issue certificates for claims for work and labor performed and materials furnished, without limiting the amount of those claims. It is true you say the total shall not exceed fifteen millions; but suppose the amount does exceed fifteen millions, shall those that come last not be paid? The true way, and I state it with great deference—the true way for this conference committee was if possible to

have adhered to the limitations imposed by the Senate.

I agree heartily with the Senator from Delaware in his summing up of his objections to this report. There have been bonds issued, in my judgment, which are fraudulent in the hands of the holders, and I would not pay one cent until I could know how many of those bonds were fraudulent; and still less would I allow this board—which is here in terms abolished and yet permitted to go on and commit it may be the same sort of errors which it has committed before—to audit claims for work and labor done, whether attorneys' fees or not, and bring in an amount of claims greater than the fifteen millions. If they do that, although you limit them to that amount, the just claimants who have equitable rights against the Government will come in and ask to be paid. That is the reason why I object to the port.

Mr. EATON. Mr. President, I have not been long a member of this body, and may not know fully the duties of a conference committee. I had supposed that the function of a conference committee was very plain. I know, as the honorable Senator from West Virginia says, that they have to meet with the committee of the other House, and agree if possible; but I beg leave to say to my honorable friend from West Virginia, and to every other member of the conference committee, that they have first to nurse the child that a majority of the Senate has given them.

I do not mean to find any fault with this committee or with the honorable Presiding Officer who appointed them; but it is a little out of my experience and observation of bodies acting under the parliamentary law to find a committee appointed to represent the majority of the Senate composed, a majority of them, of those who had been opposed to the action of the Senate. I had supposed that by every rule of parliamentary law—certainly every one that I ever heard of—a majority of the body in the vote should always be represented on the conference committee.

Now I undertake to say that there is not one single thing that the majority of the Senate did but what the conference committee have majority of the Senate did but what the conference committee have abandoned—not one. My honorable friend from Maine and my honorable friend from West Virginia fall back, not upon the action of the majority of the Senate, but upon the bill. A majority of the Senate and a very large majority of the Senate said, not that there should be \$15,000,000 of 3.65 bonds, but that there should be \$13,900,000, if I am right in the amount, of these bonds and not one other bond issued afterward. The whole of that is abandoned. A large majority of the Senate said that not one dellar of the bonds hould be will be will be suited. the Senate said that not one dollar of the bonds should be paid, either principal or interest, which were issued after a certain day. That the committee have abandoned utterly. The provision in regard to the abolition of the board of audit was passed by a unanimous vote, and the committee have utterly abandoned that. If there were any honorable Senators who were opposed to the abolition of the board of

audit, they certainly were well represented by this committee.

Now, Mr. President, the only question before the Senate is this:

Will the Senate recede from its action on every one of these amendments? I find no fault with the committee. They did as they

thought was best, beyond all question.

Mr. DAVIS. Will the Senator allow me to ask him a question? Do I understand him to say that the committee recede from all the amend-

Mr. EATON. I said that there was no one particular in which the majority of the Senate amended this bill that the committee have not receded from. If there is, I beg my honorable friend from West Virnia to tell me what it is.

Mr. DAVIS. I will ask my friend as to the first clause, as to the limit on the amount of the bonds. Is not that the same in the report

as in the bill as passed by the Senate?

Mr. EATON. The language is—

Provided. That any further issue of 3.65 bonds under or by virtue of said act of Congress, approved June 20, 1874, is hereby prohibited.

Mr. DAVIS. Is not that there? Mr. EΛΤΟΝ. That is not all. There is another amendment of the Senate which belongs with that. They belong together.

Provided further. That this resolution shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any such bonds as may have been issued on or since the 27th day of January, 1876,

Doubtless legislation is desirable on this question. It is unfortunate that the House and the Senate cannot agree upon this subject without a majority of the Senate abandoning everything which a few days since they thought valuable. If I had been on the conference committee, I think I should have represented the majority of the Senate in this way: when the House committee said to me, "O, no, we cannot take that amendment of the Senate, that is not right; O, no, we will not take that other amendment of the Senate, that is not right; we will not take that third amendment, that is not right; you take ours;" I think I should have reminded them of that anecdote of the western hunter who said that turkey was never said to him once. [Laughter.] It seems to me that the committee have abandoned our ground, the ground of the majority of the Senate; they think with good reason, and therefore they sustain their report; I think with no good reason, and therefore I oppose their report. Let us see what the House of Representatives may do; then the Senate can act further

Mr. MORRILL, of Maine. Mr. President, I am quite surprised that my honorable friend from Connecticut feels that he has a grievance on the ground that the committee did not sustain his amendment, because, if I understood anything, it was that he had abandoned that himself. I understood him to admit that it was the offspring of a misconception of facts on his part, and he certainly apologized for

that at the time.

Mr. EATON. I beg pardon. I do not quite understand the honor

able Senator from Maine. Mr. MORRILL, of Maine. Mr. MORRILL, of Maine. What I was saying was that I was quite surprised to learn that the Senator from Connecticut seemed to have a grievance that the committee had left out the amendment which he

had the honor to present.

Mr. EATON. That is only a part of it, and a small part of it.

Mr. MORRILL, of Maine. That should be no part of it, in my judgment. I understood from the Senator that he offered that under a misconception of the facts, and when it was corrected he expressed his regret that he had ever offered it.

Mr. EATON. Never have I expressed my regret. I should like to see that in the RECORD.

Mr. MORRILL, of Maine. Let me read it:

I express the regret which of course every Senator must feel who makes any statement on info mation that is not accurate.

Mr. EATON. Very well. Now does the honorable Senator from Mr. EATON. Very well. Now does the honorable Senator from Maine undertake to say that that expression has anything to do with my amendment. It was simply this, as the Senator from California [Mr. Sargent] well knows: I had stated on the floor of the Senate that I had information that certain acts had been performed by a certain body, and I regretted afterward that I made my statement on information which in that particular turned out not to be correct; but, at the same time, I said it made no difference as to the amendment; that the act of the board was not right and not just.

Mr. MORRHLL, of Maine. The point was this, Mr. President: The beauty also Senator from Connecticut thought he had information that

honorable Senator from Connecticut thought he had information that the board of audit, while Congress was still acting on this question, had issued certain bonds.

Mr. EATON. They had; that is true.
Mr. MORRILL, of Maine. That was his information. The Senator from California produced information here on the authority of one of the parties themselves to the effect that no such transaction had taken place

Not so, if the honorable Senator from Maine pleases. The PRESIDENT pro tempore. The Chair will take this occasion to remind Senators that they must always address the Chair. It is impossible to protect the rights of Senators in discussion unless they do. The Chair cannot enforce the rules if Senators rise and indulge in colloquies here without addressing the Chair, which is against the rule. The Chair announces this now, and hopes it will be remembered by Senators and applied to all.

Mr. EATON. Mr. President, so far as the Senator from Connecticut is concerned, he accepts the rebuke. It was merited. Now will the

honorable Senator from Maine permit me to interrupt him?

Mr. MORRILL, of Maine. With great pleasure.

Mr. EATON. I know that my honorable friend from Maine does not intend to misrepresent me. What I said was that this board were issuing bonds when they knew that the House of Representatives had passed a bill that they should issue no more bonds. That was a part of that bill. That was true; nobody will deny it. The record will not deny it; the houorable Senator from Maine will not deny it. Then, upon information which I received from a reliable source, I said that in my judgment it was performed by not a majority of that board, and that it was done after they had passed a resolution not to do this thing. In that I was mistaken, and I said I regretted that I had made a statement of that kind, because as an honorable man I do not desire to misrepresent anybody and I do not intend to be misrepresented by any person.

Mr. MORRILL, of Maine. I have no disposition to involve my

honorable friend in any inconsistency or misapprehension or misunderstanding of the facts; but I did understand, and I understand now, that, after the amendment of the honorable Senator from Connecticut had been submitted, the Senate were put in possession of the facts upon that subject which led the Senator to regret that a misapprehension had been entertained in the Senate. At any rate the propo-

sition which the Senator had submitted was regarded as of little or no consequence, not a material matter in the bill. So much was said; and, on a suggestion of the Senator from Ohio that he would move a reconsideration of it, it was said "that can be taken care of in the committee of conference, and therefore it is not worth while to touch it." The Senate were anxious to get the bill out of the way, and so it was passed in that way, and so the committee of conference regarded it.

Now, Mr. President, just one word more, and then, so far as I have anything to say or do with this bill, I intend to dismiss it. A single remark fell from my honorable friend from Connecticut in regard to the constitution of this committee of conference, that it was not in harmony with the majority of the Senate. I do not understand what the Senator means when he makes that statement.

Mr. EATON. Mr. President, will the Senator from Maine yield?
Mr. MORRILL, of Maine. With great pleasure.
Mr. EATON. 1t is possible that in my ignorance of parliamentary usages I made a very great mistake, and if I did I hope I shall be corrected; but what I said was that, in all legislative bodies that I knew anything about, either in this or any other civilized community, when a committee of conference was ordered, a majority of the committee was taken from a majority of the vote; not from the majority of the body, but a majority of the vote in the body. I know of no other rule. If the Senator from Maine does, I beg him to tell what other rule there is

Mr. MORRILL, of Maine. The Senator from Maine agrees entirely, and replies to his honorable friend from Connecticut that this comand replies to his honorable Friend From Connecticut that this committee was constituted strictly in harmony with that parliamentary rule. Every member of the committee voted for the bill. I had the honor to criticise some of the amendments, I admit; but all the members of the committee of conference voted for the bill. If any exception can be taken to the committee it must be in the personnel of the committee. On parliamentary grounds the Chair was right in the announcement of the committee; and besides, if it were not so, the majority of the Senate have no reason to complain; because, as I have before said, with one single exception, and that an immaterial one, this report is in harmony with the bill as passed by the Senate. The Senate therefore have no reason to complain of the action of the committee, I submit, when they consider that it was in a conference, and in a conference there are propositions to take as well as to give.

Mr. DAWES. Perhaps, Mr. President, it is rather unnecessary to talk about so small a matter, but I should like to get my difficulties

removed, if I can, so that I can vote for this conference report. I am pointed by the Senator from California to the law that refers to the compensation of the members of this board of audit, and the Senator from California must be patient with me, for it is only experience and practice that make perfect, and it may be some time before I can keep up in the construction of this statute. I will make haste as fast as I can. The Senator says, and the Senator from New Jersey agrees with him, that the compensation for the services of this board of

Mr. FRELINGHUYSEN. Will my friend permit me? I think that there is an error that my friend from Massachusetts falls into. The statute does not provide that it shall be \$2,000 salary or compensation

per annum at all.

Mr. DAWES. I am aware of that, but I was—
Mr. FRELINGHUYSEN. The whole object of that law was a temporary act; and this board of audit, as I understand it, receive \$2,000 for the service they perform; and therefore I do not see how they can receive anything more, whether they are suspended or not.

Mr. DAWES. The Senator has made my speech so much better

than I could make it myself that it almost renders it unnecessary for

me to say anything.

Mr. FRELINGHUYSEN. The Senator is perfectly welcome to any

service I can render him.

Mr. DAWES. It would be so, if it had not been for the trouble which the construction of this statute by the commissioners has always led me into from the beginning. I had the honor to say to the Senate some time ago that it was a temporary act, designed for a temporary purpose; but I was met by the Senator from New Jersey at that time, and by others, with a very different construction. I was going to call the attention of the Senator from New Jersey and the Senator from California to the phraseology of this law. It is:

Each of the said officers constituting said board shall be paid the sum of  $\S 2,000$  for his services under this act.

That is a gross sum. I should suppose that would be the natural construction; but then I am led into difficulty when I read how it has been construed by the commissioners; and I ask the attention of the Senator from California and of the Senator from New Jersey to the report of the commissioners for the year 1875, on page 198, in which they report their expenditures under the head of "board of audit." This is for this board of audit for the year 1875:

Compensation of members

That is, the members of the board of audit, I suppose-

It is evident that the ordinary language of this statute has undergone a construction that I do not understand. It is not fair for me to infer that it is not a proper construction by any means, but it is such a construction that led me to be anxious if we suspended this

board of audit that by no process whatever could they get \$9,260.64 a year as long as they were suspended. That was my anxiety. The sum total provided in the law for all they were to do was, as the Sensum total provided in the law for all they were to do was, as the Senator from New Jersey has auticipated me in saying, \$2,000 apiece for two of them. If I may be allowed in the Senate the word, they were to have for the "job" \$2,000 apiece, to wit, \$4,000. They received during the year 1875 for compensation of the members—two members—\$9,260.64; for compensation of clerks and accountants \$34,100.73, and contingent expenses \$1,978.27. Total for board of audit during the year 1875, \$45,339.64. I suppose that something is the matter with me about this thing; I do not understand it.

#### EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the con-

sideration of executive business.

After five minutes spent in executive session the doors were re-opened, and (at four o'clock and thirty minutes p. m.) the Senate

## HOUSE OF REPRESENTATIVES. '

# WEDNESDAY, February 16, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.
The Journal of yesterday was read and approved.

#### HEIRS OF THOMAS B. CROSBY.

Mr. TEESE, by unanimous consent, introduced a bill (H. R. No. 2136) for the relief of the heirs of Thomas B. Crosby; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

# TRANSPORTATION OF MAILS BY BAILROADS.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. 2137) fixing the rate of compensation of railroad companies for transporting the United States mails; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

Mr. CONGER. I think this bill should have gone to the Commit-tee on the Post-Office and Post-Roads, as it fixes compensation for

carrying the mails.

The SPEAKER. The gentleman introducing the bill has informed the Chair that it relates to the amounts of appropriation; and the Committee on Appropriations desire to examine it. It may hereafter be referred to the other committee.
Mr. CONGER. All right.

## A. L. SHOTWELL.

Mr. DURHAM, by unanimous consent, introduced a bill (H. R. No. 2138) for the relief of A. L. Shotwell; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

### ADA L. HARRISON.

Mr. POTTER, by unanimous consent, introduced a bill (H. R. No. 2139) granting a pension to Ada L. Harrison, minor child of Samuel Harrison, deceased, late a private in Company I, Eighty-ninth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### CHEBOYGAN, MICHIGAN, A PORT OF DELIVERY.

Mr. BRADLEY. I ask unanimous consent to introduce for passage at the present time a bill declaring Cheboygan, in the State of Michi-

at the present time a bill declaring Cheboygan, in the State of Michigan, a port of delivery.

The bill was read for information. It provides that Cheboygan, in the collection district of Michigan, be declared a port of delivery instead of Duncan City, and that the office of deputy collector, now located at Duncan City, be removed to Cheboygan.

Mr. GARFIELD. I think this bill had better go to a committee.

Mr. HOLMAN. It should go to the Committee on Commerce.

Mr. BRADLEY. If gentlemen will allow me one word—

The SPEAKER. There being objection, the bill cannot be received.

Mr. GARFIELD. I have no objection to the reference of the bill.

Mr. CONGER. This bill proposes a change of location of only a mile or two, in consequence of the opening of a new harbor.

Mr. GARFIELD. If that is all, I withdraw my objection.

Mr. CONGER. The bill makes no new office. It merely changes the location to within a short distance of the present location.

Mr. REAGAN. I think the bill ought to go to the Committee on Commerce.

The SPEAKER. Does the gentleman from Indiana [Mr. HOLMAN]

Mr. HOLMAN. I have no objection to the reference of the bill.

There being no objection, the bill (H. R. No. 2140) was introduced, read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, an-

A message from the Senate, by Mr. Sympson, one of its clerks, announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 2) to repeal section 2303 of the Revised Statutes making restrictions in the disposition of public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other

The message also announced that the Senate had passed House bills of the following titles, with amendments; in which the concurrence of the House was requested:

A bill (H. R. No. 353) to amend section 1911 of the Revised Statutes;

and

A bill (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States for the year ending

#### WILLIAM HARPER, JR.

Mr. MacDOUGALL, by unanimous consent, introduced a bill (H. R. No. 2141) for the relief of William Harper, jr., first lieutenant Sixth United States Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CLERK FOR COMMITTEE ON WAR DEPARTMENT EXPENDITURES.

Mr. BLACKBURN, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved. That the Committee on Expenditures in the War Department be authorized to employ a clerk at a rate of compensation not exceeding \$5 per diem.

#### UNION PACIFIC RAILROAD.

Mr. CROUNSE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be, and hereby is, respectfully directed to furnish this House with a copy of the report of the Government directors of the Union Pacific Railroad for the year 1875.

### DEFALCATIONS IN INTERNAL REVENUE.

Mr. STENGER, by unanimous consent, submitted the following resolution; which was referred to the Committee of Ways and Means:

resolution; which was referred to the Committee of Ways and Means:

Resolved, That the Secretary of the Treasury be requested to furnish this House with a list of all persons connected with the Department of Internal Revenue who have been in default to the Government of the United States since the 4th day of March, A. D. 1869; the amount of the defalcation in each case; the amount afterward collected, and whether paid by the defaulters or their sureties; the cases in which such defaulters or their sureties, or both, have been discharged from liability to the Government for the unpaid balances of their defalcations; the number and names of those defaulters prosecuted to conviction; the number and names of those pardoned; the number and names of such defaulting officers who are still in Government employ; the number and names of those who were kept in Government employ after their defalcations were ascertained, with the length of time they were so kept; together with the aggregate of defalcations since the date mentioned.

## HOUSE EMPLOYÉS SUPERSEDED.

Mr. WADDELL. Mr. Speaker, I am requested to ask unanimous consent for the introduction of the following resolution and to move its reference to the Committee of Accounts.

The Clerk read as follows:

Resolved. That the Clerk of the House of Representatives be, and is hereby, authorized and directed to pay out of the contingent fund of the House a sum equal to one month's pay to such persons in the service of the House of Representatives at the opening of the present session as may be, or have been, superseded or discharged from such service during the present or previous to the commencement of the next session without fault on their part.

Mr. RANDALL. I object to the introduction of the resolution un-

less it be for reference to the Committee of Accounts.

Mr. WADDELL. I ask to introduce it for reference to the Committee of Accounts.

Mr. RANDALL. Very well.

The resolution was referred to the Committee of Accounts.

### DEFACEMENT OF THE CAPITOL.

Mr. GARFIELD. I ask unanimous consent, Mr. Speaker, to introduce for adoption a resolution which I think will meet with the approval of the House. My attention has been called to the fact that our beautiful Capitol building is likely to be much defaced by the use of soft coal, and I think, unless something is done before the winter is over, we will find its exterior blackened. I offer the following resolution in the hope that may be prevented.

The Clerk read as follows:

Resolved. That the Committee on Public Buildings and Grounds be directed to take measures to prevent the burning of soft coal in the Capitol building.

There was no objection, and the resolution was adopted.

L'ANSE AND VIEU DE SERT BANDS OF LAKE SUPERIOR.

Mr. HUBBELL. I ask unanimous consent to introduce a bill (H. R. No. 2142) to authorize the Secretary of the Interior to invest in the bonds of the United States the unexpended balance of the money appropriated to the L'Anse and Vieu de Sert bands of Lake Superior,

appropriated to the L'Anse and Vieu de Sert bands of Lake Superior, and to ask that it be considered at this time.

The bill, which was read, provides that the Secretary of the Interior be, and he is hereby, authorized and directed to invest in the bonds of the United States bearing interest at a rate not to exceed 5 per cent. per aunum the unexpended balance, together with interest thereon at the rate of 5 per cent. per aunum from the 22d day of June, 1874, of the money appropriated to the L'Anse and Vieu de Sert bands of Chippewas of Lake Superior, under the provisions of an act entitled

"An act making appropriations to supply deficiencies in the appropriations for the service of the Government for the fiscal years end-ing June 30, 1873 and 1874, and for other purposes," approved June 22, A. D. 1874, the principal sum and interest thereon to be expended as provided in said act.

Mr. HOLMAN. Does this bill come from any committee?

Mr. HUBBELL. There is an unexpended balance of \$20,000 which
these Indians desire to have invested as proposed by this bill.

Mr. HOLMAN. Does this come from a committee, or is it introduced for the purpose of reference? It seems to me the subject should go to the Committee on Indian Affairs. I have no objection to the intro-

duction of the bill if it is referred to that committee.

Mr. HUBBELL. The bill should be passed now. It directs the investment of this unexpended balance of \$20,000 belonging to these Indians in the bonds of the United States bearing interest at a rate not to exceed 5 per cent. per annum. It is an unexpended balance of appropriation to these Indians to be expended under the direction of the President for educational purposes. They wish to have the money invested and receive the interest-on the same.

Mr. HOLMAN. I have no doubt it is all right; but still it should

go to the proper committee.

Mr. HUBBELL. If the gentleman objects, of course I will have to agree to the reference of the bill. Does the gentleman object?

Mr. HOLMAN. I do not like to object to the bill, but the bill

should go to the proper committee.

Mr. HUBBELL. If the gentleman does not like to object, I should

like to insist on passing the bill now.

The SPEAKER. Is objection made?

Mr. HOLMAN. I do not object to its being introduced for reference to the Committee on Indian Affairs, but insist it should go to

the Committee on Indian Affairs.

The SPEAKER. In the judgment of the Chair that is an objection.

Mr. HUBBELL. Let the bill be referred to that committee.

The bill was received, read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

TRANSFER OF INDIAN AFFAIRS TO THE WAR DEPARTMENT.

Mr. LUTTRELL. I ask unanimous consent to present joint resolutions of the Legislature of California, relative to the transfer of Indian affairs to the War Department, and ask that they be read. The Clerk read as follows:

Assembly concurrent resolution No. 24, relative to the transfer of Indian affairs to the War Department.

Resolved by the assembly, (the senate concurring.) That our Senators and Representatives in Congress be requested to use their influence to obtain the passage of a law at an early day providing for the transferring of the entire management of Indian affairs from the Department of Interior to that of the War Department.

Resolved. That his excellency the governor be requested to forward a copy of the foregoing resolution to our Senators and Representatives in Congress at as early a day as practicable.

[SEAL.]

G. J. CARPENTER,

G. J. CARPENTER, Speaker of the Assembly. B. F. TUTTLE, President of the Senate pro tempore.

Mr. LUTTRELL. I move those resolutions be referred to the Com-

mittee on Military Affairs, and ordered to be printed.
Mr. HOLMAN. I shall call for the regular order of business.
Mr. SEELYE. I object to the reference of those resolutions to the

Committee on Military Affairs. I think they should go to the Com-

mittee on Indian Affairs.

Mr. LUTTRELL. I have moved the reference to the Committee on Military Affairs because on yesterday the gentleman from Georgia [Mr. Cook] reported a bill from that committee in relation to this very

Mr. SEELYE. If the Committee on Indian Affairs has anything to do, it would seem to me that it certainly has cognizance of such questions as this. It already has before it the bills providing for this

Mr. LUTTRELL. I am not particular as to which committee the resolution shall go to. If the gentleman from Massachusetts so desires, I am willing that the Committee on Indian Affairs shall have the benefit of it.

The SPEAKER. In the judgment of the Chair the question naturally belongs to the Committee on Indian Affairs, and the resolution is

Mr. LUTTRELL. I acquiesce, of course, in the ruling of the Chair. POST TRADERS.

Mr. CLYMER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of War be requested to inform this House of the names, residences, and dates of appointment of the several post traders of the several trading establishments, and the place at which each one is trading. And also what changes, if any, in the prices of goods, wares, merchandise, or supplies, of every sort and description whatever, as fixed by the post or other council of administration, has been made, and by whom and by what authority.

## CHANGE OF NAME OF SCHOONER.

Mr. DUNNELL. I ask unanimous consent to report back from the Committee on Commerce the bill (H. R. No. 1384) to change the name of the schooner Turner and Keller, of Oswego, New York, to that of Falmouth, for consideration at this time.

The SPEAKER. The bill will be read for information, after which objections, if any, will be in order.

The bill, which was read, provides that the owners of the schooner Turner and Keller, of Oswego, New York, have authority to change the name of the said schooner to Falmouth, and by which name said schooner shall be hereafter known and registered.

Mr. HARRISON. If there is any report from the committee I should like to have it read.

Mr. DUNNELL. I ask unanimous consent to make a single statement.

Mr. HARRISON. Is it a report from the committee?
Mr. DUNNELL. There is a report. The bill is unanimously reported by the Committee on Commerce. There are two schooners built by the same party of similar name, and of like tonnage and like masts. And their similarity has led frequently to the damage of the owners of each in consequence of one schooner getting a cargo intended for the other schooner.

Mr. FAULKNER. I object to the present consideration of the bill.

#### MORNING HOUR.

The SPEAKER. The morning hour begins at seventeen minutes to one o'clock, and reports from committees of a public nature are in or-The call rests with the Committee on Indian Affairs.

#### CUTTING OF TIMBER ON INDIAN RESERVATIONS.

Mr. BOONE, from the Committee on Indian Affairs, reported back, with the recommendation that it do pass, the bill (H. R. No. 1297) prohibiting the cutting of pine timber on any Indian reservation or lands to which the Indian title or right of occupancy has not been extinguished.

The question was on ordering the bill to be engrossed and read a

third time

The bill was read. It provides that it shall not be lawful for any agent or officer of this Government, unless especially authorized thereunto by act of Congress, to sell, or authorize the sale, or the cutting or removal of any pine timber on any Indian reservation or from any lands to which the Indian title or right of occupancy has not been extingnished.

It provides in its second section that it shall not be lawful for any person to cut or remove from any such reservation or lands any pine timber thereon, or remove therefrom any logs or lumber cut or man-

ufactured from timber which grew thereon.

It provides in its third section that all sales or transfers and all on tracts relating to or concerning any transfer of any logs, timber, or lumber cut or manufactured from pine timber taken from any such reservations or lands are thereby declared null and void, unless the same shall be authorized by special act of Congress.

Mr. REAGAN. I wish to inquire of the gentleman who reported the bill why its operation is limited to pine timber; why it cannot be extended to all timber?

extended to all timber?

Mr. BOONE. It is only a matter of conjecture with me as to what the reason for this limitation may have been on the part of the gentleman who introduced the bill. I suppose it is a fact that the pine timber on those reservations is very valuable and scarce, and that depredations are being committed on that kind of timber particularly. I suppose it was for that reason that the operation of the bill was con-

suppose it was for that reason that the operation of the bill was confined to pine timber. I presume the committee would have no objection to making it apply to all kinds of timber.

Mr. REAGAN. If no substantial reason can be given why the bill should not apply to all kinds of timber, I propose an amendment that the word "pine" be struck out wherever it occurs, so that the provisions of the bill shall apply to the cutting and carrying away of all

kinds of timber.

Mr. BOONE. The committee will accept the amendment. The SPEAKER. The Clerk will again report the bill as it is pro-

posed to be amended.

The bill, as proposed to be amended, was again read.

Mr. NORTON. I desire to make an inquiry as to the effect of this bill, if passed, on certain Indian reservations in the district which I represent in the State of New York. There are two Indian reserva-tions within that district to which the Indian right of occupancy is not extinguished, but the title to which is in a certain company, and in no respect in the United States. This is a company known as the Ogden Company, who own the pre-emption right, and have heretofore, within my recollection, for many years, endeavored to prevent the Indians having the right to transfer or sell the timber on that reservation. The courts have decided that the Indians have the right. The Government of the United States have no interest or right in it, but the title, when extinguished, belongs to a company known as the Ogden Company. The inquiry I desire to make is whether, if the bill is passed, it works as an estoppel to the right of the Indians to sell timber from that reservation?

Mr. CONGER. Where is it?
Mr. NORTON. In Cattaraugus County, New York.
Mr. BOONE. I understand the object of the bill simply to be to

prevent the unnecessary waste and consumption of timber on the Indian lands to which the Indian titles have not been extinguished. I suppose it does not apply to the reasonable use of timber for the support of the Indians, or to aid them in building houses, or to do anything else which is necessary in their farming operations; and I suppose the object of the bill is simply to prevent speculation in the timber and the unnecessary destruction of timber.

Mr. NORTON. I understand the object of the bill to be for the

purpose of protecting timber in which the United States would have an interest when the Indian title was extinguished. In the case of the reservations of which I speak the United States has no interest whatever. I would therefore like to propose an amendment to the bill excluding from its provisions these two reservations.

Mr. REAGAN. I have not been connected with the examination of this bill, but, if I understand the gentleman from New York [Mr. Nor-ton] aright, he states that there are Indian reservations in which the title of the reservation belongs either to the Indians themselves or to private parties, and in which the United States has no interest. Is that so?

Mr. NORTON. That is so.

Mr. REAGAN. I think a subject of that sort requires more consideration than can be given to it on an amendment. It appears that there are reservations for the benefit of Indians in which the Government has no interest or in which the reversionary interest is in somebody outside of the United States, and the property right, the eminent domain, seems to have passed from the Government. Now, that

is a matter worthy of consideration.

Mr. NORTON. It results from an old arrangement between the States of New York and Massachusetts. The State of Massachusetts claimed a portion of territory which originally belonged to New York. The matter was settled by granting to Massachusetts certain territory over which the State of New York had jurisdiction, and the title finally passed into the hands of a company by a contract with the Indians, the Indians retaining the right of occupation, and the Government having no interest in it whatever.

Mr. MAGINNIS. I would suggest to the gentlemen of the Commit-tee on Indian Affairs, while I agree entirely with the purpose of the bill, that, as a matter of fact, under this bill the Indians cannot con-

mr. NORTON. That is what I desire to prevent. I think it would be better to re-refer the bill to the committee.

Mr. MAGINNIS. I think it ought to be recommitted.

Mr. JACOBS. There are in the Puget Sound district in Washington Territory, or rather in the western portion of Washington Territory, which is a heavily timbered region, some eight or ten Indian reservations. These reservations are principally, I may say, heavily timbered lands. The practice heretofore has been on the part of the Indians, in order to sustain themselves, to carry on logging operations upon their reservations, cutting timber and selling it to the different milling establishments on the sound. The Supreme Court of the United States has recently rendered a decision denying to a considerable extent the right of these Indians to cut the timber upon the reservations for any purpose except for purposes of agriculture. Now, then, if this bill should pass, these Indians would be without the means of support, and the agents having charge of these Indians on different parts of the Sound are very anxious that the Indians, in order that they may have the means of supporting themselves, shall have the

right to some extent of logging upon their reservations.

Mr. REAGAN. When I proposed my amendment to the bill I understood, from the reading of the bill, that the object of it was to prevent persons outside from depredating on the timber on the Indian reservations. It seems, from the explanation made, that the bill has a different purpose; that it is designed to prevent the Indians from depredating on the timber on the reservations as well as others. If that be true, it requires consideration of the nature of the rights of the Indians. Upon that question I do not propose to enter but it dians. Upon that question I do not propose to enter, but it ought to be carefully considered, so as to see that this bill does not take away any existing rights of the Indians.

What I had in view, however, was the preventing of depredations

on the timber on Indian reservations by persons not on the reserva-tions. The other question as to the rights of the Indians involves the consideration of what their rights are, or whether it is the intention of the House or within their legislative power to change the rights of these people if they have the right vested in them by the laws. It may be a very serious question whether otherwise than by judicial decision they can be divested of those rights, and I call attention to that point.

Mr. PARSONS. We should like to be informed as to the facts upon which the conclusion of the committee is based, and I ask that the re-

port be read.

The SPEAKER. There is no report accompanying the bill.

Mr. BOONE. I think, Mr. Speaker, that a careful reading of the bill will satisfy any gentleman not only as to the intention but the effect of the bill. The intention of the bill is clearly to prevent the unnecessary destruction of timber on the Indian reservations not only by persons who do not live on the reservations and are not Indians, but the Indians themselves, and to prevent them from entering into any combination by which the timber on the reservations shall be destroyed. The purpose of the bill is not only to prevent other persons from cutting timber on the reservations, but to prevent the Indians themselves from doing so. Otherwise the Indians would have the privilege of destroying the timber on their reservations by combinations with parties outside, and of course if the Government has any reversionary in-

Now, it may be that the phraseology of the bill is perhaps a little indefinite and not very well arranged, but the intention of the bill is simply to prevent all persons, Indians and others, from unnecessary destruction of timber,

Mr. MAGINNIS. I will ask the gentleman, in case he passes this law, what will he do for the benefit of the Indians, a large number of whom living on the rivers make a living by cutting and selling wood to steamboats?

Mr. BOONE. I suppose that question is easily answered. I do not think it is the intention of the Government to allow the Indians to waste all the valuable timber upon their reservations; and I do not understand the bill to prohibit them from using such quantities of timber as shall be necessary to the full enjoyment of all the rights they have by virtue of their occupancy of the land.

Mr. MAGINNIS. Not to waste it; but they do not want to be

Mr. BOONE. I suppose the operation of this bill would not prevent the Indians from selling cord-wood to a steamboat, but it would prevent them from rafting off the valuable timber on the reservation.

Mr. MAGINNIS. They should be allowed to do that, the same as any one else

Mr. STEELE. I would like to ask the gentleman from Kentucky, [Mr. BOONE,] who has charge of this bill, whether the wording of the second section is not so absolute as to preclude any person from cutting timber for any purpose upon an Indian reservation? It reads:

That it shall not be lawful for any person to cut or remove from any such reservation or land any timber thereon, or remove therefrom any log or lumber cut or manufactured from timber which grew thereon.

There is no reservation of any right to the Indians to cut from these reservations timber for necessary use, for agricultural purposes, or for household purposes. There is no reservation at all to these Indians, who live and subsist from cutting timber on some of these lands, of any right to cut timber, the selling of which may be their only means of subsistence. It seems to me that the second section of this bill is so absolute in its terms that it will prohibit the cut

Mr. CONGER. I wish to add one word to what has been said.

Many of these reservations consist alone of timber lands, and efforts
must be made to induce the Indians to clear these lands and cultivate farms, as I know is being done in some portions of the Northwest. In my judgment this bill, if it shall become a law, would prevent their cutting down any timber, even for the purpose of clearing the land. At any rate, it would prevent them from selling any such wood or logs to any one else. I think the bill should be recommitted, in order to preserve these rights of the Indians necessary for their subsistence and support, so as to enable them to clear their farms for purposes of civilization.

Mr. BOONE. In order to avoid further difficulty and to satisfy every gentleman, as I am satisfied the object of the bill is a good one and as I do not desire to endanger its passage, I will move, in order to have an opportunity to correct the particular phraseology and to meet the objections which have been made, that the bill be recommitted to the Committee on Indian Affairs.

Mr. FORT. I wish to submit an amendment to the bill that it may go with it to the committee. The last clause of the first section is so sweeping that I desire to amend by adding the following:

Provided. That the provisions of this act shall not be construed to apply to the Indian Territory in any respect.

Mr. REAGAN. I desire to say a word within the hearing of the gentleman from Kentucky [Mr. Boone] before the bill is recommitted. I wish to call his attention to the question of the power of Congress to affect by law the rights of the Indians in their reservations acquired under treaty stipulations and by contract with the sovereign authority of this Government. This certainly involves a question of some gravity as to how far we can by legislation of Congress affect the rights of Indians acquired by treaty stipulations.

The bill, with the pending amendment, was recommitted to the Com-

mittee on Indian Affairs.

## NANCY W. THOMPSON.

Mr. SCALES, from the Committee on Indian Affairs, reported back the memorial of Nancy W. Thompson, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on Invalid Pensions.

The motion was agreed to.

## MIAMI INDIANS OF KANSAS.

Mr. VAN VORHES, from the Committee on Indian Affairs, reported back a letter from the Secretary of the Interior, upon the consolida-tion of the Miami Indians of Kansas with the confederated bands of Peoria, Piankeshaw, Kaskaskia, and Wea Indians of the Indian Territory, and moved that the committee be discharged from its further consideration and that it be referred to the Committee on Appropriations.

The motion was agreed to.

### THOMAS P. MADDEN.

Mr. SEELYE, from the same committee, reported back adversely the bill (H. R. No. 942) for the relief of Thomas P. Madden, assignee of R. K. Dodge.

Mr. STEELE. Does this involve the question of the liability of the Government for Indian depredations? If it does, I desire that it may go to the Committee of the Whole for consideration,

Mr. SEELYE. It does not relate to that matter at all. The bill was laid upon the table.

### EXTENDING TIME FOR ADDITIONAL BOUNTY.

Mr. A. S. WILLIAMS, from the Committee on Military Affairs, reported back with amendments the bill (H. R. No. 525) to extend the time for filing claims for additional bounty under the act of July 28, 1866, which expired, by limitation, on January 30, 1875, until March 4,

The bill provides that the time for filing claims for additional bounty The bill provides that the time for hing claims for additional bounty under the act of July 28, 1866, and which expired by limitation on the 30th day of January, 1875, shall be revived and extended until the 4th day of March, 1877; and that all claims for such bounty filed in the proper Department after the 30th day of January, 1875, and before the passage of the act, shall be, and the same are thereby, declared to have been filed in due time, and shall be considered and decided without sections. refiling.

The amendments reported from the Committee on Military Affairs were to strike out the words "4th of March" wherever they occur in the bill and title, and to insert in lieu thereof the words "1st of

July," so as to extend the time to July 1, 1877.

The amendments were agreed to; and the bill, as amended, was or-

dered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. FORT. I would like to ask the gentleman what good reason there is for limiting the time at all in which applications for bounty may be made? If a party entitled to bounty is willing to allow the Government to use his money for years and years, why should he not be allowed to apply at any time and receive his bounty?

Mr. A. S. WILLIAMS. I can say to the gentleman that I see no good reason for the limitation; but it has been the policy of the Government to fix such a limit. It has now been extended two or three

But because the practice has always been wrong there

Mr. FORT. But because the practice has always been wrong there is no reason why we should continue in wrong.

Mr. A. S. WILLIAMS. We think that if the time be extended till July 1, 1877, as proposed in this bill, it will be sufficient for those who have not had an opportunity to file their claims.

Mr. FORT. Will the gentleman yield for a motion to amend by striking out the limit altogether?

Mr. A. S. WILLIAMS. I would rather not, as I am acting under

Mr. A. S. WILLIAMS. I would rather not, as I am acting under the instructions of the committee.

Mr. BANNING. We are merely following the example which has been set us by Congresses of the gentleman's own friends.

Mr. DE BOLT. The original act was passed in 1866, and the time has been twice extended by republican Congresses.

Mr. FORT. I would like to hear some good reason why the limit

should ever have been applied.

should ever have been applied.

Mr. HOLMAN. I have asked that question very often.

Mr. DE BOLT. I suppose the object was to hurry up parties to apply for their bounties.

Mr. FORT. I should think the Government ought not to complain of their delaying the presentation of their claims.

Mr. HOLMAN. When the two previous bills passed I asked the same question which the gentleman from Illinois [Mr. FORT] now asks, and I tried my best to get the limitation removed in both instances but the House adhered firmly to the policy of limitation. stances, but the House adhered firmly to the policy of limitation, and of course at this late day it is scarcely desirable to change the policy which has been adhered to with so much pertinacity hereto-

Mr. FORT. As the gentleman having charge of the bill declines to yield for an amendment, I submit whether this bill ought not first to go to the Committee of the Whole, where there will be opportunity

to move amendments.

to go to the Committee of the Whole, where there will be opportunity to move amendments.

Mr. HOLMAN. It is rather late for that point of order.

Mr. FORT. I submit, Mr. Speaker, that this bill must first be considered in the Committee of the Whole, where we can have an opportunity to propose amendments. I make that point of order.

The SPEAKER. Amendments are in order here.

Mr. FORT. But the gentleman in charge of the bill refuses to yield for any amendment.

The SPEAKER. The Chair will recognize the gentleman to offer an amendment. The bill has not yet been ordered to be engrossed for a third reading; therefore it is now amendable.

Mr. FORT. I am glad to know it. I move then to strike out the words fixing the limitation of time.

The SPEAKER. If the gentleman insists on the point of order that the bill should first be considered in the Committee of the Whole, the Chair will rule upon it. He desires, however, to suggest that as to a very large class of bills, which might be sent to the Committee of the Whole upon a point of order, business is much facilitated and much time saved by their consideration in the House.

Mr. FORT. I am aware of that, and I do not wish to do anything that may appear hostile to the bill. Therefore I prefer to submit my amendment here.

Mr. HOLMAN. I submit that at any rate the point of order cannot be raised after the consideration of the bill has proceeded so far.

Mr. HOLMAN. I submit that at any rate the point of order cannot be raised after the consideration of the bill has proceeded so far.

The SPEAKER. The suggestion of the gentleman from Indiana is

very proper.

Mr. HOLMAN. The gentleman must see that to refer the bill to the Committee of the Whole would defeat it.

Mr. FORT. I do not wish to press the point of order if we can have

an opportunity for amendment in the House.

The SPEAKER. The bill is now amendable, if the gentleman will

The SPEAKER. The bill is now amendable, if the gentleman will send up his proposition.

Mr. HOLMAN. I move to amend by striking out "1877" and inserting "1880." The bill now fixes July 1, 1877, as the limit. My amendment will allow quite a long period in which these claims can be filed.

Mr. FORT. I prefer to strike out the whole limitation. I move to amend by striking out after the word "extended" these words, "until the 1st day of July, 1877." This will leave the act without any limit as to time

Mr. MacDOUGALL. There ought to be some limit.
Mr. FORT. No, sir; I do not want any limit.
Mr. HOLMAN. The object of the gentleman will certainly be accomplished by extending the time to the 1st of July, 1880. Hereto-fore the extension has never exceeded two years. We now propose

to extend the time for this very long period.

Mr. FORT. Well, I submit my motion to amend, and the gentleman from Indiana [Mr. HOLMAN] can submit his as an amendment

to my motion.

The question being taken on the amendment of Mr. Fort, there were—ayes 8, noes 63; no quorum voting.

Mr. FORT. I insist on a further count. I do not think the House understands the proposition.

Tellers were ordered; and Mr. FORT and Mr. HOLMAN were ap-

Mr. W. B. WILLIAMS. I rise to a parliamentary question. I understand that the motion of the gentleman from Indiana [Mr. Holman] is to amend the original text which the motion of the gentleman from Illinois [Mr. Fort] proposes to strike out. I submit that we ought first to act on the motion of the gentleman from Indiana, so that the original text may be perfected before the question is taken

on striking out.

The SPEAKER. The Chair overrules the point of order.

The House divided; and the tellers reported-ayes 41, noes 95.

So the amendment of Mr. FORT was not agreed to. Mr. HOLMAN. I ask for a vote now on my amendment extending

the time to 1880. Mr. BANNING. I will now call the previous question on the bill

and amendments.

The previous question was seconded and the main question ordered. Mr. A. S. WILLIAMS. I am willing to accept the amendment of the gentleman from Indiana.

The SPEAKER. The gentleman cannot accept it, as this comes as report from the Committee on Military Affairs.

Mr. Holman's amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time,

Mr. BANNING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

### SALE-OF ARSENAL AT STONINGTON, CONNECTICUT.

Mr. TERRY, from the Committee on Military Affairs, reported a bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut; which was read a first and second time.

The bill, which was read, authorizes and directs the Secretary of War to sell for cash, after such advertisement as he may deem necessary, by public auction, or by inviting proposals for the purchase thereof, and in either case to the highest responsible bidder, a certain lot and parneither case to the highest responsible blader, a certain lot and parcel of land, with the buildings thereon, in the town of Stonington, Connecticut, belonging to the United States, formerly used for arsenal purposes; and the Secretary of War is empowered and required, on receiving the purchase-money in full, to execute the necessary deeds for such property to the purchaser or purchasers thereof, conveying all the right, title, and interest of the United States thereon.

The second section provides that the proceeds of such sale after

the right, title, and interest of the United States thereon.

The second section provides that the proceeds of such sale, after paying the necessary expenses thereof, shall, upon the receipt of the same, be paid by the Secretary of War into the Treasury.

Mr. TERRY. I move the bill be put upon its passage. This is an original bill prepared and reported from the Committee on Military Affairs, the passage of which is unanimously recommended by the committee, and it is also recommended by the Secretary of War.

Mr. HARRISON. I ask the gentleman from Virginia why he provides the sale shall be for cash, instead of giving the Secretary of War the discretion to give reasonable time? These are times when cash sales are very difficult to make, and if no good reason can be given why it should be done I would offer an amendment after the word "cash" to insert the words "or on such time as the Secretary may deem proper."

deem proper."

Mr. TERRY. I will state to the gentleman from Illinois that this It is a very small piece of property, and is scarcely worth that trouble. It is a little building erected by the Government in 1812 for the purpose of an arsenal, and has not been used now for forty or fifty years by the Government.

Mr. HARRISON. The explanation is entirely satisfactory.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TERRY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

PUBLIC PROPERTY AT SACKETT'S HARBOR, NEW YORK.

Mr. BURLEIGH, from the Committee on Military Affairs, reported back a bill (H. R. No. 1074) providing for the repair and preservation of public property at Sackett's Harbor, New York, with the recommendation that it do pass; and the same was referred to the Committee of the Whole on the state of the Union.

#### NORTH GERMAN NATURALIZATION TREATY.

Mr. FAULKNER. I am directed by the Committee on Foreign Affairs, to whom was referred the resolution of the House of Representatives, instructing it to inquire into and report upon the expediency atives, instructing it to inquire into and report upon the expediency of giving to the German Empire the notice required by the fifth article of the treaty with the North German Confederation for the termination of said treaty, or so much thereof and the protocol as relates to citizens of the United States, their renunciation of naturalization and their political condition in Germany, to submit an adverse report in writing against the expediency at this time of giving the notice referred to, and to move that it be laid upon the table and ordered to be writted.

The motion was agreed to.

Mr. FAULKNER. I have prepared some remarks on this question, and not wishing to detain the House, I will ask that I have leave to print them in the RECORD as part of the debates.

The SPEAKER. The Chair hears no objection, and it is ordered

Mr. FAULKNER. Mr. Speaker, the resolution now pending from the Committee on Foreign Affairs, and to which the assent of this House is asked, does not absolutely reject the proposition of the genreport expresses the very decided opinion that the operation of that treaty has been beneficial to the naturalized German citizen. It also concedes the fact that there are alleged ambignities and omissions in that treaty which are well worthy of the negotiations now pending between the two governments. But it assumes that the treaty was an important diplomatic triumph upon our part which ought not to be hastily or unwisely surrendered. And especially looking to the fact that we have nearly two years yet before us within which this notice may be given; that negotiations are pending between the two governments which may rectify any existing deficiencies, we think it better to await the result of these negotiations, as another session of Congress will intervene in full time to give the notice required by the treaty, if in the judgment of Congress any such notice should then be deemed proper.

I have had no opportunity of learning the objections to the exist-ing treaty with the German Empire which have dictated this resolution. But I am sure those objections cannot be very serious. to me, Mr. Speaker, some wide-spread error must be pervading the minds of the German population of this country, if there be any prejudice against this treaty. It seems to me that every German naturalized citizen in this country should rejoice in the existence of such a compact as that which now exists between this country and the country of his birth. I am unable to comprehend how any German subject emigrating to this country, and desiring honestly and bona fide to become one of our citizens, and to enjoy the advantage of revisiting his native country for temporary purposes, can be opposed to this treaty. But I can well imagine how those who emigrate here for the false and fraudulent purpose of acquiring our citizenship, and then to return to their native country with a view to their permanent residence there, thus evading the obligations which they owe both to their native and adopted country, should find fault with its provisions.

It is not in the power of any gentleman to place me in any attitude

of hostility or even of indifference to the rights of our naturalized citizens. I represent a large German element in my constituency. I have no fear that they will misunderstand my course on this subject. This is not the first time that I have stood forward to vindicate the rights of our naturalized citizens. When I arrived in Paris in the early part of 1860 that subject was engaging the earnest consideration of our own and the imperial government. Two or three arrests were made of naturalized American citizens of French birth, and I was called upon to open a correspondence with the imperial government which continued for nearly a year, and which resulted, not only in the release from military service of all the persons arrested, but in the perfect and absolute vindication of the principles and policy of our Government, not only in the courts, but in all the administrative departments of the government. The President of the United States, in his message of December 3, 1860, brought this fact to the notice of the country and of the world, and I believe the rights of American citizens have been as sacredly observed in that country since that day as if they had been secured by a treaty, which at that early day I proposed to negotiate, but in which measure I received no encouragement from the then Secretary of State. I thought then, as I think now, that the rights of our naturalized citizens in foreign countries

can best be protected by treaty obligations; and if France, by the liberal and enlightened course which she has pursued upon that sub-ject, is any exception to this general rule, certainly the history of this question in Germany before the ratification of the present treaty can give no assurance that Germany would have proved a like exception to the rule.

An opinion has been expressed that the condition of the naturalized citizen in Germany was better before than since the ratification of this treaty. This to my mind is a most extraordinary assertion. Prussian law of emigration at that time in force of itself renders such a fact impossible. Our entire diplomatic correspondence from 1858, when that subject began to engage the special attention of the two governments, up to 1868, when the treaty was ratified, shows the reverse. During that entire period of ten years the time and labor of our minister at Berlin were almost exclusively occupied in interceding and negotiating with the Prussian government for the relief of our suffering fellow-citizens. Arrests were continually occurring; the grossest indignities were at times heaped on these victims of military that the property of t itary oppression; they were forcibly put into the army and compelled to serve one, two, and even three years before the importunities of our minister could obtain their release: and when granted it was granted as a favor and royal concession, not as a surrender to the

just demands of our Government.

Sir, it is difficult to estimate and appreciate the brilliant diplomatic triumph achieved by our Government in the accomplishment of this treaty, unless we refer to the national doctrines held at that time, not only in Prussia but in our own country; for let it be remembered that it was not until five months after the negotiation of this treaty with the North German Confederation that Congress, for the first time in its history, declared the right of expatriation to be a fundamental principle of this Government and announced to the world its determination to protect all naturalized citizens of the United States while in foreign states, whether that foreign state-was the land of their

birth or some third power.

What was the recognized American doctrine prior, certainly, to 1860? It was that, if a foreigner naturalized in this country returned to the land of his birth, he thereby forfeited the protection of this Government and became as subject to all the demands of his nato an the demands of his native government upon him as if he had never emigrated and never been naturalized in this country. This doctrine is so repugnant to our present ideas of an acquired nationality under the Constitution and laws of our country, it is so irreconcilable with our advanced ideas of the rights of emigration and expatriation, that I feel in announcing such a proposition I should sustain it by some high authority. All here are familiar with the name of Henry Wheaton, the distinguished writer upon international law, whose works have been translated into every language of Europe, adopted as a text-book in our colleges and universities, and recognized as a standard of authority by statesmen and diplomatists throughout the world. In 1840 he was the minister of the United States to the court of Berlin. In that year he was applied to for his official interference on behalf of one Johann Knock, a Prussian by birth, who at the age of twenty-one had emigrated to the United States and become naturalized here, but having returned to Prussia had been required to do military duty as a Prussian subject. To his application for relief Mr. Wheaton re-

It is not in my power to interfere in the manner you desire. Had you remained in the United States or visited any other foreign country (except Prussia) on your lawful business, you would have been protected by the American authorities, at home and abroad, in the enjoyment of all your rights and privileges as naturalized citizen of the United States. But having returned to the country of your birth, your natice domicil and natural character revert (so long as you remain in the Prussian dominions) and you are bound in all respects to obey the laws exactly as if you had never emigrated.

In like manner, in 1852, the application of a Dr. Gutowski for the intervention of the American minister to protect from military service was rejected on the ground that, as he had voluntarily returned to the country of his birth, the Prussian government had a right to regard him as a subject and so to treat him in all respects. Such were the doctrines announced by Daniel Webster when Secretary of

State in 1852 and by Edward Everett in 1853.

William Beach Lawrence, who as a jurist stands second only to Wheaton in ability, learning, and research, in referring to the opinion first quoted from Wheaton, says:

The doctrine thus enunciated was, I have reason to know, the rule of all the instructions from the Department of State, from the commencement of the Government to the one of Secretary Cass.

Such, then, was our recognized American doctrine up to about the time that I was sent as minister to France. Secretary Cass then took a new departure upon this subject, reversed the instructions of all his predecessors, and enabled me, among the earliest communications which I made to the imperial government, to announce in the following language this new exposition of American rights. In my letter to Mr. Thouvenel of the 2d of April, 1860, I felt myself instructed to

The effect which this act of naturalization operates under the laws and Constitution of the United States upon the civil and political status of the foreigner is obvious. From the moment of his naturalization he becomes incorporated as a full member of our political society, possessed of all the rights and immunities of a native born citizen, with the single qualification that he is not eligible to the office of Chief Magistrate of the Republic. With that single exception, he is in every respect and

for every purpose an American citizen, upon a footing of perfect equality with the native-born citizen. His allegiance to his native country is by this act severed for-ever. He experiences a new political birth. A broad and impassable line separates him from his native land. Should he return there for temporary purposes of business or pleasure, he goes there an American citizen, with all the privileges and obligations of his new nationality fully impressed upon him.

These doctrines which I was thus instructed to announce as the inflexible conclusions of the American Government were approved by the popular sentiment of this country, and eight years afterward they were incorporated into one of the most important statutes of Congress.

It was fully within the authority of our Government to change its own attitude upon this question, but it was not within the power of our Government to change the laws which for years had taken deep root in Prussia. And, besides, we argued this new principle to some disadvantage in Prussia, when her statesmen and jurists could refer to the opposite doctrine as announced in the capital of her own empire by our Government through two of our own most learned and distinguished representatives.

Let me now for a moment refer to the Prussian doctrine to which

that government adhered with such inflexible tenacity up to the formation of that treaty which it is now sought shall be set aside.

The constitutional charter of Prussia acknowledged the right of emigration, but it did so subject to one important qualification. It held that every male child in the kingdom was born with the obligation impressed upon him of performing military service within certain ages, and that any one, no matter what his age, who emigrated without the authority of the government, and up to the period when military service was no longer exacted of him, violated their fundamental law, and did not cease to be a Prussian subject, no matter to what country and the first case to be a rrassal stoject, no matter to what contry he emigrated, nor with what solemnity he attempted to change his nationality by naturalization; and that upon his return to their coun-try he was to be treated as a deserter or refractory, and either fined or imprisoned, or made to serve in the army the period he had evaded

or imprisoned, or made to serve in the army the period he had evaded by emigration.

Such was the rigorous and unbending character of Prussian law; such were the doctrines tenaciously, persistently, and obstinately adhered to by that government, which our representative abroad had to encounter prior to the treaty of 1868. Is it surprising, under such circumstances, with the annually increasing German emigration, and the natural return of so many to the land of their birth, that difficulties the last insuling a constant. the natural return of so many to the land of their birth, that difficul-ties should be continually occurring? Can Mr. Bancroft, our then minister, be charged with any exaggeration when in his dispatches to our Government he so painfully describes the condition of the Ger-man naturalized citizen? Is it surprising that he was constantly re-ceiving letters from our adopted citizens asking him to procure special permission for them to return to their native land and visit a dying father or a dying mother? Is it surprising that many an add father father or a dying mother? Is it surprising that many an aged father or mother would journey to the frontier of some adjoining nation to visit a returning son who dared not risk himself within the limits of

Sir, this state of things was becoming intolerable. It at length attracted the attention of that eminent and sagacious statesman Count Bismarck when he became minister of foreign affairs in 1865. He very clearly perceived that harmony between the two governments could not be preserved amid this constant conflict between Prussian law and the immunity which we claim for our naturalized citizen under this advanced dectrine of Secretary Cass. He saw that any change in the Prussian law, by any legislative ordinance, was utterly impracticable. Not only was that law the basis of its military sysimpracticable. Not only was that law the basis of its military system, but there existed everywhere throughout the kingdom an unconquerable jealousy of those who sought exemption from the prescribed military service of the country by virtue of their American naturalization. It was to his great and practical mind that we are indebted for the suggestion of a treaty as the only remedy that would obviate the existing evil. He prepared the projet of a treaty, which, although very liberal when compared with the law as it then stood, was not so liberal as the treaty three years afterward negotiated by Mr. Bancroft.

The treaty of 1868 was negotiated; it made an absolute surrender of Prussian law, and yielded a solemn assent to our American doc-

Now, sir, what are the principles incorporated into that treaty of 1868? It recognizes in the broadest terms the natural right of expatriation—a doctrine never before so fully and unconditionally conceded by the German government. It recognizes the free right of emigration and the absolute discharge of every naturalized citizen from all military service not actually due and required of him by some call or demand of the government upon him prior to his emigration. It secures his safe return to Germany for all temporary purposes, with all the rights privileges and exemptions that would be ac-

tion. It secures his safe return to Germany for all temporary purposes, with all the rights, privileges, and exemptions that would be accorded to a native-born citizen of the United States.

The protection which this treaty gives to the naturalized German citizen is of the highest and most solemn character, and gives to him a guarantee from both governments that his rights shall be fully recognized and defended. It follows as a necessary consequence from this treaty obligation that, if from any false information his rights are harshly invaded or his liberty oppressively abridged, he would have a right to demand compensation for such an infraction of the treaty—a right never before accorded by any government nor claimed treaty—a right never before accorded by any government nor claimed by our own, no matter what may have been the sufferings and priva-tions to which citizens may have been exposed.

With this brief exposition of the leading characteristics of this treaty, and in the known condition of things existing in the absence of such a treaty, it might well excite surprise that any objection could exist against it in the mind of the German naturalized citizen. But it is said that the objection to the treaty is to be found in the provision contained in the fourth article. This provides that

If a German naturalized in America renews his residence in North Germany, without the intent to return to America, he shall be held to have renounced his naturalization in the United States.

Can there be any well-founded objection to a provision like this? Is it not the logical and inevitable conclusion that flows from our own cherished right of expatriation? Shall we claim to extend the protection of our flag and nationality to one who has permanently abandoned our country and virtually renounced all allegiance whatever to our Government?

But it is said that the treaty is harsh in fixing two years as the period from which the renunciation of his adopted citizenship may be inferred. This same period of two years is in six of our other naturalization treaties, and no complaint has been made from Denmark, from Sweden and Norway, and Mexico that the time is too short. Two years of continuous residence one might suppose would be long enough for any of the temporary purposes of business, health, or pleasure. Our forefathers in their legislation more than half acentury ago so thought, for the act of Congress of the 27th of March, 1804, denationalizes any American vessel the owner of which, in whole or in part, if a naturalized citizen, shall reside more than a year in the country in which he originated, or more than two years in any foreign country. If the terms of the treaty were imperative there might possibly be some ground of complaint, but by the terms of the treaty the two years ground of complaint, but by the terms of the treaty the two years afford only a presumption liable to be repelled and rebutted by proper explanations; and in nothing have the delicacy and good faith of the German government been more apparent than in the execution of this particular provision of the treaty. If the residence of the naturalized German citizen is protracted beyond two years he is liable to be called on for an explanation of that fact. If the explanation presents any reasonable ground for procrastination, if it is consistent with the other general facts of his residence, if he is remaining there for the barrelie of his health or te close upon impositions or for the purpose. benefit of his health, or to close up an inheritance, or for the purposes benefit of his health, or to close up an inheritance, or for the purposes of educating his children, or any other like purpose, honestly disclosed, his explanation is accepted and the matter is ended; but if the facts connected with his continued residence indicate that he is there permanently, and that he has falsely and fraudulently obtained citizenship in the United States merely to procure exemption from the duties that devolve upon other subjects of the empire, then he is summoned before the proper tribunals of the country. But even then and under such circumstances no right of exclusive decision rests with the German tribunals or with the German government, but the full right of the American Government to intervene to investigate full right of the American Government to intervene, to investigate, and to determine the facts of the case for itself is conceded by the German government under the treaty.

It is not to be doubted that there is a powerful party in Germany

It is not to be doubted that there is a powerful party in Germany opposed to this existing treaty. Whether its influence will be sufficiently great to cause Germany to terminate this treaty at the expiration of the ten years, I am not sufficiently informed. All must admit that, in making this treaty, we gave no adequate equivalent and that the advantages were wholly on our side. As the foreign minister of Wurtemberg said to Mr. Bancroft when he was subsequently negotiating with him a treaty similar to that which had been made with the North German confederation:

You propose to us a treaty in which you ask that every concession be made to ou and you offer us nothing in return.

The fact is literally so. We gained important advantages without rendering any equivalent. That the German government is now senrendering any equivalent. That the German government is now sensible of this is apparent from the manifest reluctance which it now exhibits, notwithstanding the earnest appeals of our Government, to extend this treaty to those German states now within the German Union, but who formed no part of the North German confederation at the time of our treaty with it. And some idea of the sentiment of Germany may be gathered from a periodical styled in English "The Prussian Annals," and which contained in its May, June, and Angust Prussian Annals," and which contained in its May, June, and August numbers, 1875, articles denunciatory of this German treaty, and with appeals to the German government to terminate it as soon as possible. These articles are said to be from the pen of Dr. Frederick Kapp, a gentleman of unquestioned ability and power as a writer, who passed about twenty-five years in this country as an American citizen, but has returned to his old German citizenship, and who has distinguished himself as one of the bitterest enemies of the United States in all Germany. The following is the opening passage of the first of his three articles:

three articles:

The treaty concluded on the 22d of February, 1868, between the North German Union and the United States determines substantially that henceforth a North German (i. e., at present a German) who, by emigrating, evades military duty, cannot be compelled to fulfill it on his return to Germany, nor in any other manner be molested, if he has been absent at least five years, and during this period has acquired citizenship in the United States.

The treaty was for the American Government the result of negotiations conducted for a series of years with great energy and with still greater skill; a brilliant triumph of its diplomacy which has a most righteons claim to the gratitude of its fellow-citizens instead of unfounded complaints that enough was not gained. For Germany it meant the light-hearted, even joyful surrender of a position legally well-defined and indisputable, with not the slightest equivalent demanded or received; nay more than this, it was, and still is, a premium which the new German

Empire sets upon the emigration to the United States of its sons who are liable to

Empire sets upon the emigration to the United States of its sons who are hable to military duty.

Fortunately this treaty was concluded only for a period of ten years, so that, by virtue of the fifth article, on the 9th of November, 1877, six months before its expiration, that is, reckoned from the exchange of ratifications, May 9, 1868, notice may be given of its termination. The interest of Germany unequivocally demands the exercise of this right.

It seems to me, then, so far as I have looked into this question, that there are two, and but two, classes of persons who are opposed to the continuance of the present treaty. They are, first, the enemies of the United States in Germany. I do not charge this class as being governed by any improper or unpatriotic feeling; indeed, I might rather class them as the zealons friends of their own country; they see and know that this treaty has operated powerfully as a premium upon emigration from their country, and, feeling that this drain upon their most useful population seriously impairs the strength of the empire,

they are disposed to arrest it.

The second class who are hostile to this treaty are those who have emigrated here with no bona fide purpose or intent of contributing to the growth or promoting the advancement of our country, and who remain here only long enough to acquire citizenship in our country, and then expect to return to their native land to live the balance of their lives free from the obligations that would otherwise attach to

them as citizens of their original country.

It was to guard against this abuse of our law of naturalization that one of the provisions to which I have before referred was inserted in this treaty. It is they who principally want it terminated, for it opposes an invincible obstacle to the gratification of their selfish views. It is a provision eminently just to the German government, just to

It is a provision eminently just to the German government, just to ourselves, just to that honest class of our naturalized citizens who place a proper value upon American citizenship and are disposed to conform to the true spirit of the treaty.

Whatever is valuable will have its counterfeit. It is therefore not surprising that our naturalization laws should be resorted to for selfish and unworthy purposes. It is indeed a high and glorious privilege to be an American citizen, to feel that you are part and pareel of a great Republic which commands the admiration and respect alike of the civilized and barbarian world. There is not now a power on earth that does not acknowledge our greatness and solicit power on earth that does not acknowledge our greatness and solicit our friendship. More far-reaching than the boasted protection of Roman citizenship, there is not a portion of the earth where the name of this Republic does not assure protection to its citizens. It matters not into what nation or tribe his fate or fortune may carry him, into what gulf or ocean he may wander, he feels, as he contemplates our national flag, that he may say of it in the language of the Psalmist—

If I take the wings of the morning, and dwell in the uttermost parts of the sea; even there shall Thy hand lead me, and Thy right hand shall hold me.

Sir, it is because I value this great privilege of American citizen-ship that I am unwilling to see it made the instrument of fraud and imposture. If a man becomes an American citizen by adoption, let him show by his residence among us that he values the country that has made him one of its children; let him live here and discharge all of the duties which his country demands of him. If he revisits the country of his origin for the purposes of business or pleasure, let him do so with the intent of return within a reasonable time; but I will never agree to change, modify, or terminate a treaty which is only objectionable because it refuses to recognize as citizens those who abandon our country and virtually renounce our Government.

### STATE OF COLORADO.

Mr. SOUTHARD, from the Committee on Territories, reported back a bill (H. R. No. 1328) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal foot-

and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875.

The bill, which was read, provides that so much of section 3 of the act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States," approved March 3, 1875, as reads "and also to vote upon the acceptance or rejection of such constitution as may be formed by said convention," be amended so as to read as follows:

And all who are suchified voters of said Territory under the laws thereof at

And all who are qualified voters of said Territory under the laws thereof at such time as the constitution to be framed shall be submitted to the people for ratification or rejection shall vote upon the question of such ratification or rejection.

The second section provides that section 13 of said act be amended by adding at the end of said section 13 the following:

And if the balance of said legislative appropriations does not amount to the sum of \$20,000, then there shall be, and there hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient, with the said unexpended appropriations, to make the sum of \$20,000, which shall be used for the purposes aforesaid: Provided, That any money hereby appropriated not necessary for such purposes shall be reconveyed into the Treasury.

Mr. RANDALL. I reserve the point of erder.
The amendments of the committee were read, as follows:

In line 13, section 1, between the words "shall" and "vote," insert the words "be entitled to;" so that it will read "shall be entitled to vote upon the question," &c. In line 16, section 2, strike out the word "reconveyed" and insert in lieu thereof the word "covered."

At the end of section 2 add the words "of the United States."

Mr. PATTERSON. I presume the point of order that the gentleman from Pennsylvania would raise is that this bill should go to the

Committee of the Whole on the state of the Union for consideration. So far as that is concerned the point would be well taken, and no one could make an objection to it. But what I want to call the attention of the House to is the fact that to the individuals for whose benefit the second section of the bill is framed it is of the utmost importance that it should receive an early consideration and determination at the hands of this Congress.

The convention is assembled at the present time in the city of Denver, and has been assembled since the 20th of December last, endeavoring to frame a constitution under which it is hoped that the centennial State will add strength, and wealth, and glory to the American Union. This convention is called together under an act of the last Congress, and it is essentially and truly a creature of Congress. Many Congress, and it is essentially and truly a creature of Congress. Many of the members who compose that convention have traveled a distance of five hundred miles over the snowy ranges of the Rocky Mountains; and they have borne their own traveling expenses, which are not light in that country, where great distances have to be traveled on horseback and by stage-coaches. Not only have the members of that convention borne their own traveling expenses, but since the 20th of December they have borne their own living expenses in the city of Denver while engaged in the service of the Government. Not only that sir but they have been conveiled to become personally reonly that, sir, but they have been compelled to become personally responsible for every item of expenditure that enters into that convention, such as the purchase of stationery, and the employment of la-borers, pages, and clerks, and many other expenses that necessarily cluster around a body of that kind.

This convention has no power, under any circumstances, to provide one dollar for its expenses. On the contrary the members of it are there under what is known as the enabling act, under an act of Congress; and Congress, recognizing this fact, attempted to provide a method by which these expenses should be paid; but, on account of circumstances which may hereafter be explained, that intention on the part of Congress has utterly and entirely failed.

This convention, Mr. Speaker, will soon adjourn. The members of the convention are as a rule men in the most moderate circumstances. They cannot well afford to lose their time, and in addition to that to

They cannot well afford to lose their time, and in addition to that to They cannot well alord to lose their time, and in addition to that to pay out of their own pockets the large sums of money which they have necessarily been compelled to pay out on account of the services they are rendering. I was saying this convention will soon adjourn, and it is a question with members of the convention how they shall return to their homes, whether they shall ride or walk, or whether they shall be compelled to impose still longer upon the generosity of their friends at the capital of the Territory and remain there until spring, so that they may reach their homes without the aid of snow-

Now these gentlemen believe, and I believe, that it is the absolute duty of Congress to make the necessary provision for defraying the expenses of this convention. But as to the merits or demerits of the question I do not say one word now. I only ask that this House shall question I do not say one word now. I only ask that this House shall pass upon and determine whether or not it is the duty of Congress to provide for these expenses. So much Congress owes to these men, who are looking to Congress upon this question that they may know what to expect, and how they shall guide themselves in the future. And with that view I yield to the chairman of the Committee on the Territories, who has reported the bill, that he may submit a motion. Mr. RANDALL. I now make the point of order.

The SPEAKER. The gentleman from Pennsylvania [Mr. RANDALL] makes the point of order that this bill, making an appropriation, ought to be considered in Committee of the Whole.

Mr. SOUTHARD. I rose for the purpose of moving to suspend the rules.

rules.

The SPEAKER. The motion to suspend the rules is not in order.

Mr. SOUTHARD. I move that the rules be suspended and the
House resolve itself into Committee of the Whole on the state of the Union, so that this bill may be considered.

Mr. FORT. Does not the point of order of the gentleman from Pennsylvania [Mr. RANDALL] come too late?

Mr. RANDALL. O, no; I distinctly reserved the point of order. The SPEAKER. The gentleman from Pennsylvania made the point

of order as soon as the bill was read.

Mr. SOUTHARD. My motion is for the purpose of meeting the point of order that the bill may be considered in Committee of the Whole. Mr. RANDALL. It would not be reached if we went into Committee of the Whole. There is other business there which would take precedence

The SPEAKER. The Chair desires to suggest to the House that at two o'clock, which is but a few minutes off, there is a special order assigned for this day, the consideration of the judiciary bill.

Mr. BLAINE. That would not prevent the House going into Committee of the Whole on this bill.

The SPEAKER. Certainly not.

Mr. RANDALL. There is other business in Committee of the Whole

which would be in the way of this bill.

Mr. BLAINE. It is in the power of a majority in the Committee of the Whole to pass over other business.

Mr. RANDALL. I made the point of order promptly, but yielded for the purpose of hearing the gentleman representing the Territory

of Colorado. I now renew it.

The SPEAKER. The point of order, in the judgment of the Chair, does not interfere with the motion of the gentleman from Ohio, [Mr.

SOUTHARD,] which is in substance the same as the point of order raised by the gentleman from Pennsylvania. He moves, and that is the question before the House, that the House do now resolve itself into the Committee of the Whole on the state of the Union for the consideration of the bill the title of which the Clerk will report.

The title of the bill was again read.

The question was put; and on a division there were ayes 141, noes not counted.

So the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union (Mr. Blackburn in the Chair) and proceeded to the consideration of the bill (H. R. No. 1328) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved

March 3, 1875.

Mr. SOUTHARD. Mr. Chairman, if I can have the attention of the committee for a few moments I shall endeavor to explain the object of this bill. At the last session of Congress, as you are all aware, the Territory of Colorado was admitted into the Union under an enabling act. The object of this bill is to amend that enabling act in two particulars only. The first amendment relates to the third section of the enabling act, and to the qualifications of voters upon the ratification of the constitution that may be framed. By the enabling act those persons who were qualified voters on the 3d day of March, 1875, were authorized and entitled to vote both upon the election of delegates to this constitutional convention and upon the ratification of such constitution as may be presented to the people, but by that act this election for the ratification of the constitution cannot take place until July, 1876. There is this difficulty which it is proposed to remedy by this amendment: by the laws of the Territory there is required a six months' residence in order to entitle a citizen to vote, and by the provisions of the enabling act only those could vote for members of the constitutional convention last September who had been six months a resident in the Territory, and unless the law is changed only those voters can vote on the ratification of the constitution next July, or, in other words, it will require a residence in the Territory of twenty months to enable a citizen to vote on the ratification of the constitution. The Committee on Territories are of the unanimous opinion that that distinction ought not to exist. They are well satissied that it arose in an oversight in the passage of the enabling act, and therefore seek to correct it. The amendment proposed here is that those who are legal and qualified voters under the laws of the Territory, that is, who have had a six months' residence theretofore, shall be entitled to vote on the ratification of the constitution in July

The second section relates to an appropriation for the necessary expenses of this convention. By the thirteenth section of the enabling act it was provided that any balance of the legislative appropriation for the Territory might be applied to the payment of the members of the constitutional convention, but the act itself postponed the time of the meeting of the convention until a time when the Legislature of the meeting of the convention until a time when the Legislature of the Territory was required by law to assemble, and therefore that provision is rendered inapplicable. In the reason that the money appropriated for legislative expenses is required for that purpose and no provision is left for the payment of the expenses of this convention. The Legislature of the Territory is required to meet biennially under a general law. Two years ago that Legislature met. It was required to meet this winter again, and is now in session. If it did not do so it could not meet until two years from this winter because the law.

so it could not meet until two years from this winter, because the law fixes the sessions biennially and there is no power in the governor of nxes the sessions biennially and there is no power in the governor of Colorado to call the Legislature together at any other or later date. Such a power of the governor exists only in the Territories of Washington, Idaho, and Montana; so that unless the Legislature had met this winter there could be no Legislative Assembly in Colorado for four years, or from 1874 to 1878. There is this further consideration why this appropriation should be made: The constitutional conventions are assembled under the leave and caretime of Constitutional Conventions. tion was assembled under the laws and sanction of Congress. These delegates were elected under a law of Congress and called together at this particular time. . he law of Congress and caned together at this particular time. . he law of Congress provided that they should not meet earlier and that the constitution should not be ratified until July next, so that Congress has called together a constitutional convention and made no provision for the payment of a single dollar of the necessary expenses.

Now suppose Congress does not make provision; how shall they be paid? That is the next question. Manifestly the Legislature of the Territory cannot provide for their payment, and the constitutional convention itself has no power to do it, as is well settled by legal writers on that question. I could sustain this by references, but it is not necessary to read the law on that question. I say, therefore, that the convention is left without the power to appropriate money and left to pay its own expenses. If the matter is remitted to the Legislature of the future State after it shall be organized, if it shall be organized at all, the question will necessarily be deferred for some considerable at all, the question will necessarily be deferred for some considerable time and until the pressing necessity shall have passed. The members of the convention would have to wait the pleasure of the Leg-

islature of the State that may or may not be organized hereafter.

With these considerations the Committee on Territories were unanimously of the opinion that these expenses ought to be paid, but they have put in a proviso that if the \$20,000 appropriated prove to be more

than sufficient the balance shall be returned to the Treasury of the

I will say this much further before I yield the floor to other gentlemen. It may be asked what are the precedents on this question. There is no precedent against it, and there is no case that I am able to find that is similar to the present case. In the case of Nebraska the same provision was made in the enabling act, applying the balance of the appropriation for legislative expenses to pay those of the constitutional convention, and they were paid because there was a balance sufficient to pay them; but in this case the law provides for the convention and for the ratification of the constitution that it may frame, but by the operation of the act there is no legislative appropriation on hand to pay the expenses. There has been, sir, within my knowledge, no Territory that has been admitted precisely under the same circumstances. I do not mean that other Territories have not same circumstances. I do not mean that other retrieves have not been admitted under enabling acts, because many of them have been so admitted; but they come with State constitutions framed under circumstances different from this case, and the expenses were incurred under circumstances which rendered it possible for them to be paid.

Mr. FORT. I will add one or two additional reasons why this bill

Mr. FORT. I will add one or two additional reasons why this bill ought to pass. In the first place, I can see no good reason why the United States should not pay the expenses of this constitutional convention, when they have universally paid the expenses of territorial Legislatures as well as other expenses pertaining to the Territories. And there is another reason why I think the United States ought to pay these expenses. Congress invited the people of the Territory of Colorado to meet and elect delegates to a constitutional convention; that was done by a law of Congress. It directed those delegates to assemble and frame a form of State government, a constitutional convention; gates to assemble and frame a form of State government, a constitu-tion for the people of that Territory. Those delegates have assembled and are now in session. If perchance the constitution which they are framing should not be adopted by the people of the Territory, if it should fail for any reason to go into effect, then there is no way by which these delegates could be paid. They have been called together by an act of Congress; they have met and are now rendering service. If their work should not be accepted they must return home without

As has been well stated by the chairman, [Mr. Southard,] there is no power in the territorial Legislature to pay the delegates to this convention. All the appropriations which the territorial Legislature may make are of course subordinate to the will of Congress. It occurs to me, therefore, that, there being no real reason why Congress should not pay the expenses of this convention as well as the expenses of the territorial Legislature and for the further reason that this convention is a creature of Congress, called together by its order, the expenses should be paid by the United States. I have no

order, the expenses should be paid by the United States. I have no desire to detain the committee further.

Mr.RANDALL. This question whether we shall appropriate money for the payment of the sum asked to this Territory was before the Committee on Appropriations and examined by them. No instance was found where the United States had ever before paid any such expenses to any Territory. There was an instance in the case of Nebraska where Congress permitted the unexpended balances of appropriation due the Territory to be used for the expenses of the constitutional convention. In that instance the convention sat but one

day. Now, if the House shall choose to open wider the field of expendi-ture than it has ever before been opened, I shall be content. My duty at least as a member will be performed in having presented the facts to the House. I have sent to the committee-room for a letter from the Treasury Department in support of the statement I have made. Mr. PATTERSON. With the contents of the letter to which the gentleman from Pennsylvania [Mr. RANDALL] has referred, I will

take no issue. It is true that so far as prior legislation is concerned no appropriation in this form has before been made by Congress for defraying the expenses of the constitutional conventions of the Territories. But I will also say that there is no case on record similar to the case of Colorado.

It is as easy to prove that the Congress which passed the enabling act intended that the United States should bear these expenses as it is to prove that members of this House are now occupying their seats. I hold in my hand the enabling act for the admission of Colorado into the Union as a State as it passed the last Congress. I will read section 13 of that bill and will then call the attention of the committee to the history of legislation with reference to the bill.

Sec. 13. That any balance of the appropriation for the legislative expenses of said Territory remaining unexpended shall be applied to and used for defraying the expenses of said convention and for the payment of the members thereof under the same rules and regulations and rates as are now provided by law for the payment of the territorial Legislature.

Thus it will be seen that the Congress which passed the enabling Thus it will be seen that the Congress which passed the enabling act recognized the duty of the United States to pay the members of that convention, who could look only to Congress for pay, and to no other source. Congress attempted to provide the fund for their payment. What was it? The unexpended legislative appropriation for the Territory of Colorado. The Congress that passed that bill also provided in a separate act that the sum of \$22,000 should be appropriated for the legislative expenses of the Territory.

Under the enabling act as it originally passed the House the constitution of Colorado and all the State machinery could have been

stitution of Colorado and all the State machinery could have been

put in operation within ninety days from the 3d of March last. Had the bill passed the Senate and become a law as it originally passed the House, the \$22,000 appropriated for legislative expenses would have been available for the expenses of this convention. But when the bill went to the Senate, for some reason unknown to me, that body tacked on certain amendments. One of those amendments in effect provided that Colorado should not be admitted as a State into the Union until July next. What was the result of that amendment? Since our territorial Legislature had to meet last January, under the law, it did meet and the appropriation of \$22,000 was thereby consumed.

The affairs of Colorado demanded that the Legislature should meet.

Covering as our Territory does a broad expanse of country, with our immense mining interests at stake, with the problem of water rights and privileges yet unsolved, experimental legislation to a certain extent being almost always necessary in a Territory situated as ours is and with our climatic peculiarities, it was demanded that that Legislature should meet; we could not run the risk of an interval of four years between the meetings of the Legislature. If it had not been for this amendment we would have been a State long before the Legfor this amendment we would have been a State long before the Legislature met; and, as I said before, the money that was appropriated for that body under the express language of this act would have been used for the purpose of defraying the expenses of the convention.

But how was the bill passed with this amendment? Those who were members of the last Congress know that the bill was not brought

up in the Senate until the very last days of that Congress. The last week of the session witnessed the passage of the bill by the Senate; and coming back to the House it was passed during the last four or five hours of that body's existence. Neither the members of this body nor of the Senate had in reality time to understand the connection between the amendment and the evident purpose of Congress to defray the expenses of the convention; and consequently these things were overlooked.

Now we are not without a precedent. I hold in my hand a paper which goes to show that the expenses of the constitutional convention of the State of Nebraska were paid by the Government of the United States. Those expenses, it is true, were light. The convention was in session but one day and then adjourned. But every member of that convention was paid his regular per diem and mile-age. The firemen, the pages, the clerks, and all others connected with that convention were paid the remuneration allowed by law out of money that belonged to the Treasury of the United States.

The point is made that this money was paid under the provisions of the act itself, which provided, as our act provides, that unexpended legislative appropriations should be used for that purpose. But, Mr. Chairman, what is the difference? If those legislative appropriations were not used, as a matter of course the balance belonged to the Government; it ought to be in the Treasury of the Government; and if used to defray the expenses of that convention, it was just as much taken out of the Treasury of the Government as if a direct appropriation had been made.

There is one other point to which I desire to call the attention of the House, not as a legal argument, but as an argument to show that I do not come here as the Delegate from Colorado asking for anything unreasonable at the hands of this House. The policy and the uniform action of the Government have been to defray all the expenses of territorial governments, to pay the salaries of judges, governor, secretaries, and all other officers connected with the territorial form of government. The theory was that the Territories were too weak and too poor to pay their own expenses; that the Territories were burdens upon the Government, and that it was an act of charity for the Government to bear those burdens. While that may be true, Mr. Government to bear those burdens. While that may be true, Mr. Chairman, with reference to other Territories, (whether it is true or not I am not prepared to say,) yet I hold in my hand a report of the Commissioner of Internal Revenue which shows that the Territory of Colorado has paid into the Treasury of the United States \$600,000 more than Congress ever appropriated for its benefit. There is that amount to our credit. We stand in a position unlike that of almost any other Territory: a creditor of the Government instead of a debtor. Is it necessary for me to turn to the figures to prove that I am correct? On page 153 of the report I have just referred to it is shown that the total amount of internal revenue paid to the Government from the Territory of Colorado during the past ten years was \$1,227.857.16. the Territory of Colorado during the past ten years was \$1,227,857.16, while the average annual expenditures of the United States for the government of that Territory amount to less than \$30,000. Thus it appears that in reality Colorado has paid into the Treasury of the United States from eight to nine hundred thousand dollars more than she ever received therefrom.

Now I simply ask this House if it can say that it is right and just to call into existence a body of men, without giving to it the power to raise funds with which its expenses might be met, and at the same time not only require its members to return to their homes without payment for the time lost in behalf of the Government, but also compel each individual to pay out of his own pocket hundreds, perhaps thousands, of dollars expended white clevating the Territory from the position of dependency which the Territories occupy to that of an independent and self-supporting State. Why should those men be put to this large expenditure out of their own means, for the purpose of carrying into effect the will of Congress?

It is plain that the intent of the last Congress was to meet these

expenses. Will this Congress be less generous to the people of Colorado than the last Congress intended to be, and would have been but that in the haste of legislation in the last hours of the session the purpose was defeated?

I regret that a gentleman upon my own side of the House, [Mr. RANDALL,] the recognized leader, perhaps, of the party on this side, should be found opposing that which is just and equitable and which

no amount of reasoning will ever convince me and my people should not receive the approval of Congress.

Without any State delegation at my back, without any power in this House, ay, without even the right to vote for the bill which I am advocating, I have nothing on which to depend save the generosity of members and the justice of the measure that I espouse. I will not speak further, feeling that I do not mistake in assuming that the sentiments of this House, in favor of the Government bearing every just

expenditure, will secure for this bill its approval.

Mr. RANDALL. Mr. Chairman, however, distasteful at times it may be to object to the expenditure of money, yet, when duty compels it, I mean to perform that duty, notwithstanding persuasive language such as we have heard from the Delegate from Colorado, [Mr. Patterson.]

In this instance the Territory of Colorado came and of its motion sought an enabling act for the formation of a constitution and admission as a State into the Union. This bill was fully considered by the Committee on Appropriations. A subcommittee was appointed, of which I believe the gentleman from Maine [Mr. Hale] was chairman. That gentleman reported the bill to the House with the unanimous concurrence of the Committee on Appropriations. I ask the gentleman from Maine to state to the House whether I am not correct in saying that letter of the First Comptroller declared that in no instance had the Congress of the United States borne any such expense as is now asked to be paid.

What has that letter to do with it?

Mr. FORT. Mr. HALE. Mr. HALE. In answer to the inquiry made by the gentleman from Pennsylvania, [Mr. RANDALL,] I can say with distinctness that the letter of the First Comptroller, to whom was referred the question whether there existed any precedent for payment of a claim of this kind, responded in direct specific terms that there was no such precedent. When I reported the bill which was originally referred to the Committee on Appropriations back to the House with the recommendation that it lie upon the table, thinking objections might be raised I sent the letter with the bill to the Clerk's desk, and so do not have it with me know. However, I have sent to the proper place in the Clerk's office for it. But that is its purport, that no precedent was found by the First Comptroller of the Treasury for the payment

of any such expenses.

Mr. PATTERSON. Let meask the gentleman from Maine whether he did not also find in his investigation that there were never before any similar circumstances to those of the case of Colorado requiring

any such precedent?

Mr. HALE. I do not remember any distinctive difference between

this and some other cases.

Mr. PATTERSON. But the committee knew the expenses of the constitutional convention of Nebraska were paid by an appropriation ? Mr. HALE. No; Nebraska waspaid, if I remember correctly, by the original act providing that any balance of appropriation should go in this way; and it was found there was surplus enough to pay the bill.

Mr. RANDALL. The amount was \$7,000. It was the unexpended

balance of appropriation for the Territory which was used to pay the

expense in the case of Nebraska.

Mr. HALE. In response to the inquiry of the gentleman from Pennsylvania, I stated that the First Comptroller in his letter declared he

sylvania, I stated that the First Comptroller in his letter declared he can find no precedent for any such payment.

Mr. RANDALL. I am quite content to leave this matter to the judgment of the House. I have stated the facts precisely as they are; and my duty therefore is fully discharged.

Mr. PHILLIPS, of Kansas. What I desire to say, Mr. Chairman, is that nearly all of the constitutions of the new States were framed by popular bodies without congressional enabling acts. It was the seed in mr. State where the constitution was framed by reporter. by popular bodies without congressional enabling acts. It was the case in my State where the constitution was framed by a popular movement, and, as we know, Kansas was kept out for some seven or eight years. In the case of Colorado, the Government has been paying the expenses of the territorial government, amounting to about \$100,000 a year, while the enabling act which was passed provided for taking effect at a period in the future, thereby preventing the people frame in the contract of t ple from raising money by any other means to pay the expenses of their constitutional convention. This convention was created by act of Congress, and, as gentlemen will see by the very terms of the act itself, we prevent the people from raising money to pay expenses in any other way than is sought for in the pending proposition. It is the only precedent of the kind on record in the history of the country, and by voting for this we save \$100,000 a year by putting the State government into operation.

Mr. SOUTHARD. I wish to say a word in further explanation. The letter of the First Comptroller, to which the gentleman from Maine has referred, I have seen, and it is to this effect: An inquiry was made

of him by some member of the committee—

Mr. RANDALL. The letter is now here, and I hope it will be read.

Mr. SOUTHARD. I will yield for the reading of the letter.

The Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE, + Washington, D. C., January 15, 1876.

Sir: In reply to your reference to this Office of the "House bill No. 355, making an appropriation of \$20,000 for the expenses of the constitutional convention of Colorado" and requesting information as to the precedents, I would state that I have made a careful examination of the acts of Congress relating to like conventions, going back to 1836.

I find that in no case was any appropriation made to defray the costs incident thereto.

In the enabling act for Nebraska (Statutes at Large, volume 13, page 50) the fourteenth section provided "that any unexpended balance of the appropriation for said territorial legislative expenses of Nebraska remaining for the fiscal years 1863 and 1864, or so much thereof as may be necessary, shall be applied to, and used for, defraying the expenses of said convention." A like provision is contained in the Colorado enabling act under which this convention is held, approved March 3, 1873. 3, 1875. Very respectfully,

R. W. TAYLER, Comptroller.

Hon. Eugene Hale, House of Representatives.

Mr. SOUTHARD. Mr. Chairman, the First Comptroller of the Treasury, in response to the inquiry, states there is no precedent for an appropriation to pay the expenses of a constitutional convention of a Territory. The committee will bear in mind, however, the facts are different from the case now presented. It will also bear in mind that Congress did appropriate for the expenses of the constitutional convention of Nebraska, and did pay those expenses, the items of which I have here in a letter and statement from the same First Comptroller of the Treasury. To be sure it was done out of an unexpended balance of appropriation. My first impression was against this appropriation, but, after I had looked into the matter and examined all the circumstances, I finally came to the conclusion there was no other course which was just, equitable, and right to the people of Colorado than to provide for making this payment. It is this: Here was an appropriation bill of the last session of Congress for the legislative expenses of the Territory of Colorado, and here was a clause in this enabling act providing that that unexpended balance should be used for the payment of the expenses of this convention called to form a constitution. But, in the amendments made between this House and the Senate, Congress provided that the convention should be postponed until the time when the Legislature should be compelled to meet; and by this mistake it came about that there was no balance. The evident intention of Congress was that the expenses of this constitutional convention should be paid when it convened and paid out of that balance which was on hand out of the appropriation which then existed. Congress having rendered that impossible, will Congress now say that these individuals shall return to their homes, having paid their own expenses? I do not believe that it is the judgment of this committee or of this House to so do. I ask a vote on the bill.

Mr. FRYE. Will the gentleman yield to me for a moment?
Mr. SOUTHARD. I yield to the gentleman.
Mr. FRYE. When this matter was under discussion in the last Congress I took very great interest in the admission of Colorado. I saw that she was about the only Territory which was, as has been well remarked, a creditor of the United States. Almost if not every other one has been a debtor.
Mr. MAGINNIS. Which one?

As I understand, this is about the only Territory which Mr. FRYE. has been a creditor of the United States under the internal-revenue

Mr. MAGINNIS. On the contrary, with one or two exceptions, they are all creditors of the United States.

are all creditors of the United States.

Mr. FRYE. Well, sir, taking a great interest in the admission of Colorado I examined carefully the bill under which she was to be admitted. If I remember aright that bill contained a provision for the payment of the expenses of this very convention, precisely as the bill admitting Nebraska contained such a provision. And, if I understand aright the gentleman from Ohio, if that bill had been enacted at the time it first passed this House, if the time for holding the convention had not been postponed, the expenses of that convention would have been paid precisely as the expenses of the Nebraska convention. would have been paid precisely as the expenses of the Nebraska convention were paid.

vention were paid.

Now, by our own act here, by postponing this convention, we deprived this Territory of Colorado of that privilege, which we as Congressmen fully intende, to confer upon her in the bill which we passed. And it seems to me just, honest, fair, and equitable, and nothing more, that Congress to-day should appropriate what Congress intended fully to have appropriated originally when this legislation took place.

Mr. BURCHARD, of Illinois. The argument that is made in favor of the payment by the United States of this amount for the expenses of the constitutional convention of Colorado, based upon the amount of taxes that are paid and collected in the Territory, does not seem to me sound. We are liable for and actually pay alarge amount through the general appropriations for the benefit of the Territories, just the same as we do for the benefit of the States. Take one of the Western States where a large amount is collected through the internal revenue, the State of Indiana or the State of Illinois, and can those revenue, the State of Indiana or the State of Illinois, and can those States claim that, because they pay say fifteen or twenty million dollars, and there is but a small amount directly appropriated for the State, therefore there is a credit due to the State, and that a direct appropriation should be made to the State?

Mr. MAGINNIS. I will show the gentleman the distinction. The CHAIRMAN. Does the gentleman from Illinois yield to the

gentleman from Montana?

Mr. BURCHARD, of Illinois. Yes, sir.

Mr. MAGINNIS. Those Western States and all the States that pay Mr. MAGINNIS. Those Western States and all the States that pay internal revenue are represented on this floor. They have a right to vote what shall be done with the money that is raised by taxation from their people. The Constitution says that the direct taxes and representation shall be apportioned equally for that reason; but the Territories of the United States pay these taxes, and have no power to say where a single dollar of that money shall go.

Mr. BURCHARD, of Illinois. That goes to the legality or constitutionality of imposing any tax upon the Territories.

Mr. MAGINNIS. We are speaking of it from a moral point of view.

Mr. BURCHARD of Illinois. It does not go to the question of the

Mr. MAGINNIS. We are speaking of it from a moral point of view. Mr. BURCHARD, of Illinois. It does not go to the question of the equity of the payment of this money. I for one would not object to the payment of these expenses so far as this particular Territory is concerned if it were the only case. But this may be a precedent, and if this is agreed to it will be the first case, as has been stated, where a direct appropriation has ever been made from the Treasury for the payment of the expenses of holding a constitutional convention. One or two exceptional cases have been mentioned where an appropriation has been made for the expenses of a territorial government, with a prohas been made for the expenses of a territorial government, with a provision in the law, as there was in this law, that any surplus should be applied to defray the expenses of a constitutional convention, and in one or two cases, as I understand, such appropriation has been made; but in no case after or before a convention has been held has there been a direct and special appropriation from the Treasury for the pay-

ment of those expenses.

Mr. FRYE. Will the gentleman allow me to ask him a question?

Mr. BURCHARD, of Illinois. Yes, sir.

Mr. FRYE. Can it afford a precedent, unless the same circumstances hereafter are found existing as to a Territory?

Mr. BURCHARD, of Illinois. Of course not. It cannot afford a precedent for a case which is entirely different.

Mr. FRYE. But does the gentleman believe that there will ever be a case which shall present the same phasis that this case presents? Mr. BURCHARD, of Illinois. I presume there is no case exactly like this, and I do not know that there was ever a territorial convention held to frame a State constitution which presents exactly the same case as any other case. We have had conventions held where there have been provisional governors, conventions held within the Southern States where the conventions formed State constitutions, and those constitutions came before Congress for consideration and for the admission of Representatives from the same to membership upon this floor. In those cases I do not know that there was ever any pay-ment of expenses by the General Govenment, or in the case of ter-ritorial conventions being held.

The gentleman from Maine [Mr. FRYE] asks me if this is not an exceptional case. I understand that in this case the bill as it passed the House provided for holding the convention at an early day. That view, however, was not concurred in by the Senate and did not become a part of the law, but as the law was finally adopted by Congress, concurred in by the House, and signed by the President, it was fixed that this convention should be held in July of this year. That is my

understanding.

Mr. FRYE. Was not the bill passed at so late a day in the session Mr. FRYE. Was not the bill pa that that matter was overlooked?

Mr. BURCHARD, of Illinois. It is a part of the law concurred in by the House, and therefore this House cannot say that it was expected that the convention should be held at an earlier date, for we adopted

the law as it finally passed.

Mr. BAKER, of Indiana. Mr. Chairman, I am in favor of passing the bill reported by the committee, and on the distinct ground that, in my judgment, the Government of the United States is committed in favor of that proposition in such a manner that they cannot in

equity and good conscience recede from it.

I desire to say, Mr. Chairman, that I am not alarmed by the inquiry propounded, whether or not, if we adopt this bill, we shall not quiry propounded, whether or not, if we adopt this bill, we shall not be setting a precedent that will bind us and those who succeed us to pass similar bills providing for the payment of the expenses of conventions that shall be called in other Territories when they come to apply for admission into the Union. The number of Territories in existence, or which shall hereafter be created, is not sufficiently large, nor will the amount of money involved, if the United States shall pay it he reflicient to alarm, even the most extreme of those who are in it, be sufficient to alarm even the most extreme of those who are in favor of retrenchment, economy, and reform.

I am in favor, Mr. Chairman, of so legislating at this time and in

this bill as that we shall cast no imputation on the honor and good faith of the Government of the United States. I see, Mr. Chairman, in the thirteenth section of the enabling act, providing for the calling of this convention for the purpose of framing a constitution preparatory to the admission of Colorado into the Union, that it was expressly contemplated that the expenses of this convention, which is now in session, should be paid out of funds belonging to the Government of

the United States.

It is true, Mr. Chairman, that the expenditures of the fund specially designated by Congress out of which this payment was to be made had been anticipated in consequence of the session of the Legislature, but the honor and good faith of the Government were pledged by that

section of the act. To meet the expenses of this constitutional convention, and because that fund has been expended contrary to the expectation of that Congress, is no reason why provision should not now be made. To say, Mr. Chairman, that, when this thirteenth section was enacted by the Congress of the United States, they contemplated that the fund would be spent and thus the Government would not have to pay, is simply to charge that that Congress was guilty of pitiful and contemptible paltering in the enactment of the statute. I say, sir, that they did, when they authorized the calling of this convention, hold out a pledge of the public faith that the expenses of this convention should be paid out of the Treasury of the United States. And I say that we cannot redeem that pledge, in my judgment, except by making the appropriation now asked for.

I am in favor, Mr. Chairman, of the most rigid economy in every

direction, but for one, however anxious I may be for retrenchment and for reform, I am not, and never shall be, found voting in favor of those measures of retrenchment and reform that will put the Congress of the United States in a posture before the world of paltering with its pledges and violating the implied faith declared by its legis-

lative enactments.

For one I am prepared to vote for this bill, and I believe that it

Mr. BLOUNT. Mr. Chairman, as has already been stated, this matter came before the Committee on Appropriations. It was not hastily but carefully considered. In the first place, a sub-committee was appointed to go to the Treasury Department and there examine the records and see what had been the precedents upon this subject, and what has been the course of the Government toward the Territories

and questions of this character.

The letter of the Comptroller has already been read, in which he states to the Hon. Mr Hale, that, after a careful examination of all acts admitting Territories into the Union, going back as far as 1836, the uniform course has been for the Territories to pay the cost of these constitutional conventions themselves. This has been the general

rule.

But we are told that in the case of Nebraska there was an excep tion, which is true. The Committee of the Whole, however, will observe that the general rule has been to the contrary. What was the exception? The convention of Nebraska was permitted to expend the unexpended balance of the appropriation designed for the expenses of the territorial Legislature in paying the expenses of the convention. That convention sat for a single day, and only about \$7.000 expenditures were incurred by it. That is the only exception to this rule. Because of that exception gentlemen come here and ask this House to take it as a precedent and to overturn the prior

ask this House to take it as a precedent and to overtain the pro-action of Congress on that subject.

The Delegate from Colorado [Mr. Patterson] has told us of the difficulties surrounding this convention. He has told us that there is no provision for paying its expenses. Sir, this is not the first time when trouble has existed in a State or Territory in connection with its finances. I have no doubt but that they can make arrangements, nor do I have any doubt but what they have made arrangements and ample arrangements to pay the expenses of this convention. I do not know that I would state what was amiss if I were to say that it had been already arranged, and the committee have been so informed. If that be true, then that appeal ought not to have been presented to

Mr. FORT. Will the gentleman state his authority for that?
Mr. BLOUNT. I prefer not doing it, except with the consent of the gentleman from Colorado.

Mr. PATTERSON. I desire to say this; I take the daily paper published at Denver, and I have watched the proceedings of the convention and of the Legislature. If there has been any provision made for this purpose I am totally unaware of it. On the contrary, all the in o-mation I received from members of the convention is that they

must look to Congress for their pay if they receive any at all.

Mr. BLOUNT. I do not say that the convention as a body have provided for these expenses; but I do say that arrangements have been made for the expenses of the convention.

Mr. BATTERSON I are tall you what arrangements Happy have

Mr. PATTERSON. I can tell you what arrangements I know have been made. When the members of that convention first went to the city of Denver the four national banks of Denver loaned to the individual members of the convention upon their individual credit the sum of \$75 each-

Mr. FORT. That is it.

Mr. PORT. Has been which they were compelled to give their individual notes, which notes they must pay when they mature.

Mr. BLOUNT. Has the convention attempted to negotiate a loan?

Mr. PATTERSON. The convention has no earthly power to ne-

gotiate a loan.

Mr. BLOUNT. I understand that; but if they have not the power, if that is the only difficulty, we can authorize them to do it. But it seems nothing will do but that this money shall come out of the Treasury. Cannot we devise some other scheme? If the convention will ask for authority to do it, I will be ready and this House will be ready to grant it. But nothing but the money will answer the purpose. As a member of the Committee on Appropriations and as a member of this side of the House, planting myself in favor of economy and as a barrier to every effort to break down the precedents upon this subject, I shall resist this appropriation to the last. The

Committee on Appropriations have examined this matter carefully. Their purpose has been to do whatis right, and I feel that they have

acted in perfect accordance with all the precedents upon this subject.

Mr. HOSKINS. I do not intend to occupy the time of this commit-Mr. HOSKINS. I do not intend to occupy the time of this committee except for a few moments. Having been honored in the last Congress with a position on the Committee on Territories and being entirely familiar with the legislation in regard to the admission of Colorado as a State, I desire to say that when the enabling act for the Territory of Colorado was under consideration in the Committee on Territories this question of paying the members of the convention was considered by that committee. Provision was supposed to have been made in the bill reported from the committee and which passed this House sufficient to pay the expenses of the convention. It was supposed that those expenses would be defrayed out of the appropriation which it was understood would be reported by the Committee on Appropriations for the purpose of defraying the expenses of the

Legislature of the Territory.

When that bill passed this House and went to the Senate it lay over for a long time, during which the Committee on Appropriations in this House reported a bill making provision for the legislative ex-penses of the Territory, appropriating \$22,000 for the purpose. Had the bill passed the Senate as it passed the House, that \$22,000 would have been sufficient to defray all the expenses of this convention. But while the enabling act was pending in the Senate, the bill making the appropriation passed the House and the Senate. Afterward the enabling act came back from the Senate amended so as to defer the time of admission for two years. It came back to the House in the very last hours of the session, and any contest upon the amendment of the Senate would have been likely to result in the loss of the bill. It was therefore deemed wise and expedient to pass the bill precisely as it came from the Senate, which was done. Now, when two years have elapsed, by reason of the action of the other branch of Congress, so that the fund appropriated upon the report of the Committee on Appropriations is not available for this purpose, I say it is not just to compel this territorial convention to meet without compensa-While the Committee on Appropriations will always find me ready to stand by them in all proper measures of economy and retrenchment, I say to them and to the House that while we economize

we should be just.

Mr. BEEBE. Mr. Chairman, I have but a word to say on this measure. It has been a matter of pleasure with me that I have hitherto been able to concur with and support the chairman of the Committee on Appropriations in all his endeavors to retrench and economize the public expenditures, and I feel that he has done no more than his duty upon this occasion as a watchman of the interests of the Republic; yet I cannot bring myself to consent to support the proposition which

he has made.

Sir, I find that this differs in many respects from many measures hitherto taken for the admission of Territories as States into the Union. In the first place, there has been no concurrence of sentiment on the part of the people of Colorado leading to this action on the part of the Government of the United States; but Congress at its last session provided that there should be a convention held in that Territory. Under what auspices? Congress authoritatively provided that the governor, the chief-justice, and the United States district attorney—not one of them a servant of the people of Colorado—should issue a proclamation; that they should even make the apportionment; and they were charged also with the duty of providing for holding the election which was to confirm or reject the constitution to be framed. Now, when the Government of the United States, acting through the instrumentality of its own agents, imposes an obliing through the instrumentality of its own agents, imposes an obligation upon a Territory or any other community, it is the duty of the Government to provide for the payment of the expenses necessarily incurred. Suppose this convention had framed a constitution not acceptable to the people of that Territory, what authority would there have been in the Legislature of Colorado to provide for the payment of the expenses of the members of that convention? There certainly would have been zone. The Covernment in my coining because in the convention of the convention of the convention of the convention. of the expenses of the members of that convention I There certainly would have been none. The Government, in my opinion, has in the thirteenth section of this act precluded itself from making any objection. It made provision that a certain fund, stipulated and specified, the payment of these expenses. The only should be appropriated to the payment of these expenses. The only trouble seems to arise from the fact that the fund is insufficient. Now, who is to make good the balance? It seems to me that if a balance is necessary to be provided, the same authority which provided for the expenditure in the first instance must provide for the deficiency.

I am asked to read the thirteenth section of the law. It is as fol-

Any balance of the appropriation for the legislative expenses of said Territory of Colorado remaining unexpended shall be applied to and used for defraying the expenses of said convention and for the payment of the members thereof, under the same rules, regulations, and rights as are now provided by law for the payment of the territorial Legislature.

Now, what have we a right to infer from that thirteenth section? I submit to the sense of fairness of any gentleman of this committee that inasmuch as the Government of the United States fixed the right penditures incurred by that convention which it in its judgment

should regard as necessarily and properly incurred f
Mr. RANDALL. I suggest to the gentleman that the whole of that
law was enacted upon the petition of the people of Colorado. There
was a petition to this House to enable them to form a constitution
and come into the Union as a State.

Mr. BEEBE. How did that petition come here?
Mr. RANDALL. It came here in every form of expression—by letter, by petition to the House, by the introduction of bills, by re-

ports of committees.

Mr. BEEBE. The gentleman from Pennsylvania [Mr. RANDALL] is possessed of an intellect altogether too discriminating to fail to see that if the Government of the United States took the steps which I have stated, it makes no difference what moved the Government to take that action.

Mr. RANDALL. We agreed to give them the benefit of all the money that remained in the territorial treasury. Now in this measure it is proposed to go beyond that and do what we have never done before, appropriate \$20,000 additional. My simple duty is done when I acquaint the House with this fact.

Mr. BEEBE. I understand the position of the gentleman from Pennsylvania very well. But if the people of Colorado, either in their individual capacity as citizens or through their Legislature, had come here and asked for a convention could not Congress have re-

come here and asked for a convention, could not Congress have referred the matter back to the people, giving them in fact an enabling act instead of imposing upon them a bill with provisions such as we find in this?

Mr. RANDALL. The bill was entirely satisfactory at the time to

the people of Colorado.

Mr. BEEBE. I concede that it was satisfactory. The Government of the United States stepped forward and pledged itself in a certain direction to certain matters; the people of Colorado accepted that action of the Government. They have met their obligations, and now I cannot sustain the gentleman from Pennsylvania in his position that the Federal Government shall not also stand by its pledge.

Mr. SOUTHARD. I call for a vote on the amendments recom-

mended by the committee.

The amendments were read and agreed to.

Mr. SOUTHARD. I move that the committee rise and report the bill to the House with a recommendation that it be passed with the amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union, having had under consideration the bill (H. R. No. 1328) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875, had directed him to report the same with amendments and to recommend the passage of the bill as amended.

The amendments reported from the Committee of the Whole were

agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.
The question being on the passage of the bill,
Mr. SPARKS called for the yeas and nays.
The yeas and nays were not ordered.

The bill was passed.

Mr. SOUTHARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### COMMERCE.

Mr. REAGAN, by unanimous consent, from the Committee on Commerce, reported back a bill (H. R. No. 1190) to amend certain sections of titles 48 and 52, regulation of commerce and navigation, and regulation of steam-vessels, Revised Statutes of the United States, pages 800 and 857, with amendments and a report in writing; and the same were ordered to be printed, and recommitted.

Mr. REAGAN. I give notice to the House, as many members feel a deep interest in this question, that it is the intention of the Committee on Commerce to call up the bill for action at a very early day.

RE-ORGANIZATION OF THE JUDICIARY OF THE UNITED STATES

The SPEAKER. The special order fixed by the House for this day at this hour is a bill (H. R. No. 1798) to re-organize the judiciary of the United States, reported from the Committee on the Judiciary by the gentleman from Iowa, [Mr. McCrary.]

Mr. KNOTT. I ask that the bill be read.

The Clerk read the bill, as follows:

The Cierk read the bill, as ionows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That a circuit court shall be eld in every judicial district of the United States at the same time and place at which a district court shall or may be held; and such circuit court is hereby created and established in every district where no such court now exists, and shall belong to the circuit in whose territorial limits it is embraced; and when more than one judge competent to hold such circuit court is present, each judge may hold a separate session thereof, in which case the presiding justice or judge shall, from time to time, designate the causes to be tried or heard before the other judge or judges. And when no separate terms or sessions are prescribed by law for the circuit and district courts of the same district, the panel of jurors selected and summoned for the dis-

trict court shall also be the panel of the circuit court, unless a special order to the contrary be made by one of the judges of s..ld circuit court at least thirty days before the term.

trict court shall also be the panel of the circuit court, unless a special order to the contrary be made by one of the judges of s.id circuit court at least thirty days before the term.

Soc. 3. That the several circuit courts of the United States shall have and exercise in the seast of appeals or writs of error allowed, in them, or some of staffer the 1st day of September, 1876, except that writs of error, appeals, and reviews in bankruptey cases may be had as here-offore provided.

Sec. 3. That there shall be established in each of the circuits of the United States a court, to be called the court of appeals, which shall have appellate jurisdiction, and the states as court, to be called the court of appeals, which shall have appellate jurisdiction, and the states are considered to the circuit in the circuit indice thereof, and the several district judges of the districts courts within said circuits, respectively. The justice of the Supreme Court assigned to the circuit is shall be judges of said court of appeals, any of the districts composing the circuits shall be judges of said court of appeals, any of a cause in the ourt below shall six in the court of appeals upon the hearing of the same cause, or be consulted or give any opinion to the other judges in relation thereto. The justice of the Supreme Court, or, in his absence, the circuit judge, if present, shall preside; if both be absent, the district judge senior in office present judy to day.

Sec. 4. That such court of appeals shall be a court of record, and shall have a a seal, the form and device of which it shall devise. It shall also have a clerk, to be appointed by, and remove the air the pleasure of the presiding justice. Such clerk as all the shall be appointed. Every such clerk shall take the oath and give the bond, with a state of the court of the cause of the court o

law.

Sec. 11. That terms of the said courts of appeals shall be held in the several judicial circuits at the following places: In the first circuit, in the city of Boston; in the second circuit, in the city of Albany; in the third circuit, in the city of Philadelphia; in the fourth circuit, in the city of Richmond; in the fifth circuit, in the city of New Orleans; in the sixth circuit, in the city of Louisville; in the seventh circuit, in the city of Chicago; in the eighth circuit, in the city of Saint Louis; in the ninth circuit, in the city of San Francisco. The first term of said court of appeals shall be held at each of said places on the first Tuesday in November, 1876, at which time the several courts shall, by an order to be entered of record, fix the times at which said courts shall be thereafter held, which times may be from time to time changed by the court in the same manner. Adjourned terms may also be held from time to time, as, in the judgment of the court, the public interests shall require.

SEC. 12. That the decision of the court of appeals upon questions of fact shall in all cases, except as hereinafter provided, be final and conclusive; but a review upon the law may be had, upon writ of error or appeal, in the manner now provided by law, to the Supreme Court of the United States, from every final judgment or decree rendered upon any decision of a court of appeals where the matter in controversy exceeds the sum or value of \$10,000, or where the adjudication involves

a question upon the construction of the Constitution of the United States, or any treaty or law of the United States, or where the court shall certify that the adjudication involves a legal question of sufficient importance to require that the final decision thereof should be made by the Supreme Court. Such writ of error or appeal shall be sned out or taken within one year after the entry of the judgment or decree sought to be reviewed; Provided, That if within the year after the entry of the judgment or decree sought to be reversed any party shall die, the personal representative or heir, as the case may require, may sue out, or be made party to a writ of error without reviving the judgment or decree in the court in which the same was entered. The Supreme Court may affirm or modify or reverse the judgment or decree brought before it for review, or may direct judgment or decree to be rendered, or such further proceedings to be had as the justice of the case may require. The judgment or decision shall be remitted to the proper circuit or district court, to be enforced according to law. Appeals in chancery shall be allowed from the said court of appeals to the Supreme Court of the United States in cases where the matter in controversy exceeds the sum or value of \$10,000, in the manner now provided by law for taking and hearing appeals in like cases from the circuit court.

ner now provided by law for taking and hearing appeals in like cases from the circuit court.

SEC. 13. That any district judge who shall, in the pursuance of the provisions of this act, attend any court of appeals at any place other than his own residence, shall be allowed his reasonable expenses for travel and attendance, not to exceed \$10 per day, to be certified by the clerk and paid by the marshal of the district in which such court shall be held, and allowed to him in his accounts with the United States. Sec. 14. That the clerks of the said courts of appeals and the marshals attending the same shall be allowed the same compensation for their services, respectively, as is now allowed by law to the clerk of the circuit courts of the United States and the marshal of the United States for similar services in the circuit courts, in the circuits in which said court of appeals shall be held, and shall have the like remedies for collecting the same.

SEC. 15. That section 610 of the Revised Statutes of the United States be, and it is hereby, repealed, and the following is enacted in lieu thereof: "The Chief Justice and each justice of the Supreme Court may attend any term of the circuit or district court within his circuit, and when so attending shall sit in and preside over said court."

SEC. 16. After the said 1st day of September, all appeals and writs of error taken or gued out, from the final judgment or decree of any court of the United States within a Territory, shall be taken as provided by this act, and shall lie to such court of appeals as may be designated by general order of the supreme court of the Territory

Mr. KNOTT. Mr. Speaker, as it is probable that no subject of greater importance to the people of this country, irrespective of sections or parties, will be presented for the consideration of the present Congress, I trust I shall have the careful attention of gentlemen for a very few minutes, while I shall endeavor to state some of the reasons which, in my judgment, render the passage of the bill just read, or some similar measure, an imperative necessity. There is perhaps not a solitary gentleman, certainly no member of the legal profession, on this floor who is not aware that for years there have been constantly reiterated complaints growing out of the condition of business and the manner in which it is transacted in many of our Federal courts, and especially in the Supreme Court of the United States. I would not be understood as intending by the use of this language to insinuate even the remotest reflection upon either the ability or the integrity of any of the distinguished jurists who now adorn the highest judicial tribunal under this Government. Very far from it indeed. On the contrary, I congratulate myself that I have this opportunity to testify my high appreciation of their talents, their learning, and their honesty and to say furthermore, that if questions of law are not always dealt with by them with that precision which can result alone from mature deliberation, if their opinions are not always expressed with that strict accuracy which should characterize the judgments of the highest court of appeal in the land, if it frequently appears that there is a marked difference of opinion among them on questions submitted to their adjudication, it results, I have no doubt, from the very evil which it is the leading object of this bill to remedy. It results from the enormous amount of labor which under our existing judicial system they are expected to accomplish within a limited period of time an amount of labor to which human nature, even when gifted with most transcendent faculties, is utterly inadequate.

On the 11th of last October there were six hundred and sixty-three causes upon the docket of the Supreme Court of the United States. Since that time there have been added to it two hundred and twentysix new cases, making in all nine hundred and twenty-nine; and I am informed by the officers of that court, and others who are familiar with the transaction of its business, that the number of cases annually disposed of, including those which are summarily dismissed or stricken from the docket, is about three hundred. So that it is apparent, as things now exist, three years must clapse from the time a cause is docketed until it reaches a final hearing in that court.

But that is not all. Whoever properly estimates the marvelous increase in our population and in our commerce, the vast multiplica-

tion of corporations, and the infinite variety of questions growing out of such institutions legitimately coming before that court, cannot fail to appreciate the fact that the business of the court must continue to increase in a like proportion. The fact is that there were one hundred and eleven more causes added to the docket of the Supreme Court of the United States during the last four months than there were causes disposed of within the same period, including those summarily dismissed. And if the business of that court shall continue to increase with the same ratio, it will not be long until it will reach a point when fully five years must clapse from the time of filing the record until a final adjudication is reached; to say nothing of the delay, frequently considerable, which must take place from the taking of the appeal to the deposit of the record in the office of the clerk of the Supreme Court! Five years' delay of justice! Five lingering, weary years of anxious waiting! And that, too, frequently attended with absolute ruin to the unfortunate suitor!

Why, Mr. Speaker, if the melancholy Prince of Denmark, when he paused upon the brink of suicide, had been the victim of such a tardy paused upon the brink of suicide, had been the victim of such a tardy system as this, he would not have hesitated a solitary moment to take the fatal plunge. He might have borne "the whips and scorns of time," "the proud man's contumely;" he might have nerved himself up even to bear "the insolence of office;" he might have got along under "the pangs of despised love;" but when he came to contemplate the "law's delay" he would not have hesitated a single moment.

The undiscovered country, from whose bourn No traveler returns,

would have had no terrors for him. O, no! He would have said, Let me emigrate to that country, or any other country, rather than this.

Now, sir, this is simply intolerable, and some remedy must be devised. There have been a variety of remedies for this evil suggested. One is to divide the Supreme Court into divisions of three and give each division exclusive jurisdiction over a particular class of cases. As I suppose, however, that such a suggestion would meet with but little if any favor here, I forbear discussing it. Another suggestion has been to increase the number of judges. But the experience of legal gentlemen will justify me in the assertion that the increased facility with which business is transacted in appellate courts is not at all commensurate with the increase in the number of judges, to say nothing of the increased expenditure that such a plan would necessarily involve.

Another suggestion has been to increase the amount necessary to give the Supreme Court jurisdiction in cases of appeal or writ of error. The answer to that is simply this: that the limit now fixed is perhaps exorbitant Five thousand dollars is now the minimum. And cases involving \$5,000 not unfrequently cover a man's entire fortune. Such cases in our Federal courts are very frequently heard and determined by a single judge and that hastily, too, and under circumstances which preclude such careful deliberation as the magnitude of the interest demands. An erroneous judgment involving \$5,000 may, as I have already intimated, be the ruin of the unfortunate suitor, who has no chance at all under existing laws to have the judgment revised.

Now, this bill which the committee have reported to the House proposes a remedy for the evils to which I have alluded, by the esproposes a remedy for the evils to which I have aliuded, by the establishment of a court of appeal in each United States circuit, to consist of the justice of the Supreme Court, the circuit judge and the district judges whose districts are embraced within the circuit, any three of whom may constitute a quorum. To this court of appeal civil cases amounting to over \$500 may be moved for review upon appeal or writ of error, while it is designed also to have appellate jurisdiction in all criminal cases tried in the Federal courts. From the decision of this appellate court the bill allows an appeal or writ of error to the Supreme Court in all cases involving over \$10,000 or where the court shall certify that the question is of sufficient importance to require adjudication by the court of ultimate resort, the Supreme Court of the United States.

Some of the merits of this measure may be briefly stated as follows: It enlarges the right of appeal to the citizen, while it furnishes him a convenient tribunal of commanding dignity and authority for its determination near his own domicile, instead of requiring him, as is the case now, to travel from twelve hundred to three thousand miles to have the trial of his cause delayed for from three to five years. Another merit is that it does not increase the number of judges nor the expenses of our present judiciary system a solitary dollar. It is true there is a provision for paying a per diem to district judges when required to attend the court of appeal at a place different from their own residences. But, if gentlemen will examine the details of the bill, they will find that by an alteration made with re-gard to the grand and petit juries the amount thus expended will be more than compensated.

Mr. BLAND. I would like to ask the gentleman a question.
Mr. KNOTT. I will hear the question.
Mr. BLAND. Does this bill give the right of appeal in all cases where the Constitution of the United States confers jurisdiction on

the Supreme Court, without regard to the amount?

Mr. KNOTT. Yes, sir. I will now send to the Clerk a number of amendments which have been agreed upon by the Committee on the Judiciary, some of which were left out in the engrossment of the substitute as reported by the committee and some of which have since been determined upon.

The amendments proposed by the committee to the bill were read,

as follows:

Add to section 2 the following: "Provided that no district judge shall sit on the trial of any case of appeal or error from his own decision."

In line 3, section 4, strike out the word "it," and insert in lieu thereof "its presiding judge."

Add to section 6 the following: "All provisions of law now in force defining the cases in which appeals may be taken or writs of error be sued out, for the review by the Supreme Court of the final judgment or decree of a circuit or district court or regulating, proceedings in such cases shall, except as modified by this act, apply to appeals taken and writs of error sued out under this section."

Strike out section 8, and insert the following:

Sec. 8. That all appeals and writs of error allowed or sued out after the 1st day of September, 1876, shall be taken, allowed, or sued out under and according to the provisions of this act; but all cases which shall be pending in any circuit court on said day upon appeal or writs of error shall be heard and determined by such circuit court in the same manner as if this act had not been passed.

In line 5, section 10, after the word "proceedings" insert "except in capital

In line 4, section 11, strike out "Albany" and insert "New York."
In line 3, section 16, strike out "any court of the United States within a" and insert "the supreme court of any."

Mr. BRADFORD. I ask leave to offer an amendment.

The SPEAKER pro tempore. The Chair would inquire of the gentleman from Kentucky if he was instructed to offer the amendments which have been reported by the Clerk as amendments to the original

Yes, sir. I will yield to the gentleman from Alabama [Mr. Bradford] in a few moments. There are some amendments which gentlemen desire to offer in regard to the localities of the court of appeals. I promised to yield to the gentleman from Ohio, [Mr.

LAWRENCE.] Mr. LAWRENCE. I suggest to the gentleman from Kentucky whether it would not be better to have the amendments reported by the committee first agreed to, and after that I will, according to the agreement as I understand it, make a motion in relation to one section of the bill. I suggest, however, that it would be better first to dispose of the amendments reported by the committee.

Mr. KNOTT. Then I ask the Chair to put the question if there is

any objection to the adoption of the amendments reported by the

committee

The SPEAKER pro tempore. Is there objection to the amendments

reported by the committee?

Mr. CAULFIELD. I object. I object to one of the amendments reported from the Committee on the Judiciary, the one proposed to section 10, and at the proper time I desire to have a separate vote taken on that amendment. It is as follows:

But such writ of error shall not operate as a stay of proceedings except in capi-

I gave notice that I desired to oppose this amendment.

Mr. KNOTT. I beg pardon of my colleague on the committee, [Mr. CAULFIELD.] I recollect now that we did reserve the privilege of excepting to that amendment. I will ask that the House now agree to all the amendments reported from the Committee on the Judiciary except the one to the tenth section.

The amendments were concurred in.

Mr. KNOTT. Now, in order that we may have before the House all Mr. KNOTT. Now, in order that we may have before the House all the amendments in regard to the locality of these courts, I will yield to the gentleman from Michigan, [Mr. CONGER,] who, I understand, desires to offer an amendment in that regard.

The SPEAKER pro tempore, (Mr. BLACKBURN.) The amendment excepted to by the gentleman from Illinois [Mr. CAULFIELD] is still pending before the House and undisposed of.

Mr. KNOTT. I had supposed that these amendments to the different process.

Mr. KNOTT. I had supposed that these amendments to the dif-ferent sections of the bill could all be offered and be pending before calling the previous question upon the bill and amendments. yield to the gentleman from Michigan [Mr. CONGER] to offer an amendment.

Mr. CONGER. The gentleman from Ohio [Mr. LAWRENCE] has an amendment which I wish to have offered before I offer mine. It is possible the adoption of that amendment may preclude the necessity of action upon my amendment, and therefore I would like to have action first upon the amendment of the gentleman from Ohio.

Mr. KNOTT. Very well. I will, then, yield to the gentleman from

Mr. LAWRENCE. I move to amend section 11 of this bill in that clause relating to the place of holding the court of appeals in the sixth circuit, by striking out "Louisville" and inserting "Cincinnati." I will state very briefly some of the reasons for this amendment and I hope I may have the attention of the House for a very few

moments while I present them.

The bill as reported provides that the court of appeals for the sixth circuit shall be held at Louisville. The object of the amendment I have proposed is to require this court to be held at Cincinnati.

It is very natural that the chairman of the Committee on the Judiciary, [Mr. KNOTT,] who reported this bill and who so ably represents the State of Kentucky, should desire to have the court of appeals held in that chief city of the State from which he comes, the city of Lou-But these courts should be held wherever they will best promote the interests and secure the convenience of the bar and the people concerned in the business to be therein transacted. There are three modes by which we may determine the proper point for the location of a court: It may be determined with a view to the center of population, or to the center of territory over which the court has jurisdiction, or with a view to the center of the business to be transacted in the court.

It so happens that Cincinnati is more nearly the geographical center of the sixth circuit, and it is more nearly the center of population, and more nearly the center of business than is the city of Louisville. I have same figures to submit in support of these allegations which I

It will be understood, of course, that the city of Cincinnati is upon the extreme southern border of the State of Ohio, and very nearly in the southwest corner of the State. The sixth circuit, in which a place is to be fixed for holding the court of appeals, embraces the States of Michigan, Ohio, Kentucky, and Tennessee. Now let us inquire first of all where is the center of population of these States? According

to the last census Ohio had a population of 2,665,260 and Michigan of 1,187,234, or for the two States, 3,852,494; the States of Kentucky and Tennessee had a total population of 2,579,531, of which Kentucky had

1,321,011, and Tennessee 1,258,520.

Now, while the States of Ohio and Michigan, north of and contiguous to Cincinnati, have a population of nearly four millions, the territory in this sixth circuit south of and contiguous to Cincinnati has ritory in this sixth circuit south of and contiguous to Cincinnati has a population of only a little over two million five hundred thousand. Where then should this court be located, with a view of accommodating this population? Evidently on the southern border of Ohio, where a vast majority of the people interested will be more accessible to it than if it should be located at Louisville. The location of the court at Cincinnati will be quite as convenient to the population south of Cincinnati as it would be at Louisville, if not more so. Besides that, the new Cincinnati and Southern Railroad, which is now in process of construction from Cincinnati south, and whose objective point is Knoxville, Tennessee, will in a short time furnish a much bet-ter means of communication with Cincinnati than can possibly be had

ter means of communication with Cincinnati than can possibly be had with Louisville by any route extending through Kentucky and Tennessee, or in any direction whatever. In any point of view, therefore, so far as the accommodation of the population is concerned, Cincinnati has largely the advantage over the city of Louisville.

But that is not all. Cincinnati is more nearly the geographical center than is Louisville. Let us look at the figures. Ohio has 39,964 square miles of territory and Michigan 56,451 square miles, or a total for the two States of 96,415, all north of Cincinnati, with every facility for reaching that city, and none for reaching Louisville except by passing through the former city. South of Cincinnati Kentucky has passing through the former city. South of Cincinnati, Kentucky has 37,680 square miles of territory and Tennessee 45,600 miles, or a total for the two States of 83,280 miles, as against 96,415 square miles of territory north of Cincinnati. The people of nearly all this territory can reach Cincinnati quite as readily as Louisville, and most of them much more so. Geographically considered, then, Cincinnati is the right place for this court. Now these are figures which cannot lie.

But when we come to consider the business of the court, Cincinnati

has largely the advantage over Louisville.

Sir, if you will take the returns of the census of 1870, you will find that the city and commercial population of Ohio and Michigan, embracing as these States do such cities as Cincinnati, Cleveland, Toledo, Detroit, Zanesville, and others where there are large commercial transactions out of which litigation constantly arises, exceeds greatly the city and commercial population of Kentucky and Tennessee. Of course I do not attempt to enumerate all the commercial cities of Michigan and Ohio. I might mention Dayton, Springfield, Bellefontaine, and other important places; but the character of these and many others I might name as commercial cities is so well understood that it is not necessary I should enumerate them. The commerce of the great lakes is immense, vastly greater than that which floats on the Ohio River. The litigation arising from lake commerce is by far larger than all similar litigation which can arise south of Cincin

Besides, sir, a large part of the litigation in this court of appeals will come from the great corporations in this sixth circuit; and these will be found to be located to a much larger extent at Cleveland, Detroit, Toledo, Cincinnati, and other prominent cities in the northern half of the circuit than in any or all parts of Kentucky and Tennessee. A considerable part of the litigation in the courts of the sixth circuit consists of revenue cases. Some idea of the comparative amount of these revenue cases north of Cincinnati as compared with amount of these revenue cases north of Cuclinatias compared with those south of it may be formed by looking at the returns of revenue derived from the tax on spirits under the internal-revenue law. During the last fiscal year Ohio paid a tax on spirits amounting to \$9,958,711; Michigan, \$268,985; making a total of \$10,227,696. During the same period Kentucky paid \$7,005,612, and Tennessee, \$671,885; making a total of \$7,677,497. And there was no "crooked whisky" in Ohio of any considerable consequence.

Mr. FRYE. None discovered the gentleman means.

Mr. FRYE. None discovered, the gentleman means.
Mr. LAWRENCE. At least none discovered. [Laughter.] And a large quantity of all this was produced in and near Cincinnati. Besides all this, Cincinnati, Clevland, and Toledo do more commercial business than all the cities of Kentucky and Tennessee put together.

Mr. SAYLER. And then there is Detroit.
Mr. LAWRENCE. Yes, sir; the city of Detroit has more business than Louisville. I say this not for the purpose of disparaging the fertile States of Kentucky and Tennessee with their growing commerce and population, but to present merely the facts as they are, in the hope that this House will so locate this court of appeals as that it will be in the geographical center—in the center of population, in the center of commerce, in the center of litigation, in the center of busi-

As I have remarked, my excellent friend the learned chairman of the Committee on the Judiciary, [Mr. KNOTT,] who reported this bill, would very naturally be in favor of Louisville; and with his commanding influence in the committee I could not hope to secure a change in the bill in this respect. But when I come into the House and present these facts which no man can controvert, I submit that the House ought to fix this court at the city of Cincinnati.

Mr. KNOTT. Mr. Speaker, I merely desire to say—
Mr. REAGAN. I want at some proper time, before it becomes too late, to offer two or three amendments of an important character.

Mr. KNOTT. We will hear the amendments read for information

Mr. REAGAN. I will send them up to be read.

The SPEAKER pro tempore. Does the gentleman from Kentucky desire to have the amendments read now the Mr. KNOTT. No, sir, not now.

Mr. KNOIT. No, sir, not now.

I desire to say that my colleague on the committee, the gentleman from Ohio, [Mr. LAWRENCE,] does me "honor overmuch" when he insinuates that it was owing to any undue influence of mine in the committee that Louisville was selected as the point at which this court of appeals should be held. Sir, when that question was under consideration in the committee, I observed my accustomed modesty; I never said one solitary word in favor of Louisville or against Cincinnati; I left it to my colleagues on the committee to determine for themselves with the lights before them as to where this court should themselves, with the lights before them, as to where this court should be held. And with the exception, I believe, of my learned colleague, the gentleman from Ohio, [Mr. LAWRENCE,] the committee very properly concluded that Louisville should be the point.

Mr. SAYLER. Will the gentleman allow me to ask a question, as I cannot get the floor for a speech?

Mr. KNOTT. Yes, sir.

Mr. SAYLER. Does not the gentleman know that that was a sort of concession to him in a friendly way as chairman of the committee, and does he not know also that to locate this court of appeals at Louisville is to take it about two hundred miles away from the chief part of the business, I will say nine-tenths of the business, of the sixth circuit?

Mr. LAWRENCE. I do not understand that the chairman of the committee insists on Louisville now. I think he is inclined to surrender

the point.

Mr KNOTT. The gentleman has asked me a question and I will answer him very frankly. I do not know, nor do I suspect, that Louisville was selected as the point at which this court of appeals should be held out of any deference to me whatever. The decision was made in recognition and proper appreciation of the superior claims of Louis-ville to the court. Now, as to the difference in travel, I believe it is only about four hours, provided all the business should have to come through Cincinnati.

Mr. SAYLER. But that travel is over a very bad Kentucky rail-

road.

Mr. KNOTT. The gentleman forgets that all the railroads coming to Louisville do not come through Cincinnati, by any means.

Mr. SAYLER. They do to a pretty large extent.

Mr. KNOTT. And besides, it is just about as convenient to get to
Louisville by railroad from a large portion of even the northern part of Ohio and Michigan as it is to get to Cincinnati, while Louisville is largely more convenient for Tennessee and Kentucky. I suppose it was in view of these facts that my colleagues on the committee fixed upon Louisville without any consultation with me and without my having said a solitary word about it. I, however, want the House to pass this bill in the best shape possible. Now, sir, I have promised

to yield for other amendments.

Mr. SAYLER. I ask the gentleman from Kentucky to yield to me

for five minutes.

Mr. KNOTT. I cannot do it. Mr. SAYLER. I want to know whether the entire maritime jurisdiction of the court-

Mr. KNOTT. The gentleman must excuse me; I do not yield. Mr. SAYLER. My city is very much interested in this matter, and

Mr. SAYLER. My city is very much interested in this matter, and I think I should have some consideration.

Mr. KNOTT. Certainly you will have the kindest consideration whenever it is within my power to extend it to you, but I have already promised a portion of my time to other gentlemen.

I desire to say now to gentlemen who have amendments that they wish to offer in regard to the localities for this court of appeals, that they can offer their amendments, but I do not yield for speeches.

Mr. LAWRENCE. Just let me make a single remark. have stated in the remarks which I made a short time ago that the lake business, the business of Lake Erie and Lake Michigan, furnishes an immeuse amount of admiralty business, constituting nearly all the admiralty business that comes before the court, and that they will be vastly better accommodated at Cincinnati than at Louisville.

Mr. KNOTT. I yield now to the gentleman from Iowa, [Mr. Mc-CRARY.

Mr. REAGAN. I wish to offer an amendment and I wish to inquire of the gentleman if it is his intention to put this bill through under

Mr. KNOTT. Of course not. I have yielded to the gentleman from Iowa, [Mr. McCrary.]
Mr. BRADFORD. Will not the gentleman yield to me to offer an amendment?

Mr. McCRARY. Will the chairman of the committee indicate to me to whom he yields the floor for the purpose of offering an amendment now.

Mr. KNOTT. I promised to yield to the gentleman from Alabama, [Mr. Bradford,] to the gentleman from Pennsylvania, [Mr. Hopkins,] and to the gentleman from Maryland, [Mr. O'Brien.]
Mr. REAGAN. I shall seek the floor in my own right. I think the people ought to be heard on this bill. I have amendments to offer and I desire to debate them.

Mr. KNOTT. I yield now to the gentleman from Alabama, [Mr.

BRADFORD ]

Mr. CONGER. I thought the gentleman yielded me the floor.

Mr. KNOTT. I did; but the gentleman declined to take it.

The Clerk read the amendment offered by Mr. BRADFORD, as fol-

Amend by striking out the words "New Orleans" where they occur on the sixth line of the eleventh section of the bill and insert in lieu thereof the word "Mobile."

Mr. KNOTT. I yield now to the gentleman from Pennsylvania, [Mr. HOPKINS.]

Mr. HOPKINS. I send to the Clerk's desk an amendment which I

desire to offer.

Mr. REAGAN. I rise to a question of order. I understand that we are in the House, and not in Committee of the Whole.

The SPEAKER pro tempore. The House is not in Committee of the

Mr. REAGAN. I ask, then, that the amendments as they are pre-

sented shall be voted on.

The SPEAKER pro tempore. The point of order is well taken. The Chair finds that there are already two amendments on the table, one amendment to the bill and the other an amendment to the amendment. It is not, therefore, in order to offer further amendments. The question is upon the amendment of the gentleman from Alabama BRADFORD] to the amendment of the gentleman from Ohio,

[Mr. Lawrence.]
Mr. GARFIELD. They are different amendments. The amendment of the gentleman from Alabama [Mr. Bradford] is not an amendment to the amendment of my colleague.
The SPEAKER pro tempore. The Chair desires to state that, unless the amendment offered by the gentleman from Alabama [Mr. Bradford] is an amendment to the amendment of the gentleman from Ohio it is not in order and the question will be first men the adm. Ohio, it is not in order, and the question will be first upon the adoption of the amendment of the gentleman from Ohio.

Mr. GARFIELD. Of course that must first be disposed of.
Mr. McCRARY. I understood that by common consent gentlemen were to offer their amendments and allow them to remain pending until after the general discussion on the bill, to be voted on after-

Mr. REAGAN. I have no objection to allowing that to be done, but I am not willing that a bill of so much importance as this should be taken into the hands of the chairman of the committee reporting it, and the privilege of offering amendments farmed out by him.

have important amendments to offer, and it is due to my constituents that I should have an opportunity of debating them.

Mr. KNOTT. The gentleman from Texas will allow me to say that I assured him, although possibly he did not understand it, that when certain amendments had been offered by gentlemen to whom I had promised to yield I would yield to him to introduce his amendments

The SPEAKER pro tempore. The Chair desires to state that, in his opinion, it was agreed unanimously by the House that all amendments suggested should be reported and left upon the Clerk's desk for future action. As the point of order has been made, however, the Chair is constrained to sustain it. The pending question is on the

mendment submitted by the gentleman from Ohio.

Mr. REAGAN. If it will facilitate the action of the House I will withdraw my point of order, with the understanding that I shall have an opportunity hereafter to offer my amendment.

Mr. LAWRENCE. Let us have a vote on the pending amendment.

Mr. CONGER. For which amendment, Mr. Speaker, I offer the fol-

lowing substitute.

Mr. BANNING. I understood we were first to have a vote on the amendment of the gentleman from Ohio, [Mr. LAWRENCE,] my col-

The SPEAKER pro tempore. The gentleman from Michigan offers a substitute for that amendment, which will be read.

The Clerk read as follows:

Add to section 11 as follows:

Provided, however. That all appeals and writs of error taken, allowed, or sued out under this act from the final judgments or decrees of the circuit or district courts for the eastern and western districts of Michigan shall be taken to the court of appeals for the seventh circuit to be held in the city of Chicago, which court of appeals shall have jurisdiction of all such appeals and writs of error the same as over cases arising within the seventh circuit.

Mr. LAWRENCE. , I make the point of order that substitute is not

Mr. LAWRENCE. I made the permane, as it is moved as a substitute for the gentleman's proposition.

Mr. LAWRENCE. I insist on my point of order.

Mr. CONGER. I have offered this amendment in the nature of a substitute following the amendment of the geutleman from Ohio, so that in case his amendment should not prevail in the House I may have a vote on mine.

The SPEAKER pro tempore. Does the gentleman from Michigan insist upon the Chair ruling upon the point of order of the gentleman from Ohio? The gentleman from Ohio makes the point of order that the substitute is not admissible, not being germane to the amendment which he submitted.

Mr. CONGER. I hope the gentleman from Ohio will withdraw his point of order.

Mr. LAWRENCE. No, I insist upon it.
Mr. CONGER. Then I will go against his amendment.
The SPEAKER pro tempore. The Chair is of opinion that while the substitute would be in order as an amendment to the section it is not in order as a substitute for the amendment of the gentleman from Ohio.

Mr. CONGER. Then I will offer it as an independent proposition. The SPEAKER pro tempore. It would not be in order now except as an amendment to the amendment of the gentleman from Ohio or

as a substitute therefor.

Mr. BURCHARD, of Illinois. I hope the proposition of the gentleman from Iowa will be adopted by the House, that all these amendments may be received and considered as pending, so that gentlemen of the House who feel an interest in these questions may have all the propositions before them, and be able to vote intelligently.

Mr. SAYLER. I insist on the point of order that each amendment

must take its own course.

Mr. CONGER. I rise to a point of order. I was recognized by the Chair to offer this amendment, which I have done. I was assured I should have that opportunity following the amendment of the gentleman from Ohio. I in good faith withheld objection which I might have made in consideration of that offer. I am compelled by the subterfuge or pretense of a substitute to do what was said I should have the opportunity to do openly. I deeply regret that I have been compelled to take that course.

The SPEAKER pro tempore. The Chair has already decided that the substitute of the gentleman from Michigan is not germane to the amendment of the gentleman from Ohio. Therefore the point of order to which the gentleman from Michigan is now speaking is not well

Mr. CONGER. I make the point of order that I have been recognized to offer this amendment. I am not speaking to any point of order.

The SPEAKER pro tempore. The Chair hopes he will not be required to give his decision a third time. The question to which the gentleman from Michigan is speaking is not before the House, as the pending question is on the amendment of the gentleman from Ohio.

Mr. CONGER. I make the point of order that I have been recognized by the chairman of this committee and the gentleman having it in charge, and also that I have been recognized by the Chair to offer

my amendment.

The SPEAKER pro tempore. The Chair begs to say to the gentleman that although he has been recognized to offer a substitute, the substitute which he offered has been ruled out of order, and is not therefore before the House. The pending question is on the amend-

ment of the gentleman from Ohio.

Mr. CONGER. I wish to make a remark on the amendment of the gentleman from Ohio. The gentleman from Ohio, I have the pleasure of saying now, against his own interest, unable to perceive the drift and bearing perhaps of this amendment, interposes an objection which no other gentleman-

Mr. OLIVER. I rise to a point of order. The gentleman from Iowa was recognized as having the floor, and I do not know how it is taken

from him.

The SPEAKER pro tempore. The objection raised by the gentleman comes too late, even if well taken originally.

Mr. LAWRENCE. I can unravel all this thing.

The SPEAKER pro tempore. The gentleman from Michigan is en-

titled to the floor.

Mr. CONGER. As I have the floor I will call upon the assistance of the gentleman from Ohio when I need it.

Mr. LAWRENCE. I was going to withdraw my point of order.

Mr. CONGER. I think you ought not to have made it.

Mr. CONGER. I think you ought not to have made it.

Mr. LAWRENCE. That may or may not be.

Mr. CONGER. Now, sir, I was saying that as far as this amendment might be considered in the nature of a substitute for the amendment of the gentleman from Ohio, it was offered with this understanding, that if the amendment of the gentleman from Ohio should fail and the business of Michigan was compelled to go still further south than Cincinnati, to Louisville, I believe I represent the view of the whole bar of Michigan when I request that by this amendment of the whole bar of Michigan when I request that by this amendment provision shall be made for cases arising in the two judicial districts of Michigan; that instead of going a thousand miles to the south they should go to a nearer court of appeals at Chicago in another circuit. Cincinnati itself is not the center of population nor the center of business of that district. A large portion of the business of the dis-trict and circuit courts of that judicial circuit arises from the admi-rally business of the great lakes hereleign these States and connected

ralty business of the great lakes bordering these States and connected with the population of the United States. All of that business is in the State of Michigan and the northern part of the State of Ohio. Columbus would be the center of population. Cleveland is the center of the legal business more than any other city in the whole district. Cleveland is the center of the business of the United States courts and that the gentleman, if he were sufficiently zealous, would have found out-instead of its being either at Cincinnati or at that more important city which he mentioned, Bellefontaine. [Laughter.]

Now, sir, from the northern part of Michigan to Louisville is something over fifteen hundred miles. Cincinnati is a trifle nearer, more convenient of access, more truly perhaps the proper center of the business of that district in its approaches and in its situation. Were I sure that the amendment would prevail that would make Cincinnati the

place of the court of appeals I should not have offered the substitute. But being informed that the previous question would be cailed before the votes were taken on these different amendments I sought to have

this amendment pending.

Mr. BURCHARD, of Illinois. I would suggest to the gentleman from Michigan to offer it, as the Chair has indicated, as a substitute for the original text. That is clearly in order; not as an amendment to the amendment, there being already one amendment pending, but as a substitute. I desire to have a vote on the general proposition. Mr. CONGER. I can offer it after this amendment is disposed of.

I sought this opportunity of making what remarks I wished to offer. I desire to call the attention of gentlemen to the fact that the entire admiralty jurisdiction of this circuit is upon its extreme northern

Mr. LAWRENCE. Not all.
Mr. CONGER. What else?
Mr. SAYLER. The gentleman forgets the admiralty jurisdiction of the Ohio River, which is very large. He forgets also that a large part of the business of the court are the questions arising out of the internal revenue.

Mr. CONGER. Gentlemen talk of the admiralty jurisdiction and the commerce of the Ohio River. Why, sir, the commerce of the lakes compared with that of the Ohio River is twentyfold—forty fold. There passed through the straits between Lake Erie and Lake Huron, one of the points in this district, more vessels in one summer than pass upon the Ohio River of all kinds in five years. There passed by actual count, through the straits between Lake Erie and Lake Huron 145,000 vessels in the seven months of their navigation, and all ron 145,000 vessels in the seven months of their navigation, and all subject to admiralty jurisdiction. In this round world there is not another strait or river or entrance to a harbor where so many vessels pass and repass as go through the straits connecting the navigation of the upper and lower lakes. And an immense admiralty business grows out of this, and that in this upper northern end of this whole judicial circuit. For six months in the year there is on an average the passage of a vessel through those straits every four and seventenths minutes by actual count. At Cincinnati the entrances and elevances together arount in a year to a trifle over 12 000. clearances together amount in a year to a trifle over 12,000. sages through these straits have averaged over 42,000 a year for the last five years by actual count under the direction of the Secretary of the Treasury. The entries by Sandy Hook and Hell Gate into the harbor of New York are less, I believe, than 15,000 a year.

I refer to this not as being directly connected with this question, but that some of these gentlemen may understand what the admiralty, the maritime, the commercial business is at the northern end of this circuit, before which even the commerce of Cincinnati pales, and before which the commerce of Bellefontaine needs a supporter.

Mr. LAWRENCE. It has a lake near it.

Mr. CONGER. - I do not care, if I have an opportunity to offer this amendment, whether the place for the court of appeals in this judicial circuit be somewhere midway—at Columbus, at Cleveland, or even if it be at Cincinnati, although that is far too much removed from the center of business and is not the exact place where it ought to be. In the other States composing this circuit there are no remain-ing public lands, there are no suits brought into United States courts connected with the public lands. In Michigan there are very many in the course of a year, and very many which might be the subject of appeal.

I do not wish to prolong these remarks. I say in furtherance of what the gentleman from Ohio has said that to compel those two great preponderating States in this district to go any further south than Cincinnati would be a wrong which ought not to be permitted, an expense to litigants, an expense to attorneys, an expense for witnesses and for all who might have occasion to go to that court, which ought not to be imposed upon the people of those States. Therefore, while I shall first assent to the change from Louisville to Cincinnati, if that amendment shall fail I shall ask the House to adopt my amendment to transfer the place for the sitting of the court to Chicago.

Mr. McCRARY. I rose to offer to the House some remarks upon

the general subject of this bill, but I yielded for the purpose of amendments being offered, it being my understanding that gentlemen would offer their amendments and no vote would be asked upon them until after general discussion was ended. I desire to address the House on the general subject, and I would very much prefer that the discussion

of the amendments in regard to the places in which the court shall be held may be postponed until after general discussion is ended.

I would propose now that before we adjourn this evening gentlemen may be permitted to offer their amendments and that they may

men may be permitted to other their amendments and that they may be regarded as pending, to be voted on to-morrow or at some future time, and be printed. I ask unanimous consent for that purpose. No objection was made, and it was so ordered.

Mr. McCRARY. I desire to be recognized as entitled to the floor in the discussion, but I yield now for the offering of amendments with the understanding that they are not to be discussed.

Mr. REAGAN. I have some amendments to offer and I do not pro-

Mr. REAGAN. I have some amendments to offer and I do not propose to discuss them now, but at the same time I do not waive my right to discuss them hereafter.

Mr. HOPKINS. By the courtesy of the chairman of the committee I some time ago offered an amendment which is now on the Clerk's desk and which has not been read.

Mr. REAGAN moved to amend section 3 by striking out all after the

word "circuit" in line 6 down to and including the word "thereto" in the thirtcenth line, and inserting in lieu thereof the words:

And two judges of said court of appeals, any two of whom shall constitute a quorum of said court, and that the compensation of these appellate judges shall be the same as that allowed to circuit judges of the United States.

Amend section 12 by striking out of lines 8 and 26 the word "ten" where it occurs in each line, and by inserting instead of that word in each line the word "five."

Amend the bill further by striking out section 13.

Mr. HOPKINS. I now ask that the amendment which I sent up some time since be read.

The Clerk read the amendment, as follows:

Amend section 11, line 5, by inserting after the word "Philadelphia" the words "and in the city of Pittsburgh, alternately."

Mr. PHILIPS, of Missouri, moved to amend by adding after the word "appeals" in line 6 of section 10 the following:

Or, unless the plaintiff in error against whom a judgment of conviction has been rendered, shall, within the time hereby limited for such writ of error, enter into bond, payable to the United States, in a sum to be fixed by the judge trying the cause, with one or more sureties to be approved by such judge or the clerk of the court, to the effect that he will prosecute with diligence and effect the said writ and abide by and perform the judgment or order of the court of appeals.

Mr. WELLS, of Mississippi, moved to amend in line 6, page 7, by striking out "New Orleans" and inserting instead "Jackson, Missis sippi."

Mr. HOOKER moved to amend in the eighth and ninth lines of section 12 by striking out "\$10,000" and inserting "\$5,000."

Also, to amend section 3 in line 16 by adding after the words "shall preside" these words:

Provided, The senior district judge shall not preside in any case decided by him as such district judge.

Mr. TUCKER moved to amend by inserting in section 12, line 4, after the word "had," the words "in all civil and criminal cases;" in line 7, after the word "appeals," by inserting "civil cases;" in line 5, by inserting after the word "or" the words "in any civil or criminal cases;" in line 11, after the words "States or," by inserting the words "upon the construction or validity of."

Mr. O'BRIEN moved to amend in section 11, line 6, by striking out

"Richmond" and inserting "Baltimore."

Mr. NEW moved to amend in section 11, line 7, by striking out
"Louisville" and inserting "Indianapolis."

Mr. BAKER, of Indiana, moved to amend by inserting after the
word "Chicago," in line 8, section 11, the words "and Indianapolis
alternatively." alternatively

Mr. WILSHIRE moved to amend section 11, in relation to the eighth circuit, by striking out "Saint Louis" and inserting in lieu thereof "Little Rock."

Mr. MAGOON moved to amend section 11, line 11, by striking out the words "first Tuesday" and inserting in lieu thereof the words "third Wednesday."

Mr. PAYNE. I move a substitute for the amendment of my colleague, [Mr. LAWRENCE,] so as to strike out "the city of Louisville" and to insert "the cities of Louisville, Cincinnati, and Cleveland successions."

Mr. SAYLER. Can that be offered as a substitute at this time? I

object to it.

The SPEAKER pro tempore. The gentleman has no right to make

The SPEAKER pro tempore. The gentleman has no right to make that objection. The House adopted an order permitting amendments to be offered to be considered as pending.

Mr. SAYLER. That is a substitute, not an amendment.

The SPEAKER pro tempore. They are all reported as amendments, to be printed and considered pending before the House.

Mr. HARRIS, ef Virginia. I move to amend section 10 by striking out the first clause of the section down to and including the words "after the entry of such judgment" and inserting in lieu thereof the following: following:

Upon the application of any party alleging that he is aggrieved by the final judgment of a circuit or district court in any criminal action, a writ of error shall be sued out from such final judgment to the proper court of appeals within ninety days after the entry of such judgment.

Mr. PAGE. I move to amend section 11, in relation to the ninth circuit, by inserting after the word "San Francisco" the words "and Sacramento alternately."

Mr. CONGER. If there is no other gentleman to be recognized, I

would like to be.

Mr. EAMES. I desire to come next.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I move to amend section 11 by adding thereto the

following:

Provided, however, That all bills and writs of error taken, allowed, or sued out under this act from the final judgments or decrees of the circuit or district courts for the eastern and western districts of Michigan shall be taken to the court of appeals for the seventh circuit, to be held in the city of Chicago, which court of appeals shall have jurisdiction of all such appeals and writs of error the same as over cases arising within the seventh circuit.

Mr. EAMES. I move to amend the seventh section by striking out all after the word "appeal," at the close of the first sentence, to the end of the section.

Mr. VANCE, of North Carolina. I move to amend section 11 in re-

lation to the fourth circuit by inserting after the word "Richmond" the words "and city of Raleigh alternately."

Mr. KEHR. I move to amend section 12 by striking out the words

"the court shall certify that the adjudication involves a legal ques tion of sufficient importance to require that the final decision shall be made by the Supreme Court" and inserting in lieu thereof the fol-

The court shall certify that the judges are divided in opinion upon the legal question involved in such judgment or decree.

Mr. LAPHAM. I move to amend section 11 by striking out the words "in the city of Albany" and inserting in lieu thereof "alternately in the city of New York and the city of Syracuse."

Mr. CALDWELL, of Tennessee. I move to amend section 11 in relation to the sixth circuit by striking out "in the city of Louisville" and inserting "in the cities of Cincinnati, Louisville, and Nashville, alternately.'

Mr. DURHAM. I move that the House now adjourn.
Mr. SAYLER. Let us lay this bill on the table first.
The SPEAKER. Before putting the question upon the motion to adjourn the Chair will submit sundry requests to the House.

#### LEAVES OF ABSENCE.

Mr. Wood, of Pennsylvania, was granted leave of absence for one week on account of important business.

Mr. Phelps was granted leave of absence for one week because of pressing business.

WITHDRAWAL OF PAPERS.

Mr. GARFIELD, by unanimous consent, obtained leave for the withdrawal from the files of the House of the papers in the case of Martin Kelley.

LEAVE OF ABSENCE FOR THE SPEAKER.

The SPEAKER. The Chair desires to request of the House on his own behalf leave of absence from and after the adjournment to-day until Monday next, in order that he may give the needed attention to

his health.

No objection was made, and leave was accordingly granted.

The question was then taken upon the motion of Mr. Durham, and it was agreed to.

Accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

## PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BRADLEY: The petition of 52 citizens of Howard City, Michigan, that authority be granted for the erection of a bridge across the river at Detroit, Michigan, to the Committee on Commerce.

By Mr. CANNON, of Utah: The petition of Captain J. Y. McGinnis, for relief, to the Committee of Claims

Also, papers relating to the claim of Anson Call, for pay for services

rendered as United States deputy marshal in Utah, to the same com-Also, papers relating to the bill for the relief of Thomas Newman, to

the same committee.

By Mr. CONGER: Remonstrance of D. W. Rust and 44 other citizens of East Saginaw, Michigan, against the granting of authority to build low bridges across the Detroit River, to the Committee on Commerce.

Also, remonstrance of Sylvester Brothers and 16 other vessel-owners and shippers of Ontario, Canada West, of similar import, to the same committee.

Also, remonstrance of Thomas Demont and 80 other vessel-owners and business men of Marine City, Michigan, of similar import, to the

Also, remonstrance of George J. Northrop and 112 other citizens of Marquette, Michigan, of similar import, to the same committee. By Mr. DANFORD: The petition of Robert Lyons and others, for

the repeal of the check-stamp tax, to the Committee of Ways and

By Mr. DOUGLAS: Papers relating to the petition of Noah Fair-

By Mr. DOUGLAS: Papers relating to the petition of Noah Fairbanks, for remuneration as the inventor of the process of obtaining fresh water from salt, to the Committee of Claims.

Also, the petition of William McDaniel, for pay as a watchman in the Capitol building in the year 1873, to the same committee.

By Mr. EGBERT: Remonstrance of W. A. Galbraith, O. Noble, J. C. Van Scoter, Charles M. Reed, and 56 other citizens of Erie, Pennsylvania explaints and partition of the process of the pennsylvania explaints and partition of the process. sylvania, against authority being granted to build low bridges across the Detroit River, to the Committee on Commerce.

By Mr. HARTZELL: Two petitions of the mayor and city council of Cairo and other citizens of Illinois, for the improvement of the Mississippi River at Cairo, Illinois, to the same committee

Also, the petition of the mayor and city council of the city of Cairo, Illinois, of similar import, to the same committee.

By Mr. HALE: Papers relating to the petition of J. W. Black, for a pension, to the Committee on Invalid Pensions.

By Mr. HATHORN: Papers relating to the petition of James Wy-

man, for an extension of his patent for setting the staples in blindslats, to the Committee on Patents.

By Mr. HOOKER: Papers relating to the claim of John D. Ryan,

for printing of blanks for the United States Government, to the Com-

By Mr. HUBBELL: The petition of Polly Bliss and others, of Hersey, Michigan, that pensions be granted the widows of the soldiers of the war of 1812 who were married after the close of that war, to the Committee on Revolutionary Pensions.

By Mr. LANE: The petition of M. P. Jones and others, for re-imbursement of moneys deposited for surveys of public lands in Oregon, to the Committee on Public Lands.

By Mr. MAGOON: Joint resolution of the Wisconsin Legislature,

respecting the Saint Croix land grant, to the Committee on Roads and

Also, memorial of the Wisconsin Legislature, for the establishment of a post-route between Osceola Mills, via El Salem, Sucker Lake, Lincoln Centre, East Lincoln, Clear Lake, Black Brook, Wagon Landing, Alden, back to Osceola Mills, Wisconsin, to the Committee on the Post-Office and Post-Roads.

Also, the petition of citizens of Wisconsin, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, joint resolution of the Wisconsin Legislature, favoring the erection of a custom-house at Green Bay, to the Committee on the Post-Office and Post-Roads.

By Mr. MONROE: The petition of President J. H. Fairchild, Pro-fessor John Morgan, and 1,292 other citizens of Oberlin, Ohio, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. PAYNE: The petition of Smith Bell, late sergeant Com-

pany I, Twenty-sixth United States Colored Troops, for amendment of his record so as to enable him to receive a pension, to the Committee on Invalid Pensions.

By Mr. POPPLETON: The petition of Ruth M. Haliday, J. H. Mc-Millen, Harvey Burnham, and 249 other citizens of Clinton County and Milford Centre, Union County, Ohio, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

Also, the petition of Samuel Nesbit, E. S. Weaver, Mrs. Josephine

P. Gaddis, George Pratt, and 658 other citizens of Ohio, of similar

import, to the same committee.

By Mr. TARBOX: The petition of Joseph Carter, for a pension, to the Committee on Revolutionary Pensions.

By Mr. WALDRON: The petition of 27 citizens of Dexter, Michigan, that authority be granted to construct a bridge across the river at Detroit, to the Committee on Commerce.

Also, the petition of 26 citizens of Onondaga, Michigan, of similar import, to the same committee.

Also, the petition of 51 citizens of Ypsilanti, Michigan, of similar

import, to the same committee.

By Mr. WALKER, of Virginia: The petitions of Harrison Cummings, Jesse Piggott, Elizabeth Neaville, (administratrix of John C. Neaville,) and W. E. Carhart, for a rehearing of their claims rejected by

the southern claims commission, to the Committee on War Claims.

Also, the petition of John L. Harmanson and other citizens, of Accomack County, Virginia, for pay for the use of St. George's Church as a stable by the United States troops, to the same committee.

By Mr. WALSH: Papers relating to the claim of David R. Miller, for pay for occupation of his land by United States troops, to the same committee.

By Mr. WELLS, of Mississippi: Papers relating to the claim of John A. Gwin, for pay for property taken by the United States Army,

to the same committee.

By Mr. WHEELER: The petition of David Day, for arrears of pension, to the Committee on Invalid Pensions.

## IN SENATE.

# THURSDAY, February 17, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceeding was read and approved.

# HOUSE BILLS REFERRED

The following bills from the House of Representatives were several read twice by their titles and referred as indicated below:

A bill (H. R. No. 2135) relating to the execution of custom-house

bonds-to the Committee on Commerce.

A bill (H. R. No. 1440) to enable Charles H. Fondé to make application to the Commissioner of Patents for extension of letters-patent for improvement in dredging-machines—to the Committee on Patents.

A bill (H. R. No. 2133) to amend section 10 of the act making appropriations for the current and contingent expenses of the Indian Department for the year ending June 30, 1876—to the Committee on Indian Affairs.

A bill (H. R. No. 2134) making appropriations for fortifications and for other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1877, and for other purposes—to the Committee on Appropriations.

### AGRICULTURAL REPORT FOR 1873.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Agriculture:

Whereas from information derived from the Commissioner of Agriculture there are about ten thousand copies of the Agricultural Report for the year 1873 undis-

are about ten thousand copies of the Agricultural Report for the year 1873 undistributed: Therefore,

Be it resolved by the House of Representatives, (the Senate concurring therein,) That the Commissioner of Agriculture be, and he is hereby, authorized and directed to deliver to each Senator and member of the House of Representatives twenty-five copies of said report, including the number heretofore delivered to members of Congress during the present session.

### EXECUTIVE COMMUNICATION.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, recommending that Congress pass an act to authorize the proceeds realized from tolls on the bridge across the North Platte River at or near Fort Laramie, Wyoming Territory, to be applied to making necessary repairs; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### PERSONAL EXPLANATION

Mr. SPENCER. I was not in my seat yesterday morning when the Senator from Mississippi [Mr. Alcorn] made a personal explanation and had an article read from the Chicago Times. I desire to state that there is no truth whatever in the article. I have never called upon the Chief Justice of the United States relative to the question of his decision in regard to the enforcement act or any other decision. In fact I have never called upon him at all, and never have had any conversation with him upon that or any other subject. I wish to say that the article is false from the beginning to the end.

#### PETITIONS AND MEMORIALS.

Mr. SHERMAN. I am requested to present the petition of James A. Briggs, attorney for others who I understand to be creditors of the Wabash and Eric Canal. He sets out that on the 2d day of March, 1527, the Congress of the United States made a grant of lands to the State of Indiana "for the purpose of aiding said State in opening a canal to connect the waters of the Wabash River with those of Lake Erie," provided that the canal when completed shall be and forever Eric," provided that the canal when completed shall be and forever remain a public highway for the use of the Government of the United States, free from any toll or other charge whatever for any property of the United States or person in their service passing through the same. He sets out further that if it is in the power of Congress by any act of legislation, or through the Supreme Court of the United States, to prevent the sale of the Wabash and Eric Canal from Terre Haute, Indiana, to the crossing of the Ohio State line in Allen County, Indiana, on the 24th instant, at which time the said canal is advertised to be sold. He sets out further that Congress should interfere and prevent the sale of said canal as the sale of the same would be a and prevent the sale of said canal, as the sale of the same would be a wild the State of Said canal, as the said of the same wild be a violation of the terms of the act granting land for constructing the same, would be a breach of faith on the part of the State of Indiana with the State of Ohio, and a great injury, wrong, and loss to persons who invested money along the line of said canal with the belief that the same would be kept up and maintained according to the terms of the grant made by Congress. He claims to represent the interests of the persons along the line of the canal. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAMLIN. I present resolutions of the Legislature of the State of Maine in relation to compulsory pilotage. I move that they be read, printed, and referred to the Committee on Commerce.

The motion was agreed to; and the resolutions were read, as fol-

Whereas the exacting of compulsory pilotage fees where no pilotage service is requested or required is contrary to natural justice and imposes an onerous and useless burden on the navigation interests of the State of Maine: Therefore, Resolved, That the Congress of the United States is requested to prohibit by law the exaction of compulsory pilotage in the ports of the United States.

Resolved, further, That copies of this resolve be sent by the secretary of state to the Senators and Representatives from this State in Congress.

IN THE HOUSE OF REPRESENTATIVES, February 8, 1876.

Read and passed finally.

FREDERICK ROBIE, Speaker.

Read and passed finally.

IN SENATE, February 9, 1876. THOS. W. HYDE,

President.

FEBRUARY 9, 1876.

Approved.

SELDEN CONNER,

Mr. STEVENSON. I desire to present a joint resolution of the Legislature of Kentucky, requesting her Senators and Representa-tives in Congress to vote in aid of the Texas Pacific Railroad. I move that it be read, printed, and ordered to lie on the table.

The motion was agreed to; and the resolution was read, as follows:

Whereas the completion of the Union Pacific Railroad has developed a trade with China, Japan, and the South Pacific Islands far in excess of anything bitherto known, and stimulated the productive capacity of the Pacific Slope to an extent beyond its power to relieve by reasonably rapid transportation; and whereas, in the opinion of this body, the proper relief will be found in a competing line con-

structed farther south, which will, in addition, meet the requirements of increasing growth and material prosperity of the entire southern section of our country: Therefore

Resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators and our Representatives in Congress be requested, if in their judgment such legislation be authorized by the Constitution of the United States and beneficial to the people thereof, to use all proper efforts to secure the passage of an act which, regarding the interests of the Government and the rights of the people properly, shall afford to the Texas and Pacific Railroad such aid as will promote its early completion; and that, while opposed to any further grant by Congress of Government bonds or money to railroads, this body regards the plan of guaranteeing the interest on the bonds of the company by the Government, indemnifying it against loss by a first lien on the road and all its property, including the lands granted by the Government, as the most feasible and proper manner in which such aid can be extended.

W. J. STONE.

W. J. STONE, Speaker of the House of Representatives. JNO. C. UNDERWOOD, Speaker of the Senate.

Approved February 8, 1876.

By the governor:

JAMES B. MCCREARY.

J. STODDARD JOHNSTON, Secretary of State.

Mr. HOWE. I have been requested to present, and so I do present, a petition which seems to be signed by several citizens of Wisconsin, and which prays Congress to pass a law requiring the Treasurer of the United States to pay to every man, woman, and child residing within the limits of the United States, without distinction of race, or color, or previous state of servitude, the sum of \$10 per week, to be paid every Saturday night at the post-office nearest or most convenient to the residence of each such person. There is no limitation as to time; but it provides, by way of preventing an undue expansion of the circulation, that no more than \$5,000,000,000 of notes shall be issued in any one year. I am not entirely certain that this would be a wise measure; but I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. McCREERY. I present a joint resolution of the Legislature of
Kentucky, in relation to Mexican war pensions, which I ask to have read.

The resolution was read, and ordered to be printed, and referred to

the Committee on Pensions, as follows:

Be it resolved by the General Assembly of the Commonwealth of Kentucky, That our Senators in Congress be instructed, and our Representatives be requested, to use all honorable means in their power to have an act of Congress passed that will place the surviving soldiers who were engaged in the war with Mexico, and received an honorable discharge, and the wildows of those who have died, upon the same footing, and to receive the same pension, as the surviving soldiers of the war of 1919

Resolved, That his excellency Governor James B. McCreary be requested to send to each of our Senators and Representatives copies of this resolution.

W. J. STONE,

Speaker of the House of Representatives.

JNO. C. UNDERWOOD, Speaker of the Senate.

Approved February 9, 1876.

By the governor:

JAMES B. McCREARY.

J. STODDARD JOHNSTON,

Mr. WHYTE presented the memorial of Eaton G. Horner, of Baltimore, Maryland, praying compensation for services rendered by him to the secret-service division of the Treasury Department in 1867;

which was referred to the Committee on Claims.

Mr. KERNAN presented the petition or A. J. McCall and others, of
Steuben County, New York, praying for the repeal of the bankrupt
law; which was referred to the Committee on the Judiciary.

law; which was referred to the Committee on the Judiciary.

Mr. CAMERON, of Wisconsin, presented a joint resolution of the
Legislature of Wisconsin in favor of the establishment of a mailroute between Osceola Mills, Polk County, Wisconsin, via El Salem,
Sucker Lake, Lincoln Centre, East Lincoln, Clear Lake, Black Brook,
Wagon Landing, Alden, and back to Osceola Mills; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DENNIS presented the petition of W. E. Temple and 44 other

Mr. DENNIS presented the petition of W. E. Temple and 44 other citizens of Queen Anne County, Maryland, praying for a survey of the waters of Southeast and Brown's Creeks, tributaries of the Chester River, and that the same may be deepened at such points as may appear requisite; which was referred to the Committee on Commerce. He also presented the petition of George R. Hoffman and 70 other citizens of Queen Anne County, Maryland, praying for the widening and deepening of the Queenstown Creek, Queen Anne County, Maryland; which was referred to the Committee on Commerce.

Mr. CLAYTON presented the petition of James Collins, praying the passage of a law re-instating him to his original rank as first lieutenant from the 12th of August, 1866; which was referred to the Committee on Military Affairs.

Mr. WEST presented the petition of Nicolas Wax, Michael Gran-

Mr. WEST presented the petition of Nicolas Wax, Michael Gran-Mr. W.E.I presented the petition of Nicolas Wax, Michael Gran-ary, and Moline Lange, obligors on a bond taken by Colonel Don. A. Pardee, provost-marshal for the district of Baton Ronge, Louisiana, in the year 1863, for the appearance of one B. F. Rhodes, praying the passage of an act authorizing the Secretary of the Treasury to pay to them the sum of \$500, the collection of which was enforced by the said provost-marshal; which was referred to the Committee on Claims. He also presented the petition of Thomas W. Simmons, praying com-

ensation as rent for the use of property occupied by the Government in New Orleans during the late war; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. MORRILL, of Vermont. The Committee on Education and Labor, to whom was referred the bill (8. No. 334) to establish an edu-cational fund and apply a portion of the proceeds of the public lands to public education and to provide for the more complete endowment and support of national colleges for the advancement of scientific and industrial education, have unanimously directed me to report it with two amendments.

Mr. WITHERS, from the Committee on Appropriations, to whom was referred the bill (S. No. 332) to appropriate \$1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Louisville, Kentucky, asked to be discharged from its further consideration, and that it be referred to the Commit-

tee on Foreign Relations; which was agreed to.

Mr. INGALLS, from the Committee on Pensions, to whom was re-Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of citizens of Williamson County, Illinois, praying for the passage of a law granting a pension to Eliza Mandrell, widow of George W. Mandrell, of Attica, Williamson County, Illinois, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of Elizabeth O'Neil, praying for arrears and increase of pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of

the petition.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the petition of Jules L. Williams, late private Fourth Regiment Michigan Volunteers, praying to be allowed a pension on account of disabilities contracted while in the United States service, submitted a report thereon; which was ordered to be printed, and the commit-tee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the peti-tion of Jonathan Lang, late of Company B, First United States Dragoons, praying to be granted a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the petition of J. S. Fennimore, a soldier of the war of 1812,

aged seventy-nine, praying that the law be amended so as to allow him a pension, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill

(S. No. 352) to amend an act granting a pension to Sarah S. Cooper, reported adversely thereon; and the bill was postponed indefinitely. He also, from the same committee, to whom was referred the petition of William Kelly, praying that he be granted additional bounty in land under the act of March 3, 1855, for services rendered as a soldier in the Seminole war of 1840-41, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs: which was agreed to

Military Affairs; which was agreed to.

Mr. BOOTH. I am also directed by the Committee on Pensions, to whom was referred the petition of A. A. Haynes, praying to be allowed a pension, to submit an adverse report thereon, upon the ground that the case is pending and undecided before the Department.

The committee was discharged from the further consideration of

the petition.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 193) for the relief of Ezra B. Barnett, postmaster at Norwich, New York, reported it without amend-

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (S. No. 244) to establish the collection district of Ar-kansas, reported adversely thereon; and the bill was postponed indefi-

nitely.

Mr. FRELINGHUYSEN, from the Committee on the Judiciary, to whom was referred the petition of George B. Loring, president of the Massachusetts senate, and many others, citizens of Massachusetts, Rhode Island, New Hampshire, and New York, in regard to the transportation of live stock upon the railways of the country and praying for some better regulation therefor, asked to be discharged from its further consideration; which was agreed to.

### BILLS INTRODUCED.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 453) to authorize the Vancouver Water Company to lay water-pipes through the Fort Vancouver military reservation; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 4-4) for the relief of the sureties of J. W. P. Huntington, deceased, late superintendent of Indian affairs in Oregon; which was read twice by its title, referred to the Committee on Indian

Affairs, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 455) for the regulation of Indian affairs; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WRIGHT. By request, I ask leave to introduce a bill. In

doing so I wish to say that I do not by any means commit myself to its provisions. It comes, however, from a very intelligent and worthy gentleman, and is an additional contribution to the financial literature of the time. If the bill shall accomplish what its title implies, I think I shall be in favor of it, and I trust the Committee on Finance will properly consider it.

By unanimous consent, leave was granted to introduce a bill (S. No. 456) to reduce the interest upon the public debt, provide for a safe and elastic currency, for the speedy appreciation of the value of Treasury notes and national-bank notes to that of coin, and to guard against panics and inflation of bank credits; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 457) authorizing the restoration of Charles E. Boggs to the active list of the Navy; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 458) for the relief of Jesse McCoy; which was read twice by its title, referred to the Committee on Pensions,

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 459) for the relief of James Collins; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 460) authorizing the Secretary of War to issue camp and garrison equipage to the several States for use of State troops at the centennial exhibition; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 461) providing for beacon lights on the line of inland navigation from the Chesapeake Bay to the sounds in North Carolina; which was read twice by its title, referred to the Commit-

tee on Commerce, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 462) to amend an act entitled "An act to authorize the Seneca Nation of New York Indians to lease lands within the Cattaraugus and Allegany reservations and to confirm existing leases," approved February 19, 1875; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 463) changing the names of some of the avenues of the city of Washington; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to

be printed.

Mr. SPENCER. I desire to state that there is an explanatory note accompanying the bill, and I move that it also be printed.

The motion was agreed to.

### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. EATON, it was

Ordered, That the petition and accompanying papers in the case of Susan D. Anderson, administratrix of Lieutenant Joseph Wheaton, be taken from the files of the Senate and referred to the Committee on Revolutionary Claims.

On motion of Mr. MERRIMON, it was

Ordered, That the heirs of Robert Isherwood have leave to withdraw from the files of the Senate the papers in relation to their claim.

On motion of Mr. DENNIS, it was

Ordered, That the papers relating to the claim of John G. Taylor, collector of customs at Annapolis, Maryland, be withdrawn from the files of the Senate and referred to the Committee on Claims.

## SERVICE OF WRITS OF MANDAMUS.

Mr. FRELINGHUYSEN submitted an amendment intended to be proposed by him to the bill (S. No. 13) to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789, which was ordered to be printed.

## AMENDMENT OF THE REVISED STATUTES.

Mr. BOUTWELL. There is a House bill on the Calendar to correct an error in the Revised Statutes. The committee have agreed to report this particular amendment in a general bill. Therefore, this bill it is not desirable to pass. I ask that it be taken up and in-

definitely postponed.

There being no objection, the bill (H. R. No. 1052) to correct an error in the Revised Statutes of the United States, and for other pur-

poses, was postponed indefinitely.

## PUBLIC SQUARE IN DUBUQUE.

Mr. ALLISON. I move to take up Senate bill No. 169, reported by the chairman of the Committee on Public Buildings and Grounds on the 31st of January. I think there will be no objection to it.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington Square, in the city of Dubuque, and for other purposes.

Mr. DAVIS. I shall be glad to have an explanation of the bill.

Mr. ALLISON. This bill was referred to the Committee on Public Buildings and Grounds and reported favorably. It simply authorizes the county of Dubuque to erect a court-house in a public square in that city, the consent of the city authorities being first obtained. These public squares were originally laid out by the Government of the United States and reserved for public purposes, and it has been thought by the authorities there that the consent of the United States was necessary in order to use this square as I have indicated. The bill is very well guarded, and I think there ought to be no objection to it.

Mr. McMILLAN. Does not the bill vest the title to the square in

the city?

Mr. ALLISON. No, sir; it simply sets apart this square for the purpose of erecting thereon county public buildings, and for no other purpose whatever

Mr. CHRISTIANCY. And that with the assent of the proper city authorities?

Mr. ALLISON. And that with the assent of the proper city authorities.

Mr. DAVIS. Is the property now in any way used by the United

Mr. ALLISON. In no way whatever. It is a public square, fenced in, with gates at the four corners, and the people go in and out at their will.

Mr. DAVIS. Is it kept up and provided for by the city of Dubuque

or by the Government?

Mr. ALLISON. It is kept up and provided for by the city of Du-

Mr. BOUTWELL. When this bill was before the Senate a few days since I suggested to the honorable Senator from Iowa and to the Senate that, as far as the nature of the case had then been disclosed, the title to this piece of land, called a park-it being, I suppose, a park in the city of Dubuque—was in the Government of the United States, a perfect title. By an act of Congress it was set apart for a park, but the title remains in the Government. I suppose it can be converted by the Government of the United States to any other use

Mr. INGALLS. By whom was it reserved?

Mr. BOUTWELL. It was reserved by the Government of the United States when it was public land. The title was not parted with, but it was only set aside by an act of Congress for a particular use.

Mr. INGALLS. Is it a military reserve?
Mr. ALLISON. It was reserved as a public square.

Mr. BOUTWELL. It was reserved as a public square.

Mr. BOUTWELL. It was reserved as a public park by act of Congress, but the title is in the Government of the United States. The city of Dubuque I suppose is not only a large and prosperous city but destined to become a very populous one, and the time may arrive when the Government of the United States will need this land for some proper public purpose, not inconsistent, it may be, with its use as a park.

Mr. INGALLS. Are there Government public buildings now in

Dubuque?

Mr BOUTWELL. There are public buildings, but then the experience of the country is that the country outgrows its public buildings

every ten or fifteen years.

Mr. CONKLING. This is a local matter, and for that reason among others I feel reluctant to interpose in the way of the bill of the Senator from Iowa. I should like, however, to know two or three things about it which I have not heard him state. I take it that the lots in the city of Dubuque fronting on this square have been sold bounded on the square, as is usual; have they not?

Mr. ALLISON. They have, and they are built on entirely around

the square.

Mr. CONKLING. What are they, residences or business places ! Mr. ALLISON. Both residences and business places. I see the point the Senator makes.

Mr. CONKLING. I was rather in hopes that my friend could answer the question the other way. I have had occasion to observe somewhat in my own State the effect upon property and upon the people owning it, and also to observe what the courts have said about that effect, of obliterating or occupying open spaces dedicated to the public in any way. I have had occasion to observe that the courts have always taken great pains to preserve and treasure the rights of those who have purchased property bounded by, or fronting upon, or in such situation as to avail themselves of, spaces of this kind. I am aware that this suggestion appeals rather to the interest of the community in the city in question, than it does to the Senate; but it was

the first thing that struck me on hearing this bill read.

Then, too, as I understand, this is a valuable piece of property belonging to the United States. Now, if there be some reason why this property should not only be devoted to this use, but why it should be

parted with gratuitously, any more than any other property belonging to the United States, I should be glad to know that reason.

I make my suggestions rather as suggestions, than in the nature of objections; because, as I say, I know that it is an ungracious, and at the same time a dangerous thing for any person having no local knowledge about a matter of this sort, to interpose; but I should think that the philosophy of this bill would necessarily carry this Senate hereafter to give away almost any piece of property belonging to the United States which might be desirable to any institution, municipality, or community, or part of a community in the neighborhood in

which the property is situated.

I should like to ask the Senator from Iowa, before I sit down, one other question, and that is, whether this property is so situated and of such dimensions that it is very valuable, and how valuable it is?

Mr. ALLISON. I will endeavor to answer the question of the Senator from New York. The first suggestion has of course much force—that is, as to the right of the adjacent property-holders. I have been told that every property-holder surrounding this square has given a written consent to the erection of this court-house upon the square. I have no objection to an amendment being inserted that this consent shall be a prerequisite, if that is deemed necessary. I think perhaps that it would be well, but I understand this consent has already been secured.

Now, as to the interest of the United States in this property: The cities of Dubuque, Fort Madison, and Burlington were laid out under an act of Congress approved July 2, 1836, which I have before me and

That the tracts of land in the Territory of Wisconsin, including the towns of Fort Madison and Burlington, in the county of Des Moines; Belleview, Dubuque, and Peru, in the county of Dubuque; and Mineral Point, in the county of Iowa, shall, under the direction of the surveyor-general of the public lands, be laid off into town lots, streets, avenues, and the lots for public use called the public squares, and into out-lots having regard to the lots and streets already surveyed.

Under this authority the city of Dubuque was originally laid out, and there were two public squares set apart. I do not myself see that the United States have any great interest in this property any more than they would have an interest in the streets and alleys of the

Mr. MORTON. Let me ask the Senator a question. Is there any

other dedication except that?

Mr. ALLISON. There is no other dedication except this.

Mr. MORTON. And that is not as a public park, but simply as a

Mr. ALLISON. As a public square. The city of Dubuque of course took possession of this public square and has fenced it in as a public park and planted upon it trees, and made through it walks and avenues, so that it is a place where the people can congregate in the

Now there is a general sentiment in the city of Dubuque and in the county that in the center of one of these squares there should be erected a court-house, because it is a convenient place for such a building. When that question was raised, it was suggested by some gentlemen that the county of Dubuque could not erect a valuable building thereon without the consent of the United States being first obtained, and they asked me to secure this consent. If it is thought by any Senator that the United States owns this property, that it has a valuable interest in it which it can sell, then I can readily conceive why there should be objection to the passage of this bill; but I understand

Mr. CONKLING. Who does hold the title, in the Senator's judg-

ment?

Mr. ALLISON. In my judgment the title is held under the same authority by which the title is held to the streets and avenues of the city. They are set apart for public uses; that is, for city purposes. Perhaps the title may be in the Government of the United States.

Mr. CONKLING. If this has been dedicated to the public in that sense that the public has prescribed for its use and has the fee out and out by the presumption growing out of such a state of facts as that, why is application made to the United States for consent at all?

Mr. ALLISON. I presume the application is made here because lawyers in Dubuque are like lawyers elsewhere. They differ as to the construction of the statute. Some say that under this construction the title is now in the city of Dubuque. The only statute on the subject is contained in the fifth volume of the Statutes at Large which I have read.

Mr. CONKLING. Please read those words again.
Mr. ALLISON. The act provides that Dubuque and certain other towns shall

Under the direction of the surveyor-general of the public lands, be laid off into town lots, streets, avenues, and the lots for public use called the public squazes, and into out-lots having regard to the lots and streets already surveyed, in such manner and of such dimensions as he may think proper for the public good and the equitable rights of the settlers and occupants of the said towns.

Dubuque was occupied of course by a large number of people when

this authority was given.

Mr. KERNAN. Let me inquire of the Senator from Iowa whether
the Government sold the lots around this square on a plot showing the public square?
Mr. ALLISON.

Yes, sir.

Mr. KERNAN. Is it not bound, then, to maintain it for all the

Mr. ALLISON. Perhaps it is, unless the owners will consent to the

erection of this building.

Mr. CLAYTON. I should like to ask the Senator from Iowa whether the title to this square is in the same condition as the title to the streets of that city? I see that the streets were set apart at the same time by this survey. What is the difference between the title to this square and the title to the streets and alleys of the city, if any? Mr. ALLISON. I suppose they are in the same condition; one being reserved for park purposes and the other for street purposes.

Mr. CLAYTON. Did the Government ever give title in any other way to the streets of that city?

Mr. ALLISON. The Government of the United States authorized commissioners to lay out the town of Dubuque, so called, and they made streets, alleys, squares, town-lots, and out-lots. They sold the lots and reserved these streets and squares; that is all there is of it.

Mr. CLAYTON. Then this square is in the same condition as the streets of Dubuque.

Mr. ALLISON. Yes, sir, except that it is used for a very different Mr. ALLISON. Yes, sir, except that it is used for a very different purpose. It is used for park purposes, while the streets are used for purposes of conveyance.

Mr. WRIGHT. Mr. President, there have been two or three questions asked here, and my colleague will pardon me for saying a word in connection with this bill.

Mr. ALLISON. Certainly.

Mr. ALLISON. Certainly.
Mr. WRIGHT. It is a matter in his own town, and in reference to which I follow him. I am satisfied, from the petitions that have been presented and the requests that have come to us from the citizens of Dubuque, that there is but little, if any, difference of opinion there on the subject. From some inquiries made by the Senator from New York farthest from me, [Mr. CONKLING,] and also his colleague, [Mr. Ker-NAN, I infer that perhaps there may be some difference between the rulings in their State touching questions of this kind and in ours.

In the first place, as I understand this legislation, (and I may be

allowed here to state what has been the construction that has been allowed here to state what has been the construction that has been given to it in our State,) it is this: In all the towns in our State save those that are covered by the act already read, the lands were owned either by the supervisors or the commissioners of, our counties, and laid off as county seats, or owned by individuals, and the individuals laid off towns upon lands that they owned, and the fee, the technical fee, remains in the persons who laid out the town so far as the streets or public squares are concerned. The public, however, has an easement or a right of way of course over the streets, and an easement or ment or a right of way of course over the streets, and an easement or right of way, or right to enjoy these public squares or parks that are thus laid out either by individuals or by the authorities of the county. With reference, however, to the towns that are provided for in that act, it has been held uniformly in our State that the technical legal title remained in the Government. That is to say, differing from other towns in our State, with reference to Dubuque, Fort Madison, and Burlington, the technical legal title remains in the Government; because the lands were never sold except as lots were deeded by the Government, and the technical legal title to the parks and the streets remains in the Government: but the right of the public toenion these remains in the Government; but the right of the public toenjoy these public parks and these public squares and the streets is just as complete with reference to these towns as with reference to other towns that were laid out, either by the county authorities or by individuals who originally owned the land. It has been held uniformly, also, that where these public squares were laid out by individuals, if they were meanly designated upon the plate seemblic squares without lies. were merely designated upon the plats as public squares without limitation, then the public might use them for any purpose that was not inconsistent with the easement or the purposes of the dedication.

Now, with reference to this particular public square, I should say, to begin with, that there is no necessary violation of the terms or provisions of the dedication, or the right of the public in it, by the use that is contemplated by this bill; and it is not dedicated or desiguse that is contemplated by this bill; and it is not dedicated or designated as a public park, but as a public square. A question has been made as to whether it would be competent to devote this public square to the uses contemplated by this bill, in view of the rights of adjoining proprietors. I have already said that I think there is perhaps a difference between the rulings in New York and in our State upon that subject. As I remember, by the decisions in New York it would be held there that, if this had been set apart and dedicated as a park, and persons constructed their buildings upon the adjoining lots in view of such dedication, then it would not be competent for the public to divert it or to appropriate it to the use contemplated by the public to divert it or to appropriate it to the use contemplated by this bill. I think the ruling is different in other States on that sub-ject; that, unless there be something in the terms of the dedication that would preclude such other use, then the public may use it for such other purpose, possibly leaving open the question of the liability of the county or the city for damages to the adjoining proprietors. But, so far as this case is concerned, I understand that it is proposed that the bill shall be amended so that there shall be the consent of such adjoining proprietors before the erection of this public building. If that is given, as the Government merely has the naked legal title, as there has been a surrender substantially of everything there is in connection with this land except the holding of such legal title, it seems to me there ought to be but little if any trouble on the part of the Senate in saying that the city of Dubuque, which has largely added to the value of this tract of ground—improved it, inclosed it, put trees there, and made it in every respect desirable—may divert it to the purpose contemplated. When the consent of the adjoining proprietors is given, I do not see why the Government should not consent on its part

Mr. MORTON. I can see no objection to this bill, but I confess I can hardly see the use of it. The language of this grant is as fol-

Shall, under the direction of the surveyor general of the public lands, be laid off into town lots, streets, avenues, and the lots for public use called the public squares.

"Lots for public use called the public squares." A lot used for city offices, public offices, may properly be deemed a public square. If

you designate it as a city park, it would be a different thing; but it is a lot for public use, and where it is used for public purposes, for city or county offices, it is directly within the terms of the grant. only effect of this bill, as far as I can see, would be to transfer the title to this land from the city to the county of Dubuque. There was a dedication to the city and not to the county by the act of Congress.

The effect of this would be to transfer it from the city to the country.

Mr. MORRILL, of Vermont. I suppose that the chief interest of this bill is as to whether the United States will ever require this land for any public purpose. The Committee on Public Buildings and Grounds examined that question, and had a report from the proper Department that there are already erected in the city of Dubuque all the public buildings which will be required by the Government. Under these circumstances, and regarding it as somewhat doubtful whether the United States had any title to this public square, the committee were in favor of relinquishing whatever title the United

States might have.

I should disagree with Senators who have spoken about this place being different from a public park because it is called a public square, as that is a phrase that is often used for these open places that are left to be planted with trees and cultivated as breathing places for a city. But this square is on the extreme verge of the city, and the topography of the country is such that it is impossible for the city to extend much beyond this square, and it therefore is not a great necessity as a public park or a public square; and if the citizens of Dubuque are satisfied to convert this park to the uses of a county court-house, I do not see why the United States should have any objection. It strikes me, therefore, that the bill ought to pass. After these build-ings are erected there will be a large space on all sides that will be vacant, so that it will be almost as beneficial as a public square or park as it is now.

Mr. CONKLING. Mr. President, judging from the remarks of the Senators from Iowa that they have no objection to including the consent of the owners, I suggest that the bill be amended by inserting on line 6, after the word "Dubuque," words which will make it

read thus:

The consent of the proper authorities of the city of Dubuque, and also of the owners of property fronting on said square, or heretofore sold by description referring to said square, being first had and obtained.

Mr. McMILLAN. Will the Senator from New York allow me to ask him whether it would not be better to enlarge that amendment even, and let the citizens of Dubuque by some expression by ballot express their assent to it? Does not the same right which would attach to the lot-holders on this square extend to every individual in the city? It is a public square, and every citizen has the same right in it perhaps that a lot-holder would have.

Mr. CONKLING. Does the Senator think that every citizen of

Dubuque could maintain a bill in equity to keep that square open or

enjoin erections on it?

Mr. McMILLAN. If the square is dedicated for public use as a public square, I cannot see why every citizen of the city would not have the same right, in nature although not in degree, that the lot-

holder adjoining would have.

Mr. ALLISON. The Senator from Minnesota seems to infer that we are granting something. We are simply giving our consent. We have in Iowa courts, State and Federal; and if any citizen there is aggrieved about this square, I suppose he will try and enforce his rights in the courts. I do not think the simple consent of the United States will interfere with his rights, whatever they may be. I quite agree to the amendment of the Senator from New York, however, in reference to the adjacent property-holders; but I do not quite see the

propriety of the last clause.

Mr. CONKLING. It is simply to describe the property, that which fronts on the square or by description is located on the square.

Mr. ALLISON. Very well; I have no objection.

Mr. CONKLING. Where it has been so sold heretofore I mean,

(not what may hereafter be sold,) by description relating to the square. I understand—and I make this remark in answer to my friend from Iowa, [Mr. Wright]—without going into the conflict of decisions in the different States, that the law is and ought to be that a grantor, be it the United States or anybody else, who makes a plot or exhibits an open square, and sells to purchasers bounding or fronting them on that square, is not at liberty afterward by direction or by indirection to close it up, or connive at its being closed up; and I shall be surprised if there is any State in this Union in which a court of equity would not interpose to prevent that. If the United States is a mere spectator here, a mere looker-on, and says "We make no objection one way or the other," this question would not practically

I do not think, from hearing this grant read once or twice, that that the attitude of this case; nor do those who seek this legislation. Therefore, as the Senators think that this will not interfere with their purpose at all, I suggest—though I have no feeling about it and feel no duty resting on me which I have not already discharged by calling attention to the matter-that it would be better to put in these harmless and customary words so that no man shall be armed with a grievance or have a right to say that he was a solitary exception, if he should be solitary, in assenting to this thing being done. And I think it is a little more important in view of other phraseology that I find

The Senator from Vermont has spoken of a court-house, derstand this to be a permission and license to construct "such public buildings," in the plural, "as may be necessary for court purposes and for the public offices of said county;" and if they choose to put up two or five or ten buildings now or hereafter, my understanding of this act is, that the consent of the United States is given to that and that the United States hereby relinquishes to the county of Dubuque, for the purposes here indicated, that is, all the purposes I have described, the title which the United States may have. It seems to me, therefore, that it would be well to incorporate such an amendment as I have suggested, or one equivalent to it, that we may not hereafter

ind ourselves charged with an act of injustice.

Mr. ALLISON. I quite agree to the suggestion made by the Senator from New York, and, as I stated before, I understand that all the adjacent property-holders have given their consent. If they have not, I think equity to them requires that they should be allowed to

Mr. CONKLING. If that be so, this amendment will not require

them to give it again; it is simply a recital.

Mr. ALLISON. I ask that the amendment be reported.

The PRESIDENT pro tempore. The amendment will be read.

The CHIEF CLERK. After the word "Dubuque," in line 6, it is proposed to insert:

And also of the owners of property fronting on said square or heretofore sold by escription referring to said square.

Mr. MORTON. I suggest to the Senator from Iowa that under the Ar. MORTON. I suggest to the Senator from flow that under the language of the grant this square has already been dedicated for public use, and whether it be a park or a public building, that is a public use. The dedication is now complete. By adopting this amendment, you put it in the power of any one property-holder who may own ten feet front to prevent the erection of these buildings; in other words, to impair what is a perfect right already.

Mr. ALLISON. I have no doubt of that, but at the same time I

think those who own property fronting upon this square have a right to be consulted, aside from any question of law. I have understood that they have consented to the erection of this public building on this square. If they have not, I am quite willing that they shall be

first consulted.

Mr. WHYTE. It occurs to me, Mr. President, that this bill ought Mr. WHYTE. It occurs to me, Mr. President, that this bill ought not to pass in any shape. It appears to have been referred to the Committee on Public Buildings and Grounds, and as a member of that committee I think it proper to say that I was not present at the consideration of the bill, or I should promptly have taken exceptions to it at that time. The act of 1836, dedicating this property to public use, specifically dedicates it for the public use as a public square. To the inhabitants of cities and villages, the use of a piece of land as a public square is too well known to need discussion. It means a place for recreation and for the breathing of the people. Under the terms of this act these squares were set out for that specific purpose, and every occupant of the town of Dubuque has an equitable right and interest in the square mentioned in this bill as a public square. It seems to have been laid out by the authorities of the city of D buque seems to have been laid out by the authorities of the city of D abaque and fenced in as a public park, and called by the name of Washington Square, and has been used since that period by the whole people of that town as a public square. The language of the act shows that that was in the contemplation of Congress when the act was passed, for after describing the different towns in the different Territories where the town lots and public squares should be laid out, it provides that they shall be so laid out "in such manner and of such dimensions as he" (the surveyor-general) "may think proper for the public good and the equitable rights of the settlers and occupants of the said towns." And then at the close of the same section it provides that certain portions or tracts of land upon the river-bank "shall be reserved from sale, (as shall also the public squares,) for public use, and remain forever for public use, as public highways, and for other public uses." These are uses to which every occupant of Dubuque is entitled.

Mr. ALLISON. Now will the Senator allow me to ask him a ques-

Mr. ALLISON. Only the consent of the United States is given by this bill. If any citizen of Dubuque is aggrieved by the erection of a court-house, can he not enforce whatever right he has in the courts of the United States or in the courts of the State?

Mr. WHYTE. The ground I take is that the United States has parted, for the benefit of the whole people of that town, with its title to this land. Now the United States undertakes to exercise a quasi right to take it from the great body of the people, and give it to the county authorities of the county of Dubuque to cover it all over with public buildings, and to destroy it for the public purpose for which in 1836 Congress dedicated it. That is the very point to which I take exception, that this takes this public square in a manner which, if not real, ought not to be taken at all; but in a quasi manner takes it away by giving this consent, from the great body of the people of that city, who are to use and enjoy it as a public square, open and unobstructed, just as the public highways. It stands precisely upon the same footing with the public highways. It stands precisely upon the same footing with the public highways. It stands precisely upon the same footing with the public highways. as well give authority to put the court-house in the public streets of Dubuque as to give authority now to take from the people of Dubuque the right to enjoy this Washington Square as a public park.

We have parted with it; we have given it to the general public; and we have parted with it; we have given it to the general public; and we have no right, even by giving consent, in any manner to indicate that we wish it taken from the great body of the people of the city of Dubuque and given to the authorities of Dubuque County, to fill it up with public buildings for the uses of the county of Dubuque.

Mr. BOGY. Mr. President—

The PRESIDENT pro tempore. The morning hour has expired.

Mr. ALLISON. I desire to say one word in reply to the Senator from Maydead.

from Maryland.

The PRESIDENT pro tempore. The Senator from Missouri had risen. Is there objection to the further consideration of the bill pending at the close of the morning hour? The Chair hears none.

Mr. EDMUNDS. Subject to a call for the regular order.

Mr. BOGY. Mr. President, I will detain the Senate but a moment to express my view on this bill, and I am rather astonished to perceive that it is opposed by any Senator, and I think the opposition grows out of a misconception of the subject. Originally the ground on which stands the city of Dubuque belonged to the United States. At the time the city was laid out the property was sold by the United. At the time the city was laid out the property was sold by the United States, reserving certain public squares. These squares were reserved for the public use. The dedication to the public use is in law perfect and complete, and could be enforced not alone by the Federal courts but by the State courts. Therefore the Government of the United States at this time has no title whatever to this property, except in the fact that there is reserved in the Government what lawyers call the fee, the mere naked fee, the ideal fee. The use of the property has passed from the Government to the city of Dubuque and property has passed from the Government to the city of Dubuque and its citizens, and is beyond the control of the Federal Government. Now what does this bill profess to do? This mere naked fee being yet in the Government, it says through this bill and by this bill that it consents that the people who own the use may do with this property as they may think best. That is all. Although it may be true that the use is vested in each and every individual in the city of Dubuque and that on a proper case being made out the courts would enforce his right, nevertheless in all organized governments the public speaks through its organization; and it is impossible to enforce the right of his right, nevertheless in all organized governments the public speaks through its organization; and it is impossible to enforce the right of each and of every individual by his separate action. It must be enforced through the organization of government; and if the State of Iowa, or the city of Dubuque, through its regularly constituted, organized government makes a disposition of this use, it will be binding in law; and I do not know any other way to do it. The right of the individual is understood well, but it is like the right of an individual to step upon one of the vessels of the United States Government. The vessels of the Government belong to the neonle because ing in law; and I do not know any other way to do it. The right of the individual is understood well, but it is like the right of an individual to step upon one of the vessels of the United States Government. The vessels of the Government belong to the people because they are public, but yet each and every citizen of the United States has not the right to go on a Government vessel and say "I am one of the owners and I choose to remain on board this vessel." He cannot do it, although nobody would deny his right in the abstract as one of the people. So it is here. I hold that the Government has no control of this property, and I furthermore hold that this bill is unnecessary excepting to this extent only: If the city of Dubuque were to erect the buildings contemplated by the bill, it would be competent for the Government of the United States through its law officers to file a bill to restrain that erection. That might be done. It would not be done, I am sure; but it might in law be done because it would be the duty of the Government holding the fee to see that the use was held inviolate; that the object for which the use was created was always properly respected. Beyond that there would be no control. There is nothing asked of the Government of the United States here except that it will consent that this thing be done just as the local authorities may think best. We part with nothing which is valuable to us: we give no property upon which we can at any time build or improve, no property which we can sell. All that has long since passed from the Government in the act laying the foundation for the city of Dubuque. We merely give our consent that these people, in whom is already vested the use of this property, may, if they so decide in a proper legal way, declare that this use shall be exercised in the manner herein indicated. All we do is to give our consent. We part with no property; we part with nothing which is worth a cent to us; we part with no property which we have the right to control in any way or dispose

1835 which has been read.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from New York.

Mr. CONKLING. The Senator from Iowa suggests, to guard against possible danger, that the amendment had better be changed so as to read "or hereafter located by description upon said square." I should think that was full enough.

The PRESIDENT pro tempore. The amendment will be so modified, and the amendment as modified will be reported.

The CHIEF CLERK. After the word "Dubuque," in line 6, it is proposed to insert:

And also of the owners of property fronting on said square or heretofore located by description on said square.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, was read

the third time, and passed.

The PRESIDENT pro tempore.

Cockrell] rose for some purpose.

The Senator from Missouri [Mr. Before calling up the unfinished Before calling up the unfinished business the Chair will recognize him.

Mr. COCKRELL. I desired to object to the passage of the bill on account of the last clause.

The PRESIDENT pro tempore. If the Senator states that he rose before the bill passed, the Chair will put the question again.

Mr. COCKRELL. The only question was in regard to granting whatever title remains in the United States to the county of Dubuque. Why not grant it to the city, and let the city make arrangements with the county? As I understand the act of Congress which has been read, the title is given to the city for the purposes of the inhabitants of the city. Now let this grant of whatever title may have remained in the United States be made to the city, and let the county arrange its terms with the city.

Mr. CONKLING. But the bill provides that the city shall assent; the assent of the city is required in the bill, which was intended to meet the objection.

Mr. ALLISON. I think the Senator from Missouri will find that the bill is all right, if he will examine it carefully.

Mr. SAULSBURY. I desire to ask the Senator from Iowa one question, whether there is any provision in the bill for indeposity to pre-

Mr. SAULSBURY. I desire to ask the Senator from Iowa one question, whether there is any provision in the bill for indemnity to persons whose property lies on this public square for any injury to the property by the erection of the county buildings on it?

Mr. ALLISON. I did not hear the question.

The PRESIDENT pro tempore. Is there objection to the vote standing? The Chair hears none, and the bill is passed.

#### PUBLICATION OF DEBATES.

The PRESIDENT pro tempore. The unfinished business of yesterday is the report of the committee of conference on House joint resolution No. 52 in relation to the District of Columbia.

Mr. ANTHONY. I gave notice yesterday that I would ask the indulgence of the Senate to submit to-day a few remarks on the concurrent resolution I then presented. As I was unable to obtain the floor in the morning hour, I understand that my friend who has charge of the unfinished business assents to my being heard now.

Mr. SARGENT. The chairman of the Committee on Appropriations on leaving the Chamber requested me, when the regular order came up, to take charge of it, stating, however, that he consented to giving way a few minutes to some remarks of the Senator from Rhode Island. do not feel at liberty to violate that arrangement.

The PRESIDENT pro tempore. The Senator from Rhode Island will be recognized, the floor being yielded to him for that purpose.

Mr. SARGENT. The regular order is laid aside only temporarily I

understand.

The PRESIDENT pro tempore. Only temporarily.

Mr. ANTHONY. I move that the Senate proceed to the consideration of the concurrent resolution I offered yesterday.

The motion was agreed to; and the Senate proceeded to consider the following resolution:

Resolved by the Senate. (the House of Representatives concurring.) That the reports in the Congressional Record shall be an accurate transcript of the proceedings and the debates of the two Houses of Congress, and that no speech shall be published therein which was not spoken in the Senate or in the House of Representatives; and such speeches shall be printed as they were actually delivered, except verbal corrections made by the author of the speech, and by no other person; and that when speeches are reserved by their authors for correction, they shall be returned to the reporter of the House in which they were delivered within one week, and, if not so returned, they shall then be printed in the CONGRESSIONAL RECORD from the original notes of the reporter.

Mr. ANTHONY. Mr. President, the purpose of this resolution is plain upon the surface. It is intended to make the Congressional Record what it purports to be, what constitutes its value and justifies the cost of its publication. Whatever may be said of the unimportant character of too much of the debates of Congress, as of other deliberative bodies, the importance of the proceedings can hardly be overestimated, and upon these the debates throw great light. They are the proceedings which establish and modify the government of forty millions of free, active, adventurous peole; and whatever makes these proceedings plainer is of high value to the people by whose servants they are transacted.

Objections have been often and seriously urged against the publi-

Objections have been often and seriously urged against the publication of the debates, with the fullness and minuteness which distinguish the reports in the Congressional Record; and it will not be disputed that much of the discussion is irrelevant, and that much which is relevant is tedious; that many things are said which are not worth saying, and that much of that which is worth saying is repeated many times. A German critic once said of a new work: "There is much in this book that is new and much that is good; it is to be regretted that that which is good is not new, and that which is new is not good." This will apply to much of our discussion, which does not therein differ from the discussion of other free legislative bodies. But whatever the measure of chaff in which the two

grains of wheat be buried, they are worth finding; and they will be found. And this tediousness, this repetition, this frequent irrelevancy, are inseparable from that free discussion that is necessary to free institutions. It seems impossible to curb the license of debate without interfering with its just and necessary freedom. And although I carry to a degree which I know is a fault the natural impatience of much speaking, and although I have more than once, upon this floor, congratulated you that, in the eternal fitness of things, the obligation to hear had not been made correlative to the right of speech, yet so highly do I esteem that much abused right, so essential do I consider it to freedom and to sound government, that I have never been able to bring my mind to its restriction by any rule, other than those temporary agreements which we make for special occasions, and by unanimous consent. It is better that a question be debated too much than not to be debated at all, and to be passed upon without the light which discussion alone can throw upon it, and without being exhibited in all its forms and from all points of view. The slowness with which legislatures act is among the least of their evils. It is from hasty and unconsidered legislation that the country has most to fear. Nor is the discussion upon a question that is held for consideration in the two Houses of Congress confined to these Halls. consideration in the two Houses of Congress confined to these Halls. The high debate goes on simultaneously all over the land. Our constituents join in it; the press takes it up, and the intelligence of the whole country is brought to bear upon it, till in its final action it speaks not alone with the voice of Congress, but in some measure interprets the "collected will" of the people.

I am, therefore, clearly of the opinion that the Congressional Record should be maintained; that it is worth to the country all that

it costs. The debates of Congress show what was the view taken of the proceedings by those who participated in them; they furnish a cotemporaneous interpretation of the intent and meaning of legislation. They record the judgment of those who have gone before, upon many questions that are old, yet ever new, upon the fundamental law, upon the policy of the Government, upon great matters of legislation and of administration. How often have we studied the scantily reported debates in the convention which framed the Constitution, and ported debates in the convention which framed the Constitution, and in the early Congresses, to find the interpretation which the fathers placed upon their work; and of what inestimable value would be a literal report of these discussions, such a report as we have long had of the later ones. We and those who come after us may not flatter ourselves that any subsequent discussions will be as important to posterity; but all that relates to the legislation of a great country, like this, must be of enduring interest to its citizens. And, in that view, the cost of the RECORD is not an item to be taken into the account nor is the more important consideration, the prolongation of debate, the encouragement which the publication gives to debate intended not to affect the votes of those to whom it is addressed, but for the general

But, whatever difference of opinion there may be touching the policy of continuing the Congressional Record, there can be none as to the character of the publication. It should be what it purports to be. Its phonographic accuracy and completeness should mirror exactly what is said and done. It should speak, like a credible witness, "the truth, the whole truth, and nothing but the truth." Its correctness is the essential quality of its value. If not correct, it is not only useless but injurious; it deceives, instead of informing; it misleads instead of guiding, and throws confusion upon what it undertakes to enlighten. No one will question that the RECORD should reproduce what was said, not what was not said. If the ponderous volumes, of which I apprehend that we shall supply not less than seven before your gavel falls on the closing session, are to be occupied, even in part, with fancy discussion, with speeches that were not delivered, but only that might, could, would, or should have been delivered, the Government might better save the paper.

There is no objection to the publication of addresses which members of either House of Congress may desire to make to their constituents. On the contrary, I have always thought that the practice which prevailed in the earlier Congresses, when the members were expected to issue an address in the nature of a review of their doings, was a healthful one, and that it was badly superseded by speeches delivered on the floor, not with the purpose of affecting the decision of the measure under discussion, but of communicating with the constituencies. But even this is far less objectionable than the publication of speeches that were not delivered. Indeed, if the practice were not frequent, the proposition to print in the RECORD, and as a part of the debates in Congress, speeches that had not been delivered, would be pronounced absurd. This requires neither argument nor illustration. Yet we know the extent to which this practice has prevailed, although not so often in this Chamber, where debate is unrestricted in time, and there is not the same apology, if anything can be an apology, for the singular and indefensible custom. Many speeches not delivered in Congress have been printed in the RECORD as a part of its proceeding. Arguments stand unanswered, statements remain of record, unchallenged, that would not have been listened to without protest and utter refutation. The future inquirer who examines the RECORD to find not only what measures were passed and what were rejected, but the reasons for the disposition that was made of them, finds arguments that were not delivered, and statements of fact that were not submitted to those whose judgments they are theoretically supposed to have controlled.

Nor is this all. A practice, in one aspect even worse than that of publishing speeches that were not made has prevailed in Congress. Speeches that were delivered have been mutilated, altered to make them evade the effect of speeches that were made in reply; statements that were refuted have been omitted or modified, and qualifying remarks that were not delivered on the floor have been inserted in the printed speech. And sometimes speeches that were so completely answered as to make their authors ridiculous have been omitted altogether; thus placing the responding speakers in the attitude of replying to what was not said, and making apparent nonsense of what was appropriate and effective, and presenting the victor in debate as a Don Quixote, fighting wind-mills, or hurling his lance at shadowy giants and imaginary sorcerers. Utter unfairness would be a very mild term for this, and, by permitting it, we made ourselves party to it. And although the bad practice of publishing speeches not made has not been frequent in this Chamber, some Senators—I have in my memory two conspicuous examples of Senators, not now members of the body—have taken speeches for revision, after they were written out by the reporters, have detained them, greatly to the delay and inconvenience of the publication of the reports, and finally refused to return them; while the speeches made in reply to them, and which could not be understood without them, were published in their proper places. This they did, not once only, but in repeated instances. The reporters had no remedy, and the debates of which these speeches made a part, and to the completeness of which, however unimportant in themselves, they were essential, remain in the Globe but half reported.

I remember two instances in which utterances were made on this floor so strange, in one of them it seemed to me so atrocious, that directions were given to preserve the original phonographic notes for comparison with the revision which it was supposed that the Senators who spoke would make of their speeches. In one case, the least noteworthy, the passage, which was objectionable mainly to taste, was omitted. In the other case the speech was held back altogether, until attention was called, I think months afterward, in the Senate to the offensive passage, which was pronounced on this floor to be "revolutionary, unconstitutional, and treasonable." Whether the speech was afterward published or not I have not examined, nor is it necessary to the illustration of the practice. If published at all, it was in the appendix, out of its proper place, and where it would furnish no proper explanation of the indignant protests that followed it. If I may reproduce my own remarks, I will repeat here what I said at that time:

duce my own remarks, I will repeat here what I said at that time:

Mr. Anthon. I think that the practice of making speeches and then suppressing them in the Globe, thereby making those who reply to them appear very ridiculous and their remarks very inconsequential, ought to be stopped in some way or other. I do not understand what right the proprietors of the Congressional Globe or the reporters of the Congressional Globe at our of the congressional Globe and all and the second of the congressional Globe and the previous sessions which have never been printed, and never gone into the Globe at all. I do not know that there is any law or any rule against the practice, but there ought to be one. I think the reporters of the Congressional Globe are bound to print what is said here, and to print it within a reasonable time; and I give notice that unless that is done I shall feel justified in opposing the appropriation for the payment of the Congressional Globe. They agree to publish those speeches; they do not do it; and, if it is their fault, then they ought not to be paid. If it is not their fault, then the reporters ought to be protected, in such a way as that they shall have no discretion in the matter. Of course, if a Senator comes and desires to have his remarks suppressed, it is hardly possible for the reporters to refuse, but they should be protected from the exercise of any discretion in the matter.

What was, or should have been, then, the duty of the publishers of

What was, or should have been, then, the duty of the publishers of the Globe, but for failing in which they had reasonable excuse, perhaps unanswerble excuse, is now the duty of Congress, and for failing in it we have no excuse. The publishers and the reporters had not the power to enforce the prompt return of speeches taken for revision; we have the power, and we should exercise it. We now stand in the place of the publishers of the Globe, for we have undertaken the publication of the debates. A reasonable time should be given for revising the errors of style that are inevitable in extemporaneous discussion. One day is quite enough for this, and the retention of a speech should not be allowed to delay the prompt publication of the Record, nor should anything beyond this be added or omitted. Indeed I am of opinion that the better way would be to publish the debates, every morning, precisely as they took place, with no correction, except in the form of a note. An inflexible adherence to this rule would have some advantage upon the debates, beyond the correct and authentic record of them. I have not, however, ventured to propose so stringent a rule. It might be inconvenient, in the pres ing demands upon the time of every member of Congress who attends

with reasonable fidelity to his laborious and multifarious duties.

A speech not delivered was once printed in the Globe by permission of the House of Representatives. I refer to a previous House and to accomplished and recorded proceedings, and I am sure that you will not think the reference out of order, especially as the concurrent resolution refers to both Houses and as the practices which it seeks to correct have been common to both. A member of the House said:

I have prepared some remarks on the duty of the Government to recognize the belligerence of the republic of Cuba, and as I do not desire to take up the time of the House, I ask leave to print my remarks in the Globe.

There being no objection, leave was granted.

The speech was accordingly printed on the following day in the daily edition of the Globe. Instead of an argument for the recognition of Cuba, it was a most outrageous and indecent assault upon a member of this body, a Senator who was recently borne from this Chamber to his place of final repose with every demonstration of

public sorrow and of public respect. This assault, utterly unprovoked, without the pretext of reason or propriety of time or place, was a breach of the privileges of both Houses and was so recognized, and was promptly rebuked in the one to which the speaker was responsible. A resolution was passed instructing the Committee on Rules to inquire and report whether the member who made the speech had not abused the privilege, which he obtained, of printing it without delivering it, violated the rules of the House, and deserved its censure; and it was ordered that, until the report of the committee, the speech should be excluded from the Congressional Globe. The speech was not printed in that publication, but it had already appeared in the daily edition of the Globe, as a part of the proceedings of a body which would not have listened to a sentence of it, without calling to order the man who delivered it, and passing censure upon him. And, although this flagrant instance of the abuse of the privilege was brought to the attention of the House, many others which were not indeed indecent, but which mutilated and deformed the record, have passed unnoticed in both Houses.

A less shameful but more amusing example of the abuse of this rivilege occurred in the second session of the Thirty-seventh Congress, and will be found in the Globe of that session, part 4 and appendix, where, within little more than a hundred pages of each other, are two speeches identical, or nearly so, throughout. Neither speech was spoken. In each case leave was given to print. The commence-

ment of the two is:

I am reluctant to claim the attention of the committee when matters of more importance might receive its consideration; but in view of the discussions which have already been had in this Hall during the present session, I desire in an informal and brief manner, to present my views on some of the measures which now engage the attention of Congress and the country.

I have said that both were identical. I did injustice to the eloquent speakers whose thoughts, by a singular mental constitution, were prespeakers whose thoughts, by a singular mental constitution, were precisely alike and found expression in the same words; one obtained leave to print in Committee of the Whole, and the other in the House. One speech, the Globe informs us, was delivered April 24, 1852, "the House being in Committee of the Whole on the state of the Union," the other on the 26th of May, "the House having under consideration the bill to confiscate the property and free from servitude the slaves of rebels." So that the modest "reluctance" of one was "to claim the attention of the committee," while the diffidence of the other was expended upon the House.

dence of the other was expended upon the House.

And this we call debate; this we employ accomplished men to report, at large compensation, to record every word with literal exactness, for the delight of the generation of living men, for the information of posterity. And these speeches are published in other forms, tion of posterity. And these speeches are published in other forms, and circulated among an admiring constituency, to attest the ability and fidelity with which their interests are guarded by those to whom they have committed them, to show the part which their chosen representatives have borne in shaping the national legislation. What a travesty upon debate! How admirably calculated to bring Congress itself into contempt! The purpose of this resolution is to make the CONGRESSIONAL RECORD what it purports to be, a faithful record of what is said and done in Congress, and of nothing else; to protect our debates from the indignity which they have suffered by emission in debates from the indignity which they have suffered by omission, in-terpolation, and by the publication of whole speeches that were un-spoken, and that might not have been tolerated, that certainly would not have been unanswered.

I move that the resolution be referred to the Committee on Print-

ing.
The motion was agreed to.

# DISTRICT 3.65 BONDS.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said com-

missioners, and for other purposes

Mr. SARGENT. Mr. President, I do not desire to prolong the de-bate upon the conference report. I wish merely to explain the mat-ter adverted to by the honorable Senator from Massachusetts [Mr. DAWES] last evening, at the close of yesterday's debate. I desire to show that the board of commissioners, while they did pay to the members of the board of audit the amount named in the report, had warrant by the statute passed by Congress; and my interest in the matter ceases there. I do not believe the second statute, under which this was paid and to which I shall refer, was profitable or wise. I think it was like all the legislation with reference to the board of audit—a monstrosity; but there was only one construction for it; and on behalf of the gentlemen who compose the board of commissioners, I make the explanation.

The sixth section of the act of Congress approved June 20, 1874, limited the official term of the board of audit to the time of their making to the President a full report of their acts and proceedings, to be by him transmitted to Congress on the first day of the session beginning in December, 1874. I will read the clause to which I refer, it being a portion of the sixth section of the act of June 20, 1874, constituting the board of audit:

Said board of audit shall give notice for the presentation of the claims hereinbe-fore specified in such-manner as may be deemed necessary, and no claim shall be

audited or allowed unless presented within ninety days after the first publication of such notice; and said board shall make full report of all their acts and proceedings to the President, to be by him transmitted to Congress on the first day of the next session thereof. Each of the said officers constituting said board shall be paid the sum of \$2,000 for his services under this act, out of the funds of said District, in addition to his present compensation.

In other words, Congress limited the duration of this board to the completion of the report, which was to be presented to Congress in December, 1874. That that is a fair construction of it I will show by the language which Congress used in continuing the board afterward. For the services which its members thus were to give, and which were limited in time by the presenting of the report, they were to receive the sum of \$2,000, not per annum, but, as it is stated, for their services under this act, each one of them, there being two members of the

Their pay, then, for this service was \$2,000, or, as calculated by the board of audit, \$12.6542 per day from the 1st day of July, 1874, when they organized, to the 5th day of December, when the report was made, being one hundred and fifty-eight days. The joint resolution of Congress approved December 21, 1874, in its first section, provides:

That the board of audit constituted by section 6 of the act entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, be continued until otherwise provided by law—

If their powers and duties had not terminated by the previous act of Congress, why continue them? They are continued "until otherwise provided by law "-

with all the powers and duties specified in said section, and with compensation to the members of the board at a rate proportioned, according to time, to that granted in said act, and payable as therein provided.

Then it goes on with some other provisions extending the time within which claims may be filed. I have not looked into the legislative history of this resolution to see who was the author of it, who reported it, or who was responsible for it. I simply say that it was very careless legislation, but it is a fair construction that it provided that they shall receive the same pay, proportioned as to time, that was fixed by the previous law, and that the board of commissioners who were required to pay this sum, because it was payable out of the funds of the District, were justified in the construction which they put upon it.

Now, if my friend from Massachusetts will look at the figures he will ascertain that the amount reported as paid to these two gentle-men exactly makes out the amount of additional days they served, men exactly makes out the amount of additional days they served, embraced in that report, multiplied by the per diem procured in the manner of which I have spoken, except that the sum of \$400 was embraced in the previous year, not the year 1875, and is added to make up the total of \$9,260.64. With that exception, which of course comes under the same rule, the per diem for 1875 was ascertained in the way I have stated, and the figures, as I find by calculation, make that

That is the explanation which I think due to the commissioners, who find this peculiar law in our statute-books as I think have properly construed it. I might say that would be a reason why we should at once abolish the board of audit, that this per diem runs on in that way. I am inclined to think it is a good reason. I believe that this compensation as now provided by this statute is extravagant, enormous. These gentlemen receive from their pay as Comptrollers of the Treasury about \$5,000 a year, and this amount, which they receive under this additional act, is about \$4,000 or more, making in all

between nine and ten thousand dollars a year.

I should like to say in justice to the committee of conference that any words continuing for any purpose the board of audit were not the motion of the members of the Senate committee. I suppose I have a right to say that. As I said yesterday, the amendment was prepared by the members of the House, they objecting to the abolishment of the board of audit, because they said they wanted to retain it in an organized form, as their House were investigating the board of audit, and if its organized form were destroyed they would lose the facility for carrying on that investigation. After considering that argument, I allowed it to overcome my objections; and I did not think it stood in our stead to object to the continuance of the board for that purpose, especially those who might have the opinions which I had expressed on the floor in reference to these matters. I believed the board of audit as originally constituted was improperly made up; that its functions were allowed to be devolved upon subordinates not named; that it was authorized to pick up anybody it saw fit, and devolve its whole duties upon him. As I have said to the Senate before, I say now, I stood originally objecting strenuously that it was careless legislation, that it might lead to fraud, that it was apt to do so, and that we ought to amend the bill in that particular, and put this whole business under the supervision of the Secretary of the Treasury, and make him responsible for all these proceedings. So far as I am concerned, the sooner the board of audit is abolished the better it will be for me; but I do think that it is not just for Congress to leave affoat a difference of a million of dollars between the amount of certificates and unaudited accounts and the bonds, that it is repudiation to do so.

My objection to this report is not that which has been stated by some other gentlemen, but because we do, in my judgment, speaking with deference to those who differ with me, repudiate by it our obli-

Mr. EDMUNDS. I should like to ask the Senator from California if he has stated the exact amount of the bonds that are now outstand-

ing?
Mr. SARGENT. I have not on this occasion, but the figures are

Mr. SAMOENT. Thave not on this occasion, but the lightes are here and at the service of the Senator.

Mr. EDMUNDS. I am informed by the gentlemen who compose the sinking-fund commission, several of whom are known to me as persons of as good character as anybody there is left in this bad world anywhere, that all the bonds they have issued, dollar for dollar, are accounted for by certificates, which as they understood the law they were compelled to issue bonds upon; and the certificates of course were compelled to issue bonds upon; and the certificates of course are ready to be produced; that the sum that they have actually issued of bonds altogether, now outstanding, is \$13,743,250; that, instead of making haste to issue bonds when this bill had passed the other House, they stopped issuing bonds, and passed a resolution to that effect, only issuing (if you can call it issuing) bonds that had before that time and before the question was brought up in the House of Representatives at all about stopping operations been called for by of Representatives at all about stopping operations been called for by certificates that had been presented to them for conversion, and which, as they were unable to issue the bonds, on due care and examination, fast enough, they had made a register of, and had promised the bonds to the holders of the certificates, as they of course were obliged to do. Therefore, in substance and effect, no bonds at all for any purpose have been issued since this consideration in either House of the matter has been brought forward, although as a literal fact some bonds have actually left their office since the matter was under debate, but not since the bill came here, as I understand, but as I have said bonds that were already in effect issued, and were only in the course of preparation for parties who had applied and who were registered as applying for the bonds for the certificates. This being the case, I think no criticism at all can be made upon this board of audit for any action that they have taken in the parties who have the control of the certificates. that they have taken since this matter was brought under considera-tion unless it may be the criticisms of citizens who held certificates for which they could not get bonds when they applied after this dis-

cussion had been commenced.

While I am up, Mr. President, I feel bound to say besides, in respect of all this business, what perhaps I have said before, that, as much as I believe the commissioners of the District of Columbia have gone too far in the expenditure of money, (not as in violation of law, but as a matter of expediency,) I think we ought not to forget the condition in which they found this District when Congress put them into possession to administer its affairs. Miles and miles of streets were torn up; sidewalks torn up; things stripped and carried away; and there was an utter state of dilapidation and ruin, if things were left in their then condition all over the city. Anybody can readily see that when citizens would be applying to them to redress, as it would be, the wrong that had been committed on them by pulling up the streets and turning everything upside down and leaving them in that condition, they went forward, and, to make what they were doing useful, very likely in some instances they went beyond the strict letter of completing an existing work, in order to bring existing works into connection with other streets that had been finished. But with all the criticism that I have pronounced upon the operations in this District for several years, I feel bound in candor to say this that I am now saying, that we ought to have a pretty charitable judgment in respect to matters of expediency in the conduct of these gentlemen who are commissioners when we look at the condition of things that they found themselves placed in and the difficulties they had to face. I have no doubt that they have all acted, as they thought, within the law and with the best intention toward the public good. That they have carried up the debt to a sum that is quite large enough for all practical purposes, we all agree, and we have provided they shall carry it no further; but as far as it has gone, of course it is impossible for us to go back upon it and refuse to provide for the bonds, as we have pledged ourselves to do; and of course we shall be obliged to provide in some way for the payment of these certificates, for they are an obligation of the District of Columbia, in some way, and it is are an obligation of the District of Columbia, in some way, and it is the duty of Congress unquestionably as the governing power to see to it that the creditors of this District get their pay, by imposing taxes enough upon the property of this District to enable the proper officer to pay these claims. It must be done. There cannot be any doubt about it. A government would not be worth the name that did not provide for justice to its citizens or to citizens of other countries who had claims against mynicipalities or retain countries who had claims against municipalities, or states even, as far as we had any constitutional power; but of course we have no power against the States. Here we have the power, and it is our plain duty, and speedily, as I think, to make some provision for paying the honest debts that are still outstanding against this District.

Mr. DAWES. Mr. President, I had great confidence last night that the Senator from California would be equal to the occasion, and that

there would be some explanation given of the condition of things as it appeared in the report; and it is fair that I should say that I believe the Senator has given the correct explanation of this condition of things. While all of us thought that the sum total which this board of audit was entitled to was the gross amount of \$2,000 each, or \$4,000 in all, for the temporary work of auditing these accounts, if appears that after having obtained that, they were allowed in addition to their regular salary of \$5,000, as I believe it is, a sum of about \$4,500 a year that there did not appear to be any explanation of. Now, however, it seems that the genius of man has been summoned to the

work of putting upon the statute-book a form of words that entitles these men, whether they have a single hour's work to perform, until Congress otherwise orders, the addition to their regular salary of the sum of about \$4,500 a year; and it is proposed by this report of the committee of conference to continue that after having divested them of all power to do anything else. After there had been put upon the statute-book, as I say, what was considered sufficient compensation for them in a gross sum of \$2,000 each to perform a work which the statute provided should be terminated on the 1st of December, 1874, this phraseology was afterward put in a joint resolution: The board of audit shall be-

continued until otherwise provided by law with all the powers and duties specified in said section, and with compensation to the members of the board at a rate proportioned, according to time, to that granted in said act.

That is to say, as the time from the 20th of June to the 1st of December is to the sum of \$2,000, so the time that they shall be continued in existence hereafter shall be to the fourth member of the proportion the amount which they shall receive. I understand the Senator from California to say that they ascertained it in this way: They took \$2,000 and divided it by the number of working days between the 20th of June and the 1st of December, and called that a per diem, and then for the whole of the year 1875 they multiplied the number of working days by that per diem thus found. I think the statute is open to that construction; but the genius of the man who devised it is worth putting upon record. Mr. SARGENT. That I think myself.

Mr. DAWES. And I suggest that it is but of a piece with that sort of construction of the temporary statute which called them into existence, that stretched the contracts that were made by the board of public works all over the city, and allowed one which covered but a single square on Capitol Hill to be turned into a contract to take up cobble pavement in a private alley and supply it with a concrete

pavement, miles off.

Now, sir, this may be a small matter; it may appear to the Senate to be a small matter; but there are other eyes upon this than ours; and for one I do not intend myself to take any portion of this load upon my shoulders any further. I suggest that now, since the Senator from California, as one of the committee of conference, has become converted to the necessity of putting an end to this board of audit and to this anomalous method of compensation, it is due to the subject that he should ask that this report be recommitted to that committee, so that they can provide for the termination of this state of things. On what ground can it be justified that these two men, with nothing in the world to do but to be investigated as the Senator from Maine says by the House of Representatives, must be paid therefor, in addition to their established salary as officers of this Government, the sum of

\$4,500 a year each?

Mr. MORRILL, of Maine. Will the Senator yield to me for a simple inquiry whether the Senator will not attain the object he has in view by the adoption of this report and then rely upon the investigation which is now taking place by the House of Representatives into the transactions of this board, which, of course, would cover the very item which has attracted his attention at the present time? As I have already stated, the reason of this provision in the report was that they should not be beyond the reach of the committee of the House of Representations. sentatives that was investigating the subject. I do not know how much importance may be attached to that, but it was thought necessary that importance may be attached to that, but it was thought necessary that their status should be preserved so long as they were being examined by a committee of the House of Representatives. Now, how rapidly they are advancing in this work of investigation I do not know; but undoubtedly this very matter would attract their attention, I submit to my honorable friend; and, if that could be done, I submit whether that does not reach what he aims at by a recommittal of the report.

Mr. DAWES. Neither the Senator, nor myself, nor anybody I am acquainted with can tell what will be the result of any investigation that is going on elsewhere or when there will be any such result; but we do know this, that we have before us at this very moment here the condition of things that the Senator from California says has satisfied him that this board of audit ought to be abolished at once and this compensation stopped.

Mr. SARGENT. The Senator will allow me to remark that I stated that to be my opinion at the very start, and I simply gave way to the argument urged on this point, merely as to this circumstance. I do not think the board of audit can be shown to be responsible for this item, little confidence as I have in them. The Congress that passed the resolution which has been so construed is responsible for that resolu-

Mr. DAWES. I know Congress is responsible for that resolution, but I have failed in the discussion thus far to find anybody who is willing to take the responsibility of any of the acts of the District government or of that government which was put in the place of it, which has brought so much scandal upon the administration of public affairs here, and we find an unwillingness to correct the evil. We find a disposition in every one who takes hold of this work of correction to so bind it up in words and indirection and involution that it can only be understood with the greatest difficulty. I do not know what is more simple and direct if we believe that this board of audit ought to terminate, that its compensation ought to cease, than to say so.

Now, the distinguished Senator from Maine proposes, instead of saying so, after having satisfied ourselves that it ought to be so, to

let it go on as it is indefinitely, in the hope that somebody else, over whom we have no control, and for whose actions we are not responsible, and whose actions we do not inspire, may do that which we ourselves are unwilling to do here, namely, to investigate and demonstrate to their own body the propriety of terminating this condition of things that they will be willing to do that which I do not think the Senator from Maine even will say ought not to be done now. I do not see why we cannot at once pass upon the question. If there is anything for this board of audit to do after they have passed upon the limited amount of claims prescribed in this bill, except to stand up and explain and justify according to law what they have done before such tribunal as has authority to arraign them, I do not know what there is left for them to do; nor do I know what necessity there is for them to be continued a board for that purpose, at the rate of \$4,500 a year additional to their compensation from the United States. I desire myself to make it plain what is the reason why I think this condition of things has gone on long enough.

condition of things has gone on long enough.

The people of this country think there is more at the bottom of the administration of affairs in this District of Columbia than the Congress of the United States have been willing to put npon the record. They think the disposition of the Congress of the United States is to go along without probing these things to the bottom. The Congress of the United States has been willing to say that such has been the character of the administration of the old board that it ought to stop instanter, and that it would provide temporarily for the administration of affairs until there shall be a new, a permanent, and better government of this District, and in the attempt to do that the people believe that Congress has been thwarted by construction the wildest and the strangest, as it appears outside of these Halls at least, that could be possibly put upon statute. And here comes up, at the last moment, after a delay of twenty-four hours in the discussion of this report, the fact that the continuation of this board of audit, for no other purpose in the world than for them to vindicate if they can their own official conduct, involves us indefinitely in this amount of money. I think, then, that if the Senator from Maine is satisfied, as his suggestion would seem to indicate, that this board might as well be dispensed with, he had better so provide now while he has the board under his control and not pass it over to some other body to determine whether in their opinion, at some future period, they will think as he and I do now.

their opinion, at some future period, they will think as he and I do now.

Mr. BAYARD. Mr. President, having participated in the debate yesterday, and having further considered the nature of the report of the committee of conference, I am confirmed in my judgment that by adopting the report of this committee the Senate will have reversed their decision upon the bill at almost every stage during the time it was before them. The present report continues a system of audit and issue of certificates which are to bind this District and through this District the Treasury of the United States to a very much larger amount than at present is due. I shall endeavor to make the Senate see what I believe I see are the real facts of the case upon which we are called upon to you.

the Senate see what I believe I see are the real facts of the case upon which we are called upon to vote.

On the 26th day of January, 1876, bonds of the District of Columbia, for the payment of the principal and interest upon which the faith of the United States had been pledged by law, had been issued to the amount of thirteen million seven hundred and seventy-odd thousand dollars. It was found that a system of audit had prevailed under which a sum of money amounting to over \$5,000,000 in 1874-775, and proposed to be equaled or exceeded in 1875-76, had been audited and certificates allowed under which the sinking-fund commissioners felt themselves compelled to issue the 3.65 bonds of the District of Columbia guaranteed by the United States without any limitation whatever. This system of audit was taken up here and examined in the Senate. Illustrations of the manner in which claims were audited, in which contracts were paid tenfold the amount of the original proposition of the contractor, paid tenfold and more than tenfold after they had been returned as completed contracts and settled for in full, were presented. Instances were read by the honorable Senator from Massachusetts, others by me, from the published reports of the commissioners of the District to show this extravagant and loose system of auditing claims and issuing certificates. Upon those facts the sense of the Senate seemed to proclaim that they should pause, and that such a system of audit should continue no longer. Therefore it was that, in the language of the bill as it reached the commistee of conference, it was provided:

That the board of audit created by the act for the government of the District of Columbia approved 20th June, 1874, is hereby abolished, and shall immediately upon the approval of this resolution transmit all the books and property in their possession belonging to the District to the commissioners of the District of Columbia, and make a report of their proceedings not hitherto made.

There was the first essential, sensible step to prevent further abuse of the existing laws or further misapprehension of the provisions of existing law, or, what is certain, further expenditure of the money of the people of the United States, whether by authority of law or not. This was the emphatic declaration of the sense of the Senate, that a system of audit so loose, so imperfect, leading to such ruinous results, should be instantly arrested, and they provided for it. That proposition, plain, necessary, distinct, and proper, the committee have seen fit to abandon, and they have in abandoning it given up the direct expression of the Senate's will on the subject. The question is whether that which was in the opinion of the Senate right and proper a week ago shall be considered wrong at the present time.

What else was done? In the same section and by the same emphasis the Senate declared "that this resolution shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any of such bonds as may have been issued on or since the 27th day of January, 1876." That was a notification, and a very proper one, to the world that the credit of the United States should not be affixed to any obligation for any other debt than that which had been audited at a certain time. The two propositions combined made one, and that simply was that the amount for which the credit of the United States should be pledged should be the amount audited and for which bonds had been issued at a certain date, and not increased by the lapse of time; and that the board of audit under whose administration such a system of allowance of claims had been permitted should no longer have that power, but should cease to exist, and their books and papers should be passed over to the custody of the commissioners of the District.

Both of these essential features of the bill, both of these declared designs of the Senate, have been thwarted or sought to be thwarted by the action of the committee of conference. The question for the Senate to decide is, shall we continue this board of audit; shall we permit the debt of the people of the United States to be increased some thirteen or fourteen hundred thousand dollars more than it was on the 26th of January, by a system of audit which has shown itself incapable, to say the least, of discriminating between just and unjust claims upon the people of the District or upon their sponsors, the

claims upon the people of the District or upon their sponsors, the people of the United States?

The Senator from Connecticut [Mr. Eaton] was conspicuously right in supposing yesterday that this report of the committee of conference had yielded every substantial amendment which the will of the Senate had put upon the proposition of the House of Representatives. Talk about this being a compromise! The Senator from West Virginia [Mr. Davis] spoke yesterday of my not understanding the surroundings of the committee. I confess that I do not understand the surroundings of the committee. I understand the measure that went to the committee; and I believe I am competent to understand the powers and duties of a committee of conference; and I also understand the power of the body to whom they report over their action; and where the committee of conference have deliberately given up every amendment that expressed the will of the Senate in regard to this exceedingly important measure, it seems to me a plain thing that the Senate are bound to recommit that measure to them, or to raise a new committee in order that the will of the Senate may in some respect be carried out. I do not choose to vote in the dark myself; I do not choose to have those who care to listen to me vote in the dark on this subject. They will understand plainly that by voting for the report of the committee they do vote to continue this system of audit; they do vote to make it possible for the auditors who have so improperly swollen the debt of this District and the debt of the people of the United States to increase it by some thirteen hundred and odd thousand dollars more than it was on the 26th day of January 1876.

I expressed my regret yesterday and on one occasion prior to that, that the Senate struck out the provision of the House giving notice to all men that the law had been violated under which these bonds were pretended to have been issued, and that the Government of the United States would only hold itself bound to that good faith of any principal who stands by the act of his duly authorized agent, provided that agent acts within the purview and scope of his legitimate authority. Such would be the rule that we would lay down for ourselves. Such is the rule that equity and personal honor lay down for all men's private conduct. Such is the rule, and nothing further, to which I would hold the Government of the people and the public obligation over which my voice here has some small control. Therefore it is that I trust the Senate will understand precisely what is the effect of concurring in the report of this committee of conference. If, after hearing what has been said in debate on the subject, they choose to say that by concurring in this report they reverse their action as testified by their votes of a week or so ago, it is their pleasure and not mine; but it will not be done without my vote at least being put on record against it.

Mr. SHERMAN. Mr. President, I really feel embarrassed, by the

Mr. SHERMAN. Mr. President, I really feel embarrassed, by the aspect of this question, how to vote. If we prolong this discussion and send this bill to a new committee of conference or recommit it to the same committee which would be the proper thing, perhaps, we continue the open violation of the public faith which has gone on since February 1 by our refusing to pay the interest on these bonds, which we have expressly agreed to pay. That is no slight consideration and no slight charge to be made against the Government of the United States. For more than two weeks it has failed to pay the money that it expressly stipulated to pay and which it now acknowledges itself to owe to individual creditors of the United States. This bill, if it is passed, will at least pay the overdue interest on \$13,740,000 of bonds outstanding.

of bonds outstanding.

On the other hand, if we pass this bill and thus do justice to these creditors, we do an act of gross injustice to another class of public creditors who stand on precisely the same footing except that they have not the bonds but only certificates of indebtedness. This bill will keep out in the cold creditors who hold your certificates of indebtedness to the amount of \$900,000, according to the statements made to us, who are entitled under the law as it now stands to de-

mand of and receive from the sinking-fund commissioners their bonds. This bill it you pass it takes away from them that right. It seems to me that to do this without reason and without cause is a violation

of the public faith.

It has been said that some of these certificates have been issued foolishly, wrongfully, fraudulently. If that is the case, you have the naquestioned right to recall those certificates and to refuse to pay them. But the great mass of these certificates are unimpeached by any such suspicion of fraud. The commissioners of the sinking fund, who have been eulogized here and I believe are all honest men, say that of the certificates that are now outstanding over \$300,000 were actually on file in their office before the 1st of January and before the subject was even agitated in the House of Representatives; that bonds were not issued for them simply because on account of the pressure of business they could not issue them, but the certificates were filed and no question was made against them. They were there and the creditors had the right to demand the bonds, but by reason of the pressure of business they were not issued. It is not controverted that the great mass of these certificates are honestly due to the creditors, but it is said some of them have been issued improvidently by our agents, under our authority. I ask if you suspend the whole of these obligations, ought you not in the law making this suspension provide for the payment of the honest creditors of this Governsion. ment and of this District, even when you suggest that some of them are dishonest? What right have you to suspend the legal rights now conferred by law on a public creditor, merely because some other creditor holds a suspicious claim, or perhaps has received a certificate for more than his due?

It seems to me that this presents a difficulty which Senators have not met, and that this bill itself ought to contain some provision by which certificates that are undisputed, unquestioned, and unquestionable shall be promptly paid, and only those that are controverted suspended from payment until an inquiry can be made. It is no light thing to charge the Government of the United States with violating its law and recalling its law which gave to these creditors a right to a bond with interest merely because some of the claims included in

this category are suspected of fraud or of being too large sums or of having been issued improvidently by our own agents.

Sir, in either aspect, if we pass this bill as it now stands, we violate our obligations to those who hold our certificates. If we refuse to pass the bill and keep it longer suspended between the two Houses, we continue the open and palpable violation of the public faith which has I believe now for the first time occurred in the history of our Government. This is the first time, so far as I know, in the history of the Government of the United States when a coupon due on a bond of the United States has not been met promptly at maturity; and yet

we continue that state of things.

The discussion between the Senator from California and the Senator from Massachusetts has disclosed that under the law as it now stands—I do not know who framed the law—a grossly exorbitant compensation is given to two public officers whose function is continued for some purpose by this bill. Whatever may be said of these gentlemen, and no man has more respect for them than I have—especially for the First Comptroller—I think a law which gives to each of them \$4,500 a year in addition to his annual pay as Comptroller is wrong. I have great respect for both the Comptrollers, but the gentleman newly appointed as the Second Comptroller I have not the pleasure of a personal acquaintance with. With the First Comptroller I have. The old Second Comptroller resigned some time since, and the Second Comptroller now in office I have not the pleasure of know-I have no doubt he is entitled to all that can be said of him. But it is not right for these gentlemen, officers of the Government, to But it is not right for these gentlemen, officers of the Government, to receive \$4,500 a year for doing nothing, and it is manifest that under the law, as long as we continue the board of audit, they are entitled to the compensation which has been paid them. Should we continue the board of audit? On that ground alone, I think we ought not. It strikes me on the whole that, while it is a bad thing to prolong this discussion and keep this bill hung up between the two Houses, and thus continue the time when we refuse to pay the interest on the public debt, yet the committee of conference that was appointed by both Houses could promptly agree that under this aspect of the

by both Houses could promptly agree that under this aspect of the case we ought at least to cut off the board of audit so as to prevent this salary from continuing along until the whole of these matters are settled. Perhaps they might make other modifications that would give more satisfaction to both Houses. I am in hopes that when they come to reconsider this subject they will see if they can-not provide for the honest creditors who hold the certificates of indebtedness, and leave only in dispute those which are charged with having been improperly issued. The investigation must have gone far enough to show which of these claims are dishonest, which are under suspicion; and they can authorize the commissioners of the sinking fund to issue bonds to claimants who are fairly and honestly and without dispute entitled to them, keeping in reserve only those that are disputed or controverted. At all events, this report ought to furnish some tribunal to say which of these claims shall be paid and which shall not be paid.

Now, Mr. President, under all the circumstances, I move that the report be recommitted to the same committee of conference. They have had the benefit of the discussion, and they will see exactly the points on which the Senate hesitates and will no doubt promptly

correct them. The matter ought to be passed. The only hesitation I have had is that I do not want to prolong for an hour or for a day the present condition of this bill; but if the Senator from Maine [Mr. MORRILL] will acquiesce in this motion, I think, when he reports it to-morrow with some modifications, we can all agree to pass the bill. Mr. MORRILL, of Maine. Mr. President, I understand the ques-

tion to be on the motion to recommit.

The PRESIDING OFFICER, (Mr. OGLESBY in the chair.) The Senator from Ohio moves that the report of the committee of conference

e recommitted to the committee.

Mr. MORRILL, of Maine. On that motion I wish to say a single word. I should dislike extremely to have the report recommitted except upon such definite ideas as that the committee might understand that they were in the way of instructions when they came to consider the question. There is one single feature brought to my attention which induces me to believe that possibly it may be considered by the Senate wise to recommit this report. The Senator from Vermont has called my attention—and I do not know but that the Senator from Massachusetts may have referred to the same thing-to the fact that the repealing clause in the committee's report does not perhaps necessarily cover the act of the 21st December, 1874. Candor requires me to say that the committee did not have that act in view. It will be seen that the repealing clause has reference to the act of June 20, 1874. Now, the act of December 21, 1874, recites the act of June 20; but it is suggested that the language used in this report does not necessarily repeal or act upon the act of December 21, 1874. I am not clear that that may not be so; and, if that is so, then the report in that particular ought to be amended, and to that extent it seems to me a recommittal may not be improper.

But I wish to make a general remark for the ear of the Senate touching the subject-matter which may fall under the action of the committee if it should go back. Certain things have been definitely decided by the two Houses, and which it was intended to decide, so that a committee of conference must observe them. First, the two Houses have decided that there shall be no more bonds issued until further orders. Both Houses have concurred in that decision, and any action which may be contemplated by the Senate which interferes at all with that condition of things, it seems to me is altogether mistaken. No such proposition as that certainly could be entered into by a committee of conference without ignoring entirely the judgment of both branches of Congress. Therefore, I hope that this report will not be recommitted with any idea that the committee will take that under consideration; and yet the remarks of my honorable friend from Ohio would contemplate that.

It is true, as the Senator from Ohio states, that there is a large amount of this indebtedness not carried into bonds, remaining in certificates, and it would seem, as he argues, that as a matter of good faith we should require that some disposition be made of those certificates; and yet both branches have decided against that. Why then send it to us? Why then recommit it to this committee with the expectation that we will do precisely what both branches have determined, if they can determine anything, that they will not allow us or allow anybody to do? If I understand the action of Congress, they have determined that there shall be no more bonds until such time as they are authorized by the future action of Congress. All that debt, therefore, to which my honorable friend refers, must remain, unless both branches choose to retrace their steps. It must re-

main, I repeat, until Congress takes future action.

The next point settled by Congress, and which the conference committee regarded, was that the certificates were not to exceed \$15,000,000. There can be no object in recommitting this matter to the committee for the purpose of examining claims to go into cer-tificates if it is contemplated that they are to go beyond that amount. Therefore I can see no necessity on earth for recommitting the re-

ort except on the supposition that the committee has not made it so definite and clear that it covers both the acts of which I have spoken as they ought to have done; that is to say, the report contemplates the act of June, 1874, and it is said in terms it does not embrace the act of the following December. I am in doubt whether it does or not. At any rate, the technical construction of it would not embrace it. Whether that is of practical importance enough, considering all the circumstances, to send the report back to the committee the Senate must judge; but I agree with the Senator from Vermont that it is

open to that objection.

There is one other consideration, and only one, which may be an inducement for the Senate to recommit the report. The Senator from Massachusetts says substantially that the board of audit ought not massachusetts says substantially that the board of audit ought not to be continued one moment after the discharge of the duty devolved by this bill, if I understand him, which is simply to audit a limited amount of claims, not exceeding \$200,000. If there were no other consideration about it, of course that ought to be absolute; but at the time the committee drew this report the question of salary or compensation to the board did not occur to them at all. The idea was, of course when the duty ceases when the saving ceases the salary of course when the duty ceases, when the service ceases, the salary ceases; but a construction which has been put upon the law, and circumstantial facts which have been brought out since, perhaps would have given a different shape to the report in that respect. Then the have given a different shape to the report in that respect. Then the only thing about it is whether it is of consequence enough to send it back to the committee in order to have it corrected so that at the end of the duty herein prescribed their functions shall wholly cease, and

the board itself expire. That would be a reasonable construction and a proper thing to do, if there were no other element in it; but my honorable friend from Massachusetts either attaches no importance to the fact, or he overlooks it, that the very inspiration of this provision on the part of the committee was that it was important to keep the board in existence until their proceedings had been examined into by the House of Representatives through an investigation which is now in

House of Representatives through an investigation which is now in progress. I suggest, then, if this is sent back, whether it would not meet the views of the Senate that after the limit of these labors, say sixty or ninety days, all compensation shall cease.

Those are the only two considerations that occur to me, and I make this statement so that if the report does go back to the committee, the Senate shall not be taken by surprise by any consideration the committee may give to the subject. These two points, I repeat, are the only things that occur to me that come at all within the range of a conference committee upon the action of the two Houses of Congress

Mr. ALLISON. I do not know that I quite understand the Senator from Maine. Am I to understand him to state that there will still be outstanding debts against the District of Columbia after the \$15,000,000

provided for by this bill?

Mr. MORRILL, of Maine. No, I did not mean to say anything of Nothing could be farther from anything Iintended to say

Mr. ALLISON. I misunderstood the Senator, then.
Mr. MORRILL, of Maine. As I understand, all the liabilities thus
ascertained, including bonds, certificates issued, claims audited and not carried into certificates, and claims supposed to exist, still fall some \$150,000 or more short of the \$15,000,000.

The PRESIDING OFFICER. The question is on the motion of the

Senator from Ohio [Mr. SHERMAN] to recommit the report of the con-

ference committee to the committee.

The question being put, there were on division—ayes 23, noes 23. Mr. MORRILL, of Vermont. I ask for the yeas and nays. The yeas and nays were ordered; and being taken, resulted—yeas

30, nays 27; as follows:

30, nays 27; as follows:

YEAS—Messrs. Alcorn, Allison, Booth, Boutwell, Bruce, Cameron of Wisconsin, Conkling, Dawes, English, Ferry, Frelinghnysen, Hamlin, Harvey, Howe, Ingalls, Jones of Nevada, Key, McMillan, Mitchell, Morrill of Maine, Morrill of Vermort, Oglesby, Paddock, Patterson, Sargent, Sherman, Wadleigh, West, Windom, and Wright—30.

NAYS—Messrs. Bayard, Bogy, Caperton, Clayton, Cockrell, Cooper, Dennis, Eaton, Goldthwaite, Hamilton, Hitchcock, Johnston, Jones of Florida, Kelly, McCreery, McDonald, Maxey, Merrimon, Norwood, Randolph, Ransom, Robertson, Sanlsbury, Stevenson, Wallace, Whyte, and Withers—37.

ABSENT—Messrs. Anthony, Burnside, Cameron of Pennsylvania, Christianey, Conover, Cragin, Davis, Dorsey, Edmunds, Gordon, Kernan, Logan, Morton, Spencer, and Thurman—15.

So the motion was agreed to.

JOHN M. DORSEY AND WILLIAM F. SHEPEARD.

Mr. WRIGHT. I ask that the Senate proceed to the consideration of Senate bill No. 227; reported from the Committee on Claims by the Senator from Oregon, [Mr. MITCHELL.]

The PRESIDING OFFICER. If there be no objection the bill will

be taken up.

Mr. KELLY. I think we had better proceed with the bill in regard to the sale of timber lands which was under consideration yes-

Mr. WRIGHT. I will not antagonize this bill with my friend's measure at all; but it will only take about two minutes, I think. My friend from Nevada who is nearest me [Mr. Jones] is very anxious to have the bill disposed of, and the Senator's colleague, [Mr. MITCHELL,] who has been absent from the Chamber for some days on account of ill health, is now present, and I should be glad to have it taken up now

Mr. KELLY. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 27) for the relief of John M. Dorsey and William F. Shepeard. It authorizes the Secretary of the Treasury to pay \$9,088 to John M. Dorsey and \$3,780 to William Shepeard, in full settlement for beef and supplies furnished the troops by Wallace, Dorsey & Shepeard and by S. B. Wallace in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in

Mr. CONKLING. Is there a printed report with the bill?
The PRESIDING OFFICER. There is.
Mr. CONKLING. I should like to hear it read.
Mr. WRIGHT. If my friend will allow me one moment to make a statement of the circumstances of the case, perhaps it will not be

mr. CONKLING. I shall be glad to hear the Senator's statement.

Mr. WRIGHT. During the last Congress both Houses passed a bill paying Jordan & McPike for provisions furnished under precisely paying Jordan & McPike for provisions furnished under precisely the same circumstances that are set forth in the report accompanying this bill. A report was made at the last Congress, as I remember, (the Senator from Oregon [Mr. MITCHELL] can correct me if I am in error,) approving this same claim. I forget whether it passed the Senate or not, but at all events it was reported favorably by the committee.

Mr. MITCHELL. It was not reached in the Senate.

Mr. WRIGHT. It seems that, there being Indian disturbances in what was then Utah, now the State of Nevada, and the Government

not being able to get its troops there and not having everything ready to suppress the disturbance, such Government officers as were there called upon the citizens to assist in quelling the disturbances, and the citizens did come to the aid of the Government officers. The persons who are named in this bill as well as Jordan & McPike, upon the request of the officers of the Government, furnished supplies to the recruits thus called to their aid. The bill has been acknowledged by the proper Department, but it was not passed for reasons which the Senator from Oregon will remember. I do not remember the particulars, but the correctness of it is not denied, as I understand, by any person. At the last Congress we passed a bill paying Jordan & McPike, and at the last Congress we also reported from our committee this bill favorably. The committee again unanimously reported it favorably at this session, so that I do not understand that there is any question as to the correctness of the bill at all. not being able to get its troops there and not having everything ready question as to the correctness of the bill at all.

Mr. CONKLING. After hearing the Senator's statement, I withdraw my request to hear the report read.

The bill was reported from the Committee on Claims, with amendments. The amendments were to insert the letter "F" between the words "William" and "Shepeard" in the eighth line; and to strike out the letter "B" in line 10 before "Wallace" and insert "S," so as to read "S. S. Wallace."

Mr. WRIGHT. These are mere formal amendments, so as to have the names correct.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

The title was amended so as to read: "A bill for the relief of John M. Dorsey and William F. Shepeard."

ADJOURNMENT TO MONDAY.

On motion of Mr. CAMERON, of Pennsylvania, it was Ordered, That when the Senate adjourns to-day, it adjourn to meet on Monday

SALE OF TIMBER LANDS.

Mr. KELLY. I move that the Senate resume the consideration of the bill under discussion yesterday relating to timber lands. The motion was agreed to; and the Senate resumed the considera-tion of the bill (S. No. 6) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States, the pending question being on the amendment of Mr. McMillan to insert in section 2, line 20, after the word "himself:"

Nor has deponent executed any mortgage or other instrument upon said land or any part thereof by or under which, or any proceedings thereunder, the title may be vested in any other person.

Mr. BOGY. Mr. President, I have been somewhat amused in listening to the debate which has taken place, not only on this particular bill, but on the bill which was presented a few days ago by the Senator from Kansas who sits farthest from me, [Mr. Harvey,] and the bill which was afterward presented by the Senator from Arkansas sitting before me, [Mr. Clayton,] which was passed the day before yesterday, as well as on the bill now pending before us, offered by the Senator from Oregon, [Mr. Kelly.] The subject of the mode and manner of disposing of the public domain has been considered for a great many years in the Congress of the United States as a most important subject; and this debate reminds us of the fact that history is great many years in the Congress of the United States as a most important subject; and this debate reminds us of the fact that history is all the time repeating itself, and that we are moving, generation after generation, very much in the same orbit and on the same plane; for, if you will recur back to the debates which took place in this body some forty-five years ago upon a series of resolutions introduced by a Senator from Connecticut, a gentleman by the name of Foot, you will be struck by the fact that the same ideas and the same views of public reliable to the same training the same views of public reliable to the same training the same views of public reliable to the same training the same views of public reliable to the same training the same views of public reliable to the view of the views of views of the views of the views of the views of lic policy which appear to animate a certain number of gentlemen on his floor now were then entertained by members of this body. A large number of gentlemen, mostly from the North, at that period were anxious to restrain the disposition of the public domain in the West; and hence Mr. Foot, in the session of 1829-'30 I believe, intro-West; and hence Mr. Foot, in the session of 1829-30 I believe, introduced a series of resolutions to stop the sales of the public lands in market at that day, to stop the surveys, and also to abolish the office of surveyor-general; and, further, that no public land should be sold westward until all the land lying eastward should have been disposed of. Furthermore, that the timber lands of the country should be held as public property, to be disposed of in limited quantities, fearing that the vast forests of the West would in a very short time be monopolized by speculators and soon destroyed; and providing also for the continuation of the law which was then in existence which prevented the sale of lands containing minerals, the minerals at that time being confined to lead and iron. confined to lead and iron.

onfined to lead and iron.

It will be seen that the same feelings, the same ideas of public policy, then animated a portion of our public men as appear to be entertained by many members of this body at this day. It is a historical fact that the resolutions of Mr. Foot brought about a most exciting and learned and able debate. In the course of the discussion, the ordinance of 1787 was drawn in, and the question of the authorship of that ordinance was discussed between Mr. Webster and Mr. Benton, Mr. Webster asserting that Nathan Dane was the author of the anti-slavery clause in the ordinance of 1787, Mr. Benton controverting that and claiming that honor for Mr. Jefferson. The origin and

construction of the Government were much discussed, and a remarkable, interesting, and able debate took place on the resolutions of able, interesting, and able debate took place on the resolutions of Mr. Foot. One of my predecessors, who was in his day an ornament in this body, the late David Barton, took an active part in that debate, and made two or three speeches unsurpassed in point of genuine ability and true eloquence. So did his colleague, the no less, and perhaps even more, distinguished Colonel Benton, who also took part. From that contest grew up the system which has existed without any change until very lately, by which it was provided that the public lands should be surveyed as speedily as possible and by proclamation of the President of the United States be placed in the market offered for sale to the highest hidder and if not they sald subket, offered for sale to the highest bidder, and if not then sold, subject to entry at private sale at the minimum price of a dollar and a quarter. That was the system which grew out of the discussion on the Foot resolution; and under that system an immense tide of emigration from 1830 up to the present day poured from the East to the valley of the Mississippi, and from Europe to that same rich valley that has given us the great population we have now.

Had it not been for the wise and statesman-like provision by which

men were enabled to procure title to the rich lands of the West at a low price, this vast tide of emigration would not have taken place, and the great region of the West would to-day, to a great extent, be a wilderness instead of being as it is the home of many millions of inhabitants, while it was at that day the home of savages, and of a few French, settled in the old French towns built under the former colonial governments of France and Spain. By this enlightened policy, which enabled the industrious and enterprising laboring-man of the East

enabled the industrious and enterprising laboring-man of the East and the industrious and enterprising laboring-man of Europe to acquire land in the West, this great tide of emigration was encouraged and poured in there and took up these lands. It was a wise, statesman-like policy.

That was, as I have already said, the policy which continued for many years and to some extent and in some States to this very day, and in my State, for instance, and in the States of Kansas and Nebraska and Iowa and Minnesota; and which, if the bill which has lately passed this body is passed in the other House, will also apply to all the Southern States. The effect has been, as I have already stated, most beneficial and most important.

stated, most beneficial and most important.

Now we are met by gentlemen on this floor with the argument that the great timber region of the West should be protected; that it is not only for the interest of the present generation but that we owe it to generations to come that this timber should be taken care of and should not be liable to be taken by monopolies and large corporations. I do not share in this view at all. I hold the argument to be not well founded. I look upon the vast timbered region of the West in a twofold light: first as a source of great wealth, as a source of great value in dollars and cents; but to make the timber valuable you have got to put it in the condition of lumber; the trees are to be cut, they are to be sawed and taken to market and disposed of. There I say more, that your forest will be better protected when owned by individuals than by the Government. Indeed, infinitely more forest has been destroyed by the fires which prevail in all unsettled counhas been destroyed by the fires which prevail in all unsettled countries than by the ax of the wood-chopper or the saw of the saw-mill. The amount of timber used is limited; the amount of timber destroyed is nearly without limit. As far as my own State is concerned the timber has been a great nuisance, and is in some portions of it to-day a positive injury. Hence, the prairies of Illinois and of your State, Mr. President, [Mr. Wright in the chair,] and of the State of Kansas, have invited population sooner and more rapidly than the lands of my own State because we have not such a vast extent of prairie country. The settlers on the new lands of my State tent of prairie country. The settlers on the new lands of my State do not pretend to use the timber; there is no adequate demand for it, as all persons acquainted with the West, and as the gentlemen who now sit before me, the Senator from Arkansas, [Mr. Clayton,] and the Senator from Nebraska, [Mr. HITCHCOCK,] well know. persons who settle upon the public lands of the West in a timbered country have only one way to get rid of it. It is not by cutting it down and making it into lumber. You have got to deaden the timber; you have got to circle the trees and destroy the circulation In that way immense districts of country are covered with dead trees, showing yet their majestic proportions in their naked grandeur. They have been circled and deadened because the timber could not be used; it could not be taken to market.

The question arises, was there a loss or a gain in thus disposing of that timber, in changing the condition of that country from what it was, a state not cultivated and covered with woods, into a state of high cultivation? Which was better for the public? Was there a gain? Was it not better that that vast quantity of timber should be destroyed and the local property of the state destroyed and the land plowed and cultivated than that a forest should be protected there for ages to come? Most assuredly it was better to troy those trees and make that land productive of food for man and feed for beasts than that it should remain encumbered with those

vast forests.

Again, you cannot destroy the forests or the trees of the world. The Senator from Massachusetts [Mr. Boutwell] a few days ago read us a letter, no doubt from a scientific gentleman, propounding a theory which may or may not be correct. Upon the idea embraced in that letter he offered an amendment to the bill then pending, (I

believe the bill offered by the Senator from Arkansas [Mr. CLAYTON] which afterward passed this body,) carrying out very much the same views that were expressed in the resolutions offered by Mr. Foot some forty-five years ago, restraining the disposition of the land and protecting the timber. I say that it is not wise to restrain the use of It is well to protect it from waste, from destruction by fire, from wanton destruction, but the use of timber ought not to be re-strained. It is only valuable when it has been changed from the condition of a tree to merchantable lumber, and before that time it is of no practical value. Timber is only used for fuel or for building purpose The use of wood is diminishing every day and with great Formerly it was employed for every purpose of building and it alone was the fuel used. At this day in a large and extensive section of the country it is not used for fuel at all, and the amount used for building purposes is growing less and less every day. For ship-building in a few years it will be entirely unnecessary; iron has taken the place of it. So it is not worth while for us to prevent the present generation from using timber and putting it to useful purposes, under

Again, timber will reproduce itself. The timber of the present day, I have no doubt, is of modern growth all the world over. I know it is said, and I have read myself, that there are some trees standing yet around Jerusalem, perhaps on Mount Calvary itself—olive-trees—that were there when the Savior of the world trod the valleys and mountains of Judea. That may be true. We are told that some of the large pine-trees of California go back two and three thousand years. That may be true also. There may be a few trees there of that age, and there may be some few olive-trees standing in the plains and mountains of Judea that were there two thousand years ago; but as a fact the forest of the world is all new growth and is constantly being reproduced. The forest that is in Spain to-day, or in France, or in Germany, is not the forest that is in Spain to-day, or in France, or in Germany, is not the forest that was there when Cæsar was in Spain or in Gaul, or when Tacitus visited the shores of the Rhine. Surely not; it is a new forest, caused by being reproduced. The seminal principle is in the very bowels of the earth, and will produce itself so soon as the rays of the sun can strike it or have any effect upon that seminal principle. If you go upon the railroads of the West, where the new earth has been thrown up along embankments, you will see a new growth of timber unlike any growth in the neighyou will see a new growth of timber unlike any growth in the heighborhood. Mostly in your country, Mr. President, and mine, it is a dense growth of sycamore, where perhaps there was not before a single tree of this species. How did the sycamore come there? You cannot imagine that it was brought there by the seeds carried from a distance. It is believed by persons who have observed these things that the seminal principle of the sycamore was in the earth there, and had been there from the time it first came from the hands of its Maker. I believe that to be so. Therefore the forest reproduces itself, and each and every generation have the right to use just what it can for its own purposes. The amount is limited by the wants of each gen-

eration, and it leads to no destruction.

I presume that I shall vote for the bill of my friend from Oregon, because the Senators from that section of the country favor the bill; yet if I were a member from the Pacific coast I certainly would not favor the bill. I do not think it a wise bill; I do not think it in the interest of the Pacific coast that the bill should pass. If I were a member from the Pacific coast, I would insist upon the system that is now the law in my State and in the States of Kansas and Nebraska, by which the public lands are offered for sale and are sold at the minimum price of \$1.25 to anybody; also subject to entry under the pre-emption law; and also subject to the homestead law; thus giving the

largest and broadest facilities to invite emigration.

We of the West a few years ago needed population. We have a fair share of it now. They of the extreme West on the Pacific coast We of the West a few years ago needed population. We have a fair share of it now. They of the extreme West on the Pacific coast need that to-day which we needed some years ago—population; and the greatest inducement for population to go to a country is cheap and good lands, especially for this Anglo-Saxon race. Hold out to the emigrant of the East and of the Middle States and of Europe the fact that on the coast of the Pacific—in Oregon, Washington, and California—there are vast districts of fruitful land to be had at a dollar and a quarter, vast districts of large soil to be taken up by the premption or the homestead law and you give that invitation which emption or the homestead law, and you give that invitation which has always led the emigrant, "Come and take these lands," and they will come. They have come heretofore and they will come again. But as it is now a man cannot get any land in any of these States ex-

cepting as a pre-emptioner or a homesteader, which is very restricted.

The Senator from California remarked yesterday that he knew in his State of districts of land, owned by monopolists, so large that a person on horseback could hardly ride through the vast tract in one day. I will venture the assertion that no man in California has ever entered a million acres of land, or one hundred thousand acres of land, or twenty thousand acres of land, or ten thousand acres of land in a body; but the Senator is right in saying that there are tracts of are not entered lands; they are the old Mexican grants.

Mr. SARGENT. Will my friend allow me to say that the land was taken up in single bodies under the private-entry system—taken up

in larger bodies than any Mexican grants in my State or in the State of Louisiana

Mr. BOGY. At a dollar and a quarter an acre?

Mr. SARGENT. Taken up with Sioux scrip and all sorts of scrip Mr. BOGY. The Sioux scrip to-day is worth double, treble, or quad-

ruple what you can enter lands for, and always has been.

Mr. SARGENT. They had the privilege of paying the scrip or a dollar and a quarter, and they preferred using the scrip. Theventered with college scrip also.

Mr. BOGY. The college scrip is limited. A portion of that was andoubtedly taken to the State of California, but it seems to me that the amount cannot be large. Then again there is no speculation in acquiring large tracts of public land. It is a mistake to suppose so. The fact is, in the valley of the Mississippi, where the lands are rich and you might suppose it would have been a speculation to purchase lands, there has been no speculation in the acquisition of lands, and the few that tried it lost money by it. What an idea, that of speculating in lands in this country, which extends from the extremity of Florida to Alaska and from the Atlantic to the Pacific Ocean! The quantity of land you have to enumerate in billions and millions of billions! Why, sir, there is no speculation, and there never will be in our day or in many, many generations to come. In certain locali-ties land will get to be of great value; but, as a great proposition to influence legislation, there is no speculation in land; and I will say more, that the sooner the speculator gets to California and to Oregon and Washington, the better. I believe there are a great many speculators there already. The sooner the wild lands of any country are bought by individuals, the better for that country. Lands in the condition of wild lands are of no value; they produce nothing and pay no taxes; but when changed from public lands to private prop-erty they are made to be productive to some extent; the forest is reduced to lumber, and made to yield a certain amount of money, and the lands pay taxes and contribute something to the revenue of the States. The sooner you get your lands in that condition the

I see no reason now why the landed system of my State should not exist in California or in Oregon or in Washington Territory. I see no reason why the mineral lands of California, and of Nevada, and of Utah should not be put into the public market for sale. I remember that in my State, when our mineral lands were held by the Government of the United States and by law could not be sold, and were not sold until the system which grew out of the debate on the Foot resolution made them salable, the mineral lands were held by the Federal Government and were leased from year to year, the Government getting a royalty, but no one could buy them. All lands which had been returned by the public surveyor as mineral lands were withheld from sale. It remained so for many years, and was a great misfortune, for the time being, to my State. So was the law in Wisconsin, and that the time being, to my State. So was the law in Wisconsin, and that within my recollection. It is not the rule now as regards the mineral lands of my State containing lead or iron, or, indeed, any other minerals, but it is presumed to have none other. But the mineral lands of the new States and Territories, Colorado, Utah, Nevada, and California, are not subject now to sale, excepting under very peculiar conditions and in very small quantities. Is say it is a misfortune. It would be better for the Government, better for the country, better for the world, if they were all owned by private individuals. They are reserved to a great extent. I have not the time or disposition to go into the details; but they are hard of acquisition. The people can only get them under certain conditions amounting nearly to a denial: and get them under certain conditions amounting nearly to a denial; and the effect is that the Government remains as the great proprietor of the vast mineral lands of the new Territories where silver and gold are found. It is a misfortune. It checks the production of the precious metals. It checks enterprise. The precious metals away down in the bowels of the earth are of no real value. The only value is that you know they are there, but the labor of man has got to get them from that position. It would be a great deal better if all these lands were put into the market to-morrow and sold. Let the Government realize even a dollar and a quarter an acre for them; let them go into the hands of private owners, and then men would be stimulated to invest their capital and to apply their industry and their ingenuity to

the production of the precious metals.

I have often admired the land system under which the lands of my State since 1830 have been disposed of; and so in the State of Iowa, the State of Illinois, the State of Nebraska, the State of Kansas, and the State of Arkansas. That system I think should be carried to the State of the Pacific without our restriction without our effort of the Pacific without our restriction without our effort of the Pacific without our restriction without our effort of the Pacific without our restriction without our effort of the Pacific without our restriction without our effort of the Pacific without our restriction without our effort of the Pacific without our restriction without our effort of the Pacific without our restriction without our effort of the Pacific without our restriction without our effort of the Pacific without our restriction without our effort of the Pacific without our restriction without our effort of the Pacific without our restriction with restriction without our restriction without our restriction without restriction without restriction with restriction with restriction without restriction with restriction w States of the Pacific without any restriction, without any effort at taking care of the timber. The timber will take care of itself, except that which is wanted, and the sooner it is wanted the better. It is a source of great wealth to-day that Wisconsin and Minnesota have these vast pineries, and the sooner they are reduced the better.

I think it will be better for the friends of this bill to have it re-

committed to the Committee on Public Lands, and for them to present to the Senate a new bill, or, in other words, to require the Land sent to the senate a new bill, or, in other words, to require the Land Department to execute the law which is now really in force but remains unexecuted; that is, carry on the public surveys on the Pacific coast as soon as possible, and when the surveys are returned to the Land Office here, put the lands into market under the proclamation of the President as soon as possible, and let those lands afterward be subject to entry at a dollar and a quarter an acre—all kinds of land, mineral land, timber land, farming land, and other land not farming. That system I consider would be beneficial to that section of coun-

try. It proved beneficial to my section, and I cannot see why it should not to that section.

I have never heard of a good reason why timber should be protected. I listened to the eloquent speech of my friend from Kansas [Mr. In-Instend to the eloquent speech of my friend from Kansas [Mr. In-Galls] in behalf of timber a few days ago, but I did not appreciate his argument and do not think it is correct. The sooner timber can be converted into lumber, I say, the better. Let every generation use as much of it as they can. Its value consists in its being cut up as soon as possible and taken to the markets of the world. Let the vast pines of California and of Oregon be changed from standing pines in the forest to lumber, and let that lumber be taken across the Pacific Ocean to Chipse to Lunch to Carlon and to all the inless of the America. to China, to Japan, to Ceylon, and to all the isles of the Archipelago, and let them send back the teas and spices of those countries in exchange for that timber, and it will be much better for the people of the Pacific coast than to maintain that timber standing in the forest. In time, when that timber is all taken away, a new growth will spring up, supplying the wants of each generation. As each generation appears upon the face of the earth there is a constant supply, as regular as the water itself.

I presume, sir, that under the circumstances I am bound to vote for this bill, and yet I do not approve of it. I vote for it because it appears to be the wish of the Senators from that section of the country. Yet if I were a Senator from that section, permit me to say, I would advocate no such bill. I would make an effort, and I think the effort would be successful, to carry to that country the same law that has existed for years in the valley of the Mississippi under which all our vast public domain was disposed of, and which invited and brought there that immense population which is destined soon to rule the pol-

there that immense population which is destined soon to rule the politics of this country.

Mr. CLAYTON. Mr. President, I do not see how the Senate can, consistently with its action the day before yesterday, make the lands covered by this bill the subject of private entry without first offering them to the competition of public sale. The day before yesterday we passed a bill which required lands that had heretofore been controlled for public sale to be again offered for public sale before they offered for public sale to be again offered for public sale before they could be made subject to private entry. This bill proposes that lands which never have been offered at public sale shall now be made subject to private entry. I cannot see how we can do that consistently with our former action.

A great deal has been said here against offering public lands at public sale; about the idea of combinations defeating a just competition at those sales. I think that that objection does not apply to this class of lands. It is true that there have been many instances where the intention of the Government in offering public lands at public sale has to a certain extent been defeated by the action of persons com-bining to prevent a fair competition at those sales; but you will find that in those cases the lands were those upon which persons had gone and settled before the sales took place; lands upon which they had built themselves homes; and it was but natural for them, when persons came to buy their homes, to combine to prevent that thing from being done. But in this case these lands are not subject to settlement as I understand; they are lands that are unfit for agricultural purposes, and are only valuable for their timber. Hence, the same inducements which would apply in the former case to combinations being made to prevent a fair competition at public sales would not to dispose of these lands, is to first offer them at public sales would not exist in this case. I think the best thing that can be done, if we are to dispose of these lands, is to first offer them at public sale so that every person can come in and compete for them. After that has been done, then let them be offered at private sale, so that individuals may

come in and buy them at the minimum price.

At the suggestion of the Senator from Kansas [Mr. Ingalls] I think I shall move to strike out the words "and which have not been offered

at public sale according to law."

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) There is an amendment now pending to the bill. Is this an amendment to the amendment?

Mr. CLAYTON. No, sir. I will wait until that amendment is disposed of. I do not know, however, whether the amendment I suggest would comply with the wishes of the introducer of this bill; for it seems to have become the policy of the Government of late not to offer public lands for sale at all. While the law authorizes them to be offered at public sale, it seems that the President and the officers having in a large the putting of lands into president and the officers having in a large the putting of lands into president and the officers having in large the putting of lands into president and the officers having in the putting in cers having in charge the putting of lands into market have observed a different policy. I think the latter is a mistaken policy. I think these timber lands should be offered at public sale. I can see no reason why they should not be offered at public sale. I can see no reason why they should not be offered at public sale. I fully agree with what has been said by the Senator from Missouri, [Mr. Bogv.] I believe it is a great deal better for individuals to own lands of this character than for the Government to own them. The Government becomes the monopolizer in this case. I think that it would be a becomes the monopolizer in this case. I think that it would be a great deal better to have them in the hands of individuals so that the States may tax them, and so that where persons want to use them for some good purpose they may be allowed to do so. I will not, however, press my amendment now, but wait until the vote is taken on the amendment already pending; and if, on looking over the bill further, I think it necessary to move the amendment I have spoken of, I will do so.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota, [Mr. MCMILLAN.]

Mr. OGLESBY. Let the amendment be read.
The PRESIDING OFFICER. The amendment will be reported. The CHIEF CLERK. The amendment is in section 2, line 20, after the word "himself" to insert:

Nor has deponent executed any mortgage or other instrument upon said land or any part thereof by or under which, or any proceedings thereunder, the title may be vested in any other person.

So as to make the clause read:

And that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States should inure, in whole or in part, to the benefit of any person except himself; nor has deponent executed any mortgage or other instrument upon said land or any part thereof by or under which, or any proceedings thereunder, the title may be vested in any other person, which statement must be verified by the oath of the applicant, &c.

The amendment was agreed to.

Mr. SARGENT. After the words "United States," in line 19 of section 2, I move to insert:

Or any right in said land or the timber thereon.

So that it will read:

And that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States, or any right in said land or the timber thereon, should inure, in whole or in part, to the benefit of any person except himself.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from California.

Mr. SARGENT. I wish to say only a word or two. The criticism was made the last day this bill was under consideration by the Senator from Ohio, [Mr. Sherman,] that under the bill a person could make a pre-contract for stripping it of timber, or for any interest in the land short of the absolute title. On examining the bill carefully to see if that was so, I came to the conclusion that he possibly was right. I wish to exclude any such conclusion, and for that reason I have offered this amendment, and that is its only effect, as I understand.

derstand.

Mr. President, while having a very high opinion of the wisdom of my friend from Missouri, [Mr. Bogy,] I do not think it is for the benefit of my State that the lands of the State should go in large quantities into the hands of a few individuals. We have been troubled that way a great deal. Land is held for speculative purposes, and settlers who go for lands can only acquire them by paying very much more than the Government price. It would be an excellent thing for my State to-day if all its broad acres, both those covered by the Spanish grants and those taken up under the system of private entry. ish grants and those taken up under the system of private entry, could be mere Government lands, open to the settler for one dollar and a quarter or two dollars and a half an acre. Unfortunately that

is not the case.

My friend says we have millions of acres there. That is very true; My friend says we have millions of acres there. That is very true; but the lands which were fanned by the sea-breezes were taken up by the Spaniards in old times under Mexican grants. They absorbed enormous quantities. In the progress of time, when Americans went there, they found this condition of things, and the only lands available were in the fertile valleys beyond. The attention of the State was given very largely to mining; its agricultural capacities were not understood. Such lands as those in the San Joaquin and Tulare Valleys, which were then open for settlement, were not sought by settlers because no one understood their capacity. They were absorbed in other and more profitable branches of business at that time. The United States organized its system of surveys over the State of California and the early surveyors-general went on, under the liberal appropriations which were made, to survey these vast tracts of land, these great broad valleys lying open to the sun, which should have been the home of thousands and thousands of families thereafter—were so designed by God and nature. Still settlers did not not take up these lands under the pre-emption law, the homestead law not at that time existing, but they remained undisposed of. Under the policy which existed twenty-years ago these lands were offered, as it is called; but though they were offered, no one bought them at auction. Then under the policy of the law they became open to private entry, and an der the policy of the law they became open to private entry, and an individual could buy any quantity he saw fit for a dollar and a quarter an acre, and by several laws he could apply agricultural scrip, Sioux scrip, Chippewa scrip, and various other forms of Government paper in paying for these lands. The result was that as men began to find that California was a fine agricultural State, that these broad valleys especially with the help of a little irrigation would yield very largely of cereals, speculators turned their attention to them, and they always move more rapidly than the settlers, and they have acquired these tracts in enormous quantities and hold them in these great quantities to-day, and if a settler goes there he has to pay an enormous price.

Our timber lands were not surveyed at that time and are not largely surveyed at the present time, and this bill only applies to surveyed lands. Consequently the speculator never has been able to get hold of them. I would myself much rather that the United States should hold them to the crack of doem than that they should go into the hands of great land speculators who might go to my State, to be doled out to the people who may need them now and in the future. I would much rather that the present destructive system, than that this more destructive system, as I conceive, should be applied; and I have seen the operation of both systems in my own State.

By this bill, by every honest guard we may put upon it, we prevent speculators getting hold of these lands, and at the same time supply a great public necessity, make an honest business of the pursuit of lumbering. We allow the acquisition of this land, and the taking of this timber in such quantities as may be necessary. We believe we secure an incidental advantage to that which was named by the eloquent Senator from Illinois [Mr. OGLESBY] yesterday, that by their going in small quantities into the hands of purchasers they will be better guarded, and that men will have an interest then to see that sweeping fires do not run over them, and thus these great treasures will be preserved for the future. Unfortunately these pine forests, when they burn down, do not grow up, like Jonah's gourd, in a night; they do not grow up in a year or ten years. They take sometimes a generation; sometimes it takes one hundred years. I can show my friend from Missouri trees upon the Sierras of California that unquestionably, by any judgment which we can form from their appearance, ay, from the concentric circles within their bark, are three or four thousand years old. The ordinary pine-tree of the forest there is one hundred to one hundred and twenty-five years.

Mr. BOGY. I will say to my friend from California that the forests on this side of the mountains will regrow in about twenty years. Men who chop wood in Pennsylvania and in Missouri for coaling purposes will in twenty years go back on the same land and chop new wood for coaling, as my friend from Pennsylvania [Mr. CAMERON] can testify. In twenty or twenty-five years there will be a regrowth, which is a very short time when you speak of legislation for a coun-

Mr. SARGENT. I was not talking about *chaparral*, or wood that can be turned into the coal pit to make charcoal. I am talking of forest trees. I know that in twenty years a pine tree may grow to be nearly the size of the Senator's body, or probably two-thirds that size, provided the soil is favorable. The trees which we are accustomed to on the Sierras, when cut down into timber, require two large saws to cut through them, one above the other, and then there will be a space between the saws which the teeth do not cut.

Mr. BOGY. The sooner they are converted into greenbacks, the

better for California.

Mr. SARGENT. No, sir; it is a grand deposit, like the coal-fields. Suppose you could take all the coal which underlies the soil in the United States and sell it to China for anything they could return, what would there be for the future ?

Mr. BOGY. The wisdom of man will provide something else.
Mr. SARGENT. The wisdom of man will preserve that which he
has, and not trust to a vain confidence that Providence will supply

his improvidence.

Mr. BOGY. What will be done in ten thousand years to come?
Mr. SARGENT. The Senator wants to know what may be done in ten thousand years. I cannot speculate on what may happen in that length of time; I doubt if either of us will be here to see it; but I

do care as to what may happen twenty years from now to my children or my children's children, or those of my constituents.

I am glad to hear my friend say that he will vote for the bill because he believes that we earnestly and sincerely advocate its passage and suppose we are right. I appreciate that kindness on his part. do not know how the system he advocates may have worked in the State of Missouri, how dense the forest may be there or how sparse. It may be that under the conditions existing in his State the system with which he is satisfied may have worked very well. That I do not question; but I do say from years of experience in my own State, from nearly thirty years' residence in these very mountains to which I refer, that I do know the wants of my people and know the peculiarities of these forests. I desire to prevent speculators getting hold of them, while at the same time I want to make them available for my constituents, and in the line of that remark is the amendment which I propose.

Mr. BOGY. Let me ask a question. On line 12 of the first page it

is provided:

And in all other Territories of the United States, not exceeding forty acres to

Do you contemplate that no one person shall be able to secure more than forty acres of this land in the Territories of the United States?

Mr. SARGENT. I suggested to the committee on the first day this Mr. SARGENI. I suggested to the committee on the first day this bill was under discussion, on my attention being called to it by my friend from Kansas, that that clause had better be stricken out. I am not on the committee that reported the bill, but I think that is too small an amount. In fact, following my own judgment, I would make the amount in all cases three hundred and twenty instead of one hundred and sixty acres; but I do not wish to antagonize the

committee.

Mr. KELLY. Mr. President, I stated yesterday that the reason why the committee concluded to limit the amount to be taken by any person in the Territories to forty acres was on account of the scarcity of timber in all the Territories except Washington. If the honorable Senator from Missouri would cross the plains, he would see that from the Missouri River

Mr. BOGY. I have crossed the plains.

Mr. KELLY. Then the Senator will remember that in crossing over from the western boundary of Nebraska to the Sierra Nevada he did not see as many pine-trees standing in sight of the road as there were miles between those two boundaries. I presume he would not

find two thousand trees fit for timber along fifteen hundred miles of the distance. All the Territories of the United States, except Washington, are embraced in that part of the public domain lying west of Nebraska and east of the Sierra Nevada. In that sparsely-timbered portion of the country, if any person be allowed to take one hundred and sixty acres, what can any other person take when one will exhaust it all? That would give a monopoly to the one who would locate the first one hundred and sixty acres, leaving nothing for any other occupant; and for that reason the Delegates from the Territories were opposed to any one individual or any corporation having more

than forty acres, so as to destroy all monopoly in the timbered lands.

Mr. BOGY. How can a man run a saw-mill with only forty acres
of ground to supply it? Do you not require lumber in your country
for building houses? How can a man supply a saw-mill with only
forty acres of timbered lands?

Mr. KELLY. There are the same for a saw-mill with only

forty acres of timbered lands?

Mr. KELLY. There are very few saw-mills in the Territories of the United States, excepting in Washington, for the reason that there is but little lumber there. It is true there are saw-mills perhaps remote from the railway in places where I have not seen the timber. In the mouths of gorges they may have some; but it is a fact that all the Territories will have to be supplied mainly from the Sierra Nevada and the Cascade range of mountains. They must take it thousands of miles by railway. They have not the timber there. They have sufficient perhaps to make rails for fences for their gardens and to creet their habitations, but aside from that there is no timber. Now, in the Pacific States there is an abundance of it. There is the place in the Pacific States there is an abundance of it. There is the place where you can manfacture it, and from there it will be taken eastward as soon as railroad communication between the different parts of the country is established. Perhaps one reason why these Territories are so slowly populated is that they have no timber there. Would it be right and proper to give any one individual who might first go there the right to select one hundred and sixty acres of timber land which might include the only timber within twenty or thirty or forty miles? As I said, the Delegates from the Territories were consulted, and they themselves expressed a preference for this limitation, and that is the reason why it was inserted.

Mr. (NGALLS. I move that the Senate do now adjourn.

The motion was agreed to; and (at three o'clock and fifty-seven minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

# THURSDAY, February 17, 1876.

The House met at twelve o'clock m., and was called to order by The Clerk, who said: The Speaker of the House being absent by leave of the House, the Clerk, in conformity with the precedents and usages of the House, asks that the House be in order while the Chaplain leads in prayer.

After prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.,

The CLERK said: The House is now in session; and if there be no objection, the Clerk will bold that the first business in order is the election of a Speaker pro tempore during the absence of the Speaker.

#### SPEAKER PRO TEMPORE.

## Mr. RANDALL. I offer the following resolution:

Resolved, That Hon. Samuel S. Cox, a Representative from the State of New York, be, and is hereby, appointed Speaker pro tempore during the present temporary absence of the Speaker.

Mr. CLYMER. Mr. Clerk, I move to substitute the name of Hon.

JOSEPH C. S BLACKBURN, of Kentucky.

Mr. BLACKBURN. Mr. Clerk, tendering my sincere acknowledgments to the gentleman from Pennsylvania [Mr. CLYMER] for this evidence of his partiality, I feel constrained to say that, appreciating as I do my own want of experience as presiding officer of a great deliberative body, and contrasting that with the extended services and the eminent fitness of the gentleman from New York [Mr. Cox] whose name is already in the body of the resolution, I feel that I cannot do less in justice to myself or in justice to the House than to ask the distinguished gentleman from Pennsylvania to withdraw his amendment and let the resolution pass in its original form.

Mr. CLYMER. That being the desire of the gentleman from Kentucky, I ask the privilege of withdrawing my amendment.

The resolution was then agreed to.

Mr. COX (on taking the chair as Speaker pro tempore) said: Gentlemen of the House of Representatives, the occasion which calls for a Speaker pro tempore is under the circumstances no subject of congratulation. While this mark of confidence deserves the warmest acknowledgment, it is the overruling wish of my heart that the temporary occupancy of this chair may be brief and that our respected Speaker may soon return to it re-invigorated. It is one of the felicities of our system of government that, come sickness or health, life or death, to public servants, the processes of administration and legislation cannot be retarded. Let us proceed to our business in that spirit of friendly and dutiful rivalry to which I shall endeavor to contribute.

The first business in order is the reading of the Journal of yesterday.

The Journal was read.

Mr. GARFIELD. I rise to a question of privilege. I wish to raise the question, in order to have it authoritatively settled by the House, whether the Speaker pro tempore ought not to take the oath of office before proceeding to the execution of the duties of his office. There have been but few occasions since the organization of Congress, almost a century ago, when it has been found necessary to elect a Speaker pro tempore. Under our rules the Speaker may call any member of the pro tempore. Under our rules the Speaker may call any member of the House to the chair to preside during the day; but it is not understood that such assignment invests him with all the powers of the Speaker; certainly not with the right to sign bills, but merely to preside. The election of a Speaker pro tempore, as in the present case, for a week, possibly longer, may involve very serious questions as to the validity of our laws. Doubtless the present occupant of the chair will be called apon to sign important bills, and if any question should arise as to the validity of those laws on the ground that the gentleman acting as Speaker had taken no oath of office previous to entering noon his duties, it might lead to serious results. upon his duties, it might lead to serious results.

I have not myself looked over the precedents, as I doubt not some other members of the House have done; but within my own term of service here I believe there has been but one case of this kind. In that case the temporary presiding officer served only for a single day, the last day of the session; and indeed I believe in that case the Speaker resigned absolutely, so that there was an election of a Speaker,

not of a Speaker pro tempore.

But precedents, in our early history, are not very important in view of the fact that a recent statute seems to decide the question. I do not quite see how we can avoid the force of the act of July 2, 1862, which requires that-

Every person elected or appointed to any office of honor or profit under the Government of the United States, either in the civil, military, or naval departments or the public service, excepting the President of the United States, shall, before entering upon the duties of such office, and before being entitled to any of the salary of other emoluments thereof, take and subscribe the following oath or affirmation, &c.

Now, it may be said that the present occupant of the chair has subscribed to that very oath on taking his seat as a member of Congress. He has, indeed, subscribed to the words of that oath; but those words related to the office that he then entered upon, (if the position as a member of the House may be called an office,) but did not relate to the duties of the office of Speaker of the House. The present occupant of the chair is about proceeding to execute the duties of a very high and important office, to him entirely new, an office and to the duties he has taken no oath of faithfulnes

It seems to me, therefore, that even if the precedents are not clear, we shall avoid all possible difficulties hereafter by requiring the Speaker pro tempore to take the usual oath of office before proceeding

speaker pro tempore to take the usual oath of office before proceeding to perform the duties of the position. Therefore, in order to bring this question to a settlement, I move that the oath of office be now administered to the Speaker pro tempore.

Mr. RANDALL. Mr. Speaker, this is a question for the House to determine. It will be sufficient for me to show what has been done under similar circumstances. After a pretty thorough search, we find that on April 20, 1798, the proceedings which I will ask the Clerk to read took place in this House.

The Clerk read as follows:

FRIDAY, April 20.

It being announced by the Clerk that the Speaker was sick and unable to attend

It being announced by the Clerk that the Speaker was sick and unable to access
the House,
Mr. Sprague moved that a Speaker pro tempore be appointed. After some observations on the propriety of so doing, the motion was put and carried; there being
46 votes for it.
The Sergeant-at-Arms accordingly proceeded to collect the ballots; which being
done, Messrs. Josiah Parker and Morris were called upon to count the votes, which
Mr. Parker reported to be as follows, viz: For Mr. Dent, 40; Mr. Sitgreaves, 19;
Mr. Baldwin, 12; Mr. J. Williams, 1; and Mr. Blount, 1.
Mr. Denr was accordingly declared to be elected; and, having been conducted to
the chair by Mr. Sitgreaves, he addressed the House, as follows:
GENTLEMEN: In the execution of the duties of this temporary appointment, my
endeavor will be to evince strict impartiality. Permit me to hope your co-operation
in maintaining order, and to expect your support in all cases of official decisions
where it ought to be afforded.

Mr. RANDALL. It will be observed by the House that in the case

Mr. RANDALL. It will be observed by the House that in the case just read the Speaker pro tempore took no additional oath for the then temporary occupancy of the chair. There is no doubt he signed bills and discharged other duties pertaining to his office.

Now, further on in the same book will be found a similar case under the order of Novelan May 28.

der date of Monday, May 28.

Mr. FORT. In what year?

Mr. RANDALL. In the same year, May 28, 1798. I ask the Clerk

The Clerk read as follows:

The Userk read as follows:

The usual hour of proceeding to business having arrived, the Clerk informed the members present that he had just heard that the Speaker was so much indisposed as not to be able to attend the House this morning.

Mr. D. Foster moved that the House proceed to the choice of a Speaker protempore, which motion was carried; the ballots were collected; and Messrs. Baldwin and Rutledge being called to tell the votes it appeared that Mr. Dent had fifty-one votes, which being a very large majority of the members present (indeed all except two or three scattering votes to four or five other members) he was accordingly declared to be elected, and conducted to the chair accordingly.

Mr. RANDALL. A further instance took place on the 20th of June, 1848, which is more striking because of the facts and opinions drawn out in the debate. I ask the Clerk to read it.

### The Clerk read as follows:

Mr. Burt, before taking the chair, from the Clerk's desk, suggested whether it was not necessary that he should be sworn before entering upon the discharge of the duties of the temporary office to which he had been elected. He was sworn as a member of this House at the commencement of the session to support the Constitution, but he had taken no oath to discharge the additional duties of Speaker

pro tempore.

Mr. Cobb would inquire whether there was any oath but that to support the Con-

Mr. Burr. That is the oath taken by the Speaker.

Mr. Cobb suggested, as that oath had been taken by the gentleman from South Carolina as a member of this House, no further oath was necessary now.

Mr. ASHMUND said he did not understand that at the commencement of a session the Speaker was sworn as such, but simply as a member of the House.

Mr. Sims. He is sworn first; that is all.

Mr. Burr requested the Clerk to read that portion of the first day's Journal which recorded the fact.

The Clerk read accordingly.

It was recorded that Mr. Adams administered the oath to support the Constitution to the Hon. Robert C. Winthrop, the Speaker, and that the Speaker administered the same oath to the other members of the House.

Mr. Burr, with this explanation, was satisfied, and then took the chair.

Mr. RANDALL. Now, Mr. Speaker, the oath which is taken by the Speaker of this House, when elected, in no respect differs from the oath taken by a member of the House. As was stated in the debate just read, "he is sworn first; that is all." Members took the oath to support the Constitution in the office upon which they were about to

It is for the House to determine the question of course, but I would suggest whether, in case the Speaker pro tempore is now sworn, we should not be put in the condition of having two Speakers, as it were. All the cases I have examined, as will be seen by what has been read by the Clerk from the records, go to show that there is no necessity for the administration of any additional oath to the Speaker pro tempore. In the brief time allowed me, I have been able to find no instance where

In the brief time allowed me, I have been able to find no instance where an additional oath has been required or taken by the Speaker pro tempore. As I have already stated, the oath taken by the member of the House and by the Speaker is identical.

Mr. KASSON. Has the gen leman from Pernsylvania examined the form of the oath so as to answer whether any change of law is required by the act of 1862 which we find in the Revised Statutes? It seems to me the point of his explanation is defective in this. There are two officers in this House which may be held by any member of the House. One, the legislative office of a member upon the floor, and the other that of Speaker, who has largely added duties to those which pertain to him as a member of this House. In the discharge of these added duties, such as signing bills, correcting the Journal, which no other member can possibly do, preserving order, enforcing the rules impartially, and a great many duties are imposed upon the Speaker as such, which the House protects itself under the law, in order to secure the administration of them, by requiring an oath of that member who discharges those particular duties. Now the point which it seems to me the gentleman does not quite meet is that the oath proposed now-by the gentleman from Ohio is to be administered to a new officer of the House who has been unsworn hitherto in this seems to me the point of his explanation is defective in this. to a new officer of the House who has been unsworn hitherto in this

Mr. RANDALL. I have had but little time to look up authorities, and perhaps the gentleman can correct me. I found no instance, how ever, where a Speaker pro tempore was required to take an additional oath. Now, can the gentleman from Iowa cite a single instance where a Speaker pro tempore was sworn upon election to the temporary occu-pancy of the chair?

Mr. KASSON. I can only say the Journals, so far as I have seen,

are silent except in the last instance named.

Mr. RANDALL. Ah, in that case there was an absolute vacancy of the Speaker's chair, and Mr. Pomeroy was elected, not Speaker pro

the Speaker s that, and Mr. Folheroy was elected, not speaker protempore, but Speaker of the House.

Mr. KASSON. Very true; but the point I make is whether, the Speaker pro tempore with all the powers of the Speaker where the official duty is the same, the law does not require an oath to secure a proper administration of the office.

Mr. RANDALL. The oath taken by the Speaker is identical with that taken by all the other members of the House.

Mr. KASSON. But the Speaker took it in the chair and not upon the floor, and though identical, he took it to discharge his duties as

Speaker.

Mr. JONES, of Kentucky, rose.

Mr. GARFIELD. Will the gentleman from Kentucky, before he proceeds, allow me to say a word in reply to the points made by the gentleman from Pennsylvania?

The SPEAKER pro tempore. The gentleman from Kentucky has the

Mr. JONES, of Kentucky. It strikes meit is necessary for the Speaker pro tempore, elected by the House, who has just assumed the duties of the Chair, to take an oath. Since this discussion has arisen I have looked at the Digest on the subject, and I see on page 212, which relates to the Speaker, that he is "required to take an additional oath."

Now, the Speaker of this House is of course an officer of this House and is sworn just as any other officer of the House. Members of Congress are sworn to support the Constitution, &c., and to discharge the duties of the office on which they are about to enter. Now, the Speaker discharges different duties from those of members of Congress. He anters on a different office—a special office—and the highest office in

Therefore, it seems to me, although there is no special oath provided for the Speaker, yet when a member is taken from the floor to discharge the duties of Speaker he is required to take an additional oath "to discharge the duties of the office upon which he is about to enter." I think that was fairly the intention. A gentleman beside me suggests that there is no difference between the oath administered to the Speaker and that administered to the member. True. But when a member assumes the duties of the chair, he is "required to take an additional oath," or, in other words, an oath to discharge the duties of the office on which he is about to enter, which are different from those of members in general. It seems clear, Mr. Speaker, that it was the intention of the makers of this Digest that the Speaker elected on an occasion like this should take an additional oath, or rather the same oath, but from a different stand-point, as he assumes

different duties.

Mr. KNOTT. Suppose the Speaker pro tempore takes no additional oath, will that omission affect in any way the validity of any act he

may perform as an officer de facto?

Mr. JONES, of Kentucky. I do not know that it would. I do not know that it is necessary that the occupant of the chair now should take an additional oath; but it seems to me that such was intended by the authors of the parliamentary law under which we act; and I again call the attention of members of the House to page 212 of the Digest, where, under the head "Speaker" it is stated—

He is required to take an additional oath.

Then it says "see oath." But under the title "Oath" I find no special Then it says "see oath." But under the title "Oath" I find no special oath for the Speaker. But there is this general distinction, which-I repeat, that we are all sworn to discharge the duties of the office upon which we are about to enter. But the oath administered to the Clerk and to other officers of the House is not the same as the oath administered to members of Congress, because the Clerk is about to enter on the special duties of his office, as are the others; and so the Speaker enters on new duties, and, it seems to me, he is required to take an additional oath. I should suggest, at any rate, to save the question and avoid all possibility of mistake, that the Speaker protempore be required to take the oath.

Mr. GARFIELD. This discussion, in my judgment, is exceedingly important, and of course there is not a possible touch of partisanship in it. We are all as one in our desire to do just what is right in this

I have been very much interested in the argument of the gentle-man from Kentucky, [Mr. Jones, ] and fully concur with him. I want to say a word in reply to the suggestions of the gentleman from Pennsylvania, [Mr. RANDALL.] It appears that, of the precedents he has referred to, all save one occurred prior to the act of 1862. Even in one of those, prior to the act of 1862, the question was raised and there was some doubt about it, and they made it a matter of record, in the proper place, that the person taking the chair had taken an oath in the form of the ordinary oath administered to members.

But, although the precedents he cites, one of them being a mere

omission to take the oath, showing the question was not raised, omission to take the oath, showing the question was not raised, throw some doubt upon the early practice, yet I make this point, that the law of 1862 is peremptory and overrules all previous practice. In the law of 1862 the language is sweeping and universal as to every person entering upon any office under the United States, excepting the President. He alone is excepted, because the Constitution prescribes a peculiar oath for him, different from that prescribed for other officers. Now, I hold that the law of 1862 leaves us no discretion. It is positive, clear, and peremptory in its language, that any nerson entering upon any office, civil, military, or naval, under any person entering upon any office, civil, military, or naval, under the United States, except the President, shall, before entering upon the duties of such office, take the oath therein prescribed.

Now how can we evade it? My friend from Pennsylvania has referred to the case of Mr. Pomeroy, elected as Speaker of this House on the last day of the session. I have the Journal before me. He took the oath. Why? Some might have said he had already taken took the oath. Why? Some might have said he had already taken the oath, the very same oath, in the very same words, when he was sworn in as a member of the House which on the last day of its session elected him Speaker. They might have said "You do not need to take it over again; you have already taken it in this form and in this House." But they were then acting under the law of 1862, and therefore very properly the House said, We have elected a new Speaker, and, although he has to serve for only one day, yet for that day, under this law of 1862, the oath must be administered to him; he has been sworn as a member of the House in the very same words, but when he enters upon this new office, he must take the oath prebut, when he enters upon this new office, he must take the oath prescribed by law for that office. And although the words of the oath for Speaker and member are identical, yet the office he entered upon was a different one, and hence the eath itself is a new and different oath. in its force and effect.

Now, the present occupant of the chair holds a place from which he may be called to the presidency within one week under the Con-stitution of the United States. Vacancies may so occur that we shall salute him as the Executive of the United States before the expiration of the term to which we have just elected him; and it is a serious business for us to say that, while in one other case we have elected a Speaker for a day only and administered the oath to him for that day, we will now elect a Speaker for a week, possibly for the remainder of the term, and administer to him no oath of office whatever.

Mr. RANDALL. The gentleman from Ohio [Mr. GARFIELD] will observe that appointments by the Speaker of Speakers pro tempore

have constantly been made, but they are made under the rules.

Mr. GARFIELD. Ah; when the Speaker calls a man to the chair, he is merely a locum tenens; he presides, but he never signs a bill.

He is not elected by the House.

Mr. RANDALL. In that case the Speaker pro tempore under the

rules can only be appointed for one day.

Mr. GARFIELD. The gentleman from Pennsylvania will observe that in such cases the member called to the chair for the day only

never signed bills. Mr. RANDALL. Now, I will ask to have read section 1756 of the Revised Statutes which has been referred to.

The Clerk read as follows:

The Clerk read as follows:

Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President and the persons embraced by the section following, shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following oath: "I. A. B. do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any metal reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

Mr. RANDALL. Mr. Speaker, it will be observed that the Speaker

Mr. RANDALL. Mr. Speaker, it will be observed that the Speaker pro tempore in no instance partakes of the salary or emoluments of

I yield now to the gentleman from Virginia, [Mr. Tucker.]
Mr. DENISON. Will the gentleman from Pennsylvania [Mr. RANDALL] allow me to ask him a question?
Mr. RANDALL. I have yielded the floor to the gentleman from

Virginia, [Mr. TUCKER.]
Mr. REAGAN. What right has the gentleman from Pennsylvania to farm out the floor on this occasion?

Mr. RANDALL. I am not farming it out at all; I want the gentleman from Virginia [Mr. TUCKER] to state a single point about the oath taken in the Senate, and then the gentleman from Texas [Mr. REAGAN] can take the floor in his own right.

Mr. TUCKER. It occurred to me, Mr. Speaker, that we might

gain some light on this question by knowing what the precedents in the Senate of the United States were, for you will observe that under the Constitution of the United States the President pro tempore of the Senate is a constitutional officer; the Speaker pro tempore is not a constitutional officer. The only presiding officer of the House by the Constitution is a Speaker. The presiding officer of the Senate is the Vice-President, and in the absence of the Vice-President the Constitution provides that the Senate shall choose their other officer and elect a President pro tempore in the absence of the Vice-President or

when he shall exercise the office of President of the United States.

Now, if the President pro tempore of the Senate is not required to take an oath of office, a fortiori a Speaker pro tempore, who is not a constitutional officer, would not be required, I presume, to take it. I went over to the Senate and found that the precedent there is that went over to the Senate and found that the precedent there is that the President pro tempore never does take the oath of office. The Vice-President of course does; but the President pro tempore does not take an additional oath. Now, I apprehend then that the matter stands just thus: The Speaker of this House is still Speaker, notwithstanding the occupancy of the chair by the gentleman from New York [Mr. Cox] as Speaker pro tempore. He is appointed merely to preside in the absence of the officer.

Mr. GARFIELD. To preside only?
Mr. TUCKER. To preside over the House.
Mr. GARFIELD. What about his signing bills?
Mr. TUCKER. He may do some things else, but he presides over

Mr. GARFIELD. Will my friend allow me to ask him a question

Mr. GARFIELD. Will my friend allow me to ask him a question to elucidate his argument?

Mr. TUCKER. Certainly.

Mr. GARFIELD. While the Speaker is absent have we not just said by resolution that the person now occupying the chair is our Speaker, and the words pro tempore mean nothing more than a limitation of his term of office; but within the limitation of his term of office is he not as perfectly and fully and absolutely Speaker as our Speaker who was here vesterday?

Mr. TUCKER. He exercises all the functions of the office of Speaker,

but he is not Speaker.

Mr. GARFIELD. Ah! but did not the resolution say that he was

elected Speaker †

Mr. TUCKER. No, sir; Speaker pro tempore.

Mr. GARFIELD. The words pro tempore are a mere limitation upon his term of office. Our Speaker [Mr. KERR] is Speaker pro tempore for two years, and the present occupant of the Chair is Speaker pro tempore for 't may be a week and perhaps longer.

Mr. TUCKER. I apprehend that the case is just this: Mr. Cox

might be called to the chair by the Speaker, and, while occupying

might be called to the chair by the Speaker, and, while occupying it as Speaker, he would perform all the functions of Speaker.

Mr. GARFIELD. Not at all.

Mr. TUCKER. If a committee is to be appointed he appoints that committee, and so with other duties pertaining to the office. Therefore there is a responsibility devolving upon him as Speaker pro tempore, but he does not take any additional oath in that case. The question is whether the additional functions which he is called upon to perform while Speaker pro tempore require that they should be done under the solemnity of an oath.

I apprehend that the best mode in which we can decide that ques-I apprehend that the best mode in which we can decide that question is to adhere to the precedents, and I understand the precedents are uniform in this House that no Speaker pro tempore has ever been called upon to take an oath of office. The precedents in the Senate are the same, and a fortiori that should be regarded as confirming the precedents of this House. There can be no great importance connected with this matter, and I suggest it will be a loss of time to discuss it forther. cuss it farther.

### MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Colonel Fred. Grant, his Private Secretary, who also informed the House that the President had approved and signed a joint resolution and bills of the following titles:

A joint resolution (H. R. No. 11) authorizing G. Harris Heap, United States consul at Tunis, to accept the trust of commissioner of the Bey

of Tunis;

An act (H. R. No. 514) relating to the centennial celebration of American Independence; and An act (H. R. No. 1053) providing for the payment of judgments rendered under section 11 of chapter 459 of the laws of the first session of the Forty-third Congress.

#### SPEAKER PRO TEMPORE.

Mr. REAGAN. As I concur with the view of the gentleman from Ohio [Mr. GARFIELD] who has raised this point of order, I wish to office of Representative, if it may be called an office, is peculiar to itself; it has constitutional functions. The mode of election of Representatives to Congress is provided by the second section of the first article of the Constitution. Representatives to Congress are to be elected by the qualified electors of the most numerous branch of the Legislature in the State in which they are elected.

But a Speaker is not so elected; he is elected, according to the same section of the same article of the Constitution, by the Representa-

tives in Congress. The mode of election and term of office are different. Then he has peculiar constitutional functions attached to his office which are not attached to the office of Representative. The office of Speaker is a constitutional office, a different constitutional office from that of Representative. He is elected by a different constituency to his office; its functions are peculiar, and his election to that office carries with it the possibility of further and higher duties

than those of Speaker.

I may refer to some of the duties which a Speaker is called upon to perform, and which a member of the House is not allowed to perform. By the eighth rule of the House it is the duty of the Speaker to sign all By the eighth rule of the House it is the duty of the Speaker to sign all acts, addresses, and joint resolutions, and by the same rule he is authorized to issue writs, warrants, and subpenas. If any one holds the office of Speaker here, whether it be the office of Speaker as elected at the beginning of the session or that of Speaker elected at a subsequent period of the session in the contingency of the disability of the Speaker to be present and perform his duties, he is still Speaker of the House and war is an abstract and all less still Speaker. of the House, and may issue his warrants and subpœnas and writs. If the Speaker is not clothed with the authority which by law makes him such, and his subpæna or his writ should be disobeyed, then by what authority could any one be punished for the disobedience of that subpæna or warrant?

What constitutes a Speaker† In my judgment it is his election as provided by the Constitution and law and the oath of office which he takes. It is insisted that the oath of office of Speaker is the same as that taken by a Representative. It may be so in terms, but it is not the oath taken by the same officer. Before the oath of office was modified by the act of 1862 many officers took the same oath. If the same person should at different times hold a number of these offices, he would be obliged to take the same oath for each office so held.

If, therefore, the act of 1862 requires, as it does, all civil officers could take the oath prescribed, the Speaker is one of those civil officers. And when the regular Speaker is not present, and cannot discharge the duties and fulfill the functions of that office, and the necessities of the case require another to be elected in order to fulfill those duties, then to make him lawfully the Speaker of the House, it seems to me, it is as much his duty to take the oath of office as it is the duty of the Representative to take the oath of office before he can be permitted to sit upon this floor and discharge his duties as a Representa-

I do not care to elaborate this argument further. It is said that precedents are against this. Well, while I have great respect for precedents, and would follow them where there is no just reason for departing from them, I prefer taking the Constitution and the law, where they seem to be plain, for my guide, to taking precedents which seem

to be in conflict with the Constitution, the law, and the rules of this

It may be said that though the regular Speaker may be required to take this oath there is no necessity for a Speaker pro tempore to take it. If there is no necessity for his taking it, how can he be expected to exercise the functions and the authority conferred upon him by the Constitution and laws? He can only do it by virtue of being the Speaker of this House for the time being. In my judgment he can only be the Speaker of this House by being elected by the House to the position, (however short the period may be, if he is elected Speaker pro tempore,) and by taking the eath of office which clothes him with

the official authority and power to exercise the duties of that office.

For these reasons I shall vote to sustain the point made by the gentleman from Ohio, [Mr. Garfield,] because it seems to me that the Speaker is an officer of the House as Speaker, and that he ought to be clothed with all the authority with which the law can clothe him, by his performing every act which may contribute to invest him with that authority. that authority.

Mr. BLAINE obtained the floor, and said: I yield for a moment to

the gentleman from Vermont, [Mr. DENISON.]
Mr. DENISON. Mr. Speaker, this is a question in which I assume there can be no desire on the part of any one here except only to do that which is right. I wish to suggest to the gentleman from Pennsylvania [Mr. RANDALL] that the statute to which he has called our attention does, in my view, settle this question exactly. It provides that a person entering upon an office shall take an oath that he will fulfill the duties upon which he is about to enter. Now I would ask the gentleman from Pennsylvania whether the gentleman now occupying the chair was about to enter upon that office when he took the oath some months ago? It seems to me clear that he was not about to take that office, because gentlemen on the other side, by their caucus, had settled that somebody else was about to take it.

Now, the Speaker of the House, who so honorably occupies the chair when he is here, took the oath that he would fulfill the duties of the office upon which he was about to enter: the duties of the office of Speaker. He then administered the oath to all the other members of the House, who took the oath of the office upon which they were about to enter: the office of Representative in the Congress of the United States. Now this body has elected another gentleman to occupy that chair. It is an office upon which he was not about to enter until now; and by the statute he must expressly take the oath of the office upon which he is about to enter. It seems to me that the matter is clearly settled by the terms of the statute.

Mr. WHEELER. Will the gentleman allow me to ask him a ques-

Mr. DENISON.

Mr. DENISON. Yes, sir.
Mr. WHEELER. The gentleman stated his first proposition so clearly that I wish to ask him where he gets his evidence of the fact that the position of Speaker pro tempore is an office. Does he get it from the statute or from the rules of the House? Where is the evidence that the position of Speaker pro tempore is an office within the meaning of the statute?

Mr. DENISON. I have not examined that question, Mr. Speaker,

Mr. WHEELER. It is a very material question, and in my judgment the one upon which the whole matter hinges. I hold that this is simply a question of propriety, not of law. The Constitution provides that "each House may determine the rules of its own proceedings." This matter, in my judgment, arises in the course of the proceedings of the House as a simple question of propriety not of law. ceedings of the House as a simple question of propriety, not of law, because this office is not known to the statute and it is known to the

rules only for the day, not to extend beyond the session of the House.

Mr. DENISON. The gentleman from New York [Mr. Wheeler]
seems to argue the point rather than ask a question. I was about to answer that I had not examined the matter; but it seems to me that a person who is elected now to office, to hold upon his shoulders all the duties and responsibilities that the Speaker has held, is now in office as an officer. I make this suggestion to the gentleman from New York: Suppose the Speaker should never return, we stand here with a Speaker; we certainly are not without that officer. If the permanent Speaker should die to-morrow, the present occupant of the chair is the officer.

Mr. BLAINE. O, no; not at all.
Mr. DENISON. Well, perhaps not if the Speaker should die; but, if he should never return, we have the office filled all the time; and I insist that the occupant of the chair is the officer, because he fulfills all the duties of the office; all the responsibilities of the office are upon his shoulders.

Mr. BLAINE. Mr. Speaker, when the gentleman from Ohio [Mr. GARFIELD] so forcibly presented his views on this matter I was inclined to think that there was some ground for the position he took.

Mr. KNOTT. I rise to a parliamentary inquiry. I want to know

what resolution is before the House.

what resolution is before the House.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. That the oath of office be administered to the present occupant of the chair.

Mr. BLAINE. My judgment, Mr. Speaker, is that the usage of the House in past years is founded upon the proprieties of the case and that there is no necessity whatever for administering to the Speaker

pro tempore any other oath than that which he has already taken. Gentlemen have cited here the fact that one of the functions, and one of the important functions, which the Speaker may perform is that of issuing subpœnas for witnesses—legal summonses to bring men from their places of residence to testify here. So may the chairman of any committee. You authorize a committee to send for persons and papers, and forthwith the chairman of the committee is invested with that power. He is invested with a new function by resolution of the House. When we all stood here on the first day of the session and took the oath to discharge well and faithfully the duties of the office on which we were about to enter, we did not know which of the several functions of the House we might be called upon to perform. Any member of the House is liable to be called upon to discharge the duties of the Speaker pro tempore. He took the oath, the first day of the session, that whether assigned to one committee or the other, whether made chairman or subordinate member, whether authorized to send for persons or papers or not, whether called to the chair as Speaker pro tempore or to the discharge of any other function which might happen to a member, he would well and faithfully discharge the duties of the office. And the only office which the honorable gentleman who now occupies the Chair holds is that of a Representative from the State of New York tive from the State of New York.

The gentleman from New York [Mr. Wheeler] has already called attention to the fact that it constitutes no separate office. It is simply the ministerial performance of certain duties in the absence of

the occupant of that office.

Mr. RÉAGAN. It is suggested that the chairman of a committee may issue a subpœna for a witness. Do I understand the gentleman

orrectly?

Mr. BLAINE. Certainly; the House may authorize him.

Mr. REAGAN. And I suggest to the gentleman they may do it be-

cause the law authorizes it.

Mr. BLAINE. The law is what the House consents to, and when the chairman of a committee is authorized to send for persons and papers an entirely new function is imparted to him; but he does not swear he will well and faithfully discharge the duties of that office; it is included in the general oath which we all take at the beginning of the session. Whatever duties may be devolved upon us, whatever additional responsibilities may be imposed upon us by the House, whether that of chairman of a committee or chairman of the Committee of the Whole, or that of Speaker pro tempore, the oath is inclusive and binds the gentleman who occupies the chair now just as much as though an additional oath were administered to him.

Mr. REAGAN. Let me interrupt the gentleman for a moment. Mr. GARFIELD. Why was Mr. Pomeroy sworn in ?

Mr. BLAINE. He was made absolutely the Speaker of the House.

Mr. BLAINE. He was made absolutely the Speaker of the House.
Mr. WHEELER. An office known to the law!
Mr. BLAINE. Yes, sir; an office known to the law.
Mr. GARFIELD. Certainly for a day, and this is for a week.
Mr. BLAINE. But you will observe that Mr. Pomeroy was absolutely Speaker of the House for the time he held the chair just as

much as the gentleman who vacated it.

Mr. REAGAN. If the gentleman will allow me—

Mr. BLAINE. I wish to finish that point. The case of Mr. Pomeroy must not be confused with the case of a Speaker pro tempore.

Mr. Colfax, Speaker of the House, had been elected Vice-President of the United States, and preparatory to his inauguration into that office he resigned the office of Speaker of this House; he resigned not only his speakership but his membership, was no longer in this House, and the House then called a Speaker pro tempore to the chair, Mr. Wilson, of Iowa—mark you, Mr. Speaker, he had appointed a Speaker pro tempore, and he was in the chair, and presided when Mr. Pomeroy was made Speaker. As soon as Mr. Pomeroy entered upon that office, which was a constitutional office, of course he took the oath, but he was as absolutely Speaker of the House as the honorable gentleman from Indiana, [Mr. Kerr,] whose absence we now regret, is to-day. Just the same precisely, and there is no parallel at all between the case of Mr. Pomeroy and that of the honorable occupant of the chair at the present time.

Mr. REAGAN. Will the gentleman allow me—

Mr. REAGAN. Will the gentleman allow me—
Mr. BLAINE. I will hear the gentleman with pleasure.
Mr. REAGAN. I wish to say, with deference, that it seems to me the
gentleman from Maine assumes in his argument the very point in issue.
The law authorizes the President of the Senate and Speaker of the House of Representatives, or the chairman of a Committee of the Whole, or the chairman of any committee of either House of Congress, to administer oaths to witnesses, to examine them, &c. Is the Speaker of the House when elected pro tempore in the absence of the Speaker not qualified for the discharge of the duties of the office after taking an oath of office as Speaker? I understand that to be the precise question.

Mr. BLAINE. I do not see anything in the point made by the gentleman from Texas. A long while before the law was passed it was a function of this House, without that law, to impart that power to any one of its committees. You may impart different functions without the taking of any oath to discharge those separate duties. It seems to me the case of the gentleman now presiding is parallel with that of the function which may be imparted to the chairman of a committee, the added functions which may reach any member of the House, and which it seems to me is covered by the oath taken at the outset "well and faithfully to discharge the duties of the office" upon which we

Mr. RANDALL. I now call for a vote.

Mr. WHEELER. I should like to fill up the suggestion I made. If the Speaker pro tempore is required to take an oath of office, it must be under the rules of the House, or under the United States statutes. Now I wish some gentleman to state where the warrant or requisition is to be found in either. I hear no response.

Mr. LAWRENCE. What is the gentleman's question?

Mr. WHEELER. If it is required of the Speaker pro tempore to take

an oath of office, the requirement must be found in the rules of the

House or the statutes of the United States. Where is it?

Mr. LAWRENCE. I will find it.

Mr. WHEELER. The only Speaker pro tempore known to the rule is one who may preside for a day and whose functions do not extend beyond an adjournment. The neglect to provide for such a contingency as this was clearly a casus omissus.

Mr. REAGAN. Does the gentleman from New York think it neces-

sary to elect a Speaker pro tempore every morning? [After a pause. The gentleman does not reply. His argument seems to imply that

that should be done.

Mr. LAWRENCE. The question now before the House is not settled by the precedents prior to the act of Congress of 1862. There are perhaps two or three cases where a Speaker pro tempore was elected and where it does not specifically appear whether he took the oath of and where it does not specifically appear whether he took the oath of office or not. Since 1862, one case certainly has been presented where a Speaker pro tempore did take the oath of office.

Mr. BLAINE. Who was that?

Mr. LAWRENCE. Mr. Pomeroy.

Mr. BLAINE. He was Speaker.

Mr. WHEELER. He was absolutely Speaker of the House.

Mr. LAWRENCE. Just at the close of the session the Speaker re-

signed and Pomeroy was elected Speaker for a single day. taken the oath of office as a Representative and he took an additional oath as Speaker. The question now made is not settled by precedent, but the case of Mr. Pomeroy is certainly an authority now in favor of requiring the additional oath. It is important now that the pending question be settled and that it be settled right. It is, as has been very question be settled and that it be settled right. It is, as seen very justly observed, by no means a party question, and if there be doubt about it, it is better to settle it in accordance with the general usage as to officers who are uniformly required to take official oaths. It is better not to omit or fail to do that which may be found useful. It is better on grounds of public policy to require the sanction and obligation of an oath on the office of the Speaker pro tempore.

Now, sir, I invite the attention of the House, just for a moment, to

two or three considerations which I think ought to be conclusive of this question. The Constitution of the United States provides that the House of Representatives shall choose "their Speaker and other It was not necessary that the Constitution should have so officers." officers." It was not necessary that the Constitution should have so provided, because the common law, the lex parliamentaria, expressly made this provision. The clause of the Constitution to which I have referred is merely declaratory of the common parliamentary law. The House would have the power to elect a Speaker independently of the Constitution. Then we have a Speaker who derives his authority from the Constitution and from general parliamentary law back of the Constitution, and he is an "officer."

By common parliamentary law, the Speaker may during a session

of the House call on a member to preside. On page 218 of the Digest I find it stated:

The Speaker shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

This is a rule of the House. It does not result from any express provision of the Constitution or of any statute. The rule itself is

only declaratory of common parliamentary law.

But a member performing the duties of the Chair does not become Speaker. He is not an officer. He cannot sign bills. He cannot perform any one of the duties of the office except for the time being to preside. He merely takes the place of the Speaker to perform the duties of the Chair, to preside temporarily, and he cannot perform this duty beyond an adjournment. He is not an officer. He is called to the chair as a matter of necessity, merely for the convenience of the House, and he does not in any sense become an officer of the House. His acts are the acts of the Speaker. He is not Speaker.

But it may happen that the Speaker of the House may be sick, absent for a day, or a week, or a month, or for the whole residue of the session, or for the whole residue of the Congress. What is to be done then? My friend from New York [Mr. WHEELER] speaks of a casus omissus. There is no casus omissus. Neither the Constitution nor the statute makes provision, indeed, for the election of a Speaker pro tempore, but the general parliamentary law does—the common parliamentary law; and it is just as much in force as though it were written in the Constitution or penned down in a statute. For after all the Constitution and statutes and treaties are only laws; but the common law is just as much law and just as obligatory as the highest constitutional law we have.

What, then, does this common parliamentary law provide? Why, sir, it says, as I find it said in the Digest:

Where the Speaker has been ill other Speakers pro tempore have been appointed. In other words, there is in this House an inherent power to appoint

a Speaker pro tempore. What is he? He is a Speaker—a Speaker pro tempore indeed, but still a Speaker. The expression pro tempore implies only a limitation which may or may not happen to the existence of his term during the Congress. It relates to his term, and not to the functions of his office. He is Speaker. He is an officer, and the reason why he is an officer is that he performs every duty which the Speaker, the regular Speaker for the entire Congress, may perform. If he is not Speaker, let some gentleman tell me what single function of the Speaker does he lack. He signs bills. He issues warrants to summon witnesses to go before investigating committees. He has power to issue warrants for the arrest of members who refuse to attend the sittings of the House. He becomes President of the United States in a contingency during the time he continues to hold his place as Speaker pro tempore. A Speaker may die, and still the Speaker pro

tempore is Speaker.

Mr. BLAINE. O, no, no. The gentleman will pardon me. If such a calamity as that should occur it would have just the same effect as the Speaker's resignation. Suppose the gentleman who is Speaker of the House should resign or were to die, the gentleman who occupies the chair in his absence drops with him wholly and entirely.

Mr. LAWRENCE. The last statement I made is not at all essential to my argument.

Mr. BLAINE. Of course, the gentleman retracts it.

Mr. BLAINE. Of course, the gentleman retracts it.
Mr. LAWRENCE. I could scarcely venture an opinion against a
gentleman so learned in parliamentary law as my friend from Maine is on the particular question suggested, for he may be correct. But I would rather see it in a book.

generally believe what is written in a book, but I cannot always believe what is said outside of it. In other words, I mean only to say I would be glad to see the authority of a book on this question. We all know, sir, that upon the death of Vice-President Wilson it was determined in the Senate that the President pro tempore of the Senate did not vacate his office. Now, that is an authority against the distinguished gentleman from Maine, [Mr. BLAINE.] Then, Mr. Speaker, you are Speaker, or will be when you take the oath of office; you will then be Speaker de jure as you are now de facto.

Now, sir, I come to the question, Is there any law which requires a Speaker pro tempore to take an oath of office? There are two statutes

relating to the matter.

Mr. KASSON. Before the gentleman from Ohio [Mr. LAWRENCE] leaves that part of the subject, I wish to read a clause from the Revised Statutes which, I think, tends to clear up one phase of this question. It is section 145:

In case of removal, death, resignation, or disability of both the President and Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives, for the time being, shall act as President until the disability is removed or a President elected.

Thus showing, sir, that if you are Speaker of the House "for the time being," or, in other words pro tempore, when that casualty occurs, it is you, as the elected Speaker and de facto Speaker, who become President, because you are the "Speaker for the time being" when the event occurs. Suppose, in other words, that our present Speaker, the one specially elected at the commencement of the session, should be in Italy when this event occurred and you are Speaker "for the time being" in Washington, can any one maintain that this country would be without a Chief Magistrate until the Speaker originally elected and whose place you have now been elected to fill returned from a foreign country?

Mr. SAMPSON. I would like to ask my colleague from Iowa [Mr.

Kasson] a question.

Mr. LAWRENCE. The gentleman from Iowa has yielded the floor.

I concur entirely in what he has said, except that I insist that a Speaker pro tempore who has taken the oath of office for the time being is Speaker de jure as well as de facto while acting in the absence of the Speaker.

Now, Mr. Speaker, the next inquiry is, is there any law which requires the Speaker pro tempore to take an oath of office. There are two laws in relation to oaths of office. Here is the act of 1862, which is found in section 1756 of the Revised Statutes. In its broad, comprehensive terms it would cover the case of the Speaker pro tempore. It provides that-

Every person elected or appointed to any office of honor or profit either in the civil, military, or naval service, excepting the President and the persons embraced by the section following, shall, before entering upon the duties of said office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe the following outh.

The section then recites the form of the cath.

This statute is broad enough in its terms to include a Speaker pro tempore, because he is "appointed to an office of honor in the civil He is within the very terms of the statute, and this statute

service." He is within the very terms of the statute, and this statute does apply to the Speaker pro tempore, unless his case is covered by another statute, to which I will call attention.

I am free to confess that this statute is not the one which applies to this case, and the reason is that there is a particular statute which does more immediately and specifically apply to it. What is it? Why, sir, section 30 of the Revised Statutes provides that—

At the first session of Congress after every general election of Representatives the oath of office shall be administered by any member of the House of Representatives to the Speaker; and by the Speaker to all the Members and Delegates present, and to the Clerk, previous to entering on any other basiness, and to the Members and Delegates present, and to the Clerk, previous to entering on any other basiness, and to the Members and Delegates who afterward appear, previous to the taking their seats.

Now, the gentleman from New York [Mr. Wheeler] says this does not apply to the Speaker pro tempore. As to this officer he says there is a casus omissus. I say this law does apply to the case of a Speaker pro tempore. What is the rule of construction? I have before me Sedgwick on the Construction of Statutes. I received it since I commenced speaking and am not now able to turn to the passage, but I can state from recollection the general rule of construction applicacable to the case, and that is, that-

Whenever a case falls within the purpose of the statute it is within the statute, whether its mere words cover it or not.

In other words, in constraing a statute you are not to take its literal words alone and be governed by them. In such case the legal maxim may well be applied: "Qui haret in litera haret in cortice."

Ascertain the purpose of the statute, its object, and it applies to all persons within its object, whether they would seem to be literally

covered by the strict words of the statute or not. Now, sir, why do

you require the Speaker to take the oath of office?

It is, sir, that you may impose upon him the obligations which an oath is supposed to impose in relation to his official duties, and which, in fact, it does to every conscientious man. That is the reason for it. Tell me now why that reason does not apply to the Speaker pro tempore. Shall the Speaker for the whole term be under this obligation and the Speaker pro tempore, who may fill the whole term and discharge the duties of the office, be under no such obligation? The reason of the law is the life of the law, and the reason applies as well in the one case as in the other.

Mr. BURCHARD, of Illinois. I desire to ask the gentleman from

Mr. BURCHARD, of Illinois. I desire to ask the gentleman from Ohio a question. It seems to me that he does not come to the point that was made by the gentleman from New York, [Mr. Wheeler.] Now, I agree in the main with the gentleman from Ohio.

The question, it seems to me, is this: Are there two distinct officers, a Speaker and a Speaker pro tempore? As I understand the rules of this House and the law, there are no such two distinct officers who can exist contemporaneously. The rules of the House do not provide for them; the rules and the law do not recognize a Speaker pro tempore. But they do recognize the fact that during the day the absolute, acting Speaker may call a member of the House to the chair to act the presiding officer of the House; but he does not thereby become the the presiding officer of the House; but he does not thereby become the Speaker of the House. As for the use of the term "pro tempore," it seems to me that applies only to the duration of the office.

By the resolution adopted by the House this morning the late

Speaker has been in effect removed; he is no longer Speaker, and will not be Speaker again until he shall return and take the chair, within a longer or a shorter time. Until he shall return and occupy the chair and resume the functions of his office as Speaker, he is no longer the acting Speaker, but the gentleman from New York [Mr. Cox] is Speaker, to all intent and purposes during the term for which the late

Speaker is absent.
Mr. BEEBE. Will Mr. KERR have to be sworn in again when he

Mr. LAWRENCE. Certainly not.

Mr. LAWRENCE. Certainly not.

Mr. REAGAN. May I interrupt the gentleman a moment?

Mr. LAWRENCE. Certainly.

The SPEAKER pro tempore. The Chair had recognized the gentleman from Kentucky [Mr. KNOTT] supposing the gentleman from Ohio [Mr. LAWRENCE] was through with his remarks.

Mr. LAWRENCE. Certainly not; I am not through. I yield to the gentleman from Texas [Mr. REAGAN] for a few moments.

Mr. REAGAN. I am allowed by the gentleman from Ohio [Mr. LAWRENCE] to answer the gentleman from Illinois, [Mr. BURCHARD.] In doing so I will at the same time give an answer to the question.

In doing so I will at the same time give an answer to the question which was asked by the distinguished gentleman from New York, [Mr. Wheeler.] His assumption seemed to be that a new Speaker protempore should be appointed every morning. He asks under what law can elect a Speaker pro tempore. I answer, under the common

parliamentary law.

parliamentary law.

If I am asked if that common parliamentary law is a part of the law of the land, I will refer particularly to what is said by Mr. Justice Story in treating of the question of impeachment, which relates more particularly to the action of the Senate. He calls attention, in the discussion of that question, to the fact that but few men have ever been impeached before the Senate except for offenses not defined by law and for offenses at common law and for exception. by law, only for offenses at common law and for political offenses. The question has been discussed by the ablest men and jurists of the country. It is assumed by Mr. Justice Story as the correct determination of that question that we have incorporated into the body of our law the common parliamentary law of this country and of England. Adopting that common parliamentary law, we do not permit this House to become dissolved by the temporary absence or inability of the Speaker to discharge his duties. And by our rule, by the common parliamentary law, we elect a Speaker pro tempore to perform those duties.

Mr. LAWRENCE. I agree entirely with the distinguished gentleman from Texas [Mr. Reagan] that the Speaker pro tempore is an officer of this House, and is elected by virtue of the common parliamentary law which is recognized in every legislative body in the world. My friend from Illinois [Mr. BURCHARD] fails to remember the fact that a member called, as the Digest says, "to perform the duties of the Chair" during a single sitting of the House, and not beyond an adjournment, does not have the official attributes, author-

ity, or character of a Speaker, or of a Speaker elected as such pro tempore. There are three provisions for presiding over the deliberations of the House: First, by the Speaker; second, the Speaker pro tempore, each of whom have equal powers; and then, third, a member may by either of these officers be called "to perform the duties of the Chair," but not beyond an adjournment. He is in no sense the Speaker of the House, except merely to preside for the time being. He temporarily experience of the House, except merely to preside for the time being. rarily exercises one duty of a Speaker only. He does not sign bills, or issue warrants, or administer the oath of office to new members, or perform any official duty except to preside for the time being. His functions are recognized by usage, which is parliamentary law, but he does not rise to the official dignity, clothed with all the powers, of Speaker, and so is not required to take an oath of office.

But the point I was making when I yielded to the gentleman from Illinois [Mr. Burchard] is this, that the Speaker pro tempore falls within the object and the spirit and purpose of the statute which re-

quires a Speaker to take an oath of office. I have heard no answer to this allegation. I do not believe there is any.

Mr. BLAINE. Why should not the President pro tempore of the Senate take an oath of office?

Mr. J. A. W. DENGER. High conditions the property of the Senate take an oath of office?

Senate take an oath of office?

Mr. LAWRENCE. He should.

Mr. BLAINE. But he does not.

Mr. LAWRENCE. Then he does not do his duty.

Mr. BLAINE. Ah!

Mr. LAWRENCE. He is a Senator, and as such has duties. As such he takes an oath of office. When he is elected President of the Senate he assumes new duties. They are official duties. He is to preside impartially, appoint committees of conference, and perform other duties. Why should he be relieved of the obligation imposed by an duties. Why should be be relieved of the obligation imposed by an oath to "faithfully and impartially discharge the duties of the office?" He is within the statute of 1862. He is "elected to an office of honor." If the President pro tempore of the Senate takes no oath of office, as such, I hope we will now set a precedent here which will teach some law over in the Senate.

Mr. BLAINE. If the gentleman will allow me to interrupt him further, I desire to ask him a question.

Mr. LAWRENCE. Certainly.

Mr. BLAINE. I understood the gentleman to mention that, if the honorable gentleman from Indiana, now Speaker of the House, [Mr. Kerr,] and now absent, should send in his resignation to-morrow, that would make the honorable occupant of the chair at this time the Speaker of the House for the remainder of this Congress

Mr. LAWRENCE. That question is not material to the point I am now making, although it is very ingenious.

Mr. BLAINE. I thought the gentleman said the present occupant of the chair was the actual Speaker.

Mr. LAWRENGE. He is.
Mr. BLAINE. Well, if we administer the oath of office to him as the actual Speaker, do we not by that declare that he is entitled to \$8,000 a year for the time he shall so act?

Mr. LAWRENCE. Will the gentleman allow me to ask him a

question?

Mr. BLAINE.

Mr. BLAINE. Certainly.
Mr. LAWRENCE. If the distinguished gentleman who is now presiding over us, when he shall have taken the oath of office, is not the Speaker of this House what is he?

Mr. BLAINE. He is Speaker pro tempore.
Mr. LAWRENCE. Certainly; and is not the Speaker pro tempore

a Speaker?

Mr. BLAINE. No, sir; no more than the President pro tempore of the Senate is Vice-President. The Senate may elect a President protempore but it cannot make a Vice-President. This House may make any member of the House the Speaker pro tempore by its declaration to that effect; but it cannot elect a Speaker so long as the Speakership is already occupied by another man. When the office is vacated,

snip is already occupied by another man. When the omce is vacated, we have the power to fill it.

Mr. LAWRENCE. There is no analogy between the case of the Speaker of the House and the President of the Senate.

Mr. HARRISON. When the Speaker takes the oath, does he take it as Speaker or as a member of Congress? When the Speaker takes his oath under the statute, it may be administered by a member of the House, and then in his turn he administers the oath to the other manners of the House. members of the House. Does he not take the oath simply as a member of the House? Does he not exercise functions every day as a member of the House, as, for instance, in casting his vote when there

Mr. LAWRENCE. My friend certainly must be aware that the Speaker takes an oath of office as a Representative in Congress, and when he is elected Speaker he then takes an oath as Speaker.

Mr. HARRISON. He takes but one oath.

Mr. LAWRENCE. Our Speaker, Mr. KERR, took both oaths.

Several MEMBERS. O, no.

Mr. HARRISON. He took but a single oath, which was adminis-

tered upon his election as Speaker. Mr. LAWRENCE. Mr. Pomeroy took two oaths. I say that the

law requires an oath of office.

Mr. CONGER. I wish to ask the gentleman one question. While the Constitution provides expressly that the President pro tempere of the Senate shall be elected by the Senate as an officer, and while it also provides expressly that the Speaker of the House shall be elected

by the House, what other officer can there be but such Speaker as the Constitution provides for; and how can parliamentary law control the Constitution of the United States?

Mr. LAWRENCE. The Constitution of the United States does not

exclude the obligation to take an oath of office.

Mr. Speaker, I was correct in saying that the Speaker of this House took two oaths. Gentlemen broke me off before I had said all I intended to say on that point. Let me illustrate. Before Mr. KERR took the oath of office he was elected Speaker. He then took the double obligation to perform his duties as a Representative in Congress and also as Speaker. The two oaths were embodied in one, applying to the discharge of the duties of both offices: the office of Representative and the office of Speaker. In taking the oath after he was elected Speaker, it was a double oath to perform the duties of the two offices. But Mr. Pomeroy having served for a time as a Representative, and having taken the oath as a Representative, he was afterward elected Speaker pro tempore, and then took the oath of office as Speaker. That is the sense in which I intended to say the Speaker took two oaths. Questions have been crowded upon me so fast, I have been unable to answer any one before another has come.

It is said that, if the Speaker should die or resign, that moment the functions of the Speaker pro tempore would cease. But I do not so understand it. Why would they cease? No authority on parliamentary law—I mean no book—has been cited to this effect. There mentary law—I mean no book—has been cited to this effect.
is no reason why it should be so. None is given.

When Vice-President Wilson died the President of the Senate pro tempore continued to act. So would the Speaker pro tempore continue here. The House has power at any time to elect a new Speaker or a new Speaker pro tempore. Jefferson's Manual says:

A Speaker may be removed at the will of the House and a Speaker pro tempore

Would not the Speaker pro tempore continue to be Speaker until removed by the House? Most certainly. But if the resignation of a Speaker could terminate the official powers of a Speaker pro tempore (as it cannot) this does not prove that the Speaker pro tempore is not an officer or relieve him of the duty imposed by statute and reason to

take an oath of office.

It is urged that there cannot be two Speakers. It must be confessed there is a Speaker and a Speaker pro tempore; both are Speakers; both are officers. The qualification of "pro tempore" does not affect the official character or powers or duties of the Speaker pro tempore, but relates only to the duration of the office or its liability to be terminated by the return of the Speaker. Just now the absent Speaker has a title to the office vested in him, a right de jure, with a right to return and assume the duties of the office; thus uniting the de jure right with a de facto exercise of the duties of the office. But he is not now exercising the functions of the office. He is not de facto Speaker now in the exercise of his official functions. In his absence the gentleman now in the chair (when he takes the oath of office) will equally be de jure a Speaker, and besides de facto a Speaker, exercising lawfully all the duties of the office, and with a right to do so for a period of time indefinite in duration, a period to be terminated by a contingency: the return of the Speaker. Here then are nated by a contingency: the return of the Speaker. Here then are two Speakers: the absent Speaker, with a de jure right to assume the exercise of the office, but who is not now exercising its duties, and is therefore not acting as Speaker—is not de facto Speaker—and the Speaker pro tempore who is such de jure and de facto. He does not stand in the relation of a "deputy" to the Speaker. He is more, for the position of a deputy implies that he and his principal both may be acting, de jure and de facto. There may be a clerk and a deputy clerk. Both are clerks. Both must take an oath of office; both are officers. Either can exercise all the duties of the office. Both are officers. Either can exercise all the duties of the office. Both are clerks, and a fortiori there may be two Speakers.

But if the office of Speaker and Speaker pro tempore are really distinct offices, they are still offices. Those who discharge their duties are officers, and as such they are within the statute requiring an oath

of office.

The question who is entitled now to the salary of the office of Speaker does not necessarily arise. It does not affect the question whether a Speaker pro tempore is an officer required to take an oath

of office.

And now, Mr. Speaker, if there be even doubt about this question, it is best to resolve it in favor of taking the oath. There is safety in resolving it in that manner. Let us have the security which that course gives. Why not? Will gentlemen tell me why not? We should adopt a rule which is founded in reason, which rests on a purpose, which will be fruitful of good consequences, which can be pro-

ductive of no evil results.

I have thus given my views as they have occurred to me. When I came into the House I found this subject under discussion. I was not aware it was to arise until I came in. I believe that sound policy

requires that an oath of office be administered.

I now yield to the gentleman from Iowa, [Mr. KASSON.]
Mr. KASSON. Mr. Speaker, I shall detain the House but a moment, and only desire to do so because the statement which I made a few moments ago was received with apparent surprise or incredulity by gentle-men for whose opinion I have very great respect. Is aid that the elected and sworn officer of this House, performing all the duties of Speaker at the time when a contingency occurs under the law subjecting that officer to other duties, must discharge these additional duties if the

contingency happens during his incumbency, although his term of office is pro tempore. That was the proposition. The surprise with which it was received arose apparently from the view that the House, having once elected a Speaker at the beginning of the session, has exhausted its power, and can never make another Speaker, except in the case of resignation, disability, or death. Now, I affirm that the House has it in its power any morning that it meets in session here to remove its Speaker and elect another, or to limit the time during which any member may act as Speaker; and that there can be but one officer at the same time entitled to discharge the duties of Speaker of the

The error arises, I apprehend, from a confusion created by these two little words borrowed from the Latin—pro tempore. What says Jefferson in his manual? He declares that a Speaker may be removed at the will of the House and a Speaker pro tempore appointed. But such a Speaker pro tempore would be the only Speaker the House would have after removal of the prior Speaker.

Why pro tempore? Because he holds for a time; whether limited

by law or by custom, whether de facto or otherwise, he is for the time Speaker of the House.

And the House has it in its power to appoint a Speaker any day. What has the House done this morning, sir ? They have provided a Speaker by election, and will so notify the Senate and the President. And he is the only Speaker that this House has, or can recognize, until by virtue of that resolution of the House another Speaker comes back to this place, or we have by further resolution provided other-

Mr. BEEBE. I rise to a point of order. Accepting the proposition

of the gentleman from Iowa—

Mr. KASSON. That is not a point of order.

Mr. BEEBE. I do rise to a point of order. There being no Speaker from the stand-point of the gentleman from Iowa, he has not addressed the Speaker, and is therefore not in order. [Laughter.] But I with-

draw the point of order.

draw the point of order.

Mr. KASSON. It is always in order to have a Speaker, and that is what I am trying to secure. Let me go on; and I beg gentlemen will not interrupt me while I state my proposition. We have then a Speaker, and under this resolution his term of office is fixed. What is that term of office? It is during the "present absence" of the previous Speaker of this House. Then Hon. S. S. Cox, a Representative from the State of New York, is this Speaker and the only Speaker; and in my judgment, in the absence of statutory regulation, the salary due to the Speaker during his service as such could be drawn by this sworn Speaker who is such by election of this House, if that this sworn Speaker, who is such by election of this House, if that point should ever be made. He will take what he is entitled to during the time he is Speaker; at other times he has his pay as member. I undertake to say that under the law my point is sustained by

sound argument; that this House can have but one Speaker at a time in the nature of things; and that if the honorable member from New York is Speaker, then during the time for which he is elected and serving he is in all respects entitled to all the rights and privileges of Speaker even to the contingency of becoming President of the United

Mr. JONES, of Kentucky. I wish to ask the gentleman from Iowa whether, in his judgment, there is any distinction between a Speaker pro tempore appointed by the Speaker of the House for a day or for a part of a day and a Speaker pro tempore elected by the House itself for a week or a month?

Mr. KASSON. Unquestionably there is a very great difference. For when a temporary presiding officer is selected by the Speaker, under our rules he is not such a Speaker as is made by the election of this House. The presiding officer to whom the gentleman from Kentucky refers is made by the Speaker under the rule of the House and for a day only and merely as presiding officer, without the other func-

Mr. JONES, of Kentucky. Now the present presiding officer of this House has been elected by the House this morning. I therefore contend that his duties are different and of a much higher order than

those of a presiding officer selected for a day or part of a day by the Speaker of the House under the rules.

Mr. KASSON. There is no doubt about that, for the presiding officer appointed temporarily by the Speaker for a day or part of a day

can sign no bills, nor vouchers, nor correct the Journal, &c.
Mr. JONES, of Kentucky. Therefore in my judgment, Mr. Speaker,
I hold that the present occupant of the chair, elected this morning as Speaker pro tempore, ought to be sworn precisely as the Speaker elected originally was sworn.

Mr. KASSON. I believe I have stated my points so that they are understood. That is all I desire.

Mr. KNOTT took the floor.

Mr. KNOTT. Before proceeding, I will yield for three minutes to

Mr. KNOTT. Before proceeding, I will yield for three minutes to the gentleman from New York, [Mr. Hoskins.]
Mr. Hoskins. Mr. Speaker, I do not intend to detain the House to the extent of three minutes even. The first thing to which I desire to call the attention of the House is the second section of the Constitution of the United States, which provides that the House of Representatives shall choose their own Speaker and other officers. In the third section it is provided that the Senate shall choose their own officers and also a President pro tempore in the absence of the Vice-President. In the Senate they have a right under the Constitu-

tion to choose a President pro tempore. There is no law upon the statute-book, so far as I am advised, requiring in the Senate the oath of office to be administered to the President pro tempore. The Constitution of the United States provides only that in the absence of the Vice-President such officer shall be elected. No oath of office is administered to the President pro tempore of the Senate, for the reason that there is no law requiring it.

ministered to the President pro tempore of the Senate, for the reason that there is no law requiring it.

Now, then, if it be true there is no law requiring the President pro tempore of the Senate to take an additional oath, I ask gentlemen of the House where is the statute providing that the Speaker pro tempore shall be required to take an additional oath before he enters upon the duties of presiding officer? Why have we elected as Speaker pro tempore of this House the honorable gentleman from New York, [Mr. COX?]. For no other reason than the rules of the House declare that the Cox ?] For no other reason than the rules of the House declare that the Speaker cannot designate a Speaker pro tempore longer than one day. In the absence of that rule there is no law to prevent the Speaker

In the absence of that rule there is no law to prevent the Speaker designating a Speaker pro tempore for three or five or ten days or even for thirty days. The rule of the House steps in and says the presiding officer cannot appoint a Speaker pro tempore beyond one day, and that is the reason why this House has elected a Speaker pro tempore.

The Speaker pro tempore designated by the Speaker of the House exercises the same powers and discharges the same duties as the Speaker pro tempore elected by the House; no more, no less. He exercises precisely the same powers; and I cannot see why under certain conditions he may not, as may the Speaker pro tempore elected by the House, sign bills. There is no power given to the Speaker elected by the House pro tempore than is conferred where the Speaker himself appoints a member to take the chair temporarily as Speaker. The Speaker pro tempore called to the chair by the Speaker cannot The Speaker pro tempore called to the chair by the Speaker cannot draw the pay of Speaker, nor can the gentleman who is appointed Speaker pro tempore by the action of the House draw that salary. And I again repeat that the functions of the Speaker pro tempore elected by the House are no more than the functions he enjoys when designated by the Speaker of the House. And in the absence of any law or any rule of this House requiring it, I submit that an additional oath is not necessary to be administered to the Speaker elected pro tempore, for the reasons stated and also for the additional reason that, tempore, for the reasons stated and also for the additional reason that, when the gentleman now occupying the chair stood before that desk and took the oath that he would fairly and fully and to the extent of his ability discharge the duty of a member of Congress, among those duties of a member of Congress, as it turns out, is that he should discharge the duties of Speaker pro tempore. He is as much bound by the oath he has taken to faithfully discharge the duties incident to his being a member of Congress, one of which now is to act as Speaker pro tempore, as he could be bound by any additional oath.

I can find nothing in the Constitution no statute law nor any role.

I can find nothing in the Constitution, no statute-law, nor any rule of this House, requiring an additional oath to be administered to a Speaker pro tempore, either made so by the Speaker or where he is designated direct by the action of the House, as in this case. I shall therefore vote against the resolution of the gentleman from Ohio, [Mr. GARFIELD.]

Mr. KNOTT. With all deference to the distinguished gentlemen who have participated in this debate on either side, it occurs to me that, considering the exceeding brevity of human life, we have consumed a great deal of the valuable time of the House and of the country in discussing a question of no practical importance what-ever, a question of mere empty formality. If the Speaker pro tempore is not an officer, no gentleman will pretend that there is any authority anywhere to require him to take any oath whatever. If he is an officer, being where he is under color of authority, his acts whatever he may do are just as binding and valid without his having taken an oath at all as they would be if he had taken as many oaths as were sworn by "our army in Flanders." And that is the end of the whole question

Mr. LAPHAM. Will the gentleman allow me to ask him a question ?

Mr. KNOTT. The House is getting impatient and I desire to cut this whole thing short by moving that the motion of the gentleman from Ohio [Mr. GARFIELD] do lie upon the table.

Mr. RANDALL. And I call the previous question on that motion.

Mr. LAPHAM. I desire to call the attention of the House to a pro-

vision of the statutes. I hope the gentleman from Pennsylvania will

allow me to do this.

The SPEAKER pro tempore. The gentleman from Kentucky moves to lay the motion of the gentleman from Ohio on the table, and upon that the gentleman from Pennsylvania [Mr. RANDALL] demands the previous question.

Mr. GARFIELD. I suggest that we vote on the motion itself. result will be valuable in the future in whatever way it is decided. Let the question be settled on its merits. I am willing that debate shall now close, and that the House come to a vote on my motion. If the gentleman from Kentucky [Mr. KNOTT] will withdraw his motion to lay on the table I will call the previous question on my motion, and let the sense of the House be taken on its merits.

Mr. KNOTT. Then I withdraw the motion to lay on the table.

Mr. GARFIELD. And I call the previous question on my motion. The previous question was seconded and the main question ordered; hich was on agreeing to Mr. GARFIELD'S motion.
Mr. BEEBE. Let the House distinctly understand what that mo-

tion is on which it is to vote.

Mr. CLYMER. I ask that the motion be reported.

The SPEAKER pro tempore. The motion of the gentleman from Ohio is that the present occupant of the chair be required to take the oath of office.

The question being taken, on a division by sound, the Speaker pro tempore said that in the judgment of the Chair the "noes" had it.

Mr. GARFIELD called for a division.

The House divided; and there were-ayes 62, noes 135.

Mr. BAKER, of Indiana. I call for the yeas and nays.
On the question of ordering the yeas and nays there were—ayes 24, noes 124; the affirmative not being one-fifth of the whole vote.
Mr. BAKER, of Indiana. I call for tellers on the yeas and nays.
On ordering tellers there were ayes 32; more than one-fifth of a quorum.

So tellers on the yeas and nays were ordered.

Mr. HOLMAN. I suggest that, as the number for tellers is sufficient to order the yeas and nays, the yeas and nays be considered as ordered.

There was no objection.

So the yeas and nays were ordered.

The question was taken; and there were-yeas 73, nays 170, not voting 46; as follows:

The question was taken; and there were—yeas 73, nays 170, not voting 46; as follows:

YEAS—Messrs. Adams, John H. Bagley, jr., John H. Baker, Willam H. Baker, Ballou, William R. Brown, Horatio C. Burchard, Burleigh, Cason, Cate, Chittenden, Davy, Denison, Dobbins, Douglas, Durham, Ely, Fort, Freeman, Frye, Garfield, Goodin, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hathorn, Haymond, Hendee, Hoge, Hooker, House, Hunter, Thomas L. Jones, Kasson, Kimball, Lapham, Lawrence, Luttrell, Magoon, Miller, Monroe, Neal, Oliver, O'Neill, Packer, William A. Phillips, Potter, Rainey, Reagan, James B. Reilly, Riddle, Sobieski Ross, Rusk, Sinnickson, Smalls, William E. Smith, Sparks, Stevenson, Stowell, Martin L. Townsend, Washington Townsend, Tufts, Van Vorbes, Waldron, Alexander S. Wallace, Walling, G. Wiley Wells, White, Wigginton, Willard, Charles G. Williams, William B. Williams, and James Wilson—73.

NAYS—Messrs. Ainsworth, Ashe, Atkins, Bagby, George A. Bagley, Banning, Beebe, Bell, Blackburn, Blaine, Bland, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cannon, Caalfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Cook, Cowan, Crapo, Crounse, Culberson, Cutler, Danford, Davis, De Bolt, Dibrell, Dunnell, Durand, Eames, Eden, Egbert, Ellis, Farwell, Faulkner, Felton, Forney, Foster, Franklin, Frost, Fuller, Gause, Glover, Goode, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Harrison, Hartridge, Hartzell, Hatcher, Henderson, Henkle, Hereford, Goldsmith W. Hewitt, Hill, Holman, Hopkins, Hoskins, Hubbell, Hunton, Hyman, Jenks, Frank Jones, Joyce, Kehr, Kelley, Knott, Franklin Landers, George M. Landers, Lane, Leavenworth, Lynch, Lynde, Levi A. Mackey, Maish, McCrary, McDill, McFarland, Meade, Metcalfe, Milliken, Money, Morey, Morgan, Morrison, Mutchler, New, Norton, O'Dell, Parsons, Payne, John Feilly, Rice, John Robbins, Willam M

So the motion of Mr. GARFIELD was not agreed to.
During the roll-call, Mr. EDEN said: My colleague, Mr. Wike, is detained from the House by sickness.
Mr. STEVENSON. I desire to say that my colleagues, General

HURLBUT and General Anderson, are absent by the permission of the

The result of the vote was then announced as above recorded.

# APPROVAL OF THE JOURNAL.

The SPEAKER pro tempore. The Chair asks if there is any objection to the Journal of yesterday's proceedings being approved, as it has not yet been read.

There was no objection, and the Journal was approved.

### NOTIFICATION TO THE SENATE.

Mr. RANDALL. I offer the following resolution, on which I ask the previous question:

Resolved, That the Clerk be directed to inform the Senate that the House of Representatives has appointed Hon. SAMUEL S. Cox, a Representative in the House from the State of New York, Speaker pro tempore during the absence of the Speaker.

The previous question was seconded and the main question ordered: and under the operation thereof the resolution was agreed to.

### ORDER OF BUSINESS.

Mr. MOREY. I ask unanimous consent to make a personal expla-

Mr. McCRARY. I rise to call up the special order, which I believe takes precedence of all other business.

The SPEAKER pro tempore. The regular order to-day is the consideration of the bill (H. R. No. 1798) to re-organize the judiciary of the United States, which was made the special order for February 16, at two o'clock, and from day to day thereafter until disposed of, to the exclusion of all other business except the regular appropriation

Mr. CONGER. Not until after the morning hour.

The SPEAKER pro tempore. The gentleman from Michigan will understand that the unfinished business takes precedence by Rules

Mr. McCRARY. If I am recognized as being entitled to the floor on the judiciary bill, I will yield to the gentleman from Louisiana [Mr. Morey] to make his personal explanation. How much time does he desire?

Mr. MCREY. O, about two minutes.
Mr. McCRARY. I yield then for two minutes.

Mr. MOREY. I desire first, Mr. Speaker, that the Clerk shall read a portion, which I have marked, from an extract from the Chicago

The Clerk read as follows:

Washington, February 8.

Washington, February 8.

A conclave of carpet-baggers was held to-night in the room of the Senate. Spencer and about sixty of his brethren were in council, the purpose of which was to decide on a policy for a better presentation of the bloody shirt and the upholding of Mortonism. Spencer, in behalf of the committee of which he is the leader, reported that he waited upon Chief Justice Waite, with Morey of Louisiana, and represented to the judge the necessity of an early and favorable decision on the enforcement act. Spencer related in lugabrious tones his discomfiture with the Chief Justice. That gentleman listened to his remarks coldly, and replied, with no evidence of sympathy, that it was not the practice of the supreme bench to discuss decisions before they are rendered, and that, in short, such an appeal from any source was no more nor no less than a contempt of court.

Mr. MOREY. Mr. Speaker, I desire to say simply this: I was not at that meeting; I never called upon the Chief Justice with Mr. Spencer, by myself, or with anybody else upon any such subject. I have never spoken on the matter or written on the matter to the Chief Justice or to any member of the Supreme Court. The statement, so far as I am concerned, is utterly untrue and entirely unwarranted.

Mr. FORT. Who supposes you did? Mr. McCRARY. I will now yield to gentlemen who desire to introduce bills for reference merely.

### GENEVA AWARD.

Mr. FRYE, by unanimous consent, introduced a bill (H. R. No. 2144) for the further distribution of the Geneva award; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### DUTIES ON SUGAR, MOLASSES, AND SALT.

Mr. DE BOLT, by unanimous consent, introduced a bill (H. R. No. 2145) to regulate import duties on sugar, molasses, and salt; which was read a first and second time, referred to the Committee of Ways

and Means, and ordered to be printed.

Mr. DE BOLT. I ask unanimous consent that that bill be printed

in the RECORD, as it is very short.

No objection was made; and the bill is as follows:

An act to regulate importeduties on sugar, molasses, and salt.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That from and after the 1st day of July, 1876, there shall be levied, collected, and paid the duties hereinafter mentioned on sugars, molasses, and salt imported from foreign countries.

Sugar not above No. 7, Dutch standard in color, 1 cent per pound.

Sugar above No. 7 and not above No. 10, Dutch standard in color, 14 cents per pound.

Sugar above No. 10 and not above No. 13, Dutch standard in color, 12 cents per

Sugar above No. 13 and not above No. 16, Dutch standard in color, 2 cents per

pound.
Sugar above No. 16 and not above No. 20, Dutch standard in color, 2½ cents per

Sugar above No. 10 and not above No. 20, Dutch standard in color, 24 cents per pound.

Sugar above No. 20, Dutch standard in color, and on all refined loaf, lump, crushed, powdered, and granulated sugar, 3 cents per pound. But sirup of sugar, sirup of sugar-cane juice, melada, concentrated melada, or concentrated molasses, entered under the name of molasses, shall be forfeited to the United States.

Sugar-andy, not colored, 8 cents per pound.

All other confectionery not otherwise provided for, made wholly or in part of sugar, and on sugars after being refined, when tinctured, colored, or in any way adulterated, valued at 30 cents per pound or less, 12½ cents per pound.

Confectionery valued above 30 cents per pound, or when sold by the box, package, or otherwise than by the pound, 40 per cent. ad valorem.

Molasses, 4 cents per gallon.

Tank-bottoms, sirup of sugar-cane juice, melada, concentrated melada, and concentrated molasses, 1 cent per pound.

# RELIEF OF DISTILLERS.

Mr. KNOTT, by unanimous consent, introduced a bill (H. R. No. 2146) for the relief of distillers of spirits by the refunding and repayment of moneys expended or paid and deposited by them for Tice meters; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

### SURVEY OF PUBLIC LANDS.

Mr. WALLING, by unanimous consent, introduced a resolution relative to the survey of the public lands; which was referred to the Committee on Public Lands.

# LANDS IN MICHIGAN.

Mr. CASON, by unanimous consent, introduced a bill (H. R. No. 2147) ceding lands now worthless and which have never been surveyed or sectionized, but which may be reclaimed and drained by constructing a canal from Lake Michigan, commencing at or near Michigan City and running south through the Kankakee Valley to

the Wabash River at or near the city of La Fayette, Indiana, to any corporation that may first organize to construct said canal under the laws of Indiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### PENSIONERS OF THE MEXICAN WAR.

Mr. PARSONS, by unanimous consent, presented a joint resolution of the senate and house of representatives of Kentucky, relative to Mexican war pensioners; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

#### TEXAS PACIFIC RAILROAD.

Mr. PARSONS also, by unanimous consent, presented a joint resolution of the senate and house of representatives of the State of Kentucky, in relation to the Texas Pacific Railroad; which was referred to the Committee on the Pacific Railroad, and ordered to be printed.

#### WILLIAM P. HALLIDAY AND S. B. HALLIDAY.

Mr. HARTZELL, by unanimous consent, introduced a bill (H. R. No. 2148) for the relief of William P. Halliday and S. B. Halliday, of Cairo, Illinois; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### EMILY SCHWARTZ.

Mr. ELY, by unanimous consent, introduced a bill (H. R. No. 2149) to grant a pension to Emily Schwartz, of New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. FAULKNER, by unanimous consent, reported from the Committee on Foreign Affairs a bill (H. R. No. 2150) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and to define certain rights of citizens of the United States in foreign countries and certain duties of diplomatic and consular officers, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted to the Com-

mittee on Appropriations.

Mr. McCRARY. Not to be brought back on a motion to reconsider.

The SPEAKER pro tempore. That will be the order.

### PRINTING OF TESTIMONY.

Mr. HENDEE, from the Committee for the District of Columbia, reported a resolution providing for the printing of the testimony taken before that committee in investigating the affairs of the District of Columbia; which was referred to the Committee on Printing.

# LEAVENWORTH STREET RAILROAD COMPANY

Mr. PHILLIPS, of Kansas. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Military Affairs Senate bill No. 25, granting the right of way to the Leaven-worth Street Railroad Company across the Fort Leavenworth military reservation.

There was no objection; and accordingly the bill was taken from the Speaker's table, read a first and second time, and referred to the

Committee on Military Affairs.

### JEAN LOUIS COMEAUX.

Mr. DARRALL, by unanimous consent, introduced a bill (H. R. No. 2151) to compensate Jean Louis Comeaux, of the parish of La Fourche, Louisiana, for services rendered the Government of the United States in recruiting and enlisting soldiers during the late war; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## MORGAN'S LOUISIANA AND TEXAS RAILROAD.

Mr. DARRALL also, by unanimous consent, introduced a bill (H. R. No. 2152) to relieve the Morgan's Louisiana and Texas Railroad, formerly the New Orleans, Opelousas and Great Western Railroad, from certain conditions imposed by the act of June 3, 1856, chapter 42, section 3; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

### EDWARD C. GARLICK.

Mr. HUNTER, by unanimous consent, introduced a bill (H. R. No. 2153) for the relief of Edward C. Garlick; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

# BENICIA ARSENAL, CALIFORNIA.

Mr. LUTTRELL. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Military Affairs Senate bill S. No. 153 granting the right of way for railroad purposes through the United States arsenal grounds near Benicia, California.

Mr. HOLMAN. Not to be brought back on a motion to reconsider.
The SPEAKER pro tempore. That will be the order.
There being no objection, the bill was accordingly taken from the
Speaker's table, read a first and second time, and referred to the Committee on Military Affairs.

### JOHN W. CAMERON.

Mr. SPARKS, by unanimous consent, introduced a bill (H. R. No. 2154) for the relief of the heirs at law of John W. Cameron; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### COURT OF WAR CLAIMS.

Mr. WELLS, of Mississippi, by unanimous consent, introduced a bill (H. R. No. 2155) to establish the court of war claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### PETER H. WHITEHURST.

Mr. HOGE, by unanimous consent, introduced a bill (H. R. No. 2156) authorizing the commissioners of claims to re-open the claim of Peter H. Whitehurst, of Norfolk, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

NOTIFYING PRESIDENT OF ELECTION OF SPEAKER PRO TEMPORE.

Mr. HOLMAN submitted the following resolution; which was read considered, and adopted:

Resolved, That the Clerk of the House inform the President of the United States that Hon. Samuel S. Cox, one of the Representatives from the State of New York, has been appointed Speaker pro tempore during the present temporary absence of the Speaker.

### MARKET-HOUSE IN WASHINGTON.

Mr. NEAL, by unanimous consent, from the Committee for the Dis trict of Columbia, reported a bill (H. R. No. 2157) to provide for building a market-house on square No. 446 in the city of Washington, District of Columbia; which was read a first and second time and ordered to be printed, and recommitted to the Committee for the District of Columbia.

### SENECA INDIANS, OF NEW YORK.

Mr. NORTON, by unanimous consent, introduced a bill (H. R. No. 2158) to amend an act entitled "An act to authorize the Seneca Nation of Indians to lease lands within the Cattaraugus and Allegany reservation and to confirm existing leases," approved February 19, 1875; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

### AARON H. MILLER.

Mr. HAYMOND, by unanimous consent, introduced a bill (H. R. No. 2159) granting a pension to Aaron H. Miller, late private Company G, Twenty-ninth Regiment Indiana Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

RE-ORGANIZATION OF THE JUDICIARY OF THE UNITED STATES.

The House resumed the consideration of the special order, being the bill (H. R. No. 1798) to re-organize the judiciary of the United States.

The SPEAKER pro tempore, (Mr. BLACKBURN.) The gentleman from Iowa [Mr. McCrary] is entitled to the floor upon this bill.

Mr. McCrary. The question which is presented to the House for its consideration by this bill is by no means a new question. For a

long time it has been apparent that something must be done to save the Supreme Court of the United States from being so completely overwhelmed with business as to render an appeal to it in many cases a practical denial of justice. That Court as it is organized to-day is able to transact but little more business than when it was first organized in 1798. It is true that there are now upon the supreme bench nine justices, and that at the beginning there were but six; but, in-asmuch as all the justices necessarily sit together in the hearing of every case, the only relief that the court has secured by the addition of these three justices is in the labor of preparing opinions after decisions have been reached. It is important to take into consideration the further fact that under the judiciary act of 1789 appeals to the Su-preme Court were not permitted upon the facts in any case, since that act provided only for a writ of error for the review of the law. The additional labor imposed upon that court by the later acts giving appeals in equity, admiralty, and prize cases much more than equals the additional working force upon the bench; and hence the court would be less able to discharge its duties to-day than it was eight years ago, even if in the meantime we had added nothing to our population, wealth, or territory. But the growth in the country in these and all other respects has been marvelous.

Let me call the attention of the House very briefly to the vast changes that have occurred in this country since the organization of the Supreme Court. Then we had thirteen States, with a population of less than four millions. Now we have thirty-seven States, besides ten organized Territories, and a population of more than forty millions. At the beginning the Supreme Court of the United States exercised jurisdiction by writ of error over six circuit courts and thirteen district courts. Now that court exercises the same jurisdiction in both appeals and writs of error over fifty-seven district courts, nine circuit courts, ten territorial supreme courts, the supreme court of the District of Columbia, and the Court of Claims, making seventy-eight courts. The district courts sit in one hundred different places, and at least twice a year, making two hundred terms per year of those courts. The circuit courts sit in eighty-four places, and, I think, in all the States at least twice a year, making one hundred and sixty-eight terms of the circuit courts. In round numbers I may say that the Supreme Court of the United States to-day exercises appellate jurisdiction over courts which hold at least four hundred terms an-

nually, many of them sitting many months at each term.

Another thing, Mr. Speaker, is important to be noticed. In 1790 the circuit court which was most remote from the city of Washington was located at Savannah, Georgia, a distance of only six hundred and eighty-two miles from this capital. Now, appeals and writs of error are brought to that court from the city of San Francisco, a distance of thirty-one hundred and twenty-three miles; from Portland, in Oregon, a distance of thirty-one hundred and twenty-seven miles, and from several Territories which are more remote or at least more inaccessible than either of these.

The business of the court has steadily increased with the growth of the country, with the increase of our population, with the invention and extension of railroads, with the marvelous increase of our commerce, with the building up of great commercial centers in our large cities, with the business connections extending through many States, and with the expansion of our territory. The House may have some apprehension of the steady and rapid increase of business of this court when I call attention to the fact that in 1810 the calendar of the Supreme Court numbered 93 cases; in 1820, 127 cases; in 1846, 165 cases; in 1856, 266 cases; in 1866, 451 cases; in 1875, 901 cases. This latter number, however, has been increased up to the present date to 931.

The business, then, of the Supreme Court has now reached that point where if that court should sit constantly every day in the year except Sundays, and devote itself with the utmost industry to the disposition of its business, it would require at least three years to dispose of the cases now upon the docket. And since it cannot be expected to sit the year round, we may safely say the court is four or five years behind its work.

There are then, Mr. Speaker, two very grave and serious evils growing out of the present condition of our judiciary. One is the very great distance from the places of the trial below to the only place where great distance from the places of the trial below to the only place where a trial can be had upon appeal; the other is the very great delay which necessarily follows every appeal or writ of error to the Supreme Court. I apprehend every gentleman will agree that it is one of the duties of the Government, since it requires its citizens to litigate in its courts, to afford a trial as near as may be to the residence of the citizen, and to afford a final decision as promptly as the circumstances will allow. Under existing circumstances, as I have already intimated, very many cases may arise in which the present condition of business in the Supreme Court and of the judicial business of the country will operate as a practical denial of justice. Causes are tried in the circuit courts of the United States very often by a single judge. In the hurry of a trial before a jury it is almost by a single judge. In the hurry of a trial before a jury it is almost inevitable that errors will occur. Now, sir, suppose that a trial occurs in the city of San Francisco, or in the State of Oregon, involving, if you please, \$5,050. That is not a very large sum; but the loss of it by the error or the mistake of the judge may involve financial ruin to a great many litigants. In the haste of the trial of such a case, the litigant has in his opinion been deprived of that sum by the mistake ortheerrorofajudge. Whatis his remedy? An appeal to the Supreme Court of the United States; a journey by himself or by his counsel a distance of more than three thousand miles to the city of Washington; a delay of four or five years before a trial can be had. I submit that in such a case there is a practical failure of justice. The expense of prosecuting such a trial is more than the amount in controversy in nine cases out of ten, to say nothing of the delay.

Our present system, then, Mr. Speaker, fails in both these respects. It fails in giving to the litigant a court of appeals within reasonable distance and reasonably convenient to the place where he has his trial in the court below. It fails to give him a speedy final decision. Such is the condition of things to-day, and the evil, the difficulty, is constantly increasing. It seems, therefore, to be entirely clear that some remedy is imperatively demanded. As I have already indicated, the question of what the remedy shall be has been discussed in Congress and in the country. Some ten years ago the matter was discussed at great length in the other branch of Congress. A bill was there pending at that time similar in many of its provisions to the bill now before the House, the principal feature of which was the creation of an intermediate court of appeals to be held in each of the circuits of the United States, to be composed of the justice of the Supreme Court assigned to the circuit, the circuit judge, and the several district judges of the districts composing the circuit. That bill at that time was discussed at great length in the Senate of the United States and by very many of the best lawyers in the country. After an elaborate discussion the bill was passed by a vote I think of about four to one. Among the distinguished lawyers who advocated and supported that bill I find the following: Senator Reverdy Johnson of Maryland, Senator Texture and the United States and the second state of the second ator Trumbull of Illinois, Senator Sumner of Massachusetts, who took a large part in the discussion, Senator Hendricks of Indiana, Senator Guthrie of Kentucky, Senator Howe of Wisconsin, Senator Henderson of Missouri, Senator Harris of New York, who was the author of the bill, Senator Sherman, and others also advocated and voted for it. If gentlemen have the curiosity to look into that debate, they will find it in the fifty-seventh volume of the Congressional Globe, commencing at page 1738. That bill, although it passed the Senate, reached the House at too late a day to be then considered.

I will not detain the House by reading from the debate at any length, but will read a souteness or two from the speech of Senator Hondricks.

but will read a sentence or two from the speech of Senator Hendricks of Indiana. He says:

If we do accomplish what is intended by the bill, that is, to relieve the Supreme Court, so that the cases which come to that court may be decided at an early day, we accomplish what every one admits to be a desirable end, because it is dreadful that people have to wait two or three or four years to have their cases decided. In the mean time estates are tied up, and the gaining party is sometimes destroyed by the very fact of delay. Speedy justice is almost as important as it is to have justice itself.

Now, sir, at that time when this bill was considered and passed by the Senate, and when these remarks fell from the lips of that Senator, the number of cases on the docket of the Supreme Court was little more than four hundred-not half as many as there are upon that

I think, Mr. Speaker, that the proposition to create an intermediate court of appeals must meet with the approval of every gentleman upon this floor. The next question is, How shall this court be composed, and can it be organized without the creation of any additional judges ! It is the opinion of the Committee on the Judiciary, their unanimous opinion, that this can be accomplished. I observe, Mr. Speaker, that one of the amendments offered yesterday, I think by the gentleman from Texas, [Mr. Reagan,] proposed the creation of two additional judges in each of the circuits to be judges of this court of appeals. If this were really necessary I would not hesitate to advocate it, notwithstanding the general demand that there shall be no increase of expenses and that there shall be no new offices created by this Congress. For I believe, sir, to provide adequate means for the administration of justice in the courts of the country is a matter of such paramount importance that, if it could not be provided with-out the creation of additional judges, I should be in favor of their creation at once. But we believe the court can be created, the duties of which may be discharged by the judicial force which we now have,

of which may be discharged by the judicial force which we now have, and thus save the expense of creating additional judges.

I know, sir, in some of the circuits the calendars are very much crowded, and the labors of the circuit judges are very great. But under the law which provides that a district judge may hold the circuit court, the labors of the circuit judge will be very much reduced under this bill, for we have provided that, wherever a district court is held, a circuit court shall be held at the same time and place, to be held, of course, under the law, in the absence of the circuit judge, by the district judge, precisely as he holds the circuit court now wherever

he sits in it, if the other judges are not present.

But moreover, Mr. Speaker, I wish to call the attention of the House to another means of relieving the overcrowded dockets of these

The Committee on the Judiciary are of the opinion that the laws with regard to the jurisdiction of the Federal courts need to be some-what changed, and that such changes ought to be made as will reduce very largely the business of those courts. During the last ten or fifteen years Congress has been enacting statutes for the purpose of facilitating the transfer of causes from the State courts to the Federal courts, and the result of these statutes has been the overcrowding of the dockets of the circuit courts in almost every State of the Union. There is no good reason, sir, why the law should not be re-stored practically to its former condition, and measures looking to this will soon be proposed to the House. I may say without impropriety that the Committee on the Judiciary have agreed upon a bill, and intend at the first opportunity to report it to the House, which shall embody three propositions upon this subject. First, that the application for the removal of a cause from a State court to a Federal court shall be made at the time when the party enters his appearance, and that he shall not be permitted, as he is under the existing law, to transfer it at any time before a final judgment. Secondly, that the application for removal shall be made by the defendant and not by the plaintiff, so that if a plaintiff chooses his forum and brings his suit in the State court, he shall not be permitted thereafter to change the forum to a Federal tribunal upon the ground of his non-residence. And, thirdly, that the amount in controversy to permit the removal of a cause from a State court to a Federal court, which is now \$500, shall be increased.

If the views of the Committee on the Judiciary upon this subject shall be adopted, it will tend to relieve in a large degree the over-crowded dockets of many of the circuit courts. And again, sir, there are many districts in the United States in which the district judge is not overworked, in which, in point of fact, he is idle a great part of the year. Now the law provides that these district judges may be transferred from one district where they are not engaged to another district where the press of business requires more force, and in this way the dockets of the overcrowded districts may be largely relieved. The difficulty with the law upon this subject as it now stands in all the districts except the district of New York is that there is no provision for paying the expenses of the district judge when he is sent out of his district to hold court elsewhere, and on his inadequate salary he cannot afford to do this duty and pay his own expenses. The Committee on the Judiciary will recommend that this difficulty be remedied. And by a combination of all these means we are entirely satisfied that the intermediate court of appeals which is provided for by this bill the intermediate court of appeals which is provided for by this bill can be constituted from the judges now in office, now provided for by law, without the creation of a single new officer. At all events, sir, we propose to try the experiment. We will inaugurate the right system, and try faithfully to have justice administered under it by our present judicial force. It is certain that more and better work can be done by the present force under this bill than under the present law, and, if the experience of the future shall demonstrate the necessity for more force, it can be supplied by future legislation.

There was an effort made by the last Convress to relieve the Supreme

There was an effort made by the last Congress to relieve the Supreme Court of the United States of its vast accumulation of business. The bill which was then passed for that purpose denies altogether the right of appeal in any case not involving more than \$5,000. While in

point of fact, Mr. Speaker, this act has not relieved the Supreme Court in any perceptible degree, it has operated, and does operate, as a measure of great injustice. Why, sir, a citizen who litigates in the State courts always has his court of appeal to review the law in the case, I think in every State in the Union, where the matter in controversy exceeds \$100, or some such amount as that, but under the existing statute a citizen who is brought into the Federal court can have no appeal either as to the law or the fact unless the amount exceeds \$5,000. This was an attempt to relieve the Supreme Court of the United States at the expense of the citizens of the United States, by denying them the right of appeal in a large class of very important cases—a right which they have had from the beginning, and which has always been regarded as a most important and valuable right. I do not hesitate to say that any measure of legislation which proposes to relieve the Supreme Court of the United States from its overwhelming accumulation of business by denying the right of appeal to the citizen in all this large class of important cases will prove entirely unsatisfactory to the country.

Now, Mr. Speaker, I wish in conclusion—for I do not intend to de-

Now, Mr. Speaker, I wish in conclusion—for I do not intend to detain the House long—to call the attention of the House to the question of expense; a question which I know will interest every gentleman on the floor, and which ought to interest every gentleman on the floor. As I have said, we propose to create no new judgeships. These courts will be held in cities where there are already Federal buildings, and there will be no expense for rents. The marshal of the United States, who has to attend upon these courts will receive his new precisely as who has to attend upon these courts, will receive his pay precisely as he does now: from his fees. The only additional officer created is the clerk of the court, who is paid by fees also and paid by litigant, except his per diem during the time the court is actually in session. It must also be remembered, Mr. Speaker, that the business which is to be transacted by this court of appeals is in large measure business which would otherwise be transacted by the Supreme Court of the United States. Therefore, even if there were expenses attending it, there would be a corresponding saving of expense in the transaction of business in the Supreme Court.

But again, Mr. Speaker, as I have already said, the bill provides for holding the circuit court at the same times and places with the district court. It provides another thing, to which I call the attention of the House as having a bearing upon the question of expense: It provides that but one panel of jurors shall be summoned to serve in both courts when they sit simultaneously, unless, by an order of the

judge, made thirty days before the term, a different rule is adopted.

Mr. Speaker, there is no law to-day whereby the same jurors can
be summoned to serve both in the district and circuit court, if I may except a provision of the statute which authorizes the circuit court in one district of New York to require jurors summoned to attend the district court to serve also in the circuit court. The expense attending the summoning of jurors to serve in the Federal courts is a very large item of expense. I am unable to state the exact cost to the Government of the United States, but I do not hesitate to say that the sum, if it were ascertained, would be found to be very large. know, at all events, that the jurors who serve in the Federal courts receive \$3 per day and five cents a mile as mileage. We know also that not less than sixteen can be summoned to serve as grand jurors, and that the number may be twenty-four. We know that they are brought long distances in many cases, and we know that they remain on duty in many of the courts of the country for a considerable time. Now, sir, if you bring these courts together and require the same jury to serve in both, it will be apparent, I think, to all that there will be

a very large saving.

Mr. Speaker, under the laws as they exist to-day the circuit and district courts sit at the same time and place in many of the States. There are fifty-five terms of the district court and fifty-five terms of the circuit court that are held at the same time and place under the law as it is to-day, and yet, sir, separate jurors are summoned for each of these courts. We may make a little calculation, keeping very far within the real sum that is involved under the proposed arrangement, saying nothing about petit jurors—for it may be that separate petit jurors may be required in the two courts; confining ourselves altogether to grand jurors, let us see how the items of expense may be figured: Not less than sixteen grand jurors are to be summoned, and they receive \$3 a day and five cents a mile as mileage. Suppose they serve on an average ten days, and each travels fifty miles—that is certainly a very safe calculation—each juror would receive as mileage and per diem for the term \$32.50. The number summoned to each court would be sixteen, and to the two courts thirty-two per term. The number summoned to both courts to serve as grand jurors at the fifty-five places where the two courts now sit together would be seventeen hundred and sixty, and their pay at \$32.50 each would amount to \$57,200 for a single term, and as two terms of each court are held in each year, it would amount to \$114,400 per annum. One half of this sum would be saved annually by summoning but one grand jury to serve in both courts.

Now, if you require one grand jury to transact the business for both courts, that is the sum that you will save in these fifty-five places where the courts now sit together. In many of the districts I have no doubt that the same panel of petit jurors could serve in both courts, and they will in all cases, unless the judge for some good reason shall

Now, Mr. Speaker, I'do not desire to detain the House. I am very

glad to notice that although a great number of amendments were offered yesterday, all of which I have examined carefully, not one was proposed which seemed to have been proposed in hostility to the principle of this bill, and so far as I know there is no gentleman who proposes to take the floor and contend that some such measure as this is not required by existing circumstances. I must appeal to the House before I take my seat to vote down all the amendments which have been proposed and which involve any material change in the structure of this bill. It is a bill of very great importance. It is one that the Committee on the Judiciary have spent much time in preparing, and concerning which we have consulted many of the ablest lawyers and judges of the country, and which has been perfected, after being

redrafted four or five times, as carefully as possible.

There are questions in regard to the places of holding this court of appeals which we are content that the House shall decide. They do not, of course, affect the general principles of the bill. We have selected and recommended such places as we have supposed were the

There is one thing, Mr. Speaker, that I noticed in several of these amendments to which I wish to ask the attention of the House.

There are a number of propositions looking to the holding of this court of appeals at several different places in the same circuit. That, sir, would be entirely impracticable, and would be extremely impoli-tic if it were practicable. The court must be held at a time and at a place when the justices of the Supreme Court can attend it without being absent from the regular session of that court at Washington; it must be held at times and places when the judges of the circuit court can attend it. The moment you depart from the rule that the court can attend it. The moment you depart from the rule that the court shall be held at one place only, you will be pressed to provide for a term in each State of the circuit, and in some of the circuits there are six or seven States. This would destroy the system, for if the courts were thus held the justices of the Supreme Court could not attend it, nor could the circuit judges in many instances. And if you undertake to put the court on wheels and roll it about from place to place, to suit the convenience or the local pride of this city or that, you will destroy the whole system. You want the court at but one place in the circuit; you want its records at but one place; and you want but one time fixed for the meeting of the court, so that the justices of the Supreme Court may attend it.

Without detaining the House further, I return the floor to the chairman of the Committee on the Judiciary, [Mr. KNOTT,] who will indicate what further action he desires to have taken at this time.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had recommitted to the committee of conference the report on the disagreeing votes of the two Houses upon the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said com-

missioners, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was re-

An act (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington Square, in the city of Dubuque, and for other

An act (S. No. 227) for the relief of John M. Dorsey and William F.

Shepeard.

RE-ORGANIZATION OF THE JUDICIARY.

The House resumed the consideration of the bill (H. R. No. 1798) to

re-organize the judiciary of the United States.

Mr. KNOTT. I now yield to my colleague on the Committee on the Judiciary, the gentleman from Wisconsin, [Mr. LYNDE,] who desires

Mr. LYNDE. I will detain the House but a very few minutes in presenting my views upon this bill. There are certain evils existing in the administration of justice in the courts of the United States at the present time which are well known to the members of the bar who practice in those courts, and which it is very important to remedy. This bill is intended to reach those evils and to provide a remedy for them. The first evil to which my associate on the committee who has just taken his seat [Mr. McCrary] has called the attention of the

House is the accumulation of business in the Supreme Court of the United States. I do not care to enlarge upon that point.

The next is the fact that at the present time there is no appeal in civil cases from the decisions of the circuit courts where the judgment is less than \$5,000. The law fixing that limit was passed during the last session of Congress. To every practitioner in the circuit courts who knows the manner in which business is disposed of in

those courts, this is a great and crying evil. The members of the bar who practice in those courts know very well that our circuit courts, as a general thing, are crowded with business; that the judges who preside in those courts frequently go to the court with a desire to leave at an early day; that they will in some of the places where they hold their court commence at nine o'clock in the morning and hold court until nine or ten o'clock at night. They will hurry through the business, passing upon all the

questions that arise in jury cases upon the spur of the moment, and taking the pleadings and arguments presented to them in equity and admiralty cases home with them to be passed upon at their leisure. Yet there is no remedy, when they thus hastily pass upon those cases, as against the errors which may be committed by them.

Now, I care not what may be the learning and ability of the judge, or however honest he may be, however desirous he may be to decide the case correctly; he cannot fail to commit many errors in this hasty trial of cases. Yet, unless the judgment or decree of the court shall exceed the sum of \$5,000, under the present law there is no redress to the litigant. This sum of \$5,000 is of itself large enough to involve in ruin many of the litigants in these cases. It is time that a remedy should be provided for this evil. This Congress should either limit in ruin many of the litigants in these cases. It is time that a remedy should be provided for this evil. This Congress should either limit the jurisdiction of the United States court in the circuit to an amount exceeding \$5,000, or it should provide an appeal from its decisions. I would have no choice; or, rather, I would prefer the former. I would be glad to see the United States court divested of jurisdiction in common law and equity cases of all cases not exceeding \$5,000. But I do not suppose there is any probability of getting such a law through this Congress. Therefore, I favor a court of appeals that can hear all cases that are heavily to the United States court whatever may be cases that are brought into the United States court, whatever may be

cases that are brought into the United States court, whatever may be the sum that gives that court jurisdiction.

I have called the attention of the House to the existing evil in connection with civil cases. I now wish to call attention to criminal cases. There is now no appeal, there never has been any appeal at all in criminal cases in the United States courts. A party may be tried for his life; his punishment may be imprisonment for life. No matter what the penalty which may be inflicted, up to the present time he has had no appeal, no redress against the errors which may be committed by the court in its rulings upon his case. This is an outrage mitted by the court in its rulings upon his case. This is an outrage. It ought to be remedied, and the bill now before us provides a remedy by giving an appeal in criminal as well as in civil cases as against the errors of the court.

These are the three main features of this bill. I hope that it will receive the approval of this House. These are evils which certainly ought to be remedied. I fancy other bills can be presented that will better meet the necessities of the case. I would cheerfully give it my approval, but, after mature consideration, the Committee on the Judiciary are of the opinion that the plan presented by this bill is the most feasible

and the best adapted to meet the demands of the case.

Mr. SAYLER. Will the gentleman allow me to ask him a question?

Mr. LYNDE. Certainly.

Mr. SAYLER. It is whether the purpose of this bill is not simply to do what we are all the time doing, and what we have been doing. for several years past, to enlarge the authority and jurisdiction of the United States courts and to diminish the authority and jurisdiction of the State courts?

Mr. LYNDE. It is not.

Mr. SAYLER. And whether it would not be better to diminish the authority and jurisdiction of the United States courts instead of increasing them?

creasing them?

Mr. LYNDE. This bill does not enlarge the jurisdiction of the United States courts in a single particular. It only gives redress against the errors committed by the judges of the circuit courts in their hasty disposition of the cases brought before them.

Mr. SAYLER. Then I ask the gentleman whether it does not allow the same judges who sat upon the case below to decide upon their own errors, and whether he has had any experience in courts of that kind? We have had them in Ohio, and I can assure the gentleman that they are very bad courts. I know that as a practicing lawyer.

Mr. LYNDE. This bill provides that the judges who try the cases in the court below shall not sit upon the hearing of the aweal.

in the court below shall not sit upon the hearing of the appeal.

Mr. HUNTON. And shall not be consulted.

Mr. LAWRENCE. And shall not express any opinion.

Mr. SAYLER. But at any rate the system now proposed complicates your appeal; it is certainly no better than the system which we have had of appeals in the original court to a supreme tribunal. Gentlemen are now proposing to apply to the United States courts the same ridiculous system which we have had in the courts of several of the States, including Ohio.

Mr. LYNDE. What would the gentleman do? Would he cut off all right of appeal?

Mr. SAYLER. Not at all. Mr. SAYLER. Not at all.
Mr. LYNDE. What other appeal can he have? As the law now
stands he can have no appeal where the judgment does not exceed
\$5,000. The Constitution gives jurisdiction to the Federal courts. We
can only provide the amount required to authorize suit to be brought can only provide the amount required to authorize suit to be brought in those courts. As to the character of the suits, as to the great subjects of jurisdiction, they are fixed in the Constitution itself. But if the gentleman supposes that this bill increases the jurisdiction of the court, he is entirely mistaken. No member upon this floor would go farther than I would to limit the jurisdiction of that court. I know full well the oppression experienced by citizens sued in that court. I know full well that they are frequently brought hundreds of miles with their witnesses to defend their cases where the amount involved is not as great as the expenses they are obliged to incur. I am the last is not as great as the expenses they are obliged to incur. I am the last one who would favor extending that jurisdiction one iota beyond what it is at present. But here is an evil necessary to be removed. We must have a court to correct the errors that are made by judges who dispose of cases hastily on the circuit.

Mr. KNOTT. Mr. Speaker, I now call for the previous question on

the bill and pending amendments.

Mr. SAYLER. I move that the bill and amendments be laid on the table. The bill has been so much amended that I think it is a

Mr. KNOTT. I believe the gentleman has not the floor.
Mr. SAYLER. I submit to the Chair whether I have not the right to make that motion.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr.

KNOTT) has the floor.

Mr. SAYLER. I believe I have the right to move that the bill and pending amendments be laid on the table.

The SPEAKER pro tempore. The gentleman from Kentucky has the floor and has moved the previous question.

Mr. SAYLER. And I insist that, pending that motion, I have the right to move that the bill and pending amendments be laid on the table.

to make the motion which he indicates, that the bill and pending amendments be laid upon the table.

Mr. KNOTT. When I have yielded the floor.

Mr. KNOTT. When I have yielded the floor.
The SPEAKER pro tempore. The Chair has stated that the gentleman from Kentucky was in possession of the floor and had indicated his purpose to move the previous question.

Mr. SAYLER. I understood that the gentleman from Kentucky

had made his motion.

Mr. JONES, of Kentucky. Will my colleague [Mr. Knorr] yield

for a question? Mr. KNOTT. Certainly.

Mr. JONES, of Kentucky. Is it too late to offer an amendment to the bill ? If it be in order, I desire to move an amendment as to locality. The SPEAKER pro tempore. Does the gentleman from Kentucky

move the previous question?

Mr. KNOTT. Yes, sir; but before the question is taken I desire to say that if the previous question should be sustained, the hour to which I shall be entitled for debate will be allotted to gentlemen who wish to speak upon their amendments.

Mr. SAYLER. Is not my motion now in order?

Mr. JONES, of Kentucky. Is no further amendment to be allowed? The SPEAKER pro tempore. The gentleman from Kentucky has moved the previous question. The gentleman from Ohio [Mr. SAYLER] moves that the bill and pending amendments be laid on the table, which motion is in order.

The question being taken on the motion of Mr. Sayler, there were—ayes 22, noes 81—no quorum voting.

Mr. Sayler. I insist on a further count. If this bill is to pass,

I want to see it passed on a full vote.

Tellers were ordered; and Mr. SAYLER and Mr. KNOTT were appointed.

The House divided: and the tellers reported—aves 19, noes not counted

Mr. CALDWELL, of Alabama, called for the yeas and nays.

The yeas and nays were not ordered. So the motion of Mr. SAYLER was not agreed to.

The question then recurred on ordering the previous question.

The previous question was seconded and the main question ordered. Mr. KNOTT. In the first place I will call for the reading of the

pending amendments.

Mr. SAYLER. Is it in order to recommit the pending bill and amendments? There are so many amendments pending that in my judgment it would be the better course, for we could have the bill brought back to us in proper shape for intelligent action of the House.

The SPEAKER pro tempore. The gentleman from Ohio is not in possession of the floor, and therefore cannot submit any such motion.

Mr. SAYLER. I would like to ask the Chair who is in possession

of it?

The SPEAKER pro tempore. The gentleman from Kentucky, under the rules, the previous question having been seconded and the main question ordered, is entitled to one hour in which to close the de-

Mr. KNOTT. I yield to my colleague a part of my time.

Mr. PARSONS. Mr. Speaker, I have not prepared myself to speak
in detail upon this bill for the re-organization of the judiciary of the
United States, nor indeed did I think it necessary to make any particular preparation for discussion of it, believing, as I do, that the committee to which is given the charge of a particular investigation is most likely to reach a satisfactory conclusion in the report which, when submitted to the House, being right, ought to be sustained. This is a matter which, important in itself, seems to have commanded the entire attention of the Committee on the Judiciary, and to have been reported from that committee almost unanimously. Nevertheless, so captious seem some, that, in opposition to this report, an exception is taken as to a particular place, a place from which I have the honor to come, humble as it may be, and insignificant in the comprehension of the gentlemen from Ohio.

Mr. SAYLER. Does the gentleman refer to me, for I have never

made any such remark in connection with his State or city?

Mr. PARSONS. I am not referring to you. If the gentleman wants to hear what I say he can come nearer to me. I believe a gentleman from the State of Ohio occupied the floor in this debate yesterday

and took occasion to refer to the city of Louisville and to say that that city was almost insignificant in comparison with Cincinnati and Toledo, and I mean that he so stated in substance.

Mr. SAYLER. Will the geutleman allow me to ask him whether he is able to state emphatically and statistically—
Mr. PARSONS. The gentleman can ask what he pleases, but I do not pledge myself to answer him.

Mr. SAYLER. Well, then, what proportion of business arises in the city of Louisville in comparison with the business which arises in the district of Michigan and Ohio?

the district of Michigan and Ohio?

Mr. PARSONS. If you will ask the gentleman who represents Belle Fontaine about that you may perhaps find out more than I know. [Laughter.] The investigation will be so microscopic it will be almost impossible for me to tell.

Mr. SAYLER. It is not microscopic.

Mr. PARSONS. Well, then the investigation becomes of great importance. It is grand in its proportion. We are nothing at Louisville, in the estimation of some. We have not a local habitation, and there is an attempt made here to take from us even a name. But, sir, we propose, as far as we can, to conserve the habitation and to assert the name. It may be that the city of Cincinnati has a larger population. the name. It may be that the city of Cincinnati has a larger population than the city of Louisville. It may be it has a larger enterprise. I am not here, sir, to take away from the dignity of any city or to destroy its character, or even to attempt to do so. I am surprised, and I say it in sincerity, that any attempt of that sort should have been made here at all upon a bill which met with the approval of the high law committee of the House. I am willing to concede that Cincinnati is a great city. She is a great city. She is a large com-mercial center. She has the best railroads in the country. She has the largest monopolies. She has the best enterprise. In fact, sir, she is the hub of the southern portion of the country. [Laughter.] She has got it all. But let me ask the gentleman from Cincinnati why he is so hoggish about this matter? [Laughter.]

Mr. SAYLER. I ask the gentleman from Kentucky whether Cin-

cinnati does not pay for her own monopolies?

Mr. PARSONS. I did not hear the question.

Mr. SAYLER. My question was whether Cincinnati does not pay

Mr. SATLER. My diestion was whether Chichman does not pay
for her own monopolies?
Mr. PARSONS. Certainly she does.
Mr. SAYLER. And she pays for her own hogs.
Mr. PARSONS. She does, but Louisville pays better, and her bonds
to-day in the market stand better than the bonds of Cincinnati.

Mr. SAYLER. I never heard them spoken of as such.
Mr. PARSONS. Mr. Speaker, I very much regret in this debate
upon a bill re-organizing the judiciary questions of revenue should be
brought in at all, but the gentlemen have talked about revenue. I
am satisfied that the whisky interest is a large one, and demands the attention of courts. But the gentleman who objects on the ground of revenue to the city of Louisville as the proper place to locate a court of appeals happens to forget that that city in itself represents the greatest and most material revenue interest in the country, being the chief tobacco mart of the world.

Mr. SAYLER. Will the gentleman allow me to ask him whether

it is not a fact

Mr. PARSONS. I beg leave to submit to the gentleman from Ohio that I have but little time and cannot afford to give any of it away. Mr. SAYLER. The gentleman is making a statement in regard to revenue about which he is under a misapprehension; that is the most I will say.

Mr. PARSONS. You mean to say I lie under a mistake. ter.] I will take it in a Pickwickian sense. We can, therefore, furnish to these courts which sit there enough to work upon at least, if we cannot show as much business on which we pay taxes as the gentleman from Ohio demands. I do not see that the revenues of the country have anything to do with the question of the location of

the appellate court. The gentleman from Ohio talks about centers, and there is a central idea connected with everything that he has said. I do not understand that any geographical, any mercantile, any revenue, any population center has anything to do with the location of a court. If right in my recollections of the teachings of history, to which I appeal, a court should be removed from all temptations, from all interests, from all revenues, from all gifts. The administration of public justice should be separate and distinct from considerations of property, money, or public enterprises. Corporations have nothing to do with the administration of public justice or the conservation of private rights. Geographical location may be insisted upon as a matter of convenience, simple convenience. That there is a great country and a great people in the north or northwest portion of this circuit is not an argument which should prevail against the bill of this committee which locates this court where it does, at Louisville, insignificant and humble as some may regard it in comparison with other cities.

I say, sir, that I am surprised that the city of Louisville should here be made the subject of attack. Starting out with Porkopolis, they wind up upon Michigan. For fear of misquoting, I shall read from the Record of yesterday's debate. It was marvelous to me, after the ably asserted amendment offered and eloquently maintained by the gentleman from Michigan, that he should take a sudden departure and use his force against Louisville.

and use his force against Louisville

I will read from the remarks of the gentleman:

I do not wish to prolong these remarks. I say in furtherance of what the gentleman from Ohio has said that to compel those two great preponderating States in this district to go any further south than Cincinnati would be a wrong which ought not to be permitted, an expense to litigants, an expense fo attorneys, an expense for witnesses, and for all who might have occasion to go to that court, which ought not to be imposed upon the people of those States. Therefore, while I shall first assent to the change from Louisville to Cincinnati, if that amendment shall fail I shall ask the House to adopt my amendment to transfer the place for the sitting of the court to Chicago.

Now, I would like to ask the gentleman what animosity he has to Louisville, or what preference he has for the city of Cincinnati, that he should urge the transfer first to Cincinnati, and, failing in that, then to the city of Chicago? Is there anything that the city of Louisville has done that should invite the opposition of members of this House? Is there anything she has done which would not entitle her to the respect of all? I do not propose to a tack any locality. Whatever may be said in debate on this floor will not add or detract from

the honor and prosperity of either city.

I scarcely believed that it was necessary for me to raise my voice to defend my city from any aspersion; but, as she was attacked, I thought it right to assert her dignity upon this floor. Her business enterprises are greater than those of any city which has been named in connection with this bill. Her taxation is equally great. As revenue upon whiskies and tobacco, she pays one-third of the revenue paid by the whole circuit. The whisky and tobacco in my district pay nearly four millions annually, a revenue from a locality which is sufficient to entitle that locality, upon the idea of the gentleman that revenue and taxation should be the foundation of jurisdiction to a court, not only to a court, but to half a dozen courts, that the administration of public justice may be properly conducted. I sayit again that upon the ground of revenue alone the city of Louisville is entitled, if that be an argument, to rank as one of the largest tax-paying cities in the Union, and to hold her place as contributing more to the properity of the country than any city that has been mentioned in connection with this bill

Is she not near enough to Cincinnati? Are there not railroads that run into Louisville? Have we not railroad connections and facilirun into Louisville? Have we not railroad connect ons and facilities? Have we not the Louisville, Nashville and Great Southern Road? Do we not connect with the whole of the southern territory? Does not our commerce extend itself with almost Briarean arms to embrace the whole South? Are we not in the direct line of your great roads? Have we not a greater concentration of roads, although we may not have quite as many people? Does not considerable traffic pass through Louisville as well as Cincinnati?

So sir L do not conceive that even upon a business ground this

So, sir, I do not conceive that even upon a business ground this matter is to be decided against Louisville. And suppose you take it as a center of population. My recollection is that 'he last census showed the city of Louisville to have one hundred and six thousand

inhabitants, and the district in which it is located is one of the most populous and fertile in the country.

As a center of population Cincinnati has no particular advantages over Louisville. The transit is so close that in two hours the differover Louisville. The transit is so close that in two hours the difference of location disappears. Suppose the gentleman from Michigan [Mr. Conger] finds it necessary for him to start from his place of residence down to the city of Cincinnati to try a cause. I am speaking now of lawyers. How does he get there? Suppose two men start from his place of residence, one going to the city of Cincinnati and the other to the city of Louisville: the man who starts for Louisville will be there at least four hours sooner than the other who starts for Cincinnati. There is no doubt about the railroad connection.

So then sir I say without detaining the House, that in behalf of

So then, sir, I say, without detaining the House, that in behalf of my city I have lifted my voice and attempted to justify her. As to the rival claimants I have nothing comdemnatory to say, but I still urge as against them that there has been nothing said upon this floor and nothing, as I understand, remaining as a reserved power by the gentleman that can convince me or convince the House that there should be any change in the location of the sixth circuit so far as the appellate court is concerned. I trust, therefore, when the time comes to vote on this amendment, that the House will consider, not only the respect which ought to be given to gentlemen who have carefully entertained, carefully studied, and carefully reported on the subject, but the respect which ought to be given to a great constituency which here demands its rights and asks that they shall be protected.

Mr. KNOTT resumed the floor.

Mr. GARFIELD. I desire to say a few words upon this bill.

Mr. KNOTT. I will yield to the gentleman for that purpose tomorrow morning. I now yield to the gentleman from Virginia, [Mr. HUNTON.]
Mr. HUNTON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned.

# PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLISS: The petition of Peter J. McAvoy and others, formerly of the United States vessels Portsmouth and Cyane, for bounty and pensions, to the Committee on Invalid Pensions.

Also, the petition of Jane Ann Roaf, for a pension, to the same com-

mittee.

By Mr. BOONE: Papers relating to the claims of J. S. Allard and Eliza, his wife, John L. Allard, Caspar Ashoff, Lucinda J. Atchison, (administratrix,) William A. Bell, J. M. Bigger, (guardian,) J. W. Bloomfield, (assignee of C. Dailey,) B. G. Brazleton, R. C. Campbell, D. Carruthers, E. H. Chamberlain, John W. Cobbs, John W. Cobbs, (guardian,) C. J. Coleman, D. Y. Craig, Robert J. Crow and Tabitha E., his wife, Jacob Davis, Lucy F. Didier, Robert Enders, T. H. Flournoy, W. C. Fritts, A. J. Fritts, S. A. Fritts, John L. Fritts, John L. Fritts, John L. Fritts, (guardian,) Elkanah Hubbard, Isaac Keller, Josephine B. Keller, John Q. A. King, Henry Kordenbrook, R. Loeb, John Mack and Elizabeth, his wife, W. A. Rawlings, Maria L. Saunders, D. W. Settle & Co., D. W. Settle, Thomas T. Settle, A. Slusmeyer, Mary J. Thompson, Wilson Thompson, Julius F. Wahl and Catherine W., his wife, Robert Watson and Mary E., his wife, and J. E. Williamson, (administrator.) for compensation for property destroyed by the United States Army at Paducah, Kentucky, to the Committee on the United States Army at Paducah, Kentucky, to the Committee on War Claims

By Mr. BURCHARD, of Illinois: Remonstrance of citizens of Illinois against the construction of a bridge across the Mississippi River

at Winona, Iowa, to the Committee on Commerce.

By Mr. CAULFIELD: Remonstrance of the brewers of Chicago and Milwaukee against the assessment on the excess of malt beyond two and one-half bushels per barrel, to the Committee of Ways and Means.

By Mr. DURHAM: The petition of Andrew Caldwell, for an extension of his patent for aging spirits, to the Committee of Ways and

Means.

By Mr. FOSTER: The petition of 384 citizens of Huron County, Ohio, officers and members of the Grand Division of the Sons of Temperance, and others, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Ju-

Also, papers relating to a bill for the relief of Lieutenant O. P. Morris, to the Committee on War Claims.

By Mr. GOODIN: Papers relating to the claim of Isador Lewkowitz, for compensation for property taken by the United States Army, to the same committee

By Mr. HARDENBERGH: Remonstrance of J. D. Bedle and others By Mr. HARDENBERGH: Remonstrance of J. D. Bedle and others against the passage of the bill authorizing vessels built abroad, but belonging wholly to citizens of the United States, to be registered as vessels of the United States, to the Committee on Commerce.

By Mr. HAYMOND: The petition of Aaron H. Miller, for a pension, to the Committee on Invalid Pensions.

By Mr. HOUSE: Papers relating to the claim of Dr. B. F. C. Brooks, for pay for rent and for property destroyed by the United States Army, to the Committee on War Claims.

Also papers relating to the claim of William A. Griffin, of similar

Also, papers relating to the claim of William A. Griffin, of similar

import, to the same committee.

By Mr. HUNTER: Papers relating to the claim of Edward C. Garlick, for lumber delayed and damaged at Cleveland wharf by United States authorities, to the Committee of Claims.

By Mr. JENKS: The petition of Daniel Black, for relief, to the

same committee.

By Mr. KELLEY: The petition of citizens of Philadelphia, for Congress to extend aid to the Southern Pacific Railroad, to the Commitee on the Pacific Railroad.

tee on the Pacific Railroad.

By Mr. LANDERS, of Connecticut: Petition of L. N. Olmstead and 3,474 others of Connecticut, for an amendment of the Constitution prohibiting the manufacture, importation, or sale of all intoxicating liquors, to the Committee on the Judiciary.

By Mr. LANE: Papers relating to the claim of Mary E. Sacia, for certain lands in Iowa, to the Committee on Public Lands.

By Mr. McMAHON: The petition of Edward Dempsey, for a penitre of the Committee on Investigal Representation.

sion, to the Committee on Invalid Pensions.

Also, the petition of Joseph J. Borrell, for relief, to the same committee.

By Mr. PLATT: The petition of citizens of New York, for the repeal of the resumption act and the withdrawal of national-bank currency and substituting therefore legal-tender notes, to the Committee

on Banking and Currency.

By Mr. POWELL: The petition of Alfred Streevy and 44 other citizens of Overton and Leroy Townships, Bradford County, Pennsylvania, that one hundred and sixty acres of the public domain be granted to all soldiers for actual settlement who served thirty days in the military or marine service of the United States and have been honorably discharged therefrom, to the Committee on Military Af-

By Mr. SAMPSON: Papers relating to House bill No. 2091, for the relief of A. P. Miller, on account of Indian depredations, to the Committee on Indian Affairs.

Also, papers relating to House bill No. 2093, for the relief of William

H. Needham, to the Committee on Military Affairs.

By Mr. TURNEY: The petition of officers and soldiers of the late war, from Westmoreland County, Pennsylvania, that soldiers and sailors and marines, and their heirs, (except commissioned officers,) be granted a bounty of \$8.33\footnote{1} per month for the time served, deducting all bounty heretofore paid, to the Committee on Military Affairs. By Mr. VANCE, of North Carolina: Papers relating to the contestedelection case of G. H. White vs. John A. Hyman, to the Committee of

By Mr. WALLACE, of Pennsylvania: The petition of William A. Brunton, and 68 others, late soldiers of the United States from Beaver County, Pennsylvania, that every soldier and sailor who served thirty days shall receive one hundred and sixty acres of land and \$200, to enable them to move their families and take possession, to the Com-

mittee on Military Affairs.

By Mr. WALSH: The petition of Joseph Cormack and others, that that part of the Georgtown and Rockville turnpike lying within the District of Columbia be made free of toll, to the Committee for the

District of Columbia.

By Mr. WELLS, of Mississippi: Papers relating to the claim of Silas M. Luck, to the Committee on War Claims.

### HOUSE OF REPRESENTATIVES.

# FRIDAY, February 18, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read.

The SPEAKER pro tempore. The Chair desires to say to members that in consequence of complaints made of disorder on the right side of the House the Sergeant-at-Arms is directed to order all strangers to the cloak-rooms who have the privilege of the floor, and request members on that side to take their seats. It is utterly impossible to do the public business unless order be maintained.

The Journal was then approved.

### PERFORMANCE OF EXECUTIVE DUTIES.

Mr. BLACKBURN. I ask unanimous consent to offer the following

Mr. BLACKBURN. 1 ask unanimous consent to oner the following resolution:

Resolved, That the President be requested to inform this House, if in his opinion it is not incompatible with the public interest, whether since the 4th day of March, 1869, any executive offices, acts, or duties, and, if any, what, have been performed at a distance from the seat of Government established by law, and for how long a period at any one time, and in what part of the United States; also, whether any public necessity existed for such performance, and, if so, of what character, and how far the performance of such executive offices, acts, or duties at such distances from the seat of Government established by law was in compliance with the act of Congress of the 16th day of July, 1790.

Mr. KASSON. Let that resolution lie over for one day. The season

Mr. KASSON. Det that resolution he over the didd. The season has not arrived to make that inquiry.

Mr. BLACKBURN. Does the gentleman from Iowa [Mr. KASSON]

object to the adoption of the resolution by the House?

Mr. KASSON. The resolution lies over one day under the rule in case of objection to its immediate consideration. Besides, this is private-bill day.

# ARMY OFFICERS ON DIPLOMATIC SERVICE.

Mr. ROBBINS, of North Carolina. I ask unanimous consent to submit for consideration at this time the resolution which I send to the

The Clerk read as follows:

Resolved. That the Secretary of War be requested to inform the House whether, since the 20th of March, 1868, any and which officer or officers of the Army have accepted and held any appointment in the diplomatic or consular service and were borne on the Army lists after accepting such appointment, and for how long a time in each case; and whether any officer having held such appointment now holds his rank in the Army and draws the pay thereof, and, if so, by what authority.

Mr. TOWNSEND, of New York. I object to that resolution.
Mr. ROBBINS, of North Carolina. It will take but a moment.
Mr. TOWNSEND, of New York. This is private-bill day, and I call for the regular order. We have but one private-bill day in the week, and I do not want it taken up by other business.

# ORDER OF BUSINESS.

Mr. McCRARY. I call for the regular order.

The SPEAKER pro tempore. This being Friday, the first business in order is the call of committees for reports of a private nature.

Mr. McCRARY. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of

Mr. McCRARY. My point of order is this: The previous question having been ordered upon the bill for the re-organization of the judiciary, that is the first business in order this morning.

The SPEAKER pro tempore. The order of the House concerning

the bill to which the gentleman refers was that it should be the special order on a given day at two o'clock, and from day to day at that hour until disposed of.

Mr. McCRARY. Does the Chair understand that the previous ques-

Mr. McCkari. Does the Chair understand that the previous question was ordered on the bill yesterday?

Mr. HOSKINS. The rule of the House in relation to unfinished business cuts out the morning hour.

Mr. WILSON, of Iowa. Even if that was not the case, the pre-

vious question having been ordered on this bill it comes up now for consideration.

Mr. HOSKINS. I refer to Rule 56.
The SPEAKER pro tempore. The special order of the House under

which the bill referred to by the gentleman from Iowa [Mr. McCrary] is considered fixed the hour of two o'clock on a day certain. reads as follows:

The special order for February 16. at two o'clock p. m., and from day to day at the same hour until disposed of, to the exclusion of all other business except regular appropriation bills.

The first impression of the Chair is that the ordering of the previous question upon the pending bill would not hasten its consideration to-day; it would not come up until two o'clock. The Chair, however, would be very glad to be corrected if in error.

Mr. HOSKINS. Will the Speaker indulge me in reading Rule 56?

It is as follows:

The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if from any cause other business shall intervene, it shall be resumed as soon as such other business is disposed of.

Of course no other business can intervene except business of a higher order, in which the morning-hour business is not included. I submit that under this rule the unfinished business is not included. I submit that under this rule the unfinished business of yesterday takes precedence of the morning hour. I also submit that such has been the invariable rule and practice of the House ever since I have had a seat on this floor. And the previous question having been ordered on the pending bill, no other business can intervene.

Mr. WILSON, of Iowa. I do not believe that the rule which has

been read by the gentleman from New York [Mr. Hoskins] compels the House to take up the unfinished business of yesterday before the morning-hour business of to day, because the order of the House making the judiciary bill a special order excluded the morning hour and fixed two o'clock as the time for its consideration. But the pre-

and fixed two o'clock as the time for its consideration. But the previous question having been seconded, that brings the bill over as the first business in order after the reading of the Journal.

Mr. HOSKINS. The gentleman from Iowa [Mr. WILSON] will pardon me for saying that the morning hour was not excluded by the order of the House in reference to the pending bill.

Mr. WILSON, of Iowa. The time, two o'clock, was fixed, and if the previous question had not been seconded the bill would not come up until that hour is reached.

The SPEAKER pro tempore. The special order fixed the consideration of the bill at two o'clock on each day, from day to day, until disposed of. It was the same as if it had read "on Friday, the 18th of February, at two o'clock, it shall be also taken up for consideration." The Chair rules that it does not come up for consideration at this time.

J. M. DORSEY AND W. F. SHEPEARD.

Mr. PAGE. I ask unanimous consent to have Senate bill No. 227,
for the relief of John M. Dorsey and William F. Shepeard, be taken from the Speaker's table and referred to the Committee of Claims.

There was no objection, and accordingly the bill was taken from from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

### ORDER OF BUSINESS.

Mr. LANE. I ask unanimous consent to report back from the Committee on Indian Affairs a memorial which was improperly referred to that committee, and have it referred to another committee. It is

to that committee. It is a memorial of a private nature.

The SPEAKER pro tempore. The committee of the gentleman will be reached to-day under the call. The morning hour now begins at twelve o'clock and twenty-seven minutes p. m., and the first business in order is the call of committees for reports of a private nature. The call rested on Friday last with the Committee on Patents.

# CLERK FOR COMMITTEE ON RAILWAYS AND CANALS

Mr. POWELL, from the Committee of Accounts, reported back the following resolution:

Resolved, That the Committee on Railways and Canals be authorized to employ a clerk, whose compensation shall be \$4 per day.

Mr. FORT. Is this offered for adoption or reference? I move its reference to the Committee of Accounts.

The SPEAKER pro tempore. It is reported from that committee

for adoption.

Mr. HOLMAN. Is it in order to-day?

The SPEAKER pro tempore. Reports of a private nature are in

Mr. HOLMAN. This is a public matter pertaining to the adminis-Mr. HOLMAN. This is a public matter pertaining to the administration of affairs in the House.

Mr. RANDALL. What is the recommendation of the committee?

Mr. POWELL. We report it without recommendation.

The SPEAKER pro tempore. The Chair rules that this is not a bill

of a private nature, but a proposition pertaining to public legislation, and is not in order.

### ERROR IN ENROLLMENT.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported back the bill (H. R. No. 1668) to correct an error in the enrollment of the act entitled "An act making sundry civil appropriations for the fiscal year ending June 30, 1876."

The bill was read. It provides that the proper accounting officers of the Treasury, in settling and adjusting the revenue, disbursing, and other accounts of James Atkins, late collector of internal revenue.

nue for the fourth district of Georgia, are hereby directed to credit him with the sum of \$14,819.33, on account of loss of that amount by default of deputies in his employ, the amount being lost without neglect or fault of said Atkins.

Mr. HARRIS, of Georgia. This bill involves a considerable amount of money; but after a statement which I desire to make I think the House will be satisfied that the bill ought to pasks on the bill.

Mr. HOLMAN. I rise to reserve a point of order on the bill.

The SPEAKER pro tempore. The point of order will be reserved.

Mr. HARRIS, of Georgia. I wish to make a statement of the facts
connected with the omission of the enrollment of this particular item. It was not an error in the enrollment, but a simple omission arising from the confusion incident to the vast number of bills pressed upon the committee at the heel of the session. The facts are these:

The proposed correction is part of a House amendment to an amendment of the Senate to the deficiency bill of the last session, (not the sundry civil bill.) The amendment of the Senate was a paragraph authorizing the sale of Choctaw Indian bonds, and the amendment of the House to the Senate amendment consisted of two items, one of which has already been adopted as a correction in a bill which passed the House January 20. The report of the committee of conference on the deficiency bill recommended that the House recede from its disagreement to the Senate amendment referred to, (No. 27 of the Senate,) and it was consequently enrolled as part of the law. The conference report, however, takes notice of the House amendment to the Senate amendment only at its conclusion and in ambiguous language, namely:

That the Senate agree to the amendment of the House No. 27.

The House had no amendment so numbered. It was the number of the Senate amendment which the House had amended. It was doubtless the intention of the conference committee to recommend that the Senate agree to the House amendment constituting the two items referred to:

To one not well experienced in enrolling a bill from complicated appears it was a very natural mistake to make under any circumstances, and especially at the last moment of a session, when everything was done hurriedly and amid great confusion. Several large appropriation bills had been divided among all the available clerks, many of whom had been in constant employment for more than thirty consecutive hours; and the wonder is that more errors did not occur under such circumstances. A strict adherence to the sixteenth joint rule would do much to obviate the necessity of correcting "errors in enrollment." That rule provides that—

No bill that shall have passed one House shall be sent for concurrence to the other on either of the three last days of the session.

Mr. HOLMAN. Is there a report from the committee on this subject?
Mr. HARRIS, of Georgia. The gentleman from Ohio [Mr. GAR-FIELD] had charge of the bill, and can explain the matter.
Mr. HOLMAN. I think a report should accompany the bill, unless

the gentleman from Ohio remembers the facts.

Mr. GARFIELD. The statements made by the chairman of the Committee on Enrolled Bills are very full and entirely accurate. I remember distinctly that in the last days of the last session a member of the ber distinctly that in the last days of the last session a member of the Committee of Claims asked unanimous consent to offer an amendment on this subject and in these very words. Unanimous consent was given, the gentleman stating that the Committee on Claims were unanimous in favor of the bill which he offered. It was passed here, I think, without a single dissenting vote. When the bill of which it was a part went to the Senate, they non-concurred in gross with all our amendments, and they were sent to a committee of conference, of which I was a member. This specific amendment was read to the committee, was agreed to, and ordered to be embraced in conference report, as we understood and as still amears by the record: and it report, as we understood and as still appears by the record; and it was agreed to in the House. So that this very clause was agreed to by both Houses upon the report of the committee of conference.

In consequence of the hurried manner in which the amendments were adopted it became necessary, in order to enroll the bill on parch-ment, to take it apart and enroll it in sheets, there being eight or ten ment, to take it apart and enroll it in sheets, there being eight or ten clerks at work upon the bill, each enrolling a separate sheet, the whole being afterward stitched together. After the bill was sent to the President it was discovered that one of those sheets had been left lying on the desk in the enrolling-room, so that not a word of it had gone into the bill. Fortunately for the remaining provisions of the bill there was no broken paragraph in consequence of the omission. That sheet contained two items only, this one and another, the omission of which was corrected about a month ago upon the report of the Enrolling Committee, which has now become a law. The remainder of the sheet contained the words embraced in the bill now reported. Of course it is a matter of good faith to all concerned that

reported. Of course it is a matter of good faith to all concerned that

reported. Of course it is a matter of good faith to all concerned that this bill should now be passed to correct that mistake in enrollment. I will add that I saw every step in the progress of this measure; and I supposed it was contained in the bill as approved and signed until the next day, when, my attention being called to the matter, I ascertained at the President's that it was not in the bill, and coming back to the House, found the missing sheet still lying in the engrossing clerk's room, there having been this mere accidental omission of the two items contained on that sheet.

Mr. HOLMAN. If this were an original measure, I should have to insist upon the point of order; but upon the statement made, inas-

much as the object of the bill is simply to correct an error in the enrollment of a bill passed at the last session, it is manifestly proper that the correction should be made. Therefore I do not insist on the

Mr. HARRIS, of Georgia. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read

the third time, and passed.

Mr. HARRIS, of Georgia, moved to reconsider the vote by which
the bill was passed; and also moved that the motion to reconsider be

laid on the table. The latter motion was agreed to.

### GEORGE H. FAIRFIELD.

Mr. BRIGHT. The Committee of Claims, to whom was referred the bill (H. R. No. 408) to authorize George H. Fairfield to file petition in the court of commissioners of Alabama claims, have directed me to report the same back as improperly referred, and to move that they be discharged from its further consideration and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

#### CHANGE OF REFERENCE.

Mr. BRIGHT also, from the Committee of Claims, moved that committee be discharged from the further consideration of the following cases: and the same were referred to the Committee on War Claims:

A bill (H. R. No. 1967) for the relief of Robert B. Smock, of Central Colorado, for the boarding of recruits for the United States military

service;
A bill (H. R. No. 1725) for the relief of Josiah Cunningham;
A bill (H. R. No. 1727) for the relief of Jacob Bogert, now of the city of New York;
A bill (H. R. No. 1856) for the relief of James W. Bowen, provost-marshal of the (late) tenth congressional district of Pennsylvania;
A bill (H. R. No. 1941) to allow David A. Martin to appear before

A bill (H. R. No. 1941) to anow have A. Martin to appear before the Court of Claims, as therein provided; A bill (H. R. No. 1954 for the relief of Charles Thimons, late mate of the steamer New Iago; and A bill (H. R. No. 1928) for the relief of Elias B. Moore.

### JOHN T. BRISTOW.

Mr. TARBOX, from the Committee of Claims, submitted an adverse report on the petition of John T. Bristow, asking the fine imposed upon him by the United States district court at Baltimore, Maryland, for an alleged assault on a letter-carrier be refunded; and the same was laid on the table, and ordered to be printed.

# LANDS CEDED BY TREATY OF WASHINGTON.

Mr. TARBOX also, from the same committee, reported back a bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Washington of July 9, 1842, with amendments; which were re-ferred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# LOUIS GOODWIN.

Mr. PHILIPS, of Missouri, from the Committee of Claims, reported a bill (H. R. No. 2160) for the relief of Louis Goodwiu, late keeper of the light-vessel at Brant Island Shoal, in the State of North Carolina; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# WILLIAM HARVEY.

Mr. PHILIPS, of Missouri. Mr. Speaker, I am directed by the Committee of Claims to report back the petition of William Harvey, and to ask for information as to the proper committee to which it should be referred. The indorsement upon the petition is of such a character that the precise nature of the claim cannot be ascertained. I ask the petition be read by the Clerk, so the House may judge precisely the title and referred to the proper committee. cisely what it is and refer it to the proper committee.

The Clerk commenced the reading of the petition, when the follow-

ing proceedings occurred:

Mr. GOODIN. I ask the Speaker whether it would not be in order to move to suspend the further reading of this ridiculous petition? Enough has been read to show its character, and, if in order, I will move that it be laid on the table, where it properly belongs.

Mr. TOWNSEND, of New York. I hope that will not be done, but that the petition will be referred to the Committee on Banking and

Currency, for every section of the country seems to look to that for relief from every imaginary evil. It is just as sane as one-half of those referred to that committee.

The SPEAKER pro tempore. Does the gentleman object to the suspension of the reading of the petition and that it be laid on the

table?

Mr. TOWNSEND, of New York. I do not object to dispensing with

the reading of the petition, but I wanted it referred with other memorials of crazy people to the Committee on Banking and Currency.

Mr. LAWRENCE. I ask that the petition be not incorporated in the RECORD. It would be improper to encumber the RECORD with a paper of this kind. I suppose under the rule it would go into the

RECORD, at least as much of it as has been read, unless the House

otherwise orders.

The SPEAKER pro tempore. Does the gentleman from New York insist on his motion to send the petition to a committee in Mr. TOWNSEND, of New York. I do not.

Mr. LAWRENCE. I ask that by unanimous consent the petition be not printed in the RECORD. Mr. PHILIPS, of Missouri. I do not desire to have the petition go

into the RECORD, and I have no objection to its lying on the table.

The Committee of Claims merely desire to get rid of it.

The SPEAKER pro tempore. If there be no objection, that order will be made. The Chair hears none. The petition will lie on the table, and will not be printed in the RECORD.

### SECURITIES OF G. R. HORTON.

Mr. CLARK, of Missouri, from the Committee on the Post-Office and Post-Roads, reported back, with the recommendation that it do pass, the bill (H. R. No. 545) for the relief of James A. Jackson and other securities of G. R. Horton, late postmaster at Monticello, Arkansas; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

### PEASLEY & M'CLARY.

Mr. CLARK, of Missouri, also, from the Committee on the Post-Office and Post-Roads, reported back the bill (S. No. 191) for the relief of Peasley & McClary, of Nashua, New Hampshire, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

### LEGAL REPRESENTATIVES OF SAMUEL RHEA,

Mr. CAULFIELD, from the Committee on the Judiciary, reported back, with the recommendation that it do pass with amendments, the bill (H. R. No. 912) to give the Court of Claims jurisdiction to hear and determine the claim of the heirs of Samuel Rhea.

The bill was read. It authorizes the Court of Claims to investigate the claim of the heirs of Samuel Rhea for the net proceeds of cotton owned jointly by the said Rhea and one John H. Fain; and if said court shall be satisfied from the evidence of the ownership of the said Rhea in said cotton, and that the same was seized and sold, and the proceeds thereof have been paid into the Treasury of the United States, to award to his said heirs the net proceeds thereof as determined by the said court in the case of John H. Fain, heretofore determined in said court; and the evidence heretofore taken in the said

suit of John H. Fain may be offered by either party.

The amendments of the committee were to strike out the word "heirs" wherever it occurs and to insert in lieu thereof the words "legal

representatives."

Mr. MORRISON. I make the point of order that this bill should be considered in Committee of the Whole on the Private Calendar.

Mr. CAULFIELD. I do not agree with my colleague. This is not a bill for the payment of money. It is simply a bill to allow the legal representatives of a person by the name of Rhea, whose cotton was sold and the money for which is now in the Treasury of the United States, to a sert their claim before the Court of Claims. There is no

appropriation of money whatever.

Mr. HOLMAN. It has been held I think uniformly that where the legitimate result of a bill is an appropriation of money out of the Treasury, as for instance the creation of an office, such a bill comes within the rule. And it has been held that where a bill authorizes a party to go to the Court of Claims it comes within the rule. I think such was the ruling of the Chair upon the bill for the relief of Mr. Douglas and others in the last session of Congress. This bill authorizes the parties to go into the Court of Claims to prosecute a claim against the Government, and inasmuch as any judgment rendered by that court must be provided for by Congress, it seems clearly to me within the rule. And I believe that has been the uniform ruling of

Mr. REAGAN. I cannot understand that the rule suggested by the that a bill allowing one to go into the Court of Claims to assert a claim is an appropriation, and must therefore go to the Committee of the Whole, a bill authorizing a person to bring a suit of any kind in any other court would have to go to the Committee of the Whole as any other court would have to go to the Committee of the Whole as a bill making an appropriation. It certainly cannot be true that giving jurisdiction to a court to try a claim is a law appropriating money. Such a bill as this only authorizes the determination of the questions of law and fact as to whether the person be entitled to money. The money that may be drawn under this act as I understand it—and I just caught casually what was going on—is money now held by the Government in trust for the benefit of those who can make

good their title to it, and is already appropriated as a trust fund in the hands of the Government to pay these claims when the claimants make good their title to it. If that be so, sir, then the money is appropriated; it is a trust fund; not money in the Treasury for any general purpose whatever, but a trust fund, which cannot be used for any other purpose until there be some legislative action on it.

It seems clear to me that it would be a strange construction of the

rules of the House to assume that a bill which simply gives a court authority to try the question whether a person is or is not entitled to money is to be considered as a bill appropriating money.

Mr. HOLMAN. I ask for the reading of Rule 112.

The Clerk read the one hundred and twelfth rule, as follows:

All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Mr. REAGAN. I desire to say, the rule having been read, that this bill does not appropriate money or authorize the payment of money at all, but simply gives jurisdiction to the Court of Claims to deter-

mine the question whether this money should be paid or not.

Mr. HOLMAN. The ground on which the Chair has uniformly held
that such bills as this are subject to the rule is that a judgment of the Court of Claims against the Government must be provided for by

an appropriation.

The SPEAKER pro tempore. The Chair has no difficulty about this question. The gentleman from Illinois [Mr. Morrison] has raised the point of order that this bill must have its first consideration in a Committee of the Whole House. The Chair sustains the point of order, both upon the interpretration of the rule by the present occupant of the chair and that given to it by previous occupants of the

Mr. CAULFIELD. Very well; let it go.
The bill was referred to the Committee of the Whole on the Private Calendar.

#### MRS. SARAH SPAULDING.

Mr. CROUNSE, from the Committee on Public Lands, reported back, with amendments, the bill (H. R. No. 566) granting relief to Mrs. Sarah Spaulding, of Bay City, Michigan; which were referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

### A. W. HICKS.

On motion of Mr. EDEN, the Committee on War Claims was discharged from the further consideration of the bill (H. R. No. 450) for the relief of A. W. Hicks, of Ohio, and the same was referred to the Committee on Invalid Pensions.

### THOMAS ALCOCK.

On motion of Mr. EDEN, the Committee on War Claims was discharged from the further consideration of the bill (H. R. No. 703) granting a pension to Thomas Alcock, of Rochester, New York, and the same was referred to the Committee on Invalid Pensions.

## ORDER IN THE HALL.

The SPEAKER pro tempore. Business will be suspended until order is restored in the Hall. The Chair is informed by the Doorkeeper that the disturbance comes from members of the House who are not in their seats. Gentlemen will please be seated and preserve order.

# FIRST NATIONAL BANK OF SAINT ALBANS.

Mr. EDEN, from the Committee on War Claims, reported back, with a favorable recommendation, the bill (8. No. 58) to pay the First National Bank of Saint Albans, in the county of Franklin, in the State of Vermont, the value of certain Treasury notes held by said bank as financial agents of the United States, and forcibly taken from them by raiders from Canada in October, 1864, and moved that the same be referred to the Committee of the Whole on the Private Calendar, and the report printed.

The motion was agreed to.

# PAYMENT OF CLAIMS.

Mr. EDEN also, from the same committee, reported, a substitute for the House bill No. 1218, making appropriation for the payment of claims reported to Congress under section 2 of the act of Congress approved June 16, 1874, by the Secretary of the Treasury, and for

approved June 16, 1874, by the Secretary of the Treasury, and for other purposes; which was read a first and second time.

Mr. EDEN. I will state that the appropriation provided for in this bill embraces claims reported by the Secretary of the Treasury on the 31st of December, 1874. A bill was passed at the last session of the Forty-third Congress making an appropriation covering these claims. It failed to pass the Senate, not having reached there in time. As the bill embraces numerous items and the appropriation amounts to about \$112,000, I move that it be printed and referred to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

The motion was agreed to.

### R. H. BUCKNER.

Mr. ELLIS, from the same committee, reported, as a substitute for House bill No. 753, a bill (H. R. No. 2161) for the relief of R. H. Buckner; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the report ordered

### CLAIMANTS OF LANDS IN TERRITORIES.

On motion of Mr. KETCHUM, the Committee on Private Land Claims was discharged from the further consideration of the bill (H. R. No. 1021) enabling claimants to lands within the limits of the Territories of New Mexico, Colorado, and Arizona to institute proceedings to try the validity of their claims; and the same was referred to the Committee on the Judiciary.

# LEGAL REPRESENTATIVES OF SAMUEL WARE.

Mr. POWELL, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 97) directing the Com-

missioner of the General Land Office to issue certificates of relocation for six hundred and forty acres of land in the Territory of Missouri to the legal representatives of Samuel Ware; and the same was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

### C. H. FREDERICK.

Mr. THORNBURGH, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (8. No. 416) for the relief of C. H. Frederick, late lieutenant-colonel Ninth Missouri Infantry; and the same was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

### FRANK SIPPELIUS.

Mr. TERRY, from the same committee, reported back adversely the bill (H. R. No. 714) for the relief of Frank Sippelius, late first lieutenant, Sixty-eighth Regiment of New York Volunteers; which was laid on the table, and the accompanying report ordered to be printed.

### ADOLPH JOSEPH.

Mr. TERRY also, from the same committee, reported back adversely the bill (H. R. No. 712) for the relief of Adolph Joseph, late first lieutenant of the Sixty-eighth Regiment New York Volunteers; which was laid on the table, and the accompanying report ordered to be printed.

### MORRIS GASNELL.

Mr. TERRY also, from the same committee, reported back adversely the bill (H. R. No. 763) for the relief of Morris Gasnell; which was laid on the table, and the accompanying report ordered to be printed.

### J. T. MORRIS.

Mr. JOHN REILLY, from the Committee on Military Affairs, reported back the bill (H. R. No. 1411) for the relief of J. T. Morris, of Petersburgh, Virginia, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on War Claims.

The motion was agreed to.

### SALE OF CADET RIFLES.

Mr. JOHN REILLY also, from the same committee, reported back, with an amendment, the bill (H. R. No. 683) to authorize the sale of cadet rifles.

The bill authorizes the Secretary of War to sell to C. B. Metcalf, of Worcester, Massachusetts, for the use of the Highland Military Academy, at what he shall deem a fair price, eighty cadet breechloading rifles, if, in his judgment, the same can be properly spared, and to cover the proceeds into the Treasury.

The amendment was read. It was to make the latter part of the

bill read as follows:

—at cost, the price received for the same to be covered into the Treasury, subject to the order of the Secretary of War, to be used in the manufacture of an equal number of arms to replace them.

The amendment was agreed to; and the bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed,

it was accordingly read the third time, and passed.

Mr. BANNING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on

The latter motion was agreed to.

# MRS. MARGARET L. STEVENS.

Mr. LANE, by unanimous consent, from the Committee on Indian Affairs, reported back the memorial of Mrs. Margaret L. Stevens, widow of General Isaac I. Stevens, for compensation for services as superintendent of Indian affairs, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee of Claims.

The motion was agreed to.

### AARON BUCHANAN.

Mr. YEATES, from the Committee on Invalid Pensions, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1656) granting a pension to Aaron Buchauan, Thirteenth Tennessee Cavalry, Company C; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

JOHN M. ENGLISH.

Mr. YEATES, from the same committee, also reported back, with a recommendation that the same do pass, the joint resolution (H. R. No. 53) in favor of John M. English, of North Carolina.

The question was upon ordering the joint resolution to be engrossed

and read a third time.

The joint resolution instructs the Secretary of the Interior to direct the pension agent at Raleigh, North Carolina, to issue duplicate check No. 8424 for \$1,334, in favor of John M. English, for one lost in the

mail on May 18, 1875.

Mr. YEATES. This joint resolution is not to appropriate any money from the Treasury, for the money has already been appropriated. It is to replace a check which was issued last May and has never yet been heard from. It appears from the testimony that Charles H. Beverly, the pension agent at Raleigh, sent by mail last May a check to the applicant. The applicant certifies that he never has received the check, and the cashier of the bank upon which the check was

drawn certifies that it has never been paid.

Mr. VANCE, of North Carolina. I presume there will be no objection whatever to the passage of this resolution. Section 4770 of the Revised Statutes provides that where checks are lost for the payment of pensions duplicates may be issued, except in cases where the check is for a greater sum than \$500. This check was issued in May last and lost while passing through the mails. We have on file the affidavit of the postmaster that no such letter or check was received; also the affidavit of the soldier himself to that effect, the affidavit of the the amdavit of the soldier himself to that effect, the amdavit of the pension agent, Mr. Beverly, of Raleigh, North Carolina, that the check was sent, and the affidavit of the cashier of the bank that the check has never been paid. The proof is clear that the check is lost, and it is necessary that Congress shall authorize the issue of a duplicate check in order that the soldier may receive his pension.

Mr. HOLMAN. Will the gentleman read the section of the Revised Statutes to which he refers?

Mr. WANCE of North Corpline. Lock the Clerk to read section.

Mr. VANCE, of North Carolina. I ask the Clerk to read section 4770 of the Revised Statutes.

The Clerk read as follows:

In place of original checks issued for pensions, when lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months from the date of such checks, to issue duplicate checks, and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such checks, drawn in pursuance of law by such officers or agents, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury may prescribe. But this section shall not apply to any check exceeding in amount the sum of \$500.

Mr. HOLMAN. The provisions of the section of the Revised Statutes just read are certainly very just; but the pending joint resolution does not go to the extent required; it does not provide any indemnity to the Government against loss which might result from the payment of the duplicate check and the ultimate payment of the original check. I think there should be added a provision to this joint resolution requiring the execution of the bond of indemnity contemplated in section 4770 of the Revised Statutes.

Mr. VANCE, of North Carolina. I do not think the reasoning of my friend is good, because the section just read provides that the check cannot be re-issued after the expiration of six months. Therefore, if the original check was presented at the Bank of Raleigh, it would not the original check was presented at the Bank of Raleigh, it would not be paid because it is debarred by the statute. I think that to adopt such an amendment as the gentleman proposes would be requiring a good deal at the hands of this soldier, a poor man perhaps. I do not know whether he could give the bond. I doubt it.

Mr. HOLMAN. The gentleman will perceive that where the amount is even less than \$500 it has been thought prudent to require an independent poor.

amount is even less than \$5000 it has been thought prudent to require an indemnifying bond. If it has been thought proper to make such a general provision of law in regard to smaller sums, it certainly would be proper where this larger sum is to be paid. All I ask is that the same rule which would apply to the issuing of a duplicate for a smaller sum shall apply to issuing this duplicate. I trust the gentleman will see the propriety of adding simply these words: "Upon the execution of an indemnifying bond as contemplated by section 1470 of the Revised Statutes."

Mr YEATES, If I understand this matter, my friend from Indiana.

Mr. YEATES. If I understand this matter, my friend from Indiana is entirely mistaken. Here is a law naming a certain time after which the check cannot be paid, but is barred by the statute of limitations. Besides, here is the certificate of the cashier of the bank,

with due notice of the loss of that check.

As my friend and colleague [Mr. Vance, of North Carolina] has said, the requirement proposed by the gentleman from Indiana [Mr. Holman] would be very hard upon this poor man. The soldiers that I have usually associated with were generally poor men; and this is especially true of the privates in the ranks, of whom this man is one. He has been without his money since the end of the war. Is it not time that justice should be done to him? Shall we now impose upon him this hardship by requiring him to give a bond of \$1,300, when he is a poor man and probably cannot give that bond to save his life? Such a requirement is not right.

Mr. PAGE. Are we to understand the gentleman as saying that the original critificate is barred by the statute of limitations?

Mr. YEATES. Yes, sir. The original check, I say, is barred by the

Mr. YEATES. Yes, sir. The original check, I say, is barred by the statute of limitations; and therefore there is certainly no necessity for imposing this severe requirement.

Mr. HOLMAN. I would like to see the statute creating the bar. This statute certainly does not. I think there must be a misapprehension on that point. The bona fide holder of the original check can of course draw the money. The object of this statute was simply to protect the Government from paying the amount twice. The original draft may go into the hands of a bona fide holder for a valuable consideration. The duplicate is paid. There is no bar. My friend from North Carolina must have observed that. The original may be presented at the Treasury any time for payment. Our statute cannot presented at the Treasury any time for payment. Our stante cannot impose a limitation upon the time within which the original draft may be presented for payment to the proper officer of the Treasury. It is only because I wish to protect the Government from the liability of paying the debt twice that I make my suggestion. I move

to amend by adding the following words: Provided. That a proper indemnifying bond be executed in conformity with section 1470 of the Revised Statutes.

Mr. YEATES. I hope gentlemen will remember that this is a poor man, not able to give a bond, and that there is no doubt about the justice of his claim. No one will deny that he is entitled to this money. Why, then, should the House clog the bill with this severe imposition with which it will be impossible for him to comply? My colleague or perhaps myself might be able to give such a bond; but colleague or perhaps myself might be able to give such a bond; but this is a poor, humble man, with no means of getting a living except this pension. And I tell the gentleman that the statute does bar the original check. The bank has had due notice of its loss; the time allowed for its payment has expired.

Mr. HOLMAN. By what statute?

Mr. YEATES. By the statute which fixes the time within which the man shall prosecute and collect his claim.

Mr. HOLMAN. O, no; my friend misapprehends the statute. This law provides simply for issuing a duplicate after six months have expired, because if the draft is not presented within six months it may be fairly presumed that it has been lost. I think that such an amendment as I propose should be adopted.

Mr. VANCE, of North Carolina. In reply to my friend from Indiana, I wish to say that I can see no possibility of the Government

ana, I wish to say that I can see no possibility of the Government paying this debt twice, because the bank at Raleigh, North Carolina, has been notified that the check is lost. I believe there is another statute (though I cannot at this time give a particular reference to it) which prevents the payment of these checks after ninety days from the time they are issued. I think that when a check has been out in the mails ninety days it becomes dead and cannot be paid.

Mr. HOLMAN. If there is such a statute as that, of course I yield the point at once. But my friend must see that this statute is an ab-

the point at once. But my friend must see that this statute is an absurdity if that is the law.

Mr. VANCE, of North Carolina. I hope the House will not impose upon this soldier the burden of giving a bond for this lost check. The proof is made here that the check was never received. The soldier has been recognized as a man who served his country. He has been placed upon the pension-rolls, which I think is right. He is a poor man and has not received his money, but has been kept out of it for nearly twelve months. He cannot give a bond. I hope the House will not impose upon him any such burden.

Mr. HOLMAN. I am desirous that this money shall be paid; but does my friend propose to repeal this statute? Does he think it ought not to be applied to the case now pending? All I ask is that the Government shall be indemnified from paying this debt a second time. If my friend's view of the law is correct that a draft on the Treasury

ernment shall be indemnified from paying this debt a second time. If my friend's view of the law is correct that a draft on the Treasury cannot be paid after ninety days, then his conclusions are inevitable. But he will find that not to be the statute. The time is indefinite when a draft may be presented. The original draft may be presented at any time if held by a bona fide holder. Without wishing to embarrass in the slightest degree this measure, I only insist that the general law is right and should be applied to this case.

The question recurred on Mr. HOLMAN's amendment.

Mr. YEATES. I hope the members will remember that this is a

Mr. YEATES. I hope the members will remember that this is a poor invalid soldier who cannot give any such bond as is required by the amendment of the gentleman from Indiana, [Mr. HOLMAN.]

The House divided; and there were—ayes 23, noes 129.
So the amendment was rejected.

Mr. RAINEY. I move the following amendment. The Clerk read as follows:

Provided, That the Secretary of the Interior be satisfied the same has never been

Mr. VANCE, of North Carolina. I have no objection to it. Mr. YEATES. The committee are willing to accept that amendment.

The amendment was agreed to.

Mr. YEATES. I now demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was according read the third time, and passed.

Mr. VANCE, of North Carolina, moved to reconsider the vote by

which the joint resolution, as amended, was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### WAR OF 1812.

Mr. JENKS, from the Committee on Invalid Pensions, moved that that committee be discharged from the further consideration of the

that committee be discharged from the further consideration of the following cases; which were referred to the Committee on Revolutionary Pensions:

The bill (H. R. No. 1230) supplementary to the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812 and the widows of deceased soldiers," approved February 14, 1871; and The petition asking that a pension be granted to Hiram Matthews, of Mooresville, Indiana, who served as a soldier of the war of 1812.

# JAMES RILEY.

Mr. RICE, from the same committee, reported back a bill (H. R. No. 1179) granting a pension to James Riley; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

### WILLIAM J. DRAKE.

Mr. RICE also, from the same committee, reported back a bill (H. R. No. 1189) granting a pension to William J. Drake; which was re-

ferred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

### CLARA BROSCH.

Mr. BAGBY, from the same committee, reported a bill (H. R. No. 2162) granting a pension to Clara Brosch, mother of Joseph Brosch, jr., late of Company H, Twenty-fourth Regiment, Illinois Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

### ELIZABETH B. THOMAS.

Mr. RAINEY, from the same committee, reported a bill (H. R. No. 2163) granting a pension to Elizabeth B. Thomas; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be

### JOHN A. GOEDFREY.

Mr. HEWITT, of Alabama, from the same committee, reported back a bill (H. R No. 240) granting a pension to John A. Goedfrey; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

### CHANGE OF NAME OF SCHOONER.

Mr. DUNNELL, from the Committee on Commerce, reported back a bill (H. R. No. 1384) to change the name of the schooner Turner & Keller, of Oswego, New York, to that of Falmouth, and moved that it be put on its passage.

The bill, which was read, provides that the owners of the schooner Turner & Keller, of Oswego, New York, have authority to change the name of said schooner to Falmouth, by which name said schooner shall hereafter be known and registered.

Mr. DUNNELL. The change of name desired is because of the exist-

ence of another schooner sailing from the same port of Oswego of the same name, the two schooners being of the same tonnage and built in Wisconsin by the same builder, this similarity of name and build producing confusion in the business transacted by the two. There was no objection to the bill in the Committee on Commerce.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. DUNNELL moved to reconsider the vote by which the bill was

ssed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

### BIRTHDAY OF WASHINGTON.

Mr. CASON. I ask unanimous consent to submit for present consideration the concurrent resolution which I send to the desk.

The Clerk read as follows:

Be it resolved, (the Senate concurring.) That for the promotion of national feeling throughout the Union on the occasion of the centennial year of our Independence, and believing this to be the proper time for the expression of our appreciation of the great services rendered to the people and the cause of liberty by the Father of our Country, George Washington, the 22d day of the present month shall be treated and deemed a national holiday throughout the United States in the Government business, and, so far as is consistent with the public welfare, in all of the departments of the Government employment shall be suspended for that day.

Mr. CASON. I ask the previous question on the resolution. I do not think it necessary to say anything in support of it.

Mr. HOLMAN. I ask that the resolution be again reported.

Mr. HOLMAN. I ask that the resolution be again reported.

The resolution was again read.

Mr. SOUTHARD. I desire to ask a question of the gentleman from Indiana, [Mr. CASON.] Is not the 22d of February a public holiday already by force of law?

Mr. CASON. I do not understand that it is. There is no statute making the 22d of February a holiday. At least I have been unable to find any such provision in the statute-book. There is no authority under which the Departments can alone on that does

under which the Departments can close on that day.

Mr. BLAND. Is this intended to apply to the centennial year alone?

Mr. CASON. It is for this year alone.

The previous question was seconded and the main question ordered;

which was on agreeing to the resolution.

Mr. BLAND. I call for the reading of the resolution.

Mr. PAGE. I object. It has been read twice.

Mr. WILSON, of Iowa. I desire to say one word.

The SPEAKER pro tempore. Debate is not in order, the main question having been ordered.

Mr. WILSON, of Iowa. I just wish to make one remark. I move to reconsider the vote by which the main question was ordered.

Mr. HAMILTON, of New Jersey. Did the gentleman vote with the

prevailing side?

Mr. WILSON, of Iowa. There is no record of how we voted.

I wish to say that the pay of some of the clerks in the Departments ceases unless they are at work every day, and this resolution as it stands would make it hard instead of easy for some of those poor clerks. You ought so to amend this resolution that during this day set apart as a holiday the pay shall continue. I withdraw the motion to reconsider.

The question being taken on the concurrent resolution, it was

adopted.

Mr. CASON moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The lafter motion was agreed to.

RE-ORGANIZATION OF THE JUDICIARY OF THE UNITED STATES.

Mr. KNOTT. I call for the regular order.

The SPEAKER pro tempore. The hour of two o'clock having arrived, the regular order is the consideration of the bill (H. R. No. 1798) re-organizing the judiciary of the United States, and amendments, on which the previous question has been ordered. The gentleman from Kentucky [Mr. KNOTT] is entitled to the floor. The gentleman from Kentucky [Mr. BLACKBURN] will please take the chair during the Mr. KNOTT. I yield two minutes to the gentleman from Ohio, [Mr. Banning.]

Mr. BANNING. I do not propose to say anything as to the general provisions of the bill. They have been already well argued by more capable gentlemen than myself. But I do wish to say a word to this House upon the place where this court created by the bill is located in the sixth judicial circuit. For some reason, which I cannot understand, the bill locates this court at the city of Louisville, in the south-

ern part of the circuit.

ern part of the circuit.

I think, Mr. Speaker, that the courts in these circuits should be located as near as possible to the geographical centers, taking into consideration the business that will come to the courts from the circuit and the population of the circuit. Now, Mr. Speaker, I find on examination that the population of this circuit is as follows: That in Ohio there are 2,665,260; in Michigan 1,187,234; making 3,852,494. Of the two Southern States, Kentucky has 1,321,000, Tennessee 1,258,000, making 2,579,000 south of the southern boundary of Ohio. About one third of the population is souther the southern boundary of Ohio. one-third of the population is south of the southern boundary of Ohio, and the court is located at Louisville, about one hundred and thirty miles south of that boundary.

But, Mr. Speaker, there is another and far more potent reason than

But, Mr. Speaker, there is another and far more potent reason than the one I have given why this court should not be located at Louisville, but should be located farther north and at Cincinnati. It is this: The business that will come to this court will be principally admiralty business and the business that grows out of the internal-revenue taxes collected in the circuit. I think I may safely say that nine-tenths of the admiralty business will come from north of the southern boundary of Ohio, from Lake Michigan and Lake Erie. An examination further shows that the internal revenue collected in this circuit is largely collected in the two northern States—

[Here the hommer fell 1]

[Here the hammer fell.]

Mr. BANNING. I desire just one moment more.

Mr. KNOTT. I cannot yield further to the gentleman. I have agreed to give three minutes to his colleague from Ohio, [Mr. SAYLER.]

Mr. BANNING. I hope I will be allowed to make a statement as to the internal revenue collected in this circuit. I ask the House to yield me one minute to state that which has so important a bearing in reference to the location of the court.

Mr. KNOTT. I yield the gentleman another minute.
Mr. BANNING. I thank the gentleman. There are twenty-four millions of revenue collected in this circuit. Of those twenty-four millions, sixteen millions are collected north of the Ohio River, north of the southern boundary of Ohio-more than two-thirds of the entire internal revenue collected in the circuit out of which grows a large

amount of the business that will be brought to this court.

Now I ask the House, under these circumstances, would it be just, would it be right, to carry all this business one hundred and thirty miles south of where it is created and grows up, and south of the geographical center, merely for the accommodation of Louisville, especially when it is remembered that Cincinnati herself pays nine millions, or more than one-third of the entire revenue of the circuit, is about the geographical center, the most accessible and convenient point in the circuit, and has the best of accomodations for the court and its officers?

The SPEAKER pro tempore. The extension of the gentleman's time

for one minute has expired.

Mr. BANNING. I think, Mr. Speaker, that, notwithstanding the fact that Louisville is a good town and her people good people, the House will consider this question, decide justly, and locate this court where every argument proves and reason teaches it should be located, at Cincinnati.

Mr. KNOTT. [Mr. SAYLER.] I yield for two minutes to the gentleman from Ohio,

Mr. SAYLER. I do not propose, of course, in two minutes to discuss any question so important as this. I have a great notion not to take two minutes if I cannot get more than two minutes.

Mr. KNOTT. It is all you asked for.

Mr. SAYLER. Mr. Speaker, I think this bill ought not to pass. It

Mr. SAYLER. Mr. Speaker, I think this bill ought not to pass. It simply complicates our system of appeals and ingrafts upon the United States courts the bad system we have had for some time in Ohio, but from which, I congratulate the chairman of the committee, they have been free in Kentucky. It complicates the whole system of courts. It is a very good thing for lawyers, of whom I am one, and it is a very bad thing for clients, and it keeps every man out of the Supreme Court of the United States who has not a cause that amounts

to the dignity of \$10,000. I think therefore the bill ought not to pass. I made a motion last night in good faith to lay it on the table in consideration of its merits, and not from any opposition to Louisville.

Now, if I have half a minute left, I want to convince the House of this fact, that it is a very great wrong to the sixth circuit to transfer the court of appeals, if it is to be established, to a city entirely outside of the center of business. There was a great deal of good sense in the speech which the gentleman from Michigan [Mr. Conger] made the other day, in which he asked, if the court of appeals was to be put in Louisville, to have his district placed in the seventh circuit. The statistics that I hold in my hand show that nine-tenths of all the business in this circuit is north of the Ohio River.

[Here the hammer fell.]

Mr. KNOTT. Inasmuch as the remarks of the gentleman from Ohio [Mr. SAYLER] imply a reflection upon me for limiting him to two minutes, I desire to say to the House that that was all the time the gentleman asked for. At the time he made the request if he had asked for more time I would very cheerfully have given it to him, and to my mind it seems a little ungracious for him to make the insinuation,

for I have extended to him all the courtesy which he asked. I now yield ten minutes to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. Mr. Speaker, I regard the construction of the fifth circuit as a very unfortunate one for the interest of suitors and for the convenience of the Government and courts. If it were posfor the convenience of the Government and courts. If it were possible to re-adjust the circuits, now it ought to be done. Still they exist already in the same geographical form as is proposed in this bill, and therefore I am not complaining of the gentleman in charge of the bill for the shape of the circuits. If gentlemen will think for one moment on the shape of this fifth circuit, that it reaches from the Canada line, far up in the Northwest on Lake Superior, to Chattanooga, near the Georgia line, and if they will reflect that by the ordinary routes of travel it requires more than two thousand miles of travel to get from one end of the circuit to the other they will see of travel to get from one end of the circuit to the other, they will see how difficult it is to manage such a circuit and do justice to the parties whose interests are concerned.

Now this circuit embraces two districts in Tennessee, one in Kentucky, two in Ohio, and two in Michigan, and it is proposed to put the headquarters of this great circuit at the city of Louisville, which is very nearly sixteen hundred miles from the northern end of the circuit. Those who live on the upper peninsula of Michigan, and need to go down to this appellate court, will be compelled to travel

sixteen hundred miles to reach that place.

Now, we have heard the population stated; we have heard the amount of revenue collected; we have heard the square miles of terbusiness of the court. By turning to the report of the Attorney-General of this year, (pages 23 and 27,) and leaving out of the court for the time being suits in which the United States were a party—because that would not be so important in relation to the business of the court -but taking only the causes decided last year in which private parties were interested, we find that there were 1,151 causes decided in the district courts of this circuit during the year ending June 30, 1875. Of those 1,151 causes, 250 were in the two districts of Tennessee, 25 of them in Kentucky, making 275, and 427 of them were in the two districts of Michigan.

Mr. PARSONS. May I ask the gentleman a question as a lawyer?

Mr. PARSONS. May I ask the gentleman a question as a lawyer?
Mr. GARFIELD. Yes, if the gentleman will make it a question

only, for my time is short.

Mr. PARSONS. Yes, sir; I will do so. Is it not the best indication for any district or section for an application for a court made that it has less litigation than other sections; that the court itself will suppress litigation? Is it not the policy of the law to stop litigation?

Mr. GARFIELD. I have always thought not. In other words, they ask us to put the headquarters of this court at a point where during the last year less than one-fourth of all the business of the circuit was transacted. I see from the figures before me that there were considerably more causes settled in the two districts of Michigan than in the whole of Tennessee and Kentucky together. I speak only of causes in which private citizens are concerned.

Now, how is it as to causes entered during the year? There were 3.875 causes entered of record in the district courts in this circuit. They were distributed as follows: 336 in Kentucky, 382 in Tennessee, 1,617 in Michigan alone, and 600 in the districts of Ohio, making more than three-fourths of all the entries of causes in that circuit above

the line of Columbus.

Well, now, Mr. Speaker, it is perfectly clear to my mind that in view of these facts this House ought not to locate this court of appeals of this circuit so far south as Louisville. I rise, therefore, to support the amendment of my colleague from the Cleveland district, [Mr. Payne,] in which he proposes we shall have the court of this extremely long district meet successively in the cities of Louisville, Cincinnati, and Cleveland.

That has been tried in Pennsylvania. The supreme court of Pennsylvania holds its sessions part of the year in Pittsburgh, also I think in Harrisburgh, and I know it holds them in Philadelphia and Williamsport. They have found not only no serious inconvenience from having their court of appellate jurisdiction held at different points within the State, but a great benefit to the business of the State.

Mr. DURHAM. What is the difference in the distance between the upper peninsula of Michigan to Louisville and to Cincinnati? mean directly by rail.

Mr. GARFIELD. It is a hundred and odd miles; I do not remem-

ber the exact distance.

Mr. DURHAM. A hundred and odd miles out of sixteen hundred.

Mr. GARFIELD. Yes.

Mr. DURHAM. Allow me to ask another question. Where do you hold your superior court of Ohio, in Cincinnati or in Columbus?

Mr. GARFIELD. The State court, do you mean?

Mr. DURHAM. Yes.

Mr. GARFIELD. At Columbus. Mr. DURHAM. Then you do not locate it in the city where the

Mr. DURHAM. Then you do not locate it in the city where the bulk of the business is?

Mr. GARFIELD. I suppose the gentleman is aware that where we have a city midway between the two chief cities of the State, it is very convenient, in a State as well provided with railroads as Ohio, to have the court held at the capital. But I say I see no serious objection whatever to having this court held at three different points successively, as proposed by my colleague, [Mr. PAYNE,] so as to be convenient to all portions of the district, or as convenient as it can be made. I believe the court in that circuit was not taken to Louis. be made. I believe the court in that circuit was not taken to Louisbe made. I believe the court in that circuit was not taken to Louis-ville because of our great respect for the chairman of the Committee on the Judiciary, [Mr. KNOTT,] although I think it would take the court almost anywhere he might desire. I think it was because of the form of the bill introduced years ago by the late Senator Harris, of New York, who drafted it without much reference to geographical considerations. The question has not been considered by the House where the headquarters of the circuit ought to be. I hope the amendment of my colleague [Mr. PAYNE] will be adopted and allow the court to be held at the three points named by him.

Mr. KNOTT resumed the floor.

Mr. JONES, of Kentucky. I desire to say—

Mr. KNOTT. I have yielded so much of my time that I have none left to yield to my colleague.

Mr. KNOTT. I have yielded so much of my time that I have hone left to yield to my colleague.

Mr. JONES, of Kentucky. Well I will say this anyway.

Mr. KNOTT. Say it, then.

Mr. JONES, of Kentucky. I hope gentlemen will consent to compromise this matter by adopting Covington instead of Louisville.

Mr. KNOTT. I propose to occupy the time I have reserved for myself simply in recapitulation of certain facts which I wish every general simply in recapitulation of certain facts which I wish every general.

self simply in recapitulation of certain facts which I wish every gentleman to distinctly bear in mind when he comes to vote upon this

bill, leaving those facts to carry their argument with them.

In the first place I desire to state that this bill does not enlarge the jurisdiction of the Federal courts; it does not authorize a solitary suit to be instituted in any Federal court that is not now authorized by law to be so instituted. It will facilitate the administration of justice in the lower courts by relieving the dockets of the circuit courts of a vast number of cases upon appeal with which those dockets in many States are at present overburdened, while it affords litigants in the circuit courts an opportunity to have their cases tried and determined at places more convenient to their residences.

and determined at places more convenient to their residences.

It proposes to allow litigants in the circuit courts an opportunity to have judgments against them reviewed by a competent appellate tribunal upon appeal or writ of error, in all cases where the amount involved exceeds \$500; whereas that right is totally denied under the law as it now exists unless the amount involved exceeds \$5,000. It proposes to allow a writ of error as a matter of right in every criminal case tried in any Federal court; whereas under existing laws that

right is now denied.

Mr. HEWITT, of Alabama. I would like to inquire whether or not this bill requires appellants in criminal cases to give security for the

costs of the appeal?

Mr. KNOTT. It does not. This bill will tend to diminish the number of cases on the docket of the Supreme Court of the United States and thus enable that court to determine such cases as may be brought before it with proper deliberation and reasonable dispatch, instead of requiring the litigant to wait, as he is now compelled to do, for the requiring the litigant to wait, as he is now compelled to do, for the determination of his case from three to five years. At the same time it allows every judgment involving more than \$10,000, or any question which the court below shall certify to be of sufficient importance to demand it, to be reviewed on appeal or writ of error in the Supreme Court of the United States. It proposes to accomplish all these without involving the necessity of the creation of a solitary additional judge, and perhaps without involving the necessity of a single dollar's additional expense. It seems to me these considerations imperatively demand the passage of this bill.

I have not time to examine in detail the great variety of amendments which have been offered. I must content myself with saying that, in so far as they propose to affect the bill, in my judgment they

that, in so far as they propose to affect the bill, in my judgment they will add nothing to its efficiency; whereas, on the other hand, their

adoption might jeopardize its passage.

adoption might jeopardize its passage.

It was quite to be expected that gentlemen would prefer that the proposed appellate courts in their respective circuits should be located in their metropolitan cities. Their constituents would expect that they should endeavor to have the courts so located. The consequence of that is that there is a great number of amendments proposing to change the places designated in the bill for the holding of these appellate courts. But I appeal to this House to say if the enactment of a measure of the importance of the one now pending

should be jeopardized by a controversy over the mere locality of the

As a matter of course no bill can be passed which will meet the views of everybody. Our Government itself, our Constitution, and the laws under which we live are the offspring of compromise and concession. There has been considerable controversy as to whether the appellate court for my circuit should be located in the city of Louisville or in the city of Cincinnati, or whether it should be made migra-

As I remarked on the day before yesterday, I had nothing to do personally with fixing the locality of that court. It was determined upon by the committee, with almost entire unanimity, without any influence of mine; it meets the approbation of the justices of the Supreme Court; and I submit that the passage of the bill ought not to be impeded by making a change in that or in any other particular, especially when we consider that the mere difference in distance amounts to but a bagatelle under our present system of travel. Cincinnati and Louisville are only four hours distant from each other, while I believe that in the city of Louisville the accommodations for the court, and for counsel who may attend it, are equal to those afforded by any other city on this continent. And I assure my eminent friend from Cincinnati that when he shall come down to Louisville to try a cause he will be treated with the most distinguished consid-

Mr. EAMES. I wish to ascertain from the gentleman from Kentucky [Mr. Knorr] what change in the existing law is made by the seventh section of this bill which requires a bond to be given upon

the suing out of a writ of error or an appeal.

Mr. KNOTT. I am not sure that I understand the gentleman's question; but, if I apprehend it correctly, I will say to him that the bill in that regard makes no material change in the law as it now

I now yield three minutes to my colleague on the committee, the gentleman from Ohio, [Mr. LAWRENCE,] who wishes to submit some considerations in favor of the passage of the bill.

Mr. LAWRENCE. Mr. Speaker, I desire to give seven reasons why this bill should pass.

1. The bill is necessary to relieve the Supreme Court and thereby secure the speedy decision of cases which may be pending therein. Section 12 of the bill will relieve the Supreme Court of many cases which can now go into it.
2. To the extent which the Supreme Court is relieved of cases, tri-

2. To the extent which the supreme courts is relieved of cases, fribunals are provided—the new courts of appeals—located in every circuit more conveniently for the bar and for suitors, and in which justice can be administered without denial or delay.

3. A remedy is given by section 10 of the bill to review judgments in criminal cases in which there is now no right of review. This is demanded alike to secure the rights of parties and uniformity in the administration of criminal justice.

4. Section 1 of the bill multiplies the number of places at which

circuit courts shall be held, and so adds to the convenience of the bar

and of suitors.

5. The same section proposes to reduce the expenses incurred for jurors by requiring only one panel of jurors for the circuit and district courts, unless the business shall require two.

6. It is a measure of economy, by reducing expenses to the Government, to the bar, and to suitors in court.

To the Government, expenses will be reduced by requiring fewer jurors and by reducing the distance which grand jurors and witnesses in criminal cases may be required to travel by reason of requiring circuit courts to be held at additional places.

To the her and suitors in court in civil as well as griminal cases.

To the bar and suitors in court in civil as well as criminal cases expenses will be reduced in the same manner and for the same rea-

7. To these I will add, the remedy given by the proviso to section 12 is an improvement on the law as it stands. It is as follows:

Provided. That if within the year after the entry of the judgment or decree sought to be reversed any party shall die, the personal representative or heir, as the case may require, may sue out, or be made party to, a writ of error, without reviving the judgment or decree in the court in which the same was entered.

The Supreme Court at its present session, in a case in which I was counsel and which I understand will be published in the Philadelphia American Law Register, decided that where one of two judgment debtors died and a writ of error was sued out against the survivor, the executor of the deceased could not be made a party in the Supreme Court, but there must be a revivor in the court below. The proviso

avoids delay and gives a better mode of proceeding.

Mr. KNOTT. Before the vote is taken, I wish simply to add that that the adoption of amendments will simply tend to obstruct and embarrass the passage of this measure. I think the safety of the bill requires that these amendments should be voted down as the question

is taken upon them respectively:

At the request of several gentlemen I now ask unanimous consent that the following amendment, to come in as an additional section, may be considered as pending under the previous question; not that I favor it, but in order that the House may vote upon it:

SEC. 17. Any appeal or writ of error taken pursuant to the provisions of this act to the court of appeals may, by consent of parties, be taken to and heard by said court at any of the places named in this act for the sessions of said court.

The SPEAKER pro tempore. Is there objection to allowing a vote to be taken upon this amendment under the operation of the previous question?

Mr. CULBERSON. I object.

Mr. COLBERSON. I object.

Mr. CONGER. I ask unanimous consent that Detroit may be voted upon as one of the places at which courts may be held. There is a proposition pending as to Cleveland and several other places.

Mr. HOOKER. I object, unless the amendment is read.

Mr. CONGER. I do not recollect the particular part of the bill or

amendments in which this would properly come.

The SPEAKER pro tempore. The Chair understands that there is objection to entertaining the amendment.

Mr. KASSON. I wish to ask the gentleman from Texas [Mr. Culber-

son] to withdraw his objection to the entertainment of the amendment indicated by the gentleman from Kentucky proposing an additional section. When the gentleman understands that the amendment seeks simply the convenience of parties by permitting them to choose the most convenient court in which to make their appeals, I hardly think he can object. I ask him whether, with that understanding, he does

object to the consideration of the amendment?

Mr. CULBERSON. If I may be allowed to explain, I will state the reason of my objection. This morning I understood from friends who had spoken to the chairman of the Judiciary Committee on my behalf for the simple privilege of giving my views in opposition to this bill, that that courtesy could not be extended to me; that the time allotted to him had already been pledged to other members of the House. Now, sir, this is a measure of great interest to my constituency.

The SPEAKER pro tempore. Does the gentleman from Texas withdraw the objection he made?

Mr. CULBERSON. No, sir.

The SPEAKER pro tempore. The time for debate under the opera-

tion of the previous question has expired.

Mr. CULBERSON. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. CULBERSON. I desire to know whether or not the chairman

of the Judiciary Committee has a right to designate what members on this floor shall discuss this bill?

The SPEAKER protempore. The Chair will state to the gentleman from Texas that the chairman of the committee reporting the bill is entitled to an hour after the ordering of the previous question, which time he may allot according to his own discretion. That time has now expired

Mr. CULBERSON. Well, as I have not troubled the House The SPEAKER pro tempore. The gentleman from Texas will recognize the expiration of the hour allowed for debate under the operation

of the previous question.

Mr. CULBERSON. I have a request to make of the House.

The SPEAKER pro tempore. The gentleman from Texas cannot ask the House for an extension of time beyond that limited by the rules.

Mr. JONES, of Kentucky. I ask unanimous consent that the gentleman from Texas may be heard.

The SPEAKER pro tempore. The gentleman from Kentucky will recognize the impossibility of extending the time for debate even by unanimous consent.

unanimous consent.

Mr. JONES, of Kentucky. This House can do anything by unanimous consent

The SPEAKER pro tempore. The gentleman asks unanimous consent of the House to extend the time allotted for debate for the benefit of the gentlemen from Texas, [Mr. CULBERSON.] Is there objection?

Mr. McCRARY. What time does the gentleman from Texas desire?

Mr. CULBERSON. A very few minutes. How many will you give

me † [Laughter.]
The SPEAKER pro tempore. How much time does the gentleman

want ? Mr. CULBERSON. Five minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. KNOTT. I object unless some time is designated.

The SPEAKER pro tempore. The gentleman from Texas indicates

There was no objection.

Mr. CULBERSON. Mr. Speaker, I certainly am under great obligation to the House for its courtesy. I simply desire to say I am opposed to this bill in toto. I am frank to confess the business before the Supreme Court of the United States has grown to such extent that some remedy is demanded. But I deny, sir, that result has followed the fact that the number of States in this Union has increased, or that the population of this country has increased. or that the population of this country has increased, or that the business of the country has increased in the manner referred to by the gentleman from Iowa, [Mr. McCrary.] Iadmit that these have had their influence to increase the business of the Supreme Court, but I apprehend the increase of the number of judges on that bench would have met the natural increase of business before that tribunal.

The cause of the increase of the business in that tribunal I attrib-

ute to another cause rather than to those which have been referred to by the chairman of the Committee on the Judiciary. For the last fifteen years the tendency of the Federal legislation of this country has been to take away power and importance from the States and vest them in the Federal Government, not only in a political, but even in a judicial aspect, until the result is to-day that the jurisdiction of the State courts has been contracted and diminished until

they now present merely the skeleton of what they were formerly.

In the limited time given to me, of course, Mr. Speaker, I cannot elaborate this idea; but I desire to say that the only way in which this evil can be remedied is for the Congress of the United States to take away that jurisdiction which has been vested in the Federal courts, but which rightfully belongs to the State courts, and re-invest it in those tribunals. If you will do that, Mr. Speaker, you will find that the time of the Supreme Court will conform itself to the business, and that there will be no trouble in disposing of the business which will come before it.

I wish to call attention to the fact that if you create these courts, if you establish these appellate courts in the nine circuits of the United States, the result will be that we never can re-invest the jurisdiction of which we have already divested the State courts of this Union under a policy hostile to the States.

My impression is that the best way to accomplish the object we

have in view is to defeat this bill and reframe the law on the subject have in view is to defeat this bill and reframe the law on the subject of the transfer or removal of causes from State courts into the Federal courts. If you will do that you will find that the Federal courts and the Supreme Court as now organized are fully equal to the discharge of the business which will properly come before them.

In my judgment, Mr. Speaker, if you establish these courts in the nine circuits of this country they will build up an influence which the Congress of the United States can never overreach. They will encroach still further upon the jurisdiction of our State courts until the strange aponaly will be presented of the whole important business.

the strange anomaly will be presented of the whole important business of the country taken from the State courts and vested in the Federal courts. Therefore I am opposed to this bill.

I wish to call the attention of the House to another fact—I do not

see how it has escaped the scrutiny of some of the gentlemen on this floor—and that is that the thirteenth section of this bill vastly increases the expenses of the Government. It provides that every Federal judge, whether of the district court, circuit court, or Supreme Court, who leaves his home to attend the sitting of this Federal court, shall receive, in addition to the salary now provided by law, extra pay of \$10 a day, which in a few years will amount to a sum that will astonish the House.

I want to call the attention of the House to another fact in connec-I want to call the attention of the House to another fact in connection with that section of the bill, and it is this: That no judge who attends the appellate court, if he lives where the court is held, is entitled to this extra compensation, which is only allowed to those judges who have to travel away from their homes to the place where the court is held. A judge, living in the city of New Orleans, who attends a sitting of the appellate court at that place will not be entitled to receive this extra compensation, while a judge from Alabama or a judge from Texas will be entitled to extra compensation. This makes an unjust discrimination between the judges: and possibles This makes an unjust discrimination between the judges; and besides that it amasses a debt which we would have to pay, which there is no necessity to incur.

[Here the hammer fell.]
Mr. CULBERSON. I desire to say just one word more.
Mr. BLAND. I hope the time of the gentleman will be extended.

There has been no debate allowed against this bill.

Mr. CULBERSON. I have never troubled the House before, and I do not know that I will do it again. I only ask for a few moments

The SPEAKER pro tempore. Is there objection to the time of the

gentleman being extended.

Mr. McCRARY. I shall not object if I may be allowed to say a word in reply.

The SPEAKER pro tempore. The Chair cannot accept a conditional

objection.

Mr. BLAND. There has been a great deal of debate in favor of the bill, and I want to hear something against it. There is a good

the bill, and I want to hear something against it. There is a good deal which can be said against it.

The SPEAKER pro tempore. The Chair hears no objection to the time of the gentleman being extended.

Mr. KNOTT. I object.

Mr. KASSON. I hope the gentleman from Texas [Mr. Culberson] will now withdraw the objection he made to the amendment offered by the gentleman from Kentucky [Mr. KNOTT] being considered as pending.

Mr. Culberson. I will, if I am allowed to read the most important argument the gentleman from Kentucky, as representing the Committee on the Judiciary, has urged in favor of the bill.

Mr. ATKINS. I trust the distinguished chairman of the Judiciary Committee will withdraw his objection to the extension of the time

of the gentleman from Texas.

Mr. SAYLER. Can I have the floor to make a motion?

The SPEAKER pro tempore. The Chair begs to say that he will not recognize any gentleman as having the floor until the House will not recognize any gentleman as having the floor until the House will not recognize any gentleman as having the floor until the House will resume such order as will enable its business to be transacted intelli-

Mr. KNOTT. I withdraw the objection if the gentleman from Texas

does not occupy more than five minutes.

Mr. SAYLER. Have I the floor to make a motion?

The SPEAKER pro tempore. The gentleman from Ohio [Mr. SAYLER] does not have the floor. Is there further objection to the extension of the time of the gentleman from Texas?

Mr. SAYLER. I object, unless I am permitted to offer my motion. The SPEAKER pro tempore. Objection is made by the gentleman

Mr. SAYLER. O; I withdraw the objection.

The SPEAKER pro tempore. The Chair will again inquire if there is objection to the prolongation of the time of the gentleman from

Several Members. For how long?
Mr. CULBERSON. For two minutes.
There being no further objection, Mr. CULBERSON's time was ex-

tended for two minutes.

Mr. CULBERSON. Excet by the gentleman from Iowa, [Mr. McCrary.] and aside from the arguments which relate to the proper places at which the courts shall be held, I have heard no reasons urged for the passage of this bill, except perhaps one reason urged by the chairman of the Committee on the Judiciary, and as so much stress has been placed upon that reason by the chairman of the committee, I beg to have his remarks, which I send to the desk, read to the House. It is about the only reason offered by the gentleman from House. It is about the only reason offered by the gentleman from Kentucky for the passage of the bill; and it is the strongest reason, except that Louisville is the proper place for the court in the sixth circuit.

The Clerk read as follows:

The Clerk read as follows:

Why, Mr. Speaker, if the melancholy Prince of Denmark, when he paused upon the briak of suicide, had been the victim of such a tardy system as this, he would not have hesitated a solitary moment to take the fatal plunge. He might have borne "the whips and scorns of time," "the proud man's contumely;" he might have neved himself up even to bear "the insolence of office;" he might have got along un ler "the pangs of despised love;" but when he came to contemplate the "law's delay" he would not have hesitated a single moment.

The undiscovered country, from whose bourn No traveler returns,

would have had no terrors for him. O, no! He would have said, Let me emigrate to that country, or any other country, rather than this.

Mr. CULBERSON. Mr. Speaker—— The SI'EAKER pro tempore. The gentleman's time has expired. Mr. CULBERSON. Very well.
Mr. KASSON. I now ask the gentleman from Texas does he withdraw his objection to the amendment offered by the gentleman from Kentucky [Mr. Knorr] being considered as pending?

Mr. CULBERSON. I withdraw my objection.

Mr. BLAND. I object. I object to any further amendments being

Mr. KNOTT. I now call for a vote on the bill and pending amendments.

The SPEAKER pro tempore. The question will first be on the amendment reported by the Committee on the Judiciary, which the Clerk will read.

The Clerk read as follows:

In section 10, line 5, insert the words "except in capital cases."

Mr. CAULFIELD. I ask that the Clerk report the section as it will read if amended as proposed.

The Clerk read as follows:

SEC. 10. That a writ of error may be sued out from the final judgment of a circuit or district court in any criminal action to the proper court of appeals within ninety days after the entry of such judgment; but such writ of error shall not operate as a stay of proceedings except in capital cases, unless it is so ordered by a judge of the court of appeals. The judgment or decision upon such writ of error shall be remitted to the circuit or district court appealed from, to be enforced according to law.

The question being taken on agreeing to the amendment, there were aves 111, noes not counted.

So the amendment was agreed to.

The next amendment was that offered by Mr. LAWRENCE, as fol-

Strike out the word "Louisville," in line 7, section 11, and insert the word "Cin-

Mr. PAYNE. I ask that the amendment which I offered as a substitute for the amendment of the gentleman from Ohio [Mr. Law-RENCE] be reported.

Mr. PAYNE's substitute was read, as follows:

Substitute for the amendment of Mr. LAWRENCE the following: Strike out the word "Louisville" and insert the following: "at Louisville, Cincinnati, and Cleveland, successively."

The question being taken on Mr. Payne's substitute, there were—ayes 46, noes 78; no quorum voting.

The SPEAKER pro tempore, under the rule, ordered tellers, and appointed Mr. Lawrence and Mr. Payne.

The House again divided; and tellers reported—ayes 57, noes 101.

So Mr. Payne's substitute for Mr. Lawrence's amendment was not

The question recurred on Mr. LAWRENCE's amendment; and there were—ayes 90, noes 52.

So the amendment was agreed to.

The next amendment was that offered by Mr. Bradford, which was read, as follows:

Amend by striking out the word "New Orleans" where it occurs in line 6 of section 11 of the bill, and inserting, in lieu thereof, the word "Mobile."

Mr. REAGAN. Is that debatable?

The SPEAKER pro tempore. The previous question is in operation

on the bill and amendments, and these amendments are not open to debate.

The amendment was not agreed to.

The next amendment was that offered by Mr. Hopkins, which was read, as follows:

Amend section 11, line 5, by inserting after the word "Philadelphia" the words and in the city of Pittsburgh, alternately."

Mr. HOPKINS. I ask unanimous consent for one-half minute to make a statement. I desire to say that this amendment is not objected to by the members of the House from Philadelphia.

The question being taken, there were ayes 31, noes not counted. So the amendment was not agreed to.

The next amendment was that offered by Mr. REAGAN, which was read, as follows:

Amend section 3 by striking out all after the word "circuit," in line 6, down to and including the word "thereto," in line 13, and by inserting in lieu thereof the words, "and two judges of said courts of appeals, any two of whom shall constitute a quorum of said court; and that the compensation of these appellate judges shall be the same as that allowed to circuit judges of the United Sta.es."

Mr. REAGAN. I was necessarily absent on a committee yesterday, and was not here to discuss that amendment; and therefore I ask leave to withdraw it.

There was no objection, and the amendment was withdrawn.

The next amendment, that offered by Mr. REAGAN, was read, as

Amend section 12 by striking out of lines 8 and 26 the word "10" where it occurs in each line, and by inserting, instead of this word, in each line, the word "5."

So as to provide that the matter in controversy in cases where appeals shall be allowed shall be \$5,000 instead of \$10,000.

The question was taken on the amendment; and on a division there

-ayes 27, noes 90.

So the amendment was not agreed to.

The next amendment was that offered by Mr. REAGAN, to amend the bill by striking out the thirteenth section, as follows:

SEC. 13. That any district judge who shall, in the pursuance of the provisions of this act, attend any court of appeals at any place other than his own residence, shall be allowed his reasonable expenses for travel and attendance, not to exceed \$10 per day, to be certified by the clerk and paid by the marshal of the district in which such courtshall be held, and allowed to him in his accounts with the United States.

The question was put; and on a division there were—ayes 75, noes 67. Mr. THORNBURGH. I call for tellers. Mr. DOUGLAS and Mr. HOLMAN called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were-yeas 117, nays 125, not voting 46; as follows:

The question was taken; and there were—yeas 117, nays 125, not voting 46; as follows:

YEAS—Messrs. Ashe, Atkins, George A. Bagley, John H. Baker, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, John B. Clarke of Kentucky, John B. Clark, ir., of Missouri, Clymer, Cochrane, Collins, Conger, Cook, Cowan, Culberson, Cutler, De Bolt, Dibrell, Dobbins, Douglas, Durand, Eden, Egbert, Ellis, Felton, Forney, Fort, Franklin, Fuller, Gause, Glover, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hatcher, Haymond, Henry R. Harris, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William, A. Jones, Franklin Landers, Lane, Magoon, Maish, McFarland, McMahon, Milliken, Morrison, Mutchler, Neal, New, William A. Phillips, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William R. Robbins, Roberts, Savage, Scales, Sheakley, Singleton, Slemons, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Swann, Teese, Terry, Thomas, Throckmorton, Turney, John L. Vance, Robert B. Vance, Waldron, Gilbert C. Walker, Walling, Walsh, White, Whitehouse, Wigginton, Willard, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, James Wilson, Yeates, and Young—117.

NAYS—Messrs. Adams, Ainsworth, Bagby, John H. Bagley, jr., William R. Baker, Ballou, Banning, Bass, Bell. Blackburn, Blair, Bliss, Bradley, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Cannon, Cason, Caulfield, Chittenden, Crapo, Danford, Darrall, Davy, Denison, Dunnell, Durham, Eames, Ely, Evans, Faulkner, Foster, Freeman, Frost, Frye, Garfield, Hale, Hancock, Hathorn, Hendee, Henderson, Hereford, Hill, Hoge, Hopkins, Hoskins, House, Hunton, Hurd, Hyman, Jenks, J

So the amendment was not agreed to.

During the roll-call,
Mr. STEVENSON said. I desire to say that my colleagues Mr. Anderson and Mr. Hurlbut are absent by permission of the House.

The next amendment was that offered by Mr. Philips, of Missouri;

which was read as follows:

Amend by adding after the word "appeals," in line 6 of section 10, the following: "or unless the plaintiff in error, against whom a judgment of conviction has been rendered, shall, within the time hereby limited for such writ of error, enter into bond, payable to the United States, in a sum to be fixed by the judge trying the cause, with one or more sureties, to be approved by such judge or the clerk of the court, to the effect that he will prosecute with diligence and effect the said writ, and abide by and perform the judgment or order of the court of appeals."

The amendment was not agreed to.

The next amendment was that offered by Mr. Wells, of Mississippi; which was read as follows:

In line 6, section 11, strike out "New Orleans" and insert instead "Jackson, Mississippi."

The question was taken; and on a division there were ayes 29, noes not counted.

So the amendment was not agreed to.

The next amendment was that offered by Mr. Hooker; which was read as follows:

In lines 8 and 9 of section 12 strike out the words "\$10,000" and insert "\$5,000."

Mr. McCRARY. I rise to a question of order. The amendment now pending has been voted upon and decided. The same amendment was offered by the gentleman from Texas, [Mr. REAGAN.]

The SPEAKER pro tempore, (Mr. BLACKBURN.) Will the gentleman from Iowa refer to the previous amendment of which he speaks?

Mr. McCRARY. It was an amendment offered by the gentleman

The SPEAKER pro tempore. The Chair would say to the gentleman from Iowa that that amendment was withdrawn.

Mr. McCRARY. No, sir, not the amendment relating to the jurisdiction of the court; it was the second amendment offered by the gentleman from Texas.

The SPEAKER pro tempore. The Clerk will report the amendment referred to by the gentleman from Iowa.

The Clerk read as follows:

Amend section 12 by striking out of lines 8 and 26 the word "10" where it occurs in each line and by inserting instead of this word in each line the word "5."

Mr. McCRARY. It is precisely the same in effect as the amend-

ment of the gentleman from Mississippi, [Mr. HOOKER.]
Mr. HOOKER. I would say that the words are different in my amendment, although the effect of it may be the same; but the words are not the same as in the amendment of the gentleman from Texas, and therefore it is susceptible of being offered

I would ask the indulgence of the House to allow me to make a few

remarks on my amendments.

Mr. RUSK. I object

The SPEAKER pro tempore. The Chair sustains the point of order made by the gentleman from Iowa, the amendment being, in the judgment of the Chair, substantially the same as that offered by the gentleman from Texas.

The next amendment was that offered by Mr. Hooker, which was

Amend section 3, in line 16, by adding, after the words "shall preside," these words: "Provided, That the senior district judge shall not preside in any case decided by him as such district judge."

Mr. McCRARY. I think there is no objection to that amendment; it is substantially what the bill now provides.

The question was taken on the amendment, and it was agreed to.

The next amendment was by Mr. Tucker, as follows:

In section 12, line 4, insert after the word "had" the words "in all civil and crim-

In line 7, after "appeals," insert "in a civil case."
In line 9, after "or," insert "in any civil or criminal case."
In line 11, after "States, or," insert "upon the construction or validity of."

So that that portion of the section will read as follows

So that that portion of the section will read as follows:

That the decision of the court of appeals upon questions of fact shall in all cases, except as hereinafter provided, be final and conclusive; but a review upon the law may be had in all civil and criminal cases, upon writ of error or appeal in the manner now provided by law, to the Supreme Court of the United States, from every final judgment or decree rendered upon any decision of a court of appeals in a civil case where the matter in controversy exceeds the sum or value of \$40,000, or in any civil or criminal case where the adjudication involves a question upon the construction of the Constitution of the United States, or upon the construction or validity of any treaty or law of the United States, or where the court shall certify that the adjudication involves a legal question of sufficient importance to require that the final decision thereof should be made by the Supreme Court.

The question was upon agreeing to the amendment, and upon a division there were ayes 41.

Before the noes were counted,

Mr. TUCKER called for the yeas and nays.

The yeas and nays were not ordered.

The yeas and nays were not ordered.
Accordingly, the amendment was not agreed to.
The next amendment was by Mr. O'BRIEN, to strike out "Richmond" and insert "Baltimore," in line 6 of section 11.
The amendment was not agreed to.
The next amendment was by Mr. New, to strike out "Louisville" and insert "Indianapolis," in line 7, section 11.
The SPEAKER pro tempore. This amendment is not now in order, the House having already adopted an amendment striking out "Louisville" and inserting "Cincinnati."
Mr. CONGER. There has been no amendment acted upon taking this court into another circuit, as here proposed.

this court into another circuit, as here proposed.

The SPEAKER pro tempore. It is not in order to strike out what

the House has inserted. Mr. NEW. The amer The amendment I intended to offer, and which I sup-

posed I had offered until I saw it printed, was in line 8 of section 11, to strike out "Chicago" and insert "Indianapolis."

The next amendment was by Mr. Baker, of Indiana, to insert after "Chicago," in line 8 of section 11, the words "and Indianapolis alternately."

The amendment was not agreed to.

The next amendment was by Mr. Wilshire, to strike out "Saint Louis" and insert "Little Rock" in line 9 of section 11.

The amendment was not agreed to.

The next amendment was by Mr. Magoon, to strike out "first Tuesday" and insert "third Wednesday" in line 11 of section 11; so that portion of the section will read:

The first term of said court of appeals shall be held at each of said places on the third Wednesday in November, 1676, &c.

Mr. McCRARY. That amendment ought to be adopted. The first Tuesday in November, 1876, is the day of the next presidential elec-

The amendment was agreed to, upon a division, ayes 129, noes not counted.

The next amendment was by Mr. HARRIS, of Virginia, to strike out of section 11 the following:

That a writ of error may be sued out from the final judgment of a circuit or district court in any criminal action to the proper court of appeals within ninety days after the entry of such judgment.

And to insert in lieu thereof the following:

Upon the application of any party alleging that he is aggrieved by the final judgment of a circuit or district court in any criminal action, a writ of error shall be sued out from such final judgment to the proper court of appeals within ninety days after the entry of such judgment.

The amendment was not agreed to.

The next amendment was by Mr. Page, to insert after "San Fransco," in line 10 of section 11, the words "and Sacramento alternately."

The amendment was not agreed to.

The next amendment was by Mr. Conger, to add to section 10 the following:

Provided, however, That all appeals and writs of error taken, allowed, or sued out under this act from the final judgments or decrees of the circuit or district courts for the eastern and western districts of Michigan shall be taken to the court of appeals for the seventh circuit, to be held in the city of Chicago, which court of appeals shall have jurisdiction of all such appeals and writs of error, the same as over cases arising within the seventh circuit.

Mr. CONGER. That proviso should be added to section 11, and not, as stated in the amendment, to section 10. I ask consent to modify

as stated in the amendment, to section 10. Task consent to modify
the amendment accordingly.

There was no objection, and the amendment, as modified, was agreed
to, upon a division, ayes 100, noes not counted.

The next amendment was by Mr. EAMES, to strike out all of section
7 after the words "on appeal," at the close of the first sentence.

Mr. EAMES. I ask leave to withdraw that amendment.

There was no objection, and the amendment was withdrawn.

The next amendment was by Mr. VANCE, of North Carolina, to add to line 6 of section 11 the words "and city of Raleigh alternately."

The amendment was not agreed to, on a division, ayes 23, noes not counted.

The next amendment was by Mr. Kehr, to strike out of section 12 the words "the court shall certify that the adjudication involves a legal question of sufficient importance to require that the final decision thereof should be made by the Supreme Court," and to insert in lieu the words "the court shall certify that the judges are divided in opinion upon the legal question involved in such judgment or decree."

The amendment was not agreed to.

The next amendment was by Mr. LAPHAM, to strike out the words "in the city of Albany," line 4, section 11, and insert in lieu thereof "alternately in the city of New York and the city of Syracuse."

The amendment was not agreed to.

The last amendment was by Mr. Caldwell, of Tennessee, to strike out, in line 7 of section 11, the words "in the city of Louisville," and insert "in the cities of Cincinnati, Louisville, and Nashville alternately."

The amendment was not agreed to.

The SPEAKER pro tempore. All the amendments having been disposed of, the question now is upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. SCALES. Is it in order at this time to move to recommit this bill, as amended, to the Committee on the Judiciary?

The SPEAKER pro tempore. In the opinion of the Chair that motion is not now in order, the previous question having been ordered and not being yet exhausted.

The question was taken upon ordering the bill, as amended, to be engrossed and read a third time; and upon a division there were ayes 117, noes 79.

Before the result of the vote was announced,
Mr. SPRINGER called for tellers.

Tellers were ordered; and Mr. KNOTT and Mr. SPRINGER were ap-

The House again divided; and the tellers reported that there were—ayes 111, noes 93.

Before the result of this vote was announced,
Mr. BLAND called for the yeas and nays on the engrossment and

Mr. BLAND cannot for the yeas and mays on the engrossment and third reading of the bill.

Mr. McCRARY. It would be better to take the yeas and mays on the dnal passage of the bill.

Mr. STONE. Pending the call for the yeas and mays, I move that the House now adjourn.

# LEAVE OF ABSENCE.

Pending the motion to adjourn-

Mr. Parsons was granted leave of absence for two weeks on account of important business.

Mr. Harris, of Massachusetts, was granted an extension of leave of absence for ten days from Monday next.

#### SESSION OF SATURDAY.

The SPEAKER pro tempore. By order of the House the session of to-morrow will be for debate only as in Committee of the Whole, no business whatever to be transacted. The gentleman from Illinois,

Mr. Eden, will occupy the chair as Speaker pro tempore.

The motion to adjourn was then agreed to, upon a division—ayes 127, noes 84; and accordingly (at four o'clock and thirty-five minutes p. m.) the House adjourned.

### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BRADLEY: The petition of M. Rutan, R. C. Miller, and other citizens of Greenville, Michigan, for the appointment of a com-

other citizens of Greenville, Michigan, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. DUNNELL: The petition of H. K. Belding, for pay for carrying the United States mails, to the Committee on the Post-Office and Post-Roads.

By Mr. EVANS: Papers relating to the claim of John Fletcher, for pay for cattle taken from him by Cheyenne and Arapahoe Indians while he was in the United States service, to the Committee of Claims

By Mr. HANCOCK: Papers relating to the claims of A. V. Neely, Jerome McAlister, John Jackson, Henry C. Smith, Thomas J. Rhoads, Z. W. Rains, John Lorn, and W. A. Westover, for damages sustained

by reason of Indian depredations, to the Committee on Indian Affairs.

By Mr. HARTZELL: The petition of H. T. Finley and other citizens of Sanburn, Illinois, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. HOLMAN: The petition of Albert Grant, of Washington City, District of Columbia, for an inquiry into the judicial conduct of Hon. Andrew Wylie, an associate justice of the supreme court of the

District of Columbia, to the Committee on the Judiciary.

By Mr. HOSKINS: Petition of the Tonawanda Lumber Association

and 126 citizens of New York, for the survey of Tonawanda Harbor, in the Niagara River, to the Committee on Commerce.

By Mr. HUNTON: Papers relating to the claim of B. T. Swart, for pay for timber and farm used by the United States Government, to

pay for timber and farm used by the United States Government, to the Committee on War Claims.

Also, the petition of V. G. Austin, for pay for property taken, used, and destroyed by the United States Army, to the same committee. By Mr. JENKS: The petition of William Parks, for a pension, to the Committee on Invalid Pensions.

By Mr. JOYCE: The petition of the Grand Lodge of Good Templars of Vermont, signed by the officers thereof, representing 6,000 citizens, for the appointment of a commission of inquiry concerning the alcabelic liquor traffic to the Committee of Ways and Means the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. LYNDE: The petition of William C. King, H. H. Hurlburt, and other citizens of Pottsville, Wisconsin, of similar import, to the same committee.

By Mr. McDILL: Memorial of certain settlers on homestead lands near Fort Dodge, Iowa, reciting that after pre-empting these lands and improving them they were ascertained to belong to the State of Iowa by a patent dated ten months previous to said pre-emption, and praying for indemnity and that other lands be granted them, to the Committee on Public Lands.

By Mr. McFARLAND: The petition of Elizabeth Fulks, for a pen-

sion, to the Committee on Invalid Pensions.

By Mr. McMAHON: The petition of George Fritz, for a pension, to

By Mr. POWELL: The petition of Clarence W. Cole and 41 others, late soldiers, that every soldier who served thirty days in the Army or Navy shall receive one hundred and sixty acres of land and \$200 in

money, to the Committee on Military Affairs.

By Mr. JOHN REILLY: The petition of 75 citizens of Blair County,
Pennsylvania, that aid be granted a southern railroad to the Pacific,
to the Committee on the Pacific Railroad.

Also, the petition of soldiers of the seventeenth Pennsylvania dis

trict, that a bounty of one hundred and sixty acres of land and \$200 be granted all soldiers and sailors who served thirty days or over in the United States service, to the Committee on Public Lands. By Mr. SAVAGE: The petition of James K. Parker, James D. Baker,

and other citizens of Monroe, Claremont County, Ohio, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. SEELYE: The petition of the Boston Society of the Medical Sciences, for the adoption of the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. SOUTHARD: The memorial of J. S. Wheeler and 75 other citi-

zens of Zanesville, Ohio, for Government aid to be extended to a south-

ern line of railroad to the Pacific, to the Committee on the Pacific

Also, the memorial of Joseph Griffith and 62 other citizens of Licking County, Ohio, of similar import, to the same committee.

By Mr. STONE: Memorial of 284 merchants of the city of Saint

Louis, Missouri, for the passage of the bill now pending before Congress to promote the construction of the Texas and Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. THORNBURGH: Papers relating to the claim of the Mossy

Creek Baptist church, for pay for lumber and materials furnished the United States Army, to the Committee on War Claims.

By Mr. TURNEY: The petition of citizens of Pennsylvania, Ohio,

West Virginia, Kentucky, and Indiana, for the improvement of the Ohio and the maintenance of its waters in the best navigable condition, and for the immediate construction of the Monongahela wire bridge, to the Committee on Commerce. Also, the petition of citizens of Greene County, Pennsylvania, for

Also, the petition of citizens of Greene County, Pennsylvania, for the prompt and unconditional repeal of the specie-resumption act known as the Sherman bill, to the Committee of Ways and Means.

By Mr. VANCE, of Ohio: The petition of citizens of Logan, Hocking County, Ohio, that aid be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. WALKER, of Virginia: The petition of N. B. Clarke, for compensation for one hundred and fifty bushels of wheat destroyed by United States troops, to the Committee on War Claims.

By Mr. WALLING: The petition of Samuel Thomas, C. Lewis, and others, that aid be extended the Texas Pacific Railroad, to the Com-

mittee on the Pacific Railroad.

By Mr. WHITING: The petition of Rev. T. H. Tabor, Paul Newton, and other citizens of Yates City, Illinois, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

# HOUSE OF REPRESENTATIVES.

# SATURDAY, February 19, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

### ORDER OF BUSINESS.

The SPEAKER pro tempore, (Mr. Cox.) The Chair will state that to-day is set apart by order of the House for debate only as in Committee of the Whole, no business whatever to be transacted. The gentleman from Illinois [Mr. EDEN] will occupy the chair.

### RESUMPTION OF SPECIE PAYMENTS

Mr. CHITTENDEN Mr. Speaker, I have the honor to represent here a large, compact, and intelligent constituency, actively engaged and deeply interested in the honest commerce of the country, who have suffered severely for eight years from a depreciated currency. The question of good money has become of vital importance to them, and they regard it as equally so to the whole country, and look with eagerness to this Congress for such practical wisdom in legislation as the case imperatively demands.

We see, sir, with our own eyes that a disease of some sort has fastened upon all the material interests of our country. It touches already nearly every man and every home in the land. Its victims are

already nearly every man and every home in the land. Its victims are not by any means diminishing. Is it not our duty as intelligent and faithful representatives of the people to find out the nature of this disease and apply the true remedy? Can we do this too quickly for our own honor or our country's welfare?

There is a popular theory, Mr. Speaker, that my subject has been plowed and harrowed until no spot remains untilled. But that is a great and grave mistake. I think contraction a field too long neglected, and at enormous cost. I differ radically with the gentleman from Pannsylvania. In my indemnet the logal-tander debt of the from Pennsylvania. In my judgment the legal-tender debt of the United States is the root of that towering growth of speculation, extravagance, and taxation which threatens to sweep us all into an abyss of ruin. The real question is how to dispose of the legal-tenabyss of ruin. The real question is how to dispose of the legal-ten-der debt? This is the most momentous question that Congress or the people have ever had to consider except the question of slavery. It is the supplement and sequel of the war for the Union. It confronts and hinders the restoration of confidence. It is a menace to-day, to the integrity of the nation, and if it must continue to oppress the people and blast the commerce of a country which of itself is God's fairest heritage, I am not disposed to be any wise responsible for it.

I regard our mixed currency system as a three-fold anomaly. In the first place, we have the legal-tender notes, a device and invention as truly a war measure as the building of forts to protect this Capitol or the construction of the monitor with which Worden fought the Merrimac. These notes were issued for war supplies when the Government of the United States had no money, precisely as the confederate government issued its notes for war supplies when it had no money. In either case the notes represent exactly the same thing, namely, the waste of war, and the chances of war have determined the present value of one and the worthlessness of the other.

In the second place, we have banks founded with real capital, in general harmony with the genius of our free institutions and the demands of honest commerce, issuing currency every dellar of which is secured by gold-interest-bearing bonds at 90 per cent. of their par value, which bonds it is important to remember sell in the chief marts

of the world for more than par in gold itself.

In the third place, by an act of Congress the bank currency I have described, every dollar of which has in fact more than a dollar in gold back of it, is redeemable in notes which are useless for the liquidation of debts beyond our national boundaries, and only of value within them because the law through a forced and unnatural reading within them because the law through a forced and unnatural reading of the Constitution has made them legal tender. Such, Mr. Speaker, is our "philosophical" system of currency, if the gentleman from Pennsylvania will loan me his descriptive term, eleven years after the close of the war. I make no comments; but hope I may be pardoned for saying that I enjoyed the "collision" which occurred here the other day in referring it to two committees.

I gladly assume that the people have declared, at least in the abstract, for an early resumption of specie payments; and I also believe that the great majority are educated and prepared to discard all

that the great majority are educated and prepared to discard all shams and contrivances and support their representatives in such legislation as the present exigencies demand. Congress resolved last winter to resume in 1879; but everybody can see now that something winter to resume in 1879; but everybody can see now that something more is necessary. To resume coin payments after what has happened is a process, a series of actions, a work for time and natural forces properly called into play. No man can tell how long it will take; neither is it important to know, if only we begin right.

The law of January 14 embodied some fractions of good, for which let us be thankful. For one thing, it disposed of the supremely ridiculous currency distribution business which had sorely avoid Con-

ulous currency-distribution business, which had sorely vexed Congress for nearly half a generation; and, when rightly understood, it clearly provides currency enough, and not too much, as I shall presently show, wholly independent of legal-tender. It also secured a temporary equilibrium, a sort of armistice, between the opposing forces of rectitude and repudiation. But the equilibrium is unstable. We cannot stand where we are. We must advance with courage, or our vantage ground will be lost. How, then, shall we advance? The answer to this question seems to me now as clear as sunlight. Our way is as the strait gate! We have to renounce our folly. We have to turn from the crooked and blind ways of schemers, and dreamers. A mountain of vicious legal-tender debt confronts us. We can neither get round it nor provide for it in a lump. We must hew it away to the level of truth, honor, and common sense, and there, and there only, can we stand to rebuild and restore the waste places. We must fund the legal-tender debt. Not in 3.65 permanent bonds, because there is no money in this country in its normal healthful condition to invest at that rate of interest. Not in interconvertible bonds, for many reasons, but especially because such funding is only another name for the most unique and gigantic machine for speculation ever invented. With it any one of a score of great operators in Wall street might control at will, with absolute precision, from week to week, for private ends, the bank reserves of the metropolis, with such results to the business of the whole country as I need not stop to foreshadow. We must fund the legal-tender notes permanently at to foreshadow. We must fund the legal-tender notes permanently at the minimum popular rate of interest, not too fast, but steadily, year after year, until they are extinct. And why not? Are they not an unnatural product? Were they not born of an extreme exigency, now happily passed away, when the noise of battle was on sea and land? Was it not explicitly provided when they were first issued that they should at all times be fundable at the option of the holder? Would their authors or Congress have tolerated them for a moment but for such promise? Surely I need not too for instructions. but for such promise? Surely I need not stop for an instant to answer these questions.

But have we not too much currency? The gentleman from Pennsylvania says "No" with great emphasis. Let us look into that a little. And here I challenge candid and intelligent attention, not to any mere argument of mine, but to testimony, which is always better

than argument.

First, I wish to call your attention, as I have promised, to the fact that with legal-tender notes withdrawn we are sure to have currency enough under existing laws. More than two thousand national banks now doing business, and new banks without limit, are at liberty to issue all the currency that can be profitably employed whenever and wherever it is needed and called for by legitimate commerce. This is the law, and it is right. It is also decisive, absolutely so. The banker is as free to establish his bank and issue currency on a sound basis as the property of the property of the commerce. the merchant is to invest his capital in cotton or iron, as the farmer is to plow more acres or breed more sheep. In the name of reason, is not that enough? When it was first proposed to give the banks all this liberty, it was widely held to mean inflation of the most gigantic proportions, and there are some who yet so regard it. But I think experience has shown that bankers as a class are no more idiots than other men; and while the law requires them to put up for every dollar of currency issued that which will sell for a gold dollar both at home and abroad, there is no more danger of excessive issues than there is danger that Mr. Vanderbilt and Mr. Scott will amuse themselves by lay-

ing gold tracks for their railway trains.

To avoid misapprehension let me say here that I have had no personal interest in any national bank for many years, but I regard the hue and cry against them as unintelligent and unworthy of serious

notice. A good many of them will have to go into liquidation, but others, better managed, will take their places when needed. We cannot dispense with such banks as merchants need any more than we can dispense with savings-banks, and when we war upon or abolish either it will be in regular order for Congress to enact that our car riages shall go without wheels and our farms go without the plow and

And now, Mr. Speaker, I call your attention to facts of history which demonstrate and show conclusively, if experience proves any-thing, that we shall never find a basis for confidence and fresh enterprise until we have largely contracted our currency. In the crisis of 1837 the banks of the State of New York suspended specie payments on the 10th of May. To save their charters they were compelled to resume on or before the 10th of May, 1838. They did so resume, and in doing it they contracted their issues from \$25,500,000 on the 1st of January, 1837, to \$13,000,000 in round figures on the 1st of January, 1838. Here, sir, is a case where the leading State of the Union, thirty-seven years ago, compelled its banks to keep faith with the holders of their paper, the doing of which forced them to contract nearly 50 per cent in a single year; and the point to be observed and remembered is that there was no complaint. The dead were buried; the living were supported, and confidence and hope revived.

I have no doubt, sir, but the gentleman from Pennsylvania disap-

proved when he read the proposition of the Secretary of the Treas ury to fund the legal-tender debt at the rate of two millions a month, or \$24,000,000 in a year. But think of it! New York in 1837, with less than \$26,000,000 ont, withdrew twelve and a half millions in a year, and was ready at the close of it to redeem the rest on demand. The grand Republic in 1876, the centennial year, with \$372,000,000 of debt under protest, with the people everywhere crying out for relief, proposes, through its minister of finance, to pay at the rate of two millions a month, and a man can be found in Congress to oppose it!

Well, sir, I know the gentleman is sincere. His own State in 1837 enjoyed the sunset glories of the old United States Bank. That congress a min at the time and could not sent the sincere.

cern was a ruin at the time, and could not pay its debts, and his State did not resume with New York. A year or two later on, this favored Government paper machine, in its death struggles, sold its rags to the extent of ten millions or more to New York, and nearly broke us again. If the gentleman is consistent, he will say, and maintain as best he can, that New York made a frightful blunder in contracting in 1837, and brought unnecessary ruin upon her people. But he will convince no one of that.

The banks of the whole country suspended again in 1857, and resumed, generally, in the following year; and it is important for our purpose to compare the contraction and its immediate consequences in that crisis with the inflation which followed the panic of 1873

and its consequences.

The paper circulation of the whole country in 1857 was \$215,000,000. In 1858 it had contracted to \$156,000,000. The bank loans in 1857 were \$685,000,000; in 1858, \$583,000,000. Here is contraction of \$59,000,000 in circulation, and \$102,000,000 in bank loans; an aggre-

gate of \$161,000,000 in one year.

Note the consequences of this sharp contraction. It was a fierce but short struggle, in which rotten banks and speculators of every name and bankrupt merchants and manufacturers were denied accommodations and forced to break and adjust their affairs. On the other hand, the solvent and honest, with rare exceptions, found all the help they required, with such sacrifices as they cheerfully ac-cepted, to maintain their credit. In the exceptional cases, those who were really solvent promptly recovered from temporary embarras

The result was as natural as the growth of grass in spring-time, and may be as easily understood. Capital, always timid and watchful, saw that the wrecks of a wild speculative epoch were cleared

ful, saw that the wrecks of a wild speculative epoch were cleared away, and thus confidence was rapidly re-established, so that the two years from July, 1858, until the war clouds appeared, are properly spoken of as among the most prosperous in our history.

We come now to the panic of 1873, and I propose to contrast the issues of that with the history I have just recited. The law of June 20, 1874, nine months after the crash, instead of providing for the gradual payment of the legal-tender debt, as it should have done, made a new injection of twenty-six millions of it into our "philosophical" currency system, whereby bank credits were lawfully and enormously new injection of twenty-six millions of it into our 'philosophical' currency system, whereby bank credits were lawfully and enormously enlarged. And the law of January 14, 1875, enacts that Government shall pay off its legal-tender debt only at the rate of 80 per cent. of the fresh issues of bank currency by its subjects! Here it will be observed that in both its great financial measures since the panic of 1873 Congress clings to the fatal and preposterous theory that more currency is the cure for the ills we suffer; and that, too, in the face of a reduction in the relevance of hereign current there. is the cure for the his we suffer; and that, too, in the face of a reduction in the volume of business transactions equal to more than one-third (I speak within bounds) of the whole business of the country, and also in the face of enormous and unprecedented shrinkage in values, already far in advance of those of 1857, but still going on and on!

Here again, sir, is testimony which is more than argument. We had contraction, sharp, vehement, in 1857. Confidence and enterprise were restored in 1858. We had wild inflation in 1873 and 1874.

In 1876, confidence and enterprise are lost!

Such is the contrast. Why does it exist? I will tell you why. In 1857 we had no dishonored legal-tender debt—another name for Government machinery for tiding over all forms of extravagance and

bankruptcy-as we had in 1873 and still have. The race of brilliant men who now wait for trade to grow up to a volume of currency largely in excess of that in use at the climax of the railway mania had not then become powerful. Bank credits and currency were then left to respond to natural laws, as they do not now. The figures and statements I have given you are startling, but they are also true, and it is high time for Congress to know the truth and respect it.

But, says an objector, the crash of 1873 differed from that of 1857.

It had wider proportions, and required different treatment. But did it? Principles are eternal! Your child has a broken leg. Your good surgeon comes in with his splints and bandages, and cures it in the regular way. Next month your house falls down, and the arms and legs of your household are all broken. The same surgeon calls, and he treats all as he treated one, or you will have a family of cripples. You meet a dozen men starving in the street, you give them bread and they live. To-morrow you meet a hundred, and because there are a hundred will you feed them with stones that they may die?

I fearlessly affirm that there is not one argument in support of

I fearlessly affirm that there is not one argument in support of the present volume of currency which is not equally tenable to justify its indefinite expansion on the flimsiest pretext.

No man, for example, in his right mind will pretend that it required as much money to buy sixty tons of railroad iron at \$50 per ton in 1875 as it did to buy one hundred tons of the same thing at \$75 per ton in 1872. These figures fairly represent the comparative prices of railroad iron and the quantities in use in the respective years. I might give a thousand such examples; but one is as good as a thousand for my purpose; the rest are known and read by all men. A child can understand that a merchant who employs ten ships or ten men to do understand that a merchant who employs ten ships or ten men to do the appropriate work of six will reap nothing but loss while the folly

is persisted in.
Unless all economic laws known and accepted by us prior to the war have been abrogated or reversed; unless the sun itself is turned back; unless we are hereafter to cultivate strawberries in ice-houses, and plow our fields with the heads of our horses harnessed to the whiffletrees; unless we are in the future to build our houses without foundations, and navigate the seas in paper ships; we shall never restore confidence and solid enterprise to our country until we make a final and irreversible decree against the legal-tender debt abomination, leaving the commerce of the country free to fix its own laws in respect to the volume of currency and bank credits. The case is so clear, Mr. Speaker, that I almost feel it to be an impeachment of the common sense of the House to argue it seriously. The laws which govern it are as immutable as the force which turns the earth upon its axis. The commerce of the country is stuffed to death with the unkept promises of Government. Yes! with the broken promises of the United States, whose flag is the symbol of honor and power everywhere save at home! where save at home!

Disguise it as we may, there is but one remedy for existing evils We suffer through dishonor. We shall begin to prosper when we be-

come honest, and not before.

Is it not enough that all, or nearly all, good investments, good enterprises, and solvent interests have suffered severely for more than two years because some people thought the plague of legal-tender would restore impossible values, in the interest of the unfortunate, the reckless, or the wicked? Is there a true sign in any direction of a restoration of confidence and the profitable employment of capital now idle, so long as the present condition of the currency continues? Not one such sign that I can discover.

It is idle to talk of paying legal-tenders in coin in 1879 without steadily funding them prior to that. There is nothing in history, nothing in the present commerce of the world, nothing in our own matchless resources, unless we find where to mine gold and silver pure as we cut the granite, to warrant the hope that we can borrow or hoard gold enough to resume and maintain coin payments with our present volume of currency. Our foreign debt and enormous taxes at home forbid all such schemes. Resumption by Government means resumption by two thousand national banks. To

think of that under existing circumstances is to think without reasoning, and to ignore history, experience, and common sense.

But some one may inquire what besides funding? What shall the banks redeem in? We are in a wilderness of excessive currency, and though our way out is perfectly straight and no longer obscure, there are some chasms to be crossed only as we reach them. All present indications with the content of particular to the content of the are some chasms to be crossed only as we reach them. All present indications point to the voluntary surrender of national-bank notes for the next year or two more rapidly than required to preserve easy relations to the redeeming agent. When the clause requiring the banks to redeem in legal-tender shall be repealed, the time should be fixed for them to redeem in coin. For the present, funding with due caution is our chief and only concern. We know it to be right. We promised to do it, and if we know anything about it we can see that there is no other way to dispose of legal-tenders so easily. We had, sir, in the years first succeeding the close of the war, ample surplus revenues, which might have been used to pay off the legal-tender debt, and the failure so to apply them is an ineffaceable blot upon the statesmanfailure so to apply them is an ineffaceable blot upon the statesman-ship of our time. But surplus revenues are no more for us! Some other method must be devised. My proposition is, to authorize the issue of four millions of bonds per month for eight months of each year, beginning with February and including September, the bonds to run forty years, bearing interest at a rate of not exceeding 4½ per cent. per annum, and to be sold to the highest bidder on the first Tues-

day of the month for legal-tenders, the latter to be immediately destroyed. This seems to me to be a feasible, conservative, honest, and effective measure. Nobody can mistake its meaning or its scope. It means clear away the wrecks with all proper forbearance. It means bury the dead that the living may continue to live. It means legislation for those who live by hard work and on fixed salaries, instead of legislation exclusively in the interest of gamblers and hopeless bankrupts; and just here is the line of battle, henceforth, both in and out of Congress. Finally my proposition, simple as it is, means specie payments, perhaps not in 1879—I think not—but as soon as

How long, Mr. Speaker, shall the precious resources of our country be trifled with f Shall Congress, year after year, waste its time in debating mere paper contrivances unknown to experience, which no mortal man can explain to the common intelligence? Are we to assume that the people of this country consent to be given over to shams and delusions? Debt is not money! Surely it is not. The legal-tender debt of the United States is not good money! If we persist to the contrary, the time will come when our money will be interconvertible, or at least of equal value with confederate money. That is the kind of interconvertible money we are in danger of having! Seven thousand seven hundred and forty commercial failures on record for 1875, and a good many more unrecorded! For January, 1876, the number far exceeds that of the corresponding period of last year! The gentleman from Pennsylvania attributes these disasters in large measure to the contraction of the currency under the resumption bill of last year. But he is greatly mistaken. He might with equal reason, in my humble judgment, charge them to the amnesty bill of his colleague, not yet a law, and I will undertake to prove that, if called upon, to either of the committees having in charge the "philosophical" currency of the gentleman. Let the gentleman try an experiment. Let him sink countless ships all along the channel of the Potomac, from the bridge to its mouth, and then with his splendid rhetoric, and polished sentences, invite clear-headed navigators in command of good ships outside to make sail over his wrecks. Will one of them accept the invitation ? Not one. No more, sir, shall capital and fresh enterprise traverse the wrecks which the neglected legal-tender debt has made and still conceals.

If this Congress shall achieve the enviable distinction of re-establishing the national honor by re-affirming the principle of funding, those who return here next year will find light breaking everywhere. No prophet can tell the ruins yet hidden and which must be revealed as a primary indispensable condition of a restoration of confidence.

Some say, If you fund the legal-tender debt you will lose interest you Some say, If you fund the legal-tender debt you will lose interest you are now saving. Well, sir, that argument appeals to some minds, and may be listened to here for aught I know; but in the counting-room of a reputable commercial establishment it should be regarded as worthy of a highwayman. What is the plain English of it? Just this: The rich debtor, having enjoyed his forced loan for a dozen years without a cent of interest, with icy audacity telling his impoverished creditors that he will not recognize his obligation because he cannot yet bring himself to pay interest. That is it precisely. True, you have saved nearly twenty millions a year, and the saving has cost the neonle two or three hundred millions a year. It has cost has cost the people two or three hundred millions a year. It has cost has cost the people two or three hundred millions a year. It has cost them their right to work and prosper. No man escapes. The idle bricklayers recently begging for work in one of our chief cities, and intimating at the same time that they might become criminals to obtain daily food, have lost their all. Yes, Mr. Speaker, the whole people suffer consciously or unconsciously, and will continue to suffer until the curse of the legal-tender debt is removed.

A few words more and I have done. On the 18th of December, 1865, the House of Representatives of the Thirty-eighth Congress voted, 144 to 6—a very significant vote—to its everlasting borner to with.

144 to 6—a very significant vote—to its everlasting honor, to with-draw legal-tender preparatory to a resumption of specie payments. I do not intend to say anything extravagant or sensational here; but when that law for contraction was repealed in 1868, I believed the act repealing it would cost the country more than the war for the Union had cost up to that time. I am sure now that I was right in that opinion. I am aware, Mr. Speaker, that this is a case which admits of no close computations. There is no arithmetic equal to the task. Its very vastness is the true and only measure of the calamity. What we do know is that our magnificent heritage, alive with forty millions of free souls, and full of the richest gifts of nature's God, has been, for eight long years, given over to gambling and waste, and the end is not yet! Not yet! We know that the shadows are deeper and the victims yet! Not yet! We know that the shadows are deeper and the victin more numerous than they were when we came up here last year. Walso know that the battle between honor and dishonor is not ended.

The thing we need is an intelligent appreheusion of the present condition of the country, and courage to do our whole duty as becomes representatives of the American people, without any reference whatever to the next presidential election.

Mr. KELLEY obtained the floor.

The SPEAKER pro tempore, (Mr. Eden.) The gentleman from Pennsylvania [Mr. Kelley] desires not to be interrupted during his remarks. The Chair therefore requests that no one interrogate the gentleman until he has concluded.

Mr. KELLEY. Mr. Speaker, it is proper that I should express my thanks to the House for having set apart this session for debate, thus enabling me at this early day to perform my duty to the million of republican voters who were wounded and grieved by the tener and drift of the remarks of the gentleman from Maine, [Mr. Blaine,] as well as by many of his express allegations. This duty, though cheerfully assumed, is not a grateful one. For twelve years the gentleman and I have been associated on this floor, and I have been attached to him by more than mere party ties. Though many years my junior, I have found pleasure in regarding him as my leader, and have ever been glad to promote his advancement. Having found him on the side of the weak and oppressed throughout the great struggle now so happily terminated, I could not credit the rumors which prevailed at the opening of this Congress that he proposed to make an aggressive, hard-money speech, and was pained when I heard the Clerk read the resolution offered by his colleague and trusted friend [Mr. HALE] on the 15th of December, declaring that prompt legislative measures should be taken to render the ill-judged act providing for the resumption of specie payments on the 1st of January, 1879, effective "by placing in the hands of the Secretary of the Treasury whatever power may be necessary to that end," and saw my friend give it his active support.

The sad condition of my constituents, who are mostly skilled work men, in establishments involving hundreds of millions of capital invested in land, buildings, machinery, and raw materials, when I returned to my district at the close of the Forty-third Congress alarmed me. It seemed to imperil the welfare of my country and the continued supremacy of that party which had brought it safely through the great and protracted trial by battle which was finally to determine that the United States constitute a nation to which American citizens owe primary allegiance. In the presence of this grave apprehension I devoted my time thenceforward till the assembling of this Congress to the promotion, by the use of voice and pen, of such a sentiment as would rescue the republican party from responsibility for a financial policy which was inaugurated by President Johnson's Secretary of the Treasury, Hugh McCulloch, and which has paralyzed the energies of the American people; deprived enterprise of a field for undertaking in every part of our broad country; suspended industry and curtailed production; reduced the value of every species of proportion of the country of erty save untaxed Government loans, thus bankrupting solvent manufacturers, merchants, bankers, savings-banks, and other corporations; which has robbed old men of the garnered results of long lives of industry, thrift, and probity, and deprived youth of just training for honorable pursuits in manhood by dooming it to enforced idleness; has reduced hitherto prosperous employing mechanics to poverty, and industrious laborers to pauperism; has added fearfully to the list of suicides, crowded insane asylums with suddenly impoverished patients, and opened as their only refuge station-houses and houses of correction to thousands of men and women who would find happiness in endur-ing the penalty of the primal curse could they be permitted to earn their bread in the sweat of their brow. Between the gentleman and myself there can be no co-operation on this subject, and here and now, in the name of more than a million of republicans who ascribe all these terrible consequences to the attempt of the Government of a debtor nation, whose debt is largely held by citizens of foreign countries, to effect the resumption of specie payments by contracting a volume of money already too restricted for the demands of our trade—in their name I protest against his right to speak in this behalf for the republican party and to exclude from its folds whosoever may dissent from the plausible but impracticable dogmas formulated by schoolmen and abstractionists which enslave his quick and powerful intellect, and against his right, when assuming so to speak, to charge that those who favor the repeal of the law under which the debtor and laboring classes are being ruthlessly destroyed with demanding the perpetuation of an irredeemable paper currency and with menacing the honor of the Government and the prosperity of the American people.

Nor, Mr. Speaker, must my protest end here, for the more, far more than a million honest, earnest republicans for whom I speak will reproach me if I fall also to protest in their name against his apologetic concession that the law providing for the issue of legal-tender paper money is constitutional, or to deny the correctness of his assertion that in the acts providing for its issue "the Government" "called to its aid a power never before exercised." They will also expect me to reveal his often reiterated demonstrated of all when the protections of all when the protections are the contractions are the co expect me to repel his often reiterated denunciation of all who protest against the repeal of the legal-tender clause as inflationists. know that production, consumption, and the commerce by which the products of labor are transferred to the consumer are the basis of pop-ular prosperity and the public revenue, and that these exchanges require a competent medium of exchange in adequate volume, and they therefore, desire to keep such notes in circulation, as France wisely does the inconvertible paper money she issues in time of war, or under other exigency, until a favorable balance of trade has brought into the country an equal amount of gold and silver and converted it into

Sir. having thus protested against the right of the gentleman to speak on this subject as he assumed to speak, for the republican party, let me proceed to examine his remarks somewhat in detail. This is not a pleasant duty, for I shall have to show that his allegations are loose and often unfounded, his deductions illogical and inconsequential, and

Is there any doubt of the constitutional power of Congress to establish paper money and make it legal tender? The Supreme Court of the United States settled this question by confirming the constitutional that the same law a solemn assurance and pledge that "the total amount of United States notes, issued and to be issued, shall never exceed \$400,000,000."

This paragraph presents a strange admixture of truth and error. It ignores the causes by which the value of one commodity, gold, had

tionality of the acts referred to by the gentleman, and in doing so left no room for such eloquent but irrelevant suggestions in support of the measure as he would rest it upon by quoting language imputed to John Milton. Not only does the Constitution empower Congress to emit such money, but lays upon it the duty to do it when the exigencies of the people or Government require, as it had already twice done in time of peace, and may be compelled by any of several causes to do again and from time to time. Does the gentleman hold that the Government may delegate the execution of a power which it does not possess? That it may not he will admit to be an axiomatic and indisputable proposition, yet he must remember that in both acts creating banks of the United States Congress delegated the power of issuing notes which should be a legal tender in payment of all debts and

obligations due the Government, and therefore have the quality of general acceptability as money by all the people of the country.

These precedents, sustained by frequent decisions of the Supreme Court, must have done much to mitigate the agony under which the gentleman would have us believe distinguished Senators voted for the legal-tender bill, when without the money established by it the Government would have been hopelessly helpless. But, sir, had these precedents not existed, the process of reasoning by which the power and duty to furnish the Government and people with money at a time when the Government, the banks, nor the people could obtain specie from any quarter in exchange for any species of property, or upon any security, was so simple and conclusive that it doubtless occurred to every Senator. The argument was stated thus by my late townsman and friend, Sidney George Fisher, in an article which appeared in the North American Review for July, 1864:

and friend, Sidney George Fisher, in an article which appeared in the North American Review for July, 1864:

One power which every government of a civilized people must possess is that of providing both for itself and for the people a circulating medium, for the simple reason that it is a matter of absolute necessity to both which the government alone can supply. A circulating medium which the people do in fact use, which both they and the government, by reason of controlling natural causes, must use, is the currency to which the power and the duty of the government must apply. Whether it be made of paper, or leather, or iron, or gold and silver, or any other material, it is money if the people do and must use it as money; and the government must use it too, and create it and regulate its value, or be shorn of an essential prerogative and fail in the performance of an important duty. Had our Constitution omitted entirely a grant of power over money, the power must have been implied; for without it the Government would have been unable to perform any of its functions. But the power was not withheld, while in the process of time it has happened that paper money has become practically that which, far more largely than coin, both the people and the Government must use.

The restriction implied in the language of the Constitution refers not to the power, but to the mode in which it is to be exercised. Now, the power is the principal thing, the manner of using it subordinate; the first is permanent, the second accident. Therefore, if one of the two must be sacrificed, the second must yield to the first; for without the first, the Government is wholly impotent either for its own preservation or the well-being of the people. The truth of this reasoning will be more apparent if we suppose the intention of the Constitution, according to the doctrine of the narrow school, to prohibit the use of paper money altogether to have been actually carried out—that there were no bills of credit emitted either by the States or the G

Equally forcible and of higher authority is the following from the opinion of Alexander Hamilton in reply to the questions as to the constitutionality of the act chartering the first Bank of the United States, submitted to his Cabinet by Washington. That Washington accepted this view is proved by the fact that he signed the bill.

Money is the very hinge on which commerce turns. And this does not mean merely gold and silver; many other things have served the purpose with different degrees of utility. Paper has been extensively employed. It cannot, therefore, be admitted that the regulation of trade between the States as it concerns the medium of circulation and exchange ought to be considered as confined to coin. It is even supposable that the whole or the greatest part of the coin of the country might be carried out of it.

The gentleman said:

The gentleman said:

With the strain of our public credit and the doubts and vicissitudes of the strug gle these notes had fallen far below par in gold, and it became apparent to every clear-headed observer that the continued issue of legal-tenders, with no provision for their redemption and no limit to their amount, would utterly destroy the credit of the Government and involve the Union cause in irretrievable disaster. But at that moment the military situation, with its perils and its prospects, was such that the Government must have money more rapidly than the sale of bonds could furnish it, and the danger was that the sale of bonds would be stopped altogether unless some definite limit could be assigned to the issue of legal-tender notes. Accordingly, Congress sought, and successfully sought, to accomplish both ends at the same time, and they passed a bill granting one hundred millions additional legal-tender circulation—making four hundred millions in all—and then incorporated in the same law a solemn assurance and pledge that "the total amount of United States notes, issued and to be issued, shall never exceed \$400,000,000."

This paragraph presents a stranger of the structure of tender to the same and a property of the same tender.

been artificially appreciated, and ascribes the rise to the depreciation of the lawful money of the country, which was the standard of value for all exchanges of commodities and payments except those of duties on imports and interest on Government bonds. It must, I freely admit, have been apparent to every clear-headed observer that the "continued issue of legal tenders, with no provision for their redemption and no limit to their amount, would utterly destroy the credit of the Government." But, sir, Congress had provided that the notes should be redeemed by their receivability in exchange at par for 6 per cent. bonds; and the gentleman must know that so long as they were thus convertible into interest-bearing bonds they remained almost or quite at par with gold, and that it was the action of the Government repudiating this pledge and while refusing to receive them for customs duties demanding gold in payment thereof, that imparted an artificial value to gold and precluded the possibility of its use as a standard by which to measure the price of land or commodities. But by what enactment did Congress add another hundred millions to the volume of legal-tenders, which made four hundred millions in all, and incorporate therein the solemn assurance and pledge that the total amount of United States notes issued and to be issued should never exceed \$400,000,000 ? I have been unable to discover it. It certainly was not brought to the attention of the Supreme Court in the famous case of The Banks vs. The Supervisors, reported in 7 Wallace, for in delivering the opinion in that case the Chief Justice, who was Secretary of the Treasury at the time all of the acts relating to the subject were passed, says:

The act of February 26, 1862, provided for the issue of these notes to the amount of \$150,000,000; the act of July 11, 1862, provided for another \$150,000,000 to the circulation, reserving, however, \$50,000,000 for the redemption of temporary loans to be issued and used only when necessary for that purpose. Under the act of March 3, 1863, another issue of \$150,000,000 was authorized, making the whole amount authorized \$450,000,000.

Nor does the Treasury Department appear to have been aware of the fact that the volume of legal-tender notes was limited to \$400,000,000, for Hon. William A. Richardson, who was subsequently Secretary of the Treasury in 1872, while yet Acting Assistant Secretary, published a volume of "practical information" concerning the public debt of the United States, by reference to page 39 of which I find that the amount of legal-tenders in actual circulation, including demandances, reached its highest point about August 31, 1865, when it was \$433,160,569, and that it was first reduced below \$400,000,000 on September 1, 1865. tember 1, 1866.

Again the gentleman said:

Again the gentieman said:

A lesson might be learned (by those willing to be taught by fact and experience) from the course of events during the war. When we had one hundred and fifty millions of legal-tender in circulation, it stood for a long while nearly at par with gold. As the issue increased in amount the depreciation was very rapid, and at the time we fixed the four-hundred-million limit, that whole vast sum had less purchasing power in exchange for lands, or houses, or merchandise than the hundred and fifty millions had two years before. In the spring of 1862, \$150,000,000 of legal-tender would buy in the market \$147,000,000 in gold coin. In June, 1864, \$400,000,000 of legal-tender would buy only \$140,000,000 in gold coin.

if we had not fixed the \$400,000,000 limit \* \* \* the legal-tender, with all its vast capacity for good in a great national crisis, would have taken its place in history alongside of the French assignat and the Continental currency. The four-hundred-million limit happily saved us that direful experience, and at once caused the legal-tender to appreciate.

What a strange confusion of fact and fancy we have here? The greenback was only saved from the fate of French assignats by the force of a limitation which did not exist, and was in fact largely exceeded. The divergence between the purchasing power of the greenback as applied to gold, the value of which had been artificially enhanced by our unwise, if not unhallowed, legislation, is applied to lands, houses, and merchandise; and, without investigating the facts of the case, but assuming that they must accord with his preconceived theories, the gentleman gives us statements of the purchasing power of the legal-tender which, but for our regard for him, would be laughed to scorn in view of the facts of history. Sir, I affirm, without the fear of successful contradiction, that neither the alleged depreciation of legal-tender money nor the actual appreciation of gold had a perceptible effect upon the market price of land or domestic merchandise in any part of our country. In particular localities special causes may at the time have raised the price of land and houses, but every dealer in real estate throughout the country will confirm the allegation that the fluctuations of the gold market had at no time an appreciable effect upon the price of real estate. How was it with merchandise and commodities? Notwithstanding the glowing assertion of the gentleman as to the increase in the price demanded and paid for them, as the result of a depreciation of our legal-tender paper money, I affirm that he does not believe it; that he did not believe it when preparing his speech; that, on the contrary, he knew that such was not the case. I do not charge him with conscious misrepresentation, for he is incap-His preconceived theory required the facts to be as he stated, and he assumed that they must be so. On this point let me bring to his attention an authority that he will accept as absolutely conclusive. If he will turn to the preceding page of his remarks, page 20 of the RECORD, he will find that he had just said:

And those honest-minded people who recall the startling activity of trade and the large profits during the war, and attribute both to an inflated currency, commit the error of leaving out the most important element of the calculation. They forget that the Government was a customer for nearly four years at the rate of two to three millions of dollars per day—buying countless quantities of all staple arti-

cles; they forget that the number of consumers was continually enlarging as our armed force grew to its gigantic proportions, and that the number of producers was by the same cause continually growing less, and that thus was presented, on a scale of unprecedented magnitude, that simple problem, familiar alike to the political economist and the village trader, of the demand being greater than the supply, and a consequent rise in the price. Had the Government been able to conduct the war on a gold basis and provide the coin for its necessarily large and lavish expenditure, a rise in the price of labor and a rise in the value of commodities would have been inevitable. And the rise of both labor and commodities in gold would have been for the time as marked as in paper.

Yes, the gentleman was correct in saying the rise of the prices of labor and commodities in gold would, under the circumstances, have been for the time as marked as in paper. He then saw that it was the law of supply and demand, and not the volume or the quality of our money, that so increased the price of merchandise. And I pause here to ask whether, if the million of laborers who are now wasting their lives in involuntary idleness were permitted to work at their respective avocations, their wages would not pay for and their consumption create a demand as great as that created by the war? But was it the four-hundred-million limit or any other limit that saved the legal tenders from perishing like French assignats and Continental money ! The law limiting the volume of legal-tenders to \$450,000,000, fifty mill-March 3, 1863; and, as I have shown, the volume of legal-tenders to \$450,000,000,000, fifty millions of which were to be held in reserve for emergencies, was approved March 3, 1863; and, as I have shown, the volume of legal-tender notes steadily increased until about August 31, 1865, and stood for a year thereafter above \$400,000,000. The volume outstanding on the 30th of June of each of the years I shall refer to in order to test this question, as stated in the report of the Treasurer of the United States for the fiscal year ending June 30, 1873, which I have before me, was:

ĺ	June 30, 1863	\$411, 223, 045
1	June 30, 1864	649, 094, 073
1	June 30, 1865	698, 918, 800

These figures, it will be perceived, confirm the statement of Mr. Richardson that the volume of legal-tender notes in circulation con-

tinued to increase until August, 1865.

Now, sir, let us bring to the test of experience the theory of the gentleman that the price of all commodities, including gold, was regulated by the volume of legal-tenders in circulation. It will not be difficult to apply the test, for the Bankers' Almanac gives us the price alment to apply the test, for the Bankers Almanac gives us the price of gold on every day of each of the years to be referred to, and shows that its range was vastly lower during the year 1865, when the volume of legal-tenders was at its maximum, than it had been in 1864 or was in 1866, after Mr. McCulloch's scheme of resuming specie payments by contracting the lawful money of the country had been inaugurated. In order that gentlemen may study these facts I will hand to the reporters for insertion an exhibit showing the premium on gold in Now York for the weather of the Law Luke Argust Sentember. York for the months of June, July, August, September, and October of the years 1864, 1865, and 1866. During July, 1864, the premium ranged at from 1662 to 185; in July, 1866, from 47 to 552, while in the same month of 1865 it reached 45 on but one day during the first twenty-six days of August. In 1864 it never sank so low as 150 during the entire month of August. In 1866 it dropped for but one hour as low as 46½, and its general range was from 47½ to 52½. During the month of August, 1865, when, as I have said, the legal-tender money of the country was at its maximum, it but once, and for a few minutes only, sold up to 45½, with no other sale that was not below 45.

Exhibit showing premium on gold at New York during the months of June, July, August, September, and October, for the years 1864, 1865, and 1866. 1864.

Date. June. July. August. September. October. 122 -150 130 -150 Sunday. Holiday. 151 -159 156 -158½ 156½-158½ Fast-day. 143 -148<u>1</u> 148<u>1</u>-15<u>1</u> 136 -143<u>1</u> 90 - 933 Sunday. 89 - 913 90 - 924 871-891 897-91 901-921 901-91 ...... 3 ....... 136 -143½ Sunday. 135 -143½ 140½-142 140½-142¾ 135½-141 134½-126 1160 day. 135 -149 148 -161<u>1</u> 162 -173 166<u>2</u>-176<u>1</u> 160 -175 Sunday. 176 -185 171 -182 Fast-day. 15<sup>1</sup>/<sub>2</sub>-16<sup>1</sup>/<sub>3</sub> 15<sup>1</sup>/<sub>4</sub>-16<sup>1</sup>/<sub>3</sub> Sunday. 156<sup>2</sup>/<sub>4</sub>-159/<sub>3</sub> 152<sup>1</sup>/<sub>2</sub>-155/<sub>3</sub> 15<sup>1</sup>/<sub>3</sub>-156<sup>2</sup>/<sub>3</sub> 155/<sub>8</sub>-157<sup>1</sup>/<sub>3</sub> Sunday. 93½- 94½ 92 - 94 93 - 93½ 95 - 98½ 891- 911 921- 97 98 -104 961-1031 ............ Sunday. 96 - 99 985-1033 1021-1042 1037-1092 103 -1171 98½- 98½ 98½- 98¾ 94½- 98 Sunday. 95¾- 96¾- 98 96¾- 97¾ 97 - 97¾ -1281118 -128§ Sunday, 113§-125 117§-128 121§-128 128§-129§ 124§-129§ 120§-123§ Sunday, 123§-126§ 193 -196§ 1682-173 158-168 144-156 154g-156g Sunday. 155g-156g 155g-156g 103 -11/4 1134-120 Sundav 1154-1224 1064-115 1074-1114 1064-1114 144 -156 14 \(\frac{1}{2}\)-161\(\frac{1}{4}\)
Sunday. 154\(\frac{1}{4}\)-161\(\frac{1}{4}\)
158\(\frac{1}{2}\)-168\(\frac{1}{4}\)
156\(\frac{1}{2}\)-160 150\(\frac{1}{2}\)-157\(\frac{1}{4}\)
153\(\frac{1}{4}\)-158\(\frac{1}{4}\)
Sanday 97 - 972 968 - 968 951 - 951 Sunday. 98 - 981 99 -108 155§-157 157 -158 157 -1573 156½-157§ 123 -1263 120 -122 Sanday 1563-157 1578-158 116 -1211 111 -117 100 -112 22 23 1092-1131 Sunday Sunday. 155§-158§ 157§-159§ 154 -157§ 144 -152 150 -153§ 153 -158 Sunday. 1121-1167 1143-1181 113 -117 114 -120 154<u>8</u>-157 154<u>1</u>-155<u>2</u> 153<u>8</u>-156 145 -153 Sunday, 135<u>1</u>-145 131<u>2</u>-136 134 -143 95 - 98½ 92½- 95 95 -105 94½-102 91 - 94½ Sunday. 121 -140 134 -140 135 -150 145 -150 20 97 98 98 99 30 Sunday. 1214-1274

Exhibit showing the premium on gold at New York, &c .- Continued.

Date.	June.	July.	August.	September.	October.
1	Holiday.	395- 41	44 = 44%	441- 45	Sunday
9	374- 393	Sunday.	45 - 458	441- 448	441- 44
	363- 37	38 - 401	441- 441	Comdon	441- 44
	378- 353 368- 37 Sunday.	Holiday.	432- 441 432- 432 Sunday.	434-444 348-448 444-45 445-448 445-448 445-448 445-448 Sunday.	445- 44 445- 44 443- 46
	357 364 361 371 367 371 371 38	391- 401	438- 432	341- 445	468- 47
	361- 371	391- 401 381- 391	Sanday.	444- 45	468- 47 461- 49 46 - 46
	367- 371	391- 391	431- 44	441- 447	46 - 46
	371- 38	39\frac{1}{3} - 39\frac{1}{4} 39\frac{1}{3} - 40\frac{1}{3} Sunday.	43½- 44 44½- 45½ 43½- 44¾ 42¼- 43½ 40½- 42 40½- 42 Sunday	441- 449	
	371-38	Sunday.	439- 449	445- 443	459- 46
	371- 379	394- 404	429- 434	Sunday.	459-46 449-45 449-45 45-45 45-45 448-46
	371-38 371-38 371-371 Sunday. 381-401 401-421 401-421 401-471 436-471	398-403 393-408 407-42 417-428 428-438 418-428	401- 42	44½- 44½ 43¼- 44¼ 43¼- 43¼ 43½- 43¼ 4½- 43¼ 42½- 43¼ 42¼- 42¼	445- 43
	381- 407	407- 42	403- 42	433- 441	45 - 43
	403- 423	413- 421	Sunday.	431-433	445- 43
	401- 423	428- 437	421- 431	434-43	448 - 44
	435- 478	411- 421	424- 435 408- 418	4:4- 431	
	428- 451 438- 451		411-421-421-421-421-421-421-421-421-421-	429- 421	45 - 45 453- 46 46 - 46
	433- 451	42 - 43 43 - 438	418- 428		453- 40
	Sunday.	43 - 438	421- 435	43½- 43g 43g- 44 43g- 43g 43g- 44g 43g- 44g	46 - 46
	401-433	42 - 437	431- 441	438- 44°	458- 47
	40½- 43¾ 37¾- 39¾	423- 421	Sunday.	438- 437	46 - 46
	40 - 417	42g- 42g 42g- 42g	444- 445 434- 437 431- 437 435- 437	43%- 44%	458- 45 46 - 46 458- 46
	415- 435	421- 427	431- 437	438- 437	
	401- 421		431- 437	438- 438 434- 438	457- 46
	401- 421 415- 423	428 - 431 43 - 432 427 - 438 431 - 448 441 - 451 Sunday	438- 437	Sunday.	46 - 40
	Candon	43 - 433	431- 44° 44 - 448	43 - 457	458- 4
	39½- 41¾ 41¾- 42¼ 39¾- 41¾ 38½- 39 33 - 41¼	427- 434	44 - 448	433- 44 433- 441 437- 441	443- 43
	418- 421	435- 448	Sunday	439- 441	451- 43
	398- 418	441- 46	438- 441	4:3- 441	45% 46 46 - 46 45% 41 44% 41 45% 41 45% 41
	381- 39	441- 451	441- 448	44 - 441	Sunda
	33 - 411	Sunday.	438- 448	437- 44	451- 4
		431- 438	43§- 44‡ 44§- 44§ 43§- 44§ 44‡- 44§	- 6 6	457- 46
			-	1 1	
l	No board.	Sunday.	425-491 475-481 472-481 465-48	45½- 17½ Sunday.	45g- 46 47g- 48 47g- 48 48g- 48 48g- 49 48g- 49
	408-418	538- 554	475- 484	Sunday.	475- 40
	Sunday.	53g- 55g 52g- 53g Holiday.	474- 484	443- 453	478-48
	401- 44	Holiday.	467-48	458- 463	4:1-4:
	4.18- 408	524- 508		468- 478	458- 41
	444- 454	534- 544	474- 48	454- 464	484- 49
	40½ - 44 43½ - 46½ 44½ - 45½ 42½ - 45½ 38¼ - 41¼ 39¼ - 40	521- 504 532- 542 538- 541	800 ay. 476 - 48 478 - 478 48 - 49 486 - 488 486 - 49	443- 453 458- 463 468- 478 453- 464 455- 46 464- 478 Sunday	Bunda
	384- 414	Sunday.	48 - 49	464-478	488- 49
	304-40	518-531	484- 484	isunuay.	484- 49
	PARTITION A	404 494	484- 488	461- 463	481- 494- 5 494- 5 51 - 5
	376- 391	481- 491 498- 508 498- 511 521- 531	484- 49	45½- 46½ 45½- 46½ 45½- 46½ 45½- 46½ 44½- 45 Sunday.	501 - 50
	411- 431 427- 457 458- 477 458- 477	501 501	Sunday.	453 461	501 5
	455 456	50 504	491 491	437- 408	52g - 54 Sunday
	425 405	32 - 324	491-501	448- 435	Sunday
	4 (6- 42%	Sunday.	50½- 52½ 51%- 52½ 50½- 51¾ 41%- 51 Sunday.	444- 45 Consider	508- 5
	54g- 60 Sunday.	409-494	501 513	Sunday.	478- 50 478- 48
	Sunday.	468-453 49-513 49-503	308- 314	444- 454 444- 454 45- 454 45- 454 444- 454 434- 434 8unday.	475- 40
	552-672	501 505	418- 51 Condo	445- 454	474- 45
	49½ - 54½ 51½ - 53½ 48½ - 50½ 48½ - 49½ 51½ - 53½ Sunday.	501-503 493-503 49-508	Sunday.	40 - 405	45 - 45
	401 501	494- 508	481-488 471-488 471-481 472-493 493-51 481-503 463-48 Sunday,	415- 408	471- 48 48 - 49 457- 49 Sunday
	401 405		475 484	434- 44	Sunday
	40g- 41g	Sunday.	402 404	934- 938	404- 41
	51g- 534	50g - 514	408-01	Sunday.	458- 47
	Sunday.	30 - 30g	408 - 004	433- 448 444- 448	47- 40
	52 - 534	494- 504	408-48	441- 448	464- 48
	541 50	407 500	Sunday.	444- 404	45½- 46 45½- 47 45½- 48 46½- 48 47 - 48 45½- 46
	344- 36	498- 508	404- 484	444- 458	408-40
	50110457. 52 - 532 542 - 57 542 - 54 538 - 55 522 - 54	50 - 50 - 50 - 50 - 50 - 50 - 50 - 50 -	461-481 481-491 481-487 471-481 471-48	44½- 45½ 44½- 45½ 44½- 45½ 45%- 46½	Dunda
	503 54		479 484	40g- 46g	454- 46
)	324- 34	47 - 48 483- 491	473 408	Sunday.	46 - 46
l		488- 494	479-48		45%- 46

The gentleman, while disclaiming the championship of the national The gentleman, while disclaiming the championship of the national banks, defended the system and spoke of "its strength and solvency in time of financial disaster." I invite his attention to the fact that when the contraction of the money of the country brought on the disaster of September, 1873, the national banks were the first chartered institutions to succumb; that, while they were contracting their loans and ruining those customers who had borrowed their credit on marketable securities by sacrificing their collaterals, they were refusing to redeem their own notes in greenbacks or to return even in their own notes in denositors the sums they had denosited with them. Does be notes to depositors the sums they had deposited with them. Does he not remember that, when holding, as they did, many hundreds of millions of deposits, they refused to pay any part of this vast confidential indebtedness, and handed to depositors certificates of indebtedness, by the sale of which, at discounts ranging from 4 to 8 per cent., they could obtain money with which to redeem the collaterals held by these same insolvent banks? The people remember these facts, and remember also that, while thus proclaiming their inability to meet their obligations, they, with sublime impudence, announced to the country, that they issued these depreciated certificates of indebtedness in order to prevent the Government from making a further emission of legal-tender money. Where was their strength and solvency in that time of financial disaster? Had there been no banknotes; had the currency of the country been, as it should always be, legal-tender money emitted by the Government, the men who sold the certificates of these greedy and mismanaged banks at various rates of discount would have been saved the sacrifice inflicted upon them by the corporate consumers of the profits that should reward labor and well-directed enterprise.

Very far from making a fair statement of the position of those he

denounces as inflationists is the gentleman when he speaks of "the confusion, the distress, the ruin that would result from forcing twenty-one hundred banks suddenly to wind up their affairs with nearly \$1,000,000,000 due them." "The commercial fabric," says he, "rests \$1,000,000,000 due them." "The commercial fabric," says he, "rests upon the bank crédits, and nothing short of financial lunacy would demand their rude disturbance." Who, I ask, would rudely disturb the banks? Not I or any of the million of republicans who sympathize with me on this question of currency and finance. We do not believe that their existence depends on the profit they make on circulation? Does the gentleman mean to imply that they are so weak that, if the profit on circulation be withdrawn, they must suddenly wind up and go into bankruptcy or liquidation? Do they not assure us that the profit on circulation is an inconsiderable that to induce them to maintain it. circulation is so inconsiderable that to induce them to maintain it we must repeal certain taxes now imposed on them? Does not the Comptroller of the Currency tell us that to the banks of large cities the privilege of issuing notes is without value, and that many of them the privilege of issuing notes is without value, and that many of them have refused to put the notes to which they were entitled into circulation? Has it been, I ask the gentleman, from profits on circulation that the banks have added \$131,000,000 of surplus to their capital while making large semi-annual dividends, and some of them occasionally making a dividend of 100 per cent.? The idea is preposterous, as preposterous as it is to suggest, as the gentleman does, that, if a like number of greenbacks of like denominations should be gradually substituted for national-bank notes, the process would so inflate the currency that the banks would refuse to convert their bonds into lawful money for banking numbers.

lawful money for banking purposes.

The plan I and my colaborers suggest could produce no shock, and could not inflate the currency. It is this: The United States Treasury is the redemption agency for the banks, and we would have it retain all bank-notes that come in until those of any bank should reach the amount of \$900, when, instead of returning its notes to the bank, the Treasurer should carry to the books and vaults of the Treasury \$900 in legal-tender notes of like denominations with the bank-notes canceled and destroyed, and return to the bank instead of \$900 in its notes \$1,000 in its bonds deposited to secure the payment of its notes. Thus would the Government assume its prerogative of issuing the money of the country without disturbing the business of any bank, banker, or merchant in the country. The operation would neither inflate nor contract the currency, but would withhold from those who are rich enough to own and deposit bonds the special privilege of dividing with the Government its highest prerogative, that of coining money and regulating the value thereof, and the \$20,000,000 in gold now paid them for exercising the privilege.

In referring to the crisis of 1873, the gentleman attributed it to the number expansion of credit. In this be was right; but, indeping from

undue expansion of credit. In this he was right; but, judging from the general spirit of his remarks, I am inclined to think that in this particular he "builded better than he knew." It was the undue expansion of credit consequent upon a contraction of the lawful money

of the country that gave room for the inflation of private credit and brought on the crisis of 1873.

Mr. Speaker, nothing is taught with more constant reiteration by the experience of England and the United States, than that a protracted contraction of the money of a country is the sure precursor of wild inflation of private credit. The most recent illustration of this law, as inflexible as that of gravitation, is furnished by the course of events in this country between 1865 and 1873. In the former year we events in this country between 1865 and 1873. In the former year we had about two thousand millions of money. It was inconvertible. It was not all in the form of currency. We had, as I have shown, but a little more than four hundred and thirty-three millions of demand and legal-tender notes, but, as appears by the Treasurer's report for 1873, to which I have already referred, we had compound-interest notes, one-year notes, two years' notes, two years' coupon-notes, all of which were made legal-tender by the acts authorizing their issue; and we had other obligations which the banks were allowed to hold as reserve, and which, therefore, enabled them to keep the entire body of every form of circulating medium in operation. Private credit was then so contracted that commercial paper failed to afford employment to the funds of the banks, one-half of their available resources was invested in various forms of Government loans, and they held oneinvested in various forms of Government loans, and they held onefourth of our national debt, keeping the interest thereon payable at
home and to our own people. The farms, factories, workshops, and
homes of the country were then freer from mortgage and judgment
debt than they had ever been. Suits at law upon direct contract to
pay money, such as on promissory notes, drafts, and checks, were of
rare occurrence. By furnishing the people with an available medium
of exchange the Government had stimulated production, cash payments had taken the place of credit, and the business of the country
was on a sound basis. But as the Government withdrew the legaltender money before a favorable balance of trade or any agency of
the Government could substitute metallic money therefor, cash payments became impracticable, the use of private credit increased and

ments became impracticable, the use of private credit increased, and a crisis became inevitable; the only question being, when will it occur? In the remarks I had the honor to make to the House January 10, 1874, in support of my interconvertible-bond bill, I illustrated the invariable law that the expansion of private credit always ensues upon a contraction of the money of a country, by reference to the condition of the banks of New York from 1865 to 1873 inclusive. Permit me to invite your attention to a part of what I then said:

Sir, I invite the attention of gentlemen to a table which is most significant on this point. It is a table of the loans and discounts, the capital and surplus, the in-

dividual deposits, and the legal-tender reserves of the national banks on the 1st of October in each year, from October, 1865, to September 12, 1873. In 1865 the loans and discounts were \$487,000,000 and the legal-tender reserve was \$189,000,000. In 1873, the \$487,000,000 of loans and discounts had swollen to \$944,000,000 and the reserve had shrunk from \$189,000,000 to \$113,000,000. Thus it is shown that as you contract the money you enslave labor and enterprise, consolidate capital, and raise the rates of interest, building, as I said, an inverted pyramid, which, sooner or later, must topple, involving all in destruction. But let the figures tell their own story:

Year.	Loans and discounts.	Capital and surplus.	Individual deposits.	Legal-tender reserve.
1865		\$431, 970, 586	\$549, 081, 254	\$189, 988, 496
1866		468, 638, 246 486, 769, 002	597, 960, 993 568, 212, 337	205, 770, 641 157, 439, 099
1868		498, 620, 272	603, 084, 550	156, 047, 205
1869		502, 554, 485,	523, 029, 491	129, 564, 295 122, 669, 577
1870 1871		524, 460, 740 559, 368, 367	512, 765, 708 626, 774, 021	134, 489, 735
1872	872, 520, 104	589, 886, 660	625, 708, 307	118, 971, 104
1873	944, 220, 116	611, 387, 115	622, 685, 563	113, 132, 662

Gentlemen will do well to examine other features of this table than those to which I then referred. They will notice that in 1865 the condition of the business men of the country was so prosperous that while the loans and discounts of the banks amounted to but \$487,000,000 they held individual deposits to the amount of \$549,000,000; the deposits of individuals exceeded the loans and discounts by \$62,000,000, and the legal-tender reserve was about \$190,000,000.

Reference to the same columns for 1873 shows that the loans had very nearly doubled, being then \$944,000,000; that individual deposits, not withstanding this great increase of discounts, were but \$622,000,000, and that the legal-tender reserve had with this vast increase of responsibility on the part of the banks shrunk from \$190,000,000 to \$113,000,000. The crisis was not, as the gentleman would have us believe, the result of a full volume of paper money. It was, as I have said, the result of the undue inflation of corporate and individual credit, which inflation was the inevitable result of a protracted contraction of a volume of money to which the business of the country had adjusted itself. He said we are suffering from "one of those periodical revulsions in trade common to all commercial nations, and which thus far no wisdom of legislation has been able to avert." The remark is too broad. It is not true of all commercial nations. Those periodical revulsions have been confined to Great Britain and the United States, and result in each country from the Government restricting the volume of money and forcing business men to trade on private credit. France has never been subject to such periodical revulsions, and Germany is now for the first time experiencing one as the result of her reckless demonetization of silver and her suppression of all bank-notes for less than £5 or \$25 in order to bring gold into use. Caught by the glittering plausibilities of schoolmen and abstract thinkers, she has attempted to improve the quality of her money, the mere tool of trade, and has so disturbed and contracted the legal money of the empire that her industries are as prostrate as our own, her revenues fall off, and her laboring people for the first time know what those of Great Britain and America suffer under the periodical revulsions consequent upon the collapse of inflated credit.

That was an unfortunate reference the gentleman made to California. He held her up as an example of prosperity to be envied by the suffering people of her sister-States, and ascribed her prosperity to her repudiation and nullification of the legal-tender law. Sir, it may be an act of temerity, but I am prepared to present her as a warning to those citizens of other States who believe that by contracting the volume of money they can promote the welfare of the people or hasten the day when prosperity shall again dwell within our borders. In natural gifts and geographical position California excels any other State of the Union. In abundance, variety, value, and accessibility her resources exceed those of any other State or nation. She is as accessible by ocean voyage to Caucasian emigrants as are the island provinces of England. She is by rail within six days of the cities of the East, crowded with skilled and aspiring workmen. She is the exclusive American producer of quicksilver, her mines of cinnabar being many and rich. I need not refer to her wealth in gold and silver or her production of wheat, wine, and wool. The world knows how great it is, for it enters as a distinct item into national statistics. In recent years her lands have yielded unusually large crops per acre of superior tobacco, and in the Merced and other valleys cotton is now grown with profit. She has the only great deposit of tin, that of San Bernardino, yet discovered on this continent, and is not without coal, copper, and iron. She has lakes of borax, mountains of sulphur, and produces the fruits of the world, growing strawberries in the open air more than nine months in the year. Her climate is as healthful and delicious as that of Sicily, of which she is an enlarged and improved edition. No other State presents so many or such great attractions, yet measured by all that makes the true greatness of a State she is one of the least progressive of the American sisterhood. Shunned by men of enterprise whose capital is limited, her wealth does n

country by acquiring homes or land, so that there, among the golden sands and verdant fields of California, is the land owned by a few capitalists and the labor performed by homeless wanderers. Do I exaggerate the picture? Let facts speak.

Let me compare her with States of her own age who are almost absolutely without mineral resources, whose summers are brief, whose winters long and severe, whose farms lie nearly two thousand miles from the seaboard, the profit on whose products is greatly reduced by the immense cost of bringing them to market, and the cost of the manufactured articles they consume enhanced by the fact that they have to traverse the same long lines of transportation. Let me compare California with Iowa, Wisconsin, or Minnesota. In order to do this justly, we must bear in mind the fact that California was admitted to the Union September 9, 1850; that Iowa, having been admitted December 28, 1846, had preceded her not quite four years; that Wisconsin was admitted May 29, 1848, preceding her a little more than two years, and that Minnesota was admitted May 11, 1858, and is therefore nearly eight years her junior. How do these purely agricultural and almost hyperborean States compare in all that constitutes the true greatness of a State with their more richly endowed and happily located sister? The extent of her territory is vastly greater than that of any of them, yet the census of 1870 shows her population to have been but 582,031, of whom 49,310 were Chinese; while Iowa, four years her senior, had a population of 1,064,985, and Minnesota, nearly eight years her junior, was nearly her equal in population, having 446,056.

Time will not permit me to run a parallel between her and each of these States. To make the contrast with Iowa or Wisconsin would present differences so striking and immense that they would stagger credulity. I therefore take Minnesota, the youngest—eight years, or nearly one-third younger than she—and the most remote from the seaboard, the one also which stretches farthest into the wintry north, whose boundary is the northern boundary of the country, and whose season for the growth and gathering of crops is limited to half the year. The area of California is 188,918 square miles, and that of Minnesota 83,000. In 1860 California had 379,994 inhabitants and Minnesota but 172,023; the increase in California for the succeeding ten years was but 190,223, while that of Minnesota was 274,033, which is 83,810 in excess of the increase of California, which started into the decade with more than 100 per cent. in advance. The assessed wealth of California was, in 1860, \$139,654,667, and in 1870 it was \$269,644,068; an increase of a little more than 90 per cent. The assessed value in Minnesota in 1860 was over \$32,000,000, and in 1870 over \$84,000,000; an increase of over 160 per cent. The assessed value of real estate in California in 1860 was over \$66,000,000, and in 1870 was over \$176,000,000, showing an increase in real estate of over \$109,000,000, leaving but about \$20,000,000 to evidence the increase of every other species of property. The assessed value of real estate in Minnesota in 1860 was over \$25,000,000, and in 1870 over \$62,000,000; showing an increase of personal property of over 220 per cent. The indebtedness of California exceeds that of Minnesota by over \$15,000,000. The taxes paid in Minnesota in 1870 were \$2,646,372 in legal-tender money, being \$5,217,734 less than were paid in California, and the number of children in attendance in the wintry State of the Northwest was 5,513 in excess of those attending in the genial climate of California. Minnesota had 234 more churches than California, fewer convict

How, Mr. Speaker, are we to account for these startling contrasts? Climate, soil, natural productions, geographical position, all favor California. Why is she thus laggard in the race for civic supremacy? It is because she has preferred to maintain as money a currency composed of a commodity which other nations need, and the volume of which cannot increase in a debtor State or nation, and thus to make all enterprise depend on the use of private credit; has maintained a monetary system by means of which they who lend credit absorb the sweat of the laborer's brow, together with the results of all productive industries. California rejected our national system of money, which, though called into being by the exigencies of the war, was, as I have shown, abundantly authorized by the terms of the Constitution, and in doing so deprived herself of that agency—a cheap, safe, and inexportable medium of exchange—which made the progress in wealth and all the blessings attendant upon wealth, churches, schools, galleries of art, improved means of transportation, and other commercial facilities throughout the North and East more remarkable than had ever taken place in any decade in the history of this or any other country. Who, in view of these facts, will claim that metallic money has been a blessing to California?

The gentleman's allusion to the patriots of 1790 led me to another investigation, which proved to be as unfortunate for his cause as his reference to California, as it also established the impossibility of a debtor community transacting business with gold and silver or paper instantly convertible into gold and silver as its medium of exchange. He said:

The patriots of 1790, with their slender resources, did not hesitate to assume a national debt of \$90,000,000, being more than one-seventh of their entire possessions; and it never occurred to them that an abandonment of the specie basis would make their burden lighter. They knew from their terrible experience with continental

currency that all their evils would be painfully increased by a resort to paper money. And in their poverty, with no accumulated capital, with manufactures in feeblest infancy, with commerce undeveloped, with low prices for their agricultural products, they maintained the gold and silver standard, they paid their great debt, they grew rich in the property which we inherited, but far richer in that bright, unsullied honor which they also bequeathed to us.

Is the gentleman sure they did not resort to paper money? Let us be. They had not gold and silver enough for carrency, and without see. They had not gold and silver enough for currency, and without a medium of exchange society was impossible. If they could not have gold or silver they must have some other medium of exchange, and they resorted to bank-notes as a substitute for money. They made the experiment of a specie-basis bank system. The New England States were especially liberal in granting charters to banks, providing, however, in each case that the capital should be paid in full in specie, and that the banks should always retain a sufficient amount of specie in their vaults to secure the prompt convertibility of the notes they might issue. vaults to secure the prompt convertibility of the notes they might issue. All the legal provisions that ingenuity and their past experience of the evils of paper currency could suggest were embodied in the charters of the banks as safeguards of the currency. Yet the capital was not paid up in specie, nor were any of the banks able to obtain and keep specie enough to give convertibility to their notes, and the consequence was that in 1809–'10 the people of New England suffered anew a collapse of the currency, on the solvency of which their business and estates depended almost as absolute as that which had occurred with Continental money. I have upon my person a five-dollar note of the Farmers' Exchange Bank of Gloucester, Rhode Island, dated July 1, 1808. When the general insolvency occurred this bank, with scores of others, became the subject of legislative investigation, in the course of which it was ascertained that, with over six gation, in the course of which it was ascertained that, with over six hundred thousand of notes in circulation, it had \$86.45 in specie in its vaults. The Coos Bank of New Hampshire was without any specie, though its notes were as abundant as the leaves of the forest. Of the Berkshire and Northampton Bank, both of Massachusetts, it is reported that when their vaults were examined one had thirty or forty dollars in it and the other was entirely empty. And, in the discussion in Congress upon the bill to charter a bank of the United States for the purpose of supplying the people with money by making its notes legal-tender in payment of all dues to the Government, and thus imparting to them the quality of general acceptability, it was stated that legislative inquiry had established the fact that in all the banks of Massachusetts there was not specie enough to redeem the notes of one of them. And, sir, I affirm that it will ever be thus while the Govrnment fails to exercise its prerogative of furnishing the legal-tender money of the country, regulating its value and providing for its redeemability by its receipt for all dues of any nature whatsoever to the Government itself and in exchange for any and all interest-bearing obligations it may issue.

But I am trespassing upon the patience of the House; yet before closing I must say that the maintenance of a monetary system of which goldshall be the basis has become impossible to any but the leading creditor nations of the world. France, England, and Germany may maintain such a system in a qualified measure, but no other country maintain such a system in a quained measure, but no other country can. The mines of all the world do not yield gold enough to serve the single purpose of paying the annual interest on the bonded debts of nations, the greater part of which are held by the people of the countries I have named. They have thus become a great reservoir of bullion, the supply-pipe of which is proving to be a fatal exhaust-pipe to all debtor countries that use metallic money or base their paper currency upon gold or silver.

The bonded debt of the nations of the world, apart from municipal and corporate debts is now over \$4.200,000,000, apart from municipal and corporate debts is now over \$4.200,000,000, apart from municipal and corporate debts is now over \$4.200,000,000.

and corporate debts, is now over £4,200,000,000 or \$21,000,000,000, the interest on which is payable in gold at various rates, from that paid by Holland, which is but 2\frac{3}{2} per cent., to that of 18 per cent. which is promised by Mexico. Already something more than a score of states or nations, including those of which the gentleman from New York [Mr. Cox] spoke the other day as the "miserable republics of South America," have declared their bankruptcy by avowing their inability to meet the interest on their bonds. The indebtedness of these bank-States and nations amounts to £238,586,476, of which over

rupt States and nations amounts to £235,886,476, of which over £160,000,000 are due from Spain and over £5,000,000 from Greece.

If gentlemen wish to examine the details of this indebtedness and the rate of its progress during the last decade they will find it set forth with a good measure of completeness in Britain A. Hill's recent work entitled Absolute Money. The facts are terribly suggestive of the thought that the bursting of the bubble of national credit may soon overshadow the interest attached to the collapse of John Law's

In legislating on this vital subject gentlemen should remember that it is the productive industry of the people that enriches a nation and replenishes its treasury; that it is labor, and not coin, that maintains the frame-work of society and supports the public credit; and that whatever stimulates societary motion and facilitates exchanges of commodities promotes the welfare of the people and enables them to contribute to the strength and revenues of the Government.

By contracting our money we have contracted production re-

By contracting our money we have contracted production, re-stricted consumption, impoverished the people, and reduced the public revenues. Under the statutory threat of forced resumption, which the gentleman would intensify, capital shrinks from investment in any form or character of productive industry, and seeks safety and profit in untaxed securities of the Government. Values continue to shrink. Business is conducted at a loss and taxes are paid, not out of

current profits, as they should be, but out of principal. Each day consumes the substance of the people, and we are traveling, not toward the resumption of specie payments, not toward a favorable balance or trade, but toward individual, corporate, and national bankruptcy.

Mr. Speaker, Mr. J. W. Schuckers, who was confidential secretary to Salmon P. Chase during his administration of the finances of the country, published about a year ago a pamphlet entitled "The Finances, Panics, and Specie Payments," with the motto, "Facts speak." It contains many instructive bits of history, with sage deductions therefrom, and in conclusion, borrowing my language from this little work, I say to the House, as I said to my constituents on the 15th of May last, when promising to carry the agitation for currency reform into last, when promising to carry the agitation for currency reform into every hamlet of Pennsylvania, "That the party, democratic or repub-lican, or whatever its name, which forces resumption of specie pay-ments prior to the practical extinction of the national debt, whether that be in ten years or thirty, will be trampled to death under the feet of the people. Let the future political history of the country be witness as to this!" [Applause on the floor and in the galleries.]

During the remarks of Mr. Kelley, when the hour expired,
Mr. TOWNSEND, of Pennsylvania, said: I ask unanimous consent
that my colleague [Mr. Kelley] be permitted such additional time
as may be necessary to enable him to conclude his remarks.

There was no objection, and the remarks, as above given, were con-

#### PRESIDENTIAL TERM OF OFFICE.

Mr. PIERCE. Mr. Speaker, I desire to thank my friend from Pennsylvania [Mr. RANDALL] for moving a reconsideration of the vote by which the joint resolution proposing an amendment to the Constitution was defeated.

The debate which followed the introduction of this question showed

a remarkable unanimity of opinion among members on both sides of the House in favor of some change by which the presidential term of office, and the eligibility to re-election, would be limited. There are some who, while voting for a change in one form or another, regard the matter with considerable indifference. To me it is, and has long been, a question of very great importance to the future welfare of the country. I am not in favor of amending or enlarging the Constitu-tion in any respect until the necessity for so doing is clearly apparent. It is not enough to secure my assent that a proposed amendment may be beneficial; it must be made to appear that the failure to make the change will be attended with evil.

In view of the discussion which has been carried on during the past year concerning the re-election of the present incumbent of the office to serve for a longer term than any of his predecessors, and in view of the evil results which are likely to follow from familiarizing the eople with such an idea unless some check to its accomplishment is interposed, the present time seems specially favorable for securing intelligent action upon this question.

In the remarks which were made when the reports of the Judiciary

Committee were first presented, the opinions of the founders of the Republic were quoted in support of the proposition that the President should not be eligible to re-election for an indefinite number of times. It appears that the foremost men in the convention which framed the Constitution were in great doubt as to the number of years which should constitute the presidential term, and also as to the expediency of making the incumbent eligible to re-election. And at one time it was resolved that the chief executive should be elected by the national legislature for a term of seven years, and should forever thereafter be ineligible. Finally, a committee of revision agreed upon a term of four years, saying nothing about a re-election, and that was adopted by the convention as a compromise between some who were in favor of making the tenure for life dependent only on good behavior, and others who favored a short term with ineligibility to reelection. How Jefferson regarded the dangers likely to follow the unrestricted exercise of the right of re-election has been shown by the gentleman from Kentucky [Mr. KNOTT] who submitted the majority report in favor of a single term of four years, and by the gentleman from Indiana [Mr. NEW] who introduced an independent propo-

sition to prevent a re-election for a third term.

And in this connection it may be well to refer to a report made in the session of 1825-'26 by a committee of the Senate, of which Benton was chairman, appointed to inquire into the expediency of reducing executive patronage. The recommendations made by that committee may still have their use, as Benton says in his Thirty Years View, in "showing the demonstration of the demonstra in "showing the democratic principles on practical points of that day, (when some of the fathers of the democratic church were still among us,) and in recalling the administration of the Government to the simplicity and economy of its early days." It is stated in the report that at the time the Constitution was adopted "the feebleness of the that at the time the Constitution was adopted "the feebleness of the old Confederation had excited a much greater dread of anarchy among the members than of power in the head." And the committee go on to say that they believe they will be acting in the spirit of the Constitution in laboring to multiply the guards, and strengthen the barriers, against the possible abuse of power. The patronage of the Federal Government at the beginning was founded upon a revenue of two millions of dollars; at the time the report was made it was operating upon twenty-two millions.

At the time the distinguished Frenchman, De Toequeville, was studying the institutions of this country, and collecting the facts from which

ing the institutions of this country, and collecting the facts from which

he afterward produced that remarkable work on Democracy in America, the annual revenue of the Government was scarcely more than \$25,000,000 and the expenditures did not exceed \$15,000,000—a condition of things which actually gave less patronage to the national Executive than is held to-day by the mayors of several cities in this country. What were the views of that experienced and impartial observer upon this question of executive patronage and the right of continued re-election to office? I will read a brief extract from his work:

Intrigue and corruption are vices natural to elective governments. But when the chief of the government can be re-elected those vices extend indefinitely and compromise even the existence of the country. When a simple candidate seeks success by intrigue his maneuvers can operate only over a circumseribed space. When, on the contrary, the chief of the government himself enters the ranks of candidates he borrows for his own proper use the force of the government. In the first case it is one man with his feeble means; in the second, it is the government itself, with its immense resources, which intrigues and corrupts. \* \* \* It is impossible to consider the ordinary course of affairs in the United States without perceiving that the desixe to be re-elected dominates the thoughts of the President; that all the policy of his administration tends to this point; that his least movements are subordinated to this object; that in proportion as the moment of crisis approaches individual interest substitutes itself in his mind for the general interest.

It was at the same time that President Jackson repeatedly recommended, in his messages to Congress, that the Constitution should be so amended as to limit the service of the Chief Magistrate to a single term of either four or six years. And Henry Clay, although opposed to Jackson on most political questions, agreed with him in urging the adoption of such an amendment. In a speech delivered in 1840 Clay

Much observation and deliberate reflection have satisfied me that too much of the time, the thoughts, and the exertions of the incumbent are occupied during the first term in securing his re-election. The public business consequently suffers.

To come down to a later day I may repeat the views of two statesmen whose long and distinguished services entitle them to especial consideration here. Benjamin F. Wade, just before retiring from the Senate in 1866, proposed an amendment of the Constitution confining the President to a single term, and said, in supporting it:

The offering of this resolution is no new inpulse of mine, for I have been an advocate of the principle contained in it for many years; and I have derived the strong impressions which I entertain on the subject from a very careful observation of the workings of our Government during a long period. I believe it has been very rare that we have been able to cleet a President who has not been tempted to use the vast powers intrusted to him according to his own opinions to advance his re-election. \* \* \* There are defects in the Constitution, and this is among the most during. most glaring

In 1871 Charles Sumner advocated the same amendment, and said: For many years there has been an increasing conviction among the people, without distinction of party, that one wielding the vast patronage of the President should not be a candidate for re-election, and this conviction has found expression in the solemn warnings of illustrious citizens and in repeated propositions for an amendment of the Constitution confining the President to one term.

I might go much further in quoting the opinions of those who have taken a prominent part in the government of our country from its foundation in favor of restricting the presidential term. But I will not foundation in favor of restricting the presidential term. But I will not trespass upon your time. There is one strong reason for making the change proposed which has presented itself since the Constitution was adopted. It was intended that the electors chosen in the several States should meet unpledged and exercise their personal judgment in the choice of a Chief Magistrate. If this provision of the Constitution had been carried out in accordance with the purpose of those who framed it, we should have an important check upon the evil influences of executive patronage. Instead of that, to use the words of Benton, "anirresponsible body (chiefly self-constituted, and mainly dominated by professional office-seckers and office-holders) have usurped the election of President (for the nomination is the election so far as the party is concerned) and use it to their own profit in the so far as the party is concerned) and use it to their own profit in the monopoly of office and plunder."

Another reason for the change, and one which did not show itself until the Government had been in operation some years, is the introduction of what has been called the "spoils system."

In obedience to this system-

Says George William Curtis in his report to the President as chairman of the civil-service commission-

man of the civil-service commission—
the whole machinery of the Government is pulled to pieces every four years. Political caucuses, primary meetings, and conventions are controlled by the promise and the expectation of patronage. Political candidates for the lowest or the highest positions are directly or indirectly pledged. The pledge is the price of the nomination, and when the election is determined pledges must be redeemed. The business of the nation, the legislation of Congress, the duties of the Departments are all subordinated to the distribution of what is called "the spoils." No one escapes. President, Secretaries, Senators, Representatives, are dogged, besonght and denounced on the one hand to appoint, on the other to retain subordinates. The great officers of the Government are constrained to become mere office-brokers. Meantime they may have their own hopes, ambitions, and designs. They may strive to make their patronage secure their private aims. The spectacle is as familiar as it is painful and humiliating.

Upon the vicious and corrupting practice of assessing subordinates for political purposes, Mr. Curtis says:

As a part of the vast scheme of patronage, an officer who is appointed solely in deference to political pressure is judged not by the manner in which he does his duty, but by the zeal with which he serves the influence that secured his place. He is poorly paid, but a tax is levied upon his salary for the expenses of the party, and although it is called a voluntary contribution, he is made to understand that there are scores of applicants who would gladly take his place with every incumbrance, and he therefore pays from fear of possible removal. Thus it has become the practice of every party in power to seek to retain power by levying upon the money paid to the public agents for the public service.

Washington during his term of office removed only nine persons for merely personal reasons; John Adams removed but nine, none of them except for cause; Jefferson removed but thirty-nine; Madison only five; Monroe, nine; John Quincy Adams, two. These removals were of persons confirmed by the Senate. Until Jackson's time no members of the clerical force were removed except for cause. That President removed nearly two thousand persons in a single year, merely on partisan grounds; and the result evidently impressed him with

the importance of limiting the terms of his successors.

If Randolph, Jefferson, Benton, Jackson, Harrison, Clay, Webster, and Chancellor Kent saw in their times the need of interposing some check to the exercise of the executive patronage in securing a continuance in office, how much greater does that necessity appear to-day, with a revenue of about \$300,000,000 and a civil-service list which embraces about eighty thousand persons? I have made some investigations in regard to the number of Government employés, and in placing it at eighty thousand I know whereof I speak. Think of this army of eighty thousand men, composed largely of those who believe that the whole duty of a Government office-holder is to support the Adminthe whole duty of a Government office-holder is to support the Administration through good report and through evil report—especially through evil report—and it is not surprising that we begin to hear serious talk of a third term, and if this thing continues it will not be many years before we hear of a life term.

The power of the President over these office-holders, and his disponition.

sition to exercise it arbitrarily, has been shown in repeated instances; notably in the removal by President Jackson of William J. Duane, Secretary of the Treasury, for refusing to do what he considered an illegal act—the removal of the deposits from the United States Bank; and quite recently in the forced resignation of a Secretary of the Interior for refusing to allow the compulsory assessment, for political purposes, of officers in his Department. From the Secretary of the Treasury down to the night watchmen in the custom-houses every man feels the hand of the President upon him and knows that if he half rees the half of the resident dipli him and knows that if he fails at caucus or convention in bearing true allegiance to his chief he is liable to be discharged. That is the condition of the civil service to-day. I regret to say it, but I feel that it ought to be said. Now, what is the remedy? The removal of one great incentive to the exercise of arbitrary power on the part of the Executive is the limitation of the presidential office to a single term. I do not expect that that will do away with all abuse of executive patronage; but it must certainly do much to improve the present condition of the Government service.

And now in regard to the extent of the single term to which the President should be limited I have this to say: The interval between elections should be made as long as prudence would dictate to be safe. The evils attending our presidential elections are manifest. The business interests of the Government and the people are suffering to-day from the preparations for the approaching election and the uncertainty of the result. I am strongly of the opinion that the term suggested by the minority of the Judiciary Committee, namely, six years, is on many accounts the best; and I trust the sober second thought of the members on the other side of the House will coincide in that view. It corresponds with the term of service of members of the Senate, and beyond that time I do not think it would be wise to go. The term of seven years, which seemed to be in the minds of those who framed the Constitution, would not enable the President to enter upon his duties at the same time that members of a new House of Representatives are chosen to enter upon theirs.

As to the time when the amendment shall take effect, I will say frankly that my first impression was against the date named by the minority; but the very clear explanation given by the gentleman from Maine [Mr. FRYE] of his reasons for designating the year 1885 has convinced me that the final success of the measure is largely dependent upon that point.

### RESUMPTION OF SPECIE PAYMENTS.

Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, I, too, wish to speak for the toiling millions, but not in accord with my distinguished colleague from Philadelphia. I had hoped that the propriety of a resumption of specie payments at an early day and a preparation for resumption on January 1, 1879, had been acquiesced in by political parties because of the unmistakable wish of the people, which has

been so often and so emphatically expressed.

The first act passed by Congress under the present Administration, in 1869, was an act to strengthen the public credit of the nation, by declaring that the bonded debt and legal-tenders were payable in gold, and that measures should be taken to establish an early resumption of specie payments. The democratic and republican national conventions of 1872 made declarations to a similar effect; and the voice of the people was most clearly made manifest during the recent State elections, and most notably in Ohio and Pennsylvania.

In these two States, the democratic party, reversing its frequently declared sentiments and antagonizing its long time Jacksonian and Bentonian traditions in favor of a hard money or convertible currency, placed itself in opposition to resumption, declared in favor of additional issues of legal-tenders and of the extinction of the national banking system, and the substitution of State banks in its stead. It went to the people on that issue. The merits of the question were discussed at every cross-roads store, in every district school-house, in town and county conventions, and after a thorough examination of the whole financial question the people declared in favor of a redeemable currency by a defeat of the democratic candidates for governor

in the States just mentioned.

With such an emphatic declaration of public sentiment there should be no hesitation on the part of Congress as to its duty; and although some bills have been presented to the House based on the principles of those democratic platforms which, if passed, would defeat the will of the people thus expressed; yet believing from the vote on the Holman resolution and other indications that there is a majority in Congress having a determination to respect the popular will by providing for a resumption of specie payments sooner or later and furnishing the people with honest money, I desire to offer some suggestions as to the best method of providing for such resumption.

The act of 1875 provides for the redemption of the legal-tender notes of the Government after January 1, 1879. I opposed the passage of the bill for several reasons, among which were these: that it was pushed through the House under the operation of the previous question, thus cutting off nearly all debate and all opportunity of amendment; that it surrendered the sovereign prerogative of regu-lating the currency, to two thousand banks; that it provided for re-demption at a single place in this wide nation and on sums not less than \$50, thus making it a bankers and brokers' and not a poor man's

than \$50, thus making it a bankers and brokers and not a poor man's redemption; and because it was so imperfect that it could not be executed without other legislation than that which it contained.

The correctness of my views stands confirmed in the fact that both the President and Secretary of the Treasury have recognized its deficiencies and recommended that they be supplied.

Notwithstanding my original objections, as an opportunity now occurs, and as a disposition is now manifested to carry out the spirit if not the letter of the law, and the time of redemption has been fixed and great masses of the people are turning their minds toward doing their part in effecting that result, I will earnestly oppose any post-ponement of the time already named, and will advocate any means that will aid in the contemplated redemption. I propose, therefore, to offer some suggestions as to the measures which seem to me to be necessary to effectuate the intention of the act of 1875.

In considering the best means of restoring the currency of the Government to a specie basis we should first ascertain the obstacles in the way of resumption, and afterward the most appropriate methods for

their removal.

The first great obstacle, in my judgment, lies in the depreciation of the legal-tenders. This arises from several causes. In 1854, toward the close of the war, the legal-tenders had depreciated until they were worth only forty cents in the dollar. This arose from the doubt in the minds of capitalists and the people whether the Government would be able to suppress the rebellion, and whether it would not have to make, under sheer necessity, a still further issue of legal-tenders. This doubt, however, ceased with the surrender of Lee, in April, 1865, and the greenbacks rose and fluctuated in that month between sixty-two cents and seventy cents in value, expressed in gold. With the removal of that doubt, however, there still remained the distrust that the enormous debt imposed upon us by the war would be too heavy for the nation to bear, and that the taxation necessary even to keep down the interest would be so onerous as eventually to result in re-

The rehabilitation of the rebellious States to their original political position in the nation; their appearance in Congress by their Senators and Representatives, who have sworn allegiance anew to the Constitution and declared that hereafter they want but a common flag, a common nation, and a common destiny, aided by a taxa-

mon flag, a common nation, and a common destiny, aided by a taxation that has made manifest the wonderful resources of the people, enhanced still further the value of the legal-tenders, until, in 1870, they rose in value to eighty-three cents in gold.

The great recuperative powers of the Government, by which we paid off five hundred millions of public indebtedness in a very few years, established our credit among the nations of the world and enabled the Secretary of the Treasury to reduce \$500,000,000 of the 6 per cent. bonds to 5 per cents, thus saving five millions in interest annually, and enhanced the value of the legal-tender dollar to eightynine cents, where, with a few fluctuations upward or downward, it has remained for the last four or five years.

All doubt of the perpetuity of the nation having been removed, and

All doubt of the perpetuity of the nation having been removed, and All doubt of the perpetuity of the nation having been removed, and the credit of the bonded debt being above par in gold, two elements of discredit have been eliminated from the problem, and there can only remain one other reason for the depreciation of the greenback, and that is its superabundance or redundancy. This is evident from several facts, among which are these, that the bonds of the Government are above par as just stated, while the unimpeachable credit and eventual ability of the Government to redeem the legal-tenders are insufficient to keep them at par. As they form, in common with bank-notes and bank deposits, the current means of every day's business transactions, and are influenced by them, they must be considered in connection therewith.

In 1861 the legal-tenders, bank-notes, and deposits amounted to seven hundred and nine millions, or \$21.81 per capita; in 1866 those items were increased to twelve hundred and sixty-two millions, or \$35.31 per capita; in 1875 they were increased to fourteen hundred and fifty-six millions, or, as population had increased rapidly, they amounted to \$33.10 per capita. All this was independent of the de-

posits of savings-banks and State banks, which amounted to thirteen hundred and forty-six millions in the latter year; and as these were also mostly payable on demand or at short notice, it would swell the amount of ready and available cash or its equivalent to a per capita rate of \$63.70—a larger rate of ready money to the individual than could be found in any other nation of the world. Add to all this the fact that there is now lying idle in the Treasury and in the national banks, over and above their reserve, the sum of \$125,000,000 which cannot be used by its owners profitably, and we can readily see that there is more available ready money on hand than the necessities of domestic and foreign commerce require.

Now, money is much like other commodities. If it is in excess, it depreciates; if it is in deficiency, it appreciates. That it is in excess

is shown by the figures I have just given, and also that its depreciation does not arise from any doubt of the ability of the Government to eventually liquidate its whole indebtedness.

There is, however, a greater obstacle than a depreciated currency to be removed before the Government can resume specie payments and maintain such a resumption. That obstacle is to be found in the fact that we are a debtor nation, and that our resources are annually drawn from us to pay our annual interest and the annual balances

arising from our foreign traffic.

It is generally acknowledged that our indebtedness to foreign nations is over \$2,000,000,000. The great leader of the democratic party party in 1872, its standard-bearer and candidate for the Presidency, estimated that our annual interest due to foreigners was one hundred and twenty-five millions. A part of our bonded debt has been reduced from 5 per cents to 6 per cents, and a part has been paid since then. Governor Tilden, in his late message, estimates the annual interest still due abroad at one hundred millions. How that heavy indebtedness was incurred and the annual burden imposed upon us is easily explained to us in the Treasury reports, which show an extraordinary expenditure engendered by a superabundant currency, profitable war

expenditure engendered by a superabundant currency, profitable war contracts, extravagant habits, and all the concomitants attendant upon a vicious circulating medium, the result of the late war.

Beginning with the war of the rebellion in 1861 and concluding with the fiscal year ending in 1875, we find that we imported of foreign merchandise \$6,207,800,000, and of foreign specie \$286,500,000, amounting in all to \$6,494,300,000. To settle this indebedness we exported of our own domestic merchandise only \$4,817,700,000, and of foreign merchandise, \$231,400,000. These sums did not balance accounts between us and foreign nations, and we added to them of our own species \$192,100,000, and of foreign species \$192,100,000, and of foreign species \$292,100,000, and of foreign species \$292,100,000, and of species \$292,100,000, own specie \$959,100,000, and of foreign specie \$122,100,000; amounting in all to \$6,130,300,000, leaving us still short \$364,000,000 on the

custom-house books.

As the amount of gold in the country in 1860 was estimated at \$275,000,000, in 1861 at \$250,000,000, and is now estimated by the Director of the Mint at only \$140,000,000, it is evident that in settling with foreign nations we paid them every dollar of the gold we raised from the mines, and drew on our reserved fund for \$135,000,000 more. This was only the balance of trade as snown by the custom house and not the balance of accounts as shown on the great national ledger and not the balance of accounts as shown on the great national ledger. To This was only the balance of trade as shown by the custom-house books, when we made our annual settlement with the outside world. To this again must be added at least 5 per cent. for undervaluations on the imports, making at least twenty-five to thirty million dollars per an-num. In addition we may safely add \$5,000,000 for smuggled goods,

Before the war we carried three-fourths of our products to foreign countries in our own vessels and realized the freights thereon, which amounted to many millions; but now we have but one-third of the carrying trade of our own products, and hence have to pay to foreigners for carrying the remaining two-thirds of our commodities, which is another heavy item of our annual indebtedness, the amount of which

am unable to estimate. It is many millions.

To all these must be added the annual payment of \$100,000,000 or more of interest on national, railroad, State, and municipal bonds, which does not appear on the custom-house books, and with these matters operating against us more or less during the period mentioned, we can readily understand how the immense indebtedness abroad has originated, and appreciate the fact that we are a greatly indebted nation.

If we should examine the Treasury reports alone, which show a custom-house balance in our favor for the last two years, we might custom-house balance in our favor for the last two years, we might sonclude we are a creditor nation, but when we take into the calculation those circumstances above mentioned, which never show on the custom-house ledgers, we cannot but conclude that we have still to provide for an annual deficit of perhaps \$100,000,000.

With such an annual balance against us, drawing from us every dollar of gold that we raise from the earth and also encroaching on

our surplus with silver rapidly depreciating in the markets of the world because of the disuse of it as a legal-tender in Germany, Denmark, and Sweden and Norway, we cannot hope to maintain a redemption of the greenbacks and a general resumption of specie payments. As the law now stands, it is a financial impossibility. We can only hope to bring about a resumption by making ourselves a creditor na-

The ease with which a creditor nation can manage great financial burdens was most notably exhibited recently in the case of France. When Prussia placed her foot on the neck of France and imposed

upon her a fine of five billions of francs in gold and silver or their equivalent, amounting to \$1,000,000,000, to pay her expenses in the war, and gave her only three years to pay it, the world stood aghast at the magnitude of the penalty and the short time in which it was to be liquidated. But France was equal to the emergency. She was a creditor nation. Almost all the world owed her tribute, and her peocreditor nation. Almost all the world owed her tribute, and her people had hordes of specie besides. She drew her bills on her debtors. England, Holland, Belgium, even Prussia, owed her, and by her drafts on these nations she liquidated nine-tenths of her indebtedness before the stipulated time, and settled the balance with about fifty millions of dollars in gold and as much in silver, and in all the war the notes of the Bank of France did not fall more than 3 per cent below par.

Our case has been exactly the opposite. We have been and are still a debtor nation; and the legal-tender notes of the Government and the national-bank notes fell as low as forty cents in the dollar.

and the national-bank notes fell as low as forty cents in the dollar. If, then, we hope to effect specie payments within the time designated, we must remove the obstacles of which I have spoken. I have no doubt we can do it if we make the proper preparation.

As our currency is redundant, the first thing to do is to get rid of the redundancy. That will be most easily effected by authorizing the Secretary of the Treasury to fund all the greenbacks that may be presented to him in a 4 per cent. bond, payable in thirty or forty years, with interest payable quarterly in gold. As the bond will be at a lower rate of interest than that which prevails in ordinary business transactions, it will only draw off the surplus moneys that are ness transactions, it will only draw off the surplus moneys that are not needed for business operations and which are lying idle and

The greenbacks should be funded whenever presented, and not by monthly installments; and if when business revives the volume of currency should be found too restricted, the remedy is at hand and easily to be applied by the aid of the national banks, which now can be created to an unlimited number and whose issues can only be confined to the limits of the United States loans they can command as a basis of circulation. They will afford a remedy for any stringency in the currency that might be effected by the withdrawal and fundin the currency that might be effected by the withdrawal and funding of the legal-tenders; and this withdrawal should not stop when the limit of \$300,000,000 is reached, but should be continued as long as their holders desire to fund them. This would be but a renewal of the privilege granted by the act of 1862, and which was unfortunately repealed by the act of 1863. The operation of such a system will render the greenbacks more valuable as they are retired, and will being them percently spring of gold; and as it was with the books of bring them nearer the price of gold; and, as it was with the books of the Cumean sibyl, it will also be with the legal-tenders—the destruction of some will enhance the value of the remainder.

While this policy will bring the value of the legal-tenders more nearly to that of gold, and will discourage imports and encourage exports to a certain extent, is will make resumption more easy, because of the less amount to be redeemed, and of a reduction of the balance of trade against us, but it will not entirely provide for a full redemption by the Treasury, and a permanent resumption by the banks as well. To effect such resumption we must accumulate a store of gold. We must have under the control of the Government and

of gold. We must have under the control of the Government and the banks at least \$250,000,000 in gold.

The act of 1875 provides that the Secretary of the Treasury may sell bonds to obtain gold. But where can he sell them and get it? Not in England, because she has none to spare. When we obtained the award of \$15,000,000 in the Alabama case, England insisted that we should not draw it in gold but in bonds, for it would otherwise disturb her money market. Not from Germany, Sweden, Denmark, or Norway, for they have recently adopted gold as their standard for their legal-tender coinage, and are accumulating it for the wants of their own people. Not from Belgium, Switzerland, Italy, Netherlands, Portugal, or Spain, for their currency is of the double standard and Portugal, or Spain, for their currency is of the double standard and largely in silver. Not in France, for she has not resumed specie payments, and the Bank of France has \$300,000,000 in gold and is hoard-

ing more preparatory to her resumption.

If the Secretary of the Treasury should throw upon the European market bonds of sufficient amount to obtain one-quarter of the sum in gold necessary to effect specie resumption it would agitate every money market and exchange in Europe and disturb the whole mone-tary affairs of that part of the globe. It would at once raise the rate of interest in the Bank of England and other financial institutions so high as to make it more profitable to have the gold at home than to let it come to America, and in less than a month after it had reached our shores it would be on its return to the European money centers. To attempt to supply our country with gold by such an artificial process with a hope to retain it to perpetuate a resumption of specie pay-

ments would be as idle as to expect to retain water in a sieve.

The question then arises, How shall we accumulate enough specie to effect and maintain redemption and resumption? It cannot be done by any artificial process? It must come by the operations of trade and commerce. It must be effected by making ourselves a creditor and commerce. It must be enected by making ourserves a creator nation, like France, instead of being a debtor nation, as we are and have been for fifteen years. We must buy less and sell more. We imported during the last fiscal year over \$550,000,000 worth of the products of foreign industry, as Dr. Young's valuable tables show. Of this immense sum \$380,000,000 were dutiable and consumed, more than one-half of which could be manufactured here if sufficient legislative appropriate part of the products of the superconduction of the products of the products of the product of the products of the product lative encouragement were given. For instance, we imported of-

Breadstuffs	\$9,000,000
Buttons	2,000,060
Cotton manufactures	24,000,000
Earthenware	4,000,000
Glass	5, 000, 000
Iron and steel	
Leather, nearly	10, 000, 000
Lead, nearly	2,000,000
Provisions	
Flaxseed, nearly	6,000,000
Tobacco and cigars.	
Lumber, nearly	6, 000, 000
Wool and woolen manufactures	
Total	151,000,000

If we were to add other small items it would raise the whole amount to one hundred and sixty millions of dollars' worth of articles that we

ought to produce or manufacture at home.

Why should we not manufacture at least one-half that amount, say eighty millions, and keep that amount of money in the country, in-stead of sending abroad our gold to pay for such productions? We have the raw material in abundance, ready for use, on every side. We have machinery of the most ingenious kind in our manufactories of woolen, cotton, iron, wood, and other materials. We have mechanics and artisans well skilled in all branches of industry, thousands of whom are idle, yet anxious and willing to work, but whose labor is displaced by the cheaper labor of other nations.

Then, why should we not have such legislation as will give to our working-men the manufacture of a portion at least of those articles already mentioned, so as to prevent a part of the annual drain of gold for the benefit of other nations and retain it within ourselves as an increasing fund for banks and treasury toward the necessities of

the day of resumption?

National dignity, national pride, national honor repeatedly pledged, all require that we should use all proper means for accumulating a fund wherewith to liquidate our dishonored indebtedness.

By such legislation we would give employment to the thousands of unemployed artisans and workmen now standing idle around our

of themployed artisans and workhen now standing the around our ship-yards, our mills, and manufactories, and would give food and clothing to their half-fed and half-clad families. The retention of \$80,000,000, or even less, in our country of what we pay for foreign manufactures would set the wheels of industry in pay for foreign manufactures would set the wheels of industry in motion in every direction, and would give employment and compensation to those to whom we are bound by every tie that binds citizens to a common country and the government thereof to the citizens.

It may be said, however, that our refusal to take that amount of foreign productions would lessen the revenue to a considerable extent.

It would, of course, lessen the revenues to the amount of duties that would otherwise be collected from such importations, but they could be replaced by curtailing some of the expenses of the Government, and by the enhancement of the value of our currency. Those expenses are annually decreasing as we recede from the war and the heavy burdens it has imposed.

I call the attention of the Committee of Ways and Means to the subject, for it is within their province to propose all legislation affecting imports from foreign nations and of raising the ways and means for the redemption of the national currency. I am well aware that this involves the question of adjusting duties, and that to so lay them as to give the home market to our own citizens will be assailed by some as protection and denounced by others as monopoly, and by

still others as robbery, as has been done heretofore.

It will no doubt be urged that any legislation effective of the end I propose will be a tax on the consumer of the articles for the manu-I propose will be a tax on the consumer of the articles for the manufacture of which a preference is given to the American citizen, and will insure a rise in prices, not only of the imported article, but of all similar articles produced here, on the allegation that all duties have to be paid by the consumer of the dutiable article and that they equally affect similar articles produced at home. I do not admit the doctrine. Experience proves it untrue. If such a doctrine were true, how is it that all commodities upon which sufficient duties have been imposed, and which could be manufactured in our country, have fallen in price? How is it that Bessemer steel has fallen to one-half the price it cost before we began under an adequate duty to manufacture it here? The consumers of steel surely cannot complain while they profit so highly from the results of a duty. If it were true, the farmers and planters cannot complain, for their wheat, rye, corn, oats, barley, buckwheat, rice, and tobacco are all protected by various rates of duties; and in 1870 the amount of those articles raised in our country was enhanced in price, according to that theory, to the amount of \$262,000,000. amount of \$262,000,000.

If the theory that duties always enhance prices is true, the converse of it ought also to be true, that repealing duties will lower prices; yet when Congress took the duties off tea and coffee the prices did not fall, but were kept up for the benefit of the foreign producer, as the Treasury reports have shown. Our fathers did not admit the doctrine, for almost the first act they passed in the First Congress was intended to give the preference in manufactures to our own people.

In its earlier and better days the Tammany Society, of New York,

did not believe it, for in 1819 it

Resolved. That we discountenance the importation and use in our families of every species of foreign manufacture or production which can or may be reasonably substituted by the fabrics of productions of the United States.

I do not, however, propose to argue the principles now upon which a tariff should be adjusted. I only want to call the attention of the House to the fact that we annually import between five hundred and fifty and five hundred and sixty million dollars worth of foreign articles, of which a large amount could be as well made at home, and by so doing give employment, bread, and clothing to thousands of deserving men now out of work, who are impoverished and a burden on the community, and to the necessity of retaining as an accumulating fund toward resumption a sufficient sum to enable the Government and the bards over the community of the commu

ment and the banks easily to resume specie payments in 1879.

I wish to impress upon it the still more important fact that under existing laws we are annually increasing our foreign indebtedness, already two thousand millions, to the amount of one hundred millions or more, and drifting still further away from the possibility of resumption, and that without additional legislation to prevent that annual drain on our resources the resumption of specie payments will remain a financial impossibility. Such a startling fact should well

give us pause.

The withdrawal of the surplus legal-tenders will no doubt take away a heavy burden of irredeemable currency that has been enhancemant. ing prices, making them unstable, delusive, and unsatisfactory, and vitiating the channels of trade and commerce, to the disadvantage of

the fair dealer and the enriching of the reckless and dashing speculator.

The redundancy of the currency has made this country the best in the world in which the foreigner could sell, because of the unnatural prices it gave to all commodities. It made it the worst in the world to export from, because of the high prices it gave to the raw materials and labor, making the finished production too dear to enter into competition with the markets of the world. It deluded the workingman, for although it enhanced his wages slowly, yet it advanced prices of all articles he consumed more rapidly and in a great-

vanced prices of all articles he consumed more rapidly and in a greater proportion.

When my old colored friend John Brown was mowing my lawn during the war I asked him why it was that he charged me twice as much wages as he had done a few years before. His reply was, "Ah, Mr. Townsend, your two dollars and a half to-day will not fill my market-basket to-morrow morning near as full as your dollar and a quarter did a few years ago." John Brown understood the subject practically. He was a political economist without knowing it. It deluded the farmers, because, as Professor Perry told them at

subject practically. He was a political economist without knowing it. It deluded the farmers, because, as Professor Perry told them at Omaha in 1874, "it is true that farmers always have been and always will be the greatest losers from rag money, partly for the reason that I have just given—namely, that what they have to buy is enhanced in price by it, while that they have to sell is not enhanced in price by it—and partly, also, because it takes the farmer almost a year to realize on his crops, and he cannot meanwhile insure himself against the inevitable changes in the currency. The dollar in which he calculates the expresse of his group is almost sure not to be the dollar. culates the expenses of his crops is almost sure not to be the dollar in which he realizes the results of his crops. He cannot calculate; he cannot insure himself; he is helpless."

John Stuart Mill has well said:

John Stuart Mill has well said:

Although no doctrine in political economy rests on more obvious grounds than the mischief of a paper currency not maintained at the same value with a metallic one, either by convertibility or by some principle of limitation equivalent to it, and although, accordingly, this doctrine has, though not till after the discussions of many years, been tolerably effectually drummed into the public mind, yet dissentients are still numerous, and projectors every now and then start up with plans for curring all the economical evils of society by means of an unlimited issue of inconvertible paper. There is, in truth, a great charm in the idea. To be able to pay off the national dobt, defray the expenses of government without taxation, and, in fine, to make the fortunes of the whole community, is a brilliant prospect, when once a man is capable of believing that printing a few characters on paper will do it. The philosopher's stone could not be expected to do more.

There is therefore a west proponderance of rescons in favor of a convertible in

There is, therefore, a great preponderance of reasons in favor of a convertible in preference to even the best-regulated inconvertible currency. The temptation to overisue, in certain financial emergencies, is so strong that nothing is admissible which can tend, in however slight a degree, to weaken the barriers that restrain it.

I earnestly commend this doctrine to the study of the democratic syndicate which is now vigorously wrestling with the currency question, and which has in charge the delicate and difficult task of harmonizing the conflicting opinions of leaders of the party on that question, and which, I hope, will present some feasible scheme of sustaining the nation's pecuniary credit and upholding the nation's

repeated pledges of a specie resumption.

In short, such a currency benefits no one but the keen, sharp, shrewd speculator, who is always on the watch to take advantage of every change in the money market and to be a bull or a bear or to make a corner in stocks, gold, currency, or commodities, as the oppor-

tunity may offer.

Taking away this redundancy will bring prices to their normal condition, restrain in some degree excessive importations, restore confidence to business men, encourage legitimate business affairs, and raise the balance of the currency nearer to a par in gold, and make

raise the balance of the currency nearer to a par in gold, and make more easy the task of resumption.

If we can, in addition, so legislate as to give to our workingmen the opportunity of creating a portion of those commodities we now purchase abroad, we will retain a portion of the gold now paid to foreigners and give it to our own people, and recognize the principle that should always be present to every patriotic mind that the work of America should be done by the workingmen of America.

The products of our mines, which now pass from our hands as rapidly as they are produced, will remain within our borders and the resumption of specie payments by banks and Government within the

time prescribed will be an absolute certainty. Without the adop tion of this policy resumption, in my judgment, cannot be effected. To make it the people's and not the brokers' resumption the law should be so amended as to make the legal-tenders redeemable at some point in every city of the Union and whenever presented in sums from one dollar upward. As the law now stands, those having less than \$50 who wish their notes redeemed will have to submit to such a shave as the broker may demand before he will give them gold for their legal-tenders.

In this connection, and before I conclude, I desire to allude to the fact that a great many bills have been introduced into Congress this sion, some intending to provide for specie payments and others to

postpone it indefinitely.

The favorite idea of democratic resumptionists seems to be that the Treasurer should reserve a portion of the duties and the banks should retain a portion of their interest on the bonds they own, all of which are payable in gold, as an accumulating fund toward resumption.

The lowest amount to be retained annually by the banks, so far as I have observed, is 5 per cent. on the amount of their circulation and 5 per cent. by the Government on its legal-tenders, and that the time for resumption fixed in the act of 1875 should be postponed

until banks and Government could by this process resume.

I am unable to conceive of a scheme that would be more likely to defeat the end intended than this, and to disturb commerce in every quarter. This policy would lock up in the first year \$35,000,000, almost as much as the Government owns, and in the second year almost as much as the Government owns, and in the second year as much more, being a greater amount than both banks and Government now hold. As this locking-up process went on gold would become more scarce, and would rise in price far beyond the present figures, and the merchant would find difficulty in obtaining it to pay duties; and as the Government would be required to hold the amount locked up, it would experience great trouble in obtaining enough to pay its interest, for which the faith of the nation is pledged.

The result of this policy would be to give to the gold speculator an early opportunity to make a corner in gold and raise its price to an extraordinary figure, to the destruction of all legitimate commerce, the embarrassment of the banks, and the discredit of the nation. All artificial expedients like these to procure a resumption of specie pay-

artificial expedients like these to procure a resumption of specie payments will inevitably fail, for the end desired can only be obtained

by a close observation of and respect for the fixed principles that govern currency and those that regulate internal and external commerce.

We ought not, therefore, to adopt the policy of locking up gold, and thus create a stringency in the gold market that would inevitaand thus create a stringency in the gold market that would inevitably embarrass commerce in every direction. Neither should we adopt the opposite policy of repealing the resumption law. We must have the courage and determination to sustain that law. The preparation for it has already begun. Some ten or twelve millions of subsidiary coin have been prepared, and it cannot be a great while before there will be sufficient to supply the place of the fractional currency and to give to the people for their minor transactions of every-day life a money that will have inherent value instead of the dirty, greasy, and ragged shin-plasters that have to be renewed every fifteen months. This will he a good beginning.

This will be a good beginning.

If, however, we should repeal the resumption law, the sure result would be that the day of resumption being thus indefinitely postponed, the people would at once start forward again in speculative enterprises that would appear to be legitimate business activity; the banks would foster it by extending their loans and discounts, new projects of all kinds would be instituted, and while a seeming pros-perity would ensue, the inflation of the currency would again exag-gerate prices and make necessary more money for business, until credit was stretched to its utmost limit and until on some fine morning a whisper of distrust of some great banking-house in Wall street that had overtraded in stocks, gold, or securities would be heard around, followed by a run and then a crash that would bring down thousands in a common ruin, followed in all probability by a national repudiation.

If, then, we wish to avoid an indefinite suspension of specie payments with all its attendant evils, we cannot do it by substituting one national paper obligation payable on demand for another; we cannot national paper obligation payable on demand for another; we cannot do it by an artificial and enforced contraction of the gold supplies; we cannot do it by substituting legal-tenders for national-bank notes; we can only do it by absorbing and retiring a portion of the legal-tenders, thus appreciating the value of the remainder, and by such legislation as will make us a creditor instead of a debtor nation. By such absorption and legislation gold will flow in upon us in small rills from every country, until the accumulated mass before the day of resumption will be so large that banks and Treasury will be enabled to pay their notes, to all who may demand it, in the honest currency recognized as such by all the world, and a safe and sound business conducted on legitimate principles will restore us again to a persence of the same and the principles will restore us again to a persence of the same and the principles will restore us again to a persence of the same and the principles will restore us again to a persence of the same and the principles will restore us again to a persence of the same and the principles will restore us again to a persence of the same and the principles will restore us again to a persence of the same and the principles will restore us again to a persence of the same and the principles will restore us again to a persence of the same and the sa ness conducted on legitimate principles will restore us again to a permanent national prosperity.

# APPENDIX.

But when a nation is year after year drawn upon for coin to pay balances standing against it in the foreign marts whither its produce is sent, whence its fabrics and wares are imported; when its banks, because of such drafts find it difficult and sometimes impossible to maintain specie payments; when the obligations of its government, States, provinces, counties, or cities, and of its industrial or moneyed corporations are constantly tending abroad for sale even atruinous rates, with no countercurrent of securities in the opposite direction; when such a country finds its leaks founded in part on foreign capital, its mines sold out to foreign creditors, its railroads

in good measure owned and managed if not actually constructed by them, and everything tending more and more to make its people toil and sweat through future ages to pay barely the interest and dividends which must necessarily be due from them to foreigners, then I submit that the course on which that country has entered is perilous, and portends evil at hand.

I do not insist that a nation should prize gold and silver above wealth, seeking to import and amass them; I do not say that a moderate afflux of the precious metals from a country which bounteously produces them is to be deprecated; I do not say that a nation should never owe a stiver abroad, nor import a fraction more than its exports in a given year; but I do hold that a nation, like an individual or a family, should pay as it goes; should buy no more than it can pay for; should dread running into debt, and avoid it when it may; and that the exportation of its coin or bullion beyond the amount of its annual product is improvident, thriftless, and tempts as well as tends to financial disaster. "In time of peace and fair harvests we need not run in debt, and should not."—Greely's Political Economy, page 67.

Mr. WHITEHOURSE. I move that the House pow adjourn.

Mr. WHITEHOUSE. I move that the House now adjourn. The motion was agreed to; and accordingly (at three o'clock and forty-five minutes p. m.) the House adjourned.

### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLISS: The petition of tobacco manufacturers of New

York, for the abolition of the import duty on mass and stick licorice, to the Committee of Ways and Means.

By Mr. DANFORD: The petition of J. J. Mercer and others, of Belair, Ohio, that aid be granted the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of E. M. Scott and others, of Cambridge, Ohio, of

similar import, to the same committee.

Also, the petition of J. M. Carson and others, of Cambridge, Ohio,

Also, the petition of J. M. Carson and others, of Camoriage, Onio, of similar import, to the same committee.

By Mr. GARFIELD: Memorial of John J. King, for compensation for damages sustained by reason of the murder of his mother and father by Indians, to the Committee on Indian Affairs.

By Mr. HOPKINS: The petition of citizens of Ætna, Allegheny County, Pennsylvania, that aid be granted to the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of citizens of Pittsburgh, Pennsylvania, of similar import, to the same committee.

By Mr. SAVAGE: The petition of 40 citizens of Fayette County,

Ohio, of similar import, to the same committee.

By Mr. TARBOX: The petition of the Pilgrim Congregational church, of Cambridge, Massachusetts, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Com-

mistee of Ways and Means.

By Mr. WOOD, of New York: The the petition of Theo. V. Brenison, for pay for services rendered the United States as assistant marshal of the census, to the Committee of Claims.

Also, the petitions of George Dittmar and Henry Bauer, for bounty, to the Committee on War Claims.

# IN SENATE.

# MONDAY, February 21, 1876.

Prayer by Rev. WILLIAM H. MILBURN, of New York. The Journal of the proceedings of Thursday last was read and ap-

### PETITIONS AND MEMORIALS.

Mr. McCREERY presented the petition of John Dwyer, late a private soldier in Company C, Fourth United States Cavalry, praying that his name be placed on the pension-rolls; which was referred to the Committee on Pensions.

Mr. WINDOM presented resolutions of the Legislature of the State of Minnesota, in favor of the improvement of the Minnesota River; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

be printed in the RECORD, as follows:

Whereas the practicability and feasibility of improving the navigation of the Minnesota River are clearly shown and demonstrated by the surveys thereof made by the War Department, by a system of locks and dams, whereby permanent navigation of said river during the season thereof can be secured to the great relief of the grain-producing interests of this State: Therefore,

Be it resolved by the Legislature of the State of Minnesota. That our Senators in Congress be instructed and our Representatives therein be requested to use their influence in behalf of legislation favorable to the improvement of the Minnesota River by a system of dams and locks, whereby permanent navigation of said river may be obtained during the season of navigation in said State of Minnesota.

Resolved, That the secretary of state forward a copy of this resolution to each of our Senators and Members of Congress.

J. B. WAKEFIELD,

J. B. WAKEFIELD,
President of the Senate.
W. R. KINYON,
Speaker of the House of Representatives.

Approved February 10, A. D. 1876.

J. S. PILLSBURY.

STATE OF MINNESOTA,
Office of the Secretary of State:

I certify the foregoing to be a true and correct copy of the original on file in this

Witness my hand and the great seal of the State, this 12th day of February, A.D. 1876

[SEAL.]

J. S. IRGENS, Secretary of State.

Mr. WINDOM presented a memorial of the Legislature of the State of Minnesota, asking an amendment to the pre-emption laws of the United States; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Whereas an amendment to the pre-emption laws of the United States, permitwhereas an amendment to the pre-emption laws of the United States, permitting the applicants thereunder to make yearly or semi-yearly partial payments for the lands held by them would greatly ease and assist such persons in paying for their land; and whereas such laws so amended would induce a greater immigration to and settlement upon the lands subject to pre-emption, and thus become of individual and general benefit, and work no loss to the Treasury of the United

individual and general beneau, and work no less which are States. States: Therefore,

Be it resolved, That the Senators and Representatives of this State in Congress be, and hereby are, requested to use their influence to secure such amendment to the present pre-emption laws of the United States as will allow the applicant thereunder to make annual payments for any legal subdivision of the lands he may be entitled to hold within the time now prescribed for proving up and to receive a patent therefore.

J. B. WAKEFIELD, President of the Senate. W. R. KINYON, Speaker of the House of Representatives.

Approved Ferbuary 3, A. D. 1876.

J. S. PILLSBURY.

STATE OF MINNESOTA,
Office of the Secretary of State.

I certify the foregoing to be a true and correct copy of the original on file in this

Witness my hand and the great seal of the State, this 12th day of February, A. D. 1876.

[SEAL.]

J. S. IRGENS. Secretary of State.

Mr. WINDOM presented a memorial of the board of trade of the city of Minneapolis, Minnesota, asking an appropriation for the im-provement of the Red River of the North; which was referred to the Committee on Commerce.

He also presented a petition of 938 citizens of Minnesota and Wisconsin, praying for an appropriation to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien; which was referred to the Committee on Commerce.

He also presented a petition of 46 leading business men of Winona, Minnesota, praying for a repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. ROBERTSON presented a petition of citizens of South Carolina, surviving soldiers of the Florida war against the Seminole Indians in 1836, praying to be allowed pensions; which was referred to the Committee on Pensions.

He also presented the petition of Joseph Culbreath, of Edgefield County, South Carolina, a soldier of the war with Mexico, praying to be

allowed a pension; which was referred to the Committee on Pensions.

Mr. LOGAN presented a petition of citizens of Lake County, Illinois, praying for the cession to that State of the wet lands lying be-tween the water-line of the Meander Lakes and Government Meander line, and what was called Pistaker Lake at the time of the Government survey; which was referred to the Committee on Public

He also presented a memorial of volunteer officers wounded in the United States service, showing the inequality between those pensioned and those retired, and praying equal and exact justice; which was referred to the Committee on Military Affairs.

He also presented the petition of Colonel A. W. Preston, praying

for relief as a retired officer of the Army; which was referred to the

Committee on Military Affairs.

He also presented additional papers relating to the petition of John T. Taylor, Company M, First Maryland Cavalry, praying for a correction of his Army record; which were referred to the Committee on Military Affairs.

He also presented a petition of brewers of Milwaukee and Chicago, praying Congress for relief from certain restrictions and regulations imposed upon them by the internal-revenue officers of the Government, alleged to be unauthorized and unjust; which was referred to

Mr. WITHERS. I present the petition of Thomas Kreger & Co. and sundry citizens of Abington, Virginia—I recognize the names of the leading business men of that community—praying for the repeal of the bankrupt law. I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

The motion was agreed to.

Mr. MORRILL, of Maine, presented the petition of Jennie L. Wall, for an appropriation of \$225 to pay her salary as a clerk in the Treasury Department for the months of August, September, and October, 1871; which was referred to the Committee on Claims.

Mr. HAMLIN. I present the following resolution, which is in the nature of a petition, accompanied by other papers which I wish to have referred to the Committee on Claims:

Resolved, That the Committee on Claims be directed to inquire what, if any, sum may be due to Charles B. Varney, of Portland, Maine, for rent and use of lends in Portland for the years 1867 and 1868 and a part of 1869, and to report by bill or otherwise.

The resolution was agreed to; and the accompanying papers were referred to the Committee on Claims.

Mr. SHERMAN. I present the petition of a very large number of leading merchants of Cleveland, Ohio, praying for the repeal of the

bankrupt law. They further state that as merchants doing business over a widely extended section of country they would greatly prefer to look to the State courts for protection of their interests rather than to the complex, dilatory, and expensive bankrupt law, which in practice has benefited only the officials by whom it is administered, and those bankrupts who do not hesitate to swear falsely, while it has frequently been used to oppress the honest debtor. Former bankrupt laws have been short-lived, and they believe that the present one should be repealed at the earliest practicable moment. I move the reference of this petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. SHERMAN presented three petitions of ex-soldiers who served during the late war for the Union, praying for the passage of an act to equalize the bounties of all soldiers who served during the late war upon a basis of the actual term of service of each enlisted man; which were referred to the Committee on Military Affairs.

He also presented a petition of citizens of the State of Michigan, praying for the repeal of the United States two-cent stamp tax on bank-checks; which was referred to the Committee on Finance.

Mr. McMILLAN presented a joint resolution of the Legislature of

the State of Minnesota, in favor of such legislation by Congress as will provide for a treaty with the Indians occupying the country known as the Black Hills, in the Territory of Dakota, so that it may be opened up to settlement and occupation at as early a day as possible; which was referred to the Committee on Indian Affairs.

He also presented a joint resolution of the Legislature of Minnesota, in favor of the establishment of a post-route from Moorhead, Minnesota, by way of certain points therein mentioned, to Saint Vincent, in that State; which was referred to the Committee on Post-

cent, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of Wisconsin, in favor of an appropriation for the improvement of the navigation of the Chippewa River, in that State; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. KEY presented the petition of Crutchfield & Co., and other merchants and business men of Chattanooga, Tennessee, praying for the repeal of the bankrupt law; which was referred to the Committee on the Indicious.

on the Judiciary.

He also presented the petition of citizens of the United States, late officers and soldiers in the Mexican war, praying to be granted pensions; which was referred to the Committee on Pensions.

Mr. WALLACE presented a petition of citizens of Pike County, Pennsylvania, praying for a restoration of cheap rates of postage on third-class mail matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of citizens of Pittsburgh, Pennsylvania, praying for aid to the Texas Pacific Railway; which was referred to the Committee on Railroads.

Mr. BOOTH presented a joint resolution of the Legislature of California, relative to United States mail-route No. 46109; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a joint resolution of the Legislature of California, in favor of an appropriation for the improvement of the harbor and the construction of a breakwater at Crescent City, Del Norte County, California; which was referred to the Committee on Commerce.

Mr. INGALLS presented the petition of citizens of Northwestern Kansas, praying for the establishment of certain mail-routes; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Thaddeus S. Stewart, late a private in Company K, Thirty-seventh Regiment Illinois Volunteers, praying for a pension; which was referred to the Committee on Pen-

He also presented the petition of citizens of Johnson County, Kansas, praying for the passage of the bill (S. No. 196) for the sale of certain Shawnee Indian lands, and to provide homes for the Black Bob and Absentee Shawnee Indians; which was referred to the Committee

on Indian Affairs.

on Indian Affairs.

Mr. BAYARD. I present the petition of Niel Nielson, of the city of Philadelphia, asking for a pension. I desire to state that this man was injured while in the service of the United States on board a revenue-cutter. He fired a salute under order of his superior officer, and his right arm was shattered. He is a disabled seaman, and was honorably discharged. His own petition is accompanied by the petition of a number of the most intelligent and responsible citizens of Philadelphia, by whom he is known, as well as a recommendation from the district judge of the United States court for that district. I move its reference to the Committee on Pensions.

The motion was agreed to.

The motion was agreed to.

Mr. MERRIMON presented the memorial of W. H. & R. S. Tucker

and others, of North Carolina, stating their grounds of opposition to the bankrupt law and praying for its repeal; which was referred to the Committee on the Judiciary.

Mr. CONKLING. I present the petition of 750 wounded and disabled soldiers, praying an amendment to the act granting bounty land to soldiers, so as to allow those unable to fulfill the conditions of that act to furnish a substitute or transfer their privilege to others who can comply with the provisions thereof. This petition, I suppose, goes properly to the Committee on Military Affairs.

The PRESIDENT pro tempore. It will be referred to that committee.

Mr. CONKLING. I present also the petition of lumber dealers in the State of New York, being, I am instructed, all the lumber dealers in the city of Albany save one who was absent, praying for the repeal absolutely of the bankrupt law. I move its reference to the Commit-

tee on the Judiciary.

The motion was agreed to.

Mr. CONKLING presented the petition of C. W. Brink, praying compensation for services rendered while employed in carrying dispatches from the minister of the United States at Mexico to the United States Government at Washington; which was referred to the Committee on Foreign Relations.

Mr. FRELINGHUYSEN presented a petition of citizens of Newark,

New Jersey, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented a petition of the Monmouth Grange of New Jersey, praying the repeal of certain postal rates on printed matter; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Thomas S. Whitenack, of Raritan, New Jersey, inventor of improvements in harvester-rakes, praying for an extension of his patent; which was referred to the Committee

He also presented a petition of citizens of Dacosta, New Jersey, praying Congress for the repeal of the specie-resumption act; which was referred to the Committee on Finance.

Mr. THURMAN presented a petition of business men of Cleveland,

Ohio, praying Congress to repeal the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. THURMAN. I have received by mail and present nine petitions from citizens of the State of Ohio, in which the petitioners say they believe that Congress should, under proper guarantees, extend the national credit to the completion of a great southern line to the Pacific—I suppose a line of railroad is meant—and that the guaran-Pacific—I suppose a line of rairroad is meant—and that the guarantee of interest upon the bonds of the company, protected by a first mortgage and a lien upon all the revenues of the road, be so secured that no liability can result from the same. They therefore pray Congress to extend this aid, and thus be the means of largely furnishing the employment and relief absolutely necessary to the laboring men of the country. I move that these petitions be referred to the Committee on Railroads—I believe we have such a committee.

The motion was agreed to.

The PRESIDENT pro tempore presented the petition of C. W. Ingalls and 65 others, praying for an appropriation for the construction of a light-house at Little Traverse, Michigan; which was referred

tion of a light-house at Little Traverse, Michigan; which was referred to the Committee on Commerce.

He also presented the petition of L. Hull and 55 others, citizens of Kalamazoo, Michigan, praying Congress for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. NORWOOD presented the petition of Messrs. Meinhard, Bros. & Co. and other leading merchants and citizens of Savannah, Georgia, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the

Senate:

A bill (H. R. No. 525) to extend the time for filing claims for additional bounty under the act of July 28, 1866, which expired, by limitation, on January 30, 1875, until July 1, 1880;

A bill (H. R. No. 683) to authorize the sale of cadet rifles;

A bill (H. R. No. 1328) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875;

A bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut:

A bill (H. R. No. 1343) for the sale of the arsenal and lot at Stonington, Connecticut;
A bill (H. R. No. 1384) to change the name of the schooner Turner & Keller, of Oswego, to that of Falmouth;
A bill (H. R. No. 1668) to supply an omission in the enrollment of the deficiency bill approved March 3, 1875; and
A joint resolution (H. R. No. 53) in favor of John M. English, of North Carolina.

The message also announced that the House had appointed Hon.

SAMUEL S. Cox, a Representative from the State of New York, Speaker pro tempore during the present temporary absence of the Speaker.

The message further announced that the House had passed a concurrent resolution declaring the 22d of February in this year a native of the Speaker. tional holiday; in which the concurrence of the Senate was requested.

### BIRTHDAY OF WASHINGTON.

Mr. HAMLIN. The concurrent resolution which has just been received from the House should be acted upon this morning, if it is to be acted upon at all.

Mr. SHERMAN. I suggest to the Senator to let it go over until after the morning business is concluded.

Mr. HAMLIN. We should consider it now. I ask that it be taken up at this time.
Mr. SHERMAN. Very well.

The PRESIDENT pro tempore laid before the Senate the following concurrrent resolution from the House of Representatives:

Be it resolved, (the Senate concurring,) That for the promotion of national feeling throughout the Union on the occasion of the centennial year of our Independence, and believing this to be the proper time for the expression of our appreciation of the great services rendered to the people and the cause of liberty by the Father of our Country, George Washington, the 22d day of the present month shall be treated and deemed a national holiday throughout the United States in the Government business, and, so far as is consistent with the public welfare, in all of the departments of the Government employment shall be suspended for that day.

The PRESIDENT pro tempore. Is there objection to the present

consideration of the resolution?

Mr. CONKLING. I rise not to object to this resolution or to delay its adoption, but to predict that the time will come, if it has not now come, when reasons not unlike those on which this resolution rests will move Congress to make a holiday of the birthday of Abraham Lincoln. I will not propose it now, because I see the force of the suggestion that time is scant within which to act favorably upon the pending proposal. I content myself with improving the occasion to record my belief that the time is not distant when the American peo-ple in Congress assembled will set apart and commemorate the other day as fit to be treasured with ascriptions and attributes not unlike those which deserve the action the Senate is about to take.

The resolution was considered by unanimous consent, and agreed to.

REPORTS OF COMMITTEES.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 3) for the relief of Alvis Smith, reported it without amendment.

\*He also, from the same committee, to whom was referred the bill (S. No. 82) for the relief of Amos B. Ferguson, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 27) for the relief of First Lieutenant Henry Jackson, Seventh

Gavarry, United States Army, reported it without amendment.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the petition of John McFarland, late a private of Company E, Sixty-fourth Regiment Ohio Volunteer Infantry, praying for an honorable discharge from his enlistment in said regiment, and for pay and allowances while a prisoner at Andersonville, Georgia, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of

He also, from the same committee, to whom was referred the bill (S. No. 239) authorizing the Secretary of War to correct an Army offi-

cer's record, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MORRILL, of Vermont, from the Committee on Revolutionary Claims, to whom was referred the bill (S. No. 137) to provide for the settlement of the claims of the officers of the revolutionary army and of the widows and children of those who died in the service, reported it without amendment, and submitted a report thereon; which was ordered to be printed, and the bill was recommitted to the commit-

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (8. No. 394) to amend the act entitled "An act to pro-vide for furnishing trusses to disabled soldiers," approved May 28,

1872, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 366) to fix the date of entry into the military service of Colonel and Brevet Major-General Benjamin H. Grierson, United States Army, and to correct his record on the Army Register, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill

(S. No. 408) for the relief of Assistant Surgeon Thomas F. Azpell, United States Army, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 73) to extend the time for filing claims for additional bounty under the act of July 28, 1866, reported it without amendment.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the petition of Josephine S. Stavens, praying compensation for

ferred the petition of Josephine S. Stevens, praying compensation for the services and value of the steamer Grey Cloud during the late war, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the petition of the trustees of the Tennessee Hospital for the Insane at Nashville, Tennessee, praying compensation for property taken and destroyed by United States troops during the late war, reported adversely thereon, and asked to be discharged from its further consid-

eration; which was agreed to.

Mr. MERRIMON, from the Committee on the District Columbia, to whom was referred the petition of William Ballantyne, Henry Dickson, and William King, praying that the supplies furnished the public schools in the District of Columbia in the way of fuel, &c., be paid for in money instead of bonds, submitted an adverse report thereon; which was ordered to be printed, and the committee was dis-

charged from the further consideration of the petition.

Mr. WRIGHT. The Committee on Claims, to whom was referred the memorial of Joseph Segar, of Virginia, praying compensation as the third time, and passed.

United States Senator from that State, having had the same under consideration, find that the claim was at one time before the Committee on Privileges and Elections. It must have been referred to our committee by mistake. I move that the committee be discharged from the further consideration of the memorial, and that it be referred to the Committee on Privileges and Elections. The motion was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of William Cash, praying compensation for the use and occupancy of certain property at Memphis, Tennessee, taken possession of by order of the military authorities in 1863 and for the loss of the same by fire, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of William S. Mitchell, claiming a balance alleged to be due for goods furnished the Commissioner of Public Buildings, submitted an adverse report thereon; which was agreed to, and ordered to be

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, reported it with amendments.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of Reuben S. Denny, of Pulaski County, Kentucky, praying compensation for house and ferry-boats destroyed by order of Colonel Hoskins, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of George Hubbell, of Cincinnati, Ohio, praying compensation for a stock of goods, wares, and merchandise burned at Charleston, West Virginia, September 13, 1862, submitted an adverse report there-

on; which was agreed to, and ordered to be printed.

Mr. WHYTE, from the Committee on Naval Affairs, to whom was referred the petition of the Albemarle and Chesapeake Canal Company, asking compensation for the use of its canal for the passage of naval vessels through the same from January 10, 1864, to July 27, 1866, submitted a report thereon, accompanied by a bill (S. No. 464) for the relief of the Albemarle and Chesapeake Canal Company.

The bill was read and passed to the second reading, and the report

was ordered to be printed.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (S. No. 290) to amend section 2165 of the Revised Statutes of the United States, to report it back adversely. We have passed a bill already which makes the same provision that this bill does. I move that it be indefinitely postponed. The motion was agreed to.

# ALABAMA CLAIMS.

Mr. EDMUNDS. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1054) to extend the time for claimants, under section 11 of chapter 459 of the laws of the Forty-third Congress, to prove their claims, to report the same favorably with certain verbal amendments, and to ask its present consideration. I will say that I ask its present consideration contrary to my usual practice, because the bill merely extends the time for a few claimants, seamen and others, who were not within reach it was said at the time; and in order to avoid the necessity of extending the duration of the court any longer, it was thought desirable, if it should

meet the view of the Senate, to pass this as soon as possible.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It makes it the duty of the court of commissioners for the Alabama claims to receive, examine, and pass commissioners for the Alabama claims to receive, examine, and pass upon all claims that may be admissible under the provisions of chapter 459 of the laws of the Forty-third Congress which may be presented and filed within three months hereafter, if it shall appear by the claimants' petition that, by reason of the absence of the claimants from the United States, or their ignorance of the time limited for the from the United States, or their ignorance of the time limited for the filling of petitions, or for other reasons satisfactory to the court, such claims have not been previously presented to the court within the time limited; and such claims, in cases where the claimants shall be absent from the United States at the time of presenting the petition, may be presented and verified by the attorney in fact of such claimants; and their evidence in support of their respective claims may be taken, if abroad, before any officer authorized to administer an oath by the authorities of the country where they reside, to be authenticated in due form of law.

The amendments of the committee were to make the proviso read as follows:

As follows:

Provided, That it shall appear by the claimant's petition and be proved to the satisfaction of the court that by reason of his absence from the United States, or his ignorance of the time limited for the filing of a petition by such claimant, or by reason of fraud, accident, or mistake the claim of such claimant has not been previously presented to said court within the time limited by said act; and such claim, in cases where the claimant shall be absent from the United States at the time of presenting the petition, may be presented and verified in such manner as the court shall by rule have provided.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in. It was ordered that the amendments be engrossed and that the bill be read a third time. The bill was read

### WABASH AND ERIE CANAL.

Mr. FRELINGHUYSEN. The Committee on the Judiciary, to whom was referred the petition of James A. Briggs, attorney, &c., praying the passage of a law prohibiting the sale of that portion of the Wabash and Eric Canal in the State of Indiana lying between Terre Haute, Indiana, and the Ohio State line, have instructed me to report a resolution, and I ask for its present consideration. The facts, as I understand them to be, are simply these: This canal was constructed, a grant having been made of land by the United States, with the provision that it should be kept open as a highway for the use of the United States. By some proceedings of the receiver the canal is advertised to be sold on the 24th of this month. The resolution asks information from the Attorney-General whether the rights of the United States need to be protected, and that in the mean time he may take necessary measures to have the sale postponed.

The PRESIDENT pro tempore. The Senator from New Jersey asks

the present consideration of the resolution which he reports. It will

be read for information.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate, That the Attorney-General of the United States be, and he is hereby, requested to report to Congress whether any act is necessary to protect the property or interest of the United States in the Wabash and Eric Canal from Terre Haute, Indiana, to the State of Ohio, and that he be requested in the mean time to take such measures as he may deem necessary to have the sale of the said canal, which is advertised for the 24th instant, postponed.

The PRESIDENT pro tempore. Is there objection to the present

onsideration of the resolution?

Mr. BOOTH. I notice that neither of the Senators from Indiana is in his seat. I suppose they will be in during the morning hour, and it might be well to defer the resolution until that time.

The PRESIDENT pro tempore. Objection being made, the resolution will lie over for the present.

Mr. FRELINGHUYSEN. I simply wish to say to the Senator from California that I have no objection to waiting for a little while for the Senators from Indiana to come in; but, if this resolution is to be of any service, inasmuch as the sale is on the 24th and to-morrow is dies non, it must be passed this morning.

#### LIGHT-HOUSE SERVICE.

Mr. SARGENT submitted an amendment intended to be proposed by him to the bill (S. No. 373) to promote the efficiency of the lighthouse service of the United States; which was referred to the Committee on Commerce, and ordered to be printed.

### BILLS INTRODUCED.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 465) to fix the retired pay of Surgeon-General Clement A. Finley; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 466) to locate and establish an assay office

at Portland, in the State of Oregon; which was read twice by its title,

and ordered to be printed.

Mr. MITCHELL. Mr. President, in connection with the introduction of this bill I desire to make a remark or two for the ear of the committee to whom the bill has been referred. Ever since I have had a seat in this body there has been a constant and, as I think, reasona seat in this body there has been a constant and, as I think, reasonable demand made upon me by the people of the North Pacific coast, by whom I mean the people of Oregon, Northern Idaho, Washington Territory, and Alaska, for some Government regulation by which the large amount of gold-dust produced annually in that section of counrange amount of gold-dast produced amounty in that section of contry might be reduced to bars without shipment and by which a fixed value might be placed upon these bars. This demand has induced me to make an attempt in Congress to secure the passage of a law establishing an assay office at Portland, Oregon.

It is estimated by those who are in a position to be well informed It is estimated by those who are in a position to be well informed on the subject that not less than from four to five million dollars' worth of gold-dust come to and pass through Portland, Oregon, annually, and, although every facility for assaying by a private assay office is given, a little less than \$400,000 are annually assayed there, and why for the simple reason that gold bars have no fixed value. Bankers and brokers in Portland seldom pay for gold bars within 2 per cent. of their value in San Francisco, although the cost of shipment between the two places is only about \( \frac{1}{2} \) of \( \frac{2}{3} \) of 1 per cent. by Wells, Fargo & Company's express.

Company's express.

The establishment of an assay office in Portland would obviate all this, by the agent of the Government in charge of the office issuing to the owner of the gold assayed a certificate upon any sub-treasury of the United States for the full Government value of the gold bar, less the charges for transportation to the United States Mint, which would leave a balance in favor of the producer—the man who digs in the mines and who owns the bar—of nearly 2 per cent. But another and a greater evil, and one that affects adversely the prosperity of our whole country in draining it of its gold, would be remedied by the establishment of this office, and that is this: It is estimated that over \$1,000,000 worth of gold-dust passes through Portland annually in the hands of Chinamen and is taken directly out of the country to China. The Chinese can realize more money from their dust in China than they can here.

Valuable gold mines have been recently discovered in Alaska. All

of Northern Idaho, part of Montana, Washington Territory, and most of Eastern Oregon draw their supplies from Portland. The mines of Elk City, Florence, Warren's, Salmon River, Snake River, Slate Creek, Miller's Camp, Oro Fino, Pierce City, Newsom Creek, Clear Water, Santain, Umatilla, and many other camps, as also the mines in Southern and Western Oregon, are now being worked to good advantage, and unquestionably will be by thousands of men, for many years to come, with fair profit. In these various camps there are engaged not less than fifteen thousand Chinese who work their own placerclaims, either taking up abandoned ground or purchasing claims too low in yield to be worked profitably by white labor. Ground thus taken turns out to be very valuable. It is this class of mines that export from the United States over \$1,000,000 annually from this section, a great portion of which could be kept in the country if they could obtain something near its value, and many would prefer to purchase drafts from our bankers on Hong-Kong and Canton, which exchange is needed to pay for the many cargoes of lumber and flour which we export by ships sailing direct from the ports of Portland and Puget Sound.

Heretofore when attempts have been made to secure the establishment of an assay office for the benefit of this region of country it has unfortunately been the case that some agent of the Treasury Department from the East, knowing nothing whatever about the country or the subject, has been sent out on a pleasure trip virtually, and after remaining a few weeks, during which time it would have been a mat-ter of impossibility to have obtained any correct information upon the subject, he has submitted his report, which at best could throw

but little certain light on the subject.

In this connection I desire to state that Dr. Linderman, upon his attention being called to this subject in January, 1874, addressed me a communication in which he uses this language:

I have the honor to state that the present production of bullion from the mines of the North Pacific coast appears to be sufficient to justify the Government in providing assay facilities at the most convenient point for the accommodation of the same. The city of Portland being the commercial center of that section of the country, and the custom-house in that city affording the necessary room for assay operations, is the place where the proposed office should be located.

This letter bears date January 5, 1874. From this it will be seen that the establishment of an assay office at this place will not involve an expenditure for the purchase or construction of a building, as there is ample room in the new Government building in that city now just completed. I hope, therefore, that this subject will receive the serious consideration of the Committee on Finance, to which committee I move that the bill be referred.

The motion was agreed to.
Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 467) relating to pre-emption claims; which was read twice by its title, and, together with accompanying papers,

referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 468) to amend section 3513, title 37, and section 3586, title 39, Revised Statutes of the United States, and for other purposes, relating to the silver coinage of the United States; which was read twice by its title, referred to the Committee on Finance, and

ordered to be printed.

Mr. NORWOOD asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 463) for the relief of the legal representatives of Joseph L. Locke, deceased; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be

printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 470) for the relief of John S. Wood, late a first lieutenant in the Seventh Pennsylvania Cavalry, which was read twice by its title, and, together with the papers on file in the case, re-ferred to the Committee on Military Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 471) to re-open the lands of the Fort Sedgwick mili-

tary reservation to settlement and occupation as public lands; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CAPERTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia; which was read twice by its title, referred to the Committee on the Judiciary,

read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MERRIMON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 473) to provide for the erection of lighthouses in Albemarle Sound, North Carolina; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to Mr. CLATION asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 474) to establish a post-route in the State of Arkansas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. SHERMAN asked, and by unanimous consent obtained, leave

to introduce a bill (S. No. 475) to amend an act entitled "An act to incorporate the proprietors of the Glenwood cemetery," approved July 27, 1854; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. SHERMAN. I present a petition signed by 156 citizens of

Washington on the subject of this bill. I move its reference to the Committee on the District of Columbia with the bill,

The motion was agreed to.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 476) to amend the fifth section of an act making appropriations to supply deficiencies in the appropriations for the appropriations to supply deficiencies in the appropriations for the service of the Government approved May 18, 1872, and to extend the time for the presentation of claims for cotton seized after the 30th day of June, 1865; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to in-

troduce a bill (S. No. 477) to re-imburse the loyal owners of the steamer Planter for the sale of that vessel by the Government; which was read twice by its title, referred to the Committee on Claims, and or-

dered to be printed.

#### LIBRARY FOR TREASURY DEPARTMENT.

Mr. MORRILL, of Vermont. I offer the following resolution, and ask for its present consideration:

Resolved, That the Committee on the Library be instructed to inquire as to the expediency of making an appropriation of \$1,000 annually for the library of the Treasury Department.

Mr. President, I believe that for all the other Executive Departments an annual appropriation is made for the library of each; but, while there are a larger number of clerks, both male and female, in the Treasury than in any other Department, there is no such appropriation made, and there is a great demand for books, exceeding the supply that they have weekly. I therefore commend this subject to the Committee on the Library.

The resolution was considered by unanimous consent, and agreed to.

#### PRE-EMPTION LAWS.

Mr. BOUTWELL. There is upon the Calendar in the order of business No. 44 a bill (S. No. 423) to repeal the pre-emption laws and to provide for the sale of timber upon the public lands of the United States that ought not to have gone on the Calendar. It does not need consideration at all. It was proposed by me and laid on the table and afterward offered as an amendment to another bill. It ought to be atruck off the calendar. be struck off the calendar.

The PRESIDENT pro tempore. That correction will be made.

#### THE EIGHT-HOUR LAW.

Mr. HARVEY. I desire to call up the resolution submitted by me on the 14th instant calling on the Secretary of War for information relative to the execution of the eight-hour law of 1868.

There being no objection, the Senate proceeded to consider the following resolution:

Resolved, That the Secretary of War be, and he is hereby, directed to present to the Senate such suggestions as may be deemed expedient for the public service, covering the period between May 19, 1869, and October 1, 1872, to enable the Government to carry out the provisions of an act constituting eight hours a day's work for all laborers, workmen, and mechanics employed by or on behalf of the Government of the United States, approved June 25, 1868.

Mr. ALLISON. I should like to know the object of the resolution.

There must be some purpose.

Mr. HARVEY. The object of the resolution is to get before the Senate such information in an official manner as will enable us to see why that law has not been executed in some instances and to give us an opportunity to provide that it shall be executed.

Mr. ALLISON. As I understand the resolution, it only covers a period from 1869 to 1872.

Mr. HARVEY. During the other portion of the time the law was executed, and there is no question about that

executed; and there is no question about that.

Mr. ALLISON. I should be glad to know what remedy is proposed.

I do not see very well what can be done in case it has not been exe-

Mr. HARVEY. I hope when we get this information we can see what is necessary. I hope Senators will not object to this resolution.

Mr. ALLISON. I fear it may be laying the foundation for some

appropriation. That is all I fear about it.

Mr. HARVEY. Without a knowledge of the facts, we cannot go into a discussion of the merits of the proposition. If any Senator wishes to discuss them, it can be done after the facts are laid before us.

Mr. SARGENT. I should like to ask the mover of the resolution if it is supposed that the Secretary of War in answer to this resolution will send a list of names of persons who are presumed by him to have demands against the Government of the United States for the non-enforcement of the law or for wages that may be due to them for doing ten hours' work instead of eight? I ask if that is the idea of the resolution?

Mr. HARVEY. That information as to the names of claimants can be obtained better from the chief of the Department in which the claims arise. I have no information about any of them. The idea of the resolution is to secure information necessary to the exe-

cution of the law.

Mr. SARGENT. My only objection to calling for information of that kind would be that it opens a fine field for claim agents; it ad-vertises them exactly where men are to be found who perhaps could be persuaded to make claims against the Government, and for a per-centage on their part to induce such claims, that it really would be of very little benefit to the individuals, but possibly might be of considerable benefit to claim agents. If that is the kind of information

desired by the resolution, I certainly object to it.

Mr. HARVEY. I will state that according to my information these claims are of such a character that, if provided for, claim agents can have nothing to do with them. The payments to the men entitled would be made by officers of the Government directly to the parties, thus giving no opportunity to claim agents to have anything to do

with the matter at all.

Mr. SARGENT. That does not cover the point, because claim agents do have contingent interests in a great many appropriations that the Government pays directly to the parties, as the Senator well knows

in reference to Indian affairs.

Mr. HARVEY. If the Senator from California will allow me, I will suggest to him that when we have this information—and this resolution contemplates no more—it will become evident whether the matter is of such character that claim agents can have anything to do with it. I am satisfied, and the Senator from California and every other Senator here can satisfy himself, that in case any appropriations are made to meet such claims they will be made in such a way that claim agents can have nothing to do with them.

Mr. ALLISON. I suggest to the Senator from Kansas that he refer this resolution to the Committee on Appropriations or some other committee, that it may be examined.

Mr. HARVEY. I suggest to the Senator from Iowa that when the information for which this resolution calls is brought before us it can be referred to the Committee on Appropriations and it can be considered there then. That, it seems to me, would be the proper course. I think it is unprecedented that a simple resolution for information should be met with such objections.

Mr. ALLISON. We can examine in committee the scope of the resolution and see what it covers.

Mr. SARGENT. This is not a resolution asking for information.

Certainly, if it is, it is very vague. It resolves

That the Secretary of War be, and he is hereby, directed to present to the Senate such suggestions as may be deemed expedient for the public service covering the period between May 19, 1869, and October 1, 1872, to enable the Government to carry out the provisions of an act, &c.

Whether these suggestions are to carry out the provisions of the act or not is not distinctly suggested, to use the words of the resolution. The resolution is certainly inartificially drawn. Whether we wish instruction from the Secretary as to what kind of a law we shall en-

instruction from the Secretary as to what kind of a law we shall enact, or whether we want information from him whether the law has been violated or not, is certainly indefinite under the resolution. It seems to me that the suggestion of the Senator from Iowa is proper that the resolution itself be referred to a committee.

Mr. SAULSBURY. In my opinion we do not need any suggestions from the Secretary of War on the subject. I have no hesitancy in saying that I believe the law was an evil as originally passed, and it has cost the Government of this country a great deal of money in reducing the hours of labor from ten to eight. If, however, the Secretary of War did not enforce the law and any of the employee of the tary of War did not enforce the law, and any of the employés of the Government labored ten hours a day, they chose voluntarily to do it. The time has passed now by six years, and I do not think we need any suggestions; and, as far as I am concerned, I do not want any suggestions from the Secretary of War on this subject, because if the proposition were here to pay those gentlemen for the extra work I should vote directly against it without any instructions from the Secretary of the Treasury, or the Secretary of War, or anybody else. This resolution is the initiatory step to present before the Senate the claims of a large number of persons to further tax the Treasury of the United States. I am opposed to it. The time has come when there ought to be some restriction upon the claims that are continually pressed upon the Treasury. For one, therefore, I should vote against the proposi-tion, if it were here now, to pay for that extra labor; and I want no suggestion, as far as I am concerned, and am ready to vote against the resolution.

Mr. HARVEY. In answer to the Senator from Delaware I will state that in this connection I do not propose to discuss the policy of state that in this connection I do not propose to discuss the policy of the eight-hour law, as that is a matter which is not involved within the scope of the resolution; but I think there is a question as to whether, having a law, we should see it enforced or not while it is in existence. This is the only object I have in this resolution, and I think it very singular indeed that in the consideration of a resolution asking for information concerning the execution or non-execution of a law, Senators should signify beforehand their intention not to discuss that question, but the question of the policy of the passage of the law in the first instance. As to that I propose to have nothing to say, because I should like to see this resolution pass, that such information should be brought before the Senate in a proper and official form that when we act more the question as to why the law was not form, that when we act upon the question as to why the law was not executed, we should do so knowingly.

Mr. KELLY. I call for the regular order—the unfinished business.

The PRESIDENT pro tempore. The morning hour has expired; and
the Senate will resume the consideration of the unfinished business.

# SALE OF TIMBER LANDS.

The Senate resumed the consideration of the bill (S. No. 6) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States, the pending question being on the amendment of Mr. SARGENT to insert after the words "United States,"

in line 19 of section 2, the words "or any right in said land or the timber thereon;" so as to read:

And that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person or persons whatsoever, by which the title which he might acquire from the Government of the United States, or any right in said land or the timber thereon, should inure, in whole or in part, to the benefit of any person except himself.

The amendment was agreed to.

Mr. WRIGHT. I have an amendment to offer to the bill, which I trust will meet the approval of the Senator from Oregon who has the bill in charge. In the third section, eighteenth line, after the word "coal," I move to insert:

And of the truth of the matters contained in the statement required to be made by the second section of this act.

As it stands now, it is required that the applicant for any of these lands shall establish certain things in corroboration of his statement, but it is not required that he shall corroborate all the matters contained in the statement. I propose that the proper officers shall be satisfied by evidence introduced of the truth of the matters that are contained in the statement when he makes application for the land contained in the statement when he makes application for the land. I am satisfied that there can be no objection on the part of the Senator

from Oregon to this.

Mr. SARGENT. I see the Senator's idea and I perceive no objection to it. I ask him, however, how a party can prove a negative. Some of the matters are required to be asserted in the negative in his original affidavit; for instance, that he has not made a conveyance, that he has not given anybody a contingent interest. I suppose that could only be proven by him subsequently by his own affidavit taken

over again.

Mr. WRIGHT. That might be, or it might be that the records sufficiently established that fact. It very frequently occurs that, while we say a party cannot establish a negative, the record may be in such a condition as to establish it. I think it ought not to rest alone upon the statement of the party, but there ought to be some corroboration. That is the object of my amendment.

Mr. SARGENT. Probably the certificate of the register of the county would be sufficient.
Mr. WRIGHT. Yes, sir.
The PRESIDENT pro tempore. The question is on the amendment of the Senator from Iowa, [Mr. WRIGHT.]

The amendment was agreed to.
Mr. WRIGHT. I wish to suggest to my friend from Oregon whether
the word "held," in line 28 of section 3, should not be "claimed:"

Provided, That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so held by him.

Mr. KELLY. I think the word "claimed" would be a better word than "held."

Mr. WRIGHT. I move to strike out the word "held" and insert "claimed."

The amendment was agreed to.

Mr. WRIGHT. I do not rise to propose an amendment now; but I wish to call the attention of the Senator from Oregon, and the Senator from California also, to a possible difficulty, arising perhaps by implication, in the construction of this statute or in carrying it out, resulting from the use of the language found in lines 9 and 10 of

And after the expiration of said sixty days, if no adverse claim shall have been filed, the person desiring to purchase shall furnish, &c.

Suppose an adverse claim shall be filed, then what is to be done? Mr. KELLY. Then it is provided in line 26-

That any person having a valid claim to any portion of the land may object, in writing, to the issuance of a patent to lands so claimed by him, stating the nature of his claim thereto; and evidence shall be taken and the merits of said objection shall be determined by the officers of the land office, subject to appeal, as in other

Mr. WRIGHT. It is perhaps true that the amendment I before suggested, striking out "held" and inserting "claimed," obviates what would otherwise be an obscurity. As it stood, it would look as if the patent had already been issued, and that where there was an objection made on an adverse claim it must be made after the patent was issued and was held; but as it is now, it is made, as I understand, before the patent is issued, or during the time the claim is being made. That perhaps obviates the objection.

Mr. CLAYTON. I move to amend the bill by inserting at the end

of the first section:

That the public lands affected by this act shall be offered at public sale as soon as practicable from time to time, and according to the provisions of existing laws, and shall not be subject to private entry until they are so offered.

Mr. KELLY. I think that amendment should not be adopted for the reason that, as has been stated repeatedly here, the policy of the Government has been not to offer any lands on the Pacific coast. Why it is so I do not know; but it is notorious that for the last fifteen years the lands there have been subject only to pre-emption and homestead claimants. The reason given by the Commissioner of the General Land Office is, as I have already stated, that combinations are formed to prevent the lands being sold for a greater amount than a dollar and a quarter angree; and a further reason is that the cost a dollar and a quarter an acre; and a further reason is that the cost of advertising far outweighs any good to result from it.

There is another reason. It will be difficult to advertise the timber lands unless it is known what portions of a township are timber

lands. It will be necessary to have some person appointed to investigate and ascertain what are public lands unfit for cultivation and what are not. Taking into consideration the expenses of ascertaining that fact, and the expenses of advertising, and the probability that by a combination of purchasers nothing more than the minimum price would be realized, it seems to me that it would not be worth while to advertise the lands at public sale.

Again, these lands are proposed to be sold under this bill at two dollars and a half an acre, whereas, on this side of the Rocky Mountains, the minimum price is a dollar and a quarter. When we offer to give double the usual amount for the timber lands, I think it is unnecessary to go to the expense of advertising when no good will result

from it.

Mr. CLAYTON. The reason, as I understand, why the public lands of the United States have not been offered at public sale for the past of the United States have not been offered at public sale for the past ten or fifteen years is simply because the policy of the Government has been to reserve all these lands for homestead entry. But now you propose to dispose of a certain portion of the public lands independ-ent of that process, upon the ground that they are unfit for agricul-ture. The lands that the Senator from Oregon refers to, as I under-stand, have never been offered at public sale at all. I cannot see the propriety of offering lands at public sale (as was required by the Sen-ate a few days ago) which have before been offered for public sale, again submitting them to that test, if you now allow these lands to again submitting them to that test, if you now allow these lands to be subject to private entry without being offered at public sale at all. It seems to me that the principle which required the lands in the five southern land States to be again offered at public sale would require these lands to be offered at public sale. I cannot see a reason why we should depart in this particular case from the rule which was laid down in that case by the Senate only a few days since.

Mr. KELLY. I would inquire of the Senator from Arkansas whèther

the lands in those five States cannot now be sold for less than a dollar

and a quarter an acre?

Mr. CLAYTON. No, sir.

Mr. KELLY. Can they not be entered for less?

Mr. CLAYTON. No. They cannot now be entered for that. must first be offered at public sale if the bill passes the other House that passed the Senate last week.

Mr. KELLY. Suppose the amendment had not been adopted the other day, what could they have been purchased for?

Mr. CLAYTON. They could then have been purchased at a dollar and a quarter at private entry, because they had been before offered. The rule is that, where lands have once been offered at public sale, they then can be entered at private entry.

Mr. KELLY. I am aware of that.
Mr. SARGENT. In any quantity?
Mr. CLAYTON. I think there is some limitation on that. My recollection is that there can only be a certain amount entered in each

ollection is that there can only be a certain amount entered in each township by one person.

Mr. SARGENT. He can buy in as many townships as he wants.

Mr. CLAYTON. Yes; but in each particular township he can only buy a certain amount. Now I think myself that the two dollars and a half an acre clause in this bill is not necessary. I would be in favor of oftering these lands to the highest bidder, let them bring two dollars and a half, or ten dollars, or whatever the people think they are worth; and after that process is gone through with, let them be entered at private entry. I do not believe in making distinctions in favor of or against these particular States of the Pacific coast. I do not see any reason why the lands there should not come under the same rules which are applied to other public lands of the United States. More any reason why the lands there should not come under the same rules which are applied to other public lands of the United States. More especially I cannot see, as I before said, why these lands should be subject to private entry without going through the process which has always been applied to all other public lands of first exposing them to public sale. I think the idea which was advanced the other day, that combinations are likely to defeat such sales, is a mistake. As I before said, such combinations take place where men have settled upon lands for the purpose of making homes, where they have made their settlements before the sale; and in order to prevent some person from coming in and taking their homes away men have compression from coming in and taking their homes away men have comperson from coming in and taking their homes away men have combined. But these lands are not of that character; they are lands unfit for settlement, and they are lying in vast bodies all over the country. Men cannot make combinations in such a case. Squatters country. Men cannot make combinations in such a case. Squatters will not make combinations, because they have not squatted on the land; and I take it for granted you will have as fair a sale of them as of any other public property that is ever offered for sale. I think these lands ought to go through the same process.

Mr. SARGENT. The Senator from Arkansas has a policy which he likes for the disposal of the public lands in his State. He was perfectly willing that the timber lands offered there should be bought in

any quantity by individuals, and on a failure to sell that then subsequent individuals might come in, and at a dollar and a quarter an acre take whole counties, provided they were open to such taking. Now, we propose an entirely different policy with reference to my State, and for good and substantial reasons. We do not desire that monopolies shall seize hold of these treasures of timber in our State. We object to the general policy of the law which throws open at public auction an opportunity to buy whole counties in our State, ranges of mountains, to obtain vast territorial possessions. We object to it most strennously. I speak for myself, and I believe I speak for other Pacific-coast Senators, when I say that we would rather the Government,

even under the present system, should retain these lands in its own hands than that monopolies should seize them from the Alaska line down to Lower California. We have drank bitterly of the evils produced by monopoly in our State. It has been a reproach to California, certainly justified in some respects, that it had been at the mercy of monopolies. I confess with sorrow that is true, but I do not feel that I am responsible for it heretofore or now, for so far as my voice has gone in Congress I have endeavored to break up the land system un-

der which these monopolies were possible; under which township after township was taken and held by a few individuals. The circumstances are exceptional with California. Men in a few days, by a sudden turn of the wheel of fortune, become very rich by some lucky discovery of mines after years of disappointment, by some advance of stocks, by an appreciation of property, and have large means at their disposal. They go out and buy up, then, anything which promises a return, no matter how far the future may be when which promises a return, no matter how far the future may be when the return will come. So they buy whole broad valleys large enough for populous communities; and they have had their eyes on the timber lands of our State for years, and have sought legislation to enable them to procure them. We have constantly defeated the efforts in that direction, and now we come in with an exceptional bill to prevent just the operation of the general laws if they were applied to California; that is to say, by offering them to public sale in quantities that persons see fit to bid for, not giving less than a dollar and a quarter as a mere limit of price. The Government may advertise a million of acres in a single body, and they may be bought up by some of our wealthy men there, and then be locked up from settlement, locked up from the reasonable use of the present or the future, until speculative prices induce them to let go of the land. We wish to avoid that. That is the necessary effect of the amendment that is offered by the Senator from Arkansas, because it is entirely unlimited under the present law, and you apply this principle of offering lands there, and a person can buy in any quantity whatever.

Mr. INGALLS. With the consent of the Senator from California, I desire to ask him to explain to the Senate in what manner the evils

I desire to ask him to explain to the Senate in what manner the evils of which he complains, and against which, I believe, he sincerely desires to guard, will be thwarted or prevented by the provisions of this

Mr. SARGENT. That is a very large subject and would require me to go over much that I said the other day. I do not wish to repeat it, but I will endeaver before concluding the very few remarks 1 wish to make, to remember the question of the Senator and answer it.

After this system of sale at public auction in unlimited quantities has exhausted itself, if any of the lands remain unsold and unseized by a few individuals who have the capital to seize them, then comes by a few individuals who have the capital to seize them, then comes on the system of what is called private entry, by which any person may take, up to a certain limit in each township, which I believe is something about from a third to half the township, and in as many townships as he sees fit. That is the system of private entry, and nearly as bad as the general system of offering lands. Both of them would entail evils, terrible evils on our coast. I would rather the timber should rot in the ground than that the land which it covers should be seized by these monopolists, that the amount of money which the Government should receive for it should rust in the Treasury. It would have no applied head to a while head to a second of the great disasters which would be of no public benefit on account of the great disasters which it would let loose on the people of the Pacific coast.

Now, this bill proposes that each individual may buy to the extent of one hundred and sixty acres, and exhaust his right—I say this in reply to the Senator from Kansas—after the purchase of the one hundred and sixty acres; and he is required, by such guards as we can provide, not to enter on the possessions of another; not to enter on any lands which are valuable for minerals; not to make any bargain by which any one else may receive any benefit from it, either the title or the timber upon the land; not to make any bargain by which any contingent interest whatever, in advance of the title, at any rate, can go to another individual.

Mr. INGALLS. But by a single clause in the twenty-seventh and twenty-eighth lines of section 2 you render all that provision entirely nugatory by declaring that-

Any grant or conveyance which he may have made, except in the hands of bond fide purchasers, shall be null and void.

Of course, if these corporations desire to resort to the purchased efforts of individuals in order to enable them to secure great portions of the public domain, they will take the precaution to obtain the title as soon as it has vested in the pre-emptor or purchaser, and this bill, by providing that when that title has passed into the hands of a bona fide purchaser it shall be good, virtually nullifies and renders absurd

the whole law and does away with every safeguard.

Mr. SARGENT. Not at all. The Senator, I think, misconstrues it.

The provision is that after the discovery of the perjury of the individual (which we punish with the pains and penalties of perjury) his land is forfeited unless it is to go into the hands of a bona fide holder. Who is a bona fide holder? The person who is particeps criminis; the person who induced him to commit perjury in order to seize the lands? Is that the proper construction? Suppose, however, a person who knows nothing in reference to the matter at all becomes the purchaser after the title has vested; suppose that the person swore falsely and his bargain with the other individual fell through so that he would be light to the prime and condition of review and then appears after the state of the same and condition of review and then appears are supposed to the same and condition of the same and the same are supposed to the same and the same are supposed to the same a be liable to the pains and penalties of perjury and then some person, he having the title of record, comes along and buys it. The statute

would not reach that. It says it shall not be forfeited in his hands. You cannot pass any law to restrain alienation after the Government shall have absolutely parted with the title; and if then two persons see fit to put their possessions together, neither the policy nor the letter of the law would prohibit it. It is simply to protect innocent purchasers, and not those who are participes criminis, and that is the class whom the Senator describes by his question.

I do not think that lines twenty-eight and twenty-nine of the second section are very important, and, so far as I am concerned, I have no objection to their being stricken from the bill. It is the policy of the law that forfeitures should be strictly construed, and I suppose that laws leading up to forfeitures should be carefully considered and guarded as much as possible so as to prevent those who are innocent suffering from that, the highest kind of penalty.

For the reason that we do not wish to let loose on our coast on these

broad timber lands the speculators who may have the means to buy them up and hoard them for the future we desire that the amendment offered by the Senator from Arkansas shall not prevail. I can only say that if the amendment were put on the bill I should vote against it because I do not want this wild, reckless system fastened on my

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Arkansas, [Mr. CLAYTON.]

Mr. HOWE called for the yeas and nays; and they were ordered.

In addition to what has been said by the Senator from California, I desire to call the attention of the Senate to the report made by the Commissioner of the General Land Office last year and reiterated in his report this year, and we ought to be governed by the experience of that Office. He says in his report:

It is true that the law provides that in the discretion of the President this class-

Speaking of the timber lands of the country-

may be proclaimed and sold at public outcry to the highest bidder, but the experience of this Office shows this method to be entirely ineffectual, for the reasons, first, that under the ordinary system of surveys the "field notes" cannot disclose, with any degree of accuracy, which are pine lands and which are not—

These lands, it will be remembered, have already been surveyed, but there is no designation of what are timber-lands, what are prairie lands, what lands are fit for agricultural purposes, and what are unfit. This fact would have to be ascertained now in order to know what character of lands should be offered for sale. Now allow me to read

further—
and second, that there is little room for doubt that combinations are formed among purchasers at Government public sales, whereby prices are kept down to a merely nominal figure. The usual result is, therefore, the Government receives the minimum price of the lands, less the large expense of three months' advertising required by law. Another and greater evil results from such public sales under existing laws. This Office having, as I have before stated, no reliable means of distinguishing pine lands, it is reduced to the necessity of including in the proclamation all lands supposed to contain pine. It results that only such small proportion of the tracts proclaimed as are known to the purchasers to contain pine are sold, while the great mass of them, receiving no bid, remain with the Government as "offered lands," subject thenceforth to private cash purchase without settlement, and become the easy prey of non-resident speculators, thus defeating the now well established and beneficent policy of the Government in that regard.

That is the experience of the Land Depositment and the present.

That is the experience of the Land Department, and the proposal now by the amendment of the Senator from Arkansas is to throw all these evils upon the people of the Pacific coast. I hope the amend-

ment will not be adopted.

Mr. HOWE. Mr. President, my principal object in calling for the yeas and nays was to get a little time to receive some information from the Land Office. I found myself at odds the other day with the Senator from California and the Senator from Ohio upon the question as to what was the practice of the Land Office and what it had been for years past in the matter of disposing of the public domain. Those Senators said that the Land Office had become utterly disgusted with the idea of offering lands at public sale, and for twenty years had abandoned that policy. I thought I was very confident that the Land Office had continued that policy up to the present time, or very near the present time.

Mr. SARGENT. Under general or special laws?

Mr. HOWE. Under both general and special laws. I was in the Interior Department on Saturday last and asked the Commissioner of the General Land Office how the fact was, and he told me that they had had repeated sales, and he told me when the last sale was in the

State of Wisconsin, but I will not undertake to repeat what he said.

Mr. SARGENT. Will the Senator observe that I stated the other
day that there was certain exceptional legislation by which, first, a military reservation and then a portion of an Indian reservation, under special laws, were sold in the State of Wisconsin, and that such cases had occurred elsewhere? But I said that the policy of the general laws with reference to offering lands and subsequently opening them to private entry had been discontinued, using round figures, for twenty years-I mean from sixteen to twenty. If there is any authority to show that I am mistaken in reference to that matter, I shall

be happy to hear it.

Mr. HOWE. I can show it, unless the Commissioner of the Land
Office misinformed me on Saturday last; show that the Senator is entirely mistaken.

I do not think that is an answer to my statement. Mr. HOWE. No, I have not the information here. I supposed it would be here before this time, but as I have not the information I cannot at this moment prove by the record that I was correct on the question of practice, and that the Senator from California was wrong. But on the question of expediency, that is to say, if human reason, if the understanding of men will furnish us any guide, I can prove right on the spot that there is no sort of difference between bringing into market lands which never have been in market and bringing into market another tract of land which has been reserved under a special law, or for a special purpose, for a given period of time. The reason is

precisely the same in both cases.

When you propose to bring into market lands which have never been offered to the world, the supposition is that some of those lands are or may be worth more than the minimum price; and in order to determine whether they are or not, you offer them at public sale, at which every man is at liberty to bid against every other man, and the law says no tract shall be sold for less than the minimum price. That is why the law requires those lands to be sold at public sale.

Now, the same reasoning applies to lands which have once been offered and then withdrawn for any reason whatever from the market. There has been a time when the lands could not be purchased under a general law. Now you propose to bring them into market again and upon the supposition that in the interim when they have been out of market some of them may have advanced beyond the minimum price. In order to determine that question, all the special laws that I know anything about require that they should be offered again at public sale.

It was said on the floor that it was useless to offer them at public sale, because it led to combinations between purchasers. My answer to that is twofold: First, if combination would prevent the sale of a tract when it was offered for the first time and under your general laws, and would prevent the sale of it for a higher price than the minimum, it would prevent the sale of any other land at a higher price. I say it does not prevent the sale of lands which in my own State have been brought into market under special law and offered at public sale.

Mr. SARGENT. Will the Senator allow me a moment?
Mr. HOWE. Yes, sir.
Mr. SARGENT. The case which the Senator refers to was I think something less than a township, a very small piece of land, near one populous town in a thriving community. In regard to a small piece of land, where there were no settlers upon it because it was a part of an Indian reservation, a combination was entirely impossible. There were abundant bidders there necessarily. A combination that interested one-tenth of the people would have been broken. In other words, combination was impossible because there were ample bids and only a small piece of property to be sold. That was the reason the sale succeeded. You cannot reason from a case of that kind to one where there are a million acres or five million acres and a small number of bidders.

Mr. HOWE. My poor unaided reason would lead me to the con-clusion that it was rather easier on the whole to effect a combination which might swallow up a small tract than to effect a combination

which would swallow up millions.

Mr. SARGENT. Will the Senator allow me? Where there are millions it is easy enough to parcel out among the members of the combinations. Where there is a single tract there is not enough to satisfy all,

and therefore they break combinations.

Mr. HOWE. Well, that reason did not occur to me, and it has some force in it. But, after all, if the small tract be divided into more tracts than there are purchasers, this explanation does not hold good. Now, as to the fact; the Senator thinks that the cases to which I referred embraced less than a township. One of the cases I spoke of the other day did include less than a township, less than seven thousand acres of land; but it adjoined a town site, and it was subdivided into forty-acre tracts, into twenty-acre tracts, into ten-acre tracts, into one-acre tracts, and a portion of it into village lots, so that there were in fact, a great many tracts to be sold. Another case to which I referred the other day was the case of the sale of a township and a half which had belonged to the Stockbridge Indians. There were two sales un-der special laws. But I have known repeated sales in the State of Wisconsin under general laws, and I never knew and never heard of a wisconsin under general laws, and I have a law of the combination in any one of them which influenced the sale, with one exception, and that was precisely a case like that referred to by the capatar from Arkansas where the lands had been settled upon. They had been granted for the construction of a canal in the southern part of the State and kept out of market a long time until the country all of the State and kept out of market a long time until the country all about was settled up. They were taken possession of by actual settlers, and homes made upon them. There was a combination there, and the community did, I believe, very generally stand back and say that they would not bid against the occupants of those tracts who were bidding for the purpose of securing their homes. I do not recollect the facts as to the moneys received from the sale, but I believe those lands went for just about the minimum price. But that took place twenty-five years ago, I think, and that is the only case of a combination in the State of Wisconsin I ever heard of.

Mr. WINDOM Will the Sengtar permit me to ask whether his at-

Mr. WINDOM. Will the Senator permit me to ask whether his attention was called to the sale at Eau Claire about the year 1874?
Mr. HOWE. No, sir. I should be glad to have the attention of the Senate called to it.
Mr. WINDOM. I respectfully refer him to that case.

Mr. HOWE. Will the Senator be good enough to tell me what that

Mr. WINDOM. The lands were advertised, and on the morning of the sale notice was given that parties who did not pay up on their bids could not be permitted to bid again. On that notice the lands were run up from six to eighteen and twenty dollars an acre. Parties who were present desiring to bid became discouraged and went home. The first day's bidding was entirely dropped. These high bids were never taken up or paid for, and the next day parties came in and bought the lands at two dollars and a half an acre. I do not know whether my friend calls that a combination or not, but that was the result of it.

Mr. HOWE. I return my profound thanks to my friend from Minnesota for contributing that piece of history to elucidate this debate. I take the history, and I tell him that it shows conclusively bate. I take the history, and I tell him that it shows conclusively that a combination is not practicable. There they wanted the lands; there were not millions sold; and they did not attempt a combination. They did attempt a trick which a very simple amendment to the law would have guarded against, the trick being to bid high on the lands while the purchasers were all there, forfeit their bids, and then when their competitors left the ground, there being no notice to them, come in and bid again at the minimum price.

Mr. WINDOM. I merely mention that to show that my friend's constituents are human are like to others, and that if thet opening.

constituents are human, are like to others, and that if that opening had not been presented for getting the lands at the minimum price they would have combined and got them in some other way, as they

do everywhere else.

Mr. HOWE. I have not been bragging about my constituents; but I see no evidence yet that the men who played this fine trick were not from Minnesota; and if they had come from Minnesota I would not for a moment intimate that the people of Wisconsin would not be up to that sort of thing as readily as the people of any other State. I simply say that such combinations cannot be effected between the people of any State; and a simple amendment to that law requiring that if bids were forfeited the lands should not be re-offered again until they had been re-advertised again would have prevented that

Mr. WINDOM. That one would have been defeated.

Mr. HOWE. Why, sir, in 1856—you will be surprised to hear that I was doing business as early as that—I bought lands in the State of Wisconsin at \$2 per acre which had been sold at Government public

Wisconsin at \$2 per acre which had been sold at Government public sale as long ago as 1836 under your general laws as high as \$7 per acre. Still I might as well give up this debate. I am not specially interested in the fate of this amendment. I believe it is right. My principal purpose, however, in speaking was not to show that it is right, but to get time which would enable me to show that, on a question of practice, I have not been mistaken. That time does not seem to have availed me, and I do not wish to talk out the often seem.

guestion of practice, I have not been mistaken. That time does not seem to have availed me, and I do not wish to talk out the afternoon for the sake of getting it.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Arkansas, [Mr. CLAYTON,] upon which the yeas

and navs have been ordered.

The question being taken by yeas and nays, resulted—yeas 9, nays 36; as follows:

36; as 1010ws:

YEAS—Messrs. Boutwell, Clayton, Conkling, Dorsey, Frelinghuysen, Hamlin, Howe, Ingalls, and Wadleigh—9.

NAYS—Messrs. Allison, Bayard, Bogy, Booth, Cameron of Wisconsin, Caperton, Cockrell, Cooper, Davis, English, Ferry, Goldthwaite, Hamilton, Harvey, Johnston, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, McDonald, McMillan, Maxey, Merrimon, Mitchell, Morrill of Vermont, Oglesby, Robertson, Sargent, Saulsbury, Wallace, Whyte, Windom, Withers, and Wright—36.

ABSENT—Messrs. Alcorn, Anthony, Bruce, Burnside, Cameron of Pennsylvania, Christiancy, Conover, Cragin, Dawes, Dennis, Eaton, Edmunds, Gordon, Hitchcock, Jones of Nevada, Morrill of Maine, Morton, Norwood, Paddock, Patterson, Randolph, Ransom, Sherman, Spencer, Stevenson, Thurman, and West—27.

So the amendment was rejected.

Mr. INGALLS. Mr. President, in the light which the advocates of this bill throw upon it, it wears an aspect of duplicity and disingenuthis offit throw upon it, it wears an aspect of duplicity and disingenuousness which certainly is not favorable. The Senator from California [Mr. Sargent] says it is an act to enable the people of his State to
be honest. The Senator from Illinois [Mr. Oglesby] alleges that his
purpose in sustaining it is to protect the timber from fire. The Senator from Oregon [Mr. Kelly] alleges that its real intent and object
is to enable the citizens of the States and Territories affected by it to
obtain possession of the timber upon the lands for manufacture into obtain possession of the timber upon the lands for manufacture into lumber for the purposes of flumes and fences and the construction of their buildings and their cities. It therefore appears to be of very great doubt what the real object of it is. It is a good deal like the celebrated piece of furniture described by Goldsmith, which was—

Contriv'd a double debt to pay, A bed by night, a chest of drawers by day.

I have no doubt myself that the purpose of the bill is to throw the control of this very valuable and heavily timbered land into the hands of the railroad and mining corporations of the Pacific coast; but as it is evidently a foregone conclusion that the bill is to pass, I do not propose to discuss it further upon its merits, but simply to call the attention of the Senate to one very obnoxious feature of this bill, and that is its partiality. I desire to ask the Senator from Oregon and the Senator from California upon what ground and for what reason they exclude from the privileges they demand for the citizens of their own

States and the Territory of Washington, the citizens of Montana, of Idaho, of Wyoming, Colorado, New Mexico, and Arizona, who have no representatives upon this floor, and who are equally interested with the citizens of the States named in the passage of some bill enabling

them to obtain possession of timber?

Mr. SARGENT. Has not the Senator heard it stated three or four times that the amount was put less in those Territories at the request of the Delegates from the Territories, on account of the greater scarcity of timber there? That has been stated three or four times in the presence of the Senate, and, I presume, in the presence of the Senator.

Mr. INGALLS. I have heard that statement repeatedly made, and

if the Delegates from those Territories have urged that as a reason, I if the Delegates from those Territories have urged that as a reason, I can only say that they exhibit a most amazing and profound ignorance as to the material resources of the Territories which they misrepresent; for I allege, and I believe the testimony of every man who has traversed that portion of our country will sustain me in the allegation, that the material characteristics of the regions that I have named are identical with those of the portion of the country named in this bill. I, sir, have traversed a very large portion of that country myself on horseback. All those Territories are portions of that great system of the Cordilleras extending from Behring Strait on the porth to the inthus of Tehnantence on the south with a lateral exnorth to the isthmus of Tehuantepec on the south, with a lateral ex-tent from the Black Hills upon the east front of the Rocky Mountains through the different ranges to the Piedmont or Coast Range of the Pacific. It consists of interlying valleys between great ranges of mountains, whose flanks and shoulders are covered with a growth of pine timber, above whose everlasting verdure splintered cliffs and crags and pinnacles, as the Senator from California explained the other day, arise into the regions of everlasting snow. The occupations of the people are identical. They are all engaged in the extraction of the precious metals from the placers and from the lodes in the sides of those mountains. They all have a similar interest and a similar desire to obtain possession of the treasures of these forests that the people have in the States of California and Oregon and in the Territory of Washington. As I said, they have no representatives on this floor. I desire, if it is necessary for the people of the Pacific slope to be honest by act of Congress, that the inhabitants of these Territories who are excluded shall have the same privilege and the same opportunity; and I move—and I trust I shall have the through the different ranges to the Piedmont or Coast Range of the the same opportunity; and I move—and I trust I shall have the assent of the supporters of this bill—to strike out in lines 3 and 4 of section 1 the words "within the States of California and Oregon and in Washington Territory," and in lines 11, 12, and 13, the words "and in all other Territories of the United States not exceeding forty acres to any one person, corporation, or association of persons;" so as to make the provisions of this bill harmonize with themselves and extend its beneficial effects, if they are beneficial, over the entire portion of the country which is subject to the same material conditions. I think, sir, there can be no objection to that.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Kansas, [Mr. INGALLS.]

Mr. SARGENT. Mr. President, I think it is hardly worth while for

me to make any remarks on the comparative honesty of the people of my State and those of Kansas.

Mr. INGALLS. That remark has been made before. I desire to call attention to the remarks of the Senator from California. this bill was before the Senate on the 16th instant he said:

I have received representations from thousands of my fellow-citizens, asking for an opportunity to be honest men in this regard.

Asking that an act of Congress may be passed to enable them to be honest!

Mr. SARGENT. Unquestionably so, and I will give credit to the citizens of Kansas for being honest men when they diligently seek an opportunity. It seems from my assertion that the people of my State desire that opportunity. I have heard the Senator and other Senators from States situated like Kansas decla'm against the cor-ruptions in their States under the pre-emption law. I boldly assert that in my State no such corruptions ever have existed under the preemption law.

The Senator has made an extremely illogical speech. He attacks The Senator has made an extremely lllogical speech. He attacks this bill as something monstrous, and then he wants to extend it to the whole United States—his own State as well as the State of California. That may be a reason why his amendment should be adopted, perhaps; but he is illogical. If the bill is a good bill and he desires it, I have no objection to its being extended to his State; but if he desires it to be extended to his State, it seems to me that it is inconsistent then to say that it is a bad bill, and to be so extremely restive at the present of its present. It believe it is a good bill and will apply a polynomial to the property of its present. the prospect of its passage. I believe it is a good bill, and will apply well wherever there are timber lands not already grabbed by speculators. I have no objection to extending it to his State.

I have no objection, so far as I am concerned, to striking out the provision restricting the amount of timber which may be taken under the bill in the Territories, except Washington, to forty acres, although the Delegates have assured me (one of whom sits at my right now) that their people desire this feature to remain. But if the Senate shall esteem it unfair to the Territories, notwithstanding what their Delegates may say, to retain this feature, I certainly shall not insist that it shall be retained.

Mr. OGLESBY. Will the Senator from California state what is the

purport of the amendment of the Senator from Kansas?

Mr. SARGENT. The Senator from Kansas proposes to strike out

the restriction in this bill as to its application to California, Oregon, and Washington Territory, which would make it a general bill applying to all the States and Territories.

Mr. OGLESBY. One hundred and sixty acres?

Mr. SARGENT. Yes, sir, and then to strike out the limitation of forty acres to a person, corporation, or association of persons in the other Territories, and upon the latter I was remarking.

It may be, as the Senator from Kansas says, that the Delegates mis-

represent their Territories. They may be very unintelligent men, as he would seem to imply. Years of residence of each in his own Terri-tory may not have given them that accurate and valuable knowledge which the Senator acquired by taking a horseback ride over one or two which the Senator acquired by taking a horseback ride over one or two of them. The Senator's perceptions are far superior to theirs, it is obvious from his manner of stating their misrepresentation of their Territories, and his own superior knowledge acquired in this exhaustive way. I admire knowledge wherever I see it. If the Senator can outweigh eight Delegates, certainly do not let us listen to those Delegates. To be sure, they have no seats on this floor. I admit that is their disadvantage, but I do not know that it is any reason why they should not be kindly listened to by Senators. They say that the wants of their constituents run in a certain direction, and are unanimous upon that. It seems to me that is entitled to some consideration, although a that. It seems to me that is entitled to some consideration, although a Senator may have traveled over some of those Territories on a mule. I admit that that is a proud eminence; it gives ample opportunity for observation. There is nothing, except the ears of the mule, in your way of getting a very extensive prospect. As I said, I bow with all submission to the superior knowledge that is acquired in that favorable way. But, after all that is said and admitted, I still claim that eight intelligent men from the Territories may possibly know something about it also, and I understand that the committee were moved to this restriction by the unanimous request of those Delegates. I respect that request, and it will govern my vote; but I do not think that I can object, so far as the interests of my own people are concerned, if it is stricken out. If the bill is so beneficial, make it a gen-

eral law if you wish.

Mr. INGALLS. Mr. President, the Senator from California says that he admires knowledge wherever it is found. I can only say that in that respect I fear that his self-contempt must be very painful. I in that respect I fear that his self-contempt must be very painful. I do not propose to indulge in any contest of witticism or facetiousness with the Senator from California, but simply to say that I presume an inspection that is derived from a personal knowledge and acquaintance with a country will suffice to tell whether it is timbered or whether it is barren. I do not know what the receptive or perceptive faculties of the Senator from California are; but I venture to say that no person who has ever traversed the Territory of Colorado or the Territories of Arizona and New Mexico can be ignorant of the fact that they are clothed in many portions with very heavy and vol. fact that they are clothed in many portions with very heavy and valuable forests of pine. And whatever may be the opinion of the Delegates from those Territories, I add from the testimony of Lieutenant Wheeler, whose explorations have been continued over that country for the last seven or eight years, that in the Territory of New Mexico alone there is one plateau of nearly three hundred miles in length and from sixty to seventy-five miles in width densely covered with a growth of pine that has no superior anywhere upon this continent. It is very possible that none of the Delegates from these Territories may be aware of this fact. I do not pretend to say whether they are or not; but I affirm from personal knowledge that very large tracts of the Territories that I have named are covered with valuable forests; and if the provisions of this bill are valuable for the people of California and Oregon and Washington Territory, then I insist that the inhabitants of the other Territories, who are engaged in similar avocations and have the same necessities, ought at least to be similarly favored with the States named in the bill.

I have no desire to resist further this passage of the bill that is now before us; for, as I said, I think it is a foregone conclusion that it is to pass, although in my judgment it ought not to pass. The Senator from California said that my remarks previously were illogical; that while I said the bill was a bad bill, yet I was advocating its extension over portions of territory not named in its original provisions. I was illogical to the extent of desiring that the provisions of this bill, if they are beneficial, shall be made as nearly uniform in their opera-

tions as possible, and not be made limited and partial by our action.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Kansas.

Mr. INGALLS called for the yeas and nays, and they were ordered.
Mr. KELLY. I wish to say a few words in behalf of the Committee on Public Lands, because this bill has been characterized by the Senator from Kansas as containing something disingenuous. That is certainly a reflection upon that committee. The remark presupposes that they did not know what they were doing; or if they did, that

that they did not know what they were doing; or if they did, that they were acting covertly and insincerely.

Mr. INGALLS. I did not mean to say that at all.

Mr. KELLY. The Senator says he made no such reflection. Then I will simply say, as I have already explained, that this bill is but a transcript of one that passed the last House of Representatives and came to the Committee on Public Lands of the Senate too late for action. It was introduced by me at an early day of the present session, because it was a bill that I knew had received full consideration in the House of Representatives at the last session. When the former bill was sent to the Senate, the territorial Delegates in the

last Congress, at least a number of them, one or two not being members of this Congress, stated to me that it was the desire of the Delegates from the Territories that the quantity of land there should be limited to forty acres for each person who should make application for it; and it was at the request of these Delegates that the quantity was so limited in the House of Representatives. It may be they did not know, as has been suggested by the Senator from California, what was their duty to their constituents; that they knew nothing about the character of the country they represented; but I venture to say that they certainly knew one fact, that if the timber lands there were given in any large quantities to individual claimants, it would very soon exhaust the timber lands in those Territories.

Further, I would say that it is an undeniable fact that the timber lands along the Pacific coast are in far greater extent than they are in the Territories. I have passed over both. I do not say that I have been over every portion of the Territories of the United States; but been over every portion of the Territories of the United States; but I take it for granted that the character of the country as we cross it on a railway is something like the remaining portions that we have not seen. I am well satisfied in my own mind that there is not timber enough along the line of the railway, within twenty miles of it, to make ties on that road, at least not for many years to come; and that it is but just and right when we are legislating for Territories that have no voice in the Senate, that we should pay some heed to the recommendations of those who do represent them. It was simply to carry out their ideas as to what the law ought to be that I introto carry out their ideas as to what the law ought to be, that I introduced the bill with the limitation in it.

I do not know that I need say anything further. It is no interest to me specially that they should be limited to that quantity. I am not a resident in either of the Territories, nor do I expect to be; and I

am not legislating, therefore, to gratify my own wishes, but to carry out the views of others who have no representation here.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Kansas, [Mr. INGALLS,] upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) On this bill I am paired with the Senator from Minnesota, [Mr. WINDOM.] I do not know how he would vote on this amendment, but I should vote for it if I

were at liberty to do so.

Mr. INGALLS, (when his name was called.) Upon the representations that have been made by the Senator from Oregon, of which I was not fully advised before, that all the Delegates from the Territories desire the bill to pass as in its present shape, I shall vote against the amendment I offered.

The Secretary concluded the call of the roll; which resulted-yeas 0, nays 45; as follows:

NAYS—Messrs, Allison, Bayard, Bogy, Booth, Boutwell. Cameron of Wisconsin, Caperton, Clayton, Cockrell, Conkling, Cooper, Davis, Dorsey, English, Ferry, Frelinghuysen, Goldthwaite, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Patterson, Robertson, Sargent, Saulsbury, Stevenson, Wadleigh, Whyte, Withers, and Wright.

Wright—45.

ABSENT—Messrs. Alcorn, Anthony, Bruce, Burnside, Cameron of Pennsylvania, Christiancy, Conover, Cragin, Dawes, Dennis, Eaton, Ednunds, Gordon, Hamlin, Jones of Nevada, Logan, McMillan, Morton, Norwood, Randolph, Ransom, Sherman, Spencer, Thurman, Wallace, West, and Windom—27.

So the amendment was rejected. The bill was ordered to be engrossed for a third reading, read the third time, and passed.

### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the President had on the 18th instant approved and signed the following acts:

An act (S. No. 53) fixing the time of holding the circuit court of the United States in the districts of California, Oregon, and Nevada; and

An act (S. No. 305) to change the location of the consulates at Aixla-Chapelle and at Omoa and Truxillo.

# PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MERRIMON, it was

Ordered, That the papers of Minerva Tilley, of North Carolina, be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. CONOVER, it was

Ordered, That John Randolph, administrator, have leave to withdraw his petition and papers in the case of Sarah A. R. Lord from the files of the Senate.

# ADJOURNMENT TO WEDNESDAY.

On motion of Mr. SARGENT, it was

Ordered, That when the Senate adjourns to-day it adjourn to meet on Wednesday

### HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles and referred as indicated below:

The bill (H. R. No. 683) to authorize the sale of cadet rifles—to the

Committee on Military Affairs.

The bill (H. R. No. 1384) to change the name of the schooner Turner & Keller, of Oswego, to that of Falmouth—to the Committee on

Commerce.

The bill (H. R. No. 525) to extend the time for filing claims for additional bounty under the act of July 28, 1866, which expired by lim-

itation on January 30, 1875, until July 1, 1880-to the Committee on Military Affairs

The bill (H. R. No. 1328) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State government and for the admission of said State into the Union on an equal footing with the original States," approved March 3,1875—to the Committee on Territories.

The bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut—to the Committee on Military Affairs.

The bill (H. R. No. 1668) to supply an omission in the enrollment of the deficiency bill approved March 3, 1875—to the Committee on Ap-

propriations.

The joint resolution (H. R. No. 53) in favor of John M. English, of North Carolina—to the Committee on Pensions.

#### WABASH AND ERIE CANAL.

Mr. FRELINGHUYSEN. I will now call up the resolution I reported from the Committee on the Judiciary this morning.

There being no objection, the Senate proceeded to consider the fol-

lowing resolution:

Resolved by the Senate, That the Attorney-General of the United States be, and he is hereby, requested to report to Congress whether any act is necessary to protect the property or interest of the United States in the Wabash and Eric Canal from Terre Haute, Indiana, to the State of Ohio; and that he be requested in the mean time to take such measures as he may deem necessary to have the sale of the said canal, which is advertised for the 24th instant, postponed.

Mr. McDONALD. Mr. President, I have no objection to the first part of the resolution, but it seems to me that the last part of it, by which the Attorney-General is requested to take such measures as he may deem necessary to suspend or postpone the sale of certain property belonging to the Wabash and Eric Canal Company or to the

trustees of that canal, ought not to be adopted.

The decree under which that sale is ordered is a decree of the circuit court of the United States at the suit of certain bondholders whose debts, by virtue of two acts of the Legislature of Indiana, one of 1846, and the other of 1847, are placed as a lien upon this canal, its property, and its revenues. In the suit in which this decree has been entered, the only parties are the bondholders or the stockholders of the canal stock and the trustees of the Wabash and Eric Canal—an incorporation created under the acts to which I have referred. Of course the interests of no other party can be affected by the decree, neither of the United States nor of any other party that may have an interest inasmuch as they are not parties to the proceeding.

It seems to me that the latter clause of this resolution might simply

embarrass the action of the court in the execution of its decree by inducing the Attorney-General to take some steps to interfere with it without effecting any good to anybody. Certainly whatever rights or interests the United States may have with reference to this property remain unaffected by the decree, because the United States has never been a party to the proceeding. Therefore I move that the last clause

of the resolution be stricken out.

The PRESIDING OFFICER, (Mr. Ingalls in the chair.) The Senator from Indiana moves to amend the resolution by striking out the

Mr. FRELINGHUYSEN. Mr. President, I know nothing about this subject; but I was directed by the Committee on the Judiciary to report this resolution and to ask for its passage to-day. It appears that this public work was aided in its construction by a land grant from the United States and that in the grant it was provided:

That the said canal when completed shall be and forever remain a public highway for the use of the Government of the United States, free from toll or charges whatever for any property of the United States or person in their service passing through the sam

Therefore, it is very clear that the United States for a consideration has a direct interest in this property. It is usual for the United States, when it makes a grant for a public road, to have a provision of that grant, which provision during the recent war was found of great value. In some cases the tolls would have amounted to near a

million of dollars, which this provision saved to the United States.

Now it is moved to strike out that part of the resolution which requests the Attorney-General, if he deems it necessary, to have a postponement of the sale. My friend from Indiana says that the United States cannot be affected. I do not know that. If the Government states cannot be affected. I do not know that. If the Government stands by, sees this canal sold to a railroad company for the avowed purpose of making a railroad instead of a canal of it, I think there might be some plausible plea to say, "You must not insist upon your right in this canal;" and if we do insist and thereby the purchase becomes of less value to the purchaser, I think the purchase rwould have a good right to say, "You ought to have given us notice that you had this claim, and not permitted us to pay our money when we do not get the title that we anticipated." It seems to me that the resolution asking the Attorney-General to inform Congress what our resolution asking the Attorney-General to inform Congress what our rights are and declaring that until we get that information matters shall remain in statu quo is a proper resolution to pass.

Mr. McDONALD. Mr. President, I do not see how any right of the United States can be affected by this decree or by any proceedings

under it. Whatever those rights are they are statutory, and, consequently, public and known to all parties. Now, it is only when a person having a secret claim or title to property stands by and permits it to be purchased by an innocent party that he waives his right

or claim.

Mr. CONKLING. Will the Senator allow me to ask him a question? Mr. McDONALD.

Yes, sir. Who is to suffer if the receiver's sale, now to take Mr. CONKLING.

place on the 24th, is postponed for a week or ten days?

Mr. McDONALD. I do not know, I will say to the Senator from New York, that any person is to suffer, except that it involves the expense of a new publication, which amounts to something in this case, because, under the decree of the court, it is required that the sale shall be published, not only in certain papers in the State of Indiana, but in certain money centers in the East—New York and other

Mr. CONKLING. No new advertisement will be necessary.

Mr. McDONALD. I should think it would require a new adver-

tisement if the sale is postponed.

Mr. CONKLING. O, yes; but I submit to the honorable Senator that a mere notice of postponement without any further advertising

would be everything called for.

Mr. McDONALD. But this notice of postponement and of the new day of sale must have equal publicity with the original notice of sale.

Then, again, I do not understand how the Attorney-General could

undertake to suspend the sale unless he should make the United States a party to the proceeding by some supplemental bill or peti-tion setting forth such an interest as would authorize a chancellor to interfere on the behalf of a petitioner and to enjoin the sale. This is the execution of a decree of the court; and it is proposed by this resolution to vest in the Attorney-General some kind of vague authority to interfere with that execution. It seems to me that this is a matter which we have no particular control over; that he could as well act without this resolution of the Senale, because that can confer upon him no legislative authority; and if he should undertake to act under the discretionary advice (for that is all that this amounts to) which this resolution proposes to give to him, it would be a very grave ques-tion how far the United States should make itself a party litigant in this chancery proceeding brought by the creditors of the canal lands and funds for the purpose of having them reduced for distribution upon their debt.

The first part of the resolution is proper enough; but the latter part, it seems to me, is somewhat beyond the province of the Senate, and, so far as it undertakes to give advice to the Attorney-General, may involve the United States in difficulty.

Mr. CONKLING. Mr. President, some days ago a petition was presented in the Senate and referred to the Committee on the Judiciary, praying action on this subject. In that way it comes, I will say to the Senator from Indiana as he seemed to inquire how it comes, that legislative action is proposed. Citizens of the United States, acting under a customary right, have brought to the attention of the Senate a certain state of facts. In outline, they are that the Government of the United States having an interest and a pecuniary interest in a work the structure of which the Government has assisted, which by statute and by compact was to remain perpetually a public highway and a water-way, that work is about to be disposed of or is in danger of being disposed of so that it will be filled up and cease to be for any of the purposes and for all the advantages contemplated in its structure. Upon that state of facts the petitioners, ask our interposition

The Senator from Indiana [Mr. McDonald] says that the Attorney General has power to commence a suit and that he needs no legisla-tive direction. That may be; but when information is addressed to us and we are appealed to act in regard to it, it will hardly do, I submit, for us to turn around and say that the information might have been carried to the Attorney-General; that he might have gained it for himself; that he might have done so or thus; and therefore al-though the 24th of this present month is the day on which this sale is to take place unless arrested, we will fold our arms and suffer it to proceed. Instead of that, the committee thought it right to do two things: first to request from the Attorney-General such information and advice as he could give; and second—and now I hope the Senate will especially observe the function of the latter branch of this resolution—to see to it that, while we were acquiring that information, all opportunity to use it shall not forever pass away. The purpose of the latter part of this resolution is to retain everything in statu quo so that if it turns out that there is something which can be

done and ought to be done, we shall not be too late to do it.

Mr. McDONALD. I should like to ask the Senator from New York in what mode it is proposed that the Attorney-General shall arrest

Mr. CONKLING. Mr. President, were I Attorney-General, and had I had the opportunity under this resolution to investigate that, I hope I should be prepared to answer my honorable friend. It is because we are not prepared to answer that we request the Attorney-General to qualify himself to answer that very question. If it turns out that the statutory rights of the United States and the other interests which we are bound to consider will survive despite all sale or proceeding which has been undertaken or can be, so be it; we rest upon our oars, and we enforce the rights of the Government hereafter, if the legislative branch of the Government is called upon to enforce them. Suppose, however, it turns out, on the other hand, that the Government, in the protection of its own interest not only, but in the preservation of interests at large which it is bound to conserve, ought to interpose not only to postpone but to arrest and prevent this sale,

and prevent the obliteration of this water-channel and its being acand prevent the conferation of this water-channel and its being acquired by a railway company or somebody else having interests antagonistic to it, then the proposition of my honorable friend is that in the mean time, blindfold, without knowing anything about it, we shall give up, or suffer to depart, which is just as bad, all opportunity to do anything except what we may do in spite of those proceedings at which this resolution is aimed.

I have heard from an intelligent and reliable in the sum of th

I have heard from an intelligent and reliable informant a statement of the facts touching this matter. I do not think it worth while to detail them here, because this resolution is one merely of inquiry, one cautioning the Attorney-General to observe this proceeding, asking him to give such advice as he can, on information in regard to it, and in the mean time if he finds it necessary to take any proceedings to postpone this sale, and finds that there are proper proceedings which he can take for that purpose, he takes them. That is all.

I asked the Senator from Indiana who was to suffer by a postpone-

ment of this sale. He says he does not know that anybody is to suffer; and he reminds us that if it is postponed the same thing is involved which is always involved in postponing a mortgage or execution sale—the necessity of putting in a newspaper an advertisement to the effect that the above sale is postponed for one week, or for ten days, or for three weeks, or whatever the time may be. The Senator says that involves expense. It does. If the advertisement has been made in half a dozen newspapers, this receiver, or whoever acts for him, would be compelled to indite a brief note to each of these papers, asking them to say, at the foot of the advertisement, that the sale is to stand over for ten days, or whatever the time might be arranged between him and the Attorney-General. It strikes me, that for an objection so small as that, an inconvenience and an expense so very trivial, it will hardly do to say that what seems to be an important work to the citizens certainly of two large States, and in less degree to the citizens of all the States, shall be exposed to the hazard of being swept away or entangled in costly and protracted litigation and controversy, all of which might be avoided by sending this resolution to the Attorney-General, and letting him, by letter or telegraph, arrange for a trifling postponement, which will give him interval enough to satisfy himself that something ought to be done, or that nothing can be done. Therefore I hope that the latter clause of the resolution will stand, as it seems to me essential to the first, as it would be a vain motion for us to allow this whole proceeding to take place, which we know it will within two or three days, while we are making an inquiry which probably would be of no avail to any-

body when the occasion had passed by.

Mr. THURMAN. Mr. President, this is a matter that deeply concerns the people of a large section of the State of Ohio, and it also very largely concerns the people of a still larger section of the State of Indiana; and though in a somewhat remote yet in a very importor indiana; and though in a somewhat remote yet in a very important degree it concerns the people of the East along the lines of transportation through Lake Erie and the New York railroads and canals. The General Government granted to the State of Indiana and to the State of Ohio a very liberal subsidy in land to aid in the construction of a canal from the Wabash River to Lake Erie. The State of Indiana was particularly solicitous for the construction of that improvement, the greater part of which lay in the State of Indiana because it gave the greater part of which lay in the State of Indiana, because it gave her an outlet to Lake Erie which she could not have except by a public improvement passing in part through the State of Ohio. She was therefore particularly solicitous for the construction of this work; and the State of Ohio, meeting her in the most liberal spirit, passed an act for the construction within the State of Ohio of her part of the canal, called the Maumee and Erie Canal. The canal was accordingly constructed, and has proved of very great advantage to the people of Ohio in the northwestern section of the State, but of far more advantage to the people of Indiana in the section through which it passes. The canal was leased, as I understand, by the State of Indiana, and the lessees have in some way or other encumbered their lease, by a mortgage I believe. In some way or other it is now set up for sale. I have not learned the particulars of that, but I suppose it is to be a sale of the interest of the lessees in the canal. Now it is the belief of some who have written to me on the subject, that if this canal shall be purchased it will be purchased by persons in the interest of certain railroad companies, and that the canal will be utterly abandoned so far as that portion of it that lies in the State of Indiana is concerned, thus rendering to a great extent the portion in Ohio, upon which she has expended many millions of dollars and toward the construction of which as well as of the Indiana part the General Government contributed largely, comparatively useless.

Under these circumstances it does seem to me that, if the General Government has any interest whatsoever to be subserved by protecting that improvement to which she so largely and beneficially con-

tributed, we ought to pay attention to that interest.

Now, what is the direct interest of the United States? In the rants of land made to aid in the construction of canals in the State of Ohio, not this canal alone, but the Ohio and Eric Canal, and the Miami Canal extending from Cincinnati to the lake, and this Maumee Canal, the condition was put into the land grant that the arms, munitions, and troops of the United States should pass toll free over those canals. Before the late civil war the State of Ohio had leased her canals; she did not sell them; she did not put an end to them; but see leased them, and by her lease required them to be kept in as good condition for navigation as they were at the date of the lease. This

provision in favor of the United States, that her arms, munitions of war, and troops should pass over those canals free of any charge, I was assured by a gentleman, perhaps the best informed on the subject, for he was the general manager of the lessees of the canals, saved the United States during the late civil war a very large sum of money, and, if my memory is not at fault, it was over \$600,000. The amount could be told to a cent, for all boats had to receive clearances, whether they contained a cargo that paid toll or not; whether they contained individuals upon whom tolls were chargeable or not; and the amount which was saved to the United States, if my memory is not at fault, was somewhere near \$600,000. That much was saved to the United States Government on the Ohio canals by using those canals instead of railroads in the transportation of munitions of war and the troops of the United States. I have no doubt that there was

some saving over this particular canal in question.

The United States therefore having given a large land subsidy for the construction of this improvement, reserving no specific consideration, no consideration apart from the general good and this one consideration that her arms and munitions of war and troops should pass toll free over it, has a direct interest in the preservation of that great public work. I think no one who wishes to see cheap transportation, who wishes to see a rivalry between the water transportation and the railroad transportation, can desire to see that great improvement fall into disuse. I may say in respect to one particular subject of transportation, that of ship timber, that this canal is the most valuable mode of transportation in all the State of Ohio and has transported more timber of that kind for ship-building to the ports on

Lake Erie than any other line of transportation in that whole State.

Under these circumstances I think it is right that we should look Under these circumstances I think it is right that we should look into this matter; and in what better way can we look into it than by directing the attention of the Attorney-General to it? We prejudge nothing by that. We do not direct the Attorney-General to institute any proceeding unless there is good reason for doing it, unless he have a good ground for doing it; and what possible injury to anybody can result from his investigating the subject and taking any steps that in his investigation shall be precessary to protect the judgment, after an investigation, shall be necessary to protect the interests of the United States? I think my friend from Indiana will find that his people are more interested than even the people of Ohio in the preservation of this great improvement, in not allowing it to fall into disuse, in not allowing it to become purchased by any railroad corporation whatever with a view to its disuse, as so large a portion of the Pennsylvania Canal has been disused since it fell into the ownership of a railroad company.

I hope therefore, Mr. President, that there will be no objection to

this resolution. It is not mandatory in its character so as to commit us to any expense, nor does it interfere with any private right; it simply calls on the law officer of the Government to take care that the interests of the United States shall be protected.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Indiana, [Mr. McDonald.]

The amendment was rejected.
The PRESIDING OFFICER. The question recurs on the adoption of the resolution as reported by the Senator from New Jersey, [Mr. Frelinghuysen.]

The resolution was agreed to.

### INDIAN RESERVATIONS.

Mr. CONKLING. Mr. President, at the suggestion of Senators understanding the merits of the measure, I move to take up for consideration Senate bill No. 32, a bill which was brought up once before and at the instance of some Senator laid over that he might look at it.

The motion was agreed to; and the bill (S. No. 32) conferring exclusive jurisdiction over Indian reservations upon the United States courts, and for the punishment of crimes committed by and against Indians, was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with

amendments.

The first amendment was in line 10 of section 1, to insert after the word "law" the word "or," and strike out "or executive order;" so as to make the section read:

That except as to crimes committed in the Indian country, or upon any Indian reservation, the punishment of which is expressly provided for by laws of the United States, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall be in force in and upon each and every Indian reservation established by law or treaty stipulation within the limits of any Territory of the United States.

Mr. SARGENT. I wish merely to say that the other day this bill was laid over at my request, and since that time, on such examination as I have given the bill, it seems to me a proper one. I shall make no opposition to its passage.

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was in section 2, line 4, after the word "law" to insert "or," and to strike out in line 5 "or executive order, without the written consent of the officer or agent having charge thereof;" so that the section will read:

SEC. 2. That any person not an Indian who shall cut or remove, or in any manner carry away, any wood, trees, or timber of any kind, or stone, grass, or any other material, from an Indian reservation established by law or treaty stipulation within the limits of any State or Territory of the United States, shall be liable to a fine of not less than \$100 nor more than \$500, and imprisonment not exceeding two years.

Mr. ALLISON. I do not rise to oppose this particular amendment but to make an inquiry in reference to the second section as it will stand when amended. It seems to me that if the words just read are stricken out we shall get into difficulty on some of the reservations; as, for example, on the Sioux reservation. There we have a considerable military force who are entirely independent of the Indian agent. It is necessary for the support of the officers and men to cut timber and build houses, and to cut wood, &c. It seems to me that if the second section stands as read it would have the effect to prevent any such use of the timber on the reservation. I call the attention of the Senate to this difficulty, as it appears to me to be, if this bill shall pass. It applies to-

Any person not an Indian who shall cut or remove, or in any manner carry away, ny wood, trees, or timber of any kind, or stone, grass, or any other material.

It is necessary, in order to maintain a cavalry force, for instance, on many of the reservations, to cut grass and put up hay. There may be some explanation that I do not see. On the face of the section, it occurs to me to be rather a dangerous provision.

Mr. HOWE. I do not quite see that there is the danger to be apprehended of which the Senator from Iowa speaks. That amendment I think is necessary in one point of view. I think the Senator from Iowa will agree with me that there should not be the discretion vested in the head of the Indian Bureau, or in the head of the Executive Government, to authorize the cutting of and the traffic in timber from Indian reservations.

Mr. ALLISON. I agree to that.
Mr. HOWE. It seemed to me that that amendment was necessary to avoid that conclusion. If there is a necessity for authorizing the cutting of timber or the cutting of grass for the use of Government agents, that may very well be provided for. There may be such cases; I am sure that I am not prepared to say that there are not; but still I think the amendment should be agreed to, and then this authority which the Senator thinks necessary should be provided by

as separate amendment.

Mr. ALLISON. I do not object to the amendment. I think it would be perhaps quite important to make this amendment. I do not think an ordinary agent ought to have authority to allow the cutting of

timber

Mr. HOWE. A proviso at the close of the section, if the Senator will draw one, providing that this section shall not apply to the cutting of timber or grass, for the use of the troops of the Government

or the officers of the Government, would answer his purpose.
The PRESIDING OFFICER. The question is on the amendment reported by the Committee on the Judiciary.

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was to strike out all after the word "any" in the first line of section 3 to the end of the section, in the following words:

United States marshal is hereby authorized and required to remove from any Indian reservation located in the districtor Territory of which he is marshal, any person found thereon contrary to law, upon being requested, in writing, so to do by the Indian agent or superintendent under whose control the reservation in question

And in lieu thereof to insert:

person found upon any Indian reservation contrary to law, and who shall r fuse or neglect to remove therefrom upon the request of the agent or superintendent hav-ing charge of the reserve, shall be deemed guilty of a misdemeanor, and, upon con-viction thereof in any court having jurisdiction, shall be fined not exceeding \$500 or imprisoned not exceeding one year, or both, in the discretion of the court

The amendment was agreed to.

Mr. HOWE. While the Senator from Iowa is preparing his amendment I wish to make one statement; and make it in the hearing of the Senators from California [Mr. SARGENT] and Ohio [Mr. SHERMAN,] which I concede in the outset does not bear particularly on the merits

A short time ago when a bill in which the Senator from California was somewhat interested was before the Senate, I renewed the state-ment that I made last week that the Land Office had not abandoned the practice of offering lands, under your general laws, at public sale, and I expected every moment the evidence from the Land Office to verify that statement of mine. It did not come until that subject had passed away from the consideration of the Senate. I now hold in my hand a letter from the Commissioner of the General Land Office, in which he states as a matter of fact that no such offers have been made in Michigan within the last ten years, but that such offers have been made in the States of Wisconsin and Minnesota, and by way of corroborating the statement sends me the proclamations.

Mr. SARGENT. Will the Senator have the letter read?

Mr. HOWE. Yes, sir; I will send it to the desk to be read.

The PRESIDING OFFICER. This proceeding is irregular and can only proceed by unanimous consent, another bill being pending. Is there objection? The Chair hears none. The letter will be read.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., February 19, 1876.

SIR: In reply to your late inquiry, I have the honor to state that there have been no offerings of public lands in the State of Michigan under a proclamation of the President during the last ten years. During that period there have been proclamations by the President for land sales in Minnesota and Wisconsin, four in the former and two in the latter, numbered 723, 730, 743, 760, 771, and 776. Printed copies of these proclamations are sent herewith.

In reference to the sale of the Fort Howard military reservation, in November, 1864, it appears that the highest price received for any lot was that given for the fort site with the buildings thereon, contents 3.04 acres which was appraised at \$3,000, and was sold at \$6,400. The next highest rate per acre was received for lot No. 282, containing one acre, which was appraised at \$30 and was sold at \$44.50.

Very respectfully, your obedient servant,

L. K. LIPPINCOTT, Acting Commissioner.

Hon. T. O. Howe, United States Senate.

Mr. HOWE. I have only to add that here are the eight proclama-tions of sales made within the last ten years. The earliest one of this series was dated in 1867; the latest one was dated in 1873. This letter shows that a single tract on which there were buildings, the tract being appraised at \$3,000, was sold at public sale and brought \$6,400. There was no combination. There was just one tract of that kind to be bid for, and there was no possibility of effecting a combination. They did not effect a combination so as to prevent running that up

\$3,400 above the appraised value.

Mr. SARGENT. One word. The Senator has very ingeniously proved what I asserted this morning, so far as I have had opportunity to examine these proclamations which he has sent me at my request. The first two were under special laws relating to military reservations and land reserved for school purposes entirely exceptional to the cases to which I referred-Indian lands, &c. All the cases in Wisconsin were of that character. There was no controversy between the Senator and myself as to them. I really hoped, as the Senator was so anxious to put himself right and derived so much gratification from doing so, that he would succeed. I am a little disappointed that my friend is still in error, for I know I can cheerfully give way to his superior knowledge in such matters, and I am sorry to say that that consolation is denied the Senator. These were not general public lands of the United States to which I referred, but they are Indian reservations, &c.

Mr. HOWE. Does the Senator mean to say that those were all sales under special laws?

Mr. SARGENT. I have not bad time to examine them all.

Mr. HOWE. I hope the Senator will examine them before he makes

that statement.

Mr. SARGENT. The one now in hand was in Minnesota.

Mr. HOWE. Turn to the next one.
Mr. SARGENT. I have not time. This was a proclamation for Mr. SARGENI. I have not time. This was a proclamation for "the sale of valuable lands in that part of the Sioux Indian reservation on the Minnesota River, Minnesota," lying and in the district of lands subject to sale at Saint Peter. That is the first. The next is the sale of valuable pine lands in the State of Minnesota, which I

the sale of valuable pine lands in the State of Minnesota, which I understand was under a special statute.

Mr. HOWE. Where is the special statute?

Mr. SARGENT. I will find it if the Senator wants it.

Mr. HOWE. I should like to see it.

Mr. SARGENT. It is the same as I called attention to in his own State, under which the sale of 1864 took place and the one under which the sale of 1872 took place. That there may have been here and these during the last twenty years an executional see and there during the last twenty years an exceptional case, even where lands belonging to the public domain have been sold, I do not deny; but I say—and this was the point which was made by the Senator from Ohio and the Senator from Oregon and myself—that the policy has been abandoned; and where it has been adopted it has been in a little case, an exception which would really go to prove the general rule. Here is one:

In pursuance of law, I, Ulysses S. Grant, President of the United States, hereby declare and make known that a public sale of valuable pine land—

It is not put up as ordinary land.

The next is:

In pursuance of law I, Ulysses S. Grant, President of the United States, hereby declare and make known that a public sale will be held at Bayfield, in the State of Wisconsin, commencing Monday, the 17th day of June next, for the disposal of the sections and parts of sections herein enumerated, not previously disposed of at a price not less than \$2.50 per acre.

Showing that they were reserved lands and not under the general statute. There is but one left and I will not look at that one, so as to give the Senator some chance to be correct, which I really believe

Mr. HOWE. Now I want to state (and that is all the time I shall take) that there is not any sort of excuse for the intimation that there was a special statute for making seven of those sales. I rather suspect there was a special statute for making one of them-one out of

Mr. SARGENT. I suggest to my friend that we had better refer this matter to a committee to settle it. Mr. HOWE. I prefer to have the facts stated here in the presence

The PRESIDING OFFICER. Bill No. 32 is before the Senate as in

Committee of the Whole.

Mr. ALLISON. I offer the following amendment, to come in at the end of section 2:

Provided, That this section shall not be construed to prevent the cutting of such timber or grass or the use of such stone as may be necessary for the purposes of the Army or for the use of the several agencies located on any such reservation.

The amendment was agreed to.
Mr. KELLY. I hope the further consideration of this bill will be postponed. It is one of importance to the people of the Pacific

coast, where there are many Indian reservations, and especially section 3 of the bill, which provides:

That any person found upon any Indian reservation contrary to law, and who shall refuse or neglect to remove therefrom upon the request of the agent or superintendent-

shall be punished. In Oregon, if we take the Umatilla reservation, for instance, there is a public highway through it, upon which there is a daily line of coaches transporting the overland mail, and teams are passing constantly to and fro, going across that reservation, camping upon it at times during the night and going on in the morning. If it is intended to prohibit the passage of persons over or camping upon it in traveling along the public highway, I object to the section.

Again, there is a military wagon-road passing through the Malheur Indian reservation. The United States have granted lands to a company for the purpose of constructing a road, and it has been built. It is a regular line of travel through the reservation. I will say fur-ther that this Malheur Indian reservation was located upon those lands after the title to the lands was acquired by the railroad company. Surely, that being within the boundaries of an Indian reservation, persons should have the right to pass and repass, should have the right to occupy their own lands that are within the limits of the reservation; and yet this bill would prohibit them from doing so.

The same facts apply to the Klamath Indian reservation. a public road leading throught that and lands acquired by the wagon-road company within the boundaries of that reservation.

Mr. HOWE. Will my friend allow me to make a suggestion which I think will relieve all his apprehensions?

Mr. KELLY. Yes, sir.
Mr. HOWE. This section does not preclude anybody from occupying his own lands, let them be situated where they may; it only applies to the case of those who shall squat on Indian lands, not to pass over them, but settle upon them and refuse to leave when the Gov-

ernment tells them to leave. That is all.

Mr. KELLY. I have in my mind another matter. Upon the Nez
Percés' reservation there is a tract of six hundred and forty acres of land that was granted to the American Board of Commissioners for Foreign Missions, and that society have transferred it to Mr. William G. Langford, who is now the owner of the land. It is claimed adversely by the Indian agent. Mr. Langford has constructed buildings upon it; and the question is, could the agent order the owner of that land from the tract that is claimed adversely by the United States, or rather by the Indian agent? for I do not understand that the United States claim the land because they have parted with it by a grant. And yet, according to the terms of this section, the owner of that land could be driven away from it.

I hope there may be time given to examine the bill more closely. It was only laid on our tables this morning, and I think we should have a little further time to examine it and consider its bearings upon the important questions involved. So far as the general features of the bill are concerned I have no objection to it, but I wish it to be guarded.

gnarded.

Mr. ALLISON. I move to reconsider the vote by which the amendment of the committee to section 3 was adopted. My attention has just been called to this bill, and particularly to this branch of it. It seems to me that we ought to consider it a little more carefully, especially with reference to its application to what is known as the Sioux reservation. There are about two thousand people, or it is said that there are about two thousand people, or it is said that there are about two thousand people, on the Sioux reservation digging about the Black Hills for gold. This section gives to the proper court of the United States jurisdisdiction to summarily punish these people. I doubt very much whether it is worth while at this time to enter upon any such legislation, and I trust we shall not do it until enter upon any such legislation, and I trust we shall not do it until enter upon any such legislation, and I trust we shall not do it until
we establish some policy with reference to the Sioux Indians, whom
we are now supporting by appropriations from the Treasury of the
United States, and we shall doubtless be obliged to continue to support them for some years to come. It does seem to me that we ought
not to ingraft upon a bill of this character a provision which will
affect that reservation until the matter is considered more carefully.

The PRESIDING OFFICER. The Chair would suggest to the Sen-

ator that, the amendment having been agreed to in Committee of the

ator that, the amendment having been agreed to in Committee of the Whole, the object he desires to accomplish can perhaps be reached in the Senate by taking the vote of the Senate upon agreeing or disagreeing to that amendment.

Mr. ALLISON. Very well, sir. I only call attention to the fact.

Mr. WINDOM. There seems to be a desire to give this bill further consideration, and I believe a pretty general wish to let it go over. I therefore ask that it may be informally passed over, that I may make

a report from the Committee on Appropriations.

The PRESIDING OFFICER. Is there objection to the informal postponement of the bill now under consideration?

postponement of the bill now under consideration?

Mr. WINDOM. Let it be postponed until to-morrow.

Mr. HOWE. If anybody wants the bill postponed until to-morrow for the purpose of considering it, I have no objection.

Mr. WINDOM. I move that it be postponed, in order that I may call up a bill from the Committee on Appropriations to pay the crippled and disabled soldiers now in the employment of the House of Representatives.

The PRESIDING OFFICER. The Senator from Minnesota moves to postrone the pending bill until to-morrow.

to postpone the pending bill until to-morrow.

Mr. CONKLING. Let it go over informally, and then it will be the

The PRESIDING OFFICER. Is there objection to the bill going over informally until to-morrow, then to be resumed as unfinished business? The Chair hears no objection, and it is so ordered.

#### HOUSE EMPLOYÉS.

Mr. WINDOM. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 1802) making an appropriation to pay fourteen crippled and disabled Union soldiers from the 6th day of December, 1875, to the 30th day of June, 1876, to report the same back without amendment and to ask for its present

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. WINDOM. I am requested to make a brief explanation of this bill. At the close of the Fortieth Congress, or about the close of the Fortieth Congress, a resolution was offered by a member from Illinois, now the Senator on my left, [Mr. Logan,] to provide for the payment during the recess of three crippled and disabled soldiers who were then in the employ of the House of Representatives, in the folding-room. Since that time various additions have been made to this class of employés. By a second resolution two were added to the number; by a third, four; by another resolution, three; and finally two more, making a total of fourteen crippled and disabled soldiers, all of whom are

under the employ of the Doorkeeper of the House of Representatives.

Appropriations have been made during the last three years as follows: From March 4, to December 1, 1873, \$12,600, for payment during that recess. The next appropriation was from July 1, to December 1, 1874, \$10,353.76, during another recess of Congress. The last was from April 1, to December 6, 1875, providing for their payment during the last recess. I do not find in the regular appropriation bills any appropriation for paying them during the session of Congress, and upon inquiry at the other end of the Capitol that is explained by the apon inquiry at the other end of the Capitol that is explained by the fact that the House has paid them out of its contingent fund during the sessions. That contingent fund being too small at this time, a bill has been sent to us providing for their payment from the 6th day of last December to the 30th of June next. There are now thirteen of these persons employed on the gallery floor of the House of Representatives and one at the lobby-door, making in all fourteen, all of whom are in the regular employ of the House and have received no compensation since the session began. It is very desirable, if the bill meets the approval of the Senate, that it should pass as soon as possible. sible.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### DISTRICT 3.65 BONDS.

Mr. MORRILL, of Maine. I present the report of the committee of conference on the disagreeing votes of the two Houses on the 3.65 per cent. bond resolution, and ask its present consideration.

The report was read, as follows:

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment as follows:

Strike out all after the word "provided," in line 4 of the words proposed to be inserted by said amendment, down to and including the word "dollars," in line 10, and insert in lieu thereof the following:

That the said commissioners are hereby directed to discontinue all work and labor on streets, avenues, bridges, sewers, canals, and structures of every kind, the payment for which is to be made in 3.65 bonds of the District of Columbia: And provided further. That so much of the sixth section of the said act of June 20, 1874, as directs and requires the First Comptroller of the Treasury and the Second Comptroller of the Treasury to audit and adjust the floating and unfunded debt of the District of Columbia, and issue certificates therefor, and of the joint resolution continuing the board of audit to examine and audit the unfunded or floating debt of the District of Columbia, and issue certificates therefor, and of the joint resolution continuing the board of audit to examine and audit the unfunded or floating debt of the District of Columbia, and issue certificates therefor, and of the joint resolution continuing the board of audit to examine and audit of the payment of the said board, approved March 3, 1875, be, and the same are hereby, repealed; and all compensation allowed to said board of audit for their service

A. H. BUCKNER, G. W. CATE, GEORGE WILLARD, Managers on the part of the House.

Mr. MORRILL, of Maine. I will state the condition of this matter as it is now reported, by saying that the only changes made in the former report are first by reciting the several statutes whose provisions are to be repealed so as to make it certain that those provisions which were contemplated by the former report to have been repealed shall all be included. The second change is that, so far as

the functions of the board as to auditing any of these claims and the functions of the board as to auditing any of these claims and certifying them are concerned, they are absolutely repealed by this act, to take effect on the passage of the act, whereas by the former report they were authorized to go on and audit certain classes of claims. By this act they will be prevented from so doing. Then it provides that at the end of thirty days all books and papers of every description in their possession shall be turned over to the commissioners of the District. These are the only changes made in the report. In all other respects it remains as before.

Mr. COOPER. I move that the report be laid over and printed.

Mr. COOPER. I move that the report be laid over and printed.
Mr. SHERMAN. I ask the honorable Senator from Tennessee whether he cannot forego that. The report has been printed except the modifications just stated. I feel myself the injustice and humiliation that people having bonds of the United States, on which interest has now been due for twenty-one days, cannot receive payment of their coupons, every one of which could be protested. The money is lying for them. I do not want to adjourn over the 22d of February, Washington's birthday, leaving this obligation unpaid. The Senator from Connecticut [Mr. EATON] shakes his head. The good old steady land of Connecticut never would allow that in regard to one of her State bonds. I believe she has never failed promptly to pay her pub-lic obligations; and yet here is an obligation of the District of Columbia, indorsed by the Government of the United States, which for

twenty-one days lies dishonored, its coupons unpaid, its interest due.
Mr. EATON. Will the Senator from Ohio allow me to say that the
Legislature of Connecticut would investigate the circumstances of such an issue as this before it would consent to pay either principal

Mr. SHERMAN. But they would take care to examine into the in-debtedness before the interest became due. The State of Connecticut never would allow it to stand dishonored after it was due. Congress was examining this months before it was due, and it ought to be paid; and I think the Senate ought not to adjourn until this report has been finally acted upon. As I understand the Senator from Maine, the only modifications made in the printed report laid on our table a few days ago are modifications made to carry out the view of the Senate; so we have before us practically the bill as passed by the Senate, and I think we ought not to consume further time with it. shall vote against the motion to print, because it would cause delay. Mr. BAYARD. I have been absent from the Chamber, and during

my absence I understand a report has been brought in by the chair man of the committee of conference, the Senator from Maine. I would like to know the features of the present report.

Mr. MORRILL, of Maine. The Senator was not in his seat when I stated them.

Mr. BAYARD. I was absent unavoidably.

Mr. MORRILL, of Maine. I can state in a moment the changes in the former report of the committee. One is to make certain the provisions as to the repeal of the board of audit. The Senator may remember that the Senator from Vermont suggested that the recital in the former report, referring only to one of the statutes, might leave a question whether all the powers conferred on the board of audit were repealed.

Mr. BAYARD. Will my friend show me the difference between

Mr. MORRILL, of Maine. The Senator will remember that the former report made referred to the statute of June 20, 1874, while there were two subsequent statutes, one of December 21, 1874, and the other of March 3,1875, extending the powers of the board of audit. Those latter were not referred to, and thus a question arose whether the powers and functions of the board derived from those two statutes might not continue. This embraces all the statutes on the subject; so that all the powers devolving on the board under either of the statutes are now absolutely repealed, and the functions of the board under any of these statutes are put an end to, and after thirty days from this time they are to surrender their books, documents, and papers to the commissioners of the District of Columbia.

precise variations of the former report.

Mr. BAYARD. The act of June 20, 1874, which placed the District of Columbia under the government of a system of commissioners, and created with that a board of audit, was supplemented by an act of the following session in December, that extended the period in which the board of audit should have power over the unsettled debt or the uncertified debt of the District. With all due respect for the committee of conference and the chairman who has stated the fact, I do both that including in this report a repeal of the act of December, 1874, extending for a period of ninety days the powers of the board of audit over claims referred to in the original act of June 20, 1874, has any materiality whatever. The repeal of the act of June 20, 1874, which created the board of audit, of course put them out of official existence.

But my objection to the previous report of the committee was substantially that, whereas the Senate of the United States, after a debate and clear consideration and understanding of the subject, had resolved to put an end to the powers of this board of audit, which had been so loosely used, not to say abused, as to create this staggering amount of indebtedness for alleged claims of work and labor which apparently were unfounded—I mean by "unfounded" that the work and labor and the materials had really not been furnished by the parties who were to receive the Government moneys for them; I say

"apparently," because that is what appeared on the face of the re-turns of the board of audit, or of the commissioners who were supervising the actions of the board of audit, in the returns made to the present session of Congress-the creation of the commission and the creation of the board of audit were intended as remedial measures for the extravagance of the board of public works which had preceded them. Experience has shown us that from one cause or another and I do not design to suggest offensive causes - so far from being remedial, it has not checked outlay or extravagance, but, on the contrary, seems to have intensified it.
was the intention of the Senate? trary, seems to have intensified it. In the face of these facts, what was the intention of the Senate? To repeal laws which, either by just construction or by misconstruction, could permit such powers to be exercised by either the board of audit or the commission, or both; and so the Senate, to make this thing impossible, by incorporating fit language, adopted after proper debate and discussion, abolished the board of audit and said that they should turn over all their books, papers, and property to the commissioners of the District of Colum-

bia. There was a plain, simple, effective stoppage of an alleged abuse.

Now, why is it that that abolition, deliberately agreed upon by the
Senate, should be abandoned by our committee of conference? The fact that they included the repeal of this little act of December, 1874, extending for rinety days the powers of the board of audit, is a very immaterial affair. It does not add in the least to the value of this report, nor does it incline me in the least to vote for it. I ask the Senate, if they wish to have the substantial reform intended by the action of the Senate placed upon the affairs of this District, to insist that the features they voted on shall remain in the bill as reported by the committee of conference. Two things there were: the absolute repeal of all power of the board of audit to run this District and the people of this country one dollar further into debt; and not only that, but that this country one dollar further into debt; and not only that, but that the date of the 27th of January, 1876, should be the boundary in time as to which bonds of the District guaranteed by the United States should be issued for District expenditures. Those two facts stood before the Senate for their consideration. Those two facts were deliberately voted upon time and again by the Senate; and if there were two features in regard to the government of this District which were understood by the Senate to be settled by their votes they were first understood by the Senate to be settled by their votes, they were, first, understood by the Senate to be settled by their votes, they were, first, that the board of audit should be stripped of its powers, and next that the debt should not be greater than it was on the 27th day of Jannary, 1876. If the Senate now choose to retire from their action and reverse their decision they can do so, but by adopting the present report they will have done both. That fact I simply wish understood, because the explanation of my honorable friend from Maine does not in the least degree detract from the force of what I have said. This throwing in a small tub to eatch a whale, this throwing in the repeal of the act of December 1874 extending for pinety days that time within of the act of December, 1874, extending for ninety days the time within which certificates should be considered by the board of audit, is simply nothing at all. It was in fact considered in the former action of the Senate

Two facts remain for the Senate to consider; whether they will, after the exhibition we have had in the Senate, the examination of the reports, the arguments of the honorable Senator from Massachusetts and others on the floor, continue for one day or one hour the powers of a board of audit who have permitted, or who have committed, what of a board of audit who have permitted, or who have committed, what appear to be gross abuses, and whether they will also permit this debt to be enlarged beyond what it was on the 27th day of January, 1876. The difference, I may state to the Senate, is this: Up to the 27th day of January, 1876, 3.65 bonds of this District, guaranteed by the Government of the United States to be paid out of its Treasury, had been issued to the amount of \$13,777,000, and something over. The bill, in one sense, limited the amount of the debt to \$15,000,000. The amendment adopted by the Senate in the face of that restricted it still further to the amount that might have been, or was, and which could be, correctly ascertained on the 27th day of January. There is, speaking in round numbers, about a million and a quarter of dollars between the amount that the committee's report proposes to permit of these 3.65 bonds and the amount which was absolutely

issued on the 27th day of January.

No question of public faith in paying the interest on bonds, as it has been referred to by the honorable Senator from Ohio, exists in regard to bonds not yet out; and I say, according to my judgment of what is right, that it was the opinion of the Senate that that debt should not be increased beyond what it was at that day; that at least we should pause there. I understood that that expression was decisive and certain on the part of this body. Now, however, if they choose to adopt the present conference report, I say that, in my opinion, they will have reversed their decision and they will have agreed that whatever may be the amount that may be issued, the interest shall be paid without any regard to the development this debate has made as to the system of this board of audit in paying moneys apparently not due.

Mr. MORRILL, of Maine. I wish to say one word. My honorable friend began by saying that we had not done what he had reason to expect we would do, and winds up in the same way. Precisely what he says we have not done, I insist upon it we have done; and if six men are capable of comprehending that, we six men are all agreed that we have done precisely what he says we have not done. This is a most fruitful source of debate. I trust the Senate will go

on for the balance of this week, and ventilate this matter thoroughly. There must be something in it new, and novel, and striking, and won-

derfully interesting! I have a great mind to enlarge upon it myself, and discuss some of the features that yet have not been brought to light—disclose the beauties and glories that lie about it in many ways! We do not know when we shall ever get such a subject again before the Senate, and let us make the most of it! If there is any shade of it that has not been discussed to every body's satisfaction, I hope on this occasion, before we pass a vote, the Senate will deliver itself on this subject. I wish for all the honorable Senators on this floor who have not had the experience, that they had the experience of the Committee on Appropriations, to force them to bring in these bills, and to consider them, and then feel at perfect liberty to puncture them and their bills at all points, never being able to come to a conclusion upon any subject that involves an appropriation, and nobody content when the last stage of the proceedings has been reached, that of a conference committee, but everbody jealous, everybody suspicious, everybody treating the committee just as if they were in a conspiracy against the Senate of the United States not to do precisely the things they were instructed to do.

If there ever was a report of a conference committee that did con-If there ever was a report of a conference committee that did conform to the judgment of the body, this is that particular report which we have here to-day; and yet my honorable friend stands here and argues that he is greatly disappointed, greatly dissatisfied at the result. What is his trouble about it? He would have the board of audit repealed. It is repealed if you pass this bill; else I do not understand the force of language. My honorable friend from Vermont formerly suggested that there might be a doubt about that, because it did not include the two subsequent acts to that of June, 1874. We have now included the two subsequent acts and that provision which my honorable friend says was in it to continue the board of audit until they had accomplished certain other things, namely, until they had audited two classes of claims, is stricken out, so that the repeal takes effect when this bill is passed, and all the functions which enabled them at any time to increase the debt of this District one cent are

gone forever.

Mr. BAYARD. May I read just one line from the report?

Mr. MORRILL, of Maine. Certainly; I would be delighted to hear it read once more.

Mr. BAYARD. I am reading now from the report the Senator asks

But this proviso shall not prohibit the audit and issue of certificates for claims or work and labor already performed and materials furnished.

Mr. SARGENT. If the Senator will allow me, he is reading from the wrong report.

Mr. MORRILL, of Maine. That is good reading; no matter. My honorable friend was not in when I stated the case, and I did restate it to him again. To go over the whole ground again would not be a delight to me, but it might amuse the country. If my honorable friend had given attention to my statement, it seems to me he could not have misunderstood that that is all out, so that, I repeat, the function of this board to do anything in the way of anditing dies when this bill becomes a law. That is what we did; to gratify my honorable friend, among others, we struck out all the authority to audit entirely.

Mr. BAYARD. The difficulty is that the last report of the com-

mittee has not been printed.

Mr. MORRILL, of Maine. The difficulty is not that it has not been printed. What on earth is there to print? I would like to know now if anybody can be made to believe that the Senate of the United States cannot understand what I say, when this report shows on its face at a glance that only two alterations have been made; one to make it certain that the functions of this board of audit stop now absolutely, with no power to audit any claim whatever. That is one change; and the other change is simply to make it certain. That is done by re-

for other change is simply to make it certain. That is done by referring to all the statutes enacted upon the subject. That is all there is, and is there any necessity of printing a report of that description?

Mr. BAYARD. The Senator from Maine is usually so considerate and consistent in all he does in this Chamber that it seems impossible to suppose that he would find fault with any member of the body for endeavoring in a very simple, straightforward manner to perform his duty in regard to the public service. My interest in the bonds of this District, my interest in the affairs of this District, is nothing more than belongs to any other member of the Senate. The people of this District have no representative upon the floor of either House of Con-They are relegated entirely to the exclusive control of Con-Their affairs are not committed to me especially, for I am not gress. a member of either committee appropriately charged with the cona member of either committee appropriately charged with the consideration of this bill; but the facts relating to their affairs were brought to my knowledge, and when they were I should have been very reckless to my sense of duty if I had not taken the interest I have in seeing that the measures relating to them were in proper have in seeing that the measures relating to them were in proper shape. I may be very unintelligible, I may not be able to comprehend a report which was scarcely read to me and which is not before the Senate in a condition to be read. When I asked the honorable Senator from Maine in what features his present report differed from that which the Senate recommitted to him, he stated but one, and that was that they had included in their present report the repeal of the set of December 1874. That set I thought was very impractacid. The act of December, 1874. That act I thought was very immaterial. The great point with me was whether the power of this board of audit did exist to increase the debt of the District either by certificates or otherwise over the amount it was on the 27th day of January, 1876.

That is the point, and that I think important. The difference between the amount of the bonds of the District guaranteed by the Government of the United States on the 27th day of January, 1876, and the amount now prescribed by this committee's limit is about a million and a quarter of dollars; and I do not propose that bonds shall be issued for that extra amount until some other means of inquiry into the rightfulness of the claims have been instituted by Congress than the present machinery under which the auditors or their officers are acting. That is all. I regret exceedingly that my objection should entail any labor upon this committee of conference; but it is my duty, and it being my duty I certainly shall perform it as well as I may, to see that a system which has resulted in such a gross, disproportionate, and cruel expenditure of public moneys should be brought to an end as soon as possible.

I again state to the Senate that I think the adoption of the present report will destroy the power of the Senate to arrest the further issue of the 3.65 bonds to the amount of the difference between thirteen million seven hundred and odd thousand dollars and \$15,000,000. If they choose in the face of that to accept the report, be it with them,

but it shall be done with my vote recorded against it.

Mr. SARGENT. The objection made distinctly by the Senator to the former report of the committee of conference was that it continued the board of audit until it should have audited accounts and issued certificates up to the amount of \$15,000,000. It was objected by Senators, and the vote of the Senate subsequently emphasized the idea, that the board of audit should be abolished at once and that these accounts should not be passed into certificates or into bonds. The bill was sent back to the committee with this apparent instruction of the Senate. The committee met again, and they acceded to that view of the Senate as necessarily they must, and what they have reported I will read in order that the Senate may see that every word is used that is possible in order to destroy the board of audit. After this joint resolution shall have passed and been signed by the President not a vestige of power will be left in the board and no existence to the board itself.

That the said commissioners-

This relates to the District commissioners-

are hereby directed to discontinue all work and labor on streets, avenues, bridges, sewers, canals, and structures of every kind, the payment for which is to be made in 3.65 bonds of the District of Columbia.

That stops them from incurring any further indebtedness, provided the board of audit were continued.

And provided further. That so much of the sixth section of the said act of June 20, 1874, as directs and requires the First Comptroller of the Treasury and the Second Comptroller of the Treasury to audit and adjust the floating and unfunded debt of the District of Columbia, and issue certificates therefor, and of the joint resolution continuing the board of audit to examine and audit the unfunded or floating debt of the District of Columbia, "approved December 21, 1874, and of the "act to extend the time within which the board of audit of the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board," approved March 3, 1875, be, and the same are hereby, repealed.

That is first, second, and third. The original act and the two amendments are absolutely repealed.

And all compensation allowed to said board of audit for their services under the provisions of said act of June 20, 1874, and the acts amendatory thereof, shall cease. And after the expiration of thirty days from the approval of this joint resolution all books, papers, and records of the said board of audit shall be turned over to the commissioners of the District of Columbia or their successors in office.

Mr. DAWES. If the Senator from California has the report before him, will he be kind enough to read that portion of it which puts an end to the power to issue any more bonds?

Mr. SARGENT. That belongs to the board of funding commission-

ers, which is provided for in the original act. It is quite another act. The funding commissioners are those who have that power.

Mr. DAWES. But there is some provision there relating to the

Mr. MORRILL, of Maine. It has been suggested to me to have the bill read from the desk as it will stand if the report be agreed to.

Mr. DAWES. I know how difficult it is to understand the report

of a committee of conference; it necessarily is. It seems to me that there is no question about the abolition of the board of audit; but I would like to hear, if the Senator from Maine has the report, that provision read in reference to the power to issue any more 3.65 bonds. Mr. MORRILL, of Maine. That stands precisely as it came from

both Houses; they have no power.

Mr. DAWES. I am aware it does; but, if the Senator has the report there, I should like to hear it read.

Mr. SARGENT. I will read it:

That any further issue of 3.65 bonds is hereby prohibited.

Mr. DAWES. I do not see any difficulty in that. Mr. BAYARD. And there is to be no increase of the debt?

Mr. MORRILL, of Maine. If the Senator desires to have the bill read as it will stand if the report be agreed to, I will have it read at

Mr. DAWES. The point upon which I took issue seems to be perfeetly clear.

Mr. SARGENT. The bill will read as follows, if the report is

adopted:

Resolved, &c., That the commissioners of the District of Columbia are hereby directed to transfer to the Treasurer of the United States, for the payment of the interest due the 1st of February, 1876, on the bonds of said District, issued under the provisions of the act of Congress approved June 20, 1874, entitled "An act for

the government of the District of Columbia, and for other purposes," the sum necessary to pay the same from any unexpended appropriations heretofore made by Congress, or from any revenues derived by taxation on the property of said District of Columbia, subject to the requisition of said commissioners, excluding funds raised for the support of public schools: Provided. That any further issue of 3.65 bonds, under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited: And provided, That the said commissioners are hereby directed to discontinue all work and labor on streets, avenues, bridges, sewers, canals, and structures of every kind the payment for which is to be made in 3.65 bonds of the District of Columbia: And provided further, That so much of the sixth section of the said act of June 20, 1874, as directs and requires the First Comptroller of the Treasury and the Second Comptroller of the Treasury to audit and adjust the floating and unfunded debt of the District of Columbia, and issue certificates therefor, and of the joint resolution continuing the board of audit to examine and audit the unfunded or floating debt of the District of Columbia, approved December 21, 1874, and of the act to extend the time within which the board of audit of the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board, approved March 3, 1875, be, and the same are hereby, repealed; and all compensation allowed to said board of audit for their services under the provisions of said act of June 20, 1874, and the acts amendatory thereof, shall cease. And after the expiration of thirty days from the approval of this joint resolution, all books, papers, and records of the said board of audit shall be turned over to the commissioners of the District of Columbia or their successors in office.

SEC. 2. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall be deemed

The committee of conference endeavored to carry out the instructions of the Senate. The point seemed to be on the total annihilation of the board of audit, and I do not know how we could possibly have used language more effectual to that end than that which we have employed. That was our purpose, and I think we have succeeded.

Mr. EATQN rose.

Mr. SARGENT. If the Senator will allow me a moment I wish to

make one other remark, which is all I care to submit.

There was one other proposition discussed in the Senate, but there was no vote of the Senate upon it, or rather no such expression as amounted to an instruction. Of course, an instruction to a committee of conference is an anomaly, an impossibility, because it must be a full and free conference to be any conference at all. If instructed, the committee on the part of the Senate would not be on equal terms with the committee on the part of the other body, and we can only observe the spirit of the body we represent and carry out their wishes so far as we can. There was one other proposition, the amendment incorporated in the original bill by the honorable Senator from Connecticut, [Mr. Eaton,] which was, that no bonds issued after the 27th day of January would be recognized by the United States, or words to that effect. That amendment was adopted under certain information which the Senator gave to the Senate which subsequently proved in some particulars to be a mistake. For instance, he was informed, and as he supposed credibly, that the board of funding commissioners had passed a resolution upon the appearance of this original legislation in the House that they would not issue any further bonds, but that within a week thereafter and without the knowledge of some members of the board, in violation of their own resolution, they did proceed to issue \$150,000 worth of those bonds, or somewhere about that amount. The circumstance seemed suspicious that they should violate their own resolution, not that they were compelled to adopt any such resolution, or that perhaps they had not a legal right to disregard their resolution; yet it seemed a suspicious circumstance. Under this statement the Senate adopted an amendment of the same date as that named in their resolution, namely, the 27th day of Janu-It subsequently seemed, however, on the statement of Moses Kelly, the treasurer of the board, who, I will inform my friend, is a most excellent democrat, as is every one of the board of funding commissioners, that they did pass a resolution a copy of which I had read in the presence of the Senate. That resolution itself said they would not issue any bonds on any certificates which should thereafter be filed, but that they would upon certain applications which were pending before them and which were in process of being funded into bonds, amounting to between two and three hundred thousand dollars; that that work should be completed and everything else should be suspended; and this was done in a full meeting of the board; and subsequently, a week later, the action was re-affirmed; and they never did act inconsistently with the resolution so enacted. This removed any suspicion of unfair dealing on the part of these gentlemen, and there was nothing to mark the 27th day of January except the passage of a resolution which in itself did not re-Sandary except the passage of a resolution which in itself did not require that bonds should stop at that time, but simply that the receiving of further certificates should stop. Since that time they have received no further certificates. Now, there being some of us in the Senate who thought that that could be fixed in the committee of conference, the amendment was put on the bill, and as my friend from West Virginia said the other day, these facts appearing in the conference the amendment went. I remember the Senator from Connecticut did call attention to the omission of this amendment by the conference committee when the first report came in, but the chairman of the committee at that time informed him that it was considered that this was not the sense of the Senate; and that is our opinion at the present time, that there was nothing in the bonds issued since the 27th of January in accordance with that resolution which should invaliany more than bonds issued before that time, because date them many of those bonds are upon certificates that are a year old, that were among the first acts of the board of audit, the parties not having chosen before this late time to have them converted into bonds. and we saw no reason why they should be punished for that act or why

those bonds should be excepted.

That this was the sense of the Senate I am thoroughly convinced. and so far as we did understand the sense of the Senate we tried to carry it out, especially as there was some criticism before that we had not been sufficiently careful in the matter. I can sympathize strongly with the chairman of the Committee on Appropriations in his remarks upon the difficulties which assail the chairman of that committee, and I must say that it reaches to the whole committee in the progress of measures of appropriation like these in the Senate. We are assailed on all hands on account of bills which we do our best to perfect, bills containing perhaps a thousand items, as the sundry civil bill, each one requiring special attention and special study on the part of the committee; and when a bill like that is sent to a committee of conference and action is taken upon it which disagrees with the Senate, for there would be no committees of conference if there were not conflicting views between the two Houses, there must be a large discretion left to such a committee. All we can ask in such cases is that the members of a committee so acting shall at least be believed by brother Senators to act conscientiously, if they do not always act wisely.

Mr. EATON. I agree with the distinguished Senator from California that instructions to a conference committee are wrong in every way; but because it would be wrong to instruct a conference committee it by no means follows that their report should be accepted when it is presented to the Senate. Now, I have only one word to say before I make a motion which it was my purpose to make in rising, and that is with regard to the amendment which seems to have so troubled the conference committee. That amendment, which I had the honor to introduce, was drawn, as I told the Senate, after I received information with regard to the resolution that passed the board of sinking-fund commissioners. It was drawn and submitted for the reason that after action had been taken by the House of Representatives I received positive information that this board was issuing new bonds. That is the truth. They issued between one and two hundred thousand dollars of bonds after the commencement of the legislation in the House of Representatives, and therefore it was that I drew the amendment for the purpose of stopping all payments upon those bonds. If I could have had my entire way in this matter I would not have paid the interest on one dollar of this \$13,700,000 of bonds until there had been a full and thorough investigation. As I rose for the purpose of making a motion I will make it now. I move that the Senate adjourn.

Mr. MORRILL, of Maine, and others. O, no!
The PRESIDING OFFICER, (Mr. CLAYTON in the chair.) The
Senator from Connecticut moves that the Senate do now adjourn.

The Senate refused to adjourn; there being on a division—ayes 14,

Mr.DAVIS. In regard to printing the report, I agree with my friend from Tennessee, and certainly there will be no objection to that being done on my part. I want the Senate to know fully what the report of the committee of conference is. I will state very briefly what I understand it to be.

There were on the 1st of February, according to the report of the commissioners, \$13,724,900 in 3.65 bonds issued. I understand that this is the amount now; that there have been none issued since that

Mr. EATON. You are mistaken.
Mr. DAVIS. My friend from Connecticut says I am mistaken. I shall be glad to be corrected if I am.
Mr. EATON. After the joint resolution was introduced into the House of Representatives there were between one and two hundred thousand dollars of these bonds issued.
Mr. DAVIS. I understood my friend to say that there were now over

Mr. DAVIS. I understood my friend to say that there were now over fourteen millions, or about fourteen millions, instead of \$13,724,000 of

Mr. EATON. I did not say anything about \$14,000,000 of bonds, because I did not know anything about it.

Mr. MORRILL, of Maine. I trust my friend from West Virginia will answer fully all questions, but I suggest that the report be adopted and printed, so that gentlemen can read it at their leisure. [Laughter.

Mr. DAVIS. There appears to be a question of fact in this matter. On the 1st of February the commissioners report \$13,724,900 in 3.65 bonds. Now I understand my friend from Connecticut, while he does not explain the amount, to say that that was increased by one or two hundred thousand dollars since that time. Am I correct in my supposition?

Mr. EATON. I have said nothing of that kind. What I said was that after the Congress of the United States had commenced legislation on this subject by the introduction of a resolution the board of audit wrongfully, absolutely wrongfully, I trust not criminally but wrongfully, issued between one and two hundred thousand dollars in bonds. I do not understand the Senator from West Virginia to

deny it either. That is my assertion.

Mr. SHERMAN. The Senator is mistaken. As I understand it, the board of audit never issued a bond at all. The bonds were issued by the funding commissioners, a separate and distinct body of men.

Mr. STEVENSON. They issued the certificates upon which these bonds did issue, and if these bonds are held to be invalid in view of

the fraud, the United States is not bound to pay them.

Mr. SHERMAN. I beg to correct my friend from Kentucky. The
bonds were issued upon the official statement of the commissioners

that these amounts were due.

Mr. STEVENSON. If these bonds were issued upon debts that the United States were not bound for, and if the commissioners had not the right to issue them, I deny, even upon the statement of the chairman of the Committee on Finance, my friend from Ohio, that the United States is bound. One of the great things that we have desired is to see if we could find out what bonds were valid and what

were invalid before we undertook to pay any of them.

Mr. DAVIS. I have not understood from any gentleman yet that there was an increase of the amount named by myself, either by the board of audit or by the commissioners. I know not but what they issued a million. My friend from Connecticut has said they issued one or two hundred thousand dollars between the time that the House of Representatives began the consideration of the resolution and the 1st of February. I am not here to defend the board of audit. My opinion of them is very much that which has been expressed by other gentlemen. I do not mean to defend the board of audit or the commissioners. I think they were very extravagant and increased the debt out of all reason. I believe they ought to have been stopped long ago; but that is not the question before us now. The question before us is whether we shall adopt a conference committee's report which abolishes the board at once, which gives them no further power to issue or audit any amount. As I understand this report, it gives them no further power to issue a bond, to audit a claim, or to issue a certificate. What has been done heretofore is another question.

Mr. WITHERS. May I ask the Senator from West Virginia a ques-

Mr. DAVIS. Certainly.
Mr. WITHERS. I wish the Senator would explain why it is that
the period of thirty days is fixed as the time at which they are to

cease their issue.

Mr. DAVIS. That is a very proper question. As I have stated their functions as a board for the purpose of examining or auditing or issuing anything whatever cease upon the passage of the bill. Now they are continued in office thirty days, as is understood generally and as was stated by members of the conference on the part of the House, because there is an investigation going on for the purpose of seeing whether these bonds and certificates have been properly or im-properly issued and whether they are due. For that purpose, and for that purpose alone, in order to let these gentlemen answer certain questions which have already been sent to them in the shape of interrogatories, the conference committee representing the other end of the Capitol wished them to remain for thirty days in order to allow the investigation already commenced, and probably well advanced, to continue. Then their power will cease altogether and they are to hand over their books. It was stated by the chairman of the committee of investigation in the other end of the Capitol that it would seriously trouble them as a committee of investigation into the affairs

of the District of Columbia if the board were at once abolished.

Mr. EATON. I see the Senator from West Virginia has given the reason which governed the committee of conference. I beg leave to say it astonishes me. It is the first time I have ever learned that you could get any information from a board by leaving them in office any better than you could by taking their books and papers away from them and not leaving them for thirty days the entire control of their

them and not leaving them for thirty days the entire control of their books and papers.

Mr. DAVIS. I think the Senator from West Virginia did not quite say that was the only reason. That was one of the reasons. Again, does the Senator from Connecticut think it is quite a fair thing in the middle of an investigation into the official acts of anybody or any corporation to cut off and abolish the office just at that point and not give them a fair experiments of the part of the and of the second of the s

corporation to cut off and abolish the office just at that point and not give them a fair opportunity of being heard to the end?

Mr. EATON. If the Senator addresses his inquiry to me he has got two questions mixed up. He asks me, first, do you think it right to abolish the board? I say yes. He then asks me whether I think they ought not to have a fair chance to show their reasons. I say yes. But do not put two question together and ask me to answer them both.

Mr. DAVIS. I thought my friend was fully competent to answer any number of questions and that it was just as well to put them to him at once. It is suggested by my friend from North Carolina near

him at once. It is suggested by my friend from North Carolina near me [Mr. Merrimon] that the people of the section of country from which my friend from Connecticut comes are in the habit of asking questions and not answering them. [Laughter.] My disposition during the entire debate, during the investigation, and during the conference committee has been to try to act fairly and to carry out the wishes of the Senate. I believe when we abolish the board without giving them any power whatever to do anything, but still holding

them for the purpose of investigation, that we are carrying out just the wishes of the Senate as expressed more than once.

As to the amount of bonds, so frequently referred to, so far as the committee of conference can stop the issuing of bonds or certificates or the auditing of accounts they have stopped them. All that will be stopped immediately upon the passage of this bill. I understand further that there has been no auditing nor any issuing of bonds or

certificates since the first day of February. That I am not well informed of, but I believe it to be the fact.

Mr. SAULSBURY. I have no doubt the committee of conference

have done what they thought it was proper to do. I have no fault to find with the committee of conference. I voted for the original proposition to abolish the board of audit, but in doing so I was not governed by any consideration that the board of audit had acted in any manner corruptly. I have the pleasure of an acquaintance with the First Comptroller, and, though differing with him entirely in politics, I believe he is a gentleman of high character. I voted for the abolition because I believed the board of audit had made mistakes which had resulted in the issuing of certificates and bonds for which the Government of the United States is liable which ought not to have been issued. The only fault that I have to find with the committee of conference (and in differing with them in that respect I do not attribute to them anything wrong) is that we did by a solemn vote declare in the Senate originally that interest on the bonds issued after January 27 should not be provided for, and the committee of conference have not regarded that as an instruction, but in the report have omitted any provision upon that point. I have said before that the board of audit made mistakes and that bonds had been issued, in my opinion, and the made mistakes and that bonds had been issued, it my opinion, and delivered which ought not to be paid. I should have preferred if the committee of conference had reflected the judgment of the Senate upon that particular point and, at the instance of the Senator from Connecticut, had made provision that no bonds issued after January 27 should be regarded. I would prefer therefore that this report be printed before the final action of the Senate upon it. For that reason I shall vote for the motion to print the report rather than adopt it

now and have it printed afterward.

The PRESIDING OFFICER, (Mr. CLAYTON.) The question is on the motion of the Senator from Tennessee [Mr. COOPER] that the re-

port be printed.
Mr. WADLEIGH. Mr. President, this report may have been read and explained sufficiently for the comprehension of other Senators in this Chamber; but I must confess that I do not quite understand it so as to feel at liberty to vote upon it. I hope that the motion to print will prevail. If experience has any lessons for any legislative body in this world, the experience of this Senate and of Congress with the gentlemen who have ruled in this District should teach us and teach everybody, that anything which passes this Chamber and which passes the other House is to be studied, not with a view to what its plain meaning and common acceptation would be with common men and with courts or with legislators, but what forced and unnatural and unreasonable interpretation may be put upon that language by men who are bound to get around any enactment we make to restrain them in what they choose to do. In view of the construction which the board of public works and the board of audit and the commissioners and other people have put upon the laws which Congress has passed in reference to this District, in view of the superhuman ingenuity that has been displayed to get around every provision calculated to restrain them, I do hope that gentlemen upon this floor will not resist the printing of the report of this conference committee, so that we may know exactly what we vote upon, and so that what we vote upon may be studied with a view to see what interpretations interested parties may hereafter put upon it. It seems to me that the remarks of the Senator from Ohio, that, on account of to-morrow being a legal holiday, we should pass this bill now with-out such opportunity to see and to study it as we desire, have not much force.

Mr. President, if this Senate and if the other branch of Congress had bestowed more care upon the bills which they have passed in reference to this District, the party to which I belong, and the country, and the people of this country would have saved themselves a great deal of loss and a great deal of trouble; and I do hope that now there will not be an attempt to pass this bill without printing it, so that

we can see and study it.

Mr. MORRILL, of Maine. I want to say just one word in reply to
my honorable friend from New Hampshire and in confirmation of what the Senator from Ohio said. After so long a time spent to-day, and after the subject-matter has been so thoroughly considered as it has been heretofore, and after we knew so definitely what we wanted on the former report and now know that only two changes have been made in it, and as it seems to me there cannot be any doubt what they are, I do not think we ought to delay for another moment. How much soever we may distrust the Greeks bearing gifts, or how much soever we may deprecate what has been done outside, I scarcely believe that any ghost of that sort ought to frighten us from our pro-priety so as to make us think that we are utterly incapable of putting two and two together and knowing what the result is without its being put in print. Still if a majority of the Senate really feel as my honorable friend from New Hampshire expresses himself, that they do not know what this report is, let it be printed; otherwise I

Mr. DAWES. Mr. President, I have taken a good deal of interest in this legislation and have had occasion to criticise that which has gone before it a great deal. I opposed the conference report that was recommitted; but it does seem to me that if any possible language can be adopted to express the meaning of the Senate, the conference committee have adopted that language in this report. While I sym-

pathize with what has been said by the Senator from New Hampshire as to the past legislation, yet if it be possible to put words together that will convey a definite and positive meaning, it seems to me that has been done in this conference report; and so far as I am concerned, having had a good deal of difficulty in understanding what has been done heretofore, it seems to me that two or three things are accomplished now beyond all peradventure. One is that there can be, when this bill is passed, not another dollar of 3.65 bonds issued. Another is that this board of audit will cease to exist when this conference report is adopted. What more we can accomplish about those matters that have troubled us heretofore I do not understand. I am willing to vote for printing the report if that is insisted on; but I am entirely satisfied with the report. Everything that the Senate sought to carry out it seems to me the committee have now carried out except the provision that was introduced on the motion of the Senator from Connecticut, [Mr. EATON,] and that is a provision that it does not seem to me possible for us to carry out. We authorized certain persons to issue these bonds. If they have gone beyond their authority, either the United States or innocent parties must suffer. There is no principle of law more plain than that when one of two innocent parties must suffer for another man's fraud, that of the two parties must suffer who has given the opportunity to commit the fraud. That is the United States or the District of Columbia; and it is utterly impossible for us to single out of these thirteen millions of bonds now afloat any of them and say that as to them we will repudiate because those whom we appointed to issue them have gone, in our opinion, beyond their authority. The effect of it would be only to depreciate further all the bonds that are now out, and in the end we should pay those bonds as we pay these. Everything else, it seems to me, has been accomplished in this report; and I rose merely to tender my thanks to this committee for having at last spoken the mind of the Senate so clearly and so definitely that it seems to me the in-genuity which has been so happily described by the Senator from New

genuity which has been so happily described by the Senator from New Hampshire will be baffled in these words.

Mr. WADLEIGH. Mr. President, it seems that the Senator from Massachusetts is satisfied, and he appears to suppose that because he is satisfied everybody else should be; but I cannot forget that the Senator from Massachusetts was in the House of Representatives when these other acts were passed. I cannot forget that if, when he supported the acts which were passed, he had given to those acts the attention which I now ask for this we should perhaps have been saved a good deal of this trouble.

saved a good deal of this trouble.

Now, as to my friend the Senator from Maine; he assures us that now this matter is all right; but I cannot forget that only the last time when the conference committee made their report before we had from him the same assurance that it was all right then. But it turned out as it now seems that, although the board of audit was intended to be abolished, the committee had overlooked a certain statute; and that, if the report had passed as it was presented before, it would have left the board of audit in existence.

Mr. President, in view of the fact, that notwithstanding my friend the Senator from Massachusetts was in the House, he assented to the passage of bills there which have made us a great deal of trouble; in view of the fact that the Senator from Maine, when he made his report before, omitted to name in the bill a provision of law which should have been in, I must ask for myself at least the opportunity

Mr. MORRILL, of Maine. One word in reply to what my honorable friend from New Hampshire has said. The chairman of the committee did not say before that he thought the report was inadequate in the respect to which he refers. I am of opinion now that it was complete in that respect; that repealing the first act repealed all the subsequent powers of the board; but the committee, anxions to accommodate itself to the criticism of the Senate, did most cheerfully comply and amended it in that particular. I remain of the same opinion I did before. So I think in that particular it was complete before.

My argument was that, whatever criticism the report was open to before, we had concluded it now; and then, as to the second proposition, I think now that it was nothing but honest and fair that we should have allowed this board of audit to carry into certificates all the outstanding claims, but manifestly the other branch, and, I think, this branch of Congress, desired that the whole thing should come to an end. In deference to that judgment of the Senate and House, the committeee have framed this report. That is precisely how it stands. I submit to my honorable friend that it may be an infirmity of judgment; but it is not an inaccuracy of profession on my part as to the

infirmity of the former report.

The PRESIDING OFFICER. The question is on the motion to print the report.

The question being put, there were on a division-ayes 22, noes 25.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 28; as follows:

YEAS—Messrs. Alcorn, Bayard, Bogy, Booth, Caperton, Cockrell, Conover, Cooper, Davis, Eaton, English, Goldthwaite, Hamilton, Hitchcock, Johnston, Jones of Florida, Kernan, McCreery, McDonald, Maxey, Merrimon, Patterson, Randolph, Saulsbury, Stevenson, Wadleigh, and Withers—27.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Clayton, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamlin,

Harvey, Howe, Ingalls, Key, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Sargent, Sherman, Spencer, Windom, and Wright—28.

ABSENT—Messrs. Burnside, Cameron of Pennsy Ivania, Conkling, Dennis, Dorsey, Gordon, Jones of Nevada, Kelly, Logan, Morton, Norwood, Ransom, Robertson, Thurman, Wallace, West, and Whyte—17.

So the motion was not agreed to.

The PRESIDING OFFICER. The question is now on the adoption of the report of the committee of conference.

Mr. COCKRELL, (at four o'clock and forty minutes p. m.) I move

that the Senate adjourn.

Mr. CAMERON, of Wisconsin. I ask the Senator to withdraw the motion.

The PRESIDING OFFICER. The question is not debatable. It is moved that the Senate do now adjourn.

The motion was not agreed to; there being on a division-ayes 18,

The PRESIDING OFFICER. The question recurs on the adoption of the report of the committee of conference.

Mr. COOPER. Mr. President, I submitted a motion to print this

report, believing that the Senate would be better prepared to perceive the difference between the present report of the committee of conference and the report heretofore submitted when this one should be printed as the former one was. I was anxious to have it manifest to the Senate that in one important particular the committee of conference had failed to carry out the vote of the Senate in amending the bill as it came from the House. In my opinion that amendment to

bill as it came from the House. In my opinion that amendment to which I refer was the most important part of the bill if it was the desire of the Senate to stop the illegal issue of these bonds. \*

Mr. President, I should have voted for the payment of interest upon the bonds issued prior to the 27th of January, 1876, because we had invested in certain officers the power to issue them, though I believed that every dollar exceeding \$5,000,000 of issue was a fraud upon the act by which the board of audit was permitted to issue bonds at all. But, sir, having invested that power in the board of audit. I would as a legislator have voted to meet the obligation, beandit, I would as a legislator have voted to meet the obligation, because if it had been the case of an individual he could be made to meet it, and as a representative I shall always vote to carry out the obligations of a government which in a court of law an individual would be compelled to carry out. If an individual had invested certically and individual had invested certically an individual had invested certically and individual had inves tain powers in an agent and he exceeded them, the principal could be made to pay the debt; and therefore I should have voted to pay it in this case to that extent. But after we took jurisdiction of the question, after the House of Representatives had put upon its passage and passed a bill by which the world was told "there is something wrong in the issue of these bonds," by which the House of Representatives, the representatives of the people, declared to capitalists and others receiving these bonds "these meu in our opinion have gone others receiving these bonds "these men in our opinion have gone beyond the duties we have imposed upon them," I see no reason why in duty or in honor we should pay bonds issued subsequently; and therefore I favored the amendment offered by the Senator from Connecticut, [Mr. EATON,] and which was put upon this bill by the vote of the Senate, and which was in my opinion the important provision of the bill as we passed it, because it saved to the people of this nation a million and a half of dollars illegally issued, fraudulently issued, in my opinion, upon the act which authorized bonds to be issued.

Now, Mr. President, it is insisted by those who sustain the conference report that our committee have carried out the will of the Senate, which they understood to be the abolishment of the board of audit alone. Why abolish the board of audit at all? Why did the Senate agree to the abolishment of the board of audit at all? Why should not the board of audit be continued if they were doing their exact duty and no more? Why abolish it now and not on the 27th of January? Was there not as much reason for abolishing it on the 27th of January as there is for abolishing it now? Would not the same reason apply for refusing to recognize the contracts made in the intereason apply for refusing to recognize the contracts made in the interim? Is not the reason as strong as the reason for their abolishment now? If they have done nothing but their duty, if they will do nothing but their duty, why should you abolish them? The same reason, it strikes me, that would abolish them now because they may do that which is not their duty and that which will bind the United States beyond what the intention was in the passage of the original bill, exists equally strong for stopping them after the time the legislative branch of the Government took jurisdiction of the question, and that was on the 27th of January.

was on the 27th of January.

Why pay bonds issued between the 27th of January and now? It is said because they were upon audited accounts; they were upon accounts already presented and audited. Why stop them until they have audited all the accounts which may be presented under the act? Why cut them off? Every single claim which was presented to the board of audit prior to the 27th of January is as much entitled to an audit and to an issue of a bond as are bonds issued after the 27th of January to recognition; and why do we take the 27th of January? Because upon that day notice was given to the world "there is something wrong in these bonds; these men are going beyond their duty; and you must take notice that we will not pay fraudulent claims, and you must take notice that these are fraudulent." Therefore I say it is our province, as well as our right and our duty to the country, to stop them at that time, if we believe that they are issued contrary to the terms of the act by which the heard was created and upon that I the terms of the act by which the board was created, and upon that I the motion which I have made.

have not the slighest question. It has amazed me utterly that any one reading that act could construe it to mean an increase of the debt of the District of Columbia. Therefore, sir, I shall vote against the report of the committee of conference, and I ask for the yeas and nays on the question of its adoption.

on the question of its adoption.

The yeas and nays were ordered.

Mr. COCKRELL, (at four o'clock and fifty-six minutes p. m.) I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Missouri moves

that the Senate do now adjourn.

Mr. COCKRELL. And on the motion I call for the yeas and nays.
Mr. SARGENT. If the object is to filibuster, I yield. Of course
we have no protection, and we may as well adjourn.
The yeas and nays were ordered; and being taken, resulted—yeas

25, nays 29; as follows:

25, nays 29; as follows:

YEAS—Messrs. Alcorn. Bayard. Bogy, Caperton, Cockrell, Cooper, English, Goldthwaite, Hamilton, Hitchcock, Johnston, Jones of Florida, Kernan, McCreery, McDonald, Maxey, Merrimon, Norwood, Patterson, Randolph, Saulsbury, Stevenson, Wadleigh, Wallace, and Withers—25.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Wisconsin, Christianev, Clayton, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Hamlin, Howe, Ingalls, Key, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Sargent, Sherman, Spencer, Windom, and Wright—29.

ABSENT—Messrs. Burnside, Cameron of Pennsylvania, Conkling, Davis, Dennis, Dorsey, Eaton, Gordon, Harvey, Jones of Nevada, Kelly, Logan, Morton, Ransom, Robertson, Thurman, West, and Whyte—18.

So the Senate refused to adjourn.

Mr. COCKRELL. Mr. President, I do not desire to discuss this question now. I have a great deal of confidence in the gentlemen who have so long occupied distinguished positions in this body; and yet we have seen that in the past they have made mistakes. Now, I think that it is only reasonable and just that the request which we have made that this bill may be printed, and we may have an opportunity of examining it and voting upon it intelligently, should be granted to us. I do not think that this great country of ours will suffer any material injury if this bill is not voted upon until the holiday which we have this day established shall have been observed on the coming morrow. I appeal to the gentlemen who are in charge of this bill to grant us the privilege, the humble privilege, of having it printed, and examining it, that we may vote upon it intelligently. They may be perfectly satisfied; they were satisfied beyond reasonable doubt of the correctness of the former conference report which they made to this body; and now some of the distinguished gentlemen admit that that report was incorrect. If that report was incorrect after we had received such assurances of its correctness, have we any guarantee that this also is not incorrect?

This is the point that we make; and I hope the gentlemen will permit this report to be printed, that we may examine and vote upon it mit this report to be printed, that we may examine and vote upon it intelligently. I cannot say really that I am opposed to the bill now, for I have had no time to examine it. I hope it will be printed, so that we may have an opportunity of examining it; and, if that motion is in order, I will now make it, that this bill be printed, and if gentlemen desire to make it the special order for Wednesday morning, I have no objection to that. I have no intention of simply creating allow. That is not the point. I merely want time for examination. delay. That is not the point. I merely want time for examination. Now, if this motion be in order—

The PRESIDING OFFICER. The Chair will inform the Senator that the motion to print has been rejected and it is therefore not now

Mr. COCKRELL.\* But the motion is to print and make the report the special order for Wednesday at one o'clock.

The PRESIDING OFFICER. The Chair thinks a motion to make the bill the special order for Wednesday, another day, would be in

Mr. COCKRELL. I make that motion, that this bill be printed and made the special order for Wednesday at one o'clock.

The PRESIDING OFFICER. The Chair rules that the motion to

mr. COCKRELL. That that part of the motion is not in order?
The PRESIDING OFFICER. Yes, sir.
Mr. COCKRELL. I move that it be made the special order for Wednesday at one o'clock, and in the mean time I hope it will be

Mr. MORRILL, of Maine. My honorable friend need hardly move that. It is a privileged question that the Senate can take up at any time. I trust we shall have a vote on the measure at present.

The PRESIDING OFFICER. Does the Senator from Missouri insist on his motion?

Mr. COCKRELL. Yes, sir.

The PRESIDING OFFICER. The motion is that this report be

made the special order for Wednesday.

Mr. MORRILL, of Maine. My honorable friend really does not desire that, I suppose. This is one of those privileged questions that the Senate will always consider.

The PRESIDING OFFICER. The Chair will state to the Senator

from Missouri that this motion will require a two-thirds vote, under

the rules.

Mr. COCKRELL. I simply desire, as I stated to gentlemen, that this report shall be printed so that we may have an opportunity of examining it, and I have no intention of simply creating delay by

The PRESIDENT pro tempore. The question is on the motion. Mr. WITHERS. I hope my friend from Missouri will withdraw his

motion, as it will require a two-thirds vote, which manifestly it cannot command. I have voted with the minority on all these questions. I expect to vote for the report of the committee; but I have thought the printing of the report in order to afford members who were not the printing of the report in order to afford members who were not satisfied on the subject an opportunity of satisfying themselves was a right which they had, and I cast my vote to give them that right. But as it is manifest that a majority of the body is in favor of adopting the report of the committee, I hope my friends will withdraw any further opposition and let the vote be had.

The PRESIDING OFFICER. The question is on the motion of the

Senator from Missouri.

Mr. COCKRELL. I will withdraw that motion if gentlemen so prefer. I have no disposition to press it; but I will ask, if this motion be in order, that the bill be engrossed in a plain, legible hand, that we may have an opportunity of reading it before we are forced to vote on it.

The PRESIDING OFFICER. The Chair decides that that would

not be in order.

Mr. PATTERSON. I move to postpone the consideration of this question until Wednesday at one o'clock. That only requires a ma-

The PRESIDING OFFICER. That motion is in order. The Senator from South Carolina moves to postpone the further consideration of the report until Wednesday.

The motion being put, a division was called for; and the ayes were

25, and the noes 28

Mr. PATTERSON and Mr. COCKRELL called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 23, nays 29; as follows:

YEAS—Messrs, Bayard, Caperton, Cockrell, Cooper, Eaton, English, Goldthwaite, Hamilton, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, McCreery, McDonald, Maxey, Merrimon, Norwood, Patterson, Randolph, Saulsbury, Stevenson, and Wallace—23.

Donald, Maxey, Merrimon, Norwood, Fatterson, Raimorph, Sadavary, Berthald, and Wallace—23.

NAYS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Clayton, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghysen, Hamlin, Howe, Ingalls, Key, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Sargent, Sherman, Spencer, Windom, and Wright—29.

ABSENT—Messrs. Alcorn, Bogy, Burnside, Cameron of Pennsylvania, Conkling, Davis, Dennis, Dorsey, Gordon, Harvey, Jones of Nevada, Logan, Morton, Ransom, Robertson, Thurman, Wadleigh, West, Whyte, and Withers—20.

So the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the adoption of the report, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted-yeas 31, nays 26; as follows:

26; as follows: YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Bruce, Cameron of Wisconsin, Christiancy, Clayton, Conover, Cragin, Davis, Dawes, Edmunds, Ferry, Frelinghuysen, Hamilin, Howe, Ingalls, McMillan, Mitchell, Morrill of Maine, Morrill, of Vermont, Oglesby, Paddock, Sargent, Sherman, Spencer, Wadleigh, Windom, Withers, and Wright—31. NAYS—Messrs. Alcorn, Bayard, Bogy, Caperton, Cockrell, Cooper, Eaton, English, Goldthwaite, Hamilton, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Merrimon, Norwood, Patterson, Randolph, Saulsbury, Stevenson, and Wallace—26. ABSENT—Messrs. Burnside, Cameron of Pennsylvania, Conkling, Dennis, Dorsey, Gordon, Harvey, Jones of Nevada, Logan, Morton, Ransom, Robertson, Thurman, West, and Whyte—15.

So the report was concurred in.

Mr. CAMERON, of Wisconsin. I move—

Mr. WADLEIGH. I give notice that if after an examination of this bill I find anything in it that I do not approve of I shall move to reconsider the vote adopting the conference report.

Mr. EDMUNDS. Let an order be entered to print it, it being adopted.

Mr. WADLEIGH. I ask that it be printed.

The PRESIDENT pro tempore. The order will be made, if there be no objection.

ORDER OF BUSINESS.

Mr. CAMERON, of Wisconsin. I move that the Senate now proceed to the consideration of executive business.

Several SENATORS. No; let us adjourn.

Mr. CAMERON, of Wisconsin. It is merely for the purpose of referring a few nominations.

The PRESIDENT pro tempore. Before the Chair puts the question, he wishes it understood that the bill (S. No. 32) conferring exclusive jurisdiction over Indian reservations upon the United States courts and for the punishment of crimes committed by and against Indians,

Mr. WITHERS. I give notice, with the permission of the Senator from Wisconsin, that as soon as the bill just announced by the Chair shall have been disposed of, I will ask the Senate to take up Senate bill No. 89, in regard to pensions to soldiers and sailors of the war of

### EXECUTIVE SESSION.

Mr. CAMERON, of Wisconsin. I now renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened, and (at five o'clock and nineteen minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

Monday, February 21, 1876.

The House met at twelve o'clock m., and was called to order by Mr. Cox, the Speaker pro tempore. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of Saturday last was read and approved.

UNION PACIFIC RAILROAD COMPANY.

The SPEAKER pro tempore, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in answer to House resolution of the 16th instant, a copy of the report of the Government directors of the Union Pacific Railroad Company for 1875; which was referred to the Committee on the Pacific Railroad, and, on motion of Mr. CROUNSE, ordered to be printed.

L'ANSE AND VIEUX DE SERT INDIANS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, inclosing a draught of a bill providing for the investment of funds belonging to the L'Anse and Vieux de Sert bands of Chippewas, and recommending favorable action thereon; which was referred to the Committee on Indian Affairs.

#### PAWNEE INDIANS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Interior, presenting a further communication upon the subject of the Pawnee Indians, to be considered in connec-tion with the communication of January 17, 1876; which was referred to the Committee on Indian Affairs.

#### BUILDINGS RENTED BY INTERIOR DEPARTMENT.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Interior, in reply to House resolution of the 14th instant relative to buildings rented by the Department of the Interior; which was referred to the Committee on Public Buildings and

#### INDIAN BOUNTY FRAUDS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Interior, transmitting, in response to a House resolution of the 15th instant, papers relative to the alleged complicity of William P. Ross, formerly a Cherokee Indian delegate, in Indian bounty frauds; which was referred to the Committee on Indian Affairs.

# OSAGE INDIANS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs inclosing an estimate for an appropriation to pay the interest of the net avails of lands sold for the benefit of Osage Indians; which was referred to the Committee on Appropriations.

CLAIMS OF EMPLOYÉS IN QUARTERMASTER'S DEPARTMENT.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Appropriations, a copy of his letter of February 10, 1974, recommending the passage of an act similar to the bill (H. R. No. 1005) relative to claims of employés in the Quartermaster's Department; which was referred to the Committee on Appropriations.

# CAMP GOODWIN MILITARY RESERVATION.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, recommending the passage of an act authoriz-ing the transfer of the military reservation at Camp Goodwin, Arizona Territory; which was referred to the Committee on Military Affairs.

# FORT LARAMIE MILITARY RESERVATION.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a recommendation of Lieutenant-General Sheridan for the reduction of the military reservation at Fort Laramie, Wyoming Territory; which was referred to the Committee on Military Affairs.

DEPOSITS WITH ARMY PAYMASTERS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting the petition of Captain A. H. Bainbridge and other officers of the Army relative to the depositing of money with Army paymasters; which was referred to the Committee on Military Affairs.

# BREAKWATER AT MOUTH OF AU SABLE RIVER.

The SPEAKER pro tempore also laid before the House a report of the Secretary of War, in answer to House resolution of February 10, 1876, relative to the survey for a breakwater off the mouth of Au Sable River; which was referred to the Committee on Commerce.

MILITARY BRIDGE ACROSS NORTH PLATTE RIVER.

The SPEAKER pro tempore also laid before the House a report from the Secretary of War, on the subject of a military bridge across the

North Platte River.

Mr. STEELE. I move the reference of this communication to the Committee on Military Affairs.

Mr. PAGE. I think it should go to the Committee on Commerce.
Mr. STEELE. It relates to a military bridge to be constructed under the direction of the War Department.

The SPEAKER pro tempore. A bill on the subject is now pending before the Committee on Military Affairs; and in the opinion of the

Chair that is the proper reference.

The motion of Mr. Steele was agreed to, and the communication was referred to the Committee on Military Affairs.

# SURVEY OF POWELL'S RIVER, ETC., TENNESSEE.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of Major McFarland of survey of Powell's River, Clinch River, and Emory River, Tennessee; which was referred to the Committee on Commerce.

# RENTED BUILDINGS, DEPARTMENT OF JUSTICE.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Attorney-General, in reply to House resolution of the 14th, relative to buildings rented by the Department of Justice in the city of Washington; which was referred to the Committee on Public Buildings and Grounds.

### BRIDGET ROONEY.

Mr. STEVENSON, by unanimous consent, introduced a bill (H. R. No. 2164) granting a pension to Bridget Rooney, of Bloomington, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### ORDER OF BUSINESS.

The SPEAKER pro tempore. The morning hour now begins at twelve minutes after twelve o'clock. This being Monday, the first business in order during the morning hour is the calling of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to re-consider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference.

#### COMPULSORY PILOTAGE.

Mr. PLAISTED presented the joint resolution of the Legislature of the State of Maine against the exaction of compulsory pilotage; which was referred to the Committee on Commerce, and ordered to

#### DANIEL STICKNEY.

Mr. PLAISTED also introduced a bill (H. R. No. 2165) for the relief of Daniel Stickney, postmaster at Presque Isle; which was read a first and second time, referred to the Committee on Claims, and ordered to be printed.

# CAPITAL GAS COMPANY, DISTRICT OF COLUMBIA.

Mr. PLAISTED also introduced a bill (H. R. No. 2166) to incorporate the Capital Gas Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

# ROBERT BRADY.

Mr. PLAISTED also introduced a bill (H. R. No. 2167) granting a pension to Robert Brady; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# JAMES JOHNSTON.

Mr. PLAISTED also introduced a bill (H. R. No. 2168) granting a pension to James Johnston; which was read a first and second time, ordered to be printed, and, with the accompanying paper, referred to the Committee on Invalid Pensions.

# COMMISSIONERS OF CIRCUIT COURTS.

Mr. FRYE introduced a bill (H. R. No. 2169) giving jurisdiction in certain cases to commissioners of the circuit court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# EQUALIZATION OF BOUNTIES.

Mr. JOYCE introduced a bill (H. R. No. 2170) to equalize bounties to soldiers of the United States Army during the late rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# PUBLIC BUILDING IN BROOKLYN, NEW YORK.

Mr. SCHUMAKER introduced a bill (H. R. No. 2171) to authorize the Secretary of the Treasury to condemn a suitable piece of ground in the city of Brooklyn, New York, as a site for a public building; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

# PAYMENT OF DUTIES.

Mr. WILLIS introduced a bill (H. R. No. 2172) to regulate and facilitate the payment of duties on imported merchandise; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# PATRICK H. JONES.

Mr. WILLIS also introduced a bill (H. R. No. 2173) for the relief of Patrick H. Jones, late postmaster New York City; which was read ordered to be printed.

a first and second time, referred to the Committee of Claims, and ordered to be printed.

### ASSIMILATED RANK OF WARRANT OFFICERS OF THE NAVY.

Mr. BLISS introduced a bill (H. R. No. 2174) giving assimilated rank to warrant officers of the Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to

#### JANE ANN ROOF.

Mr. BLISS also introduced a bill (H. R. No. 2175) granting a pension to Jane Ann Roof, widow of Adam Roof; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### JAMES WYMAN.

Mr. HATHORN introduced a bill (H. R. No. 2176) for the relief of James Wyman; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

### INEBRIATE HOME, DISTRICT OF COLUMBIA.

Mr. J. H. BAGLEY introduced a bill (H. R. No. 2177) to provide for the Inebriate Home of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

### LEONARD T. MOORE.

Mr. LORD introduced a bill (H. R. No. 2178) granting a pension to Leonard T. Moore, under the act of February 14, 1871; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### BRIDGET T. HOPPER.

Mr. HARDENBERGH introduced a bill (H. R. No. 2179) granting a pension to Bridget T. Hopper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### M. RENNEBERG.

Mr. HARDENBERGH also introduced a bill (H. R. No. 2180) granting a pension to M. Renneberg; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### JAMES MADISON MACON.

Mr. WALKER, of Virginia, introduced a bill (H. R. No. 2181) granting a pension to James Madison Macon, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

# SURVEY OF NEW RIVER, VIRGINIA.

Mr. CABELL introduced a bill (H. R. No. 2182) for the survey of New River from the lead mines, in Wythe to the "mouth of Wilson," in Grayson County, Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# WILLIAM HODGES.

Mr. CABELL also introduced a bill (H. R. No. 2183) for the relief of William Hodges, of Franklin County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# IMPROVEMENT OF NORFOLK HARBOR, ETC.

Mr. GOODE introduced a bill (H. R. No. 2184) to provide for the improvement of the harbor of Norfolk and Portsmouth and Elizabeth River, in Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# IMPROVEMENT OF HAMPTON RIVER, VIRGINIA.

Mr. GOODE also introduced a bill (H. R. No. 2185) to provide for the improvement of Hampton River, in Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# IMPROVEMENT OF PAGAN CREEK, VIRGINIA.

Mr. GOODE also introduced a bill (H. R. No. 2186) to provide for the improvement of Pagan Creek, in Virginia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# ACT OF JUNE 22, 1874.

Mr. VANCE, of North Carolina, introduced a joint resolution (H. R. No. 72) directing the Secretary of the Treasury to expend certain sums appropriated by the act of June 22, 1874; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

# INLAND NAVIGATION IN NORTH CAROLINA.

Mr. YEATES introduced a bill (H. R. No. 2187) to provide for the continuation of the improvement of the line of the inland navigation in North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# JAMES RUFFIN WOOD.

Mr. YEATES also introduced a bill (H. R. No. 2138) granting a pension to James Ruffin Wood, of North Carolina; which was read a first and second time, referred to the Committee on Invalid Pensions, and

#### RUDOLPH LOBSIGER.

Mr. HOGE introduced a bill (H. R. No. 2189) for the relief of Rudolph Lobsiger, a citizen of the Swiss Confederation; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### LEGAL REPRESENTATIVES OF J. L. LOCKE.

\* Mr. HARTRIDGE introduced a bill (H. R. No. 2190) for the relief of the legal representatives of Joseph L. Locke, deceased; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### APPROPRIATIONS.

Mr. COOK introduced a bill (H. R. No. 2191) proposing an amendment to the Constitution limiting the power of Congress in making appropriations; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### ESTATE OF NEHEMIAH GARRISON.

Mr. FELTON introduced a bill (H. R. No. 2192) for the relief of the executor or administrator of the estate of Nehemiah Garrison, assignee of Moses Perkins; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

#### LAND ENTRIES IN ALABAMA.

Mr. WILLIAMS, of Alabama, introduced a bill (H. R. No. 2193) to provide for the issue of patents to citizens in the State of Alabama who entered public lands in said State, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

### CUSTOM-HOUSE FOR DISTRICT AT PEARL RIVER, MISSISSIPPI.

Mr. LYNCH introduced a bill (H. R. No. 2194) to change the location of the custom-house for the district of Pearl River, State of Mississippi, from Shieldsborough to East Pascagoula; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### T. N. MARTIN.

Mr. MONEY introduced a bill (H. R. No. 2195) for the relief of T. N. Martin, of Chickasaw County, Mississippi; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### LANDS IN THE SOUTHWESTERN STATES.

Mr. LEVY introduced a bill (H. R. No. 2196) to restore to the market public lands in Alabama, Mississippi, Louisiana, Arkansas, and Florida, and to repeal section 2303 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

# REMOVAL OF POLITICAL DISABILITIES.

Mr. ELLIS introduced a bill (H. R. No. 2197) for the relief of Henry B. Kelly, of Louisiana, from political disabilities imposed upon him by the fourteenth amendment; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be

# MRS. MARTHA R. ROBINSON.

Mr. VANCE, of Ohio, introduced a bill (H. R. No. 2198) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# INDIAN AFFAIRS.

Mr. LAWRENCE. Mr. Speaker, at the request of Mr. John B. Wolf, a gentleman who has given great study to the subject, and without having examined it myself and without meaning to say whether it is right or not, I introduce a bill to regulate Indian affairs. The bill (H. R. No. 2199) to regulate Indian affairs was read a first and second time, referred to the Committee on Indian Affairs, and

ordered to be printed.

# GENERAL THOMAS F. WILDES.

Mr. MONROE introduced a bill (H. R. No. 2200) granting a pension to General Thomas F. Wildes; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### REVISED STATUTES.

Mr. DURHAM introduced a bill (H. R. No. 2201) to define and make certain the import and meaning of section 2994 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Revision of the Laws, and ordered to be printed.

# TAXES ON TOBACCO.

Mr. WHITE. Mr. Speaker, I desire to introduce a bill for reference only, and I ask unanimous consent to render honor to whom honor is due. This bill is not a vagary of the average Congressman. It is the work of a veteran officer in the Treasury Department, chief of the tobacco section, Mr. Israel Kimball. I have presented to him the objections raised against the present oppressive tobacco law by the poor people of my State, and with commendable zeal Mr. Kimball has, from his abundant knowledge of the wants of the people and the necessities of the Government, evolved a plan that he thinks will prove

to be acceptable to the one and proper for the other. I desire the bill to be referred to the Committee of Ways and Means, and hope they will report it.

The SPEAKER pro tempore. Debate is not in order under this call. The bill (H. R. No. 2202) to repeal paragraph 7 of section 3344 of the Revised Statutes of the United States was read a first and second time, referred to the Committee of Ways and Means, and ordered to be

#### DAVID R. COOK.

Mr. YOUNG introduced a bill (H. R. No. 2203) for the relief of David R. Cook, of Marietta, Cobb County, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### MRS. SARAH E. NORTON.

Mr. YOUNG also introduced a bill (H. R. No. 2204) for the relief of Mrs. Sarah E. Norton, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### WILLIAM H. TURLEY.

Mr. McFARLAND introduced a bill (H. R. No. 2205) for the relief of William H. Turley, in the case of the illegal seizure of the steamer D. Hine; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

# MRS. REBECCA FRANKLIN.

Mr. McFARLAND also introduced a bill (H. R. No. 2206) granting a pension to Mrs. Rebecca Franklin and her children, as widow of Jeremiah S. Franklin, late private Company B, Eighth Regiment Tennessee Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

#### MARY E. DAY.

Mr. McFARLAND also introduced a bill (H. R. No. 2207) for the relief of Mary E. Day, widow of James B. Day, late Company B, First Regiment Tennessee Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### NAVAL POLICY OF THE UNITED STATES.

Mr. WHITTHORNE introduced (not as embodying his own views, but the views of a large number of the officers of the Navy) a bill (H. R. No. 2208) to authorize the formation of a mixed commission to inquire and report as to the future naval policy of the Government of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

### MARGARET A. WEBB.

Mr. BRIGHT introduced a bill (H. R. No. 2209) granting a pension to Margaret A. Webb; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## TAX ON DISTILLED SPIRITS.

Mr. RIDDLE introduced a bill (H. R. No. 2210) to reduce the tax on distilled spirits to fifty cents on each proof gallon; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

# APPLETON OAKSMITH.

Mr. HOUSE introduced a bill (H. R. No. 2211) allowing Appleton Oaksmith to prosecute certain claims before the Court of Claims; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### MRS. SARAH WILSON.

Mr. HOUSE also introduced a bill (H. R. No. 2212) for the relief of Mrs. Sarah Wilson, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

# GUSTAVUS A. THOMPSON.

Mr. HAYMOND introduced a bill (H. R. No. 2213) for the relief of Gustavus A. Thompson, of Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# FRANCIS M. STRICKLAND.

Mr. LANDERS, of Indiana, introduced a bill (H. R. No. 2214) removing from the records of the War Department, in the office of the Adjutant-General, the charge of desertion standing against the name of Francis M. Strickland, Company E, Twenty-sixth Indiana Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### CHANGE OF ALLEYS IN WASHINGTON.

Mr. CASON introduced a bill (H. R. No. 2215) to provide for changing alleys in the city of Washington by assent of parties interested; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### GREEN EDWARDS.

Mr. HOLMAN introduced a bill (H. R. No. 2216) granting a pension to Green Edwards; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed,

# BENJAMIN S. RYAN.

Mr. EDEN introduced a bill (H. R. No. 2217) granting a pension to the minor children of Benjamin S. Ryan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### MRS. AMANDA RAINS.

Mr. EDEN also introduced a bill (H. R. No. 2218) for the relief of Mrs. Amanda Rains; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### DISTILLED SPIRITS.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 2219) to amend the provisions of chapter 4, title 35 of the Revised Statutes, relating to distilled spirits; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be

# PENSIONS TO DISABLED SOLDIERS AND SAILORS.

Mr. FORT introduced a bill (H. R. No. 2220) granting pensions to soldiers and sailors who, since their honorable discharge, have become permanently disabled and who have no means of support; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Gorham, their Secretary, informed the House that the Senate had agreed without amendment to the concurrent resolution of the House declaring the 22d of the present month a national holiday

#### PURCHASE OF A PATENT.

Mr. CAMPBELL introduced a bill (H. R. No. 2221) to authorize the

purchase of a patent; which was read a first and second time.

Mr. CAMPBELL. Introduce this bill by request, and the person at whose request I introduce it desires its reference to the Committee of Ways and Means.

Ways and Means.

The SPEAKER pro tempore. In the opinion of the Chair the Committee of Ways and Means is not the proper committee to which to refer it. They would simply send it back for reference to the Committee on Patents or Appropriations.

Mr. CAMPBELL. I desire it to go to the appropriate committee. The bill was accordingly referred to the Committee on Patents, and

ordered to be printed.

# WILLIAM H. CORNELL.

Mr. STONE introduced a bill (H. R. No. 2222) for the relief of William H. Cornell, late acting third assistant engineer of United States steamer Winnebago; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

# IMPROVEMENT OF THE MISSISSIPPI AT SAINT LOUIS.

Mr. KEHR introduced a bill (H. R. No. 2223) to improve the channel of the Mississippi River opposite the city of Saint Louis, by the construction of a dam across Cohokia Chute; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### WILLIAM CAHILL.

Mr. BUCKNER introduced a bill (H. R. No. 2224) for the relief of William Cahill, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

### JOHN CONOLLY.

Mr. BUCKNER also introduced a bill (H. R. No. 2225) for the relief of John Conolly, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

# WILLIAM H. ENGLES.

Mr. GUNTER introduced a bill (H. R. No. 2226) for the relief of William H. Engles; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# FORT SMITH MILITARY RESERVATION.

Mr. WILSHIRE introduced a bill (H. R. No. 2227) to withhold from sale a portion of the military reservation at Fort Smith, Arkansas, and to prescribe the manner in which the remainder shall be disposed of; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

### THOMAS PULLING.

Mr. HUBBELL introduced a bill (H. R. No. 2228) granting a pension to Thomas Pulling, of Big Rapids, Mecosta County, Michigan; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# CHANCY J. POORE.

Mr. W. B. WILLIAMS introduced a bill (H. R. No. 2229) for the relief of Chancy J. Poore, late a private in Battery G, First New York Light Artillery; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### EMILY E. WEISS.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 2231) granting a pension to Emily E. Weiss; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

#### COURT OF CLAIMS.

Mr. THROCKMORTON introduced a bill (H. R. No. 2232) to confer additional jurisdiction upon the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# MAIL CONTRACTORS IN SOUTHERN STATES.

Mr. THROCKMORTON also introduced a bill (H. R. No. 2233) for the relief of certain mail contractors in the Southern States; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

#### HENRY SIMONS.

Mr. SAMPSON introduced a bill (H. R. No. 2234) for the relief of Henry Simons, late a private of Company D, Fourth Regiment Iowa Infantry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### GLENWOOD CEMETERY, DISTRICT OF COLUMBIA.

Mr. McCRARY introduced a bill (H. R. No. 2235) to amend an act entitled "An act to incorporate the proprietors of the Glenwood Cemetery," approved July 27, 1854; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### RAILROAD TO THE PACIFIC.

Mr. McCRARY also introduced a bill (H. R. No. 2236) chartering the Atlantic, Chicago, Black Hills and Pacific Railroad; which was read a first and second time, referred to the Committee on Roads and Canals, and ordered to be printed.

# ANSON K. YOUNG.

Mr. MAGOON introduced a bill (H. R. No. 2237) granting a pension to Anson K. Young; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### SALOME BRIGGS.

Mr. MAGOON also introduced a bill (H. R. No. 2238) granting a pension to Salome Briggs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# BREAKWATER, CRESCENT CITY, CALIFORNIA.

Mr. LUTTRELL presented the memorial of the Legislature of the State of California, asking for an appropriation of money to construct a breakwater at Crescent City, California; which was read a first and second time, referred to the Committee on Commerce, and ordered to

### CHARLES KRUG.

Mr. LUTTRELL also introduced a bill (H. R. No. 2239) for the relief of Charles Krug; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### COINAGE.

Mr. PIPER introduced a bill (H. R. No. 2240) to amend section 3513, title 37, and section 3586, title 39, Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

# PROTECTION OF PRE-EMPTION SETTLERS.

Mr. PAGE introduced a bill (H. R. No. 2241) to protect pre-emption settlers on the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

# MAIL-ROUTE, CALIFORNIA.

Mr. WIGGINTON presented concurrent resolution of the Legislature of the State of California, relative to the United States mailroute, No. 46109; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

# GEORGE M'COLLY.

Mr. DUNNELL introduced a bill (H. R. No. 2242) granting a pension to George McColly; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### H. K. BELDING.

Mr. DUNNELL also introduced a bill (H. R. No. 2243) to re-imburse H. K. Belding, of Minnesota, for carrying the mails of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

# AMENDMENT TO PRE-EMPTION LAWS.

the Committee on Military Affairs, and ordered to be printed.

DANIEL W. PERKINS.

Mr. DUNNELL presented memorial of the Legislature of the State of Minnesota, asking for an amendment to the pre-emption laws of the United States; which was referred to the Committee on Public Lands, and ordered to be printed.

#### IMPROVEMENT OF MINNESOTA RIVER.

Mr. STRAIT presented joint resolution of the Legislature of the State of Minnesota, asking for the improvement of the Minnesota River by a system of locks and dams; which was referred to the Com-mittee on Commerce, and ordered to be printed.

#### PURCHASE OF BLACK HILLS.

Mr. STRAIT presented joint resolution of the Legislature of the State of Minnesota, asking that a treaty be made with the Indians oc-cupying the country known as the Black Hills, so that the same may be opened to settlement and occupation at an early day; which was referred to the Committee on Indian Affairs, and ordered to be printed.

# POSTAL ROUTE, MINNESOTA.

Mr. KING presented joint resolution of the Legislature of the State of Minnesota, asking for the establishment of a postal route from Moorhead, Minnesota, to Saint Vincent, in said State; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### EDUCATION.

Mr. FAULKNER introduced a bill (H. R. No. 2244) to apply the proceeds of the sales of public lands to the education of the people; which was referred to the Committee on Education and Labor, and ordered to be printed.

### CITIZENSHIP.

Mr. FAULKNER also introduced a bill (H. R. No. 2245) to carry into execution the provisions of the fourteenth amendment to the Constitution concerning citizenship and to define certain rights of citizens of the United States in foreign countries and certain duties in diplomatic and consular offices, and for other purposes; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

#### METHODIST EPISCOPAL CHURCH SOUTH.

Mr. WILSON, of West Virginia, introduced a bill (H. R. No. 2246) for the relief of the trustees of the Methodist Episcopal Church South at Clarksburgh, West Virginia; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on War Claims.

#### GUSTAVUS F. JOCKNICK.

Mr. CROUNSE introduced a bill (H. R. No. 2247) for the relief of Gustavus F. Jocknick; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### FORT CAMERON MILITARY RESERVATION.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 2248) to provide for the payment of certain improvements on lands now embraced in the military reservation of Fort Cameron, in the Territory of Utah; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# ELECTION OF PUBLIC OFFICERS, WASHINGTON TERRITORY.

Mr. JACOBS introduced a bill (H. R. No. 2249) for the repeal of so much of section 1857 of the Revised Statutes as relates to the election of a territorial auditor, treasurer, and superintendent of public schools in the Territory of Washington; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

# COWLITZ AND TOUTLE RIVERS, WASHINGTON TERRITORY.

Mr. JACOBS also introduced a bill (H. R. No. 2250) making an appropriation for the examination of Cowlitz and Toutle Rivers, in Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# BOOM IN THE DWAMISH RIVER, WASHINGTON TERRITORY.

Mr. JACOBS also introduced a bill (H. R. No. 2251) to authorize John Burns and his associates to put a boom in the Dwamish River, in Washington Territory; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# NORTHERN PACIFIC RAILROAD LANDS.

Mr. JACOBS also presented a memorial of the Legislature of Washington Territory, with reference to lands within the withdrawal in favor of the Northern Pacific Railroad; which was referred to the Committee on Public Lands, and ordered to be printed.

# ADDITIONAL TERM OF COURT, WASHINGTON TERRITORY.

Mr. JACOBS also presented a memorial of the Legislature of Washington Territory, for an additional term of court in the third judicial district therein; which was referred to the Committee on the Judiciary, and ordered to be printed.

### FRANCIS W. PETTYGROVE.

Mr. JACOBS also presented a memorial of the Legislature of Washington Territory, for the payment of Francis W. Pettygrove, clerk of the district court of said Territory for the third judicial district; which was referred to the Committee on the Judiciary, and ordered to be printed.

of Columbia River; which was referred to the Committee on Commerce, and ordered to be printed.

# LAND CLAIM OF LANSDALE & HOWE.

Mr. JACOBS also presented the memorial of the Legislature of Washington Territory, in reference to the land claim of Lansdale & Howe; which was referred to the Committee on Commerce, and ordered to be printed.

### STEAMBOAT HIRAM WOOD.

Mr. KIDDER introduced a bill (H. R. No. 2252) to authorize the Secretary of the Treasury to change the name of the steamboat Hiram Wood; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### WILLIAM FEANNERY.

Mr. MAGINNIS introduced a bill (H. R. No. 2253) for the relief of William Flannery; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### MRS. A. J. SMITH.

Mr. MAGINNIS also introduced a bill (H. R. No. 2254) for the relief of Mrs. A. J. Smith; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### RELIEF OF MAIL CONTRACTORS.

Mr. WALLACE, of South Carolina, by unanimous consent, introduced a bill (H. R. No. 2255) for the relief of mail contractors for services rendered in certain States prior to May 31, 1861; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

### CLERK OF UNITED STATES DISTRICT COURT.

Mr. WALLACE, of South Carolina, also, by unanimous consent, introduced a bill (H. R. No. 2256) to provide for filling the office of clerk of the district court of the United States at Greenville, in South Carolina; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# CAPTAIN J. T. M'GINNISS, UNITED STATES ARMY.

Mr. CANNON, of Utah, by unanimous consent, introduced a bill (H. R. No. 2257) for the relief of J. T. McGinniss, captain Thirteenth Infantry, United States Army; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### HENRY GEE.

Mr. SMITH, of Georgia, by unanimous consent, introduced a bill (H. R. No. 2258) for the relief of Henry Gee, of the State of Florida; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

# EXPIRATION OF MORNING HOUR.

Mr. WHITE. I rise to a question of order. Has the morning hour

expired?

The SPEAKER pro tempore. The morning hour has just expired. INSTRUCTIONS OF ATTORNEY-GENERAL TO SUBORDINATES.

Mr. LORD. I ask unanimous consent to offer the resolution which

Mr. LORD. I ask unanimous consent to offer the resolution which I send to the Clerk's desk.

Mr. WHITE. Am I not on the floor?

The SPEAKER pro tempore. No, sir; you rose to a point of order which was well taken, and the Chair so decided.

Mr. WHITE. I desire to have immediate action upon the bill which I hold in my hand.

The SPEAKER proceedings of the process.

The SPEAKER pro tempore. The gentleman from New York [Mr. LORD] has the floor.

The Clerk read the resolution of Mr. LORD, as follows;

Resolved, That the Attorney-General be requested to inform this House by what authority and for what purpose he recently gave instructions to his subordinates alleged to be in contravention of the long-established rules relative to the testimony of accomplices in criminal actions.

There being no objection, the resolution was agreed to.

Mr. LORD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

# INVESTIGATION BY THE COMMITTEE ON PRINTING.

Mr. VANCE, of Ohio, from the Committee on Printing, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Printing be, and they are hereby, authorized to employ experts in prosecuting the investigation ordered by this House January 13, 1876.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INVESTIGATION BY COMMITTEE FOR THE DISTRICT OF COLUMBIA.

Mr. VANCE, of Ohio, from the same committee, reported back with an amendment, in the nature of a proviso, the following resolution, with a favorable recommendation:

OBSTRUCTIONS IN COLUMBIA RIVER.

Mr. JACOBS also presented a memorial of the Legislature of Washington Territory, for the removal of obstructions to the navigation

The amendment reported by the Committee on Printing was to add to the resolution the following proviso:

Provided, That not less than a full signature shall be printed at any one time.

The amendment was agreed to; and the resolution, as amended, was adopted.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. McCRARY I demand the regular order of business.
Mr. HOLMAN. Pending the call for the regular order I desire to move a suspension of the rules for the purpose of offering a resolu-

tion.

The SPEAKER pro tempore. The Chair is bound by the rules, as he understands them, to give the floor to the gentleman from Iowa [Mr. McCrary] on the unfinished business. These privileged questions can be settled when the judiciary bill shall have been disposed of. The House on Friday last ordered the main question to be put upon it, and the yeas and nays were demanded on the engrossment and third reading of the bill, and the Chair thinks that that business must first be concluded. The gentleman from Iowa is recognized upon that bill. The bill comes up as unfinished business, the previous question having been seconded upon it and the main question ordered. ordered

Mr. HOLMAN. Under the rules?
The SPEAKER pro tempore. Under the rules; it is impossible for

the Chair to rule otherwise.

Mr. HOLMAN. I desire to move to suspend the rules, and that would suspend the rule under which this bill comes over as unfinished

The SPEAKER pro tempore. It has been the uniform rule of the Chair under previous Speakers, that where a special order comes up in this way the gentleman who has charge of it takes the floor, and until the gentleman from Indiana gets the floor he cannot make his

motion to suspend the rules.

Mr. HOLMAN. That is true; but the moment the gentleman from Iowa is off the floor I can make it.

At this point Mr. BLACKBURN took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The question is upon ordering the bill to be engrossed and read a third time, upon which the yeas and nays have been ordered.

have been ordered.

Mr. KNOTT. I rise to make an inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. KNOTT. My inquiry is whether the call for the yeas and nays on the engrossment of the bill was sustained or not?

The SPEAKER pro tempore. The Chair will state that he takes the information furnished him by the Clerk from the Journal of the

Mr. KNOTT. Then the Journal of the House is wrong

The SPEAKER pro tempore. The Clerk now informs the Chair that the yeas and nays were demanded but not ordered, and the question now is upon ordering the yeas and nays on the engrossment and third

reading of the bill.

Mr. BLAND. I called for the yeas and nays upon the engrossment and third reading of the bill, and I now withdraw the call.

The question was put upon ordering the bill to be engrossed and read a third time; and on a division, there were—ayes 83, nays 67. So the bill was ordered to be engrossed and read a third time; and

being engrossed, it was accordingly read the third time.

The question was upon the passage of the bill.

Mr. KNOTT. I call the previous question on the passage of the bill.

Mr. SPRINGER. Has this bill been engrossed yet?

The SPEAKER pro tempore. The point of order is made too late.

Mr. SPRINGER. I insist that the bill must be engrossed.

The SPEAKER pro tempore. The Chair would hold that the point of order would be good had it been made in time.

Mr. SPRINGER. I make the point of order that this bill has not

The SPEAKER pro tempore. And the Chair, with deference to the gentleman, has overruled the point of order made by him. And the Chair would further say to the gentleman from Illinois [Mr. Springer] that the Clerk informs the Chair that the bill has been engrossed.

Mr. SPRINGER. Then the bill was engrossed before the House or-

dered it.

The SPEAKER pro tempore. The bill has now been read the third time, and the question is upon its passage, upon which the gentleman from Kentucky [Mr. Knott] calls the previous question.

The previous question was seconded, upon a division—ayes 105,

noes 61

The main question was then ordered; upon a division-ayes 96,

Mr. RIDDLE. Is a motion to recommit this bill now in order?

The SPEAKER pro tempore. That motion is not now in order, the previous question having been seconded and the main question ordered upon the passage of the bill.

Mr. SAVAGE. I call for the yeas and nays upon the passage of the

The yeas and navs were ordered.

The question was taken; and there were-yeas 143, nays 102, not voting 44; as follows:

The question was taken; and there were—yeas 143, nays 102, not voting 44; as follows:

YEAS—Messrs. Adams, Ainsworth, Ashe, George A. Bagley, John H. Bagley, ir., William H. Baker, Ballou, Banning, Bass, Blaine, Blair, Bliss, Bradley, John Young Brown, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Cannon, Cason, Cate, Caulfield, Chittenden, Conger, Crapo, Crounse, Darrall, Davy, Denison, Dobbins, Dunnell, Eames, Ellis, Faulkner, Fort, Foster, Franklin, Freeman, Frye, Garfield, Gause, Gibson, Goode, Goodin, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Harrison, Hathorn, Hendee, Henderson, Hereford, Hoar, Hopkins, Hoskins, House, Hunter, Hunton, Hurd, Hyman, Frank Jones, Joyce, Kehr, Kelley, Ketcham, Kimball, King, Knott, Georgo M. Landers, Lapham, Lawrence, Leavenworth, Lord, Lynch, Lynde, Magoon, MacDongall, McCrary, McDill, Miller, Milliken, Money, Monroe, Moroy, Morgan, Nash, Norton, Oliver, O'Neill, Packer, Page, Payne, John F. Philips, William A. Phillips, Piper, Plaisted, Platt, Potter, Fratt, Rainey, Randall, Rice, Robinson, Sobieski Ross, Rusk, Sampson, Schumaker, Seelye, Sinnickson, Slemons, Smalls, A. Herr Smith, Strait, Stone, Tarbox, Teese, Thompson, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walls, Warren, Erastus Wells, G. Wiley Wells, Wheeler, White, Whitehouse, Willard, Andrew Williams, Charles G. Williams, Willis, Wilishire, Benjamin Wilson, James Wilson, and Woodworth—143. NAYS—Messrs. Anderson, Atkins, Bagby, John H. Baker, Beebe, Bell, Bland, Blount, Boone, Bradford, Bright, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Cutler, Danford, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Ely, Felton, Forney, Fuller, Glover, Henry R. Harris, Hartridge, Hatcher, Haymond, Henkle, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hubbe

During the call of the roll,

The SPEAKER pro tempore [Mr. Blackburn] said: Upon this question I am paired with my colleague, Mr. Parsons, who, if present,

would vote in the negative, and I would vote in the affirmative.

Mr. ROBBINS, of North Carolina. Upon this question I am paired with the gentleman from Iowa, Mr. KASSON, who, if present, would vote for the bill, and I would vote against it.

Mr. W. B. WILLIAMS. Upon this question I am paired with Mr. Evans, of Indiana, who, if present, would vote "ay," and I would vote "no."

Mr. SPARKS. My colleague, Mr. Hartzell, has been called home on account of sickness in his family. If present, he would vote against this bill.

Mr. SCALES. My colleague, Mr. DAVIS, is confined to his room by

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

### ORDER OF BUSINESS.

The SPEAKER pro tempore (Mr. Cox) resumed the chair. Mr. BUCKNER. I call for the regular order of business, which I understand to be reports from the Committee for the District of Columbia.

Mr. KELLEY. I ask unanimous consent to submit a resolution call-

ing for information.

Mr. BUCKNER. I would prefer that the gentleman wait.

Mr. KELLEY. If it leads to any debate I will withdraw it.

Mr. BUCKNER. Very well.

# PAYMENT OF GENEVA AWARD.

Mr. KELLEY. I send the resolution to the Clerk's desk. The Clerk read, as follows:

Resolved, That the President be requested to communicate to this House copies of any correspondence between the Bank of England and the Treasury Department of the United States prior to December 31, 1873, in relation to the transfer of the proceeds of the United States bonds which had been sold or were about to be sold in London; also, of any correspondence between the British government and the State Department of the United States in relation to the mode of transferring to this country the sum of \$15,500 000 awarded at Geneva by the high joint commission in satisfaction of the Alabama claims.

There being no objection, the resolution was considered and agreed

# REBUILDING MISSISSIPPI LEVEES.

Mr. ELLIS, by unanimous consent, submitted the following resolution; which was read, considered and agreed to:

Resolved, That permission be granted to a subcommittee of the Committee on the Mississippi Levees, to be appointed by the chairman of that committeec, to visit and inspect the levees of the Mississippi River and the region subject to inundation by its waters, in order to obtain such data and practical information as will enable them to determine the necessity and amount of an appropriation for the rebuilding of said levees: Provided, That such visit shall not be made at the public expense.

### COMMERCE OF THE PACIFIC OCEAN.

Mr. TOWNSEND, of Pennsylvania, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to: Resolved by the House of Representatives. That the Committee on the Pacific Railroad be, and is hereby, instructed to inquire and report to this House whether any

combination or arrangement has been formed by the Central Pacific and Union Pacific Eailroad Companies, or either of them, or by any officer or officers of said railroad companies, with English capitalists or corporations to transfer the commerce of the Pacific Ocean, that is now carried in American-built ships, from such ships to English-built ships sailing under the British flag; and that they have power to send for persons and papers.

Mr. TOWNSEND, of Pennsylvania, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

# EDWARD O'MEAGHER CONDON.

Mr. FAULKNER. I ask unanimous consent to offer for adoption the resolution which I send to the Clerk.

The Clerk read as follows:

The Clerk read as follows:

Whereas Edward O'Meagher Condon, a citizen of the United States, has for several years been immured in prison under the sentence of a British court; and whereas numerous petitions expressing a strong belief in his innocence and in the injustice of his imprisonment have been signed by the people of this country, and others are in progress of being signed, appealing to Congress to take such steps as may be proper for his relief: Therefore,

\*Resolved\*, That the Committee on Foreign Affairs be instructed to inquire into the facts and circumstances of Edward O'Meagher Condon's conviction of the offense for which he is now imprisoned; to inquire whether it is a case proper for the interposition of this Government, either in the form of a demand for his release or an appeal to British clemency, and report such recommendation as from the nature and character of the case would in their opinion be proper.

Mr. HOAR. I hope the gentleman from West Virginia [Mr. FAULK-NER] will consent to have his resolution adopted without the preamble, which asserts some facts of which the House may have no knowl-

edge.

Mr. FAULKNER. My proposition is simply that the Committee on Foreign Affairs be instructed to inquire into the facts.

Mr. HOAR. I understand that the preamble asserts certain facts, and then the resolution of inquiry follows. I suggest that the resolution be adopted without the preamble.

Mr. FAULKNER. Why, sir, the preamble asserts nothing more than the fact that this man is imprisoned by sentence of a British

Mr. HOAR. It declares that the people of the United States have signed petitions. I am one of the people; I have not signed any.
Mr. FAULKNER. It only states that numerous petitions have been

The SPEAKER pro tempore. Does the gentleman from Massachusetts [Mr. HOAR] object to the resolution?

Mr. HOAR. I do unless the preamble be withdrawn.

Mr. FAULKNER. Well, sir, I will withdraw the preamble rather than have the resolution fail.

Subsequently, Mr. HOAR withdrew his objection to the preamble; when the preamble and resolution were adopted.

### DEFALCATION OF C. C. HUTCHINSON.

Mr. GOODIN, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Commissioner of Indian Affairs be, and he is hereby, requested to communicate to this House such information as may be in his possession touching the defalcation of C. C. Hutchinson, late agent for the Ottawa Indians in Kansas, as well as the manner in which such defalcation has been adjusted by the Interior Department.

### INDEMNITY FOR SWAMP LANDS.

Mr. GAUSE, by unanimous consent, reported from the Committee on Public Lands, as a substitute for House bill No. 94, a bill (H. R. No. 2259) granting indemnity to States for swamp lands sold by the United States; which was read a first and second time, ordered to be printed, and recommitted.

### SALE OF SALINE LANDS.

Mr. GAUSE also, by unanimous consent, from the Committee on Public Lands, reported as a substitute for House bill No. 642 a bill (H. R. No. 2260) providing for the sale of saline lands; which was read a first and second time, ordered to be printed, and recommitted.

### TRANSFER OF PENSION BUREAU TO WAR DEPARTMENT.

Mr. JENKS. I ask unanimous consent to report from the Committee on Invalid Pensions a bill to transfer the Bureau of Pensions from the Interior Department to the War Department, and move that the bill, with the accompanying report and evidence, be ordered to be

Mr. RUSK. There is no report of the committee.

Mr. JENKS. No, sir. I ask that the bill which we report, together with the accompanying documents, be ordered to be printed.

There being no objection, the bill (H. R. No. 2261) was read a first and second time, and, with the accompanying papers, recommitted, and ordered to be printed.

# POST-ROADS.

Mr. CLARK, of Missouri, by unanimous consent, reported from the Committee on the Post-Office and Post-Roads a bill (H. R. No. 2262) establishing post-roads; which was read a first and second time.

Mr. CLARK, of Missouri. I ask that this bill be put on its passage

The SPEAKER pro tempore. Does the bill contain any general legislation?

Mr. CLARK, of Missouri. No, sir; it is simply the regular bill establishing post-roads.

The SPEAKER pro tempore. It has been usual to pass such bills

Mr. CLARK, of Missouri. I presume there will be no objection to that course

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the

third time, and passed.

Mr. CLARK, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### DISTRICT OF COLUMBIA BUSINESS.

The SPEAKER protempore. "The third Monday of each morth from the hour of two o'clock p. m. until the adjournment on that day shall, when claimed by the Committee for the District of Columbia, be devoted exclusively to business reported from said committee." The gentleman from Missouri, [Mr. BUCKNER, ] chairman of the Committee for the District of Columbia, has called for the regular order of business the rule which the Chairman of the context of the co ness, and under the rule which the Chair has just read reports will now be received from that committee.

#### PRACTICE OF PHARMACY IN THE DISTRICT OF COLUMBIA.

Mr. WILLARD, from the Committee for the District of Columbia, reported back a bill (H. R. No. 1398) to regulate the practice of pharmacy in the District of Columbia, with sundry amendments.

The bill was read.

The first section provides that from and after the passage of the The first section provides that from and after the passage of the act it shall be unlawful for any person, not a registered pharmacist within the meaning of the act, either as owner, proprietor, or partner, to open or conduct any pharmacy or store for the purpose of retailing, compounding, or dispensing medicines or poisons in the District of Columbia, except as thereinafter provided.

The second section provides that it shall be unlawful for the provided of the provided of

prietor of any store or pharmacy to allow any person except a registered pharmacist or registered assistant pharmacist to compound or dispense the prescriptions of physicians, or to retail or dispense poisons, except as an aid to, and under the immediate supervision of, a registered pharmacist or a registered assistant pharmacist; and no proprietor of any store or pharmacy shall leave his said store or pharmacy in charge of any but a registered pharmacist or a registered assistant pharmacist. Any person violating the provisions of the section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be liable to a fine of not less than \$25 nor more than

\$100 for each and every such offense.

The third section provides that immediately after the passage of the act, and biennially thereafter, the National College of Pharmacy of the District of Columbia shall nominate ten pharmacists of the District of Columbia, from among whom the board of health of the District of Columbia shall select and appoint five, who shall be known and styled as commissioners of pharmacy for the District of Columbia, who shall serve without compensation, and who shall hold office for two years, and until their successors are appointed and qualified. for two years, and until their successors are appointed and qualified. Said commissioners shall, within thirty days after the notification of their appointment, each subscribe to an oath, before a notary public of the District of Columbia, to impartially and faithfully discharge their duties as prescribed by the act. The position of any commissioner who shall fall to so qualify within the time named shall be vacant, and the vacancy or vacancies so occurring, or any vacancy or vacancies that may occur by reason of death or resignation, shall be filled by the said board of health from the number nominated by the

National College of Pharmacy.

The fourth section provides that the commissioners of pharmacy shall keep a book of registration open at some convenient place within the city of Washington, of which due notice shall be given through the public press, and shall record therein the name and place of business of every person registered under the act. It shall be the duty of said commissioners of pharmacy to register, without examination, as registered pharmacists, all pharmacists and druggists who are engaged in business in the District of Columbia at the passage of the act as owners or principals of stores or pharmacies for selling at retail, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or for compounding and dispensing physicians' prescriptions, and as registered assistant pharmacists all assistant pharmacists engaged in said stores or pharmacies in the District of Columbia at the passage of the act, and who have been engaged in some store or pharmacy where physicians' prescriptions were compounded and dispensed for

where physicians' prescriptions were compounded and dispensed for not less than four years prior to the passage of the act; provided, however, that in case of failure or neglect on the part of any such person or persons to present themselves for registration within sixty days after said public notice, they shall undergo an examination, such as is provided for in section 5 of the act.

The fifth section provides that the said commissioners of pharmacy shall, upon application, and at such time and place as they may determine, examine each and every person who shall desire to engage in the business of selling at retail, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or compounding and dispensing physicians' prescriptions within the District of Columbia, either as pharmacist or assistant pharmaeist; and if a majority of said commissioners shall be satisfied that said person or persons are com-

petent and fully qualified to conduct said business of selling at retail, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or to compound and dispense physicians' prescriptions, they shall enter the name of such person or persons as registered pharmacist or registered assistant pharmacist, as the case may be, in the book

provided for in section 4 of this act.

The sixth section provides that no person shall be entitled to an examination by said commissioners of pharmacy for registration as pharmacist or assistant pharmacist unless they present satisfactory evidence of being twenty-one years of age and having served not less than four years in a store or pharmacy where physicians' prescriptions were compounded and dispensed.

were compounded and dispensed.

The seventh section provides that all graduates in pharmacy having a diploma from an incorporated college or school of pharmacy that requires a practical experience in pharmacy of not less than four years before granting a diploma shall be entitled to have their names registered as pharmacists by said commissioners of pharmacy.

The eighth section provides that in case of the death of any registered pharmacist doing business as such in the District of Columbia, the business of the said pharmacist may be continued by a registered assistant pharmacist for the benefit of the heirs of the deceased for one year after which time it must be conducted by a registered apart against the said pharmacist conducted by a registered apart of the deceased for one

year, after which time it must be conducted by a registered pharmacist.

The ninth section provides that the commissioners of pharmacy shall be entitled to demand and receive from each person whom they register as pharmacist without examination the sum of \$5, and from each person whom they register as assistant pharmacist without examination the sum of \$2, and from each person whom they examine and for each examination the sum of \$5. The money received under the provisions of this section shall be first applied to the payment of such expenses as the commissioners may incur in executing the provisions of this act, and the balance, if any, shall be paid over to the trustees of the National College of Pharmacy of the District of Columbia, for the use and benefit of said college.

The tenth section provides that any person who shall attempt to procure registration for himself or for another under this act by making the procure of the procure

ing, or causing to be made, any false representation, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred to a penalty of not less than twenty-five nor more than one hundred dollars. Any person not a registered pharmaeist as provided for in this act who shall open or conduct a store, pharmaey, or place for retailing, compounding, or dispensing drugs, medicines, or chemicals for medicinal use, or for compounding or dispensing physicians' prescriptions, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a penalty of not less than \$50 per week for each and every week that he shall continue to carry on such business without being registered as required by the act.

The eleventh section provides that all fines and penalties under the set shall be collected in the same manner that other fines and penaltics.

act shall be collected in the same manner that other fines and penal-ties are collected in the District of Columbia; and it shall be the duty of the United States district attorney for the District of Colum-bia to prosecute all violations of the act.

The twelfth section provides that all acts or parts of acts inconsistent with the act be, and the same are hereby, repealed.

The Clerk read the amendments, as follows:

In section 4, line 16, after the word "engaged" insert the words "as such."
Section 6, line 3, strike out "they" and insert "be."
Section 10, line 1, after the word "shall" insert the words "procure or."
Section 10, line 6, after the word "dollars" insert the following: "and the name of the person so fraudulently registered shall be stricken from the register."

Mr. WILLARD. This bill has the unanimous recommendation of the Committee for the District of Columbia. I demand the previous

question on the bill and amendments.

uestion on the bill and amendments.

Mr. HOLMAN. I see that the perpetuation of the board of health is provided for in this bill. Does the gentleman from Michigan think that board of health should be perpetuated in its present form? I hope he will allow me to move to strike out that portion of the bill. It is in the second section, and I will make the motion to strike out if the gentleman will yield me the floor for that purpose.

Mr. WILLARD. The committee did not consider that particular

question. They took the government of the District of Columbia as it is. It seemed to them that the board of health was the proper and most competent authority to make selection of the board of commissioners of pharmacy. They are to select these from ten persons who are to be presented to them for that selection by the National College of pharmacy—an institution which is composed of nearly all the prominent druggists of the city. I suggest to the gentleman from Indiana that in case the board of health should be abolished hereafter some provision of legislation will be made to meet that particular

exigency.

Mr. HOLMAN. There is force in that observation, but the distinguished gentleman from Michigan will allow me to say that in my thin legislation is not in harmony with the spirit of our people generally throughout the country. The manifest object of the bill is to create a monopoly in a given branch of industry, to place the whole of a given business under a small number of men, who bethe whole of a given business under a small number of men, who become the leading spirits in guiding and directing this industry. It does not occur to me that any public interest is promoted by it. Private schemes and a tendency to monopoly seem to be the only object of this legislation, thus interfering with the natural business of the people. I am not aware what is the policy in other cities of the country, never having lived in one, but it does not occur to me this

measure subserves any good public object. I believe such matters can be better left to the enterprise and intelligence of the people in

this and in all other cities.

Mr. WILLARD. Mr. Speaker, the committee are advised, and indeed I suppose there can be but little doubt of the fact, that nearly all the principal cities of the United States have a similar provision. all the principal cities of the United States have a similar provision. It seems to me quite important that communities should have some protection from unskillful and incompetent druggists and pharmacists. There is no hardship imposed upon those now doing business in the city as pharmacists, because they are allowed to register on application to the board of commissioners without examination, but those who engage in the business hereafter are required to submit themselves to examination by the board of commissioners.

I believe this to be in the interest of the highest welfare of the community and that no more private interest should stand in the

community, and that no mere private interest should stand in the way of the welfare of the great body of the people.

Mr. HOLMAN. Let me suggest to the gentleman that it would seem the effect of this will be to "crush out" the smaller establishments, and give advantage to large establishments where heavy capital is concentrated. I believe such matters should be left to the enterprise and intelligence of the people. Let us get rid of close corporations which were so common in the olden time. The practice prevailed, a few years ago, in most of the States of allowing no persons to practice law unless they had gone through some general courses of study in learned institutions. It has been found that, where such professions are thrown open to citizens of good moral character, every public interest is promoted by that policy. I think I shall be compelled to vote against this bill, as one tending to monopoly, to giving large establishments an advantage over those of smaller capital, and as an unnecessary regulation of the industries of the people.

unnecessary regulation of the industries of the people.

Mr. LAWRENCE. I do not understand precisely the provisions of this bill, but I would be glad to make an inquiry or two of the gentleman who has it in charge. We all know that there are various schools of medicine, each striving for the mastery both in the public confidence and by legislating in the interest of these several schools. Now, will not the effect of this bill be, or may it not be, at least, that they were contracted to greatly and the gre those who control the granting of licenses may select from some particular school of medicine? Will not this enable them to license only those whom they judge suitable, and will they not judge from their own stand-point: from that of their own school of medicine?

I am very much opposed, as a general rule, to interfering with private enterprise and the private business of citizens. I do not know exactly the purpose of this bill, for I have not had time to examine Certainly I have great confidence in the committee from which it comes; and, as a general rule, it is fair to presume that the committee who have examined a subject are generally right in their rec-

ommendations.

But it does seem to me that in these questions where there are conflicts between different schools of medicine we ought to examine such measures very carefully lest there may be some advantage given to one over another, lest there may be some purpose to secure a monopoly in favor of one class as against others. There are no controversies perhaps that are occasionally so bitter as those which exist between the different schools of medicine. They sometimes become almost as severe as the worst form of persecution that can be gotten up. Now is not this bill open to the charge of permitting favoritism for one school of medicine? I ask for information of the gentleman who has the bill in charge. I hope at least that the House may understand it, so that we shall not be legislating in favor of or in the

derstand it, so that we shall not be legislating in favor of or in the interest of any particular class.

Mr. WILLARD. In reply to the inquiry made by the gentleman from Ohio, [Mr. LAWRENCE,] I would say that the committee considered that there was every protection against the evil of which the gentleman speaks in the fact that the board of health of the District of Columbia is organized on those broad principles which would exclude any probability that this board of pharmacy would be directed by any particular class of physicians. The board of health of the District of Columbia itself is composed I believe of physicians of different schools.

ferent schools

Mr. LAWRENCE. What schools?

Mr. WILLARD. It is composed of the orthodox school, if I may so term it, and the homeopathic. But I would say, Mr. Speaker, that the committee had supposed that in the advancing spirit of liberality in this country no difficulties of this sort would arise. There is a recommendation of this bill which comes from the board of health. I send it to the Clerk's desk and ask that it may be read.

DISTRICT OF COLUMBIA, BOARD OF HEALTH, Washington, January 14, 1876.

The special committee to whom was referred an act entitled "An act to regulate the practice of pharmacy in the District of Columbia" report that, having carefully examined the proposed measure in conference with prominent druggists of the District, they approve the same, and recommend the co-operation of the board in securing its enactment by Congress.

CHRIS. C. COX, D. W. BLISS, T. S. VERDI, Committee.

Report submitted and adopted by the board January 14, 1876.

JOHN M. LANGSTON,

Secretary.

A true copy:

J. H. WEIRICK, Chief Olerk.

Mr. WILLARD. Mr. Speaker, these two schools of medicine are

Mr. WILLARD. Air. Speaker, these two schools of medicine are represented on that committee.

Mr. LAWRENCE. What are they?

Mr. WILLARD. The allopathic and the homeopathic.

Mr. LAWRENCE. The eclectic school is not represented. The hydropathic school is not represented.

Mr. KELLEY. The hydropathists do not sell poison.
Mr. LAWRENCE. Then there is another school, a very excellent one, that gives, in the ordinary sense, no medicine at all—the hygienic. I know the secretary of this board of health. He is a lawyer, and I have entire confidence that he would always do right. But if it is left to physicians of any one school I should be afraid that they would not administer justice equally and impartially among differing sects of medical doctrine.

Mr. WILLARD. I would ask the gentleman if he thinks that any other class of men than physicians or druggists or pharmacists would be the proper persons to examine those who submitted themselves as

candidates for registration?

Mr. LAWRENCE. I do not know exactly how that is. The fear is that they would not examine impartially.

I really doubt whether there is any necessity for this bill. I fear that it is an attempt to interfere with private business in a manner which is not required by the public welfare, and it may be productive of mischief.

of mischief.

Mr. WILLARD. I yield five minutes to my colleague on the committee, the gentleman from Maryland, [Mr. Henkle.]

Mr. Henkle. It was not supposed, Mr. Speaker, by any member of the committee that this bill would occupy the attention of the House five minutes. It is a bill proper and right in all its provisions. The object, and the only object, of it is to protect the lives of the citizens of Washington and the District of Columbia. It is to secure that no one shall have the privilege of compounding and vending medicines except those that are competent to do so. And in order to medicines except those that are competent to do so. And in order to avoid interference with private interest, and to avoid the suspicion or charge that it might create a monopoly, all those now engaged in the drug business in the city of Washington are recognized and continuedunder the provisions of this bill as pharmacists and apothecaries. It provides an impartial board; as impartial as can be provided. A list of ten names is to be selected by the National College of Pharmacy from which the board of health is to select five, and they are to pass upon the competency of those who aspire to go into the drug business hereafter. It does not interfere with the private interests or with the business of any one now in the business; it only proposes to protect the people of the District and of this city for the future.

protect the people of the District and of this city for the future.

The gentleman from Indiana [Mr. Holman] who spoke in reference to this matter suggested that it would be better to throw the doors wide open to competition and let that be the only criterion of success. That might be very well except that the lives of the citizens here are at stake. The ignorant do not know where to go to find a competent pharmacist; such a man might go to an apothecary's shop and instead of getting the harmless medicine prescribed by his physician receive a deadly poison. The people here have a right to expect us to do our duty and to give them protection against ignorant charlatans who attempt to compound medicines that are deadly poisons. There is nothing in the bill that is objectionable in any light; it has There is nothing in the bill that is objectionable in any light; it has been revised carefully and deliberately by the committee; there is nothing in it objectionable to private interests or to the public interests, and I hope the House will pass it for the good of humanity.

Mr. LAWRENCE. Will the gentleman from Maryland now allow

me to make an inquiry?
Mr. HENKLE. Certainly.
Mr. LAWRENCE. Section 3 provides—

That immediately after the passage of this act, and biennially thereafter, the National College of Pharmacy of the District of Columbia shall nominate ten pharmacists of the District of Columbia, from among whom the board of health of the District of Columbia shall select and appoint five, who shall be known and styled as commissioners of pharmacy for the District of Columbia, who shall serve without compensation, and who shall hold office for two years, and until their successors are appointed and qualified. Said commissioners shall, within thirty days after the notification of their appointment, each subscribe to an oath, before a notary public of the District of Columbia, to impartially and faithfully discharge their duties as prescribed by this act, &c.

Then the board so to be selected will determine who shall be licensed. Now, this bill puts the appointment of all these commissioners under Now, this bill puts the appointment of all these commissioners under the control of the National College of Pharmacy, and the board of health is to select five. Now, why, I ask, why is this?

Mr. HENKLE. Because they are competent to name the men.

Mr. LAWRENCE. Ah! Is not anybody else competent but the National College of Pharmacy?

Mr. HENKLE. If the gentleman from Ohio suggests some other authority competent to more them we will submit

authority competent to name them we will submit.

Mr. LAWRENCE. Is not that college of pharmacy composed entirely of one school of physicians?

Mr. HENKLE. No, it is not.

Mr. LAWRENCE. How many schools does it represent?

Mr. HENDEE. Everybody who chooses can go into that college.
Mr. LAWRENCE. Is not it an incorporated organization?
Mr. WILLARD. Yes; but it is open to everybody.
Mr. LAWRENCE. Well, that is a queer kind of school of pharmacy that takes in everybody. I do not seek to disparage it. I have no reason to doubt its learning, its impartiality, its usefulness-I believe

it to be a learned and useful body. But what school does it repre-

Mr. HENDEE. Lawyers and ministers, as well as others.
Mr. LAWRENCE. Well, lawyers would be found useful, for I should have confidence in their judgment. So I would in the ministers and the others.

Mr. STEVENSON. I think lawyers patronize them in their retail

business

Mr. LAWRENCE. I think that there should be some additional ower to make these appointments. I submit in all candor that it looks like placing the whole drug business of the District of Columbia within the control of a single close corporation. Now, that ought not to be; it ought to be left so that there shall be an impartial power to select these commissioners and see that every school of medicine shall be fairly represented. With that change I do not know that I should

object to this bill.

Mr. HENKLE. It legislates no man out of business who is now in business, and if it proves in a year from this time to be such a dread-ful monopoly we can abolish it.

Mr. LAWRENCE. I know that, but it controls all those who shall

come into the business hereafter, and what I insist on is that that control should not be given to any one corporation; all interests ought to be represented in it.

Mr. WILLARD. I demand the previous question.

The previous question was seconded and the main question ordered.

The amendments reported by the Committee for the District of Columbia were severally agreed to.

The bill, as amended, was ordered to be engrossed and read a third

time; and being engrossed, it was accordingly read the third time.

The question was put upon the passage of the bill; and on a division there were—yeas 88, nays 8; no quorum voting.

Tellers were ordered; and Mr. WILLARD and Mr. BRADLEY were

appointed.

The House divided; and the tellers reported yeas 105, noes not counted.

So the bill was passed.

Mr. BUCKNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

GEORGETOWN AND TENALLYTOWN RAILROAD COMPANY.

Mr. HENDEE. I am directed by the Committee for the District of Columbia to report back with amendments House bill No. 1488, to in-corporate the Villa and Suburban Railroad Company.

corporate the Villa and Suburban Railroad Company.

The bill was read, as follows:

Be itenacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Richard W. Carter, Major A. Nicholson, B. K. Swart, A. P. Fardon, Lewis D. Means, Isaiah Shoemaker, Joseph Weaver, Morris Addler, Jacob H. Kengla, John T. Varnell, James Hoffman, Samuel D. Linn, Philip Brooke, Charles Becker, Josiah Dent, and their associates and assigns, are created a body corporate under the name of the Villa and Suburban Railroad Company, with authority to construct and lay down a single railway track, with the necessary switches and turn-outs, in the city of Georgetown and the county of Washington, in the District of Columbia, commencing at the corner of High and Bridge streets, Georgetown, along High street to Fourth street, along Fourth street to Fayette street, along Fayette street to High street, and to its intersection with the Georgetown and Rockville turnpike road, and along said road to Tennallytown, with the privilege of extending the said railroad from Tennallytown (along the public road leading to Rockville) as far as the northern boundary line of the District of Columbia. The track shall be laid in the best manner, to be approved by the Secretary of the Interior, and shall be laid on the west side of the turnpike-road leading from Georgetown to Tennallytown, so as not to interfere with the center of said road used by the turnpike company, with the right to run public carriages on the road hereby authorized, drawn by horse-power, receiving therefor a rate of fare not exceeding ten cents per passenger for any distance between the termini of said railroad.

SEC. 2. That the said road shall be deemed real estate, and together with the other

on the road hereby authorized, drawn by norse-power, receiving therefor a rate of fare not exceeding ten cents per passenger for any distance between the termini of said railroad.

SEC. 2. That the said road shall be deemed real estate, and, together with the other real estate and personal property of said company, shall be liable to taxation.

SEC. 3. That the said company shall conform to the grade of the streets and roads in laying rails thereon; and the said company shall keep its track well paved and in good repair. Nothing in this act shall prevent the Government or other competent authority from at any time altering the grade, or otherwise improving all streets and roads occupied by said railway; and, in such event, it shall be the duty of said company to change said railway so as to conform to such grade and pavement.

SEC. 4. That each of the stockholders in the said railway company shall be liable individually for all the debts and liabilities of the said company to an amount equal to the value of stock held by such stockholder.

SEC. 5. That the said railroad company shall, by the 15th of January after the completion of said road, and annually on or before that day thereafter, transmit to Congress a full report of the affairs, business, and condition of the said company for the year terminating December 31 preceding such report; and such report shall be signed and sworn to by the president and the treasurer of the company or by a majority of the directors.

SEC. 6. That all articles of value that may be inadvertently left in any of the cars or other vehicles of said company shall be taken to its principal depot, and entered in a book of record of unclaimed goods, which book shall be open to the inspection of the public at all reasonable hours.

SEC. 7. That this act may be altered, amended, or repealed by the Congress of the United States at any time; and the said company is not authorized to issue any note, token, device, or scrip, or other evidence of debt, to be used as a currency. SEC. 8. That th

SEC. 10. That the stockholders of the said company shall annually elect seven directors, who shall have full power to make and prescribe such by-laws, rules, and regulations, and create such offices as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, not contrary to the charter, or to the laws of the United States, and the ordinances of the District of Columbia; and there shall be no regulation excluding any person from any car on account of color.

SEC. 11. That the incorporators of said road shall, within thirty days after the passage of this act, meet and organize and open books of subscription at some place made known by advertisement in at least one daily paper published in the District of Columbia to the capital stock of said company; and the said company shall organize and complete the line of said road within one year from the passage of this act, otherwise no right shall be acquired under this act.

The amendments reported from the committee were as follows: In the first section strike out the words "Villa and Suburban" and insert "Georgetown and Tennallytown;" also in the last sentence of the first section, after the words "interfere with the center," insert "or travel;" also amend the title by striking out "Villa and Suburban" and inserting "Georgetown and Tennallytown."

Mr. HENDEE. I desire to say simply that this bill is reported in answer to an application for a horse-railroad extending from the northwestern part of the city of Georgetown to the village of Tennallytown, a distance of two and one-half miles northwest. That section of the a distance of two and one-half miles northwest. District of Columbia is without any facilities whatever of street-railroad travel. I understand there is no objection on the part of any railroad interest or of any considerable number of people of this District to the passage of the bill. If no one wishes to make an inquiry, I will call the previous question on the bill and amendments.

Mr. HOAR. I desire to call the attention of the gentleman to the

fifth section of this bill, requiring a report yearly to Congress of the affairs and condition of this company. That section requires the report to be signed and sworn to by the president and treasurer of the company, or by a majority of the directors. This annual report of the company is for the security of the public, not merely against buying worthless stock, but also against overcharges, which should not be permitted. My suggestion is that the oath shall be by a majority of the directors as well as by the president and treasurer as is usual in the directors as well as by the president and treasurer, as is usual in

a horse-railroad system.

Mr. HENDEE. I have no objection to the amendment, and will move to amend by striking out "or" and inserting "and" before the

words "by a majority of the directors."

The amendment moved by Mr. HENDEE and also the amendments reported from the Committee for the District of Columbia were

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

passed. Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

table.

### DISTRICT MUTUAL FIRE INSURANCE COMPANY.

Mr. HARTRIDGE, from the Committee for the District of Columbia, reported back without amendment House bill No. 700, to incorporate the Mutual Protection Fire Insurance Company of the District of Columbia.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That George Taylor, William Ballantyne, John C. Harkness, William J. Sibley, Augustus E. Perry, Norval W. Burchell, Joseph Casey, Charles F. Peck, James H. Saville, A. M. Bruen, John D. McPherson, Montgomery Blair, George Lowry, John T. Given, S. H. Kauffman, Nathaniel Wilson, George Hill, jr., John Markriter, John T. Mitchell, A. Pollok, John F. Bridget, and James E. Fitch, all of the District of Columbia, with their associates and successors, are hereby created a body politic and corporate by the name and style of the Mutual Protection Fire Insurance Company of the District of Columbia, and by that name shall have perpetual succession, with power to sue and be sued, plead and be implicated, in courts of law and equity; to adopt a common seal, and the same to break, alter, and renew at pleasure; to ordain and establish by-laws and regulations; and generally to do such acts and things as may be necessary to carry into effect the provisions of this act and promote the purposes and designs of said company.

regulations; and generally to do such acts and things as may be necessary to carry into effect the provisions of this act and promote the purposes and designs of said company.

SEC. 2. That the purposes and designs of said company shall be to insure, against loss or damage by fire, the respective dwelling-houses and other buildings, and the furniture and every description of property belonging to its members, as well as the rents of such property.

SEC. 3. That the capital stock of said company shall consist of the premium notes given by the insured, the cash paid as interest thereon, and all property and profit derived from the investment or use of its income or assets; but the reserve fund of said company shall not, at any one time, exceed \$100,000, exclusive of the real estate it may hold as hereinafter authorized.

SEC. 4. That said premium notes shall be payable on demand, and shall each constitute and be a lien to the amount thereof respectively upon the interest and estate, legal and equitable, of the insured in the buildings at risk in said company, and upon the land, premises, and appurtenances thereunto belonging, or upon property of any other description insured by said company in consideration thereof: Provided, That said company shall file with the recorder of deeds for the District of Columbia a memorandum of the name of the person insured, a description of the property, and the amount of the premium note unpaid, and said lien shall commence from the time of filing said memorandum. Judgment apon said note may be entered upon confession by virtue of a warrant of attorney, and execution may at any time be had thereon; but the privileges, immunities, and franchises granted by this act shall be confined to the District of Columbia.

SEC. 5. That all persons who shall hereafter insure with said company and their executors, administrators, and assigns continuing to be so insured, shall thereby become members thereof during the period they shall be and remain so insured, and no longer; and the word perso

corporations also.

SEC. 6. That each and every member of said company shall have full power to withdraw therefrom in whole or in part at any time, upon application in writing

to the proper officer thereof and payment of all arrearges of assessments and inserts that many then be due and owing to sail company from sail deminer. Upon such application the sail officer shall cancel the insurance or insurances designated in said application, together with the premium note or notes beld by said company on account of such canceled insurance. Said officer shall also return any amount of such canceled insurance. Said officer shall also return any amount of said canceled insurance accruing subsequent to such withdrawal and cancellation. But no premium note or notes shall be canceled insurance accruing subsequent to such withdrawal and cancellation. But no premium notes thereon on several control of liabilities incurred before or at the line of a subsequent to such withdrawal and cancellation. But no premium notes thereon on several payment of the subsequent of liabilities incurred before or at the line of a subsequent the subsequent of liabilities and subsequent of the subsequent of liabilities. Subsequent of liabilities and subsequent of liabilities and subsequent of liabilities and subsequent of liabilities. Subsequent of liabilities and subsequent of liabilities and subsequent of liabilities. Subsequent of liabilities and subsequent of liabilities and subsequent of liabilities and subsequent of liabilities. Subsequent of liabilities and subsequent of liabilities and subsequent of liabilities and subsequent of liabilities. Subsequent liabilities and subsequent liabilities and subsequent liabilities. Subsequent liabilities and subsequent liabilities and subsequent liabilities. Subsequent liabilities and subsequent liabilities. Subsequent liabilities and subsequent liabilities and subseq

gages, judgments, or decrees.

Sec. 16. That this act shall be in force from and after its passage; but Congress reserves the right to alter, amend, or repeal the same at any time.

The question was upon ordering the bill to be engrossed and read a third time.

I wish to call the attention of the gentleman from Georgia [Mr. HARTRIDGE] to the fourth section of this bill. That section, as reported, provides:

Sec. 4. That said premium notes shall be payable on demand, and shall each constitute and be a lien to the amount thereof respectively upon the interest and estate, legal and equitable, of the insured in the buildings at risk in said company, and upon the land, premises, and appurtenances thereunto belonging, or upon property of any other description insured by said company in consideration thereof. &c.

The effect of that provision would be to make the premium note a lien not merely upon the real estate but upon the personal property

of the insured. It seems to me that would give a great opening for raud. I would suggest the propriety of striking out the portion of

the section relating to personal property.

Mr. HARTRIDGE. This is to be made a matter of inquiry.

Mr. HOAR. That may be; but everybody who buys a bureau or

Mr. HOAR. I hat may be; but everybody who buys a bureau or wash-stand in an auction-room ought not to be required to look up the record and see if there is a lien upon it for a premium note.

Mr. HARTRIDGE. The objection of the gentleman would be applicable to all mortgages upon personal property, which are allowed by the law. This does no more than a mortgage upon personal property would do; it makes a premium note a lien upon personal property and requires it to be recorded in the office of the recorder of deeds where presents may have been seen for information. deeds, where persons may have access for information. I would not

deeds, where persons may have access for information. I would not like to consent to strike out that portion of the bill.

Mr. HOAR. I believe this proposition is novel in the insurance policy of this country. I am not aware of any instance where a mutual insurance company is allowed to put a perpetual lien upon the personal property which it insures, and which personal property ordinarily passes from hand to hand. It is true that that argument to some extent applies to all mortgages upon personal property. It is also true that the habit of making mortgages upon personal property is one productive of a great deal of fraud, and the community is protected against these frauds only by the most stringent legislation, such as punishing as if for larceny the mortgagors of personal property who undertake to sell the property without giving notice to purchasers of the mortgage upon it. There is no such legislation as that in this bill, and it seems to me it is totally inexpedient to extend this power of acquiring title to personal property unaccompanied by pospower of acquiring title to personal property unaccompanied by possession or by the ordinary evidence of ownership in the way this bill does. I think also it is not necessary, because ordinarily real estate and personal property would be insured together and the mortgage upon the real estate would be sufficient security for the premium note for both. I think therefore this provision should be stricken out.

Mr. HARTRIDGE. The assets of a mutual insurance company consist, in a large degree, of the premium notes. In order to make those premium notes valuable as assets, there must be some security for them. The company to secure those notes takes a lien upon the property insured, whether it be real estate or personal property. The committee think that this is fair and just. Whether such is the general law throughout the country makes no difference. We think it fair and just as giving a proper security to the premium notes. The creation of this lien is the voluntary act of the party insuring. When he gives his premium notes he gives as security a lien upon the property insured; so that he cannot complain. The public cannot complain, because the lien is recorded in a public office to which they have access just as they have to the record of a mortgage upon personal property. I cannot therefore yield to any suggestion to have this pro-

vision struck out

Mr. FRYE. Will the gentleman allow me to ask him a single question ?

Mr. HARTRIDGE. Certainly.

Mr. FRYE. Can the gentleman name a single instance in the United States where any insurance company has ever had any such power as

this lien upon personal property?

Mr. HARTRIDGE. I am not able to name any.

Mr. FRYE. I do not believe there can be found in the whole country a mutual insurance company which has a lien for its premium notes upon furniture, books, stocks of goods, &c., which it may insure. It seems to me the policy is exceedingly dangerous; and that the bill will be just as good for the insurance company with that provision

Mr. HOAR. Will the gentleman from Georgia allow me to make

one further suggestion?

Mr. HARTRIDGE. Certainly.

Mr. HARTRIDGE. Certainly.

Mr. HOAR. It may be true that this provision is for the benefit of the insurance company, but I desire to guard the innocent purchaser of personal property. In the case of mortgages upon personal property given to secure a debt—ordinarily an absolute, not a contingent indebtedness—there is usually an active and vigilant creditingent indebtedness—there is usually an active and vigilant creditor; and in a great many jurisdictions a mortgage upon personal property is not recognized unless it be accompanied by possession; but where a lien for personal property without possession is allowed it is always accompanied by the most stringent provisions against the sale of the personal property without notice of the mortgage.

This bill, however, goes further and gives for a contingent debt, which may accrue in the remote future, if at all, a lien, and a lien against all purchasers present or future, where the company is not to be expected to watch over and look after the property on which its lien rests. Consequently there will be constant opportunities for personal contractions.

lien rests. Consequently there will be constant opportunities for persons having insurance upon personal property to sell that property in the market, at auction, or at private sale; and thus innocent pur-

chasers may be injured.

Persons who purchase second-hand personal property are ordinarily persons who purchase second-nand personal property are ordinarily persons of humble position in life, easily imposed upon; not knowing the law, not likely to go to a city clerk's office to search and see whether there is any lien upon it. It is for the protection of such persons—women, boarding-house-keepers, people who cannot afford to purchase new furniture—that I desire to see this provision struck out, as it seems to me to give great opportunity for fraud. As the gentleman from Maine [Mr. FRYE] has suggested, I think it will be

found that there is no such provision in force in any other jurisdiction within the United States.

Mr. LAWRENCE. There would be no objection to permitting this lien upon chattel property while the property shall remain in the hands of the party insured; but evidently that lien ought not to pursue the property in the hands of a purchaser either at judicial sale or at private sale. I suggest to the gentlemen having the bill in charge that the words be so limited that this lien shall continue only while the chattel property remains in the hands of the party insured; while the chattel property remains in the hands of the party insured; that it shall not continue as against a purchaser either at private sale or at a judicial sale. Unless this limitation be provided this lien would hamper very much the sale of chattel property; and the difficulty is enhanced by the fact that the liability is contingent, and may not arise for a long time. Thus the owner of property would be very much ampered in his right to sell and purchasers would be very much embarrassed in their convertunities to purchase.

very much hampered in his right to sell and purchasers would be very much embarrassed in their opportunities to purchase.

Mr. HENDEE. How would the gentleman provide against a sale in fraud? Suppose the owner undertakes to sell the property for the purpose of defeating the lien.

Mr. LAWRENCE. The law will take care of that. Your equity courts have jurisdiction to set aside sales made to avoid the lien, fraudulent sales, sales in which the buyer unites with the vendor to commit a fraud. A fraudulent sale of that description would be just like any other fraudulent sale. It would be a matter for investigation by the proper court.

like any other fraudulent sale. It would be a matter for investigation by the proper court.

Mr. HENDEE. I have no doubt that the gentleman is correct in his statement of the law. I fully concur with him in his suggestion; and I hope the gentleman who has the bill in charge will consent to an amendment by which the lien shall only operate so long as the property remains in the possession of the party insured.

Mr. HARTRIDGE. I think that is right.

Mr. HENDEE. I hope the gentleman will accept such an amendment.

Mr. HARTRIDGE. This being a measure of the committee, I have no power to accept the amendment; but I am perfectly willing it shall be made

Mr. LAWRENCE. I move to amend by inserting after the word "thereof," in the seventh line of the fourth section, these words:

Provided, That the lien upon personal property shall continue only while the ame remains in the ownership of the person insured.

The amendment was agreed to.
Mr. HARTRIDGE. As that amendment removes all objection to

the bill, I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HARTRIDGE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on

the table.

The latter motion was agreed to.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, announced that that body had passed an act (H. R. No. 1054) to extend the time for claimants under section 11 of chapter 459 of the laws of the Forty-third Congress to prove their claims, with amendments, in which the concurrence of the House was requested.

It further announced that the Senate had passed without amend-

ment an act (H. R. No. 1802) making appropriation to pay fourteen crippled and disabled Union soldiers from the 6th day of December,

1875, to the 30th day of June, 1876.

It further announced that the Senate had passed a bill (S. No. 6) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States; in which the concurrence of the House was requested.

# PERSONAL EXPLANATION.

Mr. SPRINGER. Mr. Speaker, I rise to a question of personal privilege. I desire to have read by the Clerk the following article from the editorial columns of the New York Herald of Saturday last.

The Clerk read as follows:

The Clerk read as follows:

Our Philadelphia correspondent has sent us a story which gives us much pain. It seems that Mr. Springer, of Illinois, during the discussion of the bill to appropriate a million and a half to the Centennial, offered an amendment which made this loan a first mortgage or lien upon the revenues of the exhibition. The purpose of the House in passing the amendment was to secure the Government's money. It now turns out that the terms of the amendment were so vague that the Government subscription becomes a second mortgage in fact, and the stockholders will be paid before the Government can receive a dollar. General Hawley called the attention of the Senate committee to this, but the matter was not agitated; the bill passed the Senate, that body having the same impression as the House as to the meaning. In other words, a bill that was passed so as to mean one thing really means another, and, from what our correspondent says, the friends of the Centennial are exulting over the manner in which the Government was fooled.

If this is true then the Centennial stands disgraced by an act of sharp practice; for it is this after all, no matter how we regard it. The fault is of course, with Mr. Springer, who should have known the meaning of words before he attempted to shape legislation. The same thing took place in the Pacific railway times. Then an act was passed which Congress supposed to mean one thing, but which the Supreme Court decided to mean something far different. Instead of bedging the railway, as was intended, the act really presented the road with \$200,000,000. This is an evil of our system. It is always possible for an unscrupulous leader to mi-slead Congress. Committees shirk their work, or, as is more likely, they are controlled by the lobby and made to assent to these frauds. We pass these acts and amend-

ments in too much haste. It would be well to have a committee on the "meaning of statutes," whose duty it should be to make clear to Congress what the effect of proposed measures will be. Such tricks as this in the matter of the Centennial appropriation bring discredit upon representative government.

Mr. SPRINGER. I now ask the Clerk to read from the columns of the Philadelphia Times of the 14th instant the extract which I have marked.

The Clerk read as follows:

The Ciera read as follows:

The original bill provided that the United States should be paid pro rata with the stockholders, but Mr. Spenkger decided, in his hostility to the measure, to postpone the stockholders until the Government should be repaid in full, and he would have done so, so far as the House could do it, but for the fact that his measure of intelligence was not equal to the measure of his illiberality. It was a battle between stupidity and hate, for the celebration of a century of the achievements of free institutions, and stupidity won. Under the bill as amended by Mr. Spenkger and passed finally, the stockholders will be paid their subscriptions in full first, if there be so much of not revenues, and then the Government must be repaid in full out of any "dividend or percentage of profits" before the stockholders can get interest or profits on their investments.

Mr. SPRINGER. Let us see whether the construction put upon the amendment by these papers is the correct one or that which is given to it by the centennial board of finance. I have in my hand a statement of the president of that board, Ex-Governor Bigler, of Pennsylvania, as reported in the New York Times of a recent date. He states that

The managers as such receive no compensation, and they have invested a very large sum of their own money besides; and, although the financial manager, he knew of no instance in which any one had invested capital in the Centennial work with the expectation of getting it back with a profit thereon. But as the bill just passed gives, with the sincere assent of all the managers and stockholders, the profits to the Government, the idea of making money out of the ceremonies has been put to rest.

So it seems that the president of this centennial board, if he has been correctly reported, has given this amendment which the House of Representatives has adopted the construction that only the profits of this institution were to be returned to the United States after all the money subscribed by stockholders had been paid to them.

I desire, Mr. Speaker, to call the attention of the House to the proviso as it was passed on that subject for the purpose of showing that the interpretations put upon this bill as amended by this House—and by the adoption of the amendment the House became responsible for it as well as myself—that the construction put upon it by this cen-tennial board is wholly inadmissible.

The proviso as it was passed is as follows:

Provided, That, in the distribution of any moneys that may remain in the treasury of the centennial board of finance, after the payment of its debts, as provided for by the tenth section of the act of Congress approved June 1, 1872, incorporating said centennial board of finance, the appropriation hereinbefore made shall be paid in full into the Treasury of the United United States before any dividend, or percentage of profits, shall be paid to the holders of said stock.

The amendment refers to the tenth section of the bill incorporating the centennial board of finance, and I desire to call the attention of the House to that section. It is as follows:

That as soon as practicable after the said exhibition shall have been closed, it shall be the duty of said corporation to convert its property into cash, and after the payment of its liabilities, to divide its remaining assets among its stockholders pro rata in full satisfaction and discharge of its capital stock.

That is the tenth section to which this proviso refers. The proviso as it was finally passed by this House, relates to the distribution of any money which may be in the treasury of the centennial board after it has converted all its property into cash. And that tenth section of the act of incorporation provided for a pro rata division of the proceeds of the property among the subscribers to the capital stock. But the amendment ingrafted upon the centennial appropriation bill by the House, and which became a part of the law which was re-cently passed, was to the effect that the appropriation made by Con-gress should be paid in full into the Treasury of the United States before any dividend whatever or percentage of profits should be paid to the holders of the stock of said centennial board of finance. paid to the holders of the stock of said centennial board of finance. Notwithstanding this plain provision, so plain that it does not admit of a doubtful construction, it appears that this centennial board has assumed that this House was guilty of a trick, assumed that we were guilty of a fraud, and were endeavoring to enable the stockholders in this corporation to get back all their money before the Government appropriation should be returned.

The interpretation of the amendment given by the Philadelphia papers is foreign to the legislative intention. When this bill was pending in the House and when this amendment was offered I made

ending in the House and when this amendment was offered, I made

this statement:

The object of this amendment is to provide that, if there should be a dividend when this exhibition is over, the United States shall come in as a preferred creditor, instead of sharing equally, as this bill now provides, with the stockholders of this corporation. In other words, the United States having made a voluntary contribution, as this bill provides, we shall be first entitled to have the people's money back before any of it goes into the pockets of private individuals as a dividend.

This explanation of the meaning of the amendment was not questioned by any member of the House, although the debate on the bill continued over an hour after it was agreed to in the Committee of the Whole.

But, aside from the legislative intention, by no rules of construction can its meaning be distorted in the manner in which it is attempted to be in the interest of the stockholders of this exhibition. The proviso referred to the "distribution of any moneys that may remain in the treasury of the centennial board of finance after the payment."

of its debts." When the exhibition is ended, according to the tenth section, it is required that all its property shall be converted into section, it is required that all its property shall be converted into cash, and in the distribution of any moneys in the treasury of the board, after the payment of its debts, the bill as originally drawn provided that, the Government of the United States should share equally with the holders of the stock. But by the amendment it was provided that, before any of it should go to the stockholders, the whole amount of the appropriation made by Congress should be returned into the Treasury of the United States.

Such is the clear, express, and unmistakable meaning of the bill as amended. Any other construction does violence to the letter and spirit of the amendment, and any attempt to force a different consisting the construction of the state of the construction of the state of

amended. Any other construction does violence to the letter and spirit of the amendment, and any attempt to force a different construction so as to deprive the United States of the status of a preferred creditor would be dishonorable to all concerned. I cannot believe that a board composed of honorable gentlemen, as I believe the central content of the content of tennial board to be, can for a moment entertain such a construction of the centennial-appropriation bill as amended and passed as it is alleged has been given it by them. If it is the purpose of the board at the end of the exhibition to convert the assets of the corporation into cash, and then return to the stockholders all the moneys they have subscribed

Mr. HOPKINS. I rise to a question of order. The gentleman from Illinois [Mr. SPRINGER] rose to a personal explanation. So far as he has any personal explanation to make I have no objection to hearing him. But he is now discussing the probable action of the centennial board of finance and the Centennial Commission.

Mr. KELLEY. When the gentleman from Illinois shall have finished his remarks, I want to make a statement of personal privilege,

in which I promise to speak as closely to the question as the gentleman from Illinois is now doing.

Mr. SPRINGER. I have no objection to that.

Mr. HOPKINS. I have further to say that, if questions of privilege

embrace the discussion of all newspaper articles in which the name of a member may be mentioned or in which the action of members may be criticised, we should have nothing but questions of privilege all the session. I do not know that the newspapers or the chairman of the centennial board of finance are authorized to state the legal

of the centennial board of manner are accurately import of the amendment in question.

The SPEAKER pro tempore, (Mr. Cox.) The gentleman from Pennsylvania [Mr. HOPKINS] raises the point of order that the gentleman sylvania [Mr. HOPKINS] raises the point of privilege. The rules define a question of privilege thus:

A matter of privilege arising out of any question or from a quarrel between two members or any other cause.

In the enumeration of such questions appears the following: Charges affecting the official character of a member.

Is the gentleman from Illinois speaking to any question that affects his official character?

Mr. SPRINGER. I am speaking to something which I think affects

Mr. SPRINGER. I am speaking to something which I think affects my official character.

The SPEAKER pro tempore. If the gentleman is not speaking to something that affects his official character he is out of order.

Several Members. Go on.

Mr. SPRINGER. I would have concluded ere this what I had intended to say if I had not been interrupted. I was saying that if it is the purpose of the heard at the end of the exhibition.

is the purpose of the board at the end of the exhibition—

Mr. HOPKINS. Did I understand the point of order to be overruled, so that the gentleman can go on to discuss the action of the board of finance?

The SPEAKER pro tempore. The Chair would rule that the present tone of the remarks of the gentleman from Illinois is not exactly within the definition of a question of privilege.

Mr. HOAR. I rise to make a parliamentary inquiry. I desire to inquire if it is not a well-settled rule of this House that when a gentle-

quire it it is not a well-settled rule of this House that when a gentleman receives the permission of the House to make a statement he is entitled to speak for an hour on any subject whatever?

The SPEAKER pro tempore. The Chair would say that that seems to have been the usage. The present occupant of the chair thinks that the privilege might be somewhat restrained with benefit to the progress of business in the House; but the Chair is very reluctant to stop the gentleman from Illinois on a point of order.

Mr. CROUNSE. I move that the gentlemen from Illinois may have half an hour.

half an hour.

The SPEAKER pro tempore. Is there any objection to the gentleman from Illinois being allowed to proceed?

Several MEMBERS. No objection.

Mr. CROUNSE. The gentleman being limited to half an hour.

The SPEAKER pro tempore. How much time does the gentleman from Illinois went? from Illinois want?

Mr. SPRINGER. I should have finished if I had been allowed to

The SPEAKER pro tempore. The gentleman will proceed.

Mr. SPRINGER. I simply desire further to say that, if it is the purpose of the centennial board at the end of the exhibition to convert the assets of the corporation into cash and then return to the stockholders all the moneys they have subscribed before paying into the Treasury of the United States the amount of the appropriation

made by Congress, the people have a right to know the fact at once. They will then stamp this whole exhibition as a huge scheme of pri-

vate speculation and a fraud. Can it be possible that the first century of our existence is to be celebrated under false pretenses, and that the second century is to be ushered in by a legislative job and by corporate peculation and public plunder?

Mr. MUTCHLER. I desire to ask the gentleman from Illinois a

Mr. KELLEY. I ask unanimous consent to make a personal ex-

The SPEAKER pro tempore. Has the gentleman from Illinois yielded the floor? Mr. SPRINGER.

Mr. SPRINGER. Not yet.
Mr. KELLEY. I thought the gentleman had finished.
Mr. SPRINGER. I yield to the gentleman from Pennsylvania [Mr.

MUTCHLER] for a question.

Mr. MUTCHLER. I simply wanted to know whether the money subscribed to the centennial celebration does not constitute one of the liabilities?

Mr. SPRINGER. Not, as against creditors, by any rule of construction that has ever obtained, in winding up the affairs of corpo-

rations, so far as I know.

I desire to send to the Clerk's desk a preamble and resolution and ask that they may be read and referred to the Committee on the Judiciary for the purpose of obtaining the opinion of that committee as to whether any further legislation is necessary by Congress. If the committee should be of opinion that further legislation is necessary, then this resolution brings the matter before them for their consider-ation. If the committee should be of opinion that no legislation is necessary, then it can so report. I ask that the preamble and resolu-tion be read and referred to that committee.

Mr. CONGER. I take the liberty of objecting. The gentleman from Illinois has made it so perfectly clear what the decision of the courts ought to be on the question that the Committee on the Judiciary cannot possibly give any further information.

Mr. SPRINGER. That might do, if it were a decision of the courts

that was to be made. But this is now to be decided by a board, who

that was to be made. But this is now to be decided by a board, who have shown some intention to construe this legislation in a manner not in accordance with the law as passed.

Mr. KELLEY. I deny that allegation explicitly and distinctly.

Mr. SPRINGER. I ask that the preamble and resolution be read.

The SPEAKER pro tempore. The gentlemen from Illinois sends to the desk to be read as a part of his remarks a preamble and resolution.

Mr. HOPKINS. I understood the gentleman to ask that the resolution be read and referred to the Committee on the Judiciary. Is that a question of privilege? that a question of privilege?

The SPEAKER pro tempore. It is not.
Mr. HOPKINS. I ask the Chair so to rule.
The SPEAKER pro tempore. The Clerk will read the preamble and

resolution as a part of the remarks of the gentleman from Illinois. The Clerk read as follows:

resolution as a part of the remarks of the gentleman from Illinois. The Clerk read as follows:

Whereas the Congress of the United States did, by an act entitled "An act relating to the centennial celebration of American Independence," approved February 16, 1876, appropriate for the purpose of completing the centennial buildings and other preparations the sum of \$1,500,000, to be paid on the drafts of the president and treasurer of the centennial board of finance, one-third immediately after the passage of the act, and the remainder in four equal monthly payments; and whereas the said act contained the following proviso, to wit: "Provided, That in the distribution of any moneys that may remain in the treasury of the centennial board of finance after the payment of its debts as provided for by the tenth section of the act of Congress approved June 1, 1872, incorporating said centennial board of finance, the appropriation hereinbefore made shall be paid in full into the Treasury of the United States before any dividend or percentage of profits shall be paid to the holders of said stock;" and whereas the purpose of Congress when it adopted this proviso was thereby to require the centennial board of finance, after the payment by said board of the debts thereof, but before the payment by said board of the debts thereof, but before the payment by said board of the debts thereof, but before the payment by said board of finance has, as it is alleged, construed said proviso to mean that the subscribers to the stock of said board may be paid by said board their subscriptions to said stock before said appropriation, or any part thereof, has been paid back to the United States: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby directed to withhold the appropriation made by the act entitled "An act relating to the centennial board of finance shall, after it has paid its proper debts but before it has paid any of

Mr. SPRINGER. If there be no objection, I ask that the preamble and resolution be referred to the Committee on the Judiciary.

Mr. KELLEY. I object to their being referred now.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. SPRINGER] did not obtain the floor for that purpose.

Mr. SPRINGER. I move that the rules be suspended and the resolution referred to the Committee on the Judiciary.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. SPRINGER] did not obtain the floor for that purpose. The gentleman

The gentleman

from Pennsylvania [Mr. Kelley] is recognized to speak in response to the gentleman on the question of privilege.

Mr. SPRINGER. Has the gentleman from Pennsylvania any ques-

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr Kelley] indicated a desire to respond to the gentleman from Illinois, [Mr. Springer,] and that seemed to be the wish of the House. The Chair desires to be impartial, and the gentleman from Illinois can

The Chair desires to be impartial, and the gentleman from Illinois can have an opportunity hereafter to have his resolution referred, or to have it tested by a vote of the House.

Mr. KELLEY. When the gentleman from Illinois [Mr. Springer] shall get the floor for that purpose, I do not know that I will raise any objection to the reference of his resolution. Nor should I have thought it proper to make the personal explanation touching my own honor which I am about to make, not being at all involved in the matter under discussion, had he not aspersed the character of the gentlemen composing the Centennial Commission and the hoard of gentlemen composing the Centennial Commission and the board of finance, because he in his hot haste to get in an amendment to the bill, so blundered as to give them privileges which they had not asked or expected from Congress. If it be true that the law contains a clause which remits the rights of the Government until all others clause which remits the rights of the Government until all others shall be paid and then refers it to profits for re-imbursement, it was not they who proposed it; it is because the gentleman inserted the proviso against their will and wishes. Their bill contained no such clause. They were ready to accept the bill as it stood, which left this matter unquestionable as to its true construction. The gentleman from Illinois, not satisfied with the aid proposed by the Centennial Committee, said: No, we must do better for you; and inserted his amendment; and now when his generosity is invoking unfavorable comments he says the construction which is attributed to the comments he says the construction which is attributed to the comcomments he says the construction which is attributed to the commission is inadmissible. Were the gentleman from Illinois [Mr. Springer] trained to the profession of law and used to studying statutes and the rules of construction, he would think otherwise, at least I infer so, because I know that the late Reverdy Johnson and the Hon. Jeremiah S. Black, on their first reading of the bill on the evening that it passed the House, gave it the construction which he says will, if the Supreme Court should chance to sustain it, render the

Centennial infamous.

Mr. SPRINGER. I said no such thing, if you will pardon me.

Mr. KELLEY. Well, I take it that the bill gives the board legally all the rights expressed by the gentleman's proviso, and that the Supreme Court will decide any question that may arise in accordance with the terms of the act.

Mr. SPRINGER. Let the Supreme Court decide it, and I will bow with deference to their decision.

Mr. KELLEY. The gentleman will pardon me for saying so, but I would rather take the opinion of the late Reverdy Johnson and Hon. Jeremiah S. Black than that of any layman in this House, and that is the construction I know each of them, after examining the gentle-man's proviso, separate and apart, gave to it, and which is complained of by the gentleman. The gentleman must be aware from the mere reading of legal reports in the daily journals that all courts hold that the loose conversation and exciting debates that take place on the passage or before the passage of a bill cannot be considered by a court in giving a construction to a law.

It is possible that the gentleman did not mean that his language

should convey the privilege that it did. It is possible that he did not know what he was writing or voting for, and therefore the court cannot in constraing his provise consider what he said about it; it must assume that in preparing it he said what he meant, and construe the statute by what it says and the general object intended by the Legislature. It must consider the object proposed, construing provisos by the purpose, the letter, and the context. It must call to its assistance all the guides to the true intent of the Legislature that judicial minds, trained in the study and interpretation of statutes, resort to in giving

Ar. SPRINGER. Will the gentleman allow me one question?

Mr. SPRINGER. Will the gentleman allow me one question?

Mr. SPRINGER. Do I understand the gentleman to say that I have correctly stated the construction which the centennial board of

inance places upon my amendment?

Mr. KELLEY. I do not know what they hold. I have not conferred with them on the subject, but I do say this, that members of this House who are aggrieved by the insertion of the amendment of the gentleman who did not consider its terms, but were governed by his loose language about it, do know that it is an enlargement of the grant which the bill contemplated, and that it remits the question of the Governments priority to profits.

Mr. SPRINGER. What members of Congress gave it that construction?

Mr. KELLEY. The late Reverdy Johnson and the honorable Jere-

miah S. Black.

Mr. SPRINGER. I thought you referred to members of the House.

Mr. KELLEY. I say they said such was the true construction of the proviso.

Mr. SPRINGER. I would ask was their opinion obtained by the

centennial board for their guidance?

Mr. KELLEY. I was about adding, Mr. Speaker, that these opinions were noised abroad, and that the Senate weeks after passed the bill knowing that those two eminent jurists saw that the gentleman

from Illinois in aiming at one thing had accomplished another, and in view of these facts I add that it will be a little absurd for this House now to send to the Judiciary Committee a law that it has passed within a month, in order that that committee may tell it what it meant to say and what it did say. There is the whole of the gentle-man's proposition. The committee cannot repeal the bill. The House cannot repeal it. The Senate adopted it by a vote of about twothirds, knowing that the gentleman had enlarged the grant to the centennial board beyond anything that it had requested Congress to do for them; knowing that he had converted a well-guarded loan do for them; knowing that he had converted a well-guarded loan almost into an absolute gratuity, for if the Government has to be paid only out of profits, we must face the fact, which is worth considering, that only one of the world's expositions has paid its way, and that that was the first one; the rest have all been losing concerns to the stockholders, and Pennsylvania and her people, who have paid up \$4,500,000 for this centennial celebration of the nation's highlary have put every dellar of it in contemplation of the nation's birthday, have put every dollar of it in contemplation of the probability of loss.

Mr. HOLMAN. Will the gentleman from Pennsylvania allow me

to ask him a question?

Mr. KELLEY. Yes.
Mr. HOLMAN. Do I understand the gentleman to say that the
House, with the understanding that that amendment admitted of the construction which it is now said is put upon it-that is, that the Government was to be postponed until after the stockholders were refunded the amount of their subscriptions—does the gentleman say that the House, with the knowledge and understanding that that was a fair interpretation of the amendment of the gentleman from Illinois, [Mr.

Interpretation of the amendment of the gentleman from Illinois, [Mr. Springer.] still passed the bill with that amendment in it?

Mr. KELLEY. I say this: that the House passed the bill with the amendment of the gentleman from Illinois in it, and that in case of a deficit it will be for the courts to say what the House meant. I have heard an expression like this: "If the court understands herself, and she thinks she do," [laughter;] and in connection with that judicial expression I say it is fair to presume that this learned, sagacious, coolheaded, deliberative body intended to put every word into that law that it did put there. [Renewed laughter.]

headed, deliberative body intended to put every word into that law that it did put there. [Renewed laughter.]

Mr. HOLMAN. Allow me a still further question. At the time that amendment was adopted, was it not the understanding of the gentleman from Pennsylvania [Mr. Kelley] himself, and was not that opinion generally entertained upon this floor, that the effect of the amendment was to make the Government a preferred creditor over the stockholders; that is to say, that the Government was to be repaid the amount of its appropriation before the stockholders were to be refunded the amount of their stock or were to receive any dividend or percentage of the profit? Was not that the understanding of dend or percentage of the profit? Was not that the understanding of the gentleman, and did he not object to the amendment on that ground?

Mr. KELLEY. From what the gentleman from Illinois [Mr. SPRINGER] said about his amendment, that was my understanding at the time

ER said about his amendment, that was my understanding at the time the amendment was offered and voted on. I had not then read it; but as soon as I had done so I saw what it was, and that the gentleman had been unexpectedly generous.

Mr. HOLMAN. It was read at the Clerk's desk several times. Now is not it the fact that the House passed the bill with that amendment giving it the interpretation which he then gave it?

Mr. KELLEY. Interpreted as it was by the gentleman from Illians.

Mr. KELLEY. Interpreted as it was by the gentleman from Illi-nois I did so understand it. But when it came to be interpreted by Hon. Jeremiah S. Black and the late Reverdy Johnson I did not so understand it. [Laughter.]

Mr. HOLMAN. I ask the gentleman what was his interpretation
of the amendment? He heard it read.

Mr. KELLEY. Yes, I heard it read. But I am like the gentleman

from Illinois, [Mr. Springer,] only a layman. I have been out of the profession for fifteen years; and now if I have a suit about a dog the profession for fifteen years; and now if I have a suit about a dog I go to my lawyer. [Laughter.]
Mr. HOLMAN. Then the meaning of all this is that you have the money and you intend to keep it.
Mr. SPRINGER. Do I understand the gentleman to say—
Mr. KELLEY. I cannot tell what you understand; but I know pretty well what I am saying.
The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Illinois?
Mr. KELLEY. Yes, for a question.
Mr. SPRINGER. 1 desire to ask the gentleman from Pennsylvania whether the interpretation which he has given to this amendment.

whether the interpretation which he has given to this amendment, and which he says was given to it by Hon. Jeremiah S. Black and the late Reverdy Johnson, is the interpretation which the centennial board of finance have also given to it?

Mr. KELLEY. I have had no conference with any member of the

centennial board of finance in reference to the matter. I know this, however; they have excellent lawyers to advise them, and the construction which they will give to it will probably be that which, if it comes to litigation, will be sustained by the courts which will pass upon the questions raised. [Laughter.]

Mr. HARRISON. Will the gentleman allow me one word?

Mr. KELLEY. A question, certainly.

Mr. HARRISON. What I wish to state is this—

Mr. KELLEY. I want the question.

Mr. HARRISON. I think the gentleman will not object to what I have to say. When the amendment was passed one of the centennial however; they have excellent lawyers to advise them, and the con-

have to say. When the amendment was passed one of the centennial

commissioners came to me, as one of the friends of the bill, and asked what interpretation the gentleman from Illinois [Mr. Springer] put upon his amendment. I went to the gentleman from Illinois and asked what his interpretation was. I make this statement as a friend of the bill and because I have heard aspersions whispered around that the whole thing was a job ab initio. The commissioner came here and was willing to get the interpretation at once. He asked for an interpreta-tion; he did not intend that any charge should afterward be made against them; but he wished the gentleman from Illinois to give the interpretation directly and at once. If afterward any lawyers have said that another interpretation could be put upon it, is it proper that aspersions should be made here on that account? We knew that the interpretation was suggested at the very first, as soon as the bill was passed. The friends of the amendment knew it, and wished it discussed. And the gentleman from Illinois remarked then and there that if necessary he would bring in a supplementary bill. Is not that so?
Mr. SPRINGER. It is.
Mr. HARRISON. The commissioner to whom I refer was General

Hawley. He knew that that interpretation might be put upon it.

Mr. KELLEY. As the ugly word "job" has been used in this connection, I desire to say that the workman who performed the "job" was my friend from Illinois, [Mr. Springer.] It was his handiwork. It was he who put in that plank, as we say about platforms. This amendment is in language that may be subject to judicial interpretation. It is his own work. It was not presented to the House by any member of the select committee on the centennial celebration, or suggested by any member of the Centennial Commission or board of finance.

Mr. LAWRENCE. The Centennial Committee knew nothing

about it.

Mr. KELLEY. The Centennial Committee knew nothing about it; the Committee on Appropriations knew nothing about it. It was exclusively the "job" of the gentleman from Springfield, [Mr. Springer,] and, if "job" it was, it seems to have been pretty well done, for it would be somewhat difficult to coax the Senate to repeal a bill which was so long before it and so thoroughly considered, or to prevent the President, who has twice recommended the measure, from vetoing any-

bill that might propose its repeal.

Now, Mr. Speaker, having vindicated my honor and consumed the hour, I thank the House for having permitted me to make this personal explanation which in nowise related to me. I ask leave to re-

Mr. SPRINGER rose.
Several Members. Regular order.
Mr. SPRINGER. I rise for the purpose of moving that the rules be suspended.

The SPEAKER pro tempore. The regular order is business of the Committee for the District of Columbia, but that has been disposed of. The Chair recognizes the gentleman from Illinois, [Mr. MORRISON.]

# ADJOURNMENT UNTIL WEDNESDAY.

Mr. MORRISON. To-morrow being the 22d of February, I move that when the House adjourns to-day it adjourn to meet on Wednesday next.

Mr. HOLMAN. Mr. Speaker—
Mr. RANDALL. I call for the regular order.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. MORRISON] yield to the gentleman from Indiana, [Mr. HOLMAN ?]
Mr. MORRISON. No, sir.
Mr. HOLMAN. I rise to a question of order.
The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. RANDALL] calls for the regular order.
Mr. HOLMAN. I believe I was recognized by the Chair, and I desire to submit a postion.

sire to submit a motion.

The SPEAKER pro tempore. The regular order is called for. The gentleman from Illinois [Mr. Morrison] was on the floor; and when the Chair recognized the gentleman from Indiana he supposed the gentleman from Illinois was yielding.

Mr. MORRISON. I have not yielded.

The SPEAKER pro tempore. The gentleman from Illinois makes a motion.

Mr. MORRISON. That the House adjourn.
Mr. HOLMAN. I insist on my point of order. I do not know that any gentleman is entitled to arrogate the right to control the action of this House. I was recognized by the Chair.

The SPEAKER pro tempore. The Chair supposed that the gentleman from Illinois had yielded to the gentleman from Indiana.

Mr. HOLMAN. I did not ask him to yield. The Chair recognized me and I had a right to make my motion.

The SPEAKER pro tempore. For what purpose did the gentleman

Mr. HOLMAN. To submit a motion to the House.

The SPEAKER pro tempore. The regular order is demanded.

Mr. MORRISON. I insist on my motion.

The SPEAKER pro tempore. Before the question is taken on adjournment, the Chair desires to lay before the House certain requests for leave of absence.

Mr. HOLMAN. I still insist on my point of order.

The SPEAKER pro tempore. The gentleman will state his point of

Mr. HOLMAN. My point is this: I was recognized by the Chair; as soon as I was recognized the gentleman from Illinois made his motion that the House now adjourn. But having the floor, I was entitled at least to submit my proposition. I do not claim that I was entitled to do beyond that point. As soon as I had submitted my proposition I would of course have been off the floor, and the gentleman from Illinois would have then had the right to make his motion;

man from Illinois would have then had the right to make his motion; but the gentleman had not the floor for that purpose until I had submitted my proposition under the recognition of the Chair.

The SPEAKER pro tempore. The Chair will state that he recognized the gentleman from Illinois to make as he supposed two motions, the first (that which he did submit) that when the House adjourns it adjourn to meet on Wednesday next. The Chair supposed he was to follow that by the motion to adjourn, but recognized the gentleman from Indiana under the supposition that the gentleman from Illinois had yielded to him. Such, however, was not the fact. The Chair therefore is compelled reluctantly to overrule the point of order.

Mr. HOLMAN. This is one of the instances, against all of which I protest, of a gentleman undertaking to control the action of the House against measures which he does not approve. I hope it is not to be the rule that we are not to get information before this House

to be the rule that we are not to get information before this House unless other members consent.

#### LEAVES OF ABSENCE.

Pending the motion to adjourn,
By unanimous consent, leave of absence was granted to Mr. Evans
for ten days from Saturday last, on account of important business;
to Mr. Clarke, of Kentucky, for five days, on account of important business; to Mr. HARTZELL indefinitely, on account of sickness in his

The question being then taken on the motion of Mr. Morrison that the House adjourn, it was agreed to; and accordingly (at four o'clock and twenty-five minutes p. m.) the House adjourned.

### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ANDERSON: The petition of 500 citizens of Illinois, for the repeal of the resumption act, to the Committee on Banking and Cur-

By Mr. G. A. BAGLEY: The petition of citizens of Jefferson County, New York, for an appropriation for dredging Chaumont Bay, to the Committee on Commerce.

By Mr. BASS: Papers relating to the claim of the Adams Express Company, for pay for \$1,500, notes destroyed by fire in course of transportation by said company, to the Committee of Claims.

By Mr. BLISS: The petition of Martha Westervelt, for a pension,

to the Committee on Invalid Pensions.

By Mr. BROWN, of Kansas: A paper relating to the claim of Speneer & Mead, to the Committee on Indian Affairs. By Mr. BUCKNER: Memorials of William Cahil and John Conolly,

by Mr. CALDWELL, of Alabama: A paper relating to a post-route from Scottsborough to Valley Head, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. CALDWELL, of Tennessee: The petition of John R. Watkins, administrator of Matilda W. Anderson, for a reconsideration of her claim, disallowed by the southern claims commission, to the Committee on War Claims.

By Mr. CAULFIELD: The petition of manufacturers of carriages

in the United States, for the removal of the fifty cents duty per gallon on imported varnishes, and for the imposition of a duty of 25 per cent. ad valorem upon varnishes of all kinds, to the Committee of Ways and Means.

By Mr. COCHRANE: The petition of William Haslett, that he may be allowed the full compensation of a United States revenue assessor,

by Mr. CONGER: The petition and resolutions of a meeting of

workingmen held in Detroit, Michigan, January 15, 1876, for the repeal of the resumption act, to the Committee of Ways and Means.

Also, the petition of Levi L. Dudley, for an extension of time for applying for bounty, to the Committee on Military Affairs.

By Mr. CROUNSE: The petition of J. W. Small and other citizens of Nebraska, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. CUTLER: The petition of citizens of the fifth New Jersey

By Mr. CUTLER: The petition of citizens of the fifth New Jersey congressional district, that aid be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. DIBRELL: Papers relating to the claim of James Clift, for pay as a United States officer, to the Committee on Military Affairs.

Also, the petition of A. B. Rowden, for pay as a United States officer, to the Committee on War Claims.

By Mr. DOBBINS: The petition of citizens of the second congressional district of New Jersey, that aid be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Railroad, to the Committee on the Pacific Railroad.

Also, papers relating to the petition of Thomas S. Whitenack, for an extension of his patent for improvement in rakes for harvesters, to the Committee on Patents.

By Mr. DURHAM: The petition of J. H. Fish, to have refunded to

him moneys improperly collected from him by United States revenue

officers, to the Committee of Claims.

By Mr. EDEN: Papers relating to the petition of Emanuel Klauser, for an honorable discharge from the United States Army, to the Committee on Military Affairs.

By Mr. FELTON: A paper relating to a post-route from Villa Rica to Cedartown, Georgia, to the Committee on the Post-Office and Post-

Roads.

By Mr. FOSTER: The petition of 171 citizens of Milan, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the

Committee on the Judiciary.

By Mr. FRANKLIN: The petition of the heirs of Elizabeth Ford, for pay for naval and quartermaster stores furnished the United

States Army, to the Committee on War Claims.

By Mr. GAUSE: Papers relating to the claims of F. P. Pease and Harriet Graham, for pay for property destroyed by the United States military authorities, to the same committee.

Also, papers relating to the petitions of B. H. Basseau, Sarah Butt, J. & A. G. Covert, R. H. Shropshire, and Horace White, for pay for property taken by the United States Army, to the same committee.

Also, papers relating to the claim of J. J. Leopold, for damages on

account of depredations of Indians, to the Committee on Indian

Also, the petition of Thaddeus McNulty, for compensation for cotton taken by United States authorities, to the Committee of Claims. By Mr. GIBSON: The petition of F. W. Tilton, for compensation

for railroad iron and fixtures taken and used by the United States military authorities, to the Committee on War Claims.

By Mr. GOODE: The petition of Benjamin P. Loyall, for prizemoney accruing to him as a lieutenant in the United States Navy in the year 1860, serving on the flag-ship Constitution, to the Committee on Naval Affairs.

on Naval Affairs.

Also, papers relating to the petition of Mary F. Parker, for a pension, to the Committee on Invalid Pensions.

By Mr. HAMILTON: The petition of citizens of the fourth congressional district of New York, that aid be extended the Texas Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. HARDENBERGH: The petition of citizens of the seventh congressional district of New Jersey, of similar import, to the same

committee.

By Mr. HATCHER: A paper relating to a post-route from Frederick-town to Brunot, to the Committee on the Post-Office and Post-Roads. By Mr. HOAR: The petition of the Methodist Episcopal church, South Wilbraham, Massachusetts; of the Congregational church at

Ashland, Massachusetts; of the Congregational church at Fitchburgh, Massachusetts, signed by their respective pastors and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on Education and Labor.

By Mr. HOLMAN: Memorial of the National Land Reform Association, against the repeal of the southern homestead act, section 2303 of the Revised Statutes of the United States, to the Committee on Public Lands.

By Mr. HOSKINS: Remonstrance of M. H. Tarbox & Co., of Lockport, New York, against the passage of House bill No. 1356, entitled "A bill for the extension of patent of Thomas A. Weston," to the Committee on Patents.

By Mr. HUBBELL: The petition of Thomas Pulling, for a pension, to the Committee on Invalid Pensions.

By Mr. HUNTON: The petition of Elizabeth and Anna S. Frabel, for pay for supplies taken and property destroyed by the United States Army, to the Committee on War Claims.

By Mr. JACOBS: A paper relating to a post-route from Seattle to Wallula, Washington Territory, to the Committee on the Post-Office and Pearl Boards.

and Post-Roads.

By Mr. JENKS: The petition of H. R. Frampton, for relief, to the Committee of Claims.

By Mr. KIDDER: A paper relating to certain post-routes from the Missouri River to the Black Hills, Dakota Territory, to the same committee

By Mr. LORD: The petition of Cecil Browne, for relief, to the Com-

By Mr. LORD: The petition of Cecil Blowne, for feller, to the Committee on War Claims.

By Mr. MACKEY, of Pennsylvania: Memorial of citizens of Centre County, Pennsylvania, in reference to the financial embarrassments of the country and distress among the laboring population, to the Committee on Banking and Currency.

By Mr. MACDOUGALL: The petition of citizens of Brutus, Cayuga

County, New York, for an increase of pensions to soldiers of the war of 1812, and also to grant them pensions for a less term of service than thirty days, to the Committee on Revolutionary Pensions.

By Mr. MAGOON: Resolutions of the State Agricultural Convention of Wisconsin, requesting the repeal of the resumption act, to

by Mr. McCRARY: Memorial of the Milwaukee and Dubuque Railroad Company and others, for a charter through the Territories for the Atlantic, Chicago, Black Hills and Pacific Railroad Company, to the Committee on Roads and Canals.

By Mr. McFARLAND: The petition of citizens of Washington County, Tennessee, that the proceeds of the sale of public lands be used for educational purposes, to the Committee on Education and

By Mr. McMAHON: The petition of Charles Harris and others, of

Dayton, Ohio, that the tax on malt liquors be more certainly and equitably defined, to the Committee of Ways and Means.

By Mr. MEADE: The petition of Mrs. General Von Cort, for relief for violation of a patent issued to her by the Secretary of the Navy, to the Committee on Naval Affairs.

By Mr. NEW: The petition of citizens of Indiana, that aid be granted the Southern Pacific Railroad, to the Committee on the Pacific Railroad. By Mr. RAINEY: The petition of John C. Cox, that his name be placed on the pension-rolls, to the Committee on Invalid Pensions. By Mr. REA: Memorial of the Saint Joseph Medical Association,

that some date be fixed when the metric system of weights and measures shall be adopted, to the Committee on Coinage, Weights, and

By Mr. SAVAGE: The petition of Warren and Butler Counties, Ohio, for a post-route from Mason to Maud's Station, Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. SHEAKLEY: A paper relating to a post-route from Great Belt to Barnhart's Mills, to the same committee.

By Mr. STEVENS: The petition of citizens of Arizona Territory, in reference to the abolition of the veto power of the governor of that Territory, to the Committee on the Judiciary.

By Mr. SWANN: Papers relating to the claim of William W. Morris for pay as essistant marshal of the United States in Maryland, to

the Committee of Claims.

By Mr. VANCE, of North Carolina: A paper relating to the peti-tion of John M. Reed, for a pension, to the Committee on Invalid

Also, the petition of G. W. Logan and others, of Rutherford County, North Carolina, for an increase of pay for carrying United States mails, to the Committee of Claims.

By Mr. WALKER, of Virginia: The petition of James M. Macon,

for a pension, to the Committee on Revolutionary Pensions.

By Mr. WALLING: The petition of J. V. Stanberry and 84 other citizens of Fairfield County, Ohio, that aid be granted the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of Thomas N. Black and 75 other citizens of Perry County, Ohio, of similar import, to same committee.

Also, the petition of P. W. Rodgers and 95 other citizens of Pickaway County, Ohio, of similar import, to the same committee.

By Mr. WHITTHORNE: The petition of General G. J. Pillow, of

Tennessee, for compensation for certain property taken by the United States military authorities, to the Committee on War Claims.

Also, the petitions of E. M. Shadden, F. T. McLaurin, and Dr. W.

J. Anderson, for compensation for property taken by the United States military authorities, to the same committee.

Also, the petition of C. B. Dodsou and other citizens of Perry County,

Tennessee, asking, on behalf of the laboring-men of the country, an increase of the issue of legal-tender notes; to the Committee on

Banking and Currency.

By Mr. WIKE: The petition of citizens of Illinois, for the repeal of the check-stamp tax; to the Committee of Ways and Means.

By Mr. WILLIAMS, of Delaware: The petition of citizens of Delaware, for an appropriation for a dike to protect the light-house at the mouth of Milford Creek, to the Committee on Appropriations.

By Mr. WILLIS: The petitions of Anna M. May, Sarah Buery, and

Mary Moore, for pensions, to the Committee on Invalid Pensions.

Also, the petition of William T. Conklin, J. A. Beebe, and other citizens of Orient, Suffolk County, Long Island, New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

Also, the petition of Oliver Bryan, Lewis G. Morris, and several hundred leading men, for an appropriation for the opening of Harlem River, to the Committee on Commerce.

Also, the petition of T. J. Camble, Fordham Morris, and several

hundred citizens of New York, of similar import, to the same committee.

By Mr. WILSHIRE: Memorial of the mayor and city council of
Fort Smith, Arkansas, in regard to the disposition of the military reservation at that place, to the Committee on Public Lands.

By Mr. YEATES: Remonstrance of citizens of Hertford and North-

ampton Counties, North Carolina, against any change of the mailroute from Baykin's Depot, Virginia, to Murfreesborough, to the Committee on the Post-Office and Post-Roads.

# IN SENATE.

# Wednesday, February 23, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of the proceedings of Monday last was read and ap-

PETITIONS AND MEMORIALS.

Mr. PADDOCK presented the petition of E. V. Metcalfe and others, members of the bar of the United States circuit and district courts in the State of Nebraska, praying for the passage of a law authorizing the holding of one or more terms of the United States circuit and dis-trict courts per year at the city of Lincoln; which was referred to the Committee on the Judiciary.

He also presented a petition of citizens of Sidney, Nebraska, praying for the establishment of a mail-route from Sidney, Nebraska, to the Indian agencies Red Cloud and Spotted Tail and military posts adjacent thereto; which was referred to the Committee on Post-Offices

He also presented a resolution adopted at a meeting of the settlers on the Fort Kearney reservation, in Buffalo County, Nebraska, praying an amendment to the bill that has passed the House opening the Fort Kearney military reservation so as to allow the actual settlers

Fort Kearney military reservation so as to allow the actual settlers thereon before the 1st of January to pre-empt under the general law; which was referred to the Committee on Military Affairs.

He also presented the petition of J. McCreery and John Brady, praying an amendment to the postal law so as to allow seeds, cuttings, &c., of one pound or less to pass in the mails at the rate of one-half cent per ounce in all States and Territories; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. HITCHCOCK presented a petition of citizens of Columbus, Platte County, Nebraska, praying for the establishment of a mailroute from Columbus to Costor City; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. BOGY. I present a petition of the band of Chippewa Indians of Turtle Mountain, Dakota Territory, praying for the segregation and confirmation of a certain tract of their land to them and that certain provisions be made for their protection. This is a peculiar case, very meritorious, and I move that the petition be printed and referred to the Committee on Public Lands. referred to the Committee on Public Lands.

The motion was agreed to.

Mr. CRAGIN presented the petition of Thomas Wilson, late a sergeant in Company C, Tenth Regiment Veteran Reserve Corps, praying the allowance granted to enlisted men detailed as clerks at geographical headquarters, namely: For commutation of fuel, quarters, rations—less \$8.50 for rations per month received—and extra allowance for clerical services from July 3, 1863, to May 30, 1864; which was referred to the Committee on Military Affairs.

He also presented the petition of William S. Ela and 37 others, cit-

He also presented the petition of William S. Ela and 37 others, citizens of New Hampshire, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the memorial of the International Steamship Company, in relation to the construction of iron steamship building-yards; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin, presented five petitions of 531 citizens of Green Lake County, Wisconsin, praying for an appropriation to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien in accordance with the third plan recommended by General

Warren; which were referred to the Committee on Commerce.

Mr. LOGAN presented a petition of disabled soldiers, praying that the act of June, 1874, be amended so as to extend its provisions to include all soldiers and sailors who have lost a leg below the knee or an arm below the elbow; which was referred to the Committee on Pensions.

He also presented a petition of citizens of Chestnut County, Illinois, praying for the repeal of what is known as the act providing for the resumption of specie payments; which was referred to the Committee on Finance

Mr. CONKLING. I present the memorial of Arnold, Constable & Co., Claffin & Co., Elliott C. Cowdin and other leading business men

of the city of New York, remonstrating against the repeal of the bankrupt law and praying for an amendment of the same.

I present also the petition of Benedict, Hall & Co., Claffin, & Co., and others, business men of New York, praying for an amendment to the bankrupt law enlarging the time within which criminal prosecutions. tions may be brought under the law. I move their reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I wish to say in connection with these petitions that I receive, as perhaps other Senators do, petitions asking the repeal of the bankrupt law, addressed not to Congress nor to the Senate, but individually addressed. I understand under the rules of the Senate it is not in order to present such papers. Doubtless they are so directed by inadvertence. I do not feel at liberty to present them as petitions, but I think it proper to say that they come to me in considerable numbers, and I withhold them only because I suppose

considerable numbers, and I withhold them only because I suppose the rule of the Senate excludes them.

Mr. MORTON. I also have received a number of petitions, which were addressed to myself instead of being addressed to the Senate, for the repeal of the bankrupt law. I suppose under the rule I cannot present them here as petitions, but I desire to state the fact.

Mr. BOOTH presented a resolution of the Legislature of California in favor of such action by the General Land Office as will put a stop to further fraudulent additional homestead claims, and in favor of the presented a law requiring that all additional homestead entries

the passage of a law requiring that all additional homestead entries

in that State shall be made by application in person to the register and receiver; which was referred to the Committee on Public Lands.

Mr. MORTON. I present the petition of over 15,000 women of Indiana and nearly 14,000 voters of that State, on the subject of temperance. As this petition is signed so largely and respectably by the voters and by the mothers, wives, and daughters of Indiana, I ask that it may be read, published in the RECORD, and referred to the Committee on Finance.

The petition was read and referred to the Committee on Finance,

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas the liquor traffic is fraught with evil to the property, health, homes, lives, and peace of our citizens; and whereas governments are instituted to secure the peace, prosperity, and well-being of the citizens: Therefore, We, the undersigned citizens of the State of Indiana, hereby pray your honorable

We, the undersigned citizens of the State of Indiana, hereby pray your honorable body—.

First. To appoint a commission to investigate and report the effects of the liquor traffic in the United States on the health, intelligence, industry, prosperity, crime, and papperism of the individuals; also upon taxation, revenue, and the general welfare of the country.

Second. To prohibit the importation of alcoholic liquors from foreign countries. Third. To prohibit the manufacture and sale of alcoholic liquors as a beverage in the District of Columbia, in the Territories of the United States, and in all places where Congress exercises exclusive legislation.

Fourth. To require total abstinence from alcoholic liquors as a beverage on the part of all officials and subordinates in the civil, military, and naval service of the United States.

Mr. MORTON. I present the petition of Robert Smalls, of South Carolina, setting forth that on the 13th of May, 1862, he captured the steamer Planter in the harbor of Charleston, took her out of the harbor, and delivered her to the commander of the United States squadron, and that her value at that time was over \$50,000. It was a gallant achievement, and excited much attention at the time. Had a garant achievement, and excited much attention at the time. Had he been an officer of the Navy he would have received a large sum of prize-money. As it was, he received but a small sum. I present the petition on his behalf for his relief, and I beg leave to call the attention of the Committee on Naval Affairs especially to this petition, and ask its consideration by that committee.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Naval Affairs.

Mr. MORTON. I present ten petitions, signed by some 2,000 citizens of Indiana and Kentucky, praying Congress to adopt such legislation as will facilitate the construction of the Southern Pacific Railroad. They say:

The undersigned believe that Congress should, under proper guarantees, extend the national credit to the completion of a great southern line to the Pacific; and that the guarantee of interest upon the bonds of the company, protected by a first mortgage and a lien upon all the revenues of the road, is so secured that no liability can result from the same.

I move the reference of these petitions to the Committee on Rail-

The motion was agreed to.

Mr. WEST presented the petition of Page & Moran and others, citizens of Louisiana, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. WEST. As an evidence that Louisiana is not always unanimous, I present the memorial of A. Ensminger and other citizens of that State, remonstrating against the repeal of the bankrupt law. I move that it be also referred to the Committee on the Judiciary.

The motion was agreed to

The motion was agreed to.

Mr. McDONALD presented the petition of Mary A. Neilson, Thomas H. Neilson, Mary T. Neilson Jackson, and Fannie Neilson Wells, heirs and representatives of Hall Neilson, deceased, praying for an appropriation of \$91,000 to re-imburse them for money expended by Hall Neilson on certain property; which was referred to the Committee on Claims.

Mr. FRELINGHUYSEN presented the petition of Abraham P. Drost, late of Company D, Thirty-fifth Regiment New Jersey Volunteers, praying the passage of a law directing the correction of his muster-roll so as to authorize him to receive three months' pay as first lieutenant to May 1, 1865, and three months' pay allowed to all officers mustered before that date; which was referred to the Committee on Military Affairs.

### REPORTS OF COMMITTEES.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the petition of Cole, Sizer & Brink, praying to be compensated for damages alleged to have arisen to them by the failure of the War Department to carry out the terms of a purchase by them from the Government through General O. O. Howard of certain lands, materials, &c., at Augusta, Georgia, known as the Augusta powder-mills property, asked to be discharged from its further consideration and that it be referred to the Committee on Claims; which was agreed

Mr. MORRILL, of Vermont, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 110) to ratify

ings and Grounds, to whom was referred the bill (S. No. 110) to ratify and confirm the paving, parking, and footways as now constructed by the board of public works at the intersection of Sixteenth and K streets, northwest, Washington, District of Columbia, and for other purposes, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SHERMAN, from the Committee on Finance, reported a bill (S. No. 478) amendatory of an act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, and of an act entitled "An act to authorize the refunding of the national debt," approved January 20, 1871; which was read and passed to the second reading.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of P. A. Ahl & Brother, of Newville, Pennsylvania, praying compensation for property appropriated and used by the

nia, praying compensation for property appropriated and used by the

United States authorities in 1861, submitted an adverse report there-

United States authorities in 1861, submitted an adverse report thereon; which was agreed to.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the bill (S. No. 387) for the relief of John S. Friend, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. JONES, of Florida, from the Committee on Claims, to whom was referred the petition of William L. Adams, late collector of customs at the port of Astoria, Oregon, praying to be relieved from liability in consequence of the loss of certain money in his possession while being transported to San Francisco, submitted a report thereon, accompanied by a bill (S. No. 479) for the relief of William L. Adams, late collector of customs at Astoria, Oregon.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. WRIGHT. The Committee on Claims, to whom was referred the petition of Agnes De Leon and Maria L. De Leon, heirs of Mrs. R. L. De Leon, praying compensation for injury to their property in Albu-

De Leon, praying compensation for injury to their property in Albuquerque, New Mexico, by its being burned by United States troops, have instructed me to report it back and ask to be discharged from its further consideration. In connection with this report, I wish to state in regard to this as well as several other reports that I shall make the grounds upon which we make this recommendation. In this case the petition is not signed, it is not sworn to; there is no evidence of the loss of the property by any action of our troops; there is no evidence of the value of the property; and there is no evidence of its ownership. I move that the committee be discharged from the further consideration of the petition.

The motion was agreed to.

Mr. WRIGHT. The same committee, to whom was referred the petition of John Kelly, of Alleghany County, Virginia, praying for a rehearing of a disallowed claim by the claims commission, or that the same be referred to the Court of Claims, have had it under considersame be referred to the Court of Chains, have had it inher consideration and ask to be discharged, for the reason that the petitioner in this case seeks to have reviewed the action of the commissioners of claims without any additional testimony and upon points which were expressly ruled by the commission.

The committee was discharged from the further consideration of

the petition.

Mr. WRIGHT. The same committee, to whom was referred the bill (S. No. 74) for the relief of Mark W. Delahay, recommend that it be indefinitely postponed for the reason that there is no proof sustaining the affidavit of the petitioner, and nothing to show that he ever made application to the Treasury for his pay, or if he did make such application that pay there was refused to him. I move that the bill be indefinitely restroyed. be indefinitely postponed.

The motion was agreed to.

Mr. INGALLS subsequently said: My attention has just been called to the fact that the Committee on Claims recommended the indefinite postponement of the bill for the relief of Mark W. Delahay. I do not understand the grounds upon which that recommendation was made, whether upon the merits or upon the fact that no testimony accompanied the bill.

Mr. WRIGHT. No testimony accompanied the bill. There was nothing to show that he had made application to the Treasury Depart-

ment for his pay, or that he had been refused it there.

Mr. INGALLS. The fact is that application has been made and payment refused, and I would like, if possible, to have that matter again considered by the committee if this bill has not been acted upon on

Mr. WRIGHT. If the Senator from Kansas will allow me to get through with my other reports he can then move a reconsideration of

the action of the Senate.

Mr. INGALLS. With the consent of the chairman of the Committee on Claims I ask that the bill (S. No. 74) for the relief of Mark W. Delahay, which was indefinitely postponed this morning be placed on the Calendar with the adverse report of the committee,

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and that order will be made.

Mr. WHICHT. The Committee on Claims to whom we referred a

Mr. WRIGHT. The committee on Claims, to whom was referred a petition of citizens of Mississippi, praying for an extension of the time within which claims for losses suffered during the war and supplies furnished to the Army of the United States may be filed and prosecuted before the southern claims commission, have instructed me to report it back and ask to be discharged from its further consideration. The same question has frequently been before the committee, and we have uniformly refrued the states of the committee, and we have uniformly refused to extend the time.

The committee was discharged from the further consideration of

the petition.

Mr. WRIGHT. The same committee, to whom was referred the petition of Richard W. Adams, executor of the estate of Thomas M. Newell, deceased, praying to be paid interest on the sum of \$1,455, from October, 1836, to March, 1857, that sum having been withheld from him, as he says, from pay due as commandant in the United States Navy, by the Treasurer of the United States, have had the same under conjugation of the conjugation of t sideration and instructed me to report it back and ask to be discharged, for the reason that we have uniformly opposed the payment of interest on these claims, and for the further reason that there is nothing to show that this party is the executor or administrator of this estate.

The committee was discharged from the further consideration of

Mr. WRIGHT. The same committee, to whom was referred the bill (S. No. 436) for the relief of William S. Robinson, of Malden, Massachusetts, have instructed me to report it back and recommend its indefinite postponement. I will state the reason for this recommendation. It seems by the preamble to this bill that Mr. Robinson asserts that he was lately the clerk of the house of representatives of the Legislature, or General Court, of Massachusetts; that he paid a tax to the General Government upon his income as such clerk; that he has not been repaid the tax that he thus paid to the General Government; and that he failed to make his application in time under the law. He now asks that he may be allowed to apply to the Treasury and have this tax refunded. We find that there is nothing to sustain the averments in the preamble. We also conclude that it is a matter of grave doubt as to whether this tax ever should have been refunded, and we are not disposed to open the doors of the Treasury in a doubtful case. I therefore move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. DAWES subsequently said: With the consent of the members of the Committee on Claims, I desire to have put on the Calendar the bill (S.No. 436) for the relief of William S. Robinson, of Malden, Mas-

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The bill will be placed on the Calendar, with the adverse report of the committee.

Mr. WRIGHT. The same committee, to whom was referred the petition of John W. Robinson, of Hinds County, Mississippi, asking that compensation for certain goods, wares, and merchandise taken and destroyed by the United States Army at Jackson, Mississippi, during the late war, be paid him, ask to be discharged from the further consideration of the petition, for the reason that as to the property taken it is clearly apparent that it was cognizable by the southern claims commission; and, as to the property that he claims was destroyed by our troops, there is nothing to show but that the destruction was the result of the wanton act of soldiers and officers. I therefore move that the committee be discharged from the further consideration of the petition.

The motion was agreed to.

Mr. WRIGHT. The same committee, to whom was referred the pe-States mail on route No. 6140 in Georgia, from July 1 to October 31, 1870, have directed me to report it back and ask to be discharged from its further consideration. It seems, according to the petitioner's own statement, that he was a subcontractor under one Doherty; that Doherty's contract was suspended, and that the Government refused to pay Doherty for the reason that he was a delinquent or defaulter under another contract, and now La Rose, the subcontractor, asks that the Government shall pay him. I move that the committee be discharged from the further consideration of the petition.

The motion was agreed to.

Mr. WRIGHT. The same committee, to whom was referred the petition of James M. Lyles, of Newton County, Mississippi, praying compensation for twelve bales of cotton taken from him by the United States after the close of the war, have directed me to report adversely and ask to be discharged; and as a ground for this recommendation I will state that there is no loyalty of the petitioner shown nor anything to explain why the claim was not presented to the proper Department of the Government. I move that the committee be discharged from the further consideration of this petition.

The motion was agreed to.

# B. P. PATTERSON.

Mr. WRIGHT. The Committee on Claims, to whom was referred the bill (S. No. 140) for the relief of B. P. Patterson, have directed me to report it without amendment and recommend its passage. I wish to state that this bill was reported unanimously by the committee at the last session and was passed by the Senate. It is for the sum of \$20, lost by Mr. Patterson as a postmaster in Oregon by reason of the destruction of his house where the money was. I ask for the present consideration of the bill.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the bill. The preamble recites that in the month of April, 1874, the post-office building at La Grande, Oregon, was destroyed by fire, and among other property therein lost and deor negligence on the part of B. P. Patterson, postmaster at La Grande, and that Patterson has paid to the United States the sum of \$20. The bill therefore provides for the payment to B. P. Patterson of \$20, to re-imburse him therefor.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# PUBLICATION OF DEBATES.

Mr. ANTHONY. The Committee on Printing, to whom was referred a resolution relative to the publication of the proceedings and debates in the Congressional Record, have instructed me to report back the same without amendment and recommend its passage. This resolution substantially passed the Senate at a previous session and

I believe without any dissent. If there be no objection, I would like

The resolution was considered by unanimous consent.

The Chief Clerk read the resolution as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the reports in the Congressional Record shall be an accurate transcript of the proceedings and the debates of the two Houses of Congress, and that no speech shall be published therein which was not spoken in the Senate or in the House of Representatives; and such speeches shall be printed as they were actually delivered, except verbal corrections made by the author of the speech, and by no other person; and that when speeches are reserved by their authors for correction, they shall be returned to the reporter of the House in which they were delivered within one week, and, if not so returned, they shall then be printed in the Congressional Record from the original notes of the reporter.

Mr. ANTHONY. It has been suggested to me in various quarters that the allowance of a week for revising speeches is altogether too great. I report the resolution as instructed by the committee; but if any Senator proposes a shorter time, though I am not authorized to speak for the committee in that respect, I shall be very ready myself to assent to it. We are aware that the debates which appear in the RECORD every morning may be corrected for the permanent publication that is bound, and the latter, the stereotype edition, is generally a week behind the former, so that a week's delay would not in any way I think impede the prompt publication of the bound volume; but if the time is thought to be unnecessarily long I shall be quite content with a shorter period.

ontent with a shorter period.

Mr. BAYARD. I have no doubt that there is a cause for the resolution of the Senator from Rhode Island. With certain amendments I should be glad to see the resolution adopted; but it seems to me that there are phrases which rather conflict with each other and are liable to variant constructions. For instance, the resolution provides that no speech shall be published in the Record which was not spoken in the Senate or House of Representatives; and that I think is considered. is eminently proper, because it is meant to be a record of actual de-bates and not a publication of essays or compositions which no one has heard, and which therefore are not properly to be recorded as

part of the debates of Congress:

And such speeches shall be printed as they were actually delivered; without omission, alteration, or addition, except verbal alterations made by the author of

A speech is composed of words, and a verbal alteration is of the very essence of the speech, applying to any omission, or addition, or qualification. It seems to me that there must be a sense of discretion and propriety governing the amount of the corrections which a Senator or Representative would feel himself justified in making in his speech. There is a great deal often in the heat of debate of carelessness, tautology, and repetition, or a part of a speech may have a very slovenly appearance, as the saying is, in a printed form. There may be absolute errors and misconstructions by the reporters of what was said—
I have frequently seen such instances—so that the sense of the speaker was misapprehended, or in some cases he may have carelessly stated was misapprehended, or in some cases he may have carelessly stated precisely the opposite of what he meant, as by the omission of the word "not," which has oftentimes occurred in speeches. Then again would come the very proper discretion of omitting from the printed record of debate something that was unkind, which a man upon deliberation would not desire to have recorded, something personal, which for the sake of all parties had better be dropped; because we are here for public business and not for private affairs. I think that there should be a discretion resting with Senators touching all such matters not pertinent to the subject which upon reflection they might matters not pertinent to the subject which upon reflection they might desire to have left out. Of course this would not have reference to the part taken by others in debate. No honorable man would so amend his own speech as to place the debate of another in any disadvantage, or interpolate in his speech remarks which he had not made

vantage, or interpolate in his speech remarks which he had not made which had in any degree a bearing upon the language of another, or his declarations in regard to another Senator.

There may be errors of fact, as I say, which ought to be amended, and should very properly be amended, concerning nobody but the mere accuracy of the speaker. Now, if the Senator provides that a member shall not alter, omit, or add to a speech, and yet in the next phrase provides for verbal alterations by the author, it seems to me had a valing an inconsistency, and I would suggest to him that the he is making an inconsistency; and I would suggest to him that the words "without omission, alteration, or addition" be dropped from his resolution, because they are covered in the general provision that the speech shall be printed as it is actually delivered, except verbal alterations made by the author of the speech. I think that discretion is a proper one. I think it tends to justice. I think it tends to decorum. I think it tends to discharge from the RECORD a great deal of matter that is uttered in the heat of discussion and oftentimes under a misapprehension. I do not see who is to be kurt in any way; but on the contrary, so far as the record of debates can benefit any one, it seems to me that inaccuracies of expression, perhaps the bad formation of sentences, tautological phrases, could be omitted from the RECORD, and I think it ought to be in the power of a Senator who makes a speech to amend it in that way; and yet the language of this resolution would seem in one breath to exclude such right and in the other to admit it. I suggest that the Senator from Rhode Island would make his resolution clearer and less open to exception if he would omit the words to which I have referred.

if he would omit the words to which I have referred.

Mr. ANTHONY. I have no objection to that. I do not think it alters

the sense at all. When the resolution says that the speeches shall be printed as they were actually delivered, the words "without omission, alteration, or addition" may be considered as tautological; but I think the term "verbal corrections" is well understood.

Mr. BAYARD. I think the words are contradictory to what follows that

Mr. ANTHONY. Not contradictory, because it says "excepting verbal corrections." That saves it from contradiction.

Mr. BAYARD. Then the exception carries the whole of what pre-

Mr. ANTHONY. That is according to the definition you give to the term "verbal correction." The word "verbal" is an adjudicated word, I think, in parliamentary law. You frequently say, sir, when an amendment is proposed "it is a mere verbal amendment, and it will be considered as adopted unless it be objected to." It is an amendment which alters the form of an expression without altering the substance of it.

Mr. BAYARD. A verbal amendment may most materially alter the meaning. The difference between "guilty" and "not guilty" is a mere matter of verbal alteration.

Mr. ANTHONY. I differ with the Senator entirely on that. A verbal alteration I understand to be an alteration which alters the form of expressing a fact or an argument, without altering the fact or the argument itself, omitting a tautology or redundancy, correcting an error of style, of rhetoric, or of syntax possibly. Suppose a plural noun and a singular verb are joined together in the haste of speaking, which sometimes will happen with the best speakers, the correction of that is a verbal correction; but to put in the word "not" or to omit the word "not" is a great deal more than a verbal correction.

However, my object is the same as that of the Senator from Delaware. I desire that the RECORD shall be what it purports to be: a record of the proceedings and the debates of Congress; and while I think it is proper that a Senator should have an opportunity to make what I call "verbal corrections," to correct little errors that are always liable to occur in extemporaneous speaking, I am perfectly willing to surrender it and agree that the RECORD shall be literally what was said, and that any correction shall be made the next day by the Senator or Representative, and then go in the RECORD as part of the proceedings, or be recorded in a foot-note. I think errors of fact should be put either in the form of a note by way of correction or should be corrected on the floor the next day

Mr. BAYARD. I ask if the Senator from Rhode Island accepts the

Mr. BATARD. I ask it is selected from kindle island accepts the amendment I proposed?

Mr. ANTHONY. I do not understand the amendment of the Senator; will he repeat it?

Mr. BAYARD. I moved to strike out the words "without omission,

alteration, or addition." Mr. ANTHONY. I have no objection, because I think it is entirely covered by the phrase, "printed as they were actually delivered." Speeches cannot be printed as "actually delivered" if there be any

omission, addition, or alteration."

Mr. MORTON. I am in favor of the amendment suggested by the Senator from Delaware, but I would have it go further. As this resolution stands it allows no alteration except merely verbal alterations going to the matter of style. In an experience here of some years I have never known any changes made in a speech that I thought were really injurious to the RECORD. I have known Senators sometimes to strike out something that they had said, but I believe as a general thing it was proper for them to do so. Sometimes errors somewhat personal are put into a speech which in a cooler moment the Senator would strike out, and I see no objection to allowing him to strike them out. Sometimes an error of statement is made, an error of fact, and in looking over it the Senator would desire to strike it out, and I see no objection to allowing that.

I think that this requirement that a speech shall be published precisely as it was delivered will act rather as a restraint upon debate and will be an injury instead of a benefit. This right to alter a speech I have never seen abused in this body so far as I know, and I do not see any necessity for a change of the rule. I would not allow any speech to be published that was not delivered. I think that the sense of propriety would restrain such alterations or changes in a speech as would make it materially different, substantially different, from what

was said in its material parts.

It seems to me that it would be better to leave this matter just as it is. I think the inconvenience to result from the adoption of this new rule would be greater than the evil to be remedied. I do not new rule would be greater than the evil to be remedied. I do not know how it may be in the other House; but so far as my experience goes here I have never seen the right to amend a speech abused substantially in this body. I have occasionally said a thing here that I would be glad to leave out, but nothing ever affecting the argument or the position of any other Senator. I have perhaps exercised this privilege of striking out as seldom almost as any member on this floor, and yet I should be sorry to have it taken away entirely.

Mr. LOGAN. Suppose that in a running debate, in a colloquy, which very frequently occurs between two Senators, there is a misapprehension or a misstatement in reference to the action of one Senators.

apprehension or a misstatement in reference to the action of one Senator, and they both agree that what has passed between them shall be left out of the RECORD, which I have known to be done, because there was something offensive; there certainly could be no impropri-ety in that. That is about as far as I have noticed where matter

which has been spoken in the Senate has been left out of the RECORD. It seems to me that that is perfectly proper. Where matters occur in the Senate that those concerned dislike very much, after the heat of debate has passed away, to have appear in the RECORD, why should they not have the privilege of striking it out by the consent of

both parties?

I presume the objection of the committee is on account of so many written speeches being published in the RECORD without having been delivered in the House of Representatives. While I served in the House, I thought it was better that the rule as observed there and here should be still observed. If those speeches are not permitted to be printed in the RECORD, somebody will have the infliction of listentiate them because they will be under Nearly every member desires. ing to them, because they will be made. Nearly every member desires to say something to send to his constituents, and almost always does. If it is written and not permitted to be published without being repeated in the House, it will be repeated there. So your rule will not

peated in the House, it will be repeated there. So your rule will not have any effect so far as that is concerned.

The effect, in my judgment, will be, if you disallow corrections as they have been made in the Senate—I think not to the injury of the RECORD or the debate either as practiced in the Senate—to drive many persons perhaps to writing their speeches and delivering them in the Senate as written essays: a practice that certainly ought not to be indulged in this body to a very great extent. It is sometimes indulged in to a greater extent than it was some years ago. I think that would be the tendency of this new rule. If you disallow corrections that would be the tendency of this new rule. If you disallow correct

that would be the tendency of this new rule. It you disallow corrections to be made where they are not of a material character, it will naturally incline persons to write out their speeches and read them to the Senate because they desire to have them presented correctly when they go into the Record. This is the inducement that strikes me.

It is a fact I believe known to all that where there are spirited debates in times of excitement in deliberative bodies members are not so careful of their utterances as they are in their cooler moments. Many times the language used is not of the character precisely that we desire to have appear in the Record; and where a change does not materially modify or alter the substance or sense of sentences, it not materially modify or alter the substance or sense of sentence, it certainly does seem to me that no injury can arise from allowing an alteration or correction to be made. For that reason it does seem to me that the rule as we have had it heretofore is a good enough rule, at least for this body; and I say, as the Senator from Indiana has said, that I have never noticed the violation of the rule to such an extent

as to make it offensive.

Mr. SAULSBURY. As one of the members of the Committee on Printing I consented to the reporting of this resolution, reserving, however, to myself the right on more reflection, if I should see proper, to object to it. I think the amendment offered by my colleague is a very proper one. Certainly, we all make speeches here, sometimes, without much preparation, and in which there may occur expressions and views that we do not want to publish to the world, and which we would not on reflection desire to stand by. But I have great doubt about the propriety of excluding from the RECORD some speeches which are prepared and are not actually delivered in either House of which are prepared and are not actuarly delivered in either House of Congress. The Senator from Illinois has suggested that unless members be permitted to have published their speeches some persons would be under the necessity of listening to them, and that this would be an infliction placed upon them; but I apprehend that the House of Representatives is so large that it is utterly impossible for every member there properly to discuss all the questions that come up, and it is not to be presumed that the House would do injustice to its own members by excluding full debate; and if this rule were adopted, it occurs to me that it would retard the proper course of legislation. If members have the liberty of publishing speeches that they intended to deliver on any given subject, they will not be particular about taking up the time in reading or delivering such speeches to the House; but if gentlemen are to be excluded from the publication of their speeches, if gentlemen are to be excluded from the publication of their speeches, then they will ask as a matter of right to be heard on every question that comes up. The tendency of course will be to retard legislation in the other House of Congress, for, as I before said, it is not to be presumed that the House would be so unjust to any member when a question came up on which he wished to express his views as to cut him off from debate and from an opportunity to publish his views.

I take it, then, that if this resolution is adopted it will eventuate either in a repeal of the rule at no very distant period or the legislation in the other House of Congress will be so materially delayed that proper attention cannot be given to it. I doubt seriously, therefore, whether that provision which seems to meet with favor in the Senter, which excludes written speeches not delivered in the other House.

ate, which excludes written speeches not delivered in the other House, is a proper and wise provision. At any rate I throw out this sugges-tion for the consideration of members of the Senate.

Mr. WHYTE. Mr. President, this movement on the part of the Senator from Rhode Island is certainly one in the right direction, but it does not go quite as far as I should like to see it go. Therefore I shall venture to propose an amendment.

It has been said that nothing has caused decay in American oratory and in debate in the two Houses of Congress so much as the

reading from the desk of the member a printed or written speech. The object that I understand the printing of the RECORD to attain is to give to the country the proceedings of Congress and the actual running debates that take place from day to day. It has long since lost that character, and now almost every morning we find the RECORD—I speak it in a parliamentary and respectful way—loaded down with speeches that have been prepared for a long period of time, sometimes read, and sometimes not read at all. It seems to me a growing evil which ought to be stopped, and I therefore propose the following amendment:

In the fifth line, after the word "Representatives," insert:
And no speech shall be published which has been read in either House from manuscript or printed slips.

Mr. THURMAN. Mr. President, the only evil in this regard, so far as my observation has gone, that needs a remedy is the printing of speeches that never were delivered. Such a thing, I believe, has never taken place in the Senate. I remember one occasion, and but one since I have had a seat on this floor, in which a Senator asked leave to print a written speech, which he had in his hand, without de-livering it to the Senate; and there was such a manifestation of dis-sent that he withdrew his request. There never, therefore, has been in the Senate this evil practice of printing speeches that never were

Mr. ANTHONY. The Senator will allow me to correct him. There are instances, and I can show them to him, where speeches have been printed in the Congressional Globe that were not delivered in the Senate, where by vote of the Senate permission has been given.

Mr. THURMAN. I never have known it.

Mr. ANTHONY. The Senator was a member of the body when the

vote was passed.

Mr. THURMAN. I never before heard of that incident. It is news Mr. THÜRMAN. I never before heard of that incident. It is news to me. If such a proposition were made, and I were here, I should certainly have opposed it and voted against it. That has not been the practice of the Senate, and I trust there never will be such a thing permitted. But in the other House the practice has grown up by leave of the House to permit the printing in the Record of a speech that has not been delivered in the House. That is a matter which concerns the House alone. It does not concern us; it does not interfere with the business of the Senate in any way, and if it is an evil that needs a remedy, it seems to me that the remedy should be applied where the evil exists, and that is in the House of Representatives. When that evil becomes unbearable that House will not fail to provide a remedy, and I think it will be considered somewhat ungracious on the part of the Senate to attempt to correct an evil that gracious on the part of the Senate to attempt to correct an evil that does not exist in this body, but simply exists in the mode of procedure in the other House. For that reason it seems to me that this resolution should have originated in the House and not in the Senate.

Now, with respect to that which does apply to the Senate, the reso-

lution is that the reports-

Shall be an accurate transcript of the proceedings and the debates of the two Houses of Congress, and that no speech shall be published therein which was not spoken in the Senate or in the House of Representatives, and such speeches shall be printed as they were actually delivered without omission, alteration, or addition, except verbal alterations made by the author of the speech and by no other

So far as that is concerned I wish to state very briefly that I do not know any member of this body who would be less affected by such a rule, if it were adopted, than I should be, for I really believe that in the seven years that I have been on this floor I have never corrected more than half a dozen of the remarks that I have delivered.

Mr. EDMUNDS. Only, I suggest, where it was absolutely necessary to make corrections

sary to make corrections.

Mr. THURMAN. I have been sometimes ashamed, when I have read over the Congressional Record, to see what I have said, [laughter,] and have been very sorry that I had not taken the pains to correct it. I have no doubt about that. I have seen errors that were not my errors, but that happened accidentally by typographical mistakes, that I should have liked very well to correct; but it was too late. I only mention this to show that I have no particular personal interest in this matter; but I must say that this power of revising a speech I have never within my knowledge known abused in the Senate. It may have been abused without my knowing it; I have never myself known it abused, and I never have left out in the publication of any speech that I have ever delivered in the Senate any material matter whatever, except in one instance, and I will frankly confess that.

In arguing the Caldwell case I misapprehended a statement in the report of the committee, and, misapprehending that statement, in my argument I made a calculation that was altogether wrong. My attention was called to it immediately after I sat down by some Senator. I revised the speech and left out that misstatement of fact; but not until after my friend from New York [Mr. Conkling] had given me a severe pounding on account of that very thing; and that perhaps did him injustice, because, if anybody had taken the trouble to read his speech and mine, he would seem to be pounding the air, having no foundation for the work of his sledge-hammer. But that, which was a mere correction of fact, where I did not publish an erroneous statement of fact is the only substantial ornission I recollect to have every ment of fact, is the only substantial omission I recollect to have ever made; and now, upon recollection, I certainly think it would have head; and now, dpon reconcerton, I certainly think it would have been better (though it did not occur to me at the time) to have put a note to my speech correcting the error, instead of striking it out. If I had known that my friend from New York was going to mand me on that account, I should have corrected it in a note; but I did not think he was going to do any such thing, knowing his amiable character. I do not believe there is any danger of abuse in the Senate if we go on as we have done.

I want to say one thing further. What will this resolution effect

if it be adopted? It certainly is not intended that the reporter or the Congressional Printer is to compare the revised speech with the original notes of the reporter to decide whether our amendments are verbal or substantial. I am sure the Senator from Rhode Island does

not intend that.

Mr. ANTHONY. I do not suppose that any Senator would be guilty of such an indecorum as to violate a rule of the Senate when it had

been adopted.

Mr. THURMAN. That is precisely what I supposed.
Mr. ANTHONY. I would leave it to every Senator's own sense of what is right.

Mr. THÜRMAN. That is precisely what I supposed. The question, then, what is a verbal amendment or not is to be determined by each Senator for himself.

Mr. ANTHONY. A verbal amendment is an amendment which alters the phraseology without altering the substance of what is said, and it is just as well adjudicated as the term "due diligence" or any

other legal phrase.

Mr. THURMAN. My friend is unfortunate. If he were a lawyer he would know that there is no more uncertain term in the law than

the term "due diligence."

Mr. ANTHONY. I had one controversy on the law as to a statute with my friend from Ohio, in which I came out victorious; but I will

mot attempt another one.

Mr. THURMAN. I have but a word more to say. Each Senator, then, is to judge for himself what is a verbal amendment. Certainly it is not intended that the reporters, even if they had the time, which they have not, should be constituted the judges to see whether we have gone beyond verbal amendments. Then it is left to each Senator to obey the rule. The rule is no stronger than the sense of honor of each Senator; and the more you leave Senators to be responsible as honorable men, untrammeled by rules, the easier we get along in this body; and it is one of the great reasons why we do get along so pleasantly that we are not restrained so much by rule, but each one is left to act according to his sense of honor and propriety.

## DISTRICT COURT IN WEST VIRGINIA.

Mr. EDMUNDS. I ask unanimous consent, at this stage of this interesting debate, at the request of my honorable friend from West Virginia, to report from the Committee on the Judiciary for present consideration the bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia; and I ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to laying aside the present order for the purpose of considering the bill reported by the Senator from Vermont? The Chair hears no objection. •

The bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia was considered as in Committee of the Whole. It provides that the regular terms of the district court of the United States for the district of West Virginia district court of the United States for the district of West Virginia shall hereafter be held at the times and places following; but when any of said dates shall fall on Sunday, the terms shall commence on the following Monday: At Clarksburgh, on the first days of March and September; at Wheeling, on the first days of April and October; and at Charleston, on the first days of May and October.

The bill was reported with amendments by the Committee on the Indicious.

Judiciary.

The first amendment was after the word "that," in the third line, to insert "instead of the times now provided by law."

The amendment was agreed to.

The next amendment was to add to the bill the following:

And all pending process, suits, and proceedings shall be conducted in the same manner, and with the same effect, except as to time, as if this act had not passed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 700) to incorporate the Mutual Protection Fire Insurance Company of the District of Columbia;

A bill (H. R. No. 1398) to regulate the practice of pharmacy in the

A bill (H. R. No. 1389) to regulate the practice of pharmacy in the District of Columbia;
A bill (H. R. No. 1488) to incorporate the Georgetown and Tennallytown Railroad Company; and
A bill (H. R. No. 1798) to re-organize the judiciary of the United

## ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1802) making an appropriation to pay fourteen crippled and disabled Union soldiers from the 6th day of December, 1875, to the 30th day of June 1876; and it was thereupon signed by the President pro tempore.

## ADVANCES BY STATES.

Mr. JOHNSTON. On the 11th of this month I introduced a bill (S. No. 432) to re-open, state, and settle the claims of the several

States against the United States for advances made in the war of 1812, which I had referred to the Committee on Claims. I desired to be heard before that committee in regard to the bill and asked the chairman of the committee to make that known to the committee, but he forgot to do so. The committee acted on the bill and reported adversely. I did not observe the adverse report, and did not have an opportunity, therefore, to make a motion to reconsider in proper time. I now ask unanimous consent of the Senate to submit a motion to reconsider the vote indefinitely postponing the bill.

The PRESIDENT pro tempore. Is there objection?

Mr. WRIGHT. I desire to say that I understand the Senator from

Virginia made known his wishes to the Senator from West Virginia [Mr. CAPERTON] who had the bill in charge. The Senator from West Virginia was absent when the bill was considered by the committee, and therefore failed to make known the wishes of the Senator from Virginia. There is no objection, therefore, to the reconsidera-

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The vote indefinitely postponing the bill is reconsidered and the bill will be recommitted to the Committee on Claims.

Mr. JOHNSTON. That is what I desire.

#### BILLS INTRODUCED.

The PRESIDENT pro tempore. Is there objection to continuing the morning hour for the purpose of receiving morning business? The Chair hears no objection. If there are no further reports the introduction of bills is in order.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 480) to authorize the Secretary of the Navy to dispose of unserviceable material, and for other purposes; which was read twice by its title, referred to the Committee on Naval Affairs, and

ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 481) for the relief of Israel Yount; which was read twice by its title, and, together with accompanying papers, referred to the Committee on Claims.

Mr. STEVENSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 482) for the repeal of so much of the act of December 17, 1872, as provides for a pivot-draw in any bridge to be erected across the Ohio River between the cities of Covington,

Kentucky, and Cincinnati, Ohio; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 483) to regulate elections and the elective franchise in the Territory of Utah; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 484) to restore to William G. Langford the possession of a tract of land in Idaho Territory; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 485) for the relief of Julia E. Seeley, postmaster at Great Barrington, Massachusetts; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 486) fixing the times and places for holding certain terms of the district court of the United States for the State of Iowa; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. ANTHONY. I should like to know what became of my poor

resolution?

resolution?
The PRESIDENT pro tempore. The resolution was laid aside temporarily, to get through with the morning business.
Mr. ANTHONY. All right.
Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 487) to amend chapter 7 of title 53 of the Revised Statutes; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to intro-

He also asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 488) for the relief of the Menomonee tribe of Indians, in the State of Wisconsin, providing for a part of said tribe to become citizens of the United States; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

## PAPERS WITHDRAWN.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers in the case of Christopher Stuck be taken from the files of the Senate, copies being left with the Secretary.

## ORDER OF BUSINESS.

Mr. CONKLING. Mr. President, imitating the Senator from Rhode Island, I should like a piece of information from the Chair. What has become, I would inquire, of the unfinished business, the bill touching jurisdiction in the Indian reservations, which was under consideration at the last meeting of the Senate and was informally laid aside by consent to take up a privileged matter, the report of a committee of conference, the understanding being that it was to be left the unfinished business !

The PRESIDENT pro tempore Before the Senate adjourned on Monday the Chair took pains to call the attention of the Senate to that bill, that it might be left as the unfinished business of the day. In the absence of the Senator this morning, the Chair obtained the consent of the Senate that it be postponed until after the morning business and the consideration of the resolution of the Senator from Rhode Island subject to a call for the regular order. If the Senator from New York now calls for the regular order, the Chair will submit the unfinished busines

Mr. CONKLING. I will make that call unless it will discommode the Senator from Rhode Island, which I would not like to do. Mr. ANTHONY. I would not press this resolution against the reg-

ular order of business; but it seems to me that every Senator who has spoken has been in favor of the first part of the resolution, and if that will meet the general assent of the Senate I would be content in imitation of the late Vice-President to take what I can get and try to get the rest at some other time.

## PUBLICATION OF DEBATES.

The PRESIDENT pro tempore. The resolution reported by the Senator from Rhode Island [Mr. Anthony] is before the Senate.

Mr. ANTHONY. The first part of the resolution is "That the reports in the Congressional Record shall be an accurate transcript. of the proceedings and the debates of the two Houses of Congress."

Does anybody object to that P Next: "And that no speech shall be published therein which was not spoken in the Senate or in the House of Representatives." I think if we can go as far as that, it will be something toward the redemption of the Cengressional Record from the discredit which it has fallen into before the country of being, not a transcript of what was said and done here, but a transcript of what was not said, holding forth as the reason for passing or for re-

jecting measures something that never was said.

Mr. SHERMAN. That would leave the habit of correction just as

it is now

Mr. ANTHONY. Just as it is now. I ought to thank my friend from Illinois, [Mr. Logan,] who is the only Senator who has spoken in favor of this resolution, although he pretended to speak against it, because he said that one of its great evils would be that it would compel Senators to be very careful in their speeches and in their personal colloquies, because they would know that whatever they said would go into the Congressional Record. I think that is a strong argument in favor of that part of the resolution which I am willing to omit if the other part will be acceptable to the Senate, but of course I do not

wish to press it against the wishes of Senators.

Mr. SHERMAN. I am very much in favor of the resolution of the Senator from Rhode Island; but it does not go far enough for my idea. I have no doubt that if we had the CONGRESSIONAL RECORD reduced as Hansard's Debates are, that is, a clear, brief, comprehensive digest of the proceedings in Congress, it would be much more valuable and cost about one-third the money, but I do not suppose that Congress will consent to so great a reform.

I can see in the RECORD of yesterday, now before me, how easy it would be to condense the first half-dozen pages into one single page by saying that restitions were presented on certain subjects by Says.

by saying that petitions were presented on certain subjects by Senator this and Senator that, and so on. What is the use of repeating every word that is delivered? What is the use of reporting the frequent debates we have as to our order of business? What is the use of reporting colloquies and reporting for all time a great variety of debate that occurs in this body and in all legislative bodies? An intelligent reporter sitting before us, knowing the relative importance of what is said, and the subject-matters that are pending, and the character of the business pending, will give a clear, comprehensive, and distinct statement of all that occurs, of every word that is uttered in debate that is worth preserving, in a comparatively few lines, and give us the proceedings of a session of Congress in two volumes instead of in six. Then we should be able to find really what is done. Now I would rather undertake to find a fact anywhere else than in the Congressional Record, because it is so voluminous that even the index of a single Senator's name would confuse him, so that it would be impossible to pursue his inquiries very far.

I am, therefore, willing to go a great deal further than the resolution of the Senator from Rhode Island proposes; but at the same time I know from what has already been said that the Senate is so restive about this matter and there is such a difference of opinion in regard to it that I fear very much that this proposition will never pass the House of Representatives; that they will never surrender their right of getting rid of being bored with speeches an hour long, that they do of getting rid of being bored with speeches an hour long, that they do not want to hear, by allowing men to print them in the RECORD, where nobody will read them. Still I am willing to vote for it. I will vote for it very cheerfully, and I am willing then to go further and make the CONGRESSIONAL RECORD a record of the material facts occurring here, and not of all that is said and all the looseness of our proceedings.

Mr. ANTHONY. In deference to what seems to be the judgment of the Senate, but not according to my own judgment at all, I move to strike out all after the word "Representatives;" so that the resolution will read:

tion will read:

That the reports in the CONGRESSIONAL RECORD shall be an accurate transcript of the proceedings and the debates of the two Houses of Congress; and that no speech shall be published therein which was not spoken in the Senate or in the House of Representatives.

Mr. MORTON. It has occurred to me many times since I have been a member of this body that, if an arrangement could be made by which a member of this body that, if an arrangement could be made by which there should be an official condensed report published of the debates of this body, it would be of great service to Congress and the country. Our debates as they take place here are not published by the press. They are too voluminous for that. The largest city newspapers cannot afford to publish them; but they publish a speech now and then of particular interest. The Associated Press undertakes to send out a synopsis of the debates. The reporter does the best he can, and I wonder he can do as well as he does. But if there could be a condensed report made out under the authority of this body, which should be strictly impartial and which would give the substance of what is said here in the smallest space, such a report would be published by the weekly papers of the country, and to a great extent be lished by the weekly papers of the country, and to a great extent be published by the dailies, and the people of the country would be able to see the substance of what is said here. As it is now they cannot. The Associated Press report, let them do the best they can, is but a very meager statement of what is done; and it is under the control of a private association, that may cut off such parts as it sees proper; may send one part West and another part South. There have been complaints on that subject in the last few years. I have frequently heard them expressed in this body. Charges of favoritism have been made in regard to particular subjects, and sometimes in regard to particular Senators. But I believe that one great reform which could be made—and which I hope will be made some time—is that there shall be a condensed report of these debates, made so short that the newspapers of the country can publish it, an impartial report that would do justice to all topics and do justice to all Senators.

The PRESIDENT pro tempore. The Secretary will report the amendment of the Senator from Rhode Island.

The CHIEF CLERK. The resolution is proposed to be modified so as to read:

Resolved by the Senate, (the House of Representatives concurring,) That the reports in the CONGRESSIONAL RECORD shall be an accurate transcript of the proceedings and the debates of the two Houses of Congress; and that no speech shall be published therein which was not spoken in the Senate or in the House of Representa-

Mr. COCKRELL. What has become of the amendment of the Senator from Maryland, [Mr. Whyte?]

The PRESIDENT pro tempore. The chairman has taken the privi-

the Fire Fire Processing the computer of the Charles and the provide ge of modifying his resolution, no amendment having been made. The Secretary will report the resolution as modified by the chairman of the Committee on Printing.

The Chief Clerk read the resolution as proposed to be modified.

Mr. WHYTE. I move to add to that the amendment which I

offered before:

And no speech shall be published which has been read in either House from manuscript or printed slips.

Mr. MORRILL, of Vermont. I think I can conform myself to any rule that may be adopted by the Senate. I sometimes deliver speeches here from manuscript; and, if I should be compelled to deliver them extemporaneously, I think they might perhaps be twice as long and twice as uninteresting. In doing this, however, I but follow the example of other and more distinguished Senators. I remember now one of the ablest and most eloquent speeches that have been delivered in this body was delivered from manuscript by the Senator from North Carolina, [Mr. Ransom.] But a few days ago the senior Senator from Ohio in point of years, if not of service, [Mr. Thurman,] delivered a strong legal argument on the Louisiana case from manuscript. 1 restrong legal argument on the Louisiana case from manuscript. I remember also that a Senator here a few years ago that was called by all of his eulogists—he being now deceased—"the model Senator," was nearly always in the habit of delivering his speeches from manuscript or from printed slips. I mean the late Mr. Sumner. I could also name a brilliant Senator from Missouri who was frequently in the habit of delivering his speeches from manuscript. Why, sir, some of the most important arguments that we have had here for the last five or six years by the Senator from Indiana [Mr. Morton] have been

from manuscript.

Mr. President, I think, so far as my observation is concerned, that it is paying due deference to the Senate to properly consider any matter that is spoken here, whether delivered extemporaneously or from manuscript. If it has not received the attention from the Senator that will enable him to deliver it extemporaneously—requiring as much time, if not more, than it does to write it out—it seems to me that he pays no less respect to the Senate to carefully prepare it in manuscript and then deliver it here. So far as that is concerned, it may be that Senators who have had the advantage of early training and education and are able to speak extemporaneously as well as they can from further deliberation might be able to cut off some of us who from further deliberation might be able to cut off some of us who are younger Senators from the privileges that we have heretofore enjoyed; but, so far as I am concerned, I am quite ready to adopt the most stringent rule that can be adopted here on this subject, for I must admit that it is a great evil that any speeches not delivered in either House should be suffered to be printed in the record of our proceedings.

Then, Mr. President, when you come to the "verbal corrections" I must confess that I am in the habit when speaking extemporaneously of commencing nearly every sentence with "now." When I see the Record, I like to strike that word out. I want to give the privilege to the Senator from Ohio [Mr. Thurman] when he speaks to strike out "that will never do, sir." [Laughter.] I also want to

give the privilege to some other Senators, and I do not know but if my colleague was here I would mention one of his words that I would

like to give him an opportunity to strike out.

I hardly think that the resolution is needed at all. So far as my experience goes, when I have undertaken to correct my manuscript, I have found that I have made about as poor a job of it as I should had I let it alone, and perhaps I should have succeeded much better to allow the reporter to put it in such shape as he might see fit. Under these circumstances, Mr. President, it seems to me that we had better let the resolution go by. I have no idea that the House will adopt this resolution if we pass it; and what is the inconvenience here? If a Senator comes in with manuscript or printed slips, and they are read, Senators all believe that everything is going on right, and they at once take the liberty to depart from their seats, and allow the Senator who is reading to have it all to himself. So that I hardly think there is very much of value which can be secured in the resolution.

there is very much of value which can be secured in the resolution. At the same time I am willing to accept of any proposition that may meet with the wishes of a majority of the Senate.

Mr. FRELINGHUYSEN. Mr. President, this subject has been ventilated before the Senate, quite a variety of views expressed, and a good deal of information communicated to the committee; therefore I move that the resolution be recommitted to the committee. move that the resolution be recommitted to the committee

Mr. ANTHONY. I have no objection to that.

The PRESIDENT pro tempore. The Senator from New Jersey moves that the resolution be recommitted to the Committee on Printing. The motion was agreed to.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed a bill (H. R. No. 2270) to provide for the purchase of material and for the continuation of the work on the building for custom-house and post-office at Saint Louis, Missouri; in which it requested the concurrence of the Senate.

#### INDIAN RESERVATIONS.

The PRESIDENT pro tempore. The Chair will now present the unfinished business

Mr. ALLISON. I ask the Senate to take up House bill No. 810. Mr. CONKLING. Perhaps the Senator from Iowa does not know that there is a bill before the Senate.

Mr. ALLISON. I was aware of that, but I have no particular preference about it. I desire to call up this bill immediately after.

The PRESIDENT pro tempore. The unfinished business before the Senate is Senate bill No. 32.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 32) conferring exclusive jurisdiction over Indian reservations upon the United States courts, and for the punishment of crimes committed by and against Indians.

The bill was reported to the Senate as amended.

Mr. MORTON. Let the bill be read as amended.

The bill was read as amended.

Mr. INGALLS. Upon whose motion was the proviso inserted at the close of the second section? My understanding is that the Senate did not act upon that amendment which was proposed to be offered

the Senator from Iowa, [Mr. ALLISON.]

The PRESIDENT pro tempore. The amendment was proposed by the Senator from Iowa and agreed to.

Mr. INGALLS. It does not so appear in the RECORD.

The PRESIDENT pro tempore. It does on the minutes of the Secre-

Mr. INGALLS. I think it must be a mistake.

Mr. ALLISON. I will state to the Senator from Kansas that that amendment was agreed to.

The PRESIDENT pro tempore. The Senator from Iowa confirms the view of the Chair as affirmed by the minutes. There may be, per-

haps, an error in the RECORD.

Mr. INGALLS. I was occupying the chair at the time when this bill was last under consideration. My recollection is that the Senator from Iowa suggested an amendment like that incorporated in this proviso, but that the bill being in Committee of the Whole and the amendments of the Committee on the Judiciary being under consideration, he concluded to leave the matter until the bill should be reported to the Senate, and I must still insist that the action as reported by the Clerk is erroneous.

by the Clerk is erroneous.

Mr. ALLISON. If the Senator will allow me, I think he confounds two things. I made a suggestion with reference to the third section, and the Senator from Kansas, who was then in the chair, suggested that I could attain my object better after the bill was reported to the Senate, and I waived the point I then wished to make. If the Senator will turn to page 13 of the RECORD of yesterday he will find on the first column that the amendment offered by me to section 2 was

agreed to. That appears in the RECORD itself. Mr. Allison. I offer the following amendment to come in at the end of section 2,

Mr. INGALLS. Will the Clerk report the amendment again? The PRESIDENT pro tempore. The amendment will be reported. The Chief Clerk read as follows:

Provided, That this section shall not be construed to prevent the cutting of such timber or grass, or the use of such stone as may be necessary for the purposes of the Army, or for the use of the several agencies located on any such reservation.

Mr. INGALLS. That is correct.

The PRESIDENT pro tempore. That amendment was agreed to. The question now is on concurring in the Senate in the amendments made as in Committee of the Whole.

Mr. PADDOCK.\* Would it be in order to offer a substitute for sec-

tion 2? The PRESIDENT pro tempore. Not until the amendments perfect-

ing the text have been acted on.

Mr. KERNAN. I desire to make an inquiry in reference to the amendment proposed by the committee striking out in the second section the

Without the written consent of the officer or agent having charge thereof.

I am not familiar with these reservations, but it seems to me that it I am not familiar with these reservations, but it seems to me that it should not be a crime for a person to cut some grass or cut a stick of timber with the consent of the agent or officer in charge of the reservation. It would seem to be proper that some one should have authority to grant that permission, but there may be some reason to the contrary which I do not know.

The PRESIDENT pro tempore. If the Senator desires, he can have that amendment excepted from the general vote of concurrence, and then the Senate may not concur in that amendment, or he can offer an amendment to it.

amendment to it.

Mr. CONKLING. My colleague, I apprehend, on reflection, will agree with the committee in this regard. If he takes the case he puts of allowing a single stick of timber to be cut, or some innocent accomor allowing a single stack of timber to be cut, or some innocent accommodation to take place, we can all agree that there may be no danger in committing that to the discretion of somebody; but he will see, as experience has shown, that such a power as this, the power given to somebody to consent not merely in the case he states but generally in such cases, and in other cases however enlarged, opens a door for connivance, for fraud, for evil opportunities, for those occasions which grow into complaints and serious complaints on the borders between the Indians and the settlers, between the Indians and intruders, poachers, marauders, and those whose rights the Government is not seeking to protect. Looking to this the committee thought it was a much more prudent thing to say "taste not, touch not, handle not; let these people alone; avoid all contrivances and opportunities either to commit frauds upon them or to create irritations which may grow into difficulties and collisions and troubles of a larger kind." I say this only by way of suggestion, not meaning to argue it, and I think my colleague will see the force of abstinence further than is here proposed.

Mr. KERNAN. May the Indians themselves in any way authorize anybody to enter on the reservation? They cannot, as I understand. I did not know but that there was some officer that could allow en-

tries to be made in these small ways.

Mr. CONKLING. In theory no doubt my colleague is quite right. In theory there is some officer to whom you can confide this, but not practically. Which officer is it? Somebody has said that the best of all governments would be an absolute despotism if you could have a perfectly wise and perfectly pure despot; but the difficulty is to find him; and so the difficulty is to find an Indian agent or somebody else who will wisely, discreetly, judiciously, and unexceptionally pass upon such questions committed to his discretion. For fear that such people were not to be found, the committee thought that we had better ple were not to be found, the committee thought that we had better mot intrust this discretion.

Mr. PADDOCK. I should like to inquire of the Senator if he does

not think that it would be safe and proper to lodge the discretion with not trimk that it would be sale and proper to longe the discretion with the President, or the Secretary of the Interior, to issue an order granting these rights where necessary? It often happens that parties are on a reservation by consent of the Secretary of the Interior or by the consent of the Commissioner of Indian Affairs. I propose to offer a substitute for the section declaring that the President may permit persons to go on the reservation and take those things which may be absolutely precessary in certain existences.

absolutely necessary in certain exigencies.

Mr. CONKLING. This suggestion occurs to me on the threshold:

It is not the purpose of this act to revise or overset what may be the law or the usage in that regard now. It is an act to inhibit certain things and restrain them. The idea suggested by the Senator belongs, it seems to me, to the residue of legislation on this subject. If this act contains a restriction of some particular thing which the Senator this act contains a restriction of some particular thing which the Senator thinks would be wise, then I can see why he might want to amend it; if it does, and his amendment shall consist in committing to the President or Secretary of the Interior the power which was, before the amendment made by the committee interposed, committed to the agent, it seems to me that that would be to leave the difficulty substantially as it is, because you would only commit the power to a higher hand to be exercised on the suggestion and recommendation made by and the information given by this same person. We all know that the President of the United States or the Secretary of the Interior cannot look abroad from Washington and spy out with his own eyes on an Indian reservation, and understand of his own knowledge in respect of an Indian reservation, whether a proposal to cut timber or to do something of that sort in a small way might or might not be wise. They must have some mode of acquiring that information. The mode, as a matter of course, is to receive information from the very person nominated in the bill before it was amended, as the repository of this discretion. So the change would be merely modal, merely in form, requiring the act to be by another person which act must all the time practically be predicated of the judgment and action

of the subordinate officer on the spot. As I say, I think the Senator had better leave it to go and to be dealt with, if it shall be found too rigorous, in such general legislation as concerns the administration of Indian reservations, than attempt on this special bill inhibiting cer-

tain specific things, to deal with it.

The PRESIDENT pro tempore. Does the Senator from New York [Mr. Kernan] desire the amendment he indicated to be specially re-

Mr. KERNAN. No, sir; but I have an amendment to offer to the third section.

The PRESIDENT pro tempore. That will be in order after the amendment of the Committee of the Whole shall have been acted upon. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. ALLISON. I desire to offer an amendment to the amendment proposed by the committee to the third section. I wish to strike out the whole of line 9 and the words "the reserve" in line 10, and insert "the order of the President of the United States;" so that the section shall read:

And who shall refuse or neglect to remove therefrom upon the order of the President of the United States.

Under this section as it now stands it will be observed that any agent may order persons from these reservations. It seems to me that order should come from a higher authority and should come really from the President himself, of course acting through the Secretary of

The PRESIDENT pro tempore. The Chair will observe to the Senator that he proposes to amend what has been agreed to in Committee of the Whole. Therefore his opportunity of amending it will be on the question of concurring in the Senate.

Mr. ALLISON. Very well. I did not know that that had been

agreed to.

The PRESIDENT pro tempore. The bill is in the Senate.

Mr. WINDOM. Is it in order to offer an amendment to the first sec-

tion by striking out in the Senate?

The PRESIDENT pro tempore. Not until the committee's amendments have been acted upon.

Mr. WINDOM. Will it be in order at any time?

The PRESIDENT pro tempore. It will then be. To facilitate busi-

The FRESIDENT protempore. It will then be. To facilitate business the Chair will take up the amendments seriatim for concurrence. The first amendment will be read.

The CHIEF CLERK. The first amendment made as in Committee of the Whole was in lines 10 and 11 of section 1, after the word "law" and before the word "treaty" to insert "or;" and after the word "stipulation," in the same line, to strike out "or executive order."

The amendment was concurred in.

The next amendment was concurred in.

The next amendment made as in Committee of the Whole was in section 2, line 4, after the word "law" and before the word "treaty," to insert the word "or;" and in lines 5 and 6 to strike out "executive order without the written consent of the officer or agent having charge thereof."

The amendment was concurred in.

The next amendment made as in Committee of the Whole was to add to section 2 the following proviso:

Provided, That this section shall not be construed to permit the cutting of such timber or grass, or the use of such stone as may be necessary for the purposes of the  $\Delta$ rmy or for the use of the several agencies located on any such reservation.

Mr. ALLISON. I think the words "or other materials" should be inserted after "stone." I move that amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was concurred in. Mr. PADDOCK. I offer an amendment to section 2 as a substitute

The PRESIDENT pro tempore. Is there a desire on the part of the Senate to amend section 2 before the substitute is offered? If not the substitute will be read.

The Chief Clerk read the proposed amendment of Mr. PADDOCK, as

That the President, by executive order, may prohibitall persons not Indians from cutting or removing or in any way carrying away any wood, trees, or timber of any kind, or stone, or any other material from an Indian reservation established by law or treaty. Any person who violates such order shall be liable to a fine, on conviction, of not less than \$100 nor more than \$500, and imprisonment not exceeding two

Mr. INGALLS. I desire to ask the Senator who offers this substi-

tute in what respect it differs from the original section?

Mr. PADDOCK. It differs in this respect: It gives to the President

the authority in special cases, by executive order, to authorize or to prohibit what is here provided for.

Mr. INGALLS. In that case the substitute is based upon what I conceive to be an entire misapprehension of the present condition of the law with regard to Indian reservations. The theory of reservations for the purposes of occupation by Indians is that, while the fee to the land remains in the Government, the right to the exclusive use and occupation of the land is conceded to the Indians, and so far as I am acquainted with legislation upon this subject, every statute and every treaty contains express provisions that the Indians shall be protected in such exclusive use and occupation. It is therefore now the law, without the intervention of any order from the President, that no person shall have the right to remove from any Indian reservation

grass, timber, and stone for any purpose whatever. So then the purpose of this section being to apply a penal sanction for the violation of this law, the object of the Senator from Nebraska in offering his amendment, as I said before, is based upon misapprehension, because this prohibition already exists and it is not necessary to invoke the intervention of the President for this purpose.

Mr. FRELINGHUYSEN. If this amendment were put in, would it not imply that the President might make such orders and give such

permission?

Mr. INGALLS. It would not only imply that, but in my opinion it would amount to a revocation of the present restriction that exists, and would imply that in the absence of a presidential order forbidand would imply that in the absence of a presidential order for adding the trespass or the invasion of these reservations persons would be permitted to take off wood, timber, stone, grass, and other materials. I think, therefore, that the substitute proposed by the Senator from Nebraska is liable at least to be very pernicious and open to very serious objection.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Nebraska.

Mr. HOWE. I think one moment's reflection will satisfy the Senator from Nebraska that he does not want to press this amendment. If it should be adopted, he would make it a penal offense to disregard an executive order. It would not be unlawful to cut timber or to remove minerals from Indian reservations unless the President by executive order said it should be unlawful; and then the penalty would be attached, not to a violation of the law of the land, but to the violation of a proclamation of the President, or rather of an order of the President. It would be a new sort of legislation to undertake to do that. I think the Senator will agree with me that before you can punish a citizen or ought to punish a citizen for doing a thing the law ought to tell him not to do it, and that law ought not to emanate from the executive department of the Government, but ought to be written in the statutes, not evidenced by executive order.

Mr. PADDOCK. Does not the section as I propose to amend it instruct the citizen not to do it, with this exception only, that he may have the right given to him by an order expressly from the President? It is simply an exception. The exception is through the order

of the President only.

Mr. HOWE. The section, as I understand it, reads different from that. If the Senator means to vest in the President the authority to

Mr. PADDOCK. In special cases. That is exactly the scope of the amendment I have offered.

Mr. HOWE. That is a very different question; but I do not know why we should authorize the President to permit the Senator from Nebraska or myself to take timber from Indian lands any more than

to take it from each other's lands.

Mr. PADDOCK. There are some reservations which are only technically reservations, and upon which it is best for the Indians and for the Government and for the citizens adjacent thereto that parties should have the right to go in special cases, and take grass and stone, &c. The authority may safely be lodged with the President. If he is satisfied on examination that it is best to give that privilege, I think it would be well to let him do so, rather than to preclude him from all authority under the law to give permission under any state of circumstances that could exist.

Moreover, there is an anomalous condition of affairs in the district of country known as the Black Hills. Some thousands of people are there, and they are there by a sort of tacit permission of the Government; they are there to develop the great mining interests which are supposed to be there. Under the original section as it stands it would be utterly impossible for any one of those people to remain there for The actual fact is that there are some reservations, which are only technically so, from which the Indians have gone temporarily, and where people in the neighborhood ought to have a right to go for the protection of property there and for other reasons. It seems to me it would be well to leave to the President the authority in such cases to say that they might under such circumstances remain there

and do these things.

Mr. HOWE. The Senator will allow me to remark that if there are reservations which are only technical, this act will not apply to

those. This act applies only to reservations which are created by law.

Mr.PADDOCK. That is exactly what I mean. I am speaking of such
reservations where the Indians do not happen to be at the time. They are technically reservations, but they do not happen for a space of time to be occupied by the Indians to whom the reservations belong. Mr. INGALLS. The language of the substitute offered by the Sen-

ator from Nebraska is-

That the President by executive order may prohibit all persons not Indians from cutting or removing or in any way carrying away any wood, trees, or timber of any kind, or stone or other materials, from an Indian reservation established by law or

The necessary implication carried by this language is that, in the absence of a positive prohibition by the President, through an order issued for that purpose, persons not Indians have a right to occupy the reservations and remove and carry away timber, stone, and other material from Indian reservations. I am confident that such is not the Senator's design, but I am equally confident that such will be the practical operation of this substitute, if it shall be adopted.

Mr. HARVEY, I design in this connection to call the attention of

Mr. HARVEY. I desire in this connection to call the attention of

my colleague and of the Senate to the fact that there are in some of the States and Territories technical Indian reservations; reservations that have been occupied by the Indians, and from which the Indians have been removed to the Indian Territory and elsewhere, and the ground has then been occupied by settlers who have gone there by the countenance or recognition of the Interior Department; and yet it is held by some that the ground occupied by them would be included in what would be regarded as an Indian reservation. If so, the pro-visions of this second section would render those settlers subject to a penalty for cutting the timber that might be necessary for fire-wood, or the grass necessary to make hay for their stock. If such a construction can be put on the section, there certainly ought to be some amendment adopted which would remove that objection.

Mr. INGALLS. I do not regard this section as being at all open to

the objection urged by my colleague. If there are any technical Indian reservations to which the title has been extinguished by treaty and the tribe have been removed to other localities, and in pursuance of the treaty settlers have gone upon the lands and are occupying them with the consent of the Government and of the Indians themselves, there certainly could be neither actual nor technical trespass for any act they might perform on land to which they had an equita-ble if not a legal title.

Mr. WINDOM. I am not quite sure that the amendment offered by the Senator from Nebraska accomplishes exactly what I desire; but I think the second section of this bill is pernicious, and that it ought to be amended or stricken from the bill. I do not see the necessity for such a provision. I can see that in a certain case it will work very great hardship and injury. I allude to the Black Hills reserva-tion. The history of the effort last summer to treat with the Indians with reference to that reservation is well known. It is also well understood that there are from twelve hundred to two thousand people derstood that there are from twelve hundred to two thousand people now in the Black Hills mining; and I believe that the reports as to the abundance of gold in that region are well founded. I cannot see any pressing necessity which requires the Senate at this time to adopt a provision that will compel those people to leave that reservation.

Mr. EDMUNDS. Have they any right there now?

Mr. WINDOM. The Senator from Vermont asks if they have any right there now.

right there now. Technically perhaps no; but, when the treaty was made with those Indians, there were certain stipulations on their part and certain agreements on ours. One of the conditions of that treaty and certain agreements on ours. One of the conditions of that treaty was that we should pay to 'the Sioux Indians a certain amount of money for four years, I think from the date of the treaty, which should enable them to become self-sustaining, and not dependent upon the Government. Now, sir, what have we done? Faithfully complied with the treaty during the four years, paying them large sums of money, amounting to from \$1,200,000 to \$1,500,000 per amoun; and at the evel of the four years the alternative was presented to the countries. the end of the four years the alternative was presented to the country, "continue to vote a million and a quarter of dollars per annum to these Indians, or war." For two or three years since the expiration try, "continue to vote a million and a quarter of dollars per annum to these Indians, or war." For two or three years since the expiration of the term of four years for which we were to make these payments, Congress has appropriated from \$1,200,000 to \$1,400,000 in order to prevent an outbreak on the part of these Indians. We have paid it without any requirement of a treaty, but simply, as I said a moment ago, as the alternative of peace or war. I myself, having had charge of the Indian appropriation bill for two or three years have urged at every session of Congress that we should make these appropriations as the cheapest means of dealing with the Indians. In other words, that it was cheaper to feed than to fight them. We were under no obligations to do it.

Last summer when the Government sent a commission to the Indian territory for the purpose of treating with them—buying the right to mine in those lands—we all know, from public report, how that commission was received; and we all congratulate ourselves that our honorable friend from Iowa, [Mr. Allison,] the chairman of the committee, came back here with his scalp on his head, instead of having it grace some war-dance out on the Missouri River.

Sir, I claim that the Indians have not themselves complied with that treaty; that here is a rich country, full of mineral, into which our people have gone recently by the facit consent, I believe, of the Government. Failing to make a new treaty with the Indians, there has been no effort the last few months to keep white people from that territory, and I think there ought not to be any such effort. We propose now by this bill to say to those people who have thus gone there and taken possession of a rich country after the treaty had been violated by the Indians themselves: "If you take any material whatever; if you cut down a tree, or take any grass, or even dig gold from the hills, you shall be punished with \$500 fine and imprisonment for two years."

Mr. EDMUNDS. In what respects have the Indians violated the

Mr. WINDOM. The Indians have violated the treaty by refusing to maintain themselves and demanding that we shall maintain them or they will fight; and we all know that has been the condition presented to us; we all know that we have reluctantly voted a million and a quarto us, we all know that we have reliectably voted a minon and a duarter of dollars every year in order to prevent their fighting. We have paid them much more than the original treaty required for these lands; and I claim that we have a perfect right, in conscience and in law, to say that the people of the United States shall take possession of these lands for mining purposes. Gold is not so plenty in this country at the present time that we should refuse to open up a rich mining region guide as this promises to be mining region such as this promises to be.

If there is no other necessity than that which exists in the Black Hills for the passage of a law such as this, I say it had far better go over. If an exception can be made of that reservation I am not aware of any great injury that will be done by the bill, nor am I aware of any great benefit that it will accomplish. I do not know that I shall think another can be provided which will perhaps cover the ground that I desire. But I hope that this bill will not be permitted to pass with this section turning out those twelve hundred or two thousand people who have gone there to mine, to furnish gold and silver that will enable us to return to specie payments, or at least help in that direction. I am not in favor of regarding rights which the Indians themselves have violated and turning our people out and denying them the privilege of developing this rich portion of our country. Is an amendment in order now?

The PRESIDENT pro tempore. It is.

Mr. WINDOM. I will offer then, at the request of my colleague,

Provided, That the provisions of this act shall not apply to that part of the Sioux reservation lying between the north and south forks of the Cheyenne River and east of the east line of Wyoming Territory.

Mr. PADDOCK. As that covers the object I had in view, I withdraw my amendment.

draw my amendment.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Minnesota, [Mr. WINDOM.]

Mr. MITCHELL. Mr. President, I agree fully with the Senator from Minnesota who has just taken his seat [Mr. WINDOM] in regard to the pernicious character of this section; but I do not agree with him that the only bad effect this bill would have in the event of its becoming a law would be to work a hardship on the people in the Black Hills.

Mr. WINDOM. I said I knew of no other.

Mr. MITCHELL. I do know of another instance, and of more than one; and I think if the Judiciary Committee could have known of the cases that I am about to refer to they never would have consented to incorporate this section in this bill. This section provides a penalty of not less than \$100 nor more than \$500 and imprisonment of not exof not less than \$100 nor more than \$500 and imprisonment of not exceeding two years, against whom and for what? Against any person not an Indian who shall do what? Who "shall cut or remove"—not cut and remove—"or in any manner carry away any wood, trees, or timber of any kind, or stone, grass, or any other material from an Indian reservation established by law or treaty stipulation within the limits of any State or Territory of the United States."

That is the previous and provide the United States."

That is the provision. An amendment was adopted while the Senate was in Committee of the Whole, upon the motion of the Senator from Iowa, to the effect that it should not apply in case of the Army, in the case of any necessary materials used for the Army, or in case of any necessary materials used for the benefit of the agency on the respective of the inthe provision of the second of the sec ervation. So that is the precise status now, as I understand it, of the

I desire to call the attention of the Senate to a case where I think and where I believe the Senate will think when they understand the and where I believe the Senate will think when they understand the case that this section would work a very great hardship, to say the least. On the North Pacific coast we are not accommodated as the people of the East are generally with railroads. Our people have not the facilities of railroad transportation there that they have generally in the East. There is in Eastern Oregon a reservation known as the Umatilla reservation. It is a reservation established not by executive order but by solemn treaty between the Indians and the Government of the United States. It is an immense reservation. It is over fifty miles in width, and I do not know how many miles in length fifty miles in width, and I do not know how many miles in length, but still longer. That reservation lies directly across the emigrant road that passes from the great overland road to Oregon and to Washington Territory. Over that emigrant road four-fifths I presume of all the present adult population of Oregon and Washington Territory. tory have passed in going to that country. In fact the only way to go to that country really is by land transportation. That road is known as the old emigrant road. It is marked by the graves and the bones of emigrants who have passed over it.

the bones of emigrants who have passed over it.

There is one matter in connection with this to which I wish to refer. Settlements have been established in Eastern Oregon and in Washington Territory in different directions from this reservation. For instance, there is a large settlement in the Grand Round Valley. There is the town of La Grande, with a population of a thousand or probably fifteen hundred people. There is another town—Union—a large town surrounded by a large settlement. There is another, the town of Weston. There are towns scattered all over that territory of Eastern Oregon. Where do these towns get their flour and all their supplies? How do they get them? They cannot get them by railroad, because there is no railroad there. The only way they can get supplies is by virtue of the old prairie schooner, by four-horse and six-horse wagons, by teams. These supplies come from Portland, from the Columbia River. They of necessity pass over this reservation. There is no other way, because the reservation spreads its broad from the Columbia River. They of necessity pass over this reserva-tion. There is no other way, because the reservation spreads its broad acres all across that country. You cannot go around it, because it extends from the mountains to the river. There is a road there, and it has been there for years. It is known, as I say, as the old emigrant road. These prairie schooners, these teams, average, at the very most, not more than twenty miles a day in transporting their tons of freight across this pioneer country. They must stop at night, they must camp,

they must have grass for their horses, for their mules, for their ox teams. They have stopped from time immemorial right on this reservation. They must do it now. But if this bill becomes a law with this section in it, then they cannot do it unless they become criminals

There is not a man engaged in the transportation of freight in that country to-day—and there are hundreds of them engaged in that busibut ex necessitate rei would become a criminal under the provisions of this section, because under this section if any man not an Indian, I do not care how innocent he may be, traveling along that road, I care not what business he may be engaged in, how free he may be from any disposition to interfere with the Indians or with their rights, cuts any grass or any wood, if he happen to break down his team for instance in passing along, as he frequently does, as I have seen him myself on this very road during the last summer, if he cuts a stick of timber, he becomes a trespasser. Now, it will be said that nobody would interfere in a case of that kind, that a thing of that kind would be overlooked. There are always enough of busybodies and intermeddlers in every country ready and willing to make complaint against any man who is found even technically, or innocently it may be, violating the law.

That is the exact state of the case with reference to the State which

I have the honor in part to represent here. As I say, you cannot get around this reservation. The road is there; it is traveled, it is lined to-day with emigrant teams going to that country. You cannot cross it in a day. You cannot cross it in two days. Therefore I object to

Mr. WEST. Nor is that the only case.
Mr. MITCHELL. And I have no doubt, as suggested by the Senator from Louisiana, that there are other cases of the same character.
Why pass a law of that kind? Wherefore the necessity of a law that will manifestly work a hardship of this kind? Then the third section goes on and provides:

That any person found upon any Indian reservation contrary to law, and who shall refuse or neglect to remove therefrom upon the request of the agent or superintendent having charge of the reserve, shall be deemed guilty of a misdemeanor,

There is not so much objection to that provision. I might be willing to vote for the bill, if the second section were stricken out or so amended as not to operate in the manner in which I have suggested. I am satisfied, as I said in the outset, that if the Judiciary Committee could travel as I have traveled over that immense country time and time again and see and know for themselves the situation of that people, the hardships that they have to endure in transporting their freight from the point of supply to the point of distribution and demand, they would be slow to make the recommendation that they make in

the bill now before the Senate.

Mr. HOWE. Mr. President, I have no particular interest in the second section, but I cannot help feeling a little interest in the debate. which it has elicited. The second section renews a command which which it has elicited. The second section renews a command which the law has long uttered—a command which I always supposed was very simple, and I always supposed it was very honest, which simply says to you, and me, and all of us, "Let Indian property alone." "Thou shalt not steal Indian property." I thank my friend from Massachusetts [Mr. DAWES] for the suggestion. That is all it says; and it proposes to annex some penalties to the violation of this command. "You shall not steal Indian property;" that is all. "If you do, you shall pay a fine." I would not have supposed that in the Senate of the United States a proposition of that sort could have arroyed as much

United States a proposition of that sort could have aroused as much interest and elicited as much debate as this has.

My friend from Nebraska [Mr. Paddock] is alarmed for the fate of those enterprising gentleman who are now pouring into the Sioux reservation in Western Dakota. I have seen that reservation, or rather I have been as near to the reservation as I cared to go. I know where it is. That reservation and the Indians upon it occupy peculiar relations to us undoubtedly. I think myself that reservation is a proper, legitimate subject for legislation; butyou should take that subject up legitimate subject for legislation; but you should take that subject up by itself; your law should prescribe what may or may not be done by the people of the United States in reference to that reservation. I am not in favor of the proposition of my friend from Minnesota, [Mr. WINDOM.] I cannot vote for a proposition which simply reserves or excepts that particular reservation from the operations of this bill. I think it ought to be exempted from the operations of this bill, but then I think you ought to do more than that. Before you except it from the operations of this bill I think you ought to prescribe by law just what may be done with reference to that tract of territory. My friend from Oregon [Mr. MITCHELL] is frightened from another quarter. He knows of an Indian reservation which has to be traversed by emigrants, and they have to cut grass and take fuel to build their fires as they camp by night, and he is afraid they will be subject to the penalties of this bill.

Mr. MITCHELL. I will inquire of the Senator from Wisconsin if that as a matter of fact would not be the result?

Mr. HOWE. Literally, yes.

Mr. HOWE. Literally, yes.
Mr. MITCHELL. So I thought.
Mr. HOWE. I suppose it would, but the Senator knows perfectly well it is not within the purpose of the bill. He knows that there is not a tract of country, not a foot of country, not a farm anywhere in the United States, owned by an Indian or a white man, from which grass or timber cannot be taken and is not taken habitually for the purpose

of baiting your horse where you are overtaken by night or building a camp-fire to go to sleep by. The law is never enforced in such a case. You do not enforce the law though it protects your property. The Senator from Oregon does not complain of such trespasses, although Senator from Oregon does not complain of such trespasses, although they are made on his property. You traverse immense tracts of the public domain not owned by Indians and you take timber and grass from those lands under just such conditions, for just such purposes, and nobody is ever interfered with for doing it. But what is the conclusion? I think, in spite of these inconveniences, it is a little wrong to steal from Indian lands. Is it, or is it not? Shall we say that it will not do for us to annex a penalty to the stealing from Indian lands. Indian lands simply because somebody is going to be incommoded

by it?

Mr. PADDOCK. If a penalty is to be imposed upon white men for stealing from Indians, a corresponding penalty should be imposed upon Indians for stealing from white men. Some millions of dollars

of property in my State have been stolen by Indians.

Mr. HOWE. O, that is a brand-new difficulty. I had not heard of that before. The point is that you want to legalize stealing from Indians in order to have a set-off against some trespasses that they have committed! Is that it? Then say so. Bring in the law and have it supported. I do not know the particular facts. We do not allow the Indians to steal from us. All the laws you have on your books which restrain my friend from Nebraska and myself from stealing you have to restrain the Indians and I respect they are enforced. books which restrain my friend from Nebraska and myself from stealing you have to restrain the Indians, and I suspect they are enforced quite as rigidly against Indians as they are against any of us. We are brought face to face, then, with the question whether we will legalize the plunder from Indians or prohibit it; and if we prohibit it, whether we will punish it if done in spite of our prohibition.

So far as the Indians are concerned, I confess I am not very anxious whether this second section is agreed to enter the test of the characteristics.

whether this second section is agreed to or not; but so far as the character of the Senate is concerned, I would a great deal rather the Senate would not strike out the section. I think that would not look quite well. I would rather have one of my speeches reported just as I made it, with all the blunders in it; and I cannot think of any more severe penalty for any offense than that would be than standing in the pillory; and I would rather have that penalty enforced on me than have my vote go on your Journals in favor of striking out this second

Mr. ALCORN. Mr. President, as I am to vote upon this bill, I should like to know the points on which it is based for the judgment of the Senate. I always listen to my friend from Minnesota [Mr. WINDOM] with very great pleasure. I observe the logic that generally accompanies whatever he may have to say. But he stated a while ago the principle on which he based his amendment and its equities, that I desire to notice for a moment. I understand from him that we have made in times past (and I believe the record shows that he is correct in that statement) a treaty with the Sioux Indians, and that we have faithfully complied with that treaty, but the Sioux Indians have not complied with that fidelity which we might look for from the red man, and they have in truth and in fact menaced Congress with a demand of a million and a quarter dollars a year, and if that we not not well we not so that the treather we have the first that the congress with a demand of a million and a quarter dollars a year, and if that was not paid we should have to fight; that Congress—whether wisely or not the Senator did not say—had accepted the challenge and had concluded that it was cheaper to pay a million and a quarter dollars than to fight, and that we did pay it under the demand of the Sioux tribe of Indians; and now by way of retaliation, by way of getting even, we propose to allow whoever may see proper of our American citizens to go upon the Indian reservation and take timber and grass, and that twelve or fifteen hundred of our good citizens may take such gold as may be found in the Indian reservation, and that the Indians shall have no remedy against these intruders, if intruders they be, against these invaders, if invaders they be, which I do not charge at all. It does seem to me that if we desire any retaliation or any rebate or drawbacks on Indians, this is not exactly the way to do it.

I submit to my friend the remarks I have made. My judgment in-clines to the idea that he does not base his demand for the support of

this amendment upon the true principles of logic and justice.

Mr. WINDOM. Mr. President, I am sure that I have said nothing about retaliating upon the Indians; and, so far as the lecture of my friend from Wisconsin [Mr. Howe] upon the morality of stealing from Indians is concerned, I think it does not apply to those who advocate the amendment I propose. I put my objection to this second section of the bill upon the ground that we are not under any obligation to carry out the Sioux treaty as made in 1868, for the reason that the Indians themselves had violated it and that it was a question to us, addressed to our discretion, as to how we would legislate upon it. I put it also upon the other ground, that we had been compelled to pay them some three or four million dollars within the last three years more than we had stipulated to pay them, in order to preserve the peace which they by treaty had agreed to preserve without that

the peace which they by treaty had agreed to preserve interest additional payment.

Now, I put it to my honorable friend from Mississippi [Mr. Alcorn] and also from Wisconsin [Mr. Howe] whether, if in the case I have mentioned, where we had agreed to pay them a stipulated amount, and they had agreed to keep the peace, and they have not kept the peace, and, by reason of their outbreaks, their attacks upon the whites, their attacks upon the whites. their violations of the treaty, we have since paid three or four million dollars, we are compelled still to say that that treaty stands, and shall be kept inviolate? I do not believe a word of it; and hence

I say, when you talk of prohibiting men from going upon that territory, taking gold and silver from it, you do not propose to legalize stealing if you allow those men to go there. They have the right to go there, and we have no right, I believe, to prohibit their going there There is no stealing about it.

If I were standing here to-day advocating an appropriation under this Indian treaty, I apprehend that my honorable friend from Mis-sissippi would be just as eloquent as he is now in insisting that there was nothing binding in an Indian treaty; that we had a right to do just as we pleased about it. I do not know what his sentiments are, but I know we very often encounter such views when we seek to carry out treaties that have not been violated by the Indians. Now carry out treaties that have not been violated by the Indians. Now when we come here with a treaty that has been violated, that is not binding on the United States, and seek to protect twelve hundred American citizens who have gone there to develop the resources of this country, we are told that they are thieves and that they have gone into that territory to steal. The Government of the United States has permitted them to go there. There has been no effort for the last two months to keep them out of that territory. It is true that last summer they were forbidden, and we sought to make a treaty with the Siony Indians by which we could account the right to perthat last summer they were forbidden, and we sought to make a treaty with the Sioux Indians by which we could acquire the right to permit them to go without a war with those Indians. We preferred to treat with them rather than fight them. We have preferred for two or three years past to pay them a million and a quarter a year rather than fight them. The Indians will not treat; they are determined to fight, determined to insist that you shall pay them this large sum of more years and for one so far as my vote goes. I am preceived that the money; and, for one, so far as my vote goes, I am resolved that the people of the United States shall have the opportunity to go there and develop the whole of the United States; and I say that no treaty stands in the way.

The Senator from Vermont [Mr. EDMUNDS] asked me, when I was on my feet before, wherein they had violated it. I will refer him to two more instances in which they have violated it. One clause in the treaty provided that the Indians "will not attack any person at home, or traveling, nor molest or disturb any wagon trains, coaches, mules, or cattle belonging to the people of the United States, or to persons friendly therewith;" and again, "that they will never kill or scalp white men, nor attempt to do them harm." We have half a dozen instances in which these Indians have violated the treaty in that regard. When a small portion of the Army of the United States crossed the territory north of their reservation two or three years ago they had two or three battles with the Indians. The Indians attacked them two or three battles with the Indians. The Indians attacked them in violation of the treaty; and when, too, the United States was simply carrying out a right that it had under the treaty to survey for railroads. So, then, there is nothing binding there, I insist, upon us; and it would be simply an act of gross injustice and wrong to compel those people who have gone there by the tacit consent of the Government to take possession of the land, where the treaty itself is violated by the Indians, to drive them out under this bill. I hope it will not pass.

Mr. EDMUNDS. Mr. President, I should like to ask my friend from Minnesota what was the railway survey, protected by a Government escort, that was attacked by the Indians?

Mr. WINDOM. The North Pacific survey.

Mr. EDMUNDS. How far is the North Pacific road from this Black Hill reservation?

Hill reservation ?

Mr. WINDOM. The North Pacific road runs on the parallel of 47°, I think. I know it does in Minnesota and Dakota, and I think it continues due west on that line.

Mr. EDMUNDS. What is the northern boundary of this reservation?
Mr. WINDOM. The forty-sixth degree.

Mr. EDMUNDS. About seventy miles south of the railroad line?

Mr. EDMUNDS. About seventy miles south of the railroad line?
Mr. WINDOM. The surveying party was attacked when outside of the reservation by the Indians.
Mr. EDMUNDS. Suppose that was so, does that authorize any citizen of the United States, at his own free will and without any action of the Government, to take possession of this Indian territory and kill all the Indians in it, and take the gold, and carry off the timber?

My friend does not pretend that.

Mr. WINDOM. I do not insist on any such thing, but I insist that when a treaty is violated on one side it is not binding on the other.

Mr. EDMUNDS. That is certainly very extraordinary doctrine in

international law, that because one nation violates a treaty with an-

international law, that because one nation violates a treaty with another nation, without any action of that other nation in its collective capacity each one of its citizens according to his own free will may make war upon the nation that is said to have violated the treaty.

Mr. WINDOM. I have made no such construction.

Mr. EDMUNDS. That is what it amounts to. My honorable friend says, if I correctly understand him—and if I do not he certainly will correct me—that he holds the entry of these white people into this reservation and digging for gold, &c., and their establishing themselves there, is not a violation of this treaty; that they had a legal right to do it. His reason, if I correctly understand him, is that the treaty is abrogated—

is abrogated— Mr. WINDOM. Mr. WINDOM. I say they went there with the tacit consent of the Government, which was one of the parties to this treaty.

Mr. EDMUNDS. What does "the tacit consent of the Government" mean? Will the honorable Senator tell us?

Mr. WINDOM. It means that the Government knew these people were going there and did nothing to prevent them.

Mr. EDMUNDS. That is "tacit consent," is it?

Mr. WINDOM. That is what I meant by "tacit consent."

Mr. EDMUNDS. Then this Government is more responsible for the action of its citizens than, on any principle that I am acquainted with, other governments are. We know that every day people are leaving this country on every side who ought not to be allowed to leave it—forgers, criminals of all sorts. The United States does nothing to prevent it in most instances; and so it is to be said that these refugees from justice reach other shores with the tacit consent of the United States. To borrow an expression that I believe my colleague complained of this morning, which is usual to the Senator from Ohio, "that won't do."

Mr. MORRILL, of Vermont. Therefore, Mr. President, that won't

do. [Laughter.]

Mr. EDMUNDS. "Therefore that won't do; it won't do at all."

Mr. President, if we are obliged to resort to this species of sophistry—
my friend will pardon me if I style it "sophistry;" it is with no offensive designation to himself-if we are obliged to resort to this species of sophistry to delude ourselves into the idea that we can upspecies of sophistry to defide ourserves into the lace that we can appear to hold, in a public, and honest, and moral sense, to say nothing of the law, this invasion of this Indian territory by these white gold-hunters, I shall be very sorry indeed. These people did not go there with any consent of the United States at all. According to the report of the Commissioner of Indian Affairs, and according to what I believe was notorious at the time, it appears that every effort was made by the United States to prevent this invasion of this territory by these various white persons. I read from the very last report of the Commissioner of Indian Affairs on this subject:

Meanwhile

Speaking of the negotiations going on under the charge of the Senator from Iowa, [Mr. ALLISON]——

Meanwhile, notwithstanding the stringent prohibitory orders by the military authorities and in the face of the large military force which has been on duty in and around the hills during the summer, probably not less than a thousand miners, with the number rapidly increasing, have made their way into the Sioux country.

These military authorities were acting under the orders, I must assume, of the President of the United States, who is bound to take care that the laws be faithfully executed; and yet when the whole available force of the Government, as it is officially reported to us, had been brought to bear to repress and prevent this invasion, my honorable

friend says that is "tacit consent."

Mr. WINDOM. The Senator will allow me to interrupt him. I said in my remarks that during the last two or three months there had been no effort; I said also distinctly that last summer there was

an effort to prevent it.

While on my feet I wish to ask the Senator whether, if this treaty had been violated and these men went there, it is our duty to punish them for going? That is the point that I made. It was not a point as to whether these people had violated the treaty or not; but is it our duty now to pass a penal statute to punish them for going there, to

take that affirmative action?

Mr. EDMUNDS. No, Mr. President, it is not our duty to pass a penal statute to punish anybody for something that he has already done. have a strong impression, although I am not very familiar with the Constitution, that there is a provision against it in the Constitution. Therefore this act is not to punish anybody for what he has already done. It is to punish persons who in violation of law and of the rights of others, although they do not happen to be civilized men, but men nevertheless, invade that small portion of the surface of the earth

hevertheless, invade that small portion of the surface of the earth that the Government has set apart and pledged that they shall have exclusively, for the mere purposes of private gain and without any authority from the Government at all. That is the object of this bill. Now, if we can bring ourselves to say in set phrase—because euphemisms do not help it much—that the Indian, either with a treaty or without a treaty, wherever he is, is a pure outlaw, who on the strictest principle of ancient barbaric laws against outlaws may be slain or described by any reconstruction. despoiled by any man who meets him, then the entry of these white men into the Black Hills may be justified upon that ground. If, on the other hand, you regard, as I believe my honorable friend from Minnesota regards, the members of these Indian tribes, bad as they are, as still human beings living in this country entitled to have by occupancy, or whatever you call it, a place to stand as long as they live and to sleep and to dwell and a place to be buried in when they live and to sleep and to dwell and a place to be buried in when they die, and that meantime they are entitled to the protection of this Government in whatever rights the Government has solemnly conceded to them, then we are bound by every principle of honor as well as every principle of public consideration, leading our own people to respect laws and to obey them wherever they are, to make fair and just laws to punish the invasion of these rights. I think that is a proposition to which my friend from Minnesota will agree in the abstract. Perhaps he will not agree to the application of it to any possible case that can be named. I do not know how that is.

Mr. President, let me proceed a little further with the history of these Black Hills, and see whether the executive department of the

these Black Hills, and see whether the executive department of the United States regards the Indians as having violated this treaty which my honorable friend chooses to have set aside on the say-so of Tom, Dick, and Harry, who want gold, instead of the say-so of the Government of the United States. I read from the report of the Commis-

sioner of Indian Affairs:

In this serious complication there seems to be but one alternative for the Government: either to so increase the military force and adopt such summary means as will insure a strict observance of the treaty rights of the Sioux by preventing ali

intrusion, or to renew the effort of negotiation. However unwilling we may be to confess it, the experience of the past summer proves either the inefficiency of the large military force under the command of such officers as Generals Sheridan, Terry, and Crook, or the utter impracticability of keeping Americans out of a country where gold is known to exist by any fear of orders, or of United States cavalry, or by any consideration of the rights of others.

This is the class of people, according to this description of the Commissioner of Indian Affairs, who my honorable friend is so afraid may find it inconvenient to prosecute their invasion of the Indian territory any further if we pass this law. Why, sir, this report, instead of complaining that the Indians have violated this treaty, complains in the most vigorous and manly way, I am bound to say, against this lawless invasion (contrary to the laws of the United States and contrary to the faith that we have pledged to the Indians for exclusive occupancy of that territory) by people whose only motive is, not to vindicate the rights of the United States under a treaty that the Indians have broken, but the thirst for gold, the thirst for adventure, that restless spirit which carries the great body of those people who are known as miners from one mining place to another wherever the news comes, however well or ill supported by the facts, that fresh

gold-fields have been found.

We are brought face to face with the proposition, and ought to decide it one way or the other so that all the people will know what regard we have for our treaty obligations and our Government obligations, either that we will consent to see our own laws and regulations violated without providing any punishment, or that we will provide proper punishment for violations of law although those violations of law may occur in the case of an Indian as well as a white man. I do not hold that it is any part of the individual rights of any citizen of the United States or any body of the citizens of the United States to take the execution of treaties into their own hands, or to take the punishment or retaliation for the violation of treaties into their own hands. They are bound to obey the of treaties into their own hands. They are bound to obey the law; and they had no more right to go there on the ground that the treaty had been violated, than they would have bad a right to go there if there was not any pretense by them or by anybody else that the treaty had been violated. If this is a government of laws at all, then it is not the business of every man to decide for himself whether some other nation or some other State has broken a statute, and he is to take vengeance into his own hands; and that is what these people have done on my friend's theory; but on the statement of the Commissioner of Indian Affairs, who has officially investigated and reported upon the subject, we have the ground of this invasion stated to be the thirst for gold, that each individual wishes to get it for himself. He then goes on to say: self. He then goes on to say:

self. He then goes on to say:

The occupation and possession of the Black Hills by white men seems now inevitable, but no reason exists for making this inevitability an occasion of wrong or lasting injury to the Sioux. If an Indian can be possessed of rights of country, either natural or acquired, this country belongs for occupation to the Sioux; and if they were an independent, self-supporting people, able to claim that hereafter the United States Government should leave them entirely alone, in yearly receipt of such annuities only as the treaty of 1868 guarantees, they would be in a position to demand to be left in undisturbed possession of their country, and the moral sense of mankind would sustain the demand; but unfortunately the facts are otherwise. They are not now capable of self-support; they are absolute pensioners of the Government in the sum of a million and a quarter of dollars annually above all amounts specified in treaty stipulations. A failure to receive Government rations for a single season would reduce them to starvation. They cannot, therefore, demand to be left alone, and the Government; ranting the large help which the Sioux are obliged to ask, is entitled to ask something of them in return. On this basis of mutual benefit the purchase of the Black Hills should proceed.

Here you have what ampears to me to be a very candid statement of

Here you have what appears to me to be a very candid statement of the case, that this invasion of the country of these red men is totally without justification, as sheer a case of lawless violence of the most turbulent kind and of the most selfish kind as ever occurred in the history of a nation. That is what it is; and it is perfectly useless to gloss it over. It is nothing else. And this Commissioner, instead of saying that there was even an excuse for these people going in there on the ground that the Indians are not able to take care of themand I do not think they would be with such a set of visitors instead of even hinting at such an excuse, says in the strongest lan-guage that the whole thing is utterly unjustifiable. Then he says that it is the duty of the Government to take it up and see that justice is done to the Indians, and to come to some basis of mutual benefit by which we can acquire the country honestly, instead of acquiring it by the lawless conquest and violence of our own citizens who not acting under the authority of the Government.

Now, Mr. President, what is the state of our engagements with these Indians? I have before me the treaty of 1868, made after a great deal of trouble, and a great many prior treaties, some of which the Indians had violated and some of which the United States had violated through the agency of its citizens, unpunished for doing it, and made to wind up the whole affair. It is not even ten years old.

It provides that-

If bad men among the whites, or among other people subject to the authority of the United States, shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent and forwarded to the Commissioner of Indian Affairs at Washington City, proceed at once to cause the offender to be arrested and punished according to the laws of the United States, and also re-imburse the injured person for the loss sustained.

There is a solemn undertaking by treaty, which it is true does not execute itself, because under it, as it now stands without any legislation, no person can be indicted and punished for violating the treaty by invading the Indian territory. It would be just as wicked, it

would be just as lawless; but there being no penal statute to enforce an observance of this treaty, a private person cannot be punished according to the Constitution and laws of the United States. One object ording to the Constitution and laws of the United States. One object of this bill, not applicable to this case alone, but to every case where we have undertaken to protect these people in the special occupancy of a particular reservation, is that we shall so adjust our laws as to be able to hold the sanction of a punishment up to any citizen of the United States who undertakes to do them wrong. Then the treaty proceeds further. After describing this territory, which includes the Black Hills, it proceeds to say that it—

Shall be, and the same is, set apart for the absolute and undisturbed use and occupation of the Indians herein named, and for such other friendly tribes or individual Indians as from time to time they may be willing, with the consent of the United States, to admit among them; and the United States now solemnly agrees that no persons except those herein designated and authorized so to do, and except such officers, agents, and employes of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article, or in such territory as may be added to this reservation for the use of said Indians, and henceforth they will and do hereby relinquish all claims or right in and to any portion of the United States or Territories except such as is embraced within the limits aforesaid and except as hereinafter provided.

So you perceive, Mr. President, that if there is any force in a treaty, which the Constitution of the United States declares to be the supreme law of the land, the faith of the Government, holding to its duty every citizen and every person within its jurisdiction, is solemnly pledged to protect these Indians in the exclusive occupation of this described territory. And therefore, instead of this invasion being justified by an infraction of the treaty which does not exist, instead of this inan infraction of the treaty which does not exist, instead of this invasion being justified upon any principle that can be named, it is in the very face of the solemn pledge of the United States and in violation and contempt of that wholesome authority of law without which no government and no country can long succeed. That is what the state of the case is; and yet Senators get up here and complain that in carrying out the obligations that we have undertaken to carry out by the most solemn of all engagements toward these helpless and troublesome people we are treading on everybody's corns, if I may use an ordinary phrase, this reservation must be excepted, that reservation must be excepted; and that the whole the only object of a reservation must be excepted; and that the whole, the only object of a reserva-tion is to get the Indians on there for the time being, until it is con-venient for the whites, of their own notion, and in spite of treaties, in spite of the law, to take possession and drive them off. I do not think that is right. I do not think that white communities who establish themselves in that way can get on in the long run without having to make compensation for it; I do not mean compensation in gold, but in some way there will be a retribution, as there ought to be if there is any such thing as justice.

be if there is any such thing as justice.

This bill which we have brought in, introduced by my honorable friend from Kansas, [Mr. Ingalls,] is in order in a lawful and regular way to hold up to citizens who are lawlessly disposed the sanction of a moderate penalty for a violation of these rights. This is the way to keep the peace. Why, what can these Indians say if we treat them in this manner? They will say, as the report is about these very Indians: "It is no use to make any more treaties; we may as well fight and kill and slay at one time and another as to make treaties; the 'Great Father' will make a treaty with us, and then he will let all his children do everything which the treaty says they shall not do and children do everything which the treaty says they shall not do, and will take no step to prevent it."

Let me give the very words of the Indians themselves as stated in

the report of the Indian agent at Standing Rock agency, Dakota Ter-

ritory:

The expedition to the Black Hills by the military, and subsequent invasion of that country by parties in search of the precious metals, caused much dissatisfaction and bad feeling among the Indians. They emphatically expressed their belief that the Government was triffing with their rights in permitting the treaty to be violated, and asked the pertinent question, "How can the Great Father expect us to observe our obligations under treaty stipulations, when he permits his white children to break it by coming into our country to remain without our consent?" The lawless invasion of the Black Hills by white men, in violation of the intercourse laws of the United States and treaty stipulations with the Indians, and the apparent tardiness or inability of the Government in removing them, caused great distrust and lack of confidence among the Indians toward all white men and the

Mr. President, is that not the natural consequence when you consider the state of the education and the want of civilization of these Indians? What redress have they, according to their traditions, when their dearest rights which we have solemnly pledged ourselves to protect are invaded, and we take no steps and do not pretend to take any steps to punish the violation of them by our citizens? What can they do according to their notions but to break out from their various reservations and get revenge according to their ancient and barbarous customs? That in ninety cases in a hundred, I believe, is what carries desolation along the border, and stirs up these bloody and terrible and horrible conflicts and murders that we hear of every two or three years; and then after all the slaughter, and the misery, and the trouble that is produced, come in the bills which the people, by taxation, are obliged to pay for putting down these Indian outbreaks, or bringing peace through the sword over all these Indians; and the endless amount of expenditure of that kind, if it could be footed up in the Treasury, which has resulted, as I say I believe, in nine cases in ten from the want of consideration on our part of what we cases in ten from the want of consideration on our part of what we had undertaken to do, you would find would be large enough to pay the interest at least of the nationaldebt for a considerable period of time.

So it appears to me, Mr. President,—I may be wrong about it, but I believe it very strongly,—that our first and highest duty is, not only in respect to this particular reservation, which is only one, but in respect to all reservations wherein we have agreed that the Indians shall have special occupation, that we shall by proper penal laws punish our citizens for violating engagements which we have made with the Indians. When we do justice and enforce the law, we shall find, I believe, not only a much greater degree of peace and order in all the borders where these reservations are, but we shall find the Indians growing civilized much faster than we shall by trifling with every engagement we make, and thereby tempting them to relapse into their old habits of revenge and redress

Mr. MORRILL, of Maine. Mr. President, my attention has been attracted to this bill within the past few minutes, and of course I have not given it much consideration; but it suggests an old subject with which, heretofore, I have been somewhat familiar. The first with which, heretofore, I have been somewhat familiar. The first section of the bill attracts my attention so strongly to it that I feel constrained to say a word or two in regard to it; and I should hail its passage by the Senate with joy and delight. I should think it would form a new epoch in our history, and that it would lay the foundation of a policy which we might hope in the end would give protection to a class of people hitherto in fact outlawed, although nominally within the protection of the law.

Mr. President, while the existence of these people here antedated the footsteps of any European on this continent, we have treated them as having no rights as against the necessities of the white man. That has been our policy; that has been our gospel; that is our law to-day, and all our policy has been shaped in regard to it. There will not be found upon the statute-books from the beginning down to this

not be found upon the statute-books from the beginning down to this hour any law like the one under consideration, which gives the Indian a day in court for protection against crimes committed upon him. Now, for the first time in our history, my honorable friend from Kansas who sits near me [Mr. Ingalls] has the enviable distinction of proposing that the jurisdiction of the laws shall be ex-

tinction of proposing that the jurisdiction of the laws shall be extended over the Indian, to the end that he shall have a remedy for crimes committed against his person or his property.

Mr. ALLISON. I do not like to interrupt my friend, but I think if he will turn to the Revised Statutes, section 2145, he will find a law almost in the exact language of this first section.

Mr. MORRILL, of Maine. My honorable friend will have an opportunity to correct me if I am wrong. I think I am acquainted with that section of the Revised Statutes, and he will find that that proposition does not cover this ground.

I was about to remark that we have come so very near this thing oftentimes that a great many people believe that we have really intended by our statutes to protect the Indian, and so Congress would seem to have legislated. Whoever looks at the legislation of 1835 with regard to the government of the Indian Territory will see that rules and regulations as rigid quite as these were attempted to be enforced there, were provided; but how were they to be carried out? They were never given over to the jurisdiction of the courts of the United States. My honorable friend will find in the portion of the Revised Statutes to which he refers, I dare say, a provision that any trespasser upon an Indian reservation or in the Indian country might be removed. It was made the duty of the Indian agent to remove him, and if he resisted it was the duty of the President of the United States and if he resisted it was the duty of the Fresident of the United States to remove him by military force. But that is not the point at all. The question is to give the Indian a day in court, so that he may enforce his remedies for injuries done against him and his property, by proper penalties; and this, according to my understanding, is the first time that the Congress of the United States has stepped up to that duty.

Now, Mr. President, one thing to my mind is absolutely clear. Either the Government of the United States must take this step, and

then advance one step further and take a kindred step making it possible for every Indian to become a citizen of the United States and honestly co-operate to that end, or it must contemplate his extinction at no remote day under circumstances which will be any-

thing but honorable to a great country like ours.

Mr. PADDOCK. I should like to ask the Senator from Maine if he does not think it would be well enough to go a little further and require them to become citizens of the United States, rather than keep alive these petty despotisms under a republican form of govern-

Mr. MORRILL, of Maine. If we make them amenable to our jurisdiction in all respects, what there would be left back of that would be merely technical; and I should not disagree with my honorable friend probably as to the course the Government should take in regard to that. The Indians now have got beyond any distinct nationality of character, certainly outside of the Indian Territory proper. They are by the very policy of our law and by the very circumstances of our civilization vagabond tribes, decimated, depleted, and driven from one point to another until now there is no last land to which they may farther go. Our civilization meets them upon the east and upon the west, and they are hemmed in from all quarters, and there is no ground that I know of on this continent where an Indian can put his face and feel that he is safe from invasion, from squatters, from the advance of population, which content to present the safe and th from the advance of population, which cannot be restrained as we have seen according to recent experience. That is the condition of things. Nothing on earth will save the Indians from utter extinction, and that speedily, except the shield of the law be thrown over them;

and this is a right step in the right direction. That is plain to whoever

and this is a right step in the right direction. That is plain to whoever looks at this law and sees its simple provisions.

That is the first proposition. What is the next? The next is to punish a man who commits a larceny or a trespass on a territory to which the Indian has an exclusive legal right. Is that simple proposition resisted in the Senate of the United States? Is the proposition resisted in the Senate of the United States that an Indian shall have a remedy for a larceny or a trespass, committed upon his property, in a court of law? I really heard my honorable friend from Minnesota, or else my ears misled me, resisting that proposition, suggesting that it was not expedient, and particularly that it was inexpedient as it would apply, as I understood him, to the Sioux reservation. My honorable friend from Vermont seemed to reply to that argument by reading the treaty stipulations in regard to the Sioux argument by reading the treaty stipulations in regard to the Sioux reservation. So far as language is concerned, so far as the solemnity of language is concerned, we took upon us there a most solemn contract that the rights under that treaty stipulation should never be invaded except by their consent. What is the answer to that? No answer is possible or conceivable except upon the ground that the Indian has no absolute or unqualified rights which we intend to protect

Mr. WINDOM. The Senator will allow me a moment, I know?
Mr. MORRILL, of Maine. With great pleasure.
Mr. WINDOM. I think the Senator did misunderstand the thought

I intended to convey

Mr. MORRILL, of Maine. I am very glad to hear it.
Mr. WINDOM. It was not that the Indians have no rights. I will
go as far as my friend from Maine in protecting the rights of the Indians of this country. During my service in Congress I think I have
done about as much labor for the Indian as almost any other one. But the ground upon which I put this case is this: this treaty having been violated by the Indians we are not now required in conscience or in law to pass a penal act to punish the men who are there. It is not a question whether white men went into that reservation rightly or wrongly; it is a question now—and I ask the attention of my honorable friend from Maine to it—whether under the circumstances of the case we are required in conscience or in justice to pass a penal act punishing those men who are there. I say that the circumstances surrounding this treaty are such that we are not compelled to pass it to day. I am willing to take up this question and consider it hereafter. I want to make this reservation an exception so that we may consider all the circumstances of the case and ask ourselves whether we are required to punish, by penal enactments, those men under the circum-

Mr. MORRILL, of Maine. Well, Mr. President, I do all honor to my honorable friend for his zeal in behalf of the Indians, and it was because I understood him to make a statement which seemed to con-

tradict his history, that I ventured to allude to him.

I do not agree with my honorable friend at all that the Indians have violated this treaty. I know about this treaty from the beginning; I know about its inception; I know the course of the Government of the United States under the treaty; and I undertake to say that, so far as a violation of the treaty is concerned, the Indians are innocent. I think I know what I am saying. If there has been a violation of the treaty, it has been violated in the first place by Congress. Does not my honorable friend know that the second year of gress. Does not my honorable friend know that the second year of this treaty we refused to appropriate under it? Does not my honorable friend know that Congress refused to appropriate under this treaty as it was specified and declared the appropriation should be made? There was a wholesale violation of the treaty by us, openly, defiantly made. In the very second year of the treaty, with all its solemnities, we utterly repudiated it by the terms in which we appropriated, for we appropriated in gross leaving it at the discretion of the executive officers, instead of making the appropriation specifically according to the stipulation of the treaty. Had the Indian prior to that time shown any disposition to violate the treaty? Had we any occasion to complain that it was violated in any sense whatever? Not to my knowledge or belief.

What my honorable friend talks about now as a violation of the

What my honorable friend talks about now as a violation of the treaty is only the misconduct, as I understand it, not of the tribe, but of bad men among the Indians, misconduct, which, I am sorry to say, is not peculiar to Indians alone. No, sir; there is no instance where, so far as I know or believe, the great body of the Indians, the leading Indians, those who govern the tribes, have violated the treaty, while we have violated it in the particular manner I have suggested, and in various other ways through our agents, which have been reported to us from time to time. The most flagrant frauds and outrages have been committed upon these Indians, the great body of them peaceable and treaty abiding, and so it is to this day.

Mr. WINDOM. Will the Senator allow me to ask him a question?

Mr. WINDOM. I notice that the Commissioner of Indian Affairs recommends that additional or larger appropriations shall be greate this.

ommends that additional or larger appropriations shall be made this year, and I would ask my honorable friend, the chairman of the Committee on Appropriations, whether he will recommend to the Senate to pay to these Indians or donate to them a million and a quarter or a million and a half of dollars this year without any condition con-nected with that appropriation requiring them to permit mining in that region of country?

Mr. MORRILL, of Maine. My honorable friend puts to me a hypo-

thetical question. I have to say that he has that subject under his consideration, and I shall give a most respectful hearing, when he reports, to anything he may advise in regard to it. As at present advised, I may say that I am for standing by our treats which with a standing by our treats.

I may say that I am for standing by our treaty faith with the Indians.
Mr. WINDOM. So am I, Mr. President, but we are asked to appropriate a million and a half nearly over and above our treaty obligations. Now I want to say to the Senator that I will not vote one dollar to feed these Indians unless coupled with the condition that they shall permit the people to occupy that country for mining purposes. What I want to say in reference to that point is that I do not desire that want to say in reference to that point is that I do not desire that we should now adjudicate the question in reference to the Black Hills, but make it an exception from this bill, and let it come up by itself and be considered hereafter.

Mr. MORRILL, of Maine. It is not possible to conceive that this

has the slightest relation to any question of appropriation that may

arise in Congress.

I was about proceeding to remark upon the circumstances referred to by my honorable friend which bring the Indians in collision with the prospectors, or whatever they are called. They are not men, as I understand, in search of farms. They are not men who desire to go upon the public domain for homesteads and for settlement. They are men who are impelled by cupidity, by the desire of gain. They are prospecting. They are not accidentally there. They are not there by mistake. They are not there without knowing precisely what they are doing, that they are violating the obligations and faith of the Government of the United States; that they are there under the peril of producing an Indian war, of provoking an Indian war. Nobody knows it better than they do. Does my honorable friend mean to say that the Government stood quietly by and did not protest? My understanding of it is that the Government protested step by step, and, more than that, sent a military force to drive them out. Suppose it were not so. They were not ignorant of the law; they were not ignorant of the fact that that land was not open to settlement or open to be prospected. Heedless, regardless of that, lawless utterly, these men go where they know they have no right to go, and there is no palliation of that fact.

Mr. WINDOM. I should like to ask the Senator if it is not a fact existing that several thousand people are in that section of country to by my honorable friend which bring the Indians in collision with

existing that several thousand people are in that section of country which is sought to be excepted by my amendment. The number will be increased very likely to ten thousand before this bill shall become a law, if it ever does become a law. I should like to ask the Senator how he thinks it would be possible to enforce the provisions of the bill upon ten thousand people and visit the penalties individually

upon them?

upon them?

Mr. MORRILL, of Maine. I do not know, I confess. I have rather come to the conclusion that it is not possible to enforce penalties for a crime committed against an Indian anywhere. I have never known it done. I question whether it can be done, and I dare say that this law would be entirely nugatory so far as the enforcement of penalties is concerned in any jurisdiction before which parties might be brought. But that is not the question we are discussing. I am talking about a general principle, and because a certain class of lawless men happen to fall within a certain settled principle are we to make an exception in law to exempt those men before the case is heard or before we know the facts? I do not think that touches the case at all. The only in-

the facts † I do not think that touches the case at all. The only interest I take in this whole bill is this: It is eminently fit that the Indians should have a day in court and a remedy for injuries committed upon them. In the second place, it is eminently fit that the law should say explicitly that for a violation of their rights in the terminant of the case of the case at all. The only interest I take in this whole the case at all. The only interest I take in this whole the case at all. The only interest I take in this whole the case at all. The only interest I take in this whole bill is this: It is eminently fit that the law should say explicitly that for a violation of their rights in the terminant of the case at all. law should say explicitly that for a violation of their rights in the territory set apart for them by the Congress of the United States, or by the Government of the United States, they should also have a remedy, and that the lawless persons who depredate upon their property and commit these crimes should be held amenable to the law. When that step is taken, it will be a wholesome thing for all law-abiding people in the western country; and it will be very much, in my judgment, to the advantage of the Treasury of the United States in regard to the large and constantly increasing expenditures growing out of the necessities of the case in regard to all our Indian relations. The principle of the second section of the bill is not very extraordinary. Let me read from the Revised Statutes:

The superintendent of Indian affairs, and the Indian agents and subagents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military forceto be employed in such removal.

There is the principle which underlies this very act, but it is in fault in that it leaves it entirely to the discretion of the agent and to the remote and indirect methods which the President himself may inaugurate for their removal. Again, the Revised Statutes provide:

If any person who has been removed from the Indian country shall hereafter at any time return, or be found within the Indian country, he shall be liable to a penalty of \$1,000.

Here is the principle of the law again in a very much more severe form than is provided for in this bill; but here for the first time, I repeat, the Indian is to be brought into court in order to have his rights defended and protected; and that is the chief value which I attach to this proposed law. I hope, therefore, that this bill will pass as it has come to us from the Committee on the Judiciary.

Mr. HARVEY, (at three o'clock and thirty minutes p. m.) I move that the Senate do now adjourn.

Mr. HOWE and others. I hope not. Let us pass this hill.

Mr. HARVEY. I believe this is the first time I ever moved an adjournment in the Senate, and I trust the Senators will yield.

Several SENATORS Withdraw the motion.

The PRESIDENT pro tempore. Does the Senator from Kansas insist upon his motion? Mr. HARVEY. I do.

Mr. HARVEY. I do.
The motion was not agreed to.
Mr. ALLISON. Mr. President, I think I ought to apologize to my friend, the Senator from Maine, for interrupting him when he was speaking of the beauties and virtues of the first section of this bill. I supposed that the principle embodied in the first section was already embodied in section 2145 of the Revised Statutes. If it is possible now to accomplish anything under the first section that is not accomplished under section 2145 of the Revised Statutes, I should be glad to have some Senator tell me what can be done under it. It is true plished under section 2145 of the Revised Statutes, I should be glad to have some Senator tell me what can be done under it. It is true a different phraseology is used. The words "Indian country" are used instead of "Indian reservation," but the words "Indian country" have a signification which is well understood and defined in the courts.

Mr. INGALLS. The commentary of the Senator from Iowa reminds me of an aneedote related of a French naturalist who described a crab

me of an anecdote related of a French naturalist who described a crab as a small red fish that moved backward. Cuvier, in referring to it, said the description was very good, except that the crab was not red, was not small, and did not walk backward. Now, the section of the Revised Statutes to which the Senator refers—and he appealed to me for information on the subject—is very much like this first section, except in the fact that it does not resemble it at all, because the first line of this hill often the creating clause exceptions. this bill after the enacting clause expressly excludes the very territory which section 2145 includes. That is the only difference between

the two provisions.

Mr. ALLISON. I am obliged to the Senator from Kansas for his crab illustration, and I still confess my ignorance.

That, except as to crime

I read from the first section of the bill-

committed in the Indian country or upon any Indian reservation, the punishment of which is expressly provided for by laws of the United States, the general laws of the United States as to the punishment of crimes committed in any place, &c., shall

Mr. INGALLS. Section 2145 applies to the Indian country, which

his bill expressly excepts.

Mr. ALLISON. Then I understand the Senator from Kansas to claim that the first section of the bill applies to a country other than the Indian country?

Mr. INGALLS. I supposed that the chairman of the Committee on

Mr. INGALLS. I supposed that the chairman of the Committee on Indian Affairs was sufficiently versed in all matters relating to Indians to know that the term "Indian country," as here used, applies to what is better known as the "Indian Territory," the country south of Kansas and west of Arkansas, inhabited by the civilized tribes and by certain other tribes placed there by executive order. This bill is intended to apply to Indian reservations other than those that are existing in the Indian Territory.

Mr. ALLISON. Very well. Then section 2145 of the Revised Statutes applies not to Indian reservations, but to the Indian country. I see the force of the criticism the Senator makes and believe him to be

see the force of the criticism the Senator makes and believe him to be correct. I am willing to acknowledge an error when I have fallen into one, of course. I had not observed this bill until it came up for consideration the day before yesterday, and have not examined it since. If the provisions of this bill extend to all reservations and the provisions of the Revised Statutes only extend to the Indian Territory, the Senator is correct, and I thank him for making the suggestion; but I think the same difficulty will be found in enforcing the provisions of this bill as are now found in enforcing the provisions

of the existing law.

Mr. INGALLS. Will the Senator allow me a single moment?

Mr. ALLISON. Yes, sir.

Mr. ALLISON. Yes, sir.
Mr. INGALLS. To hear the remarks that the Senator has made and those that have been offered by other Senators who have spoken on this subject, it might be supposed that this bill contained an enun-ciation of some new principle of law or defined some novel and heretofore unexisting crimes, whereas the fact is that it merely provides a forum or a tribunal in which these crimes may be punished and where infractions of existing law can be ascertained and the penalties en-

Mr. ALLISON. That is precisely as I understand the law. I was not contending for any new principle and I do not understand that there is any new principle involved in this bill. I am only saying that I think the same difficulties will be found in endeavoring to enforce the provisions of this bill as are now found in endeavoring to enforce the provisions of law with reference to crimes in the Indian country. That is all I mean to say.

Mr. EDMUNDS. Still, there is some enforcement of the law at

Mr. ALLISON. Yes; I will take as an illustration of the effect of this bill the instance cited by the Senator from Minnesota. There are a thousand miners in the Black Hills to-day, or whatever the number may be. If this bill becomes a law, those miners will be there

in violation of an express provision of law.

Mr. INGALLS. They are now.

Mr. ALLISON. And in addition to that they will be subject to a penalty which they are not now subject to. Am I not correct in that ? This bill, if I understand it, provides a penalty as applied to the Sionx

reservation-I only use that for illustration-which does not apply now to the Sioux reservation. Am I correct in that, I ask the Senator

from Kansas?

Mr. INGALLS. No, the Senator is not correct, because, as I have repeatedly said, they are there upon that reservation in violation of law, the same as trespassers upon any other reservation are there in violation of law, the only difficulty being that at this time, although these things are acta prohibita under treaties and under existing statutes, there has been no forum provided in which these infractions of law can be determined and the penalties provided by the statutes or

law can be determined and the penalties provided by the statutes or by the treaties enforced.

Mr. ALLISON. Then I am precisely right. This bill, then, simply adds a forum and provides a penalty, without the existence of which neither Torum nor penalty could apply to the Sioux reservation. I only want to see if I understand this bill correctly, and certainly the Senator will pardon me for making inquiries of the author of it. I Senator will pardon me for making inquiries of the author of it. I want to have the Senator inform me how the provisions of this bill can be enforced on the Sioux reservation. That is the question. There are, say, a thousand miners to-day in the Black Hills, or two thousand, if you please. You provide that they are "guilty of a misdemeanor, and, upon conviction thereof in any court having jurisdiction, shall be fined not exceeding \$500, or imprisoned," &c. I am reminded right here of another illustration which I commend to the Senator from Kansas. I think it was laid down in a certain cookery leach that the first step toward each int. book that the first step toward cooking a hare is to catch it. I want to know how these penalties are to be enforced. How are you going to

know how these penalties are to be enforced. How are you going to eatch the hare?

Mr. EDMUNDS. Let me ask the Senator, is it any objection to the passage of this bill, of general application all over the United States, that in a particular case the state of things is such that probably for a year, or two, or three, it cannot be enforced at all? Take the illustration of the rebellion, if I do not offend anybody by using that term. There were millions of people who were violating the laws of the United States in appropriating public revenues, and all that sort of thing. I am speaking of it as a mere question of law. Every one of the States in the South, and afterward the Confederate States, took up the public revenues that in point of law belonged to the United States, and the statute of 1846 makes anybody who takes public money liable to punishment. There was a time when, owing to peculiar circumstances, it was not very easy to enforce this law; but I

money hable to punishment. There was a time when, owing to peculiar circumstances, it was not very easy to enforce this law; but I take it that fact would not lead my friend to vote against the law or refuse to assent to the passage of it.

Mr. ALLISON. Not at all. I am not arguing against the general provisions of this bill, at least I do not propose to do so if I am understood. I mean to say that as applied to the Sioux reservation this bill will be a dead letter on the statute-book, because under a provision of existing law the marshal who goes out from the Territory of Dakota to the Sioux reservation can only take three people with him as a posse comitatus to arrest a man, even after he is indicated in court.

Mr. KERNAN. Will the Senator allow me to put a question to

Mr. ALLISON. Certainly.
Mr. KERNAN. Would it do for one moment for Congress, in legislating in order to prevent infractions of the law, to make exceptions because men have become too strong to be made to obey the law, in any view of the case?

Mr. ALLISON. That is a very pertinent question, and I think a very proper one. I do not seek now to make an exception because these men are violating law, as every man is violating law who is on the Sioux reservation to-day. I do not wish to make an exception in their favor, but I do believe that it is the duty of Congress to provide legislation which will be effective with reference to the Sioux reservation. This will not be effective.

Mr. HOWE. Now let me suggest to my friend that I think he

Mr. HOWE. Now let me suggest to my friend that I think he misapprehends the whole spirit of the first section, and it is upon that he is now speaking. The first section is to punish murder, to punish crimes which one white man commits upon another, crimes defined by the laws of the United States, crimes which those thousand or two thousand settlers are just as anxious to have punished as we are, and we have the same crimes punished in our States; and they are a posse comitatus themselves. Without the first section we cannot punish them at all. With the first section the United States comes to the rescue of the miner himself, opens its tribunal, furnishes its officer, and deals out that punishment which their peace and their welfare demand. Mr. ALLISON.

Mr. ALLISON. My remarks just a moment ago were intended to apply to the provisions of the whole bill. I understood the Senator from Vermont and the Senator from Maine to arge upon the Senate the passage of this bill because it provided a punishment for the men who are invading the Black Hills in violation of law when no punishment was before provided and no penalty before inflicted.

Isliment was before provided and no penalty before immeted.

Mr. HOWE. That is under the second and third sections.

Mr. ALLISON. Under the second and third sections. Now I say that this is and will be, from necessity, a dead-letter on the statute-book as applied to the Sioux reservation. Therefore it must not be urged because of its effectiveness with reference to that reservation. Hence whether the amendment proposed by the Senator from Minnesota is on the bill or not on the bill will not affect its efficiency.

I only desire to make one or two remarks with reference to the general question of the Sioux reservation, because that has been brought

into this debate. It was my fortune, as it was the fortune of the Senator from Wisconsin, [Mr. Howe,] to visit the friendly tribes of the Sioux last summer. We made their acquaintance. We gained the Sioux last summer. We made their acquaintance. We gained some knowledge of their habits, their customs, their modes and methods of life, &c. I fully agree with everything that has been stated by the Senator from Vermont and by the Senator from Maine with reference to the obligation of the treaty of 1868. It is a treaty, and as such we are bound to enforce it; but the question is, how shall we enforce it? If we agree upon the mode, the next question is, can we enforce it in the mode proposed? I undertake to say that to enforce to the letter the treaty of 1868 by the Army of the United States would require the whole military force of the United States. In the first place, they have on the eastern boundary, the Missouri River, nearly four hundred miles of reservation. They have a southern boundary of over four hundred miles bordering upon the State of Nebraska; and also a western boundary of nearly two hundred and fifty miles; and upon every rood of that line, south and east, it is possible for a man with a two-horse wagon, or a four-horse wagon, to march right into that country. Therefore the only way to keep men off that res-ervation is by a military police which shall be stationed from the ervation is by a military police which shall be stationed from the Missouri River to the eastern boundary of the Territory of Wyoming. I do not know how many men it would require for that purpose, but a very large body of police, certainly more cavalry than we have in the service at this time. Therefore, I say it is impossible to enforce the letter of this treaty, if the people of the United States are bound to break its spirit. If a miner in his thirst for gold cannot get into that reservation from the Missouri River, he will take the Union Pacific Railroad to Cheyenne and then make his way northward; he will find some place where the military forces have post protected the line. cific Railroad to Cheyenne and then make his way northward; he will find some place where the military forces have not protected the line, and he will march in there and finally reach the territory. Of course we can sustain three, four, or five thousand men in the hills, and in that way drive people out; but I think that would be rather a difficult process. All the military police would be obliged to be carried in there a distance of two, three, or four hundred miles.

The question is, and it is a practical question, what will the Government of the United States do with this new condition of things that has arisen there from the idea that there is gold in that country? That is a practical question which we must salve. We have got to

That is a practical question which we must solve. We have got to meet this condition of things as we find it now, not as it was in 1868. I perhaps have very little knowledge of what there is or may be in the Black Hills in the way of mineral product. I do not believe there is gold there in any great quantity, and I believe that the question will solve itself within a short time. We cannot take from the Indians that territory unless we adopt an entirely new policy with reference to the reservation. It is in the heart of the reservation from north to south, and it is practically impossible for us to allow white men to permanently settle in that reservation and still continue the Sioux reservation intact. An adjustment of our difficulties with the Sioux tribes would compel us to take into consideration the whole condition of these tribes; and it was a pertinent inquiry that the Senator from Minnesota put to the chairman of the Committee on Appropriations as to what he would do with reference to appropria-tions for the coming year. We have appropriated now from five to six million dollars beyond our treaty stipulations for the support of

these Sioux tribes. Mr. MORRILL, of Maine. If my honorable friend will allow me, I Mr. MORRILL, of Maine. If my honorable friend will allow me, I suggest to bim that there was not so much pertinency in the inquiry after all as he may think. As I understood the proposition of the Senator from Minnesota, he put a question to the chairman of the Committee on Appropriations as to what he would do in case there was a necessity for a change of the public service. That is never a question proper to ask the chairman of the Committee on Appropriations or the Appropriation Committee itself. That committee appropriates for the service as it finds it. Therefore, I replied to the honorable Senator that I would hold to the public service as I found orable Senator that I would hold to the public service as I found it, and would hear him on an argument for the increase of the public service and would with due deference submit to any change of the

public service next year.

Mr. WINDOM. Allow me to ask the chairman of the Committee

on Appropriations what he means by the "public service."

Mr. MORRILL, of Maine. I mean by the "public service" that service which the Government of the United States is engaged in with reference to the Military, Naval, Indian, and other Departments.

Mr. WINDOM. I supposed the Senator meant that service provided

Mr. WINDOM. Isapposed in the property of the p

Mr. WINDOM. Its pertinency, if the Senator will allow me, was in this: We shall be compelled in all probability to appropriate a large sum of money for the Indian service. Now, what I want to do is to suspend action with reference to the Black Hills country by excepting it from this bill, and then when we come to the question of feeding those paupers next year let us settle the whole question in reference to the Black Hills. In that it is pertinent, and it tends to support my whole argument.

Mr. ALLISON. I only meant to say "pertinent" in this sense: that

it is pertinent to the inquiry here, we having appropriated last year \$1,100,000 for these Sioux tribes for subsistence alone, outside of and beyond our treaty stipulations; and the Secretary of the Interior has placed upon our table a letter stating that there is a deficiency of \$235,000 now, and that the supply which we voted last year for the pending fiscal year will be exhausted by the 1st of March.

Mr. EDMUNDS. What has that to do with this question?

Mr. ALLISON. My friend spent some time arguing the question of the obligations of the Government with reference to the Sioux treaty. I suppose he thought at the time it had some relevancy. I think it has some relevancy to the amendment proposed by the Senator from Minnesota as to whether this particular tribal reservation should be excepted from the provisions of this bill. I may be utterly mistaken.

Mr. EDMUNDS. Let me ask my friend, if I do not unpleasantly interrupt him—

Mr. ALLISON. No, sir.
Mr. EDMUNDS. Does he mean to say that because these Indians owe us a few hundred thousand dollars or a few million dollars, there-

owe us a few hundred thousand dollars or a few million dollars, therefore we are not to provide punishment against lawless violations of their rights by white men?

Mr. ALLISON. If I did say so I certainly did not mean to say it. Mr. EDMUNDS. I supposed the Senator could not mean that.

Mr. ALLISON. Not for a moment do I suppose any such thing. Mr. EDMUNDS. Then what is the objection to passing the bill?

Mr. ALLISON. I am trying to state it. I have reference to the condition of these Sioux Indians, that question being raised chiefly by the Senator from Vermont and by the Senator from Maine. I say that we have appropriated beyond our treaty stipulations, and when you come to the further consideration of the question whether or not the Sioux have violated this treaty, I think they have plainly violated it. They have never complied with a single element of it. They agreed in the treaty of 1868 that they would go to a place on the Missouri River and that they would there receive whatever bounty we chose to give them. They have absolutely from that time to this refused to go to the Missouri River, and they even to-day refuse to go upon their own reservation. They are not upon it; they are in the State of Nebraska, outside of their reservation, and refuse to be removed to it. As the Senator from Maine said, we were compelled to appropriate for their support in bulk one year, and that pelled to appropriate for their support in bulk one year, and that was because they refused to submit themselves to be counted under the treaty, so that we could not appropriate in accordance with the

Mr. EDMUNDS. May I ask the Senator if there is not a question, at least to the mind of "the poor Indian," to his "untutored mind," &c., whether they have not a right to hunt in the western part of the State of Nebraska?

Mr. ALLISON. Undoubtedly there is a question in their mind. Mr. EDMUNDS. Then is there not a question in my friend's mind

on the treaty and laws as they now stand?

Mr. ALLISON. There is no question in my mind with reference to the fact that they have refused to comply with important stipulations

Mr. EDMUNDS. That is not my question. The Senator says that they have violated the treaty by hunting in the State of Nebraska. Now, have they not a right by existing stipulations to hunt in the State of Nebraska, and how can they hunt without going there?

Mr. ALLISON. If my friend will allow me just one moment, because I do not wish to be carried away by any incidental question with reference to the treaty, they are permanently in the State of Nebraska. They are not there for hunting purposes. They had authority to go to the Platte for hunting purposes. That authority was thority to go to the Platte for hunting purposes. That authority was arranged for by treaty stipulation last year, and they gave it up for a consideration of \$25,000; but the agencies are in the State of Nebraska and outside of their reservation.

Mr. EDMUNDS. Whose agencies? The agencies of the Sioux? Mr. ALLISON. The agencies of the Sioux.

Mr. EDMUNDS. Very well; if the Government established their agencies in Nebraska, how are the Indians to get any of the benefits of the agencies if they do not go into that State?

Mr. ALLISON. They refuse to go on their reservation. I am merely stating the facts, showing the importance of treating with these Sioux independent of this particular law which provides punishment for people who may go upon Indian reservations.

people who may go upon Indian reservations.

Mr. MORRILL, of Maine. Will my honorable friend allow me to ask him whether I understand that the great difficulty with him is the penalty which may be incurred, if this bill should pass, by the men who are already in the Black Hills country?

Mr. ALLISON. I do not understand the Senator.

Mr. MORRILL, of Maine. In other words, I understand the honorable Senator to favor the amendment of the Senator from Minnesota, which exempts those persons in the Black Hills country from the provisions of this act. That I understand to be the chief difficulty. Does not my honorable friend understand that they are under more severe penalties a great deal by the present law than are sought to be inflicted by this bill?

Mr. ALLISON. I do understand that they are subject first to be removed by the military forces, and if they go back there a second time

Mr. MORRILL, of Maine. It is a great deal stronger than that, if my honorable friend will allow me to read a moment.

Mr. ALLISON. I will, certainly. Mr. MORRILL, of Maine. Section 2118 of the Revised Statutes is:

Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to sur-vey such lands, or to designate any of the boundaries by marking trees or other-wise, is liable to a penalty of \$1,000.

They are all in that condition, I fancy, according to the Revised Statutes.

Mr. ALLISON. That is if they make a settlement

Mr. MORRILL, of Maine. Now, I wish to make this observation, if my honorable friend will indulge me one moment. So far as this penalty applies to these people, I do not think it is of the slightest consequence in the world.

Mr. ALLISON. Neither do I.

Mr. MORRILL, of Maine. We are not legislating against these people at all. But for the Congress of the United States to be told that they must be restrained from making a general enactment applicable to all the people of the United States because it may fall heavily upon a certain class of people who are already within the penalties of the law and trangressors of the law to a very much more severe extent, strikes me as an anomaly in legislation. I submit that I do not suppose the Senator who introduced this bill nor the committee from whom it came had the slightest idea that any prosecutions would arise under it in this particular instance, because if these people are amenable to the law now proposed they are amenable to another law which will tell much more heavily upon them if it should ever be en-forced than this. Therefore I submit that there need not be the least apprehension, so far as that particular instance is concerned, if this

bill should pass.

Mr. ALLISON. If this bill is not as rigorous as the existing law with reference to the particular things for which it provides, then of course there will be no harm in passing it entire; but the Senator from Maine will remember that these Black Hills people, so called, although they are there in violation of law, are not making settlements in the Black Hills. They are merely roving over these hills and marauding there. They are not settlers; they are not building

and maranding there. They are not settlers; they are not building houses or making improvements. They are endeavoring to discover gold, and in my judgment they will find none that will pay them for going. That is what I believe.

Mr. EDMUNDS. They will all be gone in nine months.

Mr. ALLISON. What I mean to say is that there is no particular harm in excepting from the provisions of this bill the region of country proposed to be excepted by the Senator from Minnesota, because his amendment confines the exception to the territory pay known as his amendment confines the exception to the territory now known as the Black Hills.

Mr. EDMUNDS. It would make a very violent break in the proprieties of legislation, the philosophy of legislation, the equality of laws, to say that laws for punishing crimes against the United States shall have force in one portion of the territories of the United States and not in another. I submit to my friend to think of that, whether an act of that kind, in the first place, could be properly constitutional; and, in the second place, if constitutional, whether it does not violate all our fundamental notions of criminal legislation. Taking it to be the fact that it is impossible to execute this law in this particular patch of the vast territory of this country, what of it? If it is not executed, it will not hurt the people who are violating it there. That is plain. Suppose a State was about to pass a prohibitory liquor law, and it was said: "Here is a particular county, like Suffolk County, in Massachusetts"—I am glad to see that neither of the Senators from that State is here, for otherwise I should not dare to use that illustration—"you cannot enforce the Maine law there; the Boston hotels and the bar-keepers will sell rum anyhow, and if you bring them up to a jury, somehow or other the case will not be made out." Would that be any reason for saying in Massachusetts, in passing a prohibitory law, that "in every county except Suffolk it shall be unlawful and punishable by penalty to sell intoxicating liquors?" Mr. President, I do not think my friend from Iowa would be the standard of the standard of the sellect of the selection wish really to stand upon that ground in the philosophy of legislative jurisprudence.

Mr. WINDOM. I want to ask the Senator from Vermont a question. I am in pursuit of information on constitutional law, and I want to ask the Senator this question: if excepting the Black Hills makes this bill unconstitutional, what effect does excepting the Indian Territory have? The bill now excepts it.

Mr. EDMUNDS. I can tell my honorable friend.

Mr. WINDOM. If one exception makes it unconstitutional, why

not the other?

Mr. EDMUNDS. If my friend is really asking that question in earnest, I will try to tell him. If he is asking it for a joke, I will give him the benefit of the joke. I have always understood that you could pass a law covering one class of subjects or objects, not excepting any, and not embracing all the objects in the world. This is a law about reservations. The Indian country is not a reservation. I take it, therefore without any violation either of principle or of constitutional law, you may make one provision for reservations and another provision for the unregulated vast expanse of territory that lies

among the Rocky Mountains.

Mr. WINDOM. The Senator evidently conceives my question to be a joke, and answers it in that sense. Now I ask him, if he makes the exception of every reservation, in what condition is the second pro-

vision of the bill as to crimes committed "upon any Indian reserva-tion the punishment of which is expressly provided for by laws of the United States ?" There is another exception. You do not cover a peculiar case, so that the word "reservation" does not make it constitutional

Mr. EDMUNDS. No; there is not. The Senator is entirely mistaken in his construction of this bill.

Mr. WINDOM. You except the Indian country and reservations

provided for by express laws.

Mr. EDMUNDS. Yes; reservations provided for by express laws.

Mr. WINDOM. There are some reservations, then, not covered.

Mr. EDMUNDS. Because in respect of those reservations there are treaty stipulations which the Constitution says are the supreme law

of the land, which provide another mode of punishment. I take it the Senator can appreciate that distinction; can he not?

Mr. WINDOM. I cannot appreciate the former one.

Mr. EDMUNDS. If my friend can appreciate one distinction out of two he does better than most of us, so that I think we shall get on very well with that; but I see that my honorable friend from New York who has this bill in charge is not present at this moment, and as it is four o'clock, I move that the Senate proceed to the considera-

tion of executive business.

Mr. WADLEIGH, Will the Senator yield to me?

Mr. EDMUNDS. I yield to my friend from New Hampshire.

#### DISTRICT 3.65 BONDS.

Mr. WADLEIGH. Mr. President, I move to reconsider the vote whereby the report of the committee of conference on House joint resolution No. 52, directing the commissioners of the District of Columbia to do certain things, was adopted.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The

Senator from New Hampshire moves to reconsider the vote by which the conference report was adopted on the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other pur-

Mr. WADLEIGH. Mr. President, I will state in the beginning-

Mr. WADLEIGH. Mr. President, I will state in the beginning—Mr. HOWE. This does not displace the bill before us.

The PRESIDING OFFICER. By common consent this matter is interposed pending the consideration of Senate bill No. 32.

Mr. WADLEIGH. I will state in the beginning for the information of the Senate that I do not propose to vote against this joint resolution. I propose to vote for it and to withdraw the motion for reconsideration. I desire, however, to state in a few words, and but a few, the reasons which prompted me in giving notice the other day of this motion for reconsideration.

I was intensely any jone that if any means could be devised by which

I was intensely anxious that if any means could be devised by which the bonds based upon and emanating from fraudulent claims could be separated from those emanating from good claims, it should be adopted; but I am satisfied that that cannot be done. The bonds have been issued; they carry on their face no ear-marks to denote the claims in which they originated. They are negotiable, and they are upon the market. If they are now in the hands of the men in this District who have committed these frauds, these thieves, I call them, it will be the easiest thing in the world for them to put them out of their hands into the hands of innocent holders before any investigation can reach them. It is utterly impracticable to separate the bad bonds, or the bonds originating in fraud, from those originating in good claims; and because of that impracticability, because of the ab olute impossibility of doing it, I shall withdraw the motion to re-

I am well aware of the objections which many members feel to the bassage of this bill for the reasons to which I have alluded. Of course this bill includes in the provision it makes the monstrous unlawful inthis bill includes in the provision it makes the monstrous unlawful increase of indebtedness over the amount allowed by law by the board of public works. This bill includes and pays, if passed it indorses, the bonds based upon frauds committed by the board of public works; frauds which have rung all over the country, and I was about to say have made the name of the District of Columbia infamous among the honest people of the country. This bill, if passed, also indorses and pays the interest on bonds issued to pay the counsel of the board of public works in resisting an investigation into their conduct ordered by Congress. It pays, too, the bill of those counsel for defending those who originated and carried out that despicable safe-burglary conspiracy, than which there is nothing worse that I ever heard or knew of in the history of the world—a conspiracy made between members of the board of public works or their creatures, between members of the board of public works or their creatures, and men on whose ankles and whose limbs were the marks of the gyves which proclaimed them to be felons, to ruin the reputation of an innocent man who had dared to incite an investigation into their conduct, which investigation was deserved.

conduct, which investigation was deserved.

Furthermore, Mr. President, all the frauds that have been committed in these monstrous extensions of contracts under absurd pretexts are to be recognized under this bill. I am aware of all that, but I say it is absolutely impossible to separate these claims. If we do not pay the whole of them we can pay none; and inasmuch as we should pay the honest claims, the honest bonds, as we should pay the bonds held by those parties who hold them in good faith or who have bought

them in good faith, we should pay the whole. Therefore, I say, Mr. President, I am in favor of this bill.

It has been questioned here what party and who are responsible for a law which has led to results like these. The honorable Senator from a law which has led to results like these. The honorable Senator from California [Mr. Sargent] says he did not vote for the act of June 20, 1874, and that he warned us at the time of the results which would follow its passage. I know he did so; but at the time he did so he made the declaration that for what he had done in this District Boss made the declaration that for what he had done in this District Boss Shepherd would be hereafter canonized. The objections made by him were in favor of the continuance of the board of public works; and if this Senate was determined upon anything, if it was unanimous in anything, if it was decided in anything, it was that the board of public works should cease to exist then and there, and the vote upon that bill was practically unanimous. No party is responsible for its passage, no man is responsible for its passage. It has abolished the board of public works, and in that it has done a good thing. It has also by the issue of 3.65 bonds cloaked, and covered up, and prevented from being rectified the frauds that were committed and the immense illegal increase of the indebtedness of this District. But that is all past, and, as I said before, no man here, and no party here, is responsible for that bill, because for the purpose of wiping out the board of public works we all practically united in its passage.

lie works we all practically united in its passage.

Mr. MERRIMON. May I ask a question? Did I understand the Senator to say just now that 3.65 bonds were issued to pay the counsel who defended the board of public works before the committee, and who also defended the conspirators who were indicted for the safe

Mr. WADLEIGH. I understand that the gentlemen who conducted that defense on the part of the board of public works carried in their bills to the board of audit, and that \$12,000 of their claim was albins to the board of audit, and that \$12,000 of their claim was allowed, and bonds for that sum now stand against this District in the hands of somebody. I have made the inquiry and find that it is so. But, as I said before, we cannot refuse to pay the honest people who hold the bonds of this District. We are bound to carry out our contract with them. We cannot separate the one from the other, because they all appear alike and stand alike in the market, and for that reason I withdraw the motion to reconsider.

Mr. INGALLS. Mr. President, I submit as a question of order that a motion to reconsider cannot be withdrawn by the mover without the leave of the Senate being first had and obtained; and if the allegations that are made by the Senator from New Hampshire are true, I think certainly it ought not to be withdrawn.

The PRESIDING OFFICER, (Mr. MITCHELL.) The motion cannot

The PRESIDING OFFICER, (Mr. AITCHELL.) The motion cannot be withdrawn, if objection is made, without the consent of the Senate. Mr. WADLEIGH. I ask leave to withdraw the motion. The PRESIDING OFFICER. The Senator from New Hampshire asks leave to withdraw the motion to reconsider.

Mr. BOGY. Is that decided by a majority vote or by one objection? The PRESIDING OFFICER. By a majority vote.

Mr. EDMUNDS. A majority controls it. The Senate can grant

Mr. EDSICIOS. A majority controls it. The Schale can grante leave if they like.

Mr. BOGY. I am not anxious to speak on this bill; I am never anxious to speak on any bill; yet I would like to say a few words.

The PRESIDING OFFICER. The question of granting leave is

not debatable.

Mr. BOGY. It seems to me the friends of the bill ought not to prevent us from discussing it. The Senator from New Hampshire has opened a new subject of investigation.

Mr. WADLEIGH. I have opened no new subject for investigation.

The matter to which I referred was alluded to in the Senate days ago. This bill, if it passes the Senate, goes to the House of Representatives. If the House of Representatives can by the exercise of any ingenuity

If the House of Representatives can by the exercise of any ingenuity devise a means to separate these claims, so be it—

The PRESIDING OFFICER. Will the Senator from New Hampshire suspend a moment? The Chair understands that the Senator from New Hampshire has asked leave of the Senate to withdraw his motion to reconsider. That question, the Chair was informed, is not debatable. He will submit to the Senate the question of granting leaves.

ing leave.

Mr. EDMUNDS. I hope the Chair will not make the ruling that that is not debatable without stating upon what ground he thinks so. I do not remember anything in the rule, and I am quite sure there is no the rule. not not remember anything in the rule, and I am quite sure there is nothing in the rule of the Senate providing that a motion to reconsider shall not be withdrawn without leave of the Senate which says that that question shall be decided without debate. There are other rules of the Senate as to certain questions which say that they shall be decided without debate; but there is no limitation I think upon the provision in respect to withdrawing a motion to reconsider. Inasmuch as it is a question submitted to the Senate it is open to debate, unless the

rules say otherwise.

The PRESIDING OFFICER. The Chair is informed by the Chief Clerk that this is the first time the case has occurred; and the Chair

will allow debate to proceed.

Mr. EDMUNDS. Then the Senator from Missouri is entitled to the

The PRESIDING OFFICER. The Senator from Missouri is entitled to the floor.

Mr. BOGY. Mr. President, I will detain the Senate but a moment or two. The report of this committee combines four distinct propositions: First, to pay the interest due on the 1st of February, which

is now past; second, no further issue of 3.65 bonds shall be allowed; third, a repeal of the powers of the board of audit; and, fourth, no further increase of the present amount of the total indebtedness of the District of Columbia.

Now, sir, before I can vote for this report I would make this inquiry of the Senators who have looked into the subject for a good while back: What is the present debt to-day provided for under this report? I am informed by the Senator from California near me [Mr. SARGENT] I am informed by the Senator from California near me [Mr. Sargent] that it is something less than \$15,000,000. Of course I will not dispute the word of the Senator; but it is not the right way to impart information to justify our action in this body. We ought to know that fact by the report of a committee. We do know the fact that in June, 1874, when the act of that date was passed, it was thought that the debt of this District amounted to about \$8,000,000. We are now called upon to provide for \$15,000,000, and as I am not prepared to say that this increased amount is right or wrong, I should like to know how this immense increase was brought about; I should like to trace the allowance of these claims. The papers are full of rumors, and they may or may not be well founded; but I read only a few days ago of a person having a claim for \$800 who sold that claim to a member of the District ring, after which it was allowed and paid for at

ago of a person having a claim for \$800 who sold that claim to a member of the District ring, after which it was allowed and paid for at the rate of \$8,000. I understand the fact is so, and there are many other facts as manifestly outrageous as this one fact.

I think it is due to this body, it is due to this country, that before we take another step with regard to any appropriation for the District of Columbia we should know the amount of the debt that we are to provide for, know how that debt was created, whether fraudulent claims were allowed or not. Why should we not know it? The charges have been made, and have never been denied in authentic shape; and I say the Senate of the United States owes it to its own dignity not to permit any charge of that kind to go to the country dignity not to permit any charge of that kind to go to the country without being explained. Is it true that \$12,000 of 3.65 bonds were issued for the payment of counsel to protect the ring that had been guilty of all these immense robberies? If that be true and those bonds can be traced in the hands of any of those parties, they ought not to be paid. I would do nothing to impair the credit of this na-tion; but the best way to maintain the credit of a man or of a nation

tion; but the best way to maintain the credit of a man or of a nation is to see that you do not pay fraudulent claims brought against you. This committee has had this matter under consideration for some time; these facts have been stated before; and we are not better informed now than we were on the very first day. I say it is due to us that we should know all the facts. I as a member of this body cannot vote for this report until I do know them. I am willing to pay the interest on the bonds due on the 1st of February if that amount is definite so that there can be no danger about it; and it is right to provide that there shall be no further issue of bonds; but I would like to know how many there are out now. I would like to know how many there are out now. I would like to know how many there are out now. I would like to know it is not a second now. like to know how many there are out now. I would like to know it in an official, authentic form. I would repeal the board of audit, and I would like to know how many claims have been allowed by the board of audit since this question has been discussed in both Houses of Congress, and whether these claims were fraudulent or not.

We are justified in believing and asserting that there has been immense fraud in all this business. I certainly am not disposed to avail myself of my seat on this floor to charge any citizen, high or low, with fraud, but we are justified in saying that there has been shameful, infamous, illegal fraud in all these matters; and yet we have no information; we do not know the facts. There can be no harm done in post-poning this thing. The 1st of February has passed, and as far as the effect of a protest is concerned the effect has taken place. Then the 22d of February, that holiday referred to by the Senator from Ohio a few days ago, has passed, and we did not pay this interest. Now that all these great epochs have passed we are left without any great reason why we should pass this bill to-day. I call for investigation. I wish to know the amount of the debt so that hereafter we may not be told "When you provided that there should be no more issue of bonds you certainly legalized the issue up to the present day, let that be fifty millions." Indirectly you legalize the full amount which has been issued, regardless of what it may be, by saying that there shall be no further issue. If you say that, the issue made thus far is certainly binding on you by your own legislation. I wish to know it. I think we ought to know it. I desire to know if claims have been multiplied tenfold as it is reported. I should like to find out the men in the city of Washington who are all the time stealing from the public Treasury. There is a ring here; there has been a ring; and I fear that our system of legislation will transmit that ring. Although I know it is not the intention of a single member on this floor, nevertheless such is the effect. Postpone this matter; appoint a committee to examine it; let us see what the board of audit has done. It may be a laborious task, but there are plenty of Senators here willing to undergo the labor. Examine whether it be true that claims have been multiplied in the manner which has been stated, and I believe they have been; examine whether it be true that bonds have been issued to counsel whom they employed to defend themselves when charged with stealing and robbery.

At this late hour of the day's session I do not wish to discuss this matter. It was not my intention originally to take part in the debate at all, but I think that the point has been narrowed down simply to this: Shall we shut our eyes, keep them closed, hermetically sealed, when all these charges are made, and order no investigation? Let us open our eyes for the first time and find out who are the thieves. All

this talk about the credit and the faith of the nation amounts to I am as anxious to maintain the public credit as any Senanothing. I am as anxious to maintain the pholic credit as any sena-tor upon this floor. I would go as far and make as many sacrifices as any other to maintain it; but I do not think that question is involved in the passage of this bill at this time. Let it be postponed, and let a committee of this body examine the doings of this board of audit, and see how many claims have been allowed even since this subject has been under discussion in Congress, and see how this seven mill-ions augmentation over the eight millions of debt supposed to exist two years ago has been brought about. Certainly a private individual doing his own business would take that course, and I think as public men we should do the same thing.

Mr. WADLEIGH. Mr. President, I suppose neither the honorable

Senator from Missouri nor any other Senator on this floor supposes that I would desire to do anything to countenance in any way the frauds which I have alluded to and which I believe to have been com-

frands which I have alluded to and which I believe to have been committed in this District.

Mr. BOGY. Most certainly not.

Mr. WADLEIGH. But, Mr. President, as a practical question, what can be gained by refusing to pass this bill? My friend from Missouri says we can investigate; but it is absolutely impossible by any investigation to separate these bonds one from the other.

Mr. SAULSBURY. Will the Senator allow me to make a suggestion? I apprehend there is no difficulty whatever. Let the board be required to show not only what claims they investigated and passed upon, but their books should exhibit the number of each bond issued in payment of a claim. I apprehend, therefore, that, if the suggestion of my friend from Missouri is complied with, if this bill is laid aside

of my friend from Missouri is complied with, if this bill is laid aside and an investigation had, a report can be made to the Senate which will show not only the claims allowed, but every bond issued in payment of each separate claim. In my opinion that ought to be done.

Mr. WADLEIGH. I have no doubt that that can be done which my friend from Delaware says can be done; but to what good? These bonds have been issued. There is nothing upon their face to indicate for what particular claim.

Mr. MAXEY. I should like to ask my friend from New Hampshire whether it is charged that the board issued bonds fraudulently, in violation of the law, or that they issued more than the law allowed. Which charge is made? That they violated the law or that they issued more bonds than they were entitled to?

Mr. WADLEIGH. I do not suppose they have issued more than

Mr. WADLEIGH. I do not suppose they have issued more than the certificates presented called for.

Mr. MAXEY. Or were there frauds in fact? Were the audits fraud-

Mr. WADLEIGH. I believe that some of the claims were fraudu-

Mr. MAXEY. Then I will ask the Senator if we cannot refuse to pay such bonds?

Mr. WADLEIGH. No; because by the bill which we passed abolishing the board of public works we created a board of audit which should audit all claims presented and issue certificates thereon for the amounts found due; and then we provided in the same bill that when those certificates were carried to the sinking-fund commissioners they should issue these District 3.65 bonds therefor. The board of audit have found in favor of these claims. They have issued certificates therefor. The certificates have gone to the sinking-fund commissioners, whom I believe to be honorable men. The sinking-fund commissioners have issued bonds as the law required of them. The bonds on their face show no evidence of the claims upon which they are based. They are not distinct one from another. They have gone They are not distinct one from another. They have gone tion. The men who procured them upon fraudulent claims into circulation. would not hold them, and as a matter of course, they put them off, and they have gone into the hands of innocent parties who paid for them their market value and who are entitled in law and equity to receive from this District the interest on those bonds.

Mr. MAXEY. There is such a thing as fraud in law. If parties have gone beyond their powers under the law; if the law, in other words, made these parties trustees, and authorized them to issue bonds, and they issued more than the law authorized, then as a matter of course the holders would be protected. That would be fraud in law; but there is also such a thing as fraud in fact. If this board of audit audited more than the law entitled, and audited and allowed claims not entitled to be audited, that is fraud in fact; and, if I understand the law, fraud vitiates everything and renders the act utterly null and void; and no act of these men could confer validity upon a fraudulent and void proceeding.

Mr. WADLEIGH. I am by no means sure that any fraud whatever

can be charged upon the members of the board of audit. I have talked with some persons who acted upon that board, and whom I know to be honorable men, and they have assured me that the certificates and the evidence made up and presented to them by the board of public works compelled them, in their judgment, to allow

Mr. MAXEY. If the claimants themselves presented fraudulent claims and secured the audit of those fraudulent claims, the principle applies that the fruits of the audit are void. No act of the board of audit could confer validity upon that which was void on account of

Mr. WADLEIGH. Let me assure my friend from Texas that I have

that I possibly could, with a view to see if it were possible in any way to separate these bonds, so that we might evade the payment of those based upon fraud. I hoped that it might be done; but it cannot be done; it is absolutely impossible. If you investigate ever so much, you will simply find that a board of audit created by us, acting within its vested powers, issued certificates; that those certificates went to the sinking-fund commissioners created by us; that the sinking-fund commissioners were bound by the law which we made to issue bonds thereupon; that negotiable 3.65 bonds had been issued in accordance with the law; that into whosesoever hands they may have gone in the first place, they will be found now, or at the time when an investiga-tion takes place, to be in the hands of innocent parties, who have paid for them their full value. Now, what is the use of waiting until you can have an investigation, when the investigation will simply disclose fraud which does not affect the liability of the District upon these bonds, they having been issued by those having the power to issue them and being in the hands of parties who received them in good faith?

It has been said that we need to investigate so as to know the facts. I understand that the House of Representatives is investigating, and that through that investigation we shall know. But there is no need to postpone the passage of this bill. We are bound just as much to pass it if we find that there has been fraud as though we find that frauds have not been committed, because if we authorize negotiable bonds to be issued and people have bought them in good faith and for a valuable consideration it would be infamous for us,

faith and for a valuable consideration it would be infamous for us, as infamous as anything the board of public works has done, to evade or refuse to pay them when they are held by parties who bought them in good faith. There is not a man on this floor who would ask such a thing or would advocate it if it were proposed.

Then, inasmuch as this investigation can do no good in this respect, why not pass this bill and pay the people who hold these bonds in good faith, who bought them for a valuable consideration, and who upon every principle of law and equity are entitled to their pay? Then let an investigation be had; let the truth come to light. If frands have been committed, let them be shown up; and if there is any remedy, let the Government seek that remedy; let it be sought through Congress or in any way. But there is no practical remedy any remedy, let the Government seek that remedy; let it be sought through Congress or in any way. But there is no practical remedy in refusing to pay negotiable bonds of the United States issued by officers having the power to issue them and held by parties who in good faith have paid their money for them. What Senator is there on this floor or what Representative on the floor of the other House who would advocate that? I know my friend from Delaware would not.

Mr. SAULSBURY. The Senator will pardon me for making a sug-

gestion. There may be bonds now in the hands of parties who presented original claims to the board of audit, and that is one reason why I want the investigation to be had before we pay. If you find a bond in the hands of a party who committed fraud in the presentation of a fraudulent claim, I do not hesitate to say that I would stop the

payment of his bond until his account was properly corrected.

Mr. WADLEIGH. The views which the Senator from Delaware has expressed were the very views which led me to give notice of this motion to reconsider. I had that very thing in my mind at the time

I gave the notice.

Mr. MAXEY. Will the Senator pardon me for suggesting that if the fact of fraud is established in the issuance of a bond, there is a prima facie case against the holder of the bond, and does it not devolve on him to prove that he is an innocent purchaser for a valuable consider-

ation in good faith and without notice?

Mr. WADLEIGH. No; because we gave to officers of the United States, under a law passed by us, power to issue these very bonds, to make them negotiable, to give them the credit of the Government, and undoubtedly they have passed into the hands of innocent par-ties. I know there is force in the suggestion of my friend from Dela-ware; but remember that these bonds are negotiable and pass from hand to hand; that they show upon their face no indication of the character of the claim upon which they are based; that the men who procured the bonds by fraudulent claims would not keep them, and probably they have all passed from their hands before now. At any rate it is certain that those bonds, which cannot be distinguished from the others, before any investigation can be had or any evidence can be reached, would be passed into the hands of innocent parties who buy them for value received and hold them in good faith.

Mr. MAXEY. Is not the principle to which I referred applicable? The Senator is placing it on the ground that the paper is negotiable.

The Senator is placing it on the ground that the paper is negotiable. Is not that principle applicable to a negotiable promissory note? The fact being established that your note has been frandulently obtained, does not that make a prima facic case against the holder of that promissory note, who claims to be an innocent purchaser, and devolve on him the duty of proving his innocence? If that be true of a promissory note, is it not true of a negotiable bond?

Mr. WADLEIGH. That might be true perhaps in some cases in reference to promissory notes; but allow me to beg the honorable Senator from Texas to pause and reflect a moment upon the fact that these bonds do not stand in the same position as any negotiable notes. Here were certain claims against the District of Columbia. Congress provided a tribunal for the District before which the claimants might go, and authorized the board of audit, if they found those claims to go, and authorized the board of audit, if they found those claims to be just, to issue thereupon certificates upon which the sinking-fund commissioners should issue negotiable bonds. It is like my friend examined this matter with all the diligence and with all the industry | from Texas saying in a case somewhat similar to the one he referred

to: "Here is my agent; I leave the matter to him; he will investigate it; if he finds that this is due he will issue a note as my agent which I will pay;" and when the agent has made the investigation and, although the claim was fraudulent, has found that it was not, but that it was valid and the note has been issued, my friend from Texas would have to pay that note because he intrusted his agent with the power of issuing it; and where of two parties one must suffer the party must suffer who has been in fault, and in that case my friend from Texas would have authorized the issuing of the note.

Mr. MORRILL, of Maine. I move that this motion lie on the table.

The PRESIDENT pro tempore. The Senator from Maine moves to

The PRESIDENT pro tempore. The Senator from Maine moves to lay the motion on the table.

Mr. EDMUNDS. Which motion? The motion to withdraw?

The PRESIDENT pro tempore. The motion to grant permission to withdraw the motion to reconsider.

Mr. COCKRELL. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. EDMUNDS. I would ask the Chair to state again precisely the question upon which we are to vote.

The PRESIDENT pro tempore. The motion pending is to permit the Senator from New Hampshire to withdraw his motion to reconsider; and the Senator from Maine moves to lay that motion on the table. The Chair rules that it is in order. The Chair rules that it is in order.

Mr. EDMUNDS. If that be laid on the table, then the motion to reconsider will be left pending?

The PRESIDENT pro tempore. It will be pending.

The Secretary proceeded to call the roll, and Mr. Alcorn answered

Mr. RANSOM. I desire to know the effect of this motion.
The PRESIDENT pro tempore. The roll-call cannot be interrupted.
Mr. RANSOM. I only want to understand the vote.
The Secretary proceeded with and concluded the call of the roll.
Mr. RANSOM. I voted yea under what I supposed to be the ruling of the Chair that the motion of the Senator from Maine only carried the last motion of the Senator from New Hampshire to the table, and did not affect the main motion. If that is the ruling of the Chair, I

Mr. KERNAN. Under that explanation I desire to change my vote

Mr. CAPERTON. I change my vote from the negative to the af-

The result was announced-yeas 57, nays 1; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bogy, Bruce, Cameron of Wisconsin, Caperton, Christiancy, Clayton, Cockrell, Conkling, Conover, Cooper, Cragin, Davis, Dawes, Eaton, English, Ferry, Frelinghuysen, Goldthwaite, Gordon, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Johnston, Jones of Florida, Jones of Nevada Kelly, Kernan, Key, McCreery, McDonald, McMillan, Maxey, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Norwood, Oglesby, Paddock, Randolph, Ransom, Robertson, Sargent, Saulsbury, Sherman, Spencer, Stevenson, Wadleigh, Wallace, Windom, Withers, and Wright—57.

NAYS—Mr. Edmunds—1.

ABSENT—Messrs. Alcorn, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Dennis, Dorsey, Hamlin, Logan, Morton, Patterson, Thurman, West, and Whyte—14.

The PRESIDENT pro tempore. The motion to grant leave is laid on the table. The question now is on the reconsideration.

Mr. MORRILL, of Maine. I move that that motion lie on the table.

Mr. SAULSBURY. I move that the Senate adjourn.

The question being put, there were on a division—ayes 28, noes 25.

Mr. MORRILL, of Maine. I demand the yeas and nays.

The years and nays were ordered; and being taken, resulted—ayes

32, nays 28; as follows:

SZ, Rays 25; as 10110WS:

YEAS—Messrs. Alcorn, Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Eaton, English, Goldthwaite, Gordon, Hamilton, Harvey, Hitchcock, Johnston, Jones of Florida, Jones of Nevada, Kelly, Kernan, Logan, McCreery, Maxey, Merrimon, Norwood, Randolph, Ransom, Robertson, Saulsbury, Spencer, Stevenson, Wallace, and Withers—32.

NAYS—Messrs. Allison, Anthony, Booth, Bruce, Cameron of Wisconsin, Christianey, Clayton, Coulking, Conover, Cragin, Dawes, Edmunds, Ferry, Frelinghuysen, Howe, Key, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Sargent, Sherman, Wadleigh, West, Windom, and Wright—28.

ABSENT—Messrs. Boutwell, Burnside, Cameron of Pennsylvania, Dennis, Dorsey, Hamlin, Ingalls, McDonald, Morton, Patterson, Thurman, and Whyte—12.

So the motion was agreed to; and (at five o'clock p.m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

## Wednesday, February 23, 1876.

The House met at twelve o'clock m., and the Speaker resumed the chair. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D. The Journal of Monday last was read and approved.

## NAVAL AFFAIRS.

Mr. WHITTHORNE. Mr. Speaker, by instruction of the Committee on Naval Affairs I am directed to ask leave of the House that that committee shall have leave to sit during the sessions of the House, the business before it making it necessary at this time.

There was no objection, and it was ordered accordingly.

## PIVOT-DRAW IN OHIO RIVER BRIDGES,

Mr. JONES, of Kentucky, by unanimous consent, introduced a bill (H. R. No. 2263) for the repeal of so much of the act of December 17, 1872, as provides for a pivot-draw in any bridge to be located across the Ohio River between the city of Covington, Kentucky, and Cincinnati, Ohio; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## GRADUAL REDUCTION OF THE ARMY.

Mr. BANNING, by unanimous consent, introduced a bill (H. R. No. 2264) to promote the efficiency of the Army of the United States, to provide for its gradual reduction, to consolidate certain of its staff departments, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## THE SPEAKER'S TABLE.

Mr. PAGE. I ask unanimous consent to take from the Speaker's table Senate bill No. 6, for the sale of timber lands in the States of California and Oregon and in the Territories of the United States, for reference to the Committee on Public Lands

The SPEAKER. The gentleman will withhold his request for the present, as the Chair will ask permission to take up and refer all bills

upon the Speaker's table.

Mr. PAGE. I will do so.

#### PERSONAL EXPLANATION.

Mr. HARRISON. Mr. Speaker, I ask unanimous consent to make a personal explanation.

There was no objection.

Mr. HARRISON. I find by reading the report in the Record of the debate of the day before yesterday, which grew out of the question of privilege raised by my colleague and friend, [Mr. Springer,] that some words used by me are liable to an interpretation which would do injustice to a gentleman not a member of this House and to myself—and which of course was not intended or desired by me. I refer to the statement I made, as shown by the RECORD, in the discussion of a construction that might be put upon the amendment offered by my colleague to the centennial bill, and that General Hawley understood that to be the construction immediately after the passage of that bill. In this remark I did not intend to refer at all to the construction which I have since learned has been put upon that amendment by Judge Black and by the late Hon. Reverdy Johnson. I had been called from the floor when the gentleman from Illinois [Mr. Springer] took the floor, and, just coming to my seat as he was about to conclude his remarks, I was when the gentleman from Findols [Mr. SPRINGER] took the hoot, and, just coming to my seat as he was about to conclude his remarks, I was not aware of all the facts before the House. I had never heard of the construction put upon that amendment by the eminent jurists Judge Black and Mr. Johnson. I see, too, that the RECORD makes me say that "when that amendment was passed one of the centennial commissioners came to me." I certainly intended to say, and thought I did say, when the bill and amendment were passed this gentleman came to me. That gentleman was General Hawley. So far was he from knowing of the enlarging construction of Judge Black, he proposed that the Senate ought to strike out the amendment. The bill was then already passed and he was unwilling that what he considered the illiberal amendment should remain attached to the bill. But he was willing to accept the appropriation with the most restrictive construction. But he doubted if the amendment would take from the stockholders their vested rights. This fact I brought to the knowledge of my colleague. He said he would look into it, and if his amendment was not strong enough he would bring in a supplemental bill. As he has not done so, I supposed he had found his amendment sufficiently strong and did not know of any enlarging construction until I read the RECORD of yesterday. I read the RECORD of yesterday.

## AMENDMENT OF PACIFIC RAILROAD ACTS.

Mr. WIGGINTON, by unanimous consent, introduced a bill (H. R. No. 2265) to amend an act granting lands to aid in the construction of a railroad and telegraph line from the States of Missouri and Arkansas to the Pacific coast, and acts amendatory thereof; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

## NORTHERN PACIFIC RAILROAD.

Mr. LANE, by unanimous consent, (by request,) introduced a bill (H. R. No. 2266) to transfer the land grant from the northern branch of the Northern Pacific Railroad to the Portland, Dalles and Salt Lake Railroad; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

## MARY WADE.

Mr. MAISH, by unanimous consent, introduced a bill (H. R. No. 2267) granting a pension to Mary Wade, mother of Jennie Wade; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## STATEMENT OF TREASURY BALANCES.

Mr. HEWITT, of New York. I move, by unanimous consent, that the reply of the Secretary of the Treasury to the resolution of this House passed on the 31st of January, 1876, asking for a detailed statement of the balances of the Treasury at the close of business on the 25th of January last, and which was referred to the Committee of Ways and Means without printing, be now ordered to be printed.

There was no objection, and it was ordered accordingly.

#### HOMESTEAD ENTRIES.

Mr. LUTTRELL, by unanimous consent, presented concurrent resolutions of the Legislature of the State of California, relative to soldiers and sailors' additional homestead entries; which were referred to the Committee on Public Lands, and ordered to be printed.

#### PENSION BUREAU.

Mr. WHITE, by unanimous consent, introduced a bill (H. R. No. 2268) to increase the clerical force of the Pension Bureau and provide for the speedy settlement of all just pension claims; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### CHANGE OF NAME OF STEAMBOAT.

Mr. PLATT introduced a bill (H. R. No. 2269) to change the name of the steamboat Twilight, of New York, to that of Amsdell; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### ALLEGED FRAUDS UPON THE GOVERNMENT.

Mr. JAMES B. REILLY. I ask unanimous consent to present the following preamble and resolution for consideration at this time:

Whereas it is alleged that disbursing officers, agents, collectors, receivers, and other persons having in their custody or possession moneys of the United States have illegally appropriated the same and made default in accounting therefor and practiced gross frauds upon the Government by means of which it has sustained great loss: Therefore,

Resolved, That the Committee on Public Expenditures be, and they are hereby, directed to make an investigation of the accounts of all disbursing officers, agents, collectors, receivers, and other persons having in their possession moneys of the United States from the 1st day of July, 1865, to the 30th day of June, 1875, and to ascertain whether any such officer or person has illegally appropriated or made default in accounting for the same or any part thereof, or in any manner violated the laws of the United States regulating the application of such moneys, and to what extent, if any. And said committee is hereby instructed to report to this House, by bill or otherwise, the result of such investigation, together with any recommendation in the premises it may deem advisable, and said committee in conducting such investigation shall have power to send for persons and papers.

The SPEAKER. Is there objection to the present consideration of this resolution? The Chair hears none. The question is on agreeing to the resolution.

Mr. KASSON. On that resolution I want to interpose an objection, unless the gentleman who submits it names the instances to which it applies. As it stands, the resolution is a universal charge upon all disbursing officers. If the gentleman will name the instances which he desires to have investigated, I have no objection to the resolution.

Mr. RANDALL. The reports of the Departments show that there have been such defaults.

Mr. KASSON. I rose to claim the Speaker's attention when objections were asked for.

The SPEAKER. Does the gentleman insist upon his objection? Mr. KASSON. I insist upon my objection, unless the resolution be modified in the way I have indicated.

The SPEAKER. The Chair feels bound to accept the statement of

The SPEAKER. The Chair feels bound to accept the statement of the gentleman from Iowa as to his having risen in time to object; and, objection being made, the resolution is not before the House.

Mr. JAMES B. REILLY. To obviate the objection of the gentleman from Iowa, I am willing to omit the preamble.

The SPEAKER. The Chair would suggest to the gentleman from Pennsylvania [Mr. James B. Reilly,] that for the present he withdraw the resolution for the purpose of ascertaining what effect the tribing out of the present leaves and have seen the large state that the state of the state of the text. striking out of the preamble would have on the language of the text. If he withdraws it now he may again offer it.

Mr. JAMES B. REILLY. Then I withdraw the resolution for the

present.

ARMY OFFICERS IN DIPLOMATIC OR CONSULAR SERVICE.

Mr. ROBBINS, of North Carolina, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of War be requested to inform the House whether since the 20th of March, 1868, any and which officer or officers of the Army have accepted and held any appointment in the diplomatic or consular service and were borne on the Army list after accepting such appointment, and for how long a time in each case, and whether any officer having held such appointment now holds his rank in the Army and draws the pay thereof, and if so, by what authority.

## GEORGE F. SEWARD.

Mr. HALE, by unanimous consent, submitted the following preamble and resolution; which were read, considered, and agreed to:

Whereas charges have been made and spread at length upon the record seriously reflecting upon George F. Seward, lately consul-general at Shanghai, and now minister of the United States to China: Therefore,

\*Resolved\*\*. That the Secretary of State be requested to communicate to this House any information or facts bearing on the truth of such charges, with any documents or papers relating thereto, if not incompatible with the public interest.

## PUBLIC BUILDINGS AT SAINT LOUIS.

Mr. WELLS, of Missouri, by unanimous consent, from the Committee on Appropriations, reported as a substitute for House bill No. 812 a bill (H. R. No. 2270) to provide for the purchase of material and for the continuation of the work on the building for a custom-house and post-office at Saint Louis, Missouri; which was read a first and

Mr. WELLS, of Missouri. I ask for the present consideration of the bill.

The bill was read. It directs, authorizes, and empowers the Supervising Architect of the Treasury Department to contract for the iron columns and pilasters of the first story, and for the wrought-iron beams of the second story, of the United States post-office and custom-house at Saint Louis, Missouri, and appropriates the sum of \$75,000, or so much thereof as may be necessary, for the payment of said contract, payable out of the appropriation for said building to be made for the next fiscal year; provided that said architect may in his discretion use such portion of said sum hereby appropriated for labor and material as may be absolutely necessary for the proper preservation and progress of said building.

There being no objection, the bill was ordered to be engrossed and

read a third time; and being engrossed, it was accordingly read the

third time, and passed.

Mr. WELLS, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### MRS. HANNAH W. SUMNER.

Mr. LEAVENWORTH, by unanimous consent, introduced a bill (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin B. Sumner; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### WILLIAM M'DANIEL.

Mr. DOUGLAS, by unanimous consent, introduced a bill (H. R. No. 2272) for the relief of William McDaniel, of King County, Virginia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## MRS. KETURA D. NASH.

Mr. BALLOU, by unanimous consent, introduced a joint resolution (H. R. No. 73) authorizing and requesting the President of the United States to present the medal made for William H. H. Nash to his widow, Ketura D. Nash; which was read a first and second time.

The joint resolution was read in full. It authorizes and requests

the President of the United States to present the medal made by the President of the United States to present the medal made by anthority of Congress by joint resolution approved February 24, 1873, for William H. H. Nash, for gallant services, in connection with others, in saving the lives of thirty-two persons from the wreck of the steamer Metis, from the waters of Long Island Sound, on the 31st day of August, 1872, to his widow, Mrs. Ketura D. Nash.

Mr. BALLOU. It may be necessary for me to say, Mr. Speaker, that on the 31st of August, 1872, ten men manned a life-boat and a fishing-

on the 31st of August, 1612, ten men manned a fire-boat and a maning-boat and saved the lives of thirty-two individuals from the wreck of the steamer Metis. A joint resolution was passed by Congress request-ing and authorizing the President to have medals made to present to each of these ten individuals. Nine of these medals were presented; but one of the parties, William H. H. Nash, died before the medal was completed. This resolution is for the purpose of having the medal made for him presented to his widow—he leaves no children—as the one nearest to him. The President does not feel authorized to present it to any other than the person named in the resolution without instructions from Congress.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BALLOU moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## MODIFICATION OF THE TARIFF AND SPECIE PAYMENTS.

Mr. WHITEHOUSE. I ask unanimous consent to offer the following preamble and resolution:

Whereas the commercial, manufacturing, and business interests of the country are so seriously depressed in consequence of the uncertainty of the future financial policy of the Government: Therefore,

Be it resolved, As the sense of this House, it is unwise and inexpedient to legislate with reference to any radical change in the tariff laws as they now exist until after resumption of specie payment by the Government.

The SPEAKER. Is there objection to the resolution ? Mr. REAGAN. I object.

## ORDER OF BUSINESS.

Several Members called for the regular order.

The SPEAKER. The regular order of business being called for, the morning hour will commence at two minutes to one o'clock p. m.

Mr. MOREY. I would ask that, by unanimous consent, bills on the Speaker's table be now referred.

The SPEAKER. The Chair was about to make that request. The Chair desires, before proceeding with the regular order, to dispose of some matters on his table. He will lay before the House sundry communications.

BUILDINGS RENTED BY QUARTERMASTER-GENERAL'S DEPARTMENT.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting, in response to House resolution of the 8th instant, a report of the Quartermaster-General of the United States Army on buildings rented by the Quartermaster's Department throughout the United States; which was referred to the Committee on Military Affairs.

## ROCK ISLAND ARSENAL.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report from the commanding officer at Rock Island arsenal, asking for an appropriation of \$157,300 to complete the development of water-power; which was referred to the Committee on Commerce.

#### BUILDINGS RENTED FOR THE TREASURY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Acting The SPEAKER also laid before the House a letter from the Acting Secretary of the Treasury, transmitting, in response to a House resolution of inquiry, a statement of buildings and grounds in the city of Washington now rented for the use of the Treasury Department; which was referred to the Committee on Public Buildings and Grounds.

Mr. RANDALL. Does that communication state the amount of money expended in renting buildings? Because, if so, it ought to go to the Committee on Appropriations.

The SPEAKER. That does not appear from the indorsement, but the Clerk thinks that is the nature of it, and it will be referred to the Committee on Appropriations.

Committee on Appropriations.

Mr. HOAR. I ask that it be printed, as it is a short document.

It was so ordered.

## LIFE-SAVING STATIONS ON THE PACIFIC COAST.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, relative to the establishment of life-saving stations on the Pacific coast; which was referred to the Committee on Commerce.

#### BUILDINGS RENTED FOR THE NAVY DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Navy, transmitting, in response to a House resolution of inquiry of the 14th instant, a statement of buildings rented for the use of the Navy Department; which was referred to the Committee on Naval Affairs.

#### BUILDINGS RENTED FOR THE POST-OFFICE DEPARTMENT.

The SPEAKER also laid before the House a letter from the Post-master-General, transmitting, in response to a House resolution of the 14th instant, a statement of buildings in Washington City rented for the use of the Post-Office Department; which was referred to the Committee on the Post-Office and Post-Roads.

#### OBSTRUCTIONS IN THE COLUMBIA RIVER.

The SPEAKER also laid before the House a joint memorial of the territorial Legislature of Montana, praying for the removal of certain obstructions in the Columbia River; which was referred to the Committee on Commerce.

## REFERENCE OF BILLS.

The SPEAKER. Is there any objection to the Chair now laying before the House Senate and House bills now on the Speaker's table for appropriate reference? The Chair hears none.

## PUBLIC LANDS IN SOUTHERN STATES.

The first business on the Speaker's table was a bill (S. No. 2) to repeal section 2303 of the Revised Statutes of the United States, making re-strictions on the disposition of public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## AMENDMENT OF REVISED STATUTES.

The next business on the Speaker's table were the amendments of the Senate to the bill (H. R. No. 353) to amend section 1911 of the Revised Statutes; which were referred to the Committee on Invalid Pensions.

## PENSION APPROPRIATION BILL.

The next business on the Speaker's table were the amendments of the Senate to the bill (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1877; which were referred to the Committee on Appropriations.

## NORTHERN PACIFIC RAILROAD.

The next business on the Speaker's table was the bill (S. No. 14) to extend the time for the construction and completion of the Northern Pacific Railroad; which was read a first and second time, and referred to the Committee on the Pacific Railroad.

## DANIEL T. CHANDLER.

The next business on the Speaker's table was the bill (S. No. 261) to remove the political disabilities of Daniel T. Chandler, of Baltimore, Maryland; which was read a first and second time.

Mr. O'BRIEN. I ask that that bill be now put upon its passage; the proper petition accompanies the bill.

There was no objection; and the bill was read the third time, and passed, (two-thirds voting in favor thereof.)

## GEORGE SCHWARTZ.

The next business on the Speaker's table was the bill (S. No. 168) for the relief of the legal representatives of George Schwartz, deceased, late a private in Company F, Fifth Regiment Wisconsin Volunteer Infantry; which was read a first and second time, and referred to the Committee on Military Affairs.

#### MICHAEL W. BROCK.

The next business on the Speaker's table was the bill (S. No. 165) for the relief of Michael W. Brock, of Meigs County, Tennessee, late private in Company D, Tenth Tennessee Volunteers; which was read a first and second time, and referred to the Committee on War Claims.

#### OREGON CENTRAL RAILROAD.

The next business on the Speaker's table was the bill (S. No. 146) extending the time for the completion of the Oregon Central Railroad and Telegraph line from Portland to Astoria and McMinnville, in the

State of Oregon; which was read a first and second time.

The SPEAKER. This bill will be referred to the Committee on the Pacific Railroad, if there is no objection.

Mr. HOLMAN. Does it not belong to the Committee on Public Lands 7

The SPEAKER. In the judgment of the Chair it should go to the Committee on the Pacific Railroad, as the subject of the bill relates directly to the jurisdiction of that committee.

The bill was accordingly referred to the Committee on the Pacific

Railroad.

#### TRANSPORTATION OF ANIMALS.

The next business on the Speaker's table was the bill (S. No. 59) to amend certain provisions of the Revised Statutes of the United States relating to the transportation of animals; which was read a first and second time.

Mr. CALDWELL, of Alabama. The Committee on Agriculture have that subject under consideration, and I move that the bill be referred

to that committee.

The motion was agreed to.

## COUNTY BUILDINGS IN DUBUQUE, IOWA.

The next business on the Speaker's table was the bill (S. No. 169) giving the consent of the United States to the county of Dubuque, in the State of Iowa, to construct county buildings in Washington Square, in the city of Dubuque, and for other purposes; which was read a first and second time, and referred to the Committee on Public Buildings and Grounds.

#### SALE OF TIMBER LANDS.

The next business on the Speaker's table was the bill (S. No. 6) for the sale of timber lands in the States of California and Oregon and in the Territories of the United States; which was read a first and second time, and referred to the Committee on Public Lands.

#### CLAIMANTS OF LANDS.

The last business on the Speaker's table were the amendments of the Senate to the bill (H. R. No. 1054) to extend the time for claimants under section 11 of chapter 459 of the laws of the Forty-third Congress to prove their claims; which was referred to the Committee on Public Lands.

## ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, re-

ported that they had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

An act (H. R. No. 1802) making an appropriation to pay fourteen crippled and disabled Union soldiers from the 6th day of December, 1875, to the 30th day of June, 1876.

## SUBCOMMITTEES.

Mr. MORRISON, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved. That subcommittees of the several committees of the House charged with investigations be, and are hereby, declared committees of the House for the purposes of their appointment, respectively, with powers to send for persons and papers, and that the chairmen thereof may administer oaths.

## ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twelve minutes past one o'clock, and the first business in order is the call of committees for reports of a public nature. The call rests with the Committee on the Territories.

## SLAUGHTER OF BUFFALOES.

Mr. FORT. The Committee on the Territories have instructed me to report back without amendment the bill (H. R. No. 1719) to prevent the useless slaughter of buffaloes within the Territories of the United States. The committee unanimously recommend its passage.

The bill was read. It provides in the first section that it shall hereafter be unlawful for any person who is not an Indian to kill, wound, or in any manner destroy any female buffalo of any age, found at large within the boundaries of any of the Territories of the United States. States.

The second section provides that it shall be, in like manner, unlawful for any such person to kill, wound, or destroy in the Territories any greater number of male buffaloes than needed for food by such person, or than can be used, cured, or preserved for the food of other persons, or for the market. It is to be in like manner unlawful for any such person or persons to assist or be in any manner engaged or concerned in or about such unlawful killing, wounding, or destroying of any such buffaloes. Any person violating the provisions of the act shall, on conviction, forfeit and pay to the United States the sum of \$100 for each offense, (and each buffalo so unlawfully killed,

wounded, or destroyed shall be and constitute a separate offense,) and, on a conviction for a second offense, may be committed to prison for a period not exceeding thirty days. All United States judges, justices, courts, and legal tribunals in the Territories are to have jurisdiction in cases of the violation of the act.

in cases of the violation of the act.

Mr. FORT. I will detain the House but a few moments with any remarks in relation to this bill. The buffaloes which roam over the Territories of the United States are fast disappearing. The intention and object of this bill is to preserve them for the use of the Indians, whose home is upon the public domain, and to the frontiersmen, who may properly use them for food. Where once there were thousands of buffalo there are now but hundreds. They have been, and are now being, slaughtered in large numbers, and must soon disappear. Thousands of these noble brutes are annually slaughtered not for food. sands of these noble brutes are annually slaughtered, not for food, but slain out of mere wantonness. Hundreds and thousands of them are shot down upon the plains, as I am informed, for sport. The Indians are disposed to look upon these creatures as their own herds, their own cattle, and they regard with jealousy the destruction of what they deem to be their property, and believe they should be preserved for them.

Certainly no good can come from this continued slaughter. These animals are harmless; they injure no one. Civilization has no war with them. In the judgment of the committee, they should be as far as possible preserved for the use, not only of the Indians upon the plains, but for those settlers who go to the frontier for legitimate purposes and settlement, and should only be killed for food and for their

This bill just as it is now reported passed the last Congress. passed the House then, I believe, without a dissenting voice; but it was net passed in the Senate until toward the last of the session, as I was not passed in the senate until toward the last of the session, as I am informed, and failed to receive the approval of the President, as I am further informed, only because more important matters occupied attention until Congress adjourned. It was not vetoed, but fell, as I understand, merely for want of time to consider it after having passed both House

It is said by some that the bill is well enough, but that it relates only to the Territories, while in Kansas, where large numbers of these buffaloes are destroyed, it would have no force. Every gentleman, upon a moment's reflection, must see that this cannot be otherwise. The United States Government has no jurisdiction within the boundaries of any State for such purpose. It must be left for the different States to make such regulations as they choose for preserving the game within their limits. All we can do is to preserve these buffaloes where

One further remark. Every member of this House is aware that we are annually furnishing at heavy cost thousands and thousands of beef cattle to the Indians for food. It seems to me wrong that these vast herds of the plains, which have grown up in the course of nature without any cost to us, should be uselessly, cruelly, and wantonly destroyed, while at the same time we are called upon to expend so much money annually for the purpose of supplying the place of these animals with domestic cattle. I can see no reason why the bill

should not pass now, as it passed before. I will not detain the House longer in its discussion at this time.

Mr. CROUNSE. Will not the gentleman consent to an amendment striking out the words "who is not an Indian," so as to make the bill general? I apprehend that the only destruction to be complained of to any material extent is that committed by the Indians. That done by the white man is very limited. If the object is the preservation of the buffalo for the use of the Indian, I can see no reason why he should not be restricted in the wanton destruction of these animals. The bill seems to me nugatory unless this discrimination be wiped out. There should be no other law for the Indian than for the white man. They should be both alike amenable to all laws. If it is wrong for a white man wantonly to destroy the buffalo, it is equally wrong for an Indian. I hope the gentleman will at least consent to test the sense of the House on the amendment which I suggest.

I might add that the very liberty which is now allowed the Indianthe license to hunt the buffalo promiscuously—leads him to wander away from his reservation into Nebraska and elsewhere; and thus arise many of the troubles connected with the Indian question. the gentleman permit the sense of the House to be tested on this amendment?

I would have no sort of objection to an amendment in accordance with the gentleman's suggestion did I deem it necessary, and were it not for difficulties that would arise in prosecuting Indians. My info: mation has been that it is not the habit of Indians to destroy buffalo wantonly, merely for the sake of the sport. This destruction has principally been carried on by white men. If, however, it be thought that such an amendment as the gentleman suggests would improve the bill, I of course must consent. If the Indian is to be restrained I hope it will be done by a separate law, for the reason that intricate treaties would have to be considered. We all know that prosecutions, or rather the punishment, of Indians would have to be performed by a different authority in most cases. I presume that the committee who have had the bill under consideration would interpose no objection were it not for those reasons. I of course have no authority to accept any amendment; all power to amend is with the

Mr. DUNNELL. Mr. Speaker, I would add a single word to the

remarks which have been made by the gentleman from Illinois. think the present bill is one of great importance, and if rightly understood by the House possibly no objection will be urged to it. The bill to which allusion has been made as having passed the last House of Representatives was reported from the Committee on Public Lands. It will be remembered when it was under discussion that the Delegate from Arizona at that time submitted some very interesting remarks on the habits of the buffalo and also in relation to the wanton destruction of that animal. I will ask the Clerk to read first an extract from a paper in New Mexico, next an extract from a letter of General Hazen, and then a letter from Lieutenant-Colonel Brockett, of the United States cavalry. These three short extracts will show the value of this animal and the wantonness with which it is destroyed, and they constitute an unanswerable argument in favor of the passage of this bill. I simply ask those extracts be read as a part of my remarks.
The Clerk read as follows:

The Clerk read as follows:

The buffalo slaughter which has been going on the past few years on the plains, and which increases every year, is wantonly wicked and should be stopped by the most stringent enactments and most vigilant enforcement of the law. Killing these noble animals for their hides simply, or to gratify the pleasure of some Russian duke or English lord, is a species of vandalism which cannot too quickly be checked. United States surveying parties report that there are two thousand hunters on the plains killing these animals for their hides. One party of sixteen hunters report having killed twenty-eight thousand buffaloes during the past summer. It seems to us there is quite as much reason why the Government should protect the buffaloes as the Indians.

I know a man who killed with his own hand ninety-nine buffaloes in one day, without taking a pound of the meat. The buffalo for food has an intrinsic value about equal to an average Texas beef, or say \$20. There are probably not less than a million of these animals on the western plains. If the Government owned a herd of a million oxen they would at least take steps to prevent this wanton slaughter. The railroads have made the buffalo so accessible as to present a case not dissimilar.

# OMAHA BARRACKS, NEBRASKA, January 30, 1872.

Mr. REAGAN. I have not examined the bill and do not know exactly what are its provisions, but the object it has in view is altogether proper and right. I know this from some personal experience among the Indians and of the wanton and reckless destruction of buffaloes. It has been for many years a common practice for hunting parties and for men upon pleasure excursions to kill buffalo by the hundreds and thousands. It is a very large animal and useful to man, and should be protected from useless and wanton destruction.

They are not only killed out of mere sport, but it has been common to destroy them by hundreds and thousands merely for their

hides and tongues. This certainly is a cruel waste, and when we remember that now, instead of having to travel on horseback a great distance in order to reach them, the country over which they roam is penetrated by railroads, and access is made more easy, we can readily see how this sport can be indulged in to a greater extent than for-merly. It will be understood that, unlike domestic cattle, they roam over the plains from north to south and from south to north accord-ing to the season. In winter they go toward southern New Mexico and Texas, and in summer they pass up into our northern Territories.

They gather together in vast herds, which makes their destruction comparatively easy to those who seek it. It is not like hunting other game scattered about, only a few in each place; but these buffalo, roaming from south to north or from north to south, as the weather roaming from south to north or from north to south, as the weather and the grass invite, in large bodies, we find that, in addition to killing them for food and for useful purposes, persons out of mere sport indulge in their wanton destruction, while others engage in killing them merely for their hides and tongues. A law certainly should be made to prevent this.

The Indians, like the buffalo, go north or south according to the season, and generally travel in the track of the buffalo. The hunting of the buffalo affords them their chief means of subsistence. If these animals can be preserved from wanton destruction, it will save a

animals can be preserved from wanton destruction, it will save a great deal to the Indians, and certainly will save a great deal to the Government in caring for them.

It has been mentioned here that the buffalo likewise should be pro-

tected against wanton destruction by the Indians as well as by the So far as I have had any personal observation on the subject, whites. So far as I have had any personal observation on the subject, the Indians do not seek wantonly to destroy them. They regard them as a species of property, as the means of subsistence, and they desire to see them preserved beyond what is necessary for their subsistence. It may be that there are cases where they do destroy them merely for their tongues, hides, and horns. If they do, it would be wise to extend the provision of the law so as to prevent any such wanton destruction on their part as well as on the part of the white people in hunting parties and excursions by pleasure-seekers, who wantonly destroy. ing parties and excursions by pleasure-seekers, who wantonly destroy buffaloes by the hundreds and thousands, and waste valuable food which should be preserved for the subsistence of the Indians as well

as of the whites who explore the plains or live upon the frontier.

I do not know the particular provisions of this bill, but the object sought is a beneficent one, and, if properly guarded, the bill ought cer-

sought is a beneficent one, and, if properly guarded, the bill ought certainly to be enacted into law.

Mr. JENKS. I rise to offer an amendment, to come in at the fourth line of the second section of the bill.

The SPEAKER pro tempore. There is an amendment already pending, offered by the gentleman from Nebraska, [Mr. CROUNSE.] Does the gentleman from Pennsylvania [Mr. JENKS] desire to offer an amendment to the pending amendment?

Mr. JENKS. I would like to hear the pending amendment read.

The Clerk read as follows:

The Clerk read as follows:

Amend by striking out in lines 3 and 4 of the first section the words "who is not

Mr. JENKS. The amendment I desire to offer is an amendment to another section. If it be proper that the pending amendment be disposed of first, I will offer mine afterward. It is in accord with the spirit of the bill and intended to carry out its purpose.

man who has the bill in charge I believe will accept it.

The SPEAKER pro tempore. The amendment of the gentleman from Pennsylvania will be in order after that now pending has been disposed of. The question is on the amendment of the gentleman from

Mr. TOWNSEND, of New York. I hope the amendment will be adopted. There can be no reason why the white man should be forbidden to kill the female buffalo while the privilege of killing her is allowed to the Indian. The object is to preserve the game.

the game be destroyed, it makes no difference whether it be by the rifle of the Indian or the rifle of the white man.

It will be found perfectly impracticable for us to have one law for the Indian and another law for the white man. We have now got down to the doctrine of equality, and our boys on the frontier have always been believers in the doctrine of equality, so far at least as to give them as much right as anybody else; and I believe it would be found utterly impracticable to enforce any law that gives a privilege to the red man which would not be enjoyed by the white man. Besides, it is right in principle that there should be no distinction. And I hope yet before this session is over to see the Indian, even in his conduct toward other Indians, made amenable in the Territories of the United States to our laws for the punishment of crime. We shall have made a great step toward settling the Indian question when the United States laws intervene to protect one red man from the violence of another red man. This should not have been left unprovided for as long as it has been, and I trust before this session is over there will be provision made for the law being equal in regard to all men in our Territories

Mr. MAGINNIS. I believe it would be impracticable to carry out what the gentleman from New York [Mr. Townsend] suggests. The Indians are not under our civil law.

Mr. CROUNSE. Why are they not under our civil laws?

Mr. MAGINNIS. On account of the system of our Government.

Mr. CROUNSE. By what provisions of the Constitution or of law? Mr. CROUNSE. Mr. MAGINNIS.

Mr. MAGINNIS. By the laws of Congress and the treaties in virtue of which they are placed on their reservations.

Mr. TOWNSEND, of New York. If an Indian commits a crime against a white man on a given spot in our Territories our laws punish him. Why should they not punish him if he commits a crime against a red man standing upon the same spot?

Mr. MAGINNIS. I have never known the law to punish anything

Mr. TOWNSEND, of New York. It is time that the law did so. the gentleman will allow me a moment, I would say that as the law stands now we create a necessity for the Indian to remain a barbarian. As against another Indian he has to be continually armed to protect his home, to protect his little ones, and to protect the property he has. If we will protect him as we protect our white men on the same spot of ground, the Indians may cease to be barbarians and can become agri-

ground, the Indians may cease to be barbarians and can become agriculturists as our people are.

Mr. MAGINNIS. The gentleman from New York cannot be more in favor of a thorough revolution in our whole Indian system than I am, I agree with him in all he says. But I believe it to be true, as has been stated by the gentleman from Texas, [Mr. REAGAN,] that the Indians do not kill the buffalo cows.

Mr. TOWNSEND of New York. If they do not kill them now then

Mr. TOWNSEND, of New York. If they do not kill them now, then by this amendment we do them no wrong.

Mr. MAGINNIS. It is often the only mode of support they have to kill those buffaloes for their families. There are many Indians in my Territory who by killing the buffalo, curing the meat, and preserving the robes make a very decent livelihood; and I think it would be extremely unwise to include the Indians in the prohibition. The bill ought to pass as it stands.

Mr. FORT. I now yield five minutes to the gentleman from Texas,
[Mr. Throckmortox.]

Mr. THROCKMORTON. While the intention of this bill is a good one, I have no doubt in my mind that it is mischievous, and that if it is adopted it will be mischievous in its results. There would be a great deal of difficulty in attempting to enforce a law of this kind. I think, Mr. Speaker, that it would work great hardship on large por-

tions of our frontier people who are in the habit of hunting buffaloes

not only for food but for amusement.

I think the results of the bill would be bad in another direction. The object of this Government is to gather the Indians together on reservations, and just so long as you have buffaloes, so that they can leave their reservations, either at will or by permission, to hunt buffaloes, so long will the Government find it difficult to keep them on

faloes, so long will the Government find it difficult to keep them on their reservations.

Now, sir, there is no question that, so long as there are millions of buffaloes in the West, so long the Indians cannot be controlled, even by the strong arm of the Government. I believe it would be a great step forward in the civilization of the Indians and the preservation of peace on the border if there was not a buffalo in existence.

Now let me refer to another thing which has been brought in by gentlemen on the other side of this question. It is well known by the people on the frontier that the buffaloes do not follow the same trail when they go south as when they go north. Sometimes they travel eastward farther than they do at other seasons of the year, and at such times they interfere with the settlements of the country. When one hundred buffaloes come in a neighborhood where cattle When one hundred buffaloes come in a neighborhood where cattle are raised the immediate result is that they carry the cattle off by a kind of stampede, and thus destroy the property of the people.

But the most mischievous result, if this bill be passed, would be

the serious injury it would inflict on the people on the frontier, for citizens will be required to travel one hundred miles from the locality where they reside to the Federal courts for trial. They will be subject to extraordinary expenses in traveling and in making defense.

Mr. REAGAN. My colleague will allow me to suggest that the bill

as presented does not authorize indictments in the States; it relates

as presented does not authorize indictments in the states; it relates only to the Territories, and cannot affect our State.

Mr. THROCKMORTON. But, sir, my knowledge of the affairs in Texas justifies me in making the statement I do: in regard to the Territories, and whenever you pass this bill and it goes into effect, you will find that hundreds and hundreds of the frontier people will be dragged from their distant homes to Federal courts for trial, and subjected to extraordinary expenses in traveling and attending to their cases.

Then there is another thing: this bill refers to female buffaloes. I would like to know how an Indian or hunter, however experienced he may be on the frontier, would be able to determine whether the animal fired at was a female or a male. I have had some experience in that business, and I know the impossibility of it. These buffaloes stampede our cattle and horses by the thousand, trample down the grain fields, destroy thousands of acres at a time, and I say that for the civilization of the Indian and the preservation of peace on our borders the more buffaloes are exterminated the better it will be for

borders the more buffaloes are exterminated the better it will be for our country.

Mr. FORT. I desire to demand the previous question, but will yield for five minutes to the gentleman from Texas, [Mr. HANCOCK.]

Mr. HANCOCK. Mr. Speaker, I had not proposed to take any part in this discussion, but my mind is so thoroughly convinced of the impolicy of this whole bill that I feel it proper that I should make a few remarks as to the reasons why I dissent from this measure in its entirety. I hope, sir, there is no humanitarian sentimentality that would induce legislation for the protection of the buffalo, and that we shall look at it and treat it as a practical question. The only individuals whose interests seem to be sufficiently provided for and protected by this bill are the Indians. If the theory upon which the Government is now treating the Indians is a proper one, and I am inclined to believe it is the best, the sconer we get rid of the buffalo entirely the better it it is the best, the sooner we get rid of the buffalo entirely the better it will be for the Indian and for the white man too. They are, at most, but game. Men have not been able to domesticate them so as to make them useful in any respect as a domestic animal. They take up as much room and consume as much provender as cattle and horses or

any other character of useful domestic animals.

But that is not the only reason why I object to this bill. Just so long as the Indian is permitted to roam over the plains and seek a livelihood by the pursuit of this character of game, the only one that remains now that will subsist him for sixty days, just so long will the difficulty continue of humanizing and civilizing him and making him self-sustaining. Then, so far as he is concerned, if the Government is to feed him, and we now expend an aggregate of over \$5,000,000 in his to feed him, and we now expend an aggregate of over \$5,000,0001 his behalf, a sum sufficient to feed him sumptuously and clothe him, too, that can only be effectuated by confining him to some district of country where he can be placed under the control of those who will look honestly, faithfully, and efficiently to his welfare and remove the inducement to pursue the buffalo. That will be much more easily effected than it will be if you give him a legislative grant, a kind of prerogative right to go in pursuit of the buffalo of any gender when it suits his

The reports on this subject show that one of the greatest difficul-ties is in restraining the Indian from going on his habitual hunt after buffalo, when he engages in other sports, such as murdering the frontier settlers and robbing them of their property and carrying it off without reference to whether they are friends or foes. They have no appreciation of the moral duties which we recognize as being in every citizen of the country, but pursue the habits of their nature and their custom in taking whatever is within their reach. I hope the entire-

bill will be defeated.

Mr. FORT. Allow me a few words in reply to the gentleman who

has just taken his seat, [Mr. HANCOCK.] I understand his position to be that in order to civilize the Indians we must destroy the buffalo. Then why not destroy all the game that roams on his native plains? In other words, that we must in order to civilize the Indian reduce him by starvation, and according to the gentleman's theory we should kill or allow to be killed all the buffalo, that he may no longer indulge in the chase to get food for his little ones.

I will ask him then why not also kill all the deer, the elk, and beau-Why not destroy all other game? Why not destroy all the means of support he gets from nature, in order to reduce him to civilization? In other words, would it not be more humane to take your Army

and with red-mouthed cannon sweep the Indian from the earth? If death is the remedy he would administer to the Indian, why not say so and then select the least cruel mode of administering it? Do it in the most humane manner. In the name of humanity and the Christian religion do not resort to starvation as a means. I have no especial sentimentality in my bosom for the Indian; I have no especially friendly feeling for the savage, but I do not desire his destruction. The idea of starving little children is so revolting, I cannot see how a gentleman so kind-hearted as he is known to be, could wish such result. Would such treatment civilize, Christianize, or make the Indian more peaceful? In my judgment it would be more likely to

make him savage and warlike.

The experience of the gentleman is no doubt greater than my own, but I cannot understand why we should destroy all his game and natural means of support. Why do we feed the Indians as we do? If we are to civilize them by starvation, why do we feed them? Why do we drive out hundreds and thousands of cattle annually to feed them at a cost of hundreds of thousands of dollars? I cannot see the logic of my friend from Texas of honorable historic name, [Mr. HANCOCK.] course we leave to the several States the preservation and protecting of the game within their borders. We do not propose to go into the States and legislate on game there, but it does seem to me that upon the prin-ciple of humanity to the Indian alone we ought to preserve the game; preserve what he has rather than to destroy the little he has got. For my part I favor the society which has in view the prevention of cruelty to animals. We ought not to be cruel to the Indian, be he human or animal, and we ought not to be cruel to the poor harmless buffalo. In my judgment this bill has in view and will in a degree effect the pres-

ervation of his game in order to make him more peaceful and quiet.

Many of the collisions that have arisen between the whites and the Indians, as I am informed by Army officers who have been stationed in that country and by others, have arisen from hunting parties who have gone there and were engaged in wholesale shooting down and destroying the buffalo which they look upon as their cattle raised up by the Great Spirit for their use; and more or less blood has been shed and sometimes wars have ensued merely because white men have been allowed to go among the Indian's flocks and herds and engage in the indiscriminate slaughter of these brutes.

I now yield for a few minutes to the gentleman from Texas, [Mr.

REAGAN. If we propose to act upon this subject as upon others we should act upon the facts as they exist before us, and not attempt to shape the legislation of this country upon undeveloped theories, which have not yet arisen and which we have no reason to believe ever will be developed. For nearly a century we have been trying to civilize the Indians, to teach them habits of industry, the pursuits of agriculture, and a knowledge of the mechanic arts. How far have we succeeded with the full-blooded Indian? Can any one point to any success in inducing them to cultivate the soil, to adopt the habits of civilization, and to follow industrial pursuits as the white race do? Mr. HANCOCK. What does my colleague [Mr. REAGAN] say in reference to the Choctaws and Chickasaws?

Mr. REAGAN. I say this, and I say what all know who know anything about them: that with reference to the mixed races, a few who have been educated have obtained property, and established homes, and cultivated the soil. That is not, however, universal even among the Chickasaws, Choctaws, Cherokees, and the other Indians in the territory west of Arkansas, who are, perhaps, most advauced in civilization. When you come to the great mass of Indians, they are Indians still—living their nomadic life by the hunt and the chase. And indicate from the experience of the part windows that if in the and still—name the by the limit and the classe. And judging from the experience of the past, my judgment is that if in the mercy of Heaven a full-blooded Indian shall still be spared at the end of another one hundred years, he will still be the Indian which God has made him, of nomadic habits and pursuing the chase for a

livelihood.

Mr. HANCOCK, What does my colleague say of President Juarez,

of Mexico, who is an Indian?

Mr. REAGAN. I understand that President Juarez is a descendant of Indians, as a large number of Mexican people are said to be. But he was an educated man; was not reared as an Indian, but in the habits of civilized life. He was not a fair example by which to illustrate the Indians who roam upon the plains.

But I was going to say this: the Indians are now, as they ever have

been, a roving nomadic people, living chiefly upon game and fish. Whether you pass this bill or do not pass it, whether you preserve the buffalo or destroy them, whether you preserve the game upon which they live or destroy it, they will still be Indians. The true policy is the policy of humanity, and if gentlemen will have it so, the

policy of sentiment. I do not deny that sentiment as well as reason enters into my consideration of all these questions. Whether you destroy or preserve this game, the Indians will still remain Indians. Is it not right in itself to leave them the benefits which the God of nature has provided for sustaining their existence in the condition in

which He has placed them upon the earth?

Besides that, sir, if the Indians could be swept from the continent at one blow—if the Indian race could be annihilated—still the law ought to prevent the willful, wanton destruction of so large a mass of cattle, (as they may be termed,) well suited for human food, and whose hides, horns, &c., are valuable as articles of commerce. They ought to be preserved against the wanton destruction which has fallen under the observation of all who have had experience in the buffale range and upon the frontiers. Even if the Indians were out of the way, I should be in favor of preventing the wanton destruction of these large herds of cattle which are so valuable for food and other It is unwise, it is wrong, it is cruel to permit men to indulge in the wanton destruction of animals which are of so great value

to any part of the human family brought into contact with them.

Mr. FORT. I yield to the gentleman from Indiana [Mr. BAKER]
to offer an amendment; and then I shall ask the House to sustain the

Mr. BAKER, of Indiana. Mr. Speaker, from more than two years' experience on the western plains, I feel thoroughly persuaded of the propriety of the legislation now proposed, and I shall give it my hearty approval. But, in order to obviate one difficulty which I perceive in connection with the measure, I wish to offer an amendment; and I hope the gentleman who has control of the floor will permit me to submit one word of explanation with reference to the purpose of the amendment

The SPEAKER pro tempore. (Mr. Blackburn.) Does the gentleman offer an amendment to the amendment already pending ?
Mr. BAKER, of Indiana. An amendment to the bill.

The SPEAKER pro tempore. Does the gentleman offer it as a substi-

tute for the pending amendment?

Mr. BAKER, of Indiana. Yes, sir, I will offer it as a substitute. It is to insert the following proviso:

Provided, What any white person who shall employ, hire, or procure, directly or indirectly, any Indian to kill any buffalo forbidden to be killed by this act, shall be deemed guilty of a misdemeanor, and punished in the manner provided in this act.

I wish to say but a few words in reference to this amendment. One great source of the destruction of the buffalo, according to my observation, is the fact that white people who are interested in procuring the pelts of the buffalo employ the Indians for the purpose of destroying this species of game; and, if the bill now pending should in its present form become a law, the temptation to employ Indians for this purpose would in my judgment be infinitely increased. In order to prevent the defeat or evasion of the law by the employment of Indians for the purpose of destroying this class of game, some such amendment as I propose should be inserted.

Mr. FORT. If I did not understand that the bill already covers the content of the purpose of the content of the purpose of the purpose should be inserted.

the object proposed by the amendment of the gentleman from Indiana [Mr. Baker] I should certainly be in favor of it; but it seems to me that the bill already would include such cases and punish them. If members will turn to line 5 of the second section of the bill they will

find the bill provides that-

It shall be in like manner unlawful for any such person or persons to assist or be in any manner engaged or concerned in or about such unlawful killing, wounding, or destroying of any such buffaloes.

It seems to me that under this provision, if a white man should employ Indians to wantonly slaughter buffalo, he would be concerned directly in such slaughter and would be liable to the penalty provided by the bill.

I yield to the gentleman from Pennsylvania [Mr. Jenks] to offer an amendment; and after that, if I have any time left, I will yield five minutes to the gentleman from Michigan, [Mr. CONGER.]

Mr. JENKS. I desire to offer the following amendment:

Strike out in the fourth line of the second section the word "can" and insert "shall;" and in the second line of the same section insert the word "wantonly" before "kill;" so that the clause will read:

That it shall be, in like manner, unlawful for any such person to wantonly kill, wound, or destroy in said Territories any greater number of male buffaloes than are needed for food by such person or than shall be used, cured, or preserved for the food of other persons or for the market.

The SPEAKER pro tempore. An amendment of this character is not now in order; but, if there be no objection, it will be received. There was no objection.

There was no objection.

Mr. FORT. I now yield five minutes to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER.]

Mr. Speaker, this bill contains some provisions which I desire to oppose, as I have done on every former occasion when it has been presented. In the first place, I am opposed to giving to the Indians, while it is the policy of the Government to confine them upon their reservations closely, any inducement to wander from those reservations throughout the Territories in hunt of game or for the munder of the people.

Again, I am opposed by a law of the United States to giving to Indians a privilege which is not given to the citizen of white blood who has gone into the wilderness to make his home there, to settle there, to bring up his family there. I say it presents a strange spectacle to

the people of the United States and to the people of the world for Cougress to legislate that the rude, wild, savage Indian may kill buffalo on the territories of the people of the United States when the white man, even to support his starving family, shall be punishable by fine and imprisonment for doing the same thing.

Now, this first section provides that it shall be unlawful for any person who is not an Indian to kill, wound, or in any way destroy any female buffalo of any age found at large within the borders of any of the Territories of the United States. Why should we lay the ban upon the Territories of the United States. Why should we lay the ban upon the white citizen who may be starving, or whose family may be starving, to prevent his killing a buffalo of any sex for the support of his family? Yet that is what is proposed by this law. If it shall meet with support of gentlemen here it will meet a support which it has never met with before in this House. I think the whole bill is unwise. I think it is a useless measure. I think the annihilation of the buffalo is not only predestinated, but a necessity to the successful cultivation of the soil of the western Territories, and one of the first and super measures to prevent the wandering of savagratiles in their results. surest measures to prevent the wandering of savage tribes in their pred-

atory excursions among the whites who dwell in our Territories.

I will not detain the House longer, as the gentleman having charge of the bill requests me to confine myself to a brief moment. My objections are not new found against this bill. It has been sprung on this House in favor of the Indians and against the settlers at almost

every session of Congress for the last six years and as often defeated. I hope it will be again.

Mr. FORT. There are great difficulties in the way of providing regulations for the Indians in the killing of buffalo; that the gentle regulations for the Indians in the killing of buffalo; that the gentleman knows. Because of treaties there are difficulties in the way which cannot well be handled in a bill like this. Yet whenever it shall be found that Indians go out in parties wantonly to destroy these animals, then I think the people of the United States, people of the gentleman's own color, will be willing to regulate the Indians as well as white men. If the white man cannot hold his own against the Indian in the Territories I think it is quite time he should retreat.

Mr. CONGER. He can perhaps in Congress, although he may not

Mr. CONGER. He can pernaps in Congress, although he may not be able to do so on the plains.

Mr. FORT. This idea about preferring Indians to white men is all "bosh," and the gentleman knows it. He makes the objection for that purpose. Why do we not drive thousands of hear of cattle to the gentleman's own district to feed them out to his white constituents? Why do we not do't! We do it to the Indians, and he knows it. There is greated legislation by Congress which he reference to it. There is special legislation by Congress which has reference to the Indians and not to white men.

Mr. CONGER. The gentleman knows in my district we have the best herds of cattle in the United States.

Mr. FORT. I now demand the previous question on the bill and

Mr. HANCOCK. I move that the bill and amendments be laid on

the table. The House divided; and there were—ayes 56, noes 59.
Mr. MUTCHLER demanded tellers.

Tellers were ordered; and Mr. FORT and Mr. HANCOCK were appointed.

The House again divided; and the tellers reported—ayes 63, noes 75. So the House refused to lay the bill and amendments on the table. The previous question was seconded and the main question was

The question first recurred on the amendment of Mr. Baker, of In-

diana; which was agreed to.

The question next recurred on the amendment moved by Mr. CROUNSE.

The House divided; and there were—ayes 36, noes 76.
Mr. CONGER demanded tellers.
Tellers were ordered; and Mr. FORT and Mr. HANCOCK were ap-

The House again divided; and the tellers reported ayes 18, noes not counted.

So the amendment was rejected.

The question then recurred on Mr. Jenks's amendment, which was

rejected.
The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. CONGER. I demand the yeas and nays on the passage of the bill.

The yeas and nays were not ordered.

The House divided; and there were—ayes 93, noes 48.

Mr. CONGER demanded tellers.

Tellers were ordered; and Mr. FORT and Mr. CONGER were appointed.

The House again divided; and the tellers reported—ayes 104, noes 36. So the bill was passed.

Mr. FORT moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

## WAR OF 1812.

Mr. HUNTON. Has the morning hour expired?
The SPEAKER. It has.
Mr. HUNTON. Then Lamove that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of taking up for consideration a bill (H. R. No. 1605) amending the laws

granting pensions to the soldiers and sailors of the war of 1812 and their widows.

The motion was agreed to; and the House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair.)

Mr. HUNTON. I ask that the Clerk report the bill.

The bill was read, as follows:

BLACKBURN in the chair.)

Mr. HUNTON. I ask that the Clerk report the bill.

The bill was read, as follows:

Be it enacted, &c., That the act granting pensions to the surviving soldiers of the war of 1812, &c., approved February 14, 1871, be amended so as to read as follows: That the Secretary of the Interior be, and he is hereby, anthorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, including militia and volunteers, of the military and naval service of the United States who served for ten days in the war with Great Britain of 1812, and were konorably discharged, and the surviving widows of such officers and enlisted and drafted men: Provided, That such widows shall have been married prior to the year 1850 to such officer or enlisted or drafted men.

SEC. 2. That this act shall not apply to any person who is receiving a pension at the rate of \$5 per month or more, nor to any person receiving a pension of less than \$8 per month, except for the difference between the pension now received—If less than \$8 per month, except for the difference between the pension now received—If less than \$8 per month, except for the difference between the pension now received—If less than \$8 per month, except for the difference between the pension now received—If less than \$8 per month, except for the difference between the pension now received—If less than \$8 per month, except for the difference between the pension now received—If less than \$8 per month, except por the difference between the pension now received—If less than \$8 per month, except per provided, and shall be paid to the persons entitled thereto, from and after the passage of this act, for and during their natural lives: Provided, That the pensions to widows provided for in this act shall cease when the pension pension and the pension pension who shall falsely take anyoath required to be taken under the pension-rolls under this act, provided, the pension under this act, provided, that when the pension pe

Mr. HUNTON. I do not propose to detain the committee by any lengthy remarks upon the subject-matter of this bill. I take it, sir, that every member of this House has been spoken to, in language stronger and more eloquent than I can employ, by the survivors of the war of 1812 who live within their districts. And I shall not detain the committee at any length, for the further consideration that during the last Congress a bill very-similar in its provisions to the bill now under consideration was passed with great unanimity through this House

The points in this bill which make a radical change in the law of pensions of the war of 1812 are only three in number, and I shall briefly call the attention of the committee to these three points. The bill is a bill amending the law passed on the 14th of February 1871, granting pensions to the soldiers of the war of 1812. The main provision of that law, which is proposed to be amended by the bill now under consideration, is that all soldiers and sailors of the war of 1812 who served sixty days and had an honorable discharge should be entitled to a pension of \$8 per month, and that the widows of soldiers who served for sixty days should have the like pension, provided they were married prior to the treaty of peace between Great Britain and the United States. This bill provides that the soldiers and sailors who served for the period of ten days shall be entitled to that pen-sion, thus limiting the service required to entitle the surviving soldier to a pension—reducing it from sixty days to a period of ten days. The bill under consideration also gives a pension to the widows of such soldiers where they married prior to the year 1850.

The next point of importance in this bill is a repeal of section 4716

of the Revised Statutes. During the war a resolution was passed through Congress, and is embodied in that section of the Revised Statutes, in the following words:

No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

The bill under consideration repeals that section, and restores to the pension-roll the persons who were entitled to pensions under for-mer laws and who were stricken from the rolls or their pay suspended by reason of their inability to prove a want of sympathy with the late

These are the three leading points in this bill, which is amendatory of the act of 1871, and I think they will commend themselves to the favorable consideration of the committee. These soldiers of the war ravorable consideration of the committee. These soldiers of the war of 1812 are poor in the main, all of them are old, and very many of them infirm, and it is certainly time that the Government of the United States had done justice in recognizing the services of these soldiers in the part they performed in the war of 1812. These soldiers are rapidly passing away, and if the Government means to do anything in recognition of their valuable services in the war of 1812 it is time now to do it. it is time now to do it.

I have before me the report of the Commissioner of Pensions for the past year. He says of the survivors of the war of 1812:

On the 30th of June, 1874, the number borne upon this roll was 17,620, at a total annual rate of \$1,691,520. During the past year 241 names were added to this roll, and 1,986 were lost by death, leaving a net roll, June 30, 1875, of 15,875, at a total annual rate of \$1,524,000, a decrease for the year of 1,745 pensioners, and of \$167,525 in the aggregate annual amount paid to this class.

Of the widows of the soldiers of the war of 1812 he says:

This roll numbered on the 30th of June, 1874, 5,312, at a total annual rate of \$509,952. During the past fiscal year 416 names were added to the roll, but it lost by death 565, leaving upon it June 30, 1875, the names of 5,163 pensioners, at a total annual rate of \$495,648, a decrease for the year of 149 in the number, and of \$14,334 in the amount of pensions of this class.

So that it will appear, Mr. Chairman, that these soldiers and their widows are rapidly passing away, and, according to this report of the Commissioner of Pensions, one-tenth having died in the last year, in ten years it may be expected that the last one of the soldiers and their widows will have passed away. I ask, therefore, in view of this fact, and the further fact that might be stated here, that the number of deaths in proportion to the whole number is increasing year by ear-in view of these facts I ask that the House pass at once this

bill to do justice at last to the soldiers of 1812.

I do not propose, Mr. Chairman, to detain the committee further, and I ask that by unanimous consent we proceed to consider this bill

section by section under the five-minute rule.

Mr. KASSON. I should be glad if the gentleman would state be-fore he sits down if he has an estimate from the Pension Office of the probable amount of additional compensation that will be paid under

Mr. HUNTON. I have, sir, and I will send it to the desk to be read.
Mr. KASSON. I shall be glad to hear it.
Mr. HUNTON. I may mention further that in the estimate here of the payment of pensions from the 14th of February, 1871, making a very large sum, the bill under consideration gives no back pensions.

It gives pensions from the date of the passage of the bill.

The SPEAKER pro tempore. The Clerk will read the paper which the gentleman from Virginia [Mr. Hunton] has sent to the desk.

The Clerk read as follows:

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, PENSION OFFICE,
Washington, D. C., January 19, 1876.

SIR: In reply to your personal inquiry of recent date as to the probable number of additions to the pension-roll would follow such amendment to the act of February 14, 1871, (section 4736 Revised Statutes,) as would admit thereto all soldiers of the war of 1812 who served ten days and the widows of such soldiers married prior to the year 1850, also the number of former pensioners who would be restored to the rolls by the repeal of all provisions of pension law relating to disloyalty, and the annual amount of increase to the roll which would be caused by all the above modifications, I have the honor to report as follows:

From calculations and estimates based upon such data as can be procured, it is believed that by reducing the required term of service to ten days the number of survivors of the war of 1812 added to the roll would be fifty-six hundred and eighty, and (the date of marriage remaining as now provided by law) the number of widows sixteen hundred and twenty.

This Office is in possession of no data which afford any very reliable basis for calculating the number of widows (war of 1812) who would be added to the roll were the existing laws modified as to admit all those married prior to 1850, but the number is estimated at about fifteen thousand.

Thus the whole estimated number of survivors and widows which would be 22,300, and the amount per year required to pay this number (at the present rate of \$8 per month) would be \$2,140,800.

If such pensions were by the proposed amendment allowed to commence from February 14, 1871, the date at which all pensions under that act now commence, the amount of arrears due at first payment would be—say from February 14, 1871, to February 14, 1876.—\$10,504,000.

In relation to the inquiry as to the number of former pensioners whose names would probably be restored to the roll upon the repeal of the present law as to loyalty, I have to state that the records o

Number of revolutionary widows dropped from rolls under act of February 4, 1862	38
Number since restored 2	26
Number still remaining off the roll	12
It is reasonable to presume that the majority of those not restored are now dead	
Half-pay widows dropped	32
Half-pay widows since restored	10
	=
Half-pay widows remaining off the roll	e-
Invalid pensioners dropped	
Invalid pensioners since restored	16

for the Number	tt 75 per cent. of these are believed to be living; annual amount re ir restoration, \$22,476. r of Navy invalids dropped r of Navy invalids since restored	16
Ann	Tumber of Navy invalids remaining off the rolls all amount required for their restoration, \$1,078. or of Navy widows dropped r of Navy widows since restored	
Ann	Number of Navy widows remaining off the rolls	24
	y widows 66; annual amount required	\$4,488
	pensioners 339; annual amount required	28, 4 6
	Navy pensioners 14; annual amount required	1,078
Widov	s, Navy 24; annual amount required	5, 616
	tal	39, 658

H. M. ATKINSON, Commissioner.

Hon. EFPA HUNTON, Chairman Committee on Revolutionary Pensions and War of 1812,

Mr. KASSON. I ask the attention of the gentleman from Virginia [Mr. HUNTON] to one other question. In listening to the reading of that report or letter, so far as I could observe, there is no statement of one item of disbursement, namely, that which relates to the pensions which will be paid as arrearages to the minors of those who had died pending their disability to draw their pensions.

Mr. HUNTON. No, there is no estimate of that; but it would amount to almost nothing.

Mr. KASSON. Is there no estimate?

Mr. HUNTON. No, sir; no estimate of that.

Mr. KASSON. The bill, I believe, provides that, although the pensioners have died, whatever would have been due to them or paid to them shall go to their heirs and that item I did not been mentioned. to them shall go to their heirs, and that item I did not hear mentioned in this letter.

Mr. HUNTON. In that event the arrearages of pensions would go to the surviving widow; if she were dead, to the minor children; and,

if there were no children, then it would not be paid at all.

Mr. KASSIN. So then there remains to be added to the items the entire amount that would have been paid if the law had gone on uninterruptedly during the rebellion, and that entire amount has to be

metapterity during the resemble, and that earlier amount has to be paid to the representatives of the deceased pensioners.

Mr. HUNTON. It has.

Mr. CONGER. I desire to ask the gentleman a question; it is whether the committee considered the propriety of including the survivors and their widows who served in the Indian wars?

Mr. HUNTON. No, sir; that question is before the committee in a separate bill, and was not considered in connection with this bill at all.

Mr. EDEN. I wish to make an inquiry of the gentleman from Virginia. If I understand him correctly these arrearages to pensioners

are to be given to those who had pensions under the law?

Mr. HUNTON. If this bill passes repealing that section of the Revised Statutes any soldier who served and whose name was stricken from the roll in obedience to that section would be restored to the rolls and receive his pension from the time he was dropped from the rolls; and, if he has died, then the widow gets the arrearages; if there is no widow, then the minor children get them; and, if there are no minor children, the arrearages are not paid at all.

Mr. EDEN. He gets then his pension as if it had never been drop-

Mr. EDEX. He gets then his pension as it is not never been dropped from the rolls at all, so far as the amount is concerned.
Mr. HUNTON. Yes, sir. I now ask unanimous consent that the bill be considered by sections under the five-minute rule. Some gentlemen desire to offer amendments, and they will come in better by considering the bill by sections under the five-minute rule.

No objection was made, and it was so ordered. The Clerk read the first section of the bill, as follows:

That the act granting pensions to the surviving soldiers of the war of 1812, &c., approved February 14, 1871, be amended so as to read as follows: That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls the names of the surviving officers and enlisted and drafted men, including militia and volunteers, of the military and naval service of the United States, who served for ten days in the war with Great Britain of 1812 and werehonorably discharged, and the surviving widows of such officers and enlisted and drafted men: Provided, That such widows shall have been married prior to the year 1850 to such officer or enlisted or drafted men.

Mr. HOSKINS. I move to amend the first section of the bill by striking out in line 11 the word "ten" and inserting in lieu thereof "five," so that the time required for service shall be five days instead of ten days. I offer this amendment, Mr. Chairman, for the reason that if we are to pass a bill giving relief to the soldiers of the war of 1812 the bill should embrace if possible every man now entitled to pension who has served in that war. The law of 1871 provided for sixty days' service and there were a great many men scattered all over the country who had served fifty, fifty-five, and even some fifty-nine days. I have in my mind a man in my own district who served fifty-nine days, and by the restriction of that legislation is not enti-

tled to a pension under it.

Now, I would remove that restriction just as far as possible. 

this country who served in the war of 1812 for nine days only, then he will be excluded by the provisions of this bill; or, if he served five days only, he will be excluded from the provisions of this bill. Let us bring it down to the very lowest possible time of service and still protect the Government. It may be necessary that a limitation should be put as to the time of service for the reason that frauds may be practiced upon the Government unless some time of service should be required.

For my own part, sir, I should desire that every soldier who served in the war of 1812, who was even in the service for a day, should receive a pension; but I believe there is some force in the proposition that some limitation of time is required to prevent frauds on the Government. I propose therefore to reduce the time to the lowest possible time, which in my judgment is five days; and, as I before said, if there is no soldier who served less than ten days, of course the amendment can do no harm; but, if there is one single soldier who enlisted or was drafted into the service and who served for the period of less than ten days, then I submit that our legislation should reach him for his benefit, and therefore I hope that there will be no objection to the amendment, so that every person who served in the war for five days may receive the benefits of this bill.

Here the hammer fell.

Mr. DE BOLT. I move to amend the amendment by striking out "five" and inserting "one."
Mr. TOWNSEND, of New York. The object of the committee which reported this bill, in putting in the limitation of ten days, was this: The pension laws heretofore enacted have had very stringent provisions in regard to proof. The applicant must show a muster-roll; he must show this and that and many things by two witnesses. Sometimes he was required to show services by two persons serving in the same company, in order to protect the Government. The committee have so modified the law by this bill as to allow any satisfactory proof, whether he was really a law to really a superior of the same company. whether by muster-roll or by personal recollection, or by the state-ments of a person who saw the soldier in the service; any evidence of that character has been allowed, if it is of a satisfactory nature.

of that character has been allowed, if it is of a satisfactory nature. The object of the committee was not to put any burden upon any soldier who had faithfully served his country. The object was, in the looseness of the testimony which the bill permits to be given, to protect the Government against every possible imposition. It would be a crime to intimate that any old man could intentionally do a wrong, and especially one who had served his country faithfully in the war of 1812 and 1815. But we feared the pension agents; we feared that interested men would get somebody to swear to something that would draw a pension from the Government. Therefore, as we could not by conversation about this House, by examining the applications for special laws, find that anybody had ever applied for a pension who had served less than ten days, we fixed the limitation of ten days.

Now, if the humanity of the House, if the patriotism of the House shall be such as to lead members to believe that it is better to remove

shall be such as to lead members to believe that it is better to remove that restriction, it doubtless will be satisfactory to the committee. I, for one, certainly shall be abundantly satisfied. I content myself with for one, certainly shall be abundantly satisfied. explaining the reason which operated upon the minds of the committee in putting on the restriction of ten days, when they have so opened the field of proof that any satisfactory evidence will be suffi-

cient to place a man upon the pension-roll.

Mr. DE BOLT. In answer to my friend from New York [Mr. Town-SEND ] I would say that the same record evidence exists to prove that a man was in the service, who was there but one day, that exists to prove that he was in the service at all, either for five days or for ten

days.

Mr. TOWNSEND. We do not require any record evidence.

Mr. DE BOLT. The same testimony exists for proving service of one day as for proving five or ten days

The question was upon the amendment of Mr. DE BOLT to reduce the time to one day.

Mr. DE BOLT. I will withdraw that amendment if my friend from

Kentucky [Mr. BOONE] will renew it.

Mr. BOONE. I renew the amendment to the amendment for the purpose of saying this: I do not see that the same fraud might not be purpose of saying this: I do not see that the same fraud might not be practiced by the pension agent with reference to a man who had been in the service for six months as could be practiced with reference to a man who had served but ten days. If there is record evidence of a man's having served in the Army at all, that record is just as good to verify ten days' service as six months' service. If there be no record evidence, and evidence of another character must be relied upon, it seems to me just as easy to manufacture evidence to prove six months' service as to prove five days' service. Therefore I cannot see that there is any more liability of fraud being practiced upon the Government in the one case than in the other.

There can be no reasonable doubt that the law ought to be so There can be no reasonable doubt that the law ought to be so amended as to admit to the pension-rolls every man who served his country as a soldier in the war of 1812 for any length of time whatever. The giving a soldier a mere pittance for his services in the way of a pension, as I understand it, is simply a recognition of that patriotism which took him from his home and his family and led him to take up arms in defense of the flag of his country. It does not pay him for the time lost; it does not pay him for the privations he had to undergo; it does not pay him for the blood perchance that he may have shed upon the battle-field. It is simply a recognition upon the part of the Government of that valor and patriotism which called

our men from their homes and firesides to enlist in the defense of

the honor, the glory, and the flag of their country.

If that was the motive which called a single man from the endearments of home, whether for one day or for six months, it seems to me that, if the Government is going to recognize at all the services of such a man, that recognition is just as much due to the man who served for five days as to the man who served for six months. There is in my district, and I have him in my mind's eye now, a poor old soldier of the war of 1812 who was in the service for twenty-nine days. In con-sequence of the privations he had to endure he is now blind; he is a cripple, bereft of all earthly goods whatever, and in fact a beggar, dependent upon the charity of the people. And yet that man, whose devotion to his country was manifested in as high a degree as that of the man who served for six months, has never yet received a dollar from the Government in recognition of those services. The sum of \$8 per month to him would be a small sum in the opinion of the man who gets \$5,000 a year for his services.

But \$8 a month to a man in his situation is the means of a great

But \$8 a month to a man in his situation is the means of a great comfort, or at least the means of supplying great necessities.

I do think that as a matter of simple justice these old men, nearly all of whom are gone to the valley of death, and those left are rapidly going, so that in a few years the tolling bell will sound the death-note of the last one of them—it does seem to me that these men in their declining years should have recognition by the General Government of their services in the field, at least to the extent of giving them this poor pittance of \$8 a month.

Mr. HUNTON. I wish to say only a few words in regard to the amendment to the amendment. I have not the slightest objection to the amendment of the gentleman from New York, [Mr. HOSKINS,] nor indeed to that of my friend from Missouri, [Mr. BOONE;] but it was considered in the committee that reported the bill that, unless there

considered in the committee that reported the bill that, unless there should be some limitation, some time of service specified, the door would be opened to fraudulent proof of service for perhaps an hour, or twenty-four hours, and that thus the Government might be defrauded, for gentlemen will find by looking at the third section that proof of service is not confined to record evidence. The provision is—

The loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of the service performed and of an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of such service and such discharge, the applicant may establish the same by other satisfactory testimony.

Now the committee thought that, unless some term of service were designated in the bill, a door would be opened to fraudulent proof of service for a day or any other very short period. It was for this reason alone that the committee adopted the rule requiring ten days' service I would have no objection to five days; but I submit that one day's service is too short to entitle a soldier to a pension, for the reason which I have stated.

The question being taken on Mr. BOONE's amendment to the amendment of Mr. Hoskins, it was not agreed to; there being ayes 33, noes not counted.

The question then recurred on the motion of Mr. Hoskins to strike out "ten" and insert "five;" so as to make the clause read "who served for five days in the war with Great Britain of 1812."

Mr. JAMES B. REILLY. Is it in order to offer an amendment to the amendment of the gentleman from New York?

The CHAIRMAN. If it be germane to the amendment, it will be in

Mr.JAMESB. REILLY. I move to amend by striking out altogether the words "for ten days" in the eleventh line of the first section; so that the clause will read "who served in the war with Great Britain of 1812."

of 1812."

I agree most heartily in the language of the gentleman from Missouri, [Mr. Boone,] and I do not think it becoming that this body in enacting a law for the benefit of those who gave their services for the country should make any discrimination as to the length of the service. While there may be apprehensions that frauds will be practiced, yet if any limit of time be fixed—ten days, five days, or even one day—it may be the means of preventing meritorious and just claimants from securing the benefits of this act. If there is any apprehension of fraud, I submit that the proper way to guard against apprehension of fraud, I submit that the proper way to guard against it is not by a limitation of this kind, but by inserting such restrictions in regard to evidence as may be the means of preventing fraud. And I notice that the committee seem to have had this in view, because in the third section they have provided certain forms and regulations in accordance with which applications are to be made. I think it better to rely upon the proper Department of the Government who will have control of the execution of this law to carry out measures for the prevention of fraud rather than to insert a limitation of this kind, which may be the means of excluding meritorious claimants. For these reasons I hope the House will adopt the amendment I have

Mr. HOSKINS. I rise to a point of order. I submit that the quesarr. HOSKINS. I rise to a point of order. I submit that the question on my amendment must be first put, as it is in the nature of a motion to perfect the paragraph. The House may desire to strike out as moved by the gentleman from Pennsylvania, and it may not desire to adopt my amendment; on the other hand, it may desire to adopt my amendment and not to strike out. If the words be stricken out, of course my amendment fails. Where there is an original amendment pending and an amendment is moved in the nature of a substitute, the original amendment must be first put in order to perfect

the original paragraph before action is taken on the substitute.

The CHAIRMAN. In the judgment of the Chair the point of order made by the gentleman from New York is not well taken. The amendment offered by the gentleman from Pennsylvania is germane to the

amendment already pending.

Mr. HOSKINS. If the amendment of the gentleman from Pennsylvania be adopted, then I ask the Chair, with all due respect for his ruling, how it will be possible for the House to reach my amendment? The language to which it applies will have been stricken out.

The CHAIRMAN. If the amendment offered by the gentleman from Pennsylvania should be adopted by the House, it would simply operate

Pennsylvania should be adopted by the House, it would simply operate as a substitute for the amendment of the gentleman from New York.

Mr. BURCHARD, of Illinois. Will the Chair allow me to make a suggestion upon the point of order raised by the gentleman from New York? The motion of the gentleman from Pennsylvania, as I understand, is to strike out the three words designating a limitation as to time of service. That motion, although in order, is, as I understand, not to be voted upon until the question has been taken on the motion. not to be voted upon until the question has been taken on the motion of the gentleman from New York which proposes to amend the lan-

The Chair will find the rule stated on page 9 of the Digest.

The CHAIRMAN. The Chair remembers the rule to which the gentleman from Illinois [Mr. Burchard] refers. The Chair understood the gentleman from Pennsylvania to offer his amendment in the nature of a substitute for the amendment of the gentleman from New York.

Mr. JAMES B. REILLY. Yes, sir.

The CHAIRMAN. That being so, in the judgment of the Chair that amendment in the nature of a substitute is in order; and the question

The question recurred on Mr. James B. Reilly's amendment.
The House divided; and there were—ayes 31, noes 67.
So, no further count having been demanded, the amendment was

Mr. Hoskins's amendment was then agreed to.

## MESSAGE FROM THE SENATE.

The committee informally rose, and Mr. Clymer having taken the chair as Speaker pro tempore, a message was received from the Senate, by Mr. Sympson, one of their clerks, announcing that that body had passed bills of the following titles; in which the concurrence of the

House was requested:

An act (S. No. 140) for the relief of B. P. Patterson; and
An act (S. No. 472) changing the times of holding the terms of the
district court for the district of West Virginia.

It further announced that the President had notified that body that

he had, on February 18, approved and signed bills of the following titles,

An act (S. No. 53) fixing the time of holding the circuit court of the United States in the districts of California, Oregon, and Nevada; and An act (S. No. 305) to change the location of the consulates at Aixla-Chapelle and at Omoa and Truxillo.

## THE WAR OF 1812.

The Committee resumed its session.

Mr. HOSKINS. I move to amend the first section of the bill by inserting in line 9 after the words "drafted men" the word "teams-

ters," and to insert the same word in the thirteenth line,

I do this because I understand the rule of the Pension Bureau, under the law of February 14, 1871, excludes this class of men who served in the war of 1812. The Pension Bureau, in other words, has construed the law not to include that character of service. In the law passed granting a bounty to the soldiers of the war of 1812 teamsters were included, and all persons who served in the war of 1812, whether as drafted men, volunteers, or teamsters, received bounty under that law. Yet under the pension law of 1871 teamsters were excluded by construction of the Bureau, because it was decided at the Pension Office they were not included under the provisions of that enactment. I suppose this class of persons who served in the war of enactment. I suppose this class of persons who served in the war of 1812 are entitled to the same recognition as those who served in any other line of duty. I have therefore moved the amendment so that the provisions of this bill shall cover teamsters as well as drafted men.

The committee divided; and there were-ayes 44, noes 53. The CHAIRMAN. No further count being demanded, the amend-

ment is rejected.

Mr. WILLIAMS, of Indiana. Mr. WILLIAMS, of Indiana. I move to insert after the word "twelve" in line 12, these words: "Or in any of the battles with the

Indians during the year 1811."

The bill as it now stands cuts off all those engaged in the Indian war of 1811, even at the battle of Tippecanoe, who may now survive. My amendment, if adopted, will include those who served in any of the battles with the Indians during the year 1811, and that they shall be paid the same as those who served in the war of 1812. There are but few survivors of those Indian battles. There are but few survivors in Indiana of those Indian battles, and I presume there are some in Kentucky who were engaged in the battle of Tippecanoe and who have as good a right for meritorious services to be included in the provisions of this bill as any who served in the war of 1812. I hope the amendment will be adopted and this class of citizens will be included.

Mr. HUNTON. The bill under consideration by the committee is a pension bill for the soldiers of the war of 1812. I believe if the sol-

diers of any other war be included it will kill it. If the gentleman from Indiana desires a pension bill for the soldiers of Indian wars, let him introduce it and have it referred to the Committee on Pensions, and it will be properly considered and acted on. Why should we now weaken this bill by including provisions for those who served

in other wars?

Mr. WILLIAMS, of Indiana. There are very few survivors of those who served in Indian battles during the year 1811, and certainly they will not weaken, but on the contrary will give strength to this bill. The most of them are in the States of Indiana and Kentucky; and why, the most of them are in the States of Indiana and Kentucky; and why, the states of Indiana and Kentucky; and why the states of Indiana and Kentucky; and the states of India let me ask, should they be deprived of pension when it is given to those who served for twenty, thirty, or forty days in the war of 1812? There are few survivors of those Indian battles, and I trust provision

will be made to give them pensions.

The committee divided; and there were—ayes 33, noes 74.

The CHAIRMAN. No further count being demanded, the amend-

ment is rejected.

Mr. CABELL. I move to amend the first section of the bill by striking out lines 14, 15, and 16, and inserting "without reference to the time at which said widows were married to such officers and enlisted or drafted men."

The bill as it reads now provides that such widows shall have been married prior to the year 1850 to such officers, enlisted, or drafted men. I propose to insert in lieu thereof "without reference to the time such widows were married to such officers, enlisted, or drafted men." sume it is the disposition of Congress to pension these soldiers in consideration of the service they rendered, and to give to the widows they have left behind them some recognition of the valuable services these old soldiers rendered to their country. If that is so, I see no reason why the widows of those old soldiers should not be pensioned notwithstanding the fact they were married since 1850. It seems to me that if pensions are to be given in consideration of the services of old soldiers no good reasons exist why we should not as well recognize the widows of those who were married since 1850 as those who

were married prior to that time.

Some gentlemen say we will place upon the rolls some young ladies who married these old veterans. Even let that be the case, I care not for it. It may place a few more on the rolls if such be the fact. I take it for granted very few persons will be found of that character who have married these old veterans merely for the purpose of getting pensions. If justice is to be done so tardily to these people, I say let it be given to the widows of those who married since 1850 as well as those who married before. There are many cases no doubt in the United States where the parties were married since 1850. Twenty-six long years ago is that date, 1850; and many of these persons have been married I have no doubt since that time. Perhaps some of these veterans may have married from the necessity of having some one to take eare of them. I think the widows should have this pension in consideration of the services of their husbands though they have

been married since 1850.

Mr. BLAND. Mr. Chairman, I rise to oppose the amendment.

I had the honor last session of Congress of sitting upon the Commit tee on Revolutionary Pensions and the War of 1812, of which I am still a member. We reported a bill last session. We thought it was a lib-eral bill. This House in its extreme liberality amended that bill fureral bill. This House in its extreme liberality amended that bill further than the committee had thought proper. It passed this House and went to the Senate and there it sleeps. And if gentlemen persist in putting amendments on this bill, the object they have and which we all have in passing this bill, and having it become a law, will be defeated. There is such a thing, Mr. Chairman, as requiring to be saved from one's friends. Here is a bill that is liberal in all its terms, and as liberal as we can expect it to be if it is to become a law. The chairman of the Committee on Revolutionary Pensions and the War chairman of the Committee on Revolutionary Pensions and the War of 1812 has time after time endeavored to get this bill before the House. It is before it this evening. But if we go to work and talk this bill to death or load it with amendments and defeat it in that way, we shall have accomplished that which we do not desire.

I hope that gentlemen in considering this bill will consider its liberality. Let us go to work and pass it and send it to the Senate instead of talking it to death in this House.

Mr. HARRISON. I would like to ask the gentleman from Missouri [Mr. Bland] a question. It is simply what reason actuated the committee in inserting a provise of this character?

mittee in inserting a proviso of this character?

Mr. BLAND. Mr. Chairman, as the law now stands it is required that such widows shall have been married before 1815; and I pre-

sume there were good reasons for that law. There are several reasons for this. One is to discourage this idea of young girls marrying old men simply for the sake of drawing a pension.

Mr. HARRISON. I would ask the gentleman whether probably some of these old men who have lived so many years without assistance from the Government may not have been compelled to marry some industrious young women to aid them in getting the livelihood which the Government, refused to give them. If the young women have married these old men and taken care of them till they died, I think they are entitled to a recompense from the Government for hav-

ing taken care of its maimed and wounded soldiers.

Mr. CABELL. I had no idea of seeking to delay this bill, and I am sorry that any gentleman on this floor should consider that I was disposed to throw any obstacle in the way of the passage of a bill which I regard in the light almost of a necessity to the country.

In objecting to my amendment, the only reason given by the gentleman from Missouri [Mr. Bland] for the provise which I propose to strike out is that there is a similar proviso in a bill prior to this one. If that is the case, it is no good reason why this proviso should have a place in this bill. My amendment simply goes to striking out the a place in this bill. My amendment simply goes to striking out the three last lines of the first section. If these are stricken out exact justice will be done to the widows of these old soldiers. The gentleman from Missouri says that these young women have married old soldiers—for what I cannot see.

Mr. BLAND. To get a pension.

Mr. CABELL. It seems to me that if the ladies, if the young damsels in the country of that distinguished gentleman, will for the pittance of \$8 per month marry old men, I think he has a different character of women in his country from those found in mine. Nothing of

acter of women in his country from those found in mine. Nothing of that sort I imagine has been done. But if it be true that these ladies have married old pensioners for the sake of this little pension, then, as the gentleman from Illinois [Mr. Harrison] says, they ought to be paid by the Government for taking care of its old soldiers.

And the gentleman does not seem to consider that these old veter-ans may have married some old veteran ladies who ought to be taken care of. I think in view of all the facts of the case no good purpose can be subserved by leaving this proviso in the bill, while many good purposes may be subserved and justice substantially done by striking it out and leaving the section to close at the end of the thirteenth line.

The question being taken on Mr. Cabell's amendment, it was agreed

Mr. CASON. I offer the following amendment:

After the word "twelve" in the twelfth line of the first section insert the follow-

ing words:
"Or was engaged in the battle of Tippecanoe in 1811."

The amendment was not agreed to. The following section was read:

SEC. 2. That this act shall not apply to any person who is receiving a pension at the rate of \$\frac{3}{2}\$ per month or more, nor to any person receiving a pension of less than \$\frac{3}{2}\$ per month except for the difference between the pension now received (if less than \$\frac{3}{2}\$ per month) and \$\frac{3}{2}\$ per month. Pensions under this act shall be at the rate of \$\frac{3}{2}\$ per month, except as herein provided, and shall be paid to the persons entitled thereto from and after the passage of this act for and during their natural lives: Provided, That the pensions to widows provided for in this act shall cease when they shall marry again.

Mr. WHITE. I move to amend by striking out the proviso at the

end of the section.

My reason, Mr. Chairman, for offering this amendment is that there are a number of widows who have been married and their husbands are now dead, and they are more needy than they were at the time their original husbands died or were killed in the war. There cannot be a large number of these, but I have two, at least, in my mind's eye who are more needy now than they were when their original hus-

who are more neety now than they were when their original husbands died. [Laughter.]
Mr. HUBBELL. Is it husbands they need? [Laughter.]
Mr. WHITE. This provise is that the pensions to widows provided in this act shall cease when they marry again. Now, Mr. Chairman, it may happen that some good-looking widow directly after the war of 1812 married again and that husband is dead; she is a widow again; she is more needy now than she ever was before. [Laughter.]
A gentleman in my rear asks me if these ladies are in need of husbands. [Laughter.] Now, one of these ladies would say that while she may be in need of a husband she is more in need of something else. [Laughter.] I ask for a vote upon my amendment striking

out the proviso.

Mr. HUBBELL. I certainly hope the gentleman from Kentucky will further explain this matter. I am sure the House does not understand what these widows need.

The question was taken on Mr. White's amendment, and it was not

agreed to.

The Clerk read the third section of the bill, as follows:

The Clerk read the third section of the bill, as follows:

Sec. 3. That, before the name of any person shall be placed upon the pension-rolls under this act, proof shall be made, under such rules and regulations as the Commissioner of Pensions, with the approval of the Secretary of the Interior, shall prescribe, that the applicant is entitled to a pension under this act; and any person who shall falsely take any oath required to be taken under the provisions of this act shall be guilty of perjury. And the Secretary of the Interior shall cause to be stricken from the rolls the names of any persons when it shall appear, by proof satisfactory to him, that such names were put on said rolls by or through false or fraudulent representations as to the right of such persons to a pension under this act. The loss or lack of a certificate of discharge shall not deprive the applicant of the benefit of this act, but other proof of the service performed and of an honorable discharge, if satisfactory, shall be deemed sufficient; and when there is no record evidence of such service and such discharge the applicant may establish the same by other satisfactory testimony: Provided, That when any person has been granted a land warrant under any act of Congress for and on account of service in the said war of 1812, such grant shall be prima face evidence of his service and honorable discharge, so as to entitle him, if living, or his widow, if he be dead, to a pension under this act. But such evidence shall not be conclusive, and may be rebutted by evidence that such land warrant was improperly granted.

Mr. HALE. I suggest to the gentleman in charge of this bill

Mr. HALE. I suggest to the gentleman in charge of this bill whether in line 19 at the commencement of the proviso, after the word "person," the words "or his widow" should not be inserted, because it may well have happened that the land warrant provided for here as a basis of evidence was granted to the widow of a soldier of the war of 1812, instead of to the soldier himself. I move that those words be inserted. As the section now stands it only applies in a case where a land warrant has been issued to the person performing

the services. It should apply both to the case of a land warrant is-

Mr. HALE. I think a little examination will show the gentleman

that it is necessary.
Mr. HUNTON. It reads now:

Provided, That when any person has been granted a land warrant under any act of Congress for and on account of service in the said war of 1812, such grant shall be prima facte evidence of his service and honorable discharge.

Now if a land warrant was granted either to a soldier himself or to his widow it was on account of the services of the soldier.

Mr. HALE. Yes; but is there not a doubt, unless you put in the words I have suggested, whether the department will not construe it

words I have suggested, whether the department will not construe it so as only to apply to those warrants issued to the person serving, because these words follow: "so as to entitle him if living,"

Mr. HUNTON. Yes, "so as to entitle him if living, or his widow if he be dead." I do not, however, see the slightest objection to the amendment, although I think it needless.

Mr. HARRISON. I would suggest to the gentleman from Maine whether these land warrants were not issued sometimes to the heirs instead of to the widow, and should not the language be "the widow or heirs?"

Mr. HALE. Then I would have both words put in, so as to read "any person, his widow or his heirs." I offer the amendment only for the purpose of making the bill more perfect.

Mr. HUNTON. I have no objection to the amendment, but I think . it needless.

The question was taken on Mr. Hale's amendment; and it was agreed to.

The Clerk read the fifth section, as follows:

The Clerk read the fifth section, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the names of all persons now surviving heretofore pensioned on account of service of the war of 1812 against Great Britain, and whose names were stricken from the rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, or who have in any manner encouraged the rebels," approved February 4, 1862, and that the joint resolution entitled "Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1867, be, and the same is hereby, so far modified as to authorize the payment of claimants under this act; and section 4716 of the Revised Statutes at Large of the United States is hereby repealed.

Mr. HARRIS, of Virginia. I move to amend that section by inserting after the words "Great Britain" in line 5 the words "and widows of soldiers of the revolutionary war."

This section proposes to restore widows of soldiers of the war of 1812 whose names were stricken from the rolls for disloyalty under the act of 1862. I propose to add "and widows of soldiers of the rev-olutionary war." There is still one living to my knowledge, and there may be more, and I suppose there will be no objection to inserting the words.

Mr. DE BOLT. I desire to offer an amendment to the amendment as a substitute for it. It is to amend section 5 by striking out of lines 4 and 5 the following:

On account of service of the war of 1812 against Great Britain.

I offer this amendment because the bill as it now stands only applies to the pensions of those soldiers who were engaged in the war with Great Britain in 1812. Now by striking out these words it leaves the section entirely open so as to reach revolutionary soldiers and soldiers in the war with Mexico. I know a number of soldiers and soldiers in the war who have been stricken from the roll and who ought to be restored, and by this amendment they will be restored. I also know that there are some widows of soldiers who were killed in battle in the Mexican war who have been stricken from the rolls and ought to be restored. Pensions have been granted to soldiers of the Mexican war, and this only applies to those who have heretofore been granted.
The reading of the bill will show that.

Mr. BAKER, of Indiana. I desire to offer an amendment.
The CHAIRMAN. No further amendment will be in order, except

by unanimous consent, to be received and considered as pending.

Mr. BAKER, of Indiana. I ask that unanimous consent.

Mr. HUNTON. Unless the amendment of the gentleman from In-

diana [Mr. Baker] is germane to the one now pending, I would prefer that it be postponed until the pending amendment shall have been disposed of.

The CHAIRMAN. Does the gentleman object?

Mr. HUNTON. I do.

The CHAIRMAN. The amendment is not before the committee.

Mr. HUNTON. In regard to the amendment of my colleague [Mr. HARRIS] and the substitute for it offered by my friend from Missouri, [Mr. De Boll, ] I will say that the substitute meets my views entirely. I think it is entirely proper that the words referred to should be stricken from the section, that is, "on account of service of the war of 1812 against Great Britain;" so that that portion of the section

will read as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the names of all persons now surviving heretofore pensioned whose names were stricken from the rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, or who have in any manner encouraged the rebels."

Mr. HARRIS, of Virginia. I will accept the substitute in place of

my amendment. Mr. HUNTON. Mr. HUNTON. The committee will observe that this fifth section of the bill was designed to affect only the pensions upon the invalid-pension list, which may be of soldiers of the revolutionary war or their pension list, which may be of soldiers of the revolutionary war or their widows, soldiers of the Indian wars, of the war of 1812, or of the Mexican war. I am sure the design of the committee was to embrace all the soldiers of all those wars. By an oversight these words were inserted, and I trust they will be stricken out.

The amendment of Mr. DE Bolt was agreed to.

Mr. BAKER, of Indiana. I move to strike out section 5 as amended.

Mr. CASWELL. I move to amend the amendment of the gentleman from Indiana [Mr. BAKER] by striking out of section 5 all the latter portion of the bill as follows:

latter portion of the bill, as follows:

And that the joint resolution entitled "Joint resolution prohibiting payment, by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1567, be, and the same is bereby, so far modified as to authorize the payment of claimants under this act; and section 4716 of the Revised Statutes at Large of the United States is hereby repealed.

And inserting in lieu thereof the following:

Provided, That no money shall be paid any one on account of arrears during the term of his disability.

The object of my amendment is this: I would not oppose restoring to the pension-rolls the names of those stricken from it on account of their disloyalty to the Government; I am in favor of their being now added to the list. But I am opposed to that portion of the bill which provides that the amount in arrears shall be paid to them. We have

The gentlemen in charge of this bill can give us no estimate whatever of the amount of money which would be taken from the Treasury for that purpose. I do not propose to take this step in the dark without an estimate. I am in favor of so amending the bill that the names of those stricken from the pension rolls for disloyalty shall be restored, but that no arrears of pensions during the period of their

disloyalty shall be paid to them.

Mr. HARRIS, of Virginia. I move to amend the amendment by adding to the proviso "except widows of revolutionary soldiers."

Mr. CASWELL. I raise the point of order that no further amend-

ment is now in order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. HARRIS, of Virginia. As I understand it, the amendment of the gentleman from Wisconsin [Mr. CASWELL] is an amendment to the text of the bill, and therefore in the first degree, and open to

The CHAIRMAN. The Chair understands the gentleman from Wisconsin [Mr. Caswell] to move his amendment as an amendment to the amendment offered by the gentleman from Indiana.

Mr. HARRIS, of Virginia. Then I raise the point of order that it

is not pertinent, because the motion of the gentleman from Indiana

Is not pertinent, because the motion of the gentleman from Indiana [Mr. Baker] is to strike out the entire section.

The CHAIRMAN. The Chair sustains that point of order.

Mr. CASWELL. Then I offer my amendment as a substitute for the motion of the gentleman from Indiana.

The CHAIRMAN. The Chair will state to the gentleman from Wisconsin [Mr. CASWELL] that under the rule the amendment offered by him would take precedence of the motion of the gentleman from Indiana, [Mr. Baker,] as it is within the power of the House to perfect the section before taking the question upon the motion to strike it out.

the section before taking the question upon the motion to strike it out.

Mr. HARRIS, of Virginia. Then my amendment to his amendment would be in order.

The CHAIRMAN. It would be in order.

Mr. HARRIS, of Virginia. I then move to amend the amendment of the gentleman from Wisconsin [Mr. Caswell] by adding to the proviso which he has offered the words "except widows of revolu-

proviso which he has offered the words "except widows of revolutionary pensioners."

Mr. CASWELL. I accept the amendment to my amendment.

Mr. HARRISON. Will not the gentleman include all widows?

Mr. HARRIS, of Virginia. I have no objection; but I am opposed to the amendment in toto, and shall vote against it even if amended.

The CHAIRMAN. Does the gentleman from Wisconsin accept the amendment suggested by the gentleman from Illinois, [Mr. HAR-

Mr. CASWELL. Not by any means. I am afraid the widows will

be more numerous than the soldiers.

Mr. HUNTON. The gentleman from Wisconsin [Mr. CASWELL] said that we could get no information as to the amount of money this section would take from the Treasury. I submit that if he had listened to the reading of the report of the Commissioner of Pensions, as read by the Clerk, he would have seen that a full statement was there made. In the first place, the Commissioner gives the number dropped and the number that would be restored by this act, and distinguishes between the naval and land service, between the soldiers tinguishes between the naval and land service, between the soldiers and the widows. The annual amount required by their restoration would be \$5,616. Then comes a summary of the pensioners to be restored and the annual amount required for their payment, including naval pensions, half-pay, widows, and invalid pensions. The total number to be restored to the rolls is four hundred and fifty, and their annual pay would be \$39,658. The amount that it would take to pay the arrearages is not given by the Commissioner of Pensions,

Mr. CASWELL. The amount per annum is given, not the sum total.

Mr. HUNTON. That is true. But the amount cannot be large. It is diminishing year by year. Where the soldier is dead, his widow gets it; if the widow is dead, the minor child or children get it; if no minor child or children survive, nobody gets it. It is not a large mat-

These parties who have been dropped from the rolls because of their supposed participation in the late civil war had really no concern in that war; they were all too old. However much they might have been disposed to join in the war against the Government of the United States, they had passed the age at which they could render any serv-ice. I think it therefore a matter of propriety and justice that those who have thus been dropped from the rolls should be restored and re-

ceive their arrearages of pension.

Mr. CASWELL. If there was any reason for striking them from the rolls at all, that reason still exists; and for us to say that we will pay this money from the time they were stricken from the rolls is to pay this money from the time they were stricken from the rolls is to say that the Congress which passed that law authorizing their names to be dropped did wrong; did that which it never should have done. At any period from that time to the present day Congress could have restored the names of these persons to the pension-rolls; but it has never seen fit to do so. I am ready to join hands with other gentlemen and say that this disability shall no longer exist; but, sir, I cannot think that it is our duty, in view of the embarrassed condition of the national Treasury, to take the step now proposed and pay them

Mr. KELLEY. The gentleman will permit me to say that in the Forty-second and Forty-third Congresses this House passed such a bill as this; but the Senate did not concur in it.

Mr. HUNTON. The Senate did not act on it at all. The gentle-

man from Wisconsin [Mr. Caswell] will permit me to remind him that these pensioners whom we propose to restore to the rolls were all invalids, and being invalids they could have taken no part in the late war.

Mr. CASWELL. Let us contemplate this proposition for a few moments. We are about to restore to these parties a pension of fif-teen years' standing. It will take, I venture to say, a very large sum of money from the Treasury. The amount has been variously esti-mated from half a million to six million dollars. As has been exmated from half a million to six million dollars. As has been explained, we have no positive data by which we can be governed. I think we ought not to take such a step at this time. We cannot say here that the Congress which passed the law under which these pensioners were dropped had no right to pass that law; that it was an act of unkindness; that it ought never to have been passed. Yet that is what we say if we to-day provide for paying this money which has been thus withheld. In other words, it is simply saying that the Government of the United States has been merely a trustee for those parties who were engaged in the rebellion; that in this capacity it has preserved their funds for them until the present time and now will preserved their funds for them until the present time, and now will pay them over to them. I submit that if there was cause for passing this law in the beginning, such cause still exists, and that we ought not to pass to-day a measure which will be a virtual censure upon that legislation.

Mr. KELLEY. The gentleman will allow me to say that the bills to which I referred as having been passed by this House in the Forty-second and Forty-third Congresses did not contain any provision for the back pay, if I may use that term. They merely proposed to reinstate these persons upon the pension-rolls.

Mr. CASWELL. The provision for back pay is precisely what I chiest to

object to.
Mr. HARRIS, of Virginia. My only reason for offering my amendment to the amendment of the gentleman from Wisconsin was that if his amendment should prevail I wanted it to be as good as I could get it. But I am opposed to the whole proposition, even if my amendment should be adopted by the committee.

I desire gentlemen to bear in mind that in 1861, at the commence-I desire gentlemen to bear in mind that in 1891, at the commencement of the late war, a man who had served in the war of 1812 must have been sixty-four years old, supposing him to have been eighteen when the war of 1812 closed. Besides, this bill only restores to the pension-rolls soldiers of the war of 1812 who were maimed or disabled—who were invalids. Now I appeal to this House and ask whether there is any man here or anywhere in the country whose heart is so callous that he would refuse this act of justice to a soldier of the war of 1812, who perchance was maimed and disabled in defending the very Capitol in which you sit, because in 1861 or 1862 or 1863 he sympathized with his children and with his section of the country?

I am sure that when the passions of the hour have passed away there is no broad-hearted American upon this continent who would sanction the idea that such a man ought to be punished by with-holding from him the pension which the law had given him on account of disability incurred in the service of his country.

Mr. CASWELL. I wish to raise the question whether the proposed amendment of the gentleman from Virginia is in order. I think it is not.

The CHAIRMAN. The Chair would state to the gentleman from

Wisconsin that his amendment is the one now pending.

Mr. CASWELL. I have accepted the amendment of the gentleman from Virginia [Mr. HARRIS] as a modification of my amendment.

Mr. HOUSE. I should like to inquire of the gentleman from Wisconsin whether he would not be willing to further modify his amendment so as to let the arrearages reach back to the conclusion of the war?

Mr. VANCE, of North Carolina. Mr. Chairman, it will be remembered that the last House of Representatives, on motion of the gentlemen from Massachuşetts, [Mr. Butler,] did incorporate in the bill the idea of paying these soldiers back to the point where they were dropped. There was no opposition to it in the House, and I do hope dropped. There was no opposition to it in the House, and 1 do hope that will be done in this case; I do hope these old soldiers will be taken up where they were dropped. This is the centennial year, and I hope in my heart of hearts that will be done. I believe it will be done. I believe there is a generous spirit abroad here that will take up these men and pay them from where they were dropped.

Let it be borne in mind, Mr. Chairman, that the soldiers of the Mexican was were invalid registers many of them wounded upon

Mexican war were invalid pensioners, many of them wounded upon the battle-field, many pensioned on account of disease, and they could not, and doubtless did not, serve during the last war. Many were dropped from the rolls because they did not take the oath that they desired the success of the Federal arms. I hope a liberal spirit will prevail in this matter and that these men will be paid from the time

they were dropped. I hope this Congress will be as liberal as the Forty-third Congress was in that respect.

Mr. HALE. Mr. Chairman, I think there is a pretty liberal disposition on this side of the House on this question. In fact, it was evinced during the last Congress; but I want to remind gentlemen on the other side that they are in other matters manifesting, not a spirit always of liberality, but rather cutting and paring down what in some cases we believe to be necessary appropriations, because it is said the Treasury is empty and the revenues are low. They are cutting down appropriation bills, reducing the salaries of officials. They propose to turn out of office scores and hundreds of deserving men and women who have no place to turn to, because money is to be saved. In many cases these men who go have been soldiers in the war of the rebellion on the side of the Union. The reason given is that the needs of the Treasury are such that it must be done

I want to warn gentlemen when they put this measure through, upon which I know there is considerable liberality on this side of the House, that they are taking from the Treasury a sum of money which it will require a great deal of paring on appropriation bills to make

up. Now, there has been a suspicion—

Mr. HUNTON. Let me ask the gentleman a question—

Mr. HALE. I do not wish to introduce any partisan element into this discussion, but there has been a suspicion and there has been a suggestion on this floor that every dollar that was to be saved in the direction of economy inaugurated on the other side would before the session was over be eaten up by claims of one sort and another coming from that part of the Union. I hope that will not be so, but I counsel gentlemen here to take notice if this passes, and it will re-ceive votes on this side, that it is a measure of liberality to a class of people who are in the South of course alone, and who to-day rest under the ban of disloyalty to the Government, which it is proposed to re-

move. That is all I have to say.

Mr. HUNTON. Let me ask the gentleman from Maine a question, whether he imputes any illiberality to this side of the House?

Mr. HALE. I did not mean to impute any illiberality to that side of the House, but merely to say there was on that side a lack of free

appropriation.
Mr. HUNTON.

Mr. HUNTON. I wish to remind the gentleman that when the invalid pension bill was before this House, reported from the Committee on Appropriations to pension the soldiers of the late war, not only no illiberality was manifested, but that every dollar asked for by the Pension Bureau to pay these soldiers of the late war was cheerfully granted by every member on this side of the House.

Mr. HALE. I never supposed that anybody would raise a question

against the payment of those invalid pensioners.

Mr. HUNTON. I did not suppose any one would raise a question of liberality about these poor old cripples of the war of 1812.

The CHAIRMAN. The time of the gentleman from Maine has ex-

Mr. BANKS. Mr. Chairman, there is certainly some reason in what the gentleman from Maine has said in regard to the subject of retrenchment. It is quite possible propositions for retrenchment may be carried to such an extent as to impair the operations of the Government or to defeat the proper action of some Department, but that retrenchment is necessary the situation of the country shows most clearly. It may be pressed further than is wise or it may fall short of that. We cannot always decide which it may be. But the necessity of retrenchment in the expenditures of this country is so obvious, that no member of the House can very safely refuse to vote for it because he may think it may be too strong or too severe.

Now, sir, so far as the gentleman from Maine [Mr. Hale] goes on that question, I would agree with him very well. But he can scarcely make that subject of retrenchment an offset for this one of pensions make that subject of retrenchment an offset for this one of pensions which is before the House. The question what we will pay to the servants of the Government for next year is one entirely within our control. We are underno obligation to those servants or officers whatever. We are the judges of what should be done, and we are responsible for the results. And though many may suffer there is no injustice and no wrong. But, sir, in the matter of pensions we meet another

and entirely different question. There is here a debt, an obligation which we have taken upon ourselves to liquidate. These soldiers have a perfectly legal claim upon the Government for past services, and though in the case of a portion of those who have a claim for this debt their claim may have been suspended on account of supposed misconduct or actual misconduct, nevertheless, if this suspension should be removed, the claim is still a debt and not a matter of gratistic of the control of the claim is still a debt and not a matter of gratistic of the control of the contro

should be removed, the claim is still a debt and not a matter of gratuity, nor of gratitude, nor of gift, nor of compensation. We recognize the obligation of the Government to pay that sum of money to those persons which the Government agreed many years ago to pay. Now, sir, I think that the exception which is proposed by the gentleman from Wisconsin ought not to be made. I do not doubt that the Congress did wisely to suspend the payment of these pensions at the time they were suspended. But the difficulties in which the country was placed at that time have passed away. New lights have come upon us and new opportunities for the future, and we can therefore very well overlook any indiscretion or any actual misconduct which those people may have been guilty of at that time.

And more than that, I have this to say upon this question. I have been here off and on for ten years to get pensions for the soldiers of 1812. The old men I represent one by one have died. They have fallen away. They ask for this as an honor, not as a compensation; as a recognition by the United States Government on behalf of those

fallen away. They ask for this as an honor, not as a compensation; as a recognition by the United States Government on behalf of those who served it in time of peril. They ask it as an honor alone. They have sought it and never got it. If these gentlemen on the other side of the House were not here, I do not believe they would get it now; and if the entrance of those gentlemen to the House gives the soldiers of 1812 a pension, to which they are so richly entitled, I shall be very glad if that portion of the citizens of the South whose pensions were suspended for the reasons referred to have them restored when they are given to those constituents whom I represent, who are so richly entitled to them.

entitled to them.

Mr. HARRISON. I wish to say a word on this question of retrenchment. I wish to call the attention of the gentleman from Maine [Mr. Hale] to another fact. When the pension appropriation bill was before the House this side of the House knew that there was in that pension bill a large amount of frauds, and yet they did not interfere with the passage of the bill on that account.

Mr. ATKINS. If the gentleman from Illinois will allow me, I desire to say that I had the honor to report that bill from the Committee on Appropriations, and I must disclaim any such knowledge as he

on Appropriations, and I must disclaim any such knowledge as he

speaks of.

Mr. HARRISON. What I refer to is this: There was a gentleman on this floor who spoke of pension agencies in which there was a large amount of fraud—I do not mean fraud on the part of the soldiers, but fraud in the agencies. Yet this House, feeling that the soldier and the widow of the soldier should not be deprived of their pittances, would not take up that question of frauds, but passed the bill. They were liberal. They were willing that even some large frauds should pass unpunished, rather than that his pittance should be taken from the soldier.

I have this further to say. There are men now in the North who I have this further to say. There are men now in the North who are asking for their pay who cannot get it, simply because when in the South, to save their lives probably, they were forced to take the oath to the southern confederacy. May there not have been old men, men of the war of 1812, who were on the side of the southern confederacy, and who yet may have been as loyal as any man in the North, but who could not in the presence of the overpowering opinion of the country in which they were living go against their people? Yet when those men and their widows, who have been for years probably with scarcely anything to live on, come here and ask us to-day for assistance it is said we cannot give it to them. I for one Mr. for assistance, it is said we cannot give it to them. I for one, Mr. Chairman, feel that if a soldier of the United States of the war of 1812 may have committed a wrong and fought against the Union or even have been a silent spectator, we ought to say we will forgive him the wrong on account of the good he did when our Government was in its peril so many years ago. And as a northern man, as a man elected here not only by democratic votes but by a very large number of republican votes, I believe that my constituency will approve of my voting to give to these soldiers the full benefit of this bill, forgetting the recent past in the far distant past when they gave such important aid to the Government.

mportant aid to the Government.

Mr. HOGE. Mr. Chairman, I am in favor of giving these men who have fought for their country in the war of 1812 the pensions they ask. Sir, when these men were called upon to perform their duty to their country as citizens and when they risked their lives in the cause of the country, at that time they were loyal, patriotic, and true. They have now become old and infirm, many of them cripples, and this is one of these measures that appeals to me as an old soldier. and this is one of those measures that appeals to me as an old soldier of the Union Army. While I am a member of the republican party, while I am opposed to every act of the rebellion, yet this is one of the occasions that appeals to my charity as a soldier. I am here in behalf of the people I represent in South Carolina to ask the Congress of the United States to give to these old veterans the small pittance of a pension to enable them to live their last days, and live

without becoming beggars on the community.

Mr. Chairman, I am in favor of this bill. I want the Congress of the United States to show to these men and to the people of the country that when we come here to legislate upon these great questions we can for a time forget party, that we can forget all the past, and

only remember the good acts that these people have done in behalf of their country when the country was in peril. Let us give them this pittance. Talk about retrenchment and reform! The country will never feel this. I advocate this measure in the same spirit in which I would have advocated the appropriation for the Centennial, to bring the people together and to renew their love and allegiance to their country. So now though these men may be few in number they have their children scattered throughout the land, and if per-chance they were forced by circumstances over which they had no control to take part in the rebellion or to acquiesce in it, or it may be to openly engage in the cause of the confederacy, let us forgive and forget, let us restore their names to the pension-roll and give them this small pittance, that they may not be lingering on the charity of their friends or on their country.

[Here the hammer fell.]
Mr. TOWNSEND, of New York. Mr. Chairman, as one of the committee who reported this bill I made this matter a subject of serious reflection. I had some doubt as to what I ought to do, but reflection taught me that I ought to restore, as far as my vote would go, these old men to the positions that they occupied before the war. They are every one of them invalids, every one of them old men. There is not a man of them who has not seen more years than myself. They could not have rendered from their age and condition any considerable service to the cause of the rebellion. They have simply been guilty of participating in the feelings of the neighborhoods in which they were born. I am a man of pretty strong prejudices, and I feel the wrong of the rebellion about as strongly as any man can feel it, and yet I know that a man who does not feel to some degree as his neighbors feel in times of excitement is either less or more than a man, and I do not appreciate very highly the crime which these old men have committed in sympathizing—my friends on the other side must reflection. I had some doubt as to what I ought to do, but reflection and I do not appreciate very nighty the crime which these old men have committed in sympathizing—my friends on the other side must not find fault with it—in the craze of 1861. I feel now, sir, that I am doing not what the gentleman from Massachusetts [Mr. Banks] says, paying a debt—no, not a debt, for the acts of these men forfeited all their claims as such upon the Government—but I feel that feited all their claims as such upon the Government—but I feel that in going for this measure I am doing an act of kindness that I owe to myself, that I owe to the good men of the neighborhood that I represent, that I owe to the feelings of the North, a Representative here representing northern men, and I wish it may be so that those sympathizing with me in my politics might vote as our friends voted in the last Congress, that we shall come forward and do an act of magnanimity to these men who in the dark days of our Government came forward and struggled manfully for the right, then, as our boys who wore the blue stood up manfully in the cause of the Government yesterday. I want to do this act as an act of right, and, having done it as an act of right, I want to ask my friends on the other side of the House coming from the southern side of the Potomac, when you come to get on the hustings once more, do remember among the hard things you charge upon us—you do not charge us often with hard things

to get on the hustings once more, do remember among the hard things you charge upon us—you do not charge us often with hard things here, but to your own people—do tell them that sometimes the northern heart is not quite as hard as it is often represented to be.

Now, sir, I believe this act due on the part of the minority, due to ourselves. It is a duty to ourselves and a duty to our constituents to vote for this bill. What is it? It is a great sum; it is \$500,000; that is about the amount of the money we give to these men, the money which had been suspended; but if it amounted to \$5,000,000 I would pay it. I am not one of those who believe that the country is so much distressed as everybody is representing it to be. It is more diswould pay it. I am not one of those who believe that the country is so much distressed as everybody is representing it to be. It is more distressed by the howling of men here on the one side and on the other than from any other cause. I felt so the other day when the salaries of our foreign ministers were cut down below the position they ought of our foreign ministers were cut down below the position they ought to occupy in the courts to which we send them to represent the country. I felt that the country was not so much distressed as that it could do wrong. We are too poor to afford that, and as to this sum of money proposed to be paid to these old men we cannot afford to go on without paying it. And I should wish, in honor of the country, in honor of the party to which I belong, in honor of the section of the country from which I come, that we should vote now, as our representatives did in the last Congress and the Congress before, to pay to these men the money they would have had but for the excited condition of affairs in which they lived and participated; but in the wrong-doing that occurred they could take no active part.

Mr. COX. I do not propose at this late hour to discuss the merits

Mr. COX. I do not propose at this late hour to discuss the merits or the economy of this bill. I think it would be wise for this House to adjourn, so that we may be able to-morrow to take up this bill with a more intelligent understanding of the effect of the amendment proposed to it. I know that in former Congresses there was liberality on both sides of the House toward the old soldier. This House passed a bill giving this back pay to these old soldiers and the Senate defeated it.

Mr. HARRIS, of Virginia. Do not call it "back pay."
Mr. COX. I do not care what you call it, whether "back pay" or Mr. COX. I do not care what you call it, whether "back pay" or arrears of pensions. While we may economize on this pension business in other directions, according to the investigations made by my friend from Pennsylvania [Mr. Jenks] and by his committee, and thereby save a half or three-quarters of a million of dollars in the collection and settlement of these pensions; and while there may be much room for economy in the adjudication of pension claims, I think it would be well for the House, before we enter upon any loose legislation by way of amendment to this bill, to adjourn until to-morrow, in order

that we may become better informed in regard to it. I therefore move that the committee now rise.

The motion was agreed to; and accordingly the committee rose, and Mr. Clymer having taken the chair as Speaker pro tempore, Mr. Blackburn reported that the Committee of the Whole, pursuant to the order of the House, had had under consideration the bill (H. R. No. 1605) amending the laws granting pensions to soldiers and sailors of the war of 1812 and their widows, and had come to no resolution thereon. thereon.

## UNITED STATES DISTRICT COURT IN WEST VIRGINIA.

Mr. WILSON, of West Virginia. I ask unanimous consent of the House that Senate bill No. 472, changing the times of holding terms of the district courts of the United States in the State of West Virginia. ginia, reported from the Senate to-day, be now taken from the Speakginia, reported from the Senate to-day, be now taken from the Speaker's table for consideration at this time. The time now fixed by law for holding these courts is very near at hand, and it is very important to suitors and members of the bar in that State to know whether this bill shall or shall not pass. Hon. John J. Jackson, judge of that court, is now in this city, and very desirous of knowing the fate of this bill. I ask unanimous consent that it be now taken up and acted many.

upon.

There being no objection, the bill was taken from the Speaker's

There being no objection, the bill was taken from the Speaker's table, and read a first and second time.

The question was upon the third reading of the bill.

Mr. FAULKNER. I move that this bill be referred to the Committee on the Judiciary.

Mr. WILSON, of West Virginia. It is very important that this bill should be acted upon now. The time now fixed by law for holding the district courts of West Virginia is nearly upon us. I know that my colleague [Mr. FAULKNER] has a proposition pending before the House to provide for holding a term of the court in his own town of Martinsburgh. But, if this bill shall pass, it cannot prejudice his bill at all.

Mr. FAULKNER. It may not prejudice it, but I think it will fa-cilitate the whole matter to have this bill referred to the Committee on the Judiciary. They can act upon it at their next meeting, and recommend such a disposition of it as they may deem proper.

Mr. BURCHARD, of Illinois. I suggest that the committee have leave to report the bill at any time.

There was no objection, and the bill was accordingly referred to the Committee on the Judiciary, with leave to report it any time.

#### RE-ISSUE OF PATENTS.

Mr. DOUGLAS, by unanimous consent, reported from the Committee on Patents, as a substitute for House bills Nos. 1242 and 1634, a bill (H. R. No. 2273) to amend section 4916 of the Revised Statutes in relation to re-issue of patents: which was read a first and second time, recommitted to the Committee on Patents, and ordered to be printed.

## LEAVE OF ABSENCE.

Mr. MILLER was granted leave of absence for one week from Friday next, on account of important business.

Mr. Whiting was granted leave of absence for five days, on account

of sickness in his family.

Mr. Douglas was granted leave of absence for one week from Sat-

urday next.

Mr. COX. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

## PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLACKBURN: The petition of Calven Sanders, for pay for

use and destruction of his property by the United States Army, to the

Committee on War Claims.

By Mr. BLAND: A paper relating to a post-route from Linn to Owen's Mills, Missouri, to the Committee on the Post-Office and Post-

Owen's Mills, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: The petition of 267 citizens of Bay City, Michigan, that authority be granted for the construction of a bridge across the river at Detroit, Michigan, to the Committee on Commerce.

By Mr. BROWN, of Kentucky: The petition of Charles W. Rash and other ex-Federal soldiers, that all honorably-discharged Federal soldiers be granted the sum of \$200 in lieu of bounty land, to the Committee on Military Affairs.

By Mr. CATE: A paper relating to a post route from Wausan to Colby, Wisconsin, to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Legislature of Wisconsin, for a post-route from Osceola Mills, via El Salem, Sucker Lake, Lincoln Centre, East Lincoln, Clear Lake, Black Brook, Wagon Landing, and Alden, back to Osceola Mills. to the same committee.

By Mr. COCHRANE: The petition of citizens of Allegheny County, Paparsulyania that the present days on foreign coal may not be re-

Pennsylvania, that the present duty on foreign coal may not be removed, to the Committee of Ways and Means.

By Mr. CONGER: The petition of Irvin Weston and 60 other citizens of Lapeer County, Michigan, for a money bounty instead of a land bounty to ex-Federal soldiers and the setting aside the equiva-

lent amount (in value) of lands as a means of providing for the payment of the money advanced, to the Committee on Military Affairs.

Also, the petition of Reuben Hopkins and 75 other citizens of Huron

County, Michigan, of similar import, to the same committee.

Also, the petition of P. R. Weydemeyer and 60 other citizens of Tascola County, Michigan, of similar import, to the same committee.

Also, the petition of 46 citizens of Lapeer, Michigan, for authority for a bridge to be constructed across the River at Detroit, Michigan, to the Committee on Commerce.

Also, the petition of 60 citizens of Vasser, Michigan, of similar im-

port, to the same committee.

Also, the memorial of western fishermen and fish-dealers, that the duty on gilling-twine be removed, to the Committee of Ways and

Also, the petition of John C. Liken and other citizens of Sebewaing, Huron County, Michigan, that a term of the United States district court may be held at Bay City, Michigan, to the Committee on the

By Mr. COOK: The petition of Charles L. Bradwell, a free man of color, resident at Savannah, Georgia, for pay for four bales of cotton taken by the United States Government authorities under orders issued by General Sherman, in 1865, to the Committee on War Claims.

By Mr. COX: The petition of William Kleingolz, for a pension, to
the Committee on Invalid Pensions.

By Mr. DANFORD: The petition of Rev. J. A. Swaney and 260 other citizens of Belmont County, Ohio, for the appointment of a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, papers relating to the claims of Frederick and Augustus Schneider and Robert S. Lacy, for pay for property taken, used, and destroyed by the United States Army, to the Committee on War Claims.

By Mr. DOBBINS: Papers relating to a post-route from Titusville to Harbourton, New Jersey, to the Committee on the Post-Office and

By Mr. DOUGLAS: Papers relating to the claim of William H. Winder, for pay for property taken by the United States Army, to the Committee on War Claims.

By Mr. FOSTER: Papers relating to the claim of Alpheus Fobes, for indemnity for loss of funds stolen from him as pension agent at New York, to the Committee of Claims.

By Mr. GARFIELD: Memorial of the American Board of Trans-

portation and Commerce, in behalf of the construction of a double-

track freight railway from the seaboard to the West, to the Committee on Railways and Canals.

By Mr. HOPKINS: The petition of ex-soldiers of Allegheny County, Pennsylvania, that \$200 and one hundred and sixty acres of land be granted all ex-Federal soldiers who served thirty days and were hon-

orably discharged, to the Committee on Military Affairs.

By Mr. JENKS: The petition of Isabella Swem, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Susan W. Marshal, of similar import, to the same committee

By Mr. KELLEY: The petition of E. D. Ulmer and 3 other survivors of the hip-joint amputation, for an increase of pension, to the Committee on Invalid Pensions.

By Mr. LEAVENWORTH: The petition of Mrs. Edwin V. Sumner,

for a pension, to the Committee on Invalid Pensions.

By Mr. LUTTRELL: The petition of A. J. Curtis and 50 others, for the restoration of the Fort Crook military reservation, California, to the public domain and to homestead entry, to the Committee on Mil-

the public domain and to homestead chary, to the committee itary Affairs.

By Mr. MAISH: The petition of citizens of Wrightsville, Pennsylvania, that Government aid be extended the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. McCRARY: The petition of citizens of Jefferson County, Iowa, for the immediate repeal of the resumption act, to the Committee of William and Manne. tee of Ways and Means.

By Mr. McFARLAND: The petition of Catharine M. Rector, for a

pension, to the Committee on Invalid Pensions.

Also, the petition of T. A. Middleton, for pay as a United States

Also, the petition of I. A. Middleton, for pay as a United States officer, to the Committee on Military Affairs.

By Mr. MORRISON: The petition of citizens of Illinois, for the improvement of the Mississippi River and fixing the shore lines thereof, opposite the city of Saint Louis, Missouri, to the Committee on Com-

By Mr. O'NEILL: The petition of Emma H. Young, for relief, to the Committee on Invalid Pensions.

By Mr. OLIVER: A paper relating to the claim of Benjamin J. Everitt, to the Committee of Claims.

By Mr. RANDALL: The petition of John F. Dumas, for money due him as an heir of Abigal Dumas under the treaty with France in 1831, to the Committee of Claims.

By Mr. ROSS, of New Jersey: The petition of citizens of the third congressional district of New Jersey, that aid be extended the Texas

Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. STONE: Memorial of Oliver Evans Woods, relative to the registered-letter system and other of his postal improvements in public use; also to his plans for further augmenting postal efficiency, to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE, of Ohio: The petition of Sarah Coles, for relief, to the Committee on Invalid Pensions.

By Mr. WARD: The petition of F. Alexander & Sons, J. B. Wenburgh and 56 other ship-owners and agents, for the repeal of the

shipping act, to the Committee on Commerce.

By Mr. A. S. WILLIAMS: Papers with the petition of John Haley, for a pension, to the Committee on Invalid Pensions.

Also, papers with the petition of Thomas W. Hewitt, for a pension,

By Mr. WOODBURN: The petition of T. E. Webster and 78 other citizens of Nevada, for a post-route from Winnemucca, Nevada, to Surprise Valley, California, to the Committee on the Post-Office and

## IN SENATE.

## THURSDAY, February 24, 1876.

Prayer by the Chaplain, Rev. Byron Sunderland, D. D. The Journal of yesterday's proceedings was read and approved.

#### HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 700) to incorporate the Mutual Protection Fire Insurance Company of the District of Columbia; A bill (H. R. No. 1398) to regulate the practice of pharmacy in the

District of Columbia; and A bill (H. R. No. 1488) to incorporate the Georgetown and Tennal-

lytown Railroad Company.

The bill (H. R. No. 1798) to re-organize the judiciary of the United States was read twice by its title and referred to the Committee on

The bill (H. R. No. 2270) to provide for the purchase of material and for the continuation of the work on the building for custom-house and post-office at Saint Louis, Missouri, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

#### PETITIONS AND MEMORIALS.

Mr. WINDOM. I present the memorial of John T. Henry, George A. Merwin, H. K. Miller, F. B. Thurber, E. R. Durkee, T. F. Lees, Charles Watrous, A. B. Miller, and B. P. Baker, a committee appointed by the New York Cheap Transportation Association to bring to the notice of Congress certain facts pertaining to the question of transportation; and as the memorial is somewhat lengthy I beg, under the rule, to make a brief statement of its contents. The application of rate, to make a orier statement of its contents. The application of steam and electricity to the purposes of commerce has resulted in a complete and sudden revolution in the commercial and economical conditions and customs of the world, and differences in the cost of transportation which a few years since were deemed trivial and insignificant now decide the welfare of great communities. The old common law of highways was based upon the principle of public common law of highways was based upon the principle of public ownership and private use, but when steam rendered the construc-tion of a new and improved system of highways possible this func-tion of government was delegated to associations of individuals and without sufficient restrictions or safeguards. The result is our present inadequate, incongruous, and chaotic system of transportation, in which mismanagement and irregularities have been so frequent that discredit has been thrown upon American enterprises in all the finan-cial centers of the world. The interests of both stockholders and the general public have in many cases been willfully disregarded by unprincipled managers who do not exercise even the selfish interest unprincipled managers who do not exercise even the selfish interest of fostering commerce in order that it may yield the transporter a legitimate revenue. The Government regulates our banking and other interests, yet here is an interest which in importance overshadows them all—an interest which shares with the Government the power to levy and collect taxes upon the production and commerce of all the States, entirely independent of national control.

In this memorial flagrant cases of discrimination are mentioned aboving that freight is exercised for favored shipmers at rates that are

showing that freight is carried for favored shippers at rates that are

not given to the general public.

Bridge companies and other inside organizations are instanced which enrich their managers at the expense of stockholders and the

general public.

Flagrant instances of stock-watering and kindred abuses are given, and in conclusion the memorial states that these abuses have become so incorporated in the present system that they cannot be reached by ordinary methods of legislation, and that a trunk line of railroad should be constructed between the grain-growing sections of the West and the Atlantic seaboard, as a regulator to the present system; that this may be built and owned by Government and leased for purposes of operation, or that Government may aid a private company to construct such a road, provided that in consideration of such aid a supervision and control is assumed that will properly protect the public interest.

I beg to say that this committee represents some fifteen hundred of

the leading business men of the city of New York. I move that the memorial be referred to the Select Committee on Transportation Routes to the Seaboard.

The motion was agreed to.

Mr. WINDOM presented a petition of citizens of Polk County, Minnesota, praying for the establishment of a mail-route between Moorhead and Fisher's Landing, a distance of eighty miles, by way of points named therein; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ANTHONY presented the petition of Isabella H. Silvey, widow of William Silvey, deceased, late major Fifth United States Artillery, praying to be granted a pension; which was referred to the Commit-

tee on Pensions.

Mr. ANTHONY. I present also the petition of Amasa Sprague, Governor Lippitt, Ex-Governor Smith, and many other leading merchants and navigators of Providence, Rhode Island, asking that a light-house or monument and spindle may be erected on Whale Rock, at the mouth of Narraganset Bay. Accompanying this petition is a list of more than twenty steamers which ply constantly to Providence, passing that dangerous place. There is also a list of losses, amounting to nearly \$50,000 within a few years. I ask the reference of the petition to the Committee on Commerce, and home that it will receive petition to the Committee on Commerce, and hope that it will receive their especial attention. It is a dangerous rock at the very mouth of Narraganset Bay. Navigation should be protected there by a lighthouse; but as that would be an expensive work requiring submarine construction, I will in the actual condition of the Treasury limit myself at present to asking for a monument and spindle, and have prepared a bill for that purpose.

The petition was referred to the Committee on Commerce.

Mr. ANTHONY presented the petition of Mrs. Eliza Sayles Manchester, widow of the late Joseph S. Manchester, captain and commissary United States Army, praying that Congress consider favorably her previous petition to be placed on the pension list; which was referred to the Committee on Pensions.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of Wisconsin, in favor of the establishment of a daily mailroute between Marine Mills, Washington County, Minnesota, via Farmington Centre and Osceola Mills, Wisconsin; which was referred to the Committee on Post-Offices and Post-Roads.

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He also presented a memorial of the Legislature of Wisconsin, in favor of increased mail facilities for the northern portion of Sauk County; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Legislature of Wisconsin, in favor of the establishment of a semi-weekly mail-route from Wausan to Colby, via Stettin, Marathon, and Wien; which was referred to

the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Legislature of Wisconsin, in favor of the extension of a mail-route and for the increase of service thereon from New Glarus in Green County, Wisconsin, to Dayton, thence to Brooklyn Station, on the Madison branch of the Chicago and Northwestern Railway; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Legislature of Wisconsin, in favor of increased mail facilities for the counties of Green, Lake, and Wanshara; which was referred to the Committee on Post-Offices and

Post-Roads

Mr. KERNAN presented the petition of S. E. E. Perine, administratrix of her late husband, William Perine, praying for the payment to the estate of William Perine of certain sums of money alleged to be due thereto; which was referred to the Committee on Naval Affairs.

Mr. HOWE presented a memorial of the Legislature of Wisconsin,

in favor of increased mail facilities for the counties of Green, Lake, and Waushara; which was referred to the Committee on Post-Offices

and Post-Roads.

He also presented a memorial of the Legislature of Wisconsin, in favor of the establishment of a daily mail-route between Marine Mills, Washington County, Minnesota, via Farmington Centre and Osceola Mills, Wisconsin; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Legislature of Wisconsin, in favor of an appropriation to improve the navigation of the Chippewa River; which was referred to the Committee on Post-Offices and Post-

Roads, and ordered to be printed.

He also presented a memorial of the Legislature of Wisconsin, in favor of the extension of a mail-route and for the increase of service thereon from New Glarus, in Green County, Wisconsin, to Dayton, thence to Brooklyn Station, on the Madison branch of the Chicago and Northwestern Railway; which was referred to the Committee on Post-Offices and Post-Roads.

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He also presented a memorial of the Legislature of Wisconsin, in favor of the establishment of a semi-weekly mail-route from Wausau to Colby via Stettin, Marathon, and Wein; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS presented the petition of George Jackson, of West Virious Committee was discharged from the further consideration of the paper.

Mr. HITCHCOCK. The Committee on Territories, to whom was referred the bill (H. R. No. 1328) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State

ginia, praying for the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. MITCHELL. I present a petition very numerously signed by citizens of Portland, Oregon, in which they represent that many mines of silver and gold are being constantly discovered and developed in the Pacific northwest, embracing Oregon, Idaho, Washington Territory, Alaska, and the British Columbia, which, together with the many mines already developed afford an annual yield of about \$3,000,000. The Columbia River bars are rich in gold for hundreds of miles. They receive deposits of float-gold every annual freshet. This large river and its tributaries drain a vast area of auriferous territory. The city of Portland is the great commercial center of this extensive region. It is of great importance to commerce that a United States assay office should be established at that place. They respectfully pray that such action may be taken by Congress as will establish such an office at the city of Portland. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. WALLACE presented a petition of citizens of Pennsylvania, praying for the passage of a law basing the currency of the country on its wealth; which was referred to the Committee on Finance.

He also presented two petitions of citizens of Pennsylvania, praying for the repeal of the bankrupt law; which were referred to the

Committee on the Judiciary.

He also presented a memorial of the executive council of the Board of Trade of the city of Philadelphia, remonstrating against the repeal

of the bankrupt law and praying for an amendment of the same; which was referred to the Committee on the Judiciary.

Mr. WITHERS presented the petition of George G. Junkin and other citizens of Christiansburgh, Virginia, praying for the repeal of the bankrupt act; which was referred to the Committee on the Judiciary.

diciary.

He also presented a memorial of the city council of Alexandria, Virginia, relative to the proposed construction of a monument at Yorktown; which was referred to the Committee on Military Affairs.

Mr. KELLY presented additional papers in relation to the petition of Captain George D. Hill; which were referred to the Committee on

Military Affairs.

Mr. HAMLIN presented the petition of Martha Edwards, of Portland, Maine, widow of the late Daniel Brown, United States Artillery, praying to be granted a pension for services rendered by her late husband in the war of 1812; which was referred to the Committee on Pen-

## REPORTS OF COMMITTEES.

Mr. HAMILTON. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. No. 556) granting a pension to Alexander St. Bernard, of Saint Clair County, Michigan, to report it back adversely and move its indefinite postponement.

The PRESIDENT pro tempore. I ask the Senator to allow the bill to

go on the Calendar. Mr. HAMILTON. Very well.

The PRESIDENT pro tempore. The bill will be placed upon the Calendar with the adverse report of the committee.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the petition of soldiers and sailors of the late war, praying the passage of an act granting them a bounty of \$8.33 per month for the time served by them, deducting all bounty heretofore granted by the United States, asked to be discharged from its further consideration and that it be referred to the Committee on Military Affairs; which was agreed to.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (S. No. 375) for the relief of Maria W. Sanders, reported it with amendments and submitted a report thereon; which was

ordered to be printed.

Mr. JOHNSTON, from the Committee on Patents, to whom was referred the bill (S.No.61) for the relief of John R. Harrington, reported

adversely thereon; and it was postponed indefinitely.

Mr. EDMUNDS. I consider myself instructed by the Committee on the Judiciary, to whom was referred a paper purporting by the indorsement to be the petition of Stephen D. Lee, praying for the removal of his disabilities, to return the same to the Senate and ask to be discharged from its consideration, because on inspection it is found to be a copy of a letter addressed to the President of the United States on the 9th of July, 1865. I presume the Senator who presented it, the Senator from Georgia, [Mr. Gordon,] whom I do not now see in his seat, mistook it for some papers that were before the committee at the last session; but as the matter now stands we have nothing to act upon. Therefore I ask that the committee be discharged. I think there will be found in the files of the Senate, however, if the Senator chooses to have it taken from the files and referred to us, a regular petition of this gentleman, for I see by the calendar of the Committee on the Judiciary that we reported a bill for his relief at the last session, which, through the lateness of the time, did not pass.

government, and for the admission of said State into the Unino on an equal footing with the original States," approved March 3, 1875, have directed me to report it without amendment and recommend its passage. There are reasons why this bill should be promptly passed. I presume it will not elicit any discussion, and I ask its present consideration.

The PRESIDENT pro tempore. The bill will be read for informa-

tion, subject to objection.

The Chief Clerk read the bill.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. MORRILL, of Maine. I should not like to have it passed without some information on the subject. I reserve the right to object.

Mr. HITCHCOCK. I will state the object of this bill. By the
terms of the original enabling act, all those were made voters and
allowed to vote upon the constitution to be submitted for adoption or rejection to the people of that Territory who were then, at the time of the passage of the enabling act, entitled to vote. By the terms of the bill as drafted, a constitutional convention was provided for, to meet at an early day; and had the bill passed in that form, that provision would have been proper; but by an amendment placed upon the bill in the Senate prior to its passage, the time for the meeting of the constitutional convention, and consequently for the action of the people of Colorado on the constitution which was to be offered by that convention to the people, was deferred for more than a year; so that the people of Colorado are to vote upon this constitution on the 4th of July next. There are a large number of voters, made up by emigration which has gone into that Territory since that time, who will then be voters under the laws of the Territory, and who properly and rightfully ought to vote upon the adoption or rejection of the constitution.

Mr. EDMUNDS. May I ask the Senator from Nebraska what length of time the laws of the Territory require in respect of resi-

dence before the right to vote accrues?

Mr. HITCHCOCK. Six months. That is one section of this bill.

The other is required for the same reason, namely, the deferring of the admission of the State by the amendments which were put upon the enabling act in the Senate, as the Senator from Vermont will remember.

The provision which has recently been made in other new States allowing the balance of the legislative appropriations, whatever that might be, to be diverted and used for the payment of the expenses of the constitutional convention, was in the original bill; but in consequence of the amendments of the Senate as to the time of the meeting of the constitutional convention, the action of the people of Colorado has made necessary the using up of that appropriation, which was then ample and would then have been sufficient to pay the members of the convention. That appropriation is now used up. The convention is now in session. It has been in session since December

last. It is now in session. It has been in session since December last. It is now about ready to adjourn, and unless this bill is passed and this appropriation made, there will be no money to pay the members. I believe there will be no objection to the bill.

Mr. MORRILL, of Maine. I do not know that I have any objection to the first feature of the bill. Indeed, I do not know that I shall have any objection to it at all; but I notice that it provides for an appropriation. I am not certain in regard to that and so I salt that

appropriation. I am not certain in regard to that, and so I ask that the bill lie over until to-morrow, that I may examine that feature of the bill. I dare say I shall have no objection to the general proposition of the bill.

Mr. DAVIS. I wish to suggest to the chairman of the Committee on Appropriations that I think this bill is right in itself. I have looked over it; and I hope he will withdraw his objection. It passed after a full discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over that discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the discussion in the other House and I looked over the looked over the discussion in the other House and I looked over the looked after a full discussion in the other House, and I looked over that discussion, and I believe that the appropriation as asked for here is correct. Unless my friend from Maine has special objection, I hope he

will not insist on the bill being delayed.

Mr. MORRILL, of Maine. I have no special objection; but the general objection I think I have. It makes an appropriation for what I do not understand that there is any precedent.

Mr. HITCHCOCK. I will state to the honorable Senator that there

is a precedent for it in the admission of my own State.

Mr. MORRILL, of Maine That is what I want to ascertain. I must insist on the bill going over.

Mr. LOGAN. I should like to ask the Chair if the bill goes over

now till to-morrow will it go over as unfinished business for to-mor-

The PRESIDENT pro tempore. It will not; it will require a motion

The PRESIDENT pro tempore. It will not, it will not take it up.

Mr. MORRILL, of Maine. The Senator will have no difficulty in getting it up; I will make the motion myself if I think it allowable.

The PRESIDENT pro tempore. The bill goes on the Calendar.

Mr. HITCHCOCK, from the Committee on Territories, to whom was referred the bill (8. No. 386) approving an act of the Legislative Assembly of Colorado Territory, reported it without amendment.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1596) granting a pension to Ruth Ellen Greelaud, reported

it without amendment, and submitted a report thereon; which was

ordered to be printed.

He also, from the same committee, to whom was referred the petirie also, from the same committee, to whom was referred the pettion of Anton Tschudi, late a musician in Company A, Eighteenth Regiment United States Infantry, praying to be allowed a peusion on account of an accident occurring to him at Atlanta, Georgia, by which his leg was broken, necessitating amputation, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (8. No. 397) for the relief of Andrew M. Banks, reported

derred the bill (S. No. 397) for the relief of Andrew M. Banks, reported adversely thereon; and it was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Maria Ann Knauber, widow of Adam Knauber, deceased, praying that she may be allowed a pension, asked to be discharged from its further consideration; which was agreed to.

Mr. JONES, of Nevada, from the Committee on Finance, to whom was referred the petition of George Hibban, for Hibban & Committee on Finance, to whom

was referred the petition of George Hibben, for Hibben & Co., praying to have refunded certain taxes assessed and collected on tobacco wrongfully, as alleged, submitted a report accompanied by a bill (S. No. 490) for the relief of Hibben & Co., of Chicago, Illinois.

(S. No. 499) for the reflet of Hibben & Co., of Chicago, Hilhols.

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. SAULSBURY, from the Committee on Post-Offices and Post-Roads, to whom was referred the petition of Augustus Watson, praying compensation for the use of his self-sealing, stamped newspaper-wrappers, asked to be discharged from its further consideration; which was agreed to. which was agreed to.

#### G. B. TYLER AND E. H. LUCKETT.

Mr. MITCHELL. The Committee on Claims, to whom was referred the petition of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, have had the same under consideration and have in-

structed me to report a bill and recommend its passage.

The bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, was read and passed to the second

reading.

Mr. MITCHELL. I will state that this case received the favorable action of the committee at the last session, and also of the Senate. I

ask the present consideration of the bill.

By unanimous consent, the bill was read the second time, and considered as in Committee of the Whole. It provides for paying to G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, \$134 in full for moneys wrongfully collected from Cheatham by the internal-revenue collector for the second district of the State of Kentucky in 1870, as a tax for keeper of bonded warehouse in December, 1863, and January, 1870.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## CHANGE OF NAME OF SCHOONER.

Mr. CONKLING. The Committee on Commerce, to whom was referred the bill (H. R. No. 1384) to change the name of the schooner Turner and Keller, of Oswego, to that of Falmouth, direct me to report back the same favorably, without amendment, and I ask the present consideration of the bill, as there can be no objection to it. I can explain it in a moment if any Senator wishes an explanation.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 491) granting a pension to Eliza S. Manchester; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 492) making an appropriation for the erection of a monument and spindle on Whale Rock, at the entrance of Narragan-

sett Bay; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 493) to amend section 993 of the Revised Statutes of the United States relating to the District of Columbia; which was read twice by its title.

Mr. EDMUNDS. This bill provides for making the 22d of Febru-

ary a dies non in respect of commercial paper, like Sundays and the Fourth of July, &c. I move that it be referred to the Committee on the District of Columbia.

the District of Columbia.

The motion was agreed to.

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 494) authorizing the Secretary of War to correct the Army record of Captain George D. Hill; which was read twice by its title, and, together with accompanying papers, referred to the Committee on Military Affairs.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 495) for the relief of William H. Smallwood; which was read twice by its title and together with accompanying

which was read twice by its title, and, together with accompanying papers, referred to the Committee on Military Affairs.

Mr. CRAGIN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 496) to provide for means of cheap transporta-

tion upon the interior waters, to restore the ocean-carrying trade of the United States, and for other purposes; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 497) for the relief of Nathaniel McKay; which was read twice by its title, referred to the Committee on Naval Affairs, and

ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 498) for the relief of Thomas Wilson; which was read twice by its title, referred to the Committee on Military Affairs,

and ordered to be printed.

Mr. SPENCER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 499) in relation to appropriations and expenditures for the District of Columbia and taxation therein; which

was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. HAMILTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 500) to grant certain rights to the Central Texas and El Paso Railroad Company and to provide for a continuous through line of railroad between the cities of the Lower Mississippi River and the Gulf of Mexico and the Pacific Ocean; which was read twice by its title, referred to the Committee on Railroads,

and ordered to be printed.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 501) to establish certain postroutes in the State of Wisconsin; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered

Mr. BOOTH (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 502) to restore certain lands in California to homestead and pre-emption settlement; which was read twice by its title, referred to the Committee on Military Affairs,

and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 503) to establish a post-route; which was read twice by its title, referred to the Committee on Post-Offices and

Post-Roads, and ordered to be printed.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. INGALLS, it was

Ordered. That the papers in Mrs. Mary B. Hook's application for a pension be withdrawn from the files of the Senate and returned to the claimant.

On motion of Mr. CRAGIN, it was

Ordered, That the petition of Delphine P. Baker be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. MITCHELL, it was

Ordered, That the petition and papers of J. M. Keeler be taken from the files and referred to the Committee on Military Affairs.

## PENSIONERS OF THE WAR OF 1812.

Mr. WITHERS. I move for the present consideration of the bill (S. No. 89) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in

pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty.

Mr. SHERMAN. A bill of a similar character is now pending in the House of Representatives and under consideration there.

Mr. WITHERS. That is a bill much more extensive in its scope than the present bill. This is not liable to the objections that I presume will be made to the bill pending in the House of Representatives. This is a bill very limited in its scope, the object of which is very apparent. I suppose it will not lead to discussion. It was unany invarishy reported by the Pension Committee of the Senate.

wery apparent. I suppose it will not lead to discussion. It was unals imously reported by the Pension Committee of the Senate.

Mr. SHERMAN. If the Senator really thinks it is worth while to have the two Houses engaged in the discussion of the same subjectmatter at the same time, very well.

Mr. WITHERS. I will state frankly that there will be probably very little difficulty in securing the passage of this bill; but I apprehend there may be great difficulty in securing the passage of the bill reading in the other House in the state. pending in the other House.

Mr. SHERMAN. I shall make no objection to the bill being taken

up.
Mr. WRIGHT. I ask that the bill be read for information before

The PRESIDENT pro tempore. The bill was reported by the Committee on Peusions with an amendment to strike out all after the enacting clause and insert the substitute which will be read.

The Chief Clerk read the reported substitute, as follows:

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the names of all persons now surviving, heretofore pensioned on account of service in the war of 1812 against Great Britain, or for service in any of the Indian wars, or for service in the Mexican war, and whose names were stricken from the rolls in pursuance of the act entitled "An actauthorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, or who have in any manner encouraged the rebels," approved February 4, 1862; and that the joint resolution entitled "Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1867, be, and the same is hereby, so modi-

fied as to authorize the payment of claims under this act: Provided, That no pensions shall be paid to any one whose name shall be so restored for the time during which his name was stricken from the pension-rolls.

SEC. 2. That all joint resolutions, acts, or parts of acts inconsistent with the provisions of this act are hereby repealed so far as such conflict may exist.

SEC. 3. That this act shall be in force from and after its approval.

Mr. CONKLING. Is there a written report with that bill? The PRESIDENT pro tempore. There is.
Mr. CONKLING. I should like to hear that read.

The Chief Clerk read the following report, submitted by Mr. WITH-ERS from the Committee on Pensions on the 3d instant:

The Committee on Pensions, to whom Senate bill No. 89 was referred, submit the

The Committee on Pensions, to whom Senate bill No. 89 was referred, submit the following report:

The bill provides for placing on the pension-rolls the names of all soldiers of the war of 1812 and the widows of such soldiers who married prior to 1850. It also proposes to restore to the pension-rolls the names of all stricken therefrom in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, or who have in any manner encouraged the rebels." It also proposes to modify the "joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," so as to permit payments under this act.

The committee propose to amend the bill by striking ont all that portion which provides for placing on the pension-rolls the names of all surviving soldiers of the war of 1812 and the widows of such as married prior to 1850, because there was a division of sentiment as to the propriety of such action and because the passage of such a bill would involve a heavy charge upon the Treasury. They therefore recommend simply the restoration to the pension-rolls of the names of such persons as were stricken therefrom under the provisions of the act of February 4, 1882, with a provisio which forbids the payment of any pension for the time during which these pensioners were dropped.

The passage of this bill is demanded by considerations of humanity and justice, as its beneficiaries would be those only who had suffered from wounds or other disability received in the service of the Government, and the number of these is so small that the Treasury will be taxed to a very trivial amount by the passage of the bill. The Commissioner of Pensions informs the committee that the whole number of persons stricken from the rolls under the provisions of the act of 1862 was four hundred and sixty-four. This number at \$96 per year is \$4

Mr. WRIGHT. Without committing myself at all for or against this bill, I suggest to my friend from Virginia that it is not at all probable he can dispose of it this morning. As has been suggested by the Senator from Ohio, (if we may refer to that,) this question at least in some form is before the House of Representatives in a bill they are now considering. It seems to me that the whole subject of it is covered by the bill they are at present considering. I suggest to him, therefore, that it can hardly be disposed of this morning, and that he had better allow it to pass over. I think it is a matter of such importance that we at all events ought to have an opportunity of examining it more fully than we can possibly do in the ten minutes left of the morning hour.

left of the morning hour.

Mr. WITHERS. I gave notice on two or three previous occasions of my purpose to call up the bill and indicated its character in order

that Senators might have an ample opportunity to look into the matter and investigate it and decide for themselves what course to take.

Mr. WRIGHT. If I remember correctly, the Senator from Virginia gave notice that he would call up the bill so soon as the then pending order was disposed of, but that pending order is not yet disposed of.

When it shall be disposed of, then of course he will be entitled to his

Mr. WITHERS. I will state that a previous notice, however, had been given while a previous bill was pending; but I was unable to secure the attention of the Chair in order to get up the bill when that measure was disposed of, and other business took its place.

With regard to the objection urged by the Senator from Iowa that this may possibly be troubling us with double legislation on the same subject, I will only repeat what I said to the Senator from Ohio, that the scope of this bill is so much less than that of the bill now pending in the House of Representatives that I hope this bill can be passed without opposition inasmuch as it received the unanimous assent of the Committee on Pensions, but I am very doubtful as to the fate of the other bill, and consequently I prefer securing favorable legislation on this bill if it can be had. That is my reason for bringing it up now

As is stated in the report connected with the bill, it involves a very as is stated in the report connected with the bill, it involves a very small charge on the Treasury. Three years ago the number of persons who had been dropped from the rolls was reported as being four hundred and sixty-four. That dropping, you must remember, was about fourteen years ago. The mortality in that class of pensioners exceeds 10 per cent. per annum; so that the Senate will see at once that the number of pensioners put upon the roll under this bill, if it shall pass, will be very small. They are all persons aged, and infirm by reason of disabilities incurred if not by age; and I had supposed that these circumstances would probably secure the favorable consideration of the Senate for the bill which I have reported; and probably it will not occupy much time in its consideration.

Mr. SHERMAN. I should like to ask the Senator from Virginia a

question. If this bill is confined simply to restoring to the rolls the names that were once there, it would not be a very important matter,

and I certainly should not stand in the way of that being done.

Mr. WITHERS. That is all it does.

Mr. SHERMAN. They were stricken from the rolls during the war, living in States which were in rebellion and armed opposition against the Government of the United States. That was proper enough, and as a matter of course we could not pay them during the war. Not only those who participated in or sympathized with the rebellion, but all who lived in the rebellious districts, might very properly, from motives of public policy, have been stricken from the roll. Money ought not to have been sent to anybody, even to a loyal man, in the Southern States at a time when the States themselves were in armed hostility to the Government of the United States.

But I rose to ask the Senator from Virginia whether this bill does not go further, whether it does not also open the benefits of the law granting pensions to the soldiers of the war of 1812 to all those who may have lived in the Southern States, without regard to their participation in the rebellion. The general pension act for the soldiers of the war of 1812 was passed since the war of the rebellion was over, and we are now paying in the neighborhood of \$2,000,000 a year as pensions to soldiers who served for sixty days in the war of 1812, or their widows. It seems to me that the last clause of this bill from line 14 on, which repeals the joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression, will open the door to applications by all classes of persons who served in the war of 1812 for pensions under the act of 1871. Am I correct in that? But I rose to ask the Senator from Virginia whether this bill does

Mr. WITHERS. If the Senator will examine the bill, I think he will find that his impressions are not correct. The bill simply provides for the restoration to the pension-roll of those persons whose names were stricken from it under the act of 1862; and the proviso which he last referred to, repealing the joint resolution prohibiting the payment of any money by an officer of the Government to persons who were concerned in the rebellion, only proposes to repeal so much of it as would prevent officers making payments under the provisions of this act. It does not repeal the joint resolution in toto. It still remains in force with regard to all other claimants under any law, and only authorizes the payment of this particular class of pensioners. The repeal is confined to what may affect this particular class. It is

Mr. SHERMAN. And this bill does not extend further?
Mr. SHERMAN. To no other pensions?

Mr. SHERMAN. 10 no other pensions?

Mr. WITHERS. Not to pensions originating or authorized under any subsequent legislation of Congress.

Mr. SHERMAN. Nor to back pensions accrued?

Mr. WITHERS. No; it specifically excludes the payment of arrearages. I will state that every effort possible has been made to secure such a bill as would command the assent of the Senate without much dissension and bases it has been living to the secure such as the se

out much dissension, and hence it has been limited in its operations.

Mr. CONKLING. It seems to me that it occurred very naturally to the Senator from Ohio, especially if he listened to the reading of the report, that the bill might not be well suited to the apparent pur-pose of the report. I observed from the reading of the Secretary a statement that the design was to pay no one except those who had been wounded in the service. That is another mode of stating that the only purpose is to restore those to the pension-rolls whose names were actually borne on those rolls prior to that legislation which gave pensions to the soldiers of the war of 1812, who never suffered wounds pensions to the soldiers of the war of 1812, who never suffered wounds or disability, upon condition only that they had served for sixty days. Restoring to the rolls those whose names were upon the rolls anterior to that legislation, and doing nothing more, would very likely, independent of the question which arises in another part of the bill, have no effect except that which the Senator from Virginia now ascribes to this bill. I agree, however, with the Senator from Ohio, that by reason of the words to which he has called attention and also of other words preceding those, if this language were to be enacted into law as it stands, more than a question would be left whether every man in the South is not not upon a footing with every man everywhere. in the South is not put upon a footing with every man everywhere else, and so vice versa, irrespective of his position in the late civil

That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to the pension-rolls the names of all persons now surviving, heretofore pensioned on account of service in the war of 1812 against Great Britain.

What does that mean-"heretofore pensioned?" I stop there. I stop there. What does that mean—neretorore pensioned in Surely the meaning is not confined to those whose names were found upon the pension-rolls, who were the actual recipients of pensions. Obviously, I think, stopping there, the words would embrace all those who by law, by legislative action, by the grant of the Government, had been embraced as pensioners, whether their applications had been made or whether their pensions had been received or not.

Or for service in any of the Indian wars, or for service in the Mexican war.

Now come the words which the Senator from Virginia no doubt supposed qualified this:

And whose names were stricken from the rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, or who have in any manner encouraged the rebels," approved February 4, 1862.

If those words have the effect which I am bound to suppose the committee intended they should have, and that meaning is clear, no doubt their effect would be to restrict and confine the operation of this act; but it seems to me that apter words than those and more unmistakable can be used if that be the purpose of their use. But now look a little further:

And that the joint resolution entitled "Joint resolution prohibiting payment by any officer of the Government to any person not known to have been opposed to the rebellion and in favor of its suppression," approved March 2, 1867, be, and the same is hereby, so modified as to authorize the payment of claims under this act.

"Of claims under this act." It struck me when I first read those words that they could hardly be accidentally ambiguous and vague. If the purpose is to permit him to pay the pensions heretofore stated, that is one thing, but the purpose seems to be to permit him to pay "claims under this act."

Mr. WITHERS. I will ask the Senator, with his permission, what

claims can arise under the act other than pension claims

Mr. CONKLING. I will answer the honorable Senator in the way in which I intended to anticipate his question. As a rule of legislation, as a rule of drawing legal papers, it is always safe to say what you mean, in place of saying something else and trusting to Providence that it may not be held to mean anything except the particular thing in view. Now, a pension allowed, adjudicated, paid, the name of the pensioner upon the pension-roll, the whole thing consummated and completed, ceases to be a claim at large; it is a liquidated, ascertained, and I may say, adjudicated and settled matter. A claim is a vaguer, a more roying, a more general phrase. Therefore I would tained, and I may say, adjudicated and settled matter. A claim is a vaguer, a more roving, a more general phrase. Therefore I would criticise this language if the statement were "the claims specified in this act;" but it is not even that; the article is not there; the words are "claims under this act." "Claim," I believe, is the broadest single word known to the law. It embraces every requisition or demand, especially if it concerns money, which one person may have upon another. Now this bill assembling together in a group those who were entitled to pensions for service or wounds in three wars, if nothing more, prosess to repeal an act which in general terms prohibits payment to poses to repeal an act which in general terms prohibits payment to certain classes of persons, or rather modifies it so far as to enable pay-ments to be made for claims under this act.

I submit to the honorable Senator that it is not worth while to be so economical in the employment of terms as not to make this bill declare, if that be all it means, that notwithstanding that joint resolution these pensions shall be paid. Certainly there can be no mistake about that; and I do not mean of course to ascribe to anybody an intention to do anything more. I criticise the bill as I find it, and I forbear to say anything of what my impression would be touching the general matter; but before we come to that, it seems to me well that the bill should be made to express truly and unmistakably, if it does not, the intention of the committee as disclosed in the report. I think as it stands it is open to an endeavor on the part of many persons whom the intention is not to embrace, to make their claims among those which are covered by the bill.

Mr. WITHERS. I will state with the utmost frankness that the terms were not used designedly to make them ambiguous, or to open

the way for any character of claims to be collected under it, other than those that are enumerated and specified in the bill.

Mr. CONKLING. The Senator of course does not understand me to intimate that I supposed they were. I did not intend to impute

any such thing.

Mr. WITHERS. I very willingly accept the statement just made by the Senator; while it is true that a previous remark of his in my opinion left it open to that imputation. I accept his statement with

great pleasure.

I will state further that I am not learned in legal lore; but there are several gentlemen on the committee who are lawyers of high repute. This bill has received their careful scrutiny and consideration, and is the product of their united judgment; and, so far as I am concerned, I will very cheerfully state that any suggestion that will meet the views of the distinguished Senator from New York, restricting the views of the distinguished Senator from New York, restricting the operation of this bill specifically to pensioners, would be perfectly agreeable to me. I have not the slightest objection to the bill being amended to that extent. It is designed simply to apply to the class of pensioners who are enumerated in it, and I will state that according to my construction of language it seems to me impossible that it could apply to any other class than those enumerated, namely, those where the restriction from the relief the country of the country of the second of t whose names were stricken from the rolls under the operation of the law of 1862, and it cannot by possibility open the question of claims under the law of 1871 granting pensions to the survivors of the war of 1812

Mr. MORRILL, of Maine. This question will evidently cause more debate, and I feel myself authorized to say that the Senate ought to vote on the regular order of yesterday, which is the question of laying on the table a subject-matter which has been sufficiently long before

on the table a subject-matter which has been sufficiently long before us to enable us to dispose of it in no longer time than is necessary to call the roll. I call for the regular order.

The PRESIDENT pro tempore. The Senator from Maine calls for the regular order, which is the unfinished business of yesterday.

Mr. JOHNSTON. I only desire to make a suggestion to amend the pension bill to meet the views of the Senator from New York,

Mr. MORRILL, of Maine. The Senator will have an opportunity when the other matter is disposed of.

## DISTRICT 3.65 BONDS.

The PRESIDENT pro tempore. The Senator from Maine insists on the regular order, which is the unfinished business of yesterday. The committee of conference having made a report on the joint resolution

(H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, the Senator from New Hampshire [Mr. Wadleigh] moved to reconsider the vote by which the report was concurred in. The Senator from Maine [Mr. MORRILL] moved to lay that motion on the table; and the question is upon laying on the table the motion

Mr. SAULSBURY. I want to inquire whether or not a motion to indefinitely postpone the motion to lay on the table is in order?

The PRESIDENT pro tempore. It is not. The motion to lay on the

table takes precedence. The question is on laying on the table the motion to reconsider.

Mr. SARGENT. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 34, nays 28; as follows:

34, hays 20; as 10110WS:

YEAS—Messrs. Allison, Anthony, Booth, Boutwell, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Cragin, Davis, Dawes, Dorsey, Edmunds, Ferry, Freiinghuysen, Hamlin, Howe, Ingalls, Jones of Nevada, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Sargent, Sherman, Spencer, Wadleigh, West, Windom, Withers, and Wright—34.

NAYS—Messrs. Alcorn, Bayard, Caperton, Cockrell, Cooper, Eaton, Fnglish, Goldthwaite, Gordon, Harvey, Hitchcock, Johnston, Jones of Florida, Kell<sup>1</sup>, Kernan, Key, Logan, McCreery, McDonald, Maxey, Merrimon, Patterson, Kansom, Robertson, Saulsbury, Stevenson, Wallace, and Whyte—28.

ABSENT—Messrs. Bogy, Bruce, Burnside, Cameron of Pennsylvania, Conover, Dennis, Hamilton, Norwood, Randolph, and Thurman—10.

So the motion to reconsider was laid on the table.

## ORDER OF BUSINESS.

Mr. WITHERS. If that matter has been disposed of, I call up

Mr. Withers. I that matter has been disposed of, I can up
Senate bill No. 89.
Mr. HOWE. I call for the regular order.
Mr. WITHERS. Senate bill No. 89 was informally laid aside in order
that the conference report, which was the regular order pending at
the adjournment last night, might be disposed of. That has been

Mr. HOWE. I should be very glad to get the action of the Senate upon the bill that was under consideration yesterday, and which was laid aside informally to consider the conference report touching the Mr. HOWE. District of Columbia.

Mr. WITHERS. My understanding was that the bill in my charge was laid aside at the close of the morning hour to take up the unfinished business of yesterday. That having been disposed of, I expected that the bill under consideration this morning would come up again. I simply desire, if that is the case, to move an amendment to cover the objection of the Senator from New York, and proceed with

The PRESIDENT pro tempore. The Chair understands that the bill (S. No. 32) conferring exclusive jurisdiction over Indian reservations upon the United States courts and for the punishment of crimes committed by and against Indians was laid aside yesterday for the purpose of considering another measure. It was not called up before the day expired, leaving the unfinished business the motion to lay on the table the motion to reconsider, and therefore it was shut out. The Senator from Virginia has obtained the floor and can get the sense of the Senate on his motion, and if he fails in that the Senator from Wisconsin will be recognized.

Mr. EDMUNDS. What is the motion?

The PRESIDENT pro tempore. The motion of the Senator from Virginia is to proceed to the consideration of Senate bill No. 89.

Mr. KEY. I rise to suggest to my friend from Virginia that I think it will be better to let his bill lie over. The House of Representatives is now acting upon a question of a similar character, and if the House bill is sent here, and a bill from the Senate is sent to the House, the result will be to embarrass and confuse the whole matter. It seems to me it would be better for the Senate to wait until the House bill arrives here, so that we can have both bills before us and agree upon one bill. Otherwise our bill may be lost in the House and the House bill lost here, and leave us at a great disadvantage as I

Mr. WITHERS. I am perfectly willing to take any action in the matter that may be deemed most desirable; and, as I understand the friends of the measure informally laid aside yesterday are exceedingly anxious to get a vote on it, I will allow this bill to go over.

The PRESIDENT pro tempore. The Senator from Virginia with-

draws his motion.

Mr INGALLS. With the understanding that after the conclusion

of the pending bill it may be resumed.

Mr. EDMUNDS. I hope the pension bill will not be taken up to day. It is a matter which ought to undergo considerable consideration, so that we may know exactly what principle it is we are adopting in connection with it, and therefore I hope it may not be taken up until to-morrow. I want to look at the law.

Mr. SARGENT. I submit to be printed an amendment to the pen-

sion bill.

The Chief Clerk read the amendment, which was to add at the end of the first section the following proviso:

Provided further, That no persons shall be restored to the pension-rolls under this act unless the Commissioner of Pensions shall be satisfied by evidence of the identity of such person, and that such person is now surviving.

Mr. WRIGHT. Before this matter passes from the attention of the Senate, I wish to call attention to the fact that this bill has not been yet before the Senate; it has not been taken up. It has been spoken of as if we were to resume its consideration as soon as we dispose of

the pending measure.

The PRESIDENT pro tempore. The motion for consideration has

not been put.

Mr. ALLISON. I desire to give notice, as I did yesterday, that immediately on the conclusion of Senate bill No. 32 I shall move to take up House bill No. 810, being the Military Academy appropriation bill.

#### PERSONAL EXPLANATION.

Mr. WEST. Mr. President, on coming into the Chamber this morning, my attention was called by a brother-Senator to a calumnious notice in a newspaper, the Baltimore American and Commercial Advertiser, referring to myself. I send it to the desk and ask the Clerk to read the marked paragraph.

The Chief Clerk read as follows:

## THE WHISKY-RING LIGHTNING.

The statement is telegraphed West and South from here to-night that the Attorney-General is in possession of sufficient evidence to ask for the indictment of Collector Casey, of New Orleans, and Senator West, of Louisiana, for complicity in the New Orleans whisky frauds. Also, that, if indictments are found, the Treasury Department will ask that the cases be removed from Judge Billings's court, in Louisiana, before Judge Emmons, in Tennessee.

Mr. WEST. As soon as my attention was called to that I addressed a communication to the Attorney-General, which I ask the Clerk to read, and he will see the reply on the reverse of the paper.

The Chief Clerk read as follows:

WASHINGTON, D. C., February 24, 1876.

Dear Sir: I beg to call your attention to the accompanying newspaper with a marked paragraph, stating that you have in your possession information warranting an indictment being found against me.

Permit me to inquire whether any such statement is authorized by you and whether you have such information?

Very respectfully, &c.,

J. R. WEST.

Hon. Edwards Pierrepont, Attorney-General United States.

Senator West:
Not one word of truth in it. I never heard a word about it until your note.
Yours truly,
EDWARDS PIERREPONT,

EDWARDS PIERREPONT, Attorney-General.

Mr. WEST. I will not detain the Senate longer with this subject further than to say that the malice that dictates all these current attacks upon myself is beneath my contempt.

## INDIAN RESERVATIONS.

Mr. HOWE. I move that the Senate resume the consideration of Senate bill No. 32.

The motion was agreed to; and the Senate resumed the consideration of the bill (S. No. 32) conferring exclusive jurisdiction over Indian reservations upon the United States courts, and for the punishment of crimes committed by and against Indians, the pending question being on the amendment proposed by Mr. WINDOM, to insert at the end of the second section:

And provided further. That the provisions of this act shall not apply to that part of the Sioux reservation lying between the north and south forks of the Cheyenne River and east of the east line of Wyoming Territory.

Mr. HOWE. Mr. President, I wish the Senator from Minnesota would not press that amendment. If he will press the amendment, I wish he would amend it, and I think he will amend it. He does certainly want the first section of this act to apply to that reserva-tion. There is not a reservation in the world to which the first sec-tion is as important as it is to that. That is the only law which will secure life or property or tend to secure life or property among the white squatters. I wish the Senator would not press the amendment secure life or property or tend to secure life or property among the white squatters. I wish the Senator would not press the amendment at all, because I think we ought to take up the subject of that reservation, seriously consider it, and legislate with direct reference to that; but if you will not except it from the operations of any part of this bill we shall be driven to that legislation before we are ninety days older, I think. If you except it from the operations of this bill, then we shall not be driven to consider the subject until we are driven by the exigencies of war, which will be very soon, I fear. But if Senators think it best to press that amendment upon this bill, I should be glad to have the vote of the Senate upon it. If we adont the amendglad to have the vote of the Scnate upon it. If we adopt the amendment, the Sioux reservation will not be any worse off than it is now; and then we shall have the first section and the last section, and that will be legislation, and legislation in the right direction; and I would rather have that than nothing. But I did want to escape the discussion of the whole Indian question, and I thought we might escape it while this bill was pending.

Mr. WINDOM. The reasons given by the Senator from Wisconsin for asking me to withdraw this amendment are precisely those which

induced me to offer it. My desire is that we shall legislate directly upon this question of the Sioux reservation; but I do not think it proper to pass this bill legislating upon that question now without the full consideration which it demands; and I want to make it an exception, and reserve it for specific action hereafter; and that is wherein I think this amendment is misunderstood. It is not that I wish now to settle definitely the question with reference to the Sioux reservation, but that I wish to take no action upon it now, so that we may hereafter fully consider it and specifically legislate upon it.

I have no objection myself to the modification suggested by the Senator from Wisconsin. I do not know whether my friend from Iowa has or not.

Mr. ALLISON. Not particularly.
Mr. KERNAN. Mr. President, I hope, so far as this bill is in the direction of punishing persons who unlawfully trespass upon the Indian territory, that it will be adopted. I, with some regret, heard it argued yesterday that we should not pass this bill protecting the Indians by punishing those who unlawfully enter upon their territory, because, forsooth, the Indians had violated some treaty, and therefore our people should be allowed to go in with the strong hand upon them and do as they please. Sir, we neither do justice to the Indians nor justice to the people of the United States or their Government when we yield to any such argument as that in treating with those who occupy the position toward us of these unfortunate Indian tribes.

Sir, I believe I speak what every one will recognize when I say that in the adjoining British territory there has not, in the memory of

any one, been an Indian war; nay, it is said there has scarcely ever been a white man killed by Indians there. I think the reason is that the policy pursued by the government there has been wiser, juster, and firmer than ours. Unfortunately for this country and its Gov-ernment we are constantly having wars with the Indians, because ernment we are constantly having wars with the Indians, because they claim that they are wronged and that the Government does not protect them against wrong. I think that, if some Indian speaker could rise on this floor and give us the views of his people from their stand-point, he would claim that it was they who had been crowded and wronged by irresponsible parties, in violation of treaties and in violation of their rights, and that they had been thus wronged because our Government, when we set apart a territory for these people and agreed that they should have protection in it, has failed with the strong hand, as we ought to have done, to prevent our people going strong hand, as we ought to have done, to prevent our people going in there when the thirst for gold, or the thirst for anything else in the way of making money, sends a crowd there, unless we prevent it.

This bill simply prescribes that persons who are unlawfully upon

the Indian territory, and who refuse to leave it when they are notified to do so, shall be punished in courts of law; at least that is one of its provisions. As the chairman of the Committee on the Judiciary said, it prescribes certain penalties for violations of law in reference to the Indians and provides a court wherein such offenses can be punished. I think we should pass it, and I think we should pass it especially in justice to ourselves and our own people and our own Government. What are the arguments against it? It is said "You cannot execute this law; a thousand men have already gone, thirsty for gold, in violation of the laws of the United States and its thirsty for gold, in violation of the laws of the United States and its treaties, into the territory of the Sioux Indians, to dig gold; and you cannot stop them." Well, sir, I think we should at least impose penalties upon them and provide courts that shall try them; and I do not believe the day has yet come when we can afford to say "We will not enforce the laws in favor of these helpless, uneducated, barbarian people," if you choose to call them so, "as against our own citizens." We would do it, sir, if a strong government told us we must, and I am sure we will do it more willingly and more sternly and firmly when a feeble people, who are in some sense wards of ours are vicwhen a feeble people, who are in some sense wards of ours, are vic-tims of these unlawful intrusions.

It is said again, "They are violating the treaty." If it be so, our Government has taken no action in that direction; and the chairman of the Committee on the Judiciary well asked, "Can every man take it into his own hands to get even by plundering them of their timber or of their gold or anything else on their reservation?" No, sir; I know that the feeling throughout the country is that this story of the action of our people toward the Indians is a sad one, and one that we deeply regret. The feeling is that we should sternly enforce the law on the borders, and then there will be peace; but, if we here argue that, because we claim that the Indians have done something and our people have gone there lawlessly, we will not try to prevent it, of course we shall have Indian wars, and the vengeance of the uneducated savage, who really thinks he is vindicating his rights, will fall as usual, not on the bold trespasser, but on the defenseless people of the border.

I am in favor of saying firmly that we will pass every law which we think will prevent our people intruding upon Indian territory; and that we will do it, first, because it is just to this unfortunate race; and, secondly, because we owe it to ourselves as a great and strong people and a people that have not become deaf yet to the voice of those who call upon us to do our duty in protecting these people in their territory, because it is our duty to do it, and because it is wise policy to do it; for thus, in my judgment, we can have that peace which has been so fortunate for the Indians and so fortunate for the whites in the adjoining province of Canada. There they have no wars, because the government protects the Indians in their rights, hearkens to their complaints and remedies them or satisfies them that they are wrong, and does it in a fair, peaceful way, not saying, "We will do nothing, but let our people who are tempted by gold or anything else which will enable them to make money, intrude wrongfully on the territory of the Indians."

I hope we shall pass the bill, and then I will unite with the Sena-

tor from Wisconsin in taking up this subject of the Indian territory and seeing if we cannot show everybody that we will protect the Indians and repress our own people from violating their territory

contrary to the rights of the Indians.

Mr. WINDOM. I have so often heard this comparison made between the treatment of Indians in the British possessions and our own that it has become to me something of "a thrice-told tale." I think that it has become to me something of "a thrice-told tale." I think the distinction is so clear that every one who has given attention to Indian affairs must understand it. It is not a difference in the legislation of the two countries upon Indian affairs, but it is a difference in the circumstances which surround the Indians in this country and in the British possessions. In this country, spite of all you can do, civilization will continue to pass westward and occupy the rich plains of our country. You cannot, if you try, prevent the American citizen from taking possession of these valuable lands. We never have tried to prevent it, and I think we never should.

But on the other hand in the British possessions there has been

But, on the other hand, in the British possessions there has been no such irritating cause as has existed in this country. No settlers press upon Indian hunting-grounds in the northwestern British posessions, but, on the contrary, the white men who have gone there for the last half century or more have been employes of the Hudson Bay Company largely, who went into that country as trappers and hunters and who furnished to the Indians ammunition and arms for hunting and who furnished to the Indians ammunition and arms for hunting and anything else that they wanted in pay for furs brought in by the Indians. The whole system in that country has been to work in connection with the Indian in the very line in which he chose to be employed. White men have gone there to help the Indians as hunters, and so long as they simply work with them, do not interfere with their hunting-grounds, but rather furnish them with material for hunting, there will be no Indian wars. That is the whole reason of the difference between the northwestern British possessions and our It is not because Canada or the British government has treated the Indian question more wisely than we, but it is owing to the differ-

ence in circumstances, which are beyond our control.

Now, sir, with reference to this treaty, a single word in answer to my friend from New York. Idonot admit that those who seek to except this territory are acting against the interest of the Indian or in violation of his rights. The history of the last three years in connection with this treaty shows that both parties, the United States and the Indians, have regarded the treaty as substantially inoperative. The Indians have so regarded it, because they bound themselves as solemnly as we to commit no trespass upon the whites; they bound themselves also to accept certain compensation, for which they were to keep the peace. That compensation was fully paid under the terms of the treaty, and for three years since the treaty has terminated the Indians have, as I said yesterday, demanded annually from Congress an appropriation of a million and a quarter of dollars to avoid war with them. They do not demand this under the treaty, but they demand it under threats of a continual violation of the treaty. Now, sir, I in-sist that both parties have treated it as substantially at an end; and while I do not wish to adjudicate that question on this bill, I do want to make an exception of the territory covered by the treaty, that we may take it up hereafter upon a bill prepared by the Indian Committee, and fully and carefully consider it, and act upon it as justice

requires.

There is another reason why I think we should not act hastily upon this bill. There are no law questions involved in it, no constitutional questions; it is wholly a question of Indian policy; and the bill ought to have gone to the Committee on Indian Affairs in the first place.

The short to have been considered by that committee, who are supported by the committee of the committee o It ought to have been considered by that committee, who are supposed to have most knowledge upon that subject. The Senator who introduced it is himself a member of the Committee on Indian Affairs. Why not then take it to the committee who decide all questions of Indian policy; and if this amendment shall fail, I shall try a motion to refer the bill to the Committee on Indian Affairs before we vote

on it.

Mr. MORTON. Mr. President, if I understand this bill it is to extend the criminal law, with certain exceptions, over the Territories of the United States and give to the courts of the United States jurisdiction to punish white men for offenses committed. The amendment is to except from the operation of this bill what is known as the Black Hills reservation. In my opinion, if the amendment is adopted the bill ought to be defeated, because to pass the bill with that exception, excepting from its operation the Black Hills reservation, will be understood by the whole country as an invitation to go there, that all restrictions are abolished, and that what has been declared to be illegal has become legal. That would certainly be the effect it would have. It would be so regarded by the country.

Now, I do not understand the law as the Senator from Minnesota

expressed it yesterday. He said that this treaty is no longer binding, because the Indians had violated it, and therefore we are entitled to disregard it. I do not understand that to be the practice between nations that make treaties with each other. We cannot assume without giving cause of war a treaty to be nullified and no longer in existence with England because she may have violated that treaty in some respects. We are bound to call her attention to it; we are bound to insist upon its enforcement. We cannot ourselves, because we assume that she has violated that treaty, act as if it were null

and void and utterly disregard it.

Mr. WINDOM. Suppose we have a treaty of peace with England in which each party agrees to preserve the peace and she makes an attack on us, may we consider it as at an end?

Mr. MORTON. I cannot discuss the particular thing the Senator refers to, because I do not understand precisely how it touches this

point.

Mr. KERNAN. Allow me, in answer to my friend from Minnesota, to suggest that the United States Government is not vindicating the breach of the treaty. The argument is that a set of men may go into this territory lawlessly, the Government never having declared the treaty void or taken any action, as my friend says. I do not stand for any action on the other side; but the Senator from Minnesota says white men have been killed, some lawless Indians have killed them. We cannot let them make war on each other. Suppose we have a treaty with Great Britain and some Americans invade Canada and do a wrong thing the Canada as could not instify coming back and in

a wrong thing, the Canadians could not justify coming back and do a wrong thing, the Canadians could not justify coming back and invading our territory on that ground. The governments must deal with that matter, as my friend from Indiana argues.

Mr. MORTON. I do not think we can adopt such a rule with a civilized nation, and we ought not to adopt it with an ignorant people, a weak people, like these are. If they have violated the treaty and we have called their attention to it and insisted on their observance of it, we may then declare it to be disregarded, but we cannot jus-

tify the lawless violation of it by individuals.

But, Mr. President, I understand that the Government has regarded this treaty as being in force and has by the use of military power and has by proclamation endeavored to keep white men from going in there to dig gold. I understand that to be the history of the last three years, that proclamation has been made and that troops have been sent there, and that companies of miners have been ordered out from time to time. Thus we have assumed ourselves that it was illegal for white men to go upon that reservation for the purpose of digging gold. If we have ourselves assumed that to be the law and the treaty to be in force, we cannot disregard it at this time and in this

As I said before, if this amendment is adopted I shall then vote against the bill, because to except the Black Hills reservation from the general operation of the law is to say to the whole country, "You may go there without restriction." It is an invitation to go there; it

is saying it is no longer illegal.

Mr. LOGAN. Mr. President, I have paid very little attention to this bill; but having on one or two occasions taken upon myself to give my views in reference to the Indian policy, (though I do not intend to inflict my views on the Indian policy at this time upon the Senate,) I desire in the few moments I shall occupy to state, in an-Senate,) I desire in the few moments I shall occupy to state, in answer to what was said by the Senator from New York, that the wrongs complained of continually in reference to our conduct toward the Indians, or their conduct toward us, in my judgment originated in a false policy in the beginning of our treatment with the Indians. It is true that the Supreme Court of the United States has frequently recognized the power of the President with the advice and consent of the Senate to make treaty stipulations with the Indian tribes, and I must bow to their opinions because they are the judges and expounders of the law of this country, but I reserve to myself the right to judge as to the policy that has been adopted by the country. The power to make treaties is by the Constitution of the United States granted to the President and the Senate; thereby granting power to the Executive of the nation, certainly meaning that he shall have power to make treaty stipulations with a nation. I cannot underpower to make treaty stipulations with a nation. I cannot understand, nor have I ever been able to understand, where the power stand, nor have I ever been able to understand, where the power was obtained to make treaty stipulations with Indian tribes; and yet that has been the rule adopted. We must conform ourselves to it. It has resulted in this wise: You make a treaty with an Indian tribe; say, for instance, the Sioux Indians. In a short time two or three of the principal chiefs have a difficulty and separate, and form two tribes. There then arises a necessity for a second treaty with the second tribe. We have gone on in that way treating with the Indian tribes until we have the reliev is each a condition to the property of the second tribes. dian tribes, until we have the policy in such a condition that no man can understand it.

My friends from Iowa and Minnesota insist that to this bill, and I shall not discuss the policy any further, the Black Hills reservation must be made an exception. I have heard no good reason given to the Senate yet why that should be made an exception, unless it is upon the Senate yet why that should be made an exception, unless it is upon the principle that we are to say to all the people except the Indians, "Go; steal nowhere save in the Black Hills." That is the meaning of the amendment. All men except Indians are prohibited from stealing timber, or taking it off—perhaps that is a better term—or grass from all the reservations save the Black Hills reservation. Why should it be reserved? In other words, say to your neighbor, "Steal from every other neighbor's turnip-patch, but save mine." That is all I can see in the argument. If it is right to extend the jurisdiction of the courts of the United States over the different Territories and reservations made known as reservations to the Indians, it is equally corrected. ervations made known as reservations to the Indians, it is equally correct and right to extend the jurisdiction over all if it is extended for

the purpose of preventing crime.

I might make a further objection to this bill. We extend the jurisdiction of the United States courts over the Territories wherein it has not been extended, for the purpose of deciding in reference to the violation of criminal laws. It applies alone to persons other than Indians. If an offense is committed by one Indian upon another In-

dian, the criminal law under this bill does not apply. I would go further. I would say that those tribes that are partially civilized, that are so far educated in civilization as to have it made known to them that these offenses committed frequently by them are violations of the law, should be subject to the jurisdiction of the courts the same as the ignorant man other than an Indian.

as the ignorant man other than an indian.

There is one other thing, perhaps not pertinent to this bill, that I desire to say, and perhaps there will be no better occasion afforded to say it than this. I see from the press of the country, and in fact from the action of a portion of the members of the other branch of Congress, and from what I have heard intimated as the opinion of some of the Senators in this branch of Congress, that in order that we shall have peace between the Indians and the white people, in order that we shall have quiet and good order on the reservations, it is determined, or at least spoken of, (and I am ready to believe perhaps intended to be done,) that the Indian Bureau with all the Indians shall be turned over to that the Indian Bureau with all the Indians shall be turned over to the War Department. To teach Indians peace they are to be turned over into the hands of men who are taught only war. To teach them civilization they are to be placed under the control of men who are taught to exercise that which belongs to barbarism and not to civilization. War is force. War is barbarism. War is not civilization. It is not peace and not quiet, and it is not calculated to bring peace to the hearths of the people in any country. I wish to announce now, and once for all perhaps, that I am utterly opposed to any such proposition. If I have come to the point that I must say that all men are dishonest, that we intend to prove by the action of Congress that each honest, that we intend to prove by the action of Congress that each and every man in this country is a dishonest man, not capable of performing his duties honestly under the law unless he be trained in the arts of war and military discipline, while others may acknowledge this,

I hope to be excused from making any such acknowledgment.

I know what I have said in this respect is out of the line of the argumentation on this bill, but I thought it as well to say it here as anywhere else. I am in favor of extending the jurisdiction of the courts over all the Territories of the United States and I am in favor of trying questions of law by the judges of the law. I am opposed to the decision of the questions covered by this bill in any other way than by judicial course of proceedings; and as fast as the Indians arrive at the point that they themselves may be adjudged as other men I would extend the same jurisdiction over them in reference to their course of conduct and acts under the law toward one another as I would to those outside of the Indian tribes toward them. I believe the way to keep peace with the Indians is to treat them as they are treated in the Canadas; treat them in a peaceful and proper way; deal justly and honestly by them; teach them to observe and fear the rules and regulations of Government the same as we teach our own citizens to fear our laws and our regulations. As far as you can teach them in that line, do so. Teach them not the arts of war, but civil pursuits; educate them; christianize them, as far as it is possible to do so. I believe that, if the declared policy of this Administration had been strictly complied with and carried out as fairly as it should have been, if no obstacles had been thrown in the way, it would have opened the road to peace and reconciliation between the Indian tribes and the other people of this country. But so long as they understand that there is no law by which their country is to be regulated, that they are only subject to force, that they are only subjects to be driven by the armies of the United States or to be made to obey by force without any other appliance, just so long will you have trouble in governing the Indian tribes or any other class of people that are of a savage nature.

savage nature.

Having said this much, sir, I am opposed to the amendment offered by the Senator from Minnesota, but am in favor of the bill as it has been presented by the committee.

Mr. INGALLS. Mr. President, it is amazing how great a flame a little spark sometimes kindleth. This bill is based upon principles that commend themselves to the judgment of every member of the Senate. No one who has spoken upon it has denied that the principles which are here sought to be effectuated are just. No one has claimed that any new idea is attempted to be enforced that any new cipies which are here sought to be electuated are just. No one has claimed that any new idea is attempted to be enforced, that any new crime is defined, that any addition has been made to the criminal jurisprudence of this country. Everybody admits that all that is sought by this bill is simply to provide a tribunal in which wrongs and crimes that are already defined and admitted to exist may be punished and where the penalties that attach to infractions of law care be enforced.

The Senator from Maine last evening, in some remarks that he made, honored me overmuch. He congratulated me on having made one step in favor of justice to the Indian. Sir, I profess that, in introducing this bill and advocating its passage, I am actuated by no sentiments of philanthropy toward the red man. This bill is in favor of the white man, for justice to the Indian is the only security to the settlers on the frontiers of the West. The Indian, Mr. President, ranks very high in the malign and destructive agencies of nature. He is the embodiment of an evil and ill-directed energy. He is a sort of moral dynamite, that is liable to explode on very slight handling, and inflict inexplicable and indescribable ruin, not on those who have disturbed or infringed his rights, but upon the innocent and the

unoffending.

The amendment that is offered by the Senator from Minnesota, to except that portion of the Sioux reservation known as the Black Hills from the operation of this law, is simply to invite every lawless

and irresponsible adventurer in the United States to go into that res ervation immediately without further notice. That is the practical, immediate, affirmative effect. It is a declaration of the Senate of the United States to those who are now in that reservation that they are there with our consent; and it is an invitation to those who desire to follow them, to do so, with the assurance, so far as we can give it, that they shall not be disturbed in their attempt to interfere with the rights of those Indians, if they have any.

But, as I said, it is not with me a question between the Indian and

the white man. I have nothing to say, so far as the settlers in the Sioux reservation among the Black Hills are concerned, one way or the other, as between them and the Indians. If there is gold there, if there are treasures of timber there, if there were nothing but the rights of the Indians to be considered, I should be very glad for them to obtain what they seek; but there are other considerations of a much more important character than these. I was surprised to hear the sentiments advanced by the Senator from Minnesota yesterday in regard to the rights of the United States and the obligation of the United States as between the Sioux and the settlers or the gold-seekers upon that reservation. I understood him to say that there had been such a neglect of the treaty stipulations on the part of the Sioux Indians as to amount to a practical abrogation, and that by that fact alone these persons were authorized and empowered to go in there and occupy that country; and he instanced as violations of the treaty the murder of white settlers, the interference with emigrants, and the demand of a million and a quarter of dollars annually for the purpose of avoiding the dangers of war.

It certainly is a very novel and extraordinary proposition to maintain on this floor that when a treaty of peace, amity, and concord has been made between two nations, the wrongful or illegal or tortuous acts of a few individuals result in an abrogation of that treaty. We have treaties of peace, good-will, concord, and amity with Great Britain. Suppose that English burglars land upon the Battery at New York and ply their trade in that city, break open stores, burn dwelling-houses, and plunder the inhabitants; is that such a violation of the treaty as would authorize the authorities of New York or the citizens of New York to go into the harbor and seize all the British shipping there? Could they seize the property of British residents in that city because there had been a violation of private rights by

a few irresponsible British subjects?

Mr. McMILLAN. Will the Senator from Kansas allow me to ask

him a question ? Mr. INGALLS.

Mr. INGALLS. Yes, sir. Mr. McMILLAN. Have the chiefs of the Indian tribes surrendered

to justice any of the persons committing any of those atrocities, or have they made any attempt to do so?

Mr. INGALLS. I do not know that any demand has been made upon them to do so. I cannot answer the question of the Senator from Minnesota because I have no facts upon which to base an opinion. I was merely arguing upon the general principle that there had been, in accordance with the declarations of the Senator's colleague, such an abrogation of the treaty of 1868 between General Sherman and the other commissioners and three hundred representatives of the Sioux nation, that that reservation was now open to white settlement practically—a proposition so monstrous and so fraught with dangers to the inhabitants of the frontier in all the States and Territories around that reservation that I am surprised to hear it announced on this floor.

Why, sir, what is the practical result of the presence of those gold-seekers in the Black Hills reservation to-day? It is a standing men-ace and a standing threat to every pioneer settler and to every frontiersman in the States of Kansas and Nebraska and the Territories of Dakota and Wyoming, and every portion of country that is accessible to those men within a period of time before they can be restrained by a military force. The Sioux are the most implacable, the most blood-thirsty, the most truculent of all the Indian nations now upon this continent. They number some fifty thousand, of whom at least ten thousand have never been near an agency to draw their rations. They are the wild, blanketed, uncontrollable Indians of the frontier uncontrolled by law, uncontrolled by anything except the presence of

a superior force.

What relation, then, to the peace and safety of the frontier does the presence of these invaders in that Black Hills region possess? The Indians, already irritated by the partial occupation of that country, already irritated by the military explorations of that country under Custer and those who have preceded him, are, as we are informed, already upon the war-path. It is a matter of public notoriety, noted in the public prints, that Sitting Bull and some of his warriors already have commenced operations on the Vallowstone, pear Fort Pages and in the public prints, that Sitting Bull and some of his warriors already have commenced operations on the Yellowstone, near Fort Pease, and have commenced murdering emigrants and others passing properly through that country. Unless some measures are taken to allay this irritation, unless something is done to prevent the difficulty that threatens, I can only say that in my opinion the result will be one of infinite expense and one of infinite disaster to the American people.

I do not know what the objective point is, or what the purpose is, of the military expedition that has already moved into that country. It is secret; its objects have not been disclosed; but everybody knows that within the past few days a military expedition, under a general of distinction, has moved from one of the posts on the Union Pacific

Railroad northward through this reservation.

Mr. PADDOCK. Will the Senator allow me a word?
Mr. INGALLS. Yes, sir.
Mr. PADDOCK. I will state that I understand from the Secretary
of the Interior that the chief cause of irritation is that there was a misunderstanding with reference to the period of time during which the supplies should be furnished to these Indians; the Indians supposing that it was to continue indefinitely; the Government, that it was only to continue for a period of four years, which term has expired. The Government refused to make any additional appropriation for supplies; the Indians are without sustenance; there is no money with which to defray the expenses of providing sustenance for them; and it is that cause of irritation which the Government apprehends that has led it to take the course it has taken in reference to anticipating difficulties.

Mr. INGALLS. This expedition has been in contemplation for the

last four or five months.

Mr. PADDOCK. The deficiency has existed four or five months.

Mr. INGALLS. The commanders of the forces have been here in consultation with the military authorities. A force has been organized and has moved into that country, whether for the purpose of repressing the Indiaus, dispossessing the gold-seekers in the Black Hills, or protecting the settlers, nobody knows; but it is at least very clearly and positively ascertained that the primary cause of the irritation that now exists among those Indians is the occupation of their possessions by the gold-seekers in the Black Hills; and the result of that is that those men, a thousand or fifteen hundred as the Senator from Iowa yesterday said, are allowed to entail an expense of millions of dollars on the Treasury of this Government, and, beyond that, allowed to threaten the peace and tranquillity and prosperity of the whole frontier of the country that surrounds them. Sir, do these men present themselves before the Senate or before the country in the attitude of demanding our consideration or protection? I speak for the citizens of my own State; I speak for the settlers on the frontier of Kansas and on the frontier of Nebraska, who will be the first victims of an Indian massacre if this matter is allowed to go on, because every Senator familiar with the condition of affairs in the West knows that in those isolated, detached, and remote localities, when the rumors of Indian warfare or Indian massacre first commence to disturb them, hundreds of square miles are immediately depopulated; men, women, and children, without the presence of actual danger, abandon their farms, abandon their little hamlets, abandon their little settlements, and flee for protection into those countries which are more thickly settled where opportunities for defense can be obtained.

So, sir, I say that while, were it a question between the settlers in the Black Hills and the Indians, I should be comparatively indifferent, yet when protection is asked for these men upon the ground that they are legally in that reservation, I feel called upon to repudiate the assertion, and to say that they are in the attitude of law-breakers, in the attitude of violators of treaties and of statutes, that places them in a position which requires our condemnation rather than our

approbation.

I hope therefore that this bill will pass, and pass without the amendment. It is due to the people of the West as a measure of security; it is due to the Indians themselves as a measure of justice; and it is due to this body as a measure of absolute right.

Mr. OGLESBY. May I ask the honorable Senator one question, be-

fore he takes his seat, in explanation of the bill?
Mr. INGALLS. I have concluded.
Mr. OGLESBY. The bill provides that—

The general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall be in force in and upon each and every Indian reservation established by law or treaty stipulation within the limits of any Territory of the United States: Provided, That nothing herein shall be construed to extend the jurisdiction of said courts to offenses committed upon such reservation by one Indian against the person or property of another Indian.

Then section 2, which is the penal clause, provides-

That any person not an Indian who shall cut, or remove, or in any manner carry away any wood, trees, or timber of any kind, &c.

Any person not an Indian who shall commit this trespass upon the reservations shall be subject to the penalty provided. Why are not Indians excluded ? It prohibits all persons except Indians doing these things. I can understand why an Indian upon the particular reservation should be excepted. I can understand that the Indians of the tribe settled on that reservation should be excepted; but why except other Indians not belonging on that reservation from the penalties of this second section? If they commit depredations, if they cut and this second section? If they commit depredations, it they cut and carry away timber or other materials, or if white men, through other Indians not belonging to that tribe, shall by connivance and fraud carry off valuable materials from the reservation, why should not the other Indians not belonging to that tribe be subject to the penalties imposed by thissection? This section excludes all Indians, as I understand it. It strikes me that it ought only to exclude the Indians on the reservation, because Indians not on the reservation might be used for purposes of depredation upon it. I ask the honorable Senator to explain why it is that they are excluded from the section. Senator to explain why it is that they are excluded from the section. I do not know that there is much in it. The treaty with the Sioux tribe compels the Government of the United States to keep all persons off, not all white people, but all persons, so that the United States under the treaty with the Sioux, as I understand it, are under

obligation to keep off the reservation Indians belonging to other tribes, as well as white people. It strikes me, therefore, that Indians ought not to be excluded, except the Indians on the reserva-

Mr. INGALLS. In response to the inquiry of the Senator from Illinois in relation to the provisions of the second section, I will only state that the objection he urges appears to be without foundation for various reasons. In the first place, the Indian reservations are generated. various reasons. In the first place, the indianteservations are generally so widely separated that no possible difficulty could arise by the trespasses or depredations of one Indian upon the domain of another tribe; and, in the next place, no complaints based upon difficulties of this description that seemed to require any action have ever been brought to the notice of the committee.

One objection that I omitted to notice when I was addressing myself to the bill before was that it would be entirely nugatory. I am reminded of what the Senator from Iowa said and the illustration that he used from Mrs. Glass's Cook-Book in relation to the method of making a hare-stew, I think it is called. She says, "First catch your hare." I was rather surprised at the remark of the Senator when he inquired, "How are you going to catch your hare?" for I understood that they came very near catching his hair last summer, so that I supposed there could be no special trouble about catching hares in

It is certainly a very poor argument to use against a bill which every-body admits to be just and proper in its provisions, that an illegal and unwarrantable combination of persons exists in certain portions of the country affected by the bill which it will require some difficulty or some trouble to overcome.

Mr. LOGAN. Does not the Senator think it would be a good thing

to send a bald-headed committee out there?

Mr. INGALLS. The Senator from Illinois suggests that it might be well to send a bald-headed committee. There would then be more difficulty in catching hares. But, seriously, I suppose the Senator from Iowa did not intend to urge this as an argument against the pasfrom lowa did not intend to urge this as an argument against the passage of the bill. If a person is arrested under the provisions of this act in the Black Hills and taken before a commissioner and examined and bound over to appear before the court having jurisdiction, if there is any resistance to the process of the court, it would be very easy to summon a posse comitatus, and, if that is resisted, to call, as the Constitution provides, upon the militia, and finally upon the military authority of the United States.

Mr. OGLESBY. I will state to the Senator the reason why I called attention to that provision. He stated that there was no occasion for including Indians in this penalty except those on the reservation; that there was no complaint. I call his attention to an instance recently brought before the Committee on Indians Affairs, of which he is a member, where it was shown by testimony before that committee that the Pawnees, who occupied a reservation a hundred miles west of Omaha in the State of Nebraska, were driven from their reservation into the Indian country, according to their allegation, on account of inroads, incursions, and depredations upon them by this very same Sioux tribe.

Mr. HOWE. When?

Mr. OGLESBY. They moved within the last year or two.
Mr. PADDOCK. It has been a matter of frequent occurrence.

Mr. OGLESBY. It coming into my mind that Indians sometimes go upon other reservations and commit depredations upon tribes that we have placed there for preservation, and this particular treaty with the Sioux providing that the United States shall keep all persons off, it struck me that it would be no more than a just provision in this bill to include the Indians of other reservations who may commit depredations upon reservations where they have no right; and I think an amendment ought to be made to that effect.

Mr. INGALLS. I remember the allegation being made before the Committee on Indian Affairs by some person, whose name I do not now recall, that trespasses and depredations had been committed on the Pawnee reservation by individuals of the Sioux Nation; but it seemed to me that those allegations were made rather as arguments to show from what the necessity arose for the expenditure of a very show from what the necessity arose to the experience of a very large sum of money in removing the Pawnee Indians from Nebraska to the Indian Territory, and I will say to the Senator that I did not attach much importance to those representations. The Senator from Nebraska, however, says that those matters are of very frequent occurrence, and as he lives in the State where both these reservations are situated, one entirely and the other partially, his statements are entitled to great weight, and of course I presume he is entirely familiar with the facts that he alleges. But there will be this difficulty attending the attempt to extend jurisdiction over controversies between the Indians of different tribes: We have in our policy regarded all these Indians as separate and independent nations. We have treated with them as such. They have tribal organizations that make them separate in the separate in rate and distinct almost as much as any two nations can be; and to make them subject to the jurisdiction of our courts would be really attempting to enforce authority over parties who belong to different nations, neither of them citizens of the United States. I therefore

think it would be impolitic as well as unnecessary.

Mr. ALLISON. I do not wish to prolong the debate upon this bill, but I was led into an error yesterday by the Senator from Kansas, and I think I ought to endeavor at least to correct it briefly this morning. The Senator from Kansas yesterday urged the adoption of

the first section of this bill because section 2145 of the Revised Statutes only applied to the Indian Territory proper. For the moment, supposing he had examined that question carefully, I accepted his interpretation and rather apologized to him for making that criticism upon the bill; but, having examined the question subsequently, I find that section 2145 of the Revised Statutes not only applies to the Indian Territory proper but practically to all the Indian reservations.

There may be possibly a few Indian reservations to which it does not apply, but the uniform interpretation of the several provisions of the Revised Statutes in which "the Indian country" is mentioned is that it applies to all the Indian reservations. If the Senator from Kansas will take the trouble to examine chapter 4 of the Revised Statutes he will find that in all the penal laws the words "Indian country" are used. The "Indian country" was first defined in an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontier, passed in 1834, which is as follows:

That all that part of the United States west of the Mississippi, and not within the States of Missouri and Louisiana or the Territory of Arkansas, and also that part of the United States east of the Mississippi River, and not within any State, to which the Indian title has not been extinguished, for the purposes of this act be taken and deemed to be the Indian country.

That construction has been followed up by every statute since-From that time to the present these laws have been held to apply to every Indian reservation; so that the first section, as I understand it and as it is understood by the Department, applies now to the Sioux reservation. If this first section were not enacted at all, there is power under existing laws to punish the people who have gone upon that reservation in violation of the treaty of 1888. Of course, that punishment is not the same punishment which is provided in the second and third sections of this bill; it is a different punishment; but they are subject to the laws of the United States the same as the Indians within the Indian Territory proper. Having fallen into that error yesterday, I wish to correct it this morning, so that there can be no objection to the suggestion made by the Senator from Wisconbe no objection to the suggestion made by the Senator from Wisconsin who proposes to except the first section from the operation of the proviso offered by the Senator from Minnesota. The first section is the law to-day of the Sioux reservation, and you do not add to it one jot or tittle by passing the first section of the bill.

Mr. HOWE. Where is the law?

Mr. ALLISON. In section 2145 of the Revised Statutes. It is so

held by the Attorney-General, and so held by all the Departments and acted upon to-day. All the laws with reference to the sale of intoxicating liquors and with reference to punishments on Indian reservations apply to the Sioux reservation to-day the same as they will apply after this first section becomes a law.

The second and third sections are valuable in this, that they pro-

vide a different penalty and a different punishment from any existing As I understand it, there is no law now punishing persons who law. As I understand it, there is no law now punishing persons who cut timber from Indian reservations or who remove from Indian reservations timber, stone, or other material. So the third section provides "that any person found upon any Indian reservation contrary to law, and who shall refuse or neglect, &c., shall be deemed guilty of a misdemeanor," and be punished. The only difference between this section and the existing law is, that to-day persons found upon Indian reservations cannot be punished until they are notified to remove. There must be one notification to leave the reservation before the laws manishing them can be enforced. This bill provides that they shall be punishing them can be enforced. This bill provides that they shall be at once punished; and of course these two sections will apply to the Sioux reservations and every other. They are new sections, and provide different and other punishment from what are now provided by law. That is the only value I see in the bill. This first section may apply to one or two small reservations east of the Mississippi, or possibly to some reservations in California.

With reference to the suggestion made by the Senator from Kansas, I did not urge as a reason for not passing this bill that it would be inoperative as against the miners of the Black Hills. I only stated that it would not affect that question. That is all I meant to say. I do not believe it can affect them. After this bill is passed, should it be passed as now reported by the committee, those miners will pay no more attention to it than they do to the existing law which punishes them for being found on the Sioux reservation. I shall vote for the amendment proposed by the Senator from Minnesota, because I believe we should pass some act having reference solely to that reserva-

tion, but I regard it as of no particular value one way or the other.

Mr. MORRILL, of Maine. I will ask my honorable friend a question. I do not ask him to answer me just at this moment, but I address the remark to him. I speak with reference to the last statement he makes, that he will vote for the proposition of the Senator from Minnesota, which is to except from the operation of this act the present condition of things in the Black Hills country. Before that is acted upon, it is worth while for us to consider what that condition of things apon, it is worth while for us to consider what that condition of things is and how far by any implication we are willing by an act of Congress to tolerate that condition of things. If the newspapers are to be trusted and if information from private sources is at all to be relied upon, large bodies of men, who I need not characterize, men who float upon the border, men of enterprising notions, are going into that country. There is no doubt about that fact. There is no doubt about the fact that we are in danger daily of a collision between the Indians and those people. The Government taking cognizance of that fact, the military authorities are on the march with troops to interpose. How? Of course against the Indians. There you have an incipient Indian war on your hand produced by these men.

Mr. ALLISON. Will my friend allow me to ask him a question in

turn, before I answer him?

Mr. MORRILL, of Maine. Certainly.

Mr. MORRILL, of Maine. Certainly.

Mr. ALLISON. Does the Senator expect that sections 2 and 3 of this bill will in the slightest degree affect that question?

Mr. MORRILL, of Maine. I said yesterday that I had not the slightest idea it would. Those men will go there. There is no power on earth I know of that will prevent them; but we are not legislating against those men. This act is general in its character; and the proposition is here made to upset the operation of a general principle in behalf of a body of men who are creating disorder and bringing on war on the border.

Mr. ALLISON. The Senator misapprehends my reason. Not on

Mr. MORRILL, of Maine. I do not understand my honorable friend to assume that, but my argument is that that is the inevitable result of it. That being the condition of things, if the Congress of the United States so far tolerates that condition of things as to except those people from the operation of a general law, it is a permission for them to go there. The implication of it is inevitable. "Go on; go into the Black Hills from all quarters; so far as the Congress of the United States is concerned, it not only looks on calmly and does not rebuke you, but it excepts you from any penalties which shall apply everywhere else." That will be the implication beyond all question.

Mr. WINDOM. Will the Senator allow me a moment? Does it not leave the law operative which the Senator from Maine quoted and

which he said was more severe than this?

Mr. MORRILL, of Maine. Precisely. It leaves that operative, but why should not this be operative? It is an invitation for these men to go, when it is taken in connection with the fact that my honorable friend from Minnesota stated vesterday that the Government had looked on with indifference and had not admonished them. If you make them an exception now, you invite them to go. That is the moral effect of it. It is an absolute invitation. We look on; we know moral effect of it. It is an absolute invitation. We look on; we know what is being done. These lawless men are going in there in great numbers. They know the peril to the peace of the country; the troops are on the march to-day; and we propose to make known to the people on the border, to the troops, and to the Indians, that we tolerate the whole thing. Nay, we invite it by exempting these men from the conditions which are made to apply to law-abiding men everywhere else. I submit that is the moral effect of this anyway. While I do not attach any special importance to it as applying to those people and do not suppose a single prosecution will be made under it, at the same time it strikes me that legislation of this description upon a bill with such facts as these before us will have a most disastrons a bill with such facts as these before us will have a most disastrous

Mr. MORTON. It seems to me that that is the precise point involved in this amendment. Men have gone there in defiance of a proclamation, knowing it to be unlawful, and perhaps you cannot keep them out; but when you pass a law of this kind and except the Black Hills reservation from it, that will be a proclamation to the whole country that people may go there, and you will have fifty men there where you have only one now. But I want to call the attention of the Senate to a passage in the third section of the bill, and inquire of the Senator from Kansas what is the precise idea: Senator from Kansas what is the precise idea:

Any person found upon any Indian reservation contrary to law, and who shall refuse or neglect to remove therefrom upon the request of the agent or superintendent having charge of the reserve, shall be deemed guilty of a misdemeanor, &c.

Why require this notice to be given before the person can be held responsible ! Every man who goes there, unless he is very ignorant, knows that he is going in violation of the law and in violation of the rights of the Indians. This provision in effect legalizes his presence there as long as he can avoid coming in contact with the Indian agent or superintendent. There is a vast country. He may dodge the agent for three months, or six months, or even a year; and as long as he can dodge the agent or the superintendent his presence there is lawful under this bill.

Mr. ALLISON. If the Senator will allow me, I think I can explain briefly one reason why that should be done. I at least can give a

reason why it should be done at the Red Cloud agency, where I was

reason why it should be done at the field Cloud agency, where I was last year. All the supplies for that agency are carted from Cheyenne, and teamsters are there in large numbers. Sometimes forty men driving teams will come in there in a single night. They claim to be there lawfully, but in that way a great many people get in there who have no business and no right there. Every man you see at an Indian agency will be a teamster or will have apparently some lawful business and in vice cases out of tay he could prove that he was ess there, and in nine cases out of ten he could prove that he was

there lawfully.
Mr. MORTON. Mr. MORTON. Then that becomes a question of fact. If a man goes there with supplies in a Government train he is there lawfully; but the third section provides that although he goes unlawfully, with no legitimate business, knowing that he is violating the law and violating the rights of the Indians, still he is held irresponsible and violating the rights of the Indians, still he is not inverted at until after he has been notified by the agent or superintendent. It seems to me that that opens a very wide door. Under this bill a military commander could not order him out. It could only be done by the Indian agent or superintendent, and if the commander of the forces orders him away he is not bound to go. The right to order

him out, the right to punish him, under this bill depends upon the request of the Indian agent or superintendent.

Mr. CONKLING. I would like to inquire of the Senator from Indiana whether he thinks that, as the law stands now, or as it would stand with an amendment such as he suggests, if he or I were crossing the plains and should ignorantly or inadvertently pass across an Indian reservation, we ought to be punished without some notice or warning given to us that we were trespassing upon a reserved domain? I am sure the Senator does not think that; and if he does not think so, then I suggest to him that either this mode or some equivalent mode is necessary to charge wholly innocent and ignorant persons with notice before penalty should be inflicted upon them, especially in a country not marked by metes or bounds, where the lines are invisible and are known only to persons particularly accustomed to

Mr. MORTON. I do not know that a mere passing through would be regarded as a technical violation of the law. Perhaps it would; but it must be observed that this section makes all persons in the Black Hills or anywhere else in Indian country depend absolutely upon the will of the Indian agent. If he is corrupt, or if he is igno-

npon the will of the Indian agent. If he is corrupt, or if he is ignorant, or if he is negligent, a man can go and stay there five years and there is no punishment for it. The illegality of it depends entirely upon a request to leave by the Indian agent or superintendent.

Mr. CONKLING. If the Senator will pardon me once more, this is not a section declaring what is lawful or unlawful. It is a punitive section. It is a section to visit penalties upon the doer of a certain act. Surely, the Senator from Indiana does not mean that in the case he has just considered himself, of an inadvertent trespass, we should not only declare that unlawful as the law now declares it unlawful

he has just considered himself, of an inadvertent trespass, we should not only declare that unlawful as the law now declares it unlawful, but proceed ipso facto to follow it with a penalty.

Mr. MORTON. If there is no penalty to the violation of the law, you may say there is no violation. Technically there is; but it amounts to nothing. If there is no penalty for going into the Indian country, men will go there although it is unlawful. The penalty is what we have the law offection, and here the penalty is made to depend what makes the law effective; and here the penalty is made to depend entirely upon the action of an Indian agent or superintendent who may be corrupt, or ignorant, or negligent, or five hundred miles away. It is opening the broadest possible door to corruption, and it seems to

me you might just about as well have no law at all.

Mr. CONKLING. The answer still again to the Senator from Indiana seems to me to be this: No penalty can be visited upon me for walking into his close or yard in the city of Indianapolis. It is unlawful for me to do so unless I have a license. I am a trespasser. I can be sued for every trespass. No penalty is inflicted upon me because water drops from my eave upon his close, but in the language of an old case, every fresh drop of water is a fresh trespass for which he can sue me. But when you come to penal enactments, when you come to visit me with fine or imprisonment, then you ought to have something more than the mere fact that inadvertently, or even purposely, I have stepped upon the Senator's close. Therefore I call his attention to the broad distinction between a law which should declare, as the laws establishing Indian reservations already declare, that it is unlawful to invade them, and a law which visits with a defined and heavy penalty such a trespass. In the one case it is safe to leave the parties to suggest the excuses and mitigations; but in the other case, when you attach a penalty to an act, the intent should be present, the animus, the refusal to go or the intentional coming, that something which makes up the body of an act which Christian governments punish heavily.
Mr. MORTON.

The plain answer to that is that it is of no importance to make it unlawful to go into the Indian country unless there is some penalty for going there. Every man is presumed to know the law in regard to minor as well as great offenses, and he is held responsible accordingly. That is the universal maxim of the law in this country and in every other; and that a man should wander off into an Indian reservation and be presumed to be ignorant of the law until an Indian agent finds him out through a trackless wilderness and warns him to go away, it seems to me, would be virtually to destroy the law altogether. When my premises are invaded the law is violated, and the penalty attaches, although I have not informed the trespasser that I want him to leave. Now, this provision simply amounts to this: It looks to me like a trap-door, through which everything can pass; that men may go into the Black Hills or any everything can pass; that men may go into the Biack Hills of any other Indian country and do what they please, and nobody has a right to warn them off, and they cannot be punished for going there unless the Indian agent requests them to leave. Under the language of this law even a military commander cannot do it. Nobody but the Indian agent can make it unlawful. Therefore the punitive nature of the transaction, in substance, its lawfulness, is made to depend entirely upon an Indian agent. That those agents are notoriously men of interest and always the substance of the substanc tegrity and always do their duty, of course we take for granted; but here the whole question of violating the Indian country is made to depend upon the notice of an Indian agent.

Mr. HOWE. It is true that if I go on to the Senator's farm without his permission, I am liable. How? To pay him whatever damages that entry occasions him, of course. I am not a criminal; the statute does not put me down as a criminal, because I do that thing; but if I do him any damage I must make good that damage; that is all. These Indian reservations are surrounded by our own territories. We do not want to make it criminal for a man to enter upon an Indian

reservation. He will not go there except as a matter of necessity, unless he has permission by the law to stay with impunity. It is a necessity that we must all go there some time. Scarcely a year passes over my head that I do not go of necessity into an Indian reservation.

There happens to be one near my own residence. I do not go there to All we want is some law under which we can punish men who go there to stay, and stay there in defiance of your command. The law says that you can send the Army after them and take them off, and then if they go back again you can sue them and get judgment against them for a thousand dollars. Yes; but what is your judgment good for? That is not commercial paper. That could not be negotiated, even on a full money market. That is worth nothing. You must have a statute by which you can punish them criminally. I know now of a handful of citizen reciding on an Indian recentation. Then now of a handful of citizens residing on an Indian reservation. have been removed off time and time again. They told the marshal of the United States, a few years ago, "You can take us off; we will go if you say so; but we will come back to-morrow;" and so they did. You cannot afford to remove men day after day; but when your law says to them that if they come back, or if they refuse to go when they are told to go off, they shall be liable to a fine and to imprisonment, then they will go and they will go to stay off the reservation and not come back on it. I assure the Senator from Indiana that there is not come back on it. I assure the Senator from Indiana that there is not the slightest danger to be apprehended of any injury to Indians by leaving this section as it is. If the Indian agent refuses to give the notice we can remove the agent; but he will give the notice. They are all mighty glad to give such notices as this.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Minnesota, [Mr. WINDOM.]

The question being put, a division was asked for; and the ayes

The PRESIDENT pro tempore. Does the Senator from Minnesota

insist upon a further count?

Mr. WINDOM. I feel less like insisting upon it for the reason that several Senators who have spoken on this subject have indicated that this was a less severe penalty than was now inflicted upon those people, and as this new law, if passed, will probably take the place of the old one, I am quite willing that these men upon the Black Hills shall be left to the justice of the peace rather than to the Army of the United States. Therefore I do not insist upon a further division; but I move that the bill be referred to the Committee on Indian Affairs. if should have been considered by that committee originally. It involves no question of law, no question of constitutional construction, but is wholly a question of Indian policy. I move its reference to the Committee on Indian Affairs.

The PRESIDENT pro tempore. The Senator from Minnesota moves the commitment of the bill to the Committee on Indian Affairs.

Mr. INGALLS. I trust that course will not be taken. I think there has been a sufficient expression from the members of the Indian Committee upon the floor to justify me in saying that but one course would be pursued. Therefore the only result would be procrastination and delay; and inasmuch as the whole subject has been debated pro and con, and the Senate is at the present time fully in possession of the views that ought to guide them in its determination, I venture to express the hope that the bill may now be voted upon, and not referred to the Committee on Indian Affairs.

Mr. CLAYTON. I think there is great force in what has been said by the Senator from Indiana. I have not as much faith in Indian

agents as some other people may have. Men who leave their homes to go among savages to serve for \$600 a year I do not think are the class of men to whom we want to give such great power. These Indian agents are the men who are to make these misdemeanors attach to those who go into Indian territory. If any of their friends should go in there and they do not see proper to notify them to go off, they are all right; but if some other persons not friendly with them, who commit no greater offense, come in for the same purpose they are notified to leave, and if they do not leave then the misdemeanor attaches

under this proposed law.

Mr. HOWE. Will the Senator allow me to make a suggestion?
On consultation with the Senator from Iowa I have already agreed with him upon the propriety of amending the third section so as to require the notice to be given by the President instead of by the agent, thus vesting the discretion in the President instead of the agent. Mr. CLAYTON. Then it seems to me the whole thing becomes

merely nugatory unless men should go in large bodies and remain I suppose in that case the amendment might be well enough; but if the intention of the bill is to apply to individuals who go upon these reservations or to very small bodies of men, it seems to me the amendment suggested by the Senator from Wisconsin would have no

practical effect.

Mr. HOWE. You should not expect the President to go out there in person and notify them.

Mr. CLAYTON. No; but he must know they are there. It takes long while to communicate with a distant Indian reservation. Men could get there and remain for six months before the President could get his information and his order get back. During that time a great deal of damage might be done. I think that this bill is imperfect. I cannot help thinking so. I was rather impressed at first with its justice and was disposed to vote for it, but it seems to me it is imperfect, especially because it opens the door for what already attaches to this Indian question—fraud on the part of Indian agents.

I should dislike very much to give this power into the hands of individuals of that character. I rather think the best thing that can be done is to refer the bill to the Committee on Indian Affairs.

Mr. INGALLS. All human things are imperfect; and of course this bill, which the Senator from Arkansas characterizes as not being all that he could desire, is liable probably to that imputation. that he could desire, is hable probably to that imputation. But in relation to the particular point that he alleges, which was first suggested by the Senator from Indiana, I beg to say that this section is merely supplemental to powers that already exist. If the Senator will turn to the Revised Statutes, page 376, section 2149, he will find that in case of the continued occupation of a tribal reservation by individuals or by bodies of persons without authority whose presence there is detrimental, "the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, is authorized to remove them; and for that purpose he may employ such force as may be necessary" to accomplish this result. The authority that the Senator from Indiana desires should be vested in some person is already vested by the Revised Statutes in the Commissioner of Indian Affairs and the Secretary of the Interior, and they are authorized, when the continued presence either of individuals or of associations of men becomes detrimental to the interests of the Indian or of the Government, to cause their removal by force. I cannot perceive that there is any difficulty liable to result from reposing this discretion in the agent or superintendent. It must certainly be reposed somewhere; and a large proportion of our governmental functions are based upon the idea that some men at least are honest and worthy of confidence.

Mr. MORTON. I think the Senator from Kansas misapprehends the point that I made, or attempted to make. As he says, the law now authorizes the Secretary of the Interior, or the Commissioner of Indian Affairs under him, to remove trespassers from reservations; but it has been found that that is not effectual; therefore it is now proposed to extend the criminal laws of the United States over these territories and make these trespassers liable to indictment, so as to put these reservations under the protection of grand juries; and yet that is crippled and in effect destroyed by making it penal only after an

Indian agent has notified the trespasser to leave.

Mr. PADDOCK. Will the Senator allow me to state that all the intercourse and communication between two very populous counties in my State lies over an Indian reservation, the only possible thoroughfare, and it is a highway through the State. I should like to know if the Senator would think it to be a wise, proper, and judicious thing to subject every citizen of those counties who passes over

that reservation to indictment?

Mr. MORTON. I should say to my friend that the proper way to meet that is to make an exception in the law and say it shall not be unlawful to cross an Indian reservation in transit from one county to another or from one Territory to another. But I call attention to this, that the unlawful entry upon any Indian territory is made to depend upon the notice of an Indian agent; and, if he is a corrupt man, (and agents have sometimes been found to be corrupt, I am told,) he can simply admit his friends into the Black Hills, and exclude everybody else; he can make every gold-hunter tributary to himself; those that do not pay tribute he will notify to leave, and have them indicted if they do not, while those that pay tribute or in some way compensate him get no notice. That is the effect of it. With this provision in the bill I would not vote for it under any circumstances. I think it is a temptation to corruption.

The PRESIDENT pro tempore. The question is on the motion to refer the bill to the Committee on Indian Affairs.

The question being put, a division was called for—and the ayes

Mr. INGALLS called for the yeas and nays, and they were ordered.

Mr. HOWE. I would not spend a moment in opposing the reference of this bill to the Committee on Indian Affairs if it were not for ence of this bill to the Committee on Indian Affairs if it were not for one single thing, and that is: I am ashamed to have such a vote transpire in the Senate. Just see what these propositions are. The first section extends the jurisdiction of the courts of the United States over the Indian reservations. Is there anything sacred or savage in Indian reservations, so sacred or so savage in the character of Indian reservations that you hesitate to extend the jurisdiction of the Federal tribunals over them? I very much question, upon examining the statute to which the Senator from Iowa referred, if that is not the law today that it is extended over those reservations; so that the law to-day, that it is extended over those reservations; so that

there is nothing insurrectionary in the first section of the bill.

What is the second? In brief, it simply is that you shall not steal from Indians. I said it yesterday; I say it to-day. Now, we have spent twenty-four hours in order to make an exception of a particular tribe, so that your law should say, "You shall not steal from Indians unless they are Sioux." Finally, the Senate has agreed not to make an exception of Indians, but it shall be just as unlawful to steal from Sioux.

to steal from Sioux as others.

Next, as to the third section; what is that, in the name of common sense? It proposes to say that if you go on to an Indian territory, and refuse to leave when you are told, you shall be guilty of a misdemeanor, and you shall be fined and imprisoned; and I ask the Senate what are the two objections which have been urged to that section? The Senator from Indiana says the agent may be dishonest and refuse to give the notice. Well, I suggested, "Suppose we change that, and authorize the President to give the notice." O, says the Senator

from Arkansas, he is too far off; he cannot give it quick enough. What are the mischiefs you are trying to avoid? What is the fact which called upon you to legislate in the direction of that third section? This fact, that to-day citizens go on to your Indian reservations and settle there, and although the Army can take them off, they laugh in the face of the Army, and say, the moment they are set down outside of the territory, "Good day, sir, I am going back;" and they go back. The Government is just so helpless as that. We propose this third section, to the effect that when they are taken off they may this third section, to the effect that when they are taken on they may be kept off, and we cannot pass the third section for two reasons. One is that the agent may not give the notice; and the other is that the President is so far off that he will not. We cannot get any legislation at all, because it will not work quick enough; and right upon the heels of that comes this proposition, to refer the bill to the Committee on Indian Affairs. Well, sir, if the Senate says so, I acquiesce, of course. Almost every Senator does acquiesce in what the Senate says. But I dealors in write of an averience here of say. the Senate says. But I declare, in spite of an experience here of several years, that it is a kind of legislative proceeding which staggers even me. There may be precedents for it, but I have not noticed them. I would rather the Senate should not do it. I would rather the Senate, without a great deal more hesitancy, would agree to say

the few simple, honest things said in this bill.

Mr. WINDOM. Mr. President, the very discussion which has taken place on this bill as to its construction and its effect on various Indian reservations is a sufficient argument, it seems to me, for its reference. Several Senators disagree as to what the effect of the third section is. The Senator from Indiana believes that as it now stands it will open the gate to the admission of anybody who chooses to go on the reservations. The Senator from New Jersey [Mr. Freling-HUYSEN] suggests that that is what I want. I say no. I will go as far as any one in protecting the reservations, except in the peculiar case which I have stated; but in the case of these vagabond paupers to whom we are paying a million and a half a year, and who still demand it or threaten war, I say I will, so far as my vote is concerned, go there and dig the gold out to pay them or they shall not have it; but I do not want to settle that question now. That is all.

Mr. KERNAN. Does my friend think it is quite an honest propo-

sition, not to pay them until we go and steal it?

Mr. WINDOM. I say to my friend from New York that it is entirely honest. We do not owe them a cent. It is not under the treaty that we are asked to pay it. It will not be under a treaty that my friend will be called upon to vote a million and a half before this session closes for these Indians; but it will be simply, as I have said over and over again during the last three sessions, "pay or fight." They have no treaty to require it; but they say, contrary to their treaty, that they will make war upon us if we do not pay it; and I presume I shall have to come here and advocate it over again, if I have charge of the Indian bill, as I have done over and over again. It is no treaty obligation, and hence I say that, so far as that tribe is concerned of the nation of Sioux Indians, I would make an exception, and settle that question after full consideration.

Now, so far as this reference is concerned, it seems to me there are a great many things in this bill that demand the consideration of the Indian Committee. If it does not go to the Committee on Indian Affairs, I certainly have several amendments yet to offer for discussion in the Senate; and one that I propose to offer is to strike out the

proviso in the first section:

Provided, That nothing herein shall be construed to extend the jurisdiction of said courts to offenses committed upon such reservation by one Indian against the person or property of another Indian.

At the proper time I shall give the reasons for moving that amendment. I believe that if the Judiciary Committee are to establish the Indian policy, if they are to settle questions relating wholly to Indian policy, and we are to ignore the Committee on Indian Affairs, to whom that subject is generally intrusted, then in open Senate we should fully discuss the question of the Indian policy; and, for one, while I will interpose nothing for delay, I will take the liberty of making such motions and such suggestions in reference to the Indian policy as I think should be discussed in a full Senate.

Mr. BOUTWELL. Mr. President, the remark made by the Senator from Minnesota that we had the alternative presented to us by the Sioux Indians of paying a million and a half or engaging in war with them, leads me to say that this is the first time I ever heard the suggestion that any such alternative was presented to us. As I remember the debates upon that appropriation, both Houses have always proceeded upon the selfish idea that it was better to provide for the substitute of these weeks by the second life. subsistence of these people by a gratuity, if you please to call it so, from the Treasury of the country than to engage in war with these people who, as it was anticipated, would be driven to the extremity of marauding and robbing the frontiers, because by the policy of this Government we had robbed the half-civilized Indians of their agricultural lands and driven the savage Indians from their fishing and thunting grounds into quarters where they had not the means, with the information they possessed, of obtaining a subsistence. That the information they possessed, of obtaining a subsistence. really is the truth.

This country is responsible for the Indian wars. This morning I have refreshed my recollection of a report made eight years ago, in which the Indians themselves were permitted to tell their own story, and in language so fraught with truth that there can be no misapprehension as to the accuracy of their statements in general. They

spoke of the war in Minnesota, of which so much has been said, and they there assert, in language which if given in a court of justice would impress every hearer with its truthfulness, that it was due to the fact that we had not kept our stipulations with them.

Sir, I for one would like to have an Indian policy that was just, and see whether there be not lingering in these people that sentiment of justice common to mankind by which we could secure peace through justice and not through power without responsibility; and that is the policy that we have pursued, and the evils of the Indian wars have come from the same class of men who now, disregarding equally the rights of the Indians and the laws of their country, have gone over a boundary which they had no right to pass and have entered upon the possession of property which was not theirs, more than the property in this Capitol; and they might as a measure of justice as well have come here and driven us from our seats as to have gone into the Sioux country, which was pledged to these people by the solemn faith of this Government. Now let us for once enter on a policy of justice. Let us see whether we can punish people who violate the laws of the land; but here in the Senate we are asked to excuse from the technical operation of the laws of the land men who, admitted violators, are so powerful that the law cannot reach them. That is the reason urged here for excepting a portion of the Sioux reservation from the exclusive rights of the Sioux Indians. If the reason for doing that was that the Sioux themselves had violated the treaty and we were no longer bound by it, why was not the proposi-tion made to open the whole of the Sioux country to the people of the United States? If the treaty was violated, it was violated in whole and not in part; and if by reason of the violation of that treaty we could enter without new stipulations upon a portion of the territory reserved to those people, we might as well have entered upon the whole; but it was only where the gold was found that we thought it necessary to exempt the land from the operations of the treaty.

Mr. MITCHELL. May I ask the Senator from Massachusetts a question.

tion? I ask the Senator if he does not know that it is a fact that there are to-day a great many citizens of the United States, white persons, residing on Indian reservations who went there in pursuance of the settled policy of the United States which authorized citizens to go on unsurveyed lands of this Government? I say there are cases where men went there before the reservations were established; and subsequent to the time that they went there reservations have been established and no provision has been made whatever for their removal, and they are there now on the reservations. Then again I ask whether the provisions of this second section would not make every one of the white settlers on these lands criminals whenever they cut a stick of

wood or a pound of grass?

Mr. BOUTWELL. I do not know any such facts as constitute the

premises of the inquiry.

Mr. MITCHELL. I know there are, and I will point to one case

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Mr. MITCHELL know there are a know the tory, a reservation containing to-day about two million acres of land included in an Indian reservation created by a treaty made after numerous citizens of the United States had settled on those lands, and no provision has been made, as I am informed, for the removal of those citizens. They are there to-day upon their farms with their imthose citizens. They are there to-day upon their farms with their improvements. They cannot get away. But pass this bill and you virtually say, you in fact say by the legislative power of Congress that they, if they cut a stick of timber for fire-wood or a pound of grass, are criminals in the eyes of the law. And yet Senators will stand here and wonder why any of us should oppose the passage of this here and wonder why any of us should oppose the passage of this bill, and will tell us that this is a bill to prevent stealing, as the hon-orable Senator from Wisconsin says. But as the amendment of the Senator from Minnesota has failed, he says that now it is a bill to pre-vent stealing from Indians except from the Sioux. I think there is more than that about this bill. I think there are a great many things about this bill that have not been properly considered by the Judi-ciary Committee. I know of several reservations within my own knowledge, reservations that I have been on personally and know whereof I speak, where settlers, in pursuance as I say of the policy of whereof I speak, where settlers, in pursuance as I say of the policy of the United States which recognized settlement upon unsurveyed lands, have gone and afterward the Government has come in and negotiated a treaty with Indians and they are now on an Indian reservation scattering all over their claims, and no provision whatever has been made for these settlers in any way. They are there; you may say they are there wrongfully just as you may say these people are in the Black Hills wrongfully; but they are there as a matter of fact, and you have got to deal with the case just as it is now. Why not make some provision for their removal? Why not provide in some way, by some kind of exception in this bill, something that will enable these persons to get away? That is one point that I should like to have considered by the Committee on Indian Affairs.

Mr. WINDOM. It is precisely such cases as have been referred to by the Senator from Oregon that I think require the attention of the Indian Committee. This second section makes a sweeping provision as to every reservation in the country, without any knowledge, so far as the Senate is concerned, as to the specific character of the treaty or the provisions of the specific treaties; without any knowledge of ated a treaty with Indians and they are now on an Indian reservation

or the provisions of the specific treaties; without any knowledge of the condition of affairs on these various reservations. It seems to me that a law so sweeping as this should be more fully considered by the

proper committee.

The honorable Senator from Massachusetts fires up with a great

deal of righteous indignation against the treatment of these peaceful, kind-hearted, humane, red brothers in the West, and he says that he has some Indian speeches before him which he thinks would curdle the blood, (I do not know that he used that expression,) but would thrill the Senate if he were permitted to read them, telling their grievances, and among the rest their grievances in Minnesota in 1862. Sir, having lived on the border for the last twenty years, I think I have about as much knowledge of these excellent red men as my honorable friend who lives on the shores of the Atlantic, in Massa-chusetts. Those of us here who are well acquainted with the mild, with the gentle, and with the humane individuals to whom he refers with such encomiums, know that if there are liars or vagabonds on the face of this green earth who can compete with the Indians they have not yet been discovered. He referred to what occurred in Minnesota, and said that that terrible massacre was brought on by the illtreatment of these Sioux Indians by the Government

Mr. CONKLING. He did not say that; he said the Indians said so. Mr. WINDOM. The Indians said so. I will refer to the facts and show him what liars the Indians are, and how mild and how very I only wish my friend, who loves them so well and gentle they are. who warms up with such generous philanthropy whenever he speaks of their wrongs, could have these neighbors imported down in the boot in Massachusetts, to remain there a few years, that he might know them better than he does now.

Sir, what was the offense that the Government was guilty of which created that outbreak in Minnesota in 1862? Congress had been a little tardy in making an appropriation, and the money was on its way to make the payments under the treaty when the outbreak comway to make the payments under the treaty when the outbreak commenced. The Indians, being ready from various causes, but chiefly that of the incarnate devil in their own nature, made an excuse because the payments had not been received on time, to make that outbreak. What was the result? I tell you, sir, if it had not been for the great war which was then raging, and which filled the minds of the people of this country so that they could not notice anything also even the humane Senator from Messachusetts would be a fell even the humane Senator from Massachusetts would have felt his blood tingle at outrages on white men as well as outrages on red men. Why, sir, eight hundred people in Minnesota along the border were murdered in cold blood; infants were nailed against the walls of houses by their hands and feet, while those savages stood up and threw tomahawks at them in the presence of their own mothers. Infants were cut to pieces and laid upon their mothers' bosoms, who were tied down upon the ground and could not move, and were compelled to lay there and die with the pieces of the dead infants lying

upon them.

These are the humane and gentle savages that have been so fearfully outraged, and these are the same men that we are so anxious to provide for now in the Sioux reservation. They were driven from the provide for now in the Sioux reservation. They were driven from the State of Minnesota. They took refuge, after the Army drove them out, on the western plains, and they are the same Indians precisely that we have been discussing for the last twenty-four hours. I know that they are savages; I know that we must make some allowance for this, and I have, as I have said twice before since this discussion has been before the Senate, during nearly my entire service in Congress labored to do them justice. I will do them justice to-day. I believe that, with all the Senator's humanity, with all his philanthropy, I have said ten words in favor of paying the Indians, in favor of keeping our treaty stipulation with them, in favor of preventing their starvation, to one word which he ever uttered practically to benefit them on this floor or on the other. I will do it to-day. I am willing to vote yet to foor or on the other. I will do it to-day. I am willing to vote yet to keep these men from starving. I will do it whenever the bill comes up. I expect to urge it here. I shall do it again, however, upon the same ground that I have done it before. The Senator is mistaken in saying that we have not voted these appropriations to prevent war. Senator here present, I apprehend, knows it.

Mr. BOUTWELL. I admit, as my friend goes on, a great many slight inaccuracies; but the observation to which he is now calling the attention of the Senate as given by him does not report the facts as they appear to me. The statement to which I objected was subas they appear to me. The statement to which I objected was substantially this: that we had year after year voted a million and a half to the Sioux because they threatened us with a war if we did not do it. I said we voted it as a gratuity, because we thought it better policy. I gave as a reason for that thought in the minds of some the reflection that we had robbed the half-civilized Indians of their agricultural lands and the savages of their fishing and hunting grounds.

Mr. WINDOM. That may have been the motive of some I doubt.

Mr. WINDOM. That may have been the motive of some, I doubt

Mr. BOUTWELL. I refer now particularly to the fact that as far as I know it is the first time to-day when the statement has been made in the Senate that we were offered the alternative of voting a million and a half to the Sioux or accepting their threat that they would make

and a nail to the Sloux or accepting their threat that they would make war upon us if we did not do it.

Mr. WINDOM. I have no doubt that the motive which actuated my honorable friend from Massachusetts when he voted these appropriations, was that of pure philanthropy. I have no question about it from his speech to-day. But, as I have said before, having had charge of the Indian appropriation bill for the last five years, I know that I have myself said, in urging it over and over again, that it was a mere question whether it is not cheaper to feed than to fight Indians; and every Senator knows that that expression has been worn dians; and every Senator knows that that expression has been worn threadbare here in discussing those questions, "that it is cheaper to

feed than to fight." It is the argument which has been used nere, in the other end of the Capitol, and by the Commissioner of Indian Af-

fairs to induce us to vote these large appropriations.

It has been then, I say, held out here as the alternative of peace or war; and to show that it has been the alternative of peace or war, let me call your attention to a single fact. A little above this reservation, on the Missouri River, at Fort Berthold, there were a large number of Indians who were peaceful, always had been friendly, never had threatened war, had united with us in punishing the hostile Sioux, could always be relied upon as scouts for our Army. We appropriated to those men \$80,000, while we appropriated the sum I have stated to these warlike savages, who threatened us and would not keep the peace, as we believed, if they were not paid \$1,200,000. The exact proportion of numbers I do not remember, but I think I am safe in saying that we appropriated five dollars to these warlike Indians as the alternative of peace or war where we appropriated one dollar to the peaceful Indians who lived alongside of them, and who needed our generosity and our philanthropy quite as much as they did. I called the attention of the Senate to that matter at the last session, and I urged that the starving condition of these peaceful Indians, these friends of ours, demanded our sympathy and our aid; but I did not succeed in adding a dollar to the appropriation. But when, on the other hand, we told you it was "feed or fight," you marched up to the rack and voted \$1,200,000, because you did not want to fight. At the same time we had a treaty with those Indians, by which they promised faithfully to keep the peace. We have done that for the promised faithfully to keep the peace. last three years

Mr. MORTON. Mr. President, I did not expect to participate in this debate when I made a suggestion in regard to the third section; but it seems to me on examining it closely that it is so monstrous that it ought not to pass unnoticed. Here is a bill the ostensible purpose of which is to protect the Indian country from invasion by making trespassers liable to indictment by a grand jury in the courts of the United States. That is all very fair. Then here comes a third section, providing that such indictment or such liability to the punishment shall viding that such indictment or such liability to the punishment shall depend upon having a warning given by an Indian agent, an irresponsible Indian agent, upon a salary of \$1,200 or \$1,500 a year. He is made the autocrat of the Indian country; he can admit whom he pleases, he can reject whom he pleases. He is made the absolute judge from whom there is no appeal as to who ought to be admitted and who ought not. That is the effect of that section precisely. It seems to me that while this bill was drafted in good faith, it is simply a sham, and the worst kind of a sham. It leaves the whole matter in the hands of the Indian agent. I have just been informed that there are two Indian agents in the Sioux reservation. That reservation, I believe, is as large as several States.

Mr. ALLISON. There are six Indian agents on the reservation.

Mr. ALLISON. There are six Indian agents on the reservation.

Mr. MORTON. I was told by the Senator from Kansas two. Mr. ALLISON. Six having charge of the Sioux Indians. reservation embraces an area of 70,000 square miles.

Mr. MORTON. Seventy thousand square miles and six Indian Mr. MORTON. Seventy thousand square miles and six Indian agents, taking the largest number, are made the absolute judges as to who may go on to it and who may not, and if they should not be incorruptible men—and perhaps some of them may not be; I do not know; I presume they are honest men—they might admit their friends to dig gold and turn everybody else out. They may overlook their friends; they may not see them; they do not give them warning; but those who will not pay tribute are warned to leave, and, by the way, nobody can warn a trespasser off but the Indian agent. \*This Sioux reservation is in General Sheridar's department. reservation is in General Sheridan's department. The general himself may be there at the head of the Fifth Cavalry, now out there; he may see these gold-hunters; but he has no power to warn them off. It is the Indian agent alone to whom that great responsibility is trusted. The General of the Army or the Lieutenant-General of the Army, any officer of the regular Army, with instructions to enforce the law can-not give this notice, and nobody but an Indian agent can do it.

If it was designed to open the widest door to corruption and make the whole thing a sham and a fraud, it could not be better done than it is by that section. It was not the purpose. It was drafted in good faith, I know, but the effect of it is to make it a mere license for an Indian agent to do whatever he pleases, admit whom he pleases, turn out whom he pleases, and make him the absolute governor of the whole

Indian country.

Mr. McMILLAN. Mr. President, I think very clearly this bill should be referred to the Committee on Indian Affairs, because it should be referred to the Committee on Indian Anairs, because it affects the Indian policy, and there is already referred to that committee a memorial from the State which I have the honor in part to represent, requesting such legislation as will lead to the early opening of the Black Hills to the settlement of emigrants. That memorial is already in the possession of that committee. The question whether or not we shall now so change the law as to make that a criminal offerse which before was a mere trespass certainly goes to criminal offense which before was a mere trespass certainly goes to that question.

The first section of this bill, it seems to me from the remarks made by the Senator from Iowa, does no more than re-enact what is already the law. There is sufficient law now to protect any person on that reservation against any criminal offense. The other two sections of the bill only create new offenses, making that criminal which now is not criminal. There are persons going into that territory we know. It is a matter of public notoriety that immense numbers of people are

going there, are there now, that a village has sprung up there, houses are being erected, and saw-mills are being erected, and communities are springing up in that country. Now, whether we shall pass a law here which shall make these people criminals is a matter, I think, which deserves very serious consideration; and if the Committee on Indian Affairs shall see proper to report to us a policy which will settle the whole question, it will avoid altogether the necessity for the passage of this bill.

So far as the intention of paragraphs going there is absented the latter.

So far as the intention of persons going there is charged to be with the purpose of stealing from the Indians, I think there is no ground whatever for such a charge. It is well known that the only purpose of the persons who go there is for settlement, and to procure gold, which is reported to exist there in large quantities. That does not belong to the Indians; the Indians have no right to it; the people who go there are not going to deprive the Indians of any of their property. The only light in which it can be regarded is that by permitting these persons to go there we are interfering with the possession of the Indians upon this reservation, because it is a mere possession which they have. The title to this country is in the Government of the United States. That is where it rests; and, so far as the Indians are concerned, we are only to protect them by our treaty obligations in their possession; and, so far as stealing from them is concerned, there is no ground whatever for such a charge, either in law or in fact, as it seems to me.

I think this matter should go to the Committee on Indian Affairs, and that we should have their views upon the whole subject, particularly as the question comes before us at the request of at least one State, and perhaps others

State, and perhaps others.

Mr. HOWE. One more word, Mr. President, and I hope it is the last. I want to say to my friend from Minnesota [Mr. McMillan] that he is mistaken about the character of this bill. It does not affect the Indian policy. It affects the policy of the whites. It simply raises the question whether marauding is the regular policy of the white people. That is all.

The Senator from Oregon who is not in his seat [Mr. MITCHELL] reminded us of a distressing case in the Territory of Wyoming, where some white people had gone on to the Shoshone reservation, and he complains that this bill does not make any provision for removing those people from that reservation. The Senator is mistaken. This bill makes ample provision for removing them. Passthis bill and they will remove, and they never will remove until you do pass some bill of this kind.

Sir, the Senate is on trial, I say again, more than anybody else. If you owe any obligation in the world to anybody, you owe it just as much to the savages, whom you have taken under your guardianship and with whom you have made contracts and treaties time and again, as to anybody else. If you will not keep faith with them, tell me with whom you will keep faith. You have said they shall have certain territory for their exclusive occupation. You have said that it shall be unlawful to enter on that territory. You know that people do enter on these territories. We ask you now for a law which will punish, not the mere entry on the territories, but the refusal to leave; and two parties arise in the Senate to oppose that bill. One of them says it is monstrous, in the language of the Senator from Indiana. Monstrous, why? Because it does not operate quick enough; it may not get them off soon enough. The Indian agent or the President may shirk hts duty. The other side says, in effect, it is monstrous because it tends to get them off at all.

cause it tends to get them off at all.

Without any more words of mine, I would like to take a census of the Senate and see whether these two parties together outnumber those in the Senate who say that, after all, trespassers ought to quit and should be punished if they do not quit when the Government of the United States tells them to do so.

Mr. WINDOM. Is there any difficulty whatever in rendering this results of the Senate of the senate are purious where havings it is

Mr. WINDOM. Is there any difficulty whatever in rendering this verdict of the Senate after a second committee, whose business it is to understand this question, has considered it? The Senator seems to put the question as if this was a final settlement. I only ask now that the Committee on Indian Affairs, whose province has been invaded by this other reference, that the Committee on Indian Affairs, who know more of this question than any other committee, shall consider it, and, when they have considered it, I am perfectly willing that the Senate shall be put upon trial again, as my friend from Wisconsin says. I am perfectly willing, after we have given it full consideration, when the proper committee has reported with reference to the condition of these reservations and the effect of this bill, that this moral question shall be tried and settled here; and I think that those of us who seek further investigations are entitled to quite as much consideration as those gentlemen who seek to force this bill through with all its known defects, and especially after it has been so clearly pointed out by the Senator from Indiana, who takes an opposite view from what I do, that this bill is simply a farce so far as the third section is concerned, that it is simply "a pretense and a sham," to use his own language. I do not want to be tried morally on a vote that is a mere sham and pronounced so by a leading and honorable Senator of this body. Let us investigate it further and the have our trial, and we can plead "guilty" or "not guilty."

we can plead "guilty" or "not guilty."

Mr. EATON. Mr. Fresident, I hope the motion will prevail. I hope this bill, which seems to be a very faulty one, will be committed to the Committee on Indian Affairs; and let us have thorough legislation on this subject. I certainly, as one Senator, desire to do

full justice to the Indians; and I desire also to do full justice to the borderer and his family. I am quite well aware of the fact that all our sympathies ought not to be expended upon the red man; they ought to be given a little to our own calor.

our sympathies ought not to be expended upon the red man; they ought to be given a little to our own color.

Mr. MAXEY. I desire to say that in my judgment the bill should be committed to the Committee on Indian Affairs. That committee is supposed to know something in regard to Indian affairs, something in regard to the Indian character. The difference in the judgment of those living in the Northwest and those living in the East in regard to Indian character is very marked. I fully agree with the Senator from Minnesota as to the conduct of the Indian toward the border people. I represent a State with hundreds of miles of Indian frontier, and I know that our women and children are carried into captivity, that men are murdered, that frontiersmen have to plow their fields with their rifle by their side; and knowing what I do know, I am well aware that the famous characters of Leatherstocking and Minnehaha as painted by the novelist and the poet are creations of fancy. He who knows the Indian well as I know him in his wild state knows that there are no such characters there.

Let this bill go to the committee whose duty it is to understand and appreciate the Indian character by having received testimony disclosing what that character is. So far as I am concerned, I want to do justice by the Indian, and I want to do justice by my own race. I do not want Indians who are placed on reservations, as they are in my State, to be allowed to receive permits from those in charge to go out apparently on hunting excursions, taking their ponies and their rifles with them, and come back with the scalps of Texans or frontiersmen. I want to see that thing broken up. I want to see peace and quiet on the frontier.

That character of integrity attributed to those mythical Indians to whom I have referred is beautiful on paper, and the control of the Indian by moral suasion is remarkably nice to read of in books; but there is but one course to control the Indians, and that is by a manifestation of physical power coupled with a disposition and will to execute that power in case they refuse to comply. I differ a little with the Senator from Minnesota in regard to what is humanity to the Indians. It is said that it is better to feed them than to fight them. When an Indian violates his duty, comes over to the settlements, murders women and children or carries them into captivity and commits crimes that are not to be named here, it is better to fight him to extermination than to permit your own friends thus to suffer.

him to extermination than to permit your own friends thus to suffer.

I desire this bill to be committed to the Indian Committee, because
I believe that committee is better qualified to decide what sort of
bill to make, not only in this case, but in other cases which may arise
in connection with our intercourse with the Indians

in connection with our intercourse with the Indians.

Mr. OGLESBY. Mr. President, if I am not mistaken, I have an opinion that the Senate will be disappointed if it is expected that the Indian Committee within any very reasonable length of time is going to be prepared to bring this bill back again, or any other bill in the place of it, settling forever the Indian policy. The Committee on Indian Affairs knows something about Indian matters, as it is supposed every Senator on this floor does; but its members perhaps do know but little, if any, better than this body what is to be a final and settled policy with reference to all the Indian tribes in the country.

with reference to all the Indian tribes in the country.

The people of the Eastern States got rid of their Indians a long time ago, before the chairman of the Indian Committee was born or the honorable gentleman presiding over the Judiciary Committee who brings in this bill here with its amendments. As I say, a long time ago the Indians of the Eastern States east of the great range of Alleghany Mountains—and there used to be, according to Bancroft, about 150,000 of them on the Atlantic slope—were got rid of. Somehow or other, by some policy or other, our neighbors of the Eastern States—I wish I had the mastery of that policy they invented—got rid of all the Indians; shoved them over the tops of the mountains, along the streams and the margin of the lakes and around the ponds, over to Ohio, Indiana, Illinois, and our other sister-States of the great West.

Imitating as nearly as we could that unwritten policy of our eastern neighbors, Ohio, Indiana, and Illinois, in time, by an unwritten policy also, got rid of the red man. We have shoved him over on to Minnesota, Kansas, Nebraska, and the great unexplored region of the United States. Now Nebraska is just as anxious to get rid of them as Massachusetts was. Kansas is behaving not one bit better. Everybody wants to get rid of them, and everybody wants a policy about them. You cannot get rid of them any more than you can get rid of disease. They are a malarial portion of our country. They are with us and of us, and in my humble opinion they have come to stay. Now you are going to put it off on to this Indian Committee, are you, to unravel this intoxicating question? [Laughter.] The policy has been to shove them west. Oregon, California, and the young silvershining State of Nevada have raised their flags of protestation, and propose that they shall go east a while. They have had enough of them. So they are now between us out there in the great territorial bosom of the Republic, and a very considerable trouble they are to us.

bosom of the Republic, and a very considerable trouble they are to us. I have got a very short policy about them. For my part, I propose in time to make every living one of them, men and women; pappooses and squaws, chiefs; heroes, and medicine-men, citizens of the United States. That is what I propose. I do not know anybody in this land white enough, or black enough, or red enough not to be an American citizen; and, as we have extended that great boon to the colored race and have elevated them upon the high platform of equality with us

where they justly are and shall remain, so also I propose to extend the same policy to the red man of the Territories, to offer them this

priceless boon upon easy and reasonable conditions.

How shall we make it practicable? He must first be civilized? Mr. President, read the treaty made with these wild roving bands of Sioux Indians. Read the provisions inserted in that treaty by the Indians themselves. Undertake to make a treaty to-day with the wildest band of Indians under our control, and you will find them wildest band of Indians under our control, and you will find them abundantly able to cope with you or me or any of us in guarding their rights under judicious provisions. They understand property rights; they understand personal rights; they understand personal liberty; they understand government; and already, so far as I am concerned, the whole pack of them are sufficiently advanced for me and my purposes to offer them American citizenship. I will take the risk of the barbarian blood that is in them; I will take the risk of their unfortunate and deplorable condition; and, like my colleague from Illinois, with whom I heartily agree, and am truly glad that he agrees with the Committee on Indian Affairs, so far as I know their sentiment, certainly with me, am opposed to turning them over to the War Department. I propose that the Christian churches of this nation, in their humane efforts to better the condition of these children of the their humane efforts to better the condition of these children of the forest, shall go on uninterrupted, shall take them into their charge, and keep them, where they work gratuitously, humanely, persistently, until to-day we see the visible marks of religious and Christianizing influences upon more than fifty tribes, yea more than one hundred tribes of Indians.

I think, if I may be permitted to speak for one moment on that point, and commit myself to it now as I do, that it will be a mistake to take them out from under their present influences, the present favors extended them gratuitously by the liberal and religiously disposed people of the United States, and place them under the guardianship and protection of the War Department. We know that the Army is a highly honorable, worthy, and serviceable branch of the Government. We know what veneration we have for its history, and Government. We know what veneration we have for its history, and what respect we have for its character. It is composed of upright and honest men. But in my opinion it is not the instrument to be used in the civilization of these tribes of Indians. So I shall regretfully look upon any bill which may pass the two Houses of Congress to transfer the management of Indian affairs from where it now is to that Department of the Government.

Here are the Sioux. I think the Senator from Kansas perhaps is right. He may know them better than I do now, though once I had the pleasure of going upon their ground; once I lived with them; once I roamed over their country for a limited time; traveled with them; camped with them on the way from the turbid Missouri to what was then the clear and silver-shining Sacramento. I wandered over

them; camped with them on the way from the turbid missouri to what was then the clear and silver-shining Sacramento. I wandered over the Indian country, mingled with them, and studied their character for some time; and, strange as it may seem, the better I knew them, the better I liked them.

The Indian has a heart; the Indian has a manhood; he is the na-The Indian has a heart; the Indian has a manhood; he is the native owner of the soil; like you and me he was created in the image of God. I will not trample upon him; I will not exterminate him; I will not drive him through desperation to ruin; I will for one extend to him the American hand of civilization; I will extend to him the high privileges of American citizenship. That is the solution; that is the policy; that is the way if must end, or it will end in ruin and heartless extirpation. I will not dip my fingers in that blood, Mr. President. They ought to become citizens. They have a right to become citizens. Wild and intractable as many of them are today, they have a right to live in this Republic and mont these fair to become citizens. Wild and intractable as many of them are to-day, they have a right to live in this Republic and upon these fair

day, they have a right to live in this Republic and upon these fair lands, descended to them through countless centuries; descended to them from an antiquity we have not yet unveiled, based far as we know upon an occupancy reaching back beyond the dawn of civilization.

It is said that this Sioux tribe are troublesome, very troublesome. They are in our way. Mr. President, the great General of the Army, who was one of the delegation to make that treaty, and the other gentlemen with him did not happen to provide that mineral lands should be excepted from the provisions of the treaty. We took all the territory they laid claim to, passed them into the boundaries defined in the treaty, and gave them the whole concern so far as occupancy went. Recently gold deposits have been discovered by them, or rather we have discovered it for them, but I have no doubt in the world they have known discovered it for them, but I have no doubtin the world they have known of it for years and years. I suppose they knew about it before gold was discovered in California. It is valuable; it is on their reservation. Now they say we shall not have it unless we pay for it. We have given it to them. Here we are with our hands tied; there they are with their bands with the content of hands untied. They say we shall not have it unless we pay an exorbitant price. The chairman of our committee indicates to-day, and I think he is not far from the mark, that probably the future will develop there is but little of mineral wealth there, little compared to our present expectations; but there is a quantity of it there and they will

not under present circumstances let us have it.

Our roving, intelligent, practical, incisive American spirits, whether hunting for gold, or fortune, or fame, or renown, or anything else attainable within the reach of human energy, are going there on their own hook, and hooking when they do. You want this Indian Committee to settle that matter, do you? The Judiciary Committee has tried and somewhat failed, the impression is. Do you want us fellows to unravel this trouble? There is right upon one side and a wrong upon the other. The Indians have the country by treaty, by occupaupon the other. The Indians have the country by treaty, by occupa-

tion, by visible, enduring ownership. The fee is ultimately in the nation, but they have the occupancy which gives them a present fee. They have got the gold, but do not want it, and we do want it. The trouble now is to get that gold out of those hills, and in violation of treaty to get in there without the consent of the Indians, and explore that mineral region until we find the last bottom dollar there is in it, and then, most likely, turn the land over to the Indians again. There

that mineral region until we find the last bottom dollar there is in it, and then, most likely, turn the land over to the Indians again. There they stand upon their rights, demanding, if I remember, Mr. President, [to Mr. Allison,] about seventy millions from you, did they not? And you were wholly unprepared to meet the draft. [Laughter.] Seventy millions is manifestly too much. I should say that ten millions was too much; five, or perhaps three, millions would be too much. Just how much would be a fair equivalent, a quid pro quo, as the lawyers say when they speak upon that subject, I do not know. But, Mr. President, if we are going to do the fair thing about this matter, and save trouble, we shall have to try to make another treaty with them; we shall have to try it again. This body, I regret to say, all potent, all honorable as it is, yea this whole American people, will not be able to keep, as we call it, emigration out of the Black Hills. I do not see, to be perfectly frank, how it can be done. I am perfectly willing, in regard to the Black Hills, as I was willing in regard to California and Oregon and Nevada, that the mineral wealth hidden in the earth should be brought to its surface, and distributed over the world without tax or hinderance. That is a wise and just policy. I would be glad to-day if the people could go with unobstructed freedom to the Black Hills and take the mineral out there and put it in circulation, without a dollar of tax or a day of hinderance. and put it in circulation, without a dollar of tax or a day of hinderance. I should be glad to see it done, but I am confronted with this treaty.

But then we are not going to have any war with them. Mr. Presi-

dent, I was listening to the Senator from Maine yesterday deploring dent, I was listening to the Senator from Maine yesterday deploring the possibility of an approaching war, and so I thought I would look back to this treaty and see if it had not been fenced against. He has utterly forgotten the treaty, as all these gentlemen here have. There were warriors on both sides when this treaty, was made, great warriors. Sitting Bull was there and the Man-afraid-of-his-horses, and several of them who were not afraid of their horses. [Laughter.] We had several distinguished gentlemen on our side of the question. One among the number was the illustrious General of the Army, and I know there is not going to be any more war with the Sioux, bad as they are, for the very first article says, the very first line of the as they are, for the very first article says, the very first line of the first article says:

From this day forward all war between the parties to this agreement shall forever

Why do Senators so far forget themselves as to suppose we are going to have a war, under any aggravating circumstances, with the Sioux? Gentlemen, the treaty prohibits it. [Laughter.] Absolutely the same treaty that prevents these fellows from going into the Black Hills to get the gold prohibits a war; and one provision, I doubt not, will be a faithfully stoad by and accounted as the action. Hills to get the gold prohibits a war; and one provision, I doubt not, will be as faithfully stood by and executed as the other. [Laughter.] I have not the least doubt about it. I doubt if we shall know what to do with this bill if you send it to our Committee on Indian Affairs. Is the Indian policy to be settled now, when the habits of those people and our own have been so various? A period of two hundred and fifty years mingling together on this great continent has been wholly insufficient as to time to solve this question, and can any bill we may bring in here rid it of its difficulties, penalties or no penalties? Who will execute the penalties that the Senator from Indiana characterizes as a sham? Suppose the Senator from Indiana proposes something that will not be a sham, or suppose somebody else will, that can be executed. Why blink these facts? Who will be your jurors and the court to preside in those territories but the white occupants of the territories themselves? Where was the jury to come from upon one occasion to try selves? Where was the jury to come from upon one occasion to try the greatest criminal the Republic ever saw, as some of us thought? Pass any law you will, it must be executed by the people who are upon the ground. You may make your penalties strong or weak, fix what penalties you choose, we shall have to trust the judiciary for carrying the law into execution under the circumstances that will surround the case. I know where the jury will come from; I know where the witnesses will come from; and, painful as the reflection may be, painful as the concession is, that it is sometimes difficult to execute law in our own midst, it will be infinitely more so to execute

it under such circumstances.

The treaty troubles me, Mr. President. The treaty is in my way.
I was as much outraged as the honorable chairman of the Committee on Indian Affairs was last summer in his commendable efforts to settle this difficulty when he failed, or rather when the commission failed, to bring those Indians to reasonable terms. All the American people were disgusted because these Indians would not treat with us; but they are our equals. We have made them our equals by the treaty. There they stand upon their rights. Shall we go and horn them off Is there not ingenuity enough in the Committee on Indian Affairs or the Committee on the Judiciary, or all the committees of this honorable body, to contribute a scheme by which you can get possession of that region now held by these Indians without their consent?

If an Indian policy is expected to be reported back from the Indian Committee at any time during this session or during this Congress, I

know of nothing more acceptable for that committee than an open expression of sentiment by this honorable body now. We have the Indian Territory down here with which to open the ball. Under the

treaty made with the Five Nations at the close of the civil war, all west of the ninety-seventh meridian was thrown open for occupancy by the tribes of the plains, and we should be very glad indeed to have them go there, glad to persuade them to go there. Some thirty tribes or a portion of tribes have already gone there. Here is a great Sioux region of seventy thousand square miles, just as there are about fifty thousand square miles in the Indian Territory, in which another Indian territory is to be builded up, and it is right in the way of the onward march of this great thrifty American people to the Pacific coast. Already the Senator from Nebraska advertises us this morning that the Indian reservations in his own State are in the way of ing that the Indian reservations in his own State are in the way of the free locomotion of the citizens of that State. Wherever you go you will stumble over an Indian reservation. There are multitudes of them all over these Territories—any quantity of Indian reservaof them an over these refrictnes—any quantity of indian reserva-tions. You cannot go anywhere that you will not possibly strike the borders or the confines of some one of them. Are they to remain so? Are they to be dotted here and there in little red spots all over the plains? Is that an Indian policy? Yes, it was fixed in 1868. It was fixed by act of Congress and solemn ratification of Indian treaties that that was to be the policy. That was the policy then. Now another one it is suggested must be inaugurated.

There is but one policy, Mr. President; it will end in that: Either the extermination of that unfortunate race, or their elevation to American citizenship. In the presence of my country to-day, I am myself on the side of extending to them the hand of cordial greeting and of elevating them to the high plane of citizenship. let some gentleman more familiar with this question than myself say that I am dealing in fancy, that I am dealing in poetry. Do not har-row up my feelings, as the Senator from Minnesota a few moments ago did, with one of those tales that made the hair stand on end, and every hair melancholy. Do not restate those old things of the past. Let us have reconciliation. Let us forget the past. Let us bury the past with the tomahawk; let us extend the warm hand of greeting to

past with the tomahawk; let us extend the warm hand of greeting to our ancient and venerable enemy of the plains, and ask him if he will not come in, ratify all the constitutional amendments, and stand up with us in the onward march to that glorious fructification in which every man shall be a potentate and nobody shall be a subject.

Mr. WINDOM. Mr. President, I only rise to express the hope that the Senate will now vote on my motion to refer this bill to the Committee on Indian Affairs. I think that the speech of the honorable Senator from Illinois has convinced us that it will be in the hands of its friends. He stands second on the Committee on Indian Affairs. He says that that committee will all understand how to treat this question. Now, Mr. President, if an honorable Senator who has travquestion. Now, Mr. President, if an honorable Senator who has traveled from the muddy Missouri to the silvery Sacramento of the Indians, who has eaten with them, who has mingled with them by day and by night, and the more he knows them the better he loves them, if he is not the Senator to devise an Indian policy, then, in the name of conscience, who is? I therefore hope that the Senate will be ready now to accept the proposition which I have made and place this whole subject in the hands of the Committee on Indian Affairs, who, I am , will refer it to my honorable friend from Illinois.

With reference to making the Indians citizens, we have had a little experience in Minnesota. I would like to compete with my friend in friendship for the Indian, if I could; but I think he has gone a little further than I can go. We tried making the half-blood Indians citizens some years ago, or at least in the territorial times they were voters; and I remember an instance in which one old coat answered for sixteen votes, and was not much of an old coat when they got through. That has been our experience substantially of making these men voters.

But there is another reason why, without any joking, I wish this bill to go to the Committee on Indian Affairs. I am earnestly in favor of the amendment which I suggested a few moments since, namely, to strike out the proviso to the second section and extend the law to Indians as well as to white men. I am certain that my honorable friend who proposes to leave the Indian upon the high plateau, as he says, of citizenship will be ready to extend the criminal laws of the country to the Indians on the reservations as well as to the white men. I want the bill to go to that committee for that amendment. I hope

we may have a vote on the reference.

Mr. INGALLS. I withdraw the call for the yeas and nays on the

Mr. CONKLING and Mr. EDMUNDS. No; let us have the yeas

The PRESIDENT pro tempore. The yeas and nays have been ordered, and the call cannot be withdrawn unless by consent of the Senate. The question is on the motion to refer the bill to the Committee on Indian Affairs.

The yeas and nays were taken.

Mr. HOWE. On this question I am paired with the Senator from Oregon, [Mr. MITCHELL.] He, if present, would vote for the reference; I should vote against it.

The question being taken by yeas and nays, resulted—yeas 41, nays 13; as follows:

YEAS—Messrs. Bayard, Booth, Cameron of Wisconsin, Caperton, Christiancy, Cockrell, Cooper, Davis, Eaton, English, Ferry, Goldthwaite, Gordon, Hamilton, Hitchcock, Johnston, Jones of Florida, Kelly, Key, McCreery, McDonald, McMillan, Maxey, Merrimon, Morrill of Vermont, Norwood, Paddock, Patterson, Randolph, Ransom, Robertson, Sargent, Saulsbury, Sherman, Spencer, Wadleigh, Wallace, Whyte, Windom, Withers, and Wright—41.

NAYS—Messrs. Anthony, Boutwell, Cameron of Pennsylvania, Conkling, Dawes, Edmunds, Frelinghuysen, Hamlin, Ingalls, Kernan, Logan, Morrill of Maine, and Oglesby—13.

ABSENT—Messrs. Alcorn, Allison, Bogy, Bruce, Burnside, Clayton, Conover, Cragin, Dennis, Dorsey, Harvey, Howe, Jones of Nevada, Mitchell, Morton, Stevenson, Thurman, and West—18.

So the bill was referred to the Committee on Indian Affairs.

#### MESSAGE FROM THE HOUSE,

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was re-

quested:
A bill (H. R. No. 1719) to prevent the useless slaughter of buffaloes within the Territories of the United States;
A bill (H. R. No. 2262) establishing post-roads;
A joint resolution (H. R. No. 73) authorizing and requesting the President of the United States to present the medal made for William H. H. Nash to his widow, Keturah J. Nash.
The message also announced that the House had passed the bill (S. No. 261) to remove the political disabilities of Daniel T. Chandler, of Baltimore, Maryland.

of Baltimore, Maryland.

The message further announced that the House had passed a resolution for the printing of 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Andrew Johnson, late Senator and Ex-President of the United States.

The message also announced that the House had passed a resolution for the printing of 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Vice-President, Henry Wilson.

# DEATH OF HON. H. H. STARKWEATHER.

The message further informed the Senate of the death of Hon. HENRY H. STARKWEATHER, late a member of the House from the State of Connecticut, and transmitted the resolutions of the House

Mr. ENGLISH. Mr. President, I ask for the reading of the resolu-tions of the House of Representatives.

The Chief Clerk read as follows:

IN THE HOUSE OF REPRESENTATIVES

Resolved, That the House has heard with deep regret the announcement of the death of Herry H. Starrweather, late a member of this House from the State of Connecticut.

Resolved, That as a testimony of respect for the memory of the deceased the officers and members of the House will wear the usual badge of mourning for thirty days.

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Resolved, That, as a further mark of respect, the House do now adjourn.

Resolved, That the foregoing resolutions be forthwith transmitted to the Senate.

Mr. ENGLISH. Mr. President, in view of the resolutions just received from the House of Representatives announcing the death of Mr. Starkweather, late Representative in that body from the State of Connecticut, I offer the following resolution for adoption by the

Resolved, That as a mark of respect to the memory of Mr. Starkweather the business of the Senate be suspended, that the friends of the deceased may pay fitting tribute to his public and private virtues.

The resolution was agreed to unanimously.

Mr. ENGLISH. Mr. President, the Angel of Death in passing has

Mr. ENGLISH. Mr. President, the Angel of Death in passing has again thrust his hand into our midst and taken from our number another member of the Forty-fourth Congress.

HENRY H. STARKWEATHER, a member of the House of Representatives from the third congressional district in Connecticut, died in this city on the morning of the 28th ultimo.

By this sudden dispensation of Providence the State of Connecticut

has lost one of her most honored citizens and faithful public servants,

has lost one of her most honored citizens and faithful public servants, on whose wisdom, experience, integrity, and patriotism her people have been 'accustomed to rely, and whose death we mourn to-day and join in paying tribute of respect to his memory.

Born of Christian parents, whose piety was of that decided type which prevailed in New England in the last generation, he was early taught to fear and reverence God and love his fellow-man. Guided by the prayers and counsels of his parents his life developed into that devoted and useful Christian character which so much endeared him to all of his friends and fallow-citizens. to all of his friends and fellow-citizens.

Mr. Starkweather was born in the town of Preston, Connecticut, on the 29th day of April, 1826. His early years were spent in laboring on his father's farm in that town, and improving his early eduing on his father's farm in that town, and improving his early educational advantages in the public schools, which are open, free, to every child in that State. Endowed with fine natural abilities and with a full determination on his part to improve to the best advantage the talents which God had given him, he employed the time during his minority by cultivating the soil and teaching in the public schools, and by diligent reading and study he acquired that mental culture that enabled him to enter upon the study of his chosen profession. In the year 1846 he made the city of Norwich his future place of residence, and entered upon the study of the law under the guidance of the Hon. Lafayette S. Foster, and was admitted to practice in 1850. For several years he retained a large and remunerative practice and occupied a high position among his professional associates of the bar. He was elected a member of the house of representatives in the Legislature of Connecticut in 1856, and distinguished himself in a capable and faithful legislation; was a delegate to the National Republican Convention of 1860, which nominated Mr. Lincoln, and in 1868, which nominated General Grant, for President. He was appointed in 1861 postmaster at Norwich, and re-appointed in 1865, which office he resigned in 1866, as he said in a letter at the time, "that a soldier who had fought and bled for his country might receive the honor and endowments of the office." He was elected to the Fortieth, Forty-first, Forty-second, Forty-third, and Forty-fourth Congresses as a republican. Congresses as a republican.

Congresses as a republican.

Mr. STARKWEATHER early exhibited a taste for political life. Three of his paternal uncles had been prominent lawyers, and two of them, Hon. David A. Starkweather, of Ohio, and Hon. George C. Starkweather, of New York, had been members of Congress, which fact undoubtedly stimulated him to struggle for political honors. By his capacity and assiduous attention to all the duties which had been intrusted to him as a Representative in the councils of the nation he won the confidence and respect of his constituents, and, as an evidence of their high sense of appreciation of his services as a legislator, he was elected to represent his district in Congress for five consecutive terms, and died in the service.

As a member of the House of Representatives, Mr. STARKWEATHER had the confidence and respect not only of his constituents and friends at home, but of his fellow-members in that body, all of whom honored him for his simplicity and Christian virtues, and all who knew him testify to his untiring industry and diligent attention to all of his official duties,

Mr. Starkweather was a modest man, not brilliant in speech, participating in debate but seldom. He possessed a clear, strong mind and sound judgment, which enabled him to readily comprehend all matters of business before the House and see it in its proper light. When his mind was once made up, it was not easy to swerve him from his purpose. By his quiet manner, by personal solicitation, by urging measures at the right time, he was very successful in making himself felt, and often achieved greater results than a more demonstrative orator could have done. In a word, it may be said: He was faithful. He was capable. He was honest.

Alas! he has gone. His voice will no more be heard in these Halls forever. With him the voyage of life is ended. He has reached that

haven at last where the winds cease to blow, the waters are still, and where there is eternal rest.

Mr. DAWES. Mr. President, I was the associate and friend of Mr. Starkweather during all the time of his service in the House, and I therefore deem it my duty as well as privilege to briefly bear testimony in this body, to which he was officially a stranger, to his great value as a public man, as a citizen, and as a friend. He was called to the discharge of the duties of a Representative with the well-earned appropriation of an officer faithful and trustworthy in the minutes. reputation of an officer faithful and trustworthy in the minutest detail and most difficult complications of a responsible public trust; and he brought to his new work the same earnestness and fidelity which had already won the confidence of his immediate fellow-citizens

There fell to his lot in the distribution of business among the members, as is the wont to the willing and the faithful, an unusual share of the labor in committee and upon the floor of the House. His patient, painstaking, and clear, well-balanced mind made him of great service in the committee-room, and his candor and plain straightforward business method gained him great influence in the management before the House of the business he had matured for its considera-He made little stir and less proclamation beforehand of any effort it became necessary for him to make, and after its performance he was content to let its merits commend it to the approval of his fellow-members and fellow-citizens.

In all he did modesty and self-distrust were handmaids of usefulness and success. Though no orator, he always spoke with effect, and was quite able in debate. What he had to say always had about it a directness and simplicity of statement and illustration so necessary to profitable discussion and for which the House always hungers. His usefulness as a member was recognized by his repeated appointment by different Speakers of opposite politics upon the most important standing committees of the House; and he thus participated largely in shaping the important measures brought from time to time before that body

In all the relations of private life Mr. Starkweather won the esteem and personal regard of all who knew him. Sincerity and frankness written on his countenance and illustrated in all his daily intercourse with his fellow-members were the charm of his social in-

tercourse. He made no enemies, but many friends, who were attached to him till the end by the ties of companionship and brotherhood.

Purity of life and nobleness of aim and endeavor are the great lessons he has left for us who are still spared to further opportunity

Mr. SARGENT. Mr. President, Mr. Starkweather entered the Fortieth Congress, and served continuously until his death. No better evidence could be given of the confidence of the people whom he immediately served. He possessed ability and industry; and those who knew him intimately knew that he was generous, genial, and courteous in all his relations with his fellow-members. But he was so modest and retiring in his disposition that his excellent abilities were not always understood, and he was himself less known than many members of far less length of service and inferior capacity for usefulness.

Various circumstances during my service in the House of Repre-sentatives brought me in somewhat close association with Mr. Stark-WEATHER, and therefrom I had opportunity to better appreciate the sterling attributes of his character. From the knowledge of him thus gained I saw that he was able and retiring; that he was courageous in supporting his own convictions, while fair and generous in opposing the views of others; that his immediate constituents gained direct and exceptional benefits from his industry, while his zeal for the

rect and exceptional benefits from his industry, while his zeal for the public good did not end with their interests.

The Congressional Globe and Record are not burdened with frequent essays from his pen; but on the rare occasions whereon he spoke it was obvious that his purpose was to influence the minds of his fellow-legislators, and he spoke with clearness, force, and precision.

He was useful as a legislator, sincere and consistent in his political convictions, faithful to his constituents, an earnest lover of his country, and honest to all men.

try, and honest to all men.

Mr. EATON. Mr. President, again, as a Senator from Connecticut, am I compelled to the performance of a sad and mournful duty. Another honored son of my State has been stricken down in his harness; death came upon him, so to speak, while in the performance of his congressional duties.

HENRY H. STARKWEATHER, a Representative in Congress from the third congressional district of Connecticut, died in Washington on the 28th day of January of this year.

Mr. STARKWEATHER was born in Preston, county of New London, State of Connecticut, on the 29th day of April, 1826.

His parents were respectable, but not wealthy people, and a life of hard manual labor seemed looming up before the youth, a life the

The ordinary work of a hard New England farm during the summer and teaching a district or common school in the winter months occupied his time for several years, when the ambition for advancement, so common to the New England youth, assumed control of his mind

At the age of twenty-two years he commenced the study of the law, and was admitted to the practice of that profession in the county of New London.

Mr. Starkweather did not possess a brilliant mind, nor had he the comprehensive, broad, and commanding intellect which forces immediate success in the profession which he had chosen. But, perhaps what was better, he was a devoted student and possessed habits of untiring industry which, before he arrived at middle age, enabled him to assume a fair position at the bar of his county, which num-bered among its members some of the ablest men in the State.

Mr. STARKWEATHER was but once a member of the Connecticut Legislature, and, therefore, when elected to the Fortieth Congress, his leg-

islative experience was small.

He served through the Fortieth, Forty-first, Forty-second, and Forty-third Congresses, and by the same untiring industry which had characterized his professional life he became an eminently useful member of the House. As a working member he had no superior, and though in his speeches never rising to eloquence, he always had the ear and commanded the high respect of his fellow-members.

Living in another part of the State, attached to another political ganization, my relations with Mr. STARKWEATHER were not of an intimate character, but always friendly. I had learned to regard him as one of the leading minds in his own political party and respected him accordingly.

Of high personal character, I shall be fully warranted in saying

that those who knew him best loved him most.

Not fifty years of age when called from this sphere of action in the full maturity of his physical and intellectual power, his friends, the people of his State, entertained high hopes of his future conduct on

the great theater whereon they had placed him.

But, sir, he has been called hence, and with sincere and truthful sorrow I mourn the loss of a valued colleague, and his State an emi-

nent and trusted public servant.

Mr. President, I beg leave to offer the following resolution:

Resolved, That as an additional mark of respect for the memory of Mr. Stark-Weather, late a member of the House of Representatives, the Senate do now ad-

The resolution was agreed to unanimously; and (at four o'clock and forty minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

# THURSDAY, February 24, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

### HEIRS OF JONATHAN SKINNER.

Mr. TEESE, by unanimous consent, introduced a bill (H. R. No. 2274) for the relief of the heirs of Jonathan Skinner, deceased, late of the State of New Jersey; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### EULOGIES ON HON. HENRY WILSON.

Mr. SINGLETON. The Committee on Printing have directed me to report and ask the adoption of the following resolution, as a substitute for a resolution on the same subject which was referred to the

Resolved by the House of Representatives, (the Senate concurring,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Vice-President, Henry Wilson. be printed; 9,000 copies for the use of the House and 3,000 copies for the use of the Senate, and the Secretary of the Treasury have printed the portrait of Mr. Wilson to accompany the same.

The resolution was adopted.

#### EULOGIES ON HON. ANDREW JOHNSON.

Mr. SINGLETON. The Committee on Printing have also instructed me to report, as a substitute for a resolution referred to them, the following, and to ask its adoption now:

Resolved by the House of Representatives, (the Senate concurring,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Andrew Johnson, Ex-President of the United States, be printed; 9,000 for the use of the House and 3,000 for the use of the Senate, and the Secretary of the Treasury have printed the portrait of Mr. Johnson to accompany the same.

Mr. GARFIELD. I desire to suggest that the language of the resolution be modified so as to read "late Senator and Ex-President." As the resolution now stands it would appear on the face of the record that we were printing the eulogies of a person who had had no connection with Congress at all. I suggest this as a mere matter of ver-

bal accuracy.

Mr. SINGLETON. I have no objection to making that modifica-

tion.

The resolution, as modified, was agreed to.

# GEORGE W. LABAW.

Mr. HARDENBERGH. The bill (H. R. No. 1386) for the relief of George W. Labaw, of Jersey City, New Jersey, was improperly referred to the Committee on Invalid Pensions. I ask unanimous consent that that committee be discharged from the further consideration of the bill, and that it be referred to the Committee on Patents. There being no objection, it was ordered accordingly.

#### LUCIEN LOESER.

Mr. JAMES B. REILLY. Some days ago I filed at the Clerk's desk and had referred to the Committee on the Judiciary a petition of Lucien Loeser, asking to be relieved from liability to the Government for the loss by the wreck of the steamer San Francisco of public property in his possession as an officer of the Army. Subsequent information leads me to think that the petition should properly have been referred to the Committee on Military Affairs. I ask, therefore, that that petition, together with a supplementary one on the same subject, be referred to the latter committee.

There being no objection, it was ordered accordingly.

# TIMBER-CUTTING ON INDIAN RESERVATIONS

Mr. JACOBS, by unanimous consent, introduced a bill (H. R. No. 2275) to authorize Indians to cut timber on heavily-timbered reservations in such quantities and under such regulations as may be prescribed by the Secretary of the Interior; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

# JURISDICTION OF CIRCUIT COURTS.

Mr. DURAND, by unanimous consent, introduced a bill (H. R. No. 2276) to amend certain sections of the Revised Statutes of the United States relating to the jurisdiction of the circuit courts of the United States, and to limit the transfer of causes thereto from the State courts in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# DAMAGES BY DISTRICT IMPROVEMENTS.

Mr. CATE, by unanimous consent, introduced a bill (H. R. No. 2277) for the equalization and settlement of all claims for damages sustained by reason of public improvements and repairs in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

# SATURDAY SESSION FOR DEBATE.

Mr. COX. By request of many members I ask unanimous consent that Saturday next be set apart for debate only, as in Committee of the Whole, no business to be transacted.

The SPEAKER. If there be no objection, that order will be made. There was no objection, and it was ordered accordingly.

# TITLE OF HOT SPRINGS, ARKANSAS

Mr. GUNTER. On behalf of the Committee on Private Land Claims, I ask to have printed the proof accompanying the bill (H. R. No. 830) extending the time for filing suits in the Court of Claims to establish title to the Hot Springs, Arkansas.

The SPEAKER. The Chair would suggest that the gentleman make a brief statement as to the nature and extent of the proof which he selve to have printed.

which he asks to have printed.

Mr. GUNTER. The proof is very extensive; it is all in manuscript, and badly written. The committee desire to have it printed in order to facilitate their investigation.

Mr. FORT. Is the gentleman a member of the Committee on Printing?

Mr. GUNTER. No, sir.
The SPEAKER. The gentleman is chairman of the Committee on Private Land Claims, before which the bill is pending.

Mr. FORT. Will the gentleman consent to refer it to the Committee on Printing?

Mr. GUNTER. I will, if you object to my proposition.
The SPEAKER. The more regular practice would be for the gentleman from Arkansas to reduce his motion to writing, and have it referred to the Committee on Printing.

Mr. GUNTER. I will do that, if there be no objection.

The SPEAKER. Is there objection to ordering the testimony to be printed?

Mr. FORT. The gentleman states it is very long, and I think the question should be referred to the Committee on Printing.

Mr. GUNTER. Then I will introduce a resolution on the subject, and have it referred to that committee.

# PORT OF ENTRY, TECHE DISTRICT, LOUISIANA.

Mr. DARRALL, by unanimous consent, introduced a bill (H. R. No. 2278) to change the name of the port of entry of the district of the Teche, Louisiana, from Brashear to Morgan City; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### LIBRARY OF CONGRESS.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. No. 2279) to authorize the Joint Committee on the Library to grant to the chiefs of the Bureaus of the Executive Departments the privilege of using and drawing books from the Library; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

### MRS. M. A. ELLIOTT.

Mr. RIDDLE, by unanimous consent, introduced a bill (H. R. No. 2280) for the relief of Mrs. M. A. Elliott, of Sumner County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### DUTY ON WAGON AND CARRIAGE AXLES.

Mr. MacDOUGALL, by unanimous consent, introduced a bill (H. R. No. 2281) fixing the rate of duty on wagon and carriage axles; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

# PORT OF GENESEE, NEW YORK.

Mr. DUNNELL, by unanimous consent, from the Committee on Commerce, reported a bill (H. R. No. 2282) to extend to the port of Genesee, in the State of New York, the privileges of sections 2990 to 2997 of the Revised Statutes, inclusive; which was read a first and second

The bill, which was read, provides that the privileges of sections 2990 to 2997 of the Revised Statutes, inclusive, be, and they are hereby, extended to the port of Genesee, in the State of New York.

Mr. DUNNELL. I ask for the reading of the accompanying report, which is very short.

The Clerk read as follows:

The Committee on Commerce, to whom was referred House bill No. 704, have had the same under consideration, and ask leave to submit the following report:
Your committee have been informed by satisfactory evidence that importers, residents at Genesee, suffer much by delays to their goods at New York. We addressed a letter to the Secretary of the Treasury, and received the following reply:

TREASURY DEPARTMENT, Washington, February 7, 1876.

Washington, February 7, 1876.

Sir: I have the honor to acknowledge the receipt of your letter of the 4th instant, inclosing for the opinion of this Department a bill introduced in Congress on the 10th ultimo to extend to the port of Genesee, in the State of New York, the privileges of sections 2990 to 2997 of the Revised Statutes.

The sections of law referred to permit merchandise imported at various designated ports to be shipped to various other designated ports without examination or appraisement at the port of first arrival. In view of the fact that the city of Rochester is situated within the limits of the collection district of Genesee and that the custom-house is located at that place, I know of no good reason why the bill in question should not become a law. It is suggested, however, that a verbal alteration should be made in the bill by substituting the word "sections" for "section," as the bill covers eight sections of law.

Very respectfully,

B. H. BRISTOW.

B. H. BRISTOW, Secretary.

Hon. M. H. Dunnell, House of Representatives.

Inasmuch as there is no increase of expenditure to the Government by the passage of this bill, we report back the following bill as a substitute for House bill 704, and recommend that the same do pass.

The bill was ordered to be engrossed and read a third time; an t being engrossed, it was accordingly read the third time, and passed Mr. DUNNELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

# DISTRICT OF COLUMBIA.

Mr. BUCKNER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee for the District of Columbia be authorized to employ experts in prosecuting the investigation of the affairs of said District ordered by this House by resolution of January 31, 1876.

## TEN PER CENT. REDUCTION OF DUTY.

Mr. BURCHARD. I am instructed by the Committee of Ways and Means to ask for the printing of a document from the Secretary of the Treasury, referred to that committee, containing a statement of the value and amount of duty received on certain articles subject to the reduction of 10 per cent. of duty under act of June 6, 1872, entered into consumption in the United States during the quarters ending June 30 and September 30, 1874 and 1875, respectively; also values of imports for the same periods.

There was no objection, and it was ordered accordingly.

# TREATY WITH THE KING OF THE HAWAHAN ISLANDS.

Mr. WOOD, of New York. I am directed by the Committee of Ways and Means to report back a bill (H. R. No. 612) to carry into effect a convention between the United States of America and the King of the Hawaiian Islands, signed on the 30th January, 1875, with the recommendation that it do pass. I move that the bill and report be printed and referred to the Committee of the Whole on the state of the Union, and made the special order for Thursday next at two o'clock, and from day to day until disposed of.

Mr. RANDALL. Is it to be made the special order for each day at

two o'clock?

Mr. WOOD, of New York. No. We can probably get through with

it in one day.

Mr. RANDALL. I wished to give the gentleman more time.

Mr. Wood's motion was agreed to.

#### ORDER OF BUSINESS.

Mr. KASSON. I call for the regular order. Mr. DOUGLAS. I ask unanimous consent to introduce a bill for reference.

The SPEAKER. The regular order is demanded. Is the demand insisted on?

Mr. KASSON. Yes, sir.

The SPEAKER. The morning hour begins at eighteen minutes before one o'clock, and the regular order this morning is the calling of committees for reports of a public nature.

Mr. HUNTON. Is not the unfinished business of yesterday the first

The SPEAKER. There is no unfinished business. The bill relat-The SPEAKER. There is no unfinished business. The bill relating to pensions is in Committee of the Whole, and not in the House. The call this morning rests with the Committee on Revolutionary Pensions and the War of 1812. The Chair will remark that the Committee on Territories are entitled to no further time now, because they have already consumed two morning hours.

There were no reports from the Committee on Revolutionary Pensions

MEXICAN, FLORIDA, AND BLACK HAWK WARS.

Mr. HEWITT, of Alabama. The Committee on Invalid Pensions, to whom were referred a number of bills granting pensions to soldiers of the Mexican war, the Florida war, and the Black Hawk war, have instructed me to report a substitute for the same. I ask that the substitute and accompanying report be printed, and referred to the Committee of the Whole on the state of the Union, and made the special order for part Wednesday at two of clock.

The SPEAKER. The Clerk will report the titles of the bills reported back by the committee.

The titles of the bills were read, as follows:

The bill (H. R. No. 86) granting pensions to certain soldiers and sailors of the war with Mexico, and the widows of deceased soldiers and sailors. and sailors:

The bill (H. R. No. 260) granting pensions to certain soldiers and sailors of the war of 1846 with Mexico, and the widows of deceased soldiers and sailors;

The bill (H. R. No. 317) granting pensions to certain soldiers and sailors of the war of 1846 with Mexico, and the widows of deceased

sailors of the war of 1846 with Mexico, and the widows of deceased soldiers and sailors;

The bill (H. R. No. 1143) granting pensions to soldiers and sailors of the Mexican war;

The bill (H. R. No. 784) granting pensions to the soldiers of the Seminole and Florida wars; and

The bill (H. R. No. 474) to provide pensions for the soldiers of the war with Mexico and the Seminole war of 1836.

war with Mexico and the Seminole war of 1836.

The substitute (H. R. No. 2283) granting pensions to certain soldiers and sailors of the Mexican, Florida, and Black Hawk wars, and certain widows of deceased soldiers and sailors of the same, was received and read a first and second time.

The SPEAKER. Is there objection to the motion of the gentleman from Alabama, [Mr. Hewitt,] that the substitute reported for the several bills the titles of which have been read be printed and referred to the Committee of the Whole on the state of the Union, and made the special order therein for Wednesday next at two o'clock? the special order therein for Wednesday next at two o'clock !

the special order therein for Wednesday next at two o'clock?

Mr. KASSON. I think I must object to so much of the proposition
as makes the bill a special order. The condition of business as I understand it likely to be next week will be such that I think it hardly
necessary to make the bill a special order; and the accumulation of
special orders always interferes seriously with the progress of the House
in the transaction of business. I object to making the bill a special
order. I think it unnecessary, as we may probably be able to reach
it in the ordinary course of business at the time indicated.

Mr. HEWITT, of Alabama. The proposition is not to make it a special order from day to day until disposed of.

Mr. KASSON. I think it safer at the present stage of business not to make it a special order. I am not aware, however, of all the provisions of the bill.

Mr. HEWITT, of Alabama. I will state for the information of the gentleman that the committee propose to allow full discussion; that they have no thought of limiting discussion.

The bill and accompanying report were ordered to be printed, and referred to the Committee of the Whole on the state of the Union.

#### MINERAL LANDS.

Mr. DURHAM, from the Committee on Mines and Mining, reported as a substitute for House bill No. 1327 a bill (H. R. No. 2284) to amend section 2324 of the Revised Statutes, concerning mineral lands; which was read a first and second time.

The substitute was read at length.

Mr. DURHAM. If the Clerk will send me the original bill, I will

Mr. DURHAM. If the Cierk will send me the original bill, I will endeavor to explain the nature of the substitute.

Mr. HOLMAN. I believe the substitute has not been printed.

Mr. PAGE. I was about to make that suggestion.

Mr. DURHAM. Mr. Speaker, I desire simply to explain as succinctly as I can the object and purpose of this bill, and after I shall have done that, if gentlemen desire to have the substitute printed and referred back to the committee, and I can enter a motion to reconsider so as to get the bill up at the proper time, I will have no objection.

objection.

Upon the reading of the bill it might seem to the House that the question involved in it was of a somewhat complicated character; but it is very simple, as gentlemen will see when I explain it. The law as it now stands provides that before any persons can make entries on mining lands they must use a certain amount of labor and work, for instance, five hundred dollars' worth. They must then take a surveyor and lay off the boundaries, and then under a section of the Revised Statutes they are obliged to do one hundred dollars' worth of work per year until their patents are issued.

Now, those gentlemen who live in the Territories and represent these large mining districts say that this in many instances works very great hardship, that controversies arise about these patents, and even where there is no controversy, under the most favorable circumstances, where a man has made his application, has had his survey made, and performed everything required of him under the statute, his application lies in the Land Office two long years before the patent can be issued. In the mean time he is required to do one hundred

ent can be issued. In the mean time he is required to do one hundred dollars' worth of work per year under the statute.

Now, the object of the substitute is simply this: to provide that if the person who proposes to patent mining lands shall in the first place have done his five hundred dollars' worth of work, has had his surveys made and his lands surveyed, and has made all the specifications necessary, and when he has filed them in the Land Office under the statute he can then stop doing his one hundred dollars' worth of work a year until the patent is issued. That is the sum and substance of the whole substitute, and that is the object and purpose of the bill. It is simply to provide that where a man undertakes to get his patent, pays his money, has his surveys made, performs all his duties under the statute, he may cease his one hundred dollars' worth of work a year and not await the slow process of procuring his patent. In many instances many grave questions arise. There are conflicts growing out of these patent-rights which are sometimes held in the courts for five years, and the man under the existing statute is re-

growing out of these patent-rights which are sometimes held in the courts for five years, and the man under the existing statute is required to perform his one hundred dollars' worth of work per year and is finally ejected from his claim and gets nothing for his time, trouble, and expense. But the object of this bill is to say that after he shall have paid his money and filed his survey, then he shall cease performing his one hundred dollars' worth of work per year until his application for a patent has been determined in the Land Office, or in the court where the litigation may spring up.

Mr. KASSON. I desire to inquire whether the committee in framing this bill regarded the mineral lands as a legitimate subject of speculation without development, or whether they proceeded on the prin-

this bill regarded the mineral lands as a legitimate subject of speculation without development, or whether they proceeded on the principle, which for one I have struggled for for many years on this floor, that no man ought to take control of mineral lands of the country except on the condition that he shall develop them for the good of the country? The point I fear in this bill is that it proposes to take away the very insufficient security for developing that we now have. The claimant for a patent now cannot abandon the development of the land until the patent is issued, and God grant the day may soon come when he can never abandon it for three years without its falling back into the public domain.

back into the public domain.

Mr. DURHAM. I must cease to yield to the gentleman. I thought he desired to ask a question and not to make a speech.

Mr. KASSON. I only desired to direct attention to that main

Mr. DURHAM. The Committee on Mines and Mining have not been unmindful of the very question suggested by the gentleman from

Will the gentleman from Kentucky yield for a sug-

Mr. DURHAM. Wait until I answer one question before you ask me another. I will say that the committee have considered that very

question, and the substitute as reported by the committee undertakes to carry out the very object and purpose which the gentleman has in view. If the gentleman will turn to the Revised Statutes he will see that no man can locate a mining claim until he has done five hun-

dred dollars' worth of work upon it.

Mr. KASSON. I fear I did not make myself understood. The bill reported by the gentleman proposes that the claimant shall not continue to work until his patent is issued, but only until he has filed his application and paid the money. It allows him to stop work upon his claim before, under the present law, he is permitted to stop work.

Mr. DURHAM. I understand that; that is just precisely the object of this bill, that when a man has performed five hundred dollars'

worth of work, has surveyed the property proposed to be patented and done his one hundred dollars' worth of work per year until he has paid the whole purchase-money, has done everything required of him by the statute, then when the Government alone is in fault in failing to issue the patent to him, the object of this bill is to protect him from further work until the patent is issued.

Mr. KASSON. That is the point. Ought he not to be required to perform work and develop the mining interests for the benefit of the

country?

Mr. DURHAM. He is required to perform work until he has performed all that is required under the present law.

Mr. PAGE. Will the gentleman yield for a suggestion?

Mr. PAGE. I desire to ask the consent of the gentleman who has this bill in charge that it may be printed and made the special order for some certain day.

Mr. DURHAM. I will consent to that if the House will agree to it.

Mr. PAGE. The substitute has not been printed, and thus far no member of the House, except the members of the Committee on Mines and Mining, has been able to read it. As one of the representatives in part of a mining constituency, I desire that this substitute may be

printed, in order that we may have an opportunity to examine it.

Mr. DURHAM. I have no earthly objection to that, and desire to have it done. If it is the pleasure of the House to have the substi-

Mr. PAGE. Name the day.

Mr. DURHAM. I do not wish to lose the morning hour for the call of committees. I will not object if the gentleman will suggest the

Mr. PAGE. I will then move that the substitute be printed and made the special order for two weeks from to-day.
Mr. DURHAM. I will consent to that if the House will.
Mr. PAGE. I hope the House will consent. This is a very important.

tant measure, and proposes some very important changes in the min-

ing law as it now exists.

Mr. DURHAM. I think, if the House will give us the benefit of the morning hour, we can dispose of the whole matter in a short time when the substitute is printed and gentlemen can compare it with the present law.

Mr.LUTTRELL. I hope the proposition of my colleague [Mr.PAGE] will prevail. This is a very important bill for the mining interests of my State, and as a practical miner, in behalf of the interests of those

miners, I hope this substitute will be printed and made a special order.

Mr. PAGE. I have moved that the substitute be printed and made a special order for two weeks from to-day at two o'clock.

Mr. DURHAM. After the morning hour.

Mr. PAGE. Yes, after the morning hour.
Mr. PATTERSON. This bill originated with myself, and results from the many evils and hardships that befall miners on account of what I believe to be the unintentional injustice of the law as it now It is a bill of great importance, because now owners of mines stands. It is a bill of great importance, because now owners of mines are liable to lose their mines by their being jumped unless relief of some kind is given them. We think this bill will give the relief desired, and at the same time will take away none of the safeguards that the present law throws around the mines to prevent them from being taken up by claimants who never intend to work them and who do not hold them in good faith. Of course we want the fullest consideration of the measure, and whatever steps can be taken to secure that will not be

measure, and whatever steps can be taken to secure that will not be objected to by those who favor this bill.

Mr. LUTTRELL. I do not believe there are many practical miners on the committee reporting this bill. I hope those who represent miners will be allowed an opportunity to be heard.

Mr. PATTERSON. We do not object to that at all.

The question was upon ordering the substitute to be printed and making it the special order for two weeks from to-day at two o'clock was a specific the required to the special order.

and after the morning hour.

Mr. HOAR. Does that require unanimous consent or can it be de-

termined by a majority vote?

The SPEAKER. In the judgment of the Chair, this bill may be made a special order by a majority vote.

The motion was agreed to.

Mr. DURHAM moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### MINING LANDS IN MISSOURI.

Mr. TURNEY, from the Committee on Mines and Mining, reported back, with an amendment, the bill (H. R. No. 1251) to exclude the

State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the

"An act to promote the development of the mining resources of the United States," approved May 10, 1872.

The bill, which was read, provides that within the State of Missouri deposits of coal, iron, lead, or other mineral shall be excluded from the operation of the act entitled "An act to promote the development of mining resources of the United States," approved May 10, 1872; that said act shall not apply to the mineral lands situate and being in said State; that said lands are thereby declared free and open to exploration and purchase, according to the legal subdivisions thereof, as before the passage of said act; and that any bona fide entries of such lands within said State since the passage thereof may be patented without reference to the provisions of said act.

The amendment reported from the committee was to strike out the following:

following:

And said act shall not apply to the mineral lands situate and being in said State, and that said lands are hereby declared free and open to exploration and purchase according to the legal subdivisions thereof as before the passage of said act; and that any bona fide entries of such lands within said State since the passage thereof may be patented without reference to the provisions of said act.

Mr. PAGE. Does this bill apply to mining lands in any other State except Missouri?

Mr. BLAND. It does not. The bill is perfectly right, and the same

principle has been applied to nearly every other State.

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third

time, and passed.

Mr. BLAND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

#### REMOVAL OF CAUSES FROM STATE COURTS.

Mr. DURHAM. The Committee on the Revision of the Laws have instructed me to report back the bill (H. R. No. 1637) to amend an act entitled "An act to amend an act entitled 'An act for the removal of causes in certain cases from State courts,' approved July 27, 1866," approved March 2, 1867.. This bill does not properly belong to our committee. I move that they be discharged from its further consideration, and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

# BURLEIGH COUNTY, DAKOTA TERRITORY.

Mr. DURHAM. The same committee have directed me to report back the bill (H. R. No. 2116) modifying a part of chapter 25 of the laws of 1872 and 1873 of the Territory of Dakota so far as the county of Burleigh is concerned, and to move that they be discharged from its further consideration, and that it be referred to the Committee on the Territories.

The motion was agreed to.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes.

# AMENDMENT OF REVISED STATUTES.

Mr. DURHAM. The Committee on the Revision of the Laws have also directed me to move that they be discharged from the further consideration of the bill (H. R. No. 2126) to enforce section 162 of the Revised Statutes, and that the same be referred to the Committee on Reform in the Civil Service.

The motion was agreed to.

# PAY OF SURGEONS, ASSISTANT SURGEONS, ETC.

Mr. SOUTHARD. The Committee on the Revision of the Laws

Mr. SOUTHARD. The Committee on the Revision of the Laws have directed me to report back without amendment the bill (H. R. No. 1677) to correct a mistake in and amend section 1375 of the Revised Statutes, and to recommend its passage.

The bill was read. It provides that the words "who shall receive the highest shore-pay of his grade" be appended to section 1375, chapter 1, title 15, of the Revised Statutes of the United States; so that the section will read:

SEC. 1375. A surgeon, assistant surgeon, or passed assistant surgeon may be detailed as assistant to the Bureau of Medicine and Surgery, who shall receive the highest shore-pay of his grade.

The second section provides that this provision shall have effect as if the same had been a part of the section at the time of its enactment.

ment.

Mr. SOUTHARD. This bill provides simply for the restoration of the words "who shall receive the highest shore-pay of his grade," which, in transferring the law of 1862 to the Revised Statutes, were accidently omitted. The bill affects but one officer; that is the passed assistant surgeon detailed as assistant in the Bureau of Medicine and Surgery. The bill has received the unanimous approval of the committee. I call for a vote.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

### ABOLITION OF PRESIDENT AND SENATE, ETC.

Mr. DENISON, from the Committee on the Revision of the Laws, reported back the following memorials, and moved that the commit-tee be discharged from their further consideration and that they be

Memorial of William L. Frankenbach and 320 other citizens of the United States, asking for an amendment to the Constitution of the United States abolishing the office of President of the United States,

and for other purposes;
Memorial of Philip Hilke and 310 other citizens of the United States, asking for a constitutional amendment abolishing the Senate of the United States;

Memorial of J. E. Burkingonning and 16 other citizens of the United States, asking for a constitutional amendment abolishing the office of President and also the Senate of the United States, and making Representatives responsible to and dependent on their electors:

Memorial of Philip Hilke and 350 other citizens of the United States, asking for a constitutional amendment making Representatives in Congress directly responsible to and dependent upon their electors, and requiring important laws to be submitted to a vote of the people.

The motion of Mr. Denison was agreed to; and the memorials were accordingly laid on the table.

#### DURATION OF PATENTS.

Mr. VANCE, of North Carolina, from the Committee on Patents, reported back adversely the bill (H. R. No. 1943) limiting the duration patents, and moved that the same be laid on the table.

The motion was agreed to.

#### REVENUES OF THE PATENT OFFICE.

Mr. VANCE, of North Carolina. The Committee on Patents have directed me to report back the bill (H. R. No. 710) to protect the revenues of the Patent Office, and to recommend its passage with an amend-

The bill was read. It provides that any officer, clerk, or employé in the Patent Office who shall receive any money or valuable thing in the Patent Office who shall receive any money or valuable thing (other than the regular salary) for his private and personal benefit for any work done in or pertaining to the Patent Office, either in or out of office hours, shall be guilty of a misdemeanor, and shall be punished, on conviction thereof in any Federal court, by imprisonment not exceeding one year, or by a fine of not less than \$1,000, or by both, in the discretion of the court.

The amendment of the committee, which was read, was to strike out in the ninth line of the bill the words "less than," and insert in lieu thereof the word "exceeding;" so as to read, "by imprisonment not exceeding one year, or by a fine of not less than \$1,000, or by both, in the discretion of the court."

Mr. VANCE, of North Carolina. The object of this bill, which meets

the discretion of the court."

Mr. VANCE, of North Carolina. The object of this bill, which meets the approval of the Commissioner of Patents, is to protect the Patent Office in its revenues. It seems that there has grown up among the employés of the Patent Office a custom of using hours after the regular service of the Office is closed in copying documents for which the persons doing this copying receive pay, which is applied to their own private use, instead of being turned over to the Treasury. The design of this bill is that all business of that kind shall hereafter be transacted regularly in office hours and that the proceeds shall go into the Treasury. I presume there will be no objection to the passage of this measure. of this measure.

The amendment was agreed to.

Mr. VANCE, of North Carolina. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time. Being engrossed, it was accordingly read the

third time, and passed.

Mr. VANCE, of North Carolina, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## GROUNDS FOR CUSTOM-HOUSE, NASHVILLE, TENNESSEE.

Mr. W. B. WILLIAMS, from the Committee on Public Buildings and Grounds, reported back, as a substitute for House bill No. 664, a bill (H. R. No. 2255) making appropriation for the purchase of additional grounds for the custom-house at Nashville, Tennessee.

The bill was read. It authorizes the Secretary of the Treasury to

The bill was read. It authorizes the Secretary of the Treasury to apply so much of the money heretofore appropriated for a customhouse and post-office at Nashville, Tennessee, (not, however, exceeding \$18,500.) for the purchase of the ground situated in that city between the western boundary line of the present custom-house lot on Spruce street, fronting one hundred and sixty-five feet on Broad street, and running back some distance to an alley, or such part thereof as the Secretary of the Treasury may deem necessary, if, in his judgment, the public interests require additional land for said building, provided that the amount heretofore fixed by law as the cost of the building shall be reduced to the extent of the sum that shall be applied in the purchase of the additional ground.

Mr. W. B. WILLIAMS. Mr. Speaker, unless there be objection, I will now demand the previous question on the third reading and en-

will now demand the previous question on the third reading and en-

grossment of the bill.

Mr. WILSON, of Iowa. I think a point of order lies to this bill. t makes an appropriation of money out of the Treasury, and therefore should have its first consideration in the Committee of the Whole

on the state of the Union.

Mr. W. B. WILLIAMS. It makes no appropriation from the Treasury, but merely transfers from one fund to another, and I do not think it is liable to the point of order suggested by the gentleman from

Iowa.

Mr. WILSON, of Iowa. I ask that the title and first section of the bill be again read, from which it will appear I think that the bill does

make an appropriation.

Mr. HOUSE. The bill does not make the appropriation of a single

Mr. HOUSE. The bill does not make the appropriation of a single dollar out of the Treasury, but simply transfers from one fund to another. I hope the House will pass the bill at this time, as the work is suspended awaiting the passage of this bill.

Mr. WILSON, of Iowa. How much does the bill appropriate?

Mr. YOUNG. Eighteen thousand dollars for the purchase of additional ground which is shown to be entirely necessary. There is no appropriation at all. It is taken out of an appropriation already made for this purpose. The work is now suspended, as I have already said, waiting for the passage of this bill.

Mr. WILSON, of Iowa. Read the first section and title of the bill agair.

again.
The Clerk read as follows:

A bill making appropriation for the purchase of additional ground for a custom-house at Nashville, Tennessee.

Mr. WILSON, of Iowa. The title of the bill shows that it proposes to make an appropriation. Read the first section:

The Clerk read as follows:

That the Secretary of the Treasury be authorized to apply so much of the money heretofore appropriated for a custom-house, court-house, and post-office at Nashville, Tennessee, (not, however, exceeding \$18,000.) for the purchase of the ground situated in said city and lying between the western boundary line of the present custom-house lot and Spruce street, fronting one hundred and sixty-five feet on Broad street, and running back some distance to an alley. or such part thereof as may be deemed necessary, if, in his judgment, the public interests require additional land for said building, &c.

Mr. WILSON, of Iowa. When was the appropriation originally made for the construction of this building?

Mr. W. B. WILLIAMS. It was made in a former Congress; and this only provides for the transfer from one fund to another.

The SPEAKER pro tempore. Does the gentleman insist on his point

Mr. WILSON, of Iowa. If the appropriation be not made in this bill, it will be covered into the Treasury under the limitation of the

Mr. W.B. WILLIAMS. If the appropriation be covered into the Treasury by limitation of law, this bill would be of no effect what-

The SPEAKER pro tempore. The Chair understands that the point of order raised by the gentleman from Iowa is not insisted on.

Mr. W. B. WILLIAMS. I demand the previous question on the

third reading and engrossment of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HOLMAN. The title of the bill should be changed.

inally drawn it provides for an original appropriation. I move to substitute for the present title of the bill the following:

A bill authorizing the purchase of additional ground for the custom-house building at Nashville, Tennessee.

The bill as drawn now and passed does not make an appropriation, although it was originally drawn for that purpose.

The amendment to the title was agreed to.

# PUBLIC BUILDING, MEMPHIS, TENNESSEE.

Mr. YOUNG, from the Committee on Public Buildings and Grounds, reported a bill (H. R. No. 2286) to further provide for the building of a custom-house, post-office, court-rooms, &c., in the city of Memphis; which was read a first and second time.

The bill, which was read, provides that the lot or parcel of ground

in the city of Memphis, in the State of Tennessee, granted and donated by ordinance of the general council of said city, under authority of an act of the Legislature of said State of Tennessee, for a site upon which to erect a custom-house, post-office, bonded warehouse, and court-rooms, be accepted by the Government of the United States for the purposes aforesaid, on which shall be erected the building authorized by the act entitled "An act authorizing and directing the Secretary of the Treasury to cause plans and estimates to be made Secretary of the Treasury to cause plans and estimates to be made and a suitable site provided for a public building at Memphis, Tennessee," approved February 21, 1873, and the Secretary of the Treasury shall employ the means necessary to secure the benefits to the United States of said donation, provided, however, the title of the United States to said ground shall be made good and sufficient, and provided further that the cost of the building so to be located shall not exceed \$600,000 not exceed \$600,000.

The second section provides that the act of Congress approved February 21, 1873, entitled "An act to provide for the building of a custom-house," &c., in the city of Memphis, in the State of Tenuessee,

and for other purposes, be so amended as to authorize the Secretary of the Treasury to sell the lot of ground now owned by the Government of the United States, on the corner of Jefferson and Third streets, in the said city of Memphis, Tennessee, for cash, within six months from the passage of this act, after advertising for bids for a period of thirty days in two papers published in the city of Memphis, and in such other manner as he may deem proper; and the proceeds arising from such sale shall be covered into the Treasury.

Mr. HOLMAN. I move to strike out \$600,000 and in lieu thereof to insert \$400.000: and, with the permission of the gentleman from Ten-

Mr. HOLMAN. I move to strike out \$600,000 and in lieu thereof to insert \$400,000; and, with the permission of the gentleman from Tennessee who has charge of this bill, I desire to say this: In 1873 an appropriation of \$75,000 was made to begin the construction of a custom-house at the city of Memphis, Tennessee. The ground owned by the Government of the United States for the site designed to be employed for that purpose was ordered to be sold and other property secured upon which this building should be erected, but no limit was imposed upon the cost of the building thus to be erected. The Secretary of the Treasury therefore declined taking any steps toward the construction of such a building until Congress had imposed a limit, as the Secretary of the Treasury is by law required in the construction of such buildings to bring them within the limit prescribed by law. The Supervising Architect of the Treasury has recommended that the cost of this building shall not exceed \$800,000.

The Committee on Public Buildings and Grounds, or a majority of that committee, have agreed to report this bill as the gentleman from

that committee, have agreed to report this bill as the gentleman from Tennessee [Mr. Young] has reported it, limiting the cost of this structure to \$600,000. I move now to reduce the amount to \$400,000 as the limit of expenditure which shall be authorized in the erection of this building, independent of the site for the same.

The House will perceive that this bill authorizes the Secretary of the Treasury to accept, on behalf of the city of Memphis, the ground for the site of the building. That donation, as will be perhaps more fully explained by the gentleman from Tennessee, is made on the condition that the Government will take some steps toward the erection dition that the Government will take some steps toward the erection of this building by the month of May of the present year; and the bill directs that the Secretary of the Treasury shall take such steps as shall secure the benefit of that donation. But I object, sir, to the amount of the appropriation contemplated by this bill. I think the amount is too large. We cannot continue this practice of the appropriation of such enormous sums of money for the erection of public buildings. We have expended within the last four or five years an amount of money in the erection of palatial buildings all over this country that should have extended through a period of a quarter of a century.

The millions that we are expending out of the public Treasury to erect public buildings in our principal commercial cities are, to be sure, embellishing those cities, but they do it beyond the necessities of the public service and at the expense of the whole industry of this country. I think, sir, that that policy should cease. The number of these buildings now upon our hands for erection is making very heavy drafts upon the Treasury of the country, and I hope that in authorizing the Secretary of the Treasury to proceed with the construction of this building a reasonable limit will be imposed on the cost of the

Memphis is a city having a population of sixty or seventy thousand souls. Comparing the amount appropriated for public buildings in other similar cities I find \$300,000, \$350,000, or \$400,000 has been the usual limit, while this bill authorizes the entering upon the construction of a building according to a plan which will cost ultimately \$600,000. In the capital of my own State, a city of large and growing population, the Government has expended \$340,000 in the erection of a public building of such proportions as would assay for any of a public building of such proportions as would answer for any one of the second class cities of this country for a long time to come. And in view of the very heavy drains now made upon the Treasury by buildings in progress of erection and of the magnitude of the structures authorized that are already in progress, I insist that we should be cautious in entering upon the construction of these buildings and should limit the cost to a reasonable sum.

It must be borne in mind, too, that we are gradually coming down to a heavy reduction of the currency of the country. Gentlemen are clamoring for a resumption of specie payments and the reduction of our currency to a specie standard. This would reduce the cost of erecting buildings. It would reduce the value of labor and all values everywhere. Future expenditure, therefore, ought to be authorized on the basis of the reduced cost of construction.

I trust, sir, that this amendment will be adopted; so that if a building is authorized to be erected at Memphis, Tennessee, which may be a thing proper and right of itself—I am not objecting to that—it shall be authorized to be constructed at least with a reasonable limit of expenditure; and \$400,000 it seems to me will erect a building of sufficient magnitude for any of the cities of this country, unless it may be a few of the first-class cities like New York, Chicago, and Saint Louis.

I do not desire to do injustice to the city of Memphis or any city of the country. But I insist that the policy of lavish expenditure shall cease; that in the erection of buildings, as in everything else, there shall be a regard to economy; that hundreds of thousands of dollars shall not be expended in mere ornamentation, which adds nothing to the real value of public buildings and indeed detracts from it, as simplicity and solidity are the qualities that should characterize a public

structure and not those embellishments which set it off as a matter

Mr. WELLS, of Missouri. I move to amend the amendment proposed by the gentleman from Indiana [Mr. HOLMAN] by inserting \$500,000 instead of \$400,000.

It has been already stated that the Treasury Department estimated \$800,000 as the cost of this building. The city of Memphis has donated a site on which to erect it which is estimated to be worth \$300,000. It appears to me that \$500,000 is the smallest sum for which we can attempt to erect a building there suitable for the purposes for which it is intended. It must be remembered by the House that the expense of constructing these buildings has increased 33 per cent, over what it cost when many of our public buildings were erected. I do not desire that a public building shall be erected at Memphis which will not be found suitable for the business at that point. They have there a very extensive post-office business. The customs business they have to do is considerable and also the internal-revenue business. I believe that \$500,000 would meet the approbation of the Representative of that city, who is also a member of the Committee on Public Buildings and Grounds.

Mr. YOUNG. I am obliged to my friend, the gentleman from Missouri, [Mr. Wells,] for coming to my assistance in the hour of my calamity brought upon me by the gentleman from Indiana, [Mr. Hol-MAN.

I will not enter upon a discussion of financial questions with that distinguished gentleman, for we might not after all differ very widely upon that important subject, unless, perhaps, he might conclude in this instance to give some appearance of truth to the belief very generally entertained, that as a matter of principle he opposes everything in which the word money or appropriation happens to occur. Nor do I propose to discuss with him the more classic question of architecture in its different styles, the Corinthian or the Gothic, the sacred or pro-

But upon the question of the cost of the building proposed to be constructed under this bill, I have sought the opinion of higher authority than even the gentleman or myself. Under direction of the committee of which he is the chairman, I addressed a communication to the Secretary of the Treasury, requesting him to give his opinion as to the amount which the building should cost. He, it seems, referred the matter to the proper officer for his report; that I have in the letter which I now hold in my hand, and ask that it may be read by the Clerk. The Clerk read as follows:

PK read as 10110ws.

TREASURY DEPARTMENT, OFFICE OF THE SUPERVISING ARCHITECT,

January 25, 1876.

SIR: Acknowledging the receipt, by reference from you, of a communication from Hon. Casey Young, who has been instructed by the Committee on Public Buildings and Grounds to obtain the opinion of the Secretary of the Treasury as to the amount necessary for the construction of a suitable building in Memphis, Tennessee, for the various Government offices in that city, I have the honor to inform you that, as the building proposed to be erected is to provide accommodations for the custom-house, bonded warerooms, court-rooms, post-office, and other Government offices, and in view of the space required to accommodate the various officers in all the branches of the service, a proper building could not be erected for a sum less than \$500,000. The size, importance, and growth of the city of Memphis and the probable necessity for increased accommodations must be taken into consideration, as well as the size and beauty of the site donated by the city. The rates of materials, compared with those paid at other places where Government buildings are being erected, is also considered in determining the limit of the cost; and, in view of all these facts, I am of the opinion that the limit to be fixed should not be below the sum above named.

Very respectfully,

WM. A. POTTER, Supervising Architect.

Hon. B. H. Bristow, Secretary of the Treasury.

Mr. YOUNG. Now, Mr. Speaker, if I can have the attention of the House for a few minutes I think I can convince its members that this

bill ought to pass in its present form.

I appreciate the spirit of economy that actuates the gentleman from Indiana in opposing this measure, and I would be very far from asking from this Congress any appropriation of public money that I did not think I was perfectly justified in asking for in the present depressed financial condition of the country. But no appropriation is asked for at present.

asked for at present.

Fifteen years ago a site was purchased by the Government in the city of Memphis upon which to erect a custom-house. No further steps were taken until 1872, when a law was passed authorizing the Secretary of the Treasury to sell that site, if deemed advisable, and purchase a more eligible one, and also making an appropriation for the commencement of the building. Subsequently the city of Memphis by action of its general council donated to the Government a lot of ground upon which to erect a custom-house, post-office, court-rooms, &c., which is to-day worth \$300,000; and surely the Government ought now to be quite as liberal on its part.

Memphis is the largest and most important city on the Mississoppi

Memphis is the largest and most important city on the Mississeppi River between Saint Louis and New Orleans. It is, I believe, the fourth largest cotton mart in the United States, and perhaps there are not half a dozen cities in the world where more cotton is bought and sold than there is at that place. It is the commercial emporium of three of the largest and wealthiest Southern States, having a completion of 6000 cools with a proceedings and the commercial control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and wealthiest Southern States, having a control of the largest and the states are control of the largest and the st population of 60,000 people, with a prospective increase to 100,000 within the present generation. In three years alone it paid into the Federal Treasury nearly \$40,000,000 as a tax upon the cotton grown in the surrounding country. Forty-one hundred vessels annually

leave its wharf freighted with agricultural products, which incidentally and directly pours into the national Treasury a stream of wealth whose tide never ceases to flow. It has a circuit and district court of the United States, in which there is perhaps now pending as much and as important litigation as at any other place within the entire judicial circuit in which it is situated. I am informed by a statement which I have just received from the Postmaster-General, in response to an inquiry which I addressed to him on that subject a day or two ago, that its post-office yields an income of \$65,000 a year, which is greater than that paid by the office in any other city

on the Mississippi River except Saint Louis and New Orleans.

The gentleman from Indiana [Mr. Holman] is mistaken in supposing that the limit fixed in this bill is in excess of the amount heretofore appropriated for the construction of similar buildings in other sections of the country. I venture the assertion, and an examination of the statistics on that subject will establish its truth, that there never has been an appropriation made by the Government for the erection of a building similar to the one contemplated in this bill, and in a city of the size and importance of Memphis, that did not go very far beyond the amount here asked for. To illustrate, I will go first to the gentleman's own State. The town of Evansville, with a population of about thirty thousand people, clearing about eighteen hundred vessels per year, with a postal revenue of only \$24,000 per annum, with no United States courts, has succeeded, and perhaps with the gentleman's vote, in securing an appropriation of \$300,000 to build a custom-house alone. The interior city of Indianapolis, where a water-craft was never seen, has received an appropriation of \$350,000 for the erection of a post-office and court-rooms alone.

From these illustrations it would seem that economy, unlike charity, does not begin at home, at least not at the home of those who undertake to teach it. The city of Milwaukee, to which the gentleman undertake to teach it. The city of Milwaukee, to which the gentleman has alluded, is, to be sure, a large, a flourishing one; but he omitted to inform the House that the appropriation of \$229,949 given to that place was for the construction of a custom-house alone, while this bill provides for the erection of a building suited not only for a custom-house but for a post-office, bonded warehouse, court-rooms, and all other offices necessary for the transaction of the Government business at that place. Now, taking into consideration the facts to which I have referred, the present and future importance of the city of Memphis, the beauty and value of the site it has donated to the Government, I submit to the House that \$600,000 is a small limit indeed within which the cost of the proposed structure shall be confined.

Anxious not to go beyond what I supposed the spirit of economy which seems to actuate this House would warrant, while this bill was pending before the committee which has reported it I waited upon the Secretary of the Treasury and the Supervising Architect to ascertain their opinion as to how much the building should cost, and after a careful examination of the subject, and after I had requested them not to fix a greater limit than they thought was really neces-sary, these gentlemen, who may be supposed to know better than either myself or the gentleman from Indiana the necessary cost of erecting public buildings, fixed the limit at \$800,000. The Committee on Public Buildings and Grounds, in deference mainly to the opinion of the chairman and with no very great opposition on my part, saw proper to reduce it to the sum of \$600,000. After all this, I insist that it would be unfair and unjust to the city and section of country which I represent to add to the limit and appear to the city and section of country which I represent to add to the limit and unjust to the city and section of country which I represent to add to the limit and unjust to the city and section of country which I represent to add to the limit and unjust to the city and section of country which I represent to add to the city and section of country which I represent to add to the city and section of country which I represent to add to the city and section of country which I represent to add to the city and section of country which I represent to add to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and section of country which I represent to the city and try which I represent to reduce this limit \$200,000, as proposed by the gentleman from Indiana, or even \$100,000, as proposed by my friend from Missouri, [Mr. Wells.] I appeal to the generosity of gentlemen on both sides to give this bill their support, and to allow it to pass as reported.

I now move the previous question.

Mr. CHITTENDEN. Will the gentleman yield to me for a moment while I ask him a question?

Mr. YOUNG. Certainly. I withdraw the previous question for

that purpose.

Mr. CHITTENDEN. I did not intend to make any remarks upon Mr. CHITTENDEN. I did not intend to make any remarks upon this subject, and I should be very sorry to make an ungracious one; but the gentleman who last spoke has referred to the Supervising Architect, and to suggestions from the Treasury Department as the highest authority in respect to the reasonable cost of the proposed new custom-house at Memphis, and although I belong to the party which supports the Secretary of the Treasury, I do not accept the suggestions of that Department as the proper authority in respect to the secret of public health of the supports of public health of the supports of public health of the support of the supp

cost of public buildings.

We have heard much justly said of the extravagance which has everywhere prevailed in our country of late, and if there is any department of Government where it has prevailed, it has been in respect to Government buildings. So convinced am I of this that if I had the power, if my judgment should be accepted, I would say stop making any further appropriations for new buildings until we find a better level for judicious estimates. I represent a city of five hundred thousand inhabitants, and within a day or two, it will be remembered, a bill has been proposed to condemn ground for a post-office in that city. Well, sir, the city of Brooklyn needs a post-office. It needs it very much, and has needed it for ten years. But I stand here its Representative to oppose the building of any extravagant post-office there, any post-office the estimates of which shall spring from the Supervising Architect or from the Treasury Department, guided by recent wasteful precedents. wasteful precedents.

Mr. MacDOUGAL. I would ask the gentleman whose authority he

Mr. MacDOUGAL. I would ask the gentleman whose authority he would take for an estimate for this purpose?

Mr. CHITTENDEN. Well, sir, I will come to that perhaps before I stop. The point I make is, that estimates which come from the Treasury Department at the present time are on a scale of extravagance, or on a scale which we have all joined in denouncing as extravagant, springing from the grand impulse which an excessive volume of paper money has given to all undertakings in the country, and so we have constructed buildings everywhere wastefully and on a scale of useless grandeur which the country cannot support.

Now, in regard to Memphis, I believe that a custom-house costing

Now, in regard to Memphis, I believe that a custom-house costing \$400,000 would be equal to all the demands of that place for the next twenty or even fifty years, and that when we are here carving and cutting down expenses in very direction we should not exceed that

. Mr. YOUNG. I desire to ask the gentleman a question. On what does he base his opinion as to the cost of a custom-house at Memphis?

Mr. CHITTENDEN. I believe that you can build to-day as good a building in Memphis for \$400,000 as could have been built for \$500,000 three years ago, or nearly that. In New York, Chicago, Philadelphia, or any of the chief cities of the country, \$400,000 to-day should go

or any of the effectives of the contry, \$400,000 to-day should go nearly as far as \$800,000 did go then.

Mr. YOUNG. Pardon me, but the gentleman did not understand my question; it is on what facts he bases his opinion as to the cost of a custom-house at Memphis now or any other time.

Mr. CHITTENDEN. I have had business relations with Memphis for twenty-five years, and I know something about it. I know enough about it to distrust by at least 30 per cent. the cash value which you put upon the lot donated to the Government for a custom-house. 'rom what I know of the value of real estate in Memphis, I do not believe that the lot which you estimate to be worth \$300,000 is really worth to-day \$200,000, or that any man, with all the abundance of money now in circulation, can be found to give any such sum for it. distrust all these estimates in round numbers which are made upon the old basis upon which we have been constructing public buildings and works.

As I was saying, Brooklyn will be here asking for an appropriation to build a post-office, and as her representative I stand here to oppose anything that may seem extravagant and which is based upon estimates loosely made or made upon the theories upon which most public buildings have been constructed for years past.

Mr. THORNBURGH. Will the gentleman yield for a question?
Mr. CHITTENDEN. Certainly.
Mr. THORNBURGH. Has not the Government of the United
States just expended \$8,000,000 in constructing a post-office building
for New York City?

Mr. CHITTENDEN. I do not know the amount.

Mr. THORNBURGH. Are you not like the old lady who got her Mr. THORNBURGH. Are you not have the old lady who got her kettle mended and then refused either to borrow or lend?

Mr. CHITTENDEN. No, not that. I do not remember the amount which was first appropriated for the New York post-office.

Mr. THORNBURGH. There have been eight millions expended.

which was first appropriated for the New York post-office.

Mr. THORNBURGH. There have been eight millions expended.

Mr. CHITTENDEN. Very well. The amount first appropriated was, perhaps, \$1,500,000; and your suggestion implies that in respect to the Memphis custom-house you are going to take us over the same costly road we have traveled in building the New York post-office. If the suggestion of the gentleman has any pertinence at all, it means that the \$500,000 now proposed to be appropriated for this purpose will involve two or three millions before you get through. That is the very point of danger. It is because the post-office at New York has cost many times the original estimate, it is because the capitol of my own State is likely to cost five times the original estimate, it is because our great public works have led to the squandering of money by millions, that I am opposed now in this particular juncture, when we have abolished the band at West Point and reduced the provisions for cadets by three-quarters of a ration a day—because of all this, I for cadets by three-quarters of a ration a day—because of all this, I am opposed to beginning an expenditure at Memphis with \$500,000, which in the end may cost \$2,000,000.

It is for such reasons that I rise now to protest against going into an enterprise of this kind on vague estimates. The real difficulty in regard to these public buildings is that we have proceeded carelessly, blindly, and upon the principle that the Government was rich, had plenty of money, and that it must build grandly, with regard to the centuries to come. I would not say one word against a liberal and proper appropriation for the building of a custom-house at Memphis, but I ask the gentlemen on the other side of the House who expect us to stand by them in every proper effort to reduce the expenditures of the Government to be careful in appropriating \$500,000 or \$600,000 to begin a work of this sort when, according to our New York experi-ence, it will in the end cost two or three millions of dollars.

Mr. YOUNG. I will now yield to the gentleman from Pennsylvania, Mr. Kelley, and then I will say a word or two in reply to the gen-

[Mr. Kelley,] and then I will say a word or two in reply to the gentleman from New York, [Mr. Chittenen.]

Mr. Kelley. I desire to make some general suggestions upon this subject, in reply to the gentleman from Brooklyn, [Mr. Chittenen.]

I hope we will not, because the industry of the country is paralyzed and its revenue reduced, order the construction of any public building on a mean and inadequate scale. The buildings we are to erect are for all time, and not, as the gentleman suggests, for twenty years. I trust that no building that is to be known as the shelter of the

officers of the United States shall be erected in any State that will be found cramped, crowded, and inadequate twenty or twenty-five years or even a half a century hence. The South has few public buildings. She should have them on the same scale that we have had them provided for us at the North. If we are not now able to make adequate appropriations for that purpose, let us postpone the construction of them until we shall be able to do so. But whenever we provide a building let it be done with reference to the idea that the Union is eternal, that we build for the future, and for the great people of our country as they are to be numbered in the future.

I have been at Memphis; I have marked its great future possibilities. I would rather vote a too liberal appropriation for national buildings in that city than to vote for one which should be adequate to the growth of the country for only twenty years, and become a disgrace before a half a century shall have passed. I do not know the value or the character of the lot proposed for a site for this building. The gentleman from Brooklyn says it would not now bring \$200,000. I apprehend it would not bring anything. And why? Because the banking classes of the country have destroyed values and made the real estate of the country a burden to the people.

Let the sails of commerce once more be spread, let the hum of industry be again heard throughout the land, give to the people a medium of exchange whereby capital can purchase materials and pay for labor, and our revenues will again flow in in the rich streams that they did in the better days, before Hugh McCulloch hamstrung the industries of the country. Then we will not feel that to build an adequate building in a great commercial center in the heart of our I have been at Memphis; I have marked its great future possibili-

equate building in a great commercial center in the heart of our

equate building in a great commercial center in the heart of our country is a burden upon the people.

Mr. YOUNG. Without desiring to pursue this discussion further, I,wish to say a single word—and scarcely more than that—in reply to one portion of the remarks of the gentleman from New York, [Mr. CHITTENDEN.] I cannot conclude that any member of this body could so far forget the proprieties of parliamentary debate as even to intimate intentionally and purposely that a fellow-member would state any fact which was not true. Sir, not for the sake of securing all the benefits of this bill for my city; not for the palatial building erected by Goverment aid in sight of the gentleman's own door; not for all the wealth of his great city, would I make a statement to this House which I did not believe to be true. What I say upon this floor I say upon my honor and responsibility as a member of the American Congress; if I were to do otherwise I should be unworthy of the seat which I occupy in this body and would lose the confidence and respect of the honest and intelligent constituency whom I have and respect of the honest and intelligent constituency whom I have the honor to represent.

Mr. CHITTENDEN. I did not intend to impeach the gentleman's

veracity. I intended nothing disrespectful.

Mr. YOUNG. I presume not, of course. I acquit you of any such purpose, but still your language might admit of a different construction. But I again repeat that the property donated by the city of Memphis to the Government is worth the sum of \$300,000—the gentleman's opinion to the contrary notwithstanding.

Mr. THORNBURGH. In reply to the remarks of the gentleman from

Mr. THORNBURGH. In reply to the remarks of the gentleman from New York, [Mr. CHITTENDEN,] especially that portion in which he said that the estimates of the Supervising Architect and the Secretary of the Treasury cannot be relied upon and are much too great, I desire to tell him that those officers estimated too little for the great post-office in the city of New York and they are here now asking for a deficit of \$400,000 to make up the amount necessary to complete the building, and that too after the Government has paid to the gentleman's city for that purpose \$8,140,690.14. If they estimated too much for the building in Memphis, they estimated too little for that public building in New York; and that being so, you will find my colleagues and myself ready to assist in completing that building, although over \$8,000,000 have already been expended upon it. That is all I desire to say. to say.

Mr. HOLMAN. Will the gentleman from Tennessee [Mr. Young]

yield to me ?

Mr. YOUNG. I have promised to yield to the gentleman from

Mr. YOUNG. I have promised to yield to the gentleman from Michigan, [Mr. CONGER.]

Mr. CONGER. I am somewhat surprised to hear it charged by the gentleman from New York that the present Supervising Architect of the Treasury or the Secretary of the Treasury would be likely to make too high an estimate for any public building whatever. From my conversations with those gentlemen and from what I have observed of their recommendations, I am free to say that they have been unusually prudent, careful, and economical in their recommendations. They have refused to make recommendations for public buildings and other expenses of that kind in cases where in the judgment of other

other expenses of that kind in cases where in the judgment of other men appropriations should have been recommended by them.

I too feel, as do the gentleman from Pennsylvania [Mr. Kelley] and the gentleman from Tennessee, [Mr. Thornburgh,] that it does not come with a very good grace from my friend from New York, for these has been recommended. after there has been an expenditure of \$8,000,000, to be followed by more, amounting probably to \$10,000,000, for a single building in the city of New York already so far completed that it is beyond the control of Congress to stop the work—

Mr. CHITTENDEN. The gentleman will allow me to say that that

was the very base of my argument against these estimates and this proposition.

Mr. CONGER. And that, I say, is the baseness of the argument.

I enlarge the term. [Laughter.] I say it comes with ill grace from the representative of a people or a State or a city that has been here year after year pleading with this Congress, urging us to make for vast palaces in their midst appropriations of millions and millions of dollars for public buildings there, to oppose little hundred-thousanddollar appropriations that are asked for in the cities of the West and

But this is no new thing. In my experience here I have found that the principal opposition to any appropriation for Government buildings in the West and the South has come as a general thing from those who have demanded for their localities the very largest appropriations, the most costly structures, the most palatial edifices for the accommodation of the officers of the Government.

Sir, I do not wonder that the gentleman from New York should object to the erection of Government buildings in the valley of the Mississippi and on the Mississippi River. Through the liberality of the last Congress, through the plans and devices of engineering genius, we can see already, as the result of the action of a former Congress in endeavoring to open the mouth of that vast artery of communication to the interior of our continent—we can see the day speedily approaching when the largest vessels that sail upon the ocean shall enter the mouth of the Mississippi and shall deliver their freight shan enter the mouth of the Mississipp and shan deriver their region through the whole length of the country watered by that vast channel of internal communication, instead of receiving it through the crowded port of New York, where we have erected those vast buildings. It will be, I trust, but a few short years—I had almost said a few short months—before the plan of constructing jetties to open the mouth of the Mississippi to the commerce of the world shall turn that commerce for all the vast interior States of our country from New York into this great natural artery of American commerce; when we in the interior shall be fed from our own ships, when our when we in the interior shall be fed from our own ships, when our own commerce shall come directly to our own doors. Then New Orleans will need its enlarged public buildings; then Vicksburgh, and Memphis, and Saint Louis, and the other great cities that sleep upon the borders of that majestic stream will demand of this country, and its Representatives will demand of the Government, that buildings shall be erected there appropriate to the renewed business, the accumulated and accumulating commerce which the opening of that channel will bring into the great, imperial valley of the Mississippi. It is in view of such probabilities, (I do not say possibilities,) of such necessary results of the opening of the channels of the Mississippi, that we propose to have buildings necessary now and of vastly greater importance in the near future. And no opposition of these can turn away from that interior empire of the United States its natural business, its natural commerce, and its natural necessary public buildings to do that business.

lie buildings to do that business.

Mr. HOLMAN rose.

Mr. YOUNG. Other gentlemen of the committee are pressing me to call the previous question and dispose of this bill, so they may have opportunity to submit their reports. I will, however, yield to the gen-

leman from Indiana for five minutes.

Mr. HOLMAN. Mr. Speaker, I am glad this bill has come before the House at this early day, so that the views of the House may be ascertained in regard to how far the old policy of extravagance in the construction of public buildings shall be perpetuated. I admonsh gentlemen that the speeches of the gentleman from Pennsylvania [Mr. Kelley] and the gentleman from Michigan [Mr. Conger] are of the order of speeches which we have been listening to for years in this House, and the fruits of which have been seen in the swelling of the current, ordinary expenditures of the Government to \$180,000,000; that these are the kind of speeches

"As wild his thought and gay of wing As Eden's garden bird"—

which have floated down the atmosphere of this Hall and this Capitol for a number of years past, resulting in an unbounded extrava-gance which the people of this country are now trying somewhat to

Now, sir, it is proposed to limit the appropriation under this bill to \$400,000, avery large sum of money; but because in a period of unexampled extravagance millions have been appropriated for New York, and Boston, and Chicago, and Saint Louis, and Philadelphia it is proposed that policy shall be perpetuated instead of a check being placed upon it. The gentlemen who make speeches in favor of this extravagance it. The gentlemen who make speeches in favor of this extravagance have generally had for their districts large sums of money appropriated. In the case of the gentleman from Pennsylvania, [Mr. KELLEY,] a great public edifice is being erected requiring the appropriation of large sums of money annually. It is not unnatural that these gentlemen should seek to bring about a state of extravagance, a feeling of recklessness of expenditure, when their constituency demand appropriations to be expended within their own limits.

What has been the practice in regard to appropriations for buildings like this, leaving out of view malatial structures like those of New

like this, leaving out of view palatial structures like those of New York, Boston, Saint Louis, Chicago, and Philadelphia? I will take the case of Milwaukee, in Wisconsin, a port of great commercial importance in the northern section of the Union. I find the sum of money expended in the erection of necessary public buildings at Mil-

waukee was but \$229,000.

Mr. YOUNG. What is the place to which the gentleman refers?

Mr. HOLMAN. Milwaukee, on Lake Michigan, a place of great commercial importance.

Mr. YOUNG. For what purpose?

Mr. HOLMAN. It was for the purpose of a custom-house and other public buildings in that city, which, as I have stated, cost only \$229,000. For the city of Indianapolis, one of the most prosperous of the inland towns of the country, the appropriation was \$340,000. For the custom-house, &c., at Louisville, Kentucky, the appropriation was \$332,000. It is so throughout the list.

Mr. YOUNG. Does not the gentleman from Indiana know as chairman of the Committee on Public Buildings and Grounds that a bill is now pending before that committee upon application from the city of Louisville for an additional appropriation for a court-house in that

Mr. HOLMAN. There is a bill for a different building for a courthouse on account of the inconvenience of the present court-room, but I am not aware that the Committee on Public Buildings and Grounds have deemed it necessary to make any report on that subject to the House. I have mentioned cities of the same class with Memphis in other sections of the country. By my voice and vote I will do the same justice to the South that I will do the North. I have already mentioned what it cost for public buildings in Milwaukee, Louisville, and Indianapolis. I can go through the list, and in each case the expenditure has been less than the sum which I have proposed in the case of Memphis—less than \$400,000. I know in view of the enormous appropriations for magnificent buildings in the great commercial cities of the country \$400,000 seems to be coming down to a very small amount; but I undertake to say, and I speak with confidence from facts gathered together during the present session of Congress, that an appropriation of \$400,000, economically expended and not for mere embellishment of a public edifice but for a building of the simplicity which becomes a republic, will build a solid structure, adapted to all the purposes which the city of Memphis for the next half or quarter of a century may require.

next naif or quarter of a century may require.

This policy of extravagance in this field of expenditure, so grateful to the pride and beneficent to localities, must cease. Can we appropriate another year \$8,600,000 as we did last year, and \$7,000,000 the year before, for the embellishment of a few cities? Sir, the industry of the country should not be oppressed. Let us construct these buildings, but let us prescribe some reasonable limitation to their cost. The people of the country cannot afford now to construct buildings for all coming time and embellish them as a nation might which had abundant or inexhaustible resources. Let us act in view of the condition of our country and the ability of our people to bear the burdens which

we are to impose upon them.

Mr. WHITEHOUSE. I desire to occupy the time of the House for

but a moment or two.

Mr. YOUNG. I must decline to yield, and insist on the previous question. Other gentlemen who have business to bring before the House are pressing me. I cannot yield for a speech, but I will answer any inquiries with pleasure.

Mr. WHITEHOUSE. I desire to vote intelligently on the amendment of the gentleman from Indiana.

Mr. YOUNG. I yield to the gentleman for an inquiry, not for an

Mr. WHITEHOUSE. Well I will put a question. If the views of some gentleman in regard to the great question which now agitates the country be carried out in their ultimate results, what difference would it make to us whether the cost of the public building at Memphis, Tennessee, should be \$400,000 or \$600,000? If it it is to be paid for by the issue of greenbacks, the cost of it will be merely what it takes to produce them.

Mr. YOUNG. What is the question the gentleman desires to pro-

pound?

Mr. WHITEHOUSE. Allow me to complete my sentence. It will be simply the cost of the paper and the ink, the artistic skill, and the manual labor employed in producing the greenbacks. It will cost a mere bagatelle. Why should we discuss the question of the difference between \$400,000 and \$600,000?

Mr. YOUNG. I will not undertake to answer all the financial questions.

ions which that gentleman may propound, but will turn him over to the tender mercy of my ally, the gentleman from Pennsylvania, [Mr. Kelley.] But I fear the House may have been misled by this discussion, and I will state briefly what is the pending proposition. discussion, and I will state briefly what is the pending proposition. There is no difference between myself and the gentleman from Indiana, or either of the gentlemen from New York on the question of economy. And there is no difference of opinion as to the necessity or propriety of erecting this building. But by a law enacted at the last Congress it is made necessary that a limit to the expenditure should be fixed before the Secretary of the Treasury will commence the work. The only question now for this House to determine is this: What ought the building at Memphis to cost? I have given you the testimony of the Secretary of the Treasury and the testimony of the Supervising Architect and notwithstanding that the gentleman from pervising Architect, and, notwithstanding that the gentleman from New York by imputation assails the integrity as well as the judgment of these gentlemen, I am entirely willing myself to risk the following of their opinion as to questions about which I have no information of my own. In addition to their testimony I bring forward the testimony of the Committee on Public Buildings and Grounds, unanimously, except the chairman and one other gentleman, sustaining and corroborating the theory and testimony of the Secretary of the Treas-

ury and the Supervising Architect. Upon their testimony I ask this House not to go into any needless extravagance, not to make an appropriation of a single, solitary dollar, but only to do that which the

law requires to be done in order that we may utilize the appropriation already made and now in the Treasury.

Mr. HOLMAN. Will the gentleman allow me to interrupt him for a single moment? The gentleman from Pennsylvania [Mr. Kelley] seemed to imply that the country was not acting justly by the South in regard to these public buildings. My friend must remember that in the last few years we have built at Knoxville, Tennessee, a public building at a cost of \$388,000, and that we are now erecting at Nash-

building at a cost of \$388,000, and that we are now creeting at Nashville, Tennessee, a building that will cost \$350,000; so that this is the third building in the space of six years to be erected in Tennessee.

Mr. KELLEY. They used in democratic days to expend millions on such buildings. In Charleston, South Carolina, the unfinished custom-house has cost from five to six million dollars.

Mr. HOLMAN. Does the gentleman say millions?
Mr. KELLEY. Yes, sir.
Mr. HOLMAN. Before making such statements, the gentleman should look at the records of history.

Mr. KELLEY. I do say that the unfinished custom-house at Charles-

ton, South Carolina, has cost many millions of dollars.

Mr. YOUNG. The question which the gentleman from Indiana seemed to indicate in his concluding remarks was whether a custom-house at Memphis should be built at all or not. We are not considering that question. If that were presented to the House for their consideration, whether a custom-house should be built at Memphis at all, it might be proper to remind the House that one public building has been erected at Knoxville and that one is now being built at Nashville; but there is already a law enacted by Congress in 1873 which declares that a custom-house should be constructed in the city which declares that a custom-house should be constructed in the city of Memphis, and an appropriation was made. The law declared that the Secretary of the Treasury and the Supervising Architect should at once prepare plans and specifications and proceed with the work; and the only difficulty in the way was the enactment of that law of 1874, which the Secretary of the Treasury construes to trammel him in the construction of this building until the limit should be fixed.

The previous question was seconded and the main question ordered. The SPEAKER pro tempore. The question is first on the amendment of the gentleman from Missouri [Mr. Wells] to the amendment of the gentleman from Indiana [Mr. Holman] to strike out \$400,000 in Mr. Holman's amendment and to insert \$500,000.

The amendment to the amendment was not agreed to.

The SPEAKER pro tempore. The question is next on the amendment of the gentleman from Indiana [Mr. Holman] to strike out S600,000 in the bill and insert \$400,000.

The question being taken, there were—ayes 63, noes 69.
Mr. BAKER, of Indiana. I call for the yeas and nays.
On the question of ordering the yeas and nays, there were—

37, noes 106.
So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.
The question was taken; and there were—yeas 133, nays 104, not

voting 52; as follows:

The question was taken; and there were—yeas 133, nays 104, not voting 52; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Bagby, John H. Bagley, jr., John H. Baker, Ballou, Barnum, Bass, Beebe, Bell, Bland, Boone, Bradford, John Young Brown, HoratioC. Burchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, Campbell, Cannon, Cason, Cate, Chittenden, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cowan, Crapo, Cutler, Danford, De Bolt, Denison, Durand, Durham, Eames, Eden, Ellis, Faulkner, Fort, Foster, Frost, Frye, Garfield, Glover, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Harrison, Hatcher, Haymond, Hendee, Goldsmith W. Hewitt, Hoar, Holman, Hopkins, Hoskins, Hubbell, Hunter, Hurd, Jenks, Joyce, Knott, George M. Landers, Lawrence, Lynde, Magoon, Maish, McDill, McMahon, Metcalfe, Miller, Monroe, Morgan, Morrison, Mutchler, Neal, New, Norton, Phelps, John F. Philips, Plaisted, Poppleton, Potter, Powell, Randall, Rea, John Reilly, James B. Reilly, Rice, John Itobbins, William M. Robins, Robinson, Miles Ross, Sobieski Ross, Savage, Scales, Schleicher, Seelye, Sheakley, Singleton, A. Herr Smith, Southard, Springer, Stevenson, Tarbox, Teese, Terry, Thompson, Thomas, Washington Townsend, Turney, John L. Vance, Waldron, Walling, Warren, Wheeler, White, Willard, Andrew Williams, Charles G. Williams, James Wilson, and Yeates—133.

NAYS—Messrs, Adams, Atkins, William H. Baker, Banks, Banning, Blackburn, Bliss, Blount, Bradley, William B. Brown, Buckner, William P. Caldwell, Candler, Caswell, Caulfield, Conger, Cook, Cox, Crounse, Culberson, Darrall, Davy, Dibrell, Dobbins, Dunnell, Ely, Forney, Franklin, Freeman, Goode, Hancock, Haralson, Hardenbergh, Henry R. Harris, John T. Harris, Hartridge, Abram S. Hewitt, Hoge, House, Hunton, Hyman, Thomas L. Jones, Kehr, Kelley, Ketchum, Kimball, King, Lamar, Franklin Landers, Lane, Leavenworth, Levy, Lewis, Lord, Luttrell, Lynch, Levi A. Mackey, MacDougall, McFarland, Meade, Milliken, Mills, Morey, Nash, O'Brien, Oliver, O'Neill, Packe

So the amendment was agreed to. During the roll-call,

Mr. LANE said: The gentleman from Nevada, Mr. WOODBURN, is necessarily absent from the House to-day, being detained by important business

The result of the vote was announced as above recorded.

DEATH OF HON. HENRY H. STARKWEATHER

The SPEAKER. The Chair desires now to say to the House that he was notified early this morning by the friends of the late Mr. STARKWEATHER, of Connecticut, that it was their desire at three o'clock to proceed in the House to pay the proper respect to the memory of Mr. Starkweather. That hour is now passed, and twenty minutes more. What is it the pleasure of the House now to do?

Mr. PHELPS. I wish the House now to listen to the resolutions of

respect to Mr. Starkweather's memory which I send to the Clerk's desk,

The Clerk read as follows:

Resolved, That this House has heard with deep regret the announcement of the death of HENRY H. STARKWEATHER, late a member of this House from the State of

Connecticut.

Resolved, That as a testimony of respect to the memory of the deceased the officers and members of the House will wear the usual badge of mourning for thirty

Resolved, That a copy of these resolutions be transmitted by the Clerk to the family of the deceased.

Resolved, That, as a further mark of respect, the House do now adjourn.

Resolved, That the foregoing resolutions be forthwith transmitted to the Senate.

Mr. PHELPS. Mr. Speaker, it has again become the sad duty of the Representatives of the State of Connecticut to announce the decease of one of their colleagues in the councils of the nation. The shafts of death have recently fallen with such rapidity upon the distinguished citizens of the Republic that even the eloquence of eulogy has become commonplace in these halls, and it is difficult without repetition to select language suitable for the expression of our feelings. But a few days since we were required to suspend the prosecution of our ordinary official duties and pay the customary tribute of respect to the memory of one who at the time of his decease was in the enjoyment of the highest honor which a State of this Union can bestow on its most deserving citizen. Now, sir, it is not a Senator who has fallen but one of our own members, an honored member of this House, who possessed the respect of us all, and the friendship of many of the

oldest and most prominent members of this body.

Hon. Henry H. Starkweather died at his lodgings in this city on the morning of the 28th of January last. His recent invocation in behalf of another to "come quickly" was speedily answered to himself, and his spirit has been borne to the presence of Him who

He was born of highly respectable parents, in the town of Preston, Connecticut, on the 29th day of April, 1826. His father was in moderate pecuniary circumstances, and followed the plain but reputable pursuit of agriculture, and his son until twenty-one years of age, when not attending the common schools or teaching in them, assisted his father in his work upon the farm. With such opportunities for education as he possessed, and with a strong desire for learning and a natural intellect of a superior order, he acquired a thorough common education, and by much and well-selected reading stored his mind with useful information which a vigorous and well-trained memory enabled him to retain. In that way he acquired a fund of valuable knowledge from which, as occasion required, he drew in after-life, and made available in all the exigencies of his professional and political cargor. and political career.

and political career.

His ambition for distinction led him to adopt the profession of the law, for which he qualified under the instruction of an eminent and accomplished lawyer, now one of the judges of the supreme court of the State, and was admitted to the bar in 1850. He immediately commenced practice in the city of Norwich, and at a bar which numbered among its members some of the most able and distinguished practitioners in the State occupied a respectable position. Like many other young and promising members of his profession, he allowed himself to be withdrawn from exclusive devotion to it by the excitement of politics, and after a short practice of ten years, during which he had been steadily rising toward distinction, he accepted the appointment of postmaster in that city, and from that time gave

little attention to his profession.

In politics he was a whig until the disintegration of that party, and then actively assisted in the organization of the American party, by which he was elected to the lower house in the State Legislature in He afterward aided with enthusiasm in the formation of the republican party, was prominent in its councils, and was a delegate to the national conventions which nominated Mr. Lincoln in 1860 and General Grant in 1868. He was re-appointed postmaster in 1865 by President Johnson; but after the latter made his celebrated speech on

the 22d of February, 1866, he could not longer consistently retain of-fice under his administration, and resigned.

He was nominated and elected to Congress in 1867, and by succes-sive re-elections continued to occupy a seat here until his death. The period embraced in his congressional service was one of the most interesting in the history of the country, and during that period he at different times held positions on several of the most important committees of the House, and was remarkable for the faithfulness with which he constantly endeavored to perform his duty. No request from a constituent, however humble, was disregarded by him, and his

known fidelity to duty and his conscientious adherence to principle were what most especially constituted the elements of his strength. He was quiet and unassuming in his official demeanor, and seldom attempted to participate in debate beyond the formal statements attempted to participate in debate beyond the formal statements which were necessary to explain the reports from committees which he had occasion to make; but he had, notwithstanding, acquired an influence from his long membership and his familiarity with the rules of congressional proceedings which any member, however long in service, may be satisfied to attain. That made him a very valuable and efficient Representative and enabled him to acquire a usefulness which no inexperienced member, however able, can hope to possess. His congressional career is familiar to many now here who have been long associated with him and to them I leave the friendly office of more associated with him, and to them I leave the friendly office of more ably and particularly illustrating it.

ably and particularly illustrating it.

He possessed an uncommon natural power in another respect. He had a remarkably accurate judgment of men, and an almost intuitive perception of their character. This added much to his capacity and influence as a legislator, and was a material and valuable constituent in the composition of the man.

He also possessed great force of will, and bravely struggled against the disease which overcame him. He had successfully passed through previous severe attacks of illness and doubted not he should escape fatal consequences from the last. Through fear of accasioning his

fatal consequences from the last. Through fear of occasioning his family unnecessary apprehension he refused to allow them to be in-formed of the severity of his suffering, and as late as the afternoon before his death addressed with his own hand, which betrayed no sign of weakness, a few affectionate and encouraging words to his wife, who, unknown to him, was then hastening in feeble health, but with true wifely instinct and devotion, to administer to him the comfort of her care and the consolation of her companionship. She arrived in season to receive an intelligent and affectionate recognition from him, and a few moments after he passed from life as gently as the twilight fades into the night. He has gone in the pride of his intellectual strength, before the frosts of age had silvered his locks or the hand of time furrowed his brow; gone in the midst of his use-

or the hand of time furrowed his brow; gone in the midst of his usefulness, when his services were more than ever valuable and needed. There was another prominent element in his character, too rarely found in the statesmen of the present day, which cannot be omitted without doing him great injustice and rendering the portraiture of his life very incomplete. He was a devoted Christian. Disease assailed him at his post of duty and soon conquered his weak frame; but the invitation from his Master did not find him unprepared; "he knew in whom he trusted." He had in early life clothed himself with the armor of faith in the Lord Jesus Christ, and that shield and helmet and breast-plate which were the panophy of his defense against. helmet and breast-plate which were the panoply of his defense against the assaults of the enemy of all righteousness were worn by him in triumph to the end. At his obsequies the overflowing church and thronged streets, the saddened countenances and tearful eyes spoke eloquently of the universal respect and grief of the community who had known him longest and best. The benedictions of a bereaved people were reverently breathed upon his casket.

Death is under all circumstances a solemn event and can scarcely occur to the humblest and most obscure without inflicting torture on other hearts; and while it is true that the sorrow of such is sometimes more deep and lasting than that of those who move in a higher sphere, yet the public are not shocked. But when a citizen whose position and services have made his name familiar is stricken down in the conflict of life with his official armor on, the electric announcement which theils throughout the country produces a servertion of ment which thrills throughout the country produces a sensation of public calamity and loss, a feeling that a public servant has fallen, the loss of whose experience and service is a public bereavement.

It is a singular fact that the last public act of Senator Ferry was to pronounce a eulogy upon his colleague, Senator Buckingham. It is a more singular circumstance that Mr. Starkweather's last official work was the preparation of a similar address upon Senator Ferry. It is yet more singular that before that address was delivered he had been suddenly summoned from this world, and that paper was read to this House in the place of a eulogy of his own by the distinguished gentleman from Ohio, [General Garrield.] I will leave to others who have finer imagination and more fervid speech to paint with glowing words the beauty of the closing part of that address and to tell how descriptive it was of his own feelings and condition, how personally

descriptive it was of his own feelings and condition, how personally prophetic in its application, and how truly it sounded like the triumphant strains of the dying Christian singing his own requiem.

In private life Mr. Starkweather was above reproach, modest and unaffected in his manner, amiable in his disposition, genial and social in his intercourse, generous to his friends, charitable to the poor, just to all. He was deeply devoted to those who composed his cherished household circle and equally beloved by them.

Mr. STEVENSON. Mr. Speaker, it had been my intention rather to listen than to take part in these solemn ceremonies. But at the request of my honorable friend from Connecticut, [Mr. Phelps,] I desire in brief words to add my tribute of respect to the memory of him whose loss we deplore.

My acquaintance with Mr. Starkweather began at the opening of the present session of Congress. From the first he impressed me as a gentleman of a high order of ability, laborious in the discharge of every duty, and faithful to every trust. A continuous service in this House for more than eight years fully attests the value placed

upon his services by the people whom he represented. The record of the proceedings of this body will show that he played no unimportant part in the discussion and adjustment of the great questions of public policy which have agitated the country during the last decade of years. Wrong he may at times have been in his conclusions, but that those conclusions were the result of intelligent deliberation and conscientious conviction no one who knew him could doubt. But, sir, it is not for me to speak more fully of his public services. Others who have known him longer and have been his co-laborers here have performed that duty.

Mr. Speaker, the sad duty devolved upon myself with others of this House, under your appointment, to bear the remains of our late associate back to his native State, to his home and people, and there consign them to their last resting-place. The sad yet pleasing recollections of that service can never be effaced from my memory. If I had doubted that service can never be effaced from my memory. If I had doubted the strong hold that this Representative had upon the hearts of his people, such doubts would have been dispelled by the symbols of grief, the evidences of true sorrow we everywhere beheld. For one day all business was suspended, public buildings and many private residences draped in mourning, while the countenances of the many thousands who followed him to the silent grave bore unmistakable evidences of deep and lecting sorrow. deep and lasting sorrow.

Mr. Speaker, our late associate has played his part in this little drama of human life, and the record of his deeds here is forever closed. The places that have known him upon the earth can know him no more forever. In a beautiful New England city, surrounded by the eternal hills, among a people who so long honored themselves by hon-

He sleeps his last sleep, and No sound can awake him to glory again.

Mr. Speaker, we mourn him as a trusted associate, as a faithful public servant, but what must be the bereavement of those to whom he sustained the more endearing relation of husband and father? Within that vale of sacred grief we would not enter; but "may He who tempers the wind to the shorn lamb" soothe and sustain the be-

reaved in this trying hour.

Sir, as we pause for a brief moment from the cares and duties that press upon us to pay this last tribute of respect to the memory of our departed friend; it is a pleasing thought that, to the character of faithful Representative, exemplary citizen, and devoted husband and father, he added that of a humble, devout Christian. The dread summons which came to him, and which we know not how soon must

come to us all, found him calmly, resolutely awaiting its approach.

Mr. Speaker, almost the last act of Mr. Starkweather's life was
the preparation of the beautiful and touching eulogium upon Senator FERRY which he did not live to utter, but which was so impressively read to this House but a few days since by my honorable friend from Ohio, [Mr. Garfield.] Sir, I know of no more fitting language with which to close these remarks than those prophetic words with which he closed his tribute to the memory of the dead Senator from his own

It was most beautiful and grand, a mid failing strength and long years of pain, to hear him discourse of —  $\,$ 

Rest at last, Repose complete, eternal; Love, rest, and home.

No cloud obscured the effulgence of his hope or dimmed his vision. Clear and high his intellect and his faith rose above all storms and darkness, and sustained him in sweet companionship amid the unrevealed mysteries of pain.

Thinking of trials past, and knowing as we do how well he had wrought for the future, trusting in the merits of his dear Lord, he could repeat the sweet lines of Bonar—

Beyond the parting and the meeting I shall be soon;
Beyond the farewell and the greeting,
Beyond this pulse's fever beating,
I shall be soon.
Love, rest, and home!
Sweet hope!
Lord, tarry not, but come.

Beyond the frost-chain and the fever, I shall be soon;
Beyond the rock waste and the river, Beyond the ever and the never, I shall be soon.

Love, rest, and home!
Sweet hope!
Lord, tarry not, but come.

Mr. HALE. Mr. Speaker, from the day when I first entered this House, seven years ago, the deceased member and I have been thrown much together. We both served upon the Committee on Naval Affairs in the Forty-first Congress, and during all the arduous labors of the Committee on Appropriations for the Forty-third Congress we sat at the same table, engaged in the same work. Still later, (and this recollection summons his face before me in clear relief,) he sat next

on my right in the chair which is to-day vacant; and so it came about that I knew him well—were it not for that fine reserve which was a feature of his character, I should say intimately.

Like other gentlemen who have served with him on committees, I learned to value Mr. Starkweather for the faithful services that he brought to every duty laid upon him and for the clear judgment that he displayed in oftentimes conflicting national, sectional, and political interests. Through it all he was honest and earnest of purpose,

and, though by no means an aggressive man in temper, he was effective and spirited in maintaining his views, and, if ever assailed in any

manner reflecting on the consistency of his political course, he always showed that he was amply capable of taking care of himself.

He has left this presence where not a few still remain who have served with him, and among them all I venture to say there is not

one who does not feel that he was honest, capable, and faithful.

His constituents appreciated this high character, and manifested their appreciation by repeated returns. It is no common thing either in Connecticut or in any State for a member of this House to be returned here at five successive elections. Few higher honors ever fall upon an American citizen. From some acquaintance with his constituents I have been impressed with the belief that their confidence in

him has been for ten years a growing and not a waning sentiment.

Like many of our public men, Mr. Starkweather gave his best
years to the service of his country, and died a poor man; but he has
left to his dear wife and children that precious legacy a good name and the memory of a well-spent life.

Upon this floor we have all seen him, attentive and watchful; in the committee-rooms of this Capitol, where is molded the legislation of forty millions of people, some of us have sat by him and have been benefited by his counsels.

The years of his public service have come and have gone. They failed not with him, as they fail not with most of us, to deepen the unseen burdens of mortality and to sap the strength with which we resist the common decay. But out of it all Mr. STARKWEATHER resist the common decay. But out of it all Mr. STARKWEATHER brought none or little of the accumulations for which many men in

other walks barter health, honor, and life.

He was content to do well his duty, and the recollection of his patient life and the protection of a kind Creator and Father will, I know, raise up friends for those who were dependent upon him and who are well-nigh heart-broken at his loss.

Listening the other day to the deep and fervent words which he had written for an occasion like this, in memory of his deceased friend, the late Senator from Connecticut, in which in rapt language he prefigured the soul's relation to the illimitable future, and also looking back, as I now do, to the incidents and observations of every-day life, which are apt to elude us until after our friends are taken from us, I am impressed with the belief that Mr. Starkweather carried with him, as a constant presence, the conviction that death might at any time come to him. He was never, or at least not for years, what might be called a well man. Lassitude, weakness, illness, all conspired to drag him down. Against these he always made an uncomplaining and manly resistance, and notwithstanding them wrought out a life of useful deeds such as few men ever compas

But, Mr. Speaker, what struggles and misgivings the watches of the night, could they be laid bare, might show to us we can never know. There are no such heroic combats as these silent, solitary ones with the relentless foe that at last occupies all human fields. ordinary conflicts of human life sink into littleness beside them. To know that the destroyer has made his lodgment, and that, whatsoever may be the tie that binds us to life, the allurements of public station, the charm of love and friendship, the laughter and confidence of little children, he will yet give us but little notice, is what with most men breaks down courage and palsies every effort. Thinking of such a conflict, and believing as I do that our friend waged it, I recall the words of Thackeray upon another of life's lost battles:

The thought of it smites me down in humble submission before the Ruler of kings and men, the Monarch Supreme, the inscrutable Dispenser of life, death, happiness, victory.

He who has left us was no recreant here. He succumbed only when the hand could be no more upraised and the asserting will failed forever. But he has left with us the memory of the cheerful companion, the good friend, the honest, faithful public servant.

Mr. GARFIELD. Mr. Speaker, in some respects this Hall is the coldest, the most isolated place in which the human heart can find a temporary residence. We are in the service of distant constituencies, each of us representing the wishes and aspirations of separate communities, people with whom we are far more closely connected than with each other. Few of us have been neighbors, or even acquaintances. We are here not for each other, but for the public; and the duties of our temporary sojourn are such as necessarily to keep us isolated from each other. I have often been saddened with the thought that in no place where my life has been cast bave I seen so much necessary isolation as here. True, our work brings us together every day; we see each other's faces; we compare opinions upon public questions; we divide, combine, clash, agree, attack, and defend; but, after all, this life is a wonderful isolation. The accidents of committhe service, of the seats we may occupy in this Hall, of the places in the city where we may reside—all these frequently determine whether we shall really know much or little of each other. And usually it is difficult without the favorable concurrence of these accidents for two busy members of this House to become very intimately acquainted with each other.

Mr. Starkweather was a member of this House several years before I could say that I had any intimate acquaintance with him. It was only when our duties brought us together upon the same committee that I came to realize how much I had lost in the four years during which he had been a member of this body. Our service together on

a very laborious committee gave me unusual opportunities to study the character of his mind and heart, and to know that, in the best meaning of the words, he was a true, genuine, manly man. Foremost among his high qualities was his unselfishness. He was one of the few men we meet in this ambitious tussle of public life who are willing to take up a difficult and tangled subject, patiently work it out, and put his results into the common fund of work as cheerfully and faithfully as if the duties and the honors were all his own. Without complaining, quietly, patiently, and faithfully he did his work, finding his reward in the consciousness of duty well done.

There was another circumstance that enabled us to know more of

his character than would otherwise have been possible. I have somehis character than would otherwise have been possible. I have sometimes thought that we cannot know any man thoroughly well while he is in perfect health. As the ebb-tide discloses the real lines of the shore and bed of the sea, so feebleness, sickness, and pain bring out the real character of a man. Who knew better than he the sacred ministry of pain? Who fought more bravely for life? Who struggled more courageously to do his duty uncomplainingly and appear to be well? I have seen him in the committee-room in such paroxysms of coughing that it seemed he must die in his chair. Yet, with a rare homefulness and courage that rejected help, he waved his friends off or coughing that it seemed he must die in his chair. Let, with a rare hopefulness and courage that rejected help, he waved his friends off as if annoyed that they should notice his weakness. Thus, for years, he pushed away the hand that was reaching for his heart-strings, and bravely worked on until his last hour. I do not doubt that his will and cheerful courage prolonged his life many years.

He was a man of uncommon soundness of judgment, of rare common sense. I recently heard one of our foremost scholars and think-

ers say that of all the men who had made the most enduring impress upon the character and history of our institutions, the men of sound judgment had done vastly more for us than all our brilliant men had accomplished. He noticed especially the example of Washington.

Hamilton was the master of a brilliant style, clear and bold in con-

ception and decisive in execution; Jefferson was profoundly imbued ception and decisive in execution; Jefferson was profoundly imbued with a philosophic spirit, could formulate the aspirations of a brave and free people in all the graces of powerful rhetoric; and other master-minds of that period added their great and valuable contributions to the common stock; but, whether in the camp or in the cabinet, the quality that rose above all the other great gifts of that period was the comprehensive and unerring judgment of Washington. It was that all-embracing sense, that calmness of solid judgment, that made him easily chief; not only the first man of his age, but foremost "in the foremost files of time"

most "in the foremost files of time."

I was deeply impressed with this tribute to the value of sound judgment, of saving common sense, as contrasted with the more flashing qualities of genius. And I may say that our departed friend was girded with a calm, balanced judgment that made him a man to be trusted in moments of doubt and difficulty. I have known but few men who knew so perfectly the drift and current of public thought and of what would be just right and fitting and wise to do. It was this which made Mr. Starkweather so valuable a member of the committees on which he served. They found him never fickle, always wise, never extreme, always steady, having the courage of his opinions and always ready to defend them.

ions and always ready to defend them.

He had one experience that almost every man must have before his character can be fully tested. He was tried in the fiery furnace of detraction and abuse. I remember well, in that period of assault, how calmly, how modestly, and yet how bravely he bore himself—without bitterness, without shrinking—boldly meeting all assaults, calmly answering, bearing himself through the storm like a genuine man as he was. That was the test which set the seal of character and gave assurance that he was made of the real stuff of which genine heroic men are made. nine, heroic men are made.

But, after all, we have but small ground to judge of a man's real merits here. We can judge of many qualities; but if we would know a man's heart and learn how the foundations of his character have been laid, we must enter that circle where he has been known from his youth and in which his life has been developed. Well as I knew STARKWEATHER, I confess that I never knew until we bore his

body back to his home and saw his neighbors gathered around his bier how true, how tender, and how noble a soul was his.

We know but little of each other here. Behind this public life lies a world of history, of quiet, beautiful, home-life, within which the religious opinions and sentiments are manifested—a world of affecting the feature of which are not be beautiful. tion, the features of which are rarely brought out in this forum. Who of us knew the deep, the profound religious life of our departed friend? None of us ever saw anything in him inconsistent with the highest religious character; but who of us had learned that at home, in the circle of his family and his church, he was a steady, clear light, illuminating the whole circle in which he moved, and filling with the radiance of a sweet and beautiful religious life the hearts of all who knew him. On the evening of his very last day at home, only a month before he came here to die, he spoke in his own church, in a quiet social gathering, such words as we found were echoing and trembling in the stricken hearts of those who came to follow his bier.

There was no religious cant in this man-no ostentatious parade of piety. It was with him, as he said of Senator Ferry, not a sentiment merely, but a controlling force, that lighted his pathway and molded his whole life. And it was this that bowed my soul in reverence and love as I stood beside his grave. I believe we may say in every good sense of the word that his life has been a noble and

worthy success, a life that we ought to remember for our own sakes and for the sake of our country, a life that those who knew him can never forget.

The resolutions were then unanimously adopted; and in accordance therewith (at four o'clock p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: Remonstrance of the Cincinnati Beer Brewers' Association, signed by Herman Lackman, president, and George Moerlein, secretary, against the passage of any law requiring brewers to produce a barrel of beer from two and one-half bushels of malt, and petition for relief from the present rule of the Department on that subject, to the Committee of Ways and Means.

By Mr. CATE: Memorial of the Legislature of Wisconsin for a semi-weekly mail-route from Waysan to Colby Wisconsin to the Comparison.

weekly mail-route from Wausau to Colby, Wisconsin, to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Legislature of Wisconsin for a daily mail-route from Marine Mills to Osceola Mills, Wisconsin, to the same committee.

Also, memorial of the Legislature of Wisconsin for an appropria-tion for the improvement of the Chippewa River, to the Committee on Commerce.

By Mr. COX: Papers relating to the claim of M. W. Venning, to

the Committee on War Claims.

By Mr. DE BOLT: The petition of Jackson Lanenburg, for relief, to the Committee on the Post-Office and Post-Roads.

By Mr. DURHAM: A paper relating to a post-route from Campbellsville to Sugar Tree Spring, Kentucky, to the same committee.

By Mr. EGBERT: The petition of 110 soldiers, of Pennsylvania, for a grant of one hundred and eighty acres of land, and an appropriation of \$200 each to enable them to settle upon the same, to the Com-

tion of \$200 each to enable them to settle upon the same, to the Committee on Military Affairs.

By Mr. HOLMAN: The petition of certain soldiers of Pennsylvania, of similar import, to the same committee.

By Mr. HOOKER: Papers relating to the claim of Michael Milholland, for property taken and used by the United States Army, to the Committee on War Claims.

By Mr. HUNTON: The petition of Francis F. Curtis, for a rehearing of his case before the southern claims commission, to the same committee.

By Mr. JENKS: The petition of B. H. Scott, for arrears of pay as

By Mr. JOYCE: The petition of B. H. Secti, for arrears of pay as a United States soldier, to the same committee.

By Mr. JOYCE: The petition of Royal Tyler, and others of Brattle-borough, Vermont, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. LUTTRELL: Papers relating to the claim of Charles Krug, for money paid for revenue stamps, to the Committee of Claims.

Also, the petition of A. R. Andrews and 100 others, of California,

for the restoration of Fort Reading reservation to the public domain

and to homestead entry, to the Committee on Military Affairs.

By Mr. MONROE: The petition of Hon. A. D. Licey and 47 others, citizens of Medina County, Ohio, for the appointment of a commission to inquire into the evils resulting from the traffic in intoxicating drinks, to the Committee on the Judiciary.

Also, the petition of J. C. Morrison and 47 others, citizens of Me-

dina County, Ohio, of similar import, to the same committee.

By Mr. MORRISON: Papers relating to the petition of Henry H.

Kaiser, for a pension, to the Committee on Invalid Pensions.

By Mr. PIPER: The petition of Robert Spelman Day, for compensation for property of his father, Asa Day, abandoned at Quebec, in 1812, to the Committee of Claims.

Also, resolutions of the board of supervisors of the city and county of San Francisco, California, in reference to the cession of the old Marine Hospital at San Francisco to the Ladies' Seaman's Friend

Society of said city, to the Committee on Commerce.

By Mr. RANDALL: Papers relating to the claim of William Brindle, under the seventh section of the act of August 18, 1856, to pay him as receiver, &c., of the Pawnee land district, to the Committee of Claims

By Mr. SAMPSON: Papers relating to the petition of Henry Simons, for relief, to the Committee on Military Affairs.

By Mr. STEVENSON: The petition of citizens of Woodford Coun-

, Illinois, for the repeal of the check-stamp tax, to the Committee of ays and Means.

By Mr. STRAIT: Papers relating to the petition of Moses Marshall, for an extension of his patent on knitting-machines, to the Committee on Patents.

By Mr. TEESE: Papers relating to the claim of Serepta Cleveland, for pay for a house belonging to her father destroyed by the enemy during the revolutionary war, to the Committee on War Claims.

Also, the petition of hat-manufacturers, relative to the tariff on

hatters' furs, to the Committee of Ways and Means.

Also, the petition of citizens of the sixth congressional district of New York, that aid be extended the Texas Pacific Railroad, to the

Committee on the Pacific Railroad.

By Mr. TUCKER: The petition of W. P. Burwell, for pay for

tobacco lost by him through the agency of United States revenue officers, to the Committee of Claims.

By Mr. WARREN: Papers relating to the petition of Sophia Law Hoole, for a pension, to the Committee on Revolutionary Pensions. By Mr. WELLS, of Mississippi: The petition of A.F. & T.W. Potts,

for a rehearing of their claim before the southern claims commission,

to the Committee on War Claims.

By Mr. WHEELER: A paper relating to a post-route from North Stockholm to Brookdale, New York, to the Committee on the Post-Office and Post-Roads.

By Mr. WIGGINTON: The petition of J. A. Southerland and 400 others, for a post-route from Visalia to Independence, California, to the same committee.

Also, the petition of S. G. Lockwood and 62 others, for a post-route

from Guadalupe to Santa Maria, California, to the same committee. By Mr. WILLARD: The petition of E. Shepherd and 119 other citizens, of Michigan, for an appropriation for the survey of a ship-canal across the State of Michigan from the mouth of the Kalamazoo River to Detroit, to the Committee on Commerce.

Also, the petitions of G. W. Stratton and 30 others, and also of 46

others, citizens of Ohio, that he be granted a pension, to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Alabama: A paper relating to a post-route from Benton to Colerain and Gordonsville and back to Benton, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS, of Indiana: The petition of the heirs of Hall Neilson, for relief, to the Committee on Private Land Claims.

By Mr. WILLIAMS, of New York: Twenty-eight petitions, signed by Peter Cooper and 849 others, that Treasury notes be made receivable for all public debts and that 25 per cent. of the present bank circulation shall annually be withdrawn and replaced by greenbacks to culation shall annually be withdrawn and replaced by greenbacks, to the Committee on Banking and Currency.

By Mr. WILLIS: The petition of Alfred Knapp and 50 others, for an appropriation for the improvement of Harlem River, to the Committee on Commerce.

Also, the petition of C. F. Simpson and 46 others, of similar import,

to the same committee.

Also, the petition of Lyman M. Jones and 55 others, of similar im-

port, to the same committee.

By Mr. WOOD, of Pennsylvania: The petition of John Dobson and others, that aid be extended the Texas and Southern Pacific Railroad, to the Committee on the Pacific Railroad.

### IN SENATE.

# FRIDAY, February 25, 1876.

Prayer by the Chaplain, Rev. Byrow Sunderland, D. D. The Journal of yesterday's proceedings was read. CORRECTION OF THE JOURNAL.

Mr. EDMUNDS. I perceive by the reading of the Journal it is said that I reported from the Committee on the Judiciary, asking to be discharged from the petition of S. D. Lee. My report was asking to be discharged from certain papers relating to the removal of his disabilities, because the papers were not a petition, as they were thought to have been when they were presented by the Senator from Georgia, [Mr. GORDON.] They are indorsed in that way, but the difficulty was that they were not a petition. I would like to have the Journal corrected accordingly.

The PRESIDENT pro tempore. That correction will be made. HOUSE BILLS REFERRED.

The bill (H. R. No. 1719) to prevent the useless slaughter of buffaloes within the Territories of the United States was read twice by its

title, and referred to the Committee on Territories.

The bill (H. R. No. 2262) establishing post-roads was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

# MEDAL TO MRS. KETURAH J. NASH.

The joint resolution (H. R. No.73) authorizing and requesting the President of the United States to present the medal made for William H. H. Nash to his widow, Keturah J. Nash, was read twice by its title.

Mr. ANTHONY. I ask that this joint resolution may be put on its

passage. I am sure there will be no objection to it.

Mr. EDMUNDS. What is it about?

Mr. ANTHONY. In 1872 the steamer Metis was destroyed in Long Island Sound, and very brave and heroic deeds were performed by certain the steamer Metis was destroyed. tain citizens in rescuing the lives of the passengers. For that service Congress decreed medals to those brave men. One of them has died, and the Secretary of State does not feel authorized under the law to deliver the medal to his family. This resolution merely provides that the medal may be given to his widow.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the joint resolution. It authorizes the President to present the medal made by authority of Congress by joint resolution approved February 24, 1873, for William H. H. Nash, for gallant services, in connection with others, in saving the lives of thirty-two persons from the wreck of the steamer Metis, from the waters of

Long Island Sound, on the 31st day of August, 1872, to his surviving widow, Mrs. Keturah J. Nash.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### EULOGIES ON VICE-PRESIDENT WILSON.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Vice-President, Henry Wilson, be printed; 9,000 copies for the use of the House and 3,000 copies for the use of the Senate, and the Secretary of the Treasury have printed the portrait of Mr. Wilson to accompany the same.

#### EULOGIES ON SENATOR ANDREW JOHNSON.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Andrew Johnson, late Senator and Ex-President of the United States, be printed; 9,000 for the use of the Senate, and the Secretary of the Treasury have printed the portrait of Mr. Johnson to accompany the same.

#### PETITIONS AND MEMORIALS.

Mr. CONKLING. I present concurrent resolutions of the Legislature of the State of New York, against the granting of subsidies to the Texas Pacific Railroad, and for other internal improvements. I ask that the resolutions be read.

The PRESIDENT pro tempore. The resolutions will be reported. The Chief Clerk read as follows:

Concurrent resolutions relative to the granting of subsidies by Congress in aid of the Texas Pacific Railroad and other internal improvements.

the Texas Pacific Railroad and other internal improvements.

Whereas it appears that applications for the aid of the National Government in the form of money, credit, bonds, or indorsements of bonds of private corporations are now pending in the Congress of the United States to an amount exceeding \$600,000,000, for the purpose of promoting schemes of canals, railroads, or other internal improvements, the value and utility of which are at least doubtful, and which are not demanded for present commercial, military, or national reasons; and whereas it also appears that important committees of the said Congress are now seriously considering the propriety of recommending the appropriate legislation whereby the United States will be committed to a gnarantee or indorsement of the interest payments upon the bonds or promissory obligations of certain railroad corporations, amounting in the aggregate to about \$250,000,000 in gold, for the pupose of constructing a railroad line from Northeastern Texas to the Pacific Ocean, near the thirty-second parallel of latitude, with numerous branches thereof, amounting to over three thousand miles, and that this encouragement given to this class of proposals tends constantly to swell the number and extent of such applications and is giving rise to many schemes of like questionable character which have failed to secure the approval of private capitalists, and which, by their combined influence and support, embarrass, retard, and interfere with the proper subjects of legislation:

bined influence and support, embarrass, retard, and interfere with the proper subjects of legislation:

Be it resolved, (if the assembly concur.) That it is unwise, impolitic, and dangerous at this time of depressed trade and heavy financial burdens for Congress to embark the country upon such gigantic works, and thereby invite other and further demands for national assistance to the detriment of the people and good government; and that our Senators and Representatives in Congress be requested to use all proper influences to counteract and defeat such attempts; and that the secretary of state be instructed to forward, without delay, a copy hereof to each of them.

STATE OF NEW YORK, IN SENATE, February 15, 1876.

The foregoing resolution was duly passed.

By order.

HENRY A. GLIDDEN, Clerk.

STATE OF NEW YORK, IN ASSEMBLY, February 16, 1876.

The foregoing resolution was duly passed.

EDWARD M. JOHNSON, Clerk.

Mr. CONKLING. I move that the resolutions be printed and referred to the Committee on Railroads.

The motion was agreed to.

Mr. CONKLING presented the petition of Peter J. Reuss, late a surgeon in the Seventh Regiment New York State Volunteers, praying to be allowed a pension; which was referred to the Committee

on Pensions.

Mr. NORWOOD. I introduced the other day a bill for the relief of Laura J. Locke and Florence Locke, which was referred to the Committee on the Judiciary. I now beg leave to present a petition in their behalf, and I move its reference to the same committee, to accompany the bill.

The motion was agreed to.

Mr. ALLISON presented the petition of Charles O. Torrey and about 170 others, citizens of Delaware County, Iowa, praying for a repeal of the specie-resumption act passed January 14, 1875; which was referred to the Committee on Finance.

Mr. HARVEY presented the memorial of James McDowell, praying to be allowed a pension for services rendered as a private in an independent company of riflemen in the war of 1812; which was referred to the Committee on Pensions.

Mr. MERRIMON presented the petition of Thomas P. Jordan, of Hendersonville, North Carolina, praying that he be paid the sum of \$110 for three thousand and eighty pounds of corn furnished to the United States military authorities in the year 1865; which was referred to the Committee on Claims.

The PRESIDENT pro tempore presented a memorial of the Legislative Assembly of the Territory of Montana, in favor of an appropriation of \$15,000 to be expended in removing obstructions in the Columbia River to allow salmon fish to ascend that river to the Territory; which was referred to the Committee on Commerce.

Mr. CHRISTIANCY. I present the memorial of A. C. McGraw & Co. and 24 others, merchants and business firms in the city of Detroit, Michigan, remonstrating against the repeal of the bankrupt law, and in favor of an amendment of the same; and the memorial of John Hiffim, Edson, Moore & Co., and 23 other citizens of Detroit, for the same purpose. I wish to state that I do not concur in the object of the memorialists. I move the reference of the memorials to the Committee on the Judiciary.

The motion was agreed to.

Mr. CLAYTON. I have some correspondence from the AttorneyGeneral bearing on the treatment of United States prisoners in the Arkansas penitentiary. This is information similar to that which was sent to the Senate a few days ago under a resolution of the Senate. I present it, and move that it be printed and referred to the Committee on the Judiciary.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. McDONALD. I am directed by the Committee on Pensions, to whom was referred the bill (S. No. 40) granting a pension to Elmira E. Cravath, to report it with an amendment. The committee adopt the report in favor of the bill which was made by the committee at the last session. I move that that report be printed.

The motion was agreed to.

Mr. MORRILL, of Vermont, from the Committee on Revolutionary Claims, to whom was referred the bill (S. No. 137) to provide for the settlement of the claims of the officers of the revolutionary army, and of the widows and children of those who died in the service, submitted an adverse report; which was ordered to be printed, and the bill was

postponed indefinitely.

Mr. MORRILL, of Vermont, from the same committee, to whom was referred the memorial of the Maryland Society of the Cincinnati, urging the claims of the officers of the revolutionary army, asked to be discharged from its further consideration; which was agreed to.

He also, from the same committee, reported the following resolution; which was referred to the Committee on Printing:

Resolved. That one thousand extra copies of the report of the Committee on Revolutionary Claims on Senate bill No. 137 be printed for the use of the Senate.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Sarah E. Weston, widow of William K. Weston, deceased, praying compensation for the construction of a light-house at Flynn's Knoll, harbor of New York, submitted an adverse report thereon; which was agreed to, and ordered to be

Mr. BOOTH from the Committee on Pensions, to whom was referred the petition of Leslie Combs, a captain of the war of 1812, praying for arrears of pension and an increase of the same, submitted an adverse report thereon; which was agreed to, and ordered to be

printed.

He also, from the same committee, to whom was referred the petition of Nancy True, praying to be allowed a pension on account of the service and loss of her three sons in the Army during the war, submitted a report thereon accompanied by a bill (S. No. 504) granting a pension to Nancy True.

The bill was read and passed to the second reading, and the report

was ordered to be printed.

# AGRICULTURAL REPORT FOR 1873.

Mr. FRELINGHUYSEN. The Committee on Agriculture, to whom was referred a concurrent resolution from the House of Representa-tives stating that there are 10,000 copies of the Agricultural Report of 1873 undistributed, and providing that the Commissioner of Agricul-ture distribute to each Senator and member of the House of Representatives twenty-five copies, have considered that resolution, and do not recognize that mode of distribution per capita; but suggest an amendment which produces nearly the same result. I believe that it is usual in the distribution of documents that the Senate shall have from one-third to a quarter as many as the other House, except this particular volume of Agricultural Reports, in which case I think the distribution is more nearly per capita. I have offered an amendment distribution is more nearly per capita. I have offered an amendment to the resolution which produces nearly the same result without recog-

nizing that mode of distribution.

The PRESIDENT pro tempore. The Senator from New Jersey asks the present consideration of the resolution which will be read, sub-

The CHIEF CLERK. The resolution as proposed to be amended by the committee reads:

Whereas, from information derived from the Commissioner of Agriculture, there is about ten thousand copies of the Agricultural Report for the year 1873 undis-

are about ten thousand copies of the Agricultural Report for the year 1813 undistributed: Therefore,

Be it resolved by the House of Representatives, (the Senate concurring therein,) That the Commissioner of Agriculture be, and he is hereby, authorized and directed to distribute to the Senate twenty-five hundred copies and to the House of Representatives seventy-five hundred copies of said report, less the number heretofore delivered to Senators or members of the House during the present session.

The amendment was agreed to.

The resolution, as amended, was concurred in.

#### BILLS INTRODUCED.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 505) to establish certain post-routes; which was read twice by its title, referred to the Com-

mittee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HOWE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 506) for the improvement of the Chippewa River, in the State of Wisconsin; which was read twice by its title, referred to the Committee on Commerce, and ordered to be

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 507) for the restoration to market of certain lands in the Territory of Utah; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. JONES, of Florida, asked, and by unanimous consent obtained,

leave to introduce a bill (S. No. 508) for the relief of the administrator of the estate of Joseph Sierra, deceased, of Pensacola, Florida; which was read twice by its title, referred to the Committee on Claims,

and ordered to be printed.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 509) for the relief of John A. Shaw; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. CLAYTON asked, and by unanimous consent obtained, leave Railway Company the right of way through the Indian Territory to a point opposite the town of Fort Smith, State of Arkansas, and for other purposes; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOWE, it was

Ordered, That William Hodson have leave to withdraw the memorial of the Legislature of Wisconsin relative to his claim from the files of the Senate.

On motion of Mr. WHYTE, it was

Ordered, That the petition of Jane E. Hamm be taken from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. McCREERY, it was

Ordered, That the petition and papers in the case of Elizabeth Carson be taken from the files of the Senate and referred to the Committee on Claims.

### ADJOURNMENT TO MONDAY.

On motion of Mr. SARGENT, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

### AMENDMENT OF FUNDING ACT.

Mr. SHERMAN. I move that the Senate proceed to the consideration of Senate bill No. 478.

The motion was agreed to; and the bill (8. No. 478) amendatory of an act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, and of an act entitled "An act to amend an act entitled 'An act to authorize the refunding of the national debt," approved January 20, 1871, was read the second time, and considered as in Committee of the Whole. It amends the acts to authorize the refunding of the national debt, approved July 14, 1870, and January 20, 1871, so that the amount of bonds bearing 4½ per cent. interest authorized to be issued be increased to \$500 000 000 and be interest authorized to be issued be increased to \$500,000,000 and be payable at the pleasure of the United States after thirty years from the date of their issue, instead of after fifteen years. This is not to be construed to authorize any increase of the total amount of bonds pro-

vided for by the acts to which this is an amendment, nor to authorize any increase whatever of the bonded debt of the United States.

Mr. SHERMAN. Perhaps I ought to explain the exact changes made in the existing law. This bill is recommended by the Secretary of the Treasury in his annual report, and is pressed upon us now for immediate consideration as time becomes important. The first section of the act of July 14, 1870, commonly called the refunding act, provides for three classes of bonds. After providing for a certain amount of 5 per cent. bonds, the second clause reads as follows:

Also a sum or sums not exceeding in the aggregate \$300,000,000, of like bonds, the same in all respects, but payable at the pleasure of the United States, after fifteen years from the date of their issue, and bearing interest at the rate of 4½ per cent.

And then it provides a further issue of 4 per cent. bonds. The only effect of this bill is to change the 4½ per cent. bonds from fifteen-year bonds to thirty-year bonds, and to increase the amount from \$300,000,000 to \$500,000,000. These are the only changes proposed.

Mr. EDMUNDS. May I ask has any part of these bonds under existing the proposed of the second of

Mr. EDMUNDS. May I ask has any part of chest solds is ting law been issued?

Mr. SHERMAN. No, sir, not at all. I may state what is probably known to every Senator that the process of funding 5 per cent. bonds is exhausted, as now authorized by law. The Secretary believes now if this bill be passed promptly he would commence the process of refunding 6 per cent. bonds to 4½ per cent. bonds. Time is essential, inasmuch as in the spring of the year and this season of the year is a better time to fund than later when money becomes more active. I better time to fund than later when money becomes more active. I take it there will be no objection to the passage of the bill, because such an arrangement as that will save us 1½ per cent. on all the bonds funded, and if the amount proposed is taken there will be a saving of 1½ per cent. on \$500,000,000, or seven and one-half million dol!ars

Mr. DAVIS. I should like to ask the chairman of the Committee on Finance how many 6 per cent. bonds are now in existence.

Mr. SHERMAN. Something over a thousand millions. state precisely, but any one can tell by looking at the tables.

I thought probably the Senator could approximate Mr. DAVIS. the number.

Mr. SHERMAN. Over a thousand millions. The Senator from Massachusetts [Mr. Boutwell] may be able to tell the Senator exactly.

I could state by looking at the tables.

Mr. OGLESBY. I ask the Senator from Ohio what is the necessity of increasing the amount of 41 per cent. bonds from \$300,000,000 to \$500,000,000 if none of the 41 per cent. bonds have yet been placed in the market? I can see the necessity of this act so far as changing the time from fifteen years to thirty years is concerned; but why change the amount from \$300,000,000 to \$500,000,000 before the experiment has

been tried upon the \$300,000,000?

Mr. SHERMAN. The reason of that is simply this: It is manifestly our interest to have \$500,000,000 sold at this rate if we can, and we ought before we commence issuing these bonds to fix the amount, because if we issue \$300,000,000 now, after the \$300,000,000 are taken it might be doubtful whether we ought to increase the amount. It is believed now that \$500,000,000 can be negotiated. The basis of the loan ought to be settled before we commence the loan, so that people who deal with us may know precisely the amount. The Secretary asks it, and I see no reason why we should not grant it.

Mr. SAULSBURY. I should like, before voting on this bill, to ask the chairman of the Committee on Finance if there is no probability

that bonds can be negotiated at 4 per cent., because, if they can be negotiated at a lower rate of interest, I see no necessity for increasing I should like, the amount of bonds to be negotiated at 4½ per cent. I should like, therefore, to ask the chairman of the committee whether 4 per cent.

bonds could be negotiated?

Mr. SHERMAN. No. None of these bonds can be negotiated at less than par in gold. It would be absolutely impossible now in the state of the money market to negotiate 4 per cent. bonds at that rate. I hope the advance of the credit of the Government may enable us to negotiate 4 per cent. bonds at some time, but now it cannot be done;

it is utterly impossible, and would be idle to attempt it.

Mr. SAULSBURY. I do not understand that it will ever be done if a disposition is manifested on the part of the United States to increase the amount of bonds that are to be negotiated at 4½ per cent. If, however, the Government of the United States would once make it known to capitalists throughout the world that the rate of interest payable upon the bonds of the United States hereafter to be funded is to be 4 per cent., I apprehend we might possibly have our bonds taken at that rate of interest. It seems to me that such legislation as this tends to defeat the very object which we meant to attain in providing for the funding of bonds at 4 per cent. While a disposition is manifested on the part of the Government to fund bonds at a higher rate of interest, as a matter of course the 4 year cent bonds. higher rate of interest, as a matter of course the 4 per cent. bonds will not be taken and the 6 per cents funded in them. I therefore doubt very much the policy at the present time of advertising the world that we intend to increase the number of bonds to be negotiated at 4½ per cent. When the 4½ per cent. bonds already provided for are exhausted, let us fall back to the lowest minimum rate of interest, 4 per cent., and I have not much doubt that when capitalists become convinced that the determination of this Government is to pay no higher rate of interest, capital in Europe, and probably in this country, will seek investment at that rate of interest. I doubt very much the propriety of the policy of continually increasing the amount to

be funded at a higher rate of interest.

Mr. SHERMAN. Mr. President, my friend falls into the error of supposing that we have ever yet been able to sell our 4½ per cent. bonds at par in coin. We never have. None have been issued. No 4½ per cent. bond has ever been issued by the Government. We never could sell them. Indeed we have only recently succeeded, after a five years' trial, in selling \$500,000,000 of 5 per cent. bonds. Now the money market is very favorable; investment securities are higher money market is very favorable; investment securities are higher than ever before in this country, or perhaps in any country. People do not care about embarking in new and speculative enterprises. The money market is favorable to the negotiation of bonds at a low rate of interest, and the Secretary of the Treasury now believes that he can sell 4½ per cent. bonds; but before selling any, the amount that the Government is willing to issue ought to be fixed so that it hell not hereafter be increased to the injury of these who have the that the Government is willing to issue ought to be fixed so that it shall not hereafter be increased to the injury of those who buy the first bonds. There will be three classes of bonds issued under it if the refunding act takes full effect, as I have no doubt it will: \$500,-000,000 of 5 per cents; \$500,000,000 of 4½ per cents; and \$500,000,000 of 4 per cents. We have never yet been able to sell our 4½ per cent. bonds. The Secretary thinks he can sell them now, and we ought to say Godspeed to him because every operation under this law must be for the benefit of the Government. If he sells a million of dollars he saves much per cent in each interest anymally on the million of dol saves us 14 per cent, in gold interest annually on the million of dollars that he thus issues.

As a matter of course, it is a question for the Senate whether they will now authorize the increase of the 4½ per cents from three hundred to five hundred millions. I have no doubt of the propriety of it myself; but if the Senator from Delaware wishes to contest that point, he can move to strike out the clause in regard to increasing the

My attention has been called to a typographical error by the Senator from Massachusetts. The word "of" in the eighth line ought to be left out and "millions" changed to "million;" it ought to read "five hundred million dollars;" not "five hundred millions of dollars."

The PRESIDENT pro tempore. That correction will be made if there

be no objection.

Mr. DAVIS. I ask the chairman of the Committee on Finance whether there is a commission for the sale of the bonds in any way by the Secretary of the Treasury; whether there is any discretion as to commissions, or whether he must sell them at par without a com-

Mr. SHERMAN. Under the funding act of 1870 the commission is regulated and defined. All the expenses must be included within ½ of 1 per cent. The whole process will be continued under the old law. Mr. DAVIS. This bill makes no change in that respect?

Mr. SHERMAN. None at all.

Mr. WALLACE. I should like to ask the Senator from Ohio whether it is the opinion of his committee and that of the finance officer of the Government that a fifty-year bond at 4 per cent. could not be sold

at par in gold?

Mr. SHERMAN. I can state that the Committee on Finance, as far as I know, were unanimously of opinion that this bill ought to pass. As to whether a fifty-year 4 per cent. bond should be issued, I doubt very much whether the Government ought ever to issue a bond having fifty years to run. I believe the whole of the public debt can be paid before that time. But that is not the question before us. This is simply an amendment of an existing law, which provides for a 4½ per cent. bond, and provides the mode and manner in which it shall All we do is to lengthen the time it has to run, so as to induce capitalists to buy it, from fifteen to thirty years, and to increase the amount so that we may give notice to all the world that we will avail ourselves of the right to sell five hundred instead of we will avail ourselves of the right to sell live hundred instead of three hundred million. If we were to go to work and offer to sell \$300,000,000, we might be bound by that limit. It might seem fair then, to sell only \$300,000,000 of such bonds, and then to fall back on the 4 per cent. bonds.

Mr. ALLISON. I desire to call the attention of the Senator from Ohio to one point that I think ought to be provided for in this bill. Onlo to one point that I think ought to be provided for in this bill. I think this loan ought to be exempted from the provisions of the sinking fund. I do not know whether that question has been considered by the Senator from Ohio or not. This bill provides for a bond payable in thirty years. Under the operation of the sinking fund, as it now stands, the public debt will be paid off in twenty-three years. It seems to me that this loan, whatever it is, should be exempted from the provisions of the sinking fund, taken out of the

provisions of the sinking-fund law.

Mr. EDMUNDS. Then we cannot borrow the money.
Mr. ALLISON. I do not think there is any doubt that we can.
Mr. SHERMAN. My answer is that the passage of this bill will Mr. SHERMAN. My answer is that the passage of this bill will not prevent us regulating our sinking fund as far as we can properly do so; and we ought not to introduce that foreign matter on this bill. It would make a distinction which capitalists and others might not understand. The better way is to make a law of this kind as simple understand. The better way is to make a law of this kind as simple as possible. When you talk about the sinking fund and separate this loan from the general operations of the sinking-fund law, you will only embarrass the sale of the bonds.

Mr. ALLISON. The operations of the existing sinking fund will

by a spirit of the entire public debt in twenty-three years. Here we issue bonds payable in thirty years. We are compelled therefore either to redeem this bond or to buy it within the twenty-three years.

Mr. SHERMAN. I wish the Senator from Iowa would guarantee the full operation of the sinking fund for all the twenty-three years.

Then we might talk about it.

Mr. ALLISON. I am very glad to hear the Senator from Ohio say that we can do as we choose with the sinking fund. It has been claimed hitherto that we could not; that the sinking fund was an obligation to our creditors that we could not interfere with. What I desired was to know of the chairman of the Committee on Finance whether we cannot give notice to the purchasers of these bonds that whether we cannot give notice to the purchasers of these bonds that they are not to be within the provisions of the sinking fund. I am very sure they would purchase these bonds more readily if they knew that they would run absolutely for thirty years and would not be purchased within fifteen or twenty or twenty-five years, as provided by the sinking fund. The length of time contributes to the value of a bond.

Mr. SHERMAN. The Senator from Iowa does not suppose that we have a right under the sinking-fund law to go and take these bonds and pay them when we choose. We should only have to buy them in the market, and if they were above par we should have to pay the

market price.

Mr. ALLISON. Undoubtedly.

Mr. SHERMAN. We could not have any advantage in buying

Mr. SHERMAN. We could not have any advantage in buying

Mr. SHERMAN. We could not have any advantage in buying

Mr. SHEKMAN. We could not have any advantage in buying bonds for the sinking fund over any other purchaser.

Mr. ALLISON. Therefore these bonds after the others were purchased, assuming that they would be, would of course go above par if they had to be purchased for the sinking fund. There may be nothing in this, but I think there is something in the suggestion.

Mr. McDONALD. I can see a very good reason for extending the time during which these bonds are to run, as that will probably enalize the state of the suggestion.

ble the Secretary of the Treasury to negotiate them where he cannot

with the present limit. But I am not satisfied that there is any necessity for extending the quantity of this class of bonds. It seems to me that when he has made the effort, and it is found that a larger quantity can be negotiated than the law at present provides for of this class, it will be time enough for us to enlarge the amount by taking from the class at a lower rate of interest. Therefore I feel inclined to oppose that part of this bill which proposes to enlarge the

number of 4½ per cent. bonds to be issued.

Mr. EDMUNDS. I am very sorry that the Senator from Ohio has stated that we can do what we like with the provisions of the law relating to what is called the sinking fund, for I believe that the public faith is just as much pledged to the present holders of the bonds of the United States to adhere to what is called the sinking-fund law as the public faith can be pledged to anything whatever. If any for-eign country, like Mexico, for instance, that we thought we were strong enough to deal with according to our own sense of justice, should, in dealing with our citizens, have her revenues pledged in a certain way to their payment, and should then violate the pledge, and change her laws so that the creditors could not get their pay, we

should go to war about it.

Mr. SHERMAN. I am afraid that my friend from Vermont understood me to say that we could repeal the sinking fund or the obliga-tion of the sinking fund. I did not say any such thing, or if I did, I did not express myself fully. The Senator from Massachusetts tells me that my language might be construed in that way. What I meant was this: I regard the sinking fund, and I have always insisted that the sinking fund is part of the contract, and we cannot change or vary from it; but so far as we can regulate the sinking fund, we may change the mode and manner of keeping it, or even direct the funds which shall be purchased for the sinking fund, or say whether currency may not be bought for the sinking fund. All these things are proper for the discretion of Congress; but the obligation of the United States to redeem 1 per cent. of its bonded indebtedness each year is imperative. I do not wish to be misunderstood on that vital point.

Mr. EDMUNDS. I am very glad to hear the present remarks of the Senator from Ohio. They are much more in favor of the public credit in getting off our 4½ per cent bonds than his previous remarks would have been understood to be without the correction; but there is one observation which he has suffered to fall from his lips, which, if I correctly understood it, I must still disagree to. He says we may

regulate the currency of the sinking fund, or some words of that kind.

Mr. SHERMAN. The United States notes are a part of the debt of
the United States; we may buy them up, and hold them as part of

the sinking fund.
Mr. EDMUNDS. I agree to that; and I am glad to know that is

Mr. EDMUNDS. I agree to that; and I am glad to know that is what my friend meant.

Mr. SHERMAN. Certainly it is.

Mr. EDMUNDS. I am glad to hear it in the event that at any time there should be any importance in the observation of the Senator from Iowa. We undoubtedly in making this new loan have a right to say that the new loan shall not fall within the operations of the inclining fund but that it shall be taken werely a the governed profile. sinking fund, but that it shall be taken merely on the general credit of the United States. If we do so, then no creditor has a right to com-plain; but the amount of the public debt in respect to which the sinking fund is an obligation of good faith is by so much diminished, and this loan is entirely free from it. If, on the other hand, we issue these bonds in the present state of the sinking-fund law, the creditor will have a right to rely upon that, and in taking bonds at a lower rate of interest he undoubtedly will rely upon it as a special pledge of the

good faith of the Government to accumulate the means of paying it off; and having done so, we cannot change it afterward as to him any more than we can as to those who already hold it.

Mr. MORRILL, of Vermont. Mr. President, all but about \$500,000,000 of the bonds of the United States that are now out are bearing 6 900 of the bonds of the United States that are now out are bearing 6 per cent. interest, therefore it is exceedingly important that we should reduce the charge on the Treasury as much as possible by getting an issue of bonds at a lower rate of interest. This proposition is merely to allow the Secretary of the Treasury to exchange the interest-bearing debt that we have at the rate of 6 per cent. for the lower rate of 4½, saving thereby 1½ per cent. upon the interest. The proposition of the Senator from Iowa to do away with the operation of the sinking fund upon this bill would make the bill most likely nugatory, for the advantage that we give in the longer bonds would be at least for the advantage that we give in the longer bonds would be at least counterbalanced by the proposition to do away with the sinking fund. Why, sir, it is one of the first elements in the credit of the fund. Why, sir, it is one of the first elements in the credit of the United States that we are a debt-paying people, and that we mean to pay this debt, and to contribute something toward that end annually. That is our public pledge, and to do away with it would mar the face of this legislation so that it would be impossible, in my judgment, for the Secretary of the Treasury to negotiate the loan. We have no for the Secretary of the Treasury to negotiate the loan. We have no authorized loan law now that will enable the Secretary of the Treasury to get money at 4½ per cent., and he believes that, if Congress shall authorize this loan to the extent of \$500,000,000, and for thirty years, he may be able to negotiate it. I think we ought to let him try, and not embarrass him by any proposition that will have the effect of being a blot upon the credit of the country.

Mr. ALLISON. Ido not quite understand the logic of my friend from

Vermont. It is claimed as a merit in this bill that the time is extended from fifteen to thirty years. Why? Because a long bond will be more readily sought for by investors. That is the object of it. We now have

provided a sinking fund by which this identical bond must be redeemed within twenty-three years. Then what do we say to these creditors We say to them "we are giving you a thirty-year bond, but we must either redeem it or buy it at a rate above par within twenty-three years." I do not understand that a provision declaring that these bonds shall not be redeemed within thirty years will at all affect their value. In fact I think it will have the effect to increase the value of the bonds in the market. People will say: "Here is a bond that may be invested in as a security for bank circulation or it may be used to invest for trust funds. It is an absolute investment for thirty years."

Mr. EDMUNDS. That is the way it is now as the bill stands.

Mr. ALLISON. That is the way it is now, except that we have also

another provision which says virtually that the sinking fund shall continue to operate, and good faith and honesty on the part of the Government require that it shall continue to operate until it exhausts

Mr. EDMUNDS. But we cannot take up these bonds without the consent of the holder. It would only make them a valuable bond to holders, who will buy them much more readily for that reason.

Mr. ALLISON. That may be true; but I say it is hardly just that the Government should leave these bonds out to be purchased

within twenty-three years at a rate above par; and therefore I see no objection to making a provision whereby this particular loan shall be exempt from the operations of the sinking fund. I think it would rather add to the value than diminish the value of the bond. It is no repudiation in any sense, no violation of any contract, implied or otherwise. If the purchasers of these bonds take them in the open market with the understanding that the sinking fund does not apply

Mr. MORRILL, of Vermont. The proposition existing on the statutes providing for a sinking fund would not have the effect that the Senator from Iowa seems to suppose. Why, sir, within my recollection the Government of the United States has taken up its bonds and paid a premium of 16 per cent. upon them. Those bonds were, howpaid a premium of 16 per cent. upon them. Those bonds were, however, such as bore the rate of 6 per cent. interest. It is not at all likely that bonds bearing 4½ per cent. interest within any time, within thirty years certainly, will be worth much more than par; but, as has been said by my colleague, these bonds cannot be taken out of the hands of the holders, except by their consent, and the Government of the United States would be compelled to buy them for the sinking fund, if it chose, when the time should arrive. At all events, if the Government should then offer them the money, and they refuse to account it it seems to me the provisions of the public law would be to accept it, it seems to me the provisions of the public law would be complied with. I should lament the idea of our touching that fund at the present time by any such suggestion or proposition as the Senator from Iowa makes, because I see that it will not only damage the

ator from lowa makes, because I see that it will not only damage the credit of the country in negotiating these bonds, but it casts a blight over our whole public debt.

Mr. HARVEY. Mr. President, I am not especially a champion of bondholders or public creditors; but it is my conclusion, derived from the reading of history and some little experience in such matters, that it is a very difficult thing to keep a provision for a sinking fund unimpaired. I regard it as a very vital thing to the credit of a state or nation that whatever provision of the kind has been made should be kent unimpaired.

should be kept unimpaired.

I think, therefore, looking beyond any effect upon this particular measure, we cannot afford, in providing for a new loan or in making a provision for funding debts that have already been incurred, to commence what will look like a disposition to ignore the provisions of the sinking fund for the redemption of the debt. I therefore think it much better that this bill should pass in the

shape in which it is.

Mr. McDONALD. I move to amend the bill, in section 1, by striking out, commencing in line 6, the following words:

That the amount of bonds bearing 4½ per cent. interest authorized to be issued be increased to \$500,000,000; and that they be payable at the pleasure of the United States after thirty years from the date of their issue, instead of after fifteen years.

So that the bill shall read:

That the bonds now authorized to be issued, bearing 4½ per cent interest be made payable at the pleasure of the United States after thirty years from the date of their issue, instead of after fifteen years.

Mr. SHERMAN. I hope the Senate will not agree to this amendment for this reason: When we stipulate that the amount of \$500,000,-000 is authorized we do not provide that \$500,000,000 shall be issued. We reserve our right at any time to withdraw these bonds from market and fall back on the 4 per cent. bonds or any other bonds that we choose to offer. But when we make an offer to sell our bonds, stipulating the amount, we are bound by that offer, and we cannot increase the amount or change the terms and conditions of the bond without an imputation that we have not lived up fully to our agreement. Although it is true when we offer \$300,000,000 of bonds for sale we do not expressly agree that we will issue no more of that kind, yet there is a sort of implied obligation which raises a presumption that we shall be bound by our offer and shall confine our offers in the future to 4 per cent. bonds. Although that may be rather shadowy in the private transactions of life, yet in dealing with public affairs it is always regarded as binding to some extent on a government. All the negotiations for the placing of this loan have been based by the present Secretary of the Treasury on the right to issue, if we choose to do it, \$500,000,000 of 4½ per cent. bonds. We may not issue more than \$200,000,000 or may not issue more than \$300,000,000; we are not bound to issue all. The time may be favorable for the negotiation of a 4 per cent. bond; and who would be so ready to step negotiation of a 4 per cent. bond; and who would be so ready to step into the market and sell a bond at a lower rate of interest as the man who is charged with this duty and who would have the credit of performing it?

Mr. McDONALD. I ask the Senator from Ohio whether, if the bill passes in its present form, it will not necessarily reduce by that amount the 4 per cent. bonds that may be hereafter negotiated?

Mr. SHERMAN. Undoubtedly.

Mr. McDONALD. And limit them on the principle argued by the Senator to the amount now authorized, less the sum that is taken

Senator to the amount now authorized, less the sum that is taken from them by this bill increasing the 4½ per cent. bonds?

Mr. SHERMAN. There the Senator is mistaken. The amount that

he sells of these bonds reduces the amount of 4 per cent. bonds, but the mere provision of a law granting the permissive authority to sell a 4½ per cent. bond does not limit the amount. If he should sell 4½ per cent. bonds, to that extent the amount of the 4 per cent. bonds would be reduced. That is the construction that has always been given to the law. If he should now, after we have given him the state of the should sell 4½. given to the law. If he should now, after we have given him this authority, find that he could sell a 4 per cent. bond, then his authority to sell the 4 per cent. bonds extends to a thousand million dollars, or the whole amount of 6 per cent. bonds of the United States. The only conditions that limit him are that he shall not increase the principal of the bonded debt, that when he sells one bond the proceeds of that bond shall pay off another outstanding bond bearing a higher rate of interest. Under all the circumstances, I think it is better to leave this proposition to stand on the basis of the recommendation of the Secretary of the Treasury because his previous negotiations made under the operation of the law of 1870 have been based on the idea that not to exceed \$500,000,000 of these bonds should be 5 per cents, \$500,000,000 4½ per cents, and the balance 4 per cents. Is it not better and wiser for us to leave this detail to him, rather than ourselves upon casual debate and insufficient reasoning probably, change the relative amounts? As a matter of course it will not destroy the merit of this bill, the object of which is at once to save to the Government a large sum of money in interest; but it will impair and derange to some extent the plan that has already been blocked out and talked over and negotiated about, for the sale of 41 per cent.

Mr. THURMAN. Mr. President, I feel inclined to favor the amend-Mr. THURMAN. Mr. President, I feel inclined to favor the amendment offered by the Senator from Indiana. The only difference between his amendment, as I understand, and the bill is that if his amendment be adopted, the amount of  $4\frac{1}{2}$  per cent. bonds to be put on the market will be \$300,000,000. Now it seems to me that \$300,000,000 of  $4\frac{1}{2}$  per cents would be quite enough to put on the market at one time, and I certainly do hope that by the time that loan shall be taken up we shall be in such a financial condition as to be able to sell at par 4 per cent. bonds. When we come to consider the great advantage of holding 4 per cents wholly free from taxation, bearing a rate of interest as high almost as any European government, fully as high as any European government in good credit pays, I do not think it is advisable to put more bonds than are absolutely necessary upon the market at any higher rate of interest than 4 per cent. The

as fight as any European government in good credit pays, I do not think it is advisable to put more bonds than are absolutely necessary upon the market at any higher rate of interest than 4 per cent. The truth of it is that one of the great reasons for a high rate of interest in any country is the high rate of interest paid by its government. The current rate of interest in a country will never be as low as the interest paid by the government. That I believe is almost an axiom. If we pay 4½ per cent., you will never have money loaned at less than 4½ per cent., in the country; and if we pay 6 per cent. you never will have money loaned at less than 6 per cent.

But it seems to me—I say it without having known that this bill was to come up to-day, and therefore without much reflection upon it—that \$300,000,000 of 4½ per cents are quite sufficient to put upon the market at once, and I cannot help saying that I regard with some disfavor the idea of extending for a great length of time this public debt of the United States. It looks like making it a perpetuity. But I do not know that the Secretary of the Treasury could sell a 4½ per cent. bond if it were only a fifteen-year bond; and yet I should think he could. At all events, if the time is to be extended to thirty years in order to give greater value to the bond, I for one think that we ought to sell not more than \$300,000,000 of this class of bonds.

I throw out these remarks without having seen the bill until this moment, and therefore, of course, without having reflected upon it.

moment, and therefore, of course, without having reflected upon it. They are mere first suggestions, and may be very erroneous; but that is the way the matter strikes me. Indeed, I could wish that this measure could lie over until to-morrow that it might be considered by those who have not looked into it, at least by myself. However, I do not make that motion, but I shall vote for the amendment of the Senator from Indiana.

Senator from Indiana.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Indiana, [Mr. McDonald.]

Mr. SHERMAN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BOUTWELL. In reply especially to what was said by the Senator from Ohio who last addressed the Senate, [Mr. Thurman,] I desire to say that, while this proposition is not material to the success of the undertaking, it seems to me that the recommendation made by the Senate, I can Secretary of the Treasury should be agreed to by the Senate. I can-

not myself anticipate that we shall at present be able to dispose of a

not myself anticipate that we shall at present be able to dispose of a 4 per cent. bond unless we give it a very long time for maturity. Possibly a fifty-year or sixty-year bond might be sold at par bearing interest at 4 per cent., but I should myself much prefer that the Government should issue a 4½ per cent. bond payable in thirty years than a 4 per cent. bond payable in fifty or sixty years.

I think, too, the Senator from Ohio upon reflection will agree that, excepting the British consols, there are no public securities in the markets of the world sold at par bearing a rate of interest as low as 4½ per cent., and the British consols are not sold out of the realm; they are not in the markets of Continental Europe at all. The French loan bearing interest at 5 per cent. was actually sold to the bankers loan bearing interest at 5 per cent. was actually sold to the bankers at something less than eighty-four cents on the dollar. Now, to my mind it is so much of an achievement for this country to sell  $4\frac{1}{4}$  per cent. bonds, that I am glad to see the time when it is practicable to undertake it.

If I supposed that we could reach the time when we should sell a 4 per cent. bond on thirty years, perhaps I should hesitate whether we ought to authorize the issue of \$500,000,000 of 4½ per cents; but I believe we shall be compelled to issue as many as \$500,000,000 of 4½ per cents before we shall reach that time. There is this advantage in having the loan a unit; if we are to issue a given sum of 4½ per cent. bonds, it is better that they should be authorized by one act, that they should be issued as one loan, that they should stand on the records of the Treasury Department and be known in the markets of the world as a part of that particular loan. One of our difficulties— not a very serious one—has been that we have too many loans upon the books of the Treasury and in the markets of the country and of the world.

There is this further consideration, which I think justifies fully the measure. It is not probable, indeed I may say it is not possible, that the whole of these bonds should be taken at once by one set of men. I have no idea that men could be found prepared to enter into an en-I have no idea that men could be found prepared to enter into an engagement to take \$500,000,000 of 4½ per cent. bonds, and I have no idea that any Secretary of the Treasury would commit the Government to so great an undertaking, the wisdom of which could only be demonstrated by future events which he could not foresee. Therefore it would happen, as these bonds would be taken in small blocks of five, ten, or twenty millions of dollars as compared with the whole, that if our credit should so advance that we could negotiate a 4 per could be able to sell'41 percent bonds at a premium. that if our credit should so advance that we could negotiate a per cent. bond, we should be able to sell'4½ per cent. bonds at a premium, which would give us the advantage of the difference; so that, in fact, we shall pay interest upon these bonds according to the markets of the world based upon our credit. If we were selling 6 per cent. bonds, we should probably get a large premium; but inasmuch as it is an object to reduce the interest, if we offer a 4½ per cent. bond to the object to reduce the interest, if we offer a 4½ per cent, bond to the markets of the world and the credit of the country should be such that a 4 per cent, bond would sell at par, we should be able to get a premium on the 4½ per cent, bonds commensurate with the condition of things. Therefore the Government will not be a loser by making the sum of 4½ per cent, bonds \$500,000,000.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Indiana, [Mr. McDonald,] upon which the yeas and never have been ordered.

and nays have been ordered.

Mr. COCKRELL. My colleague [Mr. Bogy] is sick and confined to his room. That is the cause of his absence to-day and yesterday. The question being taken by yeas and nays, resulted-yeas 14, nays 42; as follows:

42; as 10110WS:

YEAS—Messrs. Booth, Cockrell, Davis, Gordon, McCreery, McDonald, Maxey, Merrimon, Norwood, Randolph, Robertson, Saulsbury, Thurman, and Wallace—14.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce Cameron of Pennsylvania, Cameron of Wisconsun, Caperton, Christiancy, Clayton, Conkling, Dawes, Dorsey, Eaton, Edmunds, English, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Howe, Ingalls, Johnston, Jones of Florida, Kelly, Kernan, Key, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Sargent, Sherman, Spencer, Wadleigh, West, Whyte, Windom, and Withers—42.

ABSENT—Messrs. Alcorn, Bayard, Bogy, Burnside, Conover, Cooper, Cragin, Dennis, Goldthwaite, Hitchcock, Jones of Nevada, Paddock, Patterson, Ransom, Stevenson, and Wright—16.

So the amendment was rejected.

The bill was reported to the Senate, ordered to be engrossed for a third reading, and read the third time.

Mr. BOUTWELL. I ask for the yeas and nays on the passage of

The yeas and nays were ordered; and being taken, resulted-yeas

51, nays 5; as follows:

YEAS—Messrs. Alcorn, Allison, Anthony, Booth, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Christiancy, Clayton, Conkling, Davis, Dawes, Dorsey, Edmunds, English, Ferry, Frelinghuysen, Goldthwaite, Gordon, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Johnston, Jones of Florida, Kelly, Kernan, Key. Logan, McMillan, Maxey, Merrimon, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Norwood, Oglesby, Paddock, Randolph, Sargent, Sherman, Spencer, Wadleigh, West, Whyte, Windom, Withers, and Wright—51.

NAYS—Messrs. Cockrell, Eaton, McCreery, McDonald, and Robertson—5.

ABSENT—Messrs. Bayard, Bogy, Bruce, Burnside, Conover, Cooper, Cragin, Dennis, Hamlin, Jones of Nevada, Patterson, Ransom, Saulsbury, Stevenson, Thurman, and Wallace—16.

So the bill was passed.

### JOHN R. HARRINGTON.

Mr. WINDOM. At the request of the chairman of the Committee on Patents, I move to reconsider the vote indefinitely postponing the bill (S. No. 61) for the relief of John R. Harrington.

The PRESIDING OFFICER, (Mr. MORRILL, of Maine, in the chair.) The motion to reconsider will be entered.

Mr. WINDOM. That is all I desire.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 2285) authorizing the purchase of additional ground for the custom-house at Nashville, Tennessee;
A bill (H. R. No. 710) to protect the revenues of the Patent Office;
A bill (H. R. No. 1677) to correct a mistake in and amend section

1375 of the Revised Statutes;

A bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved

May 10, 1872; and
A bill (H. R. No. 2232) to extend to the port of Genesee, in the State of New York, the privileges of sections 2990 to 2997 of the Revised Stat-

utes, inclusive.

#### MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALLISON. I move to take up House bill No. 810, being the

Military Academy appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877.

The Committee on Appropriations reported the bill with amend-

ments

The first amendment was to insert after line 10 the following item: For additional pay of professors for length of service, \$6,800,

Mr. DAVIS. I understand that this first amendment is for addi-Mr. DAVIS. I understand that this first amendment is for additional service independent of the regular pay. It is \$6,800 in advance of what the House provided for in the bill. It is a question only whether additional pay to the amount allowed under the Army regulations shall be given to these professors. Their pay, it will be seen, is four at \$3,500, and five at \$3,000 a year. This is for additional pay,

as I understand.

Mr. ALLISON. The Senator from West Virginia has stated the facts. The law provides that the professors at West Point shall be ranked as colonels or lieutenant-colonels respectively, and receive pay accordingly, and therefore they are entitled to longevity pay; and this sum is necessary to be appropriated in order to give them the pay that the law entitles them to. That is all there is of it, and I suppose there will be no objection to the amendment. The law pro-

suppose there will be no objection to the amendment. The law provides that they shall have this pay. It is not for the Committee on Appropriations to modify the law. Therefore they have proposed to appropriate just what the law requires.

Mr. MAXEY. I desire to say that the law provides that "the Army of the United States shall consist of," among others, "the professors and corps of cadets of the United States Military Academy." By the law the professors of the Military Academy are made a part and parcel of the Army; and they are entitled by the operation of law to this additional pay for length of service, as the Senator from Iowa has

The amendment of the Committee on Appropriations is eminently proper and right. There are no officers of the United States Army who are more justly entitled to or who are more worthy of this longevity pay than the gentlemen who are doing as much for the advancement of the Army as any men, perhaps more than any other men in the entire service. I say this, Mr. President, because I happen to be a graduate of that institution, and I know the services performed by the professors. Look at the great men who have been sent out from that institution, commencing with the President of the United States, the General-in-Chief of the present Army, and Hancock, McClellan, McPherson, and a great portion of the distinguished men of the Army; and turn then over to the other side and contemplate Lee, Jackson, Joe Johnston, and Albert Johnston, and men of that class, and you will perceive that there are no men who have ever appeared on the stage of public action more distinguished than those who have been turned out by the professors of this institution. When you look at the Mexican war you will find that that war was controlled mainly

by men who had come from this academy.

I thought at the time the bill passed the House of Representatives that this cutting down of the pay of the professors of an institution which it has been the pride and glory of the people of the United States to make the best military institution on the face of the earth, as it is now, was saving at the spigot and losing at the bung. I stand here to-day to speak in behalf of these men. One of them, who was one of my professors, graduated forty years ago.—Professor Kendrick; Professor Church more than forty years ago. The school-books of Professor Davies are in almost every log-cabin or house throughout the length and breadth of the land; they are everywhere. The works of Professor Mahan are distinguished authority not only with civil and with military engineers in the United States but also in Europe. might also refer to Bartlett on natural and experimental philosophy,

and to Church's recent works on mathematics.

If we desire to preserve this as one of the great institutions of this country to which the poorest boy in the land may go and hope by due

diligence to become one of the distinguished men of the country, if we want to make it a great institution, let us pay the men who are there a just and fair compensation for their services. "The laborer is worthy of his hire," and these men ought to have what the law allows them. It is just, proper, and right that they should have it.

Mr. LOGAN. Mr. President, I did not desire to call the attention of

Mr. LOGAN. Mr. President, I did not desire to call the attention of the Senate to this particular amendment, but the Senator from West Virginia having expressed a desire to have the House of Representatives sustained in its action, I am led to make a remark that probably I should not otherwise have made. This proposition shows that men sometimes, for the purpose of making it appear that they desire to exercise economy and retrench in reference to expenditures, do it on matters that they know nothing about. Now, if I understand the province of an appropriation bill it is to provide the necessary money to comply with the law requiring appropriations for the particular service, and it is no part of an appropriation bill to repeal existing statutes, although it is sometimes done. I speak of it as a general proposition. And certainly to pass an appropriation bill which, while not attempting to repeal the statute requiring a certain appropriation to carry it out, reduces the appropriation, shows either a determination to violate the law or an amount of ignorance that is perfectly astounding. Now, the law regulating the organization of the Army, which has within itself the organization of the West Point Military Acadhas within itself the organization of the West Point Military Academy, provides for certain officials, certain professors, and superintendents, &c. In providing for these professors it gives to them a certain stipulated salary. In other words, these professors have what is called in military parlance assimilated rank; that is to say, they rank as a colonel or lieutenant-colonel. The law organizing the Army and providing for the pay of the Army provides that a lieutenant-colonel shall receive a certain amount as pay proper; then he is entitled to certain rations and other perquisites; and, in addition to that, when an officer has served in the Army a certain length of time, there is added then to his pay a certain amount called commonly "the longevity ration."

The law organizing the Army provides for the pay of its officers certain amounts stipulated to each one. An appropriation bill by Congress for the purpose of providing the necessary sums to pay the

Congress for the purpose of providing the necessary sums to pay the Army must provide the amount stipulated in the statute, or else Congress does not perform its duty. As I said, it is no part of the business of a Committee on Appropriations, or of Congress even, to reduce the amount allowed as salary, except they first repeal the law fixing the salary. While it stands upon the state-book it is incumbent upon Congress to appropriate the necessary amount of money to carry out the law. The attempt is made here to reduce the salary by saying that these professors shall be paid so much, without repealing the law that authorizes these men to be appointed as professors and stipulating the amount of their salary. Hence I said that the idea of getting up appropriation bills in this way exhibits either a desire on the part of persons doing it to show a false economy before the country, or an amount of ignorance that any man ought to be ashamed of who would undertake to make such a proposition before Congress.

I agree with the committee's amendment as being in accordance with the provisions of law on which this appropriation bill should be based and the duty incumbent on Congress to provide the necessary

means for the purpose of carrying out that law.

Mr. SAULSBURY. I have no acquaintance with military matters, and it may be that I do not understand exactly the duties of an Appropriation Committee. I find, however, here a bill which has come from the other House of Congress which provides for four professors of the Military Academy an appropriation of \$3,500 each and for five professors an appropriation to pay them \$3,000 each per annum. The question which addresses itself to me is, is that sufficient for that service? I do not know all the particular duties of a professor in the Military Academy, but I apprehend that their duties are not more onerous than the duties of professors in many other educational in-stitutions, and there are very few professors throughout this country who are receiving the pay which is provided for these military pro-fessors as the bill came to us from the House.

There is no censure to be attributed to anybody because of an exhibition of a desire for economy. I think it is commendable in the House committee, if I may be allowed to refer to that body, and it will be commendable in this body to exhibit to the people of this country, who are laboring under taxation almost beyond any that ever existed in any country, a disposition for some degree of economy; and if we find that an appropriation heretofore has existed which was exorbitant, it becomes the duty of this Senate in making provisision by appropriation bills this year not to provide for excessive pay to any officer whether in the military or in the civil department of the Government.

the Government.

Mr. LOGAN. Will the Senator allow me to ask him a question right there?

Mr. SAULSBURY. Certainly.
Mr. LOGAN. A military officer, so far as his pay is concerned, by law stands upon the same principle that a Senator does in reference to his pay. Now suppose the Appropriation Committee without repealing the law fixing the salary of the Senator should appropriate for him \$4,000 for the last year, would he not have a claim against the Government for the other \$1,000?

Mr. SAULSBURY. That may be.

Mr. LOGAN. It may be. I ask the Senator if it is not the law? Mr. SAULSBURY. It may be that I would waive any further claim.

Mr. LOGAN. But the point is not that he might waive that; I am speaking of the legal proposition. Unless the Senator's salary has been repealed and a new law passed establishing it at \$4,000, the duty of the Appropriation Committee and of Congress is to provide for his salary as the law fixes it at \$5,000, and not for his salary not fixed by law. That is the point I am making, that the law does fix the salary, and it is the duty of Congress to appropriate the money for that salary until Congress repeals that law or reduces the salary; and inasmuch as that is not done, it is our duty to appropriate for what the law requires

Mr. SAULSBURY. So far as I understand the duties of these gentlemen, comparing their services with those of other instructors in schools of instruction, I apprehend that the pay proposed by the House bill is at least as remunerative as that of other gentlemen engaged in the duties of instruction. That being the case, the bill having been presented from the other House for concurrence of the Senate, acting upon my own judgment as to what is the proper appropriation to make, and finding that the amount fixed in this bill is considered adequate by gentlemen who have examined this question, I am not disposed to advance upon that allowance and say that there shall be a greater amount paid. I therefore shall vote against this

amendment of the Committee on Appropriations.

Mr. LOGAN. If the Senator will allow me, I ask his pardon for correcting him; it is not an advance upon the allowance at all. It is merely allowing them what the law allows them; that is all. There is no advance whatever. It is an advance upon what the House has

allowed, but it is not an advance upon their legal compensation.

Mr. SAULSBURY. It is an advance upon what has been fixed as the proper allowance by one House of Congress; and when it comes to the Senate and our committee see proper to raise that sum, they must at least satisfy me that the appropriation is not sufficient for this purpose; that it is not an adequate compensation for the services rendered. So far as I am able to judge of this matter I should suppose that the appropriations made in the House bill are ample for the service rendered to the Government. I have no doubt that there have been larger appropriations heretofore; that these gentlemen have been receiving larger salaries than this bill would allow them; but if their salary has been too large heretofore it is no reason why we should provide the means to continue that excessive allowance we should provide the means to continue that excessive allowance. Therefore, judging from the best information I can have on the subject, that the appropriation made in the bill as it came from the House is adequate for the services rendered by these gentlemen to the Government, I propose to adhere to the appropriation in the House bill and to vote against the amendment of the committee.

Mr. WEST. The proposition of the Senator from Delaware is equivalent to a reduction of the pay of all the Army.

Mr. SAULSBURY. When that question comes before me I will consider it.

It is necessarily before the Senate now. The statute of February 28, 1873, fixed the rank of these officers as respectively that of colonel and lieutenant-colonel, in the following words:

That the professors of the United States Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonel.

Consequently we have in this bill a clause for pay of four professors, with the rank of colonel, whose term of service exceeds ten years, \$3,500 each; and for pay of five professors, with the rank of lieutenant-colonel, whose pay amounts to \$3,000 a year each. Under the law we are compelled to appropriate this amount, or else we must reduce the pay of every colonel and lieutenant-colonel in the Army. That is the equivalent of it. We have no such discretion, and most assuredly it does not pertain to the Committee on Appropriations to intrude upon the organization of the Army and affect its pay. If the Senator sees proper, let him bring in a bill for the reduction of the pay of the officers of the Army; but as long as these professors are entitled to the pay of officers and it is fixed, certainly it devolves upon the Comthe pay of officers and it is fixed, cottainly it devolves upon the Committee on Appropriations and the Senate to pay the amount. They rank as colonels and lieutenant-colonels and they are allowed this percentage by law. One of these gentlemen has been there since 1837, a period of nearly forty years; another man has been there thirty years; and the amendment provides a distribution of \$6,800 under the law among eight professors for length of service. If the Senator is right in his proposition, a reduction must apply to all the officers of the Army; but until it does so apply we most assuredly ought to make the appropriation according to the amendment of the committee.

of the Army; but until it does so apply we most assuredly ought to make the appropriation according to the amendment of the committee.

Mr. DAVIS. I conceive that if there is any disposition in the Senate to make the wording of the bill conform to the practice, or in other words to repeal the existing law on this subject, all we need say is "hereafter the pay shall be so and so." That will accomplish the object. There is no difficulty as to making the bill agree with the law. Whether it would be right or whether it would be best to do it, I am not prepared to say. I felt it my duty to call the attention of the Senate to the fact that this was an advance over what the House bill had proposed and in doing that I felt that I was but do. House bill had proposed, and in doing that I felt that I was but do-

ing my duty.

Mr. LOGAN. I have no criticism to make on the Senator's perform-

Mr. DAVIS. I was just coming to the point of ignorance—
Mr. DAVIS. I was just coming to the point of ignorance—
Mr. LOGAN. At that point I would like to make a suggestion to the Senator. My criticism was on the House bill. He says it is very

easy for the Senate to amend the House bill in order to conform with the law. That is very true; but it is not amended. I ask him if, when the House sends us a bill with a reduced salary without a clause connected with it repealing the law fixing the salary so as to give them a right to reduce it, it is right for us to refuse to agree with the House? They have certainly no right to reduce your salary unless they repeal the law giving it to you. The Senate may repeal the law in connection with the House, but until that is done it is certainly expected that the appropriations shall be made to comply with the law

Mr. DAVIS. I think there should be no difficulty as to what had better be done. If we reduce the salaries we had better say, "hereafter the salaries shall be so and so;" but the House had a perfect right to send us the bill as we find it, and I think they passed it in good faith. If there were no authority for the passage of this bill as it came from the House reducing the pay of those persons, they

would claim it hereafter, and would certainly get it.

Mr. LOGAN. If the Senator will allow me to read the law, he will see himself that such a claim would be perfectly just on their part. They could claim the extent of the reduction.

Mr. DAVIS. My friend from Illinois does not ask me if I question

that, I hope. Mr. LOGAN. No; but I want to read the law in order that we may all understand it.

Mr. DAVIS. I have no objection to hearing the law read.
Mr. LOGAN. I will read. The pay bill of the Army, as it is called,
providing for the pay of officers of the Army, enacts that a colonel
shall receive \$3,500 a year. That is the pay proper. Then the law provides that-

There shall be allowed and paid to each commissioned officer below the rank of rigadier-general \* \* \* 10 per cent. of their current yearly pay for each term brigadier-general \* \* \* 10 per cent. of their current yearly pay for each term of five years of service.

The total amount of such increase for length of service shall in no case exceed 40 per cent. on the yearly pay of the grade as provided by law.

For every five years' service that these professors have perfomed 10 per cent. is added to their pay proper, which is \$3,500 per annum. The man who has served thirty years, or twenty years, or five years, receives this per cent. according to the number of years he has served. It is a part of the pay; it is a part of the allowance to officers of the Army by law for term of service. Hence I say that no Congress has a right to appropriate less money than these officers are entitled to receive, unless it repeals this law which allows them that amount of money. If Congress reduces the appropriation for the salary without repealing the law, then the officer has a claim against the Government that no government can refuse to nay. That is the the Government that no government can refuse to pay. That is the point. Therefore I speak of our duty as a Congress to appropriate the proper amount of money unless we repeal the law; and I am opposed to repealing the law for the reason that I do not think these

officers receive any more than they are entitled to.

Mr. MAXEY. It is perfectly manifest, Mr. President, that the law makes the professors at West Point a part of the Army. The law, then, assimilates the rank of a professor to rank in the Army, making the rank of certain of them colonel and certain of them lieutenantcolonel. So long as that law exists, these gentlemen are entitled to the pay which officers of the same rank and grade are entitled to. They are entitled by law to the allowances which that rank and grade call for. I assert that unless you repeal the law establishing the institution at West Point you must pay them the amount to which they are entitled according to the rank and pay fixed in the Army.

So far as the action of the House of Representatives is concerned,

I do not pretend to know whether the House examined the law or not. I have; and perhaps I am as familiar with the law on this subject as any member of the House; at least I think I am. These men are entitled to this pay and these allowances by law; and, as was well said by the Senator from Illinois, until you repeal this law they are so en-

titled, and Congress has no right, so long as the law is in force and effect, to cut down one solitary farthing of their pay.

Mr. DAVIS. I should like to say to my friend from Texas that there is no question as to the law. As the law exists these gentlemen are entitled to the additional pay which the amendment provides for. No one has questioned that; but do I understand the Senator to say that it is not competent for Congress to declare that hereafter they shall be paid so and so? Do I understand that the act established. lishing the Military Academy must be repealed in order to fix the salary of the professors at less than it allows?

Mr. MAXEY. I understand this: That whenever it comes to the point that the Committee on Appropriations has to pass on the re-

point that the Committee on Appropriations has to pass on the revision of the laws, to say what laws shall be repealed and what laws shall stand, you will introduce a new system in the United States. I say that such questions should go to the proper committee which has charge of the branch of the public service proposed to be affected. Here there is no pretense of repealing this law. The law itself is left in full force and effect. The law being in full force and effect, this Congress cannot, by possibility, take one dollar from these professors.

Mr. DAVIS. Will my friend answer me a question?

Mr. MAXEY. When I understand what it is, I shall be happy to do so.

do so.

Mr. DAVIS. Does my friend question the authority of the Senate to make these gentlemen's pay \$3,500 or \$3,000, no matter what the law heretofore may have been ?

Mr. MAXEY. Of course not. You can repeal the law establishing the Academy, if you choose.
Mr. DAVIS. There is, the

There is, then, no question about it.

Mr MAXEY. But I will say to the Senator from West Virginia that the House of Representatives has not attempted to do that.
Mr. DAVIS. But we are talking about whether we will do it or

Mr. MAXEY. You can introduce a bill repealing the Academy, if

you wish.

Mr. DAVIS. Do I understand my friend to say that if we want to fix these gentlemen's salary at the amount named in the House bill—and whether that be right or wrong I am not now discussing—it is necessary to introduce a bill or to repeal any law? Can we not say in this bill that hereafter the salaries of these professors shall be so

Mr. MAXEY. You cannot do it unless you cut down the pay of every officer of the United States Army.
Mr. DAVIS. That is another matter.
Mr. MAXEY. Because, as I have already said, (and I understand the question as well as the Senator perhaps,) the rank of the professors at West Point assimilates to the rank of officers in the Army. The law makes the professors part and parcel of the Army. The law designates who of them shall be colonels and who shall be lieutenant. designates who of them shall be colonels and who shall be lieutenantcolonels. Their pay, therefore, is that of colonels of the Army, with
the allowances of colonels of the Army, or the pay and allowances of
lieutenant-colonels, as the case may be. You cannot, then, cut down
the pay of these officers unless you correspondingly cut down the pay
of every officer of the Army. That is just as plain as a thing can be;
and I was very much gratified indeed that the chairman of the Committee on Military Affairs stated the question so clearly. It is true
that, if you cut their pay down, you must necessarily cut down the
pay of all others having corresponding rank.

In regard to the idea of repealing laws by an Appropriation Com-

pay of all others having corresponding rank.

In regard to the idea of repealing laws by an Appropriation Committee, the point was well put by the chairman of the Committee on Military Affairs that the same authority which would justify the cutting down of the pay of these professors at West Point, leaving the law as it is in full force, would also justify the cutting down of the pay of members of Congress from \$5,000 to \$4,000 without repealing the law establishing their salary. The whole proposition as it comes from the House of Representatives is utterly absurd on that point.

Mr. SAULSBURY. Mr. President, the Senator from Texas, and also the Senator from Illipois, the chairman of the Military Committee.

the Senator from Illinois, the chairman of the Military Committee, have seemed to proceed upon an idea that the House appropriation was a failure by that body to provide for the existing salaries of these men. This appropriation is for the year commencing on the 1st of July of the present year and ending the 30th of June, 1877. It therefore affects no right of the professors at the present time. It is an fore affects no right of the professors at the present time. It is an appropriation in futuro to be applied to these gentlemen not for the service which they are to-day rendering, but for the service which service which they are to-day rendering, but for the service which they are to render in the future. Now I apprehend that it is competent for Congress to say what a military officer who accepts a special service shall have for that special service; and though his pay as a military officer might be a certain particular sum, yet if he sees proper to accept of this special service at a less sum, it is perfectly competent on the part of Congress to provide that that lesser sum shall be the compensation which he shall receive.

But the suggestion is made by the Senator from Louisiana that it involves the pecessity of the reneal of the compensation to colonels.

involves the necessity of the repeal of the compensation to colonels and lieutenant-colonels and military officers generally. Well, sir, so far as I am concerned, without knowing much about military life, or the proper compensation of military life, I have no question that we are expending in the training of military men much more in this country than is absolutely necessary. The learned Senator from Illinois, who himself was a distinguished soldier in the late war, will bear me witness that we have men in this country without military training equal to any emergencies that may arise in the country. I training equal to any emergencies that may arise in the country. can see therefore no necessity for this continual drain upon the Treasury of the country; I can see no necessity for this continual taxation upon the people of the country in order that we may have a splendid military establishment, and in time of peace keep up a large army, and the officers competent for a large army, at an enormous expense to the people of the country, when we ought to reduce it very materially. I have thought that our present Army was entirely too large; I think so still; but I am not satisfied that there ought not to be a detail from the military authorities to guard the public Treasury of the country. There is a continual abstraction by way of appropriations unnecessarily large from the Treasury which ought not to be tolerated. There is too much expense upon the people of this country by military establishments, and by other services, which ought to be curtailed; and for one, if the proposition were here today, I would go for a reduction of the Army, and especially for a reduction of the officers of the Army; for I believe there is no necessity that the people of this country should be burdened with even the present existing military establishment. I am not in favor of the abolition of the Army entirely, but I am in favor of such a reduction as will be a sensible relief to the tax-payers of this country. I think we might reduce our Army to 15,000 men, or not exceeding 20,000 men at the outside. This would save from five to ten millions to the Treasury of the country. Here is a proposition in this bill to reduce the compensation now allowed to certain men detailed as public into be tolerated. There is too much expense upon the people of this

structors in military life. I propose to adhere to the allowance made by the House of Representatives, and to go against this proposed increase by the Senate Committee on Appropriations.

Mr. WEST. Mr. President, I hardly expected at the opening of this debate that it would take the direction that it has, but I am quite confident that I stated the proposition of the Senator from Delaware correctly, that, if it was intended to reduce the pay of these professors, in order to be consistent there ought to be a proposition to reduce the pay of all the officers of the Army; and now the Senator says that in that proposition he entirely accords. He thinks that ought to be done. Well, sir, the Senator is a distinguished representative of his party, and I presume he speaks the desires and feelings of that side of the Chamber when he says so. I am glad that at this time that Senator and his party have discovered a new-found zeal for economy in mili-tary affairs, for the records of the War Department and the pay and disbursements of the Army evidence this fact, that from 1840 to 1860, when this country was under the exclusive control of the party of which that gentleman is a distinguished member, the expenses of the Army per man were more than they have been under a repub-

lican administration during the peace establishment since the war.

As I said, I did not expect that the debate would take that particular complexion, but I should like to put that statement in contrast with the Senator's desire for economy, that from 1840 to 1860—and I shall have the pleasure of showing the fact in the figures here as we progress in these economical debates—the expenses per capita of the Army of the United States were more than they have been from 1866 to 1876 per man. When those disbursements were made they were in gold, and when they have been made from the period of 1866 to 1876 they have been made at the discount at which we all know to 1870 they have been made at the discount at which we all know our currency has been. Let that much go with the Senator's profession of economy. The economy has been shown; the economy has been shown by this Senate, by this party all the way through, and I think when Senators on the other side propose their parings they certainly must comply with the law in the first place and they must give judicious reasons for those parings in the second place. judicious reasons for those parings in the second place.

Mr. ALLISON. Mr. President, the law requires that this appro-

riation shall be made. That has been stated over and over again. The question of reducing the compensation of officers of the Army is another question and a distinct one, which certainly ought not to is another question and a distinct one, which certainly ought not to be committed to the Committee on Appropriations. The Committee on Military Affairs are abundantly able to take charge of the ques-tion of the pay of the Army, and certainly would have a right to complain if the Committee on Appropriations attempted to usurp

their authority.

It is said that we can change the law so as to reduce this compen-

sation. So we can.

Mr. LOGAN. Right on that point, if the Senator will allow me, I wish to make a suggestion which perhaps he has thought of himself. It is proposed in this bill to reduce the pay of the professors. Sup-It is proposed in this bill to reduce the pay of the professors. Suppose one of these professors at West Point is to-day a colonel in the Army or a lieutenant-colonel, I ask how can you reduce his pay as lieutenant-colonel in the Army without reducing the pay of all the other lieutenant-colonels in the Army? If you reduce the pay of a professor having that rank who belongs to the Army, you must reduce the pay of all; or else you make a discrimination between officers of the same rank in the Army.

Mr. ALLISON. Of course, if an officer at West Point who is now officer of the Army, should have his pay reduced under the opera-

an officer of the Army should have his pay reduced under the opera-tion of this bill, he would be obliged either to leave West Point or practically to have his pay below that of those equal in rank with him. But this pay is limited. Every officer of the Army of the United States under the statutes of the United States has what is known as longevity pay, which I believe is 10 per cent. for each five years of service; but that longevity pay has a limitation; it cannot exceed 40 per cent. in all. Now, the professors at West Point are placed upon an equality with colonels and lieutenant-colonels in the Army. That is no new proposition. That proposition was embodied in the organization of West Point in 1812, assimilating them in rank with officers of the Army. Afterward it was repealed, and then again restored, and it is found now in section 1336 of the Revised Statutes.

But these officers earn this pay. I am willing to meet the Senator from Delaware upon this broad proposition. They are generally men who have served in the Army; their rank is limited by accepting commissions at West Point. Every other officer in the Army may be promoted to brigadier-general, major-general, and so on to the end of promotion; but the moment any officer is commissioned as a professor at West Point, that moment his rank is limited to colonel, and he does not receive the promotion that is open to other officers. These men have served many years; some of them I believe forty years; at least one of them, Professor Church, graduated forty years ago, and has been a professor continuously since that time at West Point. His salary is \$4,500. It is no more than he earns, and I would deprecate any reduction of his salary either by operation of a general law or by means of any special enactment.

or by means of any special enactment.

Every one knows the efficiency of West Point. As was said the other day about Harvard, it is progressing constantly; it is now harder to get into it, and harder to stay in it, and harder to get out of it than at any former period; and it does seem to me that it is a poor place to begin economy to strike down the instructors of the men who are to support the Republic in future years in case of neces-

sity. There, of all other places, should the laborer receive the proper

reward for his services.

Mr. SAULSBURY. Will the Senator allow me to make a remark?

Mr. ALLISON, Certainly.

Mr. SAULSBURY. It has been stated here by the Senator from Illinois, I believe, and also by the Senator from Texas, and I think by the Senator from lowa, that these professors take the rank of column and light analysis of the case, as they will see in onel and lieutenant-colonel. That is not the case, as they will see if they will examine the law.

Mr. MAXEY. Assimilated rank is what they have. Mr. SAULSBURY. I will read what the law says:

Each of the professors of the Military Academy whose service at the academy exceeds ten years shall have the pay and allowance of colonel—  $\,$ 

It does not give him the rank and title of coloneland all other professors shall have the pay and allowances of lieutenant-colonel.

That was the provision of the law for the pay of these gentlemen heretofore. The present bill provides a different compensation. These gentlemen do not take the rank of colonel. They only have the pay and allowances of colonel.

Mr. LOGAN. The Senator will remember what I stated. I said that they had the assimilated rank of colonel or lieutenant-colonel, as the case might be. They have the actual rank of colonel or lieutenant-colonel when detailed from the Army; but if a professor is appointed from civil life, he takes the assimilated rank. That is what I stated before. I said that in military parlance he had the assimilated rank. similated rank; that is, you give him the pay and allowance of a colonel, and that assimilates him to the rank of a colonel. That is

what I said and that is the fact.

Mr. SAULSBURY. Certainly; but my understanding all the time was that these were officers of the Army who were colonels and lieutenant-colonels.

Mr. LOGAN. Some of them are.

Mr. ALLISON. None of these professors are officers of the Army except the professor of law, and we have provided in this bill a remedy for that. They are all assimilated to the rank of colonels and lieutenant-colonels in the Army, and are placed upon the same footing with reference to the pay, emoluments, and retirement from service

as officers of the rank of colonel and lieutenant-colonel.

Mr. SAULSBURY. I have no doubt the Senator from Iowa is right, so far as the same pay and the same allowances are concerned, that they are assimilated in those respects to colonels and lieutenantcolonels; but my point is that they are not military officers, and therefore that it is perfectly competent for us to provide and that this bill provides properly a different compensation from that which these gentlemen have heretofore been receiving. My impression was, from the remarks which were made by the Senator from Illinois and the Senator from Texas, as well as by the Senator from Iowa, to suppose that we might be doing injustice to these gentlemen in refusing to make an allowance which by their rank they were entitled to have. That I find is not the case. The pay which has heretofore been provided for these professors they are entitled to receive until some further action of Congress intervenes to change that allowance. This bill proposes after the 1st of July next that their compensation shall be different, and it is perfectly competent for Congress to do that, and it is no violation of any vested right of these gentlemen by vir-

tue of any rank in the Army or otherwise.

Mr. ALLISON. May I ask the Senator from Delaware a question?

The PRESIDENT pro tempore. The Chair will remind the Senator from Iowa that he held the floor and yielded it to the Senator from

Mr. ALLISON. I tried to continue holding it, but have been unable to do so. I wanted to call the Senator's attention to this point, whether or not he is willing that the Committee on Appropriations shall take exclusive charge of the business of this Senate, and report upon appropriation bills whatever remedial legislation they think ought to be had with reference to all subjects coming before Congress?

Mr. SAULSBURY. I think it is perfectly competent for the Committee on Appropriations of the House of Representatives to do as they have done in this bill—provide a certain compensation for professors at the Military Academy. Then it is a question for Congress whether they will alter the law or leave it in such condition that these gentlemen might possibly have some claim against the Government. It will be an intimation on the part of Congress, at any rate, that that is the proper compensation which should be afforded; and then whatever appropriate legislation may be necessary in order to put the law in harmony with the express will of Congress in the passage of the appropriation bills should be adopted. I hope that the appropriate committee will take into consideration the propriety of so altering the law when one House of Congress has intimated the opinion that the appropriation allowed in this bill is the proper apopinion that the appropriation allowed in this oill is the proper appropriation, and so change any law that may exist upon the statute-book as to put it in perfect harmony with this intimation contained in this bill. For one, sir, if the appropriate committee should bring forward a proposition of that kind, I should vote for it. I have no question, as I said before, that these gentlemen engaged in instruction at the Military Academy are properly compensated by the bill as it came from the House. They are not rendering the hazardous and dangerons service that is rendered by colonels and lieutenant-colonels on the frontier, exposed to the inclement weather and to the

dangers of frontier life. Their situation is a much more easy one. It is my opinion that the law originally was wrong which gave them the same compensation that a colonel or a lieutenant-colonel gets who is in the field chasing Indians or engaged in some remote service in the country

Mr. LOGAN. Where are our major and brigadier generals? Are they on the frontier? They are not generally found there.
Mr. SAULSBURY. I do not know. I am not acquainted with that subject. The chairman of the Military Committee ought to be pre-

pared to inform me on that subject.

Mr. LOGAN. I can do it. If the gentleman desires the information I can certainly give it to him; but the point he was speaking of was in regard to these professors not being military men. I am sure we all desire to be correct, and I will state to him that a portion of the professors at West Point are civilians. The professor of Spanish, for instance, is a civilian, but he has certain assimilated rank and certain pay. I presume the Senator is well enough acquainted with military affairs to know that no man was ever detailed as a professor of military tactics that was not an officer of the Army. So in regard to instruction in gunnery; he would not presume to say that a man who was not a military man would be put in charge of that. So a majority of the duties performed there are performed by detailed officers of the Army, but there are some officers who have been taken from civil life, and they have what is called assimilated rank, and their pay is

in accordance with that assimilated rank.

Mr. SAULSBURY. But I understood the Senator from Iowa to say that there was but one of these officers a military man. Now I find further in this bill that there is an amendment of the Committee on

Appropriations of the Senate to insert:

For pay of one instructor of practical military engineering, in addition to pay as first lieutenant, \$900.

So that you propose in this bill to insert certain amendments offered by the Committee on Appropriations to increase the compensation of military men detailed for this service. All the amendments that I have examined in reference to increased compensation reported by our committee are entirely incorrect, and I shall vote against them.

Mr. ALLISON. I will only occupy one moment further. The professors at West Point are all commissioned as professors except one, namely, the professor of law. They all have assimilated rank to the rank of colonel or lieutenant-colonel in the Army; but they are not borne on the rolls of the Army, any of them. They are all graduates of West Point, however, I believe, with the exception of two, or perhaps three. Many of them have surrendered their commissions in the regular Army to receive their commissions as professors at West Point. When they have made this exchange they are not promoted in the Army as they would have been promoted had they retained their original rank in the Army. That is all there is on that question.

Mr. EATON. I should like to ask the Senator from Iowa are any of these professors in the line of the Army?

Mr. ALLISON. One of the nine professors holds the rank of major in the regular Army, in the office of the Judge-Advocate-General. All the others are commissioned as professors. We have always undertaken to pay these men according to the assimilated rank which I have named. Now, if it is thought best to chauge the organization at West Point, if it is thought best to change the organization of the Army, that is another thing; but unless you want the Committee on Appropriations to take charge of the Army, and the Navy, and the judiciary, and fix the salaries of all your officers, civil, military, and naval, you must permit the Committee on Appropriations to make these appropriations and report them to the Senate in accordance with existing law; and that is the only line which has controlled the committee in making this amendment. So far as I am concerned, I believe, and I think so far as the committee are concerned they believe, that these professors are now only receiving a proper compensation for the services they render.

Mr. STEVENSON. Mr. President, I shall vote against this amend-

ment. I think that the reduction proposed by the House bill is a retreuchment in the right direction. I do not suppose that any proposition to reduce expenditures will meet with entire approval. There will always be opposition to the reduction of salaries. In advocating the reduction proposed by the House of Representatives and sought ing the reduction proposed by the House of Representatives and sought to be defeated by the amendment of the Appropriation Committee of the Senate, I am not conscious of doing any injustice to the professors at West Point. I know most of these accomplished men and esteem them highly. I desire them to be well paid. Four of them I believe receive by the House bill \$3,500; five of them \$3,000. I should like to be informed by the Senator who has charge of this bill what professors in the various colleges of our country receive higher

compensation than these sums fixed by the House bill.

Mr. ALLISON. I think there are a great number, if the Senator

Mr. ALLISON. I think there are a great number, if the Senator asks me that question.

Mr. STEVENSON. In the western colleges I know of very few who get so much. In the University of Virginia—an institution equal in scholarship, not less than in the ability of its faculty, to any in this land, I might almost say in any land—I am persuaded that the average compensation of the professors will not exceed if it even reaches the minimum in this bill; but, in addition to the salaries of \$3,500 and \$3,000, as I understand, these nine professors at West Point have a house; are furnished with light; with fuel; with medical attendance, and I believe, though I speak without very accurate informa-

tion on this last point, and if I am wrong the Senator from Iowa [Mr. Allison] will correct me, that there is a school at West Point paid for by the Government to which the children of the professors go free. All of this is very proper, but unquestionably it should enter into the standard of the salaries. If you then add to the \$3,500 salary rent, fuel, light, medical attendance, and the schooling of the children of professors, I should be glad to know in our ordinary colleges what professors are better paid. I know of none within my personal knowledge. If there are any, they constitute exceptional

I really think that the time has come when retrenchment in our public expenditures should be exercised in every Department of the public service weere it can be done without injury to the public interest. The people expect and demand it. The House of Representa-tives feel the weight of this responsibility. They have set an exam-ple in this bill which I hope the Senate will follow. The Constitution of the United States clothes the House of Representatives with the sole power to originate revenue bills. There the Representatives come every two years fresh from the people. That instrument declares that no appropriation bill touching the Army shall extend beyond two years. These are all wholesome checks in the right direction. tion. Our fathers were jealous of arbitrary power. They believed in a free government economically administered. When, therefore, a standing appropriation bill, after a full discussion of its merits, comes to the Senate from the popular branch of Congress, its recommendations should be carefully considered. No reduced item of expenditure, I submit, should be increased without some strong argument against its injustice. I am unable to perceive that the reduction of the salaries of these nine professors works any such injustice. Even after the proposed reduction, these professors will be as well paid as many other officers of the Army. The heads of some of the most responsible Bureaus of this Government, charged with the disbursement and the custody of millions of dollars, do not get so good a salary. I have listened with great pleasure to this discussion, but I have, I confess, not heard one satisfactory reason advanced why this reduction, commended to us by the House of Representatives, should not be concurred in.

I am a friend and not an enemy to West Point. I do not undervalue its importance or its usefulness. While I am not such an enthusiast as to believe the country never produced a soldier unless he was a graduate from West Point, it is a popular institution of which I feel proud and which I would perpetuate. I am proud of the distinguished generals which that academy has given the country; and I want as a Senator to be liberal to it. I am sure I shall reflect the sentiments of an enlightened constituency in voting a just and liberal compensation to these professors. I know most of them personally. They are eminent scholars, worthy in all respects of their high trust. I approve of the course of study and discipline at the Military Academy. I think some improvements might be intro-duced into the institution which would make it more popular. I desire to support and provide for this academy on a just and liberal basis. I will go no further. The people expect and demand in these times of onerous taxation a reduction of the expenses of this Government. I think we can without injustice begin on this bill. I am unwilling to support this amendment of the Senate Committee of Appropriations, but prefer the House bill. I believe that these professors in times of pecuniary depression like the present well paid at \$5,000 a year, and that is nearly the salary of those who get \$3,500 with the perquisites enumerated by me.

Mr. LOGAN. The Senator says \$5,000 a year; how can he make

Mr. STEVENSON. They get \$3,500 as a salary.
Mr. LOGAN. Some of them.
Mr. STEVENSON, The rent of an ordinary dwelling-house would
be \$1,000. Add that to the \$3,500 and it is \$4,500. I think fuel, light, medical attention, and schooling would very nearly make up the bal-ance. That at least is my estimate. If inaccurate, let the error be pointed out.

About make up the balance?

Mr. STEVENSON. I think so; I am sorry the Senator differs with me. But suppose that the salary is only \$4,500 including perquisites; still that sum is above, as I think, two-thirds of the professorships in our American colleges. I shall therefore oppose the recommenda-

in our American colleges. I shall therefore oppose the recommendation of the Senate committee so far as these salaries go, and adhere to the text of the House bill. I regret to disagree with the Committee on Appropriations, but my best judgment constrains me to do so.

Mr. LOGAN. I do not propose to trouble the Senator with this question much further, but I do desire that it shall be properly presented and understood. The Senator from Kentucky is a good lawyer; he certainly is a year, also Senator. He has been really as a very soll Senator. sented and understood. The Senator from Kentucky is a good lawyer; he certainly is a very able Senator. He has been making an argument apparently to me, and, I beg his pardon for saying it, not intelligible to the Senate. He says he is in favor of this reduction. How is he in favor of this reduction? Will he state to the Senate as a lawyer that this Congress has a right to violate a plain provision of the statute which declares that a certain amount of pay shall be given to each officer in the Army and at West Point, and to the civil officers of the Government? Does he hold that the Appropriation Committee has a right to violate that plain and simple provision of the law by appropriating less money than the salaries allowed by the statute? Will he state that as a lawyer to the Senate? I will give way for him to

answer if he will make that statement. He knows as a lawyer that it is the duty of Congress to appropriate the amount of money required by the statutory provisions to pay the salaries of the officers of the country. He well understands that to be the rule. In this bill comon the House of Representatives they do not reduce the salaries of these men by a repeal of the law allowing them their salaries, but they arbitrarily reduce the appropriation merely, on the pretext of a false economy, that the country may understand that there is a reduction when in fact it is no reduction and the salary stands on the statute-book owing to these parties, and they are entitled and will be entitled to have it from the Government, if not in this appropriation bill, in some subsequent one. He knows that to be the law; and yet he stands here and says that he is in favor of this bill as it comes from the House with no repealing clause in reference to salaries what-ever in it and no proposition of the kind offered here.

I want to know, and I ask men who are honorable Senators and good lawyers to tell me, if each and every one of these men cannot obtain a judgment against the Government for the amount of their salaries over that which we allow them in this bill. If there is a law-yer here who will stand up and say that this is not correct law, I will take it for granted at least that he is honest in it, but I shall think

that he is a very poor lawyer.

The Senator says that because other professors do not get this amount of money, therefore these men should not have it; because, forsooth, their children go to school they should not have it; because houses are furnished they should not have it. I ask, in this intelligent age if a man has ever read in the history of armies in any country under the shining sun that soldiers and officers were not provided with quarters. Does the gentleman in the light of this day and the experience of the country demand that the soldiers of the Union shall be turned out in the storm without a shelter? Is that his proposi-tion? There is not a civilized country on earth that recognizes such a proposition as that. But perhaps we furnish better quarters than they ought to have. It may be that that is the objection. I presume they ought to have. It may be that that is the objection. I presume not, however. The houses are provided already at West Point, and if you do not let somebody live in them I suppose they will rot down. They are provided for officers and soldiers, and the complaint of the gentleman is that these professors live in the houses that have been provided by the Government. If they do not live there, tell me where they shall live. Out on the rock without tent or shelter? Is that the idea?

But the next proposition is that their children go to school. If the Senator will read the statutes in reference to our Army he will find a provision that requires a school at every post in the United States; that the soldiers even shall go to school when they are not engaged in military duty; that a school of instruction shall be provided at every camp and every post for soldiers and others connected with the Army. That is the law, and it ought to be the law. Does a man presume that our Army should be a set of ignoramuses; that they should know nothing? I ask the Senator if that is his theory of instruction to an army? In time of war, when men are lying idle in camps and not on military duty, it is the rule in all armies in civilized countries that the men shall be instructed; and schools are instituted in every camp, and ought to be—everywhere that I have been at least; and it is the law to-day; and yet, because we train our soldiers as civilized men should be trained, there is complaint by our

friend in reference to it.

The next proposition the Senator makes is that they get too much money. I will say to the Senator that I do not wish to enter upon the discussion of the question as to salaries now. What my position may be when that question shall properly arise I do not now state; but, so far as the salaries that are paid to the professors at West Point are concerned, I do not believe they are too much. I do not believe that you can obtain well-instructed persons, calculated and qualified to instruct men to become intelligent and learned soldiers, for any less than is paid to these men. Four thousand dollars a year some of them perhaps get on account or their age in the service. Those who have served for forty years perhaps receive \$4,000 per annum. Some of these men have served their country for forty years, a part of the time, perhaps, at \$1,200 a year; in fact, twenty-five years ago lieutenants served in the Army for \$50 per month, or \$600 per annum. I served for \$600 per annum in the Army years ago, when that was the pay of second lieutenants, or within a fraction of it. These profespay of second neutenants, or within a fraction of it. I fless professors have served a long time in the Army, perhaps some of them with large families, who are well qualified to be instructors at West Point, to teach the various branches, to drill the soldiers, to teach them to be officers, to teach them to take charge of men, to understand men, how to control men, how to guide men, and how to make all the movements that are necessary in military affairs, to say nothing of the other duties to the Government and the country which they are required to perform in engineering and other matters; and I ask the Senator where he will find persons well calculated to act as instructors for a less price? If you give a less price, I should say, if I were an instructor at West Point, that I would desire to be relieved and to return to the Army again. These men have nearly all come out of the Army. One of the best instructors at the Military Academy—no, I will not say the best, but really as good as we have ever hadwho was there but a short time ago, prepared the new tactics that are being used now by the Army, entirely a different drill, one that is simple, that all can understand very easily, so that the movements of

the infantry, the cavalry, and the artillery are all the same, when heretofore they had always been different. This instructor, General Upton, was a colonel in the Army, and he went to West Point because he was one of the best qualified men in the Army for giving instruction in reference to military tactics. He was willing to go there and instruct the cadets in the movements of the Army because he was a competent man well capital.

instruct the cadets in the movements of the Army because he was a competent man, well qualified, a good soldier, a man who, as colonel in the Army, could receive the same pay.

New, I do here protest against the Appropriation Committees, either in reference to West Point or in reference to the Army generally, or in reference to anything else that depends on general laws on our statute-books, making laws for us in the appropriation bills except to appropriate the money that is necessary to be appropriated under existing statutes. Whenever we permit the Appropriation Committees to provide statutory laws for us, outside of that which they are required to do by the laws as they exist, by means of appropriations, we may as well form ourselves into an appropriation committee, and have all the statutes mixed up with clauses appropriating tee, and have all the statutes mixed up with clauses appropriating \$500 for so and so, and having in the appropriation bills sections declaring "be it enacted, that if any person shall cut timber on land belonging to the Government, he shall be fined and imprisoned." That is about the way your statutes will read: a provision in one section for an appropriation of money, a provision in another fixing a penalty for the violation of some law. A proposition to bring upon us such a condition of things in legislation ought to be ignored and scouted from the highest deliberative body in this nation. The Appropriation Committees should bring in appropriation bills providing the money under the law that they are required to do, and let the two Houses act upon them, and leave the general laws to be enacted by the Congress of the United States, after being reported by the appropriate committees that have the right to pass upon these laws and report amendments or modifications.

For these reasons I am in favor of the amendments that have been

reported by the Appropriation Committee, inasmuch as they are amendments germane to this bill.

Mr. STEVENSON. I have but a word or two in reply to the Senator from Illinois, [Mr. Logan.] I shall not follow him in his wanderings outside of the direct point at issue between us in this debate. Nor shall I imitate his example and be led into any discussion of what constitutes the proper scale of compensation to officers or solwhat constitutes the proper scale of compensation to officers or soldiers in war or in peace; still less into the quality or quantity of quarters or of tents, of rations, or other requirements of the camp. Important as all these inquiries are, they do not elucidate the propriety of the pending amendment. They are not before the Senate. If they were, I would surrender my little information, or all that I can ever hope to acquire, to my friend from Illinois, who has had so large and so distinguished an experience on all these subjects, both in peace and in war. But the topic will become the subject-matter of legitimate discussion when the Army bill is properly before us.

The solitary question before us is: Can the Senate justly and properly reduce the salaries of the nine professors at the Military Academy at West Point, as proposed by the bill of the House of Representatives? That is the solitary question now before the Senate. I

sentatives? That is the solitary question now before the Senate. I sentatives? That is the solitary question now before the Senate. I know, Mr. President, that it is always an ungracious duty to reduce the salaries of any meritorious official. We shrink from it. But, when in the discharge of official duty I am required to pass upon any proposed measure of retrenchment, demanded by the stringency of the times, I can only seek with all the light and argument before me, to exercise an upright and impartial judgment. No Senator can deny that every possible reduction in public expenditures which the public interest will justify ought sternly to be insisted upon and promptly carried out. Never has there been of late years greater pecuniary embarrassment than that which now pervades every section of our country. The great industrial industries of the country are paralyzed and the people are burdened with onerous taxation. Where shall we begin this work of reduced expenditure? I reply, in every shall we begin this work of reduced expenditure? I reply, in every branch of the public service where the public interest will permit it. The Senator from Illinois [Mr. Logan] asks me if I would have the professors at West Point to go without a house? Certainly not, the professors at West Point to go without a house? Certainly not, nor without fuel, schools, or medical attendance. I would have the Government to furnish everything that is furnished now, both to the professors and to the cadets, and more, if the interest of the academy demanded it. But in estimating the salaries to be paid to these professors annually, I would take into account whatever was gratuitously furnished them by the Government, and which, but for such gratuity, they would be compelled to pay for out of their salaries. Is not this a just estimate in fixing the compensation to professional or to manual labor everywhere? Is not such a standard just and conitable? equitable?

The United States furnishes each of these nine professors with a

house; but if the United States did not furnish them with a house, would they not be compelled to pay the rent of it out of their annual compensation? So, too, with fuel, medical attendance, and schools, all furnished gratuitously by the Government in addition to their salaries; are they not to be considered in fixing the salaries of these professors? Are they not perquisites, part and parcel of the compensation to the professors? If not, why not? The Senator from Illinois argues that because the United States owns the buildings ocprofessors? Are they not perquisites, part and parcel of the compensation to the professors? If not, why not? The Senator from Illinois argues that because the United States owns the buildings occupied by these professors such occupancy is not a legitimate item in estimating their annual compensation. How about the fuel or the

schools? They are paid for by the Government. Still the Senator argues against both as estimates in the amount of the professors' sal-

Mr. President, I had supposed that all valuable perquisites, either to a public or to a private position, entered into the estimate of the

amount of salary of the incumbent who filled it.

Mr. LOGAN. I will ask the Senator a question. It is very hard to say that we ought not to consider the perquisites that a person receives; but I will ask whether or not, when a soldier is in the field at \$11 a month, and you board him—that is, you give him his food and raiment—the Senator will take into consideration the value of the tent that covers that soldier in fixing the salary he shall receive while fighting

covers that soldier in fixing the salary he shall receive while ngnung for his country? Is that the proposition?

Mr. STEVENSON. When we come under the Army appropriation bill to discuss the pay and emoluments of soldiers in the Army, the question propounded by the Senator from Illinois will be entirely pertinent and proper. It will be time enough to answer it then. It is out of place now. We are dealing with professors now, not soldiers. "Render unto Cæsar the things that are Cæsar's." Do not let us evade or get away from the direct question involved. We are discussing the propriety of reducing the pay of professors at West Point. cussing the propriety of reducing the pay of professors at West Point, and not of soldiers. Can the proposed reduction be made without injury to the public interest? Are valuable perquisites furnished by the Government to the professors to be estimated in fixing these salaries ?

Mr. LOGAN. The Senator, perhaps, does not use the term "soldier" as I do. He makes a distinction, perhaps, between an officer and a soldier. I do not. When I speak of a soldier, I embrace an officer as well as a private in that language. I mean by a soldier a man who belongs to the Army. Some have official robes and others have not; but they are all soldiers, and there is no country in the world, as I said, which does not provide shelter for its soldiers. Some provide better than others do. I only ask the Senator whether he will, in providing for an army, take into consideration the shelter that is furnished to that army, in fixing their pay, and when they are

that is furnished to that army, in fixing their pay, and when they are subject to be transferred from one place to another any day?

Mr. STEVENSON. Still, Mr. President, the Senator propounds interrogatories that are not pertinent to the issue involved. His question is not germane to this debate. We are not now discussing the pay or perquisites either of officers or of soldiers of the United States Army. The professors at West Point are not in that sense officers. They are like other professors, and have only an assimilated rank. The similated rank. ple question is, in estimating their salary shall we take into the account the house-rent, fuel, schools furnished and paid for by the Government as increasing the moneyed compensation paid to these professors annually? That is the sole and only question involved. And the question propounded to me by the Senator from Illinois, I submit,

does not in any way tend to elucidate its solution.

Mr. MORRILL, of Maine. If I do not interrupt my honorable friend on this point, I will remove the difficulty perhaps by saying that these professors are of the Army of the United States.

Mr. WEST. They are professors of military law.

Mr. WESL. They are processors of mintary law.

Mr. MORRILL, of Maine. They are all colonels and lieutenantcolonels of the Army; and I think this debate is going on upon an
entire misapprehension of what the committee has done and what, I think my honorable friend from Kentucky will agree, it ought to have

Mr. LOGAN. West Point is part of the Army to-day under the statutes

Mr. MORRILL, of Maine. I want to show the composition of the

Army of the United States by the Revised Statutes.

Mr. STEVENSON. What page does my honorable friend read from?

Mr. MORRILL, of Maine. Page 202:

The Army of the United States shall consist of— One General; One Lieutenant-General—

The statute goes on to enumerate the different branches, and then

it reads: And the professors and corps of cadets of the United States Military Academy.

So that these professors are of the Army of the United States. If I do not interrupt my honorable friend I will say one word more. The act of 1870 undertook to fix the pay of the Army of the United States, including the professors of the Military Academy; so that the professors stand in the same rank and in the same relation as to pay. This bill comes from the House of Representatives and deals with the pay of one class in the Army. The committee therefore naturally say that is interfering with the compensation of the Army, and that when the subject of dealing with the pay of the Army comes up it is a proper consideration for the Senate or for the other branch. It did not seem to the committee to be a proper thing to select one class of officers belonging to the Army and undertake to fix their compensation while the general subject of compensation of the whole Army was not under consideration. That was the view the committee took of it.

Academy appropriation bill from increasing or reducing their salaries? Do we not often increase the salary of a particular judge without interfering with the salaries of the other Federal judges throughout the country? For very many years the Military Academy bill has been considered by the Committee on Appropriations of the House and of the Senate as a separate, independent bill, and I never heard their right to do so questioned. Their power to increase or reduce salaries was never until now thought to be affected by the fact of whether the professors at the Military Academy were officers of the Army or not. So far as my limited experience for four years on the Senate Appropriation Committee enables me to speak, I say, without fear of contradiction from any quarter, that the Military Academy bill has always been separately considered as an independent bill, wholly distinct from the bill for the support of the Army. I do not understand the argument, nor can I perceive its force, that, were it admitted that the professors at West Point were officers, the Committee on Appropriations in either the House or the Senate could not on the Military Academy bill increase or reduce the salaries of the pro-fessors, or increase or reduce the salary of a particular professor. I deny that these professors at the Military Academy are officers of the regular Army; but, if they were, the Committee on Appropriations can, on the pending bill, either raise or reduce their salaries.

Mr. LOGAN. That is not the proposition. The Senator certainly misunderstood me as I stated it. I said, and I repeat, that Congress

has no right to change the amount appropriated to pay these officers without repealing the act fixing their salaries. That is the proposition, and nobody has attempted to bring in such a repeal.

Mr. STEVENSON. We can very easily repeal any existing statute

inconsistent with or antagonistic to the provisions of the pending bill when we shall have agreed on its provisions. Our constant practice in passing bills is to add a clause repealing all laws inconsistent with the pending enactment. There is no difficulty, if we vote down the pending amendment and adhere to the reduction of salaries contained in the House bill, to add any provision making such legislation harmonious with existing statutes touching the Army. There is nothing in the supposed objection of the Senator from Illinois [Mr. LOGAN] to the proposed reduction as violating existing statutes.

Mr. ALLISON. Will the Senator from Kentucky allow me to ask

him a question?

Mr. STEVENSON. I will answer any question of the Senator with

Mr. ALLISON. I should like to have the judgment of the Senator from Kentucky whether he thinks \$3,500, with the quarters and other things that are allowed to these professors, is an excessive compensa-tion to men whose duty it is to teach the higher mathematics and sciences to the young men who are to become the future engineers and officers of the Army of the United States? If he thinks it is an excessive compensation, then I admit his argument is a good one; but, if it is not excessive, then why seek to reduce it?

Mr. STEVENSON. I am glad to answer all these questions one at a time. In reply to the Senator from Iowa, allow me to say that I do not think the Government ought ever to pay excessive salaries in any department of its multiplied agencies. I think Congress ought to department of its multiplied agencies. I think Congress ought to pay fair and just salaries. That I think has been done in this bill. When you test the salary paid to the professorships at West Point, even after the reduction proposed by the House bill, by salaries paid to equally competent professors in other colleges, I am sure the salaries at the Military Academy will exceed them. I speak of the average of our American colleges. There may be richly endowed institutions which may be exceptions. If you will take the professorships of the University of Virginia, or of the Washington and Lee University, in the same State, several distinguished and ancient colleges of New England I venture the opinion without pretaining to an expect in form. land, I venture the opinion, without pretending to any exact information on the subject, that you will find very few professors at these several colleges who receive four or five thousand dollars a year. I know distinguished scholars, highly cultivated in languages and science, men qualified not only to teach mathematics in its higher branches, but in its superlatively exalted grade of mixed mathematics, the very acme of mathematical science, and not generally taught in all of our colleges, who do not receive a salary of more than thirty-five hundred or four thousand dollars a year, and who are regarded as receiving a

Why in times like these should the professors at the Military Academy at West Point, distinguished as they are, receive more than similar professional talent of equal distinction is commanding elsewhere in American universities? Our constituents will demand and are entitled to have an answer to this question. It is a pertinent one. Why give to professors at the United States Military Academy larger salaries than are paid to equally able professors at other prominent and distinguished American colleges.

It will be no answer to the question to say that the Senate and

It will be no answer to the question to say that the Senate and House could not make the reduction on the Military Academy appro-It would be a still less satisfactory answer to say that such a reduction would be in violation of some existing law. No,

Mr. President, such excuses afford no pretext for refusing to concur with the House of Representatives in this proposed reduction.

I rose without the least intention of participating in this debate. I feel that I should perhaps not have done so without some examination into its details. I had supposed, however, that the discussion of the committee's amendment would lead to a mere interchange of

views among Senators as to what reduction might be made without public or individual detriment. I had no conception that the proposed reduction would meet with such opposition. My past course in the Senate and my actions as a member of the Committee on Appropriations will attest that I have never been niggardly in my votes for appropriations, whether by way of salaries or otherwise, if constifor appropriations, whether by way of salaries or otherwise, if consti-tutional and proper. I hope never to be unjust in any proper ap-propriations to either the professors, or to the cadets at West Point, or to the academy itself in all its reasonable requirements. But, while this is true, I am for a just and reasonable reduction of public expenditures. I do not wish to be extravagant nor do I wish to be unjustly parsimonious—I would seek the golden mean between these two extremes. That I think the House of Representatives has ac-complished in this particular item of reduction. I regret that the Senators who oppose it feel it their duty to do so. Senators who oppose it feel it their duty to do so.

Now I come back to the objection of the Senator from Illinois, that these professors are Army officers and that the House of Representatives as well as the Senate are forbidden to reduce salaries of professors on an appropriation bill for this academy; it is in violation of existing law. I have already given an answer that we can repeal any such opposing statutes. I deny that these professors at West Point are Army officers in the sense contended for by Senators on the other side. Here is the enactment:

That the professors of the United States Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonel; and the instructors of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of major; and hereafter there shall be allowed and paid to the said professors 10 per cent. of their current yearly pay for each and every term of five years service in the Army and at the academy: Provided, That such addition shall in no case exceed 40 per cent. of said yearly pay; and said professors are hereby placed upon the same footing, as regards restrictions upon pay and retirement from active service, as officers of the Army.

The pay and allowances to these professors on the basis of Army officers do not make them officers. If it did it would not preclude the Committee of Appropriations from increasing or abolishing them. Indeed it has been the constant usage of appropriation bills to do so. Admit that the Military Academy is a part of the Army in its enlarged Appropriations for it have, after many years, been by separate Salaries have been increased and diminished by this committee. The course of instruction has been changed even by this very com-

Mr. LOGAN. If the Senator will allow me, I do not believe that the power to repeal should be exercised in this way.

Mr. STEVENSON. I do not understand the position of the Senator from Illinois. He desired to bring to my attention the simple fact that the repeal fixing the salary had not been enacted. Now, as I understand him, he objects on another distinct ground.

Mr. LOGAN. I objected that the House had passed the bill with-

out repealing the act providing the salary.

Mr. STEVENSON. So I understood.

Mr. LOGAN. Therefore it was a power they could not exercise legally, that is, without leaving still a debt due from the Government to the party injured by a reduction of the salary. That is the point.

of course it can be done, but I was arguing against the propriety of doing it on an appropriation bill; and I insist upon that.

Mr. STEVENSON. The objection of the Senator is without availability. The passage of this bill by the House of Representatives reducing the salaries of these professors was a repeal pro tanto. These professors can only draw what is appropriated. But going to this technical objection insisted on by the Senator, we can repeal the law fixing the salary by an amendment to this bill. So, after all, the sole question is whether, after the reduction proposed by the House of Representatives, these professors receive a sufficient and just compensation. Looking to the eminent character of these nine professors—their talents and experience—four or five thousand a year, including the perquisites referred to, is a just and fair remuneration. I think so, looking to the exigency of the times and the necessity for retrenchment.

That problem should be easily solved. I have endeavored to show that the salaries provided for by the House bill to these nine professors are just and liberal in comparison with the salaries paid to professors at military schools and colleges throughout the country. strongly insist that because these professors are quasi United States officers, if you please, they are still professors engaged in scientific and military instruction in a Military Academy supported by the Government of the United States, and should receive no higher compensation than instructors of equal merit in similar institutions. The fact that it is a United States academy constitutes no reason for an increase of the professors' salaries beyond that which is given to professors of similar rank in other institutions.

Mr. MAXEY. Will the Senator allow me to ask him a question? Mr. STEVENSON. Certainly.

Mr. MAXEY. I am credibly informed, and so believe, that the salaries of the professors of Columbia College, New York, have been

ecently increased from \$6,000 to \$7,500.

Mr. STEVENSON. Perhaps that is true. If so, it is an exception to the almost universal rule. Colleges highly endowed like the one founded by Girard in Philadelphia, or more recently the one founded by Hopkins in Baltimore, no doubt give high salaries. I have no information of what the salaries are, but they constitute exceptions.

The people of this country, I am sure, would not justify Congress in fixing the salaries of West Point upon a basis greatly exceeding in amount the salaries paid to the professors in four-fifths of all the American colleges, universities, and military schools of the United States.

I have no feeling whatever in the matter. I desire to be just, but not profuse. If I could be persuaded that the salaries, given by the House bill to these nine professors, were not fully up and even over the standard of compensation given to professors generally, I should willingly vote to increase them. Unable with the lights before me to reach that conclusion, I shall vote against the proposed increase offered by the committee.

Mr. FRELINGHUYSEN. There is no doubt that Congress can, on an appropriation bill, transact all the legislation of the country, because they can add to the bill: "Be it enacted that all legislation inconsistent herewith is hereby repealed." But I confess that I am surprised that any one should insist that it is within the legitimate province of an Appropriation Committee to determine whether we shall or shall not have a navy, an army, a military institution, river and harbor improvements, a judiciary, post-offices, custom-houses; because, if it is true that this is the legitimate province of an Appropriation Committee, they can determine all these questions. Of course the action of the committee requires the sanction of Congress afterward; but they absorb all other committees if the doctrine of the Senator from Kentucky is true that all you have to do is to let the Appropriation Committee strike down any institution that depends upon an appropriation. Of course that would end all legislation of Congress so far as all other committees are concerned. These committees are institutions. They are valuable institutions to the country; they decide more questions than any of our courts. They have an organization. They have power to bring witnesses. They are recognized by the country as valuable tribunals primarily to investigate subjects; and I protest that it is not the business of an Appropriation Committee to do any such thing. Their business is to make the appropriations which the laws require, and Congress makes those laws after being instructed by the committees who are specially put in charge of the different branches of this Government.

As to this compensation being too much, and that is the question, I will state that in New Jersey the compensation of professors, I think, ranges from about \$3,500 to \$5,000, some of them with dwellings and some without. But we have settled that this compensation is not too much, because it is exactly the compensation that we give the officers of the Army to whose rank these officers of the Army are assimilated. This institution is a part of the Army, and we have settled that this compensation is not too much. That is the law, and it must remain the law until we change it.

The only argument that I have heard in favor of the original measure is that the House of Representatives have reduced the amount. If I understand the organization of the legislative department of this country, the purpose is that legislation shall pass two separate Houses, shall have the guard and the check of being deliberated upon twice; and it ought to be out of order to use as an argument in this Chamber what has transpired in the other branch of the legislative department, because it is essential that our legislation should be distinct in order to maintain this double deliberation.

As to the idea that the people demand this reduction, let me say that the people of this nation have yet in too fresh memory the valuable services that West Point rendered this country to want us to commence a reduction there; and I have been glad to hear the Senator from Texas bear his tribute to the value of this institution, and glad that it was seconded by a volunteer officer who is not without military renown.

Mr. STEVENSON. I somewhat wonder at the statements of the Senator from New Jersey, [Mr. Frelinghuysen,] and therefore we are equally surprised at the respective positions taken by us. I should like to ask that Senator whether the salaries of West Point have not been reduced and increased correlatively and repeatedly by the Committee on Appropriations within a few years past? If he can prove to me that such has not been the practice and usage of this committee for several years past in both Houses of Congress, and when his party friends were in the ascendant, then I will confess myself wholly mistaken. Such is my information. Such is my experience of the practice of this committee. Indeed I may safely say that all the increase in official salaries and all the reduction therein have come invariably from the Committee on Appropriations. I do not think that the Senator ought therefore to be very much astonished at the position of those of us who favor the proposed reduction of salaries in the House bill.

I have a word or two to add on the subject of the sufficiency of these salaries after the reduction proposed by the House bill. I am glad to have some of my statements verified.

Since I was up before, a distinguished professor of one among the well-established colleges of high repute in New England called me out and gave me some valuable information on this subject, for which I am very grateful. It will interest the Senate because it directly elucidates one of my positions. I understand from the gentleman that at Yale the professors receive \$3,000 per annum; at Harvard they receive \$3,500; while at Amherst College the professors only receive \$2,500. No Senator will question the acknowledged ability of the professors I have named, and still less the high grade of scholarship which marks these honored institutions.

How far do the compensations proposed by the House bill to the professors at West Point exceed those including perquisites? Mr. President, I must confess my surprise at the modest mode of argument by which it is sought to defeat this proposed reduction in this bill. It is not attempted to be shown that the reduction is unjust, but the argument is we cannot make it without violating some existing law. If I am not mistaken, the Committee of Appropriations proposed a few years since by some amendment to abolish one professorship and establish another. That would be strange legislation, if the professor had been, as is now claimed, an officer of the Army. I am content to make the issue on this proposed retrenchment, and to go before the people upon the question of increased or reduced expenditures.

This is the time and this is the place to begin reduction in expenditures. The House has done well; the Senate takes the responsibility of non-concurrence. I believe the reduction can be made without injury to the academy or injustice to the professors. I have given the basis of my faith and the comparison with the salaries paid to other professors in similar institutions. I acknowledge the value of this Military Academy to the country. It is a popular school, which I hope may be perpetuated; but if Congress continues salaries exceeding in amount those given in other institutions of this country, you strike, Senators, the first blow which I fear is ultimately to destroy it. The people are determined that unnecessary expenditures in every Department of the Government shall cease.

Mr. MAXEY. I will ask the Senator from Kentucky if the bill as reported to the Senate gives to these professors one farthing more than they have heretofore received; if it is an increase of their usual pay by one cent?

Mr. STEVENSON. But these salaries were fixed when the means and mode of living were much higher and more extravagant than now; and as we recede from war prices and reach a cheaper level salaries should undergo some reduction.

Mr. WEST. They were fixed in 1873.

Mr. STEVENSON. The argument is as unsound as it is illogical to say that the House of Representatives in the proposed reduction is striking a blow at the Military Academy at West Point. Is the proposed reduction of the salary of the President of the United States from \$50,000 to \$25,000 striking at or degrading the high office itself? Is that a sound argument? Remember that the Constitution gives to the popular branch of Congress the exclusive power of raising revenue and withheld it from the Senate. The Senator from Illinois

Mr. LOGAN. This is not raising revenue; it is disbursing revenue. Mr. STEVENSON. I know this bill disburses. But increased disbursements require increased revenue. Increased revenue requires increased taxation. Disbursement and taxation go hand in hand. All these appropriation bills originate in the House; they have been well considered there; they have been discussed there, and unless the Senate committee give strong reasons why the sums fixed by the House should not be reduced I must oppose the amendment.

Mr. LOGAN. If the Senator will allow me—
Mr. STEVENSON. Certainly; I will allow any one to enlighten me.
Mr. LOGAN. I do not refer to the House at all, because it would
be improper to do so; but I heard a discussion on this bill; and when
the Senator speaks about a bill being well considered and well discussed, it is very amusing to a man who heard a discussion on it once,
where no man on the committee could tell whether there was a band
in the Army of the United States or not, except at West Point. Some
of them said there were bands all over the Army. A man who knows
anything about military affairs knows that there is but one band in
the United States belonging to the Army, and that is at West Point.
They struck out the appropriation for the Military Academy band, because they supposed there were bands all over the country belonging
to the Army. Does the Senator call that discussing a bill by men who
understand it?

Mr. STEVENSON. I do not intend to refer to the other House.

Mr. STEVENSON. I do not intend to refer to the other House.
Mr. LOGAN. I do not refer to the other House, because I refer as
much probably to a caucus as I do to Congress; but I heard that discussion, no matter where. I could not ascertain whether any man
who was discussing it knew how many bands belonged to the Army
of the United States, and I thought a man who did not know that
was very illy prepared to determine what the appropriations should
be for the Military Academy at West Point.
Mr. STEVENSON. I think if the bill strikes out all appropriations

Mr. STEVENSON. I think if the bill strikes out all appropriations for a band at West Point, I may go with the Senator from Illinois when we get to that appropriation. I am in favor of good martial music at West Point and other garrisons, but just now we are on the reduction of the pay of the professors. Let us dispose of one amendment at a time. When we come to the band's appropriation we will examine and discuss it upon its merits. The sole question of whether \$3,500, with free rent, free fuel, and free schools, amounting to something like forty-five hundred dollars is sufficient compensation for a professor at West Point. I have shown that this sum greatly exceeds the compensation paid to professors in most of the universities and colleges of the United States, and I submit it to the Senate whether in view of this fact we should not concur in the reduction proposed by the House.

Mr. FRELINGHUYSEN. The Senator from Kentucky asked me whether I was not aware that there was a precedent for this legisla-

tion. I am not aware there is any precedent for it. I do not believe there is. I do not believe that ever before has an appropriation committee undertaken primarily to act on the question of reducing the salary or the remuneration of the officers of the United States Army. If my friend has any precedent I should like to see him produce it. I think that this is an anomalous case, and if there is any precedent for it the sooner it is stopped the better, because it is perfectly manifest that the Committee on Appropriations, according to the doctrine insisted upon, could absorb the consideration of every question that comes before Congress.

My friend thinks that this compensation is too much. It amounts to about \$4,000. These are men who have families to support, who spend years in preparing themselves for the work; men of superior spend, years in preparing themselves for the work; men of superior ability. We work six months one year and three months another; they work the whole twelve months in each year. We do not think \$5,000 any too much for ourselves. I do not think \$3,500 or \$4,000 for men who work twice the length of time is too much for them; because I am free to admit, so far as I am concerned, that they are more than my peers in information, in qualifications for usefulness, and in the great service that they have rendered and are rendering

to their country.

Mr. WEST obtained the floor.

Mr. STEVENSON. Will the Senator from Louisiana allow me to

Mr. STEVENSON. Will the Senator from Louisiana allow me to reply to the Senator from New Jersey?

Mr. WEST. Certainly.

Mr. STEVENSON. I am informed by the Committee on Appropriations that it has been the universal custom of that committee to reduce these expenditures.

Mr. SARGENT. By the Committee on Appropriations?
Mr. STEVENSON. By one member of it.
Mr. LOGAN. To reduce the pay of the Army?
Mr. STEVENSON. Not the pay of the Army. I am talking about these professors. Do not fly off. Stick to the text. Stick to the

argument.

Mr. FRELINGHUYSEN. I do not want my friend from Kentucky to fly off. He is inclined to leave the argument. If I understand the law read by the Senator from Maine, it was that this institution at West Point was a part of the Army of the United States, and that these professors were assimilated in their rank to the rank of colonels in the Army of the United States. If this committee has the right to reduce the compensation of this branch of the Army, it has a right to

reduce that of any other portion of the Army, the generals and the colonels, and that has never been done in this way.

Mr. STEVENSON. I will just say from my own knowledge, from my own experience, that the West Point bill has been a separate bill and has been referred to the Appropriation Committee ever since I have been in the Senate. The Senator from New Jersey now is delivering a lecture to the popular branch as well as to this, that they have for so many long years been in error, that they have been usurp ing a power they never possessed, and that now is the time to stop it. ing a power they never possessed, and that now is the time to stop it. I am for sticking to old precedents until I know that there has been some violation of law. He says I have not stuck to the text. I have strictly confined myself to the question whether this was legitimate pay for these professors. I have been interrupted by illustrations of the Army, and of this, and of that, and of the othor thing, but I say just let us come down to the point: Is \$3,500 a fair average, or is \$3,000, including house and fuel? If it is not, give me the example; show me where; show me how., When you come to look at the other universities and colleges you will find that the average is below rather than above. than above.

Mr. WEST. I think that is a proposition which the Senate ought to consider. It is not worth while for us to discuss our power upon an appropriation bill, because we have manifested it on various occa sions here to insert general legislation. I take the Senator on his own proposition, and I ask his attention for a moment to what I say. When proposition, and I ask his attention for a moment to what I say. He said that the professors at Harvard were paid \$3,500; that the professors at Yale were paid \$3,000; that the professors at Amherst were paid \$2,5(0; and that that was a criterion for us to go by.

Mr. STEVENSON. I did not think it was a criterion to go by; I only said it was an illustration.

Mr. WEST. Very well; then let us take it as an illustration. Now let me ask the Senator whether he is willing to pay the professors at West Point \$3,000 a year?

Mr. STEVENSON. I am willing to pay what this bill provides as

it came from the House.

Mr. WEST. This bill does not provide that. There are twenty Mr. WEST. This bill does not provide that. There are twenty professors in that academy whom you have not touched; and every one of them is paid less than \$3,000. If you look at the schedule of officers on duty at West Point you will find that there are eight specified professors who are paid \$3,500 and \$3,000 respectively, but there are twenty other professors there who are paid from \$3,000 down to \$1,500 a year. Therefore if you take the average of the pay of professors at West Point it is nowhere near what it is at Amherst.

Mr. DAVIS. Does the Senator from Louisiana mean professors or

Mr. DAVIS. Does the Senator from Louisiana mean professors or

assistant professors ?
Mr. WEST. You can call them anything you please; they are pro-

Mr. DAVIS. I mean what the law calls them.
Mr. WEST. They are giving their services as professors for the education of youth. There are some thirty of them, and if you take

the average of them they will come down to the Senator's schedule

of \$2,500 paid to the Amherst professors.

Mr. DAVIS. I understand that there are but nine professors at West Point. There are a number of assistant professors and teachers there, and I understand that the amendment provides for additional pay for all of them.

Mr. WEST. We will come to that in time. Let me ask the Senator from West Virginia or the Senator from Kentucky, are there not assistant professors at Amherst or at Yale?

Mr. STEVENSON. I presume there are. I do not know.

Mr. WEST. I presume not. I presume they are all classed as professors. Take the scale of prices, and apply it to them.

Mr. MORRILL, of Maine. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Maine will state

his point of order.

Mr. MORRILL, of Maine. This debate is growing rather desultory, and I ask that the fourth rule of the Senate be read.

The PRESIDENT pro tempore. The rule will be read.

The Chief Clerk read as follows:

4. No Senator shall speak more than twice, in any one debate, on the same day, without leave of the Senate, which question shall be decided without debate.

The PRESIDENT pro tempore. In this connection the Chair will ask the Secretary to read rule 3.

The Chief Clerk read as follows:

Every Senator, when he speaks, shall address the Chair, standing in his place, and when he has finished shall sit down.

Mr. DAVIS. I hope the President will insist upon each Senator ad-

dressing the Chair. I try to do it uniformly, and I shall be glad if he calls those to order who do not observe the rule.

The PRESIDENT pro tempore. The Chair will state that he has called the attention of Senators already to it, and it is a delicate thing to remind them the second time. He has now had the rule read, and if it is the wish of the Senate-and he takes it for granted-he will enforce the rule.

Mr. WEST. Mr. President, if the chairman of the Committee on Appropriations objects to my replying to the assaults that have been made on the amendment of the committee, I shall say no more.

Mr. MORRILL, of Maine. No; because the Senator from Louisi-

ana is a member of the Committee on Appropriations—

The PRESIDENT pro tempore. The Chair reminds the Senator from Maine that he will address the Chair.

Mr. MORRILL, of Maine. Mr. President, I owe an apology to my honorable friend from Louisiana, who is a member of the Committee on Appropriations. I took occasion, not by way of rebuke to him but by way of suggestion to the Senate, to state that the rules had not been complied with in this debate. I cannot tell how many times some Senators have been up, but as the debate is getting so desultory and we are consuming so much time on the subject, I supposed that my honorable friend would be willing that I should

admonish the Senate through him that the rules were not quite complied with. I beg pardon of my friend for interrupting him.

Mr. WEST. Mr. President, this debate embraces a point outside of the particular features of this bill. It is an attitude assumed by one party here, and we all understand it well, by arraigning the party that he have described in the Covernment. that has been administering the Government for some years upon the score of extravagance. I understand that. I recognize their right to do it; and I am quite willing to go hand in hand with any member of that party in endeavoring to retrench the expenditures of the Government; but I do not believe in any political clap-trap that would hold us responsible for disbursements and extravagance unless they can cite instances and give us facts showing where extrava-

gance has been indulged in.

I come right to the point made by the Senator from Kentucky, that the Government of the United States is to-day paying in the Military Academy of the Government higher compensation than is given in the private civil institutions of the country. I take issue with him on that proposition; and I will show by this bill and by the law that out of thirty professors at West Point the average is under \$3,000 per graphy. You may call them anything you please, assistant professors out of thirty professors at West Point the average is under \$3,000 per annum. You may call them anything you please, assistant professors or whatever any one thinks they are. No higher price is paid in the Military Academy of the United States than is paid in private institutions throughout the country. That cannot be denied upon the facts. Let us take the particular instances where men are paid in excess. Who are they? There are four professors there paid \$3,500 a year. That is the Harvard price. But they are paid 10 per cent. for longevity of service for every term of five years. Who are these professors and what independence do they possess in their present position so that if their pay is cut down they can seek some other position, so that if their pay is cut down they can seek some other means of livelihood? They have all, with the exception of one man there, I believe, been raised in the Army. They have all given the best years of their life to the service of their country. They are not like the professors at your civil institutions, who can leave their particular the professors at your civil institutions, who can leave their particular the professors at your civil institutions, who can leave their particular the professors at your civil institutions, who can leave their particular the professors at your civil institutions, who can leave their particular the professors at your civil institutions, who can leave their particular the professor at the professor at the professor at your civil institutions, who can leave their particular the professor at your civil institutions, who can leave their particular the professor at your civil institutions, who can leave their particular the professor at your civil institutions, who can leave their particular the professor at your civil institutions, who can leave their particular the professor at your civil institutions, who can leave their particular the professor at your civil institutions, who can leave their particular the professor at your civil institutions, who can leave their particular the professor at your civil institutions, who can leave their particular the professor at your civil institutions, who can leave their particular the professor at your civil institutions. ticular pursuit and immediately adopt the profession of the law, which is their inherent one in almost all instances; but they are men worn out, as it were, in the service of the country and fit for nothing else. Of those few men only four of them, in consideration of their long service and in consideration of the fact that they have rendered themselves incompetent to earn their living elsewhere and are most valuable there and cannot be replaced, the Government of the United States absolutely proposes to expend \$3,000 a year on them. That is all there is to it

It was scarcely necessary to say that this is not in accordance with the salaries paid in civil institutions. Certainly the facts refute the Senator. The West Point professors, I repeat again, are paid under \$3,000 a year. Yale pays that; Amherst pays nearly that; Harvard Yet we are to be accused of extravagance here in one of the military institutions of the country! Take the gentleman on his own proposition and he has nothing to stand upon. There is no unwarranted extravagance there, and there is no extravagance or any scale of compensation that does not accord with all the proper institutions of similar rank throughout the country. Again, professors in other schools have the opportunity, if their compensation does not suit them, to leave, but in this case they cannot do it. They are unfitted to earn their living elsewhere. They are an honor to the country, and the institution is an honor to the country, as every Senator knows.

Mr. SAULSBURY. I do not desire to detain the Senate for any

long period of time. Mr. COCKRELL. Will the gentleman yield until I ask the Sena-

tor from Louisiana one question?

Mr SAULSBURV. I prefer while I am on the floor to go on.

The PRESIDENT pro tempore. The Senator from Delaware de-

clines to yield.

Mr. SAULSBURY. I do not care to yield. It may lead to discus-

The proposition of the House of Representatives is to pay the professors, nine in number, four of them \$3,500 each and five of them \$3,000 each. The Appropriation Committee of the Senate have seen \$3,000 each. The Appropriation Committee of the School proper to propose an amendment to pay, in addition to the pay propose these pine professors nearly \$800 apiece. That vided by the House, these nine professors nearly \$800 apiece. That is, four of these professors, if the amendment prevails, would have in ash payment \$4,300 and five of them would have \$3,800. That is the proposition now before the Senate. The question is, shall we act upon the suggestion of the House or act upon that proposed by the committee? It is simply a question of economy that is presented, but learned Senators on the other side in this debate have seen proper to seek to change the issue. The Senator from New Jersey, who is an able lawyer, as well as the Senator from Illinois, also a distinguished lawyer, seeks to change the issue presented by the bill and the amendment to the question as to the competency of an Appropriation Committee to change the law fixing their compensation. That is the issue which they desire to be presented in this case. It is foreign to the real issue; but if I saw proper to join issue with the Senator from New Jersey and the Senator from Illinois as to the competency of an Appropriation Committee to vary the compensacompetency of an Appropriation Committee to vary the compensa-tions which have been provided by law I need not cite many instances to establish the right of the committee so to do. Do we not know that the compensation of men in the civil service has been repeat-edly changed upon an appropriation bill? It has only been a few years since you raised the salary of the President of the United States from \$25,000 to \$50,000 upon an appropriation bill; and it has only been a few years since you raised the salaries of the justices of the Supreme Court upon an appropriation bill, and many other instances might be given in which the compensation of Government officers and employés has been changed on appropriation bills.

and employés has been changed on appropriation bills.

But I do not mean to be diverted from the real issue presented by this bill and by the amendment. I say again the issue presented is one of economy, of reduction of expenditures. That is the issue, and the people of this country will understand it. On this side of the Chamber we say that the expenses of this Government have been too large, and we propose to cut them down. Gentlemen upon the other side take issue upon that, but seek to divert us from the real issue by raising a false issue in this discussion. Is it not time that the expenses of the Government were reduced? What is the condition of your country to-day? With a country possessed of the natural elements of wealth, with a fertile soil, with a climate congenial to health, with the very bowels of the earth teeming with mineral wealth, what is the condition of the country to-day? The business of the country is prostrate, the industries of the country are languishing, the people of the country are being oppressed by onerous taxation; and when we hear their appeal for relief and seek to reduce the expenses of the Government we are met by gentlemen on the other side of this Chamber who denythat there is any extravagance and thwart the efforts that are made for the relief of the people.

the efforts that are made for the relief of the people.

Let it go out before the country; let it be understood, as it will be understood, that on this side of the Chamber as well as in the other House of Congress there is a disposition to grant relief to the oppressed industries of this country, to relieve the people from taxation, but that we are met by opposition stern and determined that the people of this country shall still languish under oppressive taxation, and that the Treasury of this country shall be depleted to pay high salaries to professors in academies. I want this issue presented correctly before the people. We are in earnest. I would do no injustice to these professors, but my distinguished friend from Kentucky has demonstrated as clear as a sunbeam that they are better paid to-day than professors in ordinary institutions in this land. Yet with these facts staring us in the face, seeing as we do that these men are being paid far beyond the pay that is accorded to gentlemen in the same line of business, paid better than professors in most of the colleges of this

country, we propose still to keep up an extravagant military establishment and oppose a reduction of the salaries of the professors, and propose to give them a large compensation.

Sir, I go for economy, not only in this particular but in everything, until the oppressed people of this country are relieved from the onerous burden of taxation which has too long oppressed them, and which has reduced many of them to absolute bankruptcy. I hope the Senate will not be indifferent to the appeals that the constantly made in the constantly made. will not be indifferent to the appeals that are constantly made. No longer than last evening I received a letter from the city of Boston, in which the writer, whom I do not know, detailed to me the wretched condition of many persons in that city. He told me that there were at least eight hundred people in that city who on that night, because they were out of employment, would be compelled to sleep upon naked boards, with no other clothing than that which they were in the day-time. We know that in every section of the country there is great distress. I live in an agricultural community, perhaps better off than many sections of the country, but I pick up the papers of my State and read advertisement after advertisement of sales by the shcriff of the county of the lands of my constituents; and I know that it is in part at least because there have been large draughts upon their industry and their earnings to replenish the public Treasury of this country. In the noble little State in which I live there have been in the last fifteen years not much less than \$10,000,000 abstracted from the people and placed in the Treasury of the United States—an amount greater than all the expenses of the State government from the four letter of that government in 127% until the present time. the foundation of that government in 1776 until the present time. the foundation of that government in 1776 until the present time. In addition to that, it is more than all the railroads in the State have cost; it is more than all the churches in the State have cost; it is more than all the school-houses in the State have cost. When I remember the condition of the people of my State and know that the people of every section of the people of my State and know that the people of every section of this country are being oppressed by taxation in order that the public Treasury may be kept replenished, I am for reducing the expenses of this military establishment, for curtailing the salary which is paid to these professors; because I believe the compensation provided in the bill as it comes from the House ample for the services

rendered by these gentlemen to the country.

Mr. KERNAN. I do not rise, Mr. President, to debate this bill at length; but it seems to me Senators have spoken quite harshly of the other House and put questions to the Senator from Kentucky as though it were a very novel thing to affect salaries in appropriation I do not mean to say that it is a wise thing to do, for I am opposed to it as a general principle. I think it is better to fix the salaries of officers by law, and then have the Appropriation Committee make the proper appropriations to carry out the law; but practice has prevailed to do otherwise, for years, I am sure. I ask attention to the act of Congress of March 3, 1873, found in the seventeenth volume of the Statutes at Large, and passed on the last day of the Congress then in existence. It is an act making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1874, and for other purposes. It was therethe year ending June 30, 1874, and for other purposes. It was therefore an appropriation bill for the legislative, executive, and judicial expenses of the Government, and I call attention to it, not as approving the manner of doing things but in order to say that the Senator from Kentucky was quite right, when he was questioned so sharply, in saying that it certainly had been the practice to raise and lower salaries in appropriation bills, and that it could be done in this. Surely it can. That was a general appropriation bill, reported from the Appropriation Committee and passed; and yet that is the bill which raised the salaries of a very large number of the officers of the which raised the salaries of a very large number of the officers of the United States. That is the bill which raised the salary of the President of the United States from \$25,000 to \$50,000, beginning the next day. That is the bill which raised the salary of the judges. That is the bill which increased the salary of the clerks of the Senate and of the clerks of the House; and that is the bill which raised the salaries of Members and Senators from two years previous, within a day, from \$5,000 to \$7,500. It declared the increase to take effect at the

from \$5,000 to \$7,500. It declared the increase to take effect at the beginning of the Congress; and it was in its last twenty-four hours when it was passed, as the bill was approved on that day.

I do not allude to this to say that I approve the practice. I do not mean to say that I approve of doing what is sought to be done by this bill. Certainly we can do it by repealing the law; but I do say that it has been a practice which has prevailed here in years past, and that therefore there is no reason for dealing sharply with the other House when it has sought to follow that practice. other House when it has sought to follow that practice.

Mr. HOWE. Will the Senator allow me to interrupt him?

Mr. KERNAN. Certainly.

Mr. HOWE. Will he not be candid enough to state that the people disapproved of that act?

Mr. KERNAN. It was not the manner that they disapproved; it was increasing the salaries from two years before that they disap-proved. I disapprove the manner, but the people did not bother about the manner. They were indignant about what was done in that appropriation bill, and I do not think the people would be indignant if in an appropriation bill now we should reduce salaries that we think are too large. That is all I mean to say. I do not mean to say now that these particular salaries are too large. I am not discussing that. I am not familiar enough with the subject to say whether these salaries are or are not too large. I merely wanted to call the attention of the Senate to the fact that this action of the other House is not

unprecedented; and the instance which I have cited is not the only By looking back through the appropriation bills you will find that they have often been made the means of raising the salary of an officer when Congress thought it too low, and of diminishing it when

they thought it too large.

I have only said thus much because I think if the other House is right, (and that is the real question to be discussed, and that the Senator from Kentucky wished to discuss,) as to which I express no opinion until I am better informed, in supposing that these salaries should be reduced, there is no trouble in, and there is abundant precedent for, reducing them in this bill; and in some respects I suppose it is thought most convenient. That is all I wish to say. I think the real question is the one to be looked at: whether these salaries should be reduced or not, and, if they should be, there is no trouble in doing it by this bill, and the action will be hailed by the people with delight when it reduces while they were indignant when they thought Con-

gress unreasonably raised salaries.

Mr. FRELINGHUYSEN. I understood the proposition of the Senator from Kentucky to be as to the propriety of an appropriation committee doing this thing. My argument with him was that if they could do it they would absorb the province of every other committee of the Senate and they could really take the whole legislation of the country into their hands. At that time, when discussing the matter with the Senator from Kentucky, I really thought that we could legally do it by putting in a provision that all inconsistent legislation was repealed; but since then, on conference with another Senator, who I hope will give his reason, it seems to me that it is illegal as

Mr. KERNAN. I will answer my friend. His suggestion, which he repeats, was a good one, and it weighs with me. I do not think it is a very good manner of legislation, and I did not allude to him in what I said, but I alluded to the fact that the Senator from Kentucky time and again had sought to meet the direct question. I do not want to discuss whether really we should reduce these salaries or not, but the Senator from Kentucky did discuss that precise question, and I thought he was answered, not by my friend from New Jersey, but by some of the Senators, (all kindly enough, to be sure,) as though he was in very great ignorance, as though this was an unprecedented thing, and the other House seemed to be rebuked for attempting in an appropriation bill to do it. I concur that it is not a wise way to legislate, as a general rule; and if we cure the evils of this precedent now we shall do a good work, but we shall be curing what it has been

quite the practice of Congress to do.

Mr. LOGAN. I merely rise to suggest to the Senator that the question that arose between the Senator from Kentucky and myself (and I presume that is what he is alluding to) was an entirely different

proposition from that which he states.

Mr. KERNAN. I may be mistaken about it, but I was listening

attentively.

Mr. LOGAN. I said that the bill sent by the House to the Senate had and the the senate had reduced the appropriation for these salaries without any provision repealing the act providing for the salaries, and that they had no authority to do that. That was the proposition. I still maintain it, and I hope the Senator will not disagree with me about it.

Mr. KERNAN. I will not dispute it, but my friend from Kentucky answered "We can amend it by putting in that repeal if we conclude to do it"

Mr. LOGAN. And I answered that by saying that nobody had pro-

posed any such amendment. It has not been done.

Mr. KERNAN. It may be done; but until we agree to reduce the salaries it will not be in order to put that in. After the Senate agrees to the change of salaries, such an amendment would be very proper, and would meet the whole objection.

Mr. KELLY. Mr. President, under the existing law—that is, under the act of February 28, 1873, which will be found in section 1336 of the Revised Statutes—it is provided that "each of the professors of the Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonels." There is also a proviso that "hereafter there shall be allowed and paid to the said professors 10 per cent. of their current yearly pay for each and every term of five years' service in the Army and at the academy," what

is generally known as longevity pay.

It is quite apparent that this appropriation bill as it came from the House of Representatives intended merely to dispense with what is known as the increased or longevity pay provided for in that section. By reference to the Army Register it will be seen that there are four professors who have been in the academy more than twenty are four professors who have been in the academy more than twenty years; that there are five professors appointed since the 14th day of February, 1871. The House bill provides for the pay of four professors at \$3,500; that is the pay of a colonel; and then for the pay of five professors at \$3,000 per annum; that is giving to the five the pay of lieutenant-colonel, so that it is apparent that the House intended to provide only for the actual pay of professors having the rank of colonel and lieutenant-colonel, without regard to the increased pay for each term of service of five years. Now, the question arises here whether we can properly pass this appropriation bill when the salary of these professors is by the existing law greater than what the bill proposes to allow them. It seems at least questionable unless we further provide in the bill that the salary hereafter shall be only the

pay of colonel or lieutenant-colonel without the longevity pay, and I think I shall propose this amendment:

That after June 30, 1876, the professors of the Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonel; and the instructors of ordnance, of science, of gunnery, and of practical engineering shall have the pay and allowances of majors; and said professors are hereby placed upon the same footing as regards retirement from active service as officers of the Army; and section 1336 of the Revised Statutes is hereby repealed.

It seems to me that such a clause would come in more properly as a second section, and having it in view to offer this amendment, when the amendments of the committee shall have been voted upon, I shall vote against the amendments as they are reported, with a view of offering as an amendment the section which I have just read. I will not offer it at this time, because the proper course is to pass upon the amendments of the committee first.

I have some regard to the voice of the Representatives of the peo-ple in the other House. They have, I have no doubt, maturely con-sidered this bill. It comes to us in a way that leads us to believe that they have examined it with care; and, for one, I am willing to conform to what their views are as to what shall be the salaries of the professors in the Military Academy. I think, taking them all in all, they will be, with this amendment, quite as high as those of the professors of the principal colleges of the country; and, that being the

case, I will vote against the pending amendment of the committee with a view of offering the section I have just read.

There is another view of this matter, Mr. President, that leads me to come to this conclusion. The law and the amendment which I shall offer both provide that the pay of a professor shall be \$3,000 shall offer both provide that the pay of a professor shall be \$3,000 until he shall have served in that capacity for the period of ten years, and then it shall be increased \$500. That, it strikes me, is a proper increase, and is really equivalent to what might be called the longevity pay of an officer. I have no doubt that we can increase or diminish in an appropriation bill the salary of any officer. We have done it heretofore; we certainly can do it now; but I think that the proper time to amend the bill will be after the committee's amendments have been acted on, when I shall offer this amendment. In case the committee's amendments are voted down, we can then in this way make the bill harmonious by repealing the old law and enacting the new.

Mr. WRIGHT. Mr. President, I have no wish at all to delay a vote upon this amendment, and I had thought I would not say a word about it. Some propositions of law, however, have been stated here, and some constructions given to the statute, going not only to the question of power, but to the method of exercising that power, which I cannot concur in, and I wish to state very briefly the views I enter-

tain on the question.

Upon our general statutes we have provisions for certain officers. These same general statutes provide that the compensation or salaries of those officers shall be so much. Such are the provisions of the general statutes. An office is created; it is filled, and the salary is fixed. I understand that the salary provided for these professors by the amendment reported from the Committee on Appropriations is precisely what is provided for by the general statute, no more and no less. There is no provision whatever in this bill anywhere changing The salaries of these officers cannot be paid except existing statutes. as Congress provides for it in an appropriation bill, or in some way. That is to say, though by the general statute you have the office, and it is filled, and a provision that the officer shall have so much compensation, if you do not provide for his payment he does not draw his pay; he cannot. From year to year we in the appropriation bills make provision for the payment of these salaries. We say that there shall provision for the payment of these salaries. We say that there shall be appropriated so much to pay the members of Congress, to pay the professors at West Point, the officers of the Army, and to provide for the civil service. By this bill, as it came from the House of Repre-sentatives, it is provided that we shall pay these officers so much; not that their salaries shall be changed; not that there shall be any change in the existing statutes; but for this year we will appropriate so much toward their salaries. I submit that, when you have done that and stopped there, you have provided for paying those persons so much upon the salaries that they are entitled to under the general statutes,

and leave the balance unpaid and unprovided for.

Now, suppose you attach a provision such as has been suggested here but not yet offered, "that all laws inconsistent with this act are hereby repealed," do you thereby reduce the salaries? Not at all. You do not touch the question of salaries; but you only say that so far as the provision you make for the payment of these officers for this year is concerned if there is anything in any other law inconsistent. far as the provision you make for the payment of these officers for this year is concerned, if there is anything in any other law inconsistent with this, it is repealed; but the law stands the same as to their compensation; you have not touched it. And I undertake to say that if the Government could be brought into court by these officers, the law standing in this way, the general law providing for their salary and fixing it, and we in this appropriation bill saying we will pay them so much this year, and then a provision that all laws inconsistent herewith are hereby repealed—if they could go into court and sue for the balance of their salary, there is not a court on earth but what for the balance of their salary, there is not a court on earth but what would hold that they were entitled to such balance. Why? Because your provision "that all acts inconsistent herewith are hereby repealed" only goes to the question of payment for the year, and not at all to the general question of their compensation, which is provided by a general statute. It seems to me that on this question there can be no kind of doubt

I think some Senator gave the illustration a while ago of the compensation of Senators. Our salary is \$5,000 a year. Suppose by an appropriation bill you provide for the payment of but \$4,000, and then "all laws inconsistent herewith are hereby repealed," you only affect the question of appropriation; you do not affect the question of conpensation by the general law by such legislation. And there is not a Senator on this floor but what would claim and insist, if there was any way by which he could reach the money, that he was entitled to the other \$1,000.

Mr. DAVIS. Suppose you just add "that all salaries not provided for hereby are repealed."

Mr. WRIGHT. There is no question but that you can reach it. There is no doubt about that; but I was arguing that you cannot do it in the manner here proposed thus far. The Senator asks if you cannot do it in some way. I grant it. It has been said here already that you can incorporate all the legislation of this Congress on an appropriation bill, if you wish to do so. You have the power to do it. There is no constitutional difficulty in the way of doing it; but is it wise and judicious?

Mr. President, allow me to say, before I conclude, what I have said heretofore, that if there is anything on earth that is vicious in our legislation, it is the incorporating on appropriation bills of legislation that has not anything to do with them. It has been the evil of legislation ever since I have been here, and almost for years and years be-

fore that time.

Mr. HARVEY. Will the Senator from Iowa allow me to make a suggestion in the line of his argument as to the impolicy of general legislation on appropriation bills? It occurred to me during the remarks of the Senator from New York that the act to which he referred, popularly known as "the salary-grab," could not have been passed probably but for the privileges that pertained to it as connected with an appropriation bill. It is well known that under our rules such bills have privileges that no other bills have. The effect of the passage of that bill has been to place the salaries of certain efficers of the Government in such a position that they cannot be respectively.

of the passage of that offin has been to place the salaries of certain officers of the Government in such a position that they cannot be reduced for a great length of time, if ever.

Mr. WRIGHT. I was about to refer to that as an illustration of the general remark that I had already made; but I have no disposition to continue the discussion, and if it is not objectionable to my colleague, who has this bill in charge, I will move now that the Senate proceed to the consideration of executive business.

Mr. ALLICON I have any colleague will not proceed that rection

Mr. ALLISON. I hope my colleague will not press that motion until we take a vote upon this amendment.

Mr. WRIGHT. Very well; I withdraw the motion.

Several SENATORS. O, no! let us have an executive session.

Mr. WRIGHT. I believe I shall insist on my motion, as that seems

to be the sense of the Senate.

Mr. DAWES rose.
Mr. WRIGHT. I withdraw the motion, with the understanding that the Senator from Massachusetts will renew it, or allow me to do so.

Mr. DAWES. Before this matter passes from the consideration of the Senate I desire to say a single word in reference to the case suggested by the Senator from New York. The Senator from New York has brought to the attention of the Senate the fact that in other appropriation bills salaries have been increased to a large amount, and has stated that it has been the custom not only to increase but to reduce salaries in appropriation bills. I think the Senator is entirely mistaken about that matter, and the history of the rule under which that legislation was effected not only illustrates his mistake, but the mischief, and something more than the mischief, of the rule itself. Originally there was no power to introduce into an appropriation bill any independent legislation whatever; but in the course of time, in the year 1837 or 1838—the Senator from New York will know who had control of both Houses of Congress at that time—it became necessary, in the opinion of those who did have the control of Congress, to raise certain salaries. They could not carry through an independent measure raising those salaries, and therefore they sought to impose it upon an appropriation bill. In 1838, in Committee of the Whole, a motion was made to increase the salaries of certain officers of the Government. The point was taken that that was independent legislation, and it was ruled that it was, and held to be out of order. In a day or two— I do not know but what it was the next day-an amendment was brought in by way of addition to the rule, and adopted on March 2, Following the inhibition that there should be no independent legislation in an appropriation bill, this was added:

Unless, in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

Nobody would have supposed that under that you could increase salaries; but that was added to the rule, and under that addition to the rule it was decided not only that you could change a law to increase salaries but that the rule was introduced for that very purpose. I now read from the Digest:

It has been decided that under this rule it is not in order to propose an amendment to a general appropriation bill, which changes an existing law. But it was also decided that the latter branch of the rule not only permitted amendments increasing salaries, but was framed for that very purpose.

So that under the rule that has existed up to the present session of Congress you could increase a salary in an appropriation bill, but you

could not diminish it; it could not be reduced. Over and over again the Digest will disclose that it has been ruled that it was out of order to change the law so as to diminish a salary, but that it was perfectly in order to introduce an amendment to increase a sal-Under that construction it was that the law the Senator from ary. Under that construction it was that the law the Schator from New York has quoted from, making appropriations to sundry civil purposes and for other purposes, which freely translated would be the funeral of members, was passed. [Laughter.]

Mr. KERNAN. Allow me to ask my friend from Massachusetts a

uestion. Does not my friend think that, if it can be construed to authorize an amendment to increase a salary, it is a fair construction to

say we may also reduce a salary?

Mr. DAWES. I was going to say, as I have said a good many times in another place, that it was the strangest construction that was ever put upon a rule; but I was not responsible for it. The Senator, when I give him the dates, knows very well who was most responsible for it; but under it the salaries have been increased ever since 1838; under it the rule has cut off any attempt to decrease salaries; but, as was very well said by the Senator from Iowa, it is something more than a mischief, and this mischief is increased by a change of the rule made at this very session in a body to which it is not proper for me to allude. As the rule now stands it has been changed in another body, so that you can not only increase, but you can decrease; and the rule now is such that the Committee on Appropriations in an appropriation bill can absorb the most important and vital legislation of the country and make it hang upon the supplies of the Government, and make the supplies of the Government carry through the most objectionable legislaplies of the Government carry through the most objectionable legislation as well as good legislation. It is something more than an inconvenience and a mischief. It strikes at the independence of legislation itself; and unless it is resisted here, we shall, without being conscious of it, lose the power of deliberation upon measures independently and upon their merits in separate bills. What is the reason that required them to keep the appropriations for treaties out of the appropriation bills for the carrying on of the Government? It is that the propriety of an appropriation for carrying out a treaty should be considered independent of the necessities or the exigencies that might for the moment pendent of the necessities or the exigencies that might for the moment be pressing the Government for appropriations to carry on the Government. But now we have the rule so made that there can be embraced in an appropriation bill all manner of legislation; so that the neces-sity of the hour to provide for the carrying on of the Government may carry along with it a measure that never could obtain the sanction of a majority in both branches of Congress except where an overpower-ing necessity of another character and in another part of the bill forces the two branches to yield their judgment and their conviction on these

The very measure that the Senator from New York has called the attention of the Senate to could never have passed as an independent measure. It was tried. I remember very well that the single proposition of raising one of these salaries was proposed in a Committee of the Whole, and though ruled to be in order under this very provision of the rule, the Committee of the Whole, so opposed as they were to the raising of that or of any other salary, overruled the chairman of the Committee of the Whole by more than a two-thirds vote, and of the committee of the trule it was put in an appropriation, in violation of that freedom which the rules of both Houses were intended to secure to the deliberations of those Houses upon each measure by itself, the necessities of an appropriation bill, after repeated conferences in the last hours of the session-for it was approved on the 3d of March, as the honorable Senator from New York calls our attention to the date—to the sacrifice of the convictions of members as well as the confidence of the people in the principle itself, carried

it through upon the back of an appropriation bill.

sir, while up to this hour in my service in this Capitol I have stood up for the lowest appropriations and for every measure that cuts down expenditure and has economy in it, so long as the attempt is made to absorb in an appropriation bill the legitimate legislation that ought to be intrusted to other committees of the two branches of Congress, I feel it my duty to resist these things here as a matter rising above the merits of the appropriations. I believe that if they were alone and by themselves I should go with those who are for cutting down the appropriations. I never yet recorded my vote cutting down the appropriations. I never yet recorded my vote against any such propositions, and I do it reluctantly now, because I see that one committee is absorbing all the powers of legislation by this very change in the rule which resulted in the enactment which the Senator from New York has called our attention to. There can be no freedom in legislation, there can be no deliberation upon the merits of independent measures if they are put in between the items of appropriation bills that are necessary for the carrying on of the Government, and the alternative is presented to you to stop the wheels of Government or take these objectionable measures. These particular ones may be wise; but it is the precedent made, through measures not in themselves very objectionable, which makes the danger, and through which, as through a door, wicked and unwise measures are forced.
Mr. WALLACE. Mr. President-

Mr. WRIGHT. I supposed I should not lose my motion by yielding to the Senator from Massachusetts; but I now yield to the Senator from Pennsylvania.

Mr. WALLACE. Mr. President, the difference between the House and the Senate on this bill is the vital point, it seems to me, for the consideration of the Senate. Outside questions have nothing to do

with the simple determination of the issue before us. The House of Representatives appropriates but \$29,000 for nine professors, while the Senate Committee on Appropriations propose to appropriate \$45,800. Why is this difference? It results from the application of the law as we find it written. We turn to the statutes and we find that the salaries fixed by law for these officials require an appropriation of \$45,800, and there we stop and make it. The consideration of the question as to whether the law should or should not be repealed is to be taken into account when we come to regard the action of the House, for they may in the Army appropriation bill cut down all Army salaries and then their appropriation of \$3,500, or \$3,000 to each professor, may be held to be the proper sum. Hence, it is improper, it seems to me, to charge the House with ignorance or to charge it with improper action in making this appropriation as it has been made. When that question confronts us, when we have to meet the question as to whether we will reduce the pay of the other officers of the Army to the amount fixed by the House for these officials, I will meet that question and determine it as to me seems proper; but now I am un-willing to cut down the salary of these professors whom I regard as the very root of the tree of the Army, whom I regard as the head of the institution that gives knowledge and power to the organization the institution that gives knowledge and power to the organization of the Army, and through which, when the rude blasts of war come, nerve, and force, and vitality are given to the armies of the Republic. I am unwilling to strike at this institution that is really the normal school of the Army. I believe that this is an improper place to commence retrenchment. I am opposed to retrenching in these important and vital essentials of the organization of the Army; but I say to my colleagues on this side of the Chamber that I will go with them on those matters that relate to the reduction of the number of officials or to the retrenchment of expenses where without prejudice to the public service money can properly be saved; but in those things that are vital, nay, absolutely essential to the efficiency of this great organization which we all respect and admire, I shall be the last to

attempt to reduce its force and vigor.

When the time comes, as I have already said, to examine the question as to whether we can justly reduce the salaries of all of the officers of the Army to a proper standard, and I deem that wise and proper and necessary, I will go with those who will go farthest in retrenching. But I see no reason why we shall seek to cripple this single branch of the Army organization, nor do I see any good reason to begin to retrench at this essential element of the Army organization. These men ought not to be singled out and reduced in advance, but on the contrary the law as it stands ought to be administered, and the amendment of the committee in this respect it seems to me is proper. There are other amendments to the bill to which I cannot give my

assent

Mr. WRIGHT. I move that the Senate proceed to the considera-

tion of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in ex-ecutive session the doors were re-opened; and (at four o'clock and thirty minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

FRIDAY, February 25, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read.

ASSISTANT DISBURSING CLERK OF THE HOUSE.

Mr. HOSKINS. I ask unanimous consent to offer the following resolution for reference:

Resolved. That the resolution of this House passed on the 20th of June, 1874, be, and the same is hereby, amended by striking out the words "and the Committee on Appropriations provide for the same," and inserting in lieu thereof the following: "the same be paid out of the contingent fund of the House;" so that it will read: Resolved, That the salary of the assistant disbursing clerk of the House be fixed at the same rate with the assistant journal clerk, and that the same be paid out of the contingent fund of the House.

Mr. RANDALL. I object. Mr. HOSKINS. I ask for the reference of the resolution, but not

Mr. RANDALL. I do not object to its being introduced for reference to the appropriate committee.

Mr. HOSKINS. I wish to have the resolution referred to the Com-

mittee of Accounts.

Mr. RANDALL. We are considering all House salaries, and I ask

that it go to the Committee on Appropriations.

Mr. HOSKINS. I prefer to have it go to the Committee of Accounts.

Mr. RANDALL. I prefer to have all dealt with alike. This spasm in favor of one man is not right. I object unless it is referred to the Committee on Appropriations Mr. HOSKINS. Very well.

The resolution was received, and referred to the Committee on Appropriations.

DISTRICT 3.65 BONDS.

Mr. BUCKNER. I rise to a privileged question and present a conference report, which I ask the Clerk to read.

The Clerk read, as follows:

The Clerk read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend to their respective Houses, as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, as follows: Strike out all after the word "Provided" in line 4 of the words proposed to be inserted by said amendment down to and including the word "dollars" in line 10, and insert in lieu thereof the following:

down to and including the word "dollars" in line 10, and insert in local following:

That the said commissioners are hereby directed to discontinue all work and labor on streets, avenues, bridges, sewers, canals, and structures of every kind the payment for which is to be made in 3.65 bonds of the District of Columbia: And provided further, That so much of the sixth section of the said act of June 20, 1874, as directs and requires the First Comptroller of the Treasury and the Second Comptroller of the Treasury to audit and adjust the floating and unfunded debt of the District of Columbia and issue certificates therefor, be, and the same is hereby, repealed; but this provise shall not prohibit the andit and issue of certificates for claims for work and labor already performed and materials furnished, not, however, to exceed in the aggregate of certificates the sum of \$15,000,000, including those that have already been converted into 3.65 per cent. bonds of the District of Columbia.

Strike out all of said Senate amendment after the word "dollars" in line 7 of section 2 of said amendment.

And the Senate agree to the same.

LOT M. MORRILL,
A. A. SARGENT,
H. G. DAVIS,
Managers on the part of the Senate. A. H. BUCKNER, G. W. CATE, GEORGE WILLARD, Managers on the part of the House.

Mr. HOLMAN. I trust the gentleman from Missouri will make a statement showing the exact effect of this measure: whether the effect is to recognize the validity of all the bonds issued up to this time?

Mr. BUCKNER. In order to accommodate my friend from Indiana,

will send to the Clerk's desk to be read a copy of the joint resolution as it will read when these amendments agreed to by the conference committee are adopted, so the House can see precisely what it is acting on and what it is asked to agree to.

The Clerk read as follows:

The Clerk read as follows:

Resolved, &c., That the commissioners of the District of Columbia are hereby directed to transfer to the Treasurer of the United States, for the payment of the interest due the 1st of February, 1876, on the bonds of said District issued under the provisions of the act of Congress approved June 20, 1874, entitled "An act for the government of the District of Columbia, and for other purposes," the sum necessary to pay the sawe from any unexpended appropriations heretofore made by Congress, or from any reveoues derived by taxation on the property of said District of Columbia, subject to the requisition of said commissioners, excluding funds raised for the support of public schools: Provided, That any further issue of 3.55 bonds, under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited: And provided, That the said commissioners are hereby directed to discontinue all work and labor on streets, avenues, bridges, sewers, canals, and structures of every kind the payment for which is to be made in 3.65 bonds of the District of Columbia: And provided further, That so much of the sixth section of the said act of June 20, 1874, as directs and requires the First Comptroller of the Treasury and the Second Comptroller of the Treasury to audit and adjust the floating and unfunded debt of the District of Columbia and issue certificates therefor, be, and the same is hereby, repealed; but this proviso shall not prohibit the audit and issue of certificates for claims for work and labor already performed and materials furnished, not, however, to exceed in the aggregate of certificates the sum of \$15,000,000, including those that have already been converted into 3.65 per cent. bonds of the District of Columbia.

Sec 2. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia, and any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, shall be deemed guilty of a high misdeme

Mr. BUCKNER. That, Mr. Speaker, is the joint resolution as it has been adopted by the Senate, and which the committee of conference on the part of the House recommend to be passed on the part of the House, as it will read when the amendments which have been proposed by the committee of conference shall have been agreed to by both Houses. But my friend from Indiana desires to know what has been done in reference to the obligation of the Government, as I understand it, concerning the bonds which have been illegally, or, if you please, fraudulently issued. On that subject, sir, I have to say that nothing is said in reference to these bonds, whether fraudulently or illegally or legally issued, and for one very good reason, if for no other; and that is that this joint resolution does not propose to commit this Government in any respect whatever. There is no line or word or syl-lable that implicates or that commits the Government of the United States to the payment of any portion of these bonds, whether they were issued legally or illegally, fraudulently or honestly. There is no line or word on that subject. What it seeks to effect is that the District of Columbia, out of money collected by taxes, and what heretofore has been appropriated by Congress, now in the Treasury of the United States belonging to this District, its own property, shall be applied to the payment of whatever interest was due on the 1st day of February, 1876. It does not go beyond that. There is not a word which intimates that the Government is bound for one of these bonds. If we desire hereafter, if the thing can be done, if it is possible to separate the good from the bad, separate the sheep from the goats, it may be as well done hereafter as now.

I know it is said that this Congress should first investigate and I know it is said that this Congress should first investigate and then pay, but we are not proposing to pay any portion of this debt. This joint resolution does not guarantee on the part of this Government that it shall pay one dollar. The authority is only given to the commissioners to pay out of their own funds the interest on this debt, whatever it may be, good, bad, or indifferent.

Now, Mr. Speaker, why should we make provision in advance? Why should we give these bonds a black eye? Why should we send them out with the caveat to all persons to beware of them—to beware of buying any of them? There is no reason for it. If on investigation we find the Government is bound to pay for any of these

tigation we find the Government is bound to pay for any of these bonds when the proper time comes, when the time shall come that it is decided this Government is bound to make appropriation to pay the interest, then will be the time to say what we will pay and what

we will not pay.

The joint resolution then says there shall be no more bonds issued.

It says further that there shall be no more work done, the payment for which is to be made in these 3.65 bonds. And it says the board of audit shall issue no more certificates. It cuts off all the sources of expenditure, and all the means by which it is possible for these parties to run this District further in debt. And it provides a penalty and punishment for any officer of the District who shall increase the debt of the District of Columbia hereafter.

debt of the District of Columbia hereafter.

Now, sir, there is a great difficulty which I may as well explain here, while I am on the floor. Let it be assumed that there are fraudulent bonds, let it be assumed that the commissioners and the board of audit have exceeded their authority and ridden rough-shod over the law of the 20th June, 1874, let it be assumed that that is true and that the debt has been increased illegally, and beyond any expectation of Congress, and beyond any legal authority for the increase of that debt. Let all that be assumed to be true, and that it is true, to a very large extent, I have not a particle of doubt. That the commissioners in giving out contracts, in extending contracts, in making repairs on works previously executed, had no authority to pay for such work in bonds, I have not a particle of doubt, and that these gentlemen, especially the board of audit and the board of commissioners, have exceeded their authority. And I am led to believe that there is a large number of claims more or less tainted with fraud. But, supposing all that to be true, what can we do? All these bonds have been issued according to law, by the proper officers, and all appear on their face to be

ing to law, by the proper officers, and all appear on their face to be equally valid. How, then, can you separate them, now that they have gone into the country and passed into the hands of innocent purchasers, thousands of these bonds, perhaps millions of them?

If these officers have exceeded their authority, I ask those gentlemen who are making a noise in this House and in the other Chamber how this thing can be rectified? I hold that the Government, whatever its obligation is as to ten or twelve millions of these bonds, is equally bound as to all the bonds that have been issued and are in the hands of third parties. I understand that to be the law.

the hands of third parties. I understand that to be the law.

Mr. HEREFORD. Will the gentleman from Missouri allow me to

ask him a question?

Mr. BUCKNER. Yes, sir,

Mr. HEREFORD. What is the proposition of the gentleman from Missouri? Is it for this House to agree to the report of the conference committee?

Mr. BUCKNER. Yes, sir; that is the proposition.
Mr. HEREFORD. Now, sir, let me ask the gentleman from Missouri a question. What objection is there to allowing this section 2

That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years and by fine not exceeding \$10,000.

Mr. BUCKNER. That is part of the proposition which we are sub-

Mr. HEREFORD. That is not, as I understand, the report of the

Mr. HERFORD. That is not, as I understand, the report of the conference committee.

Mr. BUCKNER. Yes, sir; that is one of the propositions which we accepted. There is no controversy about that.

The gentleman from Indiana [Mr. Holman] wishes to know what the committee propose to do by this report in reference to the bonds that have been illegally issued. I say, in the first place, that the Government is not in any sense committed in one way or another to those bonds. But my own conjoin is as to all these bonds that have been bonds. But my own opinion is as to all these bonds that have been issued and gone out into the hands of innocent purchasers, that as all of them are equally valid so far as it appears on their face that they have been issued in accordance with the authority conferred on these commissioners and the board of audit and the sinking-fund commissioners, they are all equally obligatory on the Government; and if there be any mode by which we can get at it and separate the good bonds from the bad, I have not found it out. Mr. HEREFORD. Will the gentleman allow me to ask him another

question ?

Mr. BUCKNER. Certainly.
Mr. HEREFORD. This discussion commenced in this House on the 27th day of January, when every one knew there was a question about these bonds, and from that time to this, as I am credibly informed, this same board have been issuing bonds. There was an amendment in the Senate which prevented the payment of any bonds issued after

the 27th of January. Why not let that remain in the joint resolution? I understand, furthermore, that they are going on and issuing bonds up to the present day. Although they have been denounced as fraudulent, up to the present day they are issuing bonds.

Mr. BUCKNER. The gentleman is mistaken, I apprehend, as to the correctness of his information. He is mistaken as to several points.

Mr. HEREFORD. I am not mistaken as to that; certainly not.

Mr. BUCKNER. Let the House understand how these bonds are issued. In the first place they are issued upon certificates put out by

Mr. BUCKNER. Let the House understand now these bonds are issued. In the first place they are issued upon certificates put out by the board of audit. Neither the board of audit nor the board of commissioners have power to issue bonds. These certificates are issued and placed upon the market. They are then brought to the commissioners of the sinking fund and the sinking-fund commissioners issue bonds as the certificates are presented in sums of \$500, \$5,000, and bonds as the certificates are presented in sums of \$500, \$5,000, and \$10,000. It may happen that there are bonds issued for certificates a large proportion or a small proportion of which are valid, legitimate, and honest and the balance may be made up of certificates, that may be fraudulent. Now, how are we to separate the good from

But my friend from West Virginia [Mr. HEREFORD] says that these gentlemen are issuing bonds now. Let me say that that is not my information. They have not issued any bonds since the 2d of February. I am speaking now of the sinking-fund commissioners, the only body having power to issue bonds. On the 25th of January, after this resolution had gone to the Senate, they passed a resolution that they would issue no more bonds except for certificates then delivered and presented.

Mr. HEREFORD. If that be true, why did you strike out the amendment prohibiting them from issuing bonds after the 27th day of January? If they agreed not to issue bonds on the 25th of January, why strike out that amendment?

Mr. BUCKNER. If the gentleman asks me whether I struck that out, I will say that I did not strike it out; that was a matter for the

Mr. HEREFORD. Then, why did the gentleman agree to the report?
Mr. BUCKNER. Because, sir, it was the best thing that we could
do, and I say it was right. After the law had given these men authority to issue these bonds, the mere declaration of the Senate or of
the President or of this House that they should not do as the law required of them, it was with them to say whether they would issue them or not; and they acted so far in obedience to the intimation of the Senate as to stop issuing them at all except what were on hand.

the Senate as to stop issuing them at all except what were on hand. It does not amount to more than seventy or eighty thousand dollars. More than that, the board of audit is not issuing certificates; its whole business is tied up. The only question is now whether before any investigation has been made, or any report from the committee stating what bonds are false or fraudulent or in violation of law, they shall stop the issuing of bonds that were due before action was taken by Congress on this subject. Sir, I do not believe in any such doctrine as that. I believe that the only chance for the Government of the United States to assert its rights is to prosecute these offenders of the United States to assert its rights is to prosecute these offenders against the law. If we have given power to these men to do this thing, then we must stand by it.

thing, then we must stand by it.

Mr. HEREFORD. If the gentleman from Missouri thought the
Senate amendment was right, why did he agree to strike it out; why
not come back to the House and ask the House to stand by him?

Mr. BUCKNER. We accomplished, in my opinion, what was far

better for the House than that: we stopped the issue of the certificates, and that is the foundation of the bonds. We cut off the supply

Mr. HEREFORD. The board of audit are in session to-day.
Mr. BUCKNER. Not a bit of it.
Mr. CLYMER. Will the gentleman allow me a question?
Mr. BUCKNER. Certainly.
Mr. CLYMER. I desire to understand this matter correctly. I understand that the amount of bonds issued since the 27th of January and up to the time the Senate agreed to this report was one million and a quarter of dollars.

Mr. BUCKNER. You are very much mistaken.

Mr. CLYMER. So it was asserted by Senators on the floor of the

Mr. BUCKNER. Unfortunately Senators, like others person, do not know everything.

Mr. CLYMER. Can the gentleman state to the House the amount

Mr. CLYMER. Can the gentleman state to the House the amount issued, if it was not one and a quarter millions of dollars?

Mr. BUCKNER. I had the figures, but I gave them to Senator Morrill, of Vermont, and will send for them; but I undertake to say the amount will not exceed \$150,000.

Mr. HEREFORD. Why allow that? Take the gentleman's own statement, and I ask, why allow that?

Mr. BUCKNER. I have given the reason.

Mr. CLYMER. Allow me to read a statement made in the Senator of the United States by one of the most reliable Senators there:

of the United States by one of the most reliable Senators there:

The difference between the amount of the bonds of the District guaranteed by the Government of the United States on the 27th day of January, 1876, and the amount now prescribed by this committee's limit is about a million and a quarter

Mr. BUCKNER. Who was that ? Mr. CLYMER. That statement was made by Mr. BAYARD, of Del-

Mr. BUCKNER. I undertake to say that Mr. BAYARD was mis-

Mr. CLYMER. It is strange that none of his colleagues on the floor of the Senate knew him to be mistaken, and there was vigilance exercised on the occasion.

Mr. BUCKNER. It is not strange at all.

Mr. HOAR. I rise to a question of order. I submit that it is entirely out of order in this House to discuss the debates in the Senate. The SPEAKER pro tempore. The point of order is well taken and is sustained by the Chair.

Mr. BUCKNER. I ask pardon if I have trespassed upon the rules of the House, but I undertake to say, and I will have the papers here in a few moments, for I am now speaking from memory, that on the 25th day of January, shortly after the action of this House, the board of sinking-fund commissioners declined to issue further bonds. I beg the gentleman to distinguish. It is not the board of audit that issues these bonds. The board of audit has no power to issue bonds, but the sinking-fund commissioners of the District of Columbia who do issue these bonds adopted a resolution to the effect that they would not issue any other bonds at all under any circumstances, except on not issue any other bonds at all under any circumstances, except on certificates already presented and those they agreed to issue bonds for. And so far as I know they have not issued a bond at all. They did issue bonds up to about the 3d day of February; the whole amount, instead of being for a million or a million and a quarter of dollars, as stated by my friend from Pennsylyvania, [Mr. CLYMER,] would not exceed, I am sure, \$150,000, and they were issued upon certificates already presented, and which they felt under obligations to issue

Mr. HOLMAN. Allow me to inquire whether it would not be desirable to postpone final action on this conference report until the Committee for the District of Columbia shall have reported to the House the results of the investigation now being made into the conduct of the authorities of this District in regard to this public debt ? And would not the gentleman himself, inasmuch as no public interest will suffer and perhaps a great public good will result from such a postponement, make the motion to postpone this subject, say for

wr. HOLMAN. My friend will bear in mind that almost every step in the progress of this legislation has been a mistake. From the time the act was passed in 1871, organizing the District government up to this time, there has been no enactment which has not ultimately been found to produce unhappy results to this District and to the country. Every step of legislation has seemed to be wrapped up in phraseology which has led to misinterpretation and produced mischievous results. I submit that, inasmuch as there is no necessity for speedy action on this conference report, its further consideration be postponed, say for at least two weeks from to-day. Let us understand this matter fully; let us understand the phraseology which has been adopted by this conference committee in presenting their views to the House, so that in taking this step at least we shall not commit the Government any further than justice and former obligations compel us to do it.

Mr. BUCKNER. I will answer the gentleman by saying that we are

Mr. BUCKNER. I will answer the gentleman by saying that we are not committing the Government of the United States to anything.

Mr. HOLMAN. Will the gentleman allow—

Mr. BUCKNER. Wait a moment. The effect of the gentleman's proposition is this: There are at least \$10,000,000 or \$12,000,000 of bonds on which the interest is now due, and which interest the Government has agreed to provide for. The proposition is that that interest shall lie in the Treasury, as these commissioners say they have no power to draw it out, and the faith of the Government is not to be carried out as to what is now due. Let me say that by this hill the carried out as to what is now due. Let me say that by this bill the Government is not committed to anything.

Mr. HOLMAN. Allow me a moment in that connection. The Gov-

ernment is now liable only as a guarantor; that my friend concedes.

Mr. BUCKNER. I do not know about that.

Mr. HOLMAN. It is a duty of the Government to see that the necessary provision is made for the payment of interest on these bonds. My friend remembers that this bill as it passed the House contained a provision that nothing in the act providing for the payment of this interest by the District commissioners should be considered as in any way ratifying bonds improperly issued under the authority of the former act, and that clause has been entirely omitted from the bill by this report; and that is the cause of the trouble about the matter. There are two clauses that commit the Government to the amount of bonds outstanding at the time the bill passes. When I come to think of it, the first does not. The first directs the payment of interest upon the bonds issued in pursuance of the act authorizing the issue of bonds. That is the first proposition. It directs the commissioners of the District to transfer to the Treasury of the United States funds for the payment of the interest due the 1st day of Feb-States funds for the payment of the interest due the 1st day of February, 1876, on the bonds issued under the provisions of the act of Congress approved June 20, 1874. That simply authorizes the payment of interest upon bonds issued in pursuance of the act. There the Government was not committed; but the act goes further than that.

Mr. BUCKNER. Go on and read.
Mr. HOLMAN. I am willing to stand by this bill that far. The bill then goes on-

Provided further, That any further issue of these 3.65 bonds under or by virtue of said act of Congress, approved June 20, 1874, is hereby prohibited.

All of us saw when that provision was incorporated in the bill by the House that the effect of it was an absolute committal of the Gov-We provided that no further bonds should be issued; that is to say, that the bonds up to that time were obligatory upon the Government, but no further bonds should be issued under that act.

The first clause did not commit the Government, because we only

authorized the payment of interest on the bonds issued in pursuance of the act. But we went one step further, and said that no further bonds should be issued under that act, and thereby perhaps, in legal phrase, we ratified the bonds which had been issued up to that date. To avoid that construction we went one step further, and that was an important step. We provided that this act should not be construed to give validity to bonds issued in excess of the amount authorized. Now when you leave the first proviso standing and strike out the condition, that the act should not commit this Government to liability for all the bonds that may have been issued, you undoubted to the provent of the bonds. edly leave the Government committed to the payment of the bonds, or rather I should say to providing for the payment of those issued up to the time this act is actually passed.

Mr. WILLARD. Will the gentleman allow me to interrupt him a

Mr. WILLARD. Will the gentleman allow me to interrupt him a moment for a question?

Mr. HOLMAN. Certainly.

Mr. WILLARD. If it should hereafter be found that any particular bonds were issued for a fraudulent claim, does the gentleman suppose that the payment of the February interest on those bonds out of the funds of the District would preclude the Government from declar-

ing hereafter that the bonds were fraudulent?

Mr. HOLMAN. O, I think it would; I must say I think it would. I think that every bond on which we expressly authorize the payment of interest as a bond issued up to the time that we declare no further bonds shall be issued, all the bonds issued up to that time upon which we pay the interest, bonds which go into the open market and must be received by ordinary transfer without indorsement, as these are, would imply the faith of the Government to make provision for their payment, and that is the objection there is to this matter.

That is my only objection. If this objection be removed, and if a clause be inserted that the provisions of this act shall not commit

the Government to the payment of bonds unlawfully issued, I shall

be satisfied with the report.

Mr. BLAND. I would like to put a question to the gentleman from Indiana, [Mr. Holman,] for I want to understand this matter. I understand that the purport of this provision is that the Government is not committed to the payment of any of these bonds fraudulently issued

Mr. HOLMAN. That the Government shall not be committed to the payment of any bond not issued under the provisions of the act

Mr. BLAND. But would not the terms of that proviso commit the Government to pay the bonds not fraudulently issued? Is not the Government left in this position—

Mr. HOLMAN. As a guarantor simply.
Mr. BLAND. Well, as a guarantor. But does the gentleman hold that the Government is bound to pay the bonds legally issued?

Mr. HOLMAN. O no, sir.

Mr. BLAND. Well, the proviso says that the Government shall not be bound to pay the bonds illegally issued; implying that it shall pay those legally issued.

Mr. HOLMAN. O no; not at all.

Mr. BLAND. Well, if the gentleman will read the proviso he will see that that is the effect of it. It seems to me that in the haste

of drawing it this proviso is a detriment to the whole object of the

Mr. HOLMAN. My friend will see that if such were the construc-tion, the proviso could easily be amended. The meaning of the gen-tleman who offered it and of the House in adopting it was simply that the Government assumed no responsibility.

Mr. BLAND. I know that was the intention; but the language implies that the Government binds itself to pay the bonds legally

Mr. HENDEE. I rise to a point of order. Is this debate going on under the rules of the House or by common consent?

The SPEAKER pro tempore, (Mr. Cox.) The debate is going on upon the privileged question raised by the conference report.

Mr. HENDEE. Is the debate being conducted in accordance with the rules of the House?

Mr. HENDEE. Is the depate being conducted in accordance with the rules of the House?

Mr. HOLMAN. It is a little confused, I admit. [Laughter.]

The SPEAKER pro tempore. If any gentleman makes the point that gentlemen in debate must address the House and not each other, the

Chair will sustain the point.

Mr. BUCKNER. The gentleman from Indiana [Mr. Holman] is making, it seems to me, a departure in pleading, as we lawyers say. His first question was why not put off this question until we can investigate these matters—say for two or three weeks? In the first place, I answer that it is not at all likely that the investigation which the District Committee is now carrying on will be finished within three or four weeks; it may last till the end of the session.

But in further answer to any suggestion of that kind, I say that, so far as regards the amendment of the House which the Senate struck out, it is a matter in reference to which the House cannot complain of us. The Senate was unwilling to send out these bonds with a stain

upon them. But in order to carry out, so far as we could, what seemed to be the will of the House, we struck at what we conceived to be the very root of the matter. We stopped the work; we stopped the proceedings of the board of audit; and there are now nearly \$1,000,000 of certificates for claims which have been audited, but for which bonds cannot be issued until further legislation by Congress. The House committee thought it far better to stop the source of mischief than to be striking at random at the validity of these bonds, when the action of the House did not at all commit the Government as to the validity or invalidity of any of these bonds. If we were paying this interest out of our own money, there would be some propriety in requiring that we should not be committed to any further issue or any illegal issue of these bonds. But we are paying it out of funds that do not belong to us, which belong to the District of Columbia; and the gentleman wants this money to remain there, for what purpose? In order that we may investigate! And when we investigate, what then? What is to be the effect? Why, sir, the only effect of passing a resolution of this sort is that we injure the credit of these bonds; for I cannot conceive that there is any lawyer on this floor who, consulting the decisions of the Supreme Court, can doubt for a moment that these bonds will have to be paid; in other words, whether the obligation of the Government with reference to them is a direct, primary obligation, or a secondary obligation, a mere guarantee by the Government that the Government will have to meet its obligations in reference to these bonds.

Mr. CLYMER. Will the gentleman from Missouri allow me a ques-

tion right here?

ion right here? Mr. BUCKNER. I will, if it is not too long; if it is not a speech. Mr. CLYMER. It will not be long. I merely wish to ask the gentleman whether the general notice given by the action of Congress on the 27th of January last was not such notice as should have put the world on its guard, so that any person taking these bonds subsequently took them subject to all the equities subsisting between themselves and the Government?

Mr. BUCKNER. That is a legal question which I will not pretend to answer.

Mr. CLYMER. The gentleman has stated that no lawyer on this floor would deny his proposition. I ask him whether he denies mine?

Mr. BUCKNER. It has been said that there was a restriction on

the amount of these bonds. I do not conceive that there was anywhere any such limitation. So far as the action of this House is concerned, I will state the fact that the Government has already provided by an appropriation made last year for the payment of the semi-annual interest on more than \$10,000,000 of these bonds. There is no limit There is no limitation upon the power of this board of audit, no limitation upon the power of the sinking-fund commissioners. Hence the committee thought they were going in the proper line indicated by the House when they cut off the source by which the issue of these bonds could by any possibility be continued.

I will now call the previous question.

Mr. HEREFORD. I hope not. I would like to be heard for a few

Mr. HOLMAN. I hope my friend from Missouri will allow my mo-

tion to postpone to be voted on.

Mr. BUCKNER. I cannot do so under the instruction of the committee.

Mr. RANDALL. I trust the gentleman will allow a vote on the motion to postpone and to have the report printed.

Mr. BUCKNER. It is already printed in the Congressional Rec-

ORD in the Senate proceedings.

Mr. RANDALL. In to-day's RECORD?

Mr. BUCKNER. In the RECORD of two or three days ago.
Mr. RANDALL. It ought to be printed as any other bill is printed.
The gentleman will also observe that the amount of interest to be paid under the authority of this act is not stated, so far as I can learn from hearing the report read.

Mr. BUCKNER. That was a motion in the House, not a proposition reported from the committee of conference.

Mr. HOLMAN. I trust the gentleman will allow an opportunity to vote on the motion to postpone this report for two weeks. Let us understand this bill, so that under it at least there shall be no possibility of fraud. I know the gentleman does not intend that there should be. But every successive law on this subject enacted since 1871 has been an instrument of fraud, as the gentleman knows. us at least take time to examine this after it is printed. I trust the gentleman will give us not less than two weeks for that purpose.

Mr. BUCKNER. I am not authorized to assent to such a motion. I demand the previous question upon agreeing to the report of the

committee of conference

Mr. HEREFORD. I hope my friend will not demand the previous question. If he does, we shall have to vote it down. I would like to be heard for a few moments.

Mr. BUCKNER. I have no objection to yielding to the gentleman

for five minutes

Mr. HEREFORD. I shall not want longer time. Mr. Speaker, even if there were no other reason why I should vote against the motion of the gentleman from Missouri, [Mr. Buckner,] I can see no good reason why the proviso which was placed upon the bill by the Senate was stricken out by the committee of conference. In my humble judgment it is the best or almost the best provision there was in the bill. It is this:

Was in the oill. It is this:

Provided, That the board of audit created by the act for the government of the District of Columbia, approved June 20, 1874, is hereby abolished, and shall immediately upon the approval of this resolution transmit all the books and property in their possession belonging to the District to the commissioners of the District of Columbia, and make a report of their proceedings not hitherto made: And provided further. That this resolution shall not in any way or manner recognize the liability of the United States to pay either the principal or interest of any of such bonds as may have been issued on or since the 27th day of January, 1876.

I cannot conceive why the committee of conference should desire to continue the power of this board beyond the 27th of January, when the country had notice that fraud in or about this whole transaction was charged here upon this floor.

Mr. BUCKNER. Is the gentleman's objection to continuing the

Mr. BUCKNER. Well, I will explain that.
Mr. HEREFORD. Wait a moment. I understand the explanation -I presume I have no right to refer to the discussion at the other end of the Capitol—but I understand that the reason given is that the committee on the part of the House requested that this board might be continued in power in order that they might be enabled to answer questions. Cannot those gentlemen be made to answer questions out of office and out of power just as well as in office and in power?

But, sir, if there have been no claims improperly audited since the 27th of January and no bonds improperly issued since that date, then why object to this? In my judgment no bonds should be paid that were issued after that time. Then, if I am right in that, why not

say so, just as this proviso states?

Now, Mr. Speaker, I hope the suggestion made by my friend from Indiana [Mr. Holman] will prevail, and that is that we should not hurry through this matter. I have been here for many years; we have tried to place limitations upon the Legislature of the District of Columbia; we have tried to place limitations upon the various boards appointed for this District; and yet each and every one has transcended the power confided to it. We have said that they should not incur debt beyond a certain amount time and again, commencing with the enabling act creating the Legislature of the District of Columbia, and yet that Legislature exceeded its power, and every board has exceeded the power given to it. Every time we have added the provision that the debt should not go beyond a certain amount they have come and said: "True, you have told us so, but the work was ordered, the work has been done, the bonds have been issued, and you ought to pay them." We have done that time and again. Still they come and ask us to do the same thing over again. I hope, Mr. Speaker, on this occasion we will make haste slowly; that we will provide every guard againt making mistake in the future.

I know that my friend from Missouri desires to make no mistake in

regard to this matter. I have no charge to make against him. I know that mistakes have crept into our legislation when we did not intend to make any. Let us in this instance make haste slowly, and make every possible provision against like mistakes in the future.

I want to say, so far as I am individually concerned, that I shall now at all times claim the enforcement of that provision that not one single bond shall be paid which was issued after the 27th day of January. I want that provision put in by the Senate to remain and to be in force. I trust the committee of conference on the part of the House will so agree with us.

Mr. BUCKNER. The gentleman from West Virginia discussed this nestion as it has been frequently discussed before, and that is just as if the board of audit had the power to issue these bonds, and did issue them, when the fact is that board of audit had no more to do

with their issue than the gentleman himself.

Mr. HEREFORD. I do not wish to interrupt the gentleman from Missouri, but I wish to say this, as the same thing has occurred at every point in this discussion, that I know the board of audit has no power to issue these bonds; but I know that the power that does issue them has said that the board of audit had audited them, and that they could not go back of that audit, and that they therefore issued the bonds accordingly. We wish to cut the whole thing up by the roots. Besides, the board of audit goes further back and says that they have no discretion in the matter, because an engineer has been appointed and measured the work and submitted his report that

it is so and so, and they must recognize it accordingly.

Mr. BUCKNER. I understand the gentleman from West Virginia has objected to the action of the committee of conference on the part of the House because we have not adopted the provision of the Senate requiring the board of audit should go out of existence at once. He tells the House that he is informed that objection to that provision came from us. As to that, sir, he has been correctly informed, but I undertake to say that the provision included in this conference report accomplishes not only everything which could be accomplished by the Senate provision, but that in addition it does another thing, a most important thing in another direction, which the gentleman does not seem to comprehend, and which perhaps it is proper I should explain to the House. There has been an attempt on the part of the commissioners upon one hand to throw the responsibility of this issue of bonds upon the board of audit, and by the board of audit

upon the District commissioners. We have in this House ordered an investigation into the affairs of the District of Columbia, and these gentlemen have objected, that they should not be turned over into the hands of men who might be hostile to them, and they have asked that it should not be done until the investigation had been completed. We have taken away from them the power auditing as well as their salaries. This board of audit cannot audit any more, nor have they done so for several weeks.

Mr. HEREFORD. Why?

Mr. BUCKNER. Because, if you will examine the law, you will perceive that the power conferred upon them to audit these claims is expressly repealed.

Mr. HEREFORD. When?

Mr. BUCKNER. By this provision.

Mr. HEREFORD. But this has not gone into effect, and they are

anditing to-day.

Mr. BUCKNER. No, sir; they are not.

Mr. HEREFORD. I am informed they are auditing to-day.
Mr. BUCKNER. Where does the gentleman get his information?
Mr. HEREFORD. This does not restrain them.

Mr. BUCKNER. That does not alter it. He says they are auditing to-day. I say they are not.

Mr. HEREFORD. I am assured of the fact by gentlemen of integ-

Mr. HEREFORD. I am assured of the late by general and stricts.

Mr. BUCKNER. The gentleman is misinformed. I talked with the board of audit this morning and they told me they have not audited any claims for weeks past. They have done nothing; they have stopped work, and nothing has been done while this joint resolution has been pending in the Senate. So far as requiring that the bonds issued after January 27 shall not be paid, it did not come from this House, but from the Senate. The provision we induced the Senate committee to adopt is better in many respects. I demand the previous question. previous question.

On the question of seconding the demand for the previous question

there were—ayes 69, noes 51; no quorum voting.

The SPEAKER pro tempore, under the rule, ordered tellers; and Mr. Holman and Mr. Buckner were appointed.

The House again divided; and the tellers reported—ayes 88, noes 89. So the House refused to second the call for the previous question.

Mr. HOLMAN. I now move to postpone the further consideration of the report for two weeks.

Mr. RANDALL. I ask the gentleman to make it one week, and to add to his motion that the report be printed.

Mr. HOLMAN. I will modify my motion in that way. I move that the further consideration of the report be postponed for one week, and that the report be printed.

Mr. BLAND. I understood the gentleman from West Virginia [Mr. HEREFORD] to say that bonds were still being issued up to this day. If the report be postponed for a week there is danger that more of these bonds will be issued.

Mr. BUCKNER. Is the question debatable?

The SPEAKER pro tempore, (Mr. Blackburn.) It is.
Mr. BUCKNER. I wish to know what is the object of this motion.
Is it for the purpose that we shall make an investigation? Is it for the purpose of saying that none of these bonds that have been illegally issued shall be paid? Is that the object? Or is it for the purpose of giving the gentleman information as to what this report contains ?

Mr. HOLMAN. If the gentleman will allow me I will answer his questions. I have already said that up to this time all our legislation in this matter has been unfortunate. When we come to consider the effects of the laws enacted throughout this whole series of transactions we have found mistakes under which fearful frauds, committed against the people of this District and ultimately against the whole people of the United States, have been perpetrated. All we ask is that this subject shall be postponed for one week, not only that we may examine this report, but that we may examine how the Government should ine this report, but that we may examine now the Government should provide or refuse to provide by law for the payment of bonds fraudulently issued. And I admit that one point which I wish to consider as a member on this floor is to what extent we can provide against the payment of fraudulent bonds. We only ask a week's delay, and I trust my friend from Missouri will not object to that.

Mr. BUCKNER. Let me say this, that if the views presented by continuous on the other side are correct if this fraud is going on and

Mr. BUCKNER. Let me say this, that if the views presented by gentlemen on the other side are correct, if this fraud is going on, and if these commissioners are still issuing bonds as is alleged, then the object of the gentleman in this motion is defeated. I notify the gentleman now that a million of certificates are still outstanding and liable to be issued as bonds, and the greater delay you make in disposing of this question the greater is the danger of more of these bonds being issued.

bonds being issued.

Mr. HOLMAN. In that event they will not be paid.

Mr. RANDALL. I do not think that any interest will suffer by this delay. It is a great deal better that we should proceed cautiously in respect of this bill, and have it printed and see exactly what features are embraced in the report, than that we should proceed with undue

Mr. BUCKNER. It has been printed.
Mr. CLYMER. I desire for another purpose an opportunity to examine this bill. I want to know from the gentleman from Missouri, or from any other source, the modes in which these bonds have been

issued and for what purposes. I want to know the character of the frauds that have been committed. I want to know whether these bonds have been issued in defiance of all law, for the purpose of paying counsel fees to defend persons who were on trial before this House. I want to know whether they have been issued to subsidize a press or presses in this city. I want the country to know these things, and then I will know whether I will be justified in voting for this bill or not. I want time to ascertain these facts.

Mr. BUCKNER. Then you should take more time than a week.

You should take to the 4th of July.

Mr. CLYMER. If we are not able in the course of a week to ascertain them, possibly the indulgence of the House will give us longer

Mr. HEREFORD. The postponement for a week cannot do any harm. If my friend from Missouri [Mr. Buckner] is right and if these officers have stopped auditing claims and issuing bonds, where

Mr. HOLMAN. I call the previous question on the pending motion. The previous question was seconded and the main question ordered, and under the operation thereof Mr. Holman's motion was agreed to.
Mr. HOLMAN moved to reconsider the vote by which the motion

was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. RANDALL. I call for the regular order.

Mr. SWANN. I ask the gentleman to yield to me to present a report. Mr. RANDALL. I withdraw the call for the present.

GENERAL ROBERT C. SCHENCK.

Mr. SWANN. I hold in my hand a report from the Committee on Foreign Affairs upon the Schenck imbroglio—the question of General Schenck's connection with the Emma Mine business. I desire to present that report to the House to-day. I send it to the desk, and ask permission of the House to have it read.

The Clerk read the report, as follows:

The Clerk read the report, as follows:

The Committee on Foreign Affairs respectfully report that, in accordance with the instructions contained in the resolution of the House adopted February 7, instant, "to ascertain and report what action, if any, has been taken by the executive department of the Government in relation to the connection of the United States minister at the court of Saint James with the directory of the Emma Mine, so called, and also with the prosecution of the Michado claim, and that said committee be authorized to request the Secretary of State to furnish this House such information and correspondence upon the subject as may not be incompatible with the public interests "the committee transmitted a copy of the resolution to the Secretary of State, who in response thereto addressed to the committee a communication, accompanied by certain telegrams and correspondence, which documents the committee herewith submit to the House, with the recommendation that the same be printed for the use of the House and referred back to the committee for further consideration. for further consideration.

for further consideration.

And the committee further report, in obedience to the resolution, that the action of the executive department of the Government appears, so far as the correspondence herewith submitted gives evidence, to have been limited to a recommendation in a telegraphic dispatch dated November 28, 1871, to General Schenck that he should be relieved from the directory of the Emma Silver Mining Company, which recommendation General Schenck appears to have acted upon after the lapse of a week, to wit, on the 6th of December following. But the fact of his resignation does not appear to have been communicated to the public press until the 12th day of January following.

In regard to the Michaelo case, it will be seen by the letter of the Scantians.

In regard to the Michado case, it will be seen by the letter of the Secretary of State that General Schenck has taken no official action whatever in regard thereto. The committee submit the following resolution, and recommend its immediate pas-

sage:

Resolved, That the letter of the Secretary of State and the accompanying correspondence herewith submitted be printed for the use of the House and be referred back to the committee for further consideration.

THOMAS SWANN,

THOMAS SWANN, Chairman of Committee on Foreign Affairs.

Mr. SWANN. I will state briefly in reference to this report that the Committee on Foreign Affairs have now under consideration the facts connected with this case. It appears, sir, that there is a good deal of information of the most important character that has not yet been acted upon by the Committee on Foreign Affairs. They have had this subject under consideration, and will continue their investigation from day to day until a final report can be submitted to the House. At present I will call for action on the report just submitted, and I ask the sense of the House on the adoption of the report. I move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the report of the Committee on Foreign Affairs was agreed to.

ORDER OF BUSINESS.

The SPEAKER pro tempore. The Chair desires to dispose of sundry communications and memorials upon the Speaker's table and have them properly referred.

FORT LEAVENWORTH RESERVATION.

The SPEAKER pro tempore laid before the House a letter from the Secretary of War, transmitting a telegram from Major-General Pope in reference to granting the right of way to the Fort Leavenworth Street Railroad Company across the Fort Leavenworth military reservation; which was referred to the Committee on Military Affairs.

### POST-TRADERS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting, in response to House resolution of the 16th, a statement of the names, residences, and posts of post-traders; which was referred to the Committee on Military Affairs. UNITED STATES OFFICERS HOLDING CIVIL APPOINTMENTS.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a report of the Adjutant-General giving a list of officers of the United States Army who since the close of the war have held civil appointments; which was referred to the Committee on Military Affairs.

#### WAGON-ROAD.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting, for the instruction of the Committee on Military Affairs, the report of the Chief of Engineers and Assistant Quartermaster-General on the bill (H. R. No. 180) for the consideration of a wagon-road from Green River City, &c.; which was referred to the Committee on Military Affairs.

#### ROBERT SAUTHOFF.

The SPEAKER pro tempore also laid before the House a letter from the Secretary of War, transmitting a copy of the correspondence, &c., in the Office of the Chief of Engineers in the case of Robert Sauthoff; which was referred to the Committee on Military Affairs.

#### FISH-WAY ON THE POTOMAC.

The SPEAKER pro tempore also laid before the House a letter from the commissioners of the District of Columbia, inclosing a copy of a joint resolution of the Maryland Legislature relative to the construction of a fish-way at the Great Falls of the Potomac River, and asking the favorable consideration of Congress thereon; which was referred to the Committee on Commerce.

#### MAIL FACILITIES IN WISCONSIN.

The SPEAKER pro tempore also laid before the House sundry joint memorials from the Legislature of the State of Wisconsin, asking increased mail facilities for the counties of Green Lake and Waushara; which were referred to the Committee on the Post-Office and Post-

#### IMPROVEMENT OF THE CHIPPEWA RIVER.

The SPEAKER pro tempore also laid before the House a joint memorial from the Legislature of the State of Wisconsin, asking an appropriation for the improvement of the Chippewa River; which was referred to the Committee on Commerce.

#### ORDER OF BUSINESS.

The SPEAKER pro tempore. The morning hour now commences at twenty minutes to one o'clock, and reports from the committees of a private nature are in order, beginning with the Committee on Commerce.

### SHREWSBURY, SLEMMONS & CO.

Mr. HOAR, from the Committee on the Judiciary, reported back the bill (H. R. No. 162) for the relief of the surviving partners of Shrewsbury, Slemmons & Co., Government transporters, and the petition accompanying the same, and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Committee of Claims.

The motion was agreed to.

## PETERS & REED.

Mr. ROBBINS, of Pennsylvania, from the Committee on Naval Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 2287) for the relief of Peters & Reed, naval contractors at the Norfolk navy-yard in the year 1860; and the same was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

### SUSAN E. RHEA.

Mr. WILLIAMS, of Delaware, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 590) for the relief of Susan E. Rhea, widow of Dr. J. Burross Gardiner, and asked for the reading of the report.

The report was read.

Mr. RUSK. I make the point of order that that bill must have its first consideration in Committee of the Whole.

The bill was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

# REPORTS FROM THE COMMITTEE ON INVALID PENSIONS.

Mr. JENKS, from the Committee on Invalid Pensions, reported back the following amendments and bills; and moved that the committee be discharged from their further consideration, and that they be referred to the committees indicated:

Senate amendments to the bill (H. R. No. 353) to amend section 1911

of the Revised Statutes—to the Committee on the Judiciary.

A bill (H. R. No. 477) for the relief of William Gouge—to the Committee on Military Affairs.

A bill (H. R. No. 2178) granting a pension to Leonard T. Moore, under the act of February 14, 1871—to the Committee on Revolutionary Pensions

Mr. JENKS also, from the same committee, reported adversely upon the following; and they were severally laid upon the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 476) replacing on the pension-roll the name of

A bill (H. R. No. 38) granting a pension to Mary A. Doyle, widow

of David H. Doyle, late a private of Company C, Thirty-second Regiment Ohio Volunteer Infantry;

A bill (H. R. No. 730) granting a pension to Lawrence Gross; and A petition of Francisco Quesada, for a pension.

A petition of Francisco Quesada, for a pension.

Mr. JENKS also, from the same committee, reported back without amendment the following bills; which were severally referred to the Committee of the Whole on the Private Calendar, and the accom-

Committee of the Whole on the Private Calendar, and the accompanying reports ordered to be printed.

A bill (H. R. No. 1850) granting a pension to Harvey B. Kilborn, private Company C, Thirtieth Regiment Pennsylvania Militia; and A bill (H. R. No. 1850) granting a pension to George Pendleton.

Mr. JENKS also, from the same committee, reported the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accommittee of the Whole on the Private Calendar, and, with the accom-

panying reports, ordered to be printed:

A bill (H. R. No. 2288) granting a pension to Fanny S. White; and A bill (H. R. No. 2289) granting a pension to Jane Berthoff.

Mr. JENKS also, (on behalf of Mr. BLISS,) from the Committee on Invalid Pensions, reported back without amendment the following bill; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed:

A bill (H. R. No. 39) granting a pension to Frederick Youngblue, of Company I, Twentieth Regiment Ohio Volunteers.

Mr. JENKS also, from the same committee, (on behalf of Mr. BLISS,) reported the following bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

with the accompanying reports, ordered to be printed:

A bill (H. R. No. 2290) granting a pension to Frederick Hoch;

A bill (H. R. No. 2291) granting a pension to John H. Garrison;

A bill (H. R. No. 2292) granting a pension to John H. Garrison;

A bill (H. R. No. 2293) granting a pension to Thomas Shannon;

A bill (H. R. No. 2293) granting a pension to James Woolsey; and

A bill (H. R. No. 2294) granting a pension to Gilbert Reed, late a
second lieutenant in the Eleventh Tennessee Cavalry.

Mr. JENKS. I desire to submit some reports on behalf of my colleague on the committee, Mr. Wilson, of West Virginia.

Mr. RUSK. I object. If the chairman of the Committee on Invalid Pensions [Mr. Jenks] desires to report these bills as of himself,
I have no objection; but it certainly is irregular for any member of
the committee to make a report for an absent member of the committee.

Mr. JENKS. Very well; then, as chairman of the Committee on Invalid Pensions, I report these bills. All I desired was to give credit to the gentleman I have named for the reports accompanying them. Mr. RUSK. They will, then, be reported by the chairman of the

Mr. JENKS accordingly reported back without amendment the following bills; which were referred to the Committee of the Whole on the Private Calendar, and the reports accompanying the same ordered to be printed:

A bill (H. R. No. 1541) granting a pension to John S. Hall, of West

Virginia;
A bill (H. R. No. 1455) granting a pension to Griffeth Chavers, late a private in Company C, Ninth Regiment, United States Heavy Artil-

lery, (colored;) and
A bill (H. R. No. 1907) granting a pension to Henry Brown, late a
private in Company C, One hundred and twenty-third Regiment

Illinois Volunteers.

Mr. JENKS also, from the same committee, reported a substitute (H. R. No. 2295) for the following bill; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed:

A bill (H. R. No. 33) granting a pension to Thomas Leach.

Mr. RICE, from the same committee, reported the following bill; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying

report, ordered to be printed:

A bill (H. R. No. 2293) granting a pension to Michael O'Brien.

Mr. BAGBY, from the same committee, reported back without amendment the following bill; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying

report, ordered to be printed:
A bill (H. R. No. 11) granting a pension to Eliza Jane Blumer.
Mr. BAGBY also, from the same committee, reported the following bills; which were read a first and second time, referred to the Com-

bills; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 2297) granting a pension to Jane N. Willard;

A bill (H. R. No. 2298) granting a pension to Emma A. Tuttle, widow of Charles H. Tuttle, late private in Company I, Twentyseventh Ohio Volunteers;

A bill (H. R. No. 2299) granting a pension to Christian Hameluke; A bill (H. R. No. 2300) granting a pension to Margaret C. Ball; and A bill (H. R. No. 2301) granting a pension to Mary B. Hook. Mr. BAGBY also, from the same committee, reported adversely upon

the following; and they were laid on the table, and the reports accompanying the same ordered to be printed:

A bill (H. R. No. 925) granting a pension to Thomas Zeiler;

A bill (H. R. No. 1832) granting arrearages of pension to Gordon B.

Barnes;

A bill (H, R. No. 272) granting a pension to Helia A. Cooksey, of Dent County, Missouri

The petition of Amelia S. Parsons, widow of Nathan Parsons, for

a pension;
The petition of Joseph McHenry, for a pension; and
The petition of M. Somes, private Company D, Seventy-first Regi-

ment New York Volunteers.

Mr. HEWITT, of Alabama, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and,

ferred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 2302) granting a pension to Nancy Tipton; and A bill (H. R. No. 2303) granting a pension to Mary S. Greenle.

Mr. RUSK, from the same committee, reported back adversely the following bills, petitions, and memorials; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 95) for the relief of Pernetta Hendley;

A bill (H. R. No. 1758) granting a pension to William McKay, late a sergeant in Company E, Thirty-eighth Regiment Wisconsin Volunteers:

Petition of Penelope C. Brown, widow of Stephen C. Brown, late a private in Company C, Eighth Regiment Tennessee Volunteer Cav-

Petition of Fred. W. Alexander, for a pension; and
Memorial of Rebecca S. Allen, asking for a pension as widow of
James T. Allen, deceased, late master of hospital-boat Woodford, in

the Mississippi Marine Brigade in the late war.

Mr. RUSK also, from the same committee, reported back with a favorable recommendation bills of the following titles; which were referred to the Committee of the Whole on the Private Calendar, and

A bill (H. R. No. 1580) granting a pension to Almon P. Graves;
A bill (H. R. No. 610) granting a pension to Seth W. Homestead;

A bill (H. R. No. 2307) as a substitute for the bill (H. R. No. 1465) granting a pension to Mary Bell Decker, infant daughter of James W. Decker, late of Russell County, Kentucky.

Mr. RUSK also, from the same committee, reported as a substitute for House bill No. 1265 a bill (H. R. No. 2304) granting a pension to Philip J. Shaw; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the ac-

communing report, ordered to be printed.

Mr. RUSK also, from the same committee, reported as a substitute for House bill No. 1888 a bill (H. R. No. 2305) granting a pension to Melville H. Hudson; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with

the accompanying report, ordered to be printed.

Mr. RUSK also, from the same committee, reported the bill (H. R. No. 2306) granting a pension to John McIntyre; which was read a first and second time, referred to the Committee of the Whole on the Private

Mr. SINNICKSON, from the same committee of the Vince half in the Accompanying report, ordered to be printed.

Mr. SINNICKSON, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 310) granting a pension to William H. Harrison; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered

to be printed.

Mr. SINNICKSON also, from the same committee, reported bills of the following titles; which were read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying reports, ordered to be printed:

A bill (H. R. No. 2308) granting a pension to David B. McDonald, late a private in Company B, Sixth Regiment Kansas Cavalry Volun-

teers;
A bill (H. R. No. 2309) granting a pension to Catharine Johnson;
A bill (H. R. No. 2310) granting a pension to Emanuel B. Herr;
A bill (H. R. No. 2311) granting a pension to Daniel Willhoit; and
A bill (H. R. No. 2312) granting a pension to Nicholas Strite.
Mr. SINNICKSON also, from the same committee, reported back-adversely the following petition and bills; which were laid on the table,

and the accompanying reports ordered to be printed:
Petition of William Buchanan, for a pension;
A bill (H. R. No. 392) granting a pension to Jerusha A. Goodrich;
A bill (R. R. No. 928) for the relief of Charles L. Allen; and
A bill (H. R. No. 905) granting a pension to William M. Drake.

JONATHAN ROBERTS, MARIETTA, IOWA.

Mr. RAINEY, from the Committee on Invalid Pensions, reported back the bill (H. R. No. 1288) granting a pension to Jonathan Roberts, of Marietta, Iowa; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

MARY ANN CORNELL.

Mr. RAINEY also, from the same committee, reported the bill (H. R. No. 2313) granting a pension to Mary Ann Cornell, widow of Stephen Connell, late private Company I, New York Volunteer Infantry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report ordered to be private. port, ordered to be printed.

#### ADVERSE REPORTS.

Mr. RAINEY also, from the same committee, submitted adverse reports in the following cases; which were laid on the table:

The petition of George W. Breintnell, late a musician of Company

D, Seventy-seventh Regiment Pennsylvania Infantry, praying for a pension; and

The petition of Mrs. Jeanette McClelland, widow of William D. McClelland, late a private of the Third Regiment Tennessee Mounted Volunteers, praying for a pension.

#### JEARUM ATKINS.

Mr. J. H. BAGLEY, from the Committee on Patents, submitted an adverse report in the case of Jearum Atkins; which was laid on the table.

### CLERK OF COMMITTEE.

Mr. ROBERTS, from the Committee of Accounts, submitted the following resolution:

Resolved. That the special committee appointed to investigate the real-estate pool and Jay Cooke & Co.'s indebtedness be, and they are hereby, authorized to employ a clerk for the time of one month, and the said clerk be paid the sum of \$4 per diem for his services.

Mr. HOLMAN. Does this report come from the Committee of Ac-

Mr. ROBERTS. It does. It is a substitute for a resolution referred to that committee, and has been adopted by the Committee of Accounts after careful consideration.

Mr. HOLMAN. Is it a unanimous report from that committee?

The SPEAKER pro tempore. Does the gentleman from Indiana object to the introduction of the resolution?

Mr. HOLMAN. I do not object inasmuch as it comes from the Committee of Accounts. I think, however, it would be far better if the Committee of Accounts had assigned some one of the numerous clerks already appointed for other committees, and whose entire services are not required, for service on this committee. But as it comes from the Committee of Accounts I am compelled to abide by their

Mr. FORT. The Committee of Accounts tried the plan to which the gentleman from Indiana has referred, and found that no clerk's services could be obtained for this committee in that way. Hardly one committee having a clerk was willing to allow that clerk's serv

ices to be used by any other committee.

Mr. HOLMAN. I have the honor to be the chairman of a committhe which has a clerk who is employed to do clerical service for four other committees. I think these clerks are able to perform service for three or four of our committees without the slightest trouble, and still have ample leisure.

Mr. FORT. I hope there are other committees whose clerks will be able to do the same thing, for then it will save the Committee of Accounts the necessity of reporting in favor of the employment of any more clerks to committees. There are now some twenty committees desiring clerks.

Mr. HOLMAN. These clerks have ample time to attend to three or

four committees.

Mr. FORT. I agree with the gentleman from Indiana, and hope the plan will be adopted.

Mr. ROBERTS. I ask for a vote on my resolution.

The resolution was adopted.

Mr. FORT, from the same committee, reported back adversely the resolution referred to it, that the Committee on Coinage, Weights, and Measures be allowed a clerk at a salary of \$4 per day; and the same was laid upon the table.

## CENTENNIAL AUTOGRAPHIC REGISTERS.

Mr. RAINEY. I am directed by the Committee on the Centennial

Mr. RAINEY. I am directed by the Committee on the Centennial Celebration to report back joint resolution (H. R. No. 63) concerning the centennial autographic registers of F. B. Taylor and E. W. Bixby, with the recommendation that it do pass, with an amendment. The joint resolution, which was read, provides that the autographic registers of visitors to the centennial grounds at Philadelphia during the year 1876, devised by Messrs. F. B. Taylor and E. W. Bixby, may, after their completion, be deposited in the Library of the Congress of the United States, and thereafter shall become and ever remain the property of the United States, under the control of the Librarian the property of the United States, under the control of the Librarian of said Library.

The amendment, which was read, was as follows:

Provided, That there shall be no implied obligation on the part of the United States for compensation or liability in regard thereto.

Mr. HOAR. I should like to inquire what is the reason of providing by special law for depositing any one of these things in the Library of Congress? There are such registers kept at a great many important public buildings, and I think Congress ought not to pass this joint resolution unless there is some good reason for it.

Mr. RAINEY. The committee has no definite information in regard

to this joint resolution apart from the fact that these appear to be men of enterprise who are desirous of undertaking this business and wish to do so under some provision of law. They ask simply for this right under this joint resolution; but for fear they may come in afterward and ask to be compensated for their services in this regard the committee have recommended the adoption of the proviso which has been read by the Clerk, whereby the Government is not to be held responsible

for any future compensation in regard to this matter.

Mr. HOAR. What does the joint resolution provide for?

Mr. RAINEY. For the deposit of the autographic registers of the visitors to the Centennial in the Library of Congress. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. RAINEY moved to reconsider the vote by which the joint reso-

lution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate had agreed to the concurrent resolution of the House of Representatives authorizing the Commissioner of Agriculture to distribute the report of said Commissioner for the year 1873 to Senators and members of the House of Representatives, with amendments; in which the concurrence of the House was requested.

The message further announced that the Senate had passed bills of the following titles; in which the concurrence of the House was re-

A bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett,

A bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William Cheatham; and
A bill (S. No. 478) amendatory of an act authorizing the refunding of the national debt, approved July 14, 1870, and of an act entitled "An act to amend an act entitled "An act to authorize the refunding of the national debt," approved January 20, 1871.

The message further announced that the Senate had passed, without amendment a point resolution and bill of the Henry of the feet

out amendment, a joint resolution and bill of the House of the fol-

lowing titles:

lowing titles:
A joint resolution (H. R. No. 73) authorizing and requesting the President of the United States to present the medal made for William H. H. Nash to his widow, Mrs. Keturah J. Nash; and A bill (H. R. No. 1384) to change the name of the schooner Turner and Keller, of Oswego, New York, to that of Falmouth.

#### CYRUS K. OSGOOD.

Mr. BLOUNT, (for Mr. Hartridge,) by unanimous consent, introduced a bill (H. R. No. 2314) for the relief of Cyrus K. Osgood; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### JAMES S. CADDALL.

Mr. COCHRANE, from the Committee of Claims, reported adversely on the claim in relief of the estate of James S. Caddall, deceased; and the same was laid upon the table, and the accompanying report ordered to be printed. The motion was agreed to.

## JAMES S. CHRISMAN.

Mr. COCHRANE also, from the Committee of Claims, reported adversely on the petition of James S. Chrisman, of the county of Wayne, State of Kentucky, to be re-imbursed his expenses in his contested election case in the Thirty-sixth Congress; and the same was laid on the table, and the accompanying report ordered to be printed.

# WILLIAM P. ROSS.

Mr. GAUSE. I ask that the papers heretofore referred to the Committee on Indian Affairs, in relation to the case William P. Ross, may

There was no objection, and it was so ordered.

## LOUIS ROSENBAUM.

Mr. BROWN, of Kentucky, from the Committee of Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 341) for the relief of Louis Rosenbaum; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## E. D. FRANZ.

Mr. BROWN, of Kentucky, also, from the Committee of Claims, reported back, with the recommendation that it do pass, the bill (H. R. No. 339) for the relier of E. D. Franz; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## COURT OF ALABAMA CLAIMS.

Mr. LORD. I ask unanimous consent to report back, from the Committee on the Judiciary, the bill (H. R. No. 1054) to extend the time for claimants, under section 11, chapter 459 of the laws of the Fortythird Congress, to prove their claims, with amendments by the Sentinger of the congress, to prove their claims, with amendments by the Sentinger of the congress. are, and to move that the amendments of the Senate be concurred in.

The Committee on the Judiciary have considered these amendments, and they find that they do not essentially change the bill.

The SPEAKER pro tempore. If there be no objection the amendments proposed by the Senate will be read.

There was no objection, and the Clerk read as follows:

In line 7 strike out "claimants" and insert "claimant's."
In line 7 after "petition" insert "and be proved to the satisfaction of the court."
In line 8 strike out "the" where it first occurs and insert "his."

In line 8 strike out "of the claimants."
In line 8 strike out "their" and insert in lieu thereof the word "his."
In line 9 strike out "petitions" and insert "a petition."
In line 10 strike out "claimants" and insert "claimant".
In line 10 strike out "for other reasons satisfactory to the court" and insert "by eason of fraud, accident, or mistake."
In line 11 strike out "such claims have" and insert "the claim of such claimant as."

as." In line 12 strike out "claims" and insert "claim." In line 13 strike out "claimants" and insert "claimant." Strike out all after the word "verified" in line 15 to the end of the bill, and in-ert "in such manner as the court shall by rule have provided."

Mr. HOLMAN. We get but a very poor impression of the effect of the changes made in this bill by the mere reading of the amendments. I trust the gentleman from New York [Mr. LORD] will explain the

effect of the amendments.

Mr. LORD. The bill is amended in three particulars. First, it changes the plural "claimants" to the singular "claimant." Next, it provides that certain things be done to the satisfaction of the court. Lastly, the most material amendment is to strike out the last clause, by which the evidence to be taken abroad in regard to persons residing abroad before some officer entitled to take testimony is to be duly authenticated. The Senate amend the bill in that respect by proposing that that be done under rules to be laid down by the court. The amendments have been considered by the Judiciary Committee and they unanimously came to the conclusion that they did not essentially alter the bill, and perhaps improved it.

The question was taken on concurring in the amendments of the Senate, and they were concurred in.

CLAIMS OF OWNERS OF LAND IN KLAMATH INDIAN RESERVATION. Mr. LANE. I ask unanimous consent to make a report from the

Committee on Public Lands.

Mr. HOAR. I reserve objection until the report is read.
Mr. LANE. I was out of my seat when my committee was called, and I merely ask to make the report now.

No objection being made,

Mr. LANE, from the Committee on Public Lands, reported back the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation, in the State of Oregon, with an amendment in the nature of a substitute.

The bill was referred to the Committee of the Whole on the Private Calendar, and the substitute and accompanying report were ordered

to be printed.

HEIRS OF JAMES ST. CLAIR, DECEASED.

Mr. LANE also, by unanimous consent, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 225) granting 640 acres of land to the widow and heirs of James St. Clair, deceased; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

# VIRGINIA JUDICIAL DISTRICT.

Mr. ASHE. I am instructed by the Committee on the Judiciary to report back, with a favorable recommendation, the bill (H. R. No. 21) supplementary to the third section of the act entitled "An act to divide the State of Virginia into two judicial districts," and ask its

passage now.

Mr. FORT. That bill will have to go to the Committee of the Whole, will it not?

The SPEAKER pro tempore. The Chair will state that that is the proper disposition to make of it under the call, unless the House, by unanimous consent, deems it proper to dispose of it otherwise.

Mr. HUNTON. No point of order attaches to this bill; not a dollar

is appropriated by it.

Mr. FORT. But it will render necessary an appropriation.
Mr. HUNTON. I can explain it in a moment.
Mr. HOLMAN. Has the bill been read? If not I call for its reading.

The Clerk read the bill.

The first section provides that the following provisions shall be added to the third section aforesaid: The judge of the district court for the eastern district of Virginia shall be and he is authorized to appoint a clerk of the district court to be held in Alexandria, whose duties shall be governed by the laws now in force, and whose office shall be kept in Alexandria, in such room or rooms as the said judge shall designate in the building now used as custom-house, post-office, and court-room; and that the clerk so appointed shall perform the duties of clerk of both circuit and district court, to be held in Alexandria, as provided by said third section, and shall be entitled to all fees and emoluments appertaining to said office.

The second section provides that the clerk so appointed shall keep

the records and files of all cases thereinafter brought within the sub-division thereinafter named and certify the same in manner already provided for by law; and that the subdivision referred to over which the said courts shall have jurisdiction shall contain the following counties of Virginia, namely: Lancaster, Northumberland, Richmond, Westmoreland, King George, Stafford, Culpeper, Fauquier, Prince William, Fairfax, Loudoun, and Alexandria; and that all process upon parties or in rem, residing or being in said counties, shall be made returnable to the said courts held in Alexandria or the clerk's

office, in manner and form now provided for.

The third section repeals all acts or parts of acts which are not consistent with the act, and provides that the act shall be in force

from its passage.

Mr. HUNTON. I desire to explain the object of the bill, and I am sure that no gentleman who understands it will object to its passage. There are now held in the city of Alexandria all the courts mentioned in this bill. There is a custom-house, or rather a public building, in which the courts hold their sittings; but, under the provisions of the law as it now exists, the papers in all suits tried in the city of Alexandria, whether in the circuit or district court, have to be kept in the city of Richmond.

When a court holds its session in the city of Alexandria those papers have to be transported from Richmond to Alexandria, and after the term closes have to be carried back from Alexandria to Richmond.

term closes have to be carried back from Alexandria to Richmond.

No processes can issue from the city of Alexandria. All processes to summon witnesses for causes to be tried in Alexandria have to be issued from and returned to the office in Richmond.

issued from and returned to the office in Richmond.

The object of the bill is to allow parties whose causes are to be tried in Alexandria to originate suits there, to issue their subpenas there, and to keep the papers in the cause there; and this will save not only vast trouble, but vast expense to suitors. It will not cost the Government one dollar.

Mr. HOLMAN. Is not the gentleman mistaken in this? I suppose the law might properly authorize the court of the District to appoint a deputy clerk to reside at Alexandria. I know it does allow that in many States. But I understand this bill to provide for the appointment of an independent clerk to reside at Alexandria, and of course ment of an independent clerk to reside at Alexandria, and of course that involves expenditure.

Mr. HUNTON. Not a dollar.

Mr. HUNTON. Why not?

Mr. HUNTON. Because the bill provides that this clerk shall be

paid by fees only.
Mr. HOLMAN. Mr. HOLMAN. Well, the same result follows, because after the salary of the clerk himself is provided for by fees, the balance of fees goes into the Treasury of the United States, if there be any balance. Here two clerks will, in fact, receive salaries up to a given amount, and of course a less balance will go into the Treasury.

Mr. HUNTON. But the Government gets no portion of these fees

Mr. HOLMAN. If none are paid into the Treasury now, of course it is a matter of no practical consequence.

Mr. HARRIS, of Virginia. I wish to ask my colleague [Mr. Hunton] if any of the counties embraced in this bill now belong to the

western district?
Mr. HUNTON. Not one.

Mr. HUNTON. Not one.

Mr. DURHAM. I wish to ask the gentleman a question. The existing law now requires that all the fees over and above \$3,500 shall be covered into the Treasury. Now, do you not by this bill create an additional office that will take out of the Treasury or prevent \$3,500 more of those fees from going into the Treasury?

Mr. HUNTON. There is no new office created that affects the Gov-

Mr. DURHAM. Still you are creating another office that may effect a contingency of that kind.

Mr. HUNTON. I know that; but it does not affect the Govern-

ment to the extent of a dollar. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read

the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

#### S. K. THOMPSON.

Mr. MacDOUGALL, by unanimous consent, from the Committee

on Military Affairs, reported back, with a recommendation that the same do pass, the bill (8. No. 160) for the relief of S. K. Thompson.

The question was upon ordering the bill to be read a third time.

The bill, which was read, authorizes the President to appoint Samuel K. Thompson to the rank of second lieutenant in the Army, with benefits of and credit for length of service as a commissioned officer in the Army prior to August 10, 1874, provided that no pay be given him for the period he was out of the service.

Mr. HOLMAN. I wish to reserve my point of order on this bill until there is some explanation given of it.

Mr. MacDOUGALL. I ask the Clerk to read the report of the Sen-

ate Committee on Military Affairs on this bill.

The Clerk read as follows:

Mr. Clayton submitted the following report, (to accompany Senate bill No. 160:)
The Committee on Military Affairs, to whom was referred the bill (S. No. 160) for
the relief of S. K. Thompson, late second-lieutenant Twenty-fifth United States
Infantry, have had the same under consideration, and submit the following report:
That they find that the Committee on Military Affairs of the Forty-third Congress submitted a report in this case on February 23, 1875, of which the following
is scony:

Infinitry, have had the same under consideration, and submit the following report:
That they find that the Committee on Military Affairs of the Forty-third Congress submitted a report in this case on February 23, 1875, of which the following is a copy:

"This officer was tried by court-martial in June, 1874, and sentenced to be cashiered. The court consisted of seven members, one of whom was allowed to act as counsel for the defendant; a proceeding admitted by all who have examined the case to be irregular. Four of the court afterward recommended Thompson to the elemency of the reviewing authority.

"Your committee have examined the court-martial proceedings and find the evidence to be contradictory, and much of it of a circumstantial nature; that the papers and affidavits filed by Thompson effectually disprove much of the evidence given before the court, and your committee can but think that if sufficient time had been allowed this officer to furnish the evidence to the court that has been placed before this committee, that the findings of that court would have been entirely different.

"Lieutenant Thompson had been in continuous service in the Army from the commencement of the late war, and had been promoted from the ranks for gallant and meritorious conduct, and at the close of the war was appointed a lieutenant in the regular Army. He furnishes testimonials from a great many officers with whom he served, all speaking of him in the highest terms. No charge was ever brought against him until this for which he was tried.

"In view of all the circumstances, your committee are of the opinion that Lieutenant Thompson is entitled to relief, and therefore report back the bill with amendments, and recommend its passage."

In this report and its recommendations your committee fully concur, and recommend the passage of the bill now under consideration, with an amendment. Your committee would also state that this bill passed the Senate on March 3. 1875, but failed to receive action in the House of Representatives.

Mr MacDOUGALL. I now call the previous question on the bill. The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading, and it was accordingly read the third time, and passed.

Mr. MacDOUGALL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on

the table.

The latter motion was agreed to.

NATIONALITY OF ENLISTED MEN IN THE UNITED STATES ARMY.

Mr. BANNING. I am instructed by the Committee on Military Affairs to report a statement showing the nationality of men enlisted in the United States Army from January 1, 1865, to December 31, 1874, and to move that it be printed and recommitted.

The motion was agreed to.

Mr. COX. I ask unanimous consent that the statement be also printed in the RECORD. It is not very long, and is very interesting.

There was no objection, and it was so ordered.

The statement is as follows:

Statement showing the nationality of men enlisted in the United States Army from January 1, 1865, to December 31, 1874, inclusive,

Nations.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	Totals.
Austria Australia Africa	71 6	91 12 2	95 4	38 2	47 5	80 2 1	52 4 1	45 2	38 2 1	24 2	581 41
Arabia At sea Argentine Republic	13	22	8	1 4	1 4 1	7	6	4	5	2	7
Belgium Brazil Canada	38 2 1,341	44 1 931	18 699	226	13 1 321	27 2 435	20 1 249	190	214	20 97	263 25 4, 703
Chna Cuba Denmark	1 98	1 5 109	2 86	31	1 2 51	3 93	73	58	67	53	17
Demerara England East Indies	5	1,601	1, 304 6	509 5	699 5	1, 133	548 7	654 1	573 3	249	9, 03
Egypt France Jermany Proece	329	314 4, 855 4	232 4, 241 4	104 1, 356 1	124 1, 930 1	164 2, 867 2	87 1, 429 1	93 1, 266	77 1, 110	69 575	1, 59 23, 12
Jibraltar Holland reland taly	38 7, 343 27	7, 813 25	40 6, 084 29	16 2, 350 28	3, 107 8	39 4, 525 28	50 2, 689 14	63 1, 924 13	48 1,716 11	18 1,098 15	39 38, 64 19
falta Jexico ova Scotia	6 64	1 11 83	3 74	2 26	2 2	3 47	20 51	7 63	18 42	8 40	8 49 34
Norway New Brunswick	32 86	66 99	83 57	17 22	25 23	66 46	15 55	20 66	19 48	33	

E. D. TOWNSEND.

Statement showing the nationality of men enlisted in the United States Army, &c.—Continued.

Nations.	1865.	1866.	1867.	1868.	1869.	1870.	1871.	1872.	1873.	1874.	Totals.
Newfoundland	9	23	10	4	6	1	3	5	5	- 2	68
New Zealand Poland	25	27	31			15		1			131
Poland	7	2	7	2	1	6	1	3	1	2	36
Portugal	i	1	1	1	2	3		2			11
Russia	20	45	19	6	10	19	7	6	5	4	141
South America,	1	6	9	2	1	1	1	4	2	2	22
Scotland	379 62	502 100	409 71	154 25	208 65	291 49	195 66	125 75	137 57	56 28	2, 456
Sweden	236	369	242	76	126	156	86	112	108	51	1, 563
Spain	35	23	34	8	14	11	5	7	2	3	143
Sandwich Islands			1			1					5
Turkey					******		******	1		*****	1
United States	12, 727	21, 121	18, 018	4, 507	7, 616	11, 396	6, 422	7, 268	5, 646	2, 345	97, 066
Wales	42 12	58 13	32 31	10	10 13	24 21	10	34 6	52 2	1	339 118
Total	28, 329	38, 454	31, 980	9, 572	14, 485	21, 567	12, 227	12, 172	10, 052	4, 821	183, 659

Adjutant-General's Office. Washington, D. C., February 9, 1876.

Adjutant-General.

#### ORDER OF BUSINESS.

Has the morning hour expired? Mr. JENKS.

The SPEAKER pro tempore. It has.

Mr. JENKS. Then I move that the House now resolve itself into Committee of the Whole for the purpose of considering the bills on the Private Calendar.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole on the State of the Union, Mr.

Cox in the chair.
The CHAIRMAN. The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the bills on the Private Calendar. This being the fourth Friday of the month, generally known as objection day, any bill not heretofore reached to which one objection is made will be passed over and not reported to the House. When a bill is reached which has heretofore been considered and passed over because of one objection, it will require objection by five members to be again passed over; otherwise it will be laid aside, to be reported favorably to the House.

#### RUTH ISABELLE NAYLOR.

The first bill on the Private Calendar was the bill (H. R. No. 1348) granting a pension to Ruth Isabelle Naylor, formerly objected to by Mr. Douglas.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ruth Isabelle Naylor, widow of Charles Naylor, late captain of Company F of the Second Regiment of Pennsylvania Volunteers in the war with Mexico, at the rate of \$20 per month from the 4th day of December, 1872.

There being no further objection, the bill was laid aside, to be re-

ported favorably to the House.

## HENRY SCHNETBERG.

The next bill on the Private Calendar was the bill (H. R. No. 216) granting a pension to Henry Schnetberg, of Indiana, Pennsylvania, formerly objected to by Mr. Douglas.

The bill directs the Secretary of the Interior to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Henry Schnetberg, a private in Company B of the Second Regiment of Pennsylvania Volunteers in the Mexican war,

from and after the passage of this act.

There being no further objection, the bill was laid aside, to be re-

ported favorably to the House.

### DE WITT C. SENTER.

The next bill on the Private Calendar was the bill (H. R. No. 1591) to pay De Witt C. Senter, of Tennessee, mileage and per diem for appearing under summons as witness before a committee of the Forty-

appearing under summons as witness before a committee of the Forty-first Congress, formerly objected to by Mr. Hoar.

The bill directs the Secretary of the Treasury to pay to De Witt C. Senter, of Jefferson County, Tennessee, the sum of \$124, compensation for mileage and per diem for appearing before the Committee on the Judiciary of the House of Representatives of the Forty-first Congress, upon claimant filing a receipt in full for all claim for compensation for said committee. said service

Mr. FORT. Ought not the reports accompanying these bills to be

The CHAIRMAN. The Chair does not understand that the reports

are to be read unless the reading is called for by some member.

Mr. BURCHARD, of Illinois. I ask that the report in this case be read. As I understand it, that does not waive the right to object to this bill afterward.

The CHAIRMAN. By no means. Objection can be made after the report has been read, and amendments will also be in order. The Clerk read the report, as follows:

The Committee on Claims, to whom was referred the petition of D. C. Senter, of Nashville, Tennessee, asking the payment of mileage and per diem as witness before a committee of the Forty-first Congress, beg leave to report:

That it appears from the affidavit of the claimant that he was summoned in

April, 1870, to appear before the committee of Congress on southern outrages; that he did so appear, and was in attendance five days; that he has never been paid for said service as witness nor made application previously therefor. The distance he traveled going and returning was fourteen hundred and sixty miles. He himself bore all the expenses of travel and subsistence, and the claim now made appears to be just. The committee therefore report the accompanying bill and recommend its passage.

There being no further objection, the bill was laid aside, to be favorably reported to the House.

#### HORACE GLOVER.

The next bill on the Private Calendar was the bill (H. R. No. 1592) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government, formerly objected to by Mr. Wilson, of Iowa.

Mr. PAGE. I call for the reading of the report.

The Clerk read as follows:

The Clerk read as follows:

The Committee on Claims, to whom were referred the papers in the claim of Horace Glover, for indemnity for property unlawfully seized and sold by the United States Government, after consideration of the same, report:

That, from information furnished by the Secretary of the Treasury, it appears that seizures of certain goods of Horace Glover were made on the 14th of October and 16th of November, 1871, by George J. Stannard, then collector of customs for the district of Vermont, under authority of the act of Congress of July 28, 1866, to prevent sunggling, and for other purposes, for alleged violation of the revenue laws. Under the provisions of section 15 of said act, the goods were sold by said collector, the net sum of \$385.85 being realized from the sale. Suits for forfeiture were prosecuted in the district court of Vermont, and verdicts found and judgments entered against the United States. Collector Stannard proved to be a defaulter, and has never accounted for this money, which he received, to the Government, in whole or in part. Application for restitution has been made to the Treasury Department by F. D. Butterfield, assignee of Horace Glover, and the claim is deemed just by the Department and would be allowed and paid; but, in asmuch as the proceeds of the sale, which constitute the fund out of which restitution might by law be made, by the collector's default have never been paid into the Treasury, no fund is now available for the payment.

Under these facts, the citizen having been wrongfully deprived of his property by an officer of the Government acting within the scope of his authority, the judgment of the committee is that reparation is due from the Government, and they report the accompanying bill with the recommendation that it pass.

Mr. BURCHARD, of Illinois. I would like to ask the gentleman

Mr. BURCHARD, of Illinois. I would like to ask the gentleman from Massachusetts, [Mr. Tarbox,] who reported this bill, if it proposes to pay the amount for which the property was sold or what was the actual value of the property?

Mr. TARBOX. The amount only which was received by the Gov-

ernment from the proceeds of the sale.

There being no further objection, the bill was laid aside, to be reported favorably to the House.

## LAND CLAIMS IN MISSOURI.

The next bill on the Private Calendar was the bill (H. R. No. 819) to confirm certain land claims in the State of Missouri, formerly objected to by Mr. DUNNELL.

Mr. DUNNELL. I call for the reading of the report.

The report was read.

Mr. DUNNELL. Mr. Chairman, I have not the report before me,

The CHAIRMAN. The gentleman must be aware that debate is

The CHAIRMAN. The gentleman must be aware that debate is not in order on objection day.

Mr. HOLMAN. Was this bill objected to on a former day?

The CHAIRMAN. Yes, sir; so the record shows. And the question now is whether the objection is sustained by five members.

Mr. KASSON. Do I understand the Chair to say that no debate is

The CHAIRMAN. No debate is in order in the consideration of these bills in Committee of the Whole on objection day.

Mr. KASSON. I deem it necessary to ask some questions about this bill; and, if that cannot be allowed, I must concur in the objection

already made.

Mr. BUCKNER. I reported this bill from the Committee on Private
Land Claims, and I am prepared to answer any questions.

Mr. HOLMAN. If that be allowable in the Committee of the Whole at this time, I hope it may be done.

The CHAIRMAN. The Chair must decide that it is not allowable. The very object of objection day is to preclude debate.

Mr. DUNNELL. I hope, then, that my objection will be sustained

by a sufficient number.

Mr. FORT. Unless the bill be explained I must object to it.

The objection being renewed by five members, the bill was not laid

aside to be reported to the House.

Mr. GLOVER. I wish to inquire how often objections can be made on private bills. The next bill on the Calendar, House bill No. 29, was objected to on the last objection day. Can objection again be mide to day?

The CHAIRMAN. The Clerk will read the rule applicable to these cases, and the Chair hopes gentlemen will give it their attention.

The Clerk ead as follows:

On the first and fourth Friday and Saturday of each month the Calendar of Private Bills shall be called over, (the chairman of the Committee of the Whole House commencing the call where he left off the previous day,) and the bills to the passage of which no objection shall then be made shall be first considered and disposed of. But when a bill is again reached, after having been once objected to, the committee shall consider and dispose of the same, unless it shall again be objected to by at least five members.—Ru'e 129.

### FIRST LIEUTENANT HENRY JACKSON.

The next bill on the Private Calendar was the bill (H. R. No. 29)

The next bill on the Private Calendar was the bill (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army, formerly objected to by Mr. Wilson, of Iowa. The bill was read. It provides that the proper accounting officers of the Treasury Department be authorized and directed to credit First Lieutenant Henry Jackson, Seventh Cavalry, United States Army, property and disbursing officer in the Signal-Service, in his account with the United States with the sum of \$1.271.34 being the count with the United States, with the sum of \$1,271.34, being the amount paid by him as property and disbursing officer in the Signal-Service to Matt France and George M. Brown, citizens of Colorado Springs, Colorado Territory, on false vouchers, and to David H. Sackett, sergeant in the Signal-Service, United States Army, on false

receipts presented by him.

There being no further objection, the bill was laid aside, to be reported favorably to the House.

#### ELIZABETH B. DYER.

The next bill on the Private Calendar was the bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late a brigadier-general and Chief of Ordnance, United States

Army, formerly objected to by Mr. WILSON, of Iowa.

The bill was read. As amended by the Committee on Invalid Pensions, it directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadiergeneral and Chief of Ordnance, United States Army, and pay her a pension at the rate of \$50 per month from and after the passage of the act.

There being no further objection, the bill was laid aside, to be reported favorably to the House.

## HEIRS OF JAMES B. ARMSTRONG.

The next bill on the Private Calendar was the bill (H. R. No. 191) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873, formerly objected to by Mr. Fort.
Mr. BAKER, of Indiana. I call for the reading of the report.

The report was read.

Mr. HOLMAN. I do not think this bill should pass without further explanation. I must therefore object.

Mr. FORT. I also object. I simply want to know why the Senate

cut down the amount.

The CHAIRMAN. Debate is not in order.

Objection to the bill being renewed by five members, the bill was not laid aside to be reported to the House.

# WILLIAM H. NESSLE.

The next bill on the Private Calendar was the bill (H. R. No. 37) for the relief of William H. Nessle, formerly objected to by Mr. WILson, of Iowa.

As amended by the Committee of Claims, it directs the Secretary of the Treasury to pay to William H. Nessle the sum of \$500, in full satisfaction for services performed by him at the request of the Attorney-General in an investigation of expenditures of the marshal's office in the western district of Arkansas, pursuant to a resolution of the House of Representatives adopted June 9, 1874.

Mr. BURCHARD, of Illinois. I call for the reading of the report.

The report was read, as follows:

The report was read, as follows:

This is a bill for the relief of William H. Nessle, a clerk in the First Auditor's Office for the Treasury Department. The relief sought is additional compensation for services performed in assisting in an investigation of alleged frauds committed by the deputy marshals in the western judicial district of Arkansas. The petitioner claims that in the discharge of these duties the labor performed by him was very much more arduous than that required by his ordinary position in the Department, and that in the performance of the same he incurred personal risk and expenses burdensome and unusual for a departmental clerk. He was receiving a salary of \$1,400 per annum, the compensation of a second-class clerk, out of which these extra expenses had to be paid.

Upon an examination of the proofs submitted the committee find that the House of Representatives of the Forty-third Congress ordered the above investigation to be made. Pursuant to that order the Attorney-General appointed Mr. Benjamin T. Duval as assistant to the district attorney for the western district of Arkansas, and at the request of the Attorney-General Mr. Nessle was detailed as special messenger,

with papers and vouchers from the Department, and ordered to report to the attorneys at Fort Smith. The matter to be investigated embraced charges of fraud against the ex-United States marshals in that district. The time and purpose of his visit seemed to have been understood by these ex-marshals and their friends, as attempts were made to capture the papers while en route. This fact increased his personal risk. The stages that he was expected to have been on were stopped by armed men and overhauled, so determined were the parties to capture the papers. These facts being communicated to the district attorney, Mr. Nessle was ordered to return with them to Saint Louis and then to Washington. Subsequently leaving Washington quietly, carrying a part of the papers and forwarding the remainder, he succeeded in reaching Fort Smith in safety with such documentary proof as enabled the district attorneys, with the help of Mr. Nessle, to gather information which led to the detection of extensive frauds and by which the Government was saved several thousand dollars. sand dollars.

detection of extensive frauds and by which the Government was saved several thousand dollars.

For further proof to substantiate the claim, the committee's attention has been called to the report of Mr. Duval, who conducted the investigation, which is found to be Executive Document No. 175, second session Forty-third Congress. On page 4 he says: "The old deputy marshals had been induced to believe that it was a blow aimed at them, by which they would be subject to indictment and punishment. An effort was made to capture and destroy the papers after their arrival at Muscogee, in the Indian Territory." Again, on page 26 of the report, he says: "I have had, throughout this investigation, the earnest, fearless, and indefatigable assistance of Mr. William II. Nessle, of the Comptroller's Office of the Treasury Department. He willingly discharged the additional labor devolved upon him in this matter. Leaving the comforts of home and comparatively light duties of his position, he patiently worked night and day with me, under circumstances where a man of loss nerve and integrity would have fallen. He was at all times faithful to the Government, and performed his duties undeterred by threats of personal violence and uninfluenced by flattery or persuasion. \* \* For the valuable service rendered in this matter he ought to receive liberal compensation, inasmuch as he has incurred expenses which he would not have incurred in his ordinary position, and which he has been obliged to pay out of his salary."

After a careful examination of all the facts as stated by the petitioner, and the proofs substantiating the same, the committee are of the opinion that some relief should be afforded, and hereby report back the bill with an amendment, and, when so amended, recommend that it do pass.

No further objection being made, the bill was laid aside, to be re-

No further objection being made, the bill was laid aside, to be re-

ported favorably to the House.

The CHAIRMAN. The bills heretofore objected to have been disposed of. The Committee of the Whole will now proceed to the consideration of the remaining bills on the Calendar, no bill to be laid aside for a favorable report if any one member objects.

## ANTHONY LAWSON.

The next bill on the Private Calendar was the bill (H. R. No. 1807)

for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Virginia.

The bill was read. It directs the Secretary of the Treasury to pay to Anthony Lawson, the surviving partner of Lawson & Brewis, or to his assignee or personal representative, without interest, the amount of the proceeds of sale, for direct taxes due to the United States, as aforesaid, of the lot of land on Commerce and West streets, in the city of Alexandria, and State of Virginia, sold to L. E. Chittenden, and evidenced by direct-tax sale certificate No. 57, dated February 1, 1865; also, of a lot in the same city, on Washington street, No. 39, sold to Peter G. Henderson, and evidenced by a like certificate, No. 58, and of same date with the previous one; also, of a lot in the same city, on Royal street, No. 45, sold to Henry F. Davis, and evidenced by a like certificate, No. 59, and of same date with the previous one; also, of a lot in the same city, on Cameron street, on which are erected two houses, numbers 67 and 69, sold to Henry F. Davis, and evidenced by a like certificate, No. 60, and of same date with the previous one; also, of a lot in the same city, on Commerce street, extending back to Payne street, sold to C. W. Campbell, and evidenced by a like certifi-cate, No. 62, and of same date with the previous one; less, in each case, all the taxes, costs; and legal charges accrued by reason of the sale thereof. Upon the payment of the several sums thereby authorized and directed to be paid, Lawson, his assignee or personal representatives, is to execute and deliver to any person or persons claiming title under the said sale for the non-payment of direct taxes under the laws aforesaid a valid deed of quitelaim or release of all title, right, claim, or demand, by reason of the previous ownership of said property by the said firm of Lawson & Brewis, and is to produce the evidence thereof and file the same with the Secretary of the Treasury, unless the same shall be rendered unnecessary by the title being revested in the said Lawson & Brewis, or either of them, by deed or otherwise, from those so claiming under the said tax sale.

The report was read, as follows:

The report was read, as follows:

The committee find that certain lots of land in the city of Alexandria, Virginia, were assessed for direct taxes under the law of Congress approved June 7, 1862, entitled "An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes," as the legal property of Anthony Lawson and Thomas A. Brewis, partners under the name and style of Lawson & Brewis, and that default being made in the payment of the taxes assessed thereon, the same were sold under said laws to sundry parties, and deeds executed therefor. The proceeds of sale were paid into the Treasury, and were largely in excess of the direct taxes, costs, and legal charges accrued thereon by reason of the sale thereof as aforesaid.

Under the laws of the United States the original owners are entitled to the avecase.

as aforesaid.

Under the laws of the United States the original owners are entitled to the excess of proceeds, and Thomas A. Brewis having departed this life, the legal right to demand said excess has accrued to Anthony Lawson, the surviving partner of the late firm of Lawson & Brewis.

It appears that all of the lots mentioned in the bill reported by your committee have been repurchased from those who claim under the tax sales aforesaid by said Lawson & Brewis, so that no quitclaim or release deeds are necessary to be executed in order to confirm the titles under said sales.

Your committee therefore report the accompanying bill, with a change of title and like change of provisions from the bill referred to the committee, in view of the legal rights of the said Anthony Lawson as surviving partner of the firm of Lawson & Brewis.

There having no chiestion the bill was laid saids to be represented for

There being no objection, the bill was laid aside, to be reported favorably to the House.

### DANIEL WORMER.

The next bill on the Private Calendar was the bill (H. R. No. 1808)

The lief of Daniel Wormer, of Albany, New York.

The bill was read. It directs the Secretary of the Treasury to pay to Daniel Wormer, of Albany, New York, \$3,500, in full compensation for expenses incurred in carrying out a contract with the United States to furnish twelve hundred cavalry horses.

The report was read, as follows:

On the 26th February, 1864, the claimant entered into a contract with James A. Ekin, the chief quartermaster of the Cavalry Bureau, whereby he agreed to have delivered at the Government stables at Saint Charles, Illinois, on or before the 26th of March following, twelve hundred cavalry horses of the description and quality

of March following, twelve hundred cavalry horses of the description and quanty specified.

It was also agreed that the horses, upon being delivered, should be examined and inspected without unnecessary delay.

At once, upon the execution of the contract, Wormer telegraphed his agents who had helped him about filling previous contracts to purchase horses to fill this contract. They proceeded at once to do so. Wormer went to Saint Charles for the purpose of executing his obligation under the agreement, when he learned, for the first time, that an order had been promulgated, after the date of his contract, changing in several essential particulars the method of inspection of the horses and the conditions on which they should be accepted.

By this new order, which it became necessary very soon to revoke, all horses not accepted were to be branded so as to indicate their rejection; and instead of remaining in the hands of the contractor or owner until inspected, they were to be turned into the inspection-yard of the Government at least twenty-four hours before their inspection.

turned into the inspection.

Under the terms of this order it was found impossible to fill the contract. The owners and subcontractors refused to supply or sell horses upon the condition that, if rejected, they were to be permanently disfigured and materially debased in value, and to take the risk of turning their borses into a common yard with multitudes of other horses, whereby they might contract incurable diseases or be seriously injured.

of other horses, whereby they might contract incurable diseases or be seriously injured.

Under these circumstances, Mr. Wormer appealed to the chief of the Cavalry Bureau to be allowed to fill his contract free from the medifications of the new inspection, but was peremptorily refused.

Shortly after the order was revoked and its author dismissed the service.

The claim is for damage sustained by said Wormer by reason of the violation of the contract and agreement on the part of the Government.

The committee are satisfied that Wormer actually paid out and disbursed large sums of money in the part performance of his contract, all of which sums were entirely lost to him by reason of the conduct of the United States authorities in refusing to permit the contract to be carried out on its original terms. He also, without doubt, failed to realize a considerable profit which would have accrued from the performance of his contract, and has been put to great expense and loss in attempting to obtain re-imbursement from the United States. These two subjects of loss the committee, however, see no way to allow, but they think Mr. Wormer is clearly entitled to be repaid his actual outlay while engaged in the attempt to perform his contract. This sum the Committee on War Claims of the last House fixed at \$4,500, and reported a bill for the payment of that sum. Your committee cannot find sufficient evidence that Mr. Wormer's payments amounted to that sum, but recommend the allowance of \$3,500 as warranted by the facts of the case. They therefore report the accompanying bill as a substitute for House bill No. 116 and recommend its passage.

There being no objection, the bill was laid aside, to be reported

There being no objection, the bill was laid aside, to be reported favorably to the House.

### PRIVATE LAND CLAIMS IN NEW MEXICO.

The next bill on the Private Calendar was the bill (H. R. No. 344) to confirm certain private land claims in the Territory of New Mexico.

Objected to by Mr. Piper.

### ANDREW WILLIAMS.

The next bill on the Private Calendar was the bill (H. R. No. 859)

for the benefit of Andrew Williams, of Weakley County, Tennessee.

The preamble recites that there issued from the General Land Office of the United States on the 15th day of December, 1859, a patent to B. R. McNabb for the west half of the northwest quarter of section 35, township 36, range 30, in the district of lauds then subject to sale 35, township 36, range 30, in the district of lands then subject to sale at Warsaw, Missouri, containing 80 acres; and on the same day there issued to the said B. R. McNabb a patent for the east half of said quarter section of land; that both of said half quarter sections of land have been sold and conveyed by said McNabb to Andrew Williams, now of Weakley County, Tennessee, and the said McNabb is now dead; that there had, previous to the date of the issual of the patents aforesaid, issued to other parties, namely, Nathan Smally and Barnabas Cochran, patents for the identical same land above described and the parties last named are now in possession thereof. described, and the parties last named are now in possession thereof, claiming the same under their patents.

The bill then provides that the Commissioner of the General Land

Office be directed to issue to said Andrew Williams two land warrants for eighty acres each, in lieu of land warrants numbered 32716 and 43008, the first of which was issued to Martha McNabb, widow of John W. McNabb, and the latter to Rebecca Skaggs, widow of Charles Skaggs, and which were located upon the land above described.

The following amendment was reported by the committee:

Strike out in line 3 the words "the Commissioner of the General Land Office," and insert in lieu thereof the words "the Commissioner of Pensions."

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do passs

## ANDERSON J. SMITH.

The next bill on the Private Calendar was the bill (H. R. No. 597) for the relief of Anderson J. Smith.

The bill, which was read, directs the Paymaster-General of the Army to pay Anderson J. Smith, late of Company A, One hundred and thirtieth Regiment of Illinois Volunteer Infantry, the pay and allowances of an assistant surgeon in the Army from May 6, 1864, to the

date of his muster-out of service, on the 17th day of June, 1865, deducting whatever pay he received for said term as sergeant, and that such payment shall be made out of any money appropriated for the pay of the Army.

pay of the Army.

It appears from the report that Anderson J. Smith, then a sergeant in Company A, Seventy-seventh Illinois Volunteers, was captured, in the line of his duty, on the 8th day of April, 1864, and detained as a prisoner of war at Camp Ford, in Texas, until the 17th day of May, 1865; that during this time he rendered valuable service as a physician and surgeon to the United States prisoners at that place.

He was commissioned by Governor Yates, of Illinois, first lieutenant of Company A, of the One hundred and thirtieth Illinois Volunteers, on the 29d day of July 1864 with rank from May 6, 1864 but owing

on the 22d day of July, 1864, with rank from May 6, 1864, but, owing to the fact that he was detained as prisoner, never received his commission. That he has been honorably discharged from service.

As he was unable to perform the duties of first lieutenant, by rea-

son of confinement as prisoner, and did voluntarily and ably perform the duties of assistant surgeon, the committee consider that he is en-

titled to pay as such, and report accordingly.

There being no objection, the bill was laid sside, to be reported to

the House with the recommendation that it do pass.

#### WILBER F. CHAMBERLAIN.

The next bill on the Private Calendar was the bill (H. R. No. 81) for the relief of Wilber F. Chamberlain, of Lewis County, Missouri.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Lieutenant Wilber F. Chamberlain, late sergeant of Company G, Twenty-ninth Regiment Ohio Volunteers, out of any money in the Treasury not otherwise appropriated, the amount of pay and allowances of a second lieutenant of infantry from the 24th day of June, 1863, to the 11th day of June, 1864, less the amount received by him as a sergeant of said regiment for the period above named.

named.

It appears from the report that the evidence shows that Wilber F. Chamberlain was enrolled and mustered as Wilber Chamberlain, at Jefferson, Ohio, as a private in Company G, Twenty-ninth Regiment Ohio Volunteers, on the 30th day of September, 1861. It appears from the "statement of service," furnished by the Adjutant-General of the Army, that the said Chamberlain was "a prisoner of war since May 3, 1863, commissioned as second lieutenant, to rank from January 24, 1863, but not yet mustered. Reported prisoner of war to October 31, 1863. November and December, 1863, present."

The commission of Lieutenant Chamberlain bears date from February 1864, present of the commission of Lieutenant Chamberlain bears date from February 1864.

The commission of Lieutenant Chamberlain bears date from February 18, 1863, to give him rank from January 24, 1863. He was not mustered, because he was either a prisoner or suffering from wounds. On the 1st of October, 1863, the following order was issued:

[Special Orders No. 440.—Extract.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE, Washington, October 1, 1863.

Leave of absence is hereby granted the following officers: \* \* \*
Second Lieutenant Wilber F. Chamberlain. Twenty-ninth Ohio Volunteers, for three days, for the purpose of being mustered out of one rank into another. \* \* \*
By order of the Secretary of War.

E. D. TOWNSEND, Assistant Adjutant-General. HEADQUARTERS CAMP PAROLE, Near Annapolis, Maryland, October 4, 1863.

Official copy.

ADRIAN R. ROOT, Colonel Ninety-fourth Regiment New York Volunteers, Commanding Camp Parole, Maryland.

Lieutenant Chamberlain presented himself to Major Wharton, at Baltimore, for muster, upon the above order, but Major Wharton de-clined to muster Lieutenant Chamberlain. In October, 1863, he was ordered to proceed to Nashville, Tennessee, with a detachment of

The following order was directed to him at Nashville:

HEADQUARTERS UNITED STATES FORCES, Nashville, Tennessee, November 10, 1863.

LIEUTENANT: You will immediately report yourself in person to Colonel Jones, One hundred and fifty-fourth New York Infantry, at the convalescent barracks, who will place you in command of a detachment of men belonging to the second division, Twelfth Army Corps, with whom you will proceed to the headquarters of the corps, receipting to Colonel Jones for the ordnance stores and camp and garrison equipage in their possession.

By order of Brigadier-General Robert Granger:

W. F. ROOTH

W. E. BOOTH,
First Lieutenant Forty-first Ohio, Acting Aid.
Twenty-ninth Ohio Volunteers.
The evidence is clear that M.

The evidence is clear that Mr. Chamberlain acted as and performed the duties of second lieutenant; that he was commissioned as such, and that there was a vacancy, but failed to be mustered on account of being a prisoner, on account of sickness, and on account of duties which took him away from where mustering-officers were stationed.

The committee, therefore, recommend the passsage of the accom-

panying bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

## COMPANY C, SIXTH UNITED STATES CAVALRY.

The next business on the Private Calendar was the joint resolution (H. R. No. 58) authorizing an issue of clothing to certain enlisted men of Company C, Sixth United States Cavalry.

The joint resolution, which was read, authorizes the Secretary of War to issue to certain enlisted men of Company C, Sixth Regiment War to issue to certain enfisted men of Company C, Sixth Regiment United States Cavalry, clothing in lieu of, and equal in amount to, that lost by them at the fire which occurred in camp on Washita River, Texas, on the 15th day of April, 1875, as shown and recommended by the board of survey convened at camp on Washita River, Texas, on the 15th day of April, 1875, by orders dated "Headquarters camp on Washita River, Texas," of date of April 15, 1875.

It appears from the report that the five soldiers named in the com-

nunication of the Secretary of War, on the 15th day of April, 1875, at camp on Washita River, Texas, while in the proper discharge of their duties and acting under the orders of their commanding officer, Captain D. Madden, of the Sixth United States Cavalry, and engaged in extinguishing a prairie fire to protect public property, suffered a loss of their own clothing, consisting, by the report of a board of survey, of five overcoats, two blouses, one forage-cap, one pair of trousers, one pair of boots, one shirt, one pair of drawers, one pair of stockings, one pair of overalls, and two woolen blankets.

The loss under the circumstances above stated is abundantly proved

by testimony taken before a board of survey and by the certificate of Captain Madden. But the Judge-Advocate-General of the Army, to whom the case was referred by the War Department for a legal opinion, whether the case came within the provisions of paragraph 55, amended Army Regulations, while conceding that the clothing "was not lost by any fault of the men," gives his opinion that "the loss was not the immediate consequence of orders given," but "was occasioned by the violence of the elements," and that paragraph 55 was not intended "to indemnify the soldier against the operation of a vis major or actus Dei;" therefore the Judge-Advocate-General decides that "relief can only be afforded (as it has frequently in fact been afforded) by special act of Congress."

by special act of Congress."

There being no objection, the joint resolution was laid aside, to be reported to the House with the recommendation that it do pass

### MARY W. JONES.

The next bill on the Private Calendar was the bill (H. R. No. 744) to increase the pension of Mary W. Jones.

Mr. BAKER, of Indiana. I object.

Mr. HUNTON. I am sure the gentleman from Indiana will not insist on his objection to this bill if he will allow me to make a brief statement.

The CHAIRMAN. This being objection day in Committee of the Whole House, debate is not in order.

Mr. HUNTON. I ask unanimous consent merely to say that this is a poor lady, a Union woman during the war, whose property was destroyed by Federal soldiers. Her husband was a victim of the war of 1812, and her son of the war of 1861-'62, both serving the Federal Government. She asks the Government now to increase her pension from \$20 to \$50. I ask the gentleman to withdraw his objection.

The CHAIRMAN. Debate is not in order.

Mr. BAKER, of Indiana. I have no doubt this is a meritorious case; but there are many others, and I would like to see them all pro-

vided for. I am compelled, however, to insist on my objection.

### MORRIS DWIGHT.

The next bill on the Private Calendar was the bill (H. R. No. 682)

granting a pension to Morris Dwight.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Morris Dwight, depend-ent father of Colonel A. W. Dwight, late colonel of the One hundred and twenty-second Regiment of New York Volunteers, and pay him

And twenty-second Regiment of New York Volunteers, and pay him a pension from and after the passage of the act.

It appears from the report, which was read, that the late Colonel A.

W. Dwight was killed in the service of his country as a soldier at the battle of Fort Steadman on the 25th day of March, 1865. His father and mother are both living, but for about forty years have lived in and mother are both fiving, but for about forty years have fived in a state of separation. The son performed, prior to his death, his filial duty alike to both, but by his will left his estate to his mother, who is amply provided for. At the time the son made his will, his father, Morris Dwight, who is now about eighty years old, was the prospective heir to certain property in Virginia, which would have placed him also out of reach of want, and this consideration prevented the son from making provision for his father by will. The property which the father would have received hes been lest without the default of the father would have received has been lost without the default of the father, and he is now left in his old age almost penniless. Had the son lived, the father would not thus have been left in want, and as the son's death was for his country, the country should discharge, on account of the services and wounds of his son, this debt.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

# LYDIA A. MORRIS.

The next bill on the Private Calendar was the bill (H. R. No. 1460)

granting a pension to Lydia A. Morris, widow of the late John K. Morris, Company A, Fifth Ohio Volunteer Cavalry.

The bill, which was read, authorizes and directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Lydia A. Morris, widow of the late John K Morris Cavanay A Fifth Ohio Volunteer of the late John K. Morris, Company A, Fifth Ohio Volunteer Cavalry, to take effect on and after the date of her said husband's death, as

appears from evidence on file in the Pension Department, in application No. 50829.

It appears from the report, which was read, that John K. Morris was enrolled in said company and regiment September 10, 1861. That on the 28th day of February, 1864, said Morris, with some comrades, attended a prayer-meeting near the camp, and inside the Union lines, and on his return to camp fell into an open well, with two other men, and was drowned. Both his captain and lieutenant swear that he was drowned in the line of duty.

The committee further find from the evidence that said soldier left surviving him the petitioner his wildow and one legitimate child. John

surviving him the petitioner, his widow, and one legitimate child, John

K., born August 1, 1862.

They further find that the application is fully sustained by the evidence, and therefore report said bill back and recommend its passage.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

#### JOHN A. STEWART.

The next bill on the Private Calendar was the bill (H. R. No. 1809)

The next bill on the Private Calendar was the bill (H. R. No. 1809) granting a pension to John A. Stewart.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of John A. Stewart, late a private of Company A, Sixty-first Regiment of Pennsylvania Volunteers, and pay him a pension at the rate of \$36 per month, in lieu of the pension which he is now receiving.

It expenses from the report which we read that the Committee on

It appears from the report, which was read, that the Committee on Invalid Pensions, being in session Friday, the 25th of January, 1876, one of their regular days of meeting, John A. Stewart, late a private of Company A, Sixty-first Pennsylvania Volunteers, presented himself before the committee and made application for an increase of his pension; whereupon the committee had a medical examination of the applicant made in their presence by Dr. Hood, medical referce of the ension-Office, who reported two specific permanent disabilities, one a loss of the left arm near the shoulder, and the other a loss of the third finger and third knuckle of the right hand, which induced an ulcer in the right shoulder, by which the right arm is two-thirds disabled. The applicant now receives a pension for the loss of his left arm of \$24 per month, and asks an increase of his pension for the disarm of \$24 per month, and asks an increase of his pension for the disability of his right arm of \$12 per month. The applicant was twice shot through the left arm and once through the right hand. Both his shoulders are very greatly shrunk and wasted away, and his general health is not good. All the injuries named were received by the applicant in the line of his duty as a soldier. Your committee therefore report in favor of granting his request, and recommend that the accompanying bill be passed for his relief.

There being no objection, the hill was laid aside to be reported to

There being no objection, the bill was laid aside, to be reported to

the House with the recommendation that it do pas

# ELIZABETH R. HULL.

The next bill on the private Calendar was the bill (H. R. No. 1810)

granting a pension to Elizabeth R. Hull.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension-laws, the name of Elizabeth R. Hull, widow of William Hull, late a private in Company D, Seventh Regiment of

Kentucky Cavalry Volunteers.

It appears from the report, which was read, that the committee have carefully considered all the evidence in the case, and find that deceased was enrolled August 18, 1862, as a private in Company D, Seventh Regiment Kentucky Cavalry Volunteers. That he, with other comrades, about the middle of November, 1863, without permission, went to a dance some two miles from camp, and were arrested and sent to military prison at Nashville, Tennessee. That while in prison he was attacked with inflammation of the pleura, and was sent to prison hospital, and died there of that disease December 8, 1863.

That none of his comrades, who were arrested at the same time, were ever court-martialed or punished for the same offense, but were returned to duty, as he would have been but for his sickness and death. The committee further find that the applicant is the widow of deceased, and that he left two legitimate minor children, as stated in her application. The committee are satisfied from the evidence that the soldier died of disease contracted in the service and in the line of duty, and therefore report the accompanying bill as a substitute for the bill (H. R. No. 242) and recommend the passage of the saure.

There being no objection, the bill was laid aside, to be reported to

the House with the recommendation that it do pass,

## WILLIAM T. SIMMS.

The next bill on the Private Calendar was the bill (H. R. No. 362)

granting a pension to William T. Simms.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William T. Simms, late first lieutenant of Company E, Eighty-second Regiment New York Volunteers, and pay him a pension for permanent and total disability of the first class from and after the passage of this act. It appears from the report, which was read, that at the battle of the

Wilderness, May 6, 1864, Major Simms was first lieutenant and aid-de-camp to General Alexander S. Webb, commanding First Brigade,

Second Division, Second Army Corps. In said battle said Simms received a gun-shot wound in the left side of the head, the ball penetrating the mastoid-process bone, destroying the facial nerve and hearing on left side of his head or of left ear, producing facial paralhearing on left side of his head or of left ear, producing facial paralysis of left side of head and of right side of body, disabling the right arm and hand and power over the right leg and foot. The surgeons examining said Simms place him in total second grade, incapacitated for obtaining his subsistence by manual labor. In an examination had before M. K. Hogan, examining surgeon, on June 3, 1874, it is stated that the disability is permanent and will increase. It is further stated that the paralysis and atrophy of the muscles supplied by left facial nerve have increased. The disabilities of the applicant are so complex and aggravated that, in the lauguage of M. K. Hogan, they nearly approached in March, 1871, the definition of total of the first grade, and will increase. The same surgeon, in June, 1874, says the dynesthesia of left side of head and face has increased. The paralysis of arm and leg has not perceptibly increased since March, paralysis of arm and leg has not perceptibly increased since March, 1870. This is certainly owing to the great care and good treatment received by claimant. The shortening and deformity of right foot and hand have increased slightly; for purposes of labor are nearly equivalent to loss. The claimant requires almost constant attention and close watching; closely cared for and constantly followed. Surgeon Ferguson says for purposes of manual labor the disability is equivalent to the loss of two limbs; is incurable, and will increase. Dr. Agnew says, in June, 1874, that he had examined Colonel W. T. Simms, and found that he had total paralysis of his seventh pair (facial nerve) in left side; that his left ear is totally deaf; that he is unable to close his left eye in consequence of paralysis of his orbicularis, and that his vision in his left eye is gradually becoming impaired, in consequence of his inability to close the eye. Dr. Brown-Sequard says, on May 20, 1874, for nearly two years Lieutenant-Colonel W. T. Simms has been under his professional care. He is paralyzed of right limbs and of left ear and left side of the face, and the lesions of the cranium and the brain, that have caused and now maintain the paralysis of these various parts, are such that there is no possibility of his ever being cured. There is no doubt whatever that the patient, who has had to be under medical treatment all the time since he was wounded, will for the rest of his life be an invalid, needing constant nursing and medical attention. Few cases, indeed, present such a statement of facts as this; and because of its singularity in such prominent, positive, and permanent disabilities, increasing with the years, the claimant should be increased to first grade, and the committee so recommend.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

### FRANCIS BERNARD.

The next bill on the Private Calendar was the bill (H. R. No. 42)

granting a pension to Francis Bernard.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Francis Bernard, late a private in Company K, of the Forty-ninth Regiment Ohio Volunteers, and pay him a pension from the passage of this act.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

### FANNIE E. RECORDS

The next bill on the Private Calendar was the bill (H. R. No. 1811) granting a pension to Fannie E. Records.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fannie E. Records, widow of Albert B. Records, late a private in Company G, of the Fifteenth Regiment of Maine Volunteers.

It appears from the report, which was read, that the applicant is the widow of Albert B. Records, deceased, who was a private in Company G, Fifteenth Regiment of Maine Volunteers, in the war of the rebellion. That he enlisted on the 24th of October, 1861, for three years, unless sooner discharged, and was regularly mustered into service on the 20th of the following December. That he was a good soldier, and served faithfully till he was honorably discharged on the 28th of December, 1864. That he was with his regiment on duty most of the time in Louisiana and Texas, and was greatly exposed to the hot, humid climate of Louisiana and to the malaria arising from the flats and marshes of that State; and while there was attacked with and suffered much from diarrhea, in the spring and summer of 1852. In the fall of 1863 had intermittent fever, and was sent to Saint James Hospital, where he underwent medical treatment, and in about two months was able to join his regiment again. In June, 1864, he was again attacked with the same fever, and in July following was sent to the general hospital, from which he was finally discharged in December, 1864. When discharged, he was in a very feeble condition, and so continued to his death. In that interval he had several attacks of fever, diarrhea, and pneumonia, and died of consumption on the 3d of December, 1870.

The application was rejected because it did not clearly show that the disease of which he died was contracted while in the line of duty. While it does not appear that he had consumption while in service, yet the facts in the case show, beyond doubt, that his constitution was undermined and his health was broken down by exposure while in the line of duty, from the effects of which he never recovered; that his feeble condition rendered him liable, if it did not invite, pulmonary attacks, and made him an easy victim to the disease of which

The committee is, therefore, of opinion that the disease of which he died, though not directly contracted while in service, was a necessary result, and clearly traceable to the exposure he underwent while in the line of duty. They therefore report favorably and recommend the

passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported to House with the recommendation that it do pass.

#### DAVID J. GARRETT.

The next bill on the Private Calendar was the bill (H. R. No. 111) granting a pension to David J. Garrett.

The bill, which was, read authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David J. Garrett, late a private in Company C, Ninth Iowa Cavalry.

It appears from the report, which was read, that on the 5th day of Angust, 1863, David J. Garrett, then a healthy man, enlisted in the service of the United States as a private in Company C, Ninth Regiment of Iowa Cavalry Volunteers, to serve three years or during the

That in the month of December, 1863, the said Garrett, while in the service of the United States, was taken with the measles, and before he had entirely recovered therefrom he was exposed in a snow-storm, while on guard duty in said service, and caught cold; the disease then attacked his eyes, and they became so affected that in the month of June, 1864, catarrhal ophthalmia resulted therefrom, and in that same summer terminated in the entire loss of his left eye, leaving the right eye somewhat affected.

He continued in the service, doing duty whenever able, till the close of the war, and he was honorably discharged February 28,

His right eye continued to be affected after the loss of the left, and became more and more diseased till he has almost lost his sight, and has become entirely disabled from performing manual labor.

Under the circumstances of the case the committee recommend the

granting of his petition and the passage of the accompanying bill.

There being no objection, the bill was laid aside, to be reported to

the House with the recommendation that it do pass

# MRS. JANE DULANEY.

MRS. JANE DULANEY.

The next bill on the Private Calendar was the bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney.

The bill, which was read, authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Jane Dulaney, widow of William Dulaney, late colonel United States Marine Corps, and pay her a pension from and after the passage of this act.

It appears from the report that Jane Dulaney is the widow of the late Colonel William Dulaney, of the United States Marine Corps, who died on the 4th of July, 1868. This officer entered the service of the corps June 10, 1817, as second lieutenant. He served continuously on shipboard and at different naval stations to July, 1828, having been promoted in the mean time to first lieutenant, captain by brevet. been promoted in the mean time to first lieutenant, captain by brevet, captain, and commanded the guard of the United States frigate Constitution in December, 1825. He was the first officer of the Marine Corps to volunteer his services for field duty at the breaking out of the Florida war, and he served with conspicuous gallantry and untiring energy and devotion throughout that war, commanding the Marines and a portion of the Army. He was complimented by Major-General Jesup in General Order 102, and tendered the thanks of the country therein; and General P. F. Smith also testified in the highest terms to the Navy Department his appreciation of Dulaney's brilliant services, and in his honor Fort Dulaney was named. During these campaigns he was prostrated by disease, and advised by a surgeon that to remain longer in that malarious climate would endanger his life; but, not withstanding this advice, he continued in the held until been promoted in the mean time to first lieutenant, captain by brevet, life; but, not with standing this advice, he continued in the ield until the close of the war, when he returned in command of his force.

When in command of Fort Pickens, in 1846, he again tendered his

services for the Mexican war, and commanded the marines in that war services for the Mexican war, and commanded the marines in that war with marked gallantry, and was at the storming and capture of the castle of Chapultepec and the capture of the Belen Gate and the city of Mexico, and in the mean time was promoted and commissioned major by brevet and major, and, for gallant and meritorious conduct, received, after the capture of the city of Mexico, as a high appreciation of his splendid and noble services, the brevet of lieutenant-colonel. After the close of the Mexican war he served continuously in com-

mand of the marine-barracks at New York, Boston, and Portsmouth; mand of the marine-barracks at New York, Boston, and Portsmouth; and, although a native of Virginia, at the firing of the first gun at Fort Sumpter he again offered his services to his country for duty in the field, and he was at once commissioned, by the lamented President Lincoln, colonel, and placed in command of the marine battalion at Norfolk, Virginia, and continued in active service until after the close of the late civil war. On the 8th of November, 1865, after having served his country faithfully for almost half a century, he was retired under the act of Congress retiring officers of forty-five years' service. He died upon the retired list July 4, 1868, as before stated, leaving no blot upon his name. The physician who attended him in his last sickness certifies that he died of congestion of the brain, arising from causes produced while in the service of his country and in the line of

His widow, Mrs. Jane Dulaney, is poor and entirely dependent upon others for support in her old age.

This bill has twice passed this House, Forty-second and Forty-third

Congresses, without any opposition.

In consideration of the foregoing facts, all of which are established beyond any doubt by the evidence submitted to the committee, your committee are of opinion that Mrs. Jane Dulaney is entitled to a pension, and they report back said House bill 1118, and recommend that it do pass

There being no objection, the bill was laid aside, to be reported to

the House with the recommendation that it do pass.

Mr. HOLMAN. I move that the committee rise. We have accumulated a great many bills which will have to be acted on before we

adjourn. The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and the Speaker pro tempore (Mr. Blackburn) having resumed the chair, Mr. Cox reported that the Committee of the Whole House had according to order had the Private Calendar under consideration, and had directed him to report back sundry bills and joint resolutions, some with and some without amendments.

#### BILLS PASSED.

The SPEAKER pro tempore. The Clerk will report in their order The SPEARER pro tempore. The Clerk will report in their order the bills which have been reported favorably from the Committee of the Whole on the Private Calendar, and those to which there is no objection will be considered as read a third time and passed. The following bills, reported from the Committee of the Whole, were ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the third time, and passed:

A bill (H. R. No. 1348) granting a pension to Ruth Isabelle Naylor;
A bill (H. R. No. 216) granting a pension to Henry Schnetberg, of Indiana:

A bill (H. R. No. 1591) to pay De Witt C. Senter, of Tennessee, mileage and per diem for appearing under summons as witness before a committee of the Forty-first Congress;

A bill (H. R. No. 1592) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government;
A bill (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry United States Army; and

A bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B Dyer, late a brigadier-general and Chief of Ordnance United States Army.

# WILLIAM H. NESSLE.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 37) for the relief of William

Mr. HOLMAN. On account of facts which I have heard stated since the action of the Committee of the Whole, I move that this bill be recommitted to the Committee of the Whole on the Private Calen-

Mr. BRADLEY. Pending that motion I move that the amendment

reported from the committee be adopted.

The SPEAKER pro tempore. The Clerk informs the Chair that no

amendment is reported with the bill.

Mr. BRADLEY. There was an amendment submitted, and I now move its adoption. It is as follows:

In line 5 strike out "\$1,000" and insert "\$500; " so that it will read: That the Secretary of the Treasury be, and is hereby, authorized and directed to pay to William H. Nessle the sum of \$500, &c.

The SPEAKER pro tempore. Does the gentleman from Indiana withdraw his motion to recommit, that the gentleman from Michigan

[Mr. Bradley] may offer his amendment.

Mr. HOLMAN. I think the bill ought to be recommitted. A gentleman familiar with the facts, the gentleman from Arkansas, [Mr. GAUSE,] will make a statement if my friend from Michigan will hear

Mr. GAUSE. I would like to be informed by those advocating the bill, if it is not true, as has been stated to me, that this gentleman was a clerk in the Comptroller's Office during the time he was perwas a cierk in the Comptroller's Office during the time he was performing these services for the investigating committee, and was paid as a clerk during the whole of that time, and was also re-imbursed for his expenses in going to and coming from Arkansas. If so, I would like to know what the remuneration authorized by this bill is for.

Mr. BRADLEY. I desire to say to the House, and to the gentleman who has made this statement, that the report which was read in the Committee of the Whole discloses the whole of the facts. Mr.

Nessle was drawing his salary as a clerk from the Treasury Department at \$1,400 per annum. He was detailed at the request, or at the suggestion rather, of a committee of the House of the Forty-third Congress who had been appointed, pursuant to a resolution of this House, to make an investigation regarding the charges of fraud that had been supposed to be committed by the marshals in the western judicial district of Arkansas. It became necessary that some person should be detailed to visit that section of the country to aid in the investigation; and Mr. Duval, who had been appointed and acted for a short time as a short-hand reporter, resigned the position, stating that, in view of the hazard to life and the arduous nature of the duty the compensation which had been allowed him of \$10 a day was not a sufficient compensation to induce him to perform the duties any longer. At the suggestion of the committee of this House, who had become acquainted with Mr. Nessle's ability, and also his knowledge of the details in this matter, he was appointed upon the request of the Attorney-General to go to Arkansas and aid in this investigation.

Now, I think gentleman will agree with me that the statement of the petitioner is borne out by the facts that additional expenses were entailed upon him by an absence from home for between four and five months, while at the same time he was incurring special hazards as set forth in the report. The Attorney-General stated that the felt that Mr. Nessle was entitled to additional compensation, but that he could not pay him on account of the law intervening.

The Ex-Attorney-General wrote a letter to the committee in reply to one addressed to him regarding the matter, stating that in his opinion additional compensation should be allowed. While the committee thought perhaps that the \$1,000 asked for might be more than the circumstances of the case required, yet it was the unanimous report of the committee that Mr. Nessle was entitled to a compensation of \$500, and they directed the reporting of the bill to the House.

For my own part, I believe it is a small compensation. No gentleman who hears me, if he drew a salary for certain duties such as are entailed upon a clerk in one of the Departments working a certain number of hours, would consent without extra compensation to be number of hours, would consent without extra compensation to be detailed upon such duties as these, with all the additional labor entailed upon him, such as working from seven o'clock in the morning till twelve o'clock at night for many days, and reducing all the testimony that was taken to writing without additional expense to those taking the testimony. I believe if the House have paid attention to what I have stated, they will without dissent pass the bill.

Mr. GAUSE. What was the \$10 a day for?

Mr. BRADLEY. Mr. Nessle did not receive \$10 a day.

Mr. GAUSE. What did he receive in addition to his compensation.

Mr. GAUSE. What did he receive in addition to his compensation as a clerk ?

as a clerk?

Mr. BRADLEY. He did not receive anything except his expenses.

Mr. GAUSE. Then he was a clerk in the Department, detailed for duty, and paid his expenses during the time he performed that duty.

Mr. HOAR. He acted as a short-hand writer.

Mr GAUSE. The committee only claim that he is entitled to this compensation because of the absence from his family and the dangers he encountered while performing this duty. Well, the first point we will pass over, for most of us would enjoy extraordinary compensation now if that argument were applied. As to the other reason, it is false. It is untrue in every particular that Mr. Nessle was ever in a particle of danger while performing these duties. I am familiar with that people, for I have lived among them all my life; and I know that particle of danger while performing these duties. I am familiar with that people, for I have lived among them all my life; and I know that there was no more danger to Mr. Nessle in performing his duties than there is to me in performing my duties here to-day; and I am opposed to paying a man \$500 for his exposure to danger when there was none. Mr. DURHAM. I desire to ask the gentleman from Arkansas [Mr. GAUSE] a question. Will he state that the detective originally sent there for the purpose of ascertaining the frauds alleged to have been committed was not in danger of his life from the people of Fort Smith? Mr. GAUSE. I do not know what you refer to.

committed was not in danger of his life from the people of Fort Smith?

Mr. GAUSE. I do not know what you refer to.

Mr. DURHAM. I refer to Mr. Whittney, the detective who was sent out there originally to discover these frauds.

Mr. GAUSE. I do not belong to the detective force, and I do not know what risk he may have run.

Mr. DURHAM. There is abundant proof on the record to show that his life was in danger.

that his life was in danger.

Mr. GAUSE. Detectives often get themselves into difficulties which a man under the direction of the Government and having the whole power of the Government to sustain him never gets into.

Mr. BRADLEY. I would ask the gentleman from Arkansas [Mr. Gause] if he was present at the time the stages were stopped as alleged in the report? Mr. GAUSE. I w

I was not; that was in the Indian country.

Mr. BRADLEY. Do you know that the stages were not stopped?

Mr. GAUSE. I do not.
Mr. BRADLEY. Then why did you say that the statements regarding that matter are false?

Mr. GAUSE. Was Mr. Nessle in the stage?
Mr. BRADLEY. The stages were stopped.
Mr. GAUSE. Will the gentleman answer my question: Was Mr. essle in the stage?
Mr. BRADLEY. Hear me.

Mr. GAUSE. Answer me that question.
Mr. BRADLEY. The proof shows that the stages were stopped and that Mr. Nessle was inquired for.
Mr. GAUSE. He was not in the stage?

nat Mr. Nessie was inquired for.

Mr. GAUSE. He was not in the stage?

Mr. BRADLEY. No, sir; he was detained by sickness.

Mr. GAUSE. Then where was his danger?

Mr. BRADLEY. The reason was that he was sick.

Mr. GAUSE. There are a thousand stages stopped.

Mr. HOAR. Allow me to make a suggestion to the House. If I understand the gentleman who has just spoken to the bill, a fourteen-hundred-dollar clerk has been detailed and employed as a short-hand writer for a period of several months. Now, entirely independent of this question of danger, I do not believe there is any gentleman

on either side of the House who has had occasion to serve on investigating committees and employed short-hand clerks, as I had occasion gating committees and employed short-hand clerks, as I had occasion to do last winter, who does not know that justice requires very con-siderable additional compensation to such clerks. A short-hand clerk has to follow the taking of testimony all the time the committee sits; he has to have his attention constantly on the alert to catch every word that is said, and then has to sit up far into the night to reduce the testimony into writing for the use of the committee next day. It is one of the most laborious and trying occupations that the human intellect can be subjected to, and in Louisiana where we had two or three short-hand writers we broke them down and were obliged to telegraph to Saint Louis to bring on an extra one. Hence, leaving entirely out of consideration the danger, certainly no one can say that it was just to detail a fourteen-hundred-dollar clerk and employ him three months as a short-hand reporter to take testimony without giving him at least \$10 per day additional.

Mr. BRADLEY resumed the floor.

Mr. GAUSE. I believe I am entitled to the floor.

The SPEAKER pro tempore. The gentleman from Arkansas yielded

Mr. GAUSE. Only for the gentleman to make an explanation; I

claim that I have the floor now.

elaim that I have the floor now.

The SPEAKER pro tempore The Chair does not so regard it. The Chair notified the gentleman from Arkansas that he was in possession of the floor and could proceed, but he yielded to the gentleman from Michigan, [Mr. BRADLEY,] who yielded to the gentleman from Massachusetts, [Mr. HOAR.]

Mr. GAUSE. Then I have the floor now.

The SPEAKER pro tempore. The Chair rules that the gentleman from Michigan is entitled to the floor.

Mr. BRADLEY. Mr. Speaker, the gentleman from Arkansas [Mr. GAUSE] seems to assume that because Mr. Nessle was not in the stages at the time they were stopped, that he was in no danger.

Now, the committee do not undertake to say that Mr. Nessle was not in the stages at that time. Mr. Nessle was taken sick at the point of departure and did not go out in the stage he was expected to go in.

Now, to show that there was a combined effort on the part of the friends of these marshals to obtain possession of these papers, I will say that information was sent in advance of the stages upon which say that information was sent in advance of the stages upon which Mr. Nessle was to go out at the time. It was supposed that the papers would be taken with him. An attack was made upon the stages and Mr. Nessle was inquired for, but, having been detained in consequence of sickness, he escaped any injury at that time. Beyond a question, it was the possession of these papers that was desired by them. These facts coming to the knowledge of the district attorneys, they telegraphed Mr. Nessle to return with the papers by another route. And the testimony shows that had he not acted upon that suggestion. suggestion-

Mr. HOAR. How many short-hand writers had the committee?

Mr. BRADLEY. Only one at the start and he was discharged, and Mr. Nessle performed the whole duty.
Mr. HOAR. We had four in Louisiana.
Mr. BRADLEY. There is no doubt but these papers would have been captured if Mr. Nessle had not returned, and so far as Mr. Nessle's safety was concerned we may judge what would have been the result. It became apparent to the Government that the box of papers which had been sent by express to Washington was being watched at the express office. It was only by strategy that the papers were abstracted and transported to their destination without the knowledge of these parties, the box being left in the express office

where it could be seen every day.

Now I submit to the gentlemen of this House whether or not, when Now I submit to the gentlemen of this House whether or not, when these facts had been discovered, the messenger in charge of such papers as these, and under such circumstances, did not incur some personal danger? But, leaving that entirely out of the question, there is the additional labor which, as I said before, occupied his time each day from seven o'clock as long as there was any daylight to aid the district-attorney in examining witnesses, he having had previous experience in the Department, and being able to draw out the information needed. He then worked on until twelve o'clock at night in reducing this testiment to the form of a report which had not again to ducing this testimony to the form of a report which had not again to be written. Now I submit whether he did not fairly earn the \$500 recommended by the committee. I now call the previous question.

Mr. GAUSE. I hope the gentleman will withdraw that for one moment until I can say a few words.

Mr. BRADLEY. It is getting late, and I hardly think it necessary to discuss this matter further.

Mr. GAUSE. I wish to say but a few words.

Mr. BRADLEY. If the gentleman has any further information to give to the House I will withdraw the call for the previous question.

Mr. GAUSE. In reply to the gentleman from Massachusetts [Mr. Hoar.] I wish to say that this was not a hard-working committee. It went there and worked at its leisure; it occupied its time as best suited itself: there was no very hard work done by them. There was went there and worked at its leasure; it occupied its time as best suited itself; there was no very hard work done by them. There was no great demand made upon the time of Mr. Nessle, nor upon his ability as a stenographer. Any ordinary clerk could have performed all that he did and just as well. Therefore there is no reason for giving him any extra compensation on that ground.

As to the other ground alluded to by the gentleman from Michigan [Mr. Bradley] he is entirely mistaken. When the stage was stopped

it was passing through the Indian Nation, at or near Muscogee. Mr. Nessle was not on the stage at that time; that was not his natural route home at all. Those persons charged with having conspired to stop the stage were the two republican marshals of that district, whose conduct was being investigated; they were the two republican marshals, Britton and Roots. Now I do not believe that the gentleman will stand up here and contend that members of his own party are guerrillas, who will stop stages and murder Government clerks. That is all I have to say.

Mr. BRADLEY. I now call the previous question on the pending

Mr. HOLMAN. Is not the pending question on my motion to re-commit this bill to the Committee of the Whole on the Private Cal-

Mr. BRADLEY. I think the gentleman from Indiana [Mr. Hol-Man] was not recognized by the Chair to submit that motion.

The SPEAKER pro tempore. The Chair did recognize the gentleman from Indiana, [Mr. HOLMAN,] and he did submit the motion to recommit. But the Chair understood him afterward to withdraw the

Mr. HOLMAN. I certainly did not withdraw it.

Mr. HOAR. How was it possible that the motion to recommit was not withdrawn, when the Chair entertained and submitted to the House an amendment, which would not have been in order if the motion to recommit had been pending?

The SPEAKER pro tempore. The amendment was already pending, having been reported from the Committee of the Whole.

Mr. HOAR. I understood that the Clerk searched the bill and found

The SPEAKER pro tempore. The Clerk did not at first find the amendment, but afterward found it incorporated in the bill.

Mr. WILSON, of Iowa. It is well understood in parliamentary law that the motion for the previous question brings the House to a direct vote on any pending amendment and then on the bill, and that it cuts off the motion to recommit.

The SPEAKER pro tempore. The Chair will state that when a motion to recommit is pending and a call for the previous question is made, the previous question, if sustained, brings the House to a vote first on the motion to recommit. That motion has been made by the gentleman from Indiana, who was recognized by the Chair, and who

gentleman from Indiana, who was recognized by the Chair, and who insists that he did not withdraw the motion.

Mr. HOLMAN. The Record will show that I said nothing about withdrawing the motion; but to avoid trouble, I would just as soon have a vote directly on the bill. I therefore withdraw the motion. The SPEAKER pro tempore. The gentleman from Indiana withdraws the motion to recommit, and the gentleman from Michigan [Mr. Bradley] renews the demand for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment to strike out "\$1,000" and insert "\$500" was agreed to.

The bill, as amended, was ordered to be engrossed and read a third

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

Mr. BRADLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### ANDREW WILLIAMS.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 859) for the benefit of Andrew Williams, of Weakley County, Tennessee.

The amendment reported from the Committee of the Whole was to

strike out "Commissioner of the General Land Office" and insert in lieu thereof "Commissioner of Pensions."

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was read the third time, and passed.

## PRIVATE BILLS PASSED.

Bills and joint resolution of the following titles, reported from the Committee of the Whole on the Private Calendar with a favorable recommendation, were severally taken up, ordered to be engrossed for a third reading, read the third time, and passed:

A bill (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Vir-

A bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany,

New York;
A bill (H. R. No. 597) for the relief of Anderson J. Smith;
A bill (H. R. No. 81) for the relief of Wilber F. Chamberlain, of

Lewis County, Missouri;
A joint resolution (H. R. No. 58) authorizing an issue of clothing to certain enlisted men of Company C, Sixth United States Cavalry;

A bill (H. R. No. 682) granting a pension to Morris Dwight; A bill (H. R. No. 1460) granting a pension to Lydia A. Morris, widow of the late John K. Morris, Company A, Fifth Ohio Volunteer Cav-

A bill (H. R. No. 1809) granting a pension to John A. Stewart; A bill (H. R. No. 1810) granting a pension to Elizabeth R. Hull;

A bill (H. R. No. 362) granting a pension to William T. Simms;

A bill (H. R. No. 302) granting a pension to Willam 1. Simms;
A bill (H. R. No. 42) granting a pension to Francis Bernard;
A bill (H. R. No. 1811) granting a pension to Fannie E. Records;
A bill (H. R. No. 111) granting a pension to David J. Garrett; and
A bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney.

Mr. MacDOUGALL moved to reconsider the votes by which the various bills reported from the Committee of the Whole were passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WITHDRAWAL OF PAPERS.

By unanimous consent,
Mr. McDILL obtained leave to withdraw from the files of the House

papers in the case of R. C. Chancy, of Dubuque, Iowa;
Mr. O'NEILL, papers in the case of Philip A. Sawyer, jr., no adverse report having been presented; and
Mr. PARSONS, papers in the case of William Giesel, if there has

been no adverse report.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Platt for live days, on account of important business; to Mr. Darrall for twenty days, on account of sickness in his family; to Mr. Powell for four days, on account of important business; to Mr. Williams, of New York, until Thursday next, on account of important business; and to Mr. Morey for two weeks from Monday next, on account of sickness in his family.

#### ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House adjourn.

The SPEAKER pro tempore. Before putting the question on the motion to adjourn, the Chair will announce that, pursuant to the order adopted yesterday, the Chair will announce that, pursuant to the order adopted yesterday, the House will meet to-morrow as in Committee of the Whole for debate only, no business whatever to be transacted. The gentleman from Illinois, Mr. Eden, will occupy the chair. Mr. HOLMAN. I waive my motion for a few moments, as several gentlemen desire to submit requests for unanimous consent.

#### WILLIAM G. LANGFORD.

Mr. LANE, by unanimous consent, introduced a bill (H. R. No. 2315) to restore to William G. Langford the possession of a tract of land in Idaho Territory; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be

ANTHONY A. LAWS.

Mr. RANDALL, by unanimous consent, introduced a bill (H. R. No. 2315) for the relief of Anthony A. Laws, late of Company D, Second Regiment Pensylvania Reserves, (Infantry Volunteers;) which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# EQUALIZATION OF BOUNTIES.

Mr. HOLMAN. I hold in my hand a petition signed by 1,909 Union soldiers, asking for the passage of the bill to equalize bounties. I ask unanimous consent to present the petition now for reference to the Committee on Military Affairs instead of referring it under the

The SPEAKER pro tempore. The Chair hears no objection to receive

ing the petition by unanimous consent.

Mr. HOLMAN. I move it be referred to the Committee on Military Affairs.

The motion was agreed to.

# AGRICULTURAL REPORT FOR 1873.

Mr. CALDWELL, of Alabama. I now ask unanimous consent to call up from the Speaker's table the concurrent resolution of the House in reference to the Agricultural Report for 1873, which has been returned from the Senate with amendments, and move concurrence in

The SPEAKER pro tempore. The Chair hears no objection.

Mr. CALDWELL, of Alabama. I first ask for the reading of the original concurrent resolution as it passed the House.

The Clerk read as follows:

Whereas from information derived from the Commissioner of Agriculture there are about ten thousand copies of the Agricultural Report for the year 1873 undistributed: Therefore,

Be it resolved by the House of Representatives, (the Senate concurring therein.) That the Commissioner of Agriculture be, and he is hereby, authorized and directed to deliver to each Senator and member of the House of Representatives twenty-live copies of said report, including the number heretofore delivered to members of Congress during the present session.

The SPEAKER pro tempore. The Clerk will now read the amendments of the Senate.

The Clerk read as follows:

In lines 4 and 5 of the resolution strike out the words "deliver to each Senator and member of" and insert "distribute to the Senate twenty-five hundred copies and to."

In line 5 strike out "twenty-five" and insert "seven thousand five hundred."
In line 6 strike out "including" and insert "less."
In line 7, after "to," insert "Senators or."

Mr. HOLMAN. I hope the concurrent resolution will now be read as it will stand as amended. We do not get the sense of the text by the reading of these amendments only.

The concurrent resolution was then read as it will stand with the amendments of the Senate.

Mr. CALDWELL, of Alabama. I move concurrence in the amend-

ments of the Senate.

Mr. DURHAM. Is not the effect of these amendments of the Senate to give an advantage to those who have already drawn copies of

this Agricultural Report?

Mr. CALDWELL, of Alabama. It does not; but, on the contrary, protects those who have not drawn any copies of this Agricultural Re-

Mr. DURHAM. That being so, I have no objection to concurring

in the amendments of the Senate.

Mr. CALDWELL, of Alabama. That is the effect of the adoption of these amendments.

Mr. DURHAM. I understand that while some of the members have not drawn any copies of this report, others who have drawn will be charged with them.

Mr. CALDWELL, of Alabama. The resolution and amendments protect those who have not drawn any of their copies.

Mr. DURHAM. I withdraw my objection.

Mr. HOLMAN. Those who have drawn portions of these volumes,

as I understand it, are not to receive any increased number under this

concurrent resolution as amended?

Mr. CALDWELL, of Alabama. No; what have been drawn by members will be deducted from the number allowed under this reso-Intion. Its object is to protect those gentlemen who have not drawn any copies of this Agricultural Report. The Committee on Agriculture desire all gentlemen should be placed on an equality in this regard.

The amendments were concurred in.

Mr. CALDWELL moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the mo-tion to reconsider be laid on the table.

The latter motion was agreed to.

#### CHANGE OF REFERENCE.

Mr. OLIVER moved that the Committee on the Revision of the Laws be discharged from the further consideration of the bill (H. R. No. 2201) to define and make more certain the import and meaning of section 2994 of the Revised Statutes, and the same be referred to the Committee of Ways and Means.

Committee of Ways and Means.

The motion was agreed to.

Mr. RANDALL. I hope that has been done with the understanding that it is not to be brought back by a motion to reconsider.

Mr. OLIVER. This is a mere change of reference.

Mr. RANDALL. I move to reconsider the vote by which the bill was referred to the Committee of Ways and Means; and also move that the motion to reconsider he laid mon the table. that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

## A. L. H. CRENSHAW

Mr. FRANKLIN, by unanimous consent, introduced a bill (H.R. No. 2317) for the relief of A. L. H. Crenshaw, of Jackson County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

And then, on motion of Mr. HOLMAN, (at five o'clock and twenty-five minutes p. m.,) the House adjourned.

### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLACKBURN: The petition of R. R. Brown, for pay for horseshoes furnished the United States, to the Committee of Claims. By Mr. BLAIR: Memorial of Laban Heath, for pay for damages sustained by Laban Heath & Co. by reason of defective engraving furnished by the United States Treasury Department, to the Committee

By Mr. COCHRANE: The petition of several hundred citizens of Allegheny County, Pennsylvania, that duty on foreign coal may not be removed, to the Committee of Ways and Means.

By Mr. COX: The petition of Mrs. James Dorgan, for relief, to the Committee on Invalid Pensions.

By Mr. DANFORD: Memorial of W. W. Waggoner, for relief, to the Committee on War Claims.

the Committee on War Claims.

By Mr. DURHAM: The petition of G. W. Penn, for pay as a United States Army officer, to the Committee on Military Affairs.

By Mr. FRYE: The petitions of the Grand Lodge Session of Good Templars of the State of New York; also of the Grand Lodge of Good Templars of the State of New York; of the State Temperance Society of New York; of the Grand Lodge of Good Templars of Arkansas; of the Grand Division of the Sons of Temperance of East Tennessee; of the Sons of Temperance of the District of Columbia; of the Methodist church and congregation of Sayonville Messachusetts; of the Constitution of the Sons of Temperance of the District of Columbia; of the Methodist church and congregation of Saxonville, Massachusetts; of the Congregational church of (Brighton district) Boston, Massachusetts; of the First Baptist church of Yankton, Dakota Territory; of the First Baptist church of Williamsburgh, State of New York; of the Phillips church and congregation of Boston, Massachusetts, all signed by their respective officers; also of William H. Wood, Theodore Osborne, and other citizens of Hall Township, Illinois; of Nathaniel Leighton, George H. Chase, and others, citizens of Jewett, Greene County, New York; of a large number of citizens of Ulster and Greene Counties, New York: of William P. Fisher, William B. Kline, and others, citizens of New Germantown, New Jersey; of 30 clergymen of the Methodist church of Philadelphia and vicinity, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee

By Mr. GAUSE: Papers relating to the claim of William F. Grove for additional compensation as a United States Army officer, to the

Committee on Military Affairs.

Also, the petition of members of the Baptist church at Helena, for compensation sufficient to repair the damages to the same caused by its occupation by the United States Army as a hospital, to the Committee on War Claims.

Also, the petition of H. H. Mathis, for pay for cotton taken and used by United States military authorities in constructing fortifica-tions at Trenton, Tennessee, and burned after capture by General Forrest, to the same committee.

By Mr. GUNTER: Papers relating to the claim of Juan Carlos Santistevan and others, private land claim No. 61, in the Territory of New Mexico, to the Committee on Private Land Claims.

By Mr. HAMILTON, of New Jersey: The petition of Tobias Boudinot, for compensation for damages to his property by the Army, to

the Committee on War Claims.

By Mr. HAYMOND: The petition of 156 citizens of Michigan City, Indiana, that authority be granted to erect a bridge across the river at Detroit, to the Committee on Commerce.

By Mr. HENDERSON: The petition of Hon. J. V. Enstice and other attorneys and citizens of Lee County, Illinois, that if the new judicial district in Illinois is created, Dixon, in said Lee County, be made the place of holding the courts, to the Committee on the Judiciary.

By Mr. HENKLE: The petition of the president and directors of

the general hospital at Georgetown, for an appropriation for said institution, to the Committee for the District of Columbia.

By Mr. HOAR: The petition of Major John M. Goodhue, to be placed on the roll of retired United States officers, to the Committee

on Military Affairs.

By Mr. HOUSE: The petition of Calvin Hays, (colored,) of Davidson County, Tennessee, for a pension or other relief, to the Committee on War Claims.

By Mr. JACOBS: The petition of 252 citizens of Idaho and Nez Perces Counties, Idaho Territory, for an appropriation for the improvement of the Columbia and Snake Rivers, to the Committee on Com-

By Mr. MAGOON: Memorial of the Legislature of Wisconsin, for increased mail service in Green Lake and Waushara Counties, in said State, to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Wisconsin Legislature, for increased mail serv-

ice in Polk County, in said State, to the same committee.

Also, memorial of the Wisconsin Legislature, for an appropriation to improve the Chippewa River, in said State, to the Committee on

By Mr. MUTCHLER: The petition of citizens of Bucks County, Pennsylvania, for a post-route from Applebachsville to Richlandtown, to the Committee on the Post-Office and Post Roads.

By Mr. NEAL: The petition of E. A. Sellman and 117 other soldiers, that each soldier be granted \$200 in lieu of a land warrant, to the Committee on Military Affairs.

By Mr. NEW. The restition of citizens of Indiana for the reveal of

By Mr. NEW: The petition of citizens of Indiana, for the repeal of the check-stamp tax, to the Committee of Ways and Means. By Mr. PLAISTED: The petition of George W. Watson and 30 oth-

ers, for a post-route from Limestone to Van Buren, Maine, to the Com-

mittee on the Post-Office and Post-Roads. Also, the petition of Charles Kidder and 49 others, for a post-route from Bridgewater Corner to East Bridgewater, to the same committee. By Mr. POPPLETON: The petition of W. W. Chermigton, G. W.

Miller, Michael George, William M. Faris, and 460 other citizens of Ohio, for the appointment of a commission of inquiry on the subject of the traffic in alcoholic liquor, for a law prohibiting its importation, and for other prohibitory legislation on the liquor question, to the Committee of Ways and Means.

By Mr. RUSK: Papers relating to the claim of John S. Dickson, for pay as a captain in the United States Army, to the Committee on Military Affairs.

By Mr. SEELYE: The petitions of the Methodist Episcopal churches at Natick, and Turner's Falls, Massachusetts; of the Fremont street church, Boston, Massachusetts; and of the Massachusetts Temperance Alliance, signed by their respective officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on

Highly cheering are alcohold higher the Judiciary.

By Mr. TUCKER: The petitions of Pickerell & Brooks; of Watson, McGill & Co.; of Virginia Taylor, executrix of Joseph Taylor; of Alexander Donnon, administrator of David Dunlap; of David B. Tennant, for pay for manufacturing tobacco seized by United States authorities.

ties and sold, to the Committee on War Claims.

Also, the petition of L. R. Spelman, administrator of John Currie, deceased, for indemnity for a vessel captured by the United States

naval authorities, to the same committee.

By Mr. THOMPSON: The petition of John Pew and others, of Gloucester, Massachusetts, for an examination and survey of certain rocks in the harbor of Gloucester with reference to their removal, to the Committee on Commerce.

By Mr. A. S. WILLIAMS: The petition of St. Michael's church, of By Mr. A. S. WILLIAMS: The petition of St. Michaels church, of Charleston, South Carolina, to refund the duty paid on a chime of bells imported into the province of South Carolina in 1763, seized by the British in 1780, and taken to England, where they were repurchased in 1784 and returned to Charleston. In 1863, during the shelling of Charleston, they were removed to Columbia, South Carolina, for safe-keeping, where they were cracked from heat during the destruction of that city in 1865, and were sent back to England, recast, and again as imported to the Committee of Claims.

and again re-imported, to the Committee of Claims.

Also, the petitions of 47 citizens of Charlotte, 18 citizens of West Branch, of 29 citizens of Pinconning, of 21 citizens of Orion, of 40 citizens of Parma, and of 110 citizens of Wenona, all in the State of Michigan, that authority be granted to build a bridge across the river

at Detroit, to the Committee on Commerce.

By Mr. WILLIAMS, of Wisconsin: The petition of Albert G. Peabody, for pay as a United States officer, to the Committee on Military

# HOUSE OF REPRESENTATIVES.

# SATURDAY, February 26, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

#### ORDER OF BUSINESS.

The SPEAKER. By previous order the House is now in session as in Committee of the Whole House on the state of the Union for debate only, no business whatever to be transacted. The gentleman

from Illinois [Mr. EDEN] will preside.

The SPEAKER pro tempore, (Mr. EDEN.) The gentleman from Tennessee [Mr. RIDDLE] is entitled to the floor.

#### THE CURRENCY.

Mr. RIDDLE. Mr. Speaker, politics is a progressive science. It is an experimental science, consisting in the application of temporary contrivances to temporary emergencies. It has been wisely said that "no lines can be laid down for civil or political wisdom. They are a matter incapable of exact definition." And with equal wisdom it has been asserted that "all political principles have been raised by hasty induction from limited facts; and that therefore it is the part of a wise man when he adds to the facts to revise the induction, and, inwise man when he adds to the facts to revise the induction, and, instead of sacrificing practice to principles, modify the principles that he may change the practice."

We are the representatives of the people. It is our solemn duty to carry out their wishes and execute their sovereign will, regardless of our own individual opinions, preferences, or predilections. our own individual opinions, preferences, or predilections. And it is our duty to incorporate that will, when clearly ascertained, into the legislation of the country. We, as the representatives of the people, can have no will of our own in opposition to the will of the people. Even if they are wrong, nevertheless their behests must be carried out with unquestioning obedience. Let them have their own way, and if they are wrong that principle of noble generosity which is inherent in the popular heart will in the end lead them to correct the evils of their own production. The magnet of their souls when touched by remembrance ever trembles to the poles of truth and right and by remembrance ever trembles to the poles of truth and right and

I am fortunate in being able to re-enforce these sentiments by the opinion of the most profound political philosopher of modern times; for it was Edmund Burke who said:

In effect, to follow, not to force the public inclination; to give a direction, a form, a technical dress, and a specific sanction to the general sense of the community, is the true end of the Legislature. \* \* \* It would be dreadful, indeed, if there was any power in the nation capable of resisting its unanimous desire, or even the desire of any very great and decided majority of the people. The people may be deceived in their choice of an object. But I can scarcely conceive any choice they may make to be so very mischievous as the existence of any human force capable of resisting it. of resisting it.

And when speaking in 1772 on a bill respecting the importation and exportation of corn, he said:

On this occasion I give way to the present bill, not because I approve of the measure in itself, but because I think it prudent to yield to the spirit of the times. The people will have it so; and it is not for their representatives to say nay. I cannot, however, help entering my protest against the general principles of policy on which it is supported, because I think them extremely dangerous.

And since this session of Congress began, on the 20th day of January, 1876, the same principle of action was indorsed by the distinguished gentleman from Massachusetts, [Mr. Banks,] whose utterances upon this floor seem always to be directed by the inspirations of patriotism, and which are always listened to with so much attention and respect by every member of this House. On that occasion he said:

Sir, I have no appeal to make to democrats or republicans. I do not know what they may propose, still less what they may do, for the relief of the country. I do not rest my faith in them. My hope is not there. I have an ever-abiding faith which I think will be realized elsewhere. I salute the august majesty of the people that stands behind them; the people who know their stake in the country and their way out of it. their way out of it.

And in the same speech the same distinguished gentleman made the confession that from some cause his own people did not enjoy the same prosperity that they seemed to have ten years ago. It would

not be a violent presumption to suppose that every Representative in this Congress would, if called upon, make the same melancholy confession. It is an unquestionable fact that the people are in distress;

fession. It is an unquestionable fact that the people are in distress; and it is equally unquestionable that they demand relief, and they demand it of their Representatives in Congress.

There is great prostration of business in every part of the country, and there is no present prospect of its revival. Trade is paralyzed and failures in commercial life are continually occurring; and these distressing events are producing discontent and clamor among the people. The cry of distress comes up to this Capitol from every city and town and hamlet in the land. Something ought to be done to alleviate this distress and to impart vitality to the stagnant waters of commerce and of business. of commerce and of business.

The origination of measures which would certainly give relief to The origination of measures which would certainly give rener to the country would be far more grateful to the people than the excite-ments of an amnesty debate or the passage of a centennial appropria-tion. If something of a remedial character is not done, there will be a commotion and an agitation among the masses of our countrymen not unlike the convulsions that shake the earth when the fabled Euceladus turns himself over beneath the everlasting mountains.

The impression prevails among the people that they have not been fairly dealt with in the legislation of the last few years, and it must be confessed that an examination of some of that legislation is well calculated to give color to that accusation. A law was never enacted more disastrously injurious to the interests of the toiling millions of this country than the resumption law of the last Congress. The passage of such a law may well revive in our memories the remark of the venerable chancellor to his diffident son: "Come, my son, and learn by how little wisdom the world is governed."

by how little wisdom the world is governed."

Compulsory resumption laws have always been signal failures. Their utter futility is made perfectly transparent in the clear light of history. It is a fact, known to every intelligent financier and politician, and one that has been referred to time and again in discussions had on finance years ago in this House, that the Bank of England suspended specie payments in 1797 and did not resume until 1823, and during that period resumption could not be coerced by legislation. During that suspension the day was fixed about eight different times when the people should pay specie; and the result every time was to run up the price of gold, ruin business men, and paralyze trade; and the laws requiring resumption at a fixed period had to be modi-

fied or repealed for the relief of the country.

General Jackson issued his "specie circular" in 1836; and multiplied thousands now living remember with painful distinctness the plentiful crop of financial ruin and disaster which it brought forth in 1837. ful crop of financial ruin and disaster which it brought forth in 1837. A resumption law compelling a return to specie payments on a fixed day in the future necessarily leads to an unhealthy contraction of the currency. It has always done so in the past and will always most certainly do so in the future. The calamities of nations are the lessons of history; and we are exceedingly unwise if we fail to profit by this specie-resumption lesson. Under the operation of the resumption law now in force the currency has already been contracted about \$42,000,000, as stated by Treasurer New, and it has been brought about by the surrender of circulation by the national banks and by the accumulation of greenbacks by those banks for purposes of ultimate resumption or for the redemption of their circulation.

Let us at once remove this congressional guillotine which has already taken so much of the blood of life from our business community. If that odious law is not repealed its operation or prospective

If that odious law is not repealed its operation or prospective nity. If that odious law is not repealed its operation or prospective execution will lead to an indirect confiscation of a large portion of the property of the people. It is also obnoxious to the charge of class legislation; for, whether so intended or not, it is manifestly in the interest of the money power of the country. The holders of money can well afford to let it remain for several years in their strong boxes unemployed, in order that they may invest it in property after it has depreciated at least one half in value. They can well afford to submit to present temporary inconvenience in the certain and confident expectation of reaping great and permanent advantages in the future. They well know that property sold under the sheriff's hammer never brings its full value, and they well know how to take advantage of the follies and necessities of both provident and improvident

And the effect of such a law is such that the apprehension of its operation always leads to a panic and loss of confidence among the people. There is something mysterious and unaccountable about a people. There is something mysterious and unaccountable about a panic. We are told in the ancient mythologies that Pan commanded the armies of Bacchus when he invaded India, and that, while the superstitious Indians endured without trepidation the thunderbolts of the Titans, yet when Pan caused his sharp and shrill voice to reverberate among the surrounding mountains they fled in disorder and with dastardly precipitation. And from this circumstance we derive our word "panic." Let us guard against such legislation as alarms the people and arrests the steady progress of beneficent industry. And in addition to this cause of our present distress, our circulating medium had been reduced more than \$1,000,000,000 previous to the passession of the progression of the p

sage of the resumption law; and this was a contraction of the eurrency seldom if ever equaled in the annals of history. This was foreseen by many of our statesmen, for during the discussions in Congress on the Treasury-note bill in 1862 it was then stated that after the termination of the war one thousand millions of Treasury notes would be funded in United States bonds, and that the result would

be a great contraction of the currency and great distress in the country; and Mr. Brooks, of New York, had the candor to declare that his try; and Mr. Brooks, of New York, had the candor to declare that his constituents would reap a golden harvest from that distress; that they made large gains from the follies and errors of others. It is to be hoped that no part of the country will be permitted to get any advantage over any other part of it by the unwise legislation of the present Congress. If it be possible, let it correct the gross errors and manifest blunders of the past. At any rate, let it refrain from perpetrating any more blunders, for in politics a blunder is said to be greater than a crime.

That the currency has been contrasted to the event stated and

That the currency has been contracted to the extent stated, and even beyond it, was conclusively demonstrated by my colleague [Mr. Bright] in a speech delivered in this House on the 28th day of March, 1874. In that speech he said:

On the 31st of August, 1865, we had \$2,193,395,627 of currency. On the 1st of November, 1873, we had \$631,488,677, making a reduction of \$1,560,966,851, or an annual reduction during eight years of \$195,133,356.

I prepared a table several months ago in which was shown at that time the amount of currency in circulation in the great trading and commercial nations of the world, the population of those nations, and the circulation per capita among their people. That table is not exactly correct at this time, of course, but it approximates correctness, and is sufficiently accurate to illustrate the proposition that I desire to enforce; and that table is as follows:

Circulation.	Popula- tion.	Per capita.				
\$1, 509, 000, 000 683, 000, 000 704, 000, 000 587, 700, 000	36, 000, 000 32, 000, 000 40, 000, 000 41, 000, 000	\$42 00 21 00 18 00 15 00				
	\$1, 509, 000, 000 683, 000, 000 704, 000, 000	\$1,509,000,000 36,000,000 683,000,000 32,000,000 704,000,000 40,000,000				

It will be seen at a glance that those of the above-named nations which have the largest circulation per capita enjoy the greatest financial prosperity, and the actual facts show it.

The amount of circulation per capita in the United States since 1862 has been as follows: In 1862, \$21; in 1863, \$27; in 1864, \$28; in 1865, \$27; in 1866, \$23; in 1867, \$22.80; in 1868, \$21; in 1869, \$20; and in 1875, \$15, which is less than it was in 1857.

The argument presented by these figures is simply overwhelming, and they flash conviction upon every unprejudiced mind. They make it as clear as the light of the meridian sun that the greatest prosperity

it as clear as the light of the meridian sun that the greatest prosperity of this country was contemporaneous with its largest monetary circulation; and the fact is patent to all that that prosperity has declined in a geometrical ratio with the depletion of the currency.

I would inquire, then, what action is necessary on the part of Congress to restore our lost prosperity? It is, most unquestionably, an increase of the volume of the currency, either by such legislation as will mobilize and put in circulation what currency we have, a great part of which has been driven from the ordinary channels of business by the apprehensions excited by the "resumption law" or by such by the apprehensions excited by the "resumption law," or by such legislation as will actually add to the volume of circulation now outstanding. Perhaps legislation looking in both these directions would afford a more immediate, adequate, and efficacious remedy. There is not enough money in actual circulation to keep the great

industrial and commercial interests of the country in a state of healthy activity. The exigencies of the times demand more currency, inflation if you please; not unlimited inflation, but a sound and healthful inflation. I am frank to say that I do not want such an inflation of the currency as will necessarily cause its depreciation, for that or the currency as will necessarily cause its depreciation, for that would be swindling the people. I desire a currency properly adjusted to the business operations of the people, and not such a redundancy of it as will derange the values of all property and make of trade and commerce a mere game of chance. I want no confederate money, no assignat plethora, no superfluity of currency, but just that quantity which the business experience of this country has demonstrated to be essential to its commercial activity and its general, material, and industrial presperity. industrial prosperity.

The French have a specie circulation of \$1,250,000,000, because they The French have a specie circulation of \$1,250,000,000, because they cannot be induced to deposit their money in bank and transact their business by checks, as do the people of England and America; and, in addition to that, the Bank of France, on the 30th of September, 1875, had a circulation of \$484,000,000; making in all a circulation of \$1,734,000,000. Although France emerged five years ago from one of the most disastrous and desolating wars of ancient or modern times, yet to-day she enjoys a greater degree of thrift and internal prosperity than any of the leading commercial nations of the world, greater even than Germany, to whom she has paid within that period \$1,000,000,000.

While other causes may, and no doubt did in some measure, con-

While other causes may, and no doubt did in some measure, contribute to this result, yet I would respectfully inquire if her volume of currency, fully adequate at all times to the demands and exigencies of trade and of business, has not been a tremendous factor of power in the achievement of her unexampled prosperity? The mere statement of the proposition cannot fail to flash conviction upon every unprejudiced mind.

The idea seems to obtain that an increase in the volume of the currency will necessarily lead to its depreciation; but it is manifest to

the impartial reasoner that this result will not follow if the currency has a firm and substantial basis. There is no more necessity for the depreciation of the value of paper money, if its amount is constantly depreciation of the value of paper money, if its amount is constantly regulated with reference to the business operations of the people, than there is for the depreciation of gold and silver. The exchangeable value of gold and silver will diminish in proportion to the quantity in circulation; and so with a paper currency. The best support of a currency is not limitation, but receivability; and this rule applies with equal force to specie and paper money.

I am fortunate in being able to fortify this statement by remarks made by Mr. Thaddeus Stevens, of Pennsylvania, in this House on the 6th day of February, 1862. He then said:

All contracts are made not only with a view to present laws, but subject to the future legislation of the country. We have more than once changed the value of coin. Neither our gold nor silver coin is as valuable as it was fifty years ago. Congress in 1853, I believe, regulated the weight and value of silver. They debased it over 7 per cent. and made it a legal tender.

And again he said on the same day:

Increase gold and silver beyond the amount needed, and you depreciate its value. Such inflation of the currency is just as injurious as if it were in paper, so far as raising prices and stimulating speculation are concerned.

And he quotes the following language of McCulloch, whom he characterizes as "one of the most learned of writers on that subject:"

By reducing the supply of notes below the supply of coin that would circulate in their place were they withdrawn, their value may be raised above the value of gold, while by increasing them to a greater extent it is proportionably lowered.

In 1770 the annual production of gold and silver was only about \$30,000,000, while the annual yield at this time is about \$200,000,000, or an increase of sixfold in a century. When America was discovered the total annual production of the precious metals in Christendom was only about \$300,000, and the total stock on hand was only about \$200,000,000, while the present stock of coin in Christendom is about \$3,000,000,000. We now dig as much gold and silver from the earth every year as all Eprope had in 1792; and the stock of coin has increased in Christendom some two hundred and fifty fold, while the population has not increased fivefold. I am indebted for these facts to Hittell's History of Culture, and the following is an extract from that work:

But commerce has gained more than our stock of coin, and money is now used far more extensively. \* \* The effect of the increase of the precious metals has been to cause a rise in the market price of labor and of the products of labor; and an ounce of silver is now worth relatively about one twenty-fifth part as much as it was in 1500.

What was the result of this great increase in the annual production of gold and silver? Why, sir, an era of unexampled prosperity. The opening of the gold placers of the Sacramento basin and the silver lodes of Nevada has led to a development of the Pacific slope, an accumulation of wealth, and an acceleration of the general progress of civilization in America unparalleled in the annals of history. Commerce has been duplicated and reduplicated, agriculture has been stimulated, emigration has been encouraged, and every material and industrial interest has been promoted. The silver and golden stream, like the ancient Pactolus, has poured its profusion of wealth into the lap of stagnant trade and discouraged industry; and the energies of a young nation revived and shook their invincible locks like a giant refreshed from his slumbers. A large part of our broad domain which before was a barren wilderness became a veritable "garden of the

A similar state of prosperity was produced by the generous circulation which the country enjoyed in 1865, 1866, and 1867. The instrumentality by which that generous circulation can be restored is neither dubious nor difficult. What has produced prosperity in the past will most certainly produce it again. Instead of retiring the legal-tenders, let their present amount be enlarged. An English authority on finance, which I do not now remember, declares that the monetary circulation required by every country to carry on its multifarious business enterprises is an amount equal to three times the sum that will defray the expenses of its government, economically administered. If our annual expenditure is \$300,000,000, our permanent circulation should be \$900,000,000. And by the census of 1870 the gold and silver and paper money of the country amounted to \$900,000,000, an amount fully adequate to the demands of trade and the wants of the business community, if it were in circulation. A proposition was made during the discussion of the Treasury-note bills in 1862 and 1862 that the resimple of the results are not the results. in 1862 and 1863 that the minimum of circulation among the people should be fixed at \$20 per capita. It would be wise at this time to convert that proposition into a law, which, like those of the Medes and Persians, should be irrepealable. Under this rule our circulation would rersians, should be irrepealable. Under this rule our circulation would approach \$900,000,000, as our population is near forty-five million; while in fact it is only \$714,000,000, and really less than that by at least \$150,000,000 through the effect of the fears and apprehensions caused by the resumption law. Even \$714,000,000 only gives \$18 per capita. The actual circulation among our people is less than \$15 per capita, while in France and Great Britain, the most prosperous nations on the globe, it is over \$20 per capita, as has been previously shown.

In a letter to the New York Tribune, dated September 11, 1875, the late Secretary of the Treasury, Hugh McCulloch, makes the following proposition:

If I were a member of Congress, my first act would be to introduce a bill making the United States notes at once convertible into bonds bearing interest at the rate

of 4 or 4½ per cent. in gold, with a provision that bank-notes to an amount equal to the notes which may thus be retired may be issued, if required by the banks; and that from and after the 1st day of January, 1878, the United States notes shall cease to be a legal tender.

We have had enough legislation already in the interest of the banks and of the money power of the country. What is now imperatively demanded is legislation in the interest of the people, in the interest of the toiling millions, whose cries for relief are continually heard at

the doors of this Capitol.

Any legislation by this or any other Congress which would add to the interest-carrying debt of the nation, or which would convert a non-interest-bearing obligation into one carrying interest, would be considered, and justly so, as a fraud upon the people. It is the tremendous interest-bearing debt of the nation which imposes so onerous a tax upon the labor of the country. We have no monarchy, no ous a tax upon the labor of the country. We have no monarchy, no aristocracy, and no church establishment in this country by name; but, in reality, we have something that is nearly as bad. Great Britain has all these splendid appendages of power, and yet the yearly cost of her government is only \$517,000,000; while the yearly cost of the governments in the United States, national, State, county, and municipal, is the enormous sum of \$640,000,000, which is about one-fourth of the value of one artire error raised in the country. The enormous nicipal, is the enormous sum of \$640,000,000, which is about one-fourth of the value of one entire crop raised in the country. The amount of the cost of government is the same in the United States as in England, being \$16 per capita. It is inimical to the genius of republican institutions that their governments should be gorgeous and splendid. It was wisely said by Nathaniel Macon, of North Carolina, who, in the earlier and purer days of this Republic presided as Speaker over the deliberations of this House, "that republican governments should be poor and the people rich."

We may well profit, as we have already done to some considerable extent, by the maxim of this Cato of American politics, and reduce it to a wholesome practice by the diminution of salaries and expenditures generally, and evince a disposition, at least, to turn over a new

tures generally, and evince a disposition, at least, to turn over a new leaf in our governmental history, and return to the good old ways of republican simplicity. It is high time to inaugurate the "evangelical politics of love and charity and good will to man," and to limit the action of the Government to the exercise of the fewest possible funcnothing by legislative intervention for the people that the people can possibly do for themselves without the aid of the Government. It is the mission of the democratic party to confine the Government to its the mission of the democratic party to confine the Government to its primary ends, which are the protection of the life, liberty, and property of its citizens. The republican party embraces to a very large extent the paternal theory of government, and thereby enlarges its functions, so that they embrace by far too many details in the ramifications of society; and corruption and maladministration are the inevitable result. There are, and will be, corrupt men in all political experiencies, but the democratic party has always and political experiences. cal organizations; but the democratic party has always had, and always will have, this immeasurable advantage over the republican party, that its principles do not necessarily engender corruption as do those of the republican party. The democratic party prevents an incalculable amount of mal-administration by leaving the secondary ends of government to private enterprise and private beneficence. The democratic party may in some instances be compelled to depart from its fundamental principles of action by previous bad and unauthorized legislation, for which it was in no way responsible. In his speech on the centennial appropriation, January 25, 1876, Mr. Thompson, of Massachusetts, enunciated a political maxim which any political party may be justified in adopting on extraordinary occasions; and it is this

An unconstitutional act may create constitutional obligations. A government may be justly called upon to repair the injury its unauthorized acts have done.

The class of cases to which this maxim applies is the only class that justifies the blending of the primary with the secondary ends of government. An instrument cannot be employed advantageously both as a razor and a carving-knife. If so employed, it will neither shave so well nor carve so well. And the same principle applies to the government. There is positively not enough public virtue in this country to carry on the Government without malpractice and corruption if both its primary and secondary ends are embraced within the scope of its authority and administration.

We are one of the most heavily taxed nations in the world as the result of our departure from the true theory and practice of a republican government. Every hardy son of toil in the land feels the weight of this heavy taxation; and it is a religious duty to reduce it and even to remove it if it can possibly be done. We need in this high forum of national legislation representatives who have the capacity and the heart to be touched by a feeling sense of the wants and the sufferings of the people, and who have at the same time the nerve and the determination to propose and to champion that legislation which will meet those wants and alleviate those sufferings.

which will meet those wants and alleviate those sufferings.

An election to Congress is the political mint which places upon the citizen the stamp of representation, and it imposes the discharge of a great duty and the burden of a heavy responsibility. His distinction and his welcome plaudit from a grateful people come and they come alone from the honest and faithful discharge of that duty and the full and adequate meeting of that responsibility. It is the amount of duty done and the extent of his honorable achievements in the inof duty done and the extent of his honorable achievements in the interest of the people that twine the laurel and the chaplet of fame around the statesman's brow. His credentials do not confer upon

him a personal decoration, but they are a badge of his servitude to the people, and not a title of nobility. Instead of elevating him above the people they constitute him a servant of the people. The Author of our holy religion, when he girded Himself with a towel and washed the feet of His disciples, promulgated the new gospel of duty which must be accepted and acted upon by every public man who hopes to meet the just expectations of his constituency, and that gospel is this:

If any man would be great among you, let him be your minister; and if any man would be chief among you, let him be servant of all.

And are we such representatives? The work proposed and perfected by this Congress will show whether we are or not. If the people have not such representatives on this floor at this time, they will have them here at a period in the future not very far distant.

An overwhelming majority of the people demand that every dollar of the bonded debt of the United States, except where by the terms of the laws under which they were created they are expressly made payable in coin, should be paid in non-interest-bearing Treasury notes; and they demand the repeal of all subsequent legislation pledging the faith and credit of the nation to a different mode of payment from that contemplated when the debts were created, whenever it can be done without impairing vested rights or the obligation of contracts. They desire and they demand the benefit of all rights and equities which they may have in regard to the national debt, of which they have not been deprived by the operative force of constitutional provisions. And these demands are not unreasonable, nor are they unjust to the creditors of the nation.

If the whole of the national debt were paid off in legal-tender Treasury notes, there is no just ground to believe that any loss would be entailed on the holders of those notes. Our circulation in that event would be but little greater than that of France, and her paper passes to-day almost at par among her people. Our circulation is nearly one-third less than that of France, and it is at a discount of 12 per cent. or more. There is some radical defect somewhere in our financial system, and it is our duty to ascertain what that defect is and then to correct it. In my opinion the defect consists in the fact that Congress has uniformly discriminated against her own currency by ambidextrous legislation: by preferring gold to her own Treasury notes, which by her own creative fiat were made legal tenders in the payment of debts. If a trader dishonors his own paper, he may reasonably expect that other people will do the same. If the Government imprints the stamp of inferiority upon her own paper by giving a

preference to other currency, it is a reasonable expectation that the sagacity of the business community will lead to the maintenance if not to the extension of that inferiority and depreciation.

Mr. Thaddeus Stevens, in the discussions in this House in February, 1862, which were contemporaneous with the creation of the Treasury

notes, used the following language:

What else are Bank of England notes than bills of credit of the government? Her whole capital consists of government securities, and her issues are based on that alone.

\* \* Had they been made an absolute tender, they would not have depreciated a farthing. \* \* \* Prussia holds the currency in paper issuable by government alone, and is always at par.

And I desire here to say parenthetically that the same distinguished gentleman, who was then chairman of the Committee of Ways and Means, declared in a colloquy with Mr. Spalding of Ohio, on the 23d day of June, 1864:

The bonds (five-twenties) are made payable in money by the express terms of the law, and if legal-tender notes are money then the bonds are payable in that. \* \* I say that no man who is a lawyer—and I could not say that the Secretary of the Treasury is not a lawyer—who will carefully read the law, can possibly come to any other conclusion than that the principal of these 5.20 bonds is payable in currency.

Treasury notes to the amount of at least \$1,000,000,000,000, which is not far from the amount of currency actually needed to carry on the business of this country, should always be at par, if predicated on the faith, credit, wealth, and pecuniary responsibility of a great nation of unlimited resources like that of the United States of America. What is it that gives value and circulation to the notes of a private individual? Is it not his solvency and character as a business man? In 1870 the property in the United States was valued at \$30,000,000,000,000. Our national debt exceeds \$2,000,000,000. Ought not Treasury notes to the amount of \$2,000,000,000, to be always at par? They would be so if there was confidence in the public mind in the solvency and in the durability of the Government. An individual who is in debt to no greater extent than one-fifteenth of the value of his property would be regarded abundantly solvent by the most timid moneylender; and the argument carries additional force when applied to a Government no more in debt than that, provided there exists confidence in the durability of that Government. And have we not confidence in the permanency of our Government? If Milton was correct when he said that "liberty in its last analysis is but the blood of the brave," then in America she rests upon imperishable foundations.

While the late war between the States was a conjugation of most of the dreadful evils that can afflict the body-politic; and while on many accounts it will be forever deplored by the philanthropist and true patriot, yet that bloody war, although it has left the shadow of the death angel upon nearly every hearth-stone in the land, was not an unmixed evil. Like every severe affliction, it has at least one

jewel in its bloody crown; and account on that every devoted lover of his country will return his devout thanks to Almighty God that it has come, and that it has gone; for it has forever settled the one fundamental principle of this Government. It has forever settled, as nothing but the terrible divinity of war could have forever settled, the great and overshadowing question, a question involving all other questions, of the unity and indivisibility of this Government.

Ever since the convention of 1787 there had been a difference of opinion among the most profound statesmen of the country as to the nature and character of its government. There were two antagonistic theories of constitutional interpretation. Most southern men believed their allegiance due, in the first instance, to their States and not to the General Government. They religiously believed, as the Kentucky and Virginia resolutions of 1798 and 1799 asserted, that in the event of a contest between the States and the General Government the States were the "judges of the mode and the measure of redress." They believed, in the language of the letter of Edward Everett accepting the vice-presidential nomination on the Bell ticket in 1860, that this was a government whose action and existence depended "upon the voluntary co-operation of the various parts." Most northern statesmen believed the reverse. The two ideas were irreconcilable, and their constant discussion, provoked by the tariff in 1828 and by the various phases of the slavery question from 1820 to 1861, was fraught with imminent peril to the integrity of the Government and was a standing menace to the life of the Republic. The advocates of the one doctrine were doubtless as sincere and patriotic as the advocates of the other; but the question was one which could never have been determined in the forum of debate. The law and the politics of such a question, involving as it did the very existence of a great nation, could only have been settled by the bloody arbitrament of the sword. As the war of the Revolution, in the language of Mr. Webster, "was fought against a preamble," so the war between the States was fought pon an idea; and the northern phase of the idea has prevailed, and the doctrine of "peaceable secession" has been consigned to the tomb of the Capulets, and been completely abandoned by every sane southern man. That doctrine now hangs out conspicuously upon the curtain of the past the banners of everlasting defeat. The great doctrine of State rights

But the doctrine of State sovereignty, which carried in its bosom the doctrine of secession and prior State allegiance, has been generally disavowed and repudiated; and the time may come when a representative man from the South will arise in his place in this high forum of the people's collective majesty and announce to the nation, as it has been done in some measure during the present Congress, the deliberate judgment of the southern people themselves that it was well for their own future prosperity and for the common glory of a common country that this great question was settled against them. Such a representative can truthfully say that they now accept the result as the fiat of the Almighty and that to a perpetual union they have sworn a perpetual allegiance. Unkind and provoking allusions to the bitter past may set their feelings in motion, but they stand like one of those old rocking-stones of the Druids, for the power of Hercules can never disturb their equilibrium.

The principle is now irrevocably fixed in and made a part of the southern heart and mind, as the immutable result of the late civil strife, as the decision of no earthly judicial tribunal could ever have fixed it, that this Government is a nation, with full and ample power to prevent disintegration and dismemberment and to secure by the most decided measures its unity, indivisibility, durability, and perpetuity. And the earnest and fervent prayer of patriots North and patriots South, "regardless of the credentials of party or the pass-words of creed," now and henceforth, will ever be that our common country may—

Like some tall tree, erect its lofty form, Green in the sun and blossom in the storm; Long in its shade may children's children come, And welcome earth's poor wanderers to a home; Long may it live, and every blast defy, Till time's last whirlwind shakes the vaulted sky.

It is superlatively absurd, Mr. Speaker, to say that such a government does not afford ample security for the whole amount of circulating medium required to carry on the business operations of its citizens. Confederate money and the assignats of France depreciated because they had no such security, no such solid basis, no permanent and established governments to sustain them and inspire confidence in their value.

That the capitalists of this country do have confidence in both the solvency and durability of the Government is conclusively shown by the fact that what are called the "currency sixes," issued to the Pacific railway companies under the acts of July 1, 1862, and July 4, 1834, command higher prices in the New York money market than the bonds of the Government which are payable, both principal and interest, in gold by the express terms of the laws under which they were issued. The reason of this is fully explained by a letter of Mr. W. W. Corcoran, of this city, a financier and philanthropist whose reputation is

co-extensive with the limits of his country, in which letter he says, (and I am well assured in my own mind that he will pardon the use I now make of it:)

I beg leave to state that the United States gold sixes are due before 1881, and can be redeemed by the United States at sundry times prior to that date. The United States currency sixes are payable thirty years after date, and will mature from 1895 to 1899, and are not redeemable before maturity. My opinion, therefore, is that the difference in the time the loans have to run makes the difference in their market value in favor of the longer loan. The currency bonds are payable, principal and interest, in currency.

These currency bonds are worth more than gold to-day; and this fact I desire to be well remembered for a purpose that will be fully stated hereafter.

If the Treasury notes were not discriminated against by the legislation of the country, they would be of equal value with gold and silver, and would be preferred by the people in the conduct of their business operations. If these discriminations were removed, and if the notes of the national banks were superseded by Treasury notes made a legal tender in the payment of all debts, then there would be less necessity for an increase of the currency by positive and affirmative legislation, for the reason that such measures would, by the operation of their inherent power, break the great gold gorge which now obstructs the circulation of specie, and the gold and silver would come out of the bank vaults and money-chests and flow freely in the currents of trade and commerce. Their withdrawal from business renders them as inert for purposes of practical utility as if they were still hidden in the bosom of the primeval rock of their mountain homes. The actual fact is that the hoarding of the precious metals exerts a powerful positive influence in the direction of commercial and financial stagnation; for strength unexerted is an element of weakness. It is no more strength than a bushel of acorns is a forest of oaks.

If the entire currency consisted of legal-tenders, a redundancy could be very easily prevented by appropriate legislation, even if that currency amounted to \$1,500,000,000. The convertibility of the legal-tenders into a Government stock carrying a rate of interest that would always render it equal to gold or superior to it, as has just been shown to be the case with the "currency sixes," would completely solve this most difficult problem in the arithmetic of the American statesman. That such would be the happy result was the opinion of a financier to whom may be applied without exaggeration the encomium pronounced by Daniel Webster upon Alexander Hamilton:

pronounced by Daniel Webster upon Alexander Hamilton:

He struck the dead corse of public credit, and it rose to its feet. He struck the rock of public resources, and abundant streams of revenue flowed forth.

In his dissenting opinion in the Legal-tender cases, in 12 Wallace's Reports, Chief Justice Chase says:

The best support for note-circulation is not limitation but receivability, especially for loans bearing coin interest. \* \* \* It is plain that a currency so supported cannot depreciate more than the loans; in other words, below the general credit of the country. It will rise or fall with it. At the present moment, if the notes were received for 5 per cent. bonds they would be at par. In other words, specie payments would be resumed.

The distinguished gentleman from Maine [Mr. Blaine] unites with the late Chief Justice in deploring the legislation by which the convertibility of Treasury notes into interest-bearing bonds was destroyed. A circulation so supported would be equal in value at least, if not superior, to a metallic currency at once, without any unwise and mischievous legislation fixing a date for the forced resumption of specie payments. And then the tremendous power of contracting and expanding the currency of the country would be taken from the legislative forum and confided to the people in their majesty of sovereignty, where such a power can only properly and legitimately belong. This fearful agency should by all means be removed from Congress.

Why cannot democrats of every shade of opinion unite in the adoption of such measures as will forever vest the people with the power and with the responsibility of the regulation of the amount of the circulating medium? It does seem to me that this is a platform upon which all can stand and see the salvation of the democratic party and of the country. This is the platform upon which an overwhelming majority of the people of the United States now stand or soon will

The statesman who has been stationed upon the lofty peaks of political observation and who is at all skilled in political meteorology cannot fail to have noted the coming wave of popular sentiment on this great question. By placing our ears to the ground, like the unturored Indian in his native forest, any of us may hear in the distance the tramp of the teeming millions as they come to align themselves on this new and great issue, an issue that will subordinate all other

It was wisely remarked by Lord Bacon that a great question will always be discussed, agitated, and settled sooner or later. It was so with the slavery question, and it will be so with the financial question. It will not down at our bidding. It is vital in every part, and will not submit to annihilation. It is a question of omnipotence in politics; and if the democratic party should not, after a fair and impartial trial, prove itself adequate to the satisfactory solution of the great problem, there is imminent danger that the masses of the people may address themselves to the responsible task of organizing a party, as they now threaten to do in the Northwest, that will be competent for its final settlement. At this late epoch of the world's civilization, many of the most advanced political thinkers are abandon-

ing their old and worn-out theories in regard to hard money, which is acknowledged to be an impossible currency in periods of panic and financial disaster, when there exists the greatest necessity for its free circulation. So many new facts have accumulated in the history of finance as to necessitate a revision of the hasty inductions heretofore made from limited facts; and some of the most enthusiastic advocates of a metallic currency are gradually announcing their adhesion to the proposition that "in a well-governed country the credit of the state is the highest form known," and that "the credit of the governments of Great Britain or the United States is worth more than

I am well aware that doubts are entertained by many as to the constitutional power of our Government to issue in times of peace Treasury notes which shall be a legal tender. If these doubts are so general and of such a character as to embarrass and obstruct wholesome legislation for the relief of the country, then the gravity of the situation is such as fully to justify the adoption of a constitutional amendment which shall expressly and unquestionably confer that power. Permit me in conclusion, Mr. Speaker, to say that the democratic party, in the past history of this Republic, has gloriously vindicated its character as the friend and the champion of the dearest rights of the people. It is too late in the day for that party to take a step backward. It must show itself equal to the present emergency, and demonstrate the fact to the people that it is a progressive democracy, and keeps itself fully abreast of the great questions of the age. The democratic party of to-day is not the democratic party of 1856 or of 1861; but it is a new and renovated party, combining in organic and harmonious union the conservative and vital elements of the old whig and democratic parties. It has often been said that the democratic party had the "best principles while the whig party had the best men;" and it may be justly claimed for the democratic party of to-day that its high and earnest endeavor is to employ its "best men" for the illustration and enforcement of its "best principles."

I myself was brought up in the lap of the whig party, and nurtured in the school of Henry Clay; yet I am heartily in accord with the democratic party as it is now constituted, and take special pride in enrolling myself as a humble soldier in her serried ranks as they move forward, under skillful leadership, to assume the government of this distracted land, forever henceforth "carrying the flag and making step to the music of a restored and rehabilitated Union." The name itself carries with it a charm and a magic spell, and for effect and popularity, it is superior to any other in the political nomenclature of the country. It strikes a responsive chord in the patriotic hearts of the American people; and in every political contest a "single blast of its bugle horn" is worth at least one hundred thousand

There is no substantial reason why every member of the old whig party, which was always a party of conservatism and nationality, should not cordially co-operate with this new democracy in its\_laudable efforts to restore the administration of the Government to that simplicity, economy, and purity which characterized it in those early days when the fathers shaped its policy under the guidance of wisdom and the inspiration of patriotism.

days when the fathers snaped its policy under the guidance of wisdom and the inspiration of patriotism.

The distinctive doctrines which separated those grand old parties have been authoritatively settled by the arbitrament of time and the logic of events. And permit me to say further, that it detracts nothing from the glories of the old whig party that it has lost its name in the vicissitudes of our political history; just as it detracts nothing from the dignity of the Missouri River that she loses her name when her turbid waters mingle with those of the Mississippi. In measuring the longest rivers from the sea, geographers will always consider the Missouri as an inseparable part of the Mississippi; and so, when the future historian shall seize his pen to write the history of American liberty and chronicle the imperishable services rendered by the political parties of the country to the cause of free institutions, he will be compelled to consider the Missouri of whiggery as an inseparable part of the Mississippi of democracy; and he will note the fact that their coalescing streams have, in their onward flow, deposited impurity after impurity of political doctrine; that they have cleared themselves like rivers as they run to the sea, and that they have equally contributed to the political fertility and renovation of our common country.

Upon the appearance of the great dragon of adverse power in the shape of the republican party, the democratic party, like "the woman clothed with the sun," mentioned in the Book of Revelations, was forced to retire into the wilderness, and for fourteen long years remained in a state of hybernation or suspended animation. But in the last general election she was breathed upon in her temporary grave by the holy spirit of the "evangelical politics of love and charity and good-will to man;" the same politics that was proclaimed to the shepherds as they watched their flocks by night on the plains of Judea eighteen hundred and seventy-five years ago; and she rose to life in this Congress by the power of a glorious resurrection. And in bursting the cerements of her political tomb like Lazarus she left behind her the old napkins of obsolete political doctrine and the contaminating heresies of the dead past, and she came forth clad in the new and pure flesh of incorruptible principle. To-day she stands a new and a vizorous plant grafted upon the live old stocks of the best principles and most sacred traditions of a glorious past; and under the genial influences of increasing popular favor she will in the near fu-

ture adorn herself with a foliage more vital and more glorious than that of 1787. But in order that she may achieve so grand a destiny she must revise some of her hasty inductions upon the great financial questions of our politics and conform to the spirit of a new age which has been superinduced by an advancing civilization. The Bourbon element, which learns nothing and forgets nothing, has no place in the creed of a progressive democracy. I believe it was Coleridge who said:

If men could learn from history, what lessons it might teach them. But passion and party blind their eyes; and the light which experience gives is a lantern on the stern which shines only on the waves behind them.

It was Bolingbroke who said:

History is nothing but philosophy teaching by example.

And it was Burke who said:

Example is the school of mankind and they will learn at no other.

The true American politician can never fully meet his responsibilities unless he has learned that philosophy which is taught in the school of example, and unless he has been illumined by that light which emanates from the lantern of experience.

But all great changes in politics and in the principles of govern-

ment must, like those in the great realm of nature, necessarily be of slow growth. The complete relief of a suffering and oppressed people cannot be accomplished by a single act of legislation, just as Atalanta could not finish the race and seize the golden apple at a single bound. A beginning must be made and the grand result reached after many approximations toward the highest attainable good, and the highest attainable good is ever the aim of the practical and the

enlightened statesman.

The financial measures proposed by the democratic party in the present Congress must be founded on this wise maxim of true statesmanship. If they do not embody the highest good, they must embody the highest attainable good at the present time, or they will fail to command the support and the approbation of the people. Political truth, like all other truth, is a polygon. It has many sides, and, like the moon, but one phase is presented to the world at a time. As knowledge advances and mankind with it, new phases of truth, new sides of the polygon, will become visible, until finally the whole circle of truth will be completed, and the political inductions of the race will attain the pagest possible approximation to perfection and infolential train the pagest possible approximation to perfection and infolential train the pagest possible approximation to perfection and infolential train the pagest possible approximation to perfection and infolential train the pagest possible approximation to perfection and infolential train the pagest possible approximation to perfection and infolential trains the pagest possible approximation to perfect the property of the prop will attain the nearest possible approximation to perfection and infal-

libility A beginning must be made by the democratic party, and she must demonstrate her good intentions to the country by such legislation as will manifestly be in the interest of the toiling millions whose consistent champion she has ever been, and not in the interest of the privileged and favored few at the expense of the suffering many. If such an auspicious beginning shall be made during the present session of Congress, it may with safety be written down in the political annals as the sure word of prophecy that the democratic party, as the faithful representative of the progressive political sentiment of the nation, will, sooner or later, be clothed with "the lawn of office and the staff" of supreme authority; and when she does come into power, as come she assuredly will, she will come charged with the imperative command of the people to remove the carcasses of political corruption from the highways and the byways of the Government and to inaugurate in the purified temples of constitutional liberty the reign of a purer public morality and of a nobler political administration. And when she shall be so invested with power, the prayer of every true demo-cratic heart will ever be that she may forever stand upon the Appian ways of the Constitution, never trusting any man, even of her own political faith, any further than the Constitution trusts him, and that she may continue to administer the "evangelical politics of love and charity and good-will to man" in this "western appendix of civiliza-

ion" down to the last period of recorded time.

Mr. TOWNSEND, of Pennsylvania. Will the gentleman from Tennessee allow me, before he resumes his seat, to ask him a question or two with regard to some of his statements, in which his calculations

are different from mine?

Mr. RIDDLE. Certainly.
Mr. TOWNSEND, of Pennsylvania. I desire to know whether or not the gentleman in his calculation of the per capita of currency includes any of the interest-bearing bonds or obligations of the Government?

Mr. RIDDLE. No, sir.
Mr. TOWNSEND, of Pennsylvania. And in the second place I want to know whether in his calculation he makes any allowance for the deposits in the banks as affecting the business of the country?
Mr. RIDDLE. No, sir.

Mr. TOWNSEND, of Pennsylvania. And my third question is, will the gentleman be good enough to state what is the reason why the

legal-tenders are now below par?

Mr. RIDDLE. I have stated that most fully in my speech.

Mr. TOWNSEND, of Pennsylvania. I was not aware that the gentleman had done so

Mr. RIDDLE. It is because the Government places on them the

stamp of inferiority and discredits its own paper.

Mr. TOWNSEND, of Pennsylvania. In what way?

Mr. RIDDLE. By refusing to receive them in payment of all debts.

Mr. KELLEY. And if the gentleman will permit me, I would add—or in exchange for its bonds.

Mr. RIDDLE. Certainly; or in exchange for its bonds.

IMPROVEMENT OF CUMBERLAND RIVER.

Mr. DURHAM. Mr. Speaker, nearly all of the speeches which have been made during the present session when the House has been in Committee of the Whole were on the currency question. Their views have been various and their opinions very diverse. The people of the country are very much interested in that question, I admit. On a

country are very much interested in that question, I admit. On a sound system of finance very much depends the prosperity of the country. But I propose to-day to change the programme a little, and speak about the improvement of some of the great natural highways of the country, upon which I think very much of the growth, prosperity, and development of the country depend.

During the last Congress I procured an appropriation for a survey of Smith's Shoals, in the Cumberland River, in the State of Kentucky. That survey was made in the latter part of 1874 by Mr. R. C. McCalla, assistant engineer, and his report will be found in the annual report of the Chief of Engineers for 1875, in appendix R, on pages 16, 17, 18, 19, 20, and 21. At this session I have introduced a bill authorizing the Secretary of War to improve said shoals according to the plans and specifications of said report, and asking an appropriation plans and specifications of said report, and asking an appropriation of \$70,000 to enable him to make said improvement. The committee will indulge me for a short time while I give some additional reasons, not in said report, for the improvement of said shoals.

You are well apprised of the importance of cheap transportation,

and where there are natural highways of a national character they should be so improved as to give an outlet to the products of the counshould be so improved as to give an outlet to the products of the country through which they run, provided said improvements are practicable. However much we may differ as to the propriety of giving aid to the great artificial channels of commerce, no one, I dare say, now doubts the power of Congress to improve rivers running through more than one State, to improve rivers and harbors where the same is necessary to foster and protect commerce on the seaboard and to develop the resources of the country. The more you improve these arteries and make them navigable for all classes of vessels which can traverse them the more you develop the resources of the country; and traverse them, the more you develop the resources of the country; and the cheaper you carry those products to their respective markets, the cheaper they can be had by the consumer, and he is enabled to appropriate more of them to his own comfort, taste, and pleasure. I need not stop to argue that water transportation is the cheapest of all the kinds in use in this country. This arises from the fact that it is a natural highway; no daily wear and tear of this road-bed; no great outlay in constructing the same. It can be utilized in a hundred different ways, from the magnificent steamer freighted with the lives and

ent ways, from the magnificent steamer freighted with the lives and property of men, down to the coal-barge and the rough log-raft. I will dwell no longer on these self-evident propositions.

Now the grand question is this: Is this such an improvement as should be made by the Government? Is it in the interest of trade and commerce, and will it bring material wealth to any considerable portion of the country? It is known to you all the Cumberland is one of the main branches of the Ohio River. Rising in the mountains of Kentucky, it runs for more than a hundred miles in Kentucky, then through a considerable portion of Tennessee, then back tucky, then through a considerable portion of Tennessee, then back into Kentucky, then empties into the Ohio River. Its whole length is about six hundred miles, and in winter and spring is navigable for two hundred miles for large first-class boats, and during the summer for small boats up to the foot of the shoals I am seeking to have imsmall boats up to the foot of the shoals I am seeking to have improved. It is such a stream as Congress should order improved, if there is wealth to be developed by so doing. There is then twelve hundred miles of coast on this river. Winding as it does through mountains and plains, it bears upon its bosom to the Ohio and Mississippi Rivers the rich products of this large extent of country. It is estimated that the commerce on this river above Nashville now amounts to \$10,000,000 annually, and with some improvements, not costing half as much as is thrown away on one post-office building, the compares would reach double that amount.

the commerce would reach double that amount. These shoals obstruct the passage of coal-boats, rafts, &c., at all times of the year except when there is a high rise in the river, and this does not often occur; so that most of the time there is not sufficient tide to carry to market the inexhaustible supplies of coal and lumber above and adjacent to said shoals. There is over one million of acres and about twenty thousand square miles in extent of the country in

whose bosom is embedded millions of dollars' worth of coal, and on whose bosom is embedded millions of dollars worth of coal, and on the surface of which is an inexhaustible supply of pine, poplar, and oak timber, which lies above and on either side of these shoals and is accessible, if there was any convenient way of getting to market those vast products. This country is rough, is sparsely inhabited; but if these inexhaustible products would be made available by means of transportation, then the population would double and treble in a short time. New mines would be opened, towns spring up, and great wealth would come to those who are now out off from a market wealth would come to those who are now cut off from a market

for these products; and those who now look to these mines for their supply of coal and lumber would purchase the same for nearly one-half of the price they now pay.

Mr. Speaker, the number of flat-boat tides over these shoals will not average over three annually, and the number of boats is about eighty each season, carrying about six hundred and forty thousand bushels of coal; this is generally sold in the Nashville market at sixteen and one-half cents per bushel, thus yie.ding in gross about
\$100,000. Boatmen living on the river say there are on an average
annually twenty-four boat-tides from the foot of the shoals down
the river. Now, if the improvement proposed would quadruple the

number of tides on the shoals, then you would have over two and a half millions of bushels of coal sent to market annually, and a return of \$400,000 therefor. But it is reasonable to suppose, as the facilities for getting these products to market are increased, new mines would be opened, a much larger number of boats would be sent down each tide, and I do not regard it an extravagant estimate when I say there would be sent from these mines annually five or six millions of bushels of coal, yielding to the operatives and to the country at least \$750,000. Nor is this all. There is now, when there is a high tide, large rafts of as fine timber and lumber as can be found anywhere floated down this fine timber and lumber as can be found anywhere floated down this stream. These would also be largely increased in number and value, so that, with this improvement made, the return to these hard-working, honest (but destitute in many regards) people would be at least \$1,000,000 annually from coal and lumber. This is not all. There lies in these mountain ranges, and near to this river, above these shoals, quantities of iron-ore, the extent not known; but should this approach in extent and quantity the coal found here, then this source of wealth will far exceed that of both coal and lumber. I venture the assertion that there is searcely anywhere any section of country of the same that there is scarcely anywhere any section of country of the same extent so rich in its natural resources; and here permit me to give an extract from the report of the engineer. He says:

I deem it unnecessary to expatiate more fully upon the character and quantity of the resources, mineral, manufacturing, and agricultural, of this section of the Cumberland River and the countries tributary thereto. Suffice it to say that there is perhaps no section of similar extent in the United States that can surpass it in undeveloped coal, iron, lumber, agricultural, and manufacturing resources.

Mr. Speaker, I am not asking for an appropriation simply to give some person a fat contract to do a piece of work which when done will yield no return to the people in the country; but, sir, I ask the sum because it is needed to develop the untold resources of that country; because by making these three great products—coal, iron, and lumber—accessible by transportation their consumers purchase them at lower rates; because it adds much to the general prosperity of the country, and consequently to the happiness of the people. Permit me to say that the people of that section are a patriotic, industrious, virtuous people, who are struggling under adverse circumstances to develop these great resources, thereby bringing slow profit to themselves and furnishing these great necessaries to others, and they ask the aid of the Government in opening up this great natural highway, and they should have it.

Sir, the district which I represent, through which the Cumberland River runs, and in which is situated these shoals, has never received from the Government a dollar for public improvement. The Government has built no court-house, no custom-house, no post-office; has cleaned out no rivers in its borders; and she pays annually in internal revenue alone into the Treasury over a half million dollars, which is more than some whole States pay, and to which the Government has appropriated hundreds of thousands of dollars for objects of no more importance than this. That you may see how these appropriations have heretofore and are now being made, I desire to give you some of the appropriations in the last fifty years. The same are taken from the official records, and are no doubt correct. The whole amount appropriated to rivers and harbors in that time is about \$50,000,000, and, the Secretary of War informs us, has been distributed as follows,

Maine	\$1 300 000	Georgia	\$571,000
New Hampshire		Florida	276, 000
Vermont		Alabama	639, 900
Massachusetts	2, 300, 000	Louisiana	1, 345, 000
Rhode Island	500,000	Texas	412,000
Connecticut	965, 000	Arkansas	385, 000
New York	7, 500, 000	Ohio	2, 046, 928
New Jersey	182,000	Indiana	629,000
Pennsylvania	1, 106, 000	Illinois	1, 659, 000
Delaware	2, 709, 759	Michigan	5, 900, 000
Maryland	1, 031, 500	Wisconsin	3, 732, 500
Virginia	738, 500	California	935, 000
North Carolina	1, 295, 900	Oregon	400,000
South Carolina	144, 000		

The Mississippi River and its tributaries—the Missouri, Ohio, and Arkansas—\$15,200,000.

Some of the largest sums for harbor improvements are as follows:

East River, New York	
Hudson River	1, 189, 288
Buffalo Harbor	1, 089, 494
Delaware Breakwater	2, 168, 403
Boston Harbor, Massachusetts	1, 115, 170
Cape Fear River, North Carolina	1,008,208
Savannah River and Harbor, Georgia	561, 000
Mobile Harbor and Bay	608, 997
Saint Mary's Falls and Canal, Michigan	1, 400, 000
Chicago Harbor	979, 000
Fox and Wisconsin Rivers	1, 245, 000
Des Moines Rapids, Mississippi River	4, 294, 200
Ohio River Falls and Louisville Canal	1, 163, 200
Rock Island Rapids, Mississippi River	1, 089, 650
Mouth of Mississippi River	2, 185, 181
mount of mississippi Mitchinian	2, 100, 101

Not one dollar has found its way into my district to improve this great natural highway. I do not intend to be understood as advocating what is commonly called a general system of internal improvement, such as giving aid to mere local objects not material, to giving aid as subsidies to private corporations or to individuals. I am opposed to all such aids, gifts, or grants, but I am in favor of giving

such aid by improving the great water-lines and their tributaries as will facilitate the commerce of the country and develop its vast resources and wealth. This I believe is the true way to cheapen transportation.

I will not say that many, very many of the appropriations made to improve rivers, to build court-houses, custom-houses, and post-offices are wrong and unnecessary; but I will say they in most instances are extravagant. There is now in course of construction in the United States, outside of the District of Columbia, public buildings costing over \$40,000,000, many of them costing double and even four times as much as they should, the unnecessary tinseling and carving on them costing more than I ask for this improvement. And if these unnecessary and useless expenditures were cut off, there would be enough saved to improve the Ohio River and all of its grand tributaries, thus opening up the untold wealth along their borders. Look for a moment at some of these appropriations, and at the almost incredible amount being expended on them: \$7,500,000 for a post-office and court-house in New York; \$4,000,000 for a custom-house in New orleans; \$3,000,000 for a custom-house and post-office in Saint Louis; \$2,500,000 for a mint in San Francisco; \$2,500,000 for a custom-house in Chicago; \$2,225,000 for a post-office in Boston, and hundreds of thousands of dollars to other buildings scattered all over the country, the cost of which is far in excess of what is required.

Mr. Speaker, the burdens of the Government and its protections and advantages are very unequally distributed. And I insist there can be provided some remedy, although the same may not be ample and complete. The policy should be to give back to those who contribute so much for the support of the Government something to aid in developing their natural resources when they are contiguous to the natural highways of the country. You thus stimulate the industries of the country, and render the people more contented and happy. But so long as you make the large useless appropriations, thereby in many instances building up rings and encouraging extravagance, you create heart-burnings and jealousies and stiffe the energies of those who, with proper help and encouragement, would make the country greater, more prosperous, and happy. This is a worthy object, and I ask and demand an appropriation to commence this work, not only in the name and behalf of my immediate constituency, but I ask it because this stream is of national importance and its improvement will help to develop the great natural resources of our common country

It may be said by some that we must retrench and reduce our enormous expenses. I will go as far as any man in this House to cut off all useless expenditures and exercise a rigid economy. Yet a large and enlightened statesmanship is ever looking to the growth and development of the nation, and whatever appropriation is necessary to carry out these objects and to make us happier and more prosperous should be made. Sometimes a small outlay yields twenty, thirty, and even a hundred fold. And believing, as I do, such will be the result of this improvement asked for, I say again, right, justice, and fairness demand that it shall be made.

## THE CURRENCY.

Mr. PAGE. I rise to ask permission of the House, for the first time since I have been a member of it, to have printed in the RECORD some

remarks which I have prepared on the currency question.

There being no objection, leave was granted. [See Appendix.]

Mr. LANDERS, of Indiana. Mr. Speaker, in view of the prostrate condition of the wealth-producing industries of the country, the pecuniary ruin of so great a proportion of our business men, and the threatened pecuniary ruin of thousands more, it is the paramount duty of Congress to investigate the cause that has produced so disastrons and distressing a condition of affairs, in order that we may

astrons and distressing a condition of analys, in order that we may apply a proper remedy.

In entering upon this investigation, I am fully aware of the cause that divides the people and their representatives into parties on this momentous subject. Were it not for this cause of division, a remedy for the evils that afflict the business community could easily be discovered and speedily applied; one which the mass of our citizens would bear this expland.

heartily applied.

Mr. Speaker, the difficulties that prevent us from speedily applying relief to the business, laboring, and wealth-producing industries of the country arise from the simple fact that there lies in our pathway a contest between two forms of government-a contest that is as old as the Constitution, for it took its rise in the convention of is as old as the Constitution, for it took its rise in the convention of 1787 that framed the Constitution—and until we come to a clear understanding of the difficulties that beset our pathway, that divide us into parties, and prevent us from united action, or any action at all, we will not be able to apply the remedies required to relieve the distress of the people, arising from a contraction of the circulating medium of the country, as I will clearly show.

The contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest about forms of government to which I refer is a contest and I was a contest about forms of government to which I refer is a contest and I was a contest about forms of government to which I refer is a contest and I was a contest and I

test between the American system of State and Federal governments and the British aristocratic system, consolidating Scotland, Ireland, England, and Wales into one national government, based on aristocratic principles; therefore the effort with us to subordinate the State governments and consolidate their powers into a despotic national government, based on a moneyed aristocracy; which of all forms of government is the most odious

In this contest over forms of government, we find that the American

system of full legal-tender money and the cash system of business best accord with the American system of government, while, on the other hand, the British system of bank currency and the credit system of

business sustain the British system of aristocratic government. On the 19th of February, 1863, Hon. E. G. Spaulding, in this House, in his speech in favor of the national-bank currency bill, said:

It is now most apparent that the policy advocated by Alexander Hamilton of a strong central government was the true policy. (See page 4 of appendix to Spaulding's History of the Legal-Tender.)

In the general convention of 1787 that framed the Federal Constion the general convention of 1757 that framed the rederal Constitution the contest was between a national aristocratic form of government and a federal union of equal states, with "all power inherent in the people" of each state.

On this subject, on June 18, 1787, Mr. Hamilton said:

On this subject, on June 18, 1787, Mr. Hamilton said:

We must establish a general and national government, and annihilate the State distinctions and State operations; and unless we do this, no good purpose can be answered.

\* \* \*

I foresee the difficulty on a consolidated plan of drawing a representation from so extensive a continent to one place. \* \* \* This, however, can be no conclusive objection if it eventuates in an extinction of State governments. \* \* \*

I believe the British government forms the best model the world ever produced, and such has been its progress in the minds of many, that this truth gradually gains ground. This government has for its object public strength and individual security. It is said with us to be unattainable. If it was once formed it would maintain itself. All communities divide themselves into the few and the many. The first are the rich and well born, the other the mass of the people. \* \* 4 Can a democratic assembly, who annually revolve in the mass of the people, be supposed steadily to pursue the public good? Nothing but a permanent body can check the imprudence of democracy. Their turbulent and uncontrolling disposition requires checks. \* \* \* \*

check the imprudence of democracy. Their tarbuteneau tarbuteness are required checks. \* \* \*

Let one body of the legislature be constituted during good behavior or life.

Let one executive be appointed [for life] who dares execute his powers. \* \* \*

All State laws to be absolutely void which contravene the general laws. An officer to be appointed in each State to have a negative on all State laws. All the militia and the appointment of officers to be under the national government. \* \* \*

The people are gradually ripening in their opinions of government; they begin to tire of an excess of democracy.—Yates's Debates of the Convention, pages 132-137.

Mr. Hamilton's proposed scheme of "national" government having Mr. Hamilton's proposed scheme of "national" government having been adopted in committee of the whole and reported to the convention, the federal union advocates, on June 20, 1787, moved to strike out the word "national in the first resolve" and to substitute the words "Government of the United States;" which was agreed to. The national system of Hamilton was abandoned, and the federal system was adopted.

was adopted.

Alexander Hamilton, as Secretary of the Treasury, proposed to Congress the adoption of the British system of bank currency; and on his recommendation, on February 25, 1791, "The president, directors, and company of the Bank of the United States" was incorporated for a period of twenty years, with a capital of \$10,000,000.

Thomas Jefferson, then Secretary of State, gave a written opinion denying the power of Congress to incorporate a bank of issue. Mr. Madison opposed it in a powerful speech in Congress as unconstitutional; and, although General Washington signed the bill, it is known that he was strongly opposed to bank currency based on specie for that he was strongly opposed to bank currency based on specie for redemption, or to any paper currency made redeemable in coin, even though it should be made a legal tender, as is fully shown by his letter to T. Stone, a member of the Maryland Legislature, written at Mount Vernon, February 27, 1787; and also by the action of the Virginia delegation in the constitutional convention of 1787, which, by a vote of nine States to two, refused to delegate the power to Congress to emit a "bill of credit," which is defined to be "a note promising payment in lawful money on demand and specially authorized by law to pass as a circulating medium." Virginia was one of the nine States which refused to delegate such a power to Congress

Mr. Madison appended a note to the proceedings of the convention in which he says that he "became satisfied that striking out the words 'to emit bills of credit' would not disable the Government from the use of public notes as far as they could be safe and proper, and would cut off the pretext for a paper currency, and particularly for making the bills [of credit] a tender either for public or private debts." A full legal tender is both money and currency, whereas a note,

promising payment in lawful money, is mere currency and not money, and is made to depend for its value on the prompt performance of the

promise to pay in lawful money on demand. .

The notes of the United States Bank, incorporated in 1791, were made legal-tenders to the Government and payable in legal-tender made legal-tenders to the Government and payable in legal-tender coin on demand, which made them "bills of credit," and therefore unconstitutional. The present national-bank currency, redeemable on demand in legal-tender greenbacks, are also legal-tenders for public dues, and are therefore mere currency or "bills of credit." As the advocates of national-bank currency have ever contended that the promissory notes of banks may be made a legal tender, of course it is both inconsistent and absurd for them to deny the constitutionality of a legal-tender Treasury note. Moreover, they are estopped by their own acts from setting up such a plea; and more especially in the face of a decision of the United States Supreme Court in favor of the constitutionality of United States Treasury notes issued in 1812 and 1814, which decision was delivered by Judge Story.

In order to show more clearly the want of any constitutional power in Congress to incorporate a bank or banks of issue, I call attention to the fact that in 1791, on a consideration of the bill to incorporate the "national" bank, Mr. Baldwin reminded Judge Wilson, of Pennsylvania, that the States refused to delegate to the Federal Govermment the power to create corporations. Particular power was then

proposed to establish a national bank, which proposition was also rected. Judge Wilson admitted the correctness of the statement, which will be found to be correct by an examination of the proceed-

ings of that convention.

In 1811 the national bank applied for a recharter, which was denied it by Congress, on which occasion Mr. Clay, of Kentucky, made a powerful speech against the recharter of the bank. In his remarks he treats such an institution as "unconstitutional, anti-American, and strictly a British institution." Mr. Clay, addressing himself to the advocates of bank currency, said:

Do they forget that we are not in Westminster Hall? \* \* \* May not the time arrive when the concentration of such a vast portion of the circulating medium of the country in the hands of any corporation will be dangerous to the liberties of the country?

Mr. Speaker, that time has now arrived which Mr. Clay foresaw, and it becomes the duty of the representatives of the people to take from the national banks the power to make and control the currency. But lest we may fall into a still greater evil of returning to State banks of issue, I shall now show that the States are directly and positively prohibited from emitting a "bill of credit," and conse-quently of incorporating a bank of issue. Article 1, section 10 of the Federal Constitution says:

No State shall coin money, emit bills of credit, or make anything but gold and silver coin a tender in payment of debts.

Section 8, article 1, paragraph 5, of the Federal Constitution says: Congress shall have power to coin money, regulate the value thereof and of foreign coin.

The power to make money or a medium of exchange, which "is the tool of trade," is a power incident to sovereignty, and, as "all power is inherent in the people," they must be sovereign, as sovereignty is defined to be the highest power known to any government; and, as we cannot have two highest powers, sovereignty must reside in the people, and not in any constitution or form of government, but in those who make them and may at their pleasure change, alter, or amend them. Sovereignty delegates power to make supreme or the highest law, but cannot delegate any part of its sovereignty without losing the whole, as it cannot reside in the people and in their representatives at one and the same time. Therefore, in making constitutions and governments, it was proper that the people should have delegated either to Congress or to the State Legislatures the power to make money; and, having shown that this power has been delegated to Congress, it becomes necessary to show by what act of Congress this power is exercised. It is made by that act of Congress which makes anything a tender in payment of debts, which is called a legal-tender act. Two things are clearly observable in connection with this question: First, that the power to make a legal-tender act is not granted in the Federal Constitution by any mention of such an act; second, that the power to make such an act is contained in the power and duty to regulate the value of money.

Mr. Webster on this subject said:

Collating the grant to Congress and the prohibition to the States, a just reading of the provision is this: Congress shall have the power to coin money, regulate the value thereof and of foreign coins, emit bills \* \* \* or make anything besides gold and silver coin a legal-tender in payment of debts.

In reply to those who assert that coin only can be declared a legaltender, it is proper to call attention to the fact that the powers granted to Congress are permissive. and not obligatory; therefore, as Congress might not coin gold and silver, the States reserved the power to make gold and silver coin (of other countries) a tender in payment As the laws of Congress made in accordance with the powers granted to it are supreme, had Congress been compelled to make coin a tender in the payment of debts, dues, and demands, or the only legal tender, as the designing advocates of bank currency contend, the reservation on the part of the States would not have been made. It would have been both useless and absurd.

One other fact must be borne in mind in connection with this sub-ject, that in order to regulate the value of money Congress must make it a full legal tender, as a partial legal tender is always depreciated as compared with a full legal tender; as is proved in the case of silver coin, it, being a partial legal tender, is depreciated as compared with gold coin, which is the only full legal tender, and as was proven in the case of the demand notes issued in July, 1861, and Februser 1861. ruary, 1862. Those demand notes were only legal tenders for public dues. When the banks suspended specie payments in December, 1861, they refused to take them for debts due them, which depre-173, they refused to take them for debts due them, which depreciated those notes to a level with suspended-bank paper. On March 17, 1861, Congress made them an equal legal tender with gold coin, at a time when there was no coin to redeem them with, and when their redemption had been virtually prohibited by the act of February 25, 1862, when they instantly was to an equality in when their ruary 25, 1862, when they instantly rose to an equality in value with gold coin, and continued to rise with it to a value of \$285.50 on the \$100, as compared with partial legal-tender greenbacks. There are \$60,000 of those full legal-tender notes not yet redeemed, and if there are any of them not yet destroyed by use they will now command the same premium as gold coin because by law they are made to perform the same functions. Consequently money is not only the creature of a legal-tender act, but that act also gives it value, whether composed of coin or paper. When money is made a full legal tender it is par of coin or paper. When money is made a full legal tender it is par or of equal value, and bears a premium or higher value than a partial legal tender as compared with a full legal tender. . Having shown that the entire power over the question of creating money is in Congress and by what act that power is exercised, and that Congress cannot justly make a partial legal tender, it is proper to call attention to the fact that Congress cannot demonetize coin, as the States may make it a legal tender in case Congress fails or refuses to do so.

THE AMERICAN SYSTEM OF MONEY, AND ITS SUPERIORITY OVER BANK CURRENCY.

By an examination of Jefferson's published correspondence, the following will be found in a letter to his son-in-law, Colonel Eppes, chairman of the Committee of Ways and Means in Congress, dated June 24, 1813. He said:

chairman of the Committee of Ways and Means in Congress, dated June 24, 1813. He said:

In the war of 1755 our State availed itself of this fund by issuing a paper currency bottomed on a specific tax for its redemption and, to insure its credit, bearing an interest of 5 per cent. Within a very short time not a bill of this emission was to be found in circulation. It was locked up in the chests of executors, guardians, witdows, farmers, &c.

We then issued bills bottomed on a redeeming tax but bearing no interest. These were received, and never depreciated a single farthing.

In the revolutionary war the old Congress and the States issued bills without interest and without tax. They occupied the channels of circulation very freely until those channels were overflowed by an excess beyond all the calls of circulation. But, although we have so improvidently suffered the field of circulating medium to be filched from us by private individuals, yet I think we may recover it in part, and even in the whole if the States will co-operate with us.

If Treasury bills are emitted, on a tax appropriated for their redemption in fifteen years, and (to insure preference in the first moments of competition) bearing an interest of 6 per cent, there is no one who would not take them in preference to bank paper now afloat, on a principle of patriotism as well as interest, and they would be withdrawn from circulation into private hands to a considerable amount. Their credit once established, others might be emitted, bottomed also on a tax, but not bearing interest; and if ever their credit faltered, open public loans, on which these bills alone should be received as specie. These, operating as a sinking fund, would reduce the quantity in circulation, so as to maintain them on an equilibrium with specie. It is not easy to estimate the obstacles which, in the beginning, we should encounter in ousting the banks from the possession of circulation. \* \* \*

But it will be asked, Are we to have no banks? Are merchants and others to be depri

In October, 1873, the Westminster Review published the following showing the foresight of Jefferson in his allusion to the ruinous British system of bank currency:

### THE MINT AND THE BANK OF ENGLAND.

In breaking this monopoly of the bank we should be taking great strides toward the attainment of that ideal system of currency which Sir Robert Peel must have had in his heart when he passed his curreacy laws; a system under which the state shall be the sole fountain of issue; under which no money shall circulate on credit, or, if it does, shall circulate on the credit of the state, all bank notes as well as coins bearing the image and superscription of the head of the state, and under which all profits upon the issue of money shall form part of the imperial revenue. \* \* The power of issue now exercised by the Bank of England and by the English, Irish, and Scotch banks (all private corporations) is a relic of feudalism. \* \* \* The manufacture of coin has been suppressed long ago, but the manufacture of paper money still remains, and the profits of this manufacture are allowed to remain in private hands, the state taking upon itself the manufacture of the only part of the currency upon which there is or can be a loss. It is high time this state of things cease; that all rights of issue were gathered into the hands of the state; that the debt of the Bank of England was paid off; that all notes but those of the state were suppressed; that the powers of issue now exercised by the banks were vested in the royal mint, \* \* and that the profits upon paper currency were claimed by the state and appropriated \* \* \* to the reduction of texation.

In England there is now going on an active controversy and demand

In England there is now going on an active controversy and demand for the total abolishment of the British system of bank currency and

the substitution of government legal-tender paper for such issues.

The following quotations from Franklin not only sustain Jefferson's view in relation to full legal-tender Treasury notes, convertible into bonds or certificates of indebtedness, but they prove the superiority of the money of the colonies of Virginia and Pennsylvania previous to the Revolution of 1776, over a redeemable currency. Full legal-tender money, not redeemable in coin or other money, is always as the American system of more.

par, known as the American system of money.

Franklin, in a letter to Samuel Cooper, of April 22, 1779, (the Works of Benjamin Franklin, volume 3, page 328, by Jared Sparks,)

Secondly, after the first emission [of bills or continental money] I proposed that we should stop, strike no more, but borrow on interest those we had issued. This was not then approved of, and more bills were issued.

This shows that Franklin as well as Jefferson understood the importance of allowing United States Treasury notes to be bonded at the pleasure of the holder; and, although the "old Congress" could not lay any taxes, either directly or indirectly, and had no revenue but what was derived from a requisition on the States, had Franklin's proposition been adopted, the continental money would have remained

Benjamin Franklin, in 1769, before the British board of trade, defended the American colonial system of legal-tender paper money, in opposition to the British system of bank currency or "bills of credit." It was said-

\* \* that paper money carries the gold and silver out of the provinces, and so ruins the country, as experience has shown in every colony where it has been practiced to any degree.

To which Franklin replied, as follows:

To which Franklin replied, as follows:

This opinion of its ruining the country seems to be merely speculative, or not otherwise founded than upon misinformation in the matter of fact. The truth is that, the balance of trade with Britain being greatly against them, the gold and silver are drawn out to pay the balance; and then the necessity of some medium of trade has induced the making of paper money. Thus, if carrying out all the gold and silver ruins a country, every colony was ruined before it made paper money. But, far from being ruined by it, the colonies that have made use of paper money have been, and are, all in a thriving condition.

Pennsylvania, before it made any paper money, was totally stripped of its gold and silver, though they had from time to time, like the neighboring colonies, agreed to take gold and silver coins at higher nominal values, in hopes of drawing money into and retaining it for the internal uses of the province. During that weak practice silver got up by degrees to eight shillings and ninepence per ounce.

\* long before paper money was made. But this practice of increasing the denomination was found not to answer the people. The balance of trade carried out the gold and silver coins as fast as they were brought in, the merchants raising the price of their goods in proportion to the increased denomination of the money. The difficulties for want of cash were accordingly very great, the chief part of the trade being carried on by the extremely inconvenient method of barter, when, in 1723, paper money was first made there, [in Pennsylvania,] which gave new life to business, promoted greatly the settlement of new lands, (by lending small sums to beginners, on easy interest, to be paid by installments, whereby the province has so greatly increased in inhabitants that the export from thence thither is now more than tenfold what it then was:

\* \* \* so that it does not appear to be of the ruinous nature ascribed to it.

The British board of trade then said:

That every medium of trade should have an intrinsic value, which paper money has not.

## To which Franklin replied as follows:

To which Franklin replied as follows:

However fit a particular thing may be for a particular purpose, whenever that, thing is not to be had, or not to be had in sufficient quantity, [and must be given up to the demands of commerce whenever made,] it becomes necessary to use something else, the fittest that can be got in lieu of it.

\*\*

It seems hard, therefore, to draw all their real money from them, and then refuse them the poor privilege of using paper instead of its bank bills and banker's notes as are daily used here [in England] as a medium of trade, and in large dealings, perhaps the greater part is transacted by their means, and yet they have no intrinsic value, but rest on the credit of those that issued them, as paper bills in the colonies do on the credit of the respective governments there. Their [bank bills] being payable in cash upon sight by the drawer is, indeed, a circumstance that cannot attend the colony bills, for the reason just above mentioned, their cash [bullion] being drawn from them by the British trade; but the legal-tender being substituted ints place is rather a greater advantage to the possessor, since he need not be at the trouble of going to a particular bank or banker to demand the money.

At this very time even the silver money in England is obliged to the legal-tender for a part of its value; that part which is the difference between its real weight and denomination. Great part of the shillings and sixpences now current are, by wearing, become 5, 10, 20, and some of the sixpences even 50 per cent. too light. For this difference between the real and nominal you have no intrinsic value; you have not so much as paper; you have nothing. It is the legal tender, with the knowledge that it can easily be repassed for the same value, that makes three pennyworth of silver pass for sixpence.

Gold and silver are not intrinsically of equal value with iron, a metal in itself capable of many more benefits to mankind. Their value rests chiefly in the estimation they happen to be in among th

Gonge, in his History of Paper Money and Banking, in part 2, chapter 2, page 8, in support of Franklin's defense of the Pennsylvania system of legal-tender paper money, says:

system of legal-tender paper money, says:

Governor Pownall, in his work on the Administration of the Colonies, bestows high praise on the paper system of Pennsylvania. "I will venture to say that there never was a wiser or better measure; never one better calculated to serve the interests of an increasing country; that there never was a measure more steadily pursued, or more faithfully executed, for forty years together, than the loan office in Pennsylvania, founded and administered by the assembly of that province." Dr. Franklin also bestowed high commendation on the system: And Adam Smith, apparently guided by Governor Pownall and Dr. Franklin, says: "Pennsylvania was always more moderate in its emission of paper money than any of our other colonies. Its paper currency accordingly is said never to have sunk below the value of gold and silver which was current in the colony before the first emission of its paper money."

The par value of the legal-tender paper money of Pennsylvania and Virginia was not because either colony was more moderate in its issues, as Adam Smith assumes, but because it was not redeemable in other money, and therefore it did not depend for its value in a prompt performance of a promise to redeem it in coin, which the colonies did not have and could not obtain. This is a useful lesson which mere theorists or writers on political economy are slow to learn. In 1797, when the British government declared war against France,

the Bank of England suspended specie payments and remained in a state of suspension until 1821, a period of nearly a quarter of a century. The suspension was legalized by act of Parliament, and the notes of the Bank of England were made a legal tender to the Government, and individuals were prohibited from collecting debts by legal process unless they would take these bank-notes in payment. With these irredeemable bank-notes the trade and industries of

England were maintained in an active and prosperous condition dur-ing the wars on the Continent. England doubled its wealth, business was carried on more nearly on a cash basis, there being a constant and steadily increasing volume of money "equal to the wants of trade" and industry in that country. Not having any contraction, there was no commercial crash or money panic until 1819, when an act was no commercial crash or money panic until 1819, when an act was passed for a resumption of specie payments or a return to a redeemable currency in 1823, in anticipation of which act and to prepare for a return to the old system the banks began to curtail discounts, in order to contract their currency-producing riots in 1819, and general ruin to the business interests in 1825, when the great money panic took place in that country, in consequence of a fearful contraction of the circulating medium. Thomas Doubleday, in A

Financial, Monetary, and Statistical History of England, says that "prices declined one-half in six months" in 1819. Contraction caused this panic, and an expansion of the circulating medium instantly relieved it. Thrice since the resumption act of 1819 the Bank of England would have been compelled to suspend specie payments, under a specie-basis system, but for a suspension of the law, which enabled the bank to expand the currency and relieve the demands for more currency. Coin being limited in amount, a currency based on it for redemption must be limited in volume by the basis; it being insufficient in volume, the credit system of doing business is forced on the country. in volume, the credit system of doing business is forced on the country. Periodically the credit system becomes blown up to the bursting point, when a commercial crash and money panic ensue, to the ruin of business men and the advantage of credit-mongers or note-shavers, and those who have a money capital. In 1822 there were 160,000 property-holders in England; to-day there are less than 30,000. Such are the ruinous effects in England of bank currency based on specie for redemotion.

demption.

From 1862 to 1866 we had a legal-tender circulation not redeemable in coin, and therefore limited only by the necessities of the Federal Government and the wants of trade. During that time the country nearly doubled its wealth, business was carried on with cash payments; business men in 1866 were "out of debt and out of danger." But, as there were but few notes to shave, money-lenders were desirous of again forcing the business of the country to be carried on under the credit exist. under the credit system. To accomplish this purpose, an act was passed on April 12, 1866, to fund United States Treasury notes, which was carried on until over \$1,200,000,000 of United States Treasury notes and certificates of indebtedness and deposit had been funded up to 1873, when the commercial crash and money panic of that year took place in consequence of this stealthy contraction by funding. William Pitt, in reference to Alexander Hamilton's funding system in 1789 to aid as a basis for his bank currency in 1791, said:

Let the Americans adopt their funding system and go into their banking institu-tions, and their boasted independence will be a mere phantom.

These facts fully prove the advantage of legal-tender money over bank currency requiring redemption in legal-tender money. They also show the superiority of the cash system of business over the credit system, which latter makes business men the slaves of credit-

mongers, note-shavers, and money-lenders generally.

Having shown the desperate character of the contest now going on between two systems of government, and that the bank currency and credit system of business largely enter into this contest, and hence the desperate efforts on the part of those aiming to establish a mon-eyed aristocracy in this country to force us to retain banks of issue and the credit system of business to aid them in the accomplishment of their purpose, I will now refer to the history of United States Treasury notes from 1812 to this time.

## THE ISSUE OF UNITED STATES TREASURY NOTES.

On July 12, 1812, February 25, 1813, March 4 and December 26, 1814, Congress authorized United States Treasury notes to be issued, which were legal tenders to the Federal Government and convertible into the stocks or bonds of the Government. This was done under the

administration of Mr. Madison, and by the advice of Jefferson.

The constitutionality of these legal-tender convertible notes was tested in the Supreme Court of the United States in the case of Thorndike vs. The United States. The following opinion of the court was delivered by Judge Story:

By the statutes of the United States, under which the Treasury notes have been issued, it is enacted that such notes shall be receivable in payment to the United States for duties, taxes, and sales of public lands to the full amount of the principal and interest accruing due on such notes. It follows of course that they are a legal tender in payment of debts of this nature due to the United States, and by the very terms of the acts public officers are bound to receive them. (2 Mason, 1-18.)

In the case of McCulloch vs. Maryland, Chief Justice Marshall said: When the law is not prohibited, and is really calculated to effect any of the objects intrusted to the Government, to undertake here to inquire into the degree of its necessity would be to pass the line which circumscribes the judicial department, and to tread on legislative ground.

In 1815 Congress again authorized an issue of \$20,000,000 of legal-tender convertible Treasury notes.

General Jackson, in his first message to Congress, in December, 1829, in reference to the "national" bank, said:

Under these circumstances, if such an institution is deemed essential to the fiscal operations of the Government, I submit to the wisdom of the Legislature whether a national one, founded upon the credit of the Government and its revenues, might not be devised which would avoid all constitutional difficulties and at the same time secure all advantages to the Government and country that were expected to result from the present bank.

In 1832 General Jackson vetoed a recharter of the national bank, and was triumphantly sustained by the anti-bank-currency democrats and whigs. Then, as now, many persons who assumed to be leaders in the democratic ranks supported bank currency and denounced Jackson and the veto. Jackson and his supporters repudiated and drove them into the ranks of the bank-currency party.

General Jackson, in his farewell address, said:

But experience has now proved the mischiefs and dangers of a paper currency, (bank currency,) and it rests with you to determine whether the proper remedy shall be applied. \* \* \*

The corporations which create the paper money cannot be relied upon to keep the circulating medium uniform in amount. \* \* \*

Recent events have proved that the money system (banks of issue) of this country

may be used as an engine to undermine your free institutions; and that those who desire to engross all power in the hands of the few, and to govern by fraud or force, are aware of its power, and prepared to employ it. Your banks now furnish your only circulating medium, and money is plenty or scarce according to the quantity of notes issued by them. \* \* \* When the charter for the Bank of the United States was obtained from Congress it perfected the scheme of the paper system, and gave to its advocates the position they have struggled to obtain from the commencement of the Federal Government down to the present hour. \* \* \* The distress and sufferings inflicted on the people by the bank are some of the fruits of that system of policy which is continually striving to enlarge the authority of the Federal Government beyond the limits fixed for it by the Constitution. The powers enumerated in that instrument do not confer on Congress the right to establish such a corporation as the Bank of the United States. \* \* \* It behooves you, therefore, to be watchful in your States as well as in the Federal Government. The power which the moneyed interest can exercise when concentrated under a single head, and with our present system of currency, was sufficiently demonstrated in the struggle made by the Bank of the United States. \* \* \* The paper-money system (of banks of issue) and its natural associates, monopoly and exclusive privileges, have already struck their roots deep in the soil, and it will require all your efforts to check its further growth and to eradicate the evil. \* \* \* But it will require steady and persevering exertions on your part to rid your-selves of the iniquities and mischiefs of the paper system, and to check the spirit of monopoly and other abuses which have sprung up with it, and of which it is the main support. So many interests are united to resist all reform on this subject, that you must not hope the conflict will be a short one nor success easy.

In 1837 the credit system became extended to the busting point; bank currency was contracted as usual at such times, producing a commercial crash and money panic; specie payments were suspended by the banks, they locked their doors and bade defiance to the peo-ple. Mr. Van Buren called a special session of Congress, to meet in September, 1837. In his message he advised a separation between the United States Treasury and the banks. The adoption of the independent Treasury system—composed of gold, silver, and Treasury notes—was recommended. John C. Calhoun, in speaking of this system and in favor of an issue of Treasury notes on the 19th of September, said:

It is, then, my impression that in the present condition of the world a paper currency, in some form \* \* \* is almost indispensable in financial and commercial operations of civilized and extensive communities. In many respects it has a vast superiority over a metallic currency, especially in great and extended transactions, by its greater cheapness, lightness, and the facility of determining the amount. \* \* \*

actions, by its greater cheapness, lightness, and the facility of determining the amount. \* \*

It may throw some light on this subject to state that North Carolina, just after the Revolution, issued a large amount of paper, which was made receivable in dues to her; it was also made a legal tender, but which of course, was not obligatory after the adoption of the Federal Constitution. A large amount, say between four and five hundred thousand dollars, remained in circulation after that period, and continued to circulate for more than twenty years at par with gold and silver during the whole time, with no other advantage than being received in the revenue of the State, which was much less than \$100,000 per annum.

No one can doubt but that the Government credit is better than that of any bank; more reliable, more safe. Why, then, should it mix it up with the less perfect credit of those institutions? Why not use its own credit to the amount of its own transactions? Why should it not be safe in its own hands, while it shall be considered safe in the hands of eight hundred private institutions scattered all over the country, and which have no other object but their own private profit; to increase which they extend their business to the most dangerous extremes. And why should the community be compelled to give 6 per cent. discount for the Government credit blended with that of the bank, when the superior credit of the Government credit blended with that of the bank, when the superior credit of the Government credit of the Government exclusively, I was desirous that those who are responsible and have the power should have availed themselves of the opportunity. \* \* \*

# On October 3 Mr. Calhoun said:

On October 3 Mr. Calhoun said:

We are told, the form I suggested is but a repetition of the "old continental money;" a ghost that is ever conjured up by all who wish to give the banks an exclusive monopoly of Government credit. The assertion is not true; there is not the least analogy between them. The one was a promise to pay when there was no revenue, and the other a promise to receive in the dues of the Government when there is abundant revenue.

We are told that there is no instance of a government paper that did not depreciate. In reply, I affirm that there is none, assuming the form I propose, that ever did depreciate. Unenever apaper, receivable in dues of Government, had anything like a fair trial, it has succeeded. Instance the case of North Carolina, referred to in my opening remarks. The drafts of the Treasury, at this moment, with all their incumbrance, are nearly at par with gold and silver. \* \* \* The case of Russia might also be mentioned. In 1827 she had a fixed paper circulation in the form of bank-notes, but which were inconvertible, of upward of \$120,003,000, estimated in the metallic ruble, and which had for years remained without fluctuation, having nothing to sustain it, but that it was received in the dues of the Government, and that too with a revenue of only about \$90,000,000 annually. I speak on the authority of a respectable traveler. Other instances, no doubt, might be added, but it needs no such support.

It has another and striking advantage over bank circulation, in its superior cheapness, as well as greater stability and safety. Bank paper is cheap to those who make it; but dear, very dear, to those who use it, fully as much as gold and silver. It is the little cost of its manufacture, and the dear rates at which it is furnished to the community, which gives the great profit to those who have a monopoly of the article. Some idea may be formed of the extent of the profit by the splendid plaaces which we see under the name of banking-houses, and the vast fortunes which have been ac

Mr. Calhoun, in his speech on the independent Treasury bill, March 22, 1838, said:

I now undertake to affirm positively, and without the least fear that I can be answered—what heretofore I have but suggested—that a paper issued by Government, with the simple promise to receive in all dues, leaving its creditors to take it, or gold and silver, at their option, would, to the extent to which it would circulate, form a perfect paper circulation, which could not be abused by the Govern-

ment; that would be as steady and uniform in value as the metals themselves, ment; that would be as steady and uniform in value as the metals themselves. I shall not go into the discussion now, but on a suitable occasion I shall be able to make good every word I have uttered. I will be able to do more—to prove that it is within the constitutional power of Congress to use such a paper in the management of its finances according to the most rigid rule of construing the Constitution; and that those at least who think that Congress can authorize the notes of private corporations to be received in the public dues are estopped from denying its right to receive its own paper.

On July 4, 1840, the independent Treasury act was signed by the President and became a law, establishing such a system as General Jackson recommended to Congress in 1829.

The crash and panic of 1837 were of long continuance, the business

of the country was stagnated, and so continued until 1840. The peoof the country was stagnated, and so continued until 1840. The people, not knowing that it was caused by bank-currency expansion and contraction, held the democratic administration responsible for the prostrate condition of the industries of the country, and defeated Mr. Van Buren, and brought into power the very party of men who had produced the distress of the people. Among the first acts of those men was to repeal the independent Treasury system, with the view of again incorporating a national bank, which purpose they failed to accomplish by President Tyler's veto.

In 1845 the democratic party was restored to power, and in 1846 Congress re-enacted the independent Treasury system, of which the legal-tender convertible Treasury note formed a part. In 1846, 1847, 1857, and 1860 Congress authorized the issues of Treasury notes, legaltenders and convertible. And here the record of the democratic party on this important subject closes, December, 1860. We find that the democratic party has uniformly opposed banks of issue; that from 1812 to 1860 it issued United States Treasury notes; that it never issued a redeemable Treasury note, but uniformly made them constitutions. vertible into the stocks or bonds of the Federal Government; that in 1832 General Jackson denied that any man was or could be a demo-crat who was in favor of the national bank, and drove the advocates of bank currency into the ranks of the national-bank party.

Banks of issue being created by a special law, granting special privileges to a special class, are therefore based on aristocratic or anti-democratic and anti-republican principles, and as no man can be both a democrat or a republican and an aristocrat at one and the same time, and as men are known by their practices rather than by their professions, no genuine democrat or republican can desire to avoid

meeting an issue on this momentous question.

FACTS IN RELATION TO THE CREATION OF "GREENBACKS" AND THE NATIONAL-BANK ACT.

Secretary Chase, in December, 1861, advised Congress to pass a national-bank act. Mr. Spaulding, in his "history" of the "greenback," informs us that bankers were the advisers of Mr. Chase.

Mr. Spaulding was on the Subcommittee of Ways and Means, and

knowing that national banks could not be organized until a bonded indebtedness could be created, and that the speediest means of creating such a debt and of obtaining the means of carrying on the war, he informs us that on his own responsibility, on December 30, 1861, he introduced his bill to authorize an issue of full legal-tender United States notes, "payable generally without specifying any place or time of payment," and convertible into a bond at the pleasure of the holder.

Mr. Spaulding informs us that the bankers of the various eastern cities, when his bill was reported, appeared in Washington in opposition to it. Having control of Secretary Chase, they appointed a meeting at the Treasury, and sent for the committees of the Senate and House to meet them there on Saturday, January 11, 1862; which they did. The bankers proposed that United States notes should not be received

for custom-house duties, and also required a suspension of the independent Treasury act, which prevented the public moneys from being de-posited in banks; they further insisted on the Secretary of the Treasproposed that the Secretary of the Treasury should be permitted to pawn bonds for loans, which, if not paid at maturity, were to be sold at any price that could be obtained for them.

We are informed that the House committee rejected the proposi-tions of the bankers and left them and the Secretary in conference; which resulted in an agreement between the bankers and the Secretary that Congress should not issue Treasury notes, but should immediately pass a national-bank act. The Committee of Ways and Means also rejected this proposition, and amended Mr. Spaulding's bill of December 30, 1861, authorizing an issue of full legal-tender convertible United States notes and bonds, redeemable in twenty years, which was reported to the House on January 22, 1862; the bill passed the House on February 6, 1862. It authorized an issue of \$100,000,000 of full legal-tender United States notes, not "bills of credit," but convertible into bonds at the pleasure of the holder; it also authorized an issue of \$500,000,000 of bonds bearing 6 per cent. interest, principal and interest payable in full legal-tender United States notes. The act provided that such notes should be "received the same as coin in payment for any loans that should hereafter be sold or negotiated by the Secretary of the Treasury."

The Finance Committee of the Senate amended the House bill protary that Congress should not issue Treasury notes, but should imme-

The Finance Committee of the Senate amended the House bill pro-The Finance Committee of the Schate amended the Irodse bill pay-hibiting United States notes from being received for custom-house duties, as the eastern bankers had so cunningly and designedly dic-tated. The interest on the bonds was also made payable in gold coin. No coin was to be paid out for any purpose but interest on bonds and

notes bearing interest

Mr. Fessenden, when he reported the House bill to the Senate on

February 16, 1862, as amended by the committee, in his remarks very clearly insinuated that the main purpose was to perpetuate the bonded indebtedness and pay the interest in coin.

The bill was opposed in the Senate because the Treasury notes were made convertible and not redeemable in coin on demand. In reply to this objection Senator Howe said:

All paper currencies have been and ever will be irredeemable. It is a pleasant fiction to call them redeemable; it is an agreeable fancy to think them so. I would not dispel that fancy—I would not oppose that fiction—only that the great emergency that is upon us seems to me to render it more than usually proper that the nation should begin to speak truth to itself, to have done with shams, and deal with realities.

On February 19, the House proceeded to a consideration of the bill as amended by the Senate. By a reference to the Globe of that date it will be seen that Mr. Stevens, of Pennsylvania, and Mr. Spaulding denounced the Senate amendments as dictated by the eastern bankers and money-lenders, in severe terms. Mr. Stevens said:

I have a melancholy foreboding that we are about to consummate a cunningly-devised scheme which will carry great injury and great loss to all classes of the people throughout this Union except one.

No one knew better than the author of the act to place a premium on gold coin, that it was a gross act of injustice to the people, and that what Mr. Stevens feared, they designed to accomplish by their "cun-

ningly-devised scheme."

The House bill as amended by the Senate was referred to a committee of conference, and, as it came from their hands and was adopted by Congress, it authorized an issue of one hundred and fifty millions of United States notes payable at the Treasury, without saying how or when, and covertible into a 5.20 bond at the pleasure of the holder, and the act of February 25, 1862, required that this note should have printed on it the following:

This note is a legal tender in payment of all debts, public and private, except duties on imports and interest on the public debt, and is exchangeable for United States 6 per cent. bonds redeemable, at the pleasure of the United States, after five

I have carefully examined the acts of Congress which authorized issues of United States notes, commonly known as "greenbacks," and assert, without the fear of successful contradiction, that no such note by any of those acts was made payable in coin or other legal-tender money, but were made convertible into bonds at the pleasure of the holder, until the passage of the national-bank act in March, 1863, when that provision of the legal-tender act was repudiated by depriving the holder of those notes of the right to bond them at his pleasure after July 1, 1863. Perhaps the following remarks of Mr. Spaulding on that subject may throw some light on it. The bond had to be created before the national banks could go into operation: On Monday, January 12, 1863, Mr. Spaulding said:

The Secretary has paid out nearly \$25,000,000 of legal-tender notes, being all that he was authorized to issue; and, notwithstanding he has had authority for the last ten months to sell \$500,000,000 of 5.20 6 per cent. bonds at the market price, he has only disposed of about \$25,000,000, and he has still authority to sell \$475,000,000 at the market price, and take his pay for them in legal-tender notes.

One of the reasons why more of these bonds have not been disposed of is that there has been no redundancy [no surplus] of the currency, and it has been difficult for the Secretary to get legal-tender notes on a sale of the bonds and 7.30 notes that he has already negotiated.

Gold coin, being the only full legal tender, makes a greater demand for it, causing it to command a premium. The moment greenbacks and silver coin are made equal legal-tenders with gold coin, they will be equal to each other—as money—or par. This would close the gold-gambling rooms and give the people par money. It would also give to real estate and all productions of labor and industry real values, which would decrease the cost of living and of doing business equal to the premium on coin or the comparative depreciation on silver coin and "greenbacks," thus increasing the net profits of labor and of the business or wealth-producing capitalists without doing any injustice to the speculative capitalists and bondholders, as their par money would have

This "cunningly-devised scheme" of making the interest on bonds payable in gold coin at 6 per cent. interest per annum, with exemption from State and local taxation, equal to from 2 to 8 per cent. more, and by making gold coin the only full legal tender or the only legal tender for custom-house duties, has designedly and unjustly cost the people incalculable millions of dollars. If there are Representatives in this House who are disposed to doubt or deny this fact or doubt that greenbacks and gold coin can be par, we propose that gold and silver coins and greenbacks be made equal legal tenders; and, if they do not circulate side by side of par or equal value, as money, readily exchangeable with each other, obviating any and all necessity for "bills of credit, or mere currency requiring redemption in money, and consequently obviating the necessity of locking up coin or greenbacks as a basis of credit for a redeemable currency, we will cheerfully abandon our propositions and submit to the present evils without a murmur, and absolve those who made a premium on coin of any and all design to plunder the laborer, the wealth-producing capitalists, and general business men, to advance the interest of speculative or non-wealth-producing capitalists. We ask a fair trial for our propositions, and are not afraid of the result. Dare those who oppose and denounce us risk the test proposed? If so, let it be done promptly, that the industrial interests of our country may be relieved and rescued from total ruin.

Early in the session of 1863 Congress incorporated the useless,

costly, and dangerous national-bank system of currency. Mr. Spaulding, then in Congress and now president of a national bank at Buffalo, New York, on page 167 of his History of the Legal-Tender, in speaking of the nine-hundred-million-loan act considered in Committee of the Whole House on Monday, January 12, 1863, says:

The bill as reported did not contain some provisions which Secretary Chase was very anxious to have passed; one was to repeal the provision restricting him in the sale of bonds to the market value, another was to abrogate [repudiate] that most equitable and just provision contained in the original legal-tender act [of February 25, 1862] allowing the holders of legal-tender notes to convert them at any time into 5.20 6 per cent. bonds, interest payable semi-annually in coin. The committee did not deem it just to abrogate this provision, while Secretary Chase believed its repeal would enable him to make better terms in selling bonds.

We are told that the Secretary of the Treasury desired to obtain better terms for bonds; but we have never been informed that he did obtain better terms for them; while we do know that by this cunningly-devised legislation they were obtained at less than forty cents on the dollar.

On page 169 of Mr. Spaulding's history, containing his speech on the nine-hundred-million-loan act, he said: "That as there was then (January, 1863) no excess of money or circulating medium the Secretary of the Treasury had not been able to dispose of more than twenty-five millions of the five hundred millions of bonds which the legal-tender act of February 25, 1862, authorized him to dispose of." This is a very important fact in the consideration of this remarkable subject of creating a bonded indebtedness to enable bankers to get national-bank currency to put in operation those institutions which Congress, at the repeated urgent request of Secretary Chase, incorporated in March, 1833; at this same session of Congress which "repudiated" that "most equitable and just" contract with the people allowing them to bond United States Treasury notes at their pleasure; and the gentleman from Maine [Mr. Blaine] who participated in this injunities legislation affects to shed "grangelia tenes" on the flear and the gentleman from Maine [Mr. Blanks] who participated in this iniquitous legislation affects to shed "crocodile tears" on the floor of this House and to be "ashamed" of such legislation as increased the premium on coin and comparatively lowered the value of the legal-tender greenback, repudiated by its maker for custom-house duties and interest on bonds.

Mr. Speaker, if the gentleman from Maine can impose on the rep-Mr. Speaker, if the gentleman from Maine can impose on the representatives of the people on this floor, it would be too absurd to suppose that he can delude our constituents or make them believe that he now desires to make legal-tender Treasury notes or greenbacks of equal or par value with gold coin, while he opposes the passage of an act of Congress to honor the notes of the Government by making them receivable for all debts due to-the maker of it, as well as receivable by the citizens of the country for private debts. Those of us who make our living by hard work and diligent attention to business, and are extensively engaged in trade, know that when we put out our are extensively engaged in trade, know that, when we put out our notes and refuse to take them for all debts due us at their face value on presentation, we have dishonored our paper and thereby depreciated it, and lost our credit and standing in the business community and acted with bad faith toward the public. The same rule applicable to business men equally applies to conducting the business of a great government. No man or government can make their credit good or maintain a good standing in business circles if they deliberately dishonor their own paper; consequently, if it is desirable to maintain the good faith of this Government, and to make its silver coin and paper money par or equal to gold coin, they must be honored by the Government, by making them legal-tenders for all dues to the maker of them, as well as to individuals for private debts. The advocates of contraction to perpetuate a useless system of bank

currency, and keep money and currency out of the hands of the people, may by such a system starve laborers and drive business men to ruin and a slavish submission to measures necessary to maintain an aristocracy in this country, but it will never make silver and Treasury notes par with a full legal tender. It may support an aristocracy, but it will impoverish the country and starve the people. Such are the ruinous effects of the contraction and bank-currency measures advocated by the gentleman from Maine and those who are opposed to us; and in the face of these facts we are at a loss to see how any man claiming to be a genuine democrat or republican can uphold such aristocratic and ruinous propositions or hesitate for a moment to exercise their great power in this House by applying the remedies necessary, not only to maintain the credit and good faith of the Govment, but to relieve a distressed and ruined people. I have been sent here to represent an earnest people, who demand par money; no cur-rency, requiring "specie basis" and redemption, and the enactment of measures to reduce taxation, and to revive, make active, and maintain the labor and wealth-producing industries of our country. I am resolved that, if no measures to relieve the people are passed by this House, the responsibility of such a crime shall not rest on me. A powerful moneyed interest may combine the eastern press against us; they may employ adherents to denounce us for daring to oppose their selfish and heartless schemes; knowing, as I do by a long and exten-sive experience in business, that our propositions are correct and would promote the public good and the honor of our country, I shall not aban-

Having referred to the fact that greenbacks are not payable or redeemable in other money, that no act creating them can be produced that makes them payable at any time in coin or other money, and as the people, after July 1, 1863, were deprived of the right to convert them into bonds, and as the gentleman from Maine has in-

formed us that he is ashamed of the act that increased the premium on the bondholders' coin and comparatively lowered the value of the

people's greenback, let us see whether we cannot discover the design of passing so ruinously unjust an act of bad faith toward the people.

Mr. Spaulding, on page 198 of his history, says: "The attempt of Secretary Chase to float 5 per cent. 10.40 bonds" caused the premium on gold coin to rise as follows: January 15, 1864, gold was 155; on the 15th of April it was 178; June 15 it was 197; on June 29 it was from 235 to 250, which enabled 40 cents in gold coin to obtain \$1 in green-backs, which consequently enabled 40 cents in coin to obtain a dollar's backs, which consequently enabled 40 cents in coin to obtain a dollar's worth of bonds to draw interest on and deposit in the Treasury, and obtain 90 per cent. of the face value of the bond in national-bank currency, on which additional interest is paid the bondholder by the individual borrower of that currency, making to the bondholder and banker three rates of interest on each dollar of bonds which cost him from thirty-five to forty cents on the dollar. Therefore the gentleman from Maine has just cause to be "ashamed" of the acts of his party while exercising unlimited power in this House over legislation. But worse follows: On July 11, 1864, the premium on gold advanced to 285½ at the board of brokers in New York, making 35 cents in gold coin equal to \$1 in legally-dishonored greenbacks, which enabled the 35 cents in gold coin to obtain a dollar's worth of bonds. No such deliberate robbery of any people by cunningly-devised legislation can be found in any other country on the face of the globe, nor do we think that any other than the law-abiding people of this country would so long and so patiently have endured it.

Mr. Chairman, this is a question between an oppressed people and their oppressors; between the doers of wrong and the sufferers of

their oppressors; between the doers of wrong and the sufferers of wrong; and our oppressors and their supple tools say we are lunatics for objecting any longer to endure such monstrous wrongs, well cal-culated to drive a once free and prosperous people into worse than lunacy.

Hear Secretary Fessenden on this subject, in his report of December, 1864. He said:

In the course of a few days the price of this article (gold coin) rose from \$1.50 to \$2.85 in paper for \$1 in specie, and subsequently fell, in as short a period, to \$1.87, and then again rose as rapidly to \$2.50; and all without any assignable cause, traceable to an increase or decrease in the circulation of paper money, or an expansion or contraction of credit, or other similar influence on the market, tending to occasion a fluctuation so violent. It is quite apparent that the solution of the problem may be found in the unpatriotic and criminal efforts of speculators, and probably of secret enemies, to raise the price of coin, regardless of the injury inflicted upon the country or desiring to inflict it.

Doubtless Ex-Senator Fessenden felt surprised, confounded, and indignant that "speculators" or "secret enemies" should have taken advantage of his own act, and that of his party, to obtain a dollar's worth of Federal bonds for thirty-five cents in gold coin, when that very act was dictated by those "speculators" and "secret enemies" of the people's rights and interests.

In disregard of those bankers and brokers, that able, firm, and de-

termined man, Thaddeus Stevens, had procured the passage of the legal-tender act in the House making the "greenback" a full legal-tender equally with gold coin; and had Secretary Fessenden, then a Senator and chairman of the Finance Committee, not permitted himself to have been led by bankers and brokers in opposition to the self to have been led by bankers and brokers in opposition to the public good, no such event could have arisen, our bonds would have brought more than thirty-five cents on the dollar in gold coin, and we would now have vastly less of interest-bearing debt to oppress the industries of our country. Congress by adopting our measures can put a stop to gold-gambling, prevent any more operations of that kind, and begin to protect the rights of our constituents, and our own rights and interests as well. and interests as well.

The national-bank act was approved March 25, 1863, more than a year after it was proven by the act of March 17, 1862, that full legaltender Treasury notes not redeemable in coin were equal in value to gold coin.

Mr. Spaulding, on pages 187 and 188 of his history, says:

No national-bank currency was issued until about the 1st of January, 1864. After that time it was gradually issued. On the 1st of July, 1864, the sum of \$25,000,000 had been issued; and on the 22d April, 1865, shortly after the surrender of General Lee, the whole amount of national-bank circulation issued to that time was only \$146,927,975. It will therefore be seen that comparatively little direct aid was realized from this currency until after the close of the war. \* \* \* \* This bank issue was in fact an additional inflation of the currency.

It is not only an inflated but a fictitious currency. A currency is inflated when its volume exceeds its basis of redemption; it is redeemable in greenbacks, and the volume of it vastly exceeds its redeeming basis of greenbacks, and the national banks cannot redeem their curbasis of greenbacks, and the national banks cannot redeem their currency in greenbacks, much less in coin; therefore the absurdity of talking about redeeming bank currency in coin; and as one full legal-tender has been shown to be equal in value to another, irrespective of the commodity or material of which it is made, by making the greenback a full legal tender it will be equal to gold coin, and thus produce immediate specie circulation, obviating any necessity of contraction to make the national-bank money redeemable in gold coin, and obviate all necessity of usurping the power to make the greenback a "bill of credit" or redeemable in violation of our obligations to support the Constitution and in disregard of the public good.

By the passage of the "nine-hundred-million-loan act" in May and June, 1864, the circulating medium was sufficiently expanded to induce the people to take the bonds which the Secretary of the Treasury employed agents at great expense to sell; and whatever may have

been the purpose or motive of Congress in repudiating the convertibility of the "greenback" into a bond, I have clearly shown that gold-gamblers were enabled to increase the premium on gold coin as the only full legal tender, and comparatively depreciated the greenback, enabling speculative capitalists to get the bonds for thirty-five and forty cents on the dollar.

THE REASON GIVEN BY CONGRESS IN 1865 FOR CONTRACTION.

Secretary McCulloch, although he admits in his report of 1865 that the business of the country was mainly done with cash payments, that the business men were out of debt, and that the country was in a remarkably prosperous condition, advised Congress to contract the circulating medium, being perfectly aware that it would produce distress and ruin to the laboring and business interests of the country. The House of Representatives on December 18, 1865, by a vote of

144 yeas to 6 nays, adopted the following:

Resolved, That this House cordially concur in the views of the Secretary of the Treasury in relation to the necessity of a contraction of the currency, with a view to as early a resumption of specie payments as the business interests of the country will permit; and we hereby pledge co-operative action to this end as speedily as possible.

Here we have it clearly stated that, in order to resume "specie payments," contraction is a necessity, and, as nothing but bank currency requires "specie basis" and specie redemption, the object of contraction is to perpetuate the national-bank currency. To carry out this plot has taken the bread out of the mouths of our laboring and wealthproducing population to enrich the non-wealth-producing capitalists by special legislation. The man that is in favor of "specie basis" and "specie payments" is essentially an advocate and supporter of bank currency as opposed to the people's money or a full legal-tender United States Treasury note, which costs the Government very little to make it, but it costs the creditor of the Government a dollar to get it, and when made a full legal tender it will enable the holder of it to obtain its denominational value in return for it; whereas the national-bank currency costs the bondholder only 1 per cent. on the average amount of circulation, while the Government pays him about 10 per cent. per annum for taking it to loan to the people at from 6 to 12 per cent. per annum, giving the bondholder and banker from 16 to 22 per cent. per annum on his thirty-five or forty cents invested in each dollar's worth of bonds. Even though a representative of the people may be one of this highly favored class of bondholders and bankers, most certainly it does not justify him in voting to perpetuate a system so ruinous to the

one not justify him in voting to perpetuate a system so rumous to the industrial interests of the country.

On April 12, 1866, Congress, unfortunately for the country, carried out their resolve of December, 1865, by passing an act authorizing the Secretary of the Treasury, at his discretion, to receive any Treasury notes or other obligations issued under any act of Congress, whether bearing interest or not, in exchange for any description of bonds authorized by the act (of March 3, 1865) to which that is an amendment, and also to dispose of any description of bonds authorized by said act, either in the United States or elsewhere, to such an amount, in such manner, and at such rates as he may think advisable, for lawful money of the United States, or for any Treasury notes, certificates of indebtedness, or certificates of deposit, or other representatives of value which have been or which may be issued under either or any act of Congress, the proceeds thereof to be used only for retiring Treasury notes or other obligations issued under any act of Congress; but nothing therein contained shall be construed to authorize any increase of the public debt; provided that of United States notes (green-backs) not more than \$10,000,000 may be retired and canceled within six months from the passage of that act, and thereafter not more than

\$4,000,000 in any one month.

The Secretary of the Treasury, under the remarkable powers given him by the act of 1866, the designing work of contraction, was begun, which in a short time raised such protests from the business gun, which in a short time raised such protests from the business men as to alarm Congressmen, causing them to pass an act to repeal so much of the act of April 12, 1866, as prevented any further contraction of the greenbacks, but did not stop the contraction of Treasury notes bearing interest, and certificates of indebtedness and of deposit, amounting to over \$1,200,000,000. This repealing act was passed in January, 1868; it was returned without the signature of the President, but it was not returned within the time prescribed by the Constitution, and therefore it became a law on February 4, 1868, without his approval. The people, not having critically examined the Constitution, and therefore it became a law on February 4, 1863, without his approval. The people, not having critically examined the designing act of April 12, 1866, were deceived by the repealing act of 1868, supposing that the contraction of the circulating medium was stopped, whereas it was rapidly and stealthily carried on by the Secretary of the Treasury, producing the commercial crash and money panic of 1873, causing the prostration of our industries and the pecuniary ruin of thousands upon thousands of worthy business men, who knew nothing of the danger that threatened them.

I will now show that the bondholders and bankers, in whose inter-

est contraction was begun and carried on, knew perfectly well what result it would produce, as is shown by the following correspond-

ence: From Buffalo, New York, on December 4, 1866, Mr. Spaulding wrote to Secretary McCulloch as follows:

\* \* \* You no doubt now, to a large extent, have control of the finances of the country, and I think that you will, of necessity, contract moderately so as to preserve a tolerably easy money market. \* \* \* There may be occasional spasms and tightness for money, \* \* \* but generally I shall look for plenty of money \* \* \* for at least a year to come."

To this McCulloch, on December 7, 1866, replied as follows:

\* \* My object has been to keep the market steady, and to work back to specie payments without a financial collapse. I shall act in the future, as I have in the past, with great caution, and attempt no impracticable thing.

From Buffalo, New York, on January 22, 1867, Mr. Spaulding wrote to Mr. Hubbard, Comptroller of the Currency, as follows:

to Mr. Hubbard, Comptroller of the Currency, as follows:

The act of Congress passed on the 12th of April last [1866] it seems to me is a wise and judicious measure. It authorizes the Secretary of the Treasury to sell 5.20 gold bonds, and with the proceeds to retire 6 per cent. compound interest notes and plain legal-tender greenback currency and other indebtedness of the Government, but not to retire more than \$4,000,000 of greenbacks a month, or \$4,000,000 in a year, but without restriction as to the amount of compound sixes [and seven-thirties] that may be retired during any week or month, [into long bonds.] This law is discretionary with the Secretary of the Treasury. Power is given him to contract the currency; but he will no doubt use his discretionary power prudently, and not retire either greenbacks or compounds [and seven-thirties] any faster than a ten as the done without materially disturbing the legitimate business of the country.

it can be done without materially disturbing the legitimate business of the country. \* \* \*

The Secretary will no doubt, by a mederate and prudent course of contraction, endeavor to keep the business and industry of the nation in a prosperous condition, \* \* \* gradually reduce prices, and bring greenbacks and national currency nearer the specie standard. [Greenbacks could have been made equal to gold coin at any time by making them a full legal tender.] On this point the Secretary, in his last annual report, makes the following judicious remarks:

"How rapidly the United States notes may be retired must depend upon the effect which contraction may have upon business and industry, and can be better determined as the work progresses. \* \* The policy of contracting the circulation of Government notes should be definitely and unchangeably established, and the process should go on, just as rapidly as possible, without producing a financial crisis, or seriously embarrassing those branches of industry and trade upon which our revenues are dependent. As the volume of currency is reduced, it will increase in value; and as soon as the specie standard is reached, the national banks will be obliged to redeem their circulating notes in specie."

No remarks are necessary on this correspondence, as it speaks for

No remarks are necessary on this correspondence, as it speaks for itself and proves conclusively that the knowing ones were perfectly aware of the result that so thorough a contraction must produce.

I shall now refer to the designing act of March 18, 1869, which

reads as follows :

reads as follows:

Be it enacted, &c., That \* \* \* it is hereby provided and declared that the faith of the United States is solemnly pledged to the payment in coin or its equivalent of all obligations of the United States not bearing interest, known as United States notes, [greenbacks,] and of all interest bearing obligations, except in cases where the law authorizing the issue of such obligations has expressly provided that the same may be paid in lawful money or other currency than gold and silver: [that other lawful currency being greenbacks:] but none of the said interest bearing obligations [5.20 bonds] not already due shall be redeemed or paid before maturity, unless at such times as United States notes shall be convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be paid or sold at par in coin. And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin.

That the designing character of this remarkable not may be the

That the designing character of this remarkable act may be the more apparent, be it observed, first, it provides that greenbacks shall more apparent, be it observed, first, it provides that greenbacks shall be paid in coin or its equivalent; second, it admits that there are bonds redeemable or payable in greenbacks not full legal tenders; third, it prohibits the payment of those bonds before the expiration of twenty years from the date of issue unless they can be paid in coin, which they knew could not be done; fourth, they foreshadowed their purpose to perpetuate the bonded indebtedness of the Federal Government by converting overdue or redeemable 5.20 bonds into bonds that could not be paid off for a long period of years, bearing a moiety less interest than the 5.20 bonds; and, fifth, they presumed to pledge the public faith to make the greenbacks "bills of credit" or redeemable in coin at some future time, which would be a usurpation of power ble in coin at some future time, which would be a usurpation of power not granted to Congress, but purposely denied it, and would be a certain means of further dishonoring and depreciating greenbacks.

On the day this act was approved the premium on gold was 30 per cent., there were over \$1,400,000,000 of 5.20 bonds, redeemable in green-backs, which increased the obligations of the people as tax-payers \$400,000,000 for the benefit of bondholders.

Senator Morron, of my own State, in the Senate, in relation to the act of March 18, 1869, said:

What is the purpose of it, and what will be the effect of it? Simply to raise the price of bonds in the market and to put money into the hands of the speculators. Sir, it is understood, I believe, that the passage of a bill of this kind would have the effect in Europe, where our financial questions are not well understood, to increase the price of our bonds and increase the demand; and that will enable the great operators to sell the bonds they have on hand at a profit. It is in its nature a broker's operation. It is a "bull" movement, intended to put up the price of bonds for the interest of parties dealing in them.

And yet Congress presumed to pledge the faith of the people to an act passed in bad faith toward their constituents and in disregard of their rights and interests. These acts have been condemned by the people, and most of the authors of them have been retired from seats in this House to the shades of private life; and it does not become those who participated in those acts yet lingering in this House to lecture it upon the pledges they made in bad faith and in gross violation. lation of the rights of the people to promote the interests of bondholders and bankers.

Congress in 1865 admitted that the necessity for and direct object of contraction were to resume specie payments, to are direct object of contraction were to resume specie payments, to perpetuate the national-bank currency, and take from the people the legal-tender greenback. It is apparent that the act of 1869 and the refunding acts were designed to perpetuate the bonds, making them a perpetual burden on the people, to be met by heavy taxation, creating a necessity for an excessively high tariff to enrich manufacturers at the expense of governments and to give to the headdledge a perpetual and pense of consumers, and to give to the bondholder a perpetual and steady source of income, payable semi-annually in gold coin bearing

a premium, with exemption from State and local taxation, that their children may be educated out of the taxes of the toiling millions, and finally to establish and maintain in perpetuity a moneyed aristocracy

Mr. Speaker, the people propose to pay off or buy in this bonded indebtedness with par money, and by so doing to put in circulation the money necessary to revive, make active and prosperous the wealth-producing industries of the country, and have sent us here to carry out this policy. Shall we do our duty to our constituents or shall we sit idly in this Hall in dread of the gods of Mammon? Let us have action. If one national bank with a capital of only thirty-free will sent accountry and active to the words and illustries of the control and illustries of the state of the five millions was considered dangerous to the morals and liberties of our country by General Jackson in 1832, how much more dangerous is over two thousand such tyrannical and corrupting institutions. Let us act promptly and with determination.

#### THE SOLE CAUSE OF PANICS.

The advocates of contraction and of bank currency deny that any contraction of the circulating medium has taken place, and also that contraction caused the crash and panic of 1873. I will prove that contraction uniformly produces such results and that the circulating medium, principally composed of Treasury notes (bearing interest) and greenbacks, has been contracted since April 12, 1856, over \$1,200,000,000.

A contraction of bank currency of only \$23,000,000 from 1816 to 1820 caused the crash, panic, and distress at that time. A contraction of \$83,000,000 from 1837 to 1843 caused the crash and panic of that period. A contraction of forty-nine millions from 1854 to 1857 caused the crash and panic that took place in 1857. A contraction of twenty-three millions from 1860 to 1852 produced the money panic and suspension of specie payments in December, 1861. The volume of State-bank currency in 1863 was two hundred and two millions, which they were unable to redeem in specie.

The following was the volume of money, currency, and circulating medium (exclusive of coin) on September 1, 1865: 

Fractional currency	26, 344, 742 217, 024, 160
United States Treasury notes—legal-tenders, (5 per cent, interest) United States Treasury notes (overdue) and not bonded, legal-	32, 536, 991
tenders United States Treasury notes, legal-tenders, three years' interest, at	1, 503, 020
7.3	830, 000, 000
Total amount of Treasury notes	1, 540, 569, 482
Certificates of loan, (10 d d.)	107, 148, 713

Total amount of Treasury notes and certificates of the Treasury 1, 732, 811, 195

National-bank currency State-bank currency United States notes, (greenbacks)

Total circulating medium December 1, 1873.....

Showing a contraction of \$1,210,999,085 from 1865 to 1873, which was stealthily carried on under the act of April 12, 1866. In the face of these facts no man can deny that the crash and money panic of 1873 were caused by this enormous contraction of over \$1,200,000,000 of circulating medium.

Previous to 1863 a contraction of from twenty-five to eighty millions of dollars would produce a commercial crash and money panic; but in 1873 it required a contraction of hundreds of millions of dollars to produce such a result, for the obvious reason that from 1820 to 1862 the business of the country was carried on under the credit system, forced on it by bank currency requiring redemption in lawful money. The basis being limited and insufficient for the wants of trade, commodities had to be sold and bought on credit; consequently business men were in debt, and then a small contraction would produce a crash and a panic; whereas in 1866 there was an abundance of circulating medium, enabling commodities to be bought and sold for cash. Business men were mainly out of debt, and therefore it required a large contraction of the circulating medium to force the credit system on the country; and as contraction was carried on, credit was sub-stituted for the cash withdrawn from circulation, resulting in 1873 in such an expansion of credit as enabled a crash and money panic to be produced; once more placing the labor and wealth-producing in-dustries of the country at the mercy of note-shavers and dealers in "credit currency."

The congressional resolution of December, 1865, frankly asserts the necessity of contraction to maintain the useless and expensive national-bank system of currency, which policy is designed to perpetuate the system of bank currency and force the country to do business on credit, so dangerous to business men and so profitable to moneylenders and note-shavers, carried out under the act of April 12, 1866, by the same Congress, authorizing the notes and certificates of the Treasury to be contracted, and the act of Congress of February 4, 1868, prohibiting any further contraction of the Treasury notes known as "greenbacks" than the \$44,000,000 then retired by the Secretary of the Treasury under the act of April 12, 1866.

In proof of the fact that those who make such a denial know betthe proof of the fact that those who make such a denial know better, and do it knowing that a large actual contraction has taken place since April 12, 1866, I quote from the President's message of December, 1873. He says, "In view of the great actual contraction that has taken place in the currency." Certainly, the President, as the representative of the contraction and bank-currency faction, had no interest or motive to induce him to make such an admission had it not been true and easily substantiated by the acts of Congress and an inspection of the books of the Treasury. The advocates of this bank-currency system also deny that the \$830,000,000 of Treasury notes, legal-tenders bearing two cents interest per day on each one hundred dollars in lawful money and convertible into 5.20 bonds in three years, together with other Treasury notes, legal-tenders, bearing interest and convertible into 5.20 bonds after one, two, and three years, were used as a circulating medium. In proof of the fact that they also make this denial knowing that they were so used, I quote from the reports of Secretaries Fessenden of 1864, and McCulloch of 1865. Secretay Fessenden, in his report of 1864, says:

Of 5 per cent interest-bearing notes there were outstanding on the 1st day of November, 1864, \$20,519,110. To a considerable extent these notes have been and will continue to be used as currency.

In the same report he also says that he paid out many millions of the 7.3 notes to officers in the Army in lieu of the ordinary currency—meaning Treasury notes not bearing interest—which, previous to July 1, 1863, were convertible into a 6 per cent. 5.20 bond at the pleasure of the holder.

Secretary McCulloch, in his report of 1865, says that these (7.3) notes were extensively used as currency, and for that reason ought to notes were extensively used as currency, and for that reason ought to be withdrawn, and urged a contraction of the currency. Unfortunately for the country, Congress carried out the contraction policy advised by McCulloch in the interest of those who had plotted to fasten on the country a bank-currency oligarchy. The people demand a halt in this ruinous policy, and will have their will respected sooner or later; it is only a question of time.

The only policy proposed to us by the advocates of bank currency is continued contraction, more distress to the wealth-producing industries of the country in order to return to coin basis for bank cur-

dustries of the country, in order to return to coin basis for bank cur-

rency and specie payments.

In the face of all the facts which I have shown, I ask the advocates of bank currency why they persist in a denial of the fact that "a great contraction" has taken place, and why they also deny that it caused the commercial crash and money panic of 1873?

They do it because they do not wish to apply the only remedy that ever has been applied to remove the effects of a commercial crash and money period. Moreover, if they are the effects of a commercial crash and money panic. Moreover, if they were to admit the truth, they could not defend the resumption act or any other measure looking to contraction. Their professed ignorance of well-established facts is their only excuse for turning a deaf ear to the demands of a distressed people for relief.

Mr. Speaker, these advocates of bank currency tell us that they want to come down to a "solid basis," to touch "hard pan." I am in faver of placing the business of the country on a solid basis, but not on one which produces bankruptcy and takes the bread out of the month of the laborer, and surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with the surrounds him with his wife and children with him with his wife and children with him with his wife and children with him dren suffering from hunger and nakedness, while he is willing to work and begging for employment and can obtain none, although money-dealers say that money and currency are abundant. They may be abundant with bondholders and bankers, but money is not abunand for general business purposes, or it would not command so high a rate of interest as it now does. When money is plenty, the interest on it is low; when it is scarce, the interest is high, as at present; and to-day we witness the remarkable spectacle of real estate and the productions of the farmerand the manufacturer falling in price and the value of money going up, with an increased cost of producing, as contraction goes on.

The solid basis I want is the entire wealth of this country as a basis for full legal-tender or par money of sufficient volume to revive and make active the wealth-producing industries of the country, lowering the rate of interest on money, and thus cheapening the cost of productions, without imposing unjust wages upon the laborer; increasing our exports until the balance of trade shall be in favor of

No individual is on a safe or solid basis unless he has more credit than he has occasion to use. And I have no confidence in the business capacity or judgment of any man in this House who thinks or affects to believe that it is possible to resume and maintain specie payments with the balance of trade against us, our productive industries crippled or prostrated, our laborers out of employment, and the capital that employs labor and produces wealth commanding from 10 to 12 per cent. per annum more than the business capital pays in the countries with which we must compete; a difference and difficulty which no amount of tariff subsidy to manufacturers will enable them which no amount of tariff subsidy to manufacturers will enable them to overcome, so long as the currency is scarce, producing usurious rates of interest, beyond what labor can earn, on the money that employs the laborer; and so long as it is concentrated into the hands of bondholders and bankers, who draw interest on their bonds, with exemption from State and local taxation, and can lock up the currency and live, until the laborer and those whose business it is to produce wealth and the state of the state o duce wealth are starved into slavish submission to the unjust de-mands of speculative capitalists.

Mr. Speaker, this question of a return to specie payments, as an excuse for contraction, has not been entertained by me for one moment, and shall not be, producing, as it has, the present ruinous state of affairs; and no vote will I give in favor of any measure looking toward permanently fastening on the people an institution that periodically prostrates our industries, controls the volume and regulates the value of currency; an institution that expands and contracts the circulating medium at the pleasure of selfish speculators, who never risk a dollar in producing wealth, and who insist on maintaining the legislation dictated by them, which has enriched them and impover-ished wealth-producers. Never shall this interest command my vote or support until it shall have shown itself willing to aid in placing the business of the country on that solid basis indicated by me. I will not make myself responsible, either directly or indirectly, for the continued and increasing distress of my countrymen, produced by the contraction policy

The proper remedies are easily applied, and would be instantaneous in their operation; but in consequence of this conflict between aristocratic and democratic republican forms of governments, legislative relief, so imperatively demanded by the interests of the people, is delayed, although this House is largely controlled by Representatives elected by democrats and independent republicans, who desire full legal-tender money and its substitution for the national-bank currency, and the prohibition of banks of issue.

Why shall Congress give to individuals or corporations the high

power to make a currency and regulate its value and volume? The powers of Congress are delegated, and not sovereign; therefore I ask by what part of the Constitution is Congress authorized to give up to speculators a power delegated to it only? Mr. Webster, in a constiutional argument on this subject, said:

The whole control over the standard of value and medium of payments is vested in the General Government.

That this is a correct conclusion is obvious, from the fact, that the Constitution does not contain any clause granting to Congress the power to issue a note or "public bill," authorized by law to circulate as money or currency, promising payment in lawful money; and, as such a power was purposely and by a distinct vote of the framing convention denied to Congress, it would be an act of usurpation to assume it or confer on individuals or corporations a power not delegated to Congress, and destructive of the public good.

For the past fifteen years the eastern bondholders and bankers have

controlled the legislation of Congress in their own interest, to the injury and oppression of the great agricultural and commercial interests of the country. Their "cunningly-devised scheme" to make the interest on bonds and duties on imported goods payable in gold coin, as the only full legal-tender money, creating an increased demand for it, and thereby creating a premium on it by law, which act Mr. Stevens, of Pennsylvania, denounced, as I have shown; and Mr. Spaulding, in his speech on the 19th of February, 1862, in opposition to the

Senate amendments, said:

Senate amendments, said:

Who are they that ask to have a preference given to them over other creditors of the Government! Sir, it is a class of men very sharp in all money transactions. They are not among those who by their labor and skill make the wealth of the country. \* \* Men who are willing to lend money to the Government, if you will make the security beyond all question, give them a high rate of interest, and make it payable in coin. \* \* Sir, the legal-tender Treasury-note bill was intended to avoid all such financiering, and protect the Government, and the people who pay taxes, from all such hard bargains. \* \* \* In every aspect in which you view this hard-money provision its practical working will be disastrous.

As soon as the country was at peace, these bankers and money-lenders generally, in bad faith with the people, exerted their power to procure legislation to compel the people to pay the 5.20 bonds in gold coin in order to defer the payment of them, as they knew there was not the gold coin in the country to do it with as those bonds became redeemable; nor could it be obtained under the contraction act of 1866. It is obvious that the purpose was to perpetuate the interest on the bonds, to be met by heavy taxation as a perpetual burden on

on the bonds, to be met by neavy taxation as a perpetual burden on the labor and industries of the country.

How much longer are we to be compelled to endure the yoke of servitude which a selfish and covetous interest has plotted to fasten on us and our constituents? There are gentlemen on the floor of this House, honored as representatives of the people, who are officers of national banks, and freely admit that a respect for the rights of the people makes it our duty to make the greenback a full legal tender, and substitute it for the national hank currency, and let hankers. and substitute it for the national-bank currency, and let bankers do business with the people's money. Why should we hesitate or delay to meet this issue, forced on us by those who wish to still longer enjoy the immense advantage of supplying the people with bank currency, instead of allowing them to have and use their own paper money, which may be made and maintained on an equality with gold coin?

Are we to be deterred from acting on this question because the gentleman from Maine [Mr. Blanke] has informed this House and the

country, in his speech of the 9th instant in defense of the nationalbank currency, that to abolish banks of issue or substitute the full legal-tender greenback for the national-bank currency would place "the currency wholly in the power and under the control of Congress?" There is where the Constitution puts it. But the gentleman from Maine says that Congress is "utterly unfitted to determine from time to time the amount of circulation required by the wants of trade. But indeed no body of men could be intrusted with that power." And yet he advises Congress to continue to confide that power to national bankers, especially under the late law of Congress,

which makes national banking free to all bondholders by depositing their bonds in the Treasury and getting 90 per cent. of their face value in national-bank currency requiring redemption, to lend at such rates of interest as can be squeezed out of needy borrowers who are brought into the clutches of these "credit-mongers" by an expansion of a redeemable currency—mere evidences of debts due the public by bankers equal to the bonded indebtedness of the Federal Government less 10 per cent. The next operation is to put their subsidy currency out on interest, secured by well-indorsed notes, and thus induce every business man to extend his business to its utmost limit. Just at that point these bankers remember that their currency calls for redeemption in lawful money on demand; and, as they have not the means with which to redeem it, they begin to contract discounts, calling for payments of their loans, which contracts the circulating medium, producing a pressure in business circles, then a crash and a panic; and having no means to pay their notes in lawful money, they lock their doors and cooly retire, sneering in disgust at the lunatics who are fools enough to imagine that the promise to redeem bank currency in greenbacks or coin was made to be performed.

Such is the see-saw, the up and down, expansion and contraction policy and process of banks of issue, and it is to these bankers that

the gentleman from Maine would hand over the power to regulate the volume and value of money. This is the result of studying political economy out of books in a law office, where a rich creditor as a client is always welcome, no matter what becomes of the poor deluded debtor who was foolish enough to take the advice of the gentleman from Maine, and trust the banks to regulate "the wants of trade," and fix the price of land, and of every commodity throughout the country. Instead of wasting time in studying books on political economy, written in the interest of bank currency and of speculative economy, written in the interest of bank currency and of speculative capitalists generally, the gentleman will find it more profitable to study the wants and interests of business capitalists. Moreover, besides having spent his time in studying the interests of banks of issue, as he doubts the capacity of the people's representatives to be trusted with carrying out the fundamental law by which our acts must be governed, it would seem that he has also been devoting some of his attention to studying the views of the Hamilton school of statesmen, who as I have shown doubted the capacity of the result for men, who, as I have shown, doubted the capacity of the people for self-government, and thought that system of government best which

takes care of the rich and leaves them to protect the poor.

Mr. Speaker, I repeat it, it is this conflict between two widely different systems of government that makes this contest necessary between full legal-tender money and bank currency requiring redemption in legal-tender money. The contest is not between gold and silver coin and legal-tender Treasury notes; no conflict can arise between them if they are made by law to perform the same functions. The contest is between the paper money of the people, which does not need redemption in other money, and the promissory notes of banks of issue. The volume of legal-tender money has a very safe limit fixed to it. Congress cannot pass any law, constitutionally, to limit fixed to it. Congress cannot pass any law, constitutionally, to pay out money for any other purpose than to pay constitutional and lawful demands on the Treasury, and it is the duty of Congress to pay a debt at the earliest moment possible, that not one dollar of tax-ation may be drawn from the people to pay interest on a suspended debt for the want of par money to pay it with, so long as the high prerogative is in Congress to make money, and regulate its value, by making it a full legal tender; being the only way in which Congress

can give it a fixed or unfluctuating value.

The great delusion of the gentleman from Maine consists in his mistaking a medium of exchange or a tool of trade for wealth. Money, taking a medium of exchange or a tool of trade for wealth. Money, or a legal tender, is not wealth; it is simply the means of exchanging commodities and of paying debts. Although it may cost the Government very little to make a legal-tender paper dollar, whoever gets it out of the Treasury lawfully must give a dollar for it, and being a full legal tender, it will be certain to get him its full denominational value in exchange for it. Being based on all the wealth of the country, including its bullion or coin, it is therefore a representative of wealth or value, and may justly be required to be taken at its denominational value. But when gold coin is made a tender, it being made of a commodity constituting a portion of the wealth of the made of a commodity constituting a portion of the wealth of the country, it must be tendered by weight according to its actual commercial value; the value of coin can only be determined by its weight. That the paper dollar may maintain a steady unfluctuating value, without being affected by the change in values of the commodities it represents, it is only necessary to make it, at the pleasure of the holder, convertible into a certificate of deposit or bond payable on demand, and bearing an accommodation rate of interest; and when the paper dollar is made a full legal tender, performing all the functions of money, it does not require redemption, as there is nothing superior

The gentleman from Maine says that "no wisdom of legislation has The gentleman from Maine says that "no wisdom of legislation has been able to avert the periodical revulsion in trade common to all commercial nations." I have shown that the crash and panic of 1873 were caused by an act of Congress, and not as formerly, until 1862, by the banks suddenly expanding and as suddenly contracting their currency. An act of Congress did it to maintain bank currency; and so far from "the wisdom of legislation" having "been able to avert it," none has been tried. On the contrary, legislation has been made by Congress since September, 1873, increasing the evils of taking from the people the necessary volume of circulating medium; a policy begun in 1866 in the interest of bondholders and bankers.

#### THE MANIFEST REMEDIES

The cause of a disease being known, it is easy to know what remedy to apply. As contraction caused the crash and panic of 1873, and has been carried on by the resumption act of 1875, remove the cause and the industries of the country will revive. For this purpose I pro-

First. An act unconditionally repealing the resumption act of Jan-

uary 14, 1875.

Second. An act of Congress making coin and United States Treasury notes full or equal legal tenders, leaving specific contracts to be carried out or paid in such money as may have been specifically stated

Third. An act substituting par United States notes for the national-

bank currency.

Fourth. An act making par greenbacks convertible at the pleasure of the holder into a certificate of deposit or bond bearing a low or an accommodation rate of interest, which certificate or bond shall

be made payable in lawful money on demand.

The resumption act should be repealed, because it is causing a still further contraction of the circulating medium and is more and more, day by day, increasing the difficulties of business men, decreasing the value of lands and of all commodities of barter; thus giving money

and currency more and more an undue purchasing power.

Its repeal will have the effect of enabling bankers to put their currency into circulation without any fear of a run on them for redemption, which will aid in reviving the industries. It will prevent the further retiring national-bank currency (lying idle in the bank vaults in consequence of the stagnation of the general business of the country) in order to lift bonds bearing an increased premium, in consequence of this resumption act and the act of March, 18, 1869, which was one of the designs of its authors, as I have above.

of the designs of its authors, as I have shown.

The passage of an act making United States Treasury notes and silver full or equal legal tenders with gold coin would make them equal to each other as money, and would give us real or par money, causing real values to lands, houses, and all salable commodities; it would destroy the premium on gold coin, which would dispense with the gold-gambling rooms of Wall street and elsewhere, and would reduce the state of distinct was a state of the state o duce the cost of living and of doing business equal to the fluctuating premium that gold commands in consequence of it being the only full legal tender.

In reply to those who have thoughtlessly asserted that by making coin and United States notes equal legal tenders would compel the purchase of coin to pay the interest on our bonds driven to Europe by a contraction of the United States Treasury notes, I call their at-tention to the following remarkable facts:

At the conclusion of the late contest between France and Prussia,

At the conclusion of the late contest between France and Prussia, France was in a seemingly ruined condition. Prussia held armed possession of Paris and demanded the payment of over a thousand millions of dollars as an indemnity. To meet it, the notes of the royal Bank of France were made full legal tenders, and the bank was prohibited from redeeming its notes in coin. The bank was authorized to issue over \$400,000,000 in full legal-tender notes. The French government borrowed \$300,000,000 of the bank at 1 per cent. per annum. When the notes were first issued, money-changers rated them at 2½ per cent. discount; the bank was authorized to issue \$200,000,000 more of these notes when they became equal to coin in value; they rewhen the lottes were first issued, money-changers rated them at 27 per cent. discount; the bank was authorized to issue \$200,000,000 more of those notes, when they became equal to coin in value; they revived and made active the wealth-producing industries of France, renewing its exportations, and thus producing the balance of trade in favor of France, causing an influx of the precious metals. In the mean time the French government, to make the stipulated payments of the indemnity, took the full legal-tender notes of the bank and purchased foreign bills of exchange, thus enabling the French government to obtain the means of paying its indemnity to Prussia in advance of the times of payment stipulated. The Bank of France is still prohibited from redeeming its notes in coin; they are continuously on an equality or par with coin. France is in a highly prosperous condition; the French government is rapidly paying the loan made it by the bank, which is reducing its paper circulation to make a channel of circulation for the coin flowing into France.

No candid man who properly considers these indisputable facts will assert that by making Treasury notes and coin equal legal tenders would compel the Federal Government to purchase coin to pay interest abroad or at home. I think that no one will presume to assert that the credit of the Federal Government and its full legal-tender Treasury

credit of the Federal Government and its full legal-tender Tressury notes would not be equal to the credit of the royal Bank of France and its notes, backed by the French government.

That our full legal-tender Treasury notes would be par with gold coin, and would purchase exchange on Europe as favorably as gold coin, there cannot be a question of doubt; because they will purchase, at the same price as coin, all commodities of exportation that com-

mand coin in Europe.

There is one other fact in connection with this subject of French experience which it is proper to call to the notice of this House. That fact relates to the volume of the circulating medium required in France to make its industries prosperous. France has a population about equal to the population of this country; its territory being much smaller and the population more compact, its money circulates more freely, and a less volume will accomplish as great an amount of trade there as here. The total amount of circulation in France by the lowest estimates the country of the country o timate, as stated by Bagehot's Lombard Street, North American Re-

view January, 1874, and Review of the Two Worlds, November 1, 1873, is \$1,250,000,000, with a population of 36,102,921, gives an amount of money per head of \$34.62; and of this amount of circulating medium \$700,000,000 is in coin; whereas the circulating medium of this country is stated by the same anthority at \$869,000,000, making a total circulation per head of \$21.72; by deducting a reserve fund of only \$200,000,000, it would be an amount per head of only \$16.72, as compared with that of France, amounting to \$34.62. If those who assume to be statesmen can learn no useful lesson from these facts to profit by, all common-sense experienced business men can. Money may be too abundant in this country to promote the interest of those who have a cash capital and are engaged in the trade of money-lending and note-shaving, but that it is far below the wants of the productive industries and the interests of tax-payers, there is not a question of doubt in my mind.

My third proposition is to pass an act substituting par Treasury notes for national-bank currency. This would be a saving to the tax-payers of over \$20,000,000 annually, and, had the national banks never been incorporated and State banks of issue been abolished, the Treasury note made a full legal tender and been used to redeem the 5.20 bonds as they became redeemable, we would now have at least \$1.200,000,000,000 lease of the right payments will be a few to the same redeemable. \$1,200,000,000 less debt with some sixty millions less taxation, and we would have avoided a commercial crash and money panic, and thousands of business men would have avoided the ruin and poverty to

which they have been subjected by a stealthy contraction of over \$1,200,000,000 in the interest of bondholders and bankers.

Mr. Speaker, in the face of these facts, I am at a loss to understand why democrats should hesitate about what course to take on this question, when there is but one correct course to be taken. The national statement of the statement of t of a special class at the expense of the public good, ever have and ever will oppose sound democracy and genuine republicanism, and any attempt to compromise with such an interest is in my judgment useless. Divided, as the House and Senate are, and threatened by a presidential veto, we may be compelled for the present to accept less than should be done; but, for one, I am resolved not to compro-mise any principle to obtain anything, as it could not result in advantage to the people.

Mr. Speaker, the fourth proposition is to make the Treasury notes interconvertible with certificates of deposit, or bonds bearing a low rate of interest, to insure the notes being kept on an equality with full legal-tendercoin; and if no more money is to be issued, it will be a measure indispensably necessary to open loans by offering a low-interestbearing bond; to loan the money now in circulation, to buy up in the open market our bonds now in Europe, the interest on which greatly

aids in keeping the balance of trade against us.

Mr. Speaker, I have shown that the democratic party has one uniform record in favor of legal-tender coin and Treasury notes and of determined hostility to banks of issue. The democratic party in convention in New York in July, 1868, in its third resolution, says:

Payment of the public debt as speedily as practicable; \* \* \* where the obliga-tions of the Government do not expressly state upon their face or the law under which they were issued does not provide that they shall be paid in coin, they ought in right and in justice to be paid in the lawful money of the United States. [Thunders of

and in justice to be paid in the lawful money of the United States. [Thunders of applause.]

Fourth. Equal taxation of every species of property according to its real value, including Government bonds and other public securities. [Renewed cheering, and cries of "Read it again!"]

Fifth. One currency for the Government and the people, the laborer and the office-holder, the pensioner and the soldier, the producer and the bondholder. [Great cheering, and cries of "Read it again!" The fifth resolution was again read and againcheered.]

Sixth. Economy in the administration of the Government, the reduction of the standing Army and Navy, [great cheering.] \* \* \* discontinuance of inquisitorial modes of assessing and collecting internal revenue, so that the burdens of taxation may be equalized and lessened, the credit of the Government and the currency made good.

We have this clear appropring the third democratic party so

We have this clear announcement by the democratic party so early as 1868 in favor of the popular doctrines of to-day. I had the honor to be for them then, as one of their original advocates. I am for them now, against any and all opposition. I am prepared to stand by these principles as an issue superior to all other questions of public policy; they do not admit of any compromise whatever. The credit of the Government can only be made good by paying its debts, and its currency can only be made good or par by making it an equal legal tender with gold coin; and I am for its being done without further delay.

Mr. Speaker, carry out these principles, and Government will no longer "take from the mouth of labor the bread it has earned." If Representatives in this House honestly desire to give the people par money, and to restore gold and silver to circulation, and to maintain the good faith and credit of the Federal Government, Congress must pass an act to enable the Government to honor its own paper by re-ceiving it for all dues to the maker of it, as it cannot be done by

I again call the attention of this House, and especially the attention of the gentleman from Maine, to the fact that the contest is between United States notes and bank currency and banks of issue. Our opposition is to all banks of issue, "bills of credit," and all kinds of depreciated money and currency.

"Bank currency must be suppressed and the circulation restored to the nation, to whom it belongs." This was the battle-cry of Jeffer-son and of Jackson; and fidelity to the people requires us to stop

contraction; substitute full legal-tender convertible United States contraction; substitute full legal-tender convertible United States notes for bank currency; prohibit banks of issue; expand the constitutional money of the Federal Government by paying its debts until the volume "shall be equal to the wants of trade;" stop all useless taxation; repeal the odious, demoralizing, and unjust excise or internal-revenue laws; revive the wealth-producing industries and general business, that the laborer may be employed and promptly paid, even though there should be a surplus of money, as it is better that money should be idle than labor. The man who has more money than he can profitably employ or put at interest is in no danger of starvation, and is therefore not a subject for our charities in this crisis.

The facts I have referred to prove—
First. That Congress has unlimited control over the money question.

First. That Congress has unlimited control over the money question. Second. The Constitution does not compel Congress to make gold, silver, or anything else a legal tender.

Third. Congress only can coin and make money and regulate its

value by a full legal-tender act.

Fourth. Congress can neither issue a "bill of credit" constitutionally nor authorize it to be done.

Fifth. No State can coin money or emit a "bill of credit" nor authorize it to be done, nor make coin a tender in payment of debts, unless Congress fails to do so.

During the delivery of the above remarks, when Mr. Landers, of Indiana, had occupied the floor for one hour,

The SPEAKER pro tempore said: The time of the gentleman has

expired.

Mr. HAYMOND. I ask that by unanimous consent the time of my

colleague be extended.

There was no objection, and Mr. LANDERS, of Indiana, resumed his

remarks. Subsequently,
The SPEAKER pro tempore said: The gentleman's second hour

has expired.

Mr. WILLIAMS, of Indiana. I ask unanimous consent that my colleague's time be further extended.

Mr. LANDERS, of Indiana. I have but a little more to say.

There was no objection, and the gentleman's time was further ex-

tended.

Mr. LANDERS, of Indiana, then resumed and concluded his speech, as printed above.

And then, on motion of Mr. DURHAM, (at three o'clock and twenty-five minutes p. m.,) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. HOLMAN: The petition of 1,909 Union soldiers of the late

war, for an equalization of bounty, to the Committee on Military Affairs.

Affairs.

By Mr. HOOKER: Memorial of the Chippewa Indians, of Turtle Mountain, Dakota Territory, for the segregation and confirmation of a certain tract of their land to them, and that certain provisions be made for their protection and instruction in the arts of pastoral and agricultural life, to the Committee on Indian Affairs.

By Mr. LANDERS, of Connecticut: The petition of E. W. Clark and 23 other for the record of the result o

23 others, for the repeal of the resumption act, that no tax be laid on tea and coffee, that there be no discrimination in favor of national-bank notes as against legal-tender notes, and that the tax on sugar

be reduced, to the Committee of Ways and Means.

## IN SENATE.

## Monday, February 28, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of the proceedings of Friday last was read and ap-

CREDENTIALS.

Mr. JONES, of Nevada, presented the credentials of William Sharon, chosen by the Legislature of Nevada a Senator from that

State for the term beginning March 4, 1875.

The credentials were read; and, the oaths prescribed by law having been administered to Mr. Sharon, he took his seat in the Senate.

## HOUSE BILLS REFERRED.

The following bills from the House of Representatives were sever-

ally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 2235) authorizing the purchase of additional ground for the custom-house at Nashville, Tennessee—to the Committee on Public Buildings and Grounds.

A bill (H. R. No. 710) to protect the revenues of the Patent Office to the Committee on Patents.

A bill (H. R. No. 1677) to correct a mistake in and amend section

1375 of the Revised Statutes—to the Committee on Naval Affairs.

A bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the de-

velopment of the mining resources of the United States," approved

May 10, 1872—to the Committee on Mines and Mining.

A bill (H. R. No. 2282) to extend to the port of Genesee, in the State of New York, the privileges of sections 2990 to 2997 of the Revised Statutes, inclusive-to the Committee on Commerce.

#### EXECUTIVE COMMUNICATION.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Secretary of War, transmitting a letter from the Chief of Ordnance, dated the 19th instant, in regard to an omission in the Revised Statutes not enumerated in his letter of August 17, 1875, and recommending such legislation as will enable the Ordnance Department to continue in use the system of property accountability authorized by previous laws and regulations; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of Elias Anderson, late of the Twenty-second Independent Battery, Ohio Volunteers, praying to be allowed a pension; which was referred to the Committee on Pensions.

He also presented the petition of Charles E. Jenkins, late private of Company G, Twelfth New York Cavalry Volunteers, praying an extension of time in which to make application for bounty under the act of July 28, 1866; which was referred to the Committee on Mili-

Affairs.

Mr. KEY presented the petition of Alexander Bright, late a private in Company E, First Tennessee Light Artillery, praying a removal of the charge of desertion; which was referred to the Committee on

Military Affairs.

He also presented the petition of Joyner, Lemmon & Gale, and other leading merchants of Memphis, Tennessee, praying for the repeal of the bankrupt law; which was referred to the Committee on the Ju-

diciary.

Mr. CAMERON, of Wisconsin, presented the memorial of the Legislature of Wisconsin, in favor of the establishment of a weekly mailroute from Kiel to Memee post-office, in the county of Manitowoc, Wisconsin; which was referred to the Committee on Post-Offices and Post-Roads

Mr. WRIGHT presented the petition of Caroline Hart, of Des Moines, Iowa, praying compensation for certain materials and supplies formerly owned by her brother, Charles Reynolds, deceased, which were taken possession of by the Federal forces at Natchez, Mississippi, during the month of October, 1863; which was referred to the Committee on Claims.

Mr. HAMLIN. I present the petition of A. T. Abbott, praying to be restored to his proper rank in the Army, of which he affirms that he has been deprived by an order of the War Department, arbitrarily and without his consent, transferring him from the infantry to the artillery, whereby he has not only lost rank but has been un-justly overslaughed. I move its reference to the Committee on Mili-

The motion was agreed to.

Mr. CHRISTIANCY presented the petition of John M. Osborn and 41 other business men and firms of Hudson, Michigan, praying for the repeal of the bankrupt law; which was referred to the Committee on the Indiciary. the on the Judiciary.

Mr. LOGAN presented a petition of citizens of Quincy, Illinois, praying the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. MORTON presented a petition of prominent wholesale mer-chants and business men of Indianapolis, Indiana, praying for the re-peal of the bankrupt law; which was referred to the Committee on the Judiciary.

the Judiciary.

He also presented a petition of business firms and others, citizens of Evansville, Indiana, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. STEVENSON presented the petition of Warren Mitchell, of Louisville, Kentucky, praying to be repaid the amount of proceeds derived from the sale of certain cotton belonging to him, seized by the Government of the United States and paid into the Treasury; which was referred to the Committee on Claims.

Mr. SHERMAN presented a resolution of the Bar Association of

Mr. SHERMAN presented a resolution of the Bar Association of Cincinnati, Ohio, remonstrating against the passage of the bill which has passed the House of Rspresentatives and is now pending in the Senate for the organization of the Federal judiciary; which was re-

ferred to the Committee on the Judiciary.

He also presented a petition of citizens of Ohio, praying for the repeal of the bankrupt law; which was referred to the Committee on

the Judiciary

Mr. SARGENT. I present the petition of a committee of the National Woman Suffrage Association, asking that the women of Utah be protected in the proper exercise of the right of the elective franchise. They think that they should be continued in the right to the elective franchise, but that the marking of ballots should be prohibited by law. I move the reference of the petition to the Committee on Territories.

The motion was agreed to.

Mr. COOPER presented the petition of Hollins, Murray & Co., and several hundred other merchants of Nashville, Tennessee, praying for the repeal of the bankrupt law; which was referred to the Com-

mittee on the Judiciary.

Mr. DAVIS presented the petition of Thompson & Jackson and other citixens of Parkersburgh, West Virginia, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary

Mr. EATON presented the petition of F. A. Roe, captain United States Navy, praying compensation for property confiscated by the rebel government at the opening of the war on account of his loyalty to the Federal Government; which was referred to the Committee

Mr. CAMERON, of Pennsylvania, presented a petition of honorably discharged United States soldiers, praying for additional legislation to award their services to their country; which was referred to the Committee on Military Affairs.

He also presented the petition of John W. Bray and others, late soldiers of the United States, and citizens of Pennsylvania, praying for the passage of an act granting to the soldiers, sailors, and marines of the United States and their heirs (except commissioned officers) a bounty of \$8.33 per month for the time served, deducting all United States bounty heretofore paid; which was referred to the Committee on Pensions.

He also presented three petitions of citizens of the Falls of Schuyl-kill, Pennsylvania, urging Congress to guarantee the bonds of the Texas Pacific Railroad Company; which were referred to the Com-

mittee on Railroads.
Mr. HOWE presented a memorial of the Legislature of Wisconsin, in favor of the establishment of a mail-route between Kiel and Memee post-office in that State; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Post-Offices and Post-Roads, and ordered to be printed.

He also presented a memorial of the Legislature of Wisconsin, in favor of an increase of mail service from Durand to Pepin, Pepin County, in that State; which was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. RANSOM presented the petition of John D. Thorne, of Littleton, Halifax County, North Carolina, praying compensation for fifty-five bales of cotton taken possession of by a squad of United States soldiers commanded by J. B. Bromley, of the Tenth Connecticut Volunteers, by order of General N. P. Banks, of Massachusetts; which was referred to the Committee on Claims.

He also presented a petition of citizens of North Carolina, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

mittee on the Judiciary.

Mr. WHYTE. I present the petition of David McComb, of Baltimore, Maryland, praying for relief. The petition is unartistically drawn, and I cannot exactly make out what sort of relief he desires; but he asks that it may be referred to the Committee on Pensions. I but he asks that it may be referred to the Committee on Pensions. therefore move that it be referred to that committee.

The motion was agreed to.

Mr. BOOTH presented a resolution of the Legislature of California, in favor of such legislation by Congress as will authorize a reasonable appropriation for the improvement of the Feather, Sacramento, Mokelumne, and San Joaquin Rivers, and Petaluma and Sonoma Creeks; which was referred to the Committee on Commerce.

He also presented a resolution of the Legislature of California, in

favor of such legislation by Congress as will afford cheaper telegraphic facilities to the State of California; which was referred to the Committee on Commerce.

He also presented the petition of N. D. Clark, C. A. Clark, and J. L. Bartlett, of Sulphur Creek, in the County of Colusa, California, praying for a Government title to certain lands, according to the laws regulating claims for homesteads, forestry, minerals, &c., for college purposes; which was referred to the Committee on Public Lands.

Mr. CONKLING presented the petition of William Quinn, late ser-geant Company G, One hundred and sixty-ninth Regiment New York Volunteers, praying an amendment to the bounty laws, so as to allow those who served less than two years to receive the bounty promised them upon enlistment; which was referred to the Committee on Military Affairs.

He also presented a petition of lumber-dealers of the city of New York, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CONKLING. I present also resolutions of the Chamber of Commerce of the State of New York in the nature of a memorial, with regard to national finances. The importance of the topics treated in this memorial and the respectable source from which it comes would lead me to selve the Source to print the memorial and comes, would lead me to ask the Senate to print the memorial, but for the fact that a print in convenient form has been sent, I think, to each of the members of the Senate. Therefore I abstain from making that request, and move that it be referred to the Committee on Finance.

Mr. SHERMAN. If agreeable to the Senator from New York, I would like to have the motion to refer laid on the table a few days, as I may take occasion to address the Senate on one of the propositions contained in the memorial.

Mr. CONKLING. In lieu of that, if the Senator has no objectionknow he will have none—let the memorial itself lie on the table, and I will make the motion to refer at another time, suiting his conven-

The PRESIDENT pro tempore. The memorial will lie on the

#### REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Civil Service and Retrenchment, to whom was referred the bill (S. No. 172) fixing the salary of the President of the United States, reported it without amendment.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom
was referred the bill (H. R. No. 198) to relieve the disabilities of Robert Tansill, of Virginia, reported it with an amendment.

IMPROVEMENT OF THE CAPITOL GROUNDS. Mr. MORRILL, of Maine. I am directed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 1590) to remedy an error in enrollment, to report it without amendment and recommend its passage. This bill is merely to correct an omission in the enrollment of an act passed at the last session, and I ask for its present consideration. It will take but a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It recites that in the bill for sundry civil expenses, approved March 3, 1875, of the amount therein provided for the improvement of the Capitol grounds, the sum of \$50,000 was made available from the passage of the act; and that the clause relating to the immediate availability of that sum was omitted in the enrollment of that act. It is therefore provided that the sum of \$6,000 kg area when thereof as war, he received to the provider that the sum of the enrollment of that act. It is therefore provided that the sum of \$6,699.18, or as much thereof as may be necessary to pay liabilities incurred during the fiscal year ending June 30, 1875, for labor, &c., in the improvement of the Capitol grounds, is rendered available for that purpose, the sum to be paid out of the funds provided in the bill approved March 3, 1875, for the improvement of the Capitol grounds.

The bill was reported to the Senate without amendment, ordered to a third reading read the third time and record.

to a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. CHRISTIANCY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 511) appropriating money to compensate Fisk Mills, sculptor, for the "plaster model of General Rawlins;" which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MAXEY (by request) asked and by unanimous consent obtained, leave to introduce a bill (S. No. 512) for the establishment of a post-route in Texas; which was read twice by its title, and, together with a petition of citizens of Kiomatia, Red River County, Texas, praying for the same, referred to the Committee on Post-Offices and Post-Roads.

Mr. RANSOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 513) to provide for the erection of public buildings for the United States at Asheville, North Carolina; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 514) for the relief of John W. Ray; which was read twice by its title, referred to the Committee on Pensions,

and ordered to be printed.

Mr. CLAYTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 515) to establish certain post-routes in the State of Arkansas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave
to introduce a bill (S. No. 516) for the relief of A. P. Jackson and
others; which was read twice by its title, referred to the Committee
on Public Lands, and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to
introduce a bill (S. No. 517) for the relief of Caroline Hart and others;
which was read twice by its title, and, together with papers on file
on this subject, referred to the Committee on Claims.

Mr. BOGY asked, and by unanimous consent obtained, leave to in-

on this subject, referred to the Committee on Claims.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 518) to authorize the Third Auditor to examine the evidence of payments made by the State of Missouri to State troops serving in the Union Army, and also the evidence as to supplies furnished to troops and which are yet unpaid; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HITCHCOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 519) to improve the civil service of the

to introduce a bill (S. No. 519) to improve the civil service of the

to introduce a bill (S. No. 519) to improve the civil service of the Patent Office; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 520) granting a pension to Christopher Shuck, a private in the war of 1812; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 521) to establish a post-road from Crescent City, California, to Jacksonville, Oregon; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to intro-

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 522) for the relief of savings institutions; which was read twice by its title, and referred to the Committee on Finance,

and ordered to be printed.

## WITHDRAWAL OF PAPERS,

Mr. WRIGHT. I offer the following order:

Ordered, That Lewis Stearn be allowed to withdraw his petition from the files of the Senate.

There being an adverse report in that case, the order will be made

on leaving copies of the papers.

The PRESIDENT pro tempore. The order will be made, if there be no objection.

Mr. WRIGHT. I offer also the following order:

Ordered. That Abraham Sellers, administrator of Frederick Vincent, deceased, formerly administrator of James La Caze, late of the firm of La Caze & Mallett, have leave to withdraw his petition and papers from the file of the Senate.

In that case an adverse report has been made, and the order to withdraw will be made on a like condition.

The PRESIDENT pro tempore. The order will be made, if there be

no objection.

## DEBATE ON APPROPRIATION BILLS.

Mr. MORRILL, of Maine. I offer the following resolution:

Resolved. That during the present session it shall be in order at any time to move a recess; and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate.

This is the usual resolution which the Senate has heretofore adopted about this time of the session; and if there is no objection, I ask for its present consideration. If any Senator desires it to go over, I have no objection to that course being taken.

Mr. WEST. I prefer that we should not apply that rule quite yet. Let it lie over to-day any way.

The PRESIDENT pro tempore. Objection being raised, the resolution goes over

Mr. MORRILL, of Maine. I move that the resolution be printed. The motion was agreed to.

## COLORADO ENABLING ACT.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of House bill No. 1328, reported from the Committee on Territories, amending the act relating to the admission of Colorado.

The motion was agreed to; and the bill (H. R. No. 1328) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875, was considered as in Committee of the Whole. It amends so much of section 3 of the act entitled "An act to enable It amends so much of section 3 of the act entitled "An act to enable the people of Colorado to form a constitution and State government and for the admission of the said State into the Union on an equal footing with the original States," approved March 3, 1875, as reads, "and also to vote upon the acceptance or rejection of such constitu-tion as may be formed by said convention," so as to read: "And all who are qualified voters of said Territory under the laws thereof at such time as the constitution to be framed shall be submitted to the people for ratification or rejection shall be entitled to vote upon the

people for ratification or rejection shall be entitled to vote upon the question of such ratification or rejection."

The second section amends section 13 of the act by adding: "And if the balance of said legislative appropriations does not amount to the sum of \$20,000, then there shall be, and there hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, a sum sufficient, with the said unexpended appropriations, to make the sum of \$20,000, which shall be used for the purposes aforesaid: Provided That any money hereby appropriated not necessary for such Provided, That any money hereby appropriated not necessary for such purposes shall be covered into the Treasury of the United States."

The bill was reported to the Senate without amendment.

Mr. MORRILL, of Maine, I ask the Senator from Nebraska who has reported this bill to make some statement in regard to its provisions by way of explanation.

Mr. HITCHCOCK. I stated when the bill was reported by the committee that there were but two points involved in this bill. First is a provision by which the emigrants who have gone into the Territory since the passage of the enabling act and have now become citizens and voters in the Territory under the provisions of the terricitizens and voters in the Territory under the provisions of the territorial law shall be allowed to vote on the question of the adoption or rejection of the State constitution. The original act as it came from the House provided for a convention to be held very soon after the passage of the act. The Senate, by amendments agreed upon here, deferred the meeting of the constitutional convention for about a year and a half, and the voting upon the adoption or rejection of that constitution until the 4th of July next. Consequently, since the passage of the act, and before the voting upon the adoption or rejection of the constitution, a large number of emigrants will have become voters in the Territory. That is the first amendment proposed

The second is in regard to the pay of the members of the constitutional convention. The provision of the original act was that the balance of the appropriations for legislative expenses of the Territory should be applied for the payment of the members of the constitutional convention. Had that convention been held as was contemplated by the original act, that appropriation would have been ample; but the deferring of the holding of the convention for a year and a half made a meeting of the territorial Legislature in the mean time

of \$20,000 to defray the expenses of this convention. I do not understand that it has been the usage of the Senate at any time to make such an appropriation. It may be a proper thing to do; but I am not aware of any precedent for the appropriation of money to pay the expenses of a convention to adopt a constitution for a new State. I believe there is a single instance that approaches this, and that was in the case of Nebraska, where an appropriation had been made for the expenses of the Legislature, and there was a provision in the law that any balance of that appropriation unexpended might be used to pay the expenses of the constitutional convention. I do not feel any spirit of opposition to this in any way; but as it is an appropriation of money out of the Treasury, not in harmony, I understand, with the usage in such cases, I deem it my duty to call the attention of the Senate to that fact.

I think the principle itself is pernicious in practice. If the people are in a condition to become a State, to ask to be organized into a State government, when they undertake that duty it seems to me the Government of the United States should be relieved from responsibility for all expenses of that sort. Besides, it is not certain whether they will adopt the constitution or not; and they may come here again. But I content myself with simply calling the attention of the Senate to the fact that here is an appropriation of \$20,000 to pay the expenses of a convention to organize a State government.

Perhaps I have not made myself quite understood as to the question

of precedents. I have said there is no precedent for this; but that is to be taken with the qualification that in the case of Nebraska there was an appropriation for legislative expenditures, and if there should be anything left over, it was provided that that might be applied to pay the expenses of the convention. But that is not this case. In this instance, in 1874, there was a similar provision in an appropriation for legislative expenses, which if not expended might be applied to the convention; but this bill now provides for appropriating a sum equal to \$20,000, provided that the balance left over of the legislative

appropriation shall not be sufficient.

Mr. HITCHCOCK. All I have to say in regard to the matter of precedent is that in the case of the last State which was admitted into this Union—my own State—the members of the constitutional convention were paid. Of course the circumstances are different in different Territories at different times. There have been volunteer conventions held to prepare constitutions, which constitutions have become the constitutions of the States; but here is a constitutional convention provided for by an act of Congress, and the payment of which was provided for in the act as originally drafted, and as originally passed, except that the meeting of the Legislature, which occurred in consequence of the deferring of action by the amendments adopted in the Senate, has used up the money which was then unexpended and on hand. Of course it is possible that the Senate will refuse to appropriate this amount of money. Such economy is possible for the Senate. The Senate at its last session, in the amendments then adopted to the enabling act, restricted Colorado and cut off in several respects appropriations and allowances which my own State was given in her enabling act. I hardly think such a policy is wise, and I hardly think the Senate will agree to it.

Mr. SARGENT. Mr. President, we have heard in this Congress a good deal about economy and retrenchment, and I trust the Senate will show that it is something more than a phrase and show it upon this bill. Here is unquestionably a new precedent. Here is a propowhich was provided for in the act as originally drafted, and as orig-

this bill. Here is unquestionably a new precedent. Here is a proposition to pay for the first time by direct appropriation the expenses of a constitutional convention of a State. In the case of Nebraska, any amount that might be left of a certain appropriation, possibly not fully expended, was allowed to be applied to this purpose. That I believe is the only case of the kind. We made a similar provision in the admission of Colorado, that any amount of the legislative expenses appropriation left over, supposing that there might be \$5,000 or \$10,000, perhaps, or \$20,000 applicable for that purpose, should be applied to the expenses of the convention. It was not sufficient, or rather it was exhausted for the legitimate purpose for which it was provided, namely, for the territorial Legislature; and now the proposition is to take \$20,000 directly from the Treasury in order to pay the expenses of the constitutional convention. I think it a great boon to the people of a Territory to be allowed to come into the Union and participate in the privileges of the Union, and the preliminary proceedings for that purpose should be paid for by themselves. That which they receive is worth the little amount of expense involved.

Year by year on every hand we increase these expenditures; we gradually eat into the Treasury. It is these discretionary items which use up the Treasury, not those amounts which are appropriated for the regular service of the Government; not the amounts necessary to pay a decent salary to a minister who represents us at St. Petersburg or St. James; not the amounts necessary to keep a consul at Pictou or Talcahuano, where, without his presence, our sailors may suffer or be left in foreign parts without any protection and our commerce crippled. It is not by reducing the salary of an overworked officer that true economy is shown; but it is in these items, necesofficer that true economy is shown; but it is in these items, necessary, and a large portion of the money appropriated has been expended for its expenses. The object of the second section is to supply that deficiency.

Mr. MORRILL, of Maine. As to the first provision of this bill, it is undoubtedly proper; but I think it my duty to call the attention of the Senate to the second section, which provides for an appropriation. is a good principle. I know the result is that year by year the civil list increases. It is good economy to cut off expenditures of this kind, and we can. If gentlemen believe that there is anything in the pretension which they make that the people are overburdened with taxation, that they are staggering under the burden which we lay upon them, and if they really are desirous to avoid increasing those burdens, as they insist in our ears they do, here is a proper time and place to do it upon just such a bill as this. I certainly shall vote that way, and I think I do no injustice to Colorado by such a vote. I know when my State came into the Union it came in upon the rule which I have prescribed, and so all the other States came in with the exception of Nebraska, where there was a little amount which was allowed, you might say, to slop over for this purpose, and that ought not to have been done, but it ought to have been covered back into

the Treasury. I move to strike out the second section of the bill.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from California to strike out the second section of the

Mr. HITCHCOCK. I have heard, Mr. President, of saving at the spigot and spending from the bung-hole; I have heard of such a thing as men being "penny-wise and pound-foolish," and I think, if we want to make a conspicuous example of that kind of economy, this Senate should, after having so recently voted to indorse and assume the payment of \$15,000,000 of bonds to pay for paving the streets of this city, to pay attorneys for defending the officers of this Government, to pay newspapers for publishing reports of proceedings of investigations of officers of this Government, and to pay reporters for reporting those proceedings, vote to strike out this section. I think that would be an eminently proper thing for this Senate to do!

But, sir, I think that this Senate can afford, probably without ruin-

ing the Government, to make this appropriation of \$20,000 to pay the expenses of the members of the convention to frame a constitution for the State of Colorado. I do not know that the Territory of Colorado is unable to pay these expenses. I do not think Colorado desires me or anybody else to present ourselves in the attitude of a beggar to ask the people of the country to pay the expenses of their conven-tion. But, sir, Colorado is just becoming of age. She is assuming the responsibility not only of self-government, but of bearing her equal fair share in the Government of us all; and I believe that ordinary prudent policy dictates that we should not receive her in a niggardly way. I do not believe that the \$20,000 appropriated in this bill will

be money illy spent.

Mr. LOGAN. I did not propose to say a word on this bill, but inasmuch as Territories are like orphans, to be taken care of by those who sit in the Senate and House, I desire in a very brief manner to present my views in reference to this appropriation.

on the question of economy, which question is raised nearly always in either branch of Congress where an appropriation may be objectionable to the views of some individuals, I do not think a good argument is presented in this instance. I agree, however, with the Senator from California in this respect, that when a State is coming into the Union it is a great boon presented to her to give her the privilege of the property of the control o doing so; but at the same time I maintain that it is equally as much a boon to the Government to have a State representation to take part and participate in the affairs of the nation, to become one helping and assisting in all ways to bear the burdens that are imposed upon the different States and the people thereof.

It is said that there is no precedent for this appropriation. There is a precedent for it in this, that heretofore, when the Territories have been organizing themselves into States in convention assembled for the purpose of making a constitution by and under which they will be governed, it has been usual to appropriate by Congress the amount of a fund, which may be a lapsed fund, perhaps, for the payment of the members of the convention who assembled for the purpose of forming a constitution. The application to the expenses of a convention of an amount of money which has lapsed or is over the amount appropriated to pay the legislative bodies and the judiciary of the Territory, is as much an appropriation to pay the convention as if it was appropriated directly out of the Treasury of the United

Then, when I say there is a precedent for it, I mean that when the money heretofore appropriated to a Territory over and above that which is needed for their incidental expenses is allowed by Congress to be applied for this purpose, it is such an act appropriating money as makes a precedent for appropriating any amount that may be necessary if the precedent is the thing we are to be governed by. There is no want of a precedent. What, then, can be the objection to the appropriation? It cannot be objected that it is not our duty to pay the expenses that are necessarily incurred for the purpose of organizing these people into a State. It is not objected that it is unfair or improper that that should be done. If it is not improper that that should proper that that should be done. If it is not improper that that should be done, why not do it, and appropriate the money out of the Treasury? There seems to be a kind of holy horror when the law that is to be enacted appropriates money out of the Treasury. I dislike to do that myself; but it is only whipping the devil around the stump when you apply funds heretofore appropriated—lapsed funds—instead of appropriating directly from the Treasury. There is no difference whatever; for, if it were not applied, the money would go back into the Treasury, and, if you extend the use of it, and allow it to be used for other purposes, it is as much an appropriation as if it were directly made in an appropriation bill.

I think this ought to be done. This Territory is coming in very soon as a new State. The people in the Territories are not able and capable of paying these expenses as the people of an old State. They generally go into a Territory poor, mostly young men, adventurers, for the purpose of making their fortunes. They settle themselves They settle themselves But while on this point down and grow up together with their State. I desire to call the attention of the Senate to the fact that while this Territory has been in existence as a Territory it has paid into the national Treasury of the United States \$1,400,000 of internal revenue. While they have paid into the Treasury of the United States \$1,400,000 the expense of their territorial organization as taken from the Treasury of the United States has amounted only to the sum of \$300,000. With this showing, (one that has not been made by any other Territory that has been organized into a State heretofore,) and with an amount of money paid into the Treasury of the United States that is not commonly received from Territories prior to their organization as States-with this record it does seem to me that we ought not to hes-

that the second is does seem to be that we dight not to hesitate to allow this amount for the purpose of paying this convention.

There is another point on this bill that I desire to call the attention of the Senate to. When we passed the act at the last session of Congress authorizing the Territory of Colorado to assemble in convention and form a State constitution, that they might be admitted as a State, we provided that persons who were lawful voters at the time of the passage of that act should be legal voters to vote for or against the adoption of the State constitution. By an examination of the laws of the Territory in reference to the right of suffrage, we find that a great many persons are in the Territory who were not voters at the time of the passage of that act, but who, under the laws of the Territory, will be voters at the time the constitution will be voted upon. Hence a great portion of the voters by this enactment have been deprived of the right to vote for or against the constitution. For instance, the governor of the Territory was not a voter at the time of the passage of that act, but he will be a voter under the laws of the Territory at the time appointed for voting on the ratification of the constitution. He is deprived by this act of the right to cast his vote for or against the constitution.

This bill has passed the House and come before the Senate; and I shall vote for it, believing as I do that it is our duty, at least to a certain extent, to encourage a young and growing Territory such as this is; I believe that, when properly developed by the hand of man, it will yield such revenues to the Government of the United States it will yield such revenues to the Government of the United States as will repay it for all the expenses, and much more too than the Government has been at in the organization of the Territory into a State. It is certainly a Territory that in its beginning has shown what its developments will be in the future; and with that development it will be such a State, and it will take its stand among the sister States in such a manner as not to be derogatory to the great Union ment it will be such a State, and it will take its stand among the sister-States in such a manner as not to be derogatory to the great Union in which it will soon take its place. I hope the Senate to-day will help it to get a fair start with the other States in the Union.

I trust, Mr. President, the bill will pass.

Mr. SARGENT. Mr. President, if Colorado is so rich and pays such large revenues to the Government it certainly is not entitled to our

sympathies. It is able to pay its own expenses, as every State admitted heretofore has done. I have before me a letter of Hon, R. W. Tayler, Comptroller of the Treasury, relating to the precedents in this matter, and I ask that it be read at the Clerk's desk, and let us see if we are not asked to take a new departure here rather than to follow established precedents.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE, Washington, D. C., January 15, 1876.

manington, D. C., January 15, 1876.

Mashington, D. C., January 15, 1876.

In reply to your reference to this Office of the House bill No. 355, making an appropriation of \$20,000 for the expenses of the constitutional convention of Colorado, and requesting information as to the precedents, I would state that I have made a careful examination of the acts of Congress relating to like conventions, going back to 1836.

I find that in no case was any appropriation made to defray the costs incident thereto.

thereto.

In the enabling act for Nebraska (Statutes at Large, volume 13, page 50) the fourteenth section provided "that any unexpended balance of the appropriation for said territorial legislative expenses of Nebraska remaining for the fiscal years 1863 and 1864, or so much thereof as may be necessary, shall be applied to, and used for, defraying the expenses of said convention." A like provision is contained in the Colorado enabling act under which this convention is held, approved March, 2 1875. 3, 1875. Very respectfully,

R. W. TAYLER,

Hon. EUGENE HALE, House of Representatives.

Mr. SARGENT. It thus appears that there is no precedent what-Mr. SARGENT. It thus appears that there is no precedent whatever for the action proposed to-day; and the question is whether we will establish the precedent, which it is so easy to do and so difficult to avoid afterward. We established the precedent in the case of the State of Nebraska by allowing money which had been appropriated by the previous action of Congress, and perhaps by every principle of equity and of justice to the people should have gone back into the Treasury, to be used for this purpose. We made the same provision in the case of Colorado following that precedent, which I say it is so easy to do and so hard to depart from. This encourages demands of this kind. Now they come forward and coolly ask us take \$20,000 out of the Treasury to pay these expenses, which ought never to be done. I hardly know what demand may be made upon us next in such cases, Mr. LOGAN. Allow me to put to the Senator a case. I do not know what the condition of Nebraska was at the time it was admit-ted, how much money was left over the expenditures necessary for the Legislature which was diverted to the expenses of the constitutional convention?

Mr. HITCHCOCK. If the Senator will allow me, I will state that there was more than \$20,000 still to the credit of the Territory of

Nebraska at that time.

Mr. LOGAN. If that be the case, I ask the Senator from California to state to the Senate, if he will, what the difference is between appropriating money out of the Treasury and appropriating the \$20,000 in Nebraska that was in excess of their expenditures, which would have gone back into the Treasury had it not been allowed to be thus

applied by that act.

Mr. SARGENT. So far as the Treasury is concerned, the effect would be the same; it would make no difference; but at the time Nebraska was admitted we had a very vicious system in several respects. One was that we allowed unexpended balances to run from year to year, the result of which was that in some of the Departments there were millresult of which was that in some of the Departments there were millions of money to the credit of an appropriation while we were required each year to appropriate as if there were no balance. In this way small sums were rolled up and carried by a system of book-keeping from year to year, so that if the appropriations were not up to what the Departments wished they fell back on these balances as they saw fit. I have no idea that it was called to the attention of members of Congress at the time that here were twenty or thirty thousand dollars affected by the provision. I have no doubt the idea was, "Well, we have appropriated twenty-five or thirty thousand dollars for legislative expenses; and after the Legislature gets through, if there is any of the money left, it may as well go to the expenses of this constitutional convention," and Congress good-naturedly said, "Yes, let that be done," supposing they were dealing with two, three, four, or five thousand dollars, but under no circumstances presuming that the amount could possibly go over \$10,000. But by the system four, or five thousand dollars, but under no circumstances presuming that the amount could possibly go over \$10,000. But by the system of balances of which I speak, which was the law at the time Nebraska was admitted, the other thing was possible. Therefore I do not think Congress ever intelligently appropriated twenty or more thousand dollars to defray the expenses of the constitutional convention of Nebraska. If it did, it certainly did not do right; it laid down one of those precedents which ought not to be followed. If a community which desires to be a State is not populous enough, is not stable enough, has not money enough to pay its expenses, it is not fit to be a State in the Union; it ought to be kept still longer in a condition of tutelage; it ought to be continued in the condition of a Territory, where we do not grudge paying the expenses of their territorial Legislature and judiciary and many of their expenses, and even make their roads for them and erect their public buildings. These things their roads for them and erect their public buildings. These things we do because they are weak or feeble; but there comes a time in their history when they knock at the doors of Congress and say, "We their history when they knock at the doors of Congress and say, "We are now strong; we have acquired a large population; we have stable and extended business; we are capable of being a full-fledged State; now admit us into the Union." One of the tests of the soundness of that prediction is, "Can you pay your bills? Can you even pay the very first bill which you will incur in coming into the Union, and that is for the expenses of the constitutional convention?" If they are not able to do that; if they say that they are too poor and too weak; that they are only young men, and few of them and poor, how can they bear the burden of a State administration? How can they after that pay the expenses of their State Legislature, of their governor, of their more expensive judiciary, all the expenses of constructing their public buildings, and works of that character? It is obvious they cannot do it. So my friend's argument, if it is of any value, would be an argument against the admission of Colorado at all. I think, however, he is correct in his other statement, that Colorado is really a strong, tax-paying community. I thought so, or I would not have voted for her to be admitted as a State. I believe she has those elements of wealth and stability which will enable her people to pay taxes to the Government of the United States to a very handsome amount, though not to a very extraordinary extent, and thus is a guarantee that they can pay the necessary expenses to get them into the Union, and support themselves hereafter.

I do not like to have precedents of this kind set. I know how these things grow up. First there is a little cloud no bigger than a man's hand; then it spreads over the whole heavens. A little item, apparently innocent, which we may not even investigate enough to fully understand, is allowed in an appropriation bill; next year the amount which is appropriated is doubled; after that, quadrupled; and finally it is the parent of a whole brood of just such cases, sometimes claims, sometimes schemes, which fasten themselves upon the civil service. I do not think it is worth while for us to set the example of paying the expenses of conventions, for the reason further that they are so often failures. Colorado has had several of these conventions already. Shall we pay the expenses of all those that have gone before? How often is it that a State constitution is rejected, or that the Territory is relegated to its previous condition. It has happened often

in our history. I trust we shall not set this precedent, but that the amendment which I have moved will be adopted.

The PRESIDENT pro tempore. The morning hour has expired.

Mr. HITCHCOCK. I trust by unanimous consent we shall be allowed to dispose of this bill.

The PRESIDENT pro tempore. Is there objection to the continu-

ance of this subject ?

Mr. ALLISON. I dislike to interfere with the Senator from Nebraska, but I think we ought to go on with the appropriation bill.

Mr. PADDOCK. I desire, with the consent of the Senator from

Mr. PADDOCK. I desire, with the consent of the Senator from Iowa, to make a statement.

Mr. ALLISON. I will yield for the present.

Mr. PADDOCK. I happened to be secretary of the then Territory of Nebraska at the time the convention, referred to by several Senators, was held, for which the appropriation was made. There had been no session of the Legislature during the preceding year. Therefore it occurred that there was quite a large sum of money in the Treasury, subject to the order of the secretary, for legislative expenses. This enabling act was passed for a convention to be held in penses. This enabling act was passed for a convention to be held in the latter part of the year 1864, s I now recollect. The delegates were elected to that convention, but the people had arrived at the conclusion before the election of delegates took place that they were not quite ready yet to form a State government; and so the delegates were generally elected under instructions from their constituents to adjourn the convention without taking any action whatever in the matter of framing a constitution for a State government. vention did so meet, and, after sitting one day, did so adjourn. No constitution was framed by that convention. Therefore no expense beyond that necessary to defray the session of one day was incurred under the act to which reference has been made. The constitution under which the State of Nebraska was admitted was framed by a committee of the Legislature two years later, and, having been submitted by a law passed by the Legislature for ratification by the people, was so ratified; and under that constitution we were admitted into the Union in 1866.

I deem it to be a duty that I owe to my State, after what has been said here, to make this statement. The framing of the constitution under which my State was admitted was not in any respect whatever a tax upon the Government either of the United States or of that of the then Territory of Nebraska. However, I believe it was right for the Government to offer to defray such expenses as was provided in the enabling act of 1864. I believe it is right and proper in this case. If Colorado should be admitted under the constitution which is being prepared by the convention now in session, the saving per annum to the Government will be in the neighborhood of \$50,000. With the understanding that has been had by the people of the Territory of Colorado that such expenses were to be defrayed as provided in the Colorado that such expenses were to be defrayed as provided in the enabling act, my impression is that it will be considered by the people there to have been a sort of trick if they are finally saddled with the expense of the convention after all; and it is barely possible that that very omission on the part of the Government may defeat altogether the admission of that State through the rejection of the constitution by the people. I understand that there is a party there opposed in any event to the admission of the State. I believe it is best that the State should be admitted. Every motive of economy, I think, points in that direction, and therefore I shall vote for this bill as it is. I believe it to be emigently proper that the Government under points in that direction, and therefore I shall vote for this bill as it is. I believe it to be eminently proper that the Government, under such circumstances, should pay the expenses of the first convention which frames a constitution under which a new State is to be admitted into the Union. I hope, sir, that the amendment of the Senator from California may not prevail.

The PRESIDENT pro tempore. The unfinished business is before the Senator

the Senate.

Mr. LOGAN. I hope the Senate will allow this Colorado bill to be voted upon. I think it will take but a few minutes.

Mr. ALLISON. If the bill is to be voted on now I shall not object,

but if it is to take up any time I shall.

The PRESIDENT pro tempore. No objection is made, and the Colorado bill is continued before the Senate. The question is on the amendment of the Senator from California [Mr. SARGENT] to strike

out the second section of the bill.

Mr. SARGENT called for the yeas and nays, and they were ordered.

Mr. SHERMAN. I shall not detain the Senate except to state the case. If I understand it, this is a discrimination now made for the first time in favor of the admission of Colorado, that there is no pree-edent except the precedent of Nebraska of an appropriation made by the Congress of the United States to pay the expenses of a consti-States have come into the Union without Congress being called upon to pay the expenses of their forming their State government in their own way. If the proposition made by the Senator from California was a discrimination against Colorado I should not vote for it, because I would extend to Colorado every advantage, facility, or convenience that has been given to any State ever admitted into the Union, for I believe it will be one of the most prosperous and wealthy States of the Union before many years roll around.

But, sir, if there is no precedent for this appropriation, we ought But, sir, if there is no precedent for this appropriation, we ought not now to make one. That is very clear. Because we are reducing the expenses in other departments of the Government, it is illogical and improper for us now to make new examples of appropriations which have not occurred before. If from the time Ohio was admitted to this hour, during which time from twenty to twenty-five States have been admitted into the Union, no such thing has been done, this is not the first time to enter on the experiment. Nor is the case of Nebraska in point because there an appropriation usually made for the Legislative Assembly, if any was unexpended, was allowed to be expended to aid in paying the expenses of the constitutional convention. That is not the case now presented.

Mr. LOGAN. Will the Senator state the distinction between appropriating money that is unexpended and appropriating money from

the Treasury directly?

Mr. SHERMAN. I suppose that that example was wrongly set in

Mr. LOGAN. I am not speaking of that. I am asking whether there is any distinction between appropriating unexpended balances and appropriating money directly from the Treasury?

Mr. SHERMAN. Not at all. Here is the case as the Senator from

Illinois puts it. Congress, contrary to previous precedents, undertook to help somewhat the people of Nebraska to pay the expenses of their constitutional convention. They did it in an unhappy way, a way that ought never to have been resorted to, by indirection; and now because they did that wrongly, by indirection, it is proposed that we shall do directly what they ought not to have done. That is not

I appeal to Senators that although this is but \$20,000 and it is not much to the Government of the United States, yet it is establishing a precedent which we ought not now to establish. The people of Colorado are abundantly able to pay the expenses of the delegates who assemble to form their own constitution. It is not a fit subject of national expenditure. It is not within the province of Congress to pay the people of the States either to frame their constitutions or to frame their laws. We have no more right nor is it any more our duty to appropriate money to pay them for framing their constitutions than it is to appropriate money to enable the people of New York to pay their expensive Legislature. The object is not within the scope and compass of national expenditure. Therefore it ought not now to be entered upon, although the amount is small.

not now to be entered upon, although the amount is small.

With the kindest feelings for the people of Colorado and with every desire to see them prosperous, and I know they will be prosperous in the very speedy future, I certainly will vote against this appropriation, because it is an appropriation without example, not founded on any correct principle; it is not for the support of proper expenditures of the Government of the United States. We ought not to be called upon to pay either the initiative or any other expenses of the State government. The people of Colorado are abundantly able to do it themselves.

Mr. THURMAN. Mr. President, if I understand the facts correctly, it will be setting no new precedent whatever if this section shall be

it will be setting no new precedent whatever if this section shall be retained in the bill. I may be misinformed, but I think I am not. Congress has always borne the expense of the territorial government and has always made appropriations, and left the expenditure of those appropriations in a great degree to the discretion of the territorial Legislature; and I have no doubt that if those expenditures could be looked into in the States that have been admitted into the Union, it would be found that the Legislatures have uniformly used any balance in their treasury of congressional appropriations to pay the expenses of their constitutional conventions if it became necessary to

Mr. SHERMAN. If my colleague will allow me, I will read him an

official report on that subject.

Mr. THURMAN. An official report of what?

Mr. SHERMAN. The official report of Mr. Tayler, showing that no constitutional conventions have had their expenses paid from the

Treasury of the United States.
Mr. THURMAN. I will hear it.
Mr. SHERMAN. It is as follows:

TREASURY DEPARTMENT, FIRST COMPTROLLER'S OFFICE, Washington, D. C., January 15, 1876.

SIR: In reply to your reference to this Office of the "House bill No. 355, making an appropriation of \$20,000 for the expenses of the constitutional convention of Colorado" and requesting information as to the precedents, I would state that I have made a careful examination of the acts of Congress relating to like conventions, going back to 1836.

I find that in no case was any appropriation made to defray the costs incident thereto.

Mr. THURMAN. I have not the least doubt about that. Mr. SHERMAN. The letter goes on:

In the enabling act for Nebraska (Statutes at Large, volume 13, page 50) the fourteenth section provided "that any unexpended balance of the appropriation for said territorial legislative expenses of Nebraska remaining for the fiscal years 1863 and 1864, or so much thereof as may be necessary, shall be applied to, and used for, defraying the expenses of said convention." A like provision is contained in the Colorado enabling act under which this convention is held, approved March

3, 1875. Very respectfully,

R. W. TAYLER, Comptroller.

Hon. EUGENE HALE, House of Hepresentatives.

So that we have already applied to Colorado the example set in the case of Nebraska.

Mr. THURMAN. I did not say, nor do I suppose I should be correct in saying, that Congress has been accustomed to appropriate specifically for the payment of the expenses of a constitutional convention in a Territory; but what I said, and what I believe will be found to be true, and what is in nowise contradicted by the statement of the First Comptroller, is that it has been customary, out of the appropriations made by Congress and subject to the discretion of

the territorial Legislature as to the objects of their expenditure, to employ any part of those appropriations if the territorial Legislature saw fit to employ for defraying the expenses of their constitutional conventions

Mr. SARGENT. I should like to call the attention of the Senator from Ohio to the fact that the very rules under which moneys are drawn out of the Treasury exclude the conclusion at which he arrives. Congress appropriates money for the Territories, as it does for the consular and diplomatic service, so much for specific purposes; for instance, so much for legislative expenses at a certain session of the Legislature. Not a dollar of that amount goes into the hands of the territorial officers, except by vouchers which they make up and send to the Department, which are examined and the amounts thereof paid. If the money was to be used for a constitutional convention, or a town meeting, or a party convention, instead of legislative expenses. town meeting, or a party convention, instead of registative expenses, it could not be drawn for any such purpose. So in reference to all the other expenses; we appropriate so much for rent of a building for the use of the Legislature, so much for fuel, so much for lighting. No money can be drawn except for those specific purposes; and, if appropriated for the lighting of buildings occupied by the territorial

propriated for the lighting of buildings occupied by the territorial officers, it cannot be used to pay for lighting up a building which is used by a constitutional convention.

Mr. THURMAN. That may be very true where the appropriation bill is so specific that it would be impossible to use the money for any other purpose; but it will be found, I imagine, that there have been general appropriations for the expenses of all Territories that could be thus applied. At least I am so advised, and I think there is no doubt about the fact.

But six proporprinciple is not this the act of the people of that Territories.

But, sir, upon principle, is not this the act of the people of that Territory while they are still in a territorial condition and still subject to the jurisdiction of Congress? May we not reject their constitution? It is true we have provided that, if they adopt a constitution, and the President announces it, Coloradoshall be a State; but, to test the prin-President announces it, Coloradoshall be a State; but, to test the principle, might we not reject the constitution adopted by the Territory if it was not, in the opinion of Congress, republican in form or in pursuance of the enabling act? Undoubtedly so. This act is done by the people while they are still in a territorial condition, still subject to our revision. We could repeal the enabling act to-morrow if we saw fit to do so. The same principle, therefore, that requires us to pay the expenses of these people while they are in a territorial condition in respect to other matters justifies us in paying these expenses too. In other words, they do not become self-supporting until they become a State in the Union. Up to that time they are the wards of become a State in the Union. Up to that time they are the wards of this Government, and the Government properly pays the expenses. I shall vote to retain the section in the bill.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from California [Mr. Sargent] to strike out the second section, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 20,

nays 34; as follows:

NAYS-Messrs. Allison, Anthony, Bogy, Booth, Bruce, Conover, Eaton, English, Hamlin, Harvey, Ingalls, Johnston, McCreery, Maxey, Morrill of Maine, Morrill of Vermont, Sargent, Sherman, West, and Withers—20.

NAYS-Messrs. Bayard, Boutwell, Cameron of Pennsylvania, Caperton, Christiancy, Clayton, Cockrell, Conkling, Cooper, Cragin, Davis, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hitchcock, Howe, Jones of Florida, Kelly, Kernan, Logan, McDonald, McMillan, Merrimon, Morton, Norwood, Oglesby, Paddock, Ransom, Thurman, Wallace, Whyte, and Wright—34.

ABSENT—Messrs. Alcorn, Burnside, Cameron of Wisconsin, Dawes, Dennis, Goldthwaite, Gordon, Jones of Nevada, Key, Mitchell, Patterson, Randolph, Robertson, Saulsbury, Sharon, Spencer, Stevenson, Wadleigh, and Windom—19.

So the amendment was rejected.

The bill was ordered to a third reading, read the third time, and

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. Isaac Strohm, one of its clerks, announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of

A bill (H. R. No. 21) supplementary to the third section of the act entitled "An act to divide the State of Virginia into two judicial districts;"

A bill (H. R. No. 29) for the relief of First Lieutenant Henry Jack-

A bill (H. R. No. 37) for the relief of First Dictional Henry Sackson, Seventh Cavalry, United States Army;
A bill (H. R. No. 37) for the relief of William H. Nessle;
A bill (H. R. No. 42) granting a pension to Francis Bernard;
A bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance,

United States Army;
A bill (H. R. No. 81) for the relief of Wilber F. Chamberlain, of Lewis County, Missouri;
A bill (H. R. No. 111) granting a pension to David J. Garrett;

A bill (H. R. No. 216) granting a pension to Henry Schuetberg, of Indiana, Pennsylvania;

A bill (H. R. No. 362) granting a pension to William J. Simms; A bill (H. R. No. 597) for the relief of Anderson J. Smith;

A bill (H. R. No. 682) granting a pension to Morris Dwight;

A bill (H. R. No. 859) for the benefit of Andrew Williams, of Weak-

ley County, Tennessee;
A bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney;
A bill (H. R. No. 1348) granting a pension to Ruth Isabel Naylor;

A bill (H. R. No. 1460) granting a pension to Lydia A. Morris, widow of the late John K. Morris, Company A, Fifth Ohio Volunteer Cav-

A bill (H. R. No 1591) to pay DeWitt C. Senter, of Tennessee, mileage and per diem for appearing under summons as witness before a committee of the Forty-first Congress;
A bill (H. R. No. 1592) to re-imburse Horace Glover for property un-

lawfully seized and sold by the United States Government;

A bill (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Virginia;
A bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York

A bill (H. R. No. 1809) granting a pension to John A. Stewart;
A bill (H. R. No. 1810) granting a pension to Elizabeth R. Hull;
A bill (H. R. No. 1811) granting a pension to Fannie E. Records;
A joint resolution (H. R. No. 58) authorizing an issue of clothing to certain enlisted men of Company C, Sixth United States Cavalry;

A joint resolution (H. R. No. 63) concerning the centennial autographic registers of F. B. Taylor and E. W. Bixby.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 1054) to extend the

time for claimants under section 11 of chapter 459 of the laws of the Forty-third Congress to prove their claims.

The message further announced that the House had agreed to the

amendments of the Senate to the resolution of the House providing for the delivery to the Senate and House of the undistributed copies

of the Agricultural Report for the year 1873.

The message also announced that the House had passed the bill (S. No. 160) for the relief of S. K. Thompson.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were

thereupon signed by the President pro tempore:

The bill (8. No. 261) to remove the political disabilities of Daniel
T. Chandler, of Baltimore, Maryland;

The bill (H. R. No. 1054) to extend the time for claimants under

section 11 of chapter 459 of the laws of the Forty-third Congress to prove their claims

The bill (H. R. No. 1384) to change the name of the schooner Turner & Keller, of Oswego, to that of Falmouth; and

The joint resolution (H. R. No. 73) authorizing and requesting the President of the United States to present the medal made for William H. H. Nash to his widow, Mrs. Keturah J. Nash.

## MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDENT pro tempore. The unfinished business is now be-

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, the pending question being on the amendment of the Committee on Appropriations to insert after line 10 the following item:

For additional pay of professors for length of service, \$6,800.

Mr. COCKRELL. I call for the yeas and nays. The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 11; as follows:

YEAS—Messrs. Allison, Anthony, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christianey, Clayton, Conkling, Conover, Cooper, Cragin, Dorsey, Edmunds, Ferry, Goldthwaite, Hamlin, Harvey, Howe, Ingalls, Johnston, Kelly, Key, Logan, McMilan, Maxey, Mitchell, Morrill of Vermont, Norwood, Paddock, Patterson, Ransonn, Robertson, Sargent, Wallace, West, Withers, and Wright—37.

NAYS—Messrs. Bogy, Cockrell, Davis, Eaton, English, Kernan, McCreery, McDonald, Merrimon, Sherman, and Whyte—11.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Burnside, Caperton, Dawes, Dennis, Frelinghuysen, Gordon, Hamilton, Hitchecek, Jones of Florida, Jones of Nevada, Morrill of Maine, Morton, Oglesby, Randolph, Saulsbury, Sharon, Spencer, Stevenson, Thurman, Wadleigh, and Windom—25.

So the amendment was agreed to.

The next amendment reported by the Committee on Appropriations was after line 12 to insert the following clause:

For pay of one instructor of practical military engineering, in addition to pay as first lieutenant, \$900.

Mr. HOWE. I should like to have some one who has charge of the

Mr. HOWE. I should like to have some one who has charge of the bill state the reason of that amendment.

Mr. ALLISON. The law provides that in case an officer under the rank of major shall be assigned to this service he shall have the pay of a major. At the present time the instructor of military engineering is captain. We have simply appropriated here in accordance with the provisions of existing law.

Mr. HOWE. Will the Senator read the section?

Mr. ALLISON. Section 1236 of the Period Statutes provides

Mr. ALLISON. Section 1336 of the Revised Statutes provides

The instructors of ordnance and science of gunnery, and of practical engineering, shall have the pay and allowaxces of major; and hereafter there shall be allowed and paid to the said professors 10 per cent. of their current yearly pay for each and every term of five years' service in the Army and at the academy.

An officer of the rank of lieutenant may be assigned to this duty of instructor of military engineering. If so, under this law he is enti-

Mr. HOWE. It seems to me it is hardly wise to invite such details. It increases the pay of the Army just so much, and rather gives a bonus indirectly for assigning to that duty a lieutenant instead of a

Mr. ALLISON. That has been the law, nearly from the beginning of the organization of the Military Academy, that the instructors receive the pay of a higher rank at times than they would be authorized to receive if they were in the military service proper, thus opening the entire Army to be assigned to these duties at West Point. That is all there is of it.

Mr. HOWE. I must be allowed to say, for one, that I do not see the sense of that; I do not see the wisdom of it. It is saying that the service of a professor at West Point is more arduous or more meritorious. or for some reason or other should carry with it a larger compensation, than the service of the same individual on the frontiers or actual war,

which does not seem to me to be proper.

Mr. ALLISON. I refer the Senator from Wisconsin to the Military Committee. That law perhaps might be amended, but that is the law at present, and we know no other way than to make the proper ap-

The PRESIDENT pro tempore. The question is on the amendment.

Mr. COCKRELL. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas

27, nays 13; as follows:

YEAS—Messrs. Allison, Anthony, Bayard, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton. Christiancy, Conkling, Conover, Cragin, Ferry, Frelinghuysen, Key, Logan, McMillan, Maxey, Mitchell, Morrill of Vermont, Paddock, Patterson, Robertson, Sargent, Wallace, West, Windom, and Withers—27.

NAYS—Messrs. Bogy, Cockrell, Cooper, Davis, Eaton, English, Hamilton, Howe, Johnston, Kernan. McDonald, Merrimon, and Whyte—13.

ABSENT—Messrs. Alcorn, Booth, Boutwell, Burnside, Clayton, Drwes, Dennis, Dorsey, Edmunds, Goldthwaite, Gordon, Hamlin, Harvey, Hitchcock, Ingalls, Jones of Florida, Jones of Nevada, Kelly, McCreery, Morrill of Maine, Morton, Norwood, Oglesby, Randolph, Ransom, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Thurman, Wadleigh, and Wright—33.

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was to insert after line 15 the following item:

For pay of one instructor of ordnance and science of gunnery, in addition to pay as first lieutenant, \$900.

Mr. ALLISON. I will say that all these amendments stand on precisely the same footing; they provide for pay in accordance with section 1336 of the Revised Statutes and other laws.

The PRESIDENT pro tempore. All these amendments will then be

ported and considered together.
The CHIEF CLERK. It is also proposed to insert the following: For pay of eight assistant professors, in addition to pay as first lieutenants, \$4,000.

\$4,000.

For pay of three instructors of cavalry, artillery, and infantry tactics, in addition to pay as first lieutenants, \$1,500.

For pay of four assistant instructors of tactics, commanding companies, in addition to pay as second lieutenants, \$2,400.

For pay of adjutant, in addition to pay as first lieutenant, \$300.

Mr. EATON. I should like to know from some member of the committee the reason why these amendments, which are to be voted upon

in gross, are proposed?

Mr. ALLISON. I will state in reply to the Senator from Connecticut that the law provides that these assistant professors and instructors shall each receive the pay of a major; but an officer of lower rank, such as captain or first lieutenant, may be assigned by the Secretary of War or by the President to perform these duties. In case such officer is so assigned, he receives the pay of the rank provided for by law, namely, the rank of major. That is all there is of it. If a major is assigned to this duty, he receives no additional pay. If a captain is assigned to the duty, he receives the pay of his co-pro-

Mr. EATON. In other words, if a professor at West Point is unable by health or by age to perform the duties devolving upon him, and a second lieutenant or a first lieutenant is sent to perform his duties, then the pay is to be increased. I suppose that is the sum and substance of the whole matter.

Mr. WEST. The Senator is entirely wrong in his proposition. There are but nine professors at West Point by law, but there are thirty-eight officers of the Army assigned to duty there, and when they assume duty there as assistants to the professors, they are allowed this extra compensation. They do not take the place of the other

professors at all. Mr. EATON. I do not know about that. I am not at all satisfied with the explanation of the honorable Senator from Louisiana. know something about the manner in which these appointments are given out. I do not know that it will do any good for any Senator to say a word upon this question, but I desire to say this much: I think that the people demand retrenchment in every branch of the service. There are to-day in the city of New York alone fifty thouservice. There are to-day in the city of New York alone fifty thousand men and women out of employment, asking alms, supported by charity. There are in my own city of fifty thousand people more than fifteen hundred persons supported to-day by charity. The people of the United States demand retrenchment in every branch of the expenditures of the Federal Government. For one Senator, I shall do what I believe to be my duty, and other Senators will do what they believe to be their duty, doubtless. These expenditures, some Senator observed on Friday were small. Six dropt of water are small, but believe to be their duty, doubtless. These expenditures, some Senator observed on Friday, were small. Sir, drops of water are small, but

they make a full glass of water. Drops of water are small, but agglomerated, they constitute rills, rills make creeks, creeks make rivers on which the commerce of the world can ride in safety. begin to cut down here, and wherever we can retrench, retrench.

It will not do any good, so far as I am concerned, to make heroic speeches on this floor. I have as high a regard for the institution at West Point as it deserves; no higher regard for that institution than I have for the institution of learning in my own State, Yale, and for Harvard in Massachusetts. The very distinguished Senator from New Jersey [Mr. Frelinghuysen] on Friday said that these men were his peers, and he knew no reason why they should not receive \$5,000 a year, if he received \$5,000 a year. Sir, I am not his judge. If any Senator on this floor chooses to illustrate by himself, that is his business, not mine. When the proper time comes, if it is deemed advisable to cut down the salaries of Senators of the United States, I shall not be found wanting in doing my duty. I am on this thing now. I take the thing before me and act upon this. When any other matters comes up here, I will act upon them as I deem to be just and right. I should like some gentleman to tell me how many professors and assistant professors and teachers and assistant teachers there are in this institution at West Point?

Mr. ALLISON. I can tell the Senator.

Mr. EATON. I will yield with pleasure.
Mr. ALLISON. By an examination of the estimates, if the Senator
will turn to them, he will see that there are two assistant instructors with the rank of major; eight assistant professors with the rank of captain; three instructors with the rank of captain; and four assistant instructors with the rank of captain. That comprises the whole

Mr. EATON. I did not have an opportunity to count them up, my friend spoke so rapidly. If he can tell me the whole number, I shall be obliged to him.
Mr. ALLISON. Seventeen.

Mr. EATON. I understood the Senator from Louisiana to say there Mr. LOGAN. Detailed officers altogether.
Mr. WEST. There are seventeen who get extra pay, but there are altogether thirty-seven officers on duty there.

are called, would be ranked in a civil institution by what are called tutors. For instance, there are so many professors in Columbia, or Harvard, or Yale; then come tutors; and I suppose these gentlemen would rank with those. You more than double their pay. Is this right? I understood the distinguished Senator from Illinois to say the other day that he had very little regard for the opinion of any lawyer who would say that a bill of this character could be passed. I undertake to say to the Senate and to the honorable Senator from Illinois that the question of law need not be made to-day on this mat-

Mr. LOGAN. If the Senator will allow me, I will state to him what I did say. He certainly has stated what I did not say. I said that I would have little regard for the opinion of a lawyer who would say

would have little regard for the opinion of a lawyer who would say you could reduce a salary in an appropriation bill without first repealing the law fixing the salary. I said that; I say so now.

Mr. EATON. Well, sir, I shall stand in the category, then, of being regarded as a very poor lawyer by my distinguished friend from Illinois, for I say it can be done. I say it as a lawyer. I say there is no sort of trouble at all about reducing a salary in an appropriation bill before you alter your law.

bill before you alter your law.

Mr. LOGAN. I will ask the Senator this question, then, as a law-yer: If you reduce it in your appropriation bill without repealing the statute, does not the claim against the Government stand the same as

it did prior to the passage of your appropriation bill?

Mr. EATON. The honorable Senator from Illinois has put himself on a different plank now. He just remarked that this could not be done until after the law was repealed, and I beg leave to differ in that

Mr. LOGAN. The Senator is certainly very technical. I do not mean to say that you cannot put in a provision of a certain character and follow it with another repealing the former act; but I mean to say that it cannot become a law so as to exclude the right of a person from his pay without a repealing clause repealing the law that gives him the salary. I supposed the Senator understood that to be my

Mr. EATON. I now understand the exact meaning of the Senator from Illinois.

That is what I did say before.

Mr. EATON. It will be time enough to answer that question by and by; it is not necessary to answer it now. It is sufficient for me that the Senate has the power now to agree with the other branch in passing this bill as it was. It will be time enough by and by to determine whether another clause is necessary to be added to the bill.

Mr. President, I propose to be found on the side of retrenchment in everything where I properly may be, where injustice is not done; but no arguments have been shown here, no reason has been adduced satisfying me why these salaries should be kept up. The only reason urged is that it is in accordance with the law; not that an assistant professor at West Point should receive a higher salary than a professor at Yale or Harvard, but simply that the law is so. Let us to-day, so far as we can, alter it. Let us make the appropriation less, and

hereafter we can take care of the law. Let us now make the appropriation what it properly should be. I shall vote for no one thing connected with this or any other appropriation bill that may come up here that does not look to retrenchment and reform. The people demand it. They have a right to demand it. The monetary condition of the country demands it at our hands; and we ought to look it square in the face. We know the misery there is to-day all over this broad land in every town and hamlet. People are out of employment; spindles are not whirling; industry is prostrated; and yet nothing is to be done by the Senate of the United States in reducing the taxation

to be done by the Senate of the United States in reducing the taxation of the people!

Mr. President, I hope that we shall think better of this. I hope that the majority of this House—I do not speak of the Senate, I do not speak of the majority now on the other side of the House; I speak of the majority in numbers—I hope that a majority of this Senate will go with a majority of the other branch of the Federal Legislature, and, so far as possible, let us cut down the expenses of the Federal Government. They are too large. I agree that these items are small. I agree that in the aggregate they are but a few thousand dollars; but they are upon the first bill. The question is before us, and we have got to meet it. Perhaps I should have preferred that some other bill should have come here first rather than this bill. Perhaps I rebill should have come here first rather than this bill. Perhaps I regret to be obliged to cut down these expenses more than I would some other expenses touching the Federal service; but I am compelled to meet the question on this bill, as it is here first. Therefore I propose to vote against every one of the amendments of the Committee on Appropriations of the Senate.

Mr. LOGAN. I dislike to trouble the Senate, but I think a very few words can explain—especially to the Senator from Connecticut, if he will give me his attention—the reason why the assistant professors of ordnance and gunnery and practical engineering have fixed to their pay over and above the pay proper of a lieutenant in the Army. The Senator says that in the institution in his State, to wit, Yale, they pay so much. I venture the assertion that there is not a professor in Yale college qualified to teach the science of ordnance and gunnery. Ordnance, gunnery, and practical engineering are scientific branches taught at West Point. You may teach practical engineering at Yale, but certainly, I think, not the science of ordnance The ordnance and engineer departments are scientific and gunnery. departments of the Army, and men are assigned to them because of their higher education, if I may so term it, in that which is necessary in carrying out the things connected with and pertaining to warfare. For instance, men in the ordnance department must understand the composition of the materials that are used necessary for providing the artillery, the musket, the shell, the strength of powder, the strength of the iron, the character of fuse, and everything of that kind. The science of using gunnery after it is put into shape is a scientific teaching, then; and that is the reason why the assistant professor who teaches the science of ordnance and gunnery receives higher pay. suppose a man would be considered not very well versed in matters pertaining to warfare if he should detail a first lieutenant of infantry who had never studied the science of gunnery and ordnance as an assistant professor in the ordnance department at West Point. I supsistant processor in the ordinance department at West Foint. I suppose he would be a very strange man if he should detail some one who understood but little about practical engineering to West Point to teach practical engineering to the class. It is well known that upon the graduation of these young men they take their places in the Army accordingly. Some graduate in the ordinance, some in the engineering department; others in the infantry and cavalry, and they are assigned according to their graduation to the different branches in the Army. For that reason a man is detailed for the purpose of teaching Army. For that reason a man is detailed for the purpose of teaching these scientific branches pertaining to warfare. They are expected to be men well versed, well taught, scientific men, too, well trained practically; and therefore they are better qualified to teach these branches there than other men. They have made themselves qualified; they have studied; they have thoroughly prepared themselves, have devoted all the time perhaps that they had to spare in making preparations so that they may stand toward the head in the branch to which they belong. They are detailed on that account, and therefore they are naid a higher salary than if they were not prepared for their duties.

they belong. They are detailed on that account, and therefore they are paid a higher safary than if they were not prepared for their duties. Not only that, but when they are detailed to West Point for the duties there, the duties are very different from what they are in the Army. The duties at West Point are continuous. All the time experiments are going on in gunnery, in ordnance, and on this account, men being kept constantly employed in experimenting and teaching these students, they are allowed \$900 more than what? More than the pay of a first lieutenant. That is, in other words, they are entitled to the nav of a major in the Army. If they are majors in the the pay of a first lieutenant. That is, in other words, they are entitled to the pay of a major in the Army. If they are majors in the Army they receive \$2,500 as professors at West Point. With the assimilated rank of a major they receive \$2,500. That is their pay and this pay is allowed to them by law. The \$900 is added to the pay of a first lieutenant in order to make the pay of a major in the Army; and that is the reason of it. I do not think they receive any too much. That is the point in this amendment. It is not as to whether professors at Yale receive this or that sum; it is not as to whether reconcerving is the consideration which should contral us; it is not as economy is the consideration which should control us; it is not as to whether the spindles are silent in New England or the hammers in Pennsylvania; but the question is, is the compensation too much? I say it is not. There is not a scientific man in the engineering or ordnance departments of the Army who could not receive more pay outside, in my judgment, than he receives at West Point, if it were not that it is a life-time position. These men are detailed there with the that it is a life-time position. These men are detailed there with the pay of a major. That which they have to do it is not necessary for us to talk about here. It is not necessary to speak of the many things that are required of officers at West Point which are not required of officers elsewhere. It is not necessary to suggest this to the Senator from Connecticut. He is certainly a man who will state that which he believes to be correct and proper, and he knows, his long experience teaches him, that when these men are located there they are subjected to many expenses that they would not incur if they were here in the Ordnance Department, or somewhere else at some of the places where the ordnance of the Government is provided, and stationed to take care of arsenals, or of some of the arms of the Government. He knows that very well; and this additional pay is given to encourage men who are well up in the science of these branches to be willing to go there and teach them to the students. It is because of the other expenses to which they themselves are incident, which they must incur on account of their location there, in connection with the Military Academy, that this allowance is made; and in my judgment it is

very properly made.

Mr. WITHERS. Mr. President, I merely desire to say a word or two in explanation of the vote which I expect to give on the pending proposition. If I were called upon to consider as an original question the amount of pay to be received by these professors, I think it would be found that I would go as far as the farthest in the direction of economy; with a proper regard, however, to efficiency in the service which was to be performed; but I look upon this question as having passed far beyond that point. Economically disposed as we may all be, however firm our determination may be to cut down the expenditures of the Government and relieve the wide-pervading poverty and distress through the country by reducing its expenses to the lowest possible ebb, I think in this particular case we find ourselves—at least I find myself—confronted by a distinct provision of the law; and as long as that stands upon the statute-book, I do not care how and as long as that stands upon the statute-book, I do not care now strongly we may vote negatively upon these appropriations, the effect of a negative is not to save one dollar to the Treasury. We may refuse the appropriation; but I believe it has been stated, and not contradicted by any lawyer on this floor, that the gentlemen who fill these positions could come before us hereafter with claims for the compensation to which they are entitled under the provisions on the statute-book, and that any court would allow them that additional compensation. If that be true, and it has not yet been denied, it seems to me that we cannot legislate now, in deference to any possible repeal of the existing law which allows them this compensation. We are bound to cast our votes in accordance with the law as it stands, and the law as it stands gives the additional compensation which is provided for in the amendments which have been reported by the Senate Committee on Appropriations.

Therefore, for one, I feel constrained, notwithstanding my intense

Therefore, for one, I feel constrained, notwithstanding my intense desire to economize, to vote for that appropriation to which these parties are entitled under the law.

Mr. EATON. The honorable Senator from Illinois [Mr. Logan] has informed the Senate that these professors are placed at West Point because of their peculiar knowledge in certain departments. I have no doubt about that. Men are placed everywhere in all institutions of learning, whether a civil or a military college, because of their supposed ability to teach. Now let us go back to the beginning of the life of one of the gentlemen who occupies the position of instructor in ordnance and the science of gunnery at West Point. Educated by the United States, supported by the money of the people, given a course of education at that very institution where he is now a professor or an assistant professor, he acquired his information now a professor or an assistant professor, he acquired his information on a little different stand from an individual who occupies a like position at Yale or Harvard. The latter pays his own expenses. That boy commences reading, goes into college, and pays his own expenses at the university. It is not so with the West Point professor. He is given so much a year for the acquisition of this very information. I have yet to learn—I may learn it, but I have yet to learn—that the man who understands the science of gunnery ought to receive a larger salary than the man who is professor of mental philosophy, or the man who occupies a high position in one of our civil institutions of learning. I say I have yet to learn that fact; I have not yet learned

Mr. LOGAN. I will ask the Senator this question: Why is it that a cavalry officer in the Army receives more pay than an infantry officer? Why is it that an ordnance officer receives more pay than an infantry officer? Does not the Senator understand that to be the

Mr. EATON. I understand that a cavalryman has a nag that he rides, and it costs more to support that animal than it does to ride on what is called "Shank's horse." So I suppose additional pay is given to a cavalry officer.

Mr. LOGAN.

The Senator is entirely mistaken. Very likely, sir. The Government furnishes the food for the animal Mr. EATON. Mr. LOGAN. and for the man too; but the cavalry officer receives more pay proper than an officer in the infantry arm of the service. The officer may furnish his own horse, but the food for that horse is furnished by the Government; and yet he receives more pay proper. An ordnance officer, who is stationed here or elsewhere, receives more pay than an

infantry officer because it is considered a higher branch of the service. The ordnance, the engineering, and the gunnery departments are considered the three high branches of the Army because they are scientific corps, and they receive higher pay than the infantry branch of

Mr. EATON. I am not learned in these matters, and I am too old to learn very much about them, and too old to care very much about

them.
Mr. LOGAN. That may be possible.
Mr. EATON. If it is deemed advisable that a cavalry officer in the service should receive more pay than an infantry officer, doubtless it is for some good reason. We are not now talking about that, and I am not now caring about that. I am looking at these professors at West Point, and I say that they ought not to receive more wages than West Point, and I say that they ought not to receive more wages than men of high standing in other institutions of learning. Are they greater than other men? Are they men of greater power and greater mental force than other men who are at the head of Yale and Harvard and Columbia and Princeton? Are they doing more for the weal of the world, for this country of ours? I say, no; it is not true, as a matter of fact, that a professor at West Point is doing any more, for he is not doing any more for the young men of the United States than a professor at Harvard or at Yale—men who have in their hands the youth of the country upon whose heads will fall within the coming youth of the country upon whose heads will fall, within the coming twenty years, the destinies of this great people. I wish to say nothing here against the Army or West Point officers. Many of them are my strong personal friends; but I should do violence to my own sense of justice and right if I did not oppose these amendments, not because they are military men, but because the wants of the country demand retrenchment here as elsewhere; and if it be so that we are not to retrench here, are we to do so anywhere? I shall vote against all of these amendments to this appropriation bill.

Mr. WALLACE. Mr. President, in my opinion there is but one limit to the subject of retrenchment; and it is the necessities of the public service. Consistent with that vital essential I will be found with my brother from Connecticut in retrenchment at every point. I regard this as an essential in the public service, and I cannot vote to reduce the pay of these officers to a point below that which the

corresponding rank in the Army receives until the pay of that corresponding rank in the Army shall also be reduced.

It is said that this is a new policy. It is as old as the Military Academy itself. It commenced with the inception of the Military

Academy and has grown up with it.

Mr. STEVENSON. May I ask the Senator a question?

Mr. WALLACE. Certainly.

Mr. STEVENSON. If I am correctly informed—and I get my information from him who is most likely to give it, indirectly from the Secretary of War—I would like to ask the Senator from Pennsylvania if this longevity pay, which alone is now sought to be repealed, was not for the first time given to the professors at West Point in 1870, and, further, whether this same provision for longevity pay was not

and, further, whether this same provision for longevity pay was not put upon an appropriation bill and continued by the act making appropriations for the Military Academy at West Point approved the 20th of February, 1873?

Mr. WALLACE. That may be entirely correct. That question is not before us, but has been passed upon by a vote taken in the Senate this morning. This is simply a question as to whether we will appropriate that which the law requires us to appropriate, the pay of a major or the pay of a captain or the pay of a lieutenant who is in service at West Point under the assignment of the President. That, I say, is part of the policy of Congress, and is as old as the Military Academy itself, initiated in 1812, repeated in 1838, again repeated in 1851, again in 1852, and in 1857. I ask the Clerk to read section 2 of the act of 1812 upon this subject. It seems to be conclusive.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

And be it further enacted, That the Military Academy shall consist of the corps of engineers and the following professors, in addition to the teachers of the French language and drawing already provided, namely: one professor of natural and experimental philosophy, with the pay and emoluments of lieutenant-colonel, if not an officer of the corps, and if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a lieutenant-colonel; one professor of mathematics, with the pay and emoluments of a major; if not an officer of the corps, and if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a major; one professor of the art of engineering in all its branches, with the pay and emoluments of a major; in not an officer of the corps, and if taken from the corps, then so much in addition to his pay and emoluments as shall equal those of a major; each of the foregoing professors to have an assistant professor, which assistant professor shall be taken from the most prominent characters of the officers or cadets, and receive the pay and emoluments of captains, and no other pay or emoluments while performing these duties: Provided, That nothing herein contained shall entitle the academical staff, as such, to any command in the Army separate from the academy.

Mr. WALLACE: That is the very policy which has continued ever

Mr. WALLACE. That is the very policy which has continued ever Mr. WALLACE. That is the very policy which has continued ever since that time, and it is the policy of this appropriation bill as reported by the Senate committee. In other words, we aver that the statutes give to a first lieutenant assigned to duty as an assistant professor of West Point the pay of a major; and until that policy shall have been changed by calm consideration and determination in the Senate on the subject itself, it is our bounden duty to make the appropriation as we find the statute. This is the consideration that controls me. If the policy that was initiated in 1812 and has been followed again and again until this hour is to be repealed without consideration, and repealed too at the expense of the general consideration going to the very bottom of the Army organization, it seems to me it would be highly improper. I say until we consider this policy deliberately upon the question of reducing the pay of the whole footing of the Army we ought not to interfere with these pro-

Mr. STEVENSON. I desire, Mr. President, briefly to state how this question is practically presented by the House bill to the Senate. The professors at West Point were originally regarded as active officers of the Army. By the act of April 23, 1856, section 1333 of the Revised Statutes, page 227, they were placed upon the same footing as officers of the Army retired from active duty. Why should we do more for these professors than for retired officers of the Army? We know that these professors than for retired officers of the Army? We know that many of the brave men who are now placed annually upon the retired list have consecrated a life-time to the military service of their country. They have faced the perils of war and endured every species of hardship and privation of the camp; many of them maimed and wounded in the defense of their country; their health enfeebled and their constitutions impaired, you retire them in advanced life at only three-fourths of their pay. But to the nine professors of the academy at West Point you propose to give them \$3,500 and \$3,000 per annum and furnish them with houses, fuel, medical attendance, and schools for their children. Why such a discrimination? Is it just? Is it equitable? Is it equitable?

Mr. WEST. Will the Senator, if I do not interrupt him, again read

the section that he is quoting from !

Mr. STEVENSON. Section 1333 of the Revised Statutes, page 227: The professors of the Military Academy at West Point are placed on the same footing, as to retirement from active service, as officers of the Army.

Mr. WEST. Again let me ask, what does the Senator construe that

Mr. STEVENSON. I hope the Senator from Louisiana will allow me to go on without constant interruption. When I conclude my reme to go on without constant interruption. When I conclude my remarks on this point I will cheerfully answer any questions he may propound. I insist, then, that the act I have cited puts the professors at West Point on the same footing with officers who have been placed on the retired list. I think it unjust to discriminate in the compensation between retired officers and these professors. Can there be any doubt of the equity of my proposition? If so, let the advocates of increased compensation to these professors over the retired officers of the Army point it out. Either retire the officers of the Army on full pay, or strike out the increased longevity pay of the professors at the Military Academy. I understand, although I may be misinformed, that officers of the Army are retired on three-fourths of their pay as due them under their rank at the period of their retiretheir pay as due them under their rank at the period of their retire-

Mr. ALLISON. If the Senator will allow me to interrupt him, I understand that the professors at West Point are retired precisely as Army officers are retired, upon three-fourths pay and not upon full

Mr. STEVENSON. That is what ought to be the rule equitably. But you increase the compensation of the professors by longevity pay, which the House bill repealed, but which it is now proposed to be restored.

Then I misunderstood the Senator.

Mr. STEVENSON. But I understand that these professors at West Point do not retire on their three-quarters pay.

Mr. WEST. On full pay.

Mr. STEVENSON. Let me understand the exact facts, because I want to be informed; I seek information. I am informed that the longevity pay of the professors at West Point is the only item of complexity pay of the House hill. I understand further that this pensation repealed by the House bill. I understand further that this longevity pay is an increased compensation to these professors, put on an appropriation bill which I now hold in my hand making appropriations for the support of the Army, ending the 30th of June, 1871. This longevity pay was increased by an amendment on the appropriation bill making appropriation for the Military Academy, ending 30th June, 1874. There was no objection to this increased compensation of these professors upon an appropriation bill at that time. If there was, I do not see it in the debate. At that time it was entirely leading to the property of the pay of t legitimate to increase the pay on an appropriation bill. But when it is now proposed to repeal the item of longevity pay on an appropriation bill, we are met with the objection that the Senate should not in appropriation bills interfere with existing legislation. Why was not this objection interposed when this increased pay was put on the Military Academy appropriation bill? The Senator from Illinois [Mr. Logan] put the question to me on Friday last whether I as a lawyer believed Congress had the power to reduce salaries on appropriation bills. I examined the files of the Senate and I have obtained the original bill making appropriations for the support of the Military Academy for the fiscal year ending the 30th of June, 1874; and upon that military bill was ingrafted this provision:

For additional pay of officers, and for pay of instructors, professors, cadets, and musicians, \$223,379.50: Provided, That the professors of the United States Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonel; and the instructors of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of majer; and hereafter there shall be allowed and paid to the said professors 10 per cent of their current yearly pay for each and every term of five years' service in the Army and at the academy: Provided. That such addition shall in no case exceed 40 per cent of said yearly pay; and said professors are hereby placed upon the same footing as regards restrictions upon pay and retirement from active service as officers of the Army.

If the Senate had power to increase the compensation of these professors on a bill making appropriations for the Military Academy, why have we not the right to reduce the compensation by a provision in a

Mr. LOGAN. The Senator from Kentucky stated that the Senator from Illinois

Mr. STEVENSON. I always yield to my friend from Illinois with pleasure

Mr. LOGAN. I merely wished to call the Senator's attention to the point we were discussing, which was not that the Senate and House did not have the power to do it; that was not the question.

Mr. STEVENSON. I remember the Senator's question, but I am replying now to the Senator from New Jersey, [Mr. Frelinghuysen,] who questioned not only the policy but the right of the Senate to do it. He said the Senate might do it as an act of absolute legislative power, but that its exercise would be anomalous, extraordinary, against power, but that its exercise would be anomalous, extraordinary, against all precedent. I will reply presently to the objection of the Senator from Illinois. Let me here repeat to the Senator from New Jersey, [Mr. Frelinghuysen,] and to other Senators who have agreed with him, that this item of longevity pay of these professors at West Point was put on, I think, for the first time in 1870, and that it was increased by a provision in the West Point appropriation bill approved 30th of June 1874. The House bill which was are now considering. 30th of June, 1874. The House bill which we are now considering proposes to repeal only this increased longevity pay. I think if we intend to retrench the expenditures of the Government it is a proper reduction. Congress pursues the same policy as to the retired officers of the Army. These brave men are only allowed three-fourths of their pay, without fuel and lights or any other extras. Why should we discriminate against them in favor of the professors at West Point?

I confess I have heard no argument which tends to persuade me that the reduction proposed by the House in repealing this longevity pay to the professors at West Point is unwise, illiberal, or unjust in view of the retrenchment demanded by the present stringency of the view of the retrenement demanded by the present stringency of the times. During the discussion in the Senate on Friday last the Senator from New Jersey asked me the question if I knew of a precedent reducing salaries on appropriation bills. He said he did not believe a precedent could be found where an amendment which interfered with existing legislation had been put on an appropriation bill. was surprised at the question of the Senator at the time. I replied that I was satisfied there were many precedents, but he seemed incredulous of the existence of one. The Senator argued that such a practice was a most dangerous species of legislation. I have never in the main favored such legislation; I think the Senator from New Jersey has. I propose to turn to the record now and show who has in the past advocated incongruous and irrelevant legislation upon appropriation bills; provisions which directly interfered with existing legislation. We had before us on the 7th of June, 1873, a bill making appropriations for sundry civil expenses of the Government for the fiscal year ending 30th of June, 1873, and for other purposes. Senator Kellogg, now governor of Louisiana, proposed to amend that appropriation bill by the following amendment:

appropriation bill by the following amendment:

The said act being hereby supplemented and amended so as to strike out from section 2 the words "having upward of twenty thousand inhabitants," and the words "city or town," wherever the same occur therein, and insert instead of the words "city or town" the words "county or parish;" and in the same section, after the words "shall be," and before the words "their desire to have said registration," insert the words "or to any district judge in said circuit by him designated, who shall, for the purposes of this act, have the powers of the circuit judge." And thereafter, in the same section, strike out the word "circuit," wherever the same occurs, before the word "court" or before the word "judge." Also, insert after the words "supervisors of election" the words "who shall serve without compensation, unless appointed in cities and towns of twenty thousand inhabitants or upward."

Mark you sir! There was an election be

Mark you, sir! There was an election law, a proposed change in the judges, times, mode, and manner of conducting an election in the State of Louisiana, incorporated upon a standing appropriation bill from the House by this incongruous amendment in the Senate.

Mr. Hamilton, of Maryland, raised a question of order, namely: That the amendment was in its nature a legislative provision which did not directly relate to any appropriation contained in the bill, and therefore could not be received under the resolution of the Senate of the 29th April last.

In other words, it repealed existing laws!

That is just the ground on which the Senator from Illinois objects to this bill, that it interferes with existing legislation without the repeal of it. That was the direct issue involved. A more incongruous amendment was never offered to an appropriation bill in any legislative body. The Senator from New Jersey was then present in the

The Presiding Officer (Mr. Anthony in the chair) overruled the question of order aide by Mr. Hamilton, of Maryland, and decided that the amendment of Mr. Kellogg

Incorporating this election bill as an amendment to the pending appropriation bill—

was in order.

From this decision of the Chair Mr. Thurman appealed to the Senate; and After debate,
On motion by Mr. Conkling that the appeal lie on the table.

It was determined in the affirmative-yeas 28, nays 2

Among the yeas who voted to lay this appeal on the table and thereby to uphold this species of incongruous legislation legitimate upon an appropriation bill, I find, strange as it may seem, the name of the distinguished Senator from New Jersey, Mr. Frelinghuysen.

Still later, on the same bill, the Senator from Massachusetts [Mr. Sumner] proposed to amend the amendment of Mr. Kellogg by inserting the civil-rights bill, which I will not read, to this appropriation bill. The same question of order was raised that the amendment interfered with existing legislation and was therefore out of order. Mr. Pomeroy, of Kansas, then being in the chair, sustained the point of order that the proposed amendment of the civil-rights bill was not pertinent, and was therefore out of order. From that decision Mr. Sumner appealed. On the question "Shall the decision of the Chair stand as the judgment of the Senate?" the vote was—yeas 33, nays 6. Among the nays and among the yeas I do not find the Senator from New Jersey [Mr. Frelinghuysen] voting. That he was in the Senate is proved by the fact that just subsequently to that vote the Senator's name is found on the vote on the passage of the bill in favor of ing the civil-rights bill, which I will not read, to this appropriation ator's name is found on the vote on the passage of the bill in favor of Mr. Kellogg's amendment. The yeas and nays were demanded by the Senator from Missouri, [Mr. Blair,] and stood—yeas 31, nays 12. The nays were:

Messrs. Blair, Casserly, Cooper, Hamilton of Maryland, Hamilton of Texas, Kelly, Norwood, Ransom, Saulsbury, Sprague, Stevenson, and Stockton.

These citations show who at that time favored that species of leg-lation on appropriation bills and who opposed it. If the Senaislation on appropriation bills and who opposed it. If the Sena-tor from New Jersey [Mr. Frelinghuysen] could so far sustain an election bill as an amendment upon an appropriation bill, he might strain a point and go for the repeal of an amendment which first saw the light on an appropriation bill. But I might refer to a still more remarkable amendment offered some years since to an appropriation bill. An amendment was offered by the Senator from South Carolina [Mr. Sawyer] to amend an appropriation bill by inserting:

To re-imburse the late corporation of Washington for moneys expended by it on account of paving, grading, curbing, and sewerage along Government reservations.

This amendment was a lengthened amendment to re-imburse the city of Washington for moneys paid out and expended in the improvements of this city. Upon a motion to lay that amendment on the

table the yeas and nays were ordered and stood—yeas 26, nays 15.

The Senator from New Jersey was, I believe, recorded in the affirmative. I might extend this usage of the Senate as to the incorporation of incongruous amendments upon appropriation bills indefinitely. I have only cited two or three to satisfy the Senator from New Jersey I was right in my statement that precedents were abundant of irrelevant and incongruous amendments to appropriation bills. I have no feeling whatever upon this subject of this amendment. An amendment on an appropriation bill in 1870 increased their pay, and

surely it is competent on a similar bill to repeal it.

Mr. LOGAN. It was then that the professors were made a part of the Army by assimilated rank, and of course it extended the longevity ration to them the same as to the rest of the Army. That was all there was of that act.

Mr. STEVENSON. I do not hear the Senator.
Mr. LOGAN. I say it was at that time that the West Point professors were given assimilated rank to the Army and made part of the

Army.

Mr. STEVENSON. That provision I think was incorporated in the Army bill approved the 15th of July, 1870.

Mr. LOGAN. I think so too.

Then we are right about the date. Therefore

Mr. STEVENSON. Then we are right about the date. Therefore the Senator from Pennsylvania is entirely mistaken when he says that we are undertaking to strike at a policy that goes back to the foundation of West Point. I say that this increased longevity pay was adopted for the first time in 1870; that it was a special provision increasing their longevity pay; and that it was done on an appropriation bill. We propose now, as the times are stringent and we allow retired officers of the Army only three-fourths of their pay when in service, to repeal by an appropriation bill this longevity pay of professors. It found its existence on an appropriation bill, and let it find its repeal in a bill of the same character.

Mr. LOGAN. If the Senator will allow me, he is correct on one proposition, and that is, it goes to the foundation, because heretofore Army officers were detailed for that duty. Hence he is correct in reference to this act giving assimilated rank to civilians who are employed as professors and making them part of the Army at the time he mentioned. So that both he and the Senator from Pennsylvania are right so far as that is concerned. Now if the Senator will allow me, I do not wish to take up his time, but I wish to correct him on one point, and that is in reference to retirement. He speaks of this law giving them the same rights as other officers of the Army in regard to retirement. The Senator is mistaken in this. He says they are nothing but retired officers. They are officers of the Army with the right to be retired as other officers of the Army. That is what

the law means.

Mr. WEST. With the same obligations.
Mr. LOGAN. Yes; but the Senator from Kentucky speaks of it as applying to wounded persons. Now, if he will examine the law of retirement he will find that persons may be retired on account of wounds; that they may be retired on account of disability incurred in any way in the Army; that they may be retired on account of a number of years' service; or they may be retired because they have attained the age of sixty-two years. Hence this law of retirement is applicable to the civilian officers of West Point in applying to their

age, and not to wounds, because they have not served in the Army. When they attain the age of sixty-two years they may be retired under this law the same as officers at that age in the Army. That is the meaning of the retirement law.

Mr. STEVENSON. Whether they are voluntarily retired or not, when they do retire they only receive three-fourths of their pay with the rank which they held at the time of retirement.

Mr. LOGAN. Certainly; that is correct.

Mr. STEVENSON. Mr. President, I am not niggardly in this mat-

ter; stern necessity requires retrenchment. We have reduced the pay of the brave men whose age and infirmities acquired in the service have placed them on the retired list. I see no injustice in repealing the increased longevity conferred on these professors about six years

ago, and which the national necessities require us to suspend.

And now a word or two in reply to the distinguished Senator from Illinois. I know nothing, and I am not allowed to refer to anything which has occurred in the House of Representatives, but I can speak of bills sent to us from the House and now on our tables. Among these is the Army bill which provides the requisite legislation contemplated by this amendment. I think the Senator from Illinois will find that the reason probably that the House of Representatives did not in the pending bill insert a repealing clause such as he referred to is to be found in the fact that the Army bill proposes a further reduction in the rank and file of the Army, and the House deemed it better to provide for all repealing legislation in one bill, so as to make it harmonious and homogeneous. I refer to the Army bill as reported, making provision for the Army for the fiscal year ending 30th of June, 1877. When that bill is reported and passed by the Senate, my word for it that all the objections of the Senator from Illinois will vanish.

Mr. LOGAN. If the Senator will allow me, that is exactly the point I was discussing with him the other day. If the Army bill should pass in that form it makes no difference what your appropriation is in this bill. The Army bill reducing the pay would have its effect upon this bill and leave it stand precisely as I suggested; and you will not have legislation in appropriation bills that is considered vicious. That is exactly the point I made; and, if the Senator will stand now by what he said, we will agree precisely. When you pass your Army bill, reducing the pay of officers, it will be applicable to this pay as well

as to all other pay; and a provision in this bill would be immaterial.

Mr. STEVENSON. If the Senate will now pass the House bill before us we can reach the end sought to be attained by the Senator from Illinois by an amendment which I will propose, and which I doubt not would have been offered by the House but for the reason that the Army bill\*it was thought would contain it. My proposed amendment to the pending House bill is as follows:

Provided. That the pay herein allowed and given shall be in full of all other pay, allowance, forage, rations, or commutation, except for quarters, fuel, and light; and that the pay for other professors, instructors, and assistants, being officers of the Army, when detailed and assigned to service at the Military Academy, shall be only their Army pay, without increase for term of service and without allowance for forage, rations, or commutation, except for quarters, fuel, and light; and that sections 9 and 10 of the act approved March 3, 1875, entitled "An act making appropriations to supply deficiencies in the appropriations for fiscal years ending June 30, 1875, and prior years, and for other purposes," be, and the same are, repealed; and that all other acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed.

That would reach the end. That would dissipate all objection. Then there could be no antagonism between the present bill and existing legislation. I never desire incongruous legislation on appropriation bills. I see the honorable Senator from New Jersey in his seat. I again recall to his recollection his vote putting an election law in Louisiana as a relevant amendment upon an appropriation bill. As he was absent from the Senate when I referred to his vote on holding such an amendment legitimate, I recur to it in proof of the fact that I have been much more consistent in resisting these in-congruous amendments on appropriation bills than the Senator himself. I think the record I have quoted bears out this statement. If the honorable Senator could vote for election bills and civil rights bills as amendments to the regular appropriation bill, what is there to startle him in repealing an increase of pay in the professors at West Point, which originated as an amendment for longevity pay only six years ago? It occurs to me a Senator who voted for the first amendments would not have to stretch the blanket very far in voting now to stand by the reduction proposed by the House of Representatives

Mr. FRELINGHUYSEN. It seems to me that my friend convicts

Mr. FREIMORIU ISEN. It seems to me that my friend convicts himself of quite as great inconsistency as he convicts me. He votes now contrary to his vote then, and he says I do the same thing, Mr. STEVENSON. By no manner of means. It was the appropriation bill for the Military Academy, ending June 30, 1874, that gave this longevity pay to the professors. It is the appropriation bill for the Military Academy for the fiscal year ending June 30, 1877, that proposes to repeal it. There is not much inconsistency in that. Both subjects are germane. The amendment which I propose will harmonize it with existing legislation. I understood the Senator from New Jersey to challenge the production of a single precedent showing incongruous amendments on appropriation bills. Hence my reference to these precedents.

Mr. FRELINGHUYSEN. I beg my friend's pardon.

Mr. STEVENSON. I have the Senator's remarks before me, and I will read what he did say.

Mr. FRELINGHUYSEN. So have I. What I said was this: that I did not think there was any precedent for the reduction of the salaries of officers of the Army on an appropriation bill. I did not vol-unteer that observation. My friend from Kentucky asked me if it was not usual; and in answer to his question I said that I did not think there was any precedent for it, and I do not yet; but if there was a precedent for it, the sooner it was departed from the better.

Mr. STEVENSON. The Senator from New Jersey said it was—

An anomalous case, and if there is any precedent for it the sooner it is stopped the better, because it is perfectly manifest that the Committee on Appropriations, according to the doctrine insisted upon, could absorb the consideration of every question that comes before Congress.

The direct corollary of all the Senator said on the subject was that the proposed reduction of the House of Representatives ingrafted on this appropriation for the Military Academy at West Point was a direct interference with existing legislation, and therefore a species of vicious and innovating legislation—unknown to the Senator—productive of evil consequences, and not to be indulged in. In reply to that argument I said that the proposed reduction of the professors' pay on an appropriation bill was not extraordinary legislation; that much more incongruous, irrelevant, and dangerous amendments had much more incongraous, irrelevant, and dangerous amendments had been indulged in frequently by the Senate, as I was confident. I understood the Senator from New Jersey to take issue with me. I think the precedents cited proved that I was right. This very increased longevity pay to these professors originated, as I have already stated, for the first time on the West Point appropriation bill. That is a direct precedent of itself. The Senator will hardly deny the postulate that, if the Senate can increase the salaries of professors the postulate that, if the Senate can increase the salaries of professors at West Point without a repeal of existing legislation, they have the same power to reduce them, especially when the increase and reduction were both made on the appropriation bill for the Military Academy. The power to increase and reduce I assume to be correlative.

Mr. FRELINGHUYSEN. I should think there was a great difference between those cases. I suppose that if an officer has by law a salary fixed at \$4,000 a year, and you should appropriate \$2,000 a year.

salary fixed at \$4,000 a year, and you should appropriate \$2,000 a year and say "that all legislation inconsistent herewith is repealed," he would still be entitled to his \$4,000; and so my friend thinks, I have no

doubt. But if you should with a salary of \$4,000 appropriate \$5,000 I think he might manage to take the \$5,000. I think there is a great difference between reduction and increase in principle.

Mr. STEVENSON. The Senator does not state the fact of this increased and reduced appropriation correctly. This increased salary of the professors had never reached its present amount until 1874, when this longevity pay was put upon the Military Academy appropriation bill. The Senator objects to the reduction of the pay because it interferes with existing legislation fixing the pay of all officers of the terferes with existing legislation fixing the pay of all officers of the Army. Did not the amendment to the appropriation bill in 1874 increasing the pay of these professors, who constitute a portion of the officers of the Army that have been retired, without any repealing clause of the Army bill, have the same effect? Was not the increase as incongruous as the proposed decrease, so far as any interference in the existing legislation goes? The appropriation bill making the increase did not by terms repeal the general act fixing salaries.

The objection, therefore, of the Senator of New Jersey is more specious than solid.

cious than solid.

Mr. FRELINGHUYSEN. I am surprised that my friend should so understand, for I said, and all of us certainly know, that we could put the whole legislation of Congress in an appropriation bill, just as well as having the number of bills that we have, as a question of legal power, legislative power. On the question of propriety I said that it would be making the Committee on Appropriations absorb all the other committees, and I certainly think that my friend from Kentucky has argued in the Senate most strenuously against the very course that he is now arguing in favor of; and if I had taken the pains of looking at the RECORD, I think I could have found a good many speeches of his which correspond with what he states his vote

was on certain enforcement bills.

Mr. STEVENSON. I should be glad to have them pointed out. I did not intend, and I do not think I have stated that any Senator doubted the absolute power of the Senate to put any amendment they desired on appropriation bills. The question of absolute power was not the point in issue, but it was the vicious and noxious characteristics. acter of the legislation contained in the House bill that the Senator from New Jersey and other Senators were shocked at, and which they insisted had no precedents. Against that argument I have quoted precedents and votes. I submit that for incongruity, irrelevancy, and unparliamentary usage, the amendments voted for and sustained by the Senator from New Jersey greatly exceed the proposed legislation by the House, which is not unusual and has been often resorted to. I say, with the precedents quoted by me, it is too late for Senators now to say it is unusual and vicious legislation. The Senator from New Jersey says that he confined his demand for a precedent only to the reduction of the pay of professors' salaries in an appropriation bill. He admits that the pay of professors may be increased on an appropriation bill, but denies it can be decreased on the same character of bill. I submit to the Senate whether the proposed distinction is very logical or conclusive: It may be my obtuseness, but I really do not perceive the difference.

I have never favored any amendments on appropriation bills which did not relate properly to the subject-matter, and were not in a parliamentary sense germane to an appropriation bill. That has been gen-

erally my policy; I will not say I have never violated it. I have generally, however, adhered somewhat closely to the rule, as I have stated. In the present case I have no scruples. The proviso proposed stated. In the present case I have no scruples. The proviso proposed to be offered by me will remove all objection that the House bill is in violation of existing legislation. In every other respect the proposed reduction is germane to the bill. It was a similar bill that increased the pay, and there can be no doubt an amendment repealing the longevity pay is both consistent and harmonious with the first enact-ment. There is no other statute which the present House antagonizes

except the one I propose to repeal.

Mr. WEST. Like the Senator from Kentucky, Mr. President, I want to bring the attention of the Senate back to what is the real proposition before the Senate. Whether in doing so I shall find it want to bring the attention of the Senate back to what is the real proposition before the Senate. Whether in doing so I shall find it necessary, as he did, to travel back to the civil-rights bill and the general-election law of the United States, I am not so certain. The simple proposition at issue is, What shall the Senate do in the way of reducing these salaries? If the Senate inclines to follow the example set by the House of Representatives, then it can, in accordance with the usage here, put such a restriction upon the future pay of these officers as will confine their receipts to the amount appropriated in this hill. There cannot be any question about that. But the in this bill. There cannot be any question about that. But the House of Representatives in making the reduction simply stipulated that these officers should this year receive so much, but that there should be no revocation of the amount that was allowed by law. The Senator from Kentucky says that that principle was first inau-gurated upon an appropriation bill. That is scarcely so, because if he will refer back to all the legislation on the subject he will find that the appropriations were always made for additional pay, and it was by statute that they were provided.

Next, the very proposition that the Senator takes so much exception to he himself reported from a committee to this body. I hold in my hand the Congressional Directory for 1873, by which the honorable Senator from Kentucky appears to have been a member of the Committee on Appropriations, and he assented to the report and voted with the committee in the Senate on this proposition. That is

Then he is equally wrong with reference to the attitude of professors as retired officers; and that is one thing that the Senate ought to fix clearly in its mind. A retired officer of the Army cannot be put on duty as a professor at West Point. There is but one place where he can be put on duty at his retired pay, and that is at the Soldiers' The officers at West Point are active officers of the Army, and only subject to the law in regard to retirement as other officers of the Army are. If they have been in the service forty-five years, the President can retire them; if they have been in the service forty-five years, they can ask to be retired; but they are not retired officers,

and they receive full pay.

Now come back to the paring, economical proposition of the Senator from Kentucky and the Senator from Connecticut. Has any Senator here shown that the professors at West Point are paid more than they ought to be paid? That is a simple proposition and that is the one ought to be paid? That is a simple proposition and that is the one we ought to deal with. The House thought they were, and they sent us over a bill reducing the appropriation but not changing the law; consequently, if the Senate assented to the idea of the House the Senate should repeal the law; but the Senate proposes to take a different stand, if I understand it: that the pay is not too much and ought to stand as it is. It was fixed after due deliberation. I had the honor to have charge of the bill that raised the pay, if you call it raising, but it was not a raise in fact. The question now is simply low much do we now these officers and are we amenable to the charge how much do we pay these officers, and are we amenable to the charge that is made here of extravagance? Are we paying in the military institutions of the country more than is paid in the civil institutions of the country? I contend not. Gentlemen may make the assertion broadcast that we are, but they do not demonstrate it. They do not show us in dollars and cents that we are. Now just let us put into dollars and cents what the amendments are. They amount to dividing among twenty-four men \$10,000. Who are these twenty-four men? One of them an instructor of practical military engineering; one instructor of ordnance and the science of gunnery. These men get \$2,500 by the law and by the amendments. That is all. Is that too much? There are ten other men who get \$2,000 by these amendments. Their pay is \$1,500, and in each case it is increased \$500. In ments. Their pay is \$1,500, and in each case it is increased \$500. In one case it is increased \$500, because the pay is \$1,400. So, then, out of eighteen men two get \$2,500 and sixteen get \$2,000. That is all there is of it. If that is any too much, if the other side of this Chamber can prove that it is too much, can prove that it is out of proportion to what is paid in the civil institutions of the country, I will vote cheerfully with them to reduce it. This ratio of pay was adopted after due reflection, and we ought not to cut it down. It is not a question whether we have the power to cut it down, because nobody read doubt that; but the question as it stands to day is simply first. need doubt that; but the question as it stands to-day is simply, first, whether we shall appropriate what the law requires, or whether we shall not, and next whether the law allows too much. I do not think the other side have made out their case at all; that is to say, that we are amenable to the charge of paying in the military institutions of the country more than is paid in the civil institutions of the country; and I think on that subject the Senator who has charge of this bill has some information.

Mr. ALLISON. Mr. President, the Senator from Louisiana has answered the Senator from Kentucky perhaps better than I could answer, so far as he has answered his argument. The Senator from Kentucky

seems to lay great stress on the fact that in 1870 we provided for lonseems to lay great stress on the fact that in 1870 we provided for longevity pay, which he says is a new feature in our legislation. I do not so understand the legislation of Congress with reference to the Army. We have had the principle of longevity pay in the Army from the very organization of the Government continuously; it never has been changed. When we re-organized the pay of the Army we substituted a money longevity pay for a ration longevity pay. That was all; and that was in 1867. When we placed the professors at West Point some of them with the assimilated rank of colonel and some with the assimilated rank of lieutenant-colonel, of course the pay of with the assimilated rank of lieutenant-colonel, of course the pay of those ranks would follow, that being the ordinary pay of similar offi-cers in the Army. This assimilated rank is not a new thing, as the Senator from Kentucky would suggest, ingrafted upon an appropriation bill in 1870. I hold in my hand the second volume of the United States statutes providing for the organization of the Military Academy in 1812, by which the professors in the Military Academy are ranked as lieutenant-colonels in the Army. In 1866, I believe, we proranked as neutenant-colonels in the Army. In 1800, I believe, we provided that professors of the Military Academy who had served thirty-five years should be ranked as colonels in the Army; and that carried up either two orthree professors—I think two, Professor Weir and Professor Church. Afterward, in 1870, we provided that all professors who had served ten years at West Point should receive the rank of colonels in the Army. So we have continuously legislated on the theory of the present law, from the very foundation of the Military Academy.

The Senator from Connecticut [Mr. EATON] is immensely disturbed

because possibly a first lieutenant may be assigned to duty as an assistant professor and receive the rank and pay of a major in the Army. We are not responsible for that legislation. That legislation also is found in the very organization of the Military Academy. These assistant professors at West Point have been paid as captains or majors of the Army from 1812 until this time; and the Secretary of War and the President of the United States have always been authorized to assign first lieutenants to assistant professorships; and when they were so assigned they have received the higher pay.

The Senator from Connecticut and the Senator from Kentucky

would have us believe that we have inaugurated some extraordinary provisions here with reference to the Military Academy. Whatever these provisions are we have inherited them. They have been upon our statute-books practically for more than fifty years; and we are simply carrying out the old provisions and providing for the organization of West Point as it has stood almost from its organization. The longevity pay is no new feature. If these assistant professors are majors, this appropriation does not apply to them. If they are light they are light to the army they would only received. lieutenants, in their position in the Army they would only receive \$1,500 a year; but if they are assigned to West Point, which all agree and admit is an expensive place to live, we add to their pay, as has been done since 1812, the difference between the pay of a first lieutenant and that of a major. That is all.

The Senator from Connecticut says that we are paying those men more than similar professors and teachers receive in the colleges of the United States. I must be permitted to deny that proposition. He cited Columbia College, I, believe. Does he not know that the professors in Columbia College receive \$6,000 each per annum for their services? He also cited the case of Harvard. The professors at Harvard. vard, as I understand, receive \$3,500, and the assistant professors from \$2,500 to \$3,000—more than we pay these assistant instructors by the provisions of this bill, as reported by the Committee on Appropriations of the Senate.

I am willing to go with him, as doubtless this side of the Chamber I am willing to go with him, as doubtless this side of the Chamber is willing to go with him, in any measure of true economy; but West Point is no place to begin this economy. These professors and teachers are engaged in instructing young men for future usefulness as officers in the Army, and it is no place to begin to reduce their compensation below a point at which they can afford to remain there and instruct these youths. Therefore, Mr. President, I stand not only upon the law but I stand also much the reasonableness of this ray as applied. these youths. Therefore, Mr. Freshell, I stand how only apon the law, but I stand also upon the reasonableness of this pay as applied to the instructors at West Point.

Mr. STEVENSON. In reply to the Senator from Iowa I desire to say that by the act of July 15, 1870, it was provided—

That the professors of the United States Military Academy whose service in the Army and at the academy exceeds thirty-five years—

Not ten, not fifteen; but exceeds thirty-five yearsshall have the pay of colonel; and those whose like service is less than thirty-five but exceeds twenty-five years, shall have the pay of lieutenant-colonel.

That was the act of 1870. In 1873 we left out the thirty-five years

and came down to the ten years, as I understand.

and came down to the ten years, as I understand.

Mr. ALLISON. Yes, sir.

Mr. STEVENSON. That is the difference.

Mr. ALLISON. That I understand.

Mr. STEVENSON. You see how it goes up and how many more get this increased longevity pay. That is what I meant by saying that the increase was of recent date; and by that I stand. I say that by the act of 1870 an officer had to be at the academy thirty-five that by the act of 1870 an omeer had to be at the academy thirty-live years before he could get the pay of colonel, and before he could get the pay of lieutenant-colonel he had to be there twenty-five years. Then, when we come to the act of 1873, which the House of Representatives wants to repeal, it says:

That the professors of the United States Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant colonel.

That is a provision which was put on the Military Academy appropriation bill in 1873. That is the provision that I have been arguing

in favor of repealing.

Mr. ALLISON. I understand that perfectly; but what I meant to say, and what I do say, is, that these professors ranked as lieutenant-colonels in 1812, and they stood so until 1851 or 1852—I do not remem-ber the precise year—and then we gave them an annual compensa-tion in lieu of their rank, and that annual compensation stood again until this provision was attached to an appropriation bill in 1870; and, as my friend from Louisiana [Mr. West] suggests, the thirty-five years applied equally to the Army and to the academy, and it was changed afterward, as was stated, in 1873, by which the rank of colonel was affixed to those professors who had served ten years at the academy. This provision we have passed long since, and I only made the reply that I did to the Senator from Kentucky because I thought he misapprehended the provisions organizing the Military

The PRESIDENT pro tempore. The question is on the amendments of the Committee on Appropriations.

Mr. COCKRELL and Mr. McCREERY called for the yeas and nays,

and they were ordered.

and they were ordered.

Mr. HOWE. Mr. President, on these amendments I seem to be a little outside any "healthy organization," and I want to apologize for it as well as I can. I did not vote on the last amendment and shall not vote on this upon the ground that I want to reduce salaries, nor for the purpose of advertising my hunger for economy nor by way of indicating any hostility or ill-will to West Point. I believe in West Point. I do not believe our salaries are too high as a rule; and I certainly do not believe that the salaries we pay to the military officers are higher than they should be. Nevertheless I do not see why I am called upon to vote for these amendments. The Senator from Iowa has read us the statute which declares indeed that Senator from Iowa has read us the statute which declares indeed that the salary of this instructor shall be the pay of a major or captain-

which is it?

Mr. ALLISON. Instructor of military engineering, major.

Mr. HOWE. Shall be the pay of a major. Now, you appropriate in another bill the full pay of all the majors you have; and if a major is detailed for this duty, as a major might well be detailed, then he is abundantly paid in your Army appropriation bill. If you mean to require that a first lieutenant shall be detailed to the duty of an instructor and mean to comply with that statute and give him the pay of a major, then of course you must appropriate something in addition to the pay of the lieutenant. The pay of the lieutenant is appropriated in the Army hill and you must make un the difference here. priated in the Army bill and you must make up the difference here. If you do not make this appropriation and a major is assigned to that duty, he is paid. The only effect of making this appropriation, as it seems to me, is to impose a sort of duty on the Secretary to send a first lieutenant there instead of sending a major.

Mr. ALLISON. The Senator will allow me to suggest that at pres-

ent the instructor of ordnance and gunnery is a major and the in-structor of military engineering is a captain, so that they do not feel obliged to send lieutenants for that purpose now.

Mr. HOWE. Neither should we be obliged to make the appropri-ion. There seems to be no sort of occasion for it whatever. This

will be a surplus if they are kept there.

It seems to me, Mr. President, that there are just these two objections to this appropriation: One that it increases the pay of the Army just \$900; and, second, I think it degrades, demoralizes the service, diminishes the value of the service, lowers the character of I need not spend any time to show that it increases the pay of the Army. That is patent on the face of the amendment. But how does it lower the standard of the service? I assume that a major should be more competent than a first lieutenant. He has had precisely the same education as a first lieutenant, and he has had all the experience and education that are incidental to service from the time he is commissioned as a first lieutenant till he is promoted to a major. That is worth something. But if you insist upon carrying this additional pay, there is a sort of duty laid upon the Secretary of War, in order to make use of the appropriation, that just as fast as a man reaches a majority he is to be sent away from West Point and a first lieutenant put there, for no reason in the world but to absorb this additional \$900. It does not seem to me to be entirely worth while; and for that reason I voted against the last amendment, and propose to vote against this.
Mr. DAVIS.

What are we voting on?

The PRESIDENT pro tempore. These several amendments.

Mr. DAVIS. Between what lines ?

The PRESIDENT pro tempore. The Secretary will report.

The SECRETARY. Beginning on line 16 and ending on line 28 of the printed bill, inclusive.

The question being taken by yeas and nays resulted—yeas 33, nays 17, as follows:

YEAS—Messrs, Allison, Anthony, Boutwell, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Conover, Cooper, Ferry, Frelinghuysen, Hamlin, Harvey, Ingalis Johnston, Key, Logan, McMillan, Maxey, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Ransom, Robertson, Spencer, Wadleigh, Wallace, West, Windom, Withers, and Wright—3:

NAYS—Messrs. Bayard, Bogy, Booth, Cockrell, Davis, Eaton, English, Goldthwaite, Hamilton, Howe, Kernan, McCreery, McDonald, Merrimon, Norwood, Stevenson, and Whyte—17.

ABSENT—Messrs. Alcoin, Bruce, Burnside, Caperton, Clayton, Cragin, Dawes,

Dennis, Dorsey, Edmunds, Gordon, Hitchcock, Jones of Florida, Jones of Nevada, Kelly, Morton, Patterson, Randolph, Sargent, Saulsbury, Sharon, Sherman, and Thurman—23.

So the amendments were agreed to.

The next amendment of the Committee on Appropriations was to strike out from line 34 to line 42, inclusive, as follows:

For sixteen musicians for companies, \$2,496: Provided, That sections 9 and 10 of the act approved March 3, 1875, entitled 'An act making appropriations to supply deficiencies in the appropriations for fiscal years ending June 30, 1875, and prior years, and for other purposes,' be, and the same are, repealed.

And in lieu thereof to insert-

For pay of Military Academy band, \$14,880.

Mr. ALLISON. The explanation of this amendment is simply that the law for the organization of the Army as it stands in the Revised Statutes provides for a band at West Point; and the act of March 3, 1875, sections 9 and 10, simply fixed the organization of this band,

SECTION 9. That the Military Academy band shall consist of one teacher of music, who shall be leader of the band, and may be a civilian, and of forty enlisted musi-

cians of the band.

cians of the band.

SEC. 10. That the teacher of music shall receive \$90 per month, one ration, and the allowance of fuel of a second lieutenant of the Army; and that, of the enlisted musicians of the band, ten shall each be paid \$34 per month; and the remaining thirty shall each be paid \$30 per month; and that the enlisted musicians of the band shall have the benefits as to pay, arising from re-enlistments and length of service, applicable to other enlisted men of the Army.

Mr. DAVIS. Allow me to ask the Senator whether these provisions Mr. DAVIS. Allowing to ask the Senator whether these provisions are in an appropriation bill or in a separate act?
Mr. ALLISON. The sections I have just read?
Mr. DAVIS. Yes, sir.
Mr. ALLISON. I should infer that they were in an appropriation

bill, from the fact that this act seems to be an act appropriating

Mr. DAVIS. So I thought; but the Senator read them as if they

were taken from the Statutes.

Mr. ALLISON. These two sections simply provide for the organization of this band. Prior to this time the number of musicians, I believe, was not so great, but I do not remember the number. This act of March 3, 1875, provides simply for the number that shall comprise this band, and also fixes the pay of those musicians.

Mr. LOGAN. The Senator from Iowa was asked whether there was

any band authorized except in an appropriation bill, and he answered

any band authorized except in an appropriation bill, and he answered that he thought so, as I understood.

Mr. ALLISON. No. I simply say that these two sections which are repealed by the House bill provide for the organization of this band, the composition of it. The Revised Statutes not only authorize a band but say that the military organization of the United States shall consist, among other items, of a band, which shall be stationed to tweet Point.

Mr. LOGAN. That is the law. The band is stationed at the Mili-

tary Academy as part of the organization of the Army.
Mr. ALLISON. When the Army was re-organized in 1866, as the
Senator from Illinois will remember, we provided for fifteen bands, but afterward I believe the law authorizing those bands was repealed

That remains, and the sections which now are proposed to be repealed in this House bill simply provide for the composition of the band. The committee believe that, if a band is to be at West Point at all, (and they think that a band is necessary at the Military Academy,) the present organization of the band is a proper one, and therefore they have recommended the striking out of the clause in the House bill and the retention of the military band at West Point.

House bill and the retention of the military band at West Point.

Mr. DAVIS. This question, as I understand it, stands on a different footing from the one we have voted on or from any previous amendment. The previous amendments were to carry out existing law. That was admitted on all sides. This amendment is not exactly in the same condition; and, if it were, the bill itself as it came from the House provides for the repeal of the present law, so that Senators could not have the same objection that they had to the other clauses of the bill which were proposed to be amended. The question here turns on whether it is proper and right and necessary to have the hand as provided for by the amendment of the Senate to have the band as provided for by the amendment of the Senate committee.

It will be seen that as the bill came to us it provides for sixteen musicians and repeals so much of the act of March 3, 1875, as provides for forty musicians. The expenditure of money for this purpose, as the bill came to us, would be \$2,400; the expenditure, as this amendment if adopted will make it, will be \$14,880. The number will be sixteen in one instance and forty in the other. It is a question entirely with the Senate whether they want a band, or whether there should be a band there of forty or of sixteen, the difference between

the House bill and the amendment.

Again, the sixteen, as I understand, are provided for by law and have been probably for fifty years; for a long time at any rate. The twenty-four additional were added in 1875, according to the Senator from Iowa who has charge of the bill, and I believe his statement is correct. So in the one instance if we adopt the Senate amendment we must make some provision for a repeal of the old law, while if we take the bill as it came from the House we shall find provisions are made for the repeal, if repeal be necessary, of the clause in the appropriation bill of 1875, and the old law is fulfilled by providing for sixteen musicians.

Now, so that we may know what we are doing on this appropriation bill, I desire to say that the total amount appropriated by this bill as it came from the House of Representatives to us was \$259,231. There were added by the Committee on Appropriations of the Senate \$46,714, making the total bill, as recommended by the Senate committee, \$305,945. That amount is somewhat less than the bills of pretee, \$305,945. That amount is somewhat less than the bills of previous years. For instance, last year it was \$364,740; the year previous, \$339,835; for 1874, \$344,319; for 1873, \$326,101.32. Thus it appears that the present bill, even as reported by the Senate committee, is somewhat less than has been appropriated for the Military Academy for several years previous. The question before us now, though, is whether we shall strike out what the House has sent us, and which is whether we shall strike out what the House has sent us, and which is in accordance with a law of long standing as to the band, and add that which has no law to sustain except the appropriation bill of 1875; and, if there should be, there is a provision in the bill to repeal it. There is a difference of upward of \$12,000 in the expenditure as now recommended by the Senate committee and as passed by the House

Mr. MAXEY. Mr. President, I think this matter can be very readily understood. The corps of cadets is divided into four companies. To each of those companies are attached by law four musicians, making sixteen, as will be seen by reference to section 1322 of the Revised

To each company shall be added four musicians.

Then by reference to section 1111:

There shall be retained or enlisted in the Army one band, which shall consist of one band leader, and not more than twenty-four musicians, and shall ordinarily be stationed at the Military Academy.

That makes the forty musicians, twenty-four being the band organized by law and sixteen composed of the four to each of the companies of cadets. As the law provides for the whole of them and the House bill leaves out the band entirely, and it is inserted by the Senate Committee on Appropriations, the amendment is simply a

compliance with the law.

Mr. LOGAN. I do not understand the object of this repeal of sections 9 and 10 of the act of last year by one appropriation committee of Congress. I suppose persons will be considered rather extravagant who insist upon all these appropriations. The repeal of these gant who insist upon all these appropriations. The repeal of these sections 9 and 10 amounts to a repeal of the number authorized by law to constitute the band at the Military Academy at West Point and the amount of pay fixed by law. But suppose you repeal sections 9 and 10 of the appropriation bill of last year, you still have the law creating a band at West Point, because you find in the Revised Statutes that the organization of the Army of the United States shall consist of one general, one lieutenant-general, and so on of a purpose of various officers: number of various officers:

One band stationed at the Military Academy.

That is a part of the organization of the Army, and sections 9 and 10 of the act of 1875 only fix the number that shall constitute the band and the amount of pay the musicians shall receive. Now suppose you repeal those sections 9 and 10, and leave this section of the Revised Statutes standing authorizing a band, who is to say then what number of musicians shall constitute that band?

Mr. DAVIS. As I understand the bill as it came to us it says sixteen musicians shall constitute that band.

Mr. EDMUNDS. That will be in addition to the band already pro-

vided, will it not?

Mr. LOGAN. That is the point that it seems so strange to me is not well understood. The sixteen musicians allowed by law, in connec-tion with the four companies into which the cadets are organized at West Point, are a mere drum-corps, not a band. There is such a thing as a drummer and a fifer belonging to each company, and that force is organized as a drum-corps, not as a band; but the musicians that belong to the companies may be organized as part of the band, and are organized in it, and become a part of the band. Is it not a fact well known that when the Army was re-organized after the war it was done upon the principles of economy? Instead of having a band at every post, connected with every regiment, the bands were abolished by act of Congress, and but one band permitted for the whole Army of the United States, and that to be stationed at West Point. They have at some places bands that they have improvised, composed of soldiers, men belonging to the Army who have learned to be musicians, and have organized themselves together at posts merely to have music at the posts; but they are not bands as known to the law, not bands of the Army. We have nothing now in the Army but mere drum-corps, except this one band at West Point; and there is not a man in this country, I care not what he may say about economy, who has not enough pride existing in him to say that we should have at least one band in the United States of America authorized by law. People will begin to think that we have no music in our souls at all. as a drummer and a fifer belonging to each company, and that force is at all.

Mr. EDMUNDS. And are given to "stratagems and spoils."
Mr. LOGAN. Yes, "treason, stratagems, and spoils;" but a new era has dawned in this country. Economy! Why, sir, there is no such thing as economy in this. The idea that an army of forty regiments of this Government shall have no such thing as a band connected with it—I will not use the term "disgraceful," but it approaches that your much if we shall say that there shall be no head proaches that very much if we shall say that there shall be no band in the Army of the United States. Forty musicians are all we ask for. I have seen forty bands, not forty musicians, on the battle-field,

and to music the soldier will tread quicker than to anything else in the world. Music excites and incites in him patriotism; it fills his soul with that feeling that should be found in the bosom of a patriot who not only loves his country but is ready to fight and to die for it. But the latter-day saints of economy want to drive music from the land. I presume they would like to drive poetry out of the land, and everything else, except a false economy, a pretext before the country that they are going to economize, and by economy they mean cutting off this band, so that at the centennial exhibition at Philadelphia the United States of America shall not have a band! What kind of a Country are you? What kind of a country shall we be thought to be? What will people think of us if we are so niggardly that we will not even have money appropriated for one band for the Government of the United States of America? I would be ashamed of it, and any man who will stand up before this country and plead economy on such a proposition as this, I will not say is a demagogue; I will say no such thing; but I will say that if I were to do it I should be a demagogue.

Sir, that kind of economy amounts to nothing. I would be in favor, if it was left to me, of having a band at every post in the United States, and it would be right. You cannot make good soldiers with-out music. It never could be anywhere, and never will be. You cannot teach them the step without music. You have got to have it; you must have it. The officers need it as well as the men. There is something inspiring in it that makes him feel as though he had a heart and a soul and had patriotism in him. But our democratic friends want to step to the thump of a drum without a horn. [Laughter.] I presume, probably, you do not like the music of the country that we have now. It may be that that is it. Perhaps the music is not the right kind; it does not play the right kind of tunes. I will not say that either, because that might be thought to be offensive; but I will say that upon this bill the economy, or pretended economy, that has been exhibited is of a character to show a misunderstanding of what the Government needs; to show a want of knowledge of what an army needs and what an army requires. It shows an absence of that knowledge which ought to belong to a man at least who

Provides for the soldiery of the country.

I do not presume there is a man belonging to the Army of the United States, from the last private who enlisted up to the General of the Army, but what will tell you that the idea of abolishing all the bands of the Army is something that strikes a soldier as being very strange. I hope that these sections will not be repealed, and that at least the small amount of patriotism that we have left in this country will allow us to have one poor insignificant band in the whole United

States of America that belongs to the Army of the country, and that may play "Yankee Doodle" every time they get a chance.

Mr. BOGY. Mr. President, I have purposely waited until this amendment should be presented to say what I intended to say in regard to the different amendments presented to this bill in the Senate and in regard to the academy at West Point in general. I shall de-

tain the Senate but a very few moments.

I am not an enemy of West Point, and yet I have for many years looked upon that institution as standing contrary to the institutions under which we live. West Point is not now what it was intended to be when first organized under the administration of General Wash-ington; nor is it what it was intended to be under the act of 1812, which gave it a new organization. It is a growth year by year, year by year, adding one appropriation and then another, until it has become a large institution, very expensive, and I believe extremely injurious to the Army, and consequently injurious to the country. I believe that if we intend to maintain an army we ought not to educate our men entirely at institutions like West Point, but we ought to do what it was intended at first should be done, provide that soldiers in the Army, after having served a few years as private soldiers and having attained to some of those non-commissioned positions, as and having attained to some of those non-commissioned positions, as sergeants, or even the lesser grade of corporal, should be recommended by their respective regiments to West Point, there to perfect themselves in military science, military engineering, and artillery. That was the intention originally, and no doubt was the intention of the act of 1812; but it was soon misconstrued, and has been going on from that day to this, until now West Point is an educational institution where the sons of the most influential men of the country are sent to receive not a military education, but a civil education; and hence we are daily increasing the professorships and since I have had the bonor daily increasing the professorships, and since I have had the honor of a seat on this floor we have added a professor of Spanish. Why should a professor of Spanish be necessary for the education of an American soldier? Yet that is the law to-day, and this professor of Spanish is included in the very amendments which have been adopted by the Senate.

Mr. LOGAN. Will the Senator allow me to suggest why he is neces-

sary

Mr. BOGY. I will receive the suggestion with pleasure. I presume I know the reason assigned, but I will receive it from the Sen-

ator.

Mr. LOGAN. I had something to do with that question once, and I came to the conclusion that so far as that language was concerned it was more necesary at West Point than any other foreign language that is taught there, for the reason that a great portion of our border is covered by those who speak the Spanish language. All along the Mexican border, on the frontier up through New Mexico, in a part of

our own country, our own language is hardly known; and it is absolutely necessary for officers stationed on the border of Mexico and in New Mexico to understand the Spanish language. I know when I was stationed there myself many years ago I had to learn the Spanish language; I was compelled to do it as an officer in order to get along. I was acting as quartermaster; and instead of having an interpreter I was my own interpreter. That is the necessity for it; it saves ex-

I was aware of that-

Mr. ALLISON. Will the Senator yield to me a moment?

Mr. BOGY. Yes, sir.
Mr. ALLISON. I understood the Senator to say that we had provided for a professor of Spanish since he became a member of this

Mr. BOGY. I understand that that professorship was added in the

last two years.

Mr. ALLISON. He was provided for during Mr. Buchanan's administration, either in 1857 or 1858. So I think it must certainly have been before the time of the Senator here.

Mr. LOGAN. Spanish has been taught in the Military Academy for fifteen years at least.
Mr. BOGY. It may be so; but I thought he had been provided for in the last two or three years. The fact, however, does not change the character of my argument at all. I am aware of the apology made for such a professor at West Point. Knowledge is always ornamental, besides being now and then extremely useful; and it would be very well if all our West Point graduates should understand Spanish thoroughly, and it would be very well if they all understood English thoroughly, too, and it would not hurt them to understand French pretty well; and in these latter days the German is much more important than either the French or English, for a large portion of the soldiers are Germans, and they ought to be spoken to in their own native language. It is a mere apology. In other words, a military school has drifted to be a school for the education of young gentlemen for civil life, and nothing else. You have professors of international law and professors of constitutional law. It does not hart a West Pointer to know international law or constitutional law; but is it proper for us who have the voting of the money of the people of the United States to educate anybody to a knowledge of international law or constitutional law? I say it does not make him a better soldier; I say it does not make him a more valiant soldier; and I say more, as a general proposition, sustained by the history of the world, that just in proportion to his high education is he in a position to be dissatisfied with the Army as a soldier. The men who have written their names in history as great military men were not men so well versed in all the different languages and different sciences, from Cæsar down. Cæsar himself was, but many of his successors were not. Under the French Republic and Empire I think some twenty-three marshals rose from the ranks, from being private soldiers. Such men as Ney, and Massena, and Soult, and Murat, and Oudinot, and Bernadotte, and I do not remember how many others, but some twenty-odd, from being private soldiers rose to be marshals of France, and have written their names on the pages of history as great military characters. Wellington himself was not educated in the royal college of Great Britain. He entered the army as an ensign, and was sent immediately to the East Indies, and rose step by step until he got to be generalissimo of the armies of Europe, never having been educated generalissimo of the armies of Europe, never having been educated at a military academy. In our own country the men who have left the brightest names behind them as great military men were not educated at West Point. General Brown was not educated at West Point. General Gaines was not educated at West Point. Zachary Taylor was not educated at West Point. Zachary Taylor was not educated at West Point. And greater than all of these men, Andrew Jackson was not educated at West Point.

So it is that an academy of this kind is not an absolute necessity; nevertheless I am willing that there should be a school in this cornever the second of the

nevertheless I am willing that there should be a school in this country where military science can be taught as a science. But the scientific part of the Army education is limited. However high the degree tife part of the Army education is limited. However high the degree may be; the circle is limited; it is military engineering and artillery; and I say that if you will confine it to those two branches that are purely scientific, you need not keep the cadets at West Point longer than two years; and a bright boy will go through in one year. You will not learn camp life and mere drill and all the habits of a soldier in four years at West Point as well as you will in the Army on the plains. In one year of drilling on the plains you will learn more than you will by being forty years at West Point dancing around to the music of a band of fifty-six different pieces.

Mr. President, it is not my intention to make on this occasion are

Mr. President, it is not my intention to make on this occasion an elaborate speech. Much could be said with regard to West Point. Such is not my intention to-day. I am not an enemy of West Point. I feel for a large number of its graduates the most friendly feelings, which go back I may say forty years. Many of them have been my personal bosom friends, and are to-day. But I will say that for its age, and the number of its graduates, and the large amount of money which has been expended on West Point, it has turned out fewer able men than any institution in the country. You have had professors of mathematics there for very mathematics there for years. How many great mathematicians have you turned out from West Point? They can be enumerated from other colleges by the dozen. It has turned out few.

My idea of a military school at West Point would involve an expend-

iture of not exceeding \$50,000 a year; perhaps not that much. That would be the maximum amount that I can reach. Then you would have a good military Spartan school, where brave boys could be educated to become brave soldiers, and where none but brave boys would be anxious and willing to go. Now it is held out as an inducement for pampered youths, the sons of the wealthy and of the powerful

for pampered youths, the sons of the wealthy and of the powerful and of the luxurious, to go there and spend four years in the most pleasant recreation imaginable. It should be abolished; it is in contradiction to our whole system of government. I wish to change it. I know that it cannot be changed by my speech made at this moment; and yet I wish these facts to go out, let them be worth what they may. Now, sir, we are upon the amendment in regard to music. It opens the whole subject, and is a key to all this education at West Point. The Senator from Illinois, who is no doubt exceedingly fond of music, and from what he says I presume has a dash of poetry about him besides a good deal of military genius, says that a man is deficient in military ardor, in a spirit of love of country or patriotism, unless he can hear an abundance of good music. Now, suppose the cadets do hear music at West Point; before they can engage the enemy (which does not exist now, so far as we know) the impressions made upon does not exist now, so far as we know) the impressions made upon

near music at West Foint; before they can engage the enemy (which does not exist now, so far as we know) the impressions made upon their minds will have been entirely done away with. What good does it do the young chaps there now to have all this music poured into their souls every day? It will all go away again. It goes in with ease and goes out with as much ease. The impression is but momentary. Why should there be a band of fifty-six fellows playing upon the French horn, and the German horn, and the Italian bugle, and the Irish bagpipes, and all the other instruments? It is nothing but a farce. It is throwing away the money of the people.

This band of music is used for one purpose, as I will tell you. West Point is, of all places in the United States, the most elegant for a gentleman to visit. You have there the nicest soirées, the nicest horeand the nicest little balls, the most delightful entertainments. You are surrounded all the time not only with charming music, but I might use the word ravishing music, and all paid by whom? By the young chaps who hear it? No, sir; paid by the great mass of the people, who do not know what has become of their money. I say that a military band of music should consist of the drum and the fife. The drum and the fife with good captains and brave soldiers will conquer the world; and your German blowers, and your Irish bagpipes, and your French bugles, and Italian bugles will do no good in time of battle. Those fellows will all hold back then. [Laughter.] Music is middle the middle of the poople the world the part that the first that the properties of the part of battle. Those fellows will all hold back then. [Laughter.] Music in military life is a good thing; but of all the music ever invented the fife and the drum is the most martial. As old as I am and as unmartial as I am, I always feel a little martial when I hear the fife and the drum; but the others do not excite me at all.

Mr. President, the great men of the Republic for many years have fought West Point without success. There has been a sort of "ring" formed in Congress for fifty years that has carried appropriations for West Point. I will read you a letter written by no less a man than Nathaniel Macon, one of the great men from your State, sir, [addressing Mr. MERRIMON,] as great a man as this country has afforded—Nathaniel Macon. Here is a letter which he wrote to Colonel Benton:

Why does the Army of late years desert more than formerly? Because the officers have been brought up at West Point, and not among the people. Soldiers desert, because not attached to the service or not attached to the officers. West Point cadets prevent the promotion of good sergeants, and men cannot like a service which denies them promotion, nor like officers who get all the commissions. The increase of pay will not cure the evil, and nothing but promotion will. In the revolutionary army we had many distinguished officers who entered the Army as privates.

As it is now, a private in the Army of the United States, the only real republic in the world, never can become an officer. In every

As it is now, a private in the Army of the United States, the only real republic in the world, never can become an officer. In every country of Europe privates are promoted every day to commissions in the army. In Great Britain, in France, in Germany, in Italy, and everywhere else they are promoted every day. Here a private, I do not care what may be his merit, never can be more than a private soldier. The effect is very plain. The Army of the United States is composed of lower material, because a man of pride will not go into the Army when he knows that however well he may behave he never can be anything else than a private.

The appointments at West Point should be reduced. First the term of education should not exceed two years, if more than one. It should not exceed two years, beyond a doubt. Confine the education to military engineering and artillery, and nothing more. That they could learn in two years. Then again, instead of having some four hundred students there, let the number be cut down by one-half, if not three-fourths, and let that be furnished from the private soldiers on the recommendation of the officers, and be promoted. Then you would have an efficient army; the soldiers would be more efficient and better; the expense would be cut down; and everything else would be improved. These, Mr. President, in brief, are my views expressed in a very desultory manner, but nevertheless I think I am correct. West Point must be reformed from cellar to garret, from the foundation to the roof; and it ought to be done speedily. I know that now, and I have no doubt it has been the case from year to year, this subject is hedged around all the time with great difficulty and intricacy. For instance, the question was presented to-day and argued by two great lawyers.

around all the time with great difficulty and intricacy. For instance, the question was presented to-day and argued by two great lawyers, one from Connecticut and the other from Illinois, as to whether you could reach an appropriation for a certain office by merely limiting the amount appropriated. The Senator from Illinois says as a lawyer that if a certain office is created, and if in making an appropriation for

that office you appropriate less than the salary fixed by law, the officer nevertheless may be entitled to the amount which has been affixed to that office. Although the appropriation not being made he could not for the time being get his money, nevertheless it would not affect his right, and at some day or other he would come to Congress and ask to be paid that which he was legally entitled to receive. I think myself the Senator from Illinois as a lawyer was right; but the Senator from Connecticut as a man who is striving at economy is right. What we cannot do in a legal way we must try to do in another way, provided it be a fair way. The lower House of Congress say we want to get at this thing in that way; we will try you in that manner. The lawyers of the Senate say "you must do this thing in a legal way, and if you do not do it in a legal way you cannot do it at all." This is the trouble, and I have no doubt it has been the trouble for a legal way.

The professors at West Point are paid excessively. I am not now and never have been in favor of low salaries. I profess to be not a demagogue in any sense of the term; I never paraded that character in my life; but I do think these professors are paid excessively. I presume, if the matter was looked into carefully, it would be found that these gentlemen who are now receiving \$3,500 a year nominally are really receiving five six or seven thems and dellars a year indirectly. these gentlemen who are now receiving \$3,500 a year nominally are really receiving five, six, or seven thousand dollars a year indirectly. They get their pay directly. Then they get their quarters; they get their fuel; they get their lights; and of course they get their music for nothing. That is natural; there is so much of it around there. Then they have a right to buy for their table everything which is furnished by the quartermaster's and commissary departments, at first cost. They get their medical attendance for nothing. They have all the advantages of dancing professors there for their boys and girls, for nothing; and so on, so that the pay amounts to five, six, or seven thousand dollars a year. I am willing to pay a gentleman of education who is a professor at West Point, or at any other place, a fair and liberal compensation; but I think the compensation is too large.

tion who is a professor at. West Point, or at any other place, a fair and liberal compensation; but I think the compensation is too large.

Again, I say that there ought not to be at West Point one single professor who is not an officer of the Army. Every man who is a teacher there ought to be an officer in the Army and he should get the pay and the pay alone to which his grade entitles him. You will find plenty of men in the Army who are competent for it. I do not know how much is paid to a professor of dancing, but I am very well satisfied that there is one there; and I am very well satisfied that he is paid at the public expense. Dancing is one of the accomplishments taught to these young men to enable them to go and fight on the western frontier! these young men to enable them to go and fight on the western frontier! What good does that do them along with this music? The whole thing is an abuse, and Congress ought at this session to appoint a committee of intelligent, competent, educated men to examine the whole subect from one end to the other, and bring about the reformation which

ject from one end to the other, and oring about the reformation which it needs. Do away with all this growth of time that has gradually been fastened like barnacles upon this body. I think whenever you do away with it you will find that \$50,000 a year is enough.

I am opposed, too, to the Naval Academy at Annapolis. What an outrage! Will ever a Nelson, or a Perry, or a McDonough, or a Decatur be brought out by Annapolis? Never in the world. The way to make a naval hero is to take him on a vessel right off as soon as he to make a naval hero is to take him on a vessel right off as soon as he enters the service; let him be seasick the next day and let him alone; have a professor to teach him navigation and gunnery, which he will learn very soon; it is not so difficult. Then you will make a sailor of him, such a sailor as Nelson was in England, and McDonough, and Decatur, and Truxton, and Lawrence, and Perry here, and a great many others who learned the art of naval warfare on the bosom of

the broad ocean, and not in any naval academy.

I could not help thinking a while ago when my friend from Illinois was arguing about music being so necessary at West Point, as being the only military band left in the United States, all the other bands having been disbanded, that no doubt, when all the others were disbanded, they had plenty of able and eloquent advocates on this floor saying that if those bands were disbanded the regiments would disband. No doubt, that was said, and yet the bands have been disbanded and the regiments are banded yet. Then I thought of this great band called "the marine band." That is a useful institution to this country, is it not? It is very useful? Of what use on the face of the earth to the people of the United States is the marine band at the navy-yard here? Why not have a simple band of music and let the people know it is a band to be used by the President of the broad ocean, and not in any naval academy. and let the people know it is a band to be used by the President of the United States at his levees and entertainments, for which the peo-

the United States at his levees and entertainments, for which the people pay; and do not call it a naval or a marine band.

Mr. MORRILL, of Maine. We go and hear it play.

Mr. BOGY. We go and hear it. I go myself but very seldom. I have been there, however, and have no objection to any one going. Now is not the marine band a farce? Most of the people think this Now is not the marine band a farce? Most of the people think this band, called the marine band, now-and then steps upon a vessel and sails around the world, and plays the tunes of republican freedom to the nations of the world, and in that way inspires them with the love of freedom; but I believe if these chaps were to go upon the deck of a vessel it would make them sea-sick right off. They are only used to play when the President needs a band. I say this in no spirit of unkindness to the gentleman who is the Executive at this time. His predecessors did the same thing, but it is wrong. Let that band be disbanded.

Mr. LOGAN. Will the Senator allow me to ask him a question? Mr. BOGY. Certainly.

Mr. LOGAN. I see the Senator has discovered it now. I have dis covered it before. He is very familiar with history and with the deeds of our great military and naval heroes.

Mr. BOGY. I read their history when I was a boy.
Mr. LOGAN. My question is, whether in his reading he has not discovered that desertions in an army are always greater where bands of music do not exist than where bands of music do exist?

Mr. BOGY. I do not think my reading will sustain any such as-

Mr. LOGAN. I did not know but that the Senator was familiar with that fact.

Mr. BOGY. If the Senator gives it to me as his reading and experience, I will of course succumb.

Mr. LOGAN. If the Senator will examine the reports made by different officers of different armies over the world he will find that that

Mr. BOGY. There may be something in that; there is something in music.

Mr. LOGAN. I can say that there is a great deal in music.
Mr. BOGY. I am myself extremely fond of it; but I like to pay
for it, and have others pay for it as well.
Mr. LOGAN. If I can judge from what I see here, I can discover
a reason why the democracy do not desire bands. They do not need

wind instruments. [Laughter.]
Mr. BOGY. I did not hear the last remark of my friend. I have no doubt it was very good and very pointed, and I am sorry that I lost it.

Mr. LOGAN. I say the democracy are not in need of wind instru-

Mr. BOGY. O! I am very glad to see that my friend has some recollection of his past democratic history; and he knows that we are not given to blowing our own horn. [Laughter.] Doubtless he knows us to be plain, matter of fact men, who go for the substance and not

for the sound of useless music.

for the sound of useless music.

In conclusion, speaking with all seriousness, I wish it distinctly understood that I have no enmity to West Point at all. I look upon it as an institution which has grown upon this country beyond the intention of the originators of the institution, and it is longer not only useless, but extremely injurious. It is destroying to-day the morale of the Army of the United States. Besides a cost of from \$350,000 to \$400,000, it destroys the morale of every soldier who is enlitted. Util to the the adding the house that although a wirest here. listed. Hold up to the soldier the hope that, although a private, he may become a general, and you at once infuse into the Army manly and noble spirits. Men of good intentions, and of good blood, and of good aspirations, who are fond of that life, will go into the Army. Military life has its attractions for a large portion of the human family, and there are thousands of young men in the United States of fair education and of good morals who would join the Army and behave well so as to secure promotion, who now do not go there because they know they never can be promoted. They never will go there as long as this institution at West Point is maintained on the footing that it is now. It destroys the whole of that spirit, and in that respect it is more aristocratical than any institution in Europe to-day without any exception. I say that promotion in the Army of the United States from the ranks to a commissioned officer is more difficult than it is in any portion of Europe to-day.

Mr. EDMUNDS. I move that the Senate proceed to the considera-

tion of executive business.

Mr. CAMERON, of Pennsylvania. I wish the Senator would withdraw his motion only for a minute. I want to say a word about bands.
Mr. EDMUNDS. Not now; do it to-morrow.
Mr. CAMERON, of Pennsylvania. Very well.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were re-opened, and (at four o'clock and thirty-three minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

## Monday, February 28, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev.

I. L. TOWNSEND, D. D. The Journals of Friday and Saturday last were read and approved. The SPEAKER called to the chair Mr. Cox, as Speaker pro tempore.

## LIEUTENANT COLONEL PULFORD.

The SPEAKER pro tempore, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in response to a request from the Committee on Military Affairs, a report of the Adjutant-General United States Army on the case of Lieutenant-Colonel Pulford; which was referred to the Committee on Military Affairs.

## OMISSION IN REVISED STATUTES.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a com-munication from the Chief of Ordnance in regard to an omission in the Revised Statutes; which was referred to the Committee on the Judiciary.

#### LIEUTENANT WALLACE MOTT.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, relative to relief for Lieutenant Wallace Mott, Eighth Infantry; which was referred to the Committee on Military Affairs.

### W. H. WINTERS AND F. M. ST. CLAIR.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a copy of the proceedings of a board of survey at Fort Hays, Kansas, concerning the issue of clothing to W. H. Winters and F. M. St. Clair, of Company A, Fifth Cavalry; which was referred to the Committee on Military Affairs.

#### PAWNEE INDIANS.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a communication from the Commissioner of Indian Affairs, relative to the condition of the Pawnee Indians in the Indian Territory, and asking for favorable consideration of the same; which was referred to the Committee on Indian Affairs.

#### SUPPORT OF CAPTIVE INDIANS.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, in reply to a resolution of the House of the 14th instant, relative to an appropriation of \$300,000 for the support of captive Indians, &c.; which was referred to the Committee on Indian Affairs.

#### PHILADELPHIA NAVY-YARD.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of the Navy, transmitting a report of the president of the commission created by act of Congress approved March 3, 1875, for the making a sale and conveyance of the navy-yard at Philadelphia, with the property and appurtenances thereunto appertaining; which was referred to the Committee on Naval Affairs. Naval Affairs

### AMOUNT OF GOLD IN THE TREASURY.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in response to House resolution of the 15th instant asking for a statement of the actual amount of gold owned by the Government and available for the resumption of specie payment, &c.; which was referred to the Committee of Ways and Means, and ordered to be printed.

## INSTRUCTIONS ISSUED BY THE ATTORNEY-GENERAL.

The SPEAKER pro tempore also, by unanimous consent, laid before the House a letter from the Attorney-General, in response to House resolution of the 21st instant requesting the Attorney-General to furnish the authority by which certain instructions alleged to be in contravention of the long-established rule relating to the testimony of accomplices in criminal cases were given to subordinates.

Mr. WILLIS. I call for the reading of that communication.

The communication was read, as follows:

DEPARTMENT OF JUSTICE, Washington, February 26, 1876.

Washington, February 26, 1876.

To the honorable the House of Representatives:

I am in receipt of the following resolution of the House of February 21, 1876:

"On motion of Mr. Lord,

"Resolved, That the Attorney-General be requested to inform this House by what authority and for what purpose he recently gave instructions to his subordinates, alleged to be in contravention of the long-established rule relating to the testimony of accomplices in criminal actions."

To which, in reply, I have the honor to suggest that the resolution must have been introduced under misapprehension. No instructions have been given by the Attorney-General to his subordinates in contravention of any rule relating to the testimony of accomplices in criminal actions, and no instructions that had any such purpose or intent, nor any instructions to which any such purpose could be fairly attributed.

The only specific instructions which have been given on this subject are those in

attributed.

The only specific instructions which have been given on this subject are those in certain districts where whisky frauds are being prosecuted, and these are merely in confirmation and approval of arrangements made to use the testimony of accomplices. As these arrangements and instructions relate to matters now in progress, the House wilk readily see the propriety of withholding special information relating thereto until the trials are over.

I have the honor to add that in no instance since I have been Attorney-General has there been a proposition of any subordinate of mine relating to the testimony of accomplices in criminal actions which has not met my prompt and cordial sanction.

I have the honor to remain your very obedient,

EDWARDS PIERREPONT,

Attorney-General.

Mr. LORD. As I introduced the resolution to which this letter is a reply, I move that the subject-matter be referred to the Committee on the Judiciary. Allow me to say in furtherance of that motion that I understand the Attorney-General to substantially admit all that I understand the Attorney-General to substantially admit all that is claimed. He has undertaken to interfere with the rule by which the testimony of accomplices is taken on the ground that abuse might possibly grow out of it, when in fact the person who offers the testimony, as an accomplice, in no case can have any benefit from it unless he tells the truth. Therefore in this action of the Attorney-General, without saying what his motive might be, without attempting to impugn his motives, inasmuch as he has undertaken to change the rule and prejudge the case, and to assume in advance that the accomplices who seek to testify will not tell the truth, I therefore ask that the whole matter may be referred to the Committee on the Judiciary, to report to the House what their opinion is as to on the Judiciary, to report to the House what their opinion is as to the whole subject-matter.

You see, Mr. Speaker, that the Attorney-General by taking this course assumes that he is wiser than the jury which tries the case.

Mr. HENDEE. I rise to a point of order. Is this matter subject to

debate?

The SPEAKER pro tempore. The Chair would rule that debate is

The SPEAKER pro tempore. The Chair would rule that debate is in order, the morning hour not having commenced.

Mr. RANDALL. Why is a question of reference not debatable?

Mr. RUSK. Has not the morning hour been called?

The SPEAKER pro tempore. The regular order has not been called.

Mr. LORD. Mr. Speaker, the difficulty is here. I say, after this interruption, the Attorney-General assumes that in advance he can tell better whether an accomplice is telling the truth than the jury which hears the case and the judge who tries it; therefore, in view of such a vital and important change of the law which has been the law for centuries, I think we ought to have the opinion of the Judiciary Com-

mittee on the subject.

Mr. RANDALL. I would like to have the Judiciary Committee inquire into the circumstances connected with this matter and what induced the writing of the letter which has been referred to. I think that should come within the full scope of the inquiry of the Judiciary Committee. It was an extraordinary letter, perhaps adapted to an extraordinary occasion; but the committee ought also to tell us the circumstances connected with its issue, and I therefore suggest that the Judiciary Committee should make inquiry of the Secretary of the Treasury as well as the Attorney-General into all this matter and settle this controversy.

The letter of the Attorney-General was then referred to the Com-

mittee on the Judiciary.

### POST-ROUTES IN WISCONSIN.

The SPEAKER pro tempore also laid before the House a memorial of the Legislature of the State of Wisconsin, relative to the establishment of a weekly mail-route, in the county of Manitowoc, and a joint memorial of the Legislature of the same State, relative to increased mail service in the county of Pepin; which were referred to the Committee on the Post-Office and Post-Roads.

#### APPRAISEMENT OF INDIAN LANDS IN KANSAS.

The SPEAKER pro tempore also laid before the House a concurrent resolution of the Legislature of Kansas, asking for the appointment of a commission for the appraisement of certain Indian lands in that State; which was referred to the Committee on Public Lands.

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed

An act (S. No. 261) to remove the political disabilities of Daniel T. Chandler, of Baltimore, Maryland;
An act (H. R. No. 1054) to extend the time for claimants under section 11 of chapter 459 of the laws of the Forty-third Congress to

prove their claims;
An act (H. R. No. 1384) to change the name of the schooner Turner and Keller, of Oswego, to that of Falmouth; and
A joint resolution (H. R. No. 73) authorizing and requesting the President of the United States to present the medal made for William H. H. Nash to his widow, Mrs. Keturah J. Nash.

Mr. SWANN, by unanimous consent, reported from the Committee on Foreign Affairs the following resolution; which was read, considered, and adopted:

Resolved. That the Committee on Foreign Affairs be authorized and instructed to inquire further into the connection of the United States minister at the court of St. James with the Emma mine, so called; that the committee have power to send for persons and papers, and leave is given to said committee to sit during the session of this House.

Mr. SWANN moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### ORDER OF BUSINESS.

Mr. BURCHARD, of Illinois, and Mr. PAGE called for the regular

order.

The SPEAKER pro tempore. The regular order being called for, the morning hour will now begin at seven minutes before one o'clock. This being Monday, the first business in order during the morning hour is the calling of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back into the House by motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for printing and reference. printing and reference.

Mr. GOODIN. Under this call will all the States and Territories be called for bills and joint resolutions?

The SPEAKER protempore. The Chair was about to ask the House, at the request of the Speaker who has just retired from the chair, that all the States and Territories be called through on this call.

There being no objection, it was so ordered

#### MRS. S. B. JOHNSTON.

Mr. HALE introduced a bill (H. R. No. 2318) for the relief of Mrs. S. B. Johnston, of Castine, Maine; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### M. G. EMERY AND OTHERS.

Mr. BLAIR introduced a bill (H. R. No. 2319) for the relief of M. G. Emery, J. C. McKelden, and others, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### A. BERTRAND & CO.

Mr. HENDEE introduced a bill (H. R. No. 2320) for the relief of A. Bertrand & Co.; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### THOMAS GALLOWAY

Mr. BANKS introduced a bill (H. R. No. 2321) granting a pension to Thomas Galloway, late captain Company C, First Regiment Maryland Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### UNION RAILROAD, DISTRICT OF COLUMBIA.

Mr. BANKS also (by request) introduced a bill (H. R. No. 2322) approving the building of the Union Railroad of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### SALARY OF THE LATE VICE-PRESIDENT.

Mr. WARREN introduced a bill (H. R. No. 2323) to authorize the payment to the executor of Henry Wilson, late Vice-President of the United States, of a sum of money equal to the salary of the Vice-President for the unexpired term for which he was elected; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

REMOVAL OF CAUSES TO CIRCUIT COURTS OF THE UNITED STATES.

Mr. WARREN also introduced a bill (H. R. No. 2324) to amend section 3 of chapter 137 of the acts of 1875 (relating to the removal of causes from State courts to the circuit courts of the United States;) which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### WILLIAM S. ROBINSON.

Mr. TARBOX introduced a bill (H. R. No. 2325) for the relief of William S. Robinson, of Malden, Massachusetts; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## WHALE ROCK, NARRAGANSET BAY.

Mr. EAMES introduced a bill (H. R. No. 2326) making an appropriation for the erection of a monument and spindle on Whale Rock, Narraganset Bay; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### DISTRICT OF COLUMBIA.

Mr. PHELPS introduced a bill (H. R. No. 2327) to amend section 1004 of the Revised Statutes, relating to the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## DESIGNS FOR ARCHITECTURAL WORKS.

Mr. HEWITT, of New York, (by request of the Supervising Architect of the Treasury Department,) introduced a bill (H. R. No. 2328) providing for competitive designs for the architectural works to be erected under the Supervising Architect of the Treasury Department; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

### CONGRESSIONAL SUBSIDIES.

Mr. HEWITT, of New York, also presented a joint resolution of the Legislature of the State of New York, relative to the granting of sub-sidies by Congress; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

## MONUMENT TO CAPTORS OF MAJOR ANDRÉ.

Mr. ODELL introduced a bill (H. R. No. 2329) for the erection of a monument to the captors of Major André, a British spy; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

### LAFAYETTE DECKER.

Mr. METCALFE introduced a bill (H. R. No. 2330) granting a pension to Lafayette Decker, of Richmond County, New York, late a private in Company E, New York Heavy Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## OFFICERS OF INTERNAL REVENUE.

Mr. MEADE introduced a bill (H. R. No. 2331) to define the powers and duties of officers of internal revenue and to further provide for the collection of the tax on distilled spirits; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

### IMPORT DUTIES.

Mr. WILLIS introduced a bill (H. R. No. 2332) to simplify existing laws imposing duties on imports and to reduce rates thereon; also to restore the duty on tea and coffee and to enlarge the free list; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### MERCHANDISE FROM CANADA.

Mr. WARD introduced a bill (H. R. No. 2333) to facilitate the transit of merchandise from the Dominion of Canada through the territory of the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### SUBSIDIES.

Mr. HOSKINS presented a concurrent resolution of the Legislature of the State of New York, against granting subsidies to private corporations; which was referred to the Committee on the Pacific Railroad, and ordered to be printed in the RECORD. It is as follows:

Concurrent resolution relative to the granting of subsidies by Congress in aid of the Texas Pacific Railroad and other internal improvements.

the Texas Pacific Railroad and other internal improvements.

Whereas it appears that applications for the aid of the National Government, in the form of money, credit, bonds, or indorsements of the bonds of private corporations, are now pending in the Congress of the United States to an amount exceeding \$600,000,000, for the purpose of promoting schemes of canals, railroads, or other internal improvements, the value and utility of which are at least doubtful, and which are not demanded for present commercial, military, or national reasons; and whereas it also appears that important committees of the said Congress are now seriously considering the propriety of recommending the appropriate legislation whereby the United States will be committed to a guarantee or indorsement of the interest payments upon the bonds or promissory obligations of certain railroad corporations, amounting in the aggregate to about \$250,000,000 in gold, for the purpose of constructing a railroad line from Northeastern Texas to the Pacific Ocean, near the thirty-second parallel of latitude, with numerous branches thereof, amounting to over three thousand miles; and that this encouragement given to this class of proposals tends constantly to swell the number and extent of such applications and is giving rise to many schemes of like questionable character which have failed to secure the approval of private capitalists, and which, by their combined influence and support, embarrass, retard, and interfere with the proper subjects of legislation:

\*\*Pairtranded lift the assembly consult.\*\* That it is appropriate intervals.\*\*

and support, embarrass, retard, and theretee what are properties.

Be it resolved, (if the assembly concur.) That it is unwise, impolitic, and dangerous at this time of depressed trade and heavy financial burdens for Congress to embark the country upon such gigantic works, and thereby invite other and further demands for national assistance, to the detriment of the people and good government, and that our Senators and Representatives in Congress be requested to use all proper influences to counteract and defeat such attempts; and that the secretary of state be instructed to forward without delay a copy hereof to each of them.

STATE OF NEW YORK, IN SENATE, February 15, 1876.

The foregoing resolution was duly passed.

HENRY A. GLIDDEN, Clerk.

STATE OF NEW YORK, IN ASSEMBLY, February 16, 1876.

The foregoing resolution was duly passed. By order:

EDW'D M. JOHNSON, Clerk.

## N. MATTHEWS & D. S. PARKER.

Mr. ROSS, of New Jersey, introduced a joint resolution (H. R. No. 74) relating to the claim of Norman Matthews & David S. Parker in the Court of Claims; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### J. A. MONTGOMERY & H. M'CLURE.

Mr. ROSS, of Pennsylvania, introduced a bill (H. R. No. 2334) for the relief of John A. Montgomery & Hepburn McClure; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

## NANCY D. HARPER.

Mr. MAISH introduced a bill (H. R. No. 2335) for the relief of Nancy D. Harper; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### HEADS OF DEPARTMENTS.

Mr. MUTCHLER introduced a bill (H. R. No. 2336) to enforce the observance of sections 193 and 194 of the Revised Statutes by heads of Departments; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

## SHIPMENT OF CREWS TO UNITED STATES.

Mr. RANDALL introduced a bill (H. R. No. 2337) declaratory of the sense of section 4504 of the Revised Statutes, relative to the shipment of crews of vessels to the United States; which was read a first and second time, referred to the Committee on Commerce, and ordered to

### WASHINGTON MONUMENT.

Mr. MACKEY, of Pennsylvania, introduced a bill (H. R. No. 2338) to aid in the completion of the Washington Monument; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

## WASHINGTON MARKET COMPANY.

Mr. HENKLE introduced a bill (H. R. No. 2339) to amend the charter of the Washington Market Company; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### R. L. ROTCHFORD.

Mr. HUNTON introduced a bill (H. R. No. 2340) for the relief of R. L. Rotchford; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### WILLIAM M. YATES.

Mr. CABELL introduced a bill (H. R. No. 2341) granting a pension to William M. Yates, of Virginia, late a soldier in the war with Mexico; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### A. BOSTICK.

Mr. CABELL also introduced a bill (H. R. No. 2342) for the relief of A. Bostick, Halifax County, Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### IMPROVEMENT OF ROANOKE RIVER.

Mr. STOWELL introduced a bill (H. R. No. 2343) for the improvement of the Roanoke River between Clarksville, Virginia, and Gaston, North Carolina; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### RESTORATION OF FRANKING PRIVILEGE.

Mr. WADDELL introduced a bill (H. R. No. 2344) to restore the franking privilege; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

#### J. C. CAMP.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 2345) for the relief of J. C. Camp, of North Carolina; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

### STATIONARY ARMY CHAPLAINS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 2346) to provide for stationary chaplains in the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### NORTON & ROBERTSON CANCELING STAMPS.

Mr. VANCE, of North Carolina, also (by request) introduced a bill (H. R. No. 2347) referring to the Court of Claims for adjudication and determination the claims of parties therein named for the past and future use of the Norton marking and postage-canceling hand-stamp and the Robertson improved hand-stamp; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

### HEIRS OF LIEUTENANT JACOB BROWN.

Mr. WALLACE, of South Carolina, (by request) introduced a bill (H. R. No. 2348) for the benefit of the heirs of Lieutenant Jacob Brown, a soldier in the revolutionary war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### CAROLINE A. JOHNSON.

Mr. SMALLS introduced a bill (H. R. No. 2349) for the relief of Caroline A. Johnson, of Beaufort, in the State of South Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### LIEUTENANT MASON CARTER.

Mr. SMITH, of Georgia, introduced a bill (H. R. No. 2350) for the relief of Lieutenant Mason Carter, of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States by Colonel Frederick D. Grant, one of his Secretaries.

### ENFORCING RIGHTS OF ACTION.

Mr. ELLIS introduced a bill (H. R. No. 2351) to revive and maintain in force for one year rights of action in certain cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### MRS. JANE T. PUNCH.

Mr. ELLIS also introduced a bill (H. R. No. 2352) for the relief of Mrs. Jane T. Punch, widow of P. J. Punch; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### CHARLES E. CATE.

Mr. ELLIS also introduced a bill (H. R. No. 2353) for the relief of Charles E. Cate; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

### SURVEY OF BAYOU COURTABLEAU.

Mr. NASH introduced a bill (H. R. No. 2354) to provide for a survey by the Secretary of War of bayou Courtableau, in the State of Louisiana; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### SETH H. WHITMORE.

Mr. BANNING introduced a bill (H. R. No. 2355) granting a pension

to Seth H. Whitmore, late chief of engineers of the Upper Mississippi fleet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### ELIAS D. BRUNER.

Mr. FOSTER (by request) introduced a bill (H. R. No. 2356) for the relief of Elias D. Bruner; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

## LIEUTENANT O. P. NORRIS.

Mr. FOSTER also introduced a bill (H. R. No. 2357) for the relief of Lieutenant O. P. Norris, of the One hundred and eleventh Ohio Infantry; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### GEORGE C. JOHNSTON.

Mr. LAWRENCE introduced a bill (H. R. No. 2358) to pay the balance due George C. Johnston under an act for his relief approved March 3, 1843; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

#### CHARLES W. ERDMAN.

Mr. WHITE introduced a bill (H. R. No. 2359) to restore the name of Charles W. Erdman to the pension-rolls; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### CATHARINE TANEY.

Mr. JONES, of Kentucky, introduced a bill (H. R. No. 2360) to pay Catharine Taney, of the county of Campbell, State of Kentucky, \$575, which she ought to have received as "mothers' pension," from the death of her son in the Army, for six years, less one month and thirteen days, succeeding thereto; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### WILLIAM WATTS.

Mr. JONES, of Kentucky, also introduced a bill (H. R. No. 2361) to refund to William Watts, of the county of Boone and State of Kentucky, the sum of \$5,610, illegally taken from him and paid into the Treasury of the United States by the collector of internal revenue for the sixth district of Kentucky, in excess of the amount of lawful tax collected upon the sale of 28,031 pounds of tobacco, on the 28th June, 1864; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### CHARLES L. RUGG.

Mr. JONES, of Kentucky, also introduced a bill (H. R. No. 2362) granting a pension to Charles L. Rugg, late first lieutenant of the Sixth Indiana Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be

### JOHN H. GALBREATH.

Mr. HOUSE introduced a bill (H. R. No. 2363) for the relief of John H. Galbreath, of Davidson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### PROPERTY USED BY UNITED STATES ARMY.

Mr. RIDDLE introduced a bill (H. R. No. 2364) directing compensation to be allowed for the use and occupation of property by the United States during the late war; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be

#### MRS. MARY D. WILLIAMS.

Mr. THORNBURGH introduced a bill (H. R. No. 2365) for the relief of Mrs. Mary D. Williams, widow of W. W. Williams, late a private in Company B, Second Tennessee Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### JURISDICTION OF COMMISSIONERS OF CLAIMS.

Mr. THORNBURGH (by request) also introduced a bill (H. R. No. 2366) relating to the jurisdiction of the commissioners of claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## VIRGINIA ANN TYLER.

Mr. YOUNG introduced a bill (H. R. No. 2367) for the relief of Virginia Ann Tyler; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### COTTON SEIZED AFTER MAY 29, 1865.

Mr. YOUNG also introduced a bill (H. R. No. 2368) authorizing payment for all cotton seized after May 29, 1865; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

#### JOHN H. M'CORMICK.

Mr. FULLER introduced a bill (H. R. No. 2369) for the relief of John H. McCormick, late first lieutenant of volunteers, United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### RESUMPTION OF SPECIE PAYMENTS.

Mr. WILLIAMS, of Indiana. I introduce a bill to repeal an act to provide for the resumption of specie payments; and I move to reject the bill in order to ascertain the feeling of the House, and upon that

the bill in order to ascertain the feeling of the House, and upon that I ask for the yeas and nays.

Mr. KASSON. I rise to a question of order, that that motion is not in order under this call.

The SPEAKER pro tempore. The Chair has no trouble whatever in deciding that point. A gentleman can introduce a bill under this call for reference only.

Mr. GARFIELD. There cannot be any action on the bill.

The SPEAKER pro tempore. That is impossible under the rule.

Mr. WILLIAMS, of Indiana. I shall ask then that the bill be referred to the Committee of the Whole on the state of the Union.

referred to the Committee of the Whole on the state of the Union,

and made the special order for to-morrow at two o'clock.

Mr. KASSON. That is out of order.

The SPEAKER pro tempore. The Chair decides that that is en-

The SPEAKER pro tempore. The Chair decides that that is entirely out of order.

Mr. WILLIAMS, of Indiana. I ask then that it be referred to the Committee of the Whole on the state of the Union.

The SPEAKER pro tempore. That is not in order.

Mr. WILLIAMS, of Indiana. I do not ask that the bill shall be made a special order at all. The motion to refer to the Committee of the Whole has preference over all other committees, as the Chair will see if he will look at page 69 of the Digest.

The SPEAKER pro tempore. The gentleman from Indiana now moves that the bill be referred to the Committee of the Whole on the state of the Union. That is impossible under Rule 130. Under that rule nothing is in order but to refer bills to one of the standing committees of the House.

Mr. WILLIAMS, of Indiana. Then I withdraw the bill.

Mr. WILLIAMS, of Indiana. Then I withdraw the bill.

### LEGAL DAY'S WORK ON WASHINGTON STREET RAILWAYS.

Mr. STEVENSON introduced a bill (H. R. No. 2370) to define a legal day's work on the street railways in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### MILLIE MILLER.

Mr. EDEN introduced a bill (H. R. No. 2371) granting a pension to Millie Miller, widow of Mathew Miller; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### ELIZABETH J. MILLIKEN.

Mr. EDEN also introduced a bill (H. R. No. 2372) granting a pension to Elizabeth J. Milliken, widow of Jesse Miliken, a soldier in the Mexican war; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### JAMES DEXTER.

Mr. HENDERSON introduced a bill (H. R. No. 2373) for the relief of James Dexter, late second lieutenant Company A, Seventy-fifth Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be

### HOMER R. PARISH.

Mr. HENDERSON also introduced a bill (H. R. No. 2374) for the relief of Homer R. Parish; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## GEORGE W. WOODWARD.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 2375) granting a pension to George W. Woodard, late chaplain of the Forty-fifth Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## JOHANN BURNENTER.

Mr. BURCHARD, of Illinois, also introduced a bill (H. R. No. 2376) granting a pension to Johann Burnenter, a private in Company G, Seventy-fourth Regiment Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### CENTENNIAL APPROPRIATION.

Mr. SPRINGER introduced a joint resolution (H. R. No. 75) in relation to the appropriation made by Congress to the centennial board of finance, by act approved February 16, 1876; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## WILLIAM E. GERE.

Mr. MORRISON introduced a bill (H. R. No. 2377) for the relief of William E. Gere, of Madison County, Illinois; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### WILLIAM R. HENDRICKSON.

Mr. BAGBY introduced a bill (H. R. No. 2378) granting a pension to William R. Hendrickson, late of Company E, Twenty-eighth Illinois Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### COLONEL EZRA TAYLOR.

Mr. CAULFIELD introduced a bill (H. R. No. 2379) for the relief of Colonel Ezra Taylor, of Chicago, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### FREDERICK LINNES AND OTHERS.

Mr. KEHR introduced a bill (H. R. No. 2380) for the release of Frederick Linnes, William Wiegand, and Henry Woeckener, of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

Mr. BUCKNER introduced a bill (H. R. No. 2381) to amend section 2, chapter 337 of the Statutes of the United States, in relation to commissioners for the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

### HOT SPRINGS RAILROAD, ARKANSAS.

Mr. WILSHIRE introduced a bill (H. R. No. 2382) granting right of way to the Hot Springs Railroad Company over the Hot Springs reservation, in the State of Arkansas; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

### LITTLE ROCK ARSENAL GROUNDS.

Mr. WILSHIRE also introduced a bill (H. R. No. 2383) for the disposition of the arsenal grounds and buildings at Little Rock, Arkansas, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

### STEAM FERRY-BOAT J. W. SPICER.

Mr. CONGER introduced a bill (H. R. No. 2384) to grant an American register to the Canadian steam ferry-boat J.W. Spicer; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### MICAIAH WALKER.

Mr. CONGER also introduced a bill (H. R. No. 2385) for the relief of Micaiah Walker, of Michigan; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### MOSES F. CARLETON.

Mr. CONGER also introduced a bill (H. R. No. 2386) for the relief of Moses F. Carleton, late second lieutenant Company I, Fourth Michigan Cavalry Volunteers; which was read a first and second time, and, with the accompanying papers, referred to the Committee on War Claims, and ordered to be printed.

## CLEMENT FINLEY.

Mr. A. S. WILLIAMS introduced a bill (H. R. No. 2387) to fix the retired pay of Surgeon-General Clement Finley; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## LONGEVITY ALLOWANCE OF ARMY OFFICERS.

Mr. A. S. WILLIAMS also introduced a bill (H. R. No. 2388) to regulate the longevity allowance of officers of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### PENSACOLA NAVY-YARD.

Mr. PURMAN introduced a bill (H. R. No. 2389) making an appropriation of \$200,000 for the continued rebuilding of the repairing-dock at the Pensacola navy-yard, Florida; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

## PUBLIC BUILDING AT TALLAHASSEE, FLORIDA.

Mr. PURMAN also introduced a bill (H. R. No. 2390) making an appropriation of \$45,000 for the erection of a United States public building at Tallahassee, Florida; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### IMPROVEMENT OF CHATTAHOOCHEE RIVER.

Mr. PURMAN also introduced a bill (H. R. No. 2391) making an appropriation of \$28,000 for the continued improvement of Chattahoochee River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## IMPROVEMENT OF TAMPA HARBOR.

Mr. PURMAN also introduced a bill (H. R. No. 2392) making an appropriation of \$55,000 for the improvement of the harbor at Tampa, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### IMPROVEMENT OF HARBOR OF CEDAR KEYS

Mr. PURMAN also introduced a bill (H. R. No. 2393) making an appropriation of \$30,000 for the improvement of the harbor at Cedar Keys, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### FREEPORT, FLORIDA.

Mr. PURMAN also introduced a bill (H. R. No. 2894) making Free-port, in the State of Florida, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### TAMPA, FLORIDA.

Mr. PURMAN also introduced a bill (H. R. No. 2395) making Tampa. in the State of Florida, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### IMPROVEMENT OF APALACHICOLA RIVER.

Mr. PURMAN also introduced a bill (H. R. No. 2396) making an appropriation of \$22,000 for the continued improvement of the Apalachicola River, Florida; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## PENSACOLA BAY, FLORIDA.

Mr. PURMAN also introduced a bill (H. R. No. 2397) making an appropriation of \$35,000 for removing the wreck of the pilot-boat Nettie, the Spanish wreck, the wreck of the schooner Susan, and the wreck of the steamer Convoy, being obstructions to the entrance of Pensacola Bay; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### TONKAWAY INDIANS.

Mr. THROCKMORTON introduced a bill (H. R. No. 2398) for the benefit of the Tonkaway Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

#### HOUSTON AND TEXAS CENTRAL RAILROAD COMPANY.

Mr. HANCOCK introduced a joint resolution (H. R. No. 76) authorizing the Secretary of the Treasury to re-open the accounts of the Houston and Texas Central Railroad Company for transporting troops in 1865 and 1866; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### COAST TAP RAILROAD THROUGH TEXAS

Mr. HANCOCK also introduced a bill (H. R. No. 2399) to encourage and facilitate the construction of a coast tap transportation railroad line through the State of Texas; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

## JUDGMENTS IN COURTS OF UNITED STATES.

Mr. McCRARY introduced a bill (H. R. No. 2400) in relation to liens of judgments rendered by the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### SILVER COIN AS LEGAL TENDER.

Mr. OLIVER introduced a bill (H. R. No. 2401) to repeal section 3586 of the Revised Statutes in reference to the amount for which the silver coin of the United States shall be a legal tender, and to enact a substitute therefor; which was read a first and second time, referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

### DISTRICT COURT AT DAVENPORT, IOWA.

Mr. TUFTS introduced a bill (H. R. No. 2402) to provide for holding the district court of the United States for the district of Iowa at Davenport; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## LA CROSSE, WISCONSIN.

Mr. RUSK introduced a bill (H. R. No. 2403) to extend to the port of La Crosse, in the State of Wisconsin, the privileges of sections 2990 to 2997, inclusive, of the Revised Statutes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### JOHN S. DICKSON.

Mr. RUSK also introduced a bill (H. R. No. 2404) for the relief of John S. Dickson, late captain of paroled prisoners; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## IMPROVEMENT OF CHIPPEWA RIVER.

Mr. RUSH also presented a memorial of the Legislature of the State of Wisconsin, for an appropriation for the improvement of the Chippewa River; which was referred to the Committee on Commerce, and ordered to be printed.

#### ELLEN FECHTEL.

Mr. LYNDE introduced a bill (H. R. No. 2405) granting a pension to Ellen Fechtel; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### TELEGRAPHIC COMMUNICATION WITH ASIA.

Mr. BURCHARD, of Wisconsin, (by request,) introduced a bill (H. R. No. 2406) to encourage and promote telegraphic communication between America and Asia; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

### IMPROVEMENT OF SACRAMENTO RIVER, ETC.

Mr. LUTTRELL presented a concurrent resolution of the Legislature of the State of California, asking an appropriation for the improvement of the Sacramento and other rivers in said State; which was referred to the Committee on Commerce.

The resolution, which was read, is as follows:

Whereas surveys made by the Federal Government during the summers of 1874 and 1875 have demonstrated the practicability of removing obstructions in the Feather, Sacramento, Mokelunne, and San Joaquin Rivers, and Petaluma and Sonoma Creeks, and of deepening their channels to subserve the purposes of transportation thereon at a moderate expense, which, if not made at an early day, will permit the shoalings of their channels, with danger from overflow of their banks during the winter season, exposing property to great loss and endangering the public health in the districts through which they flow; and whereas liberal appropriations have been made by Congress for the improvement of rivers in the older States of less importance as highways of commerce than the rivers above named: Therefore

fore Be it resolved by the senate, (the assembly concurring,) That our Senators be instructed and our Representatives requested to use their influence to have a reasonable appropriation made for the improvement of the rivers above named. Resolved, That his excellency the governor be requested to forward a copy of the foregoing preamble and resolutions to our Senators and Representatives in Congress at as early a day as practicable.

#### TELEGRAPH FACILITIES FOR CALIFORNIA.

Mr. LUTTRELL also presented a joint resolution of the Legislature of the State of California, relative to cheaper telegraphic facilities for the State of California; which was referred to the Committee on the Post-Office and Post-Roads.

#### PROTECTION OF ACTUAL SETTLERS.

Mr. PAGE presented a memorial and joint resolution of the Legislature of the State of California, asking legislation to protect actual settlers on lands granted to railroads; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD. It is as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

is as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

Your memorialist, the Legislature of the State of California, now in session, respectfully represents as follows:

Courself of the State of California, now in session, respectfully represents as follows:

Courself of the State of California, now in session, respectfully represents as follows:

Legislature of the State of California, now in session, respectfully represents as follows:

Coean, and to secure to the Government the use of the same for postal, military, and other purposes.

Section 1 of said act, age 497, volume 12 of the United States Statutes at Large, provided that Congress should add to, alter, amend, or repeal said act. Congress did, on July 2, 1864, pass an act entitled an act to amend an act entitled as aforesaid, and that section 22 of said amended act, page 365, volume 15, United States Statutes at Large, did provide that Congress may at any time alter, amend, or repeal this act; that the Central Pacific and Western Pacific Railroad Companies, corporations duly formed under the laws of the State of California, were beneficiaries under said acts, and as such, on the performance of certain conditions specified and enumerated in said acts, were to receive from the United States, to the amount of ten alternate sections per mile on each side of said road not beers, to the amount of ten alternate sections per mile on each side of said road not be sold, reserved, or otherwise disposed of by the United States, and to which a preemption or homestead claim may not have attached at the time the line of said road is definitely fixed, provided all mineral lands shall be excepted, &c., except coal and iron, and provided that said acts should not defeat or impair any preemption, homestead, awamp land, or other lawful claim, nor include any Government reservation, or the improvements of any bone fide settler, &c. Further, that at the dates of said acts of Congress there were numerous private land claims i

Mr. PAGE also (for his colleague, Mr. PIPER) introduced a bill (H. R. No. 2407) to procure a site for a building to accommodate the post-

office and United States courts in San Francisco, California; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### TAX ON SAVINGS-BANKS.

Mr. PAGE also (for his colleague, Mr. PIPER) introduced a bill (H. R. No. 2408) explanatory of the act of June 30, 1864, and for other purposes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### CLAIMS OF ACTUAL SETTLERS.

Mr. PAGE also (for his colleague, Mr. PIPER) presented a memorial of the Legislature of the State of California, relating to lands claimed by actual settlers but granted by law to certain railroads; which was referred to the Committee on Public Lands, and ordered to be printed.

#### IMPROVEMENT OF RIVERS IN CALIFORNIA.

Mr. PAGE also (for his colleague, Mr. PIPER) presented a joint resolution of the State of California relative to the improvement of rivers in the State of California; which was referred to the Committee on Commerce, and ordered to be printed.

#### CHEAPER TELEGRAPHIC FACILITIES.

Mr. PAGE also (for his colleague, Mr. PIPER) presented a joint resolution of the Legislature of California, relative to obtaining cheaper telegraphic facilities for the State of California; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

REVOLUTIONARY OFFICERS AND SOLDIERS.

Mr. DUNNELL introduced a bill (H. R. No. 2409) supplementary to an act granting relief to certain officers and soldiers of the Revolution; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### FRANCIS N. BYROM.

Mr. DUNNELL also introduced a bill (H. R. No. 2410) granting a pension to Francis N. Byrom, private Company A, One hundred and twenty-second Illinois Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### DISTRICT OF COLUMBIA.

Mr. PHILLIPS, of Kansas, introduced a bill (H. R. No. 2411) to amend sections 1030 and 1031 of the Revised Statutes, relating to the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

### KANSAS PACIFIC RAILROAD.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 2412) for the liquidation of the debts of the Kansas Pacific Railroad Company to the United States; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be

## RUFUS ROSS.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 2413) for the relief of Rufus Ross; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## PUBLIC BUILDINGS AT TOPEKA, KANSAS.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 2414) providing for the erection of a court-house and post-office at Topeka, Kansas, and making appropriation therefor; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

### PROTECTION OF AGRICULTURE.

Mr. GOODIN introduced a bill (H. R. No. 2415) for the protection of agriculture from injurious insects; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

### PACIFIC RAILROAD.

Mr. CROUNSE introduced a bill (H. R. No. 2416) to construe and declare the meaning of a part of section 20 of an act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and July 2, 1864; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## OPENING OF THE BLACK HILLS TO SETTLEMENT.

Mr. KIDDER introduced a bill (H. R. No. 2417) to declare the Black Hills, in the Territory of Dakota, open to exploration and settlement, to secure the right of way thereto, and for other purposes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

## POST-ROADS IN WASHINGTON TERRITORY.

Mr. JACOBS introduced a bill (H. R. No. 2418) for the establishment of additional post-roads in Washington Territory; which was read, ordered to be printed, and, with the accompanying memorial of the Legislature of Washington Territory, referred to the Committee on the Post-Office and Post-Roads. RELIEF OF SETTLERS OF WIND RIVER VALLEY, WYOMING TERRITORY.

Mr. STEELE introduced a bill (H. R. No. 2419) for the relief of certain settlers in Wind River Valley, Wyoming Territory; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

#### ORDER OF BUSINESS.

The SPEAKER pro tempore. Several gentlemen who were not in their seats when their States were called desire to introduce bills for reference. If there be no objection the Chair will entertain their

#### RE-IMBURSEMENT OF STATES.

Mr. NEW, by unanimous consent, introduced a bill (H. R. No. 2420) to re-imburse the States for expenses incurred in the late rebellion; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### GEORGE COWLES.

Mr. PHELPS, by unanimous consent, introduced a bill (H. R. No. 2421) for the relief of George Cowles, of New Haven, Connecticut; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### JAMES A. BOWLING.

Mr. CALDWELL, of Tennessee, by unanimous consent, introduced a bill (H. R. No. 2422) for the relief of James A. Bowling, of Haywood County, Tennessee, for property taken and used at Trenton, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### JOHN ZUMSTEIN.

Mr. SAYLER, by unanimous consent, introduced a bill (H. R. No. 2423) for the relief of John Zumstein; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### PROPOSED BRANCH MINT AT KANSAS, MISSOURI.

PROPOSED BRANCH MINT AT KANSAS, MISSOURI.

Mr. FRANKLIN, by unanimous consent, presented resolutions of the Board of Trade of the city of Kansas, Missouri, offering to donate ground and erect suitable buildings thereon for a branch mint of the United States upon the condition that Congress locate said branch mint at said city; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

Mr. FRANKLIN. I also ask unanimous consent that the resolutions be printed in the Congressional Record.

There was no objection, and it was so ordered.

The resolutions are as follows:

The resolutions are as follows:

At a meeting of the Board of Trade of the city of Kansas, Missouri, held on the 19th day of February, 1876, the following resolutions were unanimously adopted, after a thorough canvass and discussion of the subject to which they relate:

Resolved, That the president and secretary of this board of trade be, and are hereby, instructed to offer to the Secretary of the Treasury, and through him to the Government, all the grounds desired, and a building prepared and fitted up for the purposes of the proposed mint to be established in the Mississippi Valley, free of cost, or to offer, if more desirable, the necessary grounds and a building for said mint, to be erected new, upon plans prescribed by the Director of the Mint, free of cost, on condition that said mint be located in Kansas City, Missouri.

Resolved, That this offer will be made good at any time within not less than minety days from the notice given of the definite location of the mint in this city, if so required.

Now, therefore, we, the undersigned president and secretary of the Board of Trade of the city of Kansas, Missouri, do hereby certify that the above is a correct copy of the resolutions adopted by said board of trade on the 19th day of February, 1876.

In testimony whereof we have hereunto set our hands and affixed the exclude and secretary of the context of the city of the context of the contex

In testimony whereof we have hereunto set our hands and affixed the seal of said

association.

Done at Kansas City, Missouri, this the 22d day of February, 1876.

F. B. NOFSINGER, W. H. MILLER,

## ORDER OF BUSINESS.

Mr. MORRISON, Mr. ATKINS, and Mr. KELLEY rose.
Mr. MORRISON. I move that the House do now adjourn.
Mr. KELLEY. I ask the gentleman from Illinois [Mr. Morrison]
to yield to me long enough to have a resolution referred.
Mr. MORRISON. I am willing to yield for any references.
Mr. ATKINS. I rise to a privileged question. I wish to ask the Chair how it is and when it is that a member on this floor can be recognized? I have taken every means to obtain the floor, and I want to know by what rule I am cut off by the motion of the gentleman from Illinois to adjourn?

The SPEAKER, (Mr. Kerr having resumed the chair.) The Chair must assume that the gentleman from Tennessee [Mr. Atkins] knows that a motion to adjourn is always in order.

that a motion to adjourn is always in order.

Mr. ATKINS. But before such a motion is in order it is necessary for the Chair to recognize the gentleman who makes it.

The SPEAKER. The Chair did recognize the gentleman from Illinois [Mr. Morrison] before he recognized any other gentleman on the float of the floor. A number of gentlemen were asking the attention of the Chair and the Chair regularly recognized the gentleman from Illinois. Mr. COX. Allow me to say in justification of the Chair that the

very first name on the list of gentlemen to be recognized for resolu-tions and business this day at the end of the morning hour, as the Speaker will see by the list, was that of the honorable gentleman from Tennessee, [Mr. ATKINS.]

Mr. KELLEY. I ask leave to submit a resolution.
The SPEAKER. Does the gentleman from Illinois yield?
Mr. MORRISON. I yield for a reference.

Mr. ATKINS. I have not asked the gentleman to yield to me for a reference.

The question being taken on the motion to adjourn, there wereaves 77, noes 65.

Mr. HOLMAN and Mr. KELLEY called for tellers.

Tellers were ordered; and Mr. Morrison and Mr. Atkins were appointed.

The House again divided; and the tellers reported—ayes 78, noes 72.

Mr. KELLEY called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 115, nays 113, not voting 61; as follows:

The question was taken; and there were—yeas 115, nays 113, not voting 61; as follows:

YEAS—Messrs. Ainsworth, Bagby, John H. Bagley, jr., Beebe, Bell, Blackburn, Blaine, Blount, Bradford, Bright, William R. Brown, Horatio C. Burchard, John H. Caldwell, Candler, Cannon, Caswell, Cate, John B. Clarke, of Kentacky, John B. Clarke, jr., of Missouri, Clymer, Cochrane, Cook, Cox, Crounse, Culberon, Danford, Durand, Eden, Ellis, Ely, Felton, Foster, Garfield, Gause, Gibson, Gunter, Hale, Robert Hamilton, Haralson, John T. Harris, Hartridge, Hatcher, Hereford, Goldsmith W. Hewitt, Hoge, Hopkins, Hoskins, Hubbell, Hunton, Hurd Hurlbut, Jenks, Frank Jones, Joyce, Kasson, Kehr, Ketchum, Kimball, King, George M. Landers, Levy, Lewis, Lord, Luttrell, Lynde, Levi A. Mackey, Magoon, Maish, McDill, Metcalfe, Milliken, Mills, Morrison, Mutchler, Nash, Norton, Odell, Page, Payne, John F. Philips, Pierce, Randall, Reagan, James B. Reilly, William M. Robbins, Roberts, Sobieski Ross, Sampson, Smalls, William E. Smith, Southard, Strait, Stowell, Tarbox, Thompson, Thomas, Martin I. Townsend, Washington Townsend, Tucker, Tufts, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, John W. Wallace, Ward, Warren, Erastus Wells, Wike, Alphéns S. Williams, Jeremiah N. Williams, Willis, James Wilson, Yeates, and Young-Brown, Buckner, Burleigh, Cabell, William P. Caldwell, Campbell, Cason, Caulfield, Conger, Cowan, Crapo, Cutler, Davy, De Bolt, Denison, Dibrell, Dunnell, Durham, Eames, Evans, Fort, Franklin, Freeman, Frost, Frye, Fuller, Glover, Goode, Goodin, Hancock, Hardenbergh, Henry R. Harris, Hathorn, Haymond, Hendee, Henderson, Hoar, Holman, Hooker, House, Hunter, Hyman, Thomas L. Jones, Kelley, Knott, Lamar, Franklin Landers, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, McCrary, McMahon, Monroe, Neal, New, O'Brien, Oliver, Phelps, William A. Phillips, Plaisted, Poppleton, Potter, Rainey, Rea, John Reilly, Rice, Riddle, John Robbins, Robinson, Miles Ross, Rusk, Savage, Sayler, Scales, Schleicher, Seelye, Sheakley, Singleton

So the motion to adjourn was agreed to.

During the roll-call, Mr. HEREFORD said: My colleague, Mr. Wilson, is confined to

Mr. TOWNSEND, of New York. I desire to say for Mr. Wheeler, at his request, that he is detained at his house by the sickness of his wife, or he would be in his seat.

### MESSAGE FROM THE SENATE.

Before the result of the vote was announced,

A message from the Senate, by Mr. Sympson, one of its Clerks, announced that the Senate had passed, without amendment, bills of the

House of the following titles:

A bill (H. R. No. 1323) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875; and A bill (H. R. No. 1590) to remedy an error in enrollment.

## ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill (S. No. 160) for the relief of S. K. Thompson; when the Speaker signed the same.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. BAGBY, from the 1st until the 15th of March, on account of important business; to Mr. McFarland for one week, on account of illness in his family; to Mr. Magoon for one week, on account of sickness in his family; and to Mr. Teese for ten days, on account of important business.

The result of the vote was then announced; and accordingly (at

two o'clock and fifty-five minutes p. m.) the House adjourned

### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated;
By Mr. BAKER, of Indiana: A paper relating to a post-route from
New Paris to Dausmanstown, Indiana, to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: Memorial of the Detroit bar in reference to the re-organization of United States courts, to the Committee on the Judiciary.

By Mr. BURCHARD, of Wisconsin: Remonstrance of P. Sawyer and other citizens of Wisconsin, against the construction of a bridge across the Detroit River, to the Committee on Commerce.

Also, memorial of the Wisconsin Legislature for a weekly mail-route from Kiel to Memee, Wisconsin, to the Committee on the Post-Office and Post-Roads

By Mr. CALDWELL, of Tennessee: The petition of James A. Bowling, for compensation for property taken by the United States, to the Committee on War Claims.

By Mr. CONGER: Remonstrance of Charles Reynolds and 18 other citizens of Grand Haven; of S. McDonald and 53 other citizens of Detroit; of H. H. Kidd and 75 other citizens of Benton Harbor; of Calvin H. Fletcher and 84 other citizens of South Haven; of J. T. Whiting and 42 other citizens of Detroit; of A. C. Bartlett and 52 other citizens of Buchanan, all in the State of Michigan, against the granting of authority to erect a bridge across the river at Detroit, Michigan, to the Committee on Commerce.

Also, the petition of 34 citizens of Fish Lake, Michigan, that authority be granted to erect a bridge across the river at Detroit, Michi-

an, to the same committee.

Also, the petition of Henry Whiting and 57 other citizens of Saint Clair County; Michigan, for the repeal of the so-called resumption law, and for the passage of a law making Treasury notes receivable by the Government for all dues, to the Committee of Ways and Means.

Also, the petition of Henry Leutz, sr., and 75 other citizens of Port Hope, Michigan, for a term of the United States court to be held at

Hope, Michigan, for a term of the United States court to be held at Bay City, Michigan, to the Committee on the Judiciary.

By Mr. CLARKE, of Kentucky: The petition of James Delong and other citizens of Kentucky, that compensation be granted them for services rendered in the late war, to the Committee on War Claims.

By Mr. COCHRANE: The petition of more than 500 citizens of Alleghany County, Pennsylvania, the present duty on foreign coals may not be removed, to the Committee of Ways and Means.

By Mr. COX: The petition of John T. Neale, for a pension, to the Committee on Invalid Pensions.

Also resolutions of the Chamber of Commerce of New York, relative

Also, resolutions of the Chamber of Commerce of New York, relative to the national finances, (favoring return to specie payments,) to the Committee on Banking and Currency.

By Mr. CRAPO: The petition of Benjamin P. Handy, for pay for

carrying the United States mails, to the Committee of Claims

By Mr. DURAND: Papers relating to the claim of Timothy Baker, to the Committee of Claims.

By Mr. DURHAM: The petition of Andrew J. Ragle, guardian of minor children of Isaac Story, deceased, for a pension for them, to

the Committee on Invalid Pensions.

By Mr. FOSTER: The petition of Carrie Bruner, that the name of Elias D. Bruner be placed upon the retired list of the Navy as master, to the Committee on Naval Affairs.

By Mr. FULLER: The petition of St. John H. McCormick, for relief, to the Committee on Military Affairs.

By Mr. HEWITT, of Alabama: A paper relating to a post-route from Vernon to Newtonville, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: A paper relating to a post-route from Ellijay to

Carter's Landing, Georgia, to the same committee.

By Mr. HUBBELL: The petition of W. P. Roley and others, of Eagle Harbor, Michigan, for an appropriation to continue the improvement of Eagle Harbor, to the Committee on Commerce.

By Mr. HUNTON: The petition of Samuel W. George, sr., for a rehearing of his case before the southern claims commission, to the

Committee on War Claims.

Also, the petition of James Roberts, of similar import, to the same committee.

Also, the petition of John H. Hanover, for a pension, to the Com-

mittee on Invalid Pensions.

Also, the petition of the City Council of Alexandria, Virginia, for the erection of the monument at Yorktown, Virginia, in pursuance of the resolution of the Congress assembled under the Articles of Confederation passed October 29, 1781, and that said monument be erected by or before the 19th of October, 1881, the centennial anniversary of the surrender of Earl Cornwallis, to the Committee on the Centennial

By Mr. JENKS: Papers relating to the petition of Andrew Ivory, for relief, to the Committee on Invalid Pensions.

By Mr. KELLEY: The petition of Plymouth Church, Philadelphia.

for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. KIDDER: The petition of Thomas Watts and 26 others, of Traill County, Dakota Territory, and of S. E. Hoag and 120 others, of Cass County, Dakota Territory, that certain lands of the Northern Pacific Railroad in said counties be made taxable, to the Committee on the Pacific Railroad.

By Mr. KIMBALL: The petition of Conkey & Briggs and 39 other citizens of Appleton, Wisconsin, for the repeal of the stamp tax on safety matches, to the Committee of Ways and Means.

Also, the petition of J. C. Thompson and 99 other citizens of Green

Lake County, Wisconsin, for the improvement of the Wisconsin River by means of a canal as recommended by Major-General Warren, United

States Engineer Corps, to the Committee on Commerce.

By Mr. LYNDE: The petition of J. J. Hagermon and over 500 other

citizens of Milwaukee, for the extension of the national credit to the completion of the great southern line of railroad to the Pacific, and for other purposes, to the Committee on the Pacific Railroad.

Also, memorials of the Legislature of Wisconsin, for increased mail facilities for the counties of Green Lake and Waushara; for the establishment of a daily mail-route between Marine Mills, Minnesota, to Osceola Mills, Wisconsin; for increased mail facilities for the northern portion of Sauk County, and from Durand to Pepin, in Pepin County; for the establishment of a semi-weekly mail-route from Wausau to Colby, via Stettin, Marathon, and Wien, and for a weekly mail-route from Kiel to Memee, Manitowoc County, to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Wisconsin Legislature, for an appropriation to improve the navigation of Chippewa River, to the Committee on

Commerce.

Also, memorial of the Legislature of Wisconsin, for the extension of a mail-route and for the increase of service thereon from New Glarus to Brooklyn Station, Wisconsin, to the Committee on the Post-Office and Post-Roads.

By Mr. MACKEY, of Pennsylvania: Memorial of citizens of Cameron County, Pennsylvania, for the repeal of the resumption act and for such financial legislation as will relieve the distress among the laboring population of the country, to the Committee on Banking and Currence

By Mr. MACKEY, of South Carolina: The petition of citizens of South Carolina, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. McMAHON: The petition of John H. Brittain and 91 Pennsylvania volunteers, for an increase of pension, to the Committee on Invalid Pensions

Also, the petition of Elias Anderson, for a pension, to the same

committee By Mr. METCALFE: Two petitions of residents of East Rockaway, Queens County, New York, for the improvement of East Rockaway channel, to the Committee on Commerce.

By Mr. MEADE: The petition of Albert Fuller, for extension of

letters-patent, to the Committee on Patents.

By Mr. RIDDLE: The petition of T. R. Eubank, for pay for property taken by the United States Army, to the Committee on War

By Mr. SAVAGE: The petition of A. R. Searle, for pay for services as writing page in the House of Representatives, to the Committee of Accounts

By Mr. STEVENS: The petition of citizens of Arizona, for the modification of the law granting absolute veto power to the governor of that Territory, to the Committee on the Judiciary.

By Mr. STRAIT: The petition of citizens of Minnesota, for the

repeal of the check-stamp tax, to the Committee of Ways and

By Mr. TURNEY: The petition of W. Wilson, D. Downer, and other citizens of Fayette County, Pennsylvania, for aid in the construction of a southern railroad line to the Pacific, to the Committee

on the Pacific Railroad. By Mr. VANCE, of North Carolina: Papers relating to the petition of Nancy Franklin, for a pension, to the Committee on Invalid Pen-

Also, papers relating to the petition of Mary McMillan, of similar

import, to the same committee Also, papers relating to the claim of J. C. Camp, to the Committee of Ways and Means.

Also, papers relating to the letter of David White, relating to the stationing of chaplains in the Army, to the Committee on Military

Also, a paper relating to the case of Levi Sutton, to the same com-

By Mr. WADDELL: The petition of Mrs. Kitty Daughtry, for pay for property taken by the United States Army, to the Committee on War Claims

By Mr. WALKER, of ——: The petition of George N. Palmer, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. WARD: Remonstrance of Cox & Green and other ship--: The petition of George N. Palmer, for

owners, against the passage of the bill authorizing vessels built abroad owned by citizens of the United States to be registered as vessels of the United States, to the Committee on Commerce.

Also, remonstrance of C. M. Lemon and other vessel-owners, of sim-

ilar import, to the same committee.

Also, remonstrance of Hopkins & Nelson and 51 others, owners of vessels and persons interested in commerce, of similar import, to the same committee.

By Mr. A. S. WILLIAMS: The petition of Charles F. Robe, captain Twenty-fifth Infantry, relative to a lost check, to the Committee of Claims.

Also, the petition of William P. Inness, for additional pay as a United States officer, to the Committee on Military Affairs.

Also, memorial and resolutions of the bar of Detroit, Michigan, rel-

ative to the proposed court of appeals in the several judicial circuits, to the Committee on the Judiciary.

By Mr. YOUNG: The petitions of Robert H. Cleer and Benjamin F.

Rutherford, for a rehearing of their claims rejected by the southern claims commission, to the Committee on War Claims.

## IN SENATE.

# TUESDAY, February 29, 1876.

Prayer by the Chaplain, Rev. Byron Sunderland, D. D. The Journal of yesterday's proceedings was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was referred to the Committee on Indian Affairs, and ordered to be printed.

EXECUTIVE MANSION, February 28, 1876.

To the Senate and House of Representatives:

I lay before you herewith a communication from the Secretary of the Interior, of date 26th instant, upon the subject of the deficiency of supplies at the Red Cloud agency, Nebraska.

This matter has been already presented to you by the Secretary, and the House of Representatives has requested an investigation by a military officer of the cause of this deficiency. I have taken proper steps to comply with this request of the House; but the present need of supplies is not disputed. A prolonged delay in furnishing provisions to these Indians will cause great distress, and be likely to provoke raids on white settlements, and possibly lead to a general outbreak of hostilities.

I therefore deem it proper to invite your attention to the importance of each of the cause of the cause

I therefore deem it proper to invite your attention to the importance of early and favorable action upon the estimates heretofore and herewith submitted.

These estimates and the views of the Secretary in regard to this emergency meet with my full concurrence, and I recommend that the appropriations asked for be made at the earliest day practicable.

U. S. GRANT.

The PRESIDENT pro tempore laid before the Senate a communication from the Department of Agriculture, in obedience to the resolu-tion of the Senate and House of Representatives of the United States of the 25th instant, transmitting to the Senate twenty-four hundred and fourteen copies of the annual report of this Department for the year 1873, accompanied with a list of the names of Senators to whom the same report has already been sent during the present session, with the number of copies sent to each; which was referred to the Com-mittee on Agriculture, and ordered to be printed.

#### HOUSE BILLS REFERRED.

The following bills from the House of Representatives were sever-

ally read twice by their titles, and referred as indicated below:
A bill (H. R. No. 21) supplementary to the third section of the act entitled "An act to divide the State of Virginia into two judicial districts-to the Committee on the Judiciary

A bill (H. R. No. 37) for the relief of William H. Nessle-to the Committee on the Judiciary.

A bill (H. R. No. 42) granting a pension to Francis Bernard—to the Committee on Pensions.

Committee on Pensions.

A bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general, and Chief of Ordnance, United States Army—to the Committee on Pensions.

A bill (H. R. No. 81) for the relief of Wilber F. Chamberlain, of Lewis County, Missouri—to the Committee on Military Affairs.

A bill (H. R. No. 111) granting a pension to David J. Garrett—to the Committee on Pensions.

the Committee on Pensions.

A bill (H. R. No. 216) granting a pension to Henry Schuetberg, of Indiana, Pennsylvania—to the Committee on Pensions.

A bill (H. R. No. 362) granting a pension to William J. Simms—to

the Committee on Pensions.

A bill (H. R. No. 597) for the relief of Anderson J. Smith—to the Committee on Military Affairs.

A bill (H. R. No. 682) granting a pension to Morris Dwight—to the Committee on Pensions

A bill (H. R. No. 859) for the benefit of Andrew Williams, of Weak-ley County, Tennessee—to the Committee on Public Lands.

A bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney—to

the Committee on Pensions.

the Committee on Pensions.

A bill (H. R. No. 1348) granting a pension to Ruth Isabelle Naylor—to the Committee on Pensions.

A bill (H. R. No. 1460) granting a pension to Lidia A. Morris, widow of the late John K. Morris, Company A, Fifth Ohio Volunteer Cavalry—to the Committee on Pensions.

A bill (H. R. No. 1591) to pay De Witt C. Senter, of Tennessee, mileage and per diem for appearing under summons as witness before a committee of the Forty-first Congress—to the Committee on Pensions.

A bill (H. R. No. 1592) to re-imburse Horace Glover for property unlawfully seized and sold by the United States Government—to the Committee on Claims.

A bill (H. R. No. 1807) for the relief of Anthony Lawson, surviving partner of the firm of Lawson & Brewis, of Alexandria, Virginia—to the Committee on Finance.

A bill (H. R. No. 1808) for the relief of Daniel Wormer, of Albany, New York—to the Committee on Claims.

A bill (H. R. No. 1809) granting a pension to John A. Stewart-

A bill (H. R. No. 1810) granting a pension to John A. Stewart—to the Committee on Pensions.

A bill (H. R. No. 1810) granting a pension to Elizabeth R. Hull—to the Committee on Pensions.

A bill (H. R. No. 1811) granting a pension to Fannie E. Records—to the Committee on Pensions.

A joint resolution (H. R. No. 58) authorizing an issue of clothing to

certain enlisted men of Company C, Sixth United States Cavalry-to

the Committee on Military Affairs.

A joint resolution (H. R. No. 63) concerning the Centennial Autographic Register of F. B. Taylor and E. W. Bixby—to the Committee

on the Library.

The bill (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army, was read twice by its title.

Mr. INGALLS. That bill is an exact transcript of a bill introduced in the Senate and acted upon favorably by the Committee on Claims. It now stands upon the Calendar, and to save the trouble of another reference and another report, I would ask the indulgence of the Senate that it may be acted upon now.

The PRESIDENT pro tempore. The bill will be read at length, sub-

ject to objection.

The Chief Clerk read the bill.

Mr. EDMUNDS. The bill had better be referred.
Mr. INGALLS. It has been referred and acted upon favorably by the Committee on Claims and is now on the Calendar with the report of the committee

Mr. WRIGHT. Will my friend be good enough to state its order on the Calendar?

Mr. INGALLS. I ask the Clerk to procure the files and read the

report of the committee.

Mr. EDMUNDS. Let it go over until to-morrow, and we can look

Mr. WRIGHT. I think my friend from Kansas had better let it go

over until to-morrow. I do not remember any such bill as that reported from the Committee on Claims.

Mr. INGALLS. It was reported by the Senator from Alabama not now in his seat, [Mr. SPENCER.]
Mr. WRIGHT. The Senator from Alabama is not a member of the Committee on Claims.

The PRESIDENT pro tempore. Senate bill No. 27 was reported by the Committee on Military Affairs.

Mr. INGALLS. What is its order of business?

The PRESIDENT pro tempore. It is No. 70 in the order of busi-

Mr. INGALLS. On the top of page 5 in the current Calendar. Mr. WRIGHT. I was very certain that no such bill had been be-

fore the Committee on Claims.

Mr. INGALLS. It was reported from the Committee on Military Affairs of the Senate.

Mr. WRIGHT. I think that is the case; but I think the bill had better be passed over until to-morrow, or at least that it should have a reference.

Mr. INGALLS. I cannot understand the necessity for any further reference because it has been already acted upon by the Committee on Military Affairs and reported by it.

Mr. EDMUNDS. Am I to understand that there is a printed re-

port?

Mr. INGALLS. There is; and I ask that it be read.
Mr. EDMUNDS. Let the bill go over until to-morrow and we can look at the report. The matter has never been up before. The Senator does not object to that course?
Mr. INGALLS. No, sir, I have no objection.
Mr. EDMUNDS. It will not make any special difference to the

Senator?

Mr. INGALLS. Nothing, except that this officer's accounts have remained suspended for I think two or three years in consequence of the failure of Congress to pass a bill in his favor. It is an act of simple justice to him, and certainly it ought to have the immediate action of the Senate.

Mr. EDMUNDS.

Mr. EDMUNDS. It does not look so clear to me. The PRESIDENT pro tempore. Does the Senator from Vermont ob-

The PRESIDENT pro tempore. Does the Senator from Vermont object to the present consideration of the bill?

Mr. EDMUNDS. Yes, sir.

The PRESIDENT pro tempore. The bill will lie on the table.

Mr. EDMUNDS. Let the bill be printed. It is a House bill and ought to be printed.

The PRESIDENT pro tempore. The order to print will be made.

## PETITIONS AND MEMORIALS.

Mr. McMILLAN. I present a petition of citizens of Minnesota, praying for the establishment of a semi-weekly mail-route from Albany Station to Leedston, in that State. I beg leave to say that the petition is directed to the Postmaster-General, but it is evidently intended for the Senate. I move its reference to the Committee on

ntended for the Senate. I move its reference to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

Mr. FRELINGHUYSEN presented the petition of O. N. Bancroft and several other citizens of Ocean County, New Jersey, praying that Treasury notes be received for taxes, duties, &c., and be made interchangeable for Government bonds, and that the bank currency may be reduced 25 per cent. annually and supplied by greenbacks; which was referred to the Committee on Finance.

Mr. WINDOM presented the petition of 1.104 citizens of Wisconsin.

Mr. WINDOM presented the petition of 1,104 citizens of Wisconsin, praying for an appropriation to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, according to the third plan recommended by General Warren; which was referred to the Committee on Commerce.

Mr. LOGAN presented the petition of William Aldrich, president of the Merchants' Exchange, and other merchants of Chicago, Illinois, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the petition of Field, Lester & Co., John V. Far-

well & Co., Stettaur Brothers, and other leading merchants of Chicago, praying for the repeal of the bankrupt law, the repeal to take effect at a date not later than July 1, 1876; which was referred to the Committee on the Judiciary.

He also presented the petition of Nicholas Vedder, late additional paymaster United States Army, praying to be allowed a credit of \$1,500 in the settlement of his accounts for an alleged overaddition in payments to troops, and also to have refunded to him out of the Treasury the sum of \$6,500 alleged to have been stolen from him by Major H. K. Lawrence, who was assigned to count certain moneys transferred to him by Major H. O. Brigham, chief paymaster at New Orleans in the year 1863; which was referred to the Committee on

Mr. DORSEY presented the petition of citizens of Columbia County,

Arkansas, praying Congress to aid in the construction of the Texas Pacific Railroad; which was referred to the Committee on Railroads.

Mr. WHYTE presented the petition of Samuel C. Barney, late a lieutenant on the retired list of the United States Navy, praying that he may be restored to the retired list; which was referred to the Committee on Naval Affairs.

mittee on Naval Affairs.

Mr. DENNIS presented the petition of Samuel Harlan and others, officers of the Eastern Shore Steamboat Company, praying an appropriation for the improvement of the navigation of the Pokomoke River; which was referred to the Committee on Commerce.

Mr. BOOTH presented a memorial of the Legislature of California, in favor of such legislation as may afford protection to the actual settlers on certain lands in that State with due respect to the rights of the Cautral Pacific and Western Pacific Railroad Companies; and further Cautral Pacific and Western Pacific Railroad Companies; and further Cautral Pacific and Western Pacific Railroad Companies; and further Cautral Pacific and Western Pacific Railroad Companies; and further Cautral Pacific and Western Pacific Railroad Companies; and further Cautral Pacific Railroad Companies. the Central Pacific and Western Pacific Railroad Companies; and, further, that the Commissioner of the General Land Office and the Secretary of the Interior be requested to suspend further action touching either the issuance to said railroad companies of any evidence of title to said lands or the cancellation of the evidences of title heretofore issued by the United States to those who have been made patentees under the laws of the United States, and take such action as will protect the actual settlers in all such cases; which was referred to the Committee on Public Lands.

Mr. MITCHELL presented the petition of E. R. Abraham and others, praying for the removal of the parking and fencing on square 634, in the city of Washington, District of Columbia; which was referred to the Committee on the District of Columbia.

the Committee on the District of Columbia.

Mr. CONKLING presented a petition of citizens of Lowville, New York, praying the repeal of the bankrupt act; which was referred to the Committee on the Judiciary.

Mr. SARGENT. Yesterday my colleague [Mr. BOOTH] presented a memorial of the Legislature of California, asking for appropriate legislation to give the people of that State lower charges for the transmission of telegraphic messages, the price now paid being twenty-five cents a word, which is an illustration perhaps of the difficulty throughout the whole country. Several bills are pending before the Committee on Post-Offices and Post-Roads relating to that matter. The resolution of the Legislature of California was referred to the Committee on Commerce, which is not, I believe, considering the subject. mittee on Commerce, which is not, I believe, considering the subject. If in order, I ask that a change of reference be made, and that the memorial be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDENT pro tempore. The Chair hears no objection, and that change of reference will be made.

## REPORTS OF COMMITTEES.

Mr. SHERMAN. I am directed by the Committee on Finance, to whom was referred the bill (8. No. 75) to amend section 5138 of the Revised Statutes of the United States, permitting national banks to organize with a capital of \$50,000 in towns irrespective of population, to report it back, with a written report, adversely. I move, unless the Senator from Kansas [Mr. Ingalls] objects, that the bill be in-

the Senator from Kansas [Mr. INGALLS] objects, that the bill be indefinitely postponed.

Mr.INGALLS. I have received numerous communications from national banks and banking corporations, both in cities and in rural districts, all urging that some measure of this kind might receive favorable action at this session of Congress, and, if the Senator from Ohio has no objection, I would like to have the bill go upon the Calendar, with the adverse report of the committee.

with the adverse report of the committee.

Mr. SHERMAN. Very well.

The PRESIDENT pro tempore. The bill will be placed upon the Calendar and the report will be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 389) for the relief of Edward Corselius and seven other persons, late members of the First Michigan Cavalry Veteran Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 349) for the relief of Evin Hughs, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 377) for the relief of the widow of Harvey Hensley, submitted an adverse report thereon; which was ordered to be printed, and the

bill was postponed indefinitely.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the bill (S. No. 4) for the relief of William Bowlin, re-

ported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 163) for the relief of J. M. Thompson, late chaplain First South Carolina Volunteers, afterward Thirty-third United States Colored Troops, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAMERON, of Pennsylvania, from the Committee on Foreign Relations, to whom was referred the petition of C. W. Brink, praying compensation while employed in carrying dispatches from the United States minister at Mexico to the United States Government at Washington, during the year 1869, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 2) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands, reported it without amendment. Mr. CAMERON, of Pennsylvania. I am also directed by the same

committee, to whom was referred the joint resolution (H. R. No. 65) authorizing Edwin James, consular agent at San José, to accept a piece of plate from the Queen of Great Britain, to report it without amendment. This person rendered very important service to Great Britain, as is detailed in a letter from the British minister.

The PRESIDENT pro tempore. The joint resolution will be placed

on the Calendar.

### E. RUMSEY WING.

Mr. CAMERON, of Pennsylvania. I am also directed by the Committee on Foreign Relations, to whom was referred the bill (S. No. 382) to appropriate \$1,000 to remove the remains of Hon. E. Rum-382) to appropriate \$1,000 to remove the remains of Hon. E. Runsey Wing, late minister to Ecuador, from Quito to the cemetery at Louisville, Kentucky, to report it with an amendment; and if there is no objection I ask for its present consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

Mr. EDMUNDS. I would like to have that explained a little, and know what are the precedents for it before I object.

Mr. CAMERON, of Pennsylvania. The Senator from Kentucky [Mr. McCreery] can explain it better than I can.

Mr. EDMUNDS. It ought not to be done except in case of extreme destitution. Does the Senator from Pennsylvania know any prece-

Does the Senator from Pennsylvania know any precedestitution. dent for it?

Mr. CAMERON, of Pennsylvania. The Senator from Kentucky

will be good enough to explain.

Mr. McCREERY. The only explanation that I can make is that
Hon. E. Rumsey Wing was appointed minister from this country to
the court of Ecuador, in South America, where he died in the discharge of his duty. An appropriation of \$1,000 has been made here-tofore for the removal of the remains of a former minister, as I have been informed by the Secretary of State. I introduced this bill upon the settled practice, as I regarded it, of this country. The same amount was appropriated for the removal of the remains of Minister Coggeshall that we ask in this instance. I do not suppose there is any serious question about this matter or any doubt of the power of this Government any more than there would be to transfer the remains of a member of this body dying here to his home for interment.

Mr. EDMUNDS. As far as I recollect, the precedent to which the

Senator from Kentucky refers was a case where it appeared, and was so reported by the Committee on Foreign Relations, that the minister died in extreme destitution, and that his family and friends were from poverty absolutely unable to provide for his body being brought back to the United States, and on that ground the law was passed. Although that is pretty doubtful ground, still we did it. If this case is of that character, then the instance referred to would be a precent is of that character, then the instance referred to would be a precedent. I would like to ask the Senator from Kentucky what was the

dent. I would like to ask the Senator from Kentucky what was the condition of this gentleman, when he died, as to pecuniary resources? Mr. McCREERY. I dislike to go into any gentleman's private affairs on an application of this sort; but Mr. Wing was a young man. He was a man of capacity, a man of character, but as far as this world's goods are concerned I think, although he could not have been styled destitute, he was probably in what might be termed reduced circumstances. I do not know that his family could undergo the charge of the removal of his remains. I do not know that they are able to do so. I suppose probably the remarks which were made in reference to the case to which the gentleman alludes may be equally applicable to Mr. Wing. I believe what I have stated with regard to Mr. Wing, that he had little beyond his capacity and integrity. I hope that the Senator from Vermont will withdraw his objection and allow the Senate to proceed with the consideration of this bill. I knew Mr. Wing very well, knew him from his birth, and I have rarely known a more accomplished gentleman, or a young man of higher promise or brighter

Mr. BOGY. I would inquire of the Senator from Kentucky if it is intended that this bill should pass by the vote of the other side of the House exclusively? because this side has not heard a word which he has said. If he expects to get our votes, we should be very glad to hear his statement.

Mr. EDMUNDS. Let the bill go over until to-morrow.

Mr. BOGY. If the Senator from Kentucky has deserted his side and gone over to that side, if it is an exclusive thing of that kind, we

have nothing to do with it.

Mr. McCREERY. I did not know that there was any objection on that side. I was addressing my remarks principally to the objector. I did not know that the Senator from Missouri had any objection whatever to the appropriation for the removal of the remains of Mr.

Wing.

Mr. BOGY. We may have no objection, but we are anxious to hear

A therefore ask him to speak a little louder. the Senator always, and I therefore ask him to speak a little louder.

Mr. McCREERY. The Senator from Vermont, as the Senator from Missouri, may not have heard his last remark, proposes that the bill shall go over until to-morrow.

Mr. EDMUNDS. I think the bill shad better go over, and we will

look at the precedents.

The PRESIDENT pro tempore. The bill will go over.

#### LIEUTENANT HENRY METCALFE.

Mr. CAMERON, of Pennsylvania. I am also directed by the Committee on Foreign Relations, to whom was referred the joint resolution (S. R. No. 5) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey, to report it back without amendment, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, preceded to consider the joint resolution. It authorizes

Whole, proceeded to consider the joint resolution. It authorizes First Lieutenant Henry Metcalfe, of the Ordnance Department of the United States Army, to accept a decoration of the Order of the Osmanie, which has been tendered him by the Sultan of Turkey as an evidence of his appreciation of the efforts of that officer in conducting the inspection of arms and ammunition now making for the imperial Ottoman government in the cities of Providence, Rhode Island,

and Bridgeport and New Haven, Connecticut.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time,

and passed.

#### CLAIMS OF REVOLUTIONARY OFFICERS.

Mr. ANTHONY. I am directed by the Committee on Printing, to whom was referred the resolution to print one thousand extra copies of the report of the Committee on Revolutionary Claims for the use of the Senate, to report back the same without amendment and re-commend its passage. I ask for its present consideration. The resolution was considered by unanimous consent and agreed to,

as follows:

Resolved. That one thousand extra copies of the report of the Committee on Revolutionary Claims on Senate bill No. 137 be printed for the use of the Senate.

#### REDEMPTION OF TAX LANDS.

Mr. BAYARD. I am instructed by the Committee on Finance, to whom was referred the bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes, to report it without amendment. If there be no objection, as the bill, if it is to have effect, had better be passed at once, I ask for its present consideration.

By unanimous consent, the Senate as in Committee of the Whole proceeded to consider the bill which extends to February 1, 1877, the time within which lands held by the United States under the several

time within which lands held by the United States under the several acts levying direct taxes may be redeemed, and provides that the expenses already incurred in preparing for the sale of lands held by the United States under the several acts levying direct taxes may be paid out of any money in the Treasury not otherwise appropriated by law.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PERSONAL EXPLANATION.

Mr. MORTON. I rise for a moment to a personal explanation. find in the Baltimore Sun of this morning what purports to be the evidence of James E. Lyon, of Racine, Wisconsin, before the Committee on Foreign Affairs in the House yesterday, relating to the Emma silver mine speculation. This I believe is the report of the Associated

Mr. Lyon said that originally he owned a one-third interest in the Monitor lode, which afterward became the Emma mine, and detailed at length how Henry H. Baxter and T. W. Parke came to purchase an interest in the Monitor lode for \$375,000. Suits arose, and the witness, to secure his right, employed ex-Senator Wm. M. Stewart, of Nevada, and General Hilyer, under a written contract, as his counsel. He and Stewart visited Salt Lake City, where they met Senator Morron, to whom Stewart related the difficulty of obtaining a trial in the courts of that Territory. Mr. Morron said it was all wrong, when Mr. Stewart-replied that if Mr. Morron would assist he should have \$20,000. An effort was made to have Judge McKean removed, but without success. They objected to McKean because he was engaged in trying in his own court a case in which he was interested, being the president of and a large shareholder in a company engaged in litigation with another similar mining company.

This statement would leave the inverses of the state o

This statement would leave the impression, perhaps, that I had accepted a fee of \$20,000 in that case, and that I had participated in the attempt to have Judge McKean removed. In it there is not one syllable of truth. The whole matter is this: I was on my way home from Congress at the adjournment in 1871, I believe it was. Mr. Stewart,

then a member of this body, came to me on the train between here and Pittsburgh and stated the circumstances of a lawsuit then pending in the Territory of Utah. He made some statement in regard to the conduct of the court, and wished to have me retained as assistant counsel in the case, stating that if he should be successful I would receive a large fee. I do not think any sum was mentioned. He introduced to me a gentleman on the train, one of the parties in interest, who I am now informed is Mr. Lyon, this witness. I supposed at first that it was legitimate, professional employment, and told Mr. Stewart that I would take it under advisement, and, if I thought well of it, I would accede to his wish to meet him at Salt Lake City and examine into the case. He proposed that I should come there and consult with him in regard to it at a certain time. In that way we parted. Afterward I became satisfied that it was not a case in which I, as a member of the Senate of the United States, could engage. I received a dispatch from Mr. Stewart to meet me in Salt Lake City. I declined to go. I never did meet him there. I never had anything to do with the Emma Mine case. I never had any conversation with him afterward in regard to the subject, and the whole matter dropped right there. I became satisfied that the object of the parties—I will not say that it was Mr. Stewart's purpose—was to secure not my professional services, but my political influence in the removal of the judge. I declined to have anything to do with it. I never saw Mr. Stewart or Mr. Lyon in Salt Lake City. I went before the Committee on Foreign Affairs in the House this morning, and met Mr. Lyon there. I made my statement, which Mr. Lyon agreed was strictly correct. He said he did not testify that I had met him or Mr. Stewart in Salt Lake City or that I had ever taken a fee. This is the whole matter. My whole connection with the matter was that a fee was offered to me in the case, which, upon reflection, I afterward declined to accept, and I had nothing whatever to do with it.

#### BILLS INTRODUCED.

Mr. COCKRELL. I desire by request to introduce a bill, and I ask that the bill and accompanying memorial be printed and referred to the Committee on Railroads.

Mr. SHERMAN. I object to the memorial being printed.
Mr. COCKRELL, by unanimous consent, was granted leave to introduce a bill (S. No. 523) granting a charter to the New York and Mazatlan Air-Line Railroad, Telegraph and Immigration Company; which was read twice by its title.

Mr. COCKRELL. I ask that the bill be printed and referred to the Committee on Railroads.

Mr. SHERMAN. I not only make objection to printing the memorial, but I object to printing long bills that are so often introduced by us, by myself as well as other Senators, by request. It costs much to print a long bill, and sometimes these bills presented by request are never taken up. The title of the bill just presented is very airy, I notice. Still I have no great objection to printing the bill, but, as to printing memorials, it ought never to be done.

Mr. COCKRELL. I do not insist on printing the memorial, and I

desire to say in connection with the introduction of this bill that I know nothing of it at all. I introduce it by request, and I am not

to be considered as being for or against it.

The bill was referred to the Committee on Railroads, and ordered to be printed.

Mr. KEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 524) to amend section 1002 of the Revised Statutes relating to the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 525) to amend section 994 of the Revised Statutes relating to the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and or-

dered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 526) to amend section 1036 of the Revised Statutes relating to the District of Columbia; which was read twice by its time, referred to the Committee on the District of Columbia, and or-

dered to be printed.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 527) for the relief of Major Nicholas Vedder,

introduce a bill (8. No. 527) for the rener of analor Micholas vedder, paymaster United States Army; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CHRISTIANCY asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 528) to incorporate the Capital Gas Company of the District of Columbia; which was read twice by its title

Mr. CHRISTIANCY. I introduce this bill by request. I do not ask that it be printed. It is House bill No. 2166. I ask its reference to the Committee on the District of Columbia.

Mr. MORRILL, of Vermont. I wish to say that the Committee on Public Buildings and Grounds do not desire to monopolize any business; but they have a bill now before them in relation to another gas company, which was first referred to the Committee on the District of Columbia. I therefore submit to the Senator from Michigan that this bill be referred to the Committee on Public Buildings and

Mr. CHRISTIANCY. I have no objection to that reference,

The PRESIDENT pro tempore. The bill will be referred to the Committee on Public Buildings and Grounds if there be no objection.

Mr. INGALLS. I have been requested to introduce a bill, and I do so without committing myself to its provisions, for I have not had the time to examine it.

By unanimous consent, leave was granted to introduce a bill (S. No. 529) for the liquidation of the debt of the Kansas Pacific Railway Company to the United States; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 530) to re-imburse purchases at direct-tax sales in Arkansas, declared illegal by United States courts in consequence of a defective board of commissioners; which was read twice by its title.

Mr. DORSEY. I suggest that the bill be referred to the Commit-

tee on Claims. Mr. WRIGHT. Mr. WRIGHT. I think that matter legitimately belongs to the Committee on Finance. It has been there before, at the last session, and I think the bill should be referred to that committee.

Mr. DORSEY. I have no objection to that reference.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Finance and printed, if there be no objection.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 531) for the relief of Captain James M. Beebe; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. KERNAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 532) to authorize the restora-

tained, leave to introduce a bill (S. No. 552) to authorize the restoration of Nathan D. A. Sawyer to the rank of captain and quartermaster in the Army; which was read twice by its title, referred to the
Committee on Military Affairs, and ordered to be printed.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 533) to explain and perfect
previous legislation relating to expenses of the United States commissioner to the international prison congress; which was read twice by its title, referred to the Committee on Foreign Relations, and or-

dered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 534) to establish a mail-route; which was read twice by its title, referred to the Committee on Post-Offices and

and ordered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 535) granting a pension to Armstead Goodlow; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 536) granting the right of way through the public lands for wagon-roads over the Blue Mountains, in the State of Oregon; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

### WORKS OF ART AT THE CENTENNIAL.

Mr. MORRILL, of Vermont, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire as to the expediency of allowing artists having examples of their works in the National Statuary Hall the privilege of exhibiting the same at the Centennial Anniversary of American Independence in Philadelphia, with conditions for their safe return.

### MILITARY ACADEMY APPROPRIATION BILL

The PRESIDENT pro tempore. If there be no further resolutions, the morning hour has expired, and the unfinished business of yesterday is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, the pending question being on the amendment of the Committee on Appropriations to strike out, commencing on line 35, page 2, the following

For sixteen musicians for companies, \$2,496: Provided, That sections 9 and 10 of the act approved March 3, 1875, entitled "An act making appropriations to supply deficiencies in the appropriations for itsell years ending June 30, 1875, and prior years, and for other purposes," be, and the same are, repealed.

And in lieu thereof to insert:

For pay of Military Academy band, \$14,880.

The amendment was agreed to

The next amendment of the Committee on Appropriations was on page 3, lines 51 and 52, to increase the appropriation "for repairs and improvements and for pay of citizen mechanics and laborers employed upon repairs that cannot be done by enlisted men" from \$12,000 to \$14,500.

\$14,500.

Mr. EATON. I hope, before we agree to the committee's amendment increasing the expenditures, that the chairman of the committee will inform us of the necessity of it.

Mr. ALLISON. I will state that the estimates provide for \$22,500 to carry on the ordinary repairs of the different buildings at West Point. The Committee on Appropriations of the House fixed the sum at \$12,000. Upon consultation and examination at the proper places, the Committee on Appropriations of the Senate thought that \$14,500 was actually necessary to keep these buildings in proper repair, and

therefore they have added \$2,500 to the appropriation as the bill came to us from the House. I can assure the Seuator from Connecticut that this sum is necessary to keep in proper preservation the numerous

buildings at West Point.

Mr. EATON. I notice the bill coming from the other House calls for \$12,000 for repairs that cannot be done by enlisted men. Do I understand the chairman of the committee or its organ, the Senator who reports this bill, to say that such an examination has been made so that he is able to say that the necessary repairs cannot be done by enlisted men unless we appropriate \$14,500 instead of \$12,000? Has

there been an accurate examination? Mr. ALLISON. I will say to the Senator from Connecticut that there has been a very accurate and careful examination of the necessary cost of these repairs. I have before me a detailed statement of sary cost of these repairs. I have before me a detailed statement of the expenditures of last year covering every item. Last year there was expended in all eighteen thousand eight hundred and twenty-eight dollars and some odd cents for this purpose. The War Department assures us from correspondence with the proper officers of the academy that the sum of \$14,500 is absolutely necessary to maintain the buildings in proper condition. I have somewhere the statement of the Secretary of War upon that point, but I cannot lay my hand on it at this moment. The subject was very carefully and thoroughly examined, I will say to the Senator from Connecticut.

Mr. EATON. It strikes me as a very simplar fact that there should

Mr. EATON. It strikes me as a very singular fact that there should be any difference of opinion between the Senator from Iowa and any member of the House committee in regard to the absolutely necessary repairs upon the buildings at West Point. Certainly, there ought I do not desire to interpose any objection to the appropriation of a sufficient sum of money to take the necessary care of all the

buildings of that institution.

Mr. ALLISON. I now lay my hand upon the memorandum, and if the Senator from Connecticut will hear it read I will send it to the

Mr. EATON. I do not care to hear it. If the Senator has the information, that is all I require.

Mr. ALLISON. Very well.

The PRESIDENT pro tempore. The question is on the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 4 line 70, to increase the appropriation "for the compensation of the clerk to disbursing officer and quartermaster" from "\$1,200" to "\$1,500."

The amendment was agreed to.

The next amendment was on page 4 after line 70, to insert the following:

For clerk to adjutant, \$1,500. For clerk to treasurer, \$1,500.

Mr. EATON. I should like to know the necessity for this. I imagined that the honorable Senator from Iowa preferred to give \$1,500 instead of \$1,200 to one clerk, and therefore I did not care about interposing any objection to the amendment just agreed to; but here is an addition of \$3,000 for two employes which the other branch of

Congress did not suppose were necessary.

Mr. ALLISON. The clerk to the adjutant is also clerk of the aca-Mr. ALLISON. The clerk to the adjutant is also clerk of the academic corps, keeps the books and records of the academic corps, and is really the clerk to the Military Academy. The officers of the academy say this clerk is absolutely essential to the proper conduct of the business of the academy. If a separate appropriation is not made for the purpose, a clerk will be employed and paid out of the ordinary pay given to the cadets. This clerkship, I believe, was established in 1826, and a clerk has been kept there performing those duties continuously from that time until now. It is said that we cannot get along without this officer. I do not see myself how we can very well dispense with him. The clerk to the treasurer keeps the individual accounts of the cadets. Of course he is obliged to keep an accurate account of all their expenditures. There being on an average three hundred and ten cadets at the academy, it seems to me his services are absoand ten cadets at the academy, it seems to me his services are absolutely necessary. Therefore the committee have inserted these two

Mr. EATON. I am not quite satisfied with the explanation. does not seem to me that another committee who have examined this matter with great thoroughness could have made two mistakes of this character. If it were unnecessary that there should be two clerks—for clerk to adjutant, \$1,500; for clerk to treasurer, \$1,500—what necessity is there that the treasurer of that institution should have a clerk? I do not know but that he ought to do the business himself.

Mr. ALLISON. I ask the Secretary to read on page 6 of the statement I send to the desk the lines that I have marked. I think the explanation there given will satisfy the Senator from Connecticut.

The Chief Clerk read as follows:

items

The Chief Clerk read as follows:

Forty-one and forty-two. The clerk to the adjutant and the clerk to the treasurer, estimated for each at \$1.500 but stricken out by the committee, are so very necessary for the proper conduct of business at the academy, that their retention cannot be too strongly urged. Enlisted men suitable for the duties cannot be had, and such duties have relation to the academy and not to the post of West Point. There has been a clerk to the adjutant of the academy ever since 1936, and one has been regularly provided for since 1834. He is in no sense a secretary to the adjutant. He is required to keep all the records relating to the cadets, to make out rolls and returns, and to record the proceedings of the academic board; and there has never been found an enlisted man who could, even temporarily, supply his place. Attention is invited to the letter of the adjutant, Colonel Robert H. Hall, appended, marked A.

The treasurer's clerk has also been recognized since 1833. He is the book-keeper for cadets' accounts. An account is kept with each cadet, and his duties cover the preparation of returns and all other transactions that fall within the province of the treasurer, whose business relates to the affairs of the cadets, and who also performs the duty of an instructor. Even if the duties of a book-keeper could with propriety be expected of this officer, he has no time to perform them, and an assistant is absolutely necessary. His principal responsibility is the care of and accountability for the money received from the paymaster on account of cadets, and the disbursement thereof under orders and regulations.

Mr. MAXEY. The fact is that the cadets never draw that money at all. Their entire accounts are kept as stated in the paper that has just been read at the desk; and when you consider that there is a cadet appointed by every member of the House of Representatives and every Delegate from a Territory, that there are ten from the United States at large, and all those accounts have to be kept for every item of expenditure, however small, by each cadet, the cadet not drawing any money, it becomes apparent that the services of a clerk are necessary. Until I heard the statement read a moment ago, however, I did not know what was the amount of his salary; but I am quite satisfied with its correctness.

fied with its correctness.

Mr. EATON. It does not manifestly appear to me, as it manifestly appears to the Senator from Texas, nor do I believe that the treasurer cannot keep his own accounts while sitting in his arm-chair at

Mr. ALLISON. The treasurer is also an instructor at the academy,

Mr. ALLISON. The treasurer is also an instructor at the academy, and is constantly employed.

Mr. EATON. If he is constantly employed in doing something else, then the clerk had better be called the treasurer, it seems to me. However, I see my friends are determined that there shall be no retrenchment here under any circumstance, and all I can do is to vote against these amendments.

Mr. SARGENT: In reply to the remark of my friend from Connecticut I would like to say that the committee themselves considered that in this bill they had cut off every dollar that could be spared. There is retrenchment in the bill, and we did not go further because we thought that to do so would be injurious to the service.

Mr. EATON. I have no doubt that the Senate Committee on Appropriations have done what they considered to be right; but what suited them, or what they believed to be right, may not suit me. Therefore I am opposed to the amendments.

The PRESIDENT pro tempore. The question is on the amendment

of the committee.

The amendment was agreed to; there being on a division-ayes

23, noes 20.

The next amendment of the Committee on Appropriations was on page 5, after the word "dollars," in line 101, in the appropriation for department of chemistry, mineralogy, and geology, to insert the

Pay of mechanic employed in chemical and geological section rooms and in lecture room, \$1,050.

The amendment was agreed to.

The next amendment was on page 5, line 108, in the appropriation for department of natural and experimental philosophy, to increase the item "for additions to the apparatus to illustrate the laws in mechanics, optics, and acoustics" from \$600 to \$1,000, and to insert at the end of the paragraph the words—

For pay of mechanic, \$1,000

The amendment was agreed to.

The next amendment was on page 6, line 120, to strike out "one" and insert "two," and at the end of the paragraph of the appropriations for department of law to insert:

Provided, That the professor of law may be commissioned in the same manner as the other professors.

So that the clause will read:

For text-books and stationery and books of reference for the use of instructors, \$200: Provided, That the professor of law may be commissioned in the same manner as the other professors.

The amendment was agreed to.

the Senate will not strike it out.

The next amendment was on page 7, line 151, to increase the pay of librarian's assistant from \$120 to \$1,000.

The PRESIDENT pro tempore. The question is on the amendment

just reported.

The question being put, there were on a division—ayes 20, noes 23.

Mr. ALLISON. I ask for the yeas and nays.

Mr. ALLISON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. ALLISON. I desire to say one word in explanation of this amendment. The adjutant of the post is the librarian. Of course his duties are the ordinary duties of an adjutant, having care of the four companies and of the post. An assistant must be employed who will be constantly in the library receiving and delivering books to the students and others entitled to them. If I may state what occurred in the minds of the House committee, they supposed that an enlisted soldier or a sergeant could discharge these duties, but on examination it is found that a librarian or an assistant librarian is actually necessary at the post; one who is familiar with the books, who will be assistant normal is actually necessary at the post; one who is familiar with the books, who will be constantly present delivering books to students, receiving books from them, and keeping an accurate record of the operations of the library. That is the sole reason why we have changed this appropriation for an assistant librarian which has existed for a number of years. I trust

Mr. EATON. The Senator from Iowa informs the Senate that the adjutant is a librarian. We have just added \$1,500 that the House committee did not think was necessary, for a clerk to that officer. Now, then, let the clerk attend to the duties of the adjutant; the adjutant is the librarian. The Senate have seen fit to give that officer a clerk and to pay the clerk \$1,500. Let him attend to the duties of his principal when his principal is otherwise engaged. I trust the Senate will not adopt the amendment.

Mr. DAVIS. I think the Senator from Connecticut is correct in his

Mr. DAVIS. I think the Senator from Connecticut is correct in his conclusions, and that his view of the case did not occur to the Senate committee. At least, it was not stated in committee. My own impression is that the clerk that we have given to the adjutant should take the place of the assistant librarian, and that this provision ought to be stricken out entirely. It should not be granted, even at the \$120 which the House put in. The House added \$120 because they reduced the clerk to the adjutant, and I think the Senate was right, when, on a division a moment ago, it refused to agree with the recommendation

of the Committee on Appropriations.

The question being taken by yeas and nays, resulted—yeas 25, nays

23; as follows:

YEAS—Messrs. Allison, Anthony, Bruce, Cameron of Wisconsin, Christiancy, Conkling, Dorsey, Ferry, Frelinghuysen, Hamlin, Jones of Nevada, Logan, Maxey, Mitchell, Morrill of Maine, Morrill of Vermont, Oglesby, Paddock, Robertson, Sargent, Spencer, Wadleigh, West, Windom, and Wright—25.

NAYS—Messrs. Bayard, Bogy, Cockrell, Cooper, Davis, Eaton, English, Goldthwaite, Hamilton, Johnston, Kelly, Kernan, Key, McCreery, McDonald, Merrimon, Norwood, Ransom, Stevenson, Thurman, Wallace, Whyte, and Withers—33.

ABSENT—Messrs. Alcorn, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conover, Cragin, Dawes, Dennis, Edmunds, Gordon, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, McMillan, Morton, Patterson, Randolph, Saulsbury, Sharon, and Sherman—25.

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 7, line 154, to increase the appropriation "for contingencies for Superintendent of the academy" from \$200 to \$1,000.

Mr. WHYTE. At the proper time, for I suppose it will not be in order until the vote shall have been taken upon the amendments proposed by the committee, I shall move to strike out this whole clause in the bill. It should not be there at all. As I understand, it is an indirect way of increasing the salary of the Superintendent at the academy. The appropriation might be styled "for wining visitors at the West Point Academy," and these words would perhaps indicate more thoroughly the purpose for which the appropriation is made. It is intended for entertainment. The Superintendent at the academy ought not to be obliged to entertain anybody who visits that institution. If he chooses to entertain people, he should do so at his own and not at the public expense. I therefore think that no appropriation whatever ought to be made for that purpose; least of all should it be increased from

\$200 to \$1,000. Mr. ALLISON. This is an appropriation that has found its way into our appropriation bills for many years. The House reduced the sum of \$1,000 to \$200. I quite agree with the Senator from Maryland that if the sum is to be reduced at all, it ought to be stricken out entirely. The idea of appropriating the sum of \$200 for contingencies to the Superintendent of the academy, it seems to me, is rather too small. The Committee on Appropriations believed that this year especially The Committee on Appropriations believed that this year especially it would be rather important that the Superintendent of the academy should have a contingent fund, and they do not think the sum of \$1,000 is too large. That is all there is to it.

Mr. WEST. I should like to have read the remarks in the statement in regard to this subject which I have marked. If the Senator from Maryland will give his attention he will see what the proposition is

tion is.

The Secretary read as follows:

The Secretary read as follows:

The Appropriation Committee propose a reduction of \$500 on the estimate of \$1,000 for contingencies of Superintendent. The allowance of \$1,000 for contingencies heretofore given the Superintendent, and of which the last year's Board of Visitors, including the Congressional committees, recommended an increase, (see page 16, Board of Visitors' report), was given by Congress to enable the Superintendent to meet extra expenses for entertainment. The recommendation referred to was given without the solicitation or knowledge of the Superintendent, who expresses the opinion that it would be preferable to have nothing for such purpose unless the amount was sufficient to be substantial. The allowance was intended for an increase of pay, under another name, to the Superintendent, to enable him to perform the requirements of courtesy and hospitality becoming the position. He could not do so on the pay of a colonel, and the office of Superintendent confers no emolument upon the present incumbent, who receives now only the allowances to which he would be entitled were he commanding an ordinary military post in any part of our country, and by the provisions of the bill as submitted will receive less, as the proposed bill deprives him, as well as other officers, of longevity pay while at West Point. Therefore, unless the amount is substantial, it would be better to strike it out entirely, as in that event none of the courtesies looked for by distinguished visitors from home and abroad could be extended to him, beyond what could be done on his pay proper.

Mr. WEST. I am not aware exactly when this allowance was

Mr. WEST. I am not aware exactly when this allowance was originally instituted. Perhaps the Senator from Iowa can state when; but at all events it has been the usage for years to make some allowance to the Superintendent of the Military Academy. The recent Congressional committee and the late Board of Visitors, who examined into the matter, expressed an opinion that, instead of being reduced or abated, the amount should be increased. Such appropriations and such allowances are quite common throughout the civil service of the United States and it is for the Contraction. service of the United States, and it is for the Senate to consider whether in dispensing the hospitality incident to the position of the commanding officer of that place, he has any claim upon the public

for an allowance. We all know that a number of visitors from all sections of the Union, and during this centennial year undoubtedly from Europe, will visit the institution, and it were better not to attempt any hospitality to be shown them at all unless we do it upon a scale commensurate to their deserts. The appropriation is no new one. It is a continued one, and it is simply for the Senate to say whether they will extend their idea of economy in that direction at the present time, when of all others it would seem there was the greater necessity for the fund, because unquestionably the calls and demands upon that officer's hospitality and courtesy will in this centennial year be greater than ever before. Should we next year see proper to reduce it, it could be urged with much more propriety than it can to-day

The PRESIDENT pro tempore. The question is on agreeing to the

amendment.

Mr. COCKRELL called for the yeas and nays; and they were or-

dered.

Mr. COOPER. I shall vote for the amendment upon the idea that if any such fund be appropriated at all, it ought to be more than that appropriated by the House; but when the question comes up I shall vote for the amendment suggested by the Senator from Maryland against any appropriation for this purpose whatever.

The question being taken by yeas and nays, resulted—yeas 26, nays

YEAS—Messrs. Allison, Anthony, Bayard, Bruce, Cameron of Wisconsin, Christiancy, Conover, Cooper, English, Ferry, Frelinghuysen, Hamlin, Logan, McMillan, Maxey, Mitchell, Morrill of Vermont, Morton, Oglesby, Ransom, Robertson. Sargent, Spencer, West, Windom, and Wright—26.

NAYS—Messrs. Cockrell, Goldthwaite, Hamilton, Johnston, Kelly, Key, McCreery, McDonald, Merrimon, Norwood, Stevenson, Wallace, Whyte, and Withers—14.

ers—14.
ABSENT—Messrs. Alcorn, Bogy, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conkling, Cragin, Davis, Dawes, Dennis, Dorsey, Eaton, Edmunds, Gordon, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, Jones of Nevada, Kernan, Morrill of Maine, Paddock, Patterson, Randolph, Saulsbury, Sharon, Sherman, Thurman, and Wadleigh—33.

So the amendment was agreed to.

The next amendment of the Committee on Appropriations was on page 7 to strike out line 156, as follows:

For printing catalogue for library, \$100.

The amendment was agreed to.

The next amendment was on page 7 to insert the following paragraph after line 158:

For continuing the system of sewerage from barracks and quarters, \$8,000.

The amendment was agreed to.

The next amendment was on page 7, line 162, after the word "officer' to strike out the words "of the proper staff corps;" so as to read:

That the Secretary of War be hereby directed to detail a competent officer to act as quartermaster and commissary for the battalion of cadets.

The amendment was agreed to.

The next amendment was on page 8, line 168, before the word "officer" to strike out the word "staff;" so as to read:

And such officer so assigned shall perform all the duties of purveying and supervision for the mess.

The amendment was agreed to.

The PRESIDENT pro tempore. This exhausts the amendments of the committee. The bill is still open to amendment.

Mr. WHYTE. I now move to strike out lines 153 and 154, in the

following words:

For contingencies for Superintendent of the academy, \$1,000.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Maryland.

Mr. WHYTE. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas

19, nays 23; as follows:

19, nays 23; as follows:

YEAS—Messrs. Bogy, Caperton, Cockrell, Cooper, Davis, Eaton, Johnston, Kelly, Key, McCreery, McDonald, Merrimon, Norwood, Stevenson, Thurman, Wadleigh, Wallace, Whyte, and Withers—19.

NAYS—Messrs. Allison, Anthony, Bruce, Cameron of Wisconsin, Christiancy, Conkling, Conover, Ferry, Freinghqysen, Goldthwaite, Hamlin, Logan, McMillan, Maxey, Mitchell, Morrill of Vermont, Morton, Ransom, Robertson, Sargent, West, Windom, and Wright—23.

ABSENT—Messrs. Alcorn, Bayard, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Clayton, Cragin, Dawes, Dennis, Dorsey, Edmunds, English, Gordon, Hamilton, Harvey, Hitchcock, Howe, Ingalls, Jones of Florida, Jones of Nevada, Kernan, Morrill of Maine, Oglesby, Paddock, Patterson, Randolph, Saulsbury, Sharon, Sherman, and Spencer—31.

So the amendment was rejected.

The bill was reported to the Senate as amended.

Mr. DAVIS. I wish to reserve the amendment adopted in Committee of the Whole, from line 35 to 42, relative to the band and musi-

The PRESIDENT pro tempore. That amendment will be reserved. The question is on concurring in the amendments of the Committee of the Whole in gross, with the exception of the amendment indicated by the Senator from West Virginia.

Mr. McDONALD. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. KERNAN. On this bill I am paired with the Senator from South Carolina, [Mr. Patterson.] He would vote "yea" and I should vote "nay" on this particular question, if he were present.

The question being taken by yeas and nays, resulted-yeas 28, nays 16; as follows:

YEAS—Messrs. Allison, Anthony, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Conover, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamlin, Ingalls, Logan, McMillan, Maxey, Mitchell, Morrill of Vermont, Morton, Robertson, Sargent, Sharon, Sherman, Wadleigh, West, Windom, and Wright—98.

—98.
NAYS—Messrs. Bogy, Booth, Cockrell, Davis, Eaton, Goldthwaite, Hamilton, Kelly, Key, McCreery, McDonald, Norwood, Stevenson, Thurman, Whyte, and Withers—16.
ABSENT—Messrs. Alcorn, Bayard, Boutwell, Burnside, Caperton, Clayton, Cooper, Cragin, Dawes, Dennis, English, Gordon, Harvey, Hitchook, Howe, Johnston, Jones of Florida, Jones of Nevada, Kernan, Merrimon, Morrill of Maine, Oglesby, Paddock, Patterson, Randolph, Ransom, Saulsbury, Spencer, and Wallace—29.

So the amendments were concurred in.
The PRESIDENT pro tempore. The amendment reserved will now

The CHIEF CLERK. The amendment reserved is to strike the following words:

For sixteen musicians for companies, \$2,496: Provided, That sections 9 and 10 of the act approved March 3, 1875, entitled "An act making appropriations to supply deficiencies in the appropriations for fiscal years ending June 30, 1875, and prior years, and for other purposes," be, and the same are, repealed.

And in lieu thereof to insert:

For pay of Military Academy band, \$14,880.

Mr. DAVIS. The Senate has disagreed to the bill as it came to us from the House of Representatives, and struck out the words read by the Clerk, which provide among other things for sixteen musicians at a compensation of \$2,496. It will be seen that that is but a little over \$150 apiece. Consequently they must be enlisted men. They must be there for some purpose and paid in some other way and independent of the amount appropriated for them by the House bill in this clause. In the Book of Estimates we find the same amount asked for their support. It must be extra compensation to their pay as enlisted men.

The point is that these sixteen musicians have been, perhaps ever since 1812, a part of the institution. They are provided for by the Revised Statutes, as will be found on page 226, section 1322. If we leave those unprovided for, may not the question arise—which was leave those unprovided for, may not the question arise—which was argued with a great deal of force, and I admit most of us were afraid the opposite side of the House were correct—that the parties being left without the pay which had been provided for by law would still have a just claim against the Government? If that be so, then these men will be there to do nothing, probably, and still have their pay. What I want to call the attention of the Senate to, and especially of the Senator from Iowa who has charge of this bill, is whether he had not better in some way provide for the sixteen musicians fixed by law: and if he wishes to continue the had proper which is not prolaw; and if he wishes to continue the band proper, which is not provided for by any statute, he had better drop sixteen of the band, which can be done very well and violate no statute. The Senate has decided that forty shall be the entire number. As it stands now, if I am correct that the sixteen will be retained, there will be fifty-six men in the band.

I throw out the suggestion for the consideration of the Senator from Iowa, who has the bill in charge, not making any objection to what the Senate has done, but desiring to prevent the duplication of

sixteen musicians.

Mr. ALLISON. I find on examination of the statutes that section Mr. ALLISON. I and on examination of the statutes that section 1322 of the Revised Statutes provides for four musicians to each company of cadets. These musicians are enlisted men, as I understand, in the Army, and they are paid as enlisted men. I do not think it is necessary to appropriate for these musicians, who are simply fifers and drummers and attached to the companies when they are on drill. Therefore, whether that clause is in or out, these musicians will be enlisted men and will be attached to these companies for duty. On examination, the Senator having called my attention to the subject privately, I do not think it is necessary to make any provision in reference to it. Of course this band is a very different thing from the company musicians. The company musicians are usually private enlisted soldiers and attached to the companies of cadets.

Mr. DAVIS. According to the view of the Senator from Iowa, who has the bill in charge, there would be fifty-six instead of forty, as has been provided for. Is that his view?

been provided for. Is that his view?

Mr. ALLISON. These cadets are required to drill each day, and to be divided into companies. Of course these companies will have attached to them soldiers, enlisted men, who are musicians, and those musicians will be a different class of persons from the musicians comprising the band, as I understand; but the band itself will continue as provided for by the statute of 1875.

Mr. DAVIS. It seems to me that there is a difficulty there; but probably the best way will be to let it go to a conference committee, as it is almost sure to go there, and there it can be remedied probably as well as here.

Mr. ALLISON. I will say to the Senator that, if there is any diffi-

culty about it, it can be arranged in a conference committee.

Mr. MAXEY. I stated yesterday evening that the corps of cadets is organized into a battalion of four companies, A, B, C, and D. By law there are attached to each of these companies four musicians. They are not enlisted other than in obedience to the law as attaching company musicians to each of these companies—two drummers and

two fifers. In company drill these drummers and fifers perform duties with the companies. When the four companies are thrown together into battalion, then the field-music, made up of drummers and fifers, accompanies the band. These drummers and fifers sound every call from reveille in the morning until tattoo at night. Throughout the entire day there are calls requiring absolutely a sound, and that comes from this field-music. There is an orderly detailed from the field-music every day to perform that service. The duties of the field music are entirely distinct and dissimilar from those of the band.

In addition to the duties which I have stated the field-music has

certain other duties to perform. When the battalion is called out for purposes of review, for dress-parade, or for battalion drill, then the band comes out, and it is in connection with the battalion as such that the band performs its duties. It is in connection with the companies as such that the four musicians belonging to each company perform their duties and then when the battalion is thrown together as such they go along as field-music, in addition to which they sound all the calls from reveille to tattoo. That is the purpose of them, and they are not provided for as enlisted men other than by virtue of the law which assigns these four men, or four boys as they really are, to

each one of the companies as musicians.

Mr. LOGAN. The Senator from Texas has stated probably more clearly than I could about what I desired to say myself. One further proposition I wish to suggest to the Senator in charge of the bill. understood him, although I did not hear him, to say that he did not care anything about this appropriation as applicable to those musicians whom I denominate as the drum corps.

Mr. ALLISON. I simply said that, this appropriation being struck out, these musicians would be enlisted men and assigned to these cadet

ompanies for duty, as I suppose.

Mr. LOGAN. They are enlisted men now, are they not?

Mr. ALLISON. I so understand they are, and therefore they will

be provided for in the regular Army bill.

Mr. LOGAN. No; I beg the Senator's pardon. Those attached to the West Point Academy are provided for in the Military Academy bill always, and paid out of the appropriations in the Military Academy bill, the appropriation made for musicians, and when we say emy bill, the appropriation made for musicians, and when we say musicians we mean drummers and fifers. Under the laws regulating the Army, musicians are always entitled to higher pay than the private soldiers in all organizations. Hence this amount appropriated to pay these musicians is just as necessary in this bill as it is in the Army appropriation bill to pay the drummers and fifers of the Army. I do not remember exactly their pay, but it is more than that of a private soldier. They are paid as musicians.

Mr. ALLISON. I do not understand that it is.

Mr. LOGAN. But I do.

Mr. CAMERON, of Pennsylvania. Mr. President, this discussion about the band reminds me of an occurrence in the Legislature of Pennsylvania a great many years ago, perhaps before most of the Senators now present came to this country. Somebody made a motion to have the militia re-organized, and there was quite a discussion about it. One old fellow by the name of Fulmer, from the county of Northumberland, who had been out in the revolutionary war, said he was opposed to this bill for re-organizing the militia. He said, "When I was in the war we were glad to have drums and fifes; and I shall not agree that the government of this State shall spend its money to send out organs with the militia of this State." [Laughter.] He was a wise man in his generation, and the bill was voted down. I remember having that in my mind once upon an occasion when I had some authority in this Government and there came up a question about bands for the different regiments then being brought into the service of the United States. It was about 1861, a period that most of the people now living remember something about. Remembering old Fulmer, I said "These bands are useless things; the money they cost is wasted, and it is giving a preference to idle fellows to go about and blow their trumpets when other men are firing their guns and fighting to save their lives." After much trouble, I got the bands reduced; but after a while there came a reverse; there was a contest not far from here at a place called Bull Run and our people were driven from their intrenchments and driven back toward Washington when they came to Washington every one was frictabled and ton. When they came to Washington every one was frightened out of his wits. The rebels living here were afraid that we would punish them and they ran off, and some of our people were afraid the rebels would get hold of us and they ran off. So the city was in great distress. Then I said to the Adjutant-General "For God's sake bring some music here. I do not know how we shall raise the spirits of these people unless we get some bands." Said he, "I have no appropriation for music." "Well," said I, "I authorize you to spend for me \$10,000 if you will get one or two or three bands to come and thump their drums and blow their fifes and their horns and so on all around this city," but the music had run off with the rest.

Now, to cut down the band or the appropriation for music is, I think, economizing in a very small way. The music is of great service in time of war, as I learned after the time to which I have referred. After a battle the musicians are the men who carry around the stretchers, who gather up the wounded from the battle-field, who nurse the wounded, and take care of them until they can be taken into the place where the surgeons receive them. No class of men bring more comfort to the wounded soldier than the musician when he is per-

forming his duty as a musician by cheering him up. Every man fights better after hearing the band play, and every man upon a retreat is cheered when he hears martial music under the flag of his country. To cut off the music is the last reform I would make. It may be an ornament, but I think it is a graceful ornament to all your posts. Scarcely anywhere does it cost anything, for the expenses of the band are generally paid out of the savings from the mess; the drippings, if you choose so to style them, which would be wasted, are put to use and make up the pay of the musicians.

Who is there that would be willing to go to West Point and find it shorn of its music because a few thousand dollars are expended to pay the musicians? There is not a man in the Senate who is not prouder when he goes there and hears patriotic music so well performed by the band paid and taken care of by the Government. I heard my friend, the Senator from Missouri, [Mr. Bogy,] yesterday talking about the Marine Band. I am sure that when he used to come here in the days when he was young and graceful—he is graceful yet—and when he dauced to the music of that band, he was proud and glad to say to everybody, "It is the finest band in the world." I never heard him say so; but I am sure he must have said it a hundred times. Now, when he is old, or imagines he is old, he may begin to think that music is of no account; but I would advise him that he needs it now more than he ever did. He ought not, nor ought anyneeds it now more than he ever did. He ought not, nor ought any-body else, to refuse to vote this pittance to pay these men who under-stand so well and perform so well their duty as musicians. I will vote to save ten times as much, twenty times as much, in the staff of the Army, if you like. I think we have a greater staff than is needed. I believe that the Commissary and Quartermaster's Departments could be put in one. I believe that there ought to be no generals, or brigadier-generals, or brevet officers in the staff. The staff officers ought to be portions of the regiments; the commissaries and the quarter-masters ought to be portions of the regiments. masters ought to be portions of the regiments; and then a single head here, with the rank of colonel, as it was before the war, would be enough to take care of the Commissary and Quartermaster's Departments. There is your waste. It is in consequence of the brevets, which were bestowed so liberally, so outrageously liberally, if that can be, at the end of the war on everybody, and the pensions by retired pay given to men who were only captains, because they happened to serve in the grades of colonel, or brigadier-general, or major-general for a few days. There is the wasta. Your money is not wasted by what you give to the poor man of taste and of some educa-tion who happens to enlist in the Army as a musician. I am against all this little economy. Let us go to the head. Let us reduce our own pay, if you will, down to \$8 a day, as it was a few years ago. I am perfectly willing to agree to that; but I am not

willing to take one cent from the music of the Army.

Mr. BOGY. Mr. President, I desire to make an inquiry of some of the friends of this bill. There are two bands provided for here, or two distinct musical organizations. I think that there is but one band, strictly speaking, as a band technically so termed; but in addition to this band are there not sixteen musicians called company musicians? The Senator from Illinois, I presume, can inform me.

Mr. LOGAN. There are.

Mr. LOGAN. There are.

Mr. BOGY. If that be so, what has this big band of fifty-six musicians to do? When do they blow their horns; on what occasion; for what purpose? I should like to know. The others appear to do all the hard work; they do all the company work, and the companies include the whole. Now, when do these higher fellows—these scientific, educated gentlemen spoken of by my friend from Pennsylvania—toot on all these different horns, the Hungarian, the French, the Italian, and so on? I should like to know.

Mr. LOGAN. That depends on the regulations; but I presume they are not like we are; they do not toot on all occasions. [Laughter.] They do it when it is desired that they shall. I do not want to discuss this band question again; but I believe the Senator was a

to discuss this band question again; but I believe the Senator was a

to discuss this band question again; but I believe the Senator was a soldier once himself.

Mr. BOGY. I was in the Black Hawk war.

Mr. LOGAN. They did not have any bands in the Black Hawk war, except bands of Indians; some of that aristocracy.

Mr. BOGY. We had drums.

Mr. LOGAN. The Senator objects to the aristocracy of the drum.

Mr. LOGAN. The Senator objects to the aristocracy of the drum. The Senator I suppose may go to West Point or any post of the Army where a band exists, (I do not mean a band according to law, for no band exists under our law except at West Point, so far as the Army is concerned,) and he would find the music very delightful at the raising of the flag in the morning and at the lowering of the flag in the evening, on dress-parades, and on the different occasions when the band is called out for the purpose of giving music. I do not remember exactly the times, but on all occasions where it is required music is given. But this drum corps that I speak of is an entirely different institution. If the Senator examines the law he will find it to be the fact that every company of infantry in the Army is entitled to two musicians and that every company of cavalry is entitled to a bugler. They have certain kinds of musicians belonging to all parts of the Army. The artillery are entitled to a musician of a certain kind; so of the cavalry, and so of the infantry. The infantry have a drum and fife, and these musicians are provided for in the law.

The cadets are merely in training for soldiers, and in the training of soldiers it is absolutely necessary to have music. As was well stated by the Senator from Texas, [Mr. Maxey,] there are different

calls in camp and out of camp that are made with the drum and fife; calls in camp and out of camp that are made with the drum and fire; for instance, to call the company together for parade. The sick-call, for instance, in the morning, for soldiers to appear for the purpose of having an examination by the surgeon. That is the case among soldiers of the Army. I do not know how it is at West Point; but there are various calls there. In the morning the reveille, and different calls by drum and fife, which are absolutely necessary in the Army. This is just as necessary at West Point in the training of the cadets as it is in the training of a private soldier in the Army. There is skirmish drill, and there are different kinds of drills and maneuvers. There are maneuvers of cavalry where an officer wants to parade his There are maneuvers of cavalry where an officer wants to parade his cavalry, so that he may not give his command, but that it may be understood and heard at a great distance. They are trained so as to make their movements by the sound of the horn, and different sounds

make their movements by the sound of the horn, and different sounds are given for the purpose of making different movements.

Music is an absolute necessity. If you abolish the drum and fife at West Point you may as well abolish them in the Army. Their use is just as necessary there as it is in any camp or post in the Army. Therefore I object to striking out the pay for this drum corps. I said a while ago that the musicians in the Army were paid higher prices than privates. In some instances they are. So far as the infantry is concerned, I see by the law they are not; but a musician of cavalry is paid \$22 a month, and a musician of artillery is paid \$22 a month. is paid \$22 a month, and a musician of artillery is paid \$22 a month. Drummers and fifers of artillery are paid \$13 a month. They are provided for in the law. I desire to say to the Senator from Iowa in reference to these men that I think he is laboring under a mistake when he says they are paid by the appropriation bill for the Army. These musicians at West Point are not recognized in the organization of the Army, but in the organization of West Point. Hence they are paid in the appropriations for West Point the same as the musicians are paid in the Army by law, and as money is appropriated to pay the private soldiers and officers of the Army. It is a separate thing, entirely distinct, and therefore these sums are paid by different appropriation bills. Hence the provision ought to be in this bill, and not in the general appropriation bill for the Army, for that does not apply to West Point.

Mr. ALLISON. I think it very likely that the Senator from Illinois is correct in his statement; but the committee were misled by a memorandum furnished at the War Department. I also find, however, among my papers a reference to section 1322 of the Revised Statutes, which seems to indicate that the Senator from Illinois is correct in his statement, and that these musicians are provided for separately; but this matter can be arranged in the conference com-

Mr. LOGAN. That is true; but the conference committee might not agree. It will be seen by a reading of the law in reference to the corps of cadets at West Point that—

The corps of cadets shall be arranged into companies according to the directions of the Superintendent, each of which shall be commanded by an officer of the Army, for the purpose of military instruction. To each company shall be added four musicians.

To each company of what? To each company of cadets at West Point. Now, to each company in the Army are added two musicians, and to each company of cadets at West Point are added four musicians. They are a part of the organization at West Point for the instruction of the cadets. Hence they are a part of this bill, should remain in it, and not be stricken out.

Mr. ALLISON. Then I suggest to the Senator that after we agree

to this amendment he can insert afterward, "for sixteen musicians for companies, \$2,496," and that will accomplish the purpose.

Mr. LOGAN. That will accomplish it of course. Whatever the amount of pay is ought to be inserted. Of course that will accom-

plish it.

Mr. ALLISON. Or there is another mode. Strike out the proviso only, leaving all of lines 35 and 36 up to the word "provided." That will cover the case.

Mr. LOGAN. Yes. While we are speaking about this, let me refer

Mr. LOGAN. Yes. While we are speaking about this, let me refer to the fact that the Senator from Missouri said he did not understand why this is so. If the Senator will allow me to read the section of the law he will see exactly the reason for this drum corps; not for the horns he talks about, but for the drum corps.

The corps-

That is, the corps of cadets-

shall be taught and trained in all the duties of a private soldier, non-commissioned officer, and officer, shall be encamped at least three months in each year, and shall be taught and trained in all the duties incident to a regular camp.

There is the reason why the drum and fife are required at West Point. The cadets are in camp for three months of the year to be trained in the duties of the private soldier; that is, they carry the musket, learn the manual of arms, stand guard, do camp duty and everything of that kind that pertains to a private soldier in camp. I should hate very much to see them deprived of that which is absolutely necessary to make the necessary calls in camp for the soldier-to see them deprived of the drum and fife.

Mr. MAXEY. I will state as an additional fact that the corps of cadets perform guard duty and that they perform guard duty during the entire year. Guard mounting takes place every morning during

the entire academic year as well as during the encampment.

Mr. LOGAN. In guard mounting in the morning and in relieving

the guard afterward, it is always done to the drum and fife in every camp

Mr. MAXEY. And throughout the entire academic year guard mounting takes place precisely as during the encampment period.

Mr. BOGY. I think I am learning something on this subject. I do not wish my friends on the right or on the left to think that I am warring against the fife and the drum. I have been in favor of the fife and the drum from the beginning, but I am against this large, big band of wind instruments. Will my friend from Illinois tell me big band of wind instruments. Will my friend from Illinois tell me what call is made by this big fiddle called the basso, so large that you have got to put it down and play on the reverse? What military call is made by that instrument? Do you know, sir?

Mr. LOGAN. It calls sinners to repentance. [Laughter.]

Mr. BOGY. I hope my friend will experience the beneficial effects of that call. Then what is the use of the trombone in a military way?

Will the Senate tell me?

Will the Senator tell me? Mr. LOGAN. It is a strange question for a Frenchman to ask an

Mr. BOGY. That may be; but I should like to see an American

who can answer a question.

Mr. LOGAN. I do not know that I care about being interrogated on the subject of musical instruments. I am not a musical instrument myself. [Laughter.] I expect I know as little about them, perhaps, as the Senator from Missouri.

Mr. BOGY. I desire to place myself right. I see from the Senator's bad temper that he misunderstands me.

Mr. LOGAN. Not bad temper. The Senator is very much misteleer.

Mr. BOGY. I suppose the temper is bad because the Senator says what he could not have said in a good temper. Therefore he must have been in bad temper.

Mr. LOGAN. I certainly did not say anything that indicated bad

Mr. BOGY. It certainly was in bad temper. But, sir, it comes to

Mr. LOGAN. When I said "Frenchman," if that is what the Senator takes exception to, it was certainly playfully said. I did not mean any offense by it.

Mr. BOGY. I take no exception to it at all. My exception is only to the manner, not to the matter. I only wish to say that, although these instruments may be of some use to indicate certain movements of an army, as the bugle to the cavalry, most of these instruments are purely for the amusement of the cadets of West Point in their social purely for the amusement of the cadets of West Point in their social relations, and I say that we ought not to require the people of the United States to pay for that amusement. That is all. The fife and the drum are all right; but the basso, fiddle, and the trombone, and the triangle, and the Hungarian bugle, brought over by the Asiatics when they first invaded Europe in Hungary, (for the same old instrument is preserved in our Army, now called the Hungarian bugle,) are of no use at the present day. They can be of no use in our Army, and I wish the fact to go before the country that the money of the people is being expended for these useless things.

Music is well enough, but I do not think that we should furnish music for the mere amusement of the persons who happen to be at

music for the mere amusement of the persons who happen to be at West Point. It ought to be known to the country that we are educating a class of young men at the expense of the people, who, while being educated, are under the heavy pay of forty-five to fifty dollars a month, so that with that money they can pay for their food and for their clothing, but these young men are fed and clothed at the public expense. In addition to that, this music is furnished to them. In addition to that, a course of education preparing them alone for civil life and not for military life is furnished to them.

These are my objections, and I do not intend to trifle with the subject, and I did not mean to be trifled with when I asked the question to what purpose could these instruments be put in this band, and the Senator could not answer it. I did not expect he could. I anticipated from his military experience that he could not, because the question cannot be properly answered. These bands are furnished merely as a means of amusement to the young gentlemen who are paid to go to West Point to be educated, a large portion of whom resign soon after they are educated. That is my objection.

I remember to have read that in the French Emperor's celebrated I remember to have read that in the French Emperor's celebrated retreat from Moscow music played a conspicuous part, and that his own wonderful spirits never gave way until his music was destroyed. The wind instruments, these chaps who blow on all these various horns, of course were soon played out; in that cold climate they could not blow very long and those instruments were very soon stopped. One at a time it was reported that such a band had stopped. The emperor showed great anxiety that the music should be kept up, knowing very well that as long as the music could be kept up by which this army, which had been collected from various parts of Europe, not alone from France, but from all parts of Europe, could be reminded of the airs of their own home, of their own fireside, it would inspire them with hope and courage; and he knew human uature so well that he knew it was important to maintain that spirit; ture so well that he knew it was important to maintain that spirit; and history tells us that when he was informed that all the bands were destroyed he pronounced it the greatest calamity which had happened to the army. But finally he inquired, "Is there a drum and a fife left?" They told him yes, the drums and fifes were all safe. "Then," said he, "we have music enough." Finally the fife troze

out and he was left alone with the drum; and that is said to be the

I see provided in your bill here an appropriation to pay for a teacher of music at West Point. He had a teacher of music with his army, and he sent for the teacher of music, explained to him the organization of the army and the importance of maintaining some music to keep up the courage of those men who were being borne down by the cold weather and the pressure of the enemy, and told him to com-pose a march adapted to their peculiarly cruel condition, in which the men could be reminded of their own homes, of their own native land, and that that march should be adapted alone to the drum, because all other instruments had been stopped; and hence it is said that the celebrated march called "The Retreat from Moscow" was composed. That is said to be the history of that march.

On certain occasions, then, music may be very well; but in this case I say a band is an abuse; it is throwing away the money of the people for amusement, in addition to the salary that you pay the young men to be educated, a large portion of whom resign, and if they do not resign they ought to pay their own expenses at West Point. There is no more reason why a man should be paid to go into the Army or into the Navy than why he should be paid to go into the public service of the nation in any other capacity. The whole

Mr. ALLISON. I ask leave to modify the amendment so as to strike out the proviso only, in order to meet the suggestions made by the Senator from Illinois and the Senator from West Virginia.

The PRESIDENT pro tempore. What is the Senator's proposition?
Mr. ALLISON. To strike out in line 36, all after the word "dollars,"
down to and including line 42, and insert what the committee have

inserted The PRESIDENT pro tempore. The amendment of the committee is to strike out and insert. That motion will have to be put. The Senator now moves to strike out a portion of the text proposed by the committee to be stricken out; that is the proviso. The question is on that amendment to the amendment.

Mr. DAVIS. What will be the effect of that?
Mr. ALLISON. It simply strikes out the proviso which repeals sections 9 and 10 of the act of 1875.

Mr. DAVIS. That has already been stricken out by a vote of the

Senate, as I understand.

The PRESIDENT pro tempore. The question now is on concurring in that amendment, pending which the Senator from Iowa moves to strike out a portion of that text. The first question is on the amendment to the amendment, and then the question will recur on striking out and inserting.

Mr. STEVENSON. I will ask the Senator from Iowa what is the proviso? On what page and line is it?

Mr. ALLISON. It begins on page 2, with line 36 of the bill; it is

Mr. ALLISON. It begins on page 2, with line 36 of the bill; it is the proviso in relation to the music.

Mr. DAVIS. The effect of the amendment of the Senator from Iowa would be to provide for the sixteen musicians and strike out that part which repeals the section in relation to the band.

Mr. ALLISON. That is the object.

The PRESIDENT pro tempore. The Senator from Iowa moves to strike out the proviso in a portion of the text moved to be stricken

The amendment to the amendment was agreed to.

The amendment, as amended, was concurred in.

Mr. MORRILL, of Maine. I inquire of the Senator from Iowa
whether, as it now stands, the bill provides for that portion of the

whether, as it now stands, the bill provides for that portion of the band created last year?

Mr. ALLISON. I did not hear the Senator from Maine.

Mr. MORRILL, of Maine. My inquiry is whether the band is now provided for, after the amendment has been acted on?

Mr. ALLISON. Yes, sir; it is provided for.

Mr. MORRILL, of Maine. Very well.

The amendments were ordered to be engrossed and the oill to be read a third time.

The bill was read the third time, and passed.

## DANIEL STICKNEY.

Mr. MORRILL, of Maine. I ask the Senate to proceed to the consideration of the resolution I offered yesterday.

The resolution was read, as follows:

Resolved. That during the present session it shall be in order at any time to move a recess, and, pending an appropriation bill, to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate.

Mr. HAMLIN. I think that resolution will lead to a little debate; and I ask my colleague to indulge me in calling up a private bill that

I think will not occupy three minutes.

Mr. MORRILL, of Maine. If my colleague will allow this resolution to be taken up, I will yield with great pleasure.

The PRESIDENT pro tempore. Is there objection to taking up the

resolution?
Mr. STEVENSON. I object.

The PRESIDENT pro tempore. Then the Chair will put the question on taking up the resolution for consideration.

The motion was agreed to.

The PRESIDENT pro tempore. The resolution is before the Senate.

Mr. HAMLIN. Now, with the consent of my colleague, I ask for

the consideration of Senate bill No. 446.

The PRESIDENT pro tempore. If there be no objection, the resolution will be informally postponed for that purpose.

There being no objection, the bill (S. No. 446) for the relief of Daniel Stickney, of Presque Isle, Maine, was read the second time and considered as in Committee of the Whole. It provides for the payment of \$222.25 to Daniel Stickney, to re-imburse him for money-order funds stolen from his office, when he was postmaster, on the night of Au-

gust 7, 1873.

Mr. HAMLIN. I think I can state the case, if any Senator wishes it, quicker than the report can be read; but if Senators are satisfied, I shall not take up time.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### DEBATE ON APPROPRIATION BILLS.

The PRESIDENT pro tempore. The resolution of the Senator from Maine [Mr. MORRILL] is before the Senate.

Mr. DAVIS. I ask the Senator from Maine whether the clause as

to taking a recess is intended for appropriation bills only or to apply

to taking a recess is intended for appropriation bills only or to apply at any period?

Mr. MORRILL, of Maine. I will say to my friend that the resolution is simply with reference to appropriation bills. This resolution does not adopt the five-minute rule, but places the Senate in a condition where upon an appropriation bill, if it is deemed necessary, the Senate may order the five-minute rule. I think it is better to adopt it now, before we get into any debate on bills of this character. It is the usual annual resolution which we have followed for several years near. It has no amplication to anything before us at the presyears past. It has no application to anything before us at the pres-

Mr. DAVIS. I think, if my friend from Maine will read his resolution, he will find that in regard to ordering a recess it will reach all legislation, and is not confined to appropriation bills. I ask him

to amend it.

Mr. STEVENSON. I do not construe this resolution as the Senator from Maine does. Literally construed, the resolution makes it in order to move a recess at any time upon any bill. The resolution is:

Resolved. That during the present session it shall be in order at any time to move

That is an independent part of the sentence which does not confine it at all to the pendency of an appropriation bill. And then it goes

and pending an appropriation bill to move to confine debate on amendments thereto to five minutes by any Senator on the pending motion, and such motion shall be decided without debate.

If this resolution is adopted, it will be in order to move a recess at If this resolution is adopted, it will be in order to move a recess at any time or at any moment upon any proposition. Subsequently, if an appropriation bill is under discussion, you can move to confine debate on amendments thereto to five minutes by any Senator on a pending motion, and such motions shall be decided without debate. I am opposed to the resolution on both grounds. I think this is a time when Senators should have a right to discuss appropriation bills longer than five minutes. It is a proposition to stifle debate. Appropriations of great magnitude may come before the Senate, and I hope the Senate will not stifle debate by saying that no Senator shall under

priations of great magnitude may come before the Senate, and I hope the Senate will not stifle debate by saying that no Senator shall undertake to discuss an appropriation bill longer than five minutes.

As to the other part of the resolution, I do not see its object. You can move a recess now, and certainly this resolution as worded does not confine the right to move a recess to the period when appropriation bills are under discussion. The words of the resolution are—

That, during the present session, it shall be in order at any time to move a re-

irrespective of what the subject-matter of discussion is. I do hope that this resolution will not be adopted.

Mr. BAYARD. Mr. President, if the resolution is to be adopted,

there is no doubt that an amendment should be made prohibiting incongruous amendments from being offered. Appropriations are the simple business bills of the body, for the appropriation of funds which have been estimated by the Departments and examined by committees; and, therefore, the subject-matter has been considered practically before it comes into the Senate. Perhaps the limitation of debate upon mere money appropriations to five minutes to each amendment by each Senator is rather business like, and not altogether unreasonable; but unquestionably, in addition to the resolution as it is now proposed, there should be a provision that amendments to an appropriation bill should be germane to the bill.

In the first place, it is a vicious method of legislation to attempt to

In the first place, it is a vicious method of legislation to attempt to ingraft general legislation upon special appropriation bills; and yet it has been done before now, and matters of very large importance have in this hasty way been ingrafted upon bills intended for nothing more than the appropriation of money for the proper expenses of the Government. I suggest, therefore, to the honorable Senator from Maine who has the resolution in charge that he should limit the amendments to matters germane to the appropriation bills. I remember very well some years ago, when a proposition of this kind was proposed, the restriction which I now suggest was added; and when we limited debate upon mere money bills, or what you may term the items of money bills, to five minutes, we provided that the amendments upon which debate was so limited should be strictly germane

to the subject under consideration. I trust some one will offer such an amendment now, in order that measures of a general legislative character shall not be sprung upon the Senate in the shape of amend-ments to those bills which ought to have nothing of the kind connected with them.

The provision for a recess I do not precisely understand the necessity for. Should it so happen that an appropriation bill, which is oftentimes tedious and needs time for its consideration, should occupy too much of the day, it has been the custom of the Senate to have night sessions; and I suppose that this rule looked to such a contingency. But I do not know why a motion for a recess should not be in order without having a special rule adopted for it. I trust, however, that no amendment incongruous in its nature to an appropriation bill under consideration will be allowed to be offered. A reference to the resolution passed in the Senate before will give the phraseology of the rule that worked acceptably. I think language merely declaring that no amendment shall be in order which is not germane to the subject-matter of the bill would bring the matter within that business scope which I believe the Senator from Maine

Mr. MORRILL, of Maine. This resolution is introduced in the interest of the dispatch of business. The experience of the Senate for the last two or three years has rendered it necessary that some time during the session when we are pressed by appropriation bills some method of this kind should be pursued. This is a little in advance of any important necessity, I admit; but the principle, I submit, is such as the Senate will find it proper sooner or later in the session to

I will say to my honorable friend from Delaware that the especial object of putting in the clause as to a recess here is that it is accompanied with the right to move to confine debate, and the resolution provides for two motions on neither of which shall there be any debate. Without that a recess might be moved, but the motion would be open to debate. For instance, we are in the midst of an important question of any kind and the Senate have got impatient and desire to adjourn. The Senator will see that no vote could be taken under such circumstances on a motion for a night session, or an extended session, for a recess instead of an adjournment. Therefore this special resolution gives the right at any time to move a recess and declares that that question shall be taken without debate. The object is to secure the right to have a vote on taking a recess with-I will say to my honorable friend from Delaware that the especial object is to secure the right to have a vote on taking a recess without any debate, and the additional right on appropriation bills to have a five minute rule applied whenever, in the judgment of the Senate, the time has come to do it. This is a rule that the experience Senate, the time has come to do it. This is a rule that the experience of the Senate has found to be necessary at a late period of the session; and I wish to say that we are here now at the end of three months of this session and as yet, so far as this particular branch of the public service is concerned—appropriations—we have done literally next to nothing. No bill has yet been consummated, and the bills that have come to the Senate are usually those that are passed in a single hour, merely nominal. We have spent days, weeks on them. Yesterday and to-day we spent an entire legislative day on the music we should have at West Point and the only question involved in it was whether there should be a few more or a few less volved in it was whether there should be a few more or a few less musicians, and the money we spent in examining that question would probably pay the \$14,000 appropriated for the band several times over. On the supposition that we are to continue this session as we have begun, we shall be next year here appropriating for the current fiscal year; we shall be in the condition of the old gentleman at one of the Departments who was put upon the business of counting dilapidated fractional currency and was not willing to take the amount of money counted for his wages. There is no end unless some such policy as this is adopted by which those having the control of the appropriation committees can bring the Senate to a vote. There is no such thing as ending this session within any reasonable time as matters now are. volved in it was whether there should be a few more or a few less matters now are.

Of course, Mr. President, I have no anxiety on this subject. I feel it my duty to present it to the Senate. If the resolution is acceptable, very well; otherwise, it is just as well so far as I am personally concerned.

I move to amend the resolution in the last line by adding the letter "s" to "motion," so as to read:

And such motions shall be decided without debate.

The PRESIDENT pro tempore. Is there objection to that modification? The Chair hears none, and the modification will be made.

Mr. BAYARD. I move to amend the resolution by adding to it:

nendment to an appropriation bill shall be in order which is not german

Mr. MORRILL, of Maine. I think that would destroy the efficiency of the rule entirely. Almost all the amendments which would be proposed to an appropriation are of that character; and, if the rule only applies to such amendments as are germane to the bill, the whole utility of the rule I should consider lost.

Mr. EDMUNDS. If we could have an effectual rule that should

provide, as to House bills as well as our own amendments, that everything in them should be struck out which was of a legislative character other than the mere appropriation of money to carry out existing laws, we should make a good step in the right direction. But the difficulty which we labor under here is that every session,

this and all former ones, the appropriation bills of the House come over here with provisions in them of a legislative character, not merely providing money out of the Treasury to do what the law already enjoins, but to do something else, to change the body of the laws in connection with the appropriation of the money to carry them out, which is a very bad principle, and one which if we had refused to act upon for years past, as we must do at last, we should have saved the Government a great deal of money and the law a great deal of confusion.

of confusion.

Now, if the Committee on Appropriations and the Committee on Rules can contrive some means by which when an appropriation bill comes here from the House of Representatives everything in it shall be struck out other than the mere appropriation of money to carry out existing laws, no matter if it is only half the money the law requires; that any change in the body of the law shall be struck out once and forever; then we shall have done the country a great deal of service. But I do not know that there is any hope of that. Certainly this amendment of the Senator from Delaware looks in the other direction; for as the Senator from Maine has said the question. other direction; for, as the Senator from Maine has said, the question other direction; for, as the Senator from Maine has said, the question of whether a matter is germane to the bill is rather indefinable. You can make almost everything germane. If a bill provides for the payment of the salary of the President of the United States, you can say in mere philosophic sense that it is perfectly germane to provide that hereafter it shall be \$100,000 a year, or that hereafter it shall be \$10,000 a year, and so of every one of the appropriations that are made to carry out the existing law and to carry on the operations of the Government. You can add to each sum of money for each particular item a provision on the general subject of the dyties of the officer and the a provision on the general subject of the duties of the officer and the structure of the department under which he acts, and, in fact, you can draw in the whole body of the laws. That is not what we desire to do; we desire to do exactly the reverse; and therefore to provide, as this amendment does by implication, that while nothing not germane shall be offered, everthing that is germane may be offered, is to open the door wide. Hence it goes, as it appears to me, in the wrong direction. We have a standing rule of the Senate which is a great deal better than the amendment offered by the Senator from Dela-

Mr. DAVIS. I want to appeal to my friend from Maine whether the resolution had not better go to the Committee on Rules. It is early in the session, much earlier probably than we have ever adopted such a rule. I shall be in favor of it when there is a necessity for it; but, as I understand the resolution, it will allow us to move for a recess at any time, no matter whether an appropriation bill is under discussion or not. It is known further that at this time there is no appropriation bill ready for action by the Senate. I would ask the chairman of the Committee on Appropriations if it would not be satisfac-

tory to him to let the resolution go to the Committee on Rules! It will only take a short time for them to report it back.

Mr. MORRILL, of Maine. In regard to the question of time, we have adopted this rule at a much earlier period of the session heretofore. We have adopted it sometimes in January.

fore. We have adopted it sometimes in January.

Mr. DAVIS. Was not that during the short session?

Mr. MORRILL, of Maine. Yes, during the short session. Fadmit that there is less necessity for the adoption of it at an early period now than heretofore. But this is not a question to be sent to the Committee on Rules at all. If there is anything well settled, it is that the Senate has found it necessary to adopt such a rule as this. Unless my friend has it in his mind that it is desirable to add something to this work a precision for instance, as the Senator from Vermont has rule, such a provision, for instance, as the Senator from Vermont has suggested, I can see no necessity for sending it to the Committee on

I feel no especial urgency about this. It is the usual method pursued. If the Senate is not ready to act upon it, very well. If it is, I should like to have it disposed of.

The PRESIDENT pro tempore. The question is on the amendment roposed by the Senator from Delaware.

The question being put; there were upon division—ayes 18, noes 17.
Mr. EDMUNDS called for the yeas and nays, and they were ordered.
Mr. BAYARD. I am surprised that there should be any objection to so reasonable a proposition as this. I can understand that in de-bate on money bills, five minutes on each amendment, where the sub-ject has before that time been scrutinized first by the Department and then submitted to a committee and by the committee to the body, may be sufficient. There can be no difficulty where a Senator desires to discuss a subject, to offer further amendments, or have permission to continue his remarks. But, as I said when I rose to propose this amendment, it is a vicious kind of legislation to ingraft general legislation on specific measures of appropriation for a certain purpose.

The rule of the Senate has been, and I trust always will continue, that they shall be limited only by the discretion of the speakers. These being however mere business bills, I can recognize the efficiency of the proposed rule for the expedition of business; but I submit that it would be only just, where you depart from the usage of the Senate and arbitrarily fix five minutes as the limitation of debate, that you should couple it with the understanding that the amendment offered should be germane to the bill.

If it were not confined to mere money bills, mere business measures, I cannot believe the Senate would agree to have any limitation of debate fixed upon it; but as these are mere business bills involving items of Government expenditure, it seems to me eminently proper

that no other items of a different character and no provisions of a different nature of a general legislative character should be in order when offered as amendments. I remember very well that when this limitation of five minutes was offered some years ago and adopted by the Senate it was coupled with a proposition similar in character to that which I now propose. I remember it very well, because we of the minority considered that there had been a violation of the lan-guage of the rule by the admission by the presiding officer of the Senate of an amendment which was not germane to the bill. It led to a long and exciting discussion that lasted an entire night. It was owing to the belief that the rule of the Senate had been violated by the ruling of the Chair. My recollection is very distinct. I see no reason why the same accompanying proposition to limit the subject-matter of amendments, that they shall be germane to the general subject of the bill, should not be made part of this restrictive rule on debate that the Senate for the dispatch of business propose now to adopt. I cannot understand any reasonable objection to the proposition I offer, and I trust the Senate will agree with me on that subject.

Mr. KERNAN. Mr. President, I am in favor of a resolution like this in reference to appropriation bills. On bills appropriating money this in reference to appropriation bills. On bills appropriating money for specific objects, I think a debate of five minutes each will enable us to do business in a business-like way; but should there be amendments entertained not germane to the appropriation of money, it might be a question that we ought to be heard upon for a longer period. I will take a recent illustration. Look at section 4 of one of the general appropriation bills of 1873. That section, being the last one, provides for bringing suits; provides for enforcing decrees; provides that a certain railroad company shall not be subject to the bankrupt laws; provides that the United States courts may enforce writs of mandamus, provides that the United States courts may enforce writs of mandamus. provides that the United States courts may enforce writs of mandamus in a certain way. If such an amendment as that comes up and is entertained, it seems to me the Senate would not attempt to say that there should not be a debate upon it longer than five minutes; and as that has been the practice, till we can get a joint rule or some rule to prevent it, I think there should be no difficulty in saying that this limitation of five minutes shall not apply if there is under consideration some subject not germane to an appropriation bill. hope the original resolution will be adopted; and I think we should add to it this limitation to guard against being cut off by a technical rule from discussing some matter that is under consideration that requires a longer discussion than five minutes.

I shall vote for the original resolution anyhow; but I hope we shall put on this proviso, that if there is under consideration something that has really nothing to do with the appropriation bill before the Senate, it may be debated longer.

Mr. DAVIS. Is it in order to move to refer the resolution to the

Committee on Rules?

The PRESIDENT pro tempore. That motion is in order.
Mr. DAVIS. I make that motion.
The PRESIDENT pro tempore. The Senator from West Virginia moves to refer the resolution to the Committee on Rules.

The motion was not agreed to.

The PRESIDENT pro tempore. The question recurs on the amendment of the Senator from Delaware, upon which the yeas and nays have been ordered.

Mr. SARGENT. I shall vote against this amendment, not because I am desirons that amendments not germane to appropriation bills shall be added to them, but because I think the thirtieth rule of the Senate is more stringent than this rule would be with the amendment added to it. That excludes certain classes of legislation which it Says shall not go on appropriation bills. I want to hold to that rule. I fear that this weakens it, and therefore I shall vote against it.

Mr. COCKRELL. May I ask the Senator what rule it is ?

Mr. SARGENT. Rule 30, which is as follows:

Mr. Sarkeent. Rule 30, which is as follows:

No amendment proposing additional appropriations shall be received to any general appropriation bill, unless it be made to carry out the provisions of some existing law, or some act or resolution previously passed by the Senate during that session, or moved by direction of a standing or select committee of the Senate, or in pursuance of an estimate from the head of some of the Departments; and no amendment shall be received whose object is to provide for a private claim, unless it be to carry out the provisions of an existing law or a treaty stipulation.

All amendments to general appropriation bills reported from committees of the Senate, proposing new items of appropriation, shall one day before they are offered be referred to the Committee on Appropriations, and all general appropriation bills shall be referred to the said committee; and in like manner, notice of amendments to bills making appropriations for rivers and harbors shall be given and referred to the committee to which such bills shall be referred.

Any pending amendment to a general appropriation bill may be laid on the table without affecting the bill.

I wish to preserve that rule in its integrity and I fear this average.

I wish to preserve that rule in its integrity and I fear this amendment weakens it, and for that reason I shall vote against it.

Mr. BAYARD. All of the excluded amendments to general appro-

printion bills referred to in this rule are stated in the alternative, printion bills referred to in this rule are stated in the alternative, and they are all very well; but they do not cover the difficulty which my amendment is meant to relieve against. Under the rules, as they stand now, unlimited debate is allowed upon all matters. Some amendments are there excluded. That is all very well; but there is no reason why an incongruous amendment, even from a committee or a Department, should be placed on an appropriation bill. The instance just cited by the honorable Senator from New York [Mr. Kernan] is forcibly in point. Upon an appropriation bill a matter entirely inconsistent with the object of the bill, a matter of general

and important legislation, was ingrafted, and under this rule could be ingrafted without the opportunity of discussion. I very well remember that it was upon the Army appropriation bill, in 1872, that it was proposed as an amendment to give power to the President of the United States to suspend the writ of habeas corpus in any part of the Union, if he saw fit, for another year. It was that illustration of the danger of such multifarious legislation, and not only multifarious, which in itself is a vice, but legislation to be adopted under this present rule without an opportunity of full debate.

This five-minute rule need not be in operation except upon motion This nive-minute rule need not be in operation except upon motion on some particular bill. It may be that an appropriation bill of a very enlarged character can pass this House, as I have seen it pass, arrested but little by debate or by comment upon its provisions; and in such a case as that there would be no necessity for a motion to adopt this five-minute rule. It is only when a bill drags, it is only when the temper of the Senate and the subject-matter threaten to prolong the consideration of it beyond what is reasonable and business-like, that the Senator in charge of the bill has the right to move the imposition of this five-minute limitation on debate. When that the imposition of this five-minute limitation on debate. When that is to be done, then it is time that we should strictly insist that measures not germane to the subject of the bill should not be sprung upon the Senate during that period of limitation on debate. That is all. The other rule that has been referred to by the Senator from California would remain in force, whether the limitation upon debate had been ordered under this rule or not. It is only upon the occasion of the imposition of a limitation on debate that I would suggest that the measures proposed should be of the nature of the bill itself, and not be incongruous or in the nature of general legislation.

I remember once when the law repealing the exclusion of witness on the ground of interest in the courts of justice was adopted by the Senate and by Congress, it was found not in a bill by itself, but found as an amendment to some appropriation bill; and any man who had occasion to find out the law, to learn its letter and its scope, was compelled to look almost as for a needle in a hay-stack to find it in the statutes of the United States. An exceedingly important provision, making all persons, parties or otherwise, competent witnesses in the courts of the United States, notwithstanding their interest, was put on as an amendment to an appropriation bill and possibly decided in a debate limited to five minutes. I mention that as an illustration of how interests may be amendments and how when they are in how incongruous may be amendments, and how, when they are in-congruous, they should not be subjected at least to this limitation of five minutes.

It is true that under our rules it is in order to lay an amendment to an appropriation bill on the table, which motion prevailing carries to the table the amendment and does not disturb the bill. Nevertheless I think it is eminently in favor of a proper class of legislation that incongruous measures should not be blended in the same act; and that is made more necessary when the general rules of the Senate in regard to unlimited debate shall be set aside for a mere business

purpose.

Mr. ANTHONY. Mr. President, I think that legislation upon an appropriation bill is manifestly improper and is an evil which has appropriation bill is manifestly improper and is an evil which has grown to very great proportions within a few years, and I should cheerfully vote for a joint rule prohibiting legislation upon any appropriation bill and confining the appropriation bills to carrying out existing laws, appropriating the necessary money for the purposes already provided for by statute. But it would be manifestly placing ourselves in a false position if we should allow the House of Representatives to send us appropriation bills with legislation upon them without our having the privilege of rejecting or altering their legislation or proposing something in its stead. It would bring us here merely to record their edicts or to deny them, while we had no such privilege ourselves.

privilege ourselves.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD,] upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 25, nays 28; as follows:

28; as follows:
YEAS—Messrs. Bayard, Bogy, Cockrell. Cooper, Davis, Dennis, Eaton, Goldthwaite, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Mcrimon, Norwood, Ransom, Stevenson, Thurman, Wallace, Whyte, and Withers—25.
NAYS—Messrs. Allison, Anthony, Boutwell, Cameron of Wisconsin, Conkling, Cragin, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Harvey, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Sargent, Spencer, Wadleigh, West, Windom, and Wright—28.
ABSENT—Messrs. Alcorn, Booth, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Christiancy, Clayton, Conover, Dawes, English, Gordon, Hamlin, Howe, Patterson, Randolph, Robertson, Saulsbury, Sharon, and Sherman—20.

So the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the resolution. The resolution was agreed to.

## CENTRAL BRANCH UNION PACIFIC ROAD.

Mr. WRIGHT. I move to proceed to the consideration of Senate bill No. 60. I do not ask for action this afternoon, but I call it up so

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 60) declaring the true intent and meaning of the Union Pacific Railroad acts approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes.

Mr. WRIGHT. I have no wish to proceed with the bill to-day. call it up now for this reason: The Senator from Kansas [Mr. IN-GALLS] said that when the bill should be called up he would be very glad that I would bring it to the attention of the Senate the day before, so that if he desired to address himself to the bill he might do so. I am quite willing to give way for a motion to adjourn or for an executive session; but before doing so I wish to say that a report was made on this bill at the last session of Congress which discussed the

made on this bill at the last session of Congress which discussed the entire question. I have no disposition to discuss it, and do not expect to discuss it. I would be very glad if Senators would take up that report and examine it, if possible, before to-morrow, so that we may dispose of the question with as little delay as possible.

Mr. INGALLS. If I remember correctly, the report to which the Senator from Iowa alludes embraces about difty-eight printed pages. The Senate will therefore see that the subject is one of considerable importance, and that it will require probably a large amount of discussion and debate. I venture to express the hope also that if this subject is taken up it may be with the understanding that there is to be a full consideration of it upon an understanding of the questions involved.

be a full consideration of it apos as a successful involved.

Mr. WRIGHT. I have not any expectation that the Senate will dispose of it otherwise than after the very fullest consideration. I only referred to the report that was made by the committee for the reason that it goes into the subject very fully; and I am very sure if Senators can have time to examine the report they will understand the entire question much better than they can from any debate that they take place here. I have no desire, however, to limit the debate

may take place here. I have no desire, however, to limit the debate on the bill in any way whatever.

Mr. SARGENT. I should like to ask the Senator from Iowa whether the purpose of this bill is not to negative a conclusion which the Government heretofore has maintained; that is to say, whether it is not to assert, by excluding a negative, that certain privileges were granted to a company by the Government; that a land grant which the Government up to this time has denied that its legislation gave to the company it will receive? The soil stating that it shall not have beyond a certain point, is it not in effect a grant up to that point, and

Mr. WRIGHT. I am not certain that the Senator understands the purport of the bill which relates to the Central Branch of the Union purport of the bill which relates to the Central Branch of the Child Pacific Railroad. The bill is in entire accord and harmony with the decisions of all departments of the Government up to about the time that a resolution was introduced by the Senator from New York, [Mr. CONKLING,] which was the foundation for this bill.

#### EXECUTIVE SESSION.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minntes spent in executive session the doors were re-opened, and (at three o'clock and thirty minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

## Tuesday, February 29, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

#### CORRECTION OF THE RECORD.

Mr. WILLIAMS, of Indiana. I rise to a question of privilege. I am reported in the RECORD of to-day as having introduced a bill yesterday and made a motion to refer it to the Committee of the Whole House, which was decided against me by the Chair; and here is the remark I am reported as having made:

Mr. WILLIAMS, of Indiana. I do not ask that the bill shall be made a special order at all. The motion to refer to the Committee of the Whole has preference over all other committees, as the Chair will see if he will look at Rule 59.

What I said was to page 69 of the Digest and also to page 170 of the Rules of the House. I now ask the attention of the Chair and I will read the rule.

The SPEAKER. The Chair desires to say to the gentleman that it is very clear that the correction should be made in the RECORD as he

desires, and unless he desires a further hearing it will be so ordered.

Mr. WILLIAMS, of Indiana. I merely want to read the rule as the reason why I made the motion:

The rules and practice of the House recognize two Committees of the Whole, namely, the Committee of the Whole House on the state of the Union, to which are referred public bills and public business, and the Committee of the Whole House, to which are referred private bills and private business.

"When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: The Committee of the Whole House on the state of the Union; the Committee of the Whole House; a standing committee; a select committee."

I therefore made a motion that the bill should be referred to the committee first in order, and I was overruled.

## RED CLOUD AGENCY IN NEBRASKA.

The SPEAKER, by unanimous consent, laid before the House the following message from the President of the United States:

EXECUTIVE MANSION, February 28, 1876.

To the Senate and House of Representatives:

To the Senate and House of Representatives:

I lay before you herewith a communication from the Secretary of the Interior of date of the 26th instant, upon the subject of the deficiency of supplies at the Red Cloud agency, Nebraska. This matter has already been presented to you by the Secretary, and the House of Representatives has requested investigation by a military officer of the causes of this deficiency. I have taken the proper steps to comply with this request of the House, but the present need of supplies is not disputed. A prolonged delay in furnishing provisions to these Indians will cause great distress and be likely to provoke raids on the white settlements and probably lead to general outbreak and hostilities. I therefore deem it proper to invite your attention to early and favorable action upon the estimates heretofore and herewith submitted. These estimates and the views of the Secretary in regard to this emergency meet with my full concurrence, and I recommend that the appropriation asked for may be made at the earliest day possible.

U. S. GRANT.

Mr. RANDALL. It is proper that I should say that the Committee on Appropriations considered this subject and were not able to get that information which they deemed essential, and therefore they made a report to the House recommending that the President of the United States should appoint an officer to go to the Red Cloud agency with a view of learning the facts. Now this communication would seem to imply that the President desires an appropriation for this deficiency prior to the report of that Army officer. I do not know what the judgment of the Committee on Appropriations would be in that connection; but unless that report is to be postponed for an unreasonable length of time, I think we should await its reception. There have been gross frauds perpetrated in connection with this agency. Last year we made a sufficient appropriation to cover all the expenses of the agency. In addition, there has been a disregard of law. But, as the President of the United States seems to consider it of sufficient importance to send a communication to the House upon the subject, of course the Committee on Appropriations will at once proceed to consider it

Mr. ATKINS. Has the officer been appointed by the President for

this purpose.

Mr. RANDALL. The President so states in his communication. I move that the message of the President, with the accompanying documents, be referred to the Committee on Appropriations and printed. The motion was agreed to.

#### INDIAN DEPREDATIONS.

The SPEAKER also laid before the House sundry communications from the Secretary of the Interior, transmitting, in compliance with the provisions of the act of May 29, 1872, the claims of many persons for indemnity for depredations committed by sundry bands of Indians; which were referred to the Committee of Claims.

### SIOUX INDIANS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting an estimate for an appropriation of \$25,000 to pay the Sioux Indians for relinquishing the right to hunt in certain territory; which was referred to the Committee on Appropriations.

#### ALASKA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the copy of a brief on the subject of the furisdiction of the War Department over the Territory of Alaska; which was referred to the Committee on the Territories, and ordered to be printed.

### H. E. EBSTEIN.

The SPEAKER also laid before the House a letter from the Secretary of War, calling attention to his letter of the 4th of December, 1874, recommending the passage of a bill for the relief of Lieutenant H. E. Ebstein, Twenty-first Infantry; which was referred to the Committee on Military Affairs.

## LEAVENWORTH STREET RAILROAD COMPANY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in connection with his letter of February 16, the reports of Generals Pope and Sherman on the bill to grant the right of way to the Leavenworth Street Railroad Company across the Fort Leavenworth military reservation; which was referred to the Committee on Military Affairs.

## WILLIAM P. ROSS.

The SPEAKER also laid before the House a letter from the Attorney-General, transmitting, in response to a House resolution of the 15th instant, papers and records relating to the complicity of William P. Ross in the alleged Indian-bounty frauds of John W. Wright; which was referred to the Committee on Indian Affairs, and ordered to be printed.

## RADDY M'CONNELL.

Mr. VANCE, of Ohio, by unanimous consent, introduced a bill (H. R. No. 2424) granting a pension to Raddy McConnell, of Meigs County, Ohio, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### MRS. CAMELIA DANIELS.

Mr. VANCE, of Ohio, also, by unanimous consent, introduced a bill (H. R. No. 2425) granting a pension to Mrs. Camelia Daniels, of Scioto County, Ohio, mother of James Steele Daniels, deceased, late a private, Company B, Twenty-second Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### MRS - DORIAS.

Mr. VANCE, of Ohio, also, by unanimous consent, introduced a bill (H. R. No. 2426) granting a pension to Mrs. — Dorias, of Lawrence County, Ohio, mother of August Dorias, deceased, late a private of Battery L, First Ohio Light Artillery; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### FREEDMEN'S AFFAIRS.

Mr. BANNING, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved. That the Secretary of War be, and he is hereby, directed to transmit to this House copies of the late reports of the Assistant Adjutant-General James M. Vincent in regard to freedmen's affairs.

### DECLARATION OF INDEPENDENCE.

Mr. KELLEY. I ask unanimous consent to introduce for consideration at this time the joint resolution which I send to the Clerk's desk. Mr. KASSON. I will not object to the introduction of the joint

resolution for reference.

Mr. KELLEY. If the gentleman will hear me for one moment I think he will not object to considering and passing the joint resolu-

A similar joint resolution was passed by the House on the 22d of last February, providing for the restoration of the signatures of the signers of the Declaration of Independence, which, either by the influence of time or the application of some chemical in taking a copy, have been almost effaced. The resolution provides that the Secretary of the Interior, the secretary of the Smithsonian Institution, and the Librarian of Congress shall be a commission to have the signatures restored, at the expense of the contingent fund of the Interior De-

Mr. KASSON. If that is all, there is no objection to it.
Mr. KELLEY. A resolution of this kind passed the last House on
the 22d of February, went to the Senate on the 23d, and was lost sight of in the haste incident to the closing of the session. There can be

The SPEAKER. The Clerk will read the joint resolution.

The joint resolution was read. It provides that a commission, consisting of the Secretary of the Interior, the secretary of the Smithsisting of the Secretary of the Interior, the secretary of the Smithsonian Institution, and the Librarian of Congress, be empowered to have resort to such means as will most effectually restore the writing of the original manuscript of the Declaration of Independence, with the signatures appended thereto, now in the United States Patent-Office, and that the expense attending the same be defrayed out of the contingent fund of the Interior Department.

There being no objection, the joint resolution (H. R. No. 77) providing for the restoration of the original Declaration of Independence, was introduced, read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KELLEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### TIMBER CULTURE.

Mr. SAYLER, by unanimous consent, reported, from the Committee on Public Lands, a substitute (H. R. No. 2427) for House bill No. 625, a bill to amend the act entitled "An act to amend an act entitled 'An act to encourage the growth of timber on the western prairies,' approved March 13, 1874, and, for Hsuse bill No. 643, a bill explanatory of the timber-culture act; which were read a first and second time, ordered to be printed, and recommitted to the Committee on Public Lands.

## LAND ENTRIES WITHIN RAILROAD GRANTS.

Mr. SAYLER. I am also directed by the Committee on Public Lands to ask that the House order the printing of the communication of the Jommissioner of the General Land Office in relation to House bill N . 120 and Senate bill No. 34, with reference to confirming entries of public lands within the limits of railroad grants. It is a very important communication containing all the facts with reference to

those grants.

The SPEAKER. If there be no objection, the printing will be ordered.

There was no objection, and it was ordered accordingly.

## ESTIMATES OF NAVY DEPARTMENT.

Mr. BURLEIGH. I am directed by the Committee on Naval Affairs to report back, with amendments, a bill (H. R. No. 1344) directing the method of annual estimates of expenditures to be submitted from the Navy Department; and to ask unanimous consent that the bill, as amended, be ordered to be printed and made a special order for Thursday next after the morning hour.

Mr. WOOD, of New York. There is a special order set down for

Thursday—the Hawaiian treaty.

Mr. RANDALL. Why could we not take up this bill after the morning hour to-day?

The question being put on the motion to make the bill a special

order for Thursday next, it was not agreed to.

Mr. BURLEIGH. I move then that the bill be ordered to be printed and recommitted.

Mr. HALE. Not to be brought back on a motion to reconsider. The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. BURCHARD, of Illinois. I move that the various votes this morning by which bills, &c., have been recommitted and referred be reconsidered, and that the motion to reconsider be laid on the table. Several members called for the regular order.

The SPEAKER. The Chair desires to ask if it is the pleasure of the House that certain bills upon the Speaker's table shall now be appropriately referred.

There was no objection.

#### REFUNDING THE NATIONAL DEBT.

The bill (S. No. 478) amendatory of an act entitled "An act to authorize the refunding of the national debt," approved July 14, 1870, and of an act entitled "An act to amend an act entitled 'An act to authorize the refunding of the national debt,'" approved January 20, 1871, was taken from the Speaker's table, read a first and second time, and referred to the Committee of Ways and Means.

#### B. P. PATTERSON.

The bill (S. No. 140) for the relief of B. P. Patterson was taken from the Speaker's table, read a first and second time, and referred to the Committee of Claims.

#### G. B. TYLER AND E. H. LUCKETT.

The bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, was taken from the Speaker's table, read a first and second time, and referred to the Committee on the Judiciary.

### ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at two minutes before one o'clock. The regular order is the call of committees for reports of a public nature; and the call rests with the Committee on Public Buildings and Grounds.

### PUBLIC BUILDINGS, MEMPHIS, TENNESSEE.

Mr. YOUNG. I call for the consideration of the unfinished busi-

Mr. YOUNG. I call for the consideration of the unfinished business of the morning hour.

The SPEAKER. The unfinished business coming over from the morning hour of Thursday last is a bill (H. R. No. 2226) to further provide for the building of a custom-house, post-office, court-room, &c., in the city of Memphis, reported from the Committee on Public Buildings and Grounds by the gentleman from Tennessee, [Mr. YOUNG.] The previous question had been seconded and the main question ordered, and under the operation thereof the pending amendments had been disposed of. The question now recurs on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. BEEBE. 1 demand the yeas and nays on the passage of the bill.

bill.

Mr. WELLS, of Missouri. I merely wish to state that this bill does not make an appropriation of money out of the Treasury, but simply prescribes a limitation upon the cost of this public building for various governmental purposes in the city of Memphis. The yeas and nays were not ordered.

Mr. BEEBE. Mr. Speaker, is it in order now to move the recommittal of this bill to the Committee on Public Buildings and Grounds?

The SPEAKER. It is.

Mr. BEEBE. Then I make that motion, and for this reason: I find upon investigation of this matter that this bill calls for the appropriation of \$400,000 as at present amended for the purpose of erecting a custom-house, court-house, &c., where the customs revenues amount to but \$33,000 a year and the expense of collecting that \$33,000 amounts to about \$10,000, making the net revenue to the Government something like \$20,000. As I understand it, the erection

of this building has not yet begun.

Mr. WELLS, of Mississippi. I understand that the bill comes over from the last morning hour under the operation of the previous ques-

The SPEAKER. The bill did come over from the last morning hour under the operation of the previous question, but the bill this morning has been ordered to be engrossed and read a third time, which exhausted the previous question. The question then recurred on the passage of the bill, when the gentleman from New York [Mr. Beebe]

passage of the bill, when the gentleman from New York [211, DEEDS] moved its recommittal.

Mr. BEEBE. As I understand it, the previous question was demanded on the amendments then pending, which, upon consultation with old members of the House, goes merely to that amendment, and not to the passage of the bill.

The SPEAKER. The previous question exhausted itself on the

third reading of the engrossed bill and is not now pending, not having

third reading of the engrossed bill and is not now pending, not having been called on the passage of the bill.

Mr. BEEBE. I will now resume the floor, and propose only to occupy the attention of the House for a little while.

As I have already stated, Mr. Speaker, the net revenue accruing to the Government at this point was something like \$20,000 a year. It is now proposed to erect a building which is to cost \$400,000. The gentleman from Pennsylvania, [Mr. Kelley,] when the bill was under consideration on a previous occasion, stated that it was in his view the better policy to erect these costly and magnificent structures because they were to least for all time, and he took occasion at the because they were to last for all time, and he took occasion at the same time to assure this House of the deep interest he felt in the welfare of the working classes. Now, sir, I appeal to him and to every gentleman on this floor who is really, sincerely, earnestly, and honestly in sympathy with the sentiment which prevailed at the popular elections which made this House politically what it is to-day, I appeal to all such to unite with me, and upon this the first occasion when a proposition comes before the House to commence the erection of a building to cost this enormous sum of money out of the Treasury of the United States, to repudiate it; and then, when we shall have defeated this measure, when we shall have broken whatever combination may exist here, we may hope to be able to beat similar measures as they are brought forward.

If I understand, Mr. Speaker, the sentiment of the people at this time, in view of the stringency in business matters throughout the land, it is opposed to the commencement of any new public works not absolutely indispensable. Why, sir, the Secretary of the Treasury in his budget asks for but \$100,000. Here we have a Secretary in sympathy with a party and Administration which we on this side of the House have denounced as corrupt in many of its features, and extravagant in all, asking for but \$100,000; and yet this House pro-

poses to vote \$400,000

Mr. HOLMAN. Will the gentleman yield to me for a moment?
Mr. BEEBE. Yes, sir.
Mr. HOLMAN. My friend from New York misapprehends this bill.
In 1873 \$5,000 was appropriated to begin the construction of this building at Memphis, Tennessee, but it imposed no limit upon the cost of the building. The Secretary of the Treasury declined to proceed with the building of the custom-house, on the ground that no limit had been imposed on the cost, making however an estimate for the

present current year of \$100,000.

The Committee on Public Buildings and Grounds reported this bill for two purposes. The city of Memphis had proposed to make a donation to the Government of a piece of ground, said to be quite valuable, on which the building should be erected. Congress had directed the sale of the present site by the same act of 1873 which made the appropriation of \$75,000. The committee desired to accomplish two purposes. Inasmuch as a limitation was necessary to the cost of the building, and the city of Memphis had donated the ground on the condition that the Government would commence the building in the condition that the Government would commence the building in the month of May next—that is the language of the donation—the committee desired to fix first what might be the ultimate cost of the building, and they proposed as the limit \$600,000. The Secretary of the Treasury and the Supervising Architect of the Treasury had recommended that the limit be \$800,000. The committee fixed upon \$600,000. On my motion the House further amended the bill so as to reduce the amount to \$400,000 as the limit of the cost. But the bill does not propose to appropriate the \$100,000 asked for by the Secretary of the Treasury. On the contrary, I can assure my friend from New York [Mr. Beebe] that so far as I am informed that \$100,000 will not be appropriated for this present current year as asked for by the Treasury Department.

What is proposed to be done by this bill is to fix the limit of the entire cost of the building when it shall be erected, and at the same time to provide that the Government shall take the necessary steps to obtain the benefit of this donation of land for a site. And I will say to my friend that the main controlling reason which induced the report of this bill was that the Government might obtain the benefit of this donation of site of land for a building that the forest bild was that the Government might obtain the benefit of this donation of site of land form building the form the land for the of this donation of a site of land for a building. And, further, by the second section the Secretary of the Treasury is authorized to sell the present site, and to cover into the Treasury the proceeds arising

from such sale.

My friend from New York, therefore, will see from this explanation what is the exact object of the bill. It does not appropriate any money. It limits the cost of the building to \$400,000, while the Sec-

money. It limits the cost of the building to \$400,000, while the Secretary of the Treasury and the Supervising Architect recommended the limit to be \$800,000. It makes no appropriation whatever, but simply seeks to obtain the benefit of this donation; nothing more. If my friend's understanding of the object of the bill was correct, that the Treasury Department asked \$100,000, and that we propose to appropriate \$400,000, it would certainly be a case that might well excite great astonishment. But, so far from that being the case, we do not appropriate a dollar. Neither by the vote in this House nor by the report of the committee is one dollar sought to be appropriate. by the report of the committee is one dollar sought to be appropriated for this purpose for the current year. We have thought, however, that it would be well for the Government to obtain the benefit of this donation; for my friend must see that sooner or later, if not now, yet in the future, and perhaps in the early future, it will be proper enough to erect a public building at the city of Memphis, not only on account of its having been deemed suitable to be a port of

entry, but also because it is a place where the Federal courts are held, and where post-office accommodation is wanted, and where the Gov-

ernment is now paying a very large sum of money for rent.

I agree with the gentleman from New York in all that he said in opposition to lavish expenditures for public buildings, and I am perfectly willing that after hearing this statement the House shall take any course it deems proper. But if we are to take advantage of this donation of the land from the city of Memphis, a bill of this character

ought to be passed.

Mr. BEEBE. Mr. Speaker, I did not misunderstand this matter. I am very grateful to the gentleman from Indiana for his explanation, but it does not change my view of this subject one particle. By the gentleman's own admission, by the explanation which he has so gengentleman's own admission, by the explanation which he has so generously and at such extended length given to this House, we find that legislation is necessary to secure the commencement of this building and the expenditure of this money. I am opposed to this proposition, and it is the proposition which I arose to oppose.

Sir, I am opposed to the erection of any building at Memphis, now or at any time, until it shall be shown that the public necessities de-

mand the expenditure, and when the necessity arises it will be time to meet it. Why, sir, I find in looking over the estimates of the Secretary of the Treasury that \$28,000,000 are asked for public works for the next fiscal year against \$16,000,000 appropriated by what we on this side of the House denounced as an extravagant Congress last year. Sixteen million dollars were appropriated then, \$28,000,000 are called for now. And I will take occasion to say right here and now, that I believe if gentlemen will stop this unseemly wrangling about abstruse propositions of finance and approach the settlement of our difficulties in the only sensible and reasonable way, to wit, the bringing of the expenditures of the Government within the proceeds le-gitimately derived from the taxation of the Government, we will have done more and better than we can do in any other way. sir, for one, I shall be found voting against any appropriation in the State of New York or out of it, unless I am thoroughly persuaded that an absolute and immediate necessity demands the appropriation. It will not do for gentlemen to say that the city of New York has had its millions for public buildings. Ah, gentlemen, when the city of New York makes any such demand as this, I shall regret it more of New York makes any such demand as this, I shall regret it more than any one of you if you do not deny its demand. The city of New York I know has its costly structures, but she collects revenue there to the amount of \$108,000,000, while \$33,000 only are collected at Memphis. Erect a building on the same scale at New York—one proportioned to the amount of revenue derived—on the same scale as proposed for this at Memphis, and you will have a structure costing some thousands of millions of dollars.

some thousands of millions of dollars.

Now, sir, I desire to meet this proposition right here and now. If there remains one dollar in the Treasury of the United States as to which additional legislation must be had before any expenditure can be made of it, then I say, let not that legislation be had, unless it is absolutely necessary, unless some public exigency demands it. I have no ill-feeling toward the city of Memphis, nor any other section of the country. I regard it all as one common country, but I believe it to be the duty of every Representative here to put forth the most earnest efforts to keep the expenditures within the most reasonable bounds, at least until business shall have revived and the country shall look out on a prospect which promises more and better for its welfare than anything which comes within the range of my vision welfare than anything which comes within the range of my vision now; and if it be in order I ask for the yeas and nays on the motion to recommit, because I want a record on this proposition.

Mr. SPRINGER. I think the gentleman from New York is entirely mistaken with regard to the provisions of this bill. Its purpose is simply to limit the Treasury Department in making plans of this court-house below \$400,000 and to authorize the sale of a lot now held by the Government in the city of Memphis, and to accept the donation of another lot by the city council of that city. That is everything there is in the bill. When the question comes up of appropriating money to build a custom-house in the city of Memphis, propriating money to build a custom-house in the city of Memphis, the argument of the gentleman from New York would be in order; now it does not apply. I can see nothing objectionable in the immediate passage of the bill; it is certainly a limitation upon the Secretary of the Treasury of the United States and the Supervising Architect of the Treasury.

Mr. KASSON. Will the gentleman from Illinois [Mr. Springer] give me some information? I could not hear the chairman of the Committee on Public Buildings and Grounds; his remarks were addressed the other way and I am therefore left without the information.

dressed the other way, and I am therefore left without the information

the gave? I understood the gentleman from Illinois [Mr. SPRINGER] to state that the only object of this bill is to put a limitation on the appropriation and also to dispose of a piece of public land owned in the city of Memphis by the Government.

Mr. SPRINGER. And to accept a lot from the city of Memphis.

Mr. KASSON. The point that I think I have not heard any one state occurred to me in reading the bill, if I am not misinformed—and have not read the bill for several days—and it is this that in con-I have not read the bill for several days-and it is this, that in connection with the acceptance of a lot from the city of Memphis the United States binds itself, making a contract with that city, to erect this building thereon for certain purposes. If I am not mistaken that provision is put in the clause of the bill which accepts the grant of the property to the United States.

Mr. HOLMAN. Allow me a word,

Mr. KASSON. Now that the gentleman from Indiana is on his feet, let me ask him do I suppose rightly that he is advocating an appropriation while the gentleman from New York [Mr. Beebe] is opposing it? I never knew such a thing happen before, and I can

Mr. HOLMAN. The gentleman makes a very good point, and I am glad to see him smile. My friends from New York and Iowa will observe the simple facts as to this matter of a contract. The donation of a site was made, as I have stated, on the condition, in view of the of a site was made, as I have stated, on the condition, in view of the legislation of Congress of 1875 providing for this building and appropriating \$75,000 for that purpose—which is still unexpended, and has not been covered into the Treasury—that this appropriation should be effectual and the title vested in the United States, provided the Government commenced the erection of the building by the month of May, 1876. The language of this bill is, on the advice of the Secretary of the Treasury and the Supervising Architect of the Treasury, that the Secretary of the Treasury take such steps as may be necessary to secure that domation which was made on condition that the work should be commenced by the month of May, 1876, and the purpose work should be commenced by the month of May, 1876, and the purpose of the bill is that the Secretary of the Treasury shall take the necessary steps to obtain the benefit of that donation.

Mr. KASSON. Am I right then in saying that by that clause of the bill the United States makes a contract with the city of Memphis to

construct this building?

Mr. HOLMAN. I do not think my friend from Iowa can call it a

Mr. KASSON. I think there is no doubt of it.
Mr. HOLMAN. The donation was made on the condition that the
Secretary of the Treasury should take the necessary steps to secure
the benefit of the donation. If the Government does not think proper to begin the construction within the time specified, then as a matter of course the donation lapses; otherwise it becomes effective.

Mr. BEEBE. Is not additional legislation necessary to make the

appropriation available?
Mr. HOLMAN. I think so.
Mr. BEEBE. If we have a right to reduce the amount from \$600,000 to \$400,000, is not it much better that we should cut it off altogether? Mr. HOLMAN. I say not asking any appropriation at all or insisting on the construction of the building. My own opinion is that it is well that the Government should avail itself of this donation, but I do not think that we should at the outset make a large appropriation for the building; I think the business of constructing buildings ought to be very slow, and I am very much obliged to the gentleman from New York for the earnest protest he has entered against the expenditure of large sums of money in the erection of public buildings; I am obliged to him for th.

am obliged to him for it.

I am obliged to him for it.

Mr. YOUNG. Mr. Speaker, I desire to say only a few words in reply to the gentleman from New York, [Mr. Bezer.] If, sir, he had exercised the same industry in searching for all the facts which might very properly enter into this discussion as he has in gathering the those which relate alone to the poverty of Memphis, and the small amount of customs dues collected at that port, he would, I think, have discovered many other facts which might in all probability have influenced both his vote and his speech upon this measure. He might have discovered, as I have done since I have had this bill in hand, that the antire State of Tampesses has only received from the General have discovered, as I have dote since I have had this bill in hand, that the entire State of Tennessee has only received from the General Government since 1789 up to 1873, for the purpose of improving rivers and harbors, constructing reads, and erecting public buildings, \$451,826.29, while, during the same period and for the same purpose, the gentleman's own State of New York has succeeded in obtaining from the Federal Treasury the sum of \$15,691,722.32; and since the date of the report from which I take the figures, namely, January 7, 1874, additional appropriations have swelled the amount to nearly twenty millions. The figures show something of a contrast in the benefits received by my own and the gentleman's State from the bounty of the General Government. Greater research might also have dischosed to the gentleman the fact that in two years alone, in the midst of all the calamities brought upon her by the war, Memphis paid into the Federal Treasury \$21,000,000. Now is it too much to ask that \$400,000 of this shall be expended in her midst, upon a work from which the General Government would receive the larger share of advantage; but even this sum is not asked as a present apshare of advantage; but even this sum is not asked as a present ap-

It is only sought by this bill to secure the benefit of past legislation, both to the city and to the Government. And when even this little is asked, to my surprise and astonishment I find myself confronted by the opposition of the gentleman who comes from a State that has been so generously provided for at the public expense. And I respectfully submit that it is not a very graceful or generous thing to deny to us who have not been so fortunate the little which is sought to be obtained by this bill. I ask the gentleman if he has not sought to be obtained by this bill. I ask the gentleman if he has not commenced inculcating the lessons of economy at rather a late period? This is all I have to say. I feel that I can with confidence appeal to the justice and generosity of this House, to both democrats and republicans, to deal fairly and justly with the city and section I have the honor to represent upon this floor.

Mr. BEEBE. If this question is put upon the ground of generosity and charity there are many other cities that might be as much entitled to it as Memphis.

Mr. YOUNG. Memphis desires no charity, nor am I asking for any, but only for justice and a respect for former laws.

but only for justice and a respect for former laws.

Mr. BEEBE. All I desire to add is that if this is a matter of charity or generosity, then, if we have the right to consider that, I am perhaps inclined to be as generous toward the gentleman as he would wish.

The question was on the motion to recommit.

Mr. BEEBE. Upon that motion I call for the yeas and nays. The question was taken upon ordering the yeas and nays; and upon division there were—ayes 28, noes 107.

So (one-fifth voting in the affirmative) the yeas and nays were or-

Mr. BEEBE. At the request of friends I am willing to withdraw the motion to recommit, if the yeas and nays can be taken upon the passage of the bill.

The SPEAKER. That would require unanimous consent at this

There being no objection, it was so ordered.

The question was then taken on the passage of the bill as amended; and there were—yeas 169, nays 56, not voting 64; as follows:

The question was then taken on the passage of the bill as amended; and there were—yeas 169, nays 56, not voting 64; as follows:

YEAS—Messrs. Adams, Ashe, Atkins, George A. Bagley, Banks, Bass, Blackburn, Bland, Bliss, Blount, Boone, Bradford, Bradley, Bright, William R. Brown, Buckner, Horatio C. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caswell, John B. Clarke of Kentucky, John B. Clarke, jr., of Missouri, Clymer, Conger, Cook, Cox, Crapo, Crounse, Culberson, Cutler, Davis, Davy, Denison, Dibrell, Dunnell, Durham, Ellis, Ely, Felton, Forney, Fort, Franklin, Freeman, Frost, Fuller, Garfield, Ganse, Glover, Goode, Gunter, Hancock, Haralson, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hatcher, Hatborn, Henderson, Henkle, Hereford, Abram S. Hewitt, Hill, Hoar, Hoge, Holman, Hooker, Hopkins, House, Hunton, Hurd, Hyman, Jenks, Frank Jones, Thomas L. Jones, Kehr, Kelley, Kimball, Lamar, Franklin Landers, Lane, Leavenworth, Levy, Lewis, Luttrell, Lynch, Edmund W. M. Mackey, Levi A. Mackey, Maish, MacDougall, Meade, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, Nash, New, Norton, O'Brien, Oliver, O'Neill, Packer, Page, Payne, Phelps, John F. Philips William A. Phillips, Pierce, Potter, Rainey, Rea, Reagan, John Keilly, Rice, Riddle, John Robbins, Roberts, Sayler, Scales, Seelye, Singleton, Sinnickson, Slemons, Smalls, William E. Smith, Springer, Strait, Stevenson, Stone, Swann, Teese, Terry, Thompson, Thomas, Thornburgh, Throckmorton, Tacker, Tufts, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Waldron, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Walsh, Erastus Wells, G. Wiley Wells, White, Whitthorne, Wigginton, Willard, Alpheus S. Williams, Jeremiah N. Williams, William B. Williams, Williams, Williams, Burleigh, Cannon, Cason, Cate, Cochrane, Cowan, Danford, De Bolt, Durand, Eames, Eden, Goodin, Andrew H. Hamilton, Robert Hamilton, Haymond, Goldsmith W. Hewitt, Hoskins, Hunter, Hurlbut, Joyce, Kasson, George M. Landers, Lawrenc

So the bill was passed.

During the call of the roll,
Mr. BOONE said: My colleague, Mr. Brown, has been called home
by severe illness in his family.
Mr. COCHRANE. My colleague, Mr. Stenger, was called home
besterday on important business.
Mr. BLACKELEY.

Mr. BLACKBURN. My colleague, Mr. Knott, is detained from the House by reason of the serious illness of a member of his family.
Mr. JOYCE. My colleague, Mr. HENDEE, is detained from the House to-day by indisposition.
Mr. YOUNG moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## TEXAN FRONTIER TROUBLES.

Mr. BANKS, by unanimous consent, from the Select Committee on the Texan Frontier Troubles, reported the following resolution; which was read, considered, and adopted:

Resolved, That the report of the Committee on the Texan Frontier Troubles and he evidence taken by said committee be printed for the use of the House.

Mr. BANKS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RESTORATION OF PENSIONERS OF THE WAR OF 1812.

Mr. HUNTON. Has the morning hour expired?

The SPEAKER. It has.

Mr. HUNTON. Then I move that the House resolve itself into the Committee of the Whole on the state of the Union, for the purpose of proceeding with the further consideration of the bill (H. R. No. 1605) amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows.

The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, (Mr. Blackburn in the chair,) and resumed the consideration of the bill (H. R. No. 1605) amending the laws granting pensions to the soldiers and sailors of the war of 1812 and their widows. such of said soldiers as are now deceased. I am, therefore, in favor of the provisions of this bill in so far as they propose to accomplish

this object by extending the right to a pension to all of such soldiers

Mr. NEAL. Mr. Chairman, I approve the general policy of granting pensions to the soldiers of the war of 1812 and to the widows of who served for the period of five days in that war and to their widows, where they were married prior to 1850. I would be willing to go

ows, where they were married prior to 1830. I would be willing to go even further than this, and give a pension to every soldier of that war, without regard to his time of service.

But while this is true, I am opposed to the fifth section of the bill as it now stands, and I shall vote for the amendment to it offered by as it how stands, and I shall vote for the amendment to it offered by the gentleman from Wisconsin, [Mr. Caswell.] When we give to those interested in this section a full pension of \$8 per month for and during the term of their natural lives from the time the bill shall be-come a law, that is certainly all that they can in justice expect. Neither they nor their friends ought to ask any more of us. If by reason of their participation in the rebellion, or from any other cause growing out of the war, the payment of their pensions was stopped, it is not our place now to pay them such arrears and remunerate them for their misfortune.

Almost every one, North and South, made sacrifices and met with losses of one kind or another during the war. Such was the inevitable result of the war. And for us, in this case, to make good to these parties losses thus sustained by them—for that is what it will amount to—will be to establish a precedent far-reaching and dangerous in its character; one which, if followed as it undoubtedly will be, will in a little while deplete the public Treasury and bankrupt the Government. It will require an appropriation of more than \$500,000 to comply with the requirements of this section, should it be retained and the bill become a law. But this sum, large though it be, will be but a trifle, when compared with the millions that will follow it. There will be no end to the number or amount of claims that will be forced upon us if we open wide the door and invite their presentation by recognizing the justice and validity of this one. The fact that the parties who will be benefited by this section are old, infirm, and decrepit cannot alter the case. We cannot justify a vote for it upon any such ground; and unless we can put our support of it upon this ground alone I cannot conceive upon what principle it can be sustained.

The true theory upon which the whole pension system rests is that the Government, not as a debt, which it is compelled in honor to pay, but as a mere token of its appreciation of their patriotism and services, voluntary assumes the obligation of relieving the necessities of those who come to its rescue in the hour of its peril, when they shall need its aid. This the Government will do here, when it restores to the pension-roll the names of such soldiers of the war of 1812 as have been stricken from it by previous acts or joint resolutions of Congress, without paying them for the time they have been so suspended. We shall deal most liberally with all such when, overlooking their conduct during the war and blotting out all that stands charged against them for that time, we place them upon an equal footing in the future

with their old comrades in arms.

Mr. BLAND. Mr. Chairman, I send to the Clerk's desk to be read some remarks made upon this subject in the last Congress by Mr. Butler, of Massachusetts

The Clerk read as follows:

The Clerk read as follows:

Mr. Butler, of Massachusetts. I move to amend by striking out the following proviso at the end of the fifth section:

"Provided, That the restoration and pension contemplated herein shall take effect from the passage of this act."

The section to which this amendment is appended proposes to remove from the pensioners the disability imposed by the act of 1864. Now, it seems to me manifestly unjust that by this proviso we should confiscate the pension during the intervening time. While the war was going on, while the Union was still unrestored, it was a very proper thing to cut off the pensions of those who were disloyal. But I cannot see why the pensions of these men should be confiscated by the Government while no other property is confiscated. Therefore I desire a vote upon the question of striking out these words.

Mr. Sprague. The amendment would restore pensions which have been lost by reason of disloyalty during the rebellion; and we do not propose in this bill to put the disloyal upon an equality with those who have been faithful to the country. That is the objection to the amendment of the gentleman from Massachusetts.

Mr. Butler, of Massachusetts. To that I make this answer: Those who had not served for sixty days or for any specified time are now put upon the pension-rolls. These men had, according to the judgment of Congress, rendered such service as to entitle them to a pension; it was their right which had been granted to them. The pension was their property, inalienable except on account of their disloyalty during the disloyalty and while the safety of the country required such a policy. But the time of danger is now passed; and I do not see why these old men should be deprived of their pensions while all other persons in the South are left to enjoy their property. If anybody wants to introduce a general confiscation act with reference to property in the South, I do not know whether I shall vote for it or not; but I certainly am not going to vote for confiscation unless

A MEMBER. What was the vote?

Mr. BLAND. The vote is not given. The amendment was adopted without opposition. The last House was two-thirds republican; yet that amendment was adopted; and the very amendment that the gentleman from Maine [Mr. HALE] called our attention to the other day as being a remarkably liberal proposition for that side to vote for was adopted by that House.

During the war it was contrary to public policy to pay these pensions in the South for two reasons. One was that the money itself might be used against the Government and in aid of those in hostility to it. Another reason was that the necessities of war required that the lines of communication should be closed. But, as was said by Mr. Butler in the argument just read, this is a debt which belongs to those parties, and to deny it to them now, after the reason for the

act which prevented their receiving these pensions has ceased, is simply a confiscation of their property, and the only confiscation so far as I know that has ever taken place under this Government. Shall it be said that the men of the Revolution, the soldiers of the war of 1812, alone are to be the subject of confiscation by the Congress of the United States? Will the gentleman from Maine, [Mr. Hale,] as he has done, still insist that on this side of the House are the only friends those soldiers have? Ideny that is the fact; and the sentiment of that side of the House, as expressed on the point the other day when this bill was being considered, as well as during the last Congress, shows that he does not represent his colleagues on this floor or his constituents.

I say it is but justice to these old men, and, as was remarked in a previous Congress, if they did err, their many services to this country and by their acts making it possible we should have a country entitled them to err at least once in their lives. Shall we vote a million and a half of dollars for a centennial show and exhibition and deny the patry sum due these men who made it possible for us to have such exhibition in this centennial year? What would foreign nations and peoples coming to our country say of a Congress and country which voted this subsidy to a private corporation and yet denied to the patriots who preserved this country in its time of peril their just

[Here the hammer fell.]
Mr. JENKS. I wish to offer a substitute for the amendment now under consideration, to be inserted as a proviso at the close of the fifth

Mr. HUNTON. I ask that the pending amendment be reported.

The CHAIRMAN. The pending question is on the amendment of
the gentleman from Wisconsin [Mr. CASWELL] as modified by the amendment of the gentleman from Virginia, [Mr. HARRIS,] which the Clerk will read.

The Clerk read as follows:

Strike out all after the word "62," in line 11, and add the following proviso: Provided, That no money shall be paid to any one on account of arrears during the term of his disability, except the widows of revolutionary pensioners.

Mr. JENKS. I move as a substitute for that the following proviso: The Clerk read as follows:

And provided, That under the provisions of this act no arrears of pension shall be paid for any portion of time during the existence of rebellion to any one who either participated in the rebellion or held any office therein under the so-called southern confederacy.

Mr. JENKS. Mr. Chairman, a nation's true glory consists in the favorable opinion of men of wisdom and discernment, and that favorable opinion must always depend upon the justice and benefi-cence of its legislation. Justice ought always to be first, beneficence second, and there is no attribute of a government that so fully comsecond, and there is no attribute or a government that so fully commands the respect of all mankind as that it shall be strictly just. Our honorable friend from New York, [Mr. TOWNSEND,] who is always apt to go to the very verge of either right or wrong, if he be going in any direction, goes to the very verge of beneficence. He proposes now to pension and pay the arrears which may have accrued during the pendency of the late civil war. This would be giving a primary consideration to beneficence, but it would forget justice. The Government of the United States ought not, and cannot in justice be called upon, to pay a pension to the very hand that is striking at the national life at the time that blow is suspended. It cannot be instified on any life at the time that blow is suspended. It cannot be justified on any principle of international law ever known. Yet these pensions ought to be paid from the expiration of the civil war.

This section has in contemplation only invalid pensions. There is a distinction between an invalid pension and a pension to those who are not invalids, in this, that the invalid pension is really a debt of a high order, while a pension to those who are not invalids is a mere gratuity. Hence, the pensions to these invalids being a debt could not be confiscated if we could not confiscate the same debt when we were carrying on a foreign war. If we were carrying on a war against a foreign nation under the law of nations, we could and would, so far as anything that would aid the subjects of that nation in carrying on that war, confiscate anything due to a citizen of the nation at that time. Hence, during the existence of that war, during the existence of the rebellion—and a rebellion never stands on higher ground than a foreign war—during the existence of that rebellion we ought not to pay any pension to any man who is striking at the life of the Government; but, it being a debt, the very moment the rebel laid down his arms just that moment the Government, if it is going to do so, should grant amnesty, and the whole past should go into oblivion. As to these old soldiers, let us pay them from the moment they laid down their arms, but do not let us place ourselves in the position of paying to any man during the existence of the civil war who was striking at

the national life any pension or any gratuity.

I therefore ask my amendment be added as a proviso to the fifth section. We say it is just, and that these invalid pensions are a debt of a high order. This fifth section only relates to them. They stand in the relation of having lost some limb or been wounded, or having contracted some disease in the line of their duty in the defense of their country's flag. They themselves must bear the anguish and the pain, and must bear the mortification perhaps of deformity. For this the Government cannot pay them. But it can remunerate them for actual loss; and this is done in the shape of a pension paid them year by year for the proportionate loss they have sustained each year in

consequence of that injury which they received while fighting for their country. Hence, this being a debt, and as it is owing to a class of men who are eminently meritorious and who must be at least seventy-seven years of age, we say pay these old men, grant them their pension and their arrears from the moment they laid down their arms against the Government, but not before. And this will be effected if we amend the section in the way I propose.

we amend the section in the way I propose.

Mr. COOK rose.

Mr. HUNTON. I desire to make a parliamentary inquiry. I want to know the effect of the adoption of the substitute of the gentleman from Pennsylvania, [Mr. Jenks.] I think I understand it, and I want the House to understand it. As I understand, if the substitute offered by the gentleman from Pennsylvania be adopted, the fifth section will stand as it is with that substitute added to it as a proviso. Am I correct?

The CHAIRMAN. In reply to the gentleman from Virginia, the Chair would state that he understood the gentleman from Pennsylvania to offer the amendment that has just been read by the Clerk as a substitute for the amendment offered by the gentleman from Wis-

onsin, [Mr. Caswell.]

Mr. HUNTON. I understand that.

The CHAIRMAN. The Chair then states that the conclusions of the gentleman from Virginia are correct. If the substitute offered by the gentleman from Pennsylvania is adopted, the fifth section will stand as it now does, with the addition of the words contained in the substitute.

Mr. COOK. I had trusted, Mr. Chairman, and hoped that this bill would have passed almost without discussion, as it did in the last session of Congress. Some gentlemen have deemed it proper to intersion of Congress. Some gentiemen have deemed it proper to interpose objections to it now which were not offered to it then. I should not have said anything on the subject if it had not been for the remarks of the gentleman from Maine, [Mr. Hale,] and probably will not now, except to call the attention of that gentleman, who has always, when he has taken the floor, shown himself a very fair-minded account whenever he hears of a southern claim being presented. man except whenever he hears of a southern claim being presented to Congress, and he is then like a mad dog in the sight of water, rather rabid—except, I say, to call the attention of that gentleman to the fact that by the decision of the Supreme Court of the United States the whole of this question has been settled.

The facts of the case are that under the law of the country these parties had a right to this pension. It had been given to them and was severed to them. They had anioned it for some Decision to

was secured to them. They had enjoyed it for years. was secured to them. They had enjoyed it for years. During the rebellion, necessarily and properly, it was suspended. Upon the close of the rebellion, the President of the United States, by authority of Congress, issued his amnesty proclamation, and the Supreme Court have held repeatedly, and continued to repeat that decision whenever a case was brought before them, that that restored every human being in this country to all his rights of property and all his other rights.

rights.
The first case that came up—I ask the attention of the gentleman from The first case that came up—I ask the attention of the gentleman from Maine; I will not make a speech, but I will simply read the authority for what I am saying, and I ask the attention of the gentleman from Maine, the gentleman from New York, [Mr. TOWNSEND,] and my other friends on that side—the first case that came up was that of Garland, who sought to be admitted to practice in the Federal court, but could not take the oath that he had never engaged in the rebellion. And when he came forward and presented himself in this building to resume his practice before the Supreme Court, and that point was made upon him the court gave a decision in language which I shall and to resume his practice before the supreme Court, and that point was made upon him, the court gave a decision in language which I shall read, Chief Justice Chase being on the bench, a man whose loyalty to the Government has never been questioned, whose integrity and good faith as a man have never been doubted, and whose learning and ability as a lawyer and a judge are universally recognized in this

Exclusion from the practice of the law in the Federal courts, or from any of the ordinary avocations of life for past conduct is punishment for such conduct. The exaction of the eath is the mode provided for ascertaining the parties upon whom

the act is intended to operate.

The act being of this character partakes of the nature of a bill of pains and penalties, and is subject to the constitutional inhibition against the passage of bills of attainder, under which general designation bills of pains and penalties are included.

In the exclusion which the act adjudges it imposes a punishment for some of the acts specified which were not punishable at the time they were committed, and for other of the acts it adds a new punishment to that before prescribed, and it is thus within the inhibition of the Constitution against the passage of an expost facto

within the imminion of the Constitution upon the President is unlimited except in cases of impeachment. It extends to every offense known to the law, and may be exercised at any time after its commission, either before legal proceedings are taken or during their pendency, or after conviction and judgment. The power is not subject to legislative control.

And therefore this Congress by the act it had passed prescribing this oath could not deprive Mr. Garland of his right to practice before that court, and he was admitted. I will not read the decision. It is a long one. This case is in the fourth volume of Wallace's Reports of Supreme Court cases.

Again, in the ninth volume there is the case of a man from the State of Georgia, who had a claim against the Government for property seized. They decided in that case the same question, and I will read the decision briefly:

But it has been suggested that the property was captured in fact, if not lawfully; and that the proceeds having been paid into the Treasury of the United States, the

petitioner is without remedy in the Court of Claims unless proof is made that he gave no aid nor comfort to the rebellion. The suggestion is ingenious, but we do not think it sound. The sufficient answer to it is that after the pardon no offense connected with the rebellion can be imputed to him. If in other respects the petitioner made the proof which, under the act, entitled him to a decree for the proceeds of his property, the law makes the proof of pardon a complete substitute for proof that he gave no aid or comfort to the rebellion.

I read further:

1. Claimants under the captured and abandoned property act of March 12, 1263, are not deprived of the benefits of that act because of aid and comfort not voluntarily given by them to the rebellion.

2. But voluntarily executing as surety, through motives of personal friendship to the principals, the official bonds of persons acting as quartermasters or assistant commissaries in the rebel army, was giving aid and comfort to the rebellion, although the principals by their appointment to the offices named escaped active military service and were enabled to remain at home in the discharge of their offices respectively.

3. Taking presession of a city by the national forces was not of itself and with

respectively.

3. Taking possession of a city by the national forces was not, of itself, and without some actual seizure of it in obedience to the orders of the commanding general, a capture within the meaning of the act of the cotton which happened to be in the city at the time of the entry of the forces.

4. Hence, where prior to any such seizure an owner of cotton, who, though opposed to the rebellion, had given aid and comfort to it to the extent above mentioned, but was not within any of the classes excepted by the President's proclamation of December 8, 1863, and in regard to whose property in the cotton no rights of third persons had intervened—took the oath prescribed by that act and kept it. Held, after a seizure and sale of the cotton by the Government, that he was entitled to the net proceeds as given to loyal owners under the abandoned and captured property act. Having been pardoned, his offense in executing the bonds, could not be imputed to him.

I read, sir, now from 13 Wallace in the case of the United States vs. Klein, appealed by the United States from the court below:

vs. Klein, appealed by the United States from the court below:

1. The act of March 12, 1863, (12 Statutes at Large, 820.) to provide for the collection of abandoned and captured property in insurrectionary districts within the United States, does not confiscate or in any case absolutely divest the property of the original owner, even though disloyal. By the seizure the Government constituted itself a trustee for those who were entitled, or whom itshould thereafter recognize as entitled.

2. By virtue of the act of 17th of July, 1862, authorizing the President to offer pardon on such condition as he might think advisable, and the proclamation of 8th of December, 1863, which promised a restoration of full rights of property, except as to slaves, on condition that the prescribed oath be taken and kept inviolate, the presons who had faithfully accepted the conditions offered became entitled to the proceeds of their property thus paid into the Treasury, on application within two years from the close of the war.

3. The repeal, by act of 21st of January, 1867, (after the war had closed,) of the act of 17th of July, 1862, authorizing the Executive to offer pardon, did not alter the operation of the pardon, or the obligation of Congress to give full effect to it if necessary by legislation.

4. The proviso in the appropriation act of July 12, 1870, (16 Statutes at Large, 235.) in substance is in conflict with the views expressed in paragraphs 1, 2, and 3, above, and is unconstitutional and void. Its substance being that an acceptance of a pardon without a disclaimer shall be conclusive evidence of rights conferred by it, both in the Court of Claims and in this court, it invades the powers both of the judicial and of the executive departments of the Government.

With that provise in it, it became a law, and that provise is what

With that proviso in it, it became a law, and that proviso is what the Supreme Court has declared unconstitutional and void. I believe it was known as the Drake amendment. I do not know whether the gentleman from Maine [Mr. HALE] was in that Congress, or whether he voted for it or not.

It was, in fact, promised for an equivalent, "pardon and restoration of political rights" were "in return" for the oath and its fulfillment. To refuse it would be a breach of faith not less "cruel and astounding" than to abandon the freed people whom the Executive had promised to maintain in their freedom.

And, yet from the expiration of those two years to this hour, the door of the court has been perpetually shut against these applicants, and it stands so to-day, and it is the law requiring this oath which has closed the doors of your Pension Office against these old pensioners.

It was urged in argument that the right to sue the Government in the Court of Claims is a matter of favor; but this seems not entirely accurate. It is as much the duty of the Government as of individuals to fulfill its obligations. Before the establishment of the Court of Claims claimants could only be heard by Congress.

I read further:

I read further:

Now it is clear that the Legislature cannot change the effect of such a pardon any more than the Executive can change a law. Yet this is attempted by the provision under consideration. The court is required to receive special pardons as evidence of guilt, and to treat them as null and void. It is required to disregard pardons granted by proclamation on condition, though the condition has been fulfilled, and to deny them their legal effect. This certainly impairs the legal authority and directs the court to be instrumental to that end.

We think it unnecessary to enlarge. The simplest statement is the best.

We repeat that it is impossible to believe that this provision was not inserted on the appropriation bill through inadvertence; and that we shall not best fulfill the deliberate will of the Legislature by denying the motion to dismiss and affirming the judgment of the Court of Claims, which is accordingly done.

That was the earnest, forcible, clear, impressive language of the Chief Justice of the country in reviewing all these matters immediately after the war, and no man contributed more by his counsels, his unwearying uniform exertion, in sustaining the war against the rebellion than did that man; but he felt a solemn responsibility to the obligation he owed as a judge on the bench of the supreme legal authority under the Constitution of his country.

I will only say in conclusion, Mr. Chairman, when the descendants of

these men may be challenged to show their patriotism in defense of their country, I undertake to say that the men who confronted them at Sharpsburgh and in the Wilderness will not question or doubt their courage as brave men. Sir, this measure is but just; it is in conformity with the proclamation of your President, with the solemn adjudicated decisions of your courts; it is in accordance with the good sentiment throughout the country, that these persons should be re-

stored to their rights, and I say that the men of the North and the West would feel aggrieved when they had denied to the ancestors of his fellow-soldiers the pittance the Government owes them.

Mr. KASSON. I have been somewhat troubled to find out the real significance of this pension bill. I think it possible that my examination of the previous laws may aid some other gentlemen in coming to a correct judgment upon this bill, and may illustrate in some degree the theory upon which it is framed.

To begin, I find that it proposes a complete substitute for the law of 1871, and then it proceeds to re-enact nearly every provision of that law except that which excludes from the benefits of the act a certain class of disloyal pensioners. It does, however, accomplish

certain class of disloyal pensioners. It does, however, accomplish this other result, also, to reduce the period of service from sixty days to ten days, so far as the soldiers of the war of 1812 are concerned.

Then, hanging upon this simple change of a reduction of time of service, come these other new provisions to which I will refer, and service, come these other new provisions to which I will refer, and upon which depend the appropriation annually of a very large sum of money, a very considerable immediate appropriation in gross for arrearages, and an unknown amount of appropriations called for in the future by the theory upon which the gentleman from Georgia [Mr. Cook] stands who last spoke, and also by the theory upon which they propose to repeal the laws of 1862 and the other laws establishing a disability because of rebellion. I think therefore it is fair to say that upon the consideration of this bill upon those grounds depends somewhere from one to two score of millions of dollars, I am not certain but I ought to say three score millions. When you say that the imposition of these disabilities was a violation of the contract between the Government and the pensioner, and that you violation. that the imposition of these disabilities was a violation of the contract between the Government and the pensioner, and that you violated the Constitution (upon the theory attributed to Chief Justice Chase) by what you have done, which is the point contended for on that side of the House, then clearly you must go back and pay the entire arrearages of the last fourteen years due to persons engaged in

rebellion, amounting to an aggregate of many millions.

The question, then, is one of vast importance. If this bill shall receive in its present form the favorable consideration of this Committee of the Whole, then when it comes before the House I shall ask permission to submit a motion to recommit this bill in order that we

may have more full information and report from the committee.

Now, sir, had we a right to cease the payment of money to the pensioners of the United States because of the fact that they were at the time seeking to destroy the Government and the nation which was paying them? Had we a right to do that? Or was the granting of a pension for past services a contract of so high a nature that we must continue to pay that pension to an enemy of the country in battle against it? That is the ground contended for by those who favor against it? That is the ground contended for by those who favor this proposition to pay arrearages. I venture to state that not a statesman or publicist upon either side of the ocean ever contended that the most solemn contract known, that of a treaty between nations, requires the payment of money called for even by treaty while that country is an enemy. Even upon the settlement of a peace the whole question is re-opened, as to the moral obligation implied to carry out a previous expressed contract. Then I set that not only carry out a previous expressed contract. Then I say that, not only because we would, in paying this money, have aided an enemy to destroy the Government which paid it, not only on that ground, but also on the ground that nothing in the shape of a contract terminated by war-legislation could continue after the war unless restored by

legislation, we cannot be called upon to pass this bill.

Again, the granting of these pensions now under consideration was an act of sovereign gratuity by the Government in recognition of the services supposed to have been rendered by the pensioners; and every pensioner is constantly at the discretion of his Government as to the amount of his compensation and as to the continuance of his pensioner is constantly at the discretion of his discretion of his compensation. That being so, on both grounds, because the pensioner was at the time an enemy of the country that paid the pension and because, whether enemy or not, the whole subject is one of legislative discretion, I contend that to-day the question may be treated by us as an entirely new question. It presents itself in this simple form: Ought we to pay these men now in question, and not yet restored to the pension-roll, the amount which has been paid to the others, who remained

Mr. BLAND. Will the gentleman allow me to ask him a question?
Mr. KASSON. Certainly.
Mr. BLAND. Inasmuch as the last House passed this same bill, why did not the gentleman then make his able speech in opposition to its passage at that time, when General Butler was advocating it?

MASSON I am not aware that this bill was then presented for

Mr. KASSON. I am not aware that this bill was then presented for action in its present form to this House. If so, it escaped my attention at that fime.

Mr. BLAND. As shown by the record, this House adopted the same provisions, and the gentleman from Iowa [Mr. Kasson] made no ob-

jection.

Mr. KASSON. Including the arrearages?

Mr. BLAND. Yes.

Mr. KASSON. Having taken no part in the consideration of that bill, I come to this one to-day as a fresh question, and I leave to gentlemen who did participate in it to make the requisite explanation as to differences between the two bills.

Mr. CASWELL. If the gentleman will permit me I will say that I have here a copy of the bill said to have been passed by the last

House of Representatives, I fail to find in it any clause which pro-

vides for the payment of arrearages; if there be such a clause I would

vides for the payment of arrearages; if there be such a clause I would thank any gentleman to point it out.

Mr. KASSON. I am told by gentlemen that there was no such clause in that bill. Now, to go on with the consideration of this question, because I want to treat it with perfect fairness.

Mr. JENKS. Will the gentleman allow me a question?

Mr. KASSON. Certainly.

Mr. JENKS. Do you understand this bill to provide for the payment of arrearages to any pensioner now living, or to his heirs, if

ment of arrearages to any pensioner now living, or to his heirs, if dead ?

Mr. KASSON. Yes, sir; it does this: It says in effect that if a soldier died bearing arms against the Government of the United States all that would have been due to him up to the time of his death is payable to his minor heirs or his widow, if there is one.

Mr. JENKS. That is not in the bill.

Mr. KASSON. It is in the last section. The sixth section pro-

That the surviving widow of any pensioner of the war of 1812, where the name of said pensioner was stricken from the pension-rolls in pursuance of the act entitled "An act authorizing the Secretary of the Interior to strike from the pension-rolls the names of such persons as have taken up arms against the Government, or who have in any manner encouraged the rebels," approved February 4, 1862, and where said pensioner died without his name being restored to the rolls, shall be entitled to the arrearages of pension due said pensioner at the time of his decease; and the marriage of such widow shall not prevent her from receiving such arrearages of pension. In case there is no surviving widow, then such arrearages of pension shall, upon similar proof, go to the minor children of such pensioner.

Mr. JENKS. Does not that refer to an invalid and not to a sturdy

Mr. KASSON. It refers to the man whoever he was that had a pension.

pension.

Now, I want to say that this bill goes further in its purpose to benefit soldiers who fought against the Union than any bill ever passed within my knowledge for the benefit of the soldiers who fought to maintain the Union. We are continually getting letters (at least I am receiving them) from unfortunate people whose pensions have been cut off by the statute of limitations, who are not permitted to come in and get the pensions that they unquestionably would have been entitled to if they had applied in time. I have now in my desk a letter from a widow representing her case—a simple failure to make her application in time; and our laws have not extended the time for the benefit of such persons.

It is proposed now by this bill to pay to the widow and children arrearages covering a period when the husband or father was actually warring against the United States. If gentlemen appeal to me as an individual and say: "Here is a case for charity; the widows or minor children of men who fought against the Government are in distress children of men who fought against the Government are in distress," they are welcome to the share of such charity that I can give. But the demand is upon the Government of the United States, as an act of justice; we are asked to go further for the widows and orphans of those who died in the rebellion than our present laws allow us to go for the relief of widows and orphans of those who fought to save the Government. For them our bills allow no arrearages. I cannot support a bill which, upon the theory of magnanimity and generosity, goes further than we have hitherto gone on the theory of justice and actual compensation. For this reason I submit to gentlement a both actual compensation. For this reason I submit to gentlemen on both sides of the House that they are demanding too much of members, at least on this side of the House, when they ask support for a bill of this nature

You will observe also, Mr. Chairman, that in the fifth section of the Great Britain" have been stricken out; and in striking those out you have opened the whole question of the Mexican-war pensioners; you have brought all the soldiers of that war under the same provision. Hence the theory that the soldiers of the war of the Revolution and the war of 1812 were too old to do much harm to their country in the late war—a theory which is very just, a declaration which I do not dispute in the main—is done away with by enlarging the bill to take in all the soldiers of the late Mexican war who were disloyal. And we cannot fail to recollect that one of those soldiers was at the head of the confederate government. Therefore they were not too old to have participated in the effort to overthrow the Government of the United States. Yet that modification is made very quietly; and the bill since it was reported is certainly made broad enough to take in all this class of soldiers.

Mr. DE BOLT. The gentleman is under a mistake in saying that the bill takes in all soldiers of the Mexican war; it only includes

those who were previously pensioned.

Mr. KASSON. Of course I meant those included within the terms of the bill, not all surviving soldiers of the war of 18.2, but all those

who would be covered under the provisions of the bill.

What else does this bill propose? It proposes, according to the estimate of the Commissioner of Pensions, to add 5,680 men to the pension-rolls by reason of the reduction of the time from sixty days to ten days; and the House has since gone on and by an amendment made that five days. How many more are thus added we have no estimate, because the Commissioner of Pensions has not been interrogated upon this point. The widows added under the ten days' clause would be 1,620. But even the limitation to widows who were married prior to 1850 has been struck out; so that it includes all widows up to 1876. Of the number thus included there has been no esti-

mate offered. Of those married prior to 1850 the number to be added mate offered. Of those married prior to 1850 the number to be added to the pension rolls, according to the estimate of the Commissioner of Pensions, is 15,000, making 22,300 names to be added to the pension-rolls and requiring an annual appropriation of \$2,140,000. If such unprecedented provisions were required for pensions of invalids—if it were necessary upon the principles on which pensions are granted that this should be done—not one word of objection would be heard. But the question presented to the House is whether we are not carrying the pension laws to the extreme of a dangerous precedent when we get down to what is called a five days' service of a man not an invalid and counting from the time the man started from his home. we get down to what is called a five days' service of a man not an invalid, and counting from the time the man started from his home as a minute-man until the time he got back again. I suggest to the House that it ought to be considered by a committee whether it does not establish a very dangerous precedent, and abolish the special honor of a pensioned soldier, to enact a pension law making no distinction between service proper and the simple opportunity for service

ice.
Mr. BLAND. Did not that amendment come from the other side of the House

Mr. KASSON. That is very possible. I am speaking irrespectively of sides of the House on this question.

Mr. BLAND. It came from the gentleman from New York, [Mr. Hoskins.

Mr. KASSON. After we have refused on every pension bill that has been offered here for some years past to pay any arrears of pension whatever to the national soldier, it is now proposed to pay arrearages in the cases to which I have referred, alleged to be due to the

It is asking, Mr. Chairman, too much from gentlemen who recognize the demands of the country, the merits of the soldiers who have fought for the country, and the distinctive claims of justice as existing between soldiers who sustained the Government and those who sought to overthrow it.

Mr. DUNNELL obtained the floor.

Mr. HUNTON. I do not desire to hamper debate, but we are in the Committee of the Whole under the five-minute rule, and I wish to call the attention of the chairman of the committee to that fact.

The Record discloses the fact. After I had concluded a remark or two, as the Congressional Record will show, I asked unanimous consent that the bill be considered section by section under the fiveminute rule. I further stated that, as some gentlemen desired to offer amendments, they could introduce them better by considering the bill section by section under the five-minute rule. No objection was

made, and it was so ordered.

The CHAIRMAN. Such appears to be the fact that, by unanimous consent, the committee agreed for that day to consider the bill under

the five-minute rule.

Mr. HOAR. I rise to inquire whether an agreement of that kind made in committee can bind the committee in the discussion of the bill this day just as though an order were made under the rules in the House for the limitation of debate to the five-minute rule?

The CHAIRMAN. If the agreement, as reported by the gentleman from Virginia, was made in the Committee of the Whole on the State of the Union, and not in the House itself, it is competent for this committee to disregard that arrangement.

Mr. TOWNSEND, of New York. I hope the gentleman from Virginia will not insist on the limitation of debate at this time.

Mr. BLAND. When the motion was made to go into the Committee of the Whole on the state of the Union for the consideration of this bill, there was incorporated that the consideration of the bill in the committee should be under the five-minute rule.

The CHAIRMAN. The Chair understands that the House was in the Committee of the Whole on the state of the Union at the time the request was made by the gentleman from Virginia [Mr. Hunton] for limitation of the debate to the five-minute rule, and was agreed to unanimously. If so, it is not competent, the Chair holds, for the committee to limit debate contrary to the rule of the House if there be objection at this time.

Mr. HUNTON. It is true that the agreement was made in the Committee of the Whole, but it was made by unanimous consent. In my judgment the Committee of the Whole have the right, by unanimous

consent, to make such an order.

The CHAIRMAN. The Chair will restate its opinion that the agreement having been made in the Committee of the Whole, although made by unanimous consent, it does not bind the committee now contrary to its own preference. Does the gentleman insist on his point that the committee shall consider this under the five-minute rule?

Mr. HUNTON. I understand the ruling of the Chair to be that I cannot insist on it.

The CHAIRMAN. The Chair rules that the gentleman cannot insist upon it contrary to the preference of the committee.

Mr. HUNTON. Unless a majority of the committee rescind that order I ask then that the order limiting the debate to the five-minute

rule be observed.

rule be observed.

The CHAIRMAN. The gentleman from Virginia asks that the rule adopted by the Committee of the Whole on the state of the Union to consider this bill under the five-minute rule shall apply to the discussion during this day. Is there any objection?

Mr. HOAR. The Chair will pardon me. I do not wish to prolong the discussion of this point, but it is important to the rights of the

minority to preserve the unfettered privilege of debate and amendment in the Committee of the Whole on the state of the Union. That is the only value of the rule of the House which sends certain classes of questions to the Committee of the Whole. I therefore must insist, if the gentleman desires to limit debate, upon his going into the House to obtain the order which is requisite under the rules.

Mr. LAWRENCE. Is it not competent for the Committee of the Whole to determine for itself, by unanimous consent, under what rule the debate shall continue? Such has been the practice, but if the decision is now otherwise we can go into the House and make the

The CHAIRMAN. The ruling of the Chair is that it is competent for the House to limit the debate in the committee on a measure of this kind, but that it is not competent for the committee itself to make such an order. The CONGRESSIONAL RECORD shows that by unanimous consent the debate was limited the other day to the fiveminute rule. The gentleman from Virginia asks that be the limita-tion to-day, and the Chair decides that such cannot be done against the preference of the committee.

Mr. HUNTON. I withdraw the point of order for the present.
Mr. DUNNELL. Mr. Chairman, I will not occupy more than the five minutes allotted me in what I have to say on the pending bill. I have watched its progress with a great deal of interest. I did hope it would come before the House in such a manner that it could be passed unanimously as a similar bill was passed in the last two Congresses. I am well aware and satisfied that the whole country will gresses. I am well aware and satisfied that the whole country will sustain the House in placing upon the pension-roll the few remaining old men who served in the war of 1812. The Senate, during the last Congress, as well as in the Forty-second Congress, set itself against the popular will when it refused to pass the bills for pensioning these old soldiers which had already passed this House.

Now, sir, there are but few of these old soldiers of the war of 1812

Now, sir, there are but few of these old soldiers of the war of 1812 remaining. They are old and generally poor and destitute. Five years ago, when I took my seat in this House, five of them lived in my district, and during the next year four of them made a pilgrimage to my residence, their neighbors giving them the means so that they might in person learn perchance whether Congress was going to be liberal enough to place them upon the pension-roll. I assured them again and essin edges the wish and intention of the Horse but assured the wish and intention of the Horse but assured the wish and intention of the Horse but assured the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish and intention of the Horse but as the second of the wish as the second of the wish and intention of the Horse but as the second of the wish as the them again and again of the wish and intention of the House, but was compelled at the same time to admit the unwillingness of the Senate to pass the bills which had passed the House.

The present bill differs from the bills that have already been passed

in that it proposes, first to restore to the pension-rolls those who were stricken off because of a supposed participation in the rebellion; and again, it proposes to pay arrearages. Now, Mr. Chairman, I think we ought to come to a compromise upon this measure; and certainly it would be a fair, a just, and a generous compromise to restore to the pension-rolls all those who were stricken off because of this supposed participation in the rebellion and let the arrearages provided for in the sixth section be stricken out. The bill, if the arrearages be made a part of it, can never pass the Senate. We know that fact, and I say we are justified in regarding it in the passage of this bill through the House. But I am satisfied that the country will sustain both the House and the Senate in restoring to the pension-rolls those who did participate in the rebellion, if nothing further be attempted.

I have never been able to count up against those old men in the South a very great crime. They were old and feeble. Their sons and sons-in-laws and their grandsons were in the rebellion. Suppose perchance they did sympathize. Back of all that sympathy had by these old men for the rebellion there was a period in their lives, a time when they were full-blooded, in their strength and in their manhood, when they were gallant defenders of the Republic. Back of that period I will go to find reasons for my support of this measure. I would restore them to the rolls and let them one by one pass off the stage, conscious that the Republic they had served in their youth recognized them, though late, and restored them to its rolls. Five of these men were in my district. One of them had served fifty-nine days and another fifty-five days. Two of them have gone, buried by charity, buried at the expense of the town in one instance. I say it is unworthy of this great Republic, rich in wealth, rich in prospective power, to let a gallant defender of the Republic die in that way. Although he served but one day, his spirit was ready. When his service was required, he threw himself into the breach and offered himself for all the service that his country required, no matter what that might be.

Now, Mr. Chairman, I think we ought to pass this bill. We ought to be disposed fairly to compromise our differences. Restore to the pension-rolls those that were stricken from a supposed connection with the rebellion, and let the proviso which provides for arrearages be stricken out, as it must and would certainly fail in the Senate. I think we ought to pass the bill restoring to the pension-rolls all those who served in the war of 1812 for five days, whether they live to-day in the North or in the South, in the East or in the West. It would be a grand act, a gracious one on our part, and a just act, for which we could defend ourselves in the presence of the people, although I think we could not do so if we made provision for the arrearages to those who were dropped from the rolls during the war. Let us take a practical view of this question, and not fail in the main and chief

result by clinging to impracticable conditions.

Mr. HURLBUT. I desire to say a few words in relation to this

bill, and to say them without any hostility to any of the men who are especially sought to be relieved by this measure. I am compelled, sir, by a sense of duty to oppose this bill; because, in the first place, I believe the original bill as reported was vicious in substance and bad in form, and that the amendments which have been added to it have extended its scope, enlarged its viciousness, and made it more burdensome to the country.

First, sir, I desire gentlemen to consider here that there is not and cannot be any such thing as a vested right, a commercial transaction between the country and those who are the recipients of its bounty. Every nation has the right inherently to command the services of its citizens just whenever it calls for them, to call for their lives, to demand their money; and the measure of the citizen's duty is only limited by the necessities of the country. There is no contract of dollars and cents in that. So whoever may render service in a military capacity to the nation simply does his plain, unmistakable, undeniable duty, and whatever reward the nation may give him for having done that duty is in the line of free gift and grace, and not in the line of contract. And until this time I never heard any man talk of any such thing as a contract between the soldier and the nation giving him the right to a pension.

This is undoubtedly the state of the case. It is the history of all nations. It is the history of the branch of this nation which undertook to set up a separate government. Each party in the late civil war commanded by right the services of those who remained within its limits, and those who entered the service simply obeyed the call of duty in doing so; and whatever

gratuity the surviving party may have thought proper to give for services heretofore rendered is simply a gift, a gratuity, a donation.

Now, it is true that there are scattered through this country not a great many men, but some survivors who have rendered good service in the war of the Revolution. A few still remain of the war of 1812; a few more of the Mexican war. And now I come to the real proposition which lies at the bottom of this bill. It has been shown here by my friend from Iowa [Mr. Kasson] that, by a most ingenious dropping out of certain words that attracted no particular attention at the time, all the pensioners of the Mexican war in the Southern States are included within the provisions of this bill.

Now, sir, as there are duties belonging to a citizen toward his government, so there are donations which the Government may make to

that citizen for the performance of his duty; so it follows correlatively that there may be a forfeiture of the right to these gratuities, and these forfeitures have been inflicted on certain persons who, having earned the gratitude of the nation by previous good services, forfeited that right by abandoning the very nation they had formerly served. I care nothing about the motives, but I say that they abandoned their country in the hours of its extremest need. Now, if any one should say that these men did not forfeit and abandon by their action all the right and all the claim they may have had against the Government for their previous service, he would be saying what no man of good sound sense it seems to me would admit. Now, the point is, that it is proposed to extend the elemency of this Government, the good-nature of this Government, the lavishness of this Government,

over all this class of people.

For one, I am disposed to do just simply this: whenever the friends of this bill will so limit it down to parties who had joined in resisting the Government; men who, being pensioners of the Government, yet conspired with its enemies; men who in the plain, clear light of the unamended Constitution, the Constitution as it was, the Constitution which the gentleman from Georgia [Mr. HILL] says he hugged to his bosom when he went, the plain, strict construction of that Constitution defines what the crime treason is in leaving war against the United States—now, I am willing to signalize this time by giving to these men relief from now on, not because they deserve it, for they do not, but I will do it because I wish the magnanimity of this country in this matter to stand unquestioned before the world. But when you ask me in addition to that to add provisions to this bill which do not apply to our own soldiers and their widows and orphans; when you ask me to do to the men who according to their abilities undertook to destroy the Union what is not done to our own men, I resist took to destroy the Union what is not done to our own men, I resist it, and I say that the public sentiment of the country never will bear out any such pattering with the plain principles of justice. I call the attention of this House and I call the attention of every member of the House, on both sides, to the real thing that is intended by the bill as amended. I call their attention to the increase of the pensioners of this country. I call their attention to the fact that in this bill and in no other that ever has been passed the widows and orphans of the men who died under this disability are allowed to recover all their arrearance accrained during the time of disability.

their arrearages accruing during the time of disability.

Mr. HOLMAN. Is not my friend mistaken as to our never having passed a bill containing that provision? It seems to me there was a similar provision in the bill which passed the House upon the 14th

day of March, 1874, upon the subject of pensions.

Mr. HURLBUT. Ah, but that is not the law.

Mr. HOLMAN. Of course not.

Mr. HURLBUT. You mean the bill that passed the House.

Mr. HOLMAN. I understood you to say that no such bill had passed

Mr. HURLBUT. If I said that I spoke incorrectly. I meant to say that no such bill had become a law. Now, if gentlemen desire to get

rid of the impressions already prevalent in the public mind that this carefully worded and skillfully managed bill is simply an entering-wedge to a vast number of bills behind, they will send the bill to the committee and strip it of all these unnecessary things and render not justice but charity and mercy to these surviving men, who were carried away by excitement during the late war. When they put the bill in that shape they will have my support, and not until then.

Mr. HUNTON. I move that the committee rise, and I make the motion for the purpose of moving in the House to go into Committee of

the Whole again with a limitation of five minutes on debate.

Mr. HOLMAN. I suggest to the gentleman that, in order to avoid the necessity of going into the House, he ask unanimous consent that the debate be limited to five minutes.

Mr. HOSKINS. I do not object to the arrangement nor to the obect the gentleman has in rising, but I desire to remind the gentleman from Indiana that an arrangement has already been made to-day in reference to this bill, that the debate should not be limited until the close of the session to-morrow, and it is not in the power of the Committee of the Whole even by unanimous consent to change that arrangement. The House only can do it. I think therefore it is neces-The CHAIRMAN. The Chair would state that the gentleman from

Indiana is asking, in order to obviate the necessity of going into the House, that now, by unanimous consent, the debate from this time shall be limited to five minutes. Is there any objection?

The Chair hears none, and it will be so understood.

Mr. CASWELL. While this bill was under consideration the other

day it may have been supposed by some that I was antagonizing it. Sir, I am in favor of the principal features of this bill if gentlemen will divest it and take from it those objectionable features which are so unjustly laid upon the burdens of the soldiers of the war of 1812. The bill as it now stands would change all the pension laws of the United States. In addition to those features already pointed out by gentlemen, this bill proposes to change section 4716 of the Revised Statutes, which I desire to read:

No money on account of pensions shall be paid to any person or to the widow, children, or heirs of any deceased person who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United

Now if you repeal that section a larger number will be upon the bension-roll than there has been since 1871, because all those whoso-

pension-roll than there has been since 1871, because all those whoseever who were barred or are now barred because they subsequently
participated in the rebellion may be added to the roll.

Now I say I am in favor of this bill, and for that reason I claim that
it is unfair that we should tack on it a measure so radical and weighty
as the one which is here proposed. If this bill should become a law
we will be paying a pension to men for the very period when they were
fighting against this Government. Does history furnish such an example? Is there anywhere in the history of any nation on earth a
precedent to instify our paying men pensions during the very period precedent to justify our paying men pensions during the very period when they were fighting against their Government? Such an act on our part would be a novelty of generosity unheard of before. It would be a departure from every principle of self-government. How long can a government survive in the exercise of such political economy as that?

I do not wish to be harsh or unjust to anybody, and especially to the soldiers of the war of 1812, whether they live in the South or in the North. But I wish to preserve that consistency which every nation owes to itself, and not add a premium for rebellion against our country. If this bill shall now become a law it will go further in the direction of amnesty than any measure that has ever been advocated on this floor. Does my distinguished friend from New York, [Mr. Town-SEND, ] who so ably contended against universal amnesty, desire now to go much further than that bill contemplated? Why, sir, this bill will not only take them back, but will pay them \$8 a month during the very period they were in rebellion. Or does the able gentleman from Massachusetts, [Mr. Banks,] whose fidelity to the Government has never been questioned, desire to remove from the statute-book the only provision which makes a distinction between loyalty and disloyalty? Why not strike from the statute-book every provision which imposes a disability upon those in rebellion against their Gov-

Each of these measures may become popular in time, but let each measure stand alone on its merits, and not at this late day impose it as a weight upon the soldier of the war of 1812, and say that the pension shall be withheld from him until we shall strike down the statute imposing a disability for rebellion. It is an unjust burden to be laid upon these old soldiers; and I appeal to those who are really in favor of restoring pensions to these old men who have been so long knocking at the door of Congress, to strip this bill of its objectionable features, and put it in such a shape that it will be likely to become a

Mr. HOOKER. I desire to say a few words in reference to this bill, not that I believe any one of my constituents will be affected by it one way or the other. The opposition which has been made to it, it seems to me, is predicated upon an idea entirely inconsistent with the principle upon which the Government originally granted these pensions. With all due respect to the distinguished gentlemen who have spoken upon the opposite side of this Chamber, as to the principle which governed in the original grant of pensions, we have the extraordinary spectacle now presented to the country, both by the proclamations of your executives in former times and by the decisions of your Supreme Court solemnly made, that the class of persons who are affected by this bill shall not be debarred from entering your tribunals of justice and demanding compensation for the losses which they have sustained during the late war; and that by pardons, whether by general proclamation or by special act, they are restored to all their rights to claim in the tribunals of their country compensation for their property, whether for losses incurred while they were disloyal or not.

The decisions of your Supreme Court, in the cases referred to by my friend from Georgia, [Mr. Cook,] the case of Garland, and the

my friend from Georgia, [Mr. Cook,] the case of Garland, and the more recent case of Klein, went to the point that when a party had been pardoned he stood, as the adjudications of all the courts say he does stand, as if he had never committed the offense. In other words, that that offense has been obliterated by the act of the Government in granting pardon, and he is restored to all his rights, in the language of the Supreme Court, "precisely as if he had never committed the

Now shall the Congress of the United States, by refusing to pass this measure, say that, while they recognize the justice and propriety of these acts of the Executive Department of the Government, while they bow to the adjudications of the supreme judicial tribunal of the they bow to the adjudications of the supreme judicial tribunal of the land, they will make an invidious exception in regard to one class of citizens alone, those who were soldiers and toilers in your behalf in the war of 1812? That exception is much more invidious than the exception which was attempted to be grafted upon what was known as "the amnesty bill." It is an exception against a class of citizens who were granted pensions for services rendered long before they had committed an offense against the Government. If the Government in its elemency, acting either through its executive in the form of a pardon or through the decisions of the Supreme Court, will restore to the rebel citizens of the South their right to claim compensation for the loss of their property, why will you not restore the rights of the soldiers of the war of 1812 to be paid the pensions which the Government has given them? the Government has given them?

It has been said by the gentleman from Iowa, [Mr. Kasson,] and by other gentlemen who have spoken upon this question, that these pens ions are not of the nature of a contract between the Government on the one side and the veteran soldier on the other; that it is not a contract with the soldier to give him so much compensation for his

services.

No, Mr. Chairman, it is not governed by any such simple mercantile relation. It was a donation for services rendered in a war with a foreign country. It was an acknowledgment of the services of these soldiers in that war. To say now that you will deny this pension to them because of an offense subsequently committed, is to say to the veteran soldiers of the war of 1812, a few of whom yet remain, (like the hemlock of the native region of the gentleman from Maine, dying at the top but still surviving,) and whose hope is that ere their death they may be recognized as having once rendered service to their country—

Here the hammer fell.]

Mr. JONES, of Kentucky. Cannot the Committee of the Whole, by unanimous consent, allow the gentleman to proceed?

The CHAIRMAN, (Mr. Harris, of Virginia.) The Chair understands that by unanimous consent a few moments ago it was determined to adhere to the five-minute rule.

mined to adhere to the five-minute rule.

Mr. KASSON. I rise to oppose the amendment. That is in order; and I yield to the gentleman from Mississippi, [Mr. HOOKER.] But in doing this, will the gentleman allow me to ask him one question?

Mr. HOOKER. Certainly.

Mr. KASSON. I wish to ask the gentleman whether the principle he is contending for does not extend to the allowance of all claims of those who were enemies for a time but who have now been restored.

those who were enemies for a time but who have now been restored to all the rights of citizens?

Mr. HOOKER. I was about to say that it seems to me an extreme

Mr. HOOKER. I was about to say that it seems to me an extreme act of injustice to this class of pensioners for the Government, forgetful of the services which they once rendered, to attempt now by withholding these arrearages of pensions to visit upon them punishment for an offense which they subsequently committed.

It is stated, sir, that the Israelites, when unable to drink the bitter waters of Marah, discovered atree which possessed the capacity of extracting the bitterness from the waters; and I had hoped that in this centennial period, in this era of good feeling between all sections of the country, we should be able to find in the record of these veterans of the war of 1812 something which might extract the bitterness from those waters of contest with reference to the rebellion, which some gentlemen here seem always ready to agitate. I had thought that this Congress of the United States was but the conduit-pipe by which the common sentiment of the American heart, with its desire to throw the common sentiment of the American heart, with its desire to throw oblivion over these contests, should find expression. I had thought that there would be no limit to the feeling of generosity toward the soldiers of the war of 1812 and the desire to cast the mantle of oblivion over the fierce civil contest which had agitated our country to its center. I had hoped that the spirit of amnesty and kindly feeling would come as naturally as the water from the mountain-side—

Giving a gentle kiss to every sedge He overtaketh in his pilgrimage; And so by many winding nooks he strays, With willing sport to the wild ocean.

I had hoped that we should not hear of restriction or of limitation or of any opposition to what a gentleman from Massachusetts has well said is but a simple act of justice.

Is it becoming for us now to say to these men, "True, you bared your breasts to the storm of war when the nation ranking as strongest upon the sea and upon the land was arrayed against your country; true, you shouldered your muskets and drew your swords in defense of that country; but you have committed an offense since. True, if you wanted to go into the courts of the country and prosecute your claim for property, this generous Government would forgive and forget the offense you have committed. Your offenses would not be remembered against you, if you were simply a party in court demanding compensation for property destroyed by the events of the war." But when the question is whether the Government shall forget an offense committed by these veterans of 1812, only a few of whom are now left to be solaced by our bounty and they trembling

whom are now left to be solaced by our bounty and they trembling upon the verge of the grave, we propose to show no forgiveness. Is this just, or generous, or merciful?

[Here the hammer fell.]

Mr. VANCE, of North Carolina. I will not detain the committee long. I desire to oppose the amendment of the gentleman from Pennsylvania [Mr. Jenks] on two grounds. First, the original bill which came from the committee in the Forty-third Congress contained the following languages. following language:

On proof satisfactory to the Secretary of the Interior that said pensioner did not take up arms against the Government or in any manner encourage the rebels.

This is similar to the amendment offered by the gentleman from Pennsylvania. The RECORD of that day shows that those words were stricken out by a vote of 92 to 54, and the bill as it went to the Senate restored the pensions of those soldiers who had been dropped under previous acts. I want to inquire now whether this House is less liberal than the Congress of two years ago? Has the shadow upon the dial of humanity gone back within these two years past and gone? Have the soldiers referred to manifested any new act of hostility that now they meet this opposition?

now they meet this opposition?

Another objection I have to the amendment is that it implies a censure upon the soldiers who were in the service on the southern side of the question. It carries with it the implication that those soldiers were to blame for bringing on the war. Allow me to say, Mr. Chairman, that of all the people in the South, the soldiers who went to the field and suffered were the least to blame. Where did the war commence? It did not commence in the hearts of the masses of the people of the South. The people there were for the Union. Where did the war commence? I believe it commenced in this Hall and in the other end of the national Capitol. Gentlemen made speeches here which were scattered broadcast over the land, and when the troubles came on eloquent men appeared before the masses and incited them to take up arms. Why, Mr. Chairman, they often said, "Go where glory waits thee," and some of these men said, "What a sweet and proper thing it is to die for one's country;" but many of them took good care not to die themselves worth a cent. [Great laughter.]

What is the effect of this amendment? The effect is to censure the soldier and to censure the plain men of the country; yet I undertake

soldier and to censure the plain men of the country; yet I undertake to say to-day that these soldiers were less to blame than anybody else

in that unhappy struggle.

The CHAIRMAN, (Mr. Harris, of Virginia, in the chair.) The gentleman's time has expired.

Mr. VANCE, of North Carolina. I did want to say one or two more

things

The CHAIRMAN. The Chair is informed that the gentleman has one minute more of his time remaining.

Mr. VANCE, of North Carolina. Allow me to say then just this, and I wish every gentleman present to hear it: If there were a foreign war, if there were any trouble to grow up between this and a foreign country, and God forbid there should be, because all men I think now desire peace; but let me say to you as a humble southern soldier himself, that if there were any trouble to-day with any foreign country no men on the top of God's green earth would respond more readily to that call than the men in gray.

The CHAIRMAN. The gentleman's time has expired.

Mr. VANCE, of North Carolina. You want me to quit now, do you? Great laughter.] I regret I have not a few minutes more time.
Mr. TOWNSEND, of New York. Mr. Chairman, I am constantly creasing in my notion that I was right originally in regard to this bill, for I find myself assailed by the gentleman from Pennsylvania, [Mr. Jenks,] who takes one view; by the gentleman from Georgia, [Mr. Cook,] who takes another view; and by my friends on this side of the House, who take all sorts of views. [Laughter.] Therefore am satisfied, when I am in opposition to so many opinions, I must have been right.

Now the committee that matured this bill was the Committee on Revolutionary Pensions and the War of 1812. We matured a bill re-lating wholly to the pensioners of the war of 1812. We brought that lating wholly to the pensioners of the war of 1812. We brought that bill into this House, and if it had been left in its application to the pensioners of the war of 1812 I should feel I was doing here, as I felt I was doing in the committee, my duty to the pensioners and the country in sustaining that bill. But not upon the ground that the pensioner has the right with the muzzle of a pistol to demand of the country a pension! Good God! are we to have that doctrine presented here or anywhere else that a pensioner has the right to make such a demand of the country? Not at all. It is not upon any such It was upon the ground that these men had rendered efficient service, and it became the country to be liberal to them in turn. The service was all rendered before the pension was granted. What, sir, shall there be what was called "back pay?" Shall there be a distinction favorable to those pensioners of the war of 1812 that we do not grant to our soldiers who have more recently served the country? I would not do it. Our soldiers who have been recently invalided in the cause of their country are allowed their pensions from the date of the pension. So I would do by the pensioners of the war of 1812. I would allow pension from the time it was right, merely going back on the dial to 1862.

But let us not be mistaken. They say, "Townsend is softening."
[Laughter.] The gentleman from Pennsylvania [Mr. Jenks] has obliged me with an account of my character. He said I always run I am obliged to him, but I hope under Heaven I shall

always be right when I am in extremes.

What do we propose to do? We propose to restore pensions to a body of men every one of whom in consequence of having served his country between 1812 and 1815 had in 1861 dragged a miserable, diseased, and maimed carcass for forty-five years, and who have now dragged that same diseased carcass to the borders of the grave for nearly sixty years. These were the men for whom I "slopped over." [Laughter.] These were the men to whom I proposed to give pensions; and if this House, if this committee, has gone beyond the view of the committee which reported this bill and added the pensioners of the war with Mexico, and therefore created some possible difficulty in regard to the matter, it is the fault of this committee, and

not the fault of the committee which reported the bill.

Sir, I do not know but it will be wiser to send this bill back to the committee, and let us lick it into shape again. I am not certain but when the committee rises that should be done.

But I rose simply to vindicate the committee for the views that induced it to recommend that the old men who were tottering on crutches in 1861 should have the pensions they would have had but for the madness that existed at that period.

Here the hammer fell.]

Mr. WILLIAMS, of Wisconsin. Mr. Chairman, I have been denied the privilege of listening to this discussion by service on committee, and must speak somewhat at random. It has been claimed that to deny this arrearage of pension to these old soldiers is to strike at the sick, the maimed, and the helpless veterans of the war of 1812, and that if they forfeited their right to pension it was through the misthat if they forfeited their right to pension it was through the mis-fortunes of war and not by any fault of theirs; that they must have been nearly sixty years of age, and could not have participated act-ively in the rebellion. Admitting this, and passing by the fact that men at the age of sixty are far from being devoid of power and influ-ence in the communities where they reside, and conceding that they were innocent victims of the war, still, sir, we cannot forget the fact that they were not its only victims; and, if innocent, their case only furnishes another instance of that inexorable law whereby the inno-cent must suffer for the crimes of the quilty. And six we cannot furnishes another instance of that inexorable law whereby the innocent must suffer for the crimes of the guilty. And, sir, we cannot forget if we would who the guilty were and how they struggled for four years, not that these old veterans might not receive a pension, but that no true soldier of the Republic should ever receive a pension from its Treasury again! During that time they not only levied no tax and contributed no revenue for the payment of these suspended pensions, but they compassed the powers of earth and hell to prevent the United States from ever drawing support from them again for any purpose whatever, however just or humane. Victims, indeed! There is not a child in its cradle to-day, so far from drawing support from its country, that its labors are not mortgaged through life to the grave to discharge the debt imposed by this mad, wicked, and godless rebellion. godless rebellion.

Sir, I yield to no one, not even to my noble-hearted friend from New York, [Mr. TOWNSEND,] in sympathy for the sick and wounded soldier; but I do not forget and I cannot forget that there were other innocent victims of the rebellion besides these veteran soldiers. The great cloud of war stood over our northern homes, and to-day its shadow rests heavily on many a stricken heart, on many a broken shadow rests heavily on many a stricken heart, on many a broken household. Gather up the innocent blood and treasure poured out upon the ground by this unholy rebellion; bring back the health and cheer and comfort that have fled from happy hearth-stones; re-unite the broken family circles guilty of no crime but devotion to their country in its hour of deadly peril, and it will then be time to talk about mending all the misfortunes of the war by appropriations from the public Treasury. But so long as the sick and maimed Union soldier drags his diseased and mutilated body on toward the darkness of the grave, and when compelled to amply for special relief from Conof the grave, and when compelled to apply for special relief from Congress can only receive pension from the date of act granting such relief, I for one am unwilling to pay arrearages of pension to men fighting against their country, and deny it to those who perilled all in its defense. Sir, we have been admonished to remember the good feeling of the centennial year. Well, we think we have some pride and some interest in that as well as our friends on the other side, for we fought hard and sacrificed much to reach it. Could they have had their way there would never have been any centennial for this

nation to celebrate.

But, sir, we doubt not that they come to the Centennial as we do, with joyful hearts, and we meet them without one vengeful feeling left. All we ask is that all over this land the era of the return of good feeling shall be real; that every citizen, even the humblest, shall be protected in all his rights; that sectional feeling shall die shall be protected in all his rights; that sectional feeling shall die out utterly; and that the American citizen, so long as he obeys the laws and comports himself like a good citizen, shall be welcome everywhere. Then will we celebrate our centennial year with joy indeed, with a united, happy, and prosperous country. But this feeling can never be genuine, can never come to stay, until we carry out that in action which we are so ready to express in words. The saddest sight I have seen on Capitol Hill this winter was that of a one-armed Union soldier who just at night-fall was leaving this building. He introduced himself and told me his name. He said he had just been dismissed from the employ of this House. With his right hand taking hold of the stump of his left arm, he said: "The remainder of that arm I left at Gettysburgh. I am going home now. I have no comarm I left at Gettysburgh. I am going home now. I have no complaint to make; I have served my country as well as I could, both in peace and war. My successor fought to destroy the country; I fought to defend it. If my country can stand that, I can." Ah, Mr. Chairman, that is what this country cannot stand and what it will not stand. No country can stand that. Patriotism cannot live by it; liberty will die under it. No; let the day of crimination and recrimination pass. Put back these invalid soldiers of 1812 on the pencrimination pass. Fut back these invalid solders of 1612 on the pension-rolls. Let their pay commence from the passage of the act, and let the door close there finally and forever. Let no man who fought for the late rebellion other than these ever hope to receive a pension. Let all come together in good faith, and for a common endeavor; let the soldiers of the two armies fraternize, and let all the people be again united. But, Mr. Chairman, we shall never see this, and we never ought to see it while maimed Union soldiers are sent hobbling down Capitol Hill and ex-confederates, sound in health and limb, are installed in their places. Gallantry does not demand it; justice scorns

it; and humanity will reject and correct it.

Mr. HOSKINS. Mr. Chairman, no gentleman upon the floor of this House is more anxious than myself to do justice to the soldiers of the war of 1812. Those men who fought bravely to preserve and perpetuate this Government are entitled to our sympathy and regard. And in that view when the first section of this bill was under discussion I moved to reduce the term of service to the lowest possible

period, five days, that we might reach every single soldier who served in the war of 1812 to save this country. But, sir, I find in the section of the bill now under consideration not only a provision to pension the men who were loyal to the Government during the struggle in which we have been engaged, but ernment during the struggle in which we have been engaged, but there is a proposition to restore to the pension-rolls a class of men who, if not in the active service of the rebellion, were—and I speak of it in no offensive terms—absolutely in sympathy with it, and as much under the control of the feelings that governed the men in those States as the men who were themselves in the service. Further than this, it is a proposition to pay every soldier of the war of 1812, whose name was stricken from the pension-rolls for disloyalty, full arrears of pension from the time his name was dropped to the present time. It is not only proposed to place their names on the pension-rolls but to penonly proposed to place their names on the pension-rolls, but to pension them during the war, when perhaps they were in open hostility to the Government. It seems to me it is quite enough to ask us to restore the names of these old soldiers of the war of 1812 to the pensionrolls from the present time forward, without insisting that arrears be paid them.

In my judgment the passage of this proposition will establish a precedent in this country against which the people all over the country will revolt almost as one man. It is quite too early in the history of this Government since the close of the war to come forward with a proposition here that shall not only place on the pension-rolls the class of men who live in the Southern States, unfortunately, I admit, and who under our laws were excluded from the pension-rolls, but

also pay them full arrears the same as though they had not been stricken from the rolls for disloyalty.

Every man in the Southern States who can show his loyalty to the Government has been restored to the pension-rolls from which he was cut off by the provisions of the statute to which I have referred. And I say to gentlemen on the other side of the House and to gentlemen on this side of the House that while we wish to live in peace and harmony and union with every man in those Southern States, and do not desire to perpetuate any of the old feelings of animosity, yet we have a duty as representatives of the people to see that no one is placed upon the pension-rolls who was unfaithful to the Government in its hour of trial, or at least that no arrears are paid, even should he be a faithful soldier of the war of 1812. And I say again that it is a dangerous precedent for gentlemen on the other side to urge the restoration to the pension-rolls of these men, even if they were old soldiers of the war of 1812, who were in the service of the confederate government or in sympathy therewith, and much more to demand for them arrears of pensions. I appeal to gentlemen on the other side to eliminate from this bill all of these dangerous principles upon which we cannot agree; so that we shall agree to strike out the sixty days' service, and pension every soldier of the war of 1812 who establishes his loyalty to the Government. And if you desire the action of the House on the other proposition, bring your

billin as a separate measure entirely; but do not ingraft upon this bill a provision placing on the pension-rolls a class of men who have been deprived of their privilege by law, which brings up for consideration another subject. I appeal to the gentlemen to let us strike out that provision of the bill, and we will pass it unanimously.

Mr. HENDERSON. Mr. Chairman, I do not desire to discuss the merits of this bill, but as a member of the committee which reported

it to the House I desire to make a statement. I was not present, sir, when this bill was discussed by the Committee on Revolutionary Pensions, being engaged upon another committee at the time, but I was told by the committee as to the provisions of the bill, and at the time I stated, as will be remembered I think by those who were present, that for one I would absolutely oppose to pay any man a pension for the time he was actually engaged in rebellion against the Government. There was some discussion, and it was supposed that this bill included wounded and maimed soldiers, men who had been disabled on account of services to their country from 1812 to 1815, and could not possibly include many men who had absolutely engaged in the rebellion or were capable of rendering it any service. In that view I gave my assent to the proposition; in this view I gave my assent to this bill, with the understanding that it would not include those actually engaged in the rebellion; nor did I intend, as has been claimed by some gentleman here, that these persons should have any advantage over our own soldiers who served during the late war. If there is any such provision in the bill, I would, as a member of the Committee on Revolutionary Pensions be opposed to it. I did not intend and I do not intend now that the bill should give such advantage; but, if it does, I say I am opposed to it, and opposed furthermore to paying any soldier a pension for time that he was actually engaged in warring against the Government of his country.

Sir, I repeat what the gentleman from New York [Mr. Townsend] has already said, that if it was the intention of the committee to give to men who periled their lives in the defense of their country in 1812 and 1815, and who gave to the country an arm or a leg, or lost their health, or were otherwise disabled, and who would be unable to give to the rebellion any valuable services-it was our intention to give to those who had been maimed and wounded in the service, and I say that I do not for one regret, so far as that is concerned, the action of

the committee.

Mr. HILL. Mr. Chairman, I have very little to say on this subject.

There is much I would like to say, but I cannot say it in five minutes,

and I do not like to ask an extension of time.

There are three things which I will say within the five minutes. The first is to express my regret that gentlemen on the republican side of the House seem determined to go back on their record which their own party so generously made at the last session. It has been stated and, I believe, proved that this very provision in the bill now proposed to be stricken out was contained in a bill which passed this House in the Forty-third Congress by a large majority, if not by an entirely unanimous vote. This is the second time that gentlemen on that side of the House have manifested at this session of Congress a disposition to go back upon their entire action at the previous sessions of Congress, and I profess my profound regret at that exhibition of purpose or feeling. If the recurrence of a presidential election is to re-act in this kind of style, certainly every patriot ought to regret that presidential elections return at all.

The second remark which I wish to make is simply this. The ques-

tion is simply whether these invalid soldiers of the war of 1812, or of previous wars, shall be restored to the pension-rolls and with the arrearages due them.

Now, Mr. Chairman, I wish simply to state to the House that it fell to my lot to canvass the State of Georgia against secession. I had had no connection with politics previous to the war, except in opposing secession in every form. I did not believe in the doctrine of secession, and it was a hard contest. Gentlemen who come from the other side of the line cannot imagine the struggle which those of us had to endure in that region of country in those days. I do not allude to this to claim any credit for myself—none whatever; I did only what was my duty; but the fact I wish to state to the House is this, and it is a latter. and it is a duty I owe to these old men to state it: In traveling over the State of Georgia, under great disadvantages, laboring to the best of my ability to resist what I then considered, and still consider, the madness of secession, I never met one of these old invalid soldiers in whom I did not find a friend and an opponent to secession. I have known one of them to hobble for ten miles to hear my humble words in defense of the Union for which they fought, and I never met in all

my struggles against secession one of them who was opposed to it.

The third thing I wish to say is a curious incident in our history.

Gentlemen seem desirous of excluding these men from the pensionrolls because of secession. Where did secession originate? Was it
born in the South? Nay, sir; do not gentlemen know that at the
very time the soldiers of the South who have been stricken from your pension-rolls were making breastworks of their own cotton bales at New Orleans to drive back the foreign invader of our country, the Northeast was in session at Hartford, and by her distinguished delegates proclaimed the very doctrine of secession upon which the South subsequently acted. Here it is: "That acts of Congress in violation of the Constitution are absolutely void is an undeniable proposition;" and they declare that the States have a right to judge of the measure

of redress in case of such an event or emergency. [See note at foot

page.]
Mr. KASSON. Did any State ever indorse that doctrine?
Mr. HILL. I do not know; and I do not know that anybody who as engaged in that convention was ever stricken from the pensionrolls because he preached secession in New England.

Mr. KASSON. Ah, the men who were there had never been on the

pension-rolls.

Mr. HILL. I am simply stating a fact of history, that at the very moment these men, now invalid soldiers, were exposing their lives at New Orleans for the common country you men in New England were engaged at Hartford in proclaiming the doctrine of secession.

A MEMBER. Does the gentleman justify that doctrine?

Mr. BLAINE. Will the gentleman allow me to ask him a single procedure?

question?

Mr. HILL. I have not time now.

Mr. BLAINE. I wish to ask but a single question.

[Here the hammer fell.]

The CHAIRMAN, (Mr. Harris, of Virginia.) The five minutes of the gentleman from Georgia [Mr. Hill] has expired.

Mr. REAGAN. I do not know that I can make myself heard in the buzz that is going on around me.

The CHAIRMAN. The gentleman will suspend until order is restored in the Hall. [After a pause.] The gentleman will now proceed.

Mr. REAGAN. I cannot properly discuss a bill like this in five minutes. I wish only to call the attention of the Committee of the Whole to a single point of view in which it may be considered. It has been suggested in argument here by two or three gentlemen that men who either participated in the rebellion, as it is termed, or sympathized with it ought not to receive pensions for the services which they rendered the country in the war of 1812. It would seem that the question is looked upon by those who take that view with reference only to what they suppose was an offense against the Government.

It does not seem to be remembered that the people all over this country are contributing their share of the taxes which support the Government; are contributing their share of the taxes which pay some twenty-nine or thirty million dollars to the soldiers of the last war, the war between the States; that they are contributing their full share to all the expenses of this Government, and are liable to render their services with other citizens in the performance of any duty which may be required of them by the authority of the Government. Now, while they are contributing to pay the pensions of the soldiers at whose hands they suffered defeat, (and they do so without a murmur,) they now ask only that the soldiers of the war of 1812—I believe the bill covers also the invalid and wounded soldiers of the war with Mexico—that the southern soldiers of these two wars with foreign governments may be placed upon the pensionrolls of the country, just as the same soldiers in the States of the North and West are placed.

Is that wrong? If they are required to pay these expenses, if they have rendered services to their country in the hour of her trial, and have now grown old; if these States are restored to the Union, and if these old soldiers are restored to the rights of citizenship, if the object of this Congress is to renew fraternity and good-will throughrender their services with other citizens in the performance of any

object of this Congress is to renew fraternity and good-will through-out the land, if the object of Congress is to be just as well as gener-ous, if we wish to stimulate patriotic attachment to the Government and devotion to it, are we to say to these old men, now from eighty to ninety years of age, tottering into their grave, who remember the services they rendered to their country in the hour of her trial, when confronting the armies of the first power of the earth—shall we say to them, "You shall not receive pensions; true, you were too old to participate in the recent war between the States, but you are tainted by living in the South, or by having had sons or grandsons in that war with whom you sympathized?" Will you forget that the States are restored to their original relations to the Union; that these men are restored to their rights of citizenship? Will you forget the great necessity that towers above all others, of restoring good-will and kindness and generous sympathy with and support of the Government, and a determination to support it in its revenues and defend it ment, and a determination to support it in its revenues and defend it in all its wars? Is there statesmanship, is there justice, is there generosity in asking those States and those people to contribute to these expenses, when you refuse a paltry sum of a few thousand dollars a year to pension men, now between eighty and ninety years of age, for services which they rendered before I was born, and before nearly every member on this floor was born? At this time, in view of the

Nore.—The following is the full extract:

That acts of Congress in violation of the Constitution are absolutely void is an undeniable proposition. It does not, however, consist with respect and forbearance due from a confederate State toward the General Government to fly to open resistance upon every infraction of the Constitution. The mode and the energy of the opposition should always conform to the nature of the violation, the intention of its anthors, the extent of the injury inflicted, the determination manifested to persist in it, and the danger of delay. But in cases of deliberate, dangerous, and palpable infractions of the Constitution affecting the sovereignty of a State and liberties of the people, it is not only the right but the duty of such a State to interpose its authority for their protection in the manner best calculated to secure that end. When emergencies occur which are either beyond the reach of the judicial tribunals or too pressing to admit of the delay incident to their forms, States which have no common umpire must be their own judges and execute their own decisions.

sentiment which pervades the American Union, North and South, East and West, in favor of a restoration of good-will and brotherly love, and a generous support of this Government, its institutions, its honor, and its flag, I cannot think that upon deliberate judgment such a view will prevail in this Hall.

[Here the hammer fell.]

Mr. ATKINS. Mr. Chairman, it was foreign to my purpose to enter into this discussion until a moment since. I have nothing to add to what has already been said, and so well said, by so many gentlemen on this floor who have advocated this measure. But, sir, I have risen for the purpose of saying that I cannot for my life see what partisan politics has to do with this question. I sat here to-day and listened with regret to gentlemen of the republican party, one or two at least, who must needs lug into this debate reminiscences and memories connected with the late war. And, sir, I must say that it was with morwho must needs hig into this debate reminiscences and memories connected with the late war. And, sir, I must say that it was with mortification that I heard a distinguished gentleman on this side of the House make political allusions which in my judgment are not calculated to promote harmony in this House or throughout the country. What has secession to do with this question? Secession is dead. It no longer lives in the mind of any man in the Southern States. There is not a man to be found who advocates the doctrine. Then why should it he havest the located is this House et all?

is not a man to be found who advocates the doctrine. Then why should it be brought up here and discussed in this House at all? Why should it be paraded upon this floor? Why should my distinguished friend from Georgia [Mr. HILL] flaunt it in the faces of northern members of this House by reference to any sectional historic events which have long since transpired? There is no necessity for any such thing. And I, for one, claiming to be as good a southern man as the gentleman from Georgia, or any other southern man, protest here and now against the introduction of such questions into this Hall, especially upon a subject like this, which appeals to the sympathies and better nature

subject like this, which appeals to the sympathies and better nature of every gentleman.

I shall not pretend to argue the question whether these pensions are a debt or not. I care not whether they are a debt. I suppose that other gentlemen, like myself, do not care whether they are regarded as a debt or not. Sir, they are something higher than a commercial debt. This appeal is made to the better natures and sympathies of representatives of the people Morethan that, the appeal is made to those high patriotic principles which cause every government to regard and care for its defenders. Upon that ground I would vote for these pensions, if I represented the State of Maine or any other State north of Mason and Dixon's line. north of Mason and Dixon's line.

[Here the hammer fell.]
Mr. HUNTON. I move that the committee rise. I do this for the purpose of moving in the House to terminate debate upon this sec-

Mr. HOAR. I hope the gentleman will not cut off debate after an attack has been made on our section of the country, to which there

attack has been made on our section of the country, to which there has been no opportunity to reply.

Mr. HOLMAN. As an amendment to the motion of the gentleman from Virginia [Mr. HUNTON] I move that the pending bill be reported to the House with a recommendation that it be recommitted to the Committee on Revolutionary Pensions and the War of 1812.

The CHAIRMAN. The question is on the motion of the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOAR. I rise to debate the motion. I suppose it is debatable. The CHAIRMAN. The Chair was about to submit the question; but he will hear the gentleman.

Mr. HOAR. I wish to say one word in regard to the historical question which has been raised by the gentleman from Georgia, [Mr. HILL.] The Hartford convention, an assemblage of men as pure, as able, and as patriotic as ever lived upon the face of the earth, adopted the resolution—which I dare say the gentleman has quoted correctly able, and as patriotic as ever lived upon the face of the earth, adopted the resolution—which I dare say the gentleman has quoted correctly—in substance from the resolutions of the Virginia Legislature of the year 1798. When they declared that a State Legislature was to judge of the validity of an act of Congress, they never contemplated any right to resist that act by force. They held, as every man within the sound of my voice I will venture to say holds, that an unconstitutional act of Congress is of no validity, and that the citizen before obeying it has a right to try, by constitutional methods and remedies, whether it is valid.

Mr. HILL, Let us see whether that was their position. Their

Mr. HILL. Let us see whether that was their position. Their

language is:

When emergencies occur, which are either beyond the reach of the judicial tribunals or too pressing to admit of the delay incident to their forms, States which have no common umpire must be their own judges and execute their own decisions.

Mr. HOAR. Undoubtedly. That is the Virginia resolution. Mr. HILL. No, sir; that is not quoted from the Virginia reso-

It is the Virginia resolution in substance.

Mr. TUCKER. That is not the language of the Virginia resolution. Mr. HILL. I admit that the Virginia resolution says practically

the same thing.

Mr. STEVENSON. I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. STEVENSON. I make the point of order that this discussion is not in order.

The CHAIRMAN. The Chair has decided already that it is in order, and the gentleman from Massachusetts has the floor.

Mr. HOAR. Every member of that convention, with one or two exceptions, declared they never contemplated or believed a State had

the right to carry that question of judging of an act of Congress to

the extent of forcibly resisting it.

Mr. HILL. That is just what they did.

Mr. HOAR. I deny it. I know something of the history of my section of country. On the contrary, the recommendation made by that convention, as a remedy which they suggested, was in the way of legislation by the Congress of the United States, which legislation was afterward adopted by Congress itself.

Now, Mr. Chairman, I am a little tired for one of hearing these con-

tinual lectures from the other side of the House

The CHAIRMAN. The gentleman's time has expired.

Mr. HOLMAN rose.
Mr. TUCKER. I move by unanimous consent that the gentleman from Massachusetts be allowed to proceed.

The CHAIRMAN. The Chair has given the floor to the gentleman

from Indiana

Mr. CONGER. I make the point of order that the five-minute rule

MIR. CUNGER. I make the point of order that the five-minute rule cannot apply to the motion to recommit.

The CHAIRMAN. It was adopted by unanimous consent pending the discussion of this bill, and while this is being discussed without going out of committee, the Chair will hold that the five-minute rule,

unless unanimous consent be granted, is still operating.

Mr. HOSKINS. I wish to say a word on the point of order.

Mr. HOSKINS. I wish to say a word on the point of order. Mr. HOAR. Does any gentleman object to my proceeding? The CHAIRMAN. Is there any objection to the gentleman from Massachusetts proceeding? Mr. HOLMAN. I do not insist upon taking the floor, and do not hear any objection to the gentleman from Massachusetts going on. The CHAIRMAN. The Chair hears no objection. Mr. HOAR. I desire to say, Mr. Chairman, that I am a little tired of these lectures coming from the gentleman from Georgia, whom the other side of the House seem to treat as their organ on the subject of good feeling and desire for reconciliation which they think ought to prevail in this Congress. Why, Mr. Chairman, it happened that a proposition was made the other day to extend the amnesty and grace of the people of the United States to a class of persons who had for of the people of the United States to a class of persons who had forfeited their right to hold office under the Government by treason. Under any other country on the face of the earth that class of persons would have been gibbeted and hung in chains. None of them having received any punishment, it was suggested to except a single case, the case of a person who did not desire himself to be included within the proposition of pardon, who scoffed and sneered and spurned at the clemency of his country; who it was believed had been guilty, not merely of the crime of treason, but of a military crime detestable and detected accomplished for the crime of treason, but of a military crime detestable and detested everywhere of interfering with the generosity of his own people and inflicting cruelty and horror upon defenseless pris-oners such as the annals of the civilized world do not know elsewhere.

where.

Now, it strikes me that if gentlemen on the other side of the House have come back to exercise the functions of this Government, as American citizens they would say "Let us see whether that be true. If it be true that this man does not want our pardon, if it be true that he has done these acts which are charged upon him, then the honor of this country, North and South alike, is concerned in excluding him from the exalted privilege of American citizenship." Instead of that inquiry being made in that spirit, in jealous care for the honor of our countrymen North and South alike, a gentleman who does not remember whether or not he introduced in the confederate congress a proposition to hang up as spies and without trial every congress a proposition to hang up as spies and without trial every northern soldier who could be taken upon their soil, comes in here—

Mr. HILL. Mr. HOAR. Will the gentleman allow me?

Certainly

Mr. HILL. In the first place no such resolution was ever offered by anybody or heard of as that he now quotes. The resolution, as I explained on the occasion referred to, simply alluded to pretended soldiers

soldiers.

Mr. HOAR. And to negroes.

Mr. HILL. Just stop. It simply applied to those who attempted to incite insurrection. I wish to say now—

Mr. HUNTON. I rise to a question of order. I wish to inquire whether this debate is germane to the question before the committee?

Mr. HILL. Let me first answer the geutleman's question. It is this, that I did not recollect the resolution because of any disposition to evade any responsibility about it. The gentleman will understand I cannot have an accommodating memory. When I do not remember a thing I say it, and I said this then most emphatically, that very likely I did introduce the resolution. It was likely I did. I did not remember whether I did or not; I was inclined to think another gentleman was the author of it; but whether that was so I did not know. tleman was the author of it; but whether that was so I did not know. I understood its object was within the laws of war, as it simply in-

Mr. HOAR. I hold the resolution in my hand and it is this—
Mr. HILL. Pretended soldiers.
The CHAIRMAN. The gentleman's time has expired.
Mr. FOSTER. How can it have expired when he is going on by unanimous consent?

Mr. HAMILTON, of New Jersey. I make the point of order that this debate is all out of order.

The CHAIRMAN. The Chair will state that when under the five-minute rule the time of the gentleman was extended by unanimous

consent, the Chair considered that as implying that the extension was for five minutes. The five minutes have expired.

Mr. CASWELL was recognized, and yielded his time to Mr. HOAR.

Mr. HOAR. This is the resolution:

That every person pretending to be a soldier or officer of the United States-

Mr. HILL. Does that apply to every prisoner?
Mr. HOAR. It applies to every "soldier or officer of the United

Mr. HILL. The language is:

Every person pretending to be.

Mr. HOAR.

Who shall be captured on the soil of the Confederate States after the 1st of January, 1863, shall be presumed to have entered the territory of the Confederate States with intent to excite insurrection and to abet murder, and that, unless satisfactory proof be adduced to the contrary before the military court before which his trial shall be had, he shall suffer death.

The next is:

That all commissioned officers in the command of said Benjamin F. Butler be declared not entitled to be considered as soldiers engaged in honorable warfare, but as robbers and criminals deserving death.

Now the gentleman from Georgia, whether he remembers those reslutions or whether he does not, is not the man who should stand up here and tell the members of this House in this centennial year that we had broken every oath we ever took upon our lips, applying that charge to an entire section.

Mr. HILL. Will the gentleman allow me a moment? That thing has been repeated frequently. I will say with all deference to the gentleman, and not meaning to be offensive, that there is not a word of truth in it. The language which I used, and which has been repeated over and over, I did not apply to the whole republican party, but to that wing of the party which taught there was a higher law in this country for the regulation of political conduct than the Constitution of the country. Mr. HOAR. The gentleman stood there shaking his head and his

Mr. HILL. O, no.
Mr. HOAR. And said you have broken every oath. I appeal to
the memory of this House if it was not so. And I ask what was it that induced the gentleman to strike out of the RECORD those sen-

Mr. HILL. They were not stricken out; that sentence was not stricken out or altered. I know exactly what words I changed. Mr. HOAR. Now, Mr. Chairman, when this question of the honor

and the magnanimity of this Government, in which the North and South were alike concerned, was before the House, another gentleman on the other side of the House, not representing a southern constituency, called out in his place, in language which it is hardly decorous to repeat, that an honored and distinguished member of this House was a "hyena." And although that utterance excited the disgust of the civilized world this country and Europe as it went over the the civilized world, this country and Europe, as it went over the telegraph wires wherever telegraphic communication extends, the gentlemen on the other side of the House seized the first opportunity to put the author of that utterance (also suppressed in the RECORD)

into the Speaker's chair as their representative of the order, the dignity, and the decency of the American Congress.

Now, Mr. Chairman, for one I am tired of hearing these lectures. When those efforts were made to abolish slavery the men who were When those efforts were made to abolish slavery the men who were endeavoring to wipe out that blot from the character of the American people were assailed as we are assailed to-day by the representatives of the opinions which have sent the gentleman from Georgia to this floor; and now they stand here and say and confess that during that struggle we were all right and they were all wrong. They thank God that the North, that the abolitionist, that the fanatic, that the republican of the North had his way; that the shackles were stricken from four millions of slaves, and that they did not have their way. I think that in the light of that history they may learn a little mod-I think that in the light of that history they may learn a little mod-

esty. Are you not glad that history they may learn a little modesty. Are you not glad that when you and your predecessors were clamoring at us in this way we persevered and put down American slavery? Are you not glad—

Mr. ATKINS. I rise to a privileged question. I desire to know by what right the gentleman from Massachusetts is occupying the floor. A MEMBER. O, give him rope enough.

Mr. RANDALL. Let him go on; he is the exponent of the Hartford convention.

Mr. HOAR. I desire to finish this one sentence. Are you not glad that the rebellion was put down against your efforts? Is not the gentleman from New York [Mr. Cox] glad that the thirteenth amendment to the Constitution, which abolished slavery, passed, in spite of his struggles by filibustering and by vote to prevent the Congress coming to a vote upon that question, and in spite of his own recorded nav?

Now, Mr. Chairman, when gentlemen come here to confess the glory, to share in the fruits, to exult in the results of the republican legislation in this country, I should think that at least a little modesty should induce them to discontinue the old lectures and to forget the

old jargon.

Mr. COX. I was sitting very contentedly in my seat until the poisoned arrows of the gentleman from Massachusetts [Mr. Hoar] were hurled against me personally. I am sure the honorable gentleman

from Maine [Mr. Blaine] has not delegated the gentleman from Massachusetts [Mr. Hoar] to speak for him in regard to any personal grievances arising from remarks for which perhaps I am properly sorry. I do not think the gentleman from Maine will call upon the gentlemen from Massachusetts to take up his cause or his quarrel. If he does, all the worse for Maine. [Laughter.]

When I used the language which the gentleman from Massachusetts

said was infamous, I did it under a provocation which perhaps no one knows except the gentleman from Maine and myself. I did it without much deliberation, but no one questioned it, unless perhaps I myself at the time questioned the propriety of it as a parliamentary pungency. My idea at that time was this; and, since it has run over the country in lyric song and all sort of vituperation, I may as well state it:

state it:

At the beginning of the war, knowing that I had no power as a humble member to stop it in the least, I did my best to assuage its severities. I introduced here the first joint resolution as to prisoners. One of the regiments which I helped to raise in Ohio had been captured and was at Libby prison. The cartel was not carried out. We all know the reason of that. It was not being carried out at that time, but I obtained from Mr. Lincoln special exchanges; but during the whole of the war I gave my time and trouble and all I could give as a member of Congress for the relief of prisoners.

When the gentleman from Maine [Mr. Blaine] the other day (my friend of so many years' standing) would not allow me the small privilege of correcting my record as to prisoners, of which his reading and

ilege of correcting my record as to prisoners, of which his reading and interpretation were wrong, and when I had yielded to him so many times during the preceding debate, I had no other epithet to hurl at him except that which was unparliamentary; that epithet which the

gentleman from Massachusetts has again revived, digging again out of the grave that which has already been covered.

But, Mr. Chairman, I will not go into that. I have no special controversy with the gentleman from Maine or the gentleman from Massachusetts. The gentleman from Massachusetts comes forward here as a defender of the Hartford convention and the "old blue-light Fed-

eralists" who hung out their signals to the British.

O, no, they did not take any active part to carry out their session.

Read the history of the Connecticut shore and you will know how it Read the history of the Connecticut shore and you will know how it was that the Federals lost power for so many years and why the democratic party under Mr. Madison kept power so long. They did not do anything to carry out their heresy, but they were in constant sympathy with the enemy; I do not mean all New England; but was there not a Governer Strong of Massachusetts † I believe there was, and he issued an order that the troops of Massachusetts should not go out of the State, did not he? I think he did. [Laughter.] And yet this gentleman from Massachusetts, in order to hurl reproaches on the democratic side, forgot all that bad history of his State, and then to clinch it all without provocation begins a personal assault then, to clinch it all without provocation, begins a personal assault upon me. Now let us come back and see the meaning of this debate. There is a class of men in this House who are philanthropists and humanitarians, who believe that-

Whether on the scaffold high Or in the battle's van, The fittest place where man can die Is where he dies for man!

[Laughter.]
They do not believe in practical affairs, and when we come to prac-

They do not believe in practical affairs, and when we come to practical business measures they cannot keep their hands off these old, unpleasant records; they dig down into the grave constantly. No; I withdraw that remark. They go after old reminiscences that were well forgotten this centennial year.

Now, two years ago I had the pleasure to hear General Butler make a speech for the old soldiers. He told the House how he had given back his sword in New Orleans to one of Jackson's old officers. General Butler favored the bill to restore these soldiers of 1812 to their remisions and as General Butler was considered by some people a lead pensions, and as General Butler was considered by some people a bad pensions, and as General Butler was considered by some people a bad man, and if he is a bad man, what are you? [Laughter.] I did not think General Butler was a bad man on that subject; he gave us a lesson and your side of the House a lesson; but now, when we are ready to do it, the cry will go out everywhere that we are for retrenchment and promised to cut down the expenses, and yet will add \$10,000,000 to the pensions of the soldiers, and add \$500,000 to pay the arrearages. You will hear the cry go all over the country that she democratic party, that pays secession soldiers, refused, perhaps, back pay for the Union soldiers which will come in pretty soon to back pay for the Union soldiers, which will come in pretty soon to

the tune of \$50,000,000.

Mr. Chairman, I think the best thing to do with this bill, which has friends on both sides who are in favor of retrenchment and economy and of fair dealing with the soldiers, would be to have the bill re-committed for this purpose. I understand that the Senate caucus has already said that they will not put upon the pension-rolls sol-diers of the war of 1812 for their pensions during the war, so that if we were to pass such a provision in this House bill the old soldiers will get no benefit from it because of the action of the Senate. If, then, we are to give these old soldiers anything, let us pass such a bill as that the Senate may receive it and pass it. And I hope that the committee, if the bill is recommitted, will report it back allowing pensions to commence at the end of the war, in 1865, and that the arrears of pensions that accrued during the civil strife will not be incorporated in it.

Mr. BLAND. The committee simply reported on this subject as the last Congress did, and we hoped that it would pass this House.

Mr. KASSON. But it has been amended.

Mr. BLAND. It was reported from the committee in the same form as the bill of last year.

Mr. COX. I hope that portion of the House that favors retrenchment cox. I hope that portion of the roots that ravors retrierement especially, when the people are not in a condition to pay large sums which are gratuities, will consent to strike out that portion of the bill. It is something like running up an old store bill while you are sick, which you do not like to pay when you are convalescent, an old store bill that we do not care to mortgage on enough to pay when we have to give the children of our families bread and clothing and education. We are in distress and our industries are in trouble this year. Perhaps we can afford to begin operations at the end of the year. And hereafter, when we are in full health, when our energies are fully restored, we can, if it be not too late, revert to the soldiers of 1812 and do full justice by them. I now yield to the gentleman from Indiana [Mr. HOLMAN] to move that the committee now rise and make to the House the recommendation he has indicated.

Mr. HOLMAN. I move that the committee now rise and report this bill back to the House with a recommendation that it be recom-mitted to the Committee on Revolutionary Pensions and the War of

The motion was agreed to; and accordingly the committee rose, and Mr. Randall having taken the chair as Speaker pro tempore, Mr. Blackburn reported that the Committee of the Whole, pursuant to the order of the House, had had under consideration the bill (H. R. No. 1605) amending the laws granting pensions to soldiers and sailors of the war of 1812 and their widows, and had instructed him to report the same back to the House, with the pending amendments, and recommend that it be recommitted to the Committee on Revolutionary

Mr. HUNTON. I ask that the committee have leave to report this

The SPEAKER pro tempore. That requires unanimous consent.

Mr. HARALSON. I ask that the committee be instructed to consider and report the following provision to be added to the bill:

Provided, That the surviving colored soldiers, or their wives and minor children, of the war of 1812 shall be entitled to the benefits provided by this act.

Those gentlemen who have all made good speeches here, urging the restoration of good will on all sides, I am certain will not object to this amendment

The SPEAKER pro tempore. The question is, Will the House recommit this bill to the Committee on Revolutionary Pensions and the War of 1812? And the gentleman from Virginia [Mr. Hunton] asks that the committee be granted leave to report it back at any time. Is there objection?

There was no objection; and the bill was accordingly recommitted, with leave to the committee to report it back at any time.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of their clerks, informed the House that the Senate had passed, with amendments, in which the concurrence of the House was requested, a bill of the House of the following title:

A bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877.

The message further announced that the Senate had passed, and

requested concurrence, in bills and a joint resolution of the following

A bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes;

A bill (S. No. 446) for the relief of Daniel Stickney, of Presque Isle,

Maine; and

A joint resolution (S. R. No. 5) authorizing First Lieutenant Henry Metcalfe, of the Ordnance Department United States Army, to accept a decoration from the Sultan of Turkey.

## UNPUBLISHED HISTORICAL DOCUMENTS.

Mr. HOAR, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved. That the Committee on the Library be directed to inquire and report what unpublished documents, correspondence, or other manuscripts relative to the history of the country before March 4, 1789, are now in the possession of the Department of State, and the historical value of the same, and the expediency and cost of publishing the same in full, or of publishing a catalogue and abstract thereof; also to inquire and report as to the expediency and cost of publishing the Monroe papers now in the possession of said Department.

Mr. HOAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### ISSUE OF SILVER COIN.

Mr. LUTTRELL, by unanimous consent, submitted the following resolution; which was referred to the Committee on Appropriations:

Resolved. That, in the opinion of this House, the Secretary of the Treasury should commence at once to issue the silver coin which has accumulated in the Treasury in substitution of the fractional currency, as provided in the first section of the act approved January 14, 1873, providing for the resumption of specie payments,

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1328) to amend the act entitled "An act to enable

the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875; and

An act (H. R. No. 1590) to remedy an error in eurollment and find

the same truly enrolled.

#### ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House now adjourn. The SPEAKER pro tempore. Before submitting that motion, the Chair will submit to the House certain requests of members now lying upon his desk.

#### LEAVE OF ABSENCE.

Mr. Hoge was granted leave of absence for ten days. Mr. NEAL was granted leave of absence for one week.
Mr. CABELL was granted leave of absence for five days.

## WITHDRAWAL OF PAPERS.

Mr. KING asked, and obtained, leave to have withdrawn from the files of the House papers in the case of J. W. Huston upon which no action had been taken.

Mr. FRYE asked, and obtained, leave for Mr. Ingalls B. Andrews to withdraw from the files of the House his petition and papers, there having been no adverse report thereon.

#### ORDER OF BUSINESS.

Mr. HOLMAN. There are several gentlemen who desire to introduce bills for reference to their appropriate committees to which I suppose there will be no objection. For that purpose I will withdraw my motion that the House do now adjourn.

#### R. P. WILSON.

Mr. HOOKER, by unanimous consent, introduced a bill (H. R. No. 2428) for the relief of R. P. Wilson; which was read a first and second time, referred to the Committee of Claims, and ordered to be

#### REBECCA A. FOLKES.

Mr. HOOKER also, by unanimous consent, introduced a bill (H. R. No. 2429) for the relief of Rebecca A. Folkes; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### PUBLIC BUILDING AT AUBURN, NEW YORK.

Mr. MacDOUGALL, by unanimous consent, introduced a bill (H. R. No. 2430) authorizing the construction of a court-house and post-office at Auburn, New York; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

J. A. THOMPSON.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 2431) for the relief of J. A. Thompson, of California; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## LIGHT-HOUSE IN BOSTON HARBOR.

Mr. FROST, by unanimous consent, introduced a bill (H. R. No. 2432) to appropriate money for the erection of a light-house and fog-signal on "The Graves," at the entrance of Boston Harbor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### REPEAL OF RESUMPTION ACT.

Mr. OLIVER. I hold in my hand the petition of 300 citizens of Council Bluffs, Iowa, praying the repeal of the act for the resumption of specie payments. I ask that the petition, which is brief, be read and referred to the Committee of Ways and Means.

The petition was read, as follows:

The petition was read, as follows:

We, the undersigned, citizens of Council Bluffs, Iowa, and the vicinity, petition your honorable body and request that so much of the act of Congress approved January 14, 1875, as provides for the payment of United States legal-tender notes in coin upon the 1st day of January, 1879, and so much of the said act as authorizes the Secretary of the Treasury to sell and dispose of the bonds of the United States for the purpose of enabling him to redeem such legal-tender notes, be immediately repealed. We are not in favor of inflation, but believe that the enforcement of the resumption clause of said act not only has proved but will prove disastrous to the material, commercial, and financial business of the country.

The netition was referred to the Committee of Ways and Means.

The petition was referred to the Committee of Ways and Means.

Mr. HOLMAN. I now renew the motion that the House adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By the SPEAKER: Papers relating to the petition of Freeland Haston, for a pension, to the Committee on Invalid Pensions.

By Mr. BAKER, of Indiana: A paper relating to a post-route from Waterloo to Hudson, and thence to Salem Centre, Indiana, to the Committee on the Post-Office and Post-Roads.

By Mr. COWAN: The petition of 52 citizens of Ohio, for the repeal

of the check-stamp tax, to the Committee of Ways and Means.

By Mr. COX: A paper relating to the petition of John T. Neale, for a pension, to the Committee on Invalid Pensions.

By Mr. GOODE: The petition of E. B. Boutwell, late of the United

States Navy, for relief, to the Committee on Naval Affairs.

By Mr. HILL: A paper relating to a post-route from Cumming to Jasper, Georgia, to the Committee on the Post-Office and Post-Roads. Also, a paper relating to a post-route from Cumming to Freemans-

ville, to the same committee.

By Mr. HOLMAN: The petition of Joseph D. Pecket, for relief, to the Committee on Foreign Affairs.

By Mr. HOOKER: The petition of Abraham Bazinski, for a re-examination of his claim, disallowed by the southern claims commission, to the Committee on War Claims.

By Mr. HOPKINS: Memorial of citizens of Alleghany County,

Pennsylvania, for the allowance to vinegar-manufacturers of a drawback of ninety cents per gallon of the tax on high wines, to the Committee of Ways and Means.

By Mr. HUNTON: The petition of Samuel R. Atwell, for the payment of \$245, remitted according to law from Winchester to Baltimore in discharge of his duties as postmaster at Winchester, and burned in the cars while in transitu, to the Committee on the Post-Office and Post-Roads.

Also, the petition of George Smith, for an invalid pension on account of injuries received in the war of 1812, to the Committee on Invalid

Pensions.

By Mr. KELLEY: The petition of Theodore H. McCalla, late major Ninety-fifth Regiment Pennsylvania Volunteers, for a full pension, to

the Committee on Invalid Pensions.

Also, the petition of citizens of Falls of Schuylkill, for the extension of the national credit for the completion of the great southern line of railroad to the Pacific, to the Committee on the Pacific Rail-road. By Mr. KIMBALL: The petition of O. E. Hodges, for property seized during the war, to the Committee on War Claims.

By Mr. LAWRENCE: The petition of George C. Johnston, of Piqua, Ohio, for money due him from the Shawnee Indians, to the Committee on Appropriations.

tee on Appropriations.

By Mr. KING: Memorial of the councils of the Patrons of Husbandry of Hennepin and Anoka Counties, Minnesota, for the construction of a Government freight railroad from the Mississippi River to the seaboard, to the Committee on Railways and Canals.
Also, the petition of the Board of Trade of Minneapolis, Minnesota

for an appropriation for the improvement of the navigation of the Red River of the North, to the Committee on Commerce.

By Mr. LEVY: The petition of Dr. J. B. Sullivan, for pay for property destroyed by United States troops, to the Committee on War

By Mr. MAISH: The petition of C. W. Middleton and others, of Ohio, that the internal-revenue laws be so amended as to secure payment of the whole tax on distilled spirits before leaving the distillery,

ment of the whole tax on distilled spirits before leaving the distillery, to the Committee of Ways and Means.

By Mr. McCRARY: The petition of importers and dealers in foreign goods in the District of Columbia, for an amendment of the Revised Statutes relating to the unpacking, examination, and appraisal of imported goods, to the Committee on Commerce.

By Mr. POPPLETON: The petition of George King, Robert J. Baggs, E. N. Dunlevy, and 328 other citizens of Bridgeport, Ohio, for the appointment of a commission of inquiry on the subject of the traffic in alcoholic liquors, for the prohibition by law of the importation of liquors, and for other prohibitory legislation on the subject of the use and manufacture of liquors, to the Committee of Ways and Means,

By Mr. JOHN REILLY: The petition of Annie F. Baer, for a pension, to the Committee on Invalid Pensions.

Also, the petition of 28 soldiers of Pennsylvania, that all soldiers and sailors of the late war who served thirty days or over be granted one hundred and sixty acres of land and \$200, to the Committee on

By Mr. SAYLER: The petition of Otis N. Cutler, for relief, to the Committee on Military Affairs, Also, the petition of John Freytag, Jacob Pfau, jr., and others, for the repeal of the check-stamp tax, to the Committee of Ways and

Also, the petition of Dr. Jacob B. Ong, for the re-issue of \$800 in reenbacks, lost by the sinking of the steamer Nannie Byers on the Ohio River, to the Committee of Claims.

and Post-Roads.

Also, the petition of William Buckley, for a pension, to the Committee on Invalid Pensions.

Also, the petition of A. G. Collins, to be re-imbursed for expenses incurred as deputy provost-marshal Sixth Ohio district, to the Committee on War Claims.

By Mr. SEELYE: Remonstrance of missionaries to the Dakotas, against the transfer of the care of the Indians from the Interior to

against the transfer of the care of the Indians from the Interior to the War Department, to the Committee on Indian Affairs.

Also, the petition of J. Nelson Trask, for indemnity for losses sustained in the service of the United States, to the Committee of Claims, By Mr. TERRY: A paper relating to a post-route from Bristol, Tennessee, to Mendota, Virginia, to the Committee on the Post-Office

By Mr. THOMPSON: The petition of Benjamin H. Corliss and others, of Gloucester, Massachusetts, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, the petition of William H. Steele and others, for pay for him

for his schooner, Samantha A. Steele, destroyed at St. Helena Island by the United States forces in 1863, to the Committee on Naval Af-

By Mr. THROCKMORTON: The petition of citizens of Parker, Hood, Palo Pinto, and Erath Counties, Texas, for a post-route from Weatherford to Stephensville, to the Committee on the Post-Office and Post-Roads.

By Mr. VANCE, of North Carolina: Papers relating to the claim of R. L. McConnaughey for carrying the United States mails in North Carolina in 1865, to the Committee of Claims.

By Mr. WALDRON: The petition of James Phillips, for a pension, to the Committee on Invalid Pensions.

to the Committee on Invalid Pensions.

By Mr. WALLING: The petition of W. C. Jones, G. G. Beck, and 50 others, of Lancaster, Ohio, to grant aid to the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

Also, the petition of the Farmers' Bank, of Wooster, Ohio, for the repeal of the check-stamp tax, to the Committee of Ways and Means. By Mr. A. S. WILLIAMS: The petition of citizens of Michigan, that national banks may be limited in the rate of interest they may take, to the Committee on Banking and Currency.

Also, the petition of several hundred citizens of Detroit, Michigan, for the appointment of a commission to inquire into the results of the

for the appointment of a commission to inquire into the results of the

Also, the petition of 500 citizens of Detroit, Michigan, that the manufacture, importation, and sale of all intoxicating liquors to be used as a beverage within the United States, Territories, and District

of Columbia, be prohibited, to the same committee.

Also, the petition of 250 citizens of Detroit, Michigan, and of the Marine Engineers' Association No. 1 of Detroit, Michigan, proposing sundry amendments to the existing steamboat laws and asking their

adoption, to the Committee on Commerce.

By Mr. WILSON, of Iowa: The petition of citizens of Benton County, Iowa, for the repeal of the resumption act, to the Committee on Banking and Currency.

### IN SENATE.

## WEDNESDAY, March 1, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved.

### PERSONAL EXPLANATION.

Mr. BOGY. I desire to make a personal explanation, with the permission of the Senate.

On looking over the remarks which were made by me the day before yesterday, while the bill for the annual appropriation for West Point was pending, I think it is possible I may have done the graduates of that institution an injustice. At all events, it is so thought by some of those gentlemen. Such was not my intention. But as my words may not have been what I intended them to be, I will now take this occasion to explain that I know of my own knowledge that the academy at West Point has for a great many years furnished many eminent men who have served the country for many years in different branches of the Government with ability, and I will say with great fidelity. Many of those men have passed away, and it was not my intention to cast any reflection upon them.

Again, during the late war many of the graduates of West Point attained very great distinction, and performed valuable and meritorious services; many of them gave their lives on the field of battle; many of them are now living, some in the service of their country yet, and others not. And, as the war is over, I will say more, that the graduates of West Point distinguished themselves on both sides. It was, therefore, not my intention to convey the idea to the country, as it is thought by some is conveyed by the few remarks that I made, that that institution had not turned out any eminent men. I only made a comparison—I will not dwell on that now—between that, as I consider, very expensive institution and others.

In conclusion, I will only say, and it affords me great pleasure to say, that there are many eminent men now living who are members of the Army to-day who are graduates of West Point—men whose names will live in history; and it was not my intention to cast any reflection upon them whatsoever.

### PETITIONS AND MEMORIALS.

Mr. BOGY presented a memorial of the Missouri State Board of Horticulture, in relation to the invasion of grasshoppers, which during the last season reduced to starvation many thousands of the inhabitants of the Western States and Territories, and especially of Minnesota, Nebraska, and Kansas, and in favor of adding to the Department of Agriculture a scientific division, under the control of men whose learning and fitness for the position are acknowledged both at home and abroad, to be named by the National Academy of Science; and the appointment of a commission of five persons, to wit, three

entomologists, one chemist, and one botanist, to be chosen by the National Academy of Science and approved by the Secretary of the Treasury, to investigate the causes which affect injuriously agricultural interests and to suggest the best means of diminishing the losses; which was referred to the Committee on Agriculture.

#### REPORTS OF COMMITTEES.

Mr. WRIGHT. The Committee on Claims, to whom was referred the bill (S. No. 99) for the relief of Daniel Brown and James Robinson, proposing to pay them an amount of money equal to one-fourth of the net proceeds of one hundred and twenty-six bales of cotton discovered by them, have had the same under consideration, and instructed me

to report it back and recommend its indefinite postponement.

The bill was postponed indefinitely.

Mr. WADLEIGH, from the Committee on Claims, to whom was referred the petition of Mrs. Annie Wallingford, praying for remuneration for property alleged to have been taken by the Army of the United States during the late war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the memorial of William Mason, of Taunton, Massachusetts,

praying compensation for the abrogation of his contract to manufacture 100,000 muskets of the Springfield pattern, submitted an adverse

ure 100,000 muskets of the Springfield pattern, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. COCKRELL, from the Committee on Claims, to whom was referred the bill (S. No. 23) for the relief of Edwin Fairfax Gray, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. FRELINGHUYSEN, from the Committee on Agriculture, to whom was referred the bill (S. No. 158) to provide for an investigation as to the habits of the Rocky Mountain locusts, or so-called grasshoppers, reported adversely thereon, and the bill was postponed grasshoppers, reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 438) for the protection of agriculture against injurious insects, reported it with an amendment.

Mr. CRAGIN, from the Committee on Naval Affairs, to whom was referred the bill (H. R. No. 1677) to correct a mistake in and amend section 1375 of the Revised Statutes, asked to be discharged from its further consideration, and that it be referred to the Committee on the Revision of the Laws of the United States; which was agreed to.

#### PUBLIC BUILDING AT NASHVILLE.

Mr. COOPER. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 2285) au-

Ings and Grounds, to whom was referred the bill (H. K. No. 225) authorizing the purchase of additional grounds for the custom-house at Nashville, Tennessee, to report it back without amendment, and with a recommendation that it pass. I ask for its present consideration. By unanimous consent, the Senate, as in Committee of the Whole, proceeded \$\frac{t}{0}\$ consider the bill. It authorizes the Secretary of the Treasury to apply so much of the money heretofore appropriated for a custom-house, court-house, and post-office at Nashville, Tennessee, but however receiving \$\frac{t}{2} \frac{t}{2} \frac{t}{ not, however, exceeding \$18,500, for the purchase of the ground situated in that city, and lying between the western boundary line of the present custom-house lot and Spruce street, fronting one hundred and present custom-house lot and Spruce street, fronting one hundred and sixty-five feet on Broad street, and running back the same distance to an alley, or such part thereof as the Secretary of the Treasury may deem necessary, if, in his judgment, the public interests require additional land for the building; with a proviso that the amount heretofore fixed by law as the cost of the building shall be reduced to the extent of the sum that shall be applied in the purchase of the additional ground.

Mr. SARGENT. I wish to ask one question in reference to that bill. I should like to know whether the site has already been selected, and what effect this will have upon the cost?

Mr. COOPER. None; they have not commenced the building yet.

Mr. SARGENT. Is it proposed to modify the plan so that it shall cost less

Mr. COOPER. I have a letter from the officer in charge, and that

is what he says.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

### BILLS INTRODUCED.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 537) relating to the rank of officers in the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. KELLY asked, and by unanimous consent obtained, leave to

introduce a bill (S. No. 538) to create an additional land district in Idaho Territory; which was read twice by its title, and, together with two petitions of citizens of Southern Idaho Territory, praying for the same, referred to the Committee on Public Lands.

Mr. FRELINGHUYSEN (by request) asked, and by unanimous con-sent obtained, leave to introduce a bill (S. No. 539) to provide for an increase of pension in favor of Martin Kelly; which was read twice by its title, and, together with accompanying papers, referred to the Committee on Pensions.

Mr. ALCORN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 540) appropriating the sum of \$3,200,000 for the purpose of repairing and in part rebuilding the levees of the Mis-

sissippi River, providing for its expenditure, and for other purposes; which was read twice by its title, referred to the Select Committee on the Levees of the Mississippi River, and ordered to be printed.

Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 541) relating to telegraphic communication between the United States and foreign countries; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 542) for the relief of V. E. F. Durrence; which was read twice by its title, referred to the Committee on Claims,

and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 543) to regulate the fees received from certain steam-vessels sailing coastwise and foreign; which was read twice by its title, referred to the Committee on Commerce, and ordered to be

Mr. OGLESBY asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 544) declaratory of the law in relation to involuntary bankruptcy; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HAMLIN, it was

Ordered, That the petition and papers in the case of James O. Thompson be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. WRIGHT, it was

Ordered, That the petition and papers in the case of Major Hiram W. Love be taken from the files of the Senate and referred to the Committee on Claims.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Isaac Strohm, one of its clerks, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of

A bill (H. R. No. 2286) to further provide for the building of a custom-house, post-office, court-room, &c., in the City of Memphis, Tennessee; and

A joint resolution (H. R. No. 77) providing for the restoration of the original Declaration of Independence.

The message also announced that the House had passed a concurrent resolution directing the Committee on the Library to inquire and report what unpublished documents, correspondence, or other manufactures of the restoration before March 4, 1780. scripts relating to the history of the country before March 4, 1789, now in the possession of the Department of State, and the historical value of the same, and the expediency and cost of publishing the

## ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by

the President pro tempore:
A bill (H. R. No. 1328) to amend the act entitled "An act to enable and (H. R. No. 1585) to amend the act entitled "An act to enable the people of Colorado to form a constitution and State government and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875;

A bill (H. R. No. 1590) to remedy an error in enrollment; and A bill (S. No. 160) for the relief of S. K. Thompson.

PUBLIC BUILDING AT SAINT LOUIS.

Mr. MORRILL, of Vermont. The Committee on Public Buildings and Grounds, to whom was referred the bill (H. R. No. 2270) to provide for the purchase of material and for the continuation of the work on the building for custom-house and post-office at Saint Louis, Missouri, have had the same under consideration, and directed me to report it without amendment. I ask for its present consideration.

By unanimous consent, the bill was considered as in Committee of

the Whole. It empowers the Supervising Architect of the Treasury Department to contract for the iron columns and pilasters of the first story and for the rolled-iron beams of the second story of the United States post-office and custom-house at Saint Louis, Missouri, and appropriates \$75,000, or so much thereof as may be necessary, for the propriates \$75,000, or so much thereof as may be necessary, for the payment of the contract, payable out of the appropriation for the building to be made for the next fiscal year. The Architect may, in his discretion, use such portion of the sum thus appropriated for labor and material as may be absolutely necessary for the proper preservation and progress of the building.

Mr. MORRILL, of Vermont. Perhaps I ought to say a word in relation to this bill. It does not require any appropriation out of the Treasury, but proposes to take the amount out of the appropriations which may be made for the post-office at Saint Louis the coming season: but it is deemed year important to have authority to contract for

son; but it is deemed very important to have authority to contract for the iron columns and pilasters and beams in advance, as it takes some two or three months to obtain these after the contracts shall have been made. Therefore, if this work is to go on this season and the working season is to be used, it is rather important that the architect shall be empowered to make these contracts at the present time.

Mr. WEST. It is very true, as the Senator says, that this does not involve any appropriation immediately; but it certainly does pledge the faith of the United States, and upon that faith authorizes the Supervising Architect of the Treasury to make a contract which will eventually require an appropriation. To neither of these propositions do I take any exception; but I call the attention of the Senate to the fact that there are leaking in here—this is the third one I have heard to-day; first, in the proposition reported by the Senator from Tennessee, [Mr. Cooper,] to which there could be no objection; next, in a bill received from the House of Representatives, and third now, this one—there are leaking here propositions that legitimately belong to the appropriation for public buildings and grounds under the reg-ular appropriation bill. So the Senate will bear in mind that whatever apparent economy may occur in that bill at large when it is presented will in some degree be owing to the fact that we have appropriated in driblets what it is customary to appropriate at large. If the appropriation bill for public buildings and grounds should therefore be diminished, we must understand that it is diminished by these amounts which we are constantly appropriating.

I did not rise to make any objection to the bill, but to call attention

Mr. MORRILL, of Vermont. I will merely say, in response to the Senator from Louisiana, [Mr. West,] that I believe the policy has been on the part of the Senate for some years to confine these bills to individual buildings, and that they should be passed upon here according to their merits, and that the old system of twenty years ago of putting them all in one appropriation bill has been abandoned here, and so far as I am concerned I am very glad to see that the House of Representatives are adopting the same principle and let every tab Representatives are adopting the same principle and let every tub stand on its own bottom.

stand on its own bottom.

This bill, it strikes me, is eminently proper. It cannot be supposed that we have built the Saint Louis post-office up one story and propose to abandon it; and therefore, if the building is to be completed at all, these iron columns and girders will be required. I have a letter from the Supervising Architect that goes more fully into an explanation of the subject; and, if any Senator desires to hear more upon the subject, I will have the letter read.

Mr. SARGENT. I am in favor of the passage of this bill. At the time the original bill passed and several times since we made the original appropriation for Saint Louis I was therefully convinced on the

appropriation for Saint Louis, I was thoroughly convinced on the evidence presented that the Government of the United States needed the building, and that it ought to be erected at the earliest possible moment. Therefore I do not wish to say a word to prevent the pasmoment. Therefore I do not wish to say a word to prevent the passage of this bill, but I should like to remark that the subject which we remit to the Committee on Public Buildings and Grounds by the new departure to which the Senator from Vermont alludes, is the question whether a building shall be built or not; but all appropriations for the buildings, and especially for the continuation of the work, are made under the auspices of the Committee on Appropriations. That was the invariable usage, both in the House and Senate, until this session, when a new rule seems to have been adopted.

Mr. CONKLING. There we objection to make to this bill because

Mr. CONKLING. I have no objection to make to this bill because I am bound to suppose it is necessary that this or an equivalent bill should take effect. But if I understood the Senator from Vermont aright, he said that this bill made no appropriation. Perhaps he added "now." If he did, I can see that his remark was technically There will be other bills of this sort, one or two in cases of which I have personal knowledge; and my purpose is at this moment to see that no distinction is accepted by the Senate between this bill and any other bill making an appropriation for such a purpose. The bill, if I can read it, does appropriate \$75,000, directing to be sure that it shall be paid out of the appropriation to be made for the next fiscal year; but in respect of imposing an obligation upon the Treasury, in respect of devoting the money to this use, in respect of rendering it certain that the amount required is to be paid to this use, it is an appropriation to all intents and purposes

As I said before, I make no objection to this bill because I assume it is a necessary and proper bill; but when other bills shall come in other cases, I should not like to have them encountered by saying we have passed no appropriation bills in this regard." form of words, a mere matter of book-keeping, possibly a matter of date when the entries take place upon the books. But this is a devotion by law of a sum of money there needed to this purpose, and as much in my judgment substantially an appropriation bill as it could

much in my judgment substantially an appropriation bill as it could possibly be in any form which might be given to it.

Mr. HAMLIN. Mr. President, I think this is simply an act carrying out a previous act by which an appropriation was made to erect this building. It is not, therefore, so far as the bill is concerned, in my judgment at all material whether it passes now or whether you shall wait and make the appropriation in the general appropriation bill, were it not for a fact which I think has not yet been stated to the Senate, and which, as I view it, renders it highly important that this bill should pass and should pass now. It is only one giving to this bill should pass, and should pass now. It is only one giving to the Government the power to make contracts to carry out in fact an existing law, and the Senator from Vermont has specified what these contracts are to be for, the iron-work, which takes time. Now, the additional fact which has not been stated is this, that the other material is now waiting, and has been waiting for a long time to be used, and could be used to-day; and if this beam contract had been made mouths ago, you would have had there not a building of one story to-day, but a building very nearly completed. It therefore furthers or delays the construction of the building by just so much as you pass this bill or neglect to pass it and trust it to an appropriation bill. It changes not a dollar the final appropriation the one way or the other; but it is highly desirable that it should pass now, so that

this other work may be done, so that the other material now ready,

and which has been ready to go into the building, may be put into it.

Mr. MORRILL, of Maine. There is only one reason I can conceive
of why this bill should pass; and that is, that by our law as it now exists in regard to appropriations no contract can be made for an expenditure beyond the actual appropriation applicable to the specific case. We have made appropriations for the erection of a court-house, or a post-office, or whatever the building is, at Saint Louis, and we shall probably continue to make those appropriations until the building is completed; but in order to make progress with the work they need to anticipate an appropriation, or at any rate they need to make a contract, which, as the law is at present, they cannot do. The Dea contract, which, as the law is at present, they cannot do. The Department is prohibited from making any contract in advance of an appropriation. This bill therefore is simply to authorize a contract to be made, with a pledge in the bill that we will make an appropriation of \$75,000 to complete the contract thus authorized. That is the effect of the bill. The object evidently is to obviate the difficulty which arises under the law which declares that no contract shall be made except with reference to a specific appropriation; otherwise it would be just as well to say that they were authorized to make a contract without making a pledge of \$75,000.

Mr. WEST. I think that the chairman of the Committee on Public Buildings and Grounds in submitting this bill to the Senate gave sufficient and adequate reasons for its passage. He has been aided

sufficient and adequate reasons for its passage. He has been aided by both the Senators from Maine, and I am quite assured that the Senate feels disposed to vote for the bill; certainly it will have my vote. But I rose, in the first instance, to call the attention of the Senate to a subject that should not be ignored; and the chairman on Public Buildings and Grounds asserts here that it has not been the practice of the Senate or of Congress to appropriate for these buildings in a general appropriation bill. I contend that it has; I shall manifest that it has; and I call the attention of the Senate again to the fact, not that the functions of the Committee on Appropriations are being encroached upon, but that we are by these special bills appropriating money that will go to diminish the amount that will included in the general appropriation bill, and somebody will

claim credit for it.

When the Senator says it has not been our practice, I will simply refer to the act of last session in which twenty-two particular buildings were specifically appropriated for altogether in one bill, the sundry civil service bill, and this very custom-house at Saint Louis got \$700,000. It seems that that \$700,000 is not enough for the present fiscal year, but \$75,000 more is actually needed. I do not dissent to that; but I again call the attention of the Senate to the fact that we are by these leakages appropriating money that will not appear in the general appropriation bills, and there may be some claim for economy on that account. The proposition of the Senator from Vermont is not substantiated by the quotation I have made; in fact it is denied. It is not a matter of any consequence any further than that we are taking a new departure, as the Senator from California says. Mr. MORRILL, of Vermont. Mr. President, it is not my desire and

never has been to enlarge the jurisdiction of the Committee on Public Buildings and Grounds. Prior to my service upon the committee it was the practice of the Senate to charge that committee only with the buildings and grounds here in the District of Columbia; but soon after my entry upon the service-whether upon a vote of the Senate I am not sure, but I think it was by a vote of the Senate—all questions in relation to public buildings and grounds throughout the United States were consigned to that committee; and it has been the practice, so far as I know, that all questions in relation to public buildings and grounds are first referred to the Committee on Public Buildings and Grounds. Thus the Committee on Appropriations has acquired jurisdiction by recommendations coming from the Committee on Public Buildings and Grounds in relation to these buildings all over the country

It is a fact that bills come from the other House with a large number of these appropriations in them, and have for a long time; but I believe that, so far as the practice of the Senate is concerned for the last eight or nine years, it has universally been the custom to refer all these questions in the first instance to the Committee on Public Buildings and Grounds, and they have made the report and asked frequently for the Committee on Appropriations to consider such matters as they approved of. Of course when a bill comes here from the House of Representatives with these appropriations, in the sundry civil bill, they do not go to the Committee on Public Buildings and

Grounds.

Mr. BOUTWELL. Mr. President, there is one general reason why it seems to me this bill ought not now to pass. There are many public buildings in the country in the condition of the custom-house at Saint Louis, undertaken, in progress, no appropriations for the prosecution of the work, and certainly none adequate to the completion of the buildings. If we begin now to make appropriations for particular buildings, one of two things will inevitably happen: either that we go on and make corresponding appropriations for all these buildings in various parts of the country, or otherwise it will happen that some buildings, by being selected out under articular circumstances, will be prosecuted and others equally necessary for the business of the country will be neglected. I am not disposed to favor this bill now. When we have before us the policy of Congress in regard to the buildings that have been undertaken, and are not completed, and

can understand exactly what is to be done in each particular case, and understand the magnitude of the appropriations to be made to this branch of the public service, then I shall be as willing to do something for the prosecution of this building at Saint Louis as for any other; but I am not willing now to do anything for any public building until we know what the policy is to be and the magnitude of the appropriations that are to be made.

This particular bill is objectionable in two respects: First, it takes the Saint Louis custom-house out from the general rule, which is that no public officer shall make a contract binding the Government in excess of appropriations already made. That is a wise provision of law, the only provision by which Congress can hold its public servants to the proper performance of their duties. By this bill we are to authorize the Supervising Architect of the Treasury to make contracts in excess of appropriations, and without making an appropriation adequate probably to the contracts which he is authorized to tion adequate probably to the contracts which he is authorized to make. Secondly, under the proviso he is authorized to take every dollar of the \$75,000 which in the text of the bill is appropriated to the purchase of iron pillars and pilasters for the first story, and iron pillars for the second, and apply it to the preservation and progress of the work; which means that, if he chooses, he goes on with the work, expends the \$75,000, makes contracts for the pilasters and pillars for the first story and pillars for the second story, and not one dollar of the \$75,000 may be applied to the fulfillment of those contracts

I object to the bill upon general grounds, and I object to the bill on the specific features which it contains.

Mr. MORRILL, of Vermont. It seems to me that the objections of the Senator from Massachusetts are wholly untenable. It is true that this bill virtually makes an appropriation of \$75,000, but it is to come out of the regular annual appropriation that may be made this

come out of the regular annual appropriation that may be made this year for this building.

Mr. BOUTWELL and Mr. WEST. Suppose we do not make any?

Mr. MORRILL, of Vermont. I take it that the United States are not about to abandon a public building in Saint Louis or any where else, where they have raised it up to the first story. I think we are not bankrupt, and I think the common sense of Congress in both branches will secure an appropriation such as may be absolutely

But, Mr. President, the Senator from Massachusetts objects to the proviso; he objects to the preservation of this building so far as it has been constructed or to any part of this \$75,000 being appropriated to the further progress of the building. Obviously some portion of this money would be required to be expended in labor to take care of these columns and of these girders and other portions of the building, but whatever amount may be expended is hereafter to be deducted from the amount in the regular annual appropriation bill. So that we are not to make this appropriation as an expenditure for any deficit that now exists or that will hereafter exist. It is to be merely anticipatory of the action of Congress, in order to enable contracts to be made for these articles that will require from two to three months to obtain them whenever

needed in all localities.

the authority is conferred by this bill.

Mr. WINDOM. Mr. President, the Senator from Massachusetts has expressed so much better than I can the thought that was in my mind on this subject that I will not attempt to repeat it; but I wish to say that, if what we hear of the necessity of economy is correct, the passage of this bill now seems to me of very doubtful propriety. I think, if we are compelled—and I am not sure but that we are—to economize to the extent insisted on here and elsewhere, there is no better place to begin than upon the public buildings of the country. If we are unable to carry on the internal improvements of the country that are necessary for its prosperity and welfare, if we are compelled to cut down the pay of twelve-hundred-dollar clerks who have received that sum for the last thirty or forty years—I do not know how long—I think that these fine, and I may say extravagant, buildings may be suspended for at least a year until we recover from the semi-condition of bankruptcy which is represented here. I do not believe that, however, Mr. President. I do not believe this Government is bankrupt or that it is on the verge of bankruptcy. I do believe, however, that the statements which we have heard made here for the last two or three years, the wail of despair that has gone up from this and the other end of the Capitol over the financial condition of the country other end of the Capitol over the mancial condition of the country and its near approach to bankruptcy, have done more to bring it there than perhaps anything else. But until the question is settled as to what we are to do about these various improvements, I think we should not put one case ahead of another. I think I shall vote in favor of this proposition at the proper time, but it does seem to me that this is not the proper time. When the sundry civil bill shall be presented to the Senate the whole question will be submitted, and we can then decide upon a full consideration of that question whether can then decide upon a full consideration of that question whether we shall make appropriations for the continuance of these buildings or not. I am inclined to think that I shall vote to appropriate money for their continuance and completion, but I do not wish to commence that now on a single case, to be taken out of the general principle which is to govern all the other cases.

Mr. CAMERON, of Pennsylvania. Mr. President, I should be very sorry indeed to see a stop put to this brilding, because I think it is false economy to prevent such appropriations as will take care of the buildings now started. As I understand this bill, it is an appropriation to furnish the material necessary to carry on the work this summer.

No man in private life, having expended a part of the money necessary to build a house or a barn, would refuse to finish it because at the moment he feared there was some embarrassment around him. He would rather say, "because times are hard," to use a common word, "materials are therefore cheap, labor is cheap, and now is the time to continue these buildings which have been begun." I would begin no new buildings; I would make no appropriation that looked to new expenditures for this object in the future; but I would finish every public building that has been commenced, because that would be true economy. It would not be prudent to economize by refusing appropriations where the result would be to waste property now in existence. These materials will be furnished by the town of Saint Louis. Nextto Philadelphia, Saint Louis is becoming the greatest manufacturing town in the United States. They have not only the raw material in great abundance in that great State of Missouri, but they have in the town of Saint Louis some of the best mechanics and arti-

sans that the country affords. They are out of employment, and they will do the work much cheaper now than they will after awhile.

I say, therefore, let us appropriate this sum now, and save much money by spending a little at the present time. I am not in favor, to use a common expression, of saving at the spigot and letting the

liquor run out at the bung-hole.

The bill was reported to the Senate.

Mr. BOUTWELL. I move that the bill be referred to the Commit-

tee on Appropriations.

Mr. BOGY. I hope it will not be committed. I trust it will be disposed of at once one way or the other. It is a just measure, and should pass now.

The PRESIDENT pro tempore. The question is on the motion to

Mr. BOUTWELL. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 15, nays 29; as follows:

YEAS—Messrs. Boutwell, Cameron of Wisconsin, Christianey, Conkling, Conver, Hamilton, Jones of Nevada, Kernan, McMillan, Mitchell, Morton, Patterson, West, Windom, and Wright—15.

NAYS—Messrs. Alcorn, Allison, Bayard, Bogy, Booth, Cameron of Pennsylvania, Caperton, Cockrell, Cooper, Davis, Dorsey, English. Ferry, Frelinghuysen, Hamlin, Hitchcock, Howe, Ingalls, Johnston, Jones of Florida, Kelly, Key, McCreery, Merrimon, Morrill of Maine, Morrill of Vermont, Oglesby, Sargent, and Withers—29.

ABSENT—Messrs. Anthony, Bruce, Burnside, Clayton, Cragin, Dawes, Dennis, Eaton, Edmunds, Goldthwaite, Gordon, Harvey, Logan, McDonald, Maxey, Norwood, Paddock, Randolph, Ransom, Robertson, Saulsbury, Sharon, Sherman, Spencer, Stevenson, Thurman, Wadleigh, Wallace, and Whyte—29.

So the motion was not agreed to.

The bill was ordered to a third reading, read the third time, and

Mr. BOUTWELL subsequently submitted a motion to reconsider the vote on the passage of the bill; and the motion was entered.

## FIFTEENTH-STREET FRONT OF TREASURY.

Mr. MORTON. I move that the Senate proceed to the consideration of the resolution in regard to the admission of Mr. Pinchback as a

member of this body.

The PRESIDENT pro tempore. The morning hour has not expired.

Mr. MORRILL, of Vermont. I am directed by the Committee on
Public Buildings and Grounds to offer the following resolution:

Resolved, That the Secretary of the Treasury be instructed to inquire and report how much more land on Fifteenth street will be required when the east front of the Treasury building is completed, and what would be the probable cost of the same, whether obtained at private sale or by condemnation for public use.

I have not any expectation that there will be any action of Congress on this subject at the present time; but nevertheless it is one of sufficient importance to call attention to it. It is apparent to all that when the Treasury building shall be completed we shall require from something like sixty to one hundred feet more of ground on the east front, and at the present moment a considerable number of the buildings are being taken down on Fifteenth street. It would seem to be a matter of economy—it certainly would be in the case of a private individual whose interests were at stake—to take measures to buy this ground before very expensive buildings shall be erected thereon. understand that a very large hotel is to be constructed directly in front of the Treasury building. I suppose that no person who has ever examined the subject at all will hesitate to say that there ought to be something like sixty, seventy-five, or more feet of ground added to that front in order to complete it according to the plans upon all the other sides of the building.

Mr. CONKLING. Does the Senator mean the east front on Fif-

teenth street

Mr. MORRILL, of Vermont. The east front on Fifteenth street. It could be obtained now, I suppose, without being compelled to pay for this extensive building that will be put up there in the course of the present season. I merely ask for the passage of this resolution in order to obtain the information from the Secretary of the Treasury. The resolution was considered by unanimous consent, and agreed to.

### HOUSE BILLS REFERRED.

The bill (H. R. No. 22%) to further provide for the building of a custom-house, post-office, court-room, &c., in the city of Memphis, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The joint resolution (H. R. No. 77) providing for the restoration of the original Declaration of Independence, was read twice by its title, and referred to the Committee on the Library.

#### UNPUBLISHED HISTORICAL DOCUMENTS.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on the Library be directed to inquire and report what unpublished documents, correspondence, or other manuscripts relative to the history of the country, before March 4, 1789, are now in the possession of the Department of State, and the historical value of the same, and the expediency and cost of publishing the same in full, or of publishing a catalogue and abstract thereof; also to inquire and report as to the expediency and cost of publishing the Monroe papers now in the possession of said Department.

### REGISTERS IN BANKRUPTCY.

Mr. GOLDTHWAITE offered the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on the Judiciary be instructed to inquire and report whether any person is now exercising the office of register in bankruptey in any judicial district which does not embrace all or part of the congressional district for which he was nominated by the Chief Justice of the United States.

#### E. RUMSEY WING.

Mr. McCREERY. I give notice that to-morrow, after the morning business is through, I shall call up the bill (S. No. 382) to appropriate \$1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Louisville, Kentucky.

#### SENATOR FROM LOUISIANA.

The PRESIDENT pro tempore. The Chair will lay before the Senate the unfinished business of yesterday, which is the bill (S. No. 60) declaring the true intent and meaning of the Union Pacific railroad acts, approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other

Mr. MORTON. I move to postpone all other business to take up

the resolution in regard to the admission of Mr. Pinchback.

Mr. WRIGHT. I called up yesterday the bill just laid before the Senate by the Chair, reported from the Committee on the Judiciary. I expected this morning to ask the Senate to proceed with its consideration. I understand the Senator from Indiana [Mr. MORTON] is eration. I understand the Senator from Indiana [Mr. MORTON] is ready to proceed with what is commonly known as the Pinchback case. My friend the Senator from Mississippi [Mr. Alcorn] is ready to proceed with his remarks upon that resolution. I have no wish to antagonize the Senator from Indiana; indeed, I appreciate the importance, and in fact the necessity, of disposing of that case at the earliest day possible. I will, therefore, not insist upon proceeding with this bill this morning; but I wish to state now, as I have the floor, that if the bill shall not be passed over informally, allowing the Senate to proceed with the Pinchback case, but if it shall be laid aside by a vote of the Senate, I shall ask the attention of the Senate to it as soon as the Pinchback case is disposed of. I trust the Senate will understand that I shall ask the attention of the Senate to this bill as soon as the Pinchback case is disposed of. bill as soon as the Pinchback case is disposed of.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana.

the Senator from Indiana.

Mr. STEVENSON. Mr. President, I hope the Senator from Indiana will not call up the case of Pinchback this morning. There are one or two Senators absent, particularly the Senator from Maryland, [Mr. Whyte,] who has been here and is detained to-day by the extreme illness of his wife. He will probably be here to-morrow. If the Senator would agree to let the case go over until to-morrow, it would be an act of kindness to him and a courtesy which I am sure he would appreciate.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Indiana.

The question being put, there were on a division—ayes 26, noes 17.
Mr. STEVENSON. I ask for the yeas and nays.
The yeas and nays were ordered; and the Secretary proceeded to call the roll.

the roll.

Mr. HOWE, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. SAULSBURY.] I should vote for this motion, and he would vote against it if he were here.

Mr. NORWOOD, (when Mr. GORDON'S name was called.) I am informed that my colleague [Mr. GORDON] who is absent is paired on this question with the Senator from Arkansas, [Mr. CLAYTON.]

Mr. WRIGHT, (when his name was called.) When the question shall arise upon the amendment proposed by the Senator from Vermont, [Mr. EDMUNDS.] and also upon the main question. I am paired

mont, [Mr. EDMUNDS,] and also upon the main question, I am paired with the Senator from Massachusetts, [Mr. Dawes,] but the understanding was that upon any motion that might be presented to bring the question before the Senate, or anything preceding a vote upon the amendment or the main resolution, I was to vote as if he was present. I therefore cast my vote "yea."

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. On this question I am paired with the Senator from Maryland, [Mr. PENNIS.] He was to have been back, by our arrangement, last night; but he is not present; and it is but due to the courtesy which belongs to this body that the pair should extend a little longer. If he were present, I should have voted "yea" and he would have voted "nay" on this motion.

The result was announced-yeas 32, nays 24; as follows:

The result was announced—yeas 32, nays 24; as follows:
YEAS—Messrs. Alcorn, Allison, Anthony, Boutwell, Cameron of Wisconsin,
Conkling, Conover, Cragin, Dorsey, Ferry, Frelinghnysen, Hamilton, Hamlin,
Harvey, Hitchcock, Ingalls, Jones of Novada, Logan, McMillan, Mitchell, Morrill
of Vermont, Morton, Oglesby, Patterson, Robertson, Sargent, Sharon, Sherman,
Spencer, West, Windom, and Wright—32.
NAYS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Eaton, English, Goldthwaite, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery,
McDonald, Merrimon, Norwood, Paddock, Randolph, Ransom, Stevenson, Thurman, and Withers—24.
ABSENT—Messrs. Booth, Bruce, Burnside, Cameron of Pennsylvania, Christiancy, Clayton, Dawes, Dennis, Edmunds, Gordon, Howe, Maxey, Morrill of Maine,
Saulsbury, Wadleigh, Wallace, and Whyte—17.

So the motion was agreed to, and the Senate resumed the consideration of the following resolution, submitted by Mr. Morron on the 5th of March, 1875:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning the 4th day of March, 1873.

The pending question being on the amendment of Mr. EDMUNDS to insert the word "not" before the word "admitted."
Mr. MORTON. Mr. President, at the time this question passed

from the consideration of the Senate, I had not concluded the remarks which I was making. I had taken the floor at that time under the impression that no other Senator desired to speak, and that I was to conclude the debate; but I have learned since that that is not the fact, and therefore I shall yield the floor at present, having no anx-

iety to speak.
Mr. ALCORN. Mr. President, the Constitution of the United States declares that no State without its consent shall be deprived of its equal representation in the Senate of the United States. That the State of ouisiana has been for more than three years, without her consent, Louisiana has been for more than three years, without her consent, deprived of her equal representation in the Senate of the United States, I presume none will controvert. That there is a violation of the Constitution; that there is a violation of the right that belongs to the State of Louisiana, is a question that I need not discuss. Whether the fault lies with the people of that State, or whether it rests with the executive branch of the Government, or whether it lies with Consgress, are questions on which men will differ; but the fact remains, nevertheless, that Louisiana has for over three years been denied her full representation in this body. In laying down the law for the adfull representation in this body. In laying down the law for the admission of Senators, section 18 of chapter 1 of the Revised Statutes of the United States provides that-

It shall be the duty of the executive of the State from which any Senator has been chosen to certify his election under the seal of the State to the President of the Senate of the United States.

Section 19 provides that-

The certificate mentioned in the preceding section shall be countersigned by the ecretary of state of the State.

The certificate so issued is called the credentials, which each Senator who presents himself for admission into this body must have in his possession. They are his title-papers to the office. They are just as much an evidence of his title to a seat in the Senate as is a patent evidence of a title to a piece of land. You may go behind the patent, it is true, as you may go behind the credentials that are presented by the Senator; but the credentials are prima facie evidence, and entitle him to admission to his seat in this body. This rule has been adhered to by the Senate, with some exceptions, since the foundation of the Government. It is true that during the period of the revolution, when the Southern States were not represented and when some of the border States were suspected of rebellious sentiments, the Sender States were suspected of rebellious sentiments, the Sender States were suspected of the southern sentiments and increased in the sentiments of ate of the United States assumed an arbitrary and inquisitorial position, and, before admitting the Senator, passed upon the question of tion, and, before admitting the Senator, passed upon the question of his fitness, his qualification, his right regarding the interest of the Union, to a seat in this body. But, outside of war issues, it has been generally held that where the credentials where presented in due form of law the Senator was entitled to take his seat on his prima facie case. Upon what title does each and every Senator hold his position in this body? Is there a Senator who holds his seat upon any other claim or title than that of an election by the Legislature of his State, certified to under the seal of the State from which he comes? In other words are not the credentials of each and every Senator upon

other words, are not the credentials of each and every Senator upon this floor the only evidence which that Senator possesses of a title to his seat? The Senator from North Carolina [Mr. Merrimon] responds, "There might be others;" but I ask whether there is any other? Is there a Senator on this floor who has shown any other title to his is there a senator on this floor who has shown any other title to his seat than the credentials which the law provides he shall have? What right then has a Senator who holds by the title prescribed by law to declare here in his place that another claiming a seat in this body who is equally supported by the certificate of the governor in conformity with the law shall not be received? What right has the Senator from North Carolina to question the admission of another Senator to a seat upon a prima facie case in this body, showing, as he does, title-papers equal in form and substance to those presented by the Senator from North Carolina when he presented himself to be sworn in as a member of this body?

sworn in as a member of this body?

Suppose to-day each and every seat in this body should be vacated, the governors of the different States under the law would issue certificates of election or give credentials of appointment to persons to fill this body, and each and every Senator should come here with his credentials; would any one Senator have a right to say to another, "You shall not be sworn in?" Has any Senator here the right to call

in question the formality of the election of any other Senator on this floor? The only question that would arise would be as to the credentials, Are they in due form of law? And, if in due form of law, the Senator has a right to present himself and be sworn in. After he is sworn in, the credentials, the *prima facie* evidence of title of the Senator may be investigated. After that is investigated, after the Senate has assumed jurisdiction of the case, after it has assumed jurisdiction of the person of the Senator, and not until that time, it can act. The State that accredits a Senator to this body under the certificate of its governor in conformity to law has a right to demand his admission upon the *prima facie* cree, and this body has no legal power to inquire into the right of the Senator until it has assumed jurisdiction of the credentials and of the person. Then the Senator, if challenged, is put upon his trial here to respond to any objection that may be urged against the legality of his election or against his fitness as a member of this body, with the right to come before the committee to which the question may be referred and there answer to all objections that may be made to him.

Now, upon what state of facts was it that the Senate of the United States undertook the investigation of the Louisiana case? Was it for the purpose of ascertaining the character of the Legislature that elected Pinchback or any other person in that State? It was not; but what made it a necessity for the Senate to investigate the collateral question of Ray's credentials or of the credentials of McMillen or any other person that was elected by the numerous legislatures that have existed within the last three years in that State? It was that have existed within the last three years in that State? It was for the reason that there were two persons who claimed to be governor of Louisiana, and each of these functionaries had certified under the great seal of the State the election of a particular individual to a seat in this body. The Senate of the United States could not decide prima facie as to who was governor; they had no judicial knowledge of the fact. It was a question that the Senate had to decide after investigation, and for itself. The Senate undertook the investigation of the question for the purpose of ascertaining who was governor of Louisiana; and having investigated that question had the Senate Lonisiana; and having investigated that question had the Senate come to a conclusion as to who was governor of Louisiana, that would have settled the case in favor of that claimant who held title under the certificate of the ascertained governor of Louisiana.
In 1872 there was an election in the State of Louisiana.

plications involved in that election have become well known to the American people. Perhaps no question has been discussed more thoroughly in this body than the Louisiana case. In no case of any thoroughly in this body than the Louisiana case. In no case of any election in any country, perhaps, have there been evidences of fraud overreaching that which was shown to have existed in the election in the State of Louisiana in 1872. Warmoth was the governor of that State at that time; Kellogg, who was then a member of this body, returned to his State and became a candidate for governor. Warmoth, whose support was supposed to be equal to twenty thousand votes in the State on account of the fact that he was governor, formed a coalition with the Greeley party in Louisiana, whereby it was agreed that McEnery should be elected governor with Warmoth's assistance, and after his election as governor Warmoth was to be elected between Kellogg and Warmoth; they being the chief actors in the contest. While the results involved the peace and prosperity of Louisiana, it is charged by the enemies of the respective parties that the struggle was maintained upon purely selfish grounds.

struggle was maintained upon purely selfish grounds.

The game was one that was suited to the capacity of both Kellogg and Warmoth. There was perhaps no villainy, no outrage that could be perpetrated on either side that was not perpetrated for the purpose of carrying that election. When the election had been had, Warmoth by operation of law was entitled to the returns. He placed them under lock and key and held them subject to the manipulation of his friends. The advantages were all in his hands. Kellogg and the returning board who were of the Kellogg party had no returns. Finding that they were not able to obtain any returns, they resorted Finding that they were not able to obtain any returns, they resorted to the very convenient expedient of securing affidavits going to show that Kellogg was elected. Each party claimed to have been elected. The returning boards of each of these parties gave the proper certificates to their respective friends. The Legislatures were commissioned, organized, assembled, and each of the Legislatures of McEnery and Kellogg alected two Senators to this body me for the mercined. and Kellogg elected two Senators to this body, one for the unexpired term of Kellogg, and one for the long term which is now claimed by Pinchback.

When the matter came here, upon the credentials of the parties applying for a seat in this body, each held the certificate of a person claiming to be governor of the State of Louisiana; each had the great seal of the State; each had the certificate of a secretary of state of the State certified to as provided by law. It was not as to who was elected Senator, but it was as to who was governor of Louisiana, that the Senate committee went forward to investigate. The Senate committee reported by a majority that no one was elected governor of the State of Louisiana; that the election was an organized fraud on both sides. They reported the fact that Kellogg's party had no re-turns and that the returns which were in the possession of Warmoth, and which had been made to declare the election of McEnery, had been manipulated, many of them having been forged.

The Senate, however, refused to adopt the report of that committee; and, so far as the report of the committee goes, it simply stands to-day with no higher authority than that of the report of a commit-

When the committee presented the report for adoption, with a bill to carry out the views expressed in the report, the Senate voted it down. This left the condition of things in Louisiana precisely, so far as the Senate was concerned, as the Senate found it. But the executive department of the Government of the United States had recognized Kellogg as governor of the State of Louisiana, and the Army was used to support that recognition; and the courts of the State of Louisiana had recognized Kellogg as governor of that State and held that the law under which he was inaugurated was constitutional. that the law under which he was inaugurated was constitutional. All the departments of the Government, aside from Congress itself, had recognized Kellogg as governor. He held the position of Governor. McEnery's legislature was finally dispersed, and he was driven from the field, and Kellogg was left in possession. Congress refused to do anything. Kellogg, in spite of all local opposition, maintained his government. His official position was recognized in the State of Louisiana. It became an accepted authority throughout the United States, so far as it could be, emanating from the governor of a State. Finally the House of Representatives at the last session. of a State. Finally the House of Representatives, at the last session of Congress, passed a formal resolution recognizing the Kellogg government. The Senate of the United States, subsequent to that time, passed a resolution to the same effect.

The members of the McEnery legislature, headed by McEnery himself, kept up a show of opposition to the Kellogg government. To quiet this condition of things and give peace to the country, members of Congress who had been sent to Louisiana to investigate the condition of affairs there proposed to the members of the rival legislatures a plan for an amicable adjustment of the differences between them. The returns were, under this arrangement, withdrawn from the State of Louisiana, and, after having been examined by Mr. Wheeler at his home in the State of New York, he submitted to the contestants a plan of compromise, which was finally adopted. Some members of the Kellogg Legislature were ejected and some members of the McEnery legislature were admitted. The compromise covered the recognition of the official acts of Kellogg up to that time and assumed the legality of the acts of the Kellogg Legislature; and the adherents of McEnery of the acts of the Kellogg Legislature, and the adherence of agreed that no question involving the right of Kellogg to the office of governor should thereafter be entertained by them. The people of governor should thereafter be entertained by them. The people of Louisiana generally acquiesced in this settlement, and to-day they profess their readiness to adhere to its conditions. The Legislature that elected Mr. Pinchback had submitted an amendment to the constitution of the State of Louisiana. The people of the State have since voted upon that amendment; it was accepted, and became part of the fundamental law.

I was one of the committee who believed that the election of 1872 I was one of the committee who believed that the election of 1872 in Louisiana was a fraud; who believed that neither Kellogg nor McEnery was elected governor of the State of Louisiana; who believed that, on account of the fraud that was apparent on the presentation of the case, it was impossible for anybody to ascertain with any correctness who was elected governor of Louisiana. But, sir, that question is not before the Senate now. When that question was presented to the Senate, and the Senate was asked to take the scalpel and cut this impurity out of the body-politic of Louisiana, the Senate refused to do it, but permitted Kellogg to remain in his place, sanctioned the government of Kellogg the action of the President sanctioned the government of Kellogg, the action of the President, the action of the courts, and maintained the government of the State of Louisiana.

The Senator from Ohio [Mr. Thurman] the other day said, if I remember aright, that the Senators who had signed or supported the majority report which declared the frauds and the irregularities of the election in Louisiana were now stultifying or would stultify themselves should they vote to admit Mr. Pinchback to a seat in this body. Now, mark the distinction. The question of investigation before the Committee on Privileges and Elections was as to who was the governor of Louisiana, not as to who was the Senator. It is true that it was upon the application of the respective claimants to a seat in the Senate that the question as to who was governor came before us. The determination of that question would settle the dispute as to the title to a seat in this body between the claimants.

The Senator from Ohio, who is good authority in matters of law, when speaking in the Spencer case, made this remark:

The only doubt I have in my mind, and I state it frankly, because I will not do any injustice in this business, is this: whether the certificate of the governor does not make out, prima facie, that that legislative body which he certifies for was the true Legislature. That is the only serious difficulty there is in the whole case; whether or not, looking to the act of Congress, we are not bound to assume prima facie, that that body which the governor certifies is the Legislature until the content is a bour. trary is shown

The Senator from Kentucky [Mr. STEVENSON] upon that occasion

I admit that you can inquire into the authority of the appointing power, whether a man has been regularly and legally elected in the mode pointed out by the law. That you can do; but I deny, as was attempted to be done in the Goldhwaite case, that you can look into the character of the Legislature that elected him.

The Senator from Kentucky declared that you could not look into the character of the Legislature that elected in the Goldthwaite case.

Mr. STEVENSON. Certainly; I still insist that Congress cannot inquire into the elements that compose a State Legislature if the body be a legislature, because the constitution of every State makes the Legislature of the State the sole judge of the elections and re-

turns of its own-members.

Mr. ALCORN. How then will you ascertain that a legislature is a

legislature? If a body is maintaining and holding its position as a legislative assembly in a State, is passing laws and enforcing laws; if it is a body to which the people yield obedience, whose legislation is accepted as the law of the State, in the absence of any adjudication to the contrary, I ask whether that be not the Legislature of the State?

Mr. STEVENSON. The inquiry propounded by the Senator is abstract; still, in that form its solution is easy. The Legislature, and not Congress, inquires into and passes upon the returns, qualifica-

tions, and elections of the members composing it; but the question supposed has no application to the pending motion, for the reason that the Legislature of Louisiana, which professed to elect Pinchback in January, 1873, is conclusively shown by the report of the Committee on Elections not to have been a legal Legislature. By the facts found and conclusions reached by that committee the Legislature which elected Pinchback was not in law or in fact a Legislature, but a mere body of men who usurped power and were upheld in their usurpation

by military power.

Mr. ALCORN. The remarks of the Senator which I have quoted are a sufficient reply to the position he now assumes. If the view taken and held by the Senator touching the powers of the Senate over this question is correct, what has the report of the committee to do with it? The Senator's language as I have quoted it is:

I admit that you can inquire into the authority of the appointing power, whether a man has been regularly and legally elected in the mode pointed out by the law. That you can do; but I deny, as was attempted to be done in the Goldthwaite case, that you can look into the character of the Legislature that elected him.

Mr. STEVENSON. Certainly.

Mr. ALCORN. And yet he says that he denies or disputes the character of the Legislature that elected Pinchback, because, forsooth, a committee of the Senate reported that the election was a fraud! committee of the Senate so reported to the Senate, which report was not adopted by the Senate; and yet the Senator, in the face of his own language, declares here that the report of that committee is sufficient authority for him to decide that the Legislature that elected

Pinchback was no legislature at all!

Mr. STEVENSON. I am rather Mr. STEVENSON. I am rather astonished at the position of the Senator. I know that the Senate did not adopt the report of the Committee on Privileges and Elections; but still I have never heard the facts stated in that report questioned; in which the Senator himself concurred, as a member of that committee. What facts were they? Why, that the Kellogg government was a fraud; that the Legislature which assumed to elect Ray and Pinchback was no legislature; that it was never elected by the people of Louisiana, but was a sham, created by the usurpation of Durell and his coadjutors. These facts were found by the Senator himself, concurred in by all his colleagues but one on the committee, and were reported to the Senator.

Mr. ALCORN. Certainly they were: but it is not true that the facts

Mr. ALCORN. Certainly they were; but it is not true that the facts stated in the majority report were not called in question. The chairman of the committee reported in favor of the Kellogg government, and he had many adherents in this body. The courts of Louisiana, I may add, certainly sustained that view.

Mr. STEVENSON. Now the Senator insists that, because the Conexclusive power to judge of the election, returns, and qualifications of its members, this power admitted by me in my former argument to exist confers upon the Senate the right to inquire into the election, returns, and qualifications of members of the State Legislature. I utterly deny the existence of this latter power of the Senate of the United States to inquire into the qualifications of members regularly elected to a State Legislature. The Senator from Mississippi argues that the Senate of the United States cannot reject a Senator presenting his credentials who was elected by a body of men that never were elected as legislators of a State; which fact was found by a standing committee of the Senate and concurred in by the Senator himself.

Mr. ALCORN. If the views of the Senator from Mississippi had

been made the law of the case, the argument would be good.

Mr. STEVENSON. Does the mere circumstance that what the Committee on Privileges and Elections reported as an uncontradicted fact of the non-existence of a valid government in Louisiana or a valid Legislature in that State was not adopted by the Senate of the United States change the truth of facts so reported? And if these facts be true, are they not conclusive of the prima facie title of Pinchback? Mr. ALCORN. The Senator is a lawyer. I may hold a position with regard to a particular statute; I may argue with all the earnest-

ness of an honest man that that statute is unconstitutional and void; but the courts of the country overrule my opinion upon that particular subject, and lay down the law precisely to the contrary of what I have believed and argued. The argument of the Senator from Kentucky would go to lay down the rule that because I had argued against the constitutionality of the law I should be denied the protection which in a subsequent action I might see proper to claim under its provisions. And until there is an adjudication that Kellogg's legislature was void and of no binding force, it stands the Legislature of the State under all the forms that have ever been required for the enactment of law. Because I held that the election of Kellogg was a fraud, shall my opinions be maintained as legal, as authority, and as binding upon any one, in face of the fact that all of the adjudications that had been made in every department of the Government from that time to the present have held that his election was legal and binding?

Mr. MORTON. Will the Senator allow me to ask him a question

ust there?
Mr. ALCORN. Certainly.

Mr. MORTON. With the indulgence of the Senator, it seems to me the point made by the Senator from Kentucky is this: that in the Goldthwaite case it was the fundamental law that you could not inquire into the elements of a legislature; but that in the Pinchback case the effect of a report made by a majority of the committee in an inquiry to which Pinchback was not a party, though never adopted,

changes the fundamental law in the Pinchback case so that you can inquire into the elements of the Legislature. That is it precisely.

Mr. STEVENSON. O, Mr. President, the Senator from Indiana is very acute and ingenious, as he always is, especially when he has a bad case; but no Senator better than he knows the distinction between the constitutional power of a State legislature to judge of the validity of the election, qualifications, and returns of its own members, and the power of the Senate of the United States under a similar constitutional power to inquire, on the presentation of the credentials of a Senator whether the body which elected him was in law or in fact a legislature at all, whether the election was conducted acgrding to the act of Congress, and if either fact is made to appear,

should not be admitted

We have been officially informed by a standing committee of the Senate that the body which elected Pinchback was not the Legislature of Louisiana elected by the people. None other can elect a Senator. Does the fact that the Senate of the United States did not adopt the resolution ordering a new election in Louisiana, appended to that report, invalidate in any degree the facts stated in that report and found by the committee to be true? The Senator from Mississippi seeks to escape from the conclusions of fact found by the comsippi seeks to escape from the conclusions of fact found by the committee and himself, that at the time of the alleged election of Pinchback there was not a valid government in Louisiana by the non-action of the Senate. He likens it to an earnest legal argument made before the court upon the construction of a statute, but which is overruled by the court. He inquires whether for an error in his construction he is to be denied in some future action the protection of that statute? By no means. The illustration cited by the Senator has recorded by the senator that the following the senator is the senator of the senator of the senator is the senator of the senato has no parallel here. I am referring to the conclusiveness of the facts found in this report, not on its legal effect. Suppose the Senator to be engaged in the trial of some action in a court of law which after an adverse ruling by the court and a final trial was taken to a higher court and reversed. Would not the facts proved and set out in a bill of exceptions, without other testimony, be conclusive in another trial? My point is that the facts stated in that report are conclusive on the non-existence of both a valid government or a valid legislature in Louisiana in January, 1873. The recognition of Kellogg as governor de facto by the President of the United States at a subsequent period cannot impart legal existence to a State government established against the consent of the people of Louisiana by force and violence; still less can any such recognition by the executive of any body of men claiming to be a legislature, but which were never elected by the people, but were ordained and created by usurped judicial power against their consent, impart validity to their election of a United States Senator. If this be not true, then the President and not the people of Louisiana would dictate Senators for Louisiana. Whenever the fact of such usurpation is made officially to appear by testimony taken by a committee and reported to the Senate as having occurred in any State, then the Senate should and must act upon such proof by denying the person thus chosen a seat in this Chamber. The fact that the Senate did not adopt the report cannot militate against the truth of the facts stated in it. They conclude Pinchback and every

Mr. ALCORN. I hold precisely the views to-day that I held when signed the report to which the Senator alludes; and yet I hold I signed the report to which the Senator alludes; and yet I hold that this knowledge possessed by myself is not to affect me when I sit upon a jury to try a case at bar. That proof is not before this body at this time. Pinchback was no party to the investigation that was had by the Senate; but waiving that technicality and agreeing that he was there, the Senate refused, I repeat, to adopt the report of the committee. The Senate chose to ignore the report of that committee to recognize Yellegges the report of that committee to recognize Kellogg as the governor of Louisiana, and to warrant and to give credence to all his official acts. The Senator from Kentucky I infer holds that Kellogg is a usurper in his place as governor. Supse there was a requisition sent to Kentucky by Kellogg, governor of the State of Louisiana, signing himself as such, to arrest a fugitive from justice who had escaped into the State of Kentucky, would the Senator from Kentucky, who is an able lawyer, sue out a writ of habeas corpus before any judge in the State of Kentucky, alleging that habeas corpus before any judge in the State of Kentucky, alleging that Kellogg was not governor of Louisiana, with any hope of maintaining his suit? Would not the fact of Kellogg's certificate as governor of Louisiana preclude him from any such action as that before any judge in Kentucky? Then if Kellogg's certificate is good before a judge in Kentucky in a case involving the liberty of the citizen, I ask whether Kellogg's certificate is not good to-day in a primia facic case going to show that a Senator had been elected a member of this body? Mr. STEVENSON. Does the Senator wish a reply to his question? Mr. ALCORN. Just as the Senator chooses. I ask the question, and he can reply to it.

and he can reply to it.

Mr. STEVENSON. It will give me great pleasure to give the Sena-

Mr. ALCORN. All right.
Mr. STEVENSON. If this were a prima facie case, with no other fact appearing or intervening except the certificate of Kellogg as the governor of Louisiana, and no evidence of the character of the Legislature, I would not hesitate to admit the applicant on the presumption arising from the regularity of his credentials; but if, upon the other hand, the credentials of the applicant, with the governor's certificate and other accompanying papers, were referred to a Committee on Privileges and Elections of the Senate to inquire into and ascertain the validity of the State government and of the Legislature by whom the applicant had been elected, and said committee were to report, the applicant had been elected, and said committee were to report, then the application ceases to be a prima facie case, but has been considered and reported upon on its merits. In answer to the Senator, the difference between the Kentucky case he supposes and this case is that when these credentials of Pinchback and John Ray, both elected United States Senators for different terms by the same Legislature in January, 1873, were presented they were referred to the Committee on Privileges and Elections to inquire into all the facts and into the legality of the Louisiana State election. Mr. Ray, who was elected at the same time and by the same Legislature with Pinchback, went before that committee, cross-examined witnesses, went into the whole investigation of this case, and the facts reported by that committee, including the Senator from Mississippi himself with his colleagues on that committee, were that the body thus electing Ray and Pinchback was not a valid legislature of Louisiana and had never been elected by the people. If it helps the gentleman any, let me tell him that the Senate did take judicial action on that report, and did concur in its facts by refusing to admit Ray. He presented credentials in all respects as regular as Pinchback, signed by Kellogg. Why was he rejected? Why was he not admitted upon his prima facie case? Why did the Senate acquiesce in the resolution of the Committee on Privileges and Elections declaring John Ray was not entitled to his seat? That they did so concur is proved by the fact that Ray was never admitted. That the Senate agreed with the committee in its conclusions of law and fact is clearly established by the fact that no motion was ever made to declare Ray entitled to his seat, and no action was ever proposed reversing this action of the committee. Ray, elected by the same body which elected Pinchback and on the same day, having credentials in all respects as regular, was never admitted, either on a prima facie title or a title on the merits.

Mr. ALCORN. The Senator from Kentucky is a lawyer; and does

he attempt here to assume the position, even admitting his premises to be true, that Pinchback is bound by a trial to which he was not

Mr. STEVENSON. But I insist that he was a party. His credentials were here, and he was here then seeking action upon his creden-

Mr. ALCORN. His suit was not begun.

Mr. WEST. I will remind the Senator from Kentucky that the report was made on the 16th day of January, 1873, and Pinckback's credentials did not come here until after the 4th of March.

Mr. STEVENSON. I care not whether he was a party or not. He

is bound, as every other citizen of Louisiana is, by a judicial investigation instituted in the Senate through its standing committee, which was directed to take proof, and ascertain and report whether the Legislature which elected Ray was a valid body. They reported that it was not, and Ray was excluded, or rather never was admitted. Pinchback was elected by that same Legislature. He was here and

Pinchback was elected by that same Legislature. He was here and was often present at the investigation.

Mr. ALCORN. Certainly, he knew it was going on.

Mr. STEVENSON. And he knew that Ray, who was elected by the same Legislature which elected him, was attempting to establish its validity? He failed. The committee reported the fact that no valid legislature had elected Ray. That was a fact which bound every citizen. Do I understand the Senator from Mississippi to take the position that if the Senate has decided judicially that John Ray was not entitled to his seat hereause the holy which elected him was not not entitled to his seat because the body which elected him was not

a legislature that such action does not conclude Pinchback?

Mr. ALCORN. The same Legislature having elected them both, and Ray having been upon his trial, and four Senators on the committee having reported adversely to the Kellogg government, the Senator from Kentucky gravely to-day asserts that that is an adjudication against Pinchback, who, forsooth, was in the city of Washington, who had been elected, and whose term was to begin about two months

who had been elected, and whose term was to begin about two months after that investigation closed.

Mr. MORTON. The Ray case never came before the Senate.

Mr. ALCORN. I know it did not. I intended to notice that. The Senate did not pass upon Ray's case; but, failing to act on the question of who was governor, the term for which Ray was elected expired by limitation. The question was, I repeat, as to the governor of the State of Louisiana. Two parties claiming a seat here held certificates of election purporting to be from the governor of the State of Louisiana. One was signed by McEnery with the great seal of the State, certified to by the secretary of state; the other signed by the State, certified to by the secretary of state; the other signed by W. P. Kellogg, governor of the State of Louisiana, and certified to by the secretary of state of the State as provided by law.

Mr. EDMUNDS. Will the Senator from Mississippi allow me to

interrupt him?

Mr. ALCORN. Certainly. I am entirely good-natured and shall be very glad, because I am in search of truth, to yield to any Senator ho may see proper to controvert any position I assume.

Mr. EDMUNDS. I should not rise to controvert any proposition of

Mr. EDMUNDS. I should not rise to contain the the Senator from Mississippi. I have not the boldness to do that.

Mr. ALCORN. Ah! the Senator is very flattering.

Mr. EDMUNDS. I merely rose to ask him a question. He has stated that we ought not to be governed by the report declaring that there was no lawful government in the State of Louisiana when Ray and McMillen were elected Senators, because Pinchback was not a party to that inquiry. Now, then, would the Senator be willing to have these credentials recommitted to the Committee on Privileges and Elections with instructions to inquire (Pinchback being now before us as a party) whether he was elected by the lawful Legislature,

and thus get at the facts?

Mr. ALCORN. I will answer my honorable friend that I would not be willing to have that done. If he had listened to the position which I assumed, I stated the fact that Pinchback was entitled to be admitted here upon his *prima facie* case. If the Senator from Vermont believes he was improperly elected, it is within his province to move to refer the credentials to the Committee on Privileges and Elections, when the Senate has jurisdiction of the case of the papers and of the person, and if then upon investigation you find that he is improperly here, the Senate has the power to turn him out. But he holds precisely the same writ of authority to a seat in the Senate that the honorable Senator from Vermont holds; that is, a certificate from the governor of his State. The case is changed now from what it was in 1872. Then there were two persons claiming to be governor of Louisiana; now but one person claims to be governor of that State.

Mr. EDMUNDS. Has Mr. Pinchback been elected since there was

Mr. EDMUNDS. Has Mr. Pinchback been elected since there was only one person claiming to be governor?

Mr. ALCORN. If he has not been elected since, the Legislature that did elect him has been indorsed, the governor who certified to his election has been declared by this body to be the governor of Louisiana, he has been recognized by the President, he is recognized to day by the courts of the country. He was recognized by the House of Representatives, and I re-assert he has been recognized by the Senate, and when recognized by the Senate, that recognition declared his title to the office to be good from the time of his inauguration. He has held his office for over three years, and his official authority has been acquiesced in by the people of the State of Louisiana. His official character was recognized and accredited by the present House official character was recognized and accredited by the present House of Representatives when it assembled in December upon a direct issue presented touching the credentials of Mr. Morey, whose seat was contested by a gentleman holding a certificate of election signed by Mc-Enery. The House recognized Kellogg's certificate, and held that Mc-Enery had no standing before Congress which entitled him to be heard. When Kellogg's certificate was called in question in the House, it was there admitted by that body that Kellogg's certificate entitled the holder on his prima facie case to be sworn in as a member of that body. body

Mr. EDMUNDS. The point, if I understand it then, is that Pinch-

back has become Senator by lapse of time; that he has grown into it, instead of having been elected into it, in the first place.

Mr. ALCORN. I understand that Pinchback has become entitled to his seat for the reason that every person who disputed his authority and title to that seat has disappeared, that there is no person to-day controverting his right, and that he holds his certificate of election in due form of law.

Mr. EDMUNDS. Then he takes the seat because it is vacant?

Mr. EDMUNDS. Then he takes the seat because it is vacant?

Mr. ALCORN. He takes the seat, if he takes it at all, because he has the title to it. I undertake to say another thing, that every adjudication, including an adjudication participated in by the Senator from Vermont, has been in favor of the Kellogg government, going to establish his authority and his right to act as governor of the to establish his authority and his right to act as governor of the State of Louisiana. Pinchback bears in his hand to-day his credentials, his title papers, certified to by the governor of the State of Louisiana, whom the Senator from Vermont has formally recognized. There is no one to dispute the authority of this governor. There is no one to dispute Pinchback's right to his seat here. McMillen has disappeared, and all contestants for the place have given way.

To fortify what I said with regard to the House of Representatives I read from the RECORD. Mr. BLAINE made some remarks at the time that the objection was made to swearing in Mr. MOREY, and called

time that the objection was made to swearing in Mr. Morey, and called attention to the fact that at the second session of the Forty-third Congress the Kellogg government had been officially recognized by the House of Representatives, and, in addition to this, that a compromise had been entered into in the State of Louisiana whereby the people of that State had recognized Kellogg as governor, and that he having been recognized as governor by the people of the State of Louisiana his authority as such could not now be disputed.

Mr. Blaine then propounded some interrogatories, to which Mr. Lamar replied as follows:

The gentleman from Maine has addressed to me a series of interrogations upon this subject, all of which I will answer if I can remember them. So far as I myself am concerned—I believe he has referred to my own knowledge of the matter—I will answer him cheerfully: for, with reference to the Louisian contest and the compromise to which the gentleman alludes, I am perfectly willing te disclose both my relation to it and my understanding of its effect and obligation. That compromise did involve, in my opinion, the recognition of Mr. Kellogg as acting governor of that State. I think such was the spirit of that compromise when it was

brought into this House. I admired the course of the gentleman from Massachusetts, and expressed my gratification at the fidelity with which he had brought the matter here. But, sir, when he appealed to me for my support I told him I could not vote for it, because, occupying my position, I could not give a vote which involved the recognition of Kellogg as governor. But in point of fact, sir, that resolution did pass, and its avowed and understood object and meaning were what the gentleman from Maine ascribes to it, and I acknowledge it has been carried out by the other side faithfully.

Mr. Morey was thereupon sworn in as a member of the House of Representatives, bearing in his hands the credentials signed by W. P. Kellogg, governor of Louisiana. From the time that Kellogg was recognized as governor of the State of Louisiana by the House of Representatives, that body was estopped from denying his official authority; and, after he was recognized as governor by the Senate of the United States, certainly this body could not call in question his official acts. At the time that the question was raised, and when the investigation was made before the committee. Kellogg and when the investigation was made before the committee, Kellogg and when the investigation was made before the committee, Kellogg was not recognized in this body as governor. Ray was not entitled to his seat because of the fact that Kellogg's authority to give him his credentials was disputed. Until that question was settled no one was entitled to a seat. That question was not settled until after the period of Ray's term of service for which he was elected had expired. Pinchback, in the facetious language of the Senator from Vermont, then "grew" into his office, when the Senate recognized Kellogg as governor of the State of Louisiana. Then his certificate became binding upon this body. When the government of Louisiana was recognized ing upon this body. When the government of Louisiana was recognized by the country everywhere; when it was recognized by the people of Louisiana; when it was recognized by every department of the Gov-Louisiana; when it was recognized by every department of the Government, and when at last it was recognized by this department of government, the questions were cleared away. There must be some way of arriving at a conclusion of facts; there must be some way of settling questions of this kind. Suppose you refuse to admit Pinchback, how can any one coming here with proper authority ever be seated in this body? The Kellogg government has fastened itself upon the State of Louisiana; it has imbedded itself in the constitution of Louisiana; it has imbedded itself in the laws of Louisiana; it is there to-day. How can you ever reach here the means of cutting impurities out of the body-politic in Louisiana? The Senate ting impurities out of the body-politic in Louisiana? The Senate offered to a committee of the Senate the scalpel, and told it to go forward and cut these impurities out. I was one who urged the Senate

ward and cut these impurities out. I was one who diget the Schate to do this, but the Senate refused.

Mr. MORTON. Will the Senator allow me?

Mr. ALCORN. Certainly.

Mr. MORTON. I venture to suggest to the Senator in this connection that the present democratic house of representatives in Louisiana. have recognized Kellogg as governor by proposing to impeach him in that character under the constitution. Whatever we may say of the fraudulent and violent character of the impeachment and the bad faith involved in it, the proposition to impeach him as governor recognizes his official character.

Mr. EDMUNDS. But may I ask how that fact can be used as authority when Pinchback was not a party to that impeachment? How

are we going to bring that in?

Mr. MORTON. I do not see that there is any pertinency in that

Mr. EDMUNDS. I do not think there is much pertinency myself

Mr. EDMUNDS. 1 do not that in any part of that branch of the case.

Mr. ALCORN. Pinchback holds his title-papers under the certification. The only question, I recate of the governor of Louisiana, Kellogg. The only question, I repeat again for the benefit of the Senator from Vermont, before this

peat again for the benefit of the Senator from Vermont, before this body was the question as to who was governor of Louisiana, and it is the only question which has ever been decided by this body.

But the proposition that the Senator from Indiana assumed is strengthened by another. When they undertook in Louisiana to impeach Kellogg you will observe that they did not claim to have the authority to impeach him for any acts of his that were committed before April, 1875. They held that the compromise was binding upon them and that all Kellogg's official acts up to that time were legal and binding upon the people of the State of Louisiana, and that they could not go behind that compromise to impeach Kellogg. It was before this time that Kellogg had given the certificate to Pinchback, which the Legislature of Louisiana to-day says is among the legal acts of Kellogg that they cannot impeach or assail. I present that as a of Kellogg that they cannot impeach or assail. I present that as a logical deduction from the position assumed by the Legislature of Louisiana when undertaking to impeach Kellogg.

My friend from Georgia [Mr. GORDON] is not in his seat. I regret

that he is not here, for I wanted to present to the Senate a unique speci-men of the logic whereby Pinchback is assailed, and whereby at the same time the principle is asserted that the Senate has no right to inquire same time the principle is asserted that the Senate has no right to inquire into the Legislature of a State. The Senator from Georgia, in a speech which he delivered before the Georgia Legislature not long since, took occasion to review the history of the country generally, and especially did he refer to certain questions pending before this body. He made certain statements in that speech which I desire to allude to. He says, speaking of certain resolutions introduced by the Senator from Indiana.

from Indiana:

The other series of resolutions offered by the same Senator contemplates the appointment of a committee by the Senate to investigate the last popular election in the State of Mississippi. The Constitution of the United States says of Congress that each body shall be the judge of the election, qualifications, and returns of its own members. If, therefore, some one claiming an election from one of the Mississippi districts were knocking at the door of the House of Representatives for ad-

mission and fraud were charged, that body could investigate his election by the people. Senators are not elected by the popular vote. Under the Constitution they are chosen by the Legislatures of the States. What possible right, therefore, or glimmer of law is there upon which the Senate can proceed to investigate a popular election in Mississippi? Gentlemen of the General Assembly, the Senate could with the same propriety and just as legally investigate the right by which you hold your seats in this body or the charge of fraud in the last elections in the States of New York or Illinois.

The proposition is too absurd for argument But what matters it to Senator Morron that, to secure Mississippi's eight votes in the electoral college, he must fly in the face of all precedent, override the law, trample down the Constitution, overthrow local government, and endanger popular liberty in this country? What matters all this to him? Picture to yourself a Senator from one of the States of this Union standing in the highest legislative body known to the laws, and which under the form of his Government, by the Constitution he has sworn to support, is made the bulwark against an invasion of the rights of the States—picture, I say, this grave Senator standing in that august assemblage elamoring for a committee, upon whose report he may overthrow the popular government of one of the co-equal States of this Union. And then look at the gravity of his argument! The question before the body is this: Where is the law under which the Senator seek to demonstrate that the United States Senate has such a power? What are his arguments? They are these: The last election in Mississippi must and can lawfully be investigated, because you want in Georgia a constitutional convention and a dog law. [Laughter.]

The Senator from Georgia assumed that the Senate had no power to investigate the action of the Legislature of a State. He takes unmistakable ground by the side of the Senator from Kentucky upon that position. He corroborates the position assumed by the Senator Ohio; but the Senator from Georgia, in order to make the logic of his argument entirely complete, goes on now to the Pinchback case; and I wish to notice what he says upon that case:

But do you say these are things of the past, and that we must look to the future? No man is more ready than your speaker to turn his back upon all these horrid recollections, and no man looks with more intensity of anxiety to the day when this country shall be no longer under the domination of hate, and when the whole people from ocean to ocean shall be united, peaceful, hopeful, and happy. [Loud applause.] But what encouragement have we, if this Administration is to last, to hope for such a future? Suppose Mr. Morton passes his resolutions. That is the aim of that party to-day, and if it goes into power again upon the passions which they seek to inflame and the prejudices which they essay to create, they will not only pass those resolutions, but make the precedent set the fixed policy of this Government. To adopt such resolutions, and thus override State lines and the popular will, is tyranny. But what next?

This party majority in the Senate of the United States is trying to make a legislator out of Pinchback! Pinchback, sent from Louisiana by a body which by the judgment of their own committee had no legal existence.

By what right, according to his logic, did this committee undertake to declare that the body which elected Pinchback had no legal existence? He asserts that there is no power to inquire existing in the Senate, and yet here he asserts that Pinchback is not entitled to a seat, because, forsooth, a committee of this body declared that the Legislature which elected him was not properly elected. It is upon logic like this that Senators stand here and object that Pinchback should be sworn in. But let me read a little further from the speech of the Senator from Georgia:

It is said to be capable of proof that he was a convict. But suppose we should prove it? We should only commend him by that to the confidence of that party! [Laughter and applause.] If we could prove him a jail-bird, it would only be to say, "Here is a fit legislator for the southern people;" and in the estimation of that party panegyric would be exhausted did we call him a thief. [Laughter and cheers.] I presume they will seat him. I hope they will not.

I trust I shall be there, although I am now paired, to record my vote against him; to do more, to join with my brother democrats in entering upon the records of the country a solemn protest against this outrage upon decency, law, and the Constitution of the country.

The Constitution of the country! He had just declared that under the Constitution of the country the Senate had no power to investi-gate or call in question the character of the Legislature that elects a Senator; and yet he declared here, in the same speech and in the next paragraph, that it is a violation of the Constitution of the country to seat this man, because a committee of the Senate had declared that the Legislature which elected him was not properly organized.

The charge made here against Pinchback, as previously insinuated by my honorable friend from North Carolina, in which it was held that Pinehback has been a convict in the penitentiary, is one that elucidates or makes forcible the position which I assume with regard to the right of a Senator to come here upon his credentials, and be permitted to take his seat; otherwise, Senators who hold their seats upon no higher authority standing here together in a body, may cast imputation and slander upon a Senator who knocks for admission into

putation and stander upon a Senator who knocks for admission into
this body, while that Senator has no power to respond.

Mr. NORWOOD. Will the Senator allow me?

Mr. ALCORN. Certainly.

Mr. NORWOOD. My colleague is not here; and I think it proper
to state what is his position. I do not think the Senator from Mississippi has represented him fairly, but he has not misrepresented him
intentionally of course. intentionally of course.

Mr. ALCORN. I only read what the Senator said. I can only judge

of his meaning by his language. I read from his speech.

Mr. NORWOOD. He meant just this: He was talking about a resolution introduced by the Senator from Indiana to investigate the election in Mississippi where there is one body, and but one, and a recognized legislature at that. The Senator from Mississippi is now talking about a case where there were two bodies, each claiming to be a lawful legislature, there being two claimants to a seat in this body, are clearly by the control of the worked legislature was about a seat in this body. one elected by one of the pretended legislatures and the other elected by the other. Under that state of facts, it became an absolute neces-

sity that this body should determine in the beginning in limine, whether there was a lawful legislature and which was the lawful legislature. That is the difference between the two cases.

If the Senator will pardon me one moment more, as he has stated If the Senator will pardon me one moment more, as he has stated the logic of my colleague on this question, I beg to state what I understand to be his. In 1873 the Senator from Mississippi said: "There is no lawful legislature in the State of Louisiana;" that is, as constituted by the election in 1872, there was no legal legislature that elected Mr. Pinchback, or Mr. Ray, or Mr. McMillen. He said that from nothing nothing can come; that it was a nullity—that it was an absurdity to call that body a legal legislature; and yet the logic of the Senator from Mississippi now is this: That the governor of that State having been recognized by the judiciary of the State, therefore that legislature, which was illegal in the beginning and has continued illegal from that time down, is a lawful body; that, because of some action of the other branch of Congress on some ground of policy, the governor of that State has been recognized as because of some action of the other branch of Congress on some ground of policy, the governor of that State has been recognized as the governor, of necessity, therefore, a body which was void from the beginning, and never had any legal existence, is now a legal body; and having been made the legal body since it legalizes an election which took place when that body was absolutely void by his own report to the Senate.

Mr. ALCORN. The Senator makes very free with the courtesy that I extended to him for explanation, and if his argument was as strong as the length of time he took to state it here, in taking advantage of

as the length of time he took to state it here, in taking advantage of the courtesies that I extended to him, it would do very well.

Mr. NORWOOD. I did not hear the Senator's last remark.

Mr. ALCORN. It did not amount to anything except to say that I did not propose when I permitted—

Mr. NORWOOD. Mr. President—

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The Senator from Georgia appeals to the Senator from Mississippi.

Mr. ALCORN. I will reply to the Senator, and then I suppose it will not be necessary for him to say anything in response. I gave him the opportunity to explain for his friend. He undertakes here to explain what his friend the Senator from Georgia meant when he made a speech in Atlanta. I have simply read from the speech. I had not undertaken to construe anything the Senator from Georgia said, but I gave the language itself. It put the Senator in the attisaid, but I gave the language itself. It put the Senator in the attitude of having denied the authority of the Senate in one paragraph to investigate the condition of a legislature in a State, and in the next to assert that it had the power to do so. In one instance it was unconstitutional and an outrage to investigate an illegal election in Mississippi, as was proposed to be done by the Senator from Indiana, but it was entirely competent to do so in the State of Louisiana. The Senator from Georgia, the colleague of the Senator from whom I recited, rises and makes the case as "clear as mud." He says there were two legislatures in the State of Louisiana. Yes, there were two; but I presume one of them was the lawful Legislature. Why not? What is the legal Legislature? What is the lawful body? A body Mr. ALCORN. Does the Senator from Georgia take me to be a

Mr. ALCORN. Does the Senator from Georgia take me to be a judge here in this case, whose opinions are to govern his actions? Why did not the Senator take my counsel when I made that report? He stood here and voted to admit McMillen, if I remember aright.

Mr. NORWOOD. Why has the Senator changed his position since

he made that report?

Mr. ALCORN. I simply changed my position in obedience to law; what every man should do.

Mr. NORWOOD. I ask the Senator what law has changed it?

Does he hold that we are bound here in our action by the decisions of the courts of Louisiana or by the action of the other branch of

Mr. ALCORN. Or by our own action. Go all the way through it. The question of Pinchback's credentials has never been investigated. The question investigated by this body was as to whether there was a governor in Louisiana, and, if so, who that governor was. A majority of the committee of this body, four of the members, reported that there was no government in Louisiana. But the Senate refused to adopt that report; and the Senate by its action reversed that report in that, that it recognized the government of Louisiana as it then existed and recognized Kellogg as the governor of that State. There is the adjudication, and by that adjudication I hold that I am bound;

and that is all of it.

Mr. NORWOOD. I wish to ask a question. I ask the Senator whether he did not, as a member of the Committee on Privileges and Elections, investigate the facts which were necessary to determine whether the Legislature that pretended to elect Mr. Pinchback was a lawful body, and whether he did not report that it was an unlawful body? I ask that in answer to his question as to whether Mr. Pinchback was a party to that investigation. If the Legislature that pretended to elect him was not a lawful body, what necessity was there for Mr. Pinchback to be a party to the investigation?

Mr. ALCORN. The Senator has heard me again and again assert and re-assert the fact that I did investigate that election in Louisiana as one of the members of the committee by whom it was investigated, and that my judgment, from which the Senator from Georgia dissented, was that there was no legal election held; that it was an or-

ganized fraud; and I say, if that is true, will the gentleman point me to some way out of the trouble? If my adjudication of that matter was correct, then there was no governor in Louisiana.

Mr. MORTON. Will my friend allow me to ask him a question?

Mr. ALCORN. Certainly.
Mr. MORTON. I ask the Senator from Mississippi if the report which he has referred to did not distinctly declare that McEnery was not elected ?

Mr. ALCORN. Certainly it did.

Mr. MORTON. And if our democratic friends have not argued and

voted, notwithstanding that report, that he was elected?

Mr. ALCORN. I just charged awhile ago that my friend from Georgia, notwithstanding the report, had voted to admit McMillen upon the idea that McEnery was elected governor, right in the face of the report of the committee.

Mr. NORWOOD. Will the Senator from Mississippi allow me once

more?

more?
Mr. ALCORN. O, yes.
Mr. NORWOOD. I desire to ask the Senator to stick to the question.
The question is not whether there was a lawful governor, because the governor did not elect Mr. Pinchback; but whether there was a legislative body that was lawfully organized. He said that body was an organized fraud; and then I put the question to him, how an organized fraud can be legal or be a legal body. He turns to the question of the governorship and says that Mr. Kellogg has since been recognized as governor of the State. The question I desire the Senator to answer is how an organized fraud ever brought forth a legal election of Mr. Pinchback or anybody else. I wish to know what connection there is between the governorship, if legal or illegal, and the Legislature which was an organized fraud ab initio and has continued Legislature which was an organized fraud ab initio and has continued

Mr. ALCORN. Since the Senator undertakes to direct the course I shall pursue in making my remarks, I expect it would be better for him to wait until I get through and then for him to make his reply. That which brought the Senator from Georgia to his feet was the fact that I was commenting upon the remarks made by his colleague. I was commenting upon remarks made by the other Senator from Georgia, [Mr. Gordon,] in which that Senator asserted that this body had no power to inquire into the elements composing the Legislature of a State. He asserted that positively and unmistakably, and when I then pointed out the remarks of his colleague in which he asserted that the Senate had no power to inquire into the Legislature of a State and then convicted that Senator of an illugical positive in which he as then convicted that Senator of an illogical position, in which he asserted that because a Senate committee had declared that the Legislature that elected Pinchback was illegal, therefore to admit him to a seat in this body would be a monstrosity, the Senator who is replying to me, holding that his colleague's position is true with regard to Ing to me, holding that his colleague's position is true with regard to Louisiana because of the fact that there were two legislatures there, says that it could not be made properly to apply to Mississippi because there was but one legislature in that State.

Mr. NORWOOD. I beg the Senator's pardon. I did not say that. Mr. ALCOKN. What did the Senator say?

Mr. NQRWOOD. If I said that I did not mean to say it, although I may resibly have said comething like it.

I may possibly have said something like it.

Mr. ALCORN. Then I ask the Senator the question: Does he hold that this body has power to investigate the elements that compose

that this body has power to investigate the elements that compose the Legislature of the State of Mississippi?

Mr. NORWOOD. I do not. I hold to the contrary.

Mr. ALCORN. Then by what authority do you assume that this body had the power to investigate the Legislature of Louisiana?

Mr. NORWOOD. Let me answer.

Mr. ALCORN. The Senator has answered. He said because there were two bodies there; but I say it was not the question of that Legislature at all. I assert that the committee did not investigate the question of the Legislature of the State of Louisiana and it was not that tion of the Legislature of the State of Louisiana, and it was not that which it was organized to investigate. The question was whether there was a legal government in the State of Louisiana. In the investigation of that question the scope of that investigation as a matter of course included the election as well of members of the Legislature as of the municipal officers of that State. On the facts the committee reported that there was no legal government there. If that report had been indorsed by the Senate there would have been an end to the Kelbeen indorsed by the Senate there would have been an end to the Kellogg government so far as this body was concerned, but the report was not adopted. On the other hand, the Senate proceeded in the course of time to overrule that report, and not only declared that there was a government in Louisiana but that Kellogg was the governor. This is the point that I am seeking to establish. If I am successful in this, then there can be no legal objection to the warrant under which Mr. Pinchback claims a right to a seat in this body. That follows as a legal deduction. The Senator from Georgia [Mr. Norwood] attempts to convict me of inconsistency in the fact that I argued before the question was decided by the Senate in favor of the position that I the question was decided by the Senate in favor of the position that I assumed when seeking to establish the proposition that there was no government in Louisiana, and because I now argue after the question has been decided that the Senate is bound by its own adjudication.

Mr. NORWOOD. My friend has put an interrogatory to me, and I

ask the privilege of answering.

Mr. ALCORN. Well.

Mr. NORWOOD. I say that this body has no right to investigate the constituent elements of a legislature. I think that is a legal propo-

sition which no constitutional lawyer will dispute; and that I understand to be the position of m; colleague when he made his speech in Atlanta. But I say that there is a difference between the two cases; and the very question lying at the foundation of the investigation here was this: did a legislature exist at all in Louisiana? My friend was upon the committee who were investigating that fact, and he came to the conclusion that instead of there being a lawful legisla-

Now, Mr. President, while I am up I beg to refresh my friend's memory by a few words from the report that he signed himself.

Mr. ALCORN. The Senator will excuse me. I am sure there is no

better-natured person than myself; but the Senator will have an opportunity to reply to me if he sees proper to do so. If he thinks it of sufficient importance, he can be heard upon this question. I indorse every word that is said in that report as my opinion upon the question at issue at that time, and that was a question as to who was governor of Louisiana, and I held that upon the proofs there was no governor of Louisiana elected then, in my judgment. On this point my friend from Georgia differed with me. He held that the report was not true; that there was a legal government in Louisiana, and that that legal government was McEnery and the legislature elected in conjunction with him.

Mr. EDMUNDS. I do not intend to interrupt the honorable Senator, but as he is now referring to what appears in his report, I wish to call his attention to the fact that the resolution under which he

acted was this:

That the Committee on Privileges and Elections be instructed to inquire and report to the Senate whether there is any existing State government in Louisiana, and how and by whom it is constituted.

Then his committee reported at the end of the report certain opinions in the form of resolutions; first that McMillen was not entitled, second that Ray was not entitled, and third that the accompanying bill which declares that there was no lawful government at all there

ought to be passed.

Mr. ALCRON. That is just the truth, and it was to inquire into the existing State government of Louisiana that the question was referred. That arose from the fact that there were two applicants here; that was the way the Senate assumed jurisdiction of the case. It arose from the fact that there were two applicants here for a seat in this body, and each under a like authority; each holding in his own hands the seal of the State; each holding the certificate of a person purporting to be governor of the State. The Senate did not know, and could not ascertain without investigation, who the governor was. I have repeated this a dozen times. This position certainly is understood. The Senate will very readily understand the reason why Senators are so oblivious to the point I make. They seek to worry me away from so oblivious to the point I make. They seek to worry me away from the question involved in this case, to destroy the continuity of my argument, and cause me to wander from the subject; but I propose to stick to my text.

The committee having reported that there was no lawful government in Louisiana, and having recommended to the Senate to order an election in that State, and the Senate having refused to indorse that report, having refused to order a new election, but having on the other hand recognized the Kellogg government as the legal government of the State of Louisiana, all parties having recognized the Kellogg government as the government of the State, I ask whether the question was not settled as far as it could be settled, and whether there was any further adjudication that could be lad of this case? there was any further adjudication that could be had of this case? It had gone through all the adjudications that it could possibly pass through in order to legitimize, in order to establish Kellogg as the governor of Louisiana; and now, because I as an individual in this Sanate, held that there was no election there at the time the question was submitted to me, I am to be held as stultifying myself because I yield to the adjudications of that tribunal by whose decisions we are all bound, and recognize the Kellogg government to-day and its au-thority, when there is none in all the broad land to dispute it. Where is the person, where is the organized community of men, where is the

is the person, where is the organized community of men, where is the judicial or legislative tribunal in this whole country that to-day disputes the legal authority of the Kellogg government? There is none.

The statement has been made that if the government of Kellogg was founded in fraud it is still a fraud; that no recognition by this body, or by other departments of the Government, or by the people, could be held to purge it of that fraud. The history of the governments of the world refutes this position. Governments conceived in fraud and matured under the influence of corrupt combinations have often received the hearty approval of the people. The recognition of such a government may be the only means of avoiding anarchy. Any government has been regarded as better than no government; and if the only road to the repose of the people lies through the basest frauds and the most stupendous corruptions, the people, guided by the suggestions of wisdom, often willingly submit, as the safest means of protection to life and property. When Napoleon III violated his oath and seized the empire, the world pronounced him a perjurer and a usurper; but when he saluted the nations from his seat on the throne, they were not slow in recognizing him as the head of a powerthrone, they were not slow in recognizing him as the head of a powerful nation and his as the most brilliant government in Europe. The plebiscite indorsed him, and all the world recognized him as the legitimate monarch of the French people.

But in support of this theory an example more recent and perhaps more striking may be referred to. The national democratic conven-

tion held in New York in 1868 pronounced the reconstruction acts, including the amendments to the Constitution, as flagrant usurpations of that instrument. These acts were denounced as "unconstitutional, revolutionary, and void;" as tending to subvert our form of government, and end in centralization and despotism. Congress was characterized as the "so called," and the people were appealed to to wipe out the fraud and restore the Federal Union of co-equal States. My friend from Georgia [Mr. Norwood] was eloquent when before the people he arraigned the republican party for what was charged as a crime against civilization—the enfranchisement of the negro. But within a period of four short years this same party, in convention, accepted all these acts of so-called usurpation, promised faithfully to carry them out; that they would not disturb but would maintain them as necessary to the peace and quiet of the country. Horace Greeley, the promoter and defender of the reconstruction acts, whose name had been a reproach in one section of the country, was whose name had been a reproach in one section of the country, was chosen as the leader of this party; and the most cloquent tongue in all the South was brought to the tomb of Charles Sumner to swell the nation's refrain over the grave of the great expounder of the Constitution of his country, to proclaim him the matchless friend of human liberty.

In 1868 the questions of the reconstruction acts were issues before the people. The people, before whose mature judgment we must all yield obedience, were moving to the judgment of the court of last resort. In 1872 the people had rendered their verdict, and the democratic party, as it was its duty to do, wisely recognized the judgment and promised its cordial support. Who will say that that party stultified itself in yielding obedience to a cardinal principle that under-

lies all governments of the people?

lies all governments of the people?

I invoke this principle in the case before us. The question looks beyond Pinchback and Kellogg. If it were to stop with them, the subject would not be worth considering; but the precedent may be hereafter invoked to deprive your State or mine of representation in this body. If the caprice of Senators in the admission of members to this body is to go unchallenged, then, in truth, we are masters of the field and may hold it, however great the wrong.

It is said that the Senate is the judge of the election, qualifications, and returns of its members. That is true; but if the Senate be the judge of the election, qualification, and returns, is it not to judge upon forms prescribed by law? Take the case of a judge who is the judge of the law of the case; if a question of a statute of Lonisiana was

judge of the law of the case; if a question of a statute of Louisiana was before the Supreme Court of the United States to-day, that court would adjudge the statute upon the certificate of the governor of that State upon the forms prescribed by law; and the judges would be bound in considering that statute to render their judgment upon the law after the form that is given for the adjudication of such questions.

Now, Mr. President, I will pass from that point
Mr. STEVENSON. Will the Senator from Mississippi allow me to

ask him a question?

Mr. ALCORN. Certainly.

Mr. STEVENSON. I understood the Senator from Mississippi to claim that I was wrong just now in supposing that the testimony taken by the Committee on Privileges and Elections, of which he was a member and in whose report he concurred informing the Senate that there had been no legal election held in Louisiana in 1872, and that there was no valid subsisting State government in January, 1873, would be legitimate evidence in the Pinchback investigation. Did I understand the Senator correctly that my position was erroneous as matter of law?

Mr. ALCORN. I stated the fact that Pinchback was not a party

to that proceeding.

Mr. STEVENSON. Now, will the Senator allow me to read to him the highest possible authority upon this question, which could be brought to his notice? I refer to a speech of the Senator himself made upon the precise point. In that speech the Senator claimed directly that the report of the Committee on Privileges and Elections was conclusive upon the fact that the legislature which elected Pinchback was not a valid legislature and that he was not entitled to his seat.

That is the precise position I take now.

Mr. ALCORN. If the Senator had no more respect for my speeches

han I have, he would not urge that as authority upon me at all.

Laughter.

Mr. STEVENSON. Mr. President, I have the highest respect for the gentleman's opinions, and in reading his speech I only desire that he should have as high a respect for his own argument, especially when made on the right side, as I have.

Mr. ALCORN. I stated the fact in the speech which I made that a

Mr. ALCORN. I stated the fact in the speech which I made that a case was adjudicated that involved all the questions of fact that were involved in the Pinchback case. That the Senator will find in my speech, and I will tell the Senator further what he will find in that speech. I held the opinion that if the Senate should adjudicate the Kellogg government as the legal government of Louisiana, then I should hold myself bound by that adjudication and conform my action to the declared judgment of the Senate, which I held to be binding

on me.

Mr. STEVENSON. I have before me what the Senator said on that occasion. I propose now to read. When the Senator from Indiana [Mr. Morton] made the objection that the report of the Committee on Privileges and Elections was not testimony against Pinchback, because he was not a party to that investigation, the Senator from

Mississippi replied, as I did this morning, that the facts found by the committee as to the invalidity or non-existence of any State government in Louisiana at the time Pinchback was elected bound Pinchback and was conclusive against his title to a seat here. Now the Senator recants his former position, by which he so ably controverted the argument of the Senator from Indiana, and insists that the facts found in this report are not evidence against Pinchback because his credentials were not then before the Senate and he was not a party to the investigation. Will the Senator allow me to read briefly what he said?

I wish to sav-

Let the Senator take notice that this speech was on the pending

motion to seat Pinchback on a prima facie title.

I wish to say, in behalf of the committee, that when this question came before them it was one with which the committee were well acquainted. Twelve months ago this same question—

Just my position now-

was before the Committee on Privileges and Elections, and a long, tedious, patient, laborious investigation was had by that committee in inquiring into all the facts involved in the present controversy.

What was that? Pinchback's prima facie title on his credentials.

What was that? Pinchback's prima facie title on his credentials.

The result of that investigation was published in a volume embracing more than a thousand pages. The witnesses lived nearly two thousand miles away. Twelve months ago they were brought before the committee and examined fully and thoroughly, and cross-examined. The testimony was published to the country. It is a part of the history of the country; it has become a part of the records of the Senate; it is before the Senate.

This testimony and these records were before the committee at the time we were called upon to investigate this case the other day. The committee did not go into the detail of investigation when called to the investigation at this session of Congress; and why? Because all that detail of investigation had been made more than twelve months ago, and it was not necessary to go into it again. It was not proper to put the Government to the expense, and we did not see proper to ask the Senate to allow us to send for persons and papers for the purpose of going over the same track that had been so well beaten twelve months ago. Therefore, with this testimony before the committee, with this record before the committee, with this testimony before the committee, with this record before the committee, with this testimony and said to the Senate, "The committee is unable to agree; four and four, the committee are divided in their room, and they bring the case to the Senate and state to the Senate the facts as they exist."

Now, sir, I contend that the testimony is here; it is part of the records of the country; it is part of the history of the country. Why, sir, the fact is that there were no credentials were embraced in the report that was made by the committee twelve months ago. That this very question was investigated twelve months ago. That this very question was investigated twelve months ago. That this very question was investigated twelve months ago—not, to be sure, between the parties now here—but that it was substantially investigated

Mr. ALCORN. Are you going to read all the speech?
Mr. STEVENSON. It is so pertinent and contains so much good reading that I hate to lose a word.

Mr. President, I only rose to make the point that all the testimony that was taken by the Committee on Privileges and Elections twelve months ago was before that committee the other day, and that upon those facts, and those facts alone, it was that the committee reported back to the Senate that they were unable to agree. It was said the other day that there were some other facts, but members of the committee stated that they were acquainted with the other facts that were proposed to be introduced, and they were free to say that the disclosure of those facts before the committee would make no difference with regard to their judgment in the case, and hence the additional facts that are stated to be now present or ready to be reported it was not precessary to report, upon at all it was not necessary to report upon at all.

How strong, how conclusive, was the argument of the Senator from Mississippi then upon the legal and conclusive effect of the report and its findings against Pinchback's title! The fact found by that committee, that there was not a valid State government in Louisiana in January, 1873; that the Kellogg government, including the Legislature which then elected both Ray and Pinchback, was a fraud and shame, the mere excrescence of arbitrary usurped power, was binding not only upon Pinchback but upon the world. I concurred with the Senator from Mississippi in his argument then; I think it equally

Mr. ALCORN. That it was not conclusive of Pinchback's claim is evidenced by the fact that Pinchback's claim is to-day being discussed in the Senate. That was an argument that I used before the Senate in endeavoring to enforce the views that I held then in regard to the election in Louisiana. That was a speech that was made by me to the Senate giving reasons sufficient to wait it to be writed. by me to the Senate giving reasons sufficient to my mind to show that there was no legal government in the State of Louisiana; but the Senate decided otherwise. The Senate decided that there was a legal government in Louisiana; and when the Senate adjudicated that fact, then the argument I made was in the nature of an argument

Mr. EDMUNDS. Will the Senator be kind enough to say when and how the Senate decided that there was a legal legislature in Louisi-

Mr. ALCORN. Decided by a resolution in this body recognizing

the Kellogg government.

Mr. EDMUNDS. Did it recognize the Kellogg government?

Mr. ALCORN. Yes, sir.

Mr. EDMUNDS. What does the Senator mean by "the Kellogg overnment?"
Mr. ALCORN.

Mr. ALCORN. Kellogg as governor of the State of Louisiana.
The PRESIDENT pro tempore. Senators will address the Chair.
Mr. EDMUNDS. Mr. President, I wish to ask the Senator from Mississippi, with the permission of the Chair, if he will be kind enough to read to us the resolution, if he has it, that we did adopt, which will enable us all to know precisely what we did declare.

Mr. ALCORN. I have it not before me now, not supposing I would be called upon for that resolution; but I think I can find it.

Mr. WEST. Hore it is

Mr. WEST. Here it is.
Mr. EDMUNDS. My friend from Louisiana has it.
Mr. ALCORN. Will you be kind enough to read it to the Senate? Mr. EDMUNDS. With pleasure.

Resolved, That the action of the President in protecting the government in Louisiana, of which W. P. Kellogg is the executive, and the people of that State against domestic violence and in enforcing laws of the United States in that State, is approved.

That was the resolution.

Mr. ALCORN. Very well. Then if the Senate of the United States indorsed the President who had recognized the Kellogg government, and indorsed his action in the face of its refusal to pass a law declaring that the election in Louisiana was without effect, it certainly was to all intents and purposes a declaration in favor of the Kellogg government. Will the Senator say that it was not? Does the Senator hold that the Kellogg government has not been recognized by

this body?

Mr. EDMUNDS. Mr. President, I will answer with the permission

Mr. EDMUNDS. Mr. President, I will answer with the permission of the Chair, if the Senator desires me to do so.

Mr. ALCORN. Certainly.

Mr. EDMUNDS. I stand by the resolution which the Senate adopted as we all did, I believe, just as we had done all the time before. When the thing first broke out, I believe everybody on this side of the Chamber defended the action of the President of the United States, with the information he had before him, in protecting the people of the State of Louisiana against domestic violence. That was perfectly consistent with the bill which the Senator himself reported. If there was no lawful government in the State of Louisiana. ported. If there was no lawful government in the State of Louisiana the President was bound to protect any government that was administering the law and keeping the peace that happened to exist there until we could get a lawful government. The Senator ought to know that that resolution does not bear, and he knows perfectly well that it was not intended to bear by anybody who proposed it or discussed it, the meaning that this Senate was declaring, by that resolution of approval of the action of the President in protecting the people of that State, that it believed the legislature, so called, that elected Ray and Pinchback was a lawful body at the time they performed those acts. That is the difference; but I admit, because I am bound to be frank, that the Senator is now pressing his case upon the strongest ground that it has, and that is an estoppel, which is to keep us from

the truth, as the language about estoppels is.

Mr. ALCORN. Mr. President, I am obliged to the Senator. I now submit to the Senator the position that I assume: that this body has recognized the Kellogg government. The Senator from Vermont denies that this body has done so. I understand this issue to be directly joined between the Senator and myself, I asserting and he denying. Now, I will again read the resolution that was adopted by this body.

Resolved, That the action of the President in protecting the government in Louisiana, of which W. P. Kellogg is the executive—

A declaration by this body that William P. Kellogg is the executive of the State of Louisiana; and the Senator from Vermont rises in his place and declares this is not a recognition by this body of Kellogg

place and declares this is not a recognition by this body of Kellogg as governor of that State.

Mr. EDMUNDS. I have not risen in my place, or said anything of the kind, or intended to say anything of the kind.

Mr. ALCORN. Then I beg the Senator's pardon.

Mr. EDMUNDS. I maintained at the very first, when the question first opened, as I have ever since, that Kellogg was the executive. I maintain it now, just as I stated ten minutes ago. He was the executive authority in fact, exercising the functions of governor in that State, and as such the President of the United States defended him from the domestic violence which was to overturn anything, and appealed to Congress to take some step to rectify the state of anarchy and chaos which was being threatened in that State. That resolution, if the Senator will apply his mind to it as the saying is, does not say—it carefully avoids saying—that any government in the State of Louisiana is a constitutional government. It says that whatever exists there the President has been perfectly right in upholding in order to preserve the peace and rights of citizens of the United States. order to preserve the peace and rights of citizens of the United States.

That is what it says, and it says no more.

Mr. ALCORN. Every person of ordinary understanding will construe this very plain resolution for himself. This resolution declares—

That the action of the President in protecting the government-

What government?

the government in Louisiana, of which W. P. Kellogg is the executive.

There are two propositions: first, a government; that is recognized; it is not anarchy; it is not disorder; it is a government; and, second, William P. Kellogg is the executive of that government; and

among those who voted for that resolution I find the name of the

honorable Senator from Vermont recorded among the "yeas."
Mr. EDMUNDS. Certainly; I would vote for it again to-day.
Mr. ALCORN. It is not worth while for us to debate that question any further. There is the recognition, as I take it to be, and that recognition I claim binds me. But, Mr. President—

Mr. EDMUNDS. Will the Senator allow me to ask him one question in that connection?

tion in that connection?

Mr. ALCORN. Certainly.

Mr. EDMUNDS. The Sevator says that resolution bound him; but it so happened, if I recollect correctly, that the Senator came out in a very powerful speech in favor of admitting Pinchback before that resolution was passed. Did it bind him in advance?

Mr. ALCORN. Mr. President, if the Senator will refresh his memory, I think he will know very well that when I made that speech which he declares to be a very powerful one, it was when the House of Representatives had already recognized the Kellogg government, and when the foreshadowing was here unmistakable that this body would do the same thing. The question was res adjudicata, already adjudicated, and I stated so at the time, that the Kellogg government had been recognized by the President; that the Senate had refused to adopt the bill that had been reported by the committee; that the House of Representatives had recognized the Kellogg tee; that the House of Representatives had recognized the Kellogg government; and that the Senate had already determined to do the same thing. Then I said admit Pinchback, for the Constitution of same thing. Then I said admit Pinchback, for the Constitution of the United States declares that no State without its consent shall be deprived of its equal representation in the Senate of the United States. Louisiana, without her consent, has for three years been deprived of her full representation in this body, and I proposed that that injustice and that outrage upon the Constitution should cease.

Mr. MORTON. Will the Senator allow me to call attention to a

Mr. ALCORN. Yes, sir.
Mr. MORTON. I call the Senator's attention to this fact: that this resolution was a broad and unequivocal recognition of the whole Kellogg government, not of Kellogg as governor defacto, but of the government of which he is the executive, including the Legislature and

ernment of which he is the executive, including the Legislature and every department of it.

Mr. ALCORN. Certainly.

Mr. MORTON. The resolution is broad and unequivocal in its language, and no mental reservation, no narrow construction put upon it by any Senator can change the legal effect of it.

Mr. ALCORN. So I hold it to be; but I stated that the Senator from Georgia and the Senator from North Carolina upon another occasion had declared the fact that Pinchback was unworthy of a seat in this body for the reason that he had been a conject in the pention. in this body for the reason that he had been a convict in the penitentiary of the State of Louisiana.

Mr. NORWOOD. Which Senator from Georgia does the Senator

refer to?

Mr. ALCORN. Your colleague. I read his language a while ago. He said that he was so charged; he did not assert that he had been, but said that he was charged with having been. I gave this as a reason to show the injustice of refusing to admit a Senator upon this floor on the credentials that he receives from the governor; that it is arbitrary on the part of the Senate to organize itself here upon a letter of a the interval of the States and available. ter of authority derived from the governors of the States and exclude another person who comes and claims a vacant seat upon precisely the same title-papers under which each and every one of us hold our seats here; that the rule is to admit the Senator, and if irregularities are made to appear, or if the Senator is shown to be unworthy a seat in this body, the Senate has the power to eject that Senator who was admitted and turn him out of his place. The Senate has within the last two years pursued that course in the case of Caldwell, who was admitted to a seat in this body upon his certificate of election, his prima facie case, and afterward, upon an investigation, he, to escape the judgment of the Senate, resigned his seat. So far as the charges against Pinchback are concerned, I deem it

So far as the charges against Pinchback are concerned, I deem it proper to say here that they are not well taken; that there is not one word of truth in the statement with regard to Mr. Pinchback ever having been, so far as I know or believe, convicted of any infamous crime. He was, by a provost-marshal during the war, imprisoned for an assault upon a man of his own color, and remained in prison for a time, not under the adjudication of any court, but under the declaration or adjudication of a provost-marshal, a military judge. How many men of the South were sent to prison during the war under the

adjudications of provost-marshals?

I desire to offer some testimony which ought to be of force with my democratic friends touching the character of Mr. Pinchback. It will be remembered that Mr. McMillen was elected by the McEnery legislature; that he bore credentials signed by McEnery; that the democrats of this body voted to admit him to a seat in the Senate; he was held to be worthy. I send to the Clerk a letter signed by Mr. McMillen which I desire to have read. This, I will say, was a letter of introduction given to Mr. Pinchback when he was going to the Chicago convention, at the time that President Grant was nominated.

The Secretary read as follows:

NEW ORLEANS, LA., May 8, 1868.

GENTLEMEN: I take pleasure in introducing my friend, Captain P. B. S. Pinchback, one of the republican delegates at large from this State to the Chicago convention. Captain Pinchback is a representative man of the colored people of this

State, and as such was chosen a delegate by our recent State convention. You will find him an accomplished, agreeable gentleman, and I ask for him the courtesies and kindly consideration of yourselves and other friends from Ohio.

Very respectfully, your friend,

W. L. McMILLEN.

Hon. R. C. Harrison. Wm. R. Thrall, M. D.

Mr. ALCORN. There is an indorsement of Mr. Pinchback by Mr. McMillen, who was voted for as one entirely worthy, and properly so, of a seat in this body.

Now with regard to the character of Mr. Pinchback. He is a colored man; his father, or his reputed father, lived in the State that I in part represent. I had some acquaintance with him when I first removed to the State of Mississippi, over thirty years ago. After the death of his father, the claimant to this seat went with his mother to the city of Cincinnati. He there had some scanty opportunities of When next he appeared in the Southern States, it was in education. the capacity of a waiter upon a steamboat. He rose from the rank of a waiter to that of a steward; he was never a barber, as has been said, though it would not have been discreditable to him if he had been; but he rose to the rank of steward upon one of the largest steamboats upon the southern waters. The position of steward to a colored man was the maximum to which he could look for exaltation in the days of slavery. It is a position of trust; it devolves upon him the outlay of large sums of money for his employers; it is one that requires administrative capacity. Pinchback, I maintain, among the boatmen of the river in the days of slavery, held a reputation equal to that of any other steward upon the Mississippi River for honesty and integrity. Pinchback is a man who always had the good sense in the days of slavery to know his place, and to not force himself out of his position. He has never, he tells me, in his life had a difficulty with a white man; he has never in his life been involved in any serious trouble with any white person. A well-behaved man in the days of slavery, he maintained himself and reached the highest point to which a colored man could rise as a business man in the communities of the South.

While the war was going on Mr. Pinchback offered his services to the Government, and joined the Federal forces at New Orleans. He behaved himself in such a way as to win the respect of his superiors and secure the confidence of his own race. At the close of the war he was elected to the Legislature of Louisiana, became lieutenant-governor and then governor of the State. Next he was elected Congressman at large from the State of Louisiana, and to-day he is knocking at the door of the Senate for admission as a Senator of the United States, waving in his hand the proper credentials signed by the gov-ernor of Louisiana with the broad seal of the State attached. The Senate sees proper to deny him admission; I see proper for what it is worth to make this vindication of a man who has been denounced and denied admission to this body, as one unworthy to be recognized in the capacity to which he is accredited by his State. The justice of the position I maintain here is demonstrated in the case which I pre-The Senate holds itself in the attitude of a close corporation arbitrarily refusing an accredited Senator from the State of Louisiana admission to this body; he is slandered and abused without an opportunity of being permitted to offer a word in his own vindication.

There is one other point which is not germane to this question; but while I am up I wish to refer to it; and as my friend from Georgia is in his seat, I will call his attention to another paragraph in the speech of his colleague at Atlanta. I regret exceedingly that his colleague is not here to-day. I wish to call attention to it for the purpose of directing the attention of the Senate to the recklessness with which speeches are made touching the republican party in the South, and the action of public men. He says:

There is scarcely a judge in some of these wretched governments-

Alluding to the Southern States-

who has not mocked justice and shamed the ermine upon his shoulders, while not a few have been convicted of gross frauds and embezzlements. This is true in Louisiana from the chief justice down; and in Mississippi and South Carolina that lawyer ought to be stricken from the bar as an imbecile who would expect a decision in accordance with the law.

I wish to state just here that the statement of the honorable Sena-I wish to state just here that the statement of the honorable sena-tor from Georgia does a grievous wrong to the judiciary of the State of Mississippi. I claim the privilege of alluding to this statement from the fact that each and every one of the judges in the State of Missis-sippi, distinguishing judges from chancellors, was appointed by my-self while governor of that State; the supreme court of that State was appointed by me; and each and every circuit judge who now holds his place was so appointed by me. I hold that there has not been at any time in the State of Mississippi a more pure and able judiciary than exists to-day, confining that statement to the supreme court and to the circuit judges in that State. I will offer to the Senate some democratic authority going to establish the character of at least some of the judges in that State.

The Legislature of the State of Mississippi to-day is largely demo-The Legislature of the State of Mississippi to-day is largely democratic. Under the constitution of the State the Legislature can by a two-thirds vote address a judge out of his place. He need not be impeached. He can be by address removed from office. There has been no attempt made by the Legislature, although it possesses a two-thirds democratic majority, to address any circuit judge out of his position. There has not been a single imputation, so far as I am aware, against

a single judge that presides in that State to-day.

I would say that the chief justice of that State, an able lawyer, a pure man, one who has the respect of all the people of the State, whose judicial knowledge is not questioned by any one, and whose whose judicial knowledge is not questioned by any one, and whose virtue and purity has never been brought in question, being old, and the democrats doubtless being desirous of having a representation upon that bench of their own, have passed a law, as is reported in the newspapers, to retire this judge upon his salary of \$3,000 a year. They supposed that on account of his advanced age perhaps he would be willing to accept the salary he now receives and go into retirement. It is not likely that the democratic legislature would do this for a judge who was so corrupt that any lawyer who would expect, in the language of the Senator from Georgia, a correct decision from him, ought to be stricken from the rolls, or, as he puts it, stricken from the bar. I say it is not likely that a legislature like this would pass a law to retire a judge upon his salary who was thus corrupt, and whose corruptions were subject to investigation by the Legis lature, and which corruptions the Legislature had a right to correct by removal or by address from office. On this point I will read from the Vicksburgh Herald, a democratic paper, the following article, which has been published and indorsed by the Meridian Gazette and other democratic papers in the State:

A vacancy—perhaps more than one—will soon occur on the supreme bench of the State, and it is highly important that the supreme bench should have the vacancy supplied by some eminent lawyer of unquestioned legal learning, scholarship, and culture. We know of no one who will more completely answer the requirements indicated than Hon. Wiley P. Harris.

A very distinguished lawyer in that State, and a very pure man.

His appointment to the supreme bench would, we venture to affirm, give complete satisfaction to the bar of the State. In the event of the retirement of the present able and worthy chief justice, Peyton, the position of chief justice would, without doubt, be, by common consent, accorded to Justice H. F. Simrall.

He is one of the associate justices.

Justice Tarbell-

The last and all now being mentioned-

Justice Tarbell has brought to the discharge of his duties both industry and capacity. We earnestly trust that Judge W. P. Harris will consent to accept the position which we are sure will be offered him; a position, too, which his varied talents are so well calculated to adorn.

Here, now, is a democratic authority, an influential paper in the State, going to indorse the supreme court of that State as able, as worthy, as holding the confidence of the people of the State. that the statement that is made by this paper represents the facts touching the supreme court of that State. Now, with regard to the circuit judges, I will read from a democratic

paper—not always the highest authority, I confess, but nevertheless good in this case as against themselves—and I read it for the purpose of offsetting the statement made by the Senator from Georgia, the imputation that he sees proper to make touching the character of the judges in the State of Mississippi, about which I must take it he certains in the sees proper to make touching the character of the judges in the State of Mississippi, about which I must take it he certains as the sees proper to make touching the character of the judges in the State of Mississippi, about which I must take it he certain the sees proper to make touching the character of the judges in the State of Mississippi. tainly knows nothing; a statement which, if true, would reflect discredit upon the people of the State that I here represent.

The Lowndes Independent, a democratic paper published at Columbus, Mississippi, referring to the circuit judge of that district, quotes

an article from the Memphis Appeal, a paper having a large circulation in Mississippi, and uses this language:

The following indorsement of Judge Orr by that leading democratic journal the Memphis Appeal adds another to the many flattering evidences that he is the choice of the people of this district, without regard to party or race. We believe the senate will act for the best interests of the judiciary and confirm him if nominated by the governor. The Appeal of the 16th says:

Nearly all the newspapers of his circuit are urging the re-election of Judge Orr, of Mississippi, of whom the Holly Springs South, coupling him with Smiley, of the Natchez district—

Another judge in that State-

says that a better circuit judge never, perhaps, presided in the State

This is democratic authority. Here are two judges at least of the circuits and all the supreme judges indorsed by leading newspapers of the State, claiming to represent the public sentiment and holding that the judiciary of that State is above assailment.

Judge Orr is the choice of three-fourths of the white citizens of this judicial dis-

And Judge Orr is an unmistakable republican. He is a man who stands upon his convictions as a republican unmistakably before the people of the State. He is not one to conceal his political views, although a proper respect for the position he holds prevents him from mingling in political contests or appearing upon the hustings. He preserves the respectability of his place, he preserves the ermine of a judge, and holds the good opinion of the people of the State of

All the democratic officers-elect in Colfax County, and a number of the most rominent democrats in the county, have recommended the appointment.

The same thing may be said of Judge Smiley in another portion of The same thing may be said of Judge Smiley in another portion of the State, and the same thing may be said of every judge who holds office to-day in the State of Mississippi under my appointment. Why, sir, one of the circuit judges in that State, at one time before the war, occupied with great credit to himself and satisfaction to the people the position of judge of the high court of errors and appeals in that State. He was elected to that office, for then the office was elective. He is to-day a circuit judge upon the bench, and no man in the State holds a higher position as a lawyer and as a pure judge than Judge Fisher. than Judge Fisher.

So the imputation upon the judiciary of the State of Mississippi, come from whatever source it may, is false. The Senator from Georgia doubtless spoke upon information that he had received, and not upon any information that lay within his own knowledge with regard to the judiciary of Mississippi. He was in the State of Mississippi last fall upon an electioneering tour, and it cannot be possible that he heard any respectable man say a word contrary to that which I assert here to be true, when I say that I have never heard the judiciary of Mississippi called in question by one single person in that State, either democrat or republican.

I said, sir, that I had not heard their integrity called in question. I might qualify that by saying that I have seen flings at the judiciary on account of decisions which they rendered touching the results of the war, and I will read from a newspaper to show wherein it is that the judiciary of the State of Mississippi is not held by a certain class of political thinkers as orthodox and not sufficient for the necessities

of the times.
Mr. NORWOOD rose.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. ALCORN. Yes, sir.

Mr. NORWOOD. I am sorry that my colleague is not here to hear the Senator from Mississippi. As he states, my colleague was in Mississippi last fall during the campaign. I know nothing of the facts cited by him in his speech at Atlanta. I wish therefore he were here to reply. I presume, however, that his statement was based upon information which he received when he was in Mississippi.

Mr. ALCORN. I do not think it can have been possible that he re-Mr. ALCORN. I do not think it can have been possible that he received any such information in Mississippi. I judge that he received it outside of Mississippi. He was talking to a Georgia Legislature. He certainly had a right to talk to that Legislature, for he was responsible to them; but I claim that he was speaking wide of the mark when he assailed either the ability or the integrity of the judiciary of Mississippi. I judge my friend from Georgia made the imputation without due reflection; certainly he must have spoken without deliberation; he would not, I know, do the judges of my State a willful wrong.

I now read from a democratic paper in the State of Mississippi, which quotes from another and influential paper a criticism upon the supreme court of that State, and it will be seen that there is nothing here which assails the integrity or the ability of that court, but the grounds will be seen upon which the court is assailed. Before the war the railroads of the State of Mississippi had borrowed from the State certain trust funds. These were held by the State in gold for the use of the public schools in a certain district of Mississippi. They were loaned to the railroads, the railroads agreeing to pay interest in perpetuity. It was money derived from the sale of the sixteenth sections. The railroads became indebted to the State in the sum of sections. The railroads became indebted to the State in the sum of \$800,000, the State agreeing to become responsible to the cestui que trusts, the children of the district. When the war was going on, and when it had advanced up to the year 1863 or 1864; when the State of Mississippi had issued a large amount of warrants, bills of credit or representatives of value, debentures, if you please, and had this debt floating in the country, it was desirable for the preservation of the credit of the State that the indebtedness should be taken up. The railroads ever alive to their interest came to the Legislature of the reilroads, ever alive to their interest, came to the Legislature of the State and proposed that they would pay their indebtedness to the State in warrants of the State of Mississippi. The proposition was accepted. The railroads did not, however, pay the State of Mississippi in her own paper; but they paid in confederate money the debt, and the proper authorities accepted this confederate money in payment of the debt. While governor of the State of Mississippi I contested the legality of the appropriate and held that it was not in the first least the state of the same of the state of the same of the state of the same of the gality of the payment, and held that it was not, in the first place, a compliance with the law, and in the next place it was in aid of the rebellion, and that the railroads still owed the debt to the State of Mississippi; for it will be remembered that confederate money at the Mississippi; for it will be remembered that confederate money at the time this payment was made was about twenty-five or thirty dollars to one. The case was argued in the chancery court and decided in favor of the State and against the railroads. It was taken to the supreme court. The supreme court of the State of Mississippi affirmed the decision of the chancellor. The comment to which I desired to call the attention of the Senate for the purpose of showing the animus of the opposition to the courts of the State of Mississippi is in these words. these words:

The Clarion, an influential paper in the State, quotes this from the Meridian Mercury:

Meridian Mercury:

The supreme court has decided the great railroad cases, wherein money was loaned to the roads before and paid back during the war in confederate money under special authority of an act of the Legislature, adversely to the railroads. The ground upon which the decision rests is, the act was in aid of the rebellion, so called, and therefore void. How that could be deduced is a mystery. Hithe State, which was raising troops and furnishing supplies as a State and doing something continually to help carry on the war, had demanded of the road to make payment in gold or its equivalent—cotton for instance—would not that which strengthened the hands of the State and gave it more power have had more the appearance of aiding the rebellion, so called? We have not seen the learned briefs and arguments of counsel on either side, but we do not hesitate to say that the decision is an absurdity, and based upon a ridiculous non sequitur. Tarbell delivered the decision. It is suspicious of "results of the war" too much on the judicial brain. If we were a member of the Legislature, we would introduce a bill to legalize the payment in confederate money, even at the risk, if it should pass, of inuring to the benefit of the "wreckers" of the Mobile and Ohio Railroad, which had an interest in the suit of about \$30,000. The State is in honor bound to keep its confederate faith with

the roads, and, for one, we are for doing it. And we should like to know what power can prevent a State from maintaining inviolate her contracts with railroads made during the war against the technical decision of her own judges, carpet-baggers or domestic scalawags, that the act was in aid of rebellion. It is for a State to take advantage of her own wrong to avoid her contracts.

We should like to know what power can prevent a State from maintaining inviolate her contracts with railroads made during the war against the technical decision of her own judges, carpet-baggers, or domestic scalawags that the act was in aid of rebellion.

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The State is in honor bound to keep its confederate foith with the reads.

The State is in honor bound to keep its confederate faith with the roads

And "the State is in honor bound to keep its confederate faith" is taught by the democratic papers in Mississippi. It is held by a large number at least of the democrats of the South to-day. What matters it that the Constitution of the United States declares that-

Neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void!

claims shall be held illegal and void!

The courts of the State of Mississippi as they are now organized recognize as binding upon them the amendments to the Constitution of the United States. The courts as they are now organized hold obedience, as they are required to do, to the Constitution of the United States. For this it is, and for this alone, that they are criticised by the press in the State of Mississippi; not that they are corrupt, not that they are dishonest, not that they are without qualifications, but simply that they are loyal to the demands of the Constitution.

Mr. EDMUNDS obtained the floor.

Mr. CAMERON, of Pennsylvania. I wish the Seastor from Vermont would give way. There is some important business that I want to lay before the Senate in executive session. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-seven minutes spent in executive session the doors were re-opened, and (at three o'clock and fifty-two minutes p. m.) the Senate adjourned.

fifty-two minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

## Wednesday, March 1, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

## AMENDMENT OF REVISED STATUTES.

Mr. KNOTT, by unanimous consent, introduced a bill (H. R. No. 2434) to correct an error in section 5271 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed. He also, by unanimous consent, introduced a bill (H. R. No. 2433) to

amend certain sections of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PRESIDIO MILITARY RESERVATION.

Mr. PAGE. At the request of my colleague, Mr. PIPER, who is absent on account of sickness, I ask unanimous consent to present for reference and printing a concurrent resolution of the Legislature of the State of California in relation to the cession of the Presidio mil-itary reservation to the city of San Francisco for a public park.

There being no objection, the concurrent resolution was received,

referred to the Committee on Military Affairs, and ordered to be printed.

## HON. ROBERT C. SCHENCK.

Mr. KASSON. I ask unanimous consent to present for adoption at the present time the resolution which I send to the desk.

The Clerk read as follows:

Resolved. That the Committee on Foreign Affairs be, and are hereby, instructed to communicate to Hon. Robert C. Schenck a copy of the testimony taken by them in the matter concerning his relation to the Emma Mine enterprise, and inform him of their willingness to receive from him any statement of facts relative thereto; and that the same be done prior to reporting thereon to this House.

Mr. KASSON. This is a simple matter of justice and fair play. I hope there will be no objection.

Mr. HOLMAN. I withhold the right to object while I inquire whether this comes from the Committee on Foreign Affairs.

Mr. KASSON. It does not. I offer it simply on my own motion as a matter of justice and fair play toward a gentleman whom nearly all of us on this floor once knew, and who ought to be informed of the character of hearsay evidence that is being received by the committee. And whether it be hearsay evidence or not, every man ought to have an opportunity to be heaved in his own defence before over to have an opportunity to be heard in his own defense before any

finding be made against him.

Mr. CALDWELL, of Alabama. I object to the resolution for the reason that no member of the Committee on Foreign Affairs, so far as

I can see, is now present.

Mr. KASSON. If the resolution be adopted, I will not move to reconsider and lay on the table; so that, if it be deemed necessary, some gentleman on the other side may afterward make a motion to reconsider.

Mr. HOLMAN. The resolution had better be withdrawn until some member of the committee is present.

Mr. KASSON. With the understanding that I may offer it hereafter. Mr. HOLMAN and others. Of course.

The SPEAKER. Is there objection to the consideration of the res-

Mr. CALDWELL, of Alabama. I certainly must object till some

member of the committee can be present.

The SPEAKER. There being objection, the resolution is not re-

#### HEIRS OF ANDY AUSTIN.

Mr. GUNTER, by unanimous consent, introduced a bill (H. R. No. 2435) for the relief of the heirs and legal representatives of Andy Austin; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### ELIJAH DAVIDSON.

Mr. GUNTER also, by unanimous consent, introduced a bill (H. R. No. 2436) for the relief of Elijah Davidson; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### AMENDMENT OF REVISED STATUTES.

Mr. GUNTER also, by unanimous consent, introduced a bill (H. R. No. 2437) to repeal section 3480 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### J. M. HOBBS.

Mr. GUNTER also, by unanimous consent, introduced a bill (H. R. No. 2438) for the relief of J. M. Hobbs, of Benton County, Arkansas; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### ANTOINE POULLAIN.

Mr. BLOUNT, by unanimous consent, introduced a bill (H. R. No. 2439) for the relief of Antoine Poullain; which was read a first and second time, referred, with accompanying papers, to the Committee on War Claims, and ordered to be printed.

#### ALLEYS IN WASHINGTON CITY.

Mr. McCRARY, by unanimous consent, reported back from the Committee on the Judiciary a bill (H. R. No. 2215) to provide for changes in alleys in the city of Washington by assent of parties interested; and moved that the same be referred to the Committee for the District of Columbia.

The motion was agreed to.

## DISTRICT BOARD OF HEALTH.

Mr. WILLARD, by unanimous consent, introduced a bill (H. R. No. 2440) to further define and regulate the powers and duties of the board of health of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

### CHEAP TRANSPORTATION.

Mr. MEADE. Mr. Speaker, by direction of the Committee on Railways and Canals, I present the memorial of the New York Cheap Transportation Association, and move that it be printed and recommitted.

There was no objection, and it was ordered accordingly.

### APPOINTMENT OF RECEIVERS OF NATIONAL BANKS.

Mr. COX, by unanimous consent, from the Committee on Banking and Currency, reported a bill (H. R. No. 2441) authorizing the appointment of receivers of national banks, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted.

### VENTILATION OF THE HALL.

Mr. YOUNG. Mr. Speaker, members of the House have called upon the Committee on Public Buildings and Grounds in reference to the impurity of the atmosphere in this Hall, but the committee, doubting whether it had authority to take any action in the premises, have instructed me to report the following resolution and ask for its adoption.

The Clerk read as follows:

Resolved, That the House Committee on Public Buildings and Grounds be, and the same is hereby, authorized and empowered to adopt such measures as may be necessary to secure the proper ventilation of the Hall of this House.

There was no objection, and the resolution was adopted.

### COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

Mr. CLYMER. I am directed by the Committee on Expenditures in the War Department to ask the leave of the House for that committee to sit during the sessions of the House.

There was no objection, and it was ordered accordingly.

### MRS. PHŒBE C. OAKLEY.

Mr. BRADLEY, by unanimous consent, introduced a bill (H. R. No. 2442) legalizing the homestead entry of Mrs. Phebe C. Oakley, of Bay County, Michigan; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

#### SAVINGS-BANKS.

Mr. BALLOU, by unanimous consent, introduced a bill (H. R. No. 2443) to amend section 3408 of the Revised Statutes as to savingsbanks; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

### MRS. MARTHA J. ROBINSON.

Mr. NEW, by unanimous consent, introduced a bill (H. R. No. 2444) granting a pension to Mrs. Martha J. Robinson, widow of James H. Robinson, late a private in the Fifth Indiana Cavalry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

PACIFIC RAILROAD COMPANIES' DEBTS TO THE UNITED STATES.

Mr. DURHAM, by unanimous consent, submitted the following resolution:

The Clerk read as follows:

The Clerk read as follows:

Resolved, That the Committee on the Judiciary be instructed to inquire what legislation, if any, is necessary to secure indemnity to the United States for advances of interest paid and to be paid by the Government on account of subsidy bonds issued to the several Pacific railroad companies, and to secure indemnity against liability to pay the principal of such bonds by requiring the creation of a sinking fund, or otherwise. Also, whether the issue of the companies' mortgage bonds, under the act of 1864, was in excess of the amount necessary for the completion of said roads, and, if so, whether such issues are a first lien upon the roads. Also, whether any of the bonds of the United States issued in aid of such roads are a first lien on the same. Also, to what extent the freights and transportation on said roads can be regulated by Congress so as to make the same less burdensome to the people; and that the committee report by bill or otherwise.

Mr. LAWRENCE. What committee does the centleman propose to

Mr. LAWRENCE. What committee does the gentleman propose to have that referred to?

Mr. DURHAM. To the Committee on the Judiciary.

Mr. LAWRENCE. The first part of that resolution has already been adopted and sent to that committee.

Mr. DURHAM. I know it has, but my resolution is an enlargement of the inquiry referred to that committee. I wish also to have that committee inquire into the subject of freight and transportation, and what regulation is necessary on the part of this Congress.

Mr. LAWRENCE. I think the first motion covers the whole thing, and there is therefore no necessity for this additional resolution.

Mr. DURHAM. It is an enlargement of the inquiry originally referred to the committee, and there can be no objection to it.

The resolution was adopted.

## SALE OF GOVERNMENT PROPERTY.

Mr. CATE, by unanimous consent, introduced a joint resolution (H. R. No. 78) instructing the Secretary of the Interior to sell certain property and dispose of the proceeds thereof; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

### CHARLES A. WALDEMAR.

Mr. A. S. WILLIAMS, by unanimous consent, introduced a bill (H. R. No. 2445) for the relief of Charles A. Waldemar, late captain Fifth Missouri Cavalry Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## CORRECTION OF DATE OF COMMISSIONS.

Mr. A. S. WILLIAMS also, by unanimous consent, introduced a bill (H. R. No. 2446) to correct the date of commission of a certain officer of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### AGRICULTURAL REPORT FOR 1874.

Mr. ROBBINS, of Pennsylvania. I ask unanimous consent to submit the following resolution:

Resolved, That the Committee on Printing is hereby requested to examine into the expediency of having one hundred copies of the report of the Commissioner of Agriculture for the year 1874 printed and bound for each member of Congress, for the purpose of distribution, and report to this House.

Mr. LAWRENCE. I would suggest that the gentleman include also the report of 1875.

Mr. VANCE, of Ohio. I ask that the resolution may be again read.

The resolution was again read.

Mr. VANCE, of Ohio. This matter is under consideration at this time by the Committee on Printing and will be determined in a few days, as soon as a resolution is introduced in regard to printing the report for 1875. The resolution is unnecessary, and I object.

#### FREEDMEN'S BRANCH OF ADJUTANT GENERAL'S OFFICE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a report of the Adjutant-General on the freedmen's branch of the Adjutant-General's Office for the fiscal year ending June 30, 1875; which was referred to the Committee on Military Affairs.

## BRIDGE ACROSS SAINT JOSEPH'S HARBOR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with House resolution of the 14th February, the report of engineer officers upon the location of a bridge across the harbor of Saint Joseph, Michigan; which was referred to the Committee on Commerce.

Mr. POTTER. This is a short report, and I ask that it may be printed in the CONGRESSIONAL RECORD.

Mr. DUNNELL. I object.

#### INPROVEMENT OF WISCONSIN RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of Major D. C. Houston on the improvement of the Wisconsin River; which was referred to the Committee on Commerce.

#### SAINT ANTHONY'S FALLS, MINNESOTA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a copy of a report by Major Farquhar on the preservation of Saint Anthony's Falls, Minnesota; which was referred to the Committee on Commerce.

#### SURVEY OF HARLEM RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of Lieutenant-Colonel Newton on the survey of Harlem River from Randall's Island to Spuyten Duyvil Creek, New York; which was referred to the Committee on Commerce.

#### IMPROVEMENT OF GALVESTON HARBOR.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in response to a request from the Committee on Commerce of the 12th of February, the report of the Chief of Engineers on the improvement of Galveston Harbor; which was referred to the Committee on Commerce.

#### BRIDGE AT SIOUX CITY

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in response to a request from the Committee on Military Affairs of January 26, a report of Major C. R. Suter, Corps of Engineers, on the bill (H. R. No. 313) to authorize the construction of a bridge across the Missouri River at Sioux City, Iowa; which was referred to the Committee on Military Affairs Affairs.

### MORNING HOUR.

The SPEAKER. The morning hour begins at twenty-three minutes before one o'clock, and the regular order is the calling of committees for reports of a public nature. The call still rests with the Committee on Public Buildings and Grounds.

There were no further reports from the Committee on Public Buildings and Ground Grounds.

ings and Grounds.

#### CLERK FOR COMMITTEE.

Mr. WILLIAMS, of Indiana, from the Committee of Accounts, re-ported back the following resolution, with the recommendation that

Resolved. That the Committee on Expenditures in the War Department be authorized to employ a clerk for sixty days, at a compensation of \$5 per day.

The resolution was agreed to.

## EXPENDITURES ON NEW YORK POST-OFFICE.

Mr. METCALFE. The Committee on Expenditures on Public Buildings, to whom was referred a resolution directing an examination into the amount of money expended on the New York post-office, have directed me to report it back with the recommendation that it be agreed to.

The Clerk read the resolution as follows:

Resolved. That the Committee on Expenditures on Public Buildings be authorized to inquire into the amounts of money expended for the erection and completion of the New York post-office, and for this purpose they are authorized to employ a clerk, at a salary of not more than \$5 per day, and to send for persons and papers, administer oaths, and do all other needful and necessary acts.

Mr. METCALFE. I ask the present action of the House on the resolution.

Mr. HOLMAN. Let it be again reported.

The resolution was again read.

Mr. HOLMAN. I think that the resolution should be referred to the Committee of Accounts.

Mr. TOWNSEND, of New York. I wish to say that as a member of the Committee on Expenditures on Public Buildings I did not assent to the recommendation that this resolution do pass. I do not wish to check any investigation which the majority of this House desire to set on foot-

Mr. HOLMAN. I suppose it is understood that the point of order is reserved. I believe this is not a public report, such as the committee is entitled to make under this call.

Mr. TOWNSEND, of New York. I was saying that I do not wish to check any investigation which the majority of this House desire to set on foot, but I thought that such an investigation did not come within the purview of the proper duties of our committee. That is the only objection I have to the resolution.

Mr. HOSKINS. I move that the resolution be referred to the Committee of Accounts.

mittee of Accounts

Mr. WOOD, of New York. I understand that this is a report from a

The SPEAKER. It is; but it is competent for the House to refer

Mr. WOOD, of New York. I desire to say that the sooner this investigation is made the better. I have no doubt at all that there has been very great fraud in the erection of the New York post-office.

Mr. GARFIELD. I desire to ask the gentleman from New York [Mr. WOOD] if he will not allow a comparative statement to be made

of the cost of the new court-house and of the post-office, which are both on the same ground?

The question was taken on Mr. Hoskins's motion to refer the resolution to the Committee of Accounts; and on a division there were ayes 56, noes 67.

So the motion was not agreed to. The resolution was then agreed to.

Mr. METCALFE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CENTENNIAL COMMISSIONERS FOR TEXAS.

Mr. HOPKINS, from the Committee on the Centennial, reported back, with a favorable recommendation, the bill (H. R. No. 1749) authorizing the President to appoint two centennial commissioners for the

State of Texas in lieu of those now acting.

The bill was read. It makes it the duty of the President of the United States, on the nomination of the governor of Texas, to appoint two commissioners for the State of Texas, to act in conjunction with the other commissioners of the centennial celebration; and upon their appointment the commissioners now acting shall be relieved from further duty.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was upon its passage.

Mr. DUNNELL. I would like to hear from the chairman of the committee in reference to this bill. This is an unusual procedure.

Mr. HOPKINS. I understand that the people of Texas are very anxious to be represented at this ceiebration, and that they desire to have commissioners who are identified with their interests and who will have the State wride to provide for the proper display of the will have the State pride to provide for the proper display of the products of Texas. The commissioner now in office is not and has not been for four or five years a citizen of Texas, and the object of this bill is simply to authorize the appointment of citizens of Texas to represent that State.

The bill was passed.

Mr. MILLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### LOCAL CENTENNIAL CELEBRATIONS.

Mr. HARDENBERGH, from the Committee on the Centennial Celebration, reported back, with amendments, joint resolution (H. R. No. 19) on the celebration of the Centennial in the several counties The joint resolution was read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That it be, and is hereby, recommended by the Senate and House of Representatives to the people of the several States that they assemble in their several counties on the approaching centennial anniversary of our national Independence, and that they cause to have delivered on such day a historical sketch of said county from its formation, and that a copy of said sketch may be filed, in print or manuscript, in the clerk's office of said county, and an additional copy, in print or manuscript, be filed in the office of the Librarian of Congress, to the intent that a complete record may thus be obtained of the progress of our institutions during the first centennial of their existence.

The amendments reported by the committee were to add after the word "counties" the words "or towns," and after the words "historical sketch of said county" the words "or town." The amendments, as amended, were agreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The title of the joint resolution was amended so as to read: "Joint

resolution on the celebration of the Centennial in the several counties and towns."

The question was on the passage of the joint resolution.

Mr. COCHRANE. I would like to have some explanation of that joint resolution and amendments.

Mr. HARDENBERGH. I presume, Mr. Speaker, it will scarcely be considered necessary to encroach upon the time of the House in the advocacy of a resolution so simple and yet so just as this, and yet it is one whereby it is designed to add a most interesting feature in the celebration of our centennial year. While our people will flock in crowds to Philadelphia, it will yet be impossible for the vast majority of American citizens, scattered as they are over our immense domain, to attend at Philadelphia, who yet are anxious to revive the proper feelings of pride and patriotism which our centennial year evokes. It affords a fitting opportunity, by request of the National Legislature, to assemble within their own counties and towns, and in Legislature, to assemble within their own counties and towns, and in this manner to secure a more perfect history of our country than would otherwise be possibly secured. It appeals to no prejudice, it comprehends every section, and is without expense to the Government. The resolution passed the Centennial Committee by its unanimous consent, the only alteration having been made by the insertion of the word "towns," to suit some localities, and that the copy furnished for the Library of Congress may be either in manuscript or in print. Thus, sir, the celebration of our grand centennial year will indeed be national and its history written by the living actors in this grandest drama of history. I shall hope the joint resolution may pass by unanimous consent.

The joint resolution as amended was then passed.

Mr. HARDENBERGH moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to re-consider be laid on the table.

The latter motion was agreed to.

### CUSTODY OF INDIAN TRUST FUNDS.

Mr. FOSTER, from the Committee on Appropriations, reported a bill (H. R. No. 2447) transferring the custody of certain Indian trust funds from the Secretary of the Interior to the Treasurer of the United States; which was read a first and second time.

The bill was read in full, as follows:

The bill was read in full, as follows:

Beit enacted by the Senate and House of Representatives of the United States of America in Congress assemb'ed, That all stocks, bonds, or other securities or evidences of indebtedness now held by the Secretary of the Interior in trust for the benefit of certain Indian tribes, shall, within thirty days from the passage of this act, be transferred to the Treasurer of the United States, who shall become the custodian thereof; and it shall be the duty of said Treasurer to collect all interest falling due on said bonds, stocks, &c., and deposit the same in the Treasury of the United States, and to issue certificates of deposit therefor in favor of the Secretary of the Interior, as trustee for various Indian tribes. And the Treasurer of the United States shall also become the custodian of all bonds and stocks which may be purchased for the benefit of any Indian tribe or tribes after the transfer of funds herein authorized, and shall make all purchases and sales of bonds and stocks authorized by treaty stipulations or by acts of Congress, when requested so to do by the Secretary of the Interior: Provided, That nothing in this act shall in any manner impair or affect the supervisory and appellate powers and duties in regard to Indian affairs which may now be vested in the Secretary of the Interior as trustee for various Indian tribes, except as to the custody of said bonds and the collection of interest thereon as hereinbefore mentioned.

The question was upon ordering the bill to be engressed and read

The question was upon ordering the bill to be engrossed and read the third time.

Mr. FOSTER. The House will remember that early in the session Mr. FOSTER. The House will remember that early in the session the Committee on Appropriations reported a bill similar to this, which passed both Houses of Congress but was returned by the President without his approval. It is due to the Committee on Appropriations to state that their first action was based upon a communication from the Secretary of the Interior, which was referred to them, recommending the transfer of the custody of the Indian trust fund to the Treasury. That letter was accompanied with the draught of a bill prepared in the Interior Department. The matter was referred to me as a subcommittee, and I went to the Secretary of the Interior, and after consultation with him an amendment was added to the bill, and in the amended form it was reported to the House and passed. It seems however that the Secretary of the Interior had not so carefully scrutinized the bill as to provide that the interest on this trust fund should yet remain in his custody and control. For the reason set forth in his letter the bill was returned by the President without his approval. I ask the Clerk to read the letter of the Secretary of the Interior.

The Clerk read as follows:

DEPARTMENT OF THE INTERIOR, Washington, February 2, 1876.

Washington, February 2, 1876.

Siz: I acknowledge the receipt of your communication of the 29th ultimo, transmitting House bill No. 1531, and requesting this Department to report whether any objections to its becoming a law are known to exist.

In reply, I have the honor to state that I am fearful that the act is not sufficiently definite in terms to accomplish the end desired, namely, the mere transfer of the custody of said trust funds, enabling this Department to receive the interest from the custodian and apply it as heretofore without the intervention of Congress. The nature of the guardianship and control over the Indians, exercised by me as Secretary and trustee, is such as to require this Department to keep an account of the funds to their credit or held in trust for them, and to receive the interest customer than the sum of the funds of the f

Very respectfully, your obedient servant,

Secretary.

The PRESIDENT.

Mr. FOSTER. The bill now reported by the Committee on Approriations is the one referred to in the letter of the Secretary just read.

It accomplishes the purpose desired, and relates wholly and solely to the custody of the trust fund and nothing else.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FOSTER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### REPORTS OF RAILROAD COMPANIES.

Mr. KASSON. I am directed by the Committee on the Pacific Railroad to report back House bill No. 105, to amend the act entitled "An act relative to filing reports of railroad companies," approved June 25, 1868. There are many verbal amendments inserted in the bill, and for the purpose of saving time I ask that the bill with

the verbal amendments be considered as an original bill.

There was no objection, and the House proceeded to the consideration of the bill (H. R. No. 2448); which was read a first and second

The question was upon ordering the bill to be engrossed and read

a third time.

The bill, which was read, provides that the following new section shall be added to the act entitled "An act relative to filing reports of

railroad companies," approved June 25, 1868, to stand as section 5 of

SEC. 5. That in addition to the reports required by the provisions of this act to be filed with the Secretary of the Interior, on or before the 1st day of October in each year, the said corporations shall, on or before the same day in the current year, and in each and every year hereafter, file with the Secretary of the Treasury a full and true statement for the year ending on the 30th day of June prior thereto, sworn to by the president of said corporation, specifying—

First, the names of the stockholders and their places of residence, so far as the same can be ascertained, the amount of stock subscribed or held by each, and the amount paid in by each.

Second, the names and residences of the directors and all other officers of the company.

company.

Third, the amount of stock subscribed and the amount thereof actually paid in.

Fourth, the amount received from the sale of lands, and the amount thereof
sold or disposed of in that year.

Fifth, the amount received from the sale of bonds.

Sixth, the amount of bonded debt, including the Government bonds and the
classification of the same, and amount of each class, and the rate of interest of each
class.

Seventh, the date or dates of maturity of the funded debt, the amount due of

Seventh, the date or dates of maturity of the funded debt, the amount due of principal and interest, and of each.

Eighth, the amount of floating debt, and character thereof.

Ninth, the estimated value of the road-bed and roadway, including iron and bridges, and average value thereof per mile.

Tenth, the estimated value of rolling-stock.

Eleventh, the estimated value of stations, buildings, and fixtures.

Twelfith, the number of acres of land unsold, and the estimated value thereof.

Thirteenth, the estimated value of all other property, including telegraph lines and fixtures.

Fourteenth, the length of single main track.

Fifteenth, the length of double main track.

Sixteenth, the length of branches, stating whether they have single or double tracks.

tracks.

Seventeenth, the aggregate length of siding and other tracks not above enu-

Eighteenth, the number of miles run by passenger trains during the year preced-

Eighteenth, the number of miles run by passenger trains during the year preceding the making of the report.

Nineteenth, the number of miles run by freight trains during the same period, including the mileage of rented cars.

Twentieth, the number of tons of through freights carried during the same time. Twenty-first, the number of tons of local freights carried during the same time. Twenty-second, its monthly earnings for the transportation of passengers during the same time.

Twenty-third, its monthly earnings for the transportation of freight during the same time.

Twenty-fourth, its monthly earnings from the telegraph lines owned or operated

same time.

Twenty-fourth, its monthly earnings from the telegraph lines owned or operated by the company.

Twenty-fifth, its monthly earnings from all other sources, respectively, during the same time.

Twenty-sixth, its gross earnings for the year.

Twenty-sixth, its gross earnings for the year.

Twenty-seventh, the amount of expenses incurred in the running and management of passenger trains during the same time, including amounts paid for the use of palace and sleeping cars.

Twenty-eighth, the amount of expense incurred in the running and management of freight trains during the same time; also the amount of expense incurred in the running and management of numing and management of mixed trains during the same time.

Twenty-ninth, all other expenses incurred in the running and management of the road and telegraph lines during the same time, including the salaries of officers; which shall be reported separately.

Thirtieth, the amount expended for repairs of road and maintenance of way, including repairs and renewal of bridges and renewal of iron during the same time.

Thirty-first, the amounts expended for improvements, and whether the same are estimated as part of the expenses of operating or repairing the road during the same time, and, if either, which.

Thirty-second, the amount expended for motive power and cars during the same time.

Thirty-third, the amount expended for station-houses, buildings, and fixtures

during the same time.

Thirty-fourth, all other expenses for the maintenance of way during the same

Thirty-fifth, all other expenditures during the same time, either for manage-ment of road, maintenance of way, motive power, cars, taxes, or for other pur-

oses. Thirty-sixth, total expenditures for the year. Thirty-seventh, the amount paid on the principal of the funded debt during the

year.

Thirty-eighth, the amount paid for interest on the funded debt during the year.
Thirty-ninth, the amount paid the Government during the year.
Fortieth, the rate of fare for passengers for each month during the same time; through and way passengers separately.
Forty-first, the tariff of freights and special rates, showing each change of tariff and special rates during the same time; through and way freights separately.
Forty-second, what express companies run on its road, on what terms and conditions, and the kind of business done by them.
Forty-third, what freight and transportation companies run on its road, and on what terms.

what terms.
Forty-fourth, whether such freight and transportation companies use the cars of the railroad corporation or the cars furnished by themselves.
Forty-fifth, whether the freight or cars of such companies are given any preference in speed or order of transportation; and, if so, in what particular.
Forty-sixth, what running arrangements it has with other railroad companies, setting forth the contract for the same.
Forty-seventh, the number of acres of land sold during the year, and the price received therefor.
And the Union Pacific Railroad Company shall, in addition to the foregoing requirements, report the amount received during the year for the transportation of passengers and freight across the Missouri River between Council Bluffs and Omaha, with the schedule of rates charged for the same.
The Secretary of the Treasury shall cause to be prepared suitable blanks upon which to make the foregoing reports, and forward the same to the respective corporations.

porations.

Every corporation neglecting to make and furnish such report at the time and in the manner hereinbefore specified shall forfeit to the use of the United States of America the sum of \$1,000 for each day's neglect, to be recovered by the Secretary of the Treasury; and if any corporation without just cause refuses or neglects to comply with the provisions of said section for the term of six months, it shall forfeit, for every such refusal or neglect, the sum of \$500,000. And a continuous neglect or refusal by any corporation for the term of six months shall work a forfeiture of all its rights and franchises.

Mr. HOAR. Will the gentleman allow me to suggest an amendment to the bill  $\mathring{\tau}$ 

Mr. KASSON. In a moment. I suppose it is hardly necessary for me to say more in respect to this bill than that its object is to put into the possession of the Treasury Department annually all the statistical data necessary to secure an accurate estimate of the amount due the United States under the several acts relating to these railroads, and also to give an accurate basis for such additional legislation as from time to time may be needed for the public interest. The bill has been carefully considered by the Committee on the Pacific Railroad and, so far as I know, it is reported without objection on the part of any member of that committee. I now yield to the gentleman

from Massachusetts, [Mr. Hoar.]
Mr. Hoar. I desire to move, with the consent of the gentleman reporting this bill, to amend by inserting, after the third clause of specifications relating to the amount of stock subscribed, the follow-

And how much thereof has been paid into the treasury of the company in cash; nd, if paid in any other mode, how said payment was made, with full details of such payments.

I suppose it is unnecessary to say that no method has ever been devised by which frauds have been more successfully practiced upon the community by railroad companies than the method of pretended payments into the treasury of the company on account of its stock; not cash payments, but some pretended equivalent, either in the way of construction contracts or in some other way. The very complete and admirable system of railroad report and accountability which this bill provides would be imperfect unless it requires an answer on the part of the company to the question whether the stock of the company has been paid in full in cash, or if not, what has been substituted for it.

Mr. KASSON. One of the amendments agreed to by the committee, and which has been read as part of the substitute, although it does not appear in the printed bill, is to add at the end of the sixteenth line these words:

The amount of stock subscribed or held by each and the amount paid in by each.

Now the gentleman from Massachusetts [Mr. HOAR] proposes to add at the end of the twentieth line what is still more specific, (and I do add at the end of the twentieth line what is still more specific, (and I do not know that there is any just objection to it,) a provision that in addition to the statement already called for the company shall state in detail how much was paid in cash, and how much, if any, in any other form than cash. I yield that the amendment may be submitted to a vote, not having authority to accept it.

The amendment of Mr. Hoar was agreed to.

Mr. HOAR. The bill, as reported by the committee, requires, I believe, that the statement to be filed by each of these companies shall be sworn to by the president of the company. Now I suggest whether it is not exceedingly desirable that this statement shall be attacted by

it is not exceedingly desirable that this statement shall be attested by the president, the treasurer, and a majority of the board of directors of each company? This seems to be especially important, because sometimes, unfortunately, the managing officer of one of these roads may be an untrustworthy person; yet such an officer always seems to gain the confidence of the public by the fact that the board of directgain the connence of the public by the fact that the board of direct-ors, often gentlemen of the highest character, are supposed to super-vise and sanction the management. Hence it seems to me important that these statements, which are to be accepted as showing the con-dition of these companies, should be attested not only by the pres-ident, but by the treasurer and a majority of the board of direction. Such a certification is required in several of the States to statements of this kind.

Mr. KASSON. There is no objection to adding the words "and treasurer." He is the officer most intimately connected with the finances of each of these companies. But to require the sworn certificate of the majority of the directors in a corporation of this kind, of which the directors may be scattered over the continent, would probably

cause much more difficulty and prove far less satisfactory than in the case of the States to which the gentleman refers.

I will yield to the gentleman for a motion to add "and treasurer" after the word "president" in the thirteenth line. That is as far as I think it advisable to go at this time.

Mr. HOAR. I will make that motion.

The motion was agreed to.

Mr. LAWRENCE. I call the attention of the gentleman from Iowa
to the fact that the Supreme Court of the United States—I think on Monday last-determined that the eastern terminus of the Union Pacific Railroad is to be on the Iowa shore of the Missouri River, opposite Omaha. Now I notice that this bill requires this company to make a report of its receipts for passing over the bridge across the Missouri at that point. As I understand the decision of the court, it

Missouri at that point. As I understand the decision of the court, it will be the duty of this company to pass over this bridge without any additional charge. I wish to inquire of the gentleman who reports this bill whether its language may not seem to imply a recognition of the right of the company to charge for passing over the bridge?

Mr. KASSON. Possibly the gentleman from Ohio [Mr. LAWRENCE] may not have had the opportunity to look over that opinion in writing, as I have done, though I was obliged to do it hastily. My impression is that the court does not decide in that opinion the question of the right under the appropriatory statute to lavy talks a right of pression is that the court does not decide in that opinion the question of the right under the amendatory statute to levy tolls, a right obtained by a specific statute. But this bill in no respect touches that question except that, if the right to levy tolls has ceased by virtue of that decision, we shall get only the report of what the company has received for the last year. Hence I think there can be no objection to the provision of the bill on this subject.

Mr. LAWRENCE. I suggest to the gentleman whether it would not be well to insert in the bill a provision of this sort:

And any railroad company failing to comply with any of the provisions of this act shall forfeit its rights, privileges, and franchises as a corporation, and may be proceeded against as for a forfeiture by the Attorney-General.

Of course this would leave it discretionary with the Attorney-General whether to proceed for a forfeiture or not. But there ought to be some very effectual mode of enforcing compliance with the provisions of this bill.

Mr. KASSON. I cannot yield for that amendment, because the committee definitely considered a proposition of the same kind, and decided in favor of the securities by very heavy penalties provided in the last clause of this bill.

The SPEAKER. The Chair begs to say to the gentleman from Iowa that the bill is amendable at this stage without his leave.

Mr. KASSON. I am retaining the floor for the purpose of keeping control of the bill and moving the previous question before the morning hour expires, unless there is a desire on the part of the House to

ing hour expires, unless there is a desire on the part of the House to offer general amendments.

The SPEAKER. The Chair prefers to assume always that that desire exists. Unless a gentleman demands the previous question when he takes the floor, it is much safer for the Chair to assume that the House retains its rights with reference to amendments.

Mr. KASSON. But the Chair will observe that I had the floor and was still on my feet hearing what gentlemen might suggest.

The SPEAKER. The Chair so understood.

Mr. KASSON. If no further amendments are proposed I will now move the previous question.

Mr. LAWRENCE. I ask an opportunity to offer the amendment I have indicated.

have indicated.

Mr. KASSON. To that I can only say that the committee unanimously prefer the security already provided in the last clause of the bill; and if the House prefers that, it will vote down the motion of the gentleman.

Mr. LAWRENCE. This is a cumulative remedy; it does not exclude any other remedy provided in the bill.

Let me say to the gentleman from Iowa and to the House that the remedy provided for in this bill may be of no value at all. You canremedy provided for in this bill may be of no value at all. You cannot collect a debt against these companies unless they choose to pay, for the reason that they have mortgaged their franchises as well as their lands and everything else, until you cannot collect a dollar off of them unless they choose voluntarily to pay. Yet, if you reserve the right to proceed against these companies as for forfeiture, they may prefer to pay rather than incur that risk of forfeiture. It is for that reason I have desired to offer the amendment. It will not take from the Government the right to pursue the remedies suggested by the gentleman from Iowa. If permitted, I will move the amendment to come in at the end of the bill.

Mr. KASSON. I do not yield for that amendment. I yield now for a few minutes to the gentleman from Massachusetts, [Mr. Hoar.]

a few minutes to the gentleman from Massachusetts, [Mr. Hoar.]
The SPEAKER. Did not the gentleman from Iowa yield for an amendment of the gentleman from Ohio some time ago which has not yet been voted on?

Mr. KASSON. I have not yielded for the offering of any amendment, but I do yield now to the gentleman from Massachusetts, [Mr.

Mr. HOAR. Mr. Speaker, the railroad policy of this country, as adopted by Congress, seems to be one of the least creditable parts of our legislative history. We have passed these great charters, which ought to have been as carefully considered as any of the constitutions of the States—which are to be as important and permanent—without requiring any considerable safe-guards to the people, to the public, or in some cases to the railroads themselves. Then we rushed blindly to the other extreme, and undertook to put upon them the most unreas-onable and intolerable burdens. This amendment of the gentleman from Ohio is one of that kind. Here is a railroad company required to make its annual report, containing a large number of details, and to make its annual report, containing a large number of details, and the committee proposes in addition a penalty for every day's delay, and a penalty of \$500,000 in case of an actual contumacy. That is a pretty severe penalty, is it not? If that is not enough, Congress can at any time repeal the charter or deal with the delinquent railroad within its control. In addition, the gentleman from Ohio proposes to have the franchise ipso facto forfeited, so that every widow or orphan whose property is invested in the stock of the railroad company, who cannot control the action of the board of directors, every mortgages cannot control the action of the board of directors, every mortgagee under a lawful mortgage, all are to have their entire property cut up by the roots, and the public are to be deprived of the convenience of railroad transportation and connection. Why, sir, it is like decapi-

tating a man for neglecting to black your boots.

Mr. LAWRENCE. What is that?

Mr. HOAR. The disproportion between the offence and the penalty is as great as to decapitate a man for neglecting to black your boots in the morning.

Mr. LAWRENCE. Will the gentleman yield to me for one mo-

ment?

Mr. KASSON. For one remark only.
Mr. LAWRENCE. My amendment does not ipso facto work a forfeiture. It only renders the corporations liable to be proceeded against as for forfeiture. If the company will comply with the law, then

there will be no forfeiture. Violation of the law now operates as forfeiture, and yet it does not destroy the mortgages.

Mr. CROUNSE. I rise to the question of order that the discussion now going on is not to any question pending. The morning hour is near out, and I hope the bill will be pressed to a passage.

Mr. KASSON. One word of explanation and then I will demand the previous question. The committee had before them the proposithe previous question. The committee had before them the proposition of extreme forfeiture for failure to comply as was required. It must be recollected we require a great many things of these railroad companies. The committee itself thought they might without fault on their part be guilty of a day's neglect, or several days' neglect, and we proposed ample penalty for such neglect without forfeiting the franchise. Again, if the gentleman's forfeiture is worth anything to secure the provisions of this bill, then the company has something upon which the fine can be levied. If their franchises are forfeited, they are not left anything open to execution upon forfeiture. His argument defeats itself. The committee, I believe, were unanimous in saying and thinking, and so reported, that the forfeiture of all these vast interests under the existing law was complicating an existing system to an extent they were not willing to undertake. We have imposed heavy penalties, and the Union Pacific and the Central Pacific are amply able to pay those penalties, the stock of one being at cific are amply able to pay those penalties, the stock of one being at par, while that of the other approximates it. I now demand the previous question.

Mr. BURCHARD, of Illinois. I ask the gentleman who reported the bill whether the present law authorizes the companies to charge for transportation of passengers and freight across the Missouri River between Council Bluffs and Omaha?

Mr. KASSON. That was done by virtue of the special act of Congress to which I have alluded; and, without further examination of the opinion of the Supreme Court, I am not prepared to say it has

been done away with.

Mr. BURCHARD, of Illinois. The clause on page 6 seems to recognize the right of the companies to charge for this transportation. If

it has already been granted, I do not see objection to the clause.

Mr. KASSON. The committee have a bill before them regulating that. We are only waiting for further information before reporting it. This does nothing but require a copy for this year in case it is abolished; if it continues, they have to continue to make report. I demand the previous question.

The previous question was seconded and the main question ordered, and multiply the correction thereof the bill was ordered to be appropriated.

and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read

the third time, and passed.

Mr. KASSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

### WILLIAM P. STOWE.

Mr. PHILIPS, of Missouri, from the Committee of Claims, reported back, with an adverse recommendation, the petition of William P. Stowe, chaplain of the Twenty-seventh Regiment Wisconsin Volunteers, for relief; and the same was laid on the table, and the accompanying report ordered to be printed.

PORT OF ENTRY AND DELIVERY AT WEST POINT, VIRGINIA.

Mr. KEHR, from the Committee on Commerce, reported back, with the recommendation that it do not pass, the bill (H. R. No. 13) to es-tablish a port of entry and delivery at the town of West Point, Virginia; and the same was laid on the table, and the accompanying report ordered to be printed.

LIGHT-HOUSE, ETC., ON STANNARD'S ROCK.

Mr. PIERCE, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 959) to appropriate money for the erection of a light-house and steam fog-signal on Stannard's Rock, Lake Superior, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

### STEAM FOG-SIGNAL AT LITTLE TRAVERSE BAY.

Mr. PIERCE also, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (E. R. No. 931) to appropriate money for the erection of a station and steam fog-signal at Little Traverse Bay, Michigan, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Appropriations.

The motion was agreed to

The motion was agreed to.

### ORDER OF BUSINESS.

The call having reached the Committee on Public Lands, Mr. CROUNSE said: Mr. Speaker, has the morning hour expired?

The SPEAKER. It has.

Mr. CROUNSE. The Committee on Public Lands has considerable business to report, and as we are not willing to enter on a fractional art of an hour, I call for the regular order.

The SPEAKER. The morning hour has expired. What is the cleasure of the House?

Mr. PAGE. Is there not a special order for to-day?

The SPEAKER. The Chair is not aware of any.

Mr. PAGE. Was not the bill relating to the Hawaiian treaty made the special order for to-day?

The SPEAKER. That is a special order for to-morrow.

Mr. HOLMAN. I move that the House adjourn.

The motion was agreed to; and accordingly (at one o'clock and fifty-five minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By the SPEAKER: The petition of W. C. De Pauw, Herman F. Schaeffer, L. W. Fletcher, Ralph Applewhite, John F. Read and 1,839 others, citizens of the counties of Floyd, Bartholomew, Johnson, and Clark, Indiana, that under proper guarantee the national credit may be extended to the construction of a great sonthern line of railroad to the Reading to the Committee on the Pacific Pailroad.

be extended to the construction of a great southern line of railroad to the Pacific, to the Committee on the Pacific Railroad.

Also, the petition of John Gidley, H. J. Castle, and other citizens of Hebron, Indiana, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. BENNETT: A letter from E. J. Curtis, governor of Idaho Territory, to Mr. BENNETT, Delegate from Idaho Territory, relative to the United States assay office at Boise City, to the Committee on

Appropriations.

By Mr. BLACKBURN: Papers relating to the petition of Captain James F. Blount, for relief, to the Committee on Military Affairs.

By Mr. COWAN: The petition of Phillip Smith and Robert Boyd, for relief, to the Committee of Claims.

By Mr. FAULKNER: The petition of citizens of Preston, West Virginia, that steps be taken in co-operation with other governments for the settlement of international difficulties by arbitration, to the

Committee on Foreign Affairs.

By Mr. FRYE: The petition of George M. Eddy, jr., Henry H. Forbes, and other citizens of New Bedford, Massachusetts; of Otis E. Merrifield and others of the Methodist church of Allston, Massachusetts; of a large number of citizens of Iroquois County, Illinois, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, remonstrance of Thomas Littlefield and 200 other business men of Swinton and Auburn, Maine, against the repeal of the bank-

rupt law, to the same committee.

Also, remonstrance of John Milliken and others, residents of the

Also, remonstrance of John Milliken and others, residents of the city of Augusta, Maine, of similar import, to the same committee. By Mr. GOODIN: The petition of the chiefs and head-men of the Ottawa tribe of Indians, that an investigation be had of certain irregularities under which one C. C. Hutchison has withheld from the Ottawas the sum of \$42,000, to the Committee on Indians Affairs. By Mr. KIMBALL: The petition of L. Fowler, J. W. Dick, and others, of the Brothertown tribe of Indians of Wisconsin, to have issued to them patents for certain lands, to the same committee.

By Mr. O'BRIEN: The petition of Dr. Benjamin B. Miles and 3 other children of Colonel Dixon S. Miles, for three months' extra pay alleged to be due their father for services in the Mexican war, to the Committee on Military Affairs.

to be one their lather for services in the Mexican war, to the Committee on Military Affairs.

By Mr. STENGER: The petition of 86 citizens of Landisburgh, Perry County, Pennsylvania, that aid be extended for the completion of a great southern line to the Pacific, to the Committee on the Pacific Railroad.

By Mr. SAMPSON: The petition of T. J. Anderson and 11 others, for the removal of the federal courts from Keokuk to Burlington,

Iowa, to the Committee on the Judiciary.

By Mr. STRAIT: The petition of Horace Finney, M. F. Kellogg, and other citizens of Goodhue County, Minnesota, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. WALDRON: The petition of Elizabeth Marsland, for a pension, to the Committee on Invalid Pensions.

By Mr. WHITE: The petition of Sarah A. Bryant, for a pension, to the same committee.

## IN SENATE.

# THURSDAY, March 2, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved. PETITIONS AND MEMORIALS.

Mr. McMILLAN presented a joint resolution of the Legislature of Minnesota, in favor of the passage of an act for the relief of settlers on certain lands in that State; which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

A joint resolution requesting our Senators and Representatives in Congress to pro-cure the passage of an act for the relief of settlers upon certain lands in the State of Minnesota.

Whereas large numbers of citizens of this State have in good faith settled upon and made or acquired valuable improvements on tracts of land included within the

granted and indemnity limits of the land granted to the Brainard and Saint Vincent branches or extensions of the Saint Paul and Pacific Railroad Company, and are unable under existing laws to perfect title thereto; and whereas justice demands that those citizens should be protected in their homes and property so made and acquired, and the material interests of a large and deserving class secured and preserved: Therefore,

Be it resolved by the house of representatives, (the senate concurring.) That our Senators and Representatives in Congress be requested to use all honorable means in their power to procure at the earliest possible time the passage of a law by Congress which will allow such persons or their representatives to secure and perfect title to such lands.

Approved February 24, A. D. 1876.

STATE OF MINNESOTA.

STATE OF MINNESOTA, Office of Secretary of State:

certify the foregoing to be a true and correct copy of the original on file in this

office.
Witness my hand and the great seal of this State this 24th day of February, A. J. S. IRGENS, Secretary of State. [SEAL.]

Mr. WEST. I present a joint resolution of the Legislature of the State of Louisiana, relative to stocking the waters of that State with fish. I believe it is customary to have resolutions from Legislatures printed in the RECORD. I ask that it be so ordered, and that the resolution be referred to the Committee on Agriculture.

The resolution was referred to the Committee on Agriculture and

ordered to be printed in the RECORD, as follows:

Joint resolution relative to stocking the waters of the State of Louisiana with fish.

Joint resolution relative to stocking the waters of the State of Louisiana with fish. Whereas the United States commission on fish and fisheries has been very successful in stocking the streams of the northern and western States with desirable varieties of fish; and whereas the waters of the State of Louisiana offer equally favorable conditions which, up to this time, have been neglected: Therefore, Section I. Be it resolved by the senate and house of representatives of the State of Louisiana in General Assembly convened, That our Senators in Congress be instructed and our Representatives be requested to press the claims of the State of Louisiana upon the United States commission on fish and fisheries, to the end that this State may share in the advantages consequent upon its labors.

SEC. 2. Be it further resolved, &c., That a copy of this resolution be forwarded to each one of our Senators and Representatives in Congress.

E. D. ESTILETTE,

Speaker of the House of Representatives.

C. C. ANTOINE,

Lieutenant-Governor and President of the Senate.

Approved February 16, 1876.

Approved February 16, 1876.

WM. P. KELLOGG, Governor of the State of Louisians.

A true copy:

P. G. DESLONDE, Secretary of State.

Mr. FRELINGHUYSEN presented the petition of Mrs. Susan Ten Eyck Williamson, of Elizabeth, New Jersey, widow of Charles L. Williamson, deceased, late a captain in the United States Navy, praying to be allowed back pension accruing from the 11th day of November, 1846, to the 25th day of June, 1863; which was referred to the Committee on Naval Affairs. the Committee on Naval Affairs.

Mr. CAMERON, of Wisconsin, presented the memorial of 879 citi-Mr. CAMERON, of Wisconsin, presented the memorial of 879 citizens of Wisconsin, praying for an appropriation to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accordance with the third plan recommended by General Warren; which was referred to the Committee on Commerce.

He also presented the petition of William Wilson and other citizens of Polk County, Wisconsin, praying for the establishment of a postroute from Oscoela Mills to Alden, in that State; which was referred to the Committee on Post-Offices and Post-Roads.

to the Committee on Post-Offices and Post-Roads.

Mr. WALLACE presented two petitions signed by several leading merchants of Pittsburgh, Pennsylvania, praying for the repeal of the bankrupt law; which were referred to the Committee on the Judi-

Mr. DAVIS presented a petition of citizens of West Virginia, praying that aid be granted in the construction and completion of the Texas Pacific Railroad; which was referred to the Committee on Rail-

Mr. INGALLS presented the petition of Harrison H. Dodds, late private in Company C, Sixteenth Ohio Infantry, praying that he be granted a pension; which was referred to the Committee on Pensions.

He also presented the petition of John W. Edwards, of Brown County, Kansas, praying Congress to pass an act refunding to him the sum of \$235, with interest thereon from October 1, 1864, on account of disbursements made while in the Government service; which was referred to the Committee on Claims.

Mr. INGALLS. I present a number of petitions and memorials from various citizens and associations in the States of Kansas and Missouri, praying for the passage of the bill introduced by me in relation to insects injurious to vegetation. As the committee have acted upon that bill, I move that the petitions lie on the table.

The motion was agreed to.

Mr. CHRISTIANCY presented the petition of 3,837 citizens and inhabitants of the Territory of Utah, praying Congress to pass an act regulating the elective franchise and securing a secret ballot at the elections in that Territory; which was referred to the Committee on

Territories Mr. LOGAN presented petitions of disabled soldiers in Bushnell, Illinois; in Arrowsmith, McLean County, Illinois; and in Kewanee, Illinois, praying that the time for making application for pensions be extended one year; which were referred to the Committee on Pensions. He also presented the petition of several prominent business men of Peoria, Illinois, praying for the repeal of the bankrupt law; which

was referred to the Committee on the Judiciary.

Was referred to the Committee on the Judiciary.

He also presented resolutions adopted by the Irish Benevolent
Association of Springfield, Illinois, asking action in the case of Edward O'Meara Condon, a citizen of this Republic, now incarcerated
as an Irish state prisoner; which was referred to the Committee on Foreign Relations.

Mr. KERNAN presented the petition of John T. Hildreth, of Brooklyn, New York, praying the passage of a law that will subject any person who manufactures intoxicating drinks to a penalty of \$1,000 and imprisonment in a State prison for five years; which was ordered to

lie on the table.

Mr. HOWE presented four petitions of citizens of Portage County, Wisconsin, praying that Congress pass such legislation as will remove from their midst a large number of Winnebago Indians in that and adjoining counties, who are a great annoyance to the residents of those counties; which were referred to the Committee on Indian Af-

Mr. SARGENT presented a resolution of the Chamber of Commerce of San Francisco, California, requesting an amendment to the shipping commissioners' act, so that there may be a reduction of fees, and so as to exempt from the provisions of the act the payment of any fees for the reshipment of crews of vessels trading to and from any regular ports in British Columbia, Mexico, Central America, Sandwich

Islands, Japan, China, and Australia, or vessels trading coastwise; which was referred to the Committee on Commerce.

Mr. SARGENT also presented a resolution of the Chamber of Commerce of San Francisco, California, in favor of such legislation as will exempt all vessels entering or leaving port from the payment of compulsory pilotage where no pilot is employed, and asking that the Government exercise its constitutional right to regulate the question of pilotage; which was referred to the Committee on Commerce.

Mr. SAULSBURY presented the petition of Samuel Mills, of Baltimore, Maryland, a soldier in the war of 1812, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. RANDOLPH presented the petition of citizens of New Jersey, praying for the repeal of the bankrupt law, repeal to take effect immediately; which was referred to the Committee on the Judiciary.

Mr. CAMERON, of Pennsylvania, presented a letter from the Secretary of State, addressed to the chairman of the Committee on For-

recary of State, addressed to the Chairman of the Committee on For-eign Relations of the Senate, inclosing a copy of a dispatch from Mr. Read, the minister of the United States at Athens, Greece, relating to the expediency of continuing the mission of the United States in that country; which was referred to the Committee on Foreign Re-

### REPORTS OF COMMITTEES.

Mr. McDONALD, from the Committee on Pensions, to whom was mr. McDONALD, from the Committee on Pensions, to whom was referred the petition of John S. Clay, praying to be allowed a pension on account of the loss of his father, John S. Clay, sr., and the petition of Frank J. Darling and 33 other citizens of Michigan, praying that the name of John S. Clay be placed on the pension-roll, asked to be discharged from their further consideration; which was agreed to.

Mr. ALLISON, from the Committee on Pensions, to whom was referred the bill (S. No. 43) granting a pension to Urial Bundy, reported it without amendment.

it without amendment.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (S. No. 296) to equalize fees allowed attorneys for collecting pay or bounty, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which

Mr. INGALLS, from the Committee on Pensions, to whom was referred the petition of Lieutenant Abraham Ellis, praying to be allowed a pension, submitted a report thereon, accompanied by a bill (S. No.

545) granting a pension to Abraham Ellis. The bill was read and passed to the second reading, and the report

was ordered to be printed.

Mr. INGALLS, from the same committee, to whom was referred the bill (H. R. No. 215) granting a pension to John G. Parr, of Kittanning, Pennsylvania, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance United States Army, reported it with an amendment.

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (S. No. 339) to amend section 2568 of the Revised Statutes of the United States so as to make Chattanooga, in the State of Teasure and the contract of Alexander and Alexander and the contract of Alexander and Alexander and the contract of the Contract o of Tennessee, a port of delivery, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BRUCE, from the Committee on Pensions, to whom was referred the petition of Thomas W. Phelps, praying to be allowed a pension, asked to be discharged from its further consideration; which was agreed to.

### EULOGIES ON SENATOR ANDREW JOHNSON.

Mr. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution to print copies of the eulogies delivered on the late Andrew Johnson, have instructed me to report it back with two amendments. I ask for its present consideration. There being no objection, the Senate proceeded to consider the

The amendments reported by the Committee on Printing were in line 6 to strike out "9" and insert. "8," and in line 7 to strike out "3" and insert "4;" so as to make the resolution read:

Resolved by the House of Representatives, (the Senate concurring,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Andrew Johnson, late United States Senator and Ex-President of the United States, be printed; 8,000 for the use of the House and 4,000 for the use of the Senate; and that the Secretary of the Treasury have printed the portrait of Mr. Johnson to accompany the

The amendments were agreed to.

The resolution as amended was agreed to.

#### EULOGIES ON VICE-PRESIDENT WILSON.

Mr. ANTHONY. I am instructed by the same committee, to whom was referred a similar resolution in regard to eulogies on the late Vice-President, to report it back with certain amendments.

There being no objection, the Senate proceeded to consider the resolution.

The amendments reported by the Committee on Printing were in line 5 to strike out "9" and insert "8," and in line 6 to strike out "3" and insert "4;" so as to make the resolution read:

Resolved by the House of Representaties, (the Senate concurring,) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Vice-President, Henry Wilson, be printed; 8,000 copies for the use of the House and 4,000 copies for the use of the Senate; and the Secretary of the Treasury have printed the portrait of Mr. Wilson to accompany the same.

The amendments were agreed to.

The resolution as amended was agreed to.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Isaac Stroum, one of its clerks, announced that the House had passed the following bills and joint resolution; in which the concurrence of the Senate was requested:

was requested:

A bill (H. R. No. 2448) to amend the act entitled "An act relative to filing reports of railroad companies," approved June 25, 1868;

A bill (H. R. No. 1749) authorizing the President to appoint two centennial commissioners for the State of Texas in lieu of those now acting

A bill (H. R. No. 2447) transferring the custody of certain Indian trust funds; and

A joint resolution (H. R. No. 19) on the celebration of the centennial in the several counties.

#### PORT OF GENESEE.

Mr. CONKLING. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. No. 2282) to extend to the port of Genesee, in the State of New York, the privileges of sections 2900 to 2997 of the Revised Statutes, inclusive, to report the same back without amendment and with a recommendation that it pass. Time is of some consequence about this matter, and thinking as I do that there will be no objection to it, I ask that it be read for information, and if there shall then be no objection, I will ask that it be considered now.

The bill was read.

The bill was read.

Mr. SHERMAN. I should like to hear an explanation of that bill.

Mr. CONKLING. The Senator from Ohio indicates, very naturally, that he would like to know what this bill means. Of course he cannot tell merely by the numbers of the sections being referred to in the text of the bill; and therefore I beg to state that, first, there is among the papers a written report from the House committee and there is also a letter from the Secretary of the Treasury, and they are both in general terms to this effect: By the sections of the Revised Statutes referred to in the bill certain ports, a good many in number, are designated as those from which merchandise may go on under certain conditions and limitations to certain other ports named, they also tain conditions and limitations to certain other ports named, they also

tain conditions and limitations to certain other ports named, they also being numerous.

The port of Genesee is at the mouth of the Genesee River, five or six miles from Rochester. The city of Rochester is a considerable city, as Senators may know, much larger than the cities concerned in some of the other instances. The effect of the bill is simply to make this port of Genesee, thereby in effect meaning the city of Rochester, one of the places standing upon the footing on which so many other places stand; and the Secretary of the Treasury says in substance that there being this large city within the collection district, he sees no reason why this port should not be one of those to which I refer. The particular point—perhaps I should state that—is that merchandise received at the port to go to another port need not be overhauled and examined at this first port mentioned, to wit the intermediate port. examined at this first port mentioned, to wit the intermediate port, so that merchandise coming to that port and going on need not be brought up to the city of Rochester five or six miles, there to undergo what it would undergo were it to stop there, but being bonded go what it would undergo were it to stop there, but being bonded and treated as the statutes require, it may proceed on its way, as it does now in the case of San Francisco, New York, Boston, Portland, and so on not only, but also in the case of Mobile and a considerable number of inland and lesser ports.

If the Senator from Ohio still has any doubt about the bill, the letter of the Secretary of the Treasury is very brief, and perhaps he might like to hear that read.

Mr. SHERMAN. The statement of the Senator from New York shows the importance of this bill; and if he will read, as I have no doubt he has read the sections here referred to, he would see how

much more important it is than an ordinary bill to extend facilities

to a particular port.

Mr. CONKLING. I have read them carefully."

Mr. SHERMAN. The trouble is that some years ago in the modification of our customs laws we allowed goods to be transported from ports of entry, like the city of New York, to ports of delivery without examination or inspection, and without appraisement. If that bill had been confined to the cities of Saint Louis, Cincinnati, and Chicago, cities of secondary importance, it would have been a very wise bill; but it was unwisely extended to cities of lesser character, but still important and flourishing towns like Louisville, Cleveland, Detroit, and other places, and it has largely added to the expenses of our customs service. Now, Buffalo is a port of entry and a port of delivery, and goods may be transferred from New York to Buffalo with-out appraisement, without identification or examination. Buffalo is within one hundred miles of Rochester. It seems to me it is very doubtful whether we ought to add the port of Rochester, for that is the substance of it, Genesee being substantially the port of Rochester, and being so near Buffalo, and I assure the Senator from New York that if this bill passes we cannot resist the applications which will be made by other cities as important as Rochester for these priv-

ileges.

Mr. CONKLING. How many such cities are there?

Mr. SHERMAN. I know there are some that the Secretary has recommended should be discontinued. This bill involves the necessity of new officers, as I suppose the Senator is aware—at least an appraiser of merchandise. It will be necessary, when this bill passes, to have an appraiser of merchandise at the port of Genesee, because there the goods must be inspected, examined, identified, and appraised. The result is that much complication and much dispute have already The result is that much complication and much dispute have already arisen. The Chamber of Commerce of the city of New York, or some leading body of that city, has already complained that by reason of the diversity of appraisal in the different ports of the United States the commerce of New York has been greatly injured. That complaint has been made against the city of Baltimore. They say that under the operation of this transfer law goods are transported through New York and appraised at Baltimore and other ports, and that the rule of appraisement adopted in these interior ports is more favorable to the appraisement adopted in these interior ports is more favorable to the importer; that is, the appraisement is less than it is in New York; and New York is already complaining of the operation of this law upon her own commerce.

Now, sir, while I will not object to this bill further than to ask that it may lie over until to-morrow, I call the attention of the Senator from New York and also of other Senators to the importance of opening the door to the enlargement of the ports under this law. own opinion has been that some of these ports ought to be stricken off rather than have the list enlarged, and I think it my duty to object to the consideration of the bill to-day. Let it stand over until

to-morrow.

Mr. CONKLING. Mr. President, it would not be sincere in me to contest with the Senator from Ohio or anybody else such criticisms as he has made upon the propriety of the original legislation on this subject. I have nothing to say about it. I had nothing to say in its favor at the time. It was one of my regrets when the legislation to which the Senator refers was urged upon us that those of us who attempted in vain to resist it were without the support of the honorable Senator from Ohio and without the impression which would have ble Serator from Ohio and without the impression which would have been made upon the country had he then given us the caution which he has found occasion since to think wholesome on this subject. But the Senator from Ohio, like other Senators on both sides some of whom are not here, was at that time very urgent indeed that Toledo, Ohio, for example, and various other places which here are stated, should be put upon a special footing as ports. Now the honorable Senator from Ohio says, and I think he is quite

right, that the Secretary of the Treasury, or at all events his predecessor, finds in that list more than one place which he thinks should be stricken from it; but the Secretary of the Treasury finds that in this particular case this port, in his judgment, should be added to it.

The Senator from Ohio says that the addition of this port will increase

the expense of officers, and I want to consider that objection for one moment. A Senator near me suggests that that, if it were true, was true of all these other cases, as undoubtedly it was; but in this case, equipped as this port is, the report of the House committee, of which the letter of the Secretary of the Treasury is a part, makes this observation:

There is no increase of expenditure to the Government and will be none by the passage of this bill.

The Secretary of the Treasury says:

The sections of law referred to permit merchandise imported at various designated ports to be shipped to various other ports without examination or appraisement at the port of first arrival. In view of the fact that the city of Rochester is situated within the limits of the collection district of Genesce, and that the custom-house is located at that place, I know of no good reason why the bill in question should not become a law. It is suggested, however, that a verbal alteration should be made.

The first of the sections of the statutes which the bill seeks to apply to the port in question provides:

When any merchandise, except wine, distilled spirits, and perishable or explosive articles, or articles in bulk, imported at the ports of New York, Philadelphia, Boston, Baltimore, Portland in Maine, Port Huron, Detroit, New Orleans, Toledo,

and San Francisco, shall appear by the invoice or bill of lading and by the manifest to be consigned to and destined for either of the ports specified in section 2997, the collector at the port of arrival shall permit the owner, agent, or consignee to make entry thereof for warehouse or immediate transportation, in triplicate, setting forth the particulars in such entry and the route by which such merchandise is to be forwarded, whether by land or water. The entry having been compared with the invoice and duly sworn to, and such an examination of the merchandise having been made as will satisfy the customs officers that the same corresponds with the manifest and invoice, and the duties estimated on the value and quantity of the invoice, and on the execution of a bond as hereinafter provided, the collector shall deliver the same to be immediately transported to such port of destination, at the sole cost and risk of such owner, agent, or consignee.

The other sections merely provide the modus operandi until you reach the last section to which the bill refers, and there is an enumeration of the ports to which the destination must be. I have read this section of the statutes in the light of the request of the Senator from Ohio that the bill lie over, in order that the section may appear in the RECORD and in the hope that Senators, if they deem it worth while to do so, may look at it in order to see, as I think they must, while to do so, may look at it in order to see, as I think they must, that if this legislation is to stand and stand applicable to places where confessedly the argument whatever it may be is obviously weaker than it is in this case, we shall not refuse to apply it in an instance where not only a considerable city but I might say a great city is five or six miles removed from the track in which the merchandise may be going, so as to compel a removal of the merchandise that distance to and fro in order to undergo an examination and a ceremony which, in respect of lesser places involving comparatively trifling in-

convenience, Congress has said was unnecessary and unwise.

As I said before, I have no plea to make for this legislation, but I have something to say for equality, at all events against that inequality which picks out an instance of marked hardship and taboos that as one that shall not be included within the facilities afforded

Mr. MORRILL, of Maine. I desire to ascertain from the Senator whether the act that he read applies simply to goods imported from abroad for consumption in our own territory, or whether it applies to another class of goods that are imported with a view of transport

across our territory to be consumed in another territory.

Mr. CONKLING. I understand that it applies to the former. It applies to goods which come to the port of Genesee destined further on.

Mr. MORRILL, of Maine. The reason I make that inquiry partic-

and the state of similar character, applicable as I understand to the other class of goods, was introduced by the Senator on one occasion and referred to the Committee on Finance.

Mr. SHERMAN. I can tell the Senator from Maine that that has

mr. Shekman. I can ten the Senator from Maine that has nothing to do with this case. These goods, like any other goods that are imported, may be re-exported.

Mr. MORRILL, of Maine. That is under a general law.

Mr. CONKLING. That is another matter.

Mr. SHERMAN. The case of goods being introduced through our

Mr. SHERMAN. The case of goods being introduced through our country in bond for a foreign exportation is not provided for in this law. I certainly do not wish to make that discrimination. My remark was confined to a general caution against extending the provisions of this law. I not only favored the law, as the honorable Senator from New York suggests, but I introduced it and urged it very strongly, and I believe it is right; I believe the principle of it is right; but it ought to be confined to four or five great interior ports. It does not affect the commerce of the country so far as our exterior ports are concerned like Portland or Boston or Providence. exterior ports are concerned, like Portland, or Boston, or Providence, or any of those places. It is perfectly right that goods coming to New York should be shipped to all those ports without examination at the port of New York. There could be no objection to the naming of those places; but in the interior ports of the country there are instances of goods slipping out without paying duties. The Senator from New York objected to this law and opposed it strongly when it was introduced, I remember very well. The only answer was that it was a matter of primary importance to the interior cities of the country to have the benefits of the direct importation of goods; and I will say now that Chicago and Saint Louis and Cincinnati import an enormous quantity of goods. I have not the statistics before me, or I could show the Senate that the operation of this law in enabling these large interior cities to share in the direct trade has been of great benefit to the country without being any injury to the city of New York or any other place; but it is going too far to extend it to other points. Some of those named in the law I think ought not to have been introduced in the law, as Memphis, and perhaps Toledo, have been introduced in the law, as Memphis, and perhaps Toledo, Ohio, although there were good reasons for inserting Toledo at the time. Other points might properly be stricken from the law; but if you name the port of Genesee, which is the port of Rochester, as a matter of course you introduce a port within one hundred miles of Buffalo, which is already provided for by the law.

But the bill goes over until to-morrow. I do not want to make any discrimination.

discrimination.

The PRESIDENT pro tempore. Objection being made to the consideration of the bill reported by the Senator from New York, it goes

Mr. CONKLING. I give notice that I will call it up to-morrow if I get the opportunity.

BILLS INTRODUCED.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 546) to further the administration of justice

in the State of Colorado; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. McMILLAN asked, and by unanimous consent obtained, leave

Mr. MCMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 547) for the relief of settlers upon certain lands in the State of Minnesota; which was read twice by its title.

Mr. McMILLAN. This bill if enacted into a law will effect the purpose desired by the Legislature in the memorial presented by me this morning. I move that the bill be referred to the Committee on Public Lands, and printed.

The retire was agreed to

The motion was agreed to.

Mr. McMILLAN asked, and by unanimous consent obtained, leave
to introduce a bill (S. No. 548) for the relief of the heirs of Major D.

C. Smith; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 549) to relinquish the title of the United States introduce a bill (S. No. 549) to relinquish the title of the United States to certain property in the city and county of San Francisco, California; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 550) in reference to certain entries of land under the homestead law; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. DAVIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 551) for the completion of the custom-house at

Parkersburgh, West Virginia, and to furnish the same; which was read twice by its title.

Mr. DAVIS. The custom-house there now is about half completed,

and great damage will result to it unless some appropriation is made by this Congress. I move that the bill be referred to the appropriate committee.

The PRESIDENT pro tempore. The Committee on Public Buildings and Grounds?

Mr. DAVIS. The Committee on Appropriations, I think. The PRESIDENT pro tempore. The bill will be referred to the Committee on Appropriations.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HARVEY, it was

Ordered, That the petition and papers of Michael Hennessey be withdrawn from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. KERNAN, it was

Ordered, That the petition and papers of Samuel H. Leavitt be withdrawn from the files of the Senate and referred to the Committee on Military Affairs.

#### E. RUMSEY WING.

Mr. McCREERY. I rise for the purpose of calling up the bill which I gave notice on yesterday I would move to proceed to the consideration of this morning. I move now to proceed to the consideration of Senate bill No. 382.

The motion was agreed to; and the bill (S. No. 382) to appropriate \$1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Louisville, Kentucky, was considered as in Committee of the Whole.

The Committee on Foreign Relations reported the bill with an amendment to strike out "Louisville" and insert "Owensborough."

The amendment was agreed to.
Mr. McCREERY. Mr. President, I have little to say in addition to what I said on Tuesday. The death of Hon. E. Rumsey Wing was a misfortune to his State and to the country at large. Nature had endowed him with superior capabilities and cultivation had prepared him for a brilliant career on any theater of human action. Young as he was, he has left the impress of his genius on the archives of the State Department. The five volumes of his official correspondence bear testimony to his indefatigable industry in extending our commerce and in opening new markets for our agricultural and mechanical productions, while as a lawyer, a soldier, and a gentleman his reputation was without a blemish. He has fallen at his post in the active discharge of his duty. The father asks that you will give back his son, and the widowed wife pleads before you for the lifeless body of her husband.

I did not expect that any question would arise as to the circumstances of the deceased; but since it has come up, I will state again that I do not believe he was the owner or possessor of any estate whatever. He had his salary, to be sure; but from the generosity of his character and his liberal patronage of the fine arts it is not likely that the remnant would be sufficient for the removal of his remains even if the Congress of the United States should exact his last far-thing for the purpose. I know of what I speak, and I say that I do not think his entire estate would be sufficient for the transportation of his body from Ecuador to Kentucky. I hope there will be no fur-

ther objection to the appropriation.

The bill was reported to the Senate as amended, and the amendment

was concurred in.

The bill was ordered to be engrossed for a third reading, was read

The title was amended by changing "Louisville" to "Owensborough."

WILLIAM L. NANCE.

Mr. COOPER. I move that the Senate proceed to the consideration of Senate bill No. 309.

The motion was agreed to; and the bill (S. No. 309) for the relief of William L. Nance was read the second time, and considered as in Committee of the Whole. It provides for the payment of \$6,000, in full compensation for certain property of William L. Nance taken for the use of the Government of the United States during the late rebellion.

full compensation for certain property of William L. Nance taken for the use of the Government of the United States during the late rebellion.

Mr. BOUTWELL. Is there a report with the bill?

The PRESIDENT pro tempore. There is.

Mr. BOUTWELL. Let it be read.

The Secretary read the following report, submitted by Mr. Jones, of Florida, from the Committee on Claims, on the 20th of January:
The Committee on Claims, to whom was referred the claim of William L. Nance, of Nashville, Tennessee, having considered the same, report as follows:

The claimant in this case, in the year 1854, was the owner of a barrel factory and saw-mill, with their appurtenances, situated near Nashville, Tennessee. There were some twenty small houses crected near the factory, which were occupied by the employes of the factory. The property was purchased by the claimant for the sum of \$40,000 in the year 1859, and at the time it was seized by the Government was in a good state of preservation.

In the year 1864 this property was taken for the use of the United States by order of Major-General G. H. Thomas, and appropriated by the officers in charge of the military railroads near Nashville. The buildings were all torn down and the machinery removed, which caused the entire breaking up of the claimant's business. The property was valued at the time at what it was worth to the Government for the special uses for which it was taken. The lumber in the buildings was valued at \$25 per thousand feet, and the machinery of the factory and saw-mill was valued according to the ordinary standard of prices for such articles when not in use for any special purpose. It seems that the cost of putting the machinery in place in the factory and mill, or the value of the property as a whole, was not considered. All the witnesses examined place the value of the property at over \$30,000. The claimant received \$15,744.63, according to the valuation made at the time of the seizure. Afterward, in the year 1865, at the request of the claimant, Major-General Thomas o

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

### JOHN S. WALKER.

Mr. KELLY. I ask the favor of the Senate to take up Senate bill No. 199 and pass it this morning. It is a short bill. I move to take

The motion was agreed to; and the bill (S. No. 199) for the relief of the estate of the late paymaster, Major John S. Walker, United States Army, was considered as in Committee of the Whole. It distances of the Treasury to credit the accounts of the rects the proper officers of the Treasury to credit the accounts of the late John S. Walker, paymaster, (who was lost while in the discharge of his official duty on the steamer George S. Wright, which was lost at sea near Cape Caution, on the coast of Alaska, in February, 1873,) with the sum of \$2,124.98, which he had in his possession and was lost with him, and also the further sum of \$427.73, of balances charged to his account, which, on account of loss of papers, cannot now be explained.

Mr. KELLY. I shall make no remarks on the bill except simply to call for the reading of the report of the committee. That explains

The Secretary read the following report submitted by Mr. Cock-Rell, from the Committee on Military Affairs, on the 14th of Feb-

The Committee on Military Affairs, to whom was referred the bill (8. No. 199) for the relief of the estate of the late paymaster, Major John S. Walker, United States Army, providing that the proper officers of the Treasury be directed to credit the accounts of the late John S. Walker, paymaster, with the sum of \$2,12,98 and the further sum of \$427.73, have duly considered the same, and beg leave to

and the further sum of \$427.73, have duly considered the same, and beg leave to report:

That Major John S. Walker, paymaster United States Army, left Portland, Oregon, January 2, 1873, under orders to pay troops at Camp San Juan Island, and Sitka, Alaska, on muster of December 31, 1872.

He paid at the points named, and left Sitka, returning, January 21, 1873, by the steamer George S. Wright. This steamer was last seen at sea at noon of January 25, and is supposed to have been wrecked off Cape Caution January 27, with loss of all and everything on board. The remains of Major Walker were found in 1875, cast up by the sea, on an island in Bazan Bay. All of his papers, vouchers, &c., relating to payments made during this his last tour of duty were lost with him. Upon the receipt of information of his death, steps were taken by the Paymaster-General's Department to obtain from the posts visited by him certified copies of the vouchers paid and certified lists of soldiers' deposits received by him, from which, and from papers left by him at Portland, a final account-current was prepared and rendered in his name. From this account-current was prepared and rendered in his name. From this account-current was a balance of \$2,124.98 left in his hands.

It is almost absolutely certain that this amount of \$2,124.98 was in money on his person when shipwrecked, and lost with him. From this account there is also a balance against him of \$427.73, made up of little balances, errors, &c., in his accounts from 1867 up to December 31, 1572. This last amount is principally made up of credits taken by the paymaster in excess of the sums covered by his vouchers, and is not susceptible of exact explanation.

The Secretary of War and Paymaster-General recommend that the bill be passed. Your committee recommend the passage of the bill referred to them, herewith returned.

Mr. COCKRELL. Mr. President, this claim was referred to me as a member of the Committee on Military Affairs, and I made a thorough examination into all the facts which could be obtained in reference to it. I consulted with the Secretary of War and the Paymaster-General and got all these accounts furnished to me. There can be no question that the balance of \$2,124.98 was on the person of Major Walker at the time of his shipwreck, and lost with him. His body was afterward found in 1875. The other little balance of \$427.73 is made up of items running from 1867 to 1872, and the report of the Paymaster-General shows these various items. They are mere errors in addition and subtraction which had been made, sometimes amounting to six cents in one place, twenty-five cents in another, and so on, for a series of years in the payments that he made. It would be almost impossible for the exact cause of these matters to be explained. most impossible for the exact cause of these matters to be explained. Major Walker was an excellent officer. His estate now stands charged with the \$2,124.98 which was lost on his person by the shipwreck, and also stands charged with these other balances amounting in all to \$427.73. The Committee on Military Affairs, indorsing the recommendation of the Secretary of War and the Paymaster-General, think that the estate of Major Walker should be credited with these amounts, and I hope that the bill will be passed.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### EZRA B. BARNETT.

Mr. HAMLIN. I move to take up for consideration House bill No.

The motion was agreed to; and the bill (H. R. No. 193) for the relief of Ezra B. Barnett, postmaster at Norwich, New York, was considered as in Committee of the Whole. It provides for crediting with \$95 the account of Ezra B. Barnett, postmaster at Norwich, New York, that being the amount of surplus money-order funds mailed by him September 29, 1874, for deposit with the postmaster at Binghamton, New York, the money having been burned and destroyed with the mail-car containing it, on the route to Binghamton, without the fault

of the postmaster.

Mr. HAMLIN. There is a House report in this case. I have care-Mr. HAMLIN. There is a House report in this case. I have carefully examined the papers, and the report is fully sustained by the

papers in the case.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### ROBERT TANSILL.

Mr. EDMUNDS. I move to take up the bill for removing the polit-

Mr. EDMUNDS. I move to take up the bill for removing the political disabilities of Robert Tansill, of Virginia.

The motion was agreed to; and the bill (H. R. No. 198) to relieve the disabilities of Robert Tansill, of Virginia, was considered as in Committee of the Whole.

The Committee on the Judiciary reported an amendment, to insert the word "political" before "disabilities."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed by a two-thirds vote. Its title was amended by inserting the word "political" before "disabilities."

## RUTH ELLEN GREELAUD.

Mr. BOUTWELL. I move to proceed to the consideration of House bill No. 1596.

The motion was agreed to; and the bill (H. R. No. 1596) granting a pension to Ruth Ellen Greelaud was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Ruth Ellen Greelaud, widow of John H. Greelaud, late a captain in the Army of the United States.

Mr. INGALLS. I think the bill should be amended by adding a clause at the end "to take effect from and after the passage of the act." That is a customary clause, and I see it has been omitted in this bill.

this bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

# SENATOR FROM LOUISIANA.

The PRESIDENT pro tempore. The morning hour has expired. Mr. EDMUNDS. As I had the floor last night, and I am not feeling particularly well this morning, I rise to ask the general consent of the Senate to allow the unfinished business of yesterday to lie over until to morrow with a general understanding that it be taken up to-morrow as the unfinished business, so as not to lose its place.

The PRESIDENT pro tempore. Is there objection to this understanding? The Chair hears none.

Mr. MORTON. What is the proposition?

The PRESIDENT pro tempore. That the unfinished business of yesterday be postponed until to-morrow, to come up to-morrow the same as to-day as unfinished business

Mr. MORTON. I have no objection to accommodate the Senator from Vermont; but I have been informed that one or two Senators are about to go away to-night. That is the only objection that I could have. If the Senator from Vermont is not able to speak to-day, of

Mr. EDMUNDS. I did not press the matter to-day.

Mr. EDMUNDS. I did not prepose that it should be the unfinished business to-morrow if any person is going away; but merely as I supposed in the interest of the Senator from Indiana to keep the question before the Senate. If it should not be agreeable to him to have it proceeded with to-morrow, I should not object to its going over to another day

Mr. MORTON. The only objection I have to the postponement is the one I suggest. If Senators were not going away I should make no objection to the request of the Senator from Vermont.

The PRESIDENT pro tempore. Is there objection to the proposi-tion of the Senator from Vermont, that the pending unfinished busi-ness go over to to-morrow and be considered the unfinished business

after the morning hour to-morrow? The Chair hears no objection.

Mr. MORTON. I will state in this connection that if to-morrow
Senators are absent in consequence of this delay to-day, it may be laid over again until they return.

The PRESIDENT pro tempore. The Senate will take notice of the

suggestion of the Senator from Indiana.

#### THE FINANCES.

Mr. SHERMAN. I desire to give notice that on Monday I shall ask an opportunity to trespass on the attention of the Senate for a short time in regard to the propositions contained in the memorial of the Chamber of Commerce of the State of New York, presented the other day by the Senator from New York. I give notice now merely, that if it does not interfere with the current business I shall call up on Monday the resolutions of the Chamber of Commerce of New York.

Mr. BOGY. I desire to give notice that on Monday I will call up a

bill germane to the matter spoken of by the Senator from Ohio, and address the Senate on that proposition, which I introduced early in

the session.

#### ELIZABETH B. THOMAS.

Mr. WITHERS. I move to take up for present consideration Senate bill No. 431.

The motion was agreed to; and the bill (S. No. 431) granting a sension to Elizabeth B. Thomas, widow of General Lorenzo Thomas, pension to Elizabeth B. Thomas, widow of General Lorenzo Thomas, late of the United States Army, was read the second time and considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Thomas, widow of Lorenzo Thomas, late a brigadier-general of the Army of the United States, and to pay her a pension at the rate of \$50 per month from and after the passage of the act.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

third reading, read the third time, and passed.

## WILLIAM L. SCRUGGS.

Mr. CAMERON, of Pennsylvania. I have a letter from Mr. Thornton, the English minister, in relation to services performed by Mr. Scruggs, with a joint resolution which I present and ask for the immediate consideration of.

mediate consideration of.

There being no objection, leave was granted to introduce a joint resolution (S. R. No. 9) authorizing Hon. William L. Scruggs, United States minister at Bogota, to accept a present from the Queen of Great Britain. It authorizes William L. Scruggs, United States minister at Bogota, to accept a silver inkstand, with a suitable inscription, from the Queen of Great Britain, as a testimonial of her appreciation, from the Queen of Great Britain, as a testimonial of her appreciation of the privilege of the British arbitrator in an important page. ciation of his services as the British arbitrator in an important case between British subjects and the government of Colombia.

Mr. CAMERON, of Pennsylvania. I ask the Secretary to read the letter of the British minister, which explains the subject fully.

The Chief Clerk read as follows:

WASHINGTON, January 31, 1876.

Washington, January 31, 1876.

Sir: In compliance with an instruction which I have received from the Earl of Derby, I have the honor to inform you that a long-pending claim, brought by Messirs, Cottesworth and Powell, British subjects, against the government of Colombia, has lately been decided at Bogota, by reference to arbitration, a large sum having been awarded to the claimants. This satisfactory result is, in the opinion of Her Majesty's minister at Bogota, in very great measure to be attributed to the able and assiduous manner in which Hon. W. L. Seruggs, minister resident of the United States in Bogota, has discharged the duties of British arbitrator.

In these circumstances, his lordship has instructed me to request you to be good enough to convey to Mr. Scruggs the thanks of Her Majesty's government for the zeal and ability shown by him in assisting in the settlement of a British claim, and to add that Her Majesty's government proposes to beg the acceptance by Mr. Scruggs of a silver inkstand, with a suitable inscription, as a testimonial of the high sense which it entertains of his friendly and disinterested conduct in undertaking the laborious office of arbitrator.

Her Majesty's government hopes that the Government of the United States will not object to the acceptance by Mr. Scruggs of the proposed testimonial.

I have the honor to be, with the highest consideration, sir, your obedient servant, EDWARD THORNTON.

Hon. HAMILTON FISH, &c.

The joint resolution was read three times, and passed.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by U. S. Grant, jr., his Secretary, announced that he had, on the 2d of March, approved and signed the act (S. No. 261) to remove the political disabilities of Daniel T. Chandler, of Baltimore, Maryland.

#### HOUSE BILLS REFERRED.

The bill (H. R. No. 2448) to amend the act entitled "An act relative to filing reports of railroad companies," approved June 25, 1868, was read twice by its title, and referred to the Committee on Railroads.

The bill (H. R. No. 1749) authorizing the President to appoint two centennial commissioners for the State of Texas in lieu of those now

acting was read twice by its title, and referred to the Committee on Foreign Relations

The bill (H. R. No. 2447) transferring the custody of certain Indian trust funds was read twice by its title, and referred to the Committee on Indian Affairs.

#### CENTENNIAL CELEBRATION.

The joint resolution (H. R. No. 19) on the celebration of the Centennial in the several counties or towns was read twice by its title.

Mr. HOWE. I think if that resolution can be reported at length

Mr. HOWE. I think if that resolution can be reported at length there will be no objection to agreeing to it at once. It is really one that a committee can do the Senate no good by considering.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It recommends on behalf of the Senate and House of Representatives that the people of the several States assemble in their several counties or towns on the approaching centennial anniversary of our national independence, and that they cause to have delivered on said day a historical sketch of such county or town from its formation, and that a copy of the sketch may be filed in print or manuscript in the clerk's office of the sketch may be filed in print or manuscript in the clerk's office of the county and an additional copy in print or manuscript in the office of the Librarian of Congress, to the intent that a complete record may thus be obtained of the progress of our institutions during the first centennial of their existence.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

#### ORDER OF BUSINESS.

Mr. WRIGHT. I move to proceed to the consideration of the bill which was laid aside yesterday at the time that the Pinchback case was taken up, being the bill (8. No. 60) declaring the true intent and meaning of the Union Pacific Railroad acts approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes. I wish to say to the Senator from Kansas [Mr. Ingalls] that if he is not prepared to go on to-day I shall not insist upon the consideration of the bill. I trust that there will be no objection.

Mr. SHERMAN. With a desire to promote the public business and avoid conflicts for the floor, I suggest that we now take up the Calendar under what is called the Anthony rule, subject to objection.

dar under what is called the Anthony rule, subject to objection. In that way we may dispose of quite a number of bills and have no struggle about the order of business. This is a lost day at any rate, and we might as well take up and dispose of the bills on the Calendar to

we might as well take up and dispose of the bills on the Calendar to which objection may not be made.

Mr. WRIGHT. I have no objection to that.

The PRESIDENT pro tempore. Is there objection to taking up the Calendar under what is known as the Anthony rule, by which each bill is subject to a single objection? The Chair hears none.

The first bill on the Calendar was the bill (S. No. 138) to increase the efficiency of the Navy and to promote the maritime interests of the United States.

Mr. INGALLS. The Senator from Massachusetts who introduced that bill [Mr. BOUTWELL] is not in his seat. I suppose perhaps it

that bill [Mr. Boutwell] is not in his seat. I suppose perhaps it had better go over until he comes in.

The PRESIDENT pro tempore. The bill will be laid aside.

Mr. INGALLS. I do not object to the bill, but suggest that it be

The PRESIDENT pro tempore. The bill will be laid aside.

#### HEIRS OF JAMES H. CARLETON.

The next bill on the Calendar was the bill (S. N. 63) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased.

The bill was read.

Mr. SHERMAN. Is there a report?

The PRESIDENT pro tempore. There is no report with the bill, as the Chair is informed.

Mr. SHERMAN. I do not think we ought to pass such a bill with-

out a report.

Mr. WRIGHT. There is a report in the case. I wish to say in reference to this case, if I can have the attention of the Senator from Vermont, [Mr. EDMUNDS,] that it was called up during the morning hour, some time since, and the Senator from Vermont at that time suggested some objections to the allowance of the claim. He then pointed out one difficulty in the report that seemed to him to be in the way of the allowance of the claim. Subsequently he and I were both satisfied that there was a mistake in reference to a date. He, however, suggested that there was perhaps another difficulty, and, following his request, I referred the matter to the War Office and have not yet had an answer. I believe myself that the claim is right

and entirely correct; but I deem it proper to state the fact that I have

referred the matter and have not yet had an answer.

Mr. EDMUNDS. Then it is better that it should go over until we get the information.

The PRESIDENT pro tempore. The bill will be laid aside.
Mr. SHERMAN. I call attention to the fact that there is no report
on file or noted on the Calendar.
Mr. WRIGHT. There is a report on file. A report was made at
the last session, and there is no new report, but the old report was adopted.

Mr. SHERMAN. It ought to be so marked on the Calendar. Mr. DAVIS. I notice that the bill calls for interest. That is very

Mr. WRIGHT. The committee amend the bill in that respect. The PRESIDENT pro tempore. The bill will be laid over.

#### FRANCES A. ROBINSON.

The next bill on the Calendar was the bill (S. No. 237) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased; which was read the second time and considered as in Committee of the Whole.

as in Committee of the Whole.

It provides for the payment to Frances A. Robinson, administratrix of the estate of John M. Robinson, late of Independence, Missouri, deceased, \$2,000, in full for the use and occupation of the foundery of the deceased, and property taken therefrom for the use of the United States Army, during the years 1862 and 1863.

Mr. SHERMAN. I ask for the reading of the report.

The Secretary read the following report, submitted by Mr. MITCH-ELL from the Committee on Claims on the 12th of January:

The Committee on Claims, to whom was referred the petition of Frances A. Robinson, administratrix of John M. Robinson, late of Independence, State of Missouri, deceased, having had the same under consideration, beg to submit the following re-

inson, administratrix of John M. Robinson, late of Independence, State of Missouri, deceased, having had the same under consideration, beg to submit the following report:

The petitioner avers in her petition that she is the widow and administratrix of John M. Robinson, deceased; that, for some time previous to the war of the rebellion, and at the commencement thereof, said John M. Robinson resided in the city of Independence, in the State of Missouri; that he was the owner of a foundery situated in that city; that such foundery was at the beginning of the late war completely furnished with all the machinery, fixtures, and appurtenances necessary for its operation, and was operated by said Robinson until he was compelled to close it or cast cannon-shot for the rebels; that he refused to submit to this latter alternative, and, being loyal to the Government of the United States, he closed his foundery, and became a soldier in the Fifth Regiment of Missouri State Militia, commanded by Colonel William R. Pennick, which regiment was mustered into the service of the United States; that, while he was serving as a soldier in this regiment, said Colonel William R. Pennick took possession of his said foundery, and used it as a cavalry-yard for the horses of his regiment, and used the tools and iron for shoeing the said horses; that all the machinery, fixtures, patterns, &c., in said foundery were removed or destroyed by the soldiers under command of said officer, and were wholly lost to their owner; that he, John M. Robinson, used every possible effort to prevent this destruction of his property, but without avail; and that the property thus destroyed or carried away was worth from \$1,000 to \$20,000.

These are substantially the statements contained in the petition. There are numerous affidavits on file, from which it appears that said John M. Robinson was the owner of a foundery located in Independence and was operating the same at the commencement of the war; that he was loyal to the Government, and closed his foundery

with the following committee of various of cases are seen.	
1 engine and boiler	
1 large iron lathe	
2 small iron lathes, \$500 and \$350	
1 iron planer	
1 power-drill	1
1 full set machinist's tools	
1 full set foundery patterns	
3 new engines	3, 0
5 tons wrought iron, new	
Machinery for wood-shop	
Lot of unfinished work	6
Lot of seasoned lumber	*45
U AMA DUDU DAMANA D COVER-111111111111111111111111111111111111	

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Mr. SHERMAN. What is the amount allowed?
Mr. MITCHELL. I will state that a bill for \$2,500 passed the House last year, and the Senate amended it by substituting \$2,000. This allows \$2,000.

Mr. HOWE. I will ask the Senator from Oregon if there have not been some reports against this claim?

Mr. MITCHELL. Not that I am aware of. I am pretty confident

Mr. MITCHELL. Not that I am aware of. I am pretty confident there has never been any report against it.

Mr. HOWE. I do not remember the history of it.

Mr. MITCHELL. It passed the House last session for \$2,500, and passed the Senate with an amendment making the allowance \$2,000. The same amount is reported now. There never has been any adverse

report, I am sure.

Mr. HOWE. This is one of those claims, not very infrequent, where there is a strong suspicion that the claimant has been part a little and on that suspicion he makes an enormous demand; and to get rid of the very large demand, the committee and the two Houses are usually willing to pay something. My own idea is that a person who makes a demand of \$18,000, and shows no pretense for more than

\$2,000, ought not to have anything.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### CENTRAL BRANCH UNION PACIFIC ROAD.

The next bill on the Calendar was the bill (8. No. 60) declaring the true intent and meaning of the Union Pacific Railroad acts approved July 1, 1862, July 2, 1864, and July 3, 1866, and for other purposes.

Mr. INGALLS. That has gone over.

Mr. WRIGHT. Does the Senator from Kansas object to the present consideration of the bill?

The PRESIDENT pro tempore. The bill went over before by agreement, as the Chair understood.

#### PRESIDIO RESERVATION AT SAN FRANCISCO.

The next bill on the Calendar was the bill (S. No. 130) to relinquish the interest of the United States in certain lands to the city and county of San Francisco, in the State of California.

Mr. EDMUNDS. I think that had better go over.

Mr. SARGENT. Before the Senator objects, I wish he would allow

me to make a statement.

Mr. EDMUNDS. Certainly.

Mr. SARGENT. There is a report on this matter from the Military Committee, and there was one last year, and the bill has once passed the Senate. I mention this to show that it is not suddenly sprung. It failed in the House at the last Congress, after having passed the Senate, for want of time. It is a bill that I explained at the time of its original passage. The United States has a reservation called the Presidio reservation, containing thirteen or fourteen hundred acres of land. Twenty years ago the United States surveyed the eastern boundary of the reservation and put up its fence showing just the boundary which it claimed. The citizens of the city built up to that boundary which it claimed. The citizens of the city built up to that line, supposing that that survey concluded the Government and themselves. There was no question about it then. It was perfectly honest and fair on both sides. The Government surveyed the line for itself, and that was acquiesced in by the citizens. Subsequently the Government, in resurveying the reservation, made another survey of the line, and discovered that the true meridian threw one of the ends of its little farther to the east making a species of triangle commons. the line, and discovered that the true meridian threw one of the ends of it a little farther to the east, making a species of triangle commencing at nothing and continuing along to the other line. This variation of the meridian included a few acres. This shave threw into the reservation peoples' houses and garden-plots, and of a manufactory which was there it took off rather an inconvenient piece, though not a very large one. I should rather say that if the line had been changed it would have shaved through them; but since that time it has remained in abeyance. The citizens of San Francisco ask Congress to relinquish that little triangular piece for the benefit of the persons who occupy it; and the War Department entirely consents, and the Senate has once passed the bill.

Mr. EDMUNDS. How many acres are there?

Mr. SARGENT. I do not know the exact number of acres; the committee report very few; I suppose not over half a dozen at the

committee report very few; I suppose not over half a dozen at the

Mr. EDMUNDS. I had the impression that we had already passed a bill which relinquished to the city of San Francisco the land on this

a bit which reindustret to the city of San Francisco the land on this eastern border of that reservation.

Mr. SARGENT. We did pass the bill in the Senate.

Mr. EDMUNDS. I mean the law.

Mr. SARGENT. There is an error in that.

Mr. EDMUNDS. I speak of a law to settle that eastern boundary.

I think we passed it once, and afterward the citizens encroached still further, and this is to take off the next slice.

Mr. SARGENT. Mr. Friend is in cover in covered to that This bill

Mr. SARGENT. My friend is in error in regard to that. This bill the Senate once passed, but there is no law to that effect; if there was, this bill would not be necessary.

Mr. EDMUNDS. Let it go over for the present.

Mr. LOGAN. I can explain the matter.

Mr. EDMUNDS. I have no objection to hearing an explanation.

Mr. LOGAN. The first survey of the Government ran the reservation over on to a certain line. A corrected survey leaves this little gore, which is about from a thousand to twelve hundred feet at one

end and about one hundred feet at the other. I do not know how many acres it contains, but it must be very few. The city of San Francisco, as I understand, laid out this ground as a part of the ground belonging to the city. Since the survey has been corrected it leaves this gore belonging to the Government reservation; and the parties holding lands, lots, houses, and buildings on the gore ask that the Government relinquish its title so that the title may be perfect in the parties who bought from the city of San Francisco. That

is the whole case.

Mr. SARGENT. There is an additional fact, that it is convenient for the Government as well as for the people to have one street par-

ticularly run there.

Mr. EDMUNDS. But this bill provides for about a dozen streets

Mr. EDMUNDS. But this offi provides for about a dozen streets which I assume must run through this reservation.

Mr. SARGENT. That is very easily explained if the Senator will notice the paper before me. This gore piece comes in this way (indicating) and the streets abut against it; and the purpose is that the street shall be continued to the true line instead of having them go into any particular ownership. If a street does not run more than ten inches through the gore, we do not want those ten inches of street excluded. street excluded.

Mr. EDMUNDS. The streets, then, under this bill are not carried into what is now left as the reservation?

Mr. SARGENT. The streets are carried to the true line. If we confirm anything, we want to confirm the streets as well as the pri-

Mr. EDMUNDS. That I understand; but my question is, does this bill allow the streets of the city to be carried across what my friend calls the true line and into or across the reservations

Mr. SARGENT. Not at all.
Mr. EDMUNDS. Very well; I will look at it, and perhaps with-

draw my objection after a while.

Mr. SARGENT. Let the bill be passed over temporarily.

The PRESIDENT pro tempore. The bill will be passed over.

#### MEDICAL CORPS OF THE ARMY.

The next bill on the Calendar was the bill (S. No. 320) to reduce the number and increase the efficiency of the Medical Corps; which was considered as in Committee of the Whole.

The bill reduces the number of assistant surgeons now allowed by law to one hundred and twenty-five; abolishes the office of medical store-keeper; and prov ides, in addition to the grades now allowed by law, for four surgeons with the rank, pay, and emoluments of colonels; eight surgeons with the rank, pay, and emoluments of lieutenant-colonels, to be promoted by seniority from the medical

officers of the Army.

The Committee on Military Affairs proposed to amend the bill by

adding thereto-

That this act shall not be construed to deprive any medical officer or store-keeper now in office of his commission in the United States Army.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed. Its title was amended so as to read: "A bill to reduce the number and increase the efficiency of the Medical Corps of the United States Army."

## DUTIES ON IMPORTS.

The next bill on the Calendar was the bill (S. No. 57) authorizing the payment of duties in legal-tenders and national-bank notes.

Mr. ANTHONY. Let the bill go over. Mr. BOGY. I have already given notice that I wish to be heard on that bill on Monday.

## PATTERSON M'NUTT.

The next bill on the Calendar was the bill (S, No. 188) granting a pension to Patterson McNutt.

Mr. HAMILTON. I do not see the chairman of the Committee on Pensions in his seat. This was reported adversely; let the bill go over. The PRESIDENT pro tempore. The bill will go over.

## PHILIP S. WALES.

The next bill on the Calendar was the bill (S. No. 123) for the relief of Philip S. Wales, medical inspector in the United States Navy; which was considered as in Committee of the Whole. It is a direction to the Secretary of the Navy to place on the prize-list of the United States steamship Pensacola the name of Philip S. Wales, with the rank of surgeon in the Navy, as being entitled to receive his share of the proceeds of the prize-money awarded to the fleet under command of Admiral Farragut, to which fleet Surgeon Wales was attached during the operations resulting in the capture of New Orleans in the month of May, 1862.

The bill was reported to the Senate, ordered to be approved for a

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

## PENSIONERS OF WAR OF 1812.

The next bill on the Calendar was the bill (S. No. 89) to amend the act entitled "An act granting pensions to certain soldiers and sailors of the war of 1812, and the widows of deceased soldiers," approved February 14, 1871, and to restore to the pension-rolls those persons whose names were stricken therefrom in consequence of disloyalty. Mr. ANTHONY. Let that go over, unless indeed by general consent it can be recommitted to the Committee on Pensions. It is evidently a matter that will lead to great discussion, and will come before us in another form. I should have no objection to its being recom-

mitted.

Mr. WITHERS. I have no objection myself to this bill being recommitted, inasmuch as the probabilities are that a bill will come from the House of Representatives very speedily covering practically the same ground. On a consultation with the friends of the bill regard the course which is proposed as the most judicious course, to let one discussion cover the whole ground.

Mr. ANTHONY. I move, then, that the bill be recommitted to the

Committee on Pensions.

The motion was agreed to.

#### LUTHER HALL.

The next bill on the Calendar was the bill (S. No. 398) for the relief of Luther Hall.

Mr. COCKRELL. I object to the bill; it is an extension of a patent.

The PRESIDENT pro tempore. The bill will be laid aside.

# PENSIONS OF NAVAL ENGINEERS.

The next bill on the Calendar was the bill (S. No. 35) equalizing pensions of certain officers; which was considered as in Committee of the Whole.

The Committee on Pensions proposed to amend the bill so as to make it read:

That from and after the passage of this act the pension for total disability of first assistant engineers, second assistant engineers, and third assistant engineers in the naval service, respectively, shall be the same as the pensions allowed to officers of the line or staff in the naval service with whom they have relative rank; and that all acts or parts of acts inconsistent herewith be, and are hereby, repealed.

Mr. LOGAN. I ask if there is not a mistake in the bill. I do not

think there are any third assistant engineers in the Navy.

Mr. HAMILTON. The committee followed the Revised Statutes. Mr. HAMILION. The committee followed the Revised Statutes. Since the statutes have been revised the designation has been changed. In place of "first assistant engineers" in line 12, I move to insert "passed assistant engineers," and in the next line, instead of "second assistant engineers," to say simply "assistant engineers," and then "cadet engineers" in place of "third assistant engineers,"

The PRESIDENT pro tempore. The question is on the amendments of the Senator from Texas to the amendment of the committee.

The amendments to the amendment were agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

Mr. SARGENT. I should like to inquire whether this bill enlarges

Mr. SARGENT. I should like to inquire whether this bill enlarges the class of persons who are now entitled to receive pensions?

Mr. HAMILTON. Not at all.

Mr. SARGENT. And it does not increase pensions?

Mr. HAMILTON. Not at all. In the pension law the assistant engineers were placed below their relative rank, and this bill brings them up and simply gives them pensions according to the relative rank they have in the Navy, which is proper. It is conceded by the whole committee to be a proper thing to do, and they reported the bill unanimously. By examining the pension law you will see that second and third assistant engineers, as they stood on the old law, are put down in the class below the officers with whom they rank. Now this brings them up to their proper rank on the pension-roll. them up to their proper rank on the pension-roll.

The bill was ordered to be engrossed for a third reading, read the third time, and passed. Its title was amended to read; A bill equalizing pensions of certain officers in the Navy.

#### GENERAL ROUSSEAU'S WIDOW.

The next bill on the Calendar was the bill (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadier-general and brevet major-general of the United States Army; which was considered as in Committee of the Whole.

The bill increases the pension heretofore granted to the widow of Lovell H. Rousseau, deceased, late a brigadier-general and brevet ma-jor-general in the Army of the United States, from the sum of \$30 to

the sum of \$50 per month.

The Committee on Pensions proposed to amend the bill by adding

This act shall take effect from and after its passage.

Mr. SARGENT. I should like to inquire of the committee if there are not one or more bills of theirs on file reducing pensions to \$30 ? have a somewhat distinct impression that I took up a bill reported from the committee recently, a bill originally introduced for \$50, and found an amendment reported by the committee making it \$30.

Mr. WITHERS. That was for a different rank in the service. That was \$50 for a pension to the widow of a major, and we reduced that

to \$30 in consequence of the difference of rank.

Mr. SARGENT. That was the cause of my question.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amend-ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WRITS OF MANDAMUS.

The next bill on the Calendar was the bill (S. No. 13) to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789.

Mr. JOHNSTON. I object to the consideration of that bill.

The PRESIDENT pro tempore. The bill will go over.

#### JOSEPH BUTT'S HEIRS.

The next bill on the Calendar was the bill (S. No. 425) granting a The next bill on the Calendar was the bill (S. No. 425) granting a pension to James Eli Butts and Malinda Frances Butts; which was read the second time and considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension-laws, the names of James Eli Butts and Malinda Frances Butts, minor heirs of Joseph Butts, late a private in Company G, Seventh Regiment Maryland Volunteers.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

## LIZZIE DICKSON.

The next bill on the Calendar was the bill (S. No. 246) for the relief of Miss Lizzie Dickson.

Mr. KELLY. That has been reported adversely, I perceive.
Mr. WRIGHT. Is there objection to considering this now?
Mr. KELLY. I think we had better not consider any bills reported adversely

Mr. WRIGHT. I only proposed to let the adverse report be concurred in.

Mr. KELLY. Very well. If it can be got off the Calendar by an indefinite postponement, I am satisfied.

The PRESIDENT pro tempore. The Chair will put the question on

the adverse report.

The bill was indefinitely postponed.

## ANACOSTIA AND POTOMAC RIVER RAILROAD.

The next bill on the Calendar was the bill (S. No. 295) to amend the act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation;" which was

considered as in Committee of the Whole.

The bill was reported by the Committee on the District of Columbia with amendments.

The first amendment was in section 1, line 8, to strike out the words "twelve months from the passage of this act," and insert-

Six months from and after the completion of the streets now in process of improvement along and upon which the chartered rights of the company extend.

The amendment was agreed to.

The next amendment is in section 2, lines 10 and 11, to strike out
"Eighth street west, along and upon Eighth street west, to F street north," and insert-

The south side of Pennsylvania avenue at a point opposite Center Market: Provided. That whenever the street pavement may be torn up and travel thereon interfered with by removal of the track of said road, said company shall, at its own expense, put such street pavement in as good order as before the laying of the track thereon.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WASHINGTON INEBRIATE ASYLUM.

The next bill on the Calendar was the bill (S. No. 359) to incorporate the Washington City Inebriate Asylum in the District of Columbia; which was considered as in Committee of the Whole.

The bill was reported by the Committee on the District of Columbia with amendments.

The first amendment was to strike out section 11 in the following

Sec. 11. That no person shall sell any strong or spirituous liquors or wine or fermented liquors within the distance of one-fourth of a mile from the outward bounds of the land and premises of the said asylum hereby incorporated, and whoever shall violate the terms of this section shall forfeit \$50 for each offense, and shall also be guilty of a misdemeanor.

Mr. WRIGHT. I should like to know from the Senator having the bill in charge what is the reason for striking out this section. Is there any necessity growing out of the probable location of the asylum for striking it out; or is it because they think it is proper that these sales should be allowed within the distance named?

Mr. ROBERTSON. I will say in reply to my honorable friend, though I did not hear exactly what he said, that if the commissioners

here named choose to buy fifty acres of land adjoining the city, any person having the right to sell liquor within a quarter of a mile of that location would be deprived of that right. Congress will have control of the matter hereafter; and therefore the committee thought proper to strike out the section.

Mr. WRIGHT. I have been quite as unfortunate as the Senator was with me, in not being able to hear what he said. The inquiry I made was whether the ground upon which the committee struck out this section was that the probable location of the institution would be such that it would be impossible to enforce this regulation, or whether it was because they do not believe that in principle it is or whether it was because they do not believe that in principle it is

necessary to prohibit such sales.

Mr. ROBERTSON. It would be impossible to carry out the provision in the event of a certain location. We leave the location to the discretion of the commissioners.

Mr. CONKLING. If I may ask a question, in any event, no matter where the asylum may be located, what difficulty is there in enforcing this provision? This city of Washington, being a part of the District, is under the exclusive control of Congress. Cannot Congress say that liquors shall not be sold in a certain part of the city or within a quarter of a mile of the residence of this asylum whenever it comes to reside in any particular part of the city?

Mr. ROBERTSON. Congress can say that at any future time as

Mr. CONKLING. I agree to that; but I suggest to the Senator as a mode of answering an objection which he says has been made, that this section cannot stand on the power of a mere prohibition, that Congress would have power to say that liquor shall not be sold within twenty rods or forty rods or a quarter of a mile of the Treasury Department, for example, or of the jail of the District, or any other place within it. Whether it would be wise to say so, or not, is another thing; but in setting up an institution of this sort, if the Senator thinks as he says and as I should think from the little that I know about it, that it is desirable to prohibit the sale of intoxicating drinks in the immediate vicinity, I do not see why under the power to prohibit this section might not be enacted, and then the persons who are engaged in the sale of liquor of course must take their chances as to whether the location comes to be such as to bring them within it or not, and if it does they must either suspend the sale of liquor or they must move their business somewhere else.

Mr. ROBERTSON. This limitation of a quarter of a mile may prohibit a man from selling who now has authority of law to sell.

Mr. CONKLING. This would override that authority.

The PRESIDENT pro tempore. The question is on the amendment to strike out the section.

The question being put, there were on a division-ayes 13, noes

10; no quorum voting.

Mr. SARGENT. Is debate in order now, pending a division?

The PRESIDENT pro tempore. Debate is not in order.

Mr. CONKLING. The Senate must be counted, or the yeas and nays called. I ask for a call of the yeas and nays as the easiest mode.

The yeas and nays were ordered.

Mr. SARGENT. Is not debate in order pending the call of the yeas

and nays?

The PRESIDENT pro tempore. Not when there is no quorum present. Mr. NORWOOD. I should like to have the amendment reported

The PRESIDENT pro tempore. The section will be read.

Mr. SARGENT. I object to its being read. That is in the nature

The section proposed to be stricken out was read.

Mr. SARGENT. I inquire if I am not in order now in speaking on the proposition upon which we are called to vote?

The PRESIDENT pro tempore. A division of the Senate having disclosed the lack of a quorum, the Senator from New York asked for a call of the roll to disclose whether there is a quorum present.

Mr. SARGENT. On that ground I admit the Chair is right.

The PRESIDENT pro tempore. The Secretary will call the roll to ascertain whether a quorum is present.

The Chief Clerk called the roll, and the following Senators an-

swered to their names:

Messrs, Allison, Anthony, Bayard, Bogy, Boutwell, Bruce, Caperton, Christiancy, Cockrell, Conkling, Cooper, Cragin, Davis, Dennis, Dorsey, Eaton, Edmunds, English, Ferry, Frelinghuysen, Goldthwaite, Harvey, Hitchcock, Ingalls, Johnston, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, McDonald, McMillan, Maxey, Merrimon, Mitchell, Morton, Norwood, Paddock, Patterson, Randolph, Ransom, Robertson, Sargent, Saulsbury, Sherman, Spencer, Stevenson, West, Windom, Withers, and Wright.

The PRESIDENT pro tempore. There are fifty-two Senators present. There is a quorum present. The question is on the amendment of the committee.

Now that a quorum is present it may be that there will be no difficulty in assenting to the amendment of the committee. Being under that impression, I will not detain the Senate more than a moment or two. I understand that the reason of the committee in moving to strike out this section is the uncertainty as to the location of the institution. That certainly is a good reason. If the building were located at the junction of Pennsylvania avenue and Seventh street or Fourteenth street, it would be extremely difficult to enforce the law against any sale of spirituous liquors within a quarter of a mile of its land. Of course, if the institution is going out in the countries of the second street of the second street of the second try on a pasture of its own, it might be well enough to prevent waytry on a pasture of its own, it might be well enough to prevent wayside groggeries being set up to debauch and demoralize the inmates
that it was endeavoring to reclaim. I think, however, that it is impossible in a crowded city to enforce what are called the principles of
the Maine law or prohibitory liquor legislation. I believe that has
been the experience in Maine itself, the experience wherever it has
been tried. This passion of mankind, which is co-extensive with the
species, which finds gratification in every country and among every
race, is as strong in civilization as it is in barbarism. It makes no
difference whether the stimulant is the betel-nut, or the hasheesh, or
the whisky, repressive laws do not prevent its being used. Men will
have this gratification. have this gratification.

Being fully satisfied that it will be impossible to execute a law like this in the city of Washington, I am opposed to having it put upon the statute-book. It would be a mere dead letter. While I believe in temperance and think the intemperate use of liquor is degrading in temperance and think the intemperate use of induor is degrading to mankind collectively and individually, debasing his manhood, destroying his reason, I am firmly convinced that the only method of reform is that which shall reach the individual, especially through moral sussion; that shall enlighten the understanding of the individual, and thereby make society better. Any repressive laws are dead letters on the statute-book, and perhaps worse. For that reason I am in favor of the amendment of the committee striking out this pro-

Mr. CHRISTIANCY. Mr. President, my objection to this section is that this provision is to operate on persons and property outside of the institution. If it were only to operate on the property of the institution itself, the lands in its possession, I should have no particular objection; but when it is to operate outside on persons and property, I think it should be contained in some other law than an act of incorporation

Mr. WRIGHT. I am utterly surprised at the objection urged by the Senator from Michigan. I understand that this is an act to in-corporate this asylum. We want in the law all the provisions that corporate this asylum. We want in the law all the provisions that are reasonable and just for the purpose of protecting it. Among other things, we propose that the persons who are here collected shall be as free as possible from the dangers and temptations which have led them to the life they have pursued and have led them to this place. The Senator says he is opposed to it because it operates on outside property. Do we not know that it is a matter of every-day occurrence in State legislation as it is here? We incorporate, for instance, a State agricultural society, provide for county agricultural societies, and in all and each of such acts we provide that liquor shall not be sold nearer than a quarter of a mile, or half a mile, or some distance that is named in the bill. It is legitimate, it is proper, it is germane; it is necessary for the protection of the institution or of the

Now, Mr. President, so far as the question of the policy of prohibi-tion is concerned, I humbly submit we have not anything to do with that here. Whether we can or cannot enforce prohibition as a rule or principle, I submit we have nothing to do with.

Mr. SARGENT. Allow me to ask a question.
Mr. WRIGHT. Certainly.
Mr. SARGENT. I should like to inquire whether the agricultural parks or race-tracks to which the Senator refers are situated in the

heart of cities?

Mr. WRIGHT. That is a question that goes to the matter of policy

and not of power.

Mr. SARGENT. I did not assume that Congress had not the power to pass this statute. I believe it has the power. It has the power to do a great many things. It has the power to order this Capitol to be set on fire, but that is no reason why it should exercise it.

Mr. WRIGHT. I should doubt very much whether it had that power.

Mr. SARGENT. I use it only as an illustration. I think it has.
Mr. WRIGHT. I say with the general question of the policy of
prohibition we have nothing to do in this case. It is a question
whether, as applied to this institution and its interests, it is or is not say that if there be persons already engaged in the sale, and if you propose to locate your institution within a quarter of a mile of such places, if it be found to the interests of the institution to so locate it, then it is entirely competent and in the power of Congress to say that they shall stop, because we have entire legislative control over the subject. I think that the sale should be prohibited if the institution shall be located so near a tavern, or the places where those saloons are shall be located so near a tavern, or the places where those saloons are now kept. If such shall be the policy, there ought to be the power to prohibit the sale at once; and if there be any such places, the subsequent sale should be prohibited. I think it will be found, where these institutions have been located in the States, that similar provisions are in all the acts creating them. I think the same thing ought to be done in the District of Columbia that we do wisely and justly in the States. It is done in some places as to colleges, as the Senator from New Jersey [Mr. Frelinghuysen,] suggests to me. It is done in all the States as to religious assemblies or convocations; and why not do it with reference to this institution? Why shall we permit to be recognized a different rule to obtain in the District of permit to be recognized a different rule to obtain in the District of Columbia from what obtains in all the States?

Mr. ANTHONY. I do not understand that the location of this in-

stitution is fixed in the act; therefore it is perfectly competent for the trustees of the institution to locate it where it will not be subject to the difficulties that the Senator from California refers to in enforcing the law. An institution of this kind certainly would not be located within a quarter of a mile of Pennsylvania avenue or of any places where liquors are openly sold; but it will be put undoubtedly in some remote place; and it seems to me that it is not only within our competence, as I think no one denies, but it is perfectly proper, that we should protect it from such a danger.

Mr. SARGENT. I would inquire what reason there is for locating it in some remote place where it would be a quarter of a mile free

it in some remote place where it would be a quarter of a mile from other occupied property? The county jail is on Judiciary Square; Providence Hospital is almost on Pennsylvania avenue. This is a

kind of hospital-partially a prison, and partially a hospital. Why send it out of town when these others are right around us?

Mr. ANTHONY. When I say "in a remote place," I do not mean that it shall be remote from population, but I mean remote from those places where liquor is sold in such a way that the law cannot reach it. It ought to be located in such a place.

Mr. SARGENT. I do not know what the Senafor means by liquor

being sold in such a way that the law cannot reach it.

Mr. ANTHONY. The Senator from California says it is impossible

to suppress the sale of liquor in certain places.

Mr. SARGENT. I say it is impossible to prevent the sale of liquor by arbitrary measures; that there is a taste which mankind has for stimulants of this kind, arising it may be from defective education or from habit or association, which will be gratified. That is true not merely of this vice but of other vices, and repressive legislation does not reach it; and my idea is that the only way to do it is to reform the individual, reform society, commencing at the bottom instead of at

the top.

Mr. ANTHONY. That would be an objection to legislation against

a great many vices.

Mr. SARGENT. I think it is.

Mr. ANTHONY. But it seems to me that this institution ought not to be located in any place where the provision of law now under discussion could not be enforced. As the Senator from Iowa says, I think it has nothing to do with the general question of prohibition; and certainly the sale of liquor ought to be prohibited within a reasonable distance of an institution that is intended to reform inebriates. It seems to me that it is very germane to the bill.

Mr. ROBERTSON. If there was any indication of where the location would be, we might have a chance to determine the propriety of riserting this section now; but the commissioners may locate it on Pennsylvania avenue near the principal hotels of the city, and how could we prevent the sale of liquor within a quarter of a mile of such a location? There is no prohibition to their locating there. The committee though it better to strike out this section, which will still leave the matter within the control of the control of

still leave the matter within the control of Congress.

Mr. INGALLS. This bill was considered with great care in the Committee on the District of Columbia, and the only limitation upon the location of the institution that is provided is contained, I believe, in the tenth, eleventh, and twelfth lines of the first section, which provided that the institution may "take, purchase, have, lease, and hold real estate not exceeding sixty acres in the District of Columbia;" and it is provided further in the same section "that the property held by the said asylum shall never exceed \$500,000 in value." Every Senator will observe that, under the limitations imposed upon the Senator will observe that, under the limitations imposed upon the location, it is entirely practicable to build this institution and maintain it in the heart of the city of Washington. They may purchase property upon Pennsylvania avenue or upon any other of the business or residence streets of this city, and it appears to me in entire consonance with the purposes of the bill. The asylum is intended, as the Senator from California has said, partly as a reiormatory and partly as a prison for the reception of those persons who by the disease of alcoholism have become so incapable of restraint and of the management of their own personal affairs and their own property that it becomes necessary to remove them for a time from society and place them where the restrictions of law can be imposed upon them. In the eighth section it is declared:

That any justice of the supreme court of the District of Columbia, upon petition or complaint, duly verified, and presented by any relative of an inebriate or habitual drunkard, or by any officer of this asylum, or by any officer of police of said District of Columbia, shall proceed thereupon to appoint a commission to inquire into the case, in the same manner as is directed by law in relation to the care and custody of the persons and estates of idiots, lunatics, persons of unsound mind, and drunkards, and according to the rules and practice of the said supreme court in such cases.

And then, upon the conclusion of that inquiry, the "justice of the supreme court may issue an order committing such inebriate or habitual drunkard to the said asylum for a period not exceeding one year,

as said justice may deem proper."

So it is not necessary that this institution for reformatory purposes should be located remote from the center of population. All the objects and purposes that are here contemplated can be carried out just as well and just as thoroughly effectuated in the city of Washington as they can within ten miles outside of its limits, because there is an actual restraint contemplated just as much as in the case of a criminal committed to prison for an infraction or violation of any of the penal statutes. The Senator, therefore, can see that the eleventh section is entirely superfluous in the first place. There is no necessity whatever for declaring "that no person shall sell any strong or spirituous liquors or wine or fermented liquors within the distance of one-fourth of a mile from the outward bounds of the land and premises of the said asylum hereby incorporated," any more than there would be for declaring that no liquor should be sold within a quarter of a mile of the limits of the District jail, and the committee believed it would be entirely inoperative, and besides that it would be an improper and unjustifiable interference with the rights of the citizens of this city and District. For these reasons they unanimously recommended that the section should be stricken out, and I trust that the Senate will see the wisdom of that recommendation and assent

Mr. CHRISTIANCY. Mr. President, if this bill provided for the of all places correctly described as asylums.

establishment of this institution a quarter of a mile from any place where liquor is sold, I should see no particular objection to it coupled with a prohibition of the sale of liquor after the establishment of the institution. But as long as it is competent to establish it anywhere within the city limits, it seems to me to be rather an unjustifiable interference with persons and property already established around it. If any one will move an amendment that the institution shall be established at such a distance from any place where liquor is sold, I will vote for the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Committee on the District of Columbia to strike out the sec-

Mr. WRIGHT. - I call for the yeas and nays. The yeas and nays were ordered.

Mr. BAYARD. I wish to understand this amendment. The bill as it went to the committee contained a proviso that there should be no sale of ardent spirits within a measured quarter of a mile of the ex-terior walls of this proposed inebriate asylum. The committee have stricken that out, and I understand the question before the Senate to be whether we shall retain that restriction or whether we shall pass

the bill without it.

I understand as a fact that the site of this proposed institution has not yet been fixed upon. It therefore may be placed within the built-up part of the town; it may be placed in juxtaposition with some of the large and essential hotels of the town whose business would be destroyed or materially interfered with if this proviso should become a law. Having the strongest sympathy with the objects of this institution, believing that it affords to-day the truest method of dealing with this unhappy vice and those who are the victims of it, I still do not consider it necessary that any such radius of exclusion should be drawn around the building. It would seem a reasonable and proper thing that such an institution should be located in the rural districts of the town or beyond the reach of the town at all, but the fact of measuring a quarter of a mile and allowing drinking-houses to exist at that distance will not save these unhappy victims of this vice from indulging their tastes. You would have to put a much greater dis-tance between these people and the object of their desire than this short step that a fourth of a mile would afford if you really meant to make it efficient. So the result will be that you may materially injure the value of large hotel properties; you may materially inter-fere with the convenience of a large portion of the traveling popula-tion and the resident population of the city, and after you have done it you have not reached the object for which this proviso was in-tended, which is the protection of the inmates of this asylum from the temptation afforded by the propinquity of places where liquor

I trust that so long as the situs of this institution is unsettled, no and settled, for congress then to protect them by a cordon of temperance all around the building if they think it necessary; but it would be palpably unjust to present property-holders and absolutely threaten the convenience of a very large portion of this community if such a line of demarkation was adopted by the Senate as proposed by this rection. It trust therefore that the community we will be entitled in the convenience. section. I trust therefore that the committee will be sustained in the amendment which they have reported, and that the restriction of this

quarter of a mile circle will be stricken from the bill.

Mr. CONKLING. Mr. President, the question before the Senate, as In resident, the question before the Schatc, as I understand it, has nothing to do with the general question of prohibiting the sale of alcoholic drinks. I think I measure my expression when I say it has nothing to do with it. The bill proposes to establish an asylum for the treatment of inebriates, so called. It is to become what has come to be very incorrectly called "an inebriate to become what has come to be very incorrectly called "an inebriate asylum;" and the question is whether it is wise or not to establish an asylum of that sort, and then allow liquor to be sold under its very eaves. As I understand it, that is the whole question. When you come to the modal part of it; to the formal inquiry whether the bill is now or would be with this provision retained as it should be to answer the purpose, I discard that as matter of detail from the observation that I make. If there be force in the suggestion made by the Senator from California, very likely the bill should be changed. His suggestion is that if this asylum should be leasted at the inner His suggestion is that if this asylum should be located at the junction of Seventh street and Pennsylvania avenue, or Fourteenth street and Pennsylvania avenue, the provision if retained would work great injury and inconvenience. Undoubtedly it would; but does any Senator suppose that an asylum authorized to acquire a piece of real estate not more than sixty-five acres in extent, (not that it need be sixty-five acres to be sure, but not more than sixty-five acres in extent,) is to be set up in the heart of a populous city? Does anybody suppose that it is going to occupy the site now occupied by the Treasury building, or Willard's Hotel, or any other site in the builtup part of the town as the Senator from Delaware expressed it? I imagine not. Every one must see that if the principles of common sense are to govern, some location is to be selected where, although sixty-five acres of ground may not be found unoccupied, that large expanse of ground will be found required, as everybody knows who knows anything about it, for an institution of this sort—required in order that there may be areas inclosed within the structure itself for exercise and opportunities such as must be afforded to the inmates

Bearing that in mind, I repeat can any one suppose that a location is to be made which would make this provision now in question oper ate upon Willard's Hotel, and the Arlington and other established hotels in the heart of Washington? If there be force in such an apprehension, then I say change the bill and require as reason and necessity will require that this building shall be in the environs of cessity will require that this building shall be in the environs of Washington, indeed beyond them; require that it shall not come within the suburbs of the city. But it seems to me at the same time that we ought to require that the vending of spirituous liquor shall not be brought within the very reach of those whom it is the mission of this institution to put beyond that reach. It would be very odd to provide for erecting a powder-mill, and then leave a blast-furnace to grow up by the side of it; very odd to expend a large sum of money in fencing men against intemperance, guarding them against the temptation of swallowing liquor, and then present it to them, not as water was presented to him of old, to recede when it was about to touch his lips, but to be really within his reach.

So, Mr. President, as I voted upon this question before, I felt inclined to say that I did not regard it as a matter pertaining to the general issue of prohibiting the sale of intoxicating drink, or as branching out into the temperance question in any of its forms, but

branching out into the temperance question in any of its forms, but simply a matter of putting this building and its inclosures where they ought to be, apart from the commerce and traffic in liquor. And as this provision bears upon that and its retention under any argument I have heard can necessitate nothing more than requiring by law, if you think the necessity is not strong enough, the location of the building where it will not work the inconvenience alluded to, I see no reason why it should not stand, and I shall vote against its

being stricken out.

Mr. EDMUNDS. A distinguished Senator, in whose opinions I have Mr. EDMUNDS. A distinguished Senator, in whose opinions I have very great confidence, has suggested a substitute for this section which may strike those who oppose the section proposed to be stricken out with favor; and it is that the section should be made to read: "That this asylum shall not be located within a quarter of a mile of any place where liquor is sold," so as to give the rum-seller the first choice of location, and to compel the asylum to go outside of that. If it were not for the modesty of the distinguished Senator who made the suggestion, I should, if not call him by name, call him by his State; but it certainly illustrates what the Senator from New York has been saying. This, so far as this section is concerned, seems to be a collision between the interest of those who sell liquors and the interest of those humane people who endeavor by the form of co-operterest of those humane people who endeavor by the form of co-operative work to relieve the terrible evils of intemperance. Certainly Certainly these institutions are among the most beneficent that society provides for the unfortunate. Everybody must agree to that; and yet when in a bill it is proposed, as it is necessary it should be somewhere and at some time, that there shall not be brought up under its eaves a grog-shop to tempt those who may go out to walk from this asylum, then there is an objection that it will depreciate the real estate because the value of real estate depends in some degree upon its capacity to sell liquors to people. If we are to stop a great public benefit on the ground that the location of this asylum may somewhere come within a quarter of a mile of a grog-shop, we might as well give up the bill altogether. It appears to me that there is no foundation for such a point. It is essential to the proper working of these institutions that they should be separated by a considerable space from temptation, and in order to do it you must provide a prohibition by law and a penalty for its violation. The bill undertakes to do that, and we are met with the practical argument, "This will depreciate real estate." Suppose it does, what vested right has anybody who owns real estate to so use it as to interfere with the public good? If these institutions are proper, as we all agree that they are, no citizen has a right to set up in the neighborhood of them what is a nuisance to public interests.

So it appears to me there is no ground for striking out this section at all. If the people who choose to engage in this class of business of selling liquor find that they cannot sell liquor within that space, then let them devote their property to some better use, or let them move to some other place to sell their liquor. All the States almost who have institutions of this kind and other institutions make provisions against certain dangerous things being brought within a certain space where the public good and the public safety require that they shall not go. This falls within that principle. Why should we not apply it, then? Certainly, Mr. President, the more you think of it the more the case is truly stated in the way my friend—whose name I am not at liberty to mention—suggested as the bitterest kind of satire upon the opposition to this section. Correctly stated, it should be a proposition, if you would strike out this section, that this beneficent institution should not be located anywhere where it would interfere with rum-selling. I think it ought to be located somewhere where it will interfere with rum-selling, and the more the better. That is the way it seems to me.

There are some other things in the bill, as I am now up, that I think ought to be corrected. There is one that has struck my notice: that as to what constitutes membership and the right to vote in the society upon the payment of \$10, without any limitation of time within which this \$10 is to be paid. The result will be that the number of corporators will continually increase by the subscriptions of persons either for good or for bad purposes, and by and by it is possible that this corporation in this district may fall into the condition that the Washington Monument corporation did for one year or two when the law authorized

anybody to be a corporator who should pay a dollar. The result was anybody to be a corporator who should pay a dollar. The result was that a great number of people within a year or two paid in their dollar and got control of the corporation and turned it upside down, as it is said, and diverted it entirely from the original purpose to which it was devoted. There is the danger in this bill of exactly the same thing happening. The bill ought to provide, if a subscriber of \$10 is to be a member, that in order to be entitled to vote he must have read his \$10 within the veer in which an election is to take place. paid his \$10 within the year in which an election is to take place. I hope that a correction of that kind will be made before the bill is

passed.

Mr. INGALLS. I do not regard intemperauce or alcoholism so much a vice or a crime as a disease; and at the proper time and on a suitable occasion I will go as far as anybody to protect society and restrain the individuals from its evil effects; but this bill has no connection whatever with that subject. It has the humane, beneficent, and philanthropic purpose of enabling certain gentlemen to associate themselves and purchase property and create an institution that shall protect society and guard individuals against the effects of this vice so far as they have been already incurred. I regret very much that the apostles of prohibition and the missionaries of the Maine law have seen proper on this occasion to obtrude their peculiar views as an obstacle to the accomplishment of this purpose that must commend itself to every generous nature. The object of those who insist that this amendment shall not be agreed to and that the section shall that this amendment shall not be agreed to and that the section shall remain as in the bill originally sent to the committee, is that temptation should be removed as far as possible from the inmates of this projected or proposed asylum. The Senator from New York said, "Would you erect a powder-mill and then permit a blast-furnace to be instituted near by its limits?" With all respect to him, and with all respect to the Senator from Vermont, who, after having spoken, has left the Chamber, I venture to suggest that it is entirely fallacious. The object of this bill is to provide a place of refuge, a place of restraint, and a person who is committed to this asylum when it is built will have no more right and no more power to go beyond its limits than a criminal committed to a common jail or a penitentiary. He will be under restraint, and if he goes beyond its limits he will become a fugitive, and will be liable to be re-arrested and recommitted. How absurd it would be in case a prison or a pen-

and recommitted. How absurd it would be in case a prison or a penitentiary is established in this District or anywhere else, to say that it shall not be located within a quarter of a mile of any place where the possibility of a crime can exist, for which the persons were committed to that prison. Take the case of homicide. A man is sent to a penitentiary for murder. How ridiculous it would be to say that no human being upon whom the crime of homicide could be committed should be brought within less than a quarter of a mile of that institution. Suppose a thief or a robber is committed to a penitentiary, how nonsensical would be the idea that no object upon which larceny could be committed should be brought within less than a quarter of a mile of the place where the person is committed for that crime. The position is entirely untenable.

The theory of the bill is that these persons are under restraint, and the fact of a place where liquor can be sold being established within a quarter of a mile of the boundary of this institution is entirely immaterial. It is immaterial whether it is built under the walls of it or within a quarter of a mile or a mile of it, because the theory of the bill is that these persons are under restraint, and that therefore by that fact temptation is removed from them. It makes no differ-ence how near the opportunity may be brought by other persons, be-cause the object of the bill is to put persons who may be tempted by that where they cannot reach it, no matter where it be located. Therefore the arguments that are brought in favor of the retention of this section appear to me to be entirely without foundation.

But there is one other reason that seems to me to render the action

But there is one other reason that seems to me to render the action of the committee desirable and proper, and that is that the sale of intoxicating liquors in this District, as I understand, is the subject of license. It is now under restraint. No person has a right to sell liquor unless he has obtained in the first place permission to do so from the authorities, and if he has complied with the law he is rightfully selling this article as he would sell any other kind of merchandise; and to place a restriction of this kind in this bill is simply illogical, and will certainly be entirely ineffectual. It would be an attempt to interfere with rights that however these Senators may consider to interfere with rights that, however these Senators may consider them in a moral point of view, are guaranteed by the Constitution and by the laws the same as those in regard to any other description

or kind of property.

I hope, therefore, that the action of the committee will be adhered to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee striking out the eleventh section, on which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted-yeas 19, nays

25; as follows:

25; as follows:
YEAS—Messrs. Bayard, Christianey, Cockrell, Cooper, Dorsey, Eaton, English, Hitchcock, Ingalls, Jones of Florida, Kernan, Key, McCreery, Maxey, Ransom, Robertson, Sargent, Spencer, and Wallace—19.
NAYS—Messrs. Allison, Anthony, Boutwell, Cameron of Wisconsin. Caperton, Conkling, Conover, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Johnston, Logan, McDonald, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Patterson, Sherman, Windom, Withers, and Wright—25.
ABSENT—Messrs. Alcorn, Bogy, Booth, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Cragin, Davis, Dawes, Dennis, Goldthwaite, Gordon, Howe, Jones of Nevada, Kelly, Merrimon, Morton, Norwood, Oglesby, Paddock, Randolph, Saulsbury, Sharon, Stevenson, Thurman, Wadleigh, West, and Whyte—29.
So the amendment was rejected.

So the amendment was rejected.

Mr. ROBERTSON. I move to amend the eleventh section by inserting the following proviso at the end of it:

Provided. That the site or location of said asylum be not nearer than one-quarter of a mile to the corporate limits of the city of Washington.

The amendment was agreed to.

The next amendment of the Committee on the District of Columbia was in section 15, line 1, to strike out "the United States Congress or," and after the words "territorial Legislature," in line 2, to insert "municipal council, or authorities of the District of Columbia;" so as to read:

That any State or territorial Legislature, municipal council, or authorities of the District of Columbia, may provide for the maintenance in the said asylum of any number of poor patients by appropriating sufficient funds for that purpose.

The amendment was agreed to.

The next amendment was to strike out section 16, in the following words:

Sec. 16. That the property, personal or real, of said asylum shall be exempt from all taxes and assessments levied under act of Congress or by authority of any municipal corporation or board within the District of Columbia.

The amendment was agreed to.

The next amendment was to add to the seventeenth section the following proviso:

And provided, That no money shall ever be appropriated by the United States to aid in the construction or support of said institution.

The amendment was agreed to.

Mr. INGALLS. I would call the attention of the Chair to the fact that the committee recommended a change in the enumeration of the

that the committee recommended a change in the enumeration of the sections succeeding the eleventh, rendered necessary by their amendment to strike that section out, and it will now be necessary to restore the numbering of the sections as they were in the original bill.

The PRESIDENT pro tempore. That will be done by the Secretary.

Mr. WRIGHT. I ask the attention of the Senator having the bill in charge to section 8 as printed. It is a mere clerical matter, but for greater certainty I suggest that in line 23 where it reads "such order of commitment may be vacated or modified by any justice of the supreme court on cause duly shown," to strike out "the" and insert "said," so as to read "said supreme court," inasmuch as it refers to the supreme court of the District of Columbia preceding, and "the" may leave it indefinite. may leave it indefinite.

The PRESIDENT pro tempore. The Chair hears no objection, and that amendment will be made.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# RAILROAD IN WASHINGTON TERRITORY.

The next bill on the Calendar was the bill (S. No. 46) granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Company across Fort Walla Walla military reservation, in Washington Territory, which was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert

the following:

That the right of way, not exceeding one hundred feet in width, through the lands of the Fort Walla Walla military reservation in Washington Territory is hereby granted to the Walla Walla and Columbia River Railroad Company, a corporation organized under the laws of said Territory, for the purpose of constructing a railroad and telegraph line: Provided, That the said right of way, and the width and location thereof through said lands, and the regulations for operating said railroad within the limits of the reservation so as to prevent all danger to public property shall be submitted to and approved by the Secretary of War prior to any entry on said lands or the commencement of the construction of said works: Provided also, That whenever said rights of way shall cease to be used for the purposes aforesaid the same shall revert to the United States.

Sec. 2. That Congress reserves the right to alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DEPOSITS IN BANKS.

The next bill on the Calendar was the bill (S. No. 324) to authorize deposits by clerks and other officers of courts in banks other than designated depositories.

Mr. WRIGHT. That was reported adversely from the Committee on Finance, and I ask that it may be passed over for the present.

The PRESIDENT pro tempore. The bill will be passed over.

ADMISSION OF NEW MEXICO.

The next bill on the Calendar was the bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States.

Mr. MITCHELL. I object to the consideration of that bill.

The PRESIDENT pro tempore. Objection being made, the bill

Mr. SARGENT. I trust the Senator from Oregon will withdraw his objection in order that this bill may be considered.

Mr. MITCHELL. I will state that I have no objection to the bill; I am in favor of it. The only reason I objected to it was because I sup-

posed it would lead to discussion and could not be passed to-day. If

posed it would lead to discussion and could not be passed to-day. If it can be taken up and passed now I should like to have it done.

Mr. HITCHCOCK. It is the same bill which was passed at the last session, and I presume it will elicit no discussion.

Mr. MITCHELL. All right.

The PRESIDENT pro tempore. The objection being withdrawn, the bill will be read at length by the Secretary.

The Chief Clerk proceeded to read the bill, and was interrupted by—

Mr. MORRILL, of Maine. This bill evidently will give rise to delate. Is the Senate proceeding with it nuder the rule of considering. Is the Senate proceeding with it under the rule of considering unobjected cases

unobjected cases?

The PRESIDENT pro tempore. The Chair will inform the Senator from Maine that it went over under objection. The Senator from Oregon withdrew his objection, and it is now being read at length.

Mr. MORRILL, of Maine. Is it open to objection?

The PRESIDENT pro tempore. The objection has been withdrawn.

Mr. MORRILL, of Maine. That does not change the rule, I submit. If one party withdraws his objection, another party may object. It requires the unanimous consent of the Senate, I take it, to consider a bill now. I submit that it takes the unanimous consent of the Senate to set aside the rule under which we are proceeding. I supposed the bill was being read for information; so I listened until I saw what it was.

The PRESIDENT pro tempore. The Chair is advised that that has been the practice under the Anthony rule, and he will be governed by it. Does the Senator from Maine object?

Mr. MORRILL, of Maine. Yes, sir.
The PRESIDENT pro tempore. Then the bill will be passed over.
Mr. DAVIS. I understand the bill was objected to, but the objection was afterward withdrawn and the bill taken up. That was the time to object, and not after the reading was commenced while the bill was being considered. I do not know that I am right, but that was my understanding. I should like to have the Chair state the case exactly

The PRESIDENT pro tempore. The Chair will answer the Sena-or. The Anthony rule is not before the Chair, but the Chair under-

tor. The Anthony rule is not before the Chair, but the Chair understands the practice has been under it to entertain an objection at any time. If so, the objection of the Senator from Maine is in order.

Mr. DAVIS. At any time during the consideration of the bill?

The PRESIDENT pro tempore. While the bill is being read for information. The bill had not been read, but was being read, and the Senator from Maine rose and objected to its further consideration.

Mr. DAVIS. If that be so I appeal to my friend from Maine to allow the bill to come up and be read. We had as well consider it now as at any other time if it is to be considered at all. If a majority of the Senate are in favor of proceeding with the bill, I hope the question will be submitted to them, and that it will not be postponed upon an objection made by a single Senator.

The PRESIDENT pro tempore. Does the Senator from Maine withdraw his objection?

draw his objection?

Mr. MORRILL, of Maine. No, sir.

The PRESIDENT pro tempore. The Senator from Maine persists in

Mr. HITCHCOCK. Is a motion in order to proceed to the consideration of this bill?

The PRESIDENT pro tempore. It is.

Mr. HITCHCOCK. Then I make that motion.

The PRESIDENT pro tempore. The Senator from Nebraska moves that the Senate proceed to the consideration of Senate bill No. 229.

Mr. MORRILL, of Vermont. It seems to me that this is too important a bill to be taken up at so late an hour as this in the day. Of course if it had been understood that this bill was to come up there would have been a fuller attendance of Senators on the present occasion. It is one which will involve a considerable amount of discussion whenever it does come up, and it seems to me that it would be better to bring it up and make it the order of the day for some future occasion than to take it up near the close of the session of to-day when Senators who are absent were not aware of any purpose to bring it up.

Mr. HITCHCOCK. If there was anything novel in the matter of Mr. HITCHCOCK. If there was anything novel in the matter of this bill, I certainly would not press it on the consideration of the Senate, but the same bill was fully debated by the Senate last session and adopted by a large vote. I think the bill now before the Senate is an exact copy of the bill which the Senate then passed. While of course I would not insist on its consideration if it were to lead to debate, I thought it would elicit no discussion, and I still think it will elicit very little. I should like a vote on my motion.

Mr. MORRILL, of Vermont. I have no objection to having it considered at the proper time, but I hardly think it would be fair to bring it up to-day when the Senate was not advised it was to be taken up and decided to-day.

Mr. CONKLING. I trust the Senator from Nebraska will neither

Mr. CONKLING. I trust the Senator from Nebraska will neither Mr. CONKLING. I trust the Senator from Nebraska will neither press his motion nor ask us to vote upon it. Those who are unwilling to give a vote apparently unfriendly to the bill would be put in a very awkward attitude if brought to a vote upon his motion now. The Senator from Vermont has omitted to call attention to the fact that this day, being in the language of the Senator who proposed the arrangement, a lost day, when the business before us suddenly disappeared, was by agreement devoted to a call of the Calendar for unobjected cases. Senators relying upon that—I do not say how prop-

erly-have absented themselves from the Chamber, until once, upon a bill of some importance, the Senate found itself without a quorum, and it was only by a call of the Senate that fifty-odd Senators were brought here. That being the condition of the day and of the Senate, and that being the understanding by unanimous consent as to the devotion of this day, for a Senator, when a bill is objected to and does go over under the rule, to insist that the remainder of the Senate, those who are here witnesses to that arrangement, shall be compelled, because they may be friendly to a bill, to press it forward and to press it to a vote, little more than a quorum being present, I suggest to the Senator from Nebraska, as we should say in court, is not good practice. Therefore if he is friendly to the bill, as I know he is, I hope he will not press any Senator who may also be friendly to it, to vote either to take it up or to vote apparently against it, for the sake of observing an obligation, an arrangement, which I think fairly concludes any attempt to get up a contested matter to-day and press it to a vote.

After we have gone through with the Calendar, if time remains, perhaps it might be considered within the understanding then to advance contested business; but until this order, if I may so call it, (rea bill of some importance, the Senate found itself without a quorum,

perhaps it might be considered within the understanding then to advance contested business; but until this order, if I may so call it, (resulting from the unanimous consent of the Senate, obtained when unexpectedly a request was made that the unfinished business coming up at the end of the morning hour should go over,) is executed, I should not feel at liberty to vote to take up any bill which it is known is not only one of importance but one of controversy, which Senators have left the Chamber with a fair right to suppose would not be considered. left the Chamber with a fair right to suppose would not be consid-

ered to-day

Mr. HITCHCOCK. I have certainly no desire to press this bill upon the consideration of the Senate when any considerable number of Senators are absent. I desire particularly and especially that a vote shall be reached upon it in a full Senate. I shall be well satisfied that every Senator shall record his vote upon this bill; but it is a matter of such importance that I am anxious of course to obtain the early attention of the Senate to it. With the consent of the Senate I will withdraw my motion to take up the bill at the present time and move to make it the special order for Wednesday next at one

Mr. MORRILL, of Vermont. Excepting any appropriation bills from the Committee on Appropriations.

Mr. HITCHCOCK. I will make that exception.

Mr. CONKLING. What is the motion?

The PRESIDENT pro tempore. To make this bill the special order of next Wednesday at one o'clock, not interfering with appropriation bills. Is there objection?

of next wednesday at one o'clock, not interfering with appropriation bills. Is there objection?

Mr. MORRILL, of Maine. I desire to state that the Senator from Indiana [Mr. MORTON] may or may not desire to occupy the Senate at that time, and this special order would take the place I suppose of the business he has in charge. I suggest to the Senator from Nebraska whether he had better not except that also?

Mr. HITCHCOCK. I do not desire to interfere with that case. I

also except the order in which the Senator from Indiana is interested,

the Pinchback case.

The PRESIDENT pro tempore. The Senator will understand that any unfinished business will override a special order of this kind. Senators agreeing to make this the special order for Wednesday next at one o'clock will say "ay." [Putting the question.] Two-thirds having voted for the motion, the fact being that the vote is unanimous, the bill is made the special order for next Wednesday at one

## ALSTORPHEUS WERNINGER.

The next bill on the Calendar was the bill (S. No. 443) for the relief The next bill on the Calendar was the bill (S. No. 443) for the relief of Alstorpheus Werninger; which was read the second time and considered as in Committee of the Whole. It authorizes the Secretary of War to pay to Alstorpheus Werninger, late of the Sixth West Virginia Cavalry, out of any money appropriated or hereafter to be appropriated for the payment of the Army, a sum equal to the pay and emoluments of a second lieutenant of cavalry from the 3d of February 1865, to the 35th of Moreh 1865, because whether already received by ary, 1865, to the 25th of March, 1865, less amount already received by

hin as sergeant-major.

Mr. INGALLS. Let us hear the report in that case read.

The Secretary read the following report, submitted by Mr. CLAYTON from the Committee on Military Affairs February 15:

Ton from the Committee on Military Affairs February 15:

The papers in the case show that the petitioner enlisted as a private in Company B, Third Regiment West Virginia Infantry, on June 10, 1861, and that this regiment was afterward mounted and known as the Sixth Regiment West Virginia Cavalry, and that petitioner was appointed sergeant-major of said regiment in 1863. That upon July 4, 1854, while carrying dispatches to General Kelly, at Cumberland, Maryland, notifying him of the approach of General Early, he was captured and remained a prisoner until December 11, 1864, when he was paroled, and that he was released from parole on March 25, 1865, when he immediately returned to his regiment and was recognized as a second lieutenant. That upon February 3, 1865, he was commissioned a second lieutenant by Governor Boreman, to take effect upon February 1, 1865, and that he was ready and willing to be sworn in as such officer, but was prevented by his parole from so doing.

Petitioner asks for the pay of a second lieutenant from February 3 to March 25, 1865, less the amount received by him as sergeant-major, and your committee are of the opinion that the claim should be allowed, and therefore report the accompanying bill and recommend its passage.

The bill was reported to the Senate without amendment, ordered

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## SOUTHERN CLAIMANTS.

The next bill on the Calendar was the bill (S. No. 69) to repeal so much of section 3480 of the Revised Statutes as forbids the payment

of the accounts, claims, and demands therein named, and all laws and clauses of laws forbidding the payment thereof, and appropriating money to pay the same when duly established.

The PRESIDENT pro tempore. This bill is reported adversely, and

it will go over.

#### EDUCATIONAL FUND.

The next bill on the Calendar was the bill (S. No. 334) to establish an educational fund and apply a portion of the proceeds of the public lands to public education, and to provide for the more complete en-dowment and support of national colleges for the advancement of

Mr. MORRILL, of Vermont. I desire to state in relation to this bill that while I am ready myself to go on with it to-day there are other Senators who desire to make remarks upon it, and I therefore

ask to have it go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. MORRILL, of Vermont. I will state that I shall endeavor to call it up at a very early day.

# SURGEON THOMAS F. AZPELL.

The next bill on the Calendar was the bill (S. No. 408) for the relief of Assistant Surgeon Thomas F. Azpell, United States Army; which was considered as in Committee of the Whole. It sanctions the payments made by the Department of the Interior to Assistant Surgeon Thomas F. Azpell, United States Army, for medical services rendered the Hoopa Valley Indians at the request of said Department in the absence of other medical aid, and authorizes Assistant Surgeon Azpell

absence of other medical and, and authorizes Assistant Surgeon Azpell to retain the compensation already paid, anything in the statutes of the United States to the contrary notwithstanding.

Mr. MORRILL, of Maine. Is there a report in the case?

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The bill was reported from the Committee on Military Affairs, and is accompanied, the Clerk informs the Chair, by no written report.

The bill was reported to the Senate without amendment, ordered to the Senate without amendment, ordered

to be engrossed for a third reading, read the third time, and passed.

## TRUSSES FOR DISABLED SOLDIERS.

The next bill on the Calendar was the bill (S. No. 394) to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872; which was considered as in Committee of the Whole. It amends section 1 of the act approved May 28, 1872, so as to read:

That every soldier of the Union Army or naval service who was ruptured while in the line of duty during the late war for the suppression of the rebellion shall be entitled to receive a single or a double truss, of such style as may be designated by the Surgeon-General of the United States Army as best suited for such disability; and whenever the said trussor trusses so furnished shall become useless from wear, destruction, or loss, such soldier shall be supplied with another truss, on making a like application, as provided for in section 2 of the original act of which this is an amendment: Provided, That such application is not made more than once in two years.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

# GENERAL BENJAMIN H. GRIERSON.

The next bill on the Calendar was the bill (S. No. 366) to fix the date of entry into the military service of Colonel and Brevet Major-General Benjamin H. Grierson, United States Army, and to correct his record on the Army Register; which was considered as in Committee of the Whole

Mr. MORRILL, of Maine. The bill ought to be explained, it seems

to me.

The PRESIDING OFFICER. The bill is accompanied by a report.

Does the Senator desire to have the report read?

Mr. MORRILL, of Maine. I would like to have it read.

The PRESIDING OFFICER. It will be reported by the Clerk.

The Secretary read the following report, submitted by Mr. Logan, from the Committee on Military Affairs, February 21:

The Committee on Military Affairs, to whom was referred the bill (8. No. 366) to fix the date of entry into the military service of Colonel and Brevet Major-General Benjamin H. Grierson, United States Army, and to correct his record on the Army Register, have had the said bill under consideration, and report the same without amendment, and submit to the Senate the following evidence:

WASHINGTON, D. C., December 18, 1874.

Washington, D. C., December 18, 1874.

I hereby certify that I commanded the Eighth Regiment of Illinois Volunteers from April 23 to July 25, 1861; that the regiment was stationed at Cairo, Illinois, under command of Brigadier-General B. M. Prentiss, who makes a certificate in this case; that General B. H. Grierson was on duty constantly on the staff of General Prentiss during all the time from May 8 to July 25, 1861, and that I often received orders from General Prentiss through General (then lieutenant) Grierson, as we supposed; that General Grierson remained with General Prentiss on duty a long time after 'the 25th of July, 1861, and that he was a faithful, useful, and almost indispensable soldier, and in my opinion he ought to receive, on the records and registry of the Army, credit for all of said service.

R. J. OGLESEV.

R. J. OGLESBY.

Senator JOHN A. LOGAN, Chairman Committee on Military Affairs.

QUINCY, ILLINOIS, December 15, 1874.

QUINCY, ILLINOIS, December 15, 1874.

I hereby certify, upon honor, that Colonel and Brevet Major-General Benjamin H. Grierson, United States Army, served during the first year of the late war as lieutenant and aid-de-camp on my staff; that I appointed him to that position May 8, 1861, when I was in command of the United States forces at Cairo, Illinois; that he continued to serve in said capacity the same as if he had been regularly commissioned and mustered during the entire time that I commanded the United States forces at that point, and subsequently in Southeastern, Northern, and Cen-

tral Missouri; that he did take part in expeditions, and rendered valuable and faithful service to the Government; that frequently important orders were transmitted through him and obeyed without question, and that he was recognized by all officers and soldiers under my command and by all military and civil officials with whom he came in contact as my aid-de-camp; that he continued to serve in that position until, upon my recommendation, he was appointed major of the Sixth Illinois Cavalry, October 24, 1861, to rank from August 28, 1861; that he was detached from his regiment by order of his colonel and commanding officer, and didremain on duty at my headquarters as a staff officer until the latter part of November, 1861, when, in pursuance of instructions from Major-General Halleck, United States Army, I ordered him to join his regiment; that he obeyed said order, and reported for duty about the lst of December, 1861, and remained on duty with his regiment until appointed a brigadier-general of volunteers in June, 1863.

B. M. PRENTISS,

United States Pension Agent,

Late Major-General United States Volunteers.

QUINCY, ILLINOIS, December 15, 1874.

I certify, on honor, that the statements made in the certificate of General B. M. Prentiss, in regard to the appointment and services of General Grierson, are correct. I was stationed at Cairo during the summer and fall of 1861, and am personally cognizant of these facts.

JOHN TILLSON United States Collector Internal Revenue, Fourth District, Illinois, Late Captain and Brevet Lieutenant Colonel Nineteenth Regiment Infantry, Late Colonel Tenth Illinois Volunteer Infantry, and Brevet Brigadier-General Volunteers.

QUINCY, December 15, 1874.

Having read the annexed statements of General B. M. Prentiss, I hereby certify that they are true in all their particulars, having served at Cairo during the time mentioned.

JAMES D. MORGAN, Late Brevet Major-General United States Volunteers.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. ADDITIONAL BOUNTY.

The next bill on the Calendar was the bill (S. No. 73) to extend the time for filing claims for additional bounty under the act of July 28, 1866; which was considered as in Committee of the Whole. It extends the time limited for the purpose named until the 30th of January, 1877, and provides that all claims for such bounties filed in the proper Department after the 30th day of January, 1875, and before

proper Department after the 30th day of January, 1875, and before the passage of the act, shall be deemed to have been filed in due time, and shall be considered and decided without refiling.

The bill was reported to the Senate.

Mr. WITHERS. Is there any report accompanying the bill stating the necessity for the extension?

The PRESIDING OFFICER. The bill was reported by the Senator from Illinois, the chairman of the Committee on Military Affairs.

Mr. LOGAN. I will state the object of the bill. Many persons who are entitled to bounty under the law after the war was over scattered.

are entitled to bounty under the law, after the war was over scattered in different directions. Many of them went to the mines, and are off at great distances, and did not make their applications in time. This bill merely extends the time one year longer in order to give them an opportunity to apply for the bounty they are entitled to.

Mr. WITHERS. Is the Senator possessed of information that there

are any of that class of claimants whose claims have been excluded by that limitation?

Mr. LOGAN. All claimants who were excluded by the limitation, of course are included in this bill.

Mr. WITHERS. I know that; but does the Senator know of any

Mr. LOGAN. I know of no case myself, but I have had quite a number of letters written to me in reference to the subject. This bill merely gives an opportunity to those who did not apply in time or whose papers are on file, to have them acted on. That is all. The bill was ordered to be engrossed for a third reading, read the

third time, and passed.

ALVIS SMITH.

The next bill on the Calendar was the bill (S. No. 3) for the relief of Alvis Smith; which was considered as in Committee of the Whole. It provides for the payment to Alvis Smith, late of Company L, Second Arkansas Cavalry, out of any money appropriated or which may hereafter be appropriated for the pay of the Army, a sum equal to the pay and emoluments of a second lieutenant of cavalry, from the 10th of October, 1863, to the 8th of March, 1864, deducting whatever pay

he may have received for that period as an enlisted man.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

HENRY JACKSON.

The next bill on the Calendar was the bill (S. No.27) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army; which was considered as in Committee of the Whole. It is a direction to the proper accounting officers of the Treasury Department to credit First Lieutenant Henry Jackson, Seventh Cavalry, United States Army, property and disbursing officer in the Signal Service, in his account with the United States with the sum of \$1,271.34, being the appearance? being the amount paid by him to Matt France and George M. Brown, citizens of Colorado Springs, Colorado Territory, on false vouchers, and to David H. Sackett, sergeant in the Signal Service, United States Army, on false receipts presented by him.

Mr. WITHERS. Is their any report accompanying that bill?

The PRESIDING OFFICER. The report will be read.

The Secretaryread the following report, submitted by Mr. Spencer, from the Committee on Military Affairs, on the 19th of January, 1875;

The Committee on Military Affairs, to whom was referred the bill (H. R. No. 3860) for the relief of Lieutenant Henry Jackson, Seventh United States Cavalry, submit the following report:

This is a bill to direct the accounting officers of the Treasury to credit the account of Lieutenant Jackson with the sum \$1,271.34, amount obtained from him as property and disbursing officer of the Signal Service on false and fraudulent vouch-

count of Lieutenant Jackson with the sum \$1,271.34, amount obtained from num as property and disbursing officer of the Signal Service on false and fraudulent vouchers.

The record shows the frauds perpetrated to be the payment of one wholly frandulent voucher and the raising of two others to a larger amount, and payments made to Sergeant D. H. Sackett, Signal Service, on receipts presented by him which had also been raised, the total amount of all being the sum of \$1,271.34.

It appears also from the record that in September, 1873, an agreement was made with one Matt. France, of Colorado Territory, for the delivery of sixty cords of wood on the summit of Pike's Peak, and Sergeant Sackett, in charge of that signal station, telegraphed that the wood had been delivered; whereupon vouchers were made out and sent to Mr. France for his signature, and when returned signed were duly paid. It was subsequently discovered that only forty-eight, in lieu of sixty, cords of wood were delivered, defrauding the Government of \$264.

On December 2, 1873, Sergeant Sackett made an agreement with this same France to carry supplies to the summit of Pike's Peak; and on December 26 a statement of articles and weights carried by said France, under this agreement, was received from Sergeant Sackett, showing that France had transported 7,634½ pounds. Vouchers accordingly were made out, sent to France for signature, returned properly signed, and paid. It subsequently transpired that only 5,537 pounds were transported, involving a fraud upon the Government of \$251.70.

The third fraud was perpetrated by Sergeant Sackett, in collusion with one G. M. Brown, of Colorado. Instructions had been sent Sergeant Sackett on the 18th of November, 1873, to hire two men to clear away dead timber from the telegraph line, from the summit of Pike's Peak to the base of the mountain, at \$41 a day; and on the 1st of December authority was given him to increase this force to five, in order to expedite the work. Receipts were subsequently sent in by Sergeant S

Criminal proceedings have been instituted against France and Brown, and Sergeant Sackett was arrested, confined, and subsequently escaped, and is now a de-

goant Sackett was arrested, confined, and subsequently escaped, and is now a deserter.

Lieutenant Jackson, being the disbursing officer of the Signal Service, paid these vouchers, as shown by the record, in the ordinary line of his duty, and within and according to the rules and regulations of the Signal Service. All purchases for this service are paid and accounted for by him to the Treasury Department, and such purchases are made as necessity requires at all points in the United States where there are stations of observation. All purchases are audited in the office of the Chief Signal Officer in Washington.

When authority is given to purchase supplies or incur expense, the sergeant or other person in charge makes the purchase and sends in his receipt for the article, accompanied by the bill. The account is then audited, and, if found correct, vouchers are made out and transmitted, accompanied by a check, payable to he order of the proper party, to whom the sergeant delivers the check, upon signature of the vouchers, which are then returned, signed, to the office of the Chief Signal Officer by the purchasing sergeant.

In the cases of fraud here presented, the record shows that the mode of procedure as to purchasing and paying was in strict accord with the rules of the service, and that the money was obtained by conspiracy, cheat, and fraud, from which the disbursing officer had no means of protecting either the Government or himself. But for the vigilance of the officers of the Signal Service the frauds would not have been detected; but having been discovered, it becomes necessary to pass a bill to relieve Lieutenant Jackson, in order that his involved accounts with the Treasury may be settled. The difficulty or trouble originates in the fact that, in default of commissioned officers in the Signal Service, it becomes necessary to trust enlisted men to make purchases, who, while they may be honest or otherwise, cannot well be held to the same responsibility as commissioned officers. This is, however, the onl

Mr. LOGAN. A similar bill has passed the House of Representa-

tives in the same wording precisely; and I ask that this Senate bill be laid aside and the House bill taken up and passed.

The PRESIDING OFFICER. Is there objection to the substitution of the House bill for the Senate bill just read. The Chair hears none.

The bill (H. R. No. 29) for the relief of First Lieutenant Henry Jack-

son, Seventh Cavalry, United States Army, was considered as in Committee of the Whole.

The bill was reported to the Senate, ordered to a third reading, read

the third time, and passed.

The PRESIDING OFFICER. If there be no objection, the Senate bill will be postponed indefinitely. The Chair hears no objection.

AMOS B. FERGUSON.

The next bill on the Calendar was the bill (S. No. 82) for the relief of Amos B. Ferguson; which was considered as in Committee of the Whole. It is a direction to the Paymaster-General of the Army to cause to be paid, out of any money appropriated or which may hereafter be appropriated for the payment of the Army of the United
States, to Amos B. Ferguson, late second lieutenant, Eightieth New
York Infantry Volunteers, (called, also, Twentieth New York State
Militia,) a sun that shall be equal to the pay of a second lieutenant
of infantry of the United States Army in active service, from the 22d
of April, 1864, to the 26th of September, 1864, deducting therefrom any amount that he may have received as pay of a non-commissioned

officer or private for the same period of time.

The bill was reported to the Senate, ordered to be engrossed for a

third reading, read the third time, and passed.

ALBEMARLE AND CHESAPEAKE CANAL COMPANY.

The next bill on the Calendar was the bill (S. No. 464) for the relief of the Albemarle and Chesapeake Canal Company; which was read the second time and considered as in Committee of the Whole. It is a direction to the Secretary of the Navy to investigate the claim of the Albemarle and Chesapeake Canal Company for tolls on vessels transporting naval supplies, and to award such sum as he may find equitably due, not to exceed \$3,742.20, the award to be in full payment of all claims of the company against the Government.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

# WILLIAM S. ROBINSON.

The PRESIDING OFFICER. The two next bills on the Calendar being adverse reports will be laid over. Mr. WRIGHT. So far as the first case is concerned I consent, but

as to the next one, unless there be some objection, I should like to have the adverse report concurred in.

The PRESIDING OFFICER. The bill will be reported.

The CHIEF CLERK. The next bill on the Calendar is the bill (S. No. 436) for the relief of William S. Robinson, of Malden, Massachusetts, which was reported adversely by the Committee on Claims.

The adverse report was concurred in, and the bill was indefinitely

## postponed.

#### WILLIAM L. ADAMS.

The next bill on the Calendar was the bill (S. No. 479) for the relief The next bill on the Calendar was the bill (S. No. 479) for the relief of William L. Adams, late collector of customs at Astoria, Oregon; which was read the second time, and considered as in Committee of the Whole. It provides for the allowance to William L. Adams, late collector of the port of Astoria, in the district of Oregon, in the settlement of his accounts, so much of the public funds as were stolen from him and never paid into the Treasury while engaged in February, 1866, in conveying funds from his office in Astoria to San Francisco California, for the purpose of depositing the same with the United States assistant treasurer in that city, pursuant to the instructions of the Secretary of the Treasury. The sum so allowed is not to exceed \$12,190.

Mr. SARGENT. Is there a report in that case?

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report submitted by Mr. Jones, of Florida, from the Committee on Claims, on the 23d of February:

The Secretary read the following report submitted by Mr. Jones, of Florida, from the Committee on Claims, on the 23d of February:

The Committee on Claims, to whom was referred the case of William L. Adams, late collector of customs at the port of Astoria, Oregon, submit the following report:

This case has been before Congress since 1866. Two reports have been made in it; one by a committee of the Senate, the other by a committee of the House of Representatives. The claimant asks to be relieved from liability to the Government resulting from the loss of a sum of money in his possession as collector of enstoms, and which he was conveying from Astoria, Oregon, to San Francisco, California, under express instructions from the Treasury Department. There can be no doubt of the loss of the money by theft. A considerable portion of it was recovered from the persons who stole it, and there is not the slightest ground to suspect the honesty and good faith of the petitioner. The views expressed in the report of the Senate committee February 24, 1868, are such as would doubtless prevail in a court of law; but it is the severity of the law upon this subject which has compelled the petitioner to seek relief here, and your committee are of opinion that cases of this kind should not be decided by Congress according to legal rules, but by justice and equity. When the money was lost from the possession of the retitioner, he was transferring it to San Francisco in person, as directed by the Teasury Department. The evidence shows that he gave reasonable attention and care to the coin on board the steamer. He was not authorized to employ an assistant to accompany him, and he appears to have acted in the whole affair as a prudent, honest officer. The duty imposed upon Mr. Adams, by the order of the Treasury Department, was an unusual one. The collector was bound to keep safely the public moneys, and to pay them over as instructed by his superior at Washington; but in this case he was required to carry a large sum of money, in coin

the Government. The money was carried in a wen-secured train, which was acred in the state-room of the petitioner. He states that he was never absent from his state-room except during meal-times.

It appears that while Adams was at breakfast, the morning before his arrival at San Francisco, the thief entered his room, which was locked, and pried off the bottom of the trunk and stole part of the money. The appearance of the trunk afforded no evidence of what had happened while he was at breakfast, and he did not miss the money until he reached San Francisco. It appears that the petitioner adopted every means in his power to detect the thief and recover the lost treasure. Some \$3.000 of the stolen money was recovered at New York and San Francisco from the thieves, leaving a balance of \$12,190 standing against Mr. Adams on the books of the Treasury on account of this loss. The Committee on Claims of the Senate made a report in favor of the petitioner during the second session of the Forty-third Congress, and your committee concur fully in all that is stated in that report, and are of opinion that Mr. Adams should be credited by the Treasury Department with the amount stolen from him, less the amount recovered from the persons who perpetrated the theft, and they report a bill for his relief.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

## HIBBEN & CO.

The bill (S. No. 490) for the relief of Hibben & Co., of Chicago, Illinois, was read the second time, and considered as in Committee of the Whole. It provides for the payment to Hibben & Co. of \$3,912.16, or so much thereof as they shall prove to the satisfaction of the Commissioner of Internal Revenue that they have expended in the purchase of revenue-stamps used by them to stamp manufactured tobacco, upon which a tax had been previously paid under the revenue laws in force at the time of its manufacture and sale, but which was made liable to be stamped under the act of July 20, 1868, thus requiring a double tax on the same tobacco.

Mr. SARGENT. Is there a report?
Mr. WITHERS. There is no such bill on the printed Calendar that is furnished us.

The PRESIDENT pro tempore. The Chair is informed that it was accidentally omitted by the clerk who made up the Calendar. It is now reached in the regular order.

Mr. MORRILL, of Maine. Is there a report in the case?

The PRESIDENT pro tempore. There is a report, and it will be read if desired.

The Chief Clerk read the following report, submitted by Mr. JONES, of Nevada, from the Committee on Finance, on the 24th of February:

of Nevada, from the Committee on Finance, on the 24th of February:

The Committee on Finance, to whom was referred the petition of Hibben & Co.,
dealers in tobacco at Chicago, Illinois, praying for a refund of certain taxes as
sessed and collected upon certain tobacco belonging to them upon which a previous
tax had been paid, beg leave to report:

That, by the act of Congress entitled "An act imposing taxes on distilled spirits
and tobacco, and for other purposes," approved July 20, 1868, a change was made
in the classification, rate of tax, and manner of packing and stamping manufactured
tobacco, and it was provided that—

"After the 1st day of January, 1869, all smoking, fine-cut, chewing tobacco, or
snuff, and, after the 1st day of July, 1869, all other manufactured tobacco of every
description, shall be taken and deemed as having been manufactured after the passage of this act, and shall not be sold or offered for sale unless put up in packages
and stamped as prescribed by this act, except at retail by retail dealers, from wooden
packages, stamped as provided for in this act; and any person who shall sell or offer
for sale, after the 1st day of January, 1869, any smoking, fine-cut, chewing tobacco,
or snuff, and, after the 1st day of July, 1869, any other manufactured tobacco not so
put up in packages and stamped, shall, on conviction, be fined not less than \$500
nor more than \$5,000, and imprisoned not less than six months nor more than \$500
nor more than \$5,000, and imprisoned not less than six months nor more than two
years."

Section 78 of the act required dealers in manufactured tobacco, after the passage of the act, to make inventories monthly and return them to the assistant assessor, showing the amount of tobacco such dealer has remaining on hand, manufactured or

Section 78 of the act required dealers in manufactured tobacco, after the passage of the act, to make inventories monthly and return them to the assistant assessor, showing the amount of tobacco such dealer has remaining on hand, manufactured or imported, prior to the passage of the a ct, and not stamped.

The petitioners, Messrs. Hibben & Co., were dealers in manufactured tobacco in the city of Chicago, Illinois, and had on hand on the 15th day of February, 1869, 24,451 pounds of smoking-tobacco on which the tax of fifteen cents per pound had been assessed and paid thereon prior to the passage of the law of July 20, 1868.

As appears from the affidavits of George Hibben, one of the partners of the firm of Hibben & Co., and of A. L. Robinson, a member of the firm of A. L. Robinson & Co., who manufactured the tobacco in question, and from the records of the collector of internal revenue of the fifth collection district of Kentucky, the identical tobacco thus held by Messrs. Hibben & Co., upon which an internal-revenue tax had already been paid, was, on the 15th day of February, put up in packages and stamped as required by law; and said Hibben & Co. paid the sum of \$3,912.16 to the United States collector of the first district of Illinois for tobacco-stamps affixed by them to such tobacco.

The affidavits accompanying the petition show that Messrs. Hibben & Co. used due diligence to dispose of such tobacco before the expiration of the time within which it was lawful to sell said tobacco without the same being stamped, and without an additional tax being paid thereon, and that it was impossible to place the tobacco upon the market without procuring stamps therefor and putting the same in packages as required by the provisions of the law then in force.

The act reduced the tax on some classes of tobacco, increasing the rate on that held by the petitioner from fifteen cents per pound, the injustice of imposing another tax upon tobacco which had already paid a similar tax is palpable. Such a tax paid, imposed alike

vided that such spirits having already paid a tax, should not be required to pay an additional tax.

Such a provision would, doubtless, have been inserted in this act in regard to manufactured tobacco, had it not seemed probable that all manufactured tobacco on hand at the time of the passage of the act could and would be disposed of and consumed before it became unlawful to sell such tobacco without being stamped as required by the law.

Your committee are of the opinion that in a case where manufactured tobacco and snuff, on which all prior taxes and assessments had been paid, have remained in the possession of the dealer without his own fault or negligence after it became unlawful, without paying an additional tax thereon, to dispose of such tobacco or snuff, it is equitable and just to refund the additional tax so paid; and they therefore recommend the passage of the accompanying bill.

Mr. SARGENT. Will an objection carry this bill over.

Mr. SARGENT. Will an objection carry this bill over. The PRESIDENT pro tempore. Certainly.

Mr. LOGAN. I hope it will not be objected to.
Mr. SARGENT. It seems to me this may be one of a very large class of cases. Certain time was given to work off the stock of to-bacco on hand. After that time all tobacco in the market was subbacco on hand. After that time all tobacco in the market was subjected to an additional tax. This was not worked off. Therefore an equity is raised that the parties ought to be relieved from the operation of the law by which they were compelled to pay the additional tax. I do not see why that may not have happened in every city of the United States. If this were a single case standing by itself, so that there would not be any danger of depleting the Treasury by some hundreds of thousands or millions of dollars hereafter, I certainly should hesitate to interpose an objection; but I am afraid of the precedent.

The PRESIDENT pro tempore. Does the Senator object to the present consideration of the bill?

Mr. SARGENT. I think I shall have to do so

Mr. JONES, of Nevada. Will the Senator withdraw his objection? Mr. SARGENT. I will to hear the Senator. Mr. JONES, of Nevada. The matter was referred to the Finance

Committee, and they came to the conclusion that there were but very few cases of that character in this country, and the bill is so drawn that it is referred to the Commissioner of Internal Revenue to decide how much may be due these parties. It is not believed that there are many cases where a double tax has been paid. It looks like a flagrant violation of the first principles of justice that where a tax on a large amount of tobacco has been paid, before the parties have had time to dispose of it, an additional tax should be laid so as to cause a very heavy loss. The committee were unanimous in their opinion that this was a just claim; but, to make sure that they were right in the premises, the bill is so drawn, as will be seen by reading it, as to refer the matter to the Commissioner of Internal Revenue to take

such proofs and to allow such amount as in his judgment may seem equitable and just. I hope that the bill will pass.

Mr. SARGENT. I have no objection to the form of the bill; I think the provision requiring further testimony is a very good guard in the bill; but I can see no evidence that the committee could have had or considered that this is not one of a large class of cases. I do not see why a great many other people may not have had tobacco which they could not sell and on which they subsequently paid the increased tax. If you allow such a claim in one instance all these other creased tax. If you allow such a claim in one instance all these other cases will develop themselves, and instead of paying back a few hundreds of dollars here we may find that the amount is very large indeed that we shall be required to pay under this precedent. There certainly is no law requiring the United States to pay it. The construction of the statutes is plain enough. This tobacco, under the statutes, was liable to this additional tax; but an equity is raised because the person did not succeed in selling in time the large stock of tobacco he had. Unquestionably, to my mind, there must have been other large stocks of tobacco in the same condition on which the tax was placed. It is, therefore, a question of considerable moment. For that reason I think we should be very cautious in passing such a bill.

Mr. McDONALD. I hope the Senator from California will withdraw his objection. This bill first went to the Committee on Claims, and after an examination there, thinking that it did not properly belong to them, but having so far examined it as to be satisfied of its being correct and right, they had it referred to the Committee on It underwent examination there, and it was reported unan-

imously by that committee.

I have not examined carefully the frame of the bill, but I understand it is quite well guarded against any fraudulent claim. The Commissioner of the Internal Revenue is to be satisfied that the claim is right and just and that this tax has been twice paid, before any refunding can take place. It seems to me that to continue this case over by objection would be to put the parties to a very great hardship in what seems to be a very equitable remedy. I hope the objection will be withdrawn and that the Senate will now consider

Mr. LOGAN. I deem this a very meritorious bill. The objection. made by the Senator from California that it is only one of a class of cases which may probably involve the Government in a large expenditure of money for the purpose of repaying to these people the duplicate tax which they have paid is founded in a mistake. It only incate tax which they have paid is founded in a mistake. It only involves the payment of money to persons who acted honestly under the law, and I think he will find very few cases coming before Congress asking for a refunding of this tax. If a firm who had a large amount of tobacco on hand at the time were disposed to avoid the amount of tobacco on hand at the time were disposed to avoid the tax, it was very easy for them to transfer it and put it out of their hands, make a sale to some other party, and thereby avoid the double tax. But where parties who had tobacco on hand acted fairly and honestly and tried to sell their tobacco, and inasmuch as they did not sell it, but retained it, had then to pay the additional tax, it was certainly a great hardship. Surely a great Government like this will not ask a man to pay a tax twice and then refuse to refund the duplicate tay. duplicate tax.
Parties in the office of the Commissioner of Internal Revenue who

have examined this claim think that it is a fair one, an equitable one at least; but they were not willing to pay it because the law required the double tax. It is, however, considered proper to refer it back to the double tax. It is, however, considered proper to refer it back to the Commissioner to let him examine the question, and on that examination let whatever amount is due to this firm on account of having paid a double tax be refunded to them. They paid three thousand and odd dollars in this way. I know the firm very well. Of course that is not evidence, for I am not giving testimony; but I know they are honest mep. They complied with the law fully; and because they are of that class of men I am at least willing to stand up here and say that they ought to be repaid the tax which they paid in dublicate.

plicate.

As is said in the report, when you put the tax on whisky you excepted tobacco from the same rule there applied. You required a man, if he did not sell his tobacco by a certain time, to pay a double tax. No one will say that it is honest and fair to an individual who has an amount of stock on hand of any character, if he cannot sell it by a certain time to pay a double tax for not selling it. I think a man would be better able to pay double if he could sell than if he could not sell. It struck me at the time the law passed that it was unjust. I tried to prevent it, but I could not do it. It struck me then as a very inequitable way of dealing with the citizens of the country, to require them to sell their property at a certain time, or else pay the Government extra because they did not sell it. That is this whole case. If a man paid the tax to the Government, because he did not find purchasers at a certain time he had to pay it over again. That is the law. That is all there is in the case. If any man

will say that that is an honest transaction, I am willing that this bill shall be defeated. I cannot see it in that light. I think the Government should deal honestly with its citizens; and honestly these men are entitled to this money if they prove to the satisfaction of the Commissioner that they paid the tax twice, which I have no doubt they will do.

Mr. BAYARD. I had some cause to examine this case at one time in committee. The facts were undoubted that the manufacturer had fully complied with the existing laws; he had paid for the stamps upon his manufactured tobacco to the full extent required by existing law. It pleased Congress afterward to change that law, and not to give him credit upon this highly taxed manufacture for the amount of stamps that he had already put upon it by a prior law, and yet compelled him to stamp it a second time under a new law. I have no question that had it been deemed safe as a general measure, Congress would have remitted all the taxes theretofore paid on the tobacco, and left tobacco subject to a single tax, which, God knows, was high enough in proportion to the value of the article. But in this case, after paying the tax under what I may call the old law, and honestly and fully affixing all the stamps required, Congress changed the law, imposed new and other taxes, and compelled that same tobacco to pay imposed new and other taxes, and compelled that same tobacco to pay a double tax. As that was not capable of remedy, or at least as it was not thought safe to establish a general remedy and exclude tobacco formerly taxed owing to some question as to what might be the stock on hand, the committee, as I well remember, said that any hardship that might be worked under the law would be capable of remedy by special acts in special cases. That is precisely one of those. The party in question has sought to avoid no law of the United States, but has been made the victim of a change of the law by having a double tax imposed upon the same commodity. Therefore in equity the Department recognized that he should be relieved, but they had no legal authority to relieve him without this new act of Congress. For that reason this bill was reported, and for that reason I trust it will pass. will pas

will pass.

Mr. SARGENT. I do not wish to stand in the ungracious position of objecting to the consideration of bills, and I shall withdraw my objection to the Senate considering this bill, leaving it, however, to the vote of the Senate. But while doing that I do not change my mind as to the safety of this legislation as a precedent. I am not questioning the honesty of these parties; and I desire my friend from Illinois to understand that distinctly. A protestation of their honesty consequently does not help the bill. I dare say their claim is honest, so thinks the Senator from Illinois; so think the committee. honest; so thinks the Senator from Illinois; so think the committee, and other gentlemen who know these parties. The point I make is that it is unsafe as a precedent. There may be a great many honest claims, in the same sense of the word "honest," pressed upon the Treasury and upon Congress; and this precedent will prevent our

It is well known that a year or two ago, by a construction of a stat-ute, by insisting that the absence of a comma was of some account, some millions of dollars were taken out of the Treasury of the United States. At the time that decision was made by the Secretary of the Treasury, I doubt if he supposed that more than five or ten thousand dollars were involved in the decision. These cases come the little end first. It is the small end of the wedge which is entered, and the crevice that is made in the Treasury is larger and larger the further the wedge goes in. It seems to me that we have the small end of the wedge presented to us here, and the question is whether we shall give the first blow that will drive it in.

Mr. LOGAN. Allow me to make a statement to the Senator, so that

he may see that perhaps it is not so dangerous as he may imagine. It has been some time since this law went into effect, and there have been only three cases that I know of presented to the Senate for re-lief: one case that was acted on in the last Congress, this case, and one other. These are the only cases that I have known presented to Congress in reference to this double tax on tobacco, and they are not for large amounts, and yet there has been a long time for opportunity

to present them.

Mr. SARGENT. Were the other bills passed?

Mr. LOGAN. One passed last session, and there is one other pend-

ing this session.

Mr. SARGENT. Did that become a law?

Mr. LOGAN. Yes, sir.

Mr. SARGENT. It is not accurate to say that this is a double tax, Mr. SARGENT. It is not accurate to say that this is a double tax, that the party was required to pay the tax twice. The amount of tax the party paid originally he was not required to pay over again. The amount of the tax, say, was twenty cents, increased to twenty-four, and he was only required to pay the four cents additional tax. He had full credit for the amount that he originally paid; and the to-bacco on which he paid the additional four cents went out in the market after the period of limitation had expired on exactly the same footing as other tobacco at that time paying twenty-four cents. was equal then with everybody else who put tobacco on the market, and the time given by the law was quite long to work up old stock. It seems to me no hardship was intended by the law, and really very

ittle could have been worked.

Mr McDONALD. My understanding is entirely different from that of the Senator from California. I understand that the tax in this case in the first instance was sixteen cents a pound; that the law then provided that all tobacco which was not disposed of by a given date

should be restamped and the new tax exacted on it, notwithstanding The new tax was fifteen cents a pound. it had paid the former tax. so that upon the day when this provision took effect all tobacco then on hand that had already paid the sixteen-cent tax had to pay again the fifteen-cent tax. This application is to recover back that payment thus made. This exaction of the law was a penalty on the party holding the tobacco for not selling it before that date.

Mr. SARGENT. The law has been sent for, and it is quite possible the Senator may be correct. Several Senators around me, however, are of a different opinion, and I will not speak positively of it, because my memory about it is not accurate; but I would say that even in that case a person who put the tobacco on the market after the time limited had all the length of time which the statute provided

for any one to dispose of his tobacco.

Mr. McDONALD. That did not seem to be sufficient in this case, and the parties did not dispose of their tobacco, evidently because they could not in that time. Then in order to be able to sell it after that it became necessary for them to pay this new tax, which made the tax upon their tobacco nearly double that which was imposed on that which was imposed on that which came into market after the new law came into effect.

Mr. SARGENT. If there were any certainty that this bill would be the end of the matter, I would make no strentious objection to it, because I believe in respecting the equities of our citizens. Tax laws are necessarily stringent and harsh in their operation. There is very great complaint even of their natural and ordinary operation. debt which we pay with the least willingness is our taxes either to the State's or the United States Treasury; and necessarily there is some complaint and unquestionably often hardship. But it is a very serious thing whether we can afford to deplete the Treasury by a precedent which may have the effect to call upon us hereafter to take hundreds of thousands of dollars from it. For that reason I shall vote against the bill.

Mr. BOGY. I wish to ascertain one fact which will determine my yote. Some of the Senators here state that this is a double tax; that is, that the old tax of twenty cents a pound was paid when that was the law, and then when the law was changed, making the tax twenty-four cents, another tax of twenty-four cents had to be paid. That statement is made by the Senator from Illinois and also by the Senator from Delaware as the fact of this case. If it be true of this case, it would be true of many other cases. The Senator from California, who seems to be familiar with the subject, denies that to be the fact, and says that only the additional tax of four cents was paid. These facts we wish to ascertain, because it could not have been the intention of Congress to require any person in this country to pay a double tax. We certainly did not intend that; and if that be the construction of the law, the sooner we remedy our great mistake the better. But I wish to know the fact.

Mr. ALLISON. If the Senator will allow me, I will state that this law, as I remember, was passed in 1868. I do not think it changed the rate of tax, though perhaps it did in a small degree on smoking-The rates were sixteen and thirty-two cents. law of 1868. At a certain time, any manufacturer selling tobacco unstamped was liable to a penalty; and, of course, a certain time was given to the manufacturers to work off their tobacco. In this particular case, and one or two others that I remember, the parties were nlar case, and one or two others that I remember, the parties were unable to sell the stock on hand within the time. They could not after the time sell the tobacco unstamped, because, if they did, they were liable to a penalty. Therefore, in order to sell their tobacco they were obliged to affix the stamps. They could not affix the stamps without buying them. Therefore, if any tobacco existed at the expiration of this time unstamped upon which the tax had been paid of course there was a double payment of the tax of the tax or passals. been paid, of course there was a double payment of the tax or no sale of the tobacco. I understand that to be this case. If that is so, it seems to me these gentlemen have an equity. I remember very well the circumstances that occurred at the time of the passage of the act. The act was passed in 1868, and had no relation to a different rate of

Mr. BOGY. I understand this case arises under an act we passed

Mr. BOGY. I do not so understand. I understand it arises under the act of 1868, and that it is a claim arising under that.

Mr. BOGY. I heard the law quoted first in reference to the tax of twenty and twenty-four cents. I know twenty-four cents was fixed

by ourselves a year or so ago.

Mr. ALLISON. I think it has no relation to that.

Mr. SHERMAN. I have the law before me. The change in the mode of levying the tax on tobacco was made by the general revenue law of 1868, passed July 20, I think. It is a very long law. The sixty-second section provides for an entirely radical change in the mode of levying the tax. Up to that time the tax had been levied at the manufactory, and not accompanied by stamps. Under the sixty-second section of this act it is provided-

That from and after the passage of this act all manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description, and in no other manner:

All snuff in packages containing one, two, four, six, eight, and sixteen ounces, or in bladders containing not exceeding ten pounds each, or in jars containing not exceeding twenty pounds.

Each of these packages had to have a stamp of a certain particular description that did not exist before. I do not think the tobacco tax

was raised materially by this act. It was raised in some matters by this law and lowered in others. I think the general effect of this law was rather to lower the tax on tobacco. This only applied to the to-bacco manufactured after the passage of the act. All manufactured tobacco had to be put up in this form with stamps, and the stamps were to follow it until it was consumed. Then there was added to the law, in order to provide for the tobacco on hand, this clause:

After the 1st day of January, 1869-

Six months after the passage of the act-

all smoking, fine-cut chewing-tobacco, or snuff, and, after the 1st day of July, 1869, all other manufactured tobacco of every description, shall be taken and deemed as having been manufactured after the passage of this act, and shall not be sold or offered for sale unless put up in packages and stamped as prescribed by this act.

So we required that all tobacco manufactured after the passage of the act should pay a certain tax, and defined the mode and manner of collecting it. All the tobacco manufactured before that time which was not sold until six months afterward was to pay that same tax over again. In other words, a double tax was exacted. Therefore the Senator from Indiana is perfectly correct in saying that the tax imposed in this case was a double tax; that is, these gentlemen swear that in February, 1869, they had in their possession so many pounds of tobacco that had been manufactured before the 1st of July, 1868, and they thereupon were required under the law (as it was clearly the duty of the officer to require) to pay over \$3,912.16 which they say they did. Undoubtedly that was an addition to the tax they say they did. Undoubtedly that was an addition to the tax that was levied by law at the time the tobacco was manufactured; it was an entirely new tax.

Mr. BAYARD. Did it not subject that identical tobacco to more tax than any other? It had to be stamped at that time.

Mr. SHERMAN. Yes; newly manufactured tobacco would only pay the tax imposed by this act, but this tobacco being old tobacco had to pay the tax imposed by the previous act and also the tax affixed by this act. The reason of that is obvious. It was absolutely indispensable in order to collect our revenue on tobacco that we should put out of existence as soon as possible the old manufactured tobacco; otherwise our revenue officers could not detect whether or not tobacco on the market had been tax-paid or not. The purpose of this law was that after the 1st of January, 1869, any officer might go into any cigar-shop and ascertain whether or not the tax had been paid by seeing whether or not the tobacco bore the stamps that were required by law. If it did, that was the evidence of its payment; and in order to accomplish that we had to get rid of and drive out of the market all tobacco manufactured before the passage of the act, because that had not been stamped as evidence of the payment The result was that we imposed a double tax on all that was not sold at the period fixed; but it was believed at the time the law was passed that six months was ample to allow the manufactured tobacco to be consumed; that is the average; and certain classes of tobacco, snuff, &c., were allowed a year, but after that time they had

to pay this stamp tax.

There is a good deal of force in the objection stated by the Senator from California that if we pass this bill not only meritorious claims will arise but fraudulent claims will arise. You can see how every manufacturer of tobacco would force into consumption and use all that he had on hand manufactured before the 1st of July, 1868, because he would know that if he had it on hand six months afterward he would have to pay a double tax. It would be a disadvantage to him; it would be a practical confiscation of his property; and therefore I have no doubt that the great body of it was sold, but it seems in this particular instance satisfactory proof has been made that there was a certain amount not sold. When this bill went to the Committee on Finance, I remember very well that we considered it carefully and cautiously. We doubted very much whether we ought to pass it, but at the same time we could see clearly that it was manifestly due to these men that it was an equitable claim; that if they could not sell the tobacco we had imposed a double tax on it; and therefore the the tobacco we had imposed a double tax on it; and therefore the Committee on Finance thought it was better to take the risk. Many good cases ought not to arise, but there may be fraudulent cases presented; and we were compelled to choose between denying a man an honest claim and being liable to be imposed upon by fraudulent claims. That is precisely the condition we are placed in by the pasage of the bill. On the whole, we do not think many cases of the kind can arise. The very fact that they are presented at this late date will excite suspicion against them and cause controversy. This bill refers the whole matter to the Commissioner of Internal Revenue. bill refers the whole matter to the Commissioner of Internal Revenue,

who would be likely to impose very strict rules of evidence.

Mr. LOGAN. This case has been presented before the Commissioner of Internal Revenue three or four years since. It has been

before the Senate some time.

Mr. SHERMAN. Yes, and I ought to state another fact, that the law required a monthly inventory to be made of the tobacco on hand, so that they have in the records of the Department a means by which they can check any fraudulent claims. The manufacturers of tobacco were compelled to return every month the amount on hand, and consequently if they should make claims now we should be able to present to them their inventories sworn to by them from time to time, and to that extent we can check any fraudulent claims. On the whole I do not think there can be any very large amount of claims presented under this law. It is now nearly eight years since they arose, and we

have these guards and checks. It seems to me pretty hard to refuse to pay this man a claim when he can make proof clearly and satisfactorily, not only to Congress, but to the Commissioner of Internal Revenue

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

#### WILLIAM S. ROBINSON.

Mr. INGALLS. When I was temporarily in the chair a short time since, on the motion of the Senator from Iowa [Mr. WRIGHT] the bill (S. No. 436) for the relief of William S. Robinson, of Malden, Massachusetts, was indefinitely postponed. It has recurred to my recollection since I took my seat that the Senator from Massachusetts [Mr. BOUTWELL] spoke to me in regard to bills that were upon the Calendar with an adverse report and asked me if they did not go over without further suggestion. There is no doubt, from what he said, that he left the Chamber supposing the bill would not be called up; and in order to protect myself against the suspicion of having been inattentive or negligent in this matter I ask unanimous consent that the

vote by which the bill was indefinitely postponed may be reconsidered and that the bill go upon the Calendar.

Mr. WRIGHT. I desire to make one remark in that connection. Of course it is impossible that I can remember what connection each Senator may have with a bill. I remember now, my attention being directed to it, that upon the motion of the Senator from Massachusetts, who is absent from the city, [Mr. Dawes,] this case was retered to the Calendar. I think therefore it is but fair to him (a fact stored to the Calendar. I think therefore it is but fair to him (a fact that did not occur to me at the time I asked that the adverse report be concurred in) that this order be set aside by unanimous consent and the case remain on the Calendar.

The PRESIDENT pro tempore. Is there objection to the reconsideration of the vote by which this bill was indefinitely postponed? The

Chair hears none.

Mr. INGALLS. I ask that the bill go on the Calendar as it was before that action was had.

The PRESIDENT pro tempore. It takes its place on the Calendar as it was before.

Mr. McCREERY. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and thirty-five minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

# THURSDAY, March 2, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND, D. D.

The Journal of yesterday was read and approved.

#### CHESAPEAKE AND OHIO CANAL

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with the provisions of the river and harbor act of March 3, 1875, a report of Major W. E. Merrill on continuation and completion of the Chesa-peake and Ohio Canal; which was referred to the Committee on Commerce, and ordered to be printed.

## CLAIMS IN QUARTERMASTER AND COMMISSARY DEPARTMENTS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting to the House, in response to a resolution of the 14th February, a report of the Acting Quartermaster-General on the amount of claims allowed and rejected by the Quartermaster Department and Commissary Department under the act of July 4, 1864; which was referred to the Committee on Military Affairs, and ordered to be printed.

## C. C. HUTCHINSON.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in response to a House resolution of the 21st ultimo, a report of the Commissioner of Indian Affairs in relation to the defalcation of C. C. Hutchinson, late United States agent for the Ottawa Indians; which was referred to the Committee on Indian Affairs, and ordered to be printed.

## ALLOTMENTS OF LANDS TO INDIANS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting a report from the Commissioner of Indian Affairs relative to allotments of lands to certain bands of Indians, and a draught of a bill providing for such legislation as may be necessary to that end; which was referred to the Committee on Indian Affairs.

# CONTESTED ELECTION-SEAL VS. LYNCH.

The SPEAKER. The Chair has received this morning testimony in the contested-election case of Roderick Seal against John R. Lynch, from the State of Mississippi, which, if there be no objection, will be referred to the Committee on Elections, without printing.

There was no objection, and it was so ordered.

There was no objection, and it was so ordered.

## AMENDMENT TO REVISED STATUTES.

Mr. SOUTHARD, from the Committee on the Revision of the Laws, reported, as a substitute for House bills Nos, 1676 and 1678, a bill (H. R. No. 2449) to supply an omission and to amend section 1480 of the Revised Statutes; which was read a first and second time, recommitted to the committee, and ordered to be printed, not to be brought back by a motion to reconsider.

## TREATY BETWEEN THE UNITED STATES AND THE HAWAIIAN ISLANDS.

Mr. MORRISON, by unanimous consent, presented and asked leave to have printed the views of the minority of the Ways and Means Committee to accompany the bill (H. R. No. 212) to carry into effect the proposed treaty between the United States and the Hawaiian

There was no objection, and the order to print was made.

#### PRINTING AND ENGRAVING BUREAU OF THE TREASURY.

Mr. RANDALL, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 2450) to provide for a deficiency in the service of the Printing and Engraving Bureau of the Treasury Department and for the issue of the silver coinage of the United States in place of the fractional currency; which was read a first and second time.

Mr. RANDALL. I desire to have the bill read.

The bill was read.

The first section appropriates the sum of \$163,000 to provide for en-craying and printing and other expenses in making and issuing United

The second section directs the Secretary of the Treasury to issue silver coin of the United States of the denomination of ten, twenty, twenty-five, and fifty cents, standard value, in redemption of the full amount of fractional currency, whether the same be now in the Treasury awaiting redemption or whenever it may be presented for redemption.

It provides further that the Secretary of the Treasury may, under the regulations of the Treasury Department, provide for such re-demption and issue by the substitution, at the regular subtreasuries

and public depositories of the United States, until the whole amount of fractional currency outstanding shall be redeemed.

Mr. RANDALL. I desire to state, under instructions from the committee, that I will call this bill up at the first opportunity. I desire further to state, under instructions from the committee, that the question of extending the amount of legal-tenders for silver was not, in their judgment, within the province of our committee, but they did discuss the subject; and they also instructed me to say that they will permit an amendment to be offered, either from the Committee of Ways and Means or from the Committee on Banking and Currency when this bill shall come up for consideration, to increase the amount of legal-tenders and silver coin. I ask unanimous consent that when the bill comes up for consideration it shall be considered

Mr. PAGE. I would like to ask the gentleman to admit an amendment to allow the issue of coin of twenty cents.

Mr. RANDALL. That is already in the bill. If the gentleman had Mr. RANDALL. That is already in the bill. If the gentleman had listened to its reading he would have found it was there. At the suggestion of the Speaker, I move that the bill be recommitted to the Committee on Appropriations, and when that motion is agreed to I will enter a motion to reconsider. I would further ask unanimous consent that when the bill is reported back it shall be considered in the House as in Committee of the Whole.

The bill was recommitted to the Committee on Appropriations and

ordered to be printed.

Mr. RANDALL entered a motion to reconsider the vote by which the bill was recommitted.

And then, no objection being made, it was ordered that when the bill was reported back from the Committee on Appropriations it should be considered in the House as in Committee of the Whole.

#### PENSION CLAIMS IN MISSISSIPPI.

Mr. WELLS, of Mississippi, by unanimous consent, submitted the Mr. WELLS, of Mississippi, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, That the Commissioner of Pensions be required to furnish information as to the number of applications of colored claimants filed in his office from the State of Mississippi, the number allowed, the number rejected, and the number unsettled and the cause of delay in adjudicating all those unsettled; if awaiting investigation, the steps taken to secure such investigation, the number of agents employed for that purpose, and the number of claims investigated by such agents.

## THOMAS CRAWFORD.

Mr. NEW, by unanimous consent, introduced a bill (H. R. No. 2451) restoring the name of Thomas Crawford, a soldier of the Mexican war, to the pension-roll; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## ORDER OF BUSINESS.

Several members called for the order of business The SPEAKER. The regular order being called for, the morning hour begins at half past twelve o'clock, and the regular order this morning is the calling of committees for reports of a public nature, and the call rests with the Committee on Public Lands.

#### ENTRIES OF PUBLIC LANDS.

Mr. SAYLER, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 2039) to amend sections 2450 and 2451, and to repeal section 2452, title 32, chapter 11, of the Revised Statutes.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatipes of the United States of America in Congress assembled, That hereafter the Secretary of the Interior shall perform all the duties which were delegated to the Secretary of the Treasury by sections 2450 and 2451, title 32, chapter 11, of the Revised Stututes of the United

sections 2450 and 2451, title 52, empter 12, or public lands in which the Commissioner States.

SEC. 2. Thatall suspended entries of the public lands in which the Commissioner of the General Land Office has decided that patents shall issue, and which have been confirmed by the Secretary of the Interior and the Attorney-General, are hereby declared valid to the same extent as though confirmed by the Secretary of the Treasury and the Attorney-General, as prescribed in the aforesaid sections 2450 and 2451.

the Treasury and the Arthury and 2451.

SEC. 3. That section 2452, title 32, chapter 11, of the Revised Statutes, be, and the same is hereby, repealed.

Mr. SAYLER. In order that this bill may be fully understood and that it may occupy as little time as possible in its passage, I will briefly explain its provisions. The sections sought to be amended are 2450 and 2451 of the Revised Statutes, which constitute the Secretary of the Treasury, the Attorney-General, and the Commissioner of the Land Office a board to establish regulations for and to supervise the adjudication by the Commissioner of all cases of supervised the adjudication by the Commissioner of all cases of supervised the supervised that the supervised the sup of the Land Once a board to establish regulations for and to super-vise the adjudication by the Commissioner of all cases of suspended entries of public lands and of suspended pre-emption land-claims. It is the purpose of the bill to substitute the words "the Secretary of the Interior" for the words "the Secretary of the Treasury." The mistake in the revision seems to have grown out of the fact that the original act establishing this board, passed in 1846 and prior to the establishment of the Interior Department, named the Secretary of the Treasury as a member of the board.

In 1849 the Department of the Interior was established. By the third section of the act establishing this Department it is provided that the Secretary of the Interior shall perform all duties, in relation to the General Land Office, of supervision and appeal, then discharged by the Secretary of the Treasury. In 1853, without any recognition whatever of the establishment of the Interior Department in 1849, whatever of the establishment of the Interior Department in 1643, the act of 1846, which had been limited in its operation to two years, was revived in all its provisions and extended for a period of ten years; and in 1856 it was made perpetual. It seems that the commissioners of revision, without reference to the act establishing the Interior Department, simply followed the acts of 1846, 1853, and 1856, and throughout their revision used the words "Secretary of the Treasury" as a member of this board instead of the words "Secretary of the Interior". of the Interior." As a matter of fact the Secretary of the Treasury has never had anything whatever to do with these adjudications; he has never, and very properly, served upon this board. The Secretary of the Interior, up to the present time, has discharged all of the duties. The enactment of the revision of the laws would seem to throw

some doubt upon these adjudications, and it is therefore thought best by the Committee on Public Lands that the second section of this bill shall be adopted, in order to confirm these adjudications and to render

them valid beyond all question.

The third section of the bill provides for the repeal of section 2452, which directs that the Commissioner of the General Land Office shall report to Congress, at the first session after any such adjudications have been made, a list of the same under the conditions prescribed by have been made, a list of the same under the conditions prescribed by law. I hold in my hand a list which was reported to Congress after the adoption of the revision of the statutes. No such lists have been reported before for a long number of years. Reports were made under the act of 1846, but under the acts reviving that act it seems to have been omitted. I do not believ that there is anything in the act of 1853 or in the act of 1856 which even by implication repeals the provision of the act of 1846 requiring such report and publication. Yet the fact is that it has fallen into disuse; it conveys information of no great importance, and is a matter of considerable labor and considerable expense. It is the opinion of the Department, and it is the unanimous oninion of the Committee, that report might as well be unanimous opinion of the Committee, that report might as well be dispensed with.

Mr. Speaker, unless some gentleman has a question to ask or an objection to interpose, I will call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SAYLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## TIMBER CULTURE.

Mr. SAYLER, from the same committee, reported back, with a recommendation that the same do pass, a bill (H. R. No. 2427) to amend the act entitled "An act to amend an act to encourage the growth of timber on western prairies," approved March 13, 1874.

The question was upon ordering the bill to be engrossed and read a third time.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of merica in Congress assembled, That section 3 of the act entitled "An act to amend

the act entitled 'An act to encourage the growth of timber on the western prairies'" is hereby amended by adding hereto the following further proviso: "Provided further. That whenever a party holding a claim under the provisions of this act, or whenever making final proof under the same, shall prove, by two good and credible witnesses, that the trees planted and growing on said claim were destroyed by grasshoppers during any one or more years while holding said claim, said year or years in which said trees were so destroyed shall not work any forfeiture of any of the rights or privileges conferred by this act; and the time allowed by this act in which to plant the trees and make final proof shall be extended the same number of years as the trees planted on the said claim were destroyed in the manner specified in this section."

SEC. 2. That the planting of seeds, nats, or cuttings shall be considered a compliance with the provisions of the timber-culture act: Provided, That such seeds, nuts, or cuttings of the kind and for the purpose contemplated in the original act shall be properly and well planted, the pround properly prepared and cultivated; and in case such seeds, nuts, or cuttings should not germinate and grow, or should be destroyed by the depredations of grasshoppers, or from other inevitable accident, that the ground shall be replanted or the vacancies filled within one year from the first planting: Provided further, That parties claiming the benefit of the provisions of this act shall prove, by two good and credible witnesses, that the ground was properly prepared and planted in such seeds, nuts, or cuttings, and were so destroyed by inevitable accident in such year.

SEC. 3. That it shall not be necessary to plant the trees, seeds, nuts, or cuttings in one body, provided the several bodies planted by measurement aggregate the amount required and in the time required by the original and amended act.

Mr. SAYLER. This bill is reported as a substitute for House bill

Mr. SAYLER. This bill is reported as a substitute for House bill No. 625 and House bill No. 643. It is substantially a reproduction of the provisions in those bills, with certain guards which in the opinion of the committee are important. The first section of this bill simply gives protection to those unfortunate people who have been subjected to the plague of the grasshopper. It provides that in the year in which such plague comes upon them, destroying the trees they have attempted to cultivate, shall not be counted against them as under

the timber-culture act.

The second section of the bill provides that the planting of seeds, nuts, or cuttings under proper restriction, as set forth in the section, shall be regarded as a compliance with the timber-culture act. The former Commissioner of Public Lands, in a decision which he gave upon this question, decided substantially that the use of seeds in a proper manner was a substantial compliance with the timber-culture act. But as some doubts have existed and some uncertainty has attended the question, and as it is one of great importance to those directly interested, the committee have thought best to propose direct legislation, sanctioning the use of seeds, nuts, and cuttings, and guard-ing their use by such conditions, limitations, and restrictions as will prevent abuse.

The purpose of the third section is this: The original timber-culture The purpose of the third section is this: The original timber-culture act provides that of the one hundred and sixty acres, or whatever proportion of one hundred and sixty acres the settler may choose to take up, one-fourth shall be planted in trees in a body. For instance, if a man moving west takes up one hundred and sixty acres of land, under the timber-culture act he is required, as that act now stands, to plant forty acres in trees in a body. This, in some instances, gives rise to difficulty and is a matter of inconvenience. The committee cannot understand why the settler may not be permitted to plant two pieces of twenty acres or four pieces of twenty acres or four pieces of the acres. In other words so pieces of twenty acres or four pieces of ten acres. In other words, so long as he plants the number of acres required under the timber-culture act, it would seem to be a matter of very little importance whether he cultivates his timber in a single body or in several dif-

whether he cultivates his timber in a single body of in several dif-ferent bodies. These are, briefly, the provisions of the bill.

I yield to the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. DUNNELL. The original bill to which this is amendatory was introduced into this House by myself during the Forty-second Congress; and the first section of this substitute was in a bill which I

gress; and the first section of this substitute was in a bill which I had the honor to introduce during the present session.

I can see no possible objection to this bill as it has been amended, liberal as it is, (and I am glad that it is so,) because under the tree-culture act there have already sprung up in many of the western towns forestry associations and tree-planting has become popular throughout the length and breadth of those States. In my own State the people have readily availed themselves of the provisions of the law on this subject.

I think, however, that the third section, which provides that the trees, &c., planted need not be in one body, but may be in several bodies, would be improved by inserting after the word "bodies" the words "not exceeding four." With this modification I think the provision would be free from all liability to abuse.

Mr. SAYLER. I have no objection to that amendment. Mr. DUNNELL. I move, then, to amend in the manner I have indicated.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

Mr. SAYLER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### FORFEITED RAILROAD LANDS IN KANSAS.

Mr. GOODIN, from the Committee on Public Lands, reported back, with a recommendation that it pass, the bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863.

The bill was read. It provides that all lands which were granted by act of Congress approved March 6, 1863, to the State of Kansas to aid in the construction of a railroad commencing at Leavenworth, Kansas, and running, by way of the town of Lawrence and the Ohio City crossing of the Osage River, to the southern line of the State, in the direction of Galveston Bay, in Texas, with a branch from Lawrence, by the valley of the Wakarusa River, to a point on the Atchison, Topeka and Santa Fé Railroad, where the road intersects the Neosho River, and which have not been patented to said railroad company by the United States under the grant, which has expired by limitation of law, are thereby declared forfeited to the United States, and shall hereafter be subject to entry only under the provisions of

the homestead laws of the United States.

Mr. GOODIN. Mr. Speaker, in the year 1863 there was granted by act of Congress to the State of Kansas, in aid of the construction of certain railroads named in the act, a large amount of public lands.

Among the railroads to be benefited by the act was a road to be constructed from the city of Leavenworth, by the way of the city of Lawrence to the Ohio City crossing of the Osage River, (now the city of Ottawa,) to the south line of the State, in the direction of Galveston Bay. In aid of that road every alternate section of land was granted within ten miles on either side of the proposed road, and in order to make the amount equal to every alternate section within the ten-mile limit, there was also an indemnity grant extending ten miles far-ther on each side, equal to the amount of land which might have been previously selected and entered under the various laws of Congress.

The railroad company was to have ten years in which to complete the construction of its road. That time expired, of course, on the 3d day of March, 1873. The road has been constructed from the city of Lawrence to the southern boundary of the State; but it has never been completed from the city of Leavenworth to the city of Lawrence. Hence, as I take it, under the provisions of the act of Congress the company on the 3d day of March, 1873, had forfeited to the United States all the lands remaining unsold at the period last

The Commissioner of the General Land Office, in a case which was before the Interior Department on appeal from the local land office at Independence, Kansas, said, referring to the act of March 3, 1863:

The act making the grant provides that if any portion of the road is not completed within ten years from the passage of the act, no further sale of lands shall be made, and the lands unsold shall revert to the United States. The ten years expired March 3, 1873. The act provides that the road shall be constructed from the city of Leavenworth, by the way of the town of Lawrence, to the southern line of the State, in the direction of Galveston Bay, in Texas.

There is on file in this Office a map of constructed road from Lawrence to the southern boundary of the State of Kansas. This map is certified by the governor of Kansas, according to law, under date of September 21, 1871. There is no evidence on file in this Office that the road has been constructed from Leavenworth to Lawrence, as required by the act of Congress; and the time having expired, it must be considered that by the failure of the company to comply with the terms of the law a forfeiture results of its claim to the lands within the indemnity limits of the grant, and said lands have reverted to the United States.

After this decision was rendered by the Commissioner of the General Land Office I communicated with the Interior Department, with the view of getting a proclamation from the Secretary of the Interior declaring the reversion of the lands to the United States and the opening of them to settlement and entry; and for the purpose of giving the House a full understanding of the matter, I will read my letter to the late Secretary of the Interior, a copy of which is before me:

Humboldt, Kansas, September 14, 1875.

Humboldt, Kansas, September 14, 1875.

\*\*Sir: I desire to call your attention to a subject of grave interest to many of my constituents, as well as the people of the State at large, and to ask for such action by your Department as may be deemed by you proper in the premises.

By act of Congress approved March 3, 1863, a large portion of the public domain was granted to the State of Kansas in aid of the construction of certain railroads, among which was a road running via Lawrence and the Ohio City crossing of the Osage River to the south line of the State of Kansas, in the direction of aleveston, Texas, now familiarly known as the Leavenworth, Lawrence and Galveston Railroad. By reference to said act it will be seen that every alternate section within ten miles of each of said roads not otherwise disposed of by the United States was granted them, while an indemnity equivalent to the lands so disposed of was allowed within twenty miles of the road-lines named in the act.

Ten years from the passage of the act was given for the construction of said roads, in default of which the unsold lands were to revert to the United States. So far as the Leavenworth, Lawrence and Galveston Railroad is concerned, unquestionably there has been a failure to comply with the provision of the law requiring construction in ten years from date of the passage of the act, and a large quantity of the lands granted remained unsold on the 3d day of March, 1573, said lands lying principally in ranges 21 and 22 east, comprising near thirty thousand [acres.] I learn from the local land office that said lands have not yet been restored to market, notwithstanding the failure to construct said last-mentioned road within the period fixed by said act. This being the case, I would most respectfully but earnestly ask, on behalf of a large number of my constituents, who, knowing the fact of forfeiture, have settled and made improvements upon a portion of said lands thus reverting to the United States, that they be restored to market to be disposed o

Hon. Columbus Delano, Servetary of the Interior, Washington, D. C.

Mr. Speaker, the Attorney-General had previous to the writing of this letter decided in the Wisconsin case referred to that it was competent for the Secretary of the Interior to determine the question of failure of a railway company to comply with the requirements of a land grant made for its benefit, and that neither judicial nor congressional action was at all necessary to re-invest the Government with the absolute control and disposal of the granted lands. Upon the faith of that opinion I desired to have the Interior Department proclaim the forfeiture asked for in this bill, and to restore to market the lands to which the railroad company had no shadow of right and which had been withheld from market by executive order for more than ten years. But the Interior Department shields itself behind certain decisions of the Supreme Court of the United States, reported 5, 9, and 21 Wallace, respectively, in each of which cases the principle claimed to be decided is that where a grant of land is made for any particular purpose and there has been a failure to comply with the provisions of the law making the grant, the United States Government must repossess itself of authority and control of the land before it can be opened up for settlement and entry, and that this can only be done by the action of the legislative branch of the Government.

Now, sir, this land was guaranteed to the State of Kansas for a certain purpose, that is, to aid in the construction of a railroad. The railroad company has failed to comply with the provisions of the law making the grant. The Supreme Court of the United States, under the decision which I have mentioned, would probably hold that the grant was in the State of Kansas unless the Congress of the United States should pass such a bill as that now reported by me from the Committee on Public Lands.

There is no question as to the forfeiture by the railroad company of all right to these lands. This bill embraces about twenty-nine or thirty thousand acres. Most of them are now occupied by actual settlers who are living thereon with their families, and who, knowing of the failure on the part of the railroad company, have felt secure in their possessions.

The provisions of this bill, after declaring the forfeiture, provides that these lands shall be opened up to settlement under the provisions of the homestead law only. I understand, from the temper of the House as manifested on two or three previous occasions when propositions were before it, that there is a disposition here to enact, propositions were before it, that there is a disposition here to enact, so far as practicable, that the public domain susceptible of agriculture shall in the future be subject to entry under the human provisions of the homestead law. Inasmuch as these lands have been taken, nearly all of them by actual settlers, it only seemed right to provide, as I have done by this bill, that they shall remain open for homestead entry by those already upon them. I go then another step in the right direction, as I believe, and secure to those who may hereafter settle the same right.

I will call the attention of members of the House to the fact that a short time since the gentleman from Nebraska [Mr. Crounse] introduced a bill which came from my committee and was passed, providing for the sale of a certain military reservation in the State of Nebraska, and further that the lands embraced within the limits of that reservation should be open to entry and settlement under the provisions of the homestead law only. And that simply is what this law provides.

I do not know that this railroad company makes any objection to the passage of the bill. I think there is no claim on the part of anybody that there has been a compliance with the requirements of the grant in the construction of the road.

grant in the construction of the road.

Mr. HOLMAN. Will the gentleman yield to me?

Mr. GOODIN. I will for a question.

Mr. HOLMAN. I wish to ask the gentleman from Kansas this question, whether he does not think the public interests require, in view of the vast number of grants made within the last fifteen years upon certain conditions which have not been complied with, that there should be some general law providing for the return to the public domain of the lands so granted? Should there not be a general provision enacted for the forfeiture of all grants the conditions of which have not been complied with, so as to return those lands to the public domain and subject them to the homestead law? Does he not think such a general law desirable?

Mr. GOODIN. I will answer the gentleman from Indiana very

frankly that I do. Mr. HOLMAN.

Mr. HOLMAN. Then I trust the Committee on Public Lands, of which he is a member, will bring to the House a bill which will accomplish that purpose, and especially in view of the decision of the Supreme Court of the United States and the opinions expressed under

that decision by the Department of the Interior.

Mr. GOODIN. Now, Mr. Speaker, as I took occasion to observe in the discussion of another bill in this House, I think there is a disposition on the part of the Committee on the Public Lands to carry out the view just expressed by the gentleman from Indiana. We have several bills pending before that committee in reference to the publie lands, and so far as we can are endeavoring to incorporate the provisions into one general bill. The gentleman, however, will understand that grants to railroad companies are not all uniform in their character. There is, of course, a general similitude, but at the same time one contains provisions which are not to be found in others. While I agree, therefore, with the gentleman from Indiana that some

such general law as he suggests may be adopted very properly, I hope he does not mean to throw out the suggestion at this time with any desire to impede the passage of the pending bill.

Mr. HOLMAN. Not at all, for I am in favor of any measure looking in that direction. I wish to see, of course, the same principle applied to the whole body of the public lands under grants actually forfeited by non-compliance with the conditions upon which the grants were made.

Mr. GOODIN. So do I, and I will cheerfully support such a meas-

ure when it is brought into shape and will also give cheerful assist-

ance in shaping it.

Mr. TOWNSEND, of Pennsylvania. I desire to know from the gentleman from Kansas whether or not this road is still in process of construction and whether or not the State of Kansas or this railroad company has asked for an extension of time for the completion of

Mr. GOODIN. In answer to the question of the gentleman from Pennsylvania I will state that I know of no effort having ever been made, either by the State of Kansas or by this railroad company, to secure any such extension of time. As remarked by me in the beginning, the time for the construction of this road has expired under the act of March 3, 1873, and I now hold in my hand a letter from the Acting Commissioner of the General Land Office under date of Febru-ary 21, 1876, which I will read:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., February 21, 1876.

SIR: Referring to your personal request of Saturday, I have the honor to state that no evidence has been filed in this office of the construction of that portion of the Leavenworth, Lawrence and Galveston Railread required by act of March 3, 1803, between Leavenworth and Lawrence, in the State of Kansas.

Very respectfully,

J. K. LIPPINCOTT, Acting Commissioner.

Hon. John R. Goodin, House of Representatives.

So it seems, Mr. Speaker, that, although three years have passed since the time when this road should have been finished, it is yet un-

completed between Leavenworth and Lawrence.

I believe, Mr. Speaker, I have detained the House about as long as I desire in endeavoring to get before it a true understanding of the purposes of this bill. I cannot, however, close without saying that in my judgment the legislation of the country in the future should be my judgment the legislation of the country in the future should be such as will advance the interests of the people who pioneer civilization and with true hearts and willing hands settle up the waste and desert places of this great nation and clothe them in beauty with the efforts of honest husbandry. Agriculture, which is the basis of real American nobility, should receive more care, and monopolies less, at the hands of our National Legislature. The policy from this time onward should be to mitigate as well as can be done the untold mischiefs and miseries which have been entailed upon the people by this pernicious land-grant system. The lands of the public domain admitting of settlement and cultivation should be henceforth reserved for those who are willing to occupy them; and the Government for those who are willing to occupy them; and the Government should not look to the sale of our agricultural lands for the purposes of revenue, but generously await their development by those who, in of revenue, but generously await their development by those who, in the over-crowded cities of our own country and of all Europe, too poor to purchase, but who in their determined willingness to work and in the strong arms given them, possess the primary elements of wealth which, when brought in contact with the broad acres of this mighty empire, untouched by the civilizing hand of the laborer, will cause them to yield up their treasures and contribute their due proportion in carrying on the affairs of the Government.

Mr. Speaker, I have said enough; and, unless some gentleman may have other inquiries concerning this bill, I demand the previous question.

tion.

Mr. TOWNSEND, of Pennsylvania. I desire to make a remark if the gentleman who has reported this bill will allow me.

Mr. GOODIN. I yield to the gentleman.

Mr. TOWNSEND, of Pennsylvania. In regard to the remark of the gentleman, as to a general law, I desire to say that every railroad grant stands on its own peculiar circumstances, and Congress has had occasion in various instances to extend the time because of peculiar circumstances and because of difficulties under which the road labored. A general law, therefore, making a forfeiture immediately upon the a general law, therefore, making a forfeiture immediately upon the expiration of the time would operate occasionally, and in some instances very harshly, perhaps unjustly, and I trust the committee will not report any bill having that object in view.

Mr. GOODIN. If there be no further inquiries to be made in reference to the provisions of this bill, I move the previous question.

The previous question was seconded and the main question ordered;

and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read

the third time, and passed.

Mr. GOODIN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

SWAMP AND OVERFLOWED LANDS IN ALABAMA.

Mr. GAUSE, from the Committee on Public Lands, reported back, with the recommendation that it do pass, the bill (H. R. No. 236) to

give the consent of the United States to the appropriation of certain proceeds arising from the sale of the swamp and overflowed lands in Alabama for the purpose of furnishing other and additional accommodations for the indigent, insane, and idiotic persons resident in said State

The bill was read. It gives consent on the part of the United States to the appropriation of the proceeds arising from the sale of the swamp and overflowed lands in Alabama for the purposes and in the manner provided in the act of the General Assembly of the State of Alabama entitled "An act to appropriate the proceeds from the sale of the swamp lands granted by Congress to Alabama for the purpose of furnishing additional accommodations for the indigent

purpose of furnishing additional accommodations for the indigent insane and idiotic persons, residents of the State of Alabama," approved January 30, 1875.

Mr. GAUSE. In 1850, Congress granted to Arkansas, Alabama, and other States certain swamp and overflowed lands, the proceeds of the sale of which were to be applied exclusively to the reclamation of those swamp and overflowed lands. In Alabama the amount of proceeds arising from these sales is so small that the Legislature of that State considered it impracticable to apply them to any useful purpose. They therefore passed an act diverting this small fund from pose. They therefore passed an act diverting this small fund from the reclamation of the lands to the support of an asylum for the in-digent idiotic and insane of that State. I ask that the act of the Legislature be read in this connection for the information of the

The Clerk read as follows:

An act to appropriate the proceeds from the sale of the swamp lands granted by Congress to Alabama, for the purpose of furnishing additional accommodations for the indigent insane and idiotic persons, residents of the State of Alabama.

An act to appropriate the proceeds from the sale of the swamp lands granted by Congress to Alabama, for the purpose of furnishing additional accommodations for the indigent insane and idiotic persons, residents of the State of Alabama.

Whereas certain lands, described as "swamp and overflowed lands," were granted by the Government of the United States to the State of Alabama and an act of Congress entitled "An act to enable the State of Alabama and other States to reclaim the swamp lands within their limits," approved September 28; 1850, wherein it is provided that the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands by means of the levees and drains aforesaid; and whereas said lands have been sold in part by the authorized agents of the State of Alabama, and the sum of \$87,343.31 has been paid into the treasury of the State; and whereas said sum of \$27,343.31 has been paid into the treasury of the State; and whereas said sum of \$27,343.31 has been paid into the treasury of the State; and whereas the said lands are now the property of individual owners, with whom there is no contract or understanding, express or implied, on the part of the State, that the proceeds from the sale shall be expended for the reclamation or drainage thereof; and whereas there are more than eight hundred insane and idiotic persons in the State of Alabama, for whose treatment, cure, and protection no provision whatever has been or can be made while the financial condition of Alabama is granted to the State of Alabama is granted to the State of Alabama.

By greatly embarrassed as a present. Energone, That, by and with the consent of the Government of the United States first to be obtained, the proceeds arising from the sale of swamp and overflowed lands granted to the State of Alabama is the same and additional accommodations for the indigent insane and idiotic persons, exidents of the State of Alabama.

Sec. 2. Be it

STATE OF ALABAMA, Office of Secretary of State:

Office of Secretary of State:

I, R. K. Boyd, secretary of state of the State of Alabama, do hereby certify that the foregoing transcript of an act entitled "An act to appropriate the proceeds from the sale of the swamp lands granted by Congress to Alabama for the purpose only of furnishing additional accommodations for the indigent insano and idiotic persons, residents of the State of Alabama," approved January 30, 1875, is a true and correct copy from the original rolls now on file in this office.

Given under my hand and the great seal of State affixed, at Montgomery, on this the 6th day of December, A. D. 1875, and of the Independence of the United States of America the one hundredth year.

[SEAL]

R. K. BOYD, Secretary of State,

Mr. BAKER, of Indiana. I desire to ask the gentleman reporting this bill how many acres of land are there that will be diverted from

the purposes for which they were originally granted?

Mr. GAUSE. I do not know exactly the number of acres; but I am informed that the proceeds of the lands already sold amount to

Mr. BAKER, of Indiana. Is there any large quantity remaining unsold?

Mr. GAUSE. No, sir. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read

the third time, and passed.

Mr. GAUSE moved to reconsider the vote by which the bill was assed; and also moved that the motion to reconsider be laid on the

table.

The latter motion was agreed to.

#### SCHOOL LANDS.

Mr. HATHORN, from the Committee on Public Lands, reported back, with the recommendation that it do pass, the bill (H. R. No. 280) to amend the act entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," approved May 20, 1826.

The bill was read. It provides that in all cases where section 16

has been reserved for the support of schools in such township, and said sixteenth section, or any part thereof, has not been set apart or accrued to the said township, on account of paramount title, legal appropriation to any person, or use other than the support of schools, or from any other cause whatever, it shall be the duty of the Secreor from any other cause whatever, it shall be the duty of the Secretary of the Interior, on the application of the proper and legal school officers of said township, or of any agent so authorized by the laws of the State of Missouri, to select the tracts of land to which each of said townships may be entitled by virtue of the act and the act to which it is amendatory, out of any unappropriated land within the State in which the township for which any tract or tracts of land is selected may be situated, and when selected, shall be held by the same tenure, and upon the same terms, for the support of schools, in such township as section 16 is, or may be held in the State where such township shall

Mr. TOWNSEND, of Pennsylvania. I desire to ask the gentleman from New York [Mr. HATHORN] whether that is not the law already?
Mr. HATHORN. It is not the law in the State of Missouri.

Mr. HATHORN. It is not the law in the state of Missouri.
Mr. TOWNSEND, of Pennsylvania. Is there not a general law that embraces what is provided in this bill?
Mr. HATHORN. Not that I am aware of.
It appears that in 1826 a law was passed donating to the State of Missouri for school purposes certain tracts of land, but some of those tracts, consisting of section 16, were in some of the townships deeded and disposed of before that law was passed. Now it is asked in behalf of the school officers that they may take the same amount of land out of any unappropriated land within the State. If the gentleman from Missouri [Mr. Buckner] who introduced this bill desires to make any further remarks upon it, I will yield to him for

Mr. BUCKNER. I did not very distinctly hear the reading of the bill as reported from the committee, and I would like to know, where the grant of the sixteenth section has failed by virtue of paramount title, whether the selection is to be confined to that township? Is there

any amendment of the bill in that respect?

Mr. HATHORN. There is not. Where the land has been all sold in the particular township, they may select from other parts of the

State.

Mr. BUCKNER. Is there any amendment to the original bill?

Mr. HATHORN. There is not. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question was on the passage of the bill.

Mr. BUCKNER. I would like to hear the bill again reported.

The bill was again read.

Mr. LUTTRELL. I wish to inquire of the gentleman who reports the bill whether its operation is confined to the State of Missouri?

Mr. HATHORN. It is.

The bill was passed.

Mr. HATHORN moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table. The latter motion was agreed to.

## EXTENSION OF TIME TO PRE-EMPTORS.

Mr. McDILL, from the Committee on Public Lands, reported back the bill (H. R. No. 1001) to extend the time to pre-emptors on the public lands in certain counties in the State of Minnesota and the bill (H. R. No. 2115) to extend the time for making final proof and payment by pre-emptors in the Territory of Dakota one year, with a substitute (H. R. No. 2452) to extend the time to pre-emptors on the public lands; which was read a first and second time.

The substitute extends the time at which pre-emptors on the public

lands and Indian reservations are now required to make final proof

and payment for the period of two years whenever the crops on said pre-empted lands have been destroyed by grasshoppers within the last

Mr. McDILL. By the legislation of the last Congress relief was granted to pre-emptors who had suffered from the ravages of grasshoppers by extending the time for making proof for one year. Two bills for which we have reported a substitute were brought into the House, one by the Delegate from Dakota extending the time for two years in the Territory of Dakota, and the other by a gentleman from Minnesota extending the time for two years to pre-emptors on the public lands in Minnesota. The committee have thought that relief should be extended to all pre-emptors who have suffered from the ravages of grasshoppers. The reason why the time is extended for ravages of grassnoppers. The reason why the time is extended for two years exists in the fact that the misfortune which comes to these settlers extends for the whole term of two years. They lose the year in which the grasshoppers come and destroy their crops and the whole of the succeeding year. The effect of this law is to extend the time two years, and it seems to me to be a bill eminently just and proper. If no gentleman desires to ask any question, I will move the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read

the third time, and passed.

Mr. McDILL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

#### LANDS IN IOWA.

Mr. McDILL, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1752) to restore certain lands in the State of Iowa to market, and for other purposes.

The bill was read, and is as follows:

The bill was read, and is as follows:

Beit enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Interior be, and he is hereby, directed to restore to market, by published notice, all vacant unappropriated lands heretofore withdrawn for the Mississippi and Missouri Railroad, in the State of Iowa, situated more than twenty miles from the amended line of route as located under the act approved June 2, 1864, entitled "An act to amend an act making a grant of lands to the State of Iowa, in alternate sections, to aid in the construction of certain railroads in said State," approved May 15, 1856: Provided, That the price of said lands shall not be less than \$2.50 per acre: And provided further, That all actual settlers now residing upon said lands shall be permitted to enter not exceeding one hundred and sixty acres for each head of a family or single man over twenty-one years of age, embracing improvements, in preference to any other person, on making proof of such settlement and paying for the lands in accordance with rules to be prescribed by the Secretary of the Interior.

SEC. 2. That this act shall not include any lands embraced in the confirmatory act approved January 31, 1873, entitled "An act to quiet title to certain lands in the State of Iowa."

Mr. McDILL. The history of the legislation upon this subject is Mr. McDILL. The history of the legislation upon this subject is this: In the year 1856 certain lands were granted for railroad purposes to the State of Iowa, and the road was allowed to make a selection within fifteen miles of their line indefinitely located. The railroad company known as the Mississippi and Missouri River Railroad Company, following the language of the act, made its selection in accordance therewith, but later the Chicago and Rock Island Railroad, which became the successor of the Mississippi and Missouri River Railroad, changed its route so that it passed through the city of Des Moines now the capital of the State and considerably south of the Moines, now the capital of the State and considerably south of the first definitely located line, thereby uncovering the northern portion of the original selection. The Land Office holds that these lands must be restored to market before they can be severally entered. The sole object of this bill is simply to restore to market the uncovered and unappropriated lands lying north of the present extreme limits of the railroad grant. As gentlemen will observe, the bill protects settlers now on the lands so as to allow them to enter one hundred and sixty acres of land for each head of a family and each single man in preference of other persons.

Mr. DUNNELL. I would ask the gentleman who has charge of this bill the reason as to the price of the lands thus restored to mar-

this bill the reason as to the price of the lands thus restored to market being kept at \$2.50 per acre?

Mr. McDILL. The reason is that the original land-grant bill made a reservation that the lands reserved to the Government should be sold for not less than \$2.50 per acre.

Mr. PHILLIPS, of Kansas. Are all these lands occupied by set-

Are they all taken up?

Mr. McDILL. I am not able to answer that question with certainty; my impression is that the larger portion of these lands are occupied by settlers.

Mr. PHILLIPS, of Kansas. Will the gentleman accept an amendment providing that all the lands not already taken up by settlers

shall be confined to homestead settlements?

Mr. McDILL. I have no objection, as a member of the Committee on Public Lands, to that amendment being offered; I am quite willing to accept it.
The SPEAKER. The gentleman cannot accept it; his bill is a re-

port from a committee.

Mr. PHILLIPS, of Kansas. Then I offer this amendment: that all the portions of these lands not occupied by settlers be reserved for homestead settlers.

The SPEAKER. Does the gentleman from Iowa yield for that amendment !

Mr. McDILL. I do yield.
Mr. PHILLIPS, of Kansas. I move, then, to amend in line 4, by striking out the word "market" and inserting in lieu thereof the words "to settlement under the homestead laws."

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. McDILL moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

Mr. HOLMAN. The title would not seem to harmonize with the bill now; it is not now a bill to restore to market, but to restore to the provisions of the homestead law. I call the attention of the gentleman from Iowa to that fact.

The SPEAKER. The title of the bill as it stands will be read.

The Clerk read as follows:

A bill to restore certain lands in the State of Iowa to market, and for other pur-

Mr. HOLMAN. I move to strike out the word "market" and to insert in lieu thereof the words "settlement under the homestead laws."

Mr. McDILL. I think the amendment adopted on motion of the gentleman from Kansas [Mr. Phillips] makes necessary still another amendment to the bill. His amendment has the effect of opening all this land to homestead entry; another portion of the bill provides that the price of this land shall not be less than \$2.50 an acre. There should be an amendment striking out that provision of the bill.

Mr. SAYLER. I move to reconsider the vote by which the bill was bassed, in order to move the amendment indicated by the gentleman

passed, in order to move the amendment indicated by the gentleman from Iowa, [Mr. McDill.]

The SPEAKER. The motion to reconsider has already been submitted and laid upon the table.

Mr. McDill. I ask unanimous consent to strike out the portion of the bill to which I have referred.

The SPEAKER. The bill has already been passed, and is beyond

the power of amendment.

#### SCHOOL-INDEMNITY LANDS IN NEBRASKA.

Mr. CROUNSE, from the Committee on Public Lands, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1962) to confirm certain school-indemnity selections of public lands by the

The question was upon ordering the bill to be engrossed and read a third time.

ORDER OF BUSINESS.

Mr. WOOD, of New York. Has the morning hour expired?

The SPEAKER. The morning hour has expired.
Mr. WOOD, of New York. I then move that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of taking up and proceeding with the consideration of the special order.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union, Mr. Say-

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the special order, which is House bill No. 612, to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That whenever the President of the United States shall receive satisfactory evidence that the legislature of the Hawaiian Islands have passed laws on their part to give full effect to the provisions of the convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, he is hereby authorized to issue his proclamation declaring that he has such evidence; and thereupon, from the date of such proclamation, the following articles, being the growth and manufacture or produce of the Hawaiian Islands, to wit, arrow-root; castor-oil; bananas; nuts; vegetables, dried and undried, preserved and unpreserved; hides and skins, undressed; rice; pulu; seeds, plants, shrubs, or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands, and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" sirups of sugar-cane, melado, and molasses; tallow, shall be introduced into the United States free of duty so long as the said convention shall remain in force.

Mr. WOOD of New Yorks, If no centlament as the residence of the Hawaiian Islands, and the said convention shall remain in force.

Mr. WOOD, of New York. If no gentleman calls for the reading of the report

Mr. THROCKMORTON. I ask that the report of the majority of the committee reporting this bill be now read.

Mr. STEVENSON. I suggest that the minority report be read also. I think both reports should be read before the argument upon the bill is proceeded with.

The Clerk began the reading of the report of the majority, but before he had a realized.

before he had concluded,

Mr. THROCKMORTON said: I ask unanimous consent that the further reading of this report be dispensed with, and that both the majority and minority reports be printed in full in the RECORD.

There was no objection, and it was so ordered.

The reports are as follow:

The Committee of Ways and Means, to whom was referred the bill (H. R. No. 612) to carry into effect a convention between the United States and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, report:

That the convention provides for a treaty between the United States and the Hawaiian Islands. It is strictly a commercial treaty so far as the government of the Hawaiian Islands is concerned, but contains provisions favorable to the United States of a commercial and political character which are not accorded to that government.

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ernment.

The convention, as agreed upon by the President and the Senate on the part of this Government and His Majesty the King of the Hawaiian Islands, is as follows: CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE HAWAIIAN ISLANDS—COMMERCIAL RECIPROCITY.

Concluded January 30, 1875; ratification advised by Senate March 18, 1875; ratified by President May 31, 1875; ratified by King April 17, 1875; ratifications exchanged at Washington, June 3, 1875; proclaimed June 3, 1875.

## BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A Proclamation.

A Proclamation.

Whereas a convention between the United States of America and His Majesty the King of the Hawaiian Islands, on the subject of commercial reciprocity, was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the 30th day of January, 1875, which convention, as amended by the contracting parties, is word for word as follows:

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, have resolved to enter into a convention for commercial reciprocity. For this purpose, the President of the United States has conferred full powers on Hamilton Fish, Secretary of State, and His Majesty the King of the Hawaiian Islands has conferred like powers on Hon. Elisha H. Allen, chief justice of the supreme court, chancellor of the kingdom, member of the privy council of state, His Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, and Hon. Henry A. P. Carter, member of the privy council of state, His Majesty's special commissioner to the United States of America.

And the said plenipotentiaries, after having exchanged their full powers, which were found to be in due form, have agreed to the following articles:

### ARTICLE I.

For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty.

#### SCHEDULE.

Arrow-root; castor-oil; bananas, nnts, vegetables, dried and undried, preserved and unpreserved; hides and skins undressed; rice; pulu; seeds, plants, shrubs, or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" sirups of sugar-cane, melado, and molasses; tallow.

#### ARTICLE II.

For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, His Majesty the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth, manufacture, or produce of the United States of America, into all the ports of the Hawaiian Islands free of duty.

SCHEDULE.

Agricultural implements; animals; beef, bacon, pork, ham, and all fresh, smoked, or preserved meats; boots and shoes; grain, flour, meal, and bran, bread and breadstuffs, of all kinds; bricks, lime, and cement; butter, cheese, lard, tallow; bullion; coal; cordage, naval stores, including tar, pitch, resin, turpentine raw and rectified; copper and composition sheathing; nails and bolts; cotton and manufactures of cotton, bleached and unbleached, and whether or not colored, stained, painted, or printed; eggs, fish and oysters, and all other creatures living in the water, and the products thereof; fruits, nuts, and vegetables, green, dried or undried, preserved or unpreserved; hardware; hides, furs, skins and pelts, dressed or undressed; hoop-iron, and rivets, nails, spikes and bolts, tacks, brads or sprigs; ice; iron and steel and manufactures thereof; leather; lumber, and timber of all kinds, round, hewed, sawed, and unmannfactured in whole or in part; doors, sashes, and blinds; machinery of all kinds, engines and parts thereof; oats and hay; paper; stationery, and books, and all manufactures of paper or of paper and wood; petroleum and all oils for lubricating or illuminating purposes; plants, shrubs, trees, and seeds; rice; sugar, refined or unrefined; salt; soap; shooks, staves, and headings; wool and manufactures of wool, other than ready-made clothing; wagons and carts for the purposes of agriculture or of drayage; wood and manufactures of wood, or of wood and metal except furniture either upholstered or carved and carriages; textile manufactures, made of a combination of wool, eotton, silk, or linen, or of any two or more of them other than when ready-made clothing; harness and all manufactures of leather; starch; and tobacco, whether in leaf or manufactured.

## ARTICLE III.

The evidence that articles proposed to be admitted into the ports of the United States of America, or the ports of the Hawaiian Islands, free of duty, under the first and second articles of this convention, are the growth, manufacture, or produce of the United States of America or of the Hawaiian Islands, respectively, shall be established under such rules and regulations and conditions for the protection of the revenue as the two Governments may from time to time respectively prescribe.

#### ARTICLE IV.

ARTICLE IV.

No export duty or charges shall be imposed in the Hawaiian Islands, or in the United States, upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty under the first and second articles of this convention. It is agreed, on the part of His Hawaiian Majesty, that so long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, State, or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

Article V.

## ARTICLE V.

The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given, and the ratifications of the convention having been exchanged as provided in article 6, the convention shall remain in force for seven years from the date at which it may

come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time there-

## ARTICLE VI.

The present convention shall be duly ratified and the ratifications exchanged at Washington City within eighteen months from the date hereof or earlier if possible. In faith whereof the respective plenipotentiaries of the high contracting parties have signed this present convention and have affixed thereto their respective seals. Done in duplicate, at Washington, the 30th day of January, in the year of our Lord 1875.

Lord 1875 SEAL.

HAMILTON FISH. ELISHA H. ALLEN. HENRY A. P. CARTER.

And whereas the said convention, as amended, has been duly ratified on both parts and the respective ratifications were exchanged in this city on this day:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

States to be affixed.

Done at the city of Washington this 3d day of June, in the year of our Lord 1875 and of the Independence of the United States the ninety-ninth. SEAL.

By the President: HAMILTON FISH,

Secretary of State.

Hamilton Fish,
Secretary of State.

The treaty, in consequence of its abolition of the duty now imposed by law in the United States on the articles enumerated in the schedule, requires an ect of Congress to carry it into effect. Unlike most of the treaties made with foreign nations, not only the consent of the House of Representatives is required to give it validity, but the proposition to do so must begin there.

In the papers marked confidential, submitted by the President to the Senate for its consideration, with a view to the ratification of this treaty, is a letter from the Secretary of the Treasury, in reply to the Secretary of State, relating to the commerce between the United States and the Hawaiian Islands.

With this letter are tables, furnished by the Bureau of Statistics, showing the imports into the United States from the Hawaiian Islands during the fiscal years ending June 30, 1871 to 1874; also statement of domestic exports from the United States to those islands for the same periods. From these tables it appears the total imports fint the United States from the Hawaiian Islands was, for 1871, \$1,133,154; for 1872, \$1,285,320; for 1873, \$1,316,270; and for 1874, \$1,017,172; while the exports to those islands were, in 1871, \$403,85; in 1872; \$620,295; in 1873, \$654,103; and in 1874, \$622,280.

In addition to these tables, we have procured and add the importations and exportations for the fiscal year ending June 30, 1875, which state the importations at \$1,227,191 and the exportations \$695,384.

Thus is presented a comparative statement of the trade of the two countries for the past five years, which shows a balance in favor of the Hawaiian Islands.

This trade is chiefly in tropical or semi-tropical products, as imported, and in miscellaneous products of the United States, as exported.

It will be seen that, so far as the aggregate value in the amount of the commerce between the two countries is concerned, it is not of great importance. It is, however, an interesting fact, those islands buy from u

"The conditions attending this commerce appear to be such as render it of greater value to the United States, in proportion to its volume, than is usual with corntries similarly situated and producing sugar as the leading staple. So far as the exchange of articles is concerned, there is an equivalent to be found in our export trade for the value of the sugar and the other articles imported. Such is not the case with most of the tropical islands or sugar-producing countries of either hemisphere.

case with most of the tropical islands or sugar-producing countries of center nemesphere.

"The import trade from the several possessions of the East Indies shows large aggregates received and very small values returned in the produce of the United States. The heavy adverse balance must be paid in coin. Thus the exports of United States produce and manufactures to China are but 5 per cent of the imports from China, and the light exports to the British East Indies are but 1 per cent. of the imports therefrom.

"The exports to the Spanish East Indies, or Manila, are but one-third of 1 per cent. of the imports from those possessions; and, finally, the exports to the Dutch East Indies are but 4 per cent. of the imports from the same.

"The Hawaiian Islands take an aggregate value of American produce and manufactures twice as great as do the last three countries or possessions taken together."

The following statement is in further illustration, by figures, of this point:

Value of Hawaiian trade as compared with other sugar countries Hawaiian Islands export to the United States \$1,139,725
The islands import from the United States \$35,000
Imports year 75 per cent of exports Under the treaty would be nearly applied.

Imports over 75 per cent. of exports. Under the treaty would be nea	rly equal.
Cuba exports to the United States. Cuba imports from the United States. Imports not 2 per cent. of exports.	\$77, 469, 826 1, 397, 129
BRITISH EAST INDIES.	
British East Indies export to the United States.  The same import from the United States.  Being not 1 per cent. of exports.	16, 855, 747 165, 270
SPANISH POSSESSIONS OTHER THAN CUBA.	
Other Spanish possessions sell to the United States.  The same buy of the United States.  Less than $\frac{1}{4}$ of 1 per cent.	6, 171, 635 17, 570
DUTCH EAST INDIES.	
Dutch East Indies sell to the United States	
CHINA.	
China sells to the United States. The same buys of the United States. Being about 7½ per cent.	26, 353, 291 1, 931, 732

The importation of rice from the Hawaiian Islands for the fiscal year ending June, 1875, was 794 tons, valued at \$60,131, which is a small portion of what the Pacific States consume.

This reciprocal trade is better than free trade, for, while it increases the trade of the contracting parties and concentrates it in their hands, it is a restraint on the

trade of other countries, because they have duties and other charges to pay from which the parties to this reciprocal treaty are free.

With reference to the ostensible trade between the Hawaiian Islands and the United States, as shown by the values reported, it may be said that these values do not probably accurately state it, as, for instance, there are reasons for believing they are too largely stated for imports and as much in deficiency for exports. The official statements of the Hawaiian government of imports from the United States for 1873 are placed at \$336,522, of which sum \$766,522 in value paid duty, and the exports to the United States are stated at \$1,088,2\*6; whereas, according to our valuations, our exports for the same period were \$1,316,270, and the imports \$697,191, showing a material difference.

The Secretary of the Treasury further states that—

"The effect on the revenue of admitting the articles named in the schedule free of duty is first to remit the amount levied on sugar, the quantity of which was in 1873 (fiscal year) 15,743,146 pounds, on which the duty, at two cents per pound, is \$314,863, and, inclusive of a small amount of other saccharine products, (molasses and melado,) it amounts to \$320,345 in all on this class of articles. This is also nearly the average for three years ending with 1873.

"The duty on other articles imported and included in the schedule of articles to be admitted free is small in amount, including none of conspicuous importance. The aggregate received is less than \$50,000 per year. The entire release of duty proposed by the treaty, therefore, would be nearly \$370,000 yearly.

"In relation to the question of duty, it is, however, only just to say that the present consumption of sugar on the Pacific coast is rapidly increasing, the increase each year being mearly equal to the total importation of a year from these islands.

"For 1873 (the fiscal year) the total quantity of sugar imported at San Francisco

islands.

"For 1873 (the fiscal year) the total quantity of sugar imported at San Francisco was 72,026,072 pounds and 2,980,939 pounds at Portland, Oregon, together 75,007.011 pounds. In the preceding year the entire quantity was 62,861,460 pounds, a difference of 12,145,545 pounds in 1873 over 1872.

"During 1874 the importation was still larger. This increasing importation and consumption therefore cause the question to stand not so much as one of diminution of present revenue, but rather as a check to their increase to the extent of the importation of sugar and other dutiable articles made free. The lack of natural facilities for developing the production of sugar in the islands embraced in the treaty would keep down the future proportions of this check."

The Secretary, in conclusion, further states:

The Secretary, in conclusion, in their states:

"The proposed release of this duty would undoubtedly increase this trade, and its increase would go far toward compensating for the loss resulting from the release of sugar from duty.

"Should the sugar-product so released increase to 25,000,000 pounds yearly, the export trade would probably equal it in value

"In addition to the particular articles of commerce affected by the treaty, there are general commercial advantages likely to follow, which can only be alluded to here. The rendezvous so long afforded at these islands for the sailing-fleets of the Pacific is still needed; and, with the increasing commerce of all the seas bordering the Pacific, the demand increases for such aids and facilities as would be afforded through the establishment of American interests in the Hawaiian Islands proposed by the treaty."

through the establishment of American interests in the Hawaiian Islands proposed by the treaty."

It will thus be seen that the Secretary of the Treasury does not attach importance to the loss of revenue growing out of the ratification of this treaty.

Agreeing with all of his predecessors who have been consulted on the subject, he approves of a treaty of this character with the Hawaiian Islands.

There is no doubt that, looked upon as simply a revenue measure, it would not seem as if there was immediate advantage to the United States; but, when we take into consideration not only the present but the prospective commerce of the Pacific, it cannot be disputed it is of much greater advantage to us than to the other party to the treaty.

This treaty authorizes an exchange of the products of the soil, such as sugar, rice, and some tropical fruits, for lumber, flour, and manufactures of the United States.

The Pacific States are to receive from those islands what they do not produce, and the islands are to receive from the Pacific States in exchange therefor what they do not produce.

As sugar is the principal article released, it may be well to consider it specially in this connection. Some fears have been expressed as to the effect of this release

As sugar is the principal article released, it may be well to consider it specially in this connection. Some fears have been expressed as to the effect of this release from duty on the like products of the United States.

It cannot be said that the admission of Hawaiian sugar will have the least influence upon the sugar-market in the Atlantic States, for it is impossible that this sugar can in any way come in competition with it. To show how little the Atlantic-grown sugar can be affected by the admission of the Pacific-grown sugar into the Pacific ports free, (for it is only in the Pacific ports that this sugar can ever be imported,) the following comparative statement is submitted:

The importation of sugar into the United States during 1873 was. 760,648 Imported from the islands 77, 404

or about one hundredth of the whole.

Whole importation into the United States 797, 153
Imported from islands 6, 787 or less than one hundredth of the whole, showing an increase of importation into the United States of 30,505 tons.

Whole importation into the United States. 847, 910 Imports from islands. 8, 944

Whole importation into the United States.

Tons.

847,910
Imports from islands.

8, 944
a trifle over one hundredth of the whole, showing an increase of imports into the United States of 50,757 tons.

Imports of sugar from all countries into the Pacific States in fiscal year ending June 30, 1875, was 66 446,470 pounds, while the importation from the islands to the Pacific States was 17,888,000 pounds, a trifle over one-quarter of the whole importation, so that it will be seen that the whole importation from the islands cannot affect the market in the Atlantic States. It is not possible that the Hawaiian sugar can ever find its way to the Atlantic States—the cost of transportation would exclude it; nor can there be fear of any very great increase in the production of this sugar, in view of the steadily diminishing population of the islands. (See Appendix A.)

As pertinent to the consideration of this question, we should not lose sight of a probable diversion of the trade of the islands to another direction; already a very large proportion of it has been attracted to the British colonies in the Pacific. In 1873 the total export of sugar from the Hawaiian Islands was 11,595 tons, of which 4,191 tons were sent to British colonies, and of the imports of the same year more than one-half was from other countries than the United States.

At the present time a great number of British, American, and Hawaiian vessels annually enter Australian and New Zealand ports with sugar cargoes. The greater part of these enter at New Castle or Sydney, thence take coal freights back to the islands. New Zealand, Tasmania, and Victoria are striving for a monopoly of the trade, and have recently made considerable progress.

The supply of sugar in the Mauritius is rapidly defining, and a substitute for it is found in that of the Hawaiian Islands, and the effort now is to procure a monopoly of it.

The English governmentand peeple are always on the alert to increase their commercial advantages. Their vast Pacific possessions, already of incalculable value, require a larger supply of sugar for consumption than can now be supplied, hence their interest in procuring a monopoly of this trade.

It is not, therefore, unreasonable to apprehend that the United States may lose a considerable portion of this trade unless better commercial relations are made with the islands.

The producing interest of the islands has been for years in a depressed state, but it is thought that the treaty will give an impulse to the business, and although it reduces their revenues from customs, and imposes upon them direct taxes, they prefer to try this rather than to seek relations with any other country.

It has been said that the United States will surely have this trade if they do nothing to encourage it.

This is an entire mistake, for production must diminish and the trade lessen by the impoverished condition of the people, or they will be compelled to make commercial relations with some other country.

There is now communication by steamers from San Francisco to Australia, touching at the islands, besides vessels calling at the islands for freight, and frequently freighted with coal, which affords reasonable freight for return cargo.

In this day of sharp contest for the trade of the Pacific, some effort must be made to secure it. These steamers are subsidized by the governments of Australia and New Zealand, and it is a liberal effort to secure the trade of the Pacific.

The United States derives advantages from the treaty superior to the islands in some respects.

If the exports and imports are equal, as they probably will be, it would be an

The United States derives advantages from the treaty superior to the islands in some respects.

If the exports and imports are equal, as they probably will be, it would be an equal bargain. But as the islands have no vessels, the United States will have the carrying trade, and the supplying them with all the variety of their produce and manufactures.

But supposing that there were no reciprocity of commerce in this treaty, that the commercial advantages were largely against us, and that we were to lose even \$400,000 annual revenue, yet there are political reasons of sufficient magnitude to warrant us to make it. We should consider it as a question comprehending interests beyond the mere free exchange of the articles enumerated in the schedules.

It involves matters of higher interests, of graver importance, and greater significance than those which relate simply to reciprocal advantages likely to result from a free exchange of commodities.

It involves matters or higher interests, or graver importance, and greater significance than those which relate simply to reciprocal advantages likely to result from a free exchange of commodities.

Private interests should be subordinate to national interests and commercial security and advancement.

The geographical position of the Hawaiian Islands, their relation to our Pacific coast and to the countries adjacent to the Pacific Ocean, their history, area, and capabilities of production, the character of their harbors and their commerce, the present and future commerce of the ocean which surrounds them, the problem as to their future political status, together with the certainty that they cannot maintain autonomy or hold their place as a separate nation and not become absorbed by some other power, are to be considered in determining the question as to the policy of making this treaty. As early as 1840 the importance of these islands, in their geographical and political aspect, attracted the attention of our Government.

Mr. Webster, when Secretary of State, even before the acquisition of California, declared that the Government of the United States would look with displeasure upon any effort by any other government to acquire any prependerating influence over the government of the Hawaiian Islands; and he further said, in relation to an intimation that the French would probably take possession of the islands, that "he trusted they would not take possession, but if they did, they would be dislotged, if it took the whole power of this Government to do it, if his advice were taken."

Subsequently, in view of the importance of more intimate commercial relations with this country. Mr. Marcy, while Secretary of State, negotiated a treaty similar in principle, and he left on record his opin ion that he regarded it as "a measure of great importance to both countries;" but, from considerations peculiar to that day, it was not reported by the Committee on Foreign Affairs to the Senate.

The question, however, was regarded by the Government of so much importance that Mr. Seward, when Secretary of State, stated to the Hawaiian minister that he designed to negotiate another treaty, and would do so when the war was closed; adding that the Government made no treaties at that time without some especial provisions, which, perhaps, would not be well to incorporate in such a treaty. But during his term of office such a treaty was made. But it had the misfortune to be before the Senate at the time of the San Domingo treaty, and it suffered from that association.

during his term of office such a treaty was made. But it had the misfortune to be before the Senate at the time of the San Domingo treaty, and it suffered from that association.

This treaty, incorporating the same principle of reciprocal trade, has many advantages which the other treaties had not. It embraces almost the whole import trade of the islands on the free list, to the exclusion of Great Britain and Germany and all other countries, so far as the discrimination of duties is against them. It contains the additional provisions that no export duty or charges shall be imposed in the Hawaiian Islands or in the United States upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty under the first and second articles of this convention. It is agreed on the part of His Hawaiian Majesty that, so long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions or grant any special privilege or rights of use therein to any other power, state, or government, nor make any treaty by which any other nation shall obtain the same privileges relative to the admission of any articles free of duty hereby secured to the United States.

The treaty, after the most thorough discussion in the Senate, was ratified by a vote of 51 to 12. It will be seen, therefore, that the principles of the treaty have been approved by many of the leading statesmen of the country and by almost every administration of the Government for many years, and there has been an entire unanimity of opinion that the United States must have such commercial relations with them as will prevent them from being allied to any other country.

The misfortune of the islands is that they have no home market, and they are entirely dependent upon the trade of other countrys, and hence the necessity of commercial relations with this or some other country.

The Legislature of Oregon expressed the

Aft. Seward, in a speech he made in the Senate of the subject of the commerce of the Pacific, said:

"Who does not see that henceforth every year European commerce, European politics. European thought, and European activity, although actually gaining greater force, and European connections, although actually becoming more intimate, will ultimately sink, nevertheless, in importance, while the Pacific Ocean, its shores, its islands, and the vast region beyond, will become the chief theater of events in the world's great hereafter?"

The commercial prosperity of the Pacific States, sustained not only by its immense productive power, by agriculture and mining, but by its central position, must rapidly increase by its means of easy communication with China and Japan, and the British colonies in the South Pacific, and with the Atlantic States and Europe. And when the other railroads across the continent to the Pacific, and the ship-canal connecting the Atlantic and Pacific are complete, it will add, of course, immensely to the navigation and commerce of that ocean. The Sandwich Islands are in the track of this great commerce; and whatever maritime power moors her fleet there holds the key to the North Pacific, for, as Jarvis, the historian of the islands, says:

"No trade could prosper, or even exist, while a hostile power, possessing an active and powerful marine, should send forth its cruisers to prey on commerce."

He says further, that—

"A military colony once fairly established on them might put at defiance any means of attack which could be brought to bear against them."

Since the time that Jarvis wrote, California has been acquired, in which has been built one of the great commercial cities of the Union; and this city is connected by a railroad with the Atlantic and by steamers with Japan and China, with the Hawaiian Islands, Fiji Islands, Australia, and New Zealand, and the coast of America to Chili. Other railroads across the continent are being built, which will make additional connections with ports and islands on the Pacific. The day will doubtless come when a ship-canal will be built connecting the Atlantic and the Pacific, and, of course, extending commerce and civil relations with the rich countries of the East.

The London Times thus refers to the chief harbor of the islands:

"The narrow land-locked inlet or lagoon named Pearl River Harbor is in itself small in absolute extent, but it is of inestimable value to any civilized nation possessing it and using it for naval purposes. In the deep waters of this sheltered lake not only the armed ships of the United States, but of all countries, may find space and perfect security. The maritime power which holds Pearl River Harbor and monors her fleet there, holds also the key of the North Pacific."

Oregon has added her valuable agricultural products, with lumber and manufactures, to the great stock of the States, all of which, when the resources of the Pacific are even partially developed, will stimulate commerce by their rich abundance.

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tures, to the great stock of the States, all of which, when the resources of the Pacific are even partially developed, will stimulate commerce by their rich abundance.

The Chamber of Commerce of San Francisco made a report in favor, some years ago, in which this language is used:

"Opposite the very portals of this commerce, and directly in its track, lie these islands, keeping, as it were, watch and ward over us and over this entire coast and its commerce. Plant an active enemy on them, and let him fortify himself there, if he were the smallest of the maritime powers, he would probably annihilate this commerce. A power with a fleet consisting of only the Florida and the Alabama would, intrenched in these marine fortresses, harass all profit out of it. In the hands of France or England the effect would be to enable either of those powers to shut us out of the great highway of the Pacific and lock us up, so far as commerce is concerned, within our own mountain ranges, absolutely at its pleasure. The United States, by keeping up an enormous naval armament on this coast, could carry her flag with her floating batteries in defiance of such powers and their mid-ocean fortress; but sommerce vould be sup-mded; and so important has this commerce of the Pacific become to the United States, so great its present proportions, and so intimately blended with the nation's bopes and interests in its prospective growth, the very knowledge that a hostile power, so located, could at will destroy it almost without cost, would compel the United States, in all integrational intercourse, to take a humbler tone and be less independent in urging its own views, for nations like men intuitively bate their breath in the presence of a power which can, if disposed, inflict on them a grand injury with small effort."

Sir George Simpson, the former governor of the Hudson Bay Company, in his travels around the world, says that "the position of this archipelago is far more valuable on this account, that it neither is nor can ever be shared by

British colonies in the South Pacific:

Squ	are miles.
Australia has	2, 973, 127
New Zealand	950, 000
Tasmania	26, 300

3, 349, 427

Besides the recently acquired possession of the Fiji Islands, containing some two hundred and twenty-five islands in number.

The population of these colonies is approaching 3,000,000, with great enterprise and wealth.

The Queen, in her speech to Parliament last February, said:

"The King and chiefs of Fiji having made a new offer of their islands, unfettered by conditions. I have thought it right to accept the cession of a territory which, independently of its large natural resources, offers important maritime advantages by my fleets in the Pacific."

In addition to these great pressessions in the South Pacific Court Parlia.

In addition to these great possessions in the South Pacific, Great Britain has British Columbia in the North Pacific, so that, should she now acquire the Saudwich Islands, she would have a perfect cordon around the Pacific States. These islands are the only interruption to the chief control.

Square miles. The United States has 1, 984, 467
The Territories have 1, 619, 417

The Hawaiian Islands can do but little in promoting their prosperity without more intimate relations with this or some other commercial country.

Their civilization is modeled after our own. They have similar systems of laws. Our principles of jurisprudence are controlling authority in their courts.

Their literary and religious institutions are similar to our own, and an American in visiting their capital would feel as if he were in an American town. It is an eventful period in the history of that part of the world, and it is important that our commercial relations should be made more intimate, so that should the

day come when those islands are, as it were, a waif on the ocean, they would come naturally under our control, without money and without price, and, what is infinitely more important, without a conflict with any greatnation of the world. Other nations want them, but this country has the vantage-ground and the preference; for as a people, their affections are with us.

In view, therefore, of these considerations, the committee report in favor of the bill to carry this treaty into effect.

The slight loss of revenue is of small value as compared with the many higher and more important interests to be subserved.

The Pacific Ocean is an American ocean, destined to hold a far higher place in the future history of the world than the Atlantic. It is the future great highway between ourselves and the hundreds of millions of Asiatics who look to us for commerce, civilization, and Christianity. These islands rest midway between us and them as the necessary post provided by the Great Ruler of the universe as points of observation, rest, supply, military strategy, and command, to enable each other to unite in protecting both hemispheres from European assault, aggression, and avarice.

Population of the Hawaiian Islands.

Year.	Foreign- ers. Natives.		Total number.	Decrease.	Years.
1779, Captain Cook estimated it 1823, American missionaries es-			400, 000		
mated it			142, 050	257, 950	44
1832, official census			130, 315	11, 735	9
1836, official census			108, 579	24, 414	. 4
1850, official census	1,962	82, 203	84, 165	24, 414	14
1853, official census		71,019	73, 138	11, 027	3
1860, official census	2, 716	67, 084	69, 800	3, 338	7
1866, official census	4, 194	58, 765	62, 959	6, 841	6
1872, official census	7, 853	49, 044	56, 897	6,062	6

1872, natives	49, 044 2, 487 5, 366
Total	56, 897
1850, natives	49,044
Decrease in twenty-two years	33, 159

Forty and one-third per cent., or 1.83 per cent. annually, including half-castes, 2,487.

The undersigned, a minority of the Committee of Ways and Means, submit their views and objections to the bill (H. R. No. 612) to carry into effect the proposed treaty between the United States and the Hawaiian Islands, signed January 30, 1875. The proposed treaty is as follows:

CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND HIS MAJESTY THE KING OF THE HAWAHAN ISLANDS—COMMERCIAL RECIPROCITY.

Concluded January 30, 1875; ratification advised by Senate March 18, 1875; ratified by President May 31, 1875; ratified by King April 17, 1875; ratifications exchanged at Washington June 3, 1875; proclaimed June 3, 1875.

# BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

#### A Proclamation.

A Proclamation.

Whereas a convention between the United States of America and His Majesty the King of the Hawaiian Islands, on the subject of commercial reciprocity, was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the 30th day of January, 1875, which convention, as amended by the contracting parties, is word for word as follows:

The United States of America and His Majesty the King of the Hawaiian Islands, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, have resolved to enter into a convention for commercial reciprocity. For this purpose, the President of the United States has conferred full powers on Hamilton Fish, Secretary of State, and His Majesty the King of the Hawaiian Islands has conferred like powers on Hon. Elisha H. Allen, chief justice of the supreme court, chancellor of the kingdom, member of the privy council of state, His Majesty's envoy extraordinary and minister plenipotentiary to the United States of America, and Hon. Henry A. P. Carter, member of the privy council of state, His Majesty's special commissioner to the United States of America. And the said plenipotentiaries, after having exchanged their full powers, which were found to be in due form, have agreed to the following articles:

ARTICLE I.

## ARTICLE I.

ARTICLE I.

For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty.

## SCHEDULE.

Arrow-root; castor-oil; bananas, nuts, vegetables, dried and undried, preserved and unpreserved; hides and skins undressed; rice; pulu; seeds, plants, shrubs, or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands and now known in the markets of San Francisco and Portland as "Sandwich Island sugar;" sirups of sugar-cane, melado, and molasses; tallow.

#### ARTICLE II.

For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this convention, and as an equivalent therefor. His Majesty the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth, manufacture, or produce of the United States of America, into all the ports of the Hawaiian Islands free of duty.

#### SCHEDULE.

Agricultural implements; animals; beef, bacon, pork, ham, and all fresh, smoked, or preserved meats; boots and shoes; grain, flour, meal, and bran, bread and breadstuffs, of all kinds; bricks, lime, and cement; butter, cheese, lard, tallow; bullion; coal; cordage, naval stores; including far, pitch, resin, tarpentine, raw and rectified; copper and composition sheathing; nails and bolts; cotton and manufactures of cotton, bleached and unbleached, and whether or not colored, stained, painted, or printed; eggs, fish, and oysters, and all other creatures living in the water, and the products thereof; fruits, nuts, and vegetables, green, dried, or undried, preserved

or unpreserved; hardware; hides, furs, skins, and pelts, dressed or undressed; hoopiron and rivets, nails, spikes, and bolts, tacks, brads, or sprigs; ice; iron and steel, and manufactures thereof; leather; lumber, and timber, of all kinds, round, hewed, sawed, and unmanufactured, in whole or in part; doors, sashes, and blinds; machinery of all kinds, engines, and parts thereof; oats and hay; paper, stationery, and books, and all manufactures of paper or of paper and wood; petroleum and all oils for lubricating or illuminating purposes; plants, shrubs, trees, and seed; rice; sugar, refined or unrefined; salt; soap; shooks, staves, and headings; wool and manufactures of wool, other than ready-made clothing; wagons and carts for the purposes of agriculture or of drayage; wood and manufactures of wood, or of wood and metal, except furniture, either upholstered or carved, and carriages; textile manufactures, made of a combination of wool, cotton, silk, or linen, or of any two or more of them other than when ready-made clothing; harness and all manufactures of leather; starch; and tobacco, whether in leaf or manufactured.

ARTICLE III.

#### ARTICLE III.

The evidence that articles proposed to be admitted into the ports of the United States of America or the ports of the Hawaiian Islands free of duty under the first and second articles of this convention are the growth, manufacture, or produce of the United States of America or of the Hawaiian Islands, respectively, shall be established under such rules and regulations and conditions for the protection of the revenue as the two Governments may from time to time respectively

#### ARTICLE IV.

ARTICLE IV.

No export duty or charges shall be imposed in the Hawaiian Islands or in the United States upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty under the first and second articles of this convention. It is agreed, on the part of His Hawaiian Majesty, that so long as this treaty shall remain in force he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state, or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

#### ARTICLE V.

ARTICLE V.

The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given, and the ratifications of the convention having been exchanged as provided in article VI, the convention shall remain in force for seven years from the date at which it may come into operation; and, further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same; each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.

#### ARTICLE VI.

The present convention shall be duly ratified, and the ratifications exchanged at Washington City, within eighteen months from the date hereof, or earlier if possible. In faith whereof the respective plenipotentiaries of the high contracting parties have signed this present convention and have affixed thereto their respective seals. Done in duplicate at Washington, the 30th day of January, in the year of our Lord 1875.

HAMILTON FISH.
ELISHA H. ALLEN.
HENRY A. P. CARTER.
[SEAL.]
[SEAL.]

And whereas the said convention, as amended, has been duly ratified on both parts, and the respective ratifications were exchanged in this city on this day:

Now, therefore, be it known that I, Ulysses S. Grant, President of the United States of America, have caused the said convention to be made public, to the end that the same, and every clause and article thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 3d day of June, in the year of our Lord 1875, [SEAL.]

and of the Independence of the United States the ninety-ninth.

By the President:

By the President: HAMILTON FISH, Secretary of State.

HAMILTON FISH,

Secretary of State.

A statement from the Secretary of the Treasury shows the imports into the United States from those islands for the last fiscal year to have been \$1,227,191, from which the Government of the United States received in revenue from import duties the sum of \$456,777.

From the same source it appears that the whole value of goods, wares, and merchandise exported from the United States, of her products to these islands, for the same year, was the sum of \$655,174, not one-third in excess of the amount of annual revenue received, \$456,777, from our commerce with the islands; which sum it is proposed by this treaty to give away and remit, chiefly to the sugar interest on the islands, and necessarily to be made up by further taxation upon our own people.

This is giving and remitting nearly one dollar of duty to the islands for the privilege of selling another dollar's worth of products.

The Secretary of the Treasury says further that in the six months of the current fiscal year, ending December 31, 1875, the importation of sugar into the United States from these islands amounted to 12,425,219 pounds. At this rate the imports of sugar in the year ending June 30, 1876, would reach 24,850,438 pounds, the duty on which is \$43,633; and this from sugar alone.

So that, with this treaty in force this year, we would pay at least a dollar for the privilege of selling goods worth a like sum.

Of the commerce or trade with the Hawaiian Islands the sugar product is of chief value, the quantity sent to us being \$933,676, out of a total import of \$1,227,191, or more than three-fourths of the whole. The product of this article is rapidly increasing. It increased from 1,444,271 pounds in 1860 to 28,000,000 in 1875.

Under this treaty, by which this sugar is admitted free, and the producers thus given two and two-fifths cents per pound bounty over all other sugars of like quality imported, we shall receive the entire crop. This, with the producers of the bounty of two and two-fifths cents per pound.

would cost us a dollar for the privilege of selling goods of the value of another, and during the seven years' continuance of the treaty, should it be ratified, it will cost

would cest us a collar for the prince of the treaty, should it be ratified, it will cost us at least \$10,000,000.

Neither would this give us cheap sugar; the quantity imported is only 1 per cent. of our consumption, nor can it exceed (for natural causes, such as the limited quantity of arable lands) 5 or 6 per cent. of our consumption; and this cannot reduce

tity of arable lands) 5 or 6 per cent. or our consumption; and this cannot reduce the prices in our market.

Thus it is that the forty or fifty sugar-planters (none of whom are Sandwich-Islanders) who control the sugar product on these islands will receive the highest market prices from our citizens, while our citizens will receive no benefit from it by reason of cheaper goods, nor will the Sandwich Islands receive any benefit therefore.

This benefit all inures to the sugar-planters, for the reason that this treaty artfully provides that the Sandwich Islands shall lay no export duty. The sugarplanters, therefore, get the two and two-fifths cents per pound bounty, which is
remitted by us, and, as shown above, without a reduction of the market price.
The money so remitted from our Treasury goes not to the treasury of the Hawaiian
Islands, but to the sugar-planters. On an examination of the imposing list of articles which we may import into the islands free of duty, it will be found to contain bricks, shrubs, trees, rice, sugar, wool, and very many articles with which the
people of the islands supply themselves, or do not need, while liquors and spirits
and ready-made clothing, which have made up about one-seventh of our exports to
the islands, are carefully omitted. In short, the undersigned are of the opinion
that this treaty is not justified by any principle of reciprocity, and cannot be sanctioned consistently with the interests, financial, commercial, or otherwise, of the
United States. United States.

United States.

The undersigned further show that, by treaties already in existence with other sugar-growing countries, the same exemption from duties upon sugars grown in such countries will accrue to them as is allowed by this treaty to the Hawaiian Islands. Many of these countries have easy access to the Atlantic ports of the United States by water; and, in consequence, these foreign-grown sugars will, being duty free, enter into competition with the sugars grown in the United States, and be exempt from the burdens of internal taxation, to which our own citizens are subject.

United States by water; and, in consequence, these foreign-grown sugars will, being duty free, enter into competition with the sugars grown in the United States, and be exempt from the burdens of internal taxation, to which our own citizens are subject.

The total revenue for the year ending June 30, 1875, upon sugar and molasses imported into the United States, was about \$38,000,000. The rate of duty reduced to ad valorem on molasses is about \$20 per cent.; on sugars, ranging from \$41\$ to 65 per cent. This duty, hitherto so fruitful in revenue, and at the same time so beneficial to our own planters, is proposed to be abandoned, in part in favor of foreign planters, who will avoid the burdens which are imposed upon our own citizens.

Nor will it do to say that because the Hawakan sugars will not come into competition with our own in the Pacific markets that the treaty does our planters no injury. For the freedom from duty will accrue, as has been shown, to foreign sugars grown upon the Atlantic coast. And besides, the undersigned may state the further fact, that while the unrefined sugars of the growth of Louisiana may not be exported to our Pacific ports, refined sugars may be and are; and thus the preference to the sugar-refiner on the Pacific, who uses the sugar imported duty free under this treaty, over the sugar-refiners in the Atlantic cities, will react upon the planter athome, whose sugars the latter must use, or else use sugars imported, subject to a heavy duty.

The same course of reasoning applies to the article of rice, which is to be imported duty free under this treaty from the Hawaiian Islands.

The undersigned are thus brought to the conclusion that the policy proposed by this treaty is at war with the interests of the home producers of sugar, of the sugar-refiners on the Atlantic, and is seriously injurious to the revenue.

But this is not all. The advantages seemed to this country by the treaty are inconsiderable, and in many respects illusive. Many of the articles, and which we could supply t

ditions, and by the conceded maxims of international law. No European power can deny to us the peculiar right to exclude them from possessing what would be a standing menace of danger to us, and the possession of which, by us, would be no menace to them.

But it is one thing to decide that no other nation shall take hold upon the islands and quite another to determine we will not do so curselves. The policy of annexing the islands to the United States is one full of difficulty. It would entail upon us enormous expense, and would make it as important to extend our domain beyond them to protect our possession in them as it is now plausibly argued the possession of them is essential to the security of our Pacific seaboard.

Our strength in defense of our Pacific cost, our ability to protect our Asiatic commerce, to hold our place upon the Pacific, as upon every other sea, must at last depend upon our internal resources, and they are immense. The danger to us from the greatest naval power of the world is balanced by its own exposure to our prompt and powerful attack upon its long and indefensible colonial frontier. We hold the power of peace with her and all other nations in doing justice to all, in entangling alliances with none, in developing and conserving our natural elements of strength, and in making peace with us the interest of all nations, by a liberal and impartial trade and intercourse with them.

The neutrality of the commercial nations as to these islands, the hospitable entrepot for the Pacific commerce of the world, their healthful civilization and development under the common protection and liberal policy of all, and an open but firm diplomacy, which claims only equal but no exclusive rights to this place of refitment and refuge for the wayfarers of the sea, will do more to expand our commerce and secure our peace than the possession of the sovereignty of the islands, and for a much stronger reason than the illusory provisions of this treaty.

The undersigned, were they inclined to the scheme of fix

The treaty already existing, ratified under the administration of President Taylor, (United States Statutes at Large, 496,) contains all that is needed for the security of our peace and the promotion of our commerce, and is in all respects better adapted to make the relations between the two countries intimate and strong than the present treaty, and this is done by the existing treaty without any subjection by an entangling alliance of our financial policy and the regulation of our commerce, internal and external, to the influence and supervision of a foreign people. By adopting this treaty we array the interests of our Pacific and Atlantic States against each other; the one receiving duty free that on which the other pays a tax of 40 to 65 per cent. The refning business of the two sections is jealously antagonized, the one free from burdens the other bears. We give our markets freely to the foreigner, who owes no duty and pays no reciprocal revenue for the bounty conferred, while the home planter bears the taxation we impose, with no equivalent blessing to that vouchsafed to his alien rival. The stranger is free and the children pay tribute, contrary to all principles of justice and good government. Besides, we relinquish a revenue which will find its way into the coffers of the alien planter, stimulating his production, which will freely come, in exclusion of the like products now paying duties. And all these things will result, with no equivalent to this country not fully secured by treaty, upon the imagination of a peril for which we have the amplest defense in our internal strength, or a relative position to other nations, and in the firm adherence to our well-understood courses of international policy.

For these reasons the undersigned must respectfully dissent from the recommendation of the majority of the committee, and do therefore as respectfully recommend that the bill reported be rejected.

W. R. MORRISON. PHILIP F. THOMAS. J. R. TUCKER.

While withholding assent from some of the foregoing propositions, I concur generally in dissenting from the recommendation of the majority of the committee, and in recommending the rejection of the bill.

Mr. WOOD, of New York. Mr. Chairman, I have rarely attempted to address this House with a more decided and positive conviction of the rectitude and correctness of my position than I now feel in rising to advocate this measure. Indeed it is very seldom that the House of Representatives is allowed to take part in the discussion and determination of any question relating to our international diplomacy. Under the Constitution of the United States, the treaty-making power is received and or head of the Provident the Constitution of the United States, the treaty-making power is received and or head of the Provident that the Constitution of the United States, the treaty-making power is received. is vested exclusively in the President and the Senate. That instrument also declares that the treaties so made shall be the supreme law of the land. In the early history of our Government it was held that no treaty, of whatever character, should be submitted to the action of the House of Representatives. General Washington held this opinion. In a communication to the House of Representatives, 30th of March, 1796, he said that to him "it was perfectly clear that the assent of the House of Representatives is not necessary to the validity of a treaty." The treaty-making power was absolute in the President and Senate. There are also opinions of Judge Story, of Chancellor Kent, and of other company and distinguishes company to the continuous the Continuous other eminent and distinguished commentators upon the Constitution of the United States looking very far in that direction.

Such, however, has not been the practice. While it has been con-

ceded that the treaty-making power was vested in the President and the Senate, it has been the practice that this power did not extend to those treaties requiring the appropriation of public money or to the changing of existing laws with reference to customs and revenue. Hence it is in pursuance and in the line of that practice that the treaty made with His Majesty the King of the Hawaiian Islands is now presented to this House for its concurrence, so far as its execution

and effect are concerned.

Let me premise here that we have but limited authority over this Let me premise here that we have but limited authority over this treaty; we cannot alter, amend, modify, or change one letter of that instrument. While unquestionably we have the right in this discussion to consider the treaty in all its aspects, while it is pertinent to the subject of our inquiry to go into the treaty in all regards as to its effects upon the interests of the Government, yet we are denied the power to change it either in letter or in spirit. It is our duty either to pass the law to carry the treaty into effect or to refree to describe to pass the law to carry the treaty into effect or to refuse to do so, and thus defeat the treaty itself. We possess a negative, and not an affirmative, authority.

Mr. Chairman, I have said that I have never arisen with a graver sense of the importance of a measure than now. I say so because I look to the Pacific Ocean as that vast sea which in the not distant future will be more essential and indispensable to the prosperity and material interest of this great nation than the Atlantic Ocean twice over; and that this treaty if consummated will be a grand step toward the permanent security of these interests, laying the foundation of a permanent prosperity, and the obtainment of rights and exclusive privileges which will be as advantageous in war as they will be valuable in peace.

Westward the course of empire takes it way.

The many hundreds of millions of people inhabiting countries which border upon that sea look to America, look to the United States not only for their own progress, but for something of the spirit of Christianity, intelligence, and education which has been so productive of our own success in the development of our own resources. Hence, sir, a measure of this character, which, in my judgment, tends so directly to furnish the material by which this great future shall be recorded to us is not only of the grayact importance to this opened to us, is not only of the gravest importance to this country, but will, if consummated, form an epoch in the commercial history of this era.

What is the bill before the House? In a few words, it proposes to carry into effect the treaty made with the King of the Hawaiian Islands in January of last year. The treaty provides that within eighteen months after the ratification each government, by its prop-

erly constituted authorities, shall take measures for its enforcement and recognicion. The Hawaiian government has already performed its part of this duty. By its legislative and executive authority it has ratified this treaty and performed its part of the obligation in order to give it effect and force. It remains for us now to do our part; and this bill is for that purpose.

This is a practical age. The American people of all other people are probably the most practical. We approach every question with a plain, vigorous, practical common sense. We are not mere theorists. We generalize sometimes for our purposes; but my observation in recent Congresses is that every day we are becoming more and more practical. When a proposition is presented to us, we grasp its strong points, and we determine its merits with reference to the material interests involved. We expect subjects of a public nature to be determined upon through the relative merit or demerit they may possess. We apply the test of utilitarianism in its most comprehensive scope, and reach conclusions, sometimes it is true erroneously, but generally for the public weal as we understand it. When we deviate from this principle we do so from the sophistry of interested advocates, or the narrow prejudices of sections, parties, or leaders. The measure under consideration may be viewed in many lights, and from many standpoints. Some, whose vision cannot penetrate a far-off advantage, will look at it solely as a question of immediate interest—as a bargain between nations to be settled upon homely principles of profit gain between nations to be settled upon homely principles of profit and loss at the present moment, without reference to remote advantages or distant returns. Others will see in it "a job," or a speculation. This class of critics are frequently troubled with night-mare. They are dyspeptic men who, never healthy or happy themselves, will allow no one to be so if they can help it. There are others who are naturally disputations and love opposition, and to be opposed. Therefore I anticipate objection from such quarters to the passage of this measure, quite willing that gentlemen may do so without reference to their motives or their objects.

I am willing if your please to shut my eyes to all the greater and

I am willing, if you please, to shut my eyes to all the greater and higher interests involved. I am willing to concede, as it may be attempted in this discussion to prove, that we are not to derive from this treaty the great commercial, political, and military advantages which I hope to be able to prove we shall obtain from its ratification. We will look at it simply in its most homely, practical, every-day sense: Upon its face, is this a profitable treaty for the United States to make 3

to make

What does it propose? It proposes that certain articles enumerated in the schedules, the growth and product of these islands, shall be admitted into the ports of the United States free of duty; and that certain articles, the growth and product of our country, shall be admitted free of duty into those islands. The precise cost in dollars and cents to the Government of the United States has been figured up how much we are to lose in the way of revenue and what gains we are to receive in return? This is putting it in the most practical way in the world. I do not object to its consideration in that spirit; for looking at in the light of a purely business transaction, if the Government of the United States were to suffer by the bargain, while I might be willing for greater considerations to give it my assent, it might have an influence upon my mind if our loss was to be very great. But I do not concede that.

Ever since a treaty like this has been agitated, the opinions of the Ever since a treaty like this has been agitated, the opinions of the several Secretaries of the Treasury have been obtained as to the probable effect of the free admission of these articles upon the revenue, the trade, and the commerce of the country. Among those Secretaries may be mentioned Robert J. Walker, Mr. McCulloch, Mr. Boutwell, and the present Secretary, Mr. Bristow. In reply to inquiries, official communications have been made to the State Department from each of the heads of the Treasury Department that there could be no possible objection to the treaty upon the simple ground of loss of revenue. The present Secretary replied in a communication of a of revenue. The present Secretary replied in a communication of a most intelligent character, which is referred to in the reports accompanying the bill. The following extracts from this document are worthy of special consideration:

worthy of special consideration:

The effect on the revenue of admitting the articles named in the schedule free of duty is first to remit the amount levied on sugar, the quantity of which was, in 1873, (fiscal year,) 15,743,146 pounds, on which the duty, at two cents per pound, is \$314,863; and, inclusive of a small amount of other saccharine products, (molasses and melado,) it amounts to \$320,345 in all on this class of articles. This is also nearly the average for three years ending with 1873.

The duty on other articles imported and included in the schedule of articles to be admitted free is small in amount, including none of conspicuous importance. The aggregate received is less than \$50,000 per year. The entire release of duty proposed by the treaty, therefore, would be nearly \$370,600 yearly.

In relation to the question of duty, it is, however, only just to say that the present consumption of sugar on the Pacific coast is rapidly increasing, the increase each year being nearly equal to the total importation of a year from these islands.

For 1873 (the fiscal year) the total quantity of sugar imported at San Francisco was 72,026,072 pounds, and 2,980,339 pounds at Portland, Oregon; together 75,007,011 pounds. In the preceding year the entire quantity was 62,861,460 pounds; a difference of 12,145,545 pounds in 1873 over 1872.

During 1874 the importation was still larger. This increasing importation and consumption therefore causes the question to stand not so much as one of diminution of present revenue, but rather as a check to their increase to the extent of the importation of sugar and other dutiable articles made free. The lack of natural facilities for developing the production of sugar in the islands, embraced in the treaty, would keep down the future proportions of this check.

The Secretary, in conclusion, further states:

The proposed release of this duty would undoubtedly increase this trade, and its increase would go far toward compensating for the loss resulting from the release of sugar from duty.

Should the sugar product so released increase to 25,000,000 pounds yearly, the export trade would probably equal it in value.

In addition to the particular articles of commerce affected by the treaty there are general commercial advantages likely to follow, which can only be alluded to here. The rendezvous so long afforded at these islands for the sailing fleets of the Pacific is still needed; and with the increasing commerce of all the seas bordering the Pacific the demand increases for such aids and facilities as would be afforded through the establishment of American interests in the Hawaiian Islands proposed by the treaty.

I present a statement of the amount of duty collected on the articles enumerated in the schedule of treaty reported from official

Statement of the imports into the United States from the Sandwich Islands during the fiscal year ended June 30, 1875, with the estimated duties under the present rates of duty; being the same articles proposed to be admitted free of duty under the treaty concluded January, 1875.

Commodities.	Total in	nports.	P	nated ning
	Quantity.	Amount.	Rate of duty.	Estimated accruing duty.
Total free of duty		\$168, 771		
Subject to duty: Animals, living Brass and manufactures		10	20 %	\$2
ofRice, pounds	1, 588, 232	169 60, 131	15 % 2c. per lb.	25 31, 764
Chemicals, drugs, &c Flax, manufactures of		164 105	20 % 40 %	33 42
Fruits		8, 941 126	10 % 46 %	894 50
tures of Leather		639 233	35 % 35 %	204 82
Oils, whale and fish, gal- lons		11, 998	20 %	2, 399
Potatoes, bushels	72	101 2, 089	15c. per bush. 12c. per 100 lbs.	11
Seeds		102	20 %	20
Sugar, brown, pounds. Molasses, gallons Melado, pounds	63, 578 21, 360	938, 676 8, 961 742	13c. per lb. and 25 % 5c. per gal. and 25 % 14c. per lb. and 25 %	391, 300 3, 974 400
Wood, manufactures of.		62 24, 760	35 % 10c. per lb. and 11 %	23 24, 524
Wool, raw		21 381	40 % 20 %	8 76
Total subject to duty.		1, 058, 420		456, 777
Total imports		1, 227, 191		

EDWARD YOUNG, Chief of Bureau.

BUREAU OF STATISTICS, February 28, 1876.

Thus it will be seen that taking the past as a basis of calculations

Thus it will be seen that taking the past as a basis of calculations as to the probable loss of revenue, which I contend is not reliable, we shall lose far less than alleged by the opponents of this measure. There are three propositions presented in objection: First, that sugars, which constitute the material leading article to be admitted free of duty, will come into competition with American-grown sugar; secondly, that, by admitting sugar free of duty from these islands, there will probably be a large increase of the production, and that consequently the loss of revenue will be very large; thirdly, that, by making this treaty, we will come in conflict with other existing commercial treaties in which we have provided that like advantages may be given to other nations under like circumstances.

Now, sir, first as to the subject of competition. Is there any gentleman in this House who can see any rivalry between foreign-grown

tleman in this House who can see any rivalry between foreign-grown tleman in this House who can see any rivalry between foreign-grown sugar imported into the Pacific ports, sugar grown upon islands in the Pacific Ocean imported into the Pacific ports of this country, and sugar grown in Louisiana? We annexed California in 1846, thirty years ago. The influx of population began in 1848 when gold was discovered, and there has since grown up there a vast empire possessing a large commerce and a bold, enterprising, and prosperous people, paying the very highest price for products of the world whenever necessary to their subsistence or their pleasure; and yet not one pound of Atlantic-grown raw sugar, as such, has been imported into their of Atlantic-grown raw sugar, as such, has been imported into their

Gentlemen can readily see that the enormous cost of transportation, either by rail or ocean, would render it commercially impossible. There is too much Pacific-grown sugar at hand for Atlantic-grown

sugar to be thought of for a moment as an article of commerce.

I am surprised, sir, any attempt should be made to arouse sectional opposition to this bill upon the ground that any interest of the Atlantic seaboard is to be interfered with in any regard whatever. The sugars imported into our Pacific ports are principally from Manila, in the Philippine Islands, belonging to Spain, Batavia, an East India Island belonging to Holland, China, Formosa, Swatow, Central America, and Honolulu, which is the sugar in question. It is from those countries and from those alone that ninety-nine hundredths of the whole amount comes into our ports upon the Pacific slope. It is very true that recently switch the transfer of his swery true that recently, owing to the present depression of business, sugarrefiners in New York, where bankruptcy has nearly ruined all except one or two, some persons have sent on commission the highest grade

of refined sugar at their own risk across the Pacific Railroad and have supplied some small quantities to San Francisco. But no raw sugar, no sugars of inferior grades such as are now grown upon the Sandwich Islands, no sugar other than that of the lower class, used altogether for the purpose of manufacture, has ever yet found its way from the Atlantic to the Pacific, either from Louisiana, New York, or anywhere else. Therefore I dismiss as scarcely worthy of serious consideration the objection raised to this bill, that it will interfere with the sugar-growing region upon the Atlantic seaboard.

The assumption that we are to lose revenue is based on a fallacy. How can we lose what we do not have? I hope to be able to prove conclusively, if this treaty fails, we will get no more sugar from the Sandwich Islands into our Pacific ports. Other and more powerful nations in some regards than ourselves are ready to make not only a treaty far more favorable to the Sandwich Islands than this would be, but also to make a loan to that government of \$1,000,000, if neces-

sary, for the extension of other favors in return.

The report of the committee, Mr. Chairman, refers to some remarkable intrigues which have been going on in the British possessions for the purpose of diverting this trade entirely from the United States to those British possessions in the southern Pacific Ocean. If this treaty fail, instead of getting as we now do some \$450,000 a year revenue by duties levied on certain articles, my prediction is that we will not only not get anything, but will lose a golden opportunity to obtain advan-tages which are indispensable to our Pacific commerce.

Do not gentlemen recollect that the amount of revenue we collect on sugar is according to the amount of duty we lay upon it? Have we any guarantee that the present rate of duty will be continued? Until lately did we not lay fifteen cents per pound upon tea and three cents per pound upon coffee? Do we lay any now? Coffee and tea are admitted into the United States free of duty. And why \* Because they are articles of prime necessity; they enter into every poor man's household, and have become indispensable to the family comman's household, and have become indispensable to the family comfort and sustenance. But are they any more so than sugar? I am quite prepared to see the day when, by economical administration of this Government, when by honest, faithful, diligent conduct of affairs, when by doing away with the present system of profligacy and extravagance, we shall be able to cut down our governmental expenses from 25 to 33 per cent. And when we have done that, my prediction is that one of the first articles which we shall cease to collect revenue upon will be sugar; sugar will follow tea and coffee, and come in free. This objection to this measure, based upon the hypothesis that we are to lose so much money because we have been in the habit of collecting it, is not reliable. the habit of collecting it, is not reliable.

When they go further and estimate a much larger probable loss by predicting an increase of the population so as to raise, as they say, an aggregate amount of fifty million tons of sugar, my reply is that those islands cannot produce it. The population has decreased from 400,000 in 1779 to less than 50,000, including 6,000 foreigners, in 1875. And it is the native population that furnish the labor. No sugar can be produced except by the manual labor of the natives of those islands. duced except by the manual labor of the natives of those islands. The decrease of the population is a painfully remarkable fact. In round numbers, omitting the fractions, in 1779 it was 400,000; in 1832 it was 130,000; in 1836 it was 108,000; in 1850 it was 84,000; in 1853 it was 73,000; in 1860 it was 69,000; in 1866 it was 62,000; in 1872 it was 49,044, of which 6,853 were foreigners, leaving only a little over forty-two thousand as the total native population of the Sandwich Islands. There has been a gradual extinction of population, a gradual obliteration of the natives of the country, leaving them, as it were, a prey to some more powerful nation to come in and occupy the ground that Providence in His wisdom has determined they shall cease to that Providence in His wisdom has determined they shall cease to occupy any longer. And gentlemen are frightened at this product of a handful of starving natives, lest it may interfere with the revenues

of this nation. Now, sir, I will admit everything that may be conjectured as to loss of revenue. They may estimate it at \$400,000, at \$500,000, at \$1,000,000; I will support the treaty notwithstanding. What is the compensation that we get in return, whatever the loss may be? I am treating it simply as a bargain between nations, a bargain between merchants. We give them the privilege of admitting certain articles free of duty. What do they give us in return? First, we get the whole exclusive carrying trade. I know it will be said we have that now. It is true we have the most of it, but if this treaty fail we shall be made to pay such heavy port tonnage and other charges that it will operate to our exclusion hereafter. Other nations will obtain discriminating favors which will in effect deprive us of them altogether. The American flag will cover the whole of that commerce ontward and inward. This is not usual at the present day. Our flag is not seen on the waters of the world as it was sixteen years ago. We have been driven almost entirely from the Atlantic Ocean, not so much by foreign intrigue or aggression as by a ruinous and iniquitous policy and the late civil war. But, sir, upon the Pacific we have something of commercial marine. We hold there the finest line of steamships under the American flag that floats upon any ocean. Let us extend this advantage. Upon the land the flag has been maintained by the specific by the desired transfer. tained by sacrifice, by blood and treasure. Let us maintain it upon the ocean also, and fostering its progress and promoting its extension by the legitimate appliances of the peaceful arts and cultivation of friendship with foreign nations and the firm establishing of fraternity and concord. And when by commercial treaty we can extend that

flag, by which we can secure its further advancement and promote the commerce which should be protected under it, it would be the grossest national error, bordering on crime, not to avail ourselves of

the opportunity.

We get most of the carrying trade. It is now almost exclusively in American bottoms. We propose to maintain it. But, sir, that is not all. All the products of the United States, whether agricultural not all. All the products of the United States, whether agricultural or manufacturing, that go into the consumption of these people are to be admitted free of duty upon their part. Already, sir, that country does receive some supplies from Germany, from the East Indies, and from New Zealand and Australia, which are British possessions. But when our manufactures, our agricultural products, the products of our soil and of our workshops, shall be admitted free of duty, we shall have an entire monopoly of their trade in the articles we produce which enter into their consumption, to the exclusion of every other nation. Is that no compensation? We are virtually and practically to be placed in possession of that country without the responsibility or the expense of maintaining it. We do not propose to make it American soil. We do not propose to annex it as a territory. We do not propose, as was proposed in the case of San Domingo, to pay any money for it. We do not propose to expend one dollar. We propose to enter into a friendly, peaceful, commercial regulation, which of to enter into a friendly, peaceful, commercial regulation, which of itself and by itself, by the extension of the olive-branch and not the sword, will enable us to obtain such a status that whenever we will it the boon itself will fall gracefully into our hands.

The present duty in the Sandwich Islands, upon all their importations from every part of the world is 10 per cent of release.

tions from every part of the world, is 10 per cent. ad valorem; a horizontal duty covering all of the articles which they propose under their schedule to admit free of duty. That 10 per cent., and in some items more than that, is in the aggregate a duty higher than the

duty levied in the aggregate upon the articles of our production which they are to admit free of duty.

Nor is that all the compensation we receive. I desire to call the attention of gentlemen, and I hope they will listen to it, to a most remarkable and unusual provision in the fourth article of this treaty, by which His Hawaiian Majesty stipulates that-

So long as this treaty shall remain in force, he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state, or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.

After a thorough and critical examination of every treaty made by the Government of the United States from the beginning to the present, I find no treaty containing any such advantages to the United States. The commercial treaties are based upon reciprocity, of interchange of commodities, &c. This treaty is based upon reciprocity so far as the interchange of the commodities of the two nations are concerned, but on terms and conditions which give the United States the entire monopoly of that country; and no other treaty of the like character can be made with England, France, China, Holland, Russia, or any other nation which has territory upon the borders of the Pacific Ocean or elsewhere. Nor would any of those governments attempt for one hour to negotiate for the making of a treaty with this treaty in existence; for, if so, they would hazard an interruption of friendly relations with this Government. Sir, is that no compensation? In view of the great political advantages we gain by this restriction or discrimination in our favor the treaty is desirable, though we should ose twenty times more revenue than is claimed.

To say that this fourth article of the treaty is susceptible of the construction that the Sandwich Islands can make a treaty with another nation under which they may admit certain articles like ours free from duty—I say, sir, in reply, it is impossible for any government to put any such construction on the treaty, because the language is that they shall not, with any other power, state, or government, make any treaty by which any other nation shall obtain the same privileges relating to the admission of articles free of duty. To hold that there is nothing in this treaty to prevent the Hawaiian govern-ment from making similar treaties with other nations is untenable and not to be respected for a moment. The thing is impossible. They are virtually and practically placed in a position where they are excluded from any negotiations of a commercial character or to interfere with this treaty in any regard without our consent, and only

with our consent could it be done.

Mr. Chairman, the man who predicts that this continent will at a later period be populated like Asia is no longer considered a dreamer. I think that the child has already been born that will live to see more than one, two, or three transatlantic railways connecting the Atlantic and Pacific Oceans. I think the day is not far distant when the States and Territories on our Pacific coast lying west of the

Rocky Mountains will contain a larger and a more energetic and prosperous people than we on this side of the Rocky Mountains.

Already we have one great highway to the Pacific. We have steam communication from Liverpool to Hong Kong making three thousand miles across the Atlantic Ocean; three thousand miles across the United States, and seven thousand miles across the Pacific Ocean; and this is but the beginning and scarcely the beginning of the prog-ress and advancement of our future commercial and national power.

The Southern Pacific road contemplated finds its terminus at San Diego on the Pacific coast. It crosses over the southern tier of States

to the Pacific coast to San Diego, five hundred miles south of San Francisco. San Diego is directly in line with Honolulu, the capital of the Sandwich Islands. It is in the same latitude, and, by the remarkable condition of the currents and winds of the Pacific Ocean, markable condition of the currents and winds of the Pacific Ocean, is brought nearer by steam navigation than it is by geographical miles. Vessels sailing from and to Japan and China all touch at the Sandwich Islands. This is the natural stopping-place, whether coming from or going to the east from our shore. They touch at this point. Now, whether approaching or leaving the American coast, they steam or sail at least six hundred miles along the coast southward or northward, as the case may be; thus, in all cases, touching a point south of or near to San Diego, and thus bringing the terminus of the Southern Pacific road much nearer than San Francisco is to Japan and China. Japan and China.

Therefore, the southern portion of the Atlantic States are largely interested in this measure, provided they take that natural view of their own interests which has so sufficiently built up their more northern sisters in the American Union.

Indeed, the States of the South have a much larger interest in this question than we of the North. We are already provided with the present Pacific railway, which runs now due west from New York. New York is the great entrepôt which receives the treasures of the New York is the great entrepôt which receives the treasures of the East. We transmit them to Europe, and from Europe they come back to us. By exchange of commodity and exchange of money we have now a monopoly of the transatlantic and transpacific trade. Therefore, if we of New York, taking a broad, comprehensive view of this great nation, standing as the mother of the country, deriving commerce, sustenance, and support from every section and interest, without sectionalism or exclusiveness—a broad, liberal, comprehensive people, who promote their own interest in promoting the interests of the country—are willing to thus said the South Learnot see how any the country—are willing to thus aid the South, I cannot see how any representative of the South can refuse it.

Mr. CLYMER. Will the gentleman yield for a motion that the committee now rise?

Mr. WOOD, of New York. I am advised by the gentleman from Pennsylvania [Mr. CLYMER] that the committee of which he is chairman has an important communication to make to the House of Representatives. I will, therefore, move that the committee now rise, with the understanding that when the Committee of the Whole shall again resume the consideration of the pending bill I shall be entitled to the floor.

The CHAIRMAN. There are fifteen minutes remaining of the hour to which the gentleman is entitled.

The motion of Mr. WOOD, of New York, was agreed to.

The motion of Mr. WOOD, of New York, was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Sayler reported that the Committee of the Whole, pursuant to the order of the House, had had under consideration the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875; and had come to no resolution thereon. resolution thereon.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the resolution of the House for printing the eulogies delivered in the two Houses of Congress upon the late Vice-President Heury Wilson.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the resolution of the House for printing the eulogies delivered in the two Houses of Congress upon the late Andrew Johnson, late United States Senator and Ex-President.

The message also announced that the Senate had passed without amendment the resolution of the House directing the Committee on the Library to inquire and report concerning any unpublished docu-ments of historical value in the possession of the Department of State relating to the history of the country before March 4, 1789, and also to report as to the expediency and cost of publishing the Monroe papers now in possession of said Department.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested,

House bills of the following titles:

An act (H. R. No. 1596) granting a pension to Ruth Ellen Greelaud; and

An act (H. R. No. 198) to relieve the disabilities of Robert Tansill, of Virginia.

The message also announced that the Senate had passed without amendment bills and a joint resolution of the following titles:

An act (H. R. No. 2285) authorizing the purchase of additional grounds for the custom-house at Nashville, Tennessee;

An act (H. R. No. 193) for the relief of Ezra B. Barnett, postmaster at Norwich, New York; and
Joint resolution (H. R. No. 19) on the celebration of the Centennial
in the several counties and towns.

The message also announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

An act (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army; An act (S. No. 309) for the relief of William L. Nance;

An act (S. No. 382) to appropriate \$1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetary at Owensborough, Kentucky;

An act (S. No. 431) granting a pension to Elizabeth B. Thomas,

widow of General Lorenzo Thomas, late of the United States Army;

A joint resolution (S. No. 9) authorizing Hon. William L. Scruggs, United States minister at Bogota, to accept a present from the Queen of Great Britain.

#### IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. CLYMER. By direction of the Committee on Expenditures in the War Department, I ask unanimous consent to submit to the House a report from that committee of so grave a nature that I am quite certain, when it is heard, the House will agree that I am justified in asking that permission at this time. No objection was made.

Mr. CLYMER. The committee of which I have the honor to be the chairman, not having had the services of a clerk to transcribe its proceedings and prepare this report, have instructed me to prepare it, which I have done. I am certain that no one of the clerks at the desk would be able to read it in its present form. I therefore ask the unwelcome privilege to be permitted to read it myself.

No objection was made.

Mr. CLYMER then went to the clerk's desk and read the report, as follows:

The Committee on Expenditures in the War Department would respectfully re-

The Committee on Expenditures in the War Department would respectfully report:
That they found at the very threshold of their investigation such unquestioned evidence of the malfeasance in office by General William W. Belknap, then Secretary of War, that they find it to be their duty to lay the same before the House.

They further report that this day at eleven o'clock a. m. a letter of the President of the United States was presented to the committee accepting the resignation of the Secretary of War, which is hereto attached, together with a copy of his letter of resignation, which the President informs the committee was accepted about ten o'clock and twenty minutes this morning. They therefore unanimously report and demand that the said William W. Belknap, late Secretary of War, be dealt with according to the laws of the land, and to that end submit herewith the testimony in the case taken, together with the several statements and exhibits thereto attached, and also a rescript of the proceedings of the committee had during the investigation of this subject. And they submit the following resolutions, which they recommend shall be adopted:

Resolved, That William W. Belknap, late Secretary of War, be impeached of high

mend shall be adopted:

Resolved, That William W. Belknap, late Secretary of War, be impeached of high crimes and misdemeanors while in office.

Resolved, That the testimony in the case of William W. Belknap, late Secretary of War, be referred to the Committee on the Judiciary, with instructions to prepare and report without unnecessary delay suitable articles of impeachment of said William W. Belknap, late Secretary of War.

Resolved, That a committee of five members of this House be appointed and instructed to proceed immediately to the bar of the Senate, and there impeach William W. Belknap, late Secretary of War, in the name of the House of Representatives and of all the people of the United States of America, of high crimes and misdemeanors while in office, and to inform that body that formal articles of impeachment will in due time be presented, and to request the Senate to take such order in the premises as they deem appropriate.

Mr. CLYMER. I ask the still further privilege of reading the evidence and the accompanying papers, exhibits, and statements in the

Mr. GARFIELD. The gentleman has a right to do so without asking permission of the House.

Mr. CLYMER then read the following:

#### EXTRACTS FROM THE PROCEEDINGS OF THE COMMITTEE.

TUESDAY MORNING, February 29, 1876.

The committee met. Present: Messrs. Clymer, Blackburn, and Robbins. Mr. Marsh, a witness, being present, was duly sworn by the chairman, and was examined by the committee. (See evidence.)

Messrs. Blackburn, Clymer, and Robbins submitted statements regarding an interview had by Mr. Blackburn with the wife of the Secretary of War, which were marked C, D, E, respectively, and were ordered to be made part of the evidence. Adjourned to meet to-morrow at eleven o'clock.

WEDNESDAY MORNING, March 1, 1876.

Committee met pursuant to adjournment. Present: Messrs. Clymer, Black-Burn, Robbins, Blass, and Danford.

The Secretary of War, having been notified of the meeting, appeared; whereupon the testimony of the witness, Caleb P. Marsh, taken yesterday, with the several exhibits therein referred to, were read by the chairman. The witness, C. P. Marsh, being also present, the Secretary of War desiring to cross-examine him and wishing time to employ counsel, the committee agreed that when it would adjourn it would be until three p. m. to-day. The chairman was directed to ask leave of the House for the committee to sit during the sessions thereof. Adjourned.

Wednesday, March 1, 1876—3 p. m.

WEDNESDAY, March 1, 1876-3 p. m.

Wednesday, March 1, 1876—3 p. m.

Committee met. All the members present. General Belknap appeared, accompanied by his counsel, Judge Blair.

The testimony, exhibits, and statements taken before the committee were fully read by the chairman for the information of Judge Blair, the Secretary having withdrawn; after which Judge Blair made a verbal proposition to the committee regarding the report which might be made to the House. Whereupon the committee adjourned to meet this evening at eight at the rooms of Mr. Bass, at 1129 Fourteenth street.

WEDNESDAY EVENING, March 1.

Committee met at the house of Mr. Bass at eight p. m., pursuant to adjourn-

ment.

The proposition of the Secretary, made at the afternoon session through Judge Blair, was fully discussed, and after mature deliberation was unanimously rejected. The committee adjourned to meet to-morrow morning at 10.30 a. m.

THURSDAY, March 2, 1876.

Committee met at 10.30 a m., pursuant to adjournment.

Judge Blair appeared at eleven o'clock, and presented a letter dated March 2, 1876, signed by U. S. Grant, President of the United States, accepting the resignation of the Secretary of War. (Marked G.)

Dr. Tomlinson appeared, and presented a letter addressed to the chairman, to the contents of which he was duly sworn. (Marked H.)

The witness, Mr. Marsh, being present, was recalled by Mr. Blair, counsel for General Belknap, and was cross-examined. (See testimony.)

The committee authorized the chairman to draft areport in the case to the House, to be submitted to the committee. The committee on motion took a recess until 12.30 p. m.

12.30 p. m.

The committee met pursuant to adjournment, 12.30. There were present the chairman and Messrs. Robbins and Blackburn.

The committee ordered the chairman to address a letter to the President forthwith, asking him for a copy of the letter of resignation of the late Secretary of War, and informing them at what time this day it was received. Whereupon Mr. CLYMER prepared the letter, which was submitted to and approved of by the committee, and sent to the President by a messenger of the House, with orders to wait for a reply.

tee, and sent to the President by a messenger of the House, what decay a reply.

At one o'clock Messrs. Bass and Danford, members, appeared.

The committee having taken a recess for the purpose of considering the request of William W. Belknap, made by his counsel, Judge Blair, to be permitted to appear before the committee to make a sworn statement, it was determined that he should be heard. Whereupon Judge Blair was informed of the decision and requested to have General Belknap appear before the committee at three p. m. this afternoon, if he still desired to do so.

Committee met at three o'clock. Present, all the members.

W. W. Belknap having failed to appear, the chairman submitted the report to the committee; and, it having been unanimously approved, the chairman was ordered to make his report to the House forthwith.

Mr. Caleb P. Marsh, one of the witnesses ordered to be subparated by the committee, being present, was duly sworn according to law:

By the CHAIRMAN:

By the Chairman:

Question. Where do you reside?

Answer. I reside at No. 30 West Fifty-seventh street, New York; have resided in New York about eight years.

Q. Were you or not appointed or tendered an appointment as a post-trader, at Fort Sill, Indian Territory, in the fall of 1870, by the Secretary of War? If so, under what circumstances was said appointment secured to you? State also if you were commissioned by the Secretary as such post-trader, or, if not, who was ocommissioned, and if any other person than yourself was so commissioned, give his name, the reasons why he was commissioned; if any agreement was made between you and the appointee, state it, or produce it, if in writing, and was such agreement made with the knowledge of the Secretary of War? And state the circumstances connected with the making of that agreement, and all the transactions in detail thereunder, fully and particulary as if you were specially interregated in regard to the several transactions and so fully as to save the necessity of repeated interrogatories.

mand with the making of that agreement, and all the transactions in detail thereunder, fully and particulary as if you were specially interrogated in regard to atories.

The WITNESS. In reply to your questions, I would state that in the summer of 1870 myself and wife spent some weeks at Long Branch, and no our return to New York, Mrs. Belknap and Mrs. Bower, by our invitation, came for a visit to our house. Mrs. Belknap was ill during this visit some three or four weeks, and I suppose in consequence of our kindness to her she felt under some obligations, for she saked me one day in the course of a conversation why I did not apply for a post-tradership on the frontier.

I asked what they were, and was told that they were, many of them, very lucrative offices or posts in the gift of the Secretary of War, and that if I wanted one should ask the Secretary for one for me. Upon my replying that I thought such offices belonged to disables of the secretary of War, and that if I wanted one should not be to disables of the third that I would remember her saying something like this: "If I can prevail upon the Secretary of War to award you a post you must be careful to say nothing to him about presents, for a man once offered him \$10,000 for a tradership of this kind, and he told him that if he did not leave the office he would kick him down stairs." Remembering as I do this story, I presume the antecedent statement to be correct.

Mrs. Belknap and Mrs. Bower returned to Washington, and as few weeks thereafter Mrs. Belknap sent me word to come over. I did so. She then told me that the post tradership at Fort Sill was aveaunt; that it was a valuable post, as he understood, and that she had either asked for it for me or had prevailed upon the Secretary of War to agree to give it to me. At all events, I called upon the Secretary of War to agree to give it to me. At all events, I called upon the Secretary of War to agree to give it to me. At all events, I called upon the Secretary of War to agree to give it to me. At all event

newspapers about that time reflecting on the injustice done to soldiers at this fort caused by exorbitant charges made necessary on the part of the trader by reason of

caused by exorbitant charges made necessary on the part of the trader by reason of the payment of this bonus.

To the best of my knowledge and belief the above is a true statement of all the facts in the case and as complete as I can remember occurrences of so many years ago.

Q. State how the payments were made to the Secretary of War subsequent to the funeral of his then wife, which you attended in Washington in December, 1870; whether in cash, by check, draft, certificate of deposit, bonds, or by express, or otherwise.

whether in cash, by check, draft, certificate of deposit, bonds, or by express, or otherwise.

A. The money was sent according to the instructions of the Secretary of War; sometimes in bank-notes by Adams Express; I think on one or more occasions by certificate of deposit on the National Bank of America in New York. Sometimes I have paid him in New York in person. Except the first payment in the fall of 1870, and the last in December, 1875, all were made to the Secretary in the modes I have stated, unless, perhaps, upon one or two occasions at his instance I bought a Government bond with the moneys in my hand arising from the contract with Evans, which I either sent or handed to him.

#### By Mr. BLACKBURN:

By Mr. BLACKBURN:

Q. Can you state the sum in the aggregate received by you under the contract with Evans; and what portion thereof have you paid to the Secretary of War, including the first and last payments, which you have stated were not paid to him?

A. I have no memorandum whatever on which to make answer. It is a very simple calculation. The first payment to me by Evans was made in the fall of 1870 at the rate of \$12,000 a year. He paid at that rate about a year and a half or two years, and since then at the rate of \$6,000 a year. It would aggregate about \$40,000, the one-half of which I have disposed of as above stated.

#### By the CHAIRMAN:

By the CHAIRMAN:

Q. Did you receive letters from the Secretary of Waracknowledging the receipts of the sums forwarded to him in the manner you have stated; or did he acknowledge the receipt of the same in any way?

A. Usually when I sent money by express I would send him the receipt of the company, which he would either return marked "O. K." or otherwise acknowledge the receipt of the same. Sometimes I paid it to him in New York, when his receipt was necessary. I have not preserved any receipts or letters. When sent by express I always deposited the money personally and took a receipt from them.

Q. Have you at any time had any conversation with the Secretary of War regarding the post-tradership at Fort Sill or have you corresponded with him regarding the same?

Q. Have you at any time had any conversation with the Secretary of War regarding the same?

A. O, frequently. I have forwarded requests to the Secretary made to me by Mr. Evans, wishing privileges about the fort, such as to sell liquor, &c. I do not remember what action was taken upon them; they were not returned to me. As far as I know, Evans corresponded regarding affairs at Fort Sill through me with the Secretary of War. I never heard of any other way.

Q. Was the contrared between you and Evans ever the subject of conversation between you and the Secretary of War?

A. It never was, as I remember, save in one instance; but am not positive, yet it seems to me when the article in the newspapers regarding affairs at Fort Sill, probably in 1872, about the time the reduction was made in the payments from \$12,000 to \$6,000, appeared. The next time I saw the Secretary of War he asked me if I had a contract with Evans. I told him I had. I never showed it to him or any one else until I produced it here.

Q. After receiving the telegraphic subpœna from the Sergeant-at-Arms to appear before this committee, which was on Monday, the 21st of this month, did you come to Washington; and, if so, had you an interview with the Secretary of War, and when and where?

A. I came to Washington on Wednesday, the 23d of this month; I went to the house of the Secretary of War, staid Wednesday night, and returned on Thursday evening. I showed him the telegraphic subpœna, and asked him what it meant. He said he supposed it was to state before the committee what I knew about our transactions together. I said I did not like to appear, because I thought my testimony would be damaging to or would implicate him or give him trouble. He said he thought not, and advised me to stay and meet the committee. During that evening my conversation was chiefly with his wife, he being present part of the time and understanding the general tenor of our conversation. She suggested that I could make a statement which would satisfy the committee and exculpat

I had business transactions together for many years, and that all this money I had sent the Secretary was money that she had from time to time deposited with me as a kind of banker, and that she had instructed me to send it to the Secretary for her.

I dined there and spent the evening, and staid all night, retiring aboutr twelve o'clock. The evening was devoted to discussing this matter. I told he that the statement would not hold water before the committee, and even if it would I could not make it. At the same time I was so wrought up and had such anxiety—she pressing and pressing me about it—and having slept little since the receipt of the subpema, and sympathizing with their condition, I did not give them a positive answer that night. I went to bed at twelve o'clock, and I do not suppose I slept a wink. They said they would breakfast about nine o'clock. I came down about eight and met the Secretary alone. I told him I thought I had better leave and get out of the country, for I would not perjure myself for any one; that I could afford to have my throat cut, but not to perjure myself for any one; that I could afford to have my throat cut, but not to perjure myself. He replied he did not wish me to do that, that we could fix it up some other way. I said "I think I had better leave the country." The Secretary said I would ruin him if I left. I said, "I H I go before the committee I will surely ruin you, for I will tell the tsoth." He was greatly excited. When I came down stairs to leave, he followed me and asked me into the parlor, and said, "I want to make a last appeal to you to stay longer." He said if I went he would be ruined. I said I would ruin him if I went before the committee, and I left and took the limited express to New York.

On reaching home I consulted my attorney, asking him if the committee could reach me by subpena if I left the country. I stated the case to him, (Mr. Bartlett, 130 Broadway, Equitable building.) He asked if I was out of the country. I asked him how long I would have to stay.

sketch of Tomlinson; the endeavor was to exculpate the Secretary; there was nothing in it untrue to the best of my recollection, but it did not state the whole truth; it was a very short letter. He took it with the contract inclosed. He said he would take the letter and contract to Mr. BLACKBURN, who would show it to the committee, and that would be the end of it. He left my house at two o'clock Friday morning. At midnight Friday night I was roused up, and had the subpoena of the committee served on me.

Saturday morning about eight o'clock Dr. Tomlinson again appeared. He said he had been to Washington. He wanted to know the first thing if I had been subpenaed. I told him I had. He began talking the whole thing over again, still wanting me to say before the committee what was suggested at the Secretary's. (At the interview on Thursday night he wanted me to lelegraph to the committee, before which I had been subpenaed by telegraph to appear the next morning. Friday—that my wife was sick and that I could not attend. My wife being sick, I consented and did so telegraph.) Recurring to the interview again on Saturday morning, I said I could not make the statement he desired. He said he had seen Mr BLACKBURN in the interval, and had shown him the letter of Thursday night. He then returned it and the contract to me. I said, "Dr. Tomlinson, I have thought of this thing so much it has nearly made me crazy. I am not going to talk about it any more. We will go down to my lawyer and consult him about it." My object being to have a lawyer to tell him how ridiculous the story he wanted me to tell would appear before the committee.

We went down and called on Mr. Bartlett, and I told him the whole truth in the presence of Dr. Tomlinson. Bartlett said I could not manufacture any story if I wanted, and must not if I could. Dr. Tomlinson still insisted that if I could swear that at the time I was at her funeral I made an arrangement with Mrs. Bower, the present Mrs. Belknap, by which, Mrs. Belknap, deceased, and if I coulds swe

should go to Washington or leave the country." Dr. Tomlinson said he would return to Washington; he prepared two formulas of telegrams which I would understand.

One was, "I hope your wife is well," was to be interpreted to leave the country. The other was, "I hope your wife is better," which meant "come to Washington."

We then parted. On going home in the street-cars, thinking the whole thing over about the conversation at the time of the funeral, I made up my mind that, although I had stated to Mr. Bartlett that I thought I had had some conversation at the time of the funeral with the Secretary of War about sending this money, yet I was so undecided about it that I was certainly willing to give the Secretary the benefit of the doubt. I thought I was the time of the funeral thin, we parted at one o'clock. He was to leave for Washington at three o'clock. I went to the depot and met him, and told him that on thinking over the matter I was so undecided about the conversation with the Secretary at the time of the funeral that I would give him the benefit of the doubt. He said, "I am very glad to hear this, because my sister, Mrs. Belknap, said this was the fact."

That Saturday evening I got a telegraphic dispatch from Mrs. Belknap which said: "Come to Washington to-night; it is necessary." I received it in the evening. Next morning (last Sunday) I received a dispatch from Dr. Tomlinson, "I hope your wife is better," which, according to our agreement, meant "come to Washington." In the afternoon I got a second dispatch from Dr. Tomlinson, as follows: "Come without fail. Answer." I answered: "I shall come to-night, without fail." I was very glad not to have to leave the country, the conviction having grown on my mind that it would do no good. I reached Washington yesterday morning at 6.30, and stopped at the Arlington, my wife being with me. Was shown to a temporary room at about seven o'clock. I laid down, being greatly fatigued, and at about eight o'clock Dr. Tomlinson called me to the door of the room. He said

than myself.

I entered the committee-room at about two o'clock yesterday, and without being sworn I made a statement to certain members of the committee of the facts in the case—more briefly, but substantially as I have now answered in reply to your chief

sworn I made a statement to certain members of the committee of the facts in the case—more briefly, but substantially as I have now answered in reply to your chief interrogatory.

When I returned to the hotel yesterday afternoon, Dr. Tomlinson was waiting at my room at the Arlington to see me. He asked how I got along before the committee. I told him I had told the story from beginning to end, and that at the request of the gentlemen present I was going to reduce it to writing, and appear before the committee to-day at 10.30 with it. He wanted to know how I had stated the fact that all these payments to the Secretary had been made in consequence of the original agreement made with Mrs. Belknap. I said I had stated the facts as they were, according to my best recollection and belief. I told him I would furnish him a copy of the statement I would make before the committee.

I prepared the statement last night, and gave him a copy of it about eight o'clock this morning—being substantially a copy of that I submitted as an answer to your chief interrogatory, save that I have filled up the blanks. Dr. Tomlinson came back to my room at about 7.30 last evening, and I asked him whether he had seen Mr. Blackburs since I had made my statement in the afternoon, and what impression it had made upon the gentlemen who heard it. He said he did not like to say he had seen Mr. Blackburs, but he said he had seen one of the committee, who expressed the opinion that my statement would involve the Secretary. He then made a stronger appeal to me than ever before, saying that I was the friend of the Secretary; that if this thing came out it would ruln him; that his wife was in great trouble, and that if I could state——. I said, "Stop, Dr. Tomlinson; I have about finished my written statement, and I will read it to you." I then read it to him. He said he did not see but that it was all right; that things could be explained yet, if they could prove that this money was originally sent to General Belknap by Mrs. Belknap's order. General B

Q. Did you ever have any business relations of any kind or nature whatever with the late Mrs. Belknap, or the present Mrs. Belknap, or either of them, other than

those arising from this Fort Sill tradership? Have you now, or have you ever had, any sum or sums of money, or any evidences of indebtedness or securities of any sort or description whatever, belonging to either of them; or have you at any time been indebted to either of them in any way, manner, form, or description?

A. Never. The present Mrs. Belknap, years ago, may have consulted me on business matters; but there was no monetary transaction whatever between us other than I have heretofore stated.

Q. When was the baby of the late Mrs. Belknap born and when did it die?

A. The baby of the late Mrs. Belknap was born in the autumn of 1870; died during the summer of 1871.

By Mr. Robbins:

Q. In the conversation had with the present Mrs. Belknap, at the funeral of her sister, in December, 1870, or in any other conversation had with her or any other person at any time, was it the understanding that the money you were to pay and were paying was to be the money of Mrs. Belknap, the present wife of the Secretary of War?

were paying was so tary of War?

A. It was not.

The foregoing deposition and statement, made under oath, having been carefully read over in full to Mr. Caleb P. Marsh, the witness, in the presence of the committee, and he having made such alterations and corrections therein as he deemed just, he assents to it as a correct record of his testimony, and attests the same by his signature hereto attached.

CALEB P. MARSH.

Mr. BLACKBURN submitted a statement regarding his interview with the wife of the Secretary of War in the presence of Dr. Tomlinson, marked D. Mr. CLYMER and Mr. ROBBINS also submitted statements relative thereto, marked, respectively,

THURSDAY MORNING, March 2, 1876.

The witness C. P. Marsh, being recalled, was cross-examined by Judge Blair. By Judge BLAIR:

Question. In your examination-in-chief you say that Secretary Belknap remonstrated against your going away without appearing before the committee; did the Secretary, in desiring you to go before the committee to testify, ask you to testify to any untruth?

Answer. I certainly don't think he did.

C. P. MARSH.

Articles of agreement between John S. Evans and Caleb P. Marsh.

Articles of agreement made and entered into this 8th day of October, in the year of our Lord 1870, by and between John S. Evans, of Fort Sill, Indian Territory, United States of America, of the first part, and Caleb P. Marsh, of No. 51 West Thirty-fifth street, of the city, county, and State of New York, of the second part, witnesseth, namely:

Thirty-fifth street, of the city, county, and State of New York, of the second part, witnesseth, namely:

Whereas the said Caleb P. Marsh has received from General William W. Belknap, Secretary of War of the United States, the appointment of post-trader at Fort Sill aforesaid; and whereas the name of said John S. Evans is to be filled into the commission of appointment of said oost-trader at Fort Sill aforesaid by permission, and at the instance and request of said Caleb P. Marsh, and for the purpose of carrying out the terms of this agreement; and whereas said John S. Evans is to hold said position of post-trader as aforesaid solely as the appointee of said Caleb P. Marsh, and for the purposes hereinafter stated:

Now, therefore, said John S. Evans, in consideration of said appointment and the sum of \$1 to him in hand paid by said Caleb P. Marsh, the receipt of which is hereby acknowledged, hereby covenants and agrees to pay to said Caleb P. Marsh the sum of \$12,000 annually, payable quarterly in advance, in the city of New York aforesaid. Said sum to be so payable during the first year of this agreement absolutely, and under all circumstances, anything hereinafter contained to the contrary notwithstanding; and thereafter said sum shall be so payable; unless increased or reduced in amount in accordance with the subsequent provisions of this agreement. In consideration of the premises, it is mutually agreed between the parties aforesaid as follows, namely:

reduced in amount in accordance with the subsequent provisions of this agreement. In consideration of the premises, it is mutually agreed between the parties aforesaid as follows, namely:

First. This agreement is made on the basis of seven cavalry companies of the United States Army, which are now stationed at Fort Sill aforesaid.

Second. If at the end of the first year of this agreement the forces of the United States Army, which are now stationed at Fort Sill aforesaid or diminished not to exceed one hundred men, then this agreement shall remain in full force and unchanged for the next year. If, however, the said forces shall be increased or diminished beyond the number of one hundred men, then the amount to be paid under this agreement by said John S. Evans to said Caleb P. Marsh shall be increased or reduced in accordance therewith and in proper proportion thereto.

The above rule laid down for the construction of this agreement at the close of the first year thereof shall be applied at the close of each succeeding year so long as said agreement shall remain in force and effect.

Third. This agreement shall remain in force and effect so long as said Caleb P. Marsh shall hold or control, directly or indirectly, the appointment and position of post-trader at Fort Sill aforesaid.

Fourth. This agreement shall take effect from the date and day the Secretary of War aforesaid shall sign the commission of post-trader at Fort Sill aforesaid; said commission to be issued to said John S. Evans at the instance and request of said Caleb P. Marsh, and solely for the purpose of carrying out the provisions of this agreement.

agreement.

Fifth. Exception is hereby made in regard to the first quarterly payment under this agreement, it being agreed and understood that the same may be paid at any time within the next thirty days after the said Secretary of War shall sign the aforesaid commission of post-trader at Fort Sill.

Sixth. Said Caleb P. Marsh is at all times, at the request of said John S. Evans, to use any proper influence he may have with said Secretary of War for the protection of said John S. Evans while in the discharge of his legitimate duties in the conduct of the business as post-trader at Fort Sill aforesaid.

Seventh. Said John S. Evans is to conduct the said business of post-trader at Fort Sill aforesaid solely on his own responsibility and in his own name; it being expressly agreed and understood that said Caleb P. Marsh shall assume no liability in the premises whatever.

expressly agreed and understood that said Caleo F. Marsh shall assume no hability in the premises whatever.

Eighth. And it is expressly understood and agreed that the stipulations and covenants aforesaid are to apply to and to bind the heirs, executors, and administrators of the respective parties.

In witness whereof the parties to these presents have hereunto set their hands and seals the day and year first above written.

J. S. EVANS. [SEAL.] C. P. MARSH. [SEAL.]

Signed, sealed, and delivered in presence of— E. T. Bartlett.

B.

NEW YORK, February 25, 1876.

DEAR SIRS: I duly received your telegram of March 21, summoning me to appear before you, and answered that I would do so; but my wife has since become so ill as to make it almost impossible for me to leave her for any time, and I to-

day send you a telegram to this effect, and will also give a statement of my connection with the post-tradership at Fort Sill, which will, I trust, avoid the necessity of my leaving home. I will, however, come as soon as I can, or will be happy to see any one or all of the committee at my house in this city.

At the time I applied for the position of post-trader at Fort Sill I presumed that I could furnish recommendations that would secure me the appointment which was afterward promised me. After this I saw Mr. Evans in Washington, and made an arrangement with him, in consequence of which I withdrew in his favor, and hereceived the appointment.

This arrangement was made without the advice or consent of the Secretary of War, neither did he have any-knowledge of such an arrangement from me or any one else, so far as I know, nor was he interested in any such arrangement or the fruits of any arrangement between us.

There never has been, nor is there now, any contract, agreement, or arrangement between the Secretary of War and myself in regard to these matters.

I am, very sincerely, your obedient servant,

The honorable the COMMITTEE ON EXPENDITURES IN THE WAR DEPARTMENT.

ARLINGTON HOTEL Washington, February 28, 1876.

DEAR SIES: I herewith inclose copy of letter which I wrote you from New York, but not having mailed it when I received your subpona concluded not to send it. This morning, however, I have thought best to send it to you, in the hope that it may tend to shorten the time of my examination.

Very respectfully, your obedient servant,

C. P. MARSH.

P. S. I will bring the contract you inquire for.

P. S. I will bring the contract you inquite the Committee on Expenditures in the War Department, Capitol.

D.

## Statement of Mr. Blackburn.

After the foregoing deposition was taken, Mr. BLACKBURN said: Without desiring to express any opinion as to the accuracy of the conversations detailed by Mr. Marsh as having occurred between Dr. Tomlinson and himself, relative to any remarks made by me, I think it best to submit to the committee the following statement of facts, of which my democratic colleagues of the committee were promptly advised:

ment of facts, of which my democratic colleagues of the committee were promptly advised:

On the morning of the 24th of February, 1876, (Thursday,) about ten o'clock, Dr. William Tomlinson called at my rooms and asked me to go with him to attend to some business, without stating what it was, to which I assented. He proceeded to the residence of General Belknap, and upon arriving there he said that his sister, Mrs. Belknap, desired to see me. I requested his presence at the interview, to which he assented, and he was present during the whole time. In this interview Mrs. Belknap said that the testimony of one Caleb P. Marsh, before the Committee on Expenditures in the War Department, would tend to implicate herself in matters that would occasion criticism, but would utterly fail to show any complicity upon the part of General Belknap in the matter of the Fort Sill tradership, and she asked that she might not be made the subject of investigation.

Where the testimony did not tend to involve the Secretary of War, I said to Mrs. Belknap that I felt assured no member of the committee would desire to prosecute the inquiry further than to asceptain that neither the Secretary of War nor any subordinate of that Department was involved. I said to her further that I would communicate the facts as stated by her to Messrs. CLYMER and ROBBINS, of the committee, and would state to them the assurance I had given her. This I did immediately do within an hour after the interview referred to occurred, stating fully to those gentlemen all that had taken place; whereupon both these gentlemen approved what I had said and done, and thoroughly concurred with me in the purpose of prosecuting no investigation that did not promise or tend to implicate or involve the Secretary of War or his subordinate officials. This is the only assurance ever given or conversation had by me upon this subject either with Mrs. Belknap, Dr. Tomlinson, or with any other person whatever at any time, nor am I related or connected, either by blood or by marriag

## Statement of Mr. Clymer regarding Mr. Blackburn.

Statement of Mr. Clymer regarding Mr. Blackburn.

Mr. Clymer stated that on Thursday morning, the 24th day of February instant, before the House met, Mr. Blackburn requested him to accompany him to the room of the committee, when and where he stated that he had just had an interview with the wife of the Secretary of War, at her instance, in the presence of Dr. Tomlinson, her brother; and that he narrated to him the conversation between them at the interview, which was in substance as he has stated it. Later in the day, immediately after the House adjourned, Mr. Robeins and myself, at his request, came to the committee-room, where Mr. Blackburn again repeated the substance of the interview; whereupon he was assured by Mr. Robeins and myself that we concurred with him as to the objects of the pending investigation, and that he was justified in giving the assurance that no investigation would be made which did not tend to reach the Secretary of War or some of his subordinates.

F.

## Statement of Mr. Robbins.

Mr. Robeins deems it sufficient for him to say simply that on Thursday, the 24th instant, Mr. Blackburn communicated to Mr. Clymer and himself the fact that on that morning the wife of the Secretary of War had very unexpectedly sought an interview with him, and that such interview had taken place. He recounted to us what had passed at that interview, and he has embodied the same in a statement which accompanies the report, which statement accurately recites the matter as he communicated it to us.

The statement made by Mr. Clymer, chairman of the committee, in reference to Mr. Blackburn's communication to us concerning that interview and our opinions and decisions thereupon is in all respects accurate. We all concurred in the idea that it would be our duty to push every investigation which tended to throw light upon the official conduct of the Secretary of War and his subordinates of that Department, however painful might be the performance of such duty; but if we at any time discovered evidence which involved only unofficial persons, and especially ladies, we should not feel bound to prosecute any inquiry which we knew could have no other result than that, for our investigations had nothing to do with private individuals, but only with officials.

G.

EXECUTIVE MANSION, Washington, March 2.

Dear Sir: Your tender of resignation as Secretary of War, with the request to have it accepted immediately, is received, and the same is hereby accepted with great regret.

Yours, &c.,

U. S. GRANT.

H.

H.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 2, 1876.

SIR: I have been informed that my name has been mentioned in connection with the recent charges against the Secretary of War; first, that I attempted to induce the witness, C. P. Marsh, to swear falsely; and that Hon. J. C. S. BLACKBURN, a member of your committee, was a relative, and would suppress the whole matter. What I desire to state is that each of the above statements is utterly and entirely false.

Very respectfully,

WM. M. TOMLINSON.

I demand, in justice to myself as well as to Hon. J. C. S. Blackburn, a personal explanation.

Hon. Hiester Clymer, Chairman of Committee of Expenditures of War Department.

William M. Tomlinson deposes and says that the foregoing statement is just and true to the best of his knowledge and belief.

Sworn and subscribed before me this 2d March, 1876.
HIESTER CLYMER, Chairman. WILLIAM M. TOMLINSON,

WASHINGTON, D. C., March 2, 1876.

Mr. President: Thereby tender my resignation as Secretary of War, and request Its immediate acceptance.

Thanking you for your constant and continued kindness,
I am, respectfully and truly, yours,

WM. W. BELKNAP.

A true copy:

F. D. GRANT.

K.

EXECUTIVE MANSION, Washington, March 2, 1876.

Sir: In reply to your note of inquiry of to-day's date the President directs me to say that the hour of the acceptance of the resignation of Hon. W. W. Belkmap as Secretary of War was about 10.20 o'clock this morning. A copy of the letter of resignation is herewith inclosed.

I am, sir, your obedient servant,

C. C. SNIFFEN,

Hon. Hiester Clymer, Chairman Committee on Expenditures in the War Department, House of Representatives, present.

Mr. CLYMER. Mr. Speaker, I would not if I could, and in my present condition I could not if I would, add anything to the statement of facts which has just been reported to the House. Another occasion may be afforded me to do so. The facts are so clear, so plain, that everywhere throughout this broad land, and throughout Christendom wherever the English language is read or spoken, they will for language the state of the facts are so clear, so plain, the language is read or spoken, they Christendom wherever the English language is read or spoken, they will for long years constitute a record of official corruption and crimes such as has no parallel in our own history, or, so far as I know, that of any other country. And if, in this hour, one sentiment of pity, one word of sympathy, could find utterance from me, it would be because I feel that the late Secretary of War is but the proper outgrowth, the true exponent of the corruption, the extravagance, the misgovernment which have cursed this land for years past. And that being my own reflection, I will discharge my duty best to myself, and I trust to this House by demanding the previous question upon the adoption this House, by demanding the previous question upon the adoption

of the resolutions.

Mr. KASSON. I beg that my friend from Pennsylvania [Mr. CLY-MER] will give an opportunity for a moment's suggestion before ask-

mere an opportunity for a moment's suggestion before asking the previous question on a matter of this great importance.

Mr. CLYMER. I regret that I cann ot oblige my friend—[several Members: "O, yes!"]—and for a reason which he will recognize as just when I have stated that I desire my colleagues upon the committee to be heard before any other members of the House. Therefore, sir,

I demand the previous question.

Mr. KASSON. The gentleman will allow me to say that there is not the slightest opposition to their all being heard.

Mr. CLYMER. Mr. Speaker, I decline to yield. I demand the

Mr. CDYMER. Mr. Speaker, I decline to yield. I demand the previous question.

Mr. COX. I call for the reading of the resolutions again.

The resolutions reported by the committee were again read.

Mr. CLYMER. I now renew my demand for the previous question.

Mr. KASSON. I wish to make an appeal to the gentleman from Pennsylvania by asking him whether he expects this House to-night after five o'clock and after the adjournment of the Senate, and without the printing of the resolutions and the evidence upon which they are based to yote moon a question of this nature, when even the imare based, to vote upon a question of this nature, when even the impeachability of the officer at present is a point to be considered by the House. However guilty may be the officer arraigned, (and no man has been more pained than myself by this development,) does the

gentleman think it right to prevent one word being said by way of obtaining more complete information?

Mr. CLYMER. I will say to my friend from Iowa that if the demand for the previous question be seconded, I will give one-half of the hour to which I shall be entitled to my friends on the committee

the hour to which I shall be entitled to my friends on the committee on the opposite side of the House, to dispose of as they choose.

Mr. KASSON. The committee, it is said, is unanimous in this report; and therefore, if there is no opposition, if this is all a proper proceeding, the only question is—

Mr. CLYMER. I do not yield to the gentleman.

Mr. BASS. Being a member of the committee, I would like to ask a question of the gentleman from Pennsylvania, if he will permit me.

Mr. CLYMER. Certainly.

Mr. BASS. As I understood, the intention was that members of the committee on this side should be entitled to be heard.

Mr. CLYMER. Yes, sir.

Mr. BASS. But the gentleman having one hour only, I understand him now to give away one-half of it.

Mr. CLYMER. I propose to give one-half hour to the gentleman from New York [Mr. BASS] and the gentleman from Ohio, [Mr. Dan-

FORD, I that they may dispose of it as they wish.

Mr. BASS. If the gentleman has but an hour, how can he give away half an hour and still leave us the time it has been agreed we

shall occupy?

Mr. CLYMER. I do not propose, if the gentleman from New York will understand-I do not propose to occupy one minute of that hour

Mr. BASS. Then I do not understand the chairman of the committee to take away the half hour to which the members of the committee on this side of the House are entitled.

Mr. CLYMER. Certainly not; and the gentleman can dispose of

his time as he may desire.

Mr. BASS. As I understand the chairman, he proposes to give onehalf hour of his own time to the members on his side of the House, but not of our time. We propose—

Mr. CLYMER. If you do not desire it, say so. It is a mere matter

Mr. CLYMER. If you do not desire it, say so. It is a mere matter of volition on your part to take it or not.

Mr. BASS. I desire to say—

Mr. CLYMER. Will my friend from New York permit me, in order that there may be no misunderstanding about this matter. I propose that the hour which under the rules belongs to me shall be divided, one-half to be given to the gentleman from New York and his colleague on the committee on that side of the House and the other half hour to the members on this side. The half hour to be given the other side may be apportioned among other members if the gentleman and his colleague so choose or it may all be occupied by themselves.

Mr. BASS. That is what I asked, whether I understood the genwhich could only be done by taking away our half hour.

Mr. CLYMER. I propose no such thing. I demand the previous question, and decline to be further interrupted.

Mr. HOAR. Does the gentleman consider this a political ques-

Mr. RANDALL. This report is unanimous; it is not political.
Mr. CLYMER. I demand a vote on the seconding of the previous question.

The previous question was seconded.

Mr. CLYMER. I now yield to the gentleman from North Carolina,
[Mr. ROBBINS,] who is a member of the committee. I ask what time

Mr. ROBBINS, of North Carolina. Not more than the fifteen min-

utes allotted to me.

Mr. ROBBINS, of North Carolina, took the floor.
Mr. WADDELL. This disorder is disreputable to the House, and I hope some order will be preserved while my colleague addresses the House on this solemn occasion.

The SPEAKER. The Chair is resolved that this solemn business shall not proceed in such disgraceful disorder, and he therefore appeals respectfully and personally to every member upon this floor to aid him in restoring and maintaining order. It does not become us to attempt to proceed under such circumstances

Order was restored.

Mr. ROBBINS, of North Carolina. Mr. Speaker, it is my purpose to occupy but a very few minutes of time. I have been so wearied with the physical labor and the mental strain of this investigation day and night for several days that I am in no condition to make a speech in regard to it, and I do not think any member of the American Congress has it in his heart to wish to say very much about this great shame. It is one of those things which we need not take pains to spread before the inquiring and censorious world to the common disgrace of all American citizens, but, if duty permitted, might rather veil it as a reproach to the American name. We of the committee have expressed our ideas in the report and resolutions unanimously submitted by us. Those resolutions, Mr. Speaker, I hope will be adopted unanimously.

It has been intimated that a question arises as to whether they are in order, and whether it is proper to impeach an officer who has resigned. I have not had time to look up the authorities, and am not prepared to speak to that question worthily except to say this, that it certainly cannot be true that an officer who is being investigated and who has been found by the evidence to be a criminal against

the laws of the land can flee from justice by any act of his own.

The results of an impeachment, Mr. Speaker, are twofold: One is to remove from office and the other is to disqualify from holding office hereafter. The removal from office is accomplished by the office hereafter. The removal from office is accomplished by the resignation but the other portion of the penalty remains uninflicted. Certainly it is within the power of the Senate sitting as a court of impeachment to impose that penalty, and the officer cannot escape it by hasty resignation, which is virtually a flight from justice. I shall not attempt to fitly characterize the manner in which that flight has been in this instance facilitated by the hasty acceptance of his resignation. nation at such an untimely hour and at the last stage of the investi-

gation. It is not necessary to dwell on that. It goes before the I would call the attention of the House to the cases of Warren Hastings and of Lord Francis Bacon, of whom the former was impeached and the latter received sentence, if I mistake not, after they had respectively ceased to hold the offices in which they had committed the crimes and misdemeanors for which they were impeached. And in the proceedings against Warren Hastings, if I am not mistaken, he is described in the articles of impeachment as the "late governor-general" of India. So that these great and remarkable precedents under English jurisprudence sustain the position which is so consonant with reason, that, when a man is found in office corrupt, dishonest, and especially as we have jurisdiction of him by investigation already begun, he cannot deprive us of that jurisdiction by attempting to flee and shelter himself under a resignation. That is the common sense of the case. That, I think, is the law of the case

That is the reason of the case. And that is the view which should be followed in justice to the people we represent.

This is no time to allow easy escapes of men who are found guilty of these high crimes. There is that degree—I do not speak as a politician and will not do so in this case—there is that degree of corruption pervading the public service generally, there is that degree of suspicion attaching to officials in all of their actions in these disordered times, that it is not proper, it is not right, that there should be any shelter here. This case should be probed to the bottom, tried by the highest court known to the country, and a just penalty meted

out.

Sir, it is time that the officers of this country should learn that the Government was not made for the officers, but for the people. They ought to be made to feel that they are the servants, and not the masters, of the sovereign people of America; and that, when this great people finds itself shamed and disgraced and outraged by such conduct as has appeared here, an officer guilty of such conduct should be brought to the bar of the high court of impeachment, and there tried in the name of the people and an adequate penalty inflicted, that the officers of this country may learn that when they commit crimes the arm of the people can reach them and punish them how-

ever they may attempt to hide themselves away.

Let us, if American precedents are not clear on this question, make a precedent which shall be clear to those who shall come after us. In this extraordinary case let us make a notable example and do what in us lies to stem the tide of official peculation and plundering and malfeasance which deluges the land, sapping the very foundations of our liberty, bringing disrepute upon popular institutions and almost making a mock of all faith in human integrity.

Mr. CLYMER. I now yield fifteen minutes to my colleague on the

ommittee, the gentleman from New York, [Mr. Bass.]
Mr. BASS. I have no desire, and I certainly have no ability in my present condition of health, to detain this House by any extended remarks upon this subject. I can only say that it is one so grave that it appals every American citizen.

I regret to have heard the statement that this peculiar instance of official corruption was the outgrowth in any way of our institutions. And I regret to have heard the statement that this instance of official corruption had no parallel either in this land or in any other. should not have to go far, sir, and I think we would not have to leave our own borders to find not only its parallel, but to find one compared with which this is almost as white as the driven snow.

But, sir, no man upon this floor can defend or in anywise extenuate the offense which has been disclosed by the testimony which has been laid before the House to-day. There is no apology for it, there is no excuse for it, there is no justification for it before the American people. The sale of office, the sale of a place, the sale of a contract under the laws of the United States by an officer thereof is not only an offense which strikes us as citizens as being one which should receive our earnest condemnation, but this Congress and this House of Representatives heretofore have had occasion to place upon the statute-book a denunciation of this offense. And it is already by the laws of the land not only made a crime punishable in our courts, but in this case, the offense having been committed by a high officer of the Government, it is punishable also by impeachment.

I have not time to review the testimony, but in brief I can only say that it seemed to the committee—and about this there was no disagreement—that there was no substantial doubt of the truthfulness of the statement made by the witness Marsh. That is in effect that in the year 1870 an arrangement was made by which the Secretary of War, or some member of his family, was to receive a sum equal to about the half of \$12,000 per year for bestowing upon a man named Evans, through the witness Marsh, the office of post-trader at named Evans, through the witness Marsh, the office of post-trader at Fort Sill; that that contract was continued in existence for a period of a year and a half or two years; that then, there being some complaints with reference to the ill-treatment of the soldiers—which might be expected from the sale of this place and the high bonus paid as the price for obtaining the contract—complaints being made, the bonus was reduced to the half of the sum of \$6,000 annually; and from that time down to this very day that contract has been in full force and effect, and the money, according to the testimony, has been remitted quarter by quarter in one form or another to this high officer of the Government as a compensation for his action in continuing Evans in the position of post-trader. the position of post-trader.

Now, sir, a statement of this case as it appears baldly upon this

testimony is sufficient to justify the vote of every member of this House for the resolutions which have been presented by this com-

Mr. LAMAR. Will it interrupt the gentleman for me to make an

inquiry ? Mr. BASS.

Mr. BASS. I think not, if I have time enough left.
Mr. LAMAR. It is simply as to the question whether the resignation of the officer divests this body of the power to present articles of impeachment, and whether the gentleman's attention has been di-

rected to that point?

Mr. BASS. I was about to say a few words on that question after I had said one or two more things on the facts of the case. I have already called the attention of the House to the fact, admitting that these are the facts, that this offense has already been denounced by law in the statute-book as a crime liable to be punished by imprisonment; also that it is a high crime and misdemeanor for which we are

entitled to impeach.

Now this question is a very important one, whether the House of Representatives, which has the sole power of impeachment under the Constitution, has jurisdiction to impeach, as General Belknap is no longer Secretary of War, whether it has jurisdiction to frame and to present to the Senate of the United States, for trial, articles of impeachment against him. The members of the committee have individually examined that question to some extent. I think it has been done more extensively by the gentleman last on the floor, [Mr. RobBINS, of North Carolina,] but I have become convinced that we have
the power, although, so far as I am concerned, I was not able to find
direct authority in America; yet English authorities seem to maintain that we have that jurisdiction. That is, however, a jurisdictional question. We are sitting as a grand jury, and as it is a jurisdictional question, leave the officer to plead it before the tribunal which is to try him, and if they decide in his favor then well and good. There is perhaps a doubt upon the question. I would not say that it is entirely free from doubt. It is not entirely free from doubt. But my own judgment is that that provision of the Constitution which says that the officer impeached shall not only be removed from office, but be disqualified from holding any office of honor, trust, or emolument under the United States Government, can be accomplished in no other way except by his impeachment. When an officer finds that he is to be impeached, on the very day the articles of impeachment are to be presented can he evade the consequences of his guilt and shield himself from the vengoance of the law by sending in his resignation? So that I say under the circumstances of this case, if there is doubt about this I say under the circumstances of this case, if there is doubt about this matter, we, sitting as a grand jury to present articles of impeachment, should put him on trial and let the tribunal that tries him decide the question of jurisdiction. The very section of the Statutes at Large to which I have alluded provides that an officer convicted by a judicial tribunal of an offense like this shall be forever disqualified from holding office; but gentlemen will bear in mind that any man convicted before a court may be perfound but if he be convicted by the victed before a court may be pardoned, but, if he be convicted by the Senate sitting as a court of impeachment, he is beyond the power of pardon, and his disability continues forever.

With these views upon the question, and having no doubt as to the facts found by the committee, and the burden of my convictions being that this body has power to present articles of impeachment in a case like this, I think we ought to present them, and leave the question of jurisdiction to be decided by the tribunal before which he is to be

I now yield the remainder of my time to the gentleman from Massachusetts, [Mr. Hoar.]

The SPEAKER. The gentleman from Massachusetts is entitled to the floor for five minutes.

Mr. HOAR. The division of this hour, the committee being unantimed to the second of the second demonstrate the second dem

imous in one opinion, both republicans and democrats, seems to me to imply the opinion on the part of the chairman of the committee that it is in some way a political question. I utterly disclaim and repudiate such an idea. No person can be more desirous to punish any public officer found guilty of a crime like this charged upon the late Secretary of War than the republican members of the House. wish simply to call attention to one matter. The gentleman from North Carolina [Mr. Robbins] alluded to the fact of the hasty acceptance of this resignation. This House solemnly determined in the case of Whittemore that the formal act of resignation by the officer terminates the office, and that any American citizen can lay down an office held by him without the consent or acceptance of anybody whatever; it is a mere formal matter.

Now, the gentleman from New York [Mr. Bass] says he has not investigated the question whether after the civil office has terminated vestigated the question whether after the civil office has terminated the officer can be impeached, but he thinks that the gentleman from North Carolina, [Mr. Robbins,] who said he had not looked at the authorities, as I understood him, has investigated it more than any other member of the committee. Now, Judge Story, after full discussion, lays down the doctrine that it cannot be done. In England any citizen can be impeached, and therefore the English case of Warren Hastings does not apply. In America no man can be impeached but a civil officer, and when he ceases to be a civil officer he ceases to be within the literal construction of the Constitution. In America to be within the literal construction of the Constitution. In America the only judgment rendered is removal from office as the principal with the incident of perpetual disqualification to hold office, and the Constitution provides that the punishment of the offender shall take

place as if the impeachment had been had by trial before a jury and

a judge.

Now, for these offenses there is provided in the statutes of the United States a punishment of fine and imprisonment, and perpetual disqualification to hold office. Now, sir, this man being out of office, and if found guilty it being impossible to get him back into another, I protest against this hot haste without even having the testimony printed, and determining the question whether it is expedient that all the authority of this House shall be exercised, when it is very likely that when this evidence is printed it may be found that the House may adopt the conclusion to which the committee have arrived; but it seems to me unworthy of this great occasion, and if I stand alone, I stand here to say that this distinguished officer should not be impeached in this way under the previous question, without having the evidence in print on which he is charged, without giving these gentlemen who are sworn to support the Constitution an opportunity to decide upon the question on which such a jurist as Judge

Story has expressed an opinion.

Mr. CLYMER. I will yield fifteen minutes to my colleague on the committee, the gentleman from Kentucky, [Mr. BLACKBURN.]

Mr. HOAR. Allow me to ask, if you can go back to an officer who

has resigned, then can you not go back forever?

The SPEAKER. The time of the gentleman from Massachusetts
[Mr. Hoar] has expired.

Mr. BLACKBURN. Mr. Speaker, I trust that when I shall have finished what I propose to say on this occasion, this House will see that it was not necessary for me at the beginning to protest that I am actuated neither by feelings of personal bitterness nor by feelings of party prejudice. I am glad to know that the position in which I stand upon the record in this case refutes the one charge and my ut-

terances here shall disprove the other.

I am glad to know that in that record it appears that I and my colleagues on the committee have given to the world proof irrefutable that nothing was left undone that it was in our power to do to shield and shelter from dishonor every one except those whose acts it was made our duty to investigate. I will not consent that the gentleman from Massachusetts who has just preceded me [Mr. Hoar] shall make this a political or a personal question. I will not, in justice to honorable gentlemen upon that side of the House, consent that we shall be put in the position of the prosecutors while they take the

position of the defenders.

It is a question that addresses itself to every mind here alike, I care not which side of the Hall he sits upon or what may be his party affiliations. It is not a party question; it is a question as to whether proper action shall be taken with regard to one who has brought disgrace upon himself, dishonor upon the station to which he had been elevated, and repreach upon the country of which he was a distinelevated, and reproach upon the country of which he was a distinguished and prominent official. I will not stop to pass criticism upon the manner in which it was sought by that official to evade the penalty due to his offense. I will not undertake to say that he who with unprecedented if not indecent haste received that resignation did so to relieve that officer from those penalties—I will not say that this was the purpose. But I will say this: That if this is an unprecedented case, as gentlemen have said, it is unprecedented in more respects than one. It is the first instance in the history of this country—and to the honor of the country be it said—that any one claiming manhood and holding an exalted position has sought to shelter himself from legitimate inquiry by consenting to, much less actually interposing, the dishonor of a self-sacrificing wife. This much is due to her. to her.

This House is not a jury trying an issue. It is the grand inquisition of the country. We stand here in the capacity of a grand jury. If this indictment shall be found, if this true bill shall be returned, it is not competent for this House to pass upon the issue. Gentlemen tell us that because the late Secretary of War is no longer in official position, therefore this House has no right to pass the resolutions upon the Clerk's desk. I deny it, and I rest upon authority. The gentleman from Massachusetts [Mr. HOAR] says that Judge Story has decided this to be the case. I deny it.

Mr. HOAR. The gentleman misunderstood me. I said that Judge

Story said it was a very doubtful question.

Mr. BLACKBURN. I decline to be interrupted. I read from section 801 of Story on the Constitution:

Another inquiry growing out of this subject is whether, under the Constitution, any acts are impeachable except such as are committed under color of office, and whether the party can be impeached therefor after he has ceased to hold office.

And in section 805 he says:

It is not intended to express any opinion in these commentaries as to which is the true exposition of the Constitution on the points above cited. They are brought before the learned reader as matters still *sub judice*, the final decision of which may be reasonably left to the high tribunal constituting the court of impeachment when the occasion shall arise.

Mr. HOAR. Will the gentleman read the close of section 801? Mr. BLACKBURN. I decline to be interrupted. That is the utterance of that great jurist. I will quote another. Rawle, in his commentaries on the American Constitution, says:

From the reasons already given, it is obvious that the only persons liable to impeachment are those who are or have been in public office.

Now, sir, you may go back to the trial of Hastings, the record of which is before me. It shows that he was impeached more than one

year-about a year and three months-after his service had expired. In the articles of impeachment themselves he is referred to and described as "the late governor-general of Bengal." It was about fif-

serbed as the the governor-general of Bengal. It was about inteen months after the expiration of his service before those articles were ever presented or that impeachment ever had.

I do say, and I assert it without fear of contradiction, with the authorities before me, that it is in England a settled question, but that in this country it is an open question. And, now the issue is submitted, will the American Congress say that in this state of facts, with the question undecided, with no adjudication to guide us, with the expounders of our constitutional law indicating that that court of final resort which holds its sittings in the other wing of this Capitol should be left to pass upon this issue when the occasion shall arise, will you, I ask, in such a state of facts shrink from your duty, refuse will you, I ask, in such a state of facts shrink from your duty, refuse to discharge that which rests upon you as an obligation, and say that, because there may be the mist or the shadow of a doubt, you will refuse to impeach this officer? You cannot do it.

In the Durell case, which was, I believe, before the Forty-third Congress, I find that the following discussion took place:

Mr. Nielack. I understand it to be a settled rule—the gentleman from Massachusetts, [Mr. Butler,] however, has investigated that subject more than I have done or have been required to do—that an officer cannot escape impeachment by reason of resignation. I beg therefore to inquire of the gentleman from Massachusetts if the committee have considered that question; whether they might not impeach him still, if they think that the circumstances sufficiently justify?

Mr. Butler, of Massachusetts. In answer to the question of the gentleman from Indiana, I will say that as the Constitution imposes the punishment of disability from holding office hereafter, it is entirely competent for the House to go on with the impeachment; and it has been so ruled over and over again. But Judge Durell is an old man, and there will be no practical benefit in going on with the impeachment.

Mr. RANDALL. There might be, as an example.

Sir, there is the record of a prominent member of the gentleman's own party, one who had made it a subject of special inquiry. He states to the House that a resignation does not protect the officer from impeachment; and no man then gainsaid the statement. I do not undertake to say that it is susceptible of demonstration that this House has the right under the Constitution. I have before me a copy of the Constitution in which I have marked clauses bearing upon this question; but I have not time now to read them. I do not undertake to say that it can be proven to a mathematical demonstration that this House has the power; but I say that no man can undertake to assert that it has not the power, and that in this state of the case

we must of necessity act in the manner proposed by these resolutions.

But, sir, in order to show gentlemen on the other side of the House the condition in which they would place their own official at the other end of the Avenue whom they have put in power if we were to adopt their view, I read from Bacon's Works, volume 16, page 370:

On the 2d of May, the seals having been sequestered, the House resolved to proceed to judgment on the next day.

In this interval, on the evening of the 2d of May, the chancellor wrote to the King, "to save him from the sentence, to let the cup pass from him; for, if it is reformation that is sought, taking the seals will, with the general submission, be sufficient atonement." These, his last hopes, were vain; the King did not, he could not, in-

What is it that members on the other side of the House would tell What is it that members on the other side of the House would tell us? Will you say to the country that he whom you have placed in power at the other end of this avenue is able to rob an American Congress of a right and a power that a King of Great Britain could not take from Parliament? [Applause on the floor and in the galleries.] Is that your theory?

Mr. TOWNSEND, of New York. You do not give us an opportunity to say whether it is or not.

Mr. BLACKBURN. It used to be the theory that the king could do no wrong; but the man has never yet been found in this land who

no wrong; but the man has never yet been found in this land who was bold enough to say that the President could do no wrong. If that man who uttered that memorable sentence, "Let no guilty man escape," holds it in his power to rob the Representatives of the American people of their right to prefer accusations or pronounce censure upon self-convicted official criminals, then tell me, some one, where is the barrier to be found beneath whose shelter the liberties of this

people can rest secure?

Mr. HOAR. Does the gentleman claim—
Mr. BLACKBURN. I submit to no interruption.
Mr. HOAR. Then I make the point that the gentleman's time has expired.
The SPEAKER. It has not expired.

Mr. HOAR. I want to know whether the gentleman claims that Congress has the right to punish men.

The SPEAKER. The gentleman from Kentucky declines to be in-

Mr. BLACKBURN. And I hope this interruption will not be taken

out of my time.

Mr. Speaker, I simply desire in the moment or two that may be left me to make but one additional statement. I am the last man who would introduce one atom of politics into this discussion. It is not admissible here. I know that members of this committee on the other side of the House were as earnest in their indorsement of this report as the gentlemen of the committee who sit around me. We have seen no difference in the committee-room as to this report, and I appeal to the manhood of this House that there shall be no party difference manifested here in its adoption. If fraud has been perperence of the House that there shall be no party difference manifested here in its adoption.

trated, if criminality exists, if corruption has been proved, then let the Representatives of the American Congress so declare, send the issue to the court where it must finally be tried, and if he is to go scot free, if we are unable to punish where guilt is almost openly confessed, let the responsibility for that exemption rest upon other shoulders than ours.

[Here the hammer fell.]

Mr. CLYMER. I now yield for fifteen minutes to my colleague on the committee from Ohio, [Mr. DANFORD.]

Mr. DANFORD. Mr. Speaker, I should not claim the attention of the House for a moment were it not for the fact that I am a member

of the committee making this report.

One word in response to the remarks made by my colleague on the committee, the gentleman from Kentucky, [Mr. Blackburn,] as to the right or power of the President of the United States to rob this body of its right to present articles of impeachment against the late Secretary of War. The resignation of that officer was tendered and it was accepted, but in my judgment the acceptance of that tender in no manner changed his position toward the country. He had a right to vacate the office, and no power could compel him to remain.

The question as presented for the consideration of this House, so far as the attitude of this officer is now concerned, is not changed by the action of the President in accepting his resignation. I concede, Mr. Speaker, there is some doubt in my mind as to the right of this House to present articles of impeachment against a citizen after he has retired from office, but I have assented to the report and resolutions now before us for action, willing to remit the question of jurisdiction to the Senate. I believe if the House had the time to read the testimony and to consider it as the members of the committee have considered it, there would not be on this side of the House one single dissenting voice in agreeing to these resolutions.

I do not agree, sir, that the conduct of this officer is a legitimate-

outgrowth of the principles of the party in power, as intimated from the other side. No; the shame which he has brought upon the country is an outrage upon the political party which he in part represented in the Cabinet of the President.

And I desire to say that it is my hope there will not be a single vote on this side of the House against these resolutions. Let us deal with this man in such manner as to teach all persons who in the future may occupy such high and exalted position that swift punishment follows in the wake of such an outrage as he has inflicted upon the people of this country.

Mr. Speaker, I desire in consideration of the fact that this officer

comes from the State of Iowa, to yield to the gentleman from Iowa, [Mr. Kasson,] at his request, the remainder of my time.

The SPEAKER. The gentleman from Iowa has ten minutes.

Mr. KASSON. A few years ago, sir, there went from my State a young, well-educated, and gallant gentleman to fight the battles of his country. He passed through them all; and after the war was over the President of the United States invited him to the very distinguished honor of a seat in his Cabinet, putting him practically at the guished honor of a seat in his Cabinet, putting him practically at the head of that Army of which he had been a humble but distinguished and meritorious officer. This morning for the first time the delegagation from Iowa heard that this gentleman, who had been so much respected in his own State and so much honored in the nation, had been found guilty of receiving compensation for some act of official function and that that compensation had been continuous. The House will judge of the emotion with which we from that State lis-tened to the reading of the evidence. I never heard anything with greater interest; and when, at the close of the reading of the resolutions, I made an appeal to my friend from Pennsylvania, [Mr. CLY-MER,] not for myself only, but for my colleagues, whose pride and the honor of whose State were so touched by the character of the report, for some moments' delay, in order that we might find what there was in that evidence in extenuation of what seemed to be so great a misdemeanor on the part of a public officer, we were met by a demand for the previous question. Not a word to be allowed except by grace to see whether this great stain ought to be put not only upon the nation, but upon that State which hitherto had been glad to honor

this distinguished citizen.

I regret it, Mr. Speaker, for we desire in no respect to claim exemption for him from any of the penalties which his action deserves. If the power rested with us we would not ask that one single penalty justly due that officer upon the evidence should be withheld; but when, from the mere listening to that evidence, I find that one of the most painful features disclosed by it is in the fact that not one word of it, until the death that broke up a home had occurred—that not one syllable of evidence touches the officer in question, am I to be blamed that I want a night, or that my colleagues wanted a night, to ascertain the extent of his personal wrong by reading the evidence in print? And when I find the most delicate relations of human life in our proceeding here are they are involved in our proceeding here are they are involved. in print? And when I find the most deficate relations of numan life involved in our proceeding here, as they are involved in that evidence, domestic relations so delicate I dare not allude to them in detail, is it astonishing that I think it but just we should have an opportunity to consider whether there was anything to be said in extenuation of what appears by the resolutions which accompany the evidence to be so great a misdemeanor.

But it is too late to go back of this. We have been refused the opportunity. Now, I only ask the attention of the House to the question whether they do not need more time to ascertain whether this

tion whether they do not need more time to ascertain whether this

ex-officer is impeachable. Gentlemen speak of it as if impeachment were designed to inflict the proper punishment of an offense. It is not so. Impeachment has no such design. Impeachment is to protect the public from the continuance in office and, at the discretion of the Senate, from the restoration to office of the officer guillity of the misdemeanor. The statutes of the United States provide the punishment for such an offense to be ascertained by a jury and to be fixed by a court. If his impeachment were refused, he stands liable to the laws of the land, and the punishment prescribed by those laws he must submit to.

The Constitution says that-

The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

How are you going to remove this gentleman from office? He is How are you going to remove this gentleman from office? He is out of office. In England, commoners as well as high officers of the government may be impeached, because the House of Commons is the grand inquest of the nation. But references to English authorities are of no account to us. Our rights are limited by the Constitution; and if this man be impeached, the Senate cannot execute the provision of the Constitution which declares that he shall be removed from office upon conviction. If he is liable to impeachment, let it be understood that we are all, without a dissenting voice, for impeachment. But if the House is establishing a precedent which may be dangerous for the future and does not rest upon constitutions. may be dangerous for the future, and does not rest upon constitutional right, we should pause and consider by the aid of a report from the Judiciary Committee the question of our right to make this impeachment, and that is the whole object for which, sir, I stand

here now upon the floor.

If there be not a limit by statute, as there is not, of the time to which you can go back to impeach a retired officer, any committee of this House may to-morrow report that Jefferson Davis, who was once Secretary of War and was a Senator of the United States, was guilty of a conspiracy to overthrow the Government of which he was an offi-cer, and you may present at the bar of the Senate an impeachment of that officer to prevent his again holding office in this country. So you may take the case of any ex-officer of the United States, Ex-Sec-retary Floyd, Jacob Thompson, and others. You may impeach any man whom you charge with having been guilty of a high misdemeanor at any time while in office. There would be no limit to your power.

Gentlemen, do you wish to establish such a precedent without even the consideration of the Law Committee of this House?

That is the question to which I desire the attention of the House, and I refer gentlemen to section 790 of Story's Commentaries on the Constitution, in which he says it is the peculiarity of our republican government that its impeaching power is confined to persons holding office. I will read the whole section:

From this clause it appears that the remedy by impeachment is strictly confined to civil officers of the United States, including the President and Vice-President. In this respect it differs materially from the law and practice of Great Britain. In that kingdom all the King's subjects, whether peers or commoners, are impeachable in Parliament; though it is asserted that commoners cannot now be impeached for capital offenses, but for misdemeanors only. Such kind of misdeeds, however, as peculiarly injure the commonwealth by the abuse of high offices of trust are the most proper and have been the most usual grounds for this kind of prosecution in Parliament. There seems a peculiar propriety, in a republican government at least, in confining the impeaching power to persons holding office. In such a government all the citizens are equal and ought to have the same security of a trial by jury for all crimes and offenses laid to their charge when not holding any official character.

Section 805, quoted by the gentleman from Kentucky, [Mr. Black-burn,] referred to other points; not this one, which is discussed by Judge Story in the section which I am reading:

Judge Story in the section which I am reading:

To subject them to impeachment would not only be extremely oppressive and expensive, but would endanger their lives and liberties by exposing them against their wills to persecution for their conduct in exercising their political rights and privileges. Dear as the trial by jury justly is in civil cases, its value as a protection against the resentment and violence of rulers and factions in criminal prosecutions makes it inestimable. It is there, and there only, that a citizen in the sympathy, the impartiality, the intelligence, and incorruptible integrity of his fellows impaneled to try the accusation may indulge a well-founded confidence to sustain and cheer him. If he should choose to accept office, he would voluntarily incur all the additional responsibility growing out of it. If impeached for his conduct while in office, he could not justly complain, since he was placed in that predicament by his own choice; and in accepting office he submitted to all the consequences. Indeed, the moment it was decided that the judgment upon impeachment should be limited to removal and disqualification from office, it followed as a natural result that it ought not to reach any but officers of the United States. It seems to have been the original object of the friends of the National Government to confine it to these limits; for in the original resolutions proposed to the convention and in all the subsequent proceedings the power was expressly limited to national officers.

I commend this section to the attention of gentlemen. All that I

I commend this section to the attention of gentlemen. All that I now ask is a report from the Committee on the Judiciary on this question before the House commits itself to this first precedent of the kind in the history of the country.

Mr. CLYMER. I believe there is a shred of time left?

The SPEAKER. There are two minutes left of the hour.

Mr. CLYMER. I yield that to my friend from North Carolina [Mr.

Mr. ROBBINS, of North Carolina. I just want to say, in reply to the gentleman from Massachusetts, [Mr. Hoar,] who says that the same punishment may be inflicted by indictment as by impeachment, that there is a material difference. A person convicted and disqualified by indictment may be pardoned by the Executive, but a man convicted and disqualified by impeachment cannot be.

Mr. HOAR. That is correct.

Mr. ROBBINS, of North Carolina. In reply to the gentleman from Iowa [Mr. Kasson] I would say in regard to Senators that it was decided in the Blount case in 1798 that a Senator cannot be impeached, because he is not an officer of the United States.

[Here the hammer fell.]
The question was taken on the resolutions, and they were unani-

mously adopted.

Mr. CLYMER moved to reconsider the vote by which the resolutions were adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CLYMER. I desire to ask that the report and testimony, with
the accompanying statements and exhibits, be printed in the usual
form, and also in the RECORD.

There was no objection, and it was so ordered.

The SPEAKER appointed the following as the committee called for in the second resolution:

Mr. Clymer, Mr. Robbins of North Carolina, Mr. Blackburn, Mr. Bass, and Mr. Danford.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Dob-BINS for four days; to Mr. SINGLETON until Monday next, on account of sickness; to Mr. BAKER, of New York, until the 18th instant, on account of sickness in his family; and to Mr. BROWN, of Kentucky, until the 14th instant, on account of sickness in his family. And then, on motion of Mr. SPRINGER, (at six o'clock p. m.,) the

House adjourned.

## PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. AINSWORTH: Remonstrance of J. Hodgkinson and 86 others, against the repeal of the duty on linseed and linseed-oil, to

the Committee of Ways and Means.

By Mr. CAMPBELL: Memorial of the Re-organized Church of Jesus Christ of Latter-Day Saints, in conference assembled at Council Bluffs, Iowa, that more decisive measures be inaugurated in the suppression of alleged misrule and tyranny in Utah, to the Committee on the Judiciary

on the Judiciary.

By Mr. CAULFIELD: The petitions of citizens of Chicago, Illinois, for the repeal of the check-stamp tax, to the same committee.

By Mr. BANKS: The petition of Foster Henshaw, for compensation for damages sustained by the change of grade of streets in Washington, District of Columbia, to the Committee for the District of Colum-

Also, the petition of John Shanahan, for compensation for damages sustained by change of grade of streets in Washington, District of

Columbia, to the same committee.

By Mr. COX: The petition of Captain John Graham, that authority and jurisdiction may be conferred upon the Court of Claims to award him a just compensation for the damages and loss sustained by him on account of the detention of three steamships in the harbor of New York by order of the President of the United States, to the Com-

mittee on Foreign Affairs.

By Mr. DURHAM: A paper relating to a post-route from Speedwell, in Madison County, to Locust Branch, Estill County, Kentucky, to the Committee on the Post-Office and Post-Roads.

By Mr. FAULKNER: Four petitions of citizens of Preston County, West Virginia, that steps be taken in co-operation with other gov-ernments for the settlement of international difficulties by arbitra-

tion, to the Committee on Foreign Affairs.

By Mr. GOODE: Memorial of Assistant Surgeon James Phillips, that his commission may be made to bear date from the 21st of April, 1862, to the Committee on Naval Affairs.

By Mr. HARTRIDGE: Papers relating to the claim of M. Rawls, to the Committee of Claims.

By Mr. HATCHER: A paper relating to a post-route from Jackson to Wittenberg, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. HENKLE: The petition of citizens of Annapolis, Mary land, for an appropriation to improve the harbor of Annapolis, to the Committee on Commerce.

By Mr, HOLMAN: The petition of Almira H. Thompson, for pay for services rendered as a nurse, and for moneys expended in taking care of sick and wounded United States soldiers, to the Committee on War Claims.

By Mr. JOYCE: The petition of J. M. Haven and 8,000 others, for the appointment of a commission to investigate and report the effects of the liquor traffic in the United States on the health and intelligence, &c., of the country; to prohibit the importation of alcoholic liquors in all places where Congress exercises exclusive legislation, and to require total abstinence from alcoholic liquors as a beverage on the part of all officials of the United States, to the Committee on

the Judiciary.

By Mr. LAWRENCE: The petition of citizens of Cincinnati for the repeal of the check-stamp tax, to the Committee of Ways and Means. By Mr. MONROE: The petition of John L. Smith and other citizens of Pike Station, Wayne County, Ohio, that the traffic in intoxi-

cating liquors may be prohibited in the District of Columbia and Territories, to the Committee on the Judiciary.

Also, the petition of Phillip Baum and other citizens of Pike Station, Wayne County, Ohio, and of J. E. Arnold, M. B. Beebe, and other citizens of Cadiz, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the same committee.

By Mr. NORTON: Remonstrance of the Seneca Nation of Indians,

against the passage of the law recommended in Executive Document No. 106 so far as it applies to them, to the Committee on Indian Af-

By Mr. PHELPS: The petition of Eliza Edgar, for a pension, to the Committee on Invalid Pensions.

By Mr. PIPER: Resolutions of the Chamber of Commerce of San Francisco, relating to the amendment of the shipping act, to the Com-

mittee on Commerce. Also, resolutions of the Chamber of Commerce of San Francisco, in

relation to the pilot laws, to the same committee. Also, the petition of Pope Talbot others that all vessels be exempted

from the payment of pilotage unless the services of the pilot are requested and actually rendered, to the same committee.

Also, the petition of the Chamber of Commerce of San Francisco, for an appropriation for a fog-signal on the South Farallon Island, Cali-

fornia, to the Committee on Appropriations.

By Mr. RANDALL: The petition of Alfred H. Gheen, for an appropriation to compensate him for the use and occupation of his premises in Alexandria by the United States Quartermaster Department, to the Committee on War Claims.

By Mr. REAGAN: Two memorials of citizens of the counties of Hardin, Jefferson, Tyler, Jasper, Newton, and Orange, Texas, for an appropriation to deepen the mouths of the Sabine and Neches rivers, and the channel over Blue Buck Bar, to the Committee on Commerce.

By Mr. ROBBINS, of Pennsylvania: The petition of Hugh Mc-Laughlin, for a pension, on account of the loss of his son John, killed at Frankford Arsenal by the explosion of condemned ammunition, to the Committee on Invalid Pensions.

By Mr. RUSK: Papers relating to the petition of the heirs of Gustavus B. Horner, a surgeon's mate of the revolutionary Army, for bounty land or compensation for services in the revolutionary war, to the

Committee on Military Affairs.

By Mr. STENGER: The petition of 39 citizens of Pennsylvania, that one hundred and sixty acres of land and \$200 be granted all soldiers and sailors who served the United States in the Army or Navy for thirty days and received an honorable discharge, to the Committee on Military Affairs.

By Mr. WILLIS: The petition of John C. Cheever and others, for the improvement of Harlem River, to the Committee on Commerce.

Also, the petition of William Glenn, for payment of moneys due for his son's services in the Army, to the Committee of Claims.

By Mr. WIGGINTON: The petition of A. Spencer and 450 others, citizens of Inyo County, California, that the desert lands of said county may be disposed of in the same manner as now provided by law for the disposal of the desert lands of Lassen County, California, to the Committee on Public Lands.

By Mr. A. S. WILLIAMS: The petition of 52 citizens of Detroit, Michigan, for authority for the construction of a bridge across the river at Detroit, Michigan, to the Committee on Commerce.

# IN SENATE.

## FRIDAY, March 3, 1876.

Prayer by the Chaplain, Rev. Byron Sunderland, D. D. The Journal of yesterday's proceedings was read and approved. EXECUTIVE COMMUNICATION.

The PRESIDENT protempore laid before the Senate a letter from the Secretary of the Interior, transmitting, pursuant to the requirements of the eighth section of the act approved July 22, 1854, two reports of the surveyor-general of New Mexico on private land claims in that Territory; which was ordered to lie on the table and be printed.

# CREDENTIALS.

The PRESIDENT pro tempore presented the credentials of James B. Beck, elected by the Legislature of Kentucky a Senator from that State for the term commencing on the 4th day of March, 1877; which were read and ordered to be filed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Isaac Strohm, one of its clerks, announced that the House had passed the following bills; in which the concurrence of the Senate was requested:

A bill (H. R. No. 236) to give the consent of the United States to the appropriation of certain proceeds arising from the sale of the swamp and overflowed lands in Alabama, for the purpose of furnishing other and additional accommodations for the indigent insane and

idiotic persons resident in said State;
A bill (H. R. No. 280) to amend the act entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," approved May 20, 1826;

A bill (H. R. No. 1752) to restore certain lands in the State of Iowa

to settlement under the homestead law, and for other purposes;
A bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction

of railroads by act of Congress approved March 3, 1863;
A bill (H. R. No. 2039) to amend sections 2450 and 2451, and to repeal section 2452, title 32, chapter 11, of the Revised Statutes;
A bill (H. R. No. 2427) to amend the act entitled "An act to amend

an act to encourage the growth of timber on western prairies," approved March 13, 1874; and

A bill (H. R. No. 2452) to extend the time to pre-emptors on the

public lands.

## ADJOURNMENT TO MONDAY.

Mr. WHYTE. I move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

Mr. MORTON. I desire to enter a motion to reconsider the vote just taken in regard to an adjournment over. I will not press the motion just now

The PRESIDENT pro tempore. The motion to reconsider the vote just taken will lie upon the table, and can be taken up at any time.

#### PETITIONS AND MEMORIALS.

Mr. HOWE. I present a petition of quite a number of laborers under certain contractors upon the Fox and Wisconsin River improvement, praying to be compensated the amount due them from the moneys due the contractors at the time they failed to go on with their work. This petition is transmitted to me through the Chief of the

Engineer Corps. I move its reference to the Committee on Claims.

The motion was agreed to.

Mr. DORSEY presented the petition of Alexander Davis, of Arkansas, praying compensation for supplies taken by the United States forces during the late war; which was referred to the Committee on

He also presented a petition of colored citizens of Arkansas, soldiers in the late war, praying the repeal of certain laws relating to bounties and pensions to colored soldiers, and the enactment of such laws as will place the colored soldiers on the same footing as to the granting and payment of pensions as white soldiers; which was referred to the Committee on Military Affairs.

He also presented a memorial of the Legislature of Arkansas, in favor of the presence of an eather Committee on Military Affairs.

favor of the passage of an act by Congress refunding the cotton tax collected in the years 1865, 1866, and 1867; which was referred to the

Committee on Finance.

He also presented a petition of citizens of Saint Francis County, Arkansas, praying that the aid necessary to insure the early completion of the Texas and Pacific Railroad be granted; which was referred

to the Committee on Railroads.

Mr. SARGENT. I present a memorial from a large number of merchants of San Francisco, the number and character of the signatures being such as to show that they represent the opinion of the mercantile class of that city, respectfully protesting against the repeal of the bankrupt law, and asking that the same may be amended in accordance with a bill which they send to me and which I shall ask leave to introduce. They submit that "a proper national bankrupt law is almost a necessity in a country composed of so many distinct districts, and is beneficial to both creditor and debtor;" and they justify these premises by statements of the operation of the bankrupt law. I think the memorial is very strong both in the source from which it emanates and in the reasoning by which they sustain it. I move that it be referred to the Committee on the Judiciary. The motion was agreed to.

Mr. DENNIS presented the petition of Thomas D. Purnell, Horace Payne, and over one hundred other citizens of Maryland, praying an appropriation for the improvement of the Potomac River; which was

referred to the Committee on Commerce.

Mr. MORTON. I present the petition of a convention of colored men in Texas; and as it is short, I will ask to have it read by the Secretary

The PRESIDENT pro tempore. The petition will be read, if there be no objection.

The Chief Clerk read as follows:

To the Senate and House of Representatives of the United States:

We, your petitioners, would respectfully represent that the present constitution of the State of Texas provides that free schools shall be maintained in this State for at least four months in each year, and that by the terms of the act of Congress permitting Texas to resume the exercise of the rights and privileges of a State in the Union she is forbidden to abrogate that article in her constitution.

And we, your petitioners, would further represent that, notwithstanding the solemn and binding nature of the compact thus entered into between the Government of the United States on the one hand and the State of Texas on the other, the present State government has by nonfeasance practically destroyed our system of free schools.

And your netitioners would further represent that the destroyed our system of

free schools.

And your petitioners would further represent that the proposed new constitution now pending for adoption silently ignores the existence of a compact between the General Government and the State of Texas in relation to the subject of education, and fails to make provision for an efficient system of free schools.

And your petitioners would further represent that, in addition to other funds, the new constitution proposes to appropriate that portion of the public domain granted to the State of Texas for the purpose of establishing an agricultural college to an institution to be used for the education of white youths exclusively:

Wherefore, to the end that a sacred and beneficent compact made in the interest of civilization and good government may not be wantonly and presumptuously violated, and that we may be protected in our rights as citizens of the United States,

we pray your honorable body to take such action in the premises as will cause the State of Texas to keep in good faith her part of the aforesaid compact; and we, your petitioners, as in duty bound, will ever pray.

Done in convention of the colored people of the State of Texas and in the city of Honston this the 14th day of January, A. D. 1876.

V. W. CUNY,
President.
JAMES P. BALL, Secretary.

Mr. MORTON. I move that the petition be referred to the Committee on the Judiciary, and I beg leave to call the attention of that committee to it.

The motion was agreed to.

Mr. JONES, of Florida, presented the petition of M. T. McQueen, administratrix of the estate of John W. McQueen, deceased, praying compensation for property appropriated by the military authorities of the United States during the late war; which was referred to the Committee on Claims.

He also presented the petition of James Curtis, of Escambia County, Florida, praying compensation for services as master and pilot of the schooner James Buchanan from the 13th of December, 1863, to June 5,

schooner James Buchanan from the 13th of December, 1863, to June 5, 1865, at \$75 a month; which was referred to the Committee on Claims.

Mr. RANDOLPH presented a petition of citizens of Newark, New Jersey, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of the State of Wisconsin, in favor of the establishment of a weekly mail-route from Kiel to Memee post-office, in the county of Manitowoc, Wisconsin; which was referred to the Committee on Post-Offices and Post-Roads. Post-Offices and Post-Roads.

He also presented a petition of William Colburn and other citizens of Polk County, Wisconsin, praying for the establishment of a post-route between Osceola Mills and Alden, in that State; which was re-ferred to the Committee on Post-Offices and Post-Roads.

ferred to the Committee on Post-Offices and Post-Roads.

Mr. MITCHELL. I present a memorial of the Legislative Assembly of the Territory of Washington, in which they respectfully represent that "Francis W. Pettygrove was the regularly appointed and duly qualified and acting clerk of the United States district court, holding terms at Port Townsend, Jefferson County, in and for the third judicial district of Washington Territory, and performed the duties of the said office from the 13th day of April, 1853, until the 1st day of February, 1857; that the compensation to which he was entitled by law from the United States was about the sum of \$3,750; that the accounting-officers of the Treasury neglected to credit his account or to pay the compensation aforesaid." They therefore ask that the claim be considered by Congress. I move the reference of the memorial to the considered by Congress. I move the reference of the memorial to the Committee on Claims.

Committee on Claims.

The motion was agreed to.

Mr. ANTHONY presented the petition of Charles C. Harris, late of Company A, First Regiment Rhode Island Volunteers, praying compensation for services rendered to the United States Government during the late war; which was referred to the Committee on Claims.

Mr. ANTHONY. I also present two memorials numerously signed by very respectable scientific men and agriculturists, asking Congress to take some measures in regard to the noxious insects that have been so destructive to the crops in the West. The originals of these memorials have been presented in the other House, and these are certified copies. I believe the Senate has been in the habit of receiving such copies as memorials, but I am not certain. As a bill has been reported relating to the subject of these memorials, I ask that they lie on the table.

lie on the table.

The PRESIDENT pro tempore. The memorials will lie on the table. Mr. BAYARD presented the petition of George R. Dennis, of Mary-Mr. BAYARD presented the petition of George R. Dennis, of Maryland, and accompanying papers, praying compensation for damages to his schooner William J. Dennis, alleged to have been caused by being run into and sunk by the Government steamer General Meigs; which were referred to the Committee on Claims.

Mr. CONKLING presented the petition of J. G. Brown and others, eitizens of New York, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. MAXEY presented the memorial of the Cherokee Creek Chee-

Mr. MAXEY presented the memorial of the Cherokee, Creek, Choctow, and Seminole delegations, remonstrating against the organiza-tion of the Indian Territory into a Territory of the United States, on the ground that it is unlawful and destructive to the rights of the citizen population of the Territory; which was referred to the Com-

mittee on Territories.

Mr. ALCORN presented the petition of Mrs. Nannie Hall, a citizen of Yazoo County, Mississippi, praying compensation for cotton seized and appropriated by the United States forces during the late war; which was referred to the Committee on Claims.

## REPORTS OF COMMITTEES.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1599) granting a pension to Frances C. Elliott, reported it without amendment and submitted a report thereon; which was ordered to be printed.

He also, from the same committee; to whom was referred the petition of Niel Nielson, praying to be granted a pension, reported adversely thereon; and the committee was discharged from its further

Mr. SPENCER, from the Committee on the District of Columbia,

to whom was referred the petition of E. R. Abraham and others, praying for the removal of parking and fencing on square 634 in the city of Washington, reported adversely thereon; and the committee was

discharged from its further consideration.

Mr. SPENCER. I am instructed by the Committee on the District of Columbia, to whom was referred the bill (S. No. 493) to amend section 993 of the Revised Statutes relating to the District of Columbia. to report it with an amendment, and as the bill is very short I ask that it may be taken up now.

The PRESIDENT pro tempore. The bill will be read for information, subject to objection.

tion, subject to objection.

The Chief Clerk read the bill, and the amendment of the committee.
Mr. BAYARD. I ask to what this bill relates. It is quite incomprehensible as read from the desk.

Mr. SPENCER. The bill makes the 22d of February a legal holiday, as far as the District of Columbia is concerned. The amendment is to make the 12th of February also a legal holiday, the 12th of February being the birthday of Abraham Lincoln.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WITHERS. I object.

The PRESIDENT pro tempore. Objection is made, and the bill will be placed upon the Calendar.

Mr. WRIGHT, from the Committee on Revolutionary Claims, to

Mr. WRIGHT, from the Committee on Revolutionary Claims, to whom was referred the bill (S. No. 113) for the relief of the heirs of James Barnett, deceased, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 337) for the relief of Fannie A. Thompson, administratrix de bonis non of Brigadier-General William Thompson, of the revolutionary Army, reported adversely thereon; and the bill was postponed indefi-

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 401) to incorporate the Citizens' Building Company of Washington, reported it with amendments.

Mr. WITHERS. I am instructed by the Committee on Pensions,

to whom was referred the petition of Amos Chapman, praying to be allowed a pension in consequence of wounds received in action while acting as a scout in the employ of the United States forces in the Indian Territory and Texas in September, 1874, to submit a report thereon, and to ask to be discharged from its further consideration, in order that the case may be referred to the Commissioner of Pensions, as the petitioner has never made application to the Pension Bureau for a pension.

The PRESIDENT pro tempore. The committee will be discharged from the further consideration of the petition.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 104) granting a pension to Edward C. Wheelock, submitted an adverse report thereon; which was ordered to be writted, and the bill was posteroid indefinitely.

lock, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MORTON. I am instructed by the Committee on Privileges and Elections, to whom was referred the bill (S. No. 1) to provide for and regulate the counting the votes for President and Vice-President, and the decision of questions arising thereon, to report it back; and I give notice that I will ask the Senate at an early day to proceed to its consideration. its consideration.

BILLS INTRODUCED.

Mr. ROBERTSON asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 552) to restore the franking privilege; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. HAMLIN asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 553) fixing the rates of postage on third-class mail matter, and for other purposes; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 554) to amend sections 5021, 5022, 5023, 5045, and 5112 of the Revised Statutes of the United States, and repeal sections 9, 10, and 12 of the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States,' approved March 2, 1867, and for other purposes," approved June 22, 1874; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed. to be printed.

to be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 555) for the relief of Charles G. Cox; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 556) to amend the Revised Statutes in referred to the received on a hearing in extradition.

ence to documentary evidence to be received on a hearing in extradition proceedings; which was read twice by its title.

Mr. EDMUNDS. I submit with the bill a letter from the honorable Secretary of State upon the subject. As this is really a correction I believe of an error in the Revised Statutes in not bringing forward the pre-existing state of the law, I move that the bill be re-ferred to the Committee on the Revision of the Laws, and printed, together with the letter accompanying it.
The motion was agreed to.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 557) for the relief of Alexander Davis; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SAULSBURY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 558) making further appropriation for the erection of Government buildings in Dover, Delaware; which was read twice by its title, referred to the Committee on Public Buildings

and Grounds, and ordered to be printed.

Mr. CONOVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 559) for the relief of Dabney Walker; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KERNAN, it was

Ordered. That the papers in the case of David Kleim be taken from the files of the Senate and referred to the Committee on Military Affairs.

On motion of Mr. CHRISTIANCY, it was

Ordered, That John W. Russell have leave to withdraw his petition and papers from the files of the Senate, and that copies of said papers be filed in the place of the originals.

On motion of Mr. JOHNSTON, it was

Ordered, That the papers in the case of Matilda Barnett be withdrawn from the files of the Senate.

## EXPENSES OF ALABAMA SENATORIAL INVESTIGATION.

Mr. MORTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the sum of \$15,000 be appropriated from the contingent fund of the Senate to defray the expenses of the investigation into the facts attending the election of Hon. George E. Spencer as a member of this body by the Legislature of Alabama, to be disbursed on the warrant of the chairman of the Committee on Privileges and Elections.

## IMPEACHMENT OF W. W. BELKNAP.

The following message was received from the House of Representatives at twelve o'clock and fifty-five minutes p. m., by the hands of Mr. Green Adams, its Chief Clerk:
Mr. President, the House of Representatives has passed the following

Resolved. That a committee of five members of this House be appointed and instructed to proceed immediately to the bar of the Senate, and there impeach William W. Belknap, late Secretary of War, in the name of the House of Representatives and of all the people of the United States of America, of high crimes and misdemeanors while in office, and to inform that body that formal articles of impeachment will in due time be presented, and to request the Senate to take such order in the premises as they deem appropriate.

And it has

Ordered, That Messis. Hiester Clymer of Pennsylvania, W. M. Robbins of North Carolina, J. C. S. Blackburn of Kentucky, L. K. Bass of New York, and Lorenzo Danford of Ohio be the committee aforesaid. At one o'clock p. m. the Sergeant-at-Arms announced the commit-

tee from the House of Representatives, who appeared at the bar of

The committee advanced to the area in front of the Chair, when Mr. CLYMER said: Mr. President, in obedience to the order of the House of Representatives we appear before you, and in the name of the House of Representatives and of all the people of the United States of America, we do impeach William W. Belknap, late Secre-tary of War of the United States, of high crimes and misdemeanors while in office; and we further inform the Senate that the House of Representatives will in due time exhibit articles of impeachment against him, and make good the same. And in their name we demand that the Senate shall take order for the appearance of the said Will-

iam W. Belknap to answer said impeachment.

The PRESIDENT pro tempore. Mr. Chairman and gentlemen of the committee of the House of Representatives, the Senate will take order in the premises.

The committee thereupon withdrew.

Mr. EDMUNDS subsequently offered the following order; which was read:

Ordered, That the message of the House of Representatives relating to the impeachment of William W. Belknap be referred to a select committee to consist of five Senators.

Mr. EDMUNDS. I offer this order in accordance with the usual prec-Mr. EDMUNDS. I offer this order in accordance with the usual precedents. Proceeding upon the principle of the thing, I should think it would be better to refer a message of this kind to some one of the standing committees of the Senate; but following the usual course in such cases I have framed the order in this way.

Mr. SAULSBURY. I should like to ask the Senator from Vermont whether that is the usual course?

Mr. EDMUNDS. Yes, sir; that is the usual course.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.
By unanimous consent, the Chair was authorized to appoint the committee; and Messrs. Edmunds, Conkling, Frelinghuysen, Thurman, and Stevenson were appointed.

## SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 5th March, 1875:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning the 4th day of March, 1873.

The pending question being on the amendment of Mr. Edmunds to insert the word "not" before the word "admitted."
Mr. EDMUNDS. Mr. President, I suppose that every Senator has

ot tired of hearing this question discussed, and would be glad to have it decided; and I suppose, also, I am bound to presume that every Senator has been very anxious to have it decided for more than a year last past, but, for some good reason undoubtedly, it has been found difficult to get the question to a point where we were to determine it finally one way or the other, until now; and for one I express the hope that after we shall have now commenced upon it it will stay until it is finally determined. I do not intend to occupy a great deal of the time of the Senate upon the subject, but its importance is such that I feel justified in taking such little time as may be necessary to express views that I entertain, although I have once done so

already.

We are acting in this particular case under the Constitution of the United States, which points out to us what our duty is. It declares

Each House shall be the judge of the elections, returns, and qualifications of its

The solemn declaration of the Constitution is then that we are to The solemn declaration of the Constitution is then that we are to be the judge, not the partisan, not the politician, not the patriot, not the citizen, but we are to be the judge holding up impartially the scales of justice under the law and determining this question in a judicial way according to the law. There is no room that I can perceive for my being allowed to persuade myself that this man ought not to be admitted because his politics should happen to differ from mine, or because his race should happen to differ from mine; and on the other hand I can conceive of no excuse upon which Senators with a different opinion could be allowed to persuade themselves to believe the other hand I can conceive of no excuse upon which Senators with a different opinion could be allowed to persuade themselves to believe that any consideration of wish, expediency, interest, peace even, should interfere with the calm majesty of the guiding law that appeals to us as judges and in no other way, and that should have its free course. And I have felt something of chagrin, sir, on one or two of the occasions when this subject has been before us, at seeing what seemed to me (although I hope I may have been mistaken) to be something of that spirit which, proceeding from the best motives, is yet if allowed to affect a question of this kind equally fatal to the true interests of the country and to the real perpetuity of the Constitu-

tion as if some motive of partiality or prejudice or expediency should find a place in considerations still less grave than these.

If, then, I am right in supposing that our duty is a narrow and a simple one, and that we are to exclude from it every knowledge of the politics of this claimant, every knowledge of everything which

his vote in this body if admitted may affect, of everything which the absence of his vote here may affect, the question is what are we to do? It has been said, Mr. President, with great force and with still greater repetition that whatever may be the right of this gentleman greater repetition that whatever may be the right of this gentleman to a seat in this body, the question before us now is simply a question of prima facies and that we are not now called upon to consider whether the body of men who elected him to this office was the Legislature of the State of Louisiana or not; but we are only called on to look upon the paper which is presented to us under the great seal of that State and attested by the signature of the person who as we all agree was acting as the executive of that State at that time, and then swear in the candidate, and at some convenient time proceed to consider whether we have received an intruder or whether we have received a Senator of the State of Louisians. of the State of Louisiana.

That philosophically would strike every one in the first instance as bordering upon the absurd; and yet it has often happened, and it will often happen again undoubtedly from the very necessity of things, that it is discovered sometimes that a person who has been received upon aparently satisfactory evidence of his right to the seat turns out not to have been entitled to it at all. But in this particular instance it unfortunately happens that the resolution which the Committee or Privileges and Flortions has proposed to us does not repostable. on Privileges and Elections has proposed to us does not undertake to deal with the question in that way. I ask, Mr. President, that it may be read for the information of the Senate.

The PRESIDENT pro tempore. The resolution will be reported.

The CHIEF CLERK. The pending resolution is in the following

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana, for the term of six years, beginning the 4th day of March, 1873.

Mr. EDMUNDS. The resolution, you will perceive, Mr. President, is a full, a complete, and final declaration of the admission of this man as a Senator for the full term for which he claims to be elected; and it could be truly said, if we were to adopt this resolution, that on the face of it we had declared that he is entitled to be a Senator from the State of Louisiana for the full term for which he was elected. It is not a simple resolution that this candidate shall be sworn in upon his credentials, and then a proposition that the question shall be referred to a committee for investigation; but it is a definite and final proposition, which, upon the face of it, as I have said, would foreclose the question as the final and deliberate judgment of the Senate upon the whole case. But, of course, that imperfection could be easily corrected; and therefore it is not worth much while to devote one's self to debate about it. But as it stands it is not, as I say, a simple resolution that this man shall be sworn in as a Senator, either with or without the addition that the subject shall then be inquired into, but it is a full and complete final sentence on the subject.

Passing that, what is this prima facie case which is offered to us? What is this paper? It bears the great seal of the State of Louisiana. How do we know that to be the great seal of the State of Louisiana? We know it upon precisely the same ground that we know that there is a Legislature of the State of Louisiana, or that there is not a Legislature of the State of Louisiana, or that in the year 1863 there was no Legislature of the State of North Carolina—I mean no constitutional Legislature under the Constitution of the United States. How, then, do we get at the first knowledge, the first step on the subject of this prima facie? We get it by the judicial knowledge—to borrow a phrase of art which we are supposed to possess, whether, in fact, we do or not—that this seal is the seal of the State of Louisiana. We do not get it by proof; we do not get it by attempting to hear, try, or determine the question; but we get it, as I say, by that judicial knowledge which the laws of the land impute to everybody called upon to administer, as we are here, either legislative or judicial functions.

Therefore, Mr. President, this paper, on the face of it, is an official paper, emanating from some executive authority or person acting in executive capacity in the State of Louisiana. Does our judicial knowledge stop there? When we are obliged to go so far in order to have a prima facie case in respect of the credentials of any Senator, does the law cut off our judicial knowledge at exactly that point and declare that beyond that there cannot be imputed to us any judicial knowledge at all? No, sir. That is not the law; it is not common sense. This body, in my opinion—and the law is all one way upon the subject—was in a constitutional and legal sense just as well advised of the state of legality or the want of the state of legality of the Legislature that elected this man before the inquiry made by the Committee on Privileges and Elections as afterward. That inquiry, in the judicial sense, was an inquiring to inform the conscience of the Senate just as we refer to a lexicon or to a law-book or to a precedent in our statutes. We are bound to know in short what are the Legislatures of the various States, which bodies if there are two, or whether a particular body, if there be only one, is the government of that State or is the chief officer of any department of it. Can there be any question of that proposition? Certainly there can be none. If that be true, then this paper is not a prima facie case, as it is called, unless we also have the judicial knowledge that the body of men who purport to have elected him was the Legislature of the State of Louisiana. That can be pretty well illustrated if we only turn the case over to what it actually was a little while ago.

also have the judicial knowledge that the body of men who purport to have elected him was the Legislature of the State of Louisiana. That can be pretty well illustrated if we only turn the case over to what it actually was a little while ago.

Suppose that Governor Kellogg, as I shall call him for convenience—and governor in fact he was and is—had chosen to certify the credentials of the gentleman elected by what was called the McEnery legislature, should we not all have said that we knew that that body of men was not the Legislature of the State of Louisiana? I do not say that all of us would have said that we knew that, but all of us would have been bound to say that we knew it one way or the other. Some of us it may be would say we knew it not to be the Legislature, others might say we knew it to be the Legislature, just as judges differ in respect to what is the law or what is a public fact that all judges are bound to take notice of. One judge is of the opinion that the law is so, and another that it is different, and yet there is but one law for all. I do not think there would have been found many Senators, certainly not on this side of the Chamber, who, if Governor Kellogg had certified the election of a man by what is called the McEnery legislature, would have for a moment considered that the broad seal of the State of Louisiana concluded us prima facie for a single moment from the knowledge that the persons who undertook to elect that man were mere private citizens or a mob. Nothing is better settled in the whole course of jurisprudence than that we are bound to know first and last and all the time what body of men, if any, in a given State compose its Legislature. Therefore, when this paper came to us, even if we had taken no steps upon it at all, if this were the first day of its presentation, just as if from any other State, we should be bound to know either that the body of men who had undertaken to elect the candidate possessed the quality which the Constitution requires, that of being the Legisla

sessed the quality which the Constitution requires, that of being the Legislature of a State, that they did or not.

It is not, therefore, Mr. President, a case like the numerous cases that have been cited where a person presents himself with credentials from the executive of a State in established relations to the Union and having a legislature competent to elect a Senator at that time, and where the only question possible is the detail of the circumstances under which or the methods by which the election was procured or the qualification of the person himself under the Constitution to hold the office. In such a case we can well see that the paper must be taken, for the time being, to represent an apparent case of authority, and the person is sworn in and then we inquire. But in a case like this the very prima facies depend upon what, as I have said, we are bound to know: that the body of men who elected him were competent to do it. Suppose that the State of Vermont should undertake to elect another Senator while both of her regularly-elected Senators are still here, not having resigned, and there should be presented at your desk, under the broad seal of that State and the signature of its recognized executive, the commission, as I will call it, of the fresh Senator; the credential which sets forth that he is elected. That paper is just as prima facie on the face of it as any other paper could be, only you are bound to know outside of it that it has not any jurisdiction to rest upon. And therefore, I take it, you would not swear in

the third Senator and conclude, as the supreme court of Louisiana concluded in one of these contested-election cases, that a man who had the last commission was prima facie the best man, and that he was entitled to be the judge, instead of the man who had the first one; unless, indeed, you felt bound by the decision of the supreme court of Louisiana. If you did, as some of us do, perhaps, you would be obliged to do that.

This is not a question of technical right. It has been stated by some of the honorable Senators who have maintained the propriety of admitting this gentleman, that he has been no party to any of the proceedings through which the Senate has obtained information for its guidance respecting the state of affairs in Louisiana, and therefore, as to him, all that we may know of the condition of things in the State of Louisiana must be taken for nothing until it shall be gone over again when he is before the body. I submit that that is a grave mistake. This is a public question, as well as a private one. It is a question which enters into the right of every State and of all the States; and it is not a question between private party and private party in respect of whose controversies information obtained externally to the cause cannot be treated as evidence. It is the matter of the United States; and the right of this gentleman to this place, if he have any, is only incidental to the great right of the States under the Union and the Constitution to be represented here, and to the great right of the nation to have them represented here.

the great right of the nation to have them represented here.

Then, Mr. President, if this is in some sense a public question, or even if it be a purely private question, we have before us in a public and in a lawful way, affecting everybody who may be concerned in it, the condition of affairs in the State of Louisiana at the time this gentleman purports to have been elected. We are informed in a lawful and regular way, binding upon everybody, either that the body of men who elected him was competent to do so or that it was not. It is immaterial to our knowledge of the state of affairs there whether we may be of opinion that that body of men was legally constituted or whether we may be of the opposite opinion. Why, sir, the affairs of the Government could not go on for a single month if the two Houses of Congress, as well as the courts of the United States, did not take official and judicial notice of what bodies of men in the various States administer the high offices of state and compose its government. It would be totally impossible, for it would drive us, as it would drive the courts, to whom a similar rule must apply if to us, to begin every cause, and for us to begin every inquiry with that preliminary one to find out whether the Legislature of the State of Ohio or of Indiana, in whose name there purports to be a memorial presented here, was the body of men that it pretended to be. Sir, it is impossible to reflect on this subject without, as it seems to me, and speaking with great deference to those who think otherwise, coming to the very border of absurdity, unless we hold that, without any trial, without any inquiry, except such inquiry as I have said judges make to inform their consciences, we take notice who are the legislatures of the States, who are their governors, and who are their courts.

So then we have here before us a part of these very credentials and the very foundation upon which their validity rests, this body of men, claiming to have been the Legislature of the State of Louisiana; and we have before us all the knowledge attainable or that can ever be attained upon the question whether they constituted the constitutional tribunal of that State authorized by the Constitution of the United States at the time to elect a Senator to this body.

There is, then, Mr. President, no such thing as a prima facie case before us in the sense in which it has been urged upon your consideration. We have before us a complete case. One part of it is the paper which represents under the seal of the State that this gentleman has been elected by a legislature, and we have before us as another part of it and inseparably connected with it the fact that this body of men exercised their powers under a claim the history of which we know; and therefore we have before us, one way or the other, the fact that these credentials come from a legislature of Louisiana or the fact that they do not. There is no knowledge to be gained upon the subject, there is no one-sided view or first view to be taken of it. It is all here, and in the very nature of things in a case arising as this does, it was all here from the first, I submit.

But, Mr. President, we have gone further still. When this paper was first presented, I believe there was no Senator in this Chamber who supposed that it made what is called a prima facie case and that it entitled the gentleman named in it to be received at all unless in the judgment of the Senate the body of men who elected him were at the time they elected him the constitutional Legislature of that State. The honorable Senator from Indiana [Mr. Morton] twice at least, if not three times, as the Journals of the Senate show, has moved, and the Senate on his motion has ordered, that this paper should be referred to the proper committee of this body in order that the circumstances under which it came into being and the lawful existence of the body of men whose mandate it purports to be might be ascertained for the information of this body. And yet, after all, when at last all other grounds fail, as I believe they do upon fair discussion, we are brought back again, after all that has taken place, and asked to face the question as one upon the paper alone, with no eyes judicial or political to look beyond it, and to seat this man by the solemn judgment of the Senate for the full term for which he claims to have been elected. I do not think that that will be a good thing to do. What-

ever Senators are of opinion that this man ought to be admitted are ever Senators are of opinion that this han ought to be admitted are bound of course to say so and vote to admit him, whether it is agreeable to their wishes or not, if they can allow themselves to have any wishes on such a subject. But I beg them not to do it upon that unhappy delusion that they are only deciding a prima facie case which may some time or other be decided some other way. Let us "face the music," as the saying is, Mr. President, and determine either that that body of men was a constitutional Levislature of the State of that body of men was a constitutional Legislature of the State of Louisiana on that occasion or that it was not, and do not let us delude ourselves into the idea that we are conveniently avoiding the grave question which lies under these credentials and are making for the time being a half disposition of the case upon the face of the paper. If we were to do that, the first blush that the law books say is a prima facie case would, I fear, be a blush that would last a good

If, then, we have a matter here under consideration, instead of a paper, what have we to do? We have to determine whether this body of men was a legislature; and to determine that, we have to deter mine under the Constitution and the laws of the State to which it claims to belong how it got its authority to be a legislature and how it came into existence. We cannot avoid that. The charter of our it came into existence. We cannot avoid that. The charter of our authority and the duty that is imposed upon us compel us to judge of the election of this man as well as of his qualifications, which may arise in respect of age or citizenship or whatever. We are bound by the very language of the Constitution, diligently chosen, to judge of this man's election, and I take it the very first and fundamental step in an election is to find a body competent to elect. There can be no dispute about that. Then the question is, what was this body of men? How they appeared as a fact in the State-house in Louisiana, and what they did as a fact, there is no dispute about. The mandate of a judge of a court of the United States in advance excluded from that capitol every person but this particular body of men; and soldiers of the United States in aid of the marshal, as it was their duty to do on the face of the law, crossed their bayonets over the doors, and under that shelter this body of men got together. That all that was unwarrantable, and an outrage upon the first principles of law and upon the first principles of government, is so well stated by the present chairman of the Committee on Privileges and Elections in his report on the subject, that I need not recur to it further.

But the honorable Senator says that that may be all true, and yet als body may have been the legal body after all. No one can disthis body may have been the legal body after all. No one can dispute that it may have been the legal body; but it does not come to us with that bloom of liberty, and peace, and equal rights upon its face that it would do had it come under some other circumstances. scill, if the men who in that way assembled together and made this election were the lawfully elected members from the various parishes of that State, undoubtedly I should say that the circumstance that they got together by aid of the Army would not interfere with the validity of this election. These men must have been elected, according to all the notions we have hitherto had about law, by the people of the various parishes. They must have occupied some other attitude than that of being popular men, who, if they had been candidates, would have been elected. They must occupy some other attitude than that of being popular and patriotic men, who, but for the tude than that of being popular and patriotic men, who, but for the fact that voters did not go to the polls, would have been elected; and, according to the laws of Louisiana and its constitution, they must have been elected by the votes cast at the ballot-box on the day of the election. I believe there is no dispute as to that being the law and the constitution of the State of Louisiana.

The next step under that consitution is that the returns of these various local elections shall be sent to the secretary of state, and by him laid before the Legislature, with a list of the persons who, from those papers, appear to have been elected members. Everybody agrees that that was not done. There has not appeared anywhere any paper or claim in all this investigation that anything like a majority of this body of men had any such title to their seats as the laws of Louisiana, if you take them as they read, and as the constitution of Louisiana, if you take it as it reads, required them to have in order to be members. The returning board, composed of Mr. Lynch and others, upon whose certificates they had assembled themselves together, did not possess, as the committee reported, a single one of those returns from the voting-places of the people; and if they had possessed those returns, as far as we have any evidence upon the subject in this book-and it is pretty full-setting aside the question of two,

in this book—and it is pretty full—setting aside the question of two, or three, or four parishes which are referred to by one of the gentlemen at the very last end of this book as having papers forged in respect of them, this majority would not have appeared to be elected by the papers if the Lynch board had possessed the papers.

But Senators say, and say truly, and I should be glad to state it as strongly as any other republican Senator can, that great fraud and tumult and commotion, organized in order to defeat what was believed to be the will and the wishes of a majority of the people, had intervened, and therefore that these candidates of our party did not have a fair and therefore that these candidates of our party did not have a fair and therefore that these candidates of our party did not have a fair chance. So I believe; but, unhappily the constitution and the laws of Louisiana do not say that its Legislature shall be composed of men who do not have a fair chance to be elected. It says that it shall be composed of men who are elected by votes that are put into the ballot-box and counted out and returned and proved in a certain way. Ah, sir, if the constitution and laws of Louisiana had provided that the Senate of the United States or any other body should hold that to

be its Legislature which the Senate believed ought to have been on be its Legislature which the Senate believed ought to have been on right principles its Legislature, I should have no difficulty in voting that that was a good Legislature. I might have wished to change some of the material in it belonging to both parties, perhaps; but speaking of it as a body, it would be perfectly easy to do that. But, as I have said, our mission is a narrow one. We are to judge of an election; and as a judge we are bound to look at the constitution and law under which that election took place, and we have no right to look at anything else. It may be a great misfortune; it is a great misfortune, if it is true, and I believe it is, that a majority of the people of the State of Louisiana have been unjustly and unfairly deprived ple of the State of Louisiana have been unjustly and unfairly deprived of their right to a free election; but it would be a still greater evil, as it seems to me, if this body, the great conservator of the peace of this nation and of order among its several parts, should decide, in spite of the Constitution and in spite of its duty, that we are to recognize as a Legislature a body of men who were not elected according to the constitution and the laws of that State; for in order to gain a temporary seeming good we should inflict a blow upon the American constitutional system of politics that would last it to its grave. Sir, we must stick to the Constitution and to the law, however disagreeable it is to us, as it is to me on this particular occasion to find myself obliged by what appears to me to be a clear duty and in a clear case to come to a resolution which I wish were otherwise; but there is no

help for it, so far as any of us see it in that way.

I have stated before—at the last session, I believe—what I will not now go over in detail and what is stated by this committee in its renow go over in detail and what is stated by this committee in its report, that it is quite plain to me that what is called the registration or returning law of Louisiana is in violation of the constitution of that State. But for the time being I pass that by and come to what the returning board may do, treating it as a valid law for the purposes of this part of what I have to say. I am certain that everybody would agree, or I should suppose that everybody would, that a special tribunal like this returning board has no other authority to create or to certify members of the Legislature or any other officers than that which the law gives them. They are not a body of general than that which the law gives them. They are not a body of general jurisdiction; but all that they can lawfully do is authorized by the jurisdiction; but all that they can lawfully do is authorized by the statute under which they act, and whatever is not authorized they have no more power to do than any other private citizen of the State of Louisiana. What are they to do? They are to receive from the various supervisors of registration at the various parishes at the close of the election the returns of the votes cast in each of the parishes for the members of the Legislature. "Within ten days after the closing of the election," the law proceeds to say, "said returning officers shall meet in New Orleans to canvass and compile the statements of votes made by the supervisors of registration, and make returns of the election to the secretary of state."

That is what the law says they are authorized to do. It does not give them any authority anywhere to canvass or compile or deal with ny other thing than the statement of votes made by the supervisors of registration in the various parishes of the State. The State of Louisiana in passing this law did not confer upon this body of men the power to return any one or certify any one as elected to any office, except they did it upon a sworn and quasi judicial examination of certain papers described in the statute, and these papers are described by such ear-marks that it is impossible to misunderstand what they are. They are to be official documents, signed and returned by the supervisors of registration in the various parishes. That is the whole jurisdiction of this board on the face of the law. I have never heard it denied, and yet it is equally true, and everybody within the sound of my voice knows it, that the board that certified the election of this Legislature did not possess and never possessed a single one of these official documents which alone they had any right to deal with at all.

You may say, sir, that the failure under the law of Louisiana of the returning board to receive these returns, their failure to count them, whether willful or otherwise, should not be taken to defeat an election in the State. I would say so too. But if you say that, it does not give that body, the returning board, any authority other than that which the statute gives them. You may resort, it may be, to evidence aliunde, as the lawyers say, go back to the original returns and ascertain as a fact that the body of men who assembled together were the but when you do that, you have not got this body of men; you have got another body of men, some of these to be sure, but far less than a quorum in either of the two houses.

Then it goes on to say:

Then it goes on to say:

The governor shall at such meeting open, in the presence of the said returning officers, the statements of the supervisors of registration, and the said returning officers shall, from said statements, canvass and compile the returns of the election in duplicate. One copy of such returns they shall file in the office of the secretary of state, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons and officers voted for, the number of votes for each person, and the names of the persons who have been duly and lawfully elected. The returns of the elections thus made and promulgated shall be prima facie evidence in all courts of justice and before all civil officers until set aside, after a contest according to law, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected.

What are they to do, then, after they shall have made this canvass and compilation? They are to make promulgation and return; but they are to promulgate and return to the proper office of the State only those that are made "thus," in the language of the statute; they are to certify only the result of an examination of the original docu-

ments which are to come to them, and their canvass and compilation of those; and, therefore, the certificate furnished by this board to the secretary of state, or made up by him upon their return, stating that this body of men were the persons elected to that Legislature, was in direct defiance of the statute itself under which it was pretended to be made, for the statute says that this return shall be made by the returning board upon a procedure "thus," in the language of the statute, entered upon and conducted. They had no right by the statute to make any certificate at all for any purpose, except a certificate of what appeared to be the truth from a compilation of certain docu-

ments that they did not possess.

Do not let us mislead ourselves into the inconvenience of supposing that a failure to do this is to defeat the lawful existence of a Legislature. I am only asking the Senate to keep in its mind at this present stage in this subject what were the powers and what was the want of power of the returning board; and, therefore, whatever you may say of the election at the polls, whatever you may say of what appeared by the returns, this body of men confessedly had no proper jurisdiction to act at all; and the returns that they made of these elections, instead of being made pursuant to this statute, were made in direct violation of it. And you will notice, sir, when you turn to their returns appearing in this book, that, instead of following the language of the statute that they are the returns of the statements of votes made by the supervisors of registration, they return that they are the statements "of votes at an election;" because they could not with personal truth either say or swear that they were obeying this statute, and making a return of the statements of votes furnished by the supervisors of registration; and the law says that their certificate shall be *prima facie* evidence when it is made in the way that that section of the act says it shall be made and in no other.

So then, Mr. President, if you take this statute to be constitutional, if you take this board to be the legal board, which most plainly it was not, except for the judgment of the supreme court of the State of Louisiana, if you take both those things for granted, you still find this body of men destitute of any evidence at all that they have a right to sit there derived from a certificate of this returning board, because the statute says that the certificate shall be *prima facie* evidence only when the returns are made in that particular way, and the case shows confessedly that they were not made in that way; their own certificate, as I say, on the face of it, shows that they were not made in that way. Therefore I conclude that the title this body of men had, the prima facie title, as people are fond of using that phrase, that this body of men had, was, when you look at the very papers themselves and the statute which was the sole authority for them to give serves and the statute which was the sole attendity for them to give certificates at all, was totally invalid. They may have been, as the Senator from Indiana says about their having been put in the State-house by the Army of the United States, the members of the Legislature; possibly they were elected; some of them undoubtedly were; but when you speak of their getting any evidence of their having been elected from the action of this returning board, then you say that by the judgment of this Senate you disregard the violation of the statute of the very State under which this board professed to act. I am not prepared to do that, sir.

And then we should be forced to inquire whether these gentlemen who did assemble in that place actually were elected. The committee who investigated that subject, in reference to the whole of that election, upon the very question of the election of Senators by that body, report to us that they were not. When I say "they were not," I mean a majority of them; I mean the bodies. Some of the individuals were elected and some of them were not. That they ought to have been elected; that they would have been elected if there could have been fair play and just dealing, the committee, or a majority of it, believe; but I repeat, I know of no warrant for me, as a judge under the constitution of this election-and I of course only speak for myself-to say that a body composed of persons who failed to be elected members of the Legislature in their respective localities, through fraud or violence or tumult or whatever, may elect a Senator of the United States to this Chamber. It is shocking to my sense of that duty under the law that we are bound to perform.

Mr. President, I only wish to add on this point—upon which I have perhaps spoken too long already—what appears from the report of every one of the members of this committee at the time it was made, including my honorable friend from Indiana. There is not a single member of this committee who even hints that this body of men was the member of this committee who even mints that this body of men was elected by the votes cast or offered at the election—not one of them. The pressure had not got strong enough. Of course I mean the pressure of those persuasive good reasons which lead judges to increase in the knowledge of the law in the study of a particular case. There was not one of them who, at the time when they made this report, had discovered that this body of men was the legislature by an election. My honorable friend from Indiana, whom I take as the highest type of a committeeman, who is endeavoring to reach justice without regard to any great technicality—and certainly it is a very desirable thing—you will find, when you read the views presented by himself as one of the minority of the committee, plants himself upon the fact that the supreme court of the State of Louisiana has decided that the Lynch board was the lawful board, and that this body of men was the lawful Legislature. That is his ground; and I am bound to say, with great respect to him, that that was the best ground that could be taken. The Senator from Indiana has put the case upon the

strongest ground he can rest upon, as he almost always does cases that he presents. He could not reason out that this body of men had as a fact been actually elected at the polls. He could see from the evidence that there had been fraud and tumult and corruption and unfairness, which interfered with the free right of the people to elect. but he could not say that they did elect, for if they did there would be no material advantage gained to anybody in spending much time over the frauds, except as to punishment. But for the purposes we had in view it would be a sheer waste of time. But he does find that the supreme court of the State of Louisiana, as he thinks, has settled the question for him and for us; and, sheltering himself under the broad canopy of that decision, he says there is no difficulty in holding that this person is prima facie entitled to a seat. If we can shelter ourselves under that decision at all, there can be no difficulty in holding that he is not only prima facie entitled to his seat, but, as the resolution says, that he is absolutely entitled to it; for, if the judgment of the supreme court of the State of Louisiana binds us either as a matter of law or as a matter of confidence, considering the respectful attention that we ought to give to the decisions of the courts of the various States that we are called upon to review, there is nothing left of the case. There it is, because we certainly should not hold that these decisions of the courts are prima facie good, and that we are going to overrule them afterward. I never heard of a prima facie decision yet. We have got to take that for good, and all one way or the other, I suppose, to begin with.

Where do we find ourselves, then? We find ourselves confronted

by what is called the decision of the supreme court of the State of Louisiana; and I will take it for granted, although there is a vast deal of circumlocution in these decisions, although there is a great deal of discussion of technical points, and very little discussion of the main point, that the supreme court of Louisiana did decide, and has decided again and again, if you please, that the Lynch board was the lawful board, and that this legislature was the lawful Legislature. Are we bound by that decision? If I correctly understand my honorable friend from Indiana, we are. He holds that we are bound to administer the law of the State; that it must be the law of the State which ascertains and determines who compose its political bodies, who form its government; and therefore, inasmuch as it is solely the law of the State, we are bound by the decision of the State tribunals as to what the law of that State is. That is the proposition. Is it sound? I do not think it is. The Constitution, which is the supreme law of the land, says that not the supreme court of Louisiana, not the supreme court of any State, but we, here, under a personal oath, each one of us, to do justice according to the law, shall be the judge for this purpose of what the law of the State of Louisiana is. Sir, I am not ready to abdicate; I have no right to abdicate. This provision of the Constitution making us the judge, first, last, and always, of the election of a Senator, was inserted from the gravest considerations, not only of public convenience, but of public safety. The fathers of the country in their wisdom did not intend that this Government should be broken down as so many of its predecessors had been by the factions and storms of localities in States; but to compose this national Government there should be this perpetual and supreme tribunal which was itself to be the judge of the election of its members; and nobody else was. It was not a concurrent jurisdiction; it was an exclusive one.

Therefore, Mr. President, while I agree that in a case of this kind we ought to treat with all the respect it deserves, and to give the greatest consideration to the judgments of the supreme court of the State of Louisiana of which they are capable in order to guide our minds upon our own responsibility to a true conclusion, we are not bound to follow them because they have said this to be the law. I cannot do better, perhaps, upon this subject, inasmuch as I am not altogether sure that every Senator who hears me will agree to my view of what our duty is, than read from the opinion of the Supreme Court of the United States, pronounced by Mr. Chief Justice Marshall in the celebrated case of Gibbons vs. Ogden, in the year 1824, on this very question to which I am now addressing myself:

The State of New York-

Says he-

Says ne—
maintains the constitutionality of these laws; and their Legislature, their council of revision, and their judges have repeatedly concurred in this opinion. It is supported by great names—by names which have all the titles to consideration that virtue, intelligence, and office can bestow. No tribunal can approach the decision of this question without feeling a just and real respect for that opinion which is sustained by such authority; but it is the province of this court, while it respects, not to bow to it implicitly; and the judges must exercise in the examination of the subject that understanding which Providence has bestowed upon them, with that independence which the people of the United States expect from this department of the Government.

I beg Senators to believe that what I have just read is the surest chart for republican liberty and for justice under the law. If the supreme court of the State of Louisiana had been composed of men of the highest fame and of the most spotless integrity, and possessed of the most far-reaching learning in jurisprudence, we should have respected their opinions; but we should have dishonored our Constitution and ourselves if we took those opinions to be the law of that State unless we believed it to be the law of that State in our own consciences and upon our own examination. I will not occupy your time, Mr. President, for the occasion is too broad for it, with any consideration of how far the judges of the court in question are entitled

for their virtue, for their learning, or their intelligence, to the respect of this body. It would be an unpleasant subject to enter into, very unpleasant indeed, and out of the regard that I owe to the State of Louisiana, which in the long time past has had tribunals eminent in the respects of which the Chief Justice of the United States speaks, and in the long time to come will again, I hope, have similar ones, I think that we had better, as it regards the State judiciary of that State as well as it respects the Federal judiciary of that State at that

time, pass over it in silence.

The question is, was the judgment of that court correct? My honorable friend from Indiana, strong again, as I say, in this report of his, in respect of the essential proposition which should guide us in reaching a conclusion in this case, puts himself upon the ground that that court has decided. He does not go into an examination and discussion of the subject for himself, but he takes it to be decided, and that is all. Here was a statute which confessedly by the laws and constitution of Louisiana could be approved by the governor in the vacation and after the adjournment of the Legislature, which in express terms repealed the former, laws upon the subject of the returns of elections, and provided a fresh method for performing those duties under the constitution related to the elections; and yet that supreme court say that that repealing act did not repeal. They do not give any reason for it except they say it would be inconvenient to have a change of officers (because that is what the substantial effect of the law was) before the old officers had performed all the duties which they would have been obliged to perform under the old law. Did you ever hear a weaker reason given for a legal decree than that? It is not worth discussing. If there is any Senator here who, if the supreme court had not decided, has any doubt in his own mind as to the law of November 20, 1872, if that was the date, having repealed the former laws, if he were to judge of it himself, it is perfectly useless for me to discuss the question here. There are no grounds upon which I could discuss it. There is the statute, constitutional, as this same court on all hands say it would be, in Louisiana, signed by the governor, which says that the old law is repealed, and yet the court say it is not.

What else have this court decided? They have decided, says my honorable friend from Indiana, that this Legislature was the lawful Legislature of the State. I deny it. The supreme court of the State of Louisiana have never attempted to decide, and never could at that time decide, hear, try, and determine what was the Legislature of the No such question during that period of time could by any possibility be heard in the supreme court of the State of Louisiana. decision of a cause or a question necessarily involves the right to decide it either way, of course; and it necessarily involves the idea that if decided either way the judgment is equally final and equally binding. That is the very fundamental feature of a judicial decision. Let us see what attitude that would place us in, and if the lawfulness of a legislative body while it is exercising its power, and de facto exercising the functions of government, can be drawn in question at all. Suppose the august tribunal that sits so near us in this Capitol should undertake to decide, in the sense in which I am now speaking of it as a subject of decision, that the House of Representatives and this body constituted the lawful Congress of the United States. Of course it would not be followed by any evil consequences; because we should be exactly what we were before; but having the matter before them for decision, which is the fundamental element of any decision at all, suppose they should happen to be of opinion the other way, and should solemnly decide that we are not the Senate, and that the House of Representatives over there is not the House of Representatives, what then? If there is a decision at all, as I have said, it is just as good in point of law whichever way it happens to go. The object of tribunals is to settle questions which are lawfully before them, and over which they have jurisdiction. Suppose the Supreme Court of the United States should decide that we are not the Senate and House of Representatives, do you think that would make any difference with us? It might make a very serious difference with them, but it would not make any difference with us; and this is so clear that I am wasting your time, and I must apologize for stating the simplest fundamental principles of jurisprudence. This is so clear, that even the supreme court of Louisiana did not doubt it; and instead of undertaking to decide and pronounce judgment upon that body of men as being a Legislature or not, they said, "We are bound to take notice of who constitute the political departments of this State; we cannot administer the laws otherwise." That was That was perfectly true; they were bound to take notice; and as things were then situated they were just as much bound to take notice (I do not know that every one will agree with me about that, but I feel clear about it) that that body of men was the Legislature of that State, as they were bound to take notice of anything, for the reason that at the time they pronounced these opinions that body of men was in complete possession of the legislative functions being exercised in that State. There they were, and they were exercising all the func-tions not only in name, but in fact, and with power, supported a lit-tle to be sure by the power of the Federal Government as they probably ought to be for purposes of peace, but not for purposes of right. That depends upon whether they are right; but for purposes of peace supported by the United States Government, they were exercising all the functions. Therefore it followed as a necessary consequence that in that place and at that time that court was bound to take notice

that that body of men was the only Legislature there was in that State, or could be there. How would it be, supposing this body of men had happened to be composed of a majority of democrats, and supposing that in that court, as it is sometimes in senates, people's views are a little colored by their political predilections, and that court had said, "We do not recognize this body of men as the Legislature, we recognize the McEnery body," wherever that may be, what would have happened? Would that have determined which of those two bodies was the true Legislature? Would my honorable friend from Indiana have been bound by that? He would not, we would not; none of us would; and yet we should be just as much bound by it as we should by the recognition of the other; and what would have become of them? The court that did that would have destroyed itself by the very act, unless it could be supported by the strength of the McEnery legislature, and kept in its place. It would have severed that essential and necessary connection between the three departments of the government in a republic, the judicial, the executive, and the legislative branches. That government would have been broken down; and the court, of course, as it has no power like an executive to protect itself by force, would have disappeared from the face of the earth.

Thus it is clear that it does not help this question a particle, if we look at it with the eyes of justice and of law, as to the nature of that Legislature, that that court recognized it. It would not have helped it a particle if the Supreme Court of the United States sitting in that place at that time, or all the members of it, the best men in the land, had done exactly the same thing, because they could not do otherwise; and yet my honorable friend from Indiana maintains, if I correctly understand him, that that Legislature thus circumstanced becomes and is to be treated as competent under the Constitution of our country as a constitutional Legislature to supply members to this body, which belongs not to the State of Louisiana, but to all the people of the United States. It cannot be so.

My honorable friend has said that the function of a legislature is to make laws, and whoever therefore makes laws must be a legislature. I am speaking of bodies, of course; an emperor makes laws without any legislature. That does not follow; but suppose it did. Every one of the Confederate States of America, as they were called, every one of our unhappy sisters who went into the rebellion did not become disorganized as to themselves. They had laws, they enacted statutes, they held courts, they administered justice, which the Supreme Court of the United States has over and over again decided to have been perfectly valid; and yet I take it there is not a Senator here on either side of the Chamber who would have held that credentials coming from one of those legislatures at any time would have made even a prima facie case for a Senator to represent them in

this body.

We unhappily are led into a fog at once in this matter by failing to observe the distinction between the exercise of a legislative power upon the people who are subject to it during a time of commotion or revolution or whatever you may call it, and the constitutional and rightful exercise of a power which they derive as the agents of the Constitution of the United States and of which we are to judge. There is the difference, and no man can put it out of sight. No human ingenuity can make out that the fact that this body of men exercised every function of a legislative body and that they were backed by a hundred thousand men to carry their statutes into force and that they were carried into force, advances you one single step in proving that that body of men has a right to participate in the government of Vermont and Ohio and Indiana by sending its representatives here to make laws for us. There is the misfortune. Treat this Legislature as recognized by its courts; it must have been as long as it bore sway; treat this Legislature as perfectly competent to pass laws as it has, as were the confederate legislatures; does that make out to you that a constitutional body of men under the Constitution of the United States did meet in January, 1873, and elect this man a Senator of the United States? That is the question. It is not a question of whether an act they have passed shall have force in Louisiana or not. It is a question simply and purely and fundamentally, whether that body of men came from the people in the forms that the securities for freedom have provided under the constitution of that State, and assembled in the time and in the way that the constitution prescribed, and having thus assembled, elected this Senator. That they did not do it is demonstrable from the report of my honorable friend from Indiana who puts himself, as I say, upon the strongest ground that he had, that we cannot look behind the supreme court of the State of Louisiana. There is the barrier that makes his defense.

of the State of Louisiana. There is the barrier that makes his defense. It has been said, Mr. President, (and I shall soon draw the little that I have to say at the present time to a close,) that the lapse of time has strengthened this man's case, as it is called; that events have accumulated one after the other in that State until finally they have culminated in such a set of things as to make these credentials and the case upon which they stand a constitutional case. Can that be so? If Mr. Pinchback was not constitutionally elected a Senator on the 16th of January, 1873, can you say that any events which have taken place since have made that election valid? If so, I suppose in another year or two, when the fortunes or misfortunes of politics shall put our friends on the other side of the Chamber into a majority, if we are to be distressed with that unhappy state of things, then the

lapse of time will have been great enough to make the credentials of lapse of time will have been great enough to make the credentials of the McEnery legislature good; and on this authority it would be perfectly easy to turn the case over and say, We have been proceeding under a mistake all the time; it was not Pinchback, or if it was, the other credentials being still older now than his, as they have performed their office, McMillen has got the right; he is to fill the place, and Pinchback is to go out. And they could quote, as my friend from Indiana has quoted, a solemn decision of the supreme court of the State of Louisiana precisely in point to sustain them, for they have held, as between Pinchback as governor and Warmoth as governor and so on in that strange transmogrification that was going on there, that the last commission issued by Pinchback was prima facie much better than the first one.

No, Mr. President, I do not think we can find ourselves excused from facing this question in the very front by the idea that the lapse of time has healed its infirmities. If it had infirmities in January, of time has healed its infirmities. If it had infirmities in January, 1873, it has them still. The Constitution of the United States, the constitution of Louisiana and its laws, do not provide that Senators shall become Senators by lapse of time. They provide that they shall become Senators by a lawful election of a constitutional body, chosen by the people according to the forms of law. There is no other way, unless we cut a way by sheer force of will. We can do that of course. There is no other way of electing a Senator than that, and that way, according to the best light I can get, aided by the luminous reports of our friends of our own political faith, who have reported to us upon the subject, is to say that this election is fatally infirm in the fact that the body who undertook to perform it was not the body it pretended to be.

Something might be said (although in this body that always per-haps seems a little out of place) of the value of this precedent, if it is to be set one way or the other. I think I can safely say that it will be the first time in the history of this body when we shall have established a doctrine which the admission of this man inevitably implies, and that is that, if a majority of this body shall be satisfied that if the State election had been fairly conducted, and the returns fairly counted, and the officers fairly installed, there would have been or might have been a valid election of Senator, and thereupon we declare that that which ought to have been done be done and make him a Senator ourselves. Sir, the law as I read it has imposed no such duty upon me. It has given me no permission even to exercise a function of that character. The men who made our Constitution and laws, with that knowledge of history that they must have possessed, would have seen republic after republic, state after state, everywhere over the broad world where civilization led men to struggle for enlightened liberty, going to pieces one after the other until it comes to us from the sheer first fatal misstep of allowing the hope of consequences, the advantages of party, or the heats of faction to draw us away one hair from the fundamental letter of the Constitution and the law. If we give them up there is nothing to which we can fly; and so, as I have said, I think if it were a case of doubt that we ought to pause before we take what I regard as that sad first step in making Senators here, instead of deciding upon those who may present themselves under the constitutions of their States.

Mr. MORTON. Mr. President—
Mr. FRELINGHUYSEN. Before the Senator goes on I simply wish
to say that I desire to make a brief statement of the reasons for my I would as soon do it after the Senator from Indiana is through; but I thought that perhaps he preferred to close the debate.

matter of perfect indifference to me.

Mr. MORTON. I shall make a very brief reply to my friend from

Mr. FRELINGHUYSEN. Very well.
Mr. MORTON. Mr. President, the Senator from Vermont deprecates the introduction of any political consideration in this debate as alien to the true question here involved. I am glad to meet him on this ground, and I should have been very glad if the controversy had been conducted from the first on these principles; but I cannot doubt, admitting the entire integrity of the motive of my friend from Vermont, that this case from the first has been conducted upon political considerations in great part, and it does involve political considerations of the highest character. The personality of Mr. Pinchback has been lost sight of. This case has gone entirely beyond that; and I propose, before the case is finally decided, to treat of it in its political aspects and consequences, and I shall do it legitimately, fairly, and I

trust fearlessly.

Mr. President, the admission of Mr. Pinchback to his seat has been fought with a pertinacity and with a bitterness wholly unknown in the history of this body from its first organization, and I assert here the listory of this body from its first organization, and I assert here to-day without the fear of successful contradiction that his exclusion is attempted by the violation of the fundamental principles of law governing the organization of this body, plain and palpable historic principles that we have recognized and that most of us here to-day have recognized. What has been the cause of this extraordinary bitterness? There is, I regret to say, some division in the ranks of the republican party here. There is no division on the other side of the Chamber. They see this thing all alike; they see it from one stand-point; and while I do not impugn the motives of any Senator—Inever do that—vet I must say that it is extraordinary that our friends. I never do that—yet I must say that it is extraordinary that our friends on one side of the Chamber should all see it alike if they looked at it from a legal stand-point.

Mr. President, the first thing to which I call the attention of the Senate is the fact that the distinguished Senator from Vermont has admitted by his argument, though not in direct terms, that Kellogg is governor of Louisiana. He has nowhere controverted that proposition, but has taken it for granted all through his argument. Therefore we start from this point: that Pinchback holds the certificate of the governor of the State of Louisiana, as much so as any Senator on this floor, myself and others. There is the starting-point in this argument: that Pinchback has the certificate of the governor of Louisiana. Now has he not a prima facie case as much as any Senator on this floor? How are the rest of us seated here, every man of us? seated upon the certificate of the governors of our States. The Senate has never stopped to inquire whether the Legislatures that elected us were the Legislatures of Iowa, Vermont, or Massachusetts; but that has been taken for granted in every case, because the governor of the State has certified that we were elected by the Legislatures of our respective States. His certificate makes out a prima facie case, not to be controverted until after we have taken our seats here. That is the law of our title; that is the tenure by which we hold here, every Senator of us. There have been some very strong illustrations of that doctrine.

Not only is that the law of our title to our seats here, but that is the law in the other end of the Capitol. Members take their seats upon the certificate of election of the governors of their States. If it is said they were not elected properly; if it is said they were chosen by fraud or corruption, the universal rule there, as it has been here, is that you cannot inquire into that matter until after the person has taken his seat and you get jurisdiction of him.

Now let me inquire about a recent case here. I take the case of Mr. Spencer, of Alabama, not yet three years old. I see Senators all around me who voted in that case. What was that case? Mr. SPENCER came here with the certificate of the governor of Alabama, just as Mr. Pinchback has done. He went up to be sworn in. The Senator from Delaware [Mr. BAYARD] objected to his taking the oath, upon the ground that there was a memorial here on the desk of the Senate showing that Mr. SPENCER was not elected by the Legislature of Alabama. We all remember what that memorial was. We all remember that the chief facts in that memorial were not in dis-What did that memorial set forth? That there were two legislatures or pretended legislatures in session in the State of Alabama: one called the capitol legislature, that assembled in the capitol building, the proper place to assemble; the other was what was called the court-house legislature, assembled in the court-house of the United States in Montgomery-not the ordinary place for the Legislature to assemble. This memorial set forth that Mr. Spencer was elected by what was called the court-house legislature, charging it to be a spurious legislature, and that the real Legislature of Alabama, assembled in the capitol building, elected Mr. Sykes. Before Mr. SPENCER took his seat the issue was made here on this memorial, and it was a notorious fact that there were two legislatures in the State of Alabama at that very time. What did we do? A motion was made, I believe by my friend from Delaware, to refer the credentials of Mr. Spencer to the committee, to examine the question before he took his seat whether he was elected by the Legislature of Alabama. That was the motion that was made. We debated it here Alabama. That was the motion that was made. We debated it here for three days. What was the ground taken by our democratic friends? That inasmuch as it was in dispute and was denied that Mr. SPENCER was elected by the Legislature of Alabama, that was the thing we must inquire into before he could take his seat. What did we say on the other side—my friend from New Hampshire [Mr. WADLEIGH] and all of us, every republican? We said that, as Mr. WADLEIGH] and all of us, every republican? We said that, as Mr. SPENCER had the certificate of the governor of the State of Alabama, he had a prima facie case; and whether he was elected by the Legislature of Alabama was a question that could not be inquired into until after he took his seat. We debated that point for three days, and when the vote was finally taken I believe every republican member of this body voted to seat Mr. Spencer on his prima facie case. Our democratic friends said that was no Legislature. They said, like the Senator from Vermont this afternoon, it was a mot; it was a fraud. We said, "Well, that may be the case; but you cannot inquire into it until Mr. SPENCER has taken his seat here." ordered him to be sworn in, in defiance of that objection. The Senator from Vermont was not in his seat on that day—he is noted as being absent—but I believe that Mr. Spencer received the vote of every republican Senator and was opposed by the vote of every democratic

Senator on this floor.

Now it is proposed to trample upon that precedent. What is the difference between the cases of Spencer and Pinchback in principle? I am not speaking of the particular facts, but I am speaking of the principle, and I say there is but one difference, that the one was a white man and the other is a colored man, and you cannot make any other difference in principle, and that is no difference at all. The Legislature in each case was in dispute. It was a very nice question in the Spencer case. After SPENCER was seated, we examined into it. We were engaged in it a month, and we finally decided, after full examination and argument of counsel, that Mr. Spencer was elected by the Legislature of Alabama, although it had assembled in the court-house and not in the capitol of that State.

It is sought here to break down the rule that we adopted in the PENCER case. Why, what is the ulterior purpose; what is there SPENCER case.

behind all this, that we have got to trample upon our own action so

recently adopted !

But, Mr. President, there is a case quite as strong as that from But, Air. President, there is a case quite as strong as that from Rhode Island, in 1833. What was that case? There was the old charter government in Rhode Island, and the Legislature of that State protracted its own existence one year, by a joint resolution. The life of that Legislature would have expired at a certain time. I believe on the 4th of March, 1833, in due course of law; but the Legislature by a joint resolution, extended its own existence twelve months. It was very doubtful whether it had the power to do so; the proposition looked absurd upon the face of it; but after the extension took place, and during this twelvemonth, the Legislature thus protracting its own existence elected a member of this body. Then that fall there was an election held by the people; a Legislature unquestionably legal was elected; no doubt about it at all; and that Legislature met the next winter, and elected another man a member of the Senate of the United States from Rhode Island, and both men came here. The man elected by the old Legislature filed his credentials first.

Mr. EDMUNDS. May I ask the Senator a question, not to inter

rupt his argument, but as a mere matter of information?

Mr. MORTON. Yes, sir.

Mr. EDMUNDS. I ask whether these two Senators were persons

of different political parties?

Mr. MORTON. I do not know whether they were or not, nor do I

think that is very material.

Mr. EDMUNDS. It is not. I only thought that the precedent to which my friend refers would have a good deal more force if the sec-

which my friend refers would have a good deal more force if the second person elected was of the same political party with the other.

Mr. MORTON. That may be; I do not know how that was; but I am speaking of the case because it is the strongest case that can be made. They both came here. When it was moved to seat Mr. Potter, elected by the old Legislature, objection was made that the question should first be examined which was the Legislature of Rhode Island, the old one or the new one. It was a very doubtful question. Mr. Clay, who was then a member of this body from Kentucky, took the ground that as Mr. Potter had the certificate of the governor of the ground that, as Mr. Potter had the certificate of the governor of Rhode Island, the first certificate, he had a prima facie title to the seat, and the question as to whether he was elected by the Legislature of Rhode Island could not be examined until afterward. The examination lasted some four or five months, and one of the ablest reports ever made by a committee of this body decided that the old Legislature was lawful, and Mr. Potter retained his seat. Now, to keep out Mr. Pinchback on his prima facie case, you have to trample down that precedent; you have to trample down the fundamental law of this body; and I ask why we are to do this violence? What is the object of it? Is it not more important to preserve the law of this body unbroken than to keep Mr. Pinchback out of his seat, whatever may be your personal objection to him?

Now take the case of Luther rs. Borden. In that case there were

two governments in Rhode Island at the same time both trying to be recognized as the government of the State, the Dorr government and the old charter government. The supreme court of Rhode Island was not in dispute; both parties recognized that as the supreme court of Rhode Island, just like the supreme court of Louisiana. That is not in dispute. It was elected in 1868 and holds over. Everybody

admits that the supreme court of Louisiana is the true and legal court of that State, just as in Rhode Island.

Mr. EDMUNDS. If I do not disturb the Senator, as I do not wish to do, I would suggest to him that the distinction between the supreme court of Louisiana and the supreme court of Rhode Island at that time was this: The Rhode Island court was pronouncing its judgment after the Dorr legislature, or whatever you call it, was entirely gone; it was pronouncing upon a preceding state of facts and under and in accordance with an existing state of facts and a present legislature. lature. The supreme court of the State of Louisiana was acting in the presence of a co-ordinate power, and the only co-ordinate power

that was then in existence.

Mr. MORTON. I think my friend is mistaken in regard to the facts. If he is not, still how does that alter the law? The question facts. If he is not, still how does that alter the law? The question was which government at the particular period was the government of Rhode Island, the Dorr government or the old charter government? The old supreme court of Rhode Island, not in dispute, decided that the control of Rhode Island, and the lawful government of Rhode Island. the charter government was the lawful government of Rhode Island. What did the Supreme Court of the United States say on that point?

The Supreme Court say, in the case of Luther vs. Borden:

The point, then, raised here has been already decided by the courts of Rhode Island. The question relates altogether to the constitution and laws of the State; and the well-settled rule in this court is that the courts of the United States adopt and follow the decisions of the State; that the courts of the United States adopt and follow the decisions of the State courts in questions which concern merely the constitution and laws of a State. Upon what ground could the circuit court of the United States, which tried this case, have departed from this rule and disregarded and overruled the decision of the courts of Rhode Island? Undoubtedly the courts of the United States have certain powers under the Constitution and laws of the United States which do not belong to the State courts. But the power of determining that a State government has been lawfully established, which the courts of the State disown and repudiate, is not one of them. Upon such a question the courts of the United States are bound to follow the decisions of the State tribunes, and must, therefore, regard the charter government as the lawful and established government during the time of this contest.

The supreme court of Louisiana has held, I believe on more than one occasion, that Kellogg was the lawful governor of that State.

It has taken notice, in the language of my friend, that the Legislature which elected Pinchback was the legislature of Louisiana, and has enforced its statutes and recognized its enactments as binding con-

Mr. EDMUNDS. If the Senator will pardon me, I think he is mis-taken in saying that the Supreme Court has held that Kellogg was the lawful executive. They have recognized him as the governor in the same way that they said that they were bound to recognize the Legislature—on exactly the same principle.

Mr. MORTON. If there be any valid distinction between that and

recognizing, I fail to see it.

Mr. LOGAN. Allow me to make a statement. In the case of Luther vs. Borden the Supreme Court of the United States acknowledged the power of the Congress of the United States to recognize the government. The Congress of the United States has recognized Kellogg as the governor of Louisiana by different acts, by resolution of the Senate, and by recognizing the certificate in the House of members elected there.

Mr. EDMUNDS. Is that the act of Congress?

Mr. LOGAN. It is the act of both branches. It is not a joint resolution of both branches; but both branches have recognized the governor of that State by resolution on the last night of the last

Mr. MORTON. I might remark, as a circumstance not entirely unworthy of notice by our republican friends, that after a democratic House of Representatives has seated six members upon the certificate of Kellogg as giving to them a prima facie case, he being the governor of Louisiana, for a republican Senate to refuse to seat a republican Senator holding the same certificate may be thought to be a circumstance somewhat peculiar. The Supreme Court of Louisiana decided expressly on more than one occasion that what is known as the Lynch board was the lawful returning board of Louisiana; in other words, it has by its decisions covered the government of that State in every

shape and form.

My friend asked whether Pinchback's case has been improved by lapse of time. I do not think it has; but I think it has not been injured by it in point of law or in point of justice. You take the compromise made in Louisiana, the general agreement down there, that the Kellogg government is the government of Louisiana. When that disputed point is settled, it relates back to the very beginning; it is an agreement that it is and was the government from the beginning, just like any lawsuit that may be in progress for years, even the case of Jarndyce vs. Jarndyce, when the question is decided the rights of the plaintiff are not fixed from the date of the decision, but are fixed from the beginning of the suit, or from the time that he claims his title. You may contest Pinchback's case from the beginning; you may contest it throughout his entire term; you do not thereby impair

Mr. President, I said there were political considerations in this case of the highest character, and so there are, and they touch the very merits of the case. I call the attention of my friend from Vermont to the history of this thing very briefly to-day, for I intend to speak more upon the political considerations hereafter. I call his attention to the fact that in 1872 there was a recognized and admitted republican majority in Louisiana of from sixteen thousand to twenty thousand. I call his attention to the fact that a conspiracy was formed, which has been proven, to overcome that majority by fraud and by violence; and the great question here to-day is, was that conspiracy a success? I say it was not a success; but the rejection of Pinchback is to declare in favor of the conspiracy and the success of the fraud. That is all it means. I bring it down to that. I believe Kellogg was elected. I believe a republican majority of the members of the Legislature were elected. I believe that the republican State officers were elected, that they had a majority of the votes in despite

But, Mr. President, the contest was not given up; violence was resorted to. Witness what took place at Colfax, one hundred men murdered in cold blood; the murders at Coushatta, the dropping murders from time to time; and finally, last spring, a compromise was made known as the Wheeler compromise. What was it? Some republican and democratic members of the other House went down there to investigate in regard to the condition of Louisiana. There was a contractive in regard to the resolution of the present house down there troversy in regard to the members of the present house down there. It was claimed that the returning board had excluded some democrats from their seats who had been elected, and a compromise was gotten up, which was expected to settle the whole Louisiana controversy and give peace to that State, by which the Kellogg government was to be recognized and established. The Wheeler adjustment was this, that they should admit certain persons to the house of representa-tives as having been elected, and stop there. The effect of that was to give the democrats a majority in the lower house. As soon as they got into power they violated the compromise. They then went to work and turned out enough republican members, in addition, to give work and turned out enough republican members, in addition, to give them a majority on joint ballot. I admit they had the power to do so, and we cannot go behind that. They got a majority in the lower house in the first place by a compromise. They then turned right around and violated that compromise and turned out enough to give them a majority on joint ballot; and then, after they had gotten a majority on joint ballot, they proceeded to elect a Senator to this body. They proposed to realize the fruit of this murder and violence

and fraud beginning in 1872, ay, beginning back as far as 1866, for it is all one thing, it is all one continuous chapter. If we shall reject Mr. Pinchback, we thereby declare that there is a vacancy from the State of Louisiana. If there is a vacancy, the present Legislature has a right to fill it. We cannot keep that vacancy always. We cannot stultify ourselves because we have rejected Pinchback. Our democratic friends understand that full well. They are pressing to keep Pinchback out, and when we have declared a vacancy they will then insist on bringing in a democratic Senator, and thus realize the fruit of this terrible contest that has been going on for years.

Mr. EDMUNDS. I hope the Senator does not mean to say now that

it would be clear that they have a right to do that before we inquire

Mr. MORTON. O well, I shall not now examine the question whether Mr. Eustis was elected strictly in conformity with law. I am referring to the broad question that if there was a vacancy in the Senate from the State of Louisiana, the present Legislature having been conceded to be a legal Legislature, have a right to fill it; and whether they have filled it by the election of Eustis or not, makes no difference. If they have not, they will by some one else either at this session or at the next.

I say then that the rejection of Pinchback is the consummation of this foul and bloody scheme from the beginning; and to bring that about—and I want the attention of my republican friends who propose to vote against Mr. Pinchback-to bring that about they must pose to vote against Mr. Pinchback—to bring that about they must trample on the well-recognized law of this body, they must refuse to apply to him the same rule that was applied to Spencer, that was applied to Potter, and that has been recognized as the law of this body from the time of its first organization. You have a right to do it if you want to. There is no power to prevent you from doing it. Ah, here comes back the old argument, the report; that the report of a committee appointed early in January, 1873, that concluded its examination I believe on the 20th day of that month; a committee before whom Pinchback's credentials were never naced until December.

before whom Pinchback's credentials were never placed until December 4, 1873, nearly one year afterward, nearly one year after all the evidence had been taken. Pinchback was not there to cross-examine the witnesses; he was not there to subpena witnesses; he was not there to defend his case; but the extraordinary argument is made here that he is to be bound by an ex parte examination to which he was not a party; where he had no rights; could not examine, or cross-examine, or subpena—a report made nearly a year before the time when his credentials were submitted to the committee; and the presumptions growing out of that report are to overcome the fundamental law in regard to a *prima facie* case! As a mere question of law, I say, with all respect to my learned friends, it seems to me to be a most transparent absurdity. The fundamental law is that, having the certificate of the governor, he has got a *prima facie* case, and whether he was elected by fraud, or whether he was elected by the proper I exist a prima facie case, and the inquired into until effect he has

whether he was elected by fraud, or whether he was elected by the proper Legislature or not, cannot be inquired into until after he has taken his seat. You allow it in all other cases. You refuse it to Pinchback. If you can satisfy the people of this country that this inconsistency is just and proper, I think you will have an arduous task. The recent history of Louisiana, in the violation of the Wheeler compromise and in the declarations of the State democratic convention recently, shows that the democracy of Louisiana, the white-line democracy of Louisiana, keep no faith and do not pretend to keep faith with the republicans there or throughout the country. They have recently attempted to destroy Kellogg and impeach him upon frivolous grounds. We know what they are doing in Mississippi and we know what they intend to do throughout the South. The question is, are we bound to give them aid and comfort?

Mr. FRELINGHUYSEN. Mr. President, I propose to vote against the amendment offered by the Senator from Vermont, and very briefly and informally to state the reasons of my vote. I am constrained to make this statement of my views because the Senator from Ohio [Mr. President, I propose to vote against the amendment of first order to be senator from Ohio [Mr. President, I proposed to the statement of my views because the Senator from Ohio [Mr. President, I proposed to the statement of my views because the Senator from Ohio [Mr. President, I proposed to the statement of my views because the Senator from Ohio [Mr. President, I president, I president, I president in the statement of my views because the Senator from Ohio [Mr. President, I president, I president, I proposed to vote against the amendment of the statement of my views because the Senator from Ohio [Mr. President, I president, I proposed to vote against the amendment of the statement of my views because the Senator from Ohio [Mr. President, I president, I proposed to vote against the amendment of the statement of my views because the Senator from Ohio [Mr. President, I preside THURMAN] some days since called the attention of the Senate to the votes of Senators, and I was among them, who some two years since voted in favor of a new election in Louisiana. I believe that on the

voted in favor of a new election in Louisiana. I believe that on the report of the committee I did vote for another election.

The election of 1872 was certainly irregular and accompanied by much fraud, and I would have been glad that the subject should have been referred immediately back to the people; but the Senator from Ohio and his party associates refused to give the opportunity. They compelled us to consider the case as we have it here, and thus drove me to an examination of the case and of the evidence; and I have reached the conclusion that Mr. Kellogg received a majority of the votes cast at that election. Having arrived at that conclusion it votes east at that election. Having arrived at that conclusion, it seems to me that the Constitution and the laws require us to seat Mr. Pinchback. On looking at the Constitution it appears that each State is entitled to two Senators; that is, each State that is in friendly relations with the national Government, while the converse is true as to the case supposed by the Senator from Vermont of States while in rebellion. I find, too, by turning to the laws, that it is pre-

That it shall be the duty of the governor of the State from which any Senator shall have been chosen as aforesaid, to certify his election, under the scal of the State, to the President of the Senate of the United States, which certificate shall be countersigned by the secretary of state of the State.

I find here the formal certificate that Mr. Pinchback was elected Senator and attached to it the great seal of Louisiana. I find, too, that,

although we have waited two or three years, no one else has any other certificate. The only question then for us to determine is whether the governor of Louisiana signed that certificate. If he did, Mr. Pinch-The only question then for us to determine is whether the back has a title to a seathere; I do not say it is a prima facie; I attach to it no adjective; he has title in the same manner that we have title to our seats. The resolution too is right in form. By that certificate Mr. Pinchback has title for six years, as we have for our terms. His, as ours, is a title nisi; it is a title unless something be shown to invalidate it, something to contradict his muniment of title, which is the certificate, and whenever that contradiction comes, whether after one year or five years, his title will be set aside.

The only question in my mind, therefore, is whether Mr. Kellogg was when the certificate was given governor of Louisiana. What is there that militates against his so being? There is nothing, excepting the report of the Committee on Privileges and Elections, and they must pardon me in saying that that report came to the only conclusion which could not possibly be correct. There was an election on the 4th of November, 1872, with all the prescribed forms, and either McEnery or Kellogg was elected or there was a tie; and that committee find that there was no tie and that neither one was elected. That report is all there is against Kellogg having been duly elected

governor.

What is the affirmative proof that he was governor? Sir, we cannot dispute the fact, when the Senate has by resolution declared that William P. Kellogg is the executive of the existing government of Louisiana. We cannot say that the resolution meant that he was only governor de facto. No, Mr. President; if we say a man is governor, we mean just that. If we intended that he was in a qualified sense governor, as governor de facto, we would say so. The Senate, when they use terms, use them artistically; and, in declaring that William Pitt Kellogg was the executive of Louisiana, we declare that he is so de jurc. Besides this, the supreme court of Louisiana has recognized him as governor; the President of the United States and the House of Representatives have so recognized him. For three years he has performed the duties and exercised the functions of governor; both parties, republican and democratic, have so recognized him; he is today being proceeded against as governor by articles of impeachment. We cannot say that he is not governor; it is impossible. But I have no purpose to establish that Kellogg is governor by the use of an estoppel. Very briefly let us look at the case as an original one.

Warmoth was elected a republican. It is notorious that he made a bargain to carry the State over to the democracy, and he was to be

rewarded by a seat here. He had the intent to commit a fraud. That is not disputed. You will see by looking through the testimony that the election was not characterized by violence of any kind. It was a quiet, peaceful election. Warmoth had the intent to perpetrate a fraud in the returns from the different parishes in the State. He approach the commit and the intent to perpetrate a fraud in the returns from the different parishes in the State. pointed Blanchard registrar; Blanchard appointed the supervisor in every county or parish; the supervisor appointed the three commissioners, to whom was added three freeholders to assist in counting the votes. Warmoth had the intent, and he also had the power to perpetrate a fraud in the returns. He had all the machinery in his hands. He had both the purpose and the power to make a fraudulent return in favor of McEnery. Kellogg had no more power to control those

returns than I had.

Again, Warmoth having the control of the returns, the ballots and the poll-lists, it was at any hour in his power to have called twenty honest men, one-half of each party, into the State-house and say, "Here, let us see whether McEnery is or is not elected. Here are the returns." If some one said, "Your returns are false," he would reply, "Here are the ballots to sustain those returns." If some one said, "Your ballot-boxes have been stuffed or votes have been abstracted," he "Your ballot-boxes have been stuffed or votes have been abstracted," he would reply, "Here are the poll-lists corresponding with the ballots." If some one said, "Your poll-lists have been tampered with in such a precinct," he would respond, "Every voter in that precinct has his registration papers, upon which it is indorsed whether he voted. Now send your officer to that precinct; let those who voted swear how they voted." And thus he could have demonstrated, were such the fact, that McEnery was elected governor. Sir, Warmoth knew that McEnery was not elected or he would thus have proven that he was. It is irresistible moral evidence; for, instead of resorting to the proof which he possessed, he came here and asked that the election might be set aside and a new one ordered.

Mr. President, it is said that McEnery was elected by 9,606 votes. Mr. President, it is said that McEnery was elected by 9,606 votes. There are four parishes, Madison, Grant, Pointe Coupée, and East Baton Rouge, where it appears by the testimony that the returns were forged. The Forman board give Kellogg 1,222 majority in those four parishes; the Lynch board give Kellogg 3,969, or 2,747 more votes than are allowed by the forged certificates. There are also six parishes which the Forman board did not count at all in comalso six parishes which the Forman board did not count at all in coming to the result that McEnery had 9,606 majority. They cast them out on the allegation that there was violence, and the testimony shows none. The parishes are Iberia, Iberville, Saint James, Saint Martin, Saint Tammany, and Terre Bonne. Those six excluded parishes gave Kellogg a majority of 3,327. Thus these ten parishes, the four and the six, give Kellogg a majority of 6,060, reducing McEnery's majority down to 3,546. And what are we to do with this majority of 3,546? If any one will take this testimony and run over a few of the parishes he will see how that majority for McEnery was manufactured. Let me call attention to two or three of the counties or parishes.

is Caddo parish. It had a white registration of 1,549 voters. The McEnery vote was 1,837, or 300 more than the white registration. the same parish the colored registration was 3,139, and the Kellogg vote was only 1,579, or 1,560 less than the registration. The white vote was 300 more; the colored vote nearly 1,600 less than the registration! Showing fraud after the election, for keeping voters from

the polls would not make McEnery's vote more than the registration.

Take again the parish of Rapides. The white registry was 1,719; Take again the parish of Rapides. The white registry was 1,719; the McEnery vote was 1,900, the McEnery vote being 249 more than the registration. In Nachitoches Parish the white registry was 1,517, and the McEnery vote 1,230; the colored registration 1,833, and the Kellogg vote but 550, or 1,283 less than the registry. In Bossier Parish the white registry was 587, and McEnery's vote 953, or 366 more than the registration. The colored registration was 1,795, and the Kellogg vote but 5658 are 1,240 less than the registration. than the registration. The colored registration was 1,795, and the Kellogg vote 558, or 1,240 less than the registration. So you may run through these returns in the different parishes, and you will find in many cases the McEnery vote exceeded the white registry and the Kellogg vote very much less than the colored registry; and we must not forget that the report of the majority of the committee tells us that the whites voted the democratic ticket and the colored people the republican ticket.

One other consideration and I am through, and it seems to me to settle this question. In the ten parishes alluded to we have been obliged to rely somewhat on the returns of the Lynch board, but not so in the view I now present. In twenty-four parishes there is but little difference between the Lynch board and the Forman board, and the vote of the two parties is very close. The Forman board makes the democratic vote 36,679, and that same board makes the republican vote 36,203, claiming only a democratic majority of 476. In twenty-four parishes all that the Forman board claimed was a democratic majority of 476. The Lynch board claim rising a thousand republi-

can majority.

The democracy must make up their 9,606 majority in the remaining thirty-four parishes, for there are only fifty-eight parishes in the State. Now I call the attention of the Senate to the fact that the white registration in those thirty-four parishes was 34,786, and the colored registration in those thirty-four parishes was 42,879. The colored people wation in those thirty-four parishes was 42,879. The colored people were republicans, the white people were democrats; and yet they claim that while the white registration was but 34,786 and the colored registration 42,879, McEnery had 9,606 majority. The thing is absurd upon the face of it. The Forman board claim that this 34,786 white registry gave McEnery 27,788 democratic votes, and that the 42,879 colored registry gave for Kallogg only 21,720 monthlians. 42,879 colored registry gave for Kellogg only 21,170 republican votes. Apply the same ratio to the colored registration that you do to the white registration, and instead of the republican vote being 20,170, it would be 35,000, giving Kellogg for governor a large majority.

Mr. President, I am satisfied that Kellogg had a majority of the

votes cast; that Mr. Pinchback has the governor's certificate; that there is no other certificate; and that Louisiana is entitled to another Senator; and on that certificate I propose to vote that Louisiana shall have the Senator required by the Constitution of the United States.

It is urged that the Legislature that elected Mr. Pinchback was not the true Legislature of the State. It is admitted that the courts of the State have adjudicated it to be the true Legislature. It is, how-ever, correctly said that we are not bound by the decisions of any court, State or Federal. It is also properly admitted that we may look beyond the formal returns and certificates, and get at the facts.

But certainly we must have something to act upon.

I have given the reasons why I think Keliogg was elected, and I insist that all the probabilities are that the Legislature that was elected was in political harmony with the governor who was elected. The body that elected Mr. Pinchback has been adjudicated by the State courts to be the true Legislature, and as such it has enacted laws. The certificate of one who was governor de jure, as we cannot deny, informs us that it was the true Legislature. We have nothing to base a judgment upon that it is not the true Legislature. We have nothing to rest such a judgment upon, except that the forms of law have not been observed, and it is very fairly admitted that we are not bound or restricted by those forms. There is nothing upon which we can rest a decision that the certificate of the acknowledged governor is false and the judgment of the State court erroneous. What proof have we? What proof have we to overcome the governor's certificate and the adjudication of the courts of that State? I agree that we are not bound by either certificate or adjudication; that we are judges ourselves; but we must have something to judge upon, and in the absence of all proof that it is not the true Legislature, seeing it clear that the governor was elected, we cannot say that the certificate is false and the adjudication of the State courts of Louisiana is erroneous.

These are my reasons in brief, Mr. President, for the votes I propose

Mr. BRUCE. Mr. President, I desire briefly to lay before the Senate

my views upon the question under consideration.

When I entered upon my duties here as a Senator from Mississippi, the question had ceased to be novel, and had already been elaborately and exhaustively discussed. So far as opportunity has permitted me to do so, I have dispassionately examined the question in the light of this discussion, and I venture my views now with the diffidence inspired by my limited experience in the consideration of such questions and by a just appreciation of the learning and ability of the gentlemen who have already attempted to elucidate and determine

I believe, Mr. President, whatever seeming informalities may attach to the manner in which the will of the people was ascertained, that Mr. Pinchback is the representative of a majority of the legal voters of Louisiana, and entitled to a seat in the Senate. In the election of 1872, the white population of the State exceeded, by the census of 1872, the colored population by about two thousand, including in the white estimate 63,000 foreigners, only half of whom were naturalized. This estimate, at the same ratio in each race, would give a large majority of colored voters. The census and registration up to 1872 substantially agree, and both sustain this conclusion. The census of 1875, taken in pursuance of an article of the State constitution, gives, after including the foreign population (naturalized and unnaturalized) in the white aggregate, a majority of 45,695 colored population.

This view of the question is submitted, not as determining the con-

test, but as an offset to the allegation that Mr. Pinchback does not fairly represent the popular will of the State, and as a presumption

in favor of the legal title of the assembly that elected him.

The State government elected in 1872, and permanently inaugurated in January, 1873, in the face of contest and opposition, obtained for its authority the recognition of the inferior and supreme courts of the State. When organized violence threatened its existence and the United States Government was appealed to for troops to sustain it, the national Executive, in pursuance of his constitutional authority and duty, responded to the demand made for help, prefacing said action by an authoritative declaration, made through the Attorney-General, addressed to Lieutenant-Governor Pinchback, then acting governor, of date of December 12, 1872, that said Pinchback was recognized as the lawful executive of Louisiana, and the body assembled at Mechanics' Institute as the lawful Legislature of the State;" and similar recognition of his successor was subsequently When, in September, 1874, an attempt was made to overthrow given. When, in September, 1874, an attempt was made to overthrow this government, the President again interposed with the Army and Navy for its protection and the maintenance of its authority.

This government has proceeded to enact and enforce laws for more than three years which not only affect life, liberty, and property, but which have received the general obedience of the citizens of the The present government also has frequently been brought in official contact with the United States Congress—through its Legislatures of 1873 and 1875, by memorials and joint resolutions addressed to the respective Houses; and through its executive, by credentials, borne by Congressmen and by Senators—and in no case has the legiti-mate authority of the Legislature been excepted to save in its action of electing a United States Senator; and in no instance has the sufficiency of the executive's credentials been questioned, in either House, except in the matter of the senatorial claimant.

Now, sir, shall we admit by our action on this case that for three years the State of Louisiana has not had a lawful Legislature; that its laws have been made by an unauthorized mob; that the President of the United States, actively, and Congress, by non-action at least, have sustained and perpetuated this abnormal, illegal, wrongful condition of things, thereby justifying and provoking the indignant and violent protests of one portion of the people of that State, and inviting them to renewed and continued agitation and violence? Such action by us would be unjust to the claimant, a great wrong to the people who sent him here, and cruel even to that class who have awaited an opportunity to bring to their support the overwhelming moral power of the nation in the pursuit of their illusion—which has so nearly ruined the future of that fair State—a government based upon the prejudices of caste.

I respectfully ask the attention of Senators to another view of this subject, which is not without weight in determining the obligations of this body to the State of Louisiana and in ascertaining the title of the claimant. If the assumption that the present government, in-augurated in 1873, is without legal authority and a usurpation is true, the remedy for this state of things was to be found in the exercise by Congress through the joint action of the two Houses of the powers conferred under the guaranteeing clause of the Constitution relative

to republican forms of government in the several States.

Failing to exercise her power and perform her duty in this direction, and thus practically perpetuating the present government, I submit that, in my judgment, we cannot now ignore our obligation to give the State her full representation on the score of the alleged irregularity of the government through which she has expressed her will; and there does seem to me, in this connection, something incongruous in the proposition that we may impose upon the people a government without legal sanction and demand their obedience to and support thereof, said government meanwhile determining the character of its successors and thus perpetuating its taint, and yet are powerless to admit a Senator elected thereby.

In my judgment, this question should at this juncture be considered

and decided not on abstract but practical grounds. Whatever wrongs may have been done or mistakes made in Louisiana by either party the present order of things is accepted by the people of the State and by the nation, and will be maintained as a final settlement of the political issues that have divided the people there; and no changes in the administration of public affairs can or will be made, except by the people, through the ballot, under the existing government and laws

of the Commonwealth.

Under these circumstances, holding this question in abeyance, is, in my judgment, an unconstitutional deprivation of the right of a State, and a provocation to popular disquiet; and, in the interest of good-will and good government, the most judicious and consistent course is to admit the claimant to his seat.

I desire, Mr. President, to make a personal reference to the claimant. I would not attempt one nor deem one proper were it not that

his personal character has been assailed.

As a father, I know him to be affectionate and worthy; as a husband, the idol of a pleasant home, and cheerful fireside; as a citizen, loyal, brave, and true. And in his character and success we behold an admirable illustration of the excellence of our republican institutions. Mr. CHRISTIANCY obtained the floor.

Mr. CHRISTIANCY obtained the hoor.

Mr. CAMERON, of Pennsylvania. Will the Senator from Michigan yield to me to make a motion to go into executive session?

Mr. CHRISTIANCY. I will yield for that purpose.

Mr. SHERMAN. If my friend from Pennsylvania will yield to me a moment, I desire, if it is the pleasure of the Senate now, to take up the memorial of the Chamber of Commerce of New York, not to delay his motion at all, but with a view to leaving it as the unfinished business on Monday morning, so that I may occupy the attention of the Senate for awhile on Monday rather than at some other time.

Mr. EDMUNDS. I am sure we will give the Senator unanimous

consent to speak in the morning hour on Monday morning, if he

wishes to speak then.

Mr. SHERMAN. I suppose the morning hour will not be long enough for my purpose; and I prefer to speak on Monday.

Mr. EDMUNDS. I am sure we will extend the time if necessary.

I am certain there will be no difficulty in extending the time.

Mr. SHERMAN. Very well; with that understanding I will not press it now

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; there being on a division—ayes 30,

#### ADJOURNMENT TO MONDAY.

Mr. MORTON. Before the doors are closed I desire to withdraw the motion to reconsider the vote to adjourn over until Monday.

The PRESIDENT pro tempore. The Chair hears no objection, and the motion to reconsider is withdrawn.

#### EXECUTIVE SESSION.

The Senate thereupon proceeded to the consideration of executive business. After fifty-five minutes spent in executive session the doors were re-opened; and (at four o'clock and twenty minutes p.m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

FRIDAY, March 3, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

TESTIMONY IN THE CASE OF GENERAL SCHENCK.

Mr. SWANN, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, That the Committee on Foreign Affairs be, and they are hereby, authorized to print from time to time such testimony bearing upon the investigation now going on in that committee in relation to the case of General Schenck, our minister at the Court of St. James, as may be deemed proper in the judgment of said committee.

#### KANSAS PACIFIC RAILWAY COMPANY.

Mr. PHILLIPS, of Kansas, by unanimous consent, presented the following concurrent resolution of the Legislature of the State of Kansas; which was ordered to be printed:

Kansas; which was ordered to be printed:

Senate concurrent resolution No. 2, relating to lands of the Kansas Pacific Railway Company, and the right to tax the same.

Whereas the Kansas Pacific Railway Company, holding lands in the State of Kansas, have thus far failed to perfect the title to a large portion of their lands within the limits of said State, whereby such lands are, by decision of the Supreme Court of the United States, exempt from taxation; and whereas, said company has been liberally endowed, both by the bonds of the United States and a valuable landed domain, and, while they have regarded their title to said lands as sufficient to execute a mortgage thereon, to make contracts for conveyances of the same, and, in cases of waste or trespass committed upon such lands, to enjoy in the courts of this State the same protection that is given to its citizens; and whereas the claims of equity and justice alike demand that these lands should bear their just proportion of the public burden and be subject to the same laws which govern the subject of taxation as other property of a like character is subject in the State of Kansas; and whereas this just regulation is sought to be defeated by the continued neglect of the said railroad company to perfect its title to the same by paying to the United States a nominal sum of money to liquidate certain costs of survey and conveyance, as provided by the terms of the several acts of Congress, making the grants of land referred to: Therefore,

Be it resolved by the senate of the State of Kansas, (the house of representatives concurring.) That the Congress of the United States is hereby requested to pass, as speedily as possible, a law providing that the neglect of the said Kansas Pacific Railway Company or the parties in interest to pay the costs of survey and conveyance, as aforesald, shall not prevent the legal title to said lands vesting in said

company or party in interest, subject to the payment of such costs; and the said lands shall be subject to all legal taxes imposed under the authority of this State from the time such company or party in interest shall have been or may be entitled to conveyance thereof, the same as though no costs or fees had been imposed by the act by which such grant was made, and the acts amendatory thereto.

\*Resolved\*\*. That the secretary of state be requested to send one copy of this resolution to the Speaker of the House of Representatives, one copy to the President of the Senate, and one copy to each of our Senators and Representatives in Concress.

I hereby certify that the above senate concurrent resolution was adopted Jan-

JOHN H. FOLKS, Secretary of Senate.

Concurred in by the house February 10, 1876.

HENRY BOOTH.

Chief Clerk. I, Thomas H. Cavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of original senate concurrent resolution No. 2, on file in my office.

certify that the foregoing is a very control of the first of the state. The state of the State. Done at Topeka, this 10th day of February, A. D. 1876.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of the State. Done at Topeka, this 10th day of February, A. D. 1876.

THOS. H. CAVANAUGH,

Secretary of State.

#### MARY CAIN.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. 2453) for the relief of Mary Cain, of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## SETTLERS ON THE PUBLIC LANDS IN KANSAS.

Mr. BROWN, of Kansas, by unanimous consent, presented a concurrent resolution of the Legislature of Kansas, memorializing Congress in behalf of certain citizens, settlers upon the public lands.

Mr. BROWN, of Kansas. I ask that the memorial be printed; and

I do so because the Committee on Public Lands have already passed upon the question, and it will be of some importance that the House shall see the facts of the case. I ask that it be printed in the RECORD.

There was no objection.

The resolution is as follows:

House concurrent resolution No. 22, memorializing Congress in behalf of certain citizens, settlers upon the public lands.

citizens, settlers upon the public lands.

Whereas certain citizens of the State of Kansas have, in good faith, settled upon public lands within the State of Kansas, which lands were open to settlement under the homestead act of May 20, 1862, and June 21, 1866; and whereas said settlers did make homestead entries in compliance with the provisions of the above-named homestead acts; and whereas said lands are claimed by certain railway companies; we believe that a presentation of the facts will enable Congress to pass such enabling act or acts as are necessary to secure to said settlers titles to their lands and to compensate said railway companies for any losses they may sustain by reason of such act or acts. To that end a copy of the homestead papers in the case of Hiram Watts are inserted herein, the facts contained in which present the situation of hundreds of others.

Receiver's Oppice.

RECEIVER'S OFFICE Topeka, Kansas, March 18, 1869.

Receiver's receipt, No. 1831. Application No. 1831.

Received of Hiram Watts the sum of \$12.59, being the amount of fee and compensation of register and receiver for the entry of the south half of southwest quarter of lot 4 of section 30, in township 22 of range 22, under the acts of Congress approved May 20, 1862, and March 21, 1864, entitled "An act to secure homesteads to actual settlers on the public domain.

[Proof required under homestead acts, May 20, 1862, and June 21, 1866.]

[Proof required under homestead acts, May 20, 1862, and June 21, 1866.]

We, J. E. Wishard and Moses Jones, do solemnly swear that we have known Hiram Watts for seven years last past; that he is the head of a family consisting of a wife and one child, and is a citizen of the United States; that he is an inhabitant of the south half of the southwest quarter of lot No. 4 of section 30, in township 23 of range 22, and that no other person resided upon the said land entitled to the right of homestead or pre-emption; that the said Hiram Watts entered upon and made settlement on said land on the 2d day of June, 1868, and has built a house thereon of logs. It is nineteen feet long and seventeen feet wide, shingle roof, two doors, two windows, lumber floors, one and a half stories high, and is a comfortable house to live in, and he has lived in the said house and made it his exclusive home from the 10th day of July, 1868, to the present time, having lived in a temporary shanty on said land from the 2d day of June, 1868, to said date, and that he has, since said settlement, plowed, fenced, and cultivated about fifty-one acres of said land, and has made the following improvements thereon, to wit: He has built a board stable, covered with hay, and a gramary of boards, and has planted an orchard of four hundred apple, peach, and cherry trees, and one hundred and eighty appletrees in nursery, and one hundred and ninety rods of hedge fence, and has dug and walled two wells, and has planted about one thousand forest trees.

J. E. WISHARD.

J. E. WISHARD. MOSES JONES.

I certify that the above affidavit was taken and subscribed before me this 21st day of October, 1875.

W. H. FITZPATRICK,

I certify J. E. Wishard and Moses Jones, whose names are subscribed to the foregoing affidavit, are persons of respectability.

W. H. FITZPATRICK,

[Final affidavit required of homestead claimants, act May 20, 1862.]

[Final affidavit required of homestead claimants, act May 20, 1862.]

I, Hiram Watts, having made a homestead entry of the south one-half of the southwest one-quarter of lot number 4, section 30, in township 22 of range 22, subject to entry at Topeka, Kansas, under the first section of the homestead act of May 20, 1802, do now apply to perfect my title thereto by virtue of the first proviso to the second section of said act, and for that purpose do solemnly swear that I am the head of a family and a citizen of the United States; that I have made actual settlement upon and have cultivated said land, having resided thereon since the 2d day of June, 1868, to the present time; that no part of said land has been alienated, but that I am the sole bona fade owner as an actual settler, and that I will bear true allegiance to the Government of the United States.

HIRAM WATTS. HIRAM WATTS.

I, W. H. Fitzpatrick, register of the land office at Topeka, Kansas, do hereby certify that the above affidavit was taken and subscribed before me this 21st day

W. H. FITZPATRICK.

LAND OFFICE, Topeka, Kansas, October 21, 1875.

I hereby certify that the annexed final proof, and also the sum of \$2.59 in full payment of final homestead commissions on the lot number 4 of section 30, township 22 of range 22 east, was this day tendered to me and by me refused.

Witness my hand this 21st day of October, 1875.

W. H. FITZPATRICK,

Therefore, be it resolved by the house of representatives, (the senate concurring,)
That our Senators in Congress be instructed and our Representatives be requested
to use their utmost endeavors to secure the passage of an actor acts to accomplish
the ends hereinbefore set forth.

Resolved, That the secretary of state be, and is hereby, instructed to furnish our
Senators and Representatives in Congress with a copy of this resolution.

I certify that the above resolution passed the house January 25, 1876.

HENRY BOOTH, Chief Olerk.

Concurred in by the senate January 27, 1876.

JOHN H. FOLKS, Secretary of Senate.

I, Thos. H. Cavanaugh, secretary of state of the State of Kansas, do hereby certify that the foregoing is a true and correct copy of the original resolution on

file in my office.

In testimony whereof I have hereunto subscribed my name and affixed the great seal of the State. Dated at Topeka, this 7th day of February, A. D. 1876.

THOS. H. CAVANAUGH,

Secretary of State, Secretary of State.

#### WHISKY FRAUDS.

Mr. SPRINGER. I ask unanimous consent to offer the following resolution for adoption now:

Resolved, That the Committee of Ways and Means be instructed to inquire whether the recent investigations by the United States grand juries and prosecutions in the courts of those charged with frauds upon the revenue have been sufficiently thorough to expose all the defects in the laws for the collection of the tax on distilled spirits, and the persons engaged in defrauding the Government in the collection thereof, and to report as soon as practicable whether any further legislation in relation thereto should be ordered by this House, and in what manner.

Mr. TOWNSEND, of New York. I call for the regular order. Mr. KASSON. I ask that the resolution be again read.
Mr. TOWNSEND, of New York. Then I do object to it.

#### SAND BEACH HARBOR, MICHIGAN.

The SPEAKER, by unanimous consent, laid before the House a let-The SPEARER, by thanking sconsent, last before the House a letter from the Acting Secretary of War, transmitting the report from Major Weitzel, of the Engineer Corps, under the government and control of the harbor of refuge at Sand Beach, Michigan; which was referred to the Committee on Commerce.

#### QUARTERMASTER-GENERAL.

The SPEAKER also laid before the House a letter from the Secretary of War, on the removals in the office of the Quartermaster-General, in Washington, District of Columbia; which was referred to the Committee on Military Affairs.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, announced that the Senate had passed without amendment House bill of the following title:

A bill (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army.

The message also announced that the Senate had passed bills of the

following titles; in which the concurrence of the House was re-

An act (S. No. 3) for the relief of Alvis Smith;
A bill (S. No. 35) equalizing pensions of certain officers in the Navy;
A bill (S. No. 46) granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Company across the Fort Walla Walla military reservation in Washington Territory;

A bill (S. No. 73) to extend the time for filing claims for additional

A bill (S. No. 73) to extend the time for filing claims for additional bounty under the act of July 28, 1866;
A bill (S. No. 82) for the relief of Amos B. Ferguson;
A bill (S. No. 123) for the relief of Philip S. Wales, medical inspector in the United States Navy;
A bill (S. No. 236) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased;
A bill (S. No. 295) to amend an act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad Company and to regulate its concessing and Potomac River Railroad Company and to regulate its concostia and Potomac River Railroad Company and to regulate its construction and operation;

A bill (S. No. 320) to reduce the number and increase the efficiency of the Medical Corps of the United States Army;
A bill (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadier-general and brevet major-general of the United

A bill (S. No. 359) to incorporate the Washington City Inebriate Asylum in the District of Columbia;

A bill (S. No. 366) to fix the date of entry into the military service of Colonel and Brevet Major-General Benjamin H. Grierson, United States Army, and to correct his record on the Army Register;

A bill (S. No. 394) to amend the act entitled "An act to provide for family the stresses to disabled soldiers" approved May 28, 1872;

furnishing trusses to disabled soldiers," approved May 28, 1872;

A bill (S. No. 408) for the relief of Assistant Surgeon Thomas F. Azpell, United States Army

A bill (S. No. 425) granting a pension to James Eli Butts and Ma-

linda Frances Butts;

A bill (S. No. 443) for the relief of Alstorpheus Werninger;

A bill (S. No. 464) for the relief of the Albemarle and Chesapeake

Canal Company;
A bill (S. No. 479) for the relief of William L. Adams, late collector of customs at Astoria, Oregon; and

A bill (S. No. 490) for the relief of Hibben & Co., of Chicago, Illi-

#### ORDER OF BUSINESS.

The SPEAKER. The Chair will state to the House that there is quite a number of bills upon the Speaker's table, which, in the judgment of the Chair, had better be referred to their appropriate committees. Is there objection to the reference at this time?

There was no objection.

#### PRINTING OF EULOGIES.

Mr. HOAR. There are two concurrent resolutions upon the Speaker's table in regard to the printing of 12,000 copies of the eulogies de-livered in the two Houses of Congress upon the late Andrew Johnson and the late Henry Wilson. They have been returned from the Senatte with amendments. The amendments are the same in each case, and consist in changing the number of copies to be printed from 9,000 for the House and 3,000 for the Senate to 8,000 for the House and 4,000 for the Senate. I suppose there will be no objection to concurring in those amendments.

The amendments were concurred in.

## REFERENCE OF BILLS, ETC.

The following House bills returned from the Senate with amendments were then taken from the Speaker's table, and referred as fol-

A bill (H. R. No. 198) to relieve the disabilities of Robert Tansill, of

Virginia—to the Committee on the Judiciary.

A bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877—to the Committee on Appropriations, and ordered to be printed.

A bill (H. R. No. 1596) granting a pension to Ruth Ellen Greelaud—
to the Committee on Invalid Pensions.

The following Senate bills and joint resolutions were also taken
from the Speaker's table, read a first and second time, and referred as

A bill (S. No. 84) extending the time for the redemption of lands held by the United States under the several acts levying direct taxes, and for other purposes-to the Committee of Ways and Means.

A bill (S. No. 446) for the relief of Daniel Stickney, of Presque Isle,
Maine—to the Committee on Appropriations.
A joint resolution (S. R. No. 5) authorizing First Lieutenant Henry
Metcalfe, of the Ordnance Department United States Army, to accept a decoration from the Sultan of Turkey-to the Committee on Foreign

A bill (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army—to the Committee on Military Affairs.

A bill (S. No. 309) for the relief of William L. Nance—to the Committee on War Claims.

A bill (S. No. 382) to appropriate \$1,000 to remove the remains of Hon. E. Rumsey Wing, late minister to Ecuador, from Quito to the cemetery at Owensborough, Kentucky—to the Committee on Appropriations

A bill (S. No. 431) granting a pension to Elizabeth B. Thomas, widow of General Lorenzo Thomas, late of the United States Army—to the Committee on Invalid Pensions.

A joint resolution (S. No. 9) authorizing Hon. William L. Scruggs, United States minister at Bogota, to accept a present from the Queen of Great Britain—to the Committee on Foreign Affairs.

A bill (S. No. 3) for the relief of Alvis Smith—to the Committee

on Appropriations.

A bill (S. No. 35) equalizing pensions of certain officers of the Navy—to the Committee on Naval Affairs.

A bill (S. No. 46) granting the right of way for a railroad and telegraph line to the Walla Walla and Columbia River Railroad Company across Fort Walla Walla reservation, in Washington Territory—

to the Committee on Military Affairs.

A bill (S. No. 73) to extend the time for filing claims for additional bounty under the act of July 28, 1866—to the Committee on Military

A bill (S. No. 82) for the relief of Amos P. Ferguson—to the Committee on Military Affairs.

A bill (S. No. 123) for the relief of Philip S. Wales, medical inspector

in the United States Navy—to the Committee on Naval Affairs.

A bill (S. No. 237) for the relief of Frances A. Robinson, administratrix of the estate of John M. Robinson, deceased—to the Commit-

tee on War Claims.

A bill (S. No. 295) to amend an act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation"-to the Committee for the District of Columbia.

A bill (S. No. 320) to reduce the number and increase the efficiency of the Medical Corps of the United States Army-to the Committee

on Military Affairs.

A bill (S. No. 326) for the relief of the widow of L. H. Rousseau, A bill (S. No. 359) for the lefter of the Wildow of B. R. Roussead, late brigadier-general and brevet major-general of the United States Army—to the Committee on Invalid Pensions.

A bill (S. No. 359) to incorporate the Washington City Inebriate Asylum, in the District of Columbia—to the Committee for the District of Columbia.

A bill (S. No. 366) to fix the date of entry into the military service of Colonel and Brevet Major-General Benjamin H. Grierson, United States Army, and to correct his record on the Army Register—to the Committee on Military Affairs.

A bill (S. No. 394) to amend the act entitled "An act to provide for furnishing trusses to disabled soldiers," approved May 28, 1872—to the Committee on Military Affairs.

A bill (S. No. 408) for the relief of Assistant Surgeon Thomas F.

Azpell, United States Army—to the Committee on Military Affairs.

A bill (S. No. 425) granting a pension to James Eli Butts and Malinda Frances Butts—to the Committee on Invalid Pensions.

A bill (S. No. 443) for the relief of Alstorpheus Werninger—to the

Committee on Military Affairs.

A bill (S. No. 464) for the relief of the Albemarle and Chesapeake Canal Company—to the Committee on Naval Affairs. A bill (S. No. 479) for the relief of William L. Adams, late collector

of customs at Astòria, Oregon—to the Committee of Ways and Means.
A bill (S. No. 490) for the relief of Hibben & Co., of Chicago, Illinois—to the Committee of Ways and Means.
Mr. RANDALL moved to reconsider the various votes of reference;

and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### SOLDIERS OF THE WAR OF 1812.

Mr. HUNTON. Before the morning hour begins I ask unanimous consent to submit a report from the Committee on Revolutionary Pensions and War of 1812.

The SPEAKER. The Chair hears no objection and the gentleman

Mr. HUNTON. I am directed by the Committee on Revolutionary Pensions and the War of 1812 to report back the bill (H. R. No. 1605) amending the laws granting pensions to the soldiers and sailors of the war of 1812, and their widows, with a substitute, (H. R. No. 2454,) which I move be printed and recommitted with leave to report at

any time.

Mr. KASSON. Not to be brought back on a motion to reconsider.

Mr. HUNTON. Yes, with leave to report at any time. We now have

that privilege. Mr. KASSON.

Mr. KASSON. As it must necessarily go to the Committee of the Whole on the state of the Union, I do not known there can be any objection to it.

There was no objection, and it was ordered accordingly.

## SURVEY OF MANISTEE RIVER, MICHIGAN.

Mr. HUBBELL, by unanimous consent, introduced a bill (H. R. No. 2455) appropriating money for making a survey of the Manistee River, in the State of Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## MORNING HOUR.

The SPEAKER. The morning hour now begins at five minutes to one o'clock, and the regular business, this being Friday, is the call of committees for reports of a private nature, the call resting with the Committee of Claims.

## CHARLES MULKEY.

Mr. AINSWORTH, from the Committee on the Post-Office and Post-Roads, moved that that committee be discharged from the further consideration of the bill (H. R. No. 1152) for the relief of Charles Mulkey, and the same be referred to the Committee of Claims; which motion was agreed to.

## E. S. ZEVELEY.

Mr. AINSWORTH also, from the same committee, moved that it be discharged from the further consideration of the memorial of E. S. Zeveley, of Marion County, West Virginia, asking compensation for violation by the Post-Office Department of a contract with him in regard to stamps, and the same be referred to the Committee of Claims; which motion was agreed to.

## WILLIAM L. MAURY, OF NEW YORK.

Mr. KNOTT. I am unanimously instructed by the Committee on the Judiciary to report back a bill (H. R. No. 1618) to remove the political disabilities of William L. Maury, of New York, with the rec-

ommendation that it do pass.

The bill, which was read, provides that all legal and political disabilities imposed by the fourteenth amendment of the Constitution abilities imposed by the fourteenth amendment of the Constitution of the United States, by reason of participation in the rebellion, be, and they are hereby, removed from William L. Maury, now a resident of Suffolk County, New York.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, (two-thirds voting in favor thereof.)

Mr. KNOTT moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### CHANGE OF REFERENCE.

Mr. HUNTON, from the Committee on the Judiciary, moved that committee be discharged from the further consideration of the following cases, and the same be referred to the Committee on War Claims; which motion was agreed to:

The memorial of Alexander Worrall; and A bill (H. R. No. 1443) for the relief of Raphael M. Miller.

#### ADVERSE REPORTS.

Mr. LAWRENCE, from the same committee, reported back the following cases adversely, and moved that they be laid on the table;

which motion was agreed to:

A bill (H. R. No. 112) for the relief of B. E. Cooper; and
The petition of John T. Bristow, asking for the remission of a fine
imposed upon him by the United States district court for the Maryland

#### SARAH WILSON.

Mr. LAWRENCE, from the same committee, to which was referred the petition of Sarah Wilson, of Braxton County, West Virginia, reported a bill (H. R. No. 2456) to release any title of the United States to a certain tract of land in Braxton County, West Virginia, for Sarah Wilson; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### EXCHANGE NATIONAL BANK OF PITTSBURGH, PENNSYLVANIA.

Mr. McCRARY, from the same committee, moved that committee be discharged from the further consideration of a bill (H. R. No. 2018) to authorize the Exchange National Bank of Pittsburgh, Pennsylvania, to improve certain real estate, and the same be referred to the Committee on Banking and Currency; which motion was agreed to.

#### M. S. REED AND Q. REED.

Mr. McCRARY also, from the same committee, reported back the bill (H. R. No. 1612) for the relief of Marcus S. Reed and Quincy Reed, of South Abington, in the State of Massachusetts, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

#### E. A. WILLIAMS.

Mr. HOAR, from the same committee, reported back the bill (H. R. No. 1329) for the relief of E. A. Williams, and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

## IMPEACHMENT OF WILLIAM W. BELKNAP.

The committee appointed by a resolution of the House to proceed to the bar of the Senate and there impeach William W. Belknap, late Secretary of War, of high crimes and misdemeanors appeared, and

Mr. CLYMER said: Mr. Speaker, in obedience to the order of the House we proceeded to the bar of the Senate, and in the name of this House and of all the people of the United States of America, we impeached, as we were directed to do, William W. Belknap, late Secretary of War of the United States, of high crimes and misdemeanors while in office; and we demanded that the Senate should take order to make him appear before that body to answer for the same, and ananyous that the House world seen present or tiles of impact head. nounced that the House would soon present articles of impeachment and make them good; to which the response was made, "Order shall be taken."

## WILLIAM L. NANCE.

I was instructed by the Committee on War Claims to report to the House a bill for the relief of William L. Nance, of Nashville, Tennessee. Since I received authority from the committee to report that bill the Senate has passed a bill (S. No. 309) identically the same; and that Senate bill was referred to the Committee on War Instead of reporting the bill prepared by the House committee, I ask unanimous consent that the Committee on War Claims be discharged from the further consideration of the Senate bill and that it be referred to the Committee of the Whole on the Private Calen-I also ask that the committee be discharged from the further consideration of the petition of William L. Nance.

There was no objection, and it was so ordered.

## JAMES G. WILLIAMS.

Mr. MILLIKEN, from the Committee on War Claims, reported a bill (H. R. No. 2457) for the relief of James G. Williams, of Memphis, Tennessee; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## BARTHOLOMEW COUNTY (INDIANA) AGRICULTURAL SOCIETY.

Mr. NEW, from the Committee on War Claims, reported a bill (H. R. No. 2458) for the relief of the Bartholomew County Agricultural Society of the State of Indiana; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

## MISSION OF SAINT JAMES, WASHINGTON TERRITORY.

Mr. BUCKNER, from the Committee on Private Land Claims, reported back, with a favorable recommendation, the bill (H. R. No. 820) for the relief of the Mission of Saint James, in Washington Territory; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### LIEUTENANT JAMES B. SINCLAIR.

Mr. BANNING, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 1071) for the relief of Lieutenant James B. Sinclair, United States Army; and the same was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# SAMUEL GREEK. Mr. A. S. WILLIAMS, from the Committee on Military Affairs, reported back the bill (H. R. No. 302) for the relief of Samuel Greek; and moved that the committee be discharged from the further consideration of the same, that it be laid upon the table, and that the

accompanying report be printed. The motion was agreed to.

#### THEODORE F. MILLER.

Mr. GLOVER, from the Committee on Military Affairs, reported a bill (H. R. No. 2459) for the relief of Theodore F. Miller, late private Company G, Third Regiment Iowa Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be

#### CHARLES W. HILL.

Mr. GLOVER also, from the Committee on Military Affairs, reported a bill (H. R. No. 2460) for the relief of Charles W. Hill, of Urbana, Ohio; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## GOVERNMENT PROPERTY AT HARPER'S FERRY.

Mr. HARDENBERGH, from the Committee on Military Affairs, reported back a resolution regarding the purchase of Government property at Harper's Ferry, and moved that the committee be discharged from the further consideration of the same, that it be laid on the table, and that the accompanying report be printed.

The motion was agreed to.

#### STATUE OF EX-ATTORNEY-GENERAL BATES.

Mr. HANDENBERGH also, from the Committee on Military Affairs, reported back, with an adverse recommendation, the bill (H. R. No. 90) authorizing the Secretary of War to deliver to the commissioners of Forest Park, Saint Louis, eight condemned cannon, to be used in constructing the base of the statue of Ex-Attorney-General Bates; and the same was laid on the table, and the accompanying report ordered to be printed.

## ANTIETAM NATIONAL CEMETERY.

Mr. HARDENBERGH also, from the Committee on Military Affairs, reported back the bill (H. R. No. 1231) for the relief of the board of trustees of the Antietam National Cemetery, with an amendment and the recommendation that the bill as amended be passed.

The bill was read. It provides that, for the purpose of discharging the balance of the indebtedness incurred by the board of trustees of the Autietam National Cemetery in establishing the same and improving the grounds thereof and the proper burial therein of the soldiers who fell on the battle-field of Antietam, there be appropriated the sum of \$15,000, out of any money in the Treasury not otherwise appropriated, or so much thereof as may be necessary, to be expended under the direction of the Secretary of War, in the liquidation of such indebtedness; and it shall be the duty of the Secretary of War to hereafter provide for the preservation and superintendence of the said cemetery as one of the national cemeteries of the United States under the laws now in force in regard to such national cemeteries

The amendment reported by the committee was read, as follows:

Add to the bill the following proviso: Provided. That the said sum of \$15,000, or so much thereof as may be necessary to discharge the present existing indebtedness, shall not be paid until the legal title to said property shall be vested in the United States.

Mr. HOLMAN. I hope the amendment will be read again. I did not exactly eatch its import, but I think it is right.

The amendment was again read.

Mr. HOLMAN. I think the amendment is right, and I have no objection to it.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed

Mr. HARDENBERGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid

on the table.

The latter motion was agreed to.

## RELIEF OF ARTILLERY OFFICERS.

Mr. MacDOUGALL also, from the same committee, reported a bill (H. R. No. 2461) for the relief of certain officers of the United States

artillery who suffered by fire at Fort Hamilton, New York Harbor, on the 3d day of March, 1875; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the report, ordered to be printed.

#### COURT OF CLAIMS.

Mr. STRAIT, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 447) authorizing petitions to be filed in the Court of Claims in certain cases.

The bill was laid on the table, and the report ordered to be printed.

#### HENRY E. WILKINSON.

Mr. STRAIT also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1402) for the relief of Henry E. Wilkinson, late first lieutenant Ninety-ninth Regiment Pennsylvania Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### HENRY OSTERHELD.

Mr. TERRY, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 713) for the relief of Henry Osterheld, late first lieutenant in the Sixty-eight Regiment New York Volunteers; and the same was laid on the table.

#### NEWPORT BARRACKS.

Mr. TERRY also, from the same committee, reported back with amendments the bill (H. R. No. 1055) to authorize the Secretary of War to convey to the city of Newport, Kentucky, the grounds at the confluence of the Licking with the Ohio River, in Campbell County, Ken-

tucky, known as the Newport Barracks.

The bill and amendments were read.

Mr. HOLMAN. I suppose there is a report accompanying this bill.

I therefore suggest that the bill be referred to the Committee of the Whole on the Private Calendar, and that the report be printed.

Mr. TERRY. I did not deem it necessary to make a written report in this case, but I will ask the Clerk to read the reply of the Secretary' of War to the inquiry of the committee as to the propriety of the passage of this bill.

Mr. HOLMAN. I raise the point of order that this bill should have its first consideration in the Committee of the Whole. There are a great many cases of the same kind.

The SPEAKER pro tempore, (Mr. HOSKINS.) The Chair would ask

The SPEAKER pro tempore, (Mr. HOSKINS.) The Chair would ask if the bill makes an appropriation of money?

Mr. TERRY. It makes no appropriation.

Mr. RUSK. It makes an appropriation of property.

The SPEAKER pro tempore. Is it an appropriation of public property or of any property belonging to the Government now?

Mr. TERRY. It is simply a relinquishment by the Government of certain property.

certain property.

The SPEAKER pro tempore. If the gentleman from Indiana insists upon his point of order, the Chair will rule upon it.

Mr. HOLMAN. I have no objection to suspend the point of order until these gentlemen can be heard, but there are a multitude of these cases, and I think it is well that we should consider them carefully.

The SPEAKER pro tempore. The Chair sustains the point of order, and the bill is referred to the Committee of the Whole on the Private

Calendar and the report ordered to be printed.

Mr. JONES, of Kentucky. Does the Chair decide that this is an appropriation of money or land?

The SPEAKER pro tempore. It is an appropriation of property belonging to the United States to other parties.

Mr. JONES, of Kentucky. It is only a relinquishment.

The SPEAKER pro tempore. The Chair thinks the point of order well taken, and the bill has been referred to the Committee of the

## Whole on the Private Calendar. FERIBA A. GREGG.

Mr. JOHN REILLY, from the Committee on Military Affairs, reported adversely on the bill (H. R. No. 1267) for the relief of Feriba

A. Gregg.
The bill was laid on the table.

## REV. JOHN R. HAMILTON.

Mr. JOHN REILLY also, from the same committee, reported adversely upon the bill (H. R. No. 649) for the relief of Rev. John R. Hamilton, of West Virginia.

The bill was laid on the table.

## BOUNTY TO SOLDIERS.

On motion of Mr. JOHN REILLY, the Committee on Military Affairs was discharged from the further consideration of the petition of Alfred Sweeney and 47 other citizens of Bradford County, Pennsylvania, late soldiers of the United States, praying for the enacting of a law appropriating one hundred and sixty acres of the public domain for actual settlement to all soldiers who have served for the period of thirty days in the military or marine service of the United States and have been honorably discharged therefrom; and the same was referred to the Committee on Public Lands.

## LEAVE OF ABSENCE OF ARMY OFFICERS.

Mr. BANNING, from the Committee on Military Affairs, reported back, with a favorable recommendation, the bill (H. R. No. 1692) to

amend an act approved May 8, 1874, in regard to leave of absence of

The question was upon ordering the bill to be engrossed and read a third time.

The bill so amends the act approved May 8, 1874, in regard to leave of absence of Army officers as to allow all officers on duty sixty days' leave of absence without deduction of pay or allowance, the same to be taken once in two years, and provides that the leave of absence may be extended to three months if taken once only in three years, or four months if taken only once in four years; this act shall take

effect from and after its passage.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### REDICK M'KEE.

Mr. SEELYE. I was absent from mv seat when the Committee on Indian Affairs was called; and I ask unanimous consent to submit a report from that committee at this time.

No objection was made.

Mr. SEELYE. I am directed by the Committee on Indian Affairs to report back with a favorable recommendation House bill No. 620 for the relief of Redick McKee; and to move that it be referred to the Committee of the Whole on the Private Calendar, and the ac-

companying report be printed. The motion was agreed to.

## COLLEGE OF WILLIAM AND MARY, VIRGINIA.

Mr. HOAR. I ask unanimous consent to report from the Committee on Education and Labor a bill for the relief of the College of Willtee on Education and Labor a bill for the relief of the College of William and Mary, in Virginia, for property destroyed during the late war; and to move that it be referred to the Committee of the Whole on the Private Calendar, and that the bill be printed. The bill is a substitute for House bill No. 751, referred to the committee.

There being no objection, the bill (H. R. No. 2462) was received, read a first and second time, ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

Mr. HOAR. I ask that an order be now made for the printing of a report, to be hereafter submitted, to accompany this bill.
There was no objection, and it was so ordered.

## LEROY D. SUTTON.

Mr. JENKS, from the Committee on Invalid Pensions, reported back a bill (H. R. No. 1469) for the relief of Leroy D. Sutton, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Pensions

The motion was agreed to.

## ANDREW IVORY.

Mr. JENKS also, from the same committee, reported back a petition for the relief of Andrew Ivory, and moved that it be referred to the Committee on War Claims.

The motion was agreed to.

## ADVERSE REPORTS.

Mr. JENKS also, from the same committee, reported adversely upon the following; which were laid on the table, and the accompanying reports ordered to be printed:

A bill (H. R. No. 936) for the relief of Mrs. Matilda King, of Canton, Lewis County, Missouri; and

The memorial of Elizabeth T. Beall, for an increase of pension.

## ADAM SMOUSE.

Mr. JENKS also, from the same committee, reported a bill (H. R. No. 2463) granting a pension to Adam Smouse; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## NIRAM W. PRATT.

Mr. JENKS also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1944) granting a pension to Niram W. Pratt; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## ROSE MILLER.

Mr. JENKS also, from the same committee, reported back, with a favorable recommendation, a bill (H. R. No. 1235) granting a pension to Rose Miller; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be

## DIANA BRYSACKER.

Mr. JENKS also, from the same committee, reported a bill (H. R. No. 2464) granting a pension to Diana Brysacker; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## EMILY SCHWARTZ.

Mr. JENKS also, from the same committee, reported a bill (H. R. No. 2465) granting a pension to Emily Schwartz; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### M. SOMERS.

Mr. JENKS moved that the petition and accompanying report in the case of M. Somers, private of Company D, Seventy-first Regiment New York Volunteers, be taken from the table, and recommitted to the Committee on Invalid Pensions.

The motion was agreed to.

#### BUTTLER FITCH.

Mr. RICE, from the Committee on Invalid Pensions, reported as a substitute for House bill No. 2009 a bill (H. R. No. 2466) granting a pension to Buttler Fitch, late a captain in the Eighth Independent New York Battery; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### FRANCIS CURRAN.

Mr. RICE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1176) granting a pension to Francis Curran, Thirteenth Indiana Cavalry; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## JOHN GROPPER.

Mr. RICE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1178) granting a pension to John Gropper; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### MESSAGE FROM THE PRESIDENT.

A message in writing from the President was communicated to the House by his Private Secretary; who also informed the House that the President had approved and signed a joint resolution and bills of the House of the following titles:

President had approved and signed a joint resolution and bills of the House of the following titles:

A joint resolution (H. R. No. 73) authorizing and requesting the President of the United States to present the medal made for William H. H. Nash to his widow, Mrs. Keturah Nash;

An act (H. R. No. 1328) to amend an act entitled "An act to enable the people of Colorado to form a constitution and State government the people of Colorado of said State into the Union on an equal footing and for the admission of said State into the Union on an equal footing with the original States;"
An act (H. R. No. 1384) to change the name of the schooner Turner & Keller, of Oswego, to that of Falmouth; and
An act (H. R. No. 1590) to remedy an error in enrollment.

## WILLIAM ANDERTON.

Mr. RICE, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. No. 835) granting a pension to William An-derton; which was laid on the table, and the accompanying report ordered to be printed.

## SARÁH J. KING.

Mr. RICE also, (for Mr. BAGBY,) from the same committee, reported a bill (H. R. No. 2467) granting a pension to Sarah J. King; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## HENRY H. WHARFF.

Mr. RICE also, (for Mr. BAGBY,) from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1204) granting a pension to Henry H. Wharff, of Company C, Eighteenth Regiment Ohio Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## WILEY G. WOODY.

Mr. RICE also, from the same committee, reported back adversely the petition of Wiley G. Woody, asking to be restored to the pension-roll; which was laid on the table, and the accompanying report ordered to be printed.

## CAROLINE VOGEL.

Mr. RICE also, from the same committee, reported back adversely the petition of Caroline Vogel, for a pension; which was laid on the table, and the accompanying report ordered to be printed.

## JULIA A. SCHUTT.

Mr. YEATES, from the same committee, reported back, with amendments, the bill (H. R. No. 197) granting a pension to Julia A. Schutt, widow of Martin Schutt, a deceased soldier; which was referred to the Committee of the whole on the Private Calendar, and the accompanying report ordered to be printed.

## DAVID M'COMB.

Mr. RAINEY, from the same committee, reported a bill (H. R. No. 2468) granting a pension to David McComb, late an employé in the naval service of the United States; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

The SPEAKER pro tempore, (Mr. HOSKINS.) The morning hour has expired.

## OLIVER H. IRONS.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 2469) granting a pension to Oliver H. Irons, late sergeant of Company D, Twenty-third Michigan Volunteers; which was read a first and

second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARY A. HOUGH.

Mr. COCHRANE, by unanimous consent, introduced a bill (H. R. No. 2470) granting a pension to Mary A. Hough; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

J. A. MURRAY.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 2471) for the relief of J. A. Murray; which was read a first and second time, referred to the Committee of Claims, and ordered to be

JOHN FREY.

Mr. HENDERSON, by unanimous consent, introduced a bill (H. R. No. 2472) granting a pension to John Frey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

LAND CLAIMS ON NORTHERN PACIFIC RAILROAD.

Mr. KING, by unanimous consent, introduced a bill (H. R. No. 2473) to authorize claimants upon even-numbered sections of land within the twenty-mile limits of the Northern Pacific Railroad to make proof and payment for their claims at the ordinary minimum rate of \$1.25 per acre; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

#### ORDER OF BUSINESS.

Mr. WOOD, of New York, rose

Mr. BRIGHT. I rise to a question of order. I believe that this is private bill day—objection day—and that that business takes prece-

dence in point of order over any other matters.

The SPEAKER pro tempore, (Mr. Hoskins.) This being Friday, and objection day, the question of consideration may be raised be-tween the business on the Private Calendar and the special order on which the gentleman from New York [Mr. WOOD] is entitled to the That gentleman, as the Chair understands, desires to raise the question of consideration. The first question put to the House will be upon the motion of the gentleman from Tennessee, [Mr. Bright,] that the House resolve itself into the Committee of the Whole on the Private Calendar. Should that motion fail, the question will recur upon the motion of the gentleman from New York, that the House resolve itself into the Committee of the Whole to resume the consideration of the bill to carry out the Hawaiian treaty.

Mr. WOOD, of New York. It will be observed that I have the floor in pursuance of the order of the House making the bill which I had the heavest a received results of the latest the latest the state of the latest the lates

the honor to report a special order; and while I do not wish to in-terfere with the private bills in the Committee of the Whole, I hope the House will resume the consideration of the treaty question.

The SPEAKER pro tempore. The Chair so understood the gentleman from New York, but this being objection day in the Committee of the Whole on the Private Calendar, a motion to go into the Committee of the Whole on the Private Calendar takes precedence of a motion to go into the Committee of the Whole on the state of the Union, even though there may be a special order in that committee. If, however, the House is determined not to go into the Committee of the Whole on the Private Calendar, then it will be competent on the gentleman's motion for the House to resolve itself into the Committee of the Whole on the state of the Union to take up the special

order in that committee.

Mr. BRIGHT. I will say that inasmuch as the gentleman from
New York has commenced a speech in the Committee of the Whole on the state of the Union in reference to the Hawaiian treaty, which has not been finished, I have no objection to going into the Commit-tee of the Whole on the state of the Union, in order that he may finish his speech, and then when he has finished it I shall insist on my motion to go into the Committee of the Whole to take up the Private

Calendar, as this under the rule is objection day.

The SPEAKER pro tempore. That cannot be done, unless the gentleman can get the floor to move that the committee rise and go back into the House, when it will be in order to move to go into the Committee of the Whole on the Private Calendar.

Mr. BRIGHT. That being the case, I insist on my motion that the House resolve itself into the Committee of the Whole on the Private

The SPEAKER pro tempore. The gentleman from Tennessee, [Mr. BRIGHT,] chairman of the Committee of Claims, this being objection day, moves that the House resolve itself into the Committee of the Whole on the Private Calendar, and the Chair rules that that motion takes precedence and will have first to be submitted to the House.

The House divided; and there were—ayes 96, noes 41.

Mr. HOLMAN demanded tellers.

Tellers were ordered; and Mr. BRIGHT, and Mr. WOOD of New York, were appointed.

The House again divided; and there were—ayes 96, noes 55.

The House accordingly resolved itself into the Committee of the Whole on the Private Calendar, Mr. Beebe in the chair.

The CHAIRMAN. This being objection day, the Clerk will proceed to call the Private Calendar at the point where the call ended on the last objection day.

Mr. BUCKNER. But what becomes of the bills which were objected to last Friday, and which still remain upon the Calendar?

The CHAIRMAN. As the Chair has already stated, the call now begins where it left off on the last objection day; and when the Calendar has been gone through with the call will begin with the beginning of the Calendar, and under the rules it will then take the objection of five members to prevent a bill being laid aside, to be reported to the House with the recommendation that it do pass. The committee is now proceeding upon the first call of the Calendar, when a single objection will prevent a bill being laid aside, to be reported to the House with the recommendation that it do pass.

#### HERMANN KREISMANN.

The first business on the Private Calendar was the bill (H. R. No. 1988) for the relief of Hermann Kreismann, United States consul-general at Berlin.

The bill, which was read, directs the proper accounting-officer to credit Hermann Kreismann, United States consul-general at Berlin, in his account, with the sum of \$397.72, being in full for consular funds stolen from the consulate on the 13th day of February, 1873, without fault or neglect on the part of said consul.

Mr. HOLMAN. I ask for the reading of the report in that case.

It appears from the report that the claim is made on account of a loss alleged to have been sustained by said Kreismann on the 13th day of February, 1873, by a larceny supposed to have been committed by one Schimmrick, employed as porter in and about the said consu-late. Proceedings were commenced in the criminal court of the city of Berlin by said consul, and warrant issued for the apprehension of the robber, and the testimony taken in the case. An authentic transcript thereof, together with the affidavit of the said Kreismann, having been submitted as proofs in the case, the committee find the following facts to be well substantiated: That the robbery was committed by which \$397.72 in gold and currency, which had been received by said consul as fees, together with private funds, jewelry, and clothing belonging to said Kreismann and his wife, to the value of several bundred dollars were feloniously taken from the apartments several hundred dollars, were feloniously taken from the apartments of the said consul, and that no part thereof was ever recovered. It also appears from the correspondence between the Secretary of State and said consul-general that no suitable safe had been furnished by this Government in which the consular funds could have been kept; but that such a safe has since been furnished by order of the Secretary of State, thereby obviating in a great measure such danger in the future. The committee are of the opinion that the loss in this case did not happen from lack of care on the part of said Kreismann. would, therefore, report the accompanying bill, and recommend the same do pass.

There being no objection, the bill was laid aside, to be reported to

the House with the recommendation that it do pass.

## THOMAS VAN DUZEN.

The next business on the Private Calendar was the bill (H. R. No. The black business on the Fivate Calcular was the bill (H. R. No. 1025) for the relief of Thomas Van Duzen and his assigns, for lands. The bill, which was read, provides that the title to said northeast quarter of section 36, township 29, Washington Territory, be, and the same is hereby, confirmed unto the said Thomas Van Duzen, his heirs and assigns, in fee-simple.

and assigns, in fee-simple.

It appears from the report, which was read, that—
First. By the organic act of Washington Territory, approved March
2, 1853, the sixteenth and thirty-sixth sections of every township were
reserved for common-school purposes. (See Revision, section 1947.)
Second. By an act of the territorial Legislature, approved January
23, 1863, the county commissioners of certain counties (among which
was Jefferson County, in which the land described in the bill is located) were authorized to sell these lands for a sum not less than \$1.50
per acre, the money to go into the school fund of the county. The per acre, the money to go into the school fund of the county. The sale was only, however, to be of such lands as had been settled upon under the donation or pre-emption laws before the survey of the same, and were in the actual possession of settlers at the time of the pas-

and were in the actual possession of settlers at the time of the passage of the last-named act.

Third. Thomas Van Duzen, the grantee in the bill, was such settler under the pre-emption laws, and he accordingly, at the November term of the county commissioners' court, held at Port Townsend, in the county of Jefferson, on the 2d day of November, 1863, made proof of settlement on the northeast quarter of section 36, township 29 north, range I west, before the survey of the same, and made then and there application for the purchase of the same; and upon the payment of \$1.50 per acre, gold coin, a deed was duly made and delivered to him by said commissioners' court. The deed is dated February 3, 1864, at a regular term of said court. a regular term of said court.

Fourth. The land was subsequently mortgaged by said Van Duzen to secure the payment of \$1,846 to S. M. Noland, sold on said mortgage after a foreclosure, and purchased by said S. M. Noland.

Fifth. S. M. Noland has spent large sums of money in improving the same, and it is now worth \$10,000. Noland has no title whatever.

The committee therefore recommend the passage of the bill, believing it simply an act of justice to the parties interested.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

ROSETTA HERT, CHARLES C. BENOIST, AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No.

534) for the relief of Rosetta Hert, (late Rosetta Scoville,) Charles C.

Benoist, and Logan Fanfan, half-breed Indians.

The bill, which was read, authorizes and directs the proper accounting officers of the Treasury and Department of the Interior to pay, out of any money in the Treasury not otherwise appropriated, to Mrs. Rosetta Hert, (late Rosetta Scoville,) Charles C. Benoist, Emily Benoist, and Logan Fanfan, each the sum of \$204.38, as their distributive shares of the moneys arising from the sale of the lands known as the Nemaha half-breed reserve, on the Missouri River, in Nebraska.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

#### HEIRS OF WILLIAM STEVENS.

The next business on the Private Calendar was the bill (H. R. No. 719) for the relief of the heirs of William Stevens.

The bill, which was read, authorizes the heirs of William Stevens to enter at the United States land office at Sioux Falls, Dakota Territory, the southeast quarter of section No. 16, in township No. 101, in range 49, upon the payment of \$1.25 per acre therefor; and when said entry shall have been made and returned to the Commissioner of the General Land Office, a patent shall issue therefor as in other cases of pre-emption entries.

It appears from the report, which was read, that William Stevens, in about the month of August, A. D. 1858, took up and settled upon a tract of land in Dakota Territory, being the same land described in the said bill, and that the land in the vicinity, including the said tract, was not at that time surveyed, but was surveyed in the

following year, (1859.)

Soon after the survey the said Stevens, in order to secure his right, filed a notice of his claim with the surveyor-general, (Hill, since dead,) and paid him the fees, and was told by the surveyor-general that it was all right. In the course of the fall of 1858 he built upon the said tract of land a small stone house, in which he resided, and soon after a log stable, and fenced and cultivated about five acres of land, and continued to live in the house and to make it his exclusive home until the autumn of 1862, when the Sioux Indians attacked the settlement and drove all the settlers away. Continued hostilities with the Indians prevented the settlers from returning until 1867. In January, 1867, the land in question, under order of the President, was included in the reservation of Fort Dakota, and continued so reserved till June 10, 1869. In the spring of 1869 Stevens returned and took possession of said land, repaired the house, put in a crop upon the five acres previously cultivated, and continued to live in the house until the autumn of that year, till within a few days of his death in Navarahar, 1869 having hear proposed to a reighborie the house until the attumn or that year, till within a few days of his death, in November, 1869, having been removed to a neighbor's shortly before his death for better care. The land in question was not open for entry or purchase under the pre-emption or homestead laws until July, 1870; eight months after the death of said Stevens. The land in question is one-fourth of section 16, which is designated and appropriated for school purposes, but the other three-fourths of the section have been already purchased of the Government, and other land must be or has been substituted therefor for schools.

As to citizenship and occupancy or ownership of other land under

As to citizenship and occupancy or ownership of other land under the pre-emption laws or otherwise in any State or Territory, the said Stevens in all things conformed to the requirement of laws.

Upon proof of the foregoing facts, in the fall of 1873 or beginning of 1874, application was made on behalf of said Stevens's heirs at the

district land office for permission to purchase the land in question under the pre-emption laws, but said application, on being referred to the Commissioner of the General Land Office, was refused by the Commissioner on the ground that said Stevens had not filed a declaratory statement as required by law, and that the statement alleged to have been filed with the surveyor-general was not authorized

by law.

The township plats of survey were filed in the district land office
July 16, 1862. By act of May 30, 1862, the claimant had three months
from the date of filing the plats to file his declaratory statement. But Stevens had filed his statement with the surveyor-general in 1859, and, whether legal or not, it is fairly to be presumed, from the fact that he thought it sufficient and all that was necessary.

It does not appear that there are any intervening rights or conflicting claims that can or could be affected by the failure of said Stevens to file the formal declaratory statement required by the

From all the evidence before them the committee conclude, as mattroin an the evidence before them the committee conclude, as matter of fact, that said Stevens did go upon and improve said land and continue and follow up the possession and occupancy of the same, with the bona fide intention of obtaining a title for the same under the pre-emption laws, and to appropriate it to his own exclusive use and benefit; and further, that the equities of the case entitle the claimants to the privilege of purchasing the said tract as provided in the said bill the said bill.

There being no objection, the bill was laid aside, to be reported to the House with the recommendation that it do pass.

The next business on the Private Calendar was the joint resolution (H. R. No. 64) granting the rights and benefits of the Soldiers' Home to John News

The bill, which was read, authorizes and directs that the commis sioners of the Soldiers' Home be, and they are thereby, authorized an

directed to admit John News to the rights and benefits of said Soldiers' Home; provided that it shall satisfactorily appear to said commissioners that said News has not incurred any of the disqualifications named in section 4822 of the Revised Statutes of the United States.

The report states that it appears from the records of the War Department that said News served in the United States Army for four-teen years, in four several enlistments, commencing August 12, 1851, and was discharged by the War Department, at his own request, August 12, 1874. It also appears from the records of the Navy Department that said News served in the United States Marine Corps eight years, in two enlistments of four years each, making his whole period of service in the Army and Navy about twenty-two years.

By the act of March 3, 1851, an honest and faithful service of twenty years in the Army is made a preliminary condition of admis-

sion into the Soldiers' Home. The committee believe that equitably the case of this old soldier, who served in the two branches of service twenty-two years, comes within the liberal spirit and intent of this law, and is entitled to the benefits of the Soldiers' Home. They therefore unanimously recommend the passage of the accompanying joint resolution.

There being no objection, the joint resolution was laid aside, to be reported to the House with the recommendation that it do pass.

#### MRS. C. THRUSH AND W. B. STONE.

The next business on the Private Calendar was the bill (H. R. No. 732) for the relief of Mrs. Catherine Thrush and William B. Stone, owners of the schooner Flight, with an amendment by the Committee on Naval Affairs.

The bill was read. It authorizes and directs the Secretary of the The bill was read. It authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Catherine Thrush, widow, and William B. Stone, owners of the schooner Flight, of the city of Baltimore, Maryland, the sum of \$4,000, which shall be in full compensation and damages for the loss of the schooner Flight, sunk in the Chesapeake Bay, October 8, 1873, by a collision with the United States Steamer Tallapoosa.

The arrendment of the committee was read as follows:

The amendment of the committee was read, as follows:

In line 7 strike out "\$4,000" and insert "\$3,000."

Mr. O'BRIEN. I ask that the report be read.

The report was read as follows:

The report was read as follows:

On the 8th day of October, 1873, the steamer Tallapoosa, soon after entering the mouth of the Potomac River, saw a vessel's light bearing one point on the starboard bow. The steamer kept on her course, rendering her liable to run across the course and path of the vessel whose light they saw, bound down the bay. It was blowing fresh. The schooner changed her course to go down the bay, and was occupied in reducing sail and changing over her main-boom, and, being short-handed, the steamer was lost sight of by those on board the schooner. Those on the steamer saw the schooner all the time, but did not sound the whistle nor give any alarm, but when across the track indicated by the course of the schooner she stopped. The captain of the schooner on again sighting the steamer, no alarm being given, supposed, as he had a right to do, that she was proceeding under usual steam. But as the steamer did not go ahead, a collision was inevitable before the captain of the schooner could change his course to clear the steamer, that lay like a log across his path. It seems that the steamer did nothing from the time she saw the schooner until the collision but stop in her path, instead of considering all the circumstances and pursuing a course that would have insured safety, which she might have done by keeping the schooner one point on the port bow instead of one point on the starboard bow when she first saw her; then the collision would not have occurred; and the schooner ther and there sunk. In consideration of the facts and conditions here reported, we recommend that the bill accompanying this do pass.

The ameudment reported by the committee was agreed to.

The amendment reported by the committee was agreed to. There being no objection, the bill was laid aside, to be reported

favorably to the House. ROBERT CAVANAUGH.

The next business on the Private Calendar was the bill (H. R. No.

1989) granting a pension to Robert Cavanaugh.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Robert Cavanaugh, late a private in Company D, Ninety-eighth Regiment Ohio Infantry Vol-

There being no objection, the bill was laid aside, to be reported favorably to the House.

## EDWARD HEINZEL.

The next business on the Private Calendar was the bill (H. R. No.

The next business on the Frivate Calendar was the bill (H. R. No. 1990) granting a pension to Edward Heinzel.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Edward Heinzel, late a private of Company B, Twenty-third Regiment of New York Cavalry Volunteers, and pay him a pension at the rate of \$24 per month in lieu of their which he is now receiving. of that which he is now receiving.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MARY ANN M'DONALD.

The next business on the Private Calendar was the bill (H. R. No.

1991) granting a pension to Mary Ann McDonald.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann McDonald, mother of William McDonald, late a sergeant in Company G, Thirtyfirst Regiment of Ohio Volunteer Infantry.

There being no objection, the bill was laid aside, to be reported

favorably to the House.

#### HARRIS B. LOVELL.

The next business on the Private Calendar was the bill (H. R. No. 1236) granting a pension to Harris B. Lovell, late a private in Com-

1236) granting a pension to Harris B. Lovell, late a private in Company C, One hundred and twenty-second Illinois Infantry Volunteers.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harris B. Lovell, late a private in Company C, of the One hundred and twenty-second Regiment of Illinois Infantry Volunteers in the late war of the rebellion; the act to take effect and be in force from and after its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

#### JEFFERSON BOWERS.

The next business on the Private Calendar was the bill (H. R. No. 1588) granting an additional pension to Jefferson Bowers, of Mason

County, Illinois.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, at an increased rate of pension, subject to the provisions and limitations of the pension laws, the name of Jefferson Bowers, of Mason County, Illinois.

There being no objection, the bill was laid aside, to be reported

favorably to the House.

#### JAMES W. THOMPSON.

JAMES W. THOMPSON.

The next business on the Private Calendar was the bill (H. R. No. 1245) granting a pension to James W. Thompson, late of Company H, Forty-seventh Illinois Volunteers.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James W. Thompson, late of Company H, Forty-seventh Illinois Volunteers, and pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

#### MRS. LYDIA JOHNSON.

The next business on the Private Calendar was the bill (H. R. No. 1499) granting a pension to Mrs. Lydia Johnson, of De Witt County, Illinois

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mrs. Lydia Johnson, of De Witt County, Illinois.

Mr. HOLMAN. I ask that the report may be read. The bill is

manifestly defective.

The report was read, as follows:

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 1499) granting a pension to Lydia Johnson, mother of Joel Johnson, late a private soldier of Company I, Forty-seventh Regiment Illinois Infantry Volunteers, ask leave to submit the following report:

The committee have carefully examined all the evidence on file, and find that the soldier was enrolled as a private soldier in said company and regiment; that he was wounded in battle at Drury's Bluff, May 14, 1864, and died of said wound in June, 1864; that the soldier left the said Lydia Johnson, his mother, and Kenneth Johnson, his father; that the father has not been able to support his family since 1855, either from infirmities or laziness; that the mother yas old, infirm, and poor, and, except the small amount of her own earnings, was dependent upon the labor of her son, the said Joel Johnson, for support; that, in fact, her said son supported the family by his labor before entering the service, and sent her money, while in the Army, for her support.

This is the evidence of the family physician, the first lieutenant of the son's company, and numerous other credible witnesses. It is true the case was prejudiced by the dishonesty of the attorney who first prepared the case, but the evidence shows that he was convicted and punished, and that she was in no way a party to or concerned in the dishonest practices of her attorney.

The committee are unanimous in the opinion that the evidence conclusively establishes her right to a pension, and therefore report back said bill No. 1499, and recommend its passage.

Mr. HOLMAN. The rank and company and regiment of the sol-

Mr. HOLMAN. The rank and company and regiment of the soldier are not stated in the bill. It would be impossible without the statement of rank to fix the pension.

Mr. JENKS. To meet the objection of the gentleman from Indiana I offer the following amendment:

After the word "Johnson" insert the words "mother of Joel Johnson, late a private soldier of Company I, Forty-seventh Regiment Illinois Volunteers.

The amendment was agreed to.

There being no objection, the bill was laid aside to be reported favorably to the House.

## MARY P. ABEEL.

The next business on the Private Calendar was the bill (H. R. No. 1992) granting an additional pension to Mary P. Abeel.

The bill was read. It authorizes and directs the Secretary of the

Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary P. Abeel, widow of James S. Abeel, late ordnance storekeeper in the United States Army, and pay her a pension of \$20 per month as though the said James S. Abeel had held the rank of captain in the Army of the United States; the act to take effect from its passage, and the pen-

sion hereby granted to be in lieu of that which she is now receiving.

There being no objection, the bill was laid aside, to be reported favorably to the House.

### WILLIAM H. H. ANDERSON.

The next business on the Private Calendar was the bill (H. R. No. 258) granting a pension to William H. H. Anderson.

The bill was read. It instructs and requires the Secretary of the Interior to place the name of William H. H. Anderson, late a private of Company B, First Indiana Heavy Artillery Volunteers, on the pension-rolls of the United States at the rate of \$8 per month from and after the passage of this act.

There being no objection, the bill was laid aside, to be reported favor-

ably to the House.

#### JOHN E. WUNDERLIN.

The next business on the Private Calendar was the bill (H. R. No. 183) granting an increase of pension to John E. Wunderlin, late a private in the Thirty-third Regiment of New York Volunteer Infantry.

The bill was read. It authorizes and directs the Secretary of the Interior to place on the pension-rolls the name of John E. Wunderlin, late a private in the Thirty-third Regiment of New York Volunteer Infantry, at the rate of \$24 per month, said pension to be in lieu of that now drawn by said John E. Wunderlin.

There being no objection, the bill was laid aside, to be reported favorably to the House.

## TREATY OF WASHINGTON, JULY 9, 1842.

The next business on the Private Calendar was the bill (H. R. No. 186) to provide for compensation to the owners of certain lands ceded by the United States to Great Britain in and by the treaty of Wash-

ington of July 9, 1842.
The bill was read.
Mr. HOLMAN. This bill has been frequently before Congress and will require explanation before it can pass. I object.

#### LEWIS GOODWIN.

The next business on the Private Calendar was the bill (H. R. No. 2160) for the relief of Lewis Goodwin, late keeper of the light-vessel at Brant Island Shoals, in the State of North Carolina.

The bill was read. It authorizes and directs the proper accountingofficers of the Treasury to adjust and settle the account of Lewis Goodwin, late keeper of the light-vessel at Brant Island Shoal, in the State of North Carolina, and allow him the amount, if any, for his services there from the 1st day of January, 1861, to the 1st day of April, 1861; and a sufficient sum is hereby appropriated for that purpose out of any moneys not otherwise appropriated by law.
The report was read, as follows:

The report was read, as follows:

That it appears from the records of the Treasury Department that the claimant, Lewis Goodwin, was employed as a seaman of the Wolf Trap light-vessel, up to December 31, 1860, at the rate of \$18 per month. That there is no record of any pay having been made to the claimant after December 31, 1860.

But it does not appear, except from the affidavit of the claimant, what amount of service was rendered by the said claimant subsequent to December 31, 1860, for which no payment was made.

The committee, believing it to be equitable and just that the claimant be paid for whatever services he so rendered, do herewith report the accompanying bill for his relief, and recommend its passage.

There being no objection, the bill was laid aside, to be reported favorably to the House.

## JAMES A. JACKSON AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 545) for the relief of James A. Jackson and others, securities of G. R. Horton, late postmaster at Monticello, Arkansas, with an amendment.

The bill was read. It provides that James A. Jackson, John Hussy, Eli Rogers, Iverson L. Brooks, and William F. Slemons, securities of George R. Horton, late postmaster at Monticello, Arkansas, be released from all liability as such securities on account of post-office money, stamps, and money-order funds stolen from said office on the fall to fthe said securities or the said postmaster.

The amendment reported by the Committee on the Post-Office and Post-Roads was to insert "\$1,078.48" after the words "sum of."

Mr. HOLMAN. I ask for the reading of the report.

The report was read, as follows:

The report was read, as follows:

The Committee on Post-Offices and Post-Roads, to whom was referred House bill
No. 545, for the relief of James A. Jackson and others, have had the same under
consideration, and find that, on the night of the 6th of June, 1874, G. R. Horton,
postmaster at Monticello, while going from the office to his home, and about eleven
o'clock at night, was set upon by three masked men, gagged and taken some distance
from the road and tied to a tree, the keys of the office and safe taken from him, and
that some hours afterward he succeeded in arousing some of his neighbors, who
liberated and went with him to the office, which was found open, as also the safe, in
which were contained the moneys belonging to the Post-Office Department, the
money-order department, and stamps, amounting in the aggregate to the sum of
\$1,078.48, without any negligence or fault of the said securities or the said postmaster. They therefore report the said bill back and recommend its passage.

The amendment reported by the committee was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

## SAMUEL RHEA.

The next business on the Private Calendar was the bill (H. R. No. 912) to give the Court of Claims jurisdiction to hear and determine the claim of the heirs of Samuel Rhea.

The Committee on the Judiciary reported back the bill with an

amendment in the nature of a substitute.

The CHAIRMAN. If there be no objection, the substitute alone will be read.

There was no objection, and the substitute was read. It authorizes the Court of Claims to investigate the claim of the legal representatives of Samuel Rhea for the net proceeds of cotton owned jointly by the said Rhea and one John H. Fain; and, if said court shall be satisfied, from the evidence of the ownership of the said Rhea in said cotton, that the same was seized and sold and the proceeds thereof have been paid into the Treasury of the United States, to award to his said legal representatives the net proceeds thereof as determined by the said court in the case of John H. Fain, heretofore determined in said court; and the evidence heretofore taken in the said suit of John H. Fain may be offered by either party.

Mr. HOLMAN. I call for the reading of the report.

The report was read, as follows:

The report was read, as follows:

Mr. Samuel Rhea, in his life-time, early in the year 1862, jointly with one John H. Fain, purchased a lot of cotton through the agency of one A. I. Ainsley. The whole purchase amounted to \$12,509.80. Of this amount Rhea furnished \$7,499.80 and Fain furnished \$5,010. The whole amount of cotton purchased was two hundred and fifty-one bales. The parties all resided in Georgia, and was, in the fall f1862, shipped to, and received by, one R. J. Loury, in Atlanta, Georgia. Twentyfive bales were sold by Loury, in November, 1863, to pay taxes, storage, &c.; one hundred and twenty-five bales were shipped by Loury to Macon, Georgia, and form no part of this claim; forty-three bales were burned in the warehouse at Atlanta, Georgia, during the shelling by General Sherman's forces, and form no part of this claim:

numbred and twenty-five bales were shipped by Loury to Macon, Georgia, and form no part of this claim: forty-three bales were burned in the warehouse at Atlanta, Georgia, during the shelling by General Sherman's forces, and form no part of this claim.

The remainder, being fifty-eight bales, remained in Atlanta, and was taken possession of by the United States forces, and forwarded to Cincinnati and sold, and the net proceeds, amounting to \$20,873, have been paid into the Treasury of the United States.

Mr. Samuel Rhea died in May, 1863, long before the cotton had been seized.

The act of Congress approved March 12, 1863, provides as follows: "And any person claiming to have been the owner of any such abandoned or captured property may at any time, within two years after the suppression of the rebellion, prefer his claim to the proceeds thereof in the Court of Claims; and on proof, to the satisfaction of said court, of his ownership of said property, of his right to the proceeds thereof, and that he has never given any aid or comfort to the present rebellion, to receive the residue of such proceeds, after the deduction of any purchase money which may have been paid, together with the expense of transportation and sale of said property, and any other lawful expenses attending the disposition thereof."

This act, and all of those amendatory of it, will be found at length in the appendix to the rules of the Court of Claims. The construction placed upon these by the Supreme Court of the United States may be succinctly stated as follows:

First. This was not a confiscation act, but was intended to preserve and take care of the property and the fund arising from its sale for whomever it might concern. Second. The United States acquired no right or title to the cotton or the fund by virtue of the seizure and sale, and the title of the owner was not divested.

Third. The property was held for such proceedings as the executive arm of the Government might direct against it. If it wished to acquire a title, it must have p

end.

Fifth. Therefore, the Government, as to this fund, was a trustee; was a trustee from the beginning for those who never aided the rebellion, and as to all others it became a trustee from the time they received pardon and amnesty. These principles are elaborated in the following cases:

United States vs. Padleford, 9 Wallace, page 537; United States vs. Klein, 13 Wallace, page 136; Armstrong vs. United States, 13 Wallace, page 155; United States vs. Carlisle. 16 Wallace, page 147.

Mr. John H. Fain commenced his suit in the Court of Claims within the time limited by the statute. As his ownership had been joint with Mr. Samuel Rhea, a full investigation was had of all the facts relating to the whole lot of fifty-eight bales of cotton. The testimony was all taken under the rules of the Court of Claims, which require a notice to the Attorney-General; and the Government appeared, by its attorney, and cross-examined the witness; and, after full argument in open court, upon testimony thus taken, the case was declared in Fain's favor, and he was awarded \$3,360 as his share of the proceeds of the fifty-eight bales. The case is reported at length in the fourth volume of Court of Claims Reports, (Nott and Huntingdon,) page 237.

length in the fourth volume of Court of Claims Reports, (Nott and Huntingdon,) page 237.

Hon. Robert S. Hale, of New York, appeared and defended for the Government, and the defendant took no appeal from the decision. All of the facts material to this ease have been adjudicated in the ease of John H. Fain vs. The United States. The heirs of Samuel Rhea failed to bring suit within the time limited in the act of March 12, 1863, but it is submitted that, as the United States hold this money as trustee for them without a shadow of right or title to it, it is not consistent with the principles of equity or justice to retain it because of a technical advantage.

The Government is never bound by a statute of limitations, and, excepting in the Court of Claims, it has never sought to avail itself of such statutes. No claim before a Department of the Government or before Congress is met with such an objection.

The limitation in this case was a sharp one. The two years following the close of the rebellion were years of confusion in the South. Nearly all of the heirs were either minors, married women, or absent from the country when Mr. Rhea died. In all other statutes of limitations the rights of such parties are saved, but this act makes no exceptions.

The substitute was agreed to; and there being no objection, the

The substitute was agreed to; and there being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

## MRS. SARAH SPAULDING.

The next business on the Private Calendar was the bill (H. R. No. 566) granting relief to Mrs. Sarah Spaulding, of Bay City, Michigan,

with an amendment.

The bill was read. It provides that there be paid to Mrs. Sarah Spaulding, of Bay City, Michigan, widow of the late Lovel F. Spaulding, out of any moneys in the Treasury, \$1,000, as compensation for materials used and work done in making improvements on homestead-entry No. 340, made upon the South Charity Island, section 6, town-ship 18 north, of range 9 east, in the State of Michigan; said homestead entry having been canceled.

The amendment reported by the Committee on Public Lands was to strike out "\$1,000" and insert "\$500."

The amendment was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

FIRST NATIONAL BANK OF SAINT ALBANS, VERMONT,

The next business on the Private Calendar was the bill (S. No. 58) to pay the First National Bank of Saint Albaus, Vermont, the value of certain United States Treasury notes held by said bank as financial agent of the United States and forcibly taken therefrom by raiders from Canada in October, 1864.

The bill was read.

Mr. COX. I think that bill ought to be discussed. I object.

## PAYMENT OF CLAIMS.

The next business on the Private Calendar was the bill (H. R. No. 1218) making appropriations for the payment of claims reported to Congress under section 2 of the act approved June 16, 1874, by the

Congress under section 2 of the act approved June 16, 16/4, by the Secretary of the Treasury.

The Clerk commenced the reading of the bill.

Mr. EDEN. This bill consists of nineteen pages. If the committee have power to dispense with the further reading, I make that motion. There being no objection, the further reading of the bill was dispensed with.

Mr. EDEN. I submit the following amendment:

At the end of line 10 in the printed bill add the following:
And embraced in the schedule of claims reported by the Secretary of the Treasury at the commencement of the second session of the Forty-third Congress.

The amendment was adopted.

The CHAIRMAN. Is there objection to the bill, as amended, being

Mr. KEHR. I object.

Mr. EDEN. I hope the gentleman will withdraw his objection.

Mr. HOLMAN. There are a number of matters in the bill to be inquired into. I think it should not be reported without an opportunity to debate. tunity to debate.

Mr. KEHR. I insist on my objection.

#### R. H. BUCKNER.

The next business on the Private Calendar was the bill (H. R. No. 2161) for the relief of R. H. Buckner.

The bill was read. It authorizes and directs the Secretary of the Treasury to pay to Richard H. Buckner, a citizen of Virginia, out of any moneys in the Treasury not otherwise appropriated, the sum of \$3,470.83, said amount being the proceeds of certain real estate of said Buckner sold for taxes by the Government of the United States in Backner sold for taxes by the Government of the United States in February, 1854, less the amount of tax, penalty, interest, and costs; provided that before said payment is made the said Richard H. Buckner, or his legal representatives, shall make and execute a valid quitclaim and deed of conveyance of all the right, title, claim, or interest of said Buckner to said property to and in favor of the purchaser of said property at said tax sale, her heirs and assigns, without interest. There being no objection, the bill was laid aside, to be reported favorably to the House.

favorably to the House.

## LEGAL REPRESENTATIVES OF SAMUEL WARE.

The next business on the Private Calendar was the bill (H. R. No. 97) directing the Commissioner of the General Land Office to issue certificates of relocation for six hundred and forty acres of land in Missouri to the legal representatives of Samuel Ware, with an amend-

ment.

The preamble recites that Samuel Ware was the owner of landclaim No. 433, located in the county of New Madrid, in the then
Territory of Missouri, for six hundred and sixty arpents, which
was confirmed by act of Congress of the 29th day of April, 1816,
(United States Statutes, volume 3, page 328;) and that, said lands having been injured by earthquakes, the said Samuel Ware availed himself of the provisions of the act of the 17th day of February, 1815,
(Statutes, volume 3, page 211,) whereby persons owning lands in said
county of New Madrid which were materially injured by earthquakes
were authorized to locate the like quantity of lands on any of the then were authorized to locate the like quantity of lands on any of the then Territory the sale of which is authorized by law; and that in pur-suance of said law said Ware relinquished his claim to the land confirmed as No. 438, under the act of the 29th day of April, 1816, and applied for a certificate of relocation; and that on the 16th day of August, 1816, Frederick Bates, recorder of land titles, did issue to said Samuel Ware certificate of location No. 63, which was afterward located on the east half of section 12, township 24 north, of range 17 east, and the west half of section 7, township 24 north, of range 18 east, on Wolf Island, in the Mississippi River, upon the supposition that said island was in the State of Missouri, and that it has been decided by the Supreme Court of the United States (11 Wallace, page

395) that said island belonged to the State of Kentucky.

The bill therefore requires the Commissioner of the General Land Office to issue a certificate of new location to the said Samuel Ware, or his legal representatives, authorizing them to locate said certificate on six hundred and forty acres of any land in what was Missouri Terri-

The amendment reported by the Committee on Private Land Claims was to strike out the words "said Samuel Ware or his legal representatives" and to insert the words "legal representatives of Samuel

Mr. DUNNELL. I move to strike out the preamble of the bill. The question being taken, the motion to strike out the preamble was not agreed to.

The amendment reported by the committee was agreed to.

There being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

## C. H. FREDERICK.

The next business on the Private Calendar was the bill (S. No. 416) for the relief of C. H. Frederick, late a lieutenant-colonel in the Ninth Missouri Infantry.

The bill was read. It appropriates the sum of \$388.24 cents, out of any money in the Treasury not otherwise appropriated, being amount due the said C. H. Frederick from date of enlistment to date of muster.

There being no objection, the bill was laid aside, to be reported favorably to the House.

#### AARON BUCHANAN.

The next business on the Private Calendar was the bill (H. R. No. 1656) granting a pension to Aaron Buchanan, Company C, Thirteenth Tennessee Cavalry.

The bill directs the Secretary of the Interior to place the name of Aaron Buchanan, private in Company C, Thirteenth Tennessee Cavalry, on the pension-rolls, subject to the limitations of the pension laws. No objection being made, the bill was laid aside, to be reported

#### JAMES RILEY.

The next business on the Private Calendar was the bill (H. R. No.

1179) granting a pension to James Riley.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Riley, late of Company D, of the Fourth United States Infantry, and that he be paid a pension from and after the passage of the act.

No objection being made, the bill was laid aside, to be reported favorably to the House.

#### WILLIAM J. DRAKE.

The next business on the Private Calendar was the bill (H. R. No.

1189) granting a pension to William J. Drake.

The bill directs the Secretary of the Interior to place upon the pension-rolls, subject to the limitations of the United States peusion laws, the name of William J. Drake, late a private in Company K, of the One hundred and sixty-second Regiment of Ohio Volunteer In-

fantry; and that the act shall take effect from and after its passage. No objection being made, the bill was laid aside, to be reported

favorably to the House.

favorably to the House.

#### CLARA BROSCH.

The next business on the Private Calendar was the bill (H. R. No. 2162) granting a pension to Clara Brosch, mother of Joseph Brosch, jr., late private Company H, Twenty fourth Regiment Illinois Infantry Volunteers

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Clara Brosch, mother of Joseph Brosch, jr., late private Company H, Twenty-fourth Regiment Illinois Infantry Volunteers.

No objection being made, the bill was laid aside, to be reported favorably to the House.

## ELIZABETH B. THOMAS.

The next business on the Private Calendar was the bill (H. R. No.

2163) pranting a pension to Elizabeth B. Thomas.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth B. Thomas.

Mr. RAINEY. I ask that that bill be passed over informally, there

being a bill from the Senate of the same import

There being no objection, the bill was laid aside informally.

## JOHN A. GOEDFREY.

The next business on the Private Calendar was the bill (H. R. No. 240) granting a pension to John A. Goedfrey.

The bill directs the Secretary of the Interior to place on the pen-

sion-roll, subject to the provisions and limitations of the pension

laws, the name of John A. Goedfrey.

Mr. HOLMAN. I think, Mr. Chairman, that bill will hardly accomplish the object desired. The gentleman reporting the bill forgot to put in it the rank, company, and regiment of the proposed pensioner.

Mr. JENKS. I move to amend the bill by inserting after the name of the pensioner the words "late a private in Company G, Eightyseventh Ohio Volunteers."

The amendment was agreed to; and the bill, as amended, was laid aside, to be reported to the House with a favorable recommendation.

## PETERS & REED.

The next business on the Private Calendar was the bill (H. R. No. 2287) for the relief of Peters & Reed, naval contractors at the Norolk navy-yard, in the year 1860. (Objected to by Mr. LAWRENCE.)

## MRS. SUSAN E. RHEA.

The next business on the Private Calendar was the bill (H. R. No. 590) for the relief of Mrs. Susan E. Rhea, widow of Dr. J. Burrows

(Objected to by Mr. HOLMAN.)

#### FANNIE S. WHITE.

The next business on the Private Calendar was the bill (H. R. No.

2288) granting a pension to Fannie S. White.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Fannie S. White, widow of Chester B. White, a captain in the United States Army, at the rate of \$20 per month.

There being no objection, the bill was laid aside, to be reported

favorably to the House.

#### JANE BERTHOLF.

The next business on the Private Calendar was the bill (H. R. No.

2289) granting a pension to Jane Bertholf.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane Bertholf, widow of William Bertholf.

#### HARVEY B. KILBORN.

The next business on the Private Calendar was the bill (H. R. No. 1850) granting a pension to Harvey B. Kilborn, private Company C, Thirtieth Pennsylvania Militia.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Harvey B. Kilborn, a private in Company C, Thirtieth Regiment Pennsylvania Militia.

There being no objection, the bill was laid aside, to be reported favorably to the House.

#### GEORGE PENDLETON.

The next business on the Private Calendar was the bill (H. R. No.

527) granting a pension to George Pendleton.

The bill directs the Secretary of the Interior to place on the pension-roll the name of George Pendleton, late a private in Company C, Forty-first Regiment of Infantry Illinois Volunteers, and from and after the passage of this act pay him a full pension, according to his degree of disability, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside, to be reported favorably to the House.

## FREDERICK HOCH.

The next business on the Private Calendar was the bill (H. R. No. 2290) granting a pension to Frederick Hoch.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frederick Hoch, late a private in Company H, One hundred and thirty-ninth Regiment Pennsylvania Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

## JOHN H. GARRISON.

The next business on the Private Calendar was the bill (H. R. No. 2291) granting a pension to John H. Garrison.

The bill directs the Secretary of the Interior to place on the pen-

and limitations of the pension laws, the name of John H. Garrison, late a corporal in Company B, One hundred and thirty-ninth Regiment of New York Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

## THOMAS SHANNON.

The next business on the Private Calendar was the bill (H. R. No. 2292) granting a pension to Thomas Shannon.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Shannon, late a private in Company B, Tenth Regiment United States Infantry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

## FREDERICK YOUNGBLUE.

The next business on the Private Calendar was the bill (H. R. No. 39) granting a pension to Frederick Youngblue, of Company I, Twentieth Regiment Ohio Volunteers.

The bill directs the Secretary of the Interior to place the name of Frederick Youngblue, late a private of Company I, Twentieth Regiment of Ohio Volunteers, on the pension-roll, subject to the provisions and limitations of the pension laws.

There being no objection, the bill was laid aside, to be reported

favorably to the House.

## JAMES WOOLSEY.

The next business on the Private Calendar was the bill (H. R. No.

2293) granting a pension to James Woolsey.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of James Woolsey, formerly a private in Company H, First Tennessee Cavalry, at such rate of pension as his present disability may justify.

There being no objection, the bill was laid aside, to be reported

favorably to the House.

## GILBERT REED.

The next business on the Private Calendar was the bill (H. R. No.

2294) granting a pension to Gilbert Reed, late a second lieutenant in the Eleventh Tennessee Cavalry.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Gilbert Reed, late a second lieutenant in the Eleventh Regiment Tennessee Cavalry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

JOHN S. HALL.

The next business on the Private Calendar was the bill (H. R. No. 1541) granting a pension to John S. Hall, of West Virginia.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John S. Hall, of West Virginia, late an enlisted teamster in the service of the United States, at the rate of \$25 per month, he having become totally blind from disease contracted in

There being no objection, the bill was laid aside, to be reported

favorably to the House.

THOMAS LEACH.

The next business on the Private Calendar was the bill (H. R. No.

2295) granting a pension to Thomas Leach.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Thomas Leach, late a private in Companies B and D of the first battalion of the Eighteenth Regiment of United States In-

There being no objection, the bill was laid aside, to be reported favorably to the House.

GRIFFIN CHAVERS.

The next business on the Private Calendar was the bill (H. R. No.

The next business on the Private Calendar was the bill (H. R. No. 1455) granting a pension to Griffith Chavers, late a private in Company C, Ninth Regiment United States Heavy Artillery, (colored.)

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Griffith Chavers, late a private in Company C, Ninth Regiment United States Heavy Artillery, (colored,) upon evidence already furnished the Commissioner of Pensions in his claim, No. 130267, said pension to be at the rate of \$8 per month, commencing from the date of said soldier's discharge from said service, such date to be established by reference to the rolls of said regiment on file in the War Department. the War Department.

The Committee on Invalid Pensions reported an amendment to the bill to make the pension begin from the passage of the act.

The amendment was agreed to.

Mr. JENKS. The name is incorrectly given in the printed bill. It should be Griffin Chavers. I move to amend the bill and title by changing "Griffith" to "Griffin" wherever it may occur.

The amendment was agreed to; and the bill was laid aside, to be reported favorably to the House.

HENRY BROWN.

The next business on the Private Calendar was the bill (H. R. No.

The next business on the Private Calendar was the bill (H. R. No. 1907) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Henry Brown, late a private in Company C of the One hundred and twenty-third Regiment of Illinois Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

MICHAEL O'BRIEN.

The next business on the Private Calendar was the bill (H. R. No.

2296) granting a pension to Michael O'Brien.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Michael O'Brien, private Company B, Fifty-eighth Regiment Illinois Volunteers.

There being no objection, the bill was laid aside, to be reported

favorably to the House.

JANE N. WILLARD.

The next business on the Private Calendar was the bill (H. R. No.

The next business on the Frivate Calendar was the bill (H. R. No. 2297) granting a pension to Jane N. Willard.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jane N. Willard, widow of Victor M. Willard, late private Company C, Fifteenth Regiment Wisconsin Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

EMMA A. TUTTLE.

The next business on the Private Calendar was the bill (H. R. No. 2298) granting a pension to Emma A. Tuttle, widow of Charles H. Tuttle, late a private in Company I, Twenty-seventh Ohio Volunteers. The bill directs the Secretary of the Interior to place on the pension-

roll, subject to the provisions and limitations of the pension laws, the name of Emma A. Tuttle, widow of Charles H. Tuttle, late a private in Company I, Twenty-seventh Ohio Infantry Volunteers.

There being no objection, the bill was laid aside, to be favorably

reported to the House.

#### CHRISTIAN HEMELUKE.

The next business on the Private Calendar was the bill (H. R. No.

2299) granting a pension to Christian Hemeluke.

The bill directs the Secretary of the Interior to place on the pensionroll, subject to the provisions and limitations of the pension laws, the name of Christian Hemeluke, some time artificer in the Ordnance Department of the United States Army, and provides that he be paid a pension of \$8 per month from and after the passage of the act.

There being no objection, the bill was laid aside, to be favorably reported to the House.

MARGARET C. BELL.

The next business on the Private Calendar was the bill (H. R. No.

2300) granting a pension to Margaret C. Bell.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Margaret C. Bell, widow of Admiral Henry H. Bell, late of the United States Navy, and provides that she be paid a pension of \$50 per month from and after the passage of the act.

Mr. HOLMAN. I ask that the report in this case be read.

The report was read, as follows:

The report was read, as follows:

The committee find the facts as stated in the petition, exhibiting a record of long and brilliant service, indorsed to the full by the late distinguished Admiral D. G. Farragut: and as naval pensions are by law payable out of a special fund, "realized by the gallantry and sacrifices of the officers and seamen of the Navy," in which the deceased bore a distinguished part, they would recommend that the prayer of the petitioner be granted, and therefore report back said petition, with the accompanying bill, and recommend its passage.

Mr. HOLMAN. This bill is out of the regular order, and as I wish to make some inquiry in regard to it, I object to its present considera-

Objection being made, the bill was passed over.

## MARY B. HOOK.

The next business on the Private Calendar was the bill (H. R. No. 2301) granting a pension to Mary B. Hook.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary B. Hook, widow of Lieutenant-Colonel James H. Hook, late of the United States Army, from and after the passage of the act.

There being no objection, the bill was laid aside, to be favorably reported to the House.

ELIZA JANE BLUMER.

The next business on the Private Calendar was the bill (H. R. No.

11) granting a pension to Eliza Jane Blumer.

The bill directs the Secretary of the Interior to place upon the pension-roll, subject to the provisions and limitations of the pension laws, the name of Eliza Jane Blumer, widow of Henry A. Blumer, a private of Company A, Forty-seventh Regiment Pennsylvania Volunteers, to take effect on and after the date of the said Henry A. Blumer's death, as shown by evidence on file in the Pension Office.

There being no objection, the bill was laid aside, to be favorably

reported to the House.

NANCY TIPTON.

The next business on the Private Calendar was the bill (H. R. No.

2302) granting a pension to Nancy Tipton.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy Tipton, widow of Samuel Tipton, deceased, late a private in Company H, Twelfth Tennessee Cavalry.

These being a child time the fill research of the pension laws,

There being no objection, the bill was laid aside, to be favorably

reported to the House.

MARY S. GREENLEE.

The next business on the Private Calendar was the bill (H. R. No.

2303) granting a pension to Mary S. Greenlee.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary S. Greenlee, widow of George W. Greenlee, deceased, late a Union soldier in Company B, Eighth Tennessee Cavalry.

There being no objection, the bill was laid aside, to be favorably

reported to the Honse.

JOSEPH B. LANE.

The next business on the Private Calendar was the bill (H. R. No.

253) granting a pension to Joseph B. Lane.

The bill directs the Secretary of the Interior to place the name of Joseph B. Lane, late second lieutenant of Company G, Eighty-second Regiment Indiana Volunteers, on the pension-roll, subject to the limitations and provisions of the pension laws.

There being no objection, the bill was laid aside, to be favorably reported to the House.

PHILIP J. SHAW.

The next business on the Private Calendar was the bill (H. R. No.

2304) granting a pension to Philip J. Shaw.

The bill directs the Secretary of the Interior to place on the pensionroll, subject to the provisions and limitations of the pension laws, the name of Philip J. Shaw, late a private in Company G, One hundred and twenty-sixth Regiment Illinois Infantry Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

## MELVILLE H. HUDSON.

The next business on the Private Calendar was the bill (H. R. No. 2305) granting a pension to Melville H. Hudson.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Melville H. Hudson, late drummer Company C, Third Regiment Kansas Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

## JOHN MINTIRE.

The next business on the Private Calendar was the bill (H. R. No.

2306) granting a pension to John McIntire.

The bill directs the Secretary of the Interior to place on the pensionroll, subject to the provisions and limitations of the pension laws, the name of John McIntire, private soldier in Company A, Fourteenth Regiment Kentucky Cavalry.

There being no objection, the bill was laid aside, to be reported favorably to the House.

#### ALMON P. GRAVES.

The next business on the Private Calendar was the bill (H. R. No. 1580) granting a pension to Almon P. Graves.

1580) granting a pension to Almon P. Graves.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Almon P. Graves, late a private in Company G, Third United States Artillery, of Alstead, in the State of New Hampshire, and pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

#### SETH W. HOMESTEAD.

The next business on the Private Calendar was the bill (H. R. No.

610) granting a pension to Seth W. Homestead.

The bill directs the Secretary of the Interior to place the name of Seth W. Homestead, late a sergeant in Captain Seaton's Company, (K,) First Regiment Wisconsin Volunteer Cavalry, on the pension-rolls, subject to the provisions and limitations of the pension laws, and pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported

favorably to the House.

#### MARY BELL DECKER.

The next business on the Private Calendar was the bill (H. R. No.

2307) granting a pension to Mary Bell Decker.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Bell Decker, infant daughter of James W. Decker, who was a member of Company I, Fifth Kentucky Cavalry.

Mr. DURHAM. I move to amend the bill by adding "this pension to take effect from the 1st day of January, 1866." I will simply state that this is the case of an infant child, whose father died three or four years before the time named in this amendment.

The amendment was adopted.

There being no objection, the bill, as amended, was laid aside, to be reported favorably to the House.

## WILLIAM H. HARRISON.

The next business on the Private Calendar was the bill (H. R. No. 310) granting a pension to William H. Harrison.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of William H. Harrison, late a private in Company F, Seventyfourth Regiment Pennsylvania Infantry Volunteers, and pay him a pension from and after the passage of the act.

There being no objection, the bill was laid aside, to be reported favorably to the House.

#### DAVID P. M'DONALD.

The next business on the Private Calendar was the bill (H. R. No.

2308) granting a pension to David P. McDonald.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of David P. McDonald, late a private in Company B, Sixth Regiment Kansas Cavalry Volunteers.

There being no objection, the bill was laid aside, to be reported

favorably to the House

## CATHARINE JOHNSON.

The next business on the Private Calendar was the bill (H. R. No. 2309) granting a pension to Catharine Johnson.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Catharine Johnson, widow of Zachariah Johnson, late a private in Company C, Sixtieth Regiment Indiana Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

## EMANUEL B. HERR.

The next business on the Private Calendar was the bill (H. R. No.

2310) granting a pension to Emanuel B. Herr.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the

name of Emanuel B. Herr, late a private in Company K, One hundred and ninety-fifth Regiment Pennsylvania Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

## DANIEL WILLHOIT.

The next business on the Private Calendar was the bill (H. R. No. 2311) granting a pension to Daniel Willhoit.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Daniel Willhoit, of Cocke County, Tennessee, late a private and sergeant in Company L, Eighth Tennessee Cavalry Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

#### NICHOLAS STRITE.

The next business on the Private Calendar was the bill (H. R. No. 2312) granting a pension to Nicholas Strite.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nicholas Strite, late a private in Company I, Eight-eenth Regiment Iowa Volunteers.

There being no objection, the bill was laid aside, to be reported

favorably to the House.

#### JONATHAN ROBERTS.

The next business on the Private Calendar was the bill (H. R. No.

1288) granting a pension to Jonathan Roberts.

The bill was read. It directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Jonathan Roberts, of Marietta, Marshall County, Iowa.

There being no objection, the bill was laid aside, to be reported favorably to the House.

#### MARY ANN CORNELL.

The next business on the Private Calendar was the bill (H. R. No. 2313) granting a pension to Mary Ann Cornell, widow of Stephen Cornell, late a private in Company I, One hundred and twenty-fifth New

York Volunteer Infantry.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Mary Ann Cornell, widow of Stephen Cornell, late a private in Company I, One hundred and twenty-fifth New York Regi-

ment of Volunteers.

There being no objection, the bill was laid aside, to be reported favorably to the House.

LOUIS ROSENBAUM.

The next business on the Private Calendar was the bill (H. R. No. 341) for the relief of Louis Rosenbaum.

The bill directs the Secretary of the Treasury to pay to Louis Rosenbaum the sum of \$1,424.37, in lieu of check No. A 27018, on the assistant treasurer of the United States at New York, dated the 5th day of January, 1874, payable to the order of Rosenbaum, and signed by M. P. Small, brevet brigadier-general and commissary of subsistence; which check, it is claimed, has been lost, and was never received by Rosenbaum. But before the payment thereinbefore authorized, Rosenbaum, is to execute a bond of indemnity to the fore authorized, Rosenbaum is to execute a bond of indemnity to the United States, with sufficient sureties, against the claim of the payee in the draft or the claim of any person or persons in possession of or claiming the same, and also to fully indemnify the United States against all loss and damages in the premises.

There being no objection, the bill was laid aside, to be reported favorably to the House.

#### E. D. FRANZ.

The next business on the Private Calendar was the bill (H. R. No. 339) for the relief of E. D. Franz.

The bill directs the Secretary of the Treasury to pay to E. D. Franz \$2,019.82, in lieu of check No. 2510, drawn on the United States assistant treasurer at San Francisco, California, payable to the order of one Daniel Hazard and indorsed by Hazard to L. and H. Huning, and by L. and H. Huning to E. D. Franz, the check being signed by J. J. Dana, major and quartermaster, United States Army; which check, it is claimed, was lost on being sent by L. and H. Huning to Franz, and was never received by Franz. But before the payment thereinbefore authorized, Franz is to execute a bond of indemnity to the United States, with sufficient sureties, against the claim of the the United States, with sufficient sureties, against the claim of payee in the draft or the claim of any person in possession of or claiming the same, and also to fully indemnify the United States against all loss and damages in the premise

There being no objection, the bill was laid aside, to be reported favorably to the House.

## KLAMATH INDIAN RESERVATION, OREGON.

The next business on the Private Calendar was the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation in the State of Oregon.

The bill, which was read, authorizes the Commissioner of the General Land Office, under the direction of the Secretary of the Interior, to issue scrip to the legal owners of the land granted to the State of Oregon by act of Congress approved July 2, 1864, to aid in the construction of a wagon-road from Eugene City to the eastern boundary

of the State, authorizing them to select and locate, of the unoccupied and unappropriated public lands of the United States, not mineral, and in tracts not less than the subdivision provided for in the United States land laws, and, if unsurveyed when taken, then to conform when surveyed to the general system of the United States land surveys, a quantity of land equal in amount to the lands within the limits of said grant embraced in the Klamath Indian reservation, designated said grant embraced in the Klamath Indian reservation, designated and set apart by the Commissioner of the General Land Office as lands in place, and likewise any indemnity lands within the limits of said reservation that have been selected and approved to the State of Oregon under the provisions of said act; the quantity of said lands to be ascertained by the Commissioner of the General Land Office. And the said Commissioner shall issue patents for the lands so selected, provided that no scrip nor patents shall issue as hereinbefore provided until the owners of the lands embraced in said reservation shall execute and deliver to the Commissioner of the General Land Office a cute and deliver to the Commissioner of the General Land Office a deed conveying to the United States all their right, title, and interest to the same

The question first recurred on the following amendment:

Provided further, That no scrip issued in pursuance of the provisions of this act shall be located upon other than the public lands lying within the said State of Oregon.

The amendment was adopted.

There being no objection, the bill, as amended, was laid aside, to be reported to the House with the recommendation that it do pass.

#### JAMES SINCLAIR, DECEASED.

The next business on the Private Calendar was the bill (S. No. 225) granting six hundred and forty acres of land to the widow and heirs

of James Sinclair, deceased.

The bill, which was read, provides that the tract of land known as the military timber reservation in Walla Walla County, Washington Territory, containing six hundred and forty-one and sixty-four hun-dredths acres, situate partly in township 7 north, of range 36 east, and partly in township 7 north, of range 37 east, of the Willamette meripartly in township 7 north, of range 57 east, of the Willamette merdian, be, and the same is thereby, granted as follows: The west half of the said tract to Mary Sinclair, widow of James Sinclair, deceased, and the east half to said Mary Sinclair and the heirs of the said James Sinclair, deceased. And it shall be the duty of the Commissioner of the General Land Office, by and through the proper United States land office in Washington Territory, to cause the said tract of land to be surveyed, and to issue a patent therefor to the said widow and heirs of James Sinclair, deceased, in accordance with the provisions of this act and of the act of Congress anywayed the 27th day of Senof this act and of the act of Congress approved the 27th day of September, 1850, entitled "An act to create the office of surveyor-general of the public lands in Oregon, and to provide for the survey, and make donations to settlers of the public lands."

There being no objection, the bill was laid aside, to be reported to

the House with the recommendation that it do pass.

Mr. JENKS. I move that the committee rise and report the bills which have been laid aside.

The motion was agreed to.

The committee accordingly rose; and Mr. Hoskins having resumed the chair as Speaker pro tempore, Mr. Beebe reported that the Committee of the Whole House had, according to order, had the Private Calendar under consideration, and had directed him to report to the House sundry bills and joint resolutions, with the recommendation that they do pass, some with and some without amendment.

The SPEAKER pro tempore. If there be no objection, the bills which have been reported with amendments will be first acted on.

There was no objection.

## BILLS PASSED WITH AMENDMENTS.

The amendments reported from the Committee of the Whole on the Private Calendar to the following bills were severally agreed to, and the bills, as amended, were severally ordered to be engrossed and read a third time; and being engrossed, they were accordingly read the A bill (H. R. No. 732) for the relief of Mrs. Catharine Thrush and William B. Stone, owners of the schooner Flight;

A bill (H. R. No. 1493) granting a pension to Mrs. Lydia Johnson,

A bill (H. R. No. 545) granting a pension to Mrs. Lydia Johnson, of De Witt County, Illinois;
A bill (H. R. No. 545) for the relief of James A. Jackson and others, securities of G. R. Horton, late postmaster at Monticello, Arkansas;
A bill (H. R. No. 566) granting relief to Mrs. Sarah Spaulding, of

A bill (H. R. No. 240) granting rener to Mrs. Sarah Spatiding, of Bay City, Michigan;
A bill (H. R. No. 240) granting a pension to John A. Goedfrey;
A bill (H. R. No. 1455) granting a pension to Griffin Chavez, late a private in Company C, Ninth Regiment United States Heavy Artil-

lery, (colored;) and A bill (H. R. No. 2307) granting a pension to Mary Bell Decker.

HEIRS OF SAMUEL RHEA.

The question next recurred on the bill (H. R. No. 912) to give the Court of Claims jurisdiction to hear and determine the claim of the heirs of Samuel Rhea, reported from the Committee of the Whole House with an amendment.

Mr. HOLMAN. My impression is that was not directed to be reported to the House.

The SPEAKER pro tempore. No objection was made to it, and the question now is on agreeing to the amendment.

Mr. HOLMAN. I understand it was objected to in committee and upon this ground, that but two facts are referred to the Court of Claims. This is for abandoned cotton; and two questions are referred to the Court of Claims: one is as to the ownership of the cotton, and the other as to the heirship. The question of loyalty is not presented by the bill at all. My understanding is that it was objected to on that ground; nothing was said on that point, but that was the motive for the objection. Under the law a person is required to establish loyalty in order to be entitled to the proceeds which have been covered into the Treasury of cotton sold by the Government. Here in this bill loyalty is not required to be established by the ancestor through

whom the claim is made.

The SPEAKER pro tempore. The Chair will say there is no record at the Clerk's desk of any objection having been made to this bill being reported to the House, and it is now too late to make such objections.

Mr. COX. I suggest to the gentleman from Indiana that he move to recommit this bill.

Mr. HOLMAN. I move to recommit this bill to the Committee of the Whole on the Private Calendar.

The motion was agreed to.

#### LEGAL REPRESENTATIVES OF SAMUEL WARE,

The question next recurred on the bill (H. R. No. 97) directing the Commissioner of the General Land Office to issue certificates of relocation for six hundred and forty acres of land in Missouri to the legal representatives of Samuel Ware, reported from the Committee of the Whole House on the Private Calendar with an amendment.

The amendment of the committee was concurred in.

Mr. DUNNELL. The preamble to this bill covers two pages, while Mr. DUNNELL. The preamble to this bill covers two pages, while the bill takes up only two or three lines. I ask by unanimous consent that the preamble be stricken out.

Mr. PHILIPS, of Missouri. I object.

The bill, as amended, was ordered to be engrossed and read a third

time; and being engrossed, it was accordingly read the third time, and passed.

KLAMATH INDIAN RESERVATION, OREGON.

The question next recurred on the bill (H. R. No. 1316) to adjust the claims of the owners of lands within the limits of the Klamath Indian reservation in the State of Oregon, reported from the Committee of the Whole House with an amendment.

The amendment was adopted.

Mr. HOLMAN. I wish to make an inquiry in regard to this bill of any gentleman who is acquainted with the facts in the case. I understand from the report that the road provided for has been constructed to this reservation, but I do not understand whether or not patents have been issued for the lands in conformity to the grant made by Congress.

Mr. LUTTRELL. I understand that patents have issued. There is no dispute as to the title and there has been none. I will call the

attention of the gentleman from Indiana to the letter of Ex-Commissioner Smith. He recommends the passage of this bill.

This is a question of equity and justice. The lands were granted by the Government to the State of Oregon for the construction of this road. The road was built and received by the Government. The lands were listed. Since then the Government has made a treaty with these Klamath Indians to locate their reservation upon these same lands. The owners have been meanwhile paying taxes to the State of Oregon for a number of years, and yet the Government now

takes possession again.

Mr. HOLMAN. One other inquiry. If I understand my friend from California correctly the grant of lands was made to the State of Oregon, and the State of Oregon gave these lands to a corporation?

Mr. LUTTRELL. In alternate sections for the construction of this road.

Mr. HOLMAN. Have patents been issued for these lands?
Mr. LUTTRELL. Yes, sir.
Mr. HOLMAN. Now, does this bill provide that these lands shall be reconveyed to the Government?

Mr. LUTTRELL. Yes, sir; and that the owners take lands else-

where in the State of Oregon; unoccupied lands. It is simply an ex-

Mr. HOLMAN. I hope the bill will be reported again, that that

Mr. HOLMAN. I hope the bill will be reported again, that that may appear.

The SPEAKER pro tempore. The whole bill or the amendment? Mr. HOLMAN. The bill as it stands amended.

The bill as proposed to be amended was read.

Mr. BURCHARD, of Illinois. I would like to ask the member of the committee who reported this bill if there is any particular force in the words "unoccupied and unappropriated?" In former special and private bills we have used the word "unoffered;" also in another act the words "unoccupied," "surveyed" or "unsurveyed." Those words gave special privileges to such scrip. On the "Valentine scrip," so called, three pieces were located on part of the city of Chicago, the claim being that it was unoccupied and unsurveyed land; and in that way lands have been appropriated worth perhaps millions of dollars. I do not know that there is any partiular force in those words. I have not examined the subject. I do not know but they are the usual words. I would like, however, an explanation.

Mr. LANE. This bill provides, as proposed to be amended, that

the scrip shall be located only upon public lands situated within the limits of the State of Oregon.

Mr. BURCHARD, of Illinois. I understand that that is provided for in the amendment.

Mr. LANE. And certainly it can only be located on such lands as would be subject to entry in the State of Oregon under existing law.

The bill would not affect any vested rights.

Mr. BURCHARD, of Illinois. If the gentleman from Oregon is satisfied I am content, as it is all in his State.

Mr. LANE. I am quite satisfied.

The amendment reported by the committee was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time,

SESSION OF SATURDAY.

Mr. SAYLER. I rise to a question of privilege. I move that when

Mr. RANDALL. I hope not. I desire to state that the considera-tion of the Hawaiian treaty is the next business in order. There are at least fifteen gentlemen who have indicated their intention to speak on that subject. Behind that is the deficiency bill reported from the Committee on Appropriations in reference to printing the currency.

I feel it my duty to object to an adjournment over until Monday.

Mr. 8AYLER. Mr. Speaker—

The SPEAKER pro tempore. Debate is not in order.

Mr. SAYLER. I ask unanimous consent to say a word in reply to the gentleman from Pennsylvania. I have made the motion in the interest of the business of the House and of the committees of the House Labora convolted with a number of chainsan of committees of the House. I have consulted with a number of chairmen of committees, and they agree with me in the propriety of the motion I have submit ted. So far as regards my own committee, that on the public lands, I may say that the call rests with us; and it is of very great importance that the committee should have at least one more meeting before it is again called in the House.

Mr. RANDALL. I call for the regular order.

The question being taken on Mr. Sayler's motion, there were-

ayes 86, noes 40.

Mr. RANDALL. I ask for the yeas and nays. But before insisting on the yeas and nays being ordered, I would suggest that we have a session to-morrow for debate on the Hawaiian treaty only, no other business to be transacted.

Mr. SAYLER. I have no objection to that. If the gentleman from Pennsylvania will make a motion that the session to-morrow shall be for the purpose of the consideration of the Hawaiian treaty alone—

merely for continuing debate on that subject—I have no objection.

Mr. RUSK. I call for the regular order.

Mr. SAYLER. I withdraw the motion to adjourn over.

The SPEAKER pro tempore. The Chair will submit the proposition of the gentleman from Pennsylvania that there be a session to-more for the consideration of the Hawaiian treaty alone for debate. row for the consideration of the Hawaiian treaty alone, for debate only, and no vote to be taken thereon.

The proposition was agreed to.

#### JEFFERSON BOWERS.

The next bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 1588) granting an additional pension to Jefferson Bowers, of Mason County, Illinois.

Mr. STEVENSON. I ask unanimous consent to offer an amend-

ment:

Amend by adding to the last line of the bill the words "according to his present disability."

There was no objection, and the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

PRIVATE BILLS PASSED.

The following bills reported from the Committee of the Whole on the Private Calendar without amendment were severally read the the Frivate Calendar without amendment were severally read the third time, and passed:

A bill (S. No. 225) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased;

A bill (H. R. No. 1988) for the relief of Hermann Kreismann, United

States consul-general at Berlin; A bill (H. R. No. 1026) for the relief of Thomas Van Duzen and his

assigns, for lands;
A bill (H. R. No. 534) for the relief of Rosetta Hert, Charles C. Be-

noist, and Logan Fanfan; A bill (H. R. No. 719) for the relief of the heirs of William Stevens; A joint resolution (H. R. No. 64) granting the rights and benefits of

the Soldiers' Home to John News;

A bill (H. R. No. 1989) granting a pension to Robert Cavanaugh; A bill (H. R. No. 1990) granting a pension to Edward Heinzel; A bill (H. R. No. 1991) granting a pension to Mary Ann McDonald;

A bill (H. R. No. 1991) granting a pension to Mary Ann McDonaud;
A bill (H. R. No. 1236) granting a pension to Harris B. Lovell;
A bill (H. R. No. 1588) granting an additional pension to Jefferson Bowers, of Mason County, Illinois;
A bill (H. R. No. 1245) granting a pension to James W. Thompson, late of Company H, Forty-seventh Illinois Volunteers;
A bill (H. R. No. 1992) granting an additional pension to be paid

Mary P. Abeel;

A bill (H. R. No. 258) granting a pension to W. H. H. Anderson; A bill (H. R. No. 183) granting an increase of pension to John E.

A bill (H. R. No. 2160) for the relief of Lewis Goodwin, late keeper of the light-vessel at Brant Island shoals, in the State of North Car-

A bill (H. R. No. 2161) for the relief of R. H. Buckner; A bill (S. No. 416) for the relief of C. H. Frederick;

A bill (H. R. No. 1656) granting a pension to Aaron Buchanan;
A bill (H. R. No. 1656) granting a pension to Aaron Buchanan;
A bill (H. R. No. 1179) granting a pension to James Riley;
A bill (H. R. No. 1189) granting a pension to William J. Drake;
A bill (H. R. No. 2162) granting a pension to Joseph Brosch, jr., late
a private of Company H, Twenty-fourth Regiment Illinois Volunteers;

a private of Company H, Twenty-fourth Regiment Illinois Volunteers;
A bill (H. R. No. 2288) granting a pension to Fannie S. White;
A bill (H. R. No. 2289) granting a pension to Jane Bertholf;
A bill (H. R. No. 1850) granting a pension to Harvey B. Kilborn,
private Company C, Thirtieth Pennsylvania Militia;
A bill (H. R. No. 527) granting a pension to George Pendleton;
A bill (H. R. No. 2290) granting a pension to Frederick Hoch;
A bill (H. R. No. 2291) granting a pension to John H. Garrison;
A bill (H. R. No. 2292) granting a pension to Thomas Shannon;
A bill (H. R. No. 39) granting a pension to Frederick Youngblue,
of Company I, Twentieth Regiment Offic Volunteers;
A bill (H. R. No. 2293) granting a pension to James Woolsey;
A bill (H. R. No. 2294) granting a pension to Gilbert Reed, late a
second lieutenant in the Eleventh Tennessee Cavalry;
A bill (H. R. No. 1541) granting a pension to John S. Hall, of West

A bill (H. R. No. 1541) granting a pension to John S. Hall, of West

Virginia;
A bill (H. R. No. 2295) granting a pension to Thomas Leach;
A bill (H. R. No. 1907) granting a pension to Henry Brown, late a private Company C, One hundred and twenty-third Illinois Volun-

A bill (H. R. No. 2296) granting a pension to Michael O'Brien;
A bill (H. R. No. 2297) granting a pension to Jane N. Willard;
A bill (H. R. No. 2298) granting a pension to Emma A. Tuttle,
widow of Charles H. Tuttle, late private Company I, Twenty-seventh
Ohio Volunteers;
A bill (H. R. No. 2299) granting a pension to Christian Hemeluke;

A bill (H. R. No. 2299) granting a pension to Christian Hemeluke; A bill (H. R. No. 2301) granting a pension to Mary B. Hook; A bill (H. R. No. 11) granting a pension to Eliza Jane Blumer;

A bill (H. R. No. 11) granting a pension to Eliza Jane Blumer;
A bill (H. R. No. 2303) granting a pension to Mary S. Greenlee;
A bill (H. R. No. 253) granting a pension to Joseph B. Lane;
A bill (H. R. No. 2304) granting a pension to Philip J. Shaw;
A bill (H. R. No. 2305) granting a pension to Melville H. Hudson;
A bill (H. R. No. 2306) granting a pension to John McIntire;
A bill (H. R. No. 1580) granting a pension to Almon P. Graves;
A bill (H. R. No. 610) granting a pension to Seth W. Homestead;
A bill (H. R. No. 310) granting a pension to William H. Harrison;
A bill (H. R. No. 2308) granting a pension to David P. McDonald;

A bill (H. R. No. 2308) granting a pension to David P. McDonald; A bill (H. R. No. 2309) granting a pension to Catharine Johnson; A bill (H. R. No. 2310) granting a pension to Emanuel B. Herr; A bill (H. R. No. 2311) granting a pension to Daniel Willhoit; A bill (H. R. No. 2312) granting a pension to Nicholas Strite;

A bill (H. R. No. 2313) granting a pension to Jonathan Roberts; A bill (H. R. No. 2313) granting a pension to Mary Ann Cornell; A bill (H. R. No. 341) for the relief of Louis Rosenbaum; and A bill (H. R. No. 339) for the relief of E. D. Franz.

#### HEIRS OF SAMUEL RHEA.

Mr. HOLMAN. I moved the reference of a bill for the relief of the heirs of Samuel Rhea to the Committee of the Whole on the Prithe neirs of Samuel Khea to the Committee of the Whole on the Private Calendar. I am now led to believe, after speaking with my colleague, [Mr. Baker, of Indiana,] that the seizure of this cotton occurred after the close of the war; so that the principle I spoke of does not apply. I move a reconsideration, so that my colleague may offer an amendment. The bill is House bill No. 912, to give the Court of Claims jurisdiction to hear and determine the claim of the heirs of Samuel Rhea.

The motion to reconsider was agreed to.

Mr. BAKER, of Indiana. I ask unanimous consent to offer the amendment which I send to the Clerk's desk, and wish to say a few

words in explanation.

The SPEAKER pro tempore. The first question will be upon the motion to commit the bill to the committee to which it it was referred. Pending that question, the gentleman asks unanimous consent that the amendment which will now be read be incorporated in the bill. It is an amendment to the substitute for the bill.

The Clerk read the amendment, as follows:

Amend line 8 by striking out the following words, namely: "that the same was seized and sold," and inserting in lieu thereof the following, namely: "that the same was unlawfully seized and sold, in violation of the laws and regulations of the Government then in force.

Mr. BAKER, of Indiana. I desire to say one word of explanation in reference to that amendment. As the bill now stands it simply requires that the Court of Claims be satisfied by proof of the existence of three facts: first, that the ownership of the cotton was in Samuel Rhea during his life-time; secondly, that the same was seized and sold; and, thirdly, that the proceeds thereof were covered into the United States Treasury.

Mr. THORNBURGH. I object to debate.

Mr. HOLMAN. My colleague has the floor regularly on the hill.

Mr. HOLMAN. My colleague has the floor regularly on the bill.

The SPEAKER pro tempore. Unanimous consent was asked for him to submit his amendment, but not to debate it.

Mr. HOLMAN. But my colleague has a right to debate. This amendment does not involve an appropriation of money, but the reverse of it. It can rightfully be considered in the House.

Mr. THORNBURGH. I call for the regular order of business.

Mr. HOLMAN. Then adopt the amendment of my colleague; it is

right.
Mr. CAULFIELD. I object until I hear what it is. This bill was

reported by me from the Committee on the Judiciary.

Mr. BAKER, of Indiana. The amendment has been read.

Mr. CAULFIELD. It was read, but unfortunately I did not hear it.

The amendment was again read.
Mr. CAULFIELD. I object to that.
The SPEAKER pro tempore. One objection cannot prevent the offering of the amendment. It is for the House to determine upon it. The question was taken on the amendment; and it was agreed to.

The substitute, as amended, was then adopted.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

RECONSIDERATION OF BILLS PASSED.

Mr. DURHAM. I now move to reconsider the various votes by which the bills reported from the Committee of the Whole on the Private Calendar to-day have been passed, and I also move that the motion to reconsider be laid on the table.

Mr. CONGER. I hope that motion will not now be made. We ought to have a day or two in which to ascertain if any mistake has been

made in passing any of these bills, which can be corrected by a re-

consideration.

Mr. DURHAM. Well, I will withdraw the motion.

Mr. DURHAM. Well, I will withdraw the motion.

Mr. JENKS. I renew it.

Mr. HOLMAN. I trust the motion will not be insisted upon. These
bills have been passed by unanimous consent, and they may be all
right. But should a mistake be discovered, we ought not to put it
out of our power to correct it.

Mr. JENKS. I will not insist upon the motion.

#### COURT OF APPEALS.

Mr. CONGER, by unanimous consent, presented the following memorial of the bar of the city of Detroit; which was ordered to be printed in the RECORD:

At a meeting of the bar of the city of Detroit, held at the United States circuit court rooms at Detroit on the 14th day of \_\_\_\_, 1876, the following resolutions were unanimously adopted:

"Resolved, That in the opinion of the bar of the city of Detroit, it is desirable, if a court of appeals shall be established by Congress for each judicial circuit, that provision shall be made for the sitting of said court in each State within the circuit, for the hearing of the appeals arising within that State, and that the courts shall have power by general rules to regulate the mode and form of removing cases for review.

review.

"Resolved, That a committee of five members from this bar shall be appointed to transmit the above resolution, accompanied with an appropriate memorial to our delegation in Congress, to the bar of other States, and to such officers and persons as they shall think proper."

The meeting appointed as the committee provided for by the resolution, Messrs. I. Walker, G. V. N. Lothrop, Alfred Russell, A. B. Maynard, and William A.

## MEMORIAL.

Memorial.

The undersigned, a committee of the bar of the city of Detroit, respectfully call your attention to the foregoing resolutions, and hope for your co-operation in the views there expressed.

It seems to be well agreed that some system of intermediate appeal is necessary to relieve the Supreme Court at Washington. But whatever is done in that direction should also aim to make legal redress prompt, easy, and at the least practicable cost to all parties. The bill now before Congress proposes to establish an appeal court for each judicial circuit, and fixes the sessions of that court at a single place in the circuit. Now, each circuit entraces several States, and some circuits include an immense territorial extent. Thus, this circuit includes the large States of Tennessee, Kentucky, Ohio, and Michigan, from the south to the extreme north a distance of near one thousand miles. It seems to us that there are many reasons, and of especial force in such large States, why this court should sit in each State to hear the appeals arising within that State.

1. The expense and inconvenience to the judges would be little, if any, more. The existing court-rooms, marshals, clerks, and other officers of the United States in the several States, could be easily made available to the uses of this court.

2. The saving and convenience of suitors and their counsel would be very great. In many cases it would be safe to say it would diminish the cost of litigation one-half. This will be obvious when the charges of counsel, called to go a long distance and to wait the uncertain progress of a hearing calendar, is considered.

3. It would bring the court into personal and professional intercourse with a much larger circle of members of the bar, and give the latter the great advantage which the sittings of such a court would afford in many ways.

4. Finally, it is obviously desirable that all appeals should, if practicable, be heard and determined in the place where the laws prevail under which the cases have arisen and been tried

There is one other matter not covered by the resolutions, but which has received some attention from the profession here, which we venture briefly to suggest. These courts, in a large majority of cases, will be courts of final adjudication. Sitting entirely independent of each other, it can hardly fail to happen that their judgments will sometimes clash in principle. The painful result will follow, that, on the same ground, what is declared law in one circuit is declared not law in another. Should there not be some mode provided by which such differences would

be corrected? Would it not be wise to provide that when a later judgment in one appeal court is substantially inconsistent with a prior solemn ruling in another of such appeal courts, and this fact is certified in the opinion of the court giving the later judgment, that a right shall exist to remove such later judgment to the Supreme Court of the United States for final adjudication?

C. I. WALKER. GEO. V. N. LOTHROP. A. B. MAYNARD. ALFRED RUSSELL. WM. A. MOORE.

DETROIT, February 22, 1876.

## ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution and bills of the House of the following titles; when the Speaker signed the same:

A joint resolution (H. R. No. 19) on the celebration of the Centennial in the several counties or towns;

An act (H. R. No. 193) for the relief of Ezra B. Barnett, postmaster

at Norwich, New York; and
An act (H. R. No. 2285) authorizing the purchase of additional grounds for the custom-house at Nashville, Tennessee.

#### PAYMENT OF GENEVA AWARD.

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

In answer to the resolution of the House of Representatives of the 21st ultimo, I transmit herewith a report from the Secretary of State and accompanying papers, together with a report from the Secretary of the Treasury.

WASHINGTON, March 3, 1876.

The accompanying papers contain the correspondence between the Bank of England and the Treasury Department relative to the transfer of proceeds of United States bonds sold, or about to be sold, in London; and correspondence between the British government and the State Department relative to the mode of transfer to this country of \$15,500,000

awarded at Geneva.

Mr. RANDALL. I move that the message and accompanying papers be printed, and referred to the Committee of Ways and Means.

The motion was agreed to.

#### LEAVE OF ABSENCE.

Mr. Jones, of Kentucky, was granted leave of absence for one week on account of important business.

Mr. GARFIELD was granted leave of absence for next week.

Mr. FRYE was granted leave of absence for ten days.
Mr. Robbins, of Pennsylvania, was granted leave of absence for

Mr. Haralson was granted leave of absence for two weeks on account of important business

Mr. LAPHAM was granted leave of absence for ten days on account of important business.

Mr. METCALFE was granted leave of absence for eight days on account of important business

Mr. HEREFORD was granted leave of absence for ten days on account of business.

Mr. King was granted leave of absence for two weeks from Monday next on account of business.

Mr. Terry was granted leave of absence for three days from Mon-

Mr. RAINEY was granted leave of absence for ten days from Monday next on account of important business.

## WITHDRAWAL OF PAPERS.

Mr. REA asked and obtained unanimous consent to have withdrawn from the files of the House certain papers in the case of Jacob Bogert.

## GENERAL O. E. BABCOCK.

Mr. BANNING, from the Committee on Military Affairs, by unanimous consent, reported the following resolution; which was read, considered, and adopted:

Resolved, That the Secretary of War, the Attorney-General, and the Secretary of the Treasury be, and they are hereby, directed to transmit to this House copies of all instructions, orders, letters, telegrams, and other official records or papers at the control of their respective Departments relating to the assembling or the business of the military court of inquiry called to inquire into the conduct of General O. E. Babcock.

Mr. BANNING moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. ASHE. I am instructed by the Committee on the Judiciary to ask consent for that committee to sit during the sessions of the House while engaged in preparing suitable articles of impeachment of General William W. Belknap, late Secretary of War.

There was no objection, and leave was accordingly granted.

## ORDER OF BUSINESS.

Mr. HOLMAN. I move that the House now adjourn.
Mr. THROCKMORTON. I ask the gentleman to withdraw that motion to enable me to submit a resolution for action at this time.

Mr. BURCHARD, of Illinois. I insist upon the regular order.

The SPEAKER pro tempore. The regular order is the motion to ad-

The motion was agreed to; and accordingly (at five o'clock p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were pre-

sented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAKER, of Indiana: The petition of James Collins, Nelson
Austin, and Hector Phillips, for compensation for extrahazardons
services rendered as scouts for the Army of Tennessee, to the Committee on War Claims.

By Mr. BLAND: A paper relating to a post-route from Washington to Spring Bluff, Missouri, to the Committee on Post-Offices and Post-Roads.

Also, a paper relating to a post-route from Bergen to Myer's store,

By Mr. BROWN, of Kansas: Concurrent resolutions of the Kansas Legislature that the right of way be granted through the Indian Territory to two certain lines of railroads, to the Committee on Indian Affairs.

Also, concurrent resolution of the Legislature of Kansas in reference to certain persons residing in the Indian Territory, to the same committee.

By Mr. CONGER: The petition of Joseph W. Snell, and 20 other citizens of Huron County, Michigan, that a term of the United States court be held at Bay City, Michigan, to the Committee on the Judi-

By Mr. DUNNELL: The petition of J. C. Easton and 28 others, of Minnesota, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. FORT: The petition of S. A. Barry and 124 other citizens, of Iroquois County, Illinois, for the repeal of the resumption act of 1875, to the Committee on Banking and Currency.

By Mr. GOODIN: Concurrent resolutions of the Legislature of Kan-

sas, opposing the removal of the tariff on castor beans, to the Committee of Ways and Means.

Also, concurrent resolutions of the Legislature of Kansas, asking an appropriation to resurvey the line between the States of Missouri and Kansas, from its intersection with the Missouri River south, to the Committee on Appropriations.

Also, concurrent resolution of the Legislature of Kansas, instructing the members of Congress from that State to secure the passage of an act to protect public highways, to the Committee on Commerce.

Also, memorial of the Legislature of Kansas, in reference to the

Hands, melitare act, to the Committee on Public Lands.

By Mr. HANCOCK: Memorial of A. M. Hobby and 1,000 others, that military defenses be erected on Galveston Island, Texas, to the Committee on Military Affairs.

By Mr. HARTRIDGE: Memorial of citizens of Brunswick, Georgia, setting forth the advantages of Brunswick as a naval depot, to the Committee on Naval Affairs.

By Mr. HEWITT, of New York: The petition of citizens of New York, for the repeal of the check-stamp tax, to the Committee of Ways and Means

Ways and Means.

By Mr. HOUSE: The petition of Sally Carroll, colored, for bounty as widow of Governor Carroll, deceased, late of the Fourteeath United States Colored Troops, to the Committee on Invalid Pensions.

By Mr. HUBBELL: The petition of Charles S. Marr, A. B. Sturtevant, and others, residing at Sherman, Michigan, for an appropriation for the improvement of the navigation of the Manistee River, to the Committee on Commerce.

By Mr. KIMBALL: The petition of John Mitchell and 48 other citizens, of Winnebago County, Wisconsin, for the improvement of the Wisconsin River, by means of a canal to be built on the river bank, as recommended by Major-General Warren, of the United States Engineer Corps, to the same committee.

Also, the petition of James H. Elmore and 36 other citizens, of Green Bay, Wisconsin, that safety friction matches may be made free from taxation, to the Committee of Ways and Means.

By Mr. McDILL: The petition of J. Conner and 177 other citizens, of Montgomery County, Iowa, for the repeal of the act providing for the resumption of specie payments and the substitution of greenbacks for national-bank notes, to the same committee.

By Mr. PHILLES of Kansas, Consuperst resolutions of the Land

By Mr. PHILLIPS, of Kansas: Concurrent resolutions of the Legislature of Kansas, instructing the members of Congress from that State to introduce a bill granting indemnity lands in lieu of sections 16 and 36 in each congressional township, of the land in Indian reservations, to the Committee on Public Lands.

Also, concurrent resolutions of the Legislature of Kansas, asking that certain claims for Indian depredations may be adjusted, to the

Committee on Indian Affairs.

By Mr. POWELL: The petition of Benjamin Newcomb and 65 others, of Canton, Pennsylvania, late soldiers of the United States, for the grant of one hundred and sixty acres of land and an appropriation of \$200 in money to all soldiers and sailors who served for the term of thirty days in the Army or Navy of the United States and received an honorable discharge therefrom, to the Committee on Military Affairs.

By Mr. SOUTHARD: Memorial of H. M. Johnston and 20 other sol-

diers, of Muskingum County, Ohio, for the equalization of bounties of United States soldiers of the late war, to the same committee.

of United States soldiers of the late war, to the same committee.

By Mr. SPRINGER: The petition of Miles H. Wilmot and 180 other
citizens, of Illiopolis, Illinois, for the immediate repeal of the resumption act and all acts or parts of acts authorizing or requiring a contraction of the currency, to the Committee of Ways and Means.

By Mr. THOMPSON: The petition of John P. Andrews, of Salem,
Massachusetts, that the Secretary of the Treasury issue to him bonds
is likely forth or the above the form him to the convenit

in lieu of certain other bonds stolen from him, to the same committee.

By Mr. TURNEY: The petition of 17 citizens of Pennsylvania, for
the granting of one hundred and sixty acres of land and \$200 in
money to all soldiers and marines who served in the Army or Navy

of the United States, to the Committee on Military Affairs.

By Mr. VANCE, of North Carolina: The petition of Joshua Harshaw, for a rehearing of his claim before the southern claims commission, to the Committee on War Claims.

## HOUSE OF REPRESENTATIVES.

## SATURDAY, March 4, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

#### LEAVE OF ABSENCE.

By unanimous consent, Mr. Tarbox obtained leave of absence for ten days, on account of important business.

#### ORDER OF BUSINESS.

The SPEAKER. By order of the House on yesterday, the session of to-day is to be devoted, as in Committee of the Whole House on the state of the Union, to the further consideration of the Hawaiian treaty bill. The gentleman from Ohio [Mr. SAYLER] will please resume the chair.

Mr. WOOD, of New York. I move that the House adjourn.

The question being taken on the motion to adjourn, there wereayes 40, noes 24.

Before the result of the vote was announced,

Before the result of the vote was announced,
Mr. RANDALL said: Mr. Speaker, would it not be competent by
unanimous consent to proceed now with other business?
The SPEAKER. In the judgment of the Chair, the order of yesterday would forbid such a proceeding. But the Chair would suggest
that by unanimous consent gentlemen desiring to speak as in Committee of the Whole generally might proceed to deliver their speeches.
Mr. BLAND. Are there any such gentlemen?
The SPEAKER. The Chair is advised that there are.
Mr. WOOD, of New York. Probably it is incumbent upon me to say
a word in explanation of my motion to adjourn. I was not in the

a word in explanation of my motion to adjourn. I was not in the House yesterday when the order was made to devote to-day's session to the consideration of the Hawaiian treaty. If I had been present I should probably have objected to that order, on the ground that heretofore during this Congress we have never attempted to transact any business whatever on a Saturday. That day has been given up exclusively to the speeches of gentlemen who desired to speak, not for the purpose of convincing members of the House as to their particular views upon any proposition. I am aware that many members of the House left Washington yesterday, not anticipating that we were to devote to-day to business so important as the consideration of this treaty.

Now, sir, I was interrupted in the discussion of this question the other day when I was attempting to advance arguments for the purpose of convincing gentlemen whose minds were not made up. I have the floor upon this treaty, and desire to finish my speech, not

have the floor upon this treaty, and desire to finish my speech, not for buncombe, not for the newspapers, not for posterity, but for the members of the House who are to vote upon this question. Therefore it is that I do not wish to be forced to go on with my speech when there is much less than a quorum present.

Mr. KELLEY. The gentleman from New York [Mr. Wood] has largely anticipated what I had desired to say. My object was to assume my fair share of the responsibility for the motion to adjourn. I waited upon the gentleman from New York and the chairman of the Committee of Ways and Means [Mr. MORRISON] and as a member Committee of Ways and Means, [Mr. Morrison,] and as a member of the committee entered my protest against the committee who have been charged by the House with the investigation of this subject proceeding to discuss it on an informal day when members have been notified that no business is to be transacted. I think it due to the House that members of the committee should present their views on an occasion when members generally can hear them, as they cannot to-day.

I rose for the purpose of saying this much and then asking whether Trose for the purpose of saying this much and then asking whether what you, Mr. Speaker, have suggested would not be practicable; in other words, whether, while we could not proceed with business, the day might not be utilized by allowing gentlemen to speak on other subjects, which I hope will be done. If any gentleman, not a member of the committee, is prepared to speak on the Hawaiian treaty, I see no reason why he might not, if he wishes, do so now; but I do not think the committee would be faithfully performing their duty

if they were to present their views on a non-business day.

Mr. CONGER. Mr. Speaker, although the committee who have had and now have the particular charge of the business may not desire to speak to-day, yet, looking over the list of those who do wish to speak on this subject, I observe the names of many members of the House; and, this subject, I observe the names of many members of the House; and, as it is well understood that in the regular proceeding of business in the House the committee have the preference on another day, when there are more members for them to address, it may be that other members of the House, unless they proceed to-day, may have no opportunity to express their sentiments. Hence, they might probably consider it a privilege to be allowed to avail themselves of this occasion for that purious many mithed invited number of heaveness and admires. pose, even with a limited number of hearers and admires. [Laughter.] So that it seems to me a little hard that, this day having been set apart for those who may have no other opportunity to address the House, gentlemen who have this matter in charge should wish to re-

House, gentlemen who have this matter in charge should wish to reserve for the committee all the opportunity there may be to speak upon the subject. Perhaps it might be well to let other gentlemen—some of whom perhaps desire even to speak "for posterity"—embrace this opportunity of expressing their humble views upon this very important subject. I speak the more freely on this occasion because I have no desire to be one of the participants in the discussion.

Mr. WOOD, of New York. I am glad that my friend from Michigan, [Mr. Conger] is interested in "posterity." I hope he will do something towards showing practically his interest in that direction. [Laughter.] I certainly do not wish to cut him off if he desires to speak on this question; or I am quite willing to accept the indication of the gentleman from Pennsylvania, [Mr. Keller,] that we resolve ourselves into Committee of the Whole and go on with the discussion of any question on which gentleman may desire to speak.

cussion of any question on which gentleman may desire to speak.

Mr. CONGER. I simply yielded to the gentleman for a suggestion. I will now pursue my remarks.

Mr. WOOD, of New York. I hand the gentleman over to "pos-

ority." [Laughter.]
Mr. CONGER. I made my appeal to the gentleman in behalf of the posterity of those gentlemen who may want to speak on this

subject.

I wish to say that the suggestion that this day should be devoted to general debate, and not confined to the Hawaiian treaty specially assigned for this occasion, seems to me to be such a departure from the unanimous consent of the House, changing this day's session from the purpose for which it was set apart for another, as would establish

which has set apart for another, as would establish a very bad precedent.

Mr. HALE. Mr. Speaker, what I proposed to say was in the direction of what has just fallen from the lips of the gentleman from Michigan. Gentlemen will remember that the arrangement heretofore made in reference to the Saturday session has been most religiously and scrupulously adhered to. It has been held that it could not be varied even by unanimous consent on the succeeding day; and for this reason: that the expression of the sense of the House on Saturday, with half a dozen members present, may contravene the agreement of the whole House made on the preceding day. And, Mr. Speaker, if we should ever depart from that precedent, which has been well guarded and maintained, it may happen hereafter that if Saturday be set apart for general debate, and only those gentlemen prepared to make speeches come here, they may vary that agreement of the preceding day in any direction. While the suggestion is made undoubtedly with a view to facilitate business and to a good end perhaps yet, because of these consequences which I have indicated, and which may be fraught with great mischief in the future, I feel it in-

cumbent on me to object to any violation of the order made yesterday.

Mr. RANDALL. I made the motion yesterday in reference to this subject because I wanted every member who wished to speak on the subject of this Hawaiian treaty to have an opportunity to do so, and, further, because the legislative appropriation bill is about ready to be reported and the Committee on Appropriations desire a part of next week, if not the most of it, for the consideration of that important measure. My motion was really in the interest of the fullest discussion of the bill to carry out the Hawaiian treaty. I regret very much, of course, that there is no one here ready to proceed on that or some other subject, although I must confess I think there are as many here other subject, atthough I must contess I think there are as many here now as there are generally present to listen to set speeches. There is a quorum of the House present, and I hope some action will be taken to get clear of this legislation if possible, so as to let us go on with the appropriation bill next week.

Mr. REAGAN. As this bill is confessedly for posterity, and we do not expect any present benefit to flow from it, I will state to the House that I have a few suggestions to make, as much for the purpose of drawing out other suggestions from the committee as for any other purpose; and if the House determines to go on, I will make those suggestions now. I will premise by stating that I have made no special preparation to discuss the subject; but I do, nevertheless, desire to call the special attention of this House to a few points which so far I have not noticed either in the discussion of the subject in the Senate or at all alluded to in the majority and minority reports of our own committee.

Mr. RANDALL. I hope the gentleman from Texas will proceed with his remarks.

Mr. WILSON, of Iowa. I should like to get the attention of the gentleman for a moment to ask him a question.

The SPEAKER. Has the gentleman from Texas surrendered the

Mr. REAGAN. If entitled to the floor, I am ready to proceed.
The SPEAKER. The gentleman from New York [Mr. WOOD] who
reported the bill from the Committee of Ways and Means is entitled
to the floor in the committee, and the House has not yet resolved

itself into the committee on that subject.

Mr. RANDALL. Then I move that the House resolve itself into Committee of the Whole to proceed with the consideration of the bill to carry into effect a treaty with the King of the Hawaiian Islands.

Mr. KELLEY. The gentleman from New York has made the motion

to adjourn, which is now pending. I hope he will withdraw it.

Mr. WOOD, of New York. I understand the gentleman from Texas

Mr. WOOD, of New York. I understand the gentleman from Texas proposes to address the House and not the committee.

Mr. REAGAN. I do not care whether we are in the House or in the committee; I wish to address the members who are now present.

Mr. WOOD, of New York. I withdraw the motion to adjourn.

Mr. COX. Then I move that the House resolve itself into the Committee of the Whole on the state of the Union.

The SPEAKER. It would be irregular for the gentleman from Texas the Mayer for a the gentleman from

Texas to address the House; for, as the gentleman from Maine has suggested, the order of the House setting apart this day for a special purpose ought to be observed strictly. The order of the House is that the bill reported from the Committee of Ways and Means in reference to the Hawaiian treaty shall be debated as in Committee of

the Whole, no other business whatever to be transacted.

Mr. KELLEY. Then no further motion is needed, and we are already by order of the House as in Committee of the Whole.

The SPEAKER. Unless there be objection, the Chair will regard the House as now in Committee of the Whole on the state of the Union for the further consideration of the bill to carry into effect a treaty between the United States and the King of the Hawaiian Islands. There was no objection, and Mr. Sayler took the chair as Speaker

Mr. WOOD, of New York. I do not propose to go on with the speech which I begun on the pending question if a satisfactory arrangement can be effected that hereafter I shall have the balance of the time to which I am entitled as well as the hour which I am entitled to under the rule to close the debate, either to take the balance of my time when the House resumes the consideration of the question, or to have it at the close of the debate in addition to my

There was no objection, and it was ordered accordingly.

Mr. REAGAN. To address the House on a question of this importance without having investigated it, and in the presence of a committee which has examined the subject laboriously and reached its mittee which has examined the subject laboriously and reached its conclusion as to what ought to be done, is not a light task. I do not propose to make a formal speech on the subject, but only to call attention to a few particulars connected with this bill. It is agreed on all hands that, as a revenue measure, the proposition before the committee is disadvantageous to the United States; that we must sacrifice the public revenues in making it. I believe it is conceded that at present we must lose over \$400,000 of revenue annually by this arrangement. It is contended, however, that very great benefits will be secured which will greatly overbalance the injury done us by the loss of revenue. If I remember rightly, the gentleman from New York [Mr. Wood] said, if the loss of revenue was much larger than it confessedly will be, that still there are other advantages in the treaty which compensate us for greater losses than we must sustain.

What is the compensation we are to receive? It is said that we are to secure, in the first place, the carrying trade between the Hawaiian Islands and our Pacific coast. Without having examined that subject much, my impression is that we have that trade now. But whether we do have it now or do not, I desire to suggest that there is nothing in the treaty that gives us any such privilege or advantage; and, if the argument is made that we are to secure the carrying trade, it must be by the virtue of something else than the stipulations in the treaty, for it is not there. I do not choose, then, to go further on that point. It is said however, that the effect of this treaty will be to give point. It is said, however, that the effect of this treaty will be to give us the control of the commerce of those islands. That commerce is

not very large.

But it is urged as a much more important feature of the treaty that guard upon the interests of our Pacific coast. How is this to be accomplished by the treaty? We have no stipulation in this treaty securing us any such advantage. There is a stipulation there to which I call attention, in the fourth article of the treaty, that the King of those islands-

Will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein to any other power, state, or government.

But there is no stipulation securing any such advantages for our Government. A casual reading of this fourth article of the treaty may mislead if it is not investigated. There is an agreement here for reciprocal free trade as to certain specified articles, and a binding of each party that it will not disregard those stipulations; but there is nothing in that article or in any other article in this treaty which secures to us any special territorial or maritime rights or jurisdiction in or connected with the Hawaiian Islands—not a thing. How, then, are we to make that an American colony by a treaty that, except in

regard to a very limited number of articles of commerce, gives us no

right, no privilege, no benefit over any other nation of the earth?

Where are our benefits to come from? It is said that American influence will control there. How is American influence to be made to control there? Let me say that it seems to be agreed—charged upon one side and not denied upon the other—that there are perhaps thirty or forty sugar-planters in the Hawaiian Islands. It is agreed that as to those sugar-raisers in the islands the effect of the treaty is to give them a bonus on the sugar and other saccharine products equivalent to the rate of our duty upon those articles. It is to give them that bonus. It is also agreed and understood that it is to confer special advantages upon a few sugar-refiners in California. The benefit that it gives to these persons is not a national but an individual benefit for individual use. How is that to develop American interests there?

Let me say further that the sugar-planters there—and I call the at-tention of members of the committee to this and desire an expression from them upon the question-that the sugar-planters, when this treaty is made, if it shall be, will consult their own pecuniary interests, and not our national aggrandizement. What will their pecuniary interest rightly and necessarily induce them to do? They stand upon the half-way station between the western coast of America and the teeming millions of Asia, where labor is very cheap. When those men go to make sugar there, will they take there those engaged in the industrial pursuits of America to Americanize that island, so as to fit it to become an American colony at some future day? Who believes that they will pay double to American citizens less qualified for the duty than they would pay to the Asiatics as well or better qualified for that duty? If then the capacity of that territory is sufficient to develop a large production of sugar and molasses—on which I do not propose to speak, for I have not informed myself particularly on that subject-the sugar-planters there, following the instincts of interest, will apply to Asia for the labor that is to make the sugar and molasses which are to come here free. If they do that, and if there are fields, productive fields in the Hawaiian Islands open for a large population, that population, instead of being American, will be Asiatic; and when once that Asiatic population is planted upon the Hawaiian Islands in large numbers, American emigration, except such capitalists as may proceed there who are connected with commerce or the sugarproducing interest, will not go there, cannot go there, cannot and will not mingle with the Asiatic population where it is in the ascendency, as the policy of this treaty in my judgment will place it. If I am right in this, we are not going to make an American colony on the Hawaiian Islands westward toward Asia, but we are to make an Asiatic colony eastward to the Hawaiian Islands, and plant there a population which will in future exclude the possibility of making there an American colony.

If I am right about this, and I simply address the question to the House, I ask the consideration of it by those who are examining this

House, I ask the consideration of it by those who are examining this question whether we are not preparing to adopt a policy which would defeat the very purpose which is proclaimed here?

Mr. KELLEY. With the gentleman's leave, I would confirm his deduction by stating that the wages paid there to native Hawaiians, Japanese, and Chinese, under annual contract, are \$8 a month and board, and \$11 a month if the laborer boards himself, showing that the consideration for the subsistence of the laboring population of the island is \$3 a month. Of course no American laborer, no Caucasian will go there for any such wages.

casian, will go there for any such wages.

Mr. REAGAN. I am obliged to the gentleman from Pennsylvania Mr. REAGAN. I am obliged to the gentleman from Femsylvania for the facts which he has stated, because it has come in the line of his investigation to develop facts as a member of the committee, but I have not gone into that field. I am only speaking of the general proposition. If the policy of this treaty is to make it impracticable to make these islands in future an American colony, that seems to me

to be an answer very largely to the policy of the bill.

I desire now to call the attention of the committee to one other feature, which it seems to me to be rightly considered in considering the policy of adopting this treaty or passing a law to put it in force. The Hawaiian Islands are a long way from the American coast. The government of these islands will appoint its own officials to execute the treaty upon its side, to determine what productions specified in the treaty are protected in these islands. We cannot control that; but, even if we could control it and put our own officers there, it would hardly change the feature to which I desire to call the attention of the committee.

Mr. KELLEY. Before the gentleman from Texas proceeds I would like to suggest to him that he has exaggerated the number of plant-

like to suggest to him that he has exaggerated the number of planters there. Instead of forty there are but twenty-six.

Mr. RFAGAN. I am obliged to the gentleman from Pennsylvania for the correction. I did not wish to understate the number, and it makes the case stronger than I even supposed. What I am now calling the attention of the committee to is, that there lies in the torrid zone to the south and southwest of these islands almost a thousand small islands, and there lies beyond those islands the East Indies, where many of the very articles provided for in the treaty are produced. If these people should find it to their interest to turn that trade to this country, it is only necessary for subordinate officials to bring the productions of that vast field of islands which lie in the tropics and of the East Indies through the Hawaiian Islands and bring them into our ports free of duty.

But you may say that this would involve official misconduct. member the character of these people. Look at the people of Mexico and of the South American states; look at the character of the Eastern people. We all know that the official duties of their subordinate officers are made a matter of commerce, or of bribery and corruption in other words. What guarantee can we have that the officers in these islands will not pass through these islands from the southwest and from the East Indies the productions named in the treaty, and bring them into the ports of the United States free of duty?

Now, the treaty provides that regulations shall be made between Now, the treaty provides that regulations shall be made between the two governments on this subject; but what control have we over subordinate officers a thousand miles from our own shores, and where they are practically independent, and in these days, in our own country even, there is a very insufficient guarantee of honest administration by the officials of the Government? Taking the facts all together, I submit the question for consideration whether there is not, if this treaty be adopted, great danger that large amounts of products will be brought into the United States free of duty that have not been raised in the Hawaijan Islands? raised in the Hawaiian Islands?

Recurring now to the point about conferring benefit upon the twenty-six sugar-planters in these islands and the few sugar-refiners on the Pacific coast, I beg to call attention to the fact that while we on the Pacific coast, I beg to call attention to the fact that while we may enrich these few persons individually, we have to supply the revenue to enrich them by taxation upon other citizens and other interests throughout the country. It is also a policy injurious to the production of sugar and molasses in this country. It is conferring a bonus individually on a few men at the expense of the many—a thing which, in my judgment, ought never to be done, and which, I think, will inevitably be done if this treaty is consented to, or rather if we pass a law to put it in force.

But the great point made is that this treaty will give us a parallel.

But the great point made is that this treaty will give us a naval station on the Pacific coast. The treaty will not give us any such

thing, for it contains no stipulation to that effect. I have tried to call attention to the fact that by the ordinary as of human action we may expect that the effect of such a treaty as this will be to make that an Asiatic and not an American colony, and hardly expect the result which is claimed. If we I have tried to call attention to the fact that by the ordinary rules

this will be to make that an Asiatic and not an American colony, and therefore we need hardly expect the result which is claimed. If we could obtain the possession of those islands, and such possession is not provided for by this treaty, and, in my judgment, it can hardly be considered the legitimate outgrowth of the policy of the treaty—if we could obtain possession of those islands, it would involve the necessity of fortifying, of going to an enormous expense to build fortifications and naval stations, and to man this outpost far out in the

I concede that in the case of a war with a great maritime power it may be to our interest to hold these islands if we can. But at the same time I say that the chances of benefit resulting from this treaty are not such as to justify us for the loss of revenue involved in it. and for the expenditure of the millions which must be made in order to place it in our power to hold these islands. If they are fortified the forts must be manned. If we prepare to defend these islands and hold them against all comers for all time to come, then forts must be built, and these forts must be manned, and the islands officered, making the expense very great. It seems to me that the same millions which would enable us to obtain control of these islands, to fortify, protect, and defend them, had much better in the present condition of this country be appropriated for the improvement of our own country and people, and for consolidating its strength and promoting its prosperity.

One other remark I have to make, which I think it right to make. do not think that any wise man who loves his country and hopes for it a great future will desire at this time to annex any more Indians, Asiatics, and Africans. Already such a strain has been placed upon our Government and Constitution by the enlargement of the elective franchise as to have placed our Constitution and very form of our Government in peril. Every step we may take to extend our borders over new fields of this class of population, who do not understand our system of government or any system of local self-government, who are not fitted by education or morals for local self-government, who ought not to be incorporated into our population until we can unify the various elements of our present population and restore the healthful action of the form of Government given us by our fathers—not until that is done should we look forward to see what we can do in the way of adding others to our population.

We are receiving every year some hundreds of thousands of foreign population that has to be educated into a knowledge of the princi-ples of our government. We have now a black population of some even or eight hundred thousand voters, who have to be educated into a knowledge of the duties of citizenship, into a capacity for self-gov-ernment, into an understanding of the advantages of government and law protecting all alike, securing the rights of all alike, at an equal and just expense to all alike.

This problem of maintaining a constitutional Government must loom up in the view of every man who looks anxiously to the future of this great Republic. True wisdom and statesmanship call upon us not to seek to ingraft into our body-politic any more such elements until we have secured the stability of our Government with those we have already incorporated. I say this because the people now on these islands are not fitted for our system of government. In my judgment there is nothing in this treaty which proposes to fit the population

there for our system of government, or even to establish an American colony there.

If I am asked what I would do to protect our commerce on the Pacific Ocean and to guard our Pacific coast against the dangers of assault from great naval powers, I would say that I have great confidence in the wise expression of Mr. Webster, when Secretary of State, who said: "We cannot permit another power to take possession of these islands." We occupy a position which enables us, if we will be just to other nations, to say to them that they shall not menace our national security. A policy indicated through the State Department of a determination to permit no other power in violation of the Monroe doctrine—and in extension of it if you please, if that can be called an extension which would reach to the Hawaiian Islands—that we will not permit any other government or power to occupy, fortify, and hold these islands, will afford us all the security we may need. We are more likely to have these islands come to us through natural laws than through the operation of a treaty which makes it the interest of a few sugar-planters to colonize these islands with laborers from Asia, to make it an Asiatic colony, in order to produce an abundance of cheap sugar, to come in competition with that produced by our own citizens on our own soil, and requiring the great body of American people to pay a bonus to them as individuals, and to do so under circumstances which can hardly lead us to suppose that we can ever make that an American colony.

ever make that an American colony.

I have said more, Mr. Speaker, than I expected to say when I arose.

I simply desired, in this off-hand way, to call the attention to those points, lest I might not have an opportunity to do so in the regular debate, because, with my convictions, I shall vote against the passage of this bill, for the controlling reasons which I have stated.

Mr. WARD. Mr. Speaker, I have observed with much pleasure that

Mr. WARD. Mr. Speaker, I have observed with much pleasure that the convention for the extension of the trade of the United States with the Hawaiian Islands was advised in the Senate by the triumphant majority of 51 against 12 votes, and has been sent to this House for its approval and appropriate legislation. Under the policy which has now for many years controlled the legislation of this country the industry of the people has been unduly diverted to manufacturing pursuits. Over-production and a want of employment have followed. For the present the home demand can scarcely be increased, and it has become incumbent on Congress to do whatever is fairly in its power to open or extend markets abroad. This is one of the direct results which will be accomplished by the proposed treaty, and hence it should be supported by the Representatives of the people without distinction of party.

The treaty also provides for the admission of certain articles, and, notably, unrefined sugar, into the United States free of duties. It cannot be expected that commercial privileges such as we shall obtain if the treaty should be fully confirmed can be accorded to us without some equivalent. At the same time it is clear to me that the advantages given to the people of the Hawaiian Islands by the proposed arrangement are also advantages to ourselves. By the stimulus given to industry in the islands an increased demand not only for our manufactures but also for our agricultural productions, most of which are essentially different from those of the tropics, will be created, and the mutually beneficial exchange will be effected by our own sailors and ships, thus giving another impetus to our national progress.

actures but also for our agricultural productions, most of which are essentially different from those of the tropics, will be created, and the mutually beneficial exchange will be effected by our own sailors and ships, thus giving another impetus to our national progress.

The discussions which have engaged so large a share of public attention, as to the opposing doctrines of free trade and "protection," are now of diminished importance. The taxation needed for the expenses of government and interest on the national debt is already so burdensome that argument as to the expediency of levying further taxes on the many for the benefit of the few should by common consent be postponed. Revenue with the least possible injury to the people is the proper object of the tariff.

So long as our observation of the prices we are compelled to pay on the articles we use or consume is confined to our own country only we lose sight of their injurious effect. When we compare prices in our own country with those of the world at large, we ascertain our condition with tolerable precision. The competition to which our shipping is subjected on the ocean, in trade with other countries, affords a strong illustration of this rule. Before 1860, 75 to 80 per cent. of our foreign commerce was in American vessels. The proportions are now almost literally reversed, over 72 per cent. being carried in the vessels of other countries. Of our whole foreign carrying trade, little more than one fourth is under our own flag. The earnings of the trade were recently estimated by the Secretary of the Treasury to be more than a hundred millions of dollars yearly. In 1872, the amount paid to foreign steamships for freight and passage money, was \$134,742,441. When we consider that such sums are paid annually, and that our ship-owners, sailors, and others formerly enjoyed the pre-eminence and chief profits in a trade now so nearly monopolized by foreigners, it is plain that a liberal and comprehensive change is needed in legislation. Upon similar principles, judiciously applied, a strong stimulus could be given to the exports of many manufactures, and the additional labor employed in their production would increase the demand for agricultural products and the home consumption of those manufactures to which the condition of our country is specially adapted.

The theory of protecting and encouraging industry by high duties, levied, in the main, upon the industrious, has long been tried, while no legislative efforts have been made to attain the same object by the judicious application of the lowest taxation consistent with the need-

ful revenue. While our tariff levies duties on nearly twenty-five hundred different and distinctly-enumerated articles or classes of articles, the whole British tariff includes only fourteen; all others are supplied to her consumers free of duty. Although we cannot yet attain the same simplicity, it would be wise to take steps in that direction. Whenever a revision of our tariff takes place, as it must at no distant day, whatever diminution of revenue may be caused by the Hawaiian treaty will be unimportant in comparison with the benefits derived by the country at large.

While some diminution of our revenue on certain articles may be expected to follow the removal of duties as required by the treaty, I have yet to learn that taxation is the chief purpose of government, which is instituted and maintained for the benefit of our citizens. The money which might be taken by the custom-house officials from the pockets of the people will be spent in other articles, many of them yielding revenue to the Government, or be re-invested in industrial pursuits productive of the prosperity and wealth which are the surest sources of national income, and enable the people to pay necessary taxes without revining.

taxes without repining.

The advantages of the treaty are in some degree local. They will accrue primarily and for the present chiefly to the benefit of our fellow-citizens on the Pacific coast. But that is a narrow, unwise, and destructive statesmanship which would, on such grounds, lead those who live in other parts of the Union to regard the treaty with indifference or, yet worse, endeavor to prevent its provisions from becoming part of the laws of the Union. One of the cardinal principles of our legislation should always be no less to promote the legitimate interests of each part of our country than to protect it from attack by foreign foes, and I know of no more probable source of future danger than neglect of this obvious duty. The welfare of the whole Union is intimately connected and bound up with that of every State. If one member suffers, all in fact suffer with it, and apart even from all ties of sentiment and their very important results, each has a material profit from the prosperity of the others.

The manufactured, agricultural, and mineral productions to be admitted under the treaty free of duty into the Hawaiian Islands will to a very considerable extent be brought from the Atlantic coast and all other parts of the Union.\* Yet even this view of the subject is not that which is most important to the nation at large. Placed as our continent is midway between the leading commercial nations on the European side of the Atlantic and those oriental realms whose trade has always enriched those who have obtained it, and is now one of the chief objects of solicitude and competition among the different states of Europe, it is to what has been usually termed "the East," but is to us the West—the region on the other great continent fronting our Pacific coast—and to South America that we must look for the natural openings for our manufacturing ingenuity and enterprise.

The purchase of a preponderating interest in the Suez Canal has justly been regarded as a masterpiece of statesmanship and far-seeing policy on the part of Great Britain. Its object is to maintain for that country its supremacy in oriental trade. I regard the treaty with the Hawaiian Islands as scarcely less important to our people than the control of the Suez Canal is to British subjects. China and Japan are among the chief fields for our commercial and manufacturing enterprise, and it is of the utmost importance that we should possess adequate naval stations in the Pacific Ocean.

It is also our duty to legislate with due regard to the more remote future. Vast as the difficulties attending the opening of a ship-canal between the Atlantic and Pacific Oceans undoubtedly are, the resources of modern science make the whole question one simply of cost, and the benefits which would demonstrably result from it to the commerce of the world, and especially to that of the United States, prove that the necessary expenditures would be amply remunerative.

By the completion of this great work remote nations would for all practical purposes be brought nearer the commercial centers of the

By the completion of this great work remote nations would for all practical purposes be brought nearer the commercial centers of the world by thousands of miles, and the trade of the globe would receive a stronger stimulus than has ever before been given to it. The Suez Canal itself could never compete successfully with such a work not only for the exchanges of this continent, through part of which it would pass, but for those of many other nations, the passage by the Mediterranean and Red Seas being too uncertain to be used extensively by sailing vessels whenever means of communication through the American isthmus are established.

Recent surveys carefully made by officers of the United States show that a ship-canal through the American isthmus is practicable, and its completion is only a question of time. When that period arrives enormous and unprecedented changes will take place in the commerce of the world, and our maritime interests will acquire an importance incalculably exceeding any they have ever yet attained. Although the benefits will affect mankind at large, they must accrue to the people of this country far more extensively than to those of any other. It is in this view of a certain and, historically speaking, not distant future that the real value becomes apparent of such safe and convenient harbors on the track of our commerce in the Pacific as the Hawaiian Islands afford. Hence, the proposed treaty is of far greater concern to us than in the mere exchange of the commodities specified by it. His Hawaiian Majesty stipulates that during the continuance of the treaty he will not lease or alienate any port, harbor, or other territory in his dominions to any other power or government. By its

adoption the interests of the United States are, as far as is at present practicable, established in the islands.

For these reasons I regard the Hawaiian Islands, although no part For these reasons I regard the Hawaiian Islands, although no part of this continent, yet as commercially, politically, and in fact as part of its appurtenances, and to be properly included in the application of the Monroe doctrine, prohibiting the intervention of European powers in them. Of this it was well said by President Johnson in his message of December 5, 1865, that it has as law been "sanctioned by time, and by its good results has approved itself to both continents." We all remember how Mr. Seward, soon after the civil war had ceased, asserted this doctrine, and urged the evacuation of Mexico by the French in language addressed to our minister in France, and not the less significant because it was duly courteous. "We shall," he said, "be gratified when the Emperor shall, either through the channel of your esteemed correspondence or otherwise, give definite information your esteemed correspondence or otherwise, give definite information of the time when French military operations may be expected to cease in Mexico." We all know the auspicious events which followed as the in Mexico." We all know the auspicious events which followed as the practical result of this national assertion. In my judgment the proposed treaty with the Hawaiian Islands has a similar tendency. If we refuse, it is certain that they will form at least commercial alliances with Great Britain and her colonies, and such an opportunity as now presents itself will be lost to us forever. In a naval and mili-tary point of view, many of our highest authorities have repeatedly warned us not to permit the islands to pass into the hands of any for-

It appears to me that however just and proper and gratifying to an honorable national pride the Monroe doctrine in itself may be, it is imperfect and little more than a barren ideality, unless, in an enlightened self-interest, we associate it with a friendly care for the commercial and material prosperity of the states we have so far taken under our protection. If we prohibit the interference of European nations with the states of this continent, shall we stop at that point and cultiwith the states of this continent, shall we stop at that point and cultivate no further increase of friendly relations with them? I for one have the strongest possible faith in the manifest destiny of our people, and that a series of united states will exist from the cold regions of the north, so far as they can be inhabited by civilized man, down to the southern verge of the American continent, and include the islands adjacent to it. We, with our rapidly increasing 40,000,000 of people, shall be, so to speak, the key-stone of the arch—no barrier in the way of intercourse, but doing all we can to facilitate it, we ourselves necessarily partaking, at least to as high a degree as any others, in the prosperity which would thus be inaugurated and established.

The progress of this manifest destiny, however much it may have been delayed by events which none can lament more deeply than I do, is now perhaps the most important of all the problems in our future. How shall it be consummated? Manifestly, it would not be creditable to us, and it should be abhorent to our desires, to work it out by means of the cruelties, barbarities, and piratic robberies of war. Nor should it be done by the ever corrupt and corrupting influences of purchase, by taking money from the pockets of our already overbur-dened people to bribe others to enter into the Union and partake with us of what, if we are true to ourselves and posterity, are its inestima-ble privileges. Let us by the force of those necessities which compel men to seek interchangeable supplies, exchange the products of their industry, attract the neighboring States to ourselves and each other, reversing the policy of oppressors, which has ever been to divide mankind and keep them separate, that they might the more easily conquer and command them. In this way the consummation of our manifest destiny will be solved in accordance with the principles of the highest civilization. It is more than doubtful if in any other manner it can ever be accomplished at all.

The policy I have described could not fail to command the admiration and good-will of liberal and enlightened statesmen throughout the world. I commend to your attention the wise and noble thoughts of John Bright, expressed in the British Parliament, on the development of the Monroe doctrine in a civilized and unobjectionable form, throughout the whole length and breadth of the American continent and the adjacent islands. In reply to Sir Edward Bulwer Lytton, Mr.

Bright said:

Bright said:

There cannot be a meaner motive than this that I am speaking of in forming a judgment on this question, that it is "better for us" (meaning the people of Great Britain) that the American continent should be as the continent of Europe is severed into many states and subject to all the contentions and disasters which have accompanied the history of the states of Europe.

I should say that, if a man had a great heart within him, he would rather look forward to the day when from that point of land which is habitable nearest to the pole to the shores of the great gulf the whole of that vast continent might become one great federation of states, that, without a great army and without a great navy, not mixing itself up with the entanglements of European politics, without a custom-house inside through the whole length and breadth of its territory, but with freedom everywhere, equality everywhere, law everywhere, peace everywhere, would afford at least some hope that man is not forsaken of heaven and that the future of our race might be better than the past.

Without pursuing the comparison in detail, it is unquestionable that if our commerce with the Hawaiian Islands is worthy of special attention, that with the Dominion of Canada is almost incalculably more so; and the argument loses nothing of its force, either commercially or politically, when we consider the limited area of the islands and the vast territory of the Dominion to be inhabited by people who are sprung like ourselves from the foremost nations of the Old World and whose numbers will be computed by the hundred of millions.

Our commercial relations with the southern countries of this continent have long been unsatisfactory. By extending our exchanges with them we should acquire the chief benefits of actual ownership without its disadvantages. Additional capital would be attracted to Mexico and Central America. Labor in those countries would meet with more remunerative and regular employment. Thus an antidote would be provided to restless insubordination and want of steady industry. Personal intercourse among the inhabitants of the different portions of the continent would be incalculably promoted. The attrition would destroy mutual prejudices. Migration would take place to and fro between distant regions. As the industry of the inhabitants of every part would be more amply remunerated, they would be enabled to buy more largely from each other. We being the most advanced manufacturers on this continent, the chief share of increase in the sale of manufactured articles would accrue to us; but all would be benefited. The prices of articles of tropical origin to the people of the United States and Canada would be diminished. Thus the cost of living and of production would be reduced; industry throughout the continent would be encouraged by the extension of our markets, and would be enabled better to compete abroad with other countries. No other course, so readily adopted, would tend so much to diffuse the ideas and industrial habits of the northern and most advanced nations of the world.

Commerce with Cuba has long been in a very unsatisfactory condition. Our importations from her in 1874 amounted to the large sum of \$86,272,466, while our exports of domestic origin to her were only \$19,597,981; the balance of \$66,674,485—except less than two millions of foreign goods exported from this country—was necessarily paid in gold or its equivalent in bills of exchange on other countries. point in our foreign relations is more worthy of attention than this. The vast sum thus paid yearly to Cuba would soon enable us to resume specie payments if we could pay it in the products of our industry in other forms. It is believed that much might be done in this direction by an honorable treaty with Spain, tending not only to the com-mercial benefit of all parties concerned, but to terminate the unfortu-nate relations between her and Cuba by harmonizing their mutual

This belief derives additional strength from the statement made some years ago on official authority, that in the project of a treaty drawn up by the Spanish minister at Washington arrangements were suggested for an extensive reciprocity of trade between the United States and Cuba as a satisfactory solution of difficulties existing at that time.

The people and government of Mexico, and those of Canada, are undoubtedly desirous of wider commercial intercourse with us. Our trade with those countries, if relieved from unnatural obstacles, would certainly attain gigantic proportions at no distant day. We should not covet their territory but desire their trade and the harmonious development of our various resources, leaving us free from the responsibilities and burden of managing their affairs, and least of all should we, by money wrung from the earnings of our already overtaxed citizens, endeavor to annex foreign territory, or any part of it, and give others a share in governing us. The certainty of an economical, free, and pure government should be the attraction on which we rely. Admission into the Union should be regarded as a privilege, not as a

matter of bargain and sale.

The trade we might soon have with Mexico is of incalculable importance. She is capable of supplying our rapidly increasing population with tropical productions for centuries to come. Last year our imports of the products of the sugar-cane from Cuba alone amounted to \$75,728,448, while those from all other countries were only \$17,120,755. Yet the supply of these necessary articles from Cuba is liable to be cut off almost at any time by the emancipation of the slaves through whose labor it is produced. The same immediate results which followed emancipation in the other West Indian islands must be expected in Cuba. It is therefore advisable that, with wise foresight, we should provide other sources of supply. Mexico alone can furnish them, and she can do so abundantly. Her population already amounts to 9,000,000, being six times as large as that of Cuba, which is 1,500,000: a fair index to the probable consumption of our products the people of the two countries under similar conditions of trade. Hitherto her industrial development has been materially crippled by the absence of cheap transportation for her products from the rich lands of the interior. Railroads are now removing this obstacle, and their construction affords the best opportunity that will ever arise for us to open a mutually beneficial exchange of the products of the in-dustry of our people for many articles now of prime necessity, and which we cannot advantageously raise in our own country, but are abundantly produced in Mexico.

Under a good commercial treaty or customs union with Mexico, many years would not elapse before her territory would be intersected with a network of railways carrying prosperity into every part, the amount of our productions taken in exchange for hers would far examount of our productions taken in exchange for hers would far exceed the enormous sum now paid annually to Cuba, and the difficulties arising from the Zona Libre or Free Belt, on our frontier would immediately be settled; while the more remote political results which would arise from the increased intercourse of the people of both countries, through the development of their natural commercial union, must be obvious to all thinking men.

It should also be remembered that by the adoption of an American

commercial system we should not only supersede the demand upon us for the specie or bills of exchange now paid for tropical produc-tions, but become also the intermediate carriers and factors for the trade which would be indefinitely extended between our neighbors in Canada on the north and those in Mexico on the south. The Canadians, by their recent proposals for a treaty of trade with the United States, and the Mexicans, by the liberal concessions their government has made, providing for a railroad nearly seven hundred miles in length, from the city of Leon to connect with the international railroad of Texas, and thus with the railway system of the United States, prove their appreciation of the benefits to be derived from enlarged commercial intercourse with our citizens, who, we may be sure, will not transact business if it is not to their profit.

Such a treaty with Spain as would insure free admission into Cuba for our flour, other provisions, and various articles of manufacture would be worth more than the fee-simple of the island itself to the farmers and manufacturers and merchants of the United States; and the commerce created by a similar arrangement with Mexico would benefit the manufacturers of New England and Pennsylvania far more than the conquest or purchase of half the Mexican territory.

By these means each country that became a party to the arrangement would be brought face to face with the actual interests naturally arising from its condition; prejudices founded on erroneous opinions would be destroyed. Whatever political relations would really be mutually advantageous would follow as the natural results of friendly and beneficial intercourse. The people of the United States would be enabled by practical experience to decide how far peace and perfectly reciprocal commerce with adjacent countries are preferable to admitting dissimilar nations to a share of power in governing us, and to the ancient European system of establishing jurisdiction over them. The adoption of these principles would be the initiation of a favorable revolution in our commerce. The change in our foreign relations, and the benefits arising from it, would in every part of our country give an impetus to the industry and spirit of enterprise which abound among us, and develop them to the utmost; we should no longer see the great prizes of trade with the countries adjacent to us fall into the hands of others, while the character of our people and our unequaled agricultural, mining, manufacturing, and commercial facilities give us the means of grasping and retaining them.

The commercial relations of the different countries of this conti-

nent being founded not only on the present condition of their people, but on their unalterable positions and variations of climate, unlike those topics which are temporarily brought forward for purposes of faction or excitement, and are dropped forever when a vote has been taken on them, will constantly recur, in various shapes, as sources of debate, irritation, and, perhaps, of embroilment, until they are brought upon the natural level of perfect freedom.

Regarding the proposed treaty with the Hawaiian Islands as the precursor of more extended and beneficial measures, I trust it will

receive the sanction of the House

Mr. JACOBS. There is no doubt but what a Delegate, having no right to vote on the measures proposed here, and no right to participate as a committeeman in the primary discussion of what is best to recommend and what is best not to recommend, should feel a degree of delicacy in the discussion of a measure of this kind. But as this of delicacy in the discussion of a measure of this kind. But as this measure is of local importance as well as of national interest, I venture to trespass upon the time of the House for a short time in presenting a few considerations in its favor. Western Washington especially and the whole Pacific coast generally are directly interested in the passage of this bill. Much of the lumber and timber used by the people of the Sandwich Islands are supplied by Washington Territory. Besides these a considerable quantity of grain, feed, and provisions are shipped by my people to these islands annually. All of these under the stipulations of this treaty are to be admitted free of duty.

There are immense forests of timber north of Washington Territory in British Columbia, and large quantities of lumber are manufactured there, and, to a very great extent, these British mills have supplied the islands with lumber and timber. But the adoption of this measure will give us the whole of this trade, thereby giving profitably increased employment to our mills and the carrying trade to our ships, and thus increase our exportations at least one hundred thousand

The extent of our foreign commerce and the value of our exporta-tions I am not able definitely to state. The records of the custom-house at Port Townsend show much of our foreign commerce but not all, because all of the lumber and timber, live-stock, grain, and provisions shipped from the Territory down the Columbia River would appear on the records of the Astoria custom-house on the Oregon side. From the records of the Port Townsend custom-house it appears for the year ending June 30, 1875, the value of exports from the Puget Sound district to foreign countries was—

In American vessels \$559,060 00
In foreign vessels 200,170 00

Sixty-one thousand of this went to the Sandwich Islands. Add sixty thousand more by way of the Columbia River, and you will have the approximate amount. The value of imports of all kinds from all for-

eign countries whose ships visit the sound is short of fifty thousand for the same time.

The exportation of lumber and timber, live stock, grain, and provisions from Oregon to the islands must be at least three times the

amount shipped from Washington Territory.

This commerce, so far as my Territory is concerned, is constantly on the increase

The principal commodities imported from the islands to either Oregon or the Territory are sugar and salt, principally the former. Now, there is no good reason why these articles should not be admitted free of duty, in part compensation for far greater advantages derived by us from this friendly legislation. It must be remembered that but a limited quantity of sugar is produced on the Pacific coast, far less than is demanded to supply the wants of the people. There is no maple sugar produced there and none manufactured from the sugar-

cane.

The imposition of a duty would not benefit the producers of this article in the Mississippi Valley, because the cost of transportation by rail for over three thousand miles would be as great as a moderate duty. Sailing-vessels coming in ballast from the islands would bring it at a cost of not over \$3 per ton. Sugar would be worth no more per pound to the producer; the profit would all go to the carrier. Besides there is an abundant and remunerative market for all the sugar produced in the United States among the people living east of the Rocky Mountains. The only effect, then, of a tariff on island sugar would be to compel us to pay a higher price for what we consumed than is paid by the rest of the people of the United States without any corresponding benefit to anybody.

A tariff whose only effect is to raise the price of the article to the

A tarm whose only elect is to laise the piles of the article to the added amount of the duty imposed, is, in my judgment, bad policy. Especially is this so when the natural product of the country does not and cannot supply the demand. It is often and perhaps always true that when there is an abundance of the raw material and the principal value of the manufactured article arises from the cost of its principal value of the manufactured article arises from the cost of its manufacture, and that requires the expenditure of large sums of money, that a tariff is necessary to support the industry for a time against the crushing competition of organized, vested, and productive foreign capital. But it has always been contended—and I believe the facts sustain the position—that, owing to the genius and enterprise of American mechanics and artisans—the result has been the production of a cheaper article. But, as a general rule, a tariff has never increased the production of the raw material. It cannot in-

crease the area of cotton lands or of cane lands.

But, while under the provisions of this treaty the balance of trade might not always be in our favor, there is a higher, broader, national view of this subject which ought to command the attention of this Congress. The silver rule has, to a great extent, become the law of nations, founded on the higher considerations of self-protection and self-defense. British Columbia can furnish the people of the Sandself-defense. British Columbia can furnish the people of the Sandwich Islands all they need to import, and will gladly receive, I have no doubt, on the same favorable conditions now offered to this nation, all they desire to export. Reject this treaty and its friendly offers and the islands must inevitably pass under British policy and British control.

Already has the British government a circle of island possessions, extending from Vancouver Island to Australia. The Sandwich Islands

are the only break in the otherwise continuous chain.

England has a large and well-appointed naval station at Esquimalt, in the straits of Fuca, keeping watch and ward over her possessions in the Pacific Ocean. She courts these islands as a naval station for building up her power in the Pacific, and, as I have already said, their possession would complete the chain of her possessions there. In case of war their possession would be invaluable to her, giving her a position in front of the Pacific States and Territories, with access to friendly harbors open winter and summer. With these naval advantages in her possession and with the naval armament she keeps upon the Pacific coast north of us, our commerce would be speedily wept from the Pacific Ocean.

Mr. WOODWORTH. As there seems to be a lull in this debate, I rise to ask unanimous consent that I may be allowed to speak for a few moments upon a subject other than the Hawaiian treaty.

The SPEAKER pro tempore, (Mr. SAYLER.) The Chair will state the rule in regard to that.

The House is now as in Committee of the Whole; and the rule is, that a member speaking "in the Committee of the Whole on the state of the Union is not bound to confine himself to the question under debate, except where a special order is pending, when the debate must be confined strictly to the measure under consideration;" which is the present case. If, however, there be no objection, the Chair will not enforce the rule. Is there any objection to hearing the gentleman from Ohio [Mr. WOODWORTH] upon another subject than that under consideration?

There was no objection.

## BOUNTIES.

Mr. WOODWORTH. Mr. Speaker, I seize the opportunity offered by the courtesy of the Committee of the Whole House, sitting to consider the Hawaiian treaty, to call up for discussion House bill No. 1462, granting bounties to the heirs of soldiers of the late war who enlisted for a less time than one year, and who were killed or died in conse-

quence of the service. This bill was introduced by myself on the 24th day of January last, and was referred to the Committee on Military Affairs, who, up to this time, have taken no action whatever with regard to it. I have reason to apprehend that the partiality of the regard to it. I have reason to apprehend that the partiality of the gentlemen who form that adjunct to this House is so great for my proposition that they have administered to it a soporific, and that it s now in some snug pigeon-hole of their committee-room sleeping the "sleep that knows not breaking."

I intend by this remark no arraignment of our Military Committee, composed as it is of gentlemen once distinguished in the field upon both sides of the rebellion, but certainly their non-action for so long both sides of the rebellion, but certainly their non-action for so long a period justifies this apprehension. Unless, sir, I shall be obliged to, I do not propose to submit to this silent strangulation of this plainly just and entirely feasible proposition. My only resort is to appeal to two-thirds of the House to pass the bill under a suspension of the rules. This course I shall adopt, and I give notice, here and now, that upon Monday next, if I can obtain the floor, or, failing in that, upon the first Monday thereafter that the Speaker will recognize me for that purpose, I will offer this bill and demand a vote upon the question of superding the rules and passing it. This will require question of suspending the rules and passing it. This will require a two-thirds vote I know, but I have little apprehension of defeat, so great is my confidence in the merit of the bill, if I can get the more prominent facts and reasons in its behalf before the House. To present these as best I may be able is my purpose in taking the floor to-day.

I can perhaps best and most tersely convey an understanding of the objects and provisions of the bill by asking that it be read, for which purpose I send it to the Clerk's desk.
The Clerk read as follows:

A bill granting bounties to heirs of soldiers who enlisted in the service of the United States during the war for the suppression of the rebellion for a less period than one year, and who were killed or who have died by reason of such service.

than one year, and who were killed or who have died by reason of such service. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the heirs of any soldier who was killed or died while in the military service of the United States, in the line of duty, during the war for the suppression of the rebellion, whose period of cellistment was for less than one year, or who shall have since died by reason of wounds received or disease contracted while in such service, shall be entitled to receive the same bounties as if said soldier had enlisted for three years: Provided, That the heirs so entitled shall be such only as are named in the first section of the act of July 11, 1862: And provided further, That nothing in this act shall authorize the payment on account of any soldier who has received bounty from the Government of the United States.

Mr. BLAND. I wish to ask the gentleman whether a bill similar

Mr. BLAND. I wish to ask the gentleman whether a bill similar to this was not passed by Congress and vetoed by the President?

Mr. WOODWORTH. This bill passed the House during the last Congress, but did not pass in the Senate. No bill of this sort was vetoed by the President. Even the general bounty bill which failed to become a law was not vetoed by the President.

Mr. BLAND. Was not a bill similar to this vetoed?

Mr. WOODWORTH. No bounty bill was vetoed by the President during the last Congress.

Mr. BLAND. The country understood that that was substantially

The country understood that that was substantially

Mr. WOODWORTH. The country then was mistaken. As I said a moment since, this bill, substantially as read, passed the last House by an almost unanimous vote, but for some reason unknown to me-certainly not its want of merit—it failed to receive action in the Senate. It was introduced and advocated, let me say, by Ex-Governor Marcus L. Ward, of New Jersey, a gentleman who for patriotic services during the war and for zeal displayed in the interests of the soldier since that time stands second to no man in the country. I say this, as I do not wish to seem to be assuming the authorship of the bill. The credit properly belongs to the gentleman to whom I have referred, and I am glad to accord it to him. I presume now that I will be allowed to proceed.

It will be observed that the bill relates back to the laws under which three years' men were enlisted for the bounty to be paid, and to the act of July 11, 1862, for a specific statement as to who shall be enti-The bounty specified in the laws referred to was \$200. By the act mentioned the beneficiaries are designated to be: First, the widow, or, if there be none, then to the children in equal proportion, or, if there be no widow or child or children, then to the father, or, it there be no widow or clind or clindren, then to the latter, unless he has abandoned his family, and in that case, or in case of his death, to the mother, or, if there be no father or mother, then to the brothers and sisters; but no bounty is payable to any father, mother, brother, or sister who is not a resident of the United States. Thus, by a reference to these laws it will be seen that the bill is as free

from ambiguity as language can make it.

In voting upon this bill on next Monday gentlemen will be apt to be guided by their judgment upon the questions of the cost and of the justice of this measure. Of these I propose briefly to speak, and I

shall be glad if gentlemen who honor me with their attention will carry in their minds what I may say until the vote shall be called.

How much this measure will cost the Treasury must depend of course upon the amount and number of bounties to be paid under it; in other words, the number of these short-term soldiers who lost their other words, the number of these short-term soldiers who lost their lives in consequence of the service. Of these no separate or complete record exists. From records which do exist, however, it is possible to ascertain with almost perfect exactness. From official information gathered at the War Department I find that 2.669,823 was the total number of soldiers mustered into the service of the United States, of which 296 were for sixty days, 108,416 were for three months, 85,507

were for one hundred days, 42 were for four months, 20,439 were for six months, 373 were for eight months, and 87,589 were for nine months; making a total of 302,661 men who were enlisted for periods less than one year. No bounty has ever been paid on account of any one of these enlistments, and if any one of this number received a bounty because of another enlistment for a longer period it is expressly pro-vided in the bill that no bounty shall be paid to his heirs. The bill applies only to the heirs of such as have never received any bounty, and not to the 2,367,171 men who enlisted for longer terms, all of whom, if living, or their heirs in case of their death, have received bounties so far as application has been made therefor. With regard to an equalization of bounties among all Union soldiers of every class, I shall have a word to say before I take my seat.

These unbountied soldiers came to the service from all the loyal

States and Territories in about the relative proportions of the respective populations of each. It is safe to assume that the heirs of spective populations of each. It is safe to assume that the heirs of such as fell victims of the war are now scattered throughout these States and Territories in the same ratio. I have, sir, in my hand a tabular statement of the number of less than one year enlistments from each contributing section, from which I will read, so that gentlemen may appreciate now truly the entire portion of the country that stood by the Union is interested in the passage of this bill, even if the higher and broader incentives of gratitude and justice should constitute no motive in its behalf. This is the statement:

220			
Maine	8, 391	Michigan	781
New Hampshire	2, 682	Illinois	20, 884
Vermont	5, 563	Wisconsin	
			3, 909
Massachusetts		Minnesota	930
Rhode Island	5, 206	Iowa	4, 869
Connecticut	8,004	Missouri	16, 590
New York	29, 916	Kansas	1,091
New Jersey	14, 579	Tennessee	
Pennsylvania	63, 773	Arkansas	374
Delaware	2, 574	Oregen	42
Maryland	2,912	Nebraska	1, 228
District of Columbia	4, 720	Colorado	1, 342
West Virginia	2,048	New Mexico	2, 396
Ohio	51, 347		
Louisiana	669	Total	302, 661
Indiana	17, 710	Called Annual Residence of the property of the control of the cont	NOTE OF THE OWNER.

It certainly cannot be said that the benefits of this bill will be sec-

We know from the records that 327,588 men lost their lives upon the Union side of the war. As the whole number of enlistments is to the number enlisted for the shorter terms so would be the entire loss to the loss from the short-term classes provided the average term of enlistments were equal. The average term of enlistments was for the shorter-term troops five months and for the longer-term troops thirty-one and one-half months. A calculation from this data shows with something like mathematical accuracy the loss from the shorterterm troops to be 5,894. A very large number of these, however, had served under longer enlistments, for which bounties were given. I estimate that one-fourth should be deducted from this number on that This deduction gives 4,421 as the number of bounties to be account. By no possibility can the number exceed this, and I am confident that it will fall something below it. Thus at \$200 each we find that this bill will cost the Treasury \$884,200, which, for the sake of the round numbers and a still more liberal estimate, we will call

Now, sir, this is the extreme limit, the outside figure, of what it will cost us to do this act of justice, and the question recurs, can we afford to do it? I have no doubt not only that we can well afford to The sum required do it, but that we cannot well afford not to do it. may look like a large one, but when compared with our yearly appropriations, which for the current fiscal year was something more than \$179,000,000, it dwindles into insignificance. We appropriate every year by the million to pay our executive, legislative, and judicial expenditures, to maintain the Army and the Navy, to build fortifications, to improve our rivers and harbors, and to do many other things within the Federal prerogative. Surely somewhere within this large range your Committee on Appropriations can manage by paring down to save the comparatively small sum required to pay these bounties.

Why, sir, you have already saved in the fortification bill alone, comparing the estimates with the appropriation, \$3,185,000. For this very marked and proper reduction, thanks to the distinguished gentleman from New York, [Mr. WHEELER,] who reported the bill from the committee and whose eloquent utterance upon the occasion of its de-bate, "We want no shotted guns pointing seaward this centennial year," are yet ringing the country round, as expressive of our feel-ing of amity toward all mankind in this proud year of our history. You passed the Military Academy bill with a reduction of \$193,828 below the estimates of the War Department. You profess to have saved in the diplomatic and consular bill \$429,639, a saving for which saved in the diplomatic and consular bill \$429,639, a saving for which I fear the country will have to pay tenfold in the diminution of our foreign trade, which will inevitably result from it. What further reductions will be made I cannot tell. If the pseudo economy—the resort of demagogues—that has governed in some matters would give place to a genuine endeavor to retrench without crippling any useful branch of the public service, a very considerable saving would no doubt be realized. doubt be realized.

It is now well understood that our economists here propose to clip \$50 or so from the salaries of soldiers' widows employed in the Depart-

ments, meager as those salaries now are. Should that be done, shall the saving be applied toward these bounties, or shall it be used to help on to pay back pensions to rebels who were soldiers in the war of 1812, a proposition discussed here for days past? We shall see which are to be the favored of this House. At any rate it seems to me to be peculiarly fit that of the three millions and more reduction in the fortification bill \$900,000, less than one-third, should be set apart to pay these bounties, for thereby you would contribute to the reciprocity of benefits between government and citizen which lies at base of all patriotism, tenfold more valuable to our safety than all the forts that sentinel our coasts and all the iron-clads that ride in our harbors. You may well save it from other appropriations; or, if you will not do this, you can easily realize the sum necessary by a slight change in our revenue laws, which would scarcely be felt. Sir, we are forty millions of people, to whom this sum would be only a little more than two cents per capita. I do not believe—and if I did believe it I should be ashamed to stand here and assert it—that the

people are either unable or unwilling to do this act of justice. It is so clear that we can easily do it that, if any man shall try to justify a negative vote upon this bill by the pretense that the condition of the Treasury will not permit, I shall entertain suspicion either of his want of patriotism or of his lack of intelligence respecting our finan-

cial condition and resources.

Now, sir, having done with the question of our ability to meet this expenditure, I come to the question of the equity and justice of this measure. It is, sir, a debt that we owe. It is a debt created by every

consideration of gratitude, a debt created by the promises made by our people to these soldiers in the past, a debt created by the pledge we seek for the safety of the future.

Should we make a distinction, based upon the terms of enlistment, between the heirs of our dead soldiers for the Union? The soldier who was killed in battle or who died in the hospital lost his life just as surely, and his wife and children were just as truly bereaved of his love and deprived of his labor which gave to them their daily bread whether he was enlisted for sixty days or for three years. If bread whether he was enlisted for sixty days or for three years. It this bill applied to the living instead of the heirs of the dead, perhaps a distinction might be made. As it is, none in justice is possible, for the sacrifice of every dead soldier was equal in magnitude and merit. "Comparisons are odious," and not to be made where each has laid down his life for his country. If, however, sir, the merit of these shorter-term soldiers was in question, what might, nay rather what might not be said without instituting comparisons in rather what might not be said, without instituting comparisons, in truthful praise of their services? It is true that in some instances they were used for garrison duty, to hold the country wrested from the enemy by their comrades of longer culistment, and to guard prisoners of war which they had taken. It is likewise true that they performed valiant and meritorious service upon many of the illustrious fields of the rebellion.

The very first troops that rallied, under the call of President Lincoin of the 15th of April, 1861, and swept down over the border to breast and beat back the waves of southern war that were surging on toward this Capitol, were three months' men. These shorter-term troops when in service were ever found doing their duty wherever placed, standing side by side with their longer-enlisted comrades, equally heroic and daring, amid the fire and smoke and carnage of the battle-field. They sickened in the swamps and beside the sluggish bayous of the South, where a foe more dreaded than their human enemies came upon them, invisible and terrible, on the wings of malarial blasts. They lingered amid the horrors or died of the most damnable tortures in rebel prison-pens. In the heroisms and sacrifices of the war they shared their full part, ever bearing themselves as true and

gallant soldiers of the Union.

gallant soldiers of the Union.

Side by side with their more favored comrades, their dead now sleep by the waters of many southern rivers; in every national cemetery which your care has provided; in many a yew-shaded northern church-yard, where the tread of their children's feet may brush the dews from the sod which covers them. Let it not be said that their services and sacrifices were not such as to earn their country's gratitude and remembrance. Side by side with the widows and orphans whose lives have been made less desolate by your bounty and care, the widows and orphans of these dead soldiers are now treading their the widows and orphans of these dead soldiers are now treading their sad pathways of life unremembered and unrequited. Is this, sir, the full measure of your gratitude? Why should it not reach out to the one class as well as to the other? He who can distinguish a difference is gifted with a discernment which, thank God, I am denied. That each, from the promptings of gratitude, should be treated with equal generosity and justice I will not, need not, further argue. If your bounty is to be withheld from these still unbountied widows and orphans of the war, we may well blush for the ingratitude and injustice

of our country.

But, sir, this is a debt created not alone by sentiments of gratitude. We owe it in fulfillment of pledges that were made when the fate of the country hung upon the doubtful issues of battle. These pledges it is true were embodied in no congressional enactments, were not at-tested by the great seal of our body-politic. They were made by the universal acclaim, they were written in the hearts of our millions, and they are attested by the green sod that blankets the soldier's last bivouac. They are as obligatory upon the nation as the most solemn words of our entire people, uttered in the presence of martyrdom, could make them. Need I say a word in support of what I say? To

gentlemen upon this side, whose voices perhaps joined in this universal acclaim, memory stands a witness of its truth. The entire people of the loyal States rose up when the thunders of war were reverberat-ing among the hills and its lightnings were writing in fiery script upon the southern sky a prophecy of doom to the Republic, and gave to the departing soldier of every class the assurance, the solemn assurance, that when the nation should come to make up its jewels the wives and the children of all "the unreturning brave" should be treated with equal justice by a saved and a grateful country. To those in this House upon this side who I know have not forgotten what was said and done when, amid the sobs of women and children, the waving of flags, the music of bands, and the stern adieus of pealing artillery, our gallant volunteers, gathered from homes nestling in valleys, or wind-swept upon hillsides, with the anguish of sundered affection inarticulate in their hearts, side by side there with love of country and trust in countrymen, to make, if needs, a holocaust upon the nation's altar—to those of us here, I say, in whose memories still linger the echos of that fearful past, I need not urge that the nation was pledged as truly as the people could pledge it to do this act of justice.

The sacredness of this pledge must be felt by all from whose memories these scenes have not faded, who recall, as the figment of a startling dream, that in the hour of our country's supremest agony "they builded Him an altar in the evening's dews and damps," and laid thereon the solemn covenant of a people that the blood burdens of the war should earn for all its victims an equality of recompense. So fully, sir, was the force of this pledge felt that while the war was yet going on, although the man who now sits in the White House was drawing nearer day by day to Appomattox, the Thirty-eighth Congress passed an act granting bounties to the heirs of all deceased soldiers, but unfortunately it employed the word "volunteers," which the then Secretary of War held did not comprehend these shorterterm classes, who had been styled militia in the proclamations calling them into the service. The good intentions of that Congress were thus defeated, but the act stands as a recognition of the debt we owe.

thus deteated, but the act stands as a recognition of the debt we owe. Sir, I stated in the early part of my remarks that I should have a word to say with regard to a full equalization of bounties among all the soldiers living as well as among all the heirs of the dead. To do this as soon as practicable, there is an obligation from which the Government cannot with honor escape. The last Congress undertook it, but the bill which had received the assent of both branches fell in the Bottunds through some means that was incomprehensible to one the Rotunda through some means that was incomprehensible to one-half of Congress and a mystery to the whole country. That act would have cost a hundred millions of dollars, and there was intimation that, had it not met its mysterious fate here, it would, on account of the depleted condition of the Treasury, have encountered executive lightning at the other end of the Avenue. That act, however, was right, and I hope to live to see it the law, for by it alone can be redeemed in full the solemn pledge of the American people made to

Mr. Speaker, we have heard much said here and outside of this hall of the sacredness of national honor, of the inviolability of the public faith. He is, indeed, no friend to his country who favors her dishonor, and he who would break the public faith is a public enemy and ought to be treated as such. With this truth in mind, I want to call the attention of gentlemen, and especially of gentlemen who represent the money centers, to an exhibition with which we are con-

The war cast upon the country two kinds of burdens—a burden of money and a burden of blood. These created two classes of obligations which it will be dishonor not to recognize and a breach of faith The money burden was taken up in the first instance by men favored of fortune and strangers to the hardships of life. The blood burden was borne chiefly by those whose only wealth was their toil and in whose sweat their wives and children eat their daily bread. One class risked of their wealth a part. The other endured the toil and the weariness, offering all they had, even the Almighty's good gift of life, to the country. The one brought to the nation's altar money to be repaid, the other blood which can never be gathered up. The act of our money creditor was patriotic, but the contribution of the soldier to the common weal was as much greater as eternity is vaster than time, or as the illimitable universe of God is greater than the little mote that dances in the golden glance of an autumn sunset

To each our faith was pledged, for full and honest payment to one, and an equality of bounties and pensions and the nation's eternal gratitude to the other. Now, sir, contemplating this, would we not expect the claim of the soldiers to receive equal if not the first consideration? Instead of this, however—and this is the exhibition to sideration? Instead of this, however—and this is the exhibition to which I desire to call attention—we see men here passing sleepless nights and feverish days in the intensity of their anxiety in the interests of the men who loaned us money, claiming to be actuated by a tender sense of national honor, but who turn cold, if not openly hostile, straightway when the claim of the soldier is mentioned. Why is this? Is, then, the gold of the affluent risked but not lost, greater in the eyes of these men than the red blood of our bravest and best which stained the fields of our victories? Was the merit in risking money so much greater than that of the sacrifice of life that risking money so much greater than that of the sacrifice of life, that our faith to the holders of our bonds is more sacred than to the stout yeomanry who fought our battles?

Ah, sir, as everything has its philosophy, so has this conduct of an, sir, as everything has its philosophy, so has this conduct of these men. Sidney Smith, in a moment of cynicism, once said that "gratitude is a lively appreciation of benefits expected." I fear that an alert and powerful money interest, an interest with immense re-source to control the political fortunes of men, awakens in the bosoms of these gentlemen emotions of this sort of gratitude, which the interests of the humble widows and orphans of the war are too feeble to arouse. I would not that they should be less earnest in asserting the importance of unimpeached national honor with the public credtior, but I would have them adorned with the jewel of consistency which would not exclude those who have sacrificed so much for the country from sharing in the benefits of an unbroken public faith. The votes of these men upon this question will be watched not only by the soldiers but by the whole people of the country, who desire justice no less for the soldier than for the public ereditor.

I believe that the country is determined that its faith shall be kept whenever pledged. Deep down beneath the sea of popular opinion, the surface of which ruffles in every breeze or dashes in every storm, there is an unalterable determination, resistless as the undertow of the Atlantic, that every promise of the war is to be redeemed, whether made by the nation as a body-politic, or by the masses of the people

who are the nation.

But, sir, the reasons for this bill do not all come from the past. The future contributes an argument. Of this I hinted when mentioning the fortification bill. We ought to do this act of justice to render more secure the future of our country. Sir, history illustrates that as it is-

Not high raised battlements or labored mound, Thick wall or moated gate; Not cities tall with spires and turrets crowned; Not bays and broad-armed ports Where, laughing at the storm, rich navies ride—

that constitute a state, so it is not the shotted guns pointing seaward, the fortified headlands, the lines of forts, the ships of war, or the squadrons of a standing army that constitute the real safety of a nation. The best bulwarks of our country are not these, but are and must ever be the patriotism and the valor of our people. When war comes, should war ever come again, whether we shall be assailed by foes from without or enemies from within, our best defense must be the citizen-soldier. Not so much to our works of defense, to the arts taught within the academic shades of our military schools, to the tinseled martinets of theoretic war will we then look as to his fidelity and daring. Upon him may we ever rely. Whenever danger appears, his legions will be found battalioned, the "old gnard" of our liberties and of our institutions. Within his heart courage and patriotism, the twin angels of our safety, sleep. As I have once before said, a complete reciprocity of no confidence between government and citizen lies at the base of all patriotism. How important then that we do not alienate the confidence of the citizen-soldier by laying at his feet a broken pledge, and the token of an ungrateful country. Thus, sir, the future as well as the past, the one full of hope and the other rich with memories, each contributes its argument for justice to the

widows and orphans of the war.

Now, sir, unless I have mistaken the logic of facts, it stands demonstrated, first, that without adding to the public burden we may bounty these unbountied victims of the war, and, second, that it is a debt due to them; a solemn debt, made so by gratitude, by promise, and by precaution; a debt which to ignore would be dishonor. What more remains to be said? I cannot, of course, hope that in this House, where sit sixty-one ex-officers of the confederate service by the side of nineteen who served in the Union Army, what I have said of the promises that were made by the northern people in the dark years which began the last decade will be appreciated, for with so many my words are unenforced by the voice of memory. I am encouraged, however, by the noble words that have been spoken from time to time from the other side, upon the merit of the Union soldier, by the tokens that have been given that the enmities of the past are dead in the bosoms where they once rankled, that when the roll shall dead in the bosoms where they once rankled, that when the roll shall be called upon this bill the ayes will not all come from this side of the House. If the frequent protestations that we have heard here that the palmetto has become the olive-branch; that respect for the Union soldier and fidelity to the cause for which he fought now predominate in the hearts of his late foemen are not mere hypocrasies, I have the right to hope that, as the blue and the gray fraternized on the 19th of June under the shadow of Bunker Hill monument, so gentlemen upon both sides will join hands to do this act of justice. If the ex-confederate be sincere in what he has professed, he will be swift to honor the claim of the widow and orphans of him whose manhood he recognized in the shock of battle, whose cause he now admits to have been just, and who, if living, would be his country-

man, his compatriot, and his brother now.

To all gentlemen of this House, without respect to party or section, do I appeal, by their estimate of the sacredness of the pledged honor of our people, by their sense of the honorable sentiments of gratitude, by their hopes for an assured national future, to take this first step toward complete justice to those to whose valor and sacrifices we are indebted for the blessings of a re-united country and of free govern-

ment which we all enjoy.

Sir, I close as I began by again notifying the House that upon Monday next, or as soon thereafter as I can obtain the floor for that

purpose, I shall put this bill upon its passage under a suspension of

The SPEAKER having resumed the chair,
Mr. HARRIS, of Virginia. I move that the House adjourn.
The motion was agreed to; and accordingly (at two o'clock and thirty minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. COLLINS: Papers relating to the petition of Mary A.

Hough, to the Committee on Invalid Pensions.

By Mr. EGBERT: The petition of 18 soldiers of the late war, that they and others be granted one hundred and sixty acres of land and

\$200 in money, to the Committee on Military Affairs.

By Mr. GOODE: The petition of Moses Ashe, for a pension, to the Committee on Revolutionary Pensions.

By Mr. HENKLE: The petition of Ann R. Vorhees, for a pension, to the Committee on Invalid Pensions.

By Mr. HOPKINS: The petition of citizens of Allegheny County, Pennsylvania, that honorably discharged soldiers be granted one hundred and sixty acres of land and \$200 in money, to the Committee on Military Affairs.

By Mr. McMAHON: Papers with the petition of John Hamilton for

a pension, to the same committee.

By Mr. PHELPS: The petition of Dora Doyle, for a pension, to the same committee.

By Mr. WHITE: The petition of John A. Friend, for a pension, to the Committee on Revolutionary Pensions.

## IN SENATE.

## Monday, March 6, 1876.

Prayer by the Chaplain, Rev. Byron Sunderland, D. D. The Journal of the proceedings of Friday last was read and approved.

#### HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pub-

A bill (H. R. No. 236) to give the consent of the United States to the appropriation of certain proceeds arising from the sale of the swamp and overflowed lands in Alabama for the purpose of furnishing other and additional accommodations for the indigent, insane, and idiotic persons resident in said State;
A bill (H. R. No. 280) to amend the act entitled "An act to appro-

priate lands for the support of schools in certain townships and frac-tional townships not before provided for," approved May 20, 1826;

A bill (H. R. No. 1752) to restore certain lands in the State of Iowa to settlement under the homestead law, and for other purposes; A bill (H. R. No. 2039) to amend section 2450 and 2451, and to repeal

section 2452, title 32, chapter 11, of the Revised Statutes;

A bill (H. R. No. 2427) to amend the act entitled "An act to amend an act to encourage the growth of timber on western prairies," approved March 13, 1874; and
A bill (H. R. No. 2452) to extend the time to pre-emptors on the

public lands

The bill (H. R. No. 1771) to declare forfeited to the United States certain lands granted to the State of Kansas in aid of the construction of railroads by act of Congress approved March 3, 1863, was read twice by its title, and referred to the Committee on Railroads.

## EXECUTIVE COMMUNICATION.

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of War, transmitting information in connection with Senate bill No. 144, to provide for the construction of a telegraph line from Fort Canby, via Fort Stevens and Astoria, to Portland, Oregon; which, on motion of Mr. MITCHELL, was referred to the Committee on Military Affairs, and ordered to be printed.

## PETITIONS AND MEMORIALS.

Mr. WINDOM presented a joint resolution of the Legislature of Minnesota, in favor of the passage of an act for the relief of settlers upon certain lands in the State of Minnesota; which was referred to the Committee on Public Lands, and ordered to be printed in the RECORD, as follows:

Whereas large numbers of citizens of this State have in good faith settled upon and made or acquired valuable improvements on tracts of land included within the granted and indemnity limits of the lands granted to the Brainard and Saint Vincent branches or extensions of the Saint Paul and Pacific Railroad Company, and are unable under existing laws to perfect title thereto; and whereas justice demands that these citizens should be protected in their homes and property so made and acquired, and the material interests of a large and deserving class secured and preserved: Therefore,

Be it resolved by the house of representatives, (the senate concurring.) That our Senators and Representatives in Congress be requested to use all honorable means in their power to procure at the earliest possible time the passage of by Congress a law

which will allow such persons or their representatives to secure and perfect title

J. B. WAKEFIELD,
President of the Senate.
W. R. KINYON,
Speaker of the House of Representatives.

Approved February 24, 1876.

STATE ON MINNESOTA,
Office of Secretary of State:

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State this 2d day of March, A. D.

J. S. IRGENS, Secretary of State.

Mr. WINDOM presented a petition of 1,010 citizens of Wisconsin, praying for an appropriation by Congress to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accordance with the third plan recommended by General Warren; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Minnesota, in favor of the speedy construction on the part of the General Government of a double-track freight railway extending from one or more of the principal cities of the East westwardly to the Missouri River, with a branch extending into the great producing region of Minnesota, such railway to be under the control and management of the United States and transportation charges thereon so regulated as to cover only operating expenses; which was referred to the Committee on Railroads.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legis-Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of the State of Wisconsin, praying for the establishment of a tri-weekly mail-route from Marquette, in the county of Green Lake, via Kingston, to Portage, in Columbia County; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. ANTHONY. I present the petition of Walter Pearce, praying compensation for services performed in registration in North Carolina. This potition was not be fortified with the times with

This petition may not be fortified with that impregnable proof which generally accompanies claims upon the Government; but I think that this poor fellow is entitled to something, and I commit his claim to the Committee on Claims with that unfaltering confidence which is inspired by the touching evidences which we have so often had of its liberality.

The petition was referred to the Committee on Claims.

Mr. KEY presented the petition of Nathaniel W. Hayes, of Bradley County, Tennessee, praying compensation for stores and supplies to the amount of \$1,542.50 taken by the United States Army; which was referred to the Committee on Claims.

Mr. CONKLING. I present resolutions of the Chamber of Commerce of the State of New York, relative to the bankrupt law. These resolutions are instructive, pointing out respects in which the Chamber of Commerce think the law ought to be improved. I move that the resolutions be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I present also a memorial signed by George C.
Richardson & Co. and four hundred and odd other merchants of the
city of New York, remonstrating against the repeal of the bankrupt
law, pointing out changes which the memorialists think should be and saying that some of them having signed a petition for the mate, and saying that some of them having signed a petition for the unqualified repeal of the law they wish it to be understood that their remonstrance is against the law as it now exists and not against such a law as they think it could and might be made. I move the reference of the memorial to the Committee on the Judiciary.

The motion was agreed to.

Mr. CONKLING. I present also resolutions of the Chamber of
Commerce of the State of New York, touching the shipping act of the United States, commending the commissioners and commending the law, and remonstrating against the retransfer of the control of its provisions from the United States circuit courts to the Treasury Department. I move the reference of these resolutions to the Committee on Commerce.

The motion was agreed to.

Mr. HARVEY presented a joint resolution of the Legislature of Kansas, in relation to the existing treaty of August 17, 1866, between the United States and the Cherokee Indians, and in favor of the appointment of new commissioners thereunder to re-appraise certain lands ceded thereby so as to enable settlers thereon to purchase the same at their appraised value; which was referred to the Committee on Indian Affairs.

He also presented a resolution of the Legislature of Kansas, in favor of the amendment of the existing timber-culture act; which was referred to the Committee on Public Lands.

He also presented a resolution of the Legislature of Kansas, relating to lands of the Kansas Pacific Railway Company, and the right to tax the same; which was referred to the Committee on Public

He also presented a resolution of the Legislature of Kansas, memorializing Congress in behalf of certain citizens, settlers upon the public lands; which was referred to the Committee on Public Lands.

Mr. WITHERS presented a petition of citizens of Lynchburgh, Virginia, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. WEST presented the petition of citizens of New Orleans, Louisiana, praying for an amendment of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. BOGY presented a resolution of the Legislature of Missouri,

in favor of granting pensions to soldiers of the Mexican war; which was referred to the Committee on Pensions.

Mr. NORWOOD presented the petition of A. C. Rhind, captain United States Navy, praying to be restored to his proper position on the active list of captains in the Navy, next below Commodore A. K. Hughes, and over Captains E. R. Colhoun, C. H. Baldwin, and R. W. Shufeldt, for reasons set forth in the petition; which was referred to the Committee on Naval Affairs.

Mr. SHERMAN presented two petitions of business men of Cincinnati, Ohio, praying for the repeal of the bankrupt law; which were referred to the Committee on the Judiciary.

He also presented a petition signed by citizens of Cincinnati, Ohio, praying for the continuance and amendment of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. DENNIS presented a petition of citizens of Cecil County, Maryand, praying an appropriation for the completion of the improvements to the navigation of the Northeast River to the town of Northeast, in Maryland; which was referred to the Committee on Commerce.

Mr. McMILLAN presented a joint resolution of the Legislature of Minnesota, in favor of the establishment of a post-route from Smith

Lake, Minnesota via Abson's Crossing, to Normand post-office, Wright County, Minnesota; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WRIGHT presented a joint resolution of the Legislature of Iowa in relation to a modification of the homestead law; which was referred to the Committee on Public Lands, and ordered to be printed

in the RECORD, as follows:

In the RECORD, as follows:

Whereas the United States land offices as at present established in this State are remote from a large portion of the lands now held under homestead claims; and whereas the homestead laws, as construed by the Commissioner of the General Land Office, require the settler to appear at the land office of his district in person to submit his final homestead proof; and whereas said requirement causes great and unnecessary expense to the settlers and subserves no good purpose: Therefore, Be it resolved by the General Assembly of the State of Iova, That our Senators in Congress be instructed and our Representatives be requested to secure such an amendment to the homestead laws as shall allow the homestead settler to make his final proof before the clerk of the court of the county in which the land is located.

Resolved, That the secretary of state be instructed to forward as soon as practicable a copy of this resolution to each of our Senators and Representatives in Congress.

Mr. MITCHELL presented a petition of citizens of Western Idaho and Eastern Oregon, praying for the establishment of a mail route between Salubria, in Western Idaho, and Sparta, in Eastern Oregon; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DORSEY presented a petition of business men of Arkanasa, praying as a matter of justice that Congress aid in the construction of the Texas and Pacific Railroad; which was referred to the Committee on Railroads.

Mr. ALCORN presented the petition of John G. Owen, of Scott County, Mississipp i, praying for compensation for services performed as mail contractor prior to 1861; which was referred to the Committee on Claims.

He also presented the petition of citizens of Mississippi, praying for the establishment of a new mail route from Augusta, Perry County, to State Line Station, Green County, Mississippi; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented additional papers to accompany the bill (S. No. 282) authorizing the Harrison Harbor Company to excavate a channel and harbor in Mississippi Sound, and to construct docks and break-waters in connection therewith; which was referred to the Committee on Commerce.

Mr. SARGENT presented the petitions of Caroline Snell and Joshua H. Walcott, showing that, on their trip across the plains in 1864, they were depredated upon by certain bands of Indians, and praying that they may receive compensation for the property then taken and destroyed by those Indians from the annuities of the tribes; which were

referred to the Committee on Indian Affairs.

Mr. SARGENT. I also present the petition of makers of cigarettes and merchants of San Francisco, protesting against the passage of the bill, now pending, I believe, before the other House, raising the tax upon the manufacture of cigarettes, and proposing a plan by which the revenue may be increased and fraudulent manufacture prevented. I move that the petition be referred to the Committee on Finance.

The motion was agreed to.

Mr. ENGLISH presented a petition of 100 citizens of Norwalk, Connecticut, praying for the repeal of the two-cent United States stamp-tax on bank-checks; which was referred to the Committee on

Mr. CAMERON, of Pennsylvania, presented a memorial of manufacturers, mechanics, and citizens engaged in all branches of productive industry in Delaware County, Pennsylvania, remonstrating against the passage of any act reducing the duties on imported articles that enter into competition with American manufactures; which was referred to the Committee on Finance.

### REPORTS OF COMMITTEES.

Mr. WRIGHT. The Committee on Claims, to whom were referred the bill (H. R. No. 1595) for the relief of John T. Burchell, of Knox-

ville, Tennessee, for services rendered the Government in a small-pox hospital, with the petition and accompanying papers, have had the same under consideration, and find that this bill was in the hands of same under consideration, and find that this bill was in the hands of the Committee on Military Affairs at the last session and also at the previous session of Congress, and that that committee made a report on the bill and papers. The Committee on Claims ask to be discharged and that the papers and bill be referred to the Committee on Military Affairs. I make that motion.

The motion was agreed to.

Mr. WRIGHT. I am also directed by the Committee on Claims, to whom were referred the petition and papers of Thomas H. Coates, of Raleigh, North Carolina, for a reconsideration and allowance of his claim (No. 9056) for property taken for the use of the armies of the United States, to report adversely. I call the attention of the Senator from North Carolina [Mr. MERRIMON] to this case. This claim was reported upon by the committee on the 15th of December adversely. Since that time there has been additional testimony presented in committee and the case has been again considered, and the committee still feel constrained to report against the allowance. They therefore report adversely to the claim and ask that it be disallowed, and that this conclusion be concurred in by the Senate.

The report was agreed to, and ordered to be printed.

Mr. WRIGHT. The same committee, to whom were referred the petition and papers of Charles M. Briggs, of Kentucky, praying that his claim for the proceeds of certain cotton taken from him in the State of Mississippi by United States troops, in 1863, be referred to the Court of Claims, have had the same under consideration, and find that this petition, together with a bill, was before the Judiciary Committee at the last Congress, or the preceding Congress, and the recommendation of that committee was that the bill be indefinitely postponed, and that report was concurred in by the Senate. For that reason your committee now report it back, and ask that the claim be disal-

lowed. I move that the report be concurred in.

The report was agreed to, and ordered to be printed.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Arthur Middleton Blake, praying compensation for property taken and destroyed by the United States military and naval forces during the late war to the amount of about \$400,000, submitted an adverse report; which was agreed to.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri, reported it without amendment.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the petition of Benjamin L. Cornish, praying for pay as second lieutenant of the Thirty-second Wisconsin Volunteer Infantry from November, 1864 to June 11, 1865, submitted a report thereon accompanied by a bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry.

The bill was read and passed to the second reading, and the report

The bill was read and passed to the second reading, and the report

was ordered to be printed.

Mr. SPENCER, from the Committee on Military Affairs, to whom was referred the petition of Major Junius T. Turner, of Washington, District of Columbia, late captain in the Third Regiment of Maryland Cavalry Volunteers, praying the payment of a sum of money equal to the travel-pay of a captain of volunteers from Washington, District of Columbia, to San Francisco, California, reported a bill (S. No. 561) for the relief of Major Junius T. Turner; which was read and passed

to the second reading.

Mr. JONES, of Florida, from the Committee on Claims, to whom
was referred the bill (S. No. 111) for the relief of John Montgomery and Thomas E. Williams, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

was ordered to be printed, and the bill was postponed indennitely.

He also, from the same committee, to whom was referred the petition of Alexander Montgomery, lieutenant-colonel United States Army, praying compensation for services as major in the Army from July 24, 1863, to June 14, 1864, asked to be discharged from its further consideration, and that the petition, together with the report of the subcommittee thereon, be referred to the Committee on Military Affairs;

which was agreed to.

Wr. COCKRELL. The Committee on Claims, to whom was referred Mr. COCKRELL. The Committee on Claims, to whom was referred the bill (S. No. 294) for the relief of Charles E. Hedges, have had the same under consideration, and they report that the claim is meritorious, and that it should be paid out of the funds and annuities belonging to the Yankton Indians; but not knowing at what time or in what amounts the payment should be made, I move that the report of the committee and accompanying papers be referred to the Committee on Indian Affairs, and that the report be printed.

The motion was agreed to.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the petition of Charles H. Hubbard, administrator of Joseph S. Hubbard, deceased, praying compensation for ninety-four hogsheads of sugar taken by authority of the United States, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. CAPPETON from the Committee on Claims to whom was re-

Mr. CAPERTON, from the Committee on Claims, to whom was referred the petition of James J. Ritch, of Scott County, Mississippi, praying compensation for property and supplies taken by the United States Army in 1864, submitted an adverse report thereon; which was

ordered to be printed, and the committee was discharged from the

further consideration of the petition.

He also, from the same committee, to whom was referred the me-morial of John Russell, of Warren County, Mississippi, alleging that the southern claims commission decided adversely to his claim against the United States by confounding him with another person, against the United States by combining him with another person, and praying that his claim may be re-referred to the commission, or that Congress may grant him relief, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition.

Mr. HOWE, from the Committee on the Judiciary, to whom was referred the petition of John E. Woodward, of Kentucky, praying to have certain moneys refunded to him out of the United States Treasury, being the proceeds of the sale of tobacco seized by order of General Paine, commanding the United States forces at Paducah, Kentucky, belonging to S. Fels, and for the amount of which judgment was rendered against Woodward and afterward paid by him, submitted an adverse report thereon; which was agreed to, and ordered to be

printed.

#### IMPEACHMENT OF W. W. BELKNAP.

Mr. EDMUNDS. I am directed by the select committee to whom was referred the message of the House of Representatives respecting the impeachment of William W. Belknap to report a preamble and resolution, and I ask for their present consideration. This is a mere formality as the next step in the orderly progress of the affair, according to the precedents.

The resolution was considered by unanimous consent and agreed to,

as follows:

Whereas the House of Representatives on the 3d day of March, 1876, by five of its members, Messrs. CLYMER, ROBENS, BLACKBURN, BASS, and DANFORD at the bar of the Senate, impeached William W. Belknap, late Secretary of War, of high crimes and misdemeanors, and informed the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same; and likewise demanded that the Senate take order for the appearance of the said William W. Belknap to answer the said impeachment: Therefore

fore,

Ordered, That the Senate will, according to its standing rules and orders in such
cases provided, take proper order thereon, (upon the presentation of articles of
impeachment,) of which due notice shall be given to the House of Representatives.

Ordered, That the Secretary acquaint the House of Representatives herewith.

## BILLS INTRODUCED.

Mr. FRELINGHUYSEN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 562) for the relief of Joseph E. Moore; which was read twice by its title, referred to the

Committee on Claims, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 563) to provide for the sale of extra copies of public documents, and for the distribution of the regular official editions thereof; which was read twice by its title, referred to the Committee on Printing, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to

introduce a bill (S. No. 564) to amend an act entitled "An act to aid the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and the several acts amendatory thereof and supplementary thereto; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 565) for the relief of the heirs of Matthew Alliger deceared which property which the print the state of the second which we have the state of the second which we have the second which we h

son, deceased; which was read twice by its title, and, together with

Mr. KELLY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 566) for the relief of Captain Bird L. Fletcher;

introduce a bill (S. No. 566) for the relief of Captain Bird L. Fletcher; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 567) to establish a postroute in Wisconsin; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 568) authorizing the payment of prize-money to officers of the Farragut fleet for the destruction of enemies' vessels in April 1862; which was read twice by its title, and together sels in April, 1862; which was read twice by its title, and, together with an accompanying letter from the Treasury Department, referred to the Committee on Naval Affairs.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WALLACE, it was

Ordered, That Henry C. Watterson have leave to withdraw his memorial and papers from the files of the Senate.

On motion of Mr. WITHERS, it was

Ordered, That the petition and papers in the case of John Y. Worthington be withdrawn from the files of the Senate and referred, with the additional evidence now presented, to the Committee on Claims.

#### BIDS FOR CARRYING THE MAIL.

Mr. HAMLIN submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Postmaster-General be requested to furnish the Senate with any information which he may have touching the submission of straw bids or prob-

able worthless or fraudulent bids for conveying the mails of the United States in the several States in which advertisements for mail proposals appeared October 1, 1875, and that said information and all evidence in his possession be furnished before awards shall be made on said bids.

#### INDIAN BUREAU EXPENDITURES.

Mr. MAXEY. I offer a resolution and ask its present consideration. The object I have in view is that there may be and most likely will be a bill introduced for the transfer of the Indian Bureau from the Interior Department to the War Department; and I desire to ascertain the expenditures under these two managements.

The resolution was considered by unanimous consent and agreed to,

as follows:

Resolved by the Senate of the United States, That the Secretary of the Interior be, and he is hereby, directed to furnish for the information of the Senate, if not incompatible with the public interest, a statement showing the annual expenditures of the Indian Bureau since its organization to the present time, and also the number of Indians provided for at the expense of the Government each year since the organization of said Indian Bureau. tion of said Indian Bureau.

#### COTTON CULTURE IN THE STATES.

Mr. JONES, of Florida, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Commissioner of Agriculture is hereby instructed to furnish to the Senate, from such data as are now in the possession of his Department, the following information: What are the geographical limits and area within the United States the soil and climate of which are adapted to the cultivation and growth of the stock and fiber of the sea island or long-staple cotton, and in which said cotton matures a perfect growth; also, the geographical limits and area in each of the several States the soil and climate of which are adapted to the cultivation and growth of said cotton, and in which said cotton matures a perfect growth of they and stock. of tiber and stock.

#### THE PACIFIC RAILROADS.

Mr. WEST. I desire to give notice to the Senate that on Wednesday next, at the conclusion of the morning business, I shall ask the Senate to take from its table the communication from the Secretary of the Treasury under date of February 3, 1876, embodied in Senate Executive Document No. 25, with a view to a motion for its reference. I shall also ask the indulgence of the Senate to enable me to submit some remarks in that connection if it suits their convenience on Wednesday

The PRESIDENT pro tempore. There is already a special order for

Wednesday next at that hour, the Chair will remind the Senator.

Mr. WEST. I am so apprised; but that occurs at the expiration of the morning hour, and if there is not sufficient time I shall ask the Senator in charge of the New Mexico bill to allow me to encroach for a short period on his time, subject of course to the pleasure of the Senate then.

## PUBLIC BUILDING AT SAINT LOUIS.

Mr. SHERMAN. If there is no further morning business, I move

Mr. SHEMAN. If there is no further morning business, I move that the Senate proceed to the consideration of the question of reference of the resolutions of the Chamber of Commerce of New York.

Mr. BOUTWELL. I wish to call up the motion to reconsider the vote by which the bill (H. R. No. 2270) to provide for the purchase of material for the continuation of the work on the building for custom-house and post-office at Saint Louis, Missouri, was passed; and I desire to say that if the motion to reconsider prevails, I shall propose two amendments to the bill, which I think will be acceptable, and which will remove the objection I had to its passage.

The PRESIDENT pro tempore. Does the Senator from Ohio yield

for that purpose?

Mr. BOUTWELL. It will give rise to no debate. The Senator

from Missouri [Mr. Bogy] has been consulted about it.
Mr. SHERMAN. Very well.
The PRESIDENT pro tempore. The question is on the motion to reconsider the vote by which House bill No. 2270 was passed.

The motion to reconsider was agreed to.

The PRESIDENT pro tempore. The question now is on the motion to reconsider the vote by which the bill was ordered to a third reading, in order that amendments may be offered.

The motion was agreed to.

The PRESIDENT pro tempore. The question now is on the third

reading of the bill.

Mr. BOUTWELL. I move to amend the bill by inserting after the word "material," in line 14, "as is not needed for the performance of the contract herein authorized, and;" and at the end of the proviso to insert:

And provided further, that the contracts herein authorized to be made shall not in the aggregate exceed the sum of \$75,000.

So that if amended the proviso will read-

Provided, That said Architect may, in his discretion, use such portion of said sum hereby appropriated for labor and material as is not needed for the performance of the contracts herein authorized, and as may be absolutely necessary for the proper preservation and progress of said building: And provided further, That the contracts herein authorized to be made shall not in the aggregate exceed the sum of

The amendments were agreed to.

The bill was ordered to a third reading, read the third time, and passed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the following bills

and joint resolution; in which the concurrence of the Senate was re-

quested:
A bill (H. R. No. 11) granting a pension to Eliza Jane Blumer;
A bill (H. R. No. 39) granting a pension to Frederick Youngblue, of
Company I, Twentieth Regiment Ohio Volunteers;
A bill (H. R. No. 183) granting an increase of pension to John E.
Wunderlin, late a private in the Thirty-third Regiment of New York
Volunteer Infantry;
A bill (H. R. No. 253) granting a pension to Joseph B. Lane;
A bill (H. R. No. 240) granting a pension to John A. Goedfrey;
A bill (H. R. No. 358) granting a pension to W. H. H. Anderson;
A bill (H. R. No. 339) for the relief of E. D. Franz;
A bill (H. R. No. 341) for the relief of Louis Rosenbaum;
A bill (H. R. No. 527) granting a pension to George Pendleton;

A bill (H. R. No. 527) granting a pension to George Pendleton; A bill (H. R. No. 534) for the relief of Rosetta Hert, (late Rosetta Scoville,) Charles C. Benoist, Emily Benoist, and Logan Fanfan, half-breed Indians;

A bill (H. R. No. 719) for the relief of the heirs of William Stevens; A bill (H. R. No. 912) to give the Court of Claims jurisdiction to hear and determine the claim of the heirs of Samuel Rhea;

A bill (H. R. No. 732) for the relief of Mrs. Catharine Thrush and

A bill (H. R. No. 545) for the relief of Mrs. Catharine Thrush and William B. Stone, owners of the schooner Flight;
A bill (H. R. No. 545) for the relief of James A. Jackson and others, securities of G. R. Horton, late postmaster at Monticello, Arkansas;
A bill (H. R. No. 566) granting relief to Mrs. Sarah Spaulding, of

Bay City, Michigan;
A bill (H. R. No. 610) granting a pension to Seth W. Homestead;
A bill (H. R. No. 1026) for the relief of Thomas Van Duzen and his assigns for lands;

A bill (H. R. No. 1179) granting a pension to James Riley;
A bill (H. R. No. 1189) granting a pension to William J. Drake;
A bill (H. R. No. 1236) granting a pension to Harris B. Lowell, late
of Company H, Forty-seventh Illinois Volunteers;

A bill (H. R. No. 1245) granting a pension to James W. Thompson, late of Company H, Forty-seventh Illinois Volunteers;
A bill (H. R. No. 1288) granting a pension to Jonathan Roberts, of Marietta, Iowa

A bill (H. R. No. 1231) for the relief of the board of trustees of the

Antietam national cemetery;
A bill (H. R. No. 1316) to adjust the claims of owners of lands within the limits of the Klamath Indian reservation in the State of

Oregon; A bill (H. R. No. 1455) granting a pension to Griffith Chavers, late a private in Company C, Ninth Regiment United States Heavy Artillery, (colored;)

A bill (H. R. No. 1499) granting a pension to Mrs. Lydia Johnson,

of De Witt County, Illinois;
A bill (H. R. No. 1541) granting a pension to John S. Hall, of West Virginia

A bill (H. R. No. 1580) granting a pension to Almon P. Graves; A bill (H. R. No. 1588) granting an additional pension to Jefferson Bowers, of Mason County, Illinois;

A bill (H. R. No. 1618) to remove the political disabilities of William L. Maury, of New York;
A bill (H. R. No. 1656) granting a pension to Aaron Buchanan;
A bill (H. R. No. 1692) to amend an act approved May 8, 1874, in re-

gard to leaves of absence of Army officers;
A bill (H. R. No. 1850) granting a pension to Harvey B. Kilborn, private in Company C, Thirtieth Regiment Pennsylvania Militia;
A bill (H. R. No. 1907) granting a pension to Henry Brown, late a private Company C, One hundred and twenty-third Regiment Illinois Volunteers:

A bill (H. R. No. 1988) for the relief of Hermann Kreismann, United States consul-general at Berlin;

A bill (H. R. No. 1989) granting a pension to Robert Cavanaugh; A bill (H. R. No. 1990) granting a pension to Edward Heinzel; A bill (H. R. No. 1991) granting a pension to Mary Ann McDonald; A bill (H. R. No. 1992) granting an additional pension to Mary P. Abeel;

Abel;
A bill (H. R. No. 2160) for the relief of Lewis Goodwin;
A bill (H. R. No. 2161) for the relief of R. H. Buckner;
A bill (H. R. No. 2162) granting a pension to Clara Brosch, mother
of Joseph Brosch, jr., late a private Company H, Twenty-fourth Reg-

of Joseph Brosch, jr., late a private Company H, Twenty-fourth Regiment Illinois Infantry Volunteers;
A bill (H. R. No. 2288) granting a pension to Fannie S. White;
A bill (H. R. No. 2289) granting a pension to Jane Bertholf;
A bill (H. R. No. 2290) granting a pension to Frederick Hoeh;
A bill (H. R. No. 2291) granting a pension to John H. Garrison;
A bill (H. R. No. 2292) granting a pension to Thomas Shannon;
A bill (H. R. No. 2293) granting a pension to Gilbert Reed, late second ligntenant in the Eleventh Tennessee Cavalry:

A bill (H. R. No. 2294) granting a pension to Gilbert Reed, late second lieutenant in the Eleventh Tennessee Cavalry;
A bill (H. R. No. 2295) granting a pension to Thomas Leach;
A bill (H. R. No. 2296) granting a pension to Michael O'Brien;
A bill (H. R. No. 2297) granting a pension to Jane N. Willard;
A bill (H. R. No. 2298) granting a pension to Emma A. Tuttle, widow of Charles H. Tuttle, late private in Company I, Twenty-seventh Ohio Volunteers;

A bill (H. R. No. 2299) granting a pension to Christian Hemeluke;

- A bill (H. R. No. 2301) granting a pension to Mary B. Hook;
- A bill (H. R. No. 2302) granting a pension to Mary B. Hook; A bill (H. R. No. 2303) granting a pension to Mary S. Greenlee; A bill (H. R. No. 2304) granting a pension to Mary S. Greenlee; A bill (H. R. No. 2304) granting a pension to Philip J. Shaw; A bill (H. R. No. 2305) granting a pension to Melville H. Hudson;
- A bill (H. R. No. 2306) granting a pension to John McIntire
- A bill (H. R. No. 2307) granting a pension to Mary Bell Decker, infant daughter of James W. Decker;
  A bill (H. R. No. 2308) granting a pension to David P. McDonald, late a private in Company B, Sixth Regiment Kansas Cavalry Vol-
- A bill (H. R. No. 2309) granting a pension to Catharine Johnson; A bill (H. R. No. 2310) granting a pension to Emanuel B. Herr;
- A bill (H. R. No. 2311) granting a pension to Daniel Willhoit;
- A bill (H. R. No. 2312) granting a pension to Nicholas Strite; A bill (H. R. No. 2313) granting a pension to Mary Ann Cornell, widow of Stephen Cornell, late a private in Company I, One hundred
- and twenty-fifth New York Volunteer Infantry;
  A bill (H. R. No. 97) directing the Commissioner of the General
  Land Office to issue certificate of relocation for six hundred and forty acres of land in the territory of Missouri to legal representatives of Samuel Ware; and
- A joint resolution (H. R. No. 64) granting the rights and benefits of the Soldiers' Home to John News
- The message also announced that the House had passed the follow-
- ing bills:

  A bill (S. No. 225) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased; and

  A bill (S. No. 416) for the relief of C. H. Frederick, late a lieutenant-
- colonel in the Ninth Missouri Infantry.
- The message further announced that the House had concurred in the amendments of the Senate to the resolutions for printing copies of the eulogies delivered in the two Houses of Congress upon the late Andrew Johnson and the late Henry Wilson.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; which were thereupon signed by the President pro tempore:

A bill (H. R. No. 193) for the relief of Ezra B. Barnett, postmaster

- at Norwich, New York
- A bill (H. R. No. 2285) authorizing the purchase of additional ground for the custom-house at Nashville, Tennessee; and A joint resolution (H. R. No. 19) on the celebration of the centennial
- in the several counties or towns.

### NATIONAL FINANCES-SPECIE PAYMENTS.

Mr. SHERMAN. I now move that the Senate proceed to the consideration of the motion to refer the resolutions of the Chamber of Commerce of the State of New York, relative to the national finances and in favor of the resumption of specie payments at the time now provided by law.

The PRESIDENT pro tempore. The Senator from Ohio moves that the Senate proceed to consider the motion to refer the resolutions of the Chamber of Commerce of New York.

The motion was agreed to.

# OUGHT THE RESUMPTION ACT OF 1875 BE REPEALED?

Mr. SHERMAN. Mr. President, I have taken the unusual course of arresting the reference to the Committee of Finance of the memorial of the Chamber of Commerce of New York in order to discuss in an impersonal and non-partisan way one of the questions presented by that memorial, and one which now fills the public mind and must necessarily soon occupy our attention. That question is, "Ought the resumption act of 1875 be repealed?" The memorial strongly opposes such repeal, while other memorials, and notably those from the Boards of Trade of New York and Toledo, advocate it. These opposing views are supported in each House of Congress, and will, when our time is more occupied than now, demand our vote.

And, sir, we are forced to consider this question when the law it is proposed to repeal is only commanding to appear to the proposed to repeal is only commanding to appear to the proposed to the second of the proposed to repeal is only commanding to appear to the proposed to repeal is only commanding to appear to the proposed to the p

And, sir, we are forced to consider this question when the law it is proposed to repeal is only commencing to operate, now, three years before it can have full effect—during all which time its operation will be under your eye and within your power—and while the passions of men are heated by a presidential combat, when a grave question, affecting the interests of every citizen of the United States, will be influenced by motives entirely foreign to the merits of the proposition.

### QUESTIONS NOT INVOLVED.

And the question presented is not as to the best means of securing the resumption of a specie standard, but solely whether the only measare that promises that result shall be repealed. We know there is a wide and honest diversity of opinion as to the agency and means to secure a specie standard. When any practicable scheme to that end is proposed I am ready to examine it on its merits; but we are not considering the best mode of doing the thing, but whether we will recede from the promise made by the law as it stands as well as refuse all means to execute that promise. If the law is deficient in any respect it is open to amendment. If the powers vested in the Secretary are not sufficient or you wish to limit or enlarge them, he is your servant, and you have but to speak and he obeys. It is not whether we will accumulate gold or greenbacks or convert our notes into bonds, nor whether the time to resume is too early or too late. All these are sub-

jects of legislation. But the question now is whether we will repudiate the legislative declaration made in the act of 1875 to redeem the promise made and printed on the face of every United States note, a promise made in the midst of war, when our nation was struggling for existence, a promise renewed in March, 1869, in the most unequivocal

language, and finally made specific as to time by the act of 1875.

And let us not deceive ourselves by supposing that those who op pose this repeal are in favor of a purely metallic currency to the exclusion of paper currency, for all intelligent men agree that every great commercial nation must have both: the one as the standard of value by which all things are measured, which daily measures your of value by which all things are measured, which daily measures your bonds and notes as it measures wheat, cotton, and land; and also a paper or credit currency, which, from its convenience of handling or transfer, must be the medium of exchanges in the great body of the business of life. Statistics show that in commercial countries a very large proportion of all transfers is by book-accounts and notes, and more than nine-tenths of all the residue of payments is by checks, drafts, and such paper tools of exchange. Of the vast by checks, drafts, and such paper tools of exchange. Of the vast business done in New York and London not 5 per cent. is done with either paper money or gold or silver, but by the mere balancing of accounts or exchange of credits. And this will be so whether your paper money is worth 40 per cent. or 100 per cent. in gold. The only paper money is worth 40 per cent. or 100 per cent. In gold. The only question is whether in using paper money we will have that which is as good as it promises, as good as that of Great Britain, France, or Germany; as good as coin issued from your mints, or whether we will content ourselves with depreciated paper money, worth 10 per cent less than it promises, every dollar of which daily tells your constituents that the United States is not rich enough to pay more than 90 per cent. on the dollar for its three hundred and seventy millions of promises to pay, or that you have not courage enough to stand by your promise to do it.

Nor are we to decide whether our paper money shall be issued directly by the Government or by banks created by the Government; nor whether at a future time the legal-tender quality of United States notes shall continue. I am one of those who believe that a United States note issued directly by the Government and convertible on demand into gold coin, or a Government bond equal in value to gold, is the best currency we can adopt; that it is to be the currency of the future, not only in the United States, but in Great Britain as well;

and that such a currency might properly continue to be a legal tender except when coin is specifically stipulated for.

But these are not the questions we are to deal with. It is whether the promise of the law shall be fulfilled, that the United States shall pay such of its notes as are presented on and after the 1st day of January, 1879, in coin; and whether the national banks will at the same time redeem their notes either in coin or United States notes made equal to coin; or whether the United States shall revoke its promise and continue for an indefinite period to still longer force upon the people a depreciated currency always below the legal standard of gold, and fluctuating daily in its depreciation as Congress may threaten or promise, or speculators may hoard, or corner, or throw out your broken promises. It is the turning point in our financial history, which will greatly affect the life of individuals and the fate of parties, but, more than all, the honor and good faith of our country.

At the beginning of our national existence our ancestors boldly and hopefully assumed the burden of a great national debt, formed of the

debts of the old confederation and of the States that composed it; and, with a scattered population and feeble resources, honestly met and paid in good solid coin every obligation. After the war of 1812, which exhausted our resources, destroyed our commerce, and greatly which exhausted our resources, destroyed our commerce, and greatly increased our debt, a republican administration boldly funded our debt, placed its currency upon the coin basis, promptly paid its interest, and reduced the principal; and within twenty years after that war was over, under the first democratic President, paid in coin the last dollar, both principal and interest, of the debt. And now, eleven years after a greater war, of grander proportions, in which not merely foreign domination threatened us, but the very existence of our nation was at stake, and after our cause has been blessed with unexampled success, with a country teeming with wealth, with our credit count was at stake, and after our cause has been blessed with unexampled success, with a country teeming with wealth, with our credit equal to that of any nation, we are debating whether we will redeem our promises according to their legal tenor and effect, or whether we will refuse to do so and repeal and cancel them.

I would invoke in the consideration of this question the example of those who won our independence and preserved it to us, to inspire us so to decide this question that those who come after us may point

to our example of standing by the public faith now solemnly pledged, even though to do so may not run current with the temporary pressure of the hour or may entail some sacrifice and hardship.

# THE VITAL OBJECT OF THE ACT OF 1875.

What then is the law it is proposed to repeal? I will state its provisions fully in detail, but the main proposition—the essential core of the whole—is the promise to which the public faith is pledged that the United States will redeem in gold coin any of its notes that may be presented to the Treasury on and after the 1st day of January, 1879. This is the vital object of the law. It does not undertake to settle the nature of our paper money after that, whether it shall be reissued again, whether it shall thereafter be a legal tender, nor whether it shall not supersede bank-notes. All this is purely that the state of the control of th posely left to the future. But it does say that on and after that day

the United States note promising to pay one dollar shall be equal to the gold dollar of the Mint.  $\dot{}$ 

The questions then arise

First. Ought this promise be performed?

Second. Can we perform it?

Third. Are the agencies and measures prescribed in the law suf-

Fourth. If not, what additional measures should be enacted?

Let us consider these questions in their order with all serious deliberation that their conceded importance demands.

And first, ought this promise be fulfilled?

THE LEGAL PURPORT OF UNITED STATES NOTES.

To answer this we must fully understand the legal and moral obligations contained in the notes of the United States. The purport of the note is as follows:

The United States promises to pay the bearer one dollar.

This note is a promise to pay one dollar. The legal effect of this note has been announced by the unanimous opinion of the Supreme Court of the United States, the highest and final judicial authority in our Government.

The legal-tender attribute given to the note has been the subject of conflicting decisions in that court, but the nature and purport of it is not only plain on its face, but is concurred in by every judge of that court and by every judicial tribunal before which that question has been presented.

In the case of Bank vs. Supervisors, 7 Wallace, 31, Chief Justice

Chase says:

But, on the other hand, it is equally clear that these notes are obligations of the United States. Their name imports obligation. Every one of them expresses upon its face an engagement of the nation to pay to the bearer a certain sum. The dollar note is an engagement to pay a dollar, and the dollar intended is the coined dollar of the U<sub>i</sub> ited States, a certain quantity in weight and fineness of gold or silver, authenticated as such by the stamp of the Government. No other dollars had before been recognized by the legislation of the National Government as lawful maney.

Again, in the case of Bronson vs. Rhodes, 7 Wallace, 251, Chief Justice Chase says:

The note dollar was the promise to pay a coined dollar.

In the Legal-Tender Cases, 12 Wallace, 560, Justice Bradley says:

It is not an attempt to coin money out of a valueless material, like the coinage of leather, or ivory, or cowry shells. It is a pleage of the national credit. It is a promise by the Government to pay dollars; it is not an attempt to make dollars. The standard of value is not changed. The Government simply demands that its credit shall be accepted and received by public and private creditors during the pending exigency.

Its create shall be accepted and received by public and private creators during the pending exigency. \* \* \*

No one supposes that these Government certificates are never to be paid; that the day of specie payments is never to return. And it matters not in what form they are issued. \* \* \* Through whatever changes they pass, their ultimate destiny is to be paid.

In all these legal-tender cases there is not a word in conflict with these opinions.

Thus, then, it is settled that this note is not a dollar, but a debt due; a promise to pay a dollar in gold coin. Congress may define the weight and fineness of a dollar, and it has done so by providing a gold coin weighing  $25^{8}_{10}$  grains of standard gold  $^{9}_{10}$  fine. The promise is specific and exact, and its nature is fixed by the law and announced

by the court. Here I might rest as to the nature of the United States note; but it is proper that I state the law under which it was issued

note; but it is proper that I state the law under which it was issued and the subsequent laws relating to it.

The act of February 25, 1862, gave birth to this note as well as the whole financial policy of the war. The first section of that act authorizes the Secretary of the Treasury to issue upon the credit of the United States, United States notes to the amount of \$150,000,000, payable to bearer at the Treasury of the United States. The amount of these notes was subsequently increased during the war to the maximum sum of \$450,000,000, but the nature and character of the notes was the same as the first issue. The calcargement of the issue did not was the same as the first issue. The enlargement of the issue did not in the least affect the obligation of the United States to pay them in coin. This obligation was recognized in every loan law passed during the war; and to secure the note from depreciation the amount was carefully limited, and every quality was given to it to maintain its value that was possible during the exigencies of the war. I might show you from the contemporaneous debates in Congress that at every step of the war the notes were regarded as a temporary loan, in the step of the war the notes were regarded as a temporary loan, in the nature of a forced loan, but a loan cheerfully borne, and to be redeemed soon after the war was over. It was not until two years after the war, when the advancing value of the note created an interest to depreciate it in order to advance prices for purposes of speculation, that there was any talk about putting off the payment of the note. The policy of a gradual contraction of the currency with a view to specie payments was in December, 1865, concurred in by the almost unanimous vote of the House of Representatives, and the act of April 12, 1866, authorized \$4,000,000 of notes a month to be retired and canceled. No one then questioned either the policy, the duty, or the obligation of the United States to redeem these notes in

WHY THE UNITED STATES NOTE IS BELOW PAR.

Why has not this obligation been performed? How comes it that fourteen years after these notes were issued, and eleven years after the exigency was over, we are debating whether they shall be paid and when they shall be paid? We may well pause to examine how

this plain and positive obligation has so long been deferred by a

nation always sensitive to the public honor.

The fatal commencement of this long delay was in this provision of the act approved March 3, 1863, as follows:

And the holders of United States notes issued under and by virtue of said acts shall present the same for the purpose of exchanging the same for bonds as therein provided on or before the 1st day of July, 1863, and thereafter the right so to exchange the same shall cease and determine.

Thus, under the pressure of war and the plausible pretext of a statnte of limitations, the most essential legal attribute of the note was taken away. This act, though convenient in its temporary results, was a most fatal step, and for my part in acquiescing in and voting for it I have felt more regret than for any act of my official life. But it must be remembered that the object of this provision was not to prevent the conversion of notes into bonds, but to induce their conversion. It was the policy and need of the Government to induce its citizens to exchange the notes freely for the bonds, so that the notes might again be paid out to meet the pressing demands of the war. might again be paid out to meet the pressing demands of the war. It was believed that if this right to convert them was limited, in time this would cause them to be more freely funded; and Mr. Chase, then Secretary of the Treasury, anxious to prevent a too large increase of the interest of the public debt, desired to place in market a 5 per cent. bond instead of a 6 per cent. bond. The fatal error was in not changing the right to convert the note into a 5 per cent. bond instead of a 6 per cent. bond. This was in fact proposed in the Committee on Finance, but it was said that a right to convert a note into a bond at any time was not so likely to be exercised as if it could only be exat any time was not so likely to be exercised as if it could only be exercised at the pleasure of the Government. And this plausible theory to induce the conversion of notes into bonds was made the basis after the war was over for the refusal of the United States to allow the conversion of its notes into bonds, and has been the fruitful cause of the continued depreciation and dishonor of United States notes for the last five years, during which our 5 per cent. bonds have been at par with gold, while our notes rise and fall in the gamut of depreci-Notwithstanding that the right to convert notes into bonds was

taken away, yet in fact they were during the war received par for par for bonds; and after the war was over all the interest-bearing securities were converted into bonds; but the notes—the money of the people-the artificial measure of value, the most sacred obligation, because it was past due, was refused either payment or conversion, thus cutting it off from the full benefit of the advancing credit of the Government, and leaving to it only the forced quality of legal tender

in payment of debts.

Shortly after the war was over, and notably during the presidential campaign of 1868, the question arose whether the bonds of the United States were payable in coin or United States notes. Both notes and bonds were then below par in coin, the notes ranging from notes and bonds were then below par in coin, the notes ranging from sixty-seven to seventy-five cents in coin; and 5 per cent. bonds from seventy-two to eighty cents in coin. Here again the opportunity was lost to secure the easy and natural appreciation of our notes to the gold standard. Had Congress then authorized the conversion of notes into bonds when both were depreciated both would have advanced to par in gold; but on the one hand it was nrged that this would cause a rapid contraction, and on the other that the right to convert the note into a bond was not specie payment; it was only the exchange of one promise for another. It was specie payment they very much favored, but did not have the wisdom then to secure. If the advocates for specie payment had then supported a restoration of the right to convert notes into bonds they would have secured their object with but little opposition. But all measures to fund the notes at the pleasure of the holder were defeated, and instead there was ingrafted into the act to strengthen the public credit—

First, a declaration "that the faith of the United States is solemn-

ly pledged to the payment in coin, or its equivalent, of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States" except such as by the law could be paid in other currency

than gold and silver.

Second, "and the United States also solemnly pledges its faith to make provision, at the earliest practicable period, for the redemp-tion of the United States notes in coin."

Here again the obligation of the Government to pay these notes in coin was recognized, its purpose declared, and the time fixed, "as early as practicable." What was the effect of this important act of Congress? Without adding one dollar to the public debt, or the burden of the debt, both bonds and notes rose in value. Within one year the bonds rose to par in gold, making it practicable to commence the refunding of 6 per cent. bonds into 5 per cent bonds. The notes rose under the stimulus of this new promise in one year from seventy-six cents to eighty-nine cents in gold, but no steps whatever were made to redeem them.

The amount of bank-notes authorized was increased fifty-four millions. The executive department pursued the policy of redeeming debts not due, and did from an overflowing Treasury reduce very largely the public debt, but no steps whatever were taken to advance the value of our notes. The effect of the act of 1869 was exhausted on the adjournment of Congress in March, 1870, when the United States notes were worth eighty-nine cents in gold; and thereabouts, up and down, with many fluctuations, they have remained to this day. The bondholder, secure in the promise to him, is happy in receiving his interest in gold, with his bond above par in gold. The note-holder, interest in gold, with his bond above par in gold. The note-holder, the farmer, the artisan, the laborer, whose labor and production is measured in greenbacks, still receives your depreciated notes worth 10 per cent. less than gold you promised him "at the earliest day practicable." The one has a promise performed and the other a promise postponed.

Thus we stood when the panic of '73 came upon us; with more paper money afloat than ever circulated before in any country of the paper money alloat than ever circulated before in any country of the world. Even then, had we stood firmly, the hoarding tendency of the panic would have advanced our notes toward the gold standard, and in fact did so during the months of September and October, until the premium on gold had fallen to 8 per cent. But sir, at this critical moment, the Secretary of the Treasury, acting no doubt in good faith, but I think without authority of law, issued twenty-six millions more United States notes—part of the notes retired and canceled under previous acts. And now, notwithstanding all the talk about contraction of the currency, we have not withdrawn one-half of this illegal issue. On the 1st of September, 1873, we had three hundred and fifty-six million notes outstanding. Three months afterward we had three hundred and eighty-two million; and now we have three hundred and seventy-one million.

### THE ACT OF 1875 A PLEDGE OF PUBLIC FAITH.

Sir, it was under the light of these events, after the fullest discussion ever given in Congress of any question—after debate before the people during the recess of Congress and full deliberation last winter people during the recess of Congress and full deliberation last winter—this act was passed. There was and is now great difference of opinion as to the details, but the vital promise made to the note-holder to make his note as good as gold in January, 1879, was concurred in by a large majority of both Houses, and by many who opposed the bill as too slow in its operations. This act of honor and public faith was applanded by the civilized world and concurred in by our constituents the doubts only being as to the machinery to carry it into effect. ents, the doubts only being as to the machinery to carry it into effect. The time was fixed by those who most feared resumption, and no one proposed a longer time. My honorable friend from Indiana [Mr. Morrow] truly said (in the recent campaign in Ohio) that he participated in framing it; and he and those who agreed with him fixed the time so remote as to excite the unfounded charge that the bill was a

sham, a mere contrivance to bridge an election.

And now, sir, to recapitulate this branch of the question, it is shown that the holder of these notes has a promise of the United States made in February, 1862, to pay him \$1 in gold coin; that the legal purport of this promise has been declared by the Supreme Court; that we have taken away from this note one of the legal attributes given it which would long since have secured its payment in coin— that when the note was authorized and issued it was understood as redeemable in coin when the war was over; that our promise to pay it was renewed in 1869—"at as early a day as practicable;" that by reason of our failure to provide for its payment it is still depreciated below par more than one-tenth of its nominal value; that we renewed this promise and made it definite as to time by act of 1875; that it is a debt due from the United States, and in law and honor due now in coin. Yet it is proposed to recall our promise to redeem this note in coin three years hence. I say, sir, this would be national dishonor. It would destroy the confidence with which the public creditor rests upon the promises contained in your bonds. It would greatly tend to arrest the process by which the interest on your bonds is reduced. It would accustom our people to the substitution of a temporary wave of popular opinion for its written contract or promise. It would weaken in the public mind that keen sense of honor and pride which has always distinguished the English-speaking nations in dealing with public obligations.

An old writer thus describes "public credit:"

An old writer thus describes "public credit:"

Credit is a consequence, not a cause; the effect of a substance, not a substance; it is the sunshine, not the sun; the quickening something, call it what you will, that gives life to trade, gives being to the branches and moisture to the root; it is the oil of the wheel, the marrow in the bones, the blood in the veins, and the spirits in the heart of all the negoce, trade, cash, and commerce in the world.

It is produced, and grows insensibly from fair and upright dealing, punctual compliance, honorable performance of contracts and covenants; in short, it is the off-spring of universal probity.

It is apparent even by its nature; it is no way dependent upon persons, parliament, or any particular men or set of men as such in the world, but upon their conduct and just behavior. Credit never was chained to men's names, but to their actions; not to families, clans, or collections of men; no, not to nations. It is the honor, the justice, the fair-dealing, and the equal conduct of men, bodies of men, nations, and people, that raise the thing called credit among them. Wheresoever this is found credit will live and thrive, grow and increase; where this is wanting, let all the power and wit of man join together, they can neither give her being nor preserve her life.

Arts have been tried on various occasions in the world to raise credit; art has been found able with more ease to destroy credit than to raise it. The force of art, assisted by the punctual, fair, and just-dealing abovesaid, may have done much to form a credit upon the face of things, but we find still the honor would have done it without the art, but never the art without the honor. Nor will money itself, which, Solomon says, answers all things, purchase this thing called credit or restore it when lost.

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Our credit in this case is a public thing. It is rightly called by some of our writers actional credit. The word denominates its original. It is negliged by

Our-credit in this case is a public thing. It is rightly called by some of our writers national credit. The word denominates its original. It is produced by the nation's probity, the honor and exact performing national engagements.

WHY PUBLIC POLICY FORBIDS ITS REPEAL.

And, sir, passing from considerations of public honor, there are many reasons of *public policy* which forbid the repeal of the act of 1875. That act was generally regarded as the settlement of a finan-

cial policy by which at least the party in power is bound, and upon the faith of which business men have conducted their affairs and made their contracts. Debts have been contracted and paid with the expectation that at the time fixed the gold standard would measure all obligations, and a repeal of the act would now re-open all the wild and dangerous speculation schemes that feed and fatten upon depreciated paper money. The influence that secures this repeal will not stop here. If we can recall our promise to pay our notes outstanding why should we not issue more? If we can disregard our promise to why should we not issue more? If we can disregard our promise to pay them, why shall we regard our promise not to issue more than \$400,000,000 as stipulated for by the act of 1864? If we can re-open the \$400,000,000 as stipulated for by the act of 1864? If we can re-open the question of the payment of our notes, why may we not re-open the question as to the payment of our bonds? Is the act of 1869 any more sacred than the act of 1875? And if we can re-open these questions, why not re-open the laws requiring the payment of either interest or principal of the public debt? They rest upon acts of Congress which we have the power to repeal. If the public honor cannot protect our promise to the note-holder, how shall it protect our promise to the bondholder? Already do we see advocated in high places, by numerous and formidable organizations, all forms of repudiation, which, if adonted, would reduce our nation to the credit of a robber chief if adopted, would reduce our nation to the credit of a robber chiefworse than the credit of an Algerine pirate, who at least would not plunder his own countrymen. And if the public creditor had no safety, what chance would the national banks—creations of our own safety, what chance would the national banks—creations of our own and subject to our will—have in Congress? It has already been proposed to confiscate their bonds, premium and all, as a mode of paying their notes with greenbacks. What expedient so easy if we would make money cheap and abundant? Or, if so extreme a measure could be arrested, what is to prevent the permanent dethronement of gold as a measure of value, and the substitution of an interconvertible currency bond bearing 3.65 per cent. interest as a standard of value; and when it becomes too expensive to print the notes to pay the interest, reduce the rate. Why not? Why pay 3.65 per cent. when it is easier to print 3? It is but an act of Congress. And when the process of repudiation goes so far that your notes will not buy bread, why then declare against all interest, and then, after passing through the valley of humiliation return again to barter, and honor, and gold again.

Sir, if you once commence this downward course of repudiation there is but one ending. You may, like Mirabeau and the Girondists, seek to stem the torrent, but you will be swept away by the spirit you have evoked and the instruments you have created. You comyou have evoked and the instruments you have created. You complain now of a want of confidence which makes men hoard their money. Will you, then, destroy all confidence? No, sir, no; the way to restore confidence is to inspire it by fulfilling your obligations. You cannot make men lend you; you cannot make men sell you anything—either bread, or meat, or wool, or iron, or anything that is or that can be created—except for that which they choose to take. You may depreciate the money which you offer, but it will only take more of it to buy what you want. It is true that the creditor may, by your laws be conveiled to take your money however much you by your laws, be compelled to take your money however much you depreciate it, but he cannot buy back that which he sold, or its equivalent in other necessaries of life, and thus he is cheated of part of what he sold. During the war, while money was depreciating, many a simple man gleefully counted his gains as he sold his goods or crops at advancing prices, but he found out his mistake when with his swollen pile he tried to replace his stock in trade or laid in his supplies. Sir, this policy exhausts itself in cheating the man who buys or sells or loans on credit, who produces something to sell on credit; whether that something be food or clothing; whether it be a necessity or a luxury of life. Productive labor, honest toil, whether of the farmer or the artisan, is deeply interested in credit. It is credit that gives life and competition to trade; and credit is destroyed by

every scheme that impairs, delays, or even clouds an obligation.

Again, sir, an irredeemable and fluctuating currency always raises the rate of interest on money, while a stable currency or an improving currency always reduces the rate of interest. This is easily shown by statistics, but the reason is so obvious that proof is not reached. If a man lends his means he may be a second of the reason is so obvious that proof is not needed. If a man lends his money he wants it back again with its increase; but if the money, when it is to be paid back, is like to be worth less than when he thinks of loaning it, he will not loan it except at such rates as will cover the risk of depreciation. He will prefer to buy land or something of stable value. If money is at the gold standard or is advancing toward that standard, he will loan it readily at a moderate interest, for he knows he will receive back money of at least equal value to that he loaned.

Again, sir, with a depreciated currency great domestic productions are cut off from the foreign market; for it is impossible that with such a currency we can compete on equal terms with rival nations, whose industry rests upon a specie standard. As we approach such a standard, we are now able as to a few articles to compete with foreign industry; but it is only as to articles in the manufacture of which we have peculiar advantages. Let us rest our industries on that standard, and soon we could compete in the markets of the world in all the articles produced from iron, wood, leather, and cotton, the raw basis of which are our natural productions. And it must be remembered that all the countries with which we compete are specie-paying countries. A country that does not rest her industry upon specie is necessarily excluded from the great manufacturing industrial productions. indus ries of modern civilization, and is self-condemned to produce

only the raw basis for advanced industry. Cheap food, climate, soil, or natural advantages, such as cheap land, vast plains for pasture, or rich mines, may give to a country wealth and prosperity in spite of the evils of depreciated paper money; but when we come in competi-tion with the world in the advanced grades of production which give employment to the skilled mechanic, we must rest such industry upon the gold basis, or we enter the lists like a knight with his armor un-

Again, sir, a depreciated and fluctuating currency is a premium and bounty to the broker and money-changer. Under his manipulation our paper standard of value goes up and down, and he gambles and speculates, with all the advantages in his favor. Good people look on and think that it is gold that is going up and down; that their money is a dollar still, and trade and traffic in that belief. But the shrewd operator calculates daily the depreciation of our note, the shortening of the yard-stick, the shrinkage of the acre, the lessening of the ton, and thus it is that he daily adds to his gains from the indifference or

delusion of our people.

Sir, it is an old story, often repeated in our day, and most eloquently epitomized by Daniel Webster in the often-quoted passage of his

speech in which he said:

speech in which he said:

A disordered currency is one of the greatest of political evils. It undermines the virtues necessary for the support of the social system and encourages propensities destructive of its happiness. It wars against industry, frugality, and economy; and it fosters the evil spirit of extravagance and speculation. Of all contrivances for cheating the laboring classes of mankind none has been more effectual than that which deluded them with paper money. Ordinary tyranny, oppression, excessive taxation, these bear lightly on the happiness of the mass of the community, compared with the fraudulent currencies and the robberies committed by depreciated paper. Our own history has recore of for our instruction enough, and more than enough, of the demoralizing tendency, the injustice, and the intolerable oppression of the virtuous and well-disposed of a degraded paper currency authorized by law or in any way countenanced by Government.

Sir, we must meet this question of specie payments, not only because the public honor is pledged to do so, but also for the lesser reason that it is our interest to do so. The only questions we should permit ourselves to discuss are the means and measures of doing so.

And now, sir, let us examine the reasons that have been given for

the rejeal of the resumption act by those who, though favoring resumption, yet think the act should be repealed for one or other of the

following reasons:

First. That it is not advisable to fix a day for resumption.

Second. Or at least until the balance of trade is in our favor. Third. That it produces a contraction of the currency. Fourth. That it injuriously adds to the burden of existing debts.

# WHY FIX A DAY FOR RESUMPTION.

Let us glance at these objections.

First. As to fixing a day for resumption.

If it was possible to agree upon measures that would secure resumption without fixing a time, I agree it would not be indispensable, though not unadvisable, to fix a time; but such agreement is utterly impossinot unadvisable, to fix a time; but such agreement is utterly impossible. Of the multitude of schemes that have been presented to me by intelligent men trying to solve this problem, many could have been selected that in my opinion would be practicable; but of all of them not one ever has or is likely to secure the assent of a majority of a body so numerous as Congress. One difficulty we have encountered is that the democratic party, though in the minority, has never presented in any form through any leading member a plan for resumption, but with widely differing opinions have joined in opposing any and every measure from the other side. I understand from the papers that our democratic friends through a canens, and through a canens. and every measure from the other side. I understand from the papers that our democratic friends through a caucus, and through a caucus committee of which my colleague is chairman, have been laboring to agree upon a plan for specie payments. After his frequent speeches to us about a caucus measure—a great question being submitted to a caucus—about secret conclaves, about shams and deceptions and such like polite and friendly comments upon the work of the republican party, I might greet my colleague with such happy phrases about his cancus; that I will not but on the contrary I commend his labors. party, I might greet my colleague with such happy phrases about his cancus; but I will not, but on the contrary I commend his labors, and sincerely hope that he and his political friends may agree upon some plan to reach a specie standard, and not one to avoid it, to prevent it, to defer it. Under color of intending to prepare for it, I hope they will not make their measure the pretext for repealing the law as it stands, which fixes a day for resumption and will secure the end

we both aim at.

I frankly state for the republican party that, while we could agree and sufficient powers upon the Secretary of the Treasury contained in this law, we could agree in prescribing the precise mode in which the process should be executed. Nor, in my opinion, was it at all essential that we should. Much must be left to the discretion of the officer charged with the execution of such a law. The powers conferred, as I shall show hereafter, are ample; and the discretion given will be exercised under the eye of Congress.

And, sir, there is strong force in the fact that in every example we And, sir, there is strong force in the fact that in every example we have of the successful resumption of specie payments in this and other countries a fixed day has been named by legislative authority, and the details and power of execution have been left to executive authority. Thus in Great Britain the act of Parliament of July 2, 1819, fixed the time for full resumption at the 1st day of May, 1823, and for a graduated resumption in gold at intermediate dates; and for fractional sums under forty shillings to be paid in silver coin; and the

governor and directors of the Bank of England were charged with its execution, and authorized at their discretion to resume payment in full on the 1st day of May, 1822. France is now successfully passing through the same process of resumption, the time being fixed (two years ago) for January 1, 1878, and now practically attained. In our own country many of the States have presented similar laws in case of suspended bank payments, and in some cases the suspended banks have, by associated action, fixed a time for general resumption, and each bank adopted its own expedient for it. Sir, the light of experience is the lamp of wisdom. I can recall no case of successful resumption where a fixed future time has not been presented beforesumption where a fixed future time has not been presented beforehand, either by law or agreement; while the historical examples of repudiation of currency have come by the drifting process, by a gradual decline of value, by increased issues, and a refusal to provide measures of redemption, until the whole mass disappeared, dishonored and repudiated.

This concurrence in the mode of resumption by so many governments was the strongest possible instruction to Congress when fixing a plan of resumption for the United States, and should satisfy reason-

able men of its wisdom.

Besides, it would seem to be but fair that every one should have plain notice of so important a fact. If the measures only were presented and no time fixed it would be a matter of speculation, and the discretionary powers of the Secretary of the Treasury could be exercised with a view to hasten or postpone the time to the injury of individuals.

As to the date selected, I can only repeat it was placed as remote as any one suggested; far more so than is necessary to secure the object, and so that the fluctuations of value will scarcely exceed in four years what they have frequently been in a single year. An ample time to arrange all the relations of debtor and creditor, and to enable Congress to provide any additional measure in aid of resumptions of the state tion, or if events make it expedient to postpone the time.

### BALANCE OF TRADE.

Again, it has been objected that we connot resume until the balance of trade is in our favor. This phrase, "balance of trade," has been a favorite one with visionaries and theorists, sufficiently indefinite to favorite one with visionaries and theorists, sufficiently indefinite to confuse and to mislead. As generally understood, the dogma is "that a nation that imports more than it exports is growing poorer;" or, conversely, "that a nation that exports more than it imports is prosperous." Now, sir, either proposition has been proven false in many cases, and may be true in some. It does not follow that an excess of imports creates distress, or a deficiency of exports is an evidence of poverty. Even the excess of imports upon which interest may be paid may be of wealth-producing productions; or a deficiency of exports may be caused by an increased domestic manufacture of raw products by home industry. But the best way to test the fallacy of products by home industry. But the best way to test the fallacy of this dogma is by reference to examples. Great Britain is known to be a prosperous nation of accumulating and accumulated wealth, and yet her imports have exceeded her exports every year for twenty years. The general average of her imports in excess of exports is £50,000,000 or \$250,000,000 a year. I have here the detailed statement of her imports and exports for 1872 and 1873:

1872.	ImportsExports	£354, 693, 624 314, 588, 834	
	Excess of imports over exports	40, 104, 790	or \$200, 000, 000
1873.	Imports	371, 287, 372 311, 004, 765	

Excess of imports over exports ...... 60, 282, 607 or \$300, 000, 000 Now, according to the dogma of the "balance of trade," Great Britain is going into a rapid decay; while she knows this large excess of imports is an addition to her national wealth.

But take our own country and compare years of conceded prosperity

with years of hard times.

	1867.	1868.
Imports	\$391, 121, 801 334, 350, 653	\$351, 214, 010 352, 788, 202
Balance of trade against us	56, 771, 148	

Yet we were then prosperous, as we have so often been told, with plenty of paper money. Take the two last years, when we are told so often that distress,

misery, and poverty prevailed:

	1874.	1875.
Exports at gold value, including gold	\$652, 913, 445 595, 861, 248	\$605, 574, 853 553, 906, 153
Balance of trade in our favor	57, 052, 197	51, 668, 700

And the balance of trade in our favor is more striking during the seven months of the present fiscal year, from the 1st of July, 1875, to the 1st of February, 1876.

The total exports, reduced to gold values, were ...... \$334, 853, 996 Tre total imports were.....

Leaving a balance in our favor in coin for seven months of .....

53, 124, 261

All these amounts are reduced to a coin basis, and include both the importation and exportation of coin.

According to the dogma of the balance of trade, now is the golden moment to resume, when the balance is in our favor nearly one hundred millions a year. Yet many people cry out, "Wait for the balance of trade; don't force resumption." Well, the time has come, and yet they are not ready. This dogma has been the cause of infinite confusion, but is now abandoned. McCullough, in his Dictionary of Commerce, thus refers to it:

of Commerce, thus refers to it:

In commerce the term "balance of trade" is commonly used to express the difference between the value of the exports from and imports into a country. The balance used to be said to be favorable when the value of the exports exceeded that of the imports, and unfavorable when the value of the imports exceeded that of the exports. And in this country this was long believed to be the case, and down to a late period we were annually congratulated by our finance ministers on the excess of the exports over the imports.

The attainment of a favorable balance was formerly regarded as an object of the greatest importance.

The truth is, however, that the theory of the balance of trade was not erroneous merely from the false notions which its advocates entertained with respect to money, but proceeded on radically mistaken views as to the nature of commerce.

The argument about the balance of payments is one of those that contradict and confute themselves.

Not only, therefore, is the theory with respect to the balance of trade erroneous, but the very reverse of that theory is true.

It is difficult to estimate the mischief which the absurd notions relative to the balance of trade have occasioned in almost every commercial country; here they have been particularly injurious.

This author fortifies his position with ample details, but it is suf-

This author fortifies his position with ample details, but it is sufficient to say that if the dogma is false we should not regard it, and, if it is true, now is the golden moment for resumption, for the balance of trade is in our favor. In my view it is utterly immaterial to the question before us.

CONTRACTION.

The third objection is that the law produces a great contraction of

the currency

Now, sir, it ought to be confessed, for it is true, that any plan for specie resumption will, when it is about to take effect, produce some contraction of the paper currency. The drifting process if it succeeds must cause it as well. To wait for resumption until resumption will produce no temporary contraction is to wait until the rivers cease to flow or the mountains are level with the plains. Every time resumption has taken place in the historical cases I have referred to, contraction has preceded it. Remedies for bodily or political ailments are apt to be unpleasant. All we can say is that public honor and public policy demand the remedy for the dishonor and the evil of a depreciated currency; that the time is ripe for the cure and the means

we have prescribed are suitable to the end.

And, sir, the degree of contraction and the effects of it are greatly exaggerated. The only contraction of the currency provided for by exaggerated. The only contraction of the currency provided for by the act is in the substitution of one form of currency for another. Thus, in place of the fractional currency is issued silver currency; and where national-bank notes are issued there is retired 80 per cent. of the amount in United States notes. Thus far no fractional curof the amount in United States notes. Thus far no fractional currency has been retired; but, as I will show hereafter, we can now and will, if the law stands, issue as much silver currency as any one may wish in exchange for either fractional currency or United States notes; and, as to bank-notes, the amount issued since the act took effect is \$13,820,760, and the amount of United States notes retired is \$11,056,608, leaving of United States notes still outstanding \$370,943,-392, or \$14,900,000 more than was outstanding when the act of March, 1869, was passed, and the same amount more than was outstanding on the 14th day of Sentamber 1873 when the pagic came. Thus on the 14th day of September, 1873, when the panic came. Thus it appears that under the law the amount of bank-notes issued is \$2,800,000 more than the United States notes retired, and the contraction of the currency prescribed by this law is a myth.

But there has been a contraction of the currency since the panic, and before and after the passage of the act of 1875, which will go on whenever in any way a specie standard approaches, and that is by the voluntary retirement by national banks of a portion of their cir-culating notes. This contraction is not provided for by the resumption act, but is authorized by the national banking acts, and is the healthy ebb and flow of currency which it was the object of the law to secure. The national banks retired \$24,962,327 of their notes by depositing that amount of United States notes in the Treasury of the United States to be used exclusively in redeeming the bank-notes when presented. The only motive for this deposit was that in the opinion of those banks the circulating notes could not be profitably used, or they were not strong enough to maintain at the specie basis the whole of their notes. This process will and ought to go on until each bank is certain it can maintain resumption at the time stated. Nor is this contraction in the slightest degree injurious to the bank or to the ability of the bank to loan money to its customers. The banks will not withdraw their notes unless it is their interest to do so. When they do surrender or redeem their notes they at once receive a larger amount of their bonds held as security for their notes, and worth about 30 per cent. more than the notes redeemed. Thus, the whole of their notes. This process will and ought to go on until and worth about 30 per cent. more than the notes redeemed. Thus, when a bank surrenders \$9,000 of its circulating notes it lifts from

the lien of the note-holder \$10,000 of United States bonds worth today about \$12,000. If the bank sells the bonds it has \$12,000 of currency to loan, and has strengthened itself by paying \$9,000 of its notes. This process, instead of being a cause of alarm, should be encouraged and hastened; and this is practically the only contraction effected by this bill, a contraction which is in the very line clamored for by those who oppose national banks; but a voluntary contraction, made by the silent operation of the interest of the bank, while at the same time it advances the residue of notes to par in gold.

#### RESUMPTION THROUGH NATIONAL BANKS.

Sir, in my judgment, the real solution of specie resumption will thus come through the voluntary act of national banks, each acting for itself, under the general direction of the law, precisely as the Bank of England, the Bank of France, and the New York banks brought about and maintained resumption. I have never regarded with solicitude the amount of United States notes outstanding, for, as I will show, they can be easily maintained at par in gold; but the agency of the banks in securing resumption and the effect of resumption upon their customers were matters of solicitude. This I no longer doubt or fear. The whole problem consists in a partial and limited transfer of capital now invested by national banks in United States bonds to incapital now invested by national banks in United States bonds to individuals. The high price of these bonds and the idle capital that seeks investment in them will enable each bank to strengthen itself by a sale of bonds without in the least impairing its ability to discount or loan, and, in fact, to increase its power to do so, and the bonds will be absorbed by the increasing demand for such securities. Strong banks in cities do not need the currency, for their currency is certified checks. Their currency is largely held by them, or, if in circulation, it can be retired and canceled without impairing in the least their ability to leav or discount. The hark currency being the least their ability to loan or discount. The bank currency being thus diminished, as the time for resumption approaches, the United States notes, supported by a gold reserve and the power of the Secretary to sell bonds, will easily be maintained at the gold standard, and the problem is solved.

And, sir, this partial contraction of bank currency will unlock and dissipate a greater contraction which has gone on since the panic, and will go on until the public mind rests assured that the day of resumption is not only promised but rendered certain by the course of events. An increase of currency will follow resumption. Great masses of notes now lie idle in bank-vaults and in the Treasury, and are hoarded in homesteads all over the land. There is deposited in the Treasury, without interest and belonging to banks, \$31,005,000, represented by without interest and belonging to banks, \$31,005,000, represented by currency certificates. There are now in the vaults of the national banks \$73,626,100 United States notes and fractional currency, \$17,166,190 bank-notes, in all \$90,792,290, and in the savings-banks, State banks, and other banks that have made returns to the Comptroller of the Currency the sum of \$45,431,409, in all making \$170,228,699, and this is far more than the reserve required by law. The practice of hoarding currency has greatly increased from the day of the panic, and it may be safely said that there is among the people and in savings-banks and trust companies not less than \$200,000,000 of currency idle. Nothing but the best of security will tenut it from its hiding-places; but, that the best of security will tempt it from its hiding-places; but, that security offered, it can be had for a less rate of interest than ever be-fore. Capital met its periodical shock in September, 1873, and great masses of it, some say one thousand millions, vanished as a dream, and are now represented by worthless bonds, bills, notes, and certificates of stock, worth but little more than the paper on which they are printed. This panic came upon us when the paper god was lord of the ascendant, when corner lots, at fictitious prices, were the par of exchange; when unproductive railroads were the El Dorados of visionaries, and wild schemes of improvement, both in this city and in all the cities of the Union, increased municipal debts to an unexam-pled degree. This reckless inflation of credits collapsed long before this law was passed. Money, the agent of capital, and, when idle, capital itself, was hoarded, and still remains inactive, or is loaned on call or unquestioned security. This is the contraction of which so many complain. It is not caused by the resumption act, but by a want of confidence in investments that offer. Confidence cannot be restored by a repeal or by issuing more paper money. But the occasion does offer you an opportunity of withdrawing a portion of this idle money, and thus reaching a specie standard. The banks can freely surrender a portion of their circulation, and thus be strong for resumption; while frightened and timid capital will gladly float into United States bonds when sold by the banks. Nothing is wanted but confidence, faith, and time to secure the closing triumph of our war policy by the redemption of the only promise we then made that has not been honestly redeemed.

EFFECT UPON EXISTING DEBTS.

The remaining objection to the law is that it will add to the burden of existing debts. This objection is also inseparable from any plan of of existing debts. This objection is also inseparable from any plan or resumption. Postponement or repeal will not help the matter. The time for redemption must come. Current indebtedness was never less than now. Liquidation has gone on rapidly since the panic, and in many cases by open bankruptcy. Debts contracted since the passage of the act have been made in view of resumption in 1879. Many of the old debts run for a long period of years, and when issued were made upon the presumption of specie payments before they matured. Other large masses of debts stipulate for the payment of both principal and interest in coin. Nearly all the best investment securities

are now at or near par in gold and are bought and sold at gold values. Current debts in trade mature and are paid long before the time for resumption, and if renewed, the debtor and creditor adjust the mode of payment. All new transactions are based upon the knowledge that specie payments will come at the time stated, and for that reason lower rates of interest are stipulated for. Let it once be fixed in the lower rates of interest are stipulated for. Let it once be fixed in the public mind that on the 1st of January, 1879, paper money will be advanced to the specie standard, and debtors will readily borrow money payable in that standard at lower rates of interest. Capital will no longer be invested in gold bonds from the fear that if loaned to individuals it will be paid back in depreciated paper, but will eagerly be invested at low rates of interest on mortgage or other security if to be paid in improved and improving currency. Industries now languid or suspended will hopefully revive now that stocks are reduced and productions will have a fixed commercial value not are reduced, and productions will have a fixed commercial value, not only in home markets but the markets of the world. Merchants now fear the shrinkage of prices, but their stocks will be renewed at a corresponding reduction of prices until all are measured by the gold standard, when they need have no fear of change of prices except those arising from demand and supply. Debtors are also generally creditors, and the loss and gain in values will balance each other, and the time is ample in which all losses can be adjusted. Never could our condition be better to resume the specie standard than now, unless we intend to perpetuate the use of depreciated paper money and totally disregard the pledge of the public faith to redeem United States notes in coin.

#### THE DRIFTING PROCESS.

There are two objections made to the law which I ought not to pass 

traction, and the amount of bank-notes at \$300,000,000, and forbade its enlargement. It was said we would grow into resumption. This was the plausible dogma with which I was met when I sought the funding of notes into bonds. The result I have already stated. In 1870 the sectional inequality of the distribution of bank currency, inflamed into a passion by the sectional appeals of Horatio Seymour when a candidate for President in 1868, forced the enlargement of the limit of bank notes to \$354,000,000; and the vain hope of stopping a panic by paper promises forced the enlargement of the limit of United States notes to \$382,000,000. So will it always be with this drifting States notes to \$382,000,000. So will it always be with this driving process. When we reach a specie standard it is safe enough. If national banks then issue more money, upon sufficient security to pay in coin, they do it at their peril, and the people cannot lose nor their standard of value fluctuate. But even if it was possible to fix the present volume of currency as an arbitrary limit, it would only prolong indefinitely the evils of a depreciated currency. No one believes that we could maintain in circulation near \$800,000,000 of paper money all the time at par in gold. It must have the quality of fleximoney all the time at par in gold. It must have the quality of flexibility in amount to meet the currents of trade and business—at times withdrawn, and when needed reissued, but always of the value of and these qualities can only be secured by prompt redemption when it is not needed, and its reissue through loans and discounts by banks when the crops are to be moved or trade becomes active.

### WHY NO APPARENT RESULTS.

And as to the objection that the law has not already produced more immediate results, I admit that this is an objection to the law, but it was unavoidable under the circumstances. The time for resumption should have been fixed much earlier, so that its effect would have been more rapid. If by the law the banks had been compelled to prepare for resumption sooner, the appreciation of our notes would have been more marked; and so if a portion of the notes could be funded, or either gold or notes could be held in reserve by the sale of bonds. Who does not wish that our notes were now worth ninety-five instead of eighty-nine cents on the dollar? And yet to produce that result we must have hastened either the day for resumption or strengthened the measures for resumption. But what is the remedy for this slow process? Is it to repeal the law, not a single provision of which by its terms has been put in full operation? Is it to revoke our promise and all efforts to fulfill it? Obviously not, but to stand by our engagement and perform it sooner if circumstances will allow.

# CAN WE REDEEM ON THE 1ST DAY OF JANUARY, 1879?

And now, sir, I come to the second proposition stated: Can we resume specie payments on the 1st day of January, 1879?

On this proposition we are to consider the question as it affects the national banks, the fractional currency, and the United States notes.

### NATIONAL CURRENCY.

As to the national banks, I have already stated how redemption with them becomes an easy and natural process to be performed without injury to them, or to their customers, or to their usefulness, by a transfer or sale of United States bonds especially set aside for that purpose, and only to the extent that each bank may deem essential to its safety. The national banks are now exceptionally strong.

Their circulating notes amount to \$346,479,756. Of these notes they have in their vaults the sum of \$17,166,190. They have with the They have with the Treasurer of the United States \$356,680,150 in United States bonds worth \$427,947,224 in currency or \$374,582,200 in coin. They also hold United States bonds to secure United States deposits \$13,981,500, and other United States bonds held in their vaults to the amount of other United States bonds held in their vaults to the amount of \$16,909,550. They have a surplus over and above the capital fully paid up, the sum of \$192,300,000. With the great body of them the redemption of the whole or a large part of their circulation is a matter of indifference. To the extent of a certain per cent. of their deposits and 5 per cent. of their circulation they must maintain a reserve of United States notes, and to that extent will aid the United States in maintaining resumption. The amount of this reserve now required is \$80,135,200, but the amount in hand is \$118,800,987. As United States notes are equivalent to coin with them they will seek required is \$50,135,200, but the amount in hand is \$118,800,957. As United States notes are equivalent to coin with them, they will seek to hold as much as they can, as other banks in England hold the notes of the Bank of England. Is it not, then, apparent that the national banks are able to resume, are prepared to resume, and that resumption by them need not be delayed a single year; and that so far as their notes are concerned it is a shame and scandal that they are only worth eighty-nine cents on the dollar—and all because the United States will not advance its notes to par in gold? States will not advance its notes to par in gold ?

#### FRACTIONAL CURRENCY.

Now, sir, as to the fractional currency. This was issued to take the place of the subsidiary silver coins of the country during the war. The amount outstanding, as shown by the books of the Treasury, is \$45,120,132; but of this many millions have been lost and destroyed, and this is shown by the large amount of the old issues never presented although long superseded. It is probable that not exceeding \$40,000,000 will be presented for redemption. Now, sir, as to this currency we are able to-day to issue silver coin of legal weight and fineness in exchange dollar for dollar for fractional currency, not only without loss but with an actual profit. One ounce of silver bullion, or four hundred and eighty grains of standard fineness, is worth in the market \$1.05 in coin. One dollar of our silver coin contains three hundred and eighty four grains of standard silver; so that one dollar of silver coin will cost the United States eighty-four and one-quarter cents besides the cost of coining. To the extent that our people will take silver coin in exchange for fractional currency, the problem is already solved. It is said this coin will be hoarded. So much the better. We can furnish from our own mines all that is needed to the extent of fifteen millions on hand and two millions a month more, that being the extent of our coinage facilities. It is said it will be exported. No such good luck will befall us, for silver bullion is cheaper and better for export. If we issue it, we will either redeem a note or save paying out a note, and either way we make a profit. If fifty millions silver coin is held by our people it is to that extent a reserve for specie payments where it is most useful among the people. I wish they would take one hundred millions, and no doubt enough will be taken to redeem all the fractional currency that our people will not prefer to hold.

# UNITED STATES NOTES.

And now the only remaining question is, Can we redeem or maintain at par by the 1st day of January, 1879, the United States notes? The amount of them outstanding to-day is \$370,943,392 less those lost and destroyed. Now, many who fear resumption suppose the whole mass of United States notes will then be presented for the gold; and they have counted up the number of tons of gold that will be required to do it. They figure up the interest at 5 per cent. on the whole sum, and state that as an addition to our annual interest account. It is not necessary to reply to such exaggerations; nor is it possible to state with precision what amount of United States notes would circulate at par in coin. They could then be made receivable for customs dues without a violation of the public faith. They will always be the reserve of national banks. They could then be made receivable for bonds of the United States. They could be supported by the power to sell bonds to redeem them. They would, as a matter of course, be supported by the whole gold reserve in the Treasury. They would take the place of certificates of deposit and be used in

clearing-house exchanges.

Now, sir, with all these advantages, with the growing wealth and credit of our country, I do not believe the present volume of United States notes need be largely if any reduced to keep them at par in coin. We have now a gold balance in the Treasury of \$37,120,772.73, and a currency balance of \$9,529,404 over and above our currency and coin certificates. It is true this balance is subject to overdue and accraing demands fully stated in a recent letter of the Secretary of the Treasury, but a certain amount of these demands always remain uncalled for, and when presented are met by accruing revenue. Suppose (what I regard as an extreme case) that we add to this reserve \$100,000,000, fifty million in coin certificates and fifty million in coin, does any body doubt but it will be ample to redeem any note that is presented? Confidence being once established in their redemption, and who will want the gold for them? They can be and no doubt will be re-issued without or with the legal-tender clause, as the law may hereafter provide, and with their credit secured, established at par in coin, they will not only circulate in Texas and on the Pacific slope as well as in other parts of the United States, but, like the Bank of England note, in all countries that have commercial relations with us.

BURDEN OF RESUMPTION.

Let us pursue the argument taking the full burden of resumption as the interest of one hundred millions per annum. The rate of interest now in currency may be stated at 4 per cent. or 41 per cent. in gold. Thus four to four and one-half millions a year three years hence is the extreme burden of specie payments. Sir, the sinking fund in three years amounts to more than the one hundred millions you are to keep in reserve. The saving already made thus far by funding the debt into 5 per cent. bonds is five millions a year. The saving that you will make by the funding into 4½ per cent. will be seven and one-half millions in gold, or nearly twice as much as is needed. The saving of four millions on the appropriation bills sent to us will cover the cost. A duty of five cents on the gallon of needed. The saving of four millions on the appropriation bills sent to us will cover the cost. A duty of five cents on the gallon of whisky will do it. One-half of the smallest duty ever levied on tea and coffee will do it. One-half of the taxes now levied on national banks by the United States will do it. The increased value of our banks by the United States will do it. The increased value of our tax on whisky and tobacco being paid in coin will twice do it. Are we able to do it? Are we able to keep our promises when made specific as to time, place, and manner? I do not care to discuss this question further. Sir, the United States has been blessed by divine Providence with all the gifts which He has ever showered upon the human race. We have a broad and fruitful land, with almost every variety of climate and production. We have forty millions of free people, industrious, intelligent, brave as becomes men, shrewd and sagacious in trade and production, and loving honor and a good name. sagacious in trade and production, and loving honor and a good name. To say that we cannot redeem our promises is to dishonor the blessings of God; it is to eat of the forbidden fruit when all the productions of nature and art are within our reach; it is to dishonor our name and credit when the world is ready to lend us at a less rate of interest than any nation of the world except Great Britain has ever borrowed for; it is a party retreat; it is a national retreat; it is a retreat of cowardice from a task we promised to perform, that we are able to perform, and which every noble motive that actuates mankind impels us to perform.

But, it is said, where is the gold to come from to enable us to resume. Not only is the gold of the world open to our competition, but we are the largest gold and silver producing country of the world. The product of our mines is about one hundred millions a year, and a single year's product would more than enable us to resume. Our facilities for accumulating gold are greater than any other nation. "But the gold is exported." So it is, because we will not use it as the other nations do. Give it occupation here and it will remain here, and the products of our farms and workshops will be exported instead. said we can make a standard of something else that is not exportable. So we can by cutting ourselves off from the civilization of the human

sir, I have been struck by the absolute poverty of invention of those who in our day seek to dispense with the gold standard. Every plan proposed, every idea suggested is but the repetition of plans and ideas proposed in the American colonies, in Great Britain, in China, and by George Law. Their schemes have been tried and exploded over and over again for four thousand years, and yet gold and silver now measure ever article of property and will measure the silver now measure ever article of property and will measure the daily fluctuations of the contrivances they invent.

POWERS CONFERRED BY ACT OF 1875.

And now, sir, let us turn from the main question and briefly examine the third question: Are the agencies and measures prescribed by the act of 1875 sufficient for the purpose?

I need not remind this Senate and Senators around me how reluc-

tantly I came to the support of this bill, because it does not contain provisions that for years I have struggled to secure. Still, sir, I feel bound to say that it contains ample agencies and powers to carry it into a full execution without the addition of a single provision by Congress. The first section of the bill is limited to the redemption of fractional currency. This, as I have shown, can now be fully executed, and the only criticism is that it has not been sooner executed. Not only can the notes be redeemed in silver without loss, but the actual cost of coining the silver, strange as it may seem, is less than the printing of the fractional currency.

COST OF SILVER COIN AND FRACTIONAL CURRENCY.

The cost of coining subsidiary silver coinage is shown by the Director of the Mint to be from 1½ to 2 per cent., and with the mints running to their full capacity it is much less.

The actual profits of seignorage will not only pay this cost, but more than the interest on the bonds we may sell to procure the bullion.

On the other hand, the cost of the fractional currency is 31 per cent. of the amount issued; or, to be exact, the expense of preparing and redeeming the fractional currency for the year 1875 was \$1,410,746.95. The amount issued was \$40,365,145. And what is worse, the average life of these notes is less than one year, so that this expense is an annual one almost equal to the interest on the whole sum. Thus the The silver coin pays a debt when issued, while the fractional currency only renews it, and it must be replaced by another note within a year. Sir, the wisdom of this provision is now so demonstrated that a committee of the House unanimously refuse to print the currency and demand the issue of the silver coin, while two months ago the scheme was pronounced visionary, impracticable, a sham. We are now at a specie basis for our fractional currency; and yet when

the law passed we were told it would be hoarded, bought up by money-changers, exported. We are now told "Nobody wants the silver; they prefer the fractional notes." So it is, and so it will be when we approach the gold standard. Nobody will want to give up the United States notes for gold as soon as the note will buy as much as gold.

But it is said we can only buy the silver bullion by issuing bonds. That is true now, because our surplus revenue is not large; but how will the United States ever pay its notes at a cheaper rate. One million of dollars of 5 per cent. bonds will to-day buy sufficient silver bullion to make \$1,200,000 in subsidiary silver coin. When and how can this operation of paying our debts be better commenced, unless we mean to postpone payment indefinitely. It has been said that the 5 per cent. bonds authorized have been exhausted. Not so. The law plain and express, and was so designed and intended, to authorize the Secretary of the Treasury not only to use any surplus revenue, but "to issue, sell, and dispose of at not less than par in coin either of the descriptions of bonds of the United States described in the act" for refunding the public debt. The refunding act is only referred to for the "description" of the bonds authorized. But to make this confor the "description" of the bonds anthorized. But to make this construction more clear, it is provided "that all provisions of law inconsistent with this act are hereby repealed." Thus, not only the public faith but all the surplus revenue and the public credit, as represented by either of three kinds of bonds, to wit, those bearing 4. 4½, and 5 per cent. interest in gold, is granted to the Secretary to enable him to execute this trust. The only limit in amount is the amount that will enable him to execute the law. The only limit of price at which he can sell the bonds, is "not less than par in coin."

The second section is only material as it tends to induce the coining of gold by repealing the mint charge.

ing of gold by repealing the mint charge.

So much of the third section as relates to national banks is not material except as it provides a way by which circulating notes may be issued; but if issued it will be with full knowledge that in due time they must be redeemed in coin at the pleasure of the holder.

Then comes the provision—the vital provision—of the law: "And on and after the 1st day of January, A. D. 1879, the Secretary of the Treasury shall redeem in coin the United States legal-tender notes then outstanding on their presentation for redemption." Then follows the ample power already quoted: "And to enable the Secretary of the Treasury to prepare and provide for the redemption in this act authorized or required, he is authorized to use any surplus revenue from time to time in the Treasury not otherwise appropriated, and to issue, sell, and dispose of," at not less than par in coin, either of the bonds already referred to. Such are the duties coin, detail. of the bonds already referred to. Such are the duties enjoined, and such are the powers conferred.

Sir, in this respect, both the powers and duties of this act are clearer and stronger than in the acts under which Great Britain resumed and France is now resuming. Who can doubt that with or without further legislation the work can be accomplished by a Secre-tary who will obey and execute the law? The power to "prepare" for resumption is a broad discretion that commences with the passage of the act and continues during every hour and day of its existence, but is one to be exercised with exceeding caution and moderation.

AUXILIARY LEGISLATION.

But, sir, this is not all. When Congress passes an act imposing a duty upon a public officer, it implies an obligation that it will furnish all the aid and auxiliary legislation necessary to carry it into execution. The extent and nature of this is within the discretion of Congress, but when the power conferred upon bim is ample, and the duty imposed is clear, he must act even though Congress neglect its duty to support him by auxiliary legislation.

And this brings me to the last proposition I propose to discuss, and

What additional legislation ought Congress now to adopt in aid of the law?

The Secretary of the Treasury recommends first that the legal-tender quality of the United States note be taken from it before 1879. I cannot agree to this, for the United States note is as much a contract to pay money as a bond, and we cannot take from that note any quality that gives it value until we are prepared to redeem it in coin. The proposition is too much like the act of March, 1863, already referred to, which stripped the note of its quality of convertibility into bonds.

His second recommendation is-

His second recommendation is—

That authority be given for funding legal-tender notes into bonds bearing a low rate of interest. \* \* It seems probable that a bond bearing interest at the rate of 4 per cent. would invite the funding of a sufficient amount of legal-tender notes to lessen materially the sum of gold which, in the absence of such provision, must be accumulated in the Treasury by the 1st of January, 1879, to carry out the imperative requirements of the act of January 14, 1875. If it be apprehended that authority to the Secretary to fund an unlimited amount of notes might lead to too sudden contraction of the currency, Congress could limit the amount to be funded in any given period of time. The process being in no sense compulsory as to the holders of United States notes, and the rate of interest on the bonds being made low, it is not probable that currency which could find profitable employment would be presented for redemption in such bonds. Only the excess of notes above the needs of business would seek such conversion. Anthority to the Secretary of the Treasury to redeem and cancel two million of legal-tender notes per month by this process would greatly facilitate redemption at the time now fixed by law, and besides would have the advantage of publicity as to the exact amount to be withdrawn in any given month. Bonds issued for this purpose should be of the denomination of fifty and one hundred dollars, and any multiple thereof, in order to meet the convenience of all classes of holders of United States notes.

The President in his annual message recommends-

That the Secretary of the Treasury be authorized to redeem, say, not to exceed \$2,000,000 monthly of legal-tender notes, by issuing in their stead a long bond, bearing interest at the rate of 3.65 per cent. per annum, of denominations ranging from \$50 to \$1,000 each. This would in time reduce the legal-tender notes to avolume that could be kept afloat without demanding redemption in large sums suddenly. Third. That additional power be given to the Secretary of the Treasury to accumulate gold for final redemption, either by increasing revenue, curtailing expenses, or both—it is preferable to do both; and I recommend that reduction of expenditures be made wherever it can be done without impairing Government obligations or crippling the due execution thereof.

These recommendations substantially concurring are wise and would be efficient, and to secure them ample means are provided by the application of the sinking fund for two or three years without additional taxation. Indeed it is neither wise or prudent to apply the sinking fund to the purchase of bonds not due, at a high premium, when it may be applied according to the act creating it to the purchase of notes already due.

The honorable Senator from Vermont [Mr. Morrill] has introduced a bill, and a number of other bills and propositions have been referred to the Committee on Finance; and the elaborate resolutions of the Chamber of Commerce of New York are now before us.

I will not anticipate the provisions of these various propositions, except so far as to say that I will cheerfully support any measure of wise economy proposed to strengthen the public Treasury; that I will wise economy proposed to strengthen the public Treasury; that I will cheerfully vote for a moderate tax on tea and coffee, because this will increase our revenue without adding to the cost of the articles, and be the means of enabling us to repeal other taxes that are both a burden and an inconvenience, and will also strengthen the Treasury; that I will gladly vote for the voluntary conversion of a limited amount of United States notes into bonds, as each of those measures will tend to "prepare" us for a specie standard. But, sir, each of these measures, and others that may be proper, are not, in my judgment, indispensable to the full and complete execution of the law of 1875 on or before the lat day of Language, 1879. 1875 on or before the 1st day of January, 1879.

Indeed it may well be questioned whether all of them may not be properly postponed until the next session, when the deliberate judgment of Congress, guided by the sense of the people, can be rendered. I will gladly vote for them now, but we have acted together thus far and I will not unduly press upon my associates measures they do not

fully approve.

Sir, I have a confident belief that if Congress will now hold fast to the law as it stands, the drift of events and the practical operation of the law will not only vindicate its wisdom, but will secure in due time every proper auxiliary legislation to carry it into full execution. The duty of the hour demands firmness and faith. There are times in the lives of nations and individuals when the temptation is strong to turn from the path of honor, to shrink from and evade the performance of obligations. Then it is more than ever that the old adage should be remembered that "honesty is the best policy." For one I feel that my course is as clear as the sunlight of heaven; and I trust that the great party to which I belong may now, as in sterner times and under greater difficulties, stand fast to the national honor pledged by it in the act of 1875; and when the difficulties inseparable from a great duty have passed away, we will be as proud of our position now as we are of the firmness and faith with which we prosecuted a great war, and secured to the people of our day and of future generations the blessings of national union and universal liberty.

I move that the memorial of the New York Chamber of Commerce

be referred to the Committee on Finance.

The motion was agreed to.

# DUTIES ON IMPORTS.

Mr. BOGY. Mr. President, I gave notice on Friday that I should call up to-day the bill which I introduced early in the session, so that I might speak on that bill. I am prepared to do so, and would rather go on now, though I am unwell.

Mr. MORTON. Does the Senator desire to go on now?

Mr. BOGY. I would rather not to-day, unless the Senate prefers

The PRESIDENT pro tempore. The Chair did not desire to interrupt the Senator from Ohio to announce that the morning hour had He takes this occasion to announce that the morning hour has expired, and to lay before the Senate the unfinished business of

nas expired, and to lay before the Senate the unmissed dusiness of Friday last, which is the resolution submitted by the Senator from Indiana [Mr. Morton] on the 5th of March, 1875, for the admission of Mr. Pinchback as a Senator from Louisiana.

Mr. MORTON. I dislike to interfere with the convenience of my friend from Missouri, but I yielded to the solicitation of my friend from Ohio with the understanding that he would take only an hour and a half, and if my friend from Missouri goes on now it will postpone the unfinished business until to morrow. I am sure averaged is on. the unfinished business until to-morrow. I am sure everybody is anx-

ious to have it disposed of.

Mr. BOGY. I am somewhat unwell to-day and would rather not speak; but I will go on, as I understand it is desirable that I should

Mr. MORTON. I cannot very well resist an appeal of courtesy; but I will ask the Senate to proceed to the consideration of the unfinished business as soon as the Senator from Missouri is through, and ask the Senate to remain to-morrow and dispose of it by a final vote.

The PRESIDENT pro tempore. The Senator from Missouri moves to postpone the consideration of prior orders for the purpose of taking up the bill he has named.

Mr. MORTON. I hope the motion will not be agreed to. I will

give away informally, however.

Mr. EDMUNDS. Let it be laid aside informally, to be called up at the adjournment, so that it shall be the unfinished business for to-

The PRESIDENT pro tempore. It will be necessary to call it up at that time. The Senator from Indiana asks that it be the unfinished business for to-morrow. The Chair hears no objection to that arrangement, and the Senator from Missouri moves to proceed to the consideration of Senate bill No. 57.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 57) authorizing the payment of duties on imports in legal-tenders and national-bank

Mr. BOGY. Mr. President, the bill under consideration provides for the payment of duties on importations in legal-tenders and national-bank notes or coin, at the option of the importer. And believing it to be not only a most important question, but the most efficient, if not the only, way by which the paper money now in circulation can be made equal to gold, and consequently in that way bring about specie resumption, I will ask the indulgence of the Senate to give as briefly as I can the reasons for this conviction. I say conviction, and not opinion, because long reflection on this subject has brought my mind

to the condition of conviction, whatever may be thought by others.

I am aware of the many different views entertained on the question of resumption, and in my opinion there is more or less truth and correctness in all of them in relation to the object to be attained, excepting in the law passed on the 14th of January, 1875, providing for resumption on the 1st of January, 1879. This law I believe to be founded in error from beginning to end, and of course it will not accomplish the object desired, but, on the contrary, will defeat this complish the object desired, but, on the contrary, will defeat this object, and will, if not repealed, involve the country in great financial distress. So believing, it will be my duty on this occasion to show this, if in my power, and also to establish my position: that is, the way to resume is to give value to the paper money, which I contend would be effected by receiving it for duties on importations.

I am aware of the difficulty of the task which I here assume, and also of my poor abilities to grapple with so great and also so intricate

a subject.

The question of finance cannot be treated as an isolated or abstract question in a discussion of this character. Authors, or persons who write books or essays, may do so, and such publications may, and do generally, contain a very large amount of truth, and to read and to study them is not only very advantageous, but absolutely necessary. But for the legislator the subject must be discussed in a practical way. He must examine into the condition of the country, its foreign and domestic trade, its productive capacities for creating values, and indeed many other subjects should be considered. As a discussion of this subject on this scale would lead me to too great length, I will necessarily be compelled to confine myself to the condition of the

country as it is affected by its foreign commerce.

By the act of the 14th of January, 1875, we are required to resume specie payment on the 1st of January, 1879, upon all the paper money issued by the Government; that is, the fractional currency and the legal-tender notes, amounting in the aggregate to \$417,205,959.66. To effect this the Secretary of the Treasury is authorized to sell bonds for coin, so as to have it ready on hand when resumption day comes. I hold this to be impossible; and to sustain this I will first quote from the report of the Secretary of the Treasury made to us at the begin-

ning of this session. He says:

It may perhaps be doubted whether the process of accumulating a large amount of gold by a given time could go on without meeting opposition from the financial powers of the world.

He further says:

It is safe to say that so large an amount of gold as would be required to carry out this purpose and direction of the act cannot suddenly be acquired. It can be done only by gradual processes and by taking advantage of favorable conditions from time to time.

Taking this view of the Secretary to be correct, (and it undoubtedly is,) it is very clear that no sudden accumulation can be made. It has to be gradual if at all. And, if gradual, how can it be done? Can this be effected with the revenue derived through the custom-house and the internal revenue? It is not certainly worth while to discuss this, for we all know that the entire revenues are now absolutely required to pay the expenses of the Government. The coin, whether gold or silver, annually furnished by the mines of Nevada, Utah, Colorado, and ver, annually furnished by the mines of Nevada, Utah, Colorado, and California, certainly cannot be used for this purpose, for the simple reason that this product belongs to individuals, and can be obtained by the Government only by way of purchase. There is, indeed, no way in the world by which this amount of coin can be realized except by the selling of bonds. Then the question comes up right square, can the bonds be sold, and this amount of coin realized? Where can this amount be sold? Surely not at home, for the coin is not here. Can this he done abroad? in the countries where bonds have heretefore this be done abroad? in the countries where bonds have heretofore been sold? That is, in France, Germany, or England. Would the capitalists of either or all of these countries be willing to part with

this amount of coin for an equal amount of our bonds? Would they agree to this gold depletion, which would be certain to involve them in a financial panic? I say, surely not. I hold this is beyond any doubt an impossibility. The relations of the commercial world are at this day of telegraph and rapid communication so intimate, particularly between this country and Europe, that any great financial convulsion in any one is immediately felt in all. With no captious spirit, but, on the contrary, with a sincere and honest purpose to find out if this could be done in the way proposed, I am compelled to say that I look upon this as utterly impracticable. To do this gradually in the way proposed by the Secretary would involve us in as great trouble. We need \$400,000,000. Could this amount be with-

drawn from the circulation of the world and be gradually accumulated so as to be ready for the day of resumption?

At this period of the world's history, and of such vast and extended commercial transactions, every dollar in coin is needed and has to be actively employed to fulfill its mission. Although paper exists in large quantities both in France and England, yet in both of these countries this paper is based upon coin, ready and on hand in case it is required to maintain the regular value of the paper. To gradually accumulate coin and lock it up in the vaults of our sub-Treasury would lead to the most serious and disastrous consequences. ing this I am sustained by the Secretary of the Treasury. He says:

Such an amount can be procured with difficulty, and not without embarrassing effect upon the trade and commerce of our own and other countries.

The effect, indeed, would be so embarrassing as to render this an

utter impossibility.

Resumption in the way I have spoken I look upon as impossible. Resumption in the way I have spoken I look upon as impossible. This view, I think, is sustained by the Secretary, and hence he proposes the issue of a bond at 4 per cent. with which to gradually redeem and cancel the legal-tender notes; and this he proposes to do gradually. This proposition in the main coincides with the view of the President as contained in his last annual message, and also with the bill offered by the Senator from Vermont, [Mr. MORRILL.] In accordance with this, the legal-tenders are gradually to disappear from circulation, and the amount now outstanding to be represented by an early amount of bonds say \$400.000. Grant that this can by an equal amount of bonds, say \$400,000,000. Grant that this can be done, the question then necessarily presents itself, in what condition would it place the country? With all the legal-tender notes out of existence, and our bonded debt increased the large amount of \$400,000,000, with no gold in the country more than we have now, there would be nothing left with which to carry on the business of the country but national-bank notes. Grant again that the amount of this character of paper would increase as the demand for it re-quired; and grant further that this amount would be equal to the wants of trade. I take it as an accepted fact that no one believes that the trade and commerce of this country can be done with a fair degree of prosperity with less than \$500,000,000, whether this amount be coin or paper. We have, it is said, \$150,000,000 of coin in this country, (my own belief is that we have not by many millions this amount;) but let that be as it may, I will concede that we have. The question is again squarely presented, how could these national banks sustain themselves? Their notes would not be received in pay ment of duties, nor be legal tenders; and yet resumption day having come and past, the banks would necessarily be required to redeem their notes in coin or be depreciated to a ruinous degree. Under these circumstances would we be nearer specie payment than we are now? According to my view of this mode of bringing about specie resumption, to attempt it would not only be a failure, but would involve this country in distress and ruin, and specie payment would be postponed indefinitely.

We read that the Argonauts sent Jason in the ship Argo to the coast of Colchis to secure and bring back to his country the golden fleece. Now, Mr. President, if we could send to Ophir or Golconda or Australia a vessel for a cargo of gold, and the gold procured and brought safely to New York and deposited in the sub-Treasury and with it the legal-tender notes all paid and canceled, yet resumption, in my opinion, would not be permanent; and even this operation, splendid and dazzling as it appears to be, would really be disastrous. I cannot believe that permanent resumption can be effected by any sudden effort of this character. When it does come, it must be in the way of a gradual growth, the consequence and reflex of the trade and commerce of the country, and only when this trade and commerce are prosperous. There is no healthy sudden growth in nature. Everything around us, both in the vegetable and animal world, is of gradual growth, and when not gradual is unhealthy, and is like a boil on the human body. With the exception of Minerva, who sprang full-grown and armed cap-a-pie from the broad brain of Jupiter, everything else has had a birth and gradual growth.

I will now say a few words about our foreign commerce, and our

indebtedness abroad.

The balance of trade (not including coin) against us, as per report of the Secretary of the Treasury in 1875, \$19,562,725

was

Bonded debt of the United States on November 1, 1875, \$1,765,198,812; the interest on these bonds annually, \$99,339,101. It will be admitted that fully one-half of these bonds are held abroad, the interest on which

49, 669, 550

The railroads of this country owe a debt of \$2,230,766,108, of which \$2,000,000,000 are in bonds. From the best information which can be had on this subject, one half of these bonds are held abroad, but so as to be within bounds I will say only 40 per cent., or \$800,000,000,

at 7 per cent The different States were owing in November last \$382,970,-517, almost exclusively of State bonds. It is believed that more than one-half of these are held abroad, but

at an interest of 7 per cent.....

\$56,000,000

11, 489, 115

9,625,000

Making a total of...... 146, 346, 390

To this large sum of \$146,346,390 might well be added the debt created by the fact that about 70 per cent. of our imports are received in foreign vessels, the gross tonnage of which is 8,000,000; but I will assume only one-half, or 4,000,000 tons, at \$15 per ton, is \$60,000,000. It is also a fact that Europeans have large investments in this country in our railroads, banks, manufacturing companies, mining, &c. The dividends from these amount to many millions a year. To these might be added the millions expended by Americans traveling in Euspecified by Allertans taveling in Europe. It is therefore reasonable to say that we have to provide fully \$200,000,000 as the balance against us every year. The product of our mines last year was \$74,401,000. After sending abroad all the product of these mines we will yet be owing to foreigners fully \$130,000,000. This large balance has heretofore been met with bonds, and in that way our foreign indebtedness has for years been all the time increasing many millions, and that every year. This has been stopped and is one of the great reasons of the hard times throughout this country. Under these circumstances, I say that resumption in the way provided by the present law is an impossibility, and if we did resume it could continue but a short time, as the necessity to pay this foreign debt would take out the gold, it being the only thing with which we can

Then are we never to resume I I would regret to answer this question in the affirmative, for I believe resumption is possible, provided we do not diminish the paper money, now a legal tender, but, on the contrary, appreciate its value, and this can be done by taking it for all debts due the Government, including duties on imports. remain, as it should and must, the measure of value. It certainly would not go out any faster to foreign countries if paper was received would not go out any laster to foreign countries it paper was received in payment of duties than it does now. Indeed it can be demonstrated from official data that our coin is diminishing, having lost in the last year perhaps \$25,000,000. This I say can be proven, but I will not detain the Senate at this time to do so. While we all admit that resumption is most desirable, and, I am satisfied, desired by a large portion of the country East and West, nevertheless it would not be wise to bring this about at the expense of the prosperity of the country; for it is only through prosperity that permanent resumption can take place. Nations in this respect do not differ from individuals. The man in debt can never pay unless he makes money, and he can

not make money unless he be prosperous.

According to the report of the Secretary of the Treasury, there was According to the report of the Secretary of the Treasury, there was a great decrease of exports last year in many of the leading articles, namely: Agricultural implements, \$464,381; hogs, \$886,622; bacon and hams, \$4,771,295; Indian corn, \$313,014, corn-meal, \$238,866; rye, \$1,363,772; wheat, \$41,813,596. I could enumerate many other articles, but it is sufficient to say that last year our exports of domestic goods decreased \$70,149,321, while during the same period the exportation of specie and bullion was greater than that for the preceding year by \$25,501,737. The condition of our foreign trade is deplorable, and here lies the lion in the path of resumption. This has to change before you can under the present law resume; for if there is no change the coin will not remain here in sufficient quantities unless you appreciate your paper money in the way I have already stated; but. appreciate your paper money in the way I have already stated; but, you do appreciate it, resumption is possible, as it will take but very little coin with good credit to sustain it.

I will here very briefly reply to a portion of the speech of the Senator from Ohio as to the balance of trade. He states that it is one of the errors of the day to argue against a balance of trade, and quotes the economist, Mr. McCulloch, and furthermore states that the balance of trade is now and has been for many years against England. Although the publications do apparently sustain such a statement, yet when the subject is properly analyzed, it will be found not to be correct. The balance of trade is not now and has never been against England. It would require but a very brief moment to decide the question. The population of England is limited, and is less than 30,000,000. It has great productive capacity in itself, and it carries a

commerce with the world.

ommerce with the world.

The publications which are made annually apparently sustain this idea; but this is easily explained. It is what is called the apparent balance of trade; that is, you put down the exports at what they are worth at home and not what is realized abroad at an advance of from 25 to 50 per cent., while the value of the importations is calculated in the port of entry with all the charges added. The question of imports and exports must also always be examined with reference to the coin or bullion, and it will be found that a large amount of the

so-called imports consists of coin or bullion and not of raw materials

England to-day is the creditor nation of the world, and that fact is at the bottom and underlies all her systems of tariffs. The fact that she is a creditor nation is the reason why she has changed her legal standard from gold and silver to gold alone, so as to become the recipient of gold. It is not possible for any nation to maintain its coin

at home so long as the balance of trade is against it. For this balance has to be paid, and it can only be settled and liquidated with coin or bullion. For the words "balance of trade" simply mean that amount which remains due after all the exports (besides coin) have been accounted for.

Now, sir, the balance of trade is against us; and I hold this to be not a chimera, not a figment of the brain, but a great fact; and, until we fully appreciate it, we are not in a position to examine very

correctly the financial problem.

The time has come when we must open our eyes and see our condition and understand our commercial relations with the balance of the world. We must begin to realize the fact that we are the only export more and import less, and until we do it resumption is impossible. nation on earth which offers a market for all other nations. We must

Paper money is a necessity in modern times. It is indispensable to Paper money is a necessity in modern times. It is indispensable to commerce, but it must be paper whose value is regulated by coin, and be at all times convertible, and as long as it is convertible conversion practically is not required, excepting to a limited extent, as the paper is in fact more convenient, excepting to pay foreign debts. Therefore our policy should be to diminish as much as possible this foreign debt. This can only be done in two ways: export more or import less. If you import less and your consumption remains the same, it will give employment to your own operatives, who will not, like the foreign require coin for their next but will take paper not like the foreign, require coin for their pay, but will take paper, not from necessity, but as being truly better for them. If your importa-tions were decreased the small amount of \$50,000,000 and exports in-creased the same amount annually, we would be in a healthy condi-Our exports cannot be much increased for very obvious reasons, excepting it be with South America.

I have often heard our condition compared to that of France, and I have also heard that, as France was able to resume, we should be able to do so likewise. The comparison is not correct. While the balance of trade is against us, and consequently our coin all the time going away from us, it is largely in favor of France, and coin consequently all the time flowing to her shores. Hence, although the indemnity of \$1,000,000,000 was paid by her to Prussia in coin, the derangement was only temporary; and why? For the reason that soon after the payment of the coin it began to return to France and to leave Prussia. The result was that with the increase of coin in France prosperity was daily restored, while as it left Prussia it produced a daily strain and depression, which has resulted in a state of unparalleled embarrassment and hard times in that country. The period provided by law for resumption in France has not yet come, yet virtually resump-

The Senator from Vermont the other day advanced two other arguments why my bill should not pass. One was the effect it would have on the tariff, and the other that it was a violation of the faith of the nation, by which we gave a pledge to collect duties in coin to pay interest on our bonds, and also to keep up the sinking fund. Having already spoken at some length, I am compelled to leave the argument in relation to the tariff unanswered. And as to the other reason, I will say that while it is true that our contract is to pay coin, it is of no consequence whether we get that coin in one way or another. The credit of this nation is high and deservedly so, and it is not necessary, as it might be with a small and weak nation, to pledge any particular fund; it will be sufficient if we do the thing. If we pay regularly and do it in coin, our credit will not suffer because we

choose to change this law.

I have great objection to increase our already very large bonded debt, and this for several reasons. First, bonds go abroad, and the consequence is our debt is held by foreigners, and the semi-annual interest which has to be sent across the ocean makes us poor now and will keep us poor as long as this debt remains unpaid. and will keep us poor as long as this debt remains inpaid. Second, it pays no tax; the consequence is that the richest men in this country, those having large sums invested in this kind of security, do not contribute anything toward supporting the Government, building in this way a privileged class; and in proportion as this class is relieved from tax, the burden of the other is increased. Neither France nor England could exist for a year in the condition of only research by presenting if their debt was not all consider them. reasonable prosperity if their debt was not all owned at home. Reither of these nations are impoverished, as nations, by their large debt. But Spain, Portugal, Italy, and Turkey are kept down by their debt, which is owned abroad. It was one of the great efforts made by Cavour, one of the greatest statesmen of modern times, to keep the debt then being rapidly created for the new kingdom of Italy, at home and to be held by its own citizens; and had he not died, I had that faith in his great abilities and mental resources, I think it very likely that he would have succeeded. I therefore think that the interest on all new bonds should be made payable at home. This it is true will not prevent them from being owned abroad, but it

will be one step in the right direction.

Recognizing as I do, and have always done, coin as the only measure of value, I am desirous to see the day when it will be used for that

purpose, and not, as it is now, as merchandise. Paper money is a nepurpose, and not, as it is now, as merchandise. Paper money is a necessity of modern times, and grows out of the limitless amount of commercial transactions between citizens of the same State and between citizens of different States. To carry on these immense transactions there is not coin enough in the world, however much it has increased within a few years. The estimated amount at the time Columbus first landed on the shores of the New World was \$170,000,000. The exclusive use of coin is rendered still more difficult by the fact that while formerly silver and coin were used by all the leading commercial nations of the world now in most of these countries gold alone is record. nations of the world, now in most of these countries gold alone is recognized. It is but recently that silver was demonetized in Germany; this being caused by the large amount of gold brought there by the payment of the French indemnity. The German statesmen believed that this large amount of gold would remain there; while the French statesmen, being more practical and I think better financiers, believed it would soon be returning to their country, as in fact it did. The consequence is, their silver being demonetized and the gold having gone back to France, Germany is left with a very small amount of coin, and the country is thereby forced into a state of financial depression without a precedent, while France is very prosperous.

While the tendency among the principal nations is unmistakably to the adoption of gold as the measure and standard of value, yet I

am impressed with the conviction that, as our mines produce annually a very large amount of silver, we might very wisely return to the double standard of gold and silver to a limited amount. Gold is now the exclusive standard in Great Britain and Ireland, Australian colonies, and indeed most of the colonies of the British Empire; as also in Portugal, Turkey, Egypt, and a few of the South American states—as Chili and Brazil. As already stated, it has recently been established in the German Empire, as also in the Scandinavian kingdoms of Denmark, Sweden and Norway. The double standard is still maintained in France, Italy, Belgium, Switzerland, Spain, Greece, Austria, Russia, all the numerous Asiatic peoples, and in some of the South American republics, as Peru, Ecuador, and New Granada. Formerly in most of countries silver was the only coin, and gold

Formerly in most of countries silver was the only coin, and gold circulated as a sort of commercial money. Until 1853 the silver dollar of the United States Mint was a standard coin of unrestricted legal tender, concurrently with the gold coinage of eagles and their fractions. The legal ratio of silver to gold was 16 to 1, while in France the ratio was 15½ to 1, which caused the exportation of silver from this country to that. This was however remedied in 1853 by reducing the half dollar and smaller pieces to the condition of token coins, and the dollar was practically suppressed. Our coinage act came into operation on the 1st of April, 1873, and constituted the gold one-dollar piece the sole unit of value, while it restricted the legal tender of the new silver trade-dollar and the half dollar and subdivisions to an amount not exceeding \$5 in one payment. Thus the double standard amount not exceeding \$5 in one payment. Thus the double standard previously existing was finally abolished, and the United States as usual was influenced by Great Britain in making gold coin the only standard. This suits England, but does not suit us. I think with our large silver-producing capacity we should return to the double standard, at least in part, and this will constitute one of the means by which we will be enabled to resume specie payments.

I feel that I have detained the Senate already too long, and I will

therefore now as briefly as possible give my views how to bring about resumption. The corner-stone of my argument will be, to restore as soon as possible the prosperity of the country, holding that without prosperity in every branch of business, commercial, manufacturing, farming, domestic and foreign trade, to attempt to resume would not only not be successful, but would involve the country in great financial trouble. We must adopt a system which the mind of the country will look upon as permanent, so as to justify capital and capitalists to seek investments without the constant danger standing before their eyes that a change in the financial policy by Congress might involve

them in ruin.

I would, therefore, let it be understood that the present laws in relation to the legal-tender notes and national-bank notes would remain permanent and under no circumstances any contraction of the former, and an increase of the latter as the business wants of the country might call for. Then I would receive in payment of duties on importations the legal-tender notes, although my bill provides for taking of both, my object being at the time I introduced it to elicit the views of others on the proposition. It may be thought that if we take one kind of paper, and not the other, the one not taken will detake one kind of paper, and not the other, the one not taken will depreciate. This I answer would not be the case, as the one not taken is by law convertible in the other. And there being about the same quantity outstanding of both, this conversion would not be difficult to make if desired. I would then take as security for the circulation of the national banks a bond of 4 or  $4\frac{1}{2}$  per cent., and in that way release the bonds now deposited, worth from sixty to eighty millions premium or that amount more than their face. I would then increase the legal-tender character of silver to the sum of \$1,000 in one payment, thereby giving to this metal which we are now producing in our mines. thereby giving to this metal, which we are now producing in our mines in such large quantities; the largest capacity of usefulness, without at the same time driving out of the country the gold coin. I would then require the national banks to set aside as a part of their reserve the gold interest received on these bonds, which would emancipate an equal amount of paper now held as a reserve. One year after the passage of the act, I would require the banks to redeem in silvertheir notes presented in sums not exceeding \$100, and after two years to redeem in gold in sums of like amount.

By doing away with the large demand for gold to pay duties, amounting annually to between one hundred and fifty and one hunamounting annually to between one influence and inty and one influence dred and sixty millions of dollars, and creating a demand for precisely of like amount for legal-tenders, the difference between the two would soon disappear; that being so—that is, gold not worth a premium—it would be an easy thing for the Government to procure the fifty millions needed to pay the home-due-interest coupons, as the coupons due abroad are provided for by the purchase of exchange, as is always done, and not by the shipment of coin; this exchange can be bought with legal-tenders. There is now, or was on 1st of December, a report of the Secretary, in the Treasury, over and above all liabilities for coin certificates or certificates of deposit, almost forty millions of dollars, within ten millions of enough to pay the home-due interest for one year to come. But in the worse possible view, even if the Government had to buy the coin necessary to pay the interest, it would be better to do it than to keep all the paper now in circulation depreciated from 12 to 15 per cent. all the time.

am aware of the argument which is always advanced by the party which is all the time professing the greatest-regard for the mainte-nance of the public faith, but which, while always professing, does nothing to maintain it: that to discontinue the collection of duties on

nothing to maintain it: that to discontinue the collection of duties on imports in coin would be a violation of law and of our plighted faith. Surely this is not correct. Our contract, as I have already said, is to pay our interest in coin; and it is of no consequence to the holders of our bonds how we get the money, provided we get it honestly.

The argument is advanced by the Senator from Vermont [Mr. Morrill] that, if you do away with any demand for coin, it will not remain here, but will naturally go to the countries where it is needed. This, to my mind, is the only argument advanced in opposition to the taking of legal-tenders in payment of duties which is at all maintainable. But will the facts sustain the argument, for I admit, if there was a country where coin was not in use at all, either as a if there was a country where coin was not in use at all, either as a measure of value or a circulating medium, that none would be found in that country. But in this case the Government would require not less than fifty millions to pay the home-due coupons. And as it is a legal tender for all debts to any amount, there would always be some very considerable demand for it. In addition to this, the Government will need annually 1 per cent. of the entire debt for the sink-The demand for gold coin would still be very large, fully as large as the supply, for this supply cannot be large with this large balance standing against us, and for which we have to remit every year.

This country at this time is terribly depressed; every branch of busiof this paralysis is owing to the present resumption law. However important I believe it to be for the prosperity of this country that we should at some day or other, no matter how distant, resume specie payment, nevertheless, between the two evils of making no provision looking to that end and the continuance of this law, I would unhesitatingly say, repeal the law immediately. Without any law for providing for resumption we could get along, but if this law remains unrepealed I believe the country will be driven into universal and widespread bankruptcy.

I will now briefly recapitulate what I have said. I hold it would be of the greatest importance to the prosperity of the country that a condition of statu quo be maintained; that is, that as we have at this day some \$3:3,000,000 of legal tenders authorized by law, I would let that amount remain as permanent; so that the capital of the country may know and rely on this as a fixed fact, as I believe the legal-tender notes of this country, with resumption at some future day, to be the best paper money in the world.

Without on this occasion advocating the system of national banks as being a good one, I accept the fact of their existence and that they have now in circulation some \$350,000,000 of notes. These notes are found in every part of the country, and permeate every channel of trade and commerce, and are paid and received by everybody and for every transaction that takes place between man and man in the United States. In addition to this, these banks have now a discount-list amounting to a thousand million of dollars. I hold, therefore, that to disturb this state of things, and compel them to contract either their issue or their discounts, would bring about a great catastrophe, and be ruinous to the debtor class. Hence, without advocating the system of national banks, I accept the fact and legislate accordingly; and when the banks, I accept the fact and legislate accordingly; and when the democratic party gets into power, as I think it will very soon, we will, I hope, be able to inaugurate a better policy. The national banks are unpopular in my section of the country. In my own State, and throughout the West and South, they are far from being popular. I believe, however, that a good deal of this unpopularity is owing to a misconception of the system, while the one which they desire to be substituted in lieu of it would prove perhaps a snare, and instead of being a benefit would be very destructive. But I repeat, let this be as it may, I only look to the fact that these banks are now in existence; and, as the country is in a state of great financial depression. I would not

as the country is in a state of great financial depression, I would not just now advocate any change. The future will take care of this; we are now dealing with the present.

The balance of trade being in favor of England, it became the policy of that country to make gold the exclusive standard, so that it should become the recipient of the gold of the world, and this to a great extent is the fact at this day. Year by year the increase of

gold coin in that country has been very great, and this has existed for many years; but for the last twenty years this increase has been very rapid, being the result of this policy of making gold the exclusive standard. But we, instead of being a creditor nation, are a debtor people. We ought to be the creditor, but I am sorry to say we are not. Instead of gold flowing to our shores, it is from day to day leaving us, to go not only to England, but to nearly every other portion of the globe; and, although we produced last year some \$70,000,000 of bullion from our mines, we now have \$25,000,000 less coin than we

had a year ago, while England has many millions more.

I have heard it said, not once but frequently, that the best thing to pay our foreign debt with was coin or bullion. But this, in my opinion, is not correct. It will pay a debt, it is true; but if you can imagine a nation that would do nothing else but dig from the bowels of the earth the precious metals it would soon become a poor people indeed.

We are producing in this country this year, as estimated by Dr. Linderman, some \$40,000,000 in silver bullion. He estimates the total production at \$80,000,000, of which \$40,000,000 will be silver. Why not utilize this silver as a legal tender? I admit that if it is made a legal tender equal to gold, it being a metal not so valuable, it would ultimately drive the gold from the country and the silver alone would remain here. By limiting it to a thousand dollars in one payment, ninety-nine transactions out of every hundred will be transacted with it. And all business between individuals not bankers, and between the mechanic and employer, between farmers and their merchants, and all wages, and indeed thousands of transactions which underlie and all wages, and indeed thousands of transactions which inderine society broad and deep, would be in this coin. The large transactions between bankers and those between this and foreign nations would continue to be in gold, but the silver would remain here as the coin of the people and the laboring man as well as of the small dealer,

of the people and the laboring man as wen as of the small dealer, and indeed of all those persons who do not deal in millions at a clip.

I therefore, Mr. President, look upon this as one of the great steps toward resumption. It is by utilizing the silver which we produce in large amounts in this country and making it a legal tender as it was heretofore. It remains a legal tender in France, and it is there successful as the coin of the people. It is also a legal tender in many other parts of Europe. France is one of the great commercial nations, and there they have retained the double standard; and from my readand there they have retained the double standard; and from my reading I believe if Germany could go back to the double standard it would do it most readily and cheerfully. They believed that the large amount of French gold which had been brought there in a day would remain, and so believing they demonetized all the millions of silver that had been coined in all the little principalities and duchies of Germany for ages before and substituted gold exclusively, recoining the French coin so as to make it the coin of the empire. But this imperial coin went back to its former home; and, as I said a while ago, it has left that country in a condition of paralysis and prostration not surpassed by its sad coulding during the Naveleonic were tion not surpassed by its sad condition during the Napoleonic wars. It should be received as a fundamental fact, so as to guide the states-men of this country, that the reverse of what suits England always

suits us. And as the exclusive gold standard undoubtedly suits her, the double standard suits us.

Mr. MORRILL, of Vermont. Will the Senator allow me to ask a single question? I understood the Senator to say that he would regard the policy to be pursued here as exactly the opposite of that to be pursued by Great Britain. I would like to inquire of the senator to say the senator to say that the senator to say that he would regard the policy to be pursued here as exactly the opposite of that to be pursued by Great Britain. I would like to inquire of the Senator what he would say in regard to the doctrines of free trade, which are so much advocated by British statesmen?

Mr. BOGY. I understand the question, and also the motive of the Senator. He desires to commit me on that subject, and I have no ob-I look upon free trade as the legitimate child of England, begotten for the particular benefit of that country, but which through English intellect and English energy, with English money, has been impressed on the world, including our own country.

Mr. MORRILL, of Vermont. I am glad to say that I find the Senator at least sound on one point.

Mr. BOGY. Yet what the Senator may consider sound for Vermont may not be so understood in Missouri without explanation. The question of a tariff at this day as a pure party question should not exist. The wants of this country are so great, amounting to three hundred millions a year, that revenue is a matter of necessity; and the only way to get this is through the custom-house. Whether that revenue be obtained by a high protective tariff, or an ad valorem or revenue tariff, are points of discussion on which we might very well not agree, and upon which I presume I would disagree with my friend from Vermont. Nevertheless this I will say, that the present tariff is unjust

to the West. Within my day I remember well when we did not raise food enough to supply the large emigration yearly coming into the valley of the Mississippi, and now we have a great surplus. Hence these questions have all got to be re-examined and re-investigated; and without being a protective-tariff man I am free to say that I am not a free-trade man. When England saw the necessity for her to become the manufacturing nation for the world, it was evidently her policy to strike down and destroy all the manufactures of the other nations so that she might supply the demand. And as she could not do without cheap food for her operatives, she advocated its importation free of duty.

In conclusion, I will say that I am in favor of resumption, but my

Marke process over the second part of

idea of effecting this is not by sending a vessel abroad to get gold, or by selling of bonds, but by making the paper as valuable as coin, and thus rendering conversion unnecessary; and unless we do this, in the condition we are now in, as regards our foreign trade, and in view of the fact that we are owing millions abroad of Federal bonds, State bonds, railroad bonds, city bonds, and county bonds, and as a large amount of coin cannot be kept here, resumption as proposed is utterly out of the question. Gold will go, and must go, to pay these debts. The only way then, as I have already said, is to appreciate

the paper money.

The Senator from Ohio spoke in eloquent terms of the duty of the Government to redeem its plighted faith as regards the bonds, and also its duty to pay these notes in coin. Sir, it is still more the duty of the Government not to depreciate its own issue while it compels you and me and all the people of the United States to take it nolens volens. The Government itself discredits its own issue, and so long as tremains thus discredited it will necessarily be below par; but receive it for all dues and the day will not be distant when no man will give up a twenty-dollar greenback for a twenty-dollar gold coin. The argument that it will affect the tariff is not legitimate, as we are not adjusting a tariff but trying to make the paper in circulation equal to coin. That we are breaking faith with the world, as is said by the opponents of this bill, is not founded in reason or truth, because the essence of our contract is to pay again, and if we shall essence of our contract is to pay coin; and if we shall continue to pay in coin we maintain our contract, finally protect the banks so that they will not be compelled to contract their issues or curtail their discounts and enlarge the legal-tender capacity of silver to the amount of \$1,000 in one payment, and I believe we will have laid the foundation

of \$1,000 in one payment, and I believe we will have laid the foundation for resumption on a broad and healthy scale which will lead to the early prosperity of the country.

Mr. MORRILL, of Vermont. Mr. President, I noticed that the Senator from Missouri commented on what he was pleased to call "the Morrill tariff." I desire to say merely that that was a nickname applied to it in order to kill the measure, when it so happened, it is true, that the tariff bill of 1861 was introduced by me. But the Senator complains of its injustice in that it did not give the West a higher rate of duty upon hides and wool. That tariff, if he will examine it, did put the duties at a higher rate both on hides and wool than was levied by a democratic administration. It has always been the policy of all the tariffs I have ever advocated, or had anything to do with, to maintain that idea, that the farmers of the country were to be benefited as well that idea, that the farmers of the country were to be benefited as well as the manufacturers. The tariffs that have been adopted since 1861 have been war measures, simply for the purpose of increasing the revenue of the country, and not for the purpose of protection at all, except incidentally. I therefore am very glad to find that, although the Senator from Missouri has charged that the tariff sometimes called the Morrill tariff has been unjust to the West, yet in the very particular description. ulars mentioned by him it was an increase upon the duties that existed

ulars mentioned by him it was an increase upon the duties that existed prior to its passage.

Mr. EATON. Mr. President, I do not propose at this time to discuss the bill presented by my honorable friend from Missouri, or to follow the line of argument adopted by the honorable Senator from Ohio. I simply wish to say that unless some Senator who is better entitled than I am to the public ear and the public attention shall within a very short time introduce what I regard as a proper bill for the resumption of specie payments, I shall take the liberty of introducing one of that character. That the bill of last year has not succeeded, is true; that the bill of last year cannot succeed, in my judgment is true, because the great laws of trade, which govern all questions of finance, as the laws of nature govern the physical world, are outraged by the bill of 1875.

Mr. President, I am led to say a word here. We are called upon by that bill to resume specie payments in 1879 without any regard to the laws which govern trade. As well might a man agree to-day that on the 1st day of January, 1879, he would skate across the Potomac River without regard to the laws of nature which govern whether there shall be ice or not over that river. The duty of Congress is a plain duty, and that is to so legislate that hereafter, at the earliest practicable moment when the laws of trade will warrant it, we shall

practicable moment when the laws of trade will warrant it, we shall

practicable moment when the laws of trade will warrant it, we shall resume specie payments, whether it be in 1876 or 1877 or 1878 or 1879 or 1880 or 1881 or 1882. It is easy enough to talk about resuming on the first day of any given year, but I would predict that if you did it you would suspend on the first day of the succeeding month.

I only desire to say now this one thing: Let us legislate wisely, taking into consideration the condition of the country, taking into consideration the fact that we are to-day the great debtor nation of the world. Let us begin this year to lay aside what is necessary in order to resume some day, and let us continue that until the paper dollar has appreciated to the gold dollar and resumption cannot be avoided. It is a matter which the laws of trade must govern; and as I said, sir, unless some elder Senator, elder on this floor, as I trust some one sir, unless some elder Senator, elder on this floor, as I trust some one will, shall within the coming fortnight introduce a bill of that character, I shall take the liberty of doing it myself, and then I shall ask to be heard upon the question.

The PRESIDENT pro tempore. The bill will retake its place on the Calendar. The resolution of the Senator from Indiana in regard to the admission of Mr. Pinchback will resume its place as the unfinished business, pending which the Chair will lay before the Senate a message from the President of the United States.

ARRESTS IN ALASKA.

The message was read, as follows:

To the Senate of the United States:

In answer to the resolution of the Senate of the 7th of January last, requesting a "statement of the number of military arrests made in the Territory of Alaska during the past five years, together with the date of each, the charge on which made in each case, the names of the persons arrested, and the period and character of the imprisonment of each in that Territory before trial or surrender to civil authorities for trial," I have the honor to submit herewith the report of the Acting Secretary of War.

EXECUTIVE MANSION, March 6, 1876.

The message was ordered to lie on the table, and be printed. HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pen-

A bill (H. R. No. 11) granting a pension to Eliza Jane Blumer;

A bill (H. R. No. 39) granting a pension to Enza Jane Bunner;
A bill (H. R. No. 39) granting a pension to Fred rick Youngblue,
of Company I, Twentieth Regiment Ohio Volunteers;
A bill (H. R. No. 183) granting an increase of pension to John E.
Wunderlin, late a private in the Thirty-third Regiment of New York

Withderfill, late a private in the Thirty that Augustia State Volunteer Infantry;

A bill (H. R. No. 240) granting a pension to Joseph B. Lane;

A bill (H. R. No. 258) granting a pension to W. H. H. Anderson;

A bill (H. R. No. 310) granting a pension to William H. Harrison;

A bill (H. R. No. 527) granting a pension to George Pendleton;

A bill (H. R. No. 310) granting a pension to William H. Harrison; A bill (H. R. No. 527) granting a pension to George Pendleton; A bill (H. R. No. 610) granting a pension to Seth W. Homestead; A bill (H. R. No. 1179) granting a pension to James Riley; A bill (H. R. No. 1189) granting a pension to William J. Drake; A bill (H. R. No. 1236) granting a pension to Harris B. Lowell, late a private in Company C, One hundred and twenty-second Illinois Infantry Volunteers;

A bill (H. R. No. 1245) granting a pension to James W. Thompson, late of Company H, Forty-seventh Illinois Volunteers;

A bill (H. R. No. 1288) granting a pension to Jonathan Roberts, of Marietta, Iowa:

Marietta, Iowa;
A bill (H. R. No. 1455) granting a pension to Griffin Chavers, late a private in Company C, Ninth Regiment United States Heavy Artillery,

A bill (H. R. No. 1499) granting a pension to Mrs. Lydia Johnson, of De Witt County, Illinois;
A bill (H. R. No. 1580) granting a pension to Almon P. Graves;
A bill (H. R. No. 1541) granting a pension to John S. Hall, of West

A bill (H. R. No. 1588) granting an additional pension to Jefferson

A bill (H. R. No. 1688) granting an additional pension to Jefferson Bowers, of Mason County, Illinois;
A bill (H. R. No. 1656) granting a pension to Aaron Buchanan;
A bill (H. R. No. 1850) granting a pension to Harvey B. Kilborn, private in Company C, Thirtieth Regiment Pennsylvania Militia;
A bill (H. R. No. 1907) granting a pension to Henry Brown, late a private in Company C, One hundred and twenty-third Regiment Illinois Volunteers nois Volunteers

ons volunteers.

A bill (H. R. No. 1989) granting a pension to Robert Cavanaugh;
A bill (H. R. No. 1990) granting a pension to Edward Heinzel;
A bill (H. R. No. 1991) granting a pension to Mary Ann McDonald;
A bill (H. R. No. 1992) granting an additional pension to Mary P.

Abeel;
A bill (H. R. No. 2162) granting a pension to Clara Brosch, mother of Joseph Brosch, jr., late a private Company H, Twenty-fourth Regiment Illinois Infantry Volunteers;
A bill (H. R. No. 2288) granting a pension to Fannie S. White;
A bill (H. R. No. 2289) granting a pension to Jane Bertholf;
A bill (H. R. No. 2290) granting a pension to Frederick Hoeh:
A bill (H. R. No. 2291) granting a pension to John H. Garrison;
A bill (H. R. No. 2292) granting a pension to Thomas Shannon;
A bill (H. R. No. 2293) granting a pension to James Woolsey;
A bill (H. R. No. 2294) granting a pension to Gilbert Reed, late a second lieutenant in the Eleventh Tennessee Cavalry;
A bill (H. R. No. 2295) granting a pension to Thomas Leach;
A bill (H. R. No. 2293) granting a pension to Michael O'Brien;
A bill (H. R. No. 2297) granting a pension to Jane N. Willard;

A bill (H. R. No. 2297) granting a pension to Jane N. Willard; A bill (H. R. No. 2298) granting a pension to Emma A. Tuttle, widow of Charles H. Tuttle, late private in Company I, Twenty-seventh

Ohio Volunteers;
A bill (H. R. No. 2299) granting a pension to Christian Hemeluke;
A bill (H. R. No. 2301) granting a pension to Mary B. Hook;
A bill (H. R. No. 2302) granting a pension to Nancy Tipton;
A bill (H. R. No. 2303) granting a pension to Mary S. Greenlee;
A bill (H. R. No. 2304) granting a pension to Philip J. Shaw;
A bill (H. R. No. 2305) granting a pension to Melville H. Hudson;
A bill (H. R. No. 2306) granting a pension to John McIntire;
A bill (H. R. No. 2307) granting a pension to Mary Bell Decker, infant daughter of James W. Decker;
A bill (H. R. No. 2308) granting a pension to David P. McDonald

A bill (H. R. No. 2308) granting a pension to David P. McDonald, late a private in Company B, Sixth Regiment Kansas Cavalry Volun-

A bill (H. R. No. 2309) granting a pension to Catharine Johnson;

A bill (H. R. No. 2310) granting a pension to Emanuel B. Herr;
A bill (H. R. No. 2311) granting a pension to Daniel Willhoit;
A bill (H. R. No. 2312) granting a pension to Nicholas Strite; and
A bill (H. R. No. 2313) granting a pension to Mary Ann Cornell,
widow of Stepheu Cornell, late a private in Company I, One hundred
and twenty-fifth New York Volunteer Infantry.

The following bills were severally read twice by their titles, and
referred to the Committee on Claims:
A bill (H. R. No. 339) for the relief of E. D. Franz;
A bill (H. R. No. 341) for the relief of Louis Rosenbaum;
A bill (H. R. No. 2161) for the relief of R. H. Buckner;
A bill (H. R. No. 2160) for the relief of Hermann Kreismann, United
States consul-general at Berlin.
The following bills were severally read twice by their titles, and re-

The following bills were severally read twice by their titles, and re-

ferred to the Committee on the Judiciary:

A bill (H. R. No. 912) to give the Court of Claims inrisdiction to hear and determine the claims of the heirs of Samuel Rhea; and A bill (H. R. No. 1618) to remove the political disabilities of Will-

iam L. Maury, of New York.

The following bills and joint resolution were severally read twice by their titles, and referred to the Committee on Military Affairs: A bill (H. R. No. 1231) for the relief of the board of trustees of the

A bill (H. R. No. 1231) for the reflect of the board of trustees of the Antietam National Cemetery;
A bill (H. R. No. 1692) to amend an act approved May 8, 1874, in regard to leaves of absence of Army officers; and
A joint resolution (H. R. No. 64) granting the rights and benefits of the Soldiers' Home to John News.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 566) granting relief to Sarah Spaulding, of Bay City, Michigan; and

A bill (H. R. No. 1316) to adjust the claims of owners of lands within the limits of the Klamath Indian reservation in the State of Oregon.

The following bills were severally read twice by their titles, and referred to the Committee on Private Land Claims:

A bill (H. R. No. 97) directing the Commissioner of the General Land Office to issue certificate of relocation for six hundred and forty acres of land in the Territory of Missouri to legal representatives of Samuel Ware;

A bill (H. R. No. 534) for the relief of Rosetta Hert, (late Rosetta Scoville,) Charles C. Benoist, Emily Benoist, and Logan Fanfan, half-

A bill (H. R. No. 719) for the relief of the heirs of William Stevens;

A bill (H. R. No. 1025) for the relief of Thomas Van Duzen and his

assigns for lands. The bill (H. R. No. 732) for the relief of Mrs. Catharine Thrush and

William B. Stone, owners of the schooner Flight, was read twice by its title, and referred to the Committee on Naval Affairs.

The bill (H. R. No. 545) for the relief of James A. Jackson and others, securities of G. R. Horton, late postmaster at Monticello, Arkansas, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

### EXECUTIVE SESSION.

Mr. ROBERTSON. I move that the Senate proceed to the consid-

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

After one hour spent in executive session the doors were re-opened; and (at four o'clock and fifty minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

# MONDAY, March 6, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

### ORDER OF BUSINESS.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at seven minutes after twelve o'clock; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. Is it the pleasure of the House that this call shall continue until the States and Territories have all been called, without reference to the termination of the morning hour? The Chair hears no objection.

# JOHN D. CUMMINGS.

Mr. JOYCE introduced a bill (H. R. No. 2474) for the relief of John D. Cummings, of the town of Barre, in the county of Washington, and State of Vermont; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### LITTLE NARRAGANSETT BAY.

Mr. BALLOU introduced a bill (H. R. No. 2475) making an appropriation for the improvement of the navigation of Little Narragansett Bay; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### THOMAS F. YOUNGS.

Mr. COX introduced a bill (H. R. No. 2476) for the relief of Thomas F. Youngs, of New York; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### DANIEL E. DAVENPORT.

Mr. COX also introduced a bill (H. R. No. 2477) for the relief of Daniel E. Davenport, of New York; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

### ADMIRALTY COURT AT BUFFALO, NEW YORK.

Mr. BASS introduced a bill (H. R. No. 2478) to provide for holding terms of the district court of the United States for the northern district of New York at the city of Buffalo for transacting admiralty business; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### STEAM 'FERRY-BOAT GENEVA.

Mr. PLATT introduced a bill (H. R. No. 2479) granting American registry to the Canadian steam ferry-boat Geneva, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### AMENDMENT OF REVISED STATUTES.

Mr. DAVY introduced a bill (H. R. No. 2480) to amend section 2535 of the Revised Statutes of the United States, approved June 22, 1874, by striking out in the last line of the seventh subdivision the words "the river Genesee" and inserting "Rochester;" which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

### IMMUNITY OF WITNESSES.

Mr. RANDALL introduced a bill (H. R. No. 2481) to secure the immunity of witnesses for the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. RANDALL called for the reading of the bill. It was read as follows:

Be it enacted, &c., That a witness shall not be liable to arrest at any time after he has been subprensed nor after testifying, nor shall he ever be molested on account of any matter disclosed by him in his testimony; and it shall be a penal offense to intimidate or attempt to intimidate any witness by threatening him with a prose-

### CHARLES W. MACKEY.

Mr. JENKS introduced a bill (H. R. No. 2482) for the relief of Charles W. Mackey, late first lieutenant Tenth Regiment Pennsylvania Reserve Volunteer Corps; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be

### ALEXANDER MOFFATT.

Mr. HOPKINS introduced a bill (H. R. No. 2483) for the relief of Alexander Moffatt, of the District of Columbia; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### JAMES B. M'LAUGHLIN.

Mr. HOPKINS also introduced a bill (H. R. No. 2484) to increase the pension of James B. McLaughlin; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### PAUL HAMILTON, ETC.

Mr. SMALLS introduced a bill (H. R. No. 2485) for the relief of Paul Hamilton and Catharine A. Hamilton, his wife, of Beaufort, State of South Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

HEIRS OF MRS. M. M. PORTEOUS, OF BEAUFORT, SOUTH CAROLINA.

Mr. SMALLS also introduced a bill (H. R. No. 2486) for the relief of the heirs of Mrs. M. M. Porteous, late of Beaufort, in the State of South Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### HENRY M'KEE.

Mr. SMALLS also introduced a bill (H. R. No. 2487) for the relief of Henry McKee or his heirs, of Beaufort, in the State of South Carolina; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee of Claims.

# AGRICULTURAL REPORT FOR 1875.

Mr. CALDWELL, of Alabama, submitted a concurrent resolution to authorize the Congressional Printer to print 200,000 copies of the report of the Commissioner of Agriculture for the year of 1875; which was referred to the Committee on Printing.

Commission I have been sent to

MODE OF TAKING PROOF BEFORE SOUTHERN CLAIMS COMMISSION.

Mr. HOOKER introduced a bill (H. R. No. 2488) to provide the mode and manner of taking proof and depositions before the southern claims commission; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### TAX ON TOBACCO.

Mr. ELLIS introduced a bill (H. R. No. 2489) to amend section 3362 of the Revised Statutes of the United States; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee of Ways and Means.

### NELSON TAYLOR, OF ALEXANDRIA, LOUISIANA.

Mr. ELLIS also introduced a bill (H. R. No. 2490) for the relief of Nelson Taylor, of Alexandria, Louisiana; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on the Judiciary.

### CHARLES C. ROSS, OF LAWRENCE COUNTY, OHIO.

Mr. VANCE, of Ohio, introduced a bill (H. R. No. 2491) to compensate Charles C. Ross, of Lawrence County, Ohio, for a horse taken from him during the late war; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### PATTERNS FOR METAL CASTINGS.

Mr. SAYLER introduced a bill (H. R. No. 2492) for the better security of property in patterns for metal castings; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

#### THOMAS H. FOULDS.

Mr. SAYLER also introduced a bill (H. R. No. 2493) for the relief of Thomas H. Foulds, late postmaster at Cincinnati, Ohio; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### CHARLES E. PIERSON.

Mr. SAYLER also introduced a bill (H. R. No. 2494) for the relief of Charles E. Pierson; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### MARY ANN STONEFIELD.

Mr. SAYLER also introduced a bill (H. R. No. 2495) for the relief of Mary Ann Stonefield, widow of Benjamin Stonefield; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### RALPH SPENCER.

Mr. WALLING introduced a bill (H. R. No. 2496) granting a pension to Ralph Spencer, of Company H, Twelfth Ohio Cavalry; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

### BENJAMIN F. TRINE.

Mr. WALLING also introduced a bill (H. R. No. 2497) granting an honorable discharge to Benjamin F. Trine, Company A, Second Battalion Fifteenth United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### MAJOR JAMES W. SHAW, EIGHTH OHIO VOLUNTEERS.

Mr. McMAHON introduced a bill (H. R. No. 2498) granting a pension to Major James W. Shaw, late major in the Eighth Ohio Volunteers; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

### WILLIAM A. PAGE.

Mr. McMAHON also introduced a bill (H. R. No. 2499) for the relief of William A. Page, of Washington City; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee of Claims.

### JOHN PATTERSON.

Mr. McMAHON also introduced a bill (H. R. No. 2500) for granting a pension to John Patterson, Company M, Twentieth New York Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# ESTATE OF MRS. A. E. HALL.

Mr. FOSTER (by request) introduced a bill (H. R. No. 2501) for the relief of the estate of Mrs. A. E. Hall, widow of Dr. David A. Hall; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

### CARLISLE BRIDGES.

Mr. BOONE introduced a bill (H. R. No. 2502) granting a pension to Carlisle Bridges, of McCracken County, Kentucky; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions, and ordered to be printed.

### J. W. BOWLING AND J. S. GOLLADAY.

Mr. MILLIKEN introduced a bill (H. R. No. 2503) for the relief of J. W. Bowling and J. S. Golladay, of Kentucky; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

CAPTAIN HENRY DE B. CLAY, UNITED STATES ARMY.

Mr. MILLIKEN also (by request) introduced a bill (H. R. No. 2504) to re-instate Captain Henry De B. Clay in the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### JESSE M'COY.

Mr. PARSONS introduced a bill (H. R. No. 2505) for the relief of Jesse McCoy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### RAILWAY FROM THE MISSOURI TO THE PACIFIC.

Mr. HOUSE introduced a bill (H. R. No. 2506) to amend an act entitled "An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," approved July 1, 1862, and the several acts amendatory thereof and supplementary thereto; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### GEORGE N. HEBB.

Mr. WHITTHORNE introduced a bill (H. R. No. 2507) for the relief of George N. Hebb, of Shelby County, Alabama; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### HORACE A. CHAMBERS.

Mr. THORNBURGH introduced a bill (H. R. No. 2508) granting a pension to Horace A. Chambers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### GEORGE W. MABRY.

Mr. THORNBURGH also introduced a bill (H. R. No. 2509) for the relief of George W. Mabry, of Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### G. W. GILL AND D. ABLE.

Mr. YOUNG introduced a bill (H. R. No. 2510) for the relief of George W. Gill and Daniel Able; which was read a first and second time, referred to the Committee on War Claims, and ordered to be

#### MESSRS. MOSBY & HUNT.

Mr. YOUNG also introduced a bill (H. R. No. 2511) for the relief of Messrs. Mosby & Hunt, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### M. D. CROCKETT.

Mr. RIDDLE introduced a bill (H. R. No. 2512) for the relief of M. D. Crockett, of Robertson County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### SOLDIERS OF THE MEXICAN WAR.

Mr. HUNTER introduced a bill (H. R. No. 2513) to pension all soldiers of the Mexican war who are sixty years of age and upward, and to pension all under that age as fast as they arrive at the age of sixty years; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### A. F. M'MILLAN.

Mr. ROBINSON introduced a bill (H. R. No. 2514) for the relief of A. F. McMillan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### MAJOR NICHOLAS VEDDER, UNITED STATES ARMY.

Mr. WIKE introduced a bill (H. R. No. 2515) for the relief of Major Nicholas Vedder, paymaster United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# EMMA M. ASHENFELTER.

Mr. WIKE also introduced a bill (H. R. No. 2516) granting a pension and back pay to Emma M. Ashenfelter; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### WITNESSES BEFORE CONGRESS.

Mr. MORRISON introduced a bill (H. R. No. 2517) to exempt from criminal prosecution witnesses testifying before either House of Congress or any committee of either House of Congress; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### JEAN FRANCOIS PERRY.

Mr. MORRISON also introduced a bill (H. R. No. 2518) for the relief of Jean Francois Perry; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

# JAMES M. BAILEY.

Mr. CANNON, of Illinois, (by request,) introduced a bill (H. R. No. 2519) granting a pension to James M. Bailey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### MEDICAL CORPS OF THE ARMY.

Mr. WELLS, of Missouri, introduced a bill (H. R. No. 2520) to reduce the number and increase the efficiency of the Medical Corps of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be

#### JOHN H. RUFF.

Mr. HATCHER introduced a bill (H. R. No. 2521) for the relief of John H. Ruff; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### MRS. N. SLEFFENS.

Mr. REA (by request) introduced a bill (H. R. No. 2522) for the relief of Mrs. N. Sleffens; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### SURVIVING SOLDIERS OF MEXICAN WAR.

Mr. REA also presented concurrent resolutions of the Legislature of Missouri, favoring pensions to the surviving soldiers of the Mexican war; which were referred to the Committee on Invalid Pensions, and ordered to be printed.

### JOSEPH GRIBBLE.

Mr. PHILIPS, of Missouri, introduced a bill (H. R. No. 2523) for the relief of Joseph Gribble, of Moniteau County, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### SOLDIERS OF THE EIGHTH CAVALRY.

Mr. PHILIPS, of Missouri, also introduced a bill (H. R. No. 2524) for the relief of certain soldiers of the Eighth Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### SWEENY, RITTENHOUSE, FANT & CO.

Mr. BUCKNER introduced a bill (H. R. No. 2525) for the relief of Sweeny, Rittenhouse, Fant & Co; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

### TRUSTEES OF A METHODIST CHURCH.

Mr. BUCKNER also introduced a bill (H. R. No. 2526) for the relief of the trustees of John Wesley African Methodist Episcopal Zion church, Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia with accompanying memorials, and ordered to be printed.

### GEORGE H. JOHNSON.

Mr. BUCKNER also introduced a bill (H. R. No. 2527) for the relief of George H. Johnson, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia with accompanying memorials, and ordered to be printed.

# SARAH BUTLER.

Mr. BUCKNER also introduced a bill (H. R. No. 2528) for the relief of Sarah Butler, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the Dis-trict of Columbia with accompanying memorials, and ordered to be printed.

# DISTRICT OF COLUMBIA.

Mr. STONE (by request) introduced a bill (H. R. No. 2529) to amend section 1080 of the Revised Statutes of the United States, relating to the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

# PROPERTY AND MONEY DEPARTMENTS OF THE ARMY.

Mr. SCHLEICHER introduced a bill (H. R. No. 2530) to re-organize the property and money department of the Army and for purposes connected therewith; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# JOHN W. SMITH.

Mr. OLIVER introduced a bill (H. R. No. 2531) granting a pension to John W. Smith; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# FINAL PROOF IN HOMESTEAD CLAIMS.

Mr. OLIVER also presented a joint resolution of the General Assembly of Iowa, asking that the homestead law be so amended as to allow final proof before the clerk of the court in each county; which was referred to the Committee on Public Lands, and ordered to be printed.

### HOUSE OF REPRESENTATIVES.

Mr. WILLIAMS, of Wisconsin, introduced a joint resolution (H. R. No. 80) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### The amendment proposed is as follows: ARTICLE XVI.

The House of Representatives shall be composed of members chosen every third year by the people of the several States. Immediately after they shall have assembled, in consequence of the first election following the ratification of this article, they shall be divided as equally as may be into three classes. The seats of the

members of the first class shall be vacated at the expiration of the first year; of the second class at the expiration of the second year; and of the third class at the expiration of the third year, so that one-third may be chosen every year.

#### WILLIAM T. DUVALL.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 2532) authorizing the Secretary of the Treasury to adjust the claim of William T. Duvall against the United States; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

#### GEORGE S. GUSTIN.

Mr. WILLIAMS, of Wisconsin, also introduced a bill (H. R. No. 2533) for the relief of George S. Gustin, late a private Company D, Seventy-fourth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### J. J. KENT.

Mr. CASWELL introduced a bill (H. R. No. 2534) for the removal of the charge of desertion from Private J. J. Kent, Company C, First Wisconsin Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### EXTENSION OF SIGNAL SERVICE.

Mr. CATE presented resolutions of the Wisconsin State Horticultural Society, for an extension of the Signal Service; which were referred to the Committee on Agriculture, and ordered to be printed.

### CONTESTED HOMESTEAD CASES.

Mr. CATE also introduced a bill (H. R. No. 2535) providing for giving security for costs in contested homestead cases; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### TAX ON GRAPE AND FRUIT BRANDY.

Mr. LUTTRELL presented a concurrent resolution of the Legislature of the State of California, asking for a reduction of manufacturing tax on grape and fruit brandy; which was referred to the Committee of Ways and Means, and ordered to be printed.

### POST-ROUTES IN CALIFORNIA.

Mr. LUTTRELL also presented the following concurrent resolu-tions; which were referred to the Committee on the Post-Office and Post-Roads:

A concurrent resolution of the Legislature of California, relative to a mail-route from Susanville to Willow Branch, California; and A concurrent resolution of the Legislature of California, relative to a post-route from Winnemucca, Nevada, to Lake City, California.

### LAND CLAIMS IN SANTA BARBARA COUNTY, CALIFORNIA

Mr. LUTTRELL (at the request of Mr. Wigginton, who is confined to his room by sickness) presented a bill (H. R. No. 2536) to authorize the claimants of certain lands in Santa Barbara County, California, to submit their claims to the United States district court for that State for adjudication; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Private Land Claims, and ordered to be printed.

### UNITED STATES DEPOSITORIES.

Mr. DUNNELL introduced a bill (H. R. No. 2537) to amend an act to construe the act of March 2, 1853, so as to allow all depositories designated under the act of August 6, 1846, an annual compensation of \$1,500; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### CHEAP TRANSPORTATION.

Mr. DUNNELL also presented a memorial of the State Legislature of Minnesota, relative to cheap transportation; which was read, referred to the Committee on Railways and Canals, and ordered to be

# JOHN BOWLES.

Mr. PHILLIPS, of Kansas, introduced a bill (H. R. No. 2538) for the relief of John Bowles, late lieutenant-colonel Seventy-ninth Regiment United States Colored Troops; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# FORT HARKER MILITARY RESERVATION.

Mr. PHILLIPS, of Kansas, also presented a joint resolution of the Legislature of Kansas, concerning the Fort Harker military reservation; which was referred to the Committee on Military Affairs, and ordered to be printed.

# WYANDOTTE AND KANSAS CITY BRIDGE COMPANY.

Mr. GOODIN introduced a bill (H. R. No. 2539) for the relief of the Wyandotte and Kansas City Bridge Company; which was read a first and second time, with the accompanying papers referred to the Committee on War Claims, and ordered to be printed.

### PROTECTION OF THE FRONTIER.

Mr. GOODIN also presented a concurrent resolution of the Legislature of Kansas, against any reduction of the Army, and asking that troops be stationed on the western frontier for the better protection of citizens against Indian depredations; which was referred to the Committee on Military Affairs.

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### METHODIST CHURCHES, WEST VIRGINIA.

Mr. FAULKNER introduced a bill (H. R. No. 2540) for the relief of the trustees of the Methodist Episcopal church at Mill Creek or Bunker's Hill, in the county of Berkeley, State of West Virginia; which was read a first and second time, referred to the Committee on

War Claims, and ordered to be printed.

He also introduced a bill (H. R. No. 2541) for the relief of the trustees of the Methodist Episcopal church, Harper's Ferry, West Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### MARIA PAULA ARANDA.

Mr. ELKINS introduced a bill (H. R. No. 2542) for the relief of Maria Paula Aranda, for Indian depredations; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

### SEATTLE AND WALLA WALLA RAILROAD COMPANY.

Mr. JACOBS introduced a bill (H. R. No. 2543) to transfer the land granted the branch of the Northern Pacific Railroad to the Seattle and Walla Walla Railroad Company; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

### BLIGH E. WOOD.

Mr. KIDDER introduced a bill (H. R. No. 2544) for the relief of Bligh E. Wood; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

#### MILITARY RESERVATION IN ARIZONA.

Mr. STEVENS introduced a bill (H. R. No. 2545) authorizing the Secretary of War to relinquish and turn over to the Interior Department certain military reservations in the Territory of Arizona; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

#### INDIAN AFFAIRS.

Mr. STEELE presented a memorial and joint resolution of the Legislative Assembly of the Territory of Wyoming, in relation to Indian affairs; which was referred to the Committee on Indian Affairs, and ordered to be printed.

### CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. HENKLE introduced a bill (H. R. No. 2546) to provide a commission to examine and adjust all outstanding and unsettled claims against the authorities of the District of Columbia, and report the same to Congress; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be

### TRADE-MARKS.

Mr. HEWITT, of New York, introduced a bill (H. R. No. 2547) to revise and amend section 5416 of the Revised Statutes making it a misdemeanor to counterfeit registered trade-marks; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

Mr. HEWITT, of New York, also introduced a bill (H. R. No. 2548)

to revise and amend the Revised Statutes in relation to registration of trade-marks; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

### JOSEPH M. CUMMING AND OTHERS.

Mr. HEWITT, of New York, also introduced a bill (H. R. No. 2549) for the relief of Joseph M. Cumming, Hamilton J. Miller, and William McRoberts; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### R. C. SMITH.

Mr. BOONE introduced a bill (H. R. No. 2550) for the relief of R. C. Smith, of McCracken County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# AMENDMENT OF REVISED STATUTES.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 2551) to repeal section 643 of chapter 7, title 13, of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### PUBLIC ADVERTISING IN DISTRICT OF COLUMBIA.

Mr. MUTCHLER introduced a bill (H. R. No. 2552) to reduce the expenditure for public advertising in the District of Columbia; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

### J. RUFUS TRYON.

Mr. J. H. BAGLEY introduced a bill (H. R. No. 2553) for the relief of J. Rufus Tryon, surgeon United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

### MESSAGE FROM THE SENATE.

The following message from the Senate was presented by Mr. GORHAM, its Secretary:

Whereas the House of Representatives, on the 3d day of March, 1876, by five of its members, Messrs. CLYMER, ROBEINS, BLACKBURN, BASS, and DANFORD, at the

bar of the Senate, impeached William W. Belknap, late Secretary of War, of high crimes and misdemeanors, and informed the Senate that the House of Representatives will in due time exhibit particular articles of impeachment against him and make good the same; and likewise demanded that the Senate take order for the appearance of the said William W. Belknap to answer the said impeachment: There-

pearance of the said within the control of the said within the Senate will, according to its standing rules and orders in such cases provided, take proper order thereon, (upon presentation of articles of impeachment,) of which due notice shall be given to the House of Representatives.

Ordered That the Secretary acquaint the House of Representatives herewith.

Mr. BARNUM submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed two thousand copies for the use of the Senate and three thousand copies for the use of the House of Representatives of the addresses made in the Senate and in the House of Representatives upon the death of Hon. Henry H. Starkweather, of Connecticut, a member of the House of Representatives, and that the Secretary of the Treasury have printed the portrait of Mr. Starkweather to accompany the

### CLAIMS OF OFFICERS AND SOLDIERS.

Mr. RUSK introduced a bill (H. R. No. 2554) to extend the time within which the Court of Claims may hear and determine the claims of the officers and soldiers of the late war growing out of service therein; which was read a first and second time, referred to the Com-mittee on Military Affairs, and ordered to be printed.

### EQUALIZATION OF BOUNTIES.

Mr. WALLACE, of Pennsylvania, introduced a bill (H. R. No. 2555) to equalize the bounties of soldiers who served in the war for the suppression of the rebellion; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### SIGNAL STATION, COLUMBUS, GEORGIA.

Mr. HARRIS, of Georgia, introduced a bill (H. R. No. 2556) to establish a signal station at Columbus, Georgia; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

### TRUSTEES OF BAPTIST CHURCH, CRAB ORCHARD, KENTUCKY.

Mr. DURHAM introduced a bill (H. R. No. 2557) for the benefit of the trustees of the Baptist church of Crab Orchard, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### A. L. SHOTWELL,

Mr. DURHAM also introduced a bill (H. R. No. 2558) for the relief of A. L. Shotwell, of Jefferson County, Kentucky; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### HENRY A. KELLY.

Mr. RIDDLE introduced a bill (H. R. No. 2559) for the relief of Lientenant Henry A. Kelly, lieutenant of Tenth and Eighth Tennessee Regiments of Cavalry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be

# ATLANTIC, OKLAHOMA AND PACIFIC RAILWAY COMPANY.

Mr. GUNTER introduced a bill (H. R. No. 2560) to provide for a continuous line of railway from Norfolk, through the States of Virginia, North Carolina, Kentucky, Arkansas, and the Territories of the United States, to the Pacific Ocean, and to incorporate the Atlantic, Oklahoma and Pacific Railway Company; which was read a first and second time, referred to the Committee on the Pacific Railroad, and ordered to be printed.

### ORDER OF BUSINESS.

The SPEAKER. The morning hour has expired, and resolutions are now in order.
Mr. ATKINS obtained the floor.

Mr. BRIGHT. I ask my colleague to yield to me.
Mr. ATKINS. If I do not lose the floor, I am willing to yield to my

The SPEAKER. It is the duty of the Chair to state that of course the gentleman will lose the floor if he yields.

Mr. ATKINS. I will yield to my colleague for a motion.

Mr. BRIGHT. Then I move that the House resolve itself into Committee of the Wholeon the state of the Union for the purpose of taking up and proceeding with the consideration of the special order to carry out the Hawaiian treaty.

Mr. WARD. I hope the gentleman will yield to me to offer a resolution.

Mr. BRIGHT. I could not yield for any purpose. Mr. KELLEY. I hope the House will not resolve itself into the Committee of the Whole.

Mr. RANDALL. I object to debate.

Mr. KELLEY. I hope the regular order of Monday's business will

be maintained.

The House divided; and there were-ayes 137, noes 122.

Mr. KELLEY demanded tellers.

Tellers were refused.

Mr. CASON demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. KELLEY. Is it in order to move to adjourn?

The SPEAKER. The motion to go into committee has prevailed.

The motion was agreed to; and accordingly the House resolved itself into Committee of the Whole on the state of the Union, Mr. SAYLER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the special order, which is House bill No. 612, to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875, on which the gentleman from New York [Mr. WOOD] is entitled to the floor.

#### HAWAIIAN TREATY.

Mr. WOOD, of New York. In the remarks which I had the honor to submit to the consideration of the committee a few days since, I at-tempted to show that this was one of the most important questions which has been brought to the attention of the House at this session, and that it should be considered with care, and with that gravity which every subject referring to our international relations with other powers should command. Upon that occasion I attempted to meet certain objections which had been presented in the minority report and other objections emanating from other quarters. I think I conclusively demonstrated that the apparent loss of revenue was exceedingly magnified in amount, and that even though it were not magnified it was based upon a hypothesis, a supposition, upon a contingency which might never occur; and further, that admitting the grounds which I maintained were untenable, the loss of revenue claimed could not of itself possibly be an objection to a treaty when the advantages were so preponderating in favor of its adoption. I was interrupted, sir, which possibly is a matter of little importance, and it is only important to myself because it compels me to continue under disadvantageous circumstances the argument which I was then making to the committee.

In the minority report there is a very grave declaration which, if it be sustained, is of itself, in my judgment, sufficiently important to justify the defeat of this bill. That is, that there are provisions in this pending treaty which will compel the United States to grant like privileges in the admission of the products of other countries or nations with which we have existing commercial treaties; or, in other words, that there is a conflict between this treaty and the obligations of the Government in existing treaties which would compel the United States to admit their products upon like conditions free of duty into the ports of the United States. Now, if this objection to the treaty be well founded, if this declaration really be true, why, sir, I shall

not advocate the treaty.

I will read from the minority report in order that the Committee of the Whole may fully understand the declaration which is made:

The undersigned further show that, by treaties already in existence with other sugar-growing countries, the same exemption from duties upon sugars grown in such countries will accrue to them as is allowed by this treaty to the Hawaiian

Sir, I might dismiss this declaration with the simple statement that some of the most eminent statesmen of this country who have presided over the State Department have made such a treaty as this with the Hawaiian Islands, subsequent to the treaties referred to as in conflict. William L. Marcy, one of the ablest and most eminent statesmen that this country has produced, made just such a treaty in When Secretary of State under President Pierce, Mr. Marcy made a treaty almost in the very language of this treaty, including in its schedules precisely the same articles that are included in this, sugar being one of them. And it is almost impossible, sir, that Mr. Marcy and President Pierce and the statesmen of that day could have overlooked the fact that they were making a treaty in conflict with existing treaties made with other countries.

This example was followed under President Lincoln by Mr. Seward, then Secretary of State, who made a treaty in precisely the same language, with schedules containing the same articles. According to these objectors, it appears that he was not conscious of the fact that he was acting in conflict with existing treaties. Therefore I could dismiss this objection to the Hawaiian treaty upon the reasonable assumption that there is nothing in it; because if it were well founded it is impossible that statesmen so eminent and so familiar with all the treaties of the United States could have made another treaty, or proposed to make one which would bring them in conflict with other governments with which we had existing treaties. But, sir, I will not rest upon that. I do not propose to advocate this measure because any other man from the foundation of the Government has advocated it. I do not go to precedent nor to predecessor. I take the treaty upon its merits as it stands. I am ready here to meet every objection, from every quarter, of every character, that any gentleman in this House or elsewhere may produce against it.

Mr. KELLEY. Will the gentleman from New York not permit me

to ask him to name the treaties to which he has referred?

Mr. WOOD, of New York. If my friend will be patient—I know the rebuff he has just received from the House has irritated him-Mr. KELLEY. Not in the least.

Mr. WOOD, of New York. If the gentleman will be patient he will have his answer.

Mr. KELLEY. I will modify my question.
Mr. WOOD, of New York. The minority report has omitted to state with what countries we would come in conflict by making this treaty.

By this table it will be seen that nearly all the sugar imp Francisco comes from Manila, Batavia, and Honolulu.

It does not name the nations with which we have existing treaties that will be interfered with by this treaty. They say:

The undersigned further show that by treaties already in existence.

Do they state with what countries or the nature of the treaties? Do they refer to them? Do they give us any reference as authority for a statement so bold as that? No, sir. Well, I will do it for them.

I hold in my hand a volume containing all the treaties of every character made by our Government with foreign nations since July 4, 1776, down to 1873. This volume, after giving in extense and verbatim every treaty, then contains an analytical index of the peculiar conditions of each, including those of a commercial character like this. On page 1103 of this volume I find under the head of "commercial agreements," a list of those of this character and an enumeration of the countries with which there are treaties providing that

Articles, the growth, produce, or manufactures of the one party, imported into the territories of the other, are to be subject to no other or higher duties than those imposed on the like articles of any other foreign country.

It is this article, existing in substance in many of our commercial treaties, which has misled gentlemen and induces them to think that it will of itself be sufficient to give those nations with which we have such agreements certain rights not now granted, if we make this treaty and admit articles the growth, produce, or manufacture of the Sandwich Islands free of duty into the ports of the United States. But there are other articles and stipulations not quoted in all of the existing treaties; and one of them is to the effect that, if such a concession shall be made to a foreign government gratuitously or freely without equivalent, like concession shall be made by them; but, if made for a "compensation, it shall be adjusted by mutual agreement," thus making it a matter of arrangement, in which case, of course, we should be satisfied and content.

be satisfied and content.

But, sir, there is no practical importance to this objection if it had any valid existence. The countries with which we have such treaties are Austria, the Argentine Confederacy, Bolivia, Colombia, Costa Rica, Denmark, the Dominican Republic, Ecuador, Great Britain, Guatemala, Hanover, Mecklenburg, Oldenburg, the Hanseatic Republics, the Hawaiian Islands, Hayti, Honduras, Mexico, Nicaragua, Orange Free State, Ottoman Porte, Portugal, Prussia, Russia, San Salvador, Sardinia, Swiss Confederation, and the Two Sicilies.

There are a few and but a few of these countries, and these I shall specifically refer to, which grow sugar the only article which would

specifically refer to, which grow sugar, the only article which would be deemed of importance. There is no treaty with Spain of this char-acter. Spain, the only country from which we import sugar into our Atlantic and Pacific ports of any consequence, has always refused to make a commercial treaty with the United States. We have no extradition treaty with her. We have no postal treaty with her. We have only the original treaty made at the conclusion of the last century and one or two small additional treaties of limited consequence. In none of these are there any provisions such as is referred to here, and there is no nation producing sngar imported into the Atlantic ports that has any treaty with the United States of the character that would entitle them to claim on the principles of this treaty the admission of their sugar into the ports of the United States free of duty.

of the United States free of duty.

We have treaties with various nations lying on the Pacific Ocean which do contain this provision of like favors. These are New Granada, Costa Rica, Guatemala, Nicaragua, and San Salvador. These are the only countries lying upon the American Pacific coast that produce sugar; and it is also the fact that they do send their sugar, the product of their own country, to the American Pacific ports. To show the extent of our importation of sugar from all countries into San Francisco for the years 1874 and 1875, I annex the following from the Commercial Herald, of San Francisco, of January 13, 1876: from the Commercial Herald, of San Francisco, of January 13, 1876:

Comparative statement for the years 1874 and 1875.

Sugars.	1874.	1875.
Manila. Batavia China—Formosa and Swatow Central America Honolulu Peru New York, refined Fjij Islands Mexico		Pounds. 26, 246, 068 5, 727, 344 714, 234 18, 213, 878 12, 455 3, 043, 560 7, 512 3, 104
Totals	72, 939, 189 9, 544, 197	53, 968, 155 14, 997, 268
Available for consumption for each year From the supply in 1875 deduct export of raws to New York	82, 483, 386	68, 965, 423 1, 116, 191
Less stock in warehouses at the close of each year	14, 997, 268	67, 849, 232 5, 402, 822
Comparative consumption, 1874 and 1875 Beet-root sugar—product all consumed, of each year	67, 486, 118 1, 500, 000	62, 446, 410 600, 000

By this table it will be seen that nearly all the sugar imported into San

of these countries have we treaties which contain this "like articles" provision. Manila is a part of the Philippine Islands, belonging to Spain. Batavia is Dutch, belonging to Holland, and Honolulu is of the Hawaiian group, with which we propose to make this treaty. Therefore the interference with existing treaties is a chimera so far as it can ever become a question of difference. It can never have any existence as a practical question, whether considered in its application to either ocean side of the United States.

Sir. I have said that we have no treaty with either of the great.

Sir, I have said that we have no treaty with either of the great sugar-producing countries of the world that contains any trouble-some provision in conflict with our right to make this treaty.

But, sir, let us come to the treaties themselves. Take the case of

Costa Rica, (and I quote from that treaty because it is a very important and significant fact that the treaties we have made that contain this "like articles" stipulation are included in those of Costa Rica, San Salvador, Guatemala, and Nicaragua; while the phraseology is slightly changed, they all contain the same clause.)

Under this treaty we propose to grant favors for an equivalent in return for like favors received. This fact brings us clearly within the right to do as we please in treaties with other countries. I will read on page 198 of the same volume two articles of the treaty made with Costa Rica. I quote from this because it is the same substantially in all the others:

ARTICLE IV. No higher nor other duties shall be imposed on the importations into the territories of the United States of any article being the growth, produce, or manufacture of the republic of Costa Rica, and no higher or other duties shall be imposed upon the importations into the territories of the republic of Costa Rica of any articles being the growth, produce, or manufacture of the territories of the United States, than are or shall be payable on the like articles.

### ARTICLE III.

It being the intention of the two high contracting parties to bind themselves by the preceding articles to treat each other on the footing of the most favored nation, it is hereby agreed between them that any favor, privilege, or immunity whatever in matters of commerce or navigation which either contracting party has actually granted or may hereafter grant to the subjects or citizens of any other State, shall be extended to subjects or citizens of the other high contracting party grantiously, if the concession in favor of that other nation shall have been gratuitous—

We are to grant them the same favor, provided the favor we have granted to other nations was a gratuity. That is not so in this case or, in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

Since that treaty was made in 1851 we have made other treaties incorporating like provisions. No statesman, no member of the Senate, no one in the debate in executive session in the Senate in opposition no one in the debate in executive session in the Senate in opposition to this treaty, because it is met with opposition more on sectional and imaginary grounds than on grounds based on a high and lofty appreciation of statesmanship—no one has before conceived the idea that we were making a treaty in this case in contravention of existing treaties.

I have read the provisions of the only treaties that possibly can come in conflict with this, and those provisions speak for themselves.

We have a right to make this treaty, and no nation in the world with whom we have an existing treaty has the right to take exception or make complaint.

I shall probably have an opportunity at the conclusion of this debate to go more into detail, and not only to reply to the objections already made, but to those hereafter to be made by the several gentlemen who shall oppose this bill. I hope then to be able to dissipate any illusions of theirs, or any delusions which their listeners may possibly be misled into ·be misled into.

This is not a new question; it is not now thrust upon the American people for the first time. It was a question thoroughly considered as far back as the time of Daniel Webster, whose statesmanship I am sure no gentleman on either side of this House is prepared to dispute at this time; a man of giant intellect, who approached every ques-tion from an altitude which lifted him far above ordinary debaters in the forensic efforts in which he took part; a great constitutional expounder, who, whatever may have been his errors of judgment, yet by the broad and comprehensive intellect which marked his public career throughout and by his patriotism has transmitted to posterity a fame on which we can afford to base any act of a purely broad and national character like that which affects this and other countries.

national character like that which affects this and other countries.

Long before California became an integral portion of the American Union, when we had not then, and, as it were, did not expect to have, any Pacific dominion, Mr. Webster saw with his eagle eye that the day would come when our Government and people would not be indifferent to the occupancy of these islands. When it was communicated to him as early as 1841, when he was Secretary of State under President Tyler, that the French had designs upon these islands, he declared most emphatically that they should not take possession of those islands if it took the whole power of this Government to prevent it were his advice listened to vent it, were his advice listened to.

After that time came the war with Mexico; after the war with Mexico California was acquired; after the acquisition of California came the discovery of its mines which have done so much to enable us to develop our great national resources. After that came the settlement of the Pacific slope by some of the ablest, most energetic, most progressive and talented portion of our people from this side of the Atlantic. It is within itself a magnificent national power, lying stretched along the Pacific coast, of our blood, religion, language, and nationality, having with us a common interest and a common destiny.

What has followed? They have opened up for us of the East a direct communication with China and Japan. We have commercialized Japan; we have stripped from the Japanese the bandage which for centuries has covered their eyes. We have opened the ports of China and have driven away to some extent the commerce of the English. While upon the Atlantic our flag has almost disappeared, floating no more over large tonnage of American shipping, on the Pacific we have maintained our influence, and there compete with the maritime nations of the world. By the development and practical use of the capital raised from the mines on the Pacific coast we have prosecuted the trade with the Indies far in excess of what England holds to-day, although she has had a foothold there for one hundred and fifty years.

I will not stop here to belittle this question by saying that our brothers of the Pacific coast have rights and interests that we should respect. I will not belittle this subject by dwindling it down to a sectional matter which concerns them and not ourselves. Therefore, sectional matter when concerns them and not ourselves. Therefore, sir, this proposition is based upon the very highest principles of public good, upon a general diffusion of the commerce of the East; so that the agriculturists, the manufacturers, the tradesmen, and mechanics of the whole country are to derive their fair share of advantage.

tage.

Mr. Chairman, among other authorities which I wish to quote in support of this measure, I desire to refer very briefly to the writings of Mr. Charles Nordhoff, a gentleman well known to the literature and the journalism of this country, who spent a long time upon those islands and made himself familiar with that people, their resources, and everything appertaining to the whole question. On page 97 of his work on Northern California, Oregon, and the Sandwich Islands, be says: he says:

Justice, kindly feeling, and a due regard for our future interests in the Pacific Ocean ought to induce us to establish at once a reciprocity treaty with the Hawaiian government. We should lose but little revenue, and we should make good that loss by the greater market which would be opened for our own products in the islands. Such a treaty would bring more capital to the islands, increase their prosperity, and at the same time bind them still more closely and permanently to us. It would pave the way for annexation, if that should ever become advisable.

I hold in my hand a letter from General Schofield, in which he urges with much warmth and ability the ratification of this treaty and also a letter from Admiral Porter, one of the most intelligent and distinguished officers of the American Navy. I ask the Clerk to read these letters.

The Clerk read as follows:

HEADQUARTERS MILITARY DIVISION OF THE PACIFIC, San Francisco, California, December 30, 1875.

Dear Sie: Knowing your interest in the subject, I venture to give you briefly my views in respect to the Hawaiian treaty which is soon to come before Congress for legislative action.

The Hawaiian Islands constitute the only natural outpost to the defenses of our Pacific coast. In the possession of a foreign naval power in time of war, as a depot from which to fit out hostile expeditions against this coast and our commerce on the Pacific Ocean, they would afford the means of incalculable injury to the United States

States.

If the absolute neutrality of the islands could always be insured, that would suffice. But they have not and never can have the power to maintain their own neutrality; and now their necessities force them to seek alliance with some nation which can relieve their embarrassment.

The British Empire, through its North Pacific and South Sea colonies, stands ready to enter into such an alliance, and thus to complete its chain of naval stations from Australia to British Columbia. We cannot refuse the islands the little aid they so sorely need, and at the same time deny their right to seek it elsewhere. The time has come when we must secure forever the desired control over those islands or let it pass into other hards.

The financial interest to the United States involved in this treaty is very small, and if it were much greater it would still be insignificant when compared to the importance of such a military and naval station to the national security and welfare.

I am, dear sir, yours very truly.

I am, dear sir, yours very truly,

J. M. SCHOFIELD.

Hon. J. K. LUTTRELL, M. C., Washington, D. C.

WASHINGTON, D. C., February 23, 1876.

SIR: As the question for securing a treaty with the Hawaiian Islands is now before your committee, I beg leave to send you some points which were embodied in a communication I had the honor to lay before the Senate at their last session which I think will interest you.

a communication I had the honor to lay before the Senate at their last session which I think will interest you.

The Hawaiian Islands occupy a position in the Pacific Ocean corresponding with that of the Bermudas in the Atlantic, and the latter afford the British a principal outpost on our coast whence they could launch forth their ships of war upon us with perfect impunity.

The British government, fully aware of the importance of the Hawaiian Islands, have long had their eyes upon them, and but for American influence Hawaii would now be a second Bermuda.

Owing to the amount of iron that modern British war vessels have to carry, they cannot keep the sea for any length of time, but must have depots like Bermuda. For this reason, if for no other, the British government will do all they can to obtain a foot-hold in the Hawaiian and other groups of islands in the Pacific.

In answer to this, it may be said that the British can have their depots in Vancouver's Island or elsewhere on the northwest coast of British America, but they could not hold any place we could reach by land; and as Great Britain is the naval power of the world, these island stations are absolutely necessary to her. The Fiji Islands lay unoccupied for years until the British navy became all iron-clad; now they are wanted and taken as a depot.

You will see by the chart that a line drawn from the lately-acquired Fiji Islands to the British possessions on the northwest coast of America passes through the Hawaiian Islands, and the taking possession of the Fijis is but the preparatory step to the occupation of Hawaii. It is necessary to complete the chain of naval stations which is in the future to dominate over our commerce in the Pacific.

England is gradually driving us from that as she is from every other ocean, and she will endeavor to prevent our having any influence in that quarter or any depots for our naval vessels. If she succeeds in this, it will practically close the Pacific against American commerce.

Germany is fast taking rank as a n

only to England and France. She is trying to get possession of an island in the West Indies and others in the Pacific for the same reason as England, namely, the extension of her commerce.

The position of the Hawaiian Islands with regard to our Pacific coast renders them of great importance to us in case of war. In such an event, if not too late, it would be necessary for us to occupy them; and therefore we should not permit any other nation to gain a footing in that quarter since it would render our future occupancy almost impossible.

The present condition of the Hawaiian Islands indicates that they must shortly seek intimate relations with some foreign power, if they do not with us, and every consideration points to the absolute necessity of obtaining for the United States a paramount influence there.

No foreign power should be allowed to hold a position on any of these islands, as a foreign naval station on one would necessitate a great expense on the part of our Government to keep up an equal force. If England, for example, establishes her self on our coast it is not for our benefit, but for her own interest and for our injury. She is now in possession of many of the best points in the Pacific and is shutting us out everywhere.

European commerce, customs, enterprise, and ideas of government are making

shutting us out everywhere.

European commerce, customs, enterprise, and ideas of government are making rapid strides all over that vast ocean, a theater on which nature seems to have intended the United States should exercise the principal control.

In conclusion I will say that the loss of the Hawaiian Islands to us by passing out of the hands of the present owners would be a severe blow in a naval point of view, for in the event of a war we should be driven from the Pacific.

In fifteen years from this time there will be such a preponderance of the foreign element in the population of the islands, that they will naturally fall into the hands of some other power, unless we put a clause in the treaty to prevent it. Such a clause, it seems to me, can only be secured by granting reciprocal commercial favors.

Vors.

I never thought Senator Sumner an enthusiast on this subject, but we had several long talks together about this very matter and he was a strong advocate for annexation.

I have the honor to be yours, very respectfully,

DAVID D. PORTER,

Admiral.

Hon. FERNANDO WOOD, M. C.

Mr. WOOD, of New York. The progress which the United States has made in the Pacific Ocean has naturally attracted the attention and jealousy of other countries. Our success in the prosecution of the trade with China, by which we have established an unbroken steam connection between our Atlantic seaboard and Asia, has not been unobserved by European nations, and especially England. France is also not unmindful of her own interests in this connec-

tion. She has possession of Tahiti, the Marquesas, and New Caledonia, while Great Britain rules over Australia, New Zealand, the Fijis, and New Guinea, and is now seeking to possess herself also of

the Navigator's group.

The Hawaiian archipelago is really the only remaining portion of all the Polynesia Islands. No one familiar with this question can doubt the great importance to England of forming the connection between Hawaii and her South Pacific islands.

A scheme has been already set on foot to accomplish this purpose. The chief officials of New Zealand, prompted by British intrigue, have proposed to have them confederated with the groups of the South

Pacific, already under British rule.

The dependent condition of the Hawaiian Islands and the gradual depletion of the native population compel them to seek some powerful succor and co-operation. The large American element in the resident population exercises an influence against the British design, and has succeeded in directing that government to enter into more intimate commercial and political negotiations with the United States.

Hence the origin of this treaty.

An effort is now made to effect an arrangement with the United States if possible before listening to British proposals. If we shall from any consideration of either mistaket policy or neglect of a self-evident advantage omit to avail ourselves of the profered advantage

by the omission of the execution of this treaty, we shall discover too late that we have lost that which can never be recovered.

It will thus be seen that there is one foreign power which is watching with interest and solicitude for results of this negotiation. It is that one which has encircled the globe in the promotion of its policy for the extension of its commerce and the enlargement of its power. It is that which has never omitted an opportunity to further its schemes of ambition, wealth, or greatness; whose presumption is restrained only by its resources, and whose resources are almost illimitable.

Already she has planted a cordon around the American Continent. Her possessions beginning at the far north on the North Atlantic and stretching in almost entire line from the Arctic circle to Labrador, Newfoundland, the Canadas; thence to the Bermudas, the Bahamas, the West Indies; Honduras in Central America; the Falkland Islands at the extreme South Atlantic. And thence to the South Pacific in her vast Oceanica possessions, comprising Australia, New Zealand, and the recently-acquired Fiji Islands; thence stretching northward to British Columbia, which again by its extent and physical position crosses the continent and gives her a commanding position from ocean to ocean thus encircling North and South America, endangering our power and insulting our pride.

Need I add that it is British? It is this marvelous country which, with an original territory smaller than several of the thirty-six States of the American Union, can now boast that the sun cannot set upon the whole of her dominions. In every clime, in both hemispheres, on every continent, in all the oceans of the world, her flag flies honored and protected on English soil. Nor has this been accomplished by the results of an aggressive warlike policy. No, it was the result of a far-reaching design, having for its object the promotion of national grandeur and extension of commercial power. Diplomacy looking to the extension of her trade obtained and advantage than the aggressive design. the extension of her trade obtained more advantage than the sword

It is a singular fact that with all her vast American possessions not a foot of it has been acquired by conquest. Treaty, trade, intrigue, discovery, and the varied arts and accomplishments of diplomacy have done it all. And this may be also said with reference to her vast East India empire. Whatever bloodshed may have followed her rule there in order to maintain her power, originally she obtained her foot-hold under peaceful auspices. The same may be said of her European acquisitions as recently illustrated in her purchase of the Suez Canal. To those who affect to treat lightly the importance of these politi-

To those who affect to treat lightly the importance of these political considerations which underlie this treaty, let me say that there are many historical examples where nations have expended millions of treasure and exhausted thousands of lives to obtain or to hold positions of far less magnitude or value. I could refer to many. It is not necessary in this case. We are not asked to expend money nor to hazard life. No proposition is submitted to purchase nor\*to acquire an addition to American soil, as in the case of Louisiana, California, or Alaska; no assertion of a right backed by power is required. We are called upon to do nothing inconsistent with our time-honored practice of establishing friendly relations through the operation of a practice of establishing friendly relations through the operation of a commercial treaty based upon principles of reciprocity. The boon is offered, and we accept it—accept it upon terms and conditions more than equal in our own favor, and alike honorable to both parties to the compact. We shall obtain a foothold upon foreign soil without the cost and responsibility of maintaining it, and keep off all others who may seek a like advantage.

The conception of this thought is of the highest order of statesman-

The conception of this thought is of the mignest order of statesman-ship. It emanates from a broad, comprehensive view of the nation's wants, and reaches that higher politics which soars above and beyond the domain of the present, looking to the future of this great people whose commercial ambition and material progress are alike almost

The Hawaiian Islands lie nearly midway in the middle Pacific Ocean between America and Asia. They are in the straight line almost due north from the British possessions in the South Pacific and the British possessions in the North Pacific. They are the coaling station and entrepôt of the American trade with China, and will lie nearer to the probable terminus of a southern transatlantic railroad than to the present Atlantic-Pacific railroad. As a military strategic point they would be indispensable in time of war; and as an auxiliary to our commerce with China and Japan they are almost indispensable. In the hands of an enemy they could be used as a means of annoyance and injury to our navigation and adjoining coast, and constitute a

and injury to our navigation and adjoining coast, and constitute a constant menace embarrassing us at every turn.

Is it not the duty of this generation to do something by which to provide for the wants of the next and coming generations? Should we do nothing toward laying the foundation for that empire which shall in the not far distant future outrival in wealth and extent of territory the population and commerce of all others? With a productive power greatly in excess of our power of consumption, the day will come when we must secure foreign outlets and markets by which to dispose of the surplus; and where can we look with so much hope as to the people of the far west on the other side of the Pacific Ocean? In that direction our eyes are already cast for an opening of advantageous trade which shall more than compensate us for the cost and

trouble which it may incur to obtain.

In conclusion, I ask the passage of this bill upon grounds of public good considered in its highest and most patriotic sense. Let no sectional interests, fancied legal or constitutional objection, or imaginary temporary loss of revenue deter members from supporting it. It is entitled to favorable action, and I cannot believe that such will not be the result.

Mr. MORRISON. Mr. Chairman, the bill under consideration practically extends our protective tariff to the Hawaiian Islands, and gives to a few sugar-planters there an immediate annual bounty about equal

in amount to our whole export trade to these islands, and ultimately not less than their annual export trade with all countries.

This is called reciprocity. And though it is asserted that such a treaty has been sanctioned by some of the first statesmen of the country, still it is a fact that until now no Congress has ever been reckless enough to give it legislative approval, and I trust this will

It was proposed in 1867-'68, when it was examined at the Treasury under the direction of Secretary McCulloch and in the Senate. The result of all the investigation was so decidedly in opposition, it was abandoned. Senators Fessenden and Grimes were earnest and outspoken in their opposition, both going to the extent of stating that the very idea of coupling the term reciprocity with the treaty was a

fraud and an imposition.

With whom is it proposed to enter into a reciprocity treaty? With a group of islands two thousand miles distant from our nearest port, containing a population of 56,000, (less than many agricultural counties in the United States,) and rapidly decreasing. Of this 51,000 are natives, all so little inclined to labor that, though there is comparatively little business on the islands, Chinese labor has to be imported. tively little business on the islands, Chinese labor has to be imported. The climate of the islands discourages work; little clothing is needed, no substantial houses, and little food beyond the peculiar agricultural products of the islands. Wages of natives when employed, \$8 per month with and \$11 without food. Of the whole population only 4,772 are returned as plantation laborers, and of these about one-third are Chinese. The only product of the islands of any importance is

sugar; but in the cultivation of this the natives are so little intersugar; but in the cultivation of this the natives are so little interested that it is said no sugar plantation is owned or worked, as proprietor, by any native. Trade therefore with the islands does not increase and, as the quantity of arable land is very limited, from natural causes, cannot increase. This is shown remarkably by the fact that the total exports of the domestic products of the United States to the islands in 1860, under a low tariff and a low range of prices for what we had to sell amounted to only \$637.453 and while in 1874. what we had to sell, amounted to only \$637,453 gold, while in 1874, fifteen years after, it was only \$623,280 currency. During the same time there has been no material increase in the import of the products of other countries. In short, the whole product of the United States which the population of the Sandwich Islands have, on an average, been able to consume during the last fifteen years is less than the total value of the annual farm product of the war-ravaged county of Fairfax, value of the annual farm product of the war-ravaged county of Fairfax, Virginia; the country opposite the Capitol. And the entire value of products of all countries imported into the islands for 1873 (\$1,155,422) was only about one-fourth the value of the farm product of a single county (Adams,) in Illinois, (\$4,654,000,) and with about the same population, (56,362.) A treaty from a commercial point of view by the United States with the Sandwich Islands is not so important as a treaty with any good, thriving agricultural county in almost any State would be, provided the county was located beyond the territory of the United States.

Who, then, on the islands wants the treaty? The sugar interest.

The sugar-cane is indigenous to the islands, and yields more sugar to The sugar-cane is indigenous to the islands, and yields more sugar to the acre than in any other country, 5,000 pounds, or two and a half tons, being an ordinary product, rising often to 8,000 pounds, and in some instances to 12,000 pounds. The average yield in Louisiana is from 500 to 2,000 pounds per acre. The foreign population of the islands is about 5,000, (one-third Chinese,) but of this number less than forty own and work the sugar estates. Practically the treaty is to be made for the benefit of these forty people.

That sugar production has been profitable under more favorable conditions than exist elsewhere on the face of the globe is proved by the fact that the annual increase of the island product has been very great 1 444 271 pounds exported in 1860 and about 28,000,000 pounds

great, 1,444,271 pounds exported in 1860 and about 28,000,000 pounds in 1875. Mr. Nordhoff says, page 60, in his book on the Sandwich Islands: "There are few legitimate branches of business in the world Islands: "There are few legitimate branches of business in the world that could be managed as slovenly as sugar-making in the islands and show such profits," and "that sugar-planting can be carried on in the islands at a fair and satisfactory profit whenever skill and personal attention are given and due economy enforced." But, of course, as everywhere else, there is a desire on the part of those sugar people to make more money and to make business poorly managed profitable. And this they propose to do by asking the United States to admit the sugar product of the islands free of duty into our market without being subject to our tayes. The duties imposed on the import of such ing subject to our taxes. The duties imposed on the import of such sugars as the Sandwich Islands are likely to send to the United States will be about two and a half cents per pound, which will be equivalent to a bounty of about 50 per cent. on the average market price at lent to a bounty of about 50 per cent. on the average market price at Honolulu. The import of sugar to the United States from these islands in 1875 was 8,944 tons, or, in round numbers, 17,888,000 pounds, on which, if the treaty had been in existence, a bounty would have accrued of about \$400,000; while for this year the Secretary of the Treasury gives the import of sugar, without the treaty, at 24,850,438 pounds, which, were the treaty in force, would give the planters of these islands a bounty of \$543,603, to be taken from our revenue.

Any business that guarantees 50 per cent. profit over and above a fair profit that now accrues independently, (for it is reasonable to suppose that the sugar product of the island would not increase year by year under existing circumstances unless it was profitable,) is certain to increase just as fast as it possibly can. We may look with certainty, therefore, from the conclusion of this treaty, that the islands will send us the first year after ratification every pound of sugar they can spare over their own requirements for consumption,

sugar they can spare over their own requirements for consumption, and continue to do so, not sending a pound to any other country; that the sugar product will increase to the utmost extent possible; and that we shall have an import equal to their entire sugar export, not less than 30,000,000 pounds, in 1875, on which a bounty would accrue of two and one-half cents per pound, or \$615,000. The area of arable land in the islands is limited. The Sandwich Islands commissioners think the product cannot be increased beyond 50,000,000 pounds per annum. Senator Booth states on authority of California experts that the product can be pushed to 135,000,000 pounds per annum. Mr. Nordhoff says there is room for about seventy-five to eighty more plantations on the scale now common, or about three times as many as now exist. It is therefore reasonable to assume that an import of at least 50,000,000 pounds, on which the United States would give a bounty and suffer a reduction of revenue from sugar to the extent of

\$1,200,000, may be anticipated.

Can we afford to buy trade with any country at any such rate? Can we not buy the markets of the world on such a basis? England, only a little farther distant from our Atlantic than these islands are only a little farther distant from our Atlantic than these islands are from our Pacific coast, would certainly sell us hers at such a cost. What would we have to sell after paying such a bounty? At present the total trade of the islands with all foreign countries is less than \$1,400,000 (\$1,155,000 in 1873) per annum. If we should get it all we should, on the basis of the Treasury estimate of this fiscal year of the sugar import, pay \$543,603 for it. If the sugar product and export of the islands increase but the lowest rate that can be anticipated, we

should pay to these few planters, who are not Sandwich Islanders, a dollar for the privilege of selling merchandise of the value of another dollar, or \$1,200,000 on sugar alone for the privilege of selling and exporting to them \$1,400,000 worth of goods. Any counting as to the value of the profits of this export trade will show that we shall pay about five dollars for one to be received. This is reciprocity mostly on one side, and financiering with a vengeance. Can the nation, overborne and weighed down with taxation, afford to make a free gift of its revenues to a few people who pay no taxes to sustain our Government?

What is it pretended that the islands can give us in return? Their trade. But it has been shown that it does not amount to anything, and never can, of importance. Not as much as the trade of one good county or fourth-rate city of the country. There is a long and imposing list of things mentioned in this treaty, which the Sandwich Islands will agree to take of us free of duty. Brick, for example; they took none in 1873; window-glass, fifteen boxes from the United States and one from somewhere else; machinery of all kinds, \$14,000 worth, about the cost of one good steam-engine and boiler; iron and steel, \$25.15 worth; paper, \$700 worth; fancy goods and millinery, \$4,458; agricultural implements, they took \$5,562. They took more than \$100,000 worth of clothing, about one-eleventh of their whole import; but clothing is not one of the things made free by the treaty. They took about \$55,000 worth of liquors and spirits, one-twentieth of their whole imports: but liquor and spirits are not to be on the They took about \$55,000 worth of liquors and spirits, one-twentieth of their whole imports; but liquor and spirits are not to be on the

free list. And so also are not furniture, carriages, other than agricultural, glass, crockery, paints, &c.

The list of things to be admitted free is an imposing one, but an examination will show that it contains but little other than those things which the islands must take of us now because we can supply them cheaper than other nations; and a great many things like furs, rice, sugar, fruits, tallow, hides, oysters, fish, eggs, shrubs, trees, vegetables, &c., which the islands supply themselves with, or do not want or could not be sent from the United States by reason of natural causes.

The list of reciprocal goods bears the impress of humbug on its face.
Will the Clerk read what was said of this treaty by a New England
Senator when it was under consideration in the Senate?

The Clerk read as follows:

The Clerk read as follows:

The financial question raised by this treaty, in proportion to its magnitude, will be a tough and unprofitable one for the Treasury of the United States. Measured by the past, it will deprive us of \$500,000 of revenue. Measured by the whole amount of sugars annually produced in the Sandwich Islands, and this must be the actual test, it would at once be nearly double this amount, to be further augmented year by year until the utmost sugar-producing capacity of the islands shall have been reached. This capacity is variously estimated and will reach from three to five times the amount of the present production, which is stated to be from three to five times the amountof the present production, which is stated to be from three to five times the amountof the present production, which is stated to be from three to five times the amountof the present production, which is stated to be from three to five times the amount of the present production, which is stated to be from the office to thirty million pounds of Sandwich Island sugars may ultimately take the place of an equal amount coming from other places that is now subject to the payment of duties, averaging, for the class which will be received, not less than \$\frac{3}{2}\$ cents per pound, and may soon involve an uncompensated loss to the Treasury of two, three, or four million dollars annually.

Our market for their sugars is the best they can possibly have, treaty or no treaty, charged with duty or not. The duty is a sheer loss to us and a sheer gain to the twenty-five owners of the sugar-plantations, whether they reside in Hawaii or elsewhere. It is an immense subsidy to these wholly private interests and far more obnexious than any subsidy which has heretofore found congressional advocates. However honestly intended by the parties to the negotiation, I feel constrained to denounce it as a job, the chief result of which will be to put noney into the purses of a few Hawaiian sugar-planters, who have captured a good enough King to march

treaty.

When the rejected Hawaiian treaty of 1869 was before us, it was claimed as a merit that all of the owners but two of the twenty-five were foreigners and almost wholly Americans. There is no doubt they are so now.

Mr. MORRISON. The import of Sandwich Islands sugar is only about 1 per cent. of the consumption of the United States. It can never exceed 5 or 6 per cent. of our consumption; besides, this being an article of such general consumption, the price will not be reduced. Sandwich Islands producers will therefore always take the very highest prices in our market, and the American consumer can never be beneto him. Yet the Government loses the revenue.

To increase the product of sugar on the island it is admitted there must be more labor. (Nordhoff, page 59.) The only labor available is cooly or imported Chinese labor, which is little other than a form of slavery. Do we propose to tax ourselves to encourage this importation of Chinese into the islands and strengthen this kind of servile

labor ?

It is said that giving reciprocity will favor our annexation of the islands. Can any supposition be more absurd? Free trade, with all the world for all they want to buy, and a market for all they want to sell guaranteed to them by the United States under conditions that afford exceptional and enormous profits, the last thing under such circumstances which the islanders would desire would be annexative that the state of the state o

ation and the deprivation of all their advantages.

Do we want these islands? What for? For war, for military or naval purposes? When are we going to stop spending money to prepare for war when we never can have war unless we choose to inaugurate it? If we take these islands we must have a navy-yard, coal-depot, a fort, a regiment of infantry costing over a million a year, territorial governors and officials all salaried, Delegates in Congress, all to be paid by the overtaxed people of the United States. Th question of the hour is how to make living and production cheaper how to reduce taxes, not how to increase taxes, and multiply officials.

We are advised from official sources that the revenues under exist-ing laws fall short of the requirements of the public debt and other needs of the Government. From what source is the money to be deneeds of the Government. From what source is the money to be derived which by this treaty is given away to Hawaiians? Who is to pay it? Will the gentlemen who favor this treaty tell us? Its chief supporters oppose any modification of tariff exactions and oppressions by which we may lessen the burdens and add to the revenues of the people. It is not therefore to be made up from that source. Is it to be levied upon tobacco, the product of the South, or spirits, the product of western corn? Certainly the friends of this measure will not tell us it is to be made up by reductions in needless expenditures. These have failed to secure their support lest, as they say, the honor of the country, and especially its commercial interests, might be prejudiced. Lest this should be done, we are told "we should allow our ministers abroad enough for them to be respectable, respectable in the European acceptance of the term, respectable by their exterior presenta-

pean acceptance of the term, respectable by their exterior presentation at court," and that our carrying trade and ocean commerce will
go down before the sun on the day when a consul at Bangkok or Winnipeg ceases to draw a salary from the public Treasury.
Sir, to have a carrying trade we must have something to carry.
We must produce something which can be sold at a profit, or it will
not be carried. Nor can we buy a commerce in Hawaii or elsewhere
abroad. It must grow with and out of prosperous and profitable labor and production. To do this the burdens of taxation upon labor and production must be lessened, not increased. This measure does

will increase them.

There is no protection in this treaty, for there are no American in-terests to be protected. There is no free trade in it, for there is but little trade of any kind, and that is to be made exclusive for one side. There is no reciprocity in it, for much is given and nothing received.

Mr. Chairman, I yield the remainder of my time to the gentleman from Texas, [Mr. Mills.]

Mr. Mills. Mr. Chairman, in the few moments that have been

granted to me by the courtesy of my friend from Illinois [Mr. Mornison] I desire to present to the committee some of the objections which I have to this bill. The first objection is that it is a gift of which I have to this bill. The first objection is that it is a gift of four or five hundred thousand dollars to the sugar-producers of the Hawaiian Islands. The annual imports into the United States from those islands amount to a little over \$1,000,000. Of that amount the importation of sugar is about \$950,000. Is there any benefit to be derived on ourside of this treaty for this bonus which we propose to grant to the foreign producer. I assume that it is capable of demonstration that it is a gift to the foreign producer, and no benefit to our citizens on the Pacific coast. Why? Because the price of sugar in the West will be regulated, not by the duty which you take off the Sandwich Islands sugar, but by the price of the sugar that is transported into that country from the Atlantic seaboard. The sugar brought into the United States amounts to about \$85,000,000 a year, a consumption of about \$2 a head among our people. There are about 1,000,000 of people on the Pacific seaboard. They consume about two million dollars' worth of sugar annually. They obtain about one-half of the sugar they consume from the Sandwich Islands. The other half they obtain after paying a duty in the cities of Galveston, New Orleans, New obtain after paying a duty in the cities of Galveston, New Orleans, New York, Boston, and other Atlantic seaports, and then transport it by rail to the Pacific coast. There is not a sufficient supply of the sugar coming from the Hawaiian Islands to satisfy the demand of that western country. Hence they have to buy at whatever price they can the sugar that comes from the eastern seaboard. When this sugar, brought from the East, after paying charges and duties and cost of transportation, comes to the consumer in California, Oregon, Nevada, and Utah, the consumer is obliged to pay the cost of the article with these charges added: the original cost of the product, the cost of water transportation, the cost of the duty, the cost of rail transportation. What is the result? Why, sir, the eastern sugar fixes infallibly the price of the Hawaiian sugar just as much as the Russian wheat fixes the price

of your western wheat in the markets of Great Britain.

Then, sir, it is a gift; it is a bounty. And when you remove this bounty the people of California will pay twelve months from the day after you have passed this bill—for that it will pass I suppose there is no question—will pay the same price for their sugar from the Hawaiian Islands that they pay to-day.

Well, sir, are we not to replace in our Treasury the amount of money which a streat from it for the large of the grant of

which we extract from it for the benefit of these people? Is the condition of our country such that we can afford to lose that revenue and not exact it from our people? Let the prostrated condition of our land answer that question. Let the bills that are now pending in your Committee of Ways and Means for increasing the revenue answer that question. Let the reductions in expenditures now being made, answer. More money has got to come into the Treasury to answer the need of the Government; and how are you going to get it? Are you going to tax the realized wealth of the land? Not a bit of it. you going to tax the realized wealth of the land? Not a bit of it. Do you propose to tax real estate? You cannot do it under the Constitution. What do you propose to tax? You propose to tax the laborers all over the country by placing duties on foreign imported goods, woolens and cottons, iron and steel, and all those other imports that enter into the consumption of our people day by day. Well, there is a twofold tax when you enter that field of taxation. I had a table furnished me by the Chief of the Bureau of Statistics some time since which I used in a former speech that I made on the tariff, and I will refer to a few of its figures to demonstrate the logic of this thing.

There were twelve given articles in that table, of which there were consumed in the United States one billion nine hundred million dollars' sumed in the United States one billion nine hundred million dollars' worth; \$1,622,000,000 were domestic products, \$210,000,000 were foreign products. Upon the foreign products we paid an average duty of 41.73 per cent., which realized to the coffers of the Government \$87,000,000. But the consumer of the domestic product paid the same tax exactly for the protection of domestic manufactures, so that, in getting into the Treasury of the Government the sum of \$87,000,000, the people of the United States paid for protection \$676,000,000, or seven times as much to the domestic manufacturers as they paid for the support of the Government. Therefore, when you come to replace seven times as much to the domestic manufacturers as they paid for the support of the Government. Therefore, when you come to replace in the Treasury the \$400,000 that you give to these producers of sugar in the Hawaiian Islands you take from the laboring poor man all over the country two and a half millions of dollars to sustain domestic manufacturers; and the entire tax you impose upon the people of the United States which falls on the laboring people of the country is about \$3,000,000. That is what you give as a free-will offering for the benefit of these femigar sugary plants.

benefit of those foreign sugar-planters.

There is one other objection to this treaty, and it is this: that when you establish this treaty with the Hawaiian Islands, these products of theirs, their sugar and other products mentioned, shall come in free. Have you any guarantee that this will not be an open gateway for fraud? Why may not Cuba and why may not other countries producing sugar and other articles that are made to come in free from Hawaii, pass them through that gate into the United States and thus constantly defraud your revenues? What provision have you got to guard against that? None.

guard against that! None.

Ah, but we are told that this is a necessary measure of precaution against a war with Great Britain. Indeed! Now, who ever heard of against a war with Great Britain. Indeed: Now, who ever heard of a commercial treaty preventing a war with any power? Or who ever heard of a commercial treaty between a strong and a weak power giving to the stronger power any benefit in case of war with another strong power? Who ever heard of a people so weak that their power was despised laying between two belligerents of great strength, that ever were able to preserve their neutrality or cause a moment's pause in the march of either to consummate his purpose?

In the first place, I answer that England and the United States annot go to war. There are two reasons why they cannot. One is cannot go to war. that they are both commercial peoples; England almost exclusively commercial and the United States one of the first commercial powers of the earth. And commerce is king. England could not afford to fight the United States when she had her hands full with her own people. England dared not accept the gauntlet of battle that was thrown down to her even then when the United States was struggling with the valor of her own people, and trying to suppress her own people in arms against the national authority. It was a gigantic civil war, that brought into exercise all the power of the Government to succeed, but England even then dared not to enter the lists. you think that now, when we are re-united, one great people, having demonstrated that we possess more war power than all the other peoples of the earth, do you think England can afford to fight the United States and lose all her commerce on the ocean; do you think she can afford to lose her American possessions? Sir, the reverberation of the first gun that sounded the hostile conflict on the part of Great Britain against the Government of the United States would shake from the British crown her American dependencies as ruthlessly as the chill winds of autumn shake the dried leaves from the trees of the forest. The combined powers of earth could not interpose and save them. The day is past when the sovereign power of the United States can be challenged in equal combat on this continent. Whatever may be the divisions of her people; however high partisan feeling or sectional jealousies may rage, the moment a hostile foot of any foreign power plants itself upon her soil all domestic discord will sink down and subside, and the elements of her combined power will

sink down and subside, and the elements of her combined power will be thrown across the path of the invader. And when such a war should end the dependencies of Great Britain on this continent would be seen as members of the family of American States.

But suppose such a calamity should occur; suppose war does come between England and the United States; do you think that England would make war on the Pacific coast instead of on the Atlantic? Has she ever been guilty of such stupidity as that in the prosecution of war? Sir, the thunder of her cannon would not be heard on the Pacific but at the doors of your cities on the Atlantic. She would fight cific, but at the doors of your cities on the Atlantic. She would fight where she could do most harm to you and most good to herself; she would point her cannon where their shots would inflict the heaviest What would she make by doubling Cape Horn and going around by the South American states, far away from her bases of supply, and making war on the United States on the sparsely-settled coast of California, Oregon, and Washington? But suppose she was even so blind as to do so, do you think she would want to take the Hawaiian Islands as a station to supply stores to her navy, when she has ready at your doors in British Columbia, at Vancouver's Island, right in contact with her own people, a naval station which is literally in our midst? Why should she go two thousand miles into the center of the Pacific Ocean to find a depot for her naval stores when she has got one right under your eyes? Sir, she would not do it.

Suppose that England does make war with the United States and that she passes by the Atlantic cities on our coast; that she goes

around Cape Horn and by the South American states and comes into the Pacific Ocean. We will suppose that she has selected as the site

against which she will hurl her thunderbolts the sparsely-settled States of the Pacific; we will suppose that she desires to form a naval depot at the Hawaiian Islands. Will a commercial treaty keep her from taking them? Will a treaty providing for free trade in sugar, rice, paddy, and pulu prevent her from doing it? I want gentlemen to tell me where there is a solitary instance in history where a defenseless little power situated between two large belligerent powers has ever been able to maintain its neutrality when the line of their march lay over her borders? Where is there an instance of it? Why, sir, if you had a treaty not only commercial but a treaty of neutrality, to which both parties had given their assent, it would still not hinder them a moment in the march of their armies to occupy it. I will cite to the House the case of the island of Malta. Malta had be-Name of the Knights of St. John ever since the Middle Ages. When Napoleon Bonaparte started for Egypt in his campaign of 1793, he found that the island of Malta would be a good strategical point at which to make a naval station and cripple Great Britain and prevent her from getting to her eastern possessions. What did he do? Did he respect the neutrality of Malta? Not for a moment. He seized the island, and Great Britain aided by the allies entered the lists against him, and at the termination of the war in 1805 the island of Malta was again by the treaty of Amiens restored to the gallant knights from whom it had been taken. But Great Britain saw the advantage to her of its occupation, just as Napoleon Bonaparte had done, and in turn seized it herself, and with the fall of Napoleon Bonaparte she was enabled to retain it, and I believe holds it to this The same is the fact in relation to all small powers scattered over Europe or wherever else you find them. They are absorbed by the stronger powers.

A few years ago you saw all over Europe little powers and principalities everywhere, but now they have all been gathered into the arms of England and Russia and the German confederation and France and Spain and Austria. Gentlemen will remember the duchy of Luxembourg lying between France and Prussia. It was well known in history to be the strongest point for strategical purposes on the continent of Europe—Gibraltar alone excepted. How long it was contended for with diplomacy and force by the Prussians and French. What intrigues were practiced to bring this little spot on the map under the shadow of their respective scepters. In 1867 France was secretly negotiating for its purchase; Prussia intervened and offered secretly negotiating for its purchase; Prussia intervened and offered the highest price and won the prize; France frowned, and threatened, and Prussia yielded. Luxembourg still existed a neutral. In the Franco-German war, the French occupied it and passed their troops through it. Bismarck complained and denounced the treaty of neutrality, beat the French, and dismantled the fortress. But as long as the fortress stood, it was a standing menace to both Prussia and France, and on the breaking out of war between them neither hesitated was decreased.

tated under any circumstances to occupy it if they could.

Let me cite one instance more with which you are all familiar. At the commencement of the unhappy war between the States, through which we have so recently passed, the State of Kentucky—which I am proud to call my mother—unwilling to stain her fair hands in the blood of her children and kindred, and anxious, painfully anxious, to interpose every element of power to prevent the fratricidal strife and to plead with all the power of filial affection for reconciliation and reaches the restriction of the balliers. and peace, declared her neutrality and forbade either of the belligerents from coming upon her soil with arms in hand; forbade each of the contending powers from entering upon her soil. How long was the contending powers from entering upon her soil. How long was that neutrality respected? Until the two contending powers got ready to engage in the deadly conflict; and then, spurning her neutrality because she did not have the power to assert and maintain it, they met upon her borders and mingled their blood upon her soil. And there she stands to-day, as she stood in 1861 and as she has always stood, with her great heart throbbing with filial devotion to the Constitution and the Union and holding in her warm bosom the mingled

stitution and the Union and holding in her wall.

So back to a little history older than that. We all remember the history of Charles XII of Sweden when he contended with Peter the Great of Russia. Poland and Silesia lay in the line of his march toward the territories of Russia. The German Diet thundered its denunciations against him, declaring him a public enemy if he should dare to cross the Oder. Voltaire says that their edicts were as solemn than the content of t through it; he went on to Poland, and Poland, seeing the two mighty belligerents on each side of her and seeing that all attempts at force were vain, tried the arts of diplomacy; and while her senate was dis-cussing her painful and dangerous situation, under which one of the flags she should fly for shelter, the minions of power stepped upon her threshold and demanded, "Under which king, Bezonian? Speak or die." The victorious Swede swept through her territories, uncrowning one king and crowning another with the indifference that he would have moved a pawn upon a chess board. As he moved on to his objective point, finding his army without provisions, he de-flected from his way and entered without ceremony the Ukraine, then

ruled by Prince Mazeppa, whose name the English poet has made immortal, and supplied his army.

So, Mr. Chairman, it is perfectly idle for us to talk about a commercial treaty with the Hawaiian Islands ever stopping the advance of the English when it becomes necessary for them to seize that point to deal a blow at her adversary. Self-preservation is the supreme

law of nature both to individuals and nations, and no nation in war ever yet neglected or ever will neglect to seize a point of that kind, a strong strategic point, when the power that holds it is so contempt-

ible that it cannot dispute its seizure.

Now, sir, in Europe they have a doctrine they call the "balance of power," which protects the several nationalities against the encroachment of those who surround them, or against the undue enlargement of the power of any one of them. They seek their protection in holding each other to the status quo. France cannot take a piece of Prussia ing each other to the status quo. France cannot take a piece of Prussia without Russia and England and Italy and Austria being consulted. Not the smallest little dukedom in Europe can fall until the mighty powers of Europe have had their say about whether it shall fall or not. And we on this side of the water have the same kind of political idea expressed by the "Monroe doctrine." It is the Monroe doctrine which will protect us against the possession by the English of the Hawaiian Islands, and not a commercial treaty. Why, do gentlamen think, if the United States were to become embroiled in war with England, France, Germany, and Russia, and the other naval powers of the world except Spain, and Spain were to make with them powers of the world, except Spain, and Spain were to make with them a commercial treaty of the most favored kind in reference to the island of Cuba-dogentlemen think that that commercial treaty would afford these belligerents the least advantage over the United States? She would seize the island under an executive order, if Congress were not in session, issued as soon as the declaration of war was made and before a hostile foot could be planted on her borders. All the commercial treaties that might be written between now and midsummer cial treaties that might be written between now and midsummer would not yield them the slightest advantage. The United States will never permit, whatever may be the treaties with Spain, the occupation of that island by any or all the powers of Europe combined. Whatever may be the rights of Spain to that island, the United States has a right to see that that island is not held and used to her injury, and that right she will at all times assert and is ever ready to maintain. It is not a commercial treaty, but the Monroe doctrine, the doctrine of our fathers, in which we find protection to our own possessions and the outlying islands around us. That doctrine is that no sessions and the outlying islands around us. That doctrine is that no European power shall interfere with or encroach upon the possessions of the United States.

We heard a few years ago the same note of alarm sounded in our ears in reference to San Domingo. It was discovered very suddenly that San Domingo was the great key to the Gulf. It commanded the entrance to the Gulf, and covered our Southern Atlantic coast. We were then in imminent peril of San Domingo falling into the hands of some European power that would use it as a naval station, from which they would provision and equip their hostile forces and hurl them upon our defenseless coast. The people of the United States were not easily alarmed and did not avail themselves of that great invaluable strategic point; and yet she rests as securely to-day with San Domingo where it is as if that island were a State in the American Union. No, sir; it is not the commercial treaty that renders us secure, but it is the well-known doctrine of our fathers, and held and cherished by their sons, that gives us security and peace; the doctrine that no foreign power can invade or encroach upon the posse sions of the United States or the islands that rest in the shadow of her

extended wings.

Mr. BURCHARD, of Illinois. Mr. Chairman, the Committee of Ways and Means, in the discharge of its duty, was called upon to consider a bill referred to it providing for carrying into effect the provisions of a treaty negotiated between the United States and the Hawaiian government and ratified by the Senate of the United States and also by the Hawaiian government. In examining the subject, the committee found that similar treaties had been heretofore negotiated and their provisions considered by several Secretaries at the head of Departments of the Government. It was found that during the administration of President Pierce, in 1855, a treaty had been negotiated which, through the instrumentality and with the approval of the then Secretary of State, William L. Marcy, contained provisions far less advantageous to the Government of the United States than the treaty under consideration. They found that subsequently to that time another treaty had been considered, which was recommended by Secretary Seward and received the approval of different members of the Cabinet of President Johnson. Each of these treaties received the warm approval and indorsement of all the statesmen who had been concerned in negotiating or considering them on the part of the United States. This treaty came to us with a strong indorsement from the Senators who had considered it as well as from the mem-bers of the present Administration. We examined these provisions, and we found that additional articles were provided for in this treaty to be admitted into the Hawaiian Islands not provided in the other

We find in addition to this that a clause was incorporated in one of the articles of this treaty that seemed to secure to the United States special and unusual commercial privileges. After a full examination of the subject, a majority of the committee came to the conclusion to report favorably upon this bill and to recommend to the House its passage. The reasons and arguments therefor have been presented in the report of the majority of the committee and have been fully presented by my colleague on the committee, [Mr. Wood, of New York,] who has this bill in charge. It seems to me, therefore, unnecessary that I should now stop and recapitulate those arguments or to restate them,

I will therefore briefly allude to some of the advantages secured to our nation by the treaty and reply to some objections that have been made by gentlemen to the passage of this bill. In the first place, the islands situated midway in the Pacific Ocean, on the route to the great continent lying to the westward of our Pacific States, invite us to closer commercial and political relations. The area of those islands is almost equal in extent to that of the State of Massachusetts, and larger than that of the States of Connecticut and Rhode Island combined. But a short time since they were inhabited by a nation sunk in barbarism, in the lowest state of superstition. That nation has now become a civilized and to some extent a Christian people. That group of islands, the largest in the North Pacific Ocean, is, if I may so term it, a half-way house between San Francisco and Australia, or between Japan and the Isthmus of Darien. Being, as it were, an outpost upon our commercial frontier, it is this consideration that has challenged the attention not only of the statesmen of America but the statesmen of the world.

This treaty was negotiated for the purpose of bringing us into more close and intimate relations with that people. It is objected that it gives more than we receive. It is true that this treaty, as does every treaty relinquishing the right to tax a portion of the commodities that are imported from a country, does reduce the revenue which otherwise would be collected upon the articles embraced in the treaty. I will not stop to discuss the question whether such a tax or duty is paid by the home consumer or the foreign producer. There are different schools of opinion upon that subject, and gentlemen of those schools entertain different views.

Now, those who claim that the foreign producer pays the tax imposed by duties on foreign commodities cannot complain that we do anything more than to relinquish to those people the tax which we heretofore have been imposing upon them, in consideration of their relinquishing to us of a portion of the tax they have heretofore imposed upon us. I will not, however, stop to discuss that point.

It has been said in public discussions, and perhaps in debate on this It has been said in public discussions, and perhaps in devate on this floor where my own name has been brought out in connection with views that I was charged with entertaining, that I hold that the domestic consumer himself pays the tax. In the first remarks I made upon the subject of taxes through tariff duties, on this floor some years ago, I announced, and I believe it is a truth that every one who has examined the subject must assent to, that sometimes the home consumer pays all the duty through the increased price of the commodities charged to the consumer cometimes the foreign producer pays it. the consumer, sometimes the foreign producer pays it through a reduction of the purchasing price abroad, but usually it is shared in a greater or less degree between them.

That is the case in regard to the relinquishment of this duty. The tax that is imposed by our tariff upon the articles that are to be ad-

mitted free under the provisions of this treaty is borne by the people of both countries. For instance, if we relinquish a portion of the tax imposed upon sugar, in that case it will doubtless at first inure to the imposed upon sugar, in that case it will doubtless at first inure to the benefit, in a large degree, of the people of the Hawaiian Islands; because the consumption of sugar on the Pacific coast, which sugar is supplied from the Sandwich Islands and from the East Indies, and not from the West Indies, is much more than the Sandwich Islands are capable of producing, being some two and a half times as much as those islands at present produce. The effect will probably be to increase the profitableness of the production of sugar in the Hawaiian Islands. That necessarily will act upon the price upon the Pacific coast, and a portion of this benefit, ultimately a large portion of it, must result to the people on the Pacific coast. I think that is the philosophy, the rationale of this release of duties.

must result to the people on the Facine coast. I think that is the philosophy, the rationale of this release of duties.

Right here it is said that this release of duties will inure to the benefit of a few sugar-planters only, the number of which is variously estimated by gentlemen. The chairman of the committee [Mr. Morrison] says there are but forty of them; that they will get the benefit of this release of duties. The gentleman [Mr. Kelley] who is to follow me will not argue that the benefit would be confined to them merely. If it is, then, when a duty is imposed upon cotton or upon iron, it will inure to the benefit of the cotton-manufacturers and the owners of ore beds and the manufacturers of iron. But it does not inure to their benefit wholly; it diffuses itself, and must do so in the

The release of this duty, while, perhaps, increasing the profitableness of the production of sugar in the islands, will diffuse itself among the whole people of the islands. The other day a gentleman referred to the low price of wages there. The effect of this will be to increase the price of wages, to make a greater demand for labor, to make labor more profitable. Therefore it will benefit the people of the Hawaiian Islands as well as the owners of the sugar plantations or the sugar-planters. It will increase the power of these laborers to consume the exports from the United States to the islands, and so increase our export trade. But supposing that these sugar-planters are to be benefited, I do not know that that would be an argument why we should not ratify this treaty if it presented to the United States advantages such as are claimed. It does not concern us whether all the Hawaiian people or a portion only are benefited. It is sufficient for us that it benefits our own nation.

It is said that the release of duty is unequal. It is true that the average of our tariff upon these products is higher than that imposed by the Hawaiian government. But there is no guarantee that their rate of duty will remain as at present. I believe that the necessities

of their government would compel an increase of the rate of duty, and that, as the commerce of the Pacific increases and the attention of the people of the Pacific coast is diverted from mining industry (as it must be to some extent) to raising cereals and to the product of their farms, their fields, and their forests, the demand for those products for export to the Hawaiian Islands will be increased, and that ultimately our exports and our imports to and from that country would become

our exports and our imports to and from that country would become equal. It is the tendency of trade everywhere to equalize itself.

I have said that those people are looking for closer political and commercial relations with other people. They look to us first; but if they fail here, it is probable they will look elsewhere. They will look either to England or to France. Let them make the same offer to France that they have made to the United States, and I believe it would be accepted. The French duty on sugar of the lowest grade is £17s. 11d. per hundred-weight, or about seven cents per pound. The French nation imports about two hundred and fifty million pounds of French nation imports about two hundred and fifty million pounds of colonial and foreign sugars in the raw state. It exports about an equal amount of refined sugar—about fifteen million or twenty million But it pays a bounty to the exporters of refined sugar; so that practically it receives no revenue from this source. It encour ages the importation of raw sugar and encourages its being refined and exported to foreign countries as refined sugar.

Now let the French nation offer, as it might, to the Sandwich Islands to allow the importation into France of raw sugar free of duty; and to allow the importation into France of raw sugar free of duty; and it would be the same advantage that they would get from the United States, excepting that the cost of transportation from the Sandwich Islands to France would probably be somewhat greater than to the Pacific coast. In that event they would get the same encouragement; and we should lose this trade, the importation of sugar from the Sandwich Islands, and much of the trade of these islands would be diverted from the United States to France.

It is said that we are involved in commercial treaties with other nations which will require us to reduce our duties upon similar articles imported from those other countries. The gentleman from New York [Mr. Wood] has discussed that point. As I understand, he has examined all the treaties that we have with foreign nations, and he insists that there are no treaties which will require us to admit these sists that there are no treaties which will require us to admit these products free. I have examined a few of them, and have not been able to find one. For instance, there is the treaty with Costa Rica, which contains the provision that is objected to. But we do not import sugar from Costa Rica. Our importation of sugar is very slight from any of the countries with whom we have those commercial treaties. If gentlemen who are to follow me, and who object to this treaty, will point out some nations with which we have similar treaties. would thank them to inform the House what articles embraced in this treaty are imported from those countries, and the amount of the importations of such articles. I have not examined fully with reference to all these countries. I have only referred to one or two, but I have so far been unable to find any treaty of the nature alluded to in the minority report that could affect our revenue.

Mr. Chairman, is it not desirable to increase our commerce upon the Pacific coast. The competition for the carrying trade on the Atlantic between our sailors and shippers and those of foreign countries has been disadvantageous to us and disastrous to our commerce and shipping. As year by year passes away, we find our foreign shipping on the Atlantic relatively diminishing, while that of foreign nations is increasing. But on the Pacific we ought to defy the competition of the world. On the eastern shore of the ocean that washes the coasts of our Pacific States are nations numbering nearly forty million peo-

The forests of Oregon, Washington Territory, and Alaska, the skill and intelligence of our artisans and mechanics, must make eventually the Pacific States the ship-builders for the Pacific Ocean. There will yet be the seat of our commercial empire. In the future we must control the growing commerce of that ocean with China and Japan. control the growing commerce of that ocean with China and Japan. That commerce is increasing. Last year added 70 new vessels to its commerce. The Pacific States already register or enroll 225 steam and 884 sailing vessels, and number 1,225 vessels of all kinds upon that coast, with a tonnage of 229,257 tons. The very statement of the magnitude of that commerce, its territorial extent, stretching from the southern boundary of California to the northern boundary of Washington and along the coast of Alaska to the shores of the Celestial Empire, the prospective trade of the Pacific States with the nations of the Orient, although now in its infancy, but hereafter to cover the Pacific Ocean as that between Europe and America now cover the Pacific Ocean as that between Europe and America now covers the Atlantic, should induce us to avail ourselves of this opportunity to secure the commercial advantages that this treaty guaran-

Further, in case of war it would be exceedingly important, as was urged by the gentleman from New York, that the right to occupy any portion of these islands by foreign nations should be prohibited. I would prefer, Mr. Chairman, that there had been in this treaty adirect concession of a port, for instance the port on Pearl River; but I care not to discuss whether the treaty could not have contained other concessions. Practically, however, it will secure this advantage: Other foreign nations are excluded, and it will result in such close commercial relations that, if we ever want the islands to become a

part of the United States, we can have them.

It has been urged that this treaty will prevent annexation. I do not know that we desire annexation. I do not see why the people of

the Hawaiian Islands would if the treaty is ratified be interested to prevent, nor has it been shown that we would have anything to gain by annexation. It is a fact, as the various books of travel show, that the expenditures of the Hawaiian government are nearly or quite as large per capita, having only about fifty thousand people and their taxation as heavy as our own. It would therefore, if the treaty is adopted, be as much to their interest to become a portion of the United States in the future as it is now or will be if this treaty fails by the defeat of the pending bill.

Mr. Chairman, these are some of the reasons why it seems desirable to pass this bill and practically carry the reaty into effect. The opportunity may not again occur. If this treaty is not ratified, treaties will be made by the Hawaiian government with other nations quite as favorable for them as this, and we will find ourselves excluded from the islands and the political and commercial advantages this

Mr. KELLEY. Mr. Chairman, I approach the discussion of this

Mr. WOOD, of New York. If the gentleman from Pennsylvania will yield, I will move the committee rise.

Mr. KELLEY. I would rather proceed; I believe I am entitled to the floor. I was anxious other business should be done this morning the floor. I was anxious other business should be done this morning and very unwilling this discussion should be thrust upon the House, to the exclusion of the legitimate business of Monday, and I do not propose now to accommodate those gentlemen who on successive Mondays, at the dictation of a committee consisting, as I understand, largely of gentlemen who share none of the honors or responsibilities of this House, have set its regular business aside. What is determined by the majority of this House I bow to, but that which is dictated by those who are not members of this House, however respectable they may be I disregard and am happy to theyer.

they may be, I disregard and am happy to thwart.

Mr. ATKINS. Will the gentleman allow me?

Mr. KELLEY. I protest against this interference. Mr. KELLEY. I protest against this interference. Now, sir, I proceed to the consideration of the question before the House.

Mr. ATKINS. What does the gentleman refer to !

Mr. ATKINS. What does the gentleman refer to f
Mr. KELLEY. No, sir, I do not yield.
Mr. ATKINS. That is a fancy sketch; nothing but a fancy sketch.
Mr. KELLEY. I am going to proceed to the discussion of that
question which the democratic party in this House made the business of the day by setting aside for a second time, as in fifteen years
I had never seen it done once before, the regular order of business for
Monday.

Mr. LUTTRELL. The gentleman from Pennsylvania should not make such charges. I protest against them.

Mr. KELLEY. I have said my say on that subject. My protest is

of record.

of record.

I desire to say to my colleague on the Committee of Ways and Means [Mr. Wood, of New York,] that I approach the discussion of this question with as solemn a sense of duty as he did. I regard it as one of prime importance. It assumes, in my judgment, as clearly the aspect and form of a well-defined job as any matter which has been brought before the House during my membership. I infer that it is entitled to that ugly epithet, as well from the provisions of the treaty as from the fact that I find floating about this House in support of the bill ex-members of the House and ex-officers of the House, who have been much wronged in the past if they have not been in favor of every beliated would have commended itself to Colonel Mulberry Sellers be-

much wronged in the past if they have not been in favor of every bill that would have commended itself to Colonel Mulberry Sellers because there were "millions in it." [Laughter.]

It is a reciprocity treaty! Why, sir, the very name reciprocity in connection with it reminds me of Thackeray's costermonger and his little wife. He was a giant, and she little more than a dwarf, a doll of a plaything for him; but she was a spit-fire. She would thump him with her tiny fist, and his brethren inquired why he did not resent it? "Why," said he, "It doesn't hurt I, and pleases she." [Laughter.] Reciprocity between 40,000,000 people and 40,000 people! Forty-odd millions, occupying such a country as never before was given by God to a people, extending from almost the northern boundary of fertile land down to the Gulf; a country whose inland seas are lashed into fury by the March and November gales, and over which the latter annually howl the requiem of gallant navies, and which extends southward to yonder summer sea, over whose surface summer breezes

southward to yonder summer sea, over whose surface summer breezes ever play; a country sweeping from the rock-bound shores of New England to the wooded plains, the snow-crowned mountains of Oregon and Washington Territory, and from the savannas of the sunny South to the golden sands of Southern California; a country that has every available climate of the world, save the tropical, and all conditions of soils—that may grow prosperously within its limits whatever may be grown outside the tropics; a country whose population doubles in every twenty years, being augmented by the receipt of millions of the most cultured, most experienced, and most skillful men in every avocation of life from all other lands; a country whose commerce is overtaking—and I use the word commerce in this connection with exclusive reference to foreign trade—is overtaking by regular annual steps the commerce of the mistress of the seas, and whose flag is destined ere half a century shall pass to pale the glory of the meteor flag of England on every ocean and on every navigable stream in countries foreign to them and us. southward to yonder summer sea, over whose surface summer breezes

countries foreign to them and us.

By the treaty the bill under consideration proposes to confirm, this progressive people, thus fortunately situated, are to enter into reciprocity with a community that in 1872 numbered 56,000 people, the

sad remnants left by commerce and missionary labors of 400,000; and of those 56,000, 6,000 are foreigners.

Mr. HILL. The number of the natives is 49,000.

Mr. KELLEY. Yes, and 2 per cent. of them are civilly dead, having been condemned to seclusion for life as lepers in the hill and ing been condemned to seclusion for life as lepers in the hill and ocean girt asylum for lepers on the island of Molokai. The American people are to enter upon reciprocal trade relations with this small remnant of a perishing race. I wish I could say as the costermonger did, "It don't hurt I and pleases she," and therefore it may go on. But it will hurt us. It will involve us in very grave and great responsibilities; for it is asserted now and is true, as it has been whenever the making of such a treaty has been attempted, that the treaty is but a preliminary step to the acquisition of these islands; and a greater calamity could not well heful us than that same acquisition. eater calamity could not well befall us than that same acquisition.

But, sir, before proceeding to consider details, I should say that in opposing the treaty I plant myself on the Constitution, and that while I ask members of the House to vindicate the Constitution, I more than ask, I implore them to defend the invaded prerogatives of the popular branch of the American Government. In earlier days no Senate could be found to confirm a treaty which proposed to regulate commerce with a foreign nation. They recognized the fact that that power was assigned to Congress and withheld from the executive government. Lawyers know how the law courts of England were often compelled to resist the grasping rapacity for jurisdiction of the admiralty, and the executive branch of our Government for more than the last and the executive branch of our Government for more than the last quarter of a century has been as grasping of power as the British admiralty was of jurisdiction in the early days of British law. Treaty after treaty invading the rights of the people and the prerogatives of the House have been signed and submitted to the Senate for ratification; but it is only recently that they have found a Senate willing to unite with them in such an infraction of the Constitution, and but once in our history a House weak enough to betray its own powers and to forego its own duties and rights.

The gentleman from New York [Mr. Wood] told us of two treaties that had been made. I challenged him to name them, and he prom-

that had been made. I challenged him to name them, and he promised to do so. What gentleman in this House heard the name of either? Mr. Chairman, did you? Gentlemen who sat around him, did you? No! For no such treaties had been made. I then asked him whether they had been carried into effect; and again he declined to answer. He must have referred to two treaties with the Hawaiian Islands, which the Senate, having due regard to the Constitution and the prerogatives of this House, rejected. They never were made, because they were not ratified. Had they become treaties, we would all have known of them for during their existence they would have been part known of them, for during their existence they would have been part of the supreme law of the land; and I challenge the memory of all members to recall either one of them or to find it in the body of the

The only such treaty ever made was that with Canada, and upon

The only such treaty ever made was that with Canada, and upon the earliest day that notice could be given of our purpose to rescind it this House, I being then a member, gave that notice and brought the treaty to a termination at the end of twelve months.

Mr. WARD. Will the gentleman allow me a moment?

Mr. KELLEY. For a question.

Mr. WARD. I think, Mr. Chairman, the honorable gentleman from Pennsylvania will perhaps remember that I had the honor to have charge of the renewal of that treaty. I had the honor to open and close the debate, and the gentleman must recollect that there was a majority of the House in favor of the renewal of the treaty, based upon the true principles of reciprocity; but the question was post-

majority of the House in favor of the renewal of the treaty, based upon the true principles of reciprocity; but the question was postponed to the next session by the vote of three gentlemen who were more vitally interested in the subject than I or my locality was.

Mr. KELLEY. I must resume the floor. The facts were, I believe, thus: That this House required the Administration to give notice of the termination of the treaty at the end of one year from a day fixed; and it did give notice, and the treaty terminated.

Mr. WARD. The gentleman will perhaps allow me—

Mr. KELLEY. I cannot pause in my argument to allow these details to be gone into.

tails to be gone into.

Mr. WARD. I will undertake to say that the statement of the tentleman is an evasion—

Mr. KELLEY. I decline to yield further.

Mr. WARD. You do not want to hear the truth; you are afraid

Mr. KELLEY. I have told you the truth and nothing but the truth.
Mr. WARD. You have concealed it.
Mr. KELLEY. I have told you that on the earliest day this House could vindicate its right it did, and that in accordance with the demand of this House the treaty terminated at the end of one year, and that is the truth in a nutshell.

Sir, an attempt to inflict such a treaty as this upon the country and invade the prerogatives of the House was made in 1844. It was sought to establish by treaty reciprocity between Prussia and the United States. I send to the Clerk's desk the report made by Senator Choate, of Massachusetts, and ask him to read the part I have marked.

The Clerk read as follows:

That the Senate ought not to advise and consent to the ratification of the convention aforesaid.

In submitting this report the committee do not think it necessary to say anything on the general object sought to be accomplished by the convention, or on the details of the actual arrangement, nor to attempt to determine, by the weight and measure of the reciprocal concessions, which government, if either, has the best of the trans-

action. These subjects have not escaped their notice, but they propose to confine themselves to a vory brief exhibition of another and single ground upon which, without reference to the particular merits of the treaty, they advise against its rational continuous confinements.

action. These subjects have not escaped their notice, but they propose to confine themselves to a very brief exhibition of another and single ground upon which, without reference to the particular merits of the treaty, they advise against its ratification.

The committee, then, are not prepared to sanction so large an innovation upon ancient and uniform practice, in respect of the department of Government by which duties on imports shall be imposed. The convention which has been submitted to the Senate changes duties which have been laid by law. It changes them either exidered, and by its own vigor, or it engages the faith of the nation and the faith of the Legislature through which the nation acts, to make the change. In either aspect, it is the President and Senate who by the instrumentality of negotiation, preed, or materially vary regulations of commerce and laws of revenue which Congress had ordained. More than this: the executive department, by the same instrumentality of negotiation, places it beyond the power of Congress to exceed the stipulated mazimum of import duties for at least three years, whatever exigency may intervene to require it.

In the judgment of the committee, the Legislature is the department of Government by which commerce should be regulated and laws of revenue be passed. The Constitution in terms communicates the power to regulate commerce and to impose duties to that department. It communicates it in terms to no other. Without engaging at all in an examination of the extent, limits, and objects of the power to make treaties, the committee believe that the general rule of our system is, indigent of the participation, to Congress. They infer this from the language of the Constitution, from the nature and principles of our government, from the theory of republican liberty itself, from the unvaried practice evidencing the universal belief of all in all periods, and of ail parties and opinions. They think, too, that as a general rule the representatives of the country, communicating the

Mr. KELLEY. I ask gentlemen to observe that that treaty was rejected by the Senate exclusively on the ground that a treaty touchrejected by the Senate exclusively on the ground that a treaty touching the revenues of the Government was an infringement on the Constitution. That was, as I have said, in 1844. In 1845 the administration cooked up another reciprocity treaty called the Canadian Zolverein. Mr. Archer, of Virginia, who had long presided over the Committee on Foreign Affairs of this House, had been translated to the Senate, and was at once made chairman of the Committee on Foreign Affairs of that body. The treaty having been committed to that committee, Mr. Archer reported against it, and it never came out of the Senate: but unhappily for us the injunction of secrety was never the Senate; but unhappily for us the injunction of secreey was never removed as it was in the other case, and I cannot bring to the attention of the House the language of Mr. Archer, but his report killed that treaty for reciprocal trade.

Now I come to what I infer were the two treaties alluded to by the gentleman from New York, [Mr. Wood.] They must have been those with the government of the Hawaiian Islands, and the Senate in each case, having due regard to the Constitution and the prerogatives of this House, rejected the treaty when submitted to it for ratification.

Before leaving this branch of the question, let me say that I have been asked whether the House is not bound to confirm a treaty that

been asked whether the House is not bound to confirm a treaty that has been signed by the contracting parties and approved by the Senate. The tenor of the remarks of the gentleman from New York [Mr. Wood] was in that direction. I have only to say in reply to the suggestion that the terms of the treaty prevent its promulgation as a treaty until the Legislature of Hawaii, on the one hand, and the Congress of the United States, on the other, shall have given their for-

mal approval; which God grant this House may never do.

Now, sir, with whom are we to enjoy reciprocity? Let us see. The
Hawaiians number about fifty thousand. Their numbers, as I have
said, are dwindling so rapidly, that at the time to which the gentleman from New York referred, when Mr. Webster spoke, there were

one hundred thousand of them; and they are now, apart from seventy-eight hundred foreigners, but from forty-five to forty-eight thousand. We are to have the carrying trade. We have it already and no nation can take it from us, nor will any attempt to take it, for it is worth nothing. I will give you the figures of their trade in the last year of which we have returns, 1872. Their records inform us that there were 146 merchant-vessels and steamers entered at Hawaiian there were 146 merchant-vessels and steamers entered at Hawaiian ports, 91 of which were American, only 16 were English, 6 were German, 9 belonged to other nations, and 26 were Hawaiian. Of the 98,647 tons of shipping, 73,975 were American, 6,514 were Hawaiian, and but 7,741 were British. Of 47 whaling-vessels calling at the island ports during the year, 42 were American, 2 Hawaiian, and 3 British. Of less than 16,000,000 pounds of sugar exported during that year, 14,500,000 came to this country; of 39,000 pounds of coffee exported, we received 34,000, and of 1,349,503 pounds of rice and paddy, we received 1,317,203 pounds. In view of these figures, who will say that we are not in possession of their carrying trade?

The trade statistics are fully given here, but I will not detain the House by further reference to them.

The gentleman from New York [Mr. WOOD] said the Hawaiians

suffer for want of a home market. Yes, sir; they have no home market, and offer no foreign market beyond such as is indicated by the figures I have referred to. They can have no home market; they never can have a foreign trade. To develop a home market requires as a condition precedent the aggregation of population within circumscribed limits; and to do this requires as a further condition precedent, diversified resources and that diversification of industries which by rewarding the labors of each worker enables all to pay for and con-sume the productions of others. Between the producer and consumer the trader finds his place, and a general market grows up, creating towns and cities.

But to the people of the Hawaiian Islands these conditions are impossible. Nature made the edict against them, and seems to have made it for all time.

What are they? What is their country? These 50,000 people dwell upon eleven islands, divided necessarily into eleven communities—irregularly divided—and on every island they are again subdivided and kept apart by volcanic mountains and rugged and inhospitable plains of lava. Where, under these circumstances, is the pospitable plains of lava. Where, under these circumstances, is the possibility of developing a home market and a producing population with whom international exchanges can be made? At no point. Why, sir, twenty bags of potatoes overstocked the market of Honolulu, the chief town of the Hawaiian Islands. In making this assertion I speak by the record. I have here Mr. Nordhoff's book. He is as careful an observer and as competent a narrator as we often meet with; a thoroughly conscientious man, largely in sympathy with these kindhearted and poor people. On page 93 of his admirable little book, Northern California, Oregon, and the Sandwich Islands, he says:

Moreover there is but an inconsiderable local market. A farmer of Maui told me he had sent twenty bags of potatoes to Honolulu and so overstocked the market that he got back only the price of the bags.

Our trade with these people is to be reciprocal!

Eggs and all other perishable products, for the same reason, vary much in price, and are at times high-priced and hardly attainable. It will not do for the farmer to raise much for sale. The population is not only divided among different and distant islands, but it consists, for much the largest part, of people who live sufficiently well on taro, sweet-potatoes, fish, pork and beans—all articles which they raise for themselves, and which they get by labor and against disadvantages which few white farmers would encounter.

Now, gentlemen from Illinois and the wheat-growing States of the Northwest, what will you lose if you fail to gain this market for your wheat? Can you sustain such a loss and live? Says Mr. Nordhoff:

For instance the Puna coast of Hawaii is a district where for thirty miles there is so little fresh water to be found that travelers must bring their own supplies in bottles; and Dr. Coan told me that in former days the people, knowing that he could not drink the brackish stuff which satisfied them, used to collect fresh water for his use, when he made the missionary tour, from the drippings of dew in caves.

That is, for thirty miles upon one of the principal islands there is no fresh water to be obtained even for drinking. An admirable agricultural country, and one the farmers of which will doubtless require a great deal of agricultural machinery!

Take next the grazing lands. In many parts they are so poorly supplied with water that they cannot carry much stock. They also are often astonishingly broken up, for they frequently lie high up on the sides of the mountains, and in many parts they are rocky and lava-covered beyond belief.

Yet the people do raise cattle, and so great is the market for fresh and dried beef that they kill them for their hides and the tallow which they boil from them, the people eating scarcely any meat, as you will appreciate when you remember that the wages of a farm laborer are \$8 a month with board and \$11 without. So that \$3 a month furnishes these industrious people with all their eggs, butter, cheese, beef, mutton, &c., which we are to have the right to send them in reciprocal trade. They do raise sheep, in spite of lava and the bur which is condestructive and they have on the whole sleave island. which is so destructive, and they have on the whole eleven islands about the number that would make a respectable flock in New Mexico or Southern Colorado, and the wool from these we now get, their garments being rather short, and in that tropical country not being reto get from them by virtue of this treaty:

Says Mr. Nordhoff.

One of the conspicuous trees of the Hawaiian forests is the kukui or candle-nut.

\* \* And from its abundance I supposed the candle-nut might be made an article of export; but the country is so rough that the gathering of the nuts is very laborious; and several persons who have experimented in expressing the oil from the nut have discovered that it did not pay cost.

Even at \$8 a month and men boarded at \$3 a month.

Only two thousand pounds of kukui nuts were exported in 1872.

Sandal-wood was once a chief article of export. It grows on the higher mountain slopes and is still collected, for 20,232 pounds were exported in 1872, and a small quantity is worked up in the islands. The cocoanut is not planted in sufficient quantities to make it an article of commerce; only nine hundred and fifty nuts were exported last year. Of pulu 421,227 pounds were shipped. This is a soft fuzz taken from the crown of a species of fern; it is used to stuff bedding.

And it would be well to remark this:

Also 32,661 pounds of "fungus," a kind of toad-stool which grows on decaying wood and is used in China as an article of food.

Now, how our regimen might be improved if we could get a part of this 32,161 pounds of fungus! Mr. Nordhoff adds:

There has been no lack of ingenuity, enterprise, or industry among the inhabitants. The government has imported several kinds of trees and plants, as the cinnamon, pepper, allspice, but they have not prospered. Private effort has not been wanting either. But nature does not respond. Sugar and rice are and must, it seems, continue to be the staples of the islands; and the culture of these products will in time be considerably increased.

MANAGER AND AND ADDRESS OF

"It may please she" if the House will pass this bill, but if gentle-tlemen will bring into view the fact that they who engineered this treaty, both on behalf of the government of the Hawaiian Islands and of this country, regard it as preliminary to our acquisition of the islands,

or this country, regard it as preliminary to our acquisition of the islands, they will see that it will hurt us.

What by the terms of the treaty do they propose to send us? Let us in view of what we have just read examine the list. They propose to send us arrow-root, castor-oil, bananas. They shipped in 1872 4,520 bunches of bananas! "Nuts." We have read something about the nuts that they would send us. "Vegetables, dried and undried, preserved and unpreserved." Under this provision they will perhaps send us the remainder of those twenty bushels of potatoes, if they send us the remainder of those twenty bushels of potatoes, it they have not got to be too venerable to bear such distant transportation. "Hides and skins undressed." Yes, sir; doubtless they could send us as many as we already receive from them, but the number cannot be materially increased. "Rice." Yes, they can increase their production of that a little. "Pulu, seeds, plants, shrubs, and trees." Bear in mind what I have just read you from Nordhoff about all native and imported trees during or previous haveen.

in mind what I have just read you from Nordhoff about all native and imported trees dying or proving barren.

Well, is there nothing they can send us? O, yes, and this question brings us to the "job." This book tells us that, with the exception of three or four, the sugar-planters have been eaten up by interest and commissions; that their estates have bankrupted them all save the few who associated with foreigners, who gave them capital enough to enable them to escape exorbitant rates of interest and all-consuming commissions. Sir, "where the treasure is there the heart is also;" and I have learned to deplore the fact that American citizens can go just beyond our borders, invest their capital, and then penetrate these Halls asking us to extend our favorable legislation over their untaxed foreign investments. When New Englanders bought coal-fields in the British Provinces, we were besieged from year to year to admit coal free of duty or to make a reciprocity treaty. I never discussed the duty on coal in connection with or reference to the question of protection; for, consuming as we do nearly forty million never discussed the duty on coal in connection with or reference to the question of protection; for, consuming as we do nearly forty million tons a year of anthracite and bituminous coal the 500,000 tons that entered our ports from the British Provinces could not affect the price in the general market. But the duty put \$500,000 into our Treasury; and it made the men who paid it (the foreign producer paid it for the privilege of entering our market and selling at whatever price coal ruled) anxious to get our flag and our laws over his country.

Now for the job. These abandoned or undeveloped sugar-plantations have been bought up by American capitalists; and it is they who ask us to give, under the guise of a reciprocity treaty, to their foreign

tions have been bought up by American capitalists; and it is they who ask us to give, under the guise of a reciprocity treaty, to their foreign and untaxable investments whatever protection the duties on sugar give to the home producer. Would the amount they produce lessen the price of sugar in our markets? Why, sir, in comparison with the eighty million dollars' worth of sugar, molasses, melado, and sirup of sugar, (for they are all named in the schedule,) the relatively small amount those islands could produce would do nothing to reduce the price by overstocking the market; and the owners, being sagacious business-men, would sell at the market price. They would pocket the duty; and the general American market for sugar would regulate the price at which they would sell, as it does the Hawaiian sugar on which we now collect duty.

The object and intent, the pith and marrow of this bill is to vote into the pockets of those recreant American citizens the money that

into the pockets of those recreant American citizens the money that we now collect and will from year to year collect on Hawaiian sugar, molasses, melado, and sirup of sugar. This is the whole story. They have nothing else to export to us. They and their Hawaiian or Mongolian laborers will want nothing that they do not already take from us. How much American energy, enterprise, and capital may develop the sugar-plains of those islands, I cannot tell; but if this bill passes, the duty on that amount, be it what it may, will have been granted as a subsidy to those American citizens who have invested capital in as a subside to those American who, in order to enable themselves to serve in the court of His Hawaiian Majesty, have denationalized themselves. Into their pockets, and theirs alone, will go the duties that should lessen the burdens of our overtaxed people.

But gentlemen say that we need these islands as an ontlying post of our country; that if we do not, some other nations will take them. Sir, do we need Ireland as an outlying post? Queenstown lies as near to Boston as Honolulu does to San Francisco; and if we require the one to protect our coast, let us seek both. While we are elevating the Hawaiian, let us emancipate the gallant Irishman, who has fought so many of our battles. If the argument of proximity be good in one case, it is as good in the other. Queenstown is but eight days from Boston,

and Honolulu is eight days from San Francisco by our best steamers.

The gentleman from New York [Mr. Wood] compared these islands to Bermuda. Bermuda lies at our door; England governs it, and never disturbs us. She is under bonds to keep the peace with us. When England offers or accepts war with us, the Canadas and British Columbia will become ours. The "boys in blue" and "the boys in gray," rallying under the "Stars and Stripes," will intertwine and display to the people their old regimental flags tattered and torn in display to the people their old regimental mags tattered and torn in our domestic war. Yes, under the Stars and Stripes they will give the "rebel yell" and sing Union songs together in the same ranks as they overwhelm Canada and make the northern continent of America ours forever. [Applause.] The British government understands this as well as we do. Let us declare, as Mr. Webster proposed, that no nation shall take possession of those islands; that they lie there

an outpost of the American continent; and we may rest assured that our peace or that of the Hawaiians will never be disturbed by foreign aggression. The way to protect our frontier is to develop our natural resources, secure to our laborers steady work at remunerative wages, and to bind the people together in fraternal bonds by increasing the friendly intercourse that will be promoted by every increase of interstate commerce.

Those islands had more commerce and offered more of a market in Those islands had more commerce and offered more of a market in 1840, the period referred to by the gentleman from New York, than now. They then had one hundred thousand population. Our commercial and whaling fleets were of sailing vessels, and they found Honolulu a convenient point for supplies. Petroleum had not been discovered, and the whaling-fleet was numerous. Steam has suppressed the Indian sailing-fleet; petroleum has given peace and safety to the whale in the northern seas; and I have told you the whole story of the shrunken trade and commerce of the Hawaiian Islands.

Let us treat the pecule of those islands kindly, as we have ever

Let us treat the people of those islands kindly, as we have ever done; let us maintain our missionary societies; send them books and teachers, give them assurance that no foreign nation shall by the arts of peace or war drive them from their desolate but beloved home. This, as a great nation, we can well do. But, sir, if we were to accept the islands as a gift, what would be our position? If war between Great Britain and us were possible, would the possession of these islands give us strength? No, sir; they would be our weak point. The British fleet of the North Pacific coast rendezvous in Esquimaux Bay, a little above the forty ninth parallel. The British fleet of the South Pacific rendezvous in the ports of Australia. Between these two and in a direct line lie the Hawaiian Islands; and if we can conceive England provoking war with the United States or willing to engage in it, why then you will want all your iron-clads, all your monitors, for coast-guard service, to protect those eleven islands, many of them quite remote from each other.

Gentlemen who now object to making appropriations for the improvement of our rivers and harbors tell me, will you, what shall be the annual appropriation for making a Gibraltar of each of these eleven islands? Why the prospect is fearful to contemplate, and they who press such considerations upon us fail to remember that, should England favor us with war any time in the next ten years, there would be, as I have said, such a rush of boys in blue and gray across their borders as would make future generations forget there had been any war between them, and the Union would be more endurably cemented and the Stars and Stripes more universally beloved by the American

people than they have ever been.

Herein, I repeat, lies our true line of coast defense. Let us develop our own fields. Let us stimulate the growth of sugar in Florida, Louisiana, Southern Alabama, and Texas. Let us promote that most beneficent of all industries, the sugar-beet, in California, and our Northern Atlantic and interior States. I read recently, and brought to the attention of the gentleman from Georgia who does me the honor to listen to me, a statement that one sugarie at Sacramento had produced listen to me, a statement that one sugarie at Sacramento had produced 3,000,000 pounds of beet-sugar last year. There are others in that State. It is a great industry. It is, gentlemen—and you who represent agricultural districts let me impress it upon you that you again may impress it upon your people—it is the most beneficent of all agricultural industries. It was created by the great Bonaparte when hemmed in, the world in arms against him on land and sea, and his people were without sugar. Boundless in resource as he was, he said, "France will make sugar for herself." He summoned the ablest chemists at his command and submitted to them the question, "Can sugar be made from the beet; and, if so, how?" He got his reports. He offered 100,000 francs to the farmer who would grow the most beets on an acre, and 100,000 francs to the chemist who would extract the most saccharine matter from a ton of beets. He soon obtained sugar, which was all at which he aimed. He did not know that by that fact alone and its incidents he would be remembered through all time as France's greatest benefactor. benefactor.

Yet this is true. For what has been the result? France now exorts sugar to all the world. French refineries have uprooted all British refineries, consuming as they did British colonial sugar, and deputations of sugar-growers and sugar-refiners waited upon Michel Chevallier the day after he addressed the Cobden club in London, to remind him that the bonus France gives to her people upon the sugar they export was not in accordance with the theories of British free trade. "But, gentlemen," said Chevallier, "it is one of the means by which France is repaying to her people the taxes she imposed upon them at an early day in order to bring this great industry into existence. It stimulates production and reduces the price of sugar through-

out France.

Herein beyond all this is its superior beneficence. Sir, it is found that in the preparation of the ground for the beet—deep plowing and rich manuring—the yield in the two succeeding years will be more wheat than the same land would have produced under ordinary culture in three years with annual plowing and fertilizing. So that it has added a new agricultural—

Mr. COX. Will the ground man allow me a moment?

Will the gentleman allow me a moment?

Mr. COX. Will the gentleman allow me a moment?

Mr. KELLEY. I am drawing to a close. My hour is nearly spent.

Mr. COX. Will the gentleman let me ask him a question? Has it not been demonstrated that it has cost France three times as much to raise beet-sugar as to have purchased her sugars abroad from tropical climes?

Mr. KELLEY. If the gentleman had permitted me to proceed, he would have found it otherwise. Sugar to-day can be sent from France into the United States and is sent by the hundred thousands of tons to England. Why, if colonial sugar can be made cheaper, can France undersell the British colonists and British refiners in every market of the British Islands? The gentleman's question is preposterous.

But, as I was about saying, it has added to the industries of the world a new agricultural industry. It gave us beet-sugar, while it increased the production of wheat; ay, and of hay and cattle. How so? why the leaves of the beet are cut, slightly salted, and buried for winter food for cattle. The refuse or pulp, three tons of it, is found in every country to be equal to two tons of the best hay that country can grow. So land otherwise required to prepare food for cattle grows can grow. So land otherwise required to prepare food for cattle grows beets, makes sugar, and feeds cattle; cattle which return a richer fertilizer than any given back to the farmer by hay-fed cattle. Let me prove this by a historic reference. Grant, in his admirable little volume, entitled Beet-Root Sugar, says:

In 1853, when the Emperor and Empress came to Valenciennes, a triumphal arch was erected, with the following inscription:

#### SUGAR MANUFACTURE.

Napoleon I, who created it.

Before the manufacture of beet-sugar the arondissement of Valenciennes pro-duced 695,750 bushels of wheat and fat-

Napoleon III, who protected it. Since the manufacture of beet-sugar was introduced the arrondissement of Valenciennes produces 1,157,750 bushels of wheat and fattens 11,500 oxen.

Here the hammer fell.

Mr. HOLMAN. I move that the committee do now rise.
Mr. BANNING. On Saturday last, while the Hawaiian treaty was under consideration, the gentleman from Ohio [Mr. WOODWORTH] made what I consider a very serious and unfair criticism on the Military Committee, and I ask leave at this time to answer it. I ask unanimous consent for that purpose.

There was no objection.

Mr. BANNING. I send to the desk to be read a statement of the gentleman from Ohio [Mr. WOODWORTH] in reference to this bill and the Military Committee

The Clerk read as follows:

Mr. Woodworth said:

Mr. Speaker, I seize the opportunity offered by the courtesy of the Committee of the Whole House, sitting to consider the Hawaiian treaty, to call up for discussion House bill No. 1462, granting bounties to the heirs of soldiers of the late war who enlisted for a less time than one year, and who were killed or died in consequence of the service. This bill was introduced by myself on the 24th day of January last, and was referred to the Committee on Military Affairs, who, who this time, have taken no action whatever with regard to it. I have reason to apprehend that the partiality of the gentlemen who form that adjunct to this House is so great for my proposition that they have administered to it a soporific, and that it is now in some snug pigeon-hole of their committee-room sleeping the "sleep that knows not breaking."

Mr. BANNING. Mr. Chairman, that is a most unjust, unfair, and untruthful criticism of the Military Committee.

The gentleman says he introduced his bill on the 24th of January last, and had it referred to the Military Committee, "who up to this time have taken no action whatever with regard to it;" and that he has reason to apprehend that the bill "is now in some pigeon-hole of the committee-room sleeping the sleep that knows not breaking."

I find on reference to the record-book of the committee that the bill was referred to a subcommittee on February 1, six days after its introduction and two days after it was printed and came to the committee. There are before the committee thirty-one bills of a similar character, all of which, with the gentleman's bill, have been referred to the subcommittee. referred to the subcommittee.

The subcommittee consists of three members, two of whom have told me that they are ready to report the bill to the committee

These bills, Mr. Chairman, involve the expenditure of more than twenty millions of money. The gentleman's bill has been in the hands of the committee for a little more than four weeks. Since it came there he has never been before the committee to ask or learn the fate of it, to give any reasons or arguments for its passage, or to inquire if it had been considered. I have not found a single member of the committee of whom he has made any inquiry whatever regarding it, while some of the committee tell me they have not even the honor of his acquaintance; and but for the privileges of the Sat-urday's debate even his constituents might have forgotten that he was here. The records of the committee-room are open to his inspec-tion, where he might have learned the bill was being considered, and that a majority of the subcommittee had agreed to report favorably

In the face of all this the gentleman stated to this House in his speech that his bill had been put in a pigeon-hole of the committee-room to sleep the "sleep that knows not breaking." Now, Mr. Chair-man, while I am willing to be charitable regarding the misstatements of the gentleman as to the action of the committee on his bill, and believe that he has been asleep and is ignorant and not willful in his statements, I would like to know, sir, what reason the gentleman has to apprehend that his bill had been pigeon-holed by the committee. Had he asked me, I would have told him that the two members from this side of the House on the subcommittee were in favor of its provisions, had a report ready to make to the committee, and that I did not know of any opposition to it in the committee, and also that the members of the committee who were in the confederate army during

the war are earnestly in favor of all its provisions. Sir, it is a singular coincidence that at the very time the gentleman was making this remarkable speech to a meager House, which had met to consider another measure, the Military Committee, of which he complains, were in special session investigating robberies charged to have been committed, not against the living, but against the dead soldiers of the late

Mr. Chairman, a bill containing all the provisions of the measure which it is now claimed a committee, the majority of which is comwhich it is now claimed a committee, the majority of which is composed of democrats, should consider and pass in four weeks, was considered in the last Congress for more than four months before its passage, and then defeated by a pocket veto by the President of the United States, who owes his name and fame to the soldiers whose rights he thus denied. Thus defeated, Mr. Chairman, at a time when the War Secretary of the President was fattening and growing rich off of the clippings made by the post-traders off of the private soldiers' pay.

Mr. Chairman, I do not wish to make further answer. I suppose, ir the gentleman's speech was made for distribution in his district.

sir, the gentleman's speech was made for distribution in his district. And, sir, I claim that it is due to the committee, that it is due to this House, that it is due to the gentleman himself, as also to his constituents, to whom he was evidently addressing his remarks, that he should correct the misstatements he made in this matter. He should say to the people of his district, and to the soldiers throughout the land, that so far from there having been any disposition on the part of the committee to stifle or prevent the consideration of his bill, the subcommittee to which it had been referred—two of the three being ex-confederate soldiers—had considered it favorably, and that a similar measure would have been the law of the land long since but for the action of a republican Senate and President Grant.

I think now, Mr. Chairman, and have always thought, that the man I think now, Mr. Chairman, and have always thought, that the man who attempts to make capital by stirring up prejudices engendered by the late unfortunate war will, in the end, be himself the loser. The Union soldiers are intelligent men; they know what is right, and know full well who are their true friends. And when gentlemen upon this floor whose broad backs and strong bodies never felt the weight of a knapsack or forty rounds during the war undertake to make capital by complaining of the treatment of Union soldiers by a democratic Congress, it would be well for them first to surrender their commissions as Congressmen to the men who haved their breasts to the storm of as Congressmen to the men who bared their breasts to the storm of as congressmen to the men who bartet their breasts to the storm of battle—who, since the war is over, indulge in no bitterness toward those against whom they lately fought, but recognize that we are all now citizens of a common country, laboring for a common welfare. Sir, before they indulge in complaints of this kind they should first expunge from the record the order of a republican administration that gave to Longstreet a better office than he ever held before the war and to Mosby the appointments to office and control of republican affairs in Virginia.

Sir, it is a noticeable fact that the men who now strive hardest to keep up the animosities of the late war were, when their services were most needed, farthest from the front; that they, whose hands could never be persuaded to handle the musket, are now most anxious with

their tongues to keep alive memories that should be forgotten.

Now, Mr. Chairman, I beg pardon for detaining the House thus long.

I only desired to reply to what I conceived to be an unjust reflection upon the Military Committee of this House.

Mr. MacDOUGALL. I desire to be allowed two minutes to address

Mr. MACDOUGALL. I desire to be allowed two minutes to address a question to the gentleman from Ohio, [Mr. BANNING.]

The CHAIRMAN. This can only go on by unanimous consent. There is a motion pending that the committee rise. Is there objection to the gentleman from New York [Mr. MACDOUGALL.] being heard?

Mr. MACDOUGALL. I ask unanimous consent for two minutes.

Mr. WOODWORTH. I desire to be heard.

Mr. HOLMAN. I think if the gentleman from Ohio [Mr. WOODWORTH] desires to be heard it is only fair that he should be.

Mr. MACDOUGALL. Will the gentleman yield to me for a meaning that the should be as the control of th

Mr. MACDOUGALL. Will the gentleman yield to me for a mo-

The CHAIRMAN. The gentleman from Ohio [Mr. WOODWORTH] asks unanimous consent that he may be heard.

Mr. HAMILTON, of New Jersey. I object.

Several MEMBERS. Shame! Fair play!

The CHAIRMAN. This can only proceed by unanimous consent,

and objection is made

Mr. WOODWORTH. I have only one word to say; that is all.
Mr. HOLMAN. I hope objection will not be made to the gentleman being heard.

Mr. WOODWORTH. I only rose to say a single word, and I think the House will bear with me for a moment while I do so.

Mr. HOLMAN. I ask unanimous consent that the gentleman from Ohio [Mr. WOODWORTH] be heard.

There was no objection. Mr. WOODWORTH. My colleague [Mr. Banning] has seen fit to read a very long paper to me, and I hope it will be profitable to me read a very long paper to me, and I hope it will be profitable to me so far as there is any profit in it. If he had taken the pains to read a little further in the speech from which he quoted, that I delivered here last Saturday, he would have seen that I intended no arraignment of his committee—the Committee on Military Affairs.

Mr. BANNING. To arraign a man, and then tell him you do not mean it, is not very pleasant.

Mr. WOODWORTH. The gentleman would not yield, and I do not wish him to interpret.

wish him to interrupt me,

If, sir, the fact of the introduction of a bill on the 24th of January, and the failure of the committee to make any report upon it, or to communicate in any way with the author of the bill, intimating to him that he has an opportunity of being heard before that committee, would not justify the suspicion to which I gave expression in that part of my speech quoted by the gentleman, then I do not understand the force and effect of such great delays.

Mr. BANNING. Did the gentleman ever undertake to communi-

Mr. BANNING. Did the gentleman ever undertake to communi-

Mr. WOODWORTH. I am very glad now to learn that our Military Committee is in favor of the bill which the gentleman has referred

to, and which was discussed by myself in my remarks last Saturday. I should have been glad to have learned that before.

Mr. BANNING. The gentleman knows it now.

Mr. WOODWORTH. I am a little apprehensive, however, that the gentleman's statement in that regard may be somewhat in the notice of his loss and remarkable statement, as to the President's the gentleman's statement in that regard may be somewhat in the nature of his loose and remarkable statement as to the President's vetoing the bounty bill of last winter. I fear that this is as apocryphal as his statement in regard to the veto, though for the sake of the victims of the war I hope not. Let me say to the chairman of the Military Committee, what the chairman of the Military Committee of this House it seems to me anoth to know that no bounts bill was aven Military Committee, what the chairman of the Military Committee of this House it seems to me ought to know, that no bounty bill was ever vetoed by President Grant, and that the bounty bill of last Congress passed the House and passed the Senate, but failed because of a mistake in the conference committee's report. And I am surprised that my colleague is not familiar with this fact. If the interests of our unbountied soldiers and soldiers' widows and orphans is to rest upon the pleasure of a committee whose chairman knows so little of the history of a Congress of which he was a member I am sorry. That history of a Congress of which he was a member, I am sorry. That is all I desire to say.

The CHAIRMAN. The question is on the motion of the gentleman

from Indiana, [Mr. HOLMAN,] that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. Cox having taken the chair as Speaker pro tempore, Mr. SAYLER reported that the Committee of the Whole, pursuant to the order of the House, had had under considerable the control of the World of the sideration the bill (H. R. No. 612) to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed on the 30th day of January, 1875; and had come to no resolution thereon.

### DISTRICT OF COLUMBIA.

Mr. BUCKNER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

resolution; which was read, considered, and agreed to:

Resolved. That the Committee on the Judiciary be directed to inquire whether any person then or now an officer of the Government of the United States or of the District of Columbia, or any person or persons in the employ of the Government of the United States or of said District, or other person or persons, has or have used or attempted to use any corrupt or other improper means to obstruct, impede, or defeat the administration of the law in any of the courts held in said District, and especially with reference to appeals from the Court of Claims to the Supreme Court of the United States and in the recent trial and proceedings in the so-called "safe-burglary conspiracy," and that said committee shall have power to send for persons and papers, to administer oaths, and to sit during the session of the House, and shall have leave to report at any time.

### WHISKY TRIALS.

Mr. KNOTT, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

tion; which was read, considered, and agreed to:

Resolved. That a special committee of seven be appointed to inquire whether any officer or official of the Government of the United States, or any person or persons in the employ of the Government, or connected therewith, have in any way advised, counseled with, or, directly or indirectly, verbally or in writing communicated to, any of the defendants or the friends, agents or attorneys of them, in the prosecutions recently tried in the city of Saint Louis, Missouri, any of the plans, facts, papers, or other evidence on which the Government relied, or it was believed would rely in conducting s-id prosecutions. Said committee shall ascertain whether any attempt was at any time made by any officer or official of the Government, other than the district attorney and his assistants, to interfere with, advise concerning, or in any way control the conduct of said prosecutions or any of them. The committee shall have power to send for persons and papers, cause the attendance of witnesses, administer oaths, sit during the sessions of the House, and report their proceedings to the House for action at any time. They shall reduce to writing and return with their report all evidence taken before them and all exhibits filed.

### ORDER OF BUSINESS.

Mr. SOUTHARD. I move that the House do now adjourn.

Mr. PAGE. Will the gentleman yield to allow me to offer a resolution?

Mr. SOUTHARD. I am willing to yield to the gentleman from Arkansas [Mr. GAUSE] to introduce a bill for reference only.
Mr. GAUSE. I ask unanimous consent to introduce a bill to establish certain post-routes in the State of Arkansas.
The SPEAKER pro tempore. The gentleman can do that under the

rule at the desk.

Mr. PAGE. I do not suppose that the gentleman wants to cut this side of the House off from the opportunity of offering resolutions.

Mr. RUSK. I call for the regular order of business.

Mr. PAGE. Will not the gentleman from Ohio yield to me for a

The SPEAKER pro tempore. The regular order of business is demanded by gentlemen on that side of the House.

Mr. PAGE. By gentlemen on this side of the House?

Mr. RUSK. I will withdraw the call for the regular order.

Mr. STONE. I demand the regular order of business,

### CHANGE OF REFERENCE.

On motion of Mr. BANNING, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of a letter of the Secretary of War in relation to a bridge across the Missouri River at Sioux City, Iowa, and the same was referred to the Committee on Commerce.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted for ten days to Mr. Kimball; the leave of absence heretofore granted to Mr. McFarland was extended for one week; to Mr. Hyman for five days; to Mr. Blair until the 16th instant; and to Mr. Walker, of Virginia, for one week.

# WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. King to withdraw from the files of the House the papers in the case of James M. Hues-

### ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, re-orted that the committee had examined and found truly enrolled

ported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:
An act (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army;
An act (S. No. 225) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased; and
An act (S. No. 416) for the relief of C. H. Frederick, late a lieutenant-colonel in the Ninth Missouri Infantry.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, announced the passage of an act (H. R. No. 2270) to provide for the purchase of material and for the continuation of the work on the building of a custom-house and post-office at Saint Louis, Missouri, with amendments, in which the concurrence of the House was requested.

### ORDER OF BUSINESS.

The question was upon Mr. Southard's motion that the House do

now adjourn.

Mr. PAGE. I ask for the yeas and nays on the motion to adjourn; but if the gentleman will yield to me to introduce a resolution, I will then have no objection to his motion.

Mr. SOUTHARD. I cannot yield.

Mr. PAGE. Then I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. PAGE. I would again appeal to the gentleman from Ohio to allow me to offer a resolution.

Mr. SOUTHARD. There have been twenty such appeals made to me, and I cannot yield. now adjourn. Mr. PAGE.

me, and I cannot yield.

Mr. PAGE. There has been no resolution offered from this side of the House

Mr. STONE. I object to debate. Mr. PAGE. No one has been able to be recognized on this side of the House

Mr. STONE. I object to debate.

The question was taken on Mr. Southard's motion; and there were—yeas 121, nays 69, not voting 99; as follows:

The question was taken on Mr. Southard's motion; and there were—yeas 121, nays 69, not voting 99; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, ir., Banks, Banning, Barnum, Beebe, Bell, Blackburn, Blount, Boone, Bright, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Caulfield, Chittenden, John B. Clarke, of Kentucky, John B. Clark, ir., of Missouri, Clymer, Cochrane, Collins, Cook, Cowan, Culberson, Cutler, Davis, De Bolt, Dibrell, Durham, Eden, Egbert, Faulkner, Forney, Franklin, Gause, Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Heury R. Harris, John T. Harris, Harrison, Hartridge, Hatcher, Haymond, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Kehr, Knott, Lamar, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynde, L. A. Mackey, Maish, McMahon, Meade, Milliken, Mills, Morgan, Morrison, Matchler, Neal, New, Parsons, John F. Philips, Poppleton, Randall, Rea, Reagan, John Reiliy, Rice, Riddle, John Robbins, William M. Robbins, Savage, Sayler, Scales, Schleicher, Sheakley, Slemons, Southard, Stenger, Stone, Teese, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Walsh, Ward, Warren, Erastus Wells, Whitthorne, Wike, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, and Yeates—121.

NAYS—Messrs, Adams, John H. Baker, Ballou, Bass, Blaine, Bradley, Horatio, C. Burchard, Cannon, Casson, Caswell, Conger, Crapo, Danford, Davy, Denison, Douglas, Dunnell, Eames, Fort, Foster, Freeman, Frost, Hardenbergh, Hendee, Henderson, Hoar, Hoskins, Hubbell, Hunter, Joyce, Kelley, Ketchum, Franklin Landers, Leavenworth, Lynch, MacDougall, McCrary, McDill, Miller, Nash, Norton, Oliver, William A. Phillips, Pierce, Potter, Robinson, Sobieski Ross, Rusk, Sampson, Sinnickson, A. Herr Smith, William E. Smith, Stevenson, Thornburgh, Martin I. Townsend, Washington Townsend, Turts, Van Vorhes, Alexander S. Wallace, John W. Wallace, Walls G. Wille, White,

So the motion was agreed to. During the call of the roll,

Mr. CASON said: The gentleman from Ohio, Mr. LAWRENCE, and the gentleman from Kansas, Mr. Goodin, are absent and paired. If present Mr. LAWRENCE would vote "no," and Mr. Goodin "ay."

#### LEAVE OF ABSENCE.

Before the result of the vote was announced, Mr. Bagby was granted leave of absence for ten days.

#### WITHDRAWAL OF PAPERS

Mr. SMITH, of Pennsylvania, asked and obtained leave for the withdrawal from the files of the House of the papers in the case of Abram Eshelman, for a pension.

### ORDER OF BUSINESS.

Mr. STONE. I withdraw my objection to the resolution of the gentleman from California, [Mr. PAGE.]

Mr. SOUTHARD. I renew the objection, and insist upon the regu-

The SPEAKER pro tempore. The regular order is the announcing of the yea and nay vote on the motion to adjourn.

The vote was announced as above recorded; and accordingly (at five o'clock and fifteen minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By the SPEAKER: Papers relating to the petition of Harvey Burk, for a pension, to the Committee on Invalid Pensions.

By Mr. BRADLEY: The petition of 34 citizens of Alcona, Michigan, for the holding of United States courts at Bay City, to the Committee on the Judiciary.

Also, the petition of 18 citizens of Alabaster, Michigan, of similar import, to the same committee.

Also, the petition of 31 citizens of Harrisville, Michigan, of similar

import, to the same committee. Also, the petition of 41 citizens of Greenbush, Michigan, of similar

import, to the same committee.
Also, the petition of 91 citizens of Alpena County, Michigan, of

similar import, to the same committee. Also, the petition of 33 citizens of Houghton Lake, Michigan, of

similar import, to the same committee.

Also, the petition of W. H. Moultby and 70 others, for additional terms of United States courts in the eastern judicial district, Michigan, to the same committee

By Mr. BROWN, of Kansas: The petition of Guilford A. Wood, for relief, to the Committee on Public Lands.

By Mr. BUCKNER: The petition of Sarah Butler, for pay for dam-

ages to her property in Washington by reason of a change in the grade of F street, to the Committee for the District of Columbia.

Also, the petition of trustees of John Wesley African Methodist Episcopal Zion church, for pay for damages to said church by reason of a change in the drainage of the streets in Washington, to the same

Also, the petition of George H. Johnson, for pay for damages sustained to his property by reason of a change by the authorities of Washington in the grade of the streets, to the same committee.

By Mr. BURLEIGH: The petition of Will A. Woods and others, for

a pension for William Hopping, to the Committee on Invalid Pen-

By Mr. CASON: The petition of citizens of Indiana, for the repeal

of the check-stamp tax, to the Committee of Ways and Means.

By Mr. CASWELL: The petition of H. N. Simons and other citizens of Wisconsin, for the appointment of a committee of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judi-

Also, the petition of Joseph C. Aspinwall, S. L. Chaffee, and 107

other citizens of Wisconsin, of similar import, to the same committee. By Mr. CONGER: A paper relating to the establishment of certain post-routes in Michigan, from White Rock to Bingham, from Smith's Creek to Rattle Run, and from Brockway to Canova, to the Commit-

by Mr. DANFORD: The petition of W. K. Williams and 235 other citizens, of Jefferson County, Ohio, for the appointment of a commission to inquire into the effects of the liquor traffic, to the Committee of Ways and Means.

By Mr. DOUGLAS: A paper relating to the extension of a mail-route from Glenora to Verdierville, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. DUNNELL: A paper relating to a post-route from Fairmont to Saint James, Minnesota, to the same committee.

By Mr. EAMES: The petition of A. L. Calder and other registered pharmacists of Rhode Island, for the repeal of the proprietary-stamp tax, to the Committee of Ways and Means.

By Mr. ELKINS; The petition of citizens of Sante Fé, New Mexico, for the increasing of the efficiency of the Medical Corps of the United States, to the Committee on Indian Affairs.

By Mr. FRANKLIN: The petition of Anna E. Polk, for rent, use, and occupation of her buildings by United States authorities, to the

By Mr. GAUSE: A paper relating to the establishment of certain

post-routes in Arkansas, as follows: From Mariana to Council Bend; from Poplar Grove to Mariana; from Poplar Grove to Brinkley; from Lonoke to Pine Bluff; from Mariana to Moro; from Table Rock to Pineville; from Powhatan to Kidwell; from Brinkley to Palmer Station; from De Witt to Willamette, to the Committee on the Post-Office and Post-Roads.

By Mr. GIBSON: The petition of members of the Medical and Surgical Association of Plaquemine Parish, Louisiana, for the introduc-tion of the cinchona tree in the United States, to the Committee on

Agriculture.

By Mr. GOODE: Papers relating to the claim of Mrs. Mary E. Twiford, for services rendered in giving information prior to the landing of the Federal troops engaged in the capture of Norfolk, Virginia and Colorates in consequences. ginia, and for losses sustained from the confederates in consequence, to the Committee on Military Affairs.

By Mr. GOODIN: The petition of citizens of Kansas, for the repeal of the resumption act and for an increase of issue of United

States Treasury notes, to the Committee on Banking and Currency.

By Mr. HENDEE: A paper relating to the establishment of certain post-routes in Vermont where the post-offices are now supplied by messenger service, as follows: From Benson to Benson Landing; from Montpelier to Berlin; from Montpelier to Calais; from Danby to Danby Four Corners; from Castleton to East Hubbardton; from Northfield to East Roxbury; from Hancock to Greenville; from Bristol to Lincoln; from Bristol to New Haven Mills; from Bristol to South Starksborough; from Poultney, by East Poultney, to Middle-town Spring; from Cuttingsville, by Shrewsbury, to North Shrews-bury; from Hydeville to West Castleton; from Cambridgeport, by bury; from Hydeville to West Castleton; from Cambridgeport, by Athens, to Westminster West; from Groton to Groton Pond; from Boltonville to Ryegate; from Felchville to South Reading; from Wardsborough to South Wardsborough; from Perkinsville to Weathersfield Centre, to the Committee on the Post-Office and Post-Roads. By Mr. HOLMAN: Papers relating to the petition of Thomas Day for relief, to the Committee on War Claims.

Also, papers relating to the claim of Almira H. Thompson, for pay for services rendered and expenses incurred as a hospital nurse during

the war, to the same committee.

By Mr. HOPKINS: The petition of citizens of Allegheny County, Pennsylvania, for an increase of pension for James B. McLaughlin, to the Committee on Pensions.

Also, the petition of Alexander Moffit, for authority to purchase certain lands now in the possession of the United States, to the Committee of Claims.

By Mr. HUNTON: The petition of W. L. Smith, for arrears of pension, to the Committee on Invalid Pensions.

By Mr. JENKS: The petition of A. G. Manville, for additional bounty, to the Committee on War Claims.

Also, the petition of citizens of the United States for bounty and

bounty land to soldiers of the war of 1861, to the same committee.

By Mr. KIDDER: The petition of G. W. Shafer and 19 others, of
Minnehaha County, Dakota Territory, for relief against Government
surveys, to the Committee on Public Lands.

Also, the petition of John Bom and 200 others of Minnehaha County,

Dakota Territory, of similar import, to the same committee.

Also, the petition of W. L. Wood and 25 others of Minnehaha County,

Dakota Territory, of similar import, to the same committee.

By Mr. McDILL: The petition of J. S. Everett and 234 other citizens of Ringgold County, Iowa, for the repeal of the specie resumption act, to the Committee of Ways and Means.

By Mr. NORTON: The petition of citizens of Salamanca, New

York, and of the Seneca Indians, for an amendment to the act entitled "An act to authorize the Seneca Nation of New York Indians to lease the lands within the Cattaraugus and Allegany reservations, and to confirm existing leases," approved February 19, 1875, to the Committee on Indian Affairs.

By Mr. O'BRIEN: The petition of Fred Hanzelman, for a pension, to the Committee on Invalid Pensions.

By Mr. PHILLIPS, of Kansas: Concurrent resolutions of the Kansas Legislature, asking that the tariff be not so changed as to interfere with the production of castor beans, to the Committee of Ways and Means.

Also, concurrent resolutions of the Kansas Legislature, against the reduction of the Army, and for the defense of the frontier, to the Committee on Military Affairs.

By Mr. PIPER: Resolution of the California Legislature, relative to imposts on grape brandy, to the Committee of Ways and Means.

By Mr. JOHN REILLY: The petition of Major James B. Treadwell,

for an increase of pension, to the Committee on Invalid Pensions.

Also, two petitions from 26 soldiers, that one hundred and sixty acres of land and \$200 in money, to enable them to settle thereon, be granted to all soldiers and sailors of the late war who served thirty days, to the Committee on Public Lands.

Also, memorial of 91 citizens of Cambria County, Pennsylvania, for the unconditional repeal of the resumption act for the issue of 3.65 convertible bonds, and against any arbitrary contraction or expansion of the currency; and for the Government to receive its notes for all dues, and to keep inviolate the pledges of the Government to pay bonds in gold, where such pledges have been made, to the Committee of Ways and Means.

By Mr. SCALES: A paper relating to a post-route from Wentworth,

North Carolina, to Penn's store, Virginia, to the Committee on the Post-Office and Post-Road

By Mr. SOUTHARD: The petition of Nancy A. Hammond, for a pension, to the Committee on Invalid Pensions.

By Mr. STEVENSON: The petition of 150 citizens of McLean County, Illinois, for the repeal of the specie-resumption act, to the Committee on Banking and Currency.

By Mr. STRAIT: The petition of W. H. Jewell and others, for an extension of time for homestead or timber-culture entries upon Gov-

ernment lands, to the Committee on Public Lands.

Also, the petition of S. G. Anderson and 43 others, for the maintenance of the present rate of duty on linseed and linseed oil, to the Com-

mittee of Ways and Means.

By Mr. TOWNSEND, of Pennsylvania: Remonstrance of Samuel Bancroft, John Mason, jr., James Stephens, J. W. Kenworthy, and near 300 other manufacturers and mechanics of Delaware County, Pennsylvania, against the passage of any act reducing the duties on imported articles that enter into competition with American manu-

By Mr. VANCE, of North Carolina: A paper relating to a post-route from Shelby to Marion, North Carolina, to the Committee on the Post-Office and Post-Roads.

Also, remonstrance of the Whitney Sewing-Machine Company, against an extension of letters-patent granted November 12, 1850, to Allen B. Wilson, to the Committee on Patents.

By Mr. WADDELL: A paper relating to a post-route from Dundarch to Lumber Bridge, North Carolina, to the Committee on the

darch to Lumber Bridge, North Carolina, to the Committee on the Post-Office and Post-Roads.

By Mr. WALLING: The petition of John W. Rickey and 65 other citizens of Fairfield County, Ohio, for the unconditional repeal of the specie-resumption act, to the Committee on Banking and Currency.

By Mr. WELLS, of Missouri: The petition of Henry Zeas, for a pension, to the Committee on Invalid Pensions.

Also, memorial of the Mexican Veterans with the proceedings of their convention at Saint Louis, on February 23, 1876, to the Committee on Revolutionary Pensions.

their convention at Saint Louis, on February 23, 1070, to the Committee on Revolutionary Pensions.

By Mr. WHITTHORNE: The petition of the heirs of Matthew Allison, for the refunding of money unlawfully taken from said Matthew Allison by the military officers of the United States and transmitted to the Secretary of the Treasury, to the Committee on War Claims.

By Mr. WILLARD: The petition of 143 citizens of Homer, Michigan that authority be granted to construct a bridge across the river

gan, that authority be granted to construct a bridge across the river at Detroit, Michigan, to the Committee on Commerce.

Also, the petition of 48 citizens of Vermontville, Michigan, of simi-

Also, the petition of 48 citzens of vermontvine, intengal, of similar import, to the same committee.

By Mr. A. S. WILLIAMS: Papers relating to the petition of Emily
E. Weiss, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Alfred Rowland, to be relieved from the charge

of desertion, to the Committee on Military Affairs.

# IN SENATE.

# TUESDAY, March 7, 1876.

Prayer by Rev. A. WOODBURY, of Providence, Rhode Island. The Journal of yesterday's proceedings was read and approved.

### XECUTIVE COMMUNICATION

The PRESIDENT pro tempore laid before the Senate a letter from the Acting Secretary of War, trausmitting a letter from Major John J. Upham, Fifth Cavalry, stating that section 2139 of the Revised Statutes is by the ruling of the United States district court regarded as excepting Indians from the penalty of introducing intoxicating liquors into the Indian Territory, and inviting the attention of Congress to the recommendation of Major Upham for such legislation as will correct the evil.

The PRESIDENT protempore. The communication will be referred to

the Committee on Indian Affairs, and printed, if there be no objection.

Mr. CONKLING. I venture to call the attention of the Chair to Mr. CONKLING. I venture to call the attention of the Chair to the propriety of sending the communication to the Committee on the Revision of the Laws, and I will assign my reason to the Chair, which can then be judged of. It is desirable that corrections, if there be such in the statutes, should, as many as may, be embraced in some one bill and should not be found scattered over the statute-book. The Committee on the Revision of the Laws I understand is engaged assiduously in collecting these instances. Therefore if the chairman of the Committee on Indian Affairs, who I see in his seat, should agree with me, I should feel more confident than I did at first in suggesting the propriety of sending this communication to the Committee on the Revision of the Laws that they might embrace it in their

general bill rather than have it go separately.

Mr. ALLISON. It always gives me pleasure to agree with the Senator from New York, especially on this subject. I think the communication had better go to the Committee on the Revision of the Laws.

The PRESIDENT pro tempore. That reference will be made, if there be no objection.

### PETITIONS AND MEMORIALS.

Mr. SAULSBURY presented a petition of citizens of Delaware, praying for an improvement of the navigation of the Jones Creek and Dover River, in that State; which was referred to the Committee on

Commerce.

Mr. McMILLAN presented the memorial of John Schroeder, in favor of an amendment of the homestead law, so as to save innocent settlers from the rules and regulations of the General Land Office; which was referred to the Committee on Public Lands.

Mr. KERNAN presented the petition of Horace L. Emery, praying for the extension of his patent for improvement in cotton-ginning machines: which was referred to the Committee on Patents.

machines; which was referred to the Committee on Patents.

Mr. FRELINGHUYSEN presented the petition of George Whittaker, late a private in Company C, Twelfth Regiment New Jersey
Volunteers, praying restoration of pay and an honorable discharge;
which was referred to the Committee on Military Affairs.

He also presented the petition of Mrs. Martha Irwin, of Camden
City, New Jersey, praying for an increase of pension; which was referred to the Committee on Pensions.

Mr. INGALLS presented the petition of E. Valeton de Boissiere, a citizen of Franklin County, Kansas, praying the passage of a law placing machinery for manufacturing raw silk imported into the United States on the free list; which was referred to the Committee on Finance

Mr. WHYTE presented the petition of Hodyer Bros.; Hamilton Easter & Co., and other merchants of Baltimore, Maryland, praying that the bankrupt law be not repealed, but amended; which was re-

ferred to the Committee on the Judiciary.

The PRESIDENT pro tempore presented a memorial of the Legislature of Wisconsin, in favor of the establishment of a tri-weekly mail route from Marquette, in the county of Green Lake, via Kingston, to Portage, in Columbia County; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WRIGHT. Some days since I had the honor to present a bill granting a pension to Armstead Goodlow, which was referred to the Committee on Pensions. I now present a petition and accompanying papers in support of the bill. I move their reference to the Committee on Pensions.

The motion was agreed to.

### REPORTS OF COMMITTEES.

Mr. INGALLS. The Committee on the District of Columbia, to whom were referred the bill (S. No. 100) to establish an insurance department and to provide for the incorporation and regulation of insurance companies in the District of Columbia, and the bill (S. No. 181) to amend section 593 of the Revised Statutes relating to the District of Columbia, and for other purposes, have instructed me to report a bill in the nature of a substitute for both of these bills. I ask that the new bill may be read and placed upon the Calendar and printed, and that the bills No. 100 and No. 181 may be indefinitely postponed.

The bill (S. No. 569) to provide for the incorporation and regula-tion of insurance companies in the District of Columbia was read tion of insurance companies in each and passed to the second reading.

The other bills will be postponed.

and passed to the second reading.

The PRESIDENT pro tempore. The other bills will be postponed indefinitely, if there be no objection.

Mr.PADDOCK. I am instructed by the Committee on Public Lands, to whom was referred the bill (S. No. 256) to confirm certain school indemnity selections of public lands by the State of Nebraska, to report it without amendment. I send to the desk with the bill a letter from the Commissioner of the General Land Office, which is a sufficient explanation of the bill, and I ask for its present consideration.

The PRESIDENT pro tempore. The bill will be reported at length for information, subject to objection.

The Chief Clerk read the bill.

The Chief Clerk read the bill.

The PRESIDENT pro tempore. The Secretary will read the letter of the Commissioner of the General Land Office.

The Secretary read as follows:

The Secretary read as follows:

Department of the Interior, General Land Office,

Washington, D. O., February 8, 1876.

Sir: In reference to Senate bill No. 256, entitled "A bill to confirm certain school indennity selections of public lands by the State of Nebraska," which you filed in this Office for an expression of my views thereon, I have the honor to state that it appears that Nebraska, having the right to select school lands under the acts of 20th May, 1826, and 20th February, 1859, (now sections 2275 and 2276 of the Revised Statutes) as indemnity for lands in sections 16 and 36, granted for schools, but which were otherwise disposed of on account of pre-emption claims acquired prior to survey, or from other causes, selected certain lands as such indemnity, and on their being reported to this Office and examined here, the selections, to the amount of 31,611.86 acres, were found to embrace tracts lying within the alternate sections reserved to the United States in acts of Congress making land grants for railroad purposes, and the price thereof fixed at \$2.50 per acre, and which come under the operation of the act of Congress of March 6, 1868, providing that the lands therein referred to shall be subject only to entry under the pre-emption and homestead laws.

This Office holds that where, as in this case, the sections for the benade of indemnity for tracts lying therei, which have been otherwise disposed of, this may be done from the alternate reserved sections, within the same limits, the price of which is fixed at \$2.50 per acre, where there is no express provision of law to prevent it; but in the case of these selections, the prohibition contained in the act of March 6, 1868, of any other disposal of the lands than such as is provided for in the pre-emption and homestead laws, stands in the way of the approval thereof; that prohibition extending to the even-numbered sections along the routes of the several roads mentioned in the act of July 1, 1862, entitled, "An act to aid in the construc-

tion of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes," and the acts amendatory thereof. (See act of March 6, 1868, Statutes, volume 15, page 39.)

Apart from the prohibition referred to, there is no reason why the tracts called for in these selections should not be appropriated for the purpose of their selection which would not apply to any other tracts held at the double minimum price which might be selected. I think that this bill (S. No. 256) should be passed.

Very respectfully, your obedient servant,

L. K. LIPPINCOTT.

L. K. LIPPINCOTT, Acting Commissioner.

Hon. A. S. PADDOCK, Chairman Subcommittee of the Committee on Public Lands, United States Senate.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. SHERMAN. I do not know enough about it yet. Has it just

the PRESIDENT pro tempore. The bill was reported from the Committee on Public Lands, and it has been read at length for information, subject to objection. The bill will again be reported if the Senator

Mr. EDMUNDS. It had better lie over until to-morrow. Mr. SHERMAN. I should like to have some statement of it. I could not understand the matter from the reading of the letter alone. I think the Senator from Nebraska had better allow it to lie over.

Mr. PADDOCK. Very well.

The PRESIDENT pro tempore. Objection being raised, the bill goes

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 391) to authorize the Secretary of War to purchase for the use of the United States a parcel of land at Key West, Florida, now the property of Walter C. Maloney and wife, reported it with an amendment and submitted a report thereon; which was or-

dered to be printed.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the petition of Daniel Edwards, of New Orleans, praying payment for certain commissions contracted to be paid him on sale of crops and supplies furnished for securing the same on Oaklands and Pointe Céleste plantations, Louisiana, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

### BILLS INTRODUCED.

Mr. FRELINGHUYSEN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 570) in relation to mar-

sent obtained, leave to introduce a bill (S. No. 570) in relation to instribute liens; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 571) extending the jurisdiction of the Court of Claims of the United States, and for other purposes; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

dered to be printed.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 572) for the relief of settlers upon the reserved Government sections of the public lands within railroad limits; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. PADDOCK asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 573) to amend section 1113, Revised Statutes of the United States, in relation to the appointment of Army sutlers; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 574) to amend the act entitled "An act to amend the act entitled 'An act to encourage the growth of timber on western prairies,'" approved March 13, 1874; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be

### THE REVENUE LAWS.

### Mr. GORDON. I offer the following resolution:

Resolved. That the Committee on Finance be instructed to ascertain, if possible, what amendments to our revenue laws are necessary to secure economy and certainty in the collection of internal revenue, and prevent the recurrence of official frauds in that branch of the public service.

I do not wish this resolution acted on at present. I ask that it lie on the table, and to-morrow, or the day after to-morrow, as my friend from West Virginia [Mr. Davis] informs me that the bill for the admission of New Mexico is the special order for to-morrow, if it be the pleasure of the Senate I will ask to amend it by some additional resolutions which I am now preparing, at which time I hope to make some remarks showing the extent of these frauds and what amend-ments in my judgment are necessary to the revenue laws to prevent their recurrence in the future. I will name the day after to-morrow

for this purpose.

The PRESIDENT pro tempore. The resolution will lie on the table; and the Senator from Georgia expresses a desire to submit some remarks upon it the day after to-morrow.

# DESTRUCTIVE INSECTS.

Mr. FRELINGHUYSEN. As there is no other morning business, I move that the Senate take up Senate bill No. 438. The Senate is aware that there have been a great many petitions presented from all parts of the country, from the agriculturists and the farmers of the

country, asking that Congress shall appoint a commission to gather information in reference to the destructive insects which have so materially damaged the wealth of the nation. A bill was presented which provided for three commissioners with a salary of \$5,000 each. Instead of that the Committee on Agriculture have unanimously reported back an amendment which provides for one commissioner whose term of office shall be for one year with a salary of \$4,000, he to be selected by the Secretary of the Smithsonian Institution, the Secretary of the Interior, and the Commissioner of Agriculture.

Mr. EDMUNDS. How can that be done? Is he an officer of the

United States?

Mr. FRELINGHUYSEN. I suppose that the Commissioner of Agriculture can select one to perform the duty under him. He already has one entomologist, and I do not see that there is any difficulty in such an appointment being made. However, will the Senator consent to hear the bill read?

Mr. EDMUNDS. Yes; let us hear the bill read. The Chief Clerk read the bill (S. No. 438) for the protection of agri-

culture against injurious insects.

Mr. LOGAN. Is the bill up for consideration?

The PRESIDENT pro tempore. That is the motion.

Mr. LOGAN. I do not wish to make any point on the bill; but I desire to make a suggestion to the Senator from New Jersey. I do not exactly understand why it is that a person should be appointed for the purpose here named, when the reports of the Interior Department and the reports of the Agricultural Department are filled with scientific reports made by the entomologists who have traveled with the different surveys in the various Territories and the reports of the entomologists of the different States on all these subjects. If the Senator will have the reports examined, he will find that Professor Thomas, a man who understands as much of that branch of science as any man in this country, traveled with the Hayden survey for three or four years, at \$1,800 a year. He made reports on this subject every year, reports that have been copied all over Europe, and one that is considered better authority than any other report made in this country. Our surveys took with them an entomologist nearly always—I know the Hayden survey did—and they examined these very questions and reported on them. Professor Thomas, who was with that survey for years, is now entomologist of Illinois, and has made reports on all these subjects. The Smithsonian Institution and the Agricultural Department can obtain the reports of the entomologists of the different States without this officer at this great expense. I should say \$4,000 a year was an extravagant salary for a man in that business. It is higher than any man detailed for that purpose anywhere

in this country has ever received.

Mr. EDMUNDS. Is the bill up?

The PRESIDENT pro tempore. The motion is to take it up.

Mr. MAXEY. I would suggest an amendment to the second section

to include the cotton-worm.

Mr. FRELINGHUYSEN. I will accept that after the bill is taken

up.

The PRESIDENT pro tempore. The question is on the motion to take up the bill.

The motion was agreed; there being on a division—ayes 30, noes 9. So the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 438) for the protection of agriculture against injurious insects.

The Committee on Agriculture reported the bill with an amendment to strike out all after the enacting clause, and in lieu thereof

insert the following:

insert the following:

That the Secretary of the Interior, the Secretary of the Smithsonian Institution, and the Commissioner of Agriculture are hereby authorized to appoint a commissioner having the requisite scientific and practical knowledge, whose duty it shall be to investigate and gather information relative to those insects which are most destructive to the crops of farmers and planters, and especially of the Rocky Mountain locust, the chinch-bug, the army-worm, the Hessian fly, potato-bug, and other insects injurious to the great staples, wheat, corn, and cotton, in order to devise success:... methods for the destruction of such insects; and to make public from time to tame such information and such practical instructions for the suppression of the different insects referred to; and that the commissioner report the results of such investigation and information to the Commissioner of Agriculture, by whom the same shall be submitted to Congress.

SEC. 2. That the said commissioner shall be appointed for the term of one year, and, in case of a vacancy, the same shall be filled for the residue of the term only; and he shall receive \$4,000 per annum, to be paid monthly from the date of original appointment, and shall be paid his traveling and other personal expenses incident to the discharge of his duties, to be audited by the Commissioner of Agriculture, not exceeding, for the year, \$2,000. And the said Commissioner of Agriculture, not exceeding, for the year, \$2,000. And the said Commissioner of Agriculture, and shall be also the inspects such aid as is in his power, and such clerical assistance, office-room, fuel, stationery, and chemicals as are at his disposal; and the printing of necessary circulars and blanks incident to the duties of the said commissioner shall be done, at the expense of the Government, at the Government Printing Office.

Sec. 3. That the sum of \$6,000 is hereby appropriated for the purpose of carrying out the objects of this act.

Mr. EDMUNDS. I move to amend the bill by striking ou

Mr. EDMUNDS. I move to amend the bill by striking out the clause as to the power of appointment in the first section vested in the Secretary of the Smithsonian Institution and the Commissioner of Agriculture, and so on, and make it read:

That the President of the United States, by and with the advice and consent of the Senate, may appoint.

I do this because it does not appear to me that under the Constitu-tion we are authorized to confer the power of appointing a distinct officer who is acting under the law and with the tenure of a definite

time named in the law and with a salary to be paid directly to him out of the public Treasury, in the way that the amendment reported by the committee provides. I therefore move to make it read that the President shall appoint with the advice and consent of the Senate.

The PRESIDENT pro tempore. The amendment will be read. The CHIEF CLERK. It is proposed to strike out—

The Secretary of the Interior, the Secretary of the Smithsonian Institution, and the Commissioner of Agriculture are,

And insert-

The President of the United States, by and with the advice and consent of the Senate, is;

So as to read:

That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commissioner, &c.

Mr. MAXEY. I move to insert the words "cotton-worm" after "army-worm.

The PRESIDENT pro tempore. That is in another part of the bill. The question is on the amendment of the Senator from Vermont.

The amendment to the amendment was agreed to.

Mr. MAXEY. After "army-worm," in line 10, section 1, I move to insert "the cotton-worm."

The amendment was agreed to.

Mr. WITHERS. I move to insert "tobacco-worm" after "cottonworm."

The amendment was agreed to.

Mr. SARGENT. If it be in order to move to insert another

The PRESIDENT pro tempore. The Chair will entertain any question that is relevant

Mr. SARGENT. There is one more destructive than any other; I move to insert "worm of the still." [Laughter.]

The amendment was rejected.

Mr. SHERMAN. There is not a single duty enjoined by this bill on this newly appointed officer at \$4,000 a year that is not required to be done by the Commissioner of Agriculture, and that cannot be done by him or some of his subordinates under him. It seems to me the only effect is to increase the salary of the entomologist of the Agriculture Department from the present amount of \$1,800 or \$2,000 to \$4,000 a year. I am disposed on that ground to vote against it.

I have no doubt that the information desired is valuable. can adopt any plan for destroying the insects named in the bill, I shall be glad of it. I would be willing to give thousands and even hundreds of thousands of dollars if a plan could be devised to destroy these insects; but a man with a salary of \$4,000 a year will have a poor chance when the Smithsonian Institution, the Agriculture De-

a poor chance when the Smithsonian Institution, the Agriculture Department, and scientific men in all parts of the world are addressing their attention to this subject. I think it is perfectly idle for us to set a man at \$4,000 a year, and \$2,000 for expenses, and \$25,000 probably to print his lucubrations, to perform this work.

I voted to take up the bill and consider it; but I shall certainly vote against its passage. I think the law is now ample. The Commissioner of Agriculture has power now to detail any officer of his Department to attend to this business, to examine into it, not only to make his own observations but to gather from the observations of

Department to attend to this business, to examine into it, not only to make his own observations but to gather from the observations of others. All their reports are accessible to him; all the information that can be had in this country as to the various worms spoken of in the bill can be had by him, and he can give us the information in his annual report on agriculture, where it will properly come and be printed at the public expense.

Mr. FRELINGHUYSEN. The Commissioner of Agriculture is stationed here at Washington. He has his duties to perform here. It is entirely out of his power for him to travel to different portions of the country to gather information in reference to these most destructive insects. Therefore the Commissioner cannot perform this duty. There is an entomologist in that Department who is constantly at work. The petitions which came here were to have three appointed; work. The petitions which came here were to have three appointed; but this bill provides that this commissioner shall co-operate with them, get the information from different sections of the country. Not only that, it provides that he shall at once give instructions as to the best means of destroying these injurious insects. It is provided that he shall from time to time publish the result of his researches. Now, as to the amount of salary, \$4,000, if it is too much, make it less; but my opinion is that you cannot get a scientific man who is qualified for this duty for a lower compensation. It seems to me that it is very little that the great agricultural interests of the country ask. They do, and have from all parts of the country by their petitions requested this legislation, only in a much more ample and extravagant manner than we have reported. It is the great wealth of the nation, and they come here and ask an appropriation of \$5,000 or \$6,000. You spend hundreds of thousands for the protection of commerce and manufactures; and here is the great wealth of the nation, and those who

insects, and they ask Congress, exercising their judgment on this subject, and they are the parties interested, to give them this small relief. I think this bill ought to pass without a dissenting voice.

Mr. INGALLS. The Senator from Ohio and the Senator from Illi-

understand this subject better than we do do not find it a thing to laugh at, do not find it a thing to ridicule. They see their crops stricken off, they see whole counties and States impoverished by these

nois evidently entirely misapprehend the purposes, objects, and scope of this bill. It is very true that a scientific entomologist has accompanied Professor Hayden and the other explorers of the Western States and Territories and the region lying within and beyond the Rocky Mountains, who has made various reports upon those insects that are most destructive to vegetation. It is also true, as the Senator from Ohio has said, that there is a department in the Agricultural Bureau from which information can be obtained in regard to the habits and the destructive statistics of these various pests that are now threatening, not only the prosperity, but the actual habitation of certain portions of the West.

I observe that the feeble attempts at jocularity, derision, and ridicule that assail this bill come from sections of the country that have not been particularly exposed to the depredation of these insects. venture the assertion that there are but very few of the Senators on this floor who are aware of the fact that the annual loss to the productive resources of this country arising from the ravages of these insects is not less than \$300,000,000. If that is a subject for jocularity, or ridicule, or mirth, or derision, I am not aware of the basis upon which these gentlemen's facetiousness is to be conducted. The loss to the agriculture of the Mississippi Valley during the last year from the depredations of the Rocky Mountain locusts alone exceeds—from actual statistics that have been collected by the various agricultural departments of that section of the country—more than \$50,000,000; and it is not too much to say that since the year 1860 enough has been lost to the resources, the productive capacity, and the material wealth of this country by the depredations of these insects to have paid and extinguished the entire national debt.

This is a subject, therefore, which appears to me to be worthy of consideration. The area of our country that is liable to these invasions extends from the British Possessions on the north, in an irregular triangle bounded on the west by the Rocky Mountains and extending east over a portion of the States of Iowa and Minnesota through the western line of Illinois, embracing Nebraska, Kansas, Missouri, the Indian Territory, and a portion of Texas, extending as far south as Dallas. I venture the assertion that unless something is done to prevent or guard against these annual incursions very large tracts of the most fertile and productive portion of the valley of the Mississippi will become depopulated. There are portions of my State that, if they are hereafter subjected to successive repetitions of the losses and scourges that have arisen from these pests during the last three years, will become depopulated. It will be absolutely impossi-

ble for man to inhabit them.

Now, sir, the object of this bill is not, as some Senators seem to imagine, to produce scientific essays on the habits of these insects; but by means of examination and investigation to report whether or but by means of examination and investigation to report whether or not civilization has not some resources by which these invasions can be resisted and their depredations repressed. Other nations have been subjected to similar visitations; and methods have been resorted to for the purpose of preventing them. It has not been considered unworthy the attention of the French government to inquire by governmental commissions into the causes and consequences of these insect depredations. In northern Africa, in Algeria, measures have been resorted to, under the auspices of that government, for the purpose of preventing these desolating visitations, that would otherwise render that portion of the world uninhabitable and valueless for productive purposes. productive purposes

What the agricultural portion of the West desires is that some investigation shall be made under national auspices for the purpose of reporting facts, and ascertaining whether or not some means cannot be devised by which these injurious depredations may be prevented hereafter. Several methods have been resorted to by other governments; bounties have been offered for the collection of the eggs of the locust; means have been adopted for the destruction of the young before they become fledged. The State of Minnesota during the last season, if I recollect aright, has adopted measures for the destruction of these insects in that State; and, if I am correctly informed, in of these insects in that State; and, if I am correctly informed, in seven counties nearly sixty thousand bushels of the unfledged young of the locust were destroyed and paid for by bounties offered by the county authorities, amounting in the aggregate to more than \$80,000. If the visitations of these insects were confined to isolated and

detached localities, it might well be considered as a matter for States to take care of; but when these vast armies ravage immense portions of the national domain, flying from State to State and from Territory to Territory, and destroying the crops and rendering portions of the country uninhabitable, it is certainly a matter for the nation to consider, because it affects not the States alone, but the Territories also and the resources of the whole country.

I am therefore at a loss to understand upon what theory this bill is

met with derision or considered a subject for ridicule.

Mr. LOGAN. I am a little surprised to see the Senator have the understanding that his bill is to be killed by derision.

Mr. INGALLS. It is not my bill; it is reported by the Committee on Agriculture.

Mr. LOGAN. Very well; a bill from the Committee on Agriculture. I believe the Senator introduced the bill. I had no such object in mind. I rose not so much to oppose the bill as to give my views in reference to it and to show the Senate that there was no economy in this bill, for the reason that the very same thing was being done by the Government and paid for. We have for some reason or

other ingenious men in this country who, when a thing is being performed, are dissatisfied with the manner in which it is performed unless they themselves perform it. Hence a bill usually is offered to point out the mode and manner by some way that we will establish some new office and appoint some new officer to perform the very duties that are being performed by the Government. The Senate well knows that the very duties required to be performed in this bill have been performed by the different scientific men that are exploring the Territories of the country and geologizing the country. We have had a scientific man on this very subject, and who has reported on it time and again, and he is doing the same thing to-day.

and again, and he is doing the same thing to-day.

The Senator from Kansas says some means should be provided for the destruction of the locusts. God knows I wish there could be. I certainly represent an agricultural people. Very few States, I think, anywhere will go far ahead of mine in that respect. We have an entomologist in Illinois examining this very question, and his examination is reported here to the Agricultural Department and the Smithsonian Institution. My suggestion was that we should not duplicate the duties and pay twice for them. So far as the locusts are concerned, which have destroyed many times the corn crops in the Senator's State, I have seen the destruction myself. I would ask him what scientific man there is in this country or ever will be who can stop the locusts from being carried by the winds? The winds coming to the east from the mountains bring them there in great swarms upon the country, and they destroy the crops that you are producing there. We have a scientific report which shows that the locusts breed in the mountains on the eastern and southern slopes of the Rocky Mountains, and the winds from the west bearing them carry them over the plains. Now, if the Senator can tell me whether there is science in this country sufficient to stop the winds bearing the locusts on them, I am willing to agree that there may be something in it. So far as their destruction is concerned, I would rather trust an old farmer to-day to devise means for their destruction than any scientific man in this country. I know that last summer in the Territory of Colorado, where the locusts were destroying the crops, the old farmers them-selves were devising plans for the destruction of the locusts, plans, too, that were not devised by scientific men. I saw some of them around in some way for the purpose of catching them as they were flying. Whether it produced the result or not I could not say; but to a certain extent it did good. There is no question about that.

We have in the Agricultural Department to-day a scientific man

nvestigating this very subject—a man who asks all the entomologists of the country everywhere to send him specimens of bugs, of worms, of locusts, of everything, that he may investigate them and report upon them. I ask, then, why should we have another at the expense of the Government? As far as the habits of the locusts are concerned, we have had a report in reference to them. Their places and the times of hatching their young have been investigated by scientific men, and they have reported in reference to them. If you want the investigation to go on, let the scientific men go on and investigate. I desire that they should, in the different States, make their reports as they have done heretofore, and let this man, upon their reports, give his opinion.

Why should Senators suggest that other Senators are opposed to why should Schators suggest that other Schators are opposed to the interest of the agriculturists of this country because they think this bill will not accomplish the object? You provide that one man shall investigate this whole question of all bugs, of locusts, of chinch-bugs, of potato-bugs, of the tobacco-worm, the army-worm, and all these destructive insects. To investigate all that and report thereon

you give him one year to do it in.

Mr. FRELINGHUYSEN. My friend ought to be a little more logical than that. I understand that one objection to having this commissioner appointed is that there is plenty of force to do the work now. The next objection is that there is so much work that one man cannot do it.

Mr. LOGAN. Mr. LOGAN. Is that the Senator's criticism on my argument? Mr. FRELINGHUYSEN. I understand it so.

Mr. FRELINGHUYSEN. I understand it so.

Mr. LOGAN. I will try to be more logical, so that the Senator can understand me. I said that when you were having work done, and when it was being done satisfactorily, there was no necessity for duplicating it. I said that. Does the Senator disagree with me in that? I stated that this work was being done by the scientific men of this country, that it had been reported upon, and that the scientific men that are out West in the Territories have an entomologist for the purpose of reporting in reference to these very insects. Now, does the Senator want it duplicated?

does the Senator want it duplicated?

Mr. FRELINGHUYSEN. I have no doubt of my friend's interest in agriculture, and in the farmers, just as much as any of us; but I think he is mistaken on this subject. He has stated the effort which is being made in his State to eradicate this evil. The same has been done in Minnesota and in other States. Now, it seems to me that it would be of great service to have a commissioner who would at once, not when an agricultural report is published in a year or two, but who would at once gather up this information, and, as this bill provides, at once communicate it to different parts of the country, so that even this year there may be great relief from this pressing evil. The amount it costs is of no account compared with the magnitude of the

object if there is any good to be attained.

Mr. LOGAN. The amount cuts very little figure in the case; but

what I was going to say in connection with what I have said is that you already have the officer.
Mr. FRELINGHUYSEN. I think not.

Mr. LOGAN. You have an entomologist in the Agricultural Department to-day performing that duty on a salary.

Mr. FRELINGHUYSEN. There is no doubt of that.

Mr. LOGAN. Then why do you wish to duplicate it?

Mr. FRELINGHUYSEN. There is no doubt there is a Commis-

sioner of Agriculture.

Mr. LOGAN. Not the Commissioner. I mean a man performing this specific duty, a scientific man. I do not remember his name, but I have been there and conversed with him on the subject.

I have been there and conversed with him on the subject.

Mr. MORRILL, of Vermont. Professor Glover.

Mr. FRELINGHUYSEN. A very intelligent man; and he is occupied all the while, perhaps as industrious a man as there is in the country; but he cannot perform this duty of going to different sections of the country, gathering up this information, and then communicating it at once to the public. He has his whole time occupied in the investigations which he is making, the results of which we get

in the Agricultural Report.

Mr. LOGAN. He performs the duty by staying there, and making up his report on information which he gains from all parts of the on this report on information which he gains from all parts of the country from scientific men who are investigating this very subject, and that is all that your commissioner that your bill provides for will do. It is simply nonsense, in my judgment, to say that you provide that one man shall travel over this country and investigate this whole subject. He cannot do it. It can only be done in the mode that I say it is now being done, that is, by receiving the information from all parts of the country, from scientific men, and collecting it here, and parts of the country, from scientific men, and collecting it here, and making it public for the benefit of the country. That is the only way it can be done. Your man that you will appoint under the bill will do the same thing. He will take a room in the Agricultural Department, and there he will sit down. He will ask for information from all parts of the country, probably have two or three clerks; he will send one of them to this State or that State; he cannot go to all the States. In some places the chinch-bug may prevail; in others, the locust; in others, a different character of insect. He cannot visit them all. There is but one way to obtain this information, and that is the way they are doing it to-day. If you provide for this officer, I ask the Senator why it is that you provide in every appropriation bill for the last four years for an officer of this very character to accompany our roving commissions of scientific men it. There is where your information comes from; it comes from these men at a much less your information comes from; it comes from these men at a much less cost to you than you provide for it in the bill. I believe, when you are getting information as you are, there is no necessity for this thing, unless the object is to appoint some man to a particular office, and exclude appropriations that are being used by other scientific men of a much less amount, because they are the men who have to go on scientific men of a many contractions. tific parties anyhow?

That is my objection to it; not because the object is not a good one; not because I do not desire that it shall be carried out; but because the origin of the bill seems to me to be for the benefit of some one, an increase of salary in his department, to do that which he cannot

possibly do.

Mr. FRELINGHUYSEN. My friend may relieve his mind on that. am sure that there is no one in view at all.

Mr. LOGAN. I do not mean any such thing, so far as the Senator

concerned, or so far as the committee is concerned.

Mr. FRELINGHUYSEN. I do not think there is the slightest reason

for that intimation.

Mr. LOGAN. I have seen these statements made here often. A little bill is passed for the purpose of employing a man to do a certain thing for twelve months. That twelve months means the next fifty years. I have seen schools started in this country the same way, a little appropriation bill for an itiuerant school down at Fortress a little appropriation bill for an itinerant school down at Fortress Monroe some three or four years ago, and now it is a West Point in every appropriation bill. So it goes. This is the entering-wedge to a bureau for this purpose, for the purpose of continuing it as long as time shall last, or at least as long as this country shall last in its present organization. That is the meaning of it. All these new bureaus mean that; as witness your Educational Bureau. Call this what you please, the bureau of entomology, or the bug bureau—that is what it means. It means to start it and establish it, when they can perform no duty except that which is now heigh performed.

can perform no duty except that which is now being performed.

The PRESIDENT pro tempore. The morning hour has expired.

Mr. MORRILL, of Vermont. I desire to say a single word on this

Mr. FRELINGHUYSEN. I hope we shall be allowed to take the

The PRESIDENT pro tempore. Is there objection to continuing the

The Chair hears none.

Mr. MORRILL, of Vermont. I suppose there is not a Senator here who would not be in favor of the general purpose of this bill, which I take to be to ascertain some mode by which the great evil of the annual influx of locusts now devastating the western portion of the country may be avoided; but it seems to me this embraces too much. Professor Glover, of the Agricultural Department, is one of the most efficient men we have ever had on that subject, and he has made his investigations and reported upon the cotton-worm, upon the appleborer, and upon the wheat-midge, and various other insects that were

destructive to vegetation years and years ago, and has a museum of these insects now in the Agricultural Department that probably surpasses that in any other portion of the country.

Mr. LOGAN. Allow me to ask the Senator whether or not Professor Glover has not received those specimens and the history of them from persons interested all over the country—from the fruit-growers and

the farmers? He makes up his reports on that basis.

Mr. MORRILL, of Vermont. I was going on to say that there is not a strange insect, bug, or worm in any portion of the country that the correspondents of this Professor Glover fail to reach. They are constantly transmitted to him for examination and for report thereon. constantly transmitted to him for examination and for report thereon. If, therefore, gentlemen would confine this bill to something like the locust question—and I will say in relation to that as President Lincoln said about putting down the rebellion, it is a big job—I think it would receive the approbation of the Senate. Certainly it seems to me an anomaly to create a subordinate to receive about twice the salary of the present chief who has in charge this subject at the Agricultural Bureau. If the Senate should be disposed to make an appropriation to allow some party to be sent out specially to investigate the locust question, I should certainly have no objection to it.

Mr. McMILIAN. Mr. President, my own State is somewhat interested in the subject of this bill. The ravages of the locust there have been a source of great injury to our farming population. The

have been a source of great injury to our farming population. The Senator from Kansas has correctly stated that we have suffered very severely in that direction, so much so that our own State has taken some action in this matter. His excellency the governor of the State, upon the representations of citizens of the State, deemed it his duty to appoint a commission to investigate this matter. They were sent to the portions of the country which were devastated by the ravages of the locusts. They made practical observations in regard to it, not spirit figure in the devastated by the ravages of the locusts. scientifically into the nature of the locusts, but as to the destruction they were creating and the methods of overcoming them, and various means were tried there, such as ditching, and burning, and using other instrumentalities for catching the locusts as they flew. A report has been made upon that subject by this commission, and in view of the importance of the subject the Legislature of my own State has transmitted a memorial to the Senate of the United States, which has been referred to the Committee on Agriculture of this body. has been referred to the Committee on Agriculture of this body.

The Senator from Illinois is certainly mistaken in his supposition

that there is any special purpose of having an appointee whose personal interests shall be advanced by this bill. This bill is the result of sonal interests shall be advanced by this bill. This bill is the result of numerous petitions sent to this body, of memorials of the State Legislatures, all expressions of the desire and interest of the people on the frontier in regard to this subject. I do not understand that this bill provides for an officer who shall sit in his office in Washington and study the nature of these insects. I understand that he is to visit the sections of country which are injured and suffering injury from this great evil, that he is there, with the scientific knowledge he may possess, to make examinations and observations, and report on the subject of his mission.

This has been of so much importance that the counties in our State

This has been of so much importance that the counties in our State have incurred large expenses in the destruction of these insects. The State has also expended in this direction; and the burden is so great and the injury so extensive that the several States affected by it should not be called upon to bear the entire burden, and they have referred it to the General Government, and ask the Government to give its at-tention to a subject of national importance; and the result of all this matter is the measure introduced by the Committee on Agriculture. It is a matter which should receive the serious attention of the Senate; it is a matter in which some action should be taken in the nature of that suggested by the committee; and so far as I have examined the bill I see no reason why it should not pass.

Mr. LOGAN. I offer an amendment now to strike out a large part of the bill, and let it read simply—

That it shall be the duty of the Agricultural Department to investigate and gather information relative to those insects which are most destructive to the crops of farmers and planters, and especially the Rocky Mountain locust, chinch-bug, army-worm, cotton-worm, tobacco-worm, the Hessian fly, and other insects injurious to the great staples, wheat, corn, and cotton, in order to devise such successful methods for the destruction of such insects; and to make public from time to time such information and such practical instructions for the suppression of the different insects referred to; and that the Commissioner shall report the results of such information to the Congress of the United States.

And there I propose to stop, except the appropriation for the amount of expenditure. Then it will leave the Agricultural Department, which is the proper Department, to investigate this subject in such manner as it sees proper. I think they are investigating it properly now; but this requires the Commissioner to make the investigation. He can do it through any one he chooses; people all over the Territories and in the States to whom he applies will give him information.

Mr. FRELINGHUYSEN. What did the Senator say as to the ap-

propriation? Mr. LOGAN. So far as the appropriation is concerned for the Agricultural Department carrying out this scientific exploration or examination, or whatever it may be termed, I have nothing to say.

Mr. FRELINGHUYSEN. Does the Senator strike it out or leave it

Mr. LOGAN. I leave it for the Senate to decide whether it will appropriate anything or not. But instead of appointing an officer with a bureau, my ameudment requires the Agricultural Commissioner to

perform this duty or have it performed. That will be the bill if so amended. I move to strike out "commissioner" wherever it occurs except "Commissioner of Agriculture," so as to leave the whole matter

in his hands to make the investigation.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Illinois.

Mr. EDMUNDS. What has become of the regular order?

The PRESIDENT pro tempore. The Chair announced that the morning hour had expired, and by unanimous consent the pending bill was continued before the Senate.

bill was continued before the Senate.

Mr. CONKLING. The other morning a bill of not very large concern except locally was considered a little while and the Senator from Ohio [Mr. Sherman] objected. I think he has no further objection, and at some moment before the regular order is taken up, I will ask the Senate to allow a vote to be taken upon that bill. I think there will be no debate about it, and time is of some consequence. It is a bill applying certain provisions to the port of Genesee, New York.

Mr. SARGENT. Mr. President, I am always disposed, where there is a matter of pure local cognizance, to listen with great deference to the wishes of Senators who represent the locality; but where, as in this case, it is a proposition to create a new office with salary and expenses to be paid by the national Treasury, with the probability that it will be continued from year to year, as has been our experience in the past; and then the friends of the legislation say that their purpose is simply to make a way to take from the Treasury of the United States the means by which that which they call a pest shall be destroyed, and which will be very expensive, it becomes a question of national concern; and it seems to me that I cannot listen merely to the representatives of the locality whose constituents may petition them in sentatives of the locality whose constituents may petition them in

sentatives of the locality whose constituents may petition them in that regard.

It is the tendency of the congressional mind, whenever relief is asked for by their constituents, to rush immediately into the creation of some commission or new office. It is a ridiculous tendency. I presume that I am guilty of it as much as any other Senator. It seems to be the universal panacea. Our people are suffering in a particular locality; let us create an office, and pay for it out of the Treasury, to inquire into and report upon it, and that will be all right; that answers the local demand! We go back to our constituents and say, "See how zealous we have been; here is this man inquiring into the matter." That means "it is all right, and you should be satisfied." It does not remedy any evil; and especially it is not proper where we have machinery already provided by law, and paid for, which would accomplish the same results.

I am not in favor of the amendment of my friend from Illinois to this bill, or of the original bill. The Revised Statutes of the United

this bill, or of the original bill. The Revised Statutes of the United States on page 87 substantially give the powers which are contained in the amended bill, and go far to answer the object, if it can be answered, of the original bill. Section 526 provides that—

The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power.

Here is a grant of power as great as that conferred on this new commissioner to be created. It requires him further to "collect new and valuable seeds and plants," and propagate them in a certain manner. He has power to make practical and scientific experiments; he has power to obtain information by books and by correspondence. He collects statistics and facts bearing upon this subject, and any subject which is mentioned in this bill. He has at his command men who are paid by the Government to investigate these matters, upon the very ground itself. The whole history of the locust has been given, or if not, will speedily be given by our scientific expeditions—I mean the locust in his cradle, in his very home, showing his modes of migration, where he alights, and the consequences. All these facts Here is a grant of power as great as that conferred on this new I mean the locust in his cradle, in his very home, showing his modes of migration, where he alights, and the consequences. All these facts are collected by our scientific men, and poured in here upon Congress. Now, is it not vain to say that it is necessary to create another office to look over this same horizon, to ascertain how these animals are developed, and by what laws their migration is controlled? All these things are now under our very hand, and passing through the Government Printing Office, and not this year only, but in past years. It has been a matter of continuous scientific and valuable study; and I ask whether we should duplicate these duties.

ask whether we should duplicate these duties.

You may say that these things are undigested, that these are trifling discoveries which are made and reported, but that you should come down to the result that should be deduced from them all. Then I say that under this section 526 there is a man who is paid by law to digest these very things, to make experiments if it be necessary, and to report to Congress directly. He has power to make these reports by monthly publications going out to farmers all over the country and it is a mere ridiculous subterfuge when there is a question of that kind presented to us that we rush to the creation of a new officer and pay him out of the Treasury. I say it is ridiculous, and therefore we ridicule it. It is ridiculous to put on any one man's shoulders, and pay him out of the Treasury. I say it is indicatous, and therefore we ridicule it. It is ridiculous to put on any one man's shoulders, and he paid \$4,000 a year, to look into all these matters, from the locust to the army-worm, himself, with various portions of the country to be visited, different climates considered, different regions—all to be considered by one man. How is it to be done? Merely by correspondence. Is not that correspondence provided for by the section of law I have read? Can this man more intelligently conduct that correspondence than the gentlemen of the Agricultural Department under

the direction of the chief of the Agricultural Office?

But they say that here is an immense destruction of material prosperity and of property which should be arrested. I admit that, and some intelligent steps were taken in Minnesota and elsewhere toward this end. But it is said that this ought not to be left to the States to do; that the General Government should be saddled with this duty; that provision should be made out of the Treasury for this purpose that provision should be made out of the Treasury for this purpose. That I contest. I contest it because it would be impossible for the Treasury of the United States to stand the strain which would be brought upon it provided it was required to chase down and destroy all the long variety of animals which are named in the bill. It is to furnish a bounty, according to the theory of my friend from Minnesota and that of the Senator from Kansas, to destroy especially the Rocky Mountain locust, the chinch-bug, the army-worm, the cotton-worm, the tobacco-worm, the Hessian fly, the potato-bug, and other insects injurious to the great staples. This is an extraordinary duty to devolve upon the Government of the United States. They say, however, that we ought to do it, and on the same principle exactly we ought to provide guano to restore wasted lands, we ought to provide the means of irrigation for the broad valleys which are parched in the sun during the exceptional years of drought, because see what immense sunduring the exceptional years of drought, because see what immense

values of property are destroyed.

Mr. McMILLAN. Allow me to suggest that the amendments referred to with reference to the tobacco-worm and several other insects have been added since the Senate went into Committee of the Whole. The Committee on Agriculture I understand did not embrace them. The bill was intended to apply to the destruction of grain upon our western frontier, corn and wheat, which has become so very great as to be of national importance. I do not understand that there are any evils complained of with reference to the other insects and that these were inserted merely as additions to the bill, that some inquiry should be made as to the character of the insects themselves, not to apply to the great ravages which have marked the

Mr. SARGENT. I should fail to make myself understood, if it was inferred from my remarks that I intended any reflection on the committee that reported the bill or on any Senator. I do nothing of the kind. I am discussing the bill which is before us, and the bill is, as I have cited it, the bill which we are now asked to vote upon and

pass or reject.

If this principle were admitted, that we ought to offer bounties to prevent the ravages of the locust, &c., it would follow that we should be liable for damages for injuries which they caused during the time we neglected that duty. If it were true that we should do this on account of the great destruction of property, we still more ought to make good the ravages caused by the Mississippi which passes through many States, gathering its flood of waters, occasionally breaking its dikes and spreading over the country. We ought by all means to take on the nation the charge of penning those waters within their original current, and if they break loose, repair the damages and make compensation therefor, which they may cause on

all sides by their overflow.

Mr. FRELINGHUYSEN. I think the Senator is under a misapprehension of the bill if he finds in this bill anything that looks to the

Government paying bounties.

Mr. SARGENT. The Senator from Kansas, and more expressly the Senator from Minnesota, said that it was impossible for the States to cope with this matter, and that it ought not to be expected of them; that the General Government ought to relieve them of the burden.

Mr. FRELINGHUYSEN. Their speeches are not in the bill.

Mr. FRELINGHUISEN. Their speeches are not in the bill.
Mr. SARGENT. The commentary runs with the text. I have a right to judge of the bill by the inferences of its friends.
Mr. FRELINGHUYSEN. I do not think the Senator has a right to infer that that is in the bill which by reading it he sees is not in the bill, and then to characterize it and depreciate the bill because it is in.
Mr. SARGENT. No; but I have a right to say that it would be my own natural inference from it as an entering-wedge in order to produce the other result, and I will tell the Senator why. Why is it that this new officer is to be appointed † In order to collect this information. Have we not information here; is it not being sent by the most valuable channels; collected by the most responsible men and the most scientific men, paid for doing it, and filed in here upon us? Is there any doubt about the habits of these insects? Is there any doubt

as to the best method of destroying them?

Mr. FRELINGHUYSEN. I can answer the Senator that my view of the propriety of the bill is that here is what amounts to a national of the propriety of the bill is that here is what amounts to a national calamity, an evil which impairs the national wealth or diminishes our taxes hundreds, thousands, and millions of dollars; and therefore I think it is our duty, whether any State has applied to us or not, to start an investigation in reference to it. That is one reason. Another reason is because I do not think it is in the power of any one State to gather this information. It may gather information in the particular State; but here is an evil which is stretched over a great region of country, and it wants some person to communicate with these different localities and to concentrate all the information and become the organ to impart it to every part of the country. Those are the reasons why I think it is a subject for the nation to take charge of. One word more, if my friend will permit me.

Mr. SARGENT. I would like to reply to that first.

Mr. FRELINGHUYSEN. My friend has called our attention to the statute. There is no doubt but that the statute provides for the Department of Agriculture gathering this information, and all the encomiums which have been pronounced on the entomologist who is there employed are deserved; but they do and have been doing all they can. Now there is an exigency upon the country. It is desired to get this information so that it may be valuable in the coming and approaching season; and it was for that reason that I pressed the

approaching season; and it was for that reason that I pressed the bill this morning. The Commissioner of Agriculture and his force can do no more than they have been doing, and we ought to make this appointment under this particular exigency.

Mr. SARGENT. It is because I contend that the power is within the Department of Agriculture; it is because I see clearly that the power which the Senator says should be exercised by the Government of the United States of paternal supervision which he would have in this matter was years ago created in the Department of Agriculture, and that is supplemented by the appropriations which we annually make for scientific expeditions, that I do not think the only merit which the Senator claims for this bill exists. If it were not for this provision and the Commissioner of Agriculture were not exercising provision and the Commissioner of Agriculture were not exercising these powers, and the entomologist was not giving us the scientific deductions from the facts collected by the exploring expeditions, then there might be something in it; but all this operation is going on and going on expensively to the Government of the United States. No single State is required to collect this information; we are collecting the information for all the States. But suppose that this commissioner thus appointed comes in and recommends that the Government of the United States shall pay out of its Treasury a bounty for the destruction of these insects, will the Senator then be in favor of adopting the suggestion of the commissioner? I ask him, suppose that your commissioner reports to Congress that an appropriation ought to be made out of the Treasury as bounties in order to insure the destruction of these insects, would the Senator be in favor of such

Mr. FRELINGHUYSEN. I certainly would not.

Mr. SARGENT. Then those who insist upon this bill to get information in order to show the duty of the Government see that even the chairman of the Committee on Agriculture would not consent to an appropriation of this kind. I say if the power exists it ought to be extended not merely to the great objects which I mentioned, as, for instance, the Mississippi which overflows its banks, which we ought to guard because it runs through different States, but you can come down to particular States, in my State, and I believe also in the State of Oregon, and there our wheat crop is very seriously impaired by squirrels, and our counties are paying very large bounties. It cost one county, Contra Costa, I believe, eight or ten thousand dollars during last year as bounties for the poisoning or destruction of squirrels which otherwise would have rendered the county uninhabitable. which otherwise would have rendered the county uninhabitable. Should not the Government offer bounties for that purpose to relieve the county of Contra Costa, Alameda, and other counties in my State from ravages of that kind? Ought not "squirrel" to be put in here between "Hessian fly" and "potato-bug," if that classification would do? It would seem that just the same destruction is being wrought by this quadruped that is wrought by insects in the other case, and upon exactly the same kind of interest; and to a very serious amount is classified from the text leaves are removed. as is obvious from the very large amount of bounties we have been compelled to pay for years in counties in my State in order to prevent these ravages and destructions.

We have found by experience and we have learned by reading the

reports of the Agricultural Department the best method for the destruction of these pests, and so when any of the districts named in this bill are invaded any one who desires information can obtain it from the Agricultural Department specifically and fully, and infor-mation is coming from all sources all the time into the reservoir there provided by Congress to receive it and distribute it to the people. Then why create officers, why create commission upon commission, unless there is a reasonable hope that the effect will be that the Government will assume the duty of killing these noxious insects and appropriating out of its Treasury enormous amounts for that purpose and thereby relieving counties and States? Very little interest would be taken in this bill if it had no other object, because if it is a mere question of information as to the habits of animals we have it all; or, if not, we have the means organized to procure it. Unquestionably the forthcoming reports will be full of valuable information on that matter, which will go out through all these channels to those who are most interested in the subject. But the object of the bill, the after-thought, is that Congress itself will take this burden upon it. Seeing as I think—I speak humbly—further than the Committee on Agriculture on this matter, that this is a mere opening-wedge, taking warning from the new advances of the advocates of the bill, I am not disposed to favor it, because I can see no advantage in creating an office to give information we already have unless it may be an after-thought to divert the Treasury of the United States to that

Mr. HARVEY. I merely wish to say that I think I can satisfy my friend, the Senator from California, and other Senators that the General Government has an important interest in this matter; as he is aware, and all the Senators here have the same knowledge, the General Government is a large landed proprietor in all that portion of this continent lying between the Missouri River and the Sierra Nevada

Mountains; and he is no doubt also aware that a distinguished officer of the United States Army is now engaged in promulgating through public prints and in other ways the statement that all that portion of this continent where the Government owns such large landed possessions is and must remain a desert unfit for human habitation; and in support of that view one of the reasons that he cites is this quotation from a report of General Warren:

A fourth might be named—the occasional visits of grasshoppers. They often fill the air like a shower of rain or the smoke of a prairie fire. The height of their flight may be inferred from the fact of their being seen high in the air from a peak of the Rocky Mountains, eighty-five hundred feet above the surrounding plain, and fourteen thousand five hundred feet above the sea, and the sound of their wings was like the rushing of a railroad train.

.If it be true that the Government of the United States is justified If it be true that the Government of the United States is justified in refusing to the leading productive interests of the country the insignificant sum proposed by this bill for the purpose of procuring information necessary for the protection of agriculture, if it were justified in refusing this small demand for that important interest, is it justified in so neglecting its own property interests that it would abandon without an investigation or an effort of resistance an immense region, a portion of this continent greater in extent than that already occupied and improved? I say, is it justifiable that through and for such reasons as these, from the fact that it would cost \$6,000, the limit of the expense provided for in this bill, in view of such facts as these, will the Senate, to save the insignificant sum of \$6,000, lose the opportunity, even the chance, of acquiring information which would be of such importance to the direct property interest of the Government itself, frespective of the question of its duty to do some-

The Schator from California says that if this is done we would necessarily be obligated to support legislation for the payment of bounty or to carry on this destruction of insects by the Government. Does it follow, because the Government of the United States expends millions in making surveys, building light-houses, and everything of that kind, for the benefit of commerce, that the General Government must

itself carry on the business of commerce? By no means:
Some of our friends seem a little sensitive to the derision with which some of our friends seem a little sensitive to the derision with which this proposition was met. I heard before coming into the Senate, elsewhere, the suggestion that the discussion of a bill like this would give rise to some derisive comment. It was perhaps to be expected; but in a body composed as this is, of gentlemen having the knowledge which members of the Senate must possess, or should at least possess, derision of that kind cannot be expected to last long. I know my friend the Senate from California meant nothing sealous in the world. friend, the Senator from California, meant nothing serious in the way of an objection to the bill when he proposed an amendment to include the worm of the still.'

Mr. CONKLING. "The worm that never dies."
Mr. HARVEY. Yes; that is the worm that never dies; but it is not a worm particularly destructive to the agricultural interests. It is the urban element of population particularly that succumbs to the ravages of the worm of the still; but this bill is advanced in a different interest, and I think that the amendment is not germane to the object of the bill.

And now a word as to the amendment of my friend, the Senator from Illinois, who suggested that the matter be left entirely in the hands of the Commissioner of Agriculture, under the impression that he will make every inquiry necessary. Early in this session I introduced a bill providing for a temporary commission, to be appointed by the Commissioner of Agriculture and all the expenses incurred to be audited by him, so that the matter would be entirely under his direction; but before the time that the bill was considered in committee I happened to be in the Department of Agriculture, and in conversation with the Commissioner I ascertained that in relation to the particular insects that have been most discussed here, the Rocky Mountain locust, he had not acquired a very great deal of practical information concerning their habits as a destructive in-

Mr. LOGAN. I suppose if he had consulted Pharaoh he might have

found out more about it than he does now.

Mr. HARVEY. His scientific description of the insect is no doubt accurate, and would guide us; but I discovered in conversation with the Commissioner that he was not aware of the fact that throughout the Commissioner that he was not aware of the fact that throughout the portion of the continent where the ravages of these insects prevail it is believed that they originate in the Rocky Mountains and fly in various directions into the rich and cultivated portions of the country, there laying eggs and producing young; and that in the course of the succeeding season the young locusts, as soon as they acquire strength and wings to fly, rise and fly back in the direction from which the original swarms came. The Commissioner of Agriculture, notwithstanding he had been in correspondence with different sections of the country and with some scientific gentlemen having that matter particularly in view, had yet never heard of this supposition. As I said before, the bill that I introduced had in view the placing of the whole matter under his control in such a way that he could direct and supervise the investigations altogether. Another bill was introduced which I thought was in some of its features preferable. I preferred the second bill and would now prefer it, because I think it makes a more liberal and adequate provision for the object which is in view; but hoping for harmony I agreed readily and heartily in support of the bill now before the Senate; and, inasmuch as it provides

for all the most destructive insects, I think that it will meet a sufficient support in the Senate and make it assured that whatever information can be acquired with the small sum appropriated will be acquired in such a way that it can be properly used. Gentlemen, for instance the Senator from Illinois, talk about the effective way in which certain farmers operated against the Rocky Mountain locust. Their method is very practical, and they deserve commendation for it.

Mr. LOGAN. I did not say "effective." I did not know anything

about its effectiveness

Mr. HARVEY. In many instances their efforts have been effective; but I say these very efforts would have been far more effective if there could have been any general system of attack practiced upon them. If commissioners such as are herein provided for or somebody else in the public interest, seeking information as to the most effective way of their destruction, had recommended and published throughout the country the most effective way of operating against them, there would have been uniform co-operation, and I think the effect would have been such as to have saved millions of dollars. I think that the effect of this appropriation of \$6,000 would be the saving of many millions of dollars to this Government, and I hope the Senate will

Mr. WINDOM. I have been somewhat surprised at the manner of the opposition manifested to this bill, and also at the argument sug-gested by the two or three Senators who have spoken against it. Here is a pest sweeping over the country every year, destroying from thirty to fifty millions of property, and a bill is brought in by the Committee on Agriculture appropriating the small sum of \$6,000 for the purpose of obtaining information as to the best mode of preventing these devastations, and gentlemen meet the proposition with ridicule, and seek to prevent this very slight response to the wish of the agricultural interests of the country by insisting that there is already a sufficient provision made for it. I do not deem myself the best judge as to whether sufficient provision has been made or not. The agriculturists of the country have largely petitioned Congress to take some steps in this matter. Those petitions have been referred to the Committee on Agriculture, who I have no doubt have carefully con-sidered the subject, and, so far as I know, have unanimously reported in favor of the proposition. The Commissioner of Agriculture, I assume, also has favored it; so that when all those parties, the farmers themselves, who are directly interested, and the committee appointed for the purpose of considering and representing their interests, have considered it and reported in favor of this bill, two or three of us assume here to ridicule a proposition of this kind, and say that there is no sort of necessity for it; and why? In one breath, because the field is so broad that one man can never do anything, if appointed; that he cannot extend his investigations over this vast territory, and that it will not amount to anything. Another argument in the very next breath is that we have already appointed and paid for by the Government, in the Agricultural Department, an officer who is amply able, who is competent in every respect to conduct this investigation, and why not let him do it? As both Senators who have most vigorously opposed this measure have said, "Why duplicate his duties?" Let us look at this duplication of duties for a single moment. Here is a clerk in the Agricultural Department under a pay, I believe, of \$1,800 a year, or about that sum, who is expected, without any additional appropriation of money, to carry on his investigations over this wide extent of territory, and to recommend to the people of over this wide extent of territory, and to recommend to the people of this country the most successful methods for the destruction of these insects. The Senator from Illinois and the Senator from California insist that this is a sufficient appropriation to meet the demand of

Mr. LOGAN. Will the Senator allow me?

Mr. LOGAN. The Senator from Illineis did not say anything about the appropriation. If it was desired to make an appropriation for Professor Glover to continue his scientific examinations I presume no one would object to it, but the necessity of appointing an officer for the duplication of his duties was questioned, and that was

Mr. WINDOM. Ah! Then I understand the honorable Senator from Illinois to complain of the Committee on Agriculture because they proposed to favor somebody. The chairman of the Committee on Agriculture has distinctly announced that they have nobody in It now turns out that my honorable friend from Illinois has somebody in mind, and he desires an appropriation made for the special benefit of Mr. Glover. We, who desire to see this bill passed in the interest of the agriculturists of the country and for their protection, have nobody in mind. I believe Mr. Glover to be a thoroughly competent man, and I shall have no sort of fault to find if he is armed with the authority and clothed with the means necessary to carry on this investigation. There is no private end to be attained, as I understand it, by this committee, but only to meet the just demands so far as we can of the sufferers in the western part of the country.

Mr. LOGAN. Will the Senator allow me to ask him a question

Mr. LOGAN. Will the Senator allow me to ask him a question right there? I ask him why he is so desirous of having an officer appointed to perform this duty when one already exists? That is the point I make in reference to that matter. If the officer now existing has not sufficient money to carry on the duties, then appropriate more money; but why make a new officer, why make a new bureau? The Senator knows very well it will not be abolished. There never has

been a bureau in this Government abolished after it was once estab-

Mr. WINDOM. I have no fears of making a new bureau by this bill. The same gentleman who is now performing the duty may be appointed if the proper authorities choose to appoint him. It simply gives a little more authority and provides what duty shall be performed. I think the committee have been very wise in the mode they have provided for securing the appointment of the man who is best qualified to perform this duty. I think that the terror mani-fested by my honorable friend from Illinois and also by my honorable friend from California as to the duplication of officers is entirely without foundation. I ask my honorable friend from California if he felt any of that terror when some years ago we appointed a com-missioner on mining statistics? We have had two or three of them. Some have reported, and I hold in my hand one of the large resome have reported, and I hold in my hand one of the large reports made by the Commissioner of Mining Statistics. I think my honorable friend was then a member of the House of Representatives, if not of the Senate, and I never heard any special alarm on account of any duplication of duties or any increase of officers who had been commissioned and traveling over the country in all the Territories long before that. We have had all these explorations going on over the Territories. Was he alarmed when we proposed to send Mr. Raymond, J. Ross Browne, and others, commissioners to examine into the mining interests of the country, for fear that we should

inaugurate some new officers and create new bureaus?

Mr. SARGENT. Will the Senator allow me a moment?

Mr. WINDOM. Yes, sir.

Mr. WINDOM. Mr. SARGENT. I am entirely opposed to appointing mining commissioners, and have said so over and over again in the Committee on Appropriations. The thing was created before I came back to Congress the last time, six years ago. I am opposed to it and have so stated on all occasions, and in favor of striking such officers from the As to the exploring expedition, it is there in the interests of the agriculturists.
Mr. WINDOM. But as to J. Ross Browne?

Mr. SARGENT.

That was when I was out of Congress.

Then my friend has not been quite as inconsistent Mr. WINDOM.

as I supposed; that is all.

Mr. SARGENT. As a member of the Committee on Appropriations the Senator ought to know that on a number of occasions I have stated that I consider the appointment of commissioners useless.

Mr. WINDOM. The Senator makes so many valuable observations

in the Committee on Appropriations and in the Senate that I am not expected to remember all he says.

Now a word as to the benefits that may be expected from this bill. The chairman of the Committee on Agriculture pointed them out to you very distinctly, I think, and I need not repeat them to you except in this: that one of the provisions of the bill is that this investigation is to be made "in order to devise successful methods for the destruction of such insects." I do not think that at present any of these exploring commissioners who have been traveling over the country are directed or authorized to make reports upon that subject, or that it is any part of their duty to suggest it. I want to say to my honorable friend from Illinois who has, I believe, distinguished himself as a commander of a large portion of our Army, if it is not important, if we are to combat an enemy whose destruction is wide-spread, that we should have some system, some organization, some head, somebody to whom all these men over the country that are combating the enemy may report and through whom they may be organized? Take my own State. In a single county in Minnesota last year there were over \$25,000 paid for the destruction of these pests; and the reports say that they saved many times that amount of money by the persistent and the systematic efforts which they made for this There was one mode adopted there; another mode has been adopted in another State or Territory; and one of the objects of this bill is to recommend or to devise the most successful manner of doing it. Can this eighteen-hundred dollar clerk, who stays here, no matter what his ability may be, no matter how well he may be versed in all kinds of bug-ology and in every kind of insect lore, versed in all kinds of bug-ology and in every kind of insect fore, with \$1,800 annual salary, travel over the country and ascertain what these men are doing, ascertain what by experience is the best mode of destroying these pests I think not. But the gentleman who will be appointed will be authorized to visit those places; will be authorized to examine the nature of these ravages; will be authorized to consult with the farmers. My friend from Illinois, in order to compliment the farmers, whom I think he is not complimenting by expected the property of by opposing this bill, says he would rather have the opinion of one old farmer as to the best method of doing it than that of scientific men. Then let us give to this officer the means and the opportunity the discrete first of the solution of the means and the opportunity to go out among those farmers who are battling year by year with this destructive pest; let him consult with them, and ascertain what is being done, and then let him report after full consultation and bring to bear all the scientific knowledge and experience he has as to which is the best mode of destroying them. As was said by the Senator from Kansas, from thirty to fifty millions a year are being destroyed, and we propose here simply to send out and inquire if there is no way in which we can arrest this pest which has swept like a tornado over a territory larger than all New England. The Senator from Illinois and the Senator from California say no. I say in response to the demands of the farmers who have petitioned, and rely-

ing on the best judgment of the committee who have investigated and whose duty it is to investigate and understand this question, I

want to make the experiment and see if something cannot be done.

Mr. MORTON. This proposition is to make an appropriation for
the advancement of science. If there is a reasonable prospect that
by scientific investigations this grasshopper plague can be abated or to any extent ameliorated, I think it is worthy the attention of Congress and entirely within the purview of its powers. It is not more gress and entrery within the purview of its powers. It is not more than two years since we made an appropriation to send commissioners to different parts of the globe to observe the transit of Venus. That was for scientific purposes and for abstract science. If it was competent for Congress to do that, it is certainly competent for Congress to do this, and the reason is very strong in this case. States have been devastated; hundreds and thousands of people have been left without food and support. There has been great suffering to the congress to the congress of the co have been devastated; hundreds and thousands of people have been left without food and support. There has been great suffering; contributions have been taken up in different parts of the United States to supply the necessities of these people. Now if by the appointment of a special commissioner to investigate the nature and character of this pestilence there is any prospect of either abating or ameliorating it, and I am told there is, I think we ought to make the appropriation without hesitation. without hesitation.

My friend from California said that this principle would involve appropriations to confine the Mississippi River to its channel. If there was a reasonable prospect that by some scientific discovery or by some progress in science the Mississippi could be confined to its channel and the overflow of that valley prevented, I think a com-mission could not be appointed too quick. If, to use his own illustramission could not be appointed too quick. If, to use his own intestra-tion, there is any prospect that by the advancement of science we can bring rain to the arid plains of the West, and supply them with water, and make them fertile—if there be such a prospect, then a scientific commission ought to be appointed without delay. As there is no rea-sonable prospect of any scientific discovery confining the Mississippi to its banks or bringing rain to the plains of the far West, I think the arguments are not in point. But as there is a prospect of doing something to ameliorate the terrible loss which has been inflicted by the grasshoppers, I think the appropriation ought to be made. I shall vote for it very cheerfully.

The suggestion occurred to me while the Senator from Illinois was

speaking that it may be that this commission ought to be put under the control of the entomological bureau of the Department of Agriculture. It may be that the professor of entomology there should have the control and direction of this matter. I think there is something in that. To make it an independent commission perhaps would not be the wisest thing to be done; but we ought to make a special appropriation, and authorize that bureau in the Agricultural Depart-

ment to prosecute these investigations, the chief of it having power to appoint assistants and to go himself.

Mr. MAXEY. Mr. President, Senators whose States have not been devastated by these insects cannot feel the importance of this bill so much as those whose States have thus been devastated. In the State in which I live, and which I have the honor in part to represent, the whole of the northern part of Texas a few years ago was devastated and the entire crop swept off by grasshoppers. Throughout the State every autumn we lose millions of dollars by the cotton-worm. What is true there is true throughout all the cotton-growing States. The States have used all their exertions to ascertain some mode of destroying the boll-worm and various other cotton-worms that destroy that crop.

It is said that the entomologist connected with the Agricultural Department should have charge of all this. I would ask how a man who works in an office, who has no knowledge of these insects save what he sees by having dead insects sent to him along with such an account as may be furnished of them, can give to the world that information which the man can give who goes and examines the insects in the act of destroying crops and who notices their habits? It is an impossibility. An engineer working in the office is essential there: but an engineer on the field is equally essential. Let the professor who has charge of the entomological bureau of the Agricultural Department go on and do his work as he is doing it daily; but put a man in the field also.

Mr. SARGENT. I will merely say that the law as I cited it gives

the Commissioner of Agriculture power to have persons correspond with him who do observe these things in the field. Mr. MAXEY. Put a man in a field and let that man work there. It is said that the head of the bureau gets letters and information from all parts of the country and that he can collate this information and thus furnish to the community that which they need. Does not anybody know that when you get talking with the farmers to whom the Senator from Illinois refers and who have a vast amount of most valuable experience and most valuable observation, you will get more out of one of them than when you put him down to writing a letter. He cannot write a letter containing all that an intelligent man could He cannot write a letter containing all that an intelligent man could get from him by actual conversation and intercourse with him. I want some intelligent man who understands the science of entomology to go out among these farmers and gather from them the information which is sought. I want him to be in a position where he can examine the operations of these pestiferous insects. I want him to go where he can have actual knowledge of the destruction occasioned to the agricultural community by these insects.

Is the United States interested in this question? Why, sir, at this

time any one acquainted with agricultural affairs knows that the chinch-bug is doing immense destruction in the wheat-crop. As I stated a moment ago, the whole wheat-crop of Northern Texas was swept off a few years ago. Last year, not having the grasshoppers among us, we shipped a million and a half bushels of wheat, for which we got a million and a half of dollars. That is that much saved. The United States is directly interested in exportations, and every dollar of agricultural products that we can export to foreign countries adds that much to the wealth of the country. If we can discover some means of destruction to the cotton-worm, it will save to you millions of dollars. It is true of the chinch-bug, and it is true of this terrible pest, the grasshopper. Believing as I do that the small amount asked to be appropriated will be well expended, and representing as I do an agricultural community which rarely comes into Congress for any help, I do think that when this little pittance is asked in order to fall upon some process whereby the agricultural interests may be protected and advanced it does not look well to attempt to stop it.

Mr. CONKLING. Mr. President, it has been the pleasure and the judgment of Congress to appropriate money and create commissioners of one sort and another to observe the movements of heavenly bodies, notably the study of the transit of Venus; to discover a polar sea; to study currents of the air and currents of water; to examine, explore, and discover mines; to breed fish, to propagate shad; to examine the habits of the people touching the swallowing of alcoholic drinks; and to do a great variety of other things supposed by the law-making power to concern the public interests. Some time ago it became painfully evident not only in Nebraska and Kansas but elsewhere that grasshoppers and locusts—the locusts of Egypt which according to Holy Writ were in ancient times so malignant in their visitations—took their rise in clouds on the table-lands of Mexico and by currents of air were brought nearer us and spread far and wide over agricultural portions of the country, leaving total devastation behind them. The committee of this body appropriately charged with such subjects has commended to us a bill proposing to so treat this subject that it shall not be everybody's business and nobody's business, but that an investigation of this great scourge, of this not merely sporadic but repeated and apparently continuing calamity, in its causes, in its remedy if there be one, in the precautions which may be employed to guard against it, may be brought to the knowledge and utility of those concerned.

The honorable Senator from California proposed an amendment which I do not think is appropriately the object of criticism, because it was undoubtedly a piece of wit and I think rather a rare piece of wit. It is said that

#### A little nonsense now and then Is relished by the best of men.

I am afraid it is true that even grave Senators do enjoy once in a while having the proceedings diversified a little by a thing so harmless as that. Therefore I have no censorious criticisms to make upon it, nor do I sympathize with Senators who think that this bill has encountered derision. It has been treated with a little playfulness, and I think it can afford to be so treated. I agree with very much that has been said on both sides, and agreeing to so much I see my way quite clear as matter of power and legitimate legislative province to vote for the bill. I shall vote for it without being able to bring any certainty to my mind that it may result in large utility, but feeling quite clear that it is an effort by appropriate means in the right

This commissioner to be appointed is to be able to draw to himself all the information to which my honorable friend from Illinois has so appropriately alluded. Everything gathered by the entomologists to whom he has alluded will be material and opportunity for this man. He, engaged in a specialty, in the doing of a single thing, will be set to try what he can do. John Randolph once said, "Beware of a man who reads but one book," thereby meaning, beware of a man who is devoted to one single thing because he probably will beat you upon that thing if you encounter him; he is quite likely to understand it, if it is the one idea which he pursues. This man who is intended to be selected for his fitness and qualification is to devote himself to this single thing, not to study at large all the information that pertains to insects, not to be an entomologist, not to rove at large over all that field of science, if it be a field of science, and I think it is, but to find out a practical way to this one single thing, how the agriculturists in that portion of the country thus visited may, if it is possible, defend themselves against a repetition of this scourge. No member of this body will laugh at the object; no member of this body will disapprove of any well-directed effort in respect of it, and the whole question is whether we shall appropriate a small sum of money for such a purpose. It is small as it stands in the bill; and although I have no right to say it, I presume the Senator who reports the bill, if it be the judgment of the Senate that a less sum will be sufficient, will acquiesce as readily as any other Senator in a reduction of the amount. Be it reduced or be it as it stands, it is the devotion of a small sum of money to the possibility at least, I think to the probability, of acquiring information the value of which no man can measure if it can be gained. Therefore, if I consider it upon its positive merits, or if I contrast it with various devotions of money which have been made since I have had the honor of

directions. If it results in something, it will be emphatically bread cast upon the waters which will return again with great interest and great benefit.

Mr. LOGAN. Mr. President, I certainly owe an apology to the Senate for offering any further suggestion in reference to this bill, but we are so apt to criticise the motives of one another here that I think probably I owe it to myself to give another reason why I think the bill should not pass.

My friend from Minnesota, who is always very pleasant, says that my friend from California and myself are antagonizing the farming interest of this country. I do not so understand it. If I were a candidate for any particular office, I might be accused of having a motive if I were trying to make friends of the farmers. I have always been their friend and expect to be. When I see a thing asked for that is reasonable, I expect to vote for it the same as I do for a reasonable thing asked by anybody else. I have no idea of antagonizing any interest when I oppose the bill. I oppose it because I think the bill is wrong.

Let me make one suggestion to Senators in favor of this bill, and see whether or not my proposition is a reasonable one. Here you propose that a commissioner shall be appointed by the President, to be confirmed by the Senate; that he shall investigate what? The Rocky Mountain locust, the chinch-bug, the army-worm, the Hessian fly, the potato-bug, and other insects injurious to the great staples, wheat, corn, &c., and that he shall hold his office for the term of one year. That is the proposition. I should like to ask the question of some of the intelligent Senators who advocate this bill: Suppose the locust does not appear next year; how are you to investigate him? Suppose the chinch-bug does not appear next year; what is your investigation worth? I do not know. I presume if you sent this bill to the other end of the building you could get it investigated without any trouble, [laughter;] and perhaps on as scientific principles as you will have it investigated when you pass your bill.

I said about this bill that it was only a proposition to establish an office that would exist as long as the Government existed. I said that, and I believe it. If you intend to have an investigation that amounts to anything your bills not worth a cent. It is not usual

I said about this bill that it was only a proposition to establish an office that would exist as long as the Government existed. I said that, and I believe it. If you intend to have an investigation that amounts to anything, your bill is not worth a cent. It is not usual that the army-worm, and the chinch-bug, and the Hessian fly, and the locust all appear in one year. Have you ever known the time that they all did appear in one season? Then you are to investigate the habits of all these insects, their destructive qualities, and recommend to Congress some law that will prohibit their making attacks on wheat and corn hereafter. I suppose you might as well pass a penal statute and put them in the penitentiary or do something of that kind when you catch them. That is about what it amounts to. Perhaps your law will provide as they did in old times in the West when wolves were very bad in the country. The Legislatures used to pass a law giving fifty cents premium for a wolf's scalp. You had better pay something here as a premium for locust scalps and chinch-bug scalps, because if you do it all in one year you must do it in some way that you will work very rapidly. This bill means to provide a place for some person, and that is all it does mean. It means nothing more; it means nothing less than to provide a place for some person at \$4,000 a year? If the Senators are in earnest about it, and I find that my friend from Texas, my friend from Indiana, my friend from New York, and some more friends in the Senate advocate it who are all good men, and each and every one expects to be President, if not the next time, at some other time, [laughter,] and therefore they are all in favor of the agricultural interest—now, would it not be well to provide in this some other time, [laughter,] and therefore they are all in favor of the agricultural interest—now, would it not be well to provide in this some other time, [laughter,] and therefore they are all in favor of the agricultural interest—now, would it not be well to provide in

My proposition is to leave this where the statute leaves it: to allow the Agricultural Department to have the investigations made by scientific men; and, if my friends are in earnest, let them agree to my amendment. They talk about the appropriation; they say it is a mere pittance. Well, if it is a mere pittance, make the appropriation and leave the officer out; let the Agricultural Department use the appropriation for the employment of such men as can investigate this thing, without making a special bureau and establishing a salary for it. Cannot that be done? Is not that reasonable? If one man cannot do it, perhaps two can; if two cannot do it, perhaps three can; they can be employed for much less money than you appropriate here as salary, for they have been employed for less.

So far as the investigation is concerned, I have made no opposition to it, and I do not propose to do so; but my opposition is to the mode and manner of making the investigation. Senators perhaps are not in the habit of reading the Bible very much. We might get some information on the subject of locusts if we examined the history of Egypt and the difficulties under which Pharaoh suffered. We might get some information there that would not be very valuable; for I believe they did not find any way there to destroy their locusts. You will never find any way under this bill to do it; it is impossible. You may devise all the plans that human ingenuity can suggest, and you cannot do it. We have tried for years, for centuries; but if there can be any plan devised, so as to make them less injurious to the interest

of the people, let it be done; I have no objection to it; but let it be done in the mode and manner in which it has been done heretofore through this Department, without making a separate bureau.

I asked a while ago if there is any Senator on this floor who can show me where you have ever commenced by appointing an officer to do a certain thing connected with a Department that that has not become a bureau? You never abolish an office. That is what this means; it means nothing else. My opposition is not to the investigation, but it is to the making of a separate bureau for this purpose, which shall be continued whether the locust or the chinch-bug exists or not; there will always be enough for it to do, and it will come to Congress every year asking you to appropriate salary. Putting in "one year" means nothing. It is only the entering-wedge for this bureau and for this officer; for next year you will have a report that the time will have to be extended; that he has not had time enough to make this scientific investigation; he therefore desires the time to be extended; and the next appropriation bill will extend it again and again. Then it will be a separate bureau, with clerks employed and scientific men engaged. That is what it means. My amendment means this, to come in just before the word "investigate," that the Agricultural Department shall investigate and gather information on these subjects, and leave our appropriation, or such part as the Senate think proper; let that stand, and strike out of the bill all in reference to the appointment of a commissioner. That is my proposition, and that is what I have argued, and that is what I am in favor of.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Illinois.

Mr. FRELINGHUYSEN. Mr. President, I understand now that the amendment does not propose to waive the appropriation. The amendment of the Senator from Illinois is to continue the appropriation of

86,000, his objection being to having a commissioner appointed.
Mr.LOGAN. No. Isay whateveramount the Senate thinks is proper.
I do not propose \$6,000. I have no objection to appropriating the amount which is necessary; but I do not think that much is neces-

Mr. FRELINGHUYSEN. Any amount that is necessary. The amendment does not touch the appropriation; therefore it lets the \$6,000 stand. The committee which reported this bill probably acted with a little intelligence, and after having obtained some information, and it acted unanimously. It was perfectly apparent to us that the Commissioner of Agriculture and his assistant, the entomologist there, have all that they can do. They have not touched this great evil; they cannot by possibility attend to the duties which they are to perform here in the Department and accomplish what this commissioner is intended to attain; and, besides that, it is proposed that this commissioner shall be a man of a very different character from even the person who is employed in the Department. It so happens that the scientific men of this country have this subject under their advisement and investigation. They came before the Committee on Agriculture; one of them was Professor Riley, the other was Professor Lecount, of Philadelphia. They came before the Agricultural Committee of the House and of the Senate and made their statements. One object of our introducing the provision that this commissioner should be selected by the secretary of the Smithsonian Institution was to connect him with the scientific investigations which are going on; and I will say to the Senate that my belief is that, by the appointment of this one commissioner, a scientific man, he will gather to himself the result of all the investigations which have been made by the scientific institutions in the different States where they have had commissions, and will communicate it to every part of this country; while, if it is confined to the investigations which have been going on year after year in the Agricultural Department, we shall get the result of their information, without their having visited the fields, in the next agricultural report which will be published, I suppose, two or three years after it is written. This commissioner, too, will gather, as it is suggested by my friend from Vermont, [Mr. EDMUNDS,] all the information which has been gathered in other countries. So by this little appropriation of \$6,000 we shall be gathering together and regressing all the information which has been gathering together and

aggregating all the information which has been got by these various scientific institutions, and this commissioner will have their aid.

Mr. LOGAN. Will the Senator allow me to ask him a question? because I know he has investigated the subject. Do not the Agricultural Department and the Smithsonian Institution get all these

scientific examinations from foreign countries now under a provision of exchange which they make? Do they not have them?

Mr. FRELINGHUYSEN. They get information from other countries, but they do not make it a point at the present time to gather all the particular information that there is on this one pressing subject in this exigency. They have a thousand other things to attend to. This subject is worthy the full and constant attention of one scientific man. The people of this country so believe, and I do not think that there could be a more economical expenditure, because we do thus secure all the investigation of science, and at once enlist these academies and institutes in this important subject.

I hope the bill will be passed as it has been amended, providing that the officer shall be appointed by the President on the confirmation of the Senate. As to the idea that this bill is meant to establish a bureau; that it means nothing else, as the Senator from Illinois so often repeats, it is not correct. I say it means no such thing, and by its very terms it excludes the idea that it means any such thing. It ex-

pressly provides that this commission shall terminate at the end of a year; and if the commissioner dies, or there is a vacancy, only the residue of that year shall be filled.

I will ask the Senator if he does not know from his Mr. LOGAN. examination that there is not a man in the Unived States who can

make this investigation in a year? Does he not know that?

Mr. FRELINGHUYSEN. I cannot meet the argument of the Senator from Illinois, because it is, first, that there is nothing to do, the Commissioner of Agriculture and his aids are sufficient, and, in the next place, it is so gigantic a subject that it is an act of folly to attempt to do anything with it. I cannot meet both arguments. I do undertake to say that an intelligent scientific man, having the aid of the scientific institutions of the country, going to visit these fields, gathering information from the States of Illinois and Minnesota, can accumulate a great amount of information and communicate it to the world. That he can accomplish.

Mr. LOGAN. The Senator is a little unfair in his statement in reference to my argument. It is of course natural; we cannot help these

things.

Mr. FRELINGHUYSEN. It is not natural to me to be unfair.

Mr. LOGAN. I say it is natural. The point was not that there is so much work that it cannot be done. I made no such argument. I so much work that it cannot be done. so much work that it eannot be done. I made no such arguments. I said that they had a man performing this duty in the Agricultural Department now. I said he got his information from the entomologists of the different States. I said he got it from farmers and from others and collated and collected the information. I said that we had scientific men on the plains in connection with our scientific surveys examining this question now and getting information. I did say that no one man could collect all this information in a year; I say so now; but I put it on the ground that the man at the Department was collecting this information from all over the country by persons sending it to him. The Senator takes the ground that this man must travel around in one year to make these experiments and make his recommendation. I say that no one man can do it in a year if he is to make all these examinations and travel all over the country to investigate these different insects. So I am not inconsistent in the argument I have made. It shows that when the bill says it shall terminate in a year, that is not the meaning of it. That was the point I was

argning.

Mr. FRELINGHUYSEN. I do not know that any one Senator can stand up and say that a bill does not mean what the Senate votes that it does mean. If the bill says it is to terminate at the end of a continuous authority to say that it is meant to be year, no one Senator has any authority to say that it is meant to be

a perpetual institution.

Mr. SARGENT. Will the Senator allow me to interrupt him? I should like to ask the Senator if he has any objection to this bill going over until to-morrow, so that we may have an opportunity to examine the petitions which have been laid on the table of the Senate and referred to the Committee on Agriculture. My impression is—I do not speak confidently, and it is quite likely I may be wrong, because I only heard casually the presentation of the petitions—my impression is that the relief asked is very different from that proposed by this bill; that they do not ask a commission, but that they do ask the United States to engage in the business of destroying these insects. If that is so, this is not the bill they want; and if it is so, it re-enforces the argument which has been made against the bill in this form. If the farmers of the West, whom I know to be intelligent—I give them all credit for that—really ask for this bill, it would have very much to do with my vote, because if they think they have not got the information I am willing that the information shall be furnished at this cost or even more than this cost.

One other suggestion, if the Senator will allow me. Yesterday the Senator from Indiana [Mr. Morton] gave notice to the Senate that to-day he would ask the Senate to remain here until the Pinchback case was disposed of. This debate has run on over an hour and a half since the close of the morning hour, and I must say that for one I am

since the close of the morning hour, and I must say that for one I am not disposed, at the end of four or five hours' debate on this proposition, to sit late to-night in order to dispose of the Louisiana question.

Mr. FRELINGHUŸSEN. If my friend's interruption is through, I will simply say that I trust the Senate will take a vote upon this bill. If they do not approve it, let them vote it down; if they do approve it, let them pass it. I trust it will not be postponed until to-morrow for the purpose of looking at these petitions. I do not remember all the petitions contained. If they contain an application for a bounty, nobody would vote for it. If they do not contain an application for a bounty, we certainly can give them this little appropriation instead of the extended bounties which my friend seems to think they ask for. I think the Senate may be now ready for a vote, and I will not

I think the Senate may be now ready for a vote, and I will not longer detain them.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Illinois, [Mr. Logan,] which will be reported.

The CHIEF CLERK. The proposition is to amend the bill so that if amended it will read:

That it shall be the duty of the Agricultural Department to investigate and gather information relative to those insects which are most destructive to the crops of farmers and planters, and especially of the Rocky Mountain locust, the chinch-bug, the army-worm, the cotton-worm, the tobacco-worm, the Hessian fly, the potato-bug, and other insects injurious to the great staples, wheat, corn, and cotton, in order to devise successful methods for the destruction of such insects, and to make public from time to time such information and such practical instructions for the suppression of the different insects referred to.

Mr. LOGAN. I will change the word "Department" and make it read, "that it shall be the duty of the Commissioner of Agriculture." I believe it is not designated as a department in the law The PRESIDENT pro tempore. The amendment will be so modi-

Mr. DAVIS. The portion of the bill struck out by the amendment of the Senator from Illinois includes a part to which I wish to make an amendment; and I believe it is in order first to perfect the text an amendment; and I believe it is in order first to perfect the text before the vote is taken on striking out. We all agree that the information sought should be gathered from some source. I believe that is admitted by the Senator from Illinois. It is a well known fact that more than one-half of the people of this country are engaged in agriculture, and that the other half live on that half. I think they are entitled to some consideration. The manner in which the information should be gotten is the only question. I think the salary of \$4,000 is too large. I therefore move to strike out "four" in the second section and insert "three," which will make the salary of the officer \$3,000. I wish that done before the amendment of the Senator from Illinois is voted on.

Mr. MORTON. I believe the regular order was only passed over informally with the right to call it up at any time.

Mr. FRELINGHUYSEN. I think we can vote very soon on this bill.

bill.

Mr. DAVIS. I think we are done talking. Mr. MORTON. If the vote can be taken without further debate, I shall not interpose; otherwise I shall feel constrained to call for the

shall not interpose; otherwise I shall reel constrained to call for regular order.

Mr. EDMUNDS. Does the Senator from Indiana intend to press the Louisiana question to a decision to-day?

Mr. MORTON. I cannot say that now.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from West Virginia, [Mr. Davis.]

Mr. LOGAN. I would suggest to the Senator that if my amendment is adopted that is entirely unnecessary, for the reason that my amendment will strike out the section that appoints the commissioner.

Mr. DAVIS. I understand that very well, but I wish to perfect the text. I want to have a test of the view of the Senate whether it will make the salary \$3,000. It may make some difference in my vote. Mr. LOGAN. The test is whether we shall have this commissioner

The PRESIDENT pro tempore. The question is on the amendment of the Senator from West Virginia, [Mr. Davis.]

The amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment proposed by the Senator from Illinois, [Mr. Logan.]
Mr. FRELINGHUYSEN. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. MORTON. Does that leave the appropriation?

Mr. FRELINGHUYSEN. No; the appropriation is out. It destroys the bill entirely.

The question being taken by yeas and nays, resulted-yeas 29, nays 28; as follows;

YEAS—Messrs. Bayard, Booth, Cockrell, Cooper, Eaton, English, Ferry, Goldthwaite, Gordon, Hamilton, Johnston, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, McDonald, Merrimon, Morrillof Vermont, Norwood, Sargent, Saulsbury, Sherman, Spencer, Stevenson, Wallace, Whyte, and Withers—29.

NAYS—Messrs. Allison, Anthony, Bogy, Brace, Cameron of Pennsylvania, Cameron of Wiscoonsin, Christianey, Conkling, Cragin, Dennis, Dorsey, Edmunds, Frelinghnysen, Hamlin, Harvey, Hitchcock, Howe, Ingalls, McMillan, Maxey, Mitchell, Morton, Paddock, Patterson, Robertson, West, Windom, and Wright—28.

ABSENT—Messrs. Alcorn, Boutwell, Burnside, Caperton, Clayton, Conover, Davis, Dawes, Jones of Nevada, Morrill of Maine, Oglesby, Randolph, Ransom, Sharon, Thurman, and Wadleigh—16.

So the amendment was agreed to.

The PRESIDENT pro tempore. The question now is on the amendment reported by the committee as amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading.

Mr. EDMUNDS. I would like to hear the bill read at length on its third reading.

The bill was read the third time at length, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Commissioner of Agriculture to investigate and gather information relative to those insects which are most destructive to the crops of planters and farmers, and especially of the Rocky Mountain locust, the chinch-bug, the army-worm, the cotton-worm, the tobacco-worm, the Hessian fly, potato-bug, and other insects injurious to the great staples, wheat, corn, and cotton, in order to devise successful methods for the destruction of such insects; and to make public from time to time such information and such practical instructions for the suppression of the different insects referred to.

The bill was passed.

Mr. MORRILL, of Vermont. I enter a motion to reconsider the vote by which the bill (S. No. 438) for the protection of agriculture against injurious insects was passed.

#### PORT OF GENESEE.

The PRESIDENT pro tempore. The unfinished business is the resolution of the Senator from Indiana, relative to the admission of P. B.

Mr. CONKLING. I hope that neither the Senator from Indiana

nor any other Senator will object now if I ask that the bill which was considered the other morning, and to which the Senator from Ohio on more recent information will not interpose further objection, be taken up that the Senate may vote upon it.

The PRESIDENT pro tempore. Is there objection?
Mr. EDMUNDS. Subject to a call for the regular order.
Mr. CONKLING. Certainly.

Mr. CONKLING. Certainly.

The PRESIDENT pro tempore. The Chair hears no objection.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2282) to extend to the port of Genesee, in the State of New York, the privileges of sections 2990 to 2997 of the Revised Statutes, inclusive.

Mr. CONKLING. The bill was read the other day and discussed at some length, as I think the Senator from Vermont will remember. It employs and involves the appointment of no officer and the creation of no additional expense, but is simply to make this port, for reasons which the committee thought were abundant, one of the ports to which the regulations here referred to apply. As a matter of time, I hope the Senator from Vermont will not have it read, unless he really wants to know what its particulars are.

to know what its particulars are.

Mr. EDMUNDS. I do not ask that it be read. I only wish to say Mr. EDMUNDS. I do not ask that it be read. I only wish to say that I believe the system which has already been adopted, and which embraces the names of a good many places that ought never to have been embraced, is a vicious one, and, if carried out step by step, as this bill proposes to do, it will finally result in breaking it down, as I-think it ought to do; for you cannot collect the revenue fairly and impartially in the way that these steps propose. At the same time, I am bound to say that I do not know any reason in the world why the city of Rochester and the collection district of Genesee should not be much more clearly entitled to these special benefits than a great many much more clearly entitled to these special benefits than a great many other districts that already are entitled to them; so that, while I make no special opposition to this bill, I feel bound to put in a protest against the system which is thus being extended from one town and place to

another.

The bill was reported to the Senate, ordered to a third reading, read

the third time, and passed.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BOGY, it was

Ordered, That the petition and papers in the case of Sarah E. Ballantine, widow of David Ballantine, be taken from the files of the Senate and referred to the Committee on Claims.

#### ADMISSION OF NEW MEXICO.

Mr. HITCHCOCK. I move that the bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, be recommitted to the Committee on Territories for the purpose of making some amendments which are deemed desirable.

The motion was agreed to, and the bill was recommitted to the Committee on Territories.

Mr. HITCHCOCK subsequently reported the bill with amendments.

#### SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. MORTON on the 5th March, 1875:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years beginning the 4th day of March, 1873.

The pending question being on the amendment of Mr. EDMUNDS to insert the word "not" before the word "admitted."

Mr. CHRISTIANCY. Mr. President, I suppose it is well understood that my opposition to the admission of Mr. Pinchback is not an objection of color; and especially as coming from the State of Louisiana, a majority of whose people are colored, I see no possible objection to be raised on that ground. The only objection I have ever made or that I now make to the admission of Mr. Pinchback is that

I do not think he was legally elected.

Mr. President, I do not intend to go into all the merits of the question of Mr. Pinchback's election. These have been argued and reargued and discussed until little or nothing further can be said without mere repetition of what has already been said by some Senator in the course of the debates, at the last session and the present. I expressed my own views upon the main questions involved last March, to which I still adhere, and which I do not propose to repeat at

length.

The Senator from Ohio [Mr. Thurman] has again very fairly and impartially discussed the whole merits of the case at the present session. And the Senator from Vermont again on Friday last, with great ability and clearness, discussed the case in all its essential legal aspects, in whose argument I entirely concur. And I had intended to confine my remarks to the single point of the recognition by the Senate of the validity of the Kellogg government in Louisiana, now insisted upon by the Senators from Mississippi, Indiana, and New Jersey. But before coming to this point I will briefly notice some points made by the Senator from Indiana and by the Senator from New Jersey on Friday last.

The Senator from Indiana, for the purpose of showing that the certificate of Governor Kellogg to the election of Pinchback made a prima facie case for Pinchback, and that he should be admitted to his seat and his right contested afterward, cited the case of the creden-

tials of a Senator from Alabama and those of a Senator from Rhode Island, where the governors of those States respectively, whose election and title to office were admitted and about which there was no dispute, had signed the credentials. And to bring the Pinchback credespite, had signed the credentials. And to bring the Friedback credentials, signed by Kellogg, within these precedents he relied and proceeded, as I understood him, entirely upon an asserted admission of the Senator from Vermont that Kellogg was governor of Louisiana. Now the only admission of the Senator from Vermont, as I understood him, was simply an admission that Kellogg was acting as such governor and in the actual exercise of the powers of the office, without reference to, and without any admission of, his actual election or his legal title to act as such. To bring Pinchback's case within the precedents cited by the Senator from Indiana, the admission of the Senator from Indiana, the Indiana, the Indiana from Indi ator from Vermont could give him no aid, unless that admission went to the extent that Kellogg was the legally-elected governor; whereas we all know that has always been denied by the Senator from Vermont and every other Senator who has opposed the admission of Pinchback, the election of governor and that of the Legislature stand-ing upon the same ground; while none have denied that Kellogg was in the possession and exercise of the powers of governor, and while, at the same time, they have insisted that he had been wrongfully

placed and kept in power.

I now call upon the Senator from Vermont to state whether in his speech on Friday he made or intended to make any admission that Kellogg was rightly or legally the governor of Louisiana when he signed the credentials of Mr. Pinchback.

Kellogg was rightly or legally the governor of Louisiana when he signed the credentials of Mr. Pinchback.

Mr. EDMUNDS. If the Senator wishes me to answer, I can say that I am certain that I did not make any such admission or state any such thing. What I intended to say and did say, as I think the RECORD will show, (which, so far as my humble speeches go, is never corrected for publication; but what I say goes, with whatever evils it may possess, to the Senators exactly as stated in the Chamber.) that Governor Kellogg was, as I stated over and over again, and as the Senator from Michigan has stated, acting as the executive of that State, and he was protected in that position by the President of the United States, as I have said often, as I thought he ought to have been, because there must be somebody to preserve order in the state of chaos into which that State had fallen. The President took what he could find. But I have never said, and never shall say until I change my opinion, that Mr. Kellogg was lawfully elected the governor of the State of Louisiana, and was lawfully entitled under the constitution of that State, as of right, to exercise any function at all.

Mr. MORTON. May I interrupt the Senator from Michigan a moment? In my brief reply to the Senator from Vermont I commented upon the fact that according to my understanding of his speech—and I thought I listened to him carefully—he did not call in question the executive character of Kellogg. I commented upon that immediately afterward; and, if I misapprehended the Senator from Vermont, I would have expected him to correct me then; but he did not do so.

Mr. CHRISTIANCY. The Senator from Vermont did not happen to be in the Chamber.

Mr. EDMUNDS. I am hearing what the Senator from Indiana is

to be in the Chamber.

Mr. EDMUNDS. I am hearing what the Senator from Indiana is

saying.

Mr. MORTON. That is all I have to say.

Mr. EDMUNDS. I was not in during all the time that the Senator from Indiana spoke. I was obliged to go out for a few moments and from Indiana spoke. I was obliged to go out for a few moments and do not know what he said then; but I am sure I need not have risen to tell the Senator from Indiana what I have so often stated to the Senate, that in my belief, from the testimony reported by his own committee, Mr. Kellogg was not the lawful governor of that State. It was for that reason that I was in favor of the bill that was reported by the Committee on Privileges and Elections to provide a new election in that State; that so far as we could ascertain from the facts there was no means of knowing or helieving that either of the candition in that State; that so far as we could ascertain from the facts there was no means of knowing or believing that either of the candidates was the lawful governor: Kellogg, because he did not get votes enough; the other man, because the votes that he did get were in violation of every principle of republican government, by fraud and violence and wrong of every character; and therefore for my honorable friend from Indiana to imagine that, because I said that I did admit, as I do now, that Kellogg was acting as the governor of that State, and, therefore, in the sense of present power in position, I conceded thereby that he was the rightful governor of that State and holding de jure an executive capacity, surpasses my comprehension. The Senator must have been greatly amazed at what I said if he understood me to say, as I certainly did not say, if he understood me to mean that I conceded that Mr. Kellogg was the de jure governor of

Mr. MORTON. Here is what the Senator said: Suppose that Governor Kellogg, as I shall call him for convenience

Mr. EDMUNDS. Exactly; "for convenience." Mr. MORTON.

and governor in fact he was and is-

Mr. EDMUNDS. Yes.

Mr. MORTON.

had chosen to certify the credentials of the gentleman elected by what was called the McEncry legislature, should we not all have said that we knew that that body of men was not the Legislature of the State of Louisiana?

That I believe was the Senator's reference. I do not find anywhere in his argument that he intended to impair the evidence of the cre-

dentials by denying that Kellogg was governor of Louisiana. If he

did, I do not remember it.
Mr. EDMUNDS. My honorable friend surprises me after what he now says still more than he did before. He has quoted me correctly, although I made some further observations on the subject; but they although I made some further observations on the subject; but they are of the same character. I regard that as a fair quotation from what I said; and knowing the accuracy of our reporters, it is undoubtedly literally what I said, because, as I say, the few speeches I deliver here are not doctored. That being the state of the case, the Senator will read there what I said. I called him governor "for convenience;" and then I said he is governor "in fact." What is a governor in fact? It is a man, whether by right or by wrong, who is exercising executive functions in a State. We all agree that he is, and is still. If he had gone in with an army of his own instead of and is still. If he had gone in with an army of his own instead of with the Army of the United States and set up his authority there, he would have been governor in fact exactly as I described him to be.

Mr. CHRISTIANCY. So, Mr. President, sinks the foundation upon

which the Senator from Indiana had erected a somewhat ostentatious structure; and so sinks that structure also.

Mr. MORTON. I do not want to interrupt my friend further; but the position stands undenied yet that the title of Pinchback, I think, is nowhere attacked in the argument of the Senator from Vermont because of any imperfection growing out of the fact that Kellogg was not the governor of Louisiana. So the foundation has not sunk. Mr. CHRISTIANCY. The Senator will have an opportunity after

get through.

The Senator from New Jersey, [Mr. Frelinghuysen,] in speaking of the report of the Committee on Privileges and Elections so often referred to, spoke of their conclusion, that neither Kellogg with his legislature nor McEnery with his was elected, as absurd; because, as he argues, if the one was not elected the other must have been. Now, he argues, if the one was not elected the other must have been. Now, I have so much confidence in both the integrity and the legal ability of the Senator from New Jersey that, whether I can succeed in now making him see his error or not, I am satisfied that, in the language of Lord Coke, "At some other time and in some other place," when the excitement of the present contest is over, he will discover that there is no such absurdity as he now supposes in the conclusion of the committee that neither the candidates on the one side nor the other were properly elected; and that his own conclusion, that, if one set were not elected, the other must have been, will strike his own mind

as a most glaring and transparent non sequitur.

Mr. FRELINGHUYSEN. If my friend will permit me, as he does me the honor of directing attention to what I said, my position was not that it was absurd that Kellogg and his legislature, or McEnery and his legislature, was not elected; it was that it was an absurd conclusion to say, when on the 4th of November, 1872, two men were running for governor, that neither one of the two was elected, and that there was no tie. I said nothing about the election of a legislature.

there was no tie. I said nothing about the election of a legislature.

Mr. CHRISTIANCY. I think perhaps the Senator is right; but it does not alter the argument at all, because no man ever has pointed out any difference and no man has ever discriminated between the ont any difference and no man has ever discriminated between the question as it relates to the governor and as it relates to the Legislature. They were elected at the same election or neither was elected at all. The admission the Senator now makes as to the governor therefore does not necessitate the altering of a single word in my argument. Does he mean to say that the frauds committed on both sides in the election, in the mode of ascertaining and counting, or estimating the votes, in the intimidation on one or both sides, and the plots and counterplots of both could not possibly be so excessive and so general as to make it impossible to hold that the candidates on either side were ally elected? either side were duly elected?

Is there any absurdity in holding, when the evidence justifies the conclusion, that the frands of each have been so glaring and so general that neither the one side nor the other has been legally elected; when the proceedings, as a whole, upon both sides have been void for those frands, that the whole election as to both is void? And certainly the will find the result of the state of the stat tainly if the wildest imagination can conceive such a case, he will find that this is one of those cases, and that his unaided imagination lags far behind the perfect nightmare of fraud on both sides exhibited by the cold, naked facts of this case. And if he will examine the facts of this case as reported by the committee he will find it a harder question than he ever yet undertook to decide, which had succeeded in perpetrating the greatest mass of fraud, or to strike the balance between these

There may have been more of intimidation on the side of the McEn-There may have been more of intimidation on the side of the McEnery party, and the Kellogg party may have been provoked to meet this and the frauds of the McEnery party by counterfrauds; and, if so, they certainly cannot be said to have failed in the effort. It was, on the other hand, a most signal—and, with the aid of Judge Durell and the military, became a most triumphant—success. The returning or canvassing board, under whose canvass the Kellogg party claim to have been elected, having no returns before them and supposed copies of but a part, estimated the majorities which in their opinion the various precincts ought to have given, and adopted the result as if that vote had been actually given; and when this plan was supposed to be open to question, as well it might be, they proceeded upon affidavits known by the canvassers themselves to be fictitious and fraudulent, got up by thousands in the custom-house or elsewhere, without any real claim to authenticity or to reality even, but supposed to be justifiable to meet the frauds of the other side. The opinion of the Sen-

ator from New Jersey seems to be based upon the number of colored and white voters registered, and assumes that all the colored voters would have voted the Kellogg ticket, but, owing to intimidation, that some of them did not.

Such, and such only, is the kind of evidence upon which the Senator from New Jersey ventures the assertion that he believes Kellogg and his Legislature were elected. From the very nature of the case and his own explanation, this can mean nothing more than that he thinks, if there had been no fraud or intimidation, they would have been cleeted. But, unfortunately for his argument, the law has not adopted his opinion, nor that of any other man, of what the result would have been without fraud or intimidation, as the test of the election, but

been without fraud or intimidation, as the test of the election, but the actual count of the votes actually given.

But the Senator from New Jersey, like the Senators from Mississippi and Indiana, again insists upon Pinchback's prima facie right to a seat, subject to be expelled upon investigation into the facts. This has been repeatedly urged before, and in my opinion just as frequently refuted. If the election of Kellogg and his title as governor de jure were admitted or not disputed, and there had been no investigation of the question of the legal existence of the Legislature which elected Pinchback, there might be force in the claim of a prima facie case. But here the title of the governor as well as that of the Legislature was in dispute when this election is said to have taken place.

After the pretended election of this governor and Legislature, the

was in dispute when this election is said to have taken place.

After the pretended election of this governor and Legislature, the Committee on Privileges and Elections of this Senate was by resolution directed to inquire and report, not simply as stated the other day by the Senator from Mississippi, whether there was any governor of Louisiana or whether Kellogg had been duly elected, but whether "there is any existing State government in Louisiana, and how and by whom it is constituted." This inquiry, therefore, extended as well to the Legislature as to the governor. It concerned not only the governor, but the Legislature and any Senator claiming or who should claim an election as Senator by that Legislature: for, if there was no

claim an election as Senator by that Legislature; for, if there was no legal Legislature, no legal Senator could be elected.

This inquiry was essentially a proceeding in rem, to which all the world, or at least all whose title depended upon its legal existence, were parties; and, if not bound to take notice of the investigation, certainly nothing more was necessary to bind them by it than notice of its pendency. Pinchback not only had that notice, but, after his of its pendency. Pinchback not only had that notice, but, after his pretended election, and when he was just as directly interested in it as Kellogg, was present at the investigation, suggesting and asking questions of witnesses, and himself being sworn and testifying as a witness. Now, the Senator from Indiana undertook in his reply to me last March to get rid of the force of this argument by saying that Pinchback was subpensed as a witness before the committee, from which, I suppose, he would wish us to infer that Pinchback had no chance to be heard or to introduce evidence to establish the validity of the Legislature upon which his own title as Senator depended. It will be time enough to raise this objection when it appears that he applied to be heard and to introduce evidence, and that this ap-plication was denied; for he certainly had notice, was present and testified; and, if he did not apply or ask to introduce evidence or to be heard in behalf of the Legislature which elected him and Kellogg who signed his certificate, we must infer that he was content with the mode in which the inquiry was conducted.

But we know enough of the majority of that committee to draw a very safe inference that if Pinchback had offered or proposed any tes-

timony calculated to show a valid election of governor or Legislature, the evidence would have been heard. But the Senator from Indiana said the other day that, at the time of this investigation before the committee, Pinchback's credentials had not been presented to the Sen-If he can make anything out of that fact he is more ingenious than I can claim to be. But perhaps the Senator might enlighten us, if he would, as to the reason why his credentials had not then been presented here, and tell us whether he did not think his credentials to

another body stood a better chance of being respected, and had not yet made up his mind to claim an election to the Senate.

But, Mr. President, that Committee on Privileges and Election made a thorough investigation of the election, both as to governor and made a thorough investigation of the election, both as to governor and the Legislature. They took a large volume of evidence and made a report which in ability, candor, and fidelity has seldom if ever been excelled in this or any other legislative body, a large majority of that committee being politically friendly both to Kellogg and Pinchback. And, with almost entire unanimity, they came to the conclusion that neither Kellogg or his legislature nor McEnery or his legislature had been elected, but that the entire election was void for frand and force, and that there was no legal government in Louisiana; and in this conclusion, in view of all the evidence, which I took the trouble to wade through, I fully concur. The evidence then being all before us, what have we to do with a mere prima facie case? The case should now be considered upon all the evidence, and no mere prima facie presumption can be of any avail. In the face of this evidence facie presumption can be of any avail. In the face of this evidence

all such presumptions are overcome.

But, Mr. President, when I arose here on Friday last and gave way for an executive session I had not intended to allude to any of the

points I have thus far touched.

I arose then for the purpose of calling attention to another point, and to protest against the construction now sought by the Senators from Mississippi, Indiana, and New Jersey to be put upon the resolution passed by the Senate upon Louisiana affairs on the 23d of March

last, the resolution offered by the Senator from Rhode Island as a substitute for the resolution previously offered by the Senator from Indiana on the 5th of March. It is now insisted by the Senators to whom I have alluded that the adoption of that substitute was a recognition by the Senate of the legality of the Kellogg government and of the Legislature which elected Pinchback. Against any such construction of that resolution, for which I gave my vote, I feel bound

At the time of the passage of that resolution and during its disas well as the discussion of the Pinchback case, no one denied, or has ever since denied, that the Kellogg government was, in one sense, a government de facto; that is, in the sense that it was in the possession and exercise of power. But the real question was who put that government in power, and whether it was so far prima facie rightful that it could gain any validity by executive recognition. Many Senators, of whom I was one, maintained that that government, having been originally wrongfully set up by the Executive, upon the authority of a void order of Judge Durell and the forcible interference of the military, any recognition by the Executive would be merely a recognition of its own unauthorized action, and that no recognition of the Legislature thus wrongfully placed in power could bind the Senate in its decision upon the election of a Senator, or make that wrongful Legislature competent to elect a rightful Sen-

The original resolution of the Senator from Indiana was a declaration of the legal validity of the Kellogg government. That resolu-tion, for a reason which every Senator then here well understands, did not pass, and was not even pressed by its mover; and the reason was that its friends became satisfied, as every Senator here well understands, that it could not command the votes of a majority of the Senate. If it was believed by its friends that it could have passed, why did they adopt the substitute in its place? And if the substitute was understood by all Senators who voted for it to mean the same thing as the original, how did it happen to secure the vote which the original could not?

Is it not clear enough that at least a portion of Senators who voted for it, sufficient to have changed the majority, must have understood the substitute as not equivalent to the original resolution? The original resolution is in the following language:

original resolution is in the following language:

Resolved by the Senate, That the State government now existing in the State of Louisiana, and represented by William P. Kellogg as governor, is the lawful government of said State; that it is republican in form; and that every assistance necessary to sustain its proper and lawful authority in said State should be given by the United States, when properly called upon for that purpose, to the end that the laws may be faithfully and promptly executed, life and property protected and defended, and all violators of law, State or national, brought to speedy punishment for their crimes.

The substitute is as follows:

That the action of the President in protecting the government in Louisiana, of which W. P. Kellogg is the executive, and the people of that State against domestic violence and in enforcing laws of the United States in that State, is approved.

A simple comparison of these two resolutions shows clearly that the last leaves out all idea of the legality or validity of the Kellogg government so clearly asserted in the first. Can any man truly say, in view of the language of these two resolutions, in view of the discussion which took place upon either and upon the Pinchback case, and the true history of these resolutions, that the substitute was understood or intended as a recognition by the Senate of the rightful origin or subsequent legal validity of the Kellogg government? I say what is within my own knowledge, that the Senator who penned this substitute, in conversation with other Senators, before it was

this substitute, in conversation with other Senators, before it was offered, disclaimed that construction and that intent.

Having voted for this substitute, it is proper to refer to my own understanding and interpretation of it, as given at the time, to which no word of dissent was uttered here by any friend of that substitute. I refer to the proceedings of the Senate of the 23d of March for the explanation which I made at that time of this resolution:

explanation which I made at that time of this resolution:

Before the vote is taken on this question I wish to state my understanding of the question. I understand the substitute offered by the Senator from Rhode Island, first, as an implied recognition of the Kellogg government merely, as one in the actual exercise of the governmental power in Louisiana, without reference to the question of its rightful origin or legal validity, and in no way involving the propriety of its establishment; second, that it approves the President's action so far only as directed merely to the protection of that government and the people of the State gainst domestic violence and civil war and to the enforcement of the laws of the United States, without approving any interference of the military with a legislative body or in the creation of a State government.

Such being, as it seems to me, the most natural and obvious sense of the language and the sense in which it will be most naturally understood by the people, while I adhere to the principles and conclusions which I announced here in my remarks on the 12th instant and which I here adopt by reference without retraction or qualification, and while I hold that a recognition by the Senate or by Congress of a government thus initiated can give it no greater validity than it had in its inception, still, as domestic violence and civil war which may lead to a complete dissolution of society are not the best remedy for getting rid of even an illegitimate government, I can approve the action of the President directed to the lumane purposes mentioned in the amendment or substitute offered by the Senator from Rhode Island.

And believing the recognition of this government for this purpose and to this

and.

And believing the recognition of this government for this purpose and to this extent is justifiable under the peculiar circumstances now existing in that State, until by a fair election a more legitimate government can be instituted. I can vote for the resolution in the sense I have here attributed to it. But in the enlarged and odious sense which has been attributed to it by some of the speakers on the other side I could not vote for it; and I must deliberately avow my conviction that in such enlarged sense or in any sense which would assert the validity of the action by which that government was originally set up and put in power it could not secure the votes of a majority of this body.

I still adhere to this understanding and this interpretation of the substitute as it passed; and here again I repeat my entire conviction that if its friends, before the vote was taken, had claimed its effect to be what the Senators from Mississippi, Indiana, and New Jersey now claim for it, that resolution would not have passed the Senate.

In view of the history of this resolution, in connection with the original for which it was substituted, I must be permitted to say that to attribute to it the meaning that has been lately claimed for it seems to me to be "paltering in a double sense."

Mr. President, the question now before us is a question of law arising upon the facts of the case, and however anxious I may be to secure to this body another Senator of the political organization with whose principles I generally agree and having no objection to Mr. secure to this body another Senator of the political organization with whose principles I generally agree, and having no objection to Mr. Pinchback on the ground of color, if duly elected, my first duty as a Senator upon a question of legal and constitutional right like this is to guard myself against the influence of any partisan bias, to know nothing of the political opinions or party affiliations of the man who is seeking admission here, to decide the question for myself precisely in the same way as if he belonged to the opposite party. Such is the theory of the Constitution, and such I understand to be the obligation of the oath I have taken to support it.

We are admonished by the history of the past and the very nature

We are admonished by the history of the past and the very nature of popular government that the same political party cannot remain permanently in power. Change, repeated and oft-recurring change, is the law written by the hand of the Almighty upon all His works, and upon none more deeply engraven than upon the political parties in all popular governments. The rule we apply to the minority here to-day will justify and invite the like rule when, as must inevitably happen, we shall some day be in the minority here. The only safety of all, in questions like this, is to adhere firmly to the spirit of the fundamental law through all mutations of parties and party ascendency, however unpleasant the immediate consequences may seem. True wisdom overlooks and rejects all merely temporary advantages True wisdom overlooks and rejects all merely temporary advantages for a greater and more permanent future good; while folly sacrifices all the future to secure the advantage of the present hour. We may gain a Senator of our own political organization by disregarding and breaking down the principles of the Constitution and the laws. But I warn my political friends that, while we may gain in this way one Senator in this body for the short remnant of a single term, we shall lose much more before the people, at whose good will and pleasure this body is to be filled now and hereafter, if history teaches any lesson, if it has not been written in vain if it has not been written in vain.

It is by allowing the extravagance of party zeal and an overestimate of the importance of present party advantage to obliterate in the minds of public men and to weaken their appreciation of, and their attachment to, the great fundamental principles of their Gov-ernment and all fixed principles of law, and by setting all the rights ernment and all fixed principles of law, and by setting all the rights and interests of society and government afloat upon the wild sea of party strife and passion, to abide the hazard of temporary party contests, sinking or swimming and swaying to and fro with the alternate triumph and defeat of parties, without the anchorage or protection of any fixed principle which can command the assent and obedience of all. It is by such means and such habits of thought and action that not only parties in all popular governments become disintegrated, but that all the republics of the past, whose wrecks lie scattered along the track of time, have been shattered and destroyed.

Mr. HOWE. Will the Senator allow me—

Mr. CHRISTIANCY. Not quite vet. I shall be through in a min-

Mr. CHRISTIANCY. Not quite yet. I shall be through in a minnte

And now upon the question of party interest. I cannot resist the conviction that the party which does most for the permanent welfare of the country will be most likely to command the permanent support of the people; and the only safe course for the welfare of the country and for our own interest is to be found in adhering with the same fidelity and tenacity to the Constitution and the law, when their opreation for the present moment may be against us, as upon occasions when they may be in our favor. If we ourselves trample upon the law, upon what ground can we claim to enforce the obedience of others?

others?

I will close by asking this single, but pertinent question: How many of those now supporting Mr. Pinchback would vote for his admission if his politics and his party affiliations were reversed?

Mr. HOWE. Mr. President, I am not going to argue this Pinchback question again: I rise to make a few remarks. One is that I have sat in this body now for something more than fifteen years, and in that time I do not remember, and I do not think the records—and very accurately kept, you know, they are—will convict me of ever, in a single instance, having declined to allow any one of my colleagues on this floor to interrupt me when I was speaking, to make a suggestion or to ask a question. I do not believe I shall ever decline such an invitation while I do hold a seat on this floor.

Another remark I have to make is that while that is the line of con-

Another remark I have to make is that while that is the line of conduct I have prescribed for myself and have followed myself, I do not hold that it is the bounden duty of every other Senator to follow the hold that it is the bounden duty of every other Senator to follow the same; and I call attention to the fact that a great many Senators before the Senator from Michigan have declined to show me the same courtesy. That is their right. I shall pursue my own course, and I shall allow every other Senator to pursue his. I was listening intently to that admirably worded lecture which the Senator from Michigan felt called upon to read to his colleagues here in reference to their

duty. I admired the sentiments. I wanted to ask him a single question, and that was about the practical application of his gospel. I wished to be informed whether he meant to intimate to the Senate, or to intimate to the world, or to suggest in the hearing of those angels who sit above the world, that those Senators who sit on this floor who do not adopt his conclusions in reference to the pending question are less mindful of those beautiful moral lessons he inculcated than he is himself; whether he means to be understood as advancing the suggestion that we do not as well know what political ethics and politisuggestion that we do not as well know what pointed ethics and pointed expediency teach as he himself; which is putting the question as strongly as I could put it. I thought it fair for that Senator to remember, as I tried the other day to suggest to other Senators, that the reason why we vote—I can speak with great positiveness as to the reason why I vote—to admit this claimant to a seat on this floor is not that I want to get another republican into this body, but for the reason that I believe Louisiana is entitled to another Senator on this floor, and that she has sent this very individual to take that seat by the authority of the only tribunal empowered to send a Senator here, and that is the Legislature of Louisiana, chosen by the people of that State.

Now I want to answer that very pertinent question with which the Senator from Michigan closed his remarks, whether there was a Senator on this floor who would vote for the admission of Mr. Pinchback to a seat here if he was sent here by the democratic party of Louisiana. I can tell that Senator that there is at least one Senator on this floor who would do it if he lived to vote upon the question. There is not a shadow of doubt about that; and the man who suggests or cherishes the impression that my judgment is controlled by political bias, does me a wrong, and I should be glad to believe that he did a wrong to himself.

Mr. MORTON. I desire to say a single word in reply to the some-what extraordinary speech of the Scnator from Michigan. The Scna-tor from Michigan closed his remarks with this sentence, which I read verbatim:

I will close by asking this single but pertinent question: How many of those now supporting Mr. Pinchback would vote for his admission if his politics and his party affiliations were reversed?

That is in the nature of a reflection certainly upon the motives of every Senator on this floor who supports the claim of Mr. Pinchback. The Senator from Wisconsin has answered for himself, and I think I can answer for myself, that with my views of the law I would support Mr. Pinchback for a seat although he was here as a democrat. port Mr. Pinchback for a seat although he was here as a democrat. When I so far forget my duty as to reject the title of a Senator to a seat on this floor because of his politics, when he has been legally elected, as I believe, I am unworthy of a seat myself. But now that the Senator from Michigan has thrown open this door, perhaps he would not be offended by the suggestion that if the politics of Pinchback and his party affiliations were reversed, perhaps he would stand a better chance to secure the vote of the Senator from Michigan than he does now. Perhaps the Senator from Michigan feels that in the vote he is about to give he represents those who elected him to this

body and is representing his constituents.

Mr. President, the resolution passed this body last spring unequivocal in its terms indorsing the conduct of the President of the United States in sustaining the government of which William P. Kellogg is the executive. The President could have been justified in sustaining it, and the Congress could have been justified in indorsing his support of it only upon the ground that that was the government of Louisi-The resolution was explicit in its character. I know the Senator from Michigan when that resolution was before the Senate entered his explanation or his understanding of what the resolution meant. It was not replied to, for we were willing to let the Senator from Michigan vote for it upon any understanding that he might put forward as an excuse for it; but during the course of the discussion upon that resolution the Senator from Ohio [Mr. Thurman] offered the following amendment:

Provided, That nothing herein contained is meant to affirm that said Kellogg is de jure governor of Louisiana.

Upon that amendment the yeas and nays were taken, and it was voted down by 33 to 24; and among the names in the negative rejecting this construction of the resolution is the name of the Senator from

Mr. CHRISTIANCY. Will the Senator allow me to say a word on that? The reason for voting against the that? The reason for voting against the amendment was that I claimed that the resolution meant the same thing without the amendment

Mr. MORTON. I voted against the amendment, and I claimed just

Mr. MORTON. I voted against the amendment, and I claimed just the opposite. If the Senator thought that a vital part of the resolution, he should have voted for this amendment, because it expressed the opinion he has expressed here to-day; but he veted the amendment down, or helped to do so, leaving the resolution to stand as a recognition of the character of Kellogg de jure as well as de facto.

Mr. THURMAN. Will the Senator allow me to ask him a question?
Mr. MORTON. Certainly.

Mr. THURMAN. I put it to the Senator from Indiana whether if I had moved exactly the converse of that proviso he would not have voted against my amendment; whether he was not bound by an agreement in caucus that that resolution should pass without any amendment at all, and whether if I had offered precisely the converse of the proposition that I did offer he would not have voted against it?

Mr. MORTON. When the Senator asked me what I would have done in case he had done something, he is getting somewhat remote. I simply know that he offered that amendment declaring that it was a recognition of Kollogg de facto and not de jure, and I know that the Senator from Michigan helped to vote it down. I do not know that any such agreement was made in caucus. The Senator from Ohio knows more about our caucus than we do. Perhaps he can tell us something about another caucus that was held recently, which, report

says, was not quite so harmonious.

Mr. ANTHONY. If the Senator from Indiana will permit me to interrupt him, he says he does not know that such an agreement was made in caucus. I know that no such agreement was made in cau-

cus, at least of republican Senators.

Mr. MORTON. Perhaps it was made in a democratic caucus. I think that statement of the Senator from Rhode Island substantially settles the question. Any explanation that may be given by the Senator from Michigan for voting against the amendment of the Senator

ator from Michigan for voting against the amendment of the Senator from Ohio will not change the fact.

The Senator from Michigan said, in the course of his remarks, that there was no difference between the governor and the Legislature of Louisiana; that is to say, that if Kellogg was elected, the Kellogg Legislature was elected. That is the only proposition he advances that I agree to. I have always asserted it, and that the evidence showed that both were elected. The idea of drawing a distinction between the governor and the Kellogg Legislature was always a mistake.

The Senator said further that the investigation which took place before the committee in the winter of 1873, beginning early in January

before the committee in the winter of 1873, beginning early in January and I think before Pinckback was elected at all, though I am not sure about that—and the report was made long before his credentials came to the Senate—was an investigation in rem, to which all the world were to the Senate—was an investigation in rem, to which all the world were parties, and that Pinchback and everybody else was bound by it. Now, sir, the principle contained in that proposition I repudiate. If that is the law in the State of Michigan, it is the fault of the supreme court there. It is not the law anywhere else. In the first place, the idea of the Senate being bound by any report of a committee is preposterous. I never heard it advanced except in this case. We have reports from time to time. They are simply for the information of the Senate. The Senate is never bound by a report.

Mr. CHRISTIANCY. Will the Senator allow me to say that I never claimed that they were?

Mr. MORTON. The Senator came so near it, that I am unable to understand the distinction. He said that was an examination in rem, and that the whole world was bound by it. Now, if the whole world was bound by it, the Senate was included.

was bound by it, the Senate was included.

Mr. CHRISTIANCY. My language was that it was a proceeding

Mr. MORTON. Mr. President, what an idea, that the Senate is bound by a report which is merely for the information of the Senate, and half the time in this body is overruled and disregarded! I simply state that proposition that it may be understood. But the idea that Pinchback was a party to it and bound by it, when his credentials did not go before that committee for nearly a year afterward, ten months or more

Mr. McDONALD. I should like to ask my colleague a question. I ask if the facts elicited in that investigation are the truth, as reported by the committee?

Mr. MORTON. My friend wants to ask me a question whether all the facts stated in that report are true. The facts are all true, but there are a great many things in that report which are not facts. [Laughter.]

Mr. McDONALD. Will my colleague point out the parts that are

Mr. MORTON. I cannot point them out this afternoon, because

the volume is very large.

Mr. McDONALD. I will ask my colleague a more specific question.

Is it true that the Lynch board had no returns before them when they made up their certificate of election?

Mr. MORTON. I understand, although it is not very pertinent to this discussion, that the returns at that time were hid away by the

Senator's political friends.

Senator's political friends.

Mr. McDONALD. Then they did not have them?

Mr. MORTON. They did not have those official returns, as I believe. They got the very best information they could get, but the returns were concealed, a part of which were forged, and the forged ones were necessary to constitute the democratic majority.

Mr. THURMAN. That is not so.

Mr. MORTON. I think it is so. Now, Mr. President, think of the idea

of Pinchback being bound by an investigation to which he was not a party; where he had no power to subpœna witnesses; where he had no party; where he had he power to subpleha witnesses; where he had he right to cross-examine a witness unless by mere confresy as a spectator, or because he had been summoned himself as a witness! That is the doctrine advanced by the Senator from Michigan. I say it may be good law in Michigan, but nowhere else in this country.

Mr. MERRIMON. Will the Senator let me call his attention to a fact that bears a little on this point? At the time this investigation began, the resolution under which the investigation was made passed

the Senate on the 16th of January, 1873. On the 21st day of January, 1873, Pinchback's credentials were referred to the committee. On the 22d day of January, 1873, Ray's credentials were referred to the com-

mittee. The committee was charged by the resolution to ascertain whether there was a State government in Louisiana.

Resolved, That the Committee on Privileges and Elections be instructed to inquire and report to the Senate whether there is any existing State government in Louisiana, and how and by whom it is constituted.

They had before them at the same time the credentials of both persons claiming to have been elected Senators from the State of Louisiana, and Pinchback was therefore in that sense a party to the investigation

vestigation.

Mr. MORTON. I think all that has been gone over several times, with all due respect to my friend from North Carolina. I am talking about Pinchback's case, about his being bound by a report that was made ten months before his credentials went before the committee; and when the credentials did go before the committee several members of the committee had been changed, and there were members on it who had not heard the testimony. It may be the law of Michigan it who had not heard the testimony. It may be the law of Michigan that when a master in chancery makes a report—

Mr. WEST. Will the Senator allow me to ask him whether a committee whose term of office and function expired with one Congress could pass upon the credentials of a Senator in the next Congress?

Mr. MORTON. That is a very pertinent question. The idea is that the committee could pass on the credentials of Pinchback before the trime when his term began!

time when his term began!

Mr. MERRIMON. Did I understand the Senator from Indiana to say just now that Pinchback's credentials were not before the committee till eight or nine months after the committee made the report?

Mr. MORTON. Yes, sir.
Mr. MERRIMON. You are very much mistaken. I call your attention to the record.

Mr. MORTON. I asked the Secretary, and he told me so the other

day.

Mr. MERRIMON. I repeat that the resolution making inquiry whether there was a government in Louisiana passed January 16, 1873; Pinchback's credentials were referred to the committee on the 21st of January, 1873; Ray's credentials were referred on the 22d of

January.

Mr. MORTON. I ask the Senator whether a committee to expire on the 4th of March, 1873, could examine into the credentials of a Senator who was not to take his seat until the 4th of March, 1873? Could they investigate him in advance? Can an old Congress investigate.

tigate those who are to come into the new Congress?

Mr. MERRIMON. I answer there is no reason in the world why

the committee should not.

Mr. MORTON. There is every reason in the world. They have no more power over him than they have over the next President. The Senate is the judge of the elections and returns of its own members;

not the old Senate, but the new Senate.

Mr. MERRIMON. The Senate is a perpetual body.

Mr. MORTON. I believe I am entitled to the floor.

The PRESIDENT pro tempore. The Senator from Indiana declines

to be interrupted.

Mr. MORTON. It is this Senate that examines the qualifications of those who propose to take seats in this Senate, and it cannot examine the credentials of those who propose to take their seats in the next Senate.

next Senate.

Mr. MERRIMON. There is no such thing as the next Senate.

Mr. MORTON. The membership changes every two years, and a man's credentials cannot be very well examined until he applies for admission. It is simply a formal matter of notice.

I was going to make an illustration. A master in chancery by order of the court makes a report. Until that report is confirmed by the court, it would be preposterous, I think, in every State except in Michigan, to hold that the court and the parties were bound by a report made by a master in chancery, which had never been confirmed by the court. I think it would be still more preposterous to hold that a man who was not a party to the suit until after the report had been made should be bound by that report.

Mr. CHRISTIANCY. Will the Senator allow me to say a word? If this had been a suit before a justice of the peace or a master in

this had been a suit before a justice of the peace or a master in chancery, the Senator from Indiana would undoubtedly be right; but, this being a public proceeding, every Senator and every man claiming to be elected to the Senate was bound to take notice of it.

Mr. MORTON. This is not a suit before a justice of the peace, and

It think but few justice's courts that I know anything about would have tolerated the technical and frivolous objections that have been urged against Pinchback's admission so long. He is sought to be kept out of his seat by the most technical objections; and in keeping him out the law that has been recognized in the case of every other member of this body has to be backed out. out the law that has been recognized in the case of every other member of this body has to be broken down. A governor has certified to his election, recognized by this body expressly as governor, recognized by a democratic House of Representatives expressly as governor, recognized by the courts, recognized by the President of the United States. He was elected by a Legislature that represented the majority of the people of Louisiana; and I undertake to say now to my friend from Michigan, and I do it with all kindness, that Mr. Pinchback represents the sentiments of a large majority of the people of Louisiana far more nearly than does the Senator from Michigan rep-resent the majority of the people of his State.

Mr. President, the rejection of Pinchback is the triumph of the original conspiracy. In that report for which the Senator has so much veneration that conspiracy is clearly proven, a conspiracy to overcome and destroy a majority of from sixteen to twenty thousand. It has been in progress ever since, and the rejection of Pinchback is the consummation and the final triumph of it. Not only has this conspiracy prevailed in Louisiana, but it has prevailed in other States; it has recently prevailed in Mississippi, and the notes of preparation are heard now in the State of South Carolina. It would be the triumph of injustice, it would be the triumph of the enemies of law and

Mr. HITCHCOCK. I move that the Senate proceed to the con-

Mr. Hitchcock. I move that the Schate proceed to the outsideration of executive business.

Mr. KERNAN. I hope that we shall finish this case now.

Mr. EDMUNDS. It cannot be finished to-night.

Mr. MORTON. I should be very glad to have the vote taken to-

Mr. STEVENSON. I hope so.

Mr. MORTON. I am about through with what I have to say on the subject. There are other things that I would like to say, but I

shall waive my right.

Mr. STEVENSON. I understood the Senator from Indiana to say that it was not competent for the Senate to investigate the credenthat it was not competent for the Senate to investigate the credentials of a man elected to the Senate until the term of the Senator commenced. I would like to ask that Senator whether he did not controvert that very position when he offered his resolution to investigate the late election in Mississippi, which has not yet been disposed of. I would ask him also whether he did not claim and does not claim that the report of that committee in the Mississippi election may be used against Mr. Lamar, who is the Senator-elect?

Mr. MORTON. I have never said anything to that effect that any Senator has heard or I think anybody outside. What I may say shout the report in the Mississippi case when we get it I do not

about the report in the Mississippi case when we get it I do not

Mr. STEVENSON. That would be unconstitutional, the Senator thinks

Mr. MORTON. Certainly unconstitutional in Mississippi, but con-

Mr. MORTON. Certainly unconstitutional in Mississippi, but constitutional in Louisiana!

Mr. STEVENSON. Unconstitutional in both.

Mr. MORTON. Unconstitutional in Mississippi, but constitutional in Louisiana to keep Pinchback out of his seat. On that report which he now says is so grossly unjust, how can my friend, as a constitutional man, as a lover of the Constitution, base an argument? How can he ground himself on an unconstitutional report

Mr. STEVENSON. I am always glad to enlighten my friend, especially when it causes me so little trouble as this. His own committee has reported that there was no legislature in Louisiana. A republican committee reported that fact, and I am unwilling to seat any Senator when there was no legislature to elect him. I have heard no such claim against the Mississippi Legislature; and that is

the difference between the two cases.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. MORTON. I was about done when my friend from Kentucky came in with his question about the investigation in Mississippi. There are a great many grounds for investigation in Mississippi without reference to the Senator that may have been elected from that State. If a majority of thirty thousand can be stricken down by violence in Missisppi, the country has a right to know it and has an interest in knowing it. If a majority of fifteen thousand or twenty thousand can be stricken down in Louisiana, it is important for the country to know it. The Senator thinks it was stricken down, and that the conspiracy succeeded. I think it was not stricken down, although the conspiracy is proved. The rejection of Pinchback, however, is the success of the conspiracy, and will be a "white-line" tri-

ever, is the success of the conspiracy, and will be a "white-line" tri-umph, say what you will about it.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business. ["No!" "No!"] It is pretty late, and there is some business of importance to be laid before

the Senate.

The PRESIDENT pro tempore. The question is on the motion of

the Senator from Pennsylvania. The motion was not agreed to.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Vermont, inserting the word "not" before "admitted."

Mr. STEVENSON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MORTON. I move that the Senate proceed to the consideration of executive business

Mr. HITCHCOCK. I move that the Senate do now adjourn.

The motion to adjourn was not agreed to.

The PRESIDENT pro tempore. The question recurs on the motion of the Senator from Indiana that the Senate proceed to the considcration of executive busines

Mr. EATON. Is that motion in order now? Was not the previous

vote on that motion?

The PRESIDENT pro tempore. Other business had intervened. The motion was in order.

Mr. STEVENSON. I ask the Chair to tell me what business inter-

The PRESIDENT pro tempore. If there was no business, the Chair stands corrected.

Mr. EDMUNDS. What is the pending question?
The PRESIDENT pro tempore. The motion of the Senator from Indiana, that the Senate proceed to the consideration of executive

Mr. EDMUNDS. That is not debatable; let us decide it. Mr. LOGAN and Mr. SPENCER called for the yeas and nays

The yeas and nays were ordered, and the Secretary proceeded to

call the roll.

Mr. GORDON. I was requested by the Senator from Arkansas [Mr. CLAYTON] to state that on this question be was paired with the Sen-

ator from Alabama, [Mr. GOLDTHWAITE.]
Mr. WRIGHT. As I said the other day, on the question touching the amendment of the Senator from Vermont and on the main question I am paired with the Senator from Massachusetts, [Mr. Dawes,]

tion I am paired with the Senator from Massachusetts, [Mr. Dawes,] but on all preliminary questions I am free to vote, according to our arrangement. I therefore vote "yea."

Mr. BOOTH. On this subject I am paired with the Senator from Illinois, [Mr. Oglesby.] I do not know how he would vote on this preliminary question, but I prefer not to vote.

Mr. GOLDTHWAITE. On this question I am paired with the Senator from Arkansas, [Mr. Clayton.] He would vote "yea," I suppose, on this motion, and I should vote against it if at liberty to do so.

The result was announced—yeas 36, nays 29; as follows:

YEAS, Masses Allison Arthous, Boutwell Bridge Company of Pennsylvania.

YEAS—Messrs. Allison, Anthony, Boutwell, Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Christianey, Conkling, Conover, Cragin, Dorsey, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morrill of Maine, Morrill of Vermont, Morton, Paddock, Patterson, Robertson, Sargent, Sharon, Spencer, West, Windom, and Wright—36.

Wright—36.

NAYS—Messrs. Bayard, Bogy, Caperton, Cockrell, Cooper, Davis, Dennis, Eaton, English, Gordon, Johnston, Jones of Florida, Kelly, Kernan, Kely, McCreery, McDonald, Maxey, Merrimon, Norwood, Randolph, Ransom, Saulsbury, Sherman, Stevenson, Thurman, Wallace, Whyte, and Withers—29

ABSENT—Messrs. Alcorn, Booth, Burnside, Clayton, Dawes, Goldthwaite, Oglesby, and Wadleigh—8.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After four minutes spent in executive session the doors were re-opened; and (at four o'clock and twenty minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

# TUESDAY, March 7, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

# PUBLIC BUILDING AT SAINT LOUIS.

Mr. WELLS, of Missouri. A bill (H. R. No. 2270) to provide for the purchase of material and for the continuance of the work on a building for a custom-house and post-office at Saint Louis, Missouri, came back from the Senate yesterday with amendments. I ask that those amendments be now taken from the Speaker's table and concurred in.

There was no objection, and accordingly the bill with the amendments was taken from the Speaker's table.

The amendments of the Senate were read, as follows:

Insert after the word "material," in line 14, "as is not needed for the performance of the contract herein authorized, and;" and at the end of the provise insert: "And provided further, That the contracts herein authorized to be made shall not in the aggregate exceed the sum of \$75,000."

So that as amended the provise will read: "Provided, That said Architect may, in his discretion, use such portion of said sum hereby appropriated for labor and material as is not needed for the performance of the contracts herein authorized, and as may be absolutely necessary for the proper preservation and progress of said building: And provided further, That the contracts herein authorized to be made shall not in the aggregate exceed the sum of \$75,000."

Mr. WELLS of Microscopics.

Mr. WELLS, of Missouri. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

Mr. WELLS, of Missouri, moved to reconsider the vote by which
the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### AMENDMENT OF REVISED STATUTES.

Mr. WALLING, by unanimous consent, introduced a bill (H. R. No. 2561) to repeal section 3309 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

## WILLIAM BYERS.

Mr. GUNTER, (for Mr. GAUSE,) by unanimous consent, introduced a bill (H. R. No. 2562) for the relief of William Byers, of Batesville, Arkansas; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### HENRY BRADLEY.

Mr. PHILLIPS, of Kansas, by unanimous consent, introduced a bill (H. R. No. 2563) for the relief of Henry Bradley; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### SHIPPING LAW.

Mr. COX, by unanimous consent, presented resolutions of the Chamber of Commerce of the State of New York, relative to the United States shipping law; which were referred to the Committee on Com-

## BANKRUPT LAW.

Mr. COX also, by unanimous consent, presented resolutions of the Chamber of Commerce of the State of New York, relative to the national bankrupt law; which were referred to the Committee on the

Judiciary.

Mr. COX. I ask unanimous consent that these resolutions in reference to the bankrupt law be ordered to be printed.

Mr. HOLMAN. I trust the gentleman will not insist on that request. We are encumbering the RECORD too much.

#### OFFICERS, ETC., OF MILITARY ACADEMY.

Mr. JOHN REILLY, by unanimous consent, presented a list of the officers and professors of the West Point Military Academy, with rates of pay and allowances; which was referred to the Committee on Military Affairs, and ordered to be printed.

#### TRADING AT MILITARY POSTS.

Mr. LAWRENCE, by unanimous consent, introduced a bill (H. R. No. 2564) to prevent monopoly and exorbitant charges in trading establishments at military posts, and to secure good order at the same; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# WITNESSES ON IMPEACHMENT TRIALS.

Mr. LAWRENCE also, by unanimous consent, introduced a bill (H. R. No. 2565) to protect witnesses on the trial of impeachments; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### RESUMPTION OF SPECIE PAYMENTS.

Mr. PIERCE, by unanimous consent, presented a declaration of the Boston Board of Trade, in relation to the resumption of specie payments; which was referred to the Committee on Banking and Cur-

Mr. PIERCE. I ask that this document be ordered to be printed.

The SPEAKER. The Chair would suggest that it is not usual to print such memorials.

Mr. PIERCE.

Mr. PIERCE. The memorial of the New York Chamber of Commerce was ordered to be printed a few moments ago.

The SPEAKER. There was objection, and it was not ordered to be printed.

Mr. PIERCE. Then I withdraw the request.
Mr. PAGE. I call for the reading of the memorial.
The Clerk read as follows:

Declaration by the Boston Board of Trade, passed unanimously March 2, 1876.

Declaration by the Boston Board of Trade, passed unanimously March 2, 1876. In substantial concurrence with the New York Chamber of Commerce, the Boston Board of Trade declares its opinion—

1. That a general resumption of specie payment is alike indispensable to the reinstatement of our financial affairs upon a safe and enduring basis; to the restoration of confidence and activity in every branch of industry; and to renewed success in all the pursuits of commerce.

2. For the attainment of this end two things are needful, namely, an unalterable purpose on the part of Congress and the people to abide by the law of 1875, and the requisite ability on the part of the Government to redeem its legal-tender notes in coin at the time appointed in said law.

3. This ability must be acquired in two ways: by reducing the volume of United States notes prior to January 1, 1879, by funding a portion thereof in long bonds bearing a low rate of interest, and by an increase of gold in the public Treasury sufficient to hold the remainder of the notes redeemable, at the pleasure of the holders thereof. holders thereof.

sufficient to hold the remainder of the notes redeemable, at the pleasure of the holders thereof.

4. An attempt to accumulate in the Treasury an amount of gold sufficient to bring the whole existing paper currency to par of gold and hold it redeemable would, if practicable, be attended by most serious ill consequences, whereas, after a partial funding of the Treasury notes, the much smaller amount of gold needful to hold the remaining notes redeemable could be easily secured.

5. In contemplation of a resolute purpose of the Government and people to sustain the promise made in the act of January, 1875, for gold redemption of the legal-tender notes in 1879, provision will be made by or for all prudently managed banks to increase the gold portion of their reserves; and that such wholesome provision may be universal it should be required of all national banks by act of Congress.

The Boston Board of Trade, in behalf of the great interests which it represents, and of all the great industrial and productive interests of our whole country, now suffering, expressing the almost universal wish and opinion of New England people, and sustained by all the leading newspaper press of this section, republican, democratic, independent, literary, and religious alike, joins earnestly in the petition of other commercial bodies to Congress.

That the law of 1875 may not be repealed, and that its promise of redemption in 1879 may be made operative and effectual by—

First, the funding in long bonds bearing a low interest a portion of the outstanding legal-tender notes each year, beginning July 1, 1876.

Second, requiring the national banks to hold a yearly increasing proportion of their reserves in gold.

Attest:

C. G. ATTWOOD,

Attest:

C. G. ATTWOOD

#### ROCK ISLAND ARSENAL.

laid before the House, and referred to the Committee on Commerce. I now ask unanimous consent that the reference may be changed so that the documents shall go to the Committee on Military Affairs. I make this request with the consent of the Committee on Commerce.

The SPEAKER. Unless there be objection the change of reference will be made.

There was no objection, and it was ordered accordingly.

## ARMY OFFICERS AND ENLISTED MEN.

Mr. CASON, by unanimous consent, introduced a bill (H. R. No. 2566) for the relief of officers and enlisted men of the United States Army during the late war who were promoted during absence from their commands; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## TIMOTHY M'MAHON.

Mr. CASON also, by unanimous consent, introduced a bill (H. R. No. 2567) for the relief of Timothy McMahon, late a private of Company A, Thirty-fifth Regiment Indiana Volunteers during the war of the rebellion, from the sentence of court-martial, and for other purposes; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### REPEAL OF RESUMPTION ACT.

Mr. CASON also, by unanimous consent, introduced a bill (H. R. No. 2568) to repeal so much of the act entitled "An act to provide for the resumption of specie payment" as provides for the redemption of the legal-tender United States notes on the 1st day of January, 1879, approved January 14, 1875; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

#### EXTENSION OF TIME FOR HORSE CLAIMS, ETC.

Mr. DE BOLT, by unanimous consent, introduced a bill (H. R. No. 2569) to revive the law and extend the time for filing claims for horses and equipments lost by officers and enlisted men in the service of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### DRAW IN BRIDGES OVER OHIO RIVER.

Mr. BANNING. I ask unanimous consent to present the memorial of the Cincinnati Chamber of Commerce, asking the Senators and Representatives in Congress from Ohio to oppose any change in the present law of Congress requiring a draw to be provided for every bridge hereafter to be built over the Ohio River, and move its reference to the Committee on Commerce, and that it be ordered to be printed.

The SPEAKER. It is the duty of the Chair again to say that it

is not the custom of the House to order the printing of memorials of this kind.

Mr. BANNING. I think there will be no objection to it.

The SPEAKER. Objection has been made already this morning in similar instances.

Mr. BANNING. Very well. I move that it be referred to the Committee on Commerce without printing.

The motion was agreed to.

Mr. HURLBUT. I now demand the regular order of business.

#### HYDE & MACKIE.

The SPEAKER. The regular order being called for, the Chair will by unanimous consent lay before the House several communications upon the Speaker's table, for reference.

Mr. HURLBUT. I of course yield for that purpose.

The SPEAKER, by unanimous consent, laid before the House a letter from the Acting Secretary of War, transmitting, in response to a letter of the House, a communication from the Chief of Engineers on the claim of Hyde & Mackie; which was referred to the Committee on Military Affairs. on Military Affairs.

#### SURVEY OF LITTLE TENNESSEE RIVER.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of War, transmitting, in compliance with the provisions of the river and harbor act of March 3, 1875, the report of Major McFarland, of the Corps of Engineers, of the survey, &c., of the Little Tennessee River; which was referred to the Committee on Commerce, and ordered to be printed.

#### INDIAN AFFAIRS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of War, transmitting a communication from Major John J. Upham, Fifth Cavalry, in reference to section 2139 of the Revised Statutes; which was referred to the Committee on Indian Affairs.

# PRIVATE LAND CLAIMS, NEW MEXICO.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the act of 22d of July, 1864, two reports of the surveyorgeneral of New Mexico on private land claims in said Territory; which was referred to the Committee on Private Land Claims.

## MEMPHIS AND LITTLE ROCK RAILROAD.

The SPEAKER also, by unanimous consent, laid before the House Mr. HENDERSON. Some days ago a letter from the Secretary of War with a report from the commandant at Rock Island arsenal was providing for the payment by the Quartermaster's Department of the amount due the Memphis and Little Rock Railroad Company for mail service performed prior to July 1, 1872; which was referred to the Committee on Appropriations.

#### MAIL-ROUTE IN WISCONSIN.

The SPEAKER also, by unanimous consent, presented the memorial of the Legislature of the State of Wisconsin, asking the establishment of a tri-weekly mail from Marquette, Green Lake County, to Portage, Columbia County; which was referred to the Committee on the Post-Office and Post-Roads.

# SCHOOL INDEMNITY SELECTIONS, NEBRASKA.

The SPEAKER. The morning hour begins at twelve minutes before one o'clock, and the regular order for this morning is the call of committees for reports of a public nature, the call resting with the Committee on Public Lands. At the close of the last morning hour the pending question was on the engrosement and third reading of a bill (H. R. No. 1952) to confirm certain school-indemnity selections of public lands by the State of Nebraska, reported from the Committee on Public Lands by the gentleman from Nebraska, [Mr. CROUNSE.]

Mr. CROUNSE. Let the bill be read.

The bill, which was read, provides that the selections of school lands made by the State of Nebraska as indemnity for tracts in sections 16 and 36 otherwise disposed of, which are suspended in the General Land Office for the reason that they are for lands which under the act of March 6, 1868, can only be disposed of under the homestead and pre-emption laws, and to which no other legal objection exists, be, and the same are thereby, confirmed; and title shall be transferred to the State as in other cases of such selections.

Mr. HOLMAN. Ought not this bill to go to the Committee of the Whole on the state of the Union?

Mr. CROUNSE. It is merely the substitution of one class of lands

for another

Mr. HOLMAN. I will withhold the point of order until the ex-

planation is made.

The SPEAKER. In the judgment of the Chair the point of order comes too late, as the question now is on the engrossment and third reading of the bill.

Mr. HOLMAN. Then I trust the gentleman from Nebraska will

Mr. HOLMAN. Then I trust the gentleman from Nebraska will explain the effect of the bill.

Mr. CROUNSE. I will do so. Under the act of 1854, organizing the Territories of Nebraska and Kansas, it was provided that when the surveys of public lands should be made and they should be brought into market sections 16 and 36 shall be reserved with the view of dedicating them to school purposes. Subsequently, and in the year 1864, when Congress enacted an enabling act with a view to admitting Nebraska into the Union, these sections 16 and 36 in the then Territory of Nebraska into the Union, these sections 16 and 36 in the then Territory of Nebraska were granted to the State for school purposes. The act also provided that where those lands had been settled upon, any of them, prior to the time of Nebraska's admission, she should have other lands in lieu thereof as contiguous as might be. Nebraska did make the selections, and these that are immediately concerned fall within the grant to the Union Pacific Railroad in Nebraska. act making that grant, as will be remembered, by one of its sections gives to that road ten alternate sections, the odd sections on either side of the road, for the purpose of enabling that company to build a line of road and telegraph.

One of the sections of that act of 1862 also provided that within

two years after the time of mapping out and defining the line of its road the Secretary of the Interior should withdraw all the lands, both the odd and the even numbered sections, for the distance of twenty-five miles on either side of the road. They were to be withdrawn from settlement and private sale and pre-emption. That is the language of the section withdrawing that land, as appears by section 7 of the act of 1862. In pursuance of this provision of the act of 1862 all these lands shortly after were withdrawn. Subsequent thereto, and in 1862, in order not to retard further the settlement of Nebraska, an act was passed which modified that section, and which in terms restores the lands theretofore withdrawn under the act of July, 1862. It restores the even-numbered sections that were subject to settlement of the se It restores the even-numbered sections that were subject to settlement; it restores them to entry under the pre-emption and homestead laws alone. There is where the difficulty arises. In this act, which returns the lands again to settlement, it is provided that they shall only be open to settlement under the homestead and pre-emption laws. The act undoubtedly was passed thus broadly by an inadvertence, not respecting the rights of Nebraska, which had already made its selections within the limits where it was entitled to select in lieu of the sections numbered 16 and 36. This act paid no regard to those rights, and undoubtedly was a simple inadvertence; and if the movers of the measure had had their attention called to the effect it had upon Nebraska, no doubt the reservation would also have been made in Nebraska, no doubt the reservation would also have been made in behalf of Nebraska that she would get her indemnity lands.
All, then, that is asked by this bill relates only to a few sections of

All, then, that is asked by this bill relates only to a few sections of land which have been selected in the manner prescribed both by this special act framing an organic law with a view to the admission of Nebraska into the Union and also generally by the Revised Statutes, providing that where settlement has been made in advance of surveys of land, which in this case were the numbered sections 16 and 36, it should not be to the prejudice of the rights of the State entitled to those sections, but it should select others as nearly contiguous thereto as might be.

This has been done in the case of Nebraska, and I know of no reason, and none has been suggested to me, why this bill should not pass. I therefore ask that the bill may now be put upon its passage.

Mr. YEATES rose.
Mr. CROUNSE. I propose to hold the floor, but am willing to give the gentleman from North Carolina such reasonable amount of time

as he may require.

Mr. YEATES. I believe the Speaker recognized me, and the previous question has not been ordered upon this bill.

Mr. CROUNSE. I have moved that the bill be put upon its pas-

sage, and I hold the floor for that purpose.

Mr. YEATES. The previous question has not been ordered and the

Speaker has recognized me.

The SPEAKER. The Chair must say that it is his duty to recognize the gentleman from North Carolina [Mr. Yeates] in subordination to the right of the gentleman from Nebraska to hold the floor.

Mr. YEATES. I do not propose myself to call the previous question.

The SPEAKER. The gentleman from North Carolina therefore holds the floor subject to the control of the gentleman from Nebraska.

Mr. YEATES. I have sought the floor to say that I understand that this is nothing else than a proposition to do what this Congress re-

fused to do in 1868. For years past Congress has been voting away the public lands to these new States; and I for one cannot understand why those new States are entitled to these lands any more than the other States for school or any other purposes. The last time these grants were before Congress several bills of this character passed; but I do not think that I would be doing right to sit still and allow this bill to pass without making inquiry about it. If the gentleman from Nebraska can show that he is in the right about these lands, I am willing that he should have his bill passed; but I am not willing to sit here any longer to vote away thousands of acres of land to peo-ple in one section of the country to the detriment of the people in other sections.

In 1862, as I understand it, Congress repealed the act that gives these lands to Nebraska; and in 1868 it passed another act that restored a portion of the lands to certain persons, but declined to give them to the State of Nebraska for school purposes.

Now the gentleman who presents this bill asks this House to give

to the State of Nebraska an opportunity to go up and take an equal proportion of lands. For one, I raise my protest here against voting away these lands in millions of acres for any other purpose than for the benefit of the Government.

Mr. CROUNSE. I repeat again that gentlemen would have no opposition to this bill if they fully understood its provisions.

These sixteenth and thirty-sixth sections have already been given to the State of Nebraska under the enabling act; they have been distincted in the control of the state the State of Nebraska didder the channing acc; they have been distinctly and specifically given, and this bill merely provides that where these sixteenth and thirty-sixth sections, by reason of settlement in advance of surveys, have been appropriated by settlers, the State shall not be deprived of what Congress intended to give it. I think there are only a few sections involved, and the bill provides that the State shall select these lands as nearly contiguous as possible to the original land granted. By an inadvertence in the act of March 6, 1868, these lands were restored only to pre-emption and homestead entry, and therefore the State of Nebraska asks to be permitted to secure sections within the State adjoining those to which they would

secure sections within the State adjoining those to which they would have been entitled but for this act referred to.

Mr. BLAND. Will the gentleman yield to me for a moment?

Mr. CROUNSE. I will.

Mr. BLAND. I think it is the policy of this Government to give these lands for school purposes. So long as they remain public lands and under the control of Congress they are simply a corruption fund for the monopolists of this country, and it is the duty of Congress and the duty of the Government to see that these lands are first secured to actual settlers and the proceeds will go for the benefit of schools. the daty of the Government to see that these thins are first sectified to actual settlers and the preceds will go for the benefit of schools or for the benefit of some others besides corporations.

Mr. CROUNSE. I call the previous question.

The previous question was seconded and the main question ordered;

and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read

the third time, and passed.

Mr. CROUNSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

table.

The latter motion was agreed to.

# REVISION OF THE STATUTES.

Mr. WALLING, from the Committee on Public Lands, reported back, as a substitute for several bills referred to the committee, the bill H. R. No. 2041) to amend section 2291 of the Revised Statutes of the United States.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the proof of residence, occupation, or cultivation, the affidavit of non-altenation, and the oath of allegiance required to be made by section 2291 of the Revised Statutes may be made before the judge of any court of record of the county and State in which the lands are situated, and the said proof, affidavit, and oath, when so made and duly subscribed, shall nave the same force and effect as if made at the proper land district; and the same shall be transmitted by such judge or the clerk of his court to the register and the receiver, with the fee and charges allowed by law to him.

SEC. 2. That said proof, affidavits, and oaths shall be properly filed in the land office

by the register, and copies thereof certified to by the register with his official seal attached shall be evidence of their contents in the courts of any State or of the United States.

Unued States.

SEC. 3. That if any witness making such proof or the said applicant making such affidavit or oath swears falsely as to any material matter contained in said proof, affidavits, or oaths, the said false swearing being willful and corrupt, shall be deemed guilty of perjury and shall be liable to the same pains and penalties as if he had sworn falsely before the register.

The amendments reported by the committee were as follows:

In line 6 of section 1, after the word "judge," insert the words "or, in his absence,

In the colork."

In line 8, section 1, after the word "situated" insert the words "and, if said lands are situated in any unorganized county, such proof may be made in a similar manner in any adjacent county of said State."

Mr. WALLING. The bill is in effect a substitute for House bill 121, introduced by the gentleman from Iowa, [Mr. OLIVER,] and House bill 237, introduced by the gentleman from Alabama, [Mr. Lewis,] proposing to amend the homestead act by providing that final proof of settlement and cultivation under said act may be made by the claimant in the county in which the land is situated. The law by the claimant in the county in which the land is situated. The law as it now stands requires the final proof to be made by the claimant and his witnesses before the register at the land office of the district wherein the land is subject to entry or pre-emption. This bill permits such final proof to be made in the county in which the land is situated, before any judge of a court of record therein, or, in his absence, the clerk of his court, which proof, when filed in the proper land office, is to operate in the same manner and have the same effect as if delivered by the witnesses in person before the register. It will operate beneficially to the class intended to be benefited by the law, who in the very nature of their circumstances are unable to bear the expense of a long trip with their witnesses to the land office of their district. The bill is carefully guarded to prevent fraud and I trust will meet the approbation of the House.

will meet the approbation of the House.

I now yield to the gentleman from Alabama, [Mr. Lewis,] whose constituents are peculiarly interested in the bill under consideration.

Mr. LEWIS. I hope there will be no opposition to this bill. In my State and in all States where public lands remain, I know the great inconvenience that is entailed upon those who enter lands under the homestead laws. I think this bill contains all the safeguards necessary to protect the Government. Section 2291 of the Revised States are residented and analysis. Statutes provides not only that the party entering the lands under the homestead law shall take the oath of allegiance and make affi-davit that he has not alienated said lands, but also he must prove by two disinterested witnesses before the register of the land office his

residence or occupation of the same.

This in my State, and I suppose in other States, operates a great hardship. In Alabama there are two land offices, one in the extreme northern portion and the other in the southern portion of the State. A poor man cannot afford the expense of carrying two disinterested witnesses to these land offices in order to make the proof of residence, and yet if he fails to make within two years after the five years have expired he loses the benefit of his entry; and a man who can afford to pay for two witnesses to swear to his residence can go there and have the first entry set aside and thus secure the land. The law as it now stands has been abused by these means, and frauds have been practiced upon the Government in carrying witnesses down to Montgomery to make false affidavits.

Now, this is a bill for the relief of the poor men who are compelled now not only to bear the expenses of going to the land office themselves but of carrying with them two disinterested witnesses. These witnesses are disinterested, and therefore have no motive in going. witnesses are disinterested, and therefore have no motive in going. They are not willing to go with a man in a wagon, and he has to take them on the railroad and pay their expenses. This bill provides that this oath may be taken before any proper court authorized to administer oaths, a court of record, and that a copy of the affidavit shall be transmitted to and filed with the register of the land office, so that in case of false swearing there may be proof of it. Every safeguard for the protection of the Government is thrown around it by the bill, and it is simply for the relief of the poor man who has entered land under the law. I hope it will meet no objection. The amendments reported from the committee are eminently proper, because in some of the Western States there are no county courts; their county affairs, as in Iowa, are administered either by chancellors or by judges whose jurisdiction embraces several counties; so that in the absence of the judge it would be proper that the oath be taken before the clerk of the court. Mr. DUNNELL. This bill, I am aware, has its merciful side; yet

Mr. DUNNELL. This bill, I am aware, has its merciful side; yet I think it deserves a great deal of serious consideration. It will be seen at once that it changes the whole land-office system of business; it is an entire revolution in this class of public business. Now all the business touching our public lands must be transacted at the office of the register and receiver, and this bill proposes that it shall be transacted at the county seat. It is an entire change of the present system. I know that under that system there are hardships. I know that in my own district poor men have to travel two hundred miles to reach a land office. But that which is merciful may also be dangerous.

Parties under this bill may go to the county seat and make their application; that application is valuable only as it is correct in description. Now, what officer at the county seat of any county in which there are public lands, or in any State where there are public lands, knows anything about those lands in some far-off county?

The plats are not there, the land-office records are not there. The county officer is liable to be deceived, to be misled. In my judgment, this would be an exceedingly dangerous innovation. It looks merciful, but I certainly think that this bill, which was defeated in the last Congress and also in the Forty-second Congress, ought to receive

very serious consideration before it is passed.

The frauds which would grow out of this bill, if it become a law, and the real injury done to settlers by those frauds, would more than counterbalance any advantage that would result from it. I may be mistaken in this; I do not wish to prolong this discussion. I know very well the Committee on Public Lands have a great many important measures to report to this House, but I must say, remembering my own district, which is as much interested in this matter as any district represented on this floor, having looked at the subject in the

past, I deem this to be a dangerous piece of legislation.

Mr. WALLING. I desire to say to the gentleman from Minnesota
[Mr. DUNNELL] that this legislation is recommended by the Commissioner of the General Land Office.

Mr. DUNNELL. I thank the gentleman for that statement; I forgot to ask the question.

Mr. WALLING. I now yield to the gentleman from Iowa [Mr. OLIVER] for five minutes, after which I propose to call the previous

question.

Mr. OLIVER. The gentleman from Minnesota [Mr. DUNNELL] entirely misapprehends the scope of this bill. It does not provide for making preliminary applications before the courts and the judges.

Mr. DUNNELL. I so understood the bill. If it only applies to final proof, then I have no further objection to make. My former remarks show the view in which I regarded the bill, on the ground that it covered all business at the land offices.

Mr. OLIVER. The gentlemen has missunderstood it; there is no

Mr. OLIVER. The gentleman has misunderstood it; there is no such provision in this bill. That is now, and has long been, the law, and has not resulted in any inconvenience whatever. The gentleman

and has not resulted in any inconvenience whatever. The gentleman seems to apprehend that there may be danger, if this bill should pass, that frauds and abuses will arise. As the law exists now, the parties are compelled to take their witnesses and go to the land office, and in my part of the State of Iowa in many cases this is more than two hundred miles, entailing a great hardship upon the poor settlers.

As to the question whether it will lead to abuses, at present these witnesses go to the land office, are carried there by the parties themselves for the express purpose of testifying. Unknown as they are to the land officers, who cannot be assured of their characters, and cannot examine them, I submit there is much greater danger of the land officers being imposed upon in such cases at the distance of two land officers being imposed upon in such cases at the distance of two hundred miles from where the witnesses live, than if their testimony was taken in the county of their residence before a responsible officer, acquainted with the witnesses and with their character. When they come to give their testimony in the county they are confronted by their fellow-citizens, and if they testify to anything that is false, it is known at once and they are subject to the penalties of the law. If they testify falsely at the land office it may be years before that is known. I submit that there is no danger of any abuse under this bill. It has been recommended by the General Land Office and will afford relief to the citizen and additional security to the Government. ment.

ment.

Mr. LUTTRELL. Allow me one moment on this proposition. I concur in all my friend from Iowa [Mr. OLIVER] has just said in relation to this bill. In my district there are two land offices, and many of my constituents travel from one hundred to two hundred miles, at a very heavy expense, required to take their witnesses to the land office. In many instances they go there and we do not know what the proof is for months after. It often costs a poor man to secure his homestead more than it is actually worth after he has acquired it. The Land Office has recommended it, and I am sure that there is no representation that early deeper before this House that would be neft the proposition that could come before this House that would benefit the

proposition that could come before this House that would benefit the actual settler more than the measure now pending, because it allows the settler to go before the county officers, taking his witnesses, to be confronted there by his opponents. There the testimony can be taken and due weight given to it; its bearing upon every point can be properly understood; so that there can be no opportunity for fraud.

But under the present system the man of wealth can take his witnesses one or two hundred miles in order to make his proofs, while the poor man is totally denied that right, for the reason that it requires more money than he can possibly raise to make the necessary proofs to secure his homestead. As a settler on the frontier who has resided there for twenty-five years, I believe that this is a just bill, and I hope it will pass.

Mr. WALLING. I yield to the gentleman from Wyoming [Mr. Steele] to offer an amendment which I believe is entirely acceptable to the committee.

ble to the committee.

Mr. STEELE. Being in favor of the provisions of this bill, which I regard as advantageous to the settlers, I offer the following amendment to make the bill applicable to the Territories of the United States, which would not be embraced by the present language of the

After the word "State," in line 7, insert "or District and Territory."

Mr. WALLING. I now yield to the gentleman from Pennsylvania, [Mr. TOWNSEND.]
Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, I rise to correct

an error in the statement of my friend from Minnesota [Mr. DUNNELL] who says that this bill was defeated in the last Congress. It is not proper to say that the bill was defeated; it only did not pass. It was fully and fairly considered in the Committee on Public Lands of this House; and the provisions found in the present bill were in-corporated in the general bill which passed the House at the last ses-sion. That measure went over to the Senate, where for want of time, and possibly for some other reasons which I do not know, it did not

and possibly for some other reasons which I do not know, it did not pass; and so failed to become a law.

According to my recollection, this provision in the general homestead bill of last year met the approbation of the Land Department, and, if I am not mistaken, it also met at that time the approbation of my friend from Minnesota. The bill was very carefully considered. It was debated in this House, and, if I remember aright, it received the almost unanimous approbation of the House.

The difficulties that are encountered by settlers in the sparsely settled States of the Union and in the Territories have been so wall set

tled States of the Union and in the Territories have been so well set forth by the gentleman from California [Mr. LUTTRELL] and the gentleman from Iowa [Mr. OLIVER] that I need not recapitulate them here. It was shown to us, however, in the last Congress that on many occasions and in many places settlers upon the public lands have to occasions and in many places settlers upon the public lands have to go from two hundred to three hundred miles in order to make proof of their occupation and settlement, so that the expenses of taking their witnesses to the land office are greater than if they were allowed to purchase public lands at \$1.25 per acre. We felt that there were great hardships imposed upon the settlers. The facts brought to the attention of the committee were sufficient to induce them to make a unanimous report, and when the bill was brought before the House it received, as I have already said, the almost unanimous support of the House. I therefore think there ought to be no hesitation in passing this bill ing this bill. Mr. PAGE.

Mr. PAGE. At the last session of Congress, when the bill provid-ing for the sale of public lands under the homestead law was under consideration, I introduced an amendment similar to the provision consideration, I introduced an amendment similar to the provision now embraced in the bill before us. The gentleman from Pennsylvania, [Mr. Townsend,] if I remember rightly, reported that bill, and an amendment of this kind, was opposed by a portion of the committee and failed to become a part of the law. I urged at that time that it was of importance to the people in the Western States, particularly in California and Oregon, that a provision similar to the one embraced in this bill should be incorporated in the homestead bill which resear the Hause at the last Congress.

which passed the House at the last Congress I have always been in favor of a measure of this kind. As has been stated by my colleague, [Mr. LUTTRELL,] it will effect a great saving of expense to the people of my State, who are now compelled to travel in some instances hundreds of miles where there are no railroads to go to the land office to testify, when the evidence could as well be presented before a local officer of the country where the lands are situated and thus a great saving of expenses he officered. These the bill uated, and thus a great saving of expense be effected. I hope the bill will pass. I cannot see why any gentleman here should urge any objection to it. It is evidently in the interest of that class of people who are endeavoring to obtain homes for themselves upon the public

Mr. WALLING. I call for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment of Mr. Seelye was

agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time,

Mr. WALLING moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

# MRS. PHŒBE C. OAKLEY.

Mr. McDILL, from the Committee on Public Lands, reported as a substitute for House bill No. 2442 a bill (H. R. No. 2570) legalizing the homestead entry of Mrs. Phœbe C. Oakley, of Bay County, Michigan; which was read a first and second time.

which was read a first and second time.

The bill was read. It provides that the homestead entry of Mrs. Phœbe C. Oakley, of Bay County, Michigan, No. 2713, embracing the east half of northwest quarter of section 18, in township No. 14 north, of range No. 3 east, in the State of Michigan, be declared to be as valid as though she was the head of the family within the meaning of the homestead laws; and upon the proofs of occupancy and improvement by herself and family in the time and manner as required by law, the Commissioner of the General Land Office shall cause to be issued to

her a patent therefor.

Mr. McDILL. Mr. Speaker, I will state briefly that this is the case of a woman who has a husband living, but that husband, while legally the head of the family, is but little more than a drunken, worthless fellow, depending upon her for support. Supposing she had the right to enter lands under the homestead law, she has done so, has labored upon the land and put something like a thousand dollars' worth of improvements upon it. Now, upon a strict construction of the homestead law it is held that she is not the head of a family, and consequently her entry is about to be canceled, and will be canceled within the next thirty days unless this law should pass. The Commissioner of the General Land Office approves of the bill, as will be seen by the letter which I send to the Clerk's desk to be read.

The Clerk read as follows:

MARCH 7, 1876.

SIR: I have received at the hands of Hon. N. B. BRADLEY bill II. R. No. 2442, with the request that a report be made to you by this Office upon the subject

In compliance with the request, I have the honor to suggest the following amoud-

ments:
First. In lines 8 and 9 strike out the words "the same had been made by her husband, Martin M. Oakley," and substitute the words "she were the head of the family within the intent and meaning of the law."
Second. In lines 11 and 12 for "the Secretary of the Interior" substitute "the Commissioner of the General Land Office."
With these amendments the bill has my cordial approval, the testimony on file in this Office showing the case to possess in its equities peculiar claims to consideration.

eration.

Very respectfully, your obedient servant,

L K. LIPPINCOTT, Acting Commissioner.

Hon. MILTON SAYLER, Chairman Committee on Public Lands, House of Representatives.

Mr. McDILL. I demand the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read

the third time, and passed.

Mr. McDILL moved to reconsider the vote by which the bill was assed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## STATE TAXATION OF RAILROAD GRANTS.

Mr. CROUNSE, from the Committee on Public Lands, reported back

a bill (H. R. No. 1545) declaring lands heretofore granted to certain railroad companies subject to State taxation, with amendments.

The bill, which was read, provides in the first section that no provision contained in either the act entitled "An act to aid in the con-Pacific Ocean, and to secure to the Government the use of the same for postal and military purposes," approved July 1, 1862, or the act amendatory thereto, approved July 2, 1864, shall be so construed as to exempt from taxation by State authority lands which either of the companies in said acts mentioned, or its successors, shall have earned by the construction of its road, or parts thereof; provided that such road or parts thereof shall have been first accepted by the United States in the manner in said acts prescribed; and taxes assessed either before or such as may be assessed after the passage of this act, upon lands earned by said companies, or their successors, or either of them, shall be valid as against any claim or title of the United States in or to such lands.

The second section provides that if any company entitled to said lands or parts thereof shall fail to pay the costs of surveying and selecting the same, or the land officer's fees, the purchaser of any of said lands at tax sale may pay such costs and fees due upon the lands by him purchased to the proper officer, and thereupon letters-patent shall issue to such company, conveying said lands to it, but subject to the legal rights and title of such tax-sale purchaser.

The Clerk read the amendments, as follows:

In line 9 after the word "sixty-four" insert "or in any act of Congress granting lands in aid of the construction of any railroad or wagon-road."

In line 10 strike out the word "either" and insert the word "any."

In the second section, line 3, after the word "fees" insert the words "where such payment is required by any of said acts."

Add to the end of the second section the following proviso:

Provided, That nothing in this act contained shall be construed as enlarging any grant of land heretofore made to any of said companies.

Mr. HOLMAN. I believe this bill is subject to the point of order that it has the effect of making appropriation of public lands. If it does appropriate public lands, I make the point of order; but, if that is not the case, of course I do not insist on the point of order.

Mr. PHILLIPS, of Kansas. It does not make any appropriation of public land.

Mr. SAYLER. The gentleman from Indiana is entirely mistaken in his point of order, as this bill does not make any appropriation of pub-

lic lands.

Mr. HOLMAN. If the bill, as I am told, merely provides for State taxation of lands granted for railroad purposes, then I have no point of order to make. I hope, however, we shall have some explanation of the bill before we are asked to put it on its passage.

Mr. CROUNSE. Mr. Speaker, the short time allotted to the Committee on Public Lands forbids my entering into any lengthy discussion of the many suggestions which occur in reference to the provisions of this bill. The most I can hope to do is to present to the House as briefly as possible the proposed law, so that members may act intelligently upon it. As its title purports, the object of the bill is to subject the large bodies of lands granted to the several railroad corporations in aid of the construction of their roads to State taxation. In the first instance the bill was pointed more particularly at the Unio Pacific instance the bill was pointed more particularly at the Union Pacific and the Central Pacific Railroads and the branches provided for in the act of 1862 and the act amendatory thereof passed in 1864. On the demand of others and after due consideration by the committee, the bill has been made general in its terms, so as to apply to all acts granting land in aid of the construction of any railroad or wagon-road.

Now, it seems to me it needs but little more than a simple statement

of what is proposed by this bill to commend it to the favor of all who are called upon to act upon it. What reason there is, or should be,

why lands of railroad corporations should be allowed immunities and privileges not granted to the settler is one of the questions which puzzles my people as well as the people of Kansas and other States

interested in this subject. It will be remarked that under the act of 1862 as amended by the act of 1864 the roads therein designated were given ten alternate secact of 1904 the roads therein designated were given ten alternate sections on each side of the road, making twenty alternate sections for every mile of road which should be built. In my State alone I think I am safe in saying that 10,000 square miles of land were dedicated to the benefit of these railroads, and that only when the roads choose to patent the lands can they be subjected to State taxation under The States of Nebraska and Kansas have tried the question, but the interpretation of the law by the courts seems par-ticularly favorable to these corporations, and State taxation has been prohibited. One clause of the act of 1864 amendatory to the act of 1862, passed for one purpose, has been invoked for an entirely different purpose. The law provides that so many sections of land shall be given to these corporations; that, upon the completion of twenty miles of road and inspection and acceptance by the Government commissioners appointed for that purpose, bonds to the extent of \$16,000 a mile, and \$48,000 a mile in other instances, shall be delivered to the respective companies, and at the same time patents shall be issued to the company for the several tracts of lands to which they may be entitled. But, as will be seen, these roads were built very rapidly. The construction of them, under the terms given by the United States, proved to these companies a perfect bonanza. They were wrestling with each other to see who should build the most of these roads; and well they might, for the subsidy, both in bonds and lands, which they got from the building of these roads was a most lucrative enterprise. But in this rapid construction of these roads it was but natural that they should go in advance of settlement and in advance of the survey of the public lands. Therefore, in order to provide for that condition of affairs, section 21 of the amendatory act of July 2, 1864, being the last section but one, says:

That before any land granted by this act shall be conveyed to any company or party entitled thereto under this act, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest, as the titles shall be required by said company, which amount shall, without any further appropriation, stand to the credit of the proper account, to be used by the Commissioner of the General Land Office for the prosecution of the survey of the public lands along the line of said road, and so, from year to year, until the whole shall be completed, as provided under the provisions of this act.

Then here is a provision in the bill which simply provides that, in case the company desires these lands in advance of the time they should be surveyed under the direction of the surveys or at the volition of the Government, in such event they shall advance to the Government, shall pay to the Commissioner of the General Land Office for that purpose, the expenses of the surveys, and thereupon the Government will go to work and survey the land for the benefit of the

But by the provisions of the act, section 4, to which I have referred, it will be seen that the lands thus granted, in consideration of the construction of the road, are absolutely those of the companies as much so as the very bonds that were advanced to them. But it became desirable to have the bonds, because they could be converted into ready money at once to be used immediately; but it has proven not so desirable to obtain patents for these lands. Under the rule that now prevails, these companies take out patents only from time to time as they make sales of these lands; although the lands are theirs, they nevertheless do not possess themselves of the muniment of title, in order that they may not be taxed for the lands they own until it suits their pleasure.

Now, the purpose of this bill is to put these companies on the same footing as any member in this House who may own lands in those States; it is to put the railroad companies on the same footing as the struggling settler, who has to deprive himself of the very necessaries of life to meet the taxation which inexorably comes around with every recurring year. These companies as the case stands now seem to be above and higher than the law.

The case which arose in Kansas, known as the Prescott case, asserts two principles as pertaining to the taxation of this class of lands. There is a provision in these Union Pacific Railroad grants that within three years after the completion of the road, if they shall not have sold their lands, they may be bought by any settler at the Government price, and the proceeds paid to the company. I know, however, of no instance where this has ever been acted upon. The other provision which was invoked is that which I stated, where because the company had not taken out its patent the courts for that reason held the lauds were not taxable.

Now, to those gentlemen who are schooled in the law this proposition is plain, that where the grantor has passed from him or handed over every equitable interest in a piece of land, that land becomes taxable as the property of the grantee; that is so in case of a pre-emption, where all the requisites have been conformed to as to proof and settlement, and all that which is described in the laws relating to settlements; and where the price has been paid and nothing remains to be done but simply to deliver formally the patent, in those cases it is then held and has been repeatedly decided in the Supreme Court of the United States that in those cases lands are taxable. The parties

receiving the title to the lands receive the entire equity, and nothing remains in the Government.

Mr. PAGE. Will the gentleman yield to me for a question?
Mr. CROUNSE. Let it be a short one.
Mr. PAGE. I want to know why this bill does not apply to all railroads receiving land grants?
Mr. CROUNSE. It does. The amendment provides for all, both

railroads and wagon-roads.

I was about remarking that a distinction was made in this case, based on this twenty-first section. I will repeat its substance again, that it may be understood by the House. The section states that— Before any land granted by this act-

It states that the lands have been granted and are the property of the road. But it says:

Before any land granted by this act shall be conveyed to any company or entitled thereto under this act, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same by the said company or party in interest.

There it is. It is the simple pittance due to the Government, the There it is. It is the simple pittance due to the Government, the small sum it is necessary to pay for the survey of the land, and to pay for the patent and conveyance of it—just that which forms the bultwark behind which these companies hide themselves and have hidden themselves successfully. Judge Miller, who delivered the opinion of the court in the Prescott case, (16 Wallace, page 603,) plants it upon two grounds: One was that the equity had not passed from the Government; that the Government had yet the legal interest in the lands to the extent of the price of the surveys, and therefore that the lands to the extent of the price of the surveys, and therefore that the lands were not subject to State taxation. He put it also on the other ground, that there was a provision in relation to the sale of any

lands undisposed of after three years from the completion of the road.

In a more recent case, that of the Union Pacific Railroad Company, appellants, vs. C. McShane, treasurer, &c., and others, which is not yet published in any volumes of the Supreme Court reports, but a copy of which I have obtained, Justice Miller, in delivering the opinion of the court in that case, abandoned or reversed a portion of his former decision, so much as relates to this failure to sell within

the three years. Now the object of this bill is to provide that no provision contained in either the act entitled "An act to aid in the construction of a railroad and telegraph from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal and military purposes," approved July 1, 1862, or the act amendatory thereto, approved July 2, 1864, shall be so construed as to exempt from taxation by State authority lands which either of the companies in said acts mentioned, or its successors, shall have earned by the construc-

This is done in order to prevent any quibbling about the matter. It first provides that the lands shall be the lands of the companies because of their having earned them; because, where they have earned them and the road is complete, the title to the lands as a matter of course passes to the company; and it provides that in that class of cases where they shall have become the real owners, as in any other individual case, it shall not be exempt from taxation. But we have added this provision, also, that such road or parts thereof shall have been first accepted by the United States in the manner in said acts prescribed; and taxes assessed either before or such as may be assessed after the passage of this act upon lands earned by said companies or their successors, or either of them, shall be valid as against any claim or title of the United States in or to such lands.

Mr. BLAND. I should like to ask the gentleman a question. What I desire to know is whether the bill might not possibly give a title to these lands to the railroad company before they have earned them?

Mr. CROUNSE. I have added a proviso covering that point.

Mr. BLAND. The difficulty is that by a mere tax-sale the title

might vest in the railroad company before they had actually earned the lands.

Mr. CROUNSE. By reference to the former part of the bill the gentleman will see that it applies only in cases where the lands have

been earned and the road accepted.

Mr. BLAND. Section 2 is hardly explicit on that point.

Mr. CROUNSE. This bill, Mr. Speaker, has been drafted with great care. There was an attempt made in the last Congress by the use of a great deal of language to frame a bill for this purpose, but it was left too broad and too much open to construction. This bill has been very maturely considered, and I apprehend that it meets the object aimed at as fully as any bill which could well be drafted would do.

Now, I can dwell no longer on the legal aspect of the case, although, if any gentlemen have doubts upon it, I am willing to answer such questions as may occur to them; but, as to the justice or propriety of these railroad companies paying taxes on the lands, I do not see that there can be any variety of opinion. I may state here that the Union Pacific Railroad has mortgaged its entire amount of lands for \$10,000,000. It sells its lands in the market. It is getting about \$5 an acre for all the lands it sells. All settlers are excluded from those lands, and have been excluded since the inception of the act of 1864. The company hold the lands for every conceivable purpose except taxation. They hold them for mortgage; they hold them for sale, because they have sold about two million acres already, and have received a good price for them. Every day their lands are being enhanced in value

by the sweat and toil of the settlers upon the alternate sections. The alternate sections are sold for \$2.50 per acre, and the settler strains himself to pay that amount, and by industry labors to meet taxation; and by his building up school-houses, bridges, and courthouses, and in all the various ways that men improve and advance settlements, the lands of the railroad company are also advanced in value and it does seem a hardship, to which my people and the people of Kansas and of other States situated in like manner should not be subjected, to have them to submit to burdens from which these companies are relleved.

Mr. BLAND. I will suggest to the gentleman an amendment in section 2, by inserting after the word "thereof" in line 2 the words "as aforesaid;" so that it will read:

SEC. 2. That if any company entitled to said lands or parts thereof as aforesaid shall fail to pay the costs of surveying and selecting the same, or the land-officer's fees, the purchaser of any of said lands at tax-sale may pay such costs and fees due upon the lands by him purchased to the proper officer, and thereupon letters-patent shall issue to such company, conveying said lands to it, but subject to the legal rights and title of such tax-sale purchaser.

That refers back directly to the first section.

Mr. CROUNSE. I see no objection to that amendment. I now yield three minutes to the gentleman from Kansas, [Mr. Phillips,] who has introduced a similar bill as the one now being considered

and who has exerted himself to secure its passage.

Mr. PHILLIPS, of Kansas. The gentleman from Nebraska, who has this bill in charge, [Mr. CROUNSE,] has so fully stated its purport that I need not consume much of the time of the House. A bill almost identical with this, varying just as stated by the gentleman, passed this House in the last Congress, but failed to receive consid-

eration in the Senate.

ration in the Senate.

These separate railroad companies, these different branches of the Pacific Railroad Company to-day hold fifty millions of acres of land without paying taxes thereon, and hold that land for speculative purposes; for ten years they have held the greater part of this land. Settlers purchasing land from them or occupying the alternate sections of the public lands give these railroads the benefit of their labor and money in so far as they enhance the value of the lands held by the railroad company. From the moment the settler gets possession of his land he commences to pay taxes; he enhances the value of the railroad lands not only by his improvements, but by paying taxes upon the land which he holds for all purposes, school, local, and general. At the same time these lands held by the railroad companies for ten years for speculative purpose are exempted from all taxation. The railroad companies have, by sheltering themselves under a clause of the law, succeeded in evading taxation. The purpose of this bill is the law, succeeded in evading taxation. The purpose of this bill is to compel these companies to pay taxes upon the land held by them

just as other people pay taxes.

Under the act of 1862, granting lands and subsidies to these companies, one section provides that each of these companies shall have ten alternate sections of land on each side of the line of road, and that on the completion of each forty miles of road commissioners shall be on the completion of each forty miles of road commissioners shall be appointed to examine, report upon, and accept the road, if properly constructed, and to certify to the President that the road has been completed and accepted. The next section of that act provides that upon the acceptance of the road the railroad company shall receive of the bonds of the United States some \$16,660 per mile, and at the same time of the acceptance of these bonds they were to have conveyed to them the lands to which they were entitled under the act. The bonds in all cases were delivered: the company has received the bonds and used the proceeds in construction the road.

bonds and used the proceeds in constructing the road.

In the act of 1864 a clause was inserted that these companies should be compelled to pay the cost of surveying and certifying, a small fee. This they have failed to pay; they have failed to claim the patents for the land to which they were entitled, and in that way they evade the payment of taxes. The purpose of this bill is to place them, so far as the Government is concerned, where they will be compelled to pay taxes on the lands which they own. I think its purpose is one which will commend itself to this House, as it did to the House at the

first session of the last Congress.

It is true that these railroads have mortgaged nearly all of the lands granted them. Now, if they had the right to convey the lands by mortgage, then they owned the lands. If they did not own the lands, they had no right to convey them by mortgage without subjecting themselves to prosecution for a penal offense. Should you or any gentleman upon this floor purchase from one of these companies a section or a half a section of land, they would obtain a patent for that section or half section, file it in the office of the company, record it, and then convey it to you; and from that moment you would pay and then convey it to you; and from that moment you would pay taxes on the land, while these companies continue to hold millions of acres without paying any taxes; a proceeding never contemplated by this House in its former action, and which you are now called on to put forever to an end.

I will not consume much of the time of the House upon this subject, because I know the Committee on Public Lands have much valuable business before them upon which they desire to report to the House. The settlers who have to-day given to the public lands the benefit of their labor and capital and improvement, and are constructing farms and paying school, county, and State taxes, ask that this bill shall be passed providing that these companies shall pay the same taxes as are assessed against the settlers, and that aid to construct a

road shall not be made the excuse for speculation, which adds to its emoluments by evading just taxation.

Mr. CROUNSE. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments reported from the committee were agreed to. \*

The SPEAKER pro tempore. The next question is upon the amendment offered by the gentleman from Missouri, [Mr. BLAND.]
Mr. CROUNSE. There is no objection to that amendment.

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CROUNSE moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

#### ORDER OF BUSINESS.

Mr. SAYLER. I am instructed by the Committee on Public Lands to report back, with a recommendation that the same do pass, Senate bill No. 34, to confirm pre-emption and homestead entries of public lands within the limits of railroad grants in cases where such entries have been made under the regulations of the Land Department.

Mr. RUSK. I call for the regular order of business.

Mr. RUSK. I call for the regular order of business.

Mr. SAYLER. I would inquire if my bill is now before the House.
The SPEAKER pro tempore. It is not in the custody of the House.
The regular order is called for.

Mr. BLAINE. What is the regular order?
Mr. RUSK. The morning hour has expired.
Mr. BLAINE. Morning-hour business does not necessarily terminate unless something shall intervene of a higher privilege. The morning hour does not terminate in sixty minutes; unless something of a higher privilege shall terminate it, it runs all day.

The SPEAKER. The Chair understands the object of the call for the regular order to be to present such a question.

the regular order to be to present such a question.

Mr. BLAINE. That ought to be settled now, because it is an important matter. If a committee has reported during the morning hour, the simple expiration of the sixty minutes does not terminate the consideration of that business; unless something of a higher privilege shall intervene, it lasts all day.

The SPEAKER. The Chair understands that.

## IMPEACHMENT OF WILLIAM W. BELKNAP.

Mr. CLYMER. I rise to a question of privilege. Mr. Speaker, last evening a subpœna, issued by the supreme court of the District of Columbia holding a criminal court for this District, was served upon me, and I believe upon the other gentlemen who are members of the Committee on Expenditures in the War Department. The one served upon myself was a duces tecum, commanding me to bring with me certain papers and to testify with relation to charges pending in that

tain papers and to testify with relation to charges pending in that court against the late Secretary of War.

This morning, accompanied by the gentleman from North Carolina [Mr. Robeins] and the gentleman from Kentucky, [Mr. Black-Burn,] I appeared before that court, and, by the permission of the president judge, I made, on behalf of myself and the committee, a statement. I said that in obedience to the law we appeared at the bar to obey any order the court might make; that as a member of the committee of this House I felt that it would be prejudicial to the best interests of the country to compel us to state what had trans-pired in the room of the committee of which we were members; that I believed that it would not only close the mouths of all witnesses, but would in many cases drive them from the land. I said furthermore that, while not pleading our privileges as members of this House, as we might have done, we yet protested against being examined; and that we would only consent to be so examined after an order made specially to that end by the court. The court was kind enough to take time for deliberation, and determined that if it needed us hereafter it would send for us.

I have felt it due, not so much to myself personally as to myself in my capacity as a member of this House, that I should state precisely what we have done. Other gentlemen who appeared before the bar with me at the same time made also statements to the court; and I with me at the same time made also statements to the court; and I have no doubt that they would be pleased to have the privilege of stating for themselves the matter as they presented it. After that presentation has been made, I desire that this House may take such action upon the question as it may deem necessary, right, and just.

Mr. BLAINE. May I ask the gentleman from Pennsylvania [Mr. CLYMER] a question? I would like to know whether the court asked or desired to ask any question to read to ask any question.

or desired to ask any question touching any matter that was not contained in the public report, which is a matter of public record and general notoriety, but which of course could not be used in evidence. I can very well conceive that the gentleman from Pennsylvania might not wish to be called upon in any court to testify of that which was still a committee secret; but, as to any point of delicacy arising upon matters which are as common as history can make them, I do not see

where the delicacy comes in.

Mr. CLYMER. In reply to the gentleman from Maine, [Mr. Blaine,]
I would state that the court did not propose to ask us any questions at all. Those questions were to be asked by the grand jury. Had

the questions been asked by the court in presence of the public I might not have had so great objection. But I felt, sir, that if we were to go before that tribunal whose proceedings are necessarily, according to law and precedent, always secret, then no matter what according to law and precedent, always secret, then no matter what might occur in the grand-jury room, if we once entered those portals, that mere fact would strike terror everywhere throughout this land and close all the avenues of evidence to this House and to its committee.

I will say further that the court did say that it was of opinion that the grand jury could not and should not ask us any questions which

would tend to show what had been testified to before us in that committee. This question then arose in my mind: If they could not inquire with reference to anything that was testified to before that committee, why had they subpensed me or others of the committee at all, unless it was for the purpose of intimidating witnesses else-

where f
Mr. BLAINE. The gentleman knows perfectly well—
Mr. CLYMER. I have not done.
Mr. BLAINE. The gentlemen knows perfectly well that his own privilege protects him. There is not the least power in the world to compel the gentleman to testify. He cannot be arrested; no process can issue against him. Whether the gentleman shall appear and testify is a matter wholly for himself to determine.

Mr. CLYMER. I have said that we did not intend to plead our

privilege so that it might not be said that we did not intend to plead our privilege so that it might not be said that we intended to exclude anything which should be rightfully known to the public.

Mr. LAMAR. I would be glad if the gentleman from Penusylvania would send up to the desk his subpæna, so that the House may be put in possession of the precise object of the court in issuing such a mandate to members of this House.

Mr. CLYMER. I ask the Clerk to read the subpœna.

The Clerk read as follows:

In the supreme court of the District of Columbia, holding a criminal court for said district the 6th day of March, 1876.

The President of the United States to Hiester Clymer, to bring all papers, documents, records, checks, contracts in your possession or in the possession of the Committee of the House of Representatives on Expenditures in the War Department in relation to the charge against said defendant of accepting a bribe or bribes while Secretary of War of the United States.

You are hereby commanded to attend the said court immediately to testify on behalf of the United States, and not depart the court without leave of the court or the district attorney.

Witness:

D. K. CARTTER, The President of the United States to HIESTER CLYMER, to bring all papers, docu-

D. K. CARTTER, Chief Justice of said Court. R. J. MEIGS, Clerk.

Mr. CLYMER. I will yield now to the gentleman from North Carolina.

Mr. ROBBINS, of North Carolina. I only wish to say, sir, that I went before the court, waiving my privilege as a member so far as to make a statement to that tribunal. North Carolinians believe it is the duty of every man to obey the mandates of the judiciary. For that reason, as a North Carolinian, I went there, not to plead my privithat reason, as a North Carolinian, I went there, not to plead my privi-lege as a Representative, but to say to the court, on behalf of myself and the other two gentlemen who appeared with me, that we be-lieved it would work serious detriment to the public interest if we were required to make known before any tribunal just now the secret transactions of our committee, the developments taking place there, our plans, and the probable results of our proceedings. We are engaged in investigations, the purpose of which is the purification of the public services a purpose in which every good efficient and honest man push service, a purpose in which every good citizen and honest man must wish us success. If we are required to disclose our transactions at the present stage, it will tend to defeat this object.

We protested that the district attorney, the grand jury, and the court, and not ourselves, must take the responsibility of causing the public injury which would result from our giving out the full information of what is now going on before our committee, and of what

I told the court for myself that if, notwithstanding what I now communicated, they shall still require me to go before their grand jury and testify, I should do so; and I will unless this House shall instruct me otherwise. I therefore hope the House will give me instructions as a member of a committee engaged in most important investigations as to what I should do under the circumstances.

I say to you, Mr. Speaker, and to this House, that the inevitable effect of our being required to testify as to what transpires in the ses-

effect of our being required to testify as to what transpires in the sessions of our committee before a grand jury or anywhere else will be, as the gentleman from Pennsylvania [Mr. CLYMER] has stated, to intimidate witnesses, stop their mouths, and throttle all further investigations. I say here, if it is not the design it certainly will be the result of the course now being taken by certain officials of this District under the promptings of the head of the Government to break down investigations by shutting the mouths of witnesses. If that is not the purpose it is the effect, unless this House takes the matter in hand and provides for the protection (not of us; we need no protect hand and provides for the protection (not of us; we need no protection; we have nothing to withhold or conceal as committeemen)—the protection of the witnesses who shall come before us.

Mr. DANFORD. As a member of the committee, Mr. Speaker, I desire to ask a question of the chairman. I will say, however, that I had no subpæna to go before the court, and that I know nothing of this matter which has been brought before the House. I understand the chairman of the committee to state to the House that it would be fatal to the ends of justice if the committee were compelled to go

into a court of justice and detail the testimony of witnesses before I understood him to make that statement. I desire to ask the chairman a question as to what testimony there has been given before the committee that has not been fully reported to this House and to the country? As I understood the report of the committee made on last Thursday, it contained every syllable of testimony apper-taining to the matter reported to the House and proposed to be inquired into in the District court, before which these gentlemen were subpœnaed. I simply desire to ask the question to know what testimony the committee has that has not yet been reported to the House.

Mr. LAMAR. I desire to answer that question in my own manner.
Mr. LAMAR. I rise to a point of order, and my point of order is
that the chairman has no right to reveal to the House in this way what has transpired in the committee.

Mr. DANFORD. I may have been misunderstood. If there has been any testimony which has not been reported, I do not ask it be revealed, but I desire to know of the chairman whether there was any testimony taken in this matter which has not been reported?

Mr. BLAINE. That is right.
Mr. DANFORD. For, as I understand, it has been all reported.
Mr. LAMAR. I insist on my point of order.
Mr. BLAINE. What conceivable motive can the gentleman have for insisting on his point of order? There is no possibility of asking

a question more guarded than that.

Mr. LAMAR. The motive I have is the preservation of the order and decorum of this body. I maintain the gentleman has no right under the rules to reveal to the House whether there is other testimony before the committee. Other testimony may have come before that committee since the report was made.

Mr. BLAINE. There is no asking any such testimony shall be dis-

closed.

Mr. CLYMER. I believe I have the floor.
The SPEAKER. The gentleman from Pennsylvania has the floor.
Mr. CLYMER. I trust my friend from Mississippi will not insist on his question of order, for the reason, sir, that I can say here that there is no testimony before that committee now which is not known to every one. Furthermore, I did not say to the court, or to the House that it would be the disclosure of that testimony which would work injury to the public interest. I said here was the threat to everybody who would have to come in the future before that committee

that would be the basis of indictment. That is what I said to this House, and what I said to the court, and what I say to the courty.

Mr. BLAINE. Will the gentleman let me ask him a question?

Mr. CLYMER. Not now. I stated to this House, and I repeat again, that this attempt to drag forth what occurs in committee can

result in nothing else but detriment to the public weal.

Mr. BLAINE. If the gentleman from Pennsylvania will permit me,

wish to say this—

Mr. CLYMER. I decline to be interrupted.

Mr. LAMAR. Allow me to say that I misunderstood the question of the gentleman from Ohio [Mr. DANFORD] when I objected to an

answer being given to it.

Mr. BLAINE. Then I withdraw what I said in regard to the gentleman's objection. I desire to say to the gentleman from Pennsylvania [Mr. CLYMER] that I merely desired the courtesy of being al-

lowed to put a question.

Mr. CLYMER. I yield willingly for that purpose.

Mr. BLAINE. What I want is this: that there shall be no division. or seeming division, between the two sides of the House in regard to or seeming division, between the two sides of the House in regard to the vigorous prosecution of anything that is brought here in the shape of public crime. The gentleman from Pennsylvania, if I understood him, seems to impute, and indeed directly imputes, a purpose to somebody in this District to intimidate witnesses and to stifle justice. Now, what is the object of this investigation?

Mr. CLYMER. I permitted the gentleman from Maine only to ask

me a question.
Mr. BLAINE. Mr. BLAINE. I am coming to the question. I want the gentleman to tell me what is the object of these investigations except to bring the offender to criminal justice. Will the gentleman answer me that question? What is the object of these proceedings except to

bring offenders to justice?

Mr. CLYMER. I have stated the facts in this case to the House, and if an imputation necessarily arises that some one in this District wishes to close the avenues of evidence all over this land, is it not

Mr. BLAINE. The gentleman closes them himself.
The SPEAKER. The gentleman from Pennsylvania does not yield.
Mr. CLYMER. And I will not permit the gentleman from Maine to impute to me motives which I do not understand or to put insinuations into my mouth that I have never uttered. I yield to my colleague on the committee, the gentleman from Kentucky, [Mr. Black-

BURN.]
Mr. BLACKBURN. I am not surprised, sir, at the uneasiness manifested and the nervousness displayed by the gentleman from Maine [Mr. Blaine] who seeks to inject his speeches into every man's utterances upon this side of the House. Did I hold the same questionable position in this matter as gentlemen on the other side by reason of the complicity of their prominent officials, I at least would be disposed to sympathize with him and share his apprehensions,

I do not like to charge that it is the purpose of the Executive of this country to intimidate witnesses, to throttle investigation, and to

this country to intimidate witnesses, to throttle investigation, and to afford immunity from punishment to publicly convicted criminals. But I do say this, that this is the result, and unless this gag process is stopped the country will believe and I will believe that such is the purpose. [Cries of "O!" "O!" from the republican side of the House.] I say this, and I say it by way of a personal explanation: The committee of which I am a member has been subjected to criticisms and to censures to which it is not amenable, in matters for which it is not responsible. It has gone forth to the country that they have connived at the abscending of an important witness. It is charged connived at the absconding of an important witness. It is charged through the public prints of the country, and that without contra-diction, that that witness was allowed to leave this capital by the majority of the democratic members of the committee, in spite of the protest of the republican members of the committee. That charge it is needless for me to say is false, flatly false, and the only wonder is that the honorable republican members of the committee have allowed it to go for one hour upon their authority without giving it their contradiction. It is not proper probably for me to state all that happened in that committee-room.

I will not undertake to say who it was that prosecuted this investigation from its inception to its conclusion. I will not say that no member of a certain political organization from the day that Congress convened until this proof was all in, signed and sealed, ever crossed the threshold of that committee-room. I will not say that crossed the threshold of that committee-room. I will not say that. But if it is true let the gentlemen answer whom it strikes. But I will say this: that upon the floor of the House the other day—and the Record bears me out in this—I did those gentlemen of the other side of the House upon that committee more than justice by my silence. I then said they had agreed upon this report as promptly as the democratic members. I did not say more. Whether it was because I could not truthfully I leave the country to infer.

Now, sir, witnesses that are summoned and subnegged before invented.

Now, sir, witnesses that are summoned and subpænaed before investigating committees must be protected, otherwise they will not come. We could not hold this witness any longer. He had answered every question that had ever been propounded. He had been turned over, question that had ever been propounded. He had been turned over, as the record shows, for cross-examination to the late Secretary of War and his counsel. He had been by them cross-examined. The report was in. The proof was complete. It would have been the exercise of an arbitrary power; we would have been guilty not only of assault, but we would have been guilty of bad faith, if we had sought to detain him longer. We came to this House while that witness was within the walls of this Capitol. We made our report, and stated the facts, as that report will show. The witness was then within the power of the House. He was subject to the order of Congress. We reported the facts while he was still lingering about your We reported the facts while he was still lingering about your portals, and the House did not order his continuance in arrest, and no member of that committee ever asked it.

But, sir, this is equally true, that if the order has gone forth to the country, as it is given by the press, that the Executive of this great Government, surrounded by his council, has directed the prosecution of this man who appeared here as a witness and with testimony whose crushing weight the country has felt throughout its farthest lengths; if, in addition to the declaration of such persons, any man who testifirst against those who have been guilty of malfeasance in office is to be notified in advance that on his disclosures he is to be prosecuted and sent to the penitentiary, and that is to be supplemented by the assertion that no member of Congress shall hesitate to go before the inquisitorial tribunals of this District, it will then be understood that all witnesses are not only to be made the victims of partisan persecution, but that the very tribunals of this Congress before which they appear are going to turn upon them and prosecute them in the courts. Sir, it is utterly impossible that we can ever convict the Secretary

of War or any Cabinet or other officer unless we find the facts from his accomplices; and now you propose to tell us an accomplice shall not come here, or that if he does he does it at his own peril, warned in advance that not only the power of the Government will be wielded to send him to prison, but that the committee before which he appears

shall come as the chief witnesses against him.

It is this that I protest against, and I want here to say that if the executive or the civil officers who are now engaged in directing and aiding and furthering this prosecution expect the country to receive it as an honest effort to reform, stripped of all purpose save that of inflicting honest and legal punishment, they are deceived; the country will not say it, the country will not think it; and they know them-

selves that it is not so.

It is of no use to tell us it will do no good to the country that a democratic House and a democratic committee, after having ferreted out crime and prosecuted the criminal to conviction, have been guilty of a dereliction of duty, that there was an easing of the prosecution on our part. They will be especially unable to persuade the masses of the American people that it is an honest system of Government under which such practices can find shelter. The country want to know these facts; this committee on investigation want to furnish

it is proper and right that the House should pass a resolution that no member of the House sitting as a member of an investigating committee shall be allowed, if in his judgment it would be detrimental to the public interest, to be called before the grand jury or any court

to the public interest, to be called before the grand jury or any court to give testimony on any subject then pending before his committee. Mr. Speaker, the phrase "let no guilty man escape" the country will now say means let no man escape who is guilty of telling upon those in authority. Give us the widest margin, open the doors, and give immunity to every witness who comes to tell anything that bears upon the misdeeds of the Administration, and you will find this but the beginning of the end; and in this appeal I address myself to the domestration of the end; and in this appeal I address myself not to democrats or to republicans; I address myself to honest men everywhere. Let the investigation be as broad as it is possible to make it. As a committee of the House we ask this at your hands. We warn you now that the investigation in which we are engaged, voluminous as it is becoming, will be stopped; it will be impossible to carry it further successfully, unless you declare that the testimony of members of a committee shall not be used against witnesses for the purpose of their conviction.

Mr. CLYMER. I yield now to the gentleman from Mississippi, [Mr.

Mr. PAGE. How does the gentleman have the right to yield the

Mr. KASSON. I rise to a question of order, and it is that there is no question before the House that can justify the gentleman from Pennsylvania [Mr. Clymer] in holding the floor and designating who

may and who may not speak.

Mr. LAMAR. I have a resolution to offer.

Mr. KASSON. I have one to offer, if any are to be offered.

Mr. LAMAR. I have no doubt the gentleman will concur with me.

Mr. CLYMER. I trust the resolution may be reported.

Mr. LAMAR. Before my resolution is reported, I should like to make a remark or two. I do not think this is a question pertaining merely to the delicacy or personal privilege of members, nor is it one upon which there should be any party feeling or excitement. In the pres-ence of such solemn events as are now throwing their shadows over this House, it seems to me the voice of faction for a moment at least

should be hushed.

I regard this mandate, or summons, or subpœna, whatever it may be called, which has been issued to the members of that committee by the supreme court of this District as an outrage upon the privileges of this House in the persons of the members of that committee. I do not say that such was the object of the court, nor do I mean to intimate—I mean to disclaim any intimation of the sort—that it is prompted by any purpose to hush up or to suppress investigations. The question is one purely of parliamentary privilege, whether or not the members of this House and of the committees of this House are amenable to the processes of the criminal court for the purpose of testifying and bringing the papers and the records that are in the various committee-rooms before the courts for investigation and for revision

Mr. BLAINE. Nobody says they are.
Mr. LAMAR. "Nobody says they are," says the gentleman from Maine, [Mr. Blaine.] Then if nobody says they are, ought not this House to take some measures to protect the privileges which have

been invaded by this summons?

Mr. BLAINE. It is no violation of privilege.

Mr. LAMAR. No violation to issue a summons to a member of this House commanding him to bring all the records of a committee of this body before that court, and to command him there to remain and not depart until the court or the district attorney shall allow him to do so! Suppose that a member of this House should waive his privilege; suppose he should go there and take these papers. How long lege; suppose he should go there and take these papers. How long would it be before the District court, if it should choose to do so, would relieve us of the power and forever deprive our committees of the opportunity to investigate?

Mr. BLAINE. Allow me a question.

Mr. LAMAR. Certainly.

Mr. BLAINE. Does not the gentleman from Mississippi [Mr. LAMAR] see, and does not the entire country see, that, having possession of all the evidence upon which an indictment can be found, having every fact of the guilt of this party in its possession this House puts

every fact of the guilt of this party in its possession, this House puts itself behind its privilege when it says this court shall not view that evidence, and throws itself across the indictment of Belknap; and that to-day this House stands as the obstacle and the sole obstacle in the way of the indictment of the late Secretary of War?

Mr. LAMAR. Neither "the gentleman from Mississippi," nor the country, nor the gentleman from Maine sees any such thing.

Mr. BLAINE. I see nothing but that.

Mr. LAMAR. It is everything but that; that does not touch it any-

where. The question is simply this: Can this House permit its records to be at the beck and call of the District court? Shall it do it? There is no doubt about the fact that when an investigation is completed, when the articles of impeachment are presented and the case them with these facts. The question for the House to determine is shall we be thwarted in our purpose either by the Executive and his Cabinet or by the petty criminal courts of this District?

We have a right to subpena the President of the United States and make him testify, and there should be immunity given to every witness who testifies before an investigating committee, and I think that

missed the witness and reported all the facts to the House. And now, according to the doctrine of the gentleman, they propose to keep possession of all the papers and testimony concerning the guilt of this man, and shut the doors of the congressional committee-room under this miserable pretense of privilege and shield him against criminal prosecution; for that is the effect of the action proposed here to-day. Mr. LAMAR. Such is not the effect of it, and no one knows that

Mr. LAMAR. Such is not the effect of it, and no one knows that better than the gentleman from Maine.

Mr. BLAINE. I know nothing else.

Mr. LAMAR. The statement is utterly destitute of foundation, and the gentleman from Maine, if he goes not know it, ought to be sufficiently advised of parliamentary procedure to know that when a tribunal of the country has jurisdiction of a case, when it is proceeding with that case, it is not within the power even of a co-ordinate tribunal, especially an appointee of the Executive, to come in and order the entire records of that committee to be taken from it and the memthe entire records of that committee to be taken from it, and the members of that committee to appear before it; otherwise what would be the effect? Every single investigation could be suppressed in limine. I do not say that that is the object. I do not even suggest that such is the purpose. But to say that this House is bound to allow its papers, the members of the House, the members of its committees, to be called away from their duties to go before a court and reveal each step they have taken, is a proposition not only monstrous, but it is preposterous and ridiculous.

Mr. BLAINE. Allow me a moment.

Mr. LAMAR. Not now. Mr. BLAINE. Just one

Just one moment.

Mr. LAMAR. I would be glad to finish my statement.
Mr. BLAINE. If the gentleman will permit me one moment, I agree with him entirely that to interrupt the proceeding in limine is a thing that would not be tolerated, nor has the court of the District of Columbia any power whatever to go to a committee-room, either

when the investigation has begun—

Mr. LAMAR. This court has come to the committee-room.

Mr. BLAINE. The court has no power whatever in the matter.

This House is supreme. The question is whether the House will permit that testimony to go. The House can refuse it or it can send it there. I dare, I dare that side of the House to refuse it. [Loud applease of the workline sides rise of "Conderly" on the decoration. plause on the republican side; cries of "Order!" on the democratic

Mr. LAMAR. O, gentlemen, you are doing yourselves injustice by making such demonstrations upon a pure question of constitu-

tional and parliamentary law.

Mr. WHITE. I rise to a question of order.

The SPEAKER. The Chair will eutertain no motion until the House is in order. [After a pause.] The gentleman from Kentucky [Mr. WHITE] will now state his point of order.

Mr. WHITE. My point is that this clapping of hands is all out of order. [Laughter.]
The SPEAKER. The gentleman from Mississippi [Mr. Lamar] will

proceed.

Mr. LAMAR. I hope that the point of order will be overruled. This demonstration is about the only forcible thing that I have yet heard presented in opposition to this assertion of the privileges of this House against an attempted invasion. I do not blame gentlemen for applauding, for it is about the only thing that I have heard yet on that side that has any point in it.

In reply to the defiance of the gentleman from Maine [Mr. Blaine] I will tell him that no threat or menace, either of language or manner on his part, or any challenge, can prevent me or the gentlemen with whom I am associated from asserting our constitutional rights in this House as a body. I present a resolution which asserts those

in this House as a body. I present a resolution which asserts those rights, and which I hope will maintain them.

There can be no question about the right of the criminal courts to carry on their prosecution of an offender at the same time that we prosecute him by impeachment, but they have not the right to invade the precincts of this House—this House which can impeach that judge himself. Suppose, sir, that in the prosecution of this "safe-burglary" case matter should come up which would touch the honesty and integrity of a member of the court, and he should at once issue his mandate upon the committee sitting here investigating that matter, and as soon as the witnesses were dismissed order that committee to come before him to bring all their papers, all telegrams, all testimony, all receipts, everything that any witness had said before them; would the gentleman from Maine get up then, and in that way which is characteristic only of himself cry out, "I dare you to withhold the information?" Sir, this House, I presume, dares to do what is right, dares to do what is honest, dares to maintain its constitutional privileges, and to continue the prosecution of this investigation.

Sir, I have presented a resolution which I had supposed would meet the assent of every gentleman present. This case has not been finished. Other testimony must come before the committee. One of the witnesses, from causes which have been variously alleged, has disappeared. Other testimony will have to come before the committee. It is impossible that these investigations should go an if there tee. It is impossible that these investigations should go on if they are to be subject to the vexing and constant interposition of the criminal courts. I ask that the resolution be read and adopted.

Mr. PAGE. I would like to ask the gentleman from Mississippi [Mr. Lamar] one question before the resolution is read. I wish to inquire whether he knows any way by which Mr. Belknap, late Sec-

retary of War, can be indicted for his crimes except upon the very Mr. BLACKBURN. I will say to the gentleman that there is not

an atom of testimony now in the possession of the committee.

Mr. LAMAR. He can be indicted, of course, by the production of the witnesses

The Clerk read as follows:

Whereas the Speaker of this House did, on the 20th of December, 1875, appoint the following Committee on Expenditures in the War Department, to wit: Hiester Clymer, William M. Robens, Joseph C. S. Blackburn, Lyman K. Bass, Lorezzo Danfoid; and whereas thereafter, on the 14th of January, 1876, this House adopted the following resolution:

CLYMER, WILLIAM M. ROBBINS, JÖSEPH C. S. BLACKBUIN, LYMAN K. BASS, LOHENZO DANFORD; and whereas thereafter, on the 14th of January, 1876, this House adopted the following resolution:

"Resolved, That the several committees of this House having in charge matters pertaining to appropriations, foreign affairs, Indian affairs, military affairs, naval affairs, post-office and post-roads, public lands, public buildings and grounds, claims and war claims, be, and they are hereby, instructed to inquire, so far as the same may properly be before their respective committees, into any errors, abuses, or frauds that may exist in the administration and execution of existing laws affecting said branches of the public service, with a view to ascertain what change and reformation can be made so as to promote integrity, economy, and efficiency therein; that the Committees on Expenditures in the State Department, in the Post-Office Department, in the United Popartment, in the Department, in the Post-Office Department, in the Interior Department, in the Department of Justice, and on Public Buildings, be, and they are hereby, instructed to proceed at once, as required by the reles of the House, to examine into the state of the accounts and expenditures of the respective Departments submitted to them, and to examine are justified by law; whether the claims from time to time satisfied and discharged by the respective Departments are supported by sufficient vouchers, establishing their justness both as to their character and amount; whether such claims have been discharged out of funds appropriated therefor, and whether all moneys have been discharged out of funds appropriated therefor, and whether any, and what, provisions are necessary to be adopted to provide more perfectly for the proper application of the public moneys and to secure the Government from demands unjust in their character or extravagant in their amount; whether any, and what, retrenchment can be made in the expenditures of the several Departments, without detriment

and shall have the same authority that is conferred upon the other committees aforesaid."

And whereas in the discharge of the duties imposed by said order the said Committee on Expenditures in the War Department did enter upon an examination into the said accounts of said Department and into the administration thereof, and did send for persons and papers to investigate certain acts of William W. Belknap, late Secretary of War, on which being reported to this House by said committee it has taken action to impeach the said William W. Belknap of high crimes and misdemeanors; and whereas the supreme court of the District of Columbia, by process bearing date March 6, 1876, has commanded HESTER CLYMER to "bring all papers, documents, records, checks, and contracts in your possession, or in the possession of the Committee of the House of Representatives on Expenditures in the War Department, in relation to the charge against said defendant of accepting a bribe or bribes while Secretary of War of the United States, and to attend the said court immediately to testify on behalf of the United States, and not depart from the court without leave of the court or district-attorneys;" and whereas the mandate of said court is a breach of the privileges of this House:

\*Resolved\*, That the said committee and the members thereof are hereby directed to disregard said mandate until the further order of this House.

\*Mr. KASSON.\* Mr. Speaker, I. think it will not be unwise for the

Mr. KASSON. Mr. Speaker, I think it will not be unwise for the House to look for a little while coolly at the situation which has been

House to look for a little while coolly at the situation which has been developed this morning before taking that, or any other order, in the premises inconsistent with the ordinary proceedings of law.

The question is raised here as a question of privilege. It is presented to the House as a breach of the privilege at least of one member of this House, that he received a judicial invitation to aid in the development of a crime and the punishment of a criminal. The further extraordinary fact appears that this invitation is to aid in the prosecution and conviction of one whom the very objecting party have prosecution and conviction of one whom the very objecting party have declared and reported to this House as a criminal against the United States. And it was also declared by the gentleman from Pennsylvania that you might search the volumes of universal history and find no crime which would be a parallel to this. Now, when the Executive of this Government, sworn solemnly to enforce the laws, finds in the Revised Statutes a clause that punishes by fine and imprison-ment in the penitentiary the very offense they have reported to this House to have been committed, several gentlemen on that side of the House rise in their places and implore the House to do what? To protect them from aiding in the punishment by the courts of that crime!

Mr. Speaker, I say the condition is an extraordinary one. It is one without precedent, but with precedents directly to the contrary. I recollect, sir, after the Pacific mail investigation was reported to this House and proceedings were instituted in the court of this District in like manner, criminal proceedings for the punishment of the parties reported to have been guilty of crime, two members of the House Committee on Ways and Means were summoned to give their testimony. What did they do? Did they come to this House to beg they might not be required to tell what they knew? On the contrary, they appeared before that tribunal, gave their evidence like citizens of this great country, all of whom were interested in the punishment of crime, and no appeal was made to the House to protect them

Mr. Speaker, if it be a question of personal privilege, what more do gentlemen want than the protection of the Constitution, which says that they are privileged from arrest, and the authorities which declare that they are also privileged from obeying any process, disobedience to which may be punished by arrest? They need not go before this tribunal unless they desire to do so. If they say, for any reason whatever, that they do not wish to be required to tell what they know whatever, that they do not wish to be required to tell what they know in aid of the punishment of a crime, let them then say so to the court, and no process can come to them in this Hall or at their rooms in this city to arrest them. They will find it written in the Manual. They will find it in the Constitution. Why, then, is this question presented in this peculiar manner this morning, arraigning the President of the United States—for that is what they have done—as endeavoring to defeat the course of justice by directing the prosecution of criminals? Was there ever a proposition made to the House like this—an arraignment of the sworn Executive of the laws because he had directed his ment of the sworn Executive of the laws because he had directed his subordinates to enforce the laws of the land? Suppose it had been the counterproposition. Suppose it was charged that the Executive had set these officers to prosecute A and B, and to leave C and D unprosecuted. The howl that would have been raised against it would have been more violent than anything we have heard in this Hall this

Mr. TOWNSEND, of New York. It ran pretty high here this morn-

Mr. KASSON. The truth is that that officer could have done nothing else. He had no right to distinguish between offenses and offenders against the laws of the land. He would have been guilty of a gross abuse of his constitutional duty if he had dared to do it, and gentlemen know it. The grand jury are sworn to indict men guilty of crime within their jurisdiction; and this committee and this House have no right to embarrass them in the execution of the laws of the land. The whole object of the proceeding this morning, as it cannot possibly have the cffect of securing members of this House from a breach of their privilege—the Constitution and the Manual tell them their rights—the whole object, it seems to me, is to raise a cloud upon the action of the Executive, which you all know to have been constitutional and just, and under that cloud to cover up one of the greatest blunders which has been committed by an investigating committee since I have been a member of this House; and that blunder is that before you have got your criminals you discharge your witnesses, paying them off and letting them go to Canada.

Mr. BEEBE. Mr. Speaker—
Mr. KASSON. I have not finished yet. I call the attention of the

House to this fact, that this subpena is not a process to obtain either the records of the House or the secrets of the House. The House has no secrets. The House has not been in secret session upon this subject. If it had, of course there could be no revelation. The subpena does not call for a record of this House because this House has no record except what is open to the public. And when the gentle-man from Mississippi [Mr. Lamar] speaks of it as calling for the records and papers of this House he makes an error in his statement. There are certain members of this House who have had opportunity, as their own report shows, to hear personal statements made touching a high official of this country, which statements it is alleged go

to prove his guilt.

Mr. CLYMER. Will the gentleman permit me—

Mr. KASSON. In a moment. And the demand is made here that, having allowed Marsh to escape, and they being the only repository of the confessions of the criminals, the grand jury shall not have the benefit of the facts to make an indictment.

Mr. CLYMER. Will the gentleman from Iowa permit me to say

this: He certainly could not have heard or did not remember my statement made before the House and in behalf of the committee that there was no evidence before that committee touching this case but what was in possession of this House. And when he states that we have in our possession other evidence in reference to a late officer of this Government, he states inadvertently it may be, but at least he states what is absolutely untrue.

states what is absolutely untrue.

Mr. McCRARY. Before my colleague [Mr. Kasson] proceeds, I wish to ask him if he does not know, as every gentleman on the floor knows, that there is in the possession of that committee a written contract, which is the foundation, and must be the foundation, of any proceedings for the indictment of this offender? It is in their possession, and it is probably the very thing that this subpena is intended to bring before the grand jury.

Mr. CLYMER. Will the gentleman permit me to make a statement right here? The contract referred to is a contract between Marsh and Evans. It is between them alone, and Marsh expressly states that the Secretary of War knew nothing of it when it was made, and knew nothing of it for two years afterward, and had never seen it.

Mr. KASSON. I thank my colleague and the gentleman from Pennsylvania for both of their suggestions. And the gentleman from

Pennsylvania must not confuse the "him" as the member from Pennsylvania with the "him" as a member of that committee. As a member of this House from Pennsylvania he may have had a dozen conversations with parties charged with crime of which the committee know nothing. It is reported by the committee that the gentleman from Kentucky [Mr. Blackburn] did have personal conversations, and at great length, involving this very matter, and not before the committee

Mr. BLACKBURN. Will the gentleman allow me a word? He mis-

represents me

Mr. KASSON. I take it as reported in your own record that the witness Tomlinson testified that you had a conversation with parties involved in the facts reported by the committee.

Mr. BLACKBURN. I have this to say, that when the gentleman from Iowa makes the statement that it was reported by this committee that I had conversations with Mrs. Belknap and at great length, following the example—which I certainly think worthy of imita-tion—set me in the other wing of the Capitol, I commission the gen-tleman from Iowa whenever he hears any man make such a statement as that to say that he has my authority for telling that man he LIES.

[Great applause.]
Mr. KASSON. Do I understand the gentleman from Kentucky
[Mr. Blackburn] to say that he had no conversation upon the subject involved in this criminality outside of the committee-room, and with

no party involved in the report of the committee?

Mr. BLACKBURN. I will answer that question. I have filed a statement which neither the gentleman from Iowa [Mr. Kasson] nor any other gentleman will impugn.

Mr. KASSON. But I appeal to that statement.

Mr. BLACKBURN. I had a conversation with Mrs. Belknap, and that fact is on record and has gone to the country.

Mr. KASSON. If it is sufficiently important to the case to have been reported and made public why should not the criminal courts be entitled to the banquet. [Laughter and applause on the republican entitled to the banquet. [Laughter and applause on the republican

side of the House.]

Mr. BLACKBURN. I desire further to say that the gentleman from Iowa [Mr. Kasson] ought to know that no contract referred to by his colleague nor any other paper in this case in the shape of proof is in he possession of this committee at all. It is in the possession of the

House, to which it was reported.

And now will the gentleman from Iowa [Mr. Kasson] allow me to ask him a question? I find a report in the newspapers of the country to the effect that the gentleman from Iowa [Mr. Kasson] with his colleagues waited in a body on the fallen Secretary. [Laughter.]

Mr. KASSON. I will answer that question with more cheerfulness than the gentleman answered mine.

ness than the gentleman answered mine.

Mr. BLACKBURN. Then I trust he will tell us what then occurred, and whether he is the repository of a confession from the late Secretary of War. [Laughter.]

Mr. KASSON. I will respond to a subpœna to give any statement of what I know in aiding the prosecution against Mr. Belknap. [Applause.] Will the gentleman do as much?

Mr. BLACKBURN. Well, sir, I appeared in court this morning.

Mr. KASSON. But will you plead your privilege.

Mr. BLACKBURN. I have already said that I appeared in court this morning and expressly stated to the court that I did not plead privilege, but if forced to become a party to the disreputable effort of

privilege, but if forced to become a party to the disreputable effort of your President to gag a respectable witness, I would put my protest against it on record in the American Congress and send it before the

Mr. KASSON. I hope the gentlemen on the other side will allow that I have been more liberal in yielding to interruptions than they were. Let me recur to the question I was discussing. I say that the prosecuting officers of the Government, in the performance of their sworn duty, investigating crime, the beginning of which was developed by the Committee on the Expenditures of the War Department, are proceeding exactly in accordance with law before the tribunal certallished by law and the question way reconstituted to the University of the Committee of the Co established by law, and the question now presented to the House is, Shall the House withhold the aid in its power, or shall any member of

the House refuse his aid to secure the punishment of this criminal?

Mr. ROBBINS, of North Carolina. Will the gentleman allow me

to ask a question?

Mr. KASSON. Let me finish what I was saying. I affirm that in this state of facts this House cannot afford to put itself on record as

obstructing the course of justice.

So far as the allegation that this discourages men from giving testimony is concerned, every lawyer in the House knows that the moment an indictment or an impeachment is presented an alarm is sprung to some extent; and in the given case of Marsh it was well understood that the man fled before notification of the impeachment had been presented to the Senate, or even to the House; that is nothing but an excuse. Mr. BLAINE. V

Will the gentleman from Iowa allow me to inter-

mr. KASSON. Certainly.
Mr. KASSON. I merely want, by the indulgence and kindness of the gentleman from Iowa, to state—and I want the country to understand it—that there is no question pending before the criminal court of this District affecting any other person than William W. Belknap in relation to this matter.

Mr. BLACKBURN. How do you know?

Mr. BLAINE. These gentlemen are not summoned to give testi-mony in the case of any witness whatever.

Now, these gentlemen made a final report of this case and wound it up by moving an impeachment, and the impeachment article in the Constitution expressly guarantees that the guilty party shall be liable and subject to indictment, trial, judgment, and punishment according to law, and the President of the United States in pursuance of his duty sent these men before a judicial tribunal, and the judicial tribunal sent up a summons here asking this House to let them know the testimony that they thought grave enough upon which to found an im-

And then we have the miserable backing and filling, shuffling, and pretense that somebody's privilege is invaded. I undertake to say that from 1789 down to this moment there never was so paltry a plea put in anywhere. Every one knows that a summons issued to a member of Congress goes upon the explicit understanding that he can respond to it or not, because, except in case of treason, felony, and breach of the peace, he is constitutionally exempt from arrest. When these gentlemen come in here and pretend that their sacred privileges were invaded it is a little laughable. They could walk the streets unmolested. The whole question for these gentlemen originally, and for the House, as they have now transferred it to the House, is whether we will stand as a bar to the prosecution in the criminal courts of the late Secretary of War or whether we will furnish all the testimony

in our possession.

And the question I desire to ask the gentleman from Iowa [Mr. Kasson] is this: How, in his judgment, would it have looked before the country if the republican party had come in here this morning and interposed this pitiful evasion with the idea that they might skulk behind it, and in some way save a member of their party?

Mr. KASSON. It would look as if we had gone over to the democracy. [Laughter.] I now yield to the gentleman from North Carolina for a question or a brief statement.

Mr. BORRING of North Carolina Mr. Robert is this that there is

Mr. ROBBINS, of North Carolina. My point is this, that there is a great deal of pettifogging here about the position of different gentlemen of different parties. I do not care about that; but I want to

ask one square question as an American citizen.

Mr. KASSON. Good; do it.

Mr. ROBBINS, of North Carolina. Is not the necessary effect of inquiring of members of this House upon investigating committees as to what has been testified in regard to matters before them, when a witness may be subject to indictment for bribing public officers is not the necessary effect of such inquiries before any tribunal while the investigations are in progress to intimidate witnesses? And fur-ther, does not the gentleman see that it is not ourselves that we ask to be protected, but that it is the witnesses we have before us by the dozen, and who are about to be scared away from here by this thing?

[Laughter and applause.]
Mr. KASSON. That is pretty well put under the circumstances.
[Renewed laughter.] But I ask at the same time if the country will not say of a committee that takes that ground, especially where three of them had this particular information some time before the other two had any knowledge of it, that their object is to make a disagreeable odor in the political atmosphere, and not to enforce justice according

Mr. ROBBINS, of North Carolina. I ask the gentleman if he will

Mr. KASSON. I always yield to the gentleman from North Caro-

lina for a question.

Mr. ROBBINS, of North Carolina. I thank the gentleman for his courtesy. I do not often trespass upon it. This is what I say: This case will keep until we have tried the late Secretary of War where he ought first to be tried.

Mr. KASSON. That is just what I thought the day of the impeachment; that the impeachment would keep at least over night; but they thought it would not, and hurried it right through under the

they thought it would not, and hurried it right through under the previous question.

Mr. ROBBINS, of North Carolina. I beg the gentleman to hear me. Mr. KASSON. The more you examine into the reasons for this the more you find that this business of intimidating witnesses has no effect upon "the dozens that are waiting on the committees." And why? Because by law they are protected against having their testimony used against them; they are perfectly protected.

Mr. ROBBINS, of North Carolina. Will the gentleman allow me another question?

Mr. KASSON. Certainly.

Mr. KASSON. Certainly.
Mr. ROBBINS, of North Carolina. Is not Caleb P. Marsh indictable for having bribed the Secretary of War? And if I am summoned and swear that he confessed before us that he did do so, do I not put him before the grand jury to be indicted?

Mr. KASSON. I hope to God he will be indicted for offering a

bribe.

Mr. ROBBINS, of North Carolina. And did not that threat of the President that he should be prosecuted make him go to Canada?

[Laughter.]
Mr. KASSON. The point is evaded. He went before any such threat was made. Of course the man is indictable and ought to be indicted if there are witnesses to be found to prove the offense. But the other point is the one involved, that he is bound to testify.

we not last winter keep a witness in jail for weeks and weeks, until he finally yielded and testified, because he had taken an illegal posi-tion, that he ought to be protected against being compelled to testify? He was intimidated, but the intimidation amounted to nothing; we got his testimony. And so can this committee, if it is in earnest, get the testimony of any witnesses whose testimony they are entitled to by the laws of the land.

We ought not to be asked to postpone the indictment of the Sec-

retary of War himself, the criminal revealed here on the report of the retary of War himself, the criminal revealed here on the report of the committee; we ought not to postpone his indictment to the distant future on the theory that some possible witness may be scared away, when the committee have it in their power to enlighten the grand and the petit juries as to the facts in the case.

Mr. ROBBINS, of North Carolina. I want to say one word further. Mr. KASSON. I am desirous to yield to the gentleman from Mississippi, [Mr. SINGLETON.]

Mr. BLACKBURN. The gentleman from Iowa will allow me to remind him that he promised me to answer a question which he has unwittingly or deliberately ignored. Was it true, as stated in the newspaper reports—

newspaper reports-

Mr. KASSON. I remember the question.
Mr. BLACKBURN. Let me state the question.
Mr. KASSON. Not again.
Mr. BLACKBURN. Did the gentleman go with the Iowa delegation and hold an interview with the Secretary of War; and if he

did, what secrets did he learn?

Mr. KASSON. I ask the gentleman to observe the rules of the House. The question had passed out of my mind, and I do not want it to do so again before I answer it, or I shall have another speech from the gentleman from Kentucky.

A MEMBER. A better speech than your own.
Mr. KASSON. Before the committee had made their report, there came a notification to the entire Iowa delegation in both Houses that the Secretary of War wanted to see them. That was before the committee had made their report; and I for one have never seen that day when I was so much afraid of a man that was down upon his back that if he sent to me a request to see him I would not see him. I tell the gentleman from Kentucky further that if such be the spirit of Kentucky, he cannot find one member of the Iowa delegation that will respond to it. We went in the evening by the request of the Secretary of War; and then we met—what? The gentleman is entitled to it, and he shall have it all. We met this statement: "Gentlemen, when I sent for you I supposed there was to be some opportunity to be heard in the House in some way upon this subject. I have now learned by accident since six o'clock that I am impeached, and that the House has taken order to notify the Senate of the impeachment. It is useless for me to trouble you with what I was going to say touching the evidence in this case." And we left him. Let the gentleman make the most of it; but let him understand that if he thinks it right, Iowa does not think it right to refuse to one of its citizens an interview when he is impeached before the Senate of the United

Mr. AINSWORTH. I desire to ask my colleague if it is true that the Secretary of War sent for the entire Iowa delegation; and, if so, why they left me out. [Loud laughter.]

Mr. KASSON. I rather think there were two reasons for it. One

Mr. KASSON. I rather think there were two reasons for it. One is that my colleague [Mr. AINSWORTH] did not see the boy that brought around the requests; and the other is that he happens to come from such a district, politically, that the Secretary of War forgot there was a democratic Representative from Iowa. [Laughter.] But really I do not know whether his name was on the list or not. There was a long list of names; that is all I know.

Mr. HARRISON. Does the gentleman mean to say that that little

Mr. KASSON. O, never mind that. I now yield to the gentleman from Mississippi [Mr. SINGLETON] for a question.

Mr. SINGLETON. Mr. Speaker, the gentleman from Iowa [Mr. KASSON] and all the gentlemen on the other side of the House profess to be ready to join earnestly with the democratic side of the House in the endeavor to have these matters thoroughly and properly investigated. Now I want to ask this question: whether they are willing to unite with us in securing the passage of a bill (if it be necessary) through this House and the Senate giving protection to witnesses when they appear in these cases and testify to matters under

investigation?

Mr. BLAINE. Certainly.

Mr. KASSON. I hardly know whether I comprehend the point of the gentleman's question. There is now a law protecting witnesses from liability for any statement they may make in evidence before a

congressional committee. Mr. SINGLETON. I understand that; but it does not when evi-

dence is obtained aliunde. Mr. KASSON. If any law can be devised that can give greater protection, if it does not defeat the ends of justice, we will support

protection, it it does not deteat the ends of justice, we will support it unanimously on this side.

Mr. SINGLETON. The gentleman knows perfectly well that while the members of a committee cannot be compelled to disclose what took place in the committee-room, and while witnesses may have protection in that way, yet if others than members of the committee shall come forward and testify in court against these parties,

does not the gentleman see that they may thus be made liable to

prosecution?

Mr. KASSON. If I understand the gentleman, he is in very great error touching the law. The law for the protection of witnesses, to be found in the Revised Statutes, is explicit, the object being to induce them to make clear and full statements before investigating committees of Congress. I am sure the gentleman misapprehends the law; but if it is defective, we will support any bill to make it more effective.

Mr. SINGLETON rose.

Mr. KASSON. The gentleman must excuse me further. I now yield to the gentleman from Massachusetts, [Mr. Hoar.]
Mr. SINGLETON. The entire extent to which the law goes, as I

understand, is this: It does not protect witnesses from criminal pros-

Mr. KASSON. So far as concerns their own evidence it does.
Mr. SINGLETON. The testimony given by them cannot be used
against them in a criminal prosecution, but they are liable to be pros-Mr. KASSON.

ecuted in a criminal court upon other evidence.

Mr. KASSON. And ought to be.
Mr. SINGLETON. Now I ask the gentlemen on that side of the
House, are you willing to unite with us to afford protection to these
witnesses against all detriment that can come to them if they appear and testify in these matters before committees of this House and before a criminal court?

Mr. HOAR. I rise to a question of order. The gentleman from

Iowa has yielded to me.

Mr. SINGLETON. The gentleman yielded to me for a question, and I insist upon an answer. I ask for an answer; I am pleading for

The SPEAKER. The gentleman from Iowa yields to the gentle-

man from Massachusetts

Mr. KASSON. I have tried to answer my friend from Mississippi. I wish to say distinctly, if he means to propose a law that if you have twelve criminals, gross criminals, and they all testify to the question of one other criminal, then the whole twelve shall escape punishment, I will not do it. If he means, on the other hand, a reasonable law that will give further protection, if further protection is needed, to procuring testimony and finding out criminals, we will support it. I hope I am now understood.

Mr. HOAR. I propose, Mr. Speaker, to submit the following amend-

ment as a substitute for that offered and now pending.

The Clerk read as follows:

Resolved. That the said members be at liberty to attend before said court and give such evidence and produce such documents, if any they have, as relate to the charge against said Belknap for receiving a bribe from one Marsh.

Mr. HOAR. Mr. Speaker, I desire to say only two or three words Mr. HOAR. Mr. Speaker, I desire to say only two or three words in regard to this matter. I suppose it is clear that if these three gentlemen who have addressed the House had been members of the English House of Commons, they would have been punished as for contempt of the body to which they belonged, forthwith, on their own statements. If any court, or the other branch of Parliament, summons a member of the House of Commons to appear and testify in any mode which is a breach of his privilege, it is necessary first to apply to the house for leave, and the member commits a high contempt or crime if he waives that privilege. Why? Because the privilege is the privilege of the house, and the individual member has no right to waive it.

If these gentlemen are in possession of the secrets of this House, if they are in possession of public documents relating to the pending

If these gentlemen are in possession of the secrets of this riouse, if they are in possession of public documents relating to the pending investigation, then it is a breach of our privilege, not of theirs, if they put themselves within the power of any legal tribunal and by waiver of that privilege enable it to wring from them those secrets. So that they are either wrong in the position they assume, and they have no such secrets in their possession, or they have been guilty of a

high contempt of this House.

Now, sir, what is the attitude of this question? It is this: This House has no power and the Senate has no power to punish an American citizen for anything except for contempt. They may protect the American people by removing from office or by preventing the return to office of a corrupt office-holder. But gentlemen must of late years have been reading some other constitution than ours. [Laughter.] They have forgotten our Constitution declares that no man shall be held as answerable for crime unless on presentment or indictment of a grand jury. That is the right of the people and of the citizen as well. No political body eager to find reasons against its political op-

Mr. TUCKER. Will the gentleman yield to me?
Mr. HOAR. Not at this moment.
No political body eager to make capital for any pending election is intrusted with the august privilege of vindicating the outraged justice of the American people. I will now answer the gentleman from

tice of the American people. I will now answer the gentleman from Vi ginia, [Mr. TUCKER.]

Mr. TUCKER. I would like the gentleman from Massachusetts to tell the House under what constitution, according to the reading of what constitution was it that Milligan, a citizen of the State of Indiana, was tried capitally without presentment or indictment?

Mr. HOAR. That was under military law, if it was under law at all. That is a different thing; it was in time of war.

Mr. Speaker, now this committee had discharged its function. The members of the committee had received, by conversations, by con-

fession, by investigation, certain facts which tended to prove a high crime had been committed in this District. They communicated those facts, as far as they related to this distinct charge against the Secretary of War of taking a bribe from one Marsh, to the House, and their communication has been published to the country. So far as they are concerned, there is no investigation pending. So far as they are concerned, there is no secret of the House touching this thing in their possession. The matter has been taken from them; they have been discharged and the matter has been committed to another combeen discharged and the matter has been committed to another committee of the House. Now, it seems to me, therefore, and I submit to the cooler judgment of the gentlemen on the other side of the House, that the duty of the House is to direct that the evidence in the knowledge of these gentlemen, or any documents, if they have any, tending to prove the particular charge against William W. Belknap of taking a bribe from Marsh, may be laid before the judicial tribunal of the country. If on the other hand they are presenting tribunal of the country. If, on the other hand, they are prosecuting their investigation and that subpana duees tecum is too broad in reference to the matter described, it is their duty to plead their privilege in regard to all such matters and refuse to submit themselves to that

tribunal for any other investigation.

Now one word, sir, in regard to the question suggested by the gentleman from Mississippi, [Mr. Singleton.] I should not be in favor, and I am quite sure with my knowledge of his good seuse he will not be in favor, of such a proposition as he has suggested, and that is of a bill which enacts that whenever a person appears before a committee of either branch of Congress and makes a statement on oath touching any crime he never shall be indicted for that crime.

See where that would lead. Just take the case of a Senate and House of different political parties and of a prosecution or investiga-tion by the House going on against political criminals belonging to the party which is in the ascendancy in the other branch, all that party would have to do would be to institute an investigation by one of its committees, summoning the various officers of the Departments before it and asking them such questions as they chose, and forever those officers would be pardoned for the offense. Mr. Belknap, if it turned out that he appeared before an investigating committee of the Senate and answered some general questions about the matter in pros-ecution, would be pardoned if such a law were put upon the statutebooks.

A MEMBER. Witnesses would volunteer.

Mr. HOAR. I suppose I am violating neither the privilege nor the secrecy of any committee to which I belong if I say that probably a law which will secure all that is desired in regard to this class of cases will be framed and proposed to the House shortly, and will probably receive the united support of all the members of the House. Mr. SINGLETON. Will the gentleman yield to me for a sugges-

tion?

Mr. HOAR. Yes, sir.
Mr. SINGLETON. It is perfectly evident to my mind, and I suppose to the mind of every other member who has given attention to this matter, that the reason why Marsh is now missing is altogether on account of the fact that it has been announced everywhere in your papers that no guilty man should escape. He therefore felt that he was particeps criminis in this affair, and thought it best to get out of

Mr. KASSON. Does the gentleman complain of that policy that no guilty man should escape?

Mr. SINGLETON. I do not, sir. And now the whole prosecution eriminally is in danger of failure on account of the absence of this witness. The proposition I make to the gentleman from Massachusetts and to the other side of the House is this: that we shall in regard to this particular witness—not in regard to the witnesses in every case where they shall appear and testify, but in regard to the witnesses in every case where they shall appear and testify, but in regard to the witness or witnesses in this particular investigation and others growing out of it—we give them assurance that they will not be prosecuted; and my word for it, as soon as that is done you will see them

here ready to testify.

Mr. HOAR. I do not yield further. But I will put a question to the gentleman from Mississippi [Mr. SINGLETON] which I do not ask him to answer. It is a mere rhetorical statement of an argument.

Do you want Belknap to get off and not have his case presented to the criminal courts of the country for fear you frighten Marsh?

Mr. SINGLETON. Not a bit of it. The whole object, let me say, in this proposition is to prosecute as vigorously as it may be done, that you may have the benefit of the evidence of these witnesses. You have now frightened them off, and that has been as I believe intentional.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill (S. No. 438) for the protection of agriculture against insects; in which the concurrence of the House was requested.

The message further announced that the Senate had passed without amendment the bill (H. R. No. 2282) to extend to the port of Genesee, in the State of New York, the privileges of sections 2990 to 2997 of the Revised Statutes, inclusive.

## IMPEACHMENT OF W. W. BELKNAP.

Mr. DANFORD. I have no desire whatever to discuss this question of privilege, and I should not have sought the floor were it not for intimations thrown out by the member of the committee from

Kentucky, [Mr. Blackburn.] I do not know whether I understood fully the remarks of that gentleman or not. I understood the gentleman to intimate that the republican members of the committee were not so earnest in their desire to prosecute the late Secretary of War as the democratic members of the committee. If the gentleman from Kentucky means by this simply the fact that the republican members of that committee were never present until Wednesday morning last, then I have nothing further to say; but in justice to myself I desire to state that I happen to be a member of the Committee on Naval Affairs. That committee has been constantly in session for some weeks, having liberty to sit during the sessions of the House. I had been notified twice by the chairman of the Committee on Expenditures in the War Department to meet with that committee. I had never met with that committee, for the reason that my time was wholly occupied in the Committee on Naval Affairs, conducting an investigation that has taken a very large amount of testimony. There are gentlemen present who will undoubtedly sustain me in that declaration.

I was notified on Wednesday morning—and I may say that I was kindly notified by the chairman of the Committee on Expenditures in the War Department coming to me at the breakfast-table and so informing me—that important matters were before our committee.

Mr. BLAINE. Were you ever so notified before?

Mr. BLAINE. Were you ever so notified before?
Mr. DANFORD. It was the first notification I had save a formal notification of the meeting of the committee which I had received twice. I never felt badly treated by the committee for the reason as I understood it that the investigations were being conducted at the regular meetings. I had notice of the times when the committee met. I did not appear. The fact, however, is as the chairman will bear me out in saying, that I had no notice of anything special being before the committee until last Wednesday. I did appear upon receiving that notice. I went to the Committee on Naval Affairs and asked the chairman of that committee to postpone the examination of a witness for some time, and I went down to the Committee on the Expenditures of the War Department, and I hope that my colleague on the committee from Kentucky [Mr. Blackburn] does not intend to intimate that either myself or the other republican member of that committee, the gentleman from New York, [Mr. Bass,] from that time until the resolutions were reported and passed by this House, were not as vigilant and as earnest in pursuing that inquiry

as the democratic members of the committee. Mr. BLACKBURN. Will the gentleman permit me a word? Mr. DANFORD. I will.

Mr. BLACKBURN. In justice to him as well as to myself I want to say that the record of this House will show when the resolution which declared that this ex-officer was liable to impeachment was pending before this body, I said that in the committee-room in the matter of agreement on that report we had recognized no difference between republicans and democrats. That was my language substantially, and I trusted the same purpose would be manifested by the republican members of the House. I did then say that, having seen the statement made in the public prints of the country upon the authority of the republican members of that committee, that efforts made by them to retain the absconding witness had failed. I have done to these gentlemen more than justice by my silence. I now take pleasure in attesting the truth of what the gentleman from Ohio says. I had not said before, but after his statement I may say now, and I want the country to know it, that there is not one atom of truth, or fact, or proof that has ever appeared before the committee that I do not want emblazoned before the country. In view of his utterance I feel authorized to say that from the day when Congress convened until last Wednesday, when the proof was all in and signed and sealed no one republican member of that committee ever crossed the threshold of the committee-room, although, as the gentleman from Ohio admits, he was notified more than once to attend. It was then, when a culmination had been reached of the inquiry, that a special messenger was sent to ask these two republican gentlemen to come to the committee-room and read the proof before we made a report to the House; and I now reiterate what I said upon this floor last Thursday, that from that time no democratic member of that committee was more earnest, more vigilant, or more honest in his endeavors to bring this guilty party to justice than the gentleman from Ohio [Mr. Danford] and the gentleman from New York, [Mr. Bass.] That is the whole truth.

Now, if the gentleman will permit me, I will read the charge of which I complain; and after the liberal and just manner in which I had treated them on last Thursday, I am surprised at their silence under a charge like this. I read from the New York Tribune of yesterday: CLYMER BLAMED FOR MARSH'S ESCAPE.

WASHINGTON, March 6.

There seems to be a great sensitiveness on the part of the democrats that the only witness in the Belknap case should have been allowed to escape through the thoughtlessness if not imbecility, or some stronger term, of the chairman of their own committee, who is one of the leaders of the party. The republicans seem disposed to press the fact to the disadvantage of the democrats, the more so from the fact that the republican members of the committee urged that Mr. Marsh be detained until the case against Mr. Belknap should be disposed of.

I ask the gentleman from Ohio now to tell whether that charge is true or false

Mr. DANFORD. I desire to say here that I am not the authority for the statement read by the gentleman from Kentucky.

Mr. BLACKBURN. I knew that would be the gentleman's answer; and I ask him now to state whether the charges there made are false Was there any effort made in the committee-room to retain the witness ?

Mr. DANFORD. If it is not conceived by other members of the committee to be a secret, I feel at liberty to state just what my recolcommittee to be a secret, I reel at liberty to state just what my recollection is. On the morning of last Thursday Mr. Marsh came into the committee-room shortly after its meeting and the suggestion was made, either by himself or perhaps by the chairman of the committee, that he be discharged. That was prior to the committee having ascertained the fact whether there would be more testimony or not before the committee. At that time I remember that Mr. Bass, my republican colleague on the committee, suggested that it would be improper to discharge the witness until the investigation was closed, and I think the chairman of the committee will remember that suggestion. Afterward the witness Marsh withdrew. It had been determined that we would take no further testimony before the committee. Mr. Marsh then came in and the question of his discharge was again before the committee, and there was no member of the

committee who questioned his right to go.

I believe that my colleague, [Mr. Bass,] who is absent to-day on account of sickness, would bear me out exactly in the statements I make, and the only regret that I have is that Mr. Bass is not pres-

ent on this occasion.

Mr. CLYMER. I know how desirous my colleague from Ohio on the committee is to do exact justice and state what is fair, and therefore I will try to refresh his memory by this suggestion: whether on the morning when Mr. Marsh appeared, and it was suggested, as I will admit, although I do not remember it personally, that he should be discharged, after that he was not cross-examined by Judge Blair, counsel for Mr. Belknap?

Mr. DANFORD. Certainly.
Mr. CLYMER. And did not he then say that he had no other or further questions to ask him?

Mr. DANFORD. Undoubtedly.
Mr. CLYMER. And then, in the presence of Judge Blair, and in Mr. CLYMER. And then, in the presence of Judge Blair, and in the presence of the whole committee, did not the witness say: "Are you done with me?" And was not my reply, or the reply of some one, this: "We do not know that we have anything more to ask you." And did not the witness then say: "I want to go to New York." And I remember that I asked him, "When do you propose starting?" and he said, "I would like to get off very early." I asked him if he would go that night, and suggested that if he was going he could get his mileage and pay, and I even went so far as to say that I would go with him to the Sergeant-at-Arms if he was not acquainted with him. I think he intimated that he cared nothing about that. The witness left the room in the presence of and with the consent of the entire left the room in the presence of and with the consent of the entire committee.

Mr. HOAR. Will the gentleman from Pennsylvania allow me to

Mr. CLYMER. Certainly.

Mr. HOAR. It is whether, if a resolution had been offered to the House to take order for the detention of that witness for the purpose of testifying in the impeachment case, it would not have been better, instead of calling the previous question on his resolution, and preventing men who understood their business from attending to it

Mr. BLAINE. And further—
Mr. CLYMER. I want to reply to that question. I want to say that no member of that committee, after seeing the manner of the witness and the fairness of the statement of his evidence, had the least suspicion on earth that he would leave the country.

Mr. HOAR. I want to ask the gentleman—

Mr. CLYMER. One moment. I say now that he left the country; and if he does not return it is because this case has been pursued

with a purpose so as to frighten him from the country.

Mr. HOAR. I want to ask the gentleman whether he is not now satisfied that he made a mistake in reporting his resolutions and calling the previous question on them before anybody could suggest the

mg the previous question on them before anybody could suggest the proper course to be pursued?

Mr. CLYMER. No, sir; I made no mistake.

Mr. BEEBE. He could not anticipate what your President would do.

Mr. CLYMER. I made no mistake. I let the blow fall, as fall it should, with a swiftness and suddenness calculated to strike terror to all evil-doers.

Mr. DANFORD. I desire to state in relation to the remarks made by the chairman of the committee [Mr. CLYMER] that, while I do not remember the entire colloquy between himself and the witness Marsh, I do remember the substance of it. The gentleman states correctly what took place in the presence of the entire committee. The only other thing I desire to say is this: in justice to my colleague, Mr. Bass, it ought to be stated here to the House and to the country that he is at this time sick and has been unable to attend even the sittings of the House. And now, as this is a matter of record, I ask the chairman of the Committee on Naval Affairs, [Mr. WHITTHORNE,] whom I

see present, to bear witness as to the manner in which our time upon that committee is occupied. I ask it in justice to myself.

Mr. WHITTHORNE. I take very great pleasure in stating, on behalf of the gentleman from Ohio, [Mr. DANFORD,] that he has been constant and unremitting in his attention to the duties devolved upon him as a member of the Committee on Naval Affairs. Upon one or

more occasions I remember that he has called my attention to the fact that he would be absent on duty connected with the Committee on Expenditures in the War Department, and asked me not to examine a given witness until he returned. I take pleasure further in adding on behalf of my colleague on the committee that I have noticed his honesty and good faith in seeking to develop any matter connected with honesty and integrity in the public service.

Mr. COX. I ask that the resolution, not the preamble, offered by

the gentleman from Mississippi [Mr. LAMAR] be read.

The Clerk read the resolution, as follows:

Resolved, That the said committee and the members thereof are hereby directed to disregard said mandate until further order of this House.

Mr. COX. I do not intend to detain the House very long in answering the irrelevant talk that has been made by the gentlemen on the other side. Theirs is an old trick, an old fallacy in logic. It is copied from the action of a certain fish of the sea, which emits a large quantity of a certain sort of juice of an inky color, in which to make its escape from attack. There is another pertinent illustration. When some one once spoke in the Roman senate in defense of assassination a senator said that the defenders of assassination were worse than

Gentlemen were horrified the other day at some expressions of mine. One member said that they had disgusted the civilized world. I wonder what the civilized world thinks of this nation to-day. What will it think of members talking here about remitting this great matter for which Congress has impeached an unfaithful war minister to a little police tribunal of our own creation? What will it think of try-ing to steal the jurisdiction from us when impeachment was intended by the Constitution, not only as a punishment but as a solemn warning and great ensample to functionaries for all time?

Gentlemen fail to see the distinction between impeachment and its penalties and conviction by a mere police court of this District, which

is our creature.

It was said here the other day that the President could pardon a criminal convicted under our statutes in the police court. True; and Congress itself may repeal the very law under which the conviction is had and the convict may go acquitted. Not so with the paramount impeachment.

Mr. BLAINE. Who is objecting to his impeachment?
Mr. COX. You did not object to it the other day.
Mr. BLAINE. Nobody else did or is objecting now.
Mr. COX. Now you sit down and do not play those tricks on me.

[Laughter.]

Now, Mr. Speaker, I never received any treatment from the gentle man from Maine while he was in the chair except courtesy. He used frequently to chide me for interrupting discourteously and irregularly other members while they were speaking. That was all right.

Now let him practice what he taught in the chair.

Who objected to this impeachment? The gentleman from Massachusetts [Mr. Hoar] held that we could not impeach an officer after

his resignation.

Mr. HOAR. O, no; will the gentleman permit me to state what

was my position?

Mr. COX. I understood the gentleman from Massachusetts to argue that resignation forbade impeachment, and he quoted from Judge Story to prove it.

Mr. HOAR. Will the gentleman permit me to explain? I am sure he does not wish to do me injustice.

Mr. COX. After the expression which the gentleman used the other day about my having disgusted the civilized world, he can hardly expect me to yield. [Laughter.] I say that the gentleman from Massachusetts the other day thus quoted Judge Story, and in a melodramatic manner declared: "If I am alone, I will vote against this important in this media as hardly a." peachment in this mode, so hastily."

Mr HOAR. O, no.
Mr. COX. Well, the remark was something of that kind; the Rec-

Mr. COX. Well, the remark was something of that kind; the Record will show it.

Mr. HOAR. The gentleman is mistaken altogether.

Mr. COX. Did not the gentleman from Iowa [Mr. Kasson] plead in behalf of a citizen of his State, the late Secretary of War, for delay? What is the meaning of all this excitement and noise here? Why is your side of the House so unanimous, with the exception of one or two gentlemen, against pursuing this proceeding as the committee has pursued it—in a fair and honorable manner? What has this committee done that is wrong? Simply hesitated to plead their privilege and asked the judgment of the House. Why, sir, the gentleman from Maine said that to plead a privilege such as is recognized in parliamentary rules was a "miserable whiffling, shuffling, backing, in parliamentary rules was a "miserable whiffling, shuffling, backing, and filling sort of thing," and then the gentleman from Massachusetts [Mr. HOAR] says that a man who does not plead it is in contempt of the House!

Mr. BLAINE. I said for the House to plead it.

Mr. COX. Now there is no use for the gentleman to get up any

more. [Laughter.]

Now, Mr. Speaker, I read a definition of this privilege as given by Jefferson in his Manual, to be found on page 58 of our Digest:

This privilege from arrest, privileges, of course, against all process the disobedience to which is punishable by an attachment of the person; as a subpena ad respondendum, or testificandum, or a summons on a jury; and with reason, because a member has superior duties to perform in another place.

What is the reason for this rule of our action? Simply this: that a Representative who represents a large body of people, or a Senator who represents a State, should not be called by the courts at their pleasure to leave their seats. He holds superior allegiance. If it were otherwise, might we not be left without a quorum here? Might we not have great difficulty in proceeding with the public business? The object of a privilege of this kind is that the public business shall go on. Public duty is paramount to all your police courts and with all their attachments and subpensa duces tecum. Ah! gentlemen say that they would allow this petty court of the District to take all the records of this committee and all documents from our control all the records of this committee and all documents from our control and possession, including the main evidence in writing—that is the Marsh-Evans contract—before the grand jury of that court; they would allow them to be there examined; they would have this committee take them all down to that jury-room. What for? To aid the object of their procurement? To cleanse the public service and to punish for high crimes and misdemeanors? To facilitate the procedure inaugurated for impeachment? No. To indict and punish Marsh? The gentleman shakes his head; he does not want to punish Marsh, I suppose.

Mr. BLAINE. The subpœna was only for the Belknap case; don't

dodge behind Marsh.

Mr. COX. Just wait; I can fix you on that. [Laughter.] I was raised in a clerk's office; I have issued thousands of subpænas duces tecum and understand the duty of a grand jury. That process is a notice under penalty to the witness to come with all the documents named in the process.

Mr. BLAINE. In the case of Belknap.

Mr. BLAINE. In the case of Deikhap.

Mr. COX. O! but the subpena is to appear before the grand jury; and if it appears before the grand jury, upon inquiring as to Belknap, that Marsh is guilty, the grand jury, as the gentleman knows, is bound to find an indictment against Marsh; and hence you press this thing. [Applause.]

Mr. BLAINE. Will the gentleman permit me one moment?

Mr. BLAINE. Will the gentleman permit the one months.

Mr. COX. No, sir.
Mr. BLAINE. One moment only.
Mr. COX. No, sir.
Mr. BLAINE. Just a moment by the gentleman's courtesy.
Mr. DAVIS. I rise to a question of order. The gentleman from Maine is out of order, and nobody knows it better than himself.

[Laughter.]
Mr. BLAINE. That depends on whether the gentleman from New York yields to me. Does the gentleman yield to me for a question?

Mr. COX. I decline. You know the other day you declined to

yield to me. [Laughter.] The SPEAKER pro tempore. The Chair understands the gentleman from New York does not yield.

Mr. BLAINE. I now understand it too. [Laughter.]
Mr. COX. There is nobody I would rather hear speak than the honorable gentleman from Maine; but he does not seem to keep his temper very even on this question. I do not know why he should be so anxious to protect this Administration. It has not been see anxious to take care of him. [Laughter.] Perhaps he thinks this matter will kill the Administration and then his chance will be better to be a Senter or representing of these services.

But the point I make is this—you cannot get over it; you cannot get under it; you cannot get around it; you have got to come up and meet it—it is this: If these committeemen testify, and these papers and testimony are carted to the room of the grand jury sitting as an inquest in secret, and inquiring into all offenses, and that contract signed by Marsh, not by Belknap, is read by them, the indictment will not be against Belknap but against Marsh; and therefore you are pursuing Marsh in this way.

Mr. KASSON made a remark which was not heard.

Mr. COX. I cannot hear that talk in the seat over there. It is irregular; I cannot answer it; and I hope it will not be put into the RECORD like some other bad things I have seen.

This suspicion of rascality in the administration of the Government

has been in men's minds for a good many years. After all our minority trials and troubles for a long time our investigations have proved almost fruitless. Nearly all of them were suppressed by the kind and patriotic efforts of gentlemen on the other side. [Laughter.] I do not wonder that the gentlemen of this committee charged with this duty were a little reluctant to confer with gentlemen on the other side in respect to these peculiar matters or to submit their evidence to other and insignificant tribunals.

When it is charged, as it is here, that this matter transpired in time to affect an election it is about the best defense of the crime possible. Then it is said that it is brought out for some malicious purpose, and when failing to defend the badness, they turn around and inculpate the committee for something. They abuse the plaintiff's counsel like the lawyer in the old story. This mode of defense does not look like the high moral tone of the party which is claimed to be based on

moral ideas. [Laughter.]

But, Mr. Speaker, I was about to say that we have had investigations heretofore under republican auspices. I served two months on the committee on the "Black Friday" panic. We had to go up and down Wall street and Broad street; and we rushed from Washington County, Pennsylvania, to Washington City, District of Columbia, to obtain our proofs. We unearthed much that was infamous. We brought matters almost up to the very portals of power. How were we treated then? I have at last accidentally found in my committee-room the journal of the Currency Committee. It was under the au-thority of that committee that this Black Friday was examined. I have an abstract here which I will give you now, and I do not care whether it affects the New Hampshire election or not. [Great laughter.] It ought to affect it. It ought to make honest men vote for the democratic party this year. [Applause.] Now, what is that record? On the 1st of February, 1870, after cer-

tain revelations, Mr. Cox offered a resolution that the chairman of the Committee on Banking and Currency should confer either per-sonally or in writing with the President of the United States in reference to the testimony given before the committee referring to him or his family, and that the President be respectfully requested to state whether, after considering the matter, he desired to be heard before the committee, or otherwise, with reference to said evidence. That resolution was agreed to.

On the 4th of February Mr. GARFIELD, the chairman, reported that he had, in pursuance of instructions, called upon President Grant and stated to him that in some of the testimony given before the committee personal reference was made to himself and to some of the members of his family, and inquired whether he desired to make any suggestions or statements concerning the same.

Mr. Garfield also reported:

The President desired me to express his thanks to the committee for their courtesy, and to say that he preferred not to see the testimony nor to make any suggestions or statements in reference to it during the progress of the investigation.

Whereupon Mr. Cox offered the following resolution: Resolved. That the committee summon the President of the United States

On motion, the consideration of the resolution was postponed. On the 5th of February Mr. Cox moved to summon General Dent. and Mr. Jones moved to summon Mrs. Corbin. The consideration of the resolutions was postponed to the 8th of February, and on that day, after a great deal of trouble and trial, the motion of Mr. Cox to summon the President was taken up.

Mr. Coburn (a republican) moved to amend by requesting the President to appear before the committee to testify. The amendment was lost by the following vote, democrats in italics:

Yeas—Messrs. Coburn, Lash, Cox, and Jones—4. Nays—Messrs. Judd, Smith, Packer, Burchard, and the chairman, Mr. Gar-

The vote was then taken on the original resolution offered by Mr. Cox. It was lost as follows, democrats in *italics*:

Yeas-Messrs. Cox. and Jones-2. Nays-Messrs. Judd, Coburn, Smith, Packer, Lash, Burchard, and the chair-NAYS—Messrs. Judd, man, Mr. GARFIELD—7.

The reason given for not requesting or summoning the President was that he claimed to be a co-ordinate branch of the Government. And there was no way of reaching him so as to obtain his testimony. We could only impeach, not investigate by his own evidence. In spite of the precedents of Jefferson and Lincoln, who had appeared before congressional committees without objection, they refused to summon him. They voted it down, as also the motion to summon Mrs. Corbin, General Dent, and Mrs. Grant. On the 9th of February, 1870, the motion of Mr. Jones to summon Mrs. Corbin was taken up, and it was lost by the following vote:

Yeas—Messrs. Cox. Jones, and Burchard—3. Nays—Messrs. Judd, Smith, Packer, Lash, and the chairman, Garfield—5.

Mr. Jones moved that the testimony of Mrs. Grant be taken. Lost by the following vote:

Yeas—Messrs Cox and Jones—2. Nays—Messrs. Smith, Judd, Packer, Lash, Burchard, and the chairman, Gar-

Mr. Cox's resolution to summon General Dent was then taken up, and lost by the following vote:

YEAS—Messrs. PACKER, Lash, Cox, and JONES—4.
NAYS—Messrs. Judd, Smith, BURCHARD, and the chairman, GARFIELD-

Thus the House will see how republican investigations proceeded and why they were so vain. This was the way testimony was taken in that committee in these matters. We could not get at the facts. There was no way to get at them. We could not present them to the country fairly. They slammed the door in our face. We knocked at it in vain.

Now when at last the people have sent us here to do this investigating duty and go through all the Departments; when our resolutions propose thoroughness and justice, and when this Committee on War Expenses have done it honestly and discreetly, an attempt is made in this District and in this House to aid a petty police court to take away from them their papers and facts to avoid the supreme odium away from them their papers and tacts to avoid the supreme odition of impeachment; nay, more, to drive from the land in terror all those who would give testimony on this and other subjects pertaining to malfeasance in office. There arises at once, without reason, a full chorus of defense from gentlemen on the other side against such

But, sir, the people will take notice of what you are doing; and hereafter you will be called to account for making this pettifogging attack upon an honest, fair attempt to investigate the pitiful putresence which runs through all our Departments. [Applause.]

Mr. BRIGHT. It is with some regret that I intrude any remarks on the attention of the House. What I have to say I will endeavor to say without passion and with all candor. What is the matter that we have in hand? A committee has been appointed by this body. Their authority is derived from this body. They have reported back and recommended articles of impeachment against a high Government official. The House has taken action, and proceedings are now pending to arraign the official for trial before the Senate as the high court of impeachment. The jurisdiction has already attached, and the Senate is vested with plenary judicial power to proceed to judgment. In this state of the case what authority has a subordinate judicial tribunal to interpose its power and wrest the jurisdiction and compel the delivery of the testimony in the keeping of the superior court? Why, sir, I had always supposed that even in a case of concurrent why, sir, I had always supposed that even in a case of concurrent jurisdiction the jurisdiction which first attached to the person in criminal proceedings held its jurisdiction until it was exhausted. The prisoner could not be held on trial before two tribunals at the same time. Though the Senate as an impeaching court might proceed without the presence of the prisoner, yet the prisoner would have the right to be present.

But what is the meaning of this effort to oust Congress of its jurisdiction? I apprehend the result would be, whether so intended or not, to intimidate the leading witnesses and drive them beyond the jurisdiction of the court and Congress, and thus procure the acquittal of the grand offender by default of testimony. And the judgment of such acquittal would be pleaded in bar of the prosecution of impeachment in the Senate; but whether it could be successfully pleaded is another question.

This indecent haste to arrest the documentary evidence in the keeping of Congress seems to smack of design. There is no absolute necessity for such immediate proceeding. The prisoner might have

been secured by arrest and held in bail.

I maintain, Mr. Speaker, that the proceedings in the inferior court might become illegal if resorted to for the purpose of getting up prosecutions or indictments against the witnesses whose testimony would convict the prisoner and by intimidation keep them from the court. I say so because we have a highly penal statute which prohibits the intimidation of witnesses by threats or otherwise. If the court is resorted to as an instrument of intimidation, so much the

Congress has ample jurisdiction and capacity to try the high of-

fender who has been summoned before its bar.

It is a part of the history of all governments that the reign of high crimes and misdemeanors can only be arrested at times by securing the testimony of accomplices; and the state gives immunity to the informer as a consideration for the advantage of his testimony.

Every one must know that if indictments are found in the inferior

tribunal which has attempted to oust Congress of its acquired jurisdiction and before the immunity is secured to accomplice witnesses,

they would in terror fly from the jurisdiction of the court.

I believe this attempt of the inferior court to deprive Congress of its acquired jurisdiction will inspire the conviction in the country that this court has been used only as a scape-goat to allow the crimthat it would be only a proceeding to drive away thieves outside of the Cabinet to protect thieves in the Cabinet.

Mr. KASSON. Will the gentleman yield to me a moment?

Mr. KASSON. Will the gentleman yield to me a moment?
Mr. BRIGHT. No, sir; I cannot yield. I will be through in a mo-

The people expect us to do our whole duty. If official corruption is spreading into the Cabinet and Cabinet ministers are dropping like putrescent arms from the executive family, let the work go on, stripping limb by limb until the purification is complete. And if necessary let a thunderbolt fall on the head of even the highest official in the nation.

This regenerating power rests with the people and with Congress. It should be the glory of a republic to demonstrate to the nations of the earth that it has the power of self-purification, and that no offi-cial, however high, who has betrayed his trust, sullied the glory of this country, and brought reproach on its institutions, shall escape the just punishment of his crime. While the American abroad will feel his face mantling with burning shame as he reads the record of official corruption, he will exult in the fact that there is virtue enough left in the land to uncover and strike down the offenders.

Mr. Speaker, I shall not detain the House further. These gentlemen of the committee were nothing but the ministerial officers of the House. They have reported back the condition of things. They ask the advice of the House. The request is proper, and should be granted. Let them be protected and let the impeachment proceed. I yield to

my friend from Kentucky, [Mr. Blackburn.]
Mr. Blackburn. I have no idea, Mr. Speaker, of inflicting another speech upon the House. This discussion has wandered widely from the purpose of the resolution. As members of the committee, called to waive our privilege as members of this House, we sought instructions from the House as to whether or not it should be done.

nsurfactions from the House as to whether or not it should be done.

Now I asked the floor and I received it through the courtesy of the gentleman from Tennessee, [Mr. Bright,] to call the House back from its wanderings to the point, and that is whether a member of the House shall waive his privilege and appear before a petty inferior court of the country to testify to the public detriment on matters then

pending in investigation before his committee? If it is the pleasure of the House that this should be done, no man will yield more prompt obedience than myself, but I do not desire to assume the responsibility of taking that action in the absence of instructions from this House and I desire to put on record this passage from Jefferson's Manual:

The privilege of a member is the privilege of the House. If the member waive it without leave, it is a ground for punishing him, but cannot in effect waive the privilege of the House.

I hold that under this authority no member of this House has a right to waive his privilege without at the same time incurring the responsibility of the penalty which the House may inflict upon him. I read further from the same work:

Privilege is in the power of the House, and is a restraint to the proceedings of inferior courts, but not of the House itself.

The privilege, sir, is a restraint upon the proceedings in the inferior courts. It is a privilege which pertains to the House as well as to the member, and the member could not waive it without incurring the penalty of such punishment as the House may deem proper to inflict.

I need not call attention to the fact that a case arose in 1866 where a member of this House was arrested and incarcerated in the twentyeighth judicial district of Pennsylvania. A warrant was issued here, signed by the Speaker, directing the Sergeant-at-Arms to go there and assert the privilege of the House in the person of its member.

The member was arrested on a charge of having swindled persons out of the sum of \$100,000. On the presentation of that order of the Speaker the prison doors were thrown open and that member of Congress was returned to his duties and set free.

Now I call the attention of the House to the question which the committee are asking. We hold our privilege subject to the House, and we ask if we are to waive it; and if so, when to do it, or to tell us when we shall withhold it, in order to promote the work now going on of exposing corruption, convicting thieves, and purifying the administration of the Government, which in God's name has suffered

long enough at your hands.

Sir, this committee has been established for eleven years, and if it ever made a report or held a meeting before I cannot find it on record. The transactions involved in this case reach back to 1870. Republican Congresses from that day to this have been unable or unwilling to find a flaw, but Within ninety days after a democratic committee had taken charge of the matter a Cabinet officer topples from his pedestal, THE PUTRID CARCASS of CORRUPTION WAS EXPOSED IN SUCH hideous rottenness as to disgust, sicken, and appall the country. The question now is whether this work shall stop, whether the unconvicted thieves are to go unwhipped of justice, or shall we stand upon the privilege which the Constitution of the country gives and the interests of honest government demands that we shall assert?

Mr. BLAINE obtained the floor.
Mr. HOAR. Will the gentleman from Maine [Mr. BLAINE] allow me a moment before he proceeds?

Mr. BLAINE. I yield to the gentleman from Massachusetts, [Mr.

Mr. HOAR. Before the gentleman from Maine [Mr. Blaine] proceeds, I wish to advert to something which was said by the gentleman from New York, [Mr. Cox.] which he would not permit me to correct when he was speaking. I did not express the other day any opinion that an officer could not be impeached after he had gone out of office. I did say that two members of the committee had stated, as I understood them, that they had not investigated that question. I said this: that I thought it very likely when the evidence was printed it would be found that the House might adopt the conclusion to which the committee had arrived. I pleaded, however, for time, over night, to see the evidence in print, to look into a question so important that Judge Story intimated very strongly his opinion that it should not be done. That was the whole of it.

Mr. COX. That was not the whole of what you said, sir.
Mr. HOAR. I must decline to yield. I did not express the opinion as to whether or not a man can be impeached after he has left office, as to whether or not a man can be impeached after he has left office, but the House has the right to secure the rights of the American people against the return to office of an office-holder after he has gone out of office under a criminal charge. That is, the President of the United States is not to be permitted to return to political office any guilty adviser or counsellor of his by reason of his escaping the judgment of impeachment, and the test of whether the remedy is still possible depends upon the question whether the judgment you are to get by it is still possible and of effect. But it came upon the House at once and as a new question. The previous question was called even once, and as a new question. The previous question was called even before any explanation or discussion. The committee said to us, you are to have this or nothing. All I argued for was an opportunity until the next morning to examine the question.

until the next morning to examine the question.

Now in regard to what the gentleman from New York [Mr. Cox] adverted to, if he will give me his attention for a moment, in regard to the very severe personal criticism which I made upon some previous language of the gentleman. Two minutes before I arose I had not intended to speak on the occasion to which he refers, and when I replied to the gentleman from Georgia, [Mr. Coox.] And while on my feet and in the heat of debate I said what I thought about that language of the gentleman from New York, [Mr. Cox.] just as the gentleman himself afterward said he had in the heat of debate uttered the language to which I referred. And I dare say, whatever I may have thought in disapprobation of that language, that the long

friendly relations which had existed between him and me would have prevented from me a public utterance of so severe a criticism, just as I am sure the gentleman from New York would have abstained from the public utterance of what he said about the gentleman from Maine

the public utterance of what he said about the gentleman from Maine [Mr. Blaine] if he had taken any time to consider it.

But I say to the gentleman—and I say this very good-naturedly—he must not find too much fault with my saying that wherever the knowledge of that utterance had gone it had disgusted the civilized world, for when I got through the gentleman rose and said that on reflection he was disgusted with it himself.

Mr. COV. I did not say that

Mr. COX. I did not say that.
Mr. HOAR. You said that in substance.
Mr. COX. O, no; not at all.
Mr. BLAINE. I think there are two or three misapprehensions or misconceptions that might arise in connection with this debate, and I will trespass long enough upon the time of the House to correct them.

First, in regard to the question of privilege to which the gentleman from Kentucky [Mr. BLACKBURN] has adverted. It is quite evident that the gentleman has the right not to waive his privilege; and even that the gentleman has the right not to waive his privilege; and even if the House gives its full permission, he still has the right not to waive it. The privilege is absolute, and unless the member shall himself have done some guilty act, neither the House nor any other power can divest him of that privilege. All this talk about putting the great privileges of the House of Representatives at the beck and bid of a little police court becomes totally irrelevant. Nobody is contending here that the summons of that court is binding upon this House of Representatives or upon any member thereof. Let me put a case to the gentleman from Kentucky, [Mr. BLACKBURN 1 Suppose a to the gentleman from Kentucky, [Mr. Blackburn.] Suppose a murder were committed here by a member of the House-and it is not beyond the realm of imagination to suppose such a case.

Mr. BLACKBURN. Murder is an excepted case.

Mr. BLAINE. Suppose the murder is committed, and none but members of the House are witnesses of the crime. Three members of this House see another member murder an innocent man, and they are summoned to testify in a criminal court. At once the gentleman from Mississippi [Mr. LAMAR] waxes eloquent and the gentleman from Kentucky [Mr. BLACKBURN] waxes indignant at the idea of a police court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming to come in here and to ask honorable gentleman from the court presuming the court presuming to come in here and to ask honorable gentleman from the court presuming the cou men of this House to assist in the prosecution of the crime, to go before the grand jury to testify.

before the grand jury to testify.

Now, what is this case? A great crime is charged upon a high officer of the Government. The gentlemen who represent the committee of this House are the sole depositaries of the evidence on which that officer may be indicted. They have possession of all the papers, they have possession of every shred of testimony, and they are respectfully asked to go before the grand jury of this District and assist in indicting that man for the crime. Forthwith the wrath of the majority side of this House is aroused, and gentlemen cry out, This is done to prevent impeachment.

done to prevent impeachment.

Why, sir, it has nothing whatever to do with the question of impeachment. The Constitution expressly provides—and I ask the gentleman from Tennessee, [Mr. Bright,] whom I have always heretofore regarded as a good lawyer, to read that Constitution—the Constitution expressly provides that the jurisdiction of the House and Senate for impeachment and the jurisdiction of the criminal courts for indictment and trial go hand in hand. No one here refuses; there is no one here, so far as I know, but what desires, demands that Bel-

knap shall be impeached.

I have the fullest conviction, and although it is not precisely pertinent to this debate yet I will express it—I have the fullest possible conviction, after I think very mature reflection, that no officer who commits an impeachable offense can escape impeachment by resignation. No tender of resignation in any form, be it complete or incomplete, nor acceptance of it, can take from the people the right of impeachment, the right to protect themselves by declaring that he shall never thereafter hold any office of honor or profit; and therefore, with a clear conscience, on the presentation which these gentlemen made on Thursday last, I voted to present General Belknap for impeachment. And I have been waiting with some impatience for the articles of impeachment to be reported. Five days have elapsed. What is the hitch?

Mr. BEEBE. You have run the witness off.
Mr. BRIGHT. Will the gentleman from Maine [Mr. BLAINE] al-

low me to interrupt him?

Mr. BLAINE. Have not any witnesses! I never yet knew a prosecuting attorney to hold back an indictment of a man because there was a possibility that at the next term of the court some witness might not be present. That is a very flimsy excuse, gentlemen. Your business is to indict the man. The House of Representatives is the grand jury in the case of impeachment. Bring forward your articles; you will find a unanimous vote on this side sustaining them, so far as I know, if they are in accordance with the facts. As the gentleman from Massachusetts [Mr. Hoan] explained—and I listened with great interest, as I always do, to his remarks in regard to the opinion of Justice Story—there may be some ground of doubt as a legal question. But for myself I do not have any; and I do not believe that that doubt, however strongly it may exist, will control the vote of a sizely may on this side. single man on this side. As the gentleman from Michigan [Mr. Con-GER] correctly suggests, the Senate will decide that question. The gentleman from New York [Mr. Cox] will excuse me if I use strong

language, and say that he was paltering in a double sense and talking in a very paltry manner when he said this was an attempt to keep back the impeachment of Belknap. When the vote was taken the other day on the resolutions of impeachment the Speaker of the House, the honorable gentleman from Indiana, was in the chair; and he stated that the resolutions were agreed to unanimously; the RECORD so states; the Journal so states. So that any attempt to create the impression in the country that there is reluctance or evasion or unwillingness on this side of the House to indict and try Belknap is uncandid, unfair, and untrue.

Mr. BRIGHT. Will the gentleman permit me to state my legal proposition again? My proposition was that the Congress of the

United States was one jurisdiction that had the right to try the of-fense and impeach the Secretary of War; that while that was so there was a subordinate court that had concurrent jurisdiction; but that Congress having first obtained jurisdiction, that jurisdiction

could not be ousted.

Mr. BLAINE. But there is no conflict. Mr. BRIGHT. Yes, sir, there is a conflict. Yes, sir, there is a conflict. Not the slightest.

Mr. BLAINE.

Mr. BRIGHT. You cannot put a man upon trial in two tribunals at the same time.

Mr. BLAINE. O! the gentleman still further shakes my faith in him as a lawyer.

Mr. BRIGHT. Here is the first tribunal; it has ousted the inferior

Mr. BRIGHT. Here is the first tribunal; it has ousted the interior jurisdiction for the time.

Mr. BLAINE. O! the gentleman mixes things so that it would take me an hour to untangle them. The object of impeachment is not punishment. If it were so, a person impeached might cite in his defense the provision of the bill of rights that no person shall twice be subjected to peril of life or limb for the same offense. There is nothing application of the provision of the provision of the same offense. be subjected to peril of life or limb for the same offense. There is nothing punitive designed in impeachment; punishment may be an incident, but the object is wholly and solely protective; and I want the gentleman from Tennessee, [Mr. Bright,] lest I might lose all faith in him as a lawyer, to listen to this point: that the possession of the person is not at all requisite in impeachment. What do you want with the custody of the person impeached? You cannot even compel him to answer in person. I have sat for weeks as a member of this House in a case of impeachment in which the person impeached never presented himself. The punishment does not go to the person. Let him fly to the ends of the earth, in so far as impeachment goes, and it is still as valid and as far-reaching as the life of the ment goes, and it is still as valid and as far-reaching as the life of the

man. It is a disqualification to hold office of honor, or trust, or profit, and there it ends. The criminal law comes in to punish.

Now that under this paltry subterfuge you are going in this House to hold back the evidence that would enable the grand jury now in session in this city to indict this man for criminal trial is something which (I hope the gentleman from Mississippi will not think that I am saying this in any spirit of bravado) I cannot persuade myself, and will not believe until the yeas and nays show it, that this House will dare to. If you do, you throw yourselves distinctly and unqualifiedly across the path of criminal justice. As the gentleman from Illinois [Mr. Fort] suggests, if the man were in the penitentiary, impeachment could proceed just as well. Impeachment has nothing to do with it. There is nothing in the world to arrest im-

peachment but death.

Mr. WARREN. Will the gentleman allow me a question?

Mr. BLAINE. Well, yes, I will.

Mr. WARREN. Is there not one thing that might stop it—the loss

Mr. WARLEN. Is there not one thing that hight stop it—the loss of the evidence by which it can be proved?

Mr. BLAINE. Very well; but why are you going to assume now that you will not have the evidence? The gentleman from Massachusetts [Mr. Warren] is, I believe, a lawyer. Did he ever know a grand jury— Mr. HOAR. The evidence is within the knowledge of the gentle-

man from Pennsylvania, [Mr. CLYMER.]
Mr. BLAINE. Certainly. Here is the gentleman from Pennsylvania, [Mr. CLYMER.] the gentleman from Kentucky, [Mr. BLACKvania, [Mr. CLYMER,] the gentleman from Kentucky, [Mr. BLACK-BURN,] the gentleman from North Carolina, [Mr. ROBENS.] I believe they have somewhat edged out the republican members. And I must here remark, after some length of service in the House of Representatives, that I heard in that report of this committee what pained me. I never before have seen the proprieties of parliamentary usage violated by referring to the "democratic members of the committee" in an official report. That, at least, is a new precedent and a new light in this House. Yet the official report of that committee speaks of the "democratic members of the committee."

The gentleman from Kentucky states in his affidavit that he conferred, not with the members of the committee, but with "the democratic members of the committee."

Mr. CLYMER. Will the gentleman from Maine permit me? He asserts that in the report certain members of the committee are re-

asserts that in the report certain members of the committee are referred to as democratic members of the committee. Surely he is mistaken. It is not in the report, but in the statement accompanying the report.

Mr. BLAINE. Of course in the report; why not? It is part of the res gestæ; just as much a part of the report as any other part of it.
Mr. CLYMER. No.
Mr. BLAINE. What report was that in?

Mr. CLYMER. Let me ask the gentleman from Maine whether in

any other report he ever read of a Secretary being impeached. [Applause.

I do not know. Because a Secretary is being impeached by the House, I do not see why therefore the parliamentary proprieties and amenities ought not to be observed.

Mr. CLYMER. I do not think anybody considers them violated by the report which has been submitted from our committee, unless, per-

haps it may be the gentleman from Maine.

Mr. ROBBINS, of North Carolina. Will the gentleman allow me

a moment?

Mr. BLAINE. Yes, you are one of the democratic members of the

ommittee. [Laughter.]
Mr. ROBBINS, of North Carolina. I wish to ask the gentleman from Maine whether in the report, as a report, there is any reference to the politics of the members, and whether that reference is not in one of the exhibits?

Mr. BLAINE. What is the report?
Mr. ROBBINS, of North Carolina. It is not in the report, but only in one of the exhibits.

Mr. BLAINE. But I take the liberty of asking, if the exhibits are

Mr. BLAINE. But I take the liberty of asking, if the exhibits are not to be-considered as part of the report, what is the report?

Mr. ROBBINS, of North Carolina. I hope the gentleman will allow me. There are in these exhibits reference to various parties; that some are thieves, some liars, scoundrels.

Mr. BLAINE. I hope the gentleman does not mean that calling a man a democratic member is the same as calling him a thief and a liar. [Great laughter.] That is his logic. But I know he cannot mean it, and I will not permit him to be so understood.

Mr. ROBBINS, of North Carolina. It seems that certain thieves are being convicted who for five years in a republican House have gone "scot-free," and who are being convicted because a majority of democrats were on that committee. [Applause.]

Mr. BLAINE. I rejoice in everything they have done.

Mr. ROBBINS, of North Carolina. I hope you do, sir.

Mr. BLAINE. The gentleman from New York takes the ground with some plausibility that the papers in this case, that the subpensa, the process, the intendment of the whole proceeding, relate solely to the late Secretary of War, and if by any possibility those papers should get there Marsh might be indicted. What for? If that be the case, if it be the sole object of the American people to keep Marsh from indictment, then of course you cannot try Belknap. But suppose you succeed, according to the apprehension of the gentleman from New York is indicting Marsh, what will be be indicted in the subjected for? Year was a suppose you succeed, according to the apprehension of the gentleman from New York is indicting Marsh, what will be be indicted to the process. pose you succeed, according to the apprehension of the gentleman from New York, in indicting Marsh, what will be be indicted for? For bribing a public officer, a high crime. I believe bribery is a crime at common law, and I believe Marsh can be brought back under the excommon law, and I believe Marsh can be brought back under the extradition treaty. My judgment is, if you seriously wish to get hold of Marsh, the quickest way would be to lay the extradition treaty upon him. Why not?

A MEMBER. It is against the law.

Mr. BLAINE. I should like to know whether bribery is not in-

cluded in our extradition treaty?

Mr. HARRIS, of Virginia. No. Mr. BLAINE. Then what cases are included in the extradition

treaty?

Mr. HARRIS, of Virginia. The cases are these

Mr. BLAINE. I have not read the treaty, and I should like to hear them.

Mr. HARRIS, of Virginia. I will read them. They are these: Murder, assault with intent to commit murder, piracy, arson, robbery, forgery, and utterance of forged papers. That is under the treaty of 1842.

Mr. BLAINE. I think he might be brought back under an indictment for robbery. I venture to say that if you send over for him on that indictment you will get him. Will you indict Belknap and then

bring in your bill to protect Marsh?

Mr. TUCKER. Does the gentleman say that Marsh has been guilty

of robbing?

Mr. BLAINE. It looks as if he had conspired to rob several com-

panies of cavalry in the United States service.

Mr. BEEBE. I should like the gentleman from Maine to let me assist him. I think he could be clearly taken under an indictment for arson in having fired the indignation of the republican party.

Mr. BLAINE. The gentleman is so keen that he puts me in mind of an anecdote of the late Mr. Stevens. Upon a brilliant sally being made by an ambitious member of the House on one occasion, Mr. Ste-

vens said: "I had no idea my friend had so much wit, but I observe he has just so much." [Langhter.]

Now, Mr. Speaker, I want it understood by the country that the whole force and strength of the republican party in the House of Representatives will be used and exercised to secure Belknap's impeachment and his trial and conviction in the criminal court. I want it distinctly understood that, under this throwing of dust about the privilege of the House, is an attempt to hold somebody in Washington, the President of the United States, or some subordinate, responsible. There is no possibility of fixing that accusation.

I have said nothing to the gentleman from Pennsylvania thus far in regard to the witness Marsh; but I will here undertake to say, and

I desire his attention, that, coming to the conclusion as he did, and as the House seconded him in it, that Belknap was guilty of high crimes

and misdemeanors worthy of impeachment, and that the conviction must hang upon the testimony principally of one witness, at least he was very lax in public duty not to take some means for detaining that witnes

Mr. CLYMER. Will the gentleman allow me to say a word?

Mr BLAINE. Certainly.
Mr. CLYMER. I said heretofore that no member of that committee had the least cause to suppose that the witness would leave the

ountry. Let me say further— Mr. BLAINE. O! wait. If the gentleman speaks now it is by my courtesy, and it is more courtesy than I have had shown to me. But the gentleman shows by his own testimony that Marsh had been on the eve of leaving the country a week before, and that the man was a fugitive by desire at that moment.

Mr. CLYMER. He came voluntarily before the committee, of his own accord, and we had no reason to suppose that he would not come again. Now, pray, let me ask the gentleman from Maine a question in return. What power had we to detain him? I say we are not of those who think it competent for any one to touch a bell and deprive a man of his liberty, thereby exercising a power greater than that

exercised by the Queen of Great Britain.

Mr. BLAINE. I will answer the gentleman by asking him what power or pressure there was on him to discharge the witness on that day? In my judgment Marsh would not have dared to leave the city until he was discharged. I have been in Congress for a long time and have seen a good many investigations; and I have seen witnesses in situations likely to imperil their personal liberty in a very serious degree; yet I never saw a witness in my life that dared to go away until he was discharged by the committee before which he had been subpænaed.

Mr. CLYMER. The gentleman from Maine has made an innuendo that he knows to be false and ungenerous in regard to my personal motives; and I will not permit him or any one else in this House to

Mr. BLAINE. I have made no such innuendo. The gentleman need not go into such high-jinks over it.

Mr. CLYMER. You are in the habit of doing that; but you shall

not do so with me.

Mr. BLAINE. There is not the slightest need for the gentleman showing so much temper, for I have made no personal imputation on

Mr. CLYMER. You have; and so it will appear on the record, if

the reporters took you correctly down.

Mr. BLAINE. I said the gentleman had been lax in his public

duty.

Mr. CLYMER. And you said you would like to know the reasons

Mr. CLYMER. And you said you would nee to know the reasons why I had let this witness escape the jurisdiction of the House?

Mr. BLAINE. I said I would like to know—

Mr. CLYMER. What reasons could there be, if there are any, other than corrupt ones? And another thing you said was, if the gentleman would tell what pressure was brought to bear on him to induce

him to go on.

Mr. BLAINE. The gentleman misapprehends me entirely. I said

on him to discharge that witness.

Mr. CLYMER. The gentleman said, under what pressure was it? It was offensive and untrue, and the gentleman ought not to have

made such an innuendo.

Mr. BLAINE. The gentleman need not have shown such extreme Mr. BLAINE. The gentleman need not have shown such extreme sensibility. There have been very large and reckless charges made. The gentleman from Pennsylvania himself and those associated with him have attempted to hold up this side of the House before the country as reluctant in the prosecution of this mater, as doing something or other to evade or avoid it. There is nothing whatever on the record that sustained that charge, and when I said, as I did say, that the discharge of the witness Marsh by that committee whether

the record that sustained that charge, and when I said, as I did say, that the discharge of the witness Marsh by that committee, whether by one or by all its members, is the cause of his absence from this city to-day, I said nothing but what is the fact on record.

Mr. CLYMER. Of which the people will judge.

Mr. BLAINE. I am perfectly willing that our appeal shall be made to the people, and that cannot possibly be avoided. Now there is an attempt to say that there is a privilege in this House about to be violated, and that we are proposing to submit ourselves to the police court.

Mr. CLYMER. Will the gentleman allow me one question right there i

Mr. BLAINE. Certainly.
Mr. CLYMER. Did the witness leave this city until the Cabinet had issued its orders, and declared that it would punish everybody engaged in this matter?

Mr. BLAINE. What orders?

Mr. CLYMER. And it was right in the line of the order issued by Attorney-General Pierrepont, the district attorney closing the mouths of those engaged in the prosecution.

Mr. BLAINE. Did you say that the Cabinet issued an order?
Mr. CLYMER. They held a meeting, and took care to publish their

proceedings.

Mr. BLAINE. What about?

Mr. CLYMER. About what they would do to witnesses in this case, which had the effect of driving them out of the country.

Mr. BLAINE. I undertake to say that the gentleman cannot show an instance in which allusions were made in any Cabinet meeting to the witness to whom he referred.

Mr. CLYMER. I say that in the next morning's papers there was a report of a Cabinet meeting—[loud cries of "No!" "No!"]—there was a publication by telegraph recounting the proceedings at a Cabinet meeting held the night after the impeachment of General Belknap, in which, whether stated by authority or not, it was intimated that anybody who appeared as a witness before an investigation committee should be punished.

Mr. BLAINE. Does the gentleman from Pennsylvania, in his responsible position in this House, call up fugitive telegrams in newspapers and hold the Cabinet of the United States responsible for what

is stated therein ?

Mr. CLYMER. I will say to the gentleman, in this report of the Cabinet meeting Mr. Marsh was mentioned by name in that dispatch. Mr. BLAINE. How does the gentleman connect that with the Cabinet?

Mr. CLYMER. Ah, sir, it is so natural; the Attorney-General wrote a letter to the republican officers connected with his office, directing

them not to allow accomplices to testify.

Mr. BLAINE. I undertake to say that no action has been indicated or initiated, or I believe designed, either remotely or otherwise, or even discussed in the Cabinet, in relation to any prosecution of a witness against General Belknap. The whole thing is a gross fabrication, not by the gentleman from Pennsylvania, [Mr. CLYMER,] untess he should get on his high horse again, but because he has been too credulous in believing what he sees in the newspapers.

Mr. CLYMER. If the gentleman will not make insinuations against

me I shall not be aggrieved by them.

Mr. BLAINE. Now, the gentleman from New York [Mr. Cox] and the gentleman from Tennessee [Mr. BRIGHT] want to hold this prisoner in order to bring him up in chains to be impeached before the Senate. I believe that is the law they preached. They never, I believe, studied the doctrine of impeachment. There is no need what-ever of having Mr. Belknap here. Where he is wanted is in the crim-inal courts of the country, and this House of Representatives, if we adopt the resolution of the gentleman from Mississippi, [Mr. LAMAR, ] declares that he shall not go there. I charge that that is the result; I do not speak of the intent. I charge that that is the palpable, undeniable result, and I here repeat that it is absolutely puerile to talk to-day about not holding him for indictment before the grand jury because one or two months hence when he may come for trial before because one or two months hence when he may come for trial before a petit jury you imagine, or guess, or fear, or apprehend that some witness may not then be on hand. Nobody doubts that we have plenty of evidence to-day to indict Belknap, but we must take steps afterward, when the trial comes off, to recover Marsh.

The gentleman from Mississippi, [Mr. LAMAR,] who ranks high as a lawyer in his own State, will oblige me by telling me if he ever knew of an indictment which failed to be pressed because of an apprehension that some of the witnesses might not be present when the case came up for trial two or three months afterward? I never heard of

came up for trial two or three months afterward? I never heard of a grand jury that failed to indict a man because of fear that the witnesses might not appear at the trial.

Mr. LAMAR. I never did.
Mr. BLAINE. That is what he wants the House to do to-day. He wants the House to refuse to indict Belknap because when the case comes up for trial one of the witnesses may possibly not be present. Now, gentlemen, if you will unite with us in indicting Belknap, we will help you in our turn to get Marsh.

Mr. ROBBINS, of North Carolina. It was you who ran Marsh out

of the country!

Mr. BLAINE. Mr. Marsh went out with a safe-conduct from your committee. [Laughter.] And he left about fourteen hours before even these newspapers had manufactured a Cabinet meeting on the subject. He went, as I repeat, with the safe-conduct of that committee, and with enough United States money in his pocket to pay his way, which the gentleman from Pennsylvania [Mr. Clymer] certified

Mr. CLYMER. The country will gladly pay him that money to recover all the money that has been stolen by your party during the last few years

Mr. BLAINE. The country would rather allow him twice the sum

for staying than half for going.

Mr. CLYMER. He would have staid if you had not done or attempted to do what you are trying to do to every other witness before

the investigating committees.

Mr. BLAINE. Then why do you not bring in a bill for his protection?

Mr. CLYMER. Two such bills have been introduced and referred to the Committee on the Judiciary. Has that committee had the right to report since?

Mr. BLAINE. Yes; at any time.
Mr. BLAINE. Not at any time.
Mr. BLAINE. Let them try it.
Mr. CLYMER. Do you mean to say that the committee has a right

to report a bill for the protection of witnesses at any time?

Mr. BLAINE. The committee is not absolved from responsibility in not reporting a bill until they find that some person objects. you fear objection from this side of the House?

Mr. CLYMER. I am not a member of the Committee on the Judi-

Mr. BLAINE. Then why are you talking about it?
Mr. CLYMER. I spoke merely of the fact that two bills for that purpose have been introduced and referred to the Committee on the Judiciary

Mr. BLAINE. Are the Committee on the Judiciary ready to re-

port?

Mr. CLYMER. I do not say that they are ready to report. But it is equally notorious that they have not reported and have not had an opportunity, under the rules of the House, to report.

opportunity, under the rules of the House, to report.

Mr. BLAINE. It is equally notorious that they have had five days to report and they have not reported.

Mr. HOPKINS. I rise to a point of order.

The SPEAKER pro tempore. The gentleman will state his point of

Mr. HOPKINS. My point is that this scene is simply disgraceful because of the crowd, most of them not members, gathered in the area in front of the Speaker.

The SPEAKER pro tempore. The Chair listens to the suggestion and asks that order may be restored. The Chair understood the gen-

and asks that order may be restored. The Chair understood the gentleman from Maine [Mr. BLAINE] to yield to the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. BLAINE. I am not raising any point of order. I want the country to understand this: it was Thursday evening last, at six o'clock, that the resolutions unanimously passed this House impeaching General Belknap. We understood that we might expect the articles of impeachment possibly the next day. Then there was some talk of having a session on Saturday for business, but it was devoted wholly to debate. Then Sunday intervened, and in the case of a great state emergency members of Congress sometimes work on Sunday. Then

Monday came and went, and here is Tuesday at five o'clock p. m.

Mr. KNOTT. Will the gentleman yield to me for a moment?

Mr. BLAINE. I cannot yield just now. I say that up to this time there has been no report from the Committee on the Judiciary giving all possible immunity to witnesses either in general or to Marsh by name. There has been nothing initiated on that side, nothing proposed that indicates any desire or honest purpose to do that thing. And now to halt in regard to the trial of Belknap, or his presentation before the grand jury, because you say you have not got Marsh, and with all the power of this House in your hands you have not taken the first step to secure Marsh, not one, when every one knows you can

readily and easily get it.

Mr. CLYMER. How?

Mr. BLAINE. Propose your bill. We do not mean to be hoodwinked about this matter. We do not mean that this matter shall be run alone by the democratic members of this committee. It is an open question to-day in this House, in which members as members, open question to-day in this House, in which members as members, republicans as well as democrats and democrats as well as republicans, have a right to be heard. We do not propose that any shuffling of that kind shall go before the people. You here to-day—I do not violate parliamentary law in saying it—under what is a pitiful evasion, deliberately withhold from the grand jury of the District of Columbia the sole and only evidence on which an indictment can be framed against this guilty officer. I want the country to understand that this is done, by whom it is done, and why it is done.

Mr. LAMAR obtained the floor.

Mr. KNOTT. Will the gentlemen yield to me for a few minutes?

Mr. KNOTT. Will the gentleman yield to me for a few minutes?

Mr. KNOTT. Will the gentleman yield to me for a few minutes?
Mr. LAMAR. For a few minutes, yes.
Mr. BEEBE. I understood the Chair to say he would recognize me.
The SPEAKER pro tempore. The Chair agreed to recognize the gentleman from Mississippi, [Mr. LAMAR.] who introduced the resolution now before the House. The gentleman from New York [Mr. BEEBE] subsequently applied to be heard.
Mr. LAMAR. I will yield to the gentleman for five minutes.
Mr. BEEBE. I want more than five minutes of the chair expanse.

The SPEAKER pro tempore. The occupant of the chair arranged with the gentleman from Mississippi that the gentleman from New York might be heard.

Mr. LAMAR. I will yield to the gentleman if I may be allowed to

make a few remarks.

Mr. BEEBE. I will yield to the gentleman from Mississippi either

Mr. BEEBE. I will yield to the gentleman from Mississippi either now or when I shall have concluded.

Mr. LAMAR. I will go on now; I wish to make a few remarks and then I will yield to the gentleman from New York.

The SPEAKER pro tempore. The Chair will cut this matter short and recognizes the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. I will go on, and then before I give up the floor I will yield to the gentleman from New York, [Mr. Beebe.]

Mr. KNOTT. Before the gentleman from Mississippi [Mr. LAMAR] commences his remarks, will he allow me a few moments to vindicate myself and the committee with which I am associated?

Mr. LAMAR. Certainly.

Mr. KNOTT. The gentleman from Maine [Mr. Blaine] took occasion in his remarks to express considerable anxiety to see the arti-

sion in his remarks to express considerable anxiety to see the articles of impeachment, as well as disappointment because they have not been reported, conveying the imputation that the Committee on the Judiciary had been perhaps derelict in their duty in preparing

Mr. BLAINE. I did not say they were "derelict."

Mr. KNOTT. I know the gentleman did not say "derelict;" but he repeated the insinuation that there was a purpose on the part of the committee in withholding from the House the articles of impeachment they were instructed to prepare. Permit me to say, sir, that after what passed between the gentleman from Maine and myself this morning, he is the last gentleman on this floor from whom I would

have expected any such imputation.

Now, in justice to the Committee on the Judiciary I desire to say that in pursuance of the order of this House we at once entered upon this duty of preparing such articles of impeachment as we thought to be warranted by the testimony referred to us. It was something that could not be accomplished in an hour; it required several hours. Saturday, as every one knows, there was no business session of the On yesterday morning these articles were prepared and ready to be reported; but the committee being greatly pressed by business, and consequently compelled to hold a protracted session, having been granted leave to sit during the sessions of the House, they did not come upon the floor until after the House had gone into Committee of come upon the floor until after the House had gone into Committee of the Whole, which did not rise until quite late. They were still fully prepared to make their report this morning, as the gentleman from Maine [Mr. Blaine] well knew, before the expiration of the morning hour; and, as he well knows, they were furthermore prepared to report a bill for the protection of witnesses in cases of this kind, and which he expresses himself so ready to support; but immediately upon the expiration of the morning hour the floor was taken upon the pending question, which is one of the very highest privilege, and has been occupied by the present discussion ever since.

Now I ask the House at what time the Committee on the Indiciary

Now I ask the House at what time the Committee on the Judiciary has had an opportunity to make the report about which the gentleman seems so anxious, and which has been prepared ever since yes-terday morning, and ready to be submitted. I appeal to the gentle-man from Massachusetts [Mr. HOAR] and the gentleman from Ohio, [Mr. man from Massachusetts [Mr. Hoar] and the gentleman from Ohio, [Mr. Lawrence,] the gentleman's own political associates, to verify what I have said. There has been no disposition whatever on the part of the Judiciary Committee to delay. They have gone to work honestly and in good faith to do their duty as instructed by the House.

Mr. HOAR. In reply to the appeal of the gentleman from Kentucky, [Mr. Knott,] I would merely remark that what he says is quite true. He forgets, however, that his side of the House adjourned

the House yesterday against the remonstrance of all the republicans

present.
Mr. KNOTT. Well, the Judiciary Committee had nothing to do with that.

Mr. LAMAR. I cannot yield any longer.
Mr. KNOTT. I thank the gentleman from Mississippi for the opportunity to make this brief explanation.

Mr. LAMAR. I have been very generous in yielding to interrup-

Mr. LAMAR. I have been very generous in yielding to interruptions. I cannot yield further.

Mr. Speaker, I propose now to bring back this discussion to the legitimate limit to which it should have been confined during the progress of the debate. What are the facts of this case? A committee regularly appointed by the Speaker of the House under its order proceeds with an investigation, which results in charging against a Cabinet officer the crime of malversation in office, accepting bribes for the bestowal of offices within his gift. Pending these proceedings, a criminal judge, an appointee of the executive department of the Government, issues a mandate to members of that committee ordering them, not "inviting" them, as the gentleman from Iowa [Mr. Kasson] states; not making a polite request, but ordering the members of that states; not making a polite request, but ordering the members of that committee to bring into that court all the papers, all the contracts, all the testimony in its possession touching this charge against this former Cabinet officer.

Mr. FORT. It is a subpœna in the usual form.
Mr. LAMAR. Yes, sir, the subpœna is in the usual form; and that
is the objection to it. Now the question arises whether or not it was proper for the gentlemen who are thus subpensed to bring be-

was proper for the gentlemen who are thus subpensed to bring before the court the papers in their custody, to obey that summons or to come before this House for instructions. There is no other question; and all this debate, with all the passion that has been flung in here, is irrelevant, and simply tends to convert a pure question of constitutional and parliamentary law into an idle logomachy; a war of words and of passion which can but obscure the issue.

The gentleman from Maine, as soon as these gentlemen modestly, temperately, and properly make their report to the House, says here in debate that he cannot see where the "delicacy" about their action should come in. Upon their report I introduce a resolution expressive of the opinion that this mandate of the court calling upon these members of the House and members of the committee—not individuals who have seen a crime committed, the case with which the gentleman from Maine has tried to analogize it—but these members of a committee, as such, to bring before the court the official proceedings of this body in that committee-room. Now, I ask whether that was not a breach of the privileges of this House in the person of its members?

Sir, the gentleman from Massachusetts, [Mr. Hoar,] who never expresses any opinion differing from my own upon law or the Constitution without my feeling more like revising my own opinion than correcting his, rose in his place after reflection upon the subject and not only stated that these gentlemen did right in coming here and asking the action of the House, but that they did wrong in going before that court and asking it to suspend its action until they could get the instruction of the House

The gentleman will allow me to explain. I said that

in waiving their privilege they did wrong. That is it.

Mr. LAMAR. I understand it; and without complaining at all of
the gentleman's interruption, I hope he will not correct me again,
because I do not think I have misstated his position.

Mr. HOAR. I thought you did.
Mr. LAMAR. The waiving of the privilege was the reason the gentleman gave; but the fact that they did wrong in going before that court is the statement which he made; he regarded it as a contempt of the House.

Mr. HOAR. If the gentleman will allow me I can explain the matter in six words. The committee themselves said, as I understood them, that they waived their privilege. I said that if they did they

did wrong.

Mr. LAMAR. O, yes; if they did.

Mr. HOAR. And they said they did.

Mr. ROBBINS, of North Carolina. They only waived their privilege so far as to appear before the court and make their statement.

Mr. LAMAR. For the purposes of truth—and I know the gentlement from Massachusetts has no other purpose in these interruptions man from Massachusetts has no other purpose in these interruptions—for the purposes of truth, I am willing for all these explanations to come in. The position is that if these gentlemen did waive their privilege, they committed a contempt of this House. But suppose privilege, they committed a contempt of this House. But suppose they waived no privilege, but only went before the court and informed it that they intended first to take the instruction of this House before they responded to the summons. The gentleman must see that in this case there is no waiver of privilege, either express or implied, but the privilege is reserved subject to the instruction and authority of the House.

Then what sing I have forward with a resolution which states all.

Then what, sir ? I came forward with a resolution which states all the circumstances and then simply asserts the jurisdiction of this House over the subject-matter, over the person, over the papers in this great impeachment trial, the most august and imposing trial known to the Constitution and laws of our country, in the presence of which these passions, these thoughts about presidential succession

which these passions, these thoughts about presidental succession and party triumph actually, sir, fatigue my contempt.

What, sir, is the purport of my resolution? Simply to assert the authority of this House. What else? To tell those members not to regard that summons until its further order. Gentlemen say that it is suppression of the prosecution and of the testimony. No, sir; it is simply to protect the jurisdiction to which we are entitled and which, simply to protect the jurisdiction to which we are entitled and which, I undertake to say, has been invaded by this court. If a precedent is established, if it is allowable for members of our committees to be detailed without coming and seeking the instructions of this House to go before that court, you may at once dismiss all your investigating committees. As I illustrated it before, matters proceeding in this court are now the subject of investigation. Has it the right, and is it trifling, is it skulking, for this House to assert at once its authority that these members shall not go before that court with transactions which occurred in its committee until the further order of the House? which occurred in its committee until the further order of the House? The House does not refuse the testimony. It does not refuse to allow testimony; but it does call upon members of that committee that the summons shall be disregarded until it orders otherwise.

And, sir, the gentleman from Massachusetts [Mr. Hoan] sustains me. What is it, he says, these gentlemen were guilty of? Of contempt in going there and offering to testify, and he proposes the action of this House to authorize them to go and testify? Now, if it is not trifling with the dignity and privileges of this House to authorize members to go and testify before that court, how can it be trifling with its dignity aimply for this House to are precisely on the extra precisely of the extra precisely with its dignity simply for this House to act precisely on the other

line, and say you shall not go there without our order?
What is the case before the House? It is not a case of personal privilege; it is not a case whether members can waive their personal privilege and go there, but simply whether this House shall exercise its unquestioned and unquestionable authority of restraining them from waiving their privileges as members. It is the privilege of this House, that body in the connected chain of linked responsibilities from the President down which holds all the other Departments of the Government responsible to it, invested with the

partments of the Government responsible to it, invested with the authority of examining, criticizing, and impeaching them? If this subpœna was recognized, recognized, sir; if the members had done the thing which the gentleman from Maine seemed to think they ought to have done, it would have been competent for that court, if they had disobeyed, to punish them with personal attachment. I am ready here to take the responsibility of meeting this thing in limine. These papers, this evidence, this testimony, are in the possession of this House through its committee; it has exclusive control and custody of them; and if it allows a judicial tribunal to take them from its control, you are dispossessed of them, and that too while this impeachment trial may be going on.

Now another point. William W. Belknap is in the custody of this House, sir. He is undergoing trial.

House, sir. He is undergoing trial.

Mr. BLAINE. I hope the gentleman—

Mr. LAMAR. Wait until I get through my sentence.

The SPEAKER pro tempore. The gentleman from Mississippi declines to be interrupted, and the gentleman from Maine will observe

Mr. LAMAR. I repeat, sir, he is in the legal custody of this House,

under its constitutional control. If the gentleman from Maine means to say we have not the bodily possession of him by arrest, so be it; but we have got control of him.

Mr. BLAINE. We never intended to arrest him.
Mr. LAMAR. We may arrest him, and will do it if it is necessary, and can do it. Do you deny our competency?
Mr. BLAINE. Undoubtedly in an impeachment; I deny it, and and can do it.

Mr. LAMAR. You also said it was absurd to say there was anything punishable in an impeachment; and when my friend from Tennesseee, [Mr. Bright,] the distinguished gentleman from that State, spoke of two concurring jurisdictions, one having already acquired it by initiating the proceeding it could not be ousted, the gentleman inflicted upon him that most terrible of all punishments, the forfeiture of his respect for him as an attorney. [Laughter.] I trust the gentleman will survive, and, in full view of that penalty myself, I assert, sir, it is true, and that an impeachment is a penal trial.

which the gentleman used, "punitive" "punishment."

Mr. BLAINE. Then the gentleman takes the ground that the man could be twice punished for the same offense? I say that impeachment is protective and that the criminal jurisdiction is punitive. That is what I say, and I go on to say further that there never has been an impeachment in the United States in which there was any attempt to possess the body because of the impeachment. The possession of the body is of no account in impeachment. The judgment session of the body is of no account in impeachment. The judgment which deprives the man of the right to hold office is just as effective if the man were absent as in the case of his being present; and there never was an arrest of a man for impeachment in this country.

Mr. LAMAR. Are you sure of that? Mr. BLAINE. Yes, sir.

Mr. BLAINE. Mr. LAMAR. Mr. BLAINE. Yes, Sir.

Mr. LAMAR. Then let us form this issue, plain and complete.

The gentleman says there cannot be two punishments inflicted on an individual for the same offense. The same offense. Here is the Constitution, which says that the officer shall not only be removed from office on impeachment and disqualified to hold office thereafter, but that he shall be subject to indictment, conviction, and punishment by a jury besides.

Now, sir, there is the Constitution. That answers the question of the gentleman. And I am afraid that the gentleman will lose his respect for the Constitution when it responds to his question, by saying that a man guilty of an impeachable offense shall be punished not only by removal from office, not only by disqualification to hold office, but also by indictment, conviction, and punishment.
Mr. BLAINE. Read it. Read it from the Constitution.
Mr. LAMAR. Here it is, sir.

Judgment-

Mr. BLAINE. "Judgment," not "punishment." Go on. [Laughter on the democratic side of the House.]
Mr. LAMAR. The gentleman's oracular wisdom calls forth a laugh. Before we are through the laughter will be at him instead of with him. The gentleman says "judgment," and wishes me to explain the word 'judgment."

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

Is not that one punishment?

Mr. BLAINE. Punishment is not mentioned there. Now, read on.

Mr. LAMAR. You say that is not a punishment?

Mr. BLAINE. Go on.
Mr. LAMAR. I put the question to the gentleman because of his interruption. Is not removal from office and disqualification to hold office a punishment?

Mr. BLAINE. If the gentleman speaks of its being a moral pun-

ishment—
Mr. LAMAR. No, sir.
Mr. BLAINE. If he speaks of its being a moral punishment, he may be right; but a legal punishment it is not.
Mr. LAMAR. I ask the gentleman, not whether it is a moral punishment or not, but is it not a legal punishment?
Mr. BLAINE. It is not.
Mr. LAMAR. Then the gentleman says that a removal from office, a discussification to hold office, while a moral retribution or something

a disqualification to hold office, while a moral retribution or something of that kind, is not, in the contemplation of the law and the Consti-tution, a penalty, a legal punishment. Very well. Mr. BLAINE. Now read the next part.

Mr. LAMAR. I am coming to the next part. That is one thing.

Then this provision of the Constitution goes on to say:

But the party convicted-

What, sir? "The party convicted?" It is not "judgment" this time. It is conviction. And what is conviction, sir, but the judgment in a penal trial? Very well. I will carry you further directly.

But the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment according to law.

Now notice this language again. Perhaps I can convince the gen-

Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States.

Very well. Now, sir, the gentleman says that that is no punishment, and that the only punishment in the eye of the law is that which this provision speaks of in the second clause. I have too much which this provision speaks of in the second clause. I have too much respect for him as a lawyer to tell him that he is under a mistake on that point; but there are men who hold a different opinion on that. May I have the attention of the gentleman and of his admiring acclaimers and applauders to the authority which is almost as high upon questions of constitutional law as himself? I read from Wallace's Supreme Court reports. Now notice. The court is speaking of certain constitutional disabilities imposed, and uses this language:

The deprivation of any rights, civil or political, previously enjoyed, may be pun-

ishment.

Mr. BLAINE. "May be# Mr. LAMAR. Well, you are nearly run to the ground. The gentleman has got to the "may be." Well, I suppose his position is this: that the removal from office and perpetual disqualification from office thereafter "may be" a punishment. But whether it may be or not, the officer impeached shall "nevertheless" be liable to indictment, conviction, and punishment according to law. I have got him to the "may be" now. He said a moment ago it was not so. Now he injects an interruption, and says "it may be a punishment." That is promising. Perhaps I can lead him on a little further. [Applause.]

Disqualification from office may be punishment as in ca

I have a great mind, sir, to let my friend off.
What do you say, gentlemen? Shall I go on? [Cries of "Go on,"
"Punish him."]

Disqualification from office may be punishment as in cases of conviction upon differentment.

Mr. BLAINE. Let me state what I mean. The gentleman read the opinion of the Supreme Court which said that disability may be punishment. Well, that is just as gentlemen take it. The gentleman from Mississippi did take it as a punishment, but another gentleman from Mississippi, Jeff. Davis, regards it as no punishment. [Cries of "O!" "O!" on the democratic side of the House.]

Mr. LAMAR. "May be punishment." Does the gentleman mean to say it is punishment or not as the recipient considers it? Is that what this decision means? Well, sir, let us see what it says: it says that disqualification from office may be punishment as in cases of conviction of impeachment. It may not be punishment in other cases, but it is in cases of conviction upon impeachment. Note the language of the court:

guage of the court:

The disabilities created by the constitution of Missouri must be regarded as penalties; they constitute Punishment. We do not agree with the counsel of Missouri, that "to punish one is to deprive him of life, liberty, or property, and that to take from him anything less than these is no punishment at all." The learned counsel does not use these terms—life, liberty, and property—as comprehending every right known to the law. He does not include under liberty freedom from outrage on the feelings as well as restraints on the person. He does not include under property those estates which one may acquire in professions, though they are often the source of the highest emoluments and honors. The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances at tending and the causes of the deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeaclment.

Now, sir, here is this trial going on, the trial of a former Secretary of War. The process of impeachment is not complete. All of the testimony has not been collected, and that which has been collected testimony has not been collected, and that which has been collected has been rendered useless by an accident or anything you may choose to call it. But, sir, while that grand trial is going on, here comes a small criminal court ordering the committee to come before them. What for? To bring with them all the papers in their possession to impeach and to try this man, William W. Belknap. It was not my purpose to go into that question, but I will do it for an instant.

Mr. Speaker, there was not a particle of testimony before that committee, or before it now, on which an indictment against W. W. Belknap, or he founded. I say it as a lawyer. I repeat that as against

mittee, or before it now, on which an indictment against W. W. Belknap can be founded. I say it as a lawyer. I repeat that as against William W. Belknap there is not any evidence or any testimony or anything on which any grand jury can base an indictment against W. W. Belknap. There are papers there which taken in connection with the testimony of Mr. Marsh might do it. But, sir, there is another fact to which I invoke the attention of my friends on this (the republican) side of the House, for whom I have the kindliest feeling; and inasmuch as the gentleman from Maine [Mr. Blaine] has referred to it. I will state here that toward the republican party of the country to it, I will state here that toward the republican party of the country I have no personal animosity or ill feeling. I am indebted to that party for the right of standing here on this floor to-day as a Representative in part of my State; and I say that it was an act of magnanimity on their part to extend to me that privilege, whatever may be my opinion as to the wrong done me and my people in imposing these disabilities upon us. Viewing it from your stand-point, it was a magnanimous set a magnanimous act.

Therefore, sir, gentlemen of both parties, I proclaim to you, and I do it as a lawyer, that there is not only no testimony before this committee on which a criminal court could indict or convict W. W. Belmittee on which a criminal court could indict or convict W. W. Belknap, but there is testimony there upon which Marsh could be indicted, and nobody else but Marsh. Now, gentlemen, we have all the proceedings which have been taken in this House and all the testimony which has been brought before it against W. W. Belknap; but with Marsh absent it is useless, and there is no way of criminally proceeding against W. W. Belknap. The only effect will be to indict, try, and convict Marsh, the confessed accomplice, who gave his testi-

mony against Belknap. Sir, the question is whether we shall permit this testimony to go, or hold it until, in the discretion of this House, the members of the investigating committee shall be ordered to go

before that court and testify.

I believe there is no republican on this floor who has any disposition to screen this distinguished general who has recently been exposed in this terrible crime. The calamity is so great, the hideous ruin into which he has fallen is such as to make him sacred from attack, and all that we can do is to let the law take its course, feeling no sentiment of indignation against the unhappy man, no sentiment other than that of commiseration; but in the mean time it behooves the House of Representatives, and I invoke its action to-day, to see to it that its constitutional rights and its powers are respected.\* [Applewed] plause.]

I now call the previous question.

Mr. HOAR. The gentleman understands my amendment to be

Mr. HOAR. The gentleman understands my amendment to be pending.

Mr. BLAINE. Before the gentleman sits down—
Mr. LAMAR. I have yielded to the gentleman from New York.

Mr. BEEBE. For the insinuations of the gentleman from Maine [Mr. BLAINE] I pity him from the bottom of my heart. However much I may suffer in my reputation before the country as a wit, I know that the gentleman will suffer tenfold more for his reputation as a lawyer, if not as an honest statesman.

Mr. WHITTHORNE. Will the gentleman yield to me for a moment?

ment?

Mr. BEEBE. Certainly. Mr. WHITTHORNE. I desire to bring to the attention of the House

Mr. WHITHORNE. I desire to bring to the attention of the House right now and at this moment a question of privilege.

The SPEAKER pro tempore. The Chair would snggest that the House is now considering a question of privilege.

Mr. WHITTHORNE. Yes, and the question I wish to bring up is involved in this discussion. I have to state to the House that by order of the Committee on Naval Affairs a witness whom we regard the being controlled to the House that the being the province of the committee on the House that the leaves of the committee of the House that the leaves of the committee of the House that the leaves of the committee of the House that the leaves of the lea to be in contempt of the House is now in custody of an officer of the House. Looking to what has been said about the action of the Committee on Expenditures in the War Department, and the reflections made upon them, and the point being made against them, the Committee on Naval Affairs runs some peril before the country unless immediate action is taken worn this ages. mediate action is taken upon this case.

The SPEAKER pro tempore. The Chair would suggest that by unanimous consent this question might be laid aside for a time.

Mr. BEEBE. I will not detain the House many minutes. mittee on Naval Affairs is abundantly competent for the detention of their witnes

The SPEAKER pro tempore. The Chair would state, if the gentleman from New York [Mr. Beebe] will permit him, that immediately upon the disposition of this subject the Chair will recognize the gen-

upon the disposition of this subject the Chair will recognize the gentleman from Tennessee.

Mr. BEEBE. That recusant witness ought not to be entirely without the sympathy of this House, for he is between two fires; the executive on the one side and the legislative on the other.

Mr. Speaker and gentlemen of the House, permit me to say that our Committee on Expenditures in the War Department are not liable to any censure; that they would have been liable to censure, amenable to punishment, or at least to an expression of disapprobation and indignation by this House, had they taken any other course than that which they have taken. Why would they have become so liable at this time? Because Robert C. Schenck gave them a recent lesson about questions of privilege. Mr. Schenck, as minister to England, knew enough to avail himself of his privilege to get out of the British realm, and the President did not accept the resignation until British realm, and the President did not accept the resignation until after Bob Schenck had left.

Now, had this committee gone before that tribunal and surrendered the testimony in its charge or keeping, whether it had absolutely surrendered or not the documents in their charge, had it revealed evidence before that committee, they would have been severely censured by this House. Why? Because the Federal courts here, animated by the central spirit of Washington, have taught us that they are not safe depositories for testimony against criminals.

Witness the abstraction of valuable evidence from the office of the

Attorney-General upon a recent occasion for the purpose of shielding a man then on trial in Saint Louis for a high crime. Mr. Pierrepont is reported as saying, in explanation more fully of his famous letter, that it was made public through General Babcock. Who was he? A man having access to the papers of the Attorney-General. How? As quasi private secretary of the President of the United States.

Now, shall this legislative department of the Government run wildly about the country seeking such safe repositories as are the Federal courts, the courts here at Washington? Why, sir, let me remind gentlemen on the other side of the House of a little matter of history which I at least have not forgotten, if they have. That tribunal has been invoked before. Gentlemen have referred to Jeff.

<sup>\*</sup> After I concluded my remarks, Mr. Sampson, of Iowa, came to my seat and called my attention to the statute of 1861, under which the testimony given by a witness in an investigation of this kind before a committee of the House is forbidden to be used in any criminal proceeding against him. Having in the hurry of off-hand debate, overlooked that statute, I think I overstated the liability of Marsh to be indicted on the evidence before the committee exclusive of his own depositions.

L. Q. C. L.

Davis here, an obscure character of which we have heard somewhat of late. Let me refer gentlemen, especially an honorable gentleman on the other side of the House, my colleague from New York, [Mr. Townsend,] who was so afraid when southern heads were shaken at him, that he had to conjure up the ghost of Preston Brooks—has he forgotten how aman walked from the presidential mansion down into the editorial sanctum of a newspaper here, and, not finding the responsible editor there, beset and belabored an old man whose head is white as the head of my colleague: invaded the private sanctum responsible editor there, beset and belabored an old man whose head is white as the head of my colleague; invaded the private sanctum of that editorial office? And having done this, he walked with brazen impudence through the streets of Washington back to the Executive Mansion. And justice was appeased in that case. He was dragged before this terrible District tribunal. Let it be handed down to posterity, for the benefit of the reputation of the American people, that the law was vindicated, and the presidential brother-in-law was

that the law was vindicated, and the presidential brother-in-law was fined \$100.

Mr. TOWNSEND, of New York. He was a democrat, was he not?

Mr. BEEBE. He was just such a democrat as Belknap is, and as is the President who said he never voted but one ticket, and that was for James Buchanan. [Laughter.]

Now, I do not wonder that there is agitation on the other side of the Charles.

Now, I do not wonder that there is agree to be the other side of the Chamber. For years and years the nation has been laboring under a load imposed upon it, not by the necessities of the country, but by the rapacity of thieves in office. The people have arraigned that administration of affairs which has for years been maintained throughout the Departments of the Federal Government; and they have sent out the Departments of the Federal Government; and they have sent here what in the language of the republicans we were wont to hear characterized a few years ago as the "grand inquest of the nation." Here to this Hall, where they are wont to repose all their power, they have sent a majority peculiarly and especially commissioned to search out fraud and punish criminals. They have begun their duty, and only just begun. Let the consequences fall where they may, they are determined to pursue that duty until they shall have accomplished all within their power to accomplish.

Gentlemen on the other side of the House may tell us of the escape of a miserable Marsh, an obscure petty thief. The democracy were so intent upon greater things that this miserable offender may perhaps have slipped through their fingers by the aid of the deliberations and determinations of an executive cabinet council. But we

tions and determinations of an executive cabinet council. But we propose to pursue, not especially the Marshes, who are but the trichina; we propose to take hold of those villains who in high places have been betraying the most holy trusts. The gentleman from Maine may go about with his lighted candle seeking for Marsh. Why, sir, he reminds me of the lines of the western rhymster:

Some bait their hooks with mites of cheese, And sit on a kennel and bob for fleas: Some bait their hooks with tigers' tails, And sit on a rock and bob for whales.

Gentlemen on the other side may pursue their flea-catching business as assiduously as they please; we will drag from these turbid waters of pollution the great thieves, the whales. We will supplement it, if need be, by dragging forth the leviathan himself, to the indignation and punishment of an outraged people.

Mr. LAMAR. I now demand the previous question. I meant to do

it at the conclusion of my remarks.

Mr. BEEBE. I desire to appeal to the gentleman from Mississippi, [Mr. Lamar.] When he requested me to yield, did he do so with the intention of taking the floor from me?

Mr. LAMAR. No, sir, not at all. I thought the gentleman was through. I beg his pardon. I hope he will proceed. I do not wish

to put any limit upon him.

Mr. MacDOUGALL. Will the gentleman allow me to put a single

Mr. BEEBE. I would prefer not to yield now.
Mr. MacDOUGALL. Does not the gentleman know that the man whom he accuses of going down to a newspaper office and caning an inoffensive editor had just previously been the democratic candidate for governor of Mississippi ?

for governor of Mississippi f

Mr. BEEBE. Mr. Speaker, it has always been the privilege of the

"galled jade" to wince; and I regret that the rules of the House interpose a barrier here. But the rules must be maintained.

Mr. TOWNSEND, of New York. You should not abuse your democratic candidate for governor of Mississippi because he caned a man.

The SPEAKER pro tempore, (Mr. RANDALL.) The gentleman from
New York knows perfectly well that he is out of order; and the Chair hopes he is old enough to regard this admonition. [Laughter.]

Mr. BEEBE. I desire to say but a word or two in conclusion. This committee, as I have maintained from the start, did right in all its steps. It did right to go down and plead its privilege as it did, saying that it held that privilege subject to the authority of the House; that it would come back and report to the House that a criminal tribunal of the country had sent a subpæna to members of the committee, and of the country had sent a subpena to members of the committee, and would let the House take such action as it might deem proper. I hold that the committee did right in this, and I hope the House will in the most emphatic manner so declare. I hope, too, that the House will sustain the Naval Committee in the request they are about to present. I trust that such further action may be taken as will say to men who have fatal secrets in their keeping, "If in the interest of reform, in the interest of purging the Government from the rapacity and the corruption which have crept into its various departments,

you will come forward and place those secrets in the keeping of the people of the United States represented here in their House of Rep-

people of the United States represented here in their House of Representatives, you shall be protected by the House."

I now yield to the gentleman from Mississippi, [Mr. LAMAR.]

Mr. LAMAR. I yield to my colleague, [Mr. HOOKER.]

Mr. HOOKER. Mr. Speaker, I do not rise for the purpose of continuing this debate, and I certainly have no intention to say anything which shall provoke its continuance. But I think it is due to the gentlemen composing the committees of the House, who have approximate the Universe of the House of pealed to the House for guidance and counsel in reference to this sub-poena from this judicial tribunal, that the House should respond to their demand.

It was well said by the gentleman from Kentucky [Mr. Black-BURN] that this is not a question simply of personal privilege, but a question of the privilege of the House, and it is altogether unlike the case suggested by the gentleman from Maine, [Mr. BLAINE,] where a party sees a murder committed and is subpensed to testify before a court in reference to that transaction, and he cannot refuse on the ground that it would be an infringement of the privilege of the House. This is entirely unlike that case. There it is not a question of personal privilege. But the question is, Shall the members of the committee obey this subpœna and transfer all the evidence in the impeachment trial to a foreign jurisdiction?

I am sure when the House looks at the extraordinary document is

sued from this court of justice they will at once see the appeal which the members of the committee have made to the House is not to reand protect the right and privileges of the House to hold its own papers, its own documents, its own records in its own possession. Sir, it is a singular document and reads in this way:

The President of the United States to Hester Clymer to bring all papers, documents, records, checks, contracts in your possession or in the possession of the Committee of the House of Representatives on Expenditures in the War Department, in relation to the charge against said defendant of accepting a bribe or bribes while Secretary of War of the United States.

You are hereby commanded to attend the said court immediately, to testify on behalf of the United States, and not depart the court without leave of the court or the district attorney.

This is the extraordinary document which has been served on the members of this committee. It demands the contract. What contract? Prime among the papers, chief among the testimony before this committee, is the fraudulent contract between Marsh and Evans. It is the foundation of the impeachment against Belknap, late Secretary of War. What other papers there may be are also required to be produced, consisting of the report and the exhibits attached to the report of the committee. Are all these to be taken by the process of this criminal court? Are they to be taken out of the possession of this crimmal court? Are they to be taken out of the possession of the House and put into the possession of the criminal court? This would be to lose possession of the very evidence upon which your managers are to conduct the impeachment.

It has been well said by my distinguished colleague from Mississippi [Mr. Lamar] that if all the papers were laid before the most learned judicial tribunal in the land they would not constitute evidence of the property of t

dence sufficient to predicate an indictment or successfully maintain an indictment against Belknap, late Secretary of War; though they might, and in all probability would, be sufficient to find and maintain

might, and in all probability would, be sufficient to find and maintain an indictment against the witness Marsh. The testimony of the committee or any member of it would only be hearsay.

Sir, the idea was that the members of the committee should take from the custody of this House, under this subpana duces tecum and bring before that court all the documents, all the papers, all the records which went to criminate the late Secretary of War and maintain the impeachment. Suppose that was done, what security has the House that these documents which are the basis of the impeachment, mon which this most extraordinary trial is to proceed—what security upon which this most extraordinary trial is to proceed—what security has it those papers will ever be returned to its custody once they go out of the custody of the committee, out of the control of the House, and into the possession of officers over whom the House possesses no control whatever?

I thought, sir, there was a peculiar propriety in these gentlemen, thus subprenaed by this extraordinary process, appealing to the House to protect them from surrendering that which, indeed, they had no control over. When the report of that committee had been made, when its documents, proofs, evidence, and records accompanying that report were submitted to the House, they were the records, proofs, and documents of the House, and not of the committee, and they possessed no power to surrender them, even if they desired to do so.

I stated, Mr. Speaker, that it was not my purpose to prolong this debate; but it seems to me, when you look at the peculiar character of this subpœna and the evident purpose to take from the House the conduct of this matter in reference to the grave impeachment impending now or which will be in a day or two in the other branch of the national Legislature, it is a proposition which has been well charthe hatonal Legislature, it is a proposition which has been wen characterized as transferring to a police court or justice's court all the documents, all the records, and all the evidence which pertain to this extraordinary trial. And now, having said this much, I will not trespass further upon the attention of the House.

The SPEAKER pro tempore. The gentleman from Illinois—
Mr. LAMAR. I now demand the previous question.
Mr. HOAR. I rise to a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. HOAR. It is understood, I believe, that the gentleman from Mississippi allowed my amendment to come in, and that in case the previous question was seconded it would be voted on as a substitute

for his proposition.

The SPEAKER pro tempore. The Chair understands that the amendment of the gentleman from Massachusetts is pending in the nature

of a substitute.

Mr. HOAR. My substitute is not for the preamble, but for the res

olution submitted by the gentleman from Mississippi.

The previous question was seconded and the main question ordered.

Mr. HARRISON. Is it too late to ask the gentleman to modify his

The SPEAKER pro tempore. It is now too late.

Mr. HOAR. I demand the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. HOUSE. I ask for the reading of the resolution and pending amendment.

The resolution and pending amendment were read.

The question was taken; and there were-yeas 84, nays 130, not voting 75; as follows:

The question was taken; and there were—yeas 84, nays 130, not voting 75; as follows:

YEAS—Messrs. Adams, John H. Baker, Ballou, Blaine, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Chittenden, Conger, Crapo, Danford, Davy, Denison, Dunnell, Eames, Egbert, Evans, Fort, Foster, Freeman, Frost, Hathorn, Hendee, Henderson, Hoar, Hoskins, Habbell, Hunter, Hurlbut, Joyce, Kasson, Ketchum, Lawrence, Leavenworth, Lynch, Edmund W. M. Mackey, MacDougall, McCrary, McDill, Miller, Monroe, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Plaisted, Platt, Potter, Purman, Robinson, Sobieski Ross, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Waldron, Alexander S. Wallace, John W. Wallace, Walls, G. Wiley Wells, White, Whiting, Willard, Andrew Williams, Charles G. Williams, Williams, B. Williams, James Wilson, Alan Wood, Jr., and Woodworth—84.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., Banks, Banning, Barnum, Beebe, Bell, Bland, Blount, Boone, Bright, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Cook, Cowan, Cox, Culberson, Cutter, Davis, De Bolt, Dibrell, Douglas, Durand, Eden, Ely, Fanlkner, Felton, Forney, Franklin, Fuller, Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hatcher, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Kehr, Knott, Lamar, George M. Landers, Lane, Levy, Lewis, Luttrell, Lynde, L. A. Mackey, Maish, McMahon, Milliken, Mills, Morgan, Morrison, Mutchler, Neal, New, Parsons, Payne, John F. Philips, Pierce, Poppleton, Powell, Randall, Rea, Reagan, Rice, Riddle, John Robbins, Roberts, Miles Ross, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, Slemons

So the substitute was not agreed to.

During the roll-call the following announcements were made:

Mr. BLACKBURN. I desire upon the resolutions and the substitute, for reasons which will commend themselves to every gentleman present, not to be recorded as voting at all.

Mr. CLYMER. I also desire to be excused from voting for the same

Mr. ROBBINS, of North Carolina. I desire to state that as I am one of those who ask instructions, I decline to vote.

Mr. BOONE. My colleague from Kentucky, Mr. Brown, is absent on account of sickness in his family.

Mr. BLACKBURN. He is absent by leave of the House.

Mr. ATKINS. My colleague, Mr. Young, is detained from the House by sickness. If present he would vote "no."

Mr. LUTTRELL. My colleague, Mr. Wigginton, is detained on account of sickness. If he were here he would vote "no."

Mr. GUNTER. My colleague, Mr. GAUSE, is necessarily absent on become

Mr. CALDWELL, of Alabama. My colleague, Mr. Bradford, is detained on account of sickness. If present, I have no doubt he would vote "no."

Mr. FORT. My colleague, Mr. Stevenson, is sick.
Mr. BURLEIGH. My colleagues, Mr. Frye and Mr. Hale, are about. If present they would vote "ay."

Mr. PAGE. My colleague, Mr. PIPER, is absent on account of sick-

Mr. WALLACE, of South Carolina. My colleagues, Mr. Hoge and Mr. Rainey, are absent. If present they would vote "ay."
Mr. PLATT. My colleague, Mr. Bass, is detained from the House

by sickness.

The result of the vote was then announced as above recorded.

The question recurred on agreeing to the original resolution and preamble.

Mr. YEATES. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. LAWRENCE. I desire to have a separate vote on the different clauses of this resolution.

The SPEAKER pro tempore, (Mr. RANDALL.) The Chair rules that the gentleman's request comes too late. The previous question covers the preamble as well as the resolution.

Mr. LAWRENCE. The first part asserts a principle of parliamentary law, and the latter deals with a question of expediency.

The SPEAKER. The gentleman is not in order.

The question was taken; and there were were 120 pers 75 pers.

The question was taken; and there were—yeas 132, nays 75, not voting 82; as follows:

The question was taken; and there were—yeas 132, nays 75, not voting 82; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., Banks, Banning, Barnum, Beebe, Bell, Blackburn, Bland, Blount, Boone, Bright, Buckner, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cochrane, Collins, Cook, Cowan, Cox., Culberson, Cutler, Davis, De Bott, Dibrell, Douglas, Durand, Eden, Egbert, Ely, Felton, Forney, Franklin, Fuller, Gibson, Glover, Goode, Gunter, Andrew H. Hamilton, Hardenbergh, Benjamin W. Harris, Harris, Harris, Harrison, Hartridge, Hatcher, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Kehr, Knott, Lamar, George M. Landers, Lane, Levy, Lewis, Lord, Luttrell, Lynde, L. A. Mackey, Maish, McMahon, Milliken, Mills, Morgan, Morrison, Mutchler, Neal, New, Parsons, Payne, John F. Philips, Pierce, Poppleton, Potter, Powell, Randall, Rea, Reagan, Rice, Riddle, John Robbins, Roberts, Miles Ross, Sayler, Scales, Schleicher, Sheakley, Singleton, William E. Smith, Sparks, Stenger, Stone, Teese, Thompson, Thomas, Throckmorton, Tucker, Turney, John L. Vance, Robert B. Vance, Walling, Ward, Warren, Erastus Wells, Whitehouse, Whitthorne, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, and Yeates—132.

NAYS—Messrs. Adams, John H. Baker, Ballou, Blaine, Bradley, William R. Brown, Horatio C. Burchard, Burleigh, Cannon, Cason, Caswell, Conger, Crapo, Danford, Davy, Dunnell, Eames, Evans, Fort, Foster, Freeman, Frost, Hathorn, Hays, Hendee, Hoar, Hoskins, Hubbell, Hunter, Hurlbut, Joyce, Kasson, Ketchum, Leavenworth, Lynch, Edmund W. M. Mackey, MacDougall, McCrary, McDill, Monroe, Norton, Oliver, O'Neill, Packer, Page, William A. Phillips, Plaisted, Plait, Robinson, Sobieski Ross, Rusk, Sampson, Seelye, Simickson, Smalls, A. Herr Smith, Strait, Stowell, Thornburgh, Martin I. Townsend, Washington Tow

During the roll-call, Mr. ROBBINS, of North Carolina, said: Without waiving my rights as a member, yet being one of those who have asked instructions of the House, I now by the leave of the House decline to vote. Mr. MILLIKEN. I desire to state that my colleague, Mr. DURHAM,

detained from the House by sickness.

The result of the vote having been announced as above reported, Mr. LAMAR moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## RECUSANT WITNESS.

Mr. WHITTHORNE. I rise to a question of privilege. I am directed by the Committee on Naval Affairs to submit a report in part. The report was read as follows:

The report was read as follows:

The Committee on Naval Affairs, who were charged under a resolution of the House of Representatives, adopted January 14, 1876, with the duty of making inquiry into any errors, abuses, or frauds that may exist in the administration and execution of existing laws affecting the naval service, and who, by said resolution, in order to fully comprehend the workings of the various branches or Departments of the Government were authorized inquiries to make for such periods in the past as said committee might deem necessary for its own guidance or information, or for the protection of the public interests, in exposing frauds or abuses of any kind that may exist in said Departments; and were also authorized by said resolution to send for persons and papers, submit, in part, the following report:

That in pursuance of the power conferred upon them by the House, they caused one Alcaeus B. Wolfe, of Washington City, to be summoned before them for the purpose of giving testimony; who appeared this the 7th day of March, 1876, and, after being duly sworn, did testify as follows:

ALCAEUS B. WOLFE sworn.

By the CHARIMAN:

By the CHAIRMAN:

By the CHAIRMAN:
Question. Where do you reside ?
Answer. In this city.
Q. How long have you resided here?
A. Since the early part of September, 1861.
Q. Were you ever employed as clerk or book-keeper of Mr. S. P. Brown?
A. Yes, sir.
Q. During what year?
A. From the middle of January, 1867, until August, 1874.
Q. You were then in his employ in April, 1872?
A. Yes, sir; I was in the employ of S. P. and A. B. Brown. The firm was S. P. Brown & Son,
Q. Were you summoned as a witness to appear before a House committee during that time?

that time?

A. Not to my knowledge. I was taken with pneumonia about that time, and was oil I I could not leave my room, and in fact could not be interviewed even by any one. There was no summons sent to me at that time to my knowledge.

Q. You are aware that at that time the connection of S. P. Brown with the "Governor" claim was being investigated?

A. Yes, sir. I know there was such a claim, but my recollection will not make me fix the exact date. I know he was connected with that claim.

Q. You were not examined before the committee at that time?

A. No, sir.

Q. Have you any recollection as to the time and circumstances connected with the payment of that claim and the receipt of any money by Mr. Brown?

- A. I have a recollection that he received a fee for his services in prosecuting that claim.

  Q. Were you present at the time he received the fee?

  A. I was not present when he received it.

  Q. Where were you?

  A. I was in the office. Mr. Brown and another gentleman—I think it was General Hosmer, I will not be positive—went into the rear office, which was divided from the front room by a dark glass. How much was divided there I cannot say.

  Q. Was anybody else there in the room beside General Hosmer and Mr. Brown?

  A. Yes, sir; but I will not say who the other gentleman was, for I do not know.

  Q. Was it not Mr. Cattell?

  A. I do not know his first name. He is a short, heavy-built gentleman; I have often seen him in Mr. Brown?s office. It is Ex-Senator Cattell. The three went in there. I do not know that the money was divided now, but Brown went in there and the money was taken in; but what was done with it I do not know, because the door was closed and I could not see through the glass, which was ground.

  Q. How much money was taken in there?

  A. Mr. Brown gave an order to the Hampshire and Baltimore Coal Company, to whom he was indebted for a note or on open account, for \$500 I think, and that amount was deducted. Paymaster Stewart, of the Navy, was the one who paid the claim. He made two checks, one for \$500 to this coal company, and the other to go to——. I do not know in what name it was drawn, because I did not see the check.

  Q. Have you as book-keeper any knowledge of what that amount was?

  A. That was not put upon the books.

  Q. Was any memorandum of that transaction put upon the books at all?

  A. No, sir. I may have given Mr. S. P. Brown on the books credit for the amount he put into the cash; that was all. There was no memorandum of the entire transaction put on the books.

  Q. Have you any recollection that you did put such an amount upon the books?

  A. No, sir; I have not.

  Q. Have you any recollection of the connection of Simeon Johnson with the transaction?

  A. Simeon Johnson was interested in that

- A. Simeon Johnson was interested in that affair, but to what extent I could not

- say.
  Q. Was not a part of that money paid to Simeon Johnson?
  A. I could not say, for I did not see it paid.
  Q. Did the books furnish you any knowledge that he received any part of it?
  A. No, sir.

  - By Mr. MILLS:
- Q. Did you ever hear Simeon Johnson say he ever received a of it?
  A. No, sir; Mr. Johnson would not do that.
  Q. Who was with you in the front room when this transaction took place?
  A. I do not remember. There were three clerks, and one or another might be

- Ot. Was Mr. Butler present?

  A. He might have been; I would not say whether he was or was not.

  Q. Do you remember that one of those clerks called your attention to what was going on in the other room?

  A. I do not remember that he did, but I remember he afterward told me that he did, and I told him that I did not remember it.

  Q. Do you remember making any remark to either one of the clerks about the transaction that was then going on?

  A. I might have; I would not be positive.

  Q. Did not you know that a division was taking place in that back room?

  A. I did not; but I believed it.

  Q. Upon what is your belief founded?

  A. Upon the fact that they went in there with the money, and they all walked out feeling very well. That is just what I based it on; but I had no positive knowledge.

- A. Upon the fact that they went in there with the money, and they all walked out feeling very well. That is just what I based it on; but I had no positive knowledge.

  Q. Do you not know that Mr. S. P. Brown got \$18,200, or about that amount, which was passed to his credit, made a deposit, or in some way?

  A. I do not know the amount.

  Q. Did he deposit or pass any money to his credit?

  A. On several occasions when Mr. Brown has obtained a fee for procuring the payment of claims he took the money and made a special deposit in the Safe-Deposit Company in this way: The money was handed in to them in an envelope with his name on it only. He had a great many judgments against him, and he did this to avoid having the money attached. They did not know what was in the envelopes, and I did not know what amounts he put in there.

  Q. Immediately after these parties came out, do you know that he made such a deposit as that?

  A. I would not say that he did or did not.

  Q. Have you any knowledge?

  A. I have no recollection. Four years ago is rather more than I would carry in my memory, for it was an every-day transaction you may almost say. He would take his money, lay it in there, and would not put it into the bank for fear it would be attached. He would just take it over there, and then give me a note, and I would go over and get the money.

  Q. Did you ever take any money by direction of Mr. Brown and hand it to any-body connected with the naval service?

  A. I decline to answer that question.

  Q. Do you know the peril you are likely to incur in refusing to answer?

  A. Yes, sir; I came expecting it.

  Q. Have you been asked not to appear?

  A. No, sir.

  Q. Have you been asked not to appear?

  A. No, sir.

  Q. What has been said to you by anybody about appearing as a witness before this committee?

  A. Nothing whatever, sir, that I can remember, before this committee.

- this committee ?

- this committee?

  A. Nothing whatever, sir, that I can remember, before this committee.
  Q. Or before the committee four years ago?

  A. No, sir.
  Q. Was no effort made by persuasion or otherwise to induce you not to appear?

  A. No, sir; not by any human being.
  Q. Do you know of any commissions or payments being in any way made to any person connected with the naval service by any contractor or claim agent?

  The WITNESS. With what purpose; for furthering their interests?

- The CHARMAN. Yes, sir.

  The WITNESS. I decline to answer that question.

  At the request of the witness he was then allowed to leave the committee-room for a short time in the custody of an officer of the House to transact some private business. Upon his return the examination continued.
  - By the CHAIRMAN:
- Q. Have you reflected upon your duty to answer the questions propounded to you

- A. I could not answer those questions,
  Q. I repeat them to you specifically by direction of the committee. The first was:
  "Did you ever take any money by direction of Mr. Brown and hand it to anybody
  connected with the naval service?" Your answer was, "I decline to answer that
- question."
  The Witness. Will you please specify which Mr. Brown?
  The CHAIRMAN. Either one.
  The Witness. I cannot answer the question.

#### By the Chairman:

- Q. "Do you know of any commissions or payments being in any way made to any person connected with the naval service?"

  A. I decline to answer that question.
  Q. Do you decline to answer for any reason personal to yourself?
  A. Not that I have any personal interest in it, sir; that is, not a monetary interest.

- A. Not that I have any personal interest in it, sir; that is, not a monetary interest.

  Q. You are aware probably that under the law one is not bound to criminate himself; is that your reason for declining to answer?

  A. No, sir. I will state this, that I never received at any one time a dollar for anything that Mr. Brown may have paid without my knowledge or with my knowledge to any man. I do not wish that to be interpreted that I know that he did pay anything.

  Q. Mr. S. P. Brown and A. Z. Brown are contractors with the Navy Department, are they not or have been?

  A. They were at one time in partnership as contractors. Since then they have dissolved partnership and each one contracts individually as far as I know. They carry on business under different licenses, and I presume carry it on separately; but at the time you refer to they were partners.

  Q. And were acting as claim agents?

  A. The old gentleman did more of the claim agency business than the young man did. The latter attended more to the lumber business; but they acted together in a great many cases.

  Mr. WHITTHORNE. By the direction of the Committee on Naval
- Mr. WHITTHORNE. By the direction of the Committee on Naval Affairs I am instructed to ask of the House the adoption of the order which I send to the Clerk's desk. In asking it, allow me to say that it was done with the hearty co-operation of every member of the committee who was present, including members of both political parties, and I ask the previous question on the passage of the order.
  - The Clerk read the order, as follows:
- Ordered, That the Speaker issue his warrant, directed to the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Alcaens B. Wolfe, and him bring to the bar of the House, to show cause why he should not be punished for contempt, and in the mean time keep the said Wolfe in custody to await the further orders of the House.
- The previous question was seconded and the main question ordered;
- and under the operation thereof the order was agreed to.

  Mr. WHITTHORNE moved to reconsider the vote by which the order was agreed to; and also moved that the motion to reconsider be laid on the table.
  - The latter motion was agreed to.

## WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted to Mr. SEELYE to withdraw from the files of the House the papers accompanying the bill (H. R. No. 942) for the relief of Thomas Madden, reported adversely by the Committee on Indian Affairs.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. John REILLY for three days on important business; and to Mr. Gause for twenty days.

And then, on motion of Mr. Cox, (at seven o'clock and five minutes

p. m.,) the House adjourned.

# PETITIONS, ETC.

- The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

  By Mr. BANNING: The petition of Henry Breckman, for pay and allowance as first lieutenant Forty-seventh Regiment Ohio Infantry,
- by Mr. BURCHARD, of Illinois: The petition of citizens of Illinois, that the present duty on linseed and linseed oil may be maintained, to the Committee of Ways and Means.

  By Mr. COCHRAN: The petition of citizens of Allegheny County,
- Pennsylvania, that the present duty on foreign coal may not be re
- moved, to the same committee.

  By Mr. COX: Memorial of William G. Douglas, for a new departure in finance, and giving a plan of his own, to the same committee.

  By Mr. DURAND: The petition of G. D. Somers and 50 other citizens of Ovid, Michigan, for the repeal of the resumption act, to the Committee on Banking and Currency.

  By Mr. HARTRIDGE: Memorial of citizens of Bullock County, Covering for the orthlightness of a reset tente for Educate Source.
- Georgia, for the establishment of a post-route from Eden to Samuel E. Groover's, Bullock County, Georgia, to the Committee on the Post-Office and Post-Roads.

  By Mr. HENDEE: Memorial of Edgar H. Bates, for compensation for expenses incurred in the burial of his son, killed at the time of the
- destruction of the Northern Liberty Market in Washington, to the Committee for the District of Columbia.

  By Mr. HENKLE: The petition of John E. O'Donnell, for relief, to the Committee of Claims.

  By Mr. HEWITT, of New York: The petition of James Traynor, for a pension, to the Committee on Invalid Pensions.

  By Mr. JENKS: Memorial of Mary McLain, for an increase of pension to the some committee.
- sion, to the same committee.
- By Mr. LANDERS, of Connecticut: The petition of John L. Bul-

lard and 45 others, for the repeat of the check-stamp tax, to the Com-

mittee of Ways and Means.

By Mr. McDILL: The petition of James Eveleth, for compensation as disbursing agent for Washington, and as agent of the Engineer Department, to the Committee on Military Affairs.

neer Department, to the Committee on Military Affairs.

By Mr. MORGAN: The petition of G. W. Thompson and others, of Webster County, Missouri, to the Committee on Public Lands.

By Mr. NORTON: The petition of James Tanner and others, for the extending of the time in which applications for pensions may be filed, to the Committee on Invalid Pensions.

By Mr. O'BRIEN: The petition of Peter O'Donnoghue, for compensation for damage to his property on account of public improvements in the District of Columbia, to the Committee for the District of Columbia

By Mr. WARREN: The petition of John Dillon, for compensation for injuries incurred while at work in the Charlestown navy-yard, to the Committee of Claims.

By Mr. WHITTHORNE: The petition of Captain A. C. Rhind, United States Navy, for restoration to his proper position in the Navy, to the Committee on Naval Affairs.

## IN SENATE.

# WEDNESDAY, March 8, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved.

The PRESIDENT pro tempore laid before the Senate a communica-tion from the Acting Secretary of War, transmitting, in response to Senate resolution of February 9, a copy of the report of S. T. Abert, United States civil engineer, with accompanying maps, examinations, and surveys, made in compliance with the river and harbor act of March 3, 1875, directing the survey of "a line between the Neuse and Cape Fear Rivers, in North Carolina," &c.; which was referred to the Committee on Commerce, and ordered to be printed.

He also laid before the Senate a communication from the Postmas-

ter-General, in response to a resolution of the Senate of the 6th instant, directing him to furnish to the Senate any information which he may have touching the submission of "straw-bids," or probable worthless or fraudulent bids, for carrying the mails of the United States in the several States in which advertisements for mail proposals appeared October 1, 1875; which, on motion of Mr. Hamlin, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### DESTRUCTIVE INSECTS.

Mr. MORRILL, of Vermont. In order to enter a motion to reconsider the vote by which the Senate passed the bill (S. No. 438) for the protection of agriculture against injurious insects, I move that the House of Representatives be requested to return the bill to the Senate. The bill was sent there yesterday before my motion was made. The motion was agreed to.

#### PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin. I present a petition which prays Mr. CAMERON, of Wisconsin. I present a petition which prays for certain legislation set forth, on the subject of secret societies. The petition is signed, as I am informed, by residents of every State and Territory in the United States. The whole number of petitioners exceeds 16,000. I ask that the petition be read, that it be referred to the Committee on the Judiciary, and that the petition, which is brief, be printed in the Record.

The Chief Clerk read the petition, and it was referred to the Committee on the Judiciary as follows.

mittee on the Judiciary, as follows:

mittee on the Judiciary, as follows:

We, the undersigned citizens of the United States, believing (in the words of Daniel Webster) "that all secret associations, the members of which take upon themselves extraordinary obligations to one another and are bound together by secret oaths, are naturally sources of jealousy and just alarm to others, are especially unfavorable to harmony and mutual confidence among men living together under popular institutions, and are dangerous to the general cause of civil liberty and good government," respectfully ask your honorable body to withdraw the charter given by Congress in April, 1864, to the Masonie Hall Association of the District of Columbia.

We further petition that it be made unlawful to appoint to official positions under the Government of the United States persons who are under and acknowledge the binding character of oaths administered by secret organizations.

Also, that in United States courts, in all cases, criminal or civil, the right of peremptory challenge of jurors who are members of any secret society shall be granted to all parties in litigation.

And that membership in any secret society by the presiding officer of a court shall be held to be a sufficient reason for change of venue whenever demanded.

Mr. LOGAN presented a petition of 106 citizens of Rochelle, Michigan, praying that the duty on linseed and linseed-oil be retained as now fixed by law; which was referred to the Committee on Finance.

Mr. CONKLING presented a petition of officers of the New York Harbor Towing Company, praying that the name of the steamboat

Harbor Towing Company, praying that the name of the steamboat Peter Crary be changed to Joseph L. Chapman; which was referred to the Committee on Commerce.

Mr. CHRISTIANCY presented a petition of 428 citizens of the United

States, praying for the passage of a law regulating elections and the elective franchise in the Territory of Utah; which was referred to the Committee on Territories.

Mr. THURMAN. I present the petition of Jeremiah Cain, late lieutenant in the volunteer service of the United States, setting forth that during the war, owing to a misapprehension, he was dismissed from service for not reporting in time; that the sentence was re-versed on its being shown that he had not received orders to report in time to do it, and he was restored to his rank as second lieutenant; but in the settlement of his accounts the Department deducted from his claim pay for the period before he was restored. He prays that he may have that pay. I move the reference of the petition to the Committee on Military Affairs.

The motion was agreed to.

## REPORTS OF COMMITTEES.

Mr. WRIGHT. I am instructed by the Committee on Claims, to whom was referred the petition of William Bushby, praying compensation for cooking for military prisoners from April, 1863, to July, 1865, to report it back adversely. I will state in reference to this case, as there is no written report, that we find simply a petition, but no evidence whatever in its support. I move that the committee be discharged from its further consideration.

The motion was agreed to.

Mr. WRIGHT. The same committee, to whom was referred the memorial of John Cleary, of Hinds County, Mississippi, praying compensation for certain goods, wares, and merchandise taken from him for the use of the United States Government and for a store-house destroyed by the military forces of the United States during the war of streyed by the limitary forces of the chief states during the war of the rebellion, instruct me to report it back adversely, for the reason in the first place that there was no evidence whatever in support of the petition—a part of the claim is cognizable before the southern claims commission—and as to the property destroyed there is no statement of even the circumstances under which the destruction took place nor of the value of the property. I move that the committee be discharged from its further consideration.

The motion was agreed to.

Mr. WRIGHT. The same committee, to whom was referred the petition of Nelson Potter, praying an appropriation in payment of his claim for certain property taken and used by the United States during the war of the rebellion, which was rejected by the claims commission, ask to be discharged from its further consideration. We find that the claim was submitted to the southern claims commission, was passed upon by the southern claims commission after full testimony, and the committee see no reason whatever for reviewing that action. I move that the committee be discharged from its further considera-

The motion was agreed to.

Mr. WRIGHT. The same committee, to whom was referred the petition of Samuel W. Lancaster, of Madison County, Mississippi, praying that compensation be given to him for certain property taken from him and used and destroyed by the United States during the war of the rebellion, instruct me to report it back adversely for the reason that the committee has applied to the other cases just reported, there being no evidence whatever in support of the petition. I i the committee be discharged from its further consideration. I move that

The motion was agreed to.

Mr. WRIGHT. The same committee, to whom was referred the petition of Walter L. Campbell, of Pike County, Mississippi, praying payment of certain rents and cost of repairs on property in New Orleans occupied by the Government, instruct me to report the same back and ask to be discharged from its further consideration, and to state in support of their recommendation that there is nothing to show why this claim was not presented to the Quartermaster General, and there is no proof of any injury to the property nor of the value of the property for which it is claimed payment should be made. I move that the committee be discharged from its further consideration.

The motion was agreed to.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Jennie L. Wall, praying for an appropriation of \$225 to pay her salary as clerk in the Treasury Department for the months of September, October, and November, 1871, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the further consideration of the petition

Mr. FRELINGHUYSEN, from the Committee on Finance, to whom was referred the petition of Charles E. Hovey, praying compensation for expenses incurred and services rendered by him in the collection of certain moneys under a contract with the Secretary of the Treasury, dated January 6, 1873, submitted a report thereon, accompanied by a bill (S. No. 575) for the relief of Charles E. Hovey. The bill was read and passed to the second reading, and the report

was ordered to be printed.

Mr. WHYTE. I am instructed by the Committee on Public Buildings and Grounds, to whom was referred the bill (S. No. 313) to incorporate the Oxygen Gas Company of the District of Columbia, to report the same adversely. The committee see no guarantee to the people of this District that a better gas than that already furnished or one at a lower price can be secured to the people of the District. I move that the bill be indefinitely postponed.

The motion was agreed to.

Mr. WHYTE. The same committee, to whom was referred the bill
(S. No. 528) to incorporate the Capital Gas Company of the District of Columbia, has also instructed me to report it adversely. The same reasons have induced them to report this bill adversely as in the previous case. I move that it be indefinitely postponed.

The motion was agreed to.

The motion was agreed to.

Mr. CAPERTON, from the Committee on Claims, to whom was referred the petition of James Streeter, of Junction City, Kansas, praying compensation for property seized by the United States forces at Memphis during the late rebellion, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged

from the further consideration of the petition.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (S. No. 384) for the relief of Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina, reported it with an amendment, and submitted a report thereon; which

was ordered to be printed.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred a resolution of the Legislature of Michigan, in favor of so amending the law for the entry of homestead lands as to permit soldiers and sailors, their widows and orphans, to make entry of such lands through agents, asked to be discharged from its further consider-ation, and that it be referred to the Committee on Public Lands; which

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Eaton G. Horner, of Baltimore, Whom was referred the petition of Eaton G. Horner, of Battimore, Maryland, praying compensation for services rendered by him to the secret-service division of the Treasury Department in 1867, submitted an adverse report thereon; which was ordered to be printed, and the committee was discharged from the consideration of the petition.

Mr. MITCHELL, from the Committee on Claims, to whom was re-

ferred the bill (S. No. 333) for the relief of Major Foster A. Hixon, late a paymaster in the Army, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

#### FRANCIS W. SYKES

Mr. COOPER. I am directed by the Committee on Privileges and Elections, to whom was referred a resolution relating to the payment of compensation to Francis W. Sykes, to report it back and ask its present consideration.

The resolution was read, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, anthorized and directed to pay to Francis W. Sykes, late contestant from the State of Alabama, the pay and mileage of a Senator from the 4th day of March, 1873, to the 28th day of May,

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. SARGENT and Mr. WRIGHT. I object."

The PRESIDENT pro tempore. Objection is made, and the resolu-

tion goes over.
Mr. COOPER. The resolution is accompanied by a written report, and I move that it be printed.

The motion was agreed to.

#### BILLS INTRODUCED.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 577) to establish a post-route in the State of Florida; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BAYARD asked, and by unanimous consent obtained, leave to

introduce a bill (S. No. 576) to authorize the Secretary of the Treasury to approve certain bills incurred by the direct-tax commissioners; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

#### PAPERS WITHDRAWN.

Mr. STEVENSON. Yesterday I submitted an order withdrawing from the archives of the Senate the papers of C. M. Briggs, executor, against the United States and referring them to the Committee on Claims. I am advised that the Committee on Claims reported against this case. I now desire to modify the order so as to allow the peti-tioner to withdraw his petition and papers instead of referring them to the Committee on Claims.

The PRESIDENT pro tempore. That order will be made, if there be

no objection.

BILLS TO BE IN PRINT.

Mr. ANTHONY. I offer a concurrent resolution and a Senate resolution, upon which I ask permission to detain the Senate for a few

The PRESIDENT pro tempore. The resolutions will be reported by

the Secretary.

The Chief Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the fifth and sixth joint rules of the two Houses be, and the same are hereby, amended by the omission of the following words in brackets and the addition of the following words in italies, so that they will read:

"5. While bills are on their passage between the two Houses they shall be in print, on paper, and under the signature of the Secretary or Clerk of each House respectively.

"6. After the bill shall have passed both Houses it shall be duly enrolled in print on vellum by the Clerk of the House of Representatives or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the President of the United States."

\*\*Resolved\*\*, That the following be added to the rules of the Senate:

"—th Rule. A motion to suspend or concur in a resolution of the House of Representatives to suspend the fifth and sixth joint rules, or either of them, shall always be in order, immediately considered, and decided without debate."

Mr. ANTHONY. It did not occur to me in offering the concurrent resolution that we have not yet adopted the joint rules of the two Houses; and I will, therefore, with your permission, modify the mo-tion and ask to have it referred to the Committee on Rules, and I shall

move its reference in proper form.

The joint rules of the two Houses of Congress provide that every bill which has passed one House shall be engrossed on paper and communicated to the other, under the signature of the Secretary of the Senate or the Clerk of the House, as the case may be; and that every bill which has passed both Houses shall be engrossed on parchment, and, after receiving the signature of the Presiding Officers of the two Houses, shall be presented to the President by the Joint Committee on Enrolled Bills. The rule and the practice of Congress guard with jealous care the authenticity and the accuracy of bills as they pass

through the two Houses and go to the President.

A bill, when it has been duly enrolled, examined, found correct, and signed, first by the Speaker of the House, then by the Presiding Officer of the Senate, is given into the custody of the Committee on Enrolled Bills, and is, by a member thereof, given in person to the President. It is not out of the keeping of the committee till it is in the hands of the President. At least such was the careful practice when I was a member of that committee, and I presume that it is now; and a Senator or Representative with an enrolled bill was entitled, by custom, to immediate audience of the President, however he might be engaged in important concerns. When signed by the President, the enrolled bills having become acts of Congress are delivered to the Department of State, where they are kept in a fire-proof apartment, and are in the immediate custody of the clerk of the rolls, who allows no other person to have access to them, except for important reasons, and never but in his presence. Yet, with all these precautions, the acts of Congress do not escape altogether the defects and imperfections that pertain to all human things. Grave errors have sometimes been found in the engrossment and in the enrollment. The addition or the omission of a word has affected great rights and permanent interests; the substitution of and for or has changed the whole intent of an enactment; and lately the accidental insertion of a comma took more than half a million dollars out of the Treasury. The use of parchment for important records dates back to a period

beyond the invention of paper, and after long surviving its real su-periority for the purpose, it has given way to the more modern inaterial everywhere but in Congress and in the general court of Massa-chusetts. So Mr. Sumner stated in a speech delivered in this Chamber in 1862, in support of a resolution directing the discontinuance of parchment and the substitution of paper for the enrollment of the

bills of Congress.

This change would be a wise one. Parchment is cumbrous, inconvenient, requires more space for custody, and is less easy of examination. Its durability extends beyond any test to which time has subjected it; and although the time has not, of course, been near as long in which paper has been tested, and although it is of more fragile texture, there is no reason to doubt its equal durability for all practical purposes. The earliest paper printed or written is preserved in many instances, with no evidence of decay. I hold a piece of paper taken from the Bordeaux wine accounts, A. D. 1325, which is preserved in the public record office, London, and sent to me by Colonel Cole, formerly a clerk in that office.

But the necessity for imperishable material on which to record the acts of Congress disappears with their official publication, by which copies of equal authenticity with the rolls themselves are distributed all over the country, and made accessible not only to the courts and to official personages, but to every one who may choose to buy them. The printed statute is made by law the same evidence as the rolls in the Department of State. There remains no necessity for consulting the rolls, and if, by fire or other accident, they should be destroyed, it would cause no embarrassment in the interpretation of the statutes or in the administration of the law. The printed volume of the Revised Statutes would furnish all the information with all the authenticity, all the authority of the originals. It would seem, then, that Congress might safely follow the example of the British Parliament, of the French Assembly, and, so far as Mr. Sunner's always thorough re-searches went, the example of all other legislative bodies but the Legislature of Massachusetts, and substitute linen paper for parchment in the enrollment of the laws.

It is to be considered that the long durability of writing, in the examples that have come down to us on parchment and on paper, is due ampies that have come down to us on parchment and on paper, is due largely to two conditions, the ink and the pen. The ancient ink preserves its color better than the modern. It was made with greater care and of vegetable materials, and has not the corrosive properties of modern ink. The greater demand for ink for printing and for writing has compelled its manufacture from new materials and by new processes, which, however preferable in the amount of production, in cheapness, and in the convenience of use, lack the durability of the old methods. It is referabling to the every table when a book of the old methods. It is refreshing to the eye to look upon a book of the

fifteenth century, the paper smooth, fine, and as uniform in its color as when it was made, and the letters looking like jet set upon ivory. Even within my recollection, ink was an article of domestic produc-Even within my recollection, ink was an article of domestic production, and school-boys and country merchants made it for themselves. I have steeped the nut-galls and the logwood for many a gallon of ink, and could almost recall the formula now by which the compound was mixed. The pens with which the old records were inscribed were goose-quills, which traveled over the paper and left the ink upon it without breaking the surface. Modern writing is generally with metallic pens, which cut the calendered surface of the paper and leggit hence their a correction in that saiges upon the internal paper. and deposit beneath it a corrosive ink that seizes upon the inner pulp and will cause the paper to decay. This is true, in part, of writing

on parchment as well as on paper.

But the resolution which I propose goes much beyond the substitution of parchment-paper for parchment in the permanent records of the Government. It proposes to substitute printing for writing, both in the engrossment and in the enrollment of bills; that every bill passed by one House of Congress and sent to the other shall be in print, and that the bills presented to the President for his signature shall likewise be printed on strong linen paper, with ink of the most durable quality and not corrosive. This is the practice of the British Parliament. I have here specimens of the bills of Parliament in both houses and in the different stages of their passage, as originally introduced, as transmitted to the other house, as sent back with amendments, and as again returned with amendments agreed to or disagreed to. Their mode differs from ours and is in some respects better, as showing at a glance the condition of the amendments adopted or proposed or disagreed to, and the house from which they come.

The great advantages of printing over writing are accuracy, legibility, security from alteration, and absolute authenticity and identity of copies. These points are too clear to need illustration. No mode of engrossment can be absolutely free from error. It is also true that typographical mistakes will occur in the most careful typesetting and will escape the most rigid proof-reading and revision. But the y are much less frequent than in writing and they are more surely detected in time for correction. Once printed, no ingenuity can alter the original; and, even if it could, the alteration would be at once exposed by the variation from the copies struck from the same form. The statutes which are now printed from the rolls—or rather from copies made from the rolls, for the originals are not permitted to leave the Department of State and are necessarily copied at some risk of error, and which are made by law evidence in the courts—could be printed from the very forms of type from which the originals are taken, and thus all liability to error in copying would be avoided. Or, if it were not thought advisable to print them in so large type for general distribution, they could be so printed for the files of all the courts and for the use of all the officers, Federal or State, to whom the statutes are distributed; and the same authentic and identical edition might be printed for those who should choose to purchase it; and the cost would be so moderate that the legal profession, public officers, corporations, and all who required the statutes for reference or consultation, would be likely to buy them. In a lesser but in an important degree, the same advantages would accrue to the substitution of printing for writing in the bills between the two Houses of Congress. They would be more legible, less liable to error, and would be acted on more intelligently.

The objection to this change is in the delay that it might cause in the longer time required for printing than for writing. How far this

objection is true, and its value if true, we will consider. In the early objection is true, and its value if true, we will consider. In the early part of the session, indeed during the whole session, up to within a few days of the close, the delay is not worthy of consideration, inasmuch as bills, whether original or coming from the other House, are always printed before they are taken up for action, and a copy is laid on the desk of every member. No practical delay is caused, and some accuracy is secured, by printing the original bill and striking from the same form the copies for the use of the members of the two Houses of

It is always customary, and perhaps it is necessary, that some of the great appropriation bills are passed in the closing hours of Congress, and often, loaded with important legislation, are presented to the President when he has scarcely time to affix his signature, none to inform himself thoroughly of the new laws and of the modifications of old ones to which he gives his assent. This is an evil, I may say an abuse, that has often been protested against, and that the joint rules of the two Houses expressly forbid. The sixteenth joint rule provides that no bill that has passed one House shall be presented for concurrence to the other on either of the last three days of the session, and the seventeenth provides that no bill or resolution shall be presented to the President for his approbation on the last day of the session. Both these wholesome rules earlied to the provides that no the last day of the session. sion. Both these wholesome rules, so plainly necessary for the intelligent transaction of business, are uniformly suspended. They have never been permitted to remain in force since I have been a member of this body. Mr. Buchanan, in one of his messages, called attention to this bad system of legislation, and intimated that he should deem it his right and his duty to withhold his signature from any bill, however essential to the carrying on of the Government, unless he had time to fairly consider it; and that the remedy would be a special session for which Congress, not he, would be responsible. But Congress did not reform its practice and the President did not execute his threat; but, like all his predecessors, and as all his suc-

cessors have done, he signed bills to which he had not time to give the proper consideration, and his information of which was gained mainly as they went through Congress. Any system therefore which should compel the enforcement of these rules would be an advantage, of itself, worth the experiment. But although this objection is rather a recommendation, I cannot adduce it in favor of the change proposed; for I do not think that, even in the most hurried stage of our proceedings, there will be any greater delay in engrossing the bills in type than with the pen. The longest of the appropriation bills, which are the ones that crowd the closing hours of the session, can be printed in two hours. It can be printed more rapidly than it can be written with any reasonable force of engrossing clerks. Only one man can write upon one sheet of parchment. The number of clerks employed in the written engrossment must be limited to the number of sheets of parchment which the bill covers, for the sheet cannot be divided; and it takes twenty minutes for a skillful clerk to engross one sheet. In order that engrossment might go on as rapidly as printing, it would require such number of clerks as would be inconvenient and expensive, and the whole number would be needed only at the close of the session. But to print it requires no force of printers additional to that in the constant service of the Government. As many printers can be employed as the pieces into which a bill can be divided. At the first session of the last Congress, the whole body of the statutes was put into type, the volume printed, handsomely bound, and presented to the Committee on the Revision of the Laws in three days. When the Government Printing Office is connected with the Capitol by a pneumatic tube, I am of the opinion that bills can be engrossed in print more rapidly than in writing. This connection has once been ordered, but the appropriation, by blunder or something worse, was wasted. The the appropriation, by blunder or something worse, was wasted. The cost is small, the need of it is very great, and the practicability has been tested, as will soon be shown in a report on the subject from the Committee on Printing, which has had the subject under consideration by order of the Senate. Whether a change shall be made or not in the mode of engrossing and of enrolling bills, it is plain that a pneumatic tube should be placed between the Printing Office and the Capitol.

The liability to error in rapid writing is greater than in rapid printing. Rapid printing is merely the division of the matter to be printed among a greater number of men. A hundred printers will do in half an hour the work that will occupy one man for a week, and will do it just as accurately, the hundred not working faster than the one. It is not so when a bill covering ten sheets of parchment is divided among ten clerks, who necessarily write as rapidly as they can. And, besides this, rapidity of writing is at the risk of legibility. But the types, however rapidly they are set, give the same clear and distinct impression. They leave no marks of haste;

they are capable of but one aspect.

Yet, for the sake of greater caution in making this change and to remove objections which I do not perceive, but which may appear to others, I propose that the same privilege which applies to the sixteenth and seventeenth joint rules shall be given to these: that a motion to suspend them shall be always in order, shall be immediately considered, and shall be decided without debate; so that if, at the close of the session, the rules should give rise to any embarrassment, it might at once be removed by a return to the present system. With this abundant precaution, I can see no danger, and there will certainly be great advantages in the change proposed.

I move the reference of the resolutions to the Committee on Rules.

Mr. HAMLIN. Before the Senator does that, I ask him to allow me to make a suggestion. I do not know that there is anything worthy of consideration in it, but in reading this proposed rule I find in it these words:

After the bill shall have passed both Houses it shall be duly enrolled, in print, on vellum by the Clerk of the House of Representatives or the Secretary of the Senate, as the bill may have originated in the one or the other House.

I would suggest that the words be changed to "be enrolled in print under the direction of the Clerk of the House or Secretary of the Senate," because it seems to imply that this Clerk or Secretary of the Senate," because it seems to imply that this Clerk or Secretary shall be a printer and shall do it himself. I think if the Senator, before he commits it, will modify his resolution in this way it will be in better form.

Mr. ANTHONY. I accept that amendment. In copying the old rule it did not occur to me that this language would not be applicable

The PRESIDENT pro tempore. The modification is accepted by the Senator from Rhode Island.

Mr. SARGENT. I should like to inquire of the Senator from Rhode

Island if he proposes that this rule also may be suspended, and a motion to suspend it be at any time in order, and decided without de-bate, as well as the sixteenth and seventeenth joint rules? Mr. ANTHONY. That is provided for in a second rule that I have

Mr. SARGENT. As I understand, the second rule applies only to the sixteenth and seventeenth joint rules.

Mr. ANTHONY. It applies to the rules which include this new pro-

vision.

Mr. SARGENT. Here is another rule, and if this is not capable of being suspended I see no advantage in suspending the sixteenth and seventeenth joint rules.

Mr. ANTHONY. The first resolution makes this proposed rule a

substitute for the present fifth and sixth joint rules.

Mr. SARGENT. The bill which I have before me, printed by order of the English Parliament, evidently was not hurried through that body. I find that it was brought from the Commons on the 16th of May, 1865, and the order to print was made on the 30th of June, 1865; that is to say, about a month and a half after it was received from the Commons. They were proceeding very deliberately. They must have been proceeding very deliberately, because here is not merely the printing of a bill, but the addition of marginal notes as we put them in the Revised Statutes and in other statutes, and again there is printing in colors. Every printer knows that printing in colors is a double operation. You have to prepare your form for that. I will not use technical terms, although I believe the Senator from Rhode Island is or was formerly like myself a printer. It is a very slow operation and is only adapted to legislation in a very slow progress. We are accustomed to suspend the sixteenth or seventeenth joint rule regularly. It is just the same as though we had no such rules I find that it was brought from the Commons on the 16th of

ress. We are accustomed to suspend the sixteenth or seventeenth joint rule regularly. It is just the same as though we had no such rules at all. They are suspended regularly under an absolute necessity.

Mr. EDMUNDS. That is a custom, let me say to my friend, that I think we should do well in breaking, and following the rules. More mischief is perpetrated by suspending those rules than in any other way. We might just as well finish the work two days before the adjournment as at any other time.

Mr. SARGENT. I agree with the Senator entirely, but he has rather anticipated me in what I wanted to say

anticipated me in what I wanted to say.

Mr. EDMUNDS. I beg pardon.
Mr. SARGENT. I could give in my own experience on the Committee on Appropriations some striking mischiefs which have arisen from the suspension of these rules. I know of my own knowledge that the last sundry civil appropriation bill that passed contained a number of errors, errors caused by engrossment where there were amendments made by the House which were assented to by the Senate and some which were made by the Senate and assented to by the House in committee of conference which the clerks did not catch, or did not properly reproduce, in making out the report of the committee of conference. You may ask, why did not those of us who were members of the committee of conference see that they did everything correctly? I can only tell you it was at the end of forty-eight hours of exhaustive labor, that the ordinary clerks who attended to that duty were worn out and could not perform the duty, and we had to accept volunteers or press men into the service. Under those circumstances, at a very late hour, the bill passed with those errors, and some of them pretty bad errors too. That very bill, three minutes before your hammer went down on the 4th of March, was taken from the desk and hurried to the President of the United States for his signature, barely saving the distance and saving an extra session.

I remember another occasion where the sundry civil bill, a bill

which we all know appropriates from twenty to thirty millions of dollars, could not be sent to a committee of conference. On that occasion the House of Representatives, of which I was then a member, had to take the amendments of the Senate without examining them, and the bill was passed in just that shape, although there were some of the amendments which perhaps should have been a a matter of consideration and which were perhaps passed in haste by

the Senate.

These mischiefs are continually arising because we crowd everything into the last week of the session. I do not know that we can help that, except by a rule which would be absolutely irrepealable, which there should be no power to suspend during the Congress. Then we can have the bills printed and can insist on a rule that there shall be no bill which shall be sent from one House to the other during the last three days of the session. If we absolutely stick to that, we can print our bills, and do it decently; but to endeavor to realize this system at the hour of midnight of the last day of the session is absolutely impossible; and I believe it would result in more errors than the present system. As this subject is to be referred to a committee, I want to make the suggestion—and I speak from painful experience of the mischiefs of the present system—that the committee make their rule irrepealable, and then I think it will be wholesome.

Mr. ANTHONY. The objection which the Senator makes to double

Mr. ANTHONY. The objection which the Senator makes to double printing in black and in red ink is a perfectly valid one, if you require a double printing on every bill; but the resolution which I offered did not contemplate double printing, although it would be very convenient to have it done. I merely adduced that as an illustration of the superior carefulness with which bills and acts of Parliament are carried through the two Houses in England.

Mr. EDMUNDS. Mr. President, I wish to take this occasion to call the attention of the Chair and of the Senate to the fact that so far we have no joint rules at all at this session, and we are doing

far we have no joint rules at all at this session, and we are doing business with the House of Representatives merely upon custom and usage. I cannot help expressing my surprise, if I can do that without invading the privileges of the House of Representatives, that we have not between the two Houses at this lapse of time reached a conclusion about having any joint rules at this tapse of time reached a conclusion about having any joint rules at this session of Congress. What it means, of course I do not know; but the first time anything is offered which comes necessarily under the joint rules, and not on the principle of usage, I shall, if I am present—and I am sure the Chair will, whether I am present or not—remind the Senate that according to our decision we have no joint rules whatever.

The PRESIDENT pro tempore. It is moved that the resolutions pro-

posed by the Senator from Rhode Island be printed and referred to the Committee on the Revision of the Rules

The motion was agreed to.

## PUBLICATION OF DEBATES.

Mr. EDMUNDS. I offer the following resolution, which I ask may be referred to the Committee on Printing:

Resolved. That the proceedings and debates of the Senate shall be printed in the Congressional Record as actually taken down by the Official Reporter, excepting grammatical errors which may be corrected, and shall be furnished to the printer in season for the number of the Record to be issued next after the day of such proceedings and debates.

I merely wish to say on the question of the reference of the resolution, that I have offered it because it embodies precisely what I believe ought to be the course of the Senate, and I hope the Committee on Printing will take it into serious consideration. It is almost as bad as not having any record at all in respect of the debates, to have as not having any record at all in respect of the debates, to have important debates lying over day after day, and sometimes for a week or two, before they appear at all, and during which time it is impossible for persons interested in the debates, Senators or others, to know what has been said or what has taken place, what needs replying to and what does not. If the publication of the debates is conducted in that way, when we do rely upon the RECORD we are obscured in our knowledge of the proceedings. I think that the expense we resort to to print these debates is well spent, if we have them printed as they are delivered so that we and everybody else may know that what is reported has taken place and that nothing else has taken place; and we should also have them promptly next day without any delay or defalcation, so that we may be up with the current course of debate and proceedings on topics that are not disposed of.

defalcation, so that we may be up with the current course of debate and proceedings on topics that are not disposed of.

Mr. ANTHONY. The Senator will remember that the Committee on Printing reported a resolution somewhat similar to this, but more comprehensive, and it met with less favor than I hoped it would in the Senate. I should be happy to try it again.

Mr. EDMUNDS. Yes, Mr. President, but I am bound to presume it met with less favor because the Senator had reported a rule having too much laxity in respect of the time within which the debates should get into the RECORD and the amount of treatment they should reget into the RECORD and the amount of treatment they should receive between the time they were delivered and the time they did get into the RECORD. I cannot help believing that if the Senator reports a resolution which is absolutely square and positive that we shall have the debates next day and have them in the form in which they are delivered, there will not be any difficulty in getting a unanimous adoption of it. I certainly hope so.

The resolution was referred to the Committee on Printing.

# FINAL ADJOURNMENT.

Mr. WRIGHT. I offer the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the President pro tempore of the Senate and the Speaker of the House of Representatives be, and they are hereby, directed to adjourn their respective Houses, without day, on the 1st day of May, 1876, at twelve o'clock noon.

I need hardly say that I offer this resolution without consultation with any one. I offer it as embodying my opinion as to the day upon which we can adjourn with safety to the public interests. I am ready to concede that in view of the progress made up to this time there is but little to encourage us in the hope that we can adjourn then. I have hoped, however, that the subsequent advance made in business may be such that we can adjourn at that time. This is all I desire to say at present. I ask that the resolution lie on the table for the present. The PRESIDENT pro tempore. The resolution will lie on the table

and be printed

Mr. EDMUNDS. I hope the resolution may be referred as such esolutions usually are to the Committee on Appropriations; and with the Senator's consent I make the motion.

Mr. WRIGHT. I have no objection.

The resolution was referred to the Committee on Appropriations.

# ORDER OF BUSINESS.

Is the morning business through?

Mr. WEST. Is the morning business through?

The PRESIDENT pro tempore. If there be no further resolutions the morning business is concluded.

Mr. EDMUNDS. What is the pending order?

The PRESIDENT pro tempore. The morning hour having expired, the unfinished business, the resolution of the Senator from Indiana [Mr. MORTON] relative to the admission of Mr. Pinchback.

Mr. WEST. I do not rise to occupy the attention of the Senate on that subject. I rise in pursuance of a notice that I gave to the Senate on Monday last that I should to day if convertenity offered set.

ate on Monday last that I should to-day, if opportunity offered, ask their attention to some remarks that I desire to submit upon the rela-tions of the Pacific railroads to the Government of the United States. It is hardly worth while for me to enter upon a discussion of the propostion at the present moment, and I prefer, therefore, to give notice that to-morrow at one o'clock I shall call up the executive communication from the Secretary of the Treasury with a view to its reference, and will then take the opportunity to submit the remarks I have to make.

Mr. DAVIS. I will say to the Senator from Louisiana that the Senator from Georgia, whom I do not see in his seat, [Mr. GORDON,] gave notice yesterday that he would occupy the floor to-morrow at one o'clock

Mr. WEST. That being the case, perhaps it would suit the convenience of the Senate if I should go on to-day.

Mr. EDMUNDS. I think we had better dispose of the pending ques-

Mr. WEST. The matter that I want to submit to the Senate is one of public concern, and is of general interest, and of as much importance to any other Senator on the floor as it is to myself. If it suits the convenience of the Senate to postpone the present order-I shall not make a motion to that effect—it will perhaps enable me to have an opportunity that seems to be in danger of procrastination by the proposition of the Senator from Georgia.

Mr. HITCHCOCK. I desire to call the attention of the Senate and

the Senator to the fact that last week the bill for the admission of New Mexico into the Union was made the special order for to-day at

one o'clock.

one or clock.

Mr. EDMUNDS. That bill has been recommitted since then.

Mr. HITCHCOCK. It has been again reported.

Mr. EDMUNDS. It is not a special order now.

Mr. HITCHCOCK. The bill was re-reported yesterday.

Mr. EDMUNDS. That does not make it a special order for to-day.

Mr. ANTHONY. I hope the Senator from Louisiana will be allowed to proceed with his remarks if the Senator who has charge of the Louisiana case does not object.

Louisiana case does not object.

Mr. MORTON. I do not object.

Mr. ANTHONY. I hope, then, he will be allowed to proceed.

Mr. EDMUNDS. I think there are several Senators who have charge of the Louisiana question. It has got out of committee, and I think I can claim that I have charge of one small part of it, which is a pending motion of mine. I must be excused from supposing that the Senator from Indiana has charge of my motion to amend the resolution. the resolution.

Mr. ANTHONY. Only a single word.

Mr. ANTHONY. Only a single word.

Mr. EDMUNDS. My motion is to amend by inserting only a single word, and that not a very important word! I think, Mr. President, in all seriousness that we are running some risk of appearing to ourselves, if to nobody else, as having a design to shilly-shally with this most important affair. It is only two days ago that the Senator from Indiana himself gave notice, as it was wise and right that he should, that on yesterday he would insist upon our staying here until the matter was disposed of one way or the other. We did not do it on account of another matter running a long time, and there being some important executive business. Now here it is again to-day. I do not know how it is going to be decided, and I do not care how it is going to be decided in the sense of the consequence that it produces one way or the other; but whatever we are to do we ought to do it, now way or the other; but whatever we are to do we ought to do it, now that argument apparently has been exhausted and everybody is here to determine the question. Therefore I am sure my friend from Louisiana, who has not himself insisted upon the courtesy of the Senate to displace this order, will not feel that we are doing him any discourtesy if we dispose of this question which probably will not take half an hour.

Mr. PADDOCK. I would like to inquire if the Senate did not make an order some days since that the New Mexico bill should be the

special order for to-day.

The PRESIDENT pro tempore. The Senate did so order, but by subsequent action of the Senate the bill was recommitted and it has

thus lost its place as a special order.

Mr. EDMUNDS. The unfinished business would take precedence

of it in any case.

The PRESIDENT pro tempore. The unfinished business would take precedence in any event, but the bill has lost its place as a special order by being recommitted to the Committee on Territories.

order by being recommitted to the Committee on Territories.

Mr. HITCHCOCK. It may be true technically that the New Mexico bill has lost its place as a special order for to-day at one o'clock, but I hardly suppose that any Senator would desire to take advantage of that technicality. I do not imagine that it will take any great length of time. I do not think lengthy discussion will be evoked on this bill. I hope the Senator from Vermont will allow the consideration of the New Mexico bill to be proceeded with now.

The PRESIDENT pro tempore. The Senator from Nebraska understood the Chair that the unfinished business would take precedence of any special order. It would require a motion to lay aside the un-

of any special order. It would require a motion to lay aside the unfinished business.

Mr. HITCHCOCK. I also understood from the Senator having charge of the unfinished business that he would not antagonize it with

the New Mexico bill.

The PRESIDENT pro tempore. Does the Senator move to lay aside the pending unfinished business?

Mr. HITCHCOCK. I make that motion. I move to lay aside the unfinished business and all prior orders, and take up the New Mexico

Mr. EDMUNDS. What is meant by the words "lay aside?" I do

Mr. EDMUNDS. What is meant by the words "lay aside?" I do not know of any such motion in the books.

The PRESIDENT pro tempore. To postpone.

Mr. EDMUNDS. On that question I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The question is on the motion to postpone the present and all prior orders and take up the New Mexico bill, on which the yeas and nays have been ordered.

Mr. ANTHONY. I was paired yesterday on this question with the

Senator from Connecticut, [Mr. English.] Although I did not understand that the pair would extend to to-day, I apprehend that he Under such circumstances, it would not be proper for me to vote, and therefore I shall not vote.

The question being taken by yeas and nays, resulted-yeas 22,

The question being taken by yeas and nays, resulted—yeas 22, nays 39; as follows:

YEAS—Messrs. Bruce, Cameron of Pennsylvania, Cameron of Wisconsin, Conover, Cragin, Dorsey, Ferry, Harvey, Hitchcock, Howe, Ingalls, McMillan, Mitchell, Morton, Paddock, Patterson, Robertson, Sargent, Sherman, Spencer, Windom, and Wright—22.

NAYS—Messrs. Allison, Bayard, Bogy, Boutwell, Caperton, Christiancy, Cockrell, Conkling, Cooper, Davis, Dennis, Eaton, Edmunds, Frelinghuysen, Goldthwaite, Gordon, Hamlin, Johnston, Jones of Florida, Kelly, Kernan, Key, Logan, McCreery, McDonald, Maxey, Mcrrimon, Morrill of Maine, Morrill of Vermont, Norwood, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Wallace, West, Whyte, and Withers—39.

ABSENT—Messrs, Alcorn, Anthony, Booth, Burnside, Clayton, Dawes, English, Hamilton, Jones of Nevada, Oglesby, Sharon, and Wadleigh—12.

So the motion of Mr. HITCHCOCK was not agreed to.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1545) declaring lands heretofore granted to certain railroad companies subject to State taxation;

A bill (H. R. No. 1962) to confirm certain school-indemnity selec-tions of public lands by the State of Nebraska; A bill (H. R. No. 2041) to amend section 2291 of the Revised Statutes

of the United States; and

A bill (H. R. No. 2570) legalizing the homestead entry of Mrs. Phœbe C. Oakley, of Bay County, Michigan. The message also returned to the Senate, in accordance with its re-

quest, the bill (S. No. 438) for the protection of agriculture against injurious insects

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2270) to provide for the purchase of material and for the continuance of the work on the building for custom-house and post-office at Saint Louis, Missouri.

# ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed

signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. No. 225) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased;

A bill (S. No. 416) for the relief of C. H. Frederick, late a lieutenant-colonel in the Ninth Missouri Infantry;

A bill (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army;

A bill (H. R. No. 2270) to provide for the purchase of material and for the continuation of the work on the building for custom-house and post-office at Saint Louis, Missouri; and

A bill (H. R. No. 2282) to extend to the port of Genesee, in the State

A bill (H. R. No. 2282) to extend to the port of Genesee, in the State of New York, the privileges of sections 2990 to 2997 of the Revised

Statutes, inclusive.

# SENATOR FROM LOUISIANA.

The Senate resumed the consideration of the following resolution, submitted by Mr. Morton on the 5th March, 1875:

Resolved, That P. B. S. Pinchback be admitted as a Senator from the State of Louisiana for the term of six years, beginning the 4th day of March, 1873.

The pending question being on the amendment of Mr. Edmunds to insert the word "not" before the word "admitted."
Mr. WEST. I did not intend, Mr. President, to have said anything

further on this question. If there ever was one that came under the consideration of the Senate, at least in my experience, that was worn threadbare, it is this; and if there are any new propositions in connection with it they come mostly from those who oppose the admission of Mr. Pinchback on this floor. Some of those propositions are so extraordinary, so novel, so violative of all usage and precedents in this Senate, that I do not think they ought to be passed without no-

There was one to which I would refer, made yesterday, which was partially controverted at the time, and now I wish again to ask the attention of the Senate to it. That was that the credentials of this claimant had been actually acted upon and adversely determined by a committee of this body. In the first place, I think undoubtedly the Senate Committee on Privileges and Elections of the Forty-second Congress could have no jurisdiction whatever over this case; that if they had invisition and their report had been writted to that if they had jurisdiction, and their report had been submitted to this body at that time, that the claimant, Mr. Pinchback, was not entitled to a seat in the Forty-third Congress, the determination of that question would have been voted upon by men who were not competent to decide it, and whose decision could be reversed.

But the Senator from North Carolina [Mr. MERRIMON] took occasion, inadvertently perhaps and inadvertently I believe, to directly mislead the Senate in regard to the facts. He assumed to quote from the record that this man's credentials had been submitted to that committee. It lies with him now to substantiate what he said, that Mr. Pinchback's credentials had been submitted to the committee on

the 21st of January, 1873. Mr. MERRIMON. Mr. President-

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. WEST. I yield with pleasure.
Mr. MERRIMON. I got the information I gave to the Senate from the Clerk's desk, from a memorandum made on the credentials themselves. I ask the Clerk to turn to the credentials and read the memorandum that is indorsed on them.

The PRESIDENT pro tempore. The Secretary will report the memorandum indorsed on the credentials.

The Chief Clerk. The indorsements are as follows:

Forty-second Congress, third session. Credentials of Hon. P. B. S. Pinchback, United States Senator from the State of

Louisiana.

January 21, 1873, read.

December 4, 1873, referred to the Committee on Privileges and Elections.

That is the indorsement on one set of credentials. Again:

Forty-third Congress, second session.

Certificate of William P. Kellogg, governor of the State of Louisiana, as to the election of Pinckney B. S. Pinchback as United States Senator from that State.

January 22, 1875, read and referred to the Committee on Privileges and Elections, with credentials and papers on file.

There is one further set of papers indorsed:

Forty-third Congress, first session.

Resolution of the State of Louisiana relative to P. B. S. Pinchback, claiming a seat in the United States Senate from that State.

January 12, 1874, ordered to lie on the table.

Mr. MERRIMON. I do not regard the memorandum as having a great deal of weight on the matter one way or the other. I just stepped to the Clerk's desk while the discussion was running on one day, and took the memorandum which I have here now:

Ray's credentials referred January 22, 1873; Pinchback's, January 21, 1873.

And I found, on looking at the resolution directing the committee And I found, on tooking at the resolution directing the committee to inquire as to whether there was a government in Louisiana, that that resolution passed the Senate on the 16th of January, 1873.

Mr. WEST. When the Senator rose in his place yesterday, he had in his hand a book that had the appearance of being a volume of the

Journals of the Senate.

Mr. MERRIMON. I had the report of the committee. If the memorandum states that there was no reference, it was a mere inadvertence on my part, and not a very material matter any way. I think I saw the memorandum in the hands of the Clerk; perhaps I had it in my own hands; but I know that I thought at the time that the resolutions and credentials were referred together, and that the com-

mittee had the whole matter before it.

Mr. WEST. The Senator was evidently under a mistake. Mr. WEST.

Mr. WEST. The Senator was evidency under a inistance.

Mr. MERRIMON. Perhaps I was; it is not material any way.

Mr. WEST. It is not material, so far as the Senator is concerned; but the proposition is very material, and that is, that the Committee on Privileges and Elections virtually decided in the Ray and McMillen

case that Pinchback was not entitled to his seat.

Mr. MERRIMON. I think they did so decide; and furthermore my recollection is—I may be in error about that—that Mr. Pinchback was before the committee and examined as a witness, and that he attended the examination before the committee and managed the case in his own interest; because he saw naturally that the action of the committee would materially affect his prospects in the future; and I think it was regarded by the committee and by the Senate and by

everybody as having a conclusive bearing on his rights.

Mr. WEST. I trust that I have now given the Senator ample opportunity to explain. His explanation is satisfactory, because evidently he did not intend to mislead the Senate; but what I wish to guard

against is that the Senate should not be misled. Mr. MERRIMON. It was a mere inadvertence.

Mr. WEST. It was an inadvertence, but the fact was most posi-

tively stated with a great deal of confidence.

Mr. MERRIMON. I beg to make one remark. The committee were charged to inquire whether there was any State government in the State of Louisiana. That embraced not only the governor, but the Legislature as well, the Legislature which elected Ray, whose credentials were before the committee; and the Legislature whose organization was inquired into by that committee was the very same Legislature which undertook to elect Pinchback, and under which

election he claims here to-day, and no other.

Mr. WEST. The only time that this claimant's case has ever been before any committee was when the credentials were referred, on the 4th of December, 1873, and were reported back by the chairman of the committee on December 15, 1873, stating that the committee was divided on the subject and asking that the matter be remitted to the Senate and the committee discharged. That is the history of the case; and the whole issue brought before the Committee on Privileges and Elections as reported by what was known as the Carpenter report was simply whether Ray or McMillen was entitled to a seat.

If upon this claimant's demand here to be admitted to a seat on this floor you adopt the proposition of the Senator from Vermont that he is not so entitled, you adopt a report made in the Forty-second Congress and thereby exclude this claimant. You do not give him the opportunity to come before you, you do not give him the opportunity that according to all precedent and universal usage has been accorded to every Senator claiming a seat here, that he should be admitted upon his evidence of title and that that title should be at a subsequent time

investigated and examined if there be any question about it. What more do you do?

Mr. MERRIMON. With the Senator's permission, Mr. Presi-

dent

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from North Carolina?

Mr. WEST. Yes, sir.
Mr. MERRIMON. I want to call the attention of the Senate to how I made the inadvertence. The memorandum is "1873, January 21," with an abbreviation, and I took the abbreviation for "referred," whereas it is intended for the word "read." That is the way I made

the inadvertence. It was wholly unintentional on my part.

Mr. WEST. I will not recur to this matter further than to say that I knew the Senator did not intend it; but I did not want that impression to be left on the Senate, and that is the reason I controverted

the proposition.

I was about to ask what more do you do when you decide that this man, claiming under the authority of the governor of the State of Louisiana and the Legislature at that time elected, is not entitled to a seat? It is the verdict of the Senate that the government of Louisiana is invalid and illegal. It is a decision of the Senate upon nothing but a presumption that Mr. Kellogg was not elected and that the Legislature was not elected. You have just as much right to presume that they were as that they were not, if you are to act upon presumption at all; and if you do act upon presumption, all the presumptions point most conclusively to the fact, all the history of political parties in that State, all the history of that canvass, points to the fact that the presumption lies in favor of the election of the Legislature under

which this claimant now is before us.

We know what was the state of things there at that time. We know that an attempt at fraud without parallel in the election history of this country was made, for the purpose of annihilating and setting aside a legitimate majority in that State; and although we may not be willing to accord to either side in this case full legal authority for their claims, yet we have a right to call into question what was the probable result of that election. We have a right to inquire and to be informed whether on the occasion of that election it is not a fair and just and equitable presumption that when the ballotboxes closed on the night of November 4, 1872, in those boxes was the verdict of the people of Louisiana that the republican candidates were chosen. It is well known to the Senate and it is well known to every one who has ever heard me say a word on this subject, either in or out of this body, that I lay no claim to the title of William P. Kellogg upon any fraudulent or manufactured returns made by one party or the other; but I say an examination of the testimony and knowledge of the history of the parties in that State must convince every unprejudiced and fair-minded man that when the ballot-boxes closed on prejudiced and fair-influed man that when the barlot-boxes closed on that day the voting community in that State had recorded their verdict in favor of Mr. Kellogg; and I assert that when you say that this man should not be admitted you are acting upon a presumption that has been denied and is to-day no longer insisted upon by the very committee that made it. There are three members out of the four who made that report in this body now. One of them, and a leading member, who made it, whose term has expired, the late Senator from Wisconsin, [Mr. Carpenter,] took occasion to say in that very report that he was elected, the only other conclusion and the only other alternative was that Mr. Kellogg himself was elected. Then the other three members of the committee who joined in that report, each one of them admits that subsequent events which have come to the knowledge of the Senate, which have come to the knowledge of all mankind in this the Senate, which have come to the knowledge or all mankind in this country, go to corroborate the idea and to make it a fixity that the republican party predominated on that day. That result has been admitted by every known authority in this land that has cognizance of the question—by this body, by the President of the United States, by the House of Representatives of the Forty-third Congress, by the democratic House of Representatives of the Forty-fourth Congress, by the courts of the State of Louisiana, and by the people of Louisiana in vating for constitutional amendments propounded and subana in voting for constitutional amendments propounded and submitted to them by that Legislature; and, furthermore, by the Legislature elected by the people in 1874 in the State of Louisiana recognition has been given to that governor, and he stands to-day unques

find has been given to that governor, and he stands to-day unquestioned by any authority or any contestant.

Furthermore, Mr. President, I will admit that no man can perfect a title of this character by age, but there have events and information transpired, some of which I have mentioned, and others again that place it beyond controversy, that it is the admitted public opinion in the State of Louisiana to-day that Mr. Kellogg was lawfully elected on that occasion. We had a committee of the House of Representatives visiting Louisiana about thirteen months ago. It was composed of seven members. Two of the five, "Messrs. Foster and Phelps, think that the popular belief, taking both conservative and radical circles, inclines on the whole to justify Kellogg and Penn's claims."

If presumptions are to be acted upon and to influence this Senate, I

ask that those presumptions shall weigh as well on one side as another. This I will admit is nothing but a presumption; it is the conclusion formed by those two observant gentlemen in their intercourse with the people of that State in the investigation of matters connected with the election of that date, that the opinion of the people of Louisiana generally looks to the support of Kellogg's claim. Three other members of the committee, Messrs. Hoar, Wheeler, and Frye, say:

It would be impossible at this distance of time, and probably at any time, to go behind the returns and ascertain the true expression of the people's will. But our best judgment is that Governor Kellogg was elected.

It is said that this Legislature was created by the Durell order, and that the Durell order put into effect the manufactured returns of the Lynch board. Nevertheless, either one or both of those acts could not deprive any member of that Legislature of his legitimate right, nor could it give it to him. Those members of the Legislature were according to all the evidence, all the presumptions, legally elected; and whether they got their seats through that instrumentality or not, it occurs to me, has nothing to do with the question. You propose now upon this report, made on certainly a very hasty examination of the circumstances, and made at the close, and the hurried close, of a short session of Congress, to decide virtually that there was no elec-tion on that occasion in Louisiana, and furthermore that the men who claimed to have been the Legislature of that State were not elected. Ah, Mr. President, the time may come when parties in this Chamber may not be so willing to come to such decisions upon such superficial inquiry. The time may come when the electoral vote of some of your States may hang in the balance, and that balance may determine who shall preside over the administration of the affairs of this Government for a presidential term. Will you then be so ready to act upon a presumption that such and such men were not elected? I think not; and I ask you now, with all the establishment of the authority of this Government, with all that it has done in that State, with all the consequences financially to many citizens of this counthat was not a valid Legislature, and consequently that all its act are invalid; or will you admit this man, as you have admitted others over and over again, and will again admit still others, and let him take his seat upon the floor, and then pursue your inquiry, a proper take his seat upon the floor, and then pursue your inquiry, a proper one, and in accordance with your power, and in accordance with your duty, pursue an inquiry as to his title? There is nothing before this Senate against him. There is a report here, never verified by the Senate, never adopted by the Senate, repudiated to-day by every member that made it, denied by every member that made it, denied by every member that made it, and upon that report, and upon that evidence, so hurried, so superficial, and so little relating to the matter at issue, you would say that we have no Legislature in the State of Louisiana; we have no governor; all the acts of that body, all the constitutional amendments that were propounded by it, and submitted by it to the people of Louisiana, and approved by them, involving an interest of something like \$20,000,000, all that goes for naught upon this report, which is repudiated by its

Mr. President, I do not desire to go into the features of this case. I will not detain the Senate longer. I did not expect even to say this much; but the proposition we had here submitted to us yesterday, that a congressional committee of 1872 of the Forty-second Congress could decide a man's seat in the Forty-third or Forty-fourth

Congress, was something so extraordinary that I thought the Senate's attention ought to be attracted to it.

Mr. PADDOCK. Mr. President, if the issue in this case had been made up on the relative claims of Mr. Pinchback and Mr. McMillen, (whose credentials were quite recently withdrawn from the files of the Senate,) or if the contest was between Mr. Pinchback and Mr. Eustis, as I understand the pretensions of the latter, and I was absolutely compelled to make a choice between them, I should certainly vote for Mr. Pinchback, under the rule that of two evils one should vote for Mr. Pinchback, under the rule that of two evils one should choose the lesser. But, sir, as it is mainly an issue between Mr. Pinchback and the law, I shall vote for the law as I understand it. Albeit, Mr. President, I have not arisen to make a legal argument. That would indeed, sir, be a work of supererogation on my part after the weary years of very able discussion that have already been given to this question. I shall not so consume the time nor so abuse the patience of the Senate. I desire only to say a few brief words in a spirit of the utmost kindness, sincerity, and candor to my republican brethren in the Senate, and out of it as well.

ren in the Senate, and out of it as well.

In my opinion, sir, the republican party will not be strengthened by the admission of Mr. Pinchback under the election upon which he bases his claim. A suspicion—almost a conviction, sir—pervades the public mind everywhere that his election was altogether a farce. Indeed, sir, very many republicans, some of them in this Chamber, more of them outside, who have carefully examined all the law and all the evidence, anxious to discover therein the proper warrant of authority for Mr. Pinchback's admission to a seat in this body, have been forced to the conclusion that it cannot be found. Moreover, sir, the whole case is so closely related extrinsically to a condition of political affairs in Louisiana which is admitted on all hands to be so deplorable, while in and of itself it has so few of the elements which the people are sure to require before they give to it their approval, and it is, withal, immediately environed by complications so unrepublican in character, that in my humble judgment we had better let it alone entirely. I say this, sir, with the utmost deference for the opinions of the very able and patriotic Senators here who think otherwise. And, sir, I wish it to be distinctly understood that in what I may say upon this question I disclaim utterly any intention to impugn the motives or to criticise the action of any Senator upon this floor. I accord to all what I

claim for myself: a conscientious desire to discharge faithfully an

important public duty.

But, sir, judging for myself only, I cannot resist the conviction that republican Senators will not be multiplied in this Chamber if, under the plea of party necessity, as made by our Louisiana friends in this Mr. Pinchback or any other man claiming a seat here shall be admitted through methods at least questionable; methods which very many conscientious and thoughtful republicans in all sections of the

country may think to be in contravention of law.

It should not be forgotten, sir, that the people do never patiently endure what they may even suspect to be an abuse of power, although for the moment such abuse may appear to be the only remedy for other evils of greater degree. I speak generally, sir. I present only certain notable characteristics of our people, of our party, and I sim-ply ask Senators to remember them while they recall and reflect upon the original elements in this case with all their attendant complications. The people, sir, admire genuine manhood in the individual; they demand its fullest aggregation and development in a political they demand its fullest aggregation and development in a political party. They scorn and detest every appearance of political scheming and strategy, even when resorted to in the apparent interest of the party to which they themselves are attached, and they quickly, very quickly, repudiate the men who lend themselves to such pursuits. The republican party long ago learned this useful lesson. In truth, sir, the very organization itself had its conception in the demand of the people for a party of such superior moral excellence that it must, from the very nature of its formation and its existence, conform its policies to the strictest ethical rules. Hence its wonderful growth: hence its immortal achievements. It can no more perpetugrowth; hence its immortal achievements. It can no more perpetuate its power, sir, by permitting itself to fall from the high standard itself has fixed than could the animal and the vegetable life of the world continue if the light and the warming influence of the sun were withdrawn. It cannot justify itself unto itself for the performance of unrepublican acts by the fact that the democratic party in Louisiana and elsewhere has been guilty of great political crimes. To at-tempt this, sir, would be to imperil its own existence. It must affirm and defend the right for the sake of the right everywhere, and punish through and by the law political and other crimes wherever and by whomsoever committed. It cannot plead political set-offs for the derelictions charged against itself; it cannot content itself with party reprisals for the offenses or the crimes of its opponents. By its own acts alone will it be judged at the bar of public opinion, and receive

the approval or the condemnation of the people as it may deserve.

And I will say in this connection, parenthetically, that the intelligent masses who compose the republican party demand always that the work of self-purification shall be continuously and thoroughly prosecuted by the party. Their approval of all honest, earnest efforts in that behalf by their chosen officers, and their condemnation of all corrupt practices, are emphatic and universal. The assistance of political opponents is gladly accepted, however deep the stain upon their garments, when such aid can be usefully employed for the punishment of unfaithful officials to whom the party has given place and power. And now, sir, I repeat what I have before substantially said, I do not believe we ought to undertake a contest with the democratic party even when invited thereto in Louisiana for the championship in transeven when invited thereto in Louisiana for the championship in transgressions of the law. Nor do I think, sir, that we can afford to retaliate here for the alleged revolutionary acts of that party in that State by admitting at this time to this the highest legislative body in the nation a man elected under such circumstances as those to which I have adverted. I do not think, sir, that we will thereby have

strengthened our claim for the popular favor.

Mr. President, I am equally firm in the opinion that the admission of Mr. Pinchback will not conserve the best interests of the colored

people, for whom I have the warmest regard and sympathy. I affirm, sir, that the negroes have not generally manifested a disposition to arrogate to themselves powers and privileges not conferred upon them through and by the boon of citizenship. On the contrary, I insist that they have as a rule deported themselves with becoming modesty; and I consider it to be of vital importance to them that they continue to maintain this rule of conduct throughout; that they make no attempt anywhere to assume the offensive in the unfortunate struggle in which they are involved; that they themselves keep carefully within the law in order that their claim for protection against those who violate it to their injury may be readily recognized and responded to by the whole country. They can make no greater and responded to by the whole country. They can make no greater mistake, sir, than to insist that the republican party, their natural ally and friend, shall take part with them in aggressive political movements which may be attended by many irregularities and surrounded by which may be attended by many irregularities and surrounded by illegal complications. The supremacy of the republican party, sir, must depend altogether upon the acceptability of its policies to the intelligent and the law-abiding people of the great North. They, sir, will give much, very much, to the colored people of the South for defensive, but nothing for offensive warfare. They will yield everything for the protection of their lives, their liberties, their property, when satisfied that they are in danger, but nothing whatever to a crusade for political aggrandizement. Such, sir, is the full scope of the authority given by the people to the republican party in respect of such matters. A single step beyond it will destroy that party forever.

The colored people, sir, sometimes complain of the President—than whom they have no better friend—because, forsooth, he refuses to

employ, unlawfully, the military power of the Government on occasions which seem to him to be purely political. And yet, if he should comply with these demands, the reactionary influence of such intervention upon northern sentiment would be infinitely more disastrous to all the interests of these people than the evils they would thus temporarily remedy. Festina lente—learn to make haste slowly—is an injunction full of practical significance and utility for our colored friends. They should strive always to remember that the elevation of a race long in servitude is only accomplished through slow and painful processes. Who will deny, sir, that the sudden transformation of the re-cently disinthralled negroes of the South to a permanent domination in governmental affairs, when the relative conditions of the two classes thus to exchange places are considered, would be an unheard of anomaly in history? Mr. President, a full and satisfactory adjustment of the new relations of the freedmen with their former masters cannot be made in a day, nor yet in a year; perhaps, sir, not during the life of the present generation. That such adjustment must, in the very nature of things, be attended for a considerable period of time with serious, social, and political disturbances, is inevitable. But, sir, if the negroes themselves perform faithfully all the duties of citizenship, and yet are persistently refused the enjoyment of all the rights, the privileges, and the immunities thereof, a great power of moral sentiment will one day rise up in support of the republican party, which will enable that party not only to demand but to see to it that these blessings are secured to the colored people in their fullest degree. Sir, it is because I think such acts as the admission of Mr. Pinchback, under the circumstances in which he is placed, will complicate affairs between the two races, and rather retard than help to develop such a sentiment as I have defined, that I advise the colored people, too, to let his case alone entirely.

Mr. MORRILL, of Vermont. Mr. President, I had not intended to say anything upon this question; but it seems of too vital importance to let it go by without an explanation of the vote which I shall

That there is some doubt about the question is apparent from the action, or rather the non-action, of the Senate itself. If it had been clear that a Senator should be admitted from Louisiana, he ought to have been admitted about three years ago. That implies at once that there is some doubt about the question. I know that it is said here that many of the members of the committee that made the large report upon the evidence in the Louisiana case, of which we have heard so much, have changed their opinions, and are now going to vote dif-ferent from the tenor of their report; but I have yet to be informed that the change of opinion of any one of the members who made this report changes a single fact contained in the book; not one of them has been changed since the report was made, and the "organized fraud of the largest dimensions" is as much a fact to-day as when it was asserted at the outset by one of the members of this

Mr. President, I have often, as we all have, had occasion to admire the great ability and pertinacity of the Senator from Indiana, [Mr. Morton,] who has so frequently addressed the Senate upon this sub-ject; and but for the ability of that distinguished Senator, in my

judgment this case would now have no place in the Senate.

We are made the exclusive judges of the election of members of this body; and if the people cannot rely upon us to discharge that duty with the utmost fidelity, it seems to me that we have taken a long step toward the destruction of the estimation in which this body has hitherto been held. For one, I am not ready to accept of the doings of the Louisiana so-called legislature as the natural and legitimate outgrowth of republican institutions; and so far as my vote is concerned, I shall not accept the action of that pretended legislature in this case, or of any other under similar circumstances. that it is argued here that this case should be decided upon the prima facie evidence of the certificate of the governor; but, Mr. President, when we know that the election is in fact a fraud, shall we accept it on its prima facie evidence? Suppose that a note was signed for \$100 with a fraudulent signature, is the supposed promiser of that note bound to pay it on the face of it when he knows it is a fraud? Just as much and no more than we are to admit a Senator on prima facie

In regard to this Louisiana report, not one of the members of the committee that made the report then pretended to favor the election of any Senator from Louisiana, not even the Senator from Indiana; and if Ray and McMillen, who were certainly white republicans, could not be admitted, how could Mr. Pinchback, elected by the same legisnot be admitted, now could Mr. Pinenback, elected by the same legislature, receive the approbation of that committee or of the Senate? In my judgment, the great question here for us depends or seems to depend upon the color of the applicant. It is a color of title; and that is all. If he had been a white republican, I do not believe that this case would have remained in the Senate for the great length of time it has done; and I say this with entire respect to the colored race. I think they are entitled in this body, having four millions of people in this country, to some representatives here, and I look forward to the time when there will be representatives of the colored ward to the time when there will be representatives of the colored race here, and such representatives in point of ability and eloquence as Senators will be proud to hail as their peers. I have no prejudice

on the subject of color except in its favor.

I am disposed to look at this question with some reference to the future, and I am free to say that let any Senator come here from a State

in such a revolutionary or disorganized condition as Louisiana is in, I would vote to reject him as a member of this body. I do not believe that all of the Southern States outside of Louisiana are to-day competent to elect Senators, and so far as my vote is concerned, if the question should arise, I should vote to exclude them. The republican party was founded upon a question touching the purity of elections. In 1855 and 1856 we made the warfare against the democratic party for frauds in the elections in Kansas; and the difference between that case and this is that here the frauds redound to our benefit, in that case to the benefit of the democratic party. In saying this I do not mean to say that I believe that if a fair vote had been taken in Louisiana the republican party would not have succeeded. I believe they would; but so far as the facts are concerned, the returns made, the action of Judge Durell there, the whole of it looks to me like a stu-pendous fraud, and so far as my vote is concerned I shall vote against receiving any Senator from that State, whether he is a republican or a democrat.

It seems to me that we can hardly afford to adopt this as a precedent to rule for all time. Suppose that on any other occasion a faction in any State should succeed in getting a Senator elected under like circumstances of force and fraud with the present, would the Senate be in favor of admitting a Senator under such circumstances Senate be in favor of admitting a Senator under such circumstances from any other State? I cannot believe that they would. Certainly in this case my convictions of duty are clear. If it were a mere matter of expediency, I should certainly go where I suppose a majority of my friends will go; but this question rises higher than a mere question of expediency. It is a question of principle, a question that relates to the dignity and stability of this body, and as such I shall vote on this occasion against the proposition to admit Mr. Pinchback.

Mr. LOGAN. Mr. President, until a few moments ago I had not intended to speek again on this question affect the discussion I had given

tended to speak again on this question after the discussion I had given it on previous occasions; but I do not feel like sitting here and being lectured by a republican on account of the vote I shall cast. The vote that I shall cast in this instance shall be cast because I believe that the current of authorities entitles this man to his seat; and I will try at least in a very few moments to demonstrate that fact, if I can do so. The Senator from Nebraska [Mr. Paddock] has given us notice that if this man is admitted it will be purely on the ground of politics, or as a matter of political action on the part of those who vote for his admission, and he reads us a moral lecture on that subject.

Mr. PADDOCK. I do not think any statement made by me would

be open to such a construction.

Mr. LOGAN. I shall not undertake to criticise the argument of the Senator, but if there was any point in his argument, that was the only one that I discovered. The Senator from Vermont [Mr. Morritte] also is inclined to bring a bill of indictment against the committee that reported once against the frauds in Louisiana, and therefore he demands of the Senate that Louisiana shall not have reprefore he demands of the Senate that Louisiana shall not have representation. According to my idea of the theory of government, of this Government at least, and according to the Constitution of the United States, each State is entitled to representation on this floor. Each State is entitled to two Senators as representatives of the people of the State. This being a provision of the Constitution, the State is expected to comply with it, and the Government is expected to recognize that right as belonging to one of the sister States when she asks for representation on the floor of Congress.

First, then, what is a State? A State is an organized community, under the constitution as prescribed by those who framed it and recognize that the constitution as prescribed by those who framed it and recognized that the constitution as prescribed by those who framed it and recognized the constitution as prescribed by those who framed it and recognized the constitution as prescribed by those who framed it and recognized that the constitution as prescribed by those who framed it and recognized that the constitution is constitution.

under the constitution as prescribed by those who framed it and rec ognized by the people, having constitutional relations with the Government of the United States. Is Louisiana a State? Circumscribed by the boundaries that are provided by law, having in her limits the requisite population, having a character of government, acting under a form and acting under a constitution recognized by the Government of the United States as republican in form, being in relations with the General Government, she is a State to all intents and purposes as contemplated by the Constitution of our country. How, then, is she entemplated by the Constitution of our country. How, then, is she entitled to representation? She is entitled to representation when she presents that representation according to the forms of law and in consonance with the precedents that have been established for the protection of government, either State or national.

Again we find the Constitution providing that—

The United State

Shall do what?

shall guarantee to every State in this Union a republican form of government.

Who shall guarantee a republican form of government? The United States of America. How? By the action of the departments of government, the only mode that is prescribed by which a State shall have a republican form of government guaranteed to it. It then becomes the duty of the Government of the United States to guarantee a form of government to a State, that is of a republican character. If, then, the State is in a condition of revolution or anarchy or confu-

then, the State is in a condition of revolution or anarchy or confusion, it becomes the duty of the Government of the United States to exercise its power for the purpose of carrying out that guarantee provided in the Constitution under which we exist as a Government. If I am correct in this proposition laid down as a basis for my argument, I desire to travel along and take up the next question. What is it? Is Louisiana a State? If so, is it a State republican in form? If not, has the Government of the United States carried out the guarantee that it is bound to do in the Constitution? If so, then she is

entitled to representation on this floor. How representation? Representation according to the forms, according to the rules, according to the decisions of our courts, and according to the precedents of our Government. It is said that because of frauds in the election there can be no government there; in other words, that no Senator from that State is entitled to a seat on this floor. If no Senator is entitled to a seat on this floor from the State of Louisiana, then her government is not acting according to the forms of the Constitution, and is ment is not acting according to the forms of the Constitution, and is not republican in form. But, forsooth, I am told that because of the character of one department of that State government it is not republican in form. The character of what? The character of the Legislature; that that Legislature having not been elected according to law, as is maintained by some, it never can become a lawful body, and therefore the State can never have representation on this floor. Let us examine this question for a moment. We are told that the Committee on Privileges and Elections made a report against the legality of the election of Mr. Ray and Mr. McMillen; "white republicans," says my friend from Vermont, [Mr. Morrill.] If Mr. McMillen was a republican, either white or black, I never heard of its before. It is said because of that report we cannot recognize the arise report of that Legislature. When that committee made their report to the Senate they reported a bill with it. For what purpose? A bill was reported to the Senate of the United States demanding that this Government should express its authority for the senate of the United States demanding that this Government should exercise its authority for the purpose of carrying out the guarantee in the Constitution so as to make that State republican in form; but the Senate refused to enact it into a law. The Senate refused to recognize the fact that no government existed in the State of Louisiana, and refused to adopt any bill or any measure under the guarantee clause of the Constitution of the United States.

What then is left for us to do? It is left then to examine the question whether or not there is any mode or manner prescribed by law by

which this State can have representation in the Congress of the United States. I maintain that when the State government of Louisiana has been recognized by all the departments of Government, when the claimant asking a seat as a Senator presents a certificate of the governor recognized by this Government as the governor of Louisiana, he has a prima facie case to a seat in the Senate, and you are bound to allow him to take the oath of office, and afterward make your inquiries, if any are to be made. Then let us see whether or not there is

a governor in Louisiana.

Under the decision of the Supreme Court of the United States, in a certain condition of things the President is required to recognize a certain condition of things the President is required to recognize one or the other of the pretended governments as a government for the purpose of carrying on the relations between the General Government and the States. Mr. Kellogg has been recognized as governor of Louisiana, the opinion of my friend from Michigan [Mr. Christiana, the President of the United States and by both Houses of Congress. Am I not correct in this? The Senator says that no such recognition has been given. I will not read to the Senate, because every one here is conversant with the fact. No one disputes or doubts but what the government and the Legislature of Louisiana were recognition.

but what the government and the Legislature of Louisiana were recognized by the President of the United States. There is no dispute upon that point. All know that to be the fact. Then my friend from npon that point. All know that to be the fact. Then my friend from Michigan says that the Congress of the United States have not recognized either the governor or the Legislature of Louisana elected in 1872. The other branch of Congress has recognized the governor of Louisiana from the time he first had the oath of office administered to him. His certificate has been the password for every member who has been elected from Louisiana to the House of Representatives from that day to this. Then, has the Senate recognized the governor of Louisiana? At the last session of this body the Senate of the United States passed the following resolution: States passed the following resolution:

Resolved, That the action of the President in protecting the government of Louisiana, of which W. P. Kellogg is the executive, and the people of that State against domestic violence and in enforcing the laws of the United States in that State is approved.

What is approved? The action of the President.

In doing what? In recognizing the government in Louisiana over which William P. Kellogg presides as the executive of that State. But my friend from Michigan says that is not a recognition of Kellogg. If it is not a recognition of Kellogg, I should like my friend from Michigan to tell me what it is a recognition of. It is a recognition of the state of the

nition of something.

Mr. CHRISTIANCY. If the Senator wishes a reply, I will give it. I stated yesterday that it was a recognition of the governor in fact, exercising the power of governor, but not recognizing his right as

governor de jure.

Mr. LOGAN. Ah! Let us read again and see whether the Senator is correct or not.

That the action of the President in protecting-

in protecting the government in Louisiana-

So you see it is a government. What kind of a government? A State government.

of which W. P. Kellogg is the executive.

That is what the resolution says.

What is "the executive?" We did not say "executive in fact;"

we say "the executive."
Mr. CHRISTIANCY. I do not wish to interrupt the Senator, but-

Mr. LOGAN. It is no interruption at all.
Mr. CHRISTIANCY. As he asks me the question, I will answer it. I had, I thought, sufficiently answered it already. No one has ever denied, I have not denied, and I do not think any Senator here has denied, that there was a government in Louisiana. The original resolution of the Senator from Indiana declared the legality of that government expressly. This resolution said nothing upon that point

government expressly. This resolution said nothing upon that point whatever; simply recognized a government existing de facto, and said nothing of the question of right or wrong.

Mr. LOGAN. I beg the Senator's pardon. Neither the words "de facto" nor "de jure" are to be found in the resolution. It says "the executive," not "the executive de facto," not "the executive de jure," but "the executive" of the State. That is what the resolution says, and that is what the Senator voted for. I put this question to the Senator from Michigan: If we as Senators indorsed the President of the United States in recognizing William P. Kellogga as governor without ator from Michigan: If we as Senators indorsed the President of the United States in recognizing William P. Kellogg as governor without a de jure or de facto qualification and then turn around and say that he is not governor, what did we indorse the President for doing? We indorsed the President for doing an illegal, unconstitutional act; and that is the position the Senator from Michigan occupies.

Mr. CHRISTIANCY. I have no other answer to make to that question than to refer the Senator to the explanation which I made at the time the vote was given, which was not contested or disputed by any Senator here; and I will further express the opinion that the reason why it was not was that the Senator himself and the friends of that

why it was not was that the Senator himself and the friends of that resolution knew that if it was claimed to mean what it is now claimed

resolution knew that if it was claimed to mean what it is now claimed to mean it would never have passed the Senate.

Mr. LOGAN. I know nothing about that, and I care nothing about it. I am speaking of the fact. What induced the Senator to vote for or against it is none of my business and I know nothing about it; but I know he voted for it, and I know what it says, and I know the position he now occupies is that he voted to sustain the President for doing an illegal and unconstitutional act. That is all there is in it; that is his registion and no many care got away from it. that is his position, and no man can get away from it. I propose to say that the President did not do an unlawful and unconstitutional act, and I voted for it because I believed Kellogg was governor. Let me say why I believed it. I think about as good a thing as we can do in this matter is to follow the laws as we have them written and the laws as they are expounded. Now, sir, I desire only for a few moments to call the attention of the Senate to the decision of the Supreme Court of the United States on precisely this point. The very question that is being discussed in the Senate to-day has been passed upon by the Supreme Court, and the Supreme Court has recognized the action that we ourselves propose to take here to-day. The Supreme Court has decided-

The question relates altogether to the constitution and laws of that State; and the well-settled rule in this court is, that the courts of the United States adopt and follow the decisions of the State courts in questions which concern merely the constitution and laws of the State.

The Supreme Court have advised us that the decisions of the State courts on the constitutions and laws of the State are the rules that will be followed by the Supreme Court and all the courts of the United States. Then has this case been decided? I have the decisions here, but I do not intend to take up the time of the Senate by reading them. I state the fact to be that by two decisions of the supreme court of the State of Louisiana they have recognized as laws of that State acts passed by this legislature; they have recognized the condition of things as it is. By deciding the constitutionality and legality of the laws of that State so passed they have recognized the Legislature of the State and the approving governor of the State who signed the bills.

Then we find that the Supreme Court of the United States go further. In speaking of the two governments in the State of Rhode Island, where two separate governments attempted at least to exist, the Supreme Court speak of them in this way:

Under this article of the Constitution-

Speaking of the guarantee clause-

it rests with Congress to decide what government is the established one in a State. For as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Sanators and Representatives of a State are admitted into the councils of the Union, the authority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority.

Speaking again of the condition of things in Rhode Island, the Supreme Court say:

By this act the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere is given to the President. He is to act upon the application of the Legislature or of the executive, and consequently he must determine what body of men constitute the Legislature.

There is the decision of the Supreme Court expressly in the case of Luther vs. Borden that the President of the United States, to determine this question, must recognize one or the other, and that when he recognizes one it is in fact a recognition of its character as a lawful body, and this applies to either the governor or the Legislature. Then by the act of the President, by the act of the other branch of Congress, and by the action of this branch of Congress in recognizing Kellogg as governor of the State of Louisana, he has had all the recognitions that either Constitution or law or the decision of any court of the United States requires for the purpose of determining whether a Senator or a member of Congress has a prima facie case on his certificate

If I had time to read it, but I have not, for I do not wish to detain the Senate, I could quote from a case decided by this body that arose in Rhode Island, the case of Potter vs. Robbins. Robbins was elected after the Legislature had extended its own time for one year, and he was elected by that Legislature. Afterward Potter was elected by the succeeding Legislature. The question arose as to which one was legally elected, whether by the first or the second act of the two different Legislatures. There the same question arose precisely that arises in this case as to the recognition of the government and the power of the Legislature, and whether or not that was the lawful Legislature the Legislature, and whether or not that was the lawful Legislature which was recognized by the courts of the State. By an examination of that case you will find the very same rule laid down, that where the courts of the State recognize the existence of a legislature by acting under their laws and by executing process which is being enforced under their laws, it is thereby recognized as the lawful Legislature. Mr. Robbins got his seat on that very ground.

These, then, are parallel cases. There is a precedent fixed by the Senate itself, following the decision of the Supreme Court of the United States in almost a similar case, deciding that to ascertain what is the lawful Legislature you look to the action of the courts in enforcing the laws that they have enacted, and the decisions of the

forcing the laws that they have enacted, and the decisions of the courts of the State determine the question as to which is the lawful legislative body, and the Congress of the United States will follow that decision. The Senate of the United States in that case followed this rule, and placed Mr. Robbins in his seat instead of Mr. Potter.

Mr. President, I stated that I would occupy but a very short time, for I have discussed this question before until I am tired of it. I have discussed it when these decisions were all read and noted and understood by the Senate. That has been also done divers and sundry times by other Senators here. But I must say that it does seem strange to me that the republicans, or a portion of them, are such poor lawyers, and the democrats are all so good; they always have the law on their side, or at least so that they can all vote one way; but strange to say, we cannot. I suppose it is on account of the superiority of our wisdom—I cannot understand it in any other way—wisdom that makes men have opinions and causes them to differ with one another. I am willing to accord that great wisdom to our two friends from Vermont and to our friend from Nebraska and all the other Senators on this side of the House who think this is merely a political question, merely to be voted for because of politics. I do not care what the man's politics are or what his complexion may be. I say to my friend from Nebraska to-day, if this man had been a white man he would

have been in here long ago.

Mr. PADDOCK. I will say to the Senator from Illinois that I was not here long ago, and therefore am not able to say whether his statement is correct or not.

Mr. LOGAN. If you had been here for forty years perhaps you could not tell whether it was correct or not except as to yourself.

Mr. PADDOCK. I could try.
Mr. LOGAN. That is my deliberate opinion about it, at least, that his color has much to do with his admission to a seat in this body.

Mr. PADDOCK. None whatever with me.

Mr. LOGAN. I am not addressing the Senator; I do not say it has with him, but I will make my language apply generally. I do not see why he should object to color any more than I would.

Mr. PADDOCK. It was because my friend had made a reference

to me just before that I deemed it proper to make the disclaimer.

Mr. LOGAN. I was looking to the Senator, I know; but I was referring to the case, not to an individual. I was referring to the case of Pinchback. It is a colored case. That is the objection to it.

Mr. PADDOCK. I am rather an admirer of color.

Mr. LOGAN. Now let us see whether I am correct or not in saying that this man is kept out on account of his color. Here is the case of Senator Spencer, from Alabama. There were two legislatures in session at the time he was elected, just precisely as in Mr. Pinchback's Of these two legislatures one was called the State-house, and one the court-house legislature, and each claimed to be the Legislature of the State of Alabama. The Legislature that elected Senator Spencer met in the court-house and not in the State-house, where they were expected to meet; but Senator Spencer had the certificate of the governor of Alabama.

Mr. EDMUNDS. And the election of the true Legislature besides,

which is of some account.

Mr. LOGAN. I am very glad that the Senator has made that suggestion. How did he ascertain that fact?

Mr. EDMUNDS. Just as I ascertained who the Legislature was that elected my friend, or he did who the Legislature was that elected

Mr. LOGAN. I will tell the Senator how he ascertained it: Mr. Spencer presented his certificate of election at the desk, and he was sworn in.

Mr. MORTON. I would suggest to the Senator from Illinois that the question which was the proper Legislature was not decided for over six months after.

Mr. LOGAN. I was going to come to that. I was going to tell my

friend from Vermont how we ascertained that it was the right Legis-

lature. We ascertained it after Mr. Spencer had taken his seat in this body and after the Committee on Privileges and Elections had examined the question and reported that he was elected by the Legislature of Alabama. That was the way he ascertained it, and not at the time that he presented his certificate.

Mr. MORTON. Nearly a year afterward.
Mr. LOGAN. Yes, sir. Now I ask my friends here to-day, full of legal lore as they are, how it is that a duplicate legislature in Alabama can be determined as to the rightfulness of one body on the certificate of a Senator from that State, but it cannot be determined on the certificate of a Senator from Louisiana? One was white; the other was black. That is the reason. I know the laws have never been applied in this country equally to the white and the colored races. I do not know whether they ever will be or not. God knows they ought to be. The time has been in this country when the prejudice against color was so deeply rooted in our composition that we were never able to divest ourselves of that prejudice. The law has never borne equally upon all people in this land, and perhaps never will. When the blacks were slaves and in chains, the law was unequally applied to the different races. Since the manacles have dropped from their limbs by the strong arm of this nation fighting for the preserva-tion of the Constitution and all that was guaranteed to us under it, it is still hard for us to divest ourselves of a prejudice that once had grown in us; and to such an extent does it exist that an argument is made that one man is entitled to his seat on a prima facie case on the certificate of the governor of his State, he being a white man, and he is admitted; and when a colored man comes with the same status precisely, he is rejected, and reasons are given, but they are different reasons from those that find their basis and their root in our composition. It is perfectly natural for these prejudices to outcrop in argument; not that they ever show themselves against the race, but we naturally read the law differently when we come to construe it as applicable to one man and as applicable to another.

But we have been told, and I suppose we shall be again, that this election was reeking with fraud. Nobody denies that; nobody doubts it; nobody ever has doubted it. Not only was it reeking with fraud, but the fraud was so great that even forged returns were made and the committee reported against the election of either party and asked Congress to provide a government. Congress refused to provide a government; but under the Constitution and by virtue of the invested in the President, he recognized one government

elected there, as it was his duty to do.
Mr. EATON rose.

The PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Connecticut?

Mr. LOGAN. Yes, sir. Mr. EATON. I desire in reference to an argument that the Senator has just been making in regard to color to ask him one question; and that is, was there any objection made by any Senator to the admission of the colored Senator from Mississippi?

Mr. LOGAN. No, there was not because no objection could possi-

bly be raised. Mr. EATON.

Then color has nothing to do with it.

The Senator will allow me to correct him. The Sen-Mr. LOGAN. ator from Mississippi was elected by the only Legislature in the State, the only one claiming to be or pretending to be; hence no basis for an objection could be found. Therefore he was allowed to be sworn in. But I am trying to draw the parallel between the case of Alabama, where two legislatures existed, and the case of Louisiana where two legislatures existed; and one happened to elect a white Senator and

the other happened to elect a colored Senator.

Mr. EDMUNDS. My friend refers to the Alabama case as if we had there done something which is inconsistent with what we are asked to do now or with what I wish to have done. I desire to call his attention to the Journal of the Senate. On the 7th of March, 1873,

on the very day when the Spencer matter was disposed of

Mr. West presented the credentials of William L. McMillen, elected a Senator by the Legislature of Louisiana for the term of six years, commencing March 4, 1873.

On a prior day the credentials of Mr. Ray were presented, which were credentials coming from Mr. Kellogg, as these of Mr. Pinchback were credentials coming from Mr. Kellogg, as these of Mr. Pinchback do, and under the same seal and under an election by the same body of men within a day or two, as we all know, or at the same time, one election for the short term by our legislature, as I will call it, and one for the long term. Now will my friend explain to us if the cases are alike, or were understood to be alike, how it happened that we unanimously sent the Louisiana credentials of Ray and McMillen to his committee for inquiry, and by a strong vote swore in Mr. Spencer on his credentials? If the cases were alike, why did we take that different course? ferent course?

Mr. LOGAN. Perhaps the Senator can explain that himself. He asks me. He had a vote the same as I had, and perhaps he can explain

why he did it.

Mr. EDMUNDS. I cannot explain it. I was unhappily ill and was

of Ray and McMillen were referred to the Committee on Privileges and Elections. I presume that every one who was here then knows the reason why. They were in a state of revolution there in that State, and the matter was referred to the committee to inquire whether

or not there was a State government, and to provide means for getting one if there was not, as I stated in the outset of my argument ting one if there was not, as I stated in the outset of my argument to-day, under the clause guaranteeing a republican form of government to the States to take measures to that end. I suppose that was the reason that actuated every Senator; but, as I said, when we reported a bill and asked Senators to provide a government for Louisiana it was voted down. Thus the Senate decided that a government existed there. That was the decision of the Senate. The Senate so decided by voting down our conclusion. It decided thereby that a government did exist, and it has been so decided since that time. That being the case I should like to know why we should say now that being the case, I should like to know why we should say now that a

government does not exist there?

Mr. EDMUNDS. If I do not disturb the Senator—

Mr. LOGAN. It is no disturbance at all.

Mr. EDMUNDS. I wish to call his attention to what I believe was the fact in respect of the bill reported by his committee; that that bill, as was understood by everybody—I do not know that there is any way of proving it by the record—commanded the support of a majority of this body. It was amended on the motion, I think, of the Senator from Wisconsin [Mr. Howe] to provide that during the period of interval between the passage of the bill and the completion of riod of interval between the passage of the bill and the completion of the new election, Mr. Kellogg should be the acting governor of that State, and should have the power to execute the law. I do not remember the details; that was the purpose. That amendment was agreed to; and that, as was understood, and I suppose universally, at the time, killed the bill. It would have passed but for that.

Mr. LOGAN. It makes no difference what killed the bill; it is not a question as to what killed the bill. The question is, if Congress did not provide a government, and declined to do it, did it not recognize thereby that government which existed there?

mize thereby that government which existed there?

Mr. MORTON. Will the Senator allow me a moment?

Mr. LOGAN. Certainly.

Mr. MORTON. The Senator from Vermont inquired why it was that the credentials signed by Mr. Kellogg of Ray were referred, and the credentials signed by the governor of Alabama of Mr. Spencer were not referred. At the time those credentials came up there was a dispute asto whether Mr. Kellogg was the governor of Louisiana or not; there was no dispute in the case of the governor of Alabama; but this dispute in regard to Kellogg has since been settled that he was the governor of Louisiana by every department of this Government, and the

dispute is at an end.

Mr. LOGAN. On the point that I was discussing with my friend from Vermont, in reference to the question as to why these credentials were referred, I have tried at least to answer his suggestion. The report of the Committee on Privileges and Elections in reference to the Louisiana question, made in February, 1873, is to my mind entirely out of the case. I say so, because where there is a difference on a question of the case. tion arising in a State as to which is the legitimate government of the State, under the Constitution there is and can be but one mode of deciding that question. Where two persons claim to be governor, and where of two legislatures each claims to be the legitimate and lawful legislature, there must be some tribunal to which the question may or can be referred; that tribunal's decision must be or at least ought to be recognized by ourselves to such an extent as to allow the machinery of that government to move on. Now let me put a case. We insist that a State cannot go out of this Union. At the same time we insist that we may deprive a State of representation. The two cannot go together. If a State is in the Union she is entitled to repre-The two cansentation; and whenever all the forms are complied with that are requisite to determine that question as to whether it is a State having a legislature, and as to whether that legislature has performed its a legislature, and as to whether that legislature has performed its duty in such a manner as will be recognized by the authorities empowered to make the recognition, we can inquire no further. You may call the Legislature of Louisiana revolutionary; you may call the government revolutionary; but it is immaterial to this issue. There must be a starting-point to all governments. When a revolutionary government establishes itself, there must be a point of recognition. What is that point of recognition? The point of recognition, so far as the lawful authority of a legislature is concerned or of the governor of a State, is that time and point when the laws of the State. ernor of a State, is that time and point when the laws of the State passed by that legislature and signed by that governor are recognized, enforced, and executed.

The laws of Louisiana passed by this Legislature, signed by this gov ernor, have been and are recognized by the courts of that State, by all the officers of that State, are being executed in all their parts by the executive authority of that State, have been recognized by the judicial authority as being constitutional and such laws as should be enforced. If the Legislature of Louisiana has not this recognition, every law passed by it is void, every act under its laws is void, every execution of a criminal for a murder under those laws makes the man that executes him a murderer. There have been in Louisiana commissions issued by the governor which have been recognized, alleged criminals have been pardoned, convicted criminals have been executed by his authority under the laws passed by this Legislature, recognized by the courts of that State, and the Supreme Court of the United States has decided that it must follow the decisions of the courts of the State in reference to the constitution and the laws enacted thereunder.

them as not binding. Then the entire State of Louisiana, according to the theory enunciated by Senators here, is in chaos and confusion and there is no government whatever there. Why, sir, the history of all governments teaches us different from that.

Another point I would like to put to my friends from Vermont, Nebraska, and other States who disagree with me on this question: When the next President shall be elected, who will certify to the electors of Louisiana? What do my friends propose in the next presidential election? The electors elected in the State of Louisiana next November have to be certified by the governor of the State. What governor are you going to recognize as certifying to that fact I should like my friends to tell me now, are you going to recognize the certificate of McEnery, the revolutionary governor that has been driven out with his mob and has failed to compete for the governorabandoned by its friends and disbanded so far as they are concerned themselves? Is that what you are going to do? Are you going to allow the next presidential election perhaps to turn upon this very question undecided here in the Senate, on the certificates that are iven to the electors in the State of Louisiana? If that certificate of kellogg is not good enough to give a Senator a seat prima facie, it is not good enough to give an elector the right to vote for President. The principle is the same, and I asked Senators the other day to think at least on what they are doing before they act. I remember very well when under the joint rules of the Senate and the House States were excluded by Congress from having a vote in the electoral col-lege. Arkansas was excluded on account of the alleged informality of a seal, because no debate was allowed in the Senate, the examination could not be made so as to satisfy the Senate whether it was ation could not be made so as to satisfy the Senate whether it was the proper seal of the State or not, and the vote was excluded. Much greater is the reason for excluding the vote in this case if the theories of these Senators are to obtain in this body, that the certificate of the governor of the State of Louisiana is of no avail whatever because he is not governor. Now I should like my friend from Michigan to tell me what would be his decision in that case?

Mr. CHRISTIANCY. I have not been listening to what the Senator has been saying for a few minutes. I have been otherwise engaged.

gaged.
Mr. LOGAN. The point is this: The election of electors of President and Vice-President is certified by the governor.
Mr. CHRISTIANCY. I suppose their election could be shown if there were no governor to certify to them.
Mr. LOGAN. If there was no proclamation issued by the governor for holding the election, how would the people hold the election? The elections in Louisiana are held now under provisions enacted by this very Legislature that you say is not a legal body. The governor issues his proclamation for an election on a certain day. My friend says they can count them without any governor. Without a governor is sues his proclamation for an election on a certain day. My friend says they can count them without any governor. Without a governor it would not be a State, it would not be recognized as a State; the Senator knows it. He refuses to recognize it now as a State, because he says it has no governor. But he says you can count the electoral vote without a governor. That is a new doctrine to me.

Mr CHRISTIANCY. Will the Senator permit me to ask him a question?

question ?

Mr. LOGAN. Certainly. Mr. CHRISTIANCY. I believe he was of the Committee on Privileges and Elections that made the report which has been so often quoted?

Mr. LOGAN.

Mr. CHRISTIANCY. I have been informed that the Senator after that report favored a bill for an election in the State of Louisiana which disregarded entirely Mr. Kellogg's election as governor, and thereby recognized that the State was without a legal government.

Mr. LOGAN. The Senator is a little mistaken in that.

Mr. CHRISTIANCY. Perhaps I am.

Mr. LOGAN. He is a little mistaken as to how I voted on that

bill. But the committee reported the bill, and the Senate refused to enact it, thereby declaring that there was an existing government, because they refused to institute a government. But I would like the Senator to tell me, and all the Senators to tell me, what they are going to do with the electors. That is an important question. I may be elected President myself; who can tell? or the Senator from Michigan may be. [Laughter.] We should like to have Louisiana

Mr. CHRISTIANCY. If that contingency should happen in the case of my friend from Illinois, I promise to find him a law which will authorize the vote of Louisiana to be counted.

Mr. LOGAN. That is, you think you will have time to enact the law between now and then.
Mr. CHRISTIANCY. Undoubtedly.
Mr. LOGAN. I have no doubt of that myself. You would find law enough. You would be so much in favor of having yourself counted in that you would find a law anyhow, whether it was good or not and I presume we should be all of us so inclined. [Laughter.] This is a strange condition of things; it is an anomalous condition of things. It reminds me a good deal of the story I once heard of the Indian and white man who went out hunting and killed a turkey and Now let us go a little further. By the action attempted to be forced by this Senate, you recognize the governor as a murderer, the jurors as murderers, the State laws as nullities, contracts existing under turkey, or I will take the turkey and you may take the buzzard."

That is the condition now. The Indian said, "That is all right, but you never say turkey to me once." [Laughter.] It is all right to count the electoral vote next fail, provided it helps elect your candidate; but it is all wrong to count the certificate now, because it puts a colored man in the Senate. That is the point exactly. It is all first rate if it is on your side. If next fall the people should elect a man you do not like, I suppose you would swear there was no government there at all, and, therefore, would not count the electoral vote; but if they happen to elect a man you want, you will say there is gov-ernment enough to count the votes.

mr. CHRISTIANCY. I will say that I have never been in the habit of changing my vote or my opinion on the ground of the election of a candidate on one side or the other. I do not propose to adopt such a principle of action. If the Senator can refer to any instance in which I have shown a disposition to do that he will certainly accommodate me, because I am ignorant of it.

Mr. LOGAN. I must state that I have never seen a disposition on my friend's part to change in the Senate on any subject whatever; and I think he is getting to that age now that he would not be likely to change; but I sometimes do change my opinions.

Mr. EDMUNDS. That is pretty clear. Mr. LOGAN. Yes, that is pretty clear. [Laughter.] I have changed my opinions frequently; but I can say, without being offensive in any way whatever to my friend from Connecticut, my friend from Michigan, and my friend from Vermont, that I have never known either one of them to change his opinions. They are very intelligent

men. I do not say this as applicable to myself, for I know I am not a wise man; but there is an old saying, "Wise men do change, but a wise man; but there is an old saying, wise men to change, fools never do." [Laughter.]

Mr. EDMUNDS. That puts you on the right side.

Mr. LOGAN. I do not know whether it does or not. I am only repeating an old saying. [Laughter.]

Mr. EDMUNDS. Perhaps the Senator would change his opinion

again and be wiser still?

Mr. EATON. Mr. President—
The PRESIDING OFFICER, (Mr. WINDOM in the chair.) Does the Senator from Illinois yield to the Senator from Connecticut?
Mr. LOGAN. One at a time. I will yield as soon as I answer my

friend from Vermont.

Mr. EATON. I want to ask if the last rule the Senator announces

is universal, that fools never change?

Mr. LOGAN. There are always exceptions to rules. The exceptions prove the rule always.

Without dealing in this mode of discussing the question, I now ask without dealing in this mode of discussing the question, I now ask
my republican friends, and especially our lecturer from Nebraska, to
reflect for a moment on the political character of the question, inasmuch as he said or intimated, at least, that all there was of it was
its political aspect. Suppose you put it on the ground that that is
all there is in it. I say that is not all that is in it.

Mr. PADDOCK. I desire to state to the Senator from Illinois that
I did not mean to make any such statement as that, nor do I think
that my remarks will allow of any such construction or justify any
such implication.

Mr. LOGAN. I perhaps did not exactly understand the full scope of the remarks of the Senator, but they left the impression on my mind that he thought the Republican party would gain nothing by this act. What did he mean by that, if he did not mean it in a political sense, thereby desiring us to infer that we must do that act by which we would gain something? Is not that the logic of it? It seems so to me. Let us see whether or not it is clear that we should take that into consideration. What do we see before us to-day? Louisiana is refused representation. Impeachments are inaugurated in these is refused representation. Impeachments are inaugurated in these Southern States for the purpose of getting rid of governors who have committed no crime perhaps. Such a course is being pursued as has never before been pursued in this country, in order to get rid of men who have republican sentiments and proclivities, that those of contrary views may be endowed with the official robes. If I believe republicanism is necessary and essential to the stability of this Government, all other things being equal, I am for my friends. If I can find the law as clear on the side of Mr. Pinchback as I can upon the side of a gentleman who believes in the destruction of this Government. of a gentleman who believes in the destruction of this Government, of a gentleman who believes in the destruction of this Government, if I can find as many reasons to vote for a republican to have a seat in the Senate as I can find against him, I will give the doubt on the side of the man who believes in the theory of government that I believe in. I believe the theory of republicanism is the very superstructure of this Government as well as the base upon which it must stand; and if we take the base and the props from under, the Government must go to pieces. I believe the democratic theory of this Government would destroy it; that it is the destructive element in it so far as theory is concerned. The political element of the democratic party has been shown to be of a destructive character, so far as the Government's consistency and integrity are concerned. Believing that, then I shall not hunt for reasons and doubts on the other side when then I shall not hunt for reasons and doubts on the other side when I believe the law has been complied with on my side.

"O," Senators will say, as my friend from Vermont said, "you thought there was no government there once." That is a very nice argument. That report was made prior to any recognition of this government whatever. Its recognition has come since, recognition by the House, recognition by the Senate, recognition by all the Departments of the Government of the United States, by all the depart-

ments of the State within itself, so as to give it that integrity as a government that a government can have under the existing laws. Hence I believe that, whether or not we had an opinion as to the integrity of the government at the time the report was made, the decisions and the recognition of all parts of the government are sufficient to give a *prima facie* case to the certificate of the governor of that State. My friend from Nebraska shakes his head. I do not blame him for that. Of course I cannot convince him. I do not expect to do so.

I have said all that I have desired to say in this case, and a great deal more than I expected to say when I rose, and I conclude by say-ing let the case be settled; and if our republican friends desire to settle it, with all the precedents in favor of Pinchback, so as to give us a good old sound democrat from New Orleans who does not believe in republicanism at all, let them settle it that way and take the responsibility. They have a perfect right to do it, but the responsibility be with them; and if the Senate is to be changed by such proceedings from its present character by our own friends, they them-selves to their own consciences and to their God and country are re-sponsible, and to no one else. I presume they can do it with a clear conscience, or at least they think they can.

Mr. HARVEY. My friend, the Senator from Nebraska, [Mr. Pad-DOCK,] in the beginning of his speech said that if it was a question between Mr. Eustis and Mr. Pinchback he would vote for Mr. Pinch-back as the choice of evils. I presume that remark shows nothing personally, to the detriment of Mr. Eustis or of Mr. Pinchback.

Mr. PADDOCK. I did not allude to either of the claimants per-

sonally, but to their cases.

Mr. HARVEY. That is just what I was coming to. The Senator mentioned their names, and said if it was between the two he would vote for Mr. Pinchback as the choice of evils. I take the ground if Mr. Pinchback is not elected, if there is a vacancy in the Senate from the State of Louisiana, if Mr. Eustis is not entitled to a seat here, some one else elected by the Legislature of Louisiana is entitled to

Mr. PADDOCK. When elected by a competent Legislature, he is most undoubtedly entitled, but not before. The constitutional requirements must be complied with before we can recognize a claimant for

Mr. HARVEY. I will vote for Mr. Pinchback's admission for that very reason, because he has been elected by a competent Legislature, because his election has been certified here by the governor of the State just the same as my election was certified, and that of the Senator from Nebraska; but I vote for him not as the choice of evils at all, but in recognition of law and in recognition of the precedents that govern this body. It is not for us to choose Senators. By the way, this reminds me of some remarks made by my friend the Senator from Vermont, [Mr. MORRILL,] who said that he would admit that the colored people were entitled to representatives here by reason of their numbers, and that he hoped to see the time when they would be represented here by Senators of whose ability and eloquence we might be proud. It does not devolve upon us to choose who the col-ored people or any other people in the United States having a majority in any State may see fit to send here. The question as to their ability or eloquence is not for us to determine. It is simply for us to determine whether they have been elected in accordance with law and to admit them in accordance with the precedents that have gov-

erned the admission of Senators to this body.

Mr. MORRILL, of Vermont. Will the Senator allow me to say merely this: that-whenever a colored Senator shall be elected I shall vote very readily to receive him; but what I object to is in the absence of such election by the Legislature of any State that the Sen-

ate itself should undertake to elect him.

Mr. HARVEY. I have merely quoted what the Senator said. My friend, the Senator from Nebraska, also commented upon the way in which the people of the country would look upon the exercise of which the people of the country would look upon the exercise of power. It has been the history of this country, so far as I have been able to discover it, that the people look with more leniency upon a mistake if it should be made in the exercise of power with which a person has been invested than they do upon a failure to exercise in defense of right the power with which those in official position have been legitimately clothed. The history of the administration of James Buchanan, when he failed to exercise the power with which the Constitution and laws charged him, for the suppression of rebellion, is a notable instance of the truth of this proposition. I will say, too, that it is my opinion that the greatest troubles that have come upon the republican party and upon the country have risen from the fact that there has been an element in the party constantly insisting upon such non-partisan action that men should be taken up and intrusted with high places who had never been identified with the party; that is, high places who had never been identified with the party; that is, because of a disposition to go beyond and outside of those whose history has been such as to show that they were identified with the

principles of the party.

Mr. PADDOCK. I wish to say that in my opinion the crowning glory of the republican party is that it admits of a diversity of opin-

or in respect to such questions.

Mr. HARVEY. I must say that it is a singular thing that a party can claim credit for diversity of opinion upon questions of right. As to questions of policy diversity is admissible.

Mr. PADDOCK. Who is to determine right?

Mr. HARVEY. Right in this country is determined by law and precedent; and it has been shown here repeatedly that the right of this claimant to a seat on a prima facie case is just as clear as the right of any other Senator sitting here. Not only the facts as they appeared upon the record at the time his credentials were sent up but the facts that have transpired since, have gone to confirm his right to

The Senator from Nebraska said that the republican party must rest its hope for success in this country upon the approval of the people of the great North. My friends, republican Senators, in my opinion if the republican party remains in power it must be for the reason that its action is in accordance with justice and in accordance with

that its action is in accordance with justice and in accordance with the principles of the party.

In this country and at this time we are engaged in the endeavor to realize the most sublime political conception, i. e., nothing less than equal and full citizenship for all, without regard to race, color, or previous political condition or history, covering with that grand panoply the immigrant from every land, the emancipated sons of the soil, and those who forfeited political rights by leading insurrection against the Government and in support of a hostile organization. I do not mention this to rail against the defunct confederacy or those who fought in its armies, as the few and feeble blows that I had the power or opportunity to give were dealt during the armed conflict.

or opportunity to give were dealt during the armed conflict.

I only allude to the fact that these people, all of the classes named, have been given full citizenship in a proper and constitutional way to show the liberality of the American people and to show that we live in times of more than ordinary import, and that it is our duty to rise to the level of the occasion; for every true man can exercise the rights of a citizen with a higher and holier feeling of pride when he knows that none are unjustly deprived of the rights that he enjoys, and that he seeks no unmanly advantage over the unfortunate, whether the misfortune comes from adherence to political heresy or from being on what our democratic friends regard as on the wrong side of the "color line." I am for full amnesty for all who ask for it and full citizenship for all who deserve it. Equality before the law must be vindicated for every one everywhere in this country. If need be, the whole power of the United States should be launched against those who would by violence curtail the just rights of any American citizen, whether those rights be inherited or acquired by naturalization and threatened by the action of foreign powers, or whether they be gained by or through the constitutional amendments and assailed by those who owe allegiance to that Constitution, if not gratitude, for exemption from punishment for former offenses against it.

The political vantage-ground now held by every American citizen has not been cheaply and easily attained; it has cost a hundred years of political and military strife; hundreds of thousands of valuable lives and billions of treasure were lost in the struggle; and men and parties must appear before the awful tribunal of history for a verdict as to the part taken by each. Republican Senators, we are before that tribunal now. Our glorious party, sustained by the good people of the United States, made it possible for any one of any race who could secure an election by his State to take his seat in this high forum. Mr. Pinchback has secured that election; he has credentials in the same form that we brought here; they are signed by the man who is now acknowledged on all hands to be the governor of Louisiana. If he had been permitted to take the seat to which he is entitled, the enemies of equal rights would never have dared to perpetrate all the outrages of which they have been guilty; but delay has led them to say the republican party is not in earnest, does not mean to stand by its principles, therefore they may be outraged with safety; and I do not hesitate to say now that I believe that a failure to seat this man now would be regarded as a final and conclusive concession this man now would be regarded as a nual and conclusive concession to the white-line idea and an admission that a party is wanted to enforce that idea. John Bright says that "a political party somehow or other gathers itself up when it is wanted and by the time that it is wanted."

The white-line democratic party stands ready to execute that purpose whenever the ramphican party by further political diletante-

pose whenever the republican party, by further political diletante-ism, invites it to proceed. To be sure the white-line democracy, notwithstanding the gains made in some of the States by a canvass on withstanding the gains made it some of the States by a canvass on horseback with double-barreled shot-guns, is yet in a minority in the country, but vacillation here will so encourage an element in that party ever favorable to the settlement of political differences by brute force rather than by the peaceful attrition of parties and opinions, that we would be in serious danger of returning to the ancient style of parliament once in vogue in Poland or Hungary, where great masses of armed horsemen met to settle mooted questions rather than by legislative action by representative bodies, the momentum of masses being the criterion rather than the prevalence of opinion. If every violent aggression is followed by a concession of power, the re-sult is soon a revolution or anarchy. Thiers, the statesman of France, is credited with having said, "The opinions that have been raised to power have the right of defending themselves in the elections." might and should have gone further, and said that it was a duty as well as a right; and I have no hesitation in stating my belief that opinions that do not defend themselves here and now will not long remain in power. The opinions favorable to confining political power to favored races and classes are active and aggressive. Democrats here, if not disposed to apologize for or defend the violent aggressions upon the rights of republicans in the South, seem ever

ready to seize upon their incidental results for party advantage. However loud the professions made in favor of viewing these matters only in a judicial light, we find that they vote always together in the way most conducive to the success of reactionary ideas and restrictive privileges. I regret to make this statement, for I feel a warm personal friendship for very many representatives of that party, and for many qualities of their heads and hearts a sincere admiration; but I many qualities of their heads and hearts a sincere admiration; but I believe fully what I have stated concerning their party policy, and can only reconcile it with their personal qualities by remembering that a well-known writer has stated that the "human soul is hospitable, and will entertain conflicting sentiments and contradictory opinions with great impartiality." For the course of a few of our own party friends it is harder still to account, for though few they are wise men; but this may be explained when we remember that Crit-tenden said, "It is easier to be just than to be wise." Those of us who are content to take the easier course of simple justice remember also that even the wise cannot long rule without justice; without justice there is no political salvation, even though you were born on Plymouth Rock, and nurtured far beyond the reach of the contamination of carpet-bagger, scalawag, or negro. There have ever been those who were ready to say "Stand aside, I am holier than thou;" but

though the salt of the earth, they have never regenerated it.

He who spoke as never man spake consorted upon occasion with publicans and sinners; but his object was to do good, not to show how good he was. A relentless scrutiny of the character of the claimant, made by political and personal enemies, has so far shown nothing to his detriment but the fact that some years ago he was sent to prison by a provost-marshal on a charge of assault and battery. What I have heard of him from his friends and enemies leads me to believe him a fair representative of a large majority of the people of Louisiana, and fully believing that his right to a seat here is well established, I shall vote for his admission, reserving the right, should it be proved hereafter that he is not entitled to his seat, to vote for his expulsion just as promptly as I would vote for the expulsion for the same reason of the proudest Caucasian here, and not a whit more so. Inasmuch as Senators taking an opposite view of this case have freely stated how the votes cast one way or the other would appear to them, I will state how they will appear to me from my stand-point, which I believe to be substantially that occupied by the average American citizen who believes in equality before the law.

From this stand-point those who vote for admission seem to be voting in vindication of the rights of man, which should be the first consider-ation; and in vindication of the Constitution of the United States, which should be next; and in vindication of the rights of the State, a consideration of great importance indeed, so much so, that I think if my democratic friends agreed with me as to conclusions they would make this the first consideration. Our votes vindicate the rights of the State in all departments of her government, for the judiciary recognized the legality of the Legislature that elected Pinchback, and the executive certifies his election. All these are vindicated by our votes; while the adverse votes seem only to secure the perpetrators of outrages like those of the Mechanics' Institute, Colfax Parish, and Coushatta the political advantages sought for by them and accepted as incidental benefits by their party friends here and elsewhere

I deem it strange indeed that any republican should vote in that way, but leave him to reconcile his vote to his conscience, the Consti-

way, but leave fifth to reconcile his vote to his consistence, and constitution, and his constituency, he being responsible to no one else.

Mr. MORTON. I simply want to say a word, not with the expectation of effecting anything by it. My friend from Nebraska [Mr. PADDOCK] is not present. I understood him to say in the course of his remarks that between Pinchback and Eustis he would vote for Pinchback as the choice between evils. Idid not know that the question turned upon such considerations. I supposed it was a question of law. If Pinchback has brought the evidence here upon which the Senate usually acts, he is entitled to his seat. If he has not brought that evidence, he is not entitled to his seat. But when my friend from Nebraska says that between Pinchback and Eustis he would vote for Pinchback, he admits away all questions of law, all questions of

principle, involved in the case

There are political considerations which are not unworthy of our attention. I would say to my friend from Vermont [Mr. MORRILL] that in my opinion the hesitation which the Senate has shown for three years in regard to the government in Louisiana, casting doubt upon it, has been productive of bloodshed and violence in that State. The white-leaguers have been induced and encouraged to attempt to overturn that government by murder and violence, because of the doubt and hesitation in the Senate of the United States in the recognition of that government. My opinion is to-day, and I invite the attention of my friend to it as a consideration worthy even of his attention, that if the Senate shall reject Pinchback upon the ground that he was not elected by the Legislature of Louisiana, it presents another incentive, another inducement, to renew those scenes of vio-lence and murder that have dishonored the land, and those will be responsible for it who bring it about by holding out this encouragement. It is saying to those men that there is no government down there that they are bound to respect or to which they are bound to yield obedience

Mr. MORRILL, of Vermont. Will the Senator allow me a single word? Mr. MORTON. Yes, sir.

Mr. MORRILL, of Vermont. I desire to say that there is not a man more responsible for my action upon the present occasion than the Senator from Indiana himself. I read from his report in relation to this whole question, which he fully investigated. I will read two or three sentences of his report. It will take but a moment. The Senator from Indiana says:

The conduct of Judge Durell, sitting in the circuit court of the United States, cannot be justified or defended. He grossly exceeded his jurisdiction, and assumed the exercise of powers to which he could lay no claim.

Then he goes on further to say:

In the Antoine case Judge Durell not only assumed to determine who constituted the legal returning board but to prescribe who should be permitted to take part in the organization of the Legislature, and to enjoin all persons from taking part in such organization who were not returned by the Lynch board as elected; and this assumption of jurisdiction was made in the face of the express provision in the act of 1870 that its benefits should not extend to candidates for electors, for Congress, or for the State Legislature.

And he goes on further in relation to the same subject; and then he says:

Without concurring in the opinion that the election was void, I entertain no doubt that it was an organized fraud of the largest dimensions, and that a decided majority of the people of Louisiana sympathize with the Kellogg government and earnestly desire to see it maintained.

Mr. MORTON. Yes, sir; and I stand by that now. That is just what I have said all the time, that the election was an organized fraud to carry the State democratic over a known republican majority of 16,000; and I call my friend's attention to the fact that he now proposes by the rejection of Pinchback to consummate that fraud and make it effective. That will be the effect of his vote. I did say that Judge Durell exceeded his jurisdiction; but I said right on following, that that did not vitiate the election of the members of the Legislature, that that did not vitiate the election of Mr. Kellogg. I have never defended Judge Durell, and I do not now. And my friend cannot shelter himself in his position, if he needs it, behind anything that I have said. I have said from the first, and I now repeat it in these closing moments, that Louisiana was a republican State by from 16,000 to 20,000 majority, but a conspiracy was formed to carry it democratic. Did that conspiracy succeed? I say it did not. My friend from Vermont says by his vote it did, and there is where we separate. Disguise it as you may, Senators, those of you who reject Mr. Pinchback do it upon the ground that a majority of 16,000 was stricken down by a conspiracy, and you seal that result by your votes. I do not believe it was stricken down. I believe the republicans carried that State. My friend from Nebraska said that as between Pinchback and Eastis he would vote for Pinchback as the choice of evils. He puts it entirely upon the wrong ground. My friend admits away all questions of law when he says that. I put Mr. Pinchback's claim on the ground that he has brought all the evidence here that the Senate ever requires to prove that he is entitled to a seat. He brought the same evidence that my friend brought from Nebraska, none the less; and if he puts it on the ground of a choice of evils, I tell him that choice is right here, because if Mr. Pinchback is rejected, Mr. Eustis will come in.

Mr. PADDOCK. In referring to the case of Mr. Eustis I only intended to mention it incidentally. I simply remarked, that as I understood the case of Eustis, in the event of a choice being absolutely required between these men, I should vote for Mr. Pinchback.

Mr. MORTON. I understood it precisely in that way. If Mr.

Pinchback was not elected, there was a vacancy when the last Legislature of Louisiana met about three months ago; and that Legislature had a right to fill it, unless my friend is driven to this extremity, that to justify himself in excluding Mr. Pinchback, he is bound to say that the present Legislature is illegal; and then he will be bound to say that the next one is illegal to keep them from electing a democrat at the next session; and therefore Louisiana is to be permanently dis-franchised. For my part I do not intend to stultify myself in that

Mr. PADDOCK. I desire simply to state that, as I understand, there was not a legal joint convention at the time that Mr. Enstis claimed to be elected.

Mr. MORTON. It is not necessary for me to give any opinion upon that question now. If the Legislature did not comply with all the terms, they have a right to elect a democrat when they come together; and if you strike out the name of Eustis and insert that of Marr or some other man, it comes to the same thing; it is a choice after all between Pinchback and a democrat, and a confederate democrat, too, at that. My friend says, as a choice between evils, he would take Pinchback. I tell him the choice between evils is here to-day; and if Pinchback is rejected, Eustis or some other man of the same proclivities, and perhaps history, will come here, and he will

Mr. President, there is one radical difference between the republi-Mr. President, there is one radical difference between the republican party and the democratic party. If the democratic party have doubts in regard to any matter, they cast them in favor of the democratic party. If my republican friends have doubts, they cast them always in favor of the democratic party; so that the democratic party, like the defendant in a criminal case, gets the benefit of all doubts; and my friend from New York [Mr. Conkling] suggests it is entitled to them for the same reason. [Laughter.]

Mr. SAULSBURY. Will the Senator allow me to ask him a ques-

tion? I want to inquire whether the Senator from Indiana is ever

troubled with any doubts?

Mr. MORTON. I have very often doubts. I have a great many doubts in regard to the democratic party under any and all circumstances. I have, indeed. But, Mr. President, where the case was even as my friend from Illinois said, other circumstances being equal, I believe I should follow the democratic example and cast the doubts in favor of my own party; in favor of sound principles; in favor of sound government; in favor of the preservation of this Republic. But some of our republican friends take the other view of it: if they have doubts they have got to give the democratic party the benefit of them, and they stand up so perfectly straight that they lean a little over backward.

Mr. President, something was said about the colored people. My friend from Illinois struck the nail on the head precisely when he said that if this man Pinchback was a white man he would have been in his seat long ago. There is no sort of question about that. My friend his seat long ago. There is no sort of question about that. My friend from Connecticut answered by appealing to the case of the Senator from Mississippi, [Mr. BRUCE.] There was not even a technical objection to Mr. BRUCE's admission, nothing that a democratic Senator could even hang up his hat on, not the smallest peg. If there had been any sort of objection to Mr. BRUCE's admission, any objection, although purely technical, I am afraid he would have had consider-

able difficulty in getting in here.

Now, Mr. President, let me say that there are nearly one million of voters in this nation watching the result of the vote you are about to take here with the deepest possible interest. The colored men of this country understand this question better than you think they do. They understand that in 1873, when this investigation was ordered, the Kellogg government was in full force and operation. They understand that that committee reported a bill to set that government aside and to order a new election, and they know that this Senate voted that bill down, thereby recognizing that government and permitting it to stand, and they know full well, too, that, whatever doubts may have been raised in regard to the validity of Kellogg's election at that time, every one of them has been settled in his favor. They know that a democratic House of Representatives has been constrained to acknowledge that he was the governor of Louisiana de jure and have seated six members of the other House upon his certificate alone. They know that this Senate has recognized him as governor in the broadest and most unequivocal manner. They know that the President has done so and has recognized the Legislature time and time again. They know that the supreme court of Louisiana, the last arbiter in regard to all questions arising under the constitution and laws of Louisiana, have time and time again recognized that takes of Louisiana, have time and time again recognized that every department of the State government of the State of Louisiana has thus been recognized, that hundreds of laws have been passed which are now in full force, that that Legislature proposed amendments to the constitution which have been adopted by the people. They understand that practically that Legislature and that government have been recognized for every purpose except the single election of Pinchback. When they understand all this, and then find Pinchback rejected, they will come to the conclusion that there

our democratic friends have enjoyed this occasion from the first.

They can sit back here, for their battle has been fought for them bravely. They are a unit. They are a guard in reserve. They vote solidly and without question; they are troubled by no doubts and by no scruples. My friend from Delaware inquired whether I ever had doubts. I might turn back and ask him the question whether my democratic friends have doubts as to any question between a republican and a democratic candidate for the Senate?

Mr. President, I have said all I care to say. This is a political question as well as a legal question, and the settlement of this question against Pinchback, I undertake to say, will have political conse-

against Pinchback, I undertake to say, will have political consequences far-reaching.

Mr. EDMUNDS. Mr. President, the Senator from Indiana has at last apparently abandoned the field of the Constitution and of the law, and has gone into the region of political considerations, one in which everybody in this country knows he is pre-eminent; and the political considerations are that the people of this country are to believe, if I correctly understand him, that this man is to be voted against by those who do vote against him because he belongs to the colored race. I dislike very work to alluda to political considerations but in self-dadislike very much to allude to political considerations, but in self-defense I think I must for a single moment. I do not allude to them for anybody else except for myself and my colleague. Are we actuated by political considerations on account of the color of this man? Why, Mr. President, when the honorable Senator from Indiana himself was the chief among the men of Indiana, and when its laws condemned men on account of their color and put them outside of it-I do not say that he was a party to those laws, but I speak in a large way of public sentiment and political considerations—the little State which my colleague and myself have the honor to represent, uniting both democrats and whigs long before 1840, in its Legislatures, year after year, was passing resolutions and sending memorials to the Congress of the United States, sitting not in these Halls but in the halls they convided mystering against always as a given and grainful they then occupied, protesting against slavery as a crime and against discriminations of men on account of their race and their color. I must beg leave to say to my honorable friend for one that I do not

believe myself that the small body of people whom we represent will be largely disturbed by the fear of the honorable Senator from Indiana that we are voting against this man on account of his race! I have said nothing about his race or his color. I confess that I would not vote to admit him a single moment sooner because he is colored. Neither would I vote not to admit him a single moment sooner because he is colored. Everybody of the people in the State I have the honor in part to represent, without respect of party, has always protested against discriminations of that character; and now we are to be brought up to public condemnation on the ground that we do not admit a man because he happens to be one color rather than another.

Mr. President, to borrow a phrase which has become common and very expressive here, "that won't do." I do not believe that the Senfrom Indiana will persuade any republican, I am quite satisfied that he will not persuade me, to vote for this man, believing that he has not been elected, because he happens to be of a different color from that of the large part of my people. I do not believe he will terrify any persons except those who have made up their minds to be terrified in advance by talk of that character. And I do not believe that anybody is going to be affected—I certainly hope not—by that other consideration to which the Senator has seemed to allude: that the consequence of declaring that this man has not been elected may be that at some time or other in the future a person of different political

opinions may come here as a Senator.

Is the Senator himself prepared to decide upon credentials on grounds of that kind? "I pause for a reply," as the expression is. He certainly is not. He would scorn it as soon as any man. We all know that he would. This man is not elected a Senator because he is a republican. If he is elected Senator at all he is elected because he has received a majority of the votes of a lawful legislature. cause he has received a majority of the votes of a lawful legislature, and he would have been elected just as much had he been a democrat in case he had received the same vote of the same legislature. Can there be any question about it? Where then is the place, in honesty, in law, or in public policy, that these political considerations are to come in? To what point in this argument are they devoted? Nobody states to us, nobody can state to us; but they are swung about our heads here like a cloud that is to terrify us into believing what we do not believe, and like a cloud I think they will go way.

I do not want to spend your time, sir; this case has been so long pressed, and so much pressed by my friend from Indiana who gave us notice day before yesterday that he wished us to sit here until it should be done, and I hope we shall now. I do not desire to delay his wishes a single moment on this subject, to have this matter determined here and now, except to say one or two words in respect to what is called the Spencer case and the Robbins case. They are said

to be precedents, and that we are overriding those upon which Senators now rely in deciding against this claim.

It is not now really pretended by any body, as it has not been so far as I know before, that any one of the matters reported by the Senafor from Indiana and the Senator from Illinois was incorrectly reported. O, no, it is not pretended that any one of the conclusions to which that committee came, derived from those facts, as distinguished from their proposition to pass a bill, is incorrect. Nobody has said that. But we have fallen under two precedents which require us to swear this man in and try the question as to whether he has a Legislature behind him afterward.

Now what was the Robbins case? A Legislature existing under the Now what was the Robbins case? A Legislature existing under the charter government of Rhode Island, legally elected, without any question by anybody, constituting the rightful Legislature of that State, and without any prohibition in the charter of Rhode Island against its continuing itself beyond the period for which it had been elected, undertook to do it. I do not say that it had the legal right to do it; I do not say that it had not; but it did undertake to do it, and no citizen of Rhode Island protested against it. It was the same peaceful, orderly government elected by the people that it was before; but it held over, exercising powers longer, as it was claimed, than it ought to have done. If there was or could be at that time any government in that State, it was the government constituted by that Legislature. ernment in that State, it was the government constituted by that Legislature and by its governor. In that state of things the time came when, according to the Constitution of the United States, it was neceswhen, according to the Constitution of the Chited States, it was necessary for that people to elect a Senator. That Legislature did it, and this body held that it was rightfully done, and being done it bound the people, and the succeeding Legislature elected by the people could not undo it. What parallel is there between that case and this? Nobody has undertaken to try to point out a parallel, and I venture to say there is not any; there is not one point, so far as I can understand it, in the two cases that is alike. I need not stop to point out the differences; they are absolutely patent. In one case you have undisputed a state of revolution and turbulence, contending factions by force and by fraud, with the sad intervention of the armies of the United States in the midst of it. In the other case you have a peaceful and orderly progress of a body elected confessedly according to law and all the people, holding, as it is claimed but not proved, longer than under whatever constitution—if you call it that—they had would allow. My honorable friend from Rhode Island [Mr. ANTHONY] says it was the best constitution in the world. I do not ANTHONY I says it was the best constitution in the world. I do not know but that it was. If it was I am not quite sure that that proves that Pinchback was elected. I do not see that it does really.

The Spencer case, as it is called, is the other precedent. I unhappily was not able to be present in the Senate when Mr. Spencer was

sworn in. I do not know precisely what took place, but I know, in a general way, what the state of the case was, and it was this: The body of men who elected Mr. Spencer were, with two or three exceptions—I do not remember the exact number—confessedly, legally, regularly-elected members of that Legislature; they had the proper certificates in their hands; and, being prevented by force or intimida-tion from occupying the particular building in which the Legislatures had assembled, they occupied another in the same town, which often happens from motives of convenience when the capitol has been burned down, as has happened in my State; the Legislature has met in a church near by. I never heard any lawyer or anybody else say that that made the slightest difference with the regularity of the body. Here, then, in the case of Mr. Spencer, and I am quite sure I am right, for I think I was spoken to on the subject in the time of it—

Mr. MORTON. Will the Senator allow me?
Mr. EDMUNDS. With pleasure.

The Senator is mistaken as to the precise point in Mr. MORTON. the matter. In Alabama there were two Legislatures, one of which elected Mr. Spencer and the other Mr. Sykes. When Mr. Spencer brought his credentials here objection was made to his taking his seat on the ground that he was not elected by the Legislature of Alabama. The Senate decided, after two or three days' discussion, that, inasmuch as he held the credentials of the governor of the State, he was entitled to take his seat, and the question as to whether he was elected by the Legislature of Alabama was to be decided afterward, whether it was the court-house or the capitol legislature. Just so in the Potter and Robbins case from Rhode Island. The question was made in advance that Robbins was not elected by the true Legislature, but the Senate

determined they would seat him first and try that question afterward.

Mr. EDMUNDS. Ah! Mr. President, were there two Legislatures in Alabama? I must be excused if I differ with the Senator. There was only one Legislature in Alabama if there was any at all.

Mr. MORTON. There were two bodies of men, each claiming to be the Legislature, and which one was the Legislature was not determined until afterward. That is the point.

Mr. EDMUNDS. That is the Senator's point, but it does not happen to be borne out by the law or the facts. I do not know that that makes any difference to him; but I think it does make considerable difference

Mr. MORTON. It is borne out precisely by the facts. Mr. EDMUNDS. I do not care if there were a hundr I do not care if there were a hundred bodies of men, or five hundred, that called themselves legislatures; I take it that did not make them so. There was only one Legislature in the State of Louisiana, and I undertook to show the other day that we were bound to know, and did know in every legal sense, which that Legislature was, what was the body in a State in respect of its being the constitutional Legislature of that State; and I gave reasons for that opinion; and although the honorable Senator from Indiana has addressed us two or three times since that, I have not had the honor to hear or to read in the reports of his remarks in the RECORD any contradiction of that proposition. The honorable Senator is too good a lawyer and too great a statesman to get into a dispute on that subject.

Now I find by the Journal of the Senate that instead of the Senate contradictions.

Now I find by the Journal of the Schate that income prima facie ate's declaring that Mr. Spencer was either Senator or prima facie Senator, they merely declared that he should be sworn. What right has the Senator from Indiana to say that they declared that he should be sworn upon one ground or another ground? He may have been sworn upon one ground or another ground? He may have been sworn upon one ground that was perfectly satisfactory to my friend; he may have been sworn upon another ground that was perfectly satisfactory to the Senator from Maine, [Mr. Morrill,] whom I take only for illustration. What does that prove? There being no declaration, as in this case, that this man is to be entitled for six years, it simply proves that for one reason or another commending itself to the judgment of a majority of this body it was right to swear him in simply and solely. Then we looked to what the case was. I repeat, and the Senator has not denied it and I do not want it put out of sight, that the body of men that elected Mr. Spencer were at that time unquestionably holding, with the exception of two or three, the certificates from the original sources according to the laws of Alabama.

Mr. MORTON. Will my friend allow me? We found out that fact

about six months after he took his seat.

about six months after he took his seat.

Mr. EDMUNDS. The honorable Senator from Indiana may have found it out then; I do not know whether he would ever have found it out if he had not inquired; but he still does not come to the point of the public information that we knew just as well at first as we did afterward, and whether we actually knew it or not made no difference if it was true. The law may be ascertained in ten years after a litigation, but it has been the law all the time, and there it So it was a fact, a public fact well known to everybody, that stood. So it was a fact, a public fact well known to everybody, that the body of men that elected Mr. Spencer was the Legislature of Alabama, if there was any Legislature at all in that State, and it was conceded that there was, for it was a regular election, and there was a mere contest in three or four or five disputed cases. We all perfectly well knew as a public fact that that body of inen was and ought to be the Legislature, and that it was by the sheerest and most barefaced fraud and misconduct that credentials had been withheld from two, three, or four men who sat in that body. How is it in Louisiana? The body of men who elected Mr. Pinchback was composed constitutionally of about one hundred and five or one hundred and six members of the house of representatives, and I have

forgotten how many senators, thirty or forty, or whatever the number may be; and there was not a quarter of them in either body. I am now using the word "quarter" in a general sense; I am not sure am now using the word "quarter" in a general sense; I am not sure about the exact proportion, but there was very much less than half (which is enough on the subject of a quorum) who had any pretense of being elected except that found in the report or certificate of the Lynch board. That is the difference.

So, then, the case of Alabama and the case of Louisiana are wide

So, then, the case of Alabama and the case of Louisiana are wide apart, let me tell the Senator from Indiana; and if he will pardon the illustration, I will say as wide apart as was the case of the two donkeys, who, according to the old fable, once had a confabulation. One donkey, being laden with bags of salt, marched through a deep brook and wet the salt. He found that his load as he went on grew lighter. He told his remarkable discovery to another donkey who was laden with wool, and he marched through a very deep brook, and he found that his load was a good deal heavier. Now, it may be salt for Alabama, but it is certainly wool for Louisiana. The loading is entirely under different circumstances and is to be followed by an entirely under different circumstances and is to be followed by an entirely different result, if we follow the Constitution and the law.

Then, Mr. President, in my judgment—and I say it with great deference—we are not violating any precedent in the Robbins case or any precedent in the Spencer case; we are acting in entire harmony with both those cases; we are acting in entire harmony with the report of the honorable Senator himself; for I wish to call it once port of the honorable Senator himself; for I wish to call it once again to the attention of the Senate, not by way of criticising or condemning anybody for changing his opinion, but by way of recalling the attention of the Senate to the facts in respect to which none of these gentlemen say they have changed their opinion. What is stated in that report, agreed to in that respect by everybody? That this Lynch board, in order to fight the devil with fire, in order to make up this legislature, resorted to what? It is sworn to by witnesses of our own party that they were determined to make a republican legislature, no matter what the returns were. That the report says on the testimony of Bovee, and it is the testimony of Bovee. Accordingly they forced affidavits by the thousands, by the bushel, and on those they forged affidavits by the thousands, by the bushel, and on those affidavits they issued these certificates. If that makes a legislature, it does not make a legislature for me. But I did not intend to take up as much time as I have.

Mr. MORTON. Mr. President, one word. My friend is usually clear upon questions of law; but I think he was not to-day. Just let me state the Alabama case again, and I do not think it can be concealed for a moment that in rejecting Pinchback you trample down the precedent set by this body in the Alabama case. In Alabama there were two legislatures in session at the same time, or two bodies, each claiming to be the Legislature. It was a very nice question. Mr. Spencer came here with a certificate signed by the governor. He was about to be sworn in. Objection was made, and a motion was made to refer his credentials to the Committee on Privileges and Elections to examine the question which was the Legislature of Alabama. The Senate said, "As he has the certificate, we will not refer it; we will admit him." He was admitted; but that was not the form of the resolution; but we refused to refer the credentials, and then he was sworn in. After that the investigation was instituted, and at the end of five or six months the report was made that that body by which SPENCER was elected was the Legislature of Alabama. If my friend from Vermont says that he knew all the facts going to show that it was the Legislature of Alabama from the beginning, he knew a great deal more than I did or a great deal more than the body of the Senate did. It was after a long examination and the sifting of the testimony that we came to determine that he was elected by the Legislature of Alabama.

In the Potter and Robbins case the Legislature of Rhode Island had extended its own existence one year by a joint resolution, a very doubtful proceeding, a question of doubtful power; and, after doing that, elected Mr. Robbins to the Senate. He came here with his credentials. Objection was made. In the mean time there had been another election, and a Legislature, undoubtedly legal, had been chosen; and that Legislature had elected a Senator. The Senate said, inasmuch as Mr. Robbins comes with the certificate of the governor, we will seat him, and will examine the question afterward whether he was elected by the Legislature of Rhode Island.

It is impossible to distinguish those two cases in principle from the one before us; and to reject Pinchback upon this testimony is to trample down the rule established by the Senate. No sort of skillful, special pleading, no fine distinctions can evade that responsibility. To reject this man, we have to trample under foot the fundamental law of this body, recognized more than half a century ago.

Mr. EDMUNDS. Mr. President, a single word only, because I am delaying the consummation of the wishes of my friend from Indiana

too long in having this matter brought to a vote. I would like to ask a question of the Senator from Indiana; no, I will not ask him, because that would seem to imply that I shall compel him to make another speech. I wish, however, to call the attention of the Senate to one point: I have nothing more to say about the Alabama case or the Robbins case; but—and to comes to my mind from what he has said—I inquire how it happens that when this same body of men sent here the credentials of John Ray, under the same signature of the governor, so called, under the same great seal of the State, elected by this same body of men—and I am not sure but on the same day that Mr. Pinchback was; certainly within a day or two—under the same course of procedure, the one for the short, the other for the long term,

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and when those credentials were presented at the same time that Mr. Spencer's credentials were presented, everybody unanimously agreed that the credentials from Louisiana should go to a committee, and the majority agreed that the credentials of Mr. Spencer should not? Was there not a difference in the judgment of the Senate between the two cases? Why did not the honorable Senator from Indiana get up two cases I Why did not the honorable Senator from Indiana get up and say "Here is a prima facie case; here is the great seal of the State of Louisiana; here is the governor of Louisiana de facto, at any rate, upheld by the courts," as he says in the very report to which he appended his name? Why did he not say it? Because in respect of the State of Louisiana everything was abnormal. It did not fall within the line of any precedent wherein we thought the public safety would surported up to take any step until we should have consafety would authorize us to take any step until we should have con-

sidered what the law and the public safety required.

Mr. President, it is perfectly incomprehensible to me that we are to make fish of one of these men and flesh of the other on what is called make usin of one of these men and ness of the other on what is called a prima facie case, or under the great seal of the State, or the signature of Governor Kellogg. But the honorable Senator says all this has been confirmed by somebody. I did not know that the House of Representatives could confirm anything for us on a question of this kind; and I have a vague impression that there is a very high principle of parliamentary law that does not even allow a Senator to allnde to the proceedings or the decision of another House with a view to influence the decision of this body. And yet the most powerful and urgent appeals which the Senator from Indiana has felt compelled to make to us in favor of this man have been based on the fact that somebody in the House of Representatives, or the whole body of the

House of Representatives, has done something that he construes, erroneously in my opinion, to be in favor of his view, as a guide to us.

Mr. President, a case that must resort to that species of pressure must lack a good deal of essential ingredients. If there is any one thing which is to make this Government secure under the law and the Constitution, it is that every department of the Government, as was stated by the Supreme Court in a case to which I alluded the other

day, should do its duty upon its own solemn responsibility, uninfluenced, except so far as the reasons given are influential, by the judgments or opinions of any other body.

Mr. MORTON. Mr. President, one word in regard to John Ray's case. The Senator says "John Ray was our man, was he not?" I should have supposed the Senator would hardly claim John Ray under the circumstances; but leaving that aside my friend I think der the circumstances; but leaving that aside, my friend, I think, must remember the history of that transaction. The committee reported in the first place that the election was void for fraud; they reported also a bill to set aside the Kellogg government and order a new election; they also reported back the credentials of Ray to lie on the table.

Mr. EDMUNDS. But the Senator misses the point. My point sugested to him was, how it happened that we referred the credentials of Ray when presented, before the report, when we did not refer the credentials of SPENCER?

Mr. MORTON. We did it for this very reason: At the time Ray's credentials came here it was doubted whether Kellogg was governor of Louisiana; that was the very thing in dispute at that time

Mr. LOGAN. Will the Senator allow me to make a suggestion? Mr. MORTON. Yes, sir.

Mr. LOGAN. The reason they were referred was this: Mr. Ray's credentials were signed by one governor and Mr. McMillen's were signed by another. Each was signed by a different man claiming to be governor. That was the reason the matter was referred, to determine that question.

Mr. MORTON. At the time Ray's credentials came here it was denied that Kellogg was governor, and the committee was examining that very question among others. The committee reported that the election was void, reported a bill ordering a new election and setting aside the Kellogg government, and also reported back Ray's credentials to lie on the table. The first thing the Senate did was to take up the bill ordering a new election and setting aside the Kellogg government. We debated that bill at great length. We decided that question just three days before the adjournment of Congress. The bill was voted down, and the Kellogg government was sustained by

the Senate refusing to take action against it.

Mr. EDMUNDS. Is that a sustaining of a government?

Mr. MORTON. Practically it was a sustaining of it, because it defeated the bill proposing to set it aside, and I take it that was sustaining it. At that period of the session there was no time left to take up the question of Ray or any other senatorial aspirant; we had barely time to get the appropriation bills through, as every Senator then a member of this body will remember.

Mr. ANTHONY. I had not intended to take part in this discussion,

nor do I propose now to detain the patience of the Senate except for a few moments; but some remarks have been made in the course of this debate, particularly in the latter part of it, and some magisterial rebukes have been administered, that I do not like to sit down under, entirely in silence.

The report of the committee on Louisiana affairs in February, 1873, has been quoted here, and the names of the Senators appended to it have been repeated so often, that even mine may not have altogether escaped the attention of the Senate. To that report, with much reluctance, and under a sort of protest-it would not be proper to repeat what was said in the committee, but what I said in the Senate is recorded in the

Globe—I assented. It was with great reluctance that I agreed to the proposition of the committee, that an election should be held in the State under the direction of the Federal Government. The report stated that there was no legal State government in Louisiana, and recommended a bill for an election under the direction and the protection of the Federal Government. It was a very grave responsibility, a very dangerous precedent, to apply the power of the Federal Government to a State election; but under all the difficulties that surrounded that case, with the obstacles which were interposed at every outlet from these difficulties, it seemed to me that the course proposed, although full of objection, was the least objectionable. The Senate refused to pass that bill; the Senate refused to say that there was no legal government in Louisiana. It followed then, it seemed to me, that there was a legal government in Louisiana. Two seemed to me, that there was a legal government in Louisiana. Two organizations professing to be such government existed. One of them was forced or attempted to be forced upon an unwilling and a resisting people by such fraud, corruption, and violence, by every moral offense and every legal crime, from lying to murder, as never before made a mockery of a popular election. The other organization, in my judgment, represented the will of the people of Louisiana; but the expression of that will in a legal form was, in a great degree, hindered by fraud and by violence; and the forms of law are a part of the law, and are, sometimes, almost as essential as the laws themselves, to the preservation of liberty and of good government.

and are, sometimes, almost as essential as the laws themselves, to the preservation of liberty and of good government.

Compelled then to choose between those two, I selected the one which I thought represented the popular will. Subsequent to that report, a decision of the supreme court of Louisiana practically affirmed the validity of that government. It has been argued here with a force that was hardly necessary for so evident a proposition, that we are not bound by the decision of the supreme court of Louisiana. Of course we are not bound by it. We are the sole judges of the elections, returns, and qualifications, of members of this body. We are not bound by the supreme court of Louisiana, nor by the Supreme Court of the United States, nor by any power whatever; but it is natural that we should pay respect to the judgment of such a tribunal. If it be an inconsistency to hold to one opinion in 1873, and in the light of further argument and of further reflection and of further facts, or rather further argument and of further reflection and of further facts, or rather of a further argument and of further reflection and of further facts, or rather of a further acquaintance with facts which had taken place before, to hold to a different opinion in 1876, I shall not detain the Senate with any defense of it. And if it is held by anybody that such a change, whether on good ground or not, may not be an honest and an intelligent one, I shall not weary anybody's attention with a defense. But it was not upon this point that I rose to speak. I do not propose to enter upon the argument which has already been exhausted.

I have been provoked to speak, at this late period of the debate, by the speeches of some of the Senators, which assume, as a matter of course, that we all believe that Mr. Pinchback was not legally elected, and that we were voting for him from political considerations. I do not feel called upon to plead to that indictment. If I did, I might find some defense in my record. In the time, now more than seventeen years, of my service here, I have been called upon to vote in many contested elections. When Mr. Stockton came here, with the broad seal of the State of New Jersey upon his commission, and with the authentication of his election by the Legislature of that State, it was a time when we all desired very much indeed to add a republican Senator to this body; much more so than anybody desires it now, on political considerations. The general judgment of the party with which I acted was against him. It was my opinion that he was legally elected,

acted was against him. It was my opinion that he was legally elected, and with very few republican Senators I voted for him.

Mr. EDMUNDS. And you turned out to be right.

Mr. ANTHONY. I thought so then, and on that point I have not had occasion to change my mind. Some of the Senators against whom I voted very reluctantly were as good lawyers and as wise men as any who were then members of this body. When Mr. Thomas came here, with the broad seal of the ancient Commonwealth of Maryland, and when a majority of the republican Senators voted against his admission, on account of an act of alleged disloyalty it was my independent. and when a majority of the republican Senators voted against his admission, on account of an act of alleged disloyalty, it was my judgment, against that of the greater part of my friends, that the act was not a disloyal one, and I voted to give him his seat. And when the contest took place between Mr. Abbott, a republican, and Mr. Ransom, a democrat, claiming a seat in the Senate from North Carolina—in that case I acted with a large part, if not a large majority, of the republicans—I thought the seat belonged to Mr. Ransom, and I so voted. If, therefore, these instances may not pardon my offense now, I at least hope that, having voted to seat three democrats here, two of them against the judgment of nearly all my political friends, it may be some mitigation of the punishment due to me for voting to seat a republican, when I am so fortunate as to agree with the greater part of my political friends.

I do not charge the Senators on the other side with being influenced by their political prejudices. We are all liable unconsciously to be influenced somewhat by our political prejudices; but I do not believe that they vote against Mr. Pinchback on account of his race or color. I believe they vote against him because they think he is not

or color. I believe they vote against him because they think he is not entitled to a seat, and I am sure that our friends on this side, who vote against him, must vote from the most conscientious motives, because their preference would be to seat him. But the same credit that I give to the motives of others I claim for my own, and for those with whom I vote. I do not think that Senators upon this side of the Chamber should charge us with being governed by any other than

pure motives for the vote which we give. I claim from them the

My friend from Michigan, [Mr. Christiancy,] who yesterday administered a very severe rebuke to all of us, is learned in the law; he made an able and logical speech, to which I listened with attention; but I did not feel that I was entitled to the rebuke with which he closed that speech when he asked who of us would vote for Mr. Pinchback if he was a democrat; because, learned as my friend is, he does not hold all the law of the Senate; some drops from that overflowing cup have fallen upon the humbler heads of the Senator from New Jersey, [Mr. Frelinghuysen,] the Senator from New York, [Mr. Conkling,] the Senator from Iowa, [Mr. Wright,] the Senator from Wisconsin, [Mr. Howe,] the Senator from Indiana, [Mr. Morton,] and the Senator from Ohio, [Mr. Sherman,] and others who agree with me. The wisest of us are liable to error, and upon one side or the other a large minority of the Senators must be in error upon this question; but I submit that, if the wrong be on our side, the offense is not such a manifest dereliction of duty as to call for imputations upon our motives.

Let our arguments be answered; they may be wrong. Let our facts be denied; they may not be sufficiently grounded. But we are entitled to a candid and honest consideration of our motives. And to those who look down upon us from such an elevation of law and morals, I venture to suggest that, if no respect for the judgment, if no consideration for the weaknesses of others can temper the severity that belongs to so great consciousness of superior wisdom, surely some quality of charity might descend to connect such lofty virtue with

the frailties of our common humanity.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Vermont, [Mr. EDMUNDS,] to insert the word "not" before "admitted;" upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BOGY, (when his name was called.) I am paired with the Senator from Mississippi, [Mr. Alcorn.] If he were here he would vote against the amendment and I should vote for the amendment.

Mr. BOOTH, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. OGLESBY.] If he were here he would against the amendment and I should vote for it.

Mr. CAMERON, of Wisconsin, (when his name was called.) On this question I am paired with the Senator from New Hampshire, [Mr.

WADLEIGH.] If he were present he would vote in favor of the amendment and I should vote against it.

Mr. GOLDTHWAITE, (when his name was called.) On this question I am paired with the Senator from Arkansas, [Mr. CLAYTON.] If he were here he would vote "nay" and I should vote "yea" on this amendment of the Senator from Vermont.

Mr. WRIGHT (when his name was called.) As I have stated on

Mr. WRIGHT, (when his name was called.) As I have stated on two occasions, I am paired with the Senator from Massachusetts, [Mr. DAWES.] If he were present he would vote "yea" and I should vote 'nay" on this amendment.

The roll-call having been concluded, the result was announced—yeas 32, nays 29; as follows:

YEAS—Messrs. Bayard, Caperton, Christiancy, Cockrell, Cooper, Davis, Dennis, Eaton, Edmunds, English, Gordon, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Merrimon, Morrill of Maine, Morrill of Vermont, Norwood, Paddock, Itandolph, Ransom, Saulsbury, Stevenson, Thurman, Wal-

mont. Norwood, Paddock, Randolph, Ransom, Sanisbury, Stevenson, Thurman, Wallace, Whyte, and Withers—32.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Cameron of Pennsylvania, Conkling, Conover, Cragin, Dorsey, Ferry, Frelinghuysen, Hamilton, Hamilin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morton. Patterson, Sargent, Sharon, Sherman, Spencer, West, and Windom—29.

ABSENT—Messrs. Alcorn, Bogy, Booth, Burnside, Cameron of Wisconsin, Clayton, Dawes, Goldthwaite, Oglesby, Robertson, Wadleigh, and Wright—12.

So the amendment was agreed to.
The PRESIDENT pro tempore. The question is on the resolution as amended.

Mr. MORTON. I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BOGY, (when his name was called.) On this question I am paired with the Senator from Mississippi, [Mr. Alcorn.] If present he would vote "nay" and I should vote "yea."

Mr. BOOTH, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. OGLESBY,] as I have be-

fore stated.

Mr. CAMERON, of Wisconsin, (when his name was called.) I have already stated that on this question I am paired with the Senator from New Hampshire, [Mr. WADLEIGH.]

Mr. GORDON, (when Mr. CLAYTON'S name was called.) I was requested by the Senator from Arkausas [Mr. CLAYTON] to state when his name was called that he was paired with the Senator from Alabama, [Mr. GOLDTHWAITE.] If he were here he would vote "nay" and the Senator from Alabama would vote "yea."

Mr. WRIGHT, (when his name was called.) The pair to which I have referred with the Senator from Massachusetts [Mr. DAWES] applies upon this question as upon the preceding one.

plies upon this question as upon the preceding one.

The roll-call having been concluded, the result was announced—yeas

32, nays 29; as follows:

YEAS-Messrs. Bayard, Caperton, Christiancy, Cockrell, Cooper, Davis, Dennis, Eaton, Edmunds, English, Gordon, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Mcrrimon, Morrill of Maine, Morrill of Vermont,

Norwood, Paddock, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Wallace, Whyte, and Withers—32.

NAYS—Messrs. Allison, Anthony, Boutwell, Bruce, Cameron of Pennsylvania, Conkling, Conover, Cragin, Dorsey, Ferry, Frelinghuysen, Hamilton, Hamilin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Logan, McMillan, Mitchell, Morton, Patterson, Sargent, Sharon, Sherman, Spencer, West, and Windom—29.

ABSENT—Messrs. Alcorn, Bogy, Booth, Burnside, Cameron of Wisconsin, Clayton, Dawes, Goldthwaite, Oglesby, Robertson, Wadleigh, and Wright—12.

Resolved, That P. B. S. Pinchback be not admitted as a Senator from the State of Louisiana for the term of six years beginning on the 4th of March, 1873.

## ADMISSION OF NEW MEXICO.

Mr. HITCHCOCK. I move that the Senate proceed to the consideration of the bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government and for the admission of the said State into the Union on an equal footing with the original

The motion was agreed to.

## EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened, and (at four o'clock and forty minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

# WEDNESDAY, March 8, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

# SELECT COMMITTEE ON TRIALS FOR WHISKY FRAUDS.

The SPEAKER announced the following as the members of the se-lect committee ordered by the House for the investigation of matters connected with the so-called whisky suits and the Attorney-General's

Mr. Knott, of Kentucky; Mr. Harris, of Virginia; Mr. Glover,

of Missouri; Mr. Cochrane, of Pennsylvania; Mr. McMahon, of Ohio; Mr. McCarry, of Iowa, and Mr. Plaisted, of Maine.

Mr. HARRIS, of Virginia. As chairman of the Committee on Elections of this House, every moment of time which I can spare for the publice service out of this Hall, in fact more time than I can give to it is recovered for that committee. to it, is required for that committee. If I go into this investigation I must neglect the one committee or the other. I dislike to be in a situation where I cannot discharge my whole duty. I therefore must ask the House to excuse me from service on the select committee just announced.

The SPEAKER. If there be no objection, the gentleman will be excused, and the Chair will announce the appointment of some one to fill the vacancy during the day.

There was no objection.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, informed the House that the Senate requested the return of the follow-

A bill (S. No. 438) for the protection of agriculture against injuri-

ous insects.

The SPEAKER. If there be no objection the request of the Senate will be complied with and the bill returned.

There was no objection, and it was so ordered.

# CONGRESSIONAL RECORD.

Mr. HOAR. I rise to a question of privilege. I observe in the RECORD of this morning, of the debates and proceedings of yesterday on the privileged question which was presented by the gentleman from Pennsylvania [Mr. CLYMER] and by his associates, that there has been added to the report of the debates by the gentleman from Mississippi, [Mr. LAMAR,] whom I regret not to see in his seat, a note explanatory of the position taken by the gentleman from Mississippi is that debate. in that debate. I observed the other day that the gentleman from Georgia [Mr. HILL] added to the report of the debate in which he took part a note giving a further and fuller extract from some document that he had previously cited.

Now, I do not claim for a moment that either of those gentlemen intended to commit any impropriety, or that anything in the addition which they made to their remarks in either case would be in the least which they made to their remarks in either case would be in the least unpleasant or disagreeable to the House or to any person who took part in the debate. But it is obvious that the correctness of this record of the debates, its absolute fidelity, is the protection and the only protection of all of us in our public lives here against misrepresentation elsewhere. One of two things must exist: we must be judged by the country from newspaper abstracts, sometimes misunderstanding, sometimes misrepresenting what we say, or we must have this an absolutely faithful record, to which for our vindication we can at all

times appeal for what actually took place in the House, with its defects, its merits, its literal accuracy.

I have therefore taken an occasion when there is no personal ground for complaint of the gentlemen for what they have done, to arrest in its inception the practice of adding anything—I do not speak now of grammatical or slight corrections which do not change the substance the practice of adding, as a note or as a matter of substance, anything to the record of our debates, as a violation of the privileges of this House. And I am sure that the two gentlemen to whom I have referred will be among the first to recognize and to insist upon this which is so important to all of us.

Mr. COX. In reply to the gentleman from Massachusetts, I beg to say that sometimes these difficulties about the RECORD come from

the reporters, though very rarely.

Mr. HOAR. The gentleman perhaps did not understand the fact which I stated.

Mr. COX. I did.
Mr. HOAR. It was the addition of a distinct substantive note.
Mr. COX. I hold it a rule never to change the RECORD, whether

the case is one of personal colloquy—

The SPEAKER. The Chair desires the attention of the House for a moment. The attention of the Chair has been lately called to the fact that the space in the immediate front of the reporters' desk is very often occupied by persons who have no right to be there, and the ability of the reporters to hear the debates and proceedings of the House is thereby very much impaired. The Chair hopes that gentlemen, members of the House, will avoid that sort of obstruction hereafter. And the Chair especially directs that the door-keepers shall see that other persons are not allowed to gather about the desks of the reporters.

Mr. COX. I desire to say that a great deal of undue odium is placed upon members with reference to this RECORD. Now the gentleman from Massachusetts [Mr. Hoar] yesterday made, I think, a little mistake with reference to what he had said in the House when he declared that even if he were alone he would vote so and so. I have not been able to find that remark in the RECORD. I do not sup-

pose that he revised or altered it.

Mr. HOAR. No, sir; never.
Mr. COX. We all remember, however, that the other day the gentleman said that I had suppressed a very obnoxious word. I never saw the manuscript of the debate on that day and occasion; I never corrected my remarks, directly or indirectly. I suppose the reporters left out that remark from their own sense of propriety. For that they are entitled to my thanks. It is a rare thing to find our reporters at fault.

Now, what I wish to say to the gentleman is this: Many things occur in this House which are not placed in the Record—omitted by the reporters themselves. We must have some opportunity for revision. How far that should go ought to be regulated by some rule. If the gentleman will propose a rule and have it referred to the Committee on the Rules, I am sure that we will take it into consideration

and make a report.

Mr. HOAR. The point to which the gentleman from New York addresses himself is not the point I am now making. I am not referring to the revision of the grammar of speeches, or even the striking out of something a gentleman may have uttered in haste, and which he does not desire to have stand in the permanent RECORD as something which is to go to the country. That question stands on its own merits, whatever they may be. I am speaking of two cases in which there has been added to the RECORD a substantive matter of argument; in the case of the gentleman from Georgia, the simple printing in full of a few sentences to which the gentleman had alluded. Now, it might have been quite agreeable to me to have added also to that debate by printing in full several other extracts from the proceedings of the convention to which the gentleman from Georgia alluded. I am sure the gentleman from Georgia would have been very glad to have had me do it. There was no intention on his part to change his attitude in the debate, and he did not, in fact, change that attitude. As I said when I first mentioned this matter, there was nothing improper done by either of these two gentlemen; but I thought it proper to take an occasion when there could be no possible suggestion of any impropriety having actually been intended, to call the attention of the House to the fact that, unless we plant ourselves on the principle that this RECORD shall be a literal and exact transcript of the substance of

what we say here, we are all of us defenseless in regard to our public lives and our public history.

Mr. HILL. I appreciate the remarks of the gentleman from Massachusetts, [Mr. HOAR,] and I desire further to say that I made no alteration whatever in my remarks on the occasion alluded to. I read a portion of one resolution, and having only five minutes did not complete the reading of that resolution, simply intending to call at-

tention

Mr. HOAR. It is not a resolution; it is an extract from a long addres

Mr HILL. It is not exactly a resolution; it is an extract from the report. Well, after I was through the reporter sent for the book and wanted me to indicate the portion that I had quoted. I simply said (pointing out the language which subsequently appeared in the form of a note) that I thought it fair to print that much; that, though I did not read all that language, I referred or called attention to it. Mr. HOAR. Will the gentleman allow me to interrupt him one moment? I said (and I presume the gentleman so understood me) that I selected an instance in which there could be no possible suggestion of any impropriety, in order to call the attention of the House to the matter, rather than take an occasion about which there might

to the matter, rather than take an occasion about which there might be some feeling.

Mr. HILL. I appreciate the remark; I am not complaining of anything the gentleman has said.

Mr. HOAR. The addition made by the gentleman from Mississippi, which the gentleman may not have seen, is the statement that he was not aware at a certain time of a certain statute. Of course the House would be entirely willing in this case that such an addition should be made; every member would consent to it. But it changes the attitude of the debate.

Mr. HILL. There was nothing in my case that changed the atti-

Mr. HILL. There was nothing in my case that changed the attitude of the debate at all. I would have read the whole passage, except for the fact that I had but five minutes; and I thought it fairest, even with regard to the gentleman from Massachusetts, that I est, even with regard to the gentleman from Massachusetts, that I should simply say to the reporter that that whole quotation should be put in; for I stopped in my reading in the very middle of a line, simply intending to call the attention of the gentleman to it. The reporter, upon his own motion, and doubtless wisely, put the passage in a foot-note without any instructions from me. I did not know that it was to be there until I saw it in print the next morning. I did not see the report until I saw it published in the RECORD. I did not revise the manuscript at all in that case.

As to the other case the gentleman mentions I have nothing to say

As to the other case the gentleman mentions, I have nothing to say. The gentleman from Mississippi is not in his seat. But still I cannot see anything in that which changes the debate.

Now, on the general subject I would say that I concur with the gentleman from Massachusetts. I think alterations in speeches ought o be confined to such changes of phraseology as would strengthen the meaning of what was spoken and put it correctly before the House as it was intended by the speaker and as it was understood by the House. I concur with him fully that no change ought to be made which would change the character of the debate in the slightest de-

gree. My opinion is we ought not to change at all.

Mr. HOAR. I desire to state one fact to the House. About two
years ago one of the most influential and able newspapers in this country stated it would furnish to the people for five cents a day as much of the debates of Congress as it was desirable to have them see. We have no defense against that proposition except the literal fidelity

of this record of our debate.

# LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. Mr. Speaker, I desire to report from the Committhe on Appropriations the legislative, executive, and judicial appropriation bill for the next fiscal year. Prior to the presentation at the desk of that report I wish to say a word or two in explanation. This bill has involved a great deal of labor. I did not myself nor do I believe any of the members of the committee expected so intricate an investigation of the second second control of the committee expected so intricate an investigation of the committee expected so in t

investigation and arduous labor as have been imposed upon them.

We have been able to make full comparison with the estimates for next year and the appropriations of the current fiscal year. The estimates as furnished for subjects embraced in this bill from the Departments amounted to \$20,773,306.70. The appropriations for the purposes embraced in this bill for the current fiscal year were \$18,734,422.20.

The appropriations which we recommend for the adoption of the House are \$12,708,833,61... a radaction years the setimates of abort \$3,000,000. are \$12,799,833.61—a reduction upon the estimates of about \$8,000,000

and upon the previous appropriation of about \$6,000,000.

In addition to that we have laid the foundation of further reduction by appropriate legislation in this bill of more than \$5,000,000. So that, Mr. Speaker, we feel in asking the adoption of this bill by the House that we recommend a reduction in the aggregate which

will reach upon the appropriations for the current fiscal year a reduction of more than \$11,000,000 in this one bill.

It is due in this connection that I should state that these reductions ome from the Committee on Appropriations with almost unanimity. At the suggestion of the Military Committee, we recommend the Indian Bureau shall be transferred to the War Department. That will effect, in my judgment, a direct reduction of appropriation of \$1,000,000 in the Indian appropriation bill; and I have the authority of the Military Committee. of the Military Committee to state that in the judgment of Lieutenaut-General Sheridan a further reduction in that connection will be made in the Army bill of \$3,500,000.

We recommend the abolition of fifty-three special agents in the customs, because we believe them utterly inefficient or unnecessary. We have granted permission, or I am instructed to allow in reference to the Pension Bureau the chairman of the Committee on Invalid Pensions to offer two amendments, one looking to the payment of pensions directly from the Department here, which will, in the judgment of the chairman of that committee, save half a million of dollars, and the other looking to the transfer of the Pension Bureau from the In-terior to the War Department, which, according to the judgment of the Committee on Pensions. will save in the aggregate a clerical force of three hundred persons.

One word more. We have reached this result, Mr. Speaker, with almost unanimity, after much industry and great labor, which is most commendable. I am authorized to say there is no difference in the committee, among any of its members, in relation to the propriety

of these reforms and retrenchments with the exception of here and there a few propositions which the majority of the committee have ingrafted upon this bill, not to exceed in my judgment more than \$200,000 of further expenditure. I may say therefore that in the aggregate the millions saved by this bill have the unanimous recommend-

ation of the Committee on Appropriations.

I herewith submit for the information of the House a summary recapitulation showing a comparison of appropriations made in 1875—76, and the estimates for 1876—77, with what we recommend to be

appropriated for the fiscal year of 1876-'77:

Purpose.	Appropriated, 1875–'76.	Estimated, 1876–'77.	Recommended, 1876-'77.
For compensation and mileage of	100		
Senators	\$400,000 00	\$400,000 00	\$358,000 00
of the Senate	146, 068 80	146, 268 80	100, 150 00
For contingent expenses of the Senate	168, 640 00	147, 290 00	70, 790 00
For reporters of the debates and proceedings of Congress	25, 000 00	25, 000 00	22, 500 00
For Capitol police	52, 600 00	52, 600 00	28, 600 00
For compiling Congressional Di- rectory For compensation and mileage of	1, 200 00	1, 200 00	1, 200 00
For compensation and mileage of Members and Delegates	1, 650, 000 00	1, 650, 000 00	1, 459, 000 00
For compensation of officers,	1,000,000 00	2, 300, 500 00	2, 100, 000 00
clerks, and employés of the House	227, 074 70	222, 794 70	178, 890 00
For contingent expenses of the House of Representatives	208, 585 00	206, 085 00	121, 788 00
For office of Congressional Printer	17, 617 60	17, 614 00	13, 520 00
For Library of Congress and Bo- tanic Garden	66, 896 00	63, 986 00	43, 860 00
For the Executive	* 78,400 00	78, 400 00	53, 491 11
For the Department of State For the Treasury Department	217, 550 00 3, 530, 336 50	247, 110 00 3, 529, 940 50	123, 280 00
For the Independent Treasury For the expenses of collecting	445, 880 00	440, 880 00	2, 048, 502 50 318, 180 00
For the expenses of collecting the internal revenue	5 051 000 00	5 051 000 00	
For the mints and assay offices	5, 051, 000 00 1, 220, 145 00	5, 051, 000 00 1, 592, 945 00	3, 491, 000 00 728, 810 00
For territorial governments	351, 441 40	302, 765 50	181,700 00
For the office of Secretary of the Interior, including contingent		120 0 0 000	the signer
and general expenses of the		- 1	
Patent-Office building For the General Land Office,	161, 640 00	160, 640 00	103, 840 00
clerks, and contingent ex-			
For the Pension Office and con-	300, 960 00	300, 960 00	242, 380 00
tingent expenses	553, 580 00	633, 980 00	397, 020 00
For the Patent Office and con- tingent expenses	731, 400 00	689, 080 00	575, 060 00
For the Bureau of Education and contingent expenses	35, 570 00	47, 690 00	16,000 00
For surveyors-general and their			
For the Post-Office Department	151, 300 00	166, 400 00	139, 300 00
and contingent expenses For the War Department and	524, 452 00	581, 112 00	422, 122 00
contingent expenses	1, 133, 568 00	1, 159, 956 00	774, 720 00
For the Navy Department and contingent expenses	141, 240 00	143, 760 00	105, 150 00
For the Department of Agricul-	the selection of the se		
ture and contingent expenses For the United States courts, at-	185, 130 00	219, 740 00	153, 580 00
torneys, and marshals	395, 250 00	395, 450 00	394, 200 00
For the Court of Claims, contin- gent expenses, and to pay judg-		Sife unitari	
ments For the Department of Justice	435, 390 00	2, 035, 340 00	31, 640 00
and contingent expenses	126, 320 00	126, 320 00	98, 720 00
Total	18, 734, 422 20	20, 773, 306 70	12, 799, 883 61
For official postage-stamps			

Mr. HOLMAN. I trust my friend from Pennsylvania will allow me to add that it is believed that the transfer of the Indian Bureau to the War Department will in nowise affect the efficiency of the agencies heretofore used to civilize and ameliorate the condition of the Indians, but will leave in full force the peace commission, which has been heretofore resorted to as a mode of accomplishing that pur-

Mr. RANDALL. I would state in that connection that the appropriation for the peace commission is not embraced in this bill; but the judgment of the committee, as far as I am able to ascertain it, or at least of the majority of the committee, is that the peace commission be retained.

The SPEAKER. What is the request of the gentleman from Penn-

sylvania in regard to this bill?

Mr. RANDALL. I ask that the bill be committed to the Committee of the Whole House on the state of the Union, and that double the usual number of copies be printed. I also give notice that I will move on the day after to-morrow to go into Committee of the Whole for general debate upon this bill. It is the design of the committee, if possible, to go into the consideration of the details of the bill on Monday, and to proceed with it as far as we are able to do so without interruption until completed. The proposition is to allow general debate during the balance of this week. Mr. FOSTER. I hope the chairman of the Committee on Appropri-

ations will permit me to make a short statement.

Mr. RANDALL. Certainly.

Mr. FOSTER. The chairman of the committee has not overstated the amount of labor that has been performed to accomplish the result that has been brought before the House this morning in its report of the legislative, executive, and judicial appropriation bill. It is true that the minority of that committee have labored with the zeal attested by the chairman of the committee for the reduction of expenditures as stated by him. In accordance with the policy adopted by the republican party for the past several years, we have favored a reduction of expenditures. When we went into the consideration of this bill of expenditures. When we went into the consideration of this bill I am free to say that I believed that the chairman of the committee and the majority of the committee were proposing too radical and too great reductions. But I want to say to the House that investigation of the matter has induced me to believe that, generally speaking, the reductions proposed by this bill can be safely concurred in by the

But, Mr. Speaker, the chairman of the committee I think has stated at too low a sum the additions that the minority of the committee will propose to the bill. He stated, if I understood him correctly, that perhaps the minority would propose an addition of \$200,000 to the bill. The minority will propose additions in various places, in my judgment aggregating a million dollars, possibly a million and a half; and notably in the portion of the bill relating to the Internal Revenue Department. In this Department a sweeping radical reduction has been made, such as in my judgment will endanger the collection of the revenues. It is not my purpose at this time, Mr. Speaker, to go into the details of this bill, but merely to set the minority of the committee right. We have favored all the possible reductions in committee, and we propose to favor them on the floor.

Mr. RANDALL. It is proper that I should say that in reference to the appropriations for the Internal Revenue Bureau we have had unlimited intercence with that Bureau I did under that that the

limited intercourse with that Bureau. I did understand that the amount which would be suggested as an increase for that Bureau was about \$200,000; and I want to say now that when this bill shall come to be discussed I shall be able to show and to establish the fact that these reductions as to that Department are based upon their own

The bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, was received, read a first and second time, referred to the Committee of the Whole on the state of the Union, and double the usual number of copies ordered to be printed.

Mr. RANDALL. I desire that on the day after to-morrow the House shall go into Committee of the Whole on the bill for general debate, so that general debate will continue during the present week; and on Monday I shall move to cut off general debate and go into Committee of the Whole to consider the bill by sections for amendment.

The SPEAKER. Does the gentleman desire the House to make that entire order at this time?

Mr. RANDALL. I do. Mr. KELLEY. If that order be made and the Hawaiian bill is not got out of the way in the mean time, it would be displaced.

Mr. RANDALL. I should think that to-day and to-morrow would be sufficient for the Hawaiian bill.

Mr. KELLEY. I think so myself.
Mr. RANDALL. But I should feel it necessary to antagonize this

bill to anything else.

Mr. KELLEY. I have no objection to that. It makes it the more

imperative to dispose of the Hawaiian bill.

The SPEAKER. It is in the power of the House to do that. Is it the pleasure of the House that the bill just reported from the Committee on Appropriations shall be assigned for consideration in Committee of the Whole on the day after to-morrow and during the remainder of this week, and that on Monday next, after the morning hour, it be considered by paragraphs for amendment?

There was no objection, and it was so ordered.

Mr. HOAR. Is it necessary to reserve points of order at this time? I desire to make the usual reservation.

Mr. RANDALL. There is no objection to that.

ORDER OF BUSINESS.

Mr. KNOTT. I rise to present a privileged report from the Com-

mittee on the Judiciary.

The SPEAKER. The Chair desires to recognize the gentleman from Florida [Mr. Purman] for a personal explanation; but if the gentleman from Kentucky [Mr. Knott] rises to present a privileged report he is entitled to the preference.

Mr. KNOTT. I yield to the gentleman from Florida.

# PERSONAL EXPLANATION.

Mr. PURMAN. I rise to a question of privilege concerning an imputation upon my honor as a member of this body, and I send to the Clerk's desk this newspaper, and ask him to read the extract indicated therein.

The Clerk read as follows:

ANOTHER MONEY-MAKING CONGRESSMAN.

Under this head the New York Sun prints the following telegram from this city: "WILLIAM J. PURMAN, a republican Congressman from Florida, so several wit-

nesses have testified before the Naval Committee, has been increasing his worldly possessions by the sale of a naval cadetship, and also some of the Federal offices in Florida; also, that he has received bribes for appointments, and has made his congressional position pay very well. Governor Stearns, of Florida, and Martin, the keeper of the State penitentiary, were the witnesses."

Mr. PURMAN. Mr. Speaker, after the broad promulgation of such charges as are contained in the extract just read by the Clerk, it becomes my solemn duty, both to this honorable House as well as to myself, to court and challenge the fullest investigation into these genreputation of a man, whether in public or private life, society alone recognizes its worthy member, and without a good name man is merely a physical automaton. For the preservation of a good name and an honorable and social recognition by society and friends and good people generally, a true man will make every sacrifice, not counting life itself even too dear.

Sir, I approach this subject with much seriousness and mortification, but with the consciousness of rectitude within myself; and with the shield of innocence before me and the sword of truth in my hand I here step forward and invite the enemies and conspirators who have concocted this crusade against me to the freest combat, "and damned be he who cries enough."

If the House will indulge me for a few statements in the premises will unveil the true character and complexion of this onslaught

upon myself.

Sir, this is a warfare within the ranks of my own political party, waged against me from feelings of personal malice and rivalry, the theater of which has now been transferred by my accusers from the borders of our own State to the Halls of this House. Here is the battle-ground selected by my personal enemies within my own political household; and here on this scene, by the invincible power of truth and justice, I will be enabled, as I have done elsewhere, to rout these calumniators root and branch.

Who are my accusers, as represented by this extract from the Star? Acting-Governor M. L. Stearns, of my State, and a Mr. Martin, his

loyal henchman.

Sir, as this case is now destined to acquire a national notoriety, I beg the privilege of letting the country know who my assailants are, their character and position, that we may enter this contest equally in the full blaze of publicity into which they have dragged it.

In all human actions the motives are as various as the actions them-selves, but in this case there is but one motive on the part of my accusers: they strike maliciously at the hands of one who, in former years, raised them into positions far beyond their measure and com-

prehension, and from whom they also received political chastisements and humiliation of the most galling description. Why, sir, this man who is now by some inscrutable dispensation of rovidence acting as our governor is indebted alone to my personal friendship for his admission as a member into our constitutional convention in 1868, as upon my friendship depended his fate either of coming into notice or sinking back into obscurity, as in himself he combines no characteristics that would distinguish him above the common level. In 1872 this man was pressed forward by one of our then United States Senators for the republican nomination of governor, but his want of learning and caliber, and his unpopular record, were of such a character that the convention rebelled against both his master, the Senator, and the tool that was to be foisted upon the party, and in this opposition it was my fate to bear no insignificant part. My vehement objections then were based upon his lack of qualifications, he being a man with very limited education, with no reputable associations, without sagacity or knowledge, with no accomplishments of person or mind, and with no fixed principles except those

of avarice and stupidity.

It was then well known and substantiated that while this now acting governor was agent of the Freedmen's Bureau in the State he swindled the freedmen out of quantities of provisions which the Government charitably contributed in those unsettled days to keep from starvation the then newly freed people, a portion or quantity of which he from time to time sold for money to the planters, thus shamefully swindling both a beneficent Government and the deserving and suffering objects of this beneficent kindness. This record was too damaging to obtain for him the coveted nomination of governor, but by some injudicious compromise he was at that time nominated for lieu-

tenant-governor.

What strange, fantastic tricks does destiny play with States as well as with individuals! Who could then have divined that Providence had in store for us the infliction of this obesity of incompetency as our future governor? The unfortunate death of Governor Hart in 1874 precipitated this phlegmatic incubus upon our State; and as South Carolina once had its Moses, and New York its Tweed, so Florida has now its Stearns.

Even now this embodiment of our political woes is attempting to run his administration without the check or co-operation of the legislative department of the State government. By a technicality in a new amendment to our State constitution the regular session of our Legislature could not convene in January last, and it became therefore the constitutional duty of the governor to call an extra session to provide for the current expenditures of the year 1876, but from some in-definable fear he refuses to call such extra session, and our State is left in the strange anomaly of being without any appropriations for

this current year, and his term of office expires at the meeting of the next regular Legislature. A guilty conscience needs no accuser, and the indignation among all good people in our State, irrespective of party, is justly great and severe against such an unprecedented and arbitrary administration of a people's government.

arbitrary administration of a people's government.

Sir, in 1874, when I was the regular candidate for re-election to the Forty-fourth Congress, the combined opposition of his whole administration was turned against me. He induced a petty bolt from the regular nomination, forcibly expelled from the halls of the State capitol the regular convention, by issuing an official proclamation against its sitting, and which proclamation of ejectment he executed at the hands of the highest military officer of his cabinet, the adjutant-general of the State. This force contest was then carried throughout eral of the State. This fierce contest was then carried throughout the district, and for six weeks the most exciting campaign prevailed that probably ever occurred in the annals of any State whose Rrepresentatives here assemble.

The unjustifiable character of this political warfare upon me may best be characterized when I state that the leading democratic newspaper in my district published at the time its well-grounded apprehensions that I was hourly in danger of assassination in the fury of

this vindictive fight.

this vindictive fight.

After just six weeks of the most horrible political ebullition and onslaught waged upon the regular candidate by every device of hate, malice, rivalry, and animosity, and with a fury that could not be excelled by fiends, I routed this governor and his cohorts, horse, foot, and dragoons, and he sued for amity and peace; but not until the execrations of the people were so deep and loud that an audience in his own county refused to hear him, jeered, and almost mobbed him. Sir, I then gave blows and took blows such as no member within the sound of my voice ever encountered in politics; and I now blush for sound of my voice ever encountered in politics; and I now blush for the fact that we have a chief magistrate upon the neck of our State whose unbridled passions and uncivilized conduct could make such scenes and experience possible in one of the most progressive and inviting States in the American Union.

I was returned to this Congress by a constituency which fully decided the merits and issues between myself and my archenemy, but it is well known that this issue will have to be fought over again this year, for in spite of all repudiation and execration this uncivilized monster in our politics is even now attempting to procure a political indorsement for the purpose of prolonging his rule over our betrayed

and misgoverned State.

Ah! here is the coming "tug of war," and here is the motive of this wicked assault upon my character and reputation as a member

of this honorable body.

Mr. Martin, my other accuser, is the hireling of this governor, holding an appointment from his master which, under his peculiar management, is worth at least \$10,000 a year, besides having the whole force of the penitentiary convicts, over whom he is warden, to build

houses and cultivate vineyards for him.

Why, sir, this same henchman of his I carried into the State Legislature in 1874 by in person begging the county nominating convention to nominate him for the lower house, as the convention were my friends, and his unpopularity was so stupendous that it required all my friendship and persuasion to "boost" him even into the lower my friendship and persuasion to "boost" him even into the lower house. I begged his nomination at the hands of the convention as a personal boon to myself, and upon which consideration alone it was granted; and now this ingrate turns upon me, his benefactor, and forces the exclamation to my lips, "Et tu, Brute?"

But, sir, the cruel gauntlet is thrown down, not at my feet, but upon me, with the malicious intention to injure me in the estimation of my colleagues on this floor, in the estimation of all good men, and in the cherished esteem of my friends both in and out of this Chamber, and Leannet do otherwise than accent this wager of political battle, and

I cannot do otherwise than accept this wager of political battle, and the bitter necessity of vindicating my character, both of which have

I cannot do otherwise than accept this wager of political battle, and the bitter necessity of vindicating my character, both of which have been ruthlessly forced upon me.

And in conclusion, in justice to the expectation of my friends and the emotion of my own feelings, I will simply add that there is not the first scintilla of truth in these base charges, no odds how extensive and complicated this conspiracy may be against me, and I here voluntarily pledge my honor as a man, and my affection for my wife and babies, upon the truth of this declaration, and upon which this House will in time bear me testimony.

I now challenge, sir, my malicious enemies to the fullest investigation, relying only upon truth and probity, and upon that just verdict which I feel any committee and this House will award me.

I now request, sir, that a special committee, as the regular committees are fully engaged on other subjects, of seven or nine may be appointed by the Chair for the speedy investigation of these accusations; and I beg, as a favor personal to myself, that my fellow-members and the representatives of the press may suspend all judgment and criticism until the final report in this case.

The SPEAKER. The gentleman from Florida, [Mr. Purman,] who has just made before the House a personal explanation, requests the House to order the appointment of a select committee, to consist of

House to order the appointment of a select committee, to consist of seven members, to investigate the charges against him that have been

made in prints of his State.

Mr. MILLS. Mr. Speaker, I do not think—

The SPEAKER. Before the gentleman proceeds the Chair desires, with the leave of the House, to express an opinion which has been forced upon him by close observation of proceedings in this House

for many years. It is that after the House is fully organized into standing and select committees, as it usually is at the outset of the Congress, all subsequent creations of select committees tend only to weaken the general effectiveness of the body, and that it is better that all matters of this kind should be referred by order of the House to

some one of the committees already organized.

Mr. PURMAN. Allow me to add that when I made the request for a special committee it was only on the supposition that all the regular committees were even more than overworked with other matters, and I thought the appointment of a select committee would be a relief to the regular committees. I make no objection to any committee which the Chair may designate.

The SPEAKER. But all select committees must be composed of

members of the regular committees; and just so far as those committees are thus broken up and the continuity of their labor interfered with, the effectiveness and progress of the work of the House is obstructed

Mr. WHITTHORNE. May I be indulged in a remark? I think I am at liberty to say that during the progress of the investigation being made by the Committee on Naval Affairs there have been developed certain facts which—I express only my individual opinion-do affect the character of the Representative from Florida. We hav

do affect the character of the Representative from Florida. We have not felt at liberty—at least I have not felt at liberty—to prosecute the matter so far as he was individually concerned, but only so far as the question affected the general service of the country.

I may be permitted to add that, from the proof taken by our committee, I think it eminently proper that the official relations and conduct of the Representative from Florida should be investigated.

Whether it shall be the pleasure of the House to charge the Commit-Whether it shall be the pleasure of the House to charge the Commit-tee on Naval Affairs with the investigation of this individual matter is a question somewhat indifferent to myself. I know that we have a great deal of labor imposed upon us already; and yet I know that in part proof has been taken which does affect that Representative; and in some other mode I had proposed for myself and on behalf of the committee to bring the matter to the notice of the House so as to have the attention of that Representative. Having made this statement, I repeat that it is a matter of indifference to me whether that committee shall be charged with this special duty or a select commit-

tee raised for the purpose.

Mr. HARRIS, of Virginia. As this case has been investigated in part by the Naval Committee, I move that it be referred to that com-

The SPEAKER. Is there objection to the reference of this investigation with the usual powers to the Committee on Naval Affairs!

Mr. O'BRIEN. I have no interest in this matter—no possible interest in the world. Yet it seems to me that, if I were interested in it, terest in the world. Yet it seems to me that, if I were interested in it, I should object to being tried in this special case by the Committee on Naval Affairs. That committee, as has been stated by its distinguished chairman, [Mr. Whitthorne,] has already taken testimony in relation to this very matter, and without the knowledge or presence of the gentleman most deeply interested. Therefore I think it would not be fair, it would not be just, that he should be cited to his trial before that tribunal.

M. HUMAN. The gentleman from Marriand [Mr. O'RRINNA] has

before that tribunal.

Mr. PURMAN. The gentleman from Maryland [Mr. O'BRIEN] has relieved me of a load; and I now feel at liberty to make a few expressions which gentlemen will recognize as at least proper, even if not good policy. There is probably a delicacy in this matter, so far as the Naval Committee is concerned. I do not cast any reflections whatever upon the committee, personally or collectively. But, sir, I am the peer of every other member on this floor. I am not the servant of this House; and I affirm, feeling that I am backed up by every authority of parliamentary law and practice in the whole history of the world, that a member of a legislative body cannot be secretly investigated by any committee. The first information I had of this proceeding was through the public press. To carry on a surreptitious investigation, behind the back of a member who has no opportunity to be present by person or by counsel, is a star-chamber proceeding to be present by person or by counsel, is a star-chamber proceeding unparalleled in the history of this country. If I belonged to the executive branch of this Government, and were a servant of this House, I would recognize the propriety and fitness of carrying on an investigation of this kind; but, since my friend from Maryland has relieved me in this matter, I cannot help giving now expression to my feel-ings; and I say it was indelicate at least that I, as a member of this House, the peer of the chairman of the Committee on Naval Affairs, the peer of every member of that committee, should first learn of this secret investigation into my official character when I saw it in the public press. I make no objection at all, but I must express my seuse

public press. I make no objection at all, but I must express my sense of the indelicacy of this proceeding. I am ready at any time to go before that committee or any other committee.

Mr. WHITTHORNE. It is, or must be, evident to this House that the Committee on Naval Affairs, charged with the general duty to inquire into any errors, abuses, or frauds connected with the public service in relation to the Department which was especially committed to their aboves, would have to investigate for instance, what discoto their charge, would have to investigate, for instance, what disposition was made of the public money appropriated by law for the timber lands in the State of Florida reserved for naval purposes. It is further evident to this House that it was the duty of this committee to investigate the disposition of the appropriation made for the Naval Academy at Annapolis. I have to say that, in the discharge of a public duty and in the investigation of these affairs, unfortunately for

that Representative, his name appeared in that connection, and not because he was an individual member. I may be allowed to say further that it was not surreptitious, not secret, not a star-chamber proceeding, but because, in the investigation of fraud and corruption, that individual happened to be in the way, and he was developed in that matter

Mr. PURMAN. Will the gentleman allow me to ask him a question?

Mr. WHITTHORNE. Yes, sir.
Mr. PURMAN. Would it not be proper, if any charges were made
or any rumors were in circulation which would justify an investigation against a sitting member upon this floor—who, I repeat, is the peer of every other member—would it not be proper, before any investigation every other member—would it not be proper, before any investigation could be made against such a member, that some one here would take the responsibility of rising upon this floor and state the charges upon his own responsibility, or as a matter of common rumor, so that then, in a public manner, such charges and allegations could be made here and referred to the appropriate committee for investigation as to their truth or falsity? I protest against a member being taken up in this back-handed way, and being investigated so that the first information has set in reference to the matter is from the public press. World it he gets in reference to the matter is from the public press. Would it not have been the proper way when my name came before the Committee on Naval Affairs—and I know that committee has a carte blanche in reference to all these investigations—to have stopped the matter right there, and said: These facts involve a sitting member, the peer of any member upon this floor, and let us notify him so he may come in person, or by counsel, to defend himself against any ex parte testi-

Mr. WHITTHORNE. We were not to be led off and we were not led off by the appearance of that gentleman's name. It was an accident to the committee, and it is due to myself while I am up and to its members to state that, in the judgment of the Committee on Naval Affairs so far as I know, the matter became public not through any member of the committee or officer of that committee, but according to my information through the witnesses themselves who had been

before that committee.

Mr. BANKS. I desire to say a word. I remember the general order to which the honorable chairman of the Committee on Naval Affairs has referred, and it might be supposed that it gave them authority to examine into any charge arising from any quarter. Still, sir, it is a matter of constant usage on the part of the House whenever in the proceedings of a committee the name of a member is mentioned in such a manner as to require his attention that he should receive immediate notice of it. Of course there could be no censure passed upon the committee for proceeding without notice, but still the member from Florida under the circumstances would be entitled according to the usages of the House to receive such notice at once.

I did not rise to speak on this matter particularly. The member from Florida has asked for a special committee, while on the other hand it has been suggested that the investigation be referred to the Committee on Naval Affairs. For myself, I would like to have the privilege of voting on the request of the gentleman from Florida, and then on the other proposition. I hope it will be put to the House in

Mr. BAKER, of Indiana. Mr. Speaker, personally I have no feeling in connection with the question of a special committee, but it appears to me as though it would be improper that the investigation of these charges against the member from Florida should be referred to the Committee on Naval Affairs. It seems to me the reference ought to be made to a committee which has heard nothing delivered under oath affecting the integrity of that member. I think that gentleman ought to go before a committee that should possess all the qualifica-tions that the lowest criminal in the land is entitled to demand when a charge of a criminal nature is preferred against him and he is arraigned before a criminal tribunal of the country, and that is a body of inquisitors or triers who have not heard any facts sworn or unsworn or formed any opinion. I understand the chairman of the Committee on Naval Affairs had made the statement in the presence of the House that evidence had been produced pending another investigation before that committee which affected the personal integrity of the gentleman from Florida, and that that evidence had made such a lodgment in his mind that he felt it would require some explana-

tion at the hands of that gentleman.

If that be the case, Mr. Speaker, I submit that it would be an act of indelicacy on the part of the House to send the investigation of those charges to a committee that had heard the evidence, at least in part, which would constitute a portion of the body of the proof that would be introduced before that committee which would have charge of the investigation in regard to the gentleman from Florida. I submit, not that it ought necessarily to be referred to a select committee, but that it ought to be referred at least to some committee who—and I do not make any imputation against these gentlemen—have and I do not make any imputation against these gentlemen—have not heard any portion of the sworn testimony tending to criminate the gentleman from Florida, delivered under the solemn sanction of an oath; because I know, however upright, however impartial, how-ever pure-minded we may be, that sworn evidence delivered before us when we are acting in a judicial capacity necessarily leaves an impression upon our minds however we may struggle to free ourselves

I wish to state about this unpleasant matter that this

testimony was developed in the committee not while investigating the character of the gentleman from Florida, but while investigating abuses in the Navy, as we were charged with doing by the voice of this House, both as to its personnel and its materiel—this testimony was developed that was prejudicial to the character of the gentleman from Florida; and the chairman of the Judiciary Committee brought the question before the committee whether it was not proper to come into the House and report that fact to the House, that a committee of investigation might be demanded by the gentleman from Florida or

that one might be appointed to take charge of the investigation.

My recollection of the matter is that his name appeared in several things that the committee investigated, and that it was apprehended on the part of some of the committee that before we got through with it other witnesses, whom we desired to get to further our investigation into these other abuses, might have knowledge of it by the report made to the House and get themselves out of the way, as other witnesses had done in cases of other abuses we were investigating. That was the reason why the matter was not reported to the House before. That would have been done at the proper time. Mr. HARRISON. Ithink the gentleman from Indiana [Mr. BAKER]

has entirely mistaken the character and duties of an investigating committee. He seems to think that this committee may act as a jury. The House will be the jury before whom the gentleman from Florida will obtain the verdict. This committee is composed of the peers of that gentleman. Honorable men, on whose minds we have no right to suppose there is a prejudice by reason of facts coming to them, are now investigating this matter. They will simply bring before this body facts, and this body will decide upon the merits presented

If a committee were ordered by this House to investigate the charges, would the Chair appoint the committee all of one side? Would he appoint a committee favorable to the gentleman? Would he not, in fact, appoint a committee known to have the facts? Is not that the duty of the Chair appointing an investigating committee, to appoint a committee known to have the facts, although those facts would be prejudicial? I caunot see that there is any objection to this committee continuing the investigation and then present it before the House, who, and not this committee, will act as the jury.

Mr. HURLBUT rose.

Mr. WHITTHORNE. Will the gentleman from Illinois yield to me for a moment?

Mr. HURLBUT. I yield to the gentleman, retaining the floor.
Mr. WHITTHORNE. After the remarks made by my colleague on
the committee, the gentleman from Texas, [Mr. MILLS,] who has announced to the House what was my own judgment and feeling inside
of the committee, I wish to say that I shall desire at the proper time, not that the Committee on Naval Affairs should be directed to investigate any matter connected with the gentleman from Florida, but that the facts should be reported to the House and the matter referred to a select committee, or to another and different standing committee of the House.

I happen to know, and I desire the House to understand, that there are suggestions outside of matters connected with the naval service in which it has been suggested that the name of the gentleman from Florida occurs. For this and for other reasons, and more particularly on account of what has been said this morning, I think it better that this matter should be referred to some other standing committee or to a select committee. I desire that for myself, and I think this would

be outside of the appropriate business of my committee.

Mr. TOWNSEND, of New York. That is right.

Mr. WHITTHORNE. And whether that shall be done by a select committee or by one of the regular committees is the question. simply make the suggestion now that it may be put in the form of a motion, that either the Committee upon the Post-Office Department or the Committee on Elections take charge of this matter.

Mr. HURLBUT. I desire the House to consider this question of privilege not merely with reference to the individual case that may happen to be up, but in the broader scope in which it interests and concerns every member of the House. And I wish to say, sir, in the first place, that, as I understand the sentiment of the people of the country, the whole system of secret investigation, unless it is compelled by a stringent necessity, is abhorrent to the public mind. There are times and occasions on which secrecy must prevail, but to make it the rule to hide the action of any committee of this House from the public is in my judgment an error, an error of policy, an error of prac-

In this case almost the whole object I had in rising has been met by the suggestion of the gentleman from Tennessee, [Mr. Whitthorne,] the chairman of the Naval Committee. From my memory of the rules and precedents upon this question it is undoubtedly an invasion of the rights of any member of this House for any committee collaterally or directly to inquire into his public conduct without giving him upon the instant that he is attacked the opportunity of being present. is not only a violation of the rule, as I understand it, and of clear law, but a violation of sound policy, and also of the courtesy which should prevail among all members who stand upon an equality upon this floor. It is a violation, as I have stated, of the precedents beyond all doubt. And those precedents seem to me to be founded on rules of fairness, equity, and justice, but which we ought all to carry out without reference to any special case.

I hope, therefore, that the proposition which has been made, that this question shall be referred to some other committee than the one which has collaterally taken it up, may prevail.

Mr. WHITTHORNE. I suggest that the matter be referred to the

Mr. KASSON. That is a very good suggestion.

The SPEAKER. Does the gentleman from Florida accept the amendment offered by the chairman of the Committee on Naval Affairs to his resolution?

Mr. PURMAN. Any committee at all.

The SPEAKER. Does the gentleman accept the amendment?

Mr. PURMAN. I simply want a thorough and full investigation at the hands of any committee who have leisure to make it, and probably the committee suggested by the gentleman from Tennessee has more leisure than any other. I am certainly willing to submit to investigation by them, and I therefore accept the amendment suggested by the gentleman from Tennessee.

Mr. HOAR. I wish to call the attention of the House to this mat-

Mr. HOAK. I wish to call the attention of the House to this matter as it is very important in forming precedents. I think that the charges to be investigated should distinctly appear. I suppose the charges contained in the paragraph which the gentleman has had read should be made the basis of the investigation, and if other charges against the gentleman shall be developed in the examination, the jurisdiction of the committee can be enlarged. It does not do to put the charge in a general form, and therefore I suggest that the charges contained in the paragraph read be referred.

Mr. PIRMAN. Or any other charges my enemies may trump up

Mr. PURMAN. Or any other charges my enemies may trump up

against me.

Mr. HOAR. I do not think that would be a good precedent. If the gentleman's enemies trump up other charges, why, the House can enlarge the jurisdiction of the committee by referring those charges to

committee

The SPEAKER. The Chair understands the charge briefly stated to be this: a charge of a corrupt sale of a naval cadetship. That, the Chair believes, is all the newspaper in substance charges, and the Chair understands that the subject-matter to be referred to the committee is that.

Mr. HOAR. Then I suggest that it be referred by resolution, as

follows:

Resolved, That the charge against the gentleman from Florida [Mr. Purman] of a corrupt sale of a naval cadetship be referred to the Committee on Civil Service Reform.

Mr. PURMAN. But in justice to myself I am willing to stand by the record as I presented it to the House. That extract from the newspaper embodied three or four allegations, such as selling offices, &c., and I hope my friends will take me right upon the whole broad platform.

Mr. HOAR. I ask for the reading of the extract from the news-

paper.

Mr. PURMAN. I desire to stand upon what I introduced here, although I am much obliged to the gentleman from Massachusetts.

The SPEAKER. In a moment the paper will be here and the ex-

The SPEAKER. In a moment the paper will be fact that tract will be read.

Mr. PURMAN. The Clerk has the extract.

The SPEAKER. No, the reporters have it.

Mr. PURMAN. Yes, I remember now that a congressional reporter came and got it from me.

The SPEAKER. Not the Clerk.

The speakers having been returned to the Clerk's desk, the extract

The paper having been returned to the Clerk's desk, the extract was again read.

Mr. HOAR. I now offer the following resolution:

Resolved, That the charge contained in the following extract, to wit-

"ANOTHER MONEY-MAKING CONGRESSMAN.

"Under this head the New York Sun prints the following telegram from this city:
"WILLIAM J. PURMAN, a republican Congressman from Florida, so several witnesses have testified before the Naval Committee, has been increasing his worldly possessions by the sale of a naval cadetship and also some of the Federal offices in Florida; also that he has received bribes for appointments, and has made his congressional position pay very well. Governor Stearns, of Florida, and Martin, the keeper of the State penitentiary, were the witnesses"—be referred to the Committee on the Civil Service Reform, with authority to investigate the same and to send for persons and papers.

Mr. WHITTHORNE. Will the gentleman allow me to amend the resolution by adding to it-

And his connection with appointments made of timber agents in the State of Florida  $\dagger$ 

Mr. HOAR. I will add the words-

That the said committee further investigate the connection of said Purman with the appointment of timber agents in the State of Florida.

Mr. FORT. I understood the gentleman from Texas [Mr. MILLS] to say there were three or four instances where the gentleman's name was involved.

Mr. MILLS. I said several. Mr. FORT. I invite the gentleman, then, to make them known now,

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the Committee on Enrolled Bills had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2270) to provide for the purchase of material and for the continuation of the work on the building for custom-house and

post-office at Saint Louis, Missouri; and

An act (H. R. No. 2282) to extend to the port of Genesee, in the State of New York, the privileges of sections 2990 to 2997 of the Revised Statutes, inclusive.

## CONTUMACIOUS WITNESS.

Mr. WHITTHORNE. The Sergeant-at-Arms is at the bar of the House with the witness whose arrest was ordered by the House yesterday.

The SERGEANT-AT-ARMS appeared at the bar of the House, having in custody Alcaeus B. Wolfe, and said: In obedience to the order of the House, I now have in custody at its bar Alcaeus B. Wolfe.

Mr. WHITTHORNE. In behalf of the Committee on Naval Affairs

and of the witness, I desire to state to the House that at the meeting of that committee this morning a deputy sergeant-at-arms brought him to the committee-room. Upon being brought into the presence of the committee, the witness stated that he was willing to answer the questions propounded to him by the committee, to tell all he knew and to answer such questions as the committee might propound to him. The committee then took the question into consideration and resolved, from motives of public policy, although he was then in the custody of the House

At this moment the witness, who was seated in a chair at the bar

of the House, fell to the floor in a fit.

The SPEAKER. The Chair would inquire whether there happens to be on the floor or in the gallery of the House at this time a physi-

Mr. HUNTON. There is a physician present, Dr. Wallace, of Pennsylvania, a member of this House.

Mr. Henkle, and Dr. Wallace of Pennsylvania, were promptly in attendance upon the witness.

Mr. WADDELL. I suggest that the witness be carried into an ante-om. It would only be an act of humanity. Mr. HUNTON. The physicians are managing the case, and he will

be removed when proper.

After some delay the witness was carried from the Hall.

The SPEAKER. The House will now please be in order, so that

business may be resumed.

Mr. WHITTHORNE. Mr. Speaker, I had just stated that the committee, from motives of public policy, thought that it was proper to go on with the examination of the witness, he being willing, as he expressed it, to answer such questions as might be propounded to him. They resolved, however, that it was their duty, inasmuch as the witness was in the custody of the House, that he should be brought before the House by the Sergeant-at-Arms and, under a resolution which I was instructed to prepare, discharged from arrest. The witness was acquainted with the fact that he would be discharged upon coming before the House.

It is proper that I should say now here, in view of what has transpired, that the witness in his examination before us this morning developed a great tendency to the disease called "palpitation of the heart," and in one or more instances had to near the palpitation of the

heart," and in one or more instances had to pause for relief.

He has answered, in the opinion of the committee, all the questions they thought necessary and proper to propound to him; and in view of that fact the committee has instructed me to offer this order:

It appearing to the House that Mr. A. B. Wolfe has appeared before the House Naval Committee and answered all questions that were propounded to him by the committee, it is therefore ordered by the House that the witness, Alcaeus B. Wolfe, be discharged from the custody of the Sergeant-at-Arms and ordered before the committee for such other and further examination as the committee may choose to make touching matters before them by the order of this House.

The last expression in the resolution was inserted for this purpose, that in the event the committee should hereafter have occasion for this witness the subpœna issued by your order, sir, should hold him; and if he should disappear or fail to come before the committee he could be further punished for contempt in failing to answer the sub-pæna of the House. We have taken that measure as a matter of

Mr. KASSON. How does that last clause of the resolution read?

The Clerk read as follows:

And ordered before the committee for such other and further examination as they may choose to make touching the matter before them by order of this House.

Mr. WHITTHORNE. We desire to avoid the complication that

Mr. WHITHORNE. We desire to avoid the completation that might arise if the House absolutely discharges the witness.

Mr. KASSON. That is the very point to which I desire to call the gentleman's attention. By simply providing for the discharge of the witness from arrest under the order of the House of such date, it leaves him in the power of the committee. It is a mere simple discharge from arrest, and then he is completely in the power of the

and let them be referred to this committee.

Mr. MILLS. The chairman of the committee has stated them.

Mr. FORT. He has only given one instance.

The question was taken upon the resolution of Mr. Hoar, as amended at the suggestion of Mr. Whitthorne, and it was agreed to.

morning shall remain in the possession of that committee alone, and for the time kept secret.

Mr. KASSON. Does not the gentleman from Tennessee [Mr. WHIT-THORNE] think it would be better to modify his resolution so as to discharge the witness from the arrest made by the order of the House on yesterday?

Mr. WHITTHORNE. My friend will appreciate my reason for having added what I did to the resolution in view of any criticism

that might be made hereafter.

Mr. KASSON. If it is safer I have no objection; but I think the other form the better.

Mr. WHITTHORNE. I now call the previous question.

The SPEAKER. The Chair supposes the formality of the previous question is not required. The question will be upon adopting the resolution.

The resolution was adopted.

ABUSES AND FRAUDS IN NAVY-YARDS.

Mr. WHITTHORNE. I ask unanimous consent to present a resolution that the subcommittee of the Committee on Naval Affairs be authorized to make an examination into alleged abuses and frauds in the navy-yards at Kittery, Maine, and Boston, Massachusetts, at the places named. I think that there will be no objection to the resolution when it is read.

The SPEAKER. The Clerk will report the resolution for informa-

tion.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That for the purpose of enabling the Committee of this House on Naval Affairs to discharge the duties imposed upon them by the House resolution instructing them to inquire into certain alleged abuses and frauds at the different navy-yards of the United States, and the misapplication of appropriations made for the construction of eight vessels of war authorized by act of Congress approved February 10, 1873, &c., it is hereby directed that said committee, through the subcommittee appointed for that purpose, consisting of Messrs. Mills, Bulkleigh, and Jones, shall make said investigation, as far as it relates to the Kittery navy-yard, at the said yard; and, so far asit relates to the Charlestown navy-yard, that the subcommittee of said committee, consisting of Messrs. Mills, Harris, and Jones, shall conduct said investigation at said last-mentioned navy-yard.

There being no objection, the resolution was adopted.

Mr. WHITTHORNE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPEACHMENT OF W. W. BELKNAP.

The Committee on the Judiciary, to whom was rearticles of impeachment against William W. Belknap, late Secretary of War, have instructed me to submit the report which I send to the Clerk's desk.

The Clerk read as follows:

The Clerk read as follows:

The Committee on the Judiciary would respectfully report that, in pursuance of the instructions of the House, they have prepared articles of impeachment against William W. Belknap, late Secretary of War, for high crimes and misdemeanors in office, but that, since preparing the same, they have been informed and believe that Caleb P. Marsh, upon whose testimony before the Committee on Expenditures in the War Department, and referred to them by the House, said articles were framed, has gone beyond the jurisdiction of the Government of the United States, and that probably his attendance as a witness before the Senate sitting as a court of impeachment cannot be procured; and that they are also informed and believe that other evidence may be procured sufficient to convict said William W. Belknap of high crimes and misdemeanors in office as Secretary of War. They therefore recommend the adoption of the following resolution:

\*\*Resolved\*\*, That the resolution instructing the Committee on the Judiciary to prepare articles of impeachment against William W. Belknap, late Secretary of War, for high crimes and misdemeanors in office, be recommitted to said committee with power to take further proof, to send for persons and papers, to sit during the sessions of the House, and to report at any time.

\*\*Your committee, impressed with the importance of securing the fullest indemnity to such witnesses as may be required to testify in behalf of the Government before either House, or before the Senate sitting as a court of impeachment, would also recommend the immediate passage of the accompanying bill, entitled "A bill to protect witnesses who shall be required to testify in certain cases." They would further recommend that the accompanying bill, entitled "A bill to protect witnesses who shall be required to testify in certain cases." They would further recommend that the accompanying bill, entitled "A bill to protect witnesses," be introduced, printed, and referred to the Committee on the Judiciary, w

The SPEAKER. The Clerk will report the bills reported from the Committee on the Judiciary.

The Clerk read as follows:

A bill (H. R. No. 2572) to protect witnesses who shall be required to testify in certain cases.

Be it enacted, dec., That whenever any person shall be required to testify against his protest before either House of Congress or any committee thereof, or the Senate sitting as a court of impeachment, and shall so testify under protest, he shall not thereafter be held to answer criminally in any court of justice, or subject to any penalty or forfeiture, on account of any fact or act concerning which he shall be so required to testify: Provided, That nothing herein contained shall be so construed as to relieve any person from liability to impeachment.

Mr. PAGE. I would like to ask the chairman of the Committee on the Judiciary [Mr. KNOTT] if section 859 of the Revised Statutes does

mr. KNOTT. I will answer that question before I get through.
The SPEAKER. The Clerk will proceed with the reading of the

The Clerk read as follows:

A bill (H. R. No. 2573) in relation to witnesses.

Be it enacted, &c., That every person who shall willfully absent himself from his place of residence, or conceal himself, or absent himself from the United States, or

being absent shall willfully remain absent, or shall flee or attempt to do so, for the purpose and with the intent to escape the service of any lawful writ or process requiring him to appear and testify, or give evidence or produce books, letters, documents, or papers, or for the purpose and with the intent to avoid being required to testify or give evidence, or to become a witness, shall be deemed guilty of a crime punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding three years, or by both of said punishments. Nothing herein shall be construed to exempt any such person from lawful punishment as for a contempt.

Mr. KNOTT. On Thursday last there was read to the House the testimony of Caleb P. Marsh, taken before the Committee on Expenditures in the War Department; and although it was not perhaps as specific in many particulars as it might have been made upon a more thorough and searching examination, it disclosed facts sufficient to satisfy the mind of every gentleman on this floor that the late Secre-tary of War should be at once impeached at the bar of the Senate for high crimes and misdemeanors, which by a unanimous vote of the House was accordingly done, and the evidence referred to the Committee on the Judiciary with instructions to prepare and report to the House suitable articles of impeachment.

The committee proceeded at once to the discharge of that duty,

the committee proceeded at once to the discharge of that duty, but they had no sooner completed it than they were confronted by a fact with which every reader of the daily papers from Cape Cod to the Golden Gate, and from the Bay of Fundy to the Rio Grande was apprised; namely, that the witness Caleb P. Marsh had fled the jurisdiction of the United States. What may have been the immediate cause of his precipitate flight I will not undertake to say. I will say, however, that having testified before a committee of this House in obedience to its subpresses and having been sailty of the content of the c obedience to its subpena, and having been guilty of no contempt of the House, and having given no indication of an intention on his part to commit any such contempt, it was beyond the power either of the Committee on the Expenditures in the War Department or of the House itself to have ordered him into custody or in any manner to have restrained him of his liberty, without being guilty of almost as great an outrage as that charged upon the Secretary of War; that of arbitrarily depriving a citizen of his liberty without authority of law.

Upon the facts to which he testified becoming public, however, he

could have been taken into custody and held in pursuance of law by another department of the Government. I will not insinuate that the distinguished head of the Department of Justice or the district attorney for the District of Columbia were not aware of the proper

mode and manner of securing the detention of his person.

Mr. PAGE. Will the gentleman allow me to ask him a question?

Mr. KNOTT. I decline to yield for the present.

Mr. PAGE. Does not the gentleman know that this man had escaped before these officers had official knowledge of it?

Mr. KNOTT. I will say, however, that an ordinary county attorney who, having knowledge of the commission of a crime which by law it was his duty to prosecute, and who would blazon to the world his intention of arresting and bringing to punishment all parties con-cerned in it so that they might have full notice of it, instead of quietly going to the proper officer and procuring a warrant for the arrest of the guilty parties instead of giving them notice to flee—I would say he should be dismissed from office on account of incompetency. But this by the way.

With the witness Marsh beyond the jurisdiction of the Government, we know, as every lawyer on this floor and throughout the country who is familiar with the facts must know, that a prosecution based upon the facts disclosed by his testimony could not be successively. fully maintained without other evidence. The necessity therefore of bringing that witness back, or of procuring other witnesses by whose testimony the charge might be substantiated, became at once obvious. But how were we to get him?

It is impossible for Marsh to be brought back under our extradition treaty with Great Britain. The Webster and Ashburton treaty of

treaty with Great Britain. The Webster and Ashburton treaty of 1842, which contains all the stipulations on that subject, provides upon this point as follows:

It is agreed that the United States and Her Britannic Majesty shall, upon mutual requisition by them, or their ministers, officers, or authorities, respectively made, deliver up to justice all persons who, being charged with the crime of murder or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of false paper, within the jurisdiction of either, shall seek an asylum or shall be found within the territory of the other.

It is obvious to most minds that the charge against the witness Marsh, even were he indicted, does not fall within the catalogue of

offenses herein enumerated for which a party may be extradited.

It was, however, suggested on yesterday by the distinguished gentleman from Maine [Mr. Blaine] that Marsh might be indicted for robbery and extradited upon that charge. The suggestion appeared robbery and extradited upon that charge. The suggestion appeared to me to be rather singular, coming from so distinguished an authority. Even if the gentleman's legal investigations have carried him so far that he has forgotten the lessons he learned when studying the elementary principles of law, he could have looked into Webster's Unabridged Dictionary and found that robbery consists in taking from another his personal property by violence or force; "the forcible and felonious taking from the person of another any money or

ble and felonious taking from the person of another any money or goods, putting him in fear," &c.

When asked if Mr. Marsh had been guilty of robbery, he suggested that he had been in a "conspiracy to rob several companies of United States cavalry." The gentleman from Maine may be right, and Mr. Marsh, after all, may have been guilty of "robbing several companies of United States cavalry," though I hardly think it very complimentary to their courage to suggest that several companies of United States

cavalry were put in bodily fear and stripped of their property by a

single man.

It is perfectly plain therefore that the witness cannot be brought back under this extradition treaty. In fact, as the law now is, there is but one method by which he can be brought back; but in my opinion that is an infallible one. And, moreover, it is in the power of one man in the Government to have the witness Marsh in Washington within forty-eight hours if he so desires. The plan by which he can effect that object so much to be desired at this time may not be known perhaps to the Attorney-General though I rather expressible in It is perhaps to the Attorney-General, though I rather suspect it is. It is a very simple one, and one which has been known to the profession a very simple one, and one which has been known to the profession and practiced from the earliest period in the history of our jurisprudence. What is it? Simply this: If the President of the United States really desires honestly and sincerely that his late Secretary of War, whose enormous crimes have disgraced his own Administration and caused the cheek of every American citizen to mantle with shame, shall be brought to justice, shall be indicted and convicted before a jury, as well as successfully impeached, all he has to do is to give his assurance to the witness Marsh that, if he will come before the tribunals of the country and sell "the truth, the whole truth, and nothing but the truth," he shall be free from arrest; and my word for it, Marsh will be here within forty-eight hours after he shall have re-Marsh will be here within forty-eight hours after he shall have received it.

But he is not coming without some such assurance; and there is no sane man in his situation who would, after what has been heralded through the press all over this country. And what is that ? The distinguished gentleman from Maine very emphatically denied on yes-terday that there had been any Cabinet meeting upon the subject of prosecuting Mr. Marsh or Mr. Belknap; he stated that the so-called Cabinet meeting was "manufactured by the newspapers," and that the subject of prosecuting any witness against Belknap had not been discussed by the Cabinet at all.

The gentleman from Maine knows better than I do about that matter, I suppose, but I find the following in the National Republican of last Saturday morning, and I believe that paper is the home organ of the Administration:

THE SESSION OF THE CABINET.

The Session of the Cabinet.

Yesterday's Cabinet session was marked as being one of the longest as well as the most earnest and distressing meeting that has taken place during the entire period of President Grant's administration. It was well enough understood that but one topic would engross its attention. While all the members of the Cabinet have been positive in their condemnation of Mr. Belknap, there has been the most dispassionate consideration of his offense. There has been no manifestation of anything beyond an assumption of the full measure of responsibility the Administration feels it incumbent to exhibit in the case.

All the public Departments were represented, Mr. Robeson answering for both the Navy and the War Departments, Secretary Fish, Secretary Bristow, the Postmaster-General, the Attorney-General, and the Secretary of the Interior completing the list of the President's official advisers. The President, sitting at the head of the long table in the executive office, addressed the Cabinet on the serious matter that every one felt should at once be met, and stating his indisposition to take any step which might or could be construed into a desire to persecute any one, and indicated at the same time very clearly, and with no little emphasis, his entire determination that the full punishment provided for in the laws should meet all offenders. In the President's expressions the complete essence of his famous and sententious remark, "Let no guilty man escape," met easy recognition. Upon the point as to what the duty of the Administration is, there was found no difference of opinion in the Cabinet. It is the saddest duty and the sorest trial that has yet had to be met, but with all that it will be met, and without a single moment of unnecessary delay.

As the law officer of the Government the Attorney-General was called upon for an expression of what was the proper method of proceeding in the institution of the criminal proceedings against General Belkmap and those who have been associated with him in

That was on Friday-

the President had no idea of making discriminations in the trial of offenders, and those who have been particeps criminis with the Ex-Secretary will be certain to feel their proportionate share of the odium and punishment their faults bring with

Mr. BLAINE. Will the gentleman allow me to ask him a question right here f Mr. KNOTT.

Mr. KNOTT. After what occurred here yesterday, the gentleman from Maine must excuse me. In this connection I will remark that what struck me most of all the incidents connected with the famous Beecher scandal was the generous disposition of Mrs. Moulton to "give the old man a chance." I would love above all things to give the gentleman from Maine a chance, because he seems never to have a chance upon this floor. [Laughter.]

Now this Cabinet meeting may not have taken place; the gentle-man from Maine knows better than I do about it; but I will read further from this account as given in the Republican:

The determination was reached, after some discussion on the peculiar points of the bribery case, so different as they are held to be from an ordinary case of this character, to commence criminal proceedings just as soon as the facts attending the matter can be put in shape to be sworn to. This will be given immediate consideration by Judge Pierrepont, who will probably have an interview to-day with United States Attorney Wells in relation to the unhappy business.

Now, gentlemen on the other side know more about this than I do: but whoever penned this article knew more about it than any of us perhaps; for upon the very same day that this appeared in the Republican, and within a few hours afterward, I received from the Attorney-General a letter, from which I will read:

DEAR SIR: The bearer is Hon. H. H. Wells, United States attorney for this District. He calls upon you in relation to recent violations of the statutes by General Belkmap and others. We have examined the law; and there is no doubt that they have grossly violated it, if reports are true.

I read this simply by way of showing a singular coincidence at least. But whether there was a Cabinet meeting or not, here is notice given to the world, notice especially given to Mr. Marsh and all others who may have had any complicity in these corruptions, "Just so sure as you exhibit yourselves in the investigation of these transactions the same punishment shall be meted out to you as to principal offenders." Under these circumstances, how can we expect that Marsh will come back here, or that any other witness who values his own personal liberty will ever venture to testify in this matter without hav-

ing some assurance of immunity.

But the gentleman from California [Mr. Page] asked me a while ago whether the law does not already give this immunity. I answer, no. I will read the section to which he refers, section 859 of the Re-

vised Statutes, which is as follows:

No testimony given by a witness before either House or before any committee of either House of Congress shall be used in evidence—

Mark the language-

shall be used in evidence in any criminal proceeding against him in any court except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within said privilege.

Now that is precisely the English rule. Nevertheless, in England as here, a witness can decline to give an answer, notwithstanding his evidence cannot be used against him in a criminal prosecution, because his answer may indicate other evidence that will be competent against him and upon which he may be convicted. Consequently, in the British Parliament, for a great number of years the practice has been in such cases to pass for each particular case a special act of indemnity, as stated in the work on the Law and Practice in Legislative Assemblies, by L. S. Cushing, section 1005, which I will read:

In the House of Lords, although the same power clearly exists to compel the answer of a witness to criminate himself, and although the rule above mentioned is recognized, namely, that evidence taken at the bar cannot be used against a witness, yet, as such evidence may lead to the discovery of other evidence sufficient to convict them, the protection afforded by the rule alluded to—

And that is the one embodied in the Revised Statutes-

does not seem to be regarded as adequate; and it has accordingly been the practice for many years, when the evidence of such witnesses is about to be taken, to pass an act (which is of course agreed to by the Commons) to indemnify them in the fullest manner against the consequences of their evidence.

By the act of Congress passed in 1857 it was provided that-

No person examined and testifying before either House of Congress, or any committee of either House, shall be held to answer criminally in any court of justice, or subject to any penalty or forfeiture for any fact or act touching which he shall be required to testify before either House of Congress or any committee of either House as to which he shall have testified, whether before or after the date of this act; and that no statement made or paper produced by any witness before either House of Congress or before any committee of either House shall be competent testimony in any criminal proceeding against such witness in any court of justice.

Now, with these facts before the committee, that the only witness by whom the charges preferred against General Belknap upon which they were instructed to prepare articles can be established, either before a court of impeachment or in the District court upon an indictment, was beyond the jurisdiction of the United States, and that he probably would not come back without indemnity, the question presented itself to your committee what it was most advisable for the House to do, informed as they were and believing as they did there was an abundance of other testimony which might be procured by which those charges and perhaps others could be established. And after mature deliberation they reached the conclusion that to present articles of impeachment to be acted upon, and finally paraded before the Senate by the House, with a moral certainty that there would not be evidence enough to sustain them unless Marsh can be brought back or the facts shown by other evidence, would render them ridiculous in the eyes of the world as well as contemptible in their own estimations.

We deem it, therefore, advisable that the articles of impeachment, which we have prepared in obedience to instructions from the House, should not be presented until either the attendance of Marsh can be procured or the Committee on the Judiciary have had time to get other sufficient evidence to sustain them. We did not feel, and I do not believe there is a gentleman in this House who would feel, disposed to see the House place itself in the ridiculous attitude of parading charges without being prepared to prove them, when it is apparent, charges without being prepared to prove them, when it is apparent, or we have sufficient grounds to believe, that abundant evidence with proper opportunity may be procured to sustain them. The committee, therefore, make this report, asking that the matter be referred back to them; that they have authority to hear testimony, to send for persons and papers, and to report at any time; and that in the mean time, in order to facilitate this investigation and to facilitate other investigations, they report the bill indemnifying witnesses who shall be required in the interest of the Government to testify, from all liability to answer criminally in any court of justice, and against any forfeiture or penalty concerning any fact or act about which they may be called to testify

I now yield to my colleage on the committee from Wisconsin, [Mr.

LYNDE.

Mr. LYNDE. Mr. Speaker, the committee in this report have asked the House to recommit all matters pertaining to this impeachment, that they may be authorized to take testimony, to send for persons and papers, to report articles of impeachment to the House. It seems necessary from the persistent inquiries and demands of members upon this floor that articles should be reported at this time, sub-

ject to the order of the House. But, Mr. Speaker, why is it demanded that this hot haste should be made in this great case, involving the honor of the nation? Why is it required that articles of impeachment should be brought to the House on the testimony of Marsh alone-a single witness? From the testimony already presented to this House, it is apparent that there are other witnesses connected with that very transaction whose testimony is material and important in this case. And, sir, there is no precedent upon the House records of a committee being required to present articles of impeachment until after they had been authorized to send for persons and papers and to take testimony upon which to draw those articles of impeachment.

Mr. Speaker, for one I regret that there is so much manifestation of party feeling on this subject. Do gentlemen suppose that they can make this a party matter; that any member upon this floor can ride into the Presidency upon the manner in which this investition shall be conducted? Our national honor is involved in the mode in which this prosecution is presented, in which this investigamode in which this prosecution is presented, in which this investiga-tion is conducted, in which the trial before the United States Senate shall be had. Mr. Belknap is entitled to a fair and impartial trial. Party feelings ought not to control that trial; neither should they control this House as to the manner in which the impeachment articles should be presented to the Senate. The first impeachment case that came before the United States Senate was that of William Blount, a Senator of the United States. The attention of the House was called Senator of the United States. The attention of the House was called to the subject by a letter from the President of the United States, which was presented on the 7th of July, 1796. On the 8th of July, upon the information furnished in that communication, and a letter which was transmitted with the President's message to the House, the House passed a resolution impeaching William Blount. A committee was appointed to present that impeachment to the Senate. On the same day, the 8th of July, 1796, the Senate expelled William Blount from that body; and on the same day, the 8th of July, 1796, the House passed this resolution: the House passed this resolution:

Resolved, That a committee be appointed to prepare and report articles of impeachment against William Blount, a Senator of the United States impeached by this House of high crimes and misdemenors, and that the same committee have power to sit during the recess of Congress and to send for persons and papers and records.

This committee reported to the next Congress. Congress met on the second Monday of November, and the articles of impeachment were reported to the House on the 25th of January, 1797, and adopted, after discussion, on the 29th of January of that year. Here were more than six months given to the committee after the impeachment was presented to the Senate, to investigate, to prepare the testimony, and to prepare the articles of impeachment before they were presented to the Senate.

The next case was that of Judge Pickering. He was impeached before the Senate on the 3d of March, 1803, and a committee was appointed with power to send for persons and papers on the 20th of October, 1803, and on the 27th of December following, the committee reported, and reported articles of impeachment. There were nine reported, and reported articles of impeachment. There were nine months after Judge Pickering was impeached before the Senate be-fore the articles of impeachment were adopted by the House or presented to the Senate.

There have been but five cases, I believe. I have not investigated particularly into that subject, but my impression is that there have been but five cases of impeachment before the Senate of the United States since the formation of this Government.

The next case was that of Judge Chase. There was a resolution of inquiry introduced into the House on the 5th of January, 1804. A committee was appointed to investigate, and on the 12th of March the committee reported in favor of an impeachment. The testimony having been taken in full and at great length, it was reported to the House by the committee who were specially directed to investigate the subject, and on the 26th of March thereafter—fourteen days—the committee reported to the House articles of impeachment for its consideration.

Now the charges against Judge Chase were charges of record, re quiring but little investigation or very little testimony outside of the records before the court. But Congress adjourned when those articles of impeachment were reported, and met again on the 30th of November, 1804. After Congress met, Mr. Randolph, if I recollect aright, called the attention of the House to the articles of impeachment which had been reported at the previous session, and asked that they be re-committed to the Committee on the Judiciary, and they were so recommitted before they were adopted by the House, and they were adopted several days after that date.

The next case to which I call the attention of the House is that of Judge Peck. The memorial was presented to the House on the 9th of December, 1826. The House referred it to the Judiciary Committee. On the 15th of February thereafter, the Judiciary Committee of the House reported, recommending that the petitioner have leave to withdraw his memorial; which leave was granted. It was not presented at the next session, but at the session of Congress in 1828 it was again presented and referred to the Committee on the Judiciary. I read from the preliminary proceedings in the trial:

The following session, Mr. McDuffle, on the 15th of December, 1829, repeated the motion he had made at the last Congress, and the petition was once more referred to the Judiciary Committee, which now consisted of Messrs, Buchanan, Wickliffe, Storrs of New York, Davis of South Carolina, Bouldin, Ellsworth, and White of Louisiana. These gentlemen took up the subject with earnestness, and on the 7th of January ensuing, their chairman, Mr. Buchanan, moved that

they be authorized to send for persons and papers. The motion was agreed to: witnesses were sent for and examined, and on the 23d of March following, Mr. Buchanan made a full report of the proceedings of the committee, exhibiting an abstract of the Soulard cause, (which had given rise to the proceedings,) together with the depositions of Luke Edward Lawless, the memorialist, &c.

Mr. Speaker, I have presented these authorities and precedents to this House for the purpose of showing that there is no necessity for this hot haste, or that articles of impeachment should be presented this not haste, or that articles of impeachment should be presented upon the testimony of a single witness after impeachment has been made by this House. It is a grave question, it is a national question, which should receive due consideration, and every step in the proceedings should be taken upon due deliberation. If Mr. Marsh had not left this country, if Mr. Marsh could be had as a witness to-day, I do not think this House would do justice to itself or to the country if it proceeded in this impeachment case on his testimony alone. It is possible that every member upon this floor may think that there is testimony enough in that case to impeach Mr. Bellynen, when the is testimony enough in that case to impeach Mr. Belknap; but that is not the question. We have impeached Mr. Belknap of high crimes and misdemeanors in office, and it is our duty as a House of Representatives to investigate into all the high crimes and misdemeanors of which he has been guilty while he has been in office, and which

can come within our investigation.

Therefore, Mr. Speaker, I do insist that these articles of impeachment now reported by the Committee on the Judiciary should be recommitted to that committee, with authority to take testimony, send for persons and papers, and be authorized to report articles of impeachment to this House at such time as they may think best.

Mr. KNOTT. I now call the previous question on the resolution reported from the Committee on the Judiciary.

Mr. LAWRENCE. I hope the gentleman from Kentucky will not attempt to limit the debate.

Mr. KASSON. Do I understand the chairman of the Judiciary

Committee to refuse his associate on the committee an opportunity to

The SPEAKER pro tempore, (Mr. Cox in the chair.) The gentle-man from Kentucky has demanded the previous question and debate is not in order.

The question was taken on seconding the previous question; and on a division the Chair announced that there were 80 votes in the affirmative.

Mr. CONGER. Before the negative vote is called I desire to ask if the previous question will be upon the resolution only?

The SPEAKER pro tempore. The Chair understands it to be upon

Mr. KASSON. That covers it all.
Mr. CONGER. Does it apply to the consideration of the bills reported by the Committee on the Judiciary?

The SPEAKER pro tempore. The Chair does not understand that it does; the bills will come up immediately after the resolution has been disposed of.

Mr. CONGER. Independent of the previous question?

The SPEAKER pro tempore. Independent of the action on the res-

Mr. CONGER. Do I understand that the bills themselves will be subject to discussion? I do not know that there is any objection to the passage of the resolution.

The SPEAKER pro tempore. The previous question only applies to the resolution.

The negative vote not being called for, the previous question was seconded.

Mr. KASSON. I now ask the question whether the previous question is only on the motion to recommit?

Mr. KNOTT. It is on the resolution only, which is a motion to re-

commit.

The SPEAKER pro tempore. The question is only upon the adoption of the resolution reported by the Committee on the Judiciary.

Mr. CONGER. Let the resolution be read, and then we shall understand matters.

The Clerk again read the resolution.

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. KNOTT moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMMUNITY TO WITNESSES BEFORE INVESTIGATION COMMITTEES.

Mr. KNOTT. I now move the engrossment and third reading of the first bill reported by the committee, and upon it I will ask the previous question; and if the previous question shall be sustained, I will then yield a portion of the time to which I shall be entitled to my colleague on the committee [Mr. LAWRENCE] to discuss the bill.

Mr. KASSON. I beg the gentleman not to demand the previous question.

question.

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. Knort] presents, under the privilege granted to him, a bill from the Committee on the Judiciary.

Mr. KASSON. It is in order to make an appeal on this question. Not one word of explanation has been heard of this bill, and I beg the gentleman not to insist upon the previous question when the gentleman from Wisconsin [Mr. LYNDE] has just expressed his regret at

the haste the other day with which the articles of impeachment were adopted. It is but right that a little debate should be allowed before this bill is forced upon the House, and I appeal to the gentleman to

allow a little free debate.

allow a little free debate.

Mr. KNOTT. I simply desire to remark in answer to the gentleman from Iowa that I understood on yesterday that this bill was to be passed without a dissenting voice on the other side of the House and that we have been derelict in our duty in not having brought it in sooner. But I want to say this, that if gentlemen desire to debate the bill there will be an hour after seconding the previous question, if it shall be seconded, when gentlemen can be heard in opposition to

Mr. KASSON. The trouble is that that hour has been parceled out

already.

The SPEAKER pro tempore. Does the gentleman from Kentucky

yield to the gentleman from Iowa?

Mr. KNOTT. I have called the previous question.

Mr. KASSON. I trust the Chair will not interpos I trust the Chair will not interpose to prevent the gentleman from yielding to me.

The SPEAKER pro tempore. The Chair has no power except to

enforce the rules.

Mr. WILSON, of Iowa. We must have the bill read.

The SPEAKER pro tempore. It has been read a first and second me. The Chair rules that it has been read a first and second time

time. The Chair rules that it has been read a first and second time unless objection was made.

Mr. WILSON, of Iowa. Well, I make the objection.

The SPEAKER pro tempore. The objection comes too late now.

The question is upon seconding the previous question upon the bill.

Mr. WILSON, of Iowa. On which bill? There are two; and the Chair ruled that the bill could not be read.

The SPEAKER pro tempore If the gentleman wants the bill read for information it is never too late.

Mr. WILSON, of Iowa. I do want it read.

The Clerk again read the bill.

Mr. HARRIS, of Virginia. I desire to say to the gentleman from Kentucky [Mr. KNOTT] that I wish to offer a substitute for the bill, which I now send up to the Clerk's desk and desire to have read.

The SPEAKER pro tempore. Does the gentleman from Kentucky

yield for that purpose?

Mr. KNOTT. No, sir.

Mr. HARRIS, of Virginia. Then I desire to ask the gentleman a

The SPEAKER pro tempore. Does the gentleman yield for that

Mr. KASSON. I object, unless some time is allowed for discussion.

Mr. RASSON. I object, unless some time is anowed for discussion. The SPEAKER pro tempore. Debate is not in order.
Mr. HARRIS, of Virginia. I merely desire to ask a question.
Mr. BLAINE, [to Mr. KASSON.] Object.
Mr. HARRIS, of Virginia. Why does not the gentleman object himself !

Mr. BLAINE. I do object, unless some debate is to be allowed on

this side of the House.

Mr. HARRIS, of Virginia. Then why do not you take the responsibility of objecting yourself? The question was upon seconding the call for the previous question;

The question was upon seconding the call for the previous question; and being taken, upon a devision there were—ayes 118, noes 9.

Mr. PAGE. No quorum has voted.

The SPEAKER pro tempore. No quorum having voted, it is the duty of the Chair to order tellers.

Mr. BLAINE. There have been two speeches from the opposition side of the House. [Cries of "Order!" "Order!"] Every man here is in favor of this bill, but we want one speech on this question from this side of the House, there having been two speeches on that side. this side of the House, there having been two speeches on that side.

Mr. DAVIS. I rise to a question of order.

The SPEAKER pro tempore. The gentleman will state his point of

Mr. DAVIS. The gentleman from Maine [Mr. Blaine] is out of order and he knows it; and he should be made to observe the rules

of the House. [Laughter.]

The SPEAKER pro tempore. The gentleman from Maine is now in order. No quorum having voted, the Chair will appoint as tellers Mr. Knott of Kentucky, and Mr. Blaine of Maine.

The House again divided; and the tellers reported that there were

The House again divided; and the tellers reported that there were—ayes 109, noes 11; no quorum voting.

Mr. BLAINE. There is no quorum voting.

The SPEAKER pro tempore. The Chair will announce that.

Mr. BLAINE. I think that the gentleman from Kentucky [Mr. KNOTT] will see the propriety of yielding a very few minutes to this side of the House. There is every disposition on this side to expedite the passage of the bill. For myself, I do not want to speak more than fifteen minutes at the outside.

Mr. KNOTT. I call for the yeas and nays.
Mr. BLAINE. Not on seconding the previous question.
Mr. HOAR. Allow me to make a suggestion to which there will perhaps be no objection. I wish to say to the gentleman from Kentucky, [Mr. KNOTT,] who knows I am thoroughly in favor of his

Mr. BLAINE. So am I.
Mr. HOAR. And think it all right. There have been some suggestions made privately on both sides of the House upon one particu-

lar point in which this bill may be defective. I think the objection may be answered, but if the previous question shall now be seconded it will put it out of the power of the House to remedy that defect if one shall be discovered. I think the result of discussion will be a most triumphant answer to the objection. I suggest to the gentleman whether he cannot keep the control of this bill by having unanimous consent to take the floor at the end of ten or fifteen minuted. and call the previous question if he shall see fit to do so. I think that whole matter could be accomplished in less time than it would require

to take the yeas and nays.

Mr. KNOTT. This is a matter which this side of the House are no more interested in than gentlemen on the other side—not one particle. It was announced on yesterday that there would be a unanimous concurrence in the passage of this bill. If they desire to concur, all

right.

Mr. KASSON. Not on this bill, for I for one never heard it read.

Mr. KASSON. Not on this bill, for I for one never neard it read. It may be all right.

The SPEAKER pro tempore. Debate is not now in order. The House having been found without a quorum, two motions only are in order, one for a call of the House and the other a motion to adjourn. Mr. BLAINE. A fifteen-minute speech would not take more than half the time required for a call of the House.

Mr. MORRISON. I move that there be a call of the House.

The motion was agreed to.

The Clark proceeded to call the roll, and the following members

The Clerk proceeded to call the roll, and the following members

failed to answer to their names:

Messrs. Bagby, George A. Bagley, William H. Baker, Bass, Blair, Bliss, Bradford, John Young Brown, Chapin, Crounse, Darrall, Durham, Ellis, Frye, Garfield Gause, Goodin, Hale, Hancock, Haralson, Hartzell, Hays, Hereford, Hoge, Hurd, Frank Jones, Thomas L. Jones, Joyce, Kimball, King, Lamar, Lapham, Magoon, McFarland, Metcalfe, Money, Morey, William A. Phillips, Fratt, Purman, Rainey, John Reilly, Springer, Tarbox, Terry, Thomas, Charles C. B. Walker, Gilbert C. Walker, Walls, Wheeler, Jeremiah N. Williams, Benjamin Wilson, and Woodburn.

Mr. HOOKER. I desire to say that Mr. LAMAR is detained from

the House by indisposition.

Mr. YOUNG. My colleague, Mr. McFarland, is absent by leave of the House

Mr. GOODE. My colleagues, Mr. TERRY and Mr. WALKER, are ab-

sent by leave of the House. Mr. HOSKINS. My colleague, Mr. Bass, is detained at home by sickness, and cannot be present. My colleague, Mr. Wheeler, is absent on account of the death of his wife.

Mr. TOWNSEND, of New York. My colleagues, Mr. George A. Bagley and Mr. Lapham, are absent on leave.

Mr. HENDEE. My colleague, Mr. JOYCE, is detained from the

House by sickness.

Mr. STONE. I desire to announce that the gentleman from Ken-

Mr. STONE. I desire to amounte that the gentleman from Kentucky, Mr. Durham, is detained at home on account of sickness.
Mr. WALLACE, of South Carolina. Two of my colleagues, Judge
Hoge and Mr. Rainey, are absent on leave.
Mr. MILLIKEN. My colleagues from Kentucky, Mr. Brown and
Mr. Jones, are absent on leave of the House.

Mr. CALDWELL, of Alabama. My colleague, Mr. Bradford, is detained from the House by sickness.

Mr. GIBSON. My colleague, Mr. Ellis, is absent from the House on account of sickness. My colleagues, Mr. Morey and Mr. Darrall,

are absent on leave.

Mr. SAYLER. The gentleman from Nebraska, Mr. CROUNSE, is

Mr. SPARKS. My colleague, Mr. Hartzell, is absent on leave.
Mr. WIGGINTON. The gentleman from Nevada, Mr. Woodburn, is detained from the House by sickness.

The call of the roll being concluded,

The SPEAKER pro tempore said: This roll-call discloses the presence of two hundred and thirty-six members. One hundred and forty-seven constitute a quorum; so there is largely more than a quorum present.

Mr. MORRISON. I move that further proceedings under the call

be dispensed with.

The motion was agreed to.

The SPEAKER pro tempore. The question now recurs on second-.

The SPEAKER pro tempore. The question now recurs on seconding the demand for the previous question on ordering the bill to be engrossed and read a third time.

Mr. LAWRENCE. Allow me to inquire of the chairman of the Judiciary Committee [Mr. KNOTT] whether it would not be better to allow some debate on this bill on this side of the House. Nothing has been said upon it here; and it is a bill of a good deal of importance. It is one that ought not to be passed hastily. While I am in favor of it, and shall speak in favor of it, it is one upon which members of the House have a right to be heard. I appeal to the gentleman to allow some discussion. some discussion.

The question being taken on seconding the demand for the previous

question, there were—ayes 120, noes 11; no quorum voting.

Tellers were ordered; and Mr. RANDALL and Mr. LAWRENCE were

appointed.
The House divided; and the tellers reported—ayes 116, noes 19; no

quorum voting.

Mr. BLAINE. Mr. Speaker, nothing could be more disagreeable to this side of the House than anything that looks like filibustering.

The SPEAKER pro tempore. The gentleman from Maine is not in

Mr. LUTTRELL. I rise to a question of privilege.

The SPEAKER protempore. It is not in order at this time, there being upon the last vote no quorum.

Several members called for the regular order.

Mr. COCHRANE. I call for the reading of Rule 31.
The SPEAKER pro tempore. The Clerk will read the rule.

The Clerk read as follows:

Every member who shall be in the House when a question is put shall give his vote, unless the House shall excuse him

The SPEAKER pro tempore. The only motions in order are for a call of the House or to adjourn.

Mr. CLYMER. I move a call of the House.

The motion was agreed to; there being on a division-ayes 105,

Mr. O'BRIEN. Does not the last vote disclose the presence of a quorum? If so, I submit that no call of the House is in order.
Mr. LAWRENCE. O, yes.
Mr. PARSONS. I call for the yeas and nays.
Mr. KELLEY, Mr. HARRISON, and others. Is there not a quorum

present?

The SPEAKER protempore. A quorum has voted. Mr. HARRISON. I move a reconsideration of the I move a reconsideration of the vote by which a call of the House was ordered.

Mr. BLAINE. That is right.

Mr. KELLEY. I call for the yeas and nays.

Several MEMBERS. O, no! Mr. HARRISON. I withdraw the motion.

Mr. PAGE. I renew it. Mr. CLYMER, Mr. BLACKBURN, and others. How did the gen-

The SPEAKER pro tempore. Where there is no record of the vote any member may make a motion to reconsider. The rule is express on that subject.

Mr. ATKINS. As the public business seems to be obstructed, I move that the House do now adjourn.

Mr. BLACKBURN. I hope not.
The SPEAKER pro tempore. The gentleman from Tennessee has the right to make that motion.

Mr. ATKINS. I have the right to make that motion, and I ask for

Mr. O'BRIEN demanded the yeas and nays.

The yeas and nays were not ordered.

Mr. PAGE. I insist on my motion to reconsider the vote ordering a call of the House.

Mr. ATKINS. What has become of my motion to adjourn?

The SPEAKER pro tempore. It is still pending. The House refused to adjourn.

Mr. PAGE. I move to reconsider the vote by which the House ordered that there should be a call of the House.

The motion was disagreed to.

The SPEAKER pro tempore. The House having ordered that there be a call of the House, the Clerk will now proceed to call the roll.

The roll was called; and the following members failed to answer to

Messrs. Bagby, George A. Bagley, William H. Baker, Banks, Bass, Blair, Bradford, John Young Brown, Cason, Chapin, Crounse, Darrall, Dobbins, Durham, Ellis, Frye, Garfield, Gause, Goodin, Hale, Hancock, Haralson, Hartridge, Hartzell, Hays, Hereford, Hoge, Hyman, Frank Jones, Thomas, L. Jones, Joyce, Kimball, King, Lamar, Lapham, Magoon, McFarland, Metcalfe, Money, Morey, William A. Phillips, Purman, Rainey, John Reilly, Springer, Tarbox, Terry, Thomas, Van Vorhes, John L. Vance, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Walls, Wheeler, Wigginton, Benjamin Wilson, and Woodburn.

Mr. FAULKNER stated that his colleague, Mr. Wilson, had been

The SPEAKER pro tempore. Two hundred and thirty-seven members have answered to their names, which is more than a quorum. The doors will now be closed, and the names of the absentees will be called for excuses

Mr. CLYMER. More than a quorum being present, I move that all further proceedings in the call be dispensed with.

The motion was agreed to.

The SPEAKER protempore. The doors will be re-opened. The question now recurs on seconding the previous question on the engrossment and third reading of the bill reported from the Committee on the Judiciary

Mr. LAWRENCE. I desire to make an inquiry and a statement. It has been usual when a bill comes from a committee to allow the minority of that committee to have an opportunity to be heard. I understood the chairman of the Committee on the Judiciary to have stated at the opening of his remarks that he was willing to accord to the minority of the committee, no other member desiring to speak but myself, the right to occupy the House for half an hour, or to dispose of the time as I might deem proper. As far as I am concerned, I think we ought not to waste any further time, and I hope the House will now consent to dispose with all further proceedings in the call. The SPEAKER pro tempore. That has already been done.

Mr. LAWRENCE. Then I hope the previous question will be sustained and the half hour be accorded to me in the closing of the de-

bate, to dispose of as I may deem proper.

Mr. KNOTT. I made the statement that should the previous question be sustained I would yield to my colleague on the committee, the

gentleman from Ohio, one half hour. That certainly was understood before all this filibustering commenced. I have reiterated the statement time and again, and have now no disposition to recede from that fair proposition. I am still willing to yield half an hour to the gentleman from Ohio.

The SPEAKER protempore. This is all proceeding by unanimous

consent, as debate is not in order.

Mr. KASSON. I think the gentleman from Kentucky misunderstands the point. If I understand, he now desires the previous question shall be seconded first.

Mr. CLYMER. I object to further debate.

The SPEAKER pro tempore. The gentleman objects, and debate is not in order.

Mr. KASSON. This is not debate.

The SPEAKER pro tempore. It is, and the gentleman is not in order. The question recurs on seconding the demand for the previous question on the engrossment and third reading of the bill.

The previous question was seconded and the main question ordered, Mr. PAGE moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER pro tempore. The gentleman from Kentucky, chairman of the Committee on the Judiciary, is entitled to an hour, having

man of the Committee on the Judiciary, is entitled to an hour, naving reported the bill, in which to close the debate.

Mr. KNOTT. I yield half an hour to the gentleman from Ohio.

Mr. TOWNSEND, of New York. Let me first ask a favor of the House. There has been a call of the House several times, and as I do not wish to seem to be in contempt of the House, having an important matter of business to attend to, I ask to be excused for the remainder of this days as the second of the remainder of this days. mainder of this day.

There was no objection, and it was ordered accordingly.

Mr. LAWRENCE. Before proceeding to say what I desire in regard to this bill, I will yield to the gentleman from Iowa.

Mr. KASSON. Mr. Speaker, on yesterday there were some things I thought ought to have been pardoned, owing to the excitement of the debate; some statements which I hardly expected to be renewed this mention and breach and allested this morning, and by so cool and collected a gentleman as the chairman of the Judiciary Committee. The statements to which I refer are those which concern an alleged effort on the part of the executive administration of this Government to terrify a witness or witnesses from appearing in Washington to sustain the prosecution. In the few moments allowed, sir, I have only to say that I have before me several of the papers which refer to that Cabinet meeting commented upon by the chairman of the Judiciary Committee, and showing such a condition of facts as to take all excuse based upon that fact from those gentlemen who yesterday and again this morning seemed to rest this action against the Administration.

On Thursday about three o'clock the witness was discharged from the committee and allowed, with his compensation in his pocket, to

depart.

Mr. BLAINE. Before that. Mr. KASSON. And taking the first train for New York afterward

Mr. BLAINE. He left at one and a half o'clock on Thursday, three hours before the report was made in this House.

Mr. KASSON. It is stated that he left at midday, but I wish to

give them the benefit—

Mr. BLAINE. He absolutely left here at one and a half o'clock.

Mr. KASSON. Then I stand corrected. He left here by the mid-

day express.

Mr. RANDALL. How do you know that?

Mr. BLAINE. I will tell the gentleman how, when I get the floor.

Mr. KASSON. I ask gentlemen on the other side who had been yielded to over and over again for every interruption, and who yester-day refused absolutely to yield—I ask them not to appeal to-day to my generosity. There has not been reciprocity on that side in this

I wish to proceed with my statement, which is that this witness left about midday on Thursday, March 2, reached New York at six o'clock next morning, started for Canada from New York on Friday about noon, and reached Montreal on Saturday morning; and in Montreal, if he has read it to this day, he for the first time read the in-formation about the much-talked-of Cabinet meeting. Thus, on Friday, when the Cabinet meeting was held, and whatever was under consideration was considered, this witness was at that moment fleeing from New York to Canada; and the alleged publication in the Republican of this city was on Saturday morning, when this witness was in Canada, and the alleged publication of the same in the New York Sun, in the Burlington Hawkeye, in the Chicago papers, and in other papers all over the country had appeared after this witness had taken refuge in a foreign dominion.

Now, sir, does not this put an end to this miserable pretense about the President or the Cabinet designing to scare away the witness? the President or the Cabinet designing to scare away the witness? And does it not show that all the argument of yesterday based upon that pretense falls to the ground for want of any fact to rest upon? And is it not put on the ground on which we put it yesterday, that that committee—innocently, I have no doubt, I cannot believe any member of it wanted this witness to escape—allowed him to go without exercising their right even to say to him, "You will not get discharged, at least until we learn whether the House wants you for

the prosecution of the impeachment ?

Now, it may possibly also be urged to-day that the House has acted in such haste that they cannot prosecute the impeachment without further evidence; and the gentleman from Mississippi [Mr. Lamar] admitted yesterday that there was not evidence enough in the whole case on which to base an indictment. I think, sir, the officer concerned is on that showing impeachable and ought to be presented for impeachment to the Senate. But while I admit that I affirm that this peachment to the Senate. But while I admit that I amrin that this House ought not to show an unbecoming haste for party purposes to arrive at certain results, and that it is a question for this House to consider whether they have not acknowledged themselves to-day to have been guilty of that unbecoming haste, both in respect to the witness and in the imperative order made upon the Judiciary Committee to report at once articles of impeachment, which has forced that committee into the position of obeying an order of the House four days afterward or five days afterward and still asking the House to excuse them from complying with its order and to give them further

That brings me to the question of this bill. The Judiciary Committee have brought the bill before the House. It has not, so far as

mittee have brought the bill before the House. It has not, so far as I know, been printed. It is only before the House by having been read at the desk, and it is alleged—

[Here the hammer fell.]

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. KASSON. I wish to finish my sentence.

Mr. LAWRENCE. I yield a few moments more to the gentleman.

Mr. KASSON. And it is alleged that this bill on which the previous question has been forced, when we can only listen with our ears to find its contents—it is alleged that this bill is so drawn that the most guilts. its contents—it is alleged that this bill is so drawn that the most guilty criminal in a given case with friends on a committee may come be-fore that committee and answer certain questions under protest, his answers both revealing the crime and exempting him from all pun-ishment for it. Hence I have asked, as I did before, for delay, in order to be sure that we are right, and if we are sure that we are right, by considering amendments and otherwise, let us pass the bill that receives the approval of the sober judgment of the House. We do not desire to throw any embarrassment in the way of accomplishing the object, but let us see that in accomplishing one object we are not defeating the most important ends of justice.

Mr. LAWRENCE. I now yield fifteen minutes to the gentleman from Maine, [Mr. BLAINE.]

Mr. BLAINE. I will not want as much as fifteen minutes.

Mr. BLAINE. I will not want as much as fifteen minutes.
Mr. Speaker, my friend from Pennsylvania [Mr. RANDALL] was anxious to learn how the gentleman from Iowa [Mr. KASSON] could know that Marsh left here on a certain day. I told him I would answer him. After so much was made yesterday out of the alleged fact that Marsh was frightened out of Washington by some pretended threats of prosecution, I sent, after the adjournment of the House, to the Arlington Hotel and learned—and I have the memorandum here by the person who went—that Mr. Marsh left here on Thursday, March 2, at 1:30 p. m., by the express train for New York; and he was seventy-five miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward Canada when the gentleman from Pennsylve miles on his route toward the miles of the miles of the five miles on his route toward Canada when the gentleman from Pennsylvania [Mr. Clymer] made his report at the Clerk's desk.

The gentleman from Iowa [Mr. Kasson] has stated with precise accuracy that the next day he left New York for Canada, and that if

he ever heard of these mythical instructions of the Cabinet he heard of them in the Montreal papers or in the New York papers of Saturday when they reached Montreal on Sunday; so that the statement of Marsh having been frightened by Cabinet threats is entirely with-

out any foundation whatever.

I am authorized also to say that there never were any instructions whatever given in the Cabinet to prosecute Marsh. His case was never considered—never. It was simply a question to prosecute Belknap. Yesterday the gentleman from Mississippi, [Mr. Lamar,] whom I regret to hear is ill and therefore cannot be in his seat, stated that if the question want to the grand jury it was not Belknap that whom I regret to hear is ill and therefore cannot be in his seat, stated that if the question went to the grand jury it was not Belknap that could be indicted but only Marsh, and he added to his speech a footnote after adjournment, to which the attention of the House has already been called by the gentleman from Massachusetts, [Mr. Hoar,] on a parliamentary point which I desire to have read at the Clerk's desk, in order that it may go on the records to the country as well as the argument of the gentleman from Mississippi, based on what he himself has confessed to be an erroneous conception of the facts and the law.

The Clerk read the foot-note, as follows:

After I concluded my remarks, Mr. Sampson, of Iowa, came to my seat and called my attention to the statute of 1861, under which the testimony given by a witness in an investigation of this kind before a committee of the House is forbidden to be used in any criminal proceeding against him. Having, in the hurry of off-hand debate, overlooked that statute, I think I overstated the liability of Marsh to be indicted on the evidence before the committee exclusive of his own depositions.

L. Q. C. L.

Mr. BLAINE. I will put that on record.
Mr. REAGAN. Will the gentleman allow me to interrupt him for a moment?

Mr. BLAINE. The gentleman will pardon me; I have not time. The SPEAKER pro tempore. The gentleman from Maine [Mr. BLAINE] declines to be interrupted, and will proceed.

Mr. BLAINE. Therefore the statement is withdrawn that there was any special liability of Marsh or any special effort to get hold

of Marsh. It was purely and solely a misconception of the imagination or the manufacture of some inventive mind. There is nothing in it whatever, and when gentlemen on the other side of the House in it whatever, and when gentlemen on the other side of the House charge that any one in this city behayed in such a manner as to frighten Marsh out of this country, they state, to put it mildly, what has no foundation in fact. I state again—and if the gentleman from Pennsylvania [Mr. CLYMER] should think this is intended to be offensive, I beg to say that I do not so intend it—I state again that the simple failure to discharge Marsh would have retained him.

I beg to call the attention of the House to the fact that the chairman of the Committee on Naval Affairs, the honorable gentleman from Tennessee [Mr. WHITHOPER I this morning took precisely that

man of the Committee on Naval Affairs, the honorable gentleman from Tennessee, [Mr. WHITTHORNE,] this morning took precisely that precaution in the case of the witness whose presence was so painful to the House; he simply retained the witness. So far as is known to the House that witness, as Marsh had done, had answered every solitary question put to him by the committee, but out of abundant caution the chairman of the Committee on Naval Affairs stated to the

House that he begged that the witness be retained.

The mere fact of not discharging a witness retains him, and I do not believe there is a man in the United States who has nerve enough to leave this city when he is here under the orders of the House, under the control of a committee of the House, unless he is discharged by

that committee.

Now the honorable gentleman from Pennsylvania [Mr. Clymer] must not understand me as making any reflection upon him. I do not desire to do it, but I say that the gentleman and his colleagues must accept the responsibility of a grave mistake; just to that extent and no more; of a very grave mistake. The witness Marsh would be in this city this day, and at this hour, but for that discharge. The House of Representatives were not permitted to consider the question of retaining him here, but we were forced, under the previous question, into ordering an impeachment; and at that time I say that this man Marsh was seventy-five miles away from this city, bound for Canada on an express train, so that it was absolutely beyond the power of the House to take any action in the premises whatever. was not only discharged from our custody, but was out of the city. He was gone; he had fled, and he was just as much bent, when he left here, on going to Canada, as any man who ever started from this city to go to Montreal.

A gentleman near me questions the propriety of this bill. have some very extreme provisions, but I do not care about that. I will vote for the bill, and I ask my republican friends to vote for it. I do not want the slightest possible ground of evasion or darkening or anything of the sort. I do not want it to be said that we made no attempt to get the witness Marsh, but I will venture to prophesy that you may pass all the bills of exemption you choose and you will not get him. I will venture that. [Laughter.]

Mr. RANDALL. How do you know?

Mr. BLAINE. I do not know, but I am a Yankee by adoption and I can guess. [Laughter.] I can simply guess that he will not come, and he is now beyond our jurisdiction.

On yesterday we were told that the privileges of this House were invaded and its dignity insulted by reason of the fact that we were asked to send certain testimony to the grand jury of this District in order that a criminal proceeding might be initiated against the late Secretary of War. And it was said by the gentleman from Tennessee [Mr. Bright] and the honorable gentleman from New York, [Mr. Cox,] who now so gracefully occupies the chair, [laughter]-it was Cox,] who now so gracefully occupies the chair, [laughter]—it was said by those gentlemen that it was done in order to interfere with impeachment. We were charged here with a great desire to get these papers away in order that impeachment might be lamed and hindered in some way. But forthwith, as soon as the House had voted that the dignity of the realm and the superior status of this House must be maintained, and that the impeachment must not possibly be interfered with, in comes the Committee on the Judiciary and tell us that we cannot impeach him at all. He cannot be indicted, for when we ask to have him indicted they say, "O, you want to interfere with his impeachment."

Very well; the House that was so grossly outraged said yesterday, "We cannot give up this testimony." Then the Committee on the Judiciary come in and say this testimony. Then the Committee on the Judiciary come in and say this testimony is not worth anything for impeachment. Here, then, we stand: The House will not permit the testimony to go before the grand jury in order that an indictment may be found against the late Secretary of War, and then our Committee or the Judiciary tell us that there is nothing in the testimony on which to impeach him. I understood the gentleman from Wisconsin, [Mr. LYNDE,] who spoke from this side of the House, where I hope a large deal of his sympathies belong, an able lawyer as he is, made a statement to the House, as I understood it, although I have not had the pleasure of reading it in the RECORD yet, that there was not sufficient ground at all in what was before the Committee on the Judiciary to

impeach him.

Mr. LYNDE. The gentleman entirely mistook my remark.
Mr. BLAINE. What was it?
Mr. LYNDE. I made no such remark at all. I said there was testimony sufficient before the committee undoubtedly to bring the articles of impeachment upon; but I did not think that on that testimony alone we ought to proceed with the impeachment.
Mr. BLAINE. Why not, if you have enough ground?
Mr. LYNDE. Because it is without precedent.

Mr. BLAINE. Why? Mr. LYNDE. And be Mr. LYNDE. And because there is a great deal of testimony re-ferred to in the testimony of Mr. Marsh that we ought to have before the articles of impeachment are drawn, in order to render that testi-

mony more certain and effectual.

Mr. BLAINE. Then I understood the gentleman better than he understood himself. Now I understand the gentleman to maintain that there is sufficient ground upon which to impeach him, but you will hold the testimony under which you could impeach him until you can get something else on which to impeach him. It is not well to in dict him, because that will interfere with the dignity of the House.

Mr. LYNDE. He is already impeached. This is merely testimony

that it is proper to frame the articles of impeachment upon.

Mr. BLAINE. Very well. But I understand this testimony has already been recommitted to the Committee on the Judiciary, with an enlarged power to search for something else on which to impeach him. The gentleman nods his head. Therefore this is not necessary to indict him. Mr. PAGE.

Mr. PAGE. To impeach him.

Mr. BLAINE. Well, to impeach him, I confess I am confused between the great dignity of this House, which was so insulted yesterday and afterward so magnificently vindicated, and the irresolute and halting course of the Committee on the Judiciary upon the subject of impeachment. It appears to me the Secretary will escape, will fall between the two stools; that he will not be indicted because it will injure the dignity of the House to have him indicted if we have to furnish the testimony, and that he will not be impeached because on the whole there is not enough upon which to found an impeachment, or, if it is enough, our committee thinks it well to hold on to it until we can get something else, until we can throw out a drag-net and catch something more. As my friend from Massachusetts [Mr. Hoar] says, give the case to this side of the House and we will do both very quick; we will indict him and impeach him both. [Great applause.]
Mr. PAGE and others. Go on.

Mr. BLAINE. I do not know that I have anything more to say, and therefore I think I had better return the floor to the honorable gentleman from Ohio, [Mr. LAWRENCE,] expressing my great thanks to him, and I owe thanks to him wholly, and not to any one else, for

the privilege of addressing the House.

Mr. LAWRENCE. On Thursday last the Committee on Expenditures in the War Department reported that the late Secretary of War had been guilty of high crimes and misdemeanors. For this there were two punishments provided by law; impeachment and indictment. It was the duty of this House and of every member of it, and of every committee of the House, to do all in their power to secure both an impeachment and an indictment. If there has been any obstacle thrown in the way of it, which side of the House has been or is responsible for it? Certainly not the republicans, who are in the minority in the House. Sir, the republican members of this House on yesterday voted to send to the proper court of this District all the evidence within the control of this House, so far as it had any, which would aid in securing the indictment of the late Secretary of War; while the other side of the House voted against giving that evidence to the grand jury. The very contract between Evans and Marsh, which is the re-sult of the corruption of Belknap, is in the custody of this House, and yet the majority refuse to surrender it or permit it even to be used without surrendering it as a means of indicting the guilty Ex-Secre-

These are facts, then, which stand out in their naked deformity and cannot be controverted. Sir, it was the duty of the House to impeach the late Secretary of War. The House ordered articles to be prepared by the Judiciary Committee; and they were prepared. It is now alleged that in order to secure a conviction on articles of important the presence of the witness Marsh is necessary. Who, I peachment the presence of the witness Marsh is necessary. pray you, is responsible for his absence? Whom will the country hold responsible for the fact that he is not here? Sir, I do not for one moment entertain the slightest idea that the chairman of the Committee on Expenditures in the War Department designed that Marsh should escape for the purpose of relieving the late Secretary Marsh should escape for the purpose of relieving the late Secretary of War from the impeachment or from the indictment. But the fact nevertheless remains that he did discharge this witness when he might have held him by authority of parliamentary law, and in all justice, and if he had not been discharged, he would have been here to-day to testify alike before the grand jury and before the high court of impeachment. It is said by my friend from Massachusetts [Mr. Hoar] who sits near by me that Marsh was discharged against republican protests. I do not know that fact myself; hence I cannot state it.

But, Mr. Speaker, it is alleged that the Cabinet of President Grant is in some way responsible for the escape of the witness Marsh. That has been sufficiently answered by the gentleman from Iowa [Mr. Kasson] and the gentleman from Maine, [Mr. Blaine.] The allegation is unfounded in fact. The Cabinet had no session and could not have taken any action until this witness was on his way to Canada, fleeing from the country. So that any action of the Cabinet could not have influenced his escape or his purpose to escape. But that is not all. There is no evidence that the Cabinet ordered any prosecution against him; and if they had done so, if they had ordered his arrest, and if he had been in the city, does not everybody know that they would have secured his presence here, and that then, having detained him

here by criminal process to answer to a criminal charge, this bill now reported by the Judiciary Committee would have relieved him from criminal prosecution and he could have been detained both to testify before the grand jury and before the high court of impeachment? So that, if the Attorney-General had ordered an arrest upon a criminal charge, it would have been a means of securing his attendance, and then Congress would have power to relieve him from criminal prosecution. The ends of justice would have been subserved if that step had been taken to arrest and hold Marsh here on any kind of process, no matter what it might have been. It would have been vastly better than to discharge him from process and relieve him from attend-

So far, then, as any responsibility rests upon the republican side of this House or upon any member of the Cabinet or the Executive himself, there is not the slightest evidence of a purpose on the part of any of them to shield the late Secretary of War either from impeachment or indictment. So far as the responsibility for the escape of Marsh rests upon anybody, I thank God that it does not fall upon this side of the House or upon any member of it. It is the business of the chairman of a committee, not the other members, to control the wit-

Mr. BUCKNER. Will the gentleman yield to me a moment?

Mr. LAWRENCE. I have not time, or I would be glad to do so.

Mr. BUCKNER. I only wanted to know whether the other side of the House will join in a petition to the President asking that Marsh be pardoned. Mr. FORT.

Mr. FORT. Yes, sir. Mr. LAWRENCE. Mr. Speaker, the Judiciary Committee have reported two bills; one of them to relieve Marsh from punishment, in order to induce him to come back and testify. I shall vote for it, as I believe all the members on this side of the House will. But that is not all. Another bill is reported which makes it a crime for Marsh to stay away. So that we hold out every inducement for him to come back. We say to him, "If you come you shall not be punished; if you do not you shall be." I know the chairman of the Judiciary Committee will do me the justice to say that I contributed my influence, whatever it was, in favor of the first of these measures, and he knows, but I will not state, how much I contributed in favor of the second. I would to-day put upon its passage the second bill and pass it simultaneously with the first, so that we should say to Marsh in his retreat in Canada, "Come back and you shall not be punished; but if you remain absent you shall by your absence be guilty of crime, and for that you shall be punished."

Sir, every member of the Judiciary Committee, every member on this side of the House, has done everything that could be done to se-cure the punishment of the late Secretary of War for the crime which he has committed against the people of this country and against the dignity and character of our republican institutions. I regret exceedingly that this debate, not only to-day but on previous days, has taken a somewhat partisan character. If anybody has sought to make political capital out of it, the attempt at least did not first come from this side of the House. And I submit that in the attempt gentlemen on the other side have been unable to show any act committed or duty omitted either by the President, or any member of the Cabinet, or any officer of the Government, or on this side of the House, or by any republican member of Congress, which could bring any re proach or leave any stain or furnish any suspicion of a desire to shield the guilty Ex-Secretary from merited and speedy punishment. One and all, everywhere, by every means and in every direction, have shown by more than mere professions a determination to do all that could be done to secure the conviction and punishment, both by imcould be done to secure the conviction and punishment, both by impeachment and by indictment, of that man who has dishonored his place and his name and betrayed his high trust and brought some degree of dishonor upon our nation. He is not indeed one of "the greatest" or "the wisest," but he has proved himself to be "one of the meanest of mankind." His crime is by no means the greatest of the last twenty years. There have been others before which his paled into comparative insignificance. But these do not justify or mitigate

his in the slightest degree.

Mr. Speaker, the bill which is now reported is substantially the law of 1857. It was originally enacted by a republican Congress. It continued in force until 1862, when it was found that improper advanting the state of the tage was sometimes taken of it; and there was substituted in lieu of it the following provision, which is now section 859 of the Revised

Statutes:

No testimony given by a witness before either House, or before any committee of either House of Congress, shall be used in evidence in any criminal proceeding against him in any court except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within said

That act secured substantially all the benefits of the original law, and relieved it in many cases of some of the evils which it was feared might grow out of the original law. At all events the privilege given under that statute was one which was liable to be abused, and now, when an emergency has arisen which requires the re-enactment of that law in substance, though changed somewhat from its original provisions, this side of the House comes up and is ready to vote for it in order that the ends of justice may be attained. So that, so far as any legislation is concerned requisite to secure the ends of justice, gentlemen on the other side of the House have nothing to boast of

over this side. The practice in England is to pass special bills to relieve witnesses from punishment in such cases as this. But we are ready to open wide the door to enable all committees to ascertain and expose all frauds. If the future shall render it unnecessary to continue the law, that time can legislate as the public interest may require. Now, Mr. Speaker, I hope both these bills will pass. I believe, under the circumstances, both to be expedient. I know of no special objection to them. I think none has been urged by any gentleman here. Now let us all unite to do all we can on both sides of the House to show to the country in this centennial year of our Independence that we are resolved not only to continue our national existence as a Republic but resolved that the Republic shall have for its officers men of integrity, and if any of them are found guilty they shall not escape the punishment their crimes deserve.

[Here the hammer fell.] Mr. KNOTT. I was about to inquire, Mr. Speaker, what had be-come of the bill that the gentlemen on the other side of the House were so extremely anxious to discuss that it required at least two calls of the House before we could have the previous question seconded. I have heard no objections made to any of its provisions or to its immediate passage. On the contrary, if I understand gentlemen on the other side of the House, they express a determination to support it

without any dissent whatever.

Indeed, the measure seems to have been lost sight of entirely in an attempt to vindicate that side of the House against charges which have never been made against it, and to vindicate the Executive against charges I never made against him. Now, if my friend from Iowa [Mr. Kasson] had comprehended what I said in my opening remarks, it would have perhaps rendered his speech entirely unnecessary. I did not say that the witness Marsh was hurried away from the city of Washington by the action of a Cabinet meeting, or by any threat made by the Executive, or any Cabinet officer, involving his personal safety. I said I would not undertake to inquire what it was threat made by the Exceptive, or any constraints that hastened his flight from the juri-diction of this Government. But I did call the attention of the House to the report made in the Government's home organ of the proceedings of a Cabinet meeting, in which it was stated very emphatically that there was to be no mercy shown either to Belknap or any one else who was implicated with him in these corrupt proceedings; and I did say that with this before Marsh in Canada, with this, like the sword of Damocles suspended over his head by a single hair, he would be a fool to return to Washington City or anywhere else within the jurisdiction of the United States. And he never will return until he has some assurance of immunity from punishment. I further stated that the President of the United States had it in his power, simply by the assurance that he should have that immunity, to bring him back here. And I said furthermore that his distinguished Attorney-General must certainly know that fact, or at least that I suspected he did. If there is that overweening anxiety on the part of the Administration to punish a high official who has brought disgrace upon it, the means are within its own grasp,

who has brought disgrace upon it, the means are within its own grasp, and it has only to use them to accomplish that desired end.

My distinguished friend from Maine [Mr. Blaine] says, "Give this side of the House the control of the matter, and we will not only impeach, but we will indict Mr. Belknap." That side of the House had for five long years the right to inquire into this thing, to unearth this corruption, and bring this high criminal to justice, and have him punished as his crimes deserved. And why did they not do it in the five years which they had? [Applause.]

Now, I never impugn the integrity of that side of the House, and God forbid I ever should. I am not one of those who believe all the purity belongs to the party with which I am affiliated, and all corruption and dishonesty to my political opponents. By no manner of

ruption and dishonesty to my political opponents. By no manner of

means. I make no such imputation, and the defense coming at the time is inopportune and entirely uncalled for.

But the gentlemen on the other side, recurring to this Mr. Marsh, whom I have never said left here because he knew of the Cabinet meeting or that his flight was hastened by the action of a Cabinet meeting, have said that he left the city of New York some time the next day after the proceedings of the Committee on Expenditures in the War Department had been reported to this House. I undertake to say that before the setting of the sun on that day there was not an intelligent negro boy of five years of age in the city of Washington who did not know precisely what had taken place. The whole city was in the most intense state of excitement about it. It was in everybody's mouth; and we fortunately have a telegraph from here to the city of New York, so that if Government officials here had desired to have Marsh arrested and brought back, the lightning-winged mes-senger could have transmitted their mandate to the police of New York before his arrival in that city and certainly before he left for

York before his arrival in that city and certainly before he left for Canada in the middle of the next day.

But again my distinguished friend from Ohio [Mr. Lawrence] reiterates the assertion that the responsibility for the flight of Mr. Marsh rests with this side of the House. I have asked the question repeatedly, and I appeal to the lawyers on this floor, and especially to the distinguished gentleman from Ohio, to show me the law by which this House or that committee could have held Marsh here, he having given no indication of intended flight. Had you done this, you would have violated one of the most sacred of all the safeguards you would have violated one of the most sacred of all the safeguards of the bill of rights. You would have been guilty of false impris-onment; a lawless violation of personal liberty.

The gentleman from Maine seems, by some strange psychological power which he possesses of which I have no knowledge, to be able to speak for Marsh, and says grant him the fullest immunity and he will never come back again. He may be correct in that fact for aught I know; but I think I am very safe in saying that he never will come back again without a promise of immunity. But if the gentleman from Maine was so intimately acquainted with the thoughts of Mr. Marsh at that time, perhaps it was his duty to have informed the House that he was going away.

Mr. BLAINE. I never heard the man's name until the committee

mr. BLAINF. I never heard the man's name until the committee presented its report to the House.

The SPEAKER pro tempore, (Mr. Cox.) Does the gentleman from Kentucky yield to the gentleman from Maine?

Mr. BLAINE. I do not want him to yield to me.

Mr. KNOTT. Now, Mr. Speaker, I grant that my learned friend and colleague on the committee, the gentleman from Ohio, [Mr. Law-RENCE,] has been as earnest in his endeavors to forward this impeachment as any member on that committee, and I am glad to say to the House that there has been in this matter, as there has been upon almost all matters before that committee, the utmost harmony and almost all matters before that committee, the utmost harmony and unanimity. We have all honestly worked to the same end. And that is, that justice may be done, and that the guilty may be punished; and in order to do that we have reported the bill which we ask that the House shall immediately pass; the purport of the bill simply being that if a witness shall be brought before either House of Congress, or a committee of either House, or before the Senate sitting as a court of impeachment, and is required to testify to any given act or fact, and protests against giving his testimony, on the ground that it may criminate himself, and is thereupon compelled to give it, that he shall be forever free from any liability to answer criminally in any court of justice, and secure from any forfeiture or penalty of any kind on account of the fact or act to which he shall be so required to tes-tify. That is the whole of the bill.

Gentlemen on the other side of the House have suggested that perhaps there might be a conspiracy between the accomplices of an accused party to come before a corrupt committee, and to testify before that committee, and in that way be acquitted of the offenses of which they may be guilty. That is within the range of possibility it is true, but no law was ever so wisely framed as to meet all possible cases that might arise under it. Just such cases are the quicksands of all legislation, and if we are to make no allowance at all for human honesty; if we are to suppose the House of Representatives is to be composed of scoundrels, and that Senators sitting as a court of impeachment ought rather to be clothed in the striped garb of the penitary than in the senatorial toga, that they would connive at or countenance a conspiracy of that kind, probably in that event the bill ought not to pass. But this bill will have simply this effect: whenever a witness is brought before a committee of the House or of the Senate, the House or the Senate is to judge whether they consider the facts in possession of the witness of sufficient importance to compel him to disclose them, and when in obedience to their compulsion he does disclose what he knows, then he has immunity as to those facts, and cannot be held to answer criminally for them; and if a future House or Senate, or a committee of either of them, shall make a mistake in its application, it will be their fault and not that of the law, if we shall pass it.

This bill, as has already been said, is substantially a re-enactment of the law of 1857—a law passed, as the gentleman from Ohio [Mr. LAWRENCE] has stated, by a democratic Congress, and passed then just for the purpose for which we ask this bill to pass, in order that a witness whose testimony was sought might testify without endangering his liberty. And so important was that bill considered by that Congress that it passed both Hopes with the ongress that it passed both Houses with unprecedented promptness

Now, Mr. Speaker, I believe I have said all that the patience of this House will permit. I call for a vote. The SPEAKER pro tempore. The question is on the engrossment The question is on the engrossment

and third reading of the bill.

Mr. BLAINE. I call for the yeas and nays.

The SPEAKER pro tempore. Does the gentleman wish to have the yeas and nays on the engrossment and third reading?

Mr. BLAINE. No, sir; on the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER pro tempore. The question is, Shall the bill now

Mr. BLAINE. On that question I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were-yeas 206, nays 8, not voting 75; as follows:

YEAS—Messrs. Adams, Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, ir., John H. Baker, Ballou, Banks, Banning, Barnum, Beebe, Bell, Blackburn, Blaine, Bland, Blount, Bright, William R. Brown, Buckner, Horatio C. Barchard, Samuel D. Burchard, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Candler, Cason, Caswell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clarke, jr., of Missouri, Clymer, Cochrane, Collins, Conger, Cook. Cox, Crapa, Culberson, Cutler, Davis, Davy, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Durand, Eden, Eghert, Evans, Faulkner, Felton, Forney, Fort, Foster, Franklin, Freeman, Frost, Fuller, Glover, Goode, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Benjamin W. Harris, Henry R. Harris, John T. Harris, Harrison, Hattridge, Hatcher, Hathorn, Haymond, Hondee, Henderson, Henkle, Hereford, Abram S. Howitt, Goldsmith W. Hewitt, Hill, Hoar, Holman, Hooker, Lopkins, Hunter, Hunton, Hurd, Jenks, Knott, Franklin, Landers, George M. Landers, Lane, Law,

rence, Leavenworth, Levy, Lewis, Lord, Luttrell, Lynde, Edmund W. M. Mackey, L. A. Mackey, Maish, McCrary, McDill, McMahon, Meade, Miller, Milliken, Mills, Monroe, Morgan, Morrison, Mutchler, Neal, New, Norton, Odell, Oliver, O'Neill, Packer. Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce. Piper, Poppleton, Potter. Powell, Randall, Rea, Reagan, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Rusk, Sampson, Savage, Sayler, Scales, Schleicher, Schumaker, Seelye, Sheakley, Singleton, Sinnickson, Slemons, Smalls, A. Herr Smith, William E. Smith, Southard, Sparks, Strait, Stenger, Stevenson, Stone, Stowell, Teese, Thompson, Thornburgh, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, Van Vohes, John L. Vance, Robert B. Vance, Waddell, Waldron, Alexander S. Wallace, John W. Wallace, Walling, Walsh, Ward, Warren, Erastus Wells, G. Wiley Wells, White, Whitehouse, Whitthorne, Wigginton, Wike, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis James Wilson, Alan-Wood, jr., Fernando Wood, Woodworth, Yeates, and Young—206.

NAYS—Messrs. Bradley, Eames, Kehr, MacDougall, Page, Platt, Whiting, and Williams—B. Williams—B. Radford, John Young Brown, Cannon, Chapin, Chittenden, Cowan, Crounse, Danford, Darrall, Denison, Durham, Ellis, Ely, Farwell, Frye, Garfield, Gause, Gibson, Goodin, Gunter, Hale, Hancock, Haralson, Hartzell, Hays, Hoge, Hoskins, House, Hubbell, Hurlbut, Hyman, Frank Jones, Thomas L. Jones, Joyce, Kasson, Kelley, Ketchum, Kimball, King, Lamar, Lapham, Lynch, Magoon, MacFarland, Metcalfe, Money, Morey, Nash, O'Brien, Plaisted, Pratt, Purman, Rainey, John Reilly, Sobieski Ross, Springer, Swann, Tarbox, Terry, Thomas, Martin I. Townsend, Charles C. B. Walker, Gilbert C. Walker, Walls, Wheeler, Wilshire, Benjamin Wilson, and Woodburn—75.

During the roll-call,

Mr. WILLIS said: My colleague, Mr. CHITTENDEN, has been necessarily called away. If here, he would have voted "ay."
Mr. HENDEE. I wish to state that my colleague, Mr. JOYCE, is absent on account of sickness. If here, he would undoubtedly vote

The result of the vote having been announced as above recorded, Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### WITNESSES.

Mr. KNOTT. In connection with the resolution and the bill which has been passed I was instructed by the committee to report a bill in relation to witnesses. I now move that that bill be recommitted to the committee and ordered to be printed, with leave for the committee to report it back at any time.

The motion was agreed to.

## PERSONAL EXPLANATION.

Mr. CLYMER. I ask the permission of the House to have read from the Clerk's desk an article which appeared in one of the New York papers of to-day—the Herald—and which is published in the Star, a paper published in this city. I ask the Clerk to read the ar-

The SPEAKER pro tempore. The Chair would state that there is too much confusion in the Hall. When personal questions come up it is better that members should retain their seats. It is utterly impossible for the stenographers to take down the remarks, as was sug-

possible for the steingraph of the steingraph of gested this morning.

Mr. CONGER. I ask the gentleman from Pennsylvania if he prefers to go on to-night, or will he yield for an adjournment?

Mr. CLYMER. I prefer to go on to-night, for the explanation will

be a very brief one.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. CLYMER] will proceed.

Mr. CLYMER. I ask the Clerk to read the article.

The Clerk read as follows:

Mr. Clerk read as follows:

The Clerk read as follows:

The Herald's Washington special has the following:

"Report here brings an ugly charge against the democratic members of the committee which developed Mr. Belknap's crime; one which both sides of the House will without doubt investigate at once. It is asserted that the following is susceptible of proof before a committee of the House: That when Mr. and Mrs. Marsh reached Washington last week, and before the former appeared before the committee, there was a conference at the Arlington between Mrs. Belknap and Mrs. Marsh, (several other persons being present, all being acquaintances and most of them knowing the facts which Mr. Clymer's committee was charged to inquire into,) that at that interview Mrs. Marsh, in talking of various transactions of which she knew, alluded to statements in circulation in certain circles in regard to the so-called Pendleton railroad claims relating to the Kentucky Central Railroad; that Mrs. Belknap said that the stories were gross exaggerations; that while it had been believed among some of her friends that she received \$70,000 from that claim, she had in fact only received about half that amount; that the friends of Mrs. Marsh assert that if she is ever brought before that committee she will undoubtedly testify to the main facts given above.

"The republican members of the committee knew nothing of this branch of the subject until Saturday night, and on Monday morning Mr. Danford caused a subpena to be issued for Mrs. Marsh. But she having, it is supposed, had an intimation of what was to come, left for Canada.

"It is further asserted to be susceptible of proof before the House that Mrs. Bowers, now Mrs. Belknap, Hon. George H. Pendleton. Mr. Clymer, and Mr. and Mrs. Marsh made some parts of the tour of Europe together, and that on this journey some if not most of the party that Mr. Clymer had determined to bring Mr. Belknap down, he was reminded in pointed terms that if he was determined to do this, he must bring Pendleton d

crats to push investigations. It is not meant to charge that any considerable number of democrats discourage investigation, but it is certain that some do.

"The record of Pendleton's settlement of the Kentucky Central Railroad claim, according to official papers, is this in brief: The road, after having been paid the usual military rates for service during the war, filed a claim for the difference between these rates and 90 per cent. of the usual rates to private persons. The amount of the claim so asserted was \$148,553. Secretary Stanton referred it to Quartermaster-General Meigs, who twice reported strongly against it, and Mr. Stanton refused to pay it. In the fall of 1870 Mr. Pendleton wrote Mr. Belknap asking another consideration of the case. It was again referred to General Meigs, who was recalled and restated the former action, and twice again reported adversely. It was then referred to General McKee Dunm, Assistant Judge-Advocate General, who decided that Belknap had the right to re-open the case; that the claim was a good one, and that the Third Auditor should be asked to settle it. Mr. Belknap approved this in writing, and a requisition warrant was issued to Pendleton and payment was rushed through the War and Treasury Departments in one day, the whole face of the claim being paid to Pendleton June 12, 1871.

"Of course this matter will be brought at once before the House, but Mrs. Marsh's escape to Canada may embarrass the thorough investigation which will be required."

Mr. CLYMER. Mr. Speaker, in a somewhat prolonged public service here and elsewhere, it is the first time that I have ever felt myself called upon to make a public statement with reference to anything that has appeared regarding me in the newspapers, for the simple reason, sir, that I believe this is the first time that I ever have seen my personal rectitude or honor directly impugned.

Now, sir, with reference to the article let me say that I never saw Mr. Marsh, the witness in this case, in my life until last Monday afternoon a week ago when he appeared in my committee-room. I never saw Mrs. Marsh but once in my life, and that was last Thursday morning, the day they left this city; when taking an early breakfast at the Arlington Hotel I saw Marsh, the witness, enter the room with a lady whom I presumed to be his wife. They seated themselves near me, and out of courtesy to a woman I went and was presented to her. The interview did not last three minutes and the case before my committee was never alluded to in the remotest degree. I have never met George H. Pendleton save on this side of the water; and therefore the charge in reference to my having traveled in Europe with either of these parties at any time is absolutely and totally false.

Again, it is alleged, or seems to be alleged, that I was cognizant of some meeting in the Arlington Hotel, in this city, between Mrs. Marsh, Mrs. Belknap, and others. If there was such a meeting, I certainly was not present. If matters were discussed there in reference to another crime, I could only and did only hear of it by rumor; and without any foundation in the world to go upon, save that it was said that there was a record—some one told me who was speaking about it—in the War Department; and fortunately I have a witness here whom last week I told to go to the War Department and search it up for me, so as to start that investigation amid all my other labors.

On Monday last, the Capital of the preceding day having contained the charge against Mr. Pendleton, I received a telegram from him inquiring whether he could be heard before our committee. I instructed a friend of his in this House to telegraph him that we would hear him to-morrow afternoon. With reference to my being unwilling to investigate this matter, my friend and colleague on the committee, Mr. Danford, of Ohio, will bear me witness that on Monday morning when I entered this Hall he came to me and said that he wanted Mrs. Marsh summoned, without telling me what for. He will also bear me witness that I instantly said "Yes;" and the Sergeant-at-Arms will prove that I went to him, took out a subpœna, and immediately sent a special messenger to New York for the purpose.

Now, sir, I brand the whole article, so far as it relates to myself, as utterly, entirely, and absolutely false. And the man or men who concocted that article have done so with malice aforethought and for some sinister purpose, of which I leave this House and the country to judge. I wish to say here that I will not be deterred from my duty as imposed upon me by this House to investigate frauds from the highest to the lowest, all through the body-politic, as they may come under my supervision, whenever I suspect or know corruption to exist. If it should strike the dearest friend on earth I would have the consolation of knowing that I had done my duty to this House and to the country, and they who expect to intimidate me by insinuations through the newspapers or elsewhere, or to deter me from my duty, have mistaken their man. I have as great respect as man can have for "the third estate." But, when it is used for a base and vile purpose, I will defend myself against it, and will appeal to honest

men here and everywhere for my support and my justification.

Mr. ROBBINS, of North Carolina. A word on the same line. I
desire to say that I never heard of this matter until I saw it in the papers this evening. I knew we had issued a subpœna for Mrs. Marsh. I wish to say furthermore that these efforts of criminals and their sympathizers to deter investigation by turning the batteries of vituperation and slander upon our committee that is engaged in trying to do its duty to the country will fail of success so far as I am concerned. I propose to sail my craft boldly into this fight until I am blown out of the water, which I have no fears will ever occur. But possibly we may blow up a few more men of war that I know of before the struggle is over.

Mr. BLACKBURN. I simply desire, as a member of the commit-tee, to add that I never in the world heard, either officially or other-wise, of the charge that is here alluded to until two or three days ago, when Mr. CLYMER said in the committee-room that he proposed to issue a summons for Mrs. Marsh. What it was that she was to testify to, or expected to testify to, I have no idea. That was the first and that was the last and the only time that I ever heard anything of it until I saw this article to which my attention was called.

I am perfectly indifferent as to what the newspapers say. No man

holds American journalism in higher appreciation than myself. But whenever one of that craft forgets his duty and becomes a barnacle upon his profession, a mere excrescence, who exists only to disgrace those with whom he is associated, I have ever held it to be my duty to refuse to stoop so low as to notice the miserable hireling. care though every newspaper in this country turns its batteries upon this committee. All we ask upon earth is this, and that we do ask and demand as an act of justice from the highest to the lowest in authority, keep your hands off the witnesses that we summon. And though this committee for the eleven years of its previous existence never made a report and never held a meeting, before this Congress shall adjourn we will unearth enough of the accumulated villainy of

shall adjourn we will thearth enough of the accumulated vilially of the last fourteen years to sicken the country, by exposing the putrid carcass that has been so sedulously covered up.

Mr. MacDougall. We heard that yesterday. We have heard enough "putrid carcasses" here. Give us something fresh.

Mr. Blaine. One moment, before the gentleman from Kentucky
[Mr. Blackburn] sits down. I am very sure that he would not desire to state as a matter of fact what the facts would not sustain; and there is a point in his remarks of yesterday to which I wish to call his attention. Prior to the time when I thought I should occupy the floor, I sought to find the gentleman in his seat; but, not being able to find him, I did not refer to this matter, as I might otherwise have done, in my remarks. The gentleman stated in his speech of yester-

Mr. BLACKBURN. I will interrupt the gentleman simply to say that, though not in my seat, I was closer to him than if I had been in

my seat.

Mr. BLAINE. I did not see the gentleman. Yesterday he made this statement in regard to the witness Marsh:

It would have been the exercise of an arbitrary power; we would have been guilty not only of assault, but we would have been guilty of bad faith, if we had sought to detain him longer. We came to this House while that witness was within the walls of this Capitol. We made our report, and stated the facts, as that report will show. The witness was then within the power of the House. He was subject to the order of Congress. We reported the facts while he was still lingering about your portals, and the House did not order his continuance in arrest, and no member of that committee ever asked it.

The gentleman, I think, will see, upon a review of the facts, that he was in error; that Mr. Marsh left the city at half past one o'clock, and the committee did not report until after four o'clock

Mr. BLACKBURN. I am very glad, Mr. Speaker, to have the opportunity of responding to the suggestion made by the gentleman from Maine, and I do it in this way: The Committee on Expenditures in the War Department left their committee-room about half past three o'clock, came to the House, and remained here waiting an opportunity to get the floor to make their report. Probably two hours before the committee left its room Mr. Marsh left without indicating any purpose of leaving the city of Washington that evening. I did not know, I did not believe, I do not know now, that Mr. Marsh left this city at half past one o'clock, unless it be upon the information of the gentleman from Maine, who seems to have been keeping com-pany with the witness or following close upon his tracks, and who has managed to ascertain the matter from hearsay testimony at the hands of the proprietor or the clerk of the Arlington Hotel.

I believed that Mr. Marsh was within the walls of this Capitol-I I believed that Mr. Marsh was within the walls of this Capitol—I had no right to believe anything else—when this committee came here to make its report. While sitting upon the floor awaiting the opportunity to make that report, I could not, of course, have my eye as a detective upon the person of Mr. Marsh. I had no idea when he left the city. I knew that about midday or after midday he was in this committee-room. I knew that at half past three o'clock this committee was in the House awaiting the yielding of the floor by the gentleman from New York, [Mr. Wood,] who was then addressing the House, to make its report. I had every reason to believe that Mr. Marsh was not only in the city, but was within the portals of this Capitol at the not only in the city, but was within the portals of this Capitol at the time that report was made; and I am indebted, and doubtless the House is indebted, to the enterprise of the gentleman from Maine for having tracked him and found exactly when and where and how he started

Mr. BLAINE. If the gentleman is to be understood as correcting his statement of fact, that is very well. As for my "tracking" the witness, I have never seen him. I never heard of him till the report came in; since that time of course his name has been pretty familiar

But the fact of Mr. Marsh leaving at that time is a very essential fact in the history of this case. It was so essential that, after the newspapers throughout the United States had blazoned abroad the statement that he had been frightened off by an order from the executive department, I did take means to find when Mr. Marsh left the city. I wanted to call the attention of the gentleman from Kentucky to the fact, because I supposed, as I still suppose, that he had made the statement inadvertently, and would be glad to correct it.

Mr. BLACKBURN. I have expressed my obligation to the gentleman from Maine for calling my attention to the point.

Mr. BLAINE. I do not suppose the gentleman from Kentucky has the slightest ground for imputing to me a personal knowledge of that

Mr. BLACKBURN. I do not desire to do anything of that sort. I

am obliged to the gentleman from Maine for calling attention to this matter. I have stated to the House that the witness left our committee-room, and I had every reason to believe he was here at the time the report was presented.

Mr. HOAR. Will the gentleman from Kentucky before he sits down

Mr. HOAR. I wish to inquiry?

Mr. BLACKBURN. Certainly.

Mr. HOAR. I wish to inquire of the gentleman the meaning of one sentence in the same speech, which I will read. Speaking of the committee not detaining the witness any longer, the gentleman said:

It would have been the exercise of an arbitrary power; we would have been guilty not only of assault, but we would have been guilty of bad faith, if we had sought to detain him longer.

Now, what faith had the committee or anybody else pledged to the witness that would have made it, in the judgment of the gentleman,

bad faith" to have detained him?

Mr. BLACKBURN. I am obliged to the gentleman for affording me the opportunity to explain that part of the text. I meant this, sir, that when a committee of this House, which is an integral portion of this House, issues its subpoenas and calls a witness before it, subjects him under oath to examination, then turns him over to the defendant, who is on trial, for cross-examination and that cross-examination has been concluded, and that testimony has been read over by the witness or to him and approved by him as in this case, then the functions of that committee with the witness have ceased. I now repeat, and will then explain, that neither that committee nor this repeat, and will then explain, that neither that committee nor this House was possessed of any power—and upon that as a proposition of law I defy contradiction—that neither that committee nor this House, neither the one nor the other, was possessed of any power to hold him any longer. If we had undertaken to hold him longer we would have been guilty of an assault; we would have been guilty of bad faith—of a violation of that public faith which as a committee of Congress we had the right to give, and did give when we subpo-naed the witness to come here and testify. After he had thus testi-fied fully to every question that had been submitted, then I say if we had held him longer in order that he might become a victim of that partisan prosecution which it was scattered over this city it was the purpose of your Executive to execute, we would have been guilty of the worst of bad faith, summoning a witness here to get his testimony to convict one of your high officials and betraying him over to the prosecution of your Executive.

Mr. HOAR. Does the gentleman consider the House or the Com-

mittee on Naval Affairs were guilty of bad faith with the witness this

morning?

Mr. BLACKBURN. I do not, because that witness was still in their possession and the examination was not concluded. Mr. HOAR rose.

Mr. BLACKBURN. I want to answer the question. That witness Mr. BLACKBURN. I want to answer the question. That witness was still in the hands of that committee, and the examination was not concluded. That witness was guilty of contempt of the House through its committee. The witness in this other case of ours was not guilty of any contempt. He had responded to every question which was asked by the committee of the House or by the counsel of the defendant. He had discharged his duties wholly. What I meant by the employment of the term "bad faith" was just this, and I repeat it: Had we held him longer, after we had no further use for him, merely that he might become the victim of the disreputable gag-process which has been introduced, we would have been notified extrinsion. which has been introduced, we would have been particeps criminis

in his improper punishment.

Mr. HOAR. Then the committee meant he should escape?

Mr. BLACKBURN. The gentleman from Massachusetts knows as well as any other man that he is asserting that which neither the facts,

justice, nor common decency will warrant.

Mr. HOAR. The gentleman misunderstands me when he utters that sentiment. The gentleman said it would have been bad faith, as he understands it, to have had this witness exposed to what he calls the gag-process of a criminal prosecution after that witness had got through. I ask the gentleman, and do not make any assertion whatever, and his sentence was, I think, a little hasty-I ask him whether we should understand that it was meant that the witness should

Mr. BLACKBURN. I answer the gentleman from Massachusetts in this way: There is nothing in my statement that would have warranted the submission of such a question; but, waiving the propriety of the question, I will respond again and say this: The committee had no purpose of affording him an opportunity, or of aiding him, to escape, but that committee, or at least one member of it, for whom I have the right to speak, did not intend to become a party to that system of prosecution and persecution adopted or threatened by your Executive and his Cabinet, which in my judgment did not tend to promote the public interest, but was only designed and could only result in the detriment of that interest by affording immunity to thieves and shelter to criminals.

Mr. CONGER. I call for the regular order.
Mr. BLACKBURN. I have the floor, and will yield to any gentleman on that side who wants to ask a question.

Mr. DANFORD. I ask the gentleman from Kentucky to yield

Mr. BLACKBURN. I will yield to the gentleman, who is a member of the committee.

Mr.DANFORD. I desire, in view of the fact that I have been called as

a witness by the chairman of the committee, to state my connection with this matter. I never heard this thing referred to in the newspaper until last Saturday evening, when a gentleman in whom I have great confidence came to me with the name of this witness, saying to me she would prove certain matters which he alleged against the War Department, and asking that she be subpænaed at once. I could not give it, as it was too late on Saturday evening; but on Monday morning I came to the House, found the chairman of the committee as soon as I could find him, gave him the name of that witness, and asked him that she be subpænaed to appear forthwith before the comasked him that she be subpensed to appear for this before the committee. The chairman's reply to me was that he would gladly and willingly do it; that he did not know the purpose for which I desired to have her, nor did I state it to the gentleman. He said he would bring the witness, let her testimony strike where it might, strike friend or strike foe—some such language as that. The name of the witness was given to the chairman, and he went at once in the direction of the effect of the Servern et Arms. This is the artire expection. of the office of the Sergeant-at-Arms. This is the entire connection I had with the matter.

Mr. ROBBINS, of North Carolina. Let me say a word, as so much has been said about the escape of Marsh and there has been such a

the speak and the the cape of main and there has been such a tempest in a fea-pot on that subject.

The SPEAKER pro tempore. The Chair desires to say that this debate only goes on by unanimous consent.

Mr. CONGER. I call for the regular order.

Mr. ROBBINS, of North Carolina. As a matter of personal privilege, I think I have some right to be heard for a moment.

Mr. MUTCHLER. I believe I have the floor. I yielded only to the

gentleman from Kentucky [Mr. Blackburn] to make a personal explanation.

The SPEAKER. The Chair had recognized the gentleman from

Pennsylvania, [Mr. MUTCHLER.]

Mr. MUTCHLER. I offer the resolution which I send to the desk.

Mr. ROBBINS, of North Carolina. I think the gentleman should

yield to me for a moment, as this is a matter of personal privilege.

Mr. MUTCHLER. I yield to the gentleman.

Mr. ROBBINS, of North Carolina. This House will bear me witness that I have carried myself in all these discussions with becoming modesty and reserve, and have not thrust myself on the attention of this House in any debate beyond what my position in relation to

this matter entitles me to.

Much has been said about Marsh's going away, but I think the whole subject can be made plain in few words. The simple truth is whole subject can be made plain in few words. The simple truth is this: When Marsh came before our committee and gave in his reluctant but manifestly truthful statement; when he detailed to us frankly how he had been meditating flight from the country but, having been overruled in that, had now come before us to tell the truth, the whole truth, and nothing but the truth; and when we had heard him go on step by step until he had completed his startling disclosures and the War Department lay shivered to atoms in our presence; the simple truth is that in amazament at the great ruin and ence; the simple truth is that in amazement at the great ruin and scandal which his story had already wrought we for the time ceased to think about Marsh and what his further course might be; least of all did it occur to us then that he would, at that late stage of the case, care to go out of the jurisdiction. We never thought of such a thing, and for that simple reason alone we took no measures to provide against it. This is the plain truth, and a thimbleful of truth can overcome an ocean of nonsense and demagogism. I challenge any man in this House to rise now and say that at the crisis of this matter he thought about Marsh, where he would go, or what he would do! I hear no response.

# EMPLOYMENT OF A COMMITTEE CLERK.

Mr. MUTCHLER. I offer the following resolution:

Resolved, That the Committee on Expenditures in the Interior Department be authorized to employ a clerk.

Mr. HOLMAN. I will not object to that resolution if it is only for reference to the Committee of Accounts.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania

offer the resolution for adoption at this time?

Mr. MUTCHLER. I offer the resolution and ask that it may be referred to the Committee of Accounts.

There was no objection; and the resolution was referred to the Com-

mittee of Accounts.

## TRIAL OF WHISKY FRAUDS

The SPEAKER pro tempore. The present occupant of the chair having been requested by the Speaker to fill the vacancy in the Select Committee on the Whisky Cases, caused by the resignation of Mr. Harris, of Virginia, appoints Mr. Phelps, of Connecticut, to fill the vacancy.

# JACOB BOGART.

On motion of Mr. REA, by unanimous consent, leave was given to withdraw from the files of the House the bill (H. R. No. 1727) for the relief of Jacob Bogart, now of New York.

## C. H. HALE.

On motion of Mr. JACOBS, by unanimous consent, leave was given to withdrawn from the files of the House papers in the case of C. H. Hale

## LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Bell for three days on account of important business; to Mr. Springer for one week, beginning on Monday last; and to Mr. LAMAR indefinitely on account of sickness

And then, on motion of Mr. MORRISON, (at six o'clock p. m.,) the

House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented

at the Clerk's desk under the rule, and referred as stated:

By Mr. CONGER: Remonstrance of Heeber Squier and 16 other citizens of Grand Haven; of Thomas M. Kane and 20 other citizens of Detroit; of George W. Brown and 43 other citizens of Sault Sainte Marie; of Charles J. Smith and 70 other citizens of Saint Joseph, Michigan; of W. R. Stone and 60 other citizens of Du Luth, Minnesota; of Captain Charles M. York and 62 other citizens or Houghton; of M. Flynn and 30 other citizens of Detroit, Michigan, against the granting of authority for the construction of a bridge across the Detroit river, to the Committee on Commerce.

By Mr. CRAPO: The petition of William S. McFarlin, for a pension,

to the Committee on Invalid Pensions.

Also, the petition of Captain H. N. Brightman, for compensation on account of the loss of schooner Mary Mershon by striking on the foundations of an uncompleted light-house at Race Rock, Long Island Sound, to the Committee of Claims

Also, the petition of Mrs. Mary O'Neill, for a pension, to the Com-

mittee on Invalid Pensions.

By Mr. ELY: Remonstrance of the Woman's Suffrage Society of New York, against the proposed attempt to disfranchise the women of Utah Territory, and for their further protection in exercising their

right of voting, to the Committee on the Judiciary.

By Mr. FARWELL: The petition of citizens of Illinois, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, the petition of P. H. Tompkins, of similar import, to the same

By Mr. FOSTER: The petition of Angelina C. Morrow, for a pen-

sion, to the Committee on Invalid Pensions.

By Mr. GUNTER: Memorial of the pastor and elders of the Presbyterian church at Cave Hill, Arkansas, for compensation for the destruction of their house of worship by the United States Army, to

the Committee on War Claims.

By Mr. HANCOCK: A letter from the Secretary of the Treasury, inclosing a report of the Supervising Architect relative to the necessity for a public building at Austin, Texas, to the Committee on Public Buildings and Grounds.

By Mr. HOUSE: The petition of Samuel A. Knox, for an extension of his patent, an improvement in plows, and for leave to file his ap-plication before the Commissioner of Patents, to the Committee on

By Mr. KELLEY: Extract from the minutes of the proceedings of a meeting of citizens of Pennsylvania, at Philadelphia, March 2, 1876,

of 5.20 bonds, to the Committee of Ways and Means.

By Mr. MONROE: The petition of the officers and members of the Harmony Woman's Christian Temperance Union, and a large number of citizens of Ohio, for the appointment of a commission to inquire into the evil effects of the alcoholic liquor traffic, to the Committee

on the Judiciary.

By Mr. A. S. WILLIAMS: Memorial of Charles N. Williams, postmaster at Elizabethtown, Essex County, New York, for relief, on account of postage-stamps stolen from the post-office at said place, to

the Committee of Claims.

# IN SENATE.

# THURSDAY, March 9, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved. HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Pub-

lie Lands A bill (H. R. No. 1545) declaring lands heretofore granted to certain

railroad companies subject to State taxation;
A bill (H. R. No. 1962) to confirm certain school indemnity selec-

tions of public lands by the State of Nebraska; and A bill (H. R. No. 2041) to amend section 2291 of the Revised Statutes of the United States.

MRS. PHŒBE C. OAKLEY.

The bill (H. R. No. 2570) legalizing the homestead entry of Mrs. Phobe C. Oakley, of Bay County, Michigan, was read twice by its

Mr. CHRISTIANCY. If the Senate will permit me I wish to move

the present consideration of that bill without a reference, and after the statement I will make, I presume it will receive every vote of the Senate. The facts are simply these: This Mrs. Oakley was so unfor-tunate as to have a drunken husband and a large family. She was practically the head of the family and supported the family, and supported the husband also. Thinking that as she was practically the head of the family, she would be recognized as such under the homestead law, she entered a piece of public land, made improvements, and supported her family and her husband there. This entry took and supported her family and her husband there. This entry took place in 1872. In the mean time, during last fall or winter, some person who claims to be a man, but of which I have some slight doubt, made complaint to the Commissioner of the General Land Office that she is a trespasser upon the public lands. Under the law as it now stands, having a husband living, she cannot be treated as "the head of the family," and it was for this reason only that the Commissioner refused to allow the entry to be made. The officers of the land office at Bay City recommend strongly the passage of this bill. The Commissioner of the General Land Office also recommends it; and it is very desirable that it should pass immediately, as only about thirty days remain when she will be considered a trespasser and turned off the land and improvements. Such are the facts of the case. I ask

that the bill be taken up and passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the homestead entry of Mrs. Phæbe C. Oakley, of Bay County, Michigan, No. 2713, embracing the east half of northwest quarter of section 18, in township No. 14 north, of range No. 3 east, in the State of Michigan, be declared to be as valid as though she was the head of the family within the meaning of the homestead laws; and upon the proofs of occupancy and improvement by herself and family in the time and manner required by law, the Commissioner of the General Land Office is to cause

a patent therefor to be issued to her.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

# PETITIONS AND MEMORIALS.

Mr. CHRISTIANCY presented a memorial of the Detroit bar, in favor of an intermediate court of appeals as a part of the judicial system of the United States; which was referred to the Committee

Mr. CAMERON, of Wisconsin, presented a petition of 618 citizens of Outagamie County, Wisconsin, praying for an appropriation to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accordance with the third plan recommended by General Warren; which was referred to the Committee on Commerce.

He also presented a memorial of the Legislature of Wisconsin, in favor of an increased appropriation for the extension of the signal

service; which was referred to the Committee on Appropriations.

Mr. HARVEY presented a concurrent resolution of the Legislature of Kansas, asking Congress to make an appropriation to resurvey the line between the States of Missouri and Kansas from its intersection with the Missouri River south; which was referred to the Committee on Public Lands

He also presented a concurrent resolution of the Legislature of Kansas, relating to the rights of freedmen and others in the Indian

Territory; which was referred to the Committee on Indian Affairs.

He also presented a petition of certain citizens of Cherokee and Labette Counties, in the State of Kansas, praying for the immediate repeal of the resumption act; which was referred to the Committee on Finance.

He also presented a concurrent resolution of the Legislature of Kansas, relating to sections 16 and 36 on Indian reservations; which was referred to the Committee on Indian Affairs.

He also presented a concurrent resolution of the Legislature of Kansas, remonstrating against any discrimination in the present tariff rates on castor-beans, unless the manufactured articles of the East be placed upon the free list; which was referred to the Committee on

Mr. MAXEY presented a petition of citizens of Fannin County, Texas, praying for the establishment of a post-route from Paris, Texas, by way of Cothrun's store, Myersville, and Elwood, to Bonham's, twice a week; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented the petition of Alexander Smith, praying to be allowed a pension; which was referred to the Committee on

Mr. INGALLS presented the petition of James Casey, praying to be allowed a pension; which was referred to the Committee on Pen-

Mr. McDONALD presented the petition of A. S. Evans and 122 other citizens of Fort Wayne, Indiana, and the petition of Harry Bates, jr., and 32 others, praying the repeal of the bankrupt law; which were referred to the Committee on the Judiciary.

# REPORTS OF COMMITTEES.

Mr. CRAGIN. The Committee on Naval Affairs, to whom was referred the bill (8. No. 568) authorizing the payment of prize-money to officers of the Farragut fleet for the destruction of enemy's vessels in April, 1862, have instructed me to report the same back, and ask that it be referred to the Committee on Appropriations, as we find on

examination that it is an appropriation bill simply. I move that the Committee on Naval Affairs be discharged from its further consideration, and that it be referred to the Committee on Appropriations.

The motion was agreed to.

Mr. SARGENT, from the Committee on Mines and Mining, to whom was referred the bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to pro-

mote the development of the mining resources of the United States," approved May 10, 1872, reported it with amendments.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 37) for the relief of William H. Nessle, asked to be discharged from its further consideration, and that it be

referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the bill
(S. No. 546) to further the administration of justice in the State of

olorado, reported it with amendments.

Mr. WRIGHT. I am instructed by the Committee on the Judiciary, to whom was referred the bill (8. No. 486) fixing the times and places for holding certain terms of the district courts of the United States for the State of Iowa, to report it with an amendment; and as it is a local matter, I ask that the bill may have present consideration.

The PRESIDENT pro tempore. The bill will be reported for infor-

mation, subject to objection.

The Chief Clerk read the bill, and the amendment of the Committee on the Judiciary, which was to add at the end of the first section the following proviso:

Provided. That the United States shall not be at any expense, nor in any manner liable, for the use of a building or room for holding said courts at Burlington nor for fitting up the same.

Mr. BOUTWELL. I should like to inquire from the Senator from Iowa whether there are public buildings at Burlington that can be used for this purpose?

Mr. WRIGHT. There are none belonging to the United States, but there are county buildings there. The United States will be at no

expense at all in fitting up a place for the courts.

Mr. BOUTWELL. I suppose the end of it will be that a set of public buildings at Burlington will be necessary.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BOUTWELL. I object.

Mr. WRIGHT. I trust the Senator from Massachusetts will withdened to be a support of the present of the bill?

draw his objection.

Mr. BOUTWELL. I should like to know from the committee if the subject has been considered as to the expense of public buildings at Burlington, and whether they will be upon the whole necessary. The courts may be needed to sit at Burlington; I know nothing about that matter; but I fear if courts are established at Burlington it will not be long before the Government will be called upon to erect buildings for the accommodation of the courts. If that is necessary, very well, and we may as well accept it now; but I think we ought to understand it ourselves in regard to that question. If the committee have considered it and are prepared to advise the establishment of courts at Burlington with the understanding that public buildings are to be erected hereafter for their accommodation, very well; but the idea that the town of Burlington will continue to maintain public

the idea that the town of Burlington will continue to maintain public buildings for the use of the Government is contrary to all experience.

Mr. WRIGHT. There are no public building of the United States at Keokuk at present, and when the question shall be suggested of public buildings at Burlington, or any place else, my friend will find me opposing that measure, so far as this bill is to be a basis for such action, just as much as he. There is no thought of anything of the kind. It is a matter of local convenience to that portion of our State, and we propose it for this reason and for the purpose of settling a difficulty that there exists.

a difficulty that there exists.

The PRESIDENT pro tempore. Does the Senator from Massachuetts insist on his objection f

Mr. BOUTWELL. I think the bill had better go on the Calendar. Mr. WRIGHT. Then I ask unanimous consent to withdraw the

sport for the present.

The PRESIDENT pro tempore. The Chair hears no objection, and the report is withdrawn.

# BILLS INTRODUCED.

Mr. EATON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 578) for the relief of the administratrix of the estate of Lieutenant Joseph Wheaton, deceased; which was read twice by its title, referred to the Committee on Revolutionary Claims,

twice by its title, referred to the Committee on Revolutionary Claims, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 579) for the relief of Joseph Kinney, administrator of David Ballentine, of Missouri; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 580) to create a port of delivery at Santa Monica, in the State of California; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

referred to the Committee on Commerce, and ordered to be printed. He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 581) to establish a mail-route in California; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.



Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 582) to establish a post-route in Texas; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

#### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KERNAN, it was

Ordered, That the petition of Gilbert M. Fitch be taken from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That Messrs. D. G. & D. A. Sanford have leave to withdraw their memorial and all other papers accompanying Senate bill No. 735, first session Fortythird Congress, together with the report (No. 345) made thereon.

On motion of Mr. McDONALD, it was

Ordered, That the petition and papers of John W. Harvey on the files of the Senate be referred to the Committee on Pensions.

# SOUTHERN PACIFIC RAILROAD COMPANY.

Mr. COCKRELL submitted the following preamble and resolutions. and asked for their present consideration:

Mr. COCKRELL sibmitted the following preamble and resolutions, and asked for their present consideration:

Whereas by a general law of the State of California, upproved May 20, 1861, it is enhering in any portion of the Territories of the United States continuence this State being subscribers to the stock of any contemplated railroad, may be formed into a corporation for the purpose of constructing, owning, operating, and maintaining such railroad by complying with the following requirements; and whereas articles of association shall set forth.

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articles of association, or to diverge from the route which they prescribe. It would be a singular anomaly if Congress should empower a slate corporation to do an act power to enact. The virthdrawl was, I am satisfied, not warranted by the act of July 37, 1866. I now return my decision of the 2d instant, and you will instruct the local officers to restore the lands withdrawn in 1870 to their former status, after the local officers to restore the lands withdrawn in 1870 to their former status, after density, on the 18th of December, 1889, issued an order to the Commissioner of the General Land Office, suspending for the time being his order of restoration, reciting that the order was issued in accordance with the suggestion of the chairman their present status, without change in any respect, until a joint resolution, in relation to the lands withdrawn for the benefit of the Southern Pacific Railroad Company, then before Congress, should be acted upon; and California, was passed June 22, 1870, "that the Southern Pacific Railroad Company is the control of California may construct its road and telegraph line as near as may be on the roate indicated by the map filed by said company in the Department of the Interior indicated by the map filed by said company in the Department of the Interior South of the California, was passed June 22, 1870, "that the Southern Pacific Railroad Company of California may construct its road and telegraph line as near as may be on the roate indicated by the map filed by said company in the Department of the Interior said railly on the manner and within the time provided by law, and notice thereof being given by the company to the Secretary of the Interior, he shall direct an examination of such ascide by commissioners appointed by the President as proved and the construction of such as a construction of the said and telegraph line has been constructed as required by law, it shall be the duty of said Secretary of the Interior to ease patents to be a constructed as a construct of the said

Mr. EDMUNDS. It strikes me at first view that that burden ought not to be imposed on the Judiciary Committee. At any rate, as the resolutions are long, I think they had better go over until to-morrow and be printed, so that we can see exactly what is proposed. Certainly I have no objection to the inquiry by some proper committee, but as the resolutions are quite long I would like to see them printed.

The PRESIDENT pro tempore. The resolutions will lie on the table and be printed.

ELIZABETH B. DYER.

Mr. INGALLS. If there is no further morning business, I move the present consideration of House bill No. 80.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance, United States Army. It authorizes the Secretary of the Interior to place on the pension-roll; subject to the provisions and limitations of the pension laws, the name of Mrs. Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance, United States Army, and pay her a pension at the rate of \$50 per month from and after May 20, 1874.

The bill was reported from the Committee on Pensions with an

amendment in lines 9 and 10 to strike out "May 20, 1874," and insert

"the passage of this act."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed, and the bill read a third time. The bill was read the third time, and passed.

## MARIA W. SANDERS.

I move that the Senate proceed to the considera-Mr. WITHERS.

tion of Senate bill No. 375.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to the consideration of the bill (S. No. 375) for the relief of Maria W. Sanders. It authorizes the Secretary of the Interior to place the name of Maria W. Sanders, of Pittsburgh, Pennsylvania, upon the list of pensioners as the widow of Brevet Major John Sanders, at the rate of \$50 per month, to commence from the 1st day of March, 1861, and to continue during her widowhood. The bill was reported from the Committee on Pensions with amend-

The first amendment was in line 7 to strike out "fifty" and insert "thirty" before "dollars."

The amendment was agreed to.

The next amendment was after the words "per month" in line 7 to strike out "to commence from the 1st day of March, 1861."

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# CALENDAR OF UNOBJECTED BILLS.

Mr. INGALLS. I suggest that the remainder of the morning hour be devoted to the consideration of unobjected bills on the Calendar, commencing at the point reached at the last consideration of similar

The PRESIDENT pro tempore. Is their objection to the suggestion of the Senator from Kansas? The Chair hears none. The Chief Clerk will report the first case on the Calendar following where it was last left off.

# ELIZABETH A. NEIBLING.

The CHIEF CLERK. The next bill on the Calendar at the point

where its consideration was last stopped is the bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling.

The bill was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elizabeth A. Neibling, widow of James M. Neibling, late colonel of the Twenty-first Regiment Ohio Volunteers

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

# ALEXANDER ST. BERNARD.

The next bill on the Calendar was the bill (H. R. No. 556) granting a pension to Alexander St. Bernard, of Saint Clair County, Michigan. Mr. INGALLS and Mr. WITHERS. There is an adverse report in

Mr. CHRISTIANCY. An adverse report has been made in that case by the Committee on Pensions of the Senate. The bill had passed the House, however; and, with the permission of the Senate, I will read the report made by the House committee.

read the report made by the House committee.

Mr. Rusk, from the Committee on Invalid Pensions, submitted the following report to accompany House bill No. 556.

The Committee on Invalid Pensions, to whom was referred the petition of Alexander St. Bernard, beg leave to submit the following report:

The petitioner was appointed a pilot on the steamer Michigan, United States Navy, during the month of October, 1844, and served as such until July 4, 1868, when he was mustered out. That the steamer Michigan during said time cruised on Lakes Eric, Saint Clair, Huron, Michigan, Superior, and the navigable waters connecting the same. That during said term of service, embracing some twenty-four years, the petitioner necessarily underwent many hardships, privations, and exposures to storms, &c., in the performance of his duty as pilot, which have finally culminated in a general impairment of his health, that renders him incapable of earning his livelihood by the ordinary avocations open to him. In view of his long and faithful service during the best part of his life, the loss of his health resulting therefrom, together with the satisfactory manner in which his duties were performed, as is shown by the accompanying testimonials and petition, the committee recommend the passage of the bill.

The bill directs the Scorntawa of the Latssier to alloce on the new testimonials and petition, the committee recommend the passage of the bill.

The bill directs the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Alexander St. Bernard, late pilot on steamer Michigan, United States Navy, and pay him a pension from and after the passage of this act.

The objection, as I am informed, of the Committee on Pensions of the Senate is that this was not an enlisted man. I know nothing of the facts of the case, except as they appear by the report of the House committee.

Mr. SHERMAN. I dislike very much to interrupt my friend from Michigan; but we are acting under a rule now that where a bill is objected to by a single objection it cannot be considered. Here is a bill that is reported against; consequently there are several objections to it; it is not now in order to consider adverse reports.

Mr. CHRISTIANCY. I had supposed—I was under a misapprehender.

sion-that we were now taking up those bills to which objection had

been made or where adverse reports had been made.

Mr. SHERMAN. No; those cases to which there is no objection.

The PRESIDENT pro tempore. Does the Senator from Ohio object?

No objection has been made yet.

Mr. SHERMAN. The report itself has always been considered an objection where it is adverse.

The PRESIDENT pro tempore. Objection being made, the bill goes

# COLORADO PENITENTIARY.

The next bill on the Calendar was the bill (S. No. 386) approving an act of the Legislative Assembly of Colorado Territory; which was considered as in Committee of the Whole. It approves the act entitled "An act for the relief of Jotham A. Draper," passed by the Legislative Assembly of Colorado Territory, approved February 9,

Mr. WRIGHT. I should like to have some explanation from the Senator from Nebraska as to what this is.

Mr. HITCHCOCK. The object of this bill is to correct a mistake made in the conveyance of title to ground on which the penitentiary made in the conveyance of title to ground on which the peniteritary of the United States in that Territory is located. By a mistake, first made by the owner of the ground, a piece of land was conveyed to the United States on which the penitentiary was not located. To correct that mistake, he afterward conveyed ten acres of ground, the ten acres on which the penitentiary was located. The Legislature of the Territory of Colorado, by act of that Legislature, ceded the title to the ten acres conveyed prior to that time to the United States through the Territory of Colorado, back to the original owner. This is merely the property of Colorado, back to the original owner. the Territory of Colorado, back to the original owner. This is merely to confirm the action of the Legislature of Colorado in that respect.

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

## ELMIRA E. CRAVATH.

The next bill on the Calendar was the bill (S. No. 40) granting a pension to Elmira E. Crarath; which was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Elmira E. Crarath, widow of Isaac M. Crarath, late captain in the Tweffth Michigan Volunteer Infantry.

The Committee on Pensions reported the bill with an amendment, which was to correct the spelling of the name, by striking out "r and inserting "v," so as to read "Cravath" instead of "Crarath." The amendment was agreed to.

The bill was reported to the Senate and the amendment was con-

curred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NANCY TRUE.

The next bill on the Calendar was the bill (S. No. 504) granting a pension to Nancy True; which was read the second time and considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Nancy True, dependent mother of Samuel F. True, late lieutenant and quartermaster in the Fourteenth Regiment of Illinois Volunteers, to date from September 1, 1875.

of Illinois Volunteers, to date from September 1, 1875.

Mr. HAMLIN. I move to amend that bill by striking out "September 1" and inserting "February 28;" by striking out "seventy-five" and inserting "sixty-seven, deducting therefrom any sum which has been paid to said Nancy True as a pension."

The object of the amendment is to give the pensioner a pension for a period of time prior to that which has been fixed by the committee; and I will state in a very few words the reasons which induce me to offer the amendment, and I hope those reasons will address themselves to the conviction of every Senator in this body.

I know full well that the Committee on Pensions are obliged to adopt, and that they rightfully adopt certain rules as to the time when pensions shall commence, and they have fixed a period of time in this bill which corresponds with the rule of their action; but I insist the facts in this case are such as to justify, nay to demand of the sist the facts in this case are such as to justify, nay to demand of the Senate to vary that rule which the committee may have been compelled to adopt to be consistent in their action; and I am quite sure they have adopted that course for no other reason.

Nancy True was the mother of three sons who all gave their lives to their country, and she has to-day no surviving son and is dependent upon her daily toil for her own support. This bill gives her a pension, based upon the services of one of those sons who was a lieutenant, and it commences a year ago. She made application for this pension at the Pension Office and, as the papers in the case show, was only prevented from obtaining the pension then upon the services of

her son because of her inability to get the surgical certificate that that son died in consequence of disease in the war, and the limitation of law within which that evidence was to be supplied expired and she did not get it. She then made another application for a pension upon the services of another son who was a private or a corporal, I think the report states, and upon that she obtained her pension. Subsequently, and upon that she comes here, she did obtain the evidence of the sur geon who had in charge the son that was an officer. He was out of the country, and that could not be obtained while the first application was pending before the Commissioner of Pensions, and upon that evidence she now comes here and the committee give her that increased pension between eight and seventeen dollars, I think, which she would have had at the time I name if she could have found that surgeon, as the report of the committee shows.

Now, sir, under the circumstances of this case, with a mother who addition to that what I myself individually know, gave her personal services for a long period of time as a nurse in the Army, without one mill of compensation, I say that it is a case which addresses itself to the Senate, and that she ought to have her pension commence at the time it would have commenced had she been able to obtain the

the time it would have commenced had she been able to obtain the evidence of that surgeon, deducting therefrom the pension she did receive for some four years of a smaller sum.

Mr. EDMUNDS. Does the committee report in favor of that?

Mr. HAMLIN. The committee report in favor of the bill.

Mr. INGALLS. Mr. President, it is very ungracious, and very difficult, and very embarrassing to resist such appeals as those that are made by the Senator from Maine; and if this were an isolated or a detached or an independent case, I think there would be no doubt of the duty of the Senate to assent to the amendment that has been of the duty of the Senate to assent to the amendment that has been offered by him. But it is not a case that stands by itself. This morning, within a very few moments, the Senate have acted upon an amendment of the Committee on Pensions refusing arrears to the widow of General Dyer, who asked that the increase to which she believed she was entitled should go back to 1874. So far as I am concerned personally, and so far as the Committee on Pensions are concerned, I believe we agree that there is no reason in the nature of things why a pension, if it is to be granted at all, should not date from the period when the disability accrued or when the death of the person occurred for which the survivor claims the benefit of the law; but for reasons satisfactory to the Senate, for reasons satisfactory to Congress and to the Department, a different rule has been uniformly adopted; and to ask us now to depart from it while it is a matter of hardship and a matter of difficulty and of embarrassment, is simply to avoid the uniform custom and precedent of the Government in all its Departments upon this subject. I should be glad, so far as I am concerned, to have the pension of this widow, who, I doubt not, is deserving and whose circumstances are meritorious, date back to the period which the amendment of the Senator from Maine provides. But in my position as the chairman of that committee, charged with the administration of the laws in the cases which are referred to us for action, I feel called upon to say that this case does not differ in its merits, it does not differ in its peculiar circumstances from many that are continually appealing to us for our consideration and to induce us to depart from the provisions of the law. I therefore hope that if this amendment is to be adopted, it will be accom-

is not to be regarded hereafter, but that we shall be permitted, in judging of these cases, to act upon our sympathy rather than upon the letter of the law by which we are controlled.

Mr. HAMLIN. Mr. President, one word only. The Senator cites another case this morning which has been committed to the committee for their consideration.

panied with some declaration on the part of the Senate that the law

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Mr. INGALLS. Acted upon by the Senate.
Mr. HAMLIN. I submit this case to the Senate and to its consideration because it differs from all others; and it is in consequence of that precise difference that I ask the favorable action of the Senate. Whenever and wherever you can find the mother who has given three and all of her sons to the service of the country, and who was de-prived from obtaining a pension precisely as she will get it by this bill if my amendment is adopted, only in consequence of her inability to find the surgeon—whenever you will present that exceptional case, I say, it is the duty of the Senate to override a rule which I have admitted, as a general thing, was proper for the committee and which the committee must be guided by.

Now, I hope the Senate will allow this amendment to prevail, and that this woman will have that pension which she would have had

but for the absence of that surgeon and her inability to find him.

Mr. INGALLS. I trust the Senator from Maine will not misunder-stand my position. Section 4709 of the Revised Statutes expressly provides:

All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the 4th day of March, 1861, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of the party having prior title to such pension: Provided, The application for such pension has been or is hereafter filed with the Commissioner of Pensions within five years after the right thereto has accrued; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same.

That is the law which we as a committee are called upon to adminster; and I say to the Senator from Maine that if we are to allow these appeals to our sympathy to prevail over the letter of the law which has been for wise reasons adopted, and grant arrears of pen-sions in cases where the application has not been completed within the period prescribed by the law, it opens a subject that will involve the Treasury in the expenditure of millions of dollars; and there is no good reason that exists in this case which does not exist in hundreds of others that are continually brought to our consideration.

I believe that the law is wrong, that it ought to be modified or amended so as to allow these parties to obtain pensions from the time when the disabilities accrued; but, so long as the law stands as it is, there is no safety for us as a committee nor for the Senate, except to adhere to it and to resist these appeals that are continually being made to our sympathies, which all of us would be very glad to listen

to and to heed

Mr. EDMUNDS. Mr. President, I should not venture to participate in this discussion were it not for the circumstance that for several years I was connected with the Committee on Pensions, as my friend from Kansas is now. At that time there were thousands of cases in the Department pressed, about this principle of the last evidence, and hundreds and hundreds of cases before us in both ends of the Capitol, and after great consideration, endeavoring to treat everybody alike, so that the right to relief here or to a pension in the Department should be a right of equality, and not a right to be got by favor and pressure and personal knowledge, we settled down upon the law as the Sen-ator has read it. In both ends of the Capitol it was agreed finally on all hands that it was the duty of Congress to grant special pensions to follow the principle of the law applied to pensions in the Department, so that we should not be holding out inducements for people to come here when they could go to the Department, or have one rule of special grace here and another rule of law in the Department; that we must treat everybody alike; and that we would only act in special cases at all as a court of equity might do as it respects courts of law, by relieving against some mere technical defect or difficulty when the merit of the thing was brought within the spirit of the general law, and which, if the evidence had been sufficient and all correct, the Department itself could and would have acted upon. That was the principle. Everybody agreed that it was a right principle; and, it being a right principle, it appears to me we ought to stand to it.

I see the hardship of this particular case. I feel just as much sympathy, I think, for this case, although I do not know the person, as my friend from Maine does, because I have known (although I cannot recall the names now) of several cases in my own State where two, three, and even four sons, and in some cases the husband, too, all went to the war and lost their lives in the service of their country. They were cases of individual hardship; but the moment you take one of these, then everybody else thinks he has a case of similar hardship. He presses on your feelings; the distinction between the two cases is small; and that passes, and that is a precedent for the next. This lets down, as it always has, until by and by the business of claim agents to get arrearages of pensions in some form or other swells to enormous dimensions, and great frauds are practiced, not only on Congress, but on the Department. That is the objection to going back. That was the spirit on which this law rests, that, if after five years the case is not made out, the pension shall not take effect until the last satisfactory evidence is filed.

Mr. MORRILL, of Maine. Will the Senator allow me to ask him whether this case is not exceptional in this: that this woman does not seem to have been able to furnish the proof of the fact necessary to establish her claim within the limitation of five years? Assuming that the fact existed, she had not the opportunity or the means of procuring it within the five years. Does not that make this case exceptional !

Mr. EDMUVDS. It makes it exceptional to a case where the claimant did have the opportunity; but, if my friend will go to the Pension Office, as I have done hundreds of times, and explore it, he will find thousands, nay tens of thousands, of cases where an honest pensioner through inability to get his proof, which appears to have been honest, was not able to make it up until after the limitation. It was his misfortune; but the general good, and justice to other pensioners, and fortune; but the general good, and justice to other pensioners, and justice to the tax-payers, and fair play all around, obliges us to visit that misfortune upon him. We thought so; everybody thought so four or five years ago, on careful consideration when there were hundreds of cases before us just like this in principle. Now, with every disposition to feel just as my friends from Maine do, as a matter of principle it does not appear to me that we can agree to this amendment. The PRESIDENT pro tempore. The question is on the amendment of the Senator from Maine, [Mr. HAMLIN.]

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. GORDON. I ask now that the resolution offered by me a few days ago be taken up, that I may offer an amendment and submit

The PRESIDENT pro tempore. The resolution and amendment will

The CHIEF CLERK. The following is the resolution submitted by Mr. GORDON on the 7th instant:

Resolved. That the Committee on Finance be instructed to ascertain, if possible, what amendments to our revenue laws are necessary to secure economy and certainty in the collection of internal revenue, and prevent the recurrence of official frauds in that branch of the public service.

The amendment now offered is to make the resolution read:

The amendment now offered is to make the resolution read:

Whereas the frequent enormous frauds committed by distillers and Government officials have deprived the Government of a large proportion of its legitimate revenue and brought disrepute upon an important branch of the public service; and whereas the interests of the people and the good name of the Government demand that Congress shall take immediate steps to so amend the laws as to secure economy and honesty in the collection of the internal revenue: Therefore, Resolved, That the Committee on Finance be instructed to ascertain, if possible, what are the defects in the present system, and what legislation is necessary to remedy these defects; and especially to inquire—

First. Whether it be advisable to so amend the laws as to levy the whisky tax directly upon the capacity of the fermenting tubs and require it to be collected in advance; and,

Second. To create a corps of excise to hold office indefinitely, removable only for incapacity or malfeasance in office.

Mr. GORDON. Mr. President-

The PRESIDENT pro tempore. The Chair will advise the Senator that he has about one minute before the expiration of the morning

Mr. GORDON. By consent of the chairman of the committee reporting the bill that was made the special order for to-day, I am permitted to go on with my remarks. If the Senate will so consent, I will

The PRESIDENT pro tempore. Is there objection? The Chair hears

Mr. GORDON. Mr. President, the resolutions which have been read propose a radical change in the revenue laws. It is proper, therefore, that I should briefly explain the reasons and the necessities, as I conceive them, for such a change. Let me, however, disclaim in advance any purpose to reflect upon the heads of the Revenue or the Treasury Department. My purpose is to deal with the system alone and with its administration, to show that it is not only defective, but that it is, and must continue to be, unless materially altered, a breeder of frauds.

The amendments which the resolution suggests are in the interest of honesty, of economy, of reform. Had they been adopted three years ago they would have compelled even Joyce to act like an honest man, the distillers to pay the tax, and would have made the "whisky ring" an impossibility; and, had they been incorporated as a part of our revenue laws some years previous to that, when the whisky tax was first imposed, they would have saved to the Government enough of fraudulently-withheld or stolen money to pay the cost of a hundred centennials or to build a Pacific railroad not only to California, but almost around the world, had there been land to sustain it.

These statements may seem extravagant or be startling, but I shall prove from official data that they are true. And, sir, if these statements approximate the truth, I ask in what department of Government is there a louder of more imperative demand upon us for immediate and wise and energetic legislation. Now, sir, to the proof. I believe Mr. Fessenden is universally esteemed as standing in the very front line of Secretaries of the Treasury. In his official report for 1864 he uses this language:

The annual yield of our distilleries has been about one hundred millions of gal-

He further says on the same page, 59:

Experience in other countries has proved that the rate of duty, unless far beyond the highest prescribed by our law, does not seriously affect consumption.

I wish to sustain Mr. Fessenden on these points by later official authority. Commissioner Pratt by his report for 1875 furnishes us the data by which we are able to ascertain that in the year 1870, notwithstanding the well-known and enormous frauds which have always been perpetrated under these laws, fully seventy-seven and a quarter millions of gallons of spirits were warehoused upon which the Government received the revenue. He also sustains Mr. Fessenden on the other point:

The amount of spirits actually consumed has not varied during these years, not-withstanding the changes in the law fixing the amount of tax.

The demand is as steady as the appetite to be fed is fixed and exacting.

If Mr. Fessenden was right in 1864, that the annual production of our distilleries was one hundred millions of gallons, and if both he and the Commissioner are correct in the statement that the rate of taxation does not materially change the amount of production, I think that I can prove beyond controversy that the statement with which I set out is not extravagant.

Mr. Fessenden's statement that our production was one hundred million gallons it must be remembered is now far short of the truth; for since that report not only has our population largely increased, but the entire Southern States have been added to the consumers and producers. But taking even this amount as the basis of calculation, it demonstrates a fraud of such Himalayan height and proportions as absolutely to have appalled me when I first fell upon its trail. What is it? If we have manufactured but the one hundred million gallons per annum from 1864 to the present time, we have had due to

the Government the taxes upon one billion three hundred million the Government the taxes upon one billion three hundred million gallons in the thirteen years in which this tax has been imposed, the tax varying from twenty cents to \$2 per gallon. By a simple calculation, for which any school-boy is competent, it will be seen that we should have received into the Treasury up to the termination of the last fiscal year \$1,260,000,000. How much has been received? Let Commissioner Pratt state: "Four hundred and eighty-nine millions;" say in round numbers four hundred and ninety millions less the cost say, in round numbers, four hundred and ninety millions, less the cost of collection, or, net, about four hundred and fifty millions. Deduct this amount from the twelve hundred and sixty millions, and we have at once the colossal fraud of \$800,000,000. But, appalling as this sum is, it becomes almost insignificant when we take into consideration the fact, which we must, that since then, as I have before said, not not only has our population increased, but the entire Southern States have been added to the producers and the consumers, and the additional fact, which all experience proves, that the consumption of spirits, like the aggregation of all other sins, multiplies with the increase of population. If we take, I say, these facts into consideration, we shall find that we have had perpetrated a fraud of more than one thousand millions of money; and I defy successful refutation of the statement. It has reached, perhaps, \$1,200,000,000 of money. Where is it, sir? Has it gone into the pockets of the consumers? Not at all, for the price which the consumer has paid has varied but little whether the tax was twenty cents or \$2 per gallon. Where is it? Gone. This gigantic sum of money, which was due to the Government, has gone into the pockets of dishonest distillers, or, what is infinitely worse, into the pockets of dishonest Government officials, sunk in individual and official corruption, in political and national demoralization and disgrace.

Now, Mr. President, it gives me no pleasure to bring these ugly facts before the Senate and the country. I have but one object, and that is, if possible, to arrest the attention of the country and of Congres

that we may at once proceed to ascertain the defects which make such frauds under our revenue system possible and apply the remedy.

What are these defects? Let me point them out so plainly that they cannot be mistaken. In organizing our system we have plagiarized largely from Great Britain; we have incorporated into our system very many of her provisions, but I am bound to say that we have stelen the shadow and left the substance. We have set up the heady stolen the shadow and left the substance. We have set up the body of her system, but we have proceeded to knock the very breath out of it by refusing to incorporate her methods for securing honest men to administer it. Great Britain collects \$250 gold per gallon on the production of her distillers without the shadow of suspicion even upon

production of her distillers without the shadow of suspicion even upon her revenue officers. We cannot collect twenty cents in greenbacks, and when we attempted \$2 in greenbacks, we lost it all, or at least about nine-tenths of it. Such is the official record.

Why is this? Why is it that under a similar system England can collect ten times as much in gold per gallon as we can in greenbacks? There is some reason for it, Mr. President. What is that reason? I wish, when I utter this truth, it could be heard all over this land; for it is a great truth. The reason is this: England appoints her officers solely to collect her taxes, while here they are appointed to collect the taxes, and to aid the party which happens for the time to have the taxes and to aid the party which happens for the time to have

the appointing power. [Applause in the galleries.]
The PRESIDENT pro tempore. Order!
Mr. GORDON. Mr. President, is that true? Let me repeat: the efficiency of the English system depends upon the efficiency and the honesty of her revenue agents; while the inefficiency of our system depends upon the inefficiency and the dishonesty of our officials. What! Are Englishmen honest and Americans dishonest? Sir, I resent any such imputation. It is not true. But it is true that the officers of the English excise do not steal the English revenue; while, as we all know—the melancholy fact stands boldly out before us—the officers of the American excise do appropriate American revenue.

Let me repeat the question again. Why is this? It is, as I said before, because England has but one motive in selecting her officials,

while we have a double one. So fully does Great Britain appreciate the necessity of removing her revenue officers from the temptations and corruptions of party that they are forbidden to belong to any political organization, and a vote by one of them for a member of Parliament would send him in disgrace from the service. Here not only may he belong to a party, but he must belong to a party and to the party from whom he holds his commission. Not only may he vote, but he must vote, and vote for the party and work for the party and way for the party, and if he refuse to yoth and work and way for the pay for the party; and, if he refuse to vote and work and pay for the party, his official head falls into the basket.

Sir, before one of England's citizens is considered competent to

hold the very lowest position in her revenue service, he must be nominated by the treasury, examined by boards of officers, put out to tuition, and re-examined as to qualifications and character. This, I say, is required for the applicant for the lowest office before he can step upon the first round of the official ladder, with a salary almost contemptible in amount and with duties less important than those of an ordinary clerk. But what is the case here? A political partisan, without any experience, without any training, without any examination, often, alas, without any qualifications save the influence he can bring to the party, steps at once upon the topmost round of the ladder; is clothed with inquisitorial power; sent forth upon his mission for the party and trusted with untold millions of the people's money and the Government revenue. But not yet is Great Britain's revenue officer considered worthy the post of a collector. He must serve a satisfactory period before he is promoted to the second position. Not yet can he become even an examiner until he has served his government as long as Jacob waited for Rachel and equally as devotedly. Still England refuses to regard him as competent to the high duties of a collector. Three more years must he serve, and even then can only be promoted upon unchallenged merit and upon examination and re-examination as to his accounts, as to his capacity, as to the character he has borne throughout all his service, and the smallest stain upon his reputation is fatal to his preferment.

Such, sir, is England's method of securing honest and competent agents. Hence, Mr. President, her revenues are collected, her agents are proverbially honest, her politics are free from these revenue corruptions, and the reputation of the government from these official stains. But under our methods of selecting these officers, our agents are not proverbially honest, our politics are debauched by revenue officials, and the reputation of our Government stained by revenue frauds. I wish it were not necessary to this argument to draw this damaging contrast any further. Perhaps it is not; perhaps each for himself will draw it plainly and painfully enough. Perhaps it is not necessary for me to say that under England's system of selecting non-partisans and enforcing her laws her taxes are collected; that under our system of appointing partisans and not enforcing the laws our taxes are evaded; that under her system the taxes go into the coffers of the government; under ours they go largely into the pockets of the vampires of the Government. Under her system of selecting honest men, non-partisans, this revenue system is a success, the pride of her people, and the glory of that island. Under our system of selecting partisans to administer it, it is famous only from failure and conspicuous only from crime. It is the shame of the people and the disgrace of the country that so many of its officers have become embezzlers of the revenues.

Perhaps it may not be necessary to say these things; but it is necessary to my argument to repeat that as long as partisans are selected, by whatever party may be in power to collect the revenues, we shall have these officials who hold the commission of this Government corrupting our politics and bringing disrepute upon the service. You may multiply your restrictions and your penal enactments indefinitely; you may increase your Tice meters, and your hydrometers, and your saccharometers; you may double your diligence and quadruple your agents; but as long as it can be predicated of your system that your agents are appointed because of their political influence, so long will dishonest distillers bribe dishonest officials, and party exignates corrupt these party agents.

gencies corrupt these party agents.

Mr. President, it will not do to say that Joyce and McDonald are in the penitentiary and that you will no longer appoint dishonest men to collect the revenue. My friend from Ohio said the other day that if specie payments were never resumed until the republicans appointed honest men to collect the whisky tax, resumption was postponed forever. I will not take issue with my friend on that point, for I am afraid it is true; but I wish to repeat my profound conviction, that whatever party shall be called upon to administer this Government, and shall proceed upon a like programme, to appoint men to office and to collect the taxes because of the influence they can bring to the party, we shall be forced to blush for these revenue crimes. Of course I believe that if it should be the will of the American people, as I think it will be, to call the democrats to power, they would bring honesty and economy to these departments. I think it would be almost impossible for any party to do worse; but convinced as I am of the fact that any change of parties would be beneficial, yet so fully persuaded am I of the power of these temptations to appoint party agents and the temptations to party agents to use the Government money to perpetuate the party in power and themselves in place, that I should feel very much like praying, "Lord, deliver the democrats also from temptation!"

I am aware that Commissioner Pratt has proposed certain amendments, I believe additional restrictions; but these will not do. This is only to prune the deadly Upas. You must lay the ax to the very root of the tree if you would stop the distillation of this poison in the revenue service. Sir, as I said before, the evil is deeper down. It consists in the mistake of which I have spoken of garbling the English system and refusing to adopt the English policy of selecting non-partisans for collectors of revenue.

non-partisans for collectors of revenue.

Sir, we must remove these collectors of money from party temptation and party influences. We must create, if we would have a pure administration, a corps of excise exalted above the exigencies of party supremacy and removed from the temptations to party support. These revenue officers should hold their positions, like the officers of your Army and Navy, during life if need be, or during good behavior, placed upon moderate salaries, and removable by the head of the Treasury only for incapacity and disreputable conduct.

Why sir what sort of an Army would you have if every officer in

Why, sir, what sort of an Army would you have if every officer in it, from the commanding general down to the lowest corporal, were dependent for his position and promotion upon the amount of influence he could bring to the party; the number of votes he could give to the party; upon his subservience to the will of the party? That Army would speedily descend from its high position and become a profligate, an intriguing, a disorganized, dissolute political mob; and so long as the army of revenue officers shall be the slaves of party,

these officers will drag down your service and the reputation of your Government into the slimy pools of political contests and of party corruptions.

Mr. President, where is the objection to this amendment? I can see nothing in it hostile to the genius of our institutions—certainly not more so than are the laws and regulations which govern our Army and Navy. Am I told that it will create a class specially favored by the Government? I come back to the objector with the reply that this is true of your Army and your Navy, and of the highest judicial tribunal known to our laws. Sir, if the safety of the country and the efficiency of the Army demand that it shall be removed from party influences, why is it that such an amendment to our revenue laws would not bring the like efficiency to that service also?

influences, why is it that such an amendment to our revenue laws would not bring the like efficiency to that service also?

If you will incorporate this amendment into your laws, it will create an esprit de corps which will make it as impossible for an officer of the American excise to bring disrepute upon his service by corruption as it is for an officer of the American Army to bring disgrace upon the flag by joining the enemy. I respectfully urge, therefore, upon Senators not only to pass this resolution, but to adopt this amendment. If, however, this cannot be done, if we cannot give up this party patronage, if the sacrifice is too great, although the privilege is so dearly bought, then I urge upon Senators the other amendment, namely, to provide for levying the tax directly upon the fermenting-tubs attached to the distilleries. This method would be simple, direct, inexpensive, effective. Let the tax be levied upon these fermenting-tubs in proportion to their capacity, in all the distilleries in the United States. The data are already at hand in the Revenue Department. Every tub, with its measured capacity, is now upon record. Let this tax be levied and if need be collected in advance as a license, and let that license be posted in a conspicuous place day and night, and let the law provide for the forfeiture of property for running after the expiration of the license.

There are three classes who will object to this amendment: First, those who honestly disbelieve that a method so simple would be practicable; secondly, the office-holders will object, because if this is adopted their occupation is gone; and, thirdly, the dishonest distillers, who know that such a law could not be evaded. The first class is the only one that merits consideration, and I proceed, therefore, to answer all the objections that can be urged by them.

ers, who know that such a law could not be evaded. The first class is the only one that merits consideration, and I proceed, therefore, to answer all the objections that can be urged by them.

First, it may be urged that Scotland tried once a similar plan and abandoned it. My reply is that Scotland did not try this. Scotland did levy a tax upon the capacity of stills, but the capacity of a still was found to be one of unknown quantities; it could be multiplied and was multiplied thirty-eight fold above the original capacity. The tubs, however, are simple wooden vessels, their capacity definitely ascertained by measurement, and now of record in the Revenue Department. When Congress, therefore, shall determine the amount of tax to be raised from this source, it will be a simple matter for the Secretary of the Treasury and the Revenue Department to apportion this tax among the distilleries over the United States, and, if necessary, collect it in advance.

But another objection has been urged, that if this method is so simple and effective England would have tried it. You might just as well ask why England had used for so long a time artillery drawn by Dutch horses and driven by Dutch drivers who abandoned it at the first approach of danger, while the French republicans were using the splendid artillery perfected by Gribeauval against them, or why the refused steam navigation when offered by Fulton or the great Napoleon threatened to put him in the lunatic asylum, or why she scouted the idea of rifled cannon until their superiority was demonstrated by Napoleon III at Solferino. Mr. President, the answer to the objection is that England is the most conservative country upon the earth, and never changes her methods unless the necessity is present and imperative. There is no necessity for England changing her methods, for under her system she collects her taxes and has honest agents. But with us there is a violent necessity for change, for we neither collect our taxes nor do we secure honesty in our revenue agents.

nor do we secure honesty in our revenue agents.

I said there was a violent necessity for this change with us. Why, sir, look at the result of 1865; absolutely nine-tenths of the revenue lost. And now in this year of our Lord 1875 the officials of the Revenue Department are not only guilty of frauds themselves, but are persuading, coaxing, forcing distillers into complicity with them.

Now, I think I have answered these objections, and I hope we shall adopt the resolution and let these proposed amendments have a fair consideration. If they did not compel, when adopted, all to be honest, they at least will make fraud most hazardous, detection most certain, and punishment most prompt.

I hope it is not necessary for me to disclaim any partisan purpose in this movement, for I believe, as I have already said, that the people of this country have determined upon a change of rulers, and party patronage would be as potent in the hands of the democrats as it has been in the hands of those who now administer the Government. No, sir, I hope I am moved by higher considerations, and I would respectfully urge the party now in power and the party which is to come into power to rise above party considerations in order that we may obtain honesty at least in the collection of our revenues.

If we will incorporate these amendments into our system they will include the party will into the collection of the content of the collection of the content of the collection of the co

If we will incorporate these amendments into our system they will simplify the whole machinery of this Department; they will rid it of its cumbrous and complicated machinery; they will make the receipts of the Government from these sources certain; and, above all, better than all, more important than all, they will compel honesty where the present system invites fraud, furnishes a refuge of party corruptionists and a hot-bed for all those vices which political intermeddling in the revenues of the Government has ever created under

all governments.

If these amendments offer reasonable promise of this or any of these results, they certainly merit attention at our hands. The good name of the Government demands that some action be taken. No man can read the comments of the foreign press upon these revenue frauds without a blush of the deepest shame as an American citizen. Standing, sir, in the presence of that recent and awful event which throws a shadow over the whole land, and which all must regard as a great public calamity, I can but repeat what I have before said, and what I feel as keenly as I am capable of feeling any truth, that the very reputation of our American institutions, and the cause of freedom, throughout the earth is imminently imperiled by the sad of freedom, throughout the earth is imminently imperiled by the sad and sickening disclosures of the last few years. Corruption, official corruption in high places and in low, official embezzlement the daily record of the public gazettes, official integrity and official honesty in the estimation of the people almost banished from official station, Credit Mobilier, Sanborn contracts, Washington City government rings, and lastly the horrid, filthy, dirty whisky-ring, gathering in its net-work of temptation officers high in the Revenue Department.

I think it is Buckle who says that there are eras of crime and of different grades of crime. Whether Buckle says so or not it is true

I think it is Buckle who says that there are eras of crime and of different grades of crime. Whether Buckle says so or not, it is true. There are eras of crime, and this unfortunately is one of them. What will he who shall chronicle these events in the future call this era in our history? What can he call it but an era of public shame, of public theft, of public prostitution? It is time to begin a reform, and no better place to begin it than in this revenue service. The great evil, the towering, the overshadowing evil of this day is the love of money and the love of display which money permits, and the temptation of officials to obtain money through official corruption. This is the great fact that stands out holdly before us. How shall we exaggerate then. fact that stands out boldly before us. How shall we exaggerate, then, the importance of throwing around the collectors of our revenue all the conditions and before them all the incentives to honesty which shall enable them to resist temptations so peculiar to their situation?

Can we not do this? Can we not bury party considerations for such a result? Can we not forget for a time that we are parties with a great political contest before us, and remember only that we are Americans, with a republic to save, a reputation to redeem? If we cannot, if with this record of official crime before us, if with this demon of demoralization enthroned in the very seat of the Government, with this gathering flood of corruption rolling over great and once honored Departments of government, and breaking at last at the very steps of the Executive Mansion, if with the very foundations of political and of official morality crumbling beneath us we cannot forget the feuds of the past in the effort to save from the frauds of the present, then we shall surpass the madness of Jerusalem breaking into factions while Titus thundered at her gates.

Mr. President, this is a good year to begin reformation, and this a good place to originate it. Let us not only unite here without distinction of party to rescue this Revenue Department, but let us unite the people of all parties and of all sections in the effort to restore honest and pure government, and practical, substantial, universal re-

Mr. MORTON. Mr. President—
The PRESIDING OFFICER, (Mr. West in the chair.) The Chair will inform the Senator from Indiana that the bill for the admission

Mr. MORTON. I will ask to detain the Senate but a short time.

Mr. HITCHCOCK. I wish to give notice that at the conclusion of the remarks of the Senator from Indiana I shall call for the regular

Mr. SHERMAN. I wish also to say a few words.
Mr. HITCHCOCK. Very well, I will yield.
The PRESIDING OFFICER. The resolution of the Senator from Georgia will be considered as before the Senate.

Mr. MORTON. Mr. President, it is said that civil war is generally followed by a period of demoralization to a greater or less degree. I suppose there is something in that; and, in that case, the responsibility comes back to those who made the civil war. They are to be They are to be bility comes back to those who made the civil war. They are to be held responsible for its disasters directly as well as for its disasters indirectly; and those who made that war are perhaps the last persons who have a right to complain of its consequences. If the Senator from Georgia can suggest any method for the improvement of our revenue laws to prevent frauds and successfully collect the revenue, he will be entitled to the hearty thanks of the country, and mine shall be accorded to him. I will unite with him or anybody else in an effort of the third. There have heave support in the country of t the revenue; and I doubt not there will be hereafter, no difference what party may administer the Government. There are good and bad men in all parties; and when it is insisted that the bad men belong to one party, and that the good men generally belong to the other, I think an assumption of that kind may be repudiated, I will

not say with contempt, but I may say very emphatically.

Mr. GORDON. If the Senator will allow me—

Mr. MORTON. Yes, sir.

Mr. MORTON. Yes, sir.
Mr. GORDON. I cannot bear the idea of having the Senator's contempt, and, therefore, I must correct his assumption. It would be,

indeed, more than I could stand. The Senator implies that I have said, or intimated, or insinuated that the bad men belong to one party, and the good men to the other. I distinctly said, and as loud as I could pronounce it, that any party which would administer the Government under this system unamended, would bring corruption in the collection of the revenue.

What the Senator did say he said very loudly, be-Mr. MORTON. What the Senator did say he said very loudly, beyond all dispute; but I think I can refer to what the Senator said. He said that there was going to be a change of parties in this Government; that the democratic party was about to come into power; from which we may infer that the Senator is the son of a prophet. And he said that the democratic party would bring, as he believed, integrity and competency to the administration of this Government, after having said in the strongest terms that the revenue officers of this Government were not appointed for the purpose of collecting the

Mr. GORDON. I did not say that, Mr. President. Mr. MORTON. \* Alone. Mr. GORDON. Mr. President----

Mr. GORDON. Mr. President—
Mr. MORTON. The Senator must permit me to go on. The Senator said they were appointed to help the party and collect the revenue, and the effect was that they helped the party. He made the leading motive in the appointment of revenue officers of this Administration to be for the help of the party, to enrich the party, and to divert the revenues. He said that in substance when he spoke of the party. I repudiate that statement entirely.

The charge that the republican party is corrupt in its administration and that officers are appointed for corrupt purposes, a broad and general charge. Lideny as well as any assumption that the democratic

general charge, I deny as well as any assumption that the democratic general charge, I deny as well as any assumption that the democratic party would be composed of men so much superior in virtue and intelligence that they would bring to the administration of the Government integrity and competency and thereby effect a revolution. There are good and bad men in the democratic party, and as I said before, in all parties; but when it is assumed that the democratic party is composed of honest men as a general thing and the republican party is not, I beg leave to say to the champions of democracy here and elsewhere we know the democratic party. We know them in every State, and we know them in every county; we know them in every country neighborhood. We have known them from their childhood, and knowing them as we do, we are wholly unable to say on our consciences that they are on an average one bit better than other people; and if we admit they are just as good on the average other people; and if we admit they are just as good on the average as other people, it is about as far as we can conscientiously go.

The Senator from Georgia starts out with a remarkable assumption. He has been examining figures, and he discovers that \$1,200,000,000 of revenue arising from the whisky tax-alone have been stolen by corrupt officials. There has been a good deal stolen, I have no doubt, a great deal too much, for any would be too much, but I think tho Senator's figures are very extravagant indeed. Still, there are some statistics connected with the last democratic administration of this statistics connected with the last democratic administration of this Government that may give some color to what he said. The administration of this Government was substantially in the hands of the democratic party during the years 1865, 1866, 1867, and 1868. I have here a statement of the tax on whisky during this period of substantial democratic administration as collected, leaving off the hundreds. For the fiscal year ending the 1st of July, 1866, the receipts were \$33,268,000; for 1867, \$33,542,000; and for 1868, \$18,655,000, with a tax of \$2 per gallon upon whisky. For the last three years of the administration, running the comparison through, with a tax of less than half that amount the most of the time, we find the receipts as follows. I will take the last five years. For the fiscal year ending as follows. I will take the last five years. For the fiscal year ending in 1870, \$55,000,000; in 1871, \$46,000,000; in 1872, \$49,000,000; in 1873, \$52,000,000; in 1874, \$49,000,000; and in 1875, \$52,000,000, on a tax of less than one-half what it was during the period of Johnson's administration, when, under democratic auspices, the amount collected ran down to \$18,655,000. From these figures we may infer that, if the democratic party could get into power, it would bring integrity and competency to the administration!

The Senator has a sovereign panacea for all these ills. The first is that the revenue officers should be established as a superior class of men, and hold their offices for life. They should be put upon the same level with the Supreme Court of the United States and with the officers of the Army. They should not be partisans. He would follow the example of Great Britain, and not permit them to be party men at all. Does the Senator seriously propose that as a remedy? Does he believe for one moment that his party would ever be in favor of a proposition of that kind? Why does not his party in the House bring forward a bill to make these men life-officers? If it would be a good thing to establish life-officers in regard to the revenue collectors, it would be equally good in regard to nearly every other branch of this Government. The Senator has eulogized the government of England. It would appear from his remarks that he admires it very much more than he does a republican form of government. If this thing of taking tax-collectors out of all partisan influences and putting them in office for life would be a good thing in the General Governthe officers of the Army. They should not be partisans. He would them in office for life would be a good thing in the General Government, it would also be a good thing in States. Why has not the State of Georgia adopted that new idea? Perhaps, if that had occurred, there would not have been a default by the State treasurer of Georgia a few months ago of between three and four hundred thousand dollars; she would have saved that loss.

Mr. GORDON. Does the Senator state that as a fact?

Mr. MORTON. I have seen it stated in the papers, and I understand it to be the fact that there has been a default. I will not say what is the precise amount, but I think it is about \$300,000.

Mr. GORDON. Does the Senator state as a fact that there has been

a default?

Mr. MORTON. Does the Senator deny it?

Mr. GORDON. I do deny it. I deny it to this extent, that the question is now being adjudicated, and the treasurer himself claims

question is now being adjudicated, and the treasurer himself claims upon his statements that every dollar is accounted for. It is now being adjudicated in the courts.

Mr. MORTON. Ah! He is a democratic official; he is dealt with very tenderly. If he had been a republican State treasurer he would have been impeached at once. The governor removed him from office, but he removed him very quietly. It makes a good deal of difference to which party a man belongs in some States, whether he is to be charged with criminal intent or with simply making a mistake.

The Senator's proposition, the result of his long\*study and labor over this question, is that we shall change the whole revenue system and put these men in office for life, and then, the democratic party

and put these men in office for life, and then, the democratic party being in power and being about to appoint a class of officers all through the United States to hold their offices for life, would they all be democrats thus appointed or would a part of them be republicans? These men to hold their offices for life would unquestionably all be good democrats, that is, true democrats to the party, however good they might be. Who does not understand the real character of this they might be. Who does not understand the real character of this proposition? Is there a democratic Senator on this floor besides my honorable friend from Georgia who will indorse it for one moment? Will not the whole country understand why this proposition is brought

Then my friend has got another thing which he seems to think is somewhat new in this country. I am told by my friend here on my left, [Mr. Sherman,] who has been paying attention to this subject for many years, that this question of a capacity tax on stills has been debated and considered for years from time to time and has been rejected always. My friend thinks it is a new idea in this country.

Mr. GORDON. Not at all.

Mr. MORTON. It may be new to him.

Mr. GORDON. The Senator does not want to misrepresent me, I know. I did not make any such proposition as he suggests. I distinctly said that Scotland had tried the tax on stills and rejected it. I propose a tax, not upon stills at all, but upon the fixed, measured, registered capacity of the fermenting-tubs which is upon record in the Department.

Mr. MORTON. His proposition is-

Whether it be advisable to so amend the laws to levy the whisky tax directly upon the capacity of the fermenting-tubs, and require it to be collected in advance.

Mr. GORDON. The Senator does not seem to understand. I am ashamed to acknowledge that I know more about the stills than he does. He does not seem to understand the difference between stills and tubs. He stated "stills" and now he reads "tubs." They are very different things.

The Senator says he understands more about stills Mr. MORTON.

than I do.

Mr. GORDON. I never was in one in my life, though.
Mr. MORTON. I believe that to be the fact because he says so.
I confess my education on that point is limited; but his proposition is that the whisky tax shall be paid in advance. How many distillers, how many manufacturers in this country, are there who could carry on the business under that rule? There are difficulties in collectcarry on the business under that rule? There are difficulties in collecting this whisky tax, and perhaps there always will be. There are some difficulties in the Southern States, owing to the murder of revenue officials from time to time down there, and violence that has been committed. Then it is said that they have family distilleries down there found among the hills and the little valleys where they manufacture simply enough for the neighborhood. I believe the Government has had a great deal of difficulty in suppressing illicit distilling in many of the Southern States. Would the remedy proposed by the Sepator help that? posed by the Senator help that?

posed by the Senator help that?

The civil-service reform proposed by the Senator from Georgia is very sweeping. Why does he not bring in a bill here for its adoption? Why not have some of his friends introduce it in that democratic House and pass it and bring it here for our consideration? If the life tenure of office is such a good thing, why not extend it to some other departments of the Government? In other words, why not come out at once in favor of a monarchy and against a republic? Because there the principle ends, there is where it lands.

There are some other forms of corruption as injurious to the public

There are some other forms of corruption as injurious to the public welfare as the whisky fraud; but I want to remark right here in regard to that. What the Senator knows in regard to whisky frauds he knows chiefly from investigations that have been put on foot by a republican administration, an administration that has not feared nor failed to investigate its own officials and to punish them when found guilty. If my friend can find anything like that in the history of a democratic administration in the past investigating itself fearlessly and inflexibly I should like him to point to the administration under which it occurred, and under whom. What he knows about the Sanborn fraud, if he calls it that way, was the result of an investigation set on foot by a republican House. So in regard to the Credit Mobilier and in reference to all these things.

There are bad men in all parties, but that party is an honest party which investigates its own officials, its own members, and punishes them when found out. Almost any party would investigate the opposite party. When a party investigates itself it is entitled to the credit of doing it upon high principles and to secure public justice; but when it only investigates the opposite party, it is liable to the charge of only doing it to make party capital.

As I said before, there are some other forms of corruption which are

quite as dangerous to the public interest as the whisky frauds. Senator has referred to a recent terrible event which has cast a shadow over the land. I shall not now discuss that. I may have to pass upon that question in the capacity of a judge; but if common report is true, from which the Senator undoubtedly speaks, because he may have the same duties to perform, that appointment came as near being

a non-partisan appointment as any we have had, and it will turn out to have had its democratic surroundings.

My friend went to Atlanta, Georgia, the other day and made a speech. I have a report of that speech here. The Senator replied somewhat to a statement I had made on the discussion of the Pinchsomewhat to a statement I had made on the discussion of the Princh-back question. He intimates that an understanding was had that silence should be maintained upon the part of our democratic friends during that discussion. It was thought to be a matter of policy to let the fight take place between republicans, while they of course should step in quietly at the last and carry off the prize. My friend refers to that in the following gingerly terms:

I know there are those who think that a reply should have been made to Mr-Mogrox in the Senate. But, my fellow-countrymen, he is an unworthy representative who, whatever be the clamor, however he may be misunderstood or misconstrued, will not hold his tongue when wagging it would bring disaster to his people! [Applause] This feeling has guided the Senate; and much as some of us have been misconstrued, we have still felt that the safety of the people was better than the applause of the populace. [Cheers.] The lightning-rod pointing to the storm-cloud and inviting the flash may be melted and consumed by the descending bolt, but it has served its purpose if it saves the temple! [Long applause.]

My friend and his colleagues on this floor have preserved silence, I have no doubt with great difficulty sometimes, but he broke the silence at Atlanta. Now I want to read another extract from what he said at Atlanta:

At Atlanta:

A few days before I left Washington, Senator Morrox, in the United States Senate, read from his seat a speech delivered from this stand by a distinguished son of Georgia, delivered, as Mr. Morrox said, by the invitation of the Legislature, in the presence of the Legislature, and with the approval of the Legislature, feries of no! no! no! no! from members in all parts of the house,] and it has gone to the North, flying upon the wings of the telegraph, that the champion of the convention in Georgia has at last informed the country and the world of the real purpose of Georgia democrats in calling a convention. What is that purpose? Mr. Morrox gave it in the classic words of this Georgian "to put the nigger where he will never be heard from again." Now, fellow-countrymen, this has gone forth to the North as the echo of the sentiments of this body. There is not a man in Georgia who does not know how unjust is such an imputation. Is there one in this body or this assemblage who does not feel the injustice?

Little further on he referred to this Georgian, who was Mr. Toombs. Little further on he referred to this Georgian, who was Mr. Toombs. I had read in the course of some remarks on the Pinchback case from Mr. Toombs's speech in Atlanta, made, I believe, in the hall of the house. The Senator from Georgia spoke to the same audience about three weeks afterward, standing, I presume, in the very spot that Mr. Toombs had stood. In referring to Mr. Toombs the Senator from Georgia used the following language:

I share with you, my countrymen, all of your pride in the past of that distinguished Georgian. For his past services to the State and country I honor him. But I would be an unfaithful sentinel on the watch-tower to which your confidence has assigned me if I did not warn you that that sentence, wild as it was, is brimful of poison for the northern mind and of defeat for democrats and calamity for you.

The "sentence" was the one above referred to, that Toombs should have said "let him form the constitution and he would put the nigger where he would never be heard of again:"

I say it is painful to utter these words; but I would be untrue to my convictions of duty were I to say less. I do not envy the ambition which seeks notoriety at the hazard of such dire consequences to this section and people.

The point in Mr. Toombs's speech to which the Senator from Georgia took exception, and which he answered, was that Mr. Toombs had gia took exception, and which he answered, was that Mr. Toombes and said: "If you have a convention. I can make you a constitution by which the people will rule and the nigger will never be heard of." Now I will read what I before read from Mr. Toombes's speech, and it will be found that that was not the part I commented upon at all, although it is the closing sentence of the extract that I read from Mr. Toombs's speech. I ask the Secretary to read, beginning with this blue mark and down to the close of the red mark on the next column, the extract which I before quoted from Mr. Toombs's speech.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

We got a good many honest fellows into first Legislature; but I will tell you how we got them there. I will tell you the truth. The newspapers won't tell it to you. We got them there by carrying the black vote by intimidation and bribery! [laughter,] and I helped to do it. [Applause.] I would have scorned the people if they had not done it. And I will buy them as long as they put beasts to go to the ballot-box! [Cheers.] No man should be given the elective franchise who has not the intelligence to use it properly. The rogue should not have it, for government is made to punish him; the fool should not have it, for government is made to take care of him! Now, these miserable wretches, the Yankees, have injected five millions of savages into the stomach of our body-politic, and the man who says he accepts negro suffrage, I say, accursed be he! [Cheers.] I will accept Grant and emphre before I will accept such a democrat! Applause.] The poor, ignorant negro—talk of him governing you and me! Ittakes the highest order of intellect to govern the people, and these poor wretches talk of governing us! Why, they can't perpetuate their own negro power. In the counties where they were in the majority they did not preserve their power and perpetuate their

rule. My remedy helped us to break that up. We carried them with us by bribery and intimidation! I advised it and paid my money for it. [Applause.] You all know it, but won't say it. But I will say it, for I fear no man, and am prepared to render an account to none but the Great Judge, before Whom I must appear in a few years, for my enemies have thought my services to my country so great that they have done me the honor to exclude me from again serving my people. I contest that honor with our chief, Mr Davis. I am just as good as he is, and he is no better than I am. I demand that they shall place me beside him. I thank them for it! [Laughter.] It is very few things that I have to thank them for, but I do thank them for that. I am entitled to the honor they thus dispense, and I shall ask our Representatives to demand it for me, for I fought for it and to bring it about. I am, I believe, the only living secessionist to-day in the State of Georgia. [Laughter.]

I am, I believe, the only fiving secessionist to-day in the State of Georgia. [Laughter.]

This constitution is a thievish thing and robs the people. The largest county has the most representatives, no matter whether it is full of gophers or men! [Laughter.] "That's what's the matter with Hannah now!" [Renewed laughter.] Idon't want representation based on population alone; we never before had it so in Georgia. It was always based upon population and territory, and, if you have a convention, I can make you a constitution by which the people will rule and the nigger will never be heard of! [Cheers.]

Mr. MORTON. It is this concluding sentence of the extract I quoted upon which the Senator from Georgia commented. If he referred to the extract in any other part of his speech I cannot find it. I will ask the Senator if he did  $\dagger$ 

Mr. GORDON. Refer to what?
Mr. MORTON. I ask the Senator if he referred to the extract that has just been read in any other part of his speech except the one

which I have just had read?

Mr. GORDON. I think not.

Mr. MORTON. The part of the speech of Mr. Toombs, of Georgia, that I commented upon was this: that he had said there, in the presence of the Legislature and of a large audience, that the election in ence of the Legislature and of a large audience, that the election in Georgia for members of the Legislature had been carried by intimidation and bribery, and he had contributed his own money and would do it again. He said, "You all know it;" and nobody denied it. He said, "The newspapers won't tell of it, but they all know it to be true." He did not speak of report, but he spoke of his own personal knowledge and of his own personal participation, that he had contributed of his own money to carry the election by bribery, and that it was awaied by intimidation and briterial transfer. that it was carried by intimidation and bribery. It was that part that I was carried by infimitation and bribery. It was that part that I commented on; and when my friend from Georgia went to Atlanta three weeks afterward, speaking to the same men and before the same audience, he ignores that part of the speech of Mr. Toombs, passes it by in silence, and spends his comment on a single sentence passes it by in silence, and spends his comment on a single sentence that I think I did not comment upon at all. It was proper for my friend there to have noticed that grave charge. One of the most distinguished men in Georgia had said to the world, "We carried the election by bribery, by intimidation; I confess it; I was a party to it." If the charge was true, it was a damning charge against the democracy of Georgia. If it was not true, it was a foul calumny, and then and there was the place to repel that calumny, in the capital of the State, in the presence of the very men before whom it had been uttered. The Senator from Georgia passed it by in silence.

Mr. GORDON. Mr. President, does the Senator know that the

Mr. GORDON. Mr. President, does the Senator know that the Legislature took formal action the next day after that speech of mine was delivered to which he refers in reference to these very charges which General Toombs had made and from which the Senator has quoted? Does he know that that action was absolutely unanimous,

with not one dissenting vote in the Legislature?

Mr. MORTON. I did not know that; but I was simply noticing the fact that my friend had passed it by in silence.

Mr. GORDON. I have sent for the resolutions; and I will ask that

Mr. MORTON. The Legislature may have thought it necessary to take some notice of that; but the report shows that the statements of Mr. Toombs were cheered to the very echo. The thing that I call the attention of the Senate and of the country to is that the Senator from Georgia, the representative of his party, referring to the very extract that I read, picked out a single extract of that extract, commented upon it, and passed by in silence this infamous charge made by Mr. Toombs. What must we understand? It was that the Senaby Mr. 10 mainteen the transfer of the control of t its consequences more far-reaching, one that was to overrule the will and the wishes of a half million of people in the State of Georgia. Now, while the Senator is proposing a remedy for whisky frauds— and I am very glad to have him turn the powers of his intellect in that direction—perhaps he could present some remedy for these election frauds, a remedy against bribery; and as he would appoint offi-cers for life to prevent whisky frauds, perhaps he would abolish all elections, so that there would be no occasion to buy men to vote the ticket, as Mr. Toombs said the democracy of Georgia did.

There are other parts of the Senator's speech that I might comment or; but I did not expect to say a word to-day until I found that the Senator was making grave charges in evidently a party speech, a speech for circulation In the course of his speech, however, he charged the republican party with tyranny. While my friend is the advocate here of conciliation, while he does not want to see "the bloody shirt," while he wants the hatchet buried, yet talking to his own people in the South he charges the republican party with being a body of tyrants and with having tyrannized over the South. As long as the southern people are educated in that way, so long may we expect a recurrence of what has happened. I say the republican party is not tyrannical. I say it has been the most magnanimous

party in history; and my friend himself is a monument of the magnanimity of that party. His presence here this day is an evidence that the republican party is a magnanimous, a forgiving, and a liberal party. We have dealt more mildly than any nation with a rebellion that cost us so much treasure and so much blood, that made desolate so many homes in the North, and under the burden of which we are all struggling. We have dealt with it with a magnanimity the wisdom of which is to-day more doubtful that it was five years

Mr. SHERMAN. Mr. President, I will detain the Senate but a short time and only to make some observations in regard to matters that have often been under my official action. I believe this is the first time since the present system of internal-revenue laws has been before the Senate of the United States when there has been made in regard to this system of taxation a party speech, made for party purposes. It is true my honorable friend from Georgia may disclaim that he made to-day a party speech for party purposes; but it is plain and obvious; at least it appears so to those who, sitting here, dispassionately heard it. Our revenue laws have been framed by men of both political parties. When the war came upon us we were compelled to resort to internal taxation, and we proceeded deliberately; and every tax bill that has been put upon your statute-book has been passed by the con-

current votes of men of all political opinions.

During the war the tax bills were adopted without any reference to party or party ties or party obligations; and some of the most eminent men who have sat here as democratic Senators have aided in passing those laws and aided in framing them; and I challenge my honorable friend from Georgia to point me out from 1862 to this day a single reference of a party character in framing or discussing our internalrevenue laws. So far as I know, he cannot do it. Every law upon the statute-book has been participated in by democrats in the Committee on Finance and by democrats in the Senate, and all these laws are but the result of the concurrent wisdom of men of all political

Let me say further to the Senator from Georgia that the Senate of the United States cannot originate these laws. His resolution ought not to be introduced here. It is unconstitutional to introduce it here; he has no right to introduce it here, except as a mere matter of inquiry. We have no power to frame an internal-revenue law; we have no power to change or alter these laws as they stand on the statute-book. Any law made must come to us from the House of Representatives, and therefore his resolution is inopportune, and if this resolu-tion were sent to the Committee on Finance the Constitution would

tion were sent to the Committee on Finance the Constitution would compel us to disobey it. We have no right to consider it until the House of Representatives pass a bill on the subject.

If my honorable friend wants to institute revenue reforms, why does he not go to the body the majority of which belongs to the party for which he speaks? Why does he not go there and propose to them these two propositions, and ask them to send us a bill covering these points; and when they do we shall consider it. Now we have no right to do it; and if we do it, we do what he so much deprecates: we tread on the Constitution of the United States. The Committee on Finance. I may say, have over and over again laid Committee on Finance, I may say, have over and over again laid

committee on Finance, I may say, have over and over again laid aside, as beyond their power or control, any reference to tax laws imposing, changing, or altering taxes, until the House of Representatives, by their action, give us jurisdiction.

But that is not all. The proposition submitted by the honorable Senator from Georgia is totally indefensible in any shape in which it can be presented. Let me take his resolution, (and every member of the Committee on Finance will bear witness with me that this subject has been discussed over and over again.) He talks about frauds, to which I will allude in a moment; and what is his remedy? That is what we want to get at. If a remedy can be proposed to prevent frauds, to make men honest, to enable us to collect all the taxes, who are more interested in bringing that about than we, the party in power, the party that receives the benefit of large revenues and that collects the taxes? If the honorable Senator from Georgia can show the Senate how we can prevent or defeat fraud he will be most gladly accepted as a worthy aid in a good cause. But look at the remedy he points out:

That the Committee on Finance be instructed to ascertain, if possible, what are the defects in the present system and what legislation is necessary to remedy these

That is our constant duty. But here are the specific points:

And especially to inquire, first, whether it be advisable to so amend the laws as to levy the whisky tax directly upon the capacity of the fermenting-tubs, and require it to be collected in advance.

The law as it now stands does require an inspection, a survey, and an estimate of the capacity of every distillery in the land, and the very thing he desires to have done is done by the law which has been

upon your statute-book ever since 1868.

Mr. GORDON. The Senator does not pretend to say that the present law requires the tax to be levied on the capacity of the ferment-

ing-tubs and collected in advance, does he?

Mr. SHERMAN. No, sir.

Mr. GORDON. That is my proposition, and the whole of it.

Mr. SHERMAN. I know that is the proposition, and I will endeavous to show the Senator from Georgia that it is totally impracticable and totally absurd, and that we do provide by our legislation to ascertain as a test of fraud the capacity of every distillery, and that ascertain-

ment is made by sworn officers and is liable to be inspected and reexamined. This estimate is fortified by drawings and measurements, so that the Commissioner of Internal Revenue can tell you to-day the capacity of every distillery in the land. Why? It is to enable him to compare this capacity of the distillery with the result of the production of the distillery, in order to detect fraud. But the honorable Senator says that these distilleries should be taxed upon their capacity and that the money should be paid in advance. There is not a disand that the money should be paid in advance. There it illery in this land that could be conducted on that basis.

Mr. GORDON. Why, Mr. President, it is to me a very astonishing thing that Senators continually assert that I want to tax stills upon their capacity. It is not at all the proposition. The proposition is to tax the fermenting-tubs, which are actually ascertained by measurement and recorded now in the Revenue Department. It is the

tubs that I insist shall be taxed, and not the capacity of stills.

Mr. SHERMAN. I did not say "stills." My friend is still worried by the speech of my honorable friend from Indiana. I said "distill-

by the speech of my honorable friend from indiana. I saw disenteries" as clearly as I could.

Mr. GORDON. And "distillery" includes everything?

Mr. SHERMAN. "Distillery" includes everything, and as a matter of course the tub or tubs are included. The whisky is made in them, and if you ascertain the capacity of the distillery you ascertain the capacity of the tub as well. What is the use of wasting words?

The law requires approach the producing capacity of the distillery The law requires expressly the producing capacity of the distillery for a day of twenty-four hours to be ascertained. That includes, as a matter of course, the measurement of every tub, its dimensions, its

a matter of course, the measurement of every tub, its dimensions, its capacity, and number.

Mr. EDMUNDS. The whole includes every part.

Mr. SHERMAN. Certainly. This is required by the law of 1868 in order to enable the Commissioner of Internal Revenue to see whether or not, when the distillery is running, it runs up to its capacity, and if the yield falls short of that estimate the deficiency is taxed as well as the yield now. If now a distillery, running in full force, should fall short of its capacity, unless some explanation is promptly made, it is taxed on its full capacity now.

But the honorable Senator says that the tax should be paid in advance. My honorable friend from Kentucky, who comes from a distilling country, knows that to require that would break up every distillery in the land.

Mr. GORDON. Will the Senator allow me just there? The Senator does not pretend to say that I insist that it shall be paid yearly in advance. It could be paid by the day or by the week with perfect ease by every distillery in the United States, and I insist that you could get every dollar of the tax by it.

Mr. SHERMAN. Suppose you take it by the month, what does the Senator suppose that the tax on a large distillery would be?
Mr. GORDON. Why not by the week?
Mr. SHERMAN. When you reduce it down to a week, or a day, you add nothing to the law as it is; because the law now requires the capacity by the day to be ascertained, and if the product falls short of that capacity for a day, the tax is levied every day. It is true we do not require the distiller to pay in advance, nor can we. The distiller may accumulate in his store-room without paying the tax for a year, which I believe now is allowed, and formerly a longer time. Why? He cannot market it day by day; and when a large distillery is running at its full capacity it may produce a million gallons in a very short time. If you require the owner of that distillery to pay the tax on that million of gallons before he can sell it, before he can put it in market, it would break him up. It would prevent anyman engaging in a distillery who was not worth millions of dollars. Take a distillery in Kentucky, where the product is worth nothing until it has been kept nearly a year on hand; to require the man to pay the tax on his production for a year before he can sell it in the market, would be entirely to prevent the distillation of spirits in Kentucky and Tennessee and every Southern State. The class of whiskies which are produced in Kentucky are only made valuable by time. Although in Ohio, and Indiana, and Illinois whisky some-times may run from the distillery and be sold promptly, yet still there they await the market, and sometimes an accumulation of six months must be made before they can sell the product at a profit. There is no man rich enough in this country to conduct such a business and to pay so large a tax until six months roll round, or until the whisky can be sold.

I am sure, if the Senator from Georgia had heard, as I have heard over and over again, all these difficulties and all these subjects discussed by practical, sensible men—and we never inquired whether they were democrats or republicans—he would see the wisdom of the

present law.

For the purpose of ascertaining whether our laws are avoided or evaded, we do require the capacity to be measured and estimated; and if the production falls short of it, the distiller has to give some good reason, or else pay on his capacity; but to require him to pay that tax in advance is simply to destroy the business, and destroy the revenue; to forbid the manufacture of whisky, because there is nobody rich enough in this country to manufacture whisky and pay the tax on it in advance, and hold it until he can sell it in the market.

"I would say that this subject of a capacity tax is not only not new, but wherever it has been adopted it has been rejected, and it is not now in force anywhere in the world that I know of.

Mr. GORDON. Does the Senator say that this proposition ever as tried in any country! Mr. SHERMAN. No, si

Mr. SHERMAN. No, sir; and it never will be.
Mr. GORDON. Never, if this party can prevent it, I am sure.
Mr. SHERMAN. No, sir; and if the democratic party were in power, Mr. SHERMAN. No, sir; and if the democratic party were in power, I ask the Senator from Kentucky if such a law as that could ever pass with his assent, or the assent of any man who knows anything about the business? Why, Mr. President, it is impossible. In England they do not require it; and their laws are oppressive to the last degree against the whisky-dealer; and it would not be right to require it. Would you tax a business before the business is performed; tax the whisky before it is created; tax the production before it is distilled? Who ever heard of such a thing? No, sir, our laws have been so framed as to secure to the Government the very largest revenue that can be obtained from this article. I think myself we have gone that can be obtained from this article. I think myself we have gone beyond the proper limit; I think we have made the tax too high; and I refused last year, against the votes of my political friends, to raise the tax. I knew and felt sure that I was right. Whether right or not, no one, so far as I know, has ever proposed to require this tax to be paid in advance, and thus destroy utterly the very business which yields us now fifty-odd millions of revenue.

The other remedy which my honorable friend proposes I am sure on reflection he would not agree to, because it is anti-democratic, it is anti-republican, and entirely inconsistent with the spirit and the whole policy of our system of government. It is to adopt Turkish usages, monarchical ideas, and monarchical plans to carry on a republican

government. What is it?

To create a corps of excise, to hold office indefinitely, removable only for incapacity or malfeasance in office.

Do you think the people of the United States would allow an organized band of excise collectors, holding their office for life, and only to be removable by impeachment, or some grand proceeding of that kind? No, sir. These officers ought to be within the power of the head of the Revenue Bureau at every moment, so that the moment a fraud is suspected or detected he can be promptly removed, and not await the slow process of examination. A corps of excise in a republican government like ours! Why, sir, you would add to your Army and to your Navy and to your Supreme Court a corps of excise, to

hold office during good behavior!

Sir, we have been perfecting these laws for years without the slightest wish to avoid the revenue, because what motive could we have? After having acted with every desire to get all the revenue that is possible, with every desire to frame the revenue laws, not so as to aid political parties, not so as to affect individuals, but so as to proaid political parties, not so as to affect individuals, but so as to produce our revenue, we are now met with two propositions like these, that will, as the Senator thinks, cure all the ills in life, and make us grand and glorious in all future time! He holds out to you that if you will only pass these propositions, which we have no right in the Senate to originate, we shall get a tax on 100,000,000 gallons of whisky yearly; and if we will only do what Great Britain does, we can put \$2 a gallon, and so we could secure \$200,000,000 if we will only be honest and do what he desires us to do! If he can find us honest men for officers in either political party, and point out a way in which honest men can always he detected from requests so that we can tall honest men can always be detected from rogues, so that we can tell the honest man from the rogue on sight, he will make the most happy invention that has ever been invented in our time or in any time. But that cannot be done. All I can say is, that his plan, as thus developed in his resolution, has already been considered fully in all its aspects, and I do not believe that he himself, after he has examined it in all

its aspects, would vote for it.

Mr. President, the Senator has said something about the English system. That is not at all new to me. He first refers to a remark made by Mr. Fessenden in one of his reports, that we manufactured in this country about one hundred million gallons of whisky. That was the amount generally stated before the war. It had reached, I believe, at one time about ninety millions of gallons on a general estimate; but all I have to say is that that amount has never been manufactured in this country since the tax was imposed. Indeed, we know that what the Senator stated is not true; that is, that what Mr. Fessenden stated also was not correct, that the tax does not decrease the amount of whisky manufactured. It does to a certain extent. Take the whisky that was formerly used for burning fluid, for the manufacture of various articles of drugs, medicines, and the like; the consumption has tablen off layerly.

fallen off largely.

Mr. GORDON. If the Senator will allow me just there, I simply want to state that what I said Mr. Fessenden said Commissioner Pratt

says in his last report.

Mr. SHERMAN. I have already said that Mr. Fessenden said it, and that Mr. Fessenden was probably mistaken. At any rate, from the best information we can have, 100,000,000 gallons have never been

made in any year in this country.

I think the reply of my honorable friend from Indiana about the best disposition to be made of this general statement. We knew very well that Andrew Johnson, with all the power in his hands, with officers scattered over the country, with a tax of \$2 a gallon, only succeeded in collecting \$18,000,000 from the whisky tax, or the tax on 9,000,000 gallons. Therefore, when the Senator charges us with \$1,200,000,000 of lost revenue, I hope he will charge the administration of Johnson in 1868 with \$182,000,000 of that loss; because, if the tax had been collected in that time, \$2 tax on 100,000,000 gallons would have produced \$200,000,000, and we only got \$18,000,000.

Mr. GORDON. I ask the Senator how many of the collectors under

Andrew Johnson who were appointed by Andrew Johnson were con-

firmed by this Senate?

Mr. SHERMAN. We had such hard work to get an honest man in those times recommended to us that we did reject a great many; but the great body of them were appointed under Mr. Johnson's administration. I cannot now state the exact number when suddenly called on to answer; but I know well enough that from the time Andrew Johnson became President of the United States our revenue constantly went down, down, down, until in 1868 we were compelled to repeal the previous law and to pass the law of that year, which changed the tax from \$2 a gallon to about seventy cents a gallon, and rom that time our revenue commenced going up, up, up, until it now reaches over \$50,000,000 a year. That has been our experience.

But the Senator says, why not adopt the English plan? What is the English plan? I would ask the honorable Senator from Georgia if he can tell me what the English plan is now.

Mr. GORDON. The English plan, as I explained this morning in my remarks, and if the Senator had listened he would have heard—

Mr. GUEDMAN. I listened to reverse road and I think I heard it.

Mr. SHERMAN. I listened to every word, and I think I heard it.
Mr. GORDON. The English plan is very much similar to our own,
except in the mode of selecting officers. In that respect the plans
differ very widely, as I explained this morning. I beg the Senator,
while I am on my feet, if he will give me his attention, that he will come to the point I made this morning and give us and give the country the reason why England can collect \$2.50 in gold with her methods of selecting officers without one stain ever having rested on any of her revenue officers, while we cannot collect twenty cents in greenbacks and yet have our Government's reputation stained all

Mr. SHERMAN. That is precisely the question I was coming to, only I first wished to ascertain whether the honorable Senator from Georgia knew what the English plan was, and I ascertain that he Georgia knew what the English plan was, and I ascertain that he does not. It is true in regard to the appointment of officers in England a different practice prevails than with us. The Peers hold their office for life. That is no reason why we Senators should hold our office for life. In England no man is removed except for cause. That may be to a certain extent a wise provision, but the American people has not adopted it, nor has either party adopted it. The excise officers there stand like all others. They hold their office longer than ours do. They are better protected. That is not the reason why England can collect \$2 and we only seventy cents. The reason is that in England the manufacture of spirits is a close and absolute monopoly. It is confined to six or seven houses. So absolutely extreme and harsh in its provisions is the English system that no commany can be harsh in its provisions is the English system that no company can be organized to manufacture whisky there except with a capital so over-whelming that it would be impossible in the United States to establish the business. If the law of England was here enforced this day, there is not a single Southern State, including Kentucky, where the manuis not a single Southern State, including Kentucky, where the manufacture of whisky could be carried on, nor could there be a half-dozen distilleries established in this whole country. They could only be established in New York or Boston, or Cincinnati or Saint Louis, or Chicago, where there are exceptional advantages.

Mr. GORDON. I respectfully submit to the Senator that that does not answer the objection I made, that officers under the American system are not proverbially honest. The fact that England has a close

corporation certainly does not make her officers honest, nor the fact

that we have no such corporation make ours dishonest.

Mr. SHERMAN. I give the Senator from Georgia more credit for capacity than he gives himself. I show that the question of the mode of appointing officers has nothing to do with it; that in England they make the manufacture of whisky so absolutely a monopoly that it is confined to seven great corporations, and then it is all done under government supervision and by the government practically. Would the American people submit to that? Are we prepared, in order to collect this whisky tax, to adopt the agencies which may be adopted under a monarchical form of government? Are we willing to see such restrictions and limitations wound around and about any trade or production that no one but the overwhelmingly rich can engage in the duction that no one but the overwhelmingly rich can engage in the business? Would the Senator destroy all the stills of Kentucky, and the great body of those in Ohio and Illinois, in order to carry out his ideas and adopt the English plan? No, sir; our people would not submit to it. Why is not that system available here? Because the chief articles which enter into the composition of whisky in England are imported. They come from this country and other countries, go into her distilleries, and are there manufactured; but here the articles that make whisky are produced on every farm from the farthest regions of the West to the East, from the North to the South. The regions of the West to the East, from the North to the South. corn, the rye, the wheat, and the other products which enter into the production of whisky are produced on scattered farms, and our laws are so framed that reasonable facilities are given to every State and are so framed that reasonable facilities are given to every State and to all parts of the country for setting up distilleries so as to consume their surplus products. Would you have us destroy all these in order to build up a monopoly of seven distilleries in this country so that we might collect \$2 a gallon on whisky?

Such plans have been proposed. Such a proposition was once made from the city of New York, and it was answered promptly that it was not the duty of Congress in this country to make monopolies; that

we ought to frame wise tax laws, of general convenience, that would give fair facilities to all sections. While we would adopt every restrictive provision that would tend to the collection of the revenue, we would not overthrow our whole system and the principles of our Government in order to collect any form of tax. That I believe was

concurred in by men of all political parties.

Now, Mr. President, I think I have answered the Senator sufficiently. The honorable Senator has done another thing which I think his party and he will live to regret. He has taken advantage of a moment when the whole public mind is under a cloud of sorrow and shame, when every man feels sad at the developments which have been made, in order to excite in the minds of the people a suspicion that even greater wrongs have occurred, and that we have by our legislation devised a cunning scheme by which taxes may be evaded instead of collected. Let him point out a single provision of law that he would remedy; let him go to his fellow-members of the House of Representatives, and let them act upon his recommendation; let them send to us any provision whatever which will tend to enforce the law, and who will be so ready to adopt it as we? These laws have not been the frame-work of party; they have not been the frame-work of partisans; they have been the frame-work of men who have been engaged in an honest effort to collect the public revenue. From the time Mr. Chase first recommended the internal-revenue system of taxation to this hour, they have been the careful-study of business men in all parts of hour, they have been the careful-study of business men in all parts of this country. Their suggestions have been heeded in all cases. Days and weeks and months have been spent by the Committee on Finance in listening to the declarations and suggestions of men who came before us. We have adopted them where we thought they were right; we have rejected them where we thought they were wrong. We were not seeking to advance the interests of any party; and now we do not careful they can handlingly held up as country means a contract. not care to have our handiwork held up as a cunning means or agency by which taxes are evaded.

Ah! but frauds have been committed under these laws. have, and so they will under any law we can frame. Joyces and McDonalds and other people who will seek to evade the law, or pervert the powers of their offices to aid in defeating the revenue. We cannot help that. All we can do is to punish them when we find them out, and that we have done without mercy. And there—I say it now with all moderation and kindness—is the strik-ing difference between the republican and the democratic party. The republican party has never failed to punish those who have disappointed its expectations either by the dishonor of their office or by unworthy peculations or improper conduct; while, on the other hand, I regret to say it but history will bear me out, the democratic party have not been so diligent in punishing their delinquents.

The Senator says this is an era of crime. Have there not been other eras of crime and offense? What was the age of the Swartwouts? Who

eras of crime and offense? What was the age of the Swartwouts? Who was in power then and how was Swartwout punished? What was the age of 1860 when every branch of this Government was in the power of the democratic party, when Floyd and Thompson stole money, bonds, guns, and ammunition, wrested them from the power of the Government for evil purposes; and who punished them? Who prosecuted them? Who arraigned them? Where are they now? No, Mr. President, it will not do for us here to cast stones at each other. Mr. President, it will not do for us here to cast stones at each other. All men who govern political parties or manage public affairs must sometimes be disappointed in those to whom they have intrusted power. We also suffer in that way; but so help us God, we will seek to punish as they deserve the men who have betrayed our confidence and the confidence of the public, and the confidence of our party. We will not shield them, whatever may be the result; and therefore, it the worst feeling. I have not the loss. sir, the worst feeling I have and the only feeling I had when the honorable Senator commenced his remarks and I saw the scope and bearing of them, was, not that the propositions he now submits could or ing of them, was, not that the propositions he now submits could or would be adopted even by his political adherents in this or the other House, but that his speech indicated a purpose, which he also avowed in his speech to his friends in Georgia, to come up here and charge all along the line the republicans with corruption to raise a great ado throughout the country in order to bring back into power the same democratic party which in 1860 not only robbed and plundered without question or trial, but led your country into the most memorable war of modern times, covered our land with dead, covered our country with blood, and made it necessary to impose the very taxes that we are now arraigned for devising. All men of all parties must look upon the evils and faults that arise in human government with some little degree of charity. Parties must be tried by their general results, not by their pretensions. If the democratic party is to be tried now by the pretensions it sets up to do what it proposes to do, it is sults, not by their pretensions. If the democratic party is to be tried now by the pretensions it sets up to do what it proposes to do, it is all well enough; but if this party comes into power, let me ask any one of them whether they will adopt this system by a corps of excise, whether they will allow republicans to come in and help administer the offices, whether they will be as liberal as the republicans have been. We know that the iron rule of the party will be adopted. I expect it; I look for it. If the democratic party should be restored to power, every man of my political faith will be turned out of office; and if I were one of them within their power, I would hasten out of the way before they would have an opportunity to turn me out. That is the rule and law of their party. Who denies it? Would they adopt a corps of excise for life in order to administer the offices connected with the internal-revenue service? No; "To the victors belong the spoils" say they always.

Now, sir, one of the evils under which we, the republicans, have fallen is that we have been too ready and too yielding in giving to our adversaries political power. Some of the worst troubles in which we have been involved have been by not regarding a man's public life, but rather his accidental pretensions for the time being, and trusting him with high political power. No, sir, the Senator ought not to seize on the passing events of the hour for any other purpose than to join us in meting out to the men who have been guilty of offeness the due numishment invested by the law.

offenses the due punishment imposed by the law.

Mr. GORDON. Mr. President, when I introduced this resolution I had no conception of the wide range which was to be taken in this debate. It was not my purpose to make a party movement. I distinctly disclaimed it. I have no right to speak for any one on this subject but myself, and after having stated, as I did, distinctly that whateverparty might come into power the system ought to be changed, and that it was a dangerous system even in the hands of democrats, I am astonished to find that Senators object to it as a partisan effort. Because forsooth I have thought it my duty to bring to the attention of the country the facts which are proven by the records of the Department, I am assailing the republican party! Why, sir, has it come to this, that to expose crime is to assail the republican party? Has it come to this, that whenever a southern Senator makes reference to crime perpetrated against the Government he is to be insulted with the reminder that he sits here by the elemency of the republican party, and must, therefore, refrain from all reference to their delinquencies? I have not, sir, so understood my duty as a Senator. I repeat, my purpose was not partisan. There is not a Senator on this side of the Chamber with whom I have consulted in reference to this measure. The Senator from Ohio therefore makes an insinuation unworthy of him when he charges that my object is to serve my own party, and that I would seek to take advantage of the peculiar and sad circumstances around us. Sir, this resolution has been prepared for more than a month, and the remarks which I have had in mind to submit have been postponed because of the pressing business before the Senate. No, sir; I seek to take no advantage of the gloom that overhangs this country. Rather would I, if I could, gather from some source one ray of light to lead us out of this night of fraud and of official demoralization.

The Senator from Ohio says the proposition is anti-republican and anti-democratic. What is it? Is is simply to enforce a civil-service law in this Revenue Department and forbid that the collectors of the revenue shall depend upon party supremacy for their continuance

This is the whole of it; and all of this high-sounding bombast about anti-republicanism is only intended to divert the attention of the people from the colossal frauds which have been perpetrated in this Department of the Government.

The Senator from Ohio asks, what else do we want, except to keep these officers of excise under the control of the Department of Internal Revenue? That is precisely the proposition I make, Mr. President, that this shall be a corps of excise, removable by the head of that Department, but not removable for political cause or for party purposes; removable only for incompetency or malfeasance in office. This, as I understand it, was the declared purpose of all the civil-service laws that have been passed by Congress.

The Senator from Indiana has referred to my speech delivered in Atlanta. I confess that I am unable to see how a speech delivered before the Legislature of Georgia, in which I sought to acquaint them with the great injustice which that Senator had done them on this floor, has any conceivable connection with or bearing upon the question now before the Senate. And I must repeat that I am amazed at the effort of Senators to divert the course of this debate from its legitimate channel. Sir, is the fact that I have differed with these Senators in the past; that, in accordance with the political teachings received from my youth up and in obedience to my conscience, I was led to differ with them in the late war—is that fact forever to preclude me from criticising upon this floor the conduct of the Administration or the frauds which my judgment tells can and ought to be prevented? The Senator from Indiana regards this difference as such a crime that I am to be debarred from all right to complain of other The honorable Senator knows that our unfortunate war arose from differences of opinion which were honestly entertained by the different sections of this country as to the character of the Union under the Constitution; and he will fail of his purpose to draw me into any passionate discussion of those war issues. The war was into any passionate discussion of those war issues. The war was fought upon issues which have been buried never to be resurrected. And it is most unfortunate for the peace of the country and for wise legislation that these war passions are to be appealed to upon all occasions when complaint is instituted against official corruptions. Both the South and the North had their convictions and placed their constructions upon the Constitution, which each sought to make good in battle. But when the South, acting upon her construction of the Constitution, sought to secode from the Union she placed that issue upon the arbitrament of hattle and when the issue was decided upon the arbitrament of battle, and when the issue was decided against her she surrendered her hitherto-claimed right to withdraw as a peaceful remedy. The Senator ought to know, the Senator does know, that henceforth and forever this question is settled at the South and in the mind of every man at the South, and has no place in

this discussion, and is only intruded for an evident political purpose.

Mr. EATON. That is their stock in trade.

Mr. GORDON. However, as my honorable friend suggests, if the privilege of thrusting these issues into all discussions were taken from the Senator we should deprive him of his stock in trade. It is to me, sir, a melancholy reflection, that, however sincere a southern representative may be, however single his purpose to serve the best interests of his country, no argument is so potent with the Senator from Indiana when it suits his purpose as a reference to the great crime of rebellion.

The Senator refers to the Georgian from whose speech he quoted and concludes that the speech in question reflected the sentiments of the people because it was applauded. Why, sir, the Senator himself would be applauded by some, I presume, were he to address a promiscuous crowd in Georgia or anywhere else in the country. But he says the speech in question was cheered to the echo. The Senator, I presume, draws upon his imagination for that statement, for I have

presume, draws upon his imagination for that statement, for I have seen no such report.

Again, sir. The Senator stopped his quotation from my own speech at Atlanta at the point where I put the question to the General Assembly of Georgia whether there was a man upon that floor who did not feel the injustice which the Senator had done that body by quoting the language of that Georgian as reflecting their sentiments. He failed to read to the Senate that the answer was a universal "no" from one end of that hall to the other. I ask now, in vindication of the Georgia Legislature and of the people of Georgia and of tion of the Georgia Legislature and of the people of Georgia and of myself, that the formal resolutions adopted by that body the following day be read. I ask the Secretary to read them, and I wish to remark in advance that they were passed without one dissenting voice. Yet the Senator from Indiana would hold the people of Georgia and of the South responsible for the wild utterances of one man who claims no responsibility save to himself. Is it generous, is it just—I will not inquire whether it be pertinent to the question at issue—is it not ungenerous, unjust, and unpatriotic to evade the real issue before the Senate in the endeavor to awaken prejudice upon so flimsy a plea against the people of one of the States of this Union and in the face of their solemn declarations contained in these resolutions?

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Secretary will read the resolutions.

The Chief Clerk proceeded to read as follows:

Action of the Legislature of Georgia upon the rights of the colored race. Atlanta, Georgia, February 15.

Mr. EDMUNDS. What year?
Mr. GORDON. They were passed the next day after my speech to which the Senator from Indiana has referred.

The Chief Clerk read the resolutions as follows:

The following resolution was to-day introduced by Mr. Bacon, of Bibb, and unanimously agreed to by the house of representatives:

"Whereas it has been charged on the floor of the United States Senate and by a portion of the public press of the Northern States that it is the design of the Legislature of Georgia to abrogate or abridge the privileges or rights now enjoyed equally by all citizens of the State under the Constitution of the United States:

Therefore,

Therefore,

"Be it resolved, (as the sense of this General Assembly.) That equal political rights of all citizens of this State, regardless of race or previous condition, are permanently fixed and secured by the Constitution of the United States, which is recognized by this body as the supreme law of this land, and that no abridgement of or interference with these rights is proposed or contemplated or desired in any action of the General Assembly, or by the people whom we represent, and that any and all legislation in contravention thereof, either by the Legislature or by a convention of the people, would be null and void.

"Resolved further, That the political relations of all classes in this State have been harmoniously adjusted upon the basis of the present provisions of the Constitution of the United States, that peace and good feeling between races prevail throughout the State, and that it is neither the desire nor to the interest of the people of this State to re-open those questions, which have been thus permanently settled beyond the power of agitation to disturb."

Mr. GORDON Legiova Layer for the properties of the property of the power of agitation to disturb."

Mr. GORDON. I believe I have finished all I had to say. My friend from Maryland [Mr. Dennis] reminds me that reference was made to the different systems of manufacture of spirits in England and the Suffice it to say on that point that the frauds are committed, not in the manufacture, but after the spirits come from the still and are in the hands of Government officers.

still and are in the hands of Government officers.

Mr. MORTON. I confess my surprise on the reading of the resolutions passed by the Legislature of Georgia. The point that I made in my speech was that Mr. Toombs had charged that the election in Georgia had been carried by bribery and intimidation, declaring himself a party to it, that he had helped to furnish the money, and that while my friend from Georgia [Senator Gordon] had criticised one statement of Mr. Toombs, he had passed that by in silence. My friend said that the Legislature of Georgia had attended to that matter on the next day. Now the resolutions have been read, and they have been as silent in regard to the bribery or intimidation as my friend was.

Mr. GORDON. I have no doubt that General Toombs told the truth when he said that he had given money to an election. I have no doubt that my friend from Indiana would tell the truth if he would admit here that there never had been an election in Indiana

would admit here that there never had been an election in Indiana for many years to which he did not give money.

Mr. MORTON. Ah! Mr. President, that will not do. Mr. Toombs did not say that he had given money—as men can do legitimately—to carry on an election, but he said he had given money to buy votes. I never did that. He said he did that, "and," says he, "you know it, all of you; that is the way we carried it." The Senator cannot denviit.

Mr. GORDON. I do deny that the election was carried in that way in Georgia at all. I assert here to-dayroundly, and in the hearing of the Senator, that what might have been General Toombs's experience I know not, but I know that large bodies of the colored men in Georgia marched to the polls of their own accord with democratic badges pinned upon their lappels, and that colored clubs were organized all over that State. The Senator has had an opportunity of finding out all of these facts. Why does he not show the fact that there Mr. MORTON. I did show it by Mr. Toombs.
Mr. GORDON. By colored democrats, I mean to say.

Mr. MORTON. He is the most distinguished democrat in Georgia to-day. The Senator stood in the same place with this great charge material part of what Toombs had said.

Mr. GORDON. I dislike to interrupt—
Mr. MORTON. I believe I have the floor. I called my friend's at-

tention to it to-day, and he told me then the Legislature had answered it the next day, and he brings the resolutions here and they are just as silent about that as he was; and now my friend here at the end of this discussion says that he denies it. I do not say that he personof this discussion says that he denies it. I do not say that he personally was a party to it. I have not said that. I do not impute anything of that kind to any member on this floor. I did not say that he furnished money for that; but I say that Mr. Toombs said there in the presence of that Legislature that they "carried the election by bribery and intimidation, and you all know it, and," said he, "I would do it again;" and no man said no, but the democratic newspapers said they applauded the statement. The Legislature comes forward with a resolve in regard to another part of Toombs's speech, but wholly passes over their part. Mr. Toombs is a good witness and what he passes over that part. Mr. Toombs is a good witness, and what he said I believe is true, because it corresponds with all the circumstances surrounding the history of that election. When my friend said the Legislature had answered the charge the next day, I expected that they had thought it necessary at the end of three weeks to pass a resolution denying that charge. The Senator from Georgia knew what the charge was precisely, because he quoted a little extract from my speech. The Senator from Georgia did not deny it and put in no protest. I think Mr. Toombs was there at the time. There were witnesses there. The Senator made no denial. The Legislature comes forward and denies another part of Mr. Toombs's speech, an immate-

rial part, but passes over this very grave charge.

Mr. BOUTWELL. What is the legal inference when part of a document is dealt with, a portion of it denied, and nothing said about

Mr. MORTON. The legal inference, as my friend from Massachusetts, who is a good lawyer, knows, is that he confesses the truth of the rest of it.

Mr. EDMUNDS. The moral inference, too.
Mr. MORTON. That is the moral inference and the legal inference, and it is a little too late now to put in a denial to those charges. Toombs did not speak from hearsay; he spoke from personal knowledge. Everybody who knows Toombs knows he is a bold man and an able man, and I undertake to say, of course I except my distinguished friends from Georgia here, the two Senators, that otherwise he is to-day the most distinguished and I believe the most popular

he is to-day the most distinguished and I believe the most popular democrat in the State of Georgia.

Mr. EDMUNDS. He ought to be, for he represents the party well.

Mr. MORTON. One word further. There was one thing more said by my friend from Georgia to which I want to refer. He said that I had offered an insult by saying that he was a monument of the elemency or of the magnanimity of the republican party. That was not intended as an insult at all

intended as an insult at all.

Mr. GORDON. I do not want the Senator to do me injustice in that

Mr. GORDON. I do not want the senator to do ne injustice in that respect, if he will allow me a word.

Mr. MORTON. I did not intend to do the Senator injustice.

Mr. GORDON. I knew he did not. It was not that portion of the Senator's remarks which I intended to say were insulting, and I know he did not intend any of them as an insult.

Mr. MORTON. I did not intend so.

Mr. GORDON. But I coupled the remark of his about the elemency of the party with his other remark about the great crime that had been committed, myself among those who had committed it.

Mr. MORTON. I did not, I think, talk about any great crime of

Mr. MOKTON. I did not, I think, talk about any great crime of the Senator. I understand those differences, but I showed that the Senator in his speech at Atlanta had-denounced the republican party in strong terms for its tyranny. It is repeated in different parts of his speech. I was repelling that charge. I think the Senator from Georgia ought not to make that charge upon the republican party. I think he knows full well that the republican party has treated him and other distinguished soldiers with magnanimity, and I do not say and other distinguished soldiers with magnanimity, and I do not say

that to injure his feelings.

Mr. GORDON. By no means. The Senator did not injure my feelings by any sort of remark. I appreciate the whole of it. I only insist that his other remarks were offensive to me and offensive to my

Mr. MORTON. I did not intend to offend anybody. I spoke simply of the truth of history. My friend talks about the character of my remarks as attacking the southern people, which I did not do, for I can say to my friend that I have placed the southern men, and I do to-day, in a better position than he does himself; though he does

not mean that. My friend at Atlanta made some remarks which might justify me in using some criticism, in speaking of the Pinchback case down there. While they refused to discuss that case here because it was not policy to do so, my friend broke the silence at Atlanta, and he said:

It is said to be capable of proof that he was a convict-

That is Pinchback-

But suppose we should prove it? We should only commend him by that to the confidence of that party! [Laughter and applause.] If we could prove him a jail-bird it would only be to say, "Here is a fit legislator for the southern people:" and in the estimation of that party panegyric would be exhausted did we call him a thief.

It is to that party which is thus described by my friend that he is indebted for his seat on this floor.

Mr. EDMUNDS. Whose speech is that?

Mr. MORTON. This is Mr. GORDON's speech, the Senator from

Georgia.
Mr. EDMUNDS. When was it delivered?
Mr. MORTON. It was delivered on the 21st of February, a few days

Mr. EDMUNDS. This year?
Mr. CRAGIN. The day before the Georgia Legislature passed those resolutions which have been read.
Mr. MORTON. The day before they were so inspired by this speech

that they passed a resolution denying an immaterial part of Toombs' speech.

Mr. EDMUNDS. They probably denied all they could. Mr. MORTON. My friend from Georgia said:

Mr. MOKTON. My friend from Georgia said:

I trust I shall be there, although I am now paired, to record my vote against him—to do more—to join with my brother democrats in entering upon the records of the country a solemn protest against this outrage upon decency, law, and the Constitution of the country. [Cheers.] But, I repeat, I think they will seat him as a participator in the glories of republican legislation and a sharer in the emoluments which go to republican Congressmen from the South in the shape of the sale of cadetships and the purchase of their votes by scheming corporations. [Laughter and applause.]

For particulars, see Toombs's speech. The Senator talks about the sale of cadetships and the purchase of votes, with that charge resting upon the democratic party of Georgia made by Mr. Toombs, to whom he was making answer, how he carried the election by intimidation and corruption, and he helped to pay the money. I have intended to treat my friend with courtesy, and if I have not done so it has been by inadvertence, but in the course of his remarks down there he said, speaking of the democracy of Georgia:

You have to meet-"the world, the flesh, and "-the Senator from Indiana

You see he carefully excepted from among the enemies of the Georgia democracy the devil. In fact, we may understand they are friends and allies. They have not quarreled with the devil down there. The devil is understood and believed to be the progenitor of that great and noble order of the Ku-Klux, who did so much in revolutionizing the politics of Georgia. It would not do to speak of him disrespectfully. I would not, however, have referred to that except for the Senator having somewhat criticised the style of my remarks.

Mr. GORDON. My friend from Indiana refers to my quotation of a partial passage from the Bible and substitution of himself for another individual. I only want to remark now that I meant to say that Senator had usurped the place of that enemy.

Mr. MORTON. I understand what the Senator meant from what he said. In quoting the usual sentence he struck out "the devil" and inserted "the Senator from Indiana," because they regard the Senator from Indiana as unfriendly to the Georgia democracy and because they regard the devil as being its friend, up-builder, and up-holder. He has done much to establish the party, and when it comes down, it will be because the devil deserts them, which is not likely to

occur very soon.

Mr. WITHERS. Mr. President, my only purpose in saying a word to-day is to vindicate myself and my people from imputations that have been cast upon them by two of the Senators who have addressed you. I do not propose to indulge in crimination or recrimination. I do not propose to go back and rake up the ashes of the past and see if I cannot rekindle again a little of the sectional feeling which has brought so much ruin upon this country; but I cannot sit in my seat quietly when it is intimated by Senators on this floor that, because I belong to a section of country which was engaged in the late war, therefore I. or those who come from the same section, cannot be pertherefore I, or those who come from the same section, cannot be permitted to allude in any way to frauds which have been perpetrated and corruption which has been developed, or in any degree to criticise the action of the Administration.

When we are taunted with being here simply by the elemency of the republican party, when we are told that we are here living monu-ments of their magnanimity, I feel it incumbent upon me to deny the fact, and to state that I stand here the peer of the Senator from Ohio, fact, and to state that I stand here the peer of the Senator from Ohio, of the Senator from Indiana, or of any other Senator on this floor; that I stand here with equal right to protect, maintain, and defend the interests of the State of Virginia, and that that State is as much a part of this Government as if she had never seceded, entitled to all its rights, all its benefits, and all its privileges.

It boots not now for us to go back and inquire whether democracy or republicanism was most responsible for the late war through which we have passed. When the student of history hereafter, I will venture the prediction, comes to examine the question in the light of

ture the prediction, comes to examine the question in the light of

fact and of all antecedent history, he will say that it was not the democratic party as a party which precipitated this war upon the country, but that it was the result of teachings which were rather sectional than political; that one section of this country had been educated in the belief that certain rights inhered in the States, sovereign rights which they had never divested themselves of; that another section was educated in the belief that the National Government was supreme and sovereign, and could wield its powers without reference to the reserved rights of the States; and that these two contrariant opinions were carried on and enforced rather by persons of respective sections than by parties, and at last culminated in the lamentable war through which we have lately passed. I say that, because I know it to be true that through the Southern States men who had never in their lives cast a democratic vote, men who had never permitted themselves to be called democrats, men who had always opposed that party, and some of whom for generations had been arrayed in hostility to it, when this question of antagonism was brought down to the last sharp issue, joined with their own section in the maintenance of the doctrine in which they were educated, and determined to defend it with the sword. All parties South, with individual exceptions only, adhered to the doctrine of State rights, and while thousands and hundreds of thousands of people in the South opposed the policy of secession, few, very few, questioned the right.

That is as much as I propose to say with reference to the responsi-

That is as much as I propose to say with reference to the responsibility for this war; but I would remind Senators who are so fond of taunting us with the position that we then occupied and of reminding us that we are here simply on sufferance and by the elemency and magnanimity of the republican party, that it is held in ethics and in morals that a benefit conferred, when the beneficiary is constantly taunted with it, ceases to be a benefit. If they desire us to respect them as contlawed with magnanimity unparalleled have given them as gentlemen who with magnanimity unparalleled have given us a right to raise our voices in this Chamber, it is possible the claim might be recognized to some extent if they did not talk about it; but lay her frankly that to a certain extent only can it be recognized, and that is viewing the question from the northern stand-point and not from the southern. I believe that we were permitted to come back here to carry out the theory upon which the republican party fought the war, that secession was impracticable, that it was not authorized, and that the unity of this Government had never been impaired by the secession of the Southern States. They did not wish to present themselves to the world in the attitude of claiming that secession had never been consummated by the acts of those States and yet excluding all those States from further participation in the Government. They knew that it would be a political absurdity to suppose that this Government could be carried on with nearly onehalf of its constituent members denied representation in Congress, denied the privilege to hold office, denied all the rights which were enjoyed by the other half, and still set up the claim that the Union had never been severed and that it had always remained intact

As to the dishonest practices which have grown up under the administration of both the democratic and republican parties, I am free to admit, which I do here very frankly, that the democratic party is by no means free from blame in this particular. The history of that party would demonstrate that corruption and fraud have been practiced while it administered this Government. The speech of my friend from Georgia, as I regarded it and construed it, explicitly ad-mitted the fact, and stated that the remedy which he wished to pro-vide (which I do not now propose to maintain, defend, or deny) was predicated upon the distinct proposition that so long as offices were conferred for party service and from party considerations exclusively, without regard to the fitness of the recipient, so long would these abuses exist. I am not forgetful of the fact that the democratic party was the first party in the history of this Government to proclaim the doctrine that "to the victors belong the spoils." As I understand my friend from Georgia, he proposes this as a remedy for the evil, but without in any degree asserting that his own party is not as obnoxious to the charge of corruption growing up under its practices as

any other party.

I feel impelled in consequence of a declaration made by one or perhaps both of the distinguished Senators who have addressed us, to say one word in defense of a distinguished citizen of my own State who was alluded to as furnishing an example of that corruption. Allusion was made to the removal of arms, to the stealing of arms, as it was asserted by one of the gentlemen, belonging to the General Government. General Floyd I know always contended, and his friends believe to this day, that in the removal of the arms to southern ar-senals which preceded the advent of the late war, he acted under the right he had as Secretary of War, under the laws as they then existed, to distribute the Southern States' quota of the public arms, and

to that extent and no further did he distribute those arms.

Mr. EDMUNDS. The question is what was his motive in thus abusing or not abusing this trust?

Mr. WITHERS. It matters not what the motive was, as I conceive. As he had a legal right thus to distribute those arms, he violated no law in ethics, in morals, or any other way that I am aware of in distributing them.

Mr. EDMUNDS. If I do not disturb the Senator, may I ask him a question at this point? If the doctrine that the motive is immaterial be true, what would the Senator say if some President of the United States, having the legal right, with the assent of the Senate, to make

appointments to office, should with the motives of private gain or of benefiting his particular section of country, appoint men to office who would be his creatures and not true public servants? Would not the motive have something to do with that?

Mr. WITHERS. In that case it would.

Mr. EDMUNDS. But not in the case of distributing arms to destroy the country with?

Mr. WITHERS. I do not think the cases are at all parallel, and

scarcely analogous.

Mr. SHERMAN. If my friend will allow me, as I made allusion to Mr. Floyd, I will state that the charge against Mr. Floyd was that he not only attempted to execute the law with a bad purpose, but that he violated the law. He sent to the Southern States far in excess of their proportion of arms, actually dismantled Pittsburgh and took all the great guns about there that were then unfinished really, and that were only useful when finished thereafter, and sent them to New Orwere only useful when finished thereafter, and sent them to New Orleans for a treasonable purpose. I supposed that was conceded on all

Mr. WITHERS. No; it was not conceded by the friends of General Floyd that he violated any law in the premises. I state this in vindication of his memory, as he no longer lives, and I state it as being the general sentiment and opinion of the people of his own State. It struck me as a very singular circumstance in this discussion that

in vindicating the republican party from charges of fraud and corruption in connection with the internal revenue the administration of Mr. Johnson was cited as an example to furnish a democratic parallel to it. It was the first time in my life that I ever heard the administration of Mr. Johnson characterized as a democratic administration. In the plenitude of my ignorance I had supposed that he was nominated on the tieket with Mr. Lincoln by a republican convention and was elected on that ticket as the representative of the republican party in antagonism to the regular democratic ticket which republican party in antagonism to the regular democratic ticket which was put in the field against him, and after the lamented death of Mr. Lincoln, when he succeeded to the Presidency, he, differing in opinion on some points of constitutional law with what proved to be the majority of his party, there was a struggle, an antagonism between the two, he making an effort to carry out his views and being antagonized by the leaders of his party in the Senate and in the other House. But I never heard before that the democratic party were in any degree responsible for this difference, that they in any degree controlled the policy or the appointments of Mr. Johnson's administration: on the policy or the appointments of Mr. Johnson's administration; on the policy or the appointments of Mr. Johnson's administration; on the contrary, I had always been taught to believe from the contem-poraneous history of the times that, in his efforts to effect removals of the appointees of his predecessor, not only in the Internal Revenue but in other Departments, he had been strongly resisted by the repub-lican party, and the incumbents of the offices, as a general thing ap-pointed as republicans, remained thus in office. I mean nearly all appointments which required the senetion of the Senets and the bullappointments which required the sanction of the Senate, and the bulk

of them were of that character. I have in conclusion only to say that I believe those gentlemen who

represent the Southern States have come here with a firm and deliberate purpose of laboring as best we may to promote the harmony and the interest of this whole country, North as well as South, East as I believe that even the most imbittered partisan will not deny that the prosperity of this country is indissolubly connected with the feeling of harmony and quiet which ought to prevail be-tween the sections, and that, if the sectional antagonisms which cul-minated in the late unfortunate war are to be perpetuated forever by criminations and recriminations on this and upon the other floor of Congress, that prosperity will never come to us. I say further, I do not think it can be truly alleged that the representatives of the Sonthern States on this floor have ever precipitated anything looking like ern states on this hoor have ever precipitated anything looking like a sectional contest here; certainly not since I have been in this body. We are willing, as I have said, to "let bygones be bygones." That has almost passed into a proverb. But I am now deterred to a very considerable extent from carrying it as far as I proposed to do. The professions and concessions which bring me here are affected by a knowledge of the fact that I have observed on more than one occasion, and regretted to observe it, when representatives of southern constitutions is the proposed to the fact that I have observed on the fact that I have constituencies have given utterance to their declarations of fealty to this Union, and their desire to see it perpetuated, and to see it prosper, a smile of incredulity and scorn pass over the faces of prominent members of the other party; and this fact prompts me to be silent on that subject to-day. I prefer that deeds shall speak rather than words; but I say here in conclusion, Senators of the United States, that if you rise to the dignity of the trust which is imposed upon you, if you desire to see the Union of these States re-established again and be in reality and in name a Union, you will trample down these efforts to array one section against another and join hand in hand with all those, come from whatever section they may, who will labor with you earnestly, zealously, and honestly to promote the interests of our common country.

Mr. SHERMAN. I will occupy but a moment. There were but two remarks made by the Senator from Indiana or myself that could by possibility have been the basis of the speeches which have been made possibility have been the basis of the speeches which have been made since by the Senators from Georgia and Virginia. What are they? The Senator from Georgia charged the republican party not only with corruption but tyranny. The Senator from Indiana, very properly it seems to me, said that the republican party had never been a tyrannical party; always a magnanimous party; and that the Senator's pres-

ence on the floor of the Senate of the United States was a marked example of that fact. It is the only case in history where those who have waged war against a country have within so short a period of time participated in its highest councils. Therefore the remark of the Senator from Indiana was justifiable as a retort upon a charge made against the party to which the Senator from Indiana and I belong.

Again, the Senator from Georgia said that this was an era of fraud corruption, and referred in that connection to the fact that the republican party was in power. My reply was that no doubt fraud and corruption had been exposed, but then there had been other eras of fraud; one in 1840, when defalcation was very common and rather the order of the day, and another in 1860, when the democratic party was in power in all branches of the Government, when fraud and treason occurred, not only stealing money and bonds out of the Treasury of the United States, the Interior Department, and other places, but actually arms were taken by an officer of the United States and carried into  $\frac{1}{8}$  region for the purpose of treasonable hostility against the Government of the United States.

I appeal to the Senate whether these were not proper answers to those charges? I am the last man in the world to desire to renew the battles of the war. I participate entirely in the feelings expressed by the honorable Senator from Virginia in that regard. We in this high deliberative body should join together and by our counsels aid each other in promoting the common good and the general welfare; but I say to Senators distinctly—and I think I am as cool and moder-ate in these matters as most Senators—that when the party to which I belong and the men with whom I am associated are charged wholesale with corrupt purposes and corrupt aims we must be expected to answer in the best way we can to show that any faults that have been developed in our party have been quadrupled in the party that managed this Government before our time.

Mr. EDMUNDS. I do not rise to make a speech, but before I make the motion that I am about to make I beg leave to say a word or two.

The honorable Senator from Georgia and the honorable Senator from Virginia have deprecated the stirring up of sectional strifes and have seemed to impute to us on this side of the Chamber a desire to do that sort of thing. Why did not the honorable Senators think of what the Senator from Georgia said in that public and deliberate way before his own Legislature? Was not that a stirring up sectional strife, and in a manner somewhat more obnoxious and offensive than anything that has been said here or probably ever will be? The places where strifes are stirred up and sectional feelings are excited are not here, but in the respective sections of the country where men on the hustings and on local occasions of public gatherings, for temporary and popular effect or for some better purpose-I do not undertake to say what—resort to styles of oratory and to statements that are applauded to the echo and excite their hearers on one side or the other. There are the places where excitements are stirred up and those are the places where they were stirred up in 1860, and before that time, and which led to the rebellion. They were stirred up in the North by orators on every occasion declaring that liberty and equal rights ought to be the law of the land everywhere. They did not propose to obtain it by violating the Constitution or overturning the Government, but under the law and by it, as far as they could, and they hoped to educate public sentiment for the progress and benefit of mankind. On the other side there were similar orations and on similar occasions when the divine right of slavery and the divine right of States to carry slaves into New York and into the Territories everywhere, as a man would carry his watch or his horse, were equally maintained, and those people of the North who believed otherwise were denounced in the most unmeasured terms; no epithet of opprobrium that could possibly be imagined was left unemployed. when, at last, in a fair and constitutional way, and in spite of the organizations of elections being in the hands of the democratic party in most of the States, Mr. Lincoln was fairly elected the President of the United States, that was the occasion for the tremendous convulsion of bloodshed and of disaster that the southern portion of this country brought upon us. I do not therefore quite like to submit to sit here silently and hear it imputed to the people of the North or to northern Senators that we have stirred up animosities and strifes. We have resisted them, and we will resist them still by the orderly progress of the law.

Ah, Mr. President, it has been said that the republican party has has believed and I suppose does yet, by passing the thirteenth amendment, which struck the fetters from the arms of the slaves and made them freemen. It has tyrannized by passing the fourteenth amendment, ment, which commanded equal rights and provided the means for their enforcement. And it has tyrannized by declaring that color should not disfranchise a man from the right to vote. It has had the tyran-nical disposition to see that these provisions of the Constitution should be put in the form of laws to carry them out. It has passed civilrights bills, making everybody in this country, so far as we had the power, the equal of every other person before the law. It has passed laws to protect the purity and the right of suffrage in elections under the fifteenth amendment; and every democratic vote in both Houses and every democratic speech-maker in the South, and almost in the North, too, but not entirely, have denounced that as encroaching upon the rights of the States and the rights of the people; and they de-

nounce it still.

Mr. President, it is a conflict of ideas that makes this tumult, and this commotion, and this strife. One set of ideas must be right, and the other must be wrong; and the contest must go on, and it shall go on, as far as my voice and aid can make it, until the right prevails. Ah, Mr. President, when liberty of opinion, liberty of person, liberty of person, liberty of person, liberty of person, liberty of person liber to hold property, and liberty to vote is as free and secure in the Southern States as it is in the Northern States, where as a whole every party and every man in a party is protected alike, then there will be peace; but, until that does come there will be no peace, and there ought not to be peace.

Mr. WITHERS. Will the Senator permit me?

Mr. EDMUNDS. With pleasure.

Mr. WITHERS. I would state then that the Senator from Vermont

Mr. WITHERS. I would state then that the Senator from Vermont ought to join hands with me and declare that there is peace now, for I take it upon myself to assert so far as my knowledge of my own State goes, and I think I know as much about it as any other man in the State or out of it, that all the things which he has enumerated exist there to-day

Mr. EDMUNDS. I do not know but that they do; and yet if you take the records of the courts, if you take the daily history of the journals which are printed in that State, for the last five years, in spite of my friend's disbelief in it, it proves conclusively the opposite. It is no man's declaration, it is no man's belief that makes equality and no man's declaration, it is no man's belief that makes equality and public order; it is the daily history and life of the people; and when you find here and there in every county in every one of these States almost—there may be exceptions; I hope there are; and I hope these exceptions will come to be the rule—that as a whole there is failure of justice and of protection that proceeds from ancient ideas and ancient prejudices and ancient feelings, which may be perfectly natural but which are still perfectly wrong, there is a failure of equality, there is a failure of justice, there is a failure of equal rights.

Why, Mr. President, I do not know personally how it is in Virginia, although I have sometimes had the honor to travel slowly through that State and to know something of its affairs, certainly not nearly so much as my friend does; but in the State of Georgia it is only very recently, as the Senator from Indiana has shown, that on one of the

recently, as the Senator from Indiana has shown, that on one of the most solemn public occasions that can occur in a State, in the presence of its sovereign power, the representatives of its people, it was bravely and boldly announced to the satisfaction of everybody who heard the speaker that public affairs are carried on there by means which disgrace civilization and which, if persisted in, must overturn

any republic.

Mr. GORDON. Mr. President, will the Senator allow me?
Mr. EDMUNDS. With pleasure.
Mr. GORDON. I wish to say that I think I know as much about the sentiment of that body to which he refers as the Senator does himself. He says, "to the satisfaction of everybody who heard him." I say, to the satisfaction of nobody who heard him.

Mr. EDMUNDS. Why, Mr. President, I take it for granted that my

friend from Georgia was not present on that occasion.

Mr. GORDON. I was very soon after; and I talked with almost every member of the Legislature.

Mr. EDMUNDS. Then, if my honorable friend was not present, we must take the report of the public prints for what occurred, that there a distinguished citizen of that State, standing up in the presence of its sovereign power, its public legislative body, declares it to their faces that they themselves held their right to their seats by wholesale bribery and corruption and intimidation-everything that should not prevail in a republic, and nothing that should. And what response does that declaration meet with? Is there disapprobation? Is he treated as a contemptible caluminator of the honor and the reputation of that Legislature? By no means; but rapturous applause fills the body of the chamber and runs a circle around the galleries. That the honorable Senator thinks is proof, I suppose, that the State of Georgia is ruled upon true republican principles, and that equality, purity, and justice are the guiding ideas of its statesmen and its citizens! Ah, Mr. President, I dare say that "the sober second thought," or the wise second thought, may have led many members of that Legislature to regret that such an event should have occurred, but such an event could not have occurred untruly without some man in that Legislature or some man in that audience rising, as every honorable man should have risen if he did not know it to be true, and denouncing it on the spot. This after take-back, this after denial, when the consequences of such a statement began

this after denial, when the consequences of such a statement began to be felt, has very little weight indeed.

But, Mr. President, as I said, I did not rise to make any speech. I only rose to repel, as far as I am able, the idea that at any time or in any place the people of the North or the republican party in this Chamber or in the other have in any manner stirred up sectional animosities or hostilities, have in any manner assaulted the constitutional rights of any State or any part of its people. They have endeavored to enforce the progress of just ideas in constitutional and lawful ways; and, in every step that they have taken toward it, they have been resisted to the uttermost by the democratic party, and are to this very day. Not one amendment of the Constitution, not one law to carry it dit, not one provision of any kind intended to ameliorate the carry it out, not one provision of any kind intended to ameliorate the condition of the citizens of this country, has received any democratic support. Therefore, Mr. President, as I say, I do not intend to sit still and be told that we are responsible for sectional feeling. But still it is true there is sectional feeling, if you call it that, but it is

the sectional feeling of ideas. We believe in these amendments; we believe in these laws as necessary to carry them out; and, so far as we have the constitutional power, we intend to put them in force. Our honorable friends on the other side do not believe in them; and, if the administration of this Government were to go into their hands not a district attorney would ever present an information, not a grand jury would ever find an indictment-nothing in respect of the adjury would ever find an indictment—nothing in respect of the administration of the law would be so carried on as to keep these amendments and these laws from being absolutely obsolete. They might as well never have been passed. I have no doubt of it; and the daily proof of the progress of affairs in these States shows it to my mind with absolute conclusiveness; and I believe the people of this country who are intelligent see it just as clearly as I do.

But, as I said, I did not rise to make any speech; I rose to move that the Search proceed to the consideration of executive business.

that the Senate proceed to the consideration of executive business,

that the Senate proceed to the consideration of executive business, which motion I now submit.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The subject under discussion having been entertained by general consent, the unfinished business is now the regular order, which is the bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States. Pending which bill, the Senator from Vermont moves that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the con-

sideration of executive business. After ten minutes spent in executive session the doors were re-opened, and (at four o'clock and ten minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

THURSDAY, March 9, 1876.

The House met at twelve o'clock m., and the Speaker resumed the chair. Prayer by the Chaplain, Rev. I. L. Townsend.

The Journal of yesterday was read and approved.

#### LOUISA G. CHANDLER.

Mr. HENDEE, by unanimous consent, introduced a bill (H. R. No. 2574) for the relief of Louisa G. Chandler; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## OBSCENE LITERATURE IN THE MAILS.

Mr. CANNON, of Illinois, by unanimous consent, reported from the Committee on the Post-Office and Post-Roads, as a substitute for House bill No. 1239, a bill (H. R. N. 2575) to amend sections 3893 and 3894 of the Revised Statutes, providing a penalty for mailing obscene books and matters contained therein, and prohibiting lottery circulars passing through the mail; which was read a first and second time, recommitted to the committee, and ordered to be printed.

Mr. CANNON, of Illinois, entered a motion to reconsider the vote by which the bill was recommitted.

# REPORT ON LABOR IN EUROPE AND AMERICA.

Mr. LAWRENCE, by unanimous consent, submitted the following resolution; which was read and referred, under the law, to the Committee on Printing:

Be it resolved by the House of Representatives, That there be printed and bound of the special report "on labor in Europe and America," (Executive Document No. 21), six hundred copies; three hundred for the House and three hundred for the Treasury Department.

## PRINTING OF TESTIMONY.

Mr. BANNING, by unanimous consent, from the Committee on Military Affairs, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Committee on Military Affairs be, and are hereby, authorized to print for the information of this House the letters and testimony in their possession upon the reduction and re-organization of the Army; also, on the transfer of the Indian Bureau to the War Department.

# CHANGE OF REFERENCE.

On motion of Mr. RANDALL, the Committee on Appropriations was discharged from the further consideration of a bill (H. R. No. 1005) to amend an act entitled "An act making appropriations for the service of the Government for the fiscal year ending June 30, 1872, and for former years, and for other purposes," approved May 8, 1872; and the same was referred to the Committee of Claims.

Mr. RANDALL moved to reconsider the vote by which the bill was referred; and also moved that the motion to reconsider be laid

on the table.

The latter motion was agreed to.

## MOSES B. SNEDEN.

Mr. PLATT, by unanimous consent, introduced a bill (H. R. No. 2576) granting a pension to Moses B. Sneden, late a private of Company H, Eighty-ninth Regiment New York State Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### HANNAH A. WOOD.

Mr. PLATT also, by unanimous consent, introduced a bill (H. R. No. 2577) granting a pension to Hannah A. Wood, widow of Samuel A. Wood, late a second lieutenant in Company M, First New Jersey Volunteers, deceased; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

Mr. COX, by unanimous consent, submitted the following resolution; which was read and referred to the Committee on Foreign Affairs:

Which was read and referred to the Committee on Foreign Affairs:

Resolved, That the Committee on Foreign Affairs be requested to inquire into the case of Edward O'M. Condon, alleged to be a citizen of the United States, who has undergone for nine years penal servitude in an English prison; and what efforts, if any, have been made by the Executive Department to secure his enlargement, and, if no successful efforts have been made in that behalf, then that said committee examine and report whether or not the case comes under sections 2000 and 2001 of the Revised Statutes of the United States, which provide for the same protection of all naturalized citizens while in foreign countries as fastive-born citizens, and authorizes the President to demand of any foreign government the reasons of such imprisonment and the release of the citizen.

#### PAYMASTER'S OFFICES ON NAVAL VESSELS.

Mr. O'NEILL, (by request,) by unanimous consent, introduced a bill (H. R. No. 2578) to require the construction of paymaster's offices in all naval vessels; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

#### PUBLIC GROUNDS IN WASHINGTON CITY

I wish to offer a resolution which I send to the Mr. HOLMAN. Clerk's desk, calling for some information from one of the bureaus of the Government, for the benefit of the Committee on Public Buildings and Grounds. It is addressed to the head of a bureau, but that bureau seems to have control of the whole matter.

The Clerk read as follows:

Resolved. That the Chief of Engineers of the United States Army be instructed to transmit to this House tabular statements of the expenditures under each appropriation for use in improvement of public grounds in the city of Washington during the four fiscal years from July 1, 1871, to June 30, 1875, and also for the period from July 1 to December 31, 1875; he shall also state the mode of obtaining supplies under these appropriations, such as piping and valves, hose, concrete and other paving, inclosures of all kinds, fountains, trees, settees. &c., whether by advertisement or otherwise, and transmititemized accounts with names of the parties who furnished such supplies during each year within the periods embraced above; state also whether any salary or per diem besides those regularly appropriated for by Congress are paid from the appropriations for care and improvement of grounds, and, if so, state number and names of such employés, rates, and total amounts paid to them between July 1, 1875, and December 31, 1875; finally, whether any concrete pavements have been made under appropriations for the Washington Aqueduct, and, if so, state the names of contractors, quantities, and rates paid to them.

Mr. HOLMAN. In the absence of explanation it would seem that

Mr. HOLMAN. In the absence of explanation it would seem that this inquiry should be addressed to the Secretary of War. But I find, on examining the statute, that this branch of the public service is by law placed specially under the Chief of Engineers; so that the resolution calls for information out of the regular course, that is, from the head of a Department.

There being no objection, the resolution was adopted.

# \* ARMY SUPPLIES TAKEN FROM ALIENS.

Mr. HATCHER, by unanimous consent, introduced a bill (H. R. No. 2579) for the relief of aliens who have filed a declaration to become citizens, for stores and supplies taken by the United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## WASHINGTON MARKET COMPANY.

Mr. CAULFIELD. By request, I submit the resolutions which I send to the Clerk's desk to be read.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That the Committee on Public Buildings and Grounds be, and they are hereby, instructed to inquire and report to the House whether the Washington Market Company, a corporation organized under and by authority of an act of the Congress of the United States approved March 20 1870, has complied with all the provisions of said act of incorporation; and if, in the judgment of said committee, said company has not fully complied with the provisions of its said charter, the committee are hereby instructed to report a bill directing the Attorney-General of the United States to institute proper legal proceedings to forfeit said franchise, and restore to the possession of the Government of the United States the land granted by said charter. That said committee be, and they are hereby, authorized and instructed to inquire and report to the House by what authority the said market company demands and receives a revenue from persons vending articles of produce on or near the public reservation or streets outside of the land granted by its charter, to wit, on or near Louislana avenue between Ninth and Eleventh streets northwest, in the city of Washington, and also to report such measure as in their judgment may be proper under the circumstances.

Mr. CALLETELD. Unou reflection. I think these resolutions should

Mr. CAULFIELD. Upon reflection, I think these resolutions should be modified. As they now read they require the Committee on Public Buildings and Grounds to make this investigation. I think the investigation should be made by the Committee for the District of Columbia. I ask that the resolutions may be modified in that re-

The SPEAKER. The gentleman has the right to modify the reso-

lutions before they are voted upon.

Mr. CAULFIELD. Then I will modify the resolutions so as to direct the Committee for the District of Columbia to make this inves-

tigation.
The resolutions, as modified, were adopted.

#### HEIRS OF WILLIAM A. GRAHAM.

Mr. VANCE, of North Carolina. The petition and papers in the claim of the heirs of William A. Graham were reported back to the House by the Committee on Patents and laid upon the table. That was done under a misapprehension, and I ask consent that they be taken from the table and recommitted to the Committee on Patents.

There was no objection, and it was so ordered.

#### STATE GRANGE OF WISCONSIN.

Mr. CATE. I ask unanimous consent to present the memorial of the State Grange of Wisconsin, and that the accompanying resolutions be read and printed in the RECORD.

Mr. CONGER. If the resolutions are read, of course they will go in

the RECORD.

The SPEAKER. The Clerk will read the resolutions.

The Clerk read as follows:

The Clerk read as follows:

1. Resolved, That the Congress of the United States ought to establish a uniform rate of interest to be charged by the national banks, not to exceed 6 per cent.

2. Resolved, That it is the duty of Congress to foster and protect the internal commerce of the country at least equally with our foreign commerce, and to do so is in duty bound to improve our natural, and when necessary to make artificial, water-routes; and we believe the Fox and Wisconsin River route, if improved, will be the most efficient and economical route from the Northwest to the seaboard; and we respectfully ask Congress to complete said improvement at the earliest practicable day.

3. Resolved, That the act of the last Congress increasing postage upon transient printed matter, also upon seeds and merchandise, only benefits the rich monopolies that have become fat upon the hard earnings of the people, and ought to be immediately repealed.

diately repealed.

4. Resolved, That the patent laws as they now are give undue advantage to monopolics, and ought to be so modified as to equally protect the interests of the inventor and the user of the patented articles.

5. Resolved, That a copy of resolutions Nos. 1, 2, 3, 4, and 5 be sent to each Congressman of the State of Wisconsin by the master of the State Grange.

Mr. CONGER. I move that each subject of this memorial be re-

ferred to the appropriate committee for consideration.

The SPEAKER. Will the gentleman suggest what committee?

Mr. CONGER. I thought the Chair might do that without my assistance

The SPEAKER. The Chair could do it better with the assistance

of the gentleman.

Mr. CONGER. There are several subjects embraced in the memo-

The SPEAKER. If there be no objection it will be referred to the Committee on Banking and Currency. There was no objection, and the resolutions were referred accord-

THOMAS SHERIDAN.

Mr. PHILLIPS, of Kansas, by unanimous consent, introduced a bill (H. R. No. 2580) for the relief of Thomas Sheridan, of Washington City, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## NATIONAL ASSOCIATION OF DESTITUTE COLORED WOMEN.

Mr. PHILLIPS, of Kansas, also, by unanimous consent, presented a memorial from the National Association of Destitute Colored Women and Children; which was referred to the Committee for the District of Columbia.

## CLERK TO COMMITTEE ON DEPARTMENT OF JUSTICE EXPENDITURES

Mr. ROBERTS, by unanimous consent, reported from the Committee of Accounts the following resolution; which was read, considered,

Resolved. That the Committee on Expenditures in the Department of Justice be allowed a clerk for the further term of one month from the 11th day of March, 1876, at \$4 per day.

# GOVERNMENT OF INDIAN TERRITORY.

Mr. PIERCE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Indian Affairs be requested to inquire into the expediency of opening the Indian Territory to settlement by white men, establishing a form of government adapted to the peculiar wants of that Territory, giving to its inhabitants the rights of citizenship and homestead, and dividing the remaining lands according to the rights and equities of parties entitled thereto, with leave to report by bill or otherwise.

## GENERAL BABCOCK.

The SPEAKER, by unanimous consent, laid before the House a letter from the Acting Secretary of War, transmitting, in compliance with a House resolution of the 3d instant, instructions, orders, &c., relative to the court of inquiry in the case of General Babcock; which was referred to the Committee on Military Affairs.

# CLAIM OF JAMES ALLENDER.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting, in response to an inquiry from the Committee on Commerce, a report of the Chief of Engineers on the claim of James Allender for damage to his mill property at Hoard's Rocks, West Virginia; which was referred to the Committee on Com-

# ARMY OFFICERS IN DIPLOMATIC OR CONSULAR SERVICE.

The SPEAKER also laid before the House a letter from the Acting Secretary of War, transmitting, in response to House resolution of the 23d ultimo, a copy of the report of the Adjutant-General giving the

names of officers of the Army who since March 20, 1868, have held diplomatic or consular office and who yet have their names on the register of the United States Army; which was referred to the Committee on Military Affairs.

#### GOVERNMENT RECEIPTS AND EXPENDITURES.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting an account of the receipts and expenditures of the United States for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations.

#### ORDER OF BUSINESS.

Mr. BLAND. I call for the regular order.

The SPEAKER. The morning hour now begins at twenty-five minutes before one o'clock. The regular order this morning is the call of committees for reports of a public nature. The call rests with the Committee on the Post-Office and Post-Roads.

#### COMPENSATION OF POSTMASTERS.

Mr. CLARK, of Missouri. I am instructed by the Committee on the Post-Office and Post-Roads to report back, with amendments, the bill (H. R. No. 1993) to repeal section 11 of the act approved June 23, 1874, entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1874, and for other purposes," and to enact a substitute therefor. This is a bill regulating the compensation and salaries of postmasters. I move that the bill be printed as amended, and made a special order for Thursday next after the morning hour.

Mr. RANDALL. I desire to reserve the legislative appropriation bill from interference by this bill.

Mr. CLARK, of Missouri. I have no objection to that.

The motion of Mr. CLARK, of Missouri, was agreed to.

#### POST-ROUTES IN TEXAS.

Mr. CLARK, of Missouri, also, from the Committee on the Post-Office and Post-Roads, reported back, with a favorable recommenda-tion, the bill (S. No. 360) to establish certain post-routes in the State of Texas

The bill was read. It establishes the following route:

A post-route from Paris, Lamar County, Texas, by way of Cotton Plant, in said county, and by way of Cooper, in Delta County, in said State, to Sulphur Springs, in Hopkins County, in said State; also, a post-route from Bonbam, in Fannin County, Texas, by way of Ladonia, in said county, and Ben Franklin, in Delta County, Texas, to Cooper, in said county.

Mr. CONGER. I have no objection to the passage of this particuthe last Congress it very often happened that post-routes in the House bill were struck out by the Senate; and the only way sometimes in which we could secure the establishment of those routes was times in which we could secure the establishment of those routes was by insisting upon not passing the bill until our post-routes had been incorporated by the Senate. I interpose no objection to this bill; I am in favor of post-routes everywhere; but I think it might be better that these should go into a general bill, as is usual in such cases, unless there is some special reason to the contrary.

Mr. CLARK, of Missouri. This bill had passed the Senate before the regular post-route bill was reported to the House; and therefore these routes were not included in that bill.

Mr. CONCER. I believe there is another general bill preparing.

Mr. CONGER. I believe there is another general bill preparing. But I make no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

# JACKSON LAVENBURG.

Mr. CLARK, of Missouri, from the Committee on the Post-Office and Post-Roads, moved that it be discharged from the further consideration of the petition of Jackson Lavenburg for relief, and that the same be referred to the Committee of Claims; which motion was agreed to.

## THIRD-CLASS MAIL MATTER.

Mr. STOWELL, from the same committee, reported a bill (H. R. No. 2581) to amend section 3887 of the Revised Statutes; which was read a first and second time.

The bill, which was read, provides that section 3887 of the Revised Statutes be amended by adding the following:

Provided, That any person or persons sending matter of the third class may write upon the wrapper thereof, without any additional charge, the name and address of the sender, preceded by the word "from," and also the name and number of the articles inclosed; and such additional writing shall not subject such package to any other or higher rate of postage than that chargeable in the absence of such writing. any other writing.

Mr. STOWELL. As I have been asked for explanation by several

Mr. STOWELL. As I have been asked for explanation by several members of the necessity for the passage of this bill, I will do so very briefly. Section 3887 reads as follows:

Any person who shall inclose or conceal any letter, memorandum, or other thing in any mail matter not charged with letter postage, or make any writing or memorandum thereon, and deposit or cause the same to be deposited for conveyance by mail at a less rate than letter postage, shall for every such offense be liable to a penalty of \$5, and such mail matter or 'inclosure shall not be delivered until the postage is paid thereon at letter rates. But no extra postage shall be charged for a card printed or impressed upon an envelope or wrapper.

The bill is simply intended to allow a person sending any matter of the third class, a newspaper for instance, to write on the outside of the wrapper his name, so as to convey the information to the person who receives the package that he sent that package and so that it will pass through the mail without being subject to letter postage. The Postmaster-General has construed this law literally, so that if there is any writing of any kind either on the inside or outside of a package of third-class matter, that package shall pay first-class postage. Gentlemen frequently send communications or papers or packages of third-class matter, and desire the receiver should know who ages of third-class matter and desire the receiver should know who sent it, but that information cannot be conveyed at present under the law without the package paying first-class postage.

This measure has been recommended by the Postmaster-General in

his annual report, and by Postmaster-Generals in previous years. Two years ago a similar bill passed the House but failed to pass the Senate because of the lateness of the session. The Committee on the Post-Office and Post-Roads have instructed me to report this bill to the

House, and I am quite sure there will be no objection to it on the part of any member of the House, its object being understood.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### WRITTEN LEGAL MATTER.

Mr. MILLER, from the Committee on the Post-Office and Post-Roads, made an adverse report upon a bill (H. R. No. 471) fixing the rate of postage on written legal matter, and for other purposes; which was laid on the table, and ordered to be printed.

#### DEPOSITS OF PUBLIC MONEY.

Mr. KNOTT, from the Committee on the Judiciary, moved that committee be discharged from the further consideration of a bill (H. R. No. 1852) to amend sections 5490 and 5497 of the Revised Statutes, relating to deposits of public money, and the same be referred to the Committee of Ways and Means; which motion was agreed to.

Mr. KNOTT, from the same committee, moved that it be discharged from the further consideration of a bill (H. R. No. 1795) to amend section 3586 of the Revised Statutes of the United States, and the same be referred to the Committee on Banking and Currency; which motion was agreed to.

#### EXTRADITION.

Mr. KNOTT, from the same committee, reported back the bill (H. R. No. 2434) to correct an error in section 5271 of the Revised Statutes of the United States, with an amendment.

The bill, which was read, provides that section 5271 of the Revised

Statutes be amended so as to read as follows:

In every case of complaint and of a hearing upon the return of the warrant of arrest, any depositions, warrants, or other papers, or copies thereof, offered in evidence, shall be admitted and received for the purposes of such hearing if they shall be properly and legally authenticated so as to entitle them to be received as evidence of the criminality of the person so apprehended, by the tribunals of the foreign country from which the accused party shall have escaped; and the certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any such deposition, warrant, or other paper, or copy thereof, is authenticated in the manner required of this section.

The amendment proposed by the Committee on the Judiciary was read, as follows:

In line 16 strike out the word "of" and insert in lieu thereof the word "by," so that it will read "authenticated in the manner required by this section."

Mr. KNOTT. I desire to say a single word in explanation of this bill. If gentlemen will turn to section 5271 of the Revised Statutes they will find that in cases of a hearing upon the return of warrants of arrest in cases of extradition, it is provided that copies only of depositions and other papers can be received in evidence. By some singular oversight the provision as it stood in the law, that originals should be read, was left out; and this bill is simply to restore the law as it was formerly, in order that original papers, as well as copies,

might be received in evidence.

Mr. CONGER. I desire to make a suggestion. Might not the object of the gentleman from Kentucky be attained as well by saying "prima facie evidence," instead of saying "proof." According to the bill the certificate of a consul or minister makes any matter proof. I

suppose all that would be desired would be that it should be received as prima facie evidence until disputed.

Mr. KNOTT. The gentleman from Michigan does not seem to comprehend the object of the bill. The object of this bill is not to prescribe at all what shall be proof, but simply to prescribe what may be received in evidence. As the law now stands only copies of papers are received in evidence, while the originals are not receivable in evidence at all what shall be proof, but simply to prescribe what may be received in evidence, while the originals are not receivable in evidence. are received in evidence, while the originals are not receivable in evidence at all. This is simply to provide that the originals may be received in evidence, as they were receivable before the revision. It is evidently an omission in the Revised Statutes which this bill is designed to correct. I call for the previous question on the bill.

Mr. WOOD, of New York. Has any difficulty been experienced by the State Department in consequence of this matter standing as it does in the Revised Statutes?

Mr. KNOTT. I thank the gentleman for calling my attention to that. A difficulty, as I am informed by the Secretary of State, has already arisen in the construction of the Revised Statutes, a case having occurred where originals were presented and were not allowed to be used in evidence. Hence the importance of immediate favorable extinue on the bill. ble action on the bill.

The amendment was adopted.

The bill as amended was ordered to be engrossed and read a third time; and being engrosssed, it was accordingly read the time, and

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## WILLIAM W. HANDLIN.

Mr. LORD, from the Committee on the Judiciary, reported back, with an adverse recommendation, the petition of William W. Handlin, formerly judge of the first district court of New Orleans, for relief; and moved that the same do lie on the table, and that the accompanying report be printed.

The motion was agreed to.

#### NATURALIZATION.

Mr. ASHE, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 428) to establish a uniform rule of naturalization; and the same was laid on the table.

#### JUDICIAL COURTS OF THE UNITED STATES.

Mr. ASHE also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 20) to amend the four-teenth section of the act to establish the judicial courts of the United States, approved September 24, 1789; and the same was laid on the table, and the accompanying report ordered to be printed.

#### DISTRICT COURT OF WEST VIRGINIA.

Mr. CAULFIELD, from the Committee on the Judiciary, reported back the bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia, with an amendment

in the nature of a substitute.

The bill was read, as follows:

Be it enacted, dc., That instead of the times now provided by law, the regular terms of the district court of the United States for the district of West Virginia shall hereafter be held at the times and places following; but when any of said dates shall fall on Sunday the terms shall commence on the following Monday: At Clarksburgh, on the 1st days of March and September; at Wheeling, on the 1st days of April and October; and at Charleston, on the 1st days of May and October. And all pending process, suits, and proceedings shall be conducted in the same manner and with the same effect, except as to time, as if this act had not passed.

The substitute proposed by the Committee on the Judiciary was read, as follows:

A bill to prescribe the days for holding the district court of the United States for the district of West Virginia.

the district of West Virginia.

Be it enacted, dec. That hereafter the district court of the United States for the district of West Virginia shall be held at the times and places following; but when any of said dates shall fall on Sunday the terms shall commence on the following Monday, to wit: At the city of Wheeling, on the 1st day of March and the 1st day of September; at Clarksburgh, on the 1st day of April and the 1st day of October; at Charleston, on the 1st day of May and the 1st day of November; and at Martinsburgh, on the 1st day of June and the 1st day of December; and all pending process, rules, and proceedings shall be conducted in the same manner and with the same effect as to each as if this act had not passed: Provided, however, That the terms of court hereby authorized to be held at Martinsburgh shall be void and of no effect unless all buildings and conveniences necessary to the holding of said court shall be furnished by the proper authorities of the county of Berkeley, free and clear of all cost and expense to the United States.

The amendment in the nature of a substitute was adopted, and the bill, as amended, was ordered to be read a third time; and it was accordingly read the third time, and passed.

## DISTRICT JUDGES.

Mr. CAULFIELD, also, from the Committee on the Judiciary, re-

Mr. CAULFIELD, also, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, with an amendment, the bill (H. R. No. 1485) to provide for the expenses of district judges when holding court out of their own districts.

The bill was read. It provides that whenever a district judge holds a district or circuit court out of his own district in pursuance of an order of the circuit judge or circuit justice, under section 591 or section 596 of the Revised Statutes, the expenses of such district judge, not exceeding \$10 per day, to be certified by him, shall be paid by the marshal of the district in which he so holds court as a part of the expenses of the court, and shall be allowed in the marshal's accounts; and the provisions of this act shall apply to all courts held by district judges out of their own district since the 1st day of January, A. D. 1876.

The amendment reported by the Judiciary Committee was as follows:

In line 8 insert the word "six" instead of the word "ten;" so that it will read not exceeding \$6 per day."

"not exceeding \$6 per day."

Mr. HOLMAN. This bill is subject to the point of order that it involves an appropriation.

Mr. McCRARY. With reference to the point of order I desire to call attention to a statute which may have some effect on the decision of the point. The law as it now stands provides for the payment of the expenses of the district judges in the southern district of New York at the rate of \$10 per day. The effect of this bill is to reduce the payment of the judges in that part of the country, and to authorize the payment of \$6 per diem in other parts of the country. I do not know how it can be said by any gentleman on the floor or by the Speaker that the effect of the bill will be to take any money from the Treasury. In one part of the country it is a reduction and in another part of the country it provides for payment.

The SPEAKER. The Chair is prepared to rule upon this question. The Chair does not think that the fact that the bill may not in the aggregate take money out of the Treasury has much to do with de-termining this point of order. If the bill creates new demands upon the Treasury and new appropriations not required under existing law, the Chair thinks the point of order is well taken, and that is what the bill does. The Chair therefore sustains the point of order, and the bill is referred to the Committee of the Whole on the state of the Union.

TRANSFER OF CASES FROM STATE TO UNITED STATES COURTS.

Mr. HURD, from the Committee on the Judiciary, reported back, as a substitute for House bill No. 248, a bill (H. R. No. 2582) to regulate the removal of causes from State to United States courts; which was read a first and second time.

The first section of the bill provides that applications for the re moval of suits from a State court to a United States court shall be made by petition to said State court at the time the defendant enters

his appearance therein, and not afterward.

The second section provides that no suit of a civil nature at law or in equity arising under the Constitution or laws, or under treaties made or which shall be made under their authority, or in which the United States shall be plaintiff or petitioner, or in which there shall be a controversy between citizens of different States or a controversy between citizens of the same State claiming lands under grants of different States, or a controversy between a citizen of a State and the subject of a foreign State, shall be removed from the State court to a court of the United States unless the matter in dispute exceeds, exclusive of costs, the sum or value of \$2,000, and in no case shall such removal be allowed upon the application of the plaintiff.

The third section repeals all acts or parts of acts which are in con-

The third section repeals an acts of parts of acts which are in conflict with the provisions of the bill.

Mr. HURD. This bill, as its title indicates, proposes to limit the right of removal of causes from State to the United States courts.

Mr. FORT. I desire to inquire if this bill has been printed?

The SPEAKER. It has not been printed.

Mr. HURD. The original bill was printed, but the substitute has not been printed.

Mr. BAKER, of Indiana. I would like to inquire whether an amendment would now be in order?

The SPEAKER. It will be, unless the gentleman having charge of

The SPEARER. It will be, unless the gentleman having charge of the bill declines to yield for it.

Mr. BAKER, of Indiana. I desire, then, to suggest to the gentleman having this bill in charge that, and I make the statement from my own experience, the petition ought to be verified by oath.

Mr. HOLMAN. O, certainly.

Mr. BAKER, of Indiana. The first section of the bill does not provide for such verification of the petition.

Mr. HURD. After I have submitted to the House some words of explanation of the bill I will hear the gentleman from Indiana. The purpose of the bill, as indicated in its title, is to limit the right of removal of causes from the courts of the States to the courts of the The limitations fixed by the bill are three: First, that the application for removal shall be made in the State court at the time the defendant enters his appearance therein, and not afterward; secondly, that no cause shall be removed unless the amount in controversy exceeds the sum of \$2,000; and, thirdly, that in no case shall removal be permitted where the application for such removal has

been made by the plaintiff.

By the twelfth section of the act of 1789 it was provided that the removal might be made by the defendant in a State court when he made his application at the time he entered his appearance in such State court. That provision remained unchanged until 1866. In that year a law was passed by Congress authorizing in certain cases the removal of a cause where the application was made at any time before its trial. The cases contemplated by the act were those in which an action was brought against a non-resident defendant, together with other defendants, residents of the State in which the action was brought; and removal was permitted to the non-resident defendant in cases where an injunction was sought against him and where his rights might be adjudicated without the presence of his co-defendants

in the cause.

In 1867 another law was passed which provided that, where it appeared to the State court that local prejudices were likely to affect the action of the court, there might be a removal upon the application either of the plaintiff or the defendant at any time before the cause was tried. By the adoption of the Revised Statutes these provisions were continued in the statutes of the United States, so that before the passage of the law of last winter the law stood practically that no removal could occur except where the defendant made the application for the removal at the time he entered his appearance in the State court. The exception of practical importance to this rule was where, on the ground of local prejudice, either the plaintiff or the defendant might apply for a removal, and then the application might be made at any time before the trial occurred.

By the statute of 1875 it was provided that in all cases removals might be had where the amount exceeded the sum of \$500 where application was made at or before the term at which the cause might be first tried. Thus stands the law to-day.

The change proposed by the report of the Committee on the Judi-

ciary, as already indicated, is in the first respect that the application shall be made at the time the defendant enters his appearance in the State court. The committee see no reason why the ordinary rules that govern litigations in other instances should not prevail here, namely, that where the defendant has once submitted himself to the jurisdiction of a court he shall abide by his acknowledgment of that jurisdiction and shall remain in the court until that jurisdiction has adjudicated

In addition to that, the committee felt that it was better to take this as the rule, for the reason that it was the provision incorporated in the statute of 1789; it remained unchanged until 1866; it had re-

ceived repeated judicial constructions, and was perfectly understood by the legal profession of the whole country.

The second change proposed in the law as it now stands is in increasing the amount from \$500 to \$2,000. The reasons which prompted your committee to recommend this change were, first, that from the beginning of the Government \$500 has been the sum fixed as the limit; and in the present condition of our currency, \$2,000 can be said to be but little more in value than the \$500 of nearly a century ago. And in the second place, the committee would suggest, upon this point, that it would be unfair to compel litigants who have the right of appeal in the State courts to go into the United States court, where they would lose the right of appeal; for, as provided by the law of to-day, unless the amount in controversy exceeds \$2,000 in the circuit court of the United States, there can be no review. It would therefore be unjust to the litigant in the State court to compel him to lose the right of appeal by allowing a removal where the sum in controversy was less than \$2,000.

The third change proposed by your committee is that no plaintiff in any instance should have the right of applying for a removal. Your committee think it is a wise change, for the reason that when a plaintiff, understanding all the facts and circumstances, has selected the court in which the question he makes should be tried, he should abide by his decision; as he has made his bed, so in it he should lie.

But in addition to the particular reasons which prevailed upon the

committee to make the recommendations they have, there were certain general reasons prompting us to make this report. And first the great increase of business in the courts of the United States pressed upon our judgment in making the recommendation. The rapid growth our population, the easy methods of intercommunication between the States, the establishment of great corporations in one State doing business in the other States, have so clogged the dockets of the courts of the United States that delays are frequent and necessary, so that justice in many instances is practically denied. The facts upon this point were ably stated by my colleague on the committee, the gentlepoint were ably stated by my colleague on the committee, the gentleman from Iowa, [Mr. McCrary,] in a speech made by him the other day in defense of the bill for the re-organization of the judiciary. I refer to them to illustrate the position I now maintain. That judiciary bill, then approved by the House, relieving the Supreme Court, is supplemented by this bill which proposes to close the doors of the Federal courts to a large class of cases that are now easily and unnecessarily transferred to them.

In the second place, your committee thought that in most instances the ends of justice would be better promoted by allowing cases to be tried by the State courts, where the expenses of litigation are less than in the Federal courts; where parties can have the matters in which they are interested adjusted near to their homes. Your committee believes this measure to be a step in the right direction, because it proposes to cut off the opportunity of compelling parties to go to distant courts for the settlement of their rights.

And, in the third place, many of your committee were full of apprehension as to the growing jurisdiction of the Federal courts. The rights of the States, one by one, have been so absorbed within the Federal jurisdiction that the distinction between the reserved rights of the States and the delegated powers of the General Government has almost been lost sight of. Valuable rights have been sacrificed by compromise because of fear of litigation in the Federal courts. The threat of removal to a Federal court has cost many an honest litigant his cause. The wants and necessities of the people require that there shall be limitations upon this power. Your committee believe that this bill wisely imposes these limitations, and that it will at least aid in bringing the country back to the better days of the Republic, when justice was administered at the people's doors, and when the Federal authority was not invoked unless there was a manifest injustice in denying it. For these reasons your committee unanimously ask the passage of this bill.

Mr. BLAND. Will the gentleman permit me to ask him one question?

tion?

Mr. HURD. Certainly.

Mr. BLAND. There is very great complaint in many of the States with respect to corporations organized by virtue of act of Congress. As I understand the law now, such corporations can have suits in which they may be a party removed from the State courts to the United States courts where the amount involved is over \$500. When, for instance, a railroad company chartered by act of Congress has its business office in New York or Boston, while its road passes through distant States, the company claims the right to remove causes from the State courts to the United States courts. Now, I would like to know whether this bill includes such cases; whether it refers to corporations existing by virtue of act of Congress ?

Mr. HURD. In reply to the suggestion of the gentleman, I will say that the bill proposed is universal in its terms and application, and therefore it will govern such cases as the gentleman suggests as well as those to which I have particularly referred. I will say, in the second place, in answer to the suggestion, that the Judiciary Committee has already under consideration one or two measures which look to the relief which he indicates and which may be reported favorably at some future day; at least that subject is now under consideration in the Judiciary Committee.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

table.

The latter motion was agreed to.

UNITED STATES COURTS AT FORT WAYNE, INDIANA.

Mr. HURD also, from the same committee, reported as a substitute for House bill No. 1480 a bill (H. R. No. 2583) to provide for holding of terms of the district and circuit court of the United States at Fort

Wayne, Indiana; which was read a first and second time.

The bill was read. It provides in the first section that there shall be two terms of the United States district and circuit courts for the district of Indiana held in the city of Fort Wayne, Indiana, in each year from and after the passage of the act; the time and length of the terms to be fixed by the judges of the court respectively.

The second section provides that the clerk of the district court for

the district of Indiana, the marshal and district attorney for the district, shall perform the duties appertaining to their offices respectively for those courts; and the clerk and marshal shall each appoint a deputy to reside and keep their offices at Fort Wayne, and who shall in the absence of their principal do and perform all the duties apper-

taining to the offices respectively.

The third section provides that each of the courts named shall be held in a building to be provided for that purpose by the State or municipal authorities without expense to the United States.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

## UNITED STATES COURTS AT JACKSON, TENNESSEE.

Mr. HURD also, from the same committee, reported a substitute for House bill No. 366, to provide for holding terms of the district and circuit courts of the United States at Jackson, Tennessee; which was read a first and second time.

## ORDER OF BUSINESS.

Mr. WOOD, of New York. Mr. Speaker, has not the morning hour expired ?
The SPEAKER. It has.

Mr. WOOD, of New York. I move, then, that the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of the bill to carry out the Hawaiian treaty. I yield for a few moments to the gentleman from Virginia, [Mr. Doug-LAS. ]

PRINTING TESTIMONY ON FREEDMAN'S BANK.

Mr. DOUGLAS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Be it resolved by the House of Representatives. That the committee investigating the Freedman's Savings and Trust Company be authorized to print the testimony taken by the same.

## ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. Wood] that the House resolve itself into the Committee of the Whole to resume the consideration of the Hawaiian

Mr. BLAND. I believe there was another special order for to-day; I do not know whether it takes precedence of this; I refer to the bill reported by the gentleman from Kentucky [Mr. Durham] in respect to mining patents. I am requested to state that the gentleman from Kentucky is sick; and I would like to have the bill postponed, to be taken up immediately after the consideration of the legislative appropriation bill.

The SPEAKER. The motion of the gentleman from New York to go into the Committee of the Whole is in order. Although another bill may have been made a special order for consideration in the House, it is competent for the House to disregard that order and go into the Committee of the Whole for the consideration of a bill like

Mr. WOOD, of New York. Before the question is put upon my motion I would like the privilege of stating that I propose, with the consent of the gentleman from Pennsylvania, [Mr. RANDALL,] the chairman of the Committee on Appropriations, to bring this debate to a close to-morrow. Therefore it is that I am desirous of going into the Committee of the Whole at the earliest possible moment to-day so as to be able to close the debate to-morrow and have the Hawaiian treaty bill dis-

Mr. RANDALL. I have no objection to that arrangement.
Mr. WOOD, of New York. Then I move that the House resolve
itself into the Committee of the Whole on the state of the Union
to continue the consideration of the bill to carry out the Hawaiian

#### MINERAL LANDS.

Mr. BLAND. I ask unanimous consent that a day be set for the consideration of the bill to which I have referred, reported by the gentleman from Kentucky, [Mr. Durham,] and I will suggest that it be made the special order immediately after the Hawaiian treaty bill

be made the special order immediately after the Hawaiian treaty bill and the legislative appropriation bill have been disposed of.

The SPEAKER. Does the gentleman from Missouri [Mr. BLAND] refer to the act entitled "An act to amend section 2324 of the Revised Statutes, concerning mineral lands?"

Mr. BLAND. Yes, sir.

The SPEAKER. Is there objection to that bill being made the special order after the Hawaiian treaty bill and the legislative appropriation bill shall have been disposed of?

Mr. HOAR. Does that give it precedence over all other orders, or is this merely a postponement?

is this merely a postponement?

The SPEAKER. It is only a postponement.

Mr. HOAR. Then I do not suppose it requires unanimous consent. The motion was agreed to.

#### PERSONAL EXPLANATION.

The SPEAKER. Pending the motion of the gentleman from New York [Mr. Wood] to go into Committee of the Whole on the state of the Union, the gentleman from Mississippi [Mr. Lamar] desires to make a request of the House.

Mr. LAMAR. I ask unanimous consent to be allowed to make a

personal explanation.

There was no objection.
Mr. LAMAR. And I shall need all the indulgence of the House, as I am very unwell.

The SPEAKER. The Chair will endeavor to preserve order in the

Mr. LAMAR. Mr. Speaker, I have come from my sick-bed here to set myself right in reference to an act which was presented yesterday by a member of the House as a breach of the privileges of the House. I send to the desk, sir, the remarks which I wish to be read.

The Clerk read as follows:

The Clerk read as follows:

Mr. Hoar. I rise to a question of privilege. I observe in the Record of this morning, of the debates and proceedings of yesterday on the privileged question which was presented by the gentleman from Pennsylvania [Mr. Clymer] and by his associates, that there has been added to the report of the debates by the gentleman from Mississippi, [Mr. Lamar,] whom, I regret not to see in his seat, a note explanatory of the position taken by the gentleman from Mississippi in that debate. I observed the other day that the gentleman from Georgia [Mr. Hill.] added to the report of the debate in which he took part a note giving a further and fuller extract from some document that he had previously cited.

Now, I do not claim for a moment that either of those gentlemen intended to commit any impropriety, or that anything in the addition which they made to their remarks in either case would be in the least umpleasant or disagreeable to the House or to any person who took part in the debate. But it is obvious that the correctness of this record of the debates, its absolute fidelity, is the protection and the only protection of all of us in our public lives here against misrepresentation elsewhere. One of two things must exist: we must be judged by the country from newspaper abstracts, sometimes misunderstanding, sometimes misrepresenting what we say, or we must have this an absolutely faithful record, to which for our visidication we can at all times appeal for what actually took place in the House, withits defects, its merits, its literal accuracy.

I have therefore taken an occasion when there is no personal ground for complaint of the gentlemen for what they have done, to arrest in its inception the practice of adding anything—I do not speak now of grammatical or slight corrections which do not change the substance—the practice of adding, as a note or as a matter of substance, anything to the record of our debates, as a violation of the privileges of this House. And I am sure that the two gentlemen

Mr. LAMAR, (not rising to his feet, but sitting in his chair.) Mr. Speaker, at the close of the debate referred to, while the House was nearly in the act of adjournment, the gentleman from Iowa [Mr. Sampson] came to my seat, where I was engaged in conversation with one of my colleagues, [Mr. SINGLETON,] and said to me, "Mr. Lamar, I think you have perhaps stated too strongly the liability of Marsh to indictment under the testimony before that committee." He then, sir, referred me to the provisions of the statute which I had looked at in the morning, but which, in the hurry of extemporaneous cogitation, had fallen out of my mind at the moment. In the course cogitation, had fallen out of my mind at the morner. In the course of the discussion I became convinced that I had stated too strongly his liability upon that testimony alone, while the contract, which was in the possession of that committee, if delivered up, would certainly lead to his indictment by the production of the other party to it, although it would not be sufficient of itself alone, excluding his own deposition, to sustain the indictment. And I said to him, "I believe, it is also be a likely and the sufficient of the said to him, "I believe, it is said to him, "I believe, deposition, to sustain the indictment. And I said to him, "I believe, sir, you are right and I was wrong in stating it quite so strongly. I cannot modify or alter the remarks which I made in the debate, but I will add a note with my name signed to it, calling attention to the statute, and give you credit for bringing mine to it."

Now, sir, I have all my life cultivated a deep and abiding sense of the importance and sanctity and authority of truth. If I could reach my ideal, it would be an absolute surrender to it as the law of my life, to be severed from it by positive townstation, interest passion nor am

to be severed from it by neither temptation, interest, passion, nor ambition. And when this error I had committed was presented to me, bition. And when this error I had committed was presented to me, an impulse rose in my mind to correct and repair it, as naturally as the fountain springs from the earth. That night at twelve o'clock, when I was racked with pain, the idea occurred to me that I had not done so, and, rising from my bed, I addressed this note to the printer and asked him not to incorporate it in the debates, not to impair the fidelity of the RECORD, not to change or add to or subtract from one word that had fallen from my lips, but simply to append this note outside of the debates, constituting no part of them, simply in the interest of truth and in the interest of courtesy to a fair, modest, and

intelligent political opponent.

That, sir, constitutes what has been characterized, in no unkind spirit I admit, but still characterized, as a breach of the privileges of this House and connected with a practice which has been the subject of animadversion and unfavorable criticism as an abuse of the privileges of this House, in revising and correcting speeches made on this floor. I submit, sir, it is neither. In my feeble condition I have not been able to look over the past debates, but I have distinctly in my recollection the great debates recorded in the old Congressional Globe where such Titans as Webster and Benton and Calhoun and Clay grappled in mental conflict, and many places are marked with asterisks and marginal annotations as appended by those gentlemen. I have pictured in my mind now, sir, how they looked upon the pages of the Globe; but I am too unwell and feeble to refer to them.

I simply ask, sir, whether in this note, which has not put one word in the debates, which no child could be mistaken about, which no fool would ever imagine belonged to any part of the debate, I have done anything that is inconsistent with the courtesy and fidelity of the fair debater or the lover of truth? Of course, sir, the gentleman from Massachusetts disclaimed any such imputation, and I thank him for that; but as he has connected this act with what may or may not have been an abuse, I must say and protest that I have only done that which I believed to be consistent with the rules of the House,

as sanctioned by its unbroken usage.

Mr. REAGAN. Before the gentleman from Mississippi [Mr. Lamar.] closes his remarks, I desire to call his attention to the question whether the foot-note to which he refers may not possibly be in error, and the original text of the speech correct. The statement was made by several gentlemen in debate yesterday that there was there an ad-mission that the witness Marsh could not be indicted on the testimony in this case. In view of what has been said about it, I call the gentleman's attention to this question. I call the attention of my friend from Mississippi, and of other gentlemen, to the fact that the contract signed by Marsh was part of the evidence, with several other written statements signed by him, showing complicity in these frauds. I submit, therefore, to the gentleman whether the text of his speech was not correct, that the Secretary of War could not be indicted and that the witness Marsh could; and whether the error is not probably in the foot-note?

Mr. LAMAR. I cannot enter into that question now.
Mr. HOAR. I ask the House to yield to me the same indulgence
as it has yielded to the gentleman from Mississippi for a few words of

explanation.

There was no objection.

Mr. SAMPSON. Will the gentleman from Massachusetts yield to me for a moment to say just a word or two, as allusion has been made

Mr. HOAR. Perhaps the gentleman will wait till after I get

Mr. SAMPSON. I only ask the gentleman to yield to me for a moment

Mr. HOAR. Very well; I yield to the gentleman if he prefers to

speak now.

Mr. SAMPSON. The impression may probably prevail from what has taken place, the fact of the insertion of this note in the RECORD has taken place, that has been given here to-day, that there was and the explanation that has been given here to-day, that there was some desire on my part, in calling the attention of the gentleman from Mississippi to the existence of the statute of 1861, to have this explanation appear in the RECORD. I simply want to state now that that was not the purpose of the conversation, and, as I understand the gentleman from Mississippi, he does not now desire to convey the impression that it was through any wish or desire of my own that that note appeared. In fact, I believe I stated to him, when he mentioned that he would give me the credit of saying that I had called his attention to it, that I did not desire that that should appear in the REC-

order is that I and not desire that that should appear in the RECorder I did not mention it for that purpose.

Mr. HOAR. I made up my mind some time ago that I would take
an opportunity when one presented itself of calling the attention of
my associates on this floor to the great importance of all of us being
able to say to the entire country that the RECORD is an official statement of exactly what we say here, nothing more and nothing less;
so that no other evidence of what occurred in this House would ever

be received to overthrow it.

Now, sir, there are occasions when very earnest and excited debates take place which arouse partisan feeling, which excite anger on the part of gentlemen who take part in them. If I had called attention to an alteration made in a speech in connection with such an occasion as that, it is obvious that it would at once have brought before the House what was foreign to the real purpose, to wit: The correctness of the report of what was said. I accordingly thought I would select the first occasion when no actual impropriety had been either intended or committed; when some member had made an addition which every member would be perfectly willing should be made: so that nobody member would be perfectly willing should be made; so that nobody would think there was anything personally unpleasant in the suggestion. And I thought I had found that occasion. I supposed that the gentleman from Mississippi and the gentleman from Georgia would both understand, as the gentleman from Georgia [Mr. Hill] said he

did, that it was because of the eminent propriety, in the particular instances, of what they had done; and, because I could not be supposed to intend to impute any impropriety in the act, that I had selected that occasion for making the statement. I ask the Clerk to read the paragraph which the gentleman from Mississippi did not have read from the report, but what I said yesterday to the House.

The Clerk read as follows:

Mr. Hoar. Will the gentleman allow me to interrupt him one moment? I said (and I presume the gentleman so understood me) that I selected an instance in which there could be no possible suggestion of any impropriety, in order to call the attention of the House to the matter, rather than take an occasion about which there might be some feeling.

Mr. Hill. I appreciate the remark; I am not complaining of anything the gentleman has said.

Mr. Hill. r appreciate the remark; I am not complaining of anything the gentleman has said.

Mr. Hoar. The addition made by the gentleman from Mississippi, which the gentleman may not have seen, is the statement that he was not aware at a certain time of a certain statute. Of course the House would be entirely willing in this case that such an addition should be made; every member would consent to it. But it changes the attitude of the debate.

Mr. HOAR. Now the gentleman from Mississippi will, I am sure, understand, what I am sure every gentleman who heard what took place yesterday understood, that I had taken the case of an act of evident propriety for my text, and I said so. But I am bound to say to the gentleman from Mississippi, as he is now in his seat, that I do

the gentleman from Mississippi, as he is now in his seat, that I do not agree that it is a very safe rule to permit any gentleman in this House to have added any note in the interest of truth or otherwise. There are a good many precedents, as the gentleman said. There have been gentlemen in this House who did not possess the eminent sense of propriety which characterizes the gentleman from Mississippi in times past; I will not intimate that there is any such person here now, but there may be such persons in the future in some other House. Now, is it safe to trust to the sense of propriety of a particular person the discretion of making additions to the public other House. Now, is it safe to trust to the sense of propriety of a particular person the discretion of making additions to the public record of our debates. I was about to make a suggestion from this very debate, but I will only say that in one case, if a note of two lines only could have been added, following the very precedent of the gentleman from Mississippi, [Mr. Lamar,] it would have put a gentleman who took part in that debate in a position on the record which might be much more honorable to him to assume, and the fact that he was not put in that position is a part of the triumph of his antagonists over him in the debate. I do not wish to suggest exactly what I mean, but I say now that in my own judgment there is but one course for us to pursue. We cannot put this responsibility on the reporters. We should be very angry if a reporter declined to do what members of the House had been in the habit of doing, because he deemed it not proper, in a particular instance. I think the only safety for members of this House is to have the country understand that this Record is as exact, as unchangeable, as imperishable as the twelve tables of the law, and this is a thing which our reputation for all

times, contemporaneous and with posterity, demands at our hands.

Mr. LAMAR. I wish to add one word to what I have said.

Mr. HOAR. The gentleman will allow me to say that in the old times to which he has referred, in Webster's time, the reporters were not appointed by the House, but were the reporters of Gales & Seaton. I will agree with the gentleman, however, that since we have had official reports the practice has existed to a very much greater extent

than it did previous to that time.

Mr. LAMAR. Just one word in reply, sir. The remarks of the gentleman from Massachusetts [Mr. Hoar] which I sent to the desk contained precisely the same disclaimer which he repeated in his remarks which he sent to the desk, and I gave him credit for that in my first remarks. I wish to say this, sir, that the gentleman in his speech declares that it is proper and consistent with usage to correct grammatical errors and to omit personal offenses.

Mr. HOAR. The gentleman will pardon me; I said I was not dealing with that question at the time. He will find that I did not say that it was either proper or improper, but that I was not dealing

with the question at the time.

Mr. LAMAR. I shall not pursue the matter; I have not strength. I submit that in my opinion, sir, I have not departed in any respect from the rules of this House sanctioned by its usage.

Mr. HOAR. I desire to ask the gentleman from Mississippi if he will not concur with me in the adoption of this resolution:

Resolved. That the Committee on the Rules be instructed to inquire whether it be expedient to give any further directions to the reporters of debates, in regard to the matter of reporting the debates.

I do not wish to suggest any policy.

Mr. BANNING. I demand the regular order.

The SPEAKER. The regular order being demanded, the question is upon the motion of the gentleman from New York, [Mr. Wood,] that the House resolve itself in the Committee of the Whole on the state of the Union for the further consideration of the bill in rela-

tion to the Hawaiian treaty.

Mr. WOOD, of New York. I yield for a moment to the gentleman from Indiana, [Mr. HAMILTON.]

MANAGEMENT OF THE SOLDIERS' HOMES.

Mr. HAMILTON, of Indiana, by unanimous consent, submitted the following resolution: which was read, considered, and agreed to:

Resolved. That the Committee on Military Affairs be, and is hereby, directed to inquire into the management and control of the soldier's homes and national homes for disabled volunteer soldiers, and report in writing thereon; also what reforms in the management should be made for the comfort and welfare of said soldiers.

Mr. TOWNSEND, of New York. I now insist upon the regular

HAWAHAN TREATY.
The motion of Mr. Wood, of New York, was agreed to; and accordingly the House resolved itself into Committee of the Whole on the

state of the Union, Mr. SAYLER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the purpose of considering the special order, which is House bill No. 962, to carry into effect a convention between the United States of America and His Majesty the King of the Hawaiian Islands, signed

on the 30th day of January, 1875.

Mr. LUTTRELL. Mr. Chairman, in advocating the measure now before the House, I will endeavor to be as brief as possible. To what bas already been said in the able and exhaustive arguments presented by my friend Mr. Wood and those who have preceded me, I feel that I can add but little. I would not, however, be discharging my duty to the people of the Pacific coast were I to let pass unanswered some statements made by the opponents of this measure.

In this age of progress and advanced civilization I supposed that every citizen of our land was alive to the commercial interests of our common country, and that this measure, fraught with so many adcommon country, and that this measure, fraught with so many advantages to our trade and commerce, would receive the united sanction of the members of this House. Giving to us, as it does, the exclusive trade in iron, steel, and all agricultural implements manufactured from iron and steel, I rather expected my friend from Pennsylvania [Mr. Kelley] to not only give the bill his sanction, but, with that ability for which he is noted, to vigorously urge its passage. I thought my friends from the South would support it with a zeal equaled only by the mechanics of the North; while my friends from the West would join hands with their southern brethren, and that for this measure there would have been an undivided support. But to the West would join hands with their southern brethren, and that for this measure there would have been an undivided support. But to my surprise I find the gentleman from Pennsylvania [Mr. Kelley] opposing it, because the taxable property of the Hawaiian Islands does not equal or approximate that of the Keystone State, while my friends from Texas [Mr. Reagan and Mr. Mills] can see in it no advantage to the United States. But with all the opposition, based, as I believe, on an erroneous theory that is neither sustained by argument, reason, nor facts, I feel confident that the advantages which will accrue to this Government and people by the passage of this measure. accrue to this Government and people by the passage of this measure will more than convince some of my opposing friends that they are

As a national measure, its advantages have been so ably portrayed by my friend from New York [Mr. WOOD] and others, that I need not dwell upon them. As a measure of deep importance to the people of the Pacific coast and as a military, naval, and commercial necessity, the subject needs more than a passing reference.

As a military necessity, who for a moment can doubt it? Great Britain owns all the islands from Australia to British Columbia expect the Harming Lebe. To dow the introduction to deep the next the second that the second the

cept the Hawaiian Isles. To-day she is struggling to defeat the passage of this bill in order to secure reciprocity with these islands. The British minister at Honelulu has endeavored by every means possible to defeat the treaty made with our Government, in order that his nation may secure the last remaining grant of land in the Pacific Oceau. Defeat this bill and in less than sixty days Great Britain will have secured a treaty with those islands, and will then control every naval station from Newfoundland in the east to Victoria in the North Pacific.

The advantage to our Government in securing these islands, in case of war with foreign powers, cannot be overestimated. Should a hostile government secure them, American commerce would be swept hostile government secure them, American commerce would be swept from the Pacific Ocean. There has been read at the Clerk's desk the opinion of General Schofield, one of the ablest of our Army officers. You have heard that opinion, and it is unnecessary to read it again. It comes from one of the greatest military men of the age. It is derived from a personal inspection of those islands, and is entitled to great weight, as are also the opinions of Admiral Porter and other military and payal officers who rank among the first in the service of military and naval officers who rank among the first in the service of the Government. The opinions of these gentlemen are worthy the consideration of the members of this House.

These islands are the Cuba of the Pacific, the key to our commerce, the great half-way house for our trade with Asia; the great naval station or rendezvous for our whaling fleets in the North Pacific. Now is the golden opportunity to secure the prize, which stands ready to come to us, without cost or entangling alliance. Shall we let it slip from our grasp? Shall we deny our people the right to trade with these islanders? Shall we refuse to accept this great and important parallel strips? Shall we allow these islands to be the trade with naval station? Shall we allow these islands, the last group in the Pacific, the key to our oriental commerce, to pass into the hands of a foreign power? I hope not. We carry in American bottoms under the American flag most of the commerce of those islands. Pass this bill, and our American sailors and merchantmen will control the entire trade of these islands.

There must be a commencement in this matter of reciprocity, to be There must be a commencement in this matter of reciprocity, to be followed by similiar treaties with Mexico, Cuba, Canada, and other countries. This is the first step in the right direction. England makes treaties with distant islands with profit to her people, whose commerce extends to all the world. Will gentlemen say that American energy and enterprise are at a discount when compared to that of English subjects? If so, never again say that you are the friends of American seamen, American mechanics, American ship-builders, and American commerces. and American commerce.

Would that I could once more see inscribed upon our banners the good old motto of "Free trade and sailors' rights." I see around me to-day men who were trained under that motto, but who seem to have forgotten the times when our fathers encouraged the growth of American commerce and sought by every measure to advance the interests

of our whole country, guarding it with jealous eyes and endeavoring in every way to promote the interests of the people.

I will now notice some of the objections to the bill as urged by those who have spoken on the other side. In the first place, it is claimed by some that the population of the Hawaiian Islands is but forty thousand. My friend from Pennsylvania, [Mr. Kelley,] I believe, made that statement, and it is about as near to the fact as the gentleman has got to the question in any point of attack. I have here the latest report from the islands, which gives the population at 62,995. What is the amount of the national debt of these islands? Only about nineteen cents per capita. And the cost and expense of administering the government of those islands is only \$1.05 per capita er annum.

The commerce of these islands, said the gentleman from Illinois, [Mr. Morrison,] is constantly on the decrease; yet in almost the very next sentence he said that it is on the increase. Then, again, our friend from Texas [Mr. Mills] said that the Eastern and Southern States of this country must regulate the price of sugar. Let me say to him that we of the Pacific coast receive scarcely a pound of southern sugar, but import nearly all the sugars we use from the South Sea

My friend from Pennsylvania [Mr. Kelley] denounces this as a "job." If this is a "job," it was advocated by such men as Webster and Clay, and many others of the great statesmen who have lived in days gone by. If this is a "job," it is advocated by the President and by Mr. Secretary Bristow, and it was supported last winter by fifty-one members of the United States Senate, and is now reported to this House by a majority of the Committee of Ways and Means. If it is a "job," all the public papers of our country advocate it.

House by a majority of the Committee of Ways and Means. If it is a "job," all the public papers of our country advocate it.

And permit me to say to the gentleman right here that if this is a "job," I want him to point out wherein the "job" consists. I am the author of this bill; and if he will give me one scintilla of evidence that it is a "job," I pledge myself to get up and ask unanimous consent to withdraw the proposition. I do not wonder that the gentleman's mental faculties are troubled with visions of "jobs." We seldom see a newspaper that does not report some "job" in some Department of the Government. Take your daily papers for the last six months, and almost every day you will find accounts of peculations, of "jobs," of frauds somewhere in some of the Departments.

"Jobs!" "jobs!" Does the gentleman want to unearth "jobs?" If he does I am ready and willing to extend to him the right hand of fellowship to expose and defeat all "jobs." But I am not willing he shall impute to me the authorship of a "job." If he desires to unearth "jobs" I will assist him so far as I am able to unearth the "Black Friday job," by which the people were plundered; the "Sanborn-contract job," by which our merchants were plundered of hundreds of thousands of dollars; and I will aid in unearthing the "Credit-Mobilier jobs," and the "contract-finance jobs," by which the Government was plundered of hundreds of millions of dollars in bonds. We will investigate the "land-ring job," by which hundreds of thousands of poor settlers have been defrauded of their farms. We will investigate naval "jobs" that have cost us millions of dollars. In 1870 our Navy cost us \$21,000,000; in 1874 the cost was \$30,000,000.

We will show to the country that the Kearsarge, a vessel which during the war cost the Government \$182,000 at the Portsmouth navy-yard, when material and labor were much higher than they are today, was repaired during the present Administration, just before an yard, when material and labor were much higher than they are to-day, was repaired during the present Administration, just before an election, at a cost of \$496,122.56, or nearly 175 per cent. more than its original cost.

Now, if the gentleman talks about "jobs," let him join with me in exposing them everywhere, whether they have been committed at the hands of one political party or another. We will expose the "Indianring jobs" as illustrated in the fact that in 1873 our Indian adminisring jobs" as illustrated in the fact that in 1873 our Indian administration cost us a little over \$3,000,000, while in 1875 it cost us over \$8,000,000. We will aid Postmaster-General Jewell, who is doing a noble work, to break up the "straw-bid" jobs, and thereby save the Government millions of money. We will help honest Ben. Bristow to put down the "crooked-whisky" jobs.

But there is another big "job" known as the high protective tariff; and we will kill that job. We will have a tariff for revenue purposes

and we will kill that job. We will have a tariff for revenue purposes only, not to uphold an army of officials who are preying upon the hard earnings of the people; so that when the gentleman's constituents purchase a dollar's worth of goods they shall not pay fifty cents or nearly that to uphold a high protective tariff; but they shall get the full benefit of their dollar. Here is another "job" which overtops all others and which by the passage of this bill, and others which will follow; we have to break year.

I wish to call attention to the Treasury report of 1873, to show some of the "jobs" upheld by this high protective tariff, of which the gentleman from Pennsylvania is, I believe, the peculiar and especial advocate. I feel sensitive on this question when he charges me with being the author of a "job." I wish to call attention to a statement showing the rates of customs duties at various ports during the fiscal year ending June 30, 1873, and the fiscal year ending June 30, 1875, tegether with the cost of collecting the same.

Statement showing receipts from customs at small ports during the fiscal year ending June 30, 1873, and cost of collecting the same.

Name of district or port.	Receipts.	Cost of collection.
Aroostook, Maine	\$13, 117 01	\$11,720 00
Passamaguoddy, Maine	92, 739 59	20, 464 70
Machias Maine	3, 048 56	6,868 72
Frenchman's Bay, Maine	36 45	6, 783 00
	376 54	8, 562 25
Waldoborough, Maine	7, 356 81	10, 114 17
Wiscasset, Maine	653 61	4, 074 47
Bath, Maine	11, 635 28	10, 261 28
Castine, Maine Waldobrough, Maine. Wiscasset, Maine. Bath, Maine Saco, Maine. Kennebunk, Maine York, Maine.	53 10 6 29	1,318 00 1,279 00
Vork Maine	0 23	368 39
Belfast, Maine. Bangor, Maine Portsmouth, New Hampshire.	7, 368 55	7, 936 21
Bangor, Maine	16, 836 09	13, 196 00
Portsmouth, New Hampshire	23, 261 78	10, 312 47
Newburyport, Massachusetts	59, 450 73	6,890 00
Gloucester, Massachusetts	5, 662 36	18,911 00
Salem, Massachusetts	48, 238 17	17, 022 43
Marblehead, Massachusetts	588 14	1,657 79
Plymouth, Massachusetts	22, 116 69	3,892 08
Fall River, Massachusetts	210, 724 31	8, 566 80
Plymouth, Massachusetts. Fall River, Massachusetts Barnstable, Massachusetts New Bedford, Massachusetts	2, 855 38	8,095 00
New Begiord, Massachusetts	40, 867 26	10,810 59
Edgartown, Massachusetts Nantucket, Massachusetts	678 91	6,650 07
Pensacola, Florida	78, 875 40	1,866 28
Key West, Florida	242, 918 51	20, 070 00 16, 529 34
Fernandina, Florida	1,650 24	6, 218 15
Saint Mark's Florida	592 16	7, 540 00
Saint Mark's, Florida	581 83	6, 341 65
Apalachicola, Florida	331 00	2,912 15
Saint Augustine, Florida		6, 741 03
Bridgeton, New Jersey		\$849 39
Wilmington, Delaware	\$20, 502 72	7, 305 83
Annapolis, Maryland		2, 246 64
Town Creek, Maryland		165 00
Cristield, Maryland	28 81	4, 555 00
Chertystone, Virginia		4, 729 52 1, 849 70
Donkowlanch West Virginia		384 28
Bridgeton, New Jersey. Wilmington, Delaware. Annapolis, Maryland Town Creek, Maryland Crisfield, Maryland Cherrystone, Virginia Wheeling, West Virginia. Parkersburgh, West Virginia. Vicksburgh, Mississippi. Natchez, Mississippi. Bristol, Rhode Island Newport, Rhode Island Middletown, Connecticut New London, Connecticut	1 100 81	550 00
Natchez Mississippi	555 03	500 00
Bristol. Rhode Island	338 00	1, 805 67
Newport, Rhode Island	2, 350 82	7, 462 12
Middletown, Connecticut	2, 364 12	4, 055 85
New London, Connecticut	33, 100 02	6, 790 92
		4, 254 25
Stonington, Connecticut	1,719 50	1,980 86
Perth Amboy, New Jersey	892 65	7, 915- 43
Porth Amboy, New Jersey Burlington, New Jersey Newark, New Jersey Newark, New Jersey Rebrigtown, District of Columbia Richmond, Virginia Norfolk, Virginia Tannahamook, Virginia	302 20	534 00
Compatown District of Columbia	2, 187 79	4, 138 21
Pichmond Virginia	6, 584 64	7,010 28
Norfolk Virginia	28, 217 42 31, 926 60	11,479 80 34,648 50
Tappahannock, Virginia Petersburgh, Virginia Alexandria, Virginia Albemarle, North Carolina Perelica, Warth Cavella	137 97	892 06
Petersburgh, Virginia	27, 154 24	7, 939 27
Alexandria, Virginia	4, 555 06	5, 503 68
Albemarle, North Carolina	80 08	5, 873 22
Laminco, North Caronna	2, 137 39	7, 964 65
Beaufort, North Carolina	121 90	2, 391 72
Beaufort, North Carolina Georgetown, South Carolina	422 79	2, 889 50
Beautort, South Carolina	37, 183 29	3,961 00
Beaufort, South Carolina Saint Mary's, Georgia Brunswick, Georgia	1, 030 41	3, 117 15
Salma Alabama	8, 708 42	7, 805 00
Seima, Alabama	4,000 00	1, 370 00 2, 230 73
Pearl River, Mississippi. Sag Harbor, New York	4 40	2, 739 14
Little Egg Harbor, New Jersey		4, 324 00
Little Egg Harbor, New Jersey		1, 656 58
Total	214, 110 19	152, 733 59

# Custom-house collections for 1875.

Name of district or port.	Receipts.	Cost of collection.
Bangor, Maine	\$754 72	\$10,725 96
Machias, Maine	1,873 96	3, 923 00
Castine, Maine	1, 113 00	7, 473 00
Frenchman's Bay, Maine	4 40	6, 124 00
York, Maine	30 28	373 00
Aroostook, Maine	5, 925 33	6, 889 18
Wiscasset, Maine	159 54	3, 483 00
Newport, Rhode Island	433 51	3, 483 58
Stonington, Connecticut	245 10	1,282 00
Dunkirk, New York	80 65	3, 553 00
Little Egg Harbor, New Jersey	39 50	4, 537 29
Great Egg Harbor, New Jersey	118 66	2, 438 63
Wheeling, West Virginia	725 84	430 00
Albemarie, North Carolina	543 91	5, 912 43
Beautort, North Carolina	485 35	1,945 07
reorgetown Sonth Carolina	52 20	2,675 00
Saint Augustine, Florida	46 72	5, 815 00
N.CV WESE FIORIGA	33 24	27, 405 71
Saint Mark's Florida	46 52	7, 769 56
Apalachicola, Florida	56 34	2, 178 69
Pearl River, Mississippi	587 48	7, 025 14
Paso del Norte, Texas	13 29	18, 960 00
Paducah, Kentucky	747 01	708 28
Evansville, Indiana	561 22	6, 4:9 0
burnington, lowa	310 72	450 00
Alaska	405 89	13, 018 59

These tables show that for every twenty-eight cents paid into the Treasury at these ports we have paid into the pockets of officials seventy odd cents. Does the gentleman from Pennsylvania advocate these high protective tariffs and oppose reciprocity treaties with the view of keeping up this state of affairs in our country? Sir, I am surprised that my friend from Illinois, [Mr. Morrison,] the great free-trader of the Prairie State, should oppose a measure that proposes to give us reciprocity, which is a step in the direction of free trade, and which tends, I hope, to abolish these custom-houses in

If find down here in these Treasury reports hundreds of ports where we are paying dollars upon dollars and yet do not collect a cent. Take Frenchman's Bay, in the State of Maine, and this year we collected the enormous sum of §4.40, and it cost §6,624 to collect it. Why is it that the gentleman from Pennsylvania, the great economist, has not discovered some of these things and attempted to expose and correct them? He does not do so; but when we of the Pacific coast come here and ask for a reciprocity treaty to secure exclusive trade of the Sandwich Islands then he composes us and says there is a "ioh" in it. Sandwich Islands then he opposes us and says there is a "job" in it.

Take Nantucket, Massachusetts, and all down the coast from Maine to Texas, and then from Texas around to Alaska, and we have the same state of affairs. I will not take time to refer specially to each case, but will ask permission to print a portion of the list with my

remarks.

But I do wish to call your attention right here to two points further: At Paso del Norte, Texas, we collected the enormous sum of \$13.29 at a cost to the tax-payers of this country of \$18,960 to collect it. In Alaska, if you please, at the port of Alaska, up in that cold region of the north where white men cannot live, we collected last year the enormous sum of \$405.89, costing us nearly \$15,000. Collector's salary at that port, \$3,306.20; five deputy collectors, \$7,205; two inspectors, \$2,920; clerk, \$390.11; and boatman, \$306.91.

Now, is it not time, sir, that we should look after "jobs" in a different direction from that referred to by the geutleman from Pennsylvania ?

Sir, the gentleman has gone on to state, among other things in the speech which he delivered in this House the other day, that a comparison between California and Minnesota was unfavorable to my State. His statements were calculated, unless refuted on this floor, to do the State of California injury, and therefore I propose to make the refutation at this time full and complete.

He stated that my State was retrograding: that the people were

He stated that my State was retrograding; that the people were leaving it; that our population was decreasing; that we were next to bankruptcy. I do not know what object he had in view in making this comparison between Minnesota and California, unless it was ing this comparison between Minnesota and California, unless it was for the purpose of defeating this measure. He alleged that the people of California and of the Pacific States were not progressive, were not enterprising. Let us see how that is. In 1860 he stated that the taxable property of California was \$139,654,667, and in 1870 it was \$269,644,068. I wish to call the attention of this House particularly to the fact, which will be found in the comptroller's report of the State of California for 1873 and 1875, that the taxable property of California in 1873 was \$527,203,982, and 1875 \$611,495,197, which does not include for the latter year some hundreds of millions deposited not include for the latter year some hundreds of millions deposited in saving-banks and loaned on mortgages, and which would make the total value of property in 1875 nearly \$900,000,000. He also stated that the indebtedness of the State of California ex-

He also stated that the indebtedness of the State of California exceeds that of Minnesota by over \$15,000,000. I am astonished the gentleman should make such an allegation, especially when I remember the constitution of California provides that the debt of that State shall never exceed more than \$5,000,000. What is the debt of that State of California? I have it right before me, taken from the comptroller's report. The debt of the State of California is \$3,654,500, and the debt of the counties in the aggegate \$7,780,773.83, making a total of \$11,435,273.83. Now what are the assets? We have State property amounting to \$8,237,380, and county property valued at \$10,704,240, making \$18,941,620. This will leave together with the cash in our State and county treasuries (\$2,191,892.06) a balance of \$9,698,238.83 in our favor. So much for the gentleman's figures.

Why did not the gentleman tell the House that the people of California had more than trebled its taxable property since 1872, and that it is now nearly four times what it was then?

that it is now nearly four times what it was then?

Again, the gentleman says that Minnesota has fewer convicts by fourteen hundred and twenty-six than California. I cannot see how my friend can arrive at his conclusion unless they have no convicts at all in Minnesota, for California has less than the number designated by the gentleman, fourteen hundred and twenty-six.

by the gentleman, fourteen hundred and twenty-six.

He next attacks our public-school system. Let me say that California has the best free-school system in the world. The proceeds accruing from the interest on the public-school fund give free schools in every school district in the State for at least ten months in the year, with a holiday in July and December.

The gentleman then inquires, "Why is she so laggard in the race for civic supremacy." Let me make one comparison: On the Pacific coast in 1874 we built sixty-three steamers and other vessels, and in 1875 seventy-eight. While there was an increase in ship-building on the Pacific, there was a decrease in the Eastern States. Although Pennsylvania has many times the representation of the Pacific States she only built sixty-two vessels, while, as I have stated, on the Pacific coast built sixty-two vessels, while, as I have stated, on the Pacific coast we built seventy-eight last year. Such is the result of a comparison between Pennsylvania and California. Sir, in the name of the people

of California I deny that they are laggard or that the State lacks energy. I hurl back the charge and say to the gentleman the people of our State are the most enterprising in the world. California is not laggard in anything which will make her people happy, intelligent, prosperous, and great.

Our public buildings, hotels, private residences, workshops, founderies, and factories are excelled by none. Our public libraries are valued at millions of dollars. Our people are most prosperous. And why? Because our circulating medium is good the world over for all debts, whether due to the Government or individuals. Golden eagles

debts, whether due to the Government or individuals. Golden eagles and silver dollars jingle in every man's pocket, and we have no beggars through the length and breadth of my State.

The currency of my State is currency created by God Almighty, and adopted by the children of men as the circulating medium of the world—gold and silver. The gentleman desires to bolster up his ragmoney theory by unfair statements, which are calculated to injure my State. He would have you believe that we are retrograding, that our property is depreciating in value, that our population is leaving us. And, to sum up all, he would have you believe that our people lack energy and enterprise, and that if given the treaty with the Hawaiian government, by reason of our lack of energy it would prove a worthless boon to us. a worthless boon to us.

Sir, we had 70,000 emigrants enter into our State last year. I do not know from what State they came, but my colleague [Mr. WIGGINTON] informs me that a large portion of those emigrants came from Minnesota and quite a number from Pennsylvania.

To show you that we have enterprise, wealth, and prosperity, and that to develop the great resources of my State we must have reciprocity not only with the Hawaiian Islands but with Mexico and all other countries within our reach, I will call your attention to the wealth of my State in another matter, namely, the number of farms in California. I have here the report of the controller to the State heard. California. I have here the report of the controller to the State board of equalization of California for 1873, and there has been a large increase since. I was myself one of the first to turn the soil of California, not by hired labor, but by my own hands. I was one of the first engaged in agriculture in that State, and I expect to live and die a farmer. The gentleman must not misrepresent my State. He perhaps does not do so intentionally, but his statements show that he has been imposed upon from some source or other.

Now, sir, in California we have 23,315 farms, ranging from 100 to 500 acres; over 500 acres and less than 1,000 acres, we have 2,383 farms; more than 1,000 and less than 2,000 acres, 1,126 farms; more than 2,000 acres and less than 3,000, we have 363; over 3,000 and less than 4,000 acres, we have 189; over 4,000 and less than 5,000 acres, we have 104 farms; over 5,000 and less than 10,000 acres, we have 236 farms; over 10,000 and less than 20,000 acres, we have 158 farms; ranging from 20,000 acres upward, we have 122 farms. There is one farm in my district in which there are sown this year 40,000 acres of wheat. On that farm there are several school districts, and there is a school almost in every section, paid for from public funds, with gold

and silver coin, if you please.

Now, Mr. Chairman, I ask you whether you will take the *ipse dixit* statements of the gentleman from Pennsylvania of the resources of my State and her productions, of her commercial wealth and prosperity, of the soundness of her circulating medium, or will you accept the honest facts and conclusions as shown by our official reports? If the gentleman has fallen into error in one instance, may not his deductions be false in the other?

I hope, sir, I have not trespassed on the time of the House in speaking of the resources of California, because I am proud of my State and proud of my people, and I do not intend that any man shall misrepresentit. I know no mother but California. I went to that State when I was scarcely as large as one of the little pages on this floor, all alone to battle through life without influence to aid me. And, sir, I love that State as I love the recollection of a mother. There are no people in this country that are truer to the Union than the people of California. And, sir, we are the most prosperous people to-day within our whole country's extent.

Need I add that such a matter as the one now before the House has received the sanction of the most eminent and learned American statesmen? Webster, Clay, Polk, Marcy, Seward, Robert J. Walker, McCulloch, and others, have all indorsed it in their day. As far back as in 1840 Webster was willing to resort to war if necessary to prevent Great Britain or any other foreign power from gaining control of those islands. Several of our Secretaries of the Transactive back. trol of those islands. Several of our Secretaries of the Treasury have favored it. Our present Secretary, Mr. Bristow, whom we must regard as one of the ablest and purest officials in the Government service, advocates the measure. I ask the Clerk to read what Mr. Bristow, tow says upon the subject. The Clerk read as follows:

TREASURY DEPARTMENT January 15, 1875.

January 15, 1875.

Sir: In reply to your communication of January 6, transmitting a copy of the draught of a treaty with the Hawaiian Islands, I have the honor to submit the following statements as to the present condition of the commerce of the United States with those islands, and also such views and suggestions as you invite in regard to the stipulations of the proposed treaty.

The trade of the United States with the Hawaiian Islands is chiefly in tropical or semi-tropical products, as imported, and in miscellaneous manufactures of the United States, as exported. Its aggregate value is not large. For the year ending June 30, 1873, the total value of the merchandise imported was \$1,316,270, and the average for six years ending at the same time was \$1,192,984. The exports from

the United States to those islands for the single year named were \$701.018 in value, the small amount of \$30,915 only being of foreign production. This is less than the average for six years, that average being \$305,167; of which a small portion only was foreign. Thus in both cases it is shown that the trade in its present condition is stationary, or at least not undergoing material enlargement.

The conditions attending this commerce appear, however, to be such as render it of greater value to the United States, in proportion to its volume, than is usual with countries similarly situated and producing sugar as the leading staple. So far as the exchange of articles is concerned, there is an equivalent to be found in our export trade for the value of the sugar and other articles imported. Such is not the case with most of the tropical islands or sugar-producing countries of either hemisphere. The import trade from the several possessions of the East Indies shows large aggregates received and very small values returned in the produce of the United States. The heavy adverse balance must be paid in coin. Thus the exports of United States produce and manufactures to China are but 5 percent, of the imports from China; and the like exports to the Spanish East Indies, or Manila, are but ½ of 1 per cent, of the imports from those possessions; and finally, the exports to the Dutch East Indies are but 4 per cent, of the imports from the same. The Hawaiian Islands take an aggregate value of American produce and manufactures twice as great as do the last three countries or possessions taken together.

The accompanying statement gives some of the values here cited in compact form

or Manila, are but ½ of 1 per cent. of the imports from those possessions; and finally, the exports to the Dutch East Indies are but 4 per cent. of the imports from the same. The Hawaiian Islands take an aggregate value of American produce and manufactures twice as great as do the last three countries or possessions taken together.

The accompanying statement gives some of the values here cited in compact form for reference, and if forcibly illustrates the deficiency of our export trade to the sugar-producing countries of the Pacific other than the Hawaiian Islands.

It is also probable that in the ordinary statements of the commerce of the United States with these islands the values are somewhat too largely stated for the imports, and as much in deficiency for the exports. Such, at least, appears from the official statements of the Hawaiian government, where the imports from the United States for 1873 are placed at \$536,522, of which sum \$786,522 in value paid duty, and the exports to the United States are stated at \$1,088,226. The effect on the revenue of admitting the articles named in the schedule free of duty is, first, to remit the amount levied on the sugar, the quantity of which was, in 1873, (fascal year.) 15,743,146 pounds, on which the duty, at two cents per pound, is \$314,833; and, inclusive of a small amount of other saccharine products, (molasses and melado,) it amounts to \$320,345, in all, on this class of articles. This is, also, nearly the average for three years ending with 1873. The duty on other articles imported, and included in the schedule of articles to be admitted free, is small in amount, the list including none of conspicuous importances. The aggregate received is now less than \$50,000 per year. The entire release of duty proposed by the treaty, therefore, would be nearly \$370,000 yearly.

In relation to the question of duty, it is, however, only just to say that the present onsumption of sugar on the Pacific coast is rapidly increasing, the increase each year being nearly equal to th

B. H. BRISTOW, Secretary.

Hon. Hamilton Fish, Secretary of State, &c.

Mr. LUTTRELL. I support this measure, Mr. Chairman, if for no other reason than that I believe the future welfare and prosperity of our commerce on the Pacific Ocean demand it. But I have many other reasons for supporting it. While it is a national measure, yet it is to a great extent a measure of more than ordinary importance to the Pacific coast. It will advance the commerce and every other industry of the Pacific coast, and our Pacific possessions. Our mercantile interests at San Francisco, Portland, and other commercial centers demand it. Our mechanics and manufacturers demand it. Our agriculturists demand it as a market for their produce. Our great lumbering interests, extending from Mexico to British Columbia,

All the interests of the Pacific coast demand that we shall secure to them these islands, a market for their surplus products and handi-work, and the people of that coast demand that we shall raise revework, and the people of that coast demand that we shall raise revenues from duties on luxuries, and give to the laboring man and woman cheap coffee, sugar, and tea, free of duty. These articles are necessities used in every household, and should not be taxed. Tax the rich man's bonds, his silks, satins, and broadcloth, but exempt the poor man's sugar, tea, coffee, and salt.

Sir, the gentleman from Pennsylvania [Mr. Kelley] opposes this proposition because it interferes with his idea of high protection. Take, if you please, the case of the sewing-machine, an article used in every household in the land. It cost, according to the reports, from \$9 to \$14 to manufacture, and that sewing-machine is sold in the market at from \$60 to \$100. An article which costs only \$10 or \$14

at the utmost we are compelled to pay for at the rate of ten times its cost. Let us look for a moment at the reports of the London market, and you will find that American sewing-machines are sold in the foreign markets from \$20 to \$30 each. That is another one of the results of the gentleman's high protective system. How can he, if he is a friend to the poor man and of the laboring men and women of our country, oppose a reciprocity treaty that gives to our people the exclusive trade with these islands? It is the first step toward reciprocity with Mexico, South America, and Canada. I would to-day vote for a treaty with each and all of these countries. Great Britain has made and is making her treaties with all the world; she has acquired the control of all the islands of the sea. Now, if she can do this with profit to her subjects, what is to prevent the enterprising "Yankees," the Americans, from doing the same thing.

Were the Pacific States and Territories a nationality, we would ere this have secured this treaty, and a similar one with Mexico. Our Pacific possessions, comprising all the country between Mexico and the British possessions, embracing thousands of miles of sea-coast, producing the finest cereals, grasses, fruits, and all other agricultural productions, together with their immense mineral wealth, commerce, trade, and manufactures, are an important portion of this Government, and have contributed more than any other section, according to population, (within the last twenty years,) toward the support of the Government. But a few years since, all that country was a vast wilderness. I have seen the time when there was scarcely a habitation throughout the length and breadth of that territory; now that section of our continent has grown to be a mighty empire-all in less

than a quarter of a century.

I represent in part, Mr. Speaker, the most enterprising people in the world; a people who know no such word as fail; a people who have braved the dangers of the far West, and followed the sun, as it have braved the dangers of the far West, and followed the sun, as it were, four thousand miles, until we saw it sink down in the bosom of the great Pacific; a people who have enriched the coffers of this nation, and added to the commerce of the world over \$1,500,000,000 in the precious metals. We will add to the metallic currency this year at least one hundred millions more. We send annually to the grain markets of the world nearly fifty million bushels of grain. In a few short years we have built up great cities, and manufactories, railroads, and great mining enterprises, such as the world has never seen before. Our valleys have been made to give forth bread, and fruit, and wine for the children of the earth. We went forth as children, we return to you in this centennial year as men; and we point with manly pride to the country we have molded by our energies from a wild and desolate forest to a paradise on earth, to happy and fruitful homes with late forest to a paradise on earth, to happy and fruitful homes with peace and plenty on every side, to cities that rival the oldest settled sections of our common country

We point with pride to our ship-building interests; to our sails that whiten every sea; to our merchants and mechanics, whose energy is known the world over; to the vine-clad homes of our farmers and vine-culturists; to the great establishments of our lumbermen, and to the mines that have revolutionized the world. We love our country with God-like devotion. We love our whole country, and the people thereof; and when your great cities and towns were laid waste, our merchants, miners, mechanics, lumbermen, farmers, and laborers, who to-day demand at your hands this small favor of allowing them to secure the trade and commerce of these islands, contributed to you relief with a noble generosity. Well do I remember how the people of my State contributed to the suffering people of Chambersburgh, Pennsylvania; how they gave their thousands and tens of thousands to the sufferers of Chicago. And yet, with all the enterprise, energy, public spirit, and liberality of the people of the Pacific coast, there are those who would crush it out and deny to us this one measure that costs nothing, and yet is much to us and our interests—the very key

to our commercial success.

Well do I recollect that at the last session of Congress, or the session before, the people of Texas appealed to us to appropriate a large sum of money for the purpose of establishing telegraphic communication with the western frontier of that State, so that timely notice might be given of Indian raids and the necessary assistance promptly sent there. If I mistake not, the vote from the Pacific coast was unanimously in its favor. When Louisiana asked for assistance in maintaining its levees, when the people of Alabama asked for bread and meat for the sufferers of the overflowed portion of that State, we voted with unanimity for the necessary appropriation; and I pledge you that no man to-day hailing from the Pacific coast will ever deny to any section of the country one thing needed to promote and advance the common interests of the country, and particularly of the

locality seeking aid.

The State of California is capable of sustaining thirty millions of people; Oregon and Washington Territory as many more. Immigration is pouring daily into the States of California, Nevada, Oregon, and the Pacific coast Territories. While our mining interests are daily increasing, our agricultural interests are increasing at a still greater ratio, and we seek an outlet for our daily increasing products. Such an outlet is afforded in the Hawaiian Islands, and in advocating this measure the people of my section look not only to their own advantage, but to those which will also accrue to the entire country. In several of the articles enumerated in the bill before me, the Sandwich Islands cannot compete with us. We can safely admit free of duty

vegetables and hides, as it is not probable that with our agricultural sources vegetables will ever enter largely into the importations, or that with our vast leather industries and the skill of our leather-dress ers the leather interest will ever suffer greatly by the free importation

In return for what we shall receive from these islands, the treaty admits of the exportation of almost every article known to trade or commerce, while we receive from them but few articles we cannot produce ourselves. The heavy adverse balance of trade thus created must be paid for by the Hawaiian government in coin, and in the present condition of affairs this is an important advantage. To give cheap sugar and sirup to the laboring classes and to the poor man in return for our iron, our coal, our steel, our cotton fabrics, woolen goods, and other products, is certainly a desideratum and should not be used as an argument against the bill by sugar-refiners who have grown rich on the poor man's pittance.

The productions of the Pacific coast are great and varied, and as

bearing on this subject I will briefly recapitulate a few items of the products of my own State, regretting that I have not the data from Oregon, Washington Territory, Idaho, and the great silver State of

The wheat product of California in 1875 was about 40,000,000 bushels, worth between forty and fifty millions of dollars. Of wheat and flour, we exported in 1875 nearly 20,000,000 bushels. In nineteen years we have exported \$750,000,000 in gold and silver. The coinage of our mint alone for 1875 was over \$32,000,000, and from the time of its organization in 1854 to the close of the last fiscal year it was nearly its organization in 1834 to the close of the last iscal year it was nearly \$450,000,000. The value of our merchandise exported by sea in 1875 was over \$30,000,000, one-sixtieth of which went to the Hawaiian Islands. The sales of the San Francisco Stock Board of Mining Stocks for 1875 amounted to nearly \$225,000,000. The lumber product for 1875 amounted to nearly \$225,000,000 The lumber product for 1875 amounted to nearly 45,000,000 pounds, and our wine product to over 10,000,000 gallons, worth \$4,000,000. Our quicksilverproduct, yearly increasing, amounted in 1875 to 54,000 flasks. Oursales of real estate amounted to \$36,000,000, and to the propulation in that year we added by immigration to the and to the population, in that year, we added, by immigration to the State, 70,000 people. As showing the thrift and economy of our people, we had in 1875 over \$72,000,000 deposited in the saving-banks and a banking capital of \$150,000,000, and the banks and corporations declared a dividend of nearly \$28,000,000.

Can the gentleman from the great State of Pennsylvania say as much for his State? I would not say a word against that gallant old State that is doing so much in this centennial year for the exhibition of the products of our great country. I supported from the beginning to the end the appropriation asked to advance the great improvements that are going on in Philadelphia. I would do it again. I do not regret my vote on that subject. I would repeat it a hundred times. But I regret exceedingly that my friend from Pennsylvania should have fallen into error and misrepresented my State. should have fallen into error and misrepresented my State. I will not believe that he did so intentionally; but nevertheless he has done so, and I am going to hold him to the record. If the gentleman sees fit to repent, I hope he will go to confession, and join either the democratic or republican party. I do not care which, for the Lord knows that he does not know where to find him now. [Laughter.]

Our great railroads across the continent show a tonnage of 1,905,731,-063 pounds on the Central Pacific and 451,854,741 pounds on the

Southern Pacific. I present these facts to show the importance to the

Southern Pacific. I present these facts to show the importance to the Pacific coast of the passage of this measure; to show too that the gentleman when he spoke of our lack of energy was entirely mistaken; for I speak from the official records of my State.

The trade of the Pacific coast is daily extending and seeks new outlets. Such an outlet is now afforded by the bill now under consideration. And my people ask at your hands that the measure may become a law, and that they, and you, and all the people of our land may reap the advantage that will accrue from the exclusive trade of these islands. An examination of the schedule will show that most these islands. An examination of the schedule will show that most of the advantages to be derived from this treaty will be on the side of our Government, and I sincerely hope that this House will avail itself of the opportunity now presented and accomplish a result which will add to the revenues of the Government and greatly benefit the

working classes and manufacturers of the Pacific coast.

To show the popularity of the measure, I need only add that the press of the Pacific coast and of the East are unanimous in its favor, and that the Senate last year ratified the treaty by a vote of 51 to 12 showing that that body was also almost unanimous for the passage of the bill. I append the following statements as showing the trade with the Hawaiian Islands as compared with other countries:

Value of Hawaiian trade as compared with other sugar-countries. Hawaiian Islands export to the United States \$1, 139, 725 The islands import from the United States 836,000 Imports over 75 per cent, of exports. Under the treaty would be nearly equal. CUBA. Cuba exports to the United States \$77, 469, 826 Cuba imports from the United States 1, 397 729 Imports not 2 per cent. of exports. BRITISH EAST INDIES. British East Indies export to the United States \$16,855,747
The same import from the United States 165, 270
Being not 1 per cent. of exports.

SPANISH POSSESSIONS OTHER THAN CUBA.	
Other Spanish possessions sell to the United States	\$6, 171, 635 17, 570
Less than ‡ of 1 per cent.  DUTCH EAST INDIES.	
Dutch East Indies sell to the United States.  The same buy of the United States.  Less than 4 per cent.	\$7, 556, 954 255, 134
CHINA.	
China sells to the United States The same buys of the United States Being about 7½ per cent.	\$26, 353, 291 1, 931, 732

The importation of rice from the Hawaiian Islands for the fiscal year ending June, 1875, was 794 tons, valued at \$60,131; which is a small portion of what the Pacific States consumes.

Exports from San Francisco in 1875.	
Germany. Hawaiian Islands. South America Japan Other countries British Columbia Mexico	\$189, 233 562, 308 498, 604 632, 600 1, 808, 595 961, 588 1, 211, 048
China	

In conclusion, I would remark that the immense commercial advantages which would accrue to our Government from the passage of this bill are comparatively insignificant when compared with the great advantages which our Government is to derive from it as an outpost to protect and defend the commerce of the Pacific States. I may add further that the Pacific States are a unit on this subject. They ask, and I demand in their name, the passage of this bill. It is a Pacificcoast measure, and we do not want to have you send us home defeated and mortified. It is a measure which every man, woman, and child from Mexico to British Columbia west of the Rocky Mountains desires to become a law. We ask its passage for the encouragement of commerce on our coast. We ask it in order that we may have an establishment for the protection of our commerce, a great half-way station between the Pacific coast and Asia.

## MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. WOODWORTH having taken the chair as Speaker pro tempore, a message from the Senate was communicated by Mr. SYMPSON, one its clerks, informing the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 386) approving an act of the Legislative Assembly of

Colorado Territory;
A bill (S. No. 504) granting a pension to Nancy True;
A bill (S. No. 375) for the relief of Maria W. Sanders; and
A bill (S. No. 40) granting a pension to Elmira E. Cravath.
The message also informed the House that the Senate had passed,

without amendment, bills of the House of the following titles

A bill (H. R. No. 2570) legalizing the homestead entry of Mrs. Phæbe C. Oakley, of Bay County, Michigan; and The bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling. The message further announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance, United States Army. United States Army.

## HAWAIIAN TREATY.

The Committee of the Whole resumed its session.

Mr. LEAVENWORTH. Mr. Chairman, the question now pending before this committee is a question not so much between the United States and the kingdom of Hawaii as between the United States and the kingdom of Great Britain. It is a matter of very little consequence to the kingdom of Hawaii whether this treaty is ratified by our Government or not. A similar treaty can be made between that kingdom and Great Britain; and if this treaty is not ratified by our Government, not one year will elapse before such a treaty will be made. It is utterly impossible, in the very nature of things, that Great Britain should not desire the possession of these islands. Is there any place in the wide world that Great Britain does not want? Is any place in the wide world that Great Britain does not want? Is she not anxious to occupy every great highway of commerce in any part of the world which she has not already taken possession of? Has she not already the stronghold that controls the Mediterranean? Has she not Gibraltar and Malta? Has she not the Suez Canal and the city of Aden? Has she not the Cape of Good Hope, which formerly controlled the commerce of the East Indies? Has she not within the last year obtained the Fiji Islands? What spot on the face of the earth is now left that the kingdom of Great Britain should so much desire as these very islands? What sea does she not control already: what part of the navigable world is not already under her already; what part of the navigable world is not already under her

The very fact that these islands are in the middle of the ocean makes them of infinitely more value than if they were adjacent to our own shores. Suppose there was an island half-way between this country and England, on the line of the great commerce between America and Europe, which could be made impregnable; with such an island in our possession, would we not control the commerce of the Atlantic Ocean? With such an island fortified and rendered im-

pregnable, a place into which our vessels could run, would a British sail navigate the North Atlantic except by our consent? Do not these islands occupy the same position in the North Pacific? If they were in the possession of Great Britain—if the port of Honolulu was fortified; if she had the right to send her vessels there to be refitted and provisioned—would she not control for all future time all the companion of the Pacific Companion except of the Pacific Companion exc merce of the Pacific Ocean in case of war? Would any American vessel sail from San Francisco to China or Japan? Not one; not a vessel. If, on the other hand, we had possession of these islands—if the American flag floated over Honolulu, and we could send our vessels there-would a British sail be seen in the North Pacific? Not

one. It does not admit of an argument.

It does not admit of argument that Great Britain wants possession of these islands. She is now negotiating for the possession of them. She has looked upon them for years and coveted them, and the only reason why she has not had possession of them at this time is because she has not been able to get possession of them. They are naturally a dependency of the United States. Our citizens reclaimed them from ignorance and barbarism. Our citizens now manage the government of those islands. Scarcely an important office is held to-day except by American citizens. It is substantially a colony of this country. The chief justice, the chancellor, and two side judges constituting the supreme court, the secretary of the treasury, the attorney-general, indeed I may say that substantially the government of that kingdom is in the hands of American citizens to-day. All her sympathies, all her feelings, all her education lead her to look to the United States as to her natural ally. She looks to us for support, for friendship, and in case of danger for protection, and she prefers

to make this treaty with us.

She has done all in her power to make this treaty with us. What more can she do? She has negotiated three treaties with us, and this is the last treaty which ever will be negotiated between the Hawaiian Islands and the United States of America. Their patience is exhausted. The time has come when we must receive or reject this treaty. They are not willing any longer to dally in this manner with us. We have made the treaty to suit ourselves. It is our own treaty, negotiated by us, adapted to our wants, molded to suit our wishes. It was negotiated by the proper authorities of the two governments and sent to the Senate of the United States. There it was amended and still further adapted to our wants.

The question is whether we will accept the work of our own hands. If we will not, then, sir, in less than one year from this time another treaty will be negotiated with another power, and that will be the first

step to the possession of those islands.

The King of Hawaii sees and all his people see that the time is coming when the autonomy of that government cannot be protected and continued. The time is coming rapidly when they will have to lean upon some power. This treaty is negotiated with reference to such a result. Now the question is whether that power shall be the United States or the Kingdom of Great Britain. Great Britain for generations has marched over the world like a mighty giant, putting her foot one year on a continent and another year on an island, until she has taken possession of most of the inhabitable globe. She controls the whole southern world, from the Cape of Good Hope to the western boundaries of South America. She only wants these islands to control the entire Pacific. She is looking for them.

Now what are the objections which have been urged to this treaty?

Now what are the objections which have been urged to this treaty? They appear to me, Mr. Chairman, to be utterly futile; scarcely worthy of the time necessary to give an answer to them. I will take them up very briefly and state my views in regard to the reasons given by some gentlemen for their vote against this bill.

One point which is made by the gentleman from Illinois, [Mr. Morrison,] who spoke against this bill, was that, if these islands were to increase in business and power, it was to be done by means of Chinese immigration, and he wanted no more Chinamen in the country; no more foreigners the gentleman from Texas said. Why do we not more foreigners, the gentleman from Texas said. Why do we not want any more foreigners in this country? Have we come to that period of time?

period of time?

Mr. REAGAN. Will the gentleman allowme, as he unintentionally gives a construction to what I said which is not warranted. My remark was in reference to three classes. I am as much in favor as any one of foreigners coming from European nationalities, but against incorporating into our Government Asiatics, Indians, or Africans, I shall protest. I am not against foreigners. The only connection in which I mentioned other foreigners was that we had to educate all who came here into a knowledge of our system of government.

Mr. LEAVENWORTH. If I understood the gentleman, he said that the foreigners coming into the country had been a great strain upon our institutions, and it was desirable we should not have any more of them.

more of them.

Mr. REAGAN. No, sir; if the gentleman will allow me—what I stated, if I remember aright, was that the strain put upon our Con-

stated, if I remember aright, was that the strain put upon our Constitution was in the enfranchising and giving the right of suffrage to those not qualified to exercise the duties of citizenship.

Mr. LEAVENWORTH. It is immaterial, Mr. Chairman. He objects at least to the Chinese population. The point is whether that is any objection. If we want the possession of these islands as outposts to protect the frontier of the Pacific, it makes but little differences by the way of the possession of the property o ence whether they have five thousand or forty thousand Chinese.

When Great Britain wanted possession of Gibraltar, Malta, and

Aden she did not inquire what population occupied those places. It was no objection to taking possession of Aden, when she wanted it as an outpost on her way to India, when it was occupied by Arabs and Africans, that they constituted the great bulk of the population. Of what consequence was that? She wanted it merely as a port to which she could take her ships and a fortress where she could defend them.

That is what we want this place for.

Mr. REAGAN. Would it interrupt the gentleman if I were to say

one word at this point?

Mr. LEAVENWORTH. No, sir.

Mr. REAGAN. What I want to call the gentleman's attention to in connection with the remarks he has just submitted is that the English possessions to which he was referring were not incorporated into the body of the English people or made part of English soil to influence the frame and form of the English government, and were simply made. English dependencies, having no power to control the form of gov-

Mr. LEAVENWORTH. That is a question which may come up at the proper time. It is not the question to-day. It is not a question of bringing the Hawaiian Islands into the United States as a component part of this Government. That is a question for future legislators to deal with at the proper time, if it shall arise. Whether that time shall ever come or not is not a question that is before us this day. All that is now before us is the question of a closer alliance between the United States and the kingdom of Hawaii.

If we want those islands on account of their productions, if this

treaty is merely a commercial treaty, that is the only point of view in which it is important. And in that point of view of what consequence is it to us whether the sugars which we may receive from there are made by Chinese or are made by the natives of the islands? But it is a sufficient answer to the objection made by the gentleman in regard to the Chinese to say that what few Chinese there are on those islands now have been there for years; that there has been no influx of Chinese population into those islands; and that there never will be such an influx when they can go to California and get two or three times as much wages per month as they can get in the Hawaiian Islands. That is the answer to the objection in regard to the Chinese. They have been there heretofore. They will not go there hereafter, because they will go where they will have a larger amount of wages for their labor.

for their labor.

But it is said, also, by the gentleman from Pennsylvania, [Mr. Kelley,] and I think by some of the other gentlemen who have addressed the committee, that this bill is for the benefit of the sugarplanters on the Hawaiian Islands. Suppose it does benefit the sugarplanters; is that any injury to the United States? What objection is it to the bill that the sugar-planters are to be benefited by it? Are we to suppose that the King of Hawaii is to make a treaty with this country that is not to benefit anybody? Whoever heard of a commercial treaty between two countries one of which was not benefited at all by the treaty? The King of Hawaii knows as well as we do that it benefits the sugar-planters, and there is no reason why it should not benefit them, or why it should not benefit the rice-growers and the growers of oranges or of any other products of the islands. What does it matter to us who are benefited or how much they are benefited, provided the treaty is for the benefit of this country?

The gentleman says they are recreant Americans who have gone there, and whom we are to benefit by this treaty. I ask him are the gentlemen that are building railroads in Peru recreant Americans? Are the gentlemen that have been building railroads in Russia, are the gentlemen that have been building horse-railroads in the various. cities of Europe, are the gentlemen that are conducting the education of Japan recreant Americans? I thought they were the very men of all the men in the world that were giving dignity and character to the American nation. I thought they were the very men we ought to be proud of as Americans, that they were the men who were carrying the civilization and the intelligence of the American people into every part of the world. Yet the gentleman was pleased to call them recreant Americans, and said it was they who were to be benefited

recreant Americans, and said it was they who were to be benefited by this treaty.

The gentleman from Texas [Mr. Reagan] objected to this treaty because we should be obliged to fortify the island. The gentleman from Texas will remember that this bill now before the House involves no such consequence. This bill is asked for by the gentlemen from the Pacific coast and by all the inhabitants of that coast on other grounds entirely than that it may at some future time lead to the possession of those islands by the American people and to their fortification. But that is a question to come up hereafter; it does not come up to-day. The gentleman from Texas dwelt upon the poverty of the country. Why, sir, he talks about the country as if it were about to be wound up and handed over to a receiver.

Mr. REAGAN. Will the gentleman permit me—

Mr. LEAVENWORTH. I do not care to be interrupted so much.

Mr. REAGAN. I would like to make a remark, but if the gentleman indicates that it will not be agreeable to him I shall not do so.

The CHAIRMAN. Does the gentleman from New York [Mr. LEAVENWORTH] yield to the gentleman from Texas?

ENWORTH] yield to the gentleman from Texas ?
Mr. LEAVENWORTH. Yes, sir.

interruption from the point made by the gentleman to which I wished

respond. Mr. HENDEE.

Mr. HENDEE. Then let the gentleman from New York go on.
Mr. LEAVENWORTH. I must resume the floor.
Mr. REAGAN. If the gentleman will now allow me, I will respond

Mr. REAGAN. If the gentleman will now allow me, I will respond to the point he was making.

Mr. LEAVENWORTH. I cannot yield. It is a question which has not yet come before the American people or this Congress. It may come in the future; and when that time does come, I have no doubt the American people will think it for their interest to take possession of those islands. We have never objected or felt unhappy because the country which the gentleman [Mr. REAGAN] in part represents has been added to this country or because we have been obliged to erect fortifications on two sides of it—on the ocean and along the from erect fortifications on two sides of it-on the ocean and along the fron-

erect fortifications on two sides of it—on the ocean and along the frontier of Mexico, or because we were obliged to send armies there to protect the people at a large expense. That has never been a cause of complaint on the part of the American people; and if they think these islands valuable for the purpose of protecting this country against Great Britain, they will get value for what they are obliged to expend in rendering the harbor of Honolulu defensible.

It is objected further that the carrying-trade between these countries is not secured by this treaty. The carrying-trade is already largely in our hands, and the only way it can be kept there is by means of this very treaty. Reject this treaty and you give up the carrying-trade. Reject this treaty and you put the trade of those islands in the hands of Great Britain; she will take the carrying-trade of those islands as she does of all other islands which she controls. Have we the carrying-trade of her West India Islands? Have trols. Have we the carrying-trade of her West India Islands? Have we the carrying-trade of her Pacific possessions? Have we the carrying-trade of any spot on earth which she controls? Not one; and we will not have the carrying-trade of these islands any longer than

until she can make a treaty by which she can take it from us.

But the gentleman from Texas [Mr. Reagan] who first addressed the committee on this bill, objected further that if this treaty was passed there was danger that sugars from other parts of the world would be smuggled into this country; that they would be taken to the Hawaiian Islands, and from there brought into this country. Does not the gentleman from Texas know that one-half of all the treaties that we have made with foreign powers since the organization of the Government have just such provisions as this in regard to the products and manufactures of those countries, and that they have to be identified as the products and manufactures of such countries before they come here? I have before me a volume of treaties, and have looked into some of them; and the gentleman from New York [Mr. WOOD] who addressed the committee showed us that, in treaties with some twenty or thirty nations, we have clauses in regard to the products and manufactures of those countries, giving them, under certain circumstances, certain priviliges in regard to their intro-

duction into this country.

If there had been found any difficulty in preventing the introduction of products and manufactures other than those provided in those treaties which we have made, it would have been shown during the one hundred years we have been making such treaties down to the present time. But the thing is utterly impossible. Suppose that a ship-load of sugar was brought from Manila to the Hawaiian Isl-

Mr. REAGAN. Will the gentleman allow me—
Mr. LEAVENWORTH. No, sir; I cannot yield.
Mr. REAGAN. Will the gentleman not allow me to respond to what he has just said?

Mr. LEAVENWORTH. I cannot yield. It would be utterly impossible for such sugar to be brought into the Sandwich Islands. Every man on the islands would know that the sugar was brought there for no other purpose than to be taken into some port on the American coast free of duty, and it could be brought there for nothing American coast free of duty, and it could be brought there for homing else. Sugar could not be imported from Manila into Honolulu for the purpose of importation into the United States without the officials of the Hawaiian government knowing it. Would they not know it by the packages? Would not experts know it the moment they set their eyes on it? The thing is utterly absurd. Then the gentleman eems further to suppose that the American consuls at Honolulu and other ports in the Sandwich Islands will sign fraudulent invoices that the goods were the products of the Sandwich Islands. He supposes further that the officials at San Francisco or wherever the articles may be taken would be fraudulent officials. Sir, it is utterly absurd to suppose that any sugar would be brought into these islands and then brought into the United States free of duty.

The gentleman from Illinois [Mr. Morrison] sees another objection to this treaty. He objects to the climate of these islands as unfavor-

able to labor, and says that therefore it is undesirable to hold these relations with a people who are not disposed to work. Sir, gentlemen on the other side have quoted from Mr. Nordhoff quite extensively on this subject, and I have a word here from him which may perhaps throw some light on the subject. He is high authority to gentlemen on the other side, and he says in an article quoted by the gentleman from Pennsylvania, [Mr. Kelley:]

NWORTH] yield to the gentleman from Texas?

Mr. LEAVENWORTH. Yes, sir.

Mr. REAGAN. I find that my attention has been diverted by the

There has been no lack of ingenuity, enterprise, or industry among the inhabitants. The government has imported several kinds of trees and plants, as the cinnamon, pepper, allspice, but they have not prospered. Private effort has not been

wanting either. But nature does not respond. Sugar and rice are and must, it seems, continue to be the staples of the islands; and the culture of these products will in time be considerably increased.

He might have added, had he known the facts, and he ought to have known the facts, that there is not a country on the face of the whole globe, not a country the climate of which holds out more inducements to labor than the climate of these islands. He ought to have known that in the whole world around you cannot go anywhere where the climate is more delightful or more satisfactory. He ought to have known that the thermometer ranges between 70° and 84° nearly the year round, rarely going below 70° or above 80°; a climate remarkably adapted to the comfort of mankind.

Mr. Chairman, I want to make one remark in regard to the allegation made by the gentleman from Pennsylvania, [Mr. Kelley,] that this whole thing bears the aspect of a well-defined job.

That charge, sir, has been answered by the gentleman from California, [Mr. LUTTRELL,] but I wish to say that if the gentleman from Pennsylvania knew one single, solitary fact indicating that this was a job; if he knew a single thing showing any improper action on the part of any member of the House or anybody else, instead of coming here on this floor and calling this a job without giving any evidence why he so called it, he should have taken the proper action to have the guilty men brought to justice and exposed. It comes with a bad grace for him to come in here and charge that a treaty negotiated by the King of the Hawaiian Islands and the officers of the Government of the United States is a job. It implies a very serious charge against the most eminent persons in our Government, and it is utterly impossible that any such thing could exist. It is very derogatory to the gentleman who made the charge unless he based that charge upon some evidence, and thus far he has produced none.

some evidence, and thus far he has produced none.

Sir, there is another part of the speech of the gentleman from Pennsylvania [Mr. Kelley] which excites my profound surprise. In his most effective and most solemn manner he called upon this House to vindicate its own honor and protect its own prerogatives in the matter of this treaty. He stated that those prerogatives had been invaded by the negotiation of this treaty. Why, sir, I am astonished that the gentleman from Pennsylvania [Mr. Kelley] should have made a remark of that kind. I should have been delighted to hear the gentleman point out wherein the prerogatives of the House have been invaded, and what part of the treaty it is that invades our rights here. Why, sir, does not the treaty expressly provide that it is never to take effect until the House gives its sanction to a bill like this? Does any gentleman here ask any other protection than that? Treaties have been negotiated in times past and become valid and effect-nal which did not require by their terms the sanction of this House. But here is a treaty guarded so carefully that it cannot go into effect until it has been submitted to the action of the House. Where can he point to any prerogative of this House that has been invaded by this treaty?

The gentleman, when speaking of the importance of our having these islands as an outpost to guard our coast on the Pacific, declared in the most emphatic terms that we never could have war with Great Britain. Never! Never!

I was astonished that a gentleman as well informed as the gentleman from Pennsylvania, as familiar with the history of his country, could rise in his place here and say that we could never have war with Great Britain. The history of this country is but one history of difficulties which we have had with Great Britain. There never has been any considerable period of time when we have not had trouble and difficulty on account of negotiations with Great Britain.

and difficulty on account of negotiations with Great Britain.

There is in Great Britain all the elements from which wars spring. Great Britain is our rival now, as she has been in the past and as she will continue to be. She is forever to be our rival. She is not only our rival, but she is our enemy. There is more of envy of our prosperity, of jealousy of our power, of intense hatred of our people and our institutions condensed into that little fragment of the world called England than can be found in all creation besides. The entire world contains no such intensity of hatred of us and our institutions as is contained in Great Britain, or that portion of it called England. Are not these the materials from which wars spring? To show the spirit of Great Britain as manifested toward us in modern times, I ask the Clerk to read a short extract from the London Times in speaking of Captain Wilkes, a distinguished officer of our Navy during the late war. The Clerk read as follows:

The Clerk read as follows:

He is unfortunately but too faithful a type of the people in whose foul mission he is engaged. He is an ideal Yankee. Swagger and ferocity built upon a foundation of vulgarity and cowardice—these are his characteristics, and these are the most prominent marks by which his countrymen, generally speaking, are known all over the world. To bully the weak, to triumph over the helpless, to trample on every law of country and custom, willfully to violate all the most sacred interests of human nature, to defy as long as danger does not appear, and, as soon as peril shows itself, to sneak aside and run away—these are the virtues of the race which presumes to announce itself as the leader of civilization and the prophet of human progress in these latter days. By Captain Wilkes let the Yankee breed be indeed.

Mr. LEAVENWOTH. I have asked that that be read because just such articles as that filled the columns of nearly every paper in England during the late rebellion. That was the spirit manifested toward as by the British nation; not by every one, but by the governing classes, the nobility, the gentry, and the wealthy people of England. That is the spirit of the nation toward us, and always has been.

This nation was born into existence through British tyranny and

British oppression. No sooner had we closed the war in 1783 than we had another war—of diplomacy—with the same British government for fifteen years, in order to obtain possession of the country which we had won by battle and which they had guaranteed to us by treaty. Did not England hold our western frontiers, furnish arms and ammunition to the Indians, and keep possession of our western posts for fifteen years in spite of every effort on the part of our Government to obtain them? That was the first thing after the Revolution; and before we got possession of those posts did not the British government begin to arrest our vessels in their course, to seize our citizens and put them on board of British ships by hundreds and thousands and compel them to fight in their vessels and to sacrifice their lives? For more than fifteen years there was not a year or a month that they did not stop our vessels on the high seas and seize our citizens and oppress them in this manner. They might as well have landed on Roanoke Island or on Long Island and taken the farmer at the plow or the mechanic in the workshop as to take our citizens in vessels on the high seas. Yet we bore for years these outrages and insults from Great Britain.

The whole history of that country down to this time is marked with the same spirit of insult toward us, never more manifest than during the late war between the States. Who built the vessels that destroyed our commerce? Who equipped them and furnished them with arms and ammunition? Who sailed them on their course of devastation? They were built, equipped, and armed in British ports; they were sailed under the British flag and manned largely by British seamen. It was nothing less than the meanest and most contemptible war waged by the government of Great Britain against the Government of the United States.

The gentleman from Pennsylvania in his remarks said that Great Britain did not dare to make war upon us. When the Trent was seized by Captain Wilkes, and four men taken from it, after detaining it a few hours, what did England do? Within twenty-four hours after the news reached Great Britain she ordered 25,000 stand of arms to be sent to Canada. She went into the market and bought Armstrong and Whitworth guns in great quantities. She recalled passenger vessels from their destined courses to take soldiers to Canada. She forbade the exportation of arms and ammunition and saltpeter; and she gave this country just seven days to say whether she should make war upon us or not.

Now, the gentleman speaks in a very grandiloquent style of what we should do in case of a war with Great Britain. He talks of the manner in which we should enter Canada. Well, it is a very easy thing to take Canada on the floor of this House! It is a very easy thing to picture the easy manner in which we would walk into Canada and take possession of Quebec and Montreal. It is not difficult to bring down the patriotic feelings of the House and have them manifested when the picture is drawn to our taste. But it seems to me gentlemen should reflect that we have tried taking Canada twice, and not with any very great amount of glory to the American arms. It might be well enough to be a little modest about taking Canada until we have made some little impression on that country and shown some symptons of our ability to take it. I do not say we could not take Canada; I think it very possible we could; but after the experience of the past and with its history before us, I think it becomes us to be somewhat modest for the present, at least until the experiment has been tried a third time.

The gentleman from Pennsylvania, in a part of his remarks, ridiculed the idea that we wanted these islands to protect our frontier on the Pacific coast. Said he: "Why do you not, for the same reason, want Ireland? If we take these islands, let us take Ireland, and give liberty to the Irishmen that have fought so many of our battles." The gentleman undertook to show, and I suppose he satisfied himself, that we did not want these islands any more than we wanted Ireland. But he altered his mind before he got through; he changed his tone on this subject, and a little later in his remarks said: "We will give notice to Great Britain that these islands are an outpost of the United States; that we will apply the Monroe doctrine to them, and that she must not touch them." But, sir, is there any gentleman here who supposes for one moment that Great Britain is going to pay any attention to an intimation from us that we do not want her to take possession of those islands? They are substantially offered to us now. This is the third time they have been offered to us. Suppose that we decline to accept of this treaty, which is but an enteringwedge to the final possession of these islands; suppose that we decline to consummate this treaty; do you think that England is not going to make a treaty? And when she has made that treaty and got this commerce in her hands, will she not send her surplus population to those islands, take possession of them, and own them? Now all the influence of the islands is in our favor; it has always been in our favor. They are now the creature of American citizens. But, if we reject this treaty, the time will soon come when they will be as much under the influence of Great Britain; and Great Britain would laugh at our assertion of the idea that she should not take possession of them, and use them for whatever purposes we please; but that Great Britain cannot do the same thing? Great Britain is not sunk so low as to submit to that. She wants those islands; if we will not have them, she will.

Mr. Chairman, reject this treaty, and you plant the colors of Great Britain on every island in the Hawaiian archipelago. Reject this treaty, and you mount British guns on the heights of Honolulu. Reject this treaty, and you give to Great Britain a port which she can fortify and make impregnable, and by which she can drive every American sail out of the North Pacific Ocean. Reject this treaty, and you cede these islands to Great Britain, you renounce all claim to them. If, having them now in your hands, you decline to accept them, you relinquish them to her; and then she will give no attention to your remonstrances. your remonstrances.

Gentlemen, I have nothing further to add on this subject. I think this is the most important matter that has come before the present Congress. I hope that its importance may be impressed upon every member of this committee; that each gentleman may feel that in deciding the question in regard to this treaty he is deciding the other question which is to arise hereafter, whether Great Britain or the United States shall be the owner of these islands.

Mr. PAGE. Mr. Speaker, it is not my purpose to detain the House at any great length in the discussion of this question. After the able and eloquent argument delivered the other day by the gentleman from New York, [Mr. WOOD,] it would be useless for me to attempt to add anything for the purpose of inducing members of this House to support this bill. It was not my intention to say anything on this subject. Being a representative in part of the State of California upon this floor, I deemed it but proper that other members should take the initiative and urge upon the House the necessity of the passage of this measure.

It might be said by some that, coming from California, having personal interests different or distinct from those of the mass of the people of this country—I say, for fear such a construction might be placed upon what might be said by the Representatives of that State—I was

willing and glad to have the Representatives from the other States of this Union advocate the passage of this measure.

The gentleman from New York, [Mr. Wood,] member of the Com-mittee of Ways and Means, has set forth in a very able report to this

House, in my judgment, facts sufficient to induce every member of this body to give this bill his cordial and hearty support.

It is urged by some that if you pass this bill and carry this treaty into effect it will be the means of reducing our revenue four or five into effect it will be the means of reducing our revenue four or five hundred thousand dollars. I trust gentlemen will not take that alone into consideration, because this is a mutual treaty, a reciprocity treaty; and, while it admits a few articles, the products of the Hawaiian Islands, free of duty, it also permits the United States to send to these islands products of this country. I find in article second of the schedule agricultural implements, beef, bacon, pork, ham, boots, shoes, grain, flour, meal, and breadstuffs of all kinds, brick, lime, lumber—everything in fact produced in this country, is admitted into the Hawaiian Islands free of duty. That, in my judgment, Mr. Chairman, will be sufficient compensation to this Government for any articles admitted by this Government and products of the Hawaiian ticles admitted by this Government and products of the Hawaiian

Islands free of duty.

But, sir, I do not propose in the short time I shall address the House to discuss it entirely from that stand-point. I believe, as has been truly remarked by the gentleman who has just taken his seat, it is important not alone to the Pacific coast, but to the people of this country that we should have control of the Hawaiian Islands or have at least relations of amity and commerce with that people. Eventually these islands will fall into the possession either of this country or Great Britain. Is it not important then that we should carry into effect this treaty, that eventually they may fall into the possession

of the United States?

I desire, Mr. Chairman, to read briefly from a letter of the San Francisco Chamber of Commerce, which I do not remember to have seen referred to by any of the gentlemen who have spoken on this question. I quote it from the able report of the committee:

question. I quote it from the able report of the committee:

Opposite the very portals of this commerce and directly in its track lie these islands, keeping as it were watch and ward over us and over this entire coast and its commerce. Plant an active enemy on them and let him fortify himself there, if he were the smallest of the maritime powers he would probably annihilate this commerce. A power with a fleet consisting of only the Florida and the Alabama would, intrenched in these marine fortresses, harass all profit out of it. In the hands of France or England the effect would be to enable either of those powers to shut us out of the great highway of the Pacific and lock us up so far as commerce is concerned within our own mountain ranges absolutely at its pleasure. The United States, by keeping up an enormous naval armament on this coast, could carry her flag with her floating batteries in defiance of such powers and their mid-ocean fortress, but commerce would be suspended; and so important has this commerce of the Pacific become to the United States, so great its present proportions, and so intimately blended with the nation's hopes and interests in its prospective growth, the very knowledge that a hostile power so located could at will destroy it almost without cost, would compel the United States in all international intercourse to take a humbler tone and be less independent in urging its own views, for nations like men intuitively bate their breath in the presence of a power which can if disposed inflict on them a grand injury with small effort.

I believe, Mr. Chairman, the sentiment expressed in the letter of

I believe, Mr. Chairman, the sentiment expressed in the letter of the Chamber of Commerce of San Francisco will be accepted as true by the members of this House. There is no question, in my judgment, but what the interest of the country demands that the people of the United States or the Government of the United States should have control eventually of these islands; but it is also important that we should have commercial relations with them, and that this reciprocity treaty should be carried into effect.

The gentleman from Pennsylvania [Mr. Kelley] as well as the gen-

tleman from Texas [Mr. REAGAN] base a portion of their argument at least upon the fact that Hawaiian labor was very cheap, and would be used exclusively in the productions of those islands. By a treaty made by the Government of the United States with the Chinese Empire, for which this House is not responsible, there are to-day on the Pacific coast over 100,000 Chinese, whose labor is used in the production of the beet-sugar referred to by the gentleman from Pennsylvania, and whose labor can be secured from lifteen to twenty dollars a month, while they board themselves, which is nearly as low as the price paid for labor in the Hawaiian Islands. Has the gentleman from Pennsylvania or the gentleman from Texas ever objected to bringing these people here under that treaty in large numbers to compete with the workingmen of the United States, at a price so low that no man here can afford to compete with it? Not at all. Then I say, Mr. Chairman, that the objection upon the question of labor falls to the ground.

Now, sir, I contend that, by the adoption of this treaty, it will not affect the sugar production of this country. It is a well-established fact that the people of California and of the Pacific coast can obtain their sugar under the present tariff law of two and a half cents per pound less than they can procure sugar manufactured in the East, from New Orleans or any other portion of the country, as the freight to California would be much greater than from the Hawaiian Islands by two and a half cents per pound. Consequently the carrying into effect of this treaty would not, in my judgment, affect the sugar pro-

effect of this treaty would not, in my judgment, affect the sngar production of this portion of the country.

I shall not detain the committee with any further remarks at this time. I did not have the opportunity nor the time, being engaged in committee-work, to prepare any extended remarks on this subject. I have made no preparation at all. I simply desire to state to this House that I believe not only the people on the Pacific coast, but the people of the entire country will approve this bill. If members will examine it before they cast their votes, they will conclude that, as a matter of necessity, as a question of naval importance to the defense of the Pacific coast in time of were it is necessary that we should have of the Pacific coast in time of war, it is necessary that we should have the control of these islands. If we fail to do so now, as was truthfully stated by the gentleman from New York, in less than one year from to-day we shall find it completely under the control of the British government, as has been stated by him.

We now have the carrying trade between San Francisco and the Hawaiian Islands. If we fail to pass this treaty we shall cease to have it. The English government is now awaiting the result of our verdict upon this bill before deciding whether it shall apply to the Hawaiian government for a treaty similar to the one now under con-

sideration

Mr. DUNNELL. I am well aware, Mr. Chairman, that the members of the committee must be anxious that the committee rise; and

bers of the committee must be anxious that the committee rise; and yet desiring to occupy in this debate five or ten minutes, I deem it proper to occupy the time to-night rather than by postponing my remarks to delay a vote upon the bill.

It is true, sir, that this bill has been debated by certain gentlemen who have spoken, in a broad, statesman-like manner. They have taken a broad view of the subject. The gentleman from New York [Mr. WOOD] who opened the debate certainly did justice to himself and the committee which he represents, as also to the gravity of the subject, by the calm, dispassionate, and statesman-like manner in which he presented his views and adduced his arguments in favor of the passage of this bill. sage of this bill.

The gentleman from Pennsylvania, [Mr. Kelley,] to whom allusion has been made, and very naturally, by others who have spoken, departed from his wonted course, his usual style of debate on this floor,

and sought to defeat the measure, not by argument, not by facts, not by good reasoning, but by ridicule, and by ridicule alone.

The question what these islands can produce and what is their population or their power of production should not alone be brought into consideration in the discussion of this treaty. Here are these eleven islands, constituting the Hawaiian group and favorably situated in the Pacific Ocean. We are asked to enter into friendly commercial relations with them. We are asked to do so and in such a spirit that it seems to me we shall do the country a wrong if we dis-

regard it.

I think, Mr. Chairman, we may learn something from the policies which have been pursued by the English government with regard to the acquisition of an island here and an island there, in this or that ocean, not because of the size of that island necessarily or its pro-

ductive powers, but because of its situation upon the map of the globe, its place on this or that water.

It would be a matter of surprise if we could turn to the journals of the English Parliament and find where, in any instance, an English statesman rose in his place and objected to the acquisition of a single acre of territory to the British Crown or where any objection was made to the acquisition or, or friendly intercourse with, any island was made to the acquisition or, or friendly intercourse with, any island any where amid the navigable waters of the globe. That has not been English policy; and many of the small islands over which the English government now has control, that might have been called small, that might have been called unproductive, are to-day the brightest stars in the coronet of English power. England would give up larger portions of her domain elsewhere rather than lose some of the small islands over which to-day she has control. It has always been the policy of that power to protect her commerce. If there was an island

anywhere that might be a naval station, a coaling-station, or a halting-station for the English merchant marine or the English naval forces, that government has always been ready to acquire it or enter into friendly relations with it, such commercial relations as this treaty contains.

I think, Mr. Chairman, that it is our duty, now that the Hawaiian Kingdom seeks these friendly relations, to accept them. It has been well said by the gentleman who has just closed his remarks that the wen said by the gentleman who has just closed his remarks that the English government would not hesitate for an hour, not for an hour, in such a case as this. The tone of the London Times shows very conclusively how these islands are considered by this journal, which so faithfully reflects the will of the government. It would gladly defeat, if possible, the consummation of this treaty between these islands and the United States. I think we may learn wisdom from the course that has been purely by the English has been pursued by the English.

The London Times thus refers to the chief harbor of the islands:

The narrow land-locked inlet or lagoon named Pearl River Harbor is in itself small in absolute extent, but it is of inestimable value to any civilized nation possessing it and using it for naval purposes. In the deep waters of this sheltered lake not only the armed ships of the United States, but of all countries, may find space and perfect security. The maritime power which holds Pearl River Harbor and moors her fleet there holds also the key of the North Pacific.

Now, when we have a harbor like this offered to us for the mere

Now, when we have a harbor like this offered to us for the mere taking, why may we not secure it for our commerce and for our naval force? Admiral Porter recommends it in the strongest terms.

The gentleman from Illinois, who spoke in behalf of the minority of the committee, said that "the policy of annexing these islands to the United States is one full of difficulty." Sir, the policy of annexation is not involved in the ratification of this treaty. We simply enter into relations such as will insure toward us always an active friendship and which we should not treat with contempt. The gentleman also says in the same report: tleman also says in the same report:

No European power should be permitted to obtain the sovereignty of the islands or to gain such influence in them as to menace our security.

Now, let me respectfully ask what there is that shall prevent the consummation of a like treaty between Great Britain and these islands within twelve months, if we shall reject this treaty. Can we say to these islands or to Great Britain that the treaty between them shall not be consummated? It is not our business to say that the proffer has been made to us and we have rejected it. By what authority shall we say that a similar treaty with Great Britain shall not be made? The expressions of the London Times indicate the importance of these islands in the estimation of Great Britain.

therefore, may we not take them in the manner proposed?

It is said that by so doing we will lose a little revenue. That may be true. But the Secretary of the Treasury, in whom the whole country has confidence, says to us that even that loss would be readily made up to us. I confess that I am very often governed by the opinions, discussions, and conclusions of men whom I have been taught to respect and reverence. Daniel Webster and William L. Marcy were educated in different political schools; yet they represented American ability in diplomatic affairs. The broad grasp of those two men is admitted everywhere throughout the length and breadth of the land and by all schools of politicians. These men having studied the relations of nations toward each other, having examined into the question of the value of territory, having deliberately considered this whole question, without hesitancy, without questioning, decided that these islands would be of vast value to us. I am willing to confess that the conclusions of these men do influence my judgment, and these two great lights were followed by William H. Seward. Nowhere in our history have there been arguments presented why we may not enter into these friendly relations with these islands.

I have perhaps said enough already. I have no desire at all to make allusions to anything outside of a close view of this case. I regretted that my friend from California, [Mr. LUTTRELL,] who desired to throw the whole weight of his argument and of his position.

sired to throw the whole weight of his argument and of his position upon this floor in behalf of this measure, should have made a mixed speech. I regretted that it should have been a speech in reply to the gentleman from Pennsylvania [Mr. Kelley] upon his currency speech. What the gentleman from Pennsylvania said a month ago in regard to the tariff and in regard to California and Minnesota has no place here in the presentation of arguments why we should adopt this treaty.

The gentleman from Pennsylvania, [Mr. Kelley,] falling back The gentleman from Pennsylvania, [Mr. KELLEY,] failing back upon reliable statistics and upon the census, certainly a solid foundation, made a comparison touching California and Minnesota which was favorable to Minnesota. I will not attempt to pluck a leaf from the chaplet of California which the gentleman [Mr. LUTTRELL] has so well woven to-day. She is a golden State, indeed. But Minnesota needs no casual, hap-hazard defense of her by me at this time. She cannot be assailed. She is in the census; she is in history; she has her place, and I am not disposed now to defend her in any discussion of

this question.

Mr. LUTTRELL. Will the gentleman yield to me a moment for an explanation?

Mr. DUNNELL. Certainly.

Mr. LUTTRELL. I do not think that Minnesota requires a defense at the hands of the gentleman, because the gentleman from Pennsylvania [Mr. Kelley] has said all that could be said in favor of it. I

agree with him that Minnesota is a very great State. And in anything I have said I have not attempted by one word to injure the fair reputation of that State or to detract in any respect from its prosperity. What I said was in reply to the representations of the gentle-man about California, which representations were founded in error. What I said also bore directly upon the question now under consid-

Mr. DUNNELL. The report of the majority of the committee cites a sentence or two from the historian of these islands, Mr. Jarvis, who

No trade could prosper or even exist while a hostile power, possessing an active and powerful marine, should send forth its cruisers to prey on commerce.

Now, in order to satisfy myself as to what vote I should give upon this measure, I need only confine my attention to this one single point, and I would vote cheerfully for this bill. If we do not accept this treaty, beyond all question a similar treaty will be accepted by the British government. I know very well how thoroughly the English government seeks to protect her commerce. Such a treaty as this, if made with England, would not exist for thirty days before the harbor of these islands would be entered by English vessels for the purpose of protecting English commerce. And then, whenever there might be a disturbance between this Government and England, all of our large and rapidly-growing Pacific commerce would be put in peril by the existence there of English men-of-war.

I am satisfied, Mr. Chairman, that it is our interest to take this friendly hand, to accept the friendship of these islands, and so secure

to ourselves all the commercial and national advantages that will re-

I said awhile ago that the English government was always ready to take advantage of any such opportunity presenting itself. That government to-day is not represented simply in her home islands. Her power does not reside merely in England, Ireland, Scotland, and Wales. English power is as majestic far out in many a comparatively small island as it is at home; and this it is that constitutes the mighty power of England, not simply her home power, but her extended dominion. It is manifest in different islands of the oceans, with which she has commercial relations, where she can protect her commerce, where she can carry her armed fleets and obtain coal and provisions.

Suppose that these islands had been in the possession of Great Britain during our late war, how could we then have succored and protected our necessary commerce? Our whale-shipping would have gone into nothingness without the power that we gathered to ourselves in those islands. But when the English government gets possession of them we must bid adieu to them; we must cease to look to

them as a resting-place in mid-ocean.

I trust we shall not let ourselves down to the low level of partisanship in the discussion of this question, nor be governed simply by the sordid consideration of a few thousand dollars of revenue. I hope we shall take a broader view; that we shall look at the glory and strength of the Republic as well on the sea as on the land.

Mr. TUCKER. I move that the committee rise.

The motion was agreed to.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker pro tempore, Mr. SAYLER reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 612) to carry into effect the convention between the United States of America and His Majesty the King of the Hawaiian Islands signed on the 30th day of January, 1875, and had come to no resolution thereon.

# APPROPRIATIONS FOR SIOUX INDIANS.

Mr. BLOUNT. I ask unanimous consent that a statement showing the amount of expenditures from appropriations for fulfilling treaty stipulations with different tribes of Sioux Indians, including the Santee Sioux of Nebraska, for the fiscal year ending June 30, 1876, be ordered to be printed.

There was no objection, and it was ordered accordingly.

# ALLEGED CORRUPTION OF A MEMBER.

Mr. LEWIS, by unanimous consent, submitted the following reso lution; which was read, and referred to the Committee on the Judi-

ciary:

Whereas CHARLES HAYS, a member of this House, did on the 4th day of March, 1875, nominate one Guy Roosevelt Beardslee for appointment as a cadet of the United States Military Academy from the fourth congressional district of the State of Alabama; and whereas it is reported that said HAYS did falsely certify to the Secretary of War that the said Beardslee had been an actual, bona fade resident of the said district for over two years previous to the nomination aforesaid; and whereas it is extensively reported that the mother of said Beardslee paid to said HAYS the sum of \$3,000 to obtain said nomination for her said son; and whereas it is justly due to said HAYS that a thorough investigation should be had in order to ascertain the truth or falsi y of said reports: Therefore,

Be it resolved, That the matters aforesaid be referred to the Committee on the Judiciary, with authority to investigate the same and send for persons and papers.

## NEW MADRID LOCATIONS IN MISSOURI.

Mr. BUCKNER, by unanimous consent, from the Committee on Private Land Claims, reported back, with amendments, the bill (H. R. No. 100) granting legal titles to the New Madrid locations in the State of Missouri for which patents have not heretofore been issued; which was ordered to be printed, and recommitted.

#### COMMITTEE-CLERKS.

Mr. WILLIAMS, of Indiana, by unanimous consent, submitted the following report from the Committee of Accounts; which was read, considered, and adopted:

At a special meeting of the Committee on Accounts held this morning, the following committees were allowed clerks and compensation fixed:

Committee on Printing, \$4 per diem; Committee on Expenditures in the Department of the Interior, \$4; and the compensation of the clerk to committee on investigation of Freedman's Savings and Trust Company was also fixed at \$4 per diem.

#### PRIVILEGES OF THE HOUSE.

Mr. TUCKER. Mr. Speaker, the question discussed so much on yesterday and the day before in reference to the privileges of this House has suggested to me to draw a paper which I have shown to a number of gentlemen on the other side of the Chamber as well as on this, and which I think it proper this House should adopt. I ask that it be read and printed, unless it may without objection be considered now. The Clerk read as follows:

The Clerk read as follows:

In order to settle the limits of jurisdiction over high crimes and misdemeanors charged against any civil officer of the Government of the United States, this House doth declare:

1. That it claims primary and exclusive jurisdiction of impeachment in such cases, and that the criminal jurisdiction of the ordinary courts of justice cannot in any degree, directly or indirectly, interfere with that of this House.

2. That no witness under the orders and no evidence of a documentary character under the control and possession of the House can by the mandate or process of the ordinary courts of justice be released from or taken from such control and possession without a breach of the privileges of this House.

3. Whenever it shall appear by the order of a court or of the judge thereof or by the statement of any legal officer charged with the execution of the laws of the country that witnesses under the orders or documentary evidence under the control and in possession of this House are needful to prevent the escape of or for the arrest and holding for trial or upon the trial of offenders against the laws of the country in the ordinary courts of justice, this House will take such order thereon as will promote the ends of justice consistently with the paramount privileges of this House in respect thereto.

Mr. HURLBUT. Let it be referred to the Committee on the In-

Mr. HURLBUT. Let it be referred to the Committee on the Ju-

The SPEAKER pro tempore. Is there objection to entertaining the resolution ?

Mr. KASSON. Not if the resolution is introduced for reference only. Mr. LAWRENCE. I would suggest that the gentleman from Virginia add at the end of the resolution the words "except by consent of the House.

Mr. TUCKER. That is already, I think, included in the resolution.

Mr. STONE. I object to debate.

There being no objection, the resolution was received and referred to the Committee on the Judiciary.

## PERSONAL EXPLANATION.

Mr. DOUGLAS. I rise to a privileged question. When the report was submitted to the House by the chairman of the Committee of Accounts I understood the Chair to ask if there was objection. I rose and endeavored to obtain the recognition of the Chair, addressing him in a loud voice, but no notice was taken of it, and no recognition extended to me, the Chair pronouncing the resolution to be adopted without objection. I claim I have the right to be heard on this floor on all questions, and that I am entitled, when I address the Chair respectfully from my place, to be recognized and to be heard in what I may address to the Chair. I have objected to that report, and I still object to it.

The SPEAKER pro tempore. The gentleman from Virginia need hardly have the assurance of the Chair that his objection was not heard, nor did the Chair know that he was endeavoring to make objection.

Mr. DOUGLAS. I addressed the Chair before the gentleman from

The SPEAKER pro tempore. If the noise and confusion is the Hall rendered it impossible for the Chair to hear the objection stated, it is not the fault of the Chair.

## CHARLES P. WANNALL.

Mr. WELLS, of Mississippi, by unanimous consent, introduced a bill (H. R. No. 2584) for the relief of Charles P. Wannall; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## ANDREW J. BARRETT.

Mr. ROBBINS, of North Carolina, by unanimous consent, from the Committee of Claims, reported back a bill (H. R. No. 648) for the relief of Andrew J. Barrett, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## LEAVE OF ABSENCE.

Leave of absence was granted to Mr. Adams for one week on account of the death of a relative.

And then, on motion of Mr. STONE, (at four o'clock and thirty-five minutes p. m.,) the House adjourned.

# PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ASHE: The petition of Alexander Sutherland, for relief, to the Committee of Claims.

By Mr. BEEBE: The petition of citizens of Orange County, New York, for the repeal of the resumption law, to the Committee on Bank-

ing and Currency.

By Mr. BLAND: A paper relating to a post-route from Marshfield to Ava, Missouri, to the Committee on the Post-Office and Post-Roads.

By Mr. BURCHARD, of Wisconsin: Memorial of the Legislature of Wisconsin, for an increased appropriation for the extension of the Signal-Service, to the Committee on Appropriations.

By Mr. COX: The petition of H. M. Thomas and 109 other citizens of New York City, that Treasury notes be made receivable for all taxes, duties, and debts, and interchangeable with Government bonds, to the Committee of Ways and Magne.

taxes, duties, and debts, and interchangeable with Government bolids, to the Committee of Ways and Means.

By Mr. GOODE: Memorial of the Masons of Virginia, in behalf of the completion of the National Washington Monument, to the Committee on Public Buildings and Grounds.

mittee on Public Buildings and Grounds.

By Mr. HENDEE: The petition of Mary C. Kilmer, for a pension, to the Committee on Invalid Pensions.

By Mr. HENKLE: The petition of James S. Espey, for relief, to the Committee for the District of Columbia.

By Mr. HEWITT, of New York: The petition of Peter Cooper and 175 other citizens of New York City, that Treasury notes be made receivable for all taxes, duties, and debts, and interchangeable with Government bonds, to the Committee of Ways and Means.

Also, the petition of citizens of New York, that the public lands be reserved for actual settlers exclusively, to the Committee on Public Lands.

By Mr. LANE: Resolutions of the Board of Trade of Portland, Oregon, relating to custom-house entries at Astoria, Oregon; also, for an appropriation of \$25,000 for a telegraph-line from the United States forts at the mouth of Columbia River, via Astoria, to Portland, Ore-

gon, to the Committee on Commerce.

Also, resolution of the Board of Trade of Portland, Oregon, relative to attaching Alaska to Washington Territory as a county thereof, to the Committee on Territories.

By Mr. O'NEILL: Resolutions of the Book Trade Association of Philadelphia, for the repeal of the law imposing one cent per ounce on third-class mail matter, to the Committee on the Post-Office and Post-Roads.

By Mr. PIERCE: The petition of Annie D. Rundlett, for a pension, to the Committee on Invalid Pensions.

By Mr. SHEAKLEY: The petition of citizens of Mercer County, for the completion of the Southern Pacific Railroad, to the Committee on the Pacific Railroad.

tee on the Pacific Railroad.

By Mr. STOWELL: The petition of tobacco manufacturers of Petersburgh, Virginia, for the abolition of the duty on licorice, to the Committee of Ways and Means.

By Mr. STRAIT: Memorial of the Legislature of Minnesota, for a post-route from Smith Lake to Normand, Minnesota, to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Legislature of Minnesota, that the titles to settlers on the lands on the Brainard and Saint Vincent branches of the Saint Paul and Pacific Railway he sequend to the Committee on

the Saint Paul and Pacific Railway be secured, to the Committee on

Public Lands.

By Mr. WALSH: The petition of Charles K. Remsburg, for relief, to the Committee on War Claims.

By Mr. A. S. WILLIAMS: The petition of 335 citizens of Detroit,

Michigan, that authority be granted for the construction of a bridge across the river at Detroit, Michigan, to the Committee on Commerce.

By Mr. WILSON, of Iowa: The petition of James L. Williams and 350 other citizens of Marshall County, Iowa, that the present duty on flaxseed and flaxseed-oil be retained, to the Committee of Ways and

Also, the petition of J. P. Hunt and 25 other citizens of Victor, Iowa, and of Luke Baldwin and 150 other citizens of Iowa County,

Iowa, and of Linke Bandwin and 150 other chizens of 16wa County, Iowa, of similar import, to the same committee.

Also, the petition of J. C. Mitchell and 70 other citizens of Nevada, Iowa, of similar import, to the same committee.

By Mr. WOOD, of New York: The petition of J. J. Cavanaugh and 103 other citizens of New York City, to make Treasury notes receivable for all forms of taxes, duties, and debts, and interchangeable with Government bonds, to the same committee.

# IN SENATE.

# FRIDAY, March 10, 1876.

Prayer by the Chaplain, Rev. Byron Sunderland, D. D. The Journal of yesterday's proceedings was read and approved.

## EXECUTIVE COMMUNICATION.

The PRESIDENT pro tempore laid before the Senate a letter from the Commissioner of Agriculture, in response to a resolution of the Senate of the 6th instant, relating to cotton culture in the States; which, on motion of Mr. Davis, was referred to the Committee on Agriculture, and ordered to be printed ..

# PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legis-

lature of Wisconsin, in favor of an increase of mail service from Durand to Pepin, Pepin County; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. LOGAN presented the petition of S. S. Irwin and 119 others,

praying Congress to repeal the resumption act and issue interchange-able bonds; which was referred to the Committee on Finance. Mr. WINDOM presented a memorial of 552 citizens of Winnebago

County, Wisconsin, praying for an appropriation to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accordance with the third plan proposed by General Warren; which was referred to the Committee on Commerce.

Mr. SHERMAN presented a resolution of the Chamber of Commerce of Cincinnati, remonstrating against any change in the present law of Congress requiring a draw to be provided for in every bridge to be hereafter built over the Ohio River; which was referred to the Committee on Commerce.

Mr. ALLISON presented a joint resolution of the Legislature of Iowa, remonstrating against an extension of patents on Wilson's patent on feed-motion and similar patents on sewing-machines; which was referred to the Committee on Patents, and ordered to be printed in the RECORD, as follows:

Whereas parties are asking Congress for a third term of seven years' extension of the patent on what is known as "Wilson's patent on feed-motion," used by Wheeler & Wilson, Singer, and other manufacturers of sewing-machines, the grant of which will place an oppressive monopoly of the same in the hands of such parties and maintain the high prices of such machines unnecessarily: Therefore,

Be it resolved by the senate and house of representatives of the State of Iowa, That our Senators be instructed and our Representatives be requested to oppose and use all honorable means to prevent the extension of such patents and all other similar patents on such machines, so far as the same may be done in justice to inventors and for the best interests of the people.

Approved March 4, 1876.

Mr. WEST. I present the petition of Messrs. E. & B. Jacobs, and quite a number of other citizens of Louisiana doing business in Shreveport, praying the Senate to adopt the House bill repealing the bankrupt act. Although the petition is addressed to me personally, I believe the usage is to admit such petitions. I therefore present it, and move its reference to the Committee on the Judiciary

The motion was agreed to.

Mr. BOOTH presented a joint resolution of the Legislature of California, in favor of the establishment of a mail-route, and ordering service thereon, from Winnemucca, in the State of Nevada, by way of the town of Varyville and the Summit Lake Valley, to Lake City, in the State of California; which was referred to the Committee on Post-Offices and Post-Roads.

tee on Post-Offices and Post-Koads.

He also presented a joint resolution of the Legislature of California, in favor of the establishment of a mail-route from the town of Susanville, by the way of Horse Lake Valley and the south fork of Pit River, and Dorris's bridge, and Davis Creek, to Willow Ranch, in the State of California; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CRACIN presented resolutions of the Post-off Tracks of California.

Mr. CRAGIN presented resolutions of the Board of Trade of Concord, New Hampshire, in favor of the repeal of the bankrupt law; which were referred to the Committee on the Judiciary.

Mr. FRELINGHUYSEN presented the petition of J. M. Langston, John F. Cook, and others, praying that a holiday may be allowed employés in the Government Departments on April 14, 1876, to enable them to attend the ceremony of inaugurating the unveiling of a monument to the memory of Abraham Lincoln in Lincoln Park; which was referred to the Committee on the District of Columbia.

Mr. SHERMAN presented the petition of John Reid, of Cincinnati, Ohio, praying for compensation for military supplies furnished the United States in July, 1863; which was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. STEVENSON, from the Committee on Revolutionary Claims, to whom was referred the bill (S. No. 578) for the relief of the administratrix of the estate of Lieutenant Joseph Wheaton, deceased, reported adversely thereon; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the peti-

tion of James Roberts and Noah Roberts, children of Martin Roberts, deceased, praying the passage of an act referring their claim for pay for services rendered by Martin Roberts during the revolutionary war to the Court of Claims for adjudication, reported adversely thereon, and asked to be discharged from its further consideration; which was agreed to.

IOWA DISTRICT COURTS.

Mr. WRIGHT. I report from the Committee on the Judiciary the bill (S. No. 486) fixing the times and places for holding certain terms of the district courts of the United States for the State of Iowa, being the same bill that I reported on yesterday morning, which went over under the objection of the Senator from Massachusetts, [Mr. BOUTWELL.] That Senator is not present this morning, but I am authorized to state that upon examination of the subject he withdraws any objection to the bill. I ask the Senate to proceed to its present consideration.

By unanimous consent, the bill was considered as in Committee of the Whole. It provides for holding the terms of the district courts of the United States for the district of Iowa, in the southern division,

at Keokuk on the third Tuesday of January, and at Burlington on

the third Tuesday of June, in each year.

The bill was reported from the Committee on the Judiciary with an amendment to add at the end of the first section the following

Provided, That the United States shall not be at any expense nor in any manner liable for the use of a building or room for holding said courts at Burlington, nor for fitting up the same.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL COOPER, JR.

Mr. EDMUNDS, I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 194) to remove the political disabilities of Samuel Cooper, jr., of Virginia, to report the same without amendment; and I ask for its present consideration, because there are special circumstances relating to the occupations of this gentleman, which are very creditable to him, that make it desirable, for his sake, that the bill should be passed now.

By unanimous consent, the Senate, as in Committee of the Whole,

proceeded to consider the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed by a two-thirds majority.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. INGALLS, it was

Ordered, That the board of trustees of the Girls' Reform School of the District of Columbia have leave to withdraw their petition and papers from the files of the Senate

Mr. SPENCER. I offer the following orders:

Ordered, That the papers in the case of Mrs. Lavinia Mize's claim for bounty be taken from the files of the Senate and referred to the Committee on Military Affairs. Ordered. That the papers in the case of Mrs. Louisa Kitchen's claim for a pension betaken from the files of the Senate and referred to the Committee on Pensions.

Mr. DAVIS. I should like to ask if there has been an adverse re-

port in either of those cases?

Mr. SPENCER. I am not positive, but my understanding is that

there have been none.

Mr. DAVIS. According to the rule, where there has been an adverse report, copies must be left.

The PRESIDENT pro tempore. The rule will be observed. These

are simply withdrawals for reference to appropriate committees, and

not absolute withdrawals. Mr. DAVIS. Of course I understand that the motion is to refer to the proper committees, but when there have been adverse reports I have always thought it was the duty of the Senator making the motion to so state to the Senate. I say this without any reference to these cases or to any particular Senator. As is known, I have served for several years on the Claims Committee, and I know that the same case has been referred to the committee two or three times, and given the committee great work when it was unnecessary; and I have heard frequently Senators ask for the reference of a case which had perhaps been examined upon that very session or the session before. I speak in the interest of Senators on the Claims Committee, who have a great deal of work to do. I know from personal experience that very often the Senator asking the withdrawal from the files himself does not know whether or not the claims have been previously examined. I think it would be well, if we have a rule, for the Chair

always to enforce it.

The PRESIDENT pro tempore. In answer to the Senator the Chair will observe that the Secretary is very careful that in every case where there is an adverse report the papers are not sent. Sometimes in the hurry of business Senators do not state whether there has been an adverse report or not, but the Secretary understands it and follows the rule strictly. The Chair is very glad that the Senator from West Virginia has noticed this matter, as Senators will now be reminded of

Mr. SPENCER. I think there has been no adverse report in either of these cases. I am not positive about it, however. They are a couple of small cases from Alabama introduced last year late in the session, and I think the committee did not act upon them. One is a

pension case and the other is a bounty case.

Mr. DAVIS. The Senator from Alabama will understand, I hope, that I said I had no reference to the cases of any particular Senator or to the Chair. I know the Chair tries to do his full duty always; but I thought nevertheless it would be well to call the attention of Senators generally to the matter involved in these applications. Mr. WRIGHT. As the subject is before the Senate, while I do not

know anything about the circumstances of these particular cases, my attention not having been directed to them at the time, I am very glad the Senator from West Virginia called attention to the general question. Do I understand from the Chair that the rule of the Secretary is not to send to the committee any case upon which there has

been an adverse report?

The PRESIDENT pro tempore. Unless a case wher there is new evidence

Mr. WRIGHT. That would devolve upon the Secretary the duty of examining the record and ascertaining that fact.

The PRESIDENT pro tempore. That is always done. Mr. WRIGHT. With that understanding, then, I shall content myself, when an application of this kind is made, without making an objection in any particular case, assuming that the Secretary will attend to the duty. The duty is an onerous one, and if he attends to it he of course relieves us from a great deal of labor. With that understanding, when an application is made I shall not make any

objection.

Mr. MORRILL, of Vermont. I suggest to the Senator from Iowa that the usual practice in making the motion is to add a proviso "provided there has been no adverse report." Of course the order would be obeyed, and if that was not appended to the order the papers would be returned whether there had or had not been an adverse

report.

The PRESIDENT pro tempore. The Chair will state to the Senator from Vermont that it is sometimes stated by the Senator asking the withdrawal that he is uncertain whether there has been an adverse report, and in this case, and in all cases in fact, the Secretary examines the case, and if there has been an adverse report the papers are

Mr. MORRILL, of Vermont. I know it is usual to make the motion with such conditions, but unless such conditions are made at the time of making the motion I do not understand it to be the duty of the Secretary of the Senate to make that examination.

The PRESIDENT pro tempore. The Chair understands the motion is real-and a relative process.

is made under the rule.

Mr. WRIGHT. I understand the practice of the Secretary, under Mr. WRIGHT. I understand the practice of the Secretary, under the rule, to be that if a reference is asked, unless there be new evi-dence, if there be an adverse report he does not send the papers. The PRESIDENT pro tempore. That is the practice. The orders offered by the Senator from Alabama will be agreed to, if there is no

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2434) to correct an error in section 5271 of the Re-

vised Statutes

A bill (H. R. No. 2572) to protect witnesses who shall be required

A bill (H. R. No. 2583) to provide for holding of terms of the district and circuit court of the United States at Fort Wayne, Indiana;
A bill (H. R. No. 2581) to amend section 3887 of the Revised Stat-

utes; and
A bill (H. R. No. 2582) to regulate the removal of causes from State to United States courts.

The message further announced that the House had passed the bill (S. No. 472) changing the times of holding terms of the district court for the district of West Virginia, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S.

No. 360) to establish certain post-routes in the State of Texas.

ADJOURNMENT TO MONDAY.

On motion of Mr. EDMUNDS, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

ADMISSION OF NEW MEXICO.

The PRESIDENT pro tempore. If there be no further resolutions the Chair will lay before the Senate the unfinished business.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States. The bill was reported by the Committee on Territories with amend-

The first amendment was in section 4, line 13, after the words "Constitution of the United States," to strike out "and the principles of the Declaration of Independence.'

The amendment was agreed to.

The next amendment was to insert as an additional section the following:

Sec. 15. That when the State of New Mexico shall be admitted into the Union, according to the provisions of this act, the laws of the United States not locally inapplicable shall have the same force and effect within the said State as elsewhere within the United States; and said State shall constitute one judicial district, to be called the district of New Mexico; and for said district a district judge and a marshal and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate, with the same rights, powers, and duties provided by law for similar officers in the other States, except as herein otherwise provided; and said district of New Mexico shall be attached to, and constitute a part of, the eighth judicial circuit; and a term of the circuit court and district court for said district shall be held at Santa Fé, in said State, on the first Tuesday of March and on the first Tuesday of October in each year.

The amendment was agreed to.

The next amendment was to insert as section 16 the following:

SEC. 16. That the circuit and district courts for the district of New Mexico, and the judges thereof respectively, shall possess the same powers and jurisdiction and perform the same duties possessed and required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations.

The amendment was agreed to.

The next amendment was to add as section 17 the following:

SEC. 17. That the district judge appointed for the district of New Mexico shall receive as his compensation the sum of \$3,500 a year, payable in four equal installments on the 1st days of January, April, July, and October of each year.

The amendment was agreed to.

The next amendment was to insert as section 18 the following:

The next amendment was to insert as section 18 the following:

SEC. 18. That the marshal, district attorney, and the clerk of the circuit and district courts of said district of New Mexico, and all other officers and per sons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation allowed to other similar officers and persons performing similar duties by the laws of the United States, excepting such provisions thereof as are specially applicable to some particular officer or district.

The amendment was agreed to.

The next amendment was to insert as section 19 the following:

SEC. 19. That all cases of appeal or writ of error heretofore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the United States upon any record from the supreme court of the Territory of New Mexico, or that may hereafter be lawfully prosecuted from said court, may be heard and determined by the Supreme Court of the United States, and the remand of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district ourt of the district of New Mexico, or to the supreme court of the State of New Mexico, as the nature of the case may require; and each of said last-mentioned courts shall be the successor of the supreme court of the Territory of New Mexico as to all such cases, with full power to proceed with the same and to award mesne or final process therein.

The amendment was agreed to.

The next amendment was to insert as section 20 the following: SEC. 20. That from all judgments and decrees of the supreme court of New Mexico prior to its admission as a State, the parties to such judgments shall have the same right to prosecute appeals and writs of error to the Supreme Court as they shall have had by law prior to the admission of said State into the Union.

The amendment was agreed to.

The next amendment was to insert as section 21 the following:

SEC. 21. That until the judge for said district of New Mexico shall be duly ap pointed, the district judge of the United States for the district of Kansas shall act as the district judge of the district of New Mexico, and shall have and exercise the same jurisdiction and powers in the district hereby created as he has in the district of Kansas.

The amendment was agreed to.

The next amendment was to insert as section 22 the following:

The next amendment was to insert as section 22 the following:

SEC. 22. That in respect of all cases, proceedings, and matters pending in the supreme or district courts of the Territory of New Mexico at the time of the admission of said State into the Union, whereof the circuit or district courts by this act established might have had jurisdiction under the laws of the United States had said courts existed at the time of the commencement of such cases, the said circuit and district courts respectively shall be the successors of said supreme and district courts of said Territory; and all the files, records, and proceedings relating thereto shall be transferred to said circuit and district courts respectively, and the same shall be proceeded with therein in due course of law.

The appendment was agreed to

The amendment was agreed to.
Mr. HITCHCOCK. Mr. President, I desire to offer another amendment. In section 20, line 2, after the words "court of" I move to insert the words "the Territory of;" so as to read "the supreme court of the Territory of New Mexico." It is to correct a verbal omission.

The amendment was agreed to.
Mr. HITCHCOCK. After line 16 of section 15, I move to add:

And one grand jury and one petit jury shall be summoned and serve in both of said courts.

The amendment was agreed to.

Mr. HITCHCOCK. At the end of section 14, I move to add:

And that the two sections of land in each township herein granted for the support of common schools shall be disposed of only at public sale, and at a price not less than \$2.50 per acre, the proceeds to constitute a permanent school fund, the interest of which shall be expended in the support of common schools.

This was omitted by mistake in drawing the bill.

The amendment was agreed to.

Mr. Morrill, of Vermont. Mr. President, certainly the consideration of a bill for the admission of a State is one of grave importance. There are some facts which I should like to have discussed, in relation to this bill, in order that we may have something to justify our votes in favor of it if such votes shall be given. I suppose that the bill is to pass, and pass without any great amount of dissent; but it seems to me manifestly proper that there should be a clear and distinct and order and a state of the state of t distinct understanding as to the grounds upon which this bill is

urged.

I know very well that under the treaty with Mexico this Territory was in due time to be incorporated into the Union as a State; but, as I read the article of the treaty in this case, it was to be done at the proper time and as Congress might judge fit and expedient. Now I take it that this Territory has no claims to be introduced into the Union unless they are similar to those which would operate in the case of the Territory of Washington or Dakota or any other Territory that we have. Unless the public interests will be promoted by it, it seems to me plain that that Territory ought not to be admitted as a State. In order to solve the question whether it should be admitted or not, we are entitled to know something about the number of inhabitants there now, and the kind of inhabitants, how many of them are of the Anglo-Saxon race and how many of the mixed races, and whether there is a sufficient amount of wealth to support a State government.

Mr. President, I do not rise to oppose the admission of this Territory into the Union as a State, but I rise for the purpose of having

my doubts solved as to whether it is my duty or not to vote for the admission of the Territory. The policy, as I have understood it to be heretofore, has been that no Territory should be admitted until it had the requisite population for at least one Representative in the other House before it should be entitled to two members in this body. I suppose that unquestionably the chairman of the Committee on Tersuppose that unquestionably the chairman of the Committee on Territories is armed with facts upon all these points. I confess that I have hesitated heretofore as to whether it was my duty to vote for the admission of New Mexico. I have some distrust, I confess, of the Mexican people, as to whether they are capable and competent to sustain a republican form of government. As I have understood in relation to these people in New Mexico, a large share of them are identically of the same character as those in Mexico.

cally of the same character as those in Mexico.

Under these circumstances it has been a question with me whether we ought not to wait until there had a sufficient number of the Anglo-Saxon race emigrated to and settled in New Mexico to make it safe, saken race emigrated to and settled if New Mexico to make it safe, proper, and expedient for us to admit it into the Union as a State. I shall be very glad to be convinced and to have all my doubts solved in relation to this question. It seems to me a matter altogether too grave to pass over here without any Senators paying the slightest attention to the question whether it will contribute to the public welfors on the tadjut this Tomitory and State.

fare or not to admit this Territory as a State.

Mr. HITCHCOCK. Mr. President, a bill similar in its main provisions to the one now under consideration received a large majority

visions to the one now under consideration received a large majority of the votes of both Houses of Congress toward the close of the last session, and after full discussion. I presume therefore that this bill will not provoke any extended debate.

Of course the proposition, as the honorable Senator from Vermont says, is an important one. It is a proposition to endow the people of a Territory with sovereignty, to found an empire, to organize a government destined as we trust to continue and strengthen and grow powerful during the long years of a prosperous future; and more, it is a proposition to give to that government a proportionate power in controlling the destinies of the thirty-seven other independent sovereignties now members of the American Union. Such a proposition should, of course, receive careful consideration at the hands of the American Congress. American Congress

There are, as the honorable Senator has said, two points of inquiry There are, as the honorable Senator has said, two points of inquiry naturally suggesting themselves to the mind in considering the propriety and wisdom of this measure—one in regard to the number and character of the population which we propose by this bill to endow with American citizenship, and the other in regard to the extent, character, and resources of the country which they inhabit, and which it is proposed by this bill to make an independent State.

In regard to the number of population, I believe it is clear that New Mexico has to-day a sufficient population to entitle her, under the law to admission as a State—a sufficient population to entitle on the law to admission as a State—a sufficient population to entitle the law to admission as a State—a sufficient population to entitle the law to admission as a State—a sufficient population to entitle the law to admission as a State—a sufficient population to entitle the law to admission as a State as sufficient population to entitle the law to the law to admission as a State as sufficient population to entitle the law to the law

New Mexico has to-day a sufficient population to entitle her, under the law, to admission as a State—a sufficient population to entitle her to a Representative on the floor of the other branch of Congress. In 1850 the population of New Mexico was by the census about sixty-one thousand; I do not remember the exact hundreds. In 1860 the population, by the decennial census, was about ninety-three thousand. In 1870 the population by the census was about ninety-one thousand four hundred; showing apparently a diminution of population of sixteen hundred since 1860; but during that decade Arizona was cut off from the territorial limits of New Mexico with a population of about nine thousand, and the northern counties of New Mexico tion of about nine thousand, and the northern counties of New Mexico were attached to the Territory of Colorado, with a population of about fifteen thousand; showing that, in spite of that loss, New Mexico with her present boundaries, by her natural increase, had almost the same number as she had ten years before with these counties and Arizona

then a portion of her territory.

Since 1870, the increase of population in New Mexico has been unprecedentedly rapid. Two reasons are well known, in the western country at least, for that increase. One is that the Indians there have been peaceable; and the other is that there are several railroads which have made rapid progress, all pointing in the direction of New Mexico, and therefore that Territory, before that inaccessible and distant, has been rendered very much more accessible. From the best data the committee could obtain, we believe that the population of New Mexico to-day is from one hundred and thirty thousand to one hundred and sixty thousand; that of that population from thirty-five thousand to forty-five thousand are Americans. The character five thousand to forty-five thousand are Americans. The character of the residue of the population, being of Spanish descent, of course differs in many respects; and we are apt to consider it a less desirable population in many respects than the native-born American population. But it is a peaceful, conservative, law-abiding people; and the committee believe that it is an element which, when mixed with the more adventurous, more enterprising, and bolder border American population now rapidly pouring in, will constitute an excellent element in the formation of the character of the future citizens of the new State.

Then, in regard to territory, New Mexico stretches from about the Then, in regard to territory, New Mexico stretches from about the thirty-first parallel to the thirty-seventh parallel of north latitude, and from the one hundred and third meridian to the one hundred and ninth meridian of longitude west of Greenwich. It contains an area of more than one hundred and twenty thousand square miles—an empire in itself, one hundred times larger than some of the States of this Union, as large as all New England and New York, and twice as large as old England. Of course a large portion of the soil is not rich in agricultural products. The larger portion of the soil consists

of a dry, high, and in many places arid plain; but these plains are rich in grazing facilities, capable of supporting vast herds and flocks of sheep, and the valleys of the streams and rivers are rich in agricultural products, while the mountains and the canons are rich in mineral wealth.

The committee, therefore, believe that, independent of any treaty obligations, to which the honorable Senator has alluded, and which were twenty-five years ago sufficiently important to induce some of the most prominent statesmen of this country to favor the admission of New Mexico then, New Mexico, from the number of her people and the extent and character of her territory, is justly entitled to become now a member of this American nation.

Mr. MAXEY. Mr. President, New Mexico passed under the jurisdiction of the United States by the treaty of Guadalupe Hidalgo, February, 1848. It was taken possession of by the United States Army during the Mexican war, and a government was established by the

unilitary commander.

Under this form of government the people of New Mexico lived until it was organized under a territorial government by act of Congress approved September 9, 1850—more than a quarter of a century

AREA.

The area of New Mexico is 121,201 square miles, equal to 77,000,000 acres, larger than that of most States in the Union.

POPULATION.

The population of New Mexico in 1850, as shown by the census of that year, the first taken after its acquisition, was 61,547. The census of 1860 shows the population that year to have increased to 93,516, an increase of more than 50 per cent. during that decade. The census of 1870 shows the population that year to have been 91,874, but it should be borne in mind that between the taking of the census of 1860 and that of 1870 the Territories of Arizone and Colored by the central taken of the census of 1860 and that of 1870 the Territories of Arizone and Colored by the central taken of the census of 1860 and that of 1870 the Territories of Arizone and Colored by the central taken of the census of 1860 and that of 1870 the Territories of Arizone and Colored by the central taken after the central taken after the central taken after its acquisition, was 61,547. The census of 1860 and the central taken after its acquisition, was 61,547. The census of 1860 and the central taken after its acquisition, was 61,547. The census of 1860 and the central taken after its acquisition and the central taken after its acquisition that year to have been 91,874, but it should be borne in mind that between the taking of the census of 1860 and the central taken acquisition and taken acquisition acquisi 1860 and that of 1870 the Territories of Arizona and Colorado had been organized with territorial governments. The Territory of Arizona was made of the Gadsden purchase, south

of the Gila River, and of territory taken from New Mexico lying north of that river. The population of New Mexico was thus reduced about 9,000. The northern tier of the counties of New Mexico was added to Colorado, and thus a loss of about 15,000 was sustained by New Mexico, and from the two causes named New Mexico had 24,000 of her Mexico, and from the two causes named New Mexico had 24,000 of her population taken and transferred to the newly organized Territories of Arizona and Colorado in the decade between 1860 and 1870; and hence the apparent falling off in population as shown by the census of 1870, compared with that of 1860, is accounted for. But estimating the increase at the ratio, 50 per cent., shown between 1850 and 1860, before any of her territory had been taken off, we have for the last five years an increase of 22,968, which, added to the number shown by the census of 1870, (91,874.) makes the population at the beginning of the present year 114,842. Of this number my information is, about 40,000 of the number are Anglo-Saxon and European immigrants. It is claimed, and with great show of correctness, by the Legislature of New Mexico, that her present population is between 135,000 and 145,000. This last figure covers the Pueblos or village Indians, who live in communities, keep the peace, obey the law, and farm for a living. They were engaged in such pursuits at the acquisition of New Mexico, were, as I believe, citizens under the Mexican laws, and it is claimed have been recognized as such by two decisions of the territorial supreme court of New Mexico, the correctness of which is now pending by appeal before the Supreme Court of the United States. I think the claim to a larger increase during the last five years than at the ratio of 50 per cent. per decade is well founded. The Indian wars that cursed that Territory formerly had altogether ceased before 1870. Many large stock, raisers with their numerous employs have settled cursed that Territory formerly had altogether ceased before 1870. Many large stock-raisers with their numerous employés have settled there within the last five years, and many others have gone there in anticipation of railroads approaching that Territory. It is a well known fact that desirable new countries accessible by rail are peopled much more rapidly than the old States were, which did not, in settlement anisor these facilities. ment, enjoy these facilities.

RESOURCES.

I believe the Territory has ample resources to conduct successfully a State government. It began to be settled more than two hundred years State government. It began to be settled more than two hundred years ago, and it contains a number of men of large wealth. It is comparatively out of debt, owing but about \$75,000. Its counties and towns are free from subsidies to railway companies and other corporations. Its valleys are fertile, producing by irrigation abundantly all the cereals, as well as vegetables and the grape. It is unusually well adapted to wheat. Its grazing capacity is unsurpassed. The grass is of superior quality, the climate suited to stock raising on a large scale, and water is abundant. Her resources from the sale of wool and hides, and from the cattle shipped, added to those sold to the Army and for the Indians, aggregate about \$4,000,000 per annum, and Army and for the Indians, aggregate about \$4,000,000 per annum, and the annual yield of gold, silver, and copper is about \$2,000,000. Besides these resources, New Mexico has inexhaustible fields of coal and

EDUCATION.

New Mexico is fully alive to the priceless blessing of education, and as evidence thereof the Legislature in 1871 passed an act establishing a common-school system, setting apart to that use the poll-tax and one-fourth of all other taxes.

#### RAILWAYS.

Several railways partially constructed point toward New Mexico. Should those roads, or any of them, be built, the effect on the copper, silver, and gold interest will at once be felt, and a new impetus given to immigration and the productive industries.

It is insisted by these people, and I think the record bears them out, that General S. W. Kearny, of the United States Army, who took formal military possession of New Mexico in August, 1846, was himself of opinion that the Territory would at an early day be organized under a territorial form of government, to be soon thereafter admitted as a State into the Union. It is entirely clear that this was the policy of President Taylor.

The rule in the admission of new States into the Union has not The rule in the admission of new States into the Union has not been that such States should have a population equal to the ratio established for one Representative. Other things have been taken into the account, as the resources of the proposed State, the character of its population, and its capacity for self-government. Nevada and Nebraska were admitted with populations less than the ratio fixed for one Representative, and Colorado, now preparing to become a State of the Union, has a less population than New Mexico.

In view of all the facts—of the resources of New Mexico present and prospective; of the peaceful, law-abiding character of its citizens; of its possession of a population ample in number to conduct a

zens; of its possession of a population ample in number to conduct a State government, and of its long probation under a territorial government—I, as a member of the Committee on Territories, came to the conclusion, after investigation, that New Mexico had good reason for ther prayer to be admitted as a State of the Union; and I believe the time has come when the United States can well be freed of the burden and heavy expense of a territorial government over that people, and will be fully justified in admitting New Mexico as a State when it presents a constitution republican in form and consistent with

the Constitution of the United States.

Mr. MORRILL, of Vermont. Mr. President, I perceive by the explanation of the chairman of the Committee on Territories that he must have mainly relied on the memorial of the Legislature in 1874 as to the facts in regard to the present population of New Mexico. By this memorial it would seem, when we come to analyze it, that it will not bear the construction given, that there is so large a population as is represented. They only claim that there has been an increase of twenty thousand since the census of 1870. That would make the population about one hundred and ten thousand. This memorial was lated in 1874. It is hardly possible that the inhabitants of the Terridated in 1874. It is hardly possible that the inhabitants of the Terri-tory could have so largely increased within the last two years.

Then, again, I notice that in this memorial it is claimed that there were many people—ten thousand—living in the mining districts on the border of the Territory who could not have been enumerated in con-sequence of the great danger and risk in going there to take the cen-

Mr. HITCHCOCK. Will the honorable Senator allow me to correct his statement there?

Mr. MORRILL, of Vermont. I propose to say but a word or two more, and then I will give the Senator the floor. Therefore, Mr. President, it seems to me clear when you come to

take the parts of this memorial and compare them with the aggregate represented, that there must be some mistake about it; that there is not so large a number as is represented; nor do I understand upon what authority the chairman represents the number of the Anglo-Saxon race there as being at the present time forty thousand.

Mr. MAXEY. If the Senator will allow me, as I made that state-

ment myself also, I will say that the statement is embodied in the res-

olution of the territorial Legislature of New Mexico.

Mr. MORRILL, of Vermont. I understand that it comes here in the memorial, and that is the only authority for it. That was the very fact I was stating. I do not understand that that agrees with the opinions of travelers who have been there heretofore. The number is very much less

Then, again, as to the character of these men that are Anglo-Saxons who are there. I do not know how much respect they are entitled to. I suppose that they have been mainly the camp-followers who have followed our Army and have been left there, Indian traders, Army

Mr. President, I do not wish to say anything derogatory of the people of the Territory of New Mexico. I shall be quite ready and willing that they shall be admitted as a State if it is the judgment of the Senate, upon a fair consideration of the facts, that they ought to be so admitted; but I think it ought to be clearly understood, and un-derstood upon facts well ascertained, before we take upon ourselves the burden of introducing it into the Union a State with equal co-ordinate powers with each of the other States. It seems to me that it is a question of rather larger importance than those that we are in the habit of considering in the morning hour, and therefore that ought

to be subjected to a scrutiny a little graver than a bill for a pension or for relieving the disabilities of any man. I only desire to call the attention of the chairman of the Committee on Territories to some of these facts.

Then, again, as to the resources of the Territory, I do not myself pretend to understand how much of the Territory will be capable of culture as an agricultural country. According to the statement of the chairman—and I think he is mistaken in that—it is twice as large as New England and New York.

Mr. HITCHCOCK. No, sir; I said larger than New England and New York

Mr. MORRILL, of Vermont. Even if it is no more than he now states, if it is really an agricultural country that can be largely cultivated, then it is too large to be admitted as a single State; it ought to be divided; but if it is a State only a small portion of which is capable of culture as an agricultural State, then perhaps it is not too

There are some of these questions that are certainly worthy of con-

sideration, and I merely suggest them.

Mr. MAXEY. I will state in regard to the agricultural resources that it is true of all that section of country that the agricultural area is limited to the valleys, and it is made susceptible of production by irrigation. As I stated before, in their valleys in New Mexico they produce all the cereals; outside of those it is a grazing and mining

country.

Mr. SARGENT. I believe the morning hour has expired, and the

bill has come up regularly as the unfinished business.

The PRESIDENT pro tempore. The morning hour expired, and this bill is the regular business before the Senate.

Mr. SARGENT. So I understood; that is to say, this is the unfinished business, and the morning hour having expired, we are regularly proceeding, and deliberately, to determine whether the bill shall be passed, and New Mexico be allowed to take a place in the Union as a State. My friend from Vermont had an idea that we were endeavoring to pass an important bill in the morning hour. would be ample precedent for that if it were so. Many of the most important bills which we pass are considered in the morning hour; and if there be time to consider them, and no Senator is shut off from expressing his opinion, there would seem to be no objection to that stem, for during the morning hour Senators are more in their seats than at any other time of the day except late when they come in to vote for an adjournment. I am sorry this important bill does not keep more Senators in their seats at the present time.

The Senator from Vermont seemed to think that the population of

The Senator from Vermont seemed to think that the population of New Mexico, so far as the Americans are concerned, might possibly be made up of mere camp-followers, those who went to that Territory following our armies. I presume that the remark was confined simply to New Mexico, and had no reference to other of the Territories. The Senator assents. If that is so, I hardly know on what facts such a judgment can be formed. The Territory of New Mexico has not been particularly traversed by our armies, though we have had a small force there. So far as I know individuals who have emigrated to New Mexico they are very excellent neonle. I know quite a number of Mexico, they are very excellent people. I know quite a number of men who have gone there and gone into business. I have a letter before me written by the governor of the Territory, who is a gentleman from Ohio, well known to us all, in which he gives reasons why the Territory should be admitted. Among other things he speaks of an excellent American population. He names three counties, the titles of the counties being somewhat significant of the tone of sentiment in them, as being entirely and thoroughly American—the counties of Grant, Lincoln, and Colfax. My impressions from reading this letter of Governor Axtell, who is there on the ground, is that so far as the Americans are concerned, it is a most excellent population; and he refers also to the character of the Mexican population. The session of the Legislature had just adjourned, the first once since he had been governor of the Territory; he had been there somewhat over a year, and he had an opportunity to observe this class of people as legislators, and he says with reference to them:

The native Mexicans in the Legislature show a good deal of aptness for legislation. As a class they seem to be very obedient to constituted authority, and also very economical, are careful not to go into debt, and scrupulously just in paying their debts.

This seems to be the tribute of this gentleman to the native population, and he certainly is a man of discretion, of considerable congressional experience, and had no reason to misrepresent any facts he saw, or lack of opportunity to know whereof he spoke. The people of New Mexico, so far as the American element is concerned, I suppose is the same as that of all the Territories. They came from Vermont, Massachusetts, New York, and from the different Southern States, carrying with them their old ideas, adventurous it may be, but as a class certainly respectable, worthy of commendation for their enterprise, and they have been very successful in founding new States. Ever since the first one was admitted after the adoption of the Federal Constitution it has been the American system, and it has vindicated itself in its operation. It is the manner in which we have added State after State to the Union. These people feeling crowded in their old quarters, in their old States, finding sterile mountains in Vermont. and few agricultural valleys, finding fierce competition for employment perhaps in New York, finding disadvantages of want of elbowroom elsewhere, have gone out and gradually added to their numbers until they have knocked at the door of Congress, and come in, and become stable States and prosperous communities. This is the system

continually going on.

I do not know why, after we have made a treaty with Mexico that
New Mexico should be received, of course within our own discretion as to the time, that we should draw a distinction between the hardy Americans who go out into these Territories and the people of the race with whom we made the original compact that they should come in. With the Mexicans we agreed that this portion of their territory

should come in as a State—I admit in our own time. They had in view these very Mexicans that are referred to, this native Mexican population. They are the people they proposed to protect, not our own citizens who might thereafter go to New Mexico, but the original population, thereby showing their protecting care of these people; and the obligation arises from the fact that there is a Mexican population who are thus protected. And if it is true that there is in New Mexico as large a protected. Mexico as large a population as that in Colorado, which we agreed last year to admit, I should like to know what argument can be advanced against this bill which would influence the Senate that voted

so largely last year to admit Colorado?

The population of New Mexico at present is greater than that of either of the following five States at the time the laws were passed either of the following five States at the time the laws were passed admitting them to the Union—Oregon, Kansas, Nevada, Nebraska, and Colorado. If there is a species of favoritism in this thing, if we can pick out one Territory and say "you shall not come in with a certain population," and to another, "you may come in with equal or less," it ought to be explained. I do not think that that is the intention of Congress in dealing with the Territories. If here is a population in New Mexico as large as or larger than the average required of Territories becoming States, then by every principle of justice we ought to admit them.

ought to admit them.

A doubt with reference to the resources of New Mexico would seem to be hardly plausible. New Mexico has peculiar advantages for wealth. It is a great pastoral country. Of that there can be no doubt; and it has enormous wealth in the way of cattle and sheep. But New Mexico is something like California in one respect. If I am not mistaken, Daniel Webster, in discussing the treaty of Guadalupe Hidalgo, by which California became a portion of the territory of the United States, said it was a land of rocks and deserts with rattle-snakes enough to fence it. Whether he ever said that or not, I do not know; I have never sought to verify it; but it is popularly believed that that was the estimate put upon California by Daniel Webster. I went there before the State was admitted into the Union wester. I went there before the state was admitted into the Chion in 1850, and I know the estimate among our own people at that time was that we had no agricultural capacity, or very slight. The idea of raising fruit in the mountains would have been considered absurd, and was so for a number of years after I went there until the first experiment was timidly tried, and the hills then blossomed with fruittrees at once bearing most magnificent and luxurious fruit. Our valleys were supposed to be sterile, to be impossible of cultivation; and yet now we are feeding Europe; we are beating Russia in the markets of Liverpool with the wheat which we send around the Horn, the product of our great valleys which were considered so sterile; and very much the same conditions exist in New Mexico. We do it partially by irrigation; we do it partially by differently alternating seasons; as for instance during this year the winter has been open, the snows and the rains have come on our State until the heart of the State is made glad by the promise of a harvest more abundant than that ever known to the history of the State, while last year the harvest was slight on account of the light rains and there being no snow whatever. So I say the seasons alternate. The vast crop of a single year is enough to enrich the State for five, the luxuriance is so single year is enough to enrich the State for five, the luxuriance is so teeming. We can garner in our granaries as they did in Egypt in the old time against seasons of drought or periods of slackness of trade, and wait for the markets of the world. These same conditions exist to a very large degree in New Mexico. They have these vast plains. They have occasional seasons of heavy rains. They have their mountains garnering their snow, with the opportunity for irrigation, as we have in California. Of course the great agricultural resources are confined principally to the valleys, but the valleys are broad and extensive. The mountains. I have no doubt, are adapted to fruit rais-The mountains, I have no doubt, are adapted to fruit raising as they are in California, and those mountains are seamed further with valuable resources of minerals, with coal and the precious metals, giving promise by and by of enormous development as our people shall pour in there.

Now, it is cruel to a Territory with from 90,000 to 150,000 inhabitants to keep them in this state of tutelage that we call a territorial government. I doubt if the ingenuity of mankind ever has devised a worse system of government than what we call our territorial sys tem, unless it is some form of tyranny. It is a careless and wasteful system. The wishes of the people are not consulted at all. The officers to rule over them are sent from thousands of miles distant. They have no knowledge of these men before they go there; and frequently the knowledge that they acquire of them afterward is such as to make them regret that they ever saw them. We have questions with ref-erence to judges who are sent there. I myself was very much trou-abled and pained by certain remonstrances which were recently sent to me as to a judge put in this very Territory with a request that he might be removed. There was conflicting testimony. On one side there seemed to be a very large number of people, including the bar, who protested against this man's continuance in office for reasons given. On the other hand a respectable gentleman said, and some Senators I think, "this man is a good man; we know him personally." But such a question ought to be, and under our system in the States is, resolved by the people themselves. Let them choose their officers, and do not keep in power over them a man of doubtful character, sent from a

long distance, where they have no control over him.

Furthermore, a Territory makes very little improvements while it remains in the territorial condition. We have half of a promise to provide for them; we do pay the expenses of the territorial Legislature

and occasionally we make a grudging appropriation for a public building. The consequence is that the people there do not tax themselves, do not set themselves earnestly to work in order to erect their public buildings. Occasionally we make a road there, partly on pre-tense of being a military road and partly on account of the wants of the Territory, but the people themselves do not pass laws and tax themselves, as they will as soon as they become a State, in order to make these internal improvements. It is like a farm which is held by a tenancy at will or by sufferance. The tenant does not improve it because he does not know when he will get a better right. who are there, not being exactly citizens, but mere denizens, in the long years before it may become a State, may become tired and move It is a question of the future whether benefits will be reaped from anything they may do now and whether they will ever come to them, and, therefore, they do not feel very great interest in building up a community. Furthermore, a public-school system is not much built up in Territories. We do not give the sixteenth and thirty-sixth sections to the Territories, but to them when they are admitted as States, and they constitute a fund for the benefit of the States whereby they educate their people. In my State, by a careful husbanding of this fund, we are able in every school district of the State to keep open a public school. Of course we aid it by local taxation in the large districts where there are multiplied schools; but in all the districts we keep open a school nine or ten months in the year, allowing the ordinary vacation, by means of this bounty of Congress. If we had been kept out of the Union for a dozen years longer, when population was pouring in upon us, these sixteenth and thirty-sixth sections would have been largely absorbed and perhaps other available lands would have had to be taken in lieu of them on account of homestead and pre-emption settlements intervening. So we do not nomestead and pre-emption settlements intervening. So we do not give the Territories the opportunity to build up public schools by allowing them to have a good fund, and we may prevent their having the means of having such a fund hereafter.

I believe in local self-government. So far as that goes, I always firmly believed in squatter-sovereignty; that is to say, that the people of a Territory should have a right to make their own laws, to elect, their own officers and to be American discussion for the control of their own officers and to be American discussion for the control of their own officers and to be American discussion for the control of their own officers and to be American discussion for the control of the

their own officers, and to be American citizens in fact; certainly when they have arrived at the respectable size of from ninety to one hun-dred and fifty thousand inhabitants.

I believe that New Mexico will make a good State in this Union. It is said—I believe the Senator from Vermont said—that its area of 120,000 square miles and a little over is too large; that it ought to be divided. I say that can be done by and by; but, if it is to be divided, by what size? Shall we take Delaware as the size of a State, and cut up New Mexico into Delawares; or shall we take Vermont, which is so much smaller than New York? Ought we not to divide New York in order to have four or five Vermonts out of it? Or is Massachusetts the size; or is California, larger than them all? It does not seem that the size of a State is a valid argument or the size of a Territory applying for admission. It would have been then a valid argument against Colorado, which is very much larger than several of the large States of the Union. New Mexico, on account of the large amount of mountain within it, stands in somewhat a different relation from a prairie State where every inch is capable of cultivation. Of course there never will be such a dense population on these grand old mountains which lift their summits into heaven; it is impossible, for population cannot subsist there; but all round about through those mountains there are fertile valleys which will sustain a population that will make a magnificent State in time; and the Territory now has a population who have a right to ask of us their admission; certainly a right to ask us that we shall treat them as we have treated others, a right to equality before the law and equality of laws for their benefit.

I trust, sir, that the judgment of the Senate will be this year as it was last year when this matter was fully debated and understood,

was last year when this matter was fully debated and understood, and when by a very large vote the bill passed the Senate.

Mr. MORRILL, of Maine. Mr. President, from the little interest this question attracts, one would think that the introduction of an American State into the Union was a matter of every-day occurrence, or at any rate a matter of no great concern to the public, certainly not to the Senate of the United States. And yet, sir, no graver subject can be brought to the attention of the Senate of the United States than the introduction of two representatives upon this floor, representing, under our system, the sovereignty of an American State. As we shall guard that great fact, however, are the probabilities of the permanency of this system of republican government, in my judgment.

Now, sir, we are dealing with territories in a section of the country which it is well for us to consider before we make haste to enter upon the introduction of States from that section. That section of the country which lies west of a line drawn two hundred miles west of the Missouri River is exceptional in all its characteristics compared the Missouri River is exceptional in all its characteristics compared with that other section of country which lies this side; and when you come to consider the probabilities of States such as we know on this side, such particularly as lie in the great valley of the Mississippi, they constitute a severe contrast; and whoever shall examine them, either their climate, their soil, or their possible productions, will find that those characteristics are not very encouraging to the production of American States, especially the States that we know of our this side of that line. of on this side of that line.

Mr. President, let me give a single fact or two which will go to

illustrate the character of this region of which I speak and its capabilities for stateship. Of course I do not desire to institute any invidious comparisons with any section of the country. I shall only deal with facts which I think are pertinent and bear possibly upon this subject. West of the line to which I have adverted one-half of the entire area of our territory lies. About fifteen hundred thousand square miles of our territory, independent of Alaska, lie west of that line. What are its characteristics, as we know them, as our geological and geographical surveys give them to us? It is a country enical and geographical surveys give them to us? It is a country entirely exceptional in its characteristics, its climate, its soil, and its productions. As a general proposition there is not more than one in a hundred acres of all that country that may be said to be arable land. Now, what do you say of the probabilities of the population of a country of that description? That is controlled by laws higher, vastly higher than any that it is known to man to overcome. Let me give you a little illustration from a fact out of our history. There are five States and nine Territories in that section of country; but they all only have a population just about equal in numbers to Massachusetts, that occupies a territory of between seven and eight thousand square miles. I am on the question of stateship, of what we are to understand by American States; and I desire to institute a comparison here that shall show what we mean by American States. Do we mean one hundred and twenty thousand square miles of territory, and nothing else? If we do, we have that here, and we have a State, and in this broad area to which I allude we have enough for forty or fifty more States equal to the State which lies near us here—Maryland.

Before we undertake to enter on this career of the admission of States, it is worth while for us to see the elements that this territory combines to give us the probability of these States being anything like the States which we know of on this side of that line. Massachusetts has, as I have already said, a territory of between seven and eight thousand square miles, and here is a territory stretching to the Pacific with 1,500,000 square miles, containing five States and nine Territories. The population of little Massachusetts is just about equal to the whole, by the census of 1870. Now you get some idea of what a State means. Look at Massachusetts; look at her population; look at her products. Remember now that all this territory which I am criticising embraces pretty much all the mineral resources in this country; and yet, though my honorable friend [Mr. SARGENT] speaks of feeding Europe from the wheat resources of California, if you will look at the annual productions of Massachusetts you will find that they are equal to those of all these States and all these Territories. Then come to the valuation. The valuation of Massachusetts is equal to that of the whole of them put together. That gives us a tolerable idea of what a State should be, of what it Before we undertake to enter on this career of the admission of That gives us a tolerable idea of what a State should be, of what it ought to be before it asks to be admitted here. It ought not only to have lands, but capabilities of lands. It ought not only to have that, but population.
Mr. SARGENT.

Do I understand the Senator's argument to be that Massachusetts, with its present population and wealth, must be set up as the standard to which any other State must reach before it can

Mr. MORRILL, of Maine. I hope my honorable friend will not feel constrained to assert that, because I have not said anything of that

Mr. SARGENT. On that ground we should have to exclude Maine on the same principle.

Mr. MORRILL, of Maine. I should be very sorry to have Maine

excluded.

Mr. SARGENT. I suppose so.

Mr. MORRILL, of Maine. But I had not said anything—

Mr. SARGENT. I should be very sorry on my friend's account, if

Mr. MORRILL, of Maine. I should be sorry on public grounds. I had not said that, and I had not the slightest idea of saying anything of the sort. I thought I took occasion to say in the beginning that I should institute no invidious comparisons and set up no standard and should only state facts with a view to getting some sort of an idea of what an American State meant or what it ought to mean in this sys-

tem of government. Mr. MAXEY. W Will the Senator from Maine allow me to ask him a

Mr. MORRILL, of Maine. Certainly.
Mr. MAXEY. I ask him if it is not the fact that Massachusetts
was founded a hundred years before the territory west of the Mississippi came in by the purchase of Louisiana, which was about seventy-two years ago? It seems to me, therefore, his comparison is not made

justly.

Mr. MORRILL, of Maine. I think my honorable friend is quite right in his recollection of history.

Mr. MAXEY. I would add further, that notwithstanding the country west of the Mississippi, to which the Senator has referred, is comparatively new, yet I think the fourth city in the American Union in wealth, and compare is west of that river, and so is the fifth in wealth and commerce is west of that river, and so is the fifth

Mr. SARGENT. I call to my friend's recollection, and no doubt he will at once admit it, that fifty years after the settlement of Massachusetts all New England did not contain the population that New

Mr. MORRILL, of Maine. If I were to allow myself to try this case

by sanguine expectations, I should of course see as I do not see at the present moment. We must deal with the facts as we find them and the facts as they come to us. The facts that are reported to us are as Those are the facts on the best information that we have been able to obtain. I had no invidious purpose in referring to Massachusetts, and I might-have referred to other States as well, but as the contrast was larger in the way of territory I did refer to Massachusetts as an illustration, not by way of showing the poverty of these people, as an illustration, not by way of showing the poverty of these people, not by way of an invidious contrast, but by way of getting an idea of what a State means, what its significance is. It does not mean acres simply, but I said in this connection as to the possibility of these acres that they are in an agricultural sense as one in a hundred. That is the information we have upon the surveys authorized by Congress and reported to us under official authority. It is said the Territory has relieved to the control of the surveys are limited, that is the difference of the same points of the same points. valleys that are rich. So it has, but they are limited; that is the diffi-culty. One acre in a hundred of arable lands is a limitation which does not justify agricultural population. Does not everybody know

Mr. SARGENT. Does that apply to New Mexico?
Mr. MORRILL, of Maine. That applies to New Mexico; and we are legislating here in the face of that fact. That is what I mean; and I mean to say that if we undertake to divide this country, so exand I mean to say that if we undertake to divide this country, so exceptional in its character, into States like the State that lies nearest us, Maryland, and admit them on that basis, you revolutionize this body in which we sit; you are in danger of making this, as it never was intended to be, the popular body, based on what? Based on land not arable and a country that is entirely exceptional. That is the difficulty; that is the problem which we are settling here today. And when I hear it said by gentlemen that we should not make any distinction between this case and that of Colorado, I say, no; I did not, and I will not now. I did not vote for Colorado, and on this ground; there need he no haste about this far-off West; its people ground: there need be no haste about this far-off West; its people are not suffering; they are under the patronage of a strong and liberal Government. Can they not wait? "O," my honorable friend from California says, "the school system will be taken away if they do not get admitted." There is no great danger, according to my way

of thinking, from that source—none whatever.

Let us look at another characteristic of this Territory which is knocking to be admitted as a State. What is her population? The last census told us 111,000; and what are they ? About ten thousand, about one-tenth or one-eleventh, speak the language which we know—are English-speaking people—people who have gone, as my honorable friend from California says, from the Northern and the Middle States. Who are the rest? About two-tenths or three-tenths are Indians, the men that we hunt when we have nothing else to do in the summer season, the men that we send our armies to force on to our reserva-tions, and feed scantily. Those are about three-tenths of the bal-ance of that population. And who are the others? Mexicans, Span-iards, "greasers." That is the class of population hungering and thirsting and suffering for stateship!

thirsting and suffering for stateship!

I do not think this is a case where we should make haste; that is what I am saying. I do not believe either soil or climate, either productions or population, justify what is attempted to be done here. Do this and then what? Arizona next, and by force of this example; and so you will go on. So you will have the representatives of States here which have not the characteristics of American States; which have not that concrete civilization, population, industries, and the like, which justify us in saying that they are American States. What becomes of this system of ours when the Senate of the United States rests on 121,000 square miles of unarable land with a single production? The Senate of the United States in some sense being legislative, executive, and judicial in its character, resting back on States, representing States, is the very bulwark, and designed to be, of our whole system. Impair that, and you peril this whole system of ours. Do you not do it when you trifle with States? Of course you do when you introduce two Senators here and one member in the other branch, thus popularizing this branch.

Then what do you say about valuation? What are the values of this property? My honorable friend from California in his enthusiasm made a remark which I am sure he does not mean to say is entitled to the truth of history on the facts. Enormous wealth in what? If broad acres measure, very well; but in what does the wealth consist?

Mr. SARGENT. Does the Senator want me to answer his question? Mr. SARGENI. Does the Schator want me to answer his question?
Mr. MORRILL, of Maine. I will answer it myself. The whole valuation as reported in 1870 was only \$17,000,000, embracing everything.
There is no aspect in this case in which it can be looked at which should not put us on our guard against making haste in regard to this whole class of communities in the section of country to which I have alluded.

have alluded.

I did not know that this case was coming up this morning; it did not occur to me, and of course I made no preparation for the consideration of the question; but it is not new to me. I had a rosy estimation of the great far West. It was in my mind before I had seen it that it was precisely what I believed of the great Northwest and of that territory which lies between the Missisppi and the Missouri Rivers and just beyond, including Kansas and Nebraska; but when I opened my eyes on the far-off plains I saw that the possibility of the reduplication of American States was at an end. Whoever goes over those barren plains will see that by the immutable law of the universe

no such thing as American States are there such as we have on this side. There will be exceptional communities undoubtedly, grazing communities, where we shall have the raising of cattle and the production of mines, always, however, under the limitations of which I have spoken. As a matter of statesmanship, and as a matter of common and ordinary prudence, the Senate of the United States should hesitate on all this class of questions.

Mr. MAXEY. Mr. President, if it be admitted as a principle that a new State should never come into this Union until it has wealth and

population equal to one of the older States of the Union, then you

can never have any new States.

Mr. MORRILL, of Maine. That is unfair. The Senator ought not to say that I suggested such a rule.

Mr. MAXEY. An invidious distinction has been drawn between the country west of the Mississippi River and the New England States, to the disparagement of that country. Let us look at the facts. About the year 1803 during the administration of Mr. Jeffers. facts. About the year 1803, during the administration of Mr. Jefferson, the Louisiana territory was acquired. What have you there now? The States of Louisiana, Arkansas, Missouri, Iowa, Minnesota, now? The States of Louisiana, Arkansas, Missouri, Iowa, Minnesota, Kansas, and various other States. Let us compare the progress in wealth and in population of that country with any portion of New England. The city of Saint Louis to-day, west of the Mississippi River, is the fourth city in wealth and population, in commercial products and industry, in the United States. The State of California, which is represented by the Senator to my right, [Mr. SARGENT,] began to be settled by Americans in 1849. The city of San Francisco has sprung up, one of the most beautiful and wealthy cities in all the world, in the last twenty-five years. The State of California, which lies west of the Mississippi River, but a year or two ago, according to the agricultural statistics, raised enough wheat to load a thousand ships of a thousand tons burden each. Is not that wealth? In that ships of a thousand tons burden each. Is not that wealth? In that country there have been produced of the precious metals over \$2,000,000,000, gold and silver, in the last twenty-five years—enough to pay the great national debt. Is not that wealth?

Mr. MORRILL, of Maine. Will my honorable friend allow me to

Mr. MORRILL, of Maine. Will my honorable friend allow me to ask him a question at that point?

Mr. MAXEY. Certainly.

Mr. MORRILL, of Maine. And that is, whether he means to say that the territory of California, especially that belt which skirts the Pacific coast, is a fair comparison; that the rest of the whole territory

which I have characterized is equal to or compares at all with that portion of California in point of agriculture?

Mr. MAXEY. I will reply to the Senator from Maine that the beautiful valley of the Connecticut River is much more valuable for agricultural purposes than the top of the Green Mountains. In any country where you may go you will find good agricultural land and some that is not good.

Let us go one step further. West of the Mississippi River in 1845 the State of Texas came into this Union. It had then but two Representatives in Congress. Under the census of 1850 that was all that was allowed. In 1860, four Representatives; in 1870, six; and in 1880 there will be ten Representatives from the State of Texas. A half million bales of cotton are added to the wealth of the United States from that State alone. Go into the State of Iowa, west of the Mississippi River, which came into the Union when the State of Massachusetts was a full-fledged State, with great wealth and great population. It did not even belong to the United States when the Constitution was formed, and it is now one of the wealthiest States in this Union. Look at the State of Kansas, which came into the Union within the memory of all of us, which has grown to be one of the most prosperous of all the agricultural States. Take New Mexico, which has lain there removed from the means of transportation, having no seacoast, having, until recently, no railroads within reach of her borders, with the great gold mines of New Mexico which during the days of Cortez added wealth to the country, the most prolific of all the mines in Mexico. Some of them were found in New Mexico, but they have of late years been locked up because there were no means of transportation and because of the ravages committed on that country by the Arapaho and the Navajo Indians. That difficulty has been settled; railways have penetrated that country; and when those railways reach there you will find that the vast wealth which is locked up in the mountains of New Mexico, of gold, of silver, of copper, which are so essential to the development of the wealth of this

per, which are so essential to the development of the wealth of this country and the payment of the national debt, will be opened up.

We all know that so long as a people are in a state of pupilage, so long as a territorial government exists, they do not progress as they do when admitted as one of the sovereign States of the American sisterhood. It is with me a question of right. Politics has nothing to do with my vote on this question. It is simply a question of pure, naked right. When the military commander of our forces took possession of New Mexico, in 1846, inducements were held out to these people to believe that they would be admitted as a State in the Union. By reason of that belief, during all the war with Mexico there was but little of it within the limits of New Mexico. General there was but little of it within the limits of New Mexico. Kearny controlled that country with but little difficulty. In 1849, in the administration of General Taylor, among his earliest messages was a message asking that the newly-acquired territory should be admitted as early as was consistent with the common good as a State into the American Union; and this is one of the last left. From its territory has been carved out and cut off the northern tier of counties and placed in Colorado, having less population than the Territory of

New Mexico. All I ask is, if Colorado can come in as a State in this Union, should not New Mexico? Have those people violated the law? Have they not been a peaceful, law-abiding people? Have they not the necessary population? With \$75,000 as the entire debt of the Territory, with an annual exportation which yields in money \$6,000,000, I ask if such a Territory as that has not some rights when you come to take into consideration that it has been under a territorial government for a quarter of a century? When you come to look at that southwestern country which the Senator from Maine seems to think is a sort of dark spot, there is not a more beautiful country on the green earth than the portion of it which he has thus talked about. Take the State in which I live. Within the last year 300,000 have been added to the population of the State of Texas. A 300,000 have been added to the population of the State of Texas. A large portion of that population came from the Northern States. It is as fine a country as the sun ever shone upon. All that is asked by the people of New Mexico is that they may have the opportunity of coming in and proving their faith by their works. It is because I believe that they are entitled to come in that I ask that it shall be done. Not that I would permit for an instant my idea as to what may be the probable political complexion of that country to influence me in doing that which I believe to be right. I believe it ought to be admitted. I think it has a right to be admitted. It has the wealth. All wealth is not limited to agricultural industries. Massachusetts, the very State which has been named here, gives us a bright chusetts, the very State which has been named here, gives us a bright example. No one has a higher respect for the knowledge, the enterprise, and the intelligence of Massachusetts than I have. Even in that State the vast wealth of Massachusetts does not flow from agriculture, but it flows from her commerce and from her manufactures. Mining is a wealth as positive as agriculture, as positive as com-merce, as positive as manufactures, and if the mining industry can be developed it is that much added to the general interest and the general good.

Besides, I see no reason why, if a Territory has conducted itself right and well for twenty-five years, the people of these United States should pay the expenses of keeping up a territorial government there. I think they should be permitted to form their own constitution and have the glorious privilege of local self-government. We all know that we would the task a bession window in the task as the second that we have the second that the secon know that we regard that as a blessing priceless in its nature. If they are entitled to come in, let them come in; and that they are en-

titled to come in there is in my own mind no question.

Mr. HARVEY. Mr. President, I have been a little astonished at the position taken by my friends the Senator from Vermont and the Senator from Maine in the discussion of this bill. The Senator from Vermont says before voting on this bill he would like to know the number of the Anglo-Saxon population of this Territory and whether there is sufficient wealth there to support a government. Is it true that the theory of our Government is that only the Anglo-Saxon race is entitled to self-government, and that only rich people have that capacity? The Declaration of Independence, the original charter of our liberties, took a ground so much broader, that the assertion of it was characterized as a "glittering generality;" but the logic of events has justified the broad scope taken in that instrument. The true theory of our Government is that people of all races are entitled to self-government. The history of the world shows that. The oldest republic is that of Switzerland. Its people are not composed exclusively of any one race. Properly speaking, none of them are of the Anglo-Saxon race, but they are of Teutonic ancestry and Latin ancestry.

The Senator from Maine spoke of different portions of this country number of the Anglo-Saxon population of this Territory and whether

The Senator from Maine spoke of different portions of this country being divided by certain lines. It seems to me as indefensible as the position taken by the Senator from Vermont to assert that the people on one side of a certain line are capable of self-government, but that those on the other side should be incapable. In the comparison which he has drawn between Massachusetts and certain of the Western he has drawn between Massachusetts and certain of the Western States and Territories, he seems to have utterly ignored a very important element, the element of time, an element so important that, as an anecdote runs, a certain person at one time said that the power of Omnipotence itself might be qualified by that element; and in illustration he said: "It would be impossible for the Almighty to create a four-year-old colt in a month." It seems to me that the expectation of the Senator from Maine, that the States and Territories of the West heirs but a four year-old like that the states and Territories. of the West being but a few years old, but a few years subject to set-tlement, should have such a population and such wealth as to com-pare with a State that has been built up for hundreds of years, is very unreasonable.

To the remark of the Senator that these Territories have no reason to complain, because they are under the patronage of a powerful Government, they might very truly retort that the kind of patronage which they receive is to have the constituents of Senators and members of the House from different States sent into the Territory to fill the various local offices that happen to be located there. That is about the extent of what might be called the political patronage that they receive. So far as the General Government aids them in carrying on their territorial government, so far as it aids them in a financial way, the argument of economy by the General Government would be to cease that payment whenever the people feel able to bear it themselves. On that ground and in the light of economy we may be justified in giving the people a chance to establish a State govern-ment for themselves whenever they feel able to do so.

Let us ignore the idea that a republican State under our Constitution must depend upon a population of a certain race, or the possession of a certain amount of wealth. The constitution of a State has

been better described by Sir William Jones. In language which I am not able to quote, but which every Senator of general reading am not able to quote, but which every Schaol of general results will recollect, the rule established is that it is men who constitute a state, high-minded men; not men of any particular race, not men of any particular wealth. As to the character of the land, it is not necessary that the territory occupied by a free people should all of it be of the richest. It is not so in this country. It is not the ease in Switzerland, which I cited as the oldest republic in the world. There the agricultural lands are limited; there the valleys are very narrow indeed; and yet free government has been maintained in a respectable manner for a great number of years, and without any great wealth on the part of its people. I think such arguments go for but little in opposition to this bill. I believe the bill should be passed and the Territory admitted as a State.

Mr. SARGENT. Mr. President, I have very little, almost nothing,

to add to the able argument of the Senator from Texas in reply to the Senator from Maine. It certainly, in my judgment, was the only inference that could be drawn from the remarks of my friend from Maine, when he held up the example of Massachusetts to us of what an American State should be, that only a State as large and as populous as Massachusetts should hereafter be admitted into the Union.

Mr. MORRILL, of Maine. I did not say that.
Mr. SARGENT. I say that was the only inference from his argument. He showed us what these Territories were not, and then said he would show what an American State should be. If the argument was not valuable for that purpose, it was worth nothing; and it is was not valuable for that purpose, it was worth nothing; and it is very seldom my friend utters an argument that is worth nothing. It may be that this was exceptional. If so, I congratulate him that the exceptions are so rare. If he were to compare the agricultural capacities of Massachusetts with those of some other States, I think he would find that there was very little to boast of in connection with Massachusetts. To be sure they raise a great many vegetables there; but agriculture in the largest sense is almost unknown. What is it that makes Massachusetts so great? It is her manufacturing interest and the means taken to procure markets elsewhere in the world by creating means of communication. It takes the raw product of other communities and States and works it up into the manufactured article and sends it out abroad and gets wealth by it as England does. It is not the agricultural capacities of England that make it great. It is not the agricultural capacities of England that make it great. It cannot feed its own people. Upon a most sterile and a most inadequate soil there may be a thriving, busy, industrious, wealthy population. It is so in Massachusetts; and although England is not sterile, its soil is inadequate to its wants; and both are illustrations of the fact that other industries besides agriculture may make a State great and powerful. The \$2,000,000,000 of gold and silver taken from California, although they have enriched other States, have left their marks there. The wealth of my State has quadrupled during the last ten years. This has been a large and useful industry marks there. The wealth of my State has quadrupled ten years. This has been a large and useful industry.

The Senator looks only to agriculture. The history of the whole world is that a mere agricultural community is a weak community and scarcely desirable, lacking average intelligence, lacking force, easily subdued, especially where their agriculture is not of a pastoral nature, where they take to the mountains. It needs other business in order to give balance and strength to a community. That is illus-

trated in the Senator's own State.

The Senator traveled across the Pacific Railroad and he saw some The Senator traveled across the Pacific Railroad and he saw some sage-brush plains, and consequently he supposed everything west of the Missouri River was of that nature. That seems to be the fair inference from what he said. He speaks of that which he observed. I dare say he can find the artemisia along the line of the Union and Central Pacific Railroads after he passed a certain point of Nebraska and went up the mountains; but in those very Territories, off a little way from the road, you will find valleys, where nature itself has performed the work of irrigation almost, which are fertile. The very lands that he refers to bring water upon them, and they are very fertile and enormously productive.

I wonder if the Senator when he was passing upon the edge of the

I wonder if the Senator when he was passing upon the edge of the desert in the State of Nevada saw the little spot at the Humboldt House where they brought the water down from the mountains, and House where they brought the water down from the mountains, and where grow fruit-trees bearing their fruit. I call his attention tothat spot on the very edge of the desert. Look at Salt Lake and the whole country round about it. It was reported twenty-five or thirty years ago as an irreclaimable desert, where man could not live and must take his provisions and water with him. That was the impression. All the exploring expeditions so reported it, and as absolutely irreclaimable. irreclaimable. A community went there and made it their homes, with some peculiarities which I do not admire, but nevertheless having a thrift and industry which should commend them to the approbastable and thriving, but brought from the soil evidences of its wealth in agricultural production, raising the cereals in vast quantities, and vegetables and fruit, and everything that is desirable. I dare say they raise more cereals in Utah than they do in the State of Maine; I have no doubt they do much more fruit, and of immensely better quality; and this right upon, the route of that railroad which the Senator passed over by Salt Lake.

Mr. MORRILL, of Maine. No; I did not go there.

Mr. SARGENT. Then the Senator has not had the opportunities of observation that I supposed he had. He told us of his opportunities of observation, and the sage conclusions he drew therefrom, and

now it seems he has not even been so far as Salt Lake. It is curious to know how far west of the Missouri he went. Perhaps he stopped on the eastern bank, and gazed over on that land, not promising to him, across the water, and formed the judgment which he made. If it would not be improper to form such rapid deductions, I should be tempted to believe it was that; for he is now confessing away all his speech by his pleasant interruptions to me as I proceed. My friend perhaps went to Du Luth, where, it is said by the chairman of the Committee on the Judiciary of the other House, the horizon comes around mittee on the Judiciary of the other House, the horizon comes around to an equal distance from all parts of it, thereby showing that it is the center of the world. Perhaps he thought he had attained that center, and it was not worth while to go beyond that. But I want to show him that the experience of Utah shows that a powerful and wealthy State can be built upon even these very arid plains.

What is there that maintains Utah? Its agriculture, its cattle, its mines. That very fact goes to show that my friend is entirely mistaken in his estimate of the capacities of that Territory. He says: Look at Massachusetts which for two hundred and fifty years has been

Look at Massachusetts which for two hundred and fifty years has been cultivating whatever soil it has, and has been improving in other directions faster by means of its manufactures and commerce. Very well, let him give one-third of the time, one-twentieth of the time to these communities to grow up. Should Maine have been excluded on account of the Aroostook country and of the region of swamps where account of the Aroostook country and of the region of swamps where there is nothing to be seen for mile on mile traveled by the lonely traveler except stumps of trees and devastations of woodland? Was that an argument against Maine? Certainly not. Maine has grown strong and powerful by its commerce, by its manufactures, and other business, and some agricultural capacity. To be sure it is rather tedious there during the long winter months, the eight months of winter shaded perhaps a little by spring at each end. The trial is very severe and it would be extremely irksome to the people in the West who are accustomed to the smiles of heaven pearly every month West who are accustomed to the smiles of heaven nearly every month in the year. But if you have advantages for agriculture, they are superior in that very desert country the Senator speaks about, where there are mountains in their vicinity from which streams can be brought for the purpose of irrigation superior to anything in Maine, unless it may be some garden-spot.

Mr. MERRIMON. I should like to ask the Senator from California

if he can tell the Senate what the voting population of New Mexico is ?

if he can tell the Senate what the voting population of New Mexico is f Mr. SARGENT. I have not the figures here with me. Mr. MERRIMON. Have you an idea?

Mr. SARGENT. I know they claim a total population of 140,000. Probably they have somewhere from 100,000 to 140,000.

Mr. MERRIMON. I want to get the voting population in order to see what proportion of the population was sufficiently intelligent to be fit for admission. be fit for admission.

Mr. SARGENT. The previous Delegate was elected by twenty-odd thousand votes, and Mr. Elkins by over seventeen thousand polled at

Mr. MERRIMON. What is the voting qualification?

Mr. SARGENT. The same as elsewhere. The ratio in one of these States, where there is so large a proportion of men, is one to about four. In my own State there was a time I suppose when there was one voter to two, but the proportion gradually ascends as women and children go in there, until finally it gets somewhere near what it is in the other States, but probably not till a long time. They claim from 100,000 to 140,000 population; and I suppose they may be conceded 90,000 or 100,000 at least, and if so they ought to have somewhere about 20,000 votes. My attention is just called to the fact that by the census of 1870 the population was 111,303, of whom 90,333 were

The Senator from Maine referred to the assessment of property in New Mexico in 1870. Eighteen hundred and seventy was a pretty bad year in New Mexico and pretty generally in the States. Furthermore, they do not require in New Mexico much taxation, almost none, and they assess their property very low. They support nothing by taxation, except perhaps the schools. The legislative expenses and all the territorial officers are paid by the Government of the United States, and there are very few purposes for which taxation is levied, and they are careless consequently about their taxation and assess very slightly. But the Senator will find in the column returned by the census of the true value of real and personal property that the amount was \$31,349,793, and that was not an estimate of the value of mines or mining property—simply of other property. So that really the figures which he cited do an injustice to the Territory, I have no doubt, without any intention on his part. The Senator from Maine referred to the assessment of property in

doubt, without any intention on his part.

In conclusion, Mr. President, I desire to say that it is impossible to set up any just standard for the admission of States hereafter, drawn from the present status of those which have been admitted hereto-The State of Ohio, admitted in 1802, had but 41,915 population. fore. The State of Ohio, admitted in 1802, had but 41,915 population. Look at its teeming millions now. At that very time Maine was not separated from Massachusetts, but it had a population four times greater than that of Ohio. In 1819-'20, when it was separated and admitted into the Union, it had six times the population of Illinois, admitted about the same time as a State into the Union. Why was not equality shown then? Ought not Illinois to have been kept out until it had attained the population of Maine? That argument would have been good then; but the statesmen of that day did not urge it.

I have a list here of a dozen States which have been admitted, which are among the most powerful and wealthy States now within our Union.

are among the most powerful and wealthy States now within our Union,

which were all admitted with one-half the population which New Mexico has at the present time. It is impossible for a new State to have the population and the wealth of an old one. The question is, Does it furnish a fair guarantee for the future? That was the only fair question that could have been asked of Ohio when it came forward with 41,000 people the only fair people.

fair question that could have been asked of Onio when it came forward with 41,000 people, the only fair one of Illinois when it came forward with 75,000 people.

Mr. MITCHELL. I should like to ask the Senator from California whether, as a fact, there have not been fifteen States admitted into the Union as States with less population than New Mexico had six

years ago? Mr. SARGENT. That is true; and all this vast country in the West, out of which the great States to which I have referred have been carved, were acquired by purchase a century after the settlement of the States which are now set up as the criterion, as the mark which must be reached for new States to be admitted. I say such a doctrine is absurd. We can very well say farewell, then, to any further States, at any rate until long in the future; and we are to keep these Territories until they have each a million of inhabitants and thousands of millions of wealth before they are to be admitted into the Union. Who in the meanwhile is to govern them? Can you hold the Union. Who in the meanwhile is to govern them? Can you hold your empire together on any such basis? I ask the man who looks from the snow-banks in Maine on the country if he supposes he can have his Senators on this floor and his Representatives in the other

House to make laws for a broad extent of country into which his State might be thrown and it could not be found by a year's search, with teeming populations and growing strength, and they deprived of all rights in this Union? It is impossible. One reason why the overland railroad was built by the Government

during the time of a prodigious civil war was that the neglected portion of the country might possibly secede. It was an argument that was used, strange to say, before the war broke out, and probably before the design was conceived in his mind on which he afterward acted, by Jefferson Davis, that, as a military necessity, as a necessity to bind the country together, a Pacific railroad ought to be built between the Missouri River and the Pacific Ocean; a strange argument to be made by him in one of his reports as Secretary of War. And afterward, when there seemed to be a tendency to a disjunction of the strange of the second of the se solution of the Union of the different sections, one striving to get away, the railroad was ordered to be built, Congress being largely influenced by that very consideration that a country so remote, and for whose wants or claims no sympathy was felt by other sections,

inght gravitate away in the course of time.

I say, sir, that this doctrine of the Senator from Maine can be carried too far. I would not justify any assault upon the Union for such causes; but I say that I and every man standing in this place must estimate these things as they have been estimated heretofore. If it estimate these things as they have been estimated heretofore. If it shall be said, "Here is a populous, wealthy, and old State of the Union; now bring up your new Territories to the capacities of that State in all particulars, and we graciously will allow you to come into the Union," I assert they will not submit; and as they grow in wealth and population, and this injustice increases, more and more will they be disinclined, and neighborhood will carry neighborhood with it upon such a doctrine. We have lost nothing by admitting new States; we shall lose nothing by the admission of Colorado; we shall lose nothing by the admission of New Mexico, but will gain by it. We save ing by the admission of New Mexico, but will gain by it. We save, in the first place, the drain on the Treasury of supporting a territorial government. The people will support themselves. We shall gain by the additional stability which is given to the State, by the encouragement to emigation to go there and build up its resources and fertilize the lands. All our experience has been in favor of admitting the Territories early, from the time that Vermont was admitted with 85,000 people, in 1791, down to the present time. Experience has all been in favor of admitting these States and allowing them to grow up subsequently to power in the Union. For that reason I was in favor of the admission of Colorada and Lamin favor of the admission of the same states. the admission of Colorado, and I am in favor of the admission of this Territory. I would not do so until, however, there was a tax-paying population that were able to support a local government. I believe that 120,000 people can do this, and therefore I am in favor of their admission.

Mr. WALLACE. Mr. President, there is nothing that makes the people of the populous States of this Union so restive as the inequality of representation that exists in this body. Four millions of people in the Commonwealth of Pennsylvania, four millions and a half in the State of New York, have but the same representation that New Mexico with less than the quota that is necessary for a single member of the other House will have if she be admitted. While they are willing to stand by the compromises of the Constitution and ready to recognize them to their fullest extent, as a representative of one of those great, populous commonwealths, I cannot consent by my vote to admit any new State into the Union until she has at least the number of people necessary to give her one member of the lower House of Congress. And, sir, this was the rule, too, until 1859; for until the admission of Oregon in that year every State that came to the doors of Congress and asked for admission had the quota that was necessary under the then existing apportionment for a member in the

This, it seems to me, too, is in accordance with the provisions of the Constitution and is the true doctrine, for if it be not expressed it cer-

tainly is plainly implied in clause 2 of the first article of the Consti-

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers.

The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, &c.

It seems to me that the plain implication from this clause is that the ratio fixed by the law for a member of the lower House is the test by which we try a new State before she shall be admitted to representation on this floor, with two members here, and to be equal in dig-nity, in power, and in influence with each of the other States, and equal, too, with the representation for a single member on the floor of the other House.

To my mind this in itself is conclusive. When we take the case of the States west of the Mississippi, to which reference has been made, they are found to come in in population up to this standard. Take the case of Minnesota, with 6,000 in 1850, it went up to 120,000 in 1860. All the new States are now found upon the census list equal to this standard save the States that were admitted since 1859, commencing with Oregon, and all those States are now far in excess of the number necessary for a single member of the lower House; but not one of these States, including even the State of Nebraska, by the census of 1870, had enough population to entitle her to a member in the lower House of Congress. The State of Nebraska, by the census of 1870, has not enough population for a member in the lower House of Congress; she has but 122,000, while it requires 131,000; and yet her representation upon this floor is equal to that of the three millions and a half of people, under the general of 1870 in the Comment would be proported. of people, under the census of 1870, in the Commonwealth of Pennsylvania.

This reversal of policy makes the people of the great States restive, and it causes argument and dissent in regard to the great compromises of the Constitution. Our people abide by the doctrine of the Constitution in giving equality to Rhode Island and Delaware, because it was necessary at the time to the formation of the Government; but we demand that the Teritories which seek admission as new States shall have the number of people that entitle them to at least one member in the lower House of Congress before they are permitted to come here and be made equal with our great States on the floor of

The bill was reported to the Senate as amended.

Mr. COCKRELL. Mr. President, I am not disposed to offer any captious objections to this bill. I am certainly a friend of the West and the people of the West; but I cannot consent to vote for a bill of this kind in this form. Under the provisions of section 3-

All persons qualified by law to vote for representatives to the General Assembly of said Territory at the date of the passage of this act shall be qualified to be elected, and they are hereby authorized to vote for and choose representatives to form a convention, under such rules and regulations as the governor of said Territory, the chief justice, and the United States attorney thereof may prescribe.

It would be very difficult I think to determine what is a qualified voter in the Territory of New Mexico. If I understood my friend from Texas correctly that question is now pending in the Supreme Court of the United States, an unsettled question. I have examined the acts of Congress providing for the admission of Indiana, Illinois, Missouri, Mississippi, and Iowa, and nearly all the States that I have had time to look at, and they are much more explicit and definite. They leave nothing vague and uncertain as this bill does, and I find as such authority given to the governor or to the governor and chief no such authority given to the governor, or to the governor and chief justice of the Territory and the district attorney, until you come to the acts of Congress providing for the admission of Nevada and Nebraska, and those two acts provide that the elections shall be under the rules and regulations prescribed by the governor alone, and not by the governor, the chief justice, and the district attorney. I cannot vote for that provision of the bill.

Another objection which I have to it is that it provides-

Another objection which I have to it is that it provides—
Said apportionment shall be made for said Territory by the governor, the United States district attorney, and chief justice thereof, or any two of them; and the governor of said Territory shall, by proclamation, order an election of the representatives aforesaid to be held throughout the Territory at such time as shall be fixed by the governor, chief justice, and United States attorney, or any two of them, which proclamation shall be issued within ninety days from the passage of this act, and at least thirty days prior to the time of said election.

It thus authorizes the governor, the chief justice, and the district attorney of that Territory to give thirty days' notice to the inhabitants of the times and places of election. I say it would be absolutely worse than a farce to undertake in thirty days to reach the voters of that Territory, as large as it is, without a railroad, with

voters of that Territory, as large as it is, without a railroad, with mail facilities few, comparatively speaking. What would it be? It simply seems to me to be vesting the control of the election of the convention which shall form the constitution preparatory to its admission, and everything connected with it, in the hands of the governor, the chief justice, and the United States attorney. When we come to compare this with the bills for the admission of Nevada and Nebraska we find that in each one of those bills the day of election was fixed by law. I will read from 13 Statutes at Large, page 31, as to Nevada:

That all persons qualified by law to vote for representatives to the General Assembly of said Territory at the date of the passage of this act shall be qualified to be elected, and they are authorized to vote for and choose representatives to form a convention, under such rules and regulations as the governor of said Territory

may prescribe. \* \* \* And said apportionment shall be made for said Territory by the governor, United States district attorney, and chief justice thereof, or any two of them; and the governor of said Territory shall, by proclamation, on obefore the first Monday of May next, order an election of the representatives as aforesaid to be held on the first Monday in June thereafter throughout the Territory.

The governor must order that election to be held on a given and fixed day. When we examine the act for the admission of Nebraska we find the same regulation in that act. The act requires the governor, on or before a day fixed, to name the day when the election shall take place in the Territory for delegates to the constitutional

I cannot vote to place such power, without some good reason for it, in the hands of three men. I know nothing about them, and cast no reflection on them; I even do not know who they are; but I am speaking against the provisions of the bill, their uncertainty and vagueness and indefiniteness.

The amendments made as in Committee of the Whole were con-

curred in.

Mr. BOGY. Mr. President, I am very well aware that this subject has been discussed perhaps enough, and that what I may say will not change the vote of a single Senator; nevertheless, as the creation of a new State, as was well said by the Senator from Vermont and the Senator from Maine, is a most important function—perhaps the most important that the Congress of the United States can perform-I feel

justified in saying a few words in behalf of this new sister.

It seems to me that the solution of the question depends upon one single consideration, because by the treaty made with Mexico we are compelled to admit any portion of the territory acquired from that compelled to admit any portion of the territory acquired from that country by that treaty whenever any portion of that territory shall have sufficient population. It is true it is left to the discretion of Congress, but that is understood to be the exercise of an enlightened and just discretion. If there be not population enough in this proposed new State, it certainly should not be admitted, because it would be wrong to give to a country without inhabitants, having nothing but lands and mountains and rivers, a representation upon this floor equal to one of the old States having wealth, population, education, and refinement. The question was well put by my friend from Vermont. I agree with most of his argument; but I think the facts are a little different from what he understands them-to be.

We know from the census of 1870 that the population of this proposed new State was then ninety thousand and a fraction. This is in accordance with the official census made that year. We know as

in accordance with the official census made that year. We know as a fact that a tide of emigration has from that day to this been continually pouring into that Territory. We are therefore justified in believing that the statement made by the Legislature of the Territory that the population of that Territory is now equal to one hundred. tory that the population of that Territory is now equal to one hundred and forty thousand is correct. If you will look at the ratio of increase of population from 1850 to 1860, and from 1860 to 1870, you may very well conclude, applying the same ratio of increase, that the present population is fully what it is stated to be in the memorial presented by the Legislature of that Territory.

It seems to me that we are not in a position to deny these facts. That there is a population here of from 120,000 to 140,000 or 150,000

entitled, under the sacred obligations that we undertook when we made the treaty of Guadalupe Hidalgo, to come into the confederacy as one of the sisters of the confederacy? It seems to me the day has

come when the contract is to be carried out.

ome when the contract is to be carried out.

But gentlemen say a portion of this population is not adapted to our system of government. That is very true, and the same argument would apply and could have been applied with perfect correctness to all the new States. When my own State applied for admission in 1820 it had a population of 66,000 persons, and of that population upward of 30,000 were not of the Anglo-American race; they were a French population. About one-half of the population of Missouri at the time she applied for admission were not of the Anglo-Saxon race, and yet that small foreign element as it is termed has been absorbed until it has nearly disappeared; and so it will be in this new country. til it has nearly disappeared; and so it will be in this new country. The population of New Mexico to-day, according to my information, is from 120,000 to 140,000.

Mr. MORRILL, of Maine. Will my honorable friend allow me to

say that the census puts it at 90,000?

Mr. BOGY. That was taken in 1870.

Mr. MORRILL, of Maine. What is the information on that subject

Mr. BOGY. A memorial on that subject has been sent to us by the Legislature of the Territory. Of course that is not athing we can depend upon conclusively; but it is, nevertheless, information that justiles action when it is sustained by the fact that we know that the population in 1870 was 90,000, that it increased from 1850 to 1860 at the rate of 50 per cent. in those ten years, and it certainly has increased at the same rate within the last ten years. We know this to be so, because we know outside that the tide of immigration pouring into that Territory is now and has been very large for some years.

that Territory is now and has been very large for some years.

Mr. MORRILL, of Maine. My honorable friend will pardon me for saying to him that I am quite suspicious of these statements. In 1864, when Colorado was here for admission, it was stated most confidently that her population was 100,000; and now I remember another case, and that was Nevada. She it was said had 80,000. We know what the result has been. Therefore I am very wary of these kind of

statements.

Mr. MAXEY. I would remind the Senator from Missouri of the fact that the ordinance of 1787 for the government of the territory ceded by Virginia northwest of the Ohio was over one hundred and fifty years after Massachusetts was settled, and that now embraces the States of Indiana, Illinois, and Ohio, which have such a large pro-

States of Indiana, Illinois, and Ohio, which have such a large proportion of the population of the country.

Mr. WALLACE. Let me ask the Senator from Missouri a question in reference to the population. I find by the returns of the Delegate election in 1875 that the total vote was 15,781. Allowing five persons to a voter there would be a population of 78,000. Does he not think that a fair estimate of the population of New Mexico?

Mr. BOGY. It is very hard to answer all these questions at one time; I will try and take them seriatim. I think I can answer them all if I do not forget some of them. I will first answer the last question.

tion.

The vote given for the Delegate at the last election was, as stated by the Senator from Pennsylvania, from fifteen to sixteen thousand. Counting five persons to a voter, there would be from seventy-five to counting ave persons to a voter, there would be from seventy-rive to eighty thousand population. But two years before the vote for a Delegate was upward of twenty thousand. At the last election there was no contest; the candidate himself was not in the United States; he was in Europe at the time, and there was no great occasion, as we say in my State, "to call out the voters," and persons did not vote "often and early," as they are said to do in some of the States.

Mr. WALLACE. In 1873 the actual vote was 16,934.

Mr. BOGY. I know when a demograte was elected there was a great

Mr. BOGY. I know when a democrat was elected there was a great contest, and when the democratic Delegate was elected the vote was twenty thousand and upward. It might have been in 1871; I am

not particular about the time.

But, Mr. President, we must be guided by certain received facts. The census made under a law of the United States by an officer of The census made under a law of the United States by an officer of the United States gives the population of New Mexico in 1870 at 90,000, the white population, and it makes the whole population of New Mexico 111,000 counting Pueblo Indians and others; but what is called the white population was put at 90,000. We have a mode of calculation which is perfectly correct. In 1850 the population of the Territory was 60,000, as we know by official statements made at that time and published in the census of 1850, and in 1870 the population was 90,000. These are facts that are of an official character. We know that the increase has been for each period of the years equal to know that the increase has been for each period of ten years equal to 50 per cent. Bearing this in mind, it is clear that the present population does not vary and cannot vary much from what it is stated to be in the memorial presented by the Legislature of the Territory. It seems to me that these facts cannot be controverted. I know very well that there is a disposition in all these new countries to magnify the population, but I furthermore know that there is always a large population which is floating, which is not enumerated, and which from being a floating population very soon becomes a permanent popu-

I think myself, beyond any reasonable doubt, that the population of New Mexico to-day cannot be less than from 125,000 to 140,000 persons; I speak of the white population alone, leaving out the Pueblo Indians, and all other Indians. Therefore I think on the score of population it certainly has a just right to be admitted. We have never applied the rule of full population equal to the ratio of representation on the admission of any of the new States. I do not remember the population of Maine when it was admitted as a new

Mr. MORRILL, of Maine. Three hundred thousand.
Mr. BOGY. Then you have retrograded since that time, have you ot? What is your population now?
Mr. MORRILL, of Maine. Seven hundred thousand.

Mr. BOGY. My friend says the population of Maine was 300,000 when it was admitted in 1820, alongside of my State, Missouri. They were twin sisters; and it has now only six or seven hundred thousand. I think he is mistaken, although he ought to be better informed on that subject than myself. I think it was less than three hundred thousand—two hundred thousand and odd; but I was

three hundred thousand—two hundred thousand and odd; but I was going to make an exception of Maine, because Maine was a part of the old State of Massachusetts, and the lower portion of Maine was rather densely populated; but it has progressed very slowly from that day to this, while the new States are increasing with great rapidity. Now, sir, what is the character of that population? We are not left in much doubt upon that subject. New Mexico was acquired by the treaty of 1848. By the census of 1850, it had a population of 61,000. As a matter of course, the population of that day was principally of the Mexican race; because it was only two years after we acquired it. It had then a population of 60,000 persons. It would be fair to say that in that population of 60,000 persons there were about 10,000 Anglo-Americans, leaving a Mexican population of about 50,000 persons. If there be a population of 120,000 to 130,000 now, you can very well see that the Anglo-American population greatly preponderates over the Mexican population at this day; and of that fact there can be no doubt.

fact there can be no doubt.

In addition to this, a large number of these Mexicans are intelligent, educated men, and well adapted to our system of government. Again, as they are part and parcel of ourselves, it is nothing but wise policy to give them all the facilities as soon as possible by which they will be swinded. be assimilated to the population of this portion of the country by en-couraging emigration as rapidly as possible. It is better for us as well

as better for them. My own opinion is that New Mexico is destined in a very few years to be a large and a populous State. I am somewhat acquainted with that country, and I think there is great misconception here with regard to the productiveness of New Mexico. The climate is delightful; and, although it has lofty mountains, it has very broad and very rich valleys. The country is remarkably well watered, and it is adapted better than any other portion of the United States to the raising of stock—cattle and sheep; and I have no doubt that in a very few years there will be in that country twenty-five millions of sheep. Yet that country will be self-sustaining with regard to its own food. It will be sufficiently a farming country and raise sufficient meat to supply itself, and it will be a self-sustaining community, destined to be, in my opinion, very rich indeed.

The policy inaugurated at a very early period of this Government was to admit these new States as soon as possible. That policy originated at the time when the Northwest Territory was acquired from Virginia in 1784; and, under that policy, Ohio was admitted at a very early period, and before it had the representative ratio of population. The same rule applied to the admission of Indiana, to the admission of Wisconsin, to the admission of Illinois, and to the admission of Michigan, which formed a part of the Northwest Territory. It was Michigan, which formed a part of the Northwest Territory. It was the policy pursued when my own State was admitted, when Iowa was admitted, and when Minnesota was admitted, and when the States farther west were admitted—Kansas, Nebraska, and Nevada. It was the policy which we adopted last year when we passed a law enabling Colorado to be admitted as a State; and if Colorado is entitled to be admitted, why is not New Mexico? There can be no doubt that New Mexico has a much larger population to-day than Colorado has a Mexico has a much larger population to-day than Colorado has. It had more population a year ago than Colorado has. It is true that a portion of the population of New Mexico is not of the Anglo-Saxon race; but yet there is a very large population there of the Anglo-Saxon race, and I think a proportion equal to the entire population of Colorado.

can see no reason in carrying out the policy of this Government I can see no reason in carrying out the policy of this Government which has prevailed for a great many years why this new State should not be admitted as a member of the Confederacy. There may be some objections to the details of the bill, yet in that I do not exactly concur with my colleague. I see no great principle violated here. I do not see that any great harm can grow out of the third section. No power is given under it to the governor of the Territory and the chief justice and the attorney of the United States to change or affect the rights of voters. They are only empowered to make such rules and regulations as may be deemed necessary for the election to be carried on. No great harm could result from that. And then it is made the duty of the governor to—

By proclamation, order an election of the representatives aforesaid, to be held throughout the Territory, at such time as shall be fixed by the governor, chief justice, and United States attorney, or any two of them, which proclamation shall be issued within ninety days from the passage of this act, and at least thirty days prior to the time of said election.

It is made the duty of the governor to issue this proclamation within ninety days from the passage of this act, and it is made also his duty to give not less than thirty days' notice of the time of the election. The notice may be more, but it shall not be less than thirty days. Although there are no railroads in the Territory and mail facilities are not very great, nevertheless I hold that thirty days is more than amply sufficient to have the fact known throughout the whole Territory. Ten days, and less than ten days, will enable that fact to be made known in every precinct of the Territory. There may be some imperfections in the details of the bill; we cannot all agree about them; but I see no great fundamental principle violated. I cannot see that any great harm can result from them. I think the protection is sufficient.

I cannot see why we should now change the policy which has guided us for so many years since the admission of Ohio to the present time. Whenever these new communities have population enough to enable them to carry on self-government, it has been the policy of this country to throw them upon themselves, to let them govern themselves at their own expense, and relieve us from the expense of governing them, and also in deference to the great principle which underlies the

whole system of our Government, that each community shall govern itself in accordance with its own views of right and justice.

Mr. HITCHCOCK. I do not suppose, sir, at this period of the discussion that anything can be said which will change a vote in the Senate; and I certainly do not desire to take a single moment of time uselessly in any such attempt. I desire, however, to call attention to and to correct two or three statements which have been made in operation to the presence of the bill

position to the passage of the bill.

The honorable Senator from Pennsylvania [Mr. Wallace] says that the older and larger States have been growing restive under the rapid admission of States into the Union with less population than is required for representation on the floor of the other House. That may be true; but that does not apply to the case of New Mexico. As I stated, when I opened the debate, that the committee were unanimous in the opinion, from the best evidence before them, from the best data which they were able to obtain, that the population of New Mexico at the present time numbers from one hundred and thirty to one hundred and sixty thousand, the Senator from Pennsylvania, in support of his argument that that was an exaggerated estimate, quoted the number of votes polled at the last Delegate election. There were, as

stated by the Senator from Missouri, reasons why the vote should not have been full at the last election. It is known to most of the Senators, probably, that the candidate who was elected, who received a majority of the votes, was absent from the country at the time, traveling in Europe; that there was, practically, no contest, and therefore that the votes were not to any great extent called out. But, allowing that to be a standard, let us look at the vote of some other State. The State of a standard, let us look at the vote of some other State. The State of Rhode Island, the very years which the Senator quotes, at the last two elections poiled how many votes? The State of Rhode Island by the data—I read from the almanac from which the honorable Senator read the vote of New Mexico—polled in the year 1872 13,442 votes—about three thousand less than were polled by the Territory of New Mexico in this letter was the less than were polled by the Territory of New Mexico in this letter was the less than were polled by the Territory of New Mexico in this letter was the last was the letter was Mexico in this last year with no contest; yet the State of Rhode Island is represented upon the floor of the other House by two members. Therefore, by the Senator's own argument, the injustice we do here is that we do not give the Territory of New Mexico two members instead of one upon the floor of the other House. Look again at the

State of Rhode Island. At the vote for governor in 1874 she polled in all but 13,924 votes, showing that the vote in 1873 was not exceptional.

Another misstatement has been made here. The honorable Senator from Maine said that there were but 10,000 who could read the English language within the Territory of New Mexico. I do not know what data the gentleman speaks from, certainly not from the census of 1870, because I find in that census as reported here that there were but 48,000 over the age of ten who cannot read the English language.

Mr. MORRILL, of Maine. If the Senator will allow me, does it follow because the ceusus designates these people as white that they necessarily speak the English language?

Mr. HITCHCOCK. I am not aware that I said anything about white or any other color.

Mr. MORRILL, of Maine. But 90,000 is the white population

Mr. MORRILL, of Maine. But 90,000 is the white population.
Mr. HITCHCOCK. I said nothing about that.
Mr. MORRILL, of Maine. I think my honorable friend is reading from the census.

Mr. HITCHCOCK. I am.

Mr. MORRILL, of Maine. That is what the census says.
Mr. HITCHCOCK. I was reading from the census in regard to the illiteracy of the people. The honorable Senator from Maine said there

were but ten thousand people who could read the English language.
Mr. MORRILL, of Maine. The Senator from Maine did not state
that. The Senator from Maine said there were about ten thousand
people who spoke our language. That is what he said.
Mr. HITCHCOCK. I inquire of the honorable Senator what is his

authority for that statement?

Mr. MORRILL, of Maine. It is very much akin to that information which is so thoroughly relied upon by my honorable friend, that information which lies outside of the statistics that are given to us information which lies outside of the statistics that are given to us officially. As intelligent a gentleman as I know, connected with the survey of that country, who has been there several years, told me that was his information. The rest of the population, as I described, are Mexicans, Indians, "greasers," and mixed bloods, not speaking our language. If there are any larger number they have gone in since. I am not disposed to take very much on trust after the two experiences I have had here in the last twelve years as to the population of Territories when they apply for admission as States.

Mr. HITCHCOCK. I do not know what the Senator means by taking these questions on trust. I inquired of the honorable Senator what was his authority. He says a gentleman connected with the surveys. That may be official; that may be in his judgment reliable; I do not know; I certainly have no means of knowing; but I read

surveys. That may be omeial; that may be in his judgment reliable; I do not know; I certainly have no means of knowing; but I read from the official United States census of 1870, which says that there were but 48,000 people in the Territory of New Mexico over ten years of age who could not read the English language. That is my authority. I do not know anything that is better or superior, even a gentleman connected with the surveys.

Very much has been said in regard to the agricultural resources in New Mexico. The honorable Senator from Maine said he thought there was not more than one out of a hundred acres of arable land. Even if there were but one out of a hundred acres of arable land. Even if there were but one out of a hundred acres, it is far greater in proportion than in the States of New England. The valley of the Rio Grande, running all the way through the center of the Territory, I venture to say has greater capacities for agricultural production and will produce more in one year than the whole territory of New

England will or has in a century.

The committee carefully examined all the data which were within their reach, as I said before, in regard to the two points which we thought it necessary to consider, the number and character of the people which we propose to endow with the great privilege of citizenship and the character, extent, and resources of that Territory, and we were unanimously of the opinion that it is the part of justice and wisdom for the Congress of the United States to allow the people

of New Mexico to become a sovereign State in this Union.

Mr. COCKRELL. Will the Senator from Nebraska inform me why
it was that this special provision was placed in this bill:

And the governor of said Territory shall, by proclamation, order an election of the representatives aforesaid, to be held throughout the Territory, at such time as shall be fixed by the governor, chief justice, and United States attorney, or any two of them, which proclamation shall be issued within ninety days from the passage of this act, and at least thirty days prior to the time of said election.

Why was that special provision put in there, not even requiring a

newspaper publication of the election, nothing but a proclamation, which might be posted upon the doors of the capitol or anywhere else?

Mr. MORRILL, of Maine. In what section is that?

Mr. COCKRELL. Section 3, page 3, beginning in the eighteenth

Mr. HITCHCOCK. I can only say in regard to that provision that the committee followed the precedents of the last twelve years substantially. Certainly the committee supposed that with the restriction which provided that the notice should not be less than thirty days, and that the management of the details of the matter should be left with the governor, chief justice, and attorney, no injustice was likely to be done to any voter. The committee has no objection to any specific amendment of the bill in this respect. Nobody has any idea or desire that this election shall be carried by a trick or a fraud. We expect and desire that the honest sentiments of a majority of the we expect and desire that the honest sentiments of a majority of the people of New Mexico shall be registered; but we took the precedents as they have been established for the last twelve years, and we have followed them; that is all.

Mr. COCKRELL. I desired when I was on the floor before to call the attention of the Senator from Nebraska to the precedent in the case of Nevada and the precedent in the case of Nebraska. I have examined all the precedents anterior to that time, and I find no precedents.

examined all the precedents anterior to that time, and I find no precedent for this provision. The act for the organization of Nevada and the act for the organization of Nebraska are both identical, and they

And the governor of said Territory shall by proclamation, on or before the first Monday of May next, order an election of the representatives as aforesaid, to be held on the first Monday of June thereafter, throughout the Territory.

The act of Colorado, which I have not had time to examine, I know nothing about, but the act in regard to Nevoda and in regard to Ne-braska and prior acts have prescribed how the election should be held, the notice that should be given, and fixed the day. I see this act does not require that this proclamation shall even be published. The gov-ernor may issue a written proclamation and post it upon the lintels of the capitol thirty days prior to the election, and no persons in that Territory, except his own personal friends whom he advises otherwise, may know one solitary thing about that election.

The bill was ordered to be engrossed for a third reading, and read

the third time.

The PRESIDENT pro tempore. The question is, "Shall the bill

Mr. SHERMAN. I would like to inquire of the Senator from Missouri in regard to his statement as to the precedents for this bill.

Mr. COCKRELL. I supposed that the friends of the bill would certainly consent to as plain a proposition as that, but they seem determined to force the bill through just as it is.

Mr. SHERMAN. Why does not the Senator offer an amendment

Mr. COCKRELL. The friends of the bill would simply try to vote it down

Mr. SHERMAN. I ask the Senator why he does not offer an amendment to the bill himself ?

Mr. COCKRELL. If I had time to prepare it I would move an amendment to the third section.

Mr. SHERMAN. I understood the Senator from Nebraska to say

that the committee followed the precedents.

Mr. HITCHCOCK. The precedents of the last twelve years except in regard to Nebraska, where the chief justice and district attorney were not included.

Mr. SHERMAN. I want to vote for this bill and shall vote for it, but I would like to have it conform to other acts admitting Territories. Mr. COCKRELL. I ask the Senator from Nebraska to point out one solitary act preparatory to the organization of a State that is similar to this ?

Mr. SHERMAN. I do not mean that it must be similar in all things.

things.

Mr. COCKRELL. I mean as to the power of ordering the election. I do not want this bill to put it in the power of one man or three men simply to fix the time and place of election.

Mr. SHERMAN. Why does not the Senator offer an amendment, and we can act upon it? Let him move to substitute the section in the Nevada act in lieu of the section in the bill to which he has called attention. The Secretary can copy it for him.

Mr. HITCHCOCK. I have no objection to an amendment, such as is suggested, to provide for the publication of the proclamation in the newspapers for sixty days.

Mr. LOGAN, (to Mr. HITCHCOCK.) Just accept that amendment.

Mr. HITCHCOCK. I will accept that as an amendment, to provide for the publication in at least two newspapers of general circulation

for the publication in at least two newspapers of general circulation in the Territory for a period of sixty days.

Mr. COCKRELL. We had better have four newspapers. Let the people know what they are doing. Are there four newspapers there?

Mr. HITCHCOCK. The Delegate from the Territory informs me that there are four there.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The CHIEF CLERK. On page 3, line 19, after the word "proclamation" it is proposed to insert:

To be published in four newspapers printed and circulated in different parts of the said Territory, and at least sixty days prior to the day fixed for the said election.

The PRESIDENT pro tempore. This amendment cannot be made without a reconsideration of the vote on the third reading of the bill except by unanimous consent. Is there objection to this amendment? The Chair hears none, and by common consent the amendment is made.

Mr. BOGY. I presume after the amendment adopted in the nine-teenth line a change ought to be made to correspond with that amend-ment, and the word "thirty" should be stricken out and "sixty" in-serted in the twenty-fourth line. It is a mere verbal correction. The PRESIDENT pro tempore. The Chair hears no objection, and by common consent the amendment is made. The question now is

on the passage of the bill.

Mr. MORRILL, of Maine. On that question I ask for the yeas and

The yeas and nays were ordered, and the Secretary proceeded to call

The yeas and nays were ordered, and the solutions process the roll.

Mr. MORRILL, of Maine, (having first voted in the negative.) I ask to withdraw my vote. It occurs to me that I am paired with the Senator from South Carolina, [Mr. PATTERSON.] If he were here he would vote "yea" and I would vote "nay."

The Secretary resumed and concluded the call of the roll, which resulted—yeas 35, nays 15; as follows:

resulted—yeas 35, nays 15; as follows:

YEAS—Messrs. Bogy, Booth, Bruce, Cameron of Wisconsin, Christiancy, Conover, Cooper, Davis, Dennis, Dorsey, Ferry, Goldthwaite, Hamilton, Hamlin, Harvey, Hitchcock, Howe, Ingalls, Jones of Nevada, Kelly, Kernan, Logan, McMillan, Maxey, Mitchell, Paddock, Ransom, Robertson, Sargent, Sharon, Sherman, West, Windom, Withers, and Wright—35.

NAYS—Messrs. Allison, Bayard, Eaton, Edmunds, Frelinghuysen, Key, McCreery, McDonald, Merrimon, Morrill of Vermont, Norwood, Randolph, Saulsbury, Stevenson, and Wallace—15.

ABSENT—Messrs. Alcorn, Anthony, Boutwell, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Cockrell, Conkling, Cragin, Dawes, English, Gordon, Johnston, Jones of Florida, Morrill of Maine, Morton, Oglesby, Patterson, Spencer, Thurman, Wadleigh, and Whyte—23.

So the bill was passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed a concurrent resolu-tion for printing 100,000 copies of the Report of the Commissioner of Agriculture for the year 1874, and also a concurrent resolution for the printing of 200,000 copies of the Report of the Commissioner of Agriculture for the year 1875; in both of which the concurrence of the Senate was requested.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by

the President pro tempore:

A bill (H. R. No. 43) granting a pension to Elizabeth A. Neibling; and
A bill (H. R. No. 2570) legalizing the homestead entry of Mrs. Phœbe
C. Oakley, of Bay County, Michigan.

### ADVERSE REPORTS RECONSIDERED.

On motion of Mr. COCKRELL, and by unanimous consent, the vote agreeing to the indefinite postponement of the bill (S. No. 23) for the relief of Edwin Fairfax Gray was reconsidered, and the bill placed on the Calendar.

On motion of Mr. WALLACE, and by unanimous consent, the vote agreeing to the indefinite postponement of the bill (S. No. 111) for the relief of John Montgomery and Thomas E. Williams was reconsidered, and the bill placed on the Calendar.

On motion of Mr. MERRIMON, the vote agreeing to the indefinite postponement of the bill (S. No. 578) for the relief of the administrative of the settle of Lieutanant Locals Whater decompositions.

trix of the estate of Lieutenant Joseph Wheaton, deceased, was re-considered, and the bill placed on the Calendar.

On motion of Mr. HARVEY, the vote agreeing to the adverse report of the Committee on Claims on the petition of James Streeter, of Junc-

tion City, Kansas, praying compensation for property seized by the United States forces at Memphis during the late rebellion, was reconsidered, and the report placed on the Calendar.

### HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the

A bill (H. R. No. 2434) to correct an error in section 5271 of the Re-

vised Statutes of the United States;
A bill (H. R. No. 2583) to provide for holding of terms of the district and circuit court of the United States at Fort Wayne, Indiana; A bill (H. R. No. 2582) to regulate the removal of causes from State to United States courts; and
A bill (H. R. No. 2572) to protect witnesses who shall be required

to testify in certain cases.

The bill (H. R. No. 2581) to amend section 3887 of the Revised Statutes was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

### AGRICULTURAL REPORT FOR 1874.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved, (the Senate concurring.) That there be printed 100,000 copies of the Report of the Commissioner of Agriculture for the year 1874; 20,000 copies for the use of the Senate, and 80,000 copies for the use of the House of Representatives.

#### AGRICULTURAL REPORT FOR 1875.

The PRESIDENT pro tempore also laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That the Congressional Printer be, and he is hereby, authorized to print 200,000 copies of the Report of the Commissioner of Agriculture for the year 1875; 43,750 copies of which shall be for the use of the Senate, 131,250 copies for the use of the House of Representatives, and 25,000 copies for distribution by the Commissioner of Agriculture.

### DISTRICT COURT OF WEST VIRGINIA.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. No. 472) changing the times of holding terms of the district court for the district of

The amendment of the House of Representatives was read, which was to strike out all after the enacting clause of the bill and in lieu thereof insert the following:

thereof insert the following:

That hereafter the district court of the United States for the district of West Virginia shall be held at the times and places following: but when any of said dates shall fall on Sunday the terms shall commence the following Monday, to wit: At the city of Wheeling, on the 1st day of March and the 1st day of September; at Clarksburgh, on the 1st day of April and the 1st day of October; at Charleston, on the first day of May and the 1st day of November; and at Martinsburgh, on the 1st day of June and the 1st day of December; and all pending process, rules, and proceedings shall be conducted in the same manner and with the same effect as to time as if this act had not passed: Provided, however, That the terms of court hereby authorized to be held at Martinsburgh shall be void and of no effect unless all buildings and conveniences necessary to the holding of said court shall be furnished by the proper authorities of the county of Berkeley, free and clear of all cost and expense to the United States.

The PRESIDENT was tempore. The question is no concurring in

The PRESIDENT pro tempore. The question is no concurring in the amendment of the House of Representatives.

the amendment of the House of Representatives.

The amendment was concurred in.

Mr. EDMUNDS subsequently said: I see that, when my attention was diverted, the Senate agreed to a House amendment to a bill about the courts in West Virginia. I think it ought to be looked at to see that it does not interfere with other sessions and duties of the judge. I move to reconsider the vote and that the bill be referred to the Judiciary Committee. I would suggest to the Senator from West Virginia that there will be no delay about it. I will have it looked up and report it hask to the Senate.

and report it back to the Senate.

The PRESIDENT pro tempore. Is there objection to a reconsideration of the vote for the purpose of referring the bill to the Committee

on the Judiciary?

Mr. DAVIS. I understand that the change in the dates suits the people and the court there. I wish to say to the Senator from Vermont and to the Senate that the judge of the district has been here and I understand the dates suit the localities there; and that there has been a new court added at Martinsburgh, down at this end of the has been a new court added at Martinsburgh, down at this end of the State, and there is now no court perhaps within two hundred miles of it, and all the expenses attending it, as the Senator will see by examining the bill, are to be borne by the people, and not any part of them by the Government. I believe this is in the interest of economy, because the witnesses, jurors, &c., now have to be taken two hundred miles, and perhaps upwards of two hundred miles, to the nearest point to Martinsburgh, Martinsburgh, as the Senator understands, being east of the Alleghanies.

Mr. EDMUNDS. Then I must express my surprise that the Senator

Mr. EDMUNDS. Then I must express my surprise that the Senator from West Virginia should have asked the Senate to concur without a word of explanation in what turns out to be an important and material amendment, not merely as to time, as I supposed it was when I rose, but in respect to establishing a new court in a different place, which involves considerations that ought to merit a good deal of reflec-tion. I am sorry that my friend in his zeal for West Virginia should have asked to have the amendment concurred in without the usual reference, because in that respect it is exactly like a new law. The Senator knows perfectly well that those are the most troublesome questions of detail in the administration of justice that the Judiciary Committee have to deal with in respect to increasing and multiplying the places for holding courts. But I am sure that my honorable friend did not intend to have the thing go through without being properly considered, but supposed it was all right. I mean no reflection upon

Mr. DAVIS. The bill was amended, as is known, in the House and sent over here. It was an amendment to the Senate bill, which came sent over here. It was an amendment to the Senate bill, which came from the Judiciary Committee, as I understand. I certainly had no disposition to prevent it from taking the regular course. There was nothing said by myself or any one else; but the question was simply put on concurrence. I noticed the Senator from Vermont in his seat. I certainly did not think it was my place to make any objection when the bill as amended suited my people. I do not see how the Senator well could expect me to object to action of that character, unless he had happened to be out of the Chamber, and then it might have been said that I ought to have called his attention to it. I do not see how said that I ought to have called his attention to it. I do not see how the Senator could expect me to object to an amendment to a bill the Senator could expect me to object to an amendment to a bill which suited the persons whom I represent very well and which I believed to be in the interest of economy. In conclusion, the Senator said he did not refer specially to me; but I beg the Senator from Vermont to understand that I agree with him very well in his mode of doing business, to let nothing go until he understands it himself. It certainly was far from my thought to push an amendment or a bill through the Senate without the Senator knowing what we were doing.

Mr. EDMUNDS. I must apologize to the Senator from West Virginia, because he puts himself upon the ground that anything which is agreeable to his people it is not his business to object to. I was laboring under the impression, if I may so state it, of supposing that he was a Senator of the United States, and that the interests of the whole people were confided to his charge as well as the rest of us.

whole people were confided to his charge as wen as the rest of us. So saying, I leave the question.

Mr. DAVIS. I think I said, at the same time that I stated I was representing the wishes of my people, that it was in the interest of economy for the whole people that this change should be made.

Mr. EDMUNDS. That is a question that remains to be deter-

The PRESIDENT pro tempore. The question is on reconsidering the vote and referring the bill, with the amendment of the House of Representatives, to the Committee on the Judiciary.

The motion was agreed to.

#### SALARY OF THE PRESIDENT OF THE UNITED STATES.

The PRESIDENT pro tempore. The Calendar of general orders is before the Senate, and the first bill upon the Calendar is Senate bill No. 172, fixing the salary of the President of the United States, being order of business No. 86.

#### EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the considera-

tion of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were re-opened, and (at three o'clock and fifty minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

# FRIDAY, March 10, 1876.

The House met at twelve o'clock m., and the Speaker resumed the chair. Prayer by the Chaplain, Rev. I. L. TOWNSEND. The Journal of yesterday was read and approved.

# OPPOSITION TO PATENT EXTENSIONS.

Mr. SAMPSON, by unanimous consent, presented joint resolution of the Legislature of Iowa, instructing the Senators and requesting the Representatives from that State to prevent the extension of the Wilson patent for feed-motion and similar patents in sewing-ma-chines; which was referred to the Committee on Patents.

# A. L. SHOTWELL

Mr. HOLMAN, by unanimous consent, from the Committee on Appropriations, moved that committee be discharged from the further consideration of a bill (H. R. No. 2138) for the relief of A. L. Shotwell, and that the same be referred to the Committee of Claims; which motion was agreed to.

### LIGHT-HOUSE AT PERE MARQUETTE, MICHIGAN.

Mr. DUNNELL, by unanimous consent, from the Committee on Commerce, reported back, with a favorable recommendation, a bill (H. R. No. 958) to appropriate money for the erection of a keeper's dwelling at the light-house at Pere Marquette, Michigan, and moved the same be referred to the Committee on Appropriations; which motion was agreed to.

### PRIVATE BILLS.

Mr. ATKINS demanded the regular order of business.

The SPEAKER. The morning hour now begins at twenty-six minutes after twelve o'clock, and this being Friday the regular order is the call of committees for reports of a private nature, beginning with the Committee on Invalid Pensions.

### JESSE M'COY.

Mr. JENKS, from the Committee on Invalid Pensions, moved that committee be discharged from the further consideration of a bill (H. R. No. 2505) for the relief of Jesse McCoy, and the same be referred to the Committee on Revolutionary Pensions; which motion was agreed to.

SALLY CARROLL, (COLORED.)

Mr. JENKS also, from the same committee, moved that it be discharged from the further consideration of the petition of Sally Carroll (colored) for bounty as a widow of Governor Carroll, of Company I, Fourteenth United States Colored Troops, deceased, and the same be referred to the Committee on War Claims; which motion was agreed to.

### JOHN HALEY.

Mr. SINNICKSON, from the same committee, reported a bill (H. R. No. 2585) granting a pension to John Haley, Company C, One hundred and thirtieth Regiment Illinois Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# MRS. MARTHA R. ROBINSON.

Mr. SINNICKSON also, from the same committee, reported back a

bill (H. R. No. 2198) granting a pension to Mrs. Martha R. Robinson, of Portsmouth, Ohio, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### SARAH EMMONS.

Mr. SINNICKSON also, from the same committee, reported back a bill (H. R. No. 1939) granting a pension to Sarah Emmons, with the recommendation that it do pass; which was referred to the Com-mittee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### HENRY H. KAISER.

Mr. SINNICKSON also, from the same committee, reported back with the recommendation that it do pass, the bill (H. R. No. 2079) granting a pension to Henry H. Kaiser, late private in Company H, Eighth Regiment United States Veteran Volunteers; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### MRS. HANNAH W. SUMNER.

Mr. HEWITT, of Alabama, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2271) to increase the pension of Mrs. Hannah W. Sumner, widow of Major-General Edwin V. Sumner; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### JOHN L. BARTLEY.

Mr. HEWITT, of Alabama, also, from the same committee, reported, as a substitute for House bill No. 1278, a bill (H. R. No. 2586) granting a pension to John L. Bartley; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MELVINA INGLE.

Mr. HEWITT, of Alabama, also, from the same committee, reported a bill (H. R. No. 2587) granting a pension to Melvina Ingle; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ELIZABETH R. M'CRACKEN.

Mr. HEWITT, of Alabama, also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 221) granting a pension to Elizabeth R. McCracken; and the same was laid on the table, and the accompanying report ordered to be printed.

### WIDOW OF L. H. ROUSSEAU.

Mr. JENKS, (for Mr. RICE,) from the same committee, reported back, with the recommendation that it do pass, the bill (S. No. 326) for the relief of the widow of L. H. Rousseau, deceased, late brigadiergeneral and brevet major-general, United States Army; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

# ANNA BRASEL.

Mr. HENDERSON. I ask unanimous consent to report back from the Committee on Revolutionary Pensions and the War of 1812 the bill (H. R. No. 1246) to correct the date of the commencement of pen-Gordon's Company of Mounted Illinois Volunteers, and to move that the committee be discharged from the further consideration of the same, and that it be referred to the Committee on Invalid Pensions.

### There was no objection, and it was so ordered.

### ALLEN B. WILSON.

Mr. VANCE, of North Carolina. I am instructed by the Committee on Patents to report back, with an adverse recommendation, the memorial of Allen B. Wilson, asking for an extention of re-issued letters-patent for invention of device for feeding sewing-machines. I ask that the report may be read.

# The report was read, as follows:

The report was read, as follows:

The memorialist, Allen B. Wilson, on the 12th day of November, 1850, obtained letters-patent covering the invention of the device for feeding sewing-machines. These letters-patent were re-issued in two parts January 22, 1856, and December 9, 1856, and at the expiration of the term of the original letters-patent an extension thereof was granted by the Commissioner of Patents for seven years. This extension expired November 12, 1871. So that for twenty-one years Mr. Wilson has had the benefit of the protection of the patent laws and has been the recipient of the great advantages accraing therefrom.

The invention was a very important and useful one, supplying a mechanical principle in the manufacture and use of sewing-machines which had long been felt necessary to their successful operation. Its value was at once recognized, and by various arrangements with the inventor it was adopted by all the more important and extensive manufactories in the United States, the inventor becoming a stockholder in one of them. In addition to this, the several sewing-machine companies using this invention conceived the idea of forming a combination for the purpose of buying up and using for their joint and sole benefit the several patents which had been recognized as valuable in their trade. Their combined wealth enabled them to do this, and taking this invention as a basis they did form an association known as the Sewing-Machine Combination, by which they have succeeded in controlling the trude throughout the United States for many years.

The power thus consolidated in their hands has been used oppressively and tyrannically in many instances. It has been able to keep the prices of the machines at an unreasonably exorbitant figure; it has brought great wealth to the companies and individuals belonging to it, and it has stifled the growth of a free and healthy

competition, and by this means has kept from the public other and useful machines which could have been sold at a much less price.

Your committee are satisfied that the memorialist has been fully and amply recompensed for all his trouble and expense in the invention and development of this device; indeed from a position of comparative poverty he has been raised by it not only to competency, but to wealth. From the statistics furnished us in the examination of this subject, it appears that this sewing-machine combination, in one of the companies of which Mr. Wilson was and is a stockholder, sold during the year 1870, 343,599 machines; during the year 1873, 442,813 machines; during the year 1874, 389,506 machines—making a total of 1,175,918 machines. These machines were retailed to the public at an average price of \$65; and it further appears that they can be manufactured and sold, including a reasonable profit, for \$32.50.

This combination, in 1856, fixed the fee for licenses to use this and the other patents owned by it at \$15; in 1860 it was reduced to \$7; in 1863 to \$5, and in 1870 to \$3. In addition to his profits as a shareholder in one of the combination companies, Mr. Wilson was entitled and no doubt did receive a portion of the royalties paid as license fees under the above schedules. With one exception, which will expire next year, all the patents embraced in and used by this combination are at an end, and the motives for such a combination will end with them; and then it is believed that the sale and manufacture of sewing-machines, a trade now so great and extensive, affecting directly almost every family in the land, will be thrown open to a free and healthy competition, which cannot be but highly advantageous to the public.

Your committee are satisfied that the public has paid very heavily for said invention, and that the inventor has been fully rewarded; and they therefore are of the opinion that the memorial do lie on the table.

Mr. VANCE, of North Carolina. I move that the committee be dis-

Mr. VANCE, of North Carolina. I move that the committee be discharged from the further consideration of the memorial, that it be laid on the table, and that the report be printed.

### The motion was agreed to.

LUTHER HALL. Mr. VANCE, of North Carolina, also, from the Committee on Patents, reported a bill (H. R. No. 2588) for the relief of Luther Hall;

which was read a first and second time.

Mr. VANCE, of North Carolina. I ask that the bill be now put upon its passage.

The bill was read. It authorizes the Commissioner of Patents, upon due application made to him therefor, and upon the same evidence and que application made to him therefor, and upon the same evidence and rules of law as in ordinary extension cases, to extend the patent granted to Luther Hall and S. S. Hemenway, September 27, 1859, and numbered 25605, for a machine for shaping heels of boots and shoes, for the term of seven years from and after the passage of this act; and the bill provides that the said patent so extended shall have the same effect in law as if originally granted to said Hall for the term extending to the end of the term for which it shall be so extended; provided, however, that no person shall be liable for infringing such extended notent by reason of any manufacture, use or sale subsequence. extended patent by reason of any manufacture, use, or sale subsequent to the 27th day of September, 1873, and prior to the passage of

this act. Mr. VANCE, of North Carolina. I ask for the reading of the report. The report was read, as follows:

The Committee on Patents, to whom was referred the petition of Luther Hall, praying that an act be passed authorizing him to apply to the Commissioner of Patents for, and the Commissioner of Patents to grant, an extension of letters-patent for a machine for trimming the heels of boots and shoes, submit the following re-

for a machine for trimming the heels of boots and shoes, submit the following report:

The petitioner, Luther Hall, was the original inventor of the machine referred to in his petition for the patent for which he now desires an extension; and that letters-patent therefor were duly issued to him and one Hemenway as his assignee in the year 1859, which letters-patent expired in the year 1873.

The petitioner further shows that it was his desire and intention to apply to the Commissioner of Patents for an extension upon the expiration of the original letters, and for that purpose he authorized and empowered one James W. Brooks to make his application, and for that purpose furnished him with all the necessary information and documents; but that the said Brooks from some cause totally neglected to give the matter any attention whatever, and petitioner being a poor man—a day laborer—unacquainted with the practice of the Patent Office and the requirements of the law, the time within which he might have secured an extension by the Commissioner expired.

requirements of the law, the time within which he might have secured an extension by the Commissioner expired.

The committee further show that the said machine is a useful and valuable one to the public, particularly to the manufacturers of boots and shoes; and that the petitioner has not been able to re-imburse himself from said patent for his time, labor, and expense employed in the invention and development of his machine; in fact, that he has not realized \$500 for the entire period of his patent.

And the committee further show that the petitioner applied to the Forty-third Congress for an act authorizing him to make an application to the Commissioner of Patents for an extension; that the petition was referred by the House of Representatives to the Committee on Patents, where it was examined and considered, and found to be meritorious, and a favore ble report made thereon.

The committee therefore concur that the general welfare will be advanced by permitting the petitioner to make an application to the Commissioner of Patents for an extension of his letters-patent.

They therefore recommend the passage of the accompanying bill.

Mr. VANCE of North Caroling, Mr. Speaker I shall occurs the

Mr. VANCE, of North Carolina. Mr. Speaker, I shall occupy the attention of the House but for a moment in explanation of this bill. It is the unanimous opinion of the committee that the bill ought to pass. The petitioner is the inventor of a machine for shaping the heels of boots and shoes. He was entitled under the law to an exheels of boots and shoes. He was entitled under the law to an extension of seven years after the expiration of the fourteen years. He employed a party to appear before the Commissioner of Patents to obtain that extension, and was not aware, until the time had elapsed, that that party had failed to do so. He now comes to Congress and asks that the right be extended to him to apply to the Commissioner of Patents for an extension. He has only had the use of this invention of the forest terms of the state of th tion for fourteen years, a period less than that now fixed by law, which is nineteen years.

The rule adopted by the Committee on Patents is that no recommendation shall be made to the House for the right to go before the Commissioner of Patents for an extension unless the case is very meritorious. We have carefully examined this case. The inventor is a day-laborer, not acquainted with the laws, and we think it is right that he should be allowed to go before the Commissioner of Patents, to ask the extension which he lost through the negligence of the party to whom he intrusted his case. If there be no objection, I will call the previous question.

Mr. NEAL. If I understood correctly the reading of the report of

the committee in this case, it contained a statement to this effect: that the public welfare would be advanced by the extension of this patent; and I should like the chairman or some other member of the committee to point out how the public welfare will be advanced by the extension of this patent.

Mr. VANCE, of North Carolina. Well, I think the public welfare is advanced by the introduction of new and useful inventions. This man has introduced an invention which has facilitated the making

man has introduced an invention which has facilitated the making of boots and shoes, and under the law he was entitled to twenty-one years; he has only held the patent for fourteen years, and we think he has an equitable right to an extension.

Mr. NEAL. He has had then under the law fourteen years' benefit of his patent?

Mr. VANCE, of North Carolina. Yes.

Mr. NEAL. It was by reason of ignorance of the law upon his part and the failure to avail himself of the provisions of law that he lost the extension? lost the extension?

Mr. VANCE, of North Carolina. It was not the failure on his Mr. VANCE, of North Carolina. It was not the failure on his part; the gentleman is mistaken in that. In due time, before the expiration of his patent, or within ninety days of the expiration of his patent, he employed a man to get the extension, and that man, for some reason unknown to the petitioner, failed to apply for it, and therefore the patent was not extended. This is simply a proposition that he be allowed to go before the Commissioner of Patents and if he has a good case that the Commissioner shall be permitted to grant an extension

I hope the House will vote down the report of the com-Mr. NEAL. mittee. I think if there is one evil from which the people of our country have suffered more than another, it has been by monopolies growing

try have suffered more than another, it has been by monopolies growing out of the patent laws, and I think it is about time that an end was put to all legislation of this kind.

Mr. VANCE, of North Carolina. I fully agree with the gentleman from Ohio that monopolies ought to be voted down, and I think the Committee on Patents stand justified by the report which immediately preceded this one. In that report monopolies were properly dealt with, as we conceive. This man, Luther Hall, according to the testimony before the committee, has only received about \$500 for his invention. Is that a monopoly, sir?

invention. Is that a monopoly, sir ?

Mr. WHITEHOUSE. Mr. Speaker, I know nothing in regard to this special case, because it is perfectly new to me; but I know this, that I am perfectly conversant with the mode of operation of a company in Boston that can control all the principal patents appertaining to the manufacture of boots and shoes. Although it may not be true in this case, I know that it has been in others where they have investigated and found patents that have been taken out by parties and when they were about to expire this combination, being alert and perfectly conversant with the patent laws, have succeeded in obtaining the renewal of such patents where there has been no benefit what-

ever to the original inventor.

Sir, I will not pretend to charge that this is one of those instances, but I have very grave apprehension that it is; and for my own part, knowing the operations of the company, I shall vote against granting the permission asked by the Committee on Patents even though it be

unanimously asked.

I know, sir, the operations in that line of business, and that one corporation alone avail themselves of the most valuable improvements in the manufacture of boots, and there is no branch of mechanical business that has been so facilifated by the production of labor-saving machinery as the manufacture of boots and shoes. I know of one patent that is to expire in the course of a few years and in which an application of extension may come here, and I know that the inventor of that patent has received nominally nothing for it; and yet it has produced to the present owner several millions of dollars, the annual interest coming into their treasury being over \$500,000. And I say that this is no time to renew or extend any such patent, and for my own part, with the general knowledge which I have on this subject,

With the general knowledge which I have on this subject, I carnestly oppose the passage of this bill.

Mr. VANCE, of North Carolina. I now call the previous question.

The question was taken upon seconding the call; and upon a divis-

ion there were—ayes 56, noes 41.

The SPEAKER pro tempore. If no further count is demanded, the previous question will be regarded as seconded.

No further count was called for.

The question was then taken upon ordering the main question; and

upon a division there were—ayes 41, noes 66.

Mr. VANCE, of North Carolina. Is there a quorum voting?

Mr. VANCE, of North Carolina. Is there a quotum voting?

The SPEAKER pro tempore. No quorum voted. Does the gentleman call for tellers or insist on a further count?

Mr. VANCE, of North Carolina. I will not call for a further count. The SPEAKER pro tempore. Then the main question is not ordered. Mr. OLIVER. I move that the bill be laid upon the table. The motion was agreed to.

JAMES WYMAN.

Mr. J. H. BAGLEY, from the Committee on Patents, reported back, with a recommendation that the same do pass, the bill (H. R. No. 2176) for the relief of James Wyman.

The question was upon ordering the bill to be engrossed and read

a third time.

The bill authorizes James Wyman, of Stillwater, Saratoga County, New York, to make application to the Commissioner of Patents for an extension for seven years of letters-patent granted to him for the invention of a new and useful improved machine for setting the staples in blind-slats, dated August 24, 1858, and numbered 21292; and the Commissioner of Patents is authorized to extend said patent as if application had been made within the time limited by law; provided that, if the patent be extended, no damages shall accrue for infringement thereof committed since the original patent expired and before the date of the extension. the date of the extension.

Mr. J. H. BAGLEY. I ask that the report accompanying the bill

be read.

The report was read, setting forth that upon the 24th of August, 1858, letters-patent were issued to James Wyman, of Stillwater, New York, for the invention of a new and useful machine for setting the York, for the invention of a new and useful machine for setting the staples in blind-slats; that the machine was the result of many years of study and experiment on the part of Wyman, and was the first that everdid the work properly. After patenting the machine, Wyman was diligent in seeking to introduce it into public use; but, owing to public prejudice or distrust of the practicability of such a machine, his efforts were futile. He continued his efforts and devoted much of his time to presenting his invention to the public, meanwhile supporting himself and family by his daily labor as a carpenter, being destitute of means except such as he was able to earn from day to day. He is still a poor man, and has never realized a dollar for the many years

is still a poor man, and has never realized a dollar for the many years of time and the labor he had devoted to the invention. The patent expired August 24, 1872, but the fact was not known to the inventor until March, 1874, when he applied to Congress for relief, which the committee recommend be granted.

Mr. J. H. BAGLEY. In regard to this case I will say that Mr. Wyman, for whose benefit this bill is reported, is a poor man, a carpenter by trade, who some years ago conceived the idea of inventing a machine for wiring or fastening the slats of window-blinds. He endeavored to interest in his machine parties with capital, and finally succeeded in finding persons who were willing to propose in the enter. succeeded in finding persons who were willing to engage in the enter-Upon examining his letters-patent it was found they had expired. In this dilemma he applies to Congress for relief. As I have already said, Mr. Wyman is a poor man, supporting himself and family by his daily labor. The parties proposing to assist him agree to pay him \$2 for each machine manufactured and sold, and estimate that about three hundred machines can be disposed of each year. This will give Mr. Wyman an income of about \$600 a year from this patent. It has had no extension, and, as the law seems to contemplate that a patent should have at least one extension, the committee think it just to grant this petition. The public has not yet paid anything for the patent, and, while it is of some interest to the inventor, it is of but little interest to the public.

Mr. DE BOLT. When was this patent granted?
Mr. J. H. BAGLEY. August 24, 1858. I now yield to the gentleman from Iowa, [Mr. SAMPSON.]
Mr. SAMPSON. I feel it my duty to oppose the passage of this bill. I am a member of the Committee on Patents, and have opposed the bill now under consideration from the time it came to my attention in the committee. I base my opposition principally upon this ground, that where any individual applies to Congress for relief through a special law there should be strong, equitable reasons for the enactment of that law. This special law grants to the particular the enactment of that law. This special law grants to the particular individual privileges that are not enjoyed by citizens generally. For that reason I say that, when any individual presents himself here and asks special privileges under a special act, his application should be sustained by strong, equitable reasons. I voted for the bill which was reported from the committee just before this. The applicant in that case lost his rights and privileges which belonged to him under the law, not through any negligence on his part, but through the negligence of his attorney. He made his application for the extension within the time required by law, but through the negligence of negligence of his attorney. He made his application for the extension within the time required by law, but through the negligence of his attorney he lost that right. He was a poor man, had made nothing from his patent, and lost his rights through the negligence of another, and for that reason I voted for his bill. But that is not the case here.

In this case the patent was granted in 1858. The patentee should have made his application for the extension prior to the 24th of August, 1872, but failed to do so. If he had a sufficient reason for that failure, then he might have some standing here when he asks for that failure, then he might have some standing here when he asks for the passage of a special law to relieve him. But he simply states that he forgot the time when the patent expired. His failure is the result of his own negligence. His rights under the law were lost because he had forgotten the time when his patent expired. To pass this bill for his relief would be setting a dangerous precedent. We might as well say that every man who forgot the time when his patent expired, after the lapse of three or five years might come here and have his patent extended, although the loss was the result of his own negligence. It seems to me this would be an unsafe precedent, and that we ought to oppose the passage of this bill.

Mr. DE BOLT. It seems to me, sir, that the enjoyment of the exclusive privileges of a patent for the term of fourteen years is long enough for any individual. If there are any advantages to be derived from a patent, they certainly ought to be obtained within that time. If within that period a patentee has failed to secure any benefits from his patent, either the invention must be of no great public utility, or the failure must have resulted from his own neglect. This utility, or the failure must have resulted from his own neglect. This being so, it seems to me he has no right to come to Congress asking to have the patent extended. The people have some rights in this matter; but from the manner in which patents have been extended, they have great ground for complaint. They have been imposed upon.

Therefore I am opposed to any extension of this kind.

Mr. HATHORN. Mr. Speaker, this Mr. Wyman is a laboring-man;
he is a poor man; there are no "millions" in this bill. The utmost
benefit he can expect from this patent is merely a few hundred dollars a year. During the years when this patent was running and when he could not induce any capitalists to assist him in introducing the invention, he had all he could do to support his family. I think that if any patentee should be allowed the privilege of going before that if any patentee should be allowed the privilege of going before the Commissioner of Patents and making application for a renewal, this is such a case. The patentee will not be able to make more than two or three hundred dollars a year out of it; and it does not interfere with any other patent. Being an ignorant man, he did not know anything about the law; and being occupied as a day laborer in taking care of his family, he overlooked the fact that his patent was about to expire. Hence I hope this House will vote to allow him the privilege of applying to the Commissioner of Patents for an extension of seven years.

privilege of applying to the commissioner of ratents for an extension of seven years.

Mr. J. H. BAGLEY. The Committee on Patents had their sympathies strongly excited in this case. They were aware of the facts stated by my colleague on the committee, [Mr. Sampson,] but they had not expected any opposition to be made in the House by any member of the committee. The patent expired because this man was ignorant of the law; and when the arrangement was made by these parties who were to introduce the invention into use, they investigated the matter and found that the patent had expired.

the matter and found that the patent had expired.

Although our sympathies were excited in this case, yet I will say that there are many cases in which our sympathies have been excited that we do not think proper to report upon favorably. Most of these applications for renewals the committee have reported adversely. But this is one of those cases where the inventor has not received one dollar for his invention, although it had been developed with a good deal of ingenuity; and we felt it a matter of justice to him that he should have an opportunity to obtain some little compensation for

Mr. WELLS, of Mississippi. Does this bill propose the renewal of the patent, or only that the patentee be allowed to make application

to the Commissioner of Patents for a renewal !

Mr. J. H. BAGLEY. The committee have refused in toto to report any bill extending a patent absolutely. This bill simply proposes to allow the patentee to go before the Commissioner and have a full hearing of the question upon its merits; and if the Commissioner finds

sufficient grounds for the extension, he is authorized to grant it.

Mr. SAMPSON. I wish to refer to the argument which has been made in favor of this bill, that this inventor, being a poor man, he made in favor of this bill, that this inventor, being a poor man, he ought to have the privilege of an extension in order that he may be remunerated for his invention. While I am willing to favor poor men and believe that their rights should be more carefully guarded than those of the wealthy, still I think gentlemen ought to reflect that while this inventor may be poor there may be many other poor men who may have expected to engage in this particular business upon the expiration of the patent; knowing that they would have the right to use this machine, they may have prepared themselves to engage in this branch of business. Many a poor mechanic may have had his all invested in that way, may have expended his money and made preparations upon the expectation that when the term of the made preparations upon the expectation that when the term of the patent had expired it would not be extended, and there was the more reason for this expectation because nearly two years elapsed after the expiration of the patent before the patentee even applied to this House for an extension.

Now I think the rights of poor men everywhere should be looked after; the public generally should be protected as well as inventors. When inventors have enjoyed the full term of their patents under the law, then if other poor men have engaged in manufactures of this kind, their rights ought to be protected. It seems to me, therefore, that the argument, so far as it is founded upon a consideration

of the rights of poor men, is on the other side of the case.

Mr. J. H. BACLEY. It is in evidence before the committee that no parties have manufactured these machines. Had we found that such was the case, we would perhaps have made a different report. But we found that no parties whatever except the inventor are to be

affected by this extension.

affected by this extension.

Mr. NEAL. If this case is one that should be made exceptional, I would like to know how it happens that the committee is divided upon its merits, when a bill upon which the committee was unanimous has just been rejected by the House.

Mr. J. H. BAGLEY. Well, sir, I must confess that I was not aware that any member of the committee would say a word in opposition to this bill. But I will say there might be presented a case of a poor man where our sympathies would be excited and yet where we might not consider it proper to report favorably.

Mr. NEAL. It seems to me the committee can hardly expect the House to pass a bill on which the committee are divided, when a bill

reported unanimously has just been rejected.

The question recurred on ordering the bill to be engrossed and read

a third time.

The House divided; and there were-ayes 29, noes 61; no quorum voting.

The SPEAKER pro tempore ordered tellers, and appointed Mr. J. H. BAGLEY and Mr. SAMPSON.

The House again divided; the tellers reported—ayes 40, nays 69. So, the House refusing to order the third reading and engrossment f the bill, it was rejected.

Mr. BAKER, of Indiana. I move to lay the bill upon the table. The SPEAKER pro tempore. That motion is entirely unnecessary, as the bill has been rejected.

Mr. WILSON, of Iowa. The refusal of the House to engross the

bill rejects it.

Mr. TOWNSEND, of New York. I move to reconsider the vote by which the bill was rejected; and also move to lay the motion to reconsider upon the table.

Mr. CONGER. I hope by unanimous consent the bill will be permitted to go to the Committee of the Whole on the Private Calendar for further consideration.

The SPEAKER pro tempore. The motion of the gentleman from

ew York is not debatable. Mr. CONGER. I make a personal request of the gentleman from New York and of the House to allow the bill to go to the Committee

of the Whole on the Private Calendar. Mr. TOWNSEND, of New York. I withdraw my motion. Mr. CONGER. I have no further interest in this bill than to see

ustice done to this man. I move to reconsider the vote by which the ill was lost

Mr. OLIVER. And I move to lay that motion upon the table.

Mr. CONGER. I have not yielded the floor. I wish to make a remark or two before the question is taken on my motion. I was not present when this question was considered in the Committee on Patents, and desired to express some views on it when it came before the House. I believe there is good reason why the House should further consider it and hear more particularly than they have the circumstances which to the committee made it proper to report the

measure to the House

I desire to ask this House not in its zeal to reject all questions connected with patents—it is unworthy the dignity of this House to do so merely because they are patents—but to receive here such applications of citizens of the United States as feel they have without wrong or without cause lost the right guaranteed to them by the Constitution and by the law of the land that they should have the opportunity of coming to this last place of appeal to be re-instated in that right. I consider this, Mr. Speaker, to be one of that class of cases, and I venture, as I have heretofore ventured, to suggest to the House whenever the Committee on Patents recommend, in the judgment of the House, any improper measure, whenever this committee lose the confidence of all the members of the House in their judgment and fidelity to the interests of the people, then it will be proper enough to refuse them a hearing in a Committee of the Whole House on the Private Calendar upon any subject they propose.

I have made this motion that this matter may come up in the Com-

mittee of the Whole on the Private Calendar, so there may be discussion on it and some principle settled in regard to the action of the committee which this case involves, as well as for the judgment of the House as for the action of the committee. I hope there may be no objection at least to this being referred to the Committee of the Whole on the Private Calendar. It is for that object I have made the motion to reconsider. If the House reconsider and refer it, the committee may receive some suggestions and some instruction from the House to guide them in regard to other cases still pending or to come

before them.

Mr. WILSON, of Iowa. Mr. Speaker, I do not say that I will object to unanimous consent being given to the geutleman from Michigan to have this bill put upon the Private Calendar, but I see no reason why the bill cannot be discussed now just as well as in the Committee of the Whole House on the Private Calendar. This is Friday, and we have as much time as we ever will have to discuss a bill ex-

tending a patent. Now, sir, it must be an extraordinary case where I will vote to extend a patent which has been enjoyed for fourteen years. I do not mean to say we are not benefited measurably by our inventors, but I do say that one of the greatest annoyances to which many of the industries of the United States are subjected is because of the present patent law and the abuses under it. As agricultural, mechanical, and other industries grow and advance, the necessary changes which are other industries grow and advance, the necessary changes which are suggested are picked up by somebody who can get to Washington first, and here they are patented. The great advance made lately in agricultural machinery has resulted from the suggestions of the men who use it in the field. The man who makes the machines obtains these suggestions and then secures a patent for them, thus putting additional expenses upon the men who have to buy them.

Now, sir, I believe our patent laws should be materially modified. I believe the time should be shortened instead of lengthened.

If the gentleman from Michigan has a case of distress: if this man

If the gentleman from Michigan has a case of distress; if this man through extreme ignorance, ill health, or anything else, has lost any

right which he was entitled to; if he has conferred a great benefit on the people of the United States and insists he should be rewarded, let us give him a sum of money for the benefit he has done us. But

I cannot consent that a man who has had the benefit of a patent for fourteen years should have his patent extended.

As I have said, however, I will not object, if my friend from Michigan insists upon it, to this bill being placed upon the Private Calendar, because he is too good and too accommodating a man to refuse his request in that regard. I think it can be discussed as well here, and whatever principles have to be settled can be settled as well now in the House as at any other time in Committee of the Whole.

Mr. CONGER. The reason why I did not ask for the discussion to go on now is because I understand there is a special order to-day which will take up all the time, and besides it would take up the time of the morning hour which is necessary to receive reports from committees. If the bill be placed upon the Private Calendar in Committee of the Whole House, it can be taken up and receive full discussion there when it will not interfere with other business. That was the reason why I have not spoken to the merits of the question today. The morning hour will soon expire, and if the discussion were begun it could not be pursued. I believe there is no objection to the reference of the bill to the Committee of the Whole on the Private Calendar

Mr. OLIVER. I move to lay the motion to reconsider on the table. The House divided; and there were—ayes 48, noes 36; no quorum

voting.

Mr. CONGER. I will not exercise my right to demand a further count, no quorum voting, if gentlemen of the House take no further interest in this matter than to leave the House without a quorum.

The SPEAKER pro tempore. No further count being demanded the motion to reconsider the vote by which the bill was rejected is laid upon the table.

GOVERNMENT GOLD BALANCES.

Mr. COX. I ask unanimous consent to offer, at the request of my colleague, [Mr. Hewitt,] who has been called home, the following resolution: The Clerk read as follows:

Whereas the Secretary of the Treasury, in reply to a resolution of this House adopted January 31, 1876, states the amount of coin and bullion in the Treasury at the close of business on the 25th of January to have been as follows, to wit:

Gold bullion     10, 254, 409 59       Silver coin     11, 202, 256 60       Silver bullion     4, 146, 932 67	Gold coin	\$44, 659, 128 24
Silver coin 11, 202, 258 60 Silver bullion 4, 146, 932 67	Gold bullion	10, 254, 409 59
Silver bullion	Silver coin	11, 202, 258 60
	Silver bullion	4, 146, 932 67

caused.

And that the said committee be further instructed to ascertain whether the legal-tender notes received by the Treasury for the redemption of national bank notes are kept as a special fund separate and apart from all other moneys of the United States, or whether they are held in the Treasury in common with such other moneys, the amount thereof being merely deducted at the close of the month from the full amount of legal-tender notes then in the Treasury.

And that the said committee make report to this House upon the matters herein referred to it with all possible dispatch, in order that the actual financial condition of the Treasury may, if possible, be made plain before any further legislation is had in reference to the resumption of specie payments.

Mr. BURCHARD, of Illinois. I object to the resolution being considered at this time. Let it be referred to the Committee of Ways and Means, and if they think proper, they can report it back to the House for adoption.

Mr. COX. I have presented the resolution at the request of my colleague, [Mr. Hewitt.] I suppose if any gentleman objects it will have to be referred. But I think it is only causing needless delay to refer the resolution instead of adopting it at once.

Mr. BURCHARD, of Illinois. I object to the present consideration of the resolution, but am willing that it should be referred to the Com-

Mr. COX. Very well; let it be so referred.
Mr. KASSON. I would suggest that the resolution be printed.
There was no objection, and the preamble and resolution were referred to the Committee of Ways and Means, and ordered to be printed.

# DISTRICT JUDGE IN COLORADO TERRITORY.

Mr. HUNTON. I ask unanimous consent to report back from the Committee on the Judiciary, with the recommendation that it be adopted, the following resolution:

The Clerk read as follows:

Be it resolved. That the Attorney-General of the United States be, and he is hereby, requested to furnish to this House at an early day copies of all letters, telegrams, and papers asking for the removal of Judge Belford, a district judge for the Territory of Colorado, and copies of all letters, telegrams, and papers asking for the appointment of Judge Stone to succeed Judge Belford; also, copies of all papers, letters, and telegrams appertaining to the alleged arbitrary and corrupt ruling, orders, and decrees of Judge Stone in the interest of those who procured his appointment, which are now on file in the Office of the Attorney-General; also, the names of all persons who, otherwise than in writing, demanded the removal of Judge Belford and the appointment of Judge Stone.

Mr. TOWNSEND, of New York. I object. Mr. HUNTON. Then I withdraw the resolution.

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 43) granting a pension to Elizabeth A. Neibling;

An act (H. R. No. 2570) legalizing the homestead entry of Mrs. Phæbe C. Oakley, of Bay County, Michigan.

#### PRINTING OF AGRICULTURAL REPORTS.

Mr. VANCE, of Ohio. I rise to make a privileged report. I am instructed by the Committee on Printing to report back the following concurrent resolution, with the recommendation that it be adopted:

Resolved by the House of Representatives, (the Senate concurring.) That the Congressional Printer be, and he is hereby, authorized to print 200,000 copies of the Report of the Commissioner of Agriculture for the year 1875, 43,750 copies of which shall be for the use of the Senate, 131,250 copies for the use of the House of Representatives, and 25,000 copies for distribution by the Commissioner of Agriculture.

The concurrent resolution was adopted.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. VANCE, of Ohio. I am also instructed by the Committee on Printing to report back a concurrent resolution for printing the Report of the Commissioner of Agriculture for the year 1874, with a substitute therefor, and to recommend that the substitute be adopted. The substitute was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 100,000 copies of the Report of the Commissioner of Agriculture for the year 1874, 20,000 copies for the use of the Senate, and 80,000 copies for the use of the House of Representatives.

The substitute was agreed to, and the concurrent resolution, as

amended, was adopted.

Mr. VANCE, of Ohio, moved to reconsider the vote by which the concurrent resolution, as amended, was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I move that the House resolve itself into Committee of the Whole for the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Cox in the chair,) and proceeded to consider the special order, being the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes. Mr. RANDALL. I ask unanimous consent that the first reading of the bill be dispensed with.

No objection being made, the first reading of the bill was dispensed with.

Mr. PHILLIPS, of Kansas. Mr. Chairman, the credit of the American Government and the honor of the American name have been too amply vindicated in the history of the past fourteen years to leave us any fear that they can become the football of partisans, nor do they need to stand pleading for the good opinion of the world. To quote the appropriate figure of my eloquent friend from New York, [Mr. Townsend,] the terrible tribunal before which we carried the question of the existence of this nation and the inestimable decision, finally rendered at Appomattox, gave to our Government a baptism of fire guaranteeing its perpetuity and place among the nations. That trial cost us half a million of lives and between five and six billions of dollars. That enormous sum, which we can compute in figures but hardly realize, has been more than half paid already. With the single exception of the French Empire in its late war, no nation has ever evinced such extraordinary vitality and recuperative power, and the French government, as one of its ministers justly observes, had not paid its debt, but only changed its creditors. No people ever before made such extraordinary sacrifices to redeem their credit as the American people. No government ever before so rapidly advanced the value of its securities. Our interest-bearing securities, which we were forced to hawk in every corner for less than 50 per cent. of their face, now command in the market of the world a premium of from 6 to 12 per cent. above the price of gold, and our non-interest-bearing debt, which derives its commercial value from its utility as money, has risen in value 170 per cent. risen in value 170 per cent.

With some limitations, I agree with the gentleman from Maine

when he says that the "specie standards of the world rule us to-day and have ruled us through all the legal-tender period;" and I add that they have ruled us ever since we had a Government. They ruled us in the days of Continental money; they ruled us in day of de-based silver coin; they ruled us in the day of irredeemable State and private-bank paper; they ruled us in the terrible trial of war, and they have ruled us since peace came with its blessings on the and they have ruled as since peace came with its diessings on the wings of God's angels of mercy. But the law which governs the standards of value rises above the legal-tender act, and it rises above the matrix and the die with which by law we pronounce so much gold ten dollars and stamp ninety cents worth of silver as one dollar.

The gentleman's mode of stating the case has a tendency to lead the public mind into grave misconception. At the present moment the advocates of forced contraction represent our promises to pay, which have the property of circulating as money in lieu of interest, as lies and frauds, as something which derives its value only from law. Our legal-tender act never regulated the value of our legal-tender. It sunk when our credit sunk and rose when our credit rose. It was not a "be it enacted" that brought it up from two eighty-five to the present price. If the legal-tender act had fixed its standard of value it would always have been worth a dollar in gold. It did not do that,

it could not do that

But if our legal-tender act did not fix its value neither did the laws of any or all foreign governments or the stamps and dies on their coin. There is no such thing, and there never has been such a thing, as a universal coin standard of values. Each nation fixed by law its own standard of values. This is an exercise of authority guaranteed to our Government by express constitutional provision, but which, of necessity, belongs to every government. It is as essential to it as the breath to the human body. This authority does not derive its virtue solely from the article it uses; but it ceases to have any power the moment it tries to cross the frontier. Whether the article is interest-bearing bonds, or stamped coins, or non-interest-bearing notes, at the borders of each nation they are simply commodities like our wheat and cot-We have always had theorists desiring a universal standard of weights and measures and a universal standard of values; but the latter at least is a mere chimera, for even if we could agree on a standard it would be trampled out of sight the moment war occurs. Look at the present market value of all these different things we call money. Our 6 per cent. bonds, having the longest time to run, are quoted at \$1.24; our 5 per cent. bonds, at \$1.14 to \$1.18. All our interest-bearing debt is valued from its rate of interest and the length of time it runs. Our non-interest-bearing debt, having the property of money, is worth to-day eighty-six cents in gold. The national-bank note should be quoted at one fraction of a per cent. less. Our gold coin is the par standard; but the moment it crosses the frontier it is, like the other things, a commodity. Our silver halves and quarters and smaller coin were debased so as to be 7 per cent. below the standard of our gold before the late decline in silver. Some time ago we stopped coining American dollars of the standard of fineness fixed by law, and issued a coin which was really not a coin, but a commodity of great fineness and weight, the trade-dollar. They then sold for \$1.25 in greenbacks, when greenbacks stood as they do now, but were not really worth so much. They are now worth \$1.07. They were chiefly exported to such countries as China and Japan. were supposed to be a coin of world-wide acceptance; and yet there was no proposition to resume in them.

If to-day, with gold at \$1.14\frac{1}{2}\$, we should by taxation or selling bonds cancel our non-interest-bearing debt, it would take sixty millions to equalize values. It would make every debtor pay 14 per cent. more than he owes, and give that much to every creditor. It would confuse and prostrate business; and the conversion of four hundred and twenty millions of Government notes into interest-bearing bonds would place an additional mortgage on the bones and sinews of mil

To show that I do not overstate the case, I quote the proposition of the New York Chamber of Commerce, laid on my desk:

13. In the mean time it appears to be essential to reduce the volume of "legal-tenders" in one of two ways: Either by funding the excess of three hundred millions into 4 or 4½ per cent. bonds, or by the imposition of a duty on tea and coffee, (under a special enactment for this special purpose,) the whole yield of which shall be applied forthwith to the cancellation of legal-tenders; the law to continue in force till all are destroyed.

They deliberately propose a tax on tea and coffee, the luxuries of the poor, which shall be continued until the whole four hundred and twenty millions is wrung from an already too highly taxed people. They propose to devote these funds as a special provision to aid the moneyed interest; and I am amazed that they should have the effrontery to propose more of such legislation. Let the money-dealer stand like the other creditors of the Government.

Let it be known and understood that no forced efforts for contrac-tion can be maintained. To provide by desperate expedients to re-sume on a certain day is a proposition doomed to confusion and de-Until our natural prosperity carries us there, we cannot stay Gold, which has thus no proper relation to the real values of the country, would be driven from it, and after, by improper sacrifices, forcing our paper to par it would immediately decline again, as would all our credit. Business would be fearfully injured by the transition, and all our industries paralyzed for want of a proper circulating medium.

The proposition of the chairman of the Committee of Ways and Means is a remarkable one. It is, in brief, that Government shall hoard gold until it has in the Treasury 30 per cent. of the legal-tender circulation, and that the interest on the bonds held as security for national-bank notes shall be held until it reaches 30 per cent. of their This on the seven hundred and thirty millions would be two hundred and twenty millions. The gentleman from Illinois has not indicated where that amount of coin is to come from. The has not indicated where that amount of coin is to come from. The whole country has not half that much gold now. If it was possible to get it, and thus lock it up uselessly in the Treasury, this would be a fearful contraction. When the Government ceased to scatter out the gold it gathers in, where would importers obtain the gold to pay customs? Instead of diminishing the price of gold, it would rise fearfully, and our paper would fall 50 per cent. Resumption under such interests of the country and the business in the country and the busi circumstances would bring ruin on the business interests of the coun-

While law cannot fix standards of value, it can terribly disturb them. Laws may be framed to aid producing labor, which is the only honest standard of wealth, or to do it almost irreparable mischief. Of that character was the so-called resumption act of last winter. Let me here state that the bill in question was in its incep-tion, purpose, and character an organized hypocrisy. Those who really favored the measure, commended it to their opponents as an inflation measure; those who opposed it, denounced it as contraction; and those who had it in charge, said it would appreciate our paper money toward par in gold, that gold speculation would cease, and our credit as a nation begin to be vindicated.

The result of that operation is before the country. I question if any thinking man at that time who was at all familiar with the subject believed that it would do much good. I should not wish to be so harsh as to say that its least zealous supporter expected that it would prove to be such a Pandora's box, full of mischief. Gold when that bill passed stood at \$1.09. After nine months of the experiment it had risen to \$1.17\frac{1}{2}, and is still 6\frac{1}{2} per cent. above what it was when the bill became a law. Our credit is relatively lower in the market. It has not, therefore, succeeded in this its chief purpose. has contracted the circulation. The theory was and the ostensible purpose of the bill to issue ten millions of national-bank notes for every eight millons of legal-tenders canceled. This it has not done. While new national-bank notes have been issued, the amount actually withdrawn is twice as great as that which has been issued. When the resumption act passed, the fractional currency outstanding was near fifty millions. In October it had been reduced to little more than Since then some four or five millions have been printed and signed, I cannot say re-issued; it has not gone into the circulation of the country. It is of course borne among the assets of the Treasury as the Treasurer of the United States informed me; has simply been boxed up and is in the Treasury unsunned and unused. For all practical purposes it might as well never have existed.

I have obtained the best estimates I could as to the exact amount of the contraction. I have carefully searched for the information wherever it could be expected to be found, and have painfully realized that statistics in our day are anything but an exact science. Take the figures of the Treasurer and Comptroller and put them all together and you will find a nominal contraction of about twenty-five millions, but the real contraction is more than fifty millions, nearly one-seventh of the entire volume of legal-tender, fractional currency, and national-bank notes at the time of the passage of the act. Besides the real contraction it has caused immense sums to be locked up in the banks, not for want of demand but for want of that confidence impaired by the resumption act. Workshops and factories are closed, laborers are idle, business is paralyzed. Country merchants are afraid to buy. The farmers and mechanics are unable to buy clothing, shoes, and other things they urgently need, because they cannot, at living prices, sell the food and labor which those who make the shoes and clothing still the food and labor which those who make the shoes and crouning sum more urgently need. At this stage our modern economist steps forward. "O," he says, "we have been too extravagant. We have been too enterprising. We have built too many houses, and towns, and cities. We have built too many railroads. We have run riot in carcities. We have built too many ratifoads. We have run riot in carriages and musical instruments, and patent plows, and reapers, and thrashers. We dress too fine, we eat too luxuriantly. We must rethrashers. We dress too fine, we eat too luxuriantiy. We must be trench. We have developed new countries too rapidly. Arrest the pachine-shops, workshops, iron horse, stop the water-wheel. Put the machine-shops, workshops, and manufactories on half time." Strip the nation of the benefit of one-fourth of its only real wealth—labor. Go on with this absurd philosophy, and its legitimate end is to carry us back to the spear and the wigwam.

These are the vicious fruits of this resumption bill; and if the members of this House read the lesson aright, if they approach the evil in an honest, candid spirit, if they come unawed by the power of money, and thrusting disdainfully behind them the appeal of the moneyholder to increase the power and value of his wealth, if they approach the subject fortified by the experience of the past and a sincere desire to serve the whole people, those we have the honor to represent on this floor will have profound cause to be grateful.

The resumption act has therefore been no remedy. What will be? That is the question the country asks this House. One party says Raise the standard of values, so that we will get more for our money. Another says "Lower the standard of values, so that we will pay less on our debts." A third party says "Neither raise nor sink the stand

ard of values by artificial means, but let natural business and natural prosperity appreciate our notes to par. Then, as we increase in

wealth our creditors will increase in wealth."

I do not underestimate the great difficulties involved in the question. I must confess that I approach them with profound diffidence. I spoke briefly on the subject in the first session of last Congress. I prepared myself with many facts at its second session, but withheld them and remained silent, deeply impressed with the magnitude of the subject. I should prefer now to listen to older legislators, but I have listened in vain for an impartial and unbiased statement of the question on the other side. I do not doubt the integrity of any speaker, nor would I detract from the evidence of the great ability of some of the speeches themselves. My estimate of party bias and the leanings of local and narrow interests may be incorrect. This is a problem which involves the happiness and prosperity of forty millions of people, and it implores us to rise if we can out of the pool of party politics to the plane of statesmen. It is in no sense a party measure. Neither democrats nor republicans have inscribed "hard" or "soft" money upon their banners. No man or interest or city has the right to make this the shibboleth of party. I, sir, yield in devotion to the republican party to no man. I have rocked its cradle and been willing to share its fortunes in victory or defeat, but I have served the party of freedom too long to see it become the slave of the money-changer without at least my earnest protest. As this is an open question in our party, I have been willing to concede to others the independence I assert for myself. All platforms and all parties are based on a spirit of compromise. I do not expect to have a platform molded exactly to suit me or those I represent. I do expect to fight under a platform the best that can be agreed upon, and so far as it does not ask me to violate a plain fundamental principle of right and wrong I expect to support it.

I therefore entreat members on this side of the Chamber carefully to examine the position into which there is an attempt to force them. Certain money interests are striving to take both parties by the throat. They care for neither. They hold the money centers of the East, and with them are many of the metropolitan and illustrated papers, some of which doubtless have received subsidies. I am willing, however, to concede that most of them are governed either by honest opinions or by the prevailing interest in the communities where they are located. I am proud also to be able to say that all over the land there is a press fearless, unbiased, independent in its utterances. I am proud of it for the honor and character of our common country. I am proud of it as an old journalist, jealous of the honest fame of the newspaper press. And yet this battle of the press for forced contraction and the destruction of the Government notes has been fought in an uncandid and treacherous spirit. Their opponents are misrepresented and lampooned. They are set forth as the champions of dishonest money, the defenders of broken promises, the enemies of public faith. They are caricatured as blockheads and insulted as knaves. Appeals are made for "honest money," for national faith, for stability; and under these pretensions we find deft devices to make the rich richer and the poor poorer; and the modern Shylock, the Shylock of to-day, prates about religion and morals, and appeals to national

and individual conscience to fill his money-bags.

The object of all this war is the destruction of the Government notes, legal-tender, and fractional currency. To-day we have four hundred and twenty millions of those notes. As long as we have them the money-changers cannot control the financial world. The scepter of commerce is not in the hands of bankers. Against this money of the people they urge a bitter, unscrupulous, and implaca-

ble war.

I do not in one iota distort or misrepresent the case. They have enslaved part of the press, and carry on a fierce attack upon those who dare to vindicate the rights of the people. They have influenced many honest journals to sympathize with them. Not content with that, they have crept into the conventions of both parties and tried to frame platforms. Under such manipulations the platforms of both parties on this issue are as "ring-streaked, speckled, and spotted" as the flock of Jacob. Have they made parties? No, sir. Have they enslaved parties? They have attempted it. There never was an assumption that so insulted the independence of all American politics. There never was an interest before that came to this House with the insinuation that we were unworthy of the confidence of those who trusted us. There never was an insult so great as that which supposed that the American Congress could be hustled or dragooned.

Those who vindicate the rights of labor against money are traduced. Look at the case of my honorable friend from Pennsylvania, [Mr. Kelley,] the oldest member of this House. His personal integrity not even his enemies dare question. A laborious worker; you and I have seen him indefatigably laboring for what he deemed the best interests of his constituents and his country. Coming from a city where the moneyed interests are very strong, he is yet the fearless champion of the people. How does he fare. The moneyed interests, their tools and claquers, pour on his head every epithet of reproach. Unable to answer, they attempt to destroy by ridicule. He is charged with being false to his party by men who have scarcely learned how

to be true to it.

Ah! sir, this is no new thing in history. Money and power have ever organized to put their feet on the necks of the champions of

the people. They have always been able to buy bad men to traduce and weak ones to echo their shout. Go back through all history and you will find it. All along the shores of time are its evidences scattered among the wrecks of nations:

Such venal mobs were had for hire
Among the loyal Greeks,
Such varlets still were paid to hoot,
While brave Licinus speaks;
Where'er down Tiber garbage floats,
The greedy pike you see,
'And wheresee'er such lords are found,
Such varlets still will be.

I have said that the contraction of fifty millions of currency under the resumption bill has paralyzed business, and instead of appreciating our paper to gold has raised gold many per cent. If, therefore, as the gentleman from Massachusetts [Mr. Tarbox] observed, a nominal contraction of twenty-five millions and a real contraction of fifty millions could raise the price of gold 5 or 6 per cent., how much would the contraction of seven hundred and thirty millions raise it?

It is useless to say that contraction did not produce this result. It did produce it. It created in various ways an additional demand for gold; and if any man supposes that by creating an additional demand you can lower the price, he is only fit for a situation in the asylum

across the Eastern Branch.

Our currency to-day of both kinds is a little less than seven hundred and forty millions. The contraction wiseacres say it is too much. Is any man stupid enough to believe if there had not been a demand for that much it would have been in circulation? If it is wanted, it pays; if it does not pay, those who have the national-bank notes can withdraw them, get their bonds, and go into something else. There is no law here above the law of supply and demand. It will be observed that the one vital element of paper money is confidence. Confidence can only exist and flourish where it is deserved. The highest authority on banking (McLeod) says that "The simplest and most perfect form of currency is that which represents nothing but transferable debt." The more barbarous nations have used metals, or things supposed to have an intrinsic value, as the medium of exchanges. The first step in advance was to have them stamped by government and a certain current value in each country given them. Here the line is crossed between commodity and currency. You may put five dollars' worth of gold or silver in a medal and precisely the same amount in stamped coin. The latter has the power of currency by law and circulates at a fixed price, and is accepted, because everybody knows it will be accepted. The medal never sells for its value, and can only command a sale by the power of melting it down again. As nations advance to the highest intellectual standards, they use paper money. That is of many kinds, including not only paper currency, but bills of exchange.

Sir John Lubbuck, the learned London banker, estimates that in London 95 per cent. of all business exchanges are made by means of ordinary bank transactions, checks, drafts, and bills of exchange, a little over 3 per cent. in paper currency, and less than 2 per cent. in coin. It has been assumed that the same rule would apply to business in all highly civilized countries, but I would call attention to an important fact: While that rule of business may apply to great centers of trade, it does not and cannot apply to remote localities. Take our Western States, for instance. There the farmers, mechanics, and, in short, the bulk of the laborers East and West, have nothing to do with banks. Not one in twenty of them ever have a bank account. Each bushel of wheat and each pound of pork requires just so much money in currency or coin to buy it. The farmer when he sells a load of wheat generally spends part of it, and takes the rest home with him. He plays banker for himself. He has other purposes in view, for which he reserves the money to be used as occasion requires. He has confidence that the money of his government will be good, and thus immense amounts in the aggregate are locked up. But when you attempt to increase the value of currency by contracting its volume, he is the first man you touch and the first to suffer. You take away from him the power of exchanging produce for other commodities, and they have either to be sold at vastly reduced rates or remain on his hands, even while others are starving for the want of them. There is another strange misstatement. It was intimated that if gold supplanted paper farmers would get a gold dollar instead of a paper one for their wheat. They would get nothing of the kind. It is the foreign demand fixes and regulates the value. At certain points it pays to ship it, and the decline ceases. If wheat is \$1 in greenbacks its price is about eighty-six cents in gold. That is the value, and, although the stan lards differ, the value is the same. I will tell you what this change

There is another piece of clap-trap that has deceived a great many honest men, and confounded a great many more. To those who either desire inflation or who resist contraction, it is said derisively, "You want more money; do you suppose that they are going to make it at the Treasury and shovel it out to you? You can get no money unless

you have something to give for it." That derisive sneer does not for a moment touch the question. The most valuable article ever offered in the market of the world is human labor, for it produces everything else. Hundreds of thousands of mechanics and laborers are to-day else. Hundreds of thousands of mechanics and laborers are to-day idle because the money magnates of the country have contrived to confuse and disturb the medium of exchanges. Their families are pinched and suffering, in some cases starving—starving for the food that some farmers in the West are burning to-day because they cannot find a market for it. The suffering laborers of the earth rise and plead for that patriotism which surely is not banished from this House. The ghastly figure of pauperism presents itself as the coming problem the American statesman must meet. Let me say that it is a thousand times cheaper and ten thousand times better to prevent pauperism than to provide for it. To those who are bent on artificial and forced contraction, let me say that in the short-sighted desire to add to your own gain you may defeat your own object. In your greed you would kill the goose that lays the golden egg. Three hundred thousand idle workmen stand appealing to you. Will you say to them with a sneer: "Do you want more money? If you have anything to give for it you will get it." They have offered their labor, which is all they have, and which is the most valuable commercial article in Christendom.

Let me give another case. When I was a boy in Illinois I can re-

Let me give another case. When I was a boy in Illinois I can remember the crash in the State and local banks that came before 1840. Nothing could be worse than these banks were, but their downfall left the country almost without circulation. The little there was consisted chiefly of old Mexican and Spanish coin. A system of universal store credit prevailed, at rates ruinous to the poor man. Wheat was sold for twenty-five cents per bushel in trade; pork a cent and a half; a horse from twenty-five to fifty dollars. These prices were in trade credit or store goods. I knew a farmer of old Perry County who needed to raise \$100 to pay for eighty acres of land on which part of his farm stood. He allowed another man to enter his cattle-pen and take twenty cows and calves for that \$100. "O," says the money-dealer, "if you have anything to give for money you will get it." He had something to give, and he gave it.

I care nothing about the pretexts made. Appeals to pay gold for greenbacks on a certain day are coupled with the assumption that public faith demands it. They cry, "Honest money!" They laugh at the "rag-baby." All these cover the real purpose, which is to shape legislation so as to increase the value of their money. It is useless to deny it; and if they are such advocates of "honesty," let them honestly avow it. That is the real proposition. Strip it of all its pretentions and hypocritical veils, and then having it before us naked and plain, we can see what claims it has upon us.

It is demanded of us that we take immediate steps to resume specie universal store credit prevailed, at rates ruinous to the poor man,

It is demanded of us that we take immediate steps to resume specie It is demanded of us that we take immediate steps to resume specie payment. Can we resume? Can we resume at the period fixed by the resumption bill? No. We have in legal-tender and fractional currency four hundred and twenty millions. There is not one hundred and twenty millions of coin in the whole country, and only thirteen millions in the Treasury. As long as there is a difference between our paper and gold we cannot resume, for we at once offer inducements to draw all the gold from the country. The attempt under such circumstances would be a failure, and the failure very disastrous. It would only offer a field for money-sharks to fatter on the It would only offer a field for money-sharks to fatten on the

ruin of business and property.

If the effect would be bad on the legal tender, what would it be on the national-bank notes? The theory of the resumption bill was that for every eight millions of legal tender destroyed, ten millions of national-bank notes would be issued. Now, sir, while eleven millions of national-bank notes have been issued, twice that amount of old national-bank notes have been surrendered and withdrawn from circulation. That is just what was to be expected. The only wonder is that any new national-bank circulation should have been applied for, and this can only be accounted for under one of two theories: either those who did knew nothing about their business, or they believed a wiser Congress would follow that which enacted the

resumption law, and repeal it.

Let me impress the fact that while the legal-tender notes can do without the national-bank notes, the latter cannot do without the legal tender. They are redeemable in legal tender. The volume of legal tender has always been greater than the volume of nationalbank notes. There was, consequently, always the power in the country to redeem them. The propositions of the money-dealers are two-fold: First, to withdraw the money of the people, the legal tender, and substitute it with national-bank notes; or, second, to take off the tax, which taxed private and State banks out of existence, and go back to the old bank system

I say that one of these two is inevitable, because our legal-tender

and national-bank notes amount to about seven hundred and forty millions, and no sane man proposes to substitute for that volume of circulation a little over one hundred millions of coin, which is already

doing full duty.

Now for the first proposition. I have said that the national-bank notes cannot do much good without the legal tender. The resumption act proved that. Let us imagine, if such a thing were possible, the Government currency all withdrawn and the seven hundred and the Government currency an withdrawn and the seven induced and forty millions of currency represented by national-bank notes. Of the specie in the country not more than thirty millions could by any possibility get into the hands of the national banks. Does any man suppose that to be a safe banking basis, or that a resumption of specie

payments made in that way would last two weeks? We are aware that the national banks can pay their obligations in legal tender. What are their obligations? Not only their outstanding notes, but their deposits, which are thrice as great. Every man knows that no bank is broken by a run on its notes, but the depositors, who are immediately around it on the first alarm, take all the money it has got and break the bank. The paper of the bank is secured, however, by Government bonds. It is safe in the end, but how about realizing? Let a universal panic come on the system I have described, and the bonds held are sold to redeem the notes. Suppose two-thirds of the banks should go with a crash, where are we to get the five hundred millions of coin to redeem with? Shall we get it in Europe? Europe has always been a buyer of our coin, not a seller. By the best estimates I can obtain the national banks of England, France, Germany, Austria, and the Netherlands had about six hundred millions of coin but a few years ago. The Bank of France alone has upward of six hundred millions of legal tender afloat, and the volume of her par paper is twice as great. By the most careful calculations of the European bankers five hundred and fifty millions is required to be held to make their banking business safe. The other fifty millions is the margin or basis on which they do all their other business. To take one-half of it from them, or twenty-five millions, would paralyze the business and industries of Europe. We simply cannot get it. The attempt

would result in their taking what we now possess.

Now, where are our bonds? A mistaken idea prevails that they are largely held abroad. Such is not the case. After careful investigation the matter can only be approximated. On consultation with the accomplished Assistant Secretary of the Treasury, I learn that less than one-fourth, and probably not more than one-fifth, are held in all foreign countries, leaving the great bulk of them in our own country. Where are they? The national banks for circulation and country. Where are they? The national banks for circulation and deposits have about five hundred millions of them. The savings-banks and insurance companies have more. Here we account for one-half of the interest-bearing debt. More than one hundred millions of the interest-bearing debt. ions may be said to act as money, and crosses and recrosses the ocean by every steamer. If the margin of difference in price favors their going the other way, these bonds go instead of specie, and if the margin offers inducements to come this way they return. Then large amounts are held by executors, because by putting funds in United States bonds they are safe. Immense sums are held by private bankers and hoarded by individuals. One able official gave it as his opinion that at least sixteen hundred millions of our securities are held in this country, Of course that is a mere approximation, but it is undoubtedly near the truth.

If we are to sell more of our bonds in Europe than all the world

has now, what are they to give us for them? During the war they could take them and give us Army supplies, our paper going at a fearful reduction. I have shown that they cannot give us gold. They bought during the war more bonds than they kept, for it was found more profitable to dispose of them here than there. commodities of production, wheat, cotton, tobacco, and other articles, we sell them this year sixty millions more than we buy from them. They are therefore not able to buy any bonds from us, and will consequently not buy them. All the laws we could make on the subject contemplating such a probability would be simply absurd. To calculate and depend on it would certainly be disastrous.

Where, then, are we to obtain the specie on which to resume? Some

say, "Our mines produce vast quantities, let us stop its exportation."

I question if a more stupid idea was ever conceived. The product of our mines in gold and silver has been rapidly increasing, owing to the use of improved machinery and the application of new and intelligent processes. I do not believe the product this year will fall short of \$75,000,000; certainly not less than seventy millions. of \$75,000,000; certainly not less than seventy millions. Its value you will observe comes from offering it in the markets of the world. That value is rapidly decreasing. Especially is this the case with silver. In the past five years it is estimated to have decreased in value 10 per cent., and when I say this, I mean as measured by gold. So alarming is this that Austria and Germany have demonetized it. Even the oriental nations, where five hundred millions of people have steadily been taking our silver, are getting tired of it. They no longer afford a sufficient market, and send their financial savans over here to study and initiate our greenback system. The day we by law, if such a thing were possible, stop the exportation of the product of our mines, that day we would cease to be able to pay the interest on our general and local bonds held abroad, and that day our specie would cease to have any fixed value. We attempted under the resumption act to resume in a depreciated silver, for before the decline in prices, and while gold and silver had their equal rates, we debased the silver coin, our halves, quarters, and dimes being reduced 7 per cent. top of that comes this depreciation, from overproduction, of 10 per cent. in the past five years. It will be seen that if we coin our fractional silver according to the standards of the present, it would be actually worth less than greenbacks. Did any one ever hear of such a scheme for equalizing values and redeeming the honor of the nation? Nothing like it was ever heard of since the vending of wooden nut-megs. It is said that the very street-car conductors in San Francisco discount the fractional silver currency 10 per cent., and we can imagine a grocer who has disposed of three red herrings computing the discount on the dime he receives for them. We have since the passage of the resumption act accumulated fifteen millions of silver to make

into small coins. We have already lost from two to three hundred thousand dollars on it while we are haggling for a few hundred dollars on a consulate, and if the depreciation continues as rapidly as it has begun, nobody knows how we can ever utilize it, unless we convert it into a magnificent statue modeled after the author of the resumption bill. I called on Dr. Linderman, the Director of the Mint, some two weeks ago, and got a statement that silver of the American coin standard was in New York worth 3 per cent. two mills less than legal-tenders. I called on him the other day and got another. Last Saturday American coin silver in New York was 4 per cent. two mills under greenbacks, and would buy just that much less gold. We have lost in two weeks \$160,000 on the fifteen millions of silver bullion we have in the Treasury. The gentleman from Pennsylvania [Mr. RAN-DALL] in the bill be brought in the other day proposes to buy thirty millons more on a falling market.

Let us examine the case of France. She has six hundred millions of legal tender afloat. It is to-day at par, but the legal-tender act is not repealed. M. Leon Say, their finance minister, in his last budget gives various reasons why the legal-tender act should not be repealed. The moneyed interests of England and Germany have demanded the repeal of the French legal-tender act, and they denounce it as dis-honest just as the bankers do here. They say France has no excuse for it, as their legal tender has been at par with gold for several years. Not so thinks M. Say, the French minister. He will not consent to its repeal, and does not even give assurance that he will in the two years

which had been fixed for its repeal.

The French system of finance is full of instruction for us. She has six hundred millions of legal-tender notes of the national bank and twice that much of par money with a less population than ours, and to-day furnishes the remarkable spectacle of having more gold at her disposal and in the vaults of her banks than any nation in Europe.

I have already said that France to-day has more gold and silver

coin than any nation in Europe. It is but a little time since she ceased paying her enormous war indemnity. How did she get that coin back? I will first say that she did not get it by selling her bonds. People who buy the bonds of other nations do it because they have money to loan. When gold is scarce and rising, as in Germany, they do not sell it for bonds. And I would say to the gentlemen from Ill. do not sell it for bonds. And I would say to the gentleman from Illinois [Mr. Morrison] that France did not get it from a tax on tea and coffee. Long before they had got half what they now have the people would have ceased drinking either. They got it from their industries. I have observed among the statistics of the past year that France then exported three hundred millions more of her products than she imported of the products of other people. That is where she got it. How was she able to do this? She has taken care of her industries. She has manufactures of linen, damask, laces, silk, velvets, satins, corsets, carpets, tapestries, porcelain, gloves, watches, precious stones, guns, jewelry, and many other articles of bijoutry, of which the people of this country have no conception, besides her more substantial productions. Her humblest worker, if he has a little property, can get money to turn it to account-borrow half its value at 5 per cent. It does not destroy his business to do that. If we will take the same course, we can do the same thing. Our resources are more abundant than theirs; but we must never turn the ingenious laborer and producer, bound hand and foot, to the tender mercies of the

Does legal tender drive out gold? No, sir. How is it with Gernany? One would think that the immense war indemnities paid to many? her by France would have secured to her great money power. What are the facts? To-day the rash system of coinage she has launched upon is checked for want of gold. She seeks to draw it from France. Does she? No! France draws it from Germany. Germany is undergoing a fearful business prostration. In obedience to the same power which demanded resumption of us, she has attempted a rigid gold basis. All bank-notes under \$25 have been prohibited. Owing to the decline in silver it has been demonetized, and to-day the nation that received ten hundred millions of gold but a few years ago cannot get one-fifth of it to complete this gold venture on which she has embarked. Her business is paralyzed; her merchants fast becoming bankrupt; her laborers idle. The victor of Sedan stands broken before French finance.

France refuses to repeal her legal-tender act, for she has the control of the financial situation, all the industries of France are employed. Besides the Bank of France there are other banks, such as the Crédit Foncier. This latter bank, which is not properly a bank of issue, like most of them, is under complete control of the minister of finance. It loans only on real estate, at a maximum interest of 5 per cent., advancing only on a first lien one-half of what the property is worth. It is not allowed to make any other use of its money. It is governed or supervised by officials, and must keep at least two hundred mill-

ions so loaned to retain its privileges

No man who has ever examined the subject dares deny that credit is one of the most important levers which can be set in motion to raise the condition of the working classes. Where a mechanic, by the aid of credit and enterprise, can be made into a master workman, and laborer into a systemizer of labor, an immense blessing is conferred. The door to the highest places is open to industry, skill, and enterprise. Those who are willing to strive, and who have the nerve and brain, have the power to make themselves far more useful.

Under a paper-currency system France has thriven as no other na-

tion in Europe has thriven. The golden decade of progress in our own Republic began in 1862 with legal-tender. In that time we built our Pacific railroads and thousands of miles of other roads. Cities grew as they had never grown before. All labor was employed. Be-ginning with Secretary McCulloch's Fort Wayne speech, a new condition of affairs was inaugurated. Several years after the war closed we had been paying enormous sums for bounties, supplies, and provisions; these were really war debts. At the same time we were paying off our bonded debt at a rate that would have extinguished it in thirty years. This was to appreciate the value of all of our securities. The industries of the country were burdened too heavily, and the tax-gatherer was brought face to face with diminishing revenues. The motive and the power which prompted such action has never ceased its work. It is England and Germany and the money-dealers in our own country who demand the destruction of our legal-tender

Let us remember that one-sixth of our entire debt is non-interestbearing. It is that which is sought to be destroyed. Our legal ten-der has been denounced on this floor as "an infamous fraud and No business man of sense believes any thing of the worthless rags." kind. France, during her late terrible war, borrowed \$294,000,000 from the Bank of France. She borrowed it at 1 per cent. per annum. Was this patriotism? Not at all; it was simply business. As an additional inducement an amount of legal-tenders were authorized to be issued equal to amounts borrowed. In other words, the nation and the bank shared the profits of the paper money, and the bank was required to pay from 2 to 3 per cent. of the interests such loans would otherwise have commanded to the nation on the money the latter borrowed from them.

We have been more prodigal of our credits which have the power of acting as money. We have doubled the value of the bonds. We pay 5 and 6 per cent. interest on them. We have taken them for safekeeping and issued 90 per cent. of national-bank paper on them, which has the same power as legal tender, for it is redeemable in it. If we had charged the banks for the privilege 3 per cent. of the interest we owe on the bonds we would have done what France did. That is the

difference between the French and American creditor.

Let us look at the rates of interest. I say nothing of call loans on first-class paper, which can fix no values. If we take real-estate loans in the eastern cities, they run from 8 to 10 per cent.; in the West, from 12 to 24. In Russia, a progressive country, but where they are very deficient in a banking system, the interest is 12 per cent. to 30, and the farmers and laborers are in very miserable circumstances, unable to improve their condition or use their resources. In France the rate for such loans is 5 per cent.; in England a little higher. There is at present no means of even approximating the rates

It is needless to point out the disastrous effects of the high rates of interest in our country. Why do they exist? It is said that a national bond, paid every six months, will always bring 1 or 2 per cent. more than first-class paper on time loans. The holders of our 6 per cent. gold bonds at the present price of gold get \$6.87 interest on each \$100. That is not all. We have exempted them from local taxation. That is nearly 3 per cent. more, which makes close on to 10 per cent. can, therefore, tell at what price local securities and bonds will sell, the latter being taxable. We can tell, having fixed such standards, how much interest trades-people and mechanics must pay for money borrowed on time. The rates of interest to the latter class of borrowers had been decreasing up to the passage of the resumption act. They would have decreased still further but for the locking up of money and paralyzation that measure caused. It is evident that we are paying more interest than the market asks. Our six per cents are at \$1.23 and \$1.26, which at their real value is little more than five shows that the same values bring about the same interest, the character of the bonds considered. If we reduced them in interest, they would gradually fall to par. In other words, I do not see how a bond to run long time issued by the Government at par should require to

pay more than 3.65 per cent. interest, even without the privilege of being interconvertible into legal-tender.

I have not the time, and do not propose now to discuss the project so ably and eloquently argued by my friend from Pennsylvania, that is, the issuing of 3.05 bonds, at par convertible into legal tender, and reconvertible at will. The scheme is not without merit. If it is simply to supersede the national-bank notes, it is infinitely better. I would call attention to the fact that France demands half the curwould call attention to the fact that France demands half the current rate of interest for the privilege of issuing legal tender. We can make no exact calculation, but we are within bounds in saying that this legal-tender power at par would at least bring the 3.65 bonds up to 5 per cent. At that rate such bonds ought to bring from \$1.14 to \$1.18. Now, the purpose of the gentleman from Pennsylvania is a laudable one. It is to enable legal-tenders to be transferred to interest-bearing bonds at par. The other proposition, to make them convertible and reconvertible into currency, is a very different one. The advantage would be to give a more fixed and definite value to logal. advantage would be to give a more fixed and definite value to legal tender, and to accomplish that without unnecessarily interfering with business is one of the best things we can do. When, on the suggestion of Mr. Chase, the law was repealed which authorized the funding at par of legal-tenders into five-twenties, it was simply because these securities rose above the price of legal-tenders. Since that time

the legal tender has not been "an orphan among us." Legal-tenders

have, with a few exceptional cases, steadily appreciated in value.

I agree with the gentleman from Pennsylvania that it is the policy of our Government to keep our bonds as near par as possible, so that the legal tender can be funded in them. The way to do that is to fund our bonds at a lower rate of interest the moment it can be done. The attempt to fix the value of legal tender and bonds by law would be of doubtful success and, upon the whole, a questionable expedient; but there can be no difference of opinion as to the policy of keeping our interest-bearing bonds as near par as possible by reducing the rates of interest, when it can be easily done, without incurring too much risk of confusion in the fluctuations of our bonds. People could then keep their funds in legal tender or interest-bearing bonds as they pleased.

The power to convert and re-convert at will gives the power to contract and inflate into the hands of the bankers. They, of course, would be governed to some extend by the laws of trade, but it would be by no means a safe addition to their power. In point of fact these 3.65's would act as money as the old compound-interest notes did. The interest accruing would not be computed. They would float as money until the interest was worth more than their value as currency, and the bankers would collect and hold them just as they did the compound-interest notes. The interest would not be for poor

people but for the bankers.

We must never conceal from ourselves the fact that we can only sell 3.65's, or five per cents, or any other securities, to people who want them and have anything to give us for them. I think I have de-monstrated that we cannot sell any large volume of bonds for gold in Europe. Even if we wanted more of their commodities than they do Europe. Even if we wanted more of their commodities than they do of ours the expedient of buying them with our bonds would of necessity be limited and temporary. We could sell our legal tender for 3.65 bonds if we gave the buyers power to make it money, but the legal tender gives us all these advantages already. People can buy bonds now with legal tender if they will pay their selling-price for them, and they do so now when they want them.

The real secret of the demand for the contraction and final extinctions of the contraction and final extinctions.

tion of the legal-tender notes is to increase the value of money, its purchasing power and interest, and to give bankers the control of the money market. I have already endeavored to show that the rate of interest is now too high for safe and healthy business, so we do not want to take steps to advance it. Neither do we wish to transfer the power of controlling paper money from the Government to the bankrers. Neither do we wish to reduce the volume of the present currency beyond the point where the laws of trade fixed it. The national-bank note could have been issued to greater extend if any bankers wanted them, and I would call attention to the fact that at the passage of the resumption act eighteen millions less of legal tender was issued than could have been issued under the law as it was supposed to stand then.

These things, therefore, we do not want to do. What do we want These things, therefore, we do not want to do? What do we want to do? The first thing we want to do is to repeal the resumption act. I wish to warn this House that an attempt may be made to couple this with the adoption of some other measure. Whatever other measures may have to commend them to our judgment, they ought to be considered separately. The money interest may have some influence here; but I entreat the members of this body not to permit that interest to say that it will not let us repeal the resumption act unless we give them one they like better. How did they pass that measure? Those who had the bill in charge got the assent of the House to make it a special order, with the positive assurance that time and opportunity would be given for debate and amendments. How did they keep that pledge? They came before the House, and the then chairman of the Committee on Banking and Currency, after a few apologetic words, moved the previous question. All appeals were treated with disdain. I am proud to say, sir, that it received no vote from me. I am also aware that many good men who did not like it and who had little confidence in it voted for it under a vague idea that "they must do something." That something has been before the country for more than a year, and is a monument to the folly of such ill-digested and hurried legislation. The money sharks wish us to consider this offspring of stupidity and broken promises a sacred obli-Laws made to protect the rights of labor are repealed without a thought; but every law that advances the interest of money is

There are two facts connected with gold and paper as currency that are worth considering. It is estimated that 2 per cent. per annum of bank paper is worn out, lost, and destroyed while in use. On the three hundred and fifty millions of national-bank notes, that is a snug seven millions a year for the bankers. On the four hundred and the transfer of level tenders and freetiered surrence it is not in the paper. twenty millions of legal-tender and fractional currency, it is an income of eight millions and a half, deducting the slight expense of

Printing, to the Government.

How is it with gold? It is estimated by statisticians that gold in active circulation loses 1 per cent. by friction every year. I think this too high an estimate. If it was possible to have the whole of our circulation of seven hundred and fifty millions in gold, there would be wasted seven millions and a half annually; for we would have to buy gold to replace it, and in one or two hundred years the original

It is one of the most wonderful providences of God that thus pre-

vents the permanent accumulation of gold. If we compute the enormous sums paid and used in ancient times, of which history gives us a record, we are amazed at what can have become of it. It has passed away in fragments so fine as to be undistinguishable, silted with the dust that covers ancient palaces and temples, yet so infinitesimally small as to defy the power of the god Mercury or even the grasp of human cupidity. The miser as he sits counting his hoard little thinks that his idolatry is frittering away his treasure. It could not be wrung from him by appeals to aid the struggling youth or hard-worked laborer. The wail of the unfortunate or the tear of the starving beggar could not draw a grain of it from him. He listens to its clinking with delight, for "the gold of the land of Havilah is good," and under that accursed gold worship the idol passes away. "He who sitteth in the heavens shall laugh."

There is an old tradition, or rather a piece of ancient history, which tells us that the Straits of Gibraltar were once much narrower, and that two great castles or temples guarded the pass, styled the Pillars of Hercules. Recent investigations show that the ruins of immense buildings lie buried sixty feet deep in the sea. On one of the temples stood a gigantic figure of the oft-repeated Hercules. turned to that western ocean beyond which lay the Atalantis of the ancients. The figure was molded in exquisite symmetry, springing life-like from the foot and stretching forward to grasp the golden

life-like from the foot and stretching forward to grasp the golden apples of the Hesperides.

The myth pregnant with meaning was realized when an adventurer from Spain once more discovered the lost Atalantis. Gold was found there in great abundance. "The gold of the land of Havilah was good." Half of Europe was drunk with adventure. Discovery was considered a better title than possession, and robbery and murder were committed in unparalleled wholesale. Spain was enriched beyond all precedent by the plunder of ancient empires crumbling to decay. Neither the homes of the living nor the graves of the dead were safe. As the wealth of the natives failed to satisfy their rapacity, piracy and slavery were added to the accumulated horrors and ity, piracy and slavery were added to the accumulated horrors, and all Spain and her colonies had the seeds of moral corruption and ruin sowed in them.

At the time of the discovery of America by Columbus Spain was the only country in Europe that had a parliamentary body worthy of the omy country in Europe that at a partiamentary body worthy of the name. Her people had just driven the Moors from the peniusula. Gallant soldiers, accomplished women, and brilliant men were there. The college of savans at Seville in 1520 was perhaps as learned a body as ever assembled. Trades were organized into guilds. The nation was enterprising and industrious. But the seeds of destruction had

been planted.

Industry was neglected in the thirst for gold; honest pursuits abandoned and forgotten. The politicians of that day soon discovered that the immense amount of gold they had obtained was floating out that the immense amount of gold they had obtained was floating out of the country for the articles they had ceased to produce at home. Then they adopted an expedient that has actually been proposed on this floor and passed a law prohibiting the exportation of gold. That was the turning-point of Spanish destiny. Having no other use for it, they manufactured it into rings and chains, and saints and angels, and candlesticks and crucifixes. Could not this new-born religious zeal save that perishing nation? Alas, even the candlesticks that gleamed under their wax tapers and the crosses so impiously reared were like the mice and emerges the Philistines put on the ark of the were like the mice and emerods the Philistines put on the ark of the covenant, for they were red with the blood of Manco Capac and Montezuma.

The career of Spain has ever since been downward. The dry-rot had smitten her timbers of state and moral leprosy infected the body had smitten her timbers of state and moral leprosy infected the body politic. Look at her to-day. She has become a fourth-class power. Torn by dissensions at home, her colonies mostly wrested from her; but whether wrested from her or not, the people she there planted seem to be branded with the curse of Cain. The Spanish power totters to an inglorious overthrow while footsteps of the progressing Auglo-Saxon are steadily advancing on its decadence and ruin.

The lesson is not without meaning to us. It tells us that labor, energy, enterprise, are the only true sources of wealth. In legislation to encourage and aid these lies our only prosperity. Laws made

tion to encourage and aid these lies our only prosperity. Laws made in the interest of capital against labor did more to ruin ancient Rome than the Goths or the Huns. Let us therefore remember that, while we are just to all interests, it is our first duty to legislate for the moneyless workers of the earth, for there is no decay half so ruinous to the political fabric as that which begins at the bottom. It surely is not a dishonest task to see that the laborer gets a fair proportion of the wealth he produces, and that, in the process of measuring and exchanging that capital, the accumulations of labor get no more than their just amount. The cry that enterprise must be let alone is exchanging that capital, the accumulations of labor get no more than their just amount. The cry that enterprise must be let alone is the cry of the usurer when he is not permitted to wring the last cent from his unhappy victims. Money has always insisted on controlling the money interests of the world. It arrogates to itself all the profits of banking. For furnishing the necessary means of exchange it loans its debts at interest and it howls "dishonesty and bad faith" when the Government, which can do it far more safely, assumes the function. When the clauses of the Constitution in reference to issue function. When the clauses of the Constitution in reference to issuing paper money were pending it was agreed that States should re-linquish the right they had exercised to issue bills of credit. This can only be construed as a relinquishment from the States to the General Government. The debates as recorded in the Madison papers show a proposal was submitted to put this specifically in the Consti-

tution. It was admitted by nearly all that such a power was a necessity, but was thought to be sufficiently covered by the other provisions. The objection to inserting it among conceded powers specifically was tersely stated by Mr. Morris, who said that "it might array all the moneyed interests in the country against the Constitution." This power to emit bills of credit which the States in entering the Union specifically relinquished was therefore vested in the General Government by the acts of acceptance.

It will be observed that all those who denounce the legal-tender as irredeemable promises never denounce issues of private bankers as irredeemable. The banks of London carry on business with 5 or 10 per cent. of specie, and are allowed to use these inflated promises as money for their own private emolument. So it is with our bankers. Look at the California system, so highly complimented by the gen-Look at the California system, so highly complimented by the gentleman from Maine. The Pacific coast States maintain a specie basis; that is, they pretend to. Last summer the Bank of California, the leviathan of the money power there, when a run was made on it, paid out \$1,200,000, and broke. We observed that neither her correspondents nor her unparalleled resources could save her. She had floating in all kinds of liabilities \$22,000,000. In other words, she was using as money her credit to twenty times the amount of her availusing as money her credit to twenty times the amount of her available coin. It is the infamous British system of banking we are trying -a system that gives to bankers and money men, not only the use of their capital, but of the credit which may be attached to it to use as money; a system which has created a moneyed aristocracy at the expense of a fearful pauperism and the degradation of labor; a system that stretches its magic hand to draw half the profits of honest labor, that stretches its magic hand to draw half the profits of honest labor, so rapacious and insatiable that it debases and even cripples the industry on which it feeds. The active mechanic or business man tries to borrow from those who are using their own debts as money. He borrows at a usurious rate of interest. He cannot see the deft machinery by which he is ground to powder. All labor, industry, and enterprise groans, but cannot see the system that organizes its oppressors. The whole question to-day is to take the power of regulating the value of money from the Government and give it to the bankers. The latter may have the press to abuse those who stand like iron. The latter may have the press to abuse those who stand like iron against them.

I do not need and I do not wish to underestimate the brain or patri-otism of the modern American. Many of our countrymen look envi-ously to the days when the fathers of the Government in founding it had an opportunity to earn immortality they think denied to us. A nobler opportunity is ours—to preserve and maintain the interests and dignity of honest labor. This is the only reliable pillar of the Republic. When we permit it to be assailed the Government crumbles with it. I invite you to its defense as the highest aspiration of patriotism, and trust and hope that a stern Spartan virtue standing in defense of labor against the insidious encroachments of money will

dignify and ennoble the American Congress.

I urge, therefore—
First. The immediate and unconditional repeal of the resumption act, leaving other propositions to be separately determined.
Second. No artificial resumption; no taxation of tea and coffee, or the sale of bonds to withdraw legal tender. These are obnoxious measures in the moneyed interest, and no resumption can be maintained un-

nres in the moneyed interest, and no resumption can be maintained until we gradually grow rich enough. Such a forced effort would drive all the gold from the country and set a million of laborers idle.

Third. To prepare as rapidly as possible to have our customs duties payable in legal tender. This is the only honest step we can take toward resumption. It will end gold speculation. Better buy gold to pay our interest. No destruction of the legal-tender note.

Fourth. To fix the sinking fund and all purchase of bonds in extinguishment of debt at not to exceed 1½ per cent. per annum. That will maintain our credit and is tax enough on our industries.

Fifth. To labor in all our legislation to fund in a debt, if possible

will maintain our credit and is tax enough on our industries.

Fifth. To labor in all our legislation to fund in a debt, if possible 3.65, which could be kept at par. To call in our high-rate bonds as soon as we can, and offer gold or these three-sixty-fives at thirty years. With no demand for gold for customs they would be glad to take them, because when we get our paper to par they would lose on the high-priced bonds. We have this power. Let us keep it, and let us use all the funds we expend in reducing the debt to aid in funding our high-priced bonds into a lower rate.

Before Mr. PHILLIPS of Kansas had completed his remarks the

Before Mr. PHILLIPS, of Kansas, had completed his remarks the hammer fell, his hour having expired.

Mr. LANDERS, of Indiana. I move that the time of the gentleman from Kansas [Mr. PHILLIPS] be extended.

The CHAIRMAN. If there be no objection, the gentleman's time

will be extended.

Mr. RANDALL. I only wish to say that the time extended to the gentleman from Kansas [Mr. Phillips] will have to come out of the time of some other gentleman, for it is the determination of the Committee on Appropriations on Monday afternoon to ask the House to

Mr. PHILLIPS, of Kansas. I will not detain the committee long.

Mr. RANDALL. I have no objection to the gentleman proceeding;
but I only notify the committee that the time he occupies must come

out of some other gentleman's time.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr.

RANDALL] object?

Mr. RANDALL. I do not object; I am only serving notice to the committee that the time occupied now by the gentleman from Kan-

sas [Mr. Phillips] must come out of the time of some other gentle-

Mr. HAMILTON, of New Jersey. Such consent cannot be given in Committee of the Whole.

Mr. LANDERS, of Indiana. Then I ask unanimous consent that the gentleman from Kansas [Mr. Phillips] be allowed to print the residue of his remarks.

residue of his remarks.

There was no objection, and leave was granted.

Mr. HOSKINS. Mr. Chairman, I should feel that I was untrue to myself and untrue to the honest, patriotic, and intelligent constituency I have the honor to represent, were I to remain silent and give no open expression to the views I entertain upon the great, important financial questions now largely agitating the public mind.

While my opinion may be of little public importance, yet as a humble Representative I desire here and now to enter my protest against the many propositions submitted by inflationists on this floor and elsewhere for the cure of our present financial difficulties.

That to a certain extent the industries of the country are embarassed, and in some cases nearly paralyzed. I shall not deny neither

rassed, and in some cases nearly paralyzed, I shall not deny, neither shall I assert there are not want and distress among the laboring classes of the country. But the reason for these calamities is not found in the want of sufficient currency to meet the legitimate busibeen, since the crisis of 1873, millions of currency lying idle in the great commercial centers, which the owners would gladly employ or invest at a low rate of interest upon satisfactory security. Indeed, there never has been a time since the war, or in the history of the country, when currency in large quantities could be obtained at rates so low as in the year 1875. We have good authority for the statement, that the amount of currency lying idle in the banks of the country to-day is not less than \$100,000,000, which cannot find profitable investment. This proves better than noisy declamation or fine-span theories that the want of sufficient currency is not the cause of this widespread depression in the business of the country. Were the circulation double the amount it is, no man could command any portion of it unless he had an equivalent to offer in exchange, and therefore the increase would be of no benefit. The trouble with our currency is that it has no fixed value; that it is irredeemable; that it is not money in the full meaning of that term, and cannot be converted into the only money known to the Constitution of the United States, gold and silver, without a discount varying from day to day by ten thousand control ing circumstances, some near and some remote.

It seems to me our friends who favor inflation entirely mistake the

nature of money. A dollar is not an imaginary sum, the value of which cannot be determined, but is twenty-five and eight-tenths grains of gold nine-tenths fine, and is the unit or standard of values by which all other values are measured. The greenback derives its value from the promise on its face, made by the United States, to pay the bearer the sum there represented, in real money, the coin of the United States; and when the Government neglects or refuses to fulfill its promise, the greenback becomes depreciated, and if the promise be entirely repudiated, it becomes of no more value than the paper on which it is printed. The gold dollar is not a promise to pay, but absolute money, and has a fixed and certain value, which is not enhanced by the Government's authentication in stamping it in its own dies; while, on the other hand, all paper currency has value only as it is made the representative of something of real value. The greenback is now the representative of about eighty-six one hundredths of a gold dollar, and hence has not the purchasing power of real money, and never can have until it is convertible at the will of the holder into coin or its equivalent. Entertaining these views as I do, I am firm in the conviction that it is the duty of Congress so to legislate as to appreciate the value of the greenbacks and make them at the earliest possible moment equivalent to coin.

If I read history rightly, it was the intention of the framers of the legal-tender act to provide for their early redemption in coin, and not only was this their intention, but the act itself contained an express provision that this should be done. The first act authorizing the issue of legal-tenders became a law February 25, 1862, and was entitled-

An act to authorize the issue of United States notes, and for the redemption or funding thereof, and for funding the floating debt of the United States.

At this time the Government could not redeem its notes in coin, but could issue bonds upon its credit, and redeem in them. This act authorized the issue of \$150,000,000 of legal-tender notes, and provided for funding them into United States bonds, bearing 6 per cent. interest payable in coin. The first notes issued under this act bore date March 10, 1862, upon the back of which was printed these words:

This note is a legal tender, for all debts, public and private, except duties on imports and interest on the public debt, and is exchangeable for United States 6 per cent. bonds, redeemable at the pleasure of the United States after five years.

Subsequent to this and on the 11th day of July, 1862, Congress passed an act authorizing a further issue of \$150,000,000 of legal-tenders. This issue was not only convertible into gold bonds, but the Secretary of the Treasury was given authority to pay these notes in coin, both principal and interest, if he deemed it for the advantage of the Government so to do.

This brief statement shows most conclusionly that the first \$200.

This brief statement shows most conclusively that the first \$300,-000,000 of legal-tenders issued were made convertible into bonds, bearing 6 per cent. interest payable in gold, for the express purpose of keeping them at or near par with coin. The legal-tender act was regarded as a temporary war measure, extraordinary in its nature, but necessary at the time, to enable the Government to provide the means for the vigorous prosecution of the war in which we were then engaged. The distinguished gentleman from New York, in reporting the bill to the House January 28, 1862, said:

The bill before us is a war measure; a measure of necessity, and not from choice. Thus we see this legislation was never intended to be permanent in its character or become the settled policy of the Government, but adopted only until the exigencies requiring it should have passed, when it was expected we would return to our original financial basis.

when it was expected we would return to our original financial basis. By the act of March 3, 1863, a further issue of \$150,000,000 was authorized, and the right to fund them into 6 per cent. bonds was limited to July 1, 1863. This, to my mind, was the great and fearful mistake of the financial legislation of that day. It took away from the legal-tenders the only support they ever had, and gave to the people an irredeemable paper currency, which from that day depreciated in value with great rapidity, until in July, 1864, these promises to pay were worth in coin but forty cents to the dollar. The currency at once became inflated to an alarming extent by the issue of different kinds of Government notes. All kinds of commodities rapidly advanced in price as the currency became depreciated. The people plunged headlong into all sorts of extravagance, and general demoralization of all legitimate business was the consequence.

The legal-tenders, thus left without any support from the Government, struggled along with varying fortune until the people became alarmed, and demanded that something should be done to save the currency from further depreciation, when Congress by the act of March 12, 1866, again authorized the funding of these notes into gold bonds. At once they began to appreciate in value; and continued so to do until Congress, by unwise legislation, again prohibited the further funding of these notes. Had the policy early inaugurated by the Government making the legal-tenders convertible into gold bonds never been departed from, I feelfully justified in saying, we could easily have returned to specie payment many years ago, and without any serious disturbance in the business affairs of life. This sad and almost fatal mistake of the past ought to teach us wisdom in future legislation upon the same subject.

By the act of March 18, 1869, the Congress of the United States "solemnly pledged its faith to make provision at the earliest practical period for the redemption of United States notes in coin," which pledge, unfulfilled, stands upon the statute-books as the law of the land to this hour. And yet, notwithstanding this pledge and the early history of legislation relating to the issue of these legal-tenders, almost unbroken as it is, pledging early redemption and withdrawal, we find here on this floor in the year 1876, eleven years after the close of the war which made these issues necessary, gentlemen claiming to be statesmen demanding not only that these notes shall not be redeemed and canceled, but vigorously clamoring for an unlimited issue of these irredeemable promises, bounded only by the demands of that undefined and undefinable phrase, "the business wants of the country." To my mind no more dangerous policy to the well-being of the coun-

try could be contemplated.

Mr. Chairman, in my judgment this country can never prosper under the effects and operation of an irredeemable paper currency, fluctuating in value as it necessarily must, thereby destroying all the busi-

ness calculations of the people. Capital is timid and will not be employed where there is so much uncertainty and doubt as to ultimate profits, growing out of the fact that the circulating medium has no fixed and certain value. This uncertainty works great evil and damage to all classes of citizens, but to none so great as the laboring men of the country. Nothing is safe, nothing is secure; and prudent men will not embark in active business because of this very uncertainty, and therefore capital is withdrawn rather than take the chances of a further depreciation of the currency and the consequent decline of everything in which investments might be made. There are millions of capital lying idle all over this country, and tens of millions more invested in United States stocks and other securities, which, upon a return to a safe, solid, and permanent financial basis, would immediately spring into activity, sending a new impulse into all the business interests of the country, and give employment to hundreds of thousands now suffering for the very necessaries of life. The man of wealth and free from debt may grow richer out of the

The man of wealth and free from debt may grow richer out of the necessities of others, no matter how wide the margin between the gold dollar and the paper promise; but the poor laboring-man, who buys nearly everything at the gold standard and receives his salary and wages in depreciated paper currency, is the greatest sufferer, and has the largest interest in an early return to the specie standard.

But, Mr. Chairman, a statement is often made on this floor by those who demand an increase of the circulation that the present depression is caused by the contraction of the currency, and that we cannot hope for a revival of trade and commerce until our whole financial policy is changed. We are also told that the panic of 1873 was caused by this same unwise contraction, and that if the same system of withdrawal is to continue, the country will be ruined and the people made bankrupts.

Now, sir, from this conclusion I entirely dissent. Let us examine the facts in the case. The panic came upon us in the autumn of 1873 unheralded and unexpected by most of the people, and at a time when there had been no sudden change in our financial policy, as Congress had not been in session for months, and no new policy had been the Scorphy of the Treasure.

on the 30th day of June, 1864, Congress passed an act solemnly declaring that United States notes, issued and to be issued, should never exceed \$400,000,000. Under the operation of the act of March 12, 1866, which again authorized the funding of United States notes, about \$44,000,000 of legal-tenders, were retired, but not canceled, and the currency for the time being contracted to that amount, when Congress by the act of January 1, 1868, prohibited the further reduction of these notes. From that day to this there has been no contraction of the legal-tender currency. Now, the panic of 1873 could not have been caused by the contraction of the currency, for the reason no contraction had taken place for years before that date.

I do not propose to rest this statement upon my own assertion, but will prove it by authority that cannot be successfully assailed or contradicted. By reference to the last annual report of the Treasurer of the United States, made to the Secretary of the Treasury, on page 486, we find a comparative statement of United States currency outstanding at the close of the fiscal years 1862 to 1875 inclusive, which I here append as a part of my remarks, fully corroborating what I have said on this subject, and to which statement I invite the careful attention of those who differ with me upon this question.

Statement of United States currency outstanding at the close of the fiscal years 1862 to 1875, inclusive.

	1862.	1863.	1864.	1865.	1866.	1867.	1868.
Old demand notes Legal-tender notes, first issue	96, 620, 000, 00	\$3, 384, 000 00 387, 646, 589 00	\$789, 037 50 447, 200, 203 10 44, 520, 000 00	\$472, 603 50 431, 066, 427 99 8, 467, 570 00	\$272, 162 75 400, 780, 305 85 2, 151, 465 50	\$208, 432 50 371, 783, 597 00 794, 687 00	\$143, 912 00 356, 000, 000 00 458, 557 00
One-year notes of 1863 Two-year notes of 1863 Two-year coupon-notes of 1863 Compound-interest notes			16, 480, 000 00 111, 620, 550 00 6, 060, 000 00	7, 715, 950 00 34, 441, 650 00 191, 721, 470 00	5, 209, 522 50 1, 078, 552 50 172, 369, 941 00	396, 950 00 134, 252 50 134, 774, 981 00	188, 402 50 69, 252 50 54, 608, 230 00
Compound-interest notes Fractional currency, first issue Fractional currency, second issue Fractional currency, third issue		20, 192, 456 00	7, 505, 127 10	9, 915, 408 66 12, 798, 130 60 2, 319, 589 50	7, 030, 700 78 7, 937, 024 57 12, 041, 150 01	5, 497, 534 93 4, 975, 827 08 18, 001, 261 01	4, 881, 091 27 3, 924, 075 25 23, 922, 741 98
Total	147, 725, 235, 00	411, 223, 045 00	649, 094, 073 70	698, 918, 800 25	608, 870, 825 46	536, 567, 523 02	444, 196, 262 47
	1969.	1870.	1871.	1872.	1873.	1874.	1875.
Old demand notes Legal-tender notes, first issue. Legal-tender notes, series of 1869 Legal-tender notes, series of 1874.	\$123, 739 25 356, 000, 000 00	\$106, 256 00 289, 145, 032 00 66, 854, 968 00	\$96, 505 50 181, 806, 518 00 174, 193, 482 00	\$88, 296 25 123, 271, 568 00 234, 228, 432 00	\$79, 967 50 83, 622, 694 00 272, 377, 306 00	\$76, 732 50 58, 262, 963 00 323, 736, 110 00	\$7, 107 50 37, 952, 281 00 284, 117, 402 00 53, 901, 897 00
Degat-tender notes, series of 1574. One-year notes of 1863. Two-year coupon-notes of 1863. Compound-interest notes	220, 517 00 84, 752 50	160, 347 00 56, 402 50 37, 202 50	128, 037 00 44, 502 50 33,452 50	109, 967 00 36, 402 50 31, 852 50	88, 705 00 28, 200 00 31, 250 00	77, 155 00 23, 600 00 30, 050 00	66, 525 00 20, 850 00 26, 800 00
Fractional currency, first issue.	4, 606, 708 52 3, 528, 163 65 92, 980, 765, 19	2, 191, 670 00 4, 476, 995 87 3, 273, 191 03 10, 666, 556 52	814, 280 00 4, 414, 025 04 3, 218, 156 37 5, 617, 535 75	623, 010 00 4, 391, 299 09 3, 190, 283 51 4, 039, 955 26	499, 780 00 4, 376, 979 15 3, 180, 406 27 3, 481, 500 36	429, 080 00 4, 335, 875 69 3, 146, 345 12 3, 258, 252 02	371, 470 00 4, 328, 338 13 3, 139, 847 09 3, 164, 643 98
Fractional currency, fourth issue, first series Fractional currency, fourth issue, second series Fractional currency, fourth issue, third series Fractional currency, fifth issue	20, 000, 100 10	21, 461, 941 06	27, 333, 157 40	29, 234, 297 41	22, 095, 096 41 11, 665, 383 25	15, 807, 834 91 4, 113, 244 00 9, 851, 322 50	6, 984, 687 48 1, 784, 728 35 6, 395, 821 85
Fractional currency, fifth issue						5, 399, 129 10	16, 331, 357 31

But let us look at this matter a little more in detail and compare the year 1872, one year before the revulsion, with 1874, one year after the panic. The report shows that at the close of the fiscal year ending June 30, 1872, there was outstanding of United States currency the sum of \$399,245,363.52, while on the 30th day of June, 1874, there was outstanding the sum of \$428,547,693.84; showing, during these two years and covering the panic of 1873, not a contraction, as is claimed, but an actual increase of \$29,302,330.32. It may also be observed that for a period of years before the panic the country was reasonably prosperous. Business was active and all branches of trade and commerce seemed remunerative and permanent, when suddenly the crash came and thousands of imaginary fortunes were swept away in an hour. Upon examination it was found that the people had become reckless and extravagant in their expenditures; that an irredeemable paper currency had become cheap and abundant, causing fictitious values in all the commodities and necessaries of life; that vast sums of money had been invested in enterprises yielding no income, most of it borrowed on long time upon doubtful security, and when no more could be obtained the revulsion became inevitable, and deep and widespread disaster followed, and was the price paid for this great departure from the legitimate and safe rules of trade and commerce.

Early in the war it became apparent that other means than such as then existed must be provided to meet the growing demands upon the Treasury in sustaining, arming, and equipping a large army, and paying other expenses incident to the struggle for national existence.

After much discussion by the leading minds of that day, it was proposed to gradually issue national-bank notes secured by United States bonds deposited with the Comptroller of the Currency, which notes were expected to take the place of bank-notes previously issued un-der the laws of the several States. The first national-banking law was approved February 25, 1863, and under it national banks were established in different sections of the country. The basis upon which under this act banking was to be done, was the bonded debt of the United States secured by the faith and credit of the nation. In other words, the Government wanted money to carry on the war, and to obtain this it put its bonds bearing 6 per cent. interest payable in coin upon the market and offered them to the people at their face value. The patriotic, Union-loving citizens at once came forward and largely invested their means in these bonds; not only the rich, but the men of small means as well; and the Government was thereby enabled to procure such aid, drawn directly from the people them-selves in the shape of a loan, as was required to meet the great press-ing necessities of the hour.

Under this act, associations of five persons were authorized to organize national banks by depositing United States 6 per cent. bonds, previously purchased of the Government, with the Comptroller of the Currency, who was then directed to issue to such banking associated to the comptroller of the currency. ation 90 per cent. of their deposits in national-bank notes for circula-These notes were redeemable in United States legal-tenders, and at once became at par with them. By this method of banking the Government found great relief and was no longer at the mercy of foreign nations, because the necessary means to successfully carry on the war were furnished by the people themselves and we were not on the war were furnished by the people themselves and we were not obliged solely to depend upon the sale of our bonds in the countries of the Old World. We have also by this system secured a permanent, uniform currency, based upon the credit of the nation, and without restriction as to the amount to be put into circulation; for, by the act of January 14, 1875, banking has been made absolutely free, bounded only by the ability to deposit United States bonds with the Comptroller as security for the redemption of every dollar issued. The charge, therefore, that the national-banking law is a monopoly has no force, as it is free and open to all.

But it is sometimes urged that these associations derive an undue

But it is sometimes urged that these associations derive an undue benefit from their circulation, since at the same time they receive interest on their bonds deposited with the Comptroller.

Mr. Chairman, did it ever occur to the mind of objectors that these bonds, purchased with the money of the people, are not held by the Comptroller for the benefit of these associations, but for the sole and only benefit of the bill-holders, to secure them against possible loss. These bonds were issued in times of great national distress and embarrassment, and are a debt against the Government, to the payment of which the faith of the nation is pledged; and it matters not whether they are held by the banks or by the people themselves, the interest must be paid the same, for whoever has loaned money to the

Government is entitled to the interest thereon.

While it is not my purpose in any way to defend the national-banking act, and admitting that the law in every respect may not be perfect, yet I think it infinitely superior to any system ever adopted by the American people, and ought not to be abandoned until some other

and better is proposed.

Mr. Chairman, having thus briefly glanced at the legislation authorizing the issue of legal-tender United States notes and of national-bank notes, and discussed as I have been able the merits of each, I now propose to consider the propositions submitted by our inflation friends on the other side as the antidotes to cure all our financial difficulties. They may be stated: first, immediately repeal the resumption law; second, repeal the national-banking act; and, third, issue United States legal-tenders to take the place of national-bank notes. These notes are to be mere "promises to pay," not redeemable in coin, and there is to be no limit to the amount to be issued, except as found in the "wants of trade," whatever that may mean. This would place the currency wholly in the hands of a partisan Congress, where it is liable to be increased or decreased, as the supposed interest of the party in power may require. No permanent, well-defined financial policy can be adopted and maintained, because in this country parties are not permanent, and to leave a question of this magnitude to be manipulated by party organizations would utterly demoralize all the business interests of the country. To my mind, no more dangerous proposition could be submitted to the American Congress, or one fraught with more evil to the nation's welfare, were its adoption possible. It is inflation of the most dangerous kind, and can never have my approval. It needs no argument to show that the more paper currency is issued, with no means of redemption, no balance-wheel to regulate its value, the more it becomes depreciated, producing derangement in every department of business. The history of all the past proves the truth of this statement. The credit of the nation, even, avails nothing when its promises are openly repudiated and no provision made to

What, then, is to be done? First of all, take no steps backward, but provide by additional legislation what may be deemed necessary to secure, at the earliest day possible, resumption of specie payments. It is perfectly idle to suppose the national banks can resume while the United States neglects or refuses to made good its promise to redeem or pay its notes in coin or its equivalent. This it can never do as long as the volume outstanding remains at or near \$376,000,000, as at present. Sir, in my judgment, the first positive thing to be done is to restore the legal-tenders to their original standing by making them convertible into gold bonds bearing a low rate of interest, limthem convertable into gold bonds bearing a low rate of interest, limiting the amount to be funded in a single month, so that the business interests of the country may be as little disturbed as possible. Provide by law that \$3,000,000 per month may be funded into bonds running forty years, bearing interest at 4 or 4½ per cent. per annum, principal and interest payable in gold, until the volume outstanding shall not exceed \$150,000,000, when the whole balance may be funded at the option of the holder, and that no portion of the notes so funded shall ever be re-issued.

This slow but certain process would so appreciate the greenbacks that long before the volume outstanding should be reduced to the amount named, they would be at par with coin, and it would be accomplished without any violent contraction; for the reason that banking has been made free, and national-bank notes would be issued and take the place of legal-tenders withdrawn, if the business of the country demanded more currency and it could find profitable investment. There could be no forced or unnatural contraction for the reason stated, while on the other hand no dangerous expansion could take place; for, as the United States had made good its promise to pay the legal-tenders in coin, the national banks would also redeem their notes in coin or its equivalent, legal-tenders. With specie payments or resumption there can be no danger of inflation or a redundant currency; for, the moment more is issued than can find profitable invest-

ment, they will be returned to the banks for redemption.

I am not in favor of radical measures looking to violent contracion, because that would bring great hardship and distress upon a large number of our citizens known as the debtor class. Neither do I favor any policy or kind of inflation, because it is unjust to the creditor class, and benefits only the adventurer and the man who desires to do business upon capital not earned. Irredeemable paper currency, having no certain and fixed value, becomes the agent to disturb all the channels of trade and unsettle all the calculations of life, thereby greatly retarding the happiness and prosperity of the people. I am in favor of an early return to specie payment, and am ready to favor any legislation looking to that end. The cry of inflationists, that resumption is not possible, does not move me, for I believe it is possible, nay, certain, if we have the courage to be honest and place the Government in a condition to redeem its broken promises and pay i.s indebtedness according to the express terms of the

I firmly believe this country can never be prosperous until we settle down to a sure, safe, and permanent financial basis. Business will then resume its wonted channels. Capital now lying idle will seek Confidence will be restored to the manufacturing interests of the country, the mechanic and laboring man will find ready and profitable employment, and every branch of industry will feel the invigorating stimulus caused by the sound and healthy condition of our financial affairs. Our credit abroad will be greatly strengthened, and, instead of being embarrassed, we shall become the strongest and most

self-reliant nation on the face of the earth.

Mr. Chairman, the country needs, nay, demands rest. The people have become tired of constant irritation over this question, while capital has become so timid that it easily retires into the great monetary centers and refuses investment. Confidence is lost, and cannot be restored while this unsettled state of things exists. We need to move stored while this unsettled state of things exists. We need to move back slowly but certainly to firm and solid ground, and eliminate from our financial system all unnatural elements which have crept in and were thought to be necessary while we were in the struggle for national existence. But eleven years after the close of the war, and in a time of profound peace, with wealth and resources unbounded and a population full of vigor and enterprise, we should at once re-trace our steps and fall back to our normal condition. The national

faith, the honor of the Government is solemnly pledged to early resumption; the good of the country requires it; the toiling millions demand it. Shall we, their representatives, neglect or refuse the legislation necessary to accomplish it? It will require wisdom and courage to do the right, but an approving people will be the reward.

#### MESSAGE FROM THE SENATE.

The committee rose informally; and Mr. Vance, of North Carolina, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Sympson, one of its clerks, announced that the Senate had passed a bill (S. No. 486) fixing the times and places for holding certain terms of the district courts of the United States for the State of Iowa.

The message further announced that the Senate had passed without amendment a bill (H. R. No. 194) to remove the political disabilities of Samuel Cooper, jr., of Virginia.

### LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole then resumed its session.

Mr. WILLIS. Mr. Chairman, the real character of the great political parties of this country has been aptly illustrated by their respective modes of treating the bills introduced under the auspices of the Committee on Appropriations. Want well-nigh universal, paralyzed energy, depression in business without precedent—and that too in the presence of resources unequaled—have been the potent arguments to which that committee—all honor to them—have given respectful heed. Retrenchment is the watch-word of the patriot, not the shibboleth of the partisan; yet the moment the honorable gentleman from Pennsylvania [Mr. RANDALL] announced his purpose to reduce the annual expenditures of the Government \$30,000,000 the forces of the Administration organized in a solid column and by dint of the rarest discipline marched under fire, suffering not the slightest defection, losing not a single man by desertion. Sarcasm has been their chief resort. Comparisons have been instituted between European and American modes of conducting foreign relations unfavorable to this country. They affect to despise the narrow, contracted, and selfish policy of the United States. As for France, England, and Prussia, they eulogize them as generous, high-toned, magnificent. They express themselves disgusted with the rigid simplicity of a republic. They confess that they are enchanted with the grandeur and dignity of empire and monarchy.

Mr. Chairman, the American people are simple enough to regard the superior cheapness of a government and the modest demeanor of its officials as unanswerable arguments in favor of the democratic system. They are opposed to all unnecessary ostentation and display. Hence that grand popular uprising a year ago which impressed itself, even upon this obtuse and corrupt Administration. The people then resolved that this Government was an agency created to supply a need of the people, not a luxurious device for the benefit and enrichment of an office-holding class. But the leaders of to-day's republicanism have forgotten the voice of yesterday. They have opposed retrenchment at every step; they have attempted to defeat every economic endeavor; they have indulged in silly assumptions of superiority in wisdom and statesmanship, attributing ignorance to those who believed with the people that economy and efficiency are not incompatible elements in the administration of the national Gov-

# POSITION OF THE REPUBLICAN PARTY ON FINANCE IN THE PAST.

They have sought refuge in other fields of controversy, and while assailing democracy, have attempted to justify the republican party in its policy regarding finance, currency, and specie resumption. This attempted justification it is my purpose to defeat. The falsity of so-called republicanism to just notions of finance and taxation, economy, and integrity in the administration of affairs, it is my determination to expose.

While it is quite true superficially that such questions are not germane to the pending bill, a real economy can be secured only by the adoption of a correct system of finance and taxation. No real, genuine reform can be had without radical change herein. All the marvelously criminal extravagance of our national administration since the prostration of the rebellion grows out of the oppressive, iniquitous, and inquisitorial methods of taxation which have obtained, and the shifting, ever-changing policy of finance, which has disregarded all moral obligations, destroyed the element of confidence in all business transactions, and by a reversal of policy from contraction to inflation at a time when the country was drifting toward recuperation and prosperity plunged the Republic into a black midnight of bankruptcy and desolation, brought all enterprise to a dead halt, and staggered every feeling heart with that fearful chorus swollen by the accents of tens of thousands crying vainly for shelter and bread.

A terrible winter in 1873, a terrible winter in 1874, a terrible win-

A terrible winter in 1873, a terrible winter in 1874, a terrible winter in 1875! And yet the party on whom has devolved the responsibility of national administration for the last fifteen years, which has bequeathed to this country all this heritage of want and woe, which has been rebuked at the polls, is to-day asking the country to commend it for rigid honesty and strict fidelity to just notions of finance and economy.

It has commissioned the honorable gentleman from Maine [Mr. the interest upon its Blaine] as its fittest, most eloquent champion, to present to the American people its aptitude for government. Never before in one | Maine, [Mr. Blaine.]

brief hour was there so much pretension crowded as in that effort of his to vindicate the republican party. Never before were the facts of history so thoroughly assailed. His utter disregard of actual historical data is equaled only by that disregard of constitutional limitations confessed by my juvenile Trojan friend [Mr. Townsend] in the centennial discussion, when in the contemplation of his own immense rotundity he alluded to me as his "emaciated friend."

tions confessed by my juvenile Trojan friend [Mr. TOWNSEND] in the centennial discussion, when in the contemplation of his own immense rotundity he alluded to me as his "emaciated friend."

Mr. Chairman, it is unnecessary to discuss the present condition of the country. We are oppressed by paralysis; the panic is gone, but there has been no relief, no revival; enterprise yet stands still; capital, though abundant, is idle; labor is in no demand; money and all other commodities have lost their circulatory power; only necessary exchanges take place; and the country expects a release from these distressful, harassing conditions from us. Are we equal to the fulfillment of this expectation? What is the remedy? The gentleman from Maine has suggested none. What, sir, would you do, if the power were in your hands? That is the question he should have answered to the satisfaction of his anxious countrymen. Then, indeed, would there have been a joyful acclamation at the rising of the star in the East; then, indeed, would he have been hailed as high priest and prophet; then, indeed, would the people have forgiven even his unwillingness to bestow upon them, sighing for reconciliation and peace, that boon of heavenly sanction, universal amnesty.

#### REPUBLICAN RECORD ON FINANCIAL QUESTION.

But the republican party, Mr. Chairman, have a record; and here it is:

First, they authorized the issue of Treasury notes and enacted they should be legal-tenders in all transactions, public and private, without any constitutional warrant or authority.

Second, they supplemented that unconstitutional act by an error equally as gross, in making the interest on the bonds payable in gold instead of currency.

Third, they violated the plighted faith of the nation by the repeal of the act which solemnly provided for the conversion of what was called legal-tenders into 5.20 bonds, thereby outraging every principle of justice, violating all law, and doing that which was no less injurious to the moral sense than to the material interests of the country.

Fourth, when the receipts of the Government vastly exceeded its expenditures, instead of hoarding the gold in the coffers of the Treasury and preparing a fund for ultimate redemption, instead of liquidating the indebtedness of the Government, which was dishonored, and paying off the debt which was overdue, they appropriated the surplus means to the payment of debt which was removed twenty years from maturity.

Fifth, after pledging themselves to the policy of contraction, after approving the measures resorted to by Secretary McCulloch, after solemnly pledging themselves by a vote of this body, there being a minority of only six, to approve and sustain that policy, they committed the great crime of the century by lending themselves to speculators and adventurers, the henchmen of this Administration; to the men to whom subsidies had been given, in money and land, to aid them in floating these iniquitous enterprises. And the collapse quickly followed.

Sixth. It has assailed the doctrine of stare decisis, which under monarchical systems is even beyond the reach of the Crown. It has inflated the Supreme Court in order to legalize inflation, and, in defiance of all precedent, reversed a solemn decree of that court; subordinating one branch of the Government by a combination of the other branches. Seventh. Not content to abide by that decision, which was the re-

Seventh. Not content to ablde by that decision, which was the result of its peculiar policy, and which set at least a limit on this act of state folly and state crime by declaring that legal-tenders could only be issued under the pressure of necessity in a period of war, they actually issued yet more and inflated the currency yet further without even the pretense of legal authorization.

All this accumulation of crimes and blunders are the only vouchers which the Administration presents to the American people. It says: "Behold, here is our past; from that judge what we will do in the future. Are we not champions of the nation's honor?"

The honorable gentleman from Maine [Mr. Blaine] should be congratulated when he stands upon the floor of this House, he who has been the friend and counselor of this republican party, who attempted and succeeded in securing the indorsement of all its measures before the American people in 1872, and exclaims, with a countenance serious in its aspect: "Fellow-citizens, behold what the republican party has done in the direction of honesty and economy; they are the only guardians of national credit. It has been faithful in the past; trust it in the future." Indulging in those unjustifiable and unwarrantable assertions as to the position of the republican party, he saw fit to denounce that honest element of the democracy, which is supreme in the State of New York to-day, as pharisaical. What, then, should be said of the republican party with its fame all blotted over with infidelity and incapacity as criminal as crime itself? Hypocrisy is a mild designation for pretenses so startling and so unfounded. If the State of New York, in a period of war under a democratic government, disdained to avail itself of a law on the statute-books of the United States by the vote of the republican party and insisted upon paying the interest upon its bonds in gold, is pharisaical, then Phariseeism is an attribute that would well adorn the honorable gentleman from Maine, [Mr. Blane.]

TARIFF A CAUSE OF FINANCIAL DISTRESS

The republican party have contributed to the distresses now prevailing in this country, not only by their peculiar measures of finance, but also by the tariff system now upon the statute-book, a system which is unequal, oppressive, and inquisitorial in its character, which by its unwarrantable discriminations and exactions has induced overproduction; has discouraged and almost wholly checked immigraproduction; has discouraged and almost whonly enecked immigra-tion; has destroyed utterly the exports of the country, compelling us to send abroad instead thereof large quantities of gold, the enforced scarcity of which has rendered resumption utterly impossible. Now it is a part of any just financial measure to remodel and simplify the

existing tariff.

The injury the country has sustained by this tax system, which boasts the republican party as its fostering parent, which is designed to nurse special industries rather than yield revenue, is beyond all

computation, morally and materially.

TREATMENT OF THE SOUTH HAS PREVENTED RESUMPTION.

There is yet another cause, Mr. Chairman, deeper than this, which has interfered with the prosperity of the country, and retarded an adjustment of its financial difficulties; and that is the treatment of the republican party toward the South. More than ten years have elapsed since the last rebel pleaded as a suppliant for mercy at the shrine of an insulted nationality. Throughout the South the people have yearned for genuine reconciliation and peace, to the end that we might be once more brethren; that its dilapidated houses might be repaired; that its fields might once more blossom with plenteous harvests; that hates might be buried beneath the same sod which covered the graves of its heroes. They begged that we would accept them as peers, promising love for the flag and obedience to the Constitution, including the thirteenth, fourteenth, and fifteenth constitutional amendments, fortifying the results of the war. But how was that appeal and plea responded to? Generous hearts, Charitable hearts, Christian hearts—the Sumners, the Chases, and the Greeleys, responded, "So mote it be;" but not so with so-called republicans. They struck at the white banner of mercy and peace; they uplifted the black banner of discord and hate; they forced upon the people of the South rulers not of their choice; they stamped out the life of State sovereignties; they inaugurated and sustained a reign of plundars and the surface of the south rulers are the sustained a reign of plundars and the surface of the south rulers are the sustained a reign of plundars and the surface of the south rulers are the sustained a reign of plundars and the surface of the sustained a reign of plundars and the surface of the sustained a reign of plundars and the surface of the sustained a reign of plundars and the surface of the surfa There is yet another cause, Mr. Chairman, deeper than this, which of the South rulers not of their choice; they stamped out the life of State sovereignties; they inaugurated and sustained a reign of plunder which has driven the people almost to the verge of beggary. All this has been done with the sanction of the Administration, and enforced at the point of the bayonet. The result of this, materially, I say nothing of its moral effect, has been to destroy the productive energies of the people, and all the millions, tens of millions of commodities that would otherwise have been exported to European countries wherewith to settle our balance of trade are now charged up acquired up, and gold has to be exported to make up the difference. against us; and gold has to be exported to make up the difference. Here, then, is another cause directly interfering with, and indefinitely deferring the resumption of specie payments.

PROSTRATION OF SHIPPING INTEREST PREVENTS FINANCIAL ADJUSTMENT.

Then, Mr. Chairman, the republican party by their senseless tariff have also interfered with the ship-building interest. They have prevented people from engaging in that industry; they have prevented our people from purchasing ships built elsewhere. All the traveling trade is calmly surrendered to Great Britain. Millions and tens of millions paid for this business are all expended in foreign countries to the detriport of our people sensely sensitive this detriport. of millions paid for this business are all expended in foreign countries, to the detriment of our people, causing a still further drain of gold from the country. Now, Mr. Chairman, it will certainly be agreed that a rehabilitation of our commerce and the pacification of the South are objective points well worthy of a patriot's ambition. Shall we turn to the republican party for relief? Is there anything in their history that discloses their special aptitude for this task? There is the iniquitous tariff law upon the statute-books. There, too, is the memory of the sermon preached by the reverend gentleman from Maine upon the resurrection, recalling from the grave long-luvied bates. Alas! expect not too much from a party which promburied hates. Alas! expect not too much from a party which prom-

ises only to disappoint.

Mr. Chairman, let us now consider some of the measures of finance proposed and heed some of the pretentions wherewith we are plied. Let us first discuss what is known by the commanding designation of the "American system of finance," the interconvertible 3.65 bond

scheme

Mr. HOLMAN said: If the gentleman from New York [Mr. WILLIS] will yield, I will move that the committee rise.

Mr. WILLIS. I yield for that purpose.

Mr. FORT. I hope the gentleman from New York will be allowed to finish his speech now.

Mr. HOLMAN. Perhaps if any other gentleman desires to speak this evening, the gentleman from New York will avail himself of some other time to finish his remarks.

Mr. TOWNSEND, of New York. We have staid here until seven o'clock lately, whenever the "raw beef" was brought in. I hope we shall not adjourn so early this evening.

The CHAIRMAN. Does the gentleman from Indiana [Mr. Holman] insist on his motion?

Mr. HOLMAN. I will not, if any gentleman now present wishes to be heard this evening. [After a pause:] As no gentleman appears desirous to go on now, I insist on my motion.

The motion was agreed to.

The committee accordingly rose; and Mr. BLACKBURN having taken the chair as Speaker pro tempore, Mr. Cox reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the special order, a bill (H.R.No.2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

[Mr. Cox here took the chair as Speaker pro tempore.]

#### PERSONAL EXPLANATION.

Mr. BASS. I rise to a question of privilege. During the past few days, owing to my condition of health, I have not been able to attend regularly upon the sessions of the House, nor to attend upon the duties of the committee of which I am a member, although I am advised that committee has been diligently at work in the discharge of its duties. But during these few days I find, on examination of the record, that a subject has been under discussion affecting the conduct of the various members of the Committee on Expenditures in the War Department, and in the course of which, as appears, certain charges were made tending at least to reflect upon two gentlemen who are the republican minority of that committee. Unless this had been done, sir, I should have taken no occasion to rise upon this floor, detaining this House from its regular business, to make any statement in regard to myself. I have never taken any time of the House while I have been a member of it on any subject of that character, personal or otherwise.

I find published in the Congressional Record of March 8 the reported speech of the gentleman from Kentucky, a member of the Committee on Expenditures in the War Department, in which the follow-

ing language occurs:

I will not undertake to say who it was that prosecuted this investigation from its inception to its conclusion. I will not say that no member of a certain political organization from the day that Congress convened until this proof was all in, signed and sealed, ever crossed the threshold of that committee-room. I will not say that. But if it is true let the gentlemen answer whom it strikes. But I will say this; that upon the floor of the House the other day—and the Record bears me out in this—I did those gentlemen of the other side of the House upon that committee more than justice by my silence. I then said they had agreed upon this report as promptly as the democratic members. I did not say more. Whether it was because I could not truthfully I leave the country to infer.

At a later period in the same debate the gentleman is reported to have used the following words:

have used the following words:

I feel authorized to say that from the day when Congress convened until last Wednesday, when the proof was all in and signed and sealed, no one republican member of that committee ever crossed the threshold of the committee-room, although, as the gentleman from Ohio admits, he was notified more than once to attend. It was then, when a culmination had been reached of the inquiry, that a special messenger was sent to ask these two republican gentlemen to come to the committee-room and read the proof before we made a report to the House; and I now reiterate what I said upon this floor last Thursday, that from that time no democratic member of that committee was more earnest, more vigilant, or more honest in his endeavors to bring this guilty party to justice than the gentleman from Ohio [Mr. Danford] and the gentleman from New York, [Mr. Bass.] That is the whole truth.

As the two statements are directly in conflict as to a very material fact, I leave the gentleman to reconcile the same to this House and to his own conscience. If he stated the whole truth in the last allegation, how is it that he has saved the reputation of the republican members of that committee by withholding the truth in the previous speech delivered in this House? But to give any pertinence or force whatever to the charge against the members who were not present on the first day of the Belknap investigation, it became necessary to show that that investigation was commenced on a regular committee day; and I find the impression has been conveyed to this House to that effect, as it was to those members, for the House will recollect that my colleague upon the committee the gentlemen from Ohio expressly stated in some remarks the other day that he understood the investigations were being conducted at regular meetings. The first statement of the proceedings of the committee as reported to this House and set forth in the copy of the journal of the committee is as fol-

TUESDAY MORNING, February 29, 1876.

The committee met. Present: Messrs. Clymer, Blackburn, and Robbins. Mr. Marsh, a witness, being present, was duly sworn by the chairman, and was examined by the committee. (See evidence.)

Messrs. Blackburn, Clymer, and Robbins submitted statements regarding an interview had by Mr. Blackburn with the wife of the Secretary of War, which were marked C. D. E. respectively, and ordered to be made part of the evidence. Adjourned to meet to-morrow morning at eleven o'clock.

Tuesday was the regular committee-day, and as the first statement that appears in the Journal in regard to this investigation is of the date of Tuesday morning, February 29, the members of this House were justified in inferring that they were the first proceedings by the committee with reference to the investigation through witnesses of the charges against the Secretary of War.

But, sir, what are the facts? I call the attention of the House to a statement made by the witness Marsh, which is contained in the report of the committee. The testimony of that witness in chief, it will be observed upon an examination of the report, was taken and subscribed by him, and dated Tuesday, February 29. But upon page 6 of the report it will be seen the witnesses testified as follows on that day:

Shortly before two o'clock p. m. yesterday I came to the Capitol to meet the commit-tee, and Dr. Tomlinson found me in the corridor near the committee-room door. He

said: "You are going before the committee, and I want you to remember that there was no arrangement with you and the Secretary of War at the time of the funeral, and that the money you have always paid to General Belknap was for Mrs. Belknap, and by her directions." I told him I was going before the committee to tell the whole story, as far as I could recollect it. I said I had thought of leaving the country, but was overruled; and that now I shall tell the truth, and the whole truth, and nothing but the truth. He said: "I don't want you to tall any lies; I only want you to tell the truth, and that is the truth." I said the truth I shall certainly tell, and if it does not hurt General Belknap, no one will be more rejoiced than myself. I entered the committee-room at about two o'clock yesterday, and without being sworn I made a statement to certain members of the committee of the facts in the case—more briefly, but substantially as I have now answered in reply to your chief interrogatory.

It therefore appears from the record of the committee and the testimony of the witness Marsh, upon the faith of which an important resolution of impeachment has been passed by this House, that the first session of the Committee on Expenditures in the War Department when the witness Marsh was present was held on Monday, the 28th day of February, at two o'clock in the afternoon. I beg to ask the gentlemen upon the other side why the republican minority of the committee were not advised of that meeting? The House will recollect that at that time permission bad not been granted to the committee to sit during the sessions of the House, such authority having been given them a few days later.

Who were the members of the committee, purporting to be "the committee," who met and interviewed the witness Marsh so secretly on this Monday afternoon? Why were not the republican members, who were sitting face to face with gentlemen on the other side, advised, at least, of that meeting, which was not upon a regular committee-day, as to which there had been no previous notice, and which must be conceded to have been a special and extraordinary meeting? I was present in my seat in the House that day, and I am assured that my republican colleague was in attendance upon his duties in this House at the same time.

It would appear further from the examination of the testimony of the 'witness Marsh that this first meeting was a pre-arranged and concerted meeting. It appears that he arrived in this city at 6.30 of that morning; that at eight o'clock Dr. Tomlinson called at the door of his room; that thereupon he, the witness Marsh, wrote a note and a letter to the honorable gentleman from Kentucky, and that in pursuance of some arrangement he expected to meet the committee at their room at two o'clock. Dr. Tomlinson evidently knew of the same arrangement, as he was present and met the witness "near the committee-room door." The following is the testimony of the witness upon these points:

I reached Washington yesterday morning at 6.30 and stopped at the Arlington, my wife being with me. Was shown to a temporary room at about seven o'clock. I laid down, being greatly fatigued, and at about eight o'clock Dr. Tomlinson called me to the door of the room. He said he had seen Blackburn, and that he still thought this matter could be fixed up without any trouble. He asked me if I had the letter I had written to the committee on Thursday night. I said, "I had not." He said, "Blackburn says you had better write another of the same purport and send it up to the committee, with a note explaining why it did not come sooner." I did so. [The note and letter are marked B and C.]

It would be interesting to know in this connection whether Dr. Tomlinson, the brother of Mrs. Belknap, whose mission it seemed to be to get this matter "fixed up without trouble," was the messenger between the witness and the members of the committee present at that meeting.

The first notice I ever had of any official proceedings before the committee was on the morning of Wednesday, the 1st of March. On Tuesday I was in my seat in the House, near the gentlemen of the committee, who for two days it would seem had been pursuing this investigation, but no lisp or advice of the proceedings in this matter reached me from them or either of them.

Why such concealment, when the members of the committee were sitting in each other's presence day after day in this House? After such proceedings as these it is that the House of Representatives is dramatically told, not once only, but several times, that certain members did not cross the threshold of the committee-room until the proof was all in and signed and sealed. If they had not, then was there greater reason why they should have been notified in this special and important case?

But, sir, the records of the committee show that it never held but two meetings prior to the time when it sent a telegraphic message to the witness Marsh to come before the committee, which was February 25. One of these was on the 2d day of February, for organization—six weeks after the appointment of the committee—and the other on the 19th of the same month, the third month of the session.

The question as to the discharge of the witness Marsh, and the action taken thereon by the individual members of the committee, has been discussed in this House. It was claimed by one member of the committee the other day upon this floor that a statement contained

The question as to the discharge of the witness Marsh, and the action taken thereon by the individual members of the committee, has been discussed in this House. It was claimed by one member of the committee the other day upon this floor that a statement contained in some newspaper that the republican members of the committee urged that Mr. Marsh should be detained until the case against Mr. Belknap should be disposed of was a charge of which he had a right to complain, and he intimated that it was not true. The chairman of the committee in a discussion upon this subject is reported as using the following language:

Mr. CLYMER. And then, in the presence of Judge Blair and in the presence of the whole committee, did not the witness say: "Are you done with me?" And was not my reply, or the reply of some one, this: "We do not know that we have anything more to ask you." And did not the witness then say: "I want to go to New York?" And I remember that I asked him, "When do you propose start-

ing!" and he said, "I would like to get off very early." I asked him if he would go that night, and suggested that if he was going he could get his mileage and pay, and I even went so far as to say that I would go with him to the Sergeant-at-Arms if he was not acquainted with him. I think he intimated that he cared nothing about that. The witness left the room in the presence of and with the consent of the entire committee.

The discussions upon this subject have occurred when I was absent from the House by reason of sickness, but I now desire to say that I most distinctly dissent from the statement of the gentleman, if that is what he means, that the witness was discharged with the consent of the entire committee. I think I can refresh the recollection of every gentleman upon that committee, and convince him, if he is not unwilling to be convinced, that one of the republican minority on the committee, in much less than half an hour before the discharge of this witness by the chairman of the committee, and at the same session, strenuously opposed his discharge, and stated some reasons therefor. The witness was discharged at half past eleven o'clock that Thursday, the 2d day of March, or within a very few minutes of that time. The objections that were made were made in the presence of the committee alone, and when that subject was under discussion considerably after eleven o'clock of that day, as I think I will be able to show most conclusively.

I now call the attention of the members of the House and of the committee to the journal of the committee, contained in the report to this House on page 2. It appears by that report that the first meeting which the republican minority attended was on Wednesday, and the committee will recollect that there was no proposition in the committee with reference to the discharge of this witness on that day, as he had not even been cross-examined.

The next meeting of the committee, as shown by the journal, was at 10.30 a.m. the following day, Thursday. As I was about leaving my house to attend the committee meeting, a gentleman called upon some business which detained me a short time, and I did not reach the committee-room until a very few minutes after eleven o'clock, and I found present the other four members of the committee and no other person. I stated that I had been detained by a gentleman, and noticed that it was after eleven o'clock. The chairman of the committee then exhibited to me the acceptance of the resignation of the Secretary of War, with a statement of the fact that he had resigned. By referring to the journal of that day's proceedings the House will perceive that that resignation was handed in to the committee at eleven o'clock, which was before my arrival.

The question was then raised by one of the gentlemen of the committee on the other side of the House to the effect that the resignation of the Secretary had taken from the committee its jurisdiction in the premises, and he stated, in substance, that, as the committee had thus been shorn of its jurisdiction, it could not further pursue the proceedings, and that it should discharge the witness Marsh and report to the House. Discussion thereupon ensued. I replied to the arguments of the gentlemen, and urged that the resignation of the Secretary of War had nothing whatever to do with our jurisdiction or with our duty in the premises; that we were a legislative committee, and that it was within our power and our duty to pursue the investigation to the end; that, as to the discharge of the witness Marsh, I deemed it to be very unsafe and improper pending the proceedings in the case. I stated some reasons therefor; among others, that he was then the sole witness in the case, as yet uncorroborated; that, in case further testimony, either upon his own cross-examination or independently, should contradict any of his statements, it would doubtless be necessary to again call him to the witness-stand; that, in case the Secretary of War should be a witness before the committee, as we were then expecting, we could not anticipate his testimony, and it would doubtless be necessary to recall the witness Marsh; and, further, that, for the safety of the committee, regarding its reputation, I did not think it could afford to discharge the witness pending these

proceedings.

The discussion upon those two questions (that of jurisdiction and the discharge of the witness) lasted for several minutes; and at that time Mr. Blair appeared at the committee-room and asked to put a single question to the witness Marsh in cross-examination. Whereupon the witness Marsh was called in, the question was propounded to him, and the answer given as stated upon page 7 of the report; which procedure could not have consumed at the outside ten minutes of time. Thereupon, without any question being asked any member of the committee, and upon the sole request of the witness, the chairman discharged him. There was then present in the committee-room the members of the committee, the witness Marsh, and Judge Blair, the counsel of General Belknap. No member of the committee indicated in any way whatever, to my knowledge, his consent to the direction of the chairman.

The witness then stated that he desired to leave for New York, as he expressed it, on the one o'clock train, and inquiry was made about his fees. The chairman of the committee offered to go with him to get his fees, and stated further that if he did not have time to get them himself before the train left, he would get them and send them by mail to him (Marsh) at New York. The witness then inquired after the contract between himself and Evans, which was in the possession of the chairman of the committee, and the chairman stated that he would send that to him by mail in a few days. The witness then left the room.

Judge Blair then inquired of the committee when they would hear

the testimony of the Secretary of War; which subject the chairman stated the committee would take under consideration and advise Thereupon Judge Blair left the committee-room, and the committee had some discussion upon the subject of that request, and at twenty minutes before twelve took a recess.

The fact that the recess was taken at the time named will be recollected by the members of the committee from the circumstance that a note was handed me requesting that I would call upon the President at twelve o'clock, and the suggestion was made that I had time to comply with the request.

Mr. Speaker, these are the facts in that case. I said that the witness was discharged. He was discharged. I do not know that I can state the precise language of the discharge, but that is perfectly immaterial. Now, sir, I should not have referred to this subject, nor have men-

tioned what had taken place in the committee-room in this regard, except example had been set me by the various members of the committee. And was there anything so remarkable in objecting to the discharge of the witness Marsh, that it should call for criticism upon myself and my colleague with regard to our ability to attend the sessions of the committee, seeking thereby indirectly and covertly, when the gentlemen knew the reasons why I had been unable in the main to attend on that committee, to call forth censure for failure to attend upon committee duty?

Why, sir, what was the case? There was a stranger, a witness before the committee who had testified to the most grave and serious charges against a high officer of this Government, who had long been trusted. The charges were sufficient, if true, not only to justify but to require at the hands of this House his immediate impeachment. But, sir, those charges were wholly and utterly uncorroborated. Evidence was given by the witness that certain certificates of deposit had been sent to the Secretary of War. Would it not have been judicions, at least, to detain the witness long enough to send to the bank which issued those certificates to see if he had told the truth in that respect, and to find some corroborative evidence therein? And all through his testimony appeared little circumstances referred to in general which, being more fully developed, would furnish forth the evidence by which he could be corroborated if he were speaking the

But what more, sir? The charges were against a high officer of this Government. He had been before that committee and requested to make a personal defense. That had been accorded to him by the He was expected to be before that committee. Was it expected that he was to come merely to repeat the evidence given against him by Marsh, or was it rather not expected if he was sworn as a witness he would contradict in some respects at least the evidence of the witness Marsh? And every lawyer upon this floor knows how important it would then have been to have the witness Marsh present to call him in rebuttal; and if he could furnish forth other evidence to indicate as to who told the truth in any given matter in discussion or dispute, how important it would have been not only for the committee, but for the members of the House of Representatives, to be possessed thereof.

It was utterly a question of discretion with the committee. It was not their duty to keep him, except as in the exercise of their just discretion they should be convinced of the fact that his presence was required in order to make the investigation full, thorough, and com-

I am not aware, sir, that I have been guilty of any other offending than that. I did raise those objections. I think had the gentlemen listened, and not been quite so zealous instantly to report this evidence without corroboration, that perhaps the witness would have been held. But, sir, the views of the chairman of the committee in this respect

are not alone held by him, as is evidenced by the speech delivered in this House by the gentleman from Kentucky [Mr. Blackburn] a day or two since, who said in substance that he would have regarded it as an "assault" upon a witness, a "breach of faith," had he been detained after his cross-examination before the committee. I apprehend that proposition will strike every gentleman on this floor as preposter-ously absurd. An assault upon him! Is it not within the discretion of a congressional committee as to whom they will summon before it, and as to how long they will keep him in obedience to a subpœna? The committee under those circumstances had no right, important as he was to this House and country in the investigation, to discharge

After this conduct it is charged by the gentleman on the other side that other people were responsible for the escape of this witness. They ask, how could we detain him? Detain him as he was brought here, by subpœna; detain him as he was detained for several days, by subpœna. What evidence is there that the subpœna had exhausted its virtue at half-past eleven o'clock on Thursday, March 2? The witness would have remained in obedience to the subpœna, or, if not, an attachment would immediately have been issued out from this House, and an officer would have pursued him to New York on

this House, and an officer would have pursued him to New York on the next train, placed him under surveillance, taken his body and returned him to the House for incarceration, if they thought that to be necessary to insure his presence and obedience to process.

But, Mr. Speaker, as I was saying, this is now made the pretext of alleging that other people were responsible for the escape of this witness. Why, sir, as appeared by a discussion in this House, the evidence was clearly brought to it that the witness left this city on the very next train that departed from it to New York at about 1:30

o'clock on that same day. And yet one of the gentlemen on the other side stated, not with qualification, but with positiveness, that, even at the time the committee reported, the witness was hanging about the portals of the Capitol; and he said afterward when questioned with regard to it, that he had every reason to believe that he was, as the last words, or among the last words, the witness used in the presence of the committee was that he proposed to leave on the one-o'clock train, if possible; what other and new fact had reached the mind of the gentleman to indicate that he was yet to remain about the portals of the Capitol?

But, sir, we find corroborative evidence to show that on Friday afternoon the witness was on his way to Montreal and north of the city of New York. There was no Cabinet meeting on Thursday; and, city of New York. There was no Cabinet meeting on Thursday; and, as was stated here the other day by the gentleman from Maine, I likewise have authority for saying that at the Cabinet meeting which was held on Friday afternoon in this city no reference whatever was made to the prosecution of the witness Marsh; and it is not believed by any member present at that Cabinet meeting that his name was even mentioned. But directions were given for the prosecution of the Secretary of War, William W. Belknap. That Cabinet meeting, too, it is well known, was not held before the witness Marsh was well on his way for Canada. So who gave him his opportunity to escape?

his way for Canada. So who gave him his opportunity to escape?

Now, Mr. Speaker, I have said more than I designed, but I felt I was called upon to say this much, as during my absence what I was carried upon to say this initial, as during my absence what I deemed to be at least an unfair statement of the transactions of the committee had been made. And as these facts were peculiarly within my own knowledge, and not within that of most of the members of the House, I deemed it but just to the record of this case that these

facts should be fully known by this House and by the country.

Mr. CLYMER. I would, Mr. Speaker, make no reply to what has fallen from my colleague on the committee, the geutleman from New York, save, sir, that his recollection of all the events of that Thurs-AGE, save, sir, that his recollection of all the events of that Thursday morning differs so essentially, so entirely, and so radically from that of every other member of the committee that he is placed in the disadvantageous and unfortunate attitude of being the one sole witness against his four colleagues, who agree in their statement of the same facts. To prove this unmistakably and conclusively I will read the statement made by my colleague on the committee, the gentleman from Ohio [Mr. DANFORD] in his remarks on this subject, made upon Tuesday last:

Mr. Danford. If it is not conceived by other members of the committee to be a secret. I feel at liberty to state just what my recollection is. On the morning of last Thursday Mr. Marsh came into the committee-room shortly after its meeting and the suggestion was made, either by himself or perhaps by the chairman of the committee, that he be discharged. That was prior to the committee baving ascertained the fact whether there would be more testimony or not before the committee. At that time I remember that Mr. Bass, my republican colleague on the committee, suggested that it would be improper to discharge the witness until the investigation was closed, and I think the chairman of the committee will remember that suggestion. Afterward the witness Marsh withdrew. It had been determined that we would take no further testimony before the committee. Mr. Marsh then came in and the question of his discharge was again before the committee, and there was no member of the committee who questioned his right to go.

Mr. BASS. That is expressly what I stated. No response whatever

Mr. CLYMER. The gentleman will please not interrupt me. Mr. DANFORD proceeded:

I believe that my colleague, [Mr. Bass,] who is absent to-day on account of sickness, would bear me out exactly in the statements I make, and the only regret that I have is that Mr. Bass is not present on this occasion.

Mr. CLYMER. I know how desirous my colleague from Ohio on the committee is to do exact justice and state what is fair, and therefore I will try to refresh his memory by this suggestion: whether on the morning when Mr. Marsh appeared, and it was suggested, as I will admit, although I do not remember it personally, that he should be discharged, after that was he not cross-examined by Judge Blair, counsel for Mr. Belknap?

Mr. Darsonn. Certainly.

ounsel for Mr. Belknap?
Mr. Danford. Certainly.
Mr. CLYMER. And did not he then say that he had no other or further questions to ask him?
Mr. Danford. Undoubtedly.
Mr. CLYMER. And then, in the presence of Judge Blair and in the presence of the whole committee, did not the witness say: "Are you done with me?" And was not my reply, or the reply of some one, this: "We do not know that we have anything more to ask you?" And did not the witness then say: "I want to go to New York?" And I remember that I asked him, "When do you propose staring?" and he said, "I would like to get off very early." I asked him if he would go that night, and suggested that if he was going he could get his mileage and pay, and I even went so far as to say that I would go with him to the Sergeant-Arms if he was not acquainted with him. I think he intimated he cared nothing about that. The witness left the room in the presence of and with the consent of the entire committee.

A little further on in the debate the following statement was made:

Mr. Danford. I desire to state in relation to the remarks made by the chairman of the committee [Mr. Clymer] that, while I do not remember the entire colloquy between himself and the witness Marsh, I do remember the substance of it. The gentleman states correctly what took place in the presence of the entire committee. The only other thing I desire to say is this: in justice to my colleague, Mr. Bass, it ought to be stated here to the House and to the country that he is at this time sick and has been upuble to attend even the sitting of the Marsh. sick, and has been unable to attend even the sittings of the House

Now, Mr. Chairman-

Mr. DANFORD. Will the gentleman yield to me a moment just

Mr. DANFORD. Will the general years there?
Mr. CLYMER. Certainly.
Mr. DANFORD. I desire to say that I stand to-day by the statement I made on the occasion referred to, and that there is not to my mind one single discrepancy between that statement and the statement of my colleague, [Mr. BASS;] but he remembers more fully some things that took place there than what I stated.

Mr. CLYMER. Of that I leave this House and the country to

judge.
Now, sir, I submit that, if the statement just made by the gentleman from New York be correct, it is impossible for the statements made on Tuesday last by the gentleman from Ohio, and then and now concurred in by all the other members of the committee, to be so. And I wish to state once for all that, had any member of that committee when the witness Marsh left that room at that time intimated in any manuer that it was his desire that he should be retained, certainly I would not have objected thereto, nor do I believe that any other member of the committee would have done so. To suggest that I am responsible for his discharge more than any other member of the committee is what is neither warranted by the facts nor just and fair in statement. I am willing to share my full responsibility of that act with every other member of the committee. And I assert most solemnly that there was, in my judgment, no power in that committee, the examination-in-chief of the witness having been finished and he having been cross-examined, having come here willingly and having answered fully and freely, and proposing to depart publicly—I say there was no power, no legitimate power, in that committee to detain him one moment longer, and that to have done so would have been to make the committee parties to an outrage and a wrong; that it would have been an arbitrary and unjustifiable procedure, for which we as a committee would have had no warrant and no legal justification; and that by so doing we would have violated one of the dearest and most sacred rights of constitutional government and of personal liberty

Mr. BLACKBURN. Mr. Speaker, I promise the House in advance that I am not going to inflict any speech upon them, for I have no doubt the House is about as sick of personal explanations, growing out of this transaction, as the country and the republican party and our friends on the other side of the House are sick of the transaction

Sir, I would not have said a word except for the queer and unusual speech that the gentleman from New York [Mr. Bass] has made under

the plea of a personal explanation.

I have no doubt that the gentleman from New York intended to state the facts; I have no doubt that the gentleman from New York intended to tell the truth. I am only sorry that his statements are not corroborated either by the committee or by what is far more irrefutable in the way of proof, the record. When a gentleman undertakes to correct a whole committee and appeals to the record, he ought to abide by that record.

As he has made deliberate statements here, carefully prepared and read from manuscript, which are flatly contradicted by the record, I leave that geutleman to settle the question of variance between him-

self and the record.

He says that the committee never had but two meetings, and the record of the committee shows that that is not the fact.

Mr. BASS. Will the gentleman allow me a word?
Mr. BLACKBURN. I decline to be interrupted.
The SPEAKER pro tempore. The gentleman from Kentucky [Mr. BLACKBURN] will proceed without interruption.
Mr. BLACKBURN. I was made the victim of misrepresentation, Mr. BLACKBURN. I was made the victim of misrepresentation, whether intentionally or otherwise, at the hands of the gentleman from New York, [Mr. Bass,] and I bore it silently. When I read the record in response, I am not surprised that he winces. [Cries of "O, O," from the republican side of the House.] He says that the committee never had but two meetings. Here is the attested record of the committee which says differently. The committee met on February 2, and organized and named Tuesday and Friday of each week as its regular meeting days at 10.30 o'clock, of which fact both the as its regular meeting days at 10.50 clock, or which fact both the gentleman from New York [Mr. Bass] and the gentleman from Ohio [Mr. Danford] had at least one notice. Between that day and the 19th of February the committee had three meetings, at which no business was transacted. It met again on the 19th of February, and then it did transact business. It met again on February 25, and I read from the record:

The committee met. Present: Messrs. CLYMER, BLACKBURN, and ROBEINS. A subpona by telegraph for Mr. Marsh being returned this day and he not appearing, the ch.tirman was directed to have personal service made on him, returnable on Monday next at two o'clock.

Mr. BASS rose

Mr. BLACKBURN. I decline to be interrupted. I want this quotation from the record to go side by side with the deliberate and care-Bass.] It is not a question of veracity between the gentleman and myself, but a question of veracity between the gentleman and myself, but a question of February 29, and here is the record.

The committee met. Present: Messrs, Clymer, Blackburn, and Robbins.

And then it goes on with the record of proceedings had.

The committee met again on Wednesday, March 1. Now, sir, so much for that. These are facts which neither of the gentlemen opposite will deny. In speaking of what occurred in the committee-room, I want the House to remember that when the report was made to the House and discussion had thereon the RECORD shows that I never once referred to any absence from the committee-room either on the part of the gentleman from New York [Mr. Bass] or the gentleman from Ohio, [Mr. Danford.] I did in that speech say that they in the matter of agreeing to the report had been as prompt as any democratic

member of the committee had been. I said no more. My lips were sealed, and would have been sealed to the day of my death; I never would have been the instrument for the exposure of the fact, for fact it is and they dare not deny it, that from the day Congre-s convened until Marsh's testimony was concluded and signed neither the one nor the other of these gentlemen ever crossed the threshold of that committee-room, both of them having had notice more than once of the regular meeting days of that committee going on for weeks; and those weeks running into months they came there at last, and doubt-less they would not have been there then except that a special messenger was sent to demand that they should come and read the proof

before a report was made.

Now these are facts. I did not tell them to the House before, but when the newspapers of the country came out and claimed that the republican members not only bore a share in the work of the committee but that the chairman and the democratic members of the committee are alone responsible for the absence of the witness Marsh, then I felt that I was not only warranted but that it was demanded of me that I should tell the truth and the whole truth, epecially as the gentleman from Ohio [Mr. Danford] had already opened up

the matter.

The gentleman from New York [Mr. Bass] says that the proof shows The gentleman from New York [Mr. Bass] says that the proof shows that at a certain stage of this investigation a note was written to me. That is not on the record. No man ever said it, and the record contradicts that statement flatly. No note ever was written, and nobody ever said that any note was written, and nobody ever said that any note ever was to be written, except the gentleman from New York, [Mr. Bass.] But that is not all.

He says that a session of this committee was held, not on the regular meeting day, on the Tuesday before the Wednesday when he was sent for to come there and read this proof. But he says a secret conclave was held on Monday evening. And again the gentleman

clave was beld on Monday evening. And again the gentleman stumbles on the record, for the record says that is not true. There was no meeting held on Monday. There was to have been a meeting held then, and if that gentleman had ever been into that committeeroom he would have known that a subpœna had been sent to New York by a messenger, demanding that this man Marsh should ap-pear before the committee on Monday at two o'clock. He did come into the committee-room, as he states in his testimony, and he made a statement to every member of the committee who was in the room, and every member of the committee who had ever been in that room from the beginning of this Congress until theu. The statement was not made under oath; it was not testimony. It was a bare synopsis, as he was then giving it to us, of what his proof would be. And that proof was taken the next day, regularly and fairly, upon the regular meeting day of the committee.

These are the facts, and the gentleman from New York [Mr. Bass] has never, of course unwittingly, I am willing to state—has never yet in any instance made a statement up to this point of the review of his argument that does not flatly contradict the record and the truth.

But that is not all.

But that is not all.

He says that "the gentleman from Kentucky," alluding to myself,
"intimated that the gentleman from New York [Mr. Bass] did not
object to the dismissal or discharge of that witness." For the information of the gentleman I will tell him now, once for all, that he is
mistaken in this. I never intimate anything; I deal in no innuendos
or insinuations. I state it as broadly and flatly as my knowledge of
my mother-tongue will allow me to put it, and the gentleman dare not deny it, that he never did object to or oppose the discharge of that witness except prior to the cross examination of that witness, when he stated that the witness ought to be held for cross-examination, if the defendant demanded it, to which every member of the committee assented. The witness was cross-examined. It is true that but one question was asked of him, but that was because the counsel of Mr. Belknap refused to ask him any more. It was before that cross-examination that the gentleman from New York suggested the propriety of detaining the witness. After that cross-examination was concluded, the witness asked if we had any further use for him. I do not know that I said a word. I am willing to state upon my responsibility as a man that the gentleman from New York never uttered a word. From then till now he never objected.

He says that the witness stated that he was going to leave on the half-past-one-o'clock train. I say that the witness made no such statement at all, and I appeal to the members of the committee in support of my statement. The witness did not say he was going away on the of my statement. The witness did not say he was going away on the half-past-one-o'clock train; he said he wanted to get off early, but he never named the train. The gentleman says that I have intimated or appeared to intimate that the witness Marsh was within the walls of the Capitol when the report was made.

The gentleman now says that the witness left the city at half past one o'clock. I am disposed to doubt that, though I confess I have authority equally as well calculated to induce me to believe it as the statement of the gentleman who has made so many blunders. My friend from Maine [Mr. Blaine] said that he knew that the witness Marsh left the city at half past one o'clock. I would be perfectly willing to believe that if it was not that it note my friend from learn willing to believe that if it was not that it puts my friend from lowar [Mr. Kasson] in an awkward predicament, for he said in a speech which he made here the other day that the witness got to New York the next morning. If that is true, then he never could have left this city at half past one in the afternoon, for I have heard of no accident,

no railroad detention, to account for the delay. To tell the truth, I state to the House that I do not know when the witness did leave. I was not in any conference with anybody who was watching the wit-ness or who felt any further interest in him after his statement was made to the committee, had been signed by him, and reported to this House

I believe the gentleman from New York [Mr. Bass] ought to know more about it than I do, because he had better opportunities for in-forming himself. He says there was no Cabinet meeting on Thursday, and that there was no threat made against Marsh in the Cabinet meeting when it was held the next day. Upon that point I yield to his superior advantages in the way of information.

his superior advantages in the way of information.

But this thing I do remember, and upon that there can be no disagreement between any of us: I remember that, while the reading of this proof was going on, the committee-room was invaded by a messenger from the Executive Mansion demanding the appearance and presence at that mansion of the gentleman from New York. We had to take a recess in order to let him go to his consultation with the President, and at twelve o'clock he was there at that consultation. I yield to the gentleman's superior advantages in that regard. I was not invited to that conference. I do not know what there occurred. I do not know what occurred there; but, appreciating the gentleman as I then did, I sincerely hoped that the recently vacated War Office was about to be filled by a member of the committee that unhorsed its recent occupant. Whether he was sent for to be conwar olice was about to be filled by a member of the committee that unhorsed its recent occupant. Whether he was sent for to be converted into a Secretary of War or whether he was called there to advise with the President and his counselors in reference to the prosecution of Marsh, I do not know; I cannot know; the Executive, the gentleman from New York, and the Lord, I reckon, do only know. [Laughter.]

Now, Mr. Speaker, the facts are stated. I have one question I want to submit, not to the gentleman from New York, but to this House. If he wanted that witness kept, if he had any desire to have Mr. Marsh detained, if he had any suspicion that Mr. Marsh would leave, why did he not, when he was in that conference with the President, suggest that the law officer of this Government should take proceedsuggest that the law officer of this Government should take proceedings to stop him from going; or, having failed in his hurry to remember that, why did he not, when the committee came to this House and made that report, ask that the House in the exercise of its power would detain the witness? He certainly was not keeping such close company with Marsh as to know before we made the report that Marsh had left. I repeat, and upon the assertion I defy contradiction, that the gentleman sat there assenting by his silence to the dis-charge of Mr. Marsh, as did each and every other member of that

committee.

Whether the gentleman has acted in good taste, whether he has illustrated that appreciation for fair treatment which this House in the exercise of its judgment will require at the hands of every man here, in view of the fact that no member upon this side of the House had ever referred to the continuous, unbroken absence of the republican members of that committee until the investigation of this case had been concluded, I am willing to leave the House and the country to determine.

But I do desire to repeat, and this I put in the fewest possible words, that the gentleman from New York never did object either by word or by deed to the discharge of that witness after his cross-examination was completed, but assented to it and saw him leave the room with-

was completed, but assented to it and saw him leave the room with-out a protest or a single objection.

Mr. BASS. Mr. Speaker, I do not wish to detain the House long upon this matter. But, in the first place, in response to some remarks made by the gentleman last upon the floor, who deals so strenuously with the record, I ask that the statement which I made with reference to the times when this committee previously held meetings may be read.

Mr. BLACKBURN. Does the gentleman want the proceedings of

the committee read?

Mr. BASS. No, sir; I was speaking to another individual. I was asking the Speaker of the House to direct the Clerk to read from the remarks which I made the record of what I had said with reference to the former meetings of the committee.

Mr. BLACKBURN. I was satisfied it was not the record of the committee that the gentleman wanted.

Mr. BASS. And while the Clerk is finding the passage, I will simply say that, from some cause, I do not know what—
The SPEAKER pro tempore. Does the gentleman desire the Clerk

to read a statement from his own remarks

Mr. BASS. Yes, sir.

The Clerk read as follows:

But, sir, the records of the committee show that it never held but two meetings prior to the time when it sent a telegraphic message to the witness Marsh to come before the committee, which was February 25. One of these was on the 2d day of February for organization, six weeks after the appointment of the committee, and the other on the 19th of the same month, the third month of the session.

Mr. BASS. Now, Mr. Speaker, the allegation made against me is that I have falsified the record; but the very record which the gentleman held in his hand and read proves precisely the truth of that statement, that the committee held a meeting on the 2d day of February and another on the 19th of February. Whether they took a recess or held another additional session that same day, I do not know; I regarded it as one meeting. Those, as I stated, were the only meetings

of the committee held before the message was sent for the witness Marsh, the 25th of February.

The gentleman will therefore probably have heard sufficient of that

He risks his reputation on that and seeks to assail mine for truthfulness. He says there was no meeting of the committee held on Monday, the 28th of February. I never pretended that the record showed that there was. But what I did state in substance was—reading from the testimony of the witness Marsh-that according to his testimony there was such a meeting of the committee on that day. I did not pretend to say that there was or was not except as based upon the testimony of that witness. Now the gentleman comes upon the stand and says that the witness Marsh is a perjurer and not worthy of belief, because the committee held no meeting on that day. He, with the rest of us—and he particularly because he was one of the gentlemen who were present before this testimony was "signed and sealed"—must have heard that statement; and, if he knows now that the witness was swearing falsely, why did he not know it then and warn the House that it was not safe to rely upon his evidence?

It is conceded, sir, upon the testimony of the witness Marsh that he believed he was approaching a meeting of the committee; and it now appears by the confession of the gentleman that the witness Marsh did meet the three members of the committee who sit on the marsh did meet the three members of the committee who sit on the other side of the House; that he did make to them a statement of this case, upon the faith of which they believed that just charges existed against the Secretary of War, which would involve the question of impeachment. And yet with so grave a matter pending before them, knowing as they say of the absence of members of the committee on this side of the House, they for some unexplained cause proposed to have the meeting all to themselves and did not propose to invite

us to the feast.

Now, sir, I am glad the gentleman has made at last one confession. He concedes now there was discussion about the discharge of the witness Marsh that forenoon. He said that the gentleman from New York did object to his discharge at least prior to cross-examination. Then there was discussion on that subject, was there? I am glad for so much of confession.

I recollect that discussion, for I was present then and I recollect what I said, and the gentleman from Ohio [Mr. Danford] will bear me out in saying that it was not an objection raised with reference to his being held merely until cross-examination could be closed, but it extended to the close of the proceedings. The objection was made to the committee, it will be recollected, that they could not afford to

discharge that witness; that being the precise language used.

Now, Mr. Speaker, the gentleman asked why, when I was in the executive office, I did not advise the Attorney-General of the United States or the Executive with regard to the escape of this mai. Let me ask you, although the inquiry seems too absurd to answer it-let me ask you what authority in the premises the executive arm of the Government had, or the Attorney-General, until some evidence should be reported from the committee, or some resolution calling for action had been brought from that committee? The only tribunal in the world which then had jurisdiction of the witness was the Committee on Expenditures in the War Department, subordinate to the authority

of this House.

But, sir, the gentleman takes a queer position; both the gentlemen who spoke take very remarkable positions. They both take very extraordinary ground, and I cannot see how they can do it with any extraordinary ground, and I cannot see how they can do it with any regard for the truths of logic. Both of them have sought to maintain on this floor—the gentleman from Pennsylvania to-day, and the gentleman from Kentucky the other day—most strenuously, that the committee had no right to detain this witness after his cross-examination; and why, therefore, Mr. Speaker, do they ask why did we not ask at the time he left the room he should be detained? Why, not ask at the time he left the room he should be detained? Why, Mr. Speaker, if they thought it would be an assault on him to detain him, they being of the majority controlling the action of the committee, of what use to ask them to do that which they now claim would have been illegal? I supposed they did take that view of it. They ask why did I not object. How many times must a man object and protest in your committee before his objection is to be regarded? Is not one objection urged in discussion with the members of the committee in consultation alone to be sufficient? When a witness is arbitrarily discharged without being asked the question, all being present, the counsel for the accused being present, must protest again be made in the presence of those persons most interested in securing his escape?

It is suggested, if the gentlemen did not deem they had power of detention, assuming that they regarded its necessity, it was their duty in that event to report to the House, and let it take such pro-

ceeding as should be necessary to secure the result.

ceeding as should be necessary to secure the result.

But, Mr. Speaker, there was another reason why objection was not urged again then. First, it had been urged a few minutes prior to the discharge; and, in the second place, the witness was discharged before any member of the committee had knowledge that he was to be discharged—at least on our side of the House. What value, then, before any member of the committee had knowledge that he was to be discharged—at least on our side of the House. What value, then, would it be to protest? How did I know what direction was to be given to the witness? How did my colleague know what direction was to be given to the witness? Upon his request, without consul-tation, the discharge was ordered. Would it not have been a little remarkable in me, a humble member, who had been just invited in "to hear proof read" before they should report to the House, to have interposed any protest against their action in the premises? Bear in mind, we were invited "to hear proof read," no more.

Now I do not know that I desire to say anything more. It is a

Now I do not know that I desire to say anything more. It is a very disagreeable thing to have a personal controversy involving the question of individual recollection with a gentleman anywhere, least of all in the discharge of official duty. I know, sir, and every gentleman of this House knows, that different gentlemen do not all times recollect proceedings alike; but men are more liable to forget things than they are to remember things that never transpired. And whereas the gentleman alleges that I am so effectually contradicted by the the gentleman alleges that I am so effectually contradicted by the RECORD, although that allegation has been disproved, I do not stand in fear of criticism from that source, when other statements have been made in speeches in this House which have been as remarkable as some of those to which reference has been made. One I particularly recollect, and one upon which I think I can appeal to all the other gentlemen of the committee for corroboration. Upon the prelarly recollect, and one upon which I think I can appeal to all the other gentlemen of the committee for corroboration. Upon the presentation of the articles of impeachment a denunciation was hurled by the gentleman from Kentucky against the head of the Secretary of War because it was charged he had sought to shield himself behind the dishonor of his family, whereas, as every other gentleman of that committee knows, the whole struggle had been made on his behalf with reference to avoiding their dishonor and shouldering the behalf with reference to avoiding their dishonor and shouldering the whole burden himself.

Mr. BLACKBURN. I desire to say to the gentleman from New York [Mr. Bass] before he takes his seat as to that last reference he made to me, that I am glad to know that I sentence has gone to record and will endure. I am glad to know that I stand before this House and before the country as one who had done all that an honorable man could do to shield from criticism and censure an innocent woman. And the gentleman from New York is welcome to stand before the country, as he does now, striving to shelter from punishment a guilty man. [Applause.]

Mr. MORRISON. I move that the House do now adjourn.

The SPEAKER pro tempore. Before putting the motion of the gentleman the Chair will lay before the House sundry executive communications.

#### ORVILLE E. BABCOCK.

The SPEAKER pro tempore laid before the House a letter from the Attorney-General, transmitting, in answer to a House resolution of the 3d instant, copies of all instructions, orders, letters, telegrams, &c., in possession of the Department of Justice relating to the assembling or business of the military court of inquiry in the case of General Or-

Mr. RANDALL. I move that the communication be printed, and referred to the Committee on Military Affairs.

The SPEAKER pro tempore. That order will be made.
Mr. HOAR. I object to any reference. There is not a quorum of the House present. This should be done to-morrow morning when the House is full. I call for the regular order.

Mr. RANDALL. The gentleman has no right to object.
Mr. TOWNSEND, of New York. I call for the regular order; which is the motion to adjourn

is the motion to adjourn.

The SPEAKER pro tempore. The regular order is the motion to adjourn; but the Chair desires to say that it has been the usage to lay these communications before the House and have them referred Mr. TOWNSEND, of New York. I call for the regular order.
Mr. TOWNSEND, of New York. I call for the regular order.
Mr. TOWNSEND, of New York. I call for the question on the mo-

tion to adjourn.

The SPEAKER pro tempore. The Chair decides that the regular order is to submit to the House the request which the Chair hands to the Clerk to be read.

Mr. TOWNSEND, of New York. The Chair has the power to decide

# ALLAN C. HAMMOND.

On motion of Mr. O'BRIEN, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Allan B. Hammond; there being no adverse report.

### MRS. ANN DUCHMAN.

On motion of Mr. SMITH, of Pennsylvania, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Mrs. Ann Duchman, widow of J. H. Duchman, late colonel of the Seventy-ninth Regiment Pennsylvania Volunteers; there being no adverse report.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Wells, of Missouri, for ten days; to Mr. Waldron for ten days on account of important business; and to Mr. Davis for eight days.

### COMMITTEE ON REFORM IN THE CIVIL SERVICE.

The SPEAKER pro tempore. The Chair submits also a request by the Committee on Reform in the Civil Service that a subcommittee be authorized to sit during the sessions of the House, and that its chairman be authorized to administer oaths.

Mr. HOAR. I object.

The motion of Mr. Morrison was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented

at the Clerk's desk under the rule, and referred as stated:

By Mr. GOODE: Papers relating to the claim of Anna Perry, for property taken by the United States Army, to the Committee on War

By Mr. HAMILTON, of Indiana: Petitions of citizens who were in the volunteer service during the war and of citizens of Fort Wayne, Indiana, for some action on the part of the United States looking to the speedy release of Edward O'Meagher Condon, to the Committee on Foreign Affairs.

By Mr. HOPKINS: Resolution of the city council of Pittsburgh, Pennsylvania, relative to the improvement of the Ohio River, to the Committee on Commerce.

Also, the petition of 97 citizens of Pennsylvania, soldiers in the late war, for additional bounty, to the Committee on Military Affairs. By Mr. HUNTON: The petition of Mary Gibson, for compensation for property taken by the United States Army, to the Committee on War Claims.

By Mr. LORD: The petition of the bondsmen of the late Major C.

M. Scholefield, for relief, to the Committee of Claims.

By Mr. MACKEY, of Pennsylvania: A paper relating to a postroute from Lock Haven to Haneyville, Pennsylvania, to the Committee on the Post-Office and Post-Roads.

Also, a paper relating to a post-route from Early to Brockport, Penn-

sylvania, to the same committee.

Also, the petition of citizens of Williamsport, Pennsylvania, for the

repeal of the check-stamp tax, to the Committee of Ways and Means.

By Mr. McDILL: The petition of J. C. Jones and 51 other citizens of Page County, Iowa, for the maintenance of the present duty on linseed and linseed-oil, to the same committee.

Also, the petition of John Baxter and 42 other citizens of Taylor

County, Iowa, of similar import, to the same committee.

By Mr. McFARLAND: The petition of Thomas Fain, to be re-imbursed for money lost in registered letters by an accidental fire on the Baltimore and Potomac Railroad in July, 1875, to the Committee of

By Mr. MILLER: The petition of Francis Burt, for an increase of

pension, to the Committee on Invalid Pensions.

By Mr. ROBBINS, of Pennsylvania: The petition of John Coltman,

for relief, on account of his father having been a revolutionary soltider, to the Committee on Revolutionary Pensions.

By Mr. ROBINSON: Papers relating to the claim of Captain A. F. McMillan, for additional pay as a United States Army officer, to the Committee on Military Affairs.

By Mr. TEESE: The petition of the heirs of Thomas R. Crosby, for an extension of a patent on wiring blind-rods, to the Committee on Patents.

By Mr. TERRY: A paper relating to a post-route from Estillville to Gladeville, Virginia, to the Committee on the Post-Office and Post-Roads.

By Mr. THOMPSON: The petition of Michael Hasty, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Joseph S. Dealand, of similar import, to the same committee

Also, the petition of Mary J. Taunt, of similar import, to the same committee.

Also, the petition of Nancy T. Eastman, of similar import, to the same committee

Also, the petition of Robert Anderson, of similar import, to the same committee.

Also, the petition of Silas C. Tarbell, of similar import, to the same committee.

By Mr. WHITEHOUSE: Papers relating to the petition of Mrs.

Elizabeth Coon, for a pension, to the same committee.

By Mr. WILLIAMS, of Wisconsin: The petition of Jacob Darnton

and 30 others, for the repeal of the resumption law, to the Committee

and 30 others, for the repeal of the resumption law, to the Committee on Banking and Currency.

By Mr. WILLIS: The petition of the New York Friends' Temperance Union, J. A. Bogardus, president, R. W. Underhill, secretary, for the appointment of a commission to inquire into the alcoholic liquor traffic, to the Committee on Reform in the Civil Service.

Also, the petition of P. F. Rooney and 85 other citizens of New York City, that Treasury notes be made receivable for all forms of taxes, duties and debts and interphanceable with Government bonds to

duties, and debts, and interchangeable with Government bonds, to the Committee of Ways and Means.

Also, the petition of Robert Danby, for relief, to the Committee of

Claims.

### HOUSE OF REPRESENTATIVES.

# SATURDAY, March 11, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

SIOUX INDIAN DEFICIENCY APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported a

bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Sioux Indians; which was read a first and second time.

The bill was read. It appropriates, out of any money in the Treasury not otherwise appropriated, the sum of \$100,000, for the purpose of supplying the Sioux Indians of different tribes, including the Santee Sioux of Nebraska, with necessary subsistence, namely, beef, bacon, flour, and corn, and for the necessary transportation thereof.

Mr. ATKINS. I desire to say, Mr. Speaker, that this bill is in the nature of a deficiency for the current fiscal year. The Secretary of

the Interior made an application to the Committee on Appropriations for \$150,000 for the purpose of supplying this deficiency. Indeed, the amount applied for was \$225,000, including \$75,000 for transportation. The committee, after a very exhaustive examination, decided not to allow at present anything for transportation, and to appropri ate only \$100,000, deeming that amount sufficient. That includes about twenty-three or twenty-five thousand dollars for the expenses of the conference of the Black Hills commission at Red Cloud agency. The committee desire that this bill shall be put upon its passage, and I hope there will be no objection.

There was no objection, and the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### EQUALIZATION OF BOUNTIES.

Mr. COOK. I am instructed by the Committee on Military Affairs to whom were referred various petitions, memorials, and bills on the subject of the equalization of bounties, to report back, with the recommendation that it do pass, the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union, and to ask that it be referred to the Committee of the Whole, and made the special order for Thursday of next week, after the morning hour, and from day to day thereafter until disposed of, to the exclusion of all other orders, excepting business of the Committee on Appropriations and of the Committee of Ways and Means.

Mr. RANDALL. I think the gentleman should not fix so early a day as Thursday of next week. There is not, in my judgment, a possibility that the legislative appropriation bill can be finished by that time.

Mr. HOLMAN. I suggest to the gentleman from Georgia [Mr. COOK] that he ask that this bill be made the special order in Committee of the Whole on the state of the Union for next Thursday week, and from day to day until disposed of.

Mr. COOK. I am willing to agree to that suggestion, and I ask that the report accompanying the bill be printed; and I may be per-

mitted to state that the committee are unanimous in the approval of

Mr. HOAR. I rise to a question of order; that it requires unanimous consent to make it a special order from day to day.

The SPEAKER. The bill is in the nature of an appropriation bill,

and it is competent for the House, in the judgment of the Chair, to make such an order.

Mr. RANDALL. When the House goes into Committee of the Whole on the state of the Union a majority of the committee can lay aside all previous bills; it is not necessary to make it a special

Mr. HOAR. I rise to a point of order; that it must go to the Committee of the Whole on the state of the Union.

Mr. BANNING. That is the motion of the gentleman from Georgia,

[Mr. Cook.] Mr. HOAR. I think there is some misunderstanding. I understood the Chair to ask if there was any objection to making this bill a special order from day to day in the House until disposed of. If what the gentleman desires is to have it made a special order in Committee of the Whole on the state of the Union, I have no ob-

jection.

The SPEAKER. That is the motion of the gentleman from Georgia, [Mr. Cook,] although the Chair may have inadvertently misstated it.

Mr. RANDALL. But I submit that the question of consideration will come up whether or not upon that day the House will go into Committee of the Whole on the state of the Union.

The SPEAKER. The Chair understands the House will act then

upon its own judgment.

The question was taken on Mr. COOK's motion, and it was agreed to.
Mr. COOK. I now move that the report accompanying the bill be printed.

The motion was agreed to.

### FINANCE AND CURRENCY.

Mr. VANCE, of Ohio. I ask unanimous consent to present the petition of William Williams and 453 other citizens of Lawrence County, Ohio, and to request that the said petition be referred to the Committee on Banking and Currency and printed, and that it also

be printed in the RECORD without the printing of the names. There was no objection, and it was so ordered.

The petition is as follows:

To the Senate and House of Representatives in Congress assembled:

Your petitioners desire most earnestly to represent to your honorable bodies the suffering condition of hundreds of thousands who not only risked their lives but

Your petitioners desire most earnestly to represent to your honorable bodies the suffering condition of hundreds of thousands who not only risked their lives but also gave their best efforts in all forms of property and labor to save the nation through the years of its greatest peril.

We now find ourselves deprived of our former employments, property, and means of living by what we regard as a mistake made in the fivancial policy of our country.

We believe that it is even now possible for Congress to restore prosperity to our suffering country by recognizing the fact that there should be but one kind of money for all purposes; and all that is now or ever has been required to cause Treasury notes to be and remain as valuable as gold is that the Government should make them receivable for all forms of taxes, duties, and debts, and interchangeable, at the will of the holder, with the interest-bearing bonds of the Government.

We also suggest the withdrawal of 25 per cent, annually of the present bank circulation, till all is replaced by greenbacks.

We urge on your homoable bodies, by every consideration of patriotism and humanity, and as the only means of establishing justice and promoting the general welfare, to legislate at once in the relief of the great suffering and continual loss that the present policy of the Government entails on the great mass of the people. It is a well-known fact in this and the adjoining counties that many of your petitioners have been reluctantly obliged to apply for county or township aid to save themselves and their little ones from starving.

The circumstances of the country make some relief now indispensable, as a large part of the property of the people is under mortgages that will inevitably pass the property into the hands of those who now hold mortgages for but half of its original cost.

We most urgently, therefore, press upon your consideration the means of relief set forth in this petition: and for this we will ever near.

narcost.

We most urgently, therefore, press upon your consideration the means of relief set forth in this petition; and for this we will ever pray.

#### COMMITTEE ON CIVIL-SERVICE REFORM.

Mr. DE BOLT, by unanimous consent, offered the following resolution; which was read, considered, and agreed to:

Resolved. That a subcommittee of the Committee on Reform in the Civil Service be authorized to sit during the sessions of the House, and that its chairman be, and he is hereby, authorized to administer oaths.

### BUREAU OF PENSIONS.

Mr. JENKS, by unanimous consent, from the Committee on Invalid Pensions, reported a bill (H. R. No. 2590) transferring the Bureau of Pensions from the Interior Department to the War Department; which was read a first and second time, recommitted to the committee, and ordered to be printed.

#### PROTEST OF DISTILLERS.

Mr. BANNING, by unanimous consent, presented a protest of the distillers of Cincinnati, Ohio, against any change in the law regulating the tax on whisky; which was referred to the Committee of Ways and Means.

### SOUTHERN PACIFIC RAILROAD.

Mr. MORGAN, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Judiciary, and ordered to be printed:

Mr. MORGAN, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Judiciary, and ordered to be printed:

Whereas by a general law of the State of California, approved May 20, 1861, it is enacted that any number of persons, not less than ten, either in this State or through any portion of the Territories of the United States contiguous to this State, being subscribers to the stock of any contemplated railroad, may be formed into a corporation for the purpose of constructing, owning, operating, and maintaining such railroad by complying with the following requirements; and whereas among the provisions in the details of the law are the following: "Sec. 2. The said articles of association shall set forth \* \* \* the place from and to which the proposed road is to be constructed, and the counties into and through which it is intended to pass, and its length, as near as may be;" and section 7 authorizes such company "to receive, hold, take, and convey, by deed or otherwise, the same as a natural person might or could do, such voluntary grants and donations of real estate and other property of every description as shall be made to it to aid and encourage the construction, maintenance, and accommodation of such railroad;" and section 17, subdivision 7, provides that such company "may change the line of its road, in whole or in part, whenever a majority of the directors shall so determine, as is provided hereinafter, but no such change shall vary the general route of such road as contemplated in the articles of association of such company;" and section 18 provided hereinafter, but no such change shall vary the general route of such road corporation to so change their road as to avoid any point named in their articles of association, except as provided in section 17, subdivision 7, of this act;" and whereas, on or about the 2d day of December, 1865, the Southern Pacific Railroad Company of California, declaring that the company was formed in their road company in the state of

hundred miles; and whereas the Secretary of the Interior, on the 15th of March, 1867, directed the Commissions of the General Land Office to withdraw "the odd sections map before mentioned," ("referring to the maps so filed as aforesaid on the 36 of January 1867, the said withdrawal covering about sever and had fail milinos acrosof had, and whereas, on the 14th of suly, 1268, on the application of Frankin Steele that the divides of the 1867, then 0, Dr. Browning, Secretary of the Interior, issued an order to the Commissioner of the General Land Office, declaring, "This designation of the 1867, the 1875, diventing you to order a withdrawal of lands for said road is hereby revoked, and you will immediately issue instructions to the proper local different in 1867, directing you to order a withdrawal of lands for said road is hereby revoked, and you will immediately issue instructions to the proper local different in 1867, the 1867, directing you to order a withdrawal of lands for said road is the said to the status they held at the 1864, the Secretary of the Interior, on the question of the legality of the vision for the time being of his order of restoration; and whereas, on the 8d of Normaley, 1862, Hun-3, D. Ox., Secretary of the Interior, issued an order to the Commissioner of the General Land Office recting that "I have carefully considered to the General Land Office recting that "I have carefully considered to the General Land Office recting that "I have carefully considered to the General Land Office recting that "I have carefully considered to the General Land Office recting that "I have carefully considered to the General Land Office recting that "I have carefully considered to the General Land Office recting that "I have carefully considered to the July 200 of the July hundred miles; and whereas the Secretary of the Interior, on the 15th of March, 1867, directed the Commissioner of the General Land Office to withdraw "the odd sections within the granted limits of twenty miles on each side of said road, as shown on the map before mentioned," (referring to the map so filed as aforesaid on the 3d of January,

Secretary of the Interior for the year ending June 30, 1875, that but 130.26 of the six hundred miles of line of railway designated on the map filed January 3, 1867, had been constructed at that date by said company since the reservation of lands was made in 1867, which is at the rate of about fifteen miles per annum, (two disconnected sections, one of thirty miles; from San José to Gilroy, and another, of about one hundred miles, from Goshen to Caliente, and the claim is made by said company that, under an act of Congress passed July 25, 1868, it is not required to construct but twenty miles of road yearly on said line, as designated on the map before referred to: Therefore,

Be it resolved. That the Committee on the Judiciary be instructed to inquire into the matters and things herein recited and set forth, and report, by bill or otherwise, whether patents to lands have not been improperly issued to the said Southern Pacific Railroad Company of California under the acts passed July 27, 1866, and March 3, 1871; and what action, if any, should be taken to preserve the rights of actual settlers on the lands claimed by said Southern Pacific Railroad Company under the joint resolution before referred to as passed July 28, 1870, or otherwise; and also to protect and define the rights and duties of the Government as to the ownership of the said lands or otherwise, and of the rights of the people who shall desire to make private entry, pre-emption, or homestead settlement on said lands; and to this end the said committee may send for persons and papers.

Resolved, That the Secretary of the Interior be requested to suspend the further issue of any patents for land to the Southern Pacific Railroad Company of California under acts of Congress passed July 27, 1866, and March 3, 1871, pending this investigation.

#### JAMES P. GROOMS.

Mr. TURNEY, by unanimous consent, introduced a bill (H. R. No. 2591) granting pay to James P. Grooms, a private in Company D, Twenty-second Pennsylvania Cavalry, as an assistant surgeon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I now insist on my motion that the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union for the consideration of the special order, on the state of the Union for the consideration of the special order, being the legislative, &c., appropriation bill; and I desire to state that the entire day will be occupied in general discussion on that bill. I only state that fact that gentlemen may understand that there will be no morning hour to-day if my motion prevails.

The question was taken, and Mr. RANDALL's motion was agreed to. The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Cox in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 2571) making appropriation for the legislative, executive, and indicial expenses.

ing appropriation for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other

purposes.

THE INTERCONVERTIBLE 3.65 BOND AND CURRENCY SCHEME.

Mr. WILLIS. Mr. Chairman, when I yielded to the gentleman from Indiana yesterday for a motion that the committee rise, I was about to characterize what is known as the "3.65 interconvertible bonds." I now proceed to that task. The proposition demands a new issue of greenbacks, which is incontestably unconstitutional; which is straight in the teeth of the decision already made by the courts, especially in the direction of inflation. It boldly asserts that gold and silver are not an appropriate or befitting currency. It insists that impost duties shall be paid in greenbacks, thereby dispensing with the only mode by which we can obtain gold to pay the interest on the national debt. It would endow the Government permanently and absolutely with the function of a banker. It insists beyond that, that absolutely with the function of a banker. It insists beyond that, that a bureau shall be established by the Government. An exponent of that system confidently puts forth this proposition: A bureau for the interchange of bonds and currency would be to trade as a governor to a locomotive.

The honorable gentleman from Pennsylvania, [Mr. Kelley,] the ablest living advocate of the heresy of protection, and also of this other and viler heresy of interconvertible currency, evidently regards this proposition as a wonderful outburst of wisdom. What does such this proposition as a wonderful offburst of wisdom. What does such an establishment imply? The creation of another expensive bureau of the Government; branch agencies in every town throughout the country; high salaries for another army of office-holders; an immense body of middle-men to negotiate betwixt the Government agent and the investor, who would thrive on the money that would otherwise belong to the people; a Treasury without gold; foreign holders in vain demanding their interest; the Government protested and in disgrace; new governmental issues in violation of the Constitution; all these results would flow naturally from this wonderful. tution; all these results would flow naturally from this wonderful American system of finance. It would intensify what advocates of this system designate as existing evils. First of all contraction would result, for everybody would be anxious to exchange a dollar at a dis-

result, for everybody would be anxious to exchange a dollar at a discount bearing no interest for a dollar bearing 3.65 interest—a dollar payable at no given date, for a dollar payable at a given date.

It is urged in favor of this measure that, first, it would cause the currency to be non-exportable; and secondly, that it would make interest low. Both of these arguments are unfounded and preposterous. The only reason the currency is not exportable now is because the world does not recognize its value. The moment that you convert it into something that is fixed in value—something as good as gold—it will go wherever gold does; it will be accented for what as gold—it will go wherever gold does; it will be accepted for what it is worth. When the fluctuating element disappears, then this currency will take wing. The only reason the greenback is non-exportable is because its value is uncertain—one thing to-day, another thing

ITS EFFECT ON THE RATE OF INTEREST.

More absurd still is the argument that it would make interest low Interest is dependent not upon the will of the lender, not upon the

will of the borrower, not upon the will of the Government; despite all legal restrictions it will bring what it is legitimately worth. A hundred-dollar bond is worth more than a hundred-dollar bill; its purchasing power is greater. Therefore, if I lend a bond, I should charge a higher rate of interest than if I should lend a bill, and inas-

charge a higher rate of interest than if I should lend a bill, and inasmuch as it was already yielding a fair interest I would be disinclined to lend it at all unless I was amply compensated. Many would not incur the risk of lending when they were certain of a fair compensation otherwise, and might thereby lose principal and interest. There would then be a scarcity of currency in circulation which would cause the rate of interest to rise mountain-high, and the great end aimed at would be further off than before.

There would not even be a remedy, for inflation is not proposed in the 3.65 scheme, and the free-banking system is to be forthwith abolished. The only resource left to our friends would be to get up a petition and procure the signatures of Henry Carey, Jay Cooke, Henry Clews, Colonel Thomas A. Scott, and present it to a republican Congress, who, believing in the omnipotence of human government, would forthwith enact a law prohibiting the exportation of American currency and fixing the rate of interest at 3.65; provided, always, that they ever regain an ascendency within these Halls.

Seriously, the 3.65 scheme is the most inexplicable measure of finance ever advocated in any civilized country. If it were exposed for awhile to the sunlight of thorough discussion its warmest friends

for awhile to the sunlight of thorough discussion its warmest friends would become heartily ashamed of it.

# WOULD THE 3.65 SCHEME BE A SAVING TO THE GOVERNMENT?

The sole feature which professes any special virtue is that which provides that the greenbacks over and above the amount needed for purposes of interchangeability should be used to pay off 5.20 bonds and thus save interest.

This pretense is wholly unfounded. The amount of greenbacks so invested would not exceed \$300,000,000; the amount of bonds upon which interest would be saved would not exceed \$250,000,000. The interest thereon and so saved would amount to only \$15,000,000 per annum. The Government would pay interest on 3.65 currency bonds to the amount of \$14,600,000, and there would be a net saving of interest of \$400,000 per annum. But the Government would no longer collect the tax upon the circulation of the national banks, which amounted to \$3,250,000 per annum last year. So, instead of gaining \$400,000 per annum, we would actually lose \$2,850,000 per annum. How wonderful such economy! What a fierce and brave onslaught npon the bloated bondholders! Gain \$400,000! Throw into the ocean \$2,850,000! But then, gentlemen, you have had your revenge upon the national-bank monopolies.

### THE 3.65 SCHEME WOULD RESULT IN COMPLETE ABSORPTION OF CURRENCY.

A brief experiment of this 3.65 system would result in the complete absorption of the currency. Everybody would speed to the bureau and exchange his dollar bearing no interest for a dollar bearing interest; and the investment yielding income would be forthwith hoarded up. Such was the experience resulting from the act of 1815, as the report of Secretary Dallas completely and conclusively shows. The only explanation why such a measure as this was ever conceived and advocated is to suppose it a part of the providential plan to illustrate what fools wise men sometimes condescend to make of themselves. The condition of the country is peculiar; in periods of distress, want, and feverish apprehension, distempers are always generated; the popular pulse beats wildly. The strangest doctrines find acceptance, not only from the ignorant, but from the wise. I now address myself to the cure. No miraculous agency will come to the Instead of yielding to the clamor which it excites, we must undeceive ourselves, and it may be the people. If we ascertain precisely the difficulties of the situation, if we understand the real facts in the case, nothing unnatural will occur to us.

### INFLATION-CURRENCY CANNOT BE INFLATED.

Many believe that inflation of the currency would restore prosperity. This silly belief is refuted by this proposition: there can be no infla-This strip better is refuted by this proposition: there can be no inhation of the currency. Pass a law to-morrow (waiving the constitutional question) increasing the amount of currency 25 per cent.; there would not be another real dollar in existence. A dollar issued would not be given away. He who obtained a dollar would have to pay value received for it. Such a law would simply increase the number of nominal dollars; but each dollar would be worth less than before, would have been averaged; would have less purchasing power than before.

### A SURE RESULT OF INFLATION.

And who would obtain these newly-issued dollars? Not the laboring man, not the mechanic, not the farmer, not the merchant, but the capitalist. They would be hoarded and stored away, because confidence would be still more lessened, distrust still more intensified. It would only be when he supposed the greenbacks would be ultimately worthless that he would be willing to exchange them for something that the days of the state of th thing that he deemed more valuable.

### INFLATION OF CREDIT WANTED.

What is wanted is rather an inflation of credit. Money is simply used as oil to lubricate the machinery of exchange. It is strangely forgotten that bank-notes, bills of exchange, and certificates of deposit serve efficiently the purposes of money. England gets along with less currency to-day than when its wealth was one-half its present amount. The daily exchanges in New York for 1875 exceeded

\$75,000,000. The real amount of money used in effecting these exchanges was but \$2,491,440 per day. The amount of money actually used in effecting exchanges since 1854 has been but  $4_{10}^{+}$  per cent. to the ased in effecting exchanges since 1854 has been but 4½ per cent. to the amount exchanged. To make credit inflated, you must have some thing behind it that is fixed and immovable, something which will not fluctuate. The amount of currency depends, not upon the amount actually issued, but upon the rapidity of its circulation. When currency inflates, credit collapses. Inflation of currency always precedes a collapse of credit. Inflation of currency has never yet been a means of recovering from a crisis. This Administration, however, has attempted to unteach every thing taught by experience and reason. It has endeavored to cure the evil of inflation by still further inflation. Wise doctors! Indeed, it is quite necessary for the financial policy of the Administration to be ably vindicated.

The amount of currency in circulation is greater to day than ever

The Amministration to be adily vindicated.

The amount of currency in circulation is greater to-day than ever before in the history of this country, excepting the two last preceding years. To illustrate this fact, I present an official table showing the circulation since 1866 to November 1, 1875:

		United	States issues		bank	100	
Date.	Fractional currency.	Old demand- notes.	Legal-tender notes.	Total.	National - b a notes.	Aggregate.	
Nov. 1, 1866 Nov. 1, 1867 Nov. 1, 1868 Nov. 1, 1869 Nov. 1, 1870 Nov. 1, 1871 Nov. 1, 1872 Nov. 1, 1873 Nov. 1, 1874 Nov. 1, 1875	30, 706, 633 33, 413, 985 37, 035, 442 39, 289, 794 39, 488, 143 42, 316, 786 48, 041, 350 47, 385, 698 40, 681, 629	208, 392 137, 555 113, 258 102, 231 92, 821 86, 053 79, 667 75, 267 69, 707	\$389, 945, 428 356, 956, 453 355, 883, 51# 356, 000, 000 356, 000, 000 360, 566, 764 366, 922, 018	387, 871, 476 389, 435, 056 393, 148, 700 395, 392, 025 397, 080, 964 402, 969, 603 415, 043, 035 429, 460, 965	299, 910, 419 302, 607, 942 324, 773, 260 340, 993, 470 348, 350, 949 351, 927, 246	687, 024, 774 689, 322, 733 693, 059, 119 697, 999, 967 721, 854, 224 743 : 63, 073 763, 393, 984 781, 388, 211	
June 20,1874 Jan. 14, 1875.	45, 772, 010 45, 360, 498				349, 894, 182 351, 861, 450		

### REDUCTION NOT DUE TO ACT OF JANUARY 14, 1875.

The slight reduction of twelve or fifteen millions of circulation is in nowise due to the wisdom of the act of January 14, 1875, which was in reality a measure of inflation, which was accepted as a measure of inflation, but rather to the laws of nature, which have brought to grief the short-sighted statesmanship of this Administration.

# INFLATION INJURIOUS TO THE DEBTOR.

Mr. Chairman, another erroneous impression has possessed the minds Mr. Chairman, another erroneous impression has possessed the minds of many of our people, to the effect that inflation would help the debtor class, that resumption is especially unfriendly to that class; an error in every respect, as I can speedily demonstrate. If there were to be more money to-morrow, it would not be issued to the poor man, to the debtor class, but rather to the banker and the capitalist. Nobody would lend to the debtor, because the prospect ahead would indicate that when he returned the loan it would be worth less than when he becaused it. District would not only continue but increases. borrowed it. Distrust would not only continue, but increase. Mortgages overdue, notes matured, would be prosecuted to judgment, because the creditor partakes of that weakness of human nature known as selfishness, and would take this means to prevent the lessening of the debt already due before he collected it.

Not only that, but the capitalist would charge excessively to meet the risk of false values. The rich would rejoice in greater wealth; the poor would sorrow in greater poverty.

When confidence is restored the debtor's prospect brightens at once.

What he has becomes available; he can get credit for it; the demand for his labor or his products continually enhances. Honest currency is the only safety for an honest man.

### THE INTERESTS OF ALL CLASSES IDENTICAL.

There is no real difference between any two classes in this country. Demagogism can erect no barrier which common sense cannot tear down. The creditor class is more than twice as numerous as the People constantly change from one to the other. creditor class. People constantly change from one to the other. The creditor to-day is the debtor to-morrow. There will never be a time when this argument cannot be urged as forcibly as now, that this measure or that measure is opposed to the interests of the debtor class. The man who embitters one class against another in a republic should be blistered to death in the hot wrath of the people. He makes war upon the sanctity of home and the peace of society. Capital and labor are mutually dependent and indispensable to each other.

### THE NATIONAL BANKS NOT A MONOPOLY.

Mr. Chairman, another idea also has seized the masses, (not strangely, for it is encouraged by the utterances of many newspapers and public men,) to the effect that the national banks are a monopoly; that their interests are hostile to the general welfare, and that the people through the Government are paying them a bounty for prosecuting their business. This arraignment is unjust and ridiculous. It is calculated to produce much harm to the country, to provoke a contest which will defer an adjustment of this financial problem possibly for years. The banking system is free. Any person or persons can procure a charter and have notes issued to them for circulation. This is one of the admirable features of the otherwise detestable act of January 14, 1875. The national banks have paid to the Government since their organization more than \$65,000,000, as appears from the following figures, the accuracy of which cannot be questioned:

Statement showing amount paid the Government by the national banks annually from 1864 to 1875.

Year.	On circulation.	On deposits.	On capital.	Aggregate.	
1864	853, 096 97	\$95, 811 25	\$18, 402 23	\$167, 310 45	
1865		1, 087, 530 86	133, 251 15	1, 954, 029 60	
1866		2, 633, 102 77	406, 947 74	5, 146, 835 81	
1867	2, 868, 636 78	2, 650, 180 07	321, 981 36	5, 840, 698 21	
1868	2, 946, 343 07	2, 564, 143 44	306, 781 67	5, 817, 268 18	
1869	2, 957, 416 73	2, 614, 553 58	312, 918 68	5, 884, 888 99	
1870	2, 949, 744 13	2, 614, 767 61	375, 962 26	5, 940, 474 00	
1871	2, 987, 021 69	2, 802, 840 85	385, 292 13	6, 175, 154 67	
1872	3, 193, 570 03	3, 120, 984 37	389, 356 27	6, 703, 910 67	
1873	3, 353, 186 13	3, 196, 569 29	454,891 51	7, 004, 646 93	
1874	3, 404, 483 11	3, 209, 967 72	469, 048 02	7, 083, 498 85	
1875	3, 283, 405 89	3, 514, 310 39	507, 417 76	7, 305, 134 04	
Totals	30, 836, 937 42	30, 104, 762 20	4, 082, 150 78	65, 023, 850 40	

Last year, as appears by these figures, they paid to the Government \$7,305,134. The only money received by them from the Government is interest upon the bonds deposited as security for circulation. If this interest was not paid to the banks it would be paid to some other parties, perhaps to foreign holders.

Mr. FORT. Will the gentleman tell us how much is the interest paid by the Government?

Mr. WILLIS. It occurs to me, Mr. Chairman, that the inquiry at this particular point is not pertinent; for, no matter whether the interest be sixteen million or sixty million dollars per annum, it is interest due upon a legitimate constitutional indebtedness, and the Government.

est due upon a legitimate constitutional indebtedness, and the Government is bound to pay it, if not to the national banks, then to other parties who happen to hold the bonds.

#### CANNOT DISPENSE WITH THE BANKS.

Mr. Chairman, these national banks represent an aggregation of agency for enforcing resumption. Without these banks the country would be in a state of perplexity. They are no part of the Government machinery. They are at the mercy of the legislative power. The only relation the Government sustains to these banks is as an

The only relation the Government sustains to these banks is as an agency for the people, supplying them with currency and making it uniform and convertible into coin upon demand.

These notes are superior to the "greenbacks," because they have behind them a definite sum, a definite fund, making them redeemable in the absence of "greenbacks" in gold. If they (the banks) fail to comply with this provision you can go to the courts or to the Government, and obtain ample redress; but if the Government fails to meet its obligations, when its notes go to protest and you seek a remedy, the doors of the court-rooms are harred against you and there is no the doors of the court-rooms are barred against you, and there is no dependence save upon the caprice of whimsical law-makers, whose aptitude for finance is not such as to provoke enthusiastic admiration. All history testifies that the Government possesses neither the capacity nor the conscience to regulate and carry on the banking business. In doing so it cramps individual efforts; it thwarts the operation of natural laws, and it is controlled more frequently by demagogism than by sagacious statesmanship. And for the plain reason that it attempts the execution of inappropriate functions, it invades a domain which

belongs to private enterprise.

Fund legal-tenders, gold alone remains with which to redeem the bank-notes. The bond makes the dollar absolutely good and the redemption on demand enforcible. Why, then, this outcry against all national banks, and whence does it come? Will not a national bank note dollar bring as much in gold as a roung grounders dellar. This note dollar bring as much in gold as your greenback dollar? This bitter warfare against innocent corporations is insanity born of demagogism, which can flourish only when the skies are clouded with

The CHAIRMAN. The time of the gentleman from New York has

expired.

Mr. SEELYE. I have the floor and will yield fifteen minutes of

my time to the gentleman from New York.

Mr. WILLIS. It will take me more than that, I fear.

Mr. FORT. I should like to ask the gentleman a few questions.

Mr. WILLIS. When I get through, if I have time left, I will yield to the gentleman from Illinois. I will yield now if it is not to come out of my time.

WHO ARE THE BLOATED BONDHOLDERS.

Mr. Chairman, this delusion about the banks is no stranger glory ing in its isolation for another, more unfounded and unreasonable still, intrudes itself. The holders of United States bonds are singled out for scornful assault and bitter vituperation. What are the facts? What! say the advocates of inflation and interchangeable currency? Shall we wear the yoke imposed upon us by bloated bondholders? Shall we for their sakes suffer the pangs of hunger and agony of want? No, let us break from this serfdom of money, this miserable monopoly

of capital. Let this exclusiveness be done away with forever. is the communistic doctrine which men hitherto deemed sensible are now advocating. They suppose if new issues of greenbacks are issued they will be cast around impartially to all without consideration. They do not seem to realize that the only mode of getting out more greenbacks is for the Government to get deeper into debt, and then to issue more of them, as they did those existing, as further certificates of indebtedness.

But many advocates of more greenbacks are wiser than their reasoning would give seeming of. They in their unconscionable souls believe that in consequence of such inflation an era of artificial prosperity would ensue, and that then, in the feverish excitement of the hour, they could successfully prosecute doubtful enterprises or make available doubtful securities. Speculators overtaken by the vengeance of violated law in this way hope to retrieve their shattered fortunes. So the ignorant and designing, the latter ignorant in their wisdom, declaim against the bloated bondholders.

These bloated bondholders, Mr. Chairman, are the widows and orphans, the savings-banks, insurance and trust companies, which are the depositories of the poor. Such are the bloated bondholders; not the speculators of Wall street or State street. Those are purlieus where inflation holds eternal jubilee. Fluctuation is the food on which they thrive. Not more enchanted was Horace with his choicest with the provided the provided the street of the wines than are these men with the tidings of national repudiation.

#### THE CRIME OF INFLATION.

No man who loves honesty, who believes in substance rather than shadows, will for an instant tolerate the thought of inflation. Inflation is injurious to the farmer, injurious to the mechanic, injurious to the merchant. It benefits none but the gambler. It cannot be better described than in the scathing words of Juvenal: "It is a monster, whose vices are not redeemed by a single virtue."

#### SECTIONALISM

Mr. Chairman, more deplorable than even the tirade against national banks and bloated bondholders is the criminal effort on the part of men claiming to be statesmen to engender sectional strifes and create sectional differences. The honorable gentleman from Maine [Mr. Blaine] informed the House that in the West and South there is a loud outcry for inflation; others inform us that eastern capitalists should be crushed out; that no banks are wanted in the West and South; others assert that the next President shall be a western man, while others insist he shall be an eastern man. This reference to sections is intolerable. We have but one country. There are in-flationists East, West, North, South; there are friends of honest currency everywhere; but wherever a political battle is fought, whether in the North or the South, the East or West, that army will triumph which demands prompt restoration of national credit. Honesty is peculiar to no section. Dishonesty finds provender everywhere; prisons are needed everywhere.

He who appeals to prejudices of section within the council halls of a republic sanctified by sacrifice and blood, should be stamped with the reproach which the infamy of such an act justly merits. The very magnitude of the country, its diversity in climate and production, serve, by making the several sections lean upon each other, to weld them into a complete, harmonious unity. Honesty is the true policy of the whole country; dishonesty is the sure peril of every section; inflation is crime, North, South, East, or West.

# THE ACT OF JANUARY 14, 1875, NOT ADEQUATE.

But, Mr. Chairman, the exultation which our republican friends But, Mr. Chairman, the exultation which our republican friends manifest when allusion is made to the act of January 14, 1875, is not justified either by the results wrought by the measure or by the act itself. The honorable gentleman from Maine, who certainly will admit nothing unless compulsorily, says that while it fixes a date, it gives no adequate process. We propose to improve upon the republican policy. We will not content ourselves by making hollow promises without any intention of fulfilling them. For a mere declaration and empty boast we will take some positive step forward. We will and empty boast we will take some positive step forward. We will provide an adequate process. For uncertainty we will give certainty. For fluctuation we will give stability. For the elasticity which comes from caprice we will give an elasticity which comes from obedience to the law of supply and demand, spurning alike contraction and inflation as unmeaning phrases.

The honorable gentleman from Maine, [Mr. Blaine,] also observed that so long as the country was progressing reasonably well it was not practicable nor possible to set to work deliberately without the pressure of necessity to force specie resumption. He says we are situated as was Mr. Pitt, when, being asked why he did not bring in a bill for the suppression of the slave trade, declared that the merchants were too strong for the ministry. How unfortunate a weak memory! In 1865 McCulloch began contraction. In 1867 \$44,000,000 had been withdrawn from circulation. The House voted almost manimously, there being but a minority of six, to sustain this policy. Prices advanced, confidence revived, and an early resumption was promised; but all at once a change of front occurred. The policy of honesty was abandoned. McCulloch was dismissed, and inflation of the currency followed. On the flood of a false prosperity the party of the Administration re-elected its Chief Magistrate. The pensioners upon the bounty of the Government made profligate expenditures

of money, subsidized the press, and debauched the people. Then the laws of God were vindicated by a collapse of credit in 1873, which

puts all precedents in eclipse.

Ah! my friends, instead of exclaiming, as did Pitt, "the British mer-chants are too strong for the ministry," the honorable gentleman should have expressed himself in this language: The Administration, re-enforced by gamblers and speculators, was too strong for an honest Secretary of the Treasury.

#### A HISTORICAL ALLUSION.

The honorable gentleman from Maine recalled the message of General Jackson, dated July 10, 1832, and exultingly asked what he would have thought of a great paper-money machine, with inconvertible currency dependent upon legislative caprice. Sir, he would have denounced it with that honest warmth which made him so terrible to his foes. Instead of creating one and then perpetuating it, as the republican party have done, he would have stamped it out forthwith on the heels of war. The features even of his statue in bronze at the other end of the Avenue tells us what to do. They command us to be honest and fearless, obedient to genuine democracy, and unforgiv-ing to those who "wear the livery of the court of heaven to serve the devil in."

NOW IS THE TIME TO SETTLE THE FINANCIAL QUESTION

Mr. Chairman, the time is apt for the adjustment of this financial question. No change can make matters worse. Property has shrunk to the lowest level. Money is too abundant. There is no special need for the greenbacks, and they can be better funded to-day than ever again. Our policy must be outspoken and fearless. The people justly regard us as cowards. We are afraid to act, and yet inaction is the approximation. is the supreme peril.

THE TRUE REMEDY.

Now, Mr. Chairman, having effectually proven the responsibility of this Administration for the woe and distress which have been bursting this Administration for the woe and distress which have been bursting afresh upon us every year, appalling everybody, cramping and galling everybody and everything, and the unreasonableness of committing to them the labor of relief; having shown the jugglery of the act of January 14, 1-75, committing the Government to a pledge for the fulfillment of which it was quite unequal, I shall now proceed to point out that mode by which confidence can be restored and early prosperity assured. It is involved in no mystery. No profound darkness envelops it. There is no originality in it. It is the same mode that a practical business man under the like circumstances would adopt nominally costing a slight amount but in reality a boon freight. adopt, nominally costing a slight amount, but in reality a boon freighted with an annual harvest, yielding, not metaphorically, but literally a hundredfold.

a bundredfold.

Here is the precise state of the case. The Government issued its notes by which it promised to pay their face value in actual dollars; real constitutional dollars. They were forced upon the people, and are certificates of an indebtedness for property taken by force without process of law. These issues or certificates bear no interest, and are payable on no given day. They are a currency which the Government, overriding the restraints of law, compelled the people to use in the law of force. lieu of gold and siver; and the people acquiesced in the law of force and necessity. Now, the obligation of the Government, by virtue of every consideration of morality, prudence, and law, was and is to satisfy the holders of these notes at the earliest practicable moment by redeeming them in gold, or in what the holders are willing to ac-

cept instead thereof as a full equivalent.
[Here the hammer fell.]

Mr. FORT. The gentleman promised to answer my questions.
Mr. SEELYE. I will yield five minutes more to the gentleman from
New York, [Mr. WILLIS.]
Mr. WILLIS. I trust the House will grant me time to proceed
with my remarks; I very seldom ask its indulgence.

Mr. FORT. I hope if the gentleman has his time extended he will

answer my questions.

Mr. WILLIS. Now, the holders are willing, ay, eager, to accept a

bond, at say 4 per cent., payable in forty years.

Who will object, then, to such redemption: the funding of the green-backs into a 4 per cent. forty-year bond? Is there any different result arising from an investment of \$100 in a 4 per cent. bond than from an investment in a city bond, in a horse, in an acre of land, in from an investment in a city bond, in a horse, in an acre of land, in the stock of an insurance company, in a savings-bank deposit; if so, wherein? Let the terror-stricken inflationist answer. The property would remain in the country; if it did not, we could afford to pay any investor 4 per cent. If our bonds should go abroad, we become no poorer; value received would be paid for them. But the bonds should be issued in small multiples—\$20, \$50, \$100, to \$1,000. In this wise they would be diffused, owned everywhere by mechanics, farmers, retail dealers; they would be available as collaterals, and could be always made useful as conitat to undertake and carry on business be always made useful as capital to undertake and carry on business undertakings, whether banking or otherwise. They would be equal to their face value in gold coin, and the funding consequently would increase the available wealth of the country.

Nobody would realize any contraction. Everybody that has a green-

back dollar worth eighty-six or eighty-seven cents could exchange it for a dollar bearing interest worth at least one hundred cents. How could the contraction operate harshly? How could the conversion of three hundred and eighty-two million nominal dollars worth eighty-six cents each into three hundred and eighty-two million real

dollars worth one hundred cents each make the holders any poorer? Let us see. Suppose the nominal dollars in circulation were to re main the same, the present ability of every holder on demand to obtain a gold dollar would so appreciate their value that they would be equal to 15 per cent. increase in the circulation. Let the Government fund all greenbacks offered and they would be at par tomorrow, for no ordinarily intelligent American would sell a dollar for ninety-nine cents. The national-bank notes would appreciate in the same ratio. Why? Because redeemable in greenbacks; if not in greenbacks, in gold. If no gold could be had, then the Government would sell bonds on deposit as security for circulation, the sale of which would realize more in gold than the face amount of the notes.

Our banking system, though in many respects faulty, owing to oppressive exactions and restrictions to which it is subjected, is free. It embodies three indispensable conditions for sound and safe bank-

First. Absolute security for the bill-holder. Second. Convertibility into coin on demand.

Third. Uniformity; the same dollar bill welcomed with the same genuine warmth in Maine, Texas, and Oregon.

They are competent to increase issues 80 per cent. upon the amount

of bonds they may deposit. So, no matter how extensive the demand, the banks can and will supply it by increasing circulation. Money is like all other commodities. It goes wherever it is most wanted. The bankers of London, Paris, and Berlin are not wholly witless and brainless. If they can obtain more profit by sending gold to the United States than by retaining it, they will do it, and that, too, not with hesitation, but with eager greed. The question may be urged, why have national banks been surrendering circulation? Because there is so much distrust, so much dullness; so little demand; because money is in such a still torpor, that there is no occasion for its use and its use yields no profit.

Why is there so small a quantity of gold? Because it is not used for circulation; if the need is limited, the supply accommodates itself to the need; it is cheaper in the United States than elsewhere; the market prices indicate not the value of gold, but the depreciation of our currency. Think you if the holders of gold could realize more here than elsewhere that it would not flow here until values were again equalized? Because, further, in pursuance of that law more again equalized. Because, in the product that have note ancient than commonwealths, a superior currency refuses to co-exist with an inferior currency; with a sensitiveness which it would be delightful to witness in society, it declines to abide with those who have not the good sense to appreciate it.

Make your greenback dollar worth one hundred cents; gold will forthwith become the boon companion of the bank-note; the eagles and half eagles, driven from the Republic by unconstitutional, short-sighted, unstatesmanlike legislation, will be coaxed back to the land from whose bosom they were unburied, and those henceforth mined and coined will not fly away. Whenever a dollar is needed, there will be a ready way to obtain it, it was whither it is wested a doce sill. and coined will not fly away. Whenever a dollar is needed, there will be a ready way to obtain it; it goes whither it is wanted, as does silk, jewelry, or any other article.

The shallow cry of contraction and the mad cry of inflation will be silenced. No law-maker will have the stupidity to name this amount

or that amount as adequate to the demands of trade.

The law ordained by Omniscience—that of law and supply—will control the amount. When it is profitable for banks to issue more, they will respond by issuing more; when money is a drug upon the market, they will surrender a part of their circulation. If anybody wishes to enter into banking business, they can do so by compliance with the banking act; deposit 20 per cent. in excess of the amount of bank-notes desired; a business entirely open to everybody; just

as open as dry goods, clothing, grocery, or any other business.

This twaddle about monopoly of national banks is unworthy of men; it is the invention of a demagogue hard-pressed for a campaign watch-word. It means mischief; it means war between labor and capital, in which labor always comes off second-best, for pending the struggle starvation becomes the ally of capital. Banking is now a free and open business, in which everybody can engage at will. Bank capital is taxed in excess of all other capital. The banks are now and always will be at the mercy of the law-making power, subject to

the behests of public opinion.

### GOVERNMENT SHOULD NOT BE BANKER.

Mr. Chairman, perpetuate the greenback system and enlarge it ac-cording to the 3.65 interconvertible scheme or the simple inflation scheme, make the Government sole banker, and it then will be intrenched behind the Government, be a part of the Government at once. It becomes a fierce omnivorous monster, always preying on the people, making officials the allies of gamblers and speculators, multiplying Black Fridays and Northwest corners, fluctuating values, creating Black Fridays and Northwest corners, fluctuating values, creating at pleasure, periods of prostration and prosperity, menacing and overtopping the legislative and judicial departments of the Government, arbitrarily fixing rates of interest by making money plenty or scarce, as selfishness and greed may suggest, controlling popular elections, debauching officials, and enabling the Administration and its friends to perpetuate themselves indefinitely in power. The President today has under his command an Army and Navy. Add to these the purse-strings, which you do if you make the Government a banker, and your liberties are at the disposal of a single man. To do this would indeed be a fitting climax of Grantism and not unworthy its latter-day history, a fitting accompaniment to its bayonet rule in the South, and its extortions through the North.

#### FUND THE GREENBACKS

Let the greenbacks be funded at the will of the holder; the Government does, forthwith, without detriment to any person in the land, what honesty requires, and pure, intelligent policy dictates; it abandons its unwarrantable, unconstitutional function as banker; it re-instates itself in the world's good opinion by completely restoring national credit; the legal-tender act becomes inoperative and dead, for greenbacks shall have ceased to exist; it leaves the amount of circulation to the law of supply and demand, and the question of specie-resumption to the banks and the people, who would solve the question of the people of the peo tion, without legislative aid, on terms of perfect justice. It repeals a law which fixes a date of resumption at 1879, by beginning the work of what is equivalent to resumption, what is more acceptable than resumption, what will effect the same end as resumption more speedily and without shock or violence, redemption of the dishonored notes of the Government, to-morrow.

#### EVIL OF HOARDING SPECIE.

There will not be occasion even to hoard specie on the part of the Government. To do this would be most undesirable, for it would in-

First. The evil of retaining on hand for an indefinite number of years an amount of unproductive capital sleeping in our coffers, yielding no interest.

Second. An unnatural mode of drawing coin to this country, which European governments and capitalists would oppose and if possible

Third. Even if 30 per cent, were to be hoarded and the work of re-demption inaugurated, it would progress until gold was exhausted, the gold scattered would again be hoarded by speculators and not go into circulation.

Sudden contraction would result and business prostration follow, so that the people, afflicted with another paroxysm of madness for the greenback, would insist upon further irredeemable issues, and Constitution, Supreme Court decisions, national honor, would be scorned as obstacles too trifling even to be treated with respect. The nation would by one fell blow be forced back another decade; into another and blacker midnight of want and bankruptcy. Specie resumption would be further away than before.

#### DISMISS ALL SCHEMES.

Remember only the obligation imposed upon our Government which cannot be shrunk from, the performance of which true statesmanship will not for a single hour defer. Pay off the forced loan in gold or in bonds voluntarily accepted in lieu thereof; resign the unlawful function of banking; remit to the people their rightful prerogative of resumption in their own way and own time.

### THE RESULT OF FUNDING THE GREENBACKS.

Do this, and on the morrow, all the households of grief will be illumined with a prosperity relit; confidence will be every man's capital wherewith to begin anew his neglected enterprise; credit will be at hand for every honest man; every commodity will be invested anew with circulatory power; a dollar with sound faith behind it, will do the work of five; what money is wanted will come, where it is wanted,

Redemption is the pledge of plenty. Any other plan or mode will be the work of years. Meantime doubt wields its scepter, with speculation at its right hand. In the region of the unknowable none can know what might occur. The day redemption begins the work is accomplished, for the element of certainty, of fixed values, work is accomplished, for the element of certainty, of fixed values, straightway enters into and becomes the basis of all transactions. Redemption does not involve even additional taxation. Supposing the whole greenback debt funded, the interest would amount to less than fifteen millions per annum. The appropriations will be reduced this year, thanks to democratic ascendency, thanks to the manly leadership of the distinguished gentleman from Pennsylvania, [Mr. Randall,] \$30,000,000. But the greenbacks are so diffused that redemption would not be completed in two years, and the annual burden would be less than \$8,000,000.

Now what does an irredeemable inconvertible currency cost us per

Now, what does an irredeemable, inconvertible currency cost us per

Poor victim of the greenback mania, heed! I shall say nothing of immigration, almost entirely checked; millions of laboring-men producing nothing; hundreds of millions of capital unemployed; but will regard one phase only. Our currency exceeds \$730,000,000; its value varies from morn till eve; no two days elapse but it fluctuvalue varies from morn till eve; no two days elapse but it luctuates; every time it goes up 1 per cent. somebody, without labor, gains \$7,300,000, somebody, without fault, loses it. Every time it goes down 1 per cent. the same result occurs. Find the aggregate of fluctuations throughout the year and it will appear that the annual loss to the nation is greater than \$200,000,000 per annum. This amount we propose to save for the country at once. Money must be made stable. Redemption is a condition-precedent of stability.

# AN UNPARTISAN APPEAL.

I implore you, gentlemen, you who love honesty more than party, whose souls are ungalled by the chains of partisanship, be for the moment unmindful of any supposed political advantage to result from your vote on this question; remember only the fame of the country

which awaits vindication, the cry for shelter and bread which the passage of the measure I advocate would satisfy, the stagnated business and paralyzed energy of the country which simple justice to the nation's creditors would unclasp and make free.

This particular question of finance is a moral one, and can be justly decided only in the forum of conscience. We should spurn the treach-

erous voice of partisanship.

Mr. Chairman, the controlling element of this nation, the balance of power mightier than either party, are the tens of thousands of men who, sickened with political infidelities, care less for party names than do bees for the color of a flower; who, when republicanism merged into Grantism and lived without creed or purpose for ism merged into Grantism and lived without creed or purpose for spoils and plunder alone, refusing to accommodate itself to the question of the hour, deserted the republican party, exulting no less in its past glory than grieving at its present shame. This element believes in honest money, which means straightforward fulfillment of national obligations. Democracy, sickened with its defeats, mourning its falsity to true democratic principles, seemed to be inspired anew with its ancient devotion to a just faith. The memory of its dead leaders seems to be enshrined in the hearts of its living leaders. The liberal independent thought of the country to-day ranges itself with the democratic party because it accents its platform and itself with the democratic party because it accepts its platform and is democratic. If it remains democratic, if it forgets not its faith, this element will become its sure, permanent ally, and will give it overwhelming victory in November next.

#### THE PARTY ON TRIAL

If it belies the trust of the people; if in the moment when all hopes are centered upon it and cluster around it, it blasphemes the memory of its Jefferson, its Jackson, its Wright; if it spurns the counsel of its Tildens, its Bayards, its Kerrs, its Thurmans; if it cannonizes the erimes of republicanism, its repeated violations of plighted faith, its decision of a packed court, its shifting policies of alternate contraction and inflation, its empty promises made only to be broken, its career of jobbery and debauchery, its floating of stupendous speculations by voting for unlimited subsidies, increased issues of greenbacks, then it will lose all moral support, will justly perish, and its executioner will be an outraged and basely betrayed people.

I appeal to all; I care not what their affiliations are or what baners they salute. Strike hands, do something, take some positive step in the inauguration of a policy which will at once restore national credit and insure national prosperity, remembering always that in the same thing turpitude and advantage cannot co-exist.

Mr. FORT. I wish to ask the gentleman from New York [Mr. WILLIS] whether democrats hold the national-bank system, as a part of their financial policy? If it belies the trust of the people; if in the moment when all hopes

of their financial policy?

Mr. WILLIS. Genuine democracy does. Free banking, in which everybody can engage at will on equal terms, is a cardinal democratic principle. I speak, however, for democracy, not the democratic party.

Mr. FORT. Mr. Chairman, I ask the gentleman from New York to explain to the House why national-bank bills are better than legal-

tender notes

Mr. WILLIS. I have already shown why in the course of my argument, because they are secured by a definite fund; and if greenbacks were out of the way would be convertible into coin on demand, which demand could be enforced. The greenback is a protested note, the payment of which can be enforced in no court or elsewhere.

Mr. FORT. I understand the gentleman from New York to say that money is too plenty. Then I wish him to tell the House why we should not withdraw national-bank notes and accumulate the gold we now pay to the national banks for the purpose of redeeming legal-

Mr. WILLIS. I will answer the gentleman. I repeat, money is too plenty to-day, because in the absence of all confidence there is no de-mand for it; but if we should withdraw national-bank notes we could not accumulate gold wherewith to redeem legal-tenders. The gold is paid to national banks, not as such, but as holders of Government bonds; if their circulation were surrendered the interest would still have to be paid. Then, too, the greenbacks are in protest and the national faith suffers. Fund and cancel greenbacks, national faith is

vindicated.

Mr. LANDERS, of Indiana. I move that the time of the gentleman from New York [Mr. WILLIS] be extended.

Mr. FORT. I hope the gentleman's time will be extended enough to give him an opportunity to answer my questions.

Mr. SEELYE. I should be very happy to have the gentleman finish his valuable remarks if it does not come out of my time.

The CHAIRMAN. The Chair has no control over the matter.

Mr. ROBBINS, of Pennsylvania. It can be done by common consent.

Mr. WILLIS. The reason I ask is that my notes are in a very imperfect condition and unfit for the printer.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. SEELYE] yield further to the gentleman from New York, [Mr. WILLIS?]

Mr. SEELYE. I have no further time to yield.

Mr. FORT. I am sorry the gentleman could not have time to answer my questions.

Mr. HURLBUT. I hope the gentleman from New York Mr. WIL-Lis] will have leave to print the residue of his remarks.

Mr. FORT. And to print answers to my questions.

No objection was made.

Mr. SEELYE. Mr. Chairman, I have listened here to some very interesting and exceedingly able discussions of appropriations and the general questions of finance, in which, however, the utmost variety of opinion upon these important themes has been expressed. But I of opinion upon these important themes has been expressed. But I believe that, notwithstanding this seeming diversity, there is one point where the members of this House and the people who have sent us here will substantially agree. If it could be positively and everywhere known that our financial affairs had settled down upon some stable basis, a sigh of relief would be wafted from every quarter of the land. What our farmers, and mechanics, and laborers of all kinds most urgently need, what our manufacturers, and merchants, and traders of every sort are actually groaning for, is some sort of stability in the monetary affairs of the nation. Without such stability our whole industry is and must be affoat without a chart or compass, the sport of winds and waves. Upon this point I am sure we are all agreed.

But, if this be true, our views ought to harmonize still further; or a stable condition of our monetary affairs is not possible on the ground upon which we have sought to conduct them for the last fif-teen years. During this period the volume of our currency and its teen years. During this period the volume of our currency and its consequent value have depended, as they still do, upon acts of Congress, and these acts, various and contradictory as they sometimes have been, and uncertain as they always must be, introduce an element of instability in our finances which nothing can remove so long as we seek to regulate them in this way. Until the questions which now agitate us concerning our currency can be put beyond the control of Congress, and be left to regulate themselves, like winds and tides, by gravitation, it is simply impossible to have financial stability in the land.

Now, it may seem preposterous to have for agreement ways

Now, it may seem preposterous to hope for agreement upon any plan to put our currency upon a stable basis, but it is not difficult to see that all possible financial plans for us, comprehensively considered, resolve themselves into three, one of which we must take, and only

The first of these is the attempt to continue just as we are, with neither expansion nor contraction, a possibility which it is well for us to look fairly in the face and see whether it be actually such, or

whether it be only a delusion and a snare.

Those who advocate the maintenance of our present financial policy essentially unchanged assert very different reasons in behalf of this policy and are innumerably divided in their methods of practically adjusting it. Some would maintain it as the only way to get back to specie payments and others as the best means of avoiding specie payments altogether. Some would do away with our bank-notes entirely and substitute greenbacks in their stead, maintaining the present volume unchanged, while others abound in what are called elastic expedients, by which the same currency may be stretched or shortened, as the widening or narrowing demands of trade may require. But the point of agreement in them all is this: that we have an American system of currency, different from that of all the rest of the world, a paper currency based not upon coin but upon the credit of the nation, and by this alone our permanent financial prosperity can be secured. It is not necessary to take up severally the various methods, actual or conceivable, for adjusting this system; since if the system itself is vitally defective that defect will attach to all its

Now, I affirm that the one defect in our present currency, a defect which penetrates it through and through and renders it forever in-capable of performing the functions of a sound money, is that it is a carpane of performing the functions of a sound money, is that it is a currency which has originally cost no labor; it rests upon no solid ground of industry, and therefore when you undertake to pay for labor with it labor is cheated, and the industry of the nation, being dishonestly paid, becomes in consequence prostrate and paralyzed. In other wor's, we have fancied that we could actually measure the labor of the land by that which has no labor in it; we have taken a piece of paper which costs no labor, and which may be duplicated and multiplied to any extent without labor, and have supposed that we could make this the actual standard of value and wealth, when the could make this the actual standard of value and wealth, when the one essential thing without which value disappears and wealth becomes a nullity is labor. There is no possible way in which the currency of a nation can be a stable representative of the industry or the wealth of a nation unless that currency be a commodity which costs labor to produce it and is worth what it has cost for some other use than currency. It may be any commodity you please, if it have these characteristics; it may be wampum or bullets, as among the earliest colonists of Massachusetts; it may be salt, or tin, or tea, or cowryshells, as among some Asiatic and African peoples to-day; or it may shells, as among some Asiatic and African peoples to-day; or it may be silver and gold, as from the earliest history has been the case in the civilized world; but whatever it is, it must possess these two qualities, of being intrinsically desirable to possess and equally difficult to obtain, or it cannot be truly money or furnish a truly stable currency for the people who employ it. The simple reason for this, which makes its truth apparent to every sound eye, is that these two elements are exactly what give value to anything; in other words, are exactly that which constitutes wealth, and, while all wealth is not money, there cannot be money in any true sense which is not wealth.

money, there cannot be money in any true sense which is not wealth.

Now, I will not argue the advantages of gold and silver for this purpose, for these are too plain to need arguing. Neither do I wish to bring any charge of disadvantage against a paper currency which represents its fixed amount of gold and silver, into which it may be

turned at the option of the holder, for such a currency has its obvious which I know of nought to contravene. currency which is only a promise to pay that is never fulfilled, a currency whose only value is furnished by the command or even by the credit of the government which issues it, a currency which can be produced to any extent without labor, and which has no possible produced to any extent without labor, and which has no possible use for anything except as currency, is not only inconvenient and disadvantageous, but must be disastrous wherever employed. Such a currency, unstable itself, renders everything else unstable; it unsettles all values; it disturbs every kind of business; it obliges that trade should be done with a broader margin of profit and loss, and thus enlarging the field of speculation it extends in an equal degree the bounds of bankruptcy; it always has been, whenever tried, a most fruitful source of evil, and, from the nature of the case, its results must be always evil. sults must be always evil.

Here, then, in a word, is the exact and hopeless difficulty with this currency of ours. It undertakes to pay for industry with that which has no industry in it, and this is a fraud upon industry which, howhas no industry in it, and this is a fraud upon industry which, however cloaked or long concealed, will at length come to light and claim its retribution. "My Lord Cardinal," said Anne of Austria to Cardinal Richelieu one day, "My Lord Cardinal, God does not pay at the end of every week or month; but at the end He pays." To individuals this payment may be carried over beyond this world, but nations suffer here and now for their faults and follies, as well as for their crimes. Why, Mr. Chairman, is any eye so blind as not to see the dire consequences of this currency of ours as now apparent in the land? consequences of this currency of ours as now apparent in the land? The gentleman from Pennsylvania [Mr. Kelley] the other day pictured in sepulchral tones the funereal gloom in which our industries seemed to him enshrouded; but what has brought so sad a state to pass? Why this "suspended industry," and "curtailed production," and "enforced idleness" which, in the language of the gentleman, has added so "fearfully to the list of suicides, crowded insane asylums with suddenly-impoverished patients, and opened as their only refuge station-houses and houses of correction to thousands of men and women who would find happiness in enduring the penalty of the primal curse could they be permitted to earn their bread in the sweat of their brow." We still have this "philosophical currency," this "glorious currency," "the best currency in the world," of which the greedy foreign nations can never deprive us; and these, upon which the gen-tleman has descanted, are its legitimate results. To what else are tleman has descanted, are its legitimate results. To what else are they, to what else can they be referred, even upon his own showing Does he, does any man, believe that "the financial policy inaugurated by President Johnson's Secretary of the Treasury" is responsible for this state of things? But this state of things does not occur till from six to eight years after that financial policy had been abandoned. Does the gentleman believe, is he serious when he ascribes any part of this condition to what he terms "the ill-judged act providing for the resumption of specie payments on the list of January, 1879?" But these results began long before that act was passed or even proposed, and if anybody does not know that they are altogether independent of that act he needs something more than arguments to give him knowledge. It is not light which he lacks, but an eye. This condition is not at all an unnatural result of a currency like ours. It is a result which has always attended such a currency. It is the result which has been predicted over and over again, as sure to follow the attempt to pay for labor in anything which is not the product of lathis state of things? But this state of things does not occur till from attempt to pay for labor in anything which is not the product of la-bor, and this result can never be remedied by any device which does

not reach to the very root of the evil itself.

Therefore, Mr. Chairman, this result is not going to be changed, cannot, from the very nature of the case, be changed by making this currency interconvertible with bonds, a scheme made so famous by the ersistent advocacy of the gentleman from Pennsylvania, and which have sometimes almost thought he has intended to present as an exquisite piece of irony, or, perhaps, a magnificent piece of burlesque, in which the ridiculous results of a certain theory of the currency might appear in all their absurdity. But if this be a sober scheme, soberly presented, I venture to turn aside for a moment from the direct line of my discussion to ask what it really means. according to the scheme, are to be converted into bonds and bonds according to the scheme, are to be converted into bonds and bonds are to be converted into dollars, interchangeably and perpetually, as the exigencies of business shall require; but what is a dollar, and what are the bonds? Perhaps a dollar means nothing, is only a word with no more significance than those macutes which Montesquieu tells us the inhabitants of the West African coast employ in their reckoning; but I suspect the gentleman would hardly allow that his scheme stands upon this level. And yet if a dollar means anything—I will not say a definite weight dayly stanged of reals are signed. reckoning; but I suspect the gentleman would hardly allow that his scheme stands upon this level. And yet if a dollar means anything—I will not say a definite weight, duly stamped, of gold or silver, but if it have any conceivable meaning—then this interconvertible-green-back-and-bond scheme, if it be anything other than a gigantic folly, is a stupendous fraud. Let us see. The gentleman surely will not claim that this piece of paper called a greenback is a dollar, for the greenback itself claims to be nothing of the sort. All that the greenback claims to be is a promise to pay a dollar, and this promise to pay a dollar cannot surely be the same thing as a dollar, except upon that system of logic by which a horse-chestput is proved to be the same system of logic by which a horse-chestnut is proved to be the same thing as a chestnut horse, a system of logic with which I have no doubt the gentleman often amused himself, as we all have done, in the sports of boyhood, but by which that remarkable school of political economists which he so often quotes actually guides itself in the

speculations of mature life.

The greenback is a promise to pay; does this mean anything? Shall it be fulfilled? Yes, says the gentleman, we will redeem it in bonds. A given number of greenbacks shall have in return a given number of bonds. These promises to pay shall be transferred thus into dollars? No, but they shall find their full equivalent in bonds. But what then are the bonds? Why, they are only promises to pay; promises to pay, moreover, dollars again, just as the greenbacks are, and to be fulfilled and redeemed by being converted, when it comes to a pinch, into greenbacks again. One promise is paid by a second, and the second is redeemed by renewing the first, by which process, we are gravely told, our financial prosperity shall be all that we desire! But what has become of the dollar in all this jugglery between greenbacks and bonds? Where is "the little joker" in this amazing game of thimble-rigging in which a great government like ours is soberly urged to engage? The dollar, whatever it is—and I will not quarrel here about its meaning—the dollar is nowhere to be found. He to whom it belonged, when seeking for his own, finds himself the victim of a cheat, and the government which palms off such a procedure upon him becomes a party to a fraud. I am aware, Mr. Chairman, that some very extravagant financial theories are afloat among us, but I suspect that a parallel for this interconvertible-greenback-and-bond scheme cannot be found outside of a madhouse.

And yet every possible contrivance to patch up our present system, while the system itself is left essentially unchanged, necessarily involves more or less of a delusion; for the very groundwork of the system is faulty, and the fault remains, whatever its adjustments. Since the payment of labor with anything which is not a payment in kind—i.e., with anything which is not at bottom a payment in labor—is only a pretended and not a real payment, no legislation, no devices can change this pretense into a reality, any more than acts of Congress or contrivances of men can change any other falsehood into a truth. It is therefore only a puerile delusion to suppose that efforts to strengthen the so-called credit of the Government would help this

matter in the least.

The credit of the Government creates no values. All that it can do is to certify to the value which honest industry has already created. The credit of the Government certifies by its coinage to the value of a given coin, but the value is in the weight and fineness of the metal coined, and not in the stamp which gives it currency. All the credit of the Government could no more give iron pyrites the value of gold than could the credit of the Government make reams of pasteboard into regiments of fighting men. Labeling the pasteboard with the titles of an army and solemnly pledging the faith of the Government that it should perform all the functions of an army would be no greater an absurdity than that into which we have fallen in the treatment our paper currency, and solemn appeals to sustain the credit of the Government would be just as appropriate in reference to one of these shams as the other. The exact and all-important point, which, though often overlooked, gentlemen should not here forget, is that governmental credit, instead of sustaining the Army, the money, the institutions, the laws of a land, needs itself first of all to be sustained by these. The credit of a government is like the credit of a man, priceless if it rests on truth, but worse than worthless other

But if it be impossible to build a stable structure, however contrived, on the basis of our currency as it is, any further extension of this currency, which is the second of the three possible courses I have referred to, would be of course the wildest infatuation. Such an extension could only end in an increase of the ills we suffer. Moreover, unless all history is false, and every financial law a fallacy, and every deduction from the past respecting the future an act of folly, any further inflation of our currency would be followed by national repudiation. Little as we like the word—and it is a healthy sign if it shocks us—yet, if we should go on inflating our currency, we could no more avoid repudiation than we could avoid the plunge of the cataract after we had passed its brink. Gentlemen may talk about the experience of other times and peoples as not applicable to ours, and may dream of what a great nation like the United States can accomplish, but gravitation guides the great worlds as resistlessly as it does the atoms, and the greater a nation is in industry and wealth, the more conspicuously must it follow those laws of wealth, which to the wise statesman are as clear and controlling as to the wise man of science are the laws of nature itself.

But we are to be congratulated on the fact that there is little open and direct advocacy of inflation in any quarter just now. It is to be hoped that we have learned something from our experience and discussions, and the result is auspicious if we have reached a point where a further inflation of our currency, however pessible, has ceased to be an immediate probability.

I have said, Mr. Chairman, that there are only three possible courses to be taken respecting our currency, only one of which can be wise. And if a further inflation is certain to bring upon us all the disgrace and disaster of national repudiation, and if our present system, defrauding labor, as it necessarily does, of its honest rights, must, in the long run, paralyze industry, giving rise thus to innumerable delusive makeshifts and fraudulent expedients, by which we endeavor to cheat ourselves or others with the notion that the semblance of a thing is the same as the reality, then the resumption of specie payments, the only course left, will be sought by every wise man. But hic labor, hoc opus est. How to do this is, I am free to admit, our hard-

est financial problem. To see that a further inflation means repudiation, and that the attempted continuance in our present course is the continued reign of financial disaster and ruin, is much easier than to discover the sure path to the only safe end. But a wise and practical people like ours ought to be able to solve this problem, and a brave people like ours ought not to be discouraged before it.

We shall be aided toward this solution if here also we classify all the possible ways in which any one might suppose it could be reached. And, in doing this, we shall find that as there are only three possible courses for us to take in the general administration of our national finances, only one of which is wise, so there are only three possible ways of attempting specie resumption, only one of which is certain to succeed. I say only three possible ways, for I exclude the thought that our currency, unless still further expanded, can be repudiated, as an impossibility.

The first of these ways is to hoard coin until a sufficient amount has been gathered to make sure that resumption would not be a failure. This is a favorite method with some, who find easy arguments in its support, but I suspect the difficulties in its way are too great to allow it to succeed. For, obviously, it would be a very costly procedure. The gold would have to be bought in order to be stored, and the increasing scarcity caused by the increasing hoard would resistlessly increase the market price of the gold. What shall be said, too, of the interest upon the accumulations during the time of their progress and what of the unsettling of monetary values all over the world which such a procedure would include? It may safely be said that such an accumulation of specie as would be necessary to secure payment in coin for our present currency would produce such a financial pressure here and elsewhere that we should be forced to stop before we had finished. And thus this method of resuming specie payments is not really a possible one, though at first it might seem to be such. Moreover, if this were possible there is another way, not only

easier, but incalculably more economical.

The second possibility is a return to the method so wisely adopted at the close of the war, of gradually retiring and destroying these legal-tender notes out of the superabundant revenues of the Government—a process which I hold to have been the wisest financial step the Government has taken since these notes were made a legal tender; and which, had it been continued as it began, would have brought us back to specie payments and prosperity long ago. But though our surplus revenue is not now sufficient to permit, without an increase of taxation, a hopeful re-inanguration of this method, we should not forget that such a course, could it be pursued, would inevitably bring us to specie payments again. Specie payments would return at once, as we all know; no power could hinder their return if the currency which first drove them out did not still hold them back. You might as well keep the tides of the ocean from returning when gravitation requires it. And just as surely and as clearly, specie payments can no more return until our present currency has been reduced than can the sunlight fill a darkened chamber till the shutters have been taken down.

But if we are to have a reduction of our currency, as national honor and national prosperity and, I fear we must also say, as national safety require, and if this cannot be done by withdrawals from our surplus revenue, no other way remains than to exchange this currency for the interest-bearing bonds of the nation, payable, principal and interest, in coin. And thus we find, at the conclusion of our survey, that of all possible methods of dealing with our currency, only one is wise, and I venture to say also that, if this be rejected, we have no practicable alternative to repudiation. We may as well face this alternative first as last. We must fund our greenbacks or repudiate them, for we cannot keep on bearing the burdens, the increasing burdens, with which this delusive currency oppresses us. I do not believe we shall repudiate. I have faith in the nation. And therefore I would hope that the Congress of the nation, by its original convictions I trust, and otherwise by the unfaltering voice of the people, will speedily set forward some measure for funding our present legaltender currency, the only measure which can give us monetary soundness again.

We must reduce the actual volume of our present currency in order to make specie payments possible. If it pinches, if it pains us, if it plunges us in distresses which for the time may seem intolerable, we have got to bear it if we get back to specie payments and a healthy state of business again. And if we are anything but children, if we are a wise people, who can see our sickness and its remedy, we shall not shrink from the medicine or the knife needful to make us sound again. We are not children; we are not a nation of moon-struck dreamers; our people can, they do see the difference between a dancing bubble and a building on a stable basis, and no party, whatever its name, can long maintain its hold upon them, which undertakes to claim that a promise to pay which cannot be pushed to a fulfillment—no matter by whomsoever or whatsoever made—can be equivalent to the actual payment. Our laboring classes, the toiling millions by whose industry alone comes national wealth, are too intelligent to have permanently palmed off on them promises to pay which are never paid, and because the doctrine, by whatever name it may be called, that industry can be paid with aught which is not itself the product of industry, is a delusion; the workmen of the land will assuredly come to see it as it is, and will render to whatever party represents it the retribution it deserves.

Mr. DURAND obtained the floor

Mr. DURAND obtained the floor.

Mr. PHILLIPS, of Kansas. Will the gentleman yield to me to ask
a question of the gentleman from Massachusetts, [Mr. Seelye?]

Mr. DURAND. I will yield for a question only.

Mr. PHILLIPS, of Kansas. I understood the gentleman from
Massachusetts [Mr. Seelye] to say that Congress has no power to

regulate values.

If the gentleman will allow me to correct the terms Mr. SEELYE. If the gentleman will allow me to correct the terms in which he puts his question I will hear him. What I did say was, not that Congress had no power to regulate values, but that it had no power to create values. Does the gentleman mean to stand here and say to the Congress and country that Congress can make values?

Mr. PHILLIPS, of Kansas. Silver has depreciated in the market 10 per cent. Does the gentleman from Massachusetts [Mr. SEELYE] hold that we must add to its value by adding gold or something to bring it

up that 10 per cent?

Mr. SEELYE. The gentleman says that silver has depreciated. Why? Because it takes less labor to obtain a pound of silver now that it did four years ago; that is the reason why silver has depre-

Mr. PHILLIPS, of Kansas. Where is your standard? Where is your dollar

Mr. SEELYE. I will refer the gentleman to the Revised Statutes of the United States for the definition of a dollar.

Mr. DURAND. Mr. Chairman, representing in this House, as I do in part, one of the great States of the Union, a State noted for its surprising diversity of resource and production, for its extensive mining, agricultural, and commercial interests, I feel that I would be recreant t the trust reposed in me by the people who have commissioned me to represent them on this floor if I did not raise my voice in support of a sound, stable, honest currency, and if I did not upon every proper occasion exert my influence in favor of such a governmental policy as will tend soonest to restore business prosperity and build up shattered industries. An overpowering conviction of what I deem to be my simple duty in this regard must be my excuse for forcing my views in relation to this question, so vital to the future prosperity of the American people, upon the attention of this deliberative assembly so soon after becoming a member of it. There are so many different views entertained in regard to the question of what money we shall have, and how large a volume of money it is necessary to have in circulation, in order that the business of the country may go on in a prosperous manner, that it seems to me to be the part of wise statesmanship to divest it as much as possible of all merely political or partisan coloring, and consider the subject purely as a national, eco-nomic one, upon the correct solution of which depends all our future commercial prosperity as a nation.

The Constitution gives to Congress the power to coin money and to regulate the value thereof. What is the reasonable and generally accepted meaning of the term, to coin money, and from what standard shall its value be regulated? Webster defines coin to be "a piece of metal on which certain characters are stamped making it legally current as money," and until we found ourselves surrounded by unfortunate financial complications growing out of the issue of a paper currency by the Government, I take it that that was the definition generally given to it by a large majority of the people and by a large majority of the most distinguished jurists and lawyers in this country. I therefore advance the proposition that when the Government coins money it must first select some article or metal which, by reason of its scarcity, or by reason of its being the representative of so much labor, or for some other peculiar reason, has a known, acknowledged in-trinsic value in and of itself, and that, having agreed upon some such specific metal or article as a basis of value, it may then put the stamp of the government upon it, and thereby certify to the world that in a given coin there is a given amount in value of the article from which the coin is made, and that it shall therefore be considered from which the coin is made, and that it shall therefore be considered as entitled to pass current as money. In other words there must be some specific thing which by general consent has a given value, and from which, used as a standard for measuring values, we may estimate everything else. I think the correctness of this proposition will be conceded by everybody, for, if it were not so, we could never estimate the value of anything, because we would have no standa: d by which to test nor rule by which to measure values. If it be true then that we must have some standard or unit of value from very necessity the next question that presents itself is, what shall that standard that we must have some standard or unit or value from very neces-sity, the next question that presents itself is, what shall that standard be? Shall it be iron or tin or copper or some article peculiar to a given locality; shall it be legislative faith or shall it be gold or sil-ver or some article which the whole civilized world with whom we trade and deal agree upon as being the basis or unit of value, and from which all other values are determined?

It seems to me that a careful consideration of this subject can lead to but one conclusion, and that is that we should adopt that article as a standard of value which is recognized by the other nations of the world, and that from that standard we must maintain a quality of money which shall be certain in value instead of fluctuating and on moley when shall be certain in value instead of nuctuating and unstable. Were we a nation isolated from the world, and had we no dealings or transactions with any other nation; was all our business conducted by and with our own people and within our own borders; did we owe no foreign debt which we are obliged to pay in money estimated from a gold standard, we might possibly be able to determine upon some system of finance which would be peculiarly local or

peculiarly American, a non-exportable currency, one in which no one but our own citizens in our own country would have any interest. But, whether fortunately or unfortunately, this state of things does notexist. We owe a foreign debt to-day, national railroad corporations and private debts included, estimated at not far from \$2,500,000,000, the annual interest on which amounts to about \$150,000,000, all of which, both principal and interest, this Government and the corporawhich, so the principal and the cest, his covernment and the corpora-tions and citizens of this country must pay in a money the value of which is estimated from a gold standard. In other words, we must pay it in gold; and we do not pay it and cannot pay it in a non-exportable currency unless we make that non-exportable currency equal in value to gold; and if we do this with a currency worth 14 per cent. less than it professes to be worth, which is the condition of our currency to-day, we are compelled to use what we call \$171,000,000 in order to pay \$150,000,000 of interest.

Then again we imported during the fiscal year ending June 30,1875,

goods from foreign countries amounting in round numbers to the sum of \$550,000,000. These also we were compelled to pay for in money estimated from a gold standard, taking of our "non-exportable" currency the sum of \$627,000,000 to pay for these goods. So that besides paying the value of the goods we were obliged to pay in addition the sum of \$77,000,000 for the difference between the value of our money as it really is when measured or estimated from the gold standard of the world with which we are compelled to deal and the value stamped or written upon its face. With such facts as these staring us in the face and confronting us in every department of commerce and trade how can it be possible that we should fail to see the necessity of adopt-ing such a line of policy as shall surely bring our currency to a specie

Our people are a commercial people; our trade extends over the world. We buy and sell in all parts of the habitable globe, and in making exchanges and in settling balances we are obliged to use in payment such a standard of money as is recognized by the nations with which we deal. Premising, therefore, that there is a certain and fixed standard from which to estimate the value of money, it follows that if any commercial country has a quality of money which though professedly up to the required standard is as a matter of fact really below it, and is for that reason what we denominate a depreciated currency, then that country is in all foreign business transactions put to a disadvantage equal, or nearly equal, to the amount of such de-preciation. Some basis of value must be recognized by us as a commercial people; and, unless we are willing to deprive ourselves of the full benefits which accrue from trade and commerce, we must adopt one that is uniform with that of the other great countries of the world with which we deal. The beads and tinsels of the Indians, and the articles passing current among the semi-civilized and barbarous nations, may be and are used by them in their own countries as money, but in the commercial world and among a commercial people they are valueless. Their value is wholly and entirely local—not universal; and therefore they are wholly unfit for circulation as money except in the particular locality where used.

Now, if our articles of trade were limited to such as are produced in this country, or did we only seek to raise such quantities of the different productions natural to our soil and climate as are required for the use and subsistence of our own people, then I grant that we might determine upon some basis of value peculiarly local and maintain it, whether such basis should be a given amount of iron, or tin, or copper, only so it be a commodity or article in the permanency of which as a basis of value, or starting-point from which to make an estimate of value, the people of the country would have confidence. But so long as we trade with the world this is simply impossible So long as we trade with the world we must do business as the world does, in the way of the world and in the money of the world. does, in the way of the world and in the money of the world. And if the money of the world is gold, or if gold is the basis from which is estimated the value of the world's money, we must, from very necessity, conform to the same standard or be continually subjected to the disgrace and humiliation and pecuniary disadvantage which always attach to a depreciated currency. Say what we will, enact whatever laws we may to suit particular occasions or to meet the apparent necessities of business, and yet we are continually confronted with the fact that the value of money can only be regulated by one arbitrary rule, and that a dollar in money is not what A or B or C or the people of any particular locality may call a dollar, but it is a dollar only if it represents that sum reckoned from the standard or specific article agreed upon by the commercial world as the basis from which the value of all other things is estimated. In other words, a dollar is that amount of money which will buy a dollar's worth of anything that is for sale anywhere in the world—as well in Paris as in Washington, in London as in New York.

Holding this view, I maintain that, so far as the Government is concerned, it should establish the general standard of value recognized by the world, and that it should then remit to the people themnized by the world, and that it should then remit to the people themselves, under wise, prudent, business-like restrictions, the right to issue and to keep afloat as much currency or paper money as they, the people, consider it necessary to have in order to do the business of the country, only providing, however, that such currency shall always be kept up to the required standard in value and be redeemable at the pleasure of the holder in the money which the paper purports to represent. Admitting that the General Government has a right in times of peace, under the Constitution, to issue a currency.

to put afloat paper promises to pay and call it money, (which right, I may add by way of parenthesis, is doubted by some of the ablest constitutional lawyers in this country)—admitting, I say, that the Government has the constitutional right so to do, I deem the exercise of such a right would be fraught with dangers so great as to appall every intelligent, patriotic, thinking man who would give the subject that attention which it demands. To authorize any government to issue paper promises to pay and call it money, with no limit to its volume and no provision for its redemption save such as is prompted by legislative wisdom or legislative faith, is to put the entire business of the country in a condition of constant doubt and uncertainty; from the very nature of things, it would lead to extravagance and frauds, and from thence to financial ruin and utter bankruptcy. When sought to be applied to mere business transactions, I have no confidence in legislative faith, especially when we consider how frequent are the changes in the personnel of the Congress of the United States, with the great diversity of opinion and of interests shown or represented by the members of it. We must know that what would be considered by our Congress to be a safe and proper theory upon which to conduct the money-issuing power of the Government would be considered utterly unsafe and improper by some succeeding Congress; and therefore, however honest a legislative body may be, legislative faith is controlled by so many and such varied causes, that no solid foundation of business can be laid upon it.

So far as business is concerned I have more confidence in the united opinion and judgment of a great people who, by honest industry and toil, have made all the greatness which America has achieved, and who are the owners both at law and in equity of every dollar that finds its way into the public Treasury, than I have in the judgment and personal responsibility of any body of public officials who may be elected to look after the political interests of the country. The personal responsibility which ownership imposes upon a man is lost in a legislative body; and, therefore, if any legislative body is given the power to issue currency at will, it cannot be expected that the same economy or care would be shown as would be if the person or body of persons doing the act were to be held to a strict accountability and a personal responsibility for the payment of the promises made and to the redemption of the currency put afloat. Every inducement to issue a larger and still larger volume of it would be held out; every enterprise and job, whether of a public nature or private, would be urged in order to get money from the Treasury; and a paid lobby would stand ready to swear to the necessity for this appropriation and for that; and inasmuch as money could be made by a simple vote authorizing this sum or that sum to be issued, extra issues would in the very nature of things be made, until the volume would be so great that no man could comprehend its magnitude, and then, speedily, national and individual insolvency would come, and bankruptcy and crushing disaster and disgrace and repudiation.

Why, sir, it seems to me that a concession by the people to the Government of the right to put into circulation an unlimited quantity of paper money, to be controlled in volume only by the will of the national Legislature, is a grant so monstrous in its power to do evil, so inimical to all purity in the public administration of governmental affairs, and so dangerous and deadly in its effect upon all the solid, enduring, permanent business interests of the country, that if we will but give the matter that careful consideration which it deserves and strip it of the sophistry and special pleading by which it has been surrounded, we will not hesitate to flee from this maelstrom which is waiting to ingulf us. As I have already remarked, let the Government fix the standard by which the value of money is to be measured. Let it be uniform with the standard agreed upon by the other great commercial nations of the world, and then remit to the people the right to conduct their own business in their own way, including the power under safe restrictions to issue such an amount of currency as they choose, always providing, however, that it shall be a par currency and redeemable at the pleasure of the holder in the money of the world. I do not believe any other way is safe. Inasmuch as the people earn all the money, produce all the wealth, bring into being whatever is of any value in this country, why are they not better suited to conduct the banking business of the country under such regulations as the Government may in its wisdom impose than are the public officials of the Government? Can they not do it more economically, more sat-

isfactorily to themselves, and more prudently?

Mr. Chairman, it seems to me as though the Government ought to begin to unload and disencumber itself of all species and classes of business which can be safely remitted to the people. From the great accretion of business which has been going on, thereby creating a necessity for new agencies and commissions and offices, one would almost be led to the conclusion that the Government considered the people unable to conduct their own business, and that their best interests could only be subserved by establishing a sort of guardianship over a people who have by toil and privation accumulated all the wealth of this country; who have cleared away the forests, built comfortable homes and churches and school-houses; who have laid off fertile fields, and made of America as grand and beautiful a picture as ever embellished an advanced civilization. This is not as it should be. I am willing and anxious to trust the people. I believe that they can conduct the commerce and trade and the business and industrial interests much more safely, satisfactorily, economically, and prudently than any Congress they can elect, no matter how honest or how able. Had this theory been adopted and carried out, I do not believe we should have the paralyzation of business which is now complained of. Had the people been allowed to conduct their own business, I do not believe there would now be one single subsidized railroad or other corporation in America. Several hundred well-fed public officials would long since have been relieved of their sinecures and invited back to the modest and exhilarating pursuits of private The salaries of the President and some other public officials would never have been doubled up, back pay would have been held in reprehension, and fraud and peculation upon the Government would neither have been greeted with a silent tongue nor a benignant smile.

To conclude this branch of the argument I contend that the Government, if not already inhibited by lack of power under the Constitution to exercise it, should, for prudential reasons and for the protection of the people and for the safety and prosperity of our business interests, be finally and forever denied the right to issue one dollar in currency, and that the entire banking business of this country, including the issuance and floatage of currency, should be by proper and just legislation remitted to the people, (if it has not already been done,) who, under the necessities created by the laws of trade, which are as immutable as the laws of nature, may issue and keep afloat as much money in the shape of currency as they can maintain at a specie standard in value, and as is in their judgment required in order properly to carry on the trade, commerce, and business of the country.

I have thus far, in treating the subject under consideration, laid down what I believe to be the only practical, safe, honest, consistent theory by which the people can have at all times a sound currency, unchangeable in value, in volume suited to the laws of trade, and redeemable upon demand in the money of the world; but this theory has not been carried out by the Government. Under a supposed neces sity existing when a great civil war was in progress, against the earnest advice and protestations of those who saw the dangers which would grow out of the exercise of such a power, and against the judgment of those who urged grave constitutional objections against it, the Government did diverge from the previously recognized rule in this regard, and issued a large volume of paper promises to pay. It was made a legal tender for all debts, public and private, except duwas made a legal tender for an deols, public and private, except duties on imports and interest on the public debt, and was put affoat among the people with the impress of the Government of the United States upon it as money, and to-day, many years after the war has closed, years of great prosperity and national growth, with the greatest fertility of soil and diversity of production, and with a people ready to honor any draught made upon their patriotism and intelligence, we find ourselves with a depreciated currency, with complaints of par-alyzation in business, and with most persistent demands for relief by public legislation. We find ourselves with a currency, national and bank, amounting at its face value in round numbers to the sum of \$800,000,000, but which, by reason of a policy which I consider unwise and unjustifiable in all its parts and criminal in many of its parts, is in such a depreciated condition that it is in reality only worth \$688,000,000; and the people who own it, who have been compelled to take it in payment for their manufactured articles, for their farm produce, and for their toil, are to-day \$112,000,000 poorer than they would be if the Government had pursued a wise, business-like, honest, economical policy in regard to the interests committed to it by a confiding people

Now, sir, what is the reason for this condition of things? Is it because, as intimated by the distinguished gentleman from Maine, [Mr. Blaine,] the democratic party has been an obstacle in the way of specie resumption? Why, sir, from the very first issue of this paper currency until the Forty-fourth Congress assembled, the democratic party has not had control of a single Department of the National Government, and the whole combined strength of the party has not had sufficient influence with the Administration to secure the appointment of any single officer of the Government—not even a postmaster at the humblest cross-roads in the humblest county in the land. And is the republican party entitled to any credit, as the same gentleman inti-mated it was, for not having a larger volume of this depreciated cur-rency afloat? Why, sir, it was only two years ago that both Houses of the American Congress—one branch of which was presided over by the gentleman himself—having an overwhelming republican ma-jority, and with scarcely enough Representatives of the democratic party to entitle them to a respectful hearing when they entered their solemn protests against such acts of the majority as they deemed to be unwise, passed an act of positive inflation, and the country was only saved from the calamity of an additional issue of depreciated currency by the firmness and determination of one man, who, by the exercise of a power vested in him under the Constitution, saved the American people from the humiliation and infamy which the meas-

when the measure, if it had passed into a law, would have brought.

So, sir, when the facts of history are challenged they show that if any political party is to be held accountable it is the republican party, and the republican party alone that is responsible for the peculiar currency we call "greenbacks." It is that party that called it into being, that passed every act authorizing its issue, that put it into circulation among the people, that has compelled every American citizen to recognize it as money in all his business affairs, and it is that party, and that party alone, that is responsible for its volume and for all the measure of depreciation and of irredeemability attached to it.

In further confirmation of what the facts of history show in regard to our peculiar currency and who is responsible for it, I beg to refer to that most orthodox of republican newspapers, the Indianapolis Journal, which, in its issue of January 21, 1876, says:

The quietus to all this quackery is a simple statement of facts. The republican party is the greenback party of the past, the present, and the future. The party that created greenbacks is the one to protect them.

I do not refer to this in any offensive sense whatever, but simply to show that the difficulties which surround our financial system are attributable to other causes than such as have originated from mere political antagonisms. I attribute the present depreciated condition of our currency to other and to different causes than those which some of the distinguished gentlemen who have discussed this question have submitted. One of these causes I insist is that the Government has ignored its true measure of responsibility by failing to recognize the fact that the paper promises-to-pay which it has issued is a valid, subsisting debt, long since overdue and long since dishonored and depresisting debt, and the side of th ciated; and, instead of adopting measures looking to the payment of these overdue obligations, it has treated them as being payable only at its convenience, and has bent all its energies to looking after the payment of its interest-bearing debt, the payment of which might wisely be deferred until crippled industries have been revived by a restoration to the people of a sound currency with which to conduct their business enterprises. To show how the people of other countries look upon this mistaken policy, I desire to call attention to an able and claborate article, credited to the Westminster Review, upon "Foreign Loans and National Debts." After expressing the opinion that we are trying to pay off our immense war debt too fast, and that in order to accomplish that purpose we have adopted such severe taxation and such a mistaken system of imports that we have crippled many branches of American industry, the writer adds:

many branches of American industry, the writer adds:

It is strange to find that this people, so proud of its position among the nations, and so anxious to relieve itself from debt and everything that the condition of debt implies, should suffer themselves to be reproached with the existence among them of a paper currency ten years after the close of the civil war.

A bank note or a treasury note is but a promise to pay a certain amount of coin on demand, and in any well-ordered system of finance there should be practically sufficient soin or bullion to meet these promises. To our mind, there is no valid excuse for allowing the national promises to pay to be at a discount aday longer than is absolutely necessary. The only possible gain to a nation—and it is only a material one—is the annual interest saved on the bullion, which is dispensed with by the overissue; but against this is to be set the moral element of uncertainty, and almost of gambling, which is imparted into every monetary transaction, the manipulations of gold-rings, and all the evils which spring from artificiality. We consider it a reproach, therefore, to our transatlantic cousins that ten years after the close of their civil war their promises to pay on demand can be bought at 13 per cent. discount: Poverty cannot, as in the case of some other nations, be pleaded in excuse. As we have seen, £118,000,000 have been paid off in ten years, and every effort is being made to reduce still further the interest bearing portion. We think that they look too much in this direction, to the detriment of what should be done in the other. If any nation is justified in looking into the future, and discounting it, it is the people of the United States. Its wealth and population increase in a ratio more rapid than that of any other nation. At the present moment it has within its borders a population of 44,000,000, and an annual income of £1,100,000,000, and in the course of half a century it will number a hundred millions of inhabitants, with an annual production

In consideration of a depreciated currency, and because of the stagnation existing in business and the crippled industries of the country, which have resulted from this condition, it would seem most wise that the Government should, to the greatest extent possible consistent with the national honor and credit abroad, defer the payment of our interest-bearing debt until our currency shall be so appreciated in value that we can with a dollar of it pay a dollar of our debt in any part of the commercial world. This, it seems to me, would be the part of prudence and common honesty, and is the course which every private individual would be compelled to pursue in relation to his private business. Indeed any other course than this would not be tolerated in the citizen, and I do not see that there is any other rule for the Government in regard to the payment of its debts than that which is insisted upon in all the business affairs of private life.

Another one of the causes which have operated to fluctuate values and to bring financial distress has been the uncertainty which has existed in the minds of the people as to what would be the action of the Government in relation to the volume of the currency. They have heard threatenings of inflation at one time and of contraction at another time. Their confidence in a certain uniform policy by the Government in relation to the volume of currency to be put afloat or kept in circulation has been shaken. Financiers have been restrained from investing their money in enterprises which might ruin them if any decided change in values should take place. Money has sought accumulations in speculations, fair and foul, only so results would be speedy. Gold gamblers, and watered-stock speculators, and curbstone brokers have plied their vocations at the money centers in the great cities while the productive enterprises and business interests of the country have been languishing for want of sustenance, while manufacturing establishments have been hushed into quiet and hon-

est labor has remained unemployed.

This unfortunate condition of things is the natural fruit of an uncertain policy by the Government in relation to the volume of a currency which the exigencies of war threw upon us and upon which the entire business of the country has been based. It is the unquestionable result which will always obtain where there is nothing to regulate either the volume or quality of a money with which the

people are compelled to do business except the treacherous sea of legislative faith; and in my humble opinion that full and firm confidence so absolutely essential to a successful and prosperous business will never be fully restored until it is distinctly and finally settled that it is contrary to the policy of the Government in the exercise of its constitutional functions to issue paper money in times of peace.

While I hold, therefore, that the Government should not be permitted to issue a dollar in paper money under any circumstances and while I am fully persuaded that the issue already made under the exercise of a war power was impolitic and unwise, yet, inasmuch as it did issue it and inasmuch as about \$400,000,000 of it are actually afloat Government toward the people require that we do not attempt to increase its quality through a forcible contraction of its quantity by congressional enactment. While the Government has the undoubted right to do this, yet, as the business of the country has been established with full knowledge of the fact that a given amount of currency was in circulation, it does not seem to me to be fair to attempt to affect its values by reducing its values. What the government has the undoubted right to do this, yet, as the business of the country has been established with full knowledge of the fact that a given amount of currency was in circulation, it does not seem to me to be fair to attempt to affect its value by reducing its values. What the government is value by reducing its values. tempt to affect its value by reducing its volume. What does good faith require? Simply this, that the Government begin to save the faith require? Simply this, that the Government begin to save the money committed to its keeping from all unwarrantable expenditures and lay away something day by day and month by month with which to pay this debt, with which to redeem this currency; let these savings be in that article which constitutes the money of the world; let it recognize the simple fact that the way to pay a debt is to accumulate the money with which to pay it; that the way to resume is to get ready to resume. Let it adopt some reasonable but fixed and settled policy which, if fairly and honestly carried out, will certainly result in bringing its issue of currency to par and to a resumption of specie payments, and then let it work with the people for those politic and economic conditions which shall bring prosperity to business, which will build up shattered industries, which will quicken the commerce and trade of the country, which will furnish remunerative employment for labor, and which shall re-establish commercial honor and financial integrity.

Another and a still greater reason than any of the others which I have mentioned, why we have a depreciated currency, why business lies prostrate, and why honest industry is deadened, is because of the unwarrantable, unjustifiable, profligate, and criminal extravagance unwarrantable, unjustifiable, profligate, and criminal extravagance which has grown up in this country, and which has for so many years been tolerated, yea more, cultivated, in every department of the Government. Why, sir, look at the facts; the developments thus far made during this session of Congress show that, without detriment to the public service and without indulging in any niggardly or parsimonious schemes, the current expenses of this Government for the next year can be reduced the enormous sum of at least \$30,000,000. If so much can be done in one year in the way of retrenchment and reform by measures emanating from this branch of Congress, a large majority of whose members are new to public life and utterly unaccustomed to the intricacies of legislation and the details of governmental affairs, how much more could have been done, and should have been done, in the same direction during the years that have elapsed since the war closed and peace began to shine upon the country, by those who from long experience had a full and perfect knowledge of all the details of governmental administration. It is safe to assume that during all these twelve years the expenses of the Government could have been reduced below what they actually were at least \$45,000,000 annually, which would have in the time aggregated the enormous sum of \$540,000,000, nearly \$150,000,000 more than the amount necessary to redeem the entire greenback currency of this country, and this, too, without calculating the increase which might have been accumulated from it by its proper use during the time. What excuse can be made by the Government to the people, whose servant it is, for such reprehensible extravagance and execrable stewardship?

We have all read the story of a man who before starting upon a journey to a far country called his servants together and confided to their separate keeping certain sums of money, and upon his return he again called them before him to ascertain what use they had made of it, to get an account of their stewardship and to reward them according to their just deserts. All except one had bought and sold and made increase of the money, and were commended by their master as servants who having been faithful over a few things were entitled to be made rulers over many things. But one had not been a faithful servant. True he had not stolen his master's money nor squandered it, for he had the same identical piece of money and returned it to its owner saying: "Lo, there thou hast that is thine." Yet he had neglected to put it to any proper use, and for this simple neglect of duty, not involving any moral turpitude, he was deprived of all rulership and punished by being cast into outer darkness. If this severe punishment was deemed to be due for a mere neglect of a reasonable duty, how much more severe ought the punishment of that servant to be who has not only neglected to profitably use the money confided to its keeping by a brave and generous people, but has also recklessly and extravagantly squandered the money itself, so that it cannot be returned to the owners who have the right to demand it.

A large number of new offices have been created, and a large number of unnecessary old ones have been maintained; these have been filled with a like number of office-holders with large salaries and perquisites attached, all of which have had to be paid from the public Treasury. Like leeches they have been fastened upon the body-politic, and from year to year they have been growing fat and rich by sucking the life-blood from all the industries of an overtaxed people. They have been eliminated from the great body of producers who are the creators of wealth. They produce nothing; they absorb everything. They toil not, neither do they spin; and yet they have by the use of the people's money been assisted to array themselves like the lilies of the field.

An army of useless office-holders has been permitted to be clothed An army of useless office-holders has been permitted to be clothed in purple and fine linen and to fare sumptuously every day, while a still greater army of God's deserving poor, who have been compelled to contribute to the furnishing of these very luxuries, liave, with sorrow in their hearts, with tears upon their cheeks, and with prayers upon their tongues, been entreating for labor, to the end that they might get bread for their wives and little ones. The specious argument that the honor of the Government can only be maintained by an exhibition of glitter and extravagant luxuriance only permissible in a monarchical government, if anywhere, has been made the occasion for high salaries in order to get money with which to keen up the for high salaries, in order to get money with which to keep up the show of splendor; the same argument, still further pursued, has led to fraud and peculation and crime; the public service has become cor-rupted; and as act after act of official malfeasance is exposed to the gaze of the world, the American people are compelled to bow their heads in sorrow and in shame over the disgrace brought upon them

and the country. Now, sir, if we expect honesty and economy in the administration Now, sir, if we expect honesty and economy in the administration of the Government we must not tolerate this sentiment. We must recognize the fact that republican simplicity is most becoming to a republican government; that honesty and ability and adaptability to the discharge of the duties imposed are of the most vital importance in the selection of a public official; that the quality of the clothes he wears or the style of his equipage or the magnificence of his hospitality are only of secondary importance. We should evolve from the Capitol of this great nation the idea that it is not all of life to hold an office, no matter how exalted. We should publish to the world that we are not ashamed to own that we are the representaworld that we are not ashamed to own that we are the representatives of a laboring people, nor ashamed to acknowledge the fact that labor is respectable, no matter how sooty or how laborious, only so it is honest. As the wealth and prosperity of the country can only be created or assured by the productions which labor brings into being, we should remember that the humblest man who is honestly laboring for his living and who is by the sweat of his brow contributing toward the advancement of our great agricultural, manufacturing, and ma-terial interests is doing more to elevate us from our depressed financial condition than the soft-handed aristocrat who looks down upon We should also remember that he is more entitled to our respectful consideration and protection, that he is more nearly a king in all that pertains to the development of our natural and artificial resources than that other one who, forgetting that in this free Republic every man is the arbiter of his own fortunes and that those are most honorable who fight the battles of life most nobly, stands idly by with no occupation except that of priding himself upon his inherited wealth or his supposed social position. We should stop all the avenues of extravagance which lead to luxury, no matter how much we may be tempted to do otherwise. I do not believe that the true grandeur of a country consists so much in its palaces or the pomp and show of its splendor as it does in the prosperity and happiness of its people. Palaces may crumble and the most gorgeous edifices erected by man may fall to the ground, but the impress which an intelligent, enterprising, and prosperous people put upon the age in which they by man may fait to the ground, but the impress which an intelligent, enterprising, and prosperous people put upon the age in which they live becomes a history nobler and more imperishable than can be made with brass or marble or granite. Italy is filled with palaces, and yet an impoverished people beg for bread under their shadows. Greece is famed for her relics of grand architectural beauty, yet her fields are waste and her prosperity gone. So we, by forgetting the simplicity which characterized the founders of the Government and plunging into foolish and unrepublican extravagances, may absorb

plunging into foolish and unrepublican extravagances, may absorb the money needed by an already overtaxed and overburdened people, and pile it up in structures which may in after years stand to mock the beggary of a people whose glory has departed.

Mr. Chairman, to summarize the questions which the consideration of this important subject presents, I maintain that we should recog-nize that standard of money which is recognized by the commercial nations of the world with which we deal and that, by the adoption under safe limitations and restrictions of some system of free banking, we should remit to the people, who are the creators and lawful owners of all the wealth we have, the right to issue and keep in circulation such a volume of currency as they in their wisdom may deem necessary to satisfy the demands of commerce and trade, only require ing them to keep it redeemable at the pleasure of the holder in the money which it purports to represent; that we should assert the doctrine that the Government as such has no right to put in circulation anything but coin money; that we should not attempt by congressional enactments to increase the quality of the currency already afloat by the forcible contraction of its volume except by making provision for its payment and redemption, and beyond this we should leave the question of contraction solely to the determination of the laws of trade; that we should adopt immediate measures to improve the quality and appreciate the value of our currency by making provision for its payment and redemption at as early a day as is conso-

nant with the business interests of the country, and in order that we may be able to accomplish this desirable result most speedily, that we should shut off all unnecessary expenditures in every department of the Government, and insist upon republican simplicity and economy in every branch of the public service; that we should protect the people from robbery of all kinds by preventing irregularities and stealing, and by setting the seal of condemnation upon any and every man guilty of infamous practices in public affairs; that, instead of man guilty of infamous practices in public affairs; that, instead of indulging in criminations and recriminations tending to incite sectional animosities between the North and the South, the East and the West, we should set to work, earnestly, determinedly, patriotically, to solve those problems of political economy which shall tend to furnish cheap transportation for the varied productions of the people of all sections of the country, which shall tend to settle values, which shall restore confidence, which shall revive commerce and trade, which shall magnify our manufacturing interests, which shall furnish remurerative employment for the industrious toilers and which shall set nerative employment for the industrious toilers, and which shall set the warm blood of prosperity coursing through every artery of the body of American trade and commerce

Instead of pointing to the picture of a dreadful past, over which it is better that the mantle of oblivion should fall, let us put ourselves in resolute opposition against all that class of unjust legislation which subsidizes great corporations, which fosters monopolies, and which leads to extravagance and corruption in the public service.

Now, sir, recognizing the fact that all the measures which seem to be necessary to aid in re-establishing financial prosperity cannot in a body composed of such varied interests as this be made to conform to all the ideas of any one man, be he humble or be he great, I shall take pleasure in voting for any measure which shall tend, in however

small a degree, to bring our currency to a specie basis.

Believing that this bill making appropriations for the legislative, executive, and judicial expenses of the Government now under consideration, and which if all its provisions are adopted provides for a reduction of \$11,000,000 over the expenditures of last year, and which, therefore, places at the disposal of the Government just that amount of money to be used in appreciating the currency, is such a bill, I hope it will receive the cordial and unanimous approval of every member of this House

Mr. TOWNSEND, of Pennsylvania. Mr. Chairman, as all of the gentlemen who have yet spoken upon the bill nominally under consideration in this Committee of the Whole have discussed every subject except what is contained within the bill, I am not sure that I will be exactly in order if I should speak to the merits or demerits of it. I will, however, take that risk, and will endeavor to examine somewhat into the nature and character of the various items of the bill under consideration. When I first took it up and looked over it, I noticed that it appropriated \$5,000,000 less than was appropriated by

Mr. TOWNSEND. Six millions less than the bill of last year. I noticed, also, that it appropriates \$7,000,000 less than what has been asked for by the different Departments of the Government. I therefore queried to myself what are the principles upon which the committee has endeavored to frame it? I took up the report of the committee, and in conjunction with it I examined the bill from beginning At last I think I have found out the principle that has guided the committee in making it out. After exploring it from one end to the other, it seemed to me that the committee had acted upon the

to the other, it seemed to me that the committee had acted upon the principle of the belligerent Irishman of Donnybrook fair, which principle was: "Whenever you see a head, hit it."

The committee have gone through the different Departments of the Government; they have gone into the War Department, the Treasury Department, the Navy Department; they have gone everywhere where an official could be found; and wherever they saw the head of a poor clerk, or an auditor, or a comptroller, or an assistant secretary, they hit him, and in some cases they hit him very hard. The reduction made by them in some classes of cases amounts to 7 per cent. tion made by them in some classes of cases amounts to 7 per cent., in others to 10 per cent., in others to 11 per cent., and in some as high as 20 per cent.; and these reductions seem to have been made without regard to any particular principle except that of the reduction of

out regard to any particular principle except that of the reduction of the expenses of the Government.

Mr. RANDALL. Will the gentleman allow me to make a remark?

Mr. TOWNSEND, of Pennsylvania. My friend will have all the time between now and the termination of this session of Congress to

answer me.

Mr. RANDALL. Then I will only say that at the proper time I will correct the misstatement of the gentleman from Pennsylvania.

Mr. TOWNSEND, of Pennsylvania. I do not want to be interrupted. I do not interrupt others. The gentleman from Pennsylvania [Mr. RANDALL] will have all the time during the discussion of this bill to explain the principle upon which it is based.

I repeat that the Committee on Appropriations have made these realizations without regard to a great many things that they should

reductions without regard to a great many things that they should have taken into consideration. They have done it without regard to qualifications. They have taken up series and classes of clerks and reduced their salaries; no matter whether the clerk was a good clerk or a bad one, they have cut down his pay. It seems to have made no difference to the committee whether the clerk was a man who had been appointed a month ago or years ago; whether he was raw and

inefficient in his office, or was a man who had grown gray in the service of the nation—who had given his time, his talents, his abilities to the service of the country. They were all reduced in their salaries. The committee seem to have had no respect to the fact that the cost

of living to the clerks and to the officers of the Government here is far more now than it used to be when their salaries were established; that it takes more for them to support their families, to provide them with food and raiment, than it did in former times, perhaps at the time when they were appointed.

They did not take into consideration another circumstance which is important in the discussion and consideration of this bill; that we are now on an upward movement, that we are moving on the incoming wave of a renewed prosperity. We have touched the bottom of our disasters, and we are now emerging from the tricls and troubles imposed upon us by an inflated currency and an unfortunate system of finance, the resulting incidents of the late rebellion. I repeat that we are emerging from that unfortunate condition, and our furnaces, forges, and manufactories are opening their doors and setting their machinery again in motion; at least I know that is so in the district

I have the honor to represent.

I desire now to call the attention of the House to a very few particulars and classes of cases embraced in this bill, which will show that the gentlemen of the Committee on Appropriations have cut down, mercilessly cut down in some cases, the compensation of some of the very best officers of the Government. Take for instance the Clerk of the House, an officer whose position is next in importance to that of the Speaker. On some occasions he is as important as the Speaker himself. It is his duty at the opening of Congress to organize the House. In the case of a disputed election, in the midst of excited political feeling, it may happen that a single vote one way or the other may give to one party or the other the majority, and consequently the power of the House, hence he should be a man of the utmost integrity to enable him to act fairly between the contending parties. We must remember that he is an individual who has great power and great privileges, and that he ought to be paid accordingly. But they have reduced his compensation 10 per cent.

So, too, with the Chief Clerk, whose compensation they have cut down to \$2,250, taking off \$1,350 from his salary. They have reduced it nearly 40 per cent. Now the Chief Clerk of this House is an officer of the greatest importance. He has charge of all the work; he has the care of everything almost in the making up of the legislation of Clerk of the House, an officer whose position is next in importance to

the care of everything almost in the making up of the legislation of the House. It is right and proper that a man having such arduous duties to perform should be honestly, justly, and properly recom-

We come next in the bill to the reporters of debates of the House, the gentlemen who sit before us and take down our debates and the proceedings here every day. They, too, are men upon whose faithfulness and ability to report accurately the speeches that are made here the reputation, perchance, of many members may depend. If they be dishonest in reporting, if they be inaccurate, if they render a report that is incorrect, they may place in the wrong attitude before his constituents a member of this House, and perhaps may destroy his political standing altogether. It is right and proper then that you should have men of the highest class wen of intervity, whilty, and learning have men of the highest class, men of integrity, ability, and learning

to take down the reports of the speeches as they may occur here. But the committee have reduced these gentlemen 10 per cent. also. So, too, with the Librarian of Congress. I do not know that there is a gentleman within the walls of this building who is more useful to members of Congress than this officer. He is a walking encyclopedia. There is no branch of learning upon which you may apply to him in which you will not find him a ready man. When you want him in which you will not find him a ready man. When you want to ascertain any fact in history, in literature, in politics, or on any other branch of knowledge, if you inquire of any one who sits beside you where you can find it, the answer always is, if your friend does not happen to know it himself, "Go and ask Spofford." An officer of this kind, so highly cultivated, knowing languages other than his own, being familiar with the 300,000 volumes in the Congressional Library, deserves to have a full and a liberal compensation. Yet our friends upon the committee have cut him down severely also.

There is another officer of the Government who is probably equally important in another line; I mean the Comptroller of the Currency. He is one who has charge of the twenty-one hundred banks of the nation. It is he who under the law guides and directs them. It is he to whom they all apply, if they have any want of knowledge, concerning the interpretation of any of the acts of Congress in relation to the banks. He

terpretation of any of the acts of Congress in relation to the banks. He who gets together all the reports of the banks and tabulates them; and, in addition to that, gives us fuller information than we can get anywhere else as to the workings of the currency system of the nation. He must necessarily be a man not only of information, but of integrity; because if he be not capable and honest, the whole financial system of the country, so far as it relates to the soundness of the condition of the banks, may go into disorder by his omission to keep the banks up to their work or by his collusion with bank examiners who may be corrupt, and certify to the soundness of rotten institutions.

may be corrupt, and certify to the soundness of rotten institutions.

Coming down a little further in the bill, I find that they have reduced the chief of the Bureau of Statistics from \$2,500 to \$2,250. Now here is another gentleman within the Treasury Department to whom we are all greatly indebted. We are under obligations to him for the accuracy of his statistics. He it is who tabulates all the custom-house returns, who gives us all the knowledge that we get with re-

gard to our foreign and our internal commerce. benever we are discussing tariffs and matters of that kind, and need information that may be available for such a discussion. In addition to that, I may say that he has earned the gratitude not only of the House, but of the country, for the excellent work which he has just issued from his Bureau, entitled "Labor in Europe and America," a work which affords us a better idea than we ever had before of the industrial institutions of the Old and of the New World; which gives us an opportunity of comparing our own industrial system with those of foreign lands. I think it was hard, I think it was sharp to reduce his foreign lands.

little salary 10 per cent., bringing it down to \$2,250.

But again, in that same Treasury Department is an officer who is intimately connected with the history of the currency of the country, not only so far as regards bank-notes and legal-tenders, but also in connection with the bonded indebtedness of the nation. I allude to the chief of the Bureau of Printing and Engraving. It is right and proper that we should obtain for an office of that responsible kind the very best talent in the land; that we should have in that position a man of high character, good information, great executive ability, keen and sharp at accounts, because there pass through his hands every year hundreds of millions of dollars in the shape of one kind of currency or another and of the national bonds emanating from the Treasury. Yet the Committee on Appropriations have degraded his high office from \$5,000 a year to \$4,500, with little regard for the highly responsible position that he holds and the large amount of security that

Going still further into the list of the reductions which have been Going still further into the list of the reductions which have been made by the Committee on Appropriations, I turn to the Post-Office Department. I find there three Assistant Postmasters-General, having charge of the whole postal interests of the country; having under their care 36,000 offices, with mail-routes extending in every direction all over the nation; charged with the examination of all the contracts for carrying the mails, with the appointment and supervision of 50,000 officers, and charged with interests that amount to some thirty or thirty-five million dollars a year. These gentlemen, some of them members of Congress in former times, men of high integrity and great business qualifications, are reduced 10 per cent, their in-

and great business qualifications, are reduced 10 per cent., their in-adequate salaries being brought down to \$3,150.

I now turn to the Department of the Interior. I want to speak particularly with regard to the reduction in the General Land Office. That Office requires an intimate knowledge of the land laws and the history of the public lands of the country. The man at the head of that Bureau should be well versed in law—not only the land law of that Bureau should be well versed in law—not only the land law of the nation but in the decisions of the Supreme Court with regard to it. He should be a man whose eye will extend all over the land States and Territories, and who can ferret out frauds and corruptions wherever they may exist. It is within my knowledge that a first-class Commissioner of the Land Office was actually driven out of that Office because of the inadequacy of the salary allowed him. The salary having been previously I believe \$4,000, was reduced to \$3,000. satary having been previously 1 believe \$4,000, was reduced to \$3,000. Congress would not increase it; and he was actually forced to resign because he was not allowed sufficient money to support himself and his family. And there is within my knowledge the additional fact that that Commissioner of the Land Office by his vigilance detected certain frauds against the Government, and thereby saved to it in a single transaction sufficient to have paid the increase of his salary ten times over. That efficient officer was thus forced out to make his ten times over. That efficient officer was thus forced out to make his living wherever he could in the practice of his profession. I say, Mr. Chairman, that this is not the right kind of economy that should actuate a nation that desires to be well served and by competent

This policy is pursued still further in the Pension Office. tleman who has charge of that Office was brought here in the expectation that he would receive \$3,000 a year. He is a person well versed in the law; a gentleman high in esteem in his own State of Wisconsin. He was elevated there, if I remember aright, to the office of attorney-general of the State. This man of great ability and integrity our Government has invited here to take charge of the Pension Office, distributing annually \$30,000,000 in pensions; and after he has been here but a month or two, reduce his salary 10 per cent., and I consider that it is not treating him with instance. that is not treating him with justice.

But when we come still further into this bill we find another on-slaught made upon another excellent institution, the Bureau of Educa-tion. We find the committee have cut its appropriation down from \$35,570 last year to \$16,100. They have reduced the compensation of the enlightened and educated Commissioner from \$3,000 to \$2,700; they have reduced the number of officers from thirteen to eleven. They have allowed perhaps a sufficient force of officers, but at the same time they have given them nothing to do. They have given \$14,890 of salary to be divided among eleven gentlemen, from the Commissioner down, and they have only given them \$1,210 to work upon. I am desirous of hoping this is an error in the Committee on Appropriations, for I cannot conceive that gentlemen of intelligence would provide for the existence of a bureau, and for its working, and give it nothing at all wherewith to execute its duties and to promote the objects of its establishment.

Last year they gave it for stationery alone \$2,000; for library-cases, \$500; for library, \$1,000; for collecting statistics and writing and compiling matter for annual and special reports, editing and publishing circulars of information, \$11,000; and for contingencies,

\$1,060; making, with other items, \$17,210, wherewith they might pursue the operations of the Bureau. But to-day, instead of giving the officers as much money to do the work as they had last year, they do not give them sufficient even for their stationery. They do not allow them stationery enough to use at their desks to write out their answers to correspondents, let alone to make out their reports. They do not give them a dollar wherewith they can collect information necessary to compile the magnificent volume which they publish every year, giving to this country and to the world the largest and most complete amount of knowledge of the condition of the educational system of our land.

It reminds me, Mr. Chairman, when they give them all this machinery and nothing to work it with, of the evil time the children of Israel had under Pharaoh. Their case is marvelously similar, for

Pharaoh said to the Children of Israel:

Go therefore now, and work; for there shall no straw be given you, yet shall ye deliver the tale of bricks.

And the officers of the children of Israel did see that they were in evil case, after it was said, Ye shall not minish aught from your bricks of your daily task.

And the officers of this Bureau begin to see they, too, are in evil case when they are set a task to perform and given no money wherewith

to perform it.

I say, therefore, the Committee on Appropriations must assuredly have made a mistake, and I appeal to that committee, to their sense of justice and of right, (and I know they are gentlemen of education and culture,) to the instincts within them, to give to this Bureau that provision which will enable it to get together the statistics so interesting to this country, and so much sought after by educators here and in other lands.

and in other lands.

Coming still further down the bill I find, in one of their last sections, that they reduce the salaries of all the clerks in all the Departments. In section 2 they take up the second and third-class clerks, and the fourth-class clerks as well. They strike at them all, no matter how small the salary may be. Fourteen-hundred-dollar clerks are reduced to \$1,300, being over 7 per cent. reduction; sixteen-hundred-dollar clerks to \$1,450, being between 9 and 10 per cent.; and eighteen-hundred-dollar clerks to \$1,600, being over 10 per cent. reduction.

Mr. RANDALL. The average is under 10 per cent.

Mr. TOWNSEND, of Pennsylvania. The average, my friend from Pennsylvania, chairman of the Committee on Appropriations, says, is under 10 per cent., and I accept his statement.

I wish to say a word respecting the clerks of these Departments. I have been here for seven years; have had daily intercourse with them in one Department or another from one end of the Government here to the other during the sessions of Congress; and on every occa-

here to the other during the sessions of Congress; and on every occasion wherever I asked for information or required a duty to be done I have found them civil, obliging, and well-informed. I protest most earnestly against this reduction of that useful class of the employés of the Government. I protest against it because they are the least paid men in the Departments, save the first-class clerks at \$1,200 and the nine-hundred-dollar clerks. Some have been here for years. They have grown gray in the service. Their salaries were fixed when the cost of living was much cheaper than now. They have continued from day to day, from month to month, from year to year, discharging the duties of their offices fully and faithfully and becoming more the duties of their offices fully and faithfully and becoming more valuable as time has rolled on. They have raised families around them, and as those families have increased their expenses have grown, without any corresponding increase in their salaries. I say, therefore, that their case appeals not only to the humanity but to the justice of every individual member. With salaries reduced in this way, clerks who have been here for years, having families growing up around them, can hardly make both ends meet at the close of the year. The fact is that on numerous occasions some of them have come to me and said "Cannot you get me promoted from the position."

year. The fact is that on numerous occasions some of them have come to me and said, "Cannot you get me promoted from the position I am in to the next higher one, for I am to-day actually muable to meet my expenses? I am running in debt, and unless I can be relieved by promotion and higher pay I must eventually sink under it."

Now, Mr. Chairman, there ought to be some regard to the expenses of living. There should be some respect paid to the length of service. There should be some consideration for the qualification of officers. And yet the Committee on Appropriations have not had the slightest regard to any one of these matters. No matter how well qualified, how love they have been in service, or what may be the expense of living. long they have been in service, or what may be the expense of living, 10 per cent. must be taken off, shaved off from the poor compensation

And respecting the whole of this curtailment of expenditure, I want to remark that it is not called for by the emergencies of the Government. It is not demanded by the situation of the nation. We are paying off our debt; we are reducing the interest; we are changing the debt from one rate of interest to another and saving expenditure thereby. thereby. Nay, more, the industry of the country is beginning to revive; it is springing up in every quarter, and the argument which would have been good some years ago is no argument now.

It was right and proper the committee thought, no doubt, that

when they cut down everybody else they should cut down their own compensation too. And here I come to the compensation of ourselves; a delicate matter some times to talk about, but one which I shall talk about without any hesitation at all. I am opposed to this reduction; I am utterly and absolutely opposed to any reduction in the wages of Congressmen. If the wages of Congressmen in former times

were a great deal less than they are now, it was because the rate of living was a great deal less. And it may be a little curious for you to know what was the rate of living in Washington about three-quarters of a century ago. In turning over the papers of one of my predecessors, who was an old revolutionary colonel, I found a letter dated December, 1800, which gives a curious view of the condition of congressional life at that time. Writing home to a son he says:

I am now settled in a Large double House near the Capitol, and in a Room with Kittora from Lancaster—a Sociable pleasant man and seems Agreeable—where I bope to remain comfortably for the winter. Our only fear is the want of Fire Wood—no Stock yet laid in, but we keep persecuting our Landlord to get a Quantity—& he says he Bargained for 20 Cords this week, but none comes yet.

It seems they were pretty hard up for fuel then, as coal had not been discovered.

We have about 14 Boarders at 10 Dolls. p. week.

You see board was a good deal lower than it is now, when it is from \$120 to \$200 per month, lodging included:

Irom \$120 to \$200 per month, lodging included:

And a Large family of Workmen and servants—about 12 fires burning constantly when we have Wood—sometimes half Starving, & obliged to troop down to the Dining-Room for warmth. We have some high Fliers at Table, viz: Gonverneur Morris of New York—a pleasant Witty Man of knowledge of the world, formerly Ambassador to France, &c.—Mr. Dayton of Jersey, our Old Speaker—a General Morris of Vermont—who keep the Table in a Roar of laughter mostly at Dinner. We don't Drink hard, but sometimes rather more than I wish—nothing but Wine in Our Club. About half the Company wont touch, but take Brandy & Water, & Run off as soon as they have done Eating. These are Democrats—

[Great laughter]-

about half the company, Leaving 7 or 8 of us the Table to ourselves.

I read that ancient letter for a double purpose-to show how cheap

I read that ancient letter for a double purpose—to show how cheap congressional living was then—

Mr. HOAR. And to show the consistency of the democrats.

Mr. TOWNSEND, of Pennsylvania. Yes; only that they have changed from brandy and water to good rye whisky.

Now, Mr. Chairman, with regard to our own salaries, I do not think that they are any too high. I do not think, perhaps, that they are high enough; and I have most excellent authority for that. I have the authority of the chairman of the Committee on Appropriations. Some two or three years ago we had a controversy about that matter and the chairman of the Committee on Appropriations made a most excellent speech in favor of \$7.500. He was very anxious then that excellent speech in favor of \$7,500. He was very anxious then that that should be the figure; and as his speech is a very good one upon that point, I will ask the Clerk to read that part of it which I have marked with pencil.

The Clerk read as follows:

The Clerk read as follows:

Mr. Randall. When I went into this conference on this bill I found that there were three overshadowing questions beyond all others which were in controversy between the two Houses. The first one that met us in committee was this question of salaries. Upon that question I have uttered no doubtful sound and have made no doubtful record in this House. I have declared to the country and to my constituents that I believed I have earned \$7,500 a year since I have been in this Congress, and that I could not live here for less with my family with any sort of decency. I do not know how it may be with members from the rural districts, to which my friend from Indiana [Mr. Niblack] has referred, but I could not go into a conference and suggest that there should be any difference in this respect between rural members and those who come from cities.

There is another consideration upon this question of salaries; almost all members of Congress are compelled, like myself, to keep up a residence here, while at the same time retaining their residences within the State from which they come.

The gentleman from Illinois [Mr. Farnsworth] has talked about the "manhood" of this report. Why, sir, I would like to ask him whether it is not more manly to stand here and vote deliberately in the face of the whole country for this increase shan it is for a member to raise his voice in a demagogical strain against such a proposition, and then, as soon as the law takes effect, to go and draw the money from the Treasury? Any man here who raises his voice against this increase should not, in my judgment, take the money if the measure passes.

Mr. TOWNSEND, of Pennsylvania. Now the gentleman from

Mr. TOWNSEND, of Pennsylvania. Now the gentleman from Mr. TOWNSEND, of Pennsylvania. Now the gentleman from Pennsylvania, my colleague, an excellent gentleman I know, and whom I esteem and admire, has given his idea of what was the value of a Congressman's services three years ago. He was honest then, I have no doubt. I trust that he is equally honest now. He has depreciated, however—and he is the best judge of the value of his own services—he has depreciated from \$7,500 a year, which he voted for and took then, down to \$4,500—a depreciation of \$3,000 or about 40 per cent., the largest money depreciation that I ever knew in reference to the services of a member of Congress.

Now, Mr. Chairman, if he was worth \$7,500 then, some of the rest of us who are not so talented, who are not so gifted or experienced.

Now, Mr. Chairman, if he was worth \$7,500 then, some of the rest of us who are not so talented, who are not so gifted or experienced, ought to be worth at least \$5,000 a year. We think we are. I think I am. My constituents think I am or they would not have sent me here. I tell you in regard to that, that my constituency would not send me here for any sum under \$5,000 a year. I am instructed as to that. I cannot vote for less than I am by law now entitled to.

Sir, during my first canvass for Congress seven years ago I stumped my district with my political opponent. He was a middle-aged democrat, a lawyer, well informed, cloquent, and economical. He ran upon the same line which the Committee on Appropriations is running on to-day. We called it then "the economy dodge;" I do not know what it is called now. We stumped my district together, spoke from the same platforms to the same audiences at the same meetings, and we had a good time generally. He appealed to the people that the Government was too extravagant, that it paid now \$5,000 a year to Congressmen, whereas in the olden times when Henry Clay and Daniel Webster and Calhoun and others of like ability were here the pay was only \$8 a day; and on the stump at every meeting he made a propoonly \$8 a day; and on the stump at every meeting he made a propo-

sition to the people that if they would send him to Congress he would come for the eld pay of \$8 a day, find his own roast-beef and potatoes, and give the balance over and above that to the treasuries of the counties of the district. I opposed him on that ground, among others, and said to my constituents that I would not come here for anything less than what the law allowed, and they sent me here by a triumphless than what the law allowed, and they sent me here by a triumphant majority; and whenever this question of pay of Congressmen has come up heretofore I have voted for the full \$5,000 a year or its equivalent, and my constituency have ratified my action and returned me repeatedly. I therefore want to say to gentlemen that your constituents are not niggardly. They want you to be well paid, and when they come here to see you, on business or pleasure, they do not desire to find you eating your dinner in a kitchen and sleeping in a garret, but expect to find you in good, comfortable quarters, where you can transact your business and carry on your correspondence with a proper degree of convenience and comfort. They want you to be well paid degree of convenience and comfort. They want you to be well paid, honestly, fairly, fully paid, because they know, as my friend from Pennsylvania [Mr. RANDALL] knows, because he said it in his speech, that a man with a family cannot come here and live on less than \$5,000, and he thought at that time that \$7,500 was the necessary

amount.

Now, Mr. Chairman, in regard to this matter of compensation the people are fully informed. They know very well that no man can live here with his family on less than \$5,000 a year. When the average Congressman first leaves home and his fond wife sees him going to Congressman first leaves home and his fond wife sees him going to the station with his carpet-bag in his hand, she says in the simplicity of her loving heart, "There goes the making of a great statesman." [Langhter.] But when he reaches the capital there is another woman, the boarding-house keeper, who is lying in wait for him and entertains a different opinion of him. She is smart and wary and puts him through a cross-examination to ascertain whether or not he is really a member of Congress, and if he is a little verdant and slightly elated with his position he is apt to disclose himself, and then she says to herself "Here is a fat goos to be pulpeted and L will place slightly elated with his position he is apt to disclose himself, and then she says to herself, "Here is a fat goose to be plucked and I will pluck him." [Langhter.] And I think they generally pluck him accordingly. Why, sir, I have been asked at boarding-houses in this city as high as \$20 per day for myself, my wife, and two children, being more than the pay allowed me. No man can come to this city and have a respectable living for less than at the rate of \$5,000 a year; and, sir, I trust that there will be no want of nerve in respect to this matter. I trust gentlemen will have the courage to come up to the work and do themselves justice, as well as justice to the clerks so unmercifully cut down by this bill. cut down by this bill.

Now the principle of the bill is all wrong; in fact, there is no principle about it; the only principle, if it can be so called, is to cut down 10 per cent. wherever you can, however much the cutting down may injure the public service of the country. I do not intend to say, sir, that the members of the Committee on Appropriations have made all these reductions merely for buncombe or to go before the people for electioneering purposes as great economists, because I wish to give full faith and credit to the honest intent of the committee, but I do

say that there is no principle here worth considering.

The true principle upon which this bill should be based is, first, to go through the Departments and see if there be any unnecessary clerks there, and wherever any are found to dismiss them; and then to pay those who remain full compensation for their services. Pay them well, and if they do not do duty enough, give them work for another hour each day, and if that is not sufficient, add another hour to that. Make them work eight hours a day. I work here in Congress frequently sixteen hours a day, and so do the rest of us. They can well afford to work eight hours a day, and you can thus be relieved from some of your clerks who may be incompetent. But as regards those whom you do employ, pay them sufficient to enable them to live properly and support their families and to educate their children.

properly and support their families and to educate their children.

But there is another way whereby the economies of the country may be promoted; whereby in this appropriation bill as in other appropriation bills much may be saved to the Government. A portion of it has been saved already. In the fortification appropriation bill a million of dollars was saved, a million of dollars that had before been appropriated for what would now be useless and unnecessary expenditures. Cease the building of new custom-houses and post-offices unless they be absolutely necessary. Stop the building of new ships of war and new forts and the establishment of new arsenals and magazines if they are not needed. Stop building new courthouses all over the country. Cut off new appropriations for the improvement of rivers and harbors where they are not yet absolutely necessary, or where commerce can be carried on as well as it has been necessary, or where commerce can be carried on as well as it has been heretofore, and let those improvements wait for "the good time coming," when we may be entirely out of debt, or so far out of debt that it will be manageable and within our control.

Keep up all necessary repairs. I would not diminish the appropriations for repairs a single dollar. Keep the Government in full work-

ing order; keep everything going that is necessary to be kept moving. But encourage no useless expenditures; cut off all of those. I ask in the name of humanity, in the name of justice, in the name of all that is good and right in legislation, that this indiscriminate and wholesale slaughter of the salaries of the employés of the Government, especially of the lower classes of clerks already named, shall not be ratified by an American Congress.

Mr. RANDALL. Mr. Chairman—

Mr. WILSON, of Iowa. The gentleman from Pennsylvania [Mr. TOWNSEND] agreed to yield to me the remainder of his hour after concluding his remarks.

Mr. RANDALL. The gentleman gave up the floor, and the Chair

recognized me.

Mr. TOWNSEND, of Pennsylvania. I have not given up the floor. Mr. RANDALL. I will take but a few minutes, and the gentleman from Iowa [Mr. Wilson] can take the floor afterward.

Mr. TOWNSEND, of Pennsylvania. I want to say that I promised

my friend from Iowa that at the close of my remarks I would yield

The CHAIRMAN. That can be satisfactorily arranged.

Mr. WILSON, of Iowa. I will wait till the gentleman from Pennsylvania [Mr. RANDALL] is through, with the understanding that I shall then be recognized as entitled to the floor.

Mr. RANDALL. The gentleman from Pennsylvania [Mr. Townsend] has favored us with the repetition of a speech which I made some years ago upon the subject of salaries. I knew it was to come, and therefore I am not unprepared for it. I am not like the man who said he came unprepared, and then pulled out of his pocket a written speech. [Laughter.]
Mr. TOWNSEND, of Pennsylvania. That was a democrat, Isaac

Hill, of New Hampshire. [Renewed laughter.]
Mr. RANDALL. Every word I then uttered I believed; every word then uttered was sincerely spoken, and after that vote and after that speech I went home; and while some of my constituents who had always co-operated with me politically condemned that vote, yet they gave me the same credit which the gentleman gives me to-day, that I was sincere and honest in both the vote and the speech, and they

I was sincere and honest in both the vote and the speech, and they returned me to this House, and in consequence I now occupy the exalted position assigned me by the Speaker of this House.

I am not, however, unmindful of the fact that the American people condemned that act; and I am manly enough to-day to say so. In obedience to their demand I give up my own opinion upon that question, and I stand here to-day in accord with the American sentiment, seeking to remedy what they have condemned. In addition I stand here as chairman of the Committee on Appropriations, and as the spokesman of that committee and of the democratic party in this respokesman of that committee and of the democratic party in this respect, to show that we mean to have economy, we mean to have re-trenchment, we mean to cut down the salaries of members of Congress along with those of all the rest of the officers of the Government. I believed then what I said, but my individual opinions have been overruled and I yield as a man should. In reducing these salaries I am in fact coming up to the demands of the people, as the gentleman will find out.

We have not gone indiscriminately into the reduction of salaries. We have reduced the salaries of almost every officer of this Government which exceed in amount \$1,200, except of the Cabinet ministers. Mr. HOAR. You do not reduce the salaries of the judges of the

Supreme Court

Mr. RANDALL. The Constitution interfered there, and we could not do it.

Mr. HOAR. I know that; I thought the gentleman might like to qualify his remark. My suggestion was not in opposition to what he said

Mr. RANDALL. Wherever we possessed the power we have reduced all the salaries above \$1,200. We reduced none at or below \$1,200, because we thought that would work peculiar hardship on those receiving small salaries. Upon what ground could the committee possibly stand in reducing all other salaries 10 per cent., and not reducing their own? For one, if any man in the committee had favored such a proposition as that, I would have been utterly unwilling

Having reduced all salaries 10 per cent., as we conceived the necessities of the times required us to do, we then turned our atteunecessities of the times required us to do, we then turned our attention to supernumeraries; we fixed the amount of reduction of clerical force at 20 per cent. But lest we might overdo the matter in that respect, we turned to the statute, and we found that according to the law these employés are required during six months of the year to work eight hours a day and during the other six months ten hours a day. We found upon inquiry that until recently they were working but six hours daily, that within four or five months past the hours of labor have been increased to seven. We found therefore that even if we took off the entire 20 per cent. in numerical force, yet, if the hours of labor as fixed by law were adhered to, we should be able to get from the 80 per cent. of employés left more labor than has been performed by the existing force under the existing hours of labor performed by the existing force under the existing hours of labor

required.

These are the facts. The reductions both as to salaries and numerical force were conducted with a system unvarying, excepting only the Cabinet ministers, and also the judges of the Supreme Court, with reference to whom the Constitution stepped in and prevented any diminution of their salary. Along with the other laws which the Ameridiminution of their salary. Along with the other laws which the american people have condemned, we propose to repeal also the increase of the salary of the President of the United States, providing that after the term of the present incumbent the salary shall be reduced from \$50,000 a year to \$25,000, the former figure.

In reference to the four classes of clerks that have been mentioned, we leave the first class at \$1,200; the second class we reduce but \$100; the third class but \$150, and the fourth class \$200. Yet we

have made provision in special cases which we thought demanded it that clerks known as principal clerks should continue to have \$1,800. The average reduction therefore which we have made as to these four classes of clerks is less than 10 per cent. And I would like to know how my colleague would have had us act? Upon what principle could we have proceeded except by the application of a 10 per cent.

reduction throughout the Government?

In regard to the expenses of collecting the customs, we found it somewhat difficult to reach the compensation of the custom-house officers throughout the United States, and I will tell you why. There has prevailed, according to my judgment, a pernicious system of paythese officers. Custom-house officers throughout the country are ing these officers. Custom-house officers throughout the country are paid from what is known as permanent appropriations. There is permanently appropriated \$5,500,000, subject to the control of the Secretary of the Treasury, in addition to such sums as are received from fines, penalties, and forfeitures. The latter amount is estimated at \$1,000,000 annually. So that the Secretary of the Treasury, for the purpose of carrying on the collection of customs, has under his control, without any review by Congress, \$6,500,000.

To-day the people are not made aware of the actual current expenditures of the Government for the reason that independently of the

To-day the people are not made aware of the actual current expenditures of the Government, for the reason that independently of the interest on the public debt and the amount necessary for the sinking fund, which is \$130,000,000, nearly \$20,000,000 goes out of the Treasury of the United States, and as to the mode of its expenditure no member of Congress has any control. This is, I think, one of the most pernicious systems ever known under any government. Twenty million dollars should not be taken out of the Treasury annually without

any legislative review.

When the chairman of the Committee on Appropriations in the last When the chairman of the Committee on Appropriations in the last Congress [Mr. Garfield] announced to the country that the amount of appropriations last year for running the Government, independently of the interest on the public debt and the amount necessary to make good the sinking fund, was \$179,000,000, it was in truth \$199,000,000. I hope that before this session shall adjourn we shall remedy this abuse; and in this reform I believe we shall have the thorough co-operation of the Secretary of the Treasury.

Reductions are as distasteful to me as they can be to anybody; and the man suffers relatively more than I do in connection with this re-

Reductions are as distasteful to me as they can be to anybody; and no man suffers relatively more than I do in connection with this retrenchment. But I stand here ready at all times, so far as in me lies, to execute the will of the people when plainly expressed; and it has been declared upon this question as clearly as any sentiment was ever expressed on any public question. The Secretary of the Treasury tells us that nothing but frugality in the expenditures of the Government will save the Treasury from bankruptey; and I mean that we shall not reach that state of things while we have the power on this side of the House to enforce economy in administration. on this side of the House to enforce economy in administration.

Gentlemen on the other side preach economy, but when we propose to practice it they throw every possible obstacle in our way. That is their attitude to-day toward all our appropriation bills. They tell the people in one breath that they want economy, and then they condemn and sneer at every man who undertakes to enforce economy in its practical effects. I am glad to say that to this remark there are some honorable exceptions, for I should be derelict in my duty if I did not state that members of the Committee on Appropriations from the other side of the House have in the main and almost entirely co-operated with members of the committee on this side in these very reductions.

Mr. WHITE. Will the gentleman allow me to ask him a question?

Mr. RANDALL. Yes, sir.

Mr. WHITE. There are two questions I would like to ask. First,

Mr. WHITE. There are two questions I would like to ask. First, did I understand the gentleman to say that he realized the fact that the country condemned his vote on the "back-salary grab?"

Mr. RANDALL. Well, now, it is none of your business what the country realized or what I realized. I have made my statement in

that connection.

that connection.

Mr. WHITE. I want to ask the gentleman another question: Does he not think the country would have more belief in his sincerity in regard to this matter if that money were now refunded?

Mr. RANDALL. That is none of your business, sir.

Mr. WHITE. The country will judge of the matter.

Mr. RANDALL. My people have over and over again approved me in this place, and when I shall do aught here except what becomes a Representative they will take care to consign me back. I took that salary, the law gave it to me, my people have approved of me since, and it does not lie in the power of any miserable man here to talk about my conscience.

about my conscience.

Mr. WILSON, of Iowa. Mr. Chairman, we have in this bill (H. R. No. 2571) the appropriation to supply the Agricultural Department for the coming fiscal year. It is one of the bills on the consideration of which it is relevant to discuss an agricultural interest that is now threatened with destruction. We have plumed ourselves on the theory that we are the granary of the world, and in many respects the theory is correct. But there are some cereals the cultivation of which in their highest perfection, owing to want of the proper seeds, knowledge of soil, and climate, and the adaptibility of the plant to new elements of growth have up to this time kept up nartially deabout my conscience new elements of growth, have up to this time kept us partially dependent on foreign countries. Among this special class of plants that we have not yet succeeded in bringing to perfection for some special uses is flax.

It will be the business of the Agricultural Department to gather through our representatives abroad seeds that are suited to our soil

and climate so that they may assist the agriculturists of the country in saving us the many millions of dollars that we now pay for these cereals.

In this connection I desire to call the attention of the Committee of the Whole to the numerous petitions that have been sent here from many of the northwestern States whose enterprising citizens have engaged in the production of flaxseed and in the manufacture of oil

expressed from it.

The bill (H. R. No. 1711) introduced by Mr. Morrison, of Illinois, to change customs duties proposes to interfere seriously with this growing industry. The farmers of my State are looking in every direction for avenues in which they can diversify their industries. In 1870 we had a surplus of corn that would not bear transportation. We increased our live stock with which to convert corn into meat that would bear tronsportation, until our export of animal products equals that of our breadstuffs in value. We imported in 1873 2,679,795 bushels of flaxseed, costing \$4,223,936; in 1874 we imported 2,647,208 bushels, costing \$4,292,911.95; in 1875 the amount imported rose to 3,479,777 bushels, costing \$5,729,095.

The increase in our imports is growing very rapidly, but our own people have not been idle in the mean time; for, while in 1870 the whole United States only produced 1,730,400 bushels of flaxseed, it is estimated that there was produced in the country in 1875 3,000,000 bushels. The census of the State of Iowa shows that while she only bushels. The census of the State of Iowa shows that while she only produced 88,621 bushels in 1870, she now produces 559,836 bushels, nearly one-third of what the whole United States produced in 1870. This industry in Iowa occupies 72,984 acres of land and gives employment to a great many people. But besides this it is one of the products of our soil that is manufactured at home. Oil-mills have been built in many of the counties of Iowa, and if unfriendly hands are not laid upon this industry in the interest of the pauper labor of Russia and British India, that, despite the duty now levied, sends us five million seven hundred and twenty-nine thousand and ninety dollars? million seven hundred and twenty-nine thousand and ninety dollars' worth of flaxseed annually, we will only have to wait a few years till the business of growing and manufacturing is so well established that nothing can disturb it.

Our people are remonstrating extensively againt the reduction of

duty on seeds and oil as contemplated by the Committee of Ways and Means. The proposed legislation will be a repetition of our experience respecting our flax-fiber interest. We had ninety mills for making tow in the Northwestern States. The duty was taken off jute-butts in 1872, and every mill stopped. The last Congress by a large majority put back the duty; but we find it is easier to stay an industry by hostile legislation than to bring the component parts of a manufacturing establishment together. That legislation invited raw material from abroad, while our own rotted in the field. The result of reducing the duty on flaxseed and oil will be to stop the growth of flax in the Northwest altogether, and stop eighty oil-mills. These mills may be established on the Atlantic seaboard to crush foreign seed that is brought to this country as ballast. The oil-cake that we export to Europe is of more value at the seaboard than on the Mississippi; and looking at this question from a transportation stand-point, India is nearer our Atlantic seaboard than Iowa. The Morrison bill favors India at the expense of our own country, its cultivators and

Oil will be increased in value by passing through the hands of nu-

merous traders, and increased cost of transportation.

The remarkable growth of the flax interest in Iowa in the last few years shows conclusively that it is but a question of a few years when we will produce all our own flaxseed and make all the oil we use. There are but few industries we engage in that need any protection, and the people of this part of the Union, who are the purchasers of the manufactured articles of the East to such a large extent, have

right to expect consideration.

The time will soon come, I hope, when many of the considerations that enter into this question will be eliminated. East India seed is cheaper, because the producer receives wages that would not support an American workman. The seed yields more oil, because we have not yet discovered all the scientific facts that enter into the production of the product not yet discovered all the scientific facts that enter into the production of first class flax. But it is only a question of time. We are driving Russia from the grain markets of Europe by the use of cultivated heads and hands and superior machinery on the farm. The time of five men one day in Iowa cuts and puts in the stack twenty-five acres of wheat. Give us a few years to study this industry in all its relations and we will not trouble Congress about it. We want time to study its value and nature, to adopt it into our cropping system, to apply machinery to its management in the field, and secure neighborhood organizations to manufacture the seed and fiber. The greatest drawback to western agriculture is the limited number of crop-plants whose cultivation is sufficiently understood to be profitable. The addition of every new plant to the list extends the time of seeding and harvesting. If its seed or fiber can be manufactured in the vicinity where it is raised, industry is diversified and transportation saved.

Capital and labor have been both high in the States that are now so rapidly coming up to the point of producing all the oil the country needs. The Northwest has been patient while paying increased prices for home-made articles of all kinds manufactured in the East, knowing very well that a home market would be created for our staples to supply the operatives. Many of the eastern manufacturers can now stand alone and are beginning to send something abroad from their shops. But an examination of the list of articles sent abroad in 1875 will show that if we exclude the products of the field, the forest, and the mine, not more than one-twentieth of our exports are from our shops, or about thirty of the six hundred and thirty million dollars' worth exported last fiscal year. So rapid has been the growth of our population and so great our own wants, manufactures have not to any great extent outgrown the wants of our own people. As the agricultural States accumulate wealth, as they are now very fast, the debts owing to the East will be paid off; the land will become the property of residents altogether; the price received for the large surplus crops will seek investment in industries in our towns and villages, with a view to consuming at home as much as possible the ever-increasing surplus.

Now that our people ask protection from the pauper labor of Russia and India on this article that they have been adopting into the list of crops, it is no more than fair, just, and equitable that the duty on these commodities should be retained on the statute as they are now. We are far from the seaboard; transportation consumes much of our profits. We have asked that extortion and discrimination on interstate railroads be prevented. But this House refuses to consider the question or allow a vote on a resolution I introduced declaring the power and duty of Congress in this respect. We attempt to evade the transportation tax by starting manufactures, and a western man, singularly enough from the great grain and meat raising State of Illinois, proposes to prevent the growth of new crops and the establishment of new manufactures. If this tariff bill had come from an eastern member, I could well understand the object. No eastern man, however, will have the hardihood to refuse us the benefit of a tithe of the laws necessary to raise revenue and incidentally protect labor while we are getting upon our feet in the manufacturing of our own raw material.

We owe obligations abroad as individuals, corporations, cities, States, and as a nation. We are an honest people and we mean to pay these debts; but we must earn the money before we can pay them. The industrious men of the nation on the farms, in the shops, in the forests, and in the mines must toil to prepare articles for sale, or our debt will never be paid. A struggle is going on between the workers of our country and other countries. Thousands of our workers are idle. Mr. Morrison's bill proposes to make idle several thousands more. Over seventy-two thousand acres in Iowa is to lie idle that has been raising flax, and the cultivators of these acres are to stand idle or raise corn to add to the one hundred and forty million bushels we now raise, in order to enable the Russians and Bengalese to sell us twice as much flax and oil as they sell us now and cripple our ability to pay our war debt. Is it either wisdom, justice, or public policy to stop our creators of wealth?

Mr. HUNTER. Mr. Chairman, the bill now before the Committee on Banking and Currency, which provides for the regulating of interest by Congress and fixing the same at a rate not exceeding 6 per cent in every part of the United States, is one that I had the honor to present to this House. I regard the questions embraced within it the most important that can or will be brought before this Congress. The future happiness and prosperity of all the laboring interests of this country are involved within it. High interest has had more to do with bringing upon our people their present distresses than all other causes put together. It is the devouring moth that has consumed the substance of the business and laboring people of the country and retarded our national growth and prosperity. I therefore respectfully ask the House not to pass unfavorable judgment upon the bill until its merits shall have been fully discussed and understood.

In a country like ours, where we are blessed with every variety of climate that the wish of man could desire; with a productive soil, sufficient in quantity when properly cultivated and stocked to feed and clothe not only our own people, were our population tenfold what it is, but the whole world besides; and with minerals enough to supply the wants of mankind—with all these advantages and blessings, still the country is not prosperous. Its business is paralyzed; many of its workshops and manufacturing establishments are standing idle; the masses of the people are burdened with debt and taxation; the labor of the country is unemployed, and hundreds of thousands who want work, but cannot get it, are actually suffering for the necessities of life. These things should not be so. Yet they are stubborn facts that are looking us squarely in the face, and we have to meet them whether we want to or not.

What are the causes of this paralysis in business, and this distress of our people? They are various. Among them may be mentioned, overproduction, extravagance, destruction of property by flood and by fire, failure of large numbers of our business men, want of confidence in business among our leading capitalists. But the principal cause, and the one that lays at the bottom of all these I have mentioned, except loss by flood and by fire, is the enormous rates of interest that our people have been compelled to pay and are still paying in order to keep up their credit and carry on the business of the country. I mention overproduction as one of the causes of our present troubles; and when we take into consideration the high interest that our operators have had to pay for money in order to do business, it is one of the causes. But still we have not produced one-half what we should have done to give us the prosperity that we are entitled to and which

we ought to have enjoyed had interest been at a rate that would have justified production.

With our vast deposits of coal and iron; with our rich and productive soil for the growth of food and cotton; with our unlimited supply of every variety of timber for the manufacture of all articles made of wood; with our advantages for the growing of wool; with our net-work of railroads; with our water-lines of transportation—with all these advantages for manufacturing and shipping our products to market we should not have suffered one pound of raw material to have left our shores, but everything should have been manufactured here, and the profits in so doing saved to our own people, and the surplus beyond what we needed for home consumption should have been sent abroad in American bottoms, built in our own ship-yards. But our trouble is now, and has been all the time, that these natural advantages are of no benefit to us, for the reason that most of the articles we manufacture, after they are produced, are not worth any more, and often not as much, as the cost of their production, on account of the high rates of interest that our manufactures have to pay for money to carry on business.

Men cannot afford to work hard all the year, and when they balance their accounts, find that the interest which they have had to pay for money in order to do business amounts to more than their clear profits on the work they have done. That has been and still is the real showing of the balance-sheets of a majority of our merchants, manufacturers, and business men who have had to borrow money in order to do business, until hundreds and thousands of them have become utterly discouraged, stopped work, and ceased to employ labor, and as their only relief from their embarrassment many of them have gone into bankruptcy. Hence our laboring people, who spend their money freely to make themselves and families comfortable when they have it, are without employment and without money to pay their debts or purchase the necessities of life.

Many gentlemen who are free-traders in money insist that it is our tariff laws that have closed against us the markets of the world, and have therefore dwarfed our productive industry and caused all this distress upon the country. They say that our high duties have kept us from manufacturing and shipping our products abroad, and competing with Europe in the markets of the world. When Great Britain to-day, with her cheap interest and cheap labor, is able to ship her manufactured articles to our own shores, pay our present duties, and then sell the articles in our own market as cheap as we can manfacture them here, on account of our high rates of interest. If our manufacturers could use money at low interest, they could furnish products to our own people at cheap rates, and we might then talk about competing with Europe with our manufactured articles in all the markets of the world, but not till then. It is therefore high interest, and not the tariff, that is hurting us, and preventing our prosperity; for under our tariff laws as they are we ship scarcely anything abroad, except our raw material. And still we purchase from Europe of her manufactured articles, as a general rule, more in value each year than the raw material we ship away, and that difference we have to pay in gold. If our tariff was made lower, and the rates of interest remained as they are now, the only result would be we would purchase more abroad than we have been doing, and have that much larger balance in gold to pay. We purchase enough now for our own good, and certainly want no changes in the tariff that would require us to purchase more, in order to make our revenue equal to what we now receive. For every manufactured article we purchase abroad, to that extent we rob labor here.

abroad, to that extent we rob labor here.

Mr. Chairman, I venture the assertion that if you could get the real and honest sentiments of all the people of the United States to-day, ten-twelfths of them would tell you that the paralyzed condition of the country, the failures and bankruptcy of so many of our business men, the suffering and want of our laboring people, are attributable more to the high rates of interest that they have had to pay for the use of money in order to do business than all the other causes put together.

The power of money to accumulate by interest is a subject that is not thoroaghly understood by our people; if it was, but few men could be found who would question for a moment the truth of the assertion that it is high interest more than every other cause that has paralyzed the country, broken down the business men, and driven so many of them into bankruptcy, and brought so much distress, misery, and want upon the laboring people.

To illustrate this power of interest, let me give a few examples

To illustrate this power of interest, let me give a few examples where the note is renewed at the end of each year and the interest included within it.

One dollar loaned one hundred years at—			
1 per cent. would amount to	distant sile	\$2 7	15
3 per cent		19 2	
6 per cent		40 0	
10 per cent			
12 per cent			
15 per cent			
18 per cent			
24 per cent	2, 551, 799, 4	04 0	N

If the notes were renewed every four or six months, instead of oucc a year, the increase would be much larger than the above figures show.

Most persons, without giving the subject reflection, suppose that money at 6 per cent. thus loaned would only be six times more in amount than when loaned at 1 per cent., but the figures show that it

amounts to over one hundred and twenty-three times as much. And when loaned at 10 per cent., instead of its being ten times more than when loaned at 1 per cent., we find it amounts to more than five thousand times that amount, and over forty times as much as when loaned at 6 per cent. And when loaned at 12 per cent., which is 1 per cent. a month, the usual rate paid in my part of the State—Indiana—instead of it being only twelve times as much as when loaned at 1 per cent., we find it over thirty thousand times that amount, and about two hundred and fifty times as much as when loaned at 6 per cent. And as we increase the percentage, the increase in amount is much more rapid; in fact, the increase is so great, that its results are not only astounding, but alarming. For at 24 per cent. the interest, instead of being twenty-four times greater than 1 per cent., amounts to near a

thousand million times more.

Now, if we will compare the results of labor for one hundred years with the results of these high rates of interest, we will see that labor stands no show whatever, for the reason that laboring men, as a general rule, neither lay up nor loan money, as it takes all their wages to properly support, clothe, and educate their families. What they earn they make it benefit the country, for they keep it in circulation.

The above figures show that one dollar in the hands of a capitalist loaned for one hundred years at 12 per cent. would lay up for its owner \$84,675; while a laboring man in one hundred years, supposing him to work three hundred days in each year, at \$1.50 per day, could only earn \$45,000. So that one dollar loaned for one hundred years at 12 per cent. would earn for its owner during that time \$39,675 more than a laboring man at \$1.50 per day could earn during the hundred years. And at 24 per cent. the one dollar would earn for its owner \$28,404 more than 56,706 laborers could earn during that time, supposing each man to work three hundred days in the year at \$1.50 each per day. For the figures show that the one dollar for one hundred years at 24 per cent. would earn \$2,551,798,404, while 56,706 laborers at \$1.50 per day each for one hundred years, counting three hundred working days in each year, could only earn \$2,551,770,000. Excess of interest over labor \$28,404.

When we reflect that the annual increase in value of the whole country does not exceed 3½ per cent. under our present mode of doing business, and that all this increase in wealth is added by labor, how is it possible for labor to prosper while it has to pay to the money lender from 10 to 12 per cent. for the use of money to do business that yields only 34 per cent.? It must be remembered that the difference between the percentage of increase of wealth and the interest on money that is used in business is a tax upon labor, which keeps it oppressed and will continue to oppress it as long as high rates of interest are permitted.

If interest was so regulated by law that it could not in any case exceed 6 per cent., money-lenders would then be compelled to keep their money active. They could not afford to let it lie idle. They would either put it in business themselves or loan it to those who could afford to. The labor of the country would soon be employed to its fullest extent; manufacturing establishments would be multiplied by the thousand and laborers by the millions; substantial wealth would be rapidly added to the country, and the people relieved of their embarrassments; manufactured products would be cheap, and the markets of the world supplied from our workshops. Then the difference between the percentage of increase of wealth and that of in-terest on money would be very slight, and labor would be relieved of the burden of that difference, which has been hanging like a millstone upon its neck.

Many persons object to regulating the price of money by fixing the interest it shall earn, and say that you might as well undertake to regulate the price of wheat, corn, beef, hogs, labor, rents, &c., by law as to undertake to fix the price of money. There is no good sense in the objection, for the reason that money is not a commodity like wheat and corn. It is used to purchase or exchange commodities. Its value is not regulated by wheat and corn, but the value of wheat and corn is regulated by it. Money is the yardstick that measures the value of all articles in the market for sale or hire. If money is worth 6 per cent. and not allowed to go above that, then wheat, corn, labor, and rents will have a regular value in the market, for we generally find that there is about so much raised, and so much labor hired each year, increasing in amounts with the increase in population and wealth. But if the value of money is allowed to fluctuate so that one month it is worth 6 per cent., and the price of all articles is regulated by it, if the next month it is worth twice as much, say 12 per cent., then labor and all other commodities ought to double in price so as to keep pace with it; but the reverse is true. When interest is high then labor and the products of the farm are cheap, and times become hard. Hard, it is true, upon the labor of the country, but not upon the wealth, for the wealthy have the money and get twice as much for its use during these hard times as the laboring-men for their labor and products, and hence the burdens and miseries of hard times fall upon those least able to bear them.

But, says one, times are now hard, and still everything in the shape of food is dear in the market. How do you account for that? And why do you not regulate the price of these articles as well as that of money? Articles of food in the market are dear, not because of the price paid to the farmers who produce them, but because they are necessarily brought to market by middle-men, who are compelled to pay so much for the use of money and such high rates for transporta-

tion on account of high interest that when the articles are sold in the market at a reasonable profit to these middle-men they are necessarily dear, and in many cases the poorer classes of people in cities by reason thereof are compelled to eat inferior and often unhealthy food. Therefore I insist upon making money—which controls the price of everything else—cheap, and then all articles of food and clothing in the market will be correspondingly cheap to the consumers. There is no other way of regulating the price of articles in the market

except by regulating the price of money.

But I am told that regulating the value of money by fixing the rate of interest is in opposition to the views of modern writers upon the subject of money as well as against the intelligence of the age; that interest must be regulated by the law of supply and demand, and not by statute; that usury laws are a humbug, a relic of the dark ages, and only serve to make interest higher instead of lower.

Mr. Chairman, I am aware that that is the argument of the money lenders of the world. I know they think they represent the intellilenders of the world. I know they think they represent the intelligence of the age. They refer us to Great Britain and other European governments, where usury laws have long since been abolished, as proof of the fact that free trade in money—that is, letting the law of supply and demand regulate its price—makes interest cheap; for they say that interest is only 3 and 4 per cent. there. I admit that interest is cheap in Europe. Why? Because capital, not having been properly restrained there by law, has ground labor by its rates of interest until it has made paupers of all its laboring-people, and 3 and 4 per cent. is now all that it can squeeze out of them. Hence, that is now the rate of interest there. If labor could pay more, capital would exact more, for it takes every cent of the earnings of labor in Europe except a bare subsistence. Does any man within the sound of my voice desire that such a state of things shall ever exist in this country? Does any true lover of a republican form of government desire Does any true lover of a republican form of government desire to see the labor of this country reduced to pauperism? If not we must protect it by controlling the power of money. That can only be done by an act of Congress made broad and strong enough to prevent usury, for the States have not the power, as I will show; and the law of supply and demand cannot, for, under its operations, high interest

has almost eaten up the country.

An act of Congress that will save the labor of the country from the usurious grasp of capital is called by our money-lenders a humbug, a relic of the dark ages. Why a law to prevent usury should be thus characterized I cannot understand. History does not warrant it; neither do the decisions of the legal tribunals of the country; for in the highest courts of both Europe and America, where the utility of usury laws have been thoroughly considered by the ablest judges who have ever sat upon the bench, with scarcely an exception these judges have all agreed that usury laws were an absolute necessity to protect the weak against the extortions of the strong.

Lord Redesdale, one of the ablest of the English judges, in closing

an opinion in a celebrated usury case, said:

The statute of usury is constantly interposing its warning voice between the creditor and the debtor, even in their most secret and dangerous negotiations, and teaches a lesson of moderation to the one and offers its protecting arm to the other. I am not willing to withdraw such a sentinel. I have been called to witness, in the course of my official life, too many victims to the weakness and to the inflamed passions of men.

Chancellor Kent, one of the ablest of his profession in America, in a celebrated usury case before the court of errors of the State of New York, after thoroughly reviewing the history of the law of usury and its effects upon society, closed by saying:

I apprehend it would be perilous in the extreme to throw aside all the existing checks upon usurious extortion and abolish or traduce a law which is founded on the accumulated experience of every age.

Mr. Tyler, in his work on usury, written in 1872, on page 64, in speaking of our usury laws, says:

That in most cases the objections to these laws emanate from money-lenders themselves, and they are usually most prominent in making efforts to obtain their repeal; and, further, that it is the daily observation of every discerning business man that no person can continue for any considerable length of time in any legitimate calling who is in the constant habit of borrowing money at exorbitant interest; his failure is a foregone conclusion, and it is only a question of time. The probabilities therefore are that these legal restraints will still be continued in many or most of the American States, and that the time is at least far distant when the system will be permanently abandoned.

Our great treable in legislating by States is this: We have so many

Our great trouble in legislating by States is this: We have so many of them and their laws are so different that it is an impossibility for of them and their laws are so different that it is an impossionity for the people by State law to protect themselves against usury. For example, if the people of one State fix interest, say, at 6 per cent., and make the law so strong that no man dares violate it, the result is that the money-lenders of that State transfer their loans to some other State where interest is higher; and the people who made the law find it an injury instead of a benefit, for all their money is taken from them to other States. The law, therefore, remains on the statute-book a dead-letter for the reason that the people cannot afford to have it enforced. The States were not able to give us a currency such as we needed. Congress had it to do, and has given us just what we need; if we will only be satisfied with it until we are in condition to make it better, and if we ever get a law in this country, that will make interest cheap, and one that can be made effectual by its enforcement, that law will have to be passed by Congress. The States have not the power to protect their people against usury, for the reasons that I have given, even if they have the right to regulate interest upon national money, which I insist they have not unless

Congress permits it.

The law of supply and demand, which many insist will regulate interest and keep it at reasonable prices, is beautiful in theory, but so far as regulating interest is concerned it is a failure in practice. I have no doubt it would regulate the price of interest as well as any other article in the market, if money-lenders and money-borrowers stood upon an equality and it was left free to operate according to the laws of trade. But money has such power that it can and does set at defiance the law of supply and demand whenever its owners will it, and they then control prices in the market to suit themselves, as the people of this country to their sorrow well know. For example: The amount of coffee that has been brought to this country the last few years was sufficient in quantity to supply the demand each year, and, therefore, according to the law of supply and demand, coffee should have been cheap; but, not with standing the supply was equal to the demand, coffee has not been reasonable in price; it has been much higher than it should have been. Why? Because a few capitalists went into the market and bought up all the coffee that was for sale and then fixed the price to suit themselves, and made the people pay it. The law of supply and demand, as laid down in the books, had nothing to do with regulating the price of this coffee. Its price was controlled entirely by the demands of capital.

So with money. I have no doubt but what there is plenty of money in the country to supply the demand for all legitimate business; but, like the coffee, it is in the hands of the few and they control its price. They know that business must be done and that it cannot be with-

So with money. I have no doubt but what there is plenty of money in the country to supply the demand for all legitimate business; but, like the coffee, it is in the hands of the few and they control its price. They know that business must be done, and that it cannot be without the use of money. They also know that the people are burdened with debt and must have money to keep up interest and pay these debts. They further know that the demands of these business men and debtors of the country for money will be so great that they will pay almost any price for its use that may be asked. They understand the amount of money that is in the country each day and know that it cannot be had except from them. With all this knowledge they have the money-borrowers entirely within their power and can and do exact such rates of interest as they see fit. The law of supply and demand has nothing more to do with regulating the price of interest upon the money that is loaned within the United States than it had in fixing the price of the coffee in the cases above referred to.

The speech that was made some days since by the distinguished gentleman from Maine was able, but it was devoted entirely to the question of making our money better, not making interest lower. That is not what the country needs. Our money is good enough now, if men could only get it at rates of interest that they could afford to use it in business and give employment to labor. If we could only put our people to work and get all of our manufacturing establishments again in full operation, we would soon grow out of our troubles and our people would be prosperous and happy. Low interest is the only thing that can or will revive business as it should be. Suppose we make our greenbacks equal to gold; how will that improve business? The men who have the greenbacks to exchange for gold will not put the gold into business when they get it; neither will they loan the gold to those who would any cheaper than they would have loaned the greenbacks before they were exchanged for gold. The trouble, as I have said, with the country is not because our greenbacks are not equal to gold, but because interest is so high that those who want to do business and give employment to labor cannot do so, for the reason that they can neither borrow the greenbacks nor the gold at rates that will justify them in doing business. Making our paper money equal to gold, unless we in some way lower interest, would only tend to make money more scarce and more difficult to borrow for business or to pay debts, and hence would aggravate instead of relieve the present embarrassments of our people.

I have no faith in the argument that our country is losing hundreds of millions each year because we do business with a depreciated currency, when we have to buy and sell at prices fixed by the gold standard; for the reason that our greenbacks, like our wheat and corn, are regulated in price, to a great extent, by gold. If a trader, therefore, goes out through the country and purchases wheat, corn, or any other product of the farm, with greenbacks, he knows the value of the greenbacks as compared with gold, and knows how much wheat is worth in gold, and can therefore easily tell how much he must pay per bushel in greenbacks to make it equal to the price of gold. The only risk he runs is this: Wheat may fall in price, and be cheaper when he has to sell than when he purchased, but that risk would be the same whether he purchased in gold or in greenbacks. But, even if we were upon a gold basis, still there would be an uncertainty in the value of our money the same as now, for the reason that we reckon our money by dollars and cents. Great Britain reckons hers by pounds, shillings, and pence. We alloy our gold more than Great Britain does hers, which makes the same weight of her gold of different value from the same weight of ours. Our gold coin does not circulate in Great Britain as money, but it goes at once to the melting-pot as soon as it reaches her shores and is coined into her kind of money. As it would require the calculation of experts to tell the value of our gold as compared with that of Great Britain, even if we were on a specie basis, it is but little more trouble to calculate the value of greenbacks as compared with gold. Our people have become accustomed to this difference in value, and bny and sell with special reference to it.

The only reason that our greenbacks are not now worth their face in gold is because the indebtedness of the country is so great that we cannot pay the gold for them. It takes all of our gold to pay interest upon our foreign indebtedness and settle our balances of trade.

The kind of financial system that we need is one that will make the country prosperous and enable us to pay our public debt as rapidly as possible, and save this eternal drain of gold interest; for when that is paid our greenbacks will then be worth their face in gold, because the custom duties of the country, being collected in gold, the surplus, with which we now pay interest, could then be applied to the redemption of our greenbacks, which would make them equal to gold. The banks would then have to redeem their notes in gold in order to make them equal to greenbacks.

Our debts were contracted under a greenback currency. It is but fair and right that they should be paid under it. But to pay them rapidly we must first make the country prosperous, then the people can and will stand to be taxed for that purpose. Prosperity can only

Our debts were contracted under a greenback currency. It is but fair and right that they should be paid under it. But to pay them rapidly we must first make the country prosperous, then the people can and will stand to be taxed for that purpose. Prosperity can only be brought about by putting the labor of the country to work to its fullest capacity and at living wages. To do that, interest must be made low, otherwise labor cannot be profitably employed.

To give the country a financial system that would accomplish these

To give the country a financial system that would accomplish these things, all that is necessary for us to do is simply this: repeal that part of the Sherman bill that requires us to commence redeeming greenbacks in gold on the 1st day of January, 1879. Let the volume of the currency remain as it is, give to the national banks \$1 in currency for every dollar in bonds deposited by them, relieve them of all national taxation except just enough to pay the Government all expenses it incurs in their behalf. Fix interest by act of Congress so that national money could not be loaned by banks or individuals at a higher rate than 6 per cent. in any part of the United States. The capital of the country would then go into national banks, because it would be the most profitable way in which money could be loaned. National banking being free, it would expand the volume of the currency, not inflate it, to suit the growing wants of business and at rates of interest that the country could stand.

By this system the country would have all the money that it would need for business, and it would increase in value as rapidly as we paid our public debt, and when it was paid our money would be par in gold. In other words, by this system we would reach a specie basis through prosperity in business. By any other system that has been suggested we would reach it, either by additional taxation, caused by the issue of bonds with which to purchase gold for purposes of redemption, or by contraction, that is, withdrawing greenbacks from circulation by canceling so many millions each month, until we would render them so scarce that those which remained in circulation would answer every purpose of gold, and therefore would be worth their face in gold. Neither of the plans by taxation or contraction to reach a specie basis would be beneficial to the country in its present condition.

Some say if we do not use gold as a currency it will not stay in this country, but will go where it is needed. We need at least two hundred millions a year to pay custom duties and our balances of trade. That amount will certainly remain with us all the time, because its owners cannot get for its use any greater price than we pay; for that reason it will remain as an investment, if for none other. If we should resume specie payments gold would not be any cheaper to us, because it would go then, as now, where the largest price was paid for it. If our debts were paid, two hundred millions in gold would keep a thousand millions of national-bank notes in circulation on a specie basis, and that amount of gold we are compelled to use here all the time for the purposes above named; and the only thing that stands in our way of resumption is our public debt. Pay that, and then we are upon a specie basis, without taxation, contraction, or derangement of business. So far as I am concerned, I do not care to see resumption until our foreign debt is paid.

natil our foreign debt is paid.

Many who oppose lowering interest by act of Congress insist that it can be cheapened by the issue of the 3.65 convertible and reconvertible bond. I have always supported that bond, not because I thought it would make interest cheaper to those who wished to borrow to engage in business, but because I believed it would enable the Government to get money at cheaper rates than it is now paying. Men who follow the business of loaning money, and from whom the people must borrow if they get it, would not loan their money to the Government for the interest provided for in these bonds, for the reason that they could get three times that amount by loaning it to people who have to borrow. The Government could not make permanent loans in the market on bonds drawing less than 5 per cent. interest in gold, payable semi-annually, even if these 3.65 bonds were issued. It would only be the money that was temporarily loaned that the Government could get the use of for these bonds—such as the short deposits of business men, the reserves kept in banks, the mites of laboring people that are kept in saving institutions so as to draw an interest until needed for use, and money of speculators that they keep to use at certain periods of the year and will not risk loaning it to the people, but want it to draw interest while idle and be ready whenever needed for use or speculation. These persons would not loan these bonds to the people for the reason that if they had wanted to loan their money they would have loaned it in the first instance at 10 and 12 per cent, without going to the trouble of purchasing these bonds which bear a low interest and then loaning them. How, then, will the issue of this

3.65 bond make interest lower to those who want to borrow money?

They are the men I am trying to protect.

Suppose these bonds were issued, and John Smith wanted to borrow \$500. How would he get it? He would have to go to a bank, or a man who loaned money, for it. He would say to the cashier of the bank, or the money-lender, "I want \$500. How much interest will you charge me for it?" In my State (Indiana) they would answer, 1 per cent. a month. John would say, "How is that? I thought the Government had issued the 3.65 bonds in order to make interest low." They would reply, "We know nothing about that. We do not invest our money in these cheap-interest bonds. We keep those who purchase these bonds." He starts off, and calls upon a speculator who has a safe full of them, and says, "Mr. Speculator, I want to borrow \$500." The speculator replies, "I have no money to want to borrow \$500." The speculator replies, "I have no money to loan. I keep it to speculate on. I have it all invested in 3.65 bonds." "Well," says John, "loan me the bonds; they will answer my purpose." The speculator replies, "How much interest will you pay me?" John says, "As the bonds draw you only 3.65 per cent. interest, I will pay you 6 per. cent." The speculator replies, "In two or three months from now I can make 15 or 20 per cent. on my money; therefore it is better for me to let it remain in my safe and draw 3.65 per cent. interest for a short time, until I can use it at 15 and 20 per cent, than loan it to you at 12 per cent." John, looking astonished, says, "I thought the Government issued these bonds in order to make interest cheap?" The speculator replies, "Yes, it is cheap to the Government; it is now using my money at 3.65 per cent. interest." John answers, "That is not the question. I care nothing about what interest the Government is using your money at. What I want to know is this, why I cannot get \$500 at 6 per cent. interest when we have this 3.65 bond in use?" The speculator replies, "The 3.65 bond has nothing to do with making interest low to you men who have to has nothing to do with making interest low to you men who have to borrow money." John answers, "Why?" The speculator replies, "The Government does not issue these bonds to loan to the people like money, but only to exchange them with the people for green-backs. I have greenbacks, but I do not loan them. I keep them to speculate with, and in order to make them draw me interest while they are idle, I exchange them with the Government for these bonds. If you want to borrow money you must go to the banks or money-lenders, where they keep their money to loan, and do not invest it as I do in these 3.65 bonds." John answers, "I have been to the banks and the money-lenders, and they will not loan it to me for less than 1 per cent. a month, and that I cannot stand." The speculator replies, "That is cheap enough. If I loaned my money I would lator replies, "That is cheap enough. If I loaned my money I would not let it go at lower rates, for the reason that money is worth all we can get for it, and the more the better." John answers, "I would like to know, then, what good the 3.65 bond does, if I cannot borrow money for less than I per cent. a month?" The speculator replies, "It does me considerable good." John asks, "How?" He replies, "If it was not for this bond my money would lie idle for three or four months at a time, and would not pay me a cent; but now I deposit my greenbacks in the Treasury for these bonds, and get 3.65 per cent. interest on them while they are thus idle." John answers, "Then these bonds are issued simply to enable speculators to draw interest on their are issued simply to enable speculators to draw interest on their money while it would otherwise be idle, and for banks to draw an interest on their money reserves which they have to keep on hand under the law. I had always thought before that these bonds were ander the law. I had always thought before that these bonds were for the purpose of making interest cheap to the men who had to borrow money, but I now see they are issued for the benefit of the speculators and bankers, to get interest on their idle money." "O, no," replies the speculator, "they benefit the poor laboring people who have savings to exchange for them." John answers, "I do not know so well about that. The poor can get more than 3.65 per cent. in the savings-banks for their deposits, which is as good for them as this bond. But," says John, "Mr. Speculator, I started out to borrow \$500. I cannot do without it. I must have it or lose my little home, and the money-lenders know it and they exact from me twice as and the money-lenders know it, and they exact from me twice as much interest as I can make out of the money. Hundreds of my neighbors are in the same condition, and, to my sorrow, I find that

this 3.65 bond will not make interest low, so as to give us relief."

The above is a practical illustration of the manner in which the 3.65 bond will cheapen interest. Its only beneficial effect will be to cheapen interest to the Government on these temporary exchanges or loans that I have mentioned. The advocates of the bond insist that it is an absolute necessity in order to regulate the volume of the currency. For example, suppose more money should get in circulation than the legitimate business of the country needed, this surplus, they say, could be retired from circulation and put into the Treasury in exchange for these bonds. That is true; but if the Government did not at once put the money in circulation again by paying it out on its debts it would be compelled to pay interest on money it could not use, and the amount of interest thus paid would be that much additional burden for the people to carry, in order to enable capitalists to draw 3.65 per cent. interest on their idle money. Most men who are favoring the issue of more money do so for the purpose of having it plenty, while one of the avowed objects of the 3.65 bond is to retire money from circulation when it gets too plenty, and, in addition, make the people pay interest in order to get the money retired that most of them are in favor of keeping in circulation, and would not favor an issue of more money if they supposed it was thus to be retired at their

expense. And on the other hand, if the Government did pay it out when it was thus exchanged for bonds, because too much was in cir-culation, it would inflict upon the business of the country the very injury that the advocates of the bond were trying to avert, by putting it into the Treasury in exchange for these bonds in order to keep it out of circulation.

Others favor cheapening interest by doing away with the national banks and issuing greenbacks to supply the place of the bank-notes. How will that make interest cheaper to the money-borrowers of the country? It certainly makes money no more plenty by retiring the national-bank notes and replacing them with greenbacks. Neither will it make our money better, for a bank-note will answer every legitimate purpose in business that a new greenback will. Many suppose that by doing away with the national banks we make a large saving to the country in the shape of interest on the bonds deposited by the banks, which might be purchased and retired with the new greenbacks issued to take the place of the bank-notes. But when we undertake to show a saving by the figures we fail in the attempt, for undertake to show a saving by the figures we fail in the attempt, for the reason that the taxes which the national banks now pay to the people of the various States and to the General Government are about equal to the interest on the bonds that the new greenbacks issued to take the place of the bank-notes would retire. So that, by doing

away with the banks the people would lose as much, in the shape of taxes that the national banks now pay, as the interest they would save in the retirement of bonds, as the following figures will show:

On the 1st day of October, 1875, date of last Report of Comptroller of the Currency, the amount of bank-notes then in circulation was \$318,350,379. If that amount of greenbacks had then been issued to take their place they would have purchased bonds one half 5 and the take their place, they would have purchased bonds one half 5 and the other half 6 per cents, counting the bonds at an average premium of

20 per cent., their market price, amounting to \$254,680,314

Amount in currency saved by destroying banks...

Let us next inquire how much the people would lose by their destruction. By the organization of national banks stock is created, and it becomes taxable property in the various States and Territories where the banks are located, the same as other personal property.

On page 39 of the Report of the Comptroller of the Currency, made on the 1st day of October, 1875, he shows the amount of taxes paid by the banks to the States and to the General Government in the year 1875, which is as follows, to wit:

Amount paid to the States . \$10,076,332 00

Amount paid to United States . 7,305,134 00 
 Whole amount of tax paid by banks
 17, 381, 466 00

 Deduct amount of interest saved as above shown
 16, 108, 529 00

The above statement shows that if the national banks had been done away and greenbacks issued to supply their place, the people, instead of gaining, would have lost this year \$1,272,937. Some may urge that if the national banks were broken down most of their capital would go into private banking, and would pay not to the Government. Experience has shown us that the banks of the country, outside of the national banks, which have really three times as much taxable property as they have, do not pay one half the taxes that the national banks now pay. Not being under the control of the Government, they evade the law and escape being taxed. If our national banking capital is driven into private banks, it will follow the example

of the private banks, and escape taxation as they do.

If we break down the national banks, we compel them to wind up, which will bring untold distress upon the country, as the people now owe them about \$1,000,000,000, which would have to be paid. We would also strike out of existence over \$500,000,000 of taxable property in the shape of bank stock, as shown by the Comptroller's report made October 1, 1875, on page 4, which stock now pays to the people of the States, in the shape of State, county, township, school, road, and corporation taxes, over \$10,000,000. We would also strike out of existence the tax upon circulation paid by national banks, which last year amounted to over three and a quarter million dollars. We would also lose at least \$2,000,000 in the shape of taxes on deposits that the national banks now pay each year by being under the control of the Government, which they would not pay if engaged in private banking, as they would evade the law as our private bankers now do. It would cost us near a million dollars more each year to keep up the printing of our greenbacks, if all of our currency was of that kind, more than it now does. These are serious losses, and should be fully con-

than it how does. These are serious tosses, and should be fully considered by the people before they shall instruct their representatives to break down our national-banking system.

"But," says one, "by doing away with the national banks we will not strike out of existence taxable property to the amount of the national-bank stock, for the reason that the bonds, being converted into money, will be in the country to pay taxes in place of the bank-stock." Is that true? Let us see. Neither greenbacks nor bank-notes are taxable by the States, except by the consent of Congress. But for the sake of the argument we will admit that each are taxable, as other personal property, within the States. Then, while the banks are in existence, we have in the States two kinds of taxable property produced by them, to wit: bank-stock and bank-notes. Now, if we do away with the banks and issue greenbacks to supply the place of their notes we will have destroyed the bank-stock and the bank-notes,

their notes we will have destroyed the bank-stock and the bank-notes, and will have in their place, within the States, but one kind of taxable property, to wit: greenbacks. By this destruction of the banks we have not gained one cent in money, for we have destroyed as much in bank-notes as we have issued in greenbacks; but in the operation we have lost as taxable property the amount of the bank-stock, which, on the 1st day of last October, amounted to \$504,829,769.

Now, can any one see that we have produced any kind of property in this destruction of the banks that will take the place of this bank-stock destroyed and pay to the people of the States the same amount of taxes that it is now paying? "Yes," says one; "if the Government will take these greenbacks which it has issued to supply the place of the bank-notes and purchase gold with them, and with this gold pay off bonds, then the proceeds of these bonds will be in the country to pay taxes the same as the bank-stock." In this he is mistaken; for by this process we do not increase the property of the country one cent for taxable purposes. We simply exchange greenbacks for gold, cent for taxable purposes. We simply exchange greenbacks for gold, paying the difference in value, and with the gold we purchase bonds and then destroy them. This makes less bonds in the country, but it does not make any more gold or greenbacks than we had before, unless the gold is purchased abroad, and in that case we would send less the gold is purchased abroad, and in that case we would send abroad taxable property equal in value with the gold in order to purchase it. So that, while we would have more gold in the country to pay taxes, we would have that much less personal property which we gave for the gold to tax. But if the bank-notes had remained in circulation, would they not have purchased as much gold as the greenbacks with which to redeem bonds? In other words, would the greenbacks answer any purpose that the bank-notes would not have answered? If they would not, how can any one say that by issuing greenbacks to sumply the place of hank-notes we could nurchase any answered? If they would not, how can any one say that by issuing greenbacks to supply the place of bank-notes we could purchase any more gold with the greenbacks with which to redeem bonds than we could have purchased with the bank-notes? Then, if the greenbacks will not answer any purpose that the bank-notes would not have answered, what kind of taxable property can the greenbacks create that the bank-notes would not have created? If none, then we must lose by the destruction of the banks taxable property to the amount of the bank-stock. This stock was created as taxable property by the mere subscription of it on the books of the company, and when the banks are broken down that amount of taxable property will become extinct, like so much personal property consumed by fire. By doing away with the banks we save interest on the bonds we retire and lose tax on the bank-stock and bank-circulation we destroy. One is about equal to the other, as I have shown by the figures. So nothing is gained to the people by so doing.

In my judgment it would be unwise legislation to repeal the national-

banking law and substitute greenbacks for our entire circulating me-

dium; for several reasons:

First. It would not make our money any cheaper to the people, as

I have shown.

I have shown.

Second. It would depreciate our money in value, for this reason:
Our present greenbacks, which amount to \$371,273,140, are now worth
14 per cent. less than gold, because the Government is not able to redeem them in gold, and this depreciation we cannot prevent. If, then,
we are not able to redeem our present volume of greenbacks in gold,
and for that reason they are 14 per cent. discount, if we should double
their amount, would we not be that much less able to redeem, and in
the proportion of our inability to redeem would they not in that proportion at least depreciate in value? That loss would fall upon the
people and add that much additional to their present burdens. But
if we retain the banks, and do not increase the volume of our greenif we retain the banks, and do not increase the volume of our green-backs, and will go to work and pay our debts, we can make our pres-ent greenbacks increase in value, and as they increase the bank-paper ent greenbacks increase in value, and as they increase the bank-paper must increase in the same proportion, because it is redeemable in greenbacks; and when we pay our debts and our greenbacks are worth their face in gold the banks of the country must make their notes equal to gold; and then the expense and trouble of redeeming the money of the country will be thrown upon the banks, where it should be, and not upon the Government; and the banks being scattered over the country will make redemption and exchanges of money convenient to the people.

Third. If our entire circulating medium is convessed of greenbacks.

Third. If our entire circulating medium is composed of greenbacks, they must be issued, and re-issued as fast as worn out, by the Secretary of the Treasury of the United States. All officers within that Department are under his control.

The authority to issue all the paper money required for circulation

The authority to issue all the paper money required for circulation in this country, as well as the cancellation and destruction of the old and worn-out bills and their re-issue, is more power than ought to be placed in the hands of any one man. For upon his honesty would depend the safety and solvency of all the money in the country. The collecting and disbursing of the public revenues, with the present duties of the Treasury, are about enough for any one Department of the Government. If the Secretary, with this unlimited power to issue and re-issue our money, was disposed to act dishonest, an overissue of millions of money could be put in circulation, which, as soon as discovered, would at once unsettle values, destroy all confidence in business, ruin the credit of the Government, and bankrupt us as a nation. The people therefore, should study well this question before inau-

The people, therefore, should study well this question before inaugurating a financial system where its whole safety hangs by so slender a thread as the honesty of one man. The risk of such a policy

is too great. One fatal step would be more disastrous to the country than ten such wars as the late rebellion, because it would destroy all

faith, all hope, and all credit in the future

By issuing our money through national banks, we have a system of checks and balances that will prevent an overissue and always keep our money safe and reliable. No bank-bills can be put in circulation until signed by the bank officers. The banks being private corporations, and responsible for all their notes, would see that none would get in circulation through the Treasury except those signed by them. The banks would act as a check upon the Government, and in turn the Government would act as a check upon the banks, and see that they put no bills in circulation beyond the security de-posited for their redemption with the Secretary of the Treasury in the shape of bonds worth their face in gold.

Others insist that if our greenbacks were made a legal tender for every debt due to and from the Government, including custom duties, that would make greenbacks equal to gold, and would relieve the country of its present embarrassments, and reduce interest to a legitimate rate. In this I think they are mistaken. Congress has not the power to make greenbacks a legal tender for the interest on our the power to make greenbacks a legal tender for the interest on our Government bonds, unless the bondholders would consent to it; for the reason, the acts of Congress under which the bonds were issued and sold expressly provide that the interest should be paid in gold. And we must pay it in gold unless we repudiate our contracts, and that we could not afford to do under any circumstances, for national honor is worth more to us than money. I can see no benefit that the people would derive from making our greenbacks a legal tender for more than one-fifth of the custom duties; for this reason the Government must have eachyear at least \$150,000,000 in gold in order to pay the interest upon our public debt, pay our foreign ministers, and leave ment must have each year at least \$150,000,000 in gold in order to pay the interest upon our public debt, pay our foreign ministers, and leave a surplus in the Treasury sufficient to break rings that might form in order to put up the price of gold. If we did not raise gold from custom duties how would the Government get it? It would have togo into the market and purchase it. What would be the result? The gold brokers from whom the gold is now purchased by the people, knowing that the Government must have gold in order to meet its engagements to pay interests on its bonds, would set up the price on the Government as they did on the people on Bleak Friday, when gold the Government as they did on the people on Black Friday, when gold went up 35 per cent. in an hour. The ring that then held the gold was bursted by the Government opening its vaults and selling gold to the people, which saved thousands from being bankrupted. But if the customs in the future are paid in greenbacks and not in gold, the Government will have no gold with which to break these rings, and the result will be that the gold will cost the Government a much higher price than it now costs the people; for the reason these gold-brokers while the Treasury has a surplus of gold in its vaults are afraid to make more corners against the people, because they know if they did that the Government would do as it did on Black Friday,

if they did that the Government would do as it did on Black Friday, open its vaults and sell gold to the people, and then they would be the losers; for it costs something to get up these rings.

Nothing could prevent corners being made on the Government by the gold ring in the purchase of gold, because the Government would be entirely powerless. It must have gold, and could not get it except from the ring, and it would have to pay the ring's price. It would have no power to dictate terms to the ring, but would have to submit to the ring's terms. The Government is nothing but the people, so that if we relieve the people from purchasing gold and paying custom duties by taking greenbacks for them and throw that burden upon the Government, if it costs the Government more, the people have that additionals cost to pay, for the reason, as I have said, the Government is but the people. While our interest is payable in gold nothing can be gained to the people or the country by making all of our customs payable in greenbacks. We must have at least one hundred and fifty millions collected in gold, otherwise we will lose instead of gain. It will not do for the people to suppose that the Government fifty millions collected in gold, otherwise we will lose instead of gain. It will not do for the people to suppose that the Government could go into the market and purchase gold with greenbacks, dollar for dollar, even though the greenbacks were made a legal tender for everything except the interest on the Government bonds; for as long as interest is payable in gold and not greenbacks, gold will be worth more than greenbacks, because interest must be paid, and it cannot be done except in gold. These gold brokers know that, and know that the gold cannot be had except from them; and when the Government and not the people is made the purchaser, the gold ring will fix the price and the Government will have it to pay, and the percentage on gold will be higher then than now. But if we keep the law substantially as it is, and make the people do the purchasing of the gold, then the Government, with its surplus in the Treasury, can stand behind them and protect them against these rings.

Having discussed the various modes suggested by others for lowering interest, and given, as I think, sound reasons why they will not accomplish it, I come now to the important questions suggested in

my bill:

First. Has Congress the power to regulate interest on national money?
Second. Is it expedient for it to do so?

As to the first question, I do not think there can be much doubt. The Supreme Court of the United States, in 8 Wallace, pages 548 and 549, uses this language:

Congress has undertaken to supply a currency for the entire country. \* \* \* It now consists of coin, of United States notes, and of the notes of the national banks. Both descriptions of notes may be properly described as bills of credit, for both are

furnished by the Government; both are issued on the credit of the Government; and the Government is responsible for the redemption of both—primarily as to the first description, and immediately upon default of the bank as to the second. \* \* Having thus, in the exercise of undisputed constitutional powers, undertaken to provide a currency for the whole country, it cannot be questioned that Congress may constitutionally secure the benefit of it to the people by appropriate legislation. To this end Congress has denied the quality of legal tender to foreign coins, and has provided by law against the imposition of counterfeit and base coin on the community. To the same end Congress may restrain by suitable enactments the circulation as money of any notes not issued under its authority. Without this power indeed, its attempts to secure a sound and uniform currency for the country must be futile. must be futile.

This is the decision of the Supreme Court that declared the act of Congress which imposed a tax of 10 per cent, upon all banking institutions that paid out the notes of State banks constitutional. Now, if Congress has the power to tax out of existence the notes of State banks, in order to secure to the people the benefit of this national currency, has it not equally the power, to further secure its benefits to the people, to say that this money shall not be loaned in

any part of the People, to say that this money shall not be loaned in any part of the United States at a higher rate of interest than that fixed by Congress?

In the case of The Farmers and Mechanics' National Bank of Buf-falo vs. Peter C. Dearing, decided at the October term of said court, 1875, and not yet reported, this point was involved: By the laws of the State of New York, where money is loaned at a higher rate of in-terest than that allowed by the laws of that State, the bank or per-son loaning the money forfeits not only the interest but the principal son loaning the money forfeits not only the interest but the principal also. The national banking law provides that where an association under that law loans money at a greater interest than that allowed by the law the bank shall forfeit the interest only. This Farmers and Mechanics' National Bank was located within the State of New York, and in this particular case charged a greater rate of interest than that allowed by the State of New York. The question to be decided in the case was this: which law would prevail, the law of the State of New York, which forfeited both principal and interest of the debt, or the act of Congress chartering the national banks, which forfeited the interest only. The Supreme Court held that the law of Congress prevailed. In the decision the court uses this language: gress prevailed. In the decision the court uses this language:

gress prevailed. In the decision the court uses this language:

The national banks organized under the act are instruments designed to be used to aid the Government in the administration of an important branch of the public service. They are means appropriate to that end. Of the degree of the necessity which existed for creating them Congress is the sole judge. Being such means, brought into existence for this purpose, and intended to be so employed, the States can exercise no control over them nor in any wise affect their operation except in so far as Congress may see proper to permit. Anything beyond this is "an abuse, because it is the usurpation of power which a single State cannot give." Against the national will "the States have no power, by taxation or otherwise, to retard, impade, burden, or in any manner control the operation of the constitutional laws enacted by Congress to carry into execution the powers vested in the General Government. " The principle announced in the authorities cited is indispensable to the efficiency, the independence, and indeed to the beneficial existence of the General Government. The principle announced in the authorities cited is indispensable to the efficiency, the independence, and indeed to the beneficial existence of the General Government. Otherwise it would be liable, in the discharge of its most important trusts, to be annoyed and thwarted by the will or captice of every State in the Union. Infinite confusion would follow. The Government would be reduced to a pitiable condition of weakness. The form might remain, but the vital essence would have departed. \* \* It must always be borne in mind that the Constitution of the United States and the laws which shall be made in pursuance thereof are the supreme law of the land, \* \* and that this law is as much a part of the law of each State, and as binding upon its authorities and people, as its own local constitution and laws.

In the above opinion the court says that—

In the above opinion the court says that-

The national banks organized under the act are instruments designed to be used to aid the Government in the administration of an important branch of the public service. They are means appropriated to that end.

The bills of the national banks are just as much instruments designed to be used to aid the Government as the banks themselves, and they are means just as appropriate to that end, and were so intended by the General Government, as it made itself responsible for their redemption. The Supreme Court, in 8 Wallace, above referred to, page 549, classes the bank-notes and greenbacks together, and declares them bills of credit of the United States. In 7 Wallace, page 29, the court, in speaking of the greenbacks, uses substantially the same language used above in reference to the banks. It says:

That these notes were issued under the authority of the United States, and as a means to ends entirely within the constitutional power of the Government.

If the greenbacks and bank-notes, then, are bills of credit of the of the greenbacks and bank-notes, then, are bills of credit of the Government, issued to serve the purposes of the Government, then the Government has as much power over them as it has over the banks; and, if it has the power to say what interest the banks shall charge in the States, it has equally the power to say at what interest its bills of credit shall be loaned in the States, so as to make them useful to the Government and beneficial to the people.

The court in the same case, in speaking of the powers of the Government, says:

In the complex system of polity which obtains in this country, the powers of the Government may be divided into four classes: Those which belong exclusively to the States; those which belong exclusively to the National Government; those which may be exercised concurrently and independently by both; and those which may be exercised by the States, but only with the consent, expressed or implied, of

to issue bills for circulation; but it is the banks and not the States that are compelled to redeem these bills.

Congress has not only the power to coin money, but it has also the power to emit bills of credit, such as our greenbacks and bank-notes, and make them money. The Supreme Court in 8 Wallace, page 548, in speaking of the power of the Government to emit bills of credit, says:

speaking of the power of the Government to emit bills of credit, says:

There can be no question of the power of the Government to emit them; to make
them receivable in payment of debts to itself; to fit them for use by those who see
fit to use them in all the transactions of commerce; to provide for their redemption; to make them a currency, uniform in value and description, and convenient
and useful for circulation. These powers, until recently, were only partially and
occasionally exercised. Lately, however, they have been called into full activity,
and Congress has undertaken to supply a currency for the entire country.

Congress having taken hold of the question of furnishing the people with a money to do business, it has the entire power and control over that money. The States cannot do anything that will in any way in-terfere with it; their powers are in "abeyance;" they can neither tax it or regulate its interest; that power belongs exclusively to Con-

In 12 Wallace, page 545, the Supreme Court of the United States

The States can no longer declare what shall be money or regulate its value. Whatever power there is over the currency is vested in Congress. If the power to declare what is money is not in Congress, it is annihilated.

From the above decisions it is clear that Congress has the power to supply a currency for the entire country and secure its benefits to the people, and that the States have no power over the currency in

any manner, shape, or form.

It further appears that in pursuance of that right Congress has provided a currency composed of coin, of United States notes commonly called greenbacks, and national-bank notes.

It further appears from these decisions that the States have not

the power by taxation or otherwise, except by the consent of Congress, to retard, impede, burden, or in any manner control the operations of the constitutional laws enacted by Congress to carry into execution the powers vested in the General Government.

execution the powers vested in the General Government.

If the power of Congress, then, is supreme over all questions affecting the currency, can any one doubt, if Congress in the exercise of its legal powers should think it necessary, in order to make this currency more beneficial to the people, that it should fix by law the rate of interest at which it should be loaned in every State and Territory within the United States? Could any one say that Congress had not the power to do so? If Congress has supreme power over this currency, and exercises it, the States would have no authority to regulate it in any way, for the laws of Congress are supreme within the States. If the States have not the power to tax these greenbacks and States. If the States have not the power to tax these greenbacks and bank-notes except by consent of Congress, because they are bills of credit of the United States, for the reason to admit their power to tax them would admit their power to destroy them, for they might put the tax so high that they could not circulate within the States, so with interest on this national money. If it is admitted that the States and not Congress have the power to fix the rate of interest at which this money shall be loaned, then it is the States and not Congress that have the power to regulate its value. This money would be almost worthless if it could not circulate and earn an interest. If the States, then, have the power, and should see fit, they could declare by State law that these greenbacks and national-bank notes should not be loaned within the States at a higher rate of interest, say, than 1 per cent., or at a lower rate, say, than 15 per cent.; either would destroy their usefulness to the Government and to the people, for the reason that in one case the interest would be so low that the money would be almost worthless, and in the other the interest would be so high that the people could not afford to use it. In either case the usefulness of the money would be as effectually destroyed as by tax-

ing it 25 per cent.

If Congress has the power to furnish the people a national currency, and the States have no authority to interfere in any way, certainly it has the power, whenever it sees fit to exercise it for the good of the people, to say at what rate of interest that currency shall be loaned within the United States. Congress by law declared what interest the national banks should charge, and where the bank law and the State law come in conflict in the State of New York the Supreme Court decided that the bank law massed by Congress prevails and Court decided that the bank law passed by Congress prevails, and the State law had to give way. If we once admit that the States, and not Congress, have the power to regulate interest on national money, then we must admit that the States, and not Congress, have the then we must admit that the States, and not Congress, have the power to regulate the value and usefulness of that money; for its value and usefulness to the people, to a very great extent, depend on the interest at which it can be used. I hold that Congress has supreme power over the national currency, and can fix the rate of interest at its pleasure at which it shall be loaned to the people in every part of the United States.

Second. Is it expedient for Congress to regulate interest?

It must be evident to every one that interest is now too high, more than legitimate luminess can pay. The question, then is, What are

may be exercised by the States, but only with the consent, expressed or implied, of Congress.

Whenever the will of the nation intervenes exclusively in this class of cases the authority of the State retires and lies in abeyance until a proper occasion for its exercise shall recur.

The States have no power to coin money; neither have they the power to issue paper money. All the power that they have on this subject is simply the right to charter State banks and authorize them

be done to prevent it? How is interest to be cheapened? The money lenders say, "Let the laws of trade, supply and demand, regulate the price of money; then the country will be prosperous." Others say the States must regulate the rates of interest on money; that Congress has no power over the subject. I have shown that the law of supply and demand will not regulate interest and make it cheap. and demand will not regulate interest and make it cheap. I have also shown that the States have not the power to do so; for under the operations of the State laws and the law of supply and demand high interest has almost eaten up the country. I have shown that the 3.65 bond cannot lower it to the money-borrowers, who give employment to labor. Neither will the breaking down of the national banks and substituting the greenbacks in the place of the bank-notes do so. Then how can it be done? I see no earthly way, unless Congress will take hold of the question and make a law fixing the rate of interest at which our national money shall be loaned in every part of the United States; make that rate not exceeding 6 per cent, and then United States; make that rate not exceeding 6 per cent., and then with the strong arm of the Government enforce the law, compel every person to obey it or suffer the penalty. Six per cent. is as much as legitimate business can pay. If those who have money will not loan it at that rate, let them keep it or put it in business themselves. What the country wants is for our money to be put in circulation. It makes no difference who does it, so that it is done; but if it has to be by borrowers, then I want it to be at a rate of interest that will justify the employment of labor in legitimate business. If interest is low, money-lenders cannot afford to let their money remain idle; they must keep it active, so as to make it earn a livelihood for

Low interest is what the country needs in order to revive business and give employment to labor at living wages. The question of the quality or quantity of our money is but secondary to the question of low interest. The masses are satisfied with our paper money, and I have no doubt but what there is sufficient in quantity to do all legitimate business, if interest was only low enough to justify its use by the people. If Congress should issue a thousand millions of greenbacks the people could not get this money unless they had something to exchange for it, either property or labor. I care not how much money we put in circulation, it will soon get into the hands of the few. And, unless we fix the rate of interest by law, beyond which it cannot be And, unless we fix the rate of interest by law, beyond which it cannot be loaned, these few will fix the rates to suit themselves, and it will be so high that it will constantly grind labor, because labor must bear the burden of loss between the per cent. of money and the per cent. of increase in the growth of the country. It is a mistaken notion to suppose that Congress can give prosperity to the country by issuing greenbacks. Prosperity must come, if at all, from labor, and not from acts of Congress. All that Congress should do is to see that the country has a sound currency, free from monopoly, and in such shape that its volume will be controlled by the demands of business, and not by the whims of Congress, and at a rate of interest that legitimate business can afford to pay, in no case exceeding 6 per cent.

The people must learn that in order to get greenbacks they must rely upon their labor, and not upon Congress. If the farmer wants greenbacks he must cultivate the soil properly, and in the fall have

rely upon their labor, and not upon Congress. If the farmer wants greenbacks he must cultivate the soil properly, and in the fall have plenty of corn, wheat, pork, and beef to sell, and I will insure him plenty of greenbacks. If the blacksmith wants them, he must pound them out on his anvil and he will have plenty. The carpenter must plane them out of the plank he works up, and he will be in the same condition. And so of all other kinds of business. Greenbacks must come to the people through labor; they cannot come in any other way so as to give prosperity; but in order to insure this prosperity in the country money must circulate freely and at a rate of interest that will justify business and enable it to keep the labor of the country constantly employed. constantly employed.

Some say there is no necessity for this law; that interest is now cheap enough in the East; that millions of money can be had there at 5 and 6 per cent. I have no doubt it can now be had at that rate if you give national bonds as security and agree to pay on call. But because it is thus cheap is no inducement for men of enterprise to borrow it and engage in business that will give employment to labor. Why? They know as soon as they do and the country begins to look prosperous, then these money-lenders will commence raising interest on them and they will be forced to pay their high rates or lose everything they invest. Therefore they cannot make anything by thus engaging in business, for the reason that the money-lenders by their high rates of interest get all the cream of their profits, and leave nothing for them and the laborers they employ to do the work but skimmed milk.

This cry of cheap interest in the East, therefore, is but a snare to men of enterprise. It is a nice thing to induce them to commence business, but its sudden growth, as soon as business is fairly established, is what hurts them and deters men of enterprise from engaglished, is what hurts them and deters men of enterprise from engaging in pursuits that would give the country the prosperity it so much needs. Going into business now is like going into a fair—it only costs a dollar to get in, but fifty to get eut. If men could know when they engage in business that interest could not rise on them, when they got fairly under headway, beyond 6 per cent., then they could and would engage in it all the time; but while they know that as soon as they commence interest will then start up and increase just fast enough to eat up all the profits, they prefer to let manufacturing and other business alone, and that is the principal reason why the business of the country is paralyzed and the labor of the country unem-

ployed. If our eastern friends think that 6 per cent, is enough for money, and that that is all their money-lenders exact, then this law I propose will not hurt them. It will only make certain what is now uncertain, that is, it will fix interest at a rate not exceeding 6 per cent. which might go beyond that amount.

Some insist that we cannot enforce a 6 per cent. interest law. That

is what the whisky ring believed when we made the law putting the tax on whisky so high, but the experience of the last few months has converted them, and they now believe it can be. And if gentlemen will examine the provisions of the bill No. 1226, now on their files, which I had the honor to present, they will come to the conclusion that it would be safer to violate the law regulating the tax on whisky than that regulating the interest on money, if it was once enacted in-

I do not contend that Congress has the power to regulate interest on contracts made by the people of the same State, where the loaning of national money does not in any way directly or indirectly enter into the contract. For example. If a man sells his farm, stock, grain, or the like, and the purchaser executes his notes, the interest that such notes should bear should be regulated by the State. And the owners of such notes should be left free to dispose of them at such rates of discount as allowed by the laws of that State. The object of the bill under discussion is to regulate the interest on all national money hired, loaned, or used in business.

If capital remains unrestrained in this country and the money-It capital remains unrestrained in this country and the moneylenders are left free to charge any amount of interest that they can
contract for without reference to what per cent. legitimate business
will pay, as all the financial plans now before the country permit,
interest will continue much higher than the per cent. of increase on
business throughout the country, and that difference must and will be
ground from the sweat and toil of labor. If this grinding process is
continued it will be but a few generations until capital will control the
labor of this country, the same as it does the labor in Europe. To
allow that to be done would be worse than a crime. But that result is as allow that to be done would be worse than a crime. But that result is as inevitable and certain, unless we restrain the power of money, as that the weak must give way to the strong when they come in contact. History, as well as our own experience, teaches us that capital unrestrained will grind labor. With that knowledge, can any Representative on this floor refuse his assent to a law the purpose and effect of which are to prevent this great injustice by using the strong arm of the Government to cheapen interest, so as to shield and protect the laboring and business men of the country from the impoverishing grasp of

capital?
Mr. BENNETT obtained the floor, but yielded to Mr. RANDALL, who

The motion was agreed to. The committee accordingly rose; and Mr. Holman having taken the chair as Speaker pro tempore, Mr. Cox reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the special order, a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

# TRANSFER OF INDIAN BUREAU.

Mr. COOK. I am instructed by the Committee on the Judiciary to report a substitute for the bill (H. R. No. 987) to transfer the conduct of Indian affairs from the Interior Department to the War Department, and to move that it be recommitted and ordered to be printed,

and to enter a motion to reconsider.

Mr. BURCHARD, of Illinois. I do not object if it is not to be brought back on a motion to reconsider.

Mr. COOK. I desire to enter a motion to reconsider.
Mr. HOAR. Does the gentleman propose to leave the motion to econsider pending?
Mr. COOK. Yes; but I do not propose to call it up until there is

full House

Mr. RANDALL. The motion to reconsider can only be carried by

Mr. HARAEL. The motion to reconsider can only be carried by a majority.

Mr. HOAR. I must object.

The SPEAKER pro tempore. The bill is not before the House, objection being made.

# LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HATCHER for twenty days on account of important business; to Mr. MACKEY, of South Carolina, for four days; and to Mr. LAWRENCE for

two weeks from Tuesday next.

And then, on motion of Mr. VANCE, of North Carolina, (at five o'clock and eight minutes p. m.,) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented

at the Clerk's desk under the rule, and referred as stated:

By Mr. BANNING: The protest of H. L. Todd, against certain irregularities in the United States Army, to the Committee on Military Affairs.

By Mr. COWAN: The petition of 270 citizens of the fourteenth congressional district of Ohio, for the release of Edward O'Meagher Conden from an English prison, to the Committee on Foreign Affairs.

By Mr. COX: The petition of George C. Richardson and other citizens of New York, for the amendment of the bankrupt law, to the Committee on the Judiciary.

By Mr. HOPKINS: The petition of soldiers of the late war residing in Allegheny County, Pennsylvania, for the equalization of bounties, to the Committee on Military Affairs.

By Mr. HUNTON: The petition of Matilda and Mary Heymes, for

the payment of money due them under the invalid-pension laws, to the Committee on Invalid Pensions.

By Mr. McCRARY: Memorial of the lot proprietors of Glenwood Cemetery, in the District of Columbia, to place the control of said cemetery in their hands, to the Committee for the District of Colum-

bia.

By Mr. McFARLAND: The petition of James Lynn and others, for the establishment of a post-route from Kingsport to Arcadia, Sullivan County, Tennessee, to the Committee on the Post-Office and Post-

By Mr. PIPER: Memorial of the Ladies' Seamen's Friend Society of San Francisco, relating to the marine hospital at that place, to the Committee on Commerce.

By Mr. JOHN REILLY: The petition of soldiers of Cambria Coun ty, Pennsylvania, that one hundred and sixty acres of land and \$200 be given to soldiers and sailors who served thirty days or over in the

late war in the Army or Navy, to the Committee on Public Lands.

By Mr. RIDDLE: Papers relating to the petition of Henry A. Kelly, for additional compensation as a United States officer, to the Com-

for additional compensation as a United States officer, to the Committee on Military Affairs.

By Mr. SEELYE: The petition of the Boston Homeopathic Medical Society, for the introduction of the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. SMITH, of Pennsylvania: The petition of Ann S. Duchman, for a peusion, to the Committee on Invalid Pensions.

By Mr. STEVENS, of Arizona: The petition of 91 citizens of Arizona, for the establishment of a mail-route from Phenix to Prescott, to the Committee on the Post-Office and Post-Roads.

to the Committee on the Post-Office and Post-Roads. By Mr. WILLARD: Memorial of the president, professors, and officers of Yale College, in favor of a decimal metric system of weights and measures and its application to the postal and revenue service, to the Committee on Coinage, Weights, and Measures.

Also, memorial of E. L. Kingsley and others, of similar import, to

the same committee.

By Mr. WOOD, of New York: The petition of Margaret Brewster, for a pension, to the Committee on Invalid Pensions.

## IN SENATE.

# MONDAY, March 13, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of the proceedings of Friday last was read and ap-

# PETITIONS AND MEMORIALS.

Mr. ALLISON presented a joint resolution of the Legislature of Iowa, in relation to a proposed canal from some point between the mouth of the Rock River and Clinton, Iowa, on the Mississippi River, to the Illinois River, at Hennepin; which was referred to the Select Committee on Transportation Routes to the Seaboard, and ordered to be printed in the RECORD, as follows:

to be printed in the Record, as follows:

Whereas the question of cheap transportation for the surplus products of the Mississippi Valley to a profitable market is at the present time the paramount question; and whereas we believe that the construction of a canal from some point between the mouth of the Rock River and Clinton, Iowa, to Hennepin, in the State of Illinois, would open an unbroken water communication to the eastern markets from the largest agricultural region tributary to any single artificial water-way which has been proposed; and whereas this line has been surveyed by authority of Congress, and has been found to be practicable, to be a distance of only sixty miles, and to be capable of construction at small cost in comparison with other projects of this character: Therefore,

Be it resolved by the General Assembly of the State of Iova, That our Senators in Congress be instructed and our Representatives therein be requested to vote for and to use their active influence to secure such legislation by the National Legislature as will insure the construction of this canal at an early day.

Resolved, That the secretary of state be, and he is hereby, instructed to transmit a copy hereof to each of our Senators and Representatives in Congress.

Approved February 24, 1876.

Mr. KERNAN presented the petation of Robert L. May, late lieuten.

Mr. KERNAN presented the petition of Robert L. May, late lieutenant-commander United States Navy, praying that he may be restored to the retired list of the Navy on furlough pay; which was referred to the Committee on Naval Affairs.

Mr. KEY presented the petition of Henry A. Kelly, praying to be allowed pay as lieutenant of the Tenth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster of the Eighth Tennessee Cavalry and lieutenant and regimental quartermaster and lieutenant and lieutenant and lieutenant and li alry consolidated; which was referred to the Committee on Military

Mr. BOGY presented the petition of J. S. Lemon and others, citizens and merchants of Saint Joseph, Missouri, praying for the repeal of the bankrupt law; which was referred to the Committee on the

He also presented a memorial of the heirs and legal representatives of Hugh H. and John P. Maxwell, in relation to their application to

the Commissioner of the General Land Office for land scrip in lieu of their lands sold by the United States Government and lying within the limits of a Spanish grant to James Maxwell which was confirmed to Hugh H. and John P. Maxwell; which was referred to the Committee on Private Land Claims.

Mr. BOUTWELL presented the memorial of George D. Cabot, president, and George B. Neal, secretary, of the New England Association of Gas Engineers, in favor of fixing a time for the general introduction of the metric system of weights and measures; which was referred to the Committee on Finance.

Mr. WEST presented a memorial of the city council of New Orleans, in favor of the appropriation by Congress of the money necessary to place the United States mint in that city in full operation; which was referred to the Committee on Appropriations.

Mr. McMILLAN presented a joint resolution of the Legislature of Minnesota, in favor of the establishment of a mail-route from Chaska,

in Carver County, to Excelsior, in Hennepin County; which was referred to the Committee on Post-Offices and Post-Roads.

ferred to the Committee on Post-Offices and Post-Roads.

Mr. MORRILL, of Maine. I present a petition of merchants and business men of the city of Portland, Maine, approving the principle of the law of Congress known as the bankrupt law, and they "respectfully remonstrate against the proposed repeal of the bankrupt law, and pray your honorable bodies to take action for the amendment of the same. And such of your memorialists as may have here-tofore signed a petition for the repeal of the bankrupt law respectfully request that such petition may be understood as expressing their opposition to the law as it now stands, but not as opposing the just and salutary principle of the law, nor as opposed to the law with such modifications as are above suggested." I move that the petition be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. EATON presented a memorial of the bar of the district of Connecticut, in favor of a modification of the pending bill constituting a new court of appeals so as to provide that the sessions thereof for the second circuit shall be held in New York City, instead of Albany, New York, as proposed; which was referred to the Committee on the Indicipant. Judiciary

Mr. STEVENSON presented a petition of citizens of Covington, Kentucky, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

#### LIEUTENANT JOHN A. SHAW.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 509) for the relief of John

Affairs, to whom was referred the bill (S. No. 509) for the relief of John A. Shaw, to report it without amendment and submit a report thereon. If there be no objection I should like to have the bill considered at the present time. It will only take a moment.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War to place the name of John A. Shaw on the rolls as first lieutenant of Company G, One hundred and twenty-second Regiment Illinois Volunteer Infantry, as of the date of November 18, 1864, and with the same force and effect as if he had been duly mustered into service as such first lieutenant on that date, and also authorizes the proper acsuch first lieutenant on that date, and also authorizes the proper accounting officer of the Treasury to pay to John A. Shaw the pay and allowances of first lieutenant of infantry from the 18th of November,

allowances of first heutenant of infantry from the 18th of November, 1864, to the 22d of April, 1865, less any pay and allowances, or either, already received by him for such period.

Mr. COCKRELL. I desire to say in connection with this bill that Lieutenant Shaw was duly commissioned by the governor of Illinois, Governor Yates, on the 18th day of November, 1864, as first lieutenant to fill a vacancy which had occurred on the 27th day of September, 1864, that he control was the discharge of the duties as forthing. 1864; that he entered upon the discharge of the duties as first lientenant, and continued discharging those duties until the 22d of April, 1865, when he was duly mustered into the service; that he was not mustered prior because of being in active military service; and that he was at the battle of Nashville, Tennessee, and was there severely

he was at the battle of Nashville, Tennessee, and was there severely wounded while acting as first lieutenant, commanding his company, and leading it gallantly in that fight. He has never been paid, because of not having been mustered, and it was not his fault.

The bill was reported to the Senate, without amendment.

Mr. MORRILL, of Vermont. I should like to inquire of the Senator from Missouri if there are not a great many cases similar to this of persons who had been appointed as officers but were not mustered in until a much later period? I think that the question has been often discussed here.

discussed here.

Mr. COCKRELL. My understanding is that where there was a vacancy and where the officer entered upon the actual discharge of the duties of the office, he has always been paid although he was not mustered immediately. In this case the officer could not be mustered. It was not his fault that he was not mustered. He was in active military service, was very severely wounded in the head at Nashville, Tennessee, was in the hospital, and made his way from there to Green. ville, Alabama, and was mustered in just as soon as he could meet with a mustering officer. I am informed by the chairman of the Military Committee that in all these cases they have uniformly been paid, but not in a case such as was suggested by the Senator from Vermont, where simply they may have been appointed to an office and there was no vacancy, and they may not have actually performed the service. Lieutenant Shaw's rank took effect on the 27th of September.

1864. That was the date of the vacancy; but he did not enter upon duty until the 18th day of November; and this bill is only to pay him from that date up to the date of actual muster, the muster not being made in consequence of his not being able to meet with a mustering officer on account of his actual service in the field.

The bill was ordered to be engrossed for a third reading, read the

Mr. COCKRELL. I move that the report accompanying the bill be printed, so that it may be sent to the other House with the bill. The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. COCKRELL. I am directed by the Committee on Military Affairs, to whom was referred the bill (S. No. 548) for the relief of the heirs of Major D. C. Smith, to report it without amendment and submit a report thereon. If there be no objection, I ask that the report, which is very short, may be read; and I will then move the present consideration of the bill.

Mr. SHERMAN. I must object, for I do not like the example. I ought to have objected to the bill just reported which passed, but I saw the amount was very small and the merit of the case seemed to

be obvious.

Mr. COCKRELL. This bill is only to give Major Smith credit for

\$166, and all the facts are set forth in the report.

Mr. SHERMAN. As a matter of course the facts are set out in the report, but I do not think we ought to act finally upon bills when the Senate is so thin. If it goes on the Calendar, undoubtedly it will be passed when reached.

The PRESIDENT pro tempore. Objection being made, the bill will be placed on the Calendar.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 518) to anthorize the Third Auditor of the Treasury to examine the evidence of payments made by the State of Missouri to State troops serving in the Union Army, and also the evidence as to supplies furnished to troops, and which are yet unpaid, ask to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

Mr. LOGAN, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut, reported it without amendment.

He also, from the same committee, to whom was referred the bill (H. R. No. 1231) for the relief of the board of trustees of the Antietam national cemetery, reported adversely thereou.

He also, from the same committee, to whom was referred the joint resolution (H. R. No. 64) granting the rights and benefits of the Sol-

diers' Home to John News, reported it without amendment.

Mr. CLAYTON, from the Committee on Military Affairs, to whom
was referred the petition of William H. French, jr., late Indian agent at Crow Creek, Dakota Territory, praying to be relieved from liability for certain cattle received at said agency and receipted for by him and that a bill may be passed authorizing the accounting officers of the Treasury Department to adjust and settle his accounts as such Indian agent, deducting the price of said cattle, asked to be discharged from its further consideration, and that it be referred to the Committee on Indian Affairs; which was agreed to.

He also, from the same committee, to whom was referred a memo-rial of late volunteer officers wounded in the United States service, showing the inequality between those pensioned and those retired, and praying for an equitable adjustment of pensions granted to officers as compared to those of enlisted men, asked to be discharged from its further consideration, and that it be referred to the Committee on

Pensions; which was agreed to.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1600) granting a pension to Jane A. Harris, submitted an adverse report thereon; which was ordered to be printed.

# BILLS INTRODUCED.

Mr. WHYTE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 583) to incorporate the Washington City and Atlantic Coast Railroad Company; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 581) to extend the time for rescenting along

introduce a bill (S. No. 584) to extend the time for presenting claims for collecting, drilling, and organizing volunteers for the war of the rebellion; which was read twice by its title, referred to the Committee

on Military Affairs, and ordered to be printed. Mr. SHERMAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 585) to limit the jurisdiction of the heads of

Departments in the allowance of claims; which was read twice by its

Mr. SHERMAN. I do not know whether this bill ought to be referred to the Committee on Claims or to the Committee on the Judi-

ciary. It relates to the allowance or claims by the Logan. Mr. LOGAN. I suggest that it had better go to the Committee on

the Judiciary.

Mr. SHERMAN. I do not care to which committee it is referred.

I will state, however, that the bill contains three short sections. One declares that a claim once reported against by the head of a Department shall not be renewed. Another is, that no claims shall be al-

lowed by the head of a Department after two years. Another is that a requisition by the head of a Department shall not preclude or exclude a full examination of its legality and merits. That I believe is the old law, but I think it is well enough to revive it in the statutory law in these times.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary and printed, if there be no objection.

Mr. KEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 586) for the relief of Henry A. Kelly; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. HARVEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 587) for the relief of Jacob Theirer; which was read twice by its title, and, together with accompanying papers, referred to the Committee on Claims.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 588) for the relief of V. B. Bean; which was read twice by its title, and referred to the Committee on Post-Offices

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 589) for the removal of all railroad tracks

to introduce a bill (S. No. 589) for the removal of all railroad tracks using steam power from the public streets and avenues of the Federal capital; which was read twice by its title.

Mr EDMUNDS. I introduce this bill by request, as the saying is, of certain respectable citizens of this city. I have not had time to examine the bill; but assuming that it is proper in its form, I ask that it be printed and referred to the Committee on Public Buildings and Grounds.

The motion was agreed to.

Mr. EDMUNDS. I present also a memorial of clergymen of South
Washington and others on the subject of this bill. I move its reference to the Committee on Public Buildings and Grounds with the bill.

The motion was agreed to.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 590) providing for an agreement with the Sionx Nation in regard to a portion of their reservation, and for other purposes; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

#### LABOR IN EUROPE AND AMERICA.

Mr. CAMERON, of Wisconsin, submitted the following resolution: which was referred to the Committee on Printing:

Resolved. That there be printed and bound of the special report on Labor in Europe and America, (Executive Document No. 21.) three hundred copies; one hundred for the Senate and two hundred for the Department of State, to supply legations and consulates in foreign countries.

# MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed a bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians; in which it requested the concurrence of the Senate.

# COUNTING OF ELECTORAL VOTES.

Mr. MORTON. If there be no further morning business, I move to proceed to the consideration of Senate bill No. 1.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon.

The first section provides that the two Houses of Congress shall as-

semble in the Hall of the House of Representatives, at the hour of one o'clock, on the last Wednesday in January next succeeding the meeting of the electors of President and Vice-President of the United States, and the President of the Senate shall be their presiding officer; States, and the President of the Senate shall be their presiding officer; one teller shall be appointed on the part of the Senate, and two on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, the certificates of the electoral votes; and the tellers, having read the same in the presence and hearing of the two Houses then assembled, shall make a list of the votes as they shall appear from the certificates; and the votes having been counted, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, and the names of the persons, if any, elected, which announcement shall be deemed a striicient declaration of the persons elected President and Vice-President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses. If, upon the reading of any certificate by the tellers, any question shall arise in regard to counting the votes therein certified, question shall arise in regard to counting the votes therein certified, the same having been stated by the presiding officer, the Senate shall thereupon withdraw, and the question shall be submitted to the body for its decision; and the Speaker of the House of Representatives shall, in like manner, submit the question to the House of Representatives for its decision; and no electoral vote or votes from any State to the counting of which objections have been made shall be re jected except by the affirmative vote of the two Houses. When the two Houses have voted, they shall immediately re-assemble, and the presiding officer shall then announce the decision of the question submitted. And any other question pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner.

The second section provides that if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

By the third section it is provided that when the two Houses sep arate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or for the decision of any other question pertinent thereto, each Senator and Representative may speak to such objection or question ten minutes, and not oftener than once; but after such debate has lasted two hours, it shall be in the power of a majority of each House to direct that the main question shall be put without further debate.

Section 4 declares that at such joint meeting of the two Houses, seats shall be provided as follows: For the President of the Senate, seats shall be provided as follows: For the President of the Senate, the Speaker's chair; for the Speaker, immediately upon his left; the Senators in the body of the Hall upon the right of the presiding officer; for the Representatives, in the body of the Hall not provided for the Senators; for the tellers, Secretary of the Senate, and Clerk of the House of Representatives, at the Clerk's desk; for the other officers of the two Houses, in front of the Clerk's desk and upon each side of the Speaker's platform. The joint meeting shall not be dissolved until the electoral votes are all counted and the result declared; and no recess shall be taken unless a question shall have clared; and no recess shall be taken unless a question shall have arisen in regard to counting any such votes, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess not beyond the next day at the

hour of ten o'clock in the forenoon.

Mr. BAYARD. Mr. President, I wish to ask the Senator from Indiana, who has heretofore considered this subject with a good deal of care, whether this bill differs, and if so in what respect, from the measure which passed the Senate at the last session?

Mr. MORTON. There are some verbal alterations, but it is substantially the same bill.

Mr. BAYARD. Nothing affecting the substance is changed?
Mr. MORTON. Nothing affecting the substantial features of the bill

Mr. MORTON. Nothing affecting the substantial features of the bill which the Senate passed last year.

Mr. BAYARD. Mr. President, I am very glad that, even at this stage of the session, this very important question has come up for the consideration of the Senate. The Senate may remember that many weeks ago I urged speedy action on the subject, and I suggested methods of action which I believed then and still believe were the best calculated to insure accounting after the two Houses of Congress. lated to insure co-operative action between the two Houses of Congress upon this subject. The power of each House is the same over this subject, the same measure being committed by the Constitution to each; and therefore it was that I believed the present condition of party majority in each House was exceedingly favorable to the framing of such a permanent rule in the shape of law upon this subject as would be satisfactory to the American people. Although the Sen-ate has not seen fit to adopt my suggestion that this subject should be considered by the two Committees on Rules or the two Committees on Elections in the Houses respectively, and that in that way a measure could be made more probable of acceptance by each simply by being reported by each committee to its own House favorably, still am most anxious to see something done in the proper direction upon this subject, and if this bill shall be a step in that way I am prepared

to give it my support.

I have felt long that which I apprehend the honorable Senator from Indiana has felt, some degree of embarrassment in regard to the measure of power committed to Congress over the counting, accepting or rejecting of the electoral votes of the electors of the various States. The letter of the Constitution on this subject is very meager. In the second article of the original Constitution it was provided that "each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress;" and then proceeds to exclude Senators or Representatives or persons holding an office of trust or profit from the office of elector. Then follows in the original Constitution a provision for the meeting of the electors which has been superseded and annulled by the twelfth amendment of the Constitution. Then follows a paragraph authorizing Congress in its discretion to determine the time of choosing the electors and the day on which they shall give their votes, and declaring that that day shall be the same day throughout the United States.

The twelfth article of amendments, superseding a portion of the

third paragraph of the second article, provided that-

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit scaled to the seat of Government of the United States, directed to the President of the Senate; The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

This latter clause contains all the power that is delegated to the two Houses of Congress or to any other officer of the Government in re-

spect to the counting of the electoral vote; and the present bill provides simply the legislative machinery to accomplish this result. There has been argument heretofore before Congress, which I have concurred in, to the effect that the two Houses are mere witnesses to the counting of these votes. The only officer named is the Presiding Officer of the Senate, into whose custody the certificates shall have been delivered in accordance with the mandate of the Constitution by the electors or their agents, their messengers, and those certificates being in his hands are to be opened by him and the votes are then to be counted; by whom, is simply a matter of inference, perhaps of necessary inference; but they are to be counted. The powers given to Congress are enumerated, and a just and wholesome construction will cause the expression of one power over a subject to exclude other powers not expressed. is given to each State to appoint through its Legislature, or in such manner as the Legislature may provide, a number of electors. Congress is given the power to determine the time of choosing them, and the day on which they shall east their votes; and then the two Houses are made the witnesses of the opening of the certificates by the presiding officer; and this enumerates all the express powers; and the question for the Senate and for each member to determine is how far this expression of powers excludes others not expressed.

For the last three presidential elections, the vote for President and Vice-President has been counted under the alleged authority of a joint rule, which at the end of eleven years the Senate have rescinded by their own action, which as yet has not been concurred in by the other House, whether any concurrence be necessary or not. I have heretofore stated that in my opinion the concurrence of the House was not essential. But under that rule the electoral votes in three presidential elections have been counted; under a rule that gave the presidential elections have been counted; under a rule that gave the power of absolute veto to either House, and that was given in separate session and without an opportunity of debate, with the barest statement of an objection which might be on its face the merest pretext for the assumption of a power to exclude the vote of any State, and disfranchise any State at the caprice, the unargued or unreasoning will of either House of Congress. It is not too much to say that such a power was an utter usurpation, utterly without warrant in the Constitution, dangerous in the extreme, and threatening to overthrow that spirit of popular government which all over underlies the frame-work of our system, because it enabled, on account of a disagreement in regard to a vote, the entire electoral vote of a State, any porment in regard to a vote, the entire electoral vote of a State, any portion of the electoral vote of a State, or the electoral votes of any number of States, to be cast out by the silent operation of a veto by the vote of the Senate or of the House. It gave to either House the power to disregard and overthrow the expression of the popular will,

and consign the election to that one body to which only in the event of the failure of the people by a majority vote of all the electors to express their will has the Constitution relegated the question. In that event the decision which the people had failed to make themselves the Constitution remits to the popular branch of Congress, the House of Representatives.

This state of things has continued for three elections. Thrice have the people of this country voted with a power that was foreordained in case of necessity to thwart their election, given to either House of Congress, the right under any pretext in silence and without reason, without debate, to overthrow the result of the popular election. But the present bill abrogates that monstrous claim of power; and I will not say that the monstroity of that claim was discovered only when a variance occurred under a popular election between the majorities of the two Houses; but such is the fact, that for three presidential terms, the last term of Mr. Lincolu and both terms of the present President, and until there was a change in the majority of the popular branch of Congress, this rule with all its unhallowed and danger-

ous and despotic power stood unquestioned and unassailed.

Mr. MORTON. If the Senator will allow me I will call his attention to the fact that, so far as I am concerned, I proposed a change in this rule before this change in the House of Representatives. I think for three years I have been calling the attention of the Senate to the twenty-second joint rule and urging that it ought to be abolished or modified.

Mr. BAYARD. I do not desire to deny anything that the honorable Senator says in regard to his action; but I simply say, having been a member of the Senate for seven years, that until the last year and the last session I had no knowledge, and I do not think the records of the Senate betray any debate upon the subject in the line of reformation of that rule. If there had been any, there would have been no difficulty whatever in the passage of some remedy. The Senate had no trouble in passing this act at the last session, or one, as I understand, from the Senator almost precisely similar, and it could readily, in the then condition of the House of Representatives, have become the law of the land.

become the law of the land.

Mr. BOUTWELL. Will the Senator allow me a word?

Mr. BAYARD. Certainly.

Mr. BOUTWELL. While I have nothing to say in regard to the opinions that may have been entertained in the Senate, it is within my personal knowledge that immediately after the votes were counted in the month of February, 1869, a debate took place in the House of Representatives, where I then had a seat; and the provisions of that rule were generally condemned, I think uniformly condemned, by those who took part in the debate and who were then members of the majority party in the House. No action was taken tending to secure

the repeal of the joint rule, for it was late in the session and late in the Congress; but at that time there was a very decided opinion that the rule was a bad one.

Mr. BAYARD. I am very glad, then, to hear that there was a de-Senate in the House of Representatives; but I am also aware, as the Senate and the country are, that that debate was followed by no action and by no amendment of the rule. However, I merely cited this more historically than for any other fact. I am glad that a rem-

edy or a proposed remedy comes now.

Now it is proposed, however, after the very sensible and I think authorized machinery of tellers merely to tabulate this vote and return it to the two Houses, that "no electoral vote or votes from any State to the counting of which objections have been made shall be rejected except by the affirmative vote of the two Houses." That is far safer, that is far better; and I do not know that I am prepared to offer any tribunal better adapted than the two Houses for a co-operative vote, which is made necessary before the electoral certificate of a State shall be rejected; and yet my want of suggestion comes from the silence of the Constitution itself on this subject. It has been suggested that the Supreme Court of the United States might take cogmizance of these grand questions of election upon which the Chief Magistracy of the Union and the Vice-Presidency also depend. And there will be found, I think, in the mind of every one who considers this question, a hesitancy for want of the power of the two Houses of Congress to provide, as once they did, for giving to each House the power of rejection and now to constitute the two Houses the tribunal which shall decide upon the reception or the rejection of the vote of a State. This bill undoubtedly does place this power in the hands of the two Houses, formerly confined to either one, of disfranchising at any time an entire community; that is to say, the community of an entire State or of any number of States. The answer is very plain, that, where the two Houses shall be of a different political complexion, both will not join to defeat a popular choice, because the Senate would not wish to throw the election into the hands of the House, as it necessarily must do, if there be not a majority of electoral votes declared by the count; and the House undoubtedly, on the other hand, would not have it in its power to claim the election by the non-assent of a non-concurring body of a different political view. But it is a grave question whether the two Houses have the power to constitute themselves a tribunal for the acceptance or rejection of the vote of a State at will, and with the small amount of debate and time allowed by the subsequent sections of this bill, and thus by a concurrence of action assume and perhaps exercise the power of changing the prima facie result of a popular election, and throwing it under the control

of one of the branches of Congress. That is the result; let us con-template it, and ask whether we have the power thus to do. In the event of a majority of the electors not having been found to cast their votes for any one candidate, the election must go to the House of Representatives. I can imagine the two Houses of the same political party, not as they are now constituted, for this is not a law for to-day only; it is to become a settled law, a fixed rule, requiring for its repeal the assent of a majority of each House and the President of the United States. We are to establish as our rule that a power is to be deposited in the hands of the Senate and the House of Representatives at their will to throw the election at all times into the House of Representatives by concurring in the rejection of the electoral votes of the various States. Is or is not that an authorized exercise of power? Is or is it not in accordance with the theory of our Government on this subject? Were the two Houses of Congress ever intended to become the judges of the electoral vote of the people of this country? Apparently by the Constitution their duties would seem to be of a ministerial character only. They were to They were to stand by and witness the counting, and their presence in that way as witnesses was supposed to be a security. Now you change this from a merely ministerial power into a judicial power of the very gravest and most important character. Is there a warrant for that in the Constitution of the United States? And if Congress has the right thus to create itself into a tribunal for this purpose or to create any other tribunal competent for this purpose, are the two Houses of Congress the best tribunal that we can devise and suggest? I state these questions without the preparation to answer them fully, and in regard to them not having that conclusive opinion that I would wish to have before my vote is to be cast on this subject; but I state them to exhibit to the Senate the gravity of the propositions contained in the present bill, and to ask them not hastily to adopt a measure of this kind.

Everything that tends to give certainty, everything that tends to promote fairness, everything that tends to create such a decision as shall satisfy the great popular mind of the country and give that respect to public action which every legislator ought to do his best to secure, I desire to favor. Give the people a tribunal entitled to respect, and its decisions they will abide by though they may be adverse to the popular will at the moment. Therefore it behooves us, in dealto the popular will at the moment. Therefore it behooves us, in dealing with a question which was intended to be left to popular election, not to interpose such a tribunal, and that tribunal to be created to-day by our own votes, as may thwart, and has certainly the power to thwart in a given case, the expression of the popular will at the polls. I hope this measure will be discussed. I am not prepared to say that I shall vote against this bill, nor have I proposed to raise my voice in opposition to it; but I trust that these suggestions thus

thrown out, and rather unpremeditatedly-for I did not suppose the measure would be called before the Senate this morning—may meet with some response from others on this floor who have likewise given grave consideration to this subject.

grave consideration to this subject.

Mr. MORTON. Mr. President—
Mr. SHERMAN. With the consent of the Senator from Indiana, and before he discusses this bill, I arise to suggest an amendment in harmony with the general purpose of the bill.

The proviso of section 3, in my judgment, may possibly enable either House to defeat the object of the bill, the object of the bill as declared on the second page, in section 1, being to prevent either House from defeating the counting of the vote of any State, and to repeal the practice that had grown up under the twenty-second joint rule, by which either House might by its affirmative vote exclude any State by which either House might by its affirmative vote exclude any State for any cause whatever from having its electoral vote counted for President. That rule is sufficiently met by the language of the twenty-ninth, thirtieth, and thirty-first lines of the first section, as

And no electoral vote or votes from any State to the counting of which objections have been made shall be rejected except by the affirmative vote of the two Houses.

But under the proviso to section 3, I fear very much that either House might by indirection defeat the counting of a vote, because it provides for the separation of the two Houses and the consideration by each House of the question, and then provides:

That after such debate has lasted two hours it shall be in the power of a majority of each House to direct that the main question shall be put without further debate.

This provision is not compulsory, and either House might prolong debate indefinitely, and thus prevent the question from being taken on the counting of the vote. It is true it is rather a violent supposition to suppose that either House of Congress would, by an abuse of its power, endanger the existence of the Government; but the object of this bill is to guard against all possibility of the abuse of power in that respect, and it is not an improbable supposition that in high party times, under great excitement, one House might thus neglect or refuse to direct the main question to be put. We know very well the influence of party excitement and party feeling, especially under strong provocation. Therefore it seems to me that this provision ought to be more peremptory in its character; it ought to require, ought to be more peremptory in its character; it ought to require, after two hours' debate, a peremptory putting of the main question. I suggest to the Senator from Indiana whether it would not be safer and more in harmony with the object of the bill to require after a reasonable time, say two hours, that the question should be put in each House and the convention again assembled. an amendment to make the provision read: "That after such debate has lasted two hours it shall be the duty of each House to put the main question without further debate." That, it seems to me, will avoid the difficulty, and then no question can be discussed longer than

two hours. I think two hours ample time for the discussion of any question that may arise.

Mr. EATON. I was about to ask my friend from Ohio if, in his judgment, two hours' time would be sufficient to discuss the grave questions that might arise. I agree that his criticism is entirely just in regard to the clause in the bill. The only doubt in my mind is in regard to

the time.

Mr. SHERMAN. This is a duty rather in the nature of a ministerial duty, that must be promptly performed. The only question before the two Houses is as to the form and sufficiency of a return, and that depends on matters rather of a historical character. The facts connected with these returns will have been published to the world before the time when the two Houses meet, and probably the attention of each member of Congress will have been called to them. you allow more than two hours or open the subject for indefinite de-bate, you may defeat the object of the law. There is not much time allowed to elapse between the time of counting the votes of the electors and the time when the presidential office must commence, on the 4th of March. This bill antedates the time of counting the on the 4th of March. This bill antedates the time of counting the votes, making it two weeks, as I understand, earlier than it was before, in order to allow a reasonable time to dispose of any question which may arise. It seems to me that two hours' time is sufficient in a deliberative body to point out the real point or merit of any proposition likely to arise on a question of this kind, which is rather a matter of form than otherwise. Indeed I remember in the last case, which was a very important case, that the Senate hastily decided, I think warned on the hardeness votes to adopt was ellered. Figure 1. think wrongly, on the Arkansas vote; no debate was allowed. Senator went up to the desk and examined the paper, and without having time to look at the law, without having even time to send to the Library to see what the constitution of Arkansas required, we fell into the error of supposing a fact which did not exist, that the State of Arkansas had a seal, and therefore we rejected the vote of that State because of the want of a State seal to the certificate. Two hours' time is ample to decide any question of that kind or that is likely to arise in these cases. Indeed I thought it was rather longer than necessary. A short debate would be proper to call the atten-tion of each House to the matters before them, and then the voto should be taken peremptorily and mandatorily, in my judgment. I submit the amendment.

Mr. WITHERS. In the same connection with the remarks made by

the Senator from Ohio, and to save trouble to the chairman of the

committee who reported the bill, I would call his attention to the second section, and inquire whether the point which I am about to mention was considered by the committee, and whether they designed the bill to have the effect that it seems to me it will have if it be

adopted in its present form?

The provision in the twenty-ninth, thirtieth, and thirty-first lines of the first section gives practically a veto power to both Houses acting conjointly when an objection is made to a vote being counted; ing conjointly when an objection is made to a vote being conniced; but in regard to the contingency where different certificates of election are sent up from a State, the second section provides that, "all such returns shall be opened by him" (the President of the Senate) "in the presence of the two Houses when assembled to count the votes;" both the conflicting returns shall be opened.

And that return from such State shall be counted which the two Houses acting separately shall decide to be the true and valid return.

It would therefore require the concurrent action of both Houses to fix upon the authentic return from such a State. Suppose these two Houses should differ; one should assert that one return was the correct one and the other the other; there seems to be no provision made for settling the difficulty that would thus arise. I would inquire if in the event such a thing should occur the vote of a State that was thus disputed would be cast out entirely? If so, it leaves it till in the research of the Heaves to the these than the state of the State.

it still in the power of either House to veto the vote of such a State.

Mr. WRIGHT. The suggestion just made by the Senator from Virginia had occurred to me, as also one or two others that I beg leave to submit to the chairman of the committee before he shall address

the Senate.

By the first section it is provided that no electoral vote of a State shall be rejected except by the affirmative vote of the two Houses. That contemplates a case where there is but one return from a State. The second section contemplates a case of two returns; and that provides that the return from such State shall be counted which the two Houses acting separately shall decide to be the true and valid return. Now, suppose they shall not agree, then what is to be the result? That is a contingency that, it seems to me, is not provided for in this bill. That is one suggestion that I have to make; and it is the one already submitted by the Senator from Virginia.

I will suggest to the Senator from Indiana another trouble that occurs to me under the first section. The last clause of the first section contemplates that not only the question of the admission of the return from a State may be referred to the two Houses acting separately, but that other questions "pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner." If the "like manner" refers to what precedes, with reference to the manner of accepting or rejecting a return, and that in determining any of these other pertinent questions there must be an affirmative vote of the two Houses to reject, otherwise it shall be accepted; and if, upon a question thus pertinent being submitted to the two Houses, they do not affirmatively determine to reject it, it seems to me that you would get into difficulty. That is my second suggestion.

The third suggestion arises upon the fourth section of the bill.

That provides that:

No recess shall be taken unless a question shall have arisen in regard to counting any such votes, in which case it shall be competent for either House, acting separately, in the manner hereinbefore provided, to direct a recess not beyond the next day at the hour of ten o'clock in the forenoon.

The doubt that occurs to me is whether that recess relates to a recess by each House separately or a recess as to both Houses, and whether if one House-determines to take a recess that works a recess of both Houses or whether it only works a recess of such House as thus determines, or whether it is necessary that there shall be concurrent action determining in favor of a recess to have a recess of both Houses, or whether either House acting for itself can take a reces

I do not know but that the inquiries I make are entirely answered by the bill as it stands; but I suggest them as difficulties which have occurred to me, and I shall be glad to hear from the Senator from

Indiana upon them.

Mr. EATON. Mr. President, the objection which has been so well stated by the Senator from Iowa and the Senator from Virginia had occurred to me, but I thought I would not mention it until the matter had been arranged in regard to the amondment of the Senator from Ohio. It seems to me that this second section is altogether vicious.

SEC. 2. That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses acting separately shall decide to be the true and valid return.

Now, suppose they do not decide. Suppose the Senate acting separately decides that return marked "A" is the true return and the House of Representatives decides that the return marked "B" is the true return. Then neither can be counted by the terms of this bill. Manifestly this cannot be the design of the distinguished Senator from Indiana. Although perhaps it is a little out of place now, the question being on the amendment of the Senator from Ohio, if the Senator from Indiana will have the kindness to look at the second section of the bill—I will read the last paragraph:

And that return from such State shall be counted which the two Houses acting separately shall decide to be the true and valid return.

Now, I will suppose there are two returns which I will designate for Now, I will suppose there are two returns which I will designate for the purpose of identification as one "A" and the other "B." The Senate decides that "A" is the proper return; the House of Representatives decides that the return marked "B" is the proper return from that State. Which is to be counted under this bill? Certainly neither. "That return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return." Manifestly the bill is vicious in this particular.

Mr. MORTON. Mr. President, before proceeding to comment on the features of this bill, I wish to answer a suggestion made by the Senator from Delaware to the effect that it was not proposed to repred

Senator from Delaware to the effect that it was not proposed to repeal or modify the twenty-second joint rule until after a change had oc-curred in the political relations of the House of Representatives. The effect of that suggestion was to give this proposed amendment a po-litical significance. Now to relieve myself at least from any imputa-tion of the kind, I call the attention of the Senate to a speech that I made in this body on the 17th day of January, 1873, three years ago and more, certainly before this charge had taken place in the political complexion of the House of Representatives. I discussed the twenty-second joint rule as it stood until a few weeks ago, and I cannot now add anything to the objections I then took to that rule, to its enormity, and to its danger, I said:

I now come to the consideration of the twenty-second joint rule of the two Houses, adopted in 1865, in regard to the counting of the electoral vote. This rule was undoubtedly the result of a conviction in Congress of the necessity of providing some method for avoiding the dangers I have been discussing; but it was certainly adopted without much consideration, and with a view apparently of furnishing an additional safeguard against receiving electoral votes from States that had been in rebellion.

Again I said:

It is, in my judgment, the most dangerous contrivance to the peace of the nation that has ever been invented by Congress; a torpedo planted in the straits with which the ship of state may at some time come into fatal collision.

I then went on to recite the rule, and discussed it somewhat at length. It was at a time when both Houses of Congress were Republican. I did not discuss it in any political aspect. It was a question above party and political considerations, and as such I present it now. The principal change which this bill makes from the old twenty-

second joint rule consists in three things, to which I will call the attention of the Senate. Under the twenty-second joint rule, when the two Houses assemble to count the electoral vote, if an objection be made, we will suppose to the vote of New Jersey, however technical and trifling it may be, the two Houses separate to vote on the objecjection, each in its own chamber. Unless the objection be overruled by the vote of both Houses, the vote of New Jersey is lost. For example, if the Senate sustain the objection and the House of Representatives overrule it, the vote of New Jersey goes out. If the House of Representatives sustains it and the Senate overrules it the vote of New Jersey goes out. Thus, it was in the power of one House of Con-gress to disfranchise a State and to disfranchise all the States; and under the operation of that rule, when the two Houses came to vote separately, there was no debate; there could not be a single suggestion. The Senate rejected the vote of Arkansas when we counted the votes the last time. Then, if there could have been a word said, we should have avoided that foolish blunder, for such it turned out to be; but under the rule there could not be a word said; we could not even refer to the constitution of Arkansas, and the result was that in twenty minutes we disfranchised about six hundred thousand people.

twenty minutes we disfranchised about six hundred thousand people. This bill allows a short debate to point out the objection or the fullity of the objection; and it provides that no State shall be disenfranchised or any electoral vote lost without the concurrent vote of both Houses. You cannot pass the most trifling bill without the concurrent vote of both Houses; you cannot appropriate a dollar of money without the concurrent vote of both Houses, each acting septently, but made this all relations and distributed by the concurrent vote of both Houses, each acting septently, but made this all relations and distributed by the concurrent vote of both Houses, each acting septently that made this all relations and the concurrent vote of both Houses, each acting septently that made this self-relation to the concurrent vote of both Houses, each acting septently that made this concurrent vote of both Houses, each acting septently that the concurrent vote of both Houses, each acting septently that the concurrent vote of both Houses. arately; but under this old rule you could disfranchise forty millions of people by one House. It was absurd, wickedly and danger-ously unconstitutional. This bill provides that you cannot reject an electoral vote from any State unless both Houses shall concur in that rejection, and that is the only safe rule on the subject, in my judg-

ment.
Mr. BAYARD. Will the Senator permit me to make a suggestion?

Mr. MORTON. Yes, sir.

Mr. BAYARD. Do not the provisions of this bill allow of the increase of the votes of the electoral college by compelling the counting of any votes purporting to be electoral votes sent up from a State, no matter by whom; I want to show this effect: There are, say, in our electoral college at present 366 electoral votes; one-half of this is 183 votes, and 184 is a majority. The Constitution entitles the person having the greatest number of votes for President to be President, if such number be a majority of the whole number of electors appointed; so that if any man shall be found to have received 184 votes he has a majority and he is entitled to be President. Now, if we shall permit two sets of returns to come from any State and require the concurrence of both Houses in order to reject either one of those two sets, we may, by one House refusing to concur with the other House in choosing which of these sets of duplicate returns shall be regarded as the lawful one, have the aggregate of the electoral votes increased; and say it occurs to the extent of 12 votes, we should then have 366, the true electoral college, increased to 378, and thereby we should make it necessary for a man to receive 190 instead of 184 to have a majority.

We are not making a law for this man's chance or that, or for this or that party, but proposing to make a permanent rule which shall be safe, satisfactory, just, and exclusive, so far as we can, of frauds or unfairness in elections; and the question is, would it be a wise thing to provide by this section 2—

That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

Let us construe that section by the language of section 1, from line 29 to 32:

And no electoral vote or votes from any State to the counting of which objections have been made shall be rejected except by the affirmative vote of the two Houses.

Here, then, should we not find that it would be within the power of some mischievous and unfair persons in different States of the country to cause certificates purporting, to use the language of this bill, to be certificates of electoral votes to come up, and thereby the aggregate of the electoral college to be swollen to such a figure that a majority would be required which in reality the present Constitution does not require? I ask the Senator if it does not strike him that there is force in that view?

Mr. MORTON. The first section of this bill applies to a case where

Mr. MORTON. The first section of this bill applies to a case where there is but one return from a State, and provides for settling objections which may be made to that return. The second section is intended to provide for a case where there are two sets of returns from the same State, as there were from Louisiana in 1872. Now, the question of the Senator from Delaware goes to this point, that where there are two sets of returns and the two Houses do not agree which set shall be counted, both sets will be counted and the aggregate number of electoral votes increased. That is not intended to be the effect of this section, and I think it is not. The effect of it is to determine which set shall be counted, and if the two Houses do not agree neither set is to be counted.

That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes, and that return from such State—

I call the attention of the Senator now to this point-

and that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

Does not that carry with it the negative, that if the two Houses do not agree, neither set shall be counted? Would it change the sense if you insert the word "only?" I have no objection to that being

inserted, if it is desired, to make it certain.

Mr. BAYARD. Then, I suggest, the only point is this: the Senator says that the second section relates to cases where different certificates come up, and that the first section does not relate to such cases; that in the second section it requires a concurrent vote to have either passed, and in the first section it requires a concurrent vote to have one rejected. Therefore in the two classes of votes, where a single certificate comes up it requires the action of each House acting separately to reject, but where there comes, a duplicate certificate the result of the Senator's present construction of this bill is that either House by sticking to the certificate which it prefers can disfranchise the State as completely as was done under the twenty-second joint

Mr. MORTON. I suggest to the Senator that the rule is exactly the reverse in the two sections, and of necessity. Where there is one set of returns, this bill provides that the vote of a State shall not be rejected unless both Houses agree to it; but where there are two sets of returns and the two Houses disagree, then who is to decide? I will suppose, as in the case of Louisiana, here are two packages sent to the Vice-President. He opens them, and finds that each one purports to be signed by the governor of Louisiana; that there are two sets of electors, each assuming to vote for President and Vice-President. Who is to decide which is the correct return, who is the governor of Louisiana, and which set of electors was entitled to cast the vote of that State? Will you leave it to the Vice-President alone? If you do not provide for settling it by the two Houses, he must decide that question. He is the absolute arbiter, and there is no appeal from his decision. Here are two sets placed in his hands. He may take a political view of the question, and he presents that set to the two Houses to be counted which he thinks ought to be counted, and there is no possible escape from it. You cannot even know what are the contents of the other package; you have no means of knowing. You leave him to decide what this bill provides that both Houses shall decide.

There is the precise danger to be avoided. If there are two sets of returns and there is no means by which the two Houses can pass upon them, who is to decide that question? We cannot read both sets; both cannot be counted, because the State can have but one vote or series of votes according to its population. Somebody must decide it. If the two Houses do not decide it, the President of the Senate must decide it, and that is just the authority which Mr. Mason assumed in 1857, when he refused to entertain a motion to reject the vote of Wisconsin. In that case the vote of Wisconsin was clearly illegal. It was not cast by the electors on the day fixed by law. A

motion was made to reject the vote. That was before the adoption of any rule on the subject. Mr. Mason, then President pro tempore of the Senate, refused to entertain the motion, declared it out of order, directed the tellers to read the vote and to count it, and the vote of Wisconsin was counted, clearly in violation of the Constitution. As soon as that was done, the two Houses separated, and an angry debate took place in both Houses. The power of Mr. Mason was denied; but there was no rule on the subject, and it all came to nothing. Happily in that case the vote of Wisconsin was not important. Mr. Buchanan was elected by a large majority, even counting the vote of Wisconsin for Mr. Frémont. It became unimportant, as it would have been unimportant if we had had no rule on the subject three years ago and the Vice-President had determined that he would count this or that set of votes from Louisiana in 1873. But suppose that the election of President had turned upon it, we can then see the danger and the trouble to result from it. Where there is but one set of returns, it is right to provide that no vote shall be rejected unless by the concurrent vote of both Houses; but where there are two sets, somebody has got to choose between them. And who is it? Will you leave it to the President of the Senate? You cannot leave it to one House, because one House may choose one set and the other House choose the other set. You must trust to the judgment, you must trust to the integrity of Congress acting under the Constitution and under their oaths, just as you do in the passage of any bill on an important subject. You must believe something in the integrity of men, and in that case it is safer to leave it to both Houses than it is to leave it to one House alone. It is safer to leave it to both Houses than it is to leave it to the Presiding Officer of the Senate, because there is where the power must rest if it is not placed in the two Houses of Congress.

Mr. WALLACE. Will the Senator allow me to make a suggestion?

Mr. WALLACE. Will the Senator allow me to make a suggestion? Suppose that the Senate should use the remedy that the Constitution provides in the case of the election of President when it goes into the House, that the States by their representation shall settle this question when there shall be two returns, and that a vote by States be taken in the joint body. I would suggest such an amendment as

When the two Houses acting separately shall disagree in their decision as to which is the true and valid return from any State, or as to any other question which they may have separated to decide, the joint meeting shall finally determine the same by a vote by States, the representation from each State, including the Senators therefrom, having one vote; but if such representation shall be equally divided, the vote of such State shall not be counted.

This I have drawn hastily, and it is a mere suggestion thrown out. It seems to me it would solve this difficulty. There are two returns from a State; we are in joint convention; the States themselves by their votes could settle the question, the representation from each State having a single vote. It is a mere suggestion, which I throw out for what it is worth.

Mr. MORTON. As between the method provided in this bill and leaving it to the votes of the States, I should much prefer this as being the most democratic and as being the fairest in every point of view. I think the weakest part of our Constitution to-day is that part which provides for the election of President by the States each

Mr. MORTON. As between the method provided in this bill and leaving it to the votes of the States, I should much prefer this as being the most democratic and as being the fairest in every point of view. I think the weakest part of our Constitution to-day is that part which provides for the election of President by the States, each State having one vote; the smallest State in the Union having the same voice in the election of President as the largest one. That experiment has been tried twice; twice it endangered the existence of the Government; and it is to be sincerely hoped that it will never be tried again. The remedy of electing by the States was the last provision put in the Constitution of the United States after the convention had tried in various ways to settle the question. It was put there finally with but little consideration. It is unjust to the people; it is dangerous; it presents the greatest temptation for corruption that can possibly be presented.

But I was discussing the question in regard to two sets of electors in a State, where two sets of votes come here where there are two

But I was discussing the question in regard to two sets of electors in a State, where two sets of votes come here where there are two persons each claiming to act as the governor of the State, two bodies of men claiming to be electors. Two packages come here. Somebody must settle that question; and how shall it be done the most safely to the country and the most satisfactorily? Unless you provide for settling it in this way you must leave it to be settled by the presiding officer of the Senate. In my judgment it would be more conducive to the peace and safety of this country to provide for settling it by the action of the two Houses of Congress, just as you make the important laws and carry on the business of this country. You cannot leave it to one House alone. They do not agree; you cannot read both sets; you can only read one set, and therefore read that set which both Houses of Congress, supposing men to be patriotic and to be honest and acting under the obligations of the Constitution and their oaths, shall decide to be the true and valid return. I think that is the fairest way.

Mr. EATON. Suppose they do not agree on the same return, what

Mr. MORTON. The vote goes out, the State has no vote, because unless there is some tribunal to settle which vote shall be counted you cannot count both, and therefore you cannot count either. You must have some tribunal to settle that difficulty; and what tribunal is safer than the two Houses of Congress, I ask my friend from Connecticut?

Mr. WITHERS. I suggest that it would be better that some tribunal should be provided for settling this question of duplicate returns, which is not provided for in the bill at all. If the bill is passed in its present form, it will be in the power of a small faction or a large one in any State which wished to deprive that State of its voice in the electoral college, to send up a set of returns claiming to be the electoral returns, and if there was anything like strong partisan feeling in the Houses and they were divided politically, each party having a majority in one House, the effect of such returns would be to deprive that State of its vote. It might be engineered solely for the purpose of producing that result. It seems to me the bill would be in better form if some arbiter were provided to decide what should be the return from the State in that case.

be the return from the State in that case.

Mr. MORTON. In the case suggested by the Senator from Virginia, where a faction gets up another set of returns of electoral votes for the purpose of depriving a State of its vote, something must be left to the integrity and judgment of Congress. Take that very case where a faction works up a false set of returns, and they are sent to the President of the Senate. If you do not provide for the two Houses settling that question, you necessarily leave him to pick out the package that he thinks ought to be counted. He is as liable to be swayed by political considerations as both Houses are, or as either House is, and therefore the same difficulty returns. Now in regard to another tribunal, I presume my friend refers to a court or something of that sort to decide. That under the Constitution cannot be done, as will be seen when we come to consider its phraseology:

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distincts lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate.

The certificates are to come to the President of the Senate sealed. Nobody knows the contents of them. Whether the electors have been certified to by the governor as elected, whether they have voted for persons living in different States for President or Vice-President, as required by the Constitution, or whether they have voted by ballot as required by the Constitution, none of these facts can be known until the two Houses assemble to count the votes, because the packages are not to be opened except in the presence of the two Houses at the precise time when the votes are to be counted. You cannot examine in advance and see if there are any irregularities and have them corrected, or submit them to a court to decide questions. These questions cannot arise until the two Houses have assembled to count the votes, and then the packages are opened for the first time.

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

Then and there. You cannot refer to any other tribunal; you cannot get the case before the Supreme Court of the United States or before any special court to be created for that purpose. These votes are then to be opened, and then and there they are to be counted. I will read on:

The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the last of those voted for as President, the House of Representatives shall choose immediately.

It contemplates, and the history of the debates shows that the Constitution contemplates, that when the votes have thus been opened and counted, if no person is found to be elected, the House of Representatives shall without adjournment proceed to elect a President, so that there shall be no interregnum—that there shall be no delay in the choice of an Executive of the United States.

Mr. WITHERS. The view which is stated by the Senator from Indiana in regard to the necessity of an immediate counting of the votes is undoubtedly correct; and so as to the inability of remanding the decision of the question to the Supreme Court; but I am not prepared at this time to give my assent to the doctrine that the two Houses would be better prepared or qualified in any sense to decide this question than would the joint representation of the States, acting by States, as suggested by the Senator from Pennsylvania; or even than the Vice-President of the United States, because we all know that where responsibility is devolved specifically upon an individual occupying a position as high as the Vice-President occupies he will proceed to the discharge of that duty with a fuller knowledge of that responsibility, and, I think, with less probability of having his judgment warped by purely partisan considerations than would either House of Congress. But I have merely thrown out these suggestions not that I am prepared now to offer an amendment which would meet the difficulty I have suggested, but to call the attention of the distinguished chairman of the committee to it, and elicit such information with regard to arguments and reasons which caused the committee to report the bill in its present form rather than to propose a remedy for them.

Mr. MAXEY. I desire to call the attention of the Senator from Indiana, the chairman of the Committee on Privileges and Elections, to sections 1 and 2. It occurs to me that section 1 is predicated on the principle of law that, where a certificate is presented, all presumptions are in favor of that certificate being regular. Hence, according to law, that presumption remains unless it is set aside by the joint action of both Houses. If the Houses disagree, the presump-

tion remains; and therefore you count the vote of the State. I can understand that to be the doctrine, and I think that follows rightly. But when we come to the second section, there is trouble in my mind; and all I want is to get the thing right. Where two sets of certificates are presented, and the Houses disagree as to which is the right certificate, what are you going to do about it? Certainly one or the other is right, because the State has certainly voted. If the two Houses differ, then, according to this bill, the vote of that State falls. There is the trouble in my mind. Can there not be some means devised whereby a sovereign State will have a right to have her vote counted and not be cut out of that vote by reason of the failure, or, if you please, the fraud of the certifying officers in sending up the wrong certificate? Is there not some way of getting at that and counting the vote? I can readily see that if the President of the Senate were the arbiter or umpire between the two Houses when the two Houses disagree, that umpire, as in many other cases, would settle the question; but where the Houses disagree and there is not an umpire to settle the question, the inevitable result will be that a State is deprived of its vote in the electoral college. I would like to hear from the Senator if there could not be some means devised by the Committee on Privileges and Elections to save the right of such State to vote?

Mr. MORTON. I think the bill is intended for that. To come right back to the point, where there are two sets of electors, two persons purporting to act as governor, and two seals each purporting to be the seal of the State, and when, as in the case of Louisiana, they are precisely alike so that nobody can tell the difference between them, when such a contingency occurs somebody must decide; and the only question is what is the safest tribunal. Is it safer to leave it to one man, however high his character and his ability may be, as the Vice-President, or is it safer and more in harmony with our institutions to leave it to the two Houses of Congress?

tutions to leave it to the two Houses of Congress?

Mr. MAXEY. If the Senator will pardon me; the point was, where the two Houses disagree, one House votes in favor of one certificate, and the other House in favor of the other certificate. In that case, if I understood the Senator correctly, the vote of the State falls; and it was to get over that difficulty that I asked him if a remedy could not be devised.

Mr. MORTON. Where there are two sets of votes and the Houses disagree they must both fall, unless you go to some other tribunal. Who can decide that question? What other tribunal can decide the question? You cannot have it decided by a court, for that would be clearly in violation of the Constitution. If the two Houses disagree, supposing of course that they are acting honestly and patriotically, who shall settle that question?

Mr. MAXEY. Is not the spirit of the Constitution in that case like a case here in the Senate? When the Senate divides equally, the Vice-President as President of the Senate, who ordinarily has no vote at all, gives the casting vote. Here you have the two bodies divided; one favors one certificate, the other the other. The State has to lose its vote altogether or leave it to some umpire. I ask would it not be within the spirit of the Constitution to let the Vice-President decide?

Mr. MORTON. If, when the Senate comes to decide the question which is the correct return, there is a tie vote in the Senate, and the Vice-President is presiding, not a President pro tempore, he can east a vote in that case, deciding the question in the Senate; but there is no provision in our Constitution authorizing the Vice-President or any other officer of Government to come in and settle the question where the two Houses disagree. If there is a tie vote in the Senate, the Vice-President can cast the deciding vote; but it is not in conformity with the spirit of our Constitution to provide for some officer who shall settle between the two Houses when they disagree. Therefore it seems to me that this provision is a matter of necessity. You have got to leave this disputed question somewhere, and is it not safer, is it not more democratic, more republican, to leave it to the two Houses than to any single officer? You cannot take it into a court; that is clear.

Mr. MAXEY. The Senator is correct if the two Houses can agree; but what I am trying to reach is where the two Houses disagree, how are you going to save the right of a sovereign State? We ought to do that if we can.

do that if we can.

Mr. BOUTWELL. Mr. President, I cannot assume that I entertain the same opinion of the wisdom of this measure that is entertained by the honorable chairman of the committee, nor do I anticipate that if adopted it will prove efficacious in that moment of imminent peril when it is expected to be operative and to guard the interests of the country. We have gone on nearly a century without legislation. For three presidential periods we had a joint rule, a very bad one, for it augmented our difficulties rather than diminished them, and increased the apprehension which careful and judicious men naturally entertained concerning the possibilities of danger to the Republic in passing through the great crises of its existence.

In the examination which I have given to the provisions of the Constitution relating to the election of President and Vice-President, I have become more and more convinced, as my reflection and examination have been extended, that not only did the framers of the Constitution do all that was possible in order to secure safety in the counting of the votes for President and Vice-President, but that in fact they did substantially all that was necessary. I do not accept the suggestion that the Vice-President of the United States has any-

thing more to do in the business of counting the votes for President and Vice-President than that specific duty which is prescribed for and enjoined upon him by the Constitution. That duty is, in the presence of the Senate and House of Representatives to open the cer-There being no other duty assigned to him, I infer natu-

rally that he is to do nothing more.

Almost always, I think, when the subject has been discussed, the question has been presented whether Congress is to count the votes; and by Congress I mean the two Houses met in convention, according to the terms of the Constitution. Our best answer to that is the fact that from the first convention that assembled until the last, the two Houses in convention always did count the votes. A teller was appointed by the Senate, two tellers by the House. The votes, or certificates, or returns, whatever they are called, were handed by the Vice-President, after he had opened them, to the tellers. The tellers were the organs, the instruments, the hands of the respective Houses. The votes were counted by the tellers, and being counted by the tellers, they were counted by the two Houses; and therefore there never has been any difference of practice, and no different practice could have arisen under the Constitution. The two Houses in convention have from the first until now counted the votes.

I agree entirely with the suggestion made by the honorable chairman of the committee in regard to the power to count the votes and the duty to count the votes. The power was conferred upon Congress and the duty was enjoined upon Congress. The power and the duty are in Congress. Congress must exercise the power and perform the duty, and it is not possible under the Constitution to transfer it. If that be so, then the suggestion of the Senators from Virginia and Texas is answered, whether some device may not be resorted to by which there can be an arbitration and a judgment when a case shall arise such as is provided for in the second section of the bill. There can be, under the Constitution, no tribunal to decide that or any other question arising in the course of counting the votes; the duty is imposed upon the two Houses of Congress. They alone can perform it, and they have not the power to transfer its performance to anybody else. Whether this power is there for weal or for wee, there it is; and until the Constitution is altered there it must remain.

I say I have not the faith in the wisdom of this measure that is probably entertained by the honorable chairman of the committee; and yet I expect to vote for the bill. I have not the faith in it because I do not see the constitutional force that can be given to this bill, so that when it becomes a law it will be imperatively operative upon the two Houses of Congress that may assemble under it. understand that a joint rule adopted by each Congress would be operative upon that Congress that might be called upon to count the votes in a particular case, not only in good conscience, but in such a general judgment of the whole country that we may say, speaking in the ordinary use of language, it would not be possible for either House to violate the obligation imposed upon it by the joint rule and receive any support from any party in the country; but I think a law would have somewhat less force upon a Congress or upon one branch of a Congress that might find it convenient not to obey the law.

Here is a duty imposed upon Congress by the Constitution; it is a duty to be exercised at stated periods. The provision of the Constitution does not operate upon every Congress, but it operates upon particular Congresses. Can a Congress to which or upon which the provision of the Constitution does not attach at all legislate and bind the conscience and the judgment of a Congress that is to perform a duty imposed by the Constitution especially upon itself? I have great doubt upon the point, whether, if the exigency should arise when it would be thought desirable, so desirable as to be expedient, for one branch or the other of Congress to disregard the law, (and that would be just the exigency when probably the law should be observed,) we should not find one body or the other willing to take the responsibility and, upon the argument that could be presented, to go to the country for justification. Nevertheless it is true that, if we can devise a wise and just system, a system in harmony with the practice of the country and the judgment of men as to the constitutional provision, its enactment into law—such is the respect of the American people for law—would do something to secure the country against the evils that might otherwise arise; and therefore I am disposed to vote for the bill substantially as it is presented to us; and yet without feeling absolutely secure that it so rests in the power of Congress under the Constitution that a Congress called upon to observe it might not feel authorized to disregard it.
Still further, Mr. President, I think the counting of the votes, in the

language of the Constitution, means something more than a mere examination of the certificates returned from the electors of the respective States. There are several precedents, I think, which go to show that our predecessors have also entertained that opinion. But it must, in the nature of the case, mean something more. Under the first secin the nature of the case, mean something more. Under the first section of this bill the votes are to be counted unless the two Houses concur in the rejection of them. The reason for this, it seems to me, is plain. The presentation of a single certificate in the usual form is prima facie evidence of the truth of what the certificate contains, and there being no testimony controverting that prima facie case, it certainly ought to stand until it is overruled by the concurrent judgment of the two branches of Congress authorized to pass upon the question. But when two certificates are returned from the same State, it cannot be said that there is a prima facie case for either of these certificates. be said that there is a prima facie case for either of these certificates,

and with less reason can it be said that there is a prima facie case for both of these conflicting certificates, and therefore there is not a prima facie

case for anything.

Two consequences follow from this state of things: First, that the counting of the votes under the Constitution means something more than the mere examination of the paper certificate; otherwise more than the mere examination of the paper certificate; otherwise there would be no possible means by which Congress, when there were two certificates returned from a given State, would have the power of ascertaining what the truth is. Hence, in the very nature of the case, there is power under the Constitution, vested in the two Houses of Congress, if the occasion demands it, to go behind the certificate and inquire into the facts; and that is a general power lodged in all tribunals and assemblies of men where there is authorities ascertain the truth in warmed to a plactice. ity to ascertain the truth in regard to an election. Secondly, it follows that neither of these certificates can be accepted and a result deduced from it unless the two Houses concur in accepting that certificate; and from that a third conclusion necessarily results, that if, unfortunately, through accident or intrigue or the machinations of persons hostile to the true interests of the country, two returns come in from a given State, and it is not in the power of anybody to demonstrate to the two Houses which is the true return, that State must lose That is what happens in all cases where the truth cannot be ascertained; some one suffers as a consequence of that inability, and no scheme that we can devise will rid us of that difficulty.

We must rely upon the integrity and intelligence of the people first, secondly upon the electors and representatives of the people in

the respective States, and at last, notwithstanding the divisions of opinion upon party questions, notwithstanding the diversity of interests, notwithstanding the clash and the hostility of diverse purposes among men, we have in the end to rely much upon the integrity of the tribunals constituted by the Constitution to pass upon great questions involving the integrity and the countinuance of the Government itself. All governments are exposed to danger. Not yet has human wisdom devised a government free from danger. The machinations of men hostile to the perpetuity of a government always create apprehensions, and when by constitutional provisions you have set up every safeguard and interposed every check which human wisdom or human ingenuity can devise, there still remains the element of danger in

ingenuity can devise, there sein remains the element of danger in unmeasured quantity.

The people of this country have confided something to Congress, and this is one of the powers confided to Congress, a solemn duty resting upon it. We have, with all the confidence we can command, to believe that each succeeding Congress when called upon to act in this critical period of national life will do its duty.

The this will be case as I am able to present it. I am disposed to

In this view of the case as I am able to present it, I am disposed to vote for the bill; and yet I am not sure but that the Constitution, interpreted in its natural sense and in the light of the usage of the country for nearly a century, would after all be as good security for the peace and the continuance of the Government as any measure we

can devise

Mr. THURMAN. Mr. President, this is no new subject to me. Soon after the count of votes at the last presidential election I took occasion to say in the Senate that in my judgment unless something were devised to obviate the danger to the country that might grow out of the count of the vote for President, we might find the country plunged into civil war upon the question who has been elected President of the United States. That count was calculated to make every one reflect, to make every one feel how dangerous is our situation. We saw more than one State deprived of its electoral vote on that count where the two Houses were divided in opinion; we saw States lose their vote entirely; and fortunate it was for the country that the rejection of those States did not change the result. If the case had been that the votes of those States, if counted, would have changed the result, it is almost too much to expect of human nature that that count would have been peaceably acquiesced in. Very soon after that, or I believe at the beginning of the next session, the Senator from Indiana [Mr. Morron] introduced a resolution and spoke upon it, referring this subject, if I recollect aright, to the Committee on Privileges and Elections for a report.

ileges and Elections for a report.

Mr. MORTON. It was three weeks before that count.

Mr. THURMAN. Before that count; perhaps it was. The Senator spoke somewhat elaborately upon it. The subject was referred to the committee and a bill was reported by that committee. Glancing over this bill, I find it to be substantially the bill that was reported then. I do not know what changes have been made in it particularly; but I do not discover, on a hasty reading of this bill, any material changes that have been made.

Now, sir, I wish to say that for the second section of this bill, to which exception has been taken. I must assume a portion of the re-

which exception has been taken, I must assume a portion of the responsibility, for I believe that it was upon my suggestion that the Senator from Indiana introduced this second section into the draught of his bill. I ask my friends to consider what this bill would be if the second section were stricken out. We all agree, I think I am right in saying, that the duty of the President of the Senate is simply minin saying, that the duty of the President of the Senate is simply ministerial; that he is not constituted the judge to decide whether a return is valid or not. The whole history of the country, I think, is against any such interpretation of the Constitution as would confer on him that power; and the fact that more than once the Vice-President who presided over the joint convention was himself a candidate either for the office of President or Vice-President would seem to be quite sufficient to show that it never was the intention of the framers of the Constitution, or of the people who adopted it, that this great power of judging of elections should be decided by one man and he a candidate.

Mr. MORTON. Will the Senator allow me to refer to that?
Mr. THURMAN. I will thank the Senator.
Mr. MORTON. In the remarks I made in 1873, and to which I have before referred, I made this statement:

have before referred, I made this statement:

Upon the hypothesis that the President of the Senate has the power to open and count the electoral votes, and that the two Houses are to be present merely as witnesses, and have no jurisdiction over the subject either jointly or separately, everybody must perceive that it is a vast and dangerous power to repose in the hands of one man, especially when he may be ardently devoted to the fortunes of a great party, or when he may be personally interested sitting as a judge in his own case; for it has happened six times in the history of our Government that the President of the Senate has opened and counted the votes for himself, either for President or Vice-President. In 1797, John Adams, as Vice-President, opened the votes for himself, and declared himself elected President. In 1801 Jefferson, as President of the Senate, opened and counted the votes for himself when he and Burr were the candidates for President. In 1821, Vice-President Tompkins, as President of the Senate, opened and counted the votes for himself, ebeing a candidate for reclection; and in 1837 Mr. Van Buren, then Vice-President, counted the votes for himself as President, opened and counted the wotes for himself, the being a candidate for reclection; and in 1837 Mr. Van Buren, then Vice-President, counted the votes for himself as President, opened and counted the votes for his re-election as against Mr. Tyler, the opposing candidate; and in 1861 Mr. Breckinridge, then President of the Senate, opened and counted the votes for himself as a candidate for the Presidency. of the Sena Presidency.

Mr. THURMAN. I am obliged to the Senator for recalling to our memories those facts.

Mr. EATON. May I be permitted to ask the Senator from Indiana from what he read?

Mr. MORTON. I read an extract from the speech that I made some

three years ago.

Mr. EATON. I did not suppose myself that the Vice-President

counted the votes at all.

Mr. THURMAN. That was exactly the conclusion I would have come to, that the counting is not by the Vice-President, and these facts show that it never could have been contemplated that he should be the judge of the election. What his duty is, is prescribed in the Constitution:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

There is no duty devolved upon him but to open the certificates in the presence of the Senate and House of Representatives. That is all the function that is devolved upon the President of the Senate, and that is all the duty he has to perform. We do not disagree about that. The votes then are to be counted. How are they to be counted? They have been counted by a sort of common understanding as to the mode of procedure. They were up to the time of the adoption of the twenty-second joint rule. But now that joint rule, it is held, has been abolished by the Senate receding from it, or by its falling at the end of a Congress. So, at least, I understand a majority of the Senate to hold. How, then, are the votes to be counted? In answer to what is said by the Senator from Massachusetts about a law being inoperative and some remarks that seemed to favor the regulation of this matter by rule, I have this fundamental principle to assert: that where a power is vested in any department of this Government, and the particular mode of exercising that power is not prescribed in the Constitution, that mode is to be prescribed by law. I never thought that a joint rule was the proper mode. I repeat, when a power is vested in any department of this Government and the mode of its exercise is not prescribed by the Constitution, the prescribing of that mode belongs to the law-making power, the Congress of the United States; and, therefore, in this case, where the Constitution simply says that these votes shall be counted, without prescribing in detail the mode of their count, it follows necessarily from the structure and genius of our Government, and from the very nature of legislative power, that that mode is to be prescribed by law. I never believed, therefore, that a joint rule was the proper mode. I believe that a law is the proper mode; and I believe that that law binds everybody, binds each House of Congress as much as any law binds until it is repealed. I have no difficulty therefore with this being a law. I think it proper that it should be in the shape of a bill to become a law.

Now, I ask my friends to consider what this bill would be if the second section were stricken out. The first section provides, in accordance with the Constitution, that the returns shall be opened and Iaid before the convention of the two Houses. If there be no objection to a return it is counted as a matter of course; but if there be an objection to a return, then the first section provides that the Senate shall retire, and each House shall consider the objection, and that return shall be counted unless both Houses concur in rejecting it; and if both Houses concur in rejecting it, then it is to be rejected; but if either House is in favor of counting it, it shall be counted. But suppose there are two returns from a State; the presiding officer, the President of the Senate, is the man who is to open the returns; he opens the return first which he sees fit to open, and it would not hap-pen one time in ten thousand that he would not know whose return that is; he would know whether that return was in favor of the candidate of his party, or whether it was a return in favor of the candidate of the other party. He then selects the return which is in favor of the candidate of his own party, and lays that before the joint convention of the two Houses. Objection is made; the Senate retires; one body votes for that return, and the other body votes against that

return. Under the first section that return must be counted. Thus by that means you have put it completely in the power of the Presiding Officer of the Senate, by presenting one return before another, to cause that return which he first presents to be counted as the vote of

Mr. MAXEY. I do not think the Senator states it precisely as the

second section reads.

Mr. THURMAN. I am speaking of the first section.

Mr. MAXEY. There is no objection to that so far as I know; but the question raised by the Senator from Ohio was as to the propriety of striking out the second section. I presume no one is in favor of striking that out entirely, but the second section reads that if there are two returns from the same State, both those returns shall be opened by the President of the Senate, not one submitted to be disposed of and then another, but both shall be opened. Now the query arises: One of the Houses is in favor of sustaining one of those returns, and the other is in favor of sustaining the other return; the Houses divide. There is no presumption in favor of those certificates, because they are of equal dignity. As the section now stands, the vote of that State falls, is not counted either way. The question which I have endeavored to raise is: Can there not be, by the Committee on Privileges and Elections, some means devised whereby the vote of the State in that case may be saved and counted in the selection of President and

Vice-President? That is the point.

Mr. THURMAN. I am coming to that presently. I was endeavoring to show what would be the result if the second section were stricken out. If it were stricken out it would be absolutely in the power of the President of the Senate to determine, by presenting one return before another, which return should be counted as the vote of

the State.

Then we all agree that the bill ought not to stand upon the first section alone, and that provision ought to be made for the case of two or more returns from a State. Is there any likelihood of such a case occurring which makes it necessary to legislate in respect to it? Yes, sir. We had two returns from Louisiana at the last election, and we had two returns from Arkansas at the last election; so that the case of two returns from a State is not simply a possible case, but it may be said sometimes to be a probable case; at all events it having oc-curred, it cannot be said that it is a far-fetched idea which need not be taken notice of by practical statesmen. It has occurred, and it may occur again.

Mr. KERNAN. Permit me to ask did the Vice-President produce both returns under the clause of the Constitution?

Mr. THURMAN. He did produce both.

Mr. KERNAN. And open both? Mr. THURMAN. Yes.

Mr. KERNAN. So that somebody had to decide which was the rue return?

Mr. THURMAN. He did open, according to my recollection, both from Louisiana, and both from Arkansas, and they were both rejected, if I recollect aright. Louisiana was I know.

Mr. MORTON. There was but one set from Arkansas.
Mr. THURMAN. There were thought to be two.
Mr. MORTON. There were supposed to be two at first; but there turned out to be only one.
Mr. THURMAN. There were certainly two from Louisiana. Then, in order to prevent the President of the Senate from forestalling judgment by simply presenting one of the returns, this second section requires him to present them all. There is no objection to that. Then comes the question, where there are two returns how are we to decide between them? We are to decide between them, as I suppose, according to the provisions of some law which we shall enact, which will enable us to come to a decision. This second section undoubtedly may have the effect if there be no amendment to it, and no remedy can be found, to cast out the vote of a State because the two

Houses cannot agree which is the correct return.

Mr. BAYARD. That leaves a veto power to either House.

Mr. THURMAN. I do not care by what name you choose to call it; that is the result. I suppose that in any other case that should come up for decision before any tribunal, if there were a question which of two papers, for instance, was a valid paper, and which was a forgery, and the court was composed of equal numbers, and two of them should decide in favor of one paper, and two decide in favor of the other, both papers would be excluded. The only question, and the difficult one, is this: Is the Constitution so impotent that we cannot provide a remedy or a tribunal to decide where the two Houses disagree? As I have said, the mode is to be decided by law. It is submitted to the law-making power to provide the mode by which it shall be ascertained which is the true return; and I must say that I am not prepared just now to assert that we cannot provide some mode by which this difficulty, where there is this disagreement between the two Houses, may be decided.

Mr. EATON. Allow me to suggest that that is just the fault in my mind with the second section—that it does not provide a tribunal to decide; it dodges the question. It throws out possibly both returns and thus the State is disfranchised. I have my friend from

turns, and thus the State is disfranchised. I hope my friend from Ohio will be able to find some tribunal which will determine the

matter. I think I can suggest one by and by.

Mr. THURMAN. I hope those who have devoted some attention to this subject will be able to find some tribunal or some mode of

deciding; and I am sure that I shall give my support to any constitutional mode that is reasonable and proper and just in itself by which this difficulty arising from a disagreement between the two

Houses can be decided.

Mr. MAXEY. Will the Senator from Ohio allow me to make a suggestion at that point?

Mr. THURMAN. Yes, sir.

Mr. MAXEY. Every practicing lawyer knows that there is some-times a case omitted falling within the purview of the law and which ought to fall within the purview that is not discovered at the passage of the law, but it is discovered in practice. Here we do discover before the law is enacted that if this law is enacted as it now stands, there may be an important omitted case. It is to meet that II have been so persistent in this matter. I can readily perceive that a case may arise where two certificates will come from the same State. I can conceive that one House would adopt one certificate and the other House that one House would adopt one certificate and the other House the other; and, as the bill stands, the inevitable result would be that the vote of that State would not be counted. Now, can there not be—and I address that question to the Committee on Privileges and Elections, because it is their peculiar province—some mode devised whereby, in the event of a disagreement of the two Houses, the vote of the State can be counted, and that too in compliance with the Constitution? ance with the Constitution?

I will add that I believe, as has been stated by the Senator from Ohio, that this matter should not be left to a rule, but it should be done by a law which binds all, from the highest to the lowest, Congress and everybody else. Let us make a law which will provide for every contingency. This contingency which has been so persistently urged as being proper to be provided for is, in my humble judgment, of very great importance; and, as the matter is open, I would ask can there not be some means devised for counting the vote of a State in the event of a disagreement of the two Houses, as mentioned in

the second section?

Mr. THURMAN. I have already stated, Mr. President, that I would not undertake to say that no mode could be provided, and I shall hail with joy any reasonable and constitutional mode that shall be proposed, for we ought by all means to avoid depriving any State of its vote. That is the first and most important thing, and just so far as we can go pursuant to the Constitution, just so far as we can provide for the contingency of two returns and of the two Houses disagreeing in respect to them, just so far as we can go to provide for the solution of that difficulty, just so far we ought to go within the limits of the

Now, sir, I am not prepared at this moment to suggest how this problem should be solved. It is full of difficulty. But in order to aid a little in solving it, I wish to say that it is not Congress in its legislative capacity that counts the votes; it is not Congress as a law-making power that counts the votes. Laws can be enacted by Congress only in pursuance of the Constitution, in the mode provided by the Constitution. When Congress acts upon these returns, it is not acting in the exercise of its law-making power; it is not acting under its legislative power. Congress can provide by law the mode of counting these votes. The only question is what limitations are there on our

power to provide that mode.

I know it was suggested, and I think a proposition to that effect was offered at a previous session, that the votes should be counted in case of a disagreement between the two Houses by the Supreme Court. I for one must say that I hardly see how that could be done. The Supreme Court is a part of the judicial system of the United States. It is a distinct department, clothed with judicial power and no other powers; and I for one am not able to see how Congress can no other powers; and I for one am not able to see how Congress can devolve on the Supreme Court any powers that are not judicial. It has certain original jurisdiction conferred upon it by the Constitution. It is no part of that original jurisdiction to count the votes for President and Vice-President, or to decide any question relative to the election of President or Vice-President. Then what other jurisdiction has it? All the rest of its jurisdiction is appellate jurisdiction, such appellate jurisdiction as shall be conferred upon it by Congress. And now, what is meant by the appellate jurisdiction of the Supreme Court? It is the jurisdiction by appeal from the decisions of inferior courts. It is not meant appeals from the decisions of the legislative department; much less is it meant appeals from the decisions of the legislative department or from the two Houses of Congress when they are assembled together to count the votes for Presidecisions of the legislative department or from the two Houses of Congress when they are assembled together to count the votes for President and Vice-President. I do not see, therefore, that you can confer this power upon the supreme judges as judges, sitting as a Supreme Court to decide this question, because it is not a judicial question within the meaning of the Constitution of the United States. And to say that you could confer it upon them as nine individuals is the say that you can confer it upon any other nine individuals in the to say that you can confer it upon any other nine individuals in the United States.

I do not see, then, that we can get out of the dilemma by making the supreme judges the umpire between the two Houses of Congress. Then we shall give to the decision of one of the two Houses of Congress. Then we shall give to the decision of one of the two Houses of Congress a predominance over the decision of the other. I am afraid it will come to that. But if some one has the ingenuity to devise some other method, I shall hall it with great pleasure; and I hope the discussion may last upon this bill until some such mode can be

found, if it exists, consistent with the Constitution. If it can be, I If it cannot be, I shall vote for the bill without it.
Mr. President, it is eminently proper that there

Mr. WHYTE. should be some act of Congress regulating the decent order of proceedings in counting and ascertaining and declaring the electoral vote of the States. Therefore I shall vote for a bill looking to that, and to that only. The bill presented by the Senator from Indiana, as the chairman of the Committee on Privileges and Elections, does cover that part of the case. There are other portions of his bill which in my judgment are thoroughly and entirely unconstitutional.

It was wise at the beginning of this session of Congress that the

Senate of the United States should undertake the work of reform and annihilate a joint rule which was an enormity, a rule which passed this body almost without debate, which was not intelligently discussed at all or its defects properly pointed out. It passed through the Rotunda to the other side of the Capitol, and there at a night session, without debate, under a suspension of the rules, a rule of such a grave character as that received the votes of a majority of the Representatives of the people. That rule put it in the power of either House of Congress to defeat the will of the people expressed at the preceding presidential election. It was extraordinary in its character, and I was glad to see the Senate of the United States so soon

repudiate it.

I differ with most of the Senators whom I have heard discuss this subject. The Senator from Indiana seems to have objection to the place where the privilege of counting and announcing the result of the electoral vote is now lodged, and he asks us, where is it safest to put it? I say put it where our fathers put it; put it where the Constitution puts it, and leave it there. It seems to me there can be no difficulty if we stand upon the provision which our fathers made for that case. It belongs to the President of the Senate to count the electoral votes. I differ with the Senator from Massachusetts when he speaks of the two Houses counting the electoral votes. I differ with Senators who doubt for a moment that our fathers meant to leave it in the power of the President of the Senate to open the certificates, to state the votes of the people of the States, and to declare what the people had determined should be in the future their will. I am surprised that we should stop here to-day to discuss the question whether we have a right by legal enactments to take away from the people that power put in the Constitution of the United States for their benefit merely authorizing the Vice-President of the United States to enunciate their will.

Mr. MORTON. Will the Senator allow me to ask him a question?
Mr. WHYTE. Certainly.
Mr. MORTON. Where there are two returns, each purporting to be the returns of a State, does the Senator hold that the Vice-President is authorized to select the return which shall be counted? Does he

onstrue the Constitution in that way!

Mr. WHYTE. I do hold that the Vice-President of the United States is the proper person to state which vote shall be counted, because the Constitution has put it in his hands. I do say that, probably, except for the military interference, there never would have been any question as to what was the right return or the proper exhibit of the popular will in any of the States of this Union. Our fathers lodged the power with the people, in their Legislatures, in their States, to regulate the election of electors, and only left it to Congress to enunciate the voice of the people, the result of the action of the people in the several States. The Constitution puts the power in the President of the Senate in plain and unmistakable words. It is merely a ministerial duty. He has nothing more to do. It is his duty to open the certificates. The election has taken place in the November preceding. He knows who is governor of the State. The presumption is all of us know who is legal governor of the State. The law prescribes the mode in which the electoral colleges shall meet, in which they shall cast their votes, in which they shall make certificates and lists, and provides for the certificate of the governor of the State. bly, except for the military interference, there never would have been

lists, and provides for the certificate of the governor of the State.

Mr. MAXEY. If the Senator from Maryland will allow me, the reading of the Constitution upon that point is this:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

It does not say that the votes shall be counted by the President of the Senate.

Mr. WHYTE. No; it did not mean to impose upon the President of the Senate the mere clerical duty of writing down the votes before him, as the Secretary of the Senate now does on every vote we cast here. It did not mean to impose upon him the clerical work of writing down the number of votes cast and making the calculation; but it did impose upon him the duty of making the actual count and aunouncing the result of the popular will. So, as I will show the Senator from Texas in a moment, Congress acted upon that theory when the first Congress met. Let us look at the question as stated in the Constitution:

The President of the Senate shall, in the presence of the Senate and House of Representatives

That is all they have got to do with it. It is to be done in their presence, so that the eyes of the Representatives of the people in the House and the eyes of the representatives of the States in the Senate shall see that, as an American citizen, holding the high position

of President of the Senate, he is discharging his duty faithfully before the people, that great duty confided to him, of opening the certificates and counting the votes and announcing the result of the action of the people in their several States.

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

Counted how? Under his direction, under his eye; calculated, I care not whether by the Secretary of the Senate or by the Clerk of the House of Representatives. That is all that the House of Representatives have to do; that is all that the Senate have to do; to be personally present and see the formality gone through with, in order that the Vice-President or the President of the Senate might not in his chamber or in his retiring-room open these certificates and announce to the world what the result had been. Say some Senators, the Vice-President has no power, and would you not rather trust the Senate or the House of Representatives than one man? No, Mr. President, not in performing a ministerial duty.

Mr. MORTON. I would ask my friend if choosing between two

sets of votes is a ministerial duty?

Mr. WHYTE. Yes; it is announcing what is the vote of the State; it is counting the vote of the State under the Constitution. Our fathers understood that to be the duty of the President of the Senate. It is no new idea of mine. Our fathers recognized the President of the Senate as the proper officer to count the votes of the electoral colleges, for when they sent the Constitution to Congress to be transmitted to the people of the States, what did they say? They had provided for a Vice-President in the Constitution to preside over this body. The Constitution made him the presiding officer of the Senate. Therefore who was to count the votes? Congress? Congress was here; Congress was elected; Congress was supposed to be in session. Then, if Congress counted the votes, there was no difficulty about it; but what did our fathers say when they transmitted this Constitution. tion to the States? They sent down with it over the signature of George Washington this direction to the Congress first assembled after the presidential election. After the other details it was resolved:

That the Senators should appoint a President of the Senate, for the sole purpose of receiving, opening, and counting the votes for President.

Our fathers trusted the President of the Senate. Our fathers told the first Senate that assembled, "in order to meet the provisions in regard to the President of the United States, you must have a President of your Senate." For what purpose? To receive the certificates, to open the certificates, and to stop there and leave it to Congress to count them? No, for receiving the certificates, for opening the certificates, and counting the votes for President of the United States. So it is to-day as it was under the first Congress that met after the adoption of the Constitution, and they have acted under it. Congress after Congress has acted under it; and this very twenty-second joint rule and the act proposed by the Senator from Indiana down to the words "two Houses" on the twenty-first line of the second page, with the exception of changing the date, is nothing more ner less than embodying the practice of Congress from the foundation of the Government down to 1865. It is nothing else than the practice that has preceded. They appointed a teller on the part of the Senate and two tellers on the part of the House. These two made an actual manual count, and the President of the Senate announced to the two Houses

and to the country what the result of that count was.

It would be a monstrous thing to say that either House or both Houses of Congress can defeat the will of the people of the States, with whom exclusively is lodged the power of electing a President and Vice-President through their electoral college. The Constitution in article second left with the people of the States the arrangement

of their electoral vote:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

So that the whole power is in the people. The power is left with So that the whole power is in the people. The power is left with the people. Under the act of 1792, after they have sent here a certificate of their will from the States, all provided for regularly, these two Houses have nothing to do with it but to obey their will; and in order that that will may be properly ascertained the act of 1792 expressly provides the mode in which it shall be certified to Congress:

That the executive authority of each State shall cause three lists of the names of the electors of such State to be made and certified, to be delivered to the electors on or before the said first Wednesday in December, and the said electors shall annex one of the said lists to each of the lists of their votes.

Then the act requires Congress to be in session:

On the second Wednesday in February succeeding every meeting of the electors; and the said certificates, or so many of them as shall have been received, shall then be opened, and the votes counted, and the persons who shall fill the offices of President and Vice-President ascertained and declared, agreeably to the Constitution.

That is, by the President of the Senate, under the provisions of the Constitution. It was intended to leave it to the people, and it was intended that the Senate of the United States should have nothing to do with the election of President of the United States. I would rather vote for a bill leaving it to the House of Representatives to interfere than a bill which provided that the Senate should have anything to do with the election of President of the United States. We do not represent the people here. We represent the Legislatures of the States.

We represent the States themselves, the government of the States, and not the people in their primary sovereign capacity. House comes from the people. Every two years Representatives come to the other side of the Capitol to speak the voice of the people; and I would rather let the House of Representatives interfere than vote for any bill that permits the Senate to have part or lot in determining who shall or who shall not be President of the United States. The framers of the Constitution denied it to us. They denied it to us upon the very ground that we represented the States; that we were elected for the long term of six years; that we did not go back to the people often enough to be responsible to the people. Therefore, although when this clause of the Constitution was originally presented to the convention it left it to the Senate to elect a President and Vice-President of the United States in case of a failure on the part of the people to elect, the convention would not allow the Senate to have anything to do with it, and they struck out the Senate and put that clause in the Constitution which now remains, placing it in the power of the House of Representatives to elect where there is a failure on the part of the people, making them vote by States in order that some regard

may be paid to the voice of the people of the States.

I said it was safer to leave a question of this character in the hands of one man than in the hands of many. Divide the responsibility, and it becomes so small, so infinitesimal, that scarcely any man feels it; but center it in one man of honesty and integrity, put him before the people liable to impeachment for high crimes and misdemeanors, hold him accountable for speaking the voice and will of the people, and my word for it there is a greater protection to the body of the people than in a majority, which are often more tyrannical than any

single man.

I shall vote for that part of the bill, if it can be so dissected and divided as will make a regular and orderly mode of procedure in the count and enunciation of the vote for President and Vice-President; but I will vote for no bill which takes away the power of announcing the vote, the power of counting the vote, the power of opening the returns, from that officer whom in my judgment our fathers desig-

returns, from that officer whom in my judgment our fathers designated as the proper depositary for such power.

Mr. COOPER. Mr. President, as one of the Committee on Privileges and Elections, I felt that the great difficulty in framing a bill and passing it into a law, to meet the troubles which we all feared might arise, would be found in meeting the question suggested by the provisions of the second section. As the debate this morning has developed, the same fear exists in the Senate and the same difficulty. It is conceded that difficulty may arise in the count of the votes giving proper expression to the will of the people expressed in the choice of electors for President and Vice-President. The Senator from Maryland has discussed with earnestness and ability the tor from Maryland has discussed with earnestness and ability the question which troubled some members of the Committee on Privi-leges and Elections, who I am sorry to say are not here to-day to par-ticipate in this debate and press those objections more fully before

I confess that I can see no objection to a law providing for the mode and manner of counting the vote. I desire by that law of course to-reach what is in fact the will of the people. Having been present at the reach what is in fact the will of the people. Having been present at the count of the votes of the last presidential election and witnessed the decision of the two Houses where there were two returns from one of the States, I could very well see and feel the danger which is liable to occur in the future. I do not suppose our fathers thought of that want of political integrity which would induce separate returns from a State or ever imagined that the people would be so lost to their includes to receive the state of the s rights as to permit such a thing to occur or that Congress would ever assume to itself the right to interfere within the limits of a State in settling that question for the people. The Constitution in providing for the election of a President and Vice-President evidently intended that it should be made by the people of the different States, acting through laws enacted by the States themselves, because it will be re-marked that the Constitution vests no power in Congress to provide either for the mode or the manner of choosing electors, but leaves

that duty wholly to the Legislatures of the several States. The difficulty that has arisen, as was very truthfully said by the Senator from Maryland, has been caused by the interference of the military power of the Government of the United States in the intermilitary power of the Government of the United States in the internal affairs of the States and by placing persons in power and retaining them contrary to the will of the people. The framers of our Constitution imagined that the people of the States were capable of governing themselves; that they were capable of expressing their will at the ballot-box and inaugurating those as their rulers whom they may have thus chosen at the ballot-box, and scarcely imagined that the Federal Government would interfere to prevent them from that the Federal Government would interfere to prevent them from that the Federal Government would interfere to prevent them from thus installing the rulers of their choice. Consequently the Consti-tution left to them and to the Legislatures chosen by themselves the province of choosing electors to select the President and Vice-Presi-dent. Whatever may have been their intention, however, we must meet facts as they exist. We do know that the difficulty which the second section seeks to provide against has arisen and may arise in the future, and the great question to be determined it seems to me the future; and the great question to be determined, it seems to me, is, where shall we lodge the power of deciding in such an emergency what has been the expressed will of the people of a State who may by some abnormal condition in their political affairs send two returns to be counted purporting to be the vote of the electoral college of that State !

The bill as reported by the committee proposes to vest this power in the two Houses of Congress acting separately. It provides that they must concur before the President of the Senate or the proper officer shall be permitted to count either of the returns thus made. It seems to me that, if we would avoid a conflict where such a difficulty arises, it would be better to vest the choice of which is the proper return in somebody who will determine it and not leave it between the two Honses, which may be composed, as at present, of opposite politics, and which would be apt in that case to disagree and thus exclude the vote

which would be apt in that case to disagree and thus exclude the vote of any State that might thus send two or more returns.

The suggestion was first intimated by the Senator from Pennsylvania and afterward by the Senator from Maryland that, as the Constitution has vested the House of Representatives, who are directly from the people, with the power to choose a President in default of an election by the people, it gives us the proper idea of what would be the safest body with which to intrust this power of choice in the event of a difference of opinion or of two returns coming from any one State. It strikes me to be more consistent with the theory of the Constitution of the United States that this power should be vested in that body thus pointed out by the Constitution to choose a President where the people themselves shall fail to make a choice than that it should be placed elsewhere. I therefore have prepared an amendment to the second section, which I offer for the consideration of the Senate, carrying out this view to vest in the House of Representatives, the Representatives of the people, the choice of the proper returns to be counted in the event that two or more returns are sent up. I move to strike out in the second section all after the word "which" in line 7 to the end of the section, as follows:

The two Houses acting separately shall decide to be the true and valid return.

And in lieu thereof insert-

the House of Representatives, voting by States, in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

So that, if amended, the section will read:

That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the House of Representatives, voting by States, in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

Mr. FRELINGHUYSEN. Mr. President, it had always appeared to me that the provision of the twelfth article of amendments to the Constitution, which declares that the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and omits to say that he shall do anything more, was equivalent to the exclusion of the idea that any other duty was to be performed by him, and that the Constitution left it open as to who should count the votes otherwise than by stating that they should "then be counted." There is some force, however, in the resolution of the convention to which our attention has been called by the Senator from Maryland; and as we are making suggestions it has occurred to me that the second section might be amended by adding:

And if the two Houses do not agree as to which is the true and valid return, then the President of the Senate shall determine which is the valid return.

I do not mean to say that, on deliberation, that is the best provision; but it is very clear from the amendments which have been offered that it is within the compass of our power to provide for that omission which exists in the bill. It is not likely that any vote will be taken on this bill to-day, and I have no doubt the reflection of the different Senators will provide the remedy which is sought for.

different Senators will provide the remedy which is sought for.

Mr. MAXEY. Mr. President, I listened with great attention to the able argument of the Senator from Maryland, [Mr. Whyte;] and, as I had his permission to read a clause from the Constitution, I wish to state that it was with a view to the point suggested by the Senator from New Jersey:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates.

There is a positive, unequivocal duty devolving upon the President of the Senate. What is that duty? That duty is, in the presence of the Senate and House of Representatives, to open all the certificates. Then what follows:

And the votes shall then be counted.

It does not say "by the Vice-President of the United States." My study of the Constitution has taught me that it is the most guarded and best-expressed instrument that I have ever read anywhere.

And the votes shall then be counted.

If it had been meant, as is contended, to devolve upon the President of the Senate the duty of counting the votes as well as the opening of the certificates, I ask why was not the clause so worded as to read thus?

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and count the votes ?

It does not so read.

And the votes shall then be counted.

That is the way it reads, implying clearly, in my judgment, that it was the duty of the President of the Senate in determining who was elected President and Vice-President of the United States to open

the votes in the presence of the Senate and House of Representatives, and that they should be witnesses to that great event; but there was another reason for that. It was that the House of Representatives, the direct Representatives of the people, and the Senators, the embassadors of the sovereign States, should be there; that when the expression was used, "and the votes shall then be counted," it was intended that the votes might be counted in the mode and manner which the embassadors of the States, constituting the Senate, and the Representatives of the people, constituting the House of Representatives, might point out. It was meant that they had the power to point out the mode and manner in which the votes should be counted. That at least is my construction of the Constitution.

As I said on a former occasion, I regard the twenty-second joint rule as an iniquity. It is a blot upon the mode and manner of counting the votes of the electoral college. It gives to either House of Congress the right to stab to the death a sovereign State of this Union. It is for that reason that I have so earnestly protested against the rule. It is a perversion of every known principle of law; for, when a certificate of election comes up prima facie, that is good enough until it is removed; and where the two Houses differ, one saying that it is not good and the other that it is good, according to every construction of law that we have learned the certificate stands in full force and effect. But, according to the twenty-second joint rule, that is reversed. If one of the Houses says that it is not good, then the balance of the authority, which is the other House, and the certificate itself, is to be overcome by one. That is against every construction of the law. By that rule the great right of a State, the privilege of a State, to say who shall be its President and its Vice-President may be stricken down.

So far as the first section of the bill is concerned, I apprehend there can be no serious objection to it. It provides clearly in regard to the counting of the electoral votes. The only remaining question, then, is raised in the second section, where two certificates of electors come up from the same State. That section provides that in that case both the certificates shall be opened by the President of the Senate and shall be submitted to the two Houses, and if the Houses agree upon one of those, that shall be counted; but if the Houses disagree, then the omitted case stands in full force, and the vote of the State is not counted in an election of President and Vice-President of the American Union. It is to provide a remedy for that loss of the vote of a State that I have so earnestly requested of that committee most

competent to judge to make a provision to meet the case.

The view which I have and which I suggested in the outset is, that the President of the Senate is, by the authority of the Constitution, to open these votes. By the Constitution he is the presiding officer over the joint assemblage of the Senate and the House. If these two Houses disagree, a State should not be deprived of its great right of voting for President and Vice-President; and the omitted case, in my judgment, can be provided for by giving to the Vice-President, presiding over the joint assemblage of the Senate and House, the right to determine as between these two certificates when the Houses themselves divide. That, it seems to me, would cut the knot. It seems to me that it would meet the case which is omitted in the second section as reported, and would give to every State the grave and inestimable privilege of saying for themselves whom they prefer for President and Vice-President. As I have stated more than once, I do not want to leave this an open question. I do not want to see more than once a sovereign State deprived of its franchise by being thrown out by one of the Houses. In one of the presidential elections the presiding officer made an announcement that struck the American people as perhaps the most extraordinary announcement that was ever made by a presiding officer over any body of men. I do not want to see any rule established which would justify, authorize, or tolerate such an expression as once fell from the lips of a presiding officer over the joint session of the Senate and House; but I want to see a provision made whereby each one of the sovereign States of the American Union can come up, and, beyond all peradventure, beyond all doubt, cast its vote for President and Vice-President. I believe that such a provision may be made. I do not present it as the best mode, but I simply suggest that, where the two Houses do differ, the decision might safely and constitutionally be lodged in that event—because we must leave it somewher

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) The question is on the amendment of the Senator from Ohio, [Mr. Sherman.] The Chair was under the impression that the only pending amendment was the one offered by the Senator from Tennessee, [Mr. Cooper.] He is now advised that the first amendment in order is the one offered by the Senator from Ohio.

Mr. BAYARD. I ask that that amendment be reported.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be reported.

The CHIEF CLERK. The proviso to the third section of the bill reads:

That after such debate has lasted two hours, it shall be in the power of a majority of each House to direct that the main question shall be put without further debate.

It is proposed to amend that proviso so that it shall read:

Provided, That after such debate has lasted two hours, it shall be the duty of each House to put the main question without further debate.

Mr. BAYARD. I ask that the amendment of the Senator from Tennessee may be read, because that relates to the section we have been considering. The amendment of the Senator from Ohio really relates to a section of the bill subsequent to that which has been under con-

The CHIEF CLERK. The amendment proposed by the Senator from Tennessee [Mr. Cooper] is to strike out in section 2, lines 7, 8, and 9,

the following words:

The two Houses acting separately shall decide to be the true and valid return.

And insert in lien thereof:

The House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

Mr. COOPER. I ask leave to modify my amendment, instead of striking out to leave the section as it now is and add the words:

And if the Houses do not agree on which return shall be counted, the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide which shall be the true and valid return.

So that the question shall only be left to the House voting in that

way in the event that the two Houses acting separately cannot agree.
Mr. BAYARD. The amendment of the Senator from Tennessee commends itself very favorably to my mind. It is very true that when the time shall come that the governor of a State or any considerable number of persons claiming any authority shall certify a false certificate, a certificate of a false claim of election in a State, to affect the choice of the people of the United States of their Chief Magistrate, and there shall not be in both Houses of Congress a sentiment of honor and integrity that shall make such plans impossible of success, then the body-politic will be sick indeed, and we may well begin to despair of this experiment of men to govern themselves. Nevertheless we have seen, we did see in 1872, a conflict in respect of the electoral vote of one of the States of this Union, and, without going back to the history, the very sad and disgraceful history of that time, we must yet recognize the fact that that which has been may again occur, and that, although fortunately the preponderance of the electoral vote was so strong as to make this attempt inefficient for any purpose, still we ought to contemplate the possibility that such an act might have been the turning point in the choice of the President and Vice-President of this country in 1872, or may be in 1876, or some year of the future.

Now, sir, it is important that in settling this question we should do so satisfactorily to the judgment of the whole country, what I may call the sense of common honesty and right of the people, as well as the provisions of the Federal Constitution under which we assume to Grant, therefore, that no State is to be disfranchised without the concurrent vote of each House of Congress, and there is some security there; but where there are duplicate returns, or more than one return sent up from a State, then the question arises which is the true return and which should be counted? As the section now stands, it undoubtedly provides for the disfranchisement of a State in the event of the Senate and the House not being of the same mind with regard to those returns. If there shall be two returns say from this same State of Louisiana, one casting the electoral vote for one candidate and the other for another candidate, and the Senate shall decide that the votes in favor of A shall be received and the House shall decide that the votes in favor of B shall be received, between those two, the difference being irreconcilable, both votes fall and the State is Sir, such a proposition is not in accordance with justice; it is not in accordance with the genius and intent of our frame of government. Ours was to be a represented people and not a people stifled into silence by the action of either House of Congress, much less by the action of the Senate of the United States, for, be it observed, although the presidential office was not intended to be the office of popular election, for he was intended to be an officer chosen by a selected body of men, the electors as a college were to be inter-posed between the people and the President to be chosen; but custom is stronger than law; usage has become stronger than law, and so in effect the presidential office has become an entirely popular office; and, so far as any useful purpose is concerned, the electoral college might, in my opinion, be as well abolished, because in fact and practically men vote for a candidate for the Presidency or the Vice-Presidency just as directly in effect as if they did not vote for A, B,

C, D, E, and F, who were to vote for him as their representatives.

The Constitution has provided, however, that in case a majority of the electoral votes cannot be discovered upon a fair count to have been cast for any one of the candidates, then the popular branch of Congress, the Representatives of the people, shall have the power, voting by States, to choose the President whom the electoral college has failed to choose. The House of Representatives, voting by States, has been said to be the ultimate arbiter of choice of this high officer. The plan of the committee, as reported in this bill, would in the event of the disagreement of the two Houses disfranchise a State and render all its efforts to elect a nullity. The amendment of the Senator from Tennessee prevents the possibility of that, and giving first in a proper form the right for all parties to be heard and all certificates emanating from what purports to be lawful authority to be presented to the two Houses in joint meeting for the purpose of being counted, author-izes first a separation of the Senate and the House for the purpose of deciding which of these several returns is the just and true one, and in case they should not be able to decide then it relegates the question to that body acting in that form which the Constitution has prescribed for the election of President in case election has failed in the electoral college. The proposition seems to me to run in the current of the constitutional provision. It seems to me to recognize the broad fact that where from confusion, where from error, where from any cause there cannot be an undisturbed, definite, distinct count, satisfactory to all men as to its accuracy, made of the electoral votes, then the people of the country acting through their Representatives, voted for immediately by them, shall express their choice. The proposition of the Senator from Tennessee relieves us from the possibility of seeing a State disfranchised in the vote for President and Vice-

President. That should be satisfactory to us all.

I trust and pray that no occasion for the use of this second section may arise, and that no questions will come affecting this choice as between two sets of electors. We know they cannot honestly exist. We know there must be a decision, and that if it does come it comes as the offspring and child of violence and fraud, as came the votes as the offspring in 1872, two cartificates cartifying directly opposite. from Louisiana in 1872, two certificates certifying directly opposite facts. But if it should come, if it be our shame and misfortune that such things shall be presented in the coming year, then let us provide the machinery to meet it, and to meet in accordance with the spirit, the intent, what I may term the genuis of the Constitution of our

Take the case that from any State there come up two certificates. The Houses separately consider them, and there shall be, much as I should regret to see it, a difference of opinion between the Senate and the House of Representatives as to whether one certificate or the other is the proper one to be opened and the votes to be counted. If they do so differ, however, this amendment of the Senator from Tennessee will place the case exactly as though there had been a failure to elect by a majority, and remand it to the House of Representatives, the Representatives of the people, where the States voting as States shall decide the question in accordance with the original provision and intent of the Constitution.

It seems to me that this amendment of the Senator from Tennessee has the effect of procuring an ultimate arbitration, constitutional, fair, and just, one which cannot be alleged to be in the interest of any party, because this law is not meant for one election or another. I would not stop to consider whether the effect would be ultimately, in case of a difference of opinion between the Senate and House, to throw the result in favor of the man who had my vote or that of the party with whom I acted. I have not made it a calculation, nor do I think I am capable of making it the basis of consideration in such questions as are before us; but the amendment has the merit that it prevents the disfranchisement of a State, and it provides for an arbitration to settle the question according to the very theory and meaning of our Government; that is, when the people speaking by their own voice shall not have made a decision, then, in accordance with the Constitution, those who are directly elected by the people and come freshly from them shall be suffered to speak for them. see in this amendment a great deal that is satisfactory, and if it is adopted by the Senate I shall vote for the bill.

Mr. KERNAN. Mr. President, with very great respect to the Senator from Maryland [Mr. Whyte] I am compelled to dissent from his view of the constitutional provision. I cannot believe that the true construction of this clause is that the President pro tempore of the Senate, in the event of a question arising as to what is a return of electoral votes, is the conclusive and final arbiter of that question. I think that view is very contrary to the spirit of the Constitution, and certainly, as was well said by one or two Senators, the language does not require any such construction. He is simply the person to whom votes are to be sent from the States. The Constitution declares that he shall open all the votes received, substantially, and then they are to be counted; and I think it would be a very unnatural construc-tion to say that if he opens two sets of returns from the State of Pennsylvania he shall decide which of them is the true return. I think then that we have to decide, or provide for deciding by some other tribunal than the President of the Senate, in the event of two returns coming from a State or a return being challenged from a State, whether it shall be counted or not.

I appreciate the serious objection there is to the second section, wherein it declares that if the Senate shall vote one way in separate session, and the House of Representatives the other, a State shall not have a voice in reference to the election of President. I am solicitous, if we can, to provide some other mode than that for disposing of the question. I think, as the duty is devolved upon the two Houses of the question. I think, as the duty is devolved upon the two Houses to count the votes, where there is a question as to what vote shall be counted, we must have power to decide how the bodies here assembled shall decide. My objection to the amendment of the Senator from Tennessee [Mr. Cooper]—and I only suggest it to see if we cannot remedy it—is that, while it does not disfranchise a State, it certainly does or may annul the will of the people; because, voting in that way, a State which has a single Representative in the other House, and population only for a single Representative, will have a vote on that important question equivalent to the vote of four millions

of people in another State.

I suggest that it is desirable, and the intent of the Constitution is that the President shall be elected by the people and not by the

States. It is true there is a provision that in a certain contingency, where the people fail to elect, the House of Representatives shall elect, each State having but one vote. But I submit whether it would not be more in accordance with the intent of the Constitution as to the election of President, if a question is to be decided bearing upon that, as we have contemplated there may be, although I hope there never will be, instead of leaving it to the House of Representatives to decide it, each State giving one vote as indicated by the amend-ment, it should be left to the House of Representatives by a majority ment, it should be left to the House of Representatives by a majority of the votes of the members; because certainly, so far as that shall have any bearing, they will more nearly represent the majority of the people of the United States who should elect the President. As this question is probably not to be decided to-day, I only suggest this, to the end that each Senator may think upon the subject; and if we are to adopt the amendment, I think it had better be modified so that the Representatives of the people in the other House shall decide the point which shall arise in reference to which returns shall be counted in the event that there are two.

the point which shall arise in reference to which returns shall be counted in the event that there are two.

Mr. ANTHONY. I should like to make one suggestion to my friend from New York. Would it not be better, instead of having the House of Representatives decide, to have it delegated to the democratic national convention of the preceding year? [Laughter.]

Mr. KERNAN. I am of opinion that that is where the people probably will delegate it this year; but I do not want any constitutional or legal provision here made with that view. I do not think my friend puts a fair question. The people will act for themselves in each convention, and I hope they will decide it, and that we shall never have it come here. But there was no such motive in my suggestion as the inquiry implies. The House of Representatives may be the other way at some other election. We expect that there will be such unanway at some other election. We expect that there will be such unanimity this year that no sort of counting can defeat the will of the people, and that the democratic convention will name the man. [Laughter.] But I do not want to talk that sort of thing in this question. I am simply talking about providing for all time. I should hope there never would be a body of men here that would fail to count the votes as they really were; but we are contemplating the contingency that, through fraud or through faction in States, there may be two sets of returns opened by the President of the Senate, and we have to decide upon them. It is suggested-and I treat that with great respectthat there are provisions of the bill to guard against it. I am talking about it in no partisan spirit, and I said no word that seriously should have led the Senator from Rhode Island to suppose I was talking

Mr. ANTHONY. I did not think so, of course. I only made that

suggestion.
Mr. KERNAN. My friend from Iowa [Mr. Allison] says I really talk as if I was against such a thing, and I meant to be so under-

I have been looking at this bill with care, and I should regret to see it enacted into a law as it is, though it is better than nothing, in my judgment, because we do lay down some rule of action by it. It makes it the duty of the President of the Senate to open whatever comes to him certified by one acting as governor. He may find two sets from the State of New York, two sets from the State of Louisiana, two sets from another State. In view of that contingency we should now make a rule for the future that we shall be willing to abide by, no matter what party shall be in power in the two Houses or in either. I think we should do what we can to provide as wisely as we may that the question shall be decided whenever it does come.

Mr. FRELINGHUYSEN. I wish to ask my friend from New York whether, inasmuch as the Constitution now provides that the House of Representatives, when they vote, shall vote by States, he expects the number of little States that are represented in this Congress to give to New York and Pennsylvania the preponderance they would

have by voting according to representation?

Mr. KERNAN. I do not know. I think it is worthy of consideration. The Constitution now gives the election to the House when there shall be a failure to elect. The framers of the Constitution were not contemplating such troubles as have arisen. They meant when not contemplating such troubles as have arisen. They meant when the people have so voted that they have not indicated the will of a majority, then it shall be decided in the way they prescribed. But I am assuming that the trouble may arise here, though the people have really given a vote indicating what is the popular majority. We are contemplating that a question may arise about what returns shall be counted from a State in that case, the consideration of which may be swayed by feeling in reference to the result. Where the people have not failed to show here they have solved to count it is the people have not failed to choose, but we have failed to count, I would remit it to

that tribunal elected by the people, which will most nearly represent their will, in the other House of Congress. That is all I mean to say.

I hope no such difficulty will occur. I hope, if it should, that every man in Congress would vote on his judgment as to what was right; but if it comes to a division between the two Houses-and it is not very likely there will be a division if the majority in both Houses is of the same party—if a division arises on counting the votes and one body elected by the States is of one party, be it the democratic to which I belong, and the majority in the other, Representatives just elected at the same presidential election, is the other way, I should think it was in accordance with the spirit of the Constitution and the theory of our Government to say "we will leave it to the popular branch just elected by the people to declare which returns shall be

counted if that question affects the result and we cannot agree with

Mr. MORTON. Mr. President, the amendment offered by the Senator from Tennessee is that, where there are two returns from a State and the two Houses acting separately cannot agree which one shall be counted, then the decision of that question shall be left to the House of Representatives voting by States, each State to have one vote; Delaware to have one vote; New York to have one vote; New vada, with one Representative, to have the same voice in settling a judicial question with New York, which has thirty-three Representa-

Mr. MORRILL, of Vermont. And that by a House elected two

years before.
Mr. MORTON. Mr. MORTON. And that by a House elected two years before. When Senators talk about representing the will of the people, can they devise a scheme for getting further away from the will of the people? because in electing a President by States the will of the people is not counted. Some time ago, two or three years ago, I had oc-casion to consider this very question of the election of President by the House of Representatives, and I made a little calculation, and the same facts and the same inequalities would exist in the decision of this question which it is proposed to leave to the House voting by States. I then said:

In the election of President in the House of Representatives under the present apportionment, each State having one vote, forty-five members out of two hundred and ninety-two may make the election, as follows—

And so forty-five members of the two hundred and ninety-two may decide the question which it is proposed to leave to the House

Delaware, Nebraska, Nevada, and Oregon have each one member, and four members would cast the votes of those four States; Rhode Island and Florida have each two, and four members would cast the votes of those States; Minnesota, New Hampshire, West Virginia, Vermont, and Kansas have each three members, and two votes in each, or ten members in all, five would cast the votes of those five States; Arkansas, California, and Connecticut have four members each, and three in cach, or nine in all, may cast their votes; Maine and South Carolina have each five members, three of whom in each, or six in both, may cast their two votes; Maryland, Mississippi, and Texas have each six members, and four in each, or twelve in all, may cast the vote of those three States. This makes mineteen States, or a majority of the States in the Union, and forty-five members may cast their votes and elect a President of the United States against the wishes of the other two hundred and forty-seven members of the House of Representatives.

This is a process for getting at the will of the people!

This is a process for getting at the will of the people!

Again, these nineteen States have an aggregate population, by the census of 1870, of a fraction over eight millions of people, while the remaining eighteen States have an aggregate population of about thirty millions. So that nineteen States, having searcely more than one-fifth of the entire population of the United States, may elect a President in the House of Representatives against the wishes of the other four-fifths; and this, by courtesy, has been called republican government!

Such a combination and result as above exhibited may not be likely to occur; but they are possible under the present system of electing a President in the House of Representatives by a majority of States; and no system admitting such possibilities should be tolerated. In 1825 it did happen that Mr. Adams was elected in the House over General Jackson, who had received a larger proportional majority of the popular vote than has any President elected since that time, and who had also a large plurality of the electoral votes.

Mr. President, one of two constructions of the Constitution must be adopted, I think.

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

One construction is that the President of the Senate shall open and count the votes cast and settle all these questions; and the other is that the President of the Senate after opening the certificates shall submit them to the two Houses, and that the two Houses, acting separately as the Senate and as the House of Representatives, shall count the votes and settle all questions growing out of them. The idea that the Sonate and House of Representatives, in case of a disagreement, shall provide an umpire that shall settle disputed questions between these two Houses, seems to me, to say the least, remarkable. If we can make the House, voting by States, the umpire, then we can make the Vice-President the umpire, then we can make the President the umpire, then we can make the President the umpire, we can make a justice of the peace the umpire just as well and just as constitutionally. It is one or the other. It is either that the President of the Senate shall decide this question is either that the President of the Senate shall decide this question himself, as argued by the Senator from Maryland, or it is that the two Houses, acting in their normal capacity—the Senate acting as a Senate, each Senator having one vote, and the House acting as a House, each member having one vote—shall decide this question; and in case they cannot agree, who shall decide it? It is not defeating the will of the people; but it is simply an inability to find out what is the will of the people; and what government does actually represent the people. A contingency of that kind may occur; it would be a misfortune, and not perhaps the fault of our system of would be a misfortune, and not perhaps the fault of our system of government. It is one of those things that may happen in regard to the passage of any law, the most necessary law to the existence of the nation, appropriation bills for carrying on the Government. If the two Houses cannot agree, the bill must fail; and the necessity of passing a bill never put it into the heads of the framers of our Constitution that we should call in an umpire to settle an appropriation bill in case the two Houses could not agree.

Mr. BAYARD I wish to ask the Senator a question. Is not the latter portion of his argument fatal entirely to that which preceded it? He is claiming a power for the two Houses to act conjointly. That is an affirmative power. He is claiming a right in either House acting separately to exercise a negative power, a power of veto, that is quite as complete for the purpose of controlling this question as the affirmative power to permit a vote to be counted. If he claims that power, and claims for the Senate the right to put its veto upon the count of an electoral vote, how can he deny the power of the Senate to vest that same power in the House? He speaks of the House and the Senate acting in their normal capacity, whatever that may mean. They are differently constituted, constituted for different purposes, with very different constituencies, upon very different principles, the one representing numbers, the other representing separate communities. But if the Senator denies the power of the Senate and House to give the House in one event the power of arbitration, he may just as well the House in one event the power of arbitration, he may just as well and as consistently deny the power of either House to have the right of negativing the action of the other, which he has claimed by his bill in the second section.

But it was not necessary for the Senator to read from his former report on this question of counting the electoral votes to show that there was an inequality under the Constitution of the Union as to mere numbers in the formation of this Union. The States as separate communities formed it, and they had in the composition of this council which we constitute powers given to them as States, an equal suffrage to them irrespective of the population within their limits; and had that not been given, the Union never would have been formed. The principle is recognized by the Constitution when it provides that in the matter of selecting a Chief Magistrate on a failure to find a majority of votes in the electoral college, then the States as States voting one equal with the other shall take the place of the people and determine it.

This was not intended to be a purely popular Government, and the features of its frame-work show that it was not. There were to be checks upon numbers as well as checks upon mere local sovereignty. It was the blended form that made it complete, and that attests its wisdom; and the principle, dislike it though the Senator may, and argue against it though he may, and ridicule it though he may, in his reports, the principle stands that this Union is one of separate States, and the rights of the weakest stand level with the rights of the greatest; and so it will be until the Constitution shall be trampled under

The amendment of the Senator from Teunessee invokes that very principle which the Constitution itself is so replete with, the recognition of State sovereignty and State existence upon important occasions, and one of those occasions is when a Chief Magistrate comes to be chosen and the electoral college has failed to declare itself by a majority of its votes in favor of one or the other candidate; then and in that event the result is imperative and the duty is imperative, and the power is complete in the States meeting as States, and each one for itself, with equal voice proceeding to represent the people and elect a President for them. It is because that provision is found in the Constitution, it is because I do respect the Constitution and am sworn to bey it, that I did recommend the adoption of this amendment which provides, in the event of the failure of the Senate and House to concur as to which is the true certificate to be received by them of the elect-oral vote of a State, that then the House shall exercise its function properly as established by the Constitution and declare for them.

I have no objection at all in the event of the States being equal in

number, and therefore a tie vote between them arising, that we should accept the amendment of the Senator from New Jersey and make the Vice-President the ultimate arbiter, so that he shall decide in case from these causes you have not reached a decision. But, it is all-important, that the States should not be disfranchised, that we should have a decision, and that we should come at that in a way that shall give satisfaction to all parties, and upon which we may rest all with

Mr. MORTON. Mr. President, when it is said that this Union is composed of States, I agree to it; but when it is said that this is a Government of States, I disagree utterly. It is a Government of the people, and is not a Government of States.

Mr. BAYARD. Is it not a Federal Government?

Mr. MORTON. It is not a compact of States. The Constitution was formed by the people of the United States and rests upon the broad shoulders of the pation.

shoulders of the nation.

Mr. President, the clause in the Constitution providing for an elec-Mr. President, the clause in the Constitution providing for an election of President of the United States finally by the States voting as States is the most illogical provision in it, and was so recognized at the time it was adopted by at least one distinguished member of the convention, and has often been since. First, our fathers did not recognize an election by a plurality vote of the electors. The successful candidate must have a majority of all, so as to make him more nearly represent all the people of the United States; but in case he cannot get that, then the question was to be referred to the States voting as States each being equal under which as I have interstance one fifth States, each being equal, under which, as I have just shown, one-fifth of the people of the United States may elect a President; under which forty-five members of Congress out of two hundred and ninety-two may elect a President, and forty-five members may decide every question proposed to be referred to that House under this amendment of the Senator from Tennessee. Sir, we cannot afford to go any further in that direction; and I undertake to say that if we were now called upon to frame the Constitution, with our present ideas with regard to the rights of the people and the safety of electing directly by the people,

and not by intermediate bodies, no such provision would be placed in the Constitution of the United States.

The idea of Congress having a right by a bill to provide an umpire to decide in case the two Houses disagree, it seems to me is so utterly foreign to our system of government that I can hardly regard it seriously. In a matter which belongs to the two Houses of Congress, if it belongs to them at all, and not to the Vice-President, that they can delegate their power to the House voting by States, or to the Court of Claims, or to the Supreme Court of the United States, or to any distinguished private person, is utterly at war with our whole

any distinguished private person, is utterly at war with our whole theory of constitutional government.

Mr. FRELINGHUYSEN. I do not mean to say that my friend from Indiana is not right; but there are a good many analogies for it. In Wisconsin they elected a governor, and yet, after one man was proclaimed the governor, there was an umpire in the shape of a court of justice that declared another man elected and turned him out. We have in the discourse of great providings are provided to the discourse of the state of the have in the discussion over Pinchback's case a good many times referred to an umpire who, after the people of Louisiana had decided, settled the question as to which was the governor. Now it seems to me that, where the Constitution commits a subject to Congress and yet leaves it so undefined, so general, we have a power according to our discretion by law to carry out the authority committed to us; but while I say this I want to reserve my right to vote against the suggestion that I have made, because the Senator may convince me that I am wrong; a thing which does not often occur, however, I notice in the Senate

Mr. MORTON. Mr. President, I believe under the constitution of Wisconsin it was held that the question of a contested gubernatorial wisconsin it was neat that the question of a contested guestion and election might be decided by the courts of that State. Just the reverse was held in the State of Arkansas. It depended upon the wording of the constitution. The Legislature decided a question of contested election between contending candidates for governor. The supreme court of that State assumed the jurisdiction to decide the same question and awarded the office to another man. That is a very recent thing and within our recollection here. The Attorney-General and, if I mistake not, the Judiciary Committee of the Senate, of which my friend from New Jersey is a very distinguished member, were consulted, and from New Jersey is a very distinguished member, were consulted, and they decided that the jurisdiction belonged exclusively to the Legislature of Arkansas and that the supreme court had no jurisdiction over it. I may be wrong about my recollection of the affair, but that is it. I speak of the general principle that, where powers are devolved upon a legislature or upon Congress—questions to be decided by the Legislature of a State or by Congress—the decision of those questions cannot be delegated to an umpire or to any third tribunal. That is the general principle, which I think may be safely asserted here.

Mr. President, I understand that there are Senators who desire not the layer this year taken to day: and as I am not at all urgent about it.

to have this vote taken to-day; and, as I am not at all urgent about it, will move that the Senate proceed to the consideration of executive business

The PRESIDING OFFICER, (Mr. WRIGHT in the chair.) Before putting that motion, the Chair will lay before the Senate a House bill for reference.

HOUSE BILL REFERRED.

The bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians was read twice by its title and referred to the Committee on Appropriations.

EXECUTIVE SESSION.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty minutes spent in executive session, the doors were re-opened, and (at four o'clock and fiftyseven minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

MONDAY, March 13, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Saturday last was read and approved.

REPEAL OF RESUMPTION ACT.

Mr. CAMPBELL. I ask unanimous consent to present a petition from A. C. Clay and 712 others, of the ninth congressional district of the State of Illinois, which I ask be referred to the Committee on Banking and Currency, and printed in the RECORD without the

The SPEAKER. What is the length of the petition?
Mr. CAMPBELL. It is very brief. I ask that it be read.
The petition was read, as follows:

To the honorable members of the Senate and House of Representatives in congress assembled:

We, the undersigned, legal voters of the ninth congressional district in the State of Illinois, respectfully represent that the producing and industrial classes are

being ruined by the financial system now in force in the United States, and urgently ask of you, our Representatives and legislative agents—
First. The unconditional repeal of the resumption act.
Second. The withdrawal of the national-bank-note circulation.
Third. That legal-tender paper currency be issued direct from the Treasury of the United States and made interchangeable with Government bonds bearing the lowest possible rate of interest; which paper currency shall be a legal tender for all debts, public and private, and be applied to the immediate redemption of all bonds heretofore issued and made payable at the option of the Government, except where the conditions of the contract specify payment in gold.

The petition was referred to the Committee on Banking and Cur-

NEW YORK IMPORTERS' AND GROCERS' BOARD OF TRADE.

Mr. CHITTENDEN. I ask unanimous consent to present the preamble and resolution of the Importers' and Grocers' Board of Trade of New York City, for reference to the Committee of Ways and Means. The Clerk read as follows:

New York City, for reference to the Committee of Ways and Means. The Clerk read as follows:

Rooms of the Importers' and Grocers' Board of Trade, No. 87 Wall Street, New York, March 8, 1876.

At a special meeting of the Importers' and Grocers' Board of Trade of the City of New York, held this day, the following preamble and resolutions were unanimously adopted:

"Whereas the issue of millions of paper promises to pay, made by act of Congress to perform the functions of money, while resulting in a period of delusive prosperity, has been followed by a long-continued depression, which still prevades all departments of business; and whereas the unsettled condition of the public mind furnishes the occasion for designing men to propose fallacious measures of relief, which, if adopted, would serve only to increase the evils they propose to remedy; and whereas the Importers' and Grocers' Board of Trade of the City of New York desires to place itself on record as unalterably opposed to any measures looking toward further inflation and consequent repudiation, and as earnestly in favor of that sound and honest currency which experience has proved to be the most conducive to the happiness and prosperity of the people: Therefore,

"Be it resolved, I. That an early resumption of specie payments is the first measure to the restoration of confidence in our financial system, in the absence of which it is hopeless to look for the return to healthy activity in any of the varied interests of the country.

"2. That the highest considerations of the public good imperatively demand additional legislation on the part of Congress in authorizing and providing for a gradual withdrawal and cancellation of the legal-tender notes, as well as securing a reserve of gold in the Treasury to an extent sufficient to insure the fulfillment of the pledge given by the last Congress fixing the last of January, 1879, as the date for resumption, and that the repeal of that law can be regarded only as a step toward repudiation and national dishonor.

"3

GEORGE W. LANE,
President.
WILLIAM NEILSON,

There was no objection, and the preamble and resolution were received and referred to the Committee of Ways and Means.

REGULAR ORDER.

Mr. WHITE. I ask unanimous consent to introduce a bill for reference.

Mr. SOUTHARD. I call for the regular order of business. The gentleman can introduce his bill when his State is called.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at sixteen minutes after twelve o'clock; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing.

Mr. HURLBUT. Was it not the understanding that the regular luminess of Monday would be postpoped that the appropriation bill

business of Monday would be postponed that the appropriation bill

might be taken up?
Mr. MILLIKEN. Not till after the morning hour.
The SPEAKER. The Chair does not understand it in that way;

but it is possible such an understanding may have been had when the present occupant of the chair was not in it.

Mr. HURLBUT. I would suggest that it would very much facilitate the business of Congress if the House would unanimously permit the consideration of the legislative appropriation bill to go on, passing by the usual Monday proceedings. I should be very glad if that were done.

that were done.

Mr. HOLMAN. I think it is better there should be the usual call of States for bills and joint resolutions during the morning hour. This avoids the constant applications we are otherwise compelled to make during the progress of the week to introduce bills. I suggest that the usual call of States should proceed, and that after that the House should resolve itself into Committee of the Whole on the legislative bill. I insist on the regular order.

The SPEAKER. Before the regular order proceeds, the Chair will lay before the House sundry communications.

lay before the House sundry communications.

### RIVER FRONT OF SAINT LOUIS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Acting Secretary of War, transmitting copy of proceedings of the common council of Saint Louis relative to the establishment of the river front of that city; which was referred to the Committee on Commerce.

## CHANNEL OF OHIO RIVER AT NEVILLE ISLAND.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Acting Secretary of War, in response to an inquiry of the House of the 8th instant, transmitting report of the Chief of Engineers on House bill No. 1400, relative to closing of the Ohio River on the south end of Neville Island; which was referred to the Committee on Commerce.

#### GOODS IMPORTED FOR CENTENNIAL EXHIBITION.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting reports from customs officers at Philadelphia relative to the necessity of an appropriation for the payment of officers, &c., required for the examination and custody of goods imported for the exhibition; which was referred to the Committee on Appropriations.

## GENERAL O. E. BABCOCK.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, in answer to a House resolution of the 3d instant, calling for copies of instructions, orders, letters, &c., in the control of the Treasury Department, relating to the assembling or the business of the military court of inquiry called to investigate the conduct of General O. E. Babcock; which was referred to the Committee on Military Affairs.

## RED CLOUD AND SPOTTED TAIL AGENCIES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting an estimate of an appropriation for the payment of employés at the Red Cloud and Spotted Tail agencies; which was referred to the Committee on Appropriations.

POSTAL CARDS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Postmaster-General, transmitting a communication from the Third Assistant Postmaster-General, recommending an appropriation of \$62,300 to supply a deficiency for the manufacture of postal cards for the coming fiscal year; which was referred to the Committee on Appropriations.

## CONTESTED ELECTION-SPENCER VS. MOREY.

The SPEAKER also, by unanimous consent, laid before the House the papers relating to the contested election of Spencer vs. Morey, of the fifth congressional district of Louisiana; which were referred to the Committee of Elections.

## ORDER OF BUSINESS.

The SPEAKER. Before the regular order is proceeded with, the Chair suggests that the bills now upon the Speaker's table shall be appropriately referred. Is there objection? There was no objection.

# SENATE BILLS REFERRED.

The following Senate bills on the Speaker's table were severally read a first and second time and referred, as follows:

A bill (S. No. 386) approving an act of the Legislative Assembly of Colorado Territory—to the Committee on the Territories;

A bill (S. No. 504) granting a pension to Nancy True—to the Committee on Invalid Pensions;

A bill (S. No. 375) for the relief of Maria W. Sanders—to the Committee on Invalid Pensions;
A bill (S. No. 40) granting a pension to Elmira E. Cravath—to the Committee on Invalid Pensions; and
A bill (S. No. 486) fixing the times and places for holding certain terms of the district courts of the United States for the State of Iowa—to the Committee on the Judiciary.

# ELIZABETH B. DYER.

The next business on the Speaker's table was the bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance United States Army, with an amendment by the Senate.

Mr. HURLBUT. I think the House, if it hears that amendment, will agree to it at once.

Mr. HOLMAN. I object to the present consideration of the amendment. Let the bill and amendment be referred.

The bill and amendment were referred to the Committee on Invalid Pensions.

# CONDUCT OF INDIAN AFFAIRS.

Mr. COOK. I am instructed by the Committee on Military Affairs to report a substitute for the bill (H. R. No. 987) to transfer the conduct of Indian affairs from the Interior Department to the War Department. I ask unanimous consent to report the bill at this time, and to move that it be printed and referred to the Committee of the Whole on the state of the Union, and made a special order for two weeks from Thursday next after the morning hour.

Mr. O'BRIEN. I object. Mr. BANNING. The gentleman should not object. I think he is under a misapprehension.

Some time subsequently,
Mr. O'BRIEN said: I find this is not the bill I thought it was.

withdraw my objection.

There being no further objection, the bill (H. R. No. 2592) to transfer the conduct of Indian affairs from the Interior Department to the War Department was received, read a first and second time, ordered to be printed, referred to the Committee of the Whole on the state of the Union, and made a special order for two weeks from Thursday next after the morning hour, and from day to day thereafter until disposed

#### ORDER OF BUSINESS.

The SPEAKER. The morning hour now begins at twelve o'clock and twenty-five minutes p. m. Is it the pleasure of the House that this call shall continue until the States and Territories have all been called, without reference to the termination of the morning hour? The Chair hears no objection.

## REPAVING OF PENNSYLVANIA AVENUE.

Mr. WILLIS (by request) introduced a bill (H. R. No. 2593) to provide for the repaying of Pennsylvania avenue in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### CHARLES N. WILLIAMS.

Mr. WILLIAMS, of New York, introduced a bill (H. R. No. 2594) for the relief of Charles N. Williams, postmaster at Elizabethtown, Essex County, New York; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### PATENT AND COPYRIGHT LAWS.

Mr. DAVY introduced a bill (H. R. No. 2595) to revise, consolidate, and amend the statutes relating to patents and copyprights; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### DARIUS DAVIS.

Mr. DAVY also introduced a bill (H. R. No. 2596) for the relief of Darius Davis, of Fulton, New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### HERMANN MANN.

Mr. DAVY also introduced a bill (H. R. No. 2597) for the relief of Hermann Mann, of Rochester, New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### ALICE RILEY.

Mr. TEESE introduced a bill (H. R. No. 2598) granting arrears of pensions to Alice Riley, of Rensselaer County, New York; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# OLIVER T. EVERHART.

Mr. STENGER introduced a bill (H. R. No. 2599) granting a pension to Oliver T. Everhart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### MRS. CELESTE M'GOWAN.

Mr. STENGER also introduced a bill (H. R. No. 2600) granting a pension to Celeste McGowan, now Freytet; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

THOMAS HUNTER.

Mr. HOPKINS introduced a bill (H. R. No. 2601) to authorize the Commissioner of Pensions to issue a land-warrant to Thomas Hunter, a soldier of the war of 1812, in lieu of one lost; which was read a first and second time, referred to the Committee on Révolutionary Pensions, and ordered to be printed.

# ELEANOR DOUGLASS.

Mr. EGBERT introduced a bill (H. R. No. 2602) granting a pension to Eleanor Douglass; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## ADMINISTRATOR OF SAMUEL T. ANDERSON.

Mr. WALSH introduced a bill (H. R. No. 2603) for the relief of the administrator of Samuel T. Anderson, of Baltimore; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions, and ordered to be printed.

# SUBURBAN RAILROAD COMPANY.

Mr. HENKLE introduced a bill (H. R. No. 2604) to incorporate the Suburban Railroad Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### THOMAS B. DOE.

Mr. CABELL introduced a bill (H. R. No. 2605) for the relief of Thomas B. Doe, of Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### CATHARINE HARRIS.

Mr. DOUGLAS introduced a bill (H. R. No. 2606) for the relief of Catharine Harris; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### JAMES ROBERTS AND NOAH ROBERTS.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 2607) for the relief of James Roberts, of North Carolina, and Noah Roberts, of Mississippi, offered as a substitute for bill (H. R. No. 1570); which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### WILLIAM H. BAILY.

Mr. ASHE introduced a bill (H. R. No. 2608) for the relief of William H. Baily; which was read a first and second time, and, with the accompanying memorial, referred to the Committee on War Claims, and ordered to be printed.

#### INSURANCE BUSINESS IN THE DISTRICT OF COLUMBIA.

Mr. HARTRIDGE introduced a bill (H. R. No. 2609) to provide for the regulation of the insurance business in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### FANNY M. HERRON.

Mr. HARTRIDGE also introduced a bill (H. R. No. 2610) granting a pension to Fannie H. Herron; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### HARRIET B. FULTON.

Mr. BLOUNT introduced a bill (H. R. No. 2611) for the relief of Harriet B. Fulton, of Bibb County, Georgia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# SAMUEL NOBLES.

Mr. FORNEY introduced a bill (H. R. No. 2612) for the relief of Samuel Nobles; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

CONTRIBUTIONS BY GOVERNMENT OFFICERS FOR POLITICAL PURPOSES.

Mr. HEWITT, of Alabama, introduced a bill (H. R. No. 2613) to Mr. HEWIII, of Alabama, introduced a bill (H. K. No. 2013) to prohibit contributions from officers and employés of the Government for political purposes; which was read a first and second time.

Mr. HEWIIT, of Alabama. I move that this bill be referred to the Committee on the Judiciary.

Mr. HOAR. I think the bill should go to the Committee on Reform

in the Civil Service.

Mr. HEWITT, of Alabama. I have no objection to that reference. The SPEAKER pro. tempore, (Mr. SAYLER.) It properly belongs to the Committee on Reform in the Civil Service, and will be so referred. The bill was accordingly referred to the Committee on Reform in the Civil Service, and ordered to be printed.

#### JACOB BLACK.

Mr. HEWITT, of Alabama, also introduced a bill (H. R. No. 2614) granting a pension to Jacob Black, a private soldier of the war of 1812; which was read a first and second time, and, with the accompanying petition, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

# JAMES H. VEAZIE.

Mr. LYNCH introduced a bill (H. R. No. 2615) for the relief of James H. Veazie; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

# J. W. ARTHUR & CO.

Mr. ELLIS introduced a bill (H. R. No. 2616) for the relief of J. W. Arthur & Co., a commercial firm of New Orleans, Louisiana; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# JACOB C. VAN WICKLE.

Mr. ELLIS also introduced a bill (H. R. No. 2617) for the relief of Jacob C. Van Wickle; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## WINFIELD S. NEELY.

Mr. SOUTHARD introduced a bill (H. R. No. 2618) granting a pension to Winfield S. Neely, Company A, Fifty-first Regiment Ohio Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## R. R. DICKEY.

Mr. McMAHON introduced a bill (H. R. No. 2619) to permit R. R. Dickey to locate certificate No. 41672 under the statute of March 3, 1855; which was read a first and second time, with the accompanying papers, referred to the Committee on Private Land Claims, and ordered to be printed.

# JONAS A. BIGELOW.

Mr. WALLING introduced a bill (H. R. No. 2620) granting a pension to Jonas A. Bigelow, Company K, Fourteenth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## WILLIAM T. BUCK.

Mr. NEAL introduced a bill (H. R. No. 2621) for the removal of the charge of desertion from William T. Buck, private Company B, Seventieth Regiment Ohio Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### ADMISSION TO PRACTICE IN THE COURTS.

Mr. LAWRENCE introduced a bill (H. R. No. 2622) relating to the admission of persons in the courts to practice law; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### RACHEL A. CULLISON.

Mr. LAWRENCE also introduced a bill (H. R. No. 2623) granting a pension to Rachel A. Cullison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### THOMAS FISHER.

Mr. YOUNG introduced a bill (H. R. No. 2624) for the relief of Thomas Fisher, administrator of John Larkin, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### DISTILLERS.

Mr. DIBRELL introduced a bill (H. R. No. 2625) for the benefit of distillers of less quantity than a hundred barrels per year; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### OFFICERS AND SOLDIERS OF THE WAR WITH MEXICO.

Mr. RIDDLE, by unanimous consent, introduced a bill (H. R. No. 2626) to authorize the Secretary of the Treasury to pay to officers and soldiers engaged in the war with Mexico the three months' extra pay provided for by the act of Congress of July 19, 1848; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## SOUTHERN CLAIMS COMMISSION, ETC.

Mr. RIDDLE also, by unanimous consent, introduced a bill (H. R. No. 2627) in relation to evidence in cases before the southern claims commission, the Quartermaster General, and the Commissary General of Subsistence; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## AMENDMENT OF REVISED STATUTES.

Mr. McFARLAND introduced a bill (H. R. No. 2628) to amend section 5498 of the Revised Statutes; which was read a first and second time, referred to the Committee on Civil Service Reform, and ordered to be printed.

## LETTERS OF ADVICE, MONEY-ORDER BUREAU.

Mr. HOUSE introduced a bill (H. R. No. 2629) in relation to letters of advice in the money-order bureau of the Post-Office Department; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### CENTENNIAL VACATION OF GOVERNMENT EMPLOYÉS.

Mr. LANDERS, of Indiana, introduced a joint resolution (H. R. No. 81) allowing twenty days' vacation with pay to all employes of the Government to attend the centennial celebration at Philadelphia; which was read a first and second time, referred to the Committee on the Centennial Celebration, and ordered to be printed.

# RE-ORGANIZATION OF THE TERRITORIES.

Mr. FORT introduced a bill (H. R. No. 2630) to re-organize and consolidate the Territories of the United States and to provide for their early admission into the Union as States; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

#### TAX ON SALES OF COIN AND BULLION.

Mr. FORT also introduced a bill (H. R. No. 2631) to increase the revenue and to restrain gambling by levying a tax on sales of gold and silver bullion and coin; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be

# PENSIONS.

Mr. FORT also introduced a bill (H. R. No. 2632) granting a pension to soldiers and sailors who became permanently disabled after their honorable discharge and who have no means of support; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### PORT OF CHICAGO.

Mr. FARWELL introduced a bill (H. R. No. 2633) to extend the privileges of sections 2990 and 2996 of the Revised Statutes to the port of Chicago; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### DISTRICT OF COLUMBIA.

Mr. FARWELL also introduced a bill (H. R. No. 2634) to amend section 553 of the Revised Statutes relating to the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## WILLIAM M. DILLON.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 2635) granting a pension to William M. Dillon, of Sterling, Illinois; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### PATENTS, TRADE-MARKS, COPYRIGHTS.

Mr. HARTZELL introduced a bill (H. R. No. 2636) to amend the law relating to patents, trade-marks, and copyrights, (Revised Statutes;) which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

AMENDMENTS OF REVISED STATUTES.

Mr. HARTZELL also introduced a bill (H. R. No. 2637) to amend section 2165 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### STEAM-RAILROADS IN WASHINGTON CITY.

Mr. BUCKNER introduced a bill (H. R. No. 2638) for the removal of all railroad tracks using steam power from the public streets and avenues of the city of Washington, District of Columbia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

## COMMISSIONERS OF DISTRICT OF COLUMBIA.

Mr. BUCKNER also introduced a bill (H. R. No. 2639) authorizing the commissioners of the District of Columbia to sell certain real estate in the District of Columbia, and in lieu thereof to purchase certain other real estate for similar municipal purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### JOHN HAYES.

Mr. BUCKNER also introduced a bill (H. R. No. 2640) for the relief of John Hayes, of Grant avenue, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### JOHN DELANEY.

Mr. BUCKNER also introduced a bill (H. R. No. 2641) for the relief of John Delaney, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### SAMUEL BEALL

Mr. BUCKNER also introduced a bill (H. R. No. 2642) for the relief of Samuel Beall, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## DAWES ESTATE, DISTRICT OF COLUMBIA.

Mr. BUCKNER also introduced a bill (H. R. No. 2643) for the relief of Frederick Bates, executor of the Dawes estate, Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

# GEORGE BAUER.

Mr. BUCKNER also introduced a bill (H. R. No. 2644) for the relief of George Bauer, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

# DES MOINES RIVER LANDS, IOWA.

Mr. OLIVER introduced a bill (H. R. No. 2645) to quiet the titles of settlers on the so-called Des Moines River lands in the State of Iowa, and for other purposes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

#### ALBERT W. PRESTON.

Mr. LUTTRELL (by request) introduced a joint resolution (H. R. No. 82) restoring Albert W. Preston to his late rank of colonel on the retired list of the United States Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# W. C. WRIGHT.

Mr. LUTTRELL also (by request) introduced a bill (H. R. No. 2646) for the relief of W. C. Wright; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

# PRE-EMPTION RIGHTS.

Mr. PAGE introduced a bill (H. R. No. 2647) relating to pre-emption rights and amendatory of section 2260, title 32, chapter 4, of the Revised Statutes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## SALT-SPRING LANDS, MINNESOTA.

Mr. STRAIT presented a joint resolution of the Legislature of the State of Minnesota, relating to the deficit in what is known as the salt-spring lands, requesting permission to make indemnity selection in full for said deficit; which was referred to the Committee on Public Lands, and ordered to be printed.

#### MAIL-ROUTE IN MINNESOTA.

Mr. STRAIT also presented a joint resolution of the Legislature of

the State of Minnesota, asking that a mail-route be established from Chaska, in Carver County, to Excelsior, in Hennepin County, Minnesota; which was referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### AMERICUS D. PATTERSON.

Mr. PHILLIPS, of Kansas, introduced a bill (H. R. No. 2648) granting a pension to Americus D. Patterson; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

#### MRS. MARY JANE PYLE.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 2649) granting a pension to Mrs. Mary Jane Pyle; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

#### MRS. NANCY SIMMONS.

Mr. PHILLIPS, of Kansas, also introduced a bill (H. R. No. 2650) granting a pension to Mrs. Nancy Simmons; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on Invalid Pensions.

#### RIGHT OF WAY THROUGH INDIAN TERRITORY.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 2651) granting right of way through the Indian Territory to railroad companies; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

## UTAH WESTERN RAILROAD.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 2652) granting the right of way to the Utah Western Railroad through Rush Lake military reservation; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### MILITARY ROAD, DAKOTA.

Mr. KIDDER introduced a bill (H. R. No. 2653) making an appropriation for the improvement and repair of the military road between Springfield and Fort Randall, in the Territory of Dakota; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# CLAIMS OF DAKOTA VOLUNTEER FORCES.

Mr. KIDDER also introduced a bill (H. R. No. 2654) to extend the time one year for presenting the claims of Dakota volunteer forces as examined and reported upon by General Hardie under the special act of Congress approved February 20, 1874, to the proper accounting officers for approval and payment; which was read a first and second time, referred to the Committee on War Claims, and ordered to be

## ORDER OF BUSINESS.

The SPEAKER pro tempore. The call of States and Territories for bills on leave and joint resolutions has been completed. The Chair will now entertain requests for reference from gentlemen who were not in their seats when their States were called.

# SECTION 1064 OF REVISED STATUTES.

Mr. KNOTT introdued a bill (H. R. No. 2655) to amend section 1064 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# BENJAMIN HALE.

Mr. THOMPSON introduced a bill (H. R. No. 2656) to authorize Benjamin Hale, of Rockport, Massachusetts, to bring a suit in the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## JOHN BRINKLEY.

Mr. GLOVER (by request) introduced a bill (H. R. No. 2657) for the relief of John Brinkley, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## W. R. RILEY.

Mr. GLOVER also (by request) introduced a bill (H. R. No. 2658) for the relief of W. R. Riley, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## JOHN WONDERLICK.

Mr. GLOVER also (by request) introduced a bill (H. R. No. 2659) for the relief of John Wonderlick, guardian, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### ALFRED RICHARDS.

Mr. GLOVER also (by request) introduced a bill (H. R. No. 2660) for the relief of Alfred Richards, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### JOHN C. HARKNESS.

Mr. GLOVER also (by request) introduced a bill (H. R. No. 2661) for the relief of John C. Harkness, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### E. P. CLAUDON.

Mr. THROCKMORTON introduced a bill (H. R. No. 2662) for the relief of E. P. Claudon, of Brownsville, Texas; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of their clerks, informed the House that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States; and A bill (S. No. 509) for the relief of John A. Shaw.

#### ADMISSION OF NEW MEXICO.

Mr. FORT. I ask that the bill just received from the Senate for the admission of New Mexico as a State into the Union may be taken from the Speaker's table, referred to the Committee on Territories, and printed.

The SPEAKER pro tempore. The proposition of the gentleman from Illinois is not in order under this call.

#### JOHN JONES AND OTHERS.

Mr. CANDLER introduced a bill (H. R. No. 2663) for the relief of John Jones, Randolph A. Ramsey, and William G. Sauterman; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### SURVEY OF LAUREL RIVER, KENTUCKY.

Mr. WHITE introduced a bill (H. R. No. 2664) for the survey of Laurel River, in the State of Kentucky, and apppropriating \$1,000 therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### SURVEY OF CUMBERLAND RIVER, KENTUCKY.

Mr. WHITE also introduced a bill (H. R. No. 2665) for the survey of the Cumberland River above Cumberland Falls, in the State of Kentucky, and appropriating \$7,000 therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### THADDEUS S. STEWART.

Mr. McCRARY introduced a bill (H. R. No. 2666) granting a pension to Thaddeus S. Stewart; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### EXEMPTION OF POSTAL EMPLOYÉS.

Mr. CANNON, of Illinois, introduced a bill (H. R. No. 2667) exempting persons engaged in the postal service from militia duty and from serving on juries; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

## ASSISTANT POSTMASTERS-GENERAL.

Mr. CANNON, of Illinois, also introduced a bill (H. R. No. 2668) to authorize the First, Second, and Third Postmasters-General to sign with their respective names certain official papers, when directed by the Postmaster-General, in his place; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### AMENDMENTS TO THE REVISED STATUTES.

Mr. CANNON, of Illinois, also introduced a bill (H. R. No. 2669) to amend section 4053 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

He also introduced a bill (H. R. No. 2670) to amend section 3420 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

# DECEASED POSTMASTERS.

Mr. CANNON, of Illinois, also introduced a bill (H. R. No. 2671) to provide for the custody and safe-keeping of the property of the United States in the possession of a deceased postmaster at the time of his death, and for the performance of the duties of his office until a successor be appointed and qualified; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

#### SICK AND DISABLED SEAMEN.

Mr. PIERCE introduced a joint resolution (H. R. No. 83) to enable the Secretary of the Treasury to provide for the accommodation of sick and disabled seamen in the district of Cape Cod, Massachusetts; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## LEGAL REPRESENTATIVES OF CALVIN CUMMINGS.

Mr. WILSHIRE introduced a bill (H. R. No. 2672) referring the claim of the legal representatives of Calvin Cummings to the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# SALT LANDS.

Mr. DUNNELL presented the memorial of the Legislature of Min-

nesota, in relation to salt lands; which was referred to the Committee on Public Lands, and ordered to be printed.

I ask unanimous consent to

The SPEAKER pro tempore, (Mr. SAYLER in the chair.) The Chair cannot ask unanimous consent under this call; it is only for bills for reference.

REGULATION OF COMMERCE AND NAVIGATION.

Mr. BLAINE introduced a bill (H. R. No. 2673) to amend certain titles of sections 48 and 52 of the Revised Statutes, for the regulation of commerce and navigation, and the regulation of steam-vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### HOLIDAY IN THE DISTRICT OF COLUMBIA APRIL 14.

Mr. BLAINE also (by request) introduced a joint resolution (H. R. No. 84) declaring April 14, 1876, a legal holiday in the city of Washington; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JAMES TULLIS.

Mr. CASON introduced a bill (H. R. No. 2674) directing the Secretary of the Interior to date back the pension certificate of James Tullis, No. 116532, to the 22d of January, 1874, and authorizing the payment of his pension, at the rate he now draws the same, from that date to the 17th day of June, 1872; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### RESUMPTION OF SPECIE PAYMENTS.

Mr. MEADE (by request) introduced a bill (H. R. No. 2675) to provide for the more certain resumption of specie payments on January 1, 1879; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### TAXATION IN THE DISTRICT OF COLUMBIA.

Mr. BUCKNER, by unanimous consent, reported from the Committee for the District of Columbia, as a substitute for House bill No. 2132, a bill (H. R. No. 2676) to regulate the assessment and collection of taxes for the support of the government of the District of Columbia, and for other purposes; which was read a first and second time, recommitted to the committee, and ordered to be printed.

#### PROCEEDS OF CAPTURED AND ABANDONED PROPERTY.

Mr. WHITTHORNE, by unanimous consent, submitted a resolution directing the Committee on Appropriations to inquire into the forma-tion of the division in the Treasury Department known as the divis-ion "having charge of the proceeds of captured and abandoned prop-erty," &c.; which was referred to the Committee on Appropriations, and ordered to be printed.

### CHANGE OF NAME OF A STEAMER.

On motion of Mr. PLATT, by unanimous consent, leave was granted for the withdrawal from the further consideration by the House of the bill (H. R. No. 2269) to change the name of the steamboat Twilight, of New York, to that of Amsdell.

#### SAILORS' HOME, SAN FRANCISCO.

Mr. PIPER. I ask unanimous consent to present a memorial, and that the memorial be referred to the Committee on Commerce and printed in the RECORD. It is a memorial from the Ladies' Seamen's Friend Society of San Francisco, California; and all I ask is that it may be referred to the Committee on Commerce and that the brief memorial which precedes the signatures may be read and printed in the RECORD.

The Clerk read the memorial, as follows:

To the Congress of the United States of America:

To the Congress of the United States of America:

Your petitioners respectfully represent that about the year 1853, the United States erected in San Francisco a marine hospital for the care of sick and disabled sailors, which was carried on for several years, and finally abandoned to time's decay; it is now in a very dilapidated condition, and useless for any Government purpose. The great number of shipwrecked and destitute sailors who come to this port excited to action some of the prominent and charitable ladies of this city, and some twenty years ago they organized "the Ladies' Scamen's Friend Society," "to relieve shipwrecked and destitute sailors, and to protect seamen against the pernicious influences and injustice to which they are subjected in this port, and for such other purposes as shall tend to their moral and intellectual improvement."

One important act of the society was to lay before Congress the vices existing in relation to engaging and shipping sailors, and asked for their protection by the passage of a law providing for shipping commissioners, which was signed by the President June 8, 1872. This law is now in force, and doing great good in this port under the management of Colonel Jonathan D. Stevenson, shipping commissioner.

The members of the society, seeing the necessity of having a well-conducted

The members of the society, seeing the necessity of having a well-conducted home for sailors, have for several years exerted their energies to that end, and, by well-directed industry, have raised considerable money, and bought a lot now worth about \$20,000. This lot the society propose to sell, and use the proceeds in improving the old marine hospital, and furnish it for a sailors' home, if Congress will permit it.

The marine hospital building was erected for the benefit of the sailors, and we ask that we may continue it for the same purpose, without further expense to the

ask that we may continue it for the same purpose, without further expense to the United States.

We respectfully represent that the society propose to have a cheap, clean, and commodious boarding and lodging house, with reading and lecture rooms, so attractive that sailors will not be compelled to find places for pastime and amusement in the dens of vice, where they are robbed of their money and then kicked out of doors. The Scamen's Temperance League meets in this city every Sunday evening, at the shipping commissioner's rooms, where about two thousand have signed the temperance pledge during the last year, and many crews have been sent to sea sober; but they need a home where they may be kept sober after taking the nledge.

Therefore we respectfully pray that Congress will grant the marine hospital and grounds, situated on a block located between Harrison, Folsom, Maine, and Spear streets, in the city and county of San Francisco, State of California, to be used by the "Ladies' Seamen's Friend Society of the port of San Francisco," for a sailors' home as long as it may be used by the society for that purpose.

Trustees.—Captain Oliver Eldridge, (president,) Hon. E. D. Sawyer, W. B. Ewer, J. M. Kellog, Mrs. C. D. Knight, Mrs. R. H. Lambert, Mrs. P. S. Williamson.

Board of managers.—Mrs. C. D. Knight, Mrs. R. H. Lambert, Mrs. P. S. Williamson.

Board of managers.—Mrs. C. D. Knight, (president,) Mrs. R. H. Lambert, (vice-president,) Mrs. P. S. Williamson, (corresponding secretary,) Mrs. I. S. Allen, (recording secretary,) Mrs. E. D. Cogswell, (treasurer,) Mrs. A. E. H. Baker, Mrs. J. Roland, Mrs. R. Barclay, Mrs. G. Burrows, Mrs. W. B. Ewer, Mrs. H. S. Tucker, Mrs. A. W. Loomis, Mrs. J. R. Hughes, Mrs. A. Kholer, Mrs. William Rielly, and several thousand others.

#### EXTENDING TIME FOR APPLICATIONS FOR PENSIONS.

Mr. MacDOUGALL asked and obtained unanimous consent to have the following printed in the RECORD and referred to the Committee on Invalid Pensions:

Headquarters Department of New York,
Grand Army of the Republic,
Assistant-Adjutant-General's Office, Room 122, Trinity Building,
111 Broadway, New York, March 7, 1876.

Dear Sir and Comrade: At the annual encampment of the Grand Army of the Republic, department of New York, held at Albany, on the 25th and 26th January ultimo, the following resolution was unanimously adopted:

"Resolved, That the representatives of this State in Congress be requested to secure the passage of a bill extending the time for the filing of applications for pensions."

pensions."

In accordance with the above, I have the honor on behalf of this order to forward this communication to you. Permit me to hope that it will meet with your approval, and that I may be favored with an early acknowledgment of the receipt of the same.

Yours in F., C., and L.,

JAMES TANNER.

JAMES TANNER, Department Commander.

Hon. C. D. MacDougall, House of Representatives, Washington, D. C.

DEFAULTING COLLECTORS OF INTERNAL REVENUE.

Mr. SOUTHARD submitted the following resolution, and moved that the rules be suspended and the resolution adopted:

Resolved. That the Secretary of the Treasury be, and he is hereby, requested to state to this House the actual balance due from collectors of Internal revenue who are not now in office, since the organization of that Bureau; that the names of such defaulting collectors be given with the amount due from each, and the total amount due from all of those who are in default; that he also inform this House of the names of the defaulting collectors who have been sued, with the date of the suit, together with the date of resignation of the defaulting collectors, and the name of the President by whom and the time when appointed.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

#### PROMOTIONS IN THE ARMY.

Mr. SOUTHARD. I offer by request the resolution I send to the Clerk's desk, and move that the rules be suspended and the resolution adopted.

The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to report to this House whether officers of the Army have been promoted since the 22d day of June, 1874, as provided in section 1204 of the Revised Statutes, and if not, the reason for the same.

The rules were suspended, (two-thirds voting in favor thereof,) and the resolution was adopted.

# THE UNITED STATES A NATION.

Mr. BAKER, of Indiana. I send a resolution to the Clerk's desk to be read, and move that the rules be suspended so as to adopt the resolution now, and upon that motion I call for the yeas and nays.

The Clerk read as follows:

The Clerk read as follows:

Resolved, That the people of the United States constitute one nation and not a mere confederacy of States or nations; that the Constitution was formed by the people acting in their primary and individual capacity through their delegates thereto duly constituted; that the Government under the Constitution is one of the people, by the people, and for the people; that in its appropriate sphere the Government of this nation is sovereign and supreme; that in its nature it is permanent and indissoluble except by the act and consent of the whole people; that no State has the right or authority to judge of the constitutionality of the laws enacted by it, and to nullify or resist the execution of the same; and that all overt acts by any State or the people thereof of secession therefrom, or of rebellion against the same, constitute treason; and that the late war of the rebellion for the dismemberment of the Union was causeless and indefensible on any theory of right or constitutional law.

Mr. COX. I hope this resolution will be referred. It may be very good; but it will take up a good deal of time.

good; but it will take up a good deal of time.

The yeas and nays were ordered.

Mr. STONE. I move that the House adjourn.

The SPEAKER. Pending a motion to suspend the rules, one motion to adjourn is in order.

Mr. STONE. I demand the regular order.

Mr. CALDWELL, of Alabama. I desire to offer a substitute.

The SPEAKER. That is not in order.

The motion of Mr. Stone, that the House adjourn, was not agreed to. Mr. COX. I rise to a parliamentary inquiry. Is this motion divisi-

The SPEAKER. In the judgment of the Chair, it is not. The motion is to suspend the rules and adopt the resolution.

Mr. COX. I rise to a point of order. Would it be in order to read from the Constitution the following?

Done in Convention by the unanimous consent of the States.

GEORGE WASHINGTON.

The SPEAKER. It would not be. [Laughter.] The question was taken; and there were—yeas 97, nays 75, not voting 117; as follows:

The question was taken; and there were—yeas 97, nays 75, not voting 117; as follows:

YEAS—Messrs. Ainsworth, Anderson, John H. Baker, Ballou, Bass, Blaine, Bradley, William R. Brown, Horatio C. Burchard, Campbell, Cannon, Cason, Caswell, Chittenden, Conger, Danford, Davy, Denison, Dobbins, Dunnell, Durand, Eames, Evans, Farwell, Fort, Foster, Frost, Goodin, Andrew H. Hamilton, Hardenbergh, Benjamin W. Harris, Hathorn, Haymond, Hendee, Henderson, Hoar, Hoskins, Hubbell, Hunter, Hyman, Jenks, Joyce, Kasson, Kehr, Kelley, Lapham, Lawrence, Leavenworth, Lyneh, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, New, Norton, Oliver, O'Neill, Packer, Page, Phelps, William A. Phillips, Pierce, Plaisted, Platt, Potter, Powell, James B. Rellly, Robinson, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stevenson, Teese, Thornburgh, Washington Townsend, Tufts, VanVorhes, John L. Vance, Alexander S. Wallace, John W. Wallace White, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—97.

NAYS—Messrs. Ashe, Atkins, Beebe, Blackburn, Bland, Blount, Boone, Bright, John Young Brown, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, John B. Clarke of Kentucky, Cook, Cowan, Culberson, De Bolt, Dibrell, Douglas, Ellis, Fanlkner, Felton, Forney, Franklin, Glover, Goode, Gunter, Hancock, Henry R. Harris, Hartridge, Goldsmith W. Hewitt, Hill, Hooker, House, Hunton, Hurd, Thomas L. Jones, Knott, Levy, Lewis, Lood, Meade, Milliken, Mutchler, Odell, Parsons, Payne, John F. Philips, Piper, Rea, Reagan, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Scales, Sheakley, Singleton, William E. Smith, Stone, Terry, Throckmorton, Tucker, Robert B. Vance, Waddell, Charles C. B. Walker, Ward, James D. Williams, Jeremiah N. Williams, William E. Smith, Stone, Terry, Throckmorton, Tucker, Robert B. Vance, Waddell, Charles, C. B. Walker, Ward, James D. Williams, Jeremiah N. Williams, Hurbut, Frank Jones, Ketchum

So (two-thirds not voting in favor thereof) the resolution was not

During the roll-call the following announcements were made:
Mr. MILLIKEN. My colleague, Judge Durham, is confined to his

room by sickness.

Mr. PLATT. My colleague, Mr. Adams, is absent by leave of the

House on important business. If he were present he would vote

"ay."

Mr. TOWNSEND, of New York. I am paired with Mr. Davis, of North Carolina. If I were at liberty to vote, I should vote "ay;" and I presume that Mr. Davis, if here, would vote "no."

Mr. DANFORD. The gentleman from Nebraska, Mr. CROUNSE, is confined to his bed by sickness.

Mr. FORNEY. My colleague, Mr. Bradford, is absent on account of sickness. If present, he would vote "no."

Mr. BLAINE. My colleagues, Mr. Frye, Mr. Hale, and Mr. Burleigh, are all absent from the city. If they were present, they would gladly vote "ay." When the roll had been read over, but before the result was an-

When the roll had been read over, but before the result was announced,
Mr. BAKER, of Indiana, said: It is apparent, Mr. Speaker, that a large number of gentlemen on the floor of the House have not voted. I call for the reading of the rule.
Mr. RANDALL. Mr. Speaker, is debate in order?
The SPEAKER. Debate is not in order.
Mr. BAKER, of Indiana. I rise to a question of order. I call for the reading of Rule 31 requiring members to vote when present on the floor of the House. After that rule is read, I ask that it be enforced. Several Members. How will you do it?
Mr. BAKER, of Indiana. That rests with the Speaker, not with me.

The SPEAKER. The Chair overrules the question of order. The

demand is not in time, and therefore is not in order.

Mr. RANDALL. There is a good deal of truth in this resolution, but also a good deal of false inference. We will vote the next time. The result of the vote was announced as above stated.

#### UNION.

Mr. COX. I move to suspend the rules and adopt the following resolutions, which I send to the desk. The Clerk read as follows:

The Clerk read as follows:

Resolved, That the people of the United States constitute a nation in the sense, to the extent, and for the purposes defined in the Federal Constitution.

Resolved, That the Government of the United States is a Federal Union, and was formed by the people of the several States in their sovereign capacity, that the rights and powers of the United States Government are defined and limited by the Federal Constitution, and these rights and powers cannot be enlarged nor diminished except by an amendment to the Constitution.

Resolved, That the rights of the States have the same sanction and security in the Constitution as the right- and powers of the Federal Government, and that local domestic government by the several States within the limits of the Constitution is absolutely necessary for the preservation of the liberties of the citizen and the continuance of our republican system of government.

Resolved, That the doctrine that a State has a right to secede from the Union is in conflict with the idea of a "perpetual union" as contemplated by the Constitution and should be regarded as being forever extinguished by the results of the recent civil conflict.

Mr. HOLMAN. I ask for the yeas and nays on the motion to suspend the rules

pend the rules.

Mr. BLAINE. I hope so; and I hope every Union man in the House will vote against them. [Cries of "O!" from the democratic side of the House.] I hope so decidedly.

The yeas and nays were ordered.

Mr. BLAINE. Let the resolutions be again read.

The SPEAKER. The pending question is on the motion to suspend the rules and adopt the resolutions, and those in favor thereof when their names are called will vote ay—

Mr. HOAR rose. [Cries of "Order!"]

Mr. HOAR. I rise to a question of order. [Continued cries of "Order!"]

Order!"] Mr. HOAR.

Mr. HOAR. I rise to a question of order before the vote—
The SPEAKER. The Chair holds that no gentleman has a right to interrupt the Chair in the midst of an announcement like this to the ouse. [Applause.] Mr. HOAR. I rose to a question of order before the Chair began

his announcement.

The SPEAKER. The Chair was not aware of any such effort on the part of the gentleman from Massachusetts. Those in favor of the motion to suspend the rules, will vote "ay," and those opposed "no." The Chair has now made the announcement, and directs the Clerk to again report the resolutions.

The resolutions were again read.

The question was then taken; and it was decided in the affirmative; yeas 150, nays 42, not voting 97; as follows:

The question was then taken; and it was decided in the affirmative; yeas 150, nays 42, not voting 97; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., Banning, Bass, Beebe, Blackburn, Bland, Blount, Boone, Bright, John Young Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cox, Cutler, Davy, De Bolt, Dibrell, Douglas, Durand, Eden, Ellis, Faulkner, Felton, Forney, Fort, Franklin, Fuller, Glover, Goode, Goodin, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Henry R. Harris, Hartridge, Hartzell, Hendee, Henkle, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, Honse, Hunton, Hurd, Jenks, Thomas L. Jones, Kehr, Kelley, Knott, Franklin Landers, George M. Landers, Leavenworth, Levy, Lewis, Lord, Luttrell, Lynde, L. A. Mackey, Maish, McDill, McFarland, Meade, Milliken, Morgan, Morrison, Neal, New, O'Brien, O'Dell, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Sampson, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, Williams E. Smith, Southard, Sparks, Strait, Stenger, Stevenson, Stone, Teese, Terry, Thompson, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Walling, Walsh, Ward, Warren, Wike, Willard, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, James Wilson, Woodburn, Yeates, and Young—150. NAYS—Messrs, John H. Baker, Blaine, Bradley, Horatio C. Burchard, Conger, Denison, Dunnell, Egbert, Evans, Farwell, Foster, Hoar, Hubbell, Hyman, Lapham, Lawrence, Lynch, Magoon, MacDougall, McCrary, Monroe, Nash, Norton, Oliver, Packer, Page, Plaisted, Platt, Purman, Robinson, Rusk, Seelye, Sinnickson, Smalls, Thornburgh, Van Vorhes, Alexander S.

So the resolutions were adopted on a suspension of the rules, (twothirds having voted in favor thereof.)

During the vote, Mr. LUTTRELL stated that his colleague, Mr. WIGGINTON, who was absent from the House on account of sickness, would if present vote in the affirmative; and that Mr. LANE also, if present, would vote in the affimative

Mr. TOWNSEND, of New York. Mr. Speaker, I do not know whether I am at liberty to vote on this or not. If I should, I would

Mr. HOLMAN. I object to debate.
Mr. TOWNSEND, of New York. I am not debating, and I hope gentlemen will not object to my communicating my pair. I am paired with Mr. Davis, of North Carolina, and I should vote "ay" if I were

The SPEAKER. The gentleman is not in order.

The SPEAKER. The gentleman is not in order.

The SPEAKER. The Chair holds that the gentleman is not in order.

Mr. TOWNSEND, of New York. In what respect?
The SPEAKER. In stating reasons in the nature of debate.
Mr. TOWNSEND, of New York. No; I am not, but merely stating

my pair.

The SPEAKER. The Chair rules that in stating reasons the gen-

tleman is not in order.

Mr. TOWNSEND, of New York. I am compelled to appeal from the decision of the Chair. Mr. HOLMAN. I rise to a point of order. The gentleman from New York has a right to state a pair, but no right to give reasons for his action.

Mr. RANDALL. When the gentleman from New York was stopped

he was evidently going on to state reasons in the nature of debate.

The SPEAKER. The Chair understood the gentleman from New
York was proceeding to say that upon his mind in reference to this pending matter there were questions of doubt-reasons both ways, conflicting reasons. It is against that kind of statement that the

Chair made his ruling.

Mr. TOWNSEND, of New York. I will say now, with the permission of the Chair, that I did not speak a word of what the Chair supposed I did. In all kindness I wish now to say so. What I said was this: that I was paired with Mr. Davis, of North Carolina; that I was in doubt whether we should differ, and if I were at liberty to vote I would vote "ay." I did not know Mr. Davis would do so, and it was only for fear I might conflict with Mr. DAVIS that I refrained

from voting.

The SPEAKER. The Chair sees no objection to that statement.

Mr. YEATES. And I wish to say that my colleague, Mr. Davis, if he were here, would vote "ay."

Mr. RANDALL. I desire to announce that my colleague, Mr. O'NEILL, is absent in consequence of a death in his family.

Mr. COX. My colleague, Mr. HEWITT, has been called home by

important business.

Mr. STONE. I desire to say that Mr. Durham, of Kentucky, is detained at home on account of sickness.

Mr. SINGLETON. My colleague, Colonel Lamar, is absent from the House on account of sickness.

The result of the vote was then announced as above recorded.

#### PACIFIC RAILROAD SUBSIDY BONDS.

Mr. KNOTT. I am instructed by the Committee on the Judiciary to ask that the report of their subcommittee on the resolution requiring them to inquire into what legislation is necessary to indemnify the United States for interest advanced on the subsidy bonds of the Pacific railroad companies be printed for the use of the committee.

There was no objection, and it was so ordered.

## REDUCTIONS BY LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. FOSTER. I have prepared a statement showing the estimates for the employés of all the Departments, and showing also the reduction made in the legislative, &c., appropriation bill now in Committee of the Whole House. I ask that it may be printed for the use of the House

The SPEAKER. Is it in the nature of a report from a committee?

Mr. FOSTER. I have prepared it as a member of the Committee

on Appropriations.

Mr. RANDALL. The gentleman from Ohio [Mr. Foster] makes this statement on his own responsibility, but the Committee on Appropriations do not object to its being printed.

There being no objection, the statement was ordered to be printed.

#### ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same: An act (H. R. No. 194) to remove the political disabilities of Samuel

Cooper, jr., of Virginia; and
An act (S. No. 360) to establish certain post-routes in the State of

## COMMERCIAL RELATIONS WITH FOREIGN COUNTRIES.

The SPEAKER. The Chair desires to lay before the House a letter from the Secretary of State, transmitting, in compliance with section 208 of the Revised Statutes, a report upon the commercial relations of the United States with foreign countries for the year 1875. Accompanying this communication are very numerous and very lengthy documents. The Chair will direct the communication and accompanying papers to be referred to the Committee on Commerce, without printing, or to await the future order of the House in regard to printing.

# BUREAU OF STEAM ENGINEERING, ETC.

The SPEAKER. The Chair also desires to lay before the House a letter from the Secretary of the Navy, transmitting reports of the Bureaus of Steam Engineering, Construction and Repair, Equipment and Recruiting, &c., in response to House resolution of January 13, 1876. Accompanying this communication also are voluminous papers. The Chair will direct the communication and the accompanying reports to be referred to the Committee on Naval Affairs, without printing, until further order of the House.

# CONTESTED ELECTION-LEE VS. RAINEY.

The SPEAKER also, by unanimous consent, laid before the House papers in the contested-election case of Samuel Lee vs. Joseph H. Rainey, first district of South Carolina; which were referred to the Committee on Elections.

# DANIEL STICKNEY.

Mr. LUTTRELL, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back the bill (S. No. 446) for the relief of Daniel Stickney, of Presque Isle, Maine; and moved that the committee be discharged from the further consideration of the same, and that it be referred to the Committee of Claims.

The motion was agreed to.

#### DISTRICT 3.65 BONDS.

Mr. BUCKNER. I rise to a privileged question. I desire to bring before the consideration of the House the report of the conference committee on the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of the said commissioners, and for other purposes. In order that the House may understand this question, I send to the Clerk's desk the joint resolution as it will be if the report of the conference committee should be adopted, and ask that it may be read.

The Clerk read as follows:

The Clerk read as follows:

Resolved, &c., That the commissioners of the District of Columbia are hereby directed to transfer to the Treasurer of the United States, for the payment of the interest due the 1st of February, 1876, on the bonds of said District, issued under the provisions of the act of Congress approved June 20, 1874, estitled "Anact for the government of the District of Columbia, and for other purposes," the sum necessary to pay the same from any unexpended appropriations heretofore made by Congress or from any revenues derived by taxation on the property of said District of Columbia, subject to the requisition of said commissioners, excluding funds raised for the support of public schools: Provided, That any further issue of 3.65 bonds under or by virtue of said act of Congress approved June 20, 1874, is hereby prohibited: Analyrovided, That the said commissioners are hereby directed to discontinue all work and labor on streets, avenues, bridges, sewers, canals, and structures of every kind the payment for which is to be made in 3.65 bonds of the District of Columbia: Anal provided further, That so much of the sixth section of the said act of June 20, 1874, as directs and requires the First Comptroller of the Treasury and the Second Comptroller of the Treasury to audit and adjust the floating and unfunded debt of the District of Columbia, and issue certificates therefor, and of the joint resolution continuing the board of audit to examine and audit the unfunded or floating debt of the District of Columbia, approved December 21, 1874, and of the act to extend the rime within which the board of audit of the District of Columbia may receive, audit, and allow certain claims that have never been presented to said board, approved March 3, 1875, be, and the same is hereby, repealed; and all compensation allowed to said board of audit for their services under the provision of said act of June 20, 1874, and theacts amendatory thereof, shall cease; and after the expiration of thirty days from the approval

audit shall be turned over to the commissioners of the present amount of the total indebtedsuccessors in office.

SEC. 2. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, shall be deemed guilty of
a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment
not exceeding ten years and by fine not exceeding \$10,000.

Mr. BUCKNER. It will be recollected by the House that when this question was up some two or three weeks ago, and postponed in order that the report which I have just caused to be read at the Clerk's desk should be printed, objection was made to the action of the conference committee on the part of the House, because we had not in-

sisted, as I understand it, upon a proposition adopted in the Senate that no bonds issued after the 27th of January last should be paid.

I will say, in reference to that, that so far as the action of this House could effect that object, we attempted to make that provision; but it failed because the conference committee on the part of the Senate were opposed to any such action. That the House may understand how the matter stands in regard to these bonds issued since the 27th of January, I will send to the Clerk's desk a communication from the treasurer himself in charge of this sinking fund, one of the officers of the sinking fund, showing the action of the sinking-fund commissioners on the subject of the bonds issued since the 27th of January. It will appear that these bonds amount to \$149,000, and that not one of these bonds has been issued upon certificates issued

that not one of these bonds has been issued upon certificates issued since the 1st December last, except one certificate of \$2,700.

All the bonds issued by these sinking-fund commissioners, against which this objection was raised, were issued upon certificates that were then in the hands of the sinking-fund commissioners and for which they had agreed to issue bonds. And, on the 25th of January, immediately after the action of this House and before the action of the Senate, they passed a resolution which I send to the Clerk's desk in connection with the letter showing what has been done in reference to the issue of those bonds since the 26th of January. The Clerk will read the letter and then the resolution on which the commissioners have acted.

The Clerk read as follows:

Office of the Commissioners of the Sinking Fund, Washington, D. C., February 19, 1876.

Sir: In reply to your letter of yesterday I have the honor to state that at the close of 26th January last, there had been issued by us in exchange for certificates of the board of audit 3.65 bonds to the amount of \$13,558,700.

There have been since issued, in exchange for certificates of board of audit presented prior to January 25, 1876:

account beans as a comment, and account	
On January 27	\$35,000
On January 28	87, 000
On January 29	24, 000
On January 31	20, 200
On February 2	18, 350

184, 550

Making, in all now outstanding, \$13,743,250.

The inclosed copy of a resolution unanimously adopted by our board on the 25th January last, will explain the reason of our recent action on this subject.

With much respect, your obedient servant,

MOSES KELLY, Treasurer.

Hon. A. H. Buckner, Chairman District Committee, House of Representatives.

The resolution is as follows:

Whereas a proposition is now pending in Congress for the transfer to the Department of the Treasury of the United States of the duties heretofore performed

by this board; and whereas a bill has been introduced and is now pending to prevent the further issue of 3.65 per cent. District of Columbia bonds: Therefore, Be it resolved, That no further issue of said 3.65 per cent. District of Columbia bonds be made by this board until the Congress of the United States shall have acted upon the amount of bonds to be issued, excepting so far as necessary to complete the delivery of those for which applications have thus far been filed, \$363,400. True copy from the record:

MOSES KELLY,

OFFICE OF THE COMMISSIONERS OF THE SINKING FUND, Washington, February 19, 1876.

Mr. BUCKNER. I will state, sir, further on that point, that that portion of the resolution to which objection was made on a former occasion was introduced on the 3d of February, and there have been no bonds issued since the 3d of February at all.

I yield now to the gentleman from Indiana, [Mr. HOLMAN.]

Mr. HOLMAN. Mr. Speaker, when this measure was pending in

Mr. HOLMAN. Mr. Speaker, when this measure was pending in the House an effort was made by an amendment to declare that nothing in this act should further bind the United States to the payment of this debt than the obligation already assumed. That amendment may not have accomplished the purpose. It was drawn up hastily and perhaps did not fully do so; but the purpose of the House in its adoption was manifestly to prevent the Government from assuming greater responsibility than it had heretofore assumed by former legislation. islation.

It seems to me, sir, that no bill should pass Congress in regard to these 3.65 bonds except one that clearly and explicitly repels any presumption that the Government of the United States is assuming in the passage of the act liability beyond that already incurred. I hope that the House will consent to non-concur in this report of the committee of conference, and to recommit the bill and the pending amendments to the same committee of conference on the part of the House, and that further effort will be made to relieve the Government of the United States from other responsibility than that already incurred. I hope that a proposition substantially like the following will be adopted and added to the bill:

Provided, That nothing in this act shall be construed to create an obligation on the part of the United States to pay the interest or the principal of said bonds or to give validity to any bonds which have been issued without authority of law.

I do not think, sir, that with the fact before the House that bonds perhaps to the amount of a million and a half of dollars have been issued without authority of law-certainly this board of commissioners have exercised authority conferred upon them by the act of 1874—I do not think, in view of the fact that the House is informed that bonds have been issued in excess of the authority conferred upon the board, validity should be given to these bonds by language which should admit of such interpretation.

I therefore, sir, insist that Congress in passing this bill shall expressly declare that they will provide for the payment of interest on such bonds as were lawfully issued under the act of 1874, and that in the passage of that act Congress did not mean to bind the United States for the payment of principal or interest of the bonds, or to give validity to bonds issued without authority of law. I think that the gentleman from Missouri, [Mr. BUCKNER,] who has examined this subject very fully, and is aware of the mistakes heretofore made, will see the propriety of incorporating such a provision into the law giving interpretation to the act of 1874 and the subsequent legisla-

Every effort has been made to induce the Government to place this debt upon the same footing as the other bonded debt of the United States; to put these bonds in the debt statement, so as to make them a debt of the United States instead of the people of this District. To be sure, by an act of the last Congress, Congress devolved the duty of raising this money upon the people of the District, and I trust that Congress will not undertake by this legislation to carry out the unhappy legislation that grew up when the board of commissioners was appointed and the District government was abolished. Whatever responsibility that creates on the Government of the United States, of course we shall have to stand by, but I object to going one step beyond. All I ask is that in any new legislation there shall be this express declaration, that the Government does not assume the payment of the bonds, that this law shall receive no such interpretation, and that we do not give validity to any bonds issued without authority

Mr. Speaker, one other word. I admit that if the Committee for the District of Columbia, which has been so patiently investigating the transactions out of which have grown these bonds, had made its final report, if all the facts touching the issuing of these bonds were before the House and it was possible that we should pass judgment on the subject, we might pass a law without any such limitation or restriction as that mentioned. But the committee have not made a report; they have not informed the House of the real facts; we are not informed to what extent there has been fraud practiced in the creation of this debt. The capital is filled with grave charges of fraud against all the persons who have been connected with this added public debt on the people of this District. Let us give it no other validity than it is entitled to have. Let the bonds lawfully issued be provided for by the people of this District under such legislation as Congress may think proper to adopt. But I do ask, gentlemen, that by no possibility shall we be permitted to place on the Federal Government any greater liability than that already assumed.

I must say that the act which abolished this District government and provided this board of commissioners, under which these bonds have been issued, was as unfortunate a law as ever passed Congress We were compelled to abolish the District government and put an end to a wide system of fraud. But in doing so we seem to have imposed upon the whole people of the United States obligations and debts which ought to be borne by the citizens of this District alone, who, through their District government, have been engaged in this vast sys tem of public improvement and getting up a great debt, in part predicated on manifest frauds. This is all I have to submit, except to ask that the Clerk now read the proposition which I desire to have ingrafted on this joint resolution.

Mr. BUCKNER. The gentleman does not understand that I have

yielded the floor for any such proposition?

Mr. HOLMAN. No. This report, of course, is not subject to amendment. But I wish to have read the proviso which I desire to have added to this joint resolution.

The Clerk read as follows:

Provided. That nothing in this act shall be construed to create an obligation on the part of the United States to pay the interest or principal of said bonds, or to give validity to any bonds which may have been issued without authority of law.

Mr. HOLMAN. With the permission of the gentleman from Missouri [Mr. BUCKNER] I desire to enter a motion to non-concur in this conference report, and to recommit the same with the bill and pend-

ing amendments to the conference committee.

Mr. BUCKNER. I do not yield for any such motion. I will now yield for ten minutes to the gentleman from Wisconsin, [Mr. Cate,] a member of the Committee for the District of Columbia.

Mr. CATE. I do not think that the provise of the gentleman from Indiana, [Mr. Holman,] even if it should be given the effect of law, could add anything to the protection of the United States in this regard. It will be borne in mind that these bonds, if issued at all, are issued in accordance with a provision of law which purports to define as well the liability of the Government of the United States as that of the District of Columbia. No implied obligation will rest against the United States in consequence of the payment of this interest, and for the simple reason that that liability, whatever it may be, must be determined by the construction of the law under which these bonds were issued. Therefore the payment of the interest would not affect or add to the liability of the Government at all. This liability, if there be any, is in accordance with the law under which these bonds are issued.

It seems to me that the provision which the gentleman has intro-duced will add nothing to the protection of the Government. The Government is bound for these bonds in accordance with the law under which they were issued. It is liable for the payment of these bonds, if under that law it was primarily liable. If under the law there was no primary liability, then I hold that the direction of the payment of this interest does not create a liability. If the Government is not primarily liable under that law, then of course there is

What is the purpose of the proviso of the gentleman from Indiana,
[Mr. Holman?] What will it accomplish? As I have shown, it will
accomplish nothing toward protecting the Government, but will have the effect of discrediting these bonds in the market. That will be the only effect of it. Is that desirable? I hold it is not desirable, unless something can be accomplished by it, unless the Government is to be benefited by it, unless the Government is to be benefited by discrediting these bonds in the market, for that can be the only effect of such

a proviso.

The House will remember that there were two tribunals organized under the law of 1874, for the purpose of providing for and funding the debt of this District. Both tribunals had distinct jurisdiction and distinct duties to perform. The board of audit was to pass these accounts and to audit such accounts as arose under that law. They were then to certify to the commissioners, and the commissioners were to issue the bonds. Both tribunals were distinct, the one not dependent at all upon the other. The funding commissioners had no discretion; they were bound to issue bonds upon such certificates as were presented to them by the board of audit. Therefore, I say that, so far as I have been able to ascertain in the course of this investigation, there is nothing that tends to show that the commissioners have exceeded their jurisdiction at all.

As I said before, if these bonds were issued in pursuance of law, if under this law of 1874 there was authority on the part of the sinking-fund commissioners to issue these bonds, then of course they are good in the hands of an innocent holder. As I understand it, there is but one objection that can be urged against the validity of these bonds in the hands of innocent purchasers: that is the want of authority on the names of innecent purchasers: that is the want of atthority on the part of the persons who issued these bonds. It is likely that, in the auditing of claims which have been presented under this act, larger sums have been audited than ought to have been. It is quite likely that there may be some ground for the belief that bonds have been actually issued in some instances for a larger sum than was really due. What I mean to say is that it is likely the board of audit have sometimes certified accounts that really were not due or that were greater than should have been allowed, whether through fraud or otherwise, I am not able to say; but it is likely such things have occurred. The commissioners knew nothing of this; the accounts came to them certified, and they could do nothing but to issue bonds for the full amount so certified. I hold that these bonds are good, as a matter of course, in the hands of innocent purchasers. We cannot inquire whether the in the hands of innocent purchasers. board of audit have allowed any larger sum than they ought to have allowed. As to bonds in the hands of innocent holders, we cannot try the question whether the amount for which any of these bonds were issued was really due. The only question we can inquire into is whether the bonds have been issued by the sinking-fund commissioners in pursuance of law. If they have not been, then the Gov-ernment is not bound for them; but if they have been issued in pursuance of law, then the Government is responsible for them wherever

Mr. HOLMAN. If the board of commissioners were authorized to do certain work, for which bonds might issue to cover the expense of that work, and if the commissioners, going beyond the powers conferred upon them, have made other and different improvements, have entered into new contracts, and issued new certificates not contemplated by the law of 1874, and if bonds were predicated upon these palpable violations of law, does my friend think the Government of the United States is bound by the law of 1874 to guarantee the payment of the principal and interest of such bonds of the District of

Columbia '

Mr. CATE. I answer, no, sir; and the gentleman will observe that I have already covered his questions.

Mr. HOLMAN. That is exactly what I am trying to guard against

by my proposition.

Mr. CATE. But it is altogether unnecessary. does not add to the protection of the Government at all; and its only effect is to discredit the bonds, or, as the gentleman from Missouri expressed it the other day, to "give the bonds a black eye" in the market. In this way it affects those who may have expected to realize something out of the sale of the bonds for the purpose of paying their

debts.

If bonds have been issued without authority of law, then I admit that the Government is not liable. But that is the very question; and this proposition does not touch that question at all. The law under the control of work has been done in violation of law—if work has been done in violation of law—if work has been done in violation of law—if work doubtedly is that if work has been done in violation of law—if work not contemplated by the law of 1874 has been done—then the bonds are void, no matter where they may be found, and no such declaration as that now proposed is required in order to enable the Government to defend itself from the payment of those bonds. What we desire is that this matter shall be put in such a shape that the interests of no private parties shall be prejudiced, so long as the interests of the Government are not injuriously affected.

The committee of conference had this whole matter before them; and while we did not suppose it possible that we on the part of the House could obtain all that we desired or that the Senate committee could obtain all that it desired, our object was to arrive at some common ground which would accomplish the general object of the resolution, the payment of this interest. Now, unless the gentleman from Indiana [Mr. Holman] can show that some benefit is to result to the Government by the introduction of such a proposition as he has presented, I submit that it ought not to be adopted, because we can all see the influence that such a measure most have upon these bonds.

Mr. HOLMAN. My object is simply the protection of the Government against further fraud; nothing more.

Mr. CATE. And I want to protect the Government against further fraud; but I do not desire to attach to the resolution anything that does not add a feather's weight to the protection of the Government, but has merely the effect of discrediting the bonds in the market. One gentleman has said to me that he had bonds on deposit which would have to be sold on or before a certain date for the purpose of raising money to pay off his hands, and that a proposition of this kind would depreciate the bonds several per cent. Gentlemen can easily see its effect. People are wary in regard to securities of this kind; and a provision like this has an important bearing on the selling value of bonds of this character.

I have already said that if work was done in violation of lawyou can show that under a proper construction of the law of 1874 the work for which these bonds were issued was done without authority of law-then the bonds are void, no matter where they may be. distinguishing difference in regard to the validity of securities of this kind is just this: If the security is issued without authority of law it is void everywhere; if there has been simply an excess of jurisdiction or authority in arriving at the consideration of the bonds, then the bonds in the hands of innocent holders are good. You cannot expect a readjustment of this matter. then the bonds in the hands of innocent holders are good. You cannot expect a re-adjustment of this matter. No matter where the bonds have gone, you cannot expect these accounts to be overhauled for the purpose of seeing whether too much or too little has been allowed. We cannot expect this at the hands of persons who have purchased these bonds. We propose to leave the liability of the Government to be determined upon a fair construction of the law of 1874; that is all. And while we agree upon that common ground there can be no question here that if the work for which these bonds were issued was not contemplated by the law of 1874 the Government is not sued was not contemplated by the law of 1874, the Government is not liable. I say we can all meet on this common ground. What, then, is the object or utility of this proposition of the gentleman from Indiana? It seems to me that the committee of conference have reported the matter in the best possible shape. If it is desirable at all to pay this interest I do not see why the House should not adopt this report as being as fair an adjustment as can be attained.

Mr. SAVAGE. If these bonds were illegal, but if the Government (waiving for the time being the question of illegality) should pay the interest on the bonds, and they should afterward, on the faith of the payment of that interest, be transferred to the hands of innocent holders, would not the Government be bound to pay the bonds, regardless of the fact that they were illegal in the first instance?

Mr. CATE. I hold that the liability of the Government is an express one. It is determined by the act of 1874. There is no implica-

tion that can intervene to affect the liability of the Government at all.

The Government is paying these bonds—
Mr. SAVAGE. If the Government shall pay the interest and for the time waive all question, would it not give such validity on the part of the Government of the United States as to place it within the power of those now holders of these bonds, who are not innocent, to impose on some persons hereafter by the sale of the bonds to them?

Mr. CATE. I have covered that question already in my statement as to the liability of the Government under the act of June 20, 1874. If we are liable at all for these bonds, we are liable because that act makes us liable. If we are not liable, it is because that act does not impose any obligation upon us to pay them.

Mr. BUCKNER. I now yield for fifteen minutes to my colleague,

[Mr. PHILIPS.]

Mr. PHILIPS, of Missouri. Mr. Speaker, my predilections were against this bill at the outset on account of imputations east upon the integrity of the officers in charge of the affairs of this District, but my confidence in the integrity and judgment of my colleague [Mr. BUCK-NER] was such that my attention was drawn to a more careful consideration of the bill, and I have become satisfied in my own mind, after investigation and coming into possession of the facts, that there is as a matter of law no other alternative left to the Government than to pay the interest on these bonds.

I desire to say in the beginning that I have neither any purpose nor any interest to excuse or set down aught in extenuation of the con-duct of the officials of this District, for I am satisfied in my own mind, in advance of any judicial investigation or determination, that these officers have transcended their authority, that they have abused the

But, sir, as legislators, as practical men, the question that confronts us here is what is proper, what is prudent, what is right to be done in view of the law as it is and of the facts as they exist, both of which

are beyond our power to control, so far as they exist, both of which are beyond our power to control, so far as the past is concerned.

The sixth section of the act of June 20, 1874, which called into being this board of audit, will be found on examination to confer upon it very extraordinary powers. They are ministerial officers, charged with the duty and invested with the power of making certain examinations and auditing certain accounts. It will be found on examination of the section that this board is made sole judge under the law of what is proper and what is improper to be audited. The seventh section continues the old sinking-fund commissioners and authorizes section continues the old sinking-fund commissioners, and authorizes them to issue such bonds as may be certified by the board of audit in sums of \$50 and \$500. Then it contains this provision:

And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking fund for the payment of the principal thereof at maturity.

Now the only limitation that is placed in the law upon the authority of the sinking-fund commissioners is in this 7th section, and it is as follows:

And said commissioners shall use all necessary means for the prevention of any nauthorized or fraudulent issue of any of such bonds.

And the second section, which called into existence the commissioners, places this limitation only upon their authority:

But said commission, in the exercise of such power or authority, shall make no contract, nor incur any obligation, other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act.

The same section imposes upon the commissioners an oath of office

The same section imposes upon the commissioners an oath of office to support the Constitution, without fixing any penalty to it whatever, and exacts from them a bond only of \$50,000, when, as the sequel proves, they were invested with power to issue \$13,000,000.

Mr. BLOUNT. Let me ask the gentleman a question.

Mr. PHILIPS, of Missouri. Certainly.

Mr. BLOUNT. I wish to know if the gentleman's committee or this conference committee has come to this conclusion in reference to this matter? The gentleman has just read the law providing for a certain class of contracts "executed and to be executed" for which these bonds might be issued. I desire to know if, passing beyond those contracts "executed and to be executed," they have made street extensions beyond those contracts, or contracts entirely beyond the extensions beyond those contracts, or contracts entirely beyond the language of the statute and issued certificates and bonds, and whether in that case this committee holds the Government can have no pro-

Mr. PHILIPS, of Missouri. I will answer the gentleman. The difficulty, Mr. Speaker, is an inherent defect in the organic act itself. The proper preventive for the evils of which we to-day complain would have been to have placed in this act a limitation as to the amount of bonds which might be issued by this board in any event, and to have

provided an explicit system of registration; next to have made it a felony for these officers to have transcended their lawful authority; and in the last place, though not least, for the President of the United States, by and with the advice and consent of the Senate, to stop placing in high official positions dishonest men. But, sir, we are to take the law as we find it and the facts as they exist, both of which

are beyond our control to retrieve the past.

Now, we find the facts to be that after a year and a half's experiments under this statute, these commissioners and the board of audit have exceeded by some \$4,000,000 what was supposed to be the proper amount for them to issue under this law. If my friend from Indiana, Judge Holman, who is a good lawyer, would take the pains to examine the bonds which have been issued under the seventh section, he will find that they all purport on their face to have been issued in pursuance of the law, bearing date in 1874. The bonds specify upon their face that they have been issued pursuant to this act of June 20, 1874, and the provisions of the act are printed upon the back of the bond, and especially this provision of the seventh section, pledging both the faith of the Government and the property of

Now, I take the law to be that if those bonds thus issued are in the hands of third parties, without notice of the fact that frauds have been perpetrated in their issue, the Government is bound to pay them. And I will say further that it is not in the experience of any lawyer within the sound of my voice that any of the bonds of this class issued within the last few years anywhere in the States, or bonds issued by municipal corporations, are ever found to be in the hands of individuals having notice; for when men start out deliberately to defraud the people by the issue of bonds of municipal and county corporations, they always have their confederates, and the bonds, as soon as deliv-ered, are spirited away and put into the possession of third parties,

who are always innocent parties per se.

Mr. Speaker, I have had a very sad experience in the matter of defending this class of bonds. The notion that long prevailed among lawyers touching the doctrine of principal and agent, that a principal was not bound by the act of his agent beyond the bounds of his delegated authority without a ratification—a doctrine that was supposed to be a canon of the common law—has long since been exploded in our Supreme Court. Beginning with the case of Aspinwall against Knox County, 21 Howard, down to 20 Wallace, the gentleman will find this to be the law; that no matter what may have been the irregularities or frauds which preceded the issue of these bonds, yet if there be a law in existence to authorize their issue under any circumstances wheteverset the bonds averaged the cumstances whatever, and the bonds purport on their face to have been issued in pursuance of that law and are in the hands of third parties, you cannot go behind the face of the bond to inquire into the facts attending their issue.

I will call the attention of the House to one or two cases; one in 14 Wallace, the City of Lexington against Butler. In that case the law under which the bonds were issued required before they could be rightfully issued that there should be a vote of the people authorizing their issue. There was such a vote, but it was coupled with the express condition that until \$1,000,000 were furnished from other sources the bonds were not to be issued, and the city denied the authority to issue them under that condition, the \$1,000,000 not having been subscribed. Nevertheless the bonds were issued in despite of the vote of the people, in despite of that protest; and they were taken off and placed in the hands of third parties. I can do nothing more than read the syllabus of the case. The court say:

Admitted as it is that the corporation defendants possessed the power to subscribe for the stock and to issue the bonds, it is clear that the plaintiff is entitled to recover upon the merits, as the repeated decisions of this court have established the rule that when a corporation has power under any circumstances to issue negotiable securities the bona fide holder has a right to presume that they were issued under the circumstances which give the requisite authority, and that they are no more liable to be impeached for any infirmity in the hands of such a holder than any other commercial paper.

Why, sir, I have here before me a case in 16 Wallace where the justice of a county court in one of the Western States, without any authority from the people, simply because there was a statute which authorized the issue of bonds under certain circumstances, went to the city of New York and there had a seal manufactured purporting to be the seal of his county, and he issued the bonds in the city of New York, signed by him as presiding justice of the court, affixing to them this manufactured seal; and the Supreme Court sustained the validity of the bonds.

Mr. HOLMAN. Will the gentleman yield to me a moment?
Mr. PHILIPS, of Missouri. Certainly.
Mr. HOLMAN. The gentleman will remember that that case was decided by a divided court, and that it was held by the majority that the justice acted within the express provisions of the law. But the court was divided, and the dissenting opinion in that case is one of the most vigorous protests against the policy of sanctioning bonds issued under such circumstances.

Mr. PHILIPS, of Missouri. The gentleman's explanation does not change the law or the result. I simply referred to that to show to what extent the Supreme Court has gone in upholding the validity of these securities. In other words, the Supreme Court now by repeated decisions, followed by all the subordinate tribunals of the country, attach the same importance, the same sanctity, and the same dignity to this class of bonds as they do to commercial paper;

and when they get into the hands of third parties you cannot go back and inquire whether the facts existed authorizing their issue, provided there was in the first place a law which, under any circum-

The SPEAKER pro tempore. The gentleman's time has expired.
Mr. BUCKNER. I will extend it for a few minutes longer.
Mr. PHILIPS, of Missouri. I desire only a few minutes. No sir, if it were possible by any action on our part to ascertain the fact that any of the bonds outstanding of this District were issued beyond the authority given in this statute, or for purposes, in other words, not contemplated by it, and if it were possible to find those bonds in the hands of parties affected with notice, no man in this House would more willingly give assistance to such good work than myself. But in my judgment the proposition of the gentleman from Indiana [Mr. Holman] is simply impracticable; in other words, it will amount to nothing; it will simply have the effect to delay and defer the necessary legislation provided for in the bill, because the bill as it is reported, and for which our votes are now invited, proposes to destroy the power of this board to issue additional bonds, puts a stop to it, and every day we delay the matter we leave it in the power of the District officials to perpetrate frauds on the District and the Government. If, therefore, for no other reason, for this one golden provision in destroying the board of audit, it would command my support. It also withdraws the power to issue any more bonds. It stops the increase of debt. My experience and judgment is that there is no other complete remedy for the evils of bonded debts and bond frauds than to take away and destroy absolutely by positive legislation the power to issue bonds for any purpose.

[Here the hammer fell.]

Mr. BUCKNER. I now yield five minutes to the gentleman from New York, [Mr. CHITTENDEN.]
Mr. CHITTENDEN. I wish to say once for all that I am not a lawyer; and my excuse for making that remark must be found in the fact that a very respectable and intelligent gentleman asked me the other day how many years I had been in practice. I presume it will never be necessary for me to say again that I have never practiced law at all. But I suppose I should be regarded as a competent juryman in this case, and I wish to say that having read the law carefully and all the laws relating to this question, and having followed the debate upon it in this House and at the other end of the Capitol, so far as my judgment is concerned and in so far as I am a competent so far as my judgment is concerned and in so far as I am a competent juryman, I regard it as a disgrace that the payment of this interest has been so long delayed. I see no reasonable pretext for it. I believe, sir, that the Government is as thoroughly committed to it in law as it is committed to pay the interest upon any other bonds issued, and I regard any proposition here to amend the bill as simply in its effect calculated to perpetuate as long as it continues the disgrace that rests upon the Government.

Now, sir, we have gentlemen here who talk of converting the entire national debt into 3.65 bonds, and here we have 3.65 bonds issued by the Government, selling for 67 or 70 or 71 according to the debates

by the Government selling for 67 or 70 or 71, according to the debates in this House. It is time, sir, that this was done away with; and every hour, in my judgment, that we delay in passing this bill or agreeing to the report of the committee of conference, we do ourselves discredit and are bringing discredit upon our Government. I hope that there will be a definite proposition here to repudiate these bonds absolutely, or that we shall agree to the report of the commit-tee. Let us not dally with the question like children any longer. It is high time we approached the question incerely. If these bonds have not been legally issued let us say so, and go to the country on that point. If they have been legally issued, as I believe they have, and as the highest officers of the Government believe they have, and as the other branch of Congress believe they have, I say let us pay

the interest and have done with it.

Mr. BUCKNER. Mr. Speaker, I have a very words to say in addition to what I have already said on the question of these bonds, and I can say to the gentleman from Indiana [Mr. Holman] or to any other gentleman who is interested in the subject of the Government not being bound for the payment of interest or principal of the bonds legally issued, as they put it, that I should rejoice as much as any one if I could see any escape of the government of the District of Columbia from the payment of these bonds, bonds which the gentleman says were illegally issued. But, sir, as a lawyer, and from the investigation I have given to this question, I believe with my colleague from Missouri [Mr. Philips] that there is not any possibility of the Government escaping from its obligation under the law enacted in June, 1874.

Mr. CLYMER. Will the gentlemant allow me to state a proposition?

Mr. BUCKNER. O, yes; certainly.
Mr. CLYMER. It is admitted, I think, on all hands that if the bonds are in the hands of innocent holders we are liable. Assuming that to be admitted, what harm can there be in your passing the proposition of the gentleman from Indiana, [Mr. Holman,] which would only affect those bonds if in the hands of persons with guilty knowledge? I must say that it seems to me the committee stubbornly resist every effort made to protect the Government from the payment of bonds which are in the hands of guilty parties. That is what we want to get at by this proviso.

Mr. BUCKNER. It is that very proposition that makes me desire to say a word or two. The gentleman from Pennsylvania [Mr. CLY-

MER] as well as the gentleman from Indiana [Mr. Holman] place the committee, whether intentionally or otherwise, in a false position be-Government to pay bonds illegally issued. As to the amendment which the gentleman from Indiana [Mr. Holman] wishes to incorporate in the bill, I wish to say that there are no bonds, as far as the matter has come within my knowledge, that have been illegally issued by the authorities authorized by law. They have been issued in every respect in accordance with the law, and the sinking-fund commissioners who have issued these bonds have been in precise accordance with the law, dotting every i and crossing every t. And therefore there can be no pretense that any of these bonds in the hands of third parties can be defeated by any legislation that Congress may

Mr. CLYMER. Will the gentleman allow me to ask another question?

Mr. BUCKNER. Certainly.
Mr. CLYMER. Does the gentleman undertake to say from his knowledge acquired as the chairman of the Committee for the District of Columbia, of the investigation made by it, that none of these bonds have been issued except in strict compliance with the terms of the original act of 1874? Have they not been issued in vast quan-tities for purposes never contemplated by that act, for fraudulent puroses ? And yet by his action he covers them up.

Mr. BUCKNER. The gentleman either misstates the facts or he is

ignorant of them.

Mr. CLYMER. I neither misstate the facts nor am I ignorant of

Mr. BUCKNER. I think he is mistaken in the facts of the case. I said just now, and I repeat it, and I desire to emphasize the statement, that there are none of these bonds that have been illegally issued. Let it be remembered that the sinking-fund commissioners for the District of Columbia issued these bonds upon the certificates presented by the board of audit; and that under the law they had no authority to inquire whether the certificates were properly and honestly issued or not. They have no authority in the matter; they are mere clerks to do what Congress required them to do; that was to issue bonds whenever certificates from the board of audit were presented in sums of \$50 or \$500. They were required to do that and nothing more.

The whole difficulty grows out of the fact that the board of audit, not the sinking-fund commissioners—as I expect to show this House at the proper time—have exceeded their authority. That is the point. They have exceeded their authority by certifying for purposes which they should not have certified. The sinking-fund commissioners have not exceeded their authority in issuing the bonds, because they had no authority to inquire as to whether these certificates were proper or improper, whether they were necessary or otherwise; they had no

authority whatever in that respect.

Mr. CLYMER. Will the gentleman permit another question?

Mr. BUCKNER. I will.

Mr. CLYMER. When my friend says that the board of audit have

issued these certificates improperly—
Mr. BUCKNER. Have exceeded their authority.
Mr. CLYMER. Does he mean to say that they have exceeded their authority by issuing certificates for matters that they were not au-

thorized by the act to issue them for?

Mr. BUCKNER. I think so; that is the conclusion to which I have come. I think the board of audit had no authority to issue any certificates except for indebtedness, liquidated or unliquidated, existing on the 20th of June, 1874.

Mr. CLYMER. Just here will my friend permit me to interrupt

him ?

Mr. BUCKNER. Very well.
Mr. CLYMER By the seventh section of the act of 1874, the sinking-fund commissioners were enjoined as follows:

And said commissioners shall use all necessary means for the prevention of any unauthorized or fraudulent issue of any of such bonds.

Mr. CLYMER. I am perfectly well aware that the board of audit alone could issue the certificates upon which the sinking-fund commissioners were afterward to issue the bonds. Now the gentleman admits that the board of audit did issue certificates upon fraudulent claims. I say it was the duty of the sinking-fund commissioners to inquire whether the board of audit had issued fraudulent certificates upon which they were to base their action afterward.

Mr. BUCKNER. I undertake to say that that statute will bear no such interpretation at all; they had no such authority in the premises.

Mr. TUCKER. Will the geutleman allow me to interrupt him?

Mr. BUCKNER. Certainly.

Mr. TUCKER. The sixth section of the act of 1874 provides

That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit, to examine and audit for settlement all the unfunded or floating debt of the District of Columbia and of the board of public works, hereinafter specified, namely: first, the debt evidenced by sewer certificates; secondly, the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works; thirdly, the debt evidenced by the certificates of the anditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works; fifthly, claims for

which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or on behalf of the District of Columbia; sixthly, all claims for private property taken by the board of public works from the avenues, streets, and alleys of the cities of Washington and Georgetown; and, seventhly, all unadjusted claims for damages that may have been presented to the board of public works pursuant to an act of the Legislative Assembly of the District of Columbia, entitled "An act providing for the payment of damages sustained by reason of public improvements or repairs," approved June 20, 1872, which last-named claims shall severally be examined and audited without regard to any examination heretofore made, &c.

Now I desire to ask my friend if there was any certificate issued for any indebtedness that is not included within the specifications of that section? If there was any certificate issued for that which the law did not authorize them to issue certificates for, were the sinkingfund commissioners compelled to issue bonds for them? think they were not, for they were obliged, by the seventh section of the same law, to look into these certificates and see if they were issued in accordance with the authority vested in the board of audit, then are those bonds valid?

Mr. BUCKNER. The gentleman is mistaken as to the sinking-fund commissioners having any authority or power in reference to the matter, except that they were to see that no forged or unauthorized bonds were issued. They had no judicial power or power to determine whether these certificates were properly issued under that law, for that belonged alone and exclusively to the board of audit, and the sinking-fund commissioners had no option but to issue bonds upon the certificates as they were presented.

Mr. TUCKER. At the end of the seventh section there is this pro-

vision:

And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section named, including sewer taxes, &c.

Now the only power of the sinking-fund commissioners, as I read this provision, is to exchange the bonds authorized by the seventh section for like sums of any class of indebtedness named in the sixth section, but not for like sums of any class of indebtedness not named in the sixth section.

Mr. BUCKNER. Let me say that every certificate bore upon its face the evidence that it did belong to one of these classes. I have here one of those certificates and it is in this form:

This certifies that upon examination of audit of claim No. -

That is one of the classes-

there is found to be due to the sum of on account of contract work.

So that all these certificates appear to belong to one or another of these seven classes and to no other class. The sinking-fund commissioners were not authorized to go beyond that. It was none of their business to inquire whether the board of audit had exceeded their authority. And the bonds having been issued and having gone into the hands of third persons, I say the Government is responsible under that act.

There is another reason. These bonds, as I said on a former occasion, are made up upon claims of different classes: the fourth, the fifth, the sixth, and the seventh. Large portions of them are perfectly legitimate and honest; some of them may have been issued in excess of their authority. But I would like to know how the Government is going to undertake to find out what part of these bonds is fraudulent, and in respect to what part the commissioners exceeded their authority. The thing is an utter impossibility. You might just as well go down to the Potomac and undertake to separate and identify the waters that flow from its several branches.

Gentlemen say, "Wait till we can investigate." We are investigating; but our investigations can lead to no other result, in my judgment, than that the Government is bound under the obligations of the act of 1874 to provide for the payment of these bonds.

Mr. SAVAGE. What is the use of spending time in investigation,

if nothing can be done?

Mr. BUCKNER. Why, sir, perhaps we may be able to find some men who have violated the law and to take measures for their punishment, so as to make an example for the future. We want to see how this thing has been done, who is responsible for it; and if there is anybody that is responsible the committee will endeavor to hold them accountable. That is what we propose to do; and that is as far as this investigation can accomplish anything.

Mr. HOLMAN. Will my friend allow me a question? Admitting all that the gentleman has said, does he not think that it would still

be prudent on the part of Congress to declare in this joint resolution that the Government assumes no greater responsibility for the debt of this District, whether lawfully or unlawfully created, than that which has already been assumed? That, because by the act of 1874 we directed the payment of interest on the bonds issued under that act, Congress does not mean by this to assume any responsibility beyond that already created? My friend will remember that the liability assumed by the Government in the act of 1874 is at furthest simply that of a guarantor; that is to say, it assumes the obligation of imposing necessary taxation on the District of Columbia to provide for the payment of this interest and ultimately the payment of the principal. Now, I am apprehensive that the construction placed upon this resolution may be that the Government by implication assumes liability for the payment of this debt. I want to guard against the possibility of any such construction by simply inserting in the resolution a declaration that nothing in the act shall be construed to

create a liability on the part of the Government of the United States to pay the interest and principal of these bonds.

Mr. BUCKNER. There are two very good reasons—

The SPEAKER pro tempore, (Mr. RANDALL.) The Chair desires to state to the gentleman from Missouri [Mr. BUCKNER] that but one minute of his boar is left. minute of his hour is left.

Mr. BUCKNER. In answer to the remark of the gentleman from Indiana [Mr. Holman] I will merely say that this resolution does not commit the Government at all to the payment of this money out of the funds of the United States. It merely directs the District com-missioners to pay the interest out of money belonging to the District appropriations heretofore made.

I now call the previous question upon the motion to adopt the re-

port of the committee of conference

The previous question was seconded and the main question ordered.
Mr. HOLMAN. I rise to make a parliamentary inquiry. If the
House should refuse to adopt this report, can we not then ask for a further conference on this bill and the amendments?

The SPEAKER pro tempore. In the opinion of the Chair it will be

competent to do so.

Mr. HOLMAN. I hope then that the House will not agree to the

report, but will let it be recommitted to the same committee.

The question being taken on agreeing to the report, there were-

ayes 78, noes 63.

Mr. CLYMER. I demand the yeas and nays on the adoption of the

report.

The yeas and nays were ordered.

Mr. HOLMAN. If this is voted down, a motion will then be made to commit the disagreeing votes of the two Houses to the same com-

Mr. HENDEE. I object to debate as not in order.
Mr. PHILIPS, of Missouri. I wish to make a parliamentary inquiry of the Chair, and that is whether if this report be now rejected there can be any further conference so as to incorporate these provis-

The SPEAKER pro tempore. The House can ask for a further conference on the disagreeing votes of the two Houses and refer them back to the same committee.

Mr. PHILIPS, of Missouri. Does it go back to the committee of

conference without further motion?

The SPEAKER pro tempore. It is in the power of the House if this report be rejected to ask for further conference.

Mr. PAGE. I object to debate.

The SPEAKER pro tempore. The gentleman from Missouri made a parliamentary inquiry and he has the right to a reply.

The question was taken; and it was decided in the affirmative—yeas 108, nays 82, not voting 99; as follows:

The question was taken; and it was decided in the affirmative—yeas 108, nays 82, not voting 99; as follows:

YEAS—Messrs. John H. Baker. Ballou, Blaine, Bland, Bradley, William R. Brown, Buckner, Horatio C. Burchard, Cannon, Cason, Cate, Caulfield, Chittendeu, John B. Clark, jr., of Missouri, Conger, Davy, Denison, Dobbins, Douglas, Dunnell, Eames, Exans, Farwell, Fort, Frost, Goode, Goodin, Gunter, Robert Hamilton, Hardenbergh, Benjamin W. Harris, Hartridge, Hathorn, Hendee, Henderson, Hoar, Hooker, Hoskins, Hubbell, Hunter, Hunton, Hurlbut, Hyman, Kasson, Kehr, Kelley, Lapham, Leavenworth, Levy, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Morgan, Neal, Norton, O'Brien, Odell, Oliver, Page, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Plaisted, Platt, Potter, John Reilly, Riddle, Robinson, Rusk, Sampson, Sayler, Seelye, Smalls, A. Herr Smith, William E. Smith, Southard, Strait, Stevenson, Stone, Martin I. Townsend, Washington Townsend, Turts, Van Vorhes, Waddell, Charles C. B. Walker, Alexander S. Wallace, Walsh, Warren, G. Wiley Wells, White, Whiting, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, Williams, Williams, Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—108.

NAYS—Messrs. Ainsworth, Anderson, Atkins, Banning, Beebe, Blackburn, Blount, Boone, Bright, John Young Brown, Cabell, John H. Caldwell, William P. Caldwell, Candler, John B. Clarke of Kentucky, Clymer, Cochrane, Cook, Cowan, Cox, Culberson, Cutler, De Bolt, Dibrell, Durand, Eden, Egbert, Felton, Forney, Franklin, Glover, Andrew H. Hamilton, Henry R. Harris, Harrison, Haymond, Hopkins, Goldsmith W. Hewitt, Hill, Holman, House, Hurd, Jenks, Thomas L. Jones, Franklin Landers, Lord, L. A. Mackey, Maish, McFarland, McMahon, Meade, Milliken, Mutchler, New, Packer, Parsons, Poppleton, Randall, Rea, Reagan, James B. Reilly, William M. Robbins, John Robbins, Roberts, Miles Ross, Savage, Scales, Schleicher, Schamaker, Sheakley, Singleton, Sparks, Stenger, Terry, Thompson, Throck

So the conference report was adopted.

During the vote, Mr. HENDEE stated that his colleague, Mr. JOYCE, who was absent on account of sickness, would, if present, vote in the affirmative.

Mr. PLATT stated that his colleague, Mr. Adams, who was absent

by leave of the House, would, if present, vote in the affirmative.

The vote was then announced as above recorded.

Mr. BUCKNER moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### COMPLAINT OF TEXAN APPORTIONMENT.

Mr. BLAINE. I ask leave to present the memorial of certain citizens of Texas, complaining of the unjust and illegal manner in which that State is apportioned for the election of Representatives in Congress. I do not myself know personally the facts stated, but the memorial comes to me from a highly respectable and responsible source, and I take pleasure in presenting it. I move that the memorial be printed, and referred to the Committee on Elections.

There was no objection, and it was ordered accordingly.

#### DEPRECIATED SILVER COIN.

Mr. KELLEY. I move to suspend the rules and adopt the following resolution.
The Clerk read as follows:

Resolved. That, as the constantly increasing production of silver and the discontinuance of its use as money in sums greater than the equivalent of ten American dollars in any one payment by most of the commercial nations has so far reduced its value that United States legal-tender notes and fractional currency will purchase more gold than will silver coin of a like denomination, it is the sense of this House that the issue of gold-interest-bearing bonds for the purchase of silver and its manufacture into coin is an unwise and wasteful expenditure of public revenue, and should be discontinued.

The House refused to suspend the rules, (two-thirds not voting in favor thereof.

Mr. KELLEY. I move its reference to the Committee of Ways and Means.

Mr. RANDALL. It ought to go to the Committee on Appropriations, as that committee has already considered the subject and reported unanimously.

Mr. KELLEY. Let it go to the Committee on Appropriations.

The motion was agreed to.

#### PITTSBURGH CUSTOM-HOUSE.

Mr. RANDALL moved that the House resolve itself into the Committee of the Whole on the state of the Union, to take up the legislative, judicial, and executive appropriation bill; but yielded to

Mr. HOPKINS, who, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Treasury be requested to furnish the House of Representatives with the testimony taken and the report of investigation recently made under his direction relative to alleged illegal charges and irregularities in the management of the custom-house at Pittsburgh, Pennsylvania, and that the Secretary of the Treasury be further requested to report to this House what action he took in reference to the change of office at said custom-house and the reason why such change was not made.

#### LIFE-SAVING STATIONS.

Mr. CONGER. I ask the gentleman from Pennsylvania to yield to me

Mr. RANDALL. I now yield to the gentleman from Michigan. Mr. FORT. I rise to a question of order. I would like to know by what rule of the House one gentleman can take the floor and yield it out to others?

Mr. RANDALL. By the rule of politeness.
The SPEAKER pro tempore, (Mr. Cox in the chair.) Such has been the usage of the House.
Mr. CONGER, by unanimous consent, submitted the following resolutions which

lution; which was read, considered, and agreed to:

Resolved. That the Secretary of the Treasury inform the House as to the present condition and proportion of life-saving stations on the ocean and lake coasts; second, whether the compensation to the captains and crews of life-saving stations is sufficient to procure suitable persons for this important and perilous duty; third, whether any and what changes in the law are necessary to promote greater efficiency and success in the life-saving service.

Mr. RANDALL. I will now withdraw my motion to go into the Committee of the Whole, as the hour is so late.

# COTTON CLAIMS.

Mr. WILLIS. I send to the desk a resolution, on which I demand

the previous question.

Mr. O'BRIEN. Pending the reading of the resolution, I move that the House adjourn.

Mr. WILLIS. Let the resolution be read. Mr. O'BRIEN. I will hear the resolution.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, requested to transmit to this House a list of all the cotton claims presented to and paid by his Department from January, 1865, up to the present time; also, the names of the original owners and their places of residence, together with the names and places of residence of the attorneys employed in each case, and any information he, the Secretary of the Treasury, may have in his possession in regard to the manner ef paying fees in such cases; and also whether he knows or has any information concerning the existence of any combinations formed to defraud the Government in relation to such claims, and, if so, what such knowledge or information is.

The resolution was adopted.

#### J. W. WRIGHT AND A. CLAPPERTON.

Mr. WILLIS. I also send to the desk a preamble and resolution for consideration at this time.

The Clerk read as follows:

Whereas, in December, 1871, John W. Wright and Alexander Clapperton, formerly United States pension agents, were indicted in the United States court for the southern district of New York, for conspiracy to defraud the United States, and for other crimes, and under an opinion of Solictor-General B. H. Bristow, a suit has been brought and is now pending in the United States court of this District to recover the sum of \$100,000 upon the bond of said Wright; and whereas, after it had been determined to prosecute these cases during the present month, it is found

that the officer having charge of them for the past three years was summarily dismissed the night previous to his intended departure for the Indian Territory to procure the Government witnesses, and the name of a confederate of said Wright, one William P. Ross, was immediately afterward presented to the United States Senate as agent for the Cherokees, Creeks, and Seminole Indians upon whom the alleged frauds were committed, and that William Nicholson, who assisted in the payment of attorneys' fees referred to in the House of Representatives report No. 39, February 25, 1871, has recently been appointed superintendent of Indian affairs: Therefore,

Be itresolved, That the Committee on Reform in the Civil Service be, and are hereby, instructed to send for persons and papers, to examine into and report upon the facts in these cases, and to take such action and make such recommendations as may be deemed necessary in the premises.

Mr. BURCHARD, of Illinois. I would suggest that the words "it is alleged that" be inserted to qualify the statements in the pream-

Mr. WILLIS. I will modify the preamble in that way. There being no objection, the preamble and resolution, as modified, were adopted.

ORDER OF BUSINESS.

Mr. CLARK, of Missouri. I desire to offer a resolution. Mr. FORT. I call for the regular order.

Mr. O'BRIEN. I rise to a question of order. Is not my motion the

regular order?

The SPEAKER pro tempore. Does the Chair understand the gentleman from Maryland [Mr. O'BRIEN] to have made a motion to ad-

Mr. O'BRIEN. I made that motion ten or fifteen minutes ago, and I supposed that the Speaker had entertained it.

The SPEAKER pro tempore. The motion to adjourn is the regular order, but before putting it the Chair will submit certain requests.

### LEAVE OF ABSENCE.

On motion of Mr. SINGLETON, by unanimous consent, leave of absence was granted to Mr. LAMAR, on account of sickness, until sufficiently restored to health to return to his place in the House

By unanimous consent, leave of absence was granted to Mr. Cand-Ler for two weeks after Tuesday next, on account of important busi-

By unanimous consent, leave of absence was granted to Mr. O'NEILL for three days, including to-day, on account of a death in his family.

The question being taken on the motion to adjourn, the Speaker

pro tempore stated that in the opinion of the Chair, on the division by

where stated that it the opinion of the Chair, on the division by sound, the ayes had it.

Mr. FORT. I call for a division.

Mr. WHITE. I call for the yeas and nays. I hope my resolution is not to be disposed of in this summary manner.

Several Members. No debate.

The yeas and nays were not ordered.

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. FORT] insist on a division?

Mr. FORT. I do.

The House divided; and there were ayes 121, noes not counted. So the motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BLAINE: The petition of a convention of colored people of Texas, January 14, 1876, representing that the proposed new constitution deprives the colored people of their school privileges, violates the reconstruction act in this respect, and proposes to devote the agricultural-land grant to the education of whites alone, to the Committee on the Indicions.

tee on the Judiciary.
Also, the petition of John M. Langston and others, that April 14, 1876, may be declared a legal holiday in the city of Washington, to

the same committee.

By Mr. BROWN, of Kansas: The petition of D. W. Boutwell, for

By Mr. BUCKNER: Memorial of George Bauer, for relief, on account of a change in the grade of the streets in the city of Washington, to the Committee for the District of Columbia.

Also, the petition of Julia Gallant, of similar import, to the same

committee.

By Mr. BURCHARD, of Illinois: The petition of citizens of Illinois, that the present duty on flaxseed be maintained, to the Committee of Ways and Means.

By Mr. CASON: The petition of George H. Rugg, for a pension, to the Committee on Invalid Pensions.

the Committee on Invalid Pensions.

By Mr. CATE: A paper relating to the establishment of a daily mail and post-route from Eau Claire to Rice Lake; also, a weekly mail and post-route from Masinee to Marshfield, Wisconsin; also, a daily mail and post-route from Marine, Minnesota, to Osceola Mills, Wisconsin; also, a post-route from Westfield to Princeton; also, a weekly mail and post-route from Colby to Wausan; also, a weekly mail and post-route from Colby to Wausan; also, a weekly mail and post-route from Laramie to Clair Falls, Wisconsin, to the Committee on the Post-Office and Post-Roads.

By Mr. CHITTENDEN: Resolutions of the National Board of Trade, adonted at its last meeting, relative to the appointment of commis-

adopted at its last meeting, relative to the appointment of commis-

sioners to confer with commissioners of Great Britain and continental Europe, for the purpose of establishing a uniform system of weights

and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. CONGER: Remonstrance of J. B. Kellogg and 115 other shippers and citizens of Chicago, Illinois, against the bridging of the Detroit River, to the Committee on Commerce.

By Mr. EDEN: The petition of John D. Rawlings, for relief, to the Committee on Military Affairs.

By Mr. FARWELL: The petition of citizens of Illinois, that the duty on foreign flaxseed be not repealed, to the Committee of Ways

Also, papers relating to the petition of Gustavus F. Jacknick, for relief, to the Committee of Claims.

By Mr. FORT: The petition of William Smith and 182 other citizens of the eighth congressional district of Illinois, for the repeal of

By Mr. GOODIN: The petition of D. A. Benner and others, of Kansas, of similar import, to the same committee.

By Mr. HARTZELL: A paper relating to a post-route from Denmark to Percy, Illinois, to the Committee on the Post-Office and Post-Roads.

By Mr. HENDEE: The petition of Peter Cromley, J. J. Deavitt, and 300 other citizens, of Saint Albans, Vermont, for the relief of Edward O. Conden, to the Committee on the Judiciary.

O. Conden, to the Committee on the Judiciary.

By Mr. HOPKINS: The petition of citizens of Pennsylvania, for the equalization of bounties, to the Committee on Military Affairs.

By Mr. HUNTON: The petition of Mary Hackley, for the right of preference in becoming purchaser of a tract of land to which her deceased husband had acquired a claim under act of Congress of April 22, 1826, to the Committee on Public Lands.

By Mr. LUTTRELL: Papers relating to the claim of W. C. Wright, for losses sustained by him in consequence of an illegal arrest and detention by a United States judge in the Territory of Utah in the year 1853, to the Committee of Claims.

Also, a paper relating to the Contract Finance Company of the Central Pacific Railroad, to the Committee on the Judiciary.

By Mr. LYNCH: Papers relating to the claim of James H. Veazie

By Mr. LYNCH: Papers relating to the claim of James H. Veazie for \$360 wrongfully deducted from his salary, while a clerk in the Treasury Department, at New Orleans, to the Committee of Claims.

By Mr. MAISH: Memorial of John C. Comfort, for an appropriation for his benefit to re-imburse him for damages sustained by him on

account of the failure of certain officers of the United States to perform their duty, to the same committee.

By Mr. McFARLAND: Papers relating to the case of William Gouge,

to the Committee on Military Affairs.

By Mr. MORGAN: The petition of A. W. St. Johns, R. H. Rose, D. A. Harrison, and other citizens of Jasper County, Missouri, for one kind of money for all purposes, and that the United States Treasury notes be made receivable for all forms of taxes, duties, and debts, and made interchangeable with interest-bearing bonds of the United States, to

the Committee on Banking and Currency.

By Mr. O'BRIEN: The petition of Chief Engineers William H.

Shock and Theodore Zeller, United States Navy, and others, for an equalization of prize-money, to the Committee on Naval Affairs.

By Mr. PACKER: The petition of citizens of Kleinfeltersville, Leb-

anon County, Pennsylvania, that each honorably discharged soldier of the late war be granted one hundred and sixty acres of land and a bounty of \$200, to the Committee on Military Affairs.

By Mr. PARSONS: The petition of Sarah F. Littrell, for an increase of pension, to the Committee on Invalid Pensions.

Also, the petition of George Hazlep, for a pension, to the same com-

mittee.

Also, the petition of M. and F. Fillion, for compensation for work done on the Louisville, Kentucky, custom-house, to the Committee of

Also, the petition of Mrs. Nancy M. Hazlerigg, for compensation for the use of her property by the United States authorities, to the same committee.

Also, the petition of R. S. White and others, for appropriate legis-

Also, the petition of R. S. White and others, for appropriate legislation in behalf of the Mexican veterans, to the same committee.

Also, the petition of Wessinger & Bate and others, of Louisville, Kentucky, for the abolition of the import duty on mass and stick licorice, to the Committee of Ways and Means.

Also, the petition of Mrs. Louisa W. Prather, for compensation for quartermaster stores furnished the United States Army, to the Committee on Wor Claims.

mittee on War Claims.

By Mr. PAYNE: Remonstrance of the Cleveland Rolling Mill Company and 54 other corporations, companies, and individuals, largely interested in the iron and coal business, against the passage of House bill No. 1711, commonly known as the Morrison tariff bill, to the Committee of Ways and Means.

By Mr. STENGER: The petition of Oliver T. Everhart, for a pen-

sion, to the Committee on Invalid Pensions.

By Mr. VANCE, of North Carolina: Papers relating to the claim of James and Noah Roberts, to the Committee of Claims.

By Mr. A.S. WILLIAMS: The petition of 48 citizens of Otsego Lake, Michigan, that authority be granted for bridging the Detroit River, to the Committee on Commerce.

By Mr. WILLIAMS, of Wisconsin: The petition of George Brenner and 68 others, of Union Grove, Racine County, Wisconsin, for

maintaining the present duty on linseed oil, to the Committee of Ways and Means.

By Mr. WILLIAMS, of Alabama: A paper relating to the estab-

By Mr. WILLIAMS, of Alabama: A paper relating to the establishment of a post-route from Elba to Cross Trails, in Coffee County, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. WOODWORTH: The petitions of Samuel Springs and 339 other citizens of Alliance, of Furman Gee and 64 other citizens of Salem, of Joseph H. Brown and 754 other citizens of Youngstown, of John Lahm and 147 other citizens of Canton, of Edwin Bayless and 301 other citizens of Massillon, Ohio, that the national credit be extended under proper guarantees in aid of the Texas Pacific Railway, to the Committee on the Pacific Railroad.

By Mr. YEATES: Memorial of citizens of North Carolina, and cap-

By Mr. YEATES: Memorial of citizens of North Carolina, and cap tains and commanders of steamers and schooners, for the establishment of a light-house at Bluff Point Shoal in Albemarle Sound, to the Committee on Commerce.

By Mr. YOUNG: The petition of Sarah J. Glass, for a pension, to the Committee on Invalid Pensions.

## IN SENATE.

# TUESDAY, March 14, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved.

#### PETITIONS AND MEMORIALS.

Mr. WITHERS presented the petition of John A. Mohr, of Virginia, proposing a solution of the financial troubles of the country; which was referred to the Committee on Finance.

Mr. MAXEY. I present the petition of Benjamin A. Botts, Miely Porter & Co., W. J. Hutchens, T. W. House, and others, citizens of the city of Houston, Texas, praying for a repeal of the bankrupt law. I am personally acquainted with a number of the signers, and among them I recognize wealthy and enlightened merchants, distinguished lawyers, and prominent bankers; and I am satisfied that they are exponents of the sentiments of the city of Houston on this question. I move that the petition be referred to the Committee on the Judi-

The motion was agreed to.

Mr. WALLACE presented a remonstrance of the Board of Trade and other organizations of Philadelphia, against the change in the Light-House Board of the United States contemplated in Senate bill No. 373, or any other change therein; which was referred to the Committee on Commerce.

He also presented a petition of citizens of Pennsylvania, praying such action on the part of Congress as will speedily cause to be released from unjust imprisonment one Edward O'Meagher Condon, who fought for the Union during the late war, and who is now confined in a British dungeon, and has been for eight years, under life sentence; which was referred to the Committee on Foreign Relations.

He also presented five petitions of citizens of Pennsylvania, sol-

diers in the late war, praying the passage of a law granting to the soldiers, sailors, and marines of the late war, and their heirs, a bounty of eight and a third dollars per month for the time served, deducting all United States bounty heretofore paid; which were referred to the Committee on Military Affairs.

Mr. CLAYTON presented a letter from the Attorney-General, inclosing a copy of a communication from Mrs. L. J. Wassan to the President of the United States relative to the treatment of United States prisoners in the penitentiary in Georgia; which was referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MORTON. I present the petition of Eden H. Fisher, of Rome City, Indiana, praying for an increase of pension. I beg leave to call the attention of the chairman of the Committee on Pensions especially to this memorial. I move its reference to that committee.

The motion was agreed to.

Mr. THURMAN. I present the petition of 1843 soldiers of the late war and Mexican war, inmates at the National Soldiers' Home in the State of Ohio, representing to Congress the case of Edward O'Meagher Condon, a citizen of the United States, and once their faithful soldier; one who fought gallantly for the Union during the late war, but is one who fought gallantly for the Union during the late war, but is now and has been over eight years past confined in a British prison under life sentence of imprisonment. They say:

Whereas most satisfactory proofs exist to show that the conviction of said Edward O Meagher Condon was procured under the influence of vengeful passion and by the testimony of prejudiced witnesses, so that he is all these years the suffering victim of misdirected revenge, therefore we, your humble petitiquers, most respectfully approach your honorable body asking you to take such action as to your body shall seem best for the relief of said Edward O'Meagher Condon, and for his speedy release from unjust imprisonment.

I wish briefly to state the facts of this case. This young man, after the close of the late civil war, went to England, and was charged with being engaged in what was called the Fenian riot at Manchester. He was tried and convicted, his friends say by improper, prejudiced, and unreliable testimony. His case appealed so strongly to the best feelings of his friends that they made efforts to obtain a mitigation of his sentence, and the Department of State has frequently, through

our minister at London, interposed its good offices with the British government to procure for him a pardon or commutation of his sentence. So far the efforts of the Government have been unavail-

I suppose the object of this petition, which certainly comes from a source entitling it to great respect, which bears the signatures of over eighteen hundred men who served with Condon in our war, and who testify to his good character and his excellence as a man-the object of this petition is to add weight, if possible add the weight of Congress to the appeal of the Executive, with the hope that the effort may prove successful and induce the British government to exercise elemency toward this young man, who, I am told is in a state of health which will make a much longer confinement bring him to a prema-

I move the reference of this petition to the Committee on Foreign Relations, in the hope that they may be able to devise something that may tend to promote the object sought by the petition.

The motion was agreed to.

Mr. LOGAN presented 22 petitions of citizens of the United States soldiers in the late war, praying the passage of an act granting to the soldiers, sailors, and marines of the late war, or their heirs, a bounty

soldiers, sailors, and marines of the late war, or their heirs, a bounty of eight and one-third dollars per month for the entire time served, deducting all United States bounties heretofore paid; which were referred to the Committee on Military Affairs.

He also presented the petition of John Long and 57 others, soldiers of the late war, now residents of Armstrong County, Pennsylvania, praying the passage of a law granting to soldiers, sailors, and marines of the late war, and their heirs, a bounty of eight and one-third dollars per month for the time served, deducting all United States bounties heretofore paid; which was referred to the Committee on Military Affairs. tee on Military Affairs.

### REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on Finance, submitted a report, accompanied by a bill, (S. No. 591,) to regulate the transportation of bonded merchandise withdrawn from warehouse.

The bill was read and passed to the second reading, and the report

was ordered to be printed.

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1488) to incorporate the Georgetown and Tennallytown Railroad Company, reported it with-

out amendment.

Mr. HAMILTON, from the Committee on Public Lands, to whom was referred the petition of N. D. Clark, C. A. Clark, and J. L. Bartlett, citizens of Colusa County, California, praying to be granted title to five sections of unsurveyed public lands near the headwaters of the sulphur creek known as Empire Springs, in that State, whereon to establish an industrial college, reported adversely thereon, and asked to be discharged from its further consideration; which was correctly agreed to.

He also, from the same committee, to whom was referred a resolution of the Legislature of Michigan, in favor of so amending the law for the entry of homestead lands as to permit soldiers and sailors, their widows and orphans, to make entry of such lands through agents, reported adversely thereon, and asked to be discharged from its fur-

ther consideration; which was agreed to.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 700) to incorporate the Mutual Protection Fire Insurance Company of the District of Columbia, re-

ported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 125) to incorporate the Mutual Protection Fire Insurance Company of the District of Columbia, reported adversely thereon, it being in the same language as the bill previously reported, and it was postponed indefinitely.

### BILLS INTRODUCED.

Mr. WALLACE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 592) referring the claim of J. Snowden & Son and Snowden & Mason to the Court of Claims; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 593) for the relief of the heirs of James S. Ham; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 594) for the relief of the heirs of John W. Vose; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 595) to establish a post-route in Oregon and Idaho Territory; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 596) to incorporate the National Surgical Institute of the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and

ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 597) to amend the act entitled "An act to

incorporate the National Union Insurance Company of Washington," approved February 14, 1865; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to

be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 598) to authorize Spencer F. Baird, assistant Secretary of the Smithsonian Institution, to receive from the King of Sweden a diploma and decoration, constituting him a member of the Royal Norwegian Order of St. Olaf, the same being a literary and scientific order; which was read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. BOUTWELL asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 599) granting a pension to Catharine A. Winslow, widow of the late Rear-Admiral John A. Winslow; which was read twice by its title, referred to the Committee on Pensions, and ordered to be printed.

### PAPERS WITHDRAWN.

### On motion of Mr. JOHNSTON, it was

Ordered, That Isaacs, Taylor & Williams have leave to withdraw from the files of the Senate their memorial and accompanying papers.

### PRESIDIO RESERVATION AT SAN FRANCISCO.

Mr. INGALLS. If there be no further morning business, I move that the remainder of the morning hour be devoted to the consider-ation of cases on the Calendar to which there is no objection, subject

Mr. SARGENT. I suggest that we commence at the beginning of the Calendar, instead of where we last left off.

Mr. INGALLS. I think we should commence at the point where the consideration of the Calendar was last suspended.

Mr. SARGENT. There was one bill passed over on a former call of the Calendar which will probably only take a moment. It was explained before and objection was made temporarily by the Senator from Vermont, [Mr. Edmunds.] I understand he has no further objection, and I should like to have that bill considered.

Mr. NIGALLS. The Senator can move to proceed to its considered.

Mr. INGALLS. The Senator can move to proceed to its consider-

Mr. SARGENT. I will then move that Senate bill No. 130 be taken up and considered at the present time

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 130) to relinquish the interests of the United States in certain lands to the city and county of San Francisco, in the State of California.

The bill was reported from the Committee on Military Affairs with an amendment in line 8 after the word "successors" to insert "assigns, and;" so as to read:

Relinquished and granted to the said city and county and its successors, assigns, and vendees," &c.

The amendment was agreed to.

Mr. EDMUNDS. I see that the word "grant" is used in the bill in two or three places, which, as lawyers understand, implies a conveyance of a title, and in a certain sense implies a warranty. We have had so much difficulty in respect of claims made upon us by citizens in that vicinity hitherto that I think we ought to use some language which will exclude positively the idea that the United States undertakes to guarantee anything to anybody or to be responsible to anybody for anything in connection with this appropriation of public property.

Mr. SARGENT. Does the Senator refer to line 7:

And the same are hereby relinquished and granted to the said city and county.

Mr. EDMUNDS. Yes, sir.
Mr. SARGENT. I think the word "relinquished" would be sufficient. I move to strike out the words "and granted."

The amendment was agreed to.

The PRESIDENT pro tempore. The word "granted" occurs again in line 23

Mr. SARGENT. That refers to a public highway: Said eighty feet being granted for a public highway or street.

Mr. EDMUNDS. But that would carry a warranty of title and would imply possibly that if we should need it for military use in some great public emergency we should have to pay the city some-

Mr. SARGENT. I think the word "relinquished" would be sufficient.

Mr. EDMUNDS. That makes it an acquittance instead of a grant.
Mr. SARGENT. I move to strike out "granted" and insert "relinquished," in the twenty-third line.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## SALARY OF THE PRESIDENT OF THE UNITED STATES.

The PRESIDENT pro tempore. The Senator from Kansas [Mr. In-GALLS] moves that the Senate proceed during the residue of the morn-ing hour to the consideration of unobjected cases on the Calendar, beginning at the point where the last call stopped. The motion was agreed to.

The PRESIDENT pro tempore. Under this call, the first bill reached is the bill (S. No. 172) fixing the salary of the President of the United States

Mr. SARGENT. I object to the consideration of that bill.
Mr. WRIGHT. I trust the Senator will withdraw his objection. That bill was reported at the last session by a unanimous vote of the committee and at this session also. I do not see why we might not dispose of it now as well as at any other time.

Mr. SARGENT. I object because I think the President's salary is

Mr. SARGENT. I object because I think the President's salary is not too high. I object because I am opposed to any legislation that will tend to reduce it. The salary, even at the present rate, is reasonably low, considering the expense and cost of the office to the incumbent. I propose to object now and at any subsequent time when I have an opportunity; and if the bill comes up notwithstanding my objection, I shall vote against it.

Mr. WRIGHT. I will inquire whether it would be in order to move

to proceed to the consideration of this bill.

The PRESIDENT pro tempore. That would not be according to the understanding. The Chair will observe to the Senator from Iowa that the motion was to consider cases not objected to. There being an objection, this bill will go over.

### DECORATION TO ADMIRAL ALMY.

The next business on the Calendar was the joint resolution (S. R. No. 2) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands; which was considered as in Committee of the Whole. It authorizes Rear-Admiral Almy to accept a decoration of the order of Kamehameha I, which has been tendered him by the King of the Hawaiian Islands as an evidence of his appreciation of that officer.

The joint resolution was reported to the Senate without amend-ment, ordered to be engrossed for a third reading, read the third time,

and passed.

PRESENT TO EDWIN JAMES.

The next business on the Calendar was the joint resolution (H. R. No. 65) authorizing Edwin James, consular agent at San José, to accept a piece of plate from the Queen of Great Britain; which was considered as in Committee of the Whole. It authorizes Edwin James, United States consular agent at San José, to accept from Her Majesty the Queen of Great Britain a piece of plate which she desires to present to him as a recognition of his courageous and efficient services rendered in support of J. Magee, the British vice-consul, when his life was threatened by the commandant of San José.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### ORGANIZATION OF NATIONAL BANKS.

The next bill on the Calendar was the bill (S. No. 75) to amend section 5138 of the Revised Statutes of the United States permitting national banks to organize with a capital of \$50,000 in towns irre

spective of population.

Mr. INGALLS. That bill was introduced by me, and placed on the Calendar at my request. I am of opinion, however, that with the opposition of the Comptroller of the Currency and the adverse report of the Committee on Finance it would be very difficult indeed to secure its passage. In order to clear the Calendar, I move that the bill be indefinitely postponed.

The motion was agreed to.

## J. M. THOMPSON.

The next bill on the Calendar was the bill (S. No. 163) for the relief of J. M. Thompson, late captain First South Carolina Volunteers, (afterward Thirty-third United States Colored Troops.) It is a direction to the Secretary of War to recognize John Milton Thompson as a second lieutenant First South Carolina Volunteers from November a second lieutenant First South Carolina Volunteers from November 28, 1862, he having been commissioned and mustered as such by General Rufus Saxton, military governor and commanding forces in South Carolina, and served in that capacity with his company in active operations against the enemy; but no expenditure from the Treasury is to follow the passage of the act other than that already made.

Mr. EDMUNDS. What does that mean, Mr. President? [A pause.] I do not insist upon my right to have the President tell me. I think the bill had better go over, if there is nobody to explain it.

The PRESIDENT pro tempore. The Senator from Alabama [Mr. SPENCER] made the report, and perhaps he can explain it.

Mr. SPENCER. There is a printed report.

Mr. EDMUNDS. Let the report be read.

The Chief Clerk read the following report, which was submitted by Mr. SPENCER, from the Committee on Military Affairs, on the 29th of February last:

of February last:

of February last:

The Committee on Military Affairs, to whom was referred the bill (8. No. 163) for the relief of J. M. Thompson, having had the same under consideration, submit the following report:

The proof shows that J. M. Thompson was appointed a second lieutenant in the First Regiment of South Carolina Volunteers on the 28th day of November, 1862, and ordered to report forthwith for duty; that he was afterward commissioned as such second lieutenant, to rank from that date, and that he immediately entered on and continued in active service. It is now claimed that he was illegally paid the compensation of a second lieutenant from the 28th of November, 1862, to the 31st day of January, 1863, his regiment not having been full to the minimum until that date, and, unless he is relieved by the passage of this bill, the amount which is claimed to have been illegally paid him will be withheld from his pay as first lieuterant in the Fourth Regiment of Infantry, the position which he now holds.

The committee recommend the passage of the bill.

Mr. EDMUNDS. Why should it not be withheld? If he was paid

ontrary to law, why should he be allowed to keep the mone? The Committee on Military Affairs are in the habit of relieving officers under such circumstances. Many such bills pass at every session of Congress, paying officers who served when their regiments were not full to the minimum. This officer did draw his pay at the time. Now his pay in the Army is being stopped, and it seems a hardship that we should depart in his case from a rule which has been applied for years and years.

Mr. SHERMAN. I know personally of my own knowledge of a whole brigade that was organized with the understanding that the

pay of the officers as officers would commence from the time the force was organized, and yet they did not receive it until the force was mustered into the service, although they were nominally of the rank they subsequently held. To allow the payment of a claim like this would probably open the door to innumerable cases all over the

Mr. SPENCER. This does not open the door. The door has been

opened a long time.

Mr. SHERMAN. I think it is a bad precedent.

Mr. EDMUNDS. Can the Senator from Alabama show us any law like this, which has ever passed? Of course, there are thousands of instances of this character, undoubtedly.

Mr. SPENCER. I cannot now, but if the bill goes over until to-

morrow I can look up the precedents.

Mr. EDMUNDS. It is a thing we ought not to do unless in extreme cases; but, if it is the settled rule to do it, I do not stand here to object to this one gentleman. I think we ought to find out whether we have done it before, and I think the bill ought to go over.

Mr. WEST. I cannot at the present moment recall to mind any particular instance of like action to this; but I am satisfied that such has been had by the Senate and by Congress; and it arises from the fact that in the earlier stages of the war officers were not required to be mustered in before they were paid. Although perhaps this case does not come under such an application, yet there were, and we have acted upon, a great many instances where officers without a due and full knowledge of the law rendered service to the Government, and where the remissness, if any, existed on the part of the Government itself in not properly mustering the officer in at the date that he rendered service to the Government. We have had such instances over dered service to the Government. We have had such instances over and over again, and on proper investigation we have always given the officers relief, provided it was shown to the satisfaction of the Senate that they did render due service to the Government during that period. This seems to me to be one of those cases.

Mr. SHERMAN. Yesterday a case was passed on the report of the Senator from Missouri [Mr. COCKRELL] which seemed to me perfectly registrates.

meritorious. There was a case where an officer was actually promoted and was not mustered in for some six or seven months afterward, because he was in the presence of the enemy and engaged in battle and actually wounded. A case of that kind I think is clear.

This is a case somewhat parallel to that. nothing of it, not being on the committee, except that I know that there were such instances, over and over again, of men who gallantly served their country for months and for a year perhaps, where proper recognition was not taken of that service. Now when the facts are committed here to the investigation and cognizance of the Committee on Military Affairs, and they report back that this man did serve the Government during that period and that his pay was withheld and is being withheld from him, I think it is a case that the Senate can take cognizance of in equity and act favorably.

Mr. EDMUNDS. The difference between that case and the case that my friend speaks of is this: The law did not allow this regiment to have an officer of that grade; but, in spite of the law, they made him an officer of that grade. That is the case as it is stated in the report of the committee. He having been an officer in spite of the law and against it—instead of having failed to be mustered in because he was doing service, through some fault or defect in the or-ganization or the operations of the Government—the cases are enganization or the operations of the Government—the cases are entirely different; and, unless we have established the rule of paying all persons who were mustered into the service contrary to law, with a rank that they had no right to hold, we ought not to begin by establishing the rule in this case. It is true that in this particular case the sum is very small indeed; the discussion has probably cost the Government more while we have been talking about it than the whole sum of money; but it establishes a rule.

Mr. SPENCER. My recollection is that the officer was mustered into the service and did perform these duties.

into the service and did perform these duties.

Mr. EDMUNDS. It may be that he did; but, according to the report of the committee, he performed them against the law. He had no right to be an officer of that kind, and the pay of this increased grade he ought not to have had. He got it, however; and now, if Congress establishes the rule that in all cases of illegal promotions they will pay the price attached to the promotion just as if it had been a legal promotion, of course we ought not to make an exception of this gentleman. We must deal with uniformity, but I think we

ought to look it up and see what the precedents are.

Mr. SPENCER. If the Senate will consent to allow the bill to go over, we will look at the precedents.

The PRESIDENT pro tempore. The bill will go over by common consent. The next bill on the Calendar will be reported.

#### WILLIAM BOWLIN.

The next bill on the Calendar was the bill (S. No. 4) for the relief of William Bowlin.

Mr. EDMUNDS.

Mr. EDMUNDS. Is there a report in that case?

Mr. CLAYTON. This bill passed the Senate at the last session and failed on account of want of time in the other House.

Mr. SPENCER. There was a report made during the last Congress.
Mr. CLAYTON. I know it was reported during the last Congress and passed the Senate at that time.

The Chief Clerk read the following report, submitted by Mr. Spen-CER, from the Committee on Military Affairs, on the 31st of March,

The Committee on Military Affairs, to whom was referred the bill (S. No. 344) for relief of William Bowlin, having had the same under consideration, submit the fol-

relief of William Bowlin, having had the same under consideration, storage lowing report:

The proof shows that William Bowlin was sworn into service with his company, as captain, Company I., Second Arkans Cavalry, October 10, 1863, and performed duty as such, under orders of Colonel J. E. Phelps, commanding said regiment, but was not able to secure muster until March 8, 1864, the mustering officer declining to date muster back to October 10, 1863. The bill is to provide payment for such services for the intervening time.

Captain Bowlin recruited his company under orders and reported same, entering upon duty with eighty-four men October 10, 1863; was responsible for property, and the fault of non-muster was not chargeable to him. The committee recommend passage of the bill.

mend passage of the bill.

Mr. SHERMAN. I think it my duty to object to cases of that kind unless the report shows specifically the reasons why the officer was not mustered in as if in the presence of the enemy under circumstances which prevented him.

Mr. CLAYTON. I do not know that the report shows that, but the fact was that this man was serving in the Indian country and he could not be mustered in because there was no mustering officer there.

have passed such bills in other cases.

Mr. SHERMAN. That fact ought to appear on the face of the report, but the report simply says that he was not mustered in, and the law is express that the pay must date from the mustering in. If he was prevented from being mustered in by being in the presence of the enemy or being where he could not be mustered in by reasonable diligence under circumstances that would justify an exception, it ought to be made, but I do not think it ought to be made unless the report shows what the circumstances are.

Mr. CLAYTON. The report says he could not be mustered, but does not give the reasons in detail. I did not make the report. The facts are that he could not be mustered in. Those facts were established to the satisfaction of the committee when it considered the case.

Mr. SPENCER. This bill passed the Senate last year.
Mr. LOGAN. Let the report be read.
The PRESIDENT pro tempore. The report will be again read.
The Secretary again read the report.
Mr. LOGAN. I think the Senator from Ohio in objecting to this bill falls into an error. The report clearly shows that this man had a full company, and that they were entitled to be mustered. fact that there was no mustering officer present was certainly not the fault of this officer; but he was mustered in to this extent: his muster-roll was made out and he was sworn into the service. as far as he could go, and he entered on the duty and performed the duty. The mustering officer under the law has no right to date the muster back. But where an officer is sworn into the service, and where there is a vacancy that he can fill, and he is unable to be muswhere there is a vacancy that he can fill, and he is unable to be mustered, he certainly is as much entitled to pay as if he had been mustered, where he has performed the duty. There were a great many instances during the war where persons could not be mustered in at all. For instance, I know many officers really of regiments commissioned, sworn into the service, performing their duty perhaps for twelve months without meeting a mustering officer. Sometimes the mustering officer would be to the rear; sometimes one could not be found; and very often persons went into battle and were killed who were not mustered, who were really officers performing the duties of their office. There is no reason in the world why they should not have the pay of the office they actually held. have the pay of the office they actually held.

In the case which has gone over the report does not show that the company had the requisite number of soldiers to make a company; but here the report does show that it had. It had eighty-four, pany; but here the report does show that it had. It had eighty-four, and they were sworn into service, performed the duty; and it was not the officer's fault that he could not be mustered. The report does not state specifically why he could not be mustered. But I know enough about such things to be perfectly satisfied that it was because there was no mustering officer there, and therefore it was no fault of the officer. I think in a case of this kind it is clearly the duty of the Government to pay the officer who performed the duty as much as if he had been mustered forty times. I could give instances, so far as I am concerned myself, in reference to being mustered into service. I was not mustered into service when I was sworn into service first. was not mustered into service when I was sworn into service first. There was a reason for it which it is not necessary to mention; but thousands of instances of that kind occurred where the duty was performed; and it is perfectly correct to pay them as if they had had a mustering officer right there to muster them into service. But where there was not, where the regiment had not the requisite number and it was a field-officer, or where the company had not the requisite number and it was a company officer, then I say the law is very clear that he could not be mustered, and hence would not be entitled to the pay.

That is a very clear proposition. But where the company or regiment had the number to entitle it to muster and performed the duty, and it was no fault of the officer, the Government owes him the pay

just as much as if it had had a thousand mustering officers present.

Mr. CLAYTON. I was mistaken in stating that this officer served in the Indian country. He served in Arkansas, in one of those regiments that were raised from that State, I think in 1862; and there ments that were raised from that State, I think in 1862; and there was a great deal of irregularity in the raising of those regiments from the native element of Arkansas at that time. In fact, there was a great deal of difficulty attending the raising of those regiments. This company was raised by General Curtis, who was in command of that country. The difficulties of getting a mustering officer were very great. The committee was satisfied at the time, upon the examination of the papers, that this officer could not be mustered.

The bill was considered as in Committee of the Whole. It provides for paying to William Bowlin late of Company L. Second Arkansas

for paying to William Bowlin, late of Company L, Second Arkansas Cavalry, a sum equal to the pay and emoluments of a captain of cavalry from the 10th of October, 1863, to the 8th of March, 1864, deducting whatever pay he may have received for that period as an enlisted

The bill was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

### DESTRUCTIVE INSECTS.

The next bill on the Calendar was the bill (S. No. 438) for the protection of agriculture against injurious insects.

Mr. INGALLS. That bill stands on a motion to reconsider; and, as it will probably give rise to some debate, I suggest that it be passed

over.

The PRESIDENT pro tempore. The bill will be passed over.

### JOHN G. PARR.

The next bill on the Calendar was the bill (H. R. No. 215) granting a pension to John G. Parr, of Kittanning, Pennsylvania; which was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of John G. Parr, late a lieutenant-colonel of the One hundred and thirty-ninth Regiment Pennsylvania Volunteers, and to pay him a pension as of

the rank of lieutenant-colonel.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ABRAHAM ELLIS.

The next bill on the Calendar was the bill (S. No. 545) granting a The next bill on the Calendar was the bill (8. No. 545) granting a pension to Abraham Ellis; which was read the second time and considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Abraham Ellis, with the rank of first lieutenant, to take effect from the passage of the act.

The bill was reported to the Senate without amendment, ordered to

be engrossed for a third reading, read the third time, and passed.

## URIAL BUNDY.

The next bill on the Calendar was the bill (S. No. 43) granting a pension to Urial Bundy; which was considered as in Committee of the Whole. It provides for placing on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Urial Bundy, late a private in Company F of the Seventh Vermont Regiment. The bill was reported to the Senate, ordered to be engrossed for a third reading road the third time and pessed.

third reading, read the third time, and passed.

### FRANCES C. ELLIOTT.

The next bill on the Calendar was the bill (H. R. No. 1599) granting a pension to Frances C. Elliott; which was considered as in Committee of the Whole. It is a direction to the Secretary of the Interior mittee of the Whole. It is a direction to the Secretary of the Interior to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Frances C. Elliott, widow of Commodore Jesse D. Elliott, late of the United States Navy, and to pay her a pension of \$50 per month from and after the passage of the act in lieu of the pension which she is now receiving.

The bill was reported to the Senate, ordered to a third reading, read the third time and passed.

read the third time, and passed.

# CITIZENS' BUILDING COMPANY.

The next bill on the Calendar was the bill (S. No. 401) to incorporate the Citizens' Building Company of Washington; which was considered as in Committee of the Whole.

The Committee on the District of Columbia reported the bill with an amendment, which was in line 9 of section 1, to strike out the words "purchase, hold, and convey real and personal estate;" in line 11 after the word "exercise" to strike out "all" and insert "such;" in line 13 to strike out the words "and such especially;" so as to read:

That John C. McKelden, T. L. Tullock, B. F. Bigelow, Samuel Emery, M. Ashford, Frank M. Green, J. G. Judd, E. G. Davis, John Fraser, B. F. Fuller, Charles Bradley, C. C. Duncanson, W. B. Morgan, and their associates, are hereby created a body politic and corporate by the name of The Citizens Building Company of Washington City, and as such may make contracts, sue and be sued, plead and be impleaded, may have a corporate seal, and may exercise such other powers incident to corporations and usually enjoyed by them as are requisite to enable them to purchase, take, hold, and convey square 363, in Washington City, District of Columbia, and to improve the same by building dwelling-houses thereon, and to sell and convey them to stockholders or others, for the benefit of the stockholders.

The amendment was agreed to.

Mr. SHERMAN. I think it is due to the Senate that some explanation'should be made of a bill which incorporates a company, as I understand, to carry out a speculation or an improvement. to understand from the Senator who reported the bill whether the case is not covered by the general law authorizing corporations in this District or whether there are any reasons for the passage of this special

Mr. INGALLS. I am myself as much opposed to burdening the statute-books with special acts of incorporation, when the result can be secured under the general law, as any person can be; but the second volume of the Revised Statutes referring to the District of Columbia, chapter 18, under the head of "General Incorporation," shows what associations can be incorporated and what not. Under that chapter, "Institutions of learning, religious societies, societies benevolent, educational, manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, market and savings-bank corporations, sanitary associations, boards of trade, and railroad companies," can be incorporated. This is an act to incorporate the Citizens' Building Company of Washington. Mr. INGALLS. I am myself as much opposed to burdening the stat-

can be incorporated. This is an act to incorporate the Citizens' Building Company of Washington.

Mr. EDMUNDS. Is not that "mechanical?"

Mr. INGALLS. No, sir.

Mr. EDMUNDS. Would it not fall under the head of "mechanical?"

Mr. INGALLS. I think not. It authorizes a certain number of citizens named therein and their associates to become a body-politic and corporate by the name about recited, for the purpose of improving a certain square of ground which they own in this city. They propose to erect upon that ground a certain number of dwelling-houses which are to be disposed of, and when the improvement of the square is completed and the dwellings sold and the proceeds distributed then the

corporate powers cease and the company ceases to exist.

Mr. EDMUNDS. Is there any individual liability of the stock-

holders or directors in any case ?

Mr. INGALLS. They have already erected nine buildings and the provision of the act is that their capital stock shall not exceed \$300,000. In response to the question of the Senator from Vermont, I think there is no individual liability of the corporators or stockholders.

Mr. EDMUNDS. May I ask the Senator what are the provisions of

the general incorporation act in that respect as to those who may associate under that? In about every private corporation that I know anything of that is incorporated in the States nowadays, there are always careful provisions that the stockholders shall be liable to a certain extent and the directors to a certain other extent in order to protect people who deal with such intangible, invisible, soulless beings

as corporations are.

Mr. INGALLS. The general incorporation act under class 4 providing for the incorporation of manufacturing, agricultural, mining, mechanical, insurance, mercantile, transportation, market, and savings-bank corporations, in section 562 declares:

All the stockholders of every company incorporated under this chapter shall be severally individually liable to the creditors of the company in which they are stockholders, to an amount equal to the amount of stock held by them, respectively, for all debts and contracts made by such company.

That provision is omitted in this bill.

Mr. EDMUNDS. It ought to be in.
Mr. INGALLS. If the Senator thinks that it should be incorpor-

Mr. INGALLS. If the Senator thinks that it should be incorporated, I have no objection, and I presume the corporators themselves would have no objection to its being placed in the bill.

Mr. EDMUNDS. I submit to the Senator that it certainly is a wise and necessary provision for the protection of the people who deal with such corporations. I suggest to the Senate whether it would not be well to provide in all these private corporations, as the course is in most of the States, I believe, where there is a special charter, and also where there is a general act, that the corporation and its stockholders shall be liable to all the responsibilities and duties imposed by the general law upon corporations formed under it. stockholders shall be hable to all the responsibilities and duties imposed by the general law upon corporations formed under it. Then they stand on an exact equality. The ground for this bill, as I understand, is that the particular object that the corporation has in view is not embraced in the general statute.

Mr. INGALLS. That is correct.

Mr. EDMUNDS. That being the case, the simple thing to do, it seems to me, and the right thing, would be to incorporate them, if they are not embraced in the general provision, but subject them to all the provisions of the general law so that they will not gain an advantage over other corporations who may be incorporated under the general law and have special and peculiar advantages better than theirs, and at the same time secure as that statute does, which, I think,

is very important, the people who deal with them.

Mr. INGALLS. The committee were very careful to guard this bill as far as possible, in all matters that were suggested to them, and the amendments which were reported by the committee will show that it was their intention to confine the corporation exclusively to the performance of the one act for which they profess a desire to be

Mr. EDMUNDS. But they get credit, nevertheless.
Mr. INGALLS. It appears to me, Mr. President, that the suggestion made by the Senator from Vermont is hardly applicable to this bill from the fact they can only contract debts in compliance with the provisions of this act and in carrying out the design for which they are incorporated, and for all the contracts that they may make, for all the material furnished and all the labor that is devoted to the

construction of these buildings, the parties so furnishing material or labor, as I understand, will be entitled to a lien on the property, so that there could be no avoidance of liability and no wrong done to

any creditors.

Mr. EDMUNDS. That would depend on the circumstances under which the labor was done and the materials were furnished. If this corporation goes to a hardware store and buys one thousand kegs of nails, I take it that the hardware dealer would hardly have a lien in the nature of a mechanic's lien upon the house into which those nails

might be put.

Mr. INGALLS. He would have a lien for the material furnished if it could be established that it went into the property, I suppose upon

the real estate.

the real estate.

Mr. EDMUNDS. That depends upon a variety of circumstances; but even in that case such liens, which are in derogation of the right of the disposal of property and of the rights of purchasers, constitute an ineumbrance and have to be strictly pursued and made good within a certain length of time. That being the state of the case, an innocent creditor from whom this corporation might have borrowed money or bought property would be left entirely in the lurch. They might withdraw all their capital, and do everything that experience has shown private corporations sometimes will do, to the injury of has shown private corporations sometimes will do, to the injury of the people who deal with them on the theory that they are really what they purport to be and have capital. I therefore submit to the honorable Senator that the right thing to do would be to make this corporation, and all other private corporations that we incorporate by special charter, subject in respect of the liabilities of its directors and stockholders and their general duties, to the general provisions of the statute which he has read, and then you secure the public and

of the statute which he has read, and then you secure the public and secure equality.

Mr. DAWES. I should like to inquire, Mr. President, what is the necessity of this corporation at all. Here is a capital stock of \$300,000 to be expended upon a single-square of ground in this city, and to be expended in erecting buildings to be sold. I do not see why such an enterprise cannot be performed just as well without an act of incorporation as with it. While I am ready to vote for acts of incorporation for all such large enterprises of great responsibility and great liability that no single individual or private association of men is willing to undertake, which pertain to the public good, I do not desire for one to vote for an act of incorporation that has no other element than that of private gain, and upon a scale that is perfectly

ment than that of private gain, and upon a scale that is perfectly within the reach of private enterprise.

Then I do not see anything in this bill that requires these parties to close up this particular business at any time. It seems to be a contrivance through the forms of law by which the title to real estate may be held in perpetuity in a single corporation, not to descend by the ordinary rules of the descent of real estate to heirs, but to be held in perpetuity by this corporation, for all that I see in this bill, just as long as they please. There has not been disclosed in the discussion any reason to my mind why we should be here making corporations of this small capital and for these purposes that can be just as well gained if parties are willing to associate themselves together and hold themselves out liable for their contracts, as other individuals and other associations are, and not, behind an artificial creation of law, transact their business and hold out, as the Senator from Vermont has said, a credit upon which innocent parties dealing with them have no said, a credit upon which innocent parties dealing with them have no means of ascertaining to what extent they can reach this original capital which is the basis of the corporation. Unless there shall be some reason disclosed why we should devote ourselves to the creation of artificial beings of this kind, full of mischief in their application to the business of this country, I do not see why we should vote for the bill at all. The country is shingled all over with corporations created by the local legislatures of the States, decided by the courts of the land to be not local in their powers, but capable of reaching from Massachusetts or Connecticut to California. I know a corporation greated in the State of Connecticut with power to hold real estates of the states of connecticut with power to hold real estates of the states of connecticut with power to hold real estates of the states of the states of connecticut with power to hold real estates of the states of the s tion created in the State of Connecticut with power to hold real estate in San Francisco and carry on the business of commerce in Japan and all over the Pacific Ocean.

For one, sir, I am opposed to all that sort of legislation. Private individuals, so far as the enterprise is within the scope of private means and has for its purpose and end solely private gain, should not come to Congress for the creation of an artificial being, behind which they can do that which they can do better, and the public be safer

in their doing it, in their own individual capacity.

Mr. SHERMAN. I offer an amendment in the nature of a substitute for this bill, to strike out all after the enacting clause and insert:

That section 553 of the act authorizing incorporations in the District of Columbia shall be held to extend to and include building associations.

It seems to me the only object of this bill is to enable a company of land speculators to accomplish through a corporation the improvement of a square. That is all right enough. They may build houses. It is well enough to have it incorporated. I have no fear of corporations, as my friend from Massachusetts has; but I think corporations ought to be governed by general laws, just like individuals; that special acts in favor of corporations are wrong. There are very few cases that will justify a special act of incorporation. Building associations are modern inventions, and they are convenient inventions. They are enabled to build cheap houses and good houses, and place it within are enabled to build cheap houses and good houses, and place it within the power of a poor man to get a home at a much more favorable rate

than in any other way; because, by building a great number of houses combining modern improvements, they can build much cheaper and sell much cheaper than individuals, and generally on long time. Therefore building associations are generally incorporated in most of the States of the Union; and I see no reason why they should not be included in the general act of incorporation of this District. Such a provision will save us from many applications of this kind; and I think will accomplish the object the Senator from Kansas has in view, and enable this company to go on with their plans, and build and sell houses. They can organize, if this amendment is adopted, under the general law regulating manufacturing and other companies.

Mr. INGALLS. Mr. President-

The PRESIDENT pro tempore. The morning hour has expired, and the unfinished business is now in order.

#### COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon, the pending question being on the amendment of Mr. Sherman to strike out in lines 7, 8, and 9 of the third section the words:

In the power of a majority of each House to direct that the main question shall be put.

And insert in lieu thereof:

The duty of each House to put the main question.

So that the proviso will read:

Provided, That, after such debate has lasted two hours, it shall be the duty of each House to put the main question without further debate.

Mr. MORTON. I do not know that I have any objection to that amendment. It is possible objections might arise to an electoral vote that the Senate and House might want to consider longer than two that the senate and House might want to consider longer than two hours; but at the same time, as there might be danger of the final determination of the result of the vote being too long delayed, I shall not especially oppose the amendment which will close the debate peremptorily at the end of two hours.

The amendment was agreed to.

The PRESIDENT pro tempore. The question will now be on the amendment proposed by the Senator from Tennessee, [Mr. Cooper,] which will be read.

Mr. EDMUNDS. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The amendment will now be read.

The CHIEF CLERK. At the end of the second section it is proposed to insert:

And if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States, in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

Mr. JOHNSTON. Is it in order to offer an amendment to that amendment?

The PRESIDENT pro tempore. It is.

Mr. JOHNSTON. Mr. President, yesterday the Senator from Pennsylvania [Mr. Wallace] suggested an amendment, and if he does not offer it I wish to offer substantially the same amendment. I offer the following amendment to the amendment, as a substitute for it:

But if the Senate should vote for counting one certificate and the House of Representatives another, the joint meeting of the two Houses shall finally determine which shall be counted, by a vote by States, the representation from each State (including the Senators therefrom) having one vote; but if the representation of any State shall be equally divided its vote shall not be counted.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Virginia to the amendment of the Senator from 'ennessee

Mr. JOHNSTON. It is evident that the bill is defective in one respect. The author of the bill himself admits that in a certain contingency this bill will not be operative; that where there are two returns from a State and the House of Representatives votes for accepting one return and the Senate the other, in that event the vote of the State will be lost. It seems to me in a bill of so much importance as this there ought to be no omission of that sort, but that the bill ought to be complete and provide for every contingency that may arise. It is not only the right of Congress to provide for counting the electoral is not only the right of Congress to provide for counting the electoral votes, but it is an imperative duty and we ought to perform that duty. It seems to me that Congress itself is the only body to determine this question. The Constitution provides that where there has been no election by the people the House of Representatives shall decide who shall be President, but the same Constitution provides that where there shall be no election of Vice-President the Senate shall decide who shall be Vice-President. The second article of the Constitution in the second section has this provision. After providing for the election of President by the House, it says: election of President by the House, it says:

The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

It seems, then, according to that provision of the Constitution, that in a certain event the Vice-President shall be chosen by the Senate. There is provision for the failure of an election by the electoral college of President and Vice-President; in one event the House elects the President, and in another event the Senate elects the Vice-President. The returns of the election of both officers are embraced in the same certificates. It would seem to me therefore proper, as the election is for both, that the two Houses should be the joint tribunal to determine the question. In that view I think the amendment I have offered is the proper solution of this question.

Mr. EDMUNDS. I should like to have the Senator from Virginia explain to me where he finds the constitutional authority for making this provision or for making the provision proposed by the Senator from Tennessee? What is the nature of the power we are conferring upon one House or upon the two Houses voting together as a consolidated committee? Is it a legislative power, or a judicial power, or what sort of a power? The Constitution, it appears to me, regulates what is to be done on this occasion without conferring any powers upon the House of Representatives or the Senate; or else it provides, as it does here, what shall be done, and then leaves it, as all other questions arising under the Constitution are left, to judicial determination, if any dispute should arise. It seems to me that there is very great difficulty indeed in holding that we have the power by law to say that in case of a dispute about a return on the occasion referred to in the Constitution, the House of Representatives shall determine that dispute. The legal objection to it, to my mind, is just as great as it would be to our saying that the common council of the city of Washington shall determine that dispute. If we have the power to legislate at all otherwise than to regulate the congressional action of the two Houses as independent bodies, as has been the practice hitherto, we have the power, of course, to select who shall be the canvassing board in case of dispute, who shall be the deciding board in case of dispute, who shall be the deciding board in case of dispute, who shall be the deciding board. in case of dispute, in reference to the very act of reaching the result, not in reference to who may have the title afterward, because we do not undertake to dispose of that in any way except as the Constitution does, that the man who has got the most electoral votes—and of course that means legal and constitutional votes—shall be the President dent. Nobody would contend if one was declared by the President of the Senate to have been elected, and it turned out that the returns from half of the States were entirely fabricated and had never been sent by those States were entirely fabricated and had never been sent by those States at all, that the person he so declared to be elected on that day was constitutionally the President, I should suppose. But certainly if you were to say that, it is one thing to say that the Constitution has confided to Congress the congressional power, acting as two independent bodies but concurrently, to dispose of this question; but to say that we may by law (not in the exercise of our function to exercise property appropriate in the conference of the conferen tion to confer powers upon some judicial tribunal described in the Constitution to settle something) confer powers upon a body not judicial and not legislative in a constitutional sense, is to my mind going entirely outside of any authority that we possess.

I therefore, Mr. President, without going into the practical inequal-

therefore, Mr. Frestein, without going into the practical inequalities and temptations that would exist in respect of either of these amendments, vote against them both upon the ground that, as it appears to me, they are plainly in violation of the Constitution.

Mr. FRELINGHUYSEN. I shall propose an amendment when the

proper time comes, which I will now read:

If the two Houses shall not agree, the difference shall be immediately referred to the Chief Justice of the Supreme Court, the presiding officer of the Senate, and the Speaker of the House, whose decision shall be final. If the Chief Justice is absent or unable to attend, the senior associate justice of the Supreme Court present in the Capitol or other place of meeting shall act in his place.

This is a judicial question; a question of law and of fact; but judicial, whether of fact or law; and it seems to me that there is a propriety in referring it to the presiding officer of the judicial department. It is true that it is judicial, and yet it is political in its nature. The Constitution has imposed certain duties upon the presiding officer of the Senate, and the presiding officers of the Senate and of the House are competently associated with the Chief Justice. If it be said that nothing will result excepting the loss of the vote of one State unless we make this arrangement, the loss of one State is a great loss; it is an organic loss; it is a loss that may change the character of the whole election; it is a loss that the people of this country would not quietly submit to. It seems to me it is very important that before we pass this bill we should make such arrangement as will secure the vote

of every State, for thereby we may avoid civil war.

Those who have written upon this part of the Constitution have predicted that the greatest peril to this country is just at the very point we are now considering; and I see nothing in the amendment which I have offered which is in violation of the Constitution. The Constitution is silent on the subject. It imposes upon the Legislature the duty of making provision for counting the votes. This ture the duty of making provision for counting the votes. This amendment, it seems to me, is an equitable, just, constitutional provision; and, besides, it is dignified, conservative, and proper. It comports with the magnitude of the great question that we should call the head of the judicial department of the country to decide it. The matter referred is a difference between the two Houses. That might be only a question of law. The two Houses might agree on everything excepting a dispute as to some principle of law. The difference between the two Houses is the matter which the amendment proposes to refer. proposes to refer.

I make these suggestions now rather than when the amendment is aken up, because it may have an effect upon the vote which shall

taken up, because it may have an effect upon the vote which shall be given upon the pending amendments.

Mr. THURMAN. I am not prepared just now to vote upon any of the propositions which have been suggested; that is, I am not as well prepared as I would like to be. This subject is full of difficulty. For reasons that I gave yesterday, I do not think a matter of disagreement can be referred to the Supreme Court. I do not believe you can confer upon that court as a court any such power. I have seen no reason to change the opinion I expressed yesterday.

Then to give the House of Representatives the right to decide it

Then, to give the House of Representatives the right to decide it may be a matter of necessity, and yet there are very grave considera-tions there, for you put the House under the temptation to disagree with the Senate, so that the result of the disagreement may be that the House will have the decision alone. So, take it any way you will, there is difficulty. I do not believe that we can or ought to confer this power, in the case of disagreement of the Houses, upon the pre-siding officer of either House. I do not think that can be done. What I desire is that we may, in the situation in which we find ourselves placed, one House having a majority of one party and the other House having a majority of the other party, endeavor to come to some understanding that, being agreed upon, will command the support of reasonable men of all parties. I should hope that, if we came to a conclusion satisfactory to the Senate generally, the bill that passes here would receive the approbation of the House of Representatives. If it is made a party question, I do not know what might be the result. I have no right, however, to urge that consideration upon the Senate; but it seems to me very material that we should, possible, arrive at as harmonious a result as can be reached.

In order that we may study the various propositions that have been submitted more than we have yet had time—at least I speak for my-self—as well as other propositions which Senators may desire to lay upon the table, I move that the further consideration of the bill be

apon the table, I move that the further consideration of the bill be postponed until one o'clock to-morrow, and that the amendments already suggested or that any other Senator may wish to lay before the Senate be printed.

Mr. RANDOLPH. I should like to offer an amendment in the shape of a new section, differing somewhat from either of the amendments that have been offered. I do not wish to speak to it now, and do not know that I shall address the Senate upon it at all. Something better may be offered, but with the view of facilitating the progress of ter may be offered, but, with the view of facilitating the progress of the work, I ask that my amendment may be put with the others and printed in due form.

The PRESIDENT pro tempore. The Senator from New Jersey proposes an amendment. It is not in order now, but it will be submitted.

and printed with the three amendments already pending. Mr. MORTON.

Mr. MORTON. Let it be read for information.

The PRESIDENT pro tempore. The proposed amendment will be

The CHIEF CLERK. It is proposed to insert as an additional section the following:

SEC. — Should the two Houses of Congress, acting separately, fail to agree as to which is the true and valid return of such State, then, and in that event only, it shall become the duty of the President of the Senate to make a decision of the question: Provided, the President of the Senate shall render his decision in favor of such return as shall have received a majority of all the votes of both Houses of Congress considered by him as if both Houses had cast their votes in joint meeting assembled.

Mr. HOWE. I shall acquiesce in the motion to postpone very readily, for it will not be regarded as surprising that I should find myself as quite as unprepared to vote satisfactorily to myself as the Senator from Ohio professes himself to be. But I want, before the bill goes over, to make one suggestion which has occurred to me, and which is a suggestion of the difficulty that is presented to my mind as the most obvious one and the one most difficult to meet.

It seems to me that the question of determining what votes shall be counted and what shall not is either a political or a judicial question. If a judicial question, I think it ought to be submitted to some one of the judicial tribunals recognized by the Constitution, and not to a special tribunal manufactured for the purpose. ical question, then shall it be determined by any political department of the National Government or by the political department of the State government? It is manifest to my mind, from looking at the Constitution, that those who framed that instrument never anticipated that the Congress of the United States would be stumbling over a difficulty of this sort. They said that each State shall appoint the electors in just such way as the Legislature may see fit; and it did not apparently occur to the men who made the Constitution that such a scandal as two bodies of men claiming to be the Legislature of a State would ever appear in American history. I wish we could say that no such scandal ever had appeared. It did not occur to the men who made the Constitution that there would be ever, I think, two sets of papers sent up here pretending to be the vote of a State. Therefore it seems to me that they intended to delegate to these two Houses no judicial, no political, no discretionary authority whatever, but simply the ministerial act of opening a letter and reading the contents in the presence of the picked men of all the States; that is

We are not now quite a hundred years old as a nation, as a Gov-ernment considerably less, and we have already been shocked by the appearance of two letters declaring very different results in the same

State upon a presidential vote. The thing we want to guard against, State upon a presidential vote. The thing we want to guard against, if we can by any possibility, is the appearance of any such dispute in the convention hereafter. If you can legislate in any way so as to prevent the appearance in any of the States of two bodies of men claiming to be a legislature, or two bodies of men claiming to be an electoral college, then I think you have accomplished the object. Clearly there can be but one Legislature in a State; there can be but one electoral college of a State, but one body having the right to clearly there can be but one Legislature in a State; there can be but one electoral college of a State; but one body having the right to send the letter declaring the will of a particular State in the choice of President and Vice-President. Dozens of pretenders may appear. Only one is true, and all the rest are sham. 'A dozen bills may be put in circulation of the same number, the same letter, claiming to be issued by the same authority and to rest upon the same credit. One is genuine; all the rest are counterfeit. You have provided laws for punishing everybody who puts in circulation all the sham notes; and punishing everybody who puts in circulation all the sham notes; and if you can provide by law for punishing adequately those who shall forge or counterfeit or issue sham letters or certificates of election, that is a sort of legislation that I would like to engage in. You send the man who issues a forged or counterfeit note to State's prison or somewhere else where he will be out of the way. Precisely where you should put those men who send up to the Congress of the United States a false and counterfeited certificate of the result of a presidential election in a State I am not prepared to say. There is no punishment I can conceive of ever inflicted upon crime too heavy to visit upon the head of such miscreants. Whether those penalties should be imposed by the States, or should be imposed by the national authority, is a question we might well consider; but I do not see this morning how, if you allow such papers to come up here, you are going to provide a tribunal which shall instruct the two Houses which of the two papers is a true one and which is a false one.

Mr. MORTON. As this is a very important question, I shall not object to the postponement, but I venture to express the hope that when we take up the bill to-morrow we shall consider it until it is disposed of, either on to-morrow or as soon thereafter as possible, or somewhere else where he will be out of the way. Precisely

disposed of, either on to-morrow or as soon thereafter as possible, without a further postponement.

Mr. FRELINGHUYSEN. I move the amendment which I read to the Senate as an amendment to the amendment suggested by the Senator from Tennessee, [Mr. COOPER,] to come in after the word

The PRESIDENT pro tempore. The Senator from New Jersey moves to amend the amendment of the Senator from Tennessee by striking out all after the word "agree" and inserting what he has read, which is to perfect the text while the substitute is pending offered by the Senator from Virginia, [Mr. Johnston.] The Senator from Virginia proposes a substitute for the whole amendment, striking out all after the word "and." The rule permits a perfection of the text. The question will be first on the amendment proposed by the Senator from New Jersey. All these amendments are to be printed, and the question now is whether the whole subject shall be postponed until to-morrow at one o'clock.

Mr. CONKLING. I do not rise to repeat what other Senators have said as to the importance of this question. It is important and it is intricate; and because of both those things I venture to make a sug-

The postponement is moved very properly, as I think, in order that the Senator who moves it, and of course that other Senators, may have an opportunity to understand, as they do not yet understand, the bill before us and the various amendments which have been and may be proposed. If the postponement takes place until to-morrow at one o'clock, the Senator from Ohio must see that there is but little force at least in that part of his motion which relates to printing the amendments. Nobody is to see them in print until that time. Possibly they may be found in the morning in the RECORD, if one can sibly they may be found in the morning in the Record, if one can get time in the morning before the meeting of the Senate to study them. I rather think it would be better if this matter should stand until day after to-morrow, perhaps, and be made a special order, if the Senator from Indiana thinks there is any danger of its being displaced. I should not at all be surprised if a conclusion might be reached as soon if now it is known that it is to be considered at that time, Senators having time to look at the subject generally and to look at these amendments, as it would be if taken up at one o'clock to-morrow, when really very little opportunity will be given after the amendments are in print to study them. I have no convenience of my own about it.

of my own about it.

Mr. THURMAN. If it would be agreeable to the Senator from Indiana who has the bill in charge to fix the day after to-morrow, I

will very willingly modify my motion.

Mr. CONKLING. As I was saying, I have no convenience of my own about it at all, except that, having been out of the Senate yesterday, very likely I am less informed, and no doubt I am, than any other Senator; but it strikes me that the object being to enable all of us to be prepared to form and express an opinion about it, we had better have a time within which that can be done than to fix a time within which we know it cannot be done.

Mr. THURMAN. I am perfectly willing to acquiesce in the suggestion of the Senator from New York. I understand it would be agreeable to the Senator who has the bill in charge, and therefore I modify my motion to postpone the bill until one o'clock on Thursday and make it the special order for that time.

The PRESIDENT pro tempore. The Senator from Ohio modifies

his motion, postponing the bill until Thursday at one o'clock and making it the special order at that time.

Mr. SARGENT. I have no objection to the bill going over until Mr. SARGENT. I have no objection to the bill going over until that time; but we are aware that a special order has no weight, that it is only a method of postponing a matter indefinitely. It seems to me that there ought to be a sort of understanding—I will not say expressed, but a kind of understanding—that the unfinished business of Wednesday shall not put the bill out of the charge of the Senate. I do not ask a change of the rule in reference to special orders, but I am willing that in this particular case, which ought to be attended to early in this session and ought to be considered in the other House, the bill going over until day after to-morrow it shall be with the understanding that it will be considered on that day.

derstanding that it will be considered on that day.

Mr. CONKLING. I venture to suggest that no objection has appeared here, and I imagine that there will be no objection, that by unanimous consent the Senator from Indiana can have an understanding that when at one o'clock on Thursday he moves to take up this bill, he shall have the vote of everybody in the Senate to take it up. In that case we do not want it made a special order.

Mr. MORTON. I wish to have that understanding

up. In that case Mr. MORTON.

I wish to have that understanding. The PRESIDENT pro tempore. That must be done by unanimous consent. A special order cannot displace unfinished business. Is there objection? There is no objection; and, by unanimous consent, the bill will come up on Thursday at one o'clock.

### COURTS IN COLORADO.

Mr. EDMUNDS. I move to take up Senate bill No. 546, to further the administration of justice in the State of Colorado. It is a bill which ought to be passed, and to which I assume there will be no objection at all, as there is now no provision when that State comes in for continuing the administration of justice in the United States

courts at all or in the territorial courts.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 546) to further the administration of justice in the State of Colorado.

The first section provides that when the State of Colorado shall be admitted into the Union, according to the provisions of an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of said State into the Union on an equal footing with the original States," approved March 3, 1875, the laws of the United States not locally inapplicable shall have the same force and effect within that State as elsewhere within the United States; that it shall constitute one judicial district, to be called the district of Colorado; that a district judge, a marshal, and a district attorney of the United States shall be appointed by the President, by and with the advice and consent of the Senate, with the same rights, powers, and duties provided by law for similar officers in the other States, except as herein otherwise provided. The district of Colorado is to be attached to and constitute a part of the eighth judicial circuit, and a term of the circuit court and district court is to be held at Denver on the first Tuesday of and on the first Tuesday of in each year.

The second section invests the circuit and district courts for the district of Colorado, and the judges thereof respectively, with the same powers and jurisdiction of other circuit and district courts and

judges of the United States

The third section fixes the compensation of the district judge for the district of Colorado at \$3,500 a year. The fourth section provides that the marshal, district attorney, and clerk of the circuit and district courts of Colorado, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for their services receive the fees and compensation allowed to other similar officers and persons performing similar duties by the laws of the United States, excepting such provisions thereof as are specially applicable to some par-ticular officer or district.

Under the fifth section all cases of appeal or writ of error hereto-fore prosecuted and now pending in the Supreme Court of the United States upon any record from the supreme court of the Territory of Colorado, or that may hereafter be lawfully prosecuted from that court, may be heard and determined by the Supreme Court of the United States, and the remand of execution or of further proceedings shall be directed by the Supreme Court of the United States to the circuit or district court of the district of Colorado, or to the supreme court of the State of Colorado, as the nature of the case may require; and each of the last-mentioned courts shall be the successor of the supreme court of Colorado Territory as to all such cases, with full power to proceed with the same and to award mesne or final process

The sixth section provides that from all judgments and decrees of the supreme court of Colorado prior to its admission as a State the parties to such judgments shall have the same right to prosecute appeals and writs of error to the Supreme Court as they shall have had by law prior to the admission of the State into the Union.

The seventh section declares that until the judge for the district of Colorado shall be duly appointed, the district judge of the United States for the district of Nebraska shall act as the district judge of Colorado.

The bill was reported from the Committee on the Judiciary with amendments.

The first amendment of the committee was to insert at the end of section 1 the following

And one grand jury and one petit jury only shall be summoned and serve in both of said courts.

The amendment was agreed to.

The next amendment was in section 6, line 2, before the word "Colorado" to insert the words "the Territory of."

The amendment was agreed to.

Mr. EDMUNDS. I move to fill the blanks on page 2, line 22, the first blank with the word "July" and the second blank with the word "December.

The amendment was agreed to.
Mr. EDMUNDS. I move to amend section 7, line 2, by inserting after the word "appointed" the words "and qualified." I think probably that that is a little improvement.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of the said commissioners, and for other purposes.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House of Representatives had signed the following enrolled bills; which were thereupon signed by the President pro tempore:

A bill (S. No. 360) to establish certain post-routes in the State of

A bill (H. R. No. 194) to remove the political disabilities of Samuel Cooper, jr., of Virginia; and
A joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of the said commissioners, and for other purposes.

### SALARY OF THE PRESIDENT OF THE UNITED STATES.

Mr. WRIGHT. I move that the Senate proceed to the consideration of Senate bill No. 172, fixing the salary of the President of the United

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that from and after

the 4th of March, 1877, the salary of the President of the United States shall be \$25,000 per annum.

Mr. SARGENT. I think it would be ineffable meanness on the part of the American Congress to reduce the salary of the President of the United States below that which is received by the minister of England serving in this city. I do not desire to elaborate that proposition at all. It strikes me very forcibly. I think that on due consideration the salary of the President was raised to \$50,000. I simply desire the yeas and nays on the passage of the bill, and call for them.

The bill was reported to the Senate without amendment, ordered to

be engrossed for a third reading, and read the third time.

The PRESIDENT pro tempore. The question is, "Shall the bill pass?" on which the yeas and nays are demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll

Mr. MITCHELL, (when his name was called.) I am paired with the Senator from Delaware [Mr. SAULSBURY] on all political questions; but not regarding this as a political question, I vote "nay."

The Secretary resumed and concluded the call of the roll; which resulted—yeas 26, nays 20; as follows:

YEAS—Messrs. Allison, Bogy, Christianey, Clayton, Cockrell, Conkling, Dawes, Ferry, Goldthwaite, Hamilton, Harvey, Hitchcock, Kernan, Key, Logan, McCreery, McDonald, Maxey, Morrill of Vermont, Morton, Patterson, Stevenson, Thurman, Wallace, Whyte, and Wright—26.

NAYS—Messrs. Bayard, Boutwell, Cooper, Davis, Dorsey, Frelinghuysen, Hamlin, Howe, Ingalis, Jones of Florida, Jones of Nevada, McMillan, Mitchell, Paddock, Robertson, Sargent, Sharon, Spencer, Windom, and Withers—20.

ABSENT—Messrs. Alcorn, Anthony, Booth, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Caperton, Conover, Cragin, Dennis, Eaton, Edmunds, English, Gordon, Johnston, Kelly, Merrimon, Morrill of Maine, Norwood, Oglesby, Randolph, Ransom, Saulsbury, Sherman, Wadleigh, and West—27.

So the bill was passed.

### THE CALENDAR.

Mr. WRIGHT. I suggest that we proceed with the Calendar of un-

objected cases.

The PRESIDENT pro tempore. If there be no objection the next case on the Calendar in order will be reported.

#### HOLIDAYS IN THE DISTRICT.

The CHIEF CLERK. The next bill on the Calendar is the bill (S. No. 493) to amend section 993 of the Revised Statutes, relating to the District of Columbia.

Mr. BAYARD. Let that go over. The PRESIDENT pro tempore. The bill will be passed over.

### JAMES A. HILE.

The next bill on the Calendar was the bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri; which was considered as in Committee of the Whole. It is a direction to the Secretary of Warto issue to James A. Hile, of Lewis County, Missouri, late a soldier of Company F, Twenty-first Regiment of Missouri Infantry Volunteers, an honorable discharge from the service, and to so amend the records and muster-rolls of the War Department as to show that he is no deserter; and he is to be entitled to all pay and bounty as other soldiers of his rank and arm of service, deducting the time of his absence.

Mr. SARGENT. I have some doubt in reference to the passage of these bills, because I am not entirely sure that the Treasury of the United States is in a condition to bear such drafts upon it. The Senate has determined by the bill it has just passed to reduce the salary of the President of the United States after the 4th of next March from \$50,000 to \$25,000. As a member of the Committee on Appropriations I have been somewhat puzzled to know what to do with the propositions which have come to us from the House of Representatives reducing salaries everywhere and crippling, as I thought, the service of the country generally. But, if the Senate itself takes the initiative in cutting down salaries, cutting them down one-half, the doubt is considerably solved in my own mind, and I think that prudence might induce particular Senators not to be outstripped by the general body

or by the House in the rush to obtain the popular eye.

The salary of the president of France is \$120,000 per annum under a republican government, besides which he receives \$78,000 with which to defray expenses of receptions and public entertainments. That is the salary of republican France. Of course France is a wealthy country. It has a debt larger than ours, but it has an industrious population and considerable resources. We have an industrious population and considerable resources. dustrious population and considerable resources. We have an industrious population and boundless resources. We deliberately cut down the salary of the President of the United States from \$50,000, which is less than a fourth of that paid in France, to \$25,000, an eighth of that amount. The salary of the minister of England to this country, residing here in Washington, is but a little less than \$40,000, besides allowances made to him for other purposes. We propose by the legislation which we have adopted to-day to give the President about one-half the salary he receives. one-half the salary he receives.

The salary of the President of the United States was fixed in the

first year of the Republic, when a dollar was worth eight times what it is at the present day. We put the salary of the President of the United States back to a point where it was at that time, although the salaries of members of Congress have been increased almost by geometrical ratio, and nobody rushes in here in haste to reduce our sala-I know there is a proposition at the other end of the Capitol to

ries. I know there is a proposition at the other end of the Capitol to do it, but not like this, to take off some percentage of it, and not to divide it in two. Why not throw our own offerings on the altar, if the country is so burdened, if salaries are to be cut down?

It has been proposed, and the bill is pending, referred to the Committee on Appropriations, to reduce our minister in England from \$17,500 to \$14,000. It is not so great a reduction as that which we have just made in the salary of the President of the United States. It seems to me that this vote is an instruction to the Committee on Appropriations to report the bill with the reduction the other House has propriations to report the bill with the reduction the other House has

made, or a still larger reduction. So it goes all through the service.

I do not know that we can afford to pass the bill which is now before us, or any of these bills taking money out of the Treasury, or to vote anything except for bare actual necessities. All ideas of generosity of course must be thrown away and discouraged. The country ostry of course must be thrown away and discouraged. The country is so impoverished; we are going so rapidly to ruin, plunging so terribly into bankruptcy, as Senators seem to think, that we are not only ashamed of ourselves, but we are guilty of meanness. I think, Mr. President, that the bill which we have just passed ought to be reconsidered; and if there is any purpose to destroy the public service, let it not originate in this Chamber.

Mr. DAWES. I do not know exactly what latitude of debate is present in this bedry, but after the remarks of the Senator from Col.

mr. DAWES. I do not know exactly what latitude of decate is proper in this body; but after the remarks of the Senator from California, perhaps something ought to follow. It is not to be wondered at that the Senator from California should feel aggrieved at the action of the Senate a few moments since; for I believe he is entitled to the fathership of the measure which raised the President's salary. I had some little participation in the discussion of the measure which, starting as it did with a proposition of the Senator from California to raise the salary of the President of the United States to \$50,000, ended (as I foresaw and predicted at the time to those who suggested that it was possible to single out his salary and raise it to \$50,000 and leave all else as it was) in one grand scheme so sandwiched in be-tween the necessitous appropriations of the Government, and upon a bill providing for carrying on the Government, that the choice con-

strained its passage.

Mr. CHRISTIANCY. If the Senator from Massachusetts will allow me, I wish to ask whether this discussion is in order, no motion being made for the reconsideration of the bill in regard to the President's

Mr. EDMUNDS. Perfectly in order; it illustrates the pending question

Mr. CHRISTIANCY. It has nothing to do with the pending ques tion. In order to render it strictly in order, I will move a reconsideration of the vote on the bill which has just passed relative to the President's salary, having voted for the bill.

The PRESIDENT pro tempore. The Senator from Michigan moves

a reconsideration of the vote on the bill for the reduction of the Pres-

ident's salary.

Mr. WITHERS. I ask whether that motion is in order pending the consideration of another bill?

The PRESIDENT pro tempore. It is not.

Mr. EDMUNDS. The Senator can enter the motion.

The PRESIDENT pro tempore. The motion can be entered, but not considered. The Senator from Massachusetts is entitled to the floor. Mr. DAWES. I do not propose to force myself on the Senate out of order. The only reason I supposed it was in order was, because an older Senator in this body had proceeded to discuss the question; and it occurred to me that it might be in order to follow him.

The movement to which I alluded did result, Mr. President, if I am

notout of order, in just what I predicted, and against which I struggled, and which at that time I felt it my duty to say I would at all times be ready to undo, so far as it could be undone. The consequences of it to those who participated in it I need not allude to. Those consequences, if they had ended with the authors of it, I should not have troubled myself about; but they reached others and produced other results and other effects upon the country very serious in my opinion and from which we have not entirely recovered.

Every attempt to retrace the mistake that we then fell into I think Livery attempt to retrace the mistake that we then fell into I think I have seconded; and now, in a shape the only one that the Constitution permits, and at a time most favorable for that, when it can reflect upon no incumbent, and can be prompted by no consideration invidious to either incumbent or coming occupant of the chair, a measure is presented which enables us to conform to the public judgment, for if the people of the United States have pronounced an unmistakable judgment upon anything in the world they have upon

Mr. EDMUNDS. The President's salary?

Mr. DAWES. Yes, sir. I mean in relation to the President's salary as much as any other part of the act of 1873. They condemned the attempt to increase the salaries of officials at so long a period after the war, after the necessary increase of expenses had reached its maximum and was on the decline, when the country was burdened with taxation, and the effort was to cut down expenditures in every quarter that would justify it, and the anxiety to do it had led to legislation in some quarters that impaired the efficiency of the service. At such a time to originate or now to resist any attempt to go back to that compensation for public officials which had continued up to a time when the expenses of maintaining one's self in these official positions

had begun to lessen, and there was no prospect of their increase, it hardly becomes any one to say is "mean."

Certainly I think it is necessary, if we go into any reduction of public expenditures, that we should carry along with it, as far as it can be, consistently with efficiency to the public service, a reduction of compensation as well and in my conjuic that is an evil day to the of compensation as well, and in my opinion that is an evil day to the Republic when men seek places of honor that should be places of honor and of trust in this nation for the compensation. A compensation one dollar beyond that which will defray expenditures is a compensation which is an invitation to seek the place for the money that can be made therein, and its effect upon the public service itself that can be made therein, and its effect upon the public service itself is anything but beneficial. The highest compensations are not followed with the greatest purity in the public service, and never will be in a country like this, and it does not commend resistance to the bill which has just passed, to my mind, that the president of the French republic gets a great deal more than \$50,000 a year for his services. The Prince of Wales has a revenue granted him out of the poor operatives of England, starving to-day, that it is not worth while to bring up here as an example of purity in official position.

Sir, I regret that there should be the slightest opposition to retracting, as far as the Constitution itself will permit, every step taken in

ing, as far as the Constitution itself will permit, every step taken in that most unfortunate and unwise and pernicious measure, out of which there is left, I believe, only this single instance that can be reached by legislation, and I think that the country itself, had we failed to pass the bill just acted on, would have held this body responsible for an attempt to throw itself across the public judgment in

Mr. SARGENT. Mr. President, the long experience of the Senator from Massachusetts has enabled him to see better than I have the previous instances where salaries of members of Congress have been increased after the session had begun, and has participated in that increase. He knows that the manner in which the bill was passed the last time was not unusual. I have sent for the record of that debate; however, it is a matter of no consequence; but I should like to show that, so far as the increase of the compensation of members of Congress is concerned, I denounced it severely on the floor of the House, especially the retroactive feature. I never voted for it except at the last moment when it was necessary to save a \$20,000,000 or

\$30,000,000 appropriation bill on which I had labored with others in the committee assiduously for over a month. That is my record on that proposition. But on this single one, which I brought in as a separate measure, to put the salary of the President of the United States at something proportioned to the importance and expensiveness of the office, I made my proposition clearly and distinctly understood that I designed it to stand alone by itself, and I thought it was exceptional, or that if there was any exception at all perhaps it would be the salaries of the Cabinet ministers, which I thought were rather low.

I do not know that I care to prolong this debate. When it is more strictly in order on a motion to reconsider I may perhaps desire to be

further heard.

Mr. EDMUNDS. I merely wish to say now, Mr. President, without going into any discussion of this matter, that, if I had been present going into any discussion of this matter, that, if I had been present when the bill of the Senator from Iowa [Mr. WRIGHT] was voted upon, I should have voted against its passage. I left the Chamber on a matter of business and imagined the debate would go on for some time. When I came back I found that the bill had passed. I do not think that the people of this country so far as I know them have ever found any fault with that part of what was called the "salary-grab bill" which increased the salary of the President of the United States. There was not any particular "grab" about that that they saw. The "grab" that it was styled was found in the votes of those Senators and members of Congress who had been set aside by their constituand members of Congress who had been set aside by their constitu-encies, who took that means (with the best motives no doubt) to replen-ish their pockets before they left Washington for the last time. That was what the people thought was "a little tough," as the saying is, and was what led us at the earliest moment to endeavor to correct that wrong. Of course we could not get the money back, but we could show our indignation at the performance in the way we did. Sir, the people of the United States are not a mean people. They

do not wish that the President of this great nation should live as they live, and we all live when we are at home and when we are here, the most of us, too, in the most slender way; buy a piece of beef to-day and make it last in the form of cold meat to-morrow, and forage the and make it last in the form of cold meat to-morrow, and forage the next day, and soup the third, and so on, in order to get on in the best way we can. They do not desire that. The Presidency of this nation is a very great office. The people are all interested in it; they are interested in its dignity, if I am not offensive in using the word "dignity" as applied now-a-days to any office that is held in this nation; they are interested that it shall be kept up in that style and honorable condition that belong to so high an office. They are interested that the President of the United States, being bound to inform himself upon all affairs, foreign and domestic, should be able to see at his self upon all affairs, foreign and domestic, should be able to see at his official residence the representatives of foreign powers, citizens of foreign states, distinguished citizens of our own country, under circumstances which enable him to acquaint himself with the condition of the affairs of mankind. They know enough to know that that cannot be done without the expenditure of large sums of money in respect of keeping up a household and dispensing hospitality; and, therefore, I do not think that the people of this country, the tax-payers, the operatives even, would wish to make the salary of the President a dollar less than is fairly adequate for the expenses of the kind

So then, without going into any discussion of the subject, I wish to say that, had I been present at the moment, I should have voted against the passage of the bill, and should have taken whatever fate befell me at home for doing so.

befell me at home for doing so.

Mr. CONKLING. Mr. President, the bill touching the salary of the President of the United States is not, I believe, before the Senate.

The PRESIDENT pro tempore. It is not.

Mr. CONKLING. Nevertheless, as some Senators have indulged in the privilege of saying a word in regard to it, I wish to participate in the privilege, my chief wish being to disclaim all credit for sharing in several sentiments which I hear expressed by other Senators.

I voted for the bill to repeal the act which increased the salary of the President. Of course I voted in effect to reduce that salary after

the President. Of course I voted in effect to reduce that salary after the earliest day when we have power to do it, to leave it, after that day, one-half the sum at which it now stands. I wish to say, first in reference to some observations which fell from the honorable Senator from California, that I did not mean by that vote to express my opinion as an original question upon the size of the salary, upon the sum which that salary should be. On the other hand, I did not intend to express all the opinions which I have heard intimated touching the legislation which this act intended to undo, but I did mean a very simple thing which I can frankly state.

Had the vote put to the Senate on this bill been a mere opportunity

to enter into a competition with those who are striving to exhibit an excessive anxiety about what is popularly known as economy, the question would have been quite different from the one which addressed itself to me. I voted originally against the increase. I voted against the great appropriation bill in which the increase was an item. I so voted in the presence of not only the probability but the certainty that the defeat of that appropriation bill would necessitate an extra session of Congress. And all that I felt bound to do because I believed that untimely, unwise, and improper was the raising of salaries which took place in that bill. It was against my judgment at that time as my vote attested. Now, when a bill is introduced the purpose of which is to undo what was then done, to put in statu quo, as far as has not already been done by previous legislation, the whole matter, I feel bound to vote in accordance with my vote and my judg-

matter, I feel bound to vote in accordance with my vote and my judgment then and my judgment now.

I say this, Mr. President, as I began by remarking, first to disavow the intention of expressing any original judgment as to what as an original question it would be right to affix as a salary to the presidential office. I do it also to disclaim sympathy with many things which have been said touching that legislation. Ineverfelt it a part of my duty to challenge the motives of those who differed with me in judgment. I always thought that I discharged my duty sufficiently when I voted as I believed, which belief was adverse to that legislation. I never felt bound to go through the ceremony of returnlegislation. I never felt bound to go through the ceremony of returning my money, as it was called, to the Treasury, or to write letters in regard to it. I always conceived that any man who thought he ought not to receive the extra compensation discharged his duty sufficiently by holding his peace, by letting the money alone, and by leaving it to be covered into the Treasury, as it was covered into the Treasury by operation of law. It seems to me by parity of reasoning that it is enough for me, without questioning the judgment or the motives of others, to vote, as I think consistency and conviction require, to put back the remainder of this increase of salary where it quire, to put back the remainder of this increase of salary where it was, and then when by separate legislation at any time which seems to me a proper time, should I have a vote on this subject, I will address myself to the question what is right under the circumstances as an original matter, and what should be the measure of the presidential salary and of every other salary. But because of the manner and the time in which this occurred, it seemed to me it ought not be done, and it seems to me now proper for me, without going to other questions, to vote to undo what then was done.

Mr. HOWE. Mr. President, as this seems to be a sort of free-inquiry meeting, in which we are all at liberty to relate our experiences, I want to say a word about mine.

I voted against the bill to reduce the salary of the President of the United States from \$50,000 to \$25,000 for the simple reason that I thought \$25,000 was too small a sum to pay a President of the United thought \$25,000 was too small a sum to pay a President of the United States, and I did not think \$50,000 was too large a sum to pay him. I think with the Senator from Vermont that the people of the United States are not a mean people. I have been told that when they were very few, and in comparison with the present day very poor, they thought they could afford to pay the President of the United States \$25,000 per annum. We now number more than forty millions—a great deal of ability to pay salaries. I take it that our fathers never concluded to pay \$25,000 upon the theory that that was only a fair compensation for the services of the President. They meant to cover something more than his services. It was more than an adequate compensation —much more than an adequate compensation for the labors of the best men the Republic bred at that time, and it bred as good men at best men the Republic bred at that time, and it bred as good men at best men the kepublic bred at that time, and it bred as good men at that time as it does at this time and no better. It was too much, however, to pay for the services of any one man. They meant it to cover something more. That was suggested by the fact that they furnished him a house, a very large house to live in, a house adequate to the accommodation of a good deal more than himself and his own family. It was expected that he would accommodate more; that he would accommodate more; that he would entertain; that in the name of the people of the United States he would administer something like hospitality, and they did not intend that it should be a niggardly and stingy kind of hospitality, and indeed it never has been.

I think every Senator about me knows that the time has now come when a liberal and generous hospitality cannot be administered here in the city of Washington for \$25,000 a year. What it does cost I do not know from any personal experience. My experience does not go so far as that; but I take it there are a number of Senators on this floor who can testify upon that point, and give very conclusive testimony. This is the fact to which I wish to call the attention of the Senate, that when we were poor and few, we thought we could afford \$25,000 to keep up the house of the President of the United States. Now is the record to be made that when we number more than forty millions and are as rich as we are to-day—I speak of the nation and not of individuals—we can afford no more? If that is so, I do think the public conclusion will be that, in whatever other graces the peo-

the public conclusion will be that, in whatever other graces the people of the United States may have grown within the last seventy-five years, they have not grown in that becoming grace of generosity.

Mr. COCKRELL. Mr. President, I regret exceedingly to have heard the remarks which fell from the lips of the distinguished Senator from California, that because we would not allow the President of the United States to receive a salary of \$50,000 a year, therefore a maimed and blind soldier of the war who is now poverty-stricken

a maimed and blind soldier of the war who is now poverty-stricken and unable to obtain the necessaries of life by physical labor, shall be deprived of what is justly due to him.

Mr. SARGENT. Will the Senator allow me a moment?

Mr. COCKRELL. Certainly.

Mr. SARGENT. Of course the Senator understood that I was not discussing the merits of this bill. It was simply a frame on which to hang remarks on another subject. I hardly knew the title of the bill.

Mr. COCKRELL. I am glad to know that the distinguished Senator was not discussing the merits of the bill, for I regretted to hear such expressions or that he should use language capable of being interpreted in that way. I hope that this bill will pass; and when this bill has passed the salary bill can be discussed to the satisfaction

and contentment of all the Senators. For one I voted "yea." I beand contentment of all the Senators. For one I voted "yea." I believe that \$25,000 is an ample salary for any honest and competent man to fill that high position with honor and credit and dignity to himself and to all the people of this great country.

The PRESIDENT pro tempore. The bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri, is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered

to a third reading, read the third time, and passed.

#### MARK W. DELAHAY.

Mr. INGALLS. With the consent of the chairman of the Committee on Claims, I move that the bill (S. No. 74) for the relief of Mark W. Delahay, now on the Calendar with an adverse report, be recommitted to the Committee on Claims with additional evidence.

Mr. WRIGHT. I desire to say with reference to that, that additional evidence has come into the possession of the committee, and there is no objection to the recommittal of the bill.

The motion was agreed to.

### EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the considera-

tion of executive business

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After fifty-two minutes spent in executive session the doors were re-opened, and (at three o'clock and thirty minutes p. m.) the Senate adjourned.

### HOUSE OF REPRESENTATIVES.

## TUESDAY, March 14, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. L. TOWNSEND.

The Journal of yesterday was read, corrected, and approved.

### ADMISSION OF NEW MEXICO.

Mr. FORT. I ask unanimous consent that the bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government, and for the admission of the said State into the Union on an equal footing with the original States, be taken from the Speaker's table and referred to the Committee on the Territories.

Mr. ATKINS. I object.

Mr. FORT. I merely want it referred.

Mr. ATKINS. I object.

## PENSION-APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported back the bill (H. R. No. 811) making appropriation for the payment of in-valid and other pensions of the United States for the year ending June 30, 1877, with the amendments of the Senate thereto, and moved

that said amendments be concurred in.

Mr. ATKINS. The original bill itemized the fund appropriated somewhat, but the Senate concluded to put the appropriation for invalid pensions and for widows and children of invalid pensioners all together. The Committee on Appropriations think it quite right and

proper to concur in that amendment.

Mr. FORT. Is that report in order?

Mr. RANDALL. It makes a final disposition of the pension-appropriation bill and will take but a moment.

Mr. WILSON, of Iowa. I make the point of order that these amendments must have their first consideration in Committee of the Whole on the state of the Union.

The SPEAKER. The Chair will sustain that point of order if it

be pressed.

Mr. BURCHARD, of Illinois. I ask that the amendments be read. The Clerk read the amendments, as follows:

Page 1. In line 6 strike out the words "\$12.800,000."
In lines 7 and 8 strike out the words "\$14,100,000," and insert "and."
In lines 9 and 10 strike out the words "one million five," and insert "twenty-eight million four."
In line 11 strike out the word "authorized" and insert "recommended."
In line 12 after the word "pensions" insert "and approved by the Secretary of the Interior."

In line 12 arter the word peace.

The Interior."

In line 2 strike out all after the word "the" where it occurs the second time in line 1 down to and including "seventy-four" in line 3, and insert "Surgeon-General of the Army and in accordance with existing laws."

Page 2. In lines 4 and 5 strike out "\$190,000" and insert "and."

In lines 5 and 6 strike out "three hundred and thirty-five" and insert "five hundred and twenty-five."

dred and twenty-five."
In line 11 strike out "authorized" and insert "recommended."
In line 12 after "pensions" insert "and approved by the Secretary of the Inte-In line 15 strike out "Surgeon-General's Office" and insert "Surgeon-General of

The question was taken on concurring in the amendments of the

Senate; and they were concurred in-ayes 94, noes not counted. Mr. ATKINS moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### VENTILATION OF THE HALL.

Mr. KASSON. In view of the increasing illness among members of the House and the extraordinary bad ventilation which we experience this morning, I offer the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be instructed to examine into the cause of the bad ventilation of this House, and be authorized to direct such improvements therein as they may find necessary and expedient to increase the healthfulness of the atmosphere.

There are other gentlemen who are perhaps more sensitive than myself on this subject, and I hope that if they have anything to say they will state it to the House.

Mr. KELLEY. Mr. Speaker, I ask the indulgence of the House for a moment on this subject, and I thank the gentleman from Iowa for a moment on this subject, and I thank the gentleman from lowa for having introduced the resolution he has done. My object in coming to the House this morning was to ask the privilege which seems to be accorded to me, to bring to the attention of members what I regard—I think I may use the term with propriety—as the murderous system of ventilation now in practice in this House. It is a close box. If gentlemen will east their eyes around they will see that there is no escape except when a door is casually opened in the galleries above. Air is forced into the Hall in a way eminently injurious to health and Air is forced into the Hall in a way eminently injurious to health and life; currents of air, now hot and now cold, are brought in at the back of each member by artificial power. When I lay my hand at the rear of the seat of my neighbor here a draught of cold air assails me. I have been taught through my whole life that a draught of cold air is an enemy to be faced; that, whether riding or resting, I should turn my breast and not my spine to that enemy, so often fatal.

My experience in this Hall within a week has brought me twice

to a very full realization of my mortality. And on last Thursday, for a few minutes, I sat feeling, as the warm blood gurgled in my throat and came from me in volume, that at last I confronted the dread summoner. I attribute it to what I have already called "the murder-ous ventilation" of this Hall. Having in the early part of the week suffered a slight hemorrhage, on Thursday last I took my seat again in this Hall. In a little while I felt that a chill was creeping over my whole system, assailing first the spine. I discovered, but not until too late, that a draught of cold air was being blown with a terrible force upon my back from here, [pointing behind his chair,] as it may be blown at any moment on the back of any member of this House. I have since learned that by turns we each experienced draughts of

hot and cold air thus blown upon our spines each day.

While at home I heard of the probable fatal illness of my colleague, With at nome I heard of the probable latar limess of my conteague, Hon. WINTHROP W. KETCHUM, who, though he has quivered for a day or two between life and death, with death seeming imminent, I am happy to say is slightly improved to-day. I hear that Mr. WILSON, of West Virginia, is detained in his room, and hanging in even balance between life and death, from the same cause. I have been told that no less than thirteen members of this House were detained from it by illness which wight he nearly associable to the tained from it by illness, which might be partly ascribable to the general atmosphere of this Hall, and to the fact that while under its baleful influence their backs are daily bathed with active streams of

This, at least, may be stopped for the present. The doors above, in the galleries, may be thrown open. If no mechanism can keep them open, let them be taken from their hinges, that there may be some possibility of a change of air in the Hall without this fatal process. I regard it as fatal, not only from my observations in this Hall, but because science has once before in my public official career pre-

scribed the same fatal remedy.

For some years I was judge of one of the most important courts of Philadelphia. The court-rooms were badly ventilated, and a man of Philadelphia. The court-rooms were badly ventilated, and a man or reputed science was employed to improve the ventilation. He cut an aperture in the floor of the room, in the ceiling of the cellar, and put in what he called a ventilating apparatus, for blowing into the court-room the air of the cellar, or that which came into the open windows of the cellar. The cold air was projected at the feet of the jurors, at the end of the jury-box. Before the first session of the court had ended, three jurors had suddenly died; and medical science declared that they had been murdered by scientific ventilation, from sitting in a heated room with bad atmosphere, and having a current of cold in a heated room with bad atmosphere, and having a current of cold air thrown upon their feet at intervals during the day, and especially while the brain was actively employed and under unusual excitement.

I therefore hope the resolution of the gentleman from Iowa [Mr. Kasson] will be adopted; and that meanwhile the engineer will be

prohibited from prostrating any more members with pneumonia, or other affections of the kind, by fanning the spinal columns of members of this House with cold air during its session.

Mr. HARRISON. Probably it may be well to explain that there is now a subcommittee of the Committee on Public Buildings and Changle who have this matter in charge. now a subcommittee of the Committee on Public Buildings and Grounds who have this matter in charge. The ventilation of this Hall is certainly defective. I myself spent several hours a few days since, on Saturday last, going through the space that is between the roof of this Hall and the sky-lights above. There are perforations all around the ceiling of this Hall to permit the escape of the atmosphere of the room, to carry it above, where by an exhaust immediately above the Synchronic in several interface and in the transition. ately above the Speaker it is carried into a flue, and in that way the purpose is to purify this room. I took the pains to carry a lighted cigar along so as to test the motions of the atmosphere. It was not scientific, but I found it exceedingly—

scientific, but I found it exceed Mr. GARFIELD. Agreeable.

Mr. HARRISON. Both agreeable and satisfactory. I found that from this half of the Hall [indicating the north side of the Hall] the atmosphere rises up, goes through these perforations and into the exhaust. On the south side of the Hall, instead of the atmosphere rising up and going off through the exhaust it ascends to the ceiling, becomes cold and impure and falls back into the Hall. So far from the perforations on that side, [indicating the south side of the Hall,] about one-third of this Hall, carrying off the impurities of the room, the impure atmosphere falls back into the room more deadly than

when it arose to the ceiling.
You may open the doors leading from the Hall. Instead of the atmosphere that is pressed in here by the fan being forced into the Hall, it is drawn into the Hall and creates draughts. The whole system is apparently defective. We have now before us several scientists, one of whom has given the matter his attention for the last fifteen years, and proposes to submit to us a written statement of the defect of the present system of ventilation and a proposition for a remedy. Something must be done and done immediately; and my own belief is that it should be done even if the cost is very large, and if the necessary improvement should involve a radical change

in the arrangements of the Hall.

The ventilation now is utterly defective. But I think I can state that in a few days something will come of the deliberations of the subcommittee of the Committee on Public Buildings and Grounds. Mr. SAYLER. I only desire to call the attention of gentlemen of

Mr. SAYLER. I only desire to call the attention of gentlemen of that committee and of the House to the fact that two or three years ago, I do not remember precisely when, the Senate effected an improvement in the ventilation of their Hall. They did it by a very simple process. It consisted largely in increasing the size of the apertures in the upper portion of the building, and by providing a means of heating and driving out the air which, being condensed by coming in contact with the cold air above, as the gentleman from Illinois [Mr. Harrison] has suggested, falls back into the Hall. The process was simple, and the cost very little. process was simple, and the cost very little.

I have no great opinion of scientific ventilation. I agree very largely with the gentleman from Pennsylvania [Mr. Kelley] upon that question. But it seems to me that if the simple process adopted by the Senate, which is giving that body a comparatively pure atmosphere, were adopted in this House it would accomplish the purpose desired and would cost very little mouey.

Mr. HARRISON. The opinion of persons who have examined this

room is that the impurities do not come into this room from without, but are wholly generated in the House from the presence of members and of the large body of the public who come here daily to listen to our deliberations. I would also suggest that we need something more than is required in the Senate, where the mass of persons in attendance is so much less than in this Hall.

Mr. SAYLER. I understand from very good authority that we have been in the habit, within the last two or three years, of having the combined fumes of the kitchen down stairs, now occupied by Mr.

Freund, pumped into the atmosphere of this Hall.
Mr. HARRISON. That is not the fact at all.
Mr. SAYLER. It was last year.

Mr. BANKS. Mr. Speaker, as I heard the resolution read, it seems to give absolute power to the committee to do whatever they please, without consulting anybody and without responsibility to anybody. There can be, of course, no objection to acting upon this subject now; indeed, it is our duty to do it. But the committee, whatever their conclusions may be, ought to be required to report to the House what they propose, and should have liberty to report at any moment. I hope the gentleman from Iowa [Mr. Kasson] will modify his resolu-

tion in that respect.

Mr. Speaker, the difficulty in the ventilation of this Hall is that there never comes into it one particle of natural light or air. system of ventilation here is simply science against nature. We can never have a good atmosphere until there shall be made a change so radical as to bring this Chamber itself into direct communication with the air and the light of nature. I have no further suggestions to make; but I hope that whatever measures may be agreed on by the committee—and I agree that some measures ought to be taken at once—will be submitted to the House before final adoption, so that

we may have an opportunity to consider their efficacy.

Mr. KASSON. I shall be very glad to modify in any particular to meet the wishes of the House the mere form of the resolution. The power which it proposes to confer upon the committee relates only to the immediate direction that might be given in regard to existing arrangements, such as the opening of these upper doors all night so as to give as free a circulation of air as possible, or the removing of accumulations of filth under our desks, near where the currents of air come in, or the removal of alleged impurities in the pipes through which the air is conducted into the House. This class of directions, I contemplated in my resolution, the committee should have authority to carry into effect at once.

Touching any radical change in the system of ventilation, I agree entirely with the gentleman from Massachusetts [Mr. Banks] that the matter should be, and I have no doubt would be, first reported to the House. If the resolution is susceptible of any other construction I agree that it ought to be modified; but with this explanation of its meaning I suppose it may safely be adopted; for there is no doubt the committee will confine themselves to the regulation of details for

the purpose of temporary improvement under the existing system. Any more permanent improvement, involving a change in the present system, would of course require the action of the House. If, however, it be thought important to change the form of the resolution, let it be done. I ask only that immediate means be taken for temporary relief at least, and that more deliberate measures be taken for permanent relief, in order to save what there is left of health among members on this floor.

Mr. WHITE. I do not think this question can be settled here in this House. For three weeks I have attempted to get the floor on Monday to speak of this very question. I have utterly failed; I failed resterday. I am glad this morning to be able to say just a word in regard to this matter. Before doing so, I ask the Clerk to read a part of an article that appeared in the New York Tribune some weeks ago in relation to this subject.

The Clerk read as follows:

of an article that appeared in the New York Tribune some weeks ago in relation to this subject.

The Clerk read as follows:

The method of heating the Capitol may be briefly described: In the subbasement of the House wing are placed engines which drive immense fun-wheels. These draw in pure air from out doors and force it over coils of pipe heated by steam, and by this means its temperature is properly raised. Thence the air is forced into the Chamber, lobbies, and committee-rooms, while by means of an exhaust fan an attempt is made to remove the foul air through openings in the top of the Chamber. Of the steam coils mentioned, there are twenty-six or twenty-seven, each of which is placed in the brick inclosure, and the most of these are in separate rooms or vanits. Each of these inclosures has from three to five east-iron doors, which, when opened, allow free communication between the air in the room or vault in which it is situ ated and that passing over the steam-coils. These doors are all supposed to be kept closed, in order to prevent any dead air in the vault from passing in and mixing with that supposed to be pure which is passing over the coils. A recent examination of these doors showed that fifty-one of them were so warped or sprung by the heat as to make them far from air-tight. The apertures caused by these imperfections in width vary from the thickness of a sheet of paper to half an inch. The vaults in which these inclosures are situated have been used as store-rooms, in which all sorts of rubbish have been deposited. One of them was a kind of paint-shop, in which turpentine, oils, paint, &c., were stored. In another, several coils of old rubber hose, very moldy and fillity, had been deposited, besides several barriels containing tallow and other similar articles. The temperature in these rooms averages from ninety-five to one hundred and fifty degrees, and, of course, the stending from this rubbish was in some cases very offensive. The gases generated from it passed through openings left by the im

Mr. WHITE. Mr. Speaker, I sit in the rear of the Hall, and in respect to this matter of ventilation I labor under double disadvantage, though members similarly situated have doubtless noticed the inconvenience as much as myself. In addition to the current of cold air coming in at the rear of our seats, it will be seen from the article which has been read that we have poisonous fumes pumped up to us

which has been read that we have poisonous fumes pumped up to us from below. This is a lamentable fact.

In connection with other gentlemen I had the pleasure, or displeasure, of going down into the subbasement and there seeing what is brought up into this room for us to breathe. That kitchen is a perfect stench-hole. I do not refer to the lunch-room, for I am as much in favor of a lunch-room for this House as any other member upon this floor; but when the House is asked to have a great national hotel in the Capitol, I for one protest when I am to suffer from the inconvenience. The stench of the slops in this kitchen, the poisonous fumes from the sinks connected with it, are all pumped up into this House for us to breathe. If members will take it upon themselves for half an hour to go down and see what we have brought up for for half an hour to go down and see what we have brought up for our health, or ill-health, they will not hesitate a moment to apply the remedy. They will not hesitate, I think, to wipe out that kitchen in the subbasement; to wipe out all of those rooms; have the whole place cleaned out and whitewashed, so that the engineer may be able

to pump up pure air for us to breathe.

It is true that the ventilation is bad, and it may not be possible for us to provide the remedy at once, but we can at once remove all these foul poisonous holes in the subbasement, so as to provide for a better supply of air or to prevent the air that we have from being vitiated. I for one will make that motion, and if the House shall see fit and vote it down I will suffer on to the end like the other members.

The SPEAKER. Does the gentleman from Iowa yield for an amend-

Mr. KASSON. I could not hear what it was.

Mr. WHITE. I will send it to the Clerk's desk to be read. The
gentleman may object to it if he likes, but the number of members who are sick demands something should be done at once to preserve our lives from this foul air. We suffer as much on this side as they do on the other side, so that we are all interested in applying the remedy

The Clerk read as follows:

Resolved. That hereafter whenever any member is asking a question—

[Shouts of laughter.]

Mr. WHITE. I beg pardon, that is not the resolution.
Mr. CONGER. I think there is no objection to having that read, through. [Laughter.]

Mr. WHITE. That is not the resolution; read the other one.

The Clerk read as follows:

Resolved, That the Clerk of this House is hereby authorized and directed to cause to be removed from the subbasement of the House of Representatives the kitchen and all substances which emit foul gases; and he is instructed to purify the chambers and recesses of the subbasement and improve the system of ventilating this Hall: Provided, That this resolution shall not be construed so as to prohibit the keeping of a lunch-room on the basement floor.

Mr. KASSON. I can hardly agree, and I think the House can hardly agree, to so radical a proposition; but let it be referred to the committee for consideration. I yield now for a moment, not-desiring to detain the House, to a member from the Committee on Public Buildings and Grounds, who has been examining the subject; and then, if the House is so disposed, I will call for a vote on the resolution. Mr. YOUNG. I think a brief statement as chairman of the sub-

committee to which this subject was referred may save "the time of the House and avoid a good deal of unnecessary discussion. It may possibly have escaped the recollection of the House that some days ago a resolution was referred to the Committee on Public Buildings and Grounds to devise proper measure for thorough ventilation of this Hall. That resolution was referred to a subcommittee which has had the matter under investigation for a number of days. We have had the atmosphere of the Hall analyzed by an expert. The Surgeon-General of the Army has made a thorough examination of the Hall and of the passages below and a number of other gentlemen have been called to aid the committee in the investigation and have made their reports. The subcommittee are preparing their report now, based upon information they have derived from all these gentlemen who have made this examination. That report will be submitted to the House for their consideration within a day or two, and I suggest further action on this matter be postponed until that report shall be received, and then the House can go on and adopt such course as may be deemed proper under the circumstances. I therefore move, if I have the floor, that the resolution be laid upon the table or that it be referred to the Committee on Public Buildings and Grounds

Mr. KASSON. I have not yielded the floor for a motion, but only to hear what the gentleman had to say; and, as I see the gentleman from Texas is upon his feet, if he desires to say anything I will yield the floor to him.

Mr. REAGAN. I trust that the subcommittee referred to by the gentleman from Tennessee will take steps to stop the draught of cold air coming in under our feet.

Mr. YOUNG. The subcommittee have been examining that sub-

Mr. KELLEY. I suggest, as a temporary expedient, the opening of some of the doors in the galleries—not of the diplomatic gallery or the reporters' gallery—but that the doors of some of the other galleries be opened. As I understand, the poison in the atmosphere drops toward the floor, and we here upon the floor take in the poison generated throughout the Hall. If a draught could be created above our heads—I do not ask that it be arranged permanently, but only to try the experiment for a day or two, or for a few hours-it might

give us temporary relief.

Mr. KASSON. In answer to what the gentleman from the Committee on Public Buildings and Grounds has said, I do not see there is any reason for his declining to act under a resolution which merely gives that whole committee the power to provide for our immediate relief.

I hope the committee will not decline a duty which I think ought I hope the committee will not decline a duty which I think ought to be imposed on somebody, but will direct some immediate relief, such as the gentleman from Pennsylvania [Mr. Kelley] suggests or such as the gentleman from Texas [Mr. Reagan] suggests, and will then take all the time they want for the correction of the system of ventilation generally. That is the only object of this resolution, and I think there can be no objection to it. I hope it may be adopted, and that before we leave the Hall to-day the committee may direct the Doorkeeper in some of the particulars which have been alluded to.

Mr. YOUNG. I was not in the Hall when the resolution of the gen-

the Doorkeeper in some of the particulars which have been alluded to.
Mr. YOUNG. I was not in the Hall when the resolution of the gentleman from Iowa was read, and have not a clear idea what it is. I would be glad to have it reported again.
The resolution was again read.
Mr. YOUNG. That resolution is expressed in almost the precise terms of the resolution already before the Committee on Public Buildings and Grounds. I have no objection, however, to this resolution

being adopted. And I will say to the gentleman from Iowa that the committee will probably report to-morrow morning the result of their investigation.

Mr. KASSON. I shall be very glad if they do so; but I hope that if the other resolution had no effect in getting temporary relief this As I suppose no one wishes further debate, I ask the previous

The previous question was seconded and the main question ordered, and under the operation thereof Mr. Kasson's resolution was adopted.

### OFFICE OF INDIAN AFFAIRS.

Mr. SPARKS. I am instructed by the majority of the Committee on Indian Affairs to ask unanimous consent of the House at this time to report, as a substitute for sundry bills referred to that committee, a bill to transfer the office of Indian Affairs from the Interior Department to the War Department, and to ask that the bill, with the report and testimony, be printed, referred to the Committee of the Whole on the state of the Union, and made a special order for Saturday next

after the morning hour.

The bill (H. R. No. 2677) was read a first and second time.

Mr. HOLMAN. I hope the gentleman from Illinois will make an exception in favor of bills from the Appropriation Committee. It is desirable that other special orders should not interfere with the pending

ing appropriation bill.

Mr. HANCOCK. I believe there has been a bill on the same subject reported from the Committee on Military Affairs. I would suggest whether it would not be better to set this bill down for hearing at the same time as the other bill has been set down for hearing, that they may be considered together. It has been suggested that there is a question of jurisdiction as between two committees. If both bills are brought before the House for consideration at the same time, that question will cease to be of any material importance. know the day fixed for the consideration of the bill from the Military Committee, but I hope the gentleman from Illinois [Mr. Sparks] will agree that this shall be considered at the same time.

Mr. SPARKS. Let this be fixed for consideration on Saturday

week, and the other can be considered with it.

Mr. RANDALL. I think the other bill was made a special order for Thursday week.

Mr. COOK. Two weeks from Thursday.

Mr. HANCOCK. I move that the consideration of this bill be fixed.

for the same day to which the bill reported by the Committee on Military Affairs has been assigned.

The SPEAKER. Does the gentleman from Illinois accept the prop-

osition?

Mr. SPARKS. I would prefer to have the bill considered at an earlier day. It strikes me that it is important that it should be considered very early. I see that the report of a bill on this subject was made yesterday from the Committee on Indian Affairs. I read from the Record. I presume what is meant is the Committee on Military Affairs. The Committee on Indian Affairs have been acting during the whole session upon this subject, and have carefully taken testimony upon it, in which both sides have been represented, those favoring the transfer and those opposing it. This mass of testimony which I report presents the case. A report was made yesterday from the Committee on Military Affairs. It seems to me that the Committee on Indian Affairs ought certainly to have the charge of this matter, and they have reported by a majority in favor of making this transfer by a substitute which I suppose would not be objectionable to the gentle-men who favor the transfer. I would like to have the consideration of it set for an earlier day than next Thursday two weeks. There are other members of the committee who may perhaps desire to say something on the subject; for my own part, I do not like to consent to the proposition of the gentleman from Texas.

Mr. CONGER. I do not understand what is the day proposed for

the consideration of this subject.

The SPEAKER. Several days have been proposed.

Mr. RANDALL. I would suggest that this bill from the Committee on Indian Affairs be considered at the same time with the one from the Committee on Military Affairs. This will avoid any danger of

confusion by a dispute as to where the jurisdiction belongs.

Mr. SPARKS. That is Thursday two weeks, which is too far on.

Mr. RANDALL. I think it was Thursday of next week. Let the Clerk refer to the Journal.

Mr. SPARKS. I read from the RECORD, which states that the bill was made a special order for two weeks from Thursday next.

Mr. PAGE. There appears to be a question of jurisdiction as to which committee shall have control of this bill. The Committee on Indian Affairs, to whom was referred the subject of the transfer of the Indians from the Interior to the War Department, have had this matter under consideration for the last two months or more. A subcommittee of that committee have been taking testimony, which is very voluminous, and I think it but fair that the House should now determine which committee of the House should have jurisdiction over the transfer of the Indians from the Interior to the War Depart-

Mr. RANDALL. That is what we want to avoid by arranging that the two bills shall come up together; that there may be no favoritism or distinction made between the two committees.

Each of these committees has sought to obtain a great deal of in-

formation, which varies somewhat, but in the aggregate is very es-

sential to the proper understanding of the subject.

Mr. PAGE. I would like to ask the gentleman from Pennsylvania to whom the floor would be awarded on Thursday, the day the special order comes up? It seems to me there would be a conflict between two committees, and as this is a question of jurisdiction it seems to me that the House should determine this morning on the jurisdiction of the two committees

Mr. BANNING. I think there is no trouble as to the jurisdiction in this case. The Committee on Military Affairs have had this bill under consideration, and have taken a great deal of testimony which is

now in the hands of the printer.

Mr. SPARKS. The Committee on Military Affairs have not had under consideration the bill which the Committee on Indian Affairs

had under consideration.

Mr. BANNING. I was about to say, Mr. Speaker, that the Committee on Military Affairs have had under consideration a bill to transfer the Indian Bureau from the Interior Department to the War Department. They have taken a great deal of testimony which is now in the hands of the printer, being printed for the information of the House

As to the question of jurisdiction, I think there will be no difficulty. I know there is no member of the Military Committee who has any other wish in this matter than that the best interests of the Indians and the country shall be reached, and that this bill shall become a law at the earliest possible day.

Mr. SCALES. Was it not agreed on a conference between the two committees that the bills should be presented together?

Mr. BANNING. No, sir; we agreed to consider the bills in the House together. I told the gentleman that I was willing that the

bill which his committee would report should be considered on the same day with the bill reported by the Military Committee.

However I have only one word to say upon that matter, and it is that, if the House sees fit to consider the bill reported by the Committee on Indian Affairs at an earlier day than the bill reported by the Committee on Military Affairs and adopt it, it shall receive my hearty approval, and will receive the approval, I believe, of the Com-

mittee on Military Affairs.

It seems to me only right that the House, in considering these two bills, should have before it all the information and testimony that have been gathered by both committees, so that it may be fully informed on this subject. The Committee on Military Affairs reported the bill first more than two weeks ago, that report having been lost. The committee reported again yesterday, and fixed two weeks from Thursday next for the consideration of the bill, so that the Indian Committee might report also and the House be fully informed on the subject.

The time fixed for the consideration of this bill by the Military Committee yesterday will only be sufficient for printing the testimony and getting the reports before the House. I would suggest to the gentlemen that we consider their bill at the same time, but if that is not pleasing to them let them fix a time, and the Committee on Military Affairs will give all the assistance they can to make their bill

Mr. SPARKS. I would state that when we learned in the Committee on Indian Affairs that the Committee on Military Affairs had this subject under consideration, the Committee on Indian Affairs were about to instruct by some resolution the chairman of that committee to make some report upon it in the House. As chairman of the sub-committee I prevented that by the suggestion that I would see the chairman of the Committee on Military Affairs and thought we could make some satisfactory arrangement of the matter. I made this arrangement with the chairman of the Committee on Military Affairs: that they should take no steps toward introducing their bill or reporting any bill to the House without full and complete consultation with us. In view of the fact that both committees agreed upon the propriety of the transfer of this Bureau to the War Department, I thought that some general bill satisfactory to both committees might be prepared; at that time an agreement in substance was entered into with the chairman of the Committee on Military Affairs. To my surprise, sir, on Saturday an attempt was made to introduce this bill and it was objected to, and yesterday, while the Committee on Indian Affairs were in session and came into the House somewhat late, we found that this bill had been reported. My opinion is that it was an exhibition of very bad faith, and I want here distinctly to state that opinion. In corroboration of this statement, I know that the gentleman from Massachusetts, [Mr. SEELYE,] who is a member of the Committee on Indian Affairs and who had a conference with the chairman of the Committee on Military Affairs, will corroborate what I have said upon the subject.

Now, I want no conflict with respect to the consideration of this ill. The country have been impressed with the idea that the Committee on Indian Affairs have charge of this matter. That committee has taken a considerable mass of testimony in opposition to this transfer, as well as a great deal in favor of it. As a member of the majority in favor of the measure, I feel that the views of those who are opposed to the transfer should be considered fairly in the House as well as those in favor of it, so as to give a full and complete showing

Mr. SEELYE. Mr. Speaker, there ought not to be any controversy

on this question, and there cannot be any if it is correctly understood. The simple question as to the transfer of the Indian Bureau from the Interior Department to the War Department is whether it is for the sake of the Indians or for the sake of the War Department. If it be for the sake of the Indians, then the matter properly belongs to the Committee on Indian Affairs. If it be for the sake of the Army and for the sake of the War Department, then it belongs to the Committee on Military Affairs. Now upon that point I contend there can be no question.

This whole matter has come up and the whole interest of the question hinges upon what is the best method of treating the Indians. Therefore the whole matter belongs to the Committee on Indian Affairs. I submit that the original reference of this bill to the Committee on Military Affairs was under a misapprehension of the House and by a mistake. While the matter was under consideration by the Comby a mistake. mittee on Indian Affairs, and after the Committee on Indian Affairs had been for two months taking testimony on both sides of the question, and just as they are ready to make their report, this bill is sprung upon the House, contrary, I must say, to the very distinct understanding which the Committee on Indian Affairs had received from the Committee on Military Affairs. I insist upon it that the question properly belongs only to the Committee on Indian Affairs, and as such their bill is reported this morning and demands the attention of the House under their direction.

Mr. COOK. Gentlemen on the other side of this question seem to be inclined to indulge, whether according to strict parliamentary nsage or not I will not say, in charging other gentlemen here with acting in bad faith. Now I want to state a fact in relation to this A bill was referred to the Committee on Military Affairs, introduced by the gentleman from Texas, [Mr. Hancock,] who is not a member of that committee. He introduced the bill and had it referred to the Committee on Military Affairs. It came before that committee without any application on their part, and without any suggestion from them that they wanted it before them. They found the bill before them, and they considered it. More than two weeks ago—and I call attention of gentlemen to that fact—more than two weeks ago I was instructed by the Committee on Military Affairs to report the bill to the House, and I did so, and it was ordered to be printed and recommitted.

That bill was lost, mislaid, or destroyed, in the Clerk's office, in some way which they could not account for. We prepared another bill, and attempted to report it as a substitute for the bill which had been lost. That bill has been in my hands for six or eight days, and I have been waiting an opportunity to comply with the instructions of the Committee on Military Affairs, to report it as a substitute for the other bill and to ask that a day be fixed for its consideration. The gentleman from Illinois [Mr. Sparks] came to me last Friday-[to Mr. SPARKS]—give me your attention for a moment.
Mr. SPARKS. I will.

Mr. SPARKS. I will.

Mr. COOK. The gentleman came to me last Friday and asked me for the bill which he said he understood I had from the Committee on Military Affairs. I gave it to him, but told him I wanted to report it, and he said he would return it to me the next morning. When I called on him the next day for it, he said, "I promised to return it to you to-day, and I will do so." I said, "I want to report it, as I am instructed to do by the Committee on Military Affairs, and I propose to do so the first time I am recognized by the Speaker."

Said he: "The chairman of your committee told me he would not

Propose to do so the first time I am recognized by the Speaker."

Said he: "The chairman of your committee told me he would not have this bill reported." I replied: "As I understand it, the chairman has nothing to do with it. I am instructed by the committee to report it, and I have been seeking an opportunity to do so for the last six or eight days." I ask him, and I ask the gentleman from Massachusetts [Mr. Seelye] to remember, and the Record will show it, that more than two weeks ago I reported a bill on this subject, and therefore we have not done the thing in hot haste.

Mr. SPARKS. Will the gentleman allow me a moment?
Mr. COOK. Certainly.
Mr. SPARKS. It has been truly stated by the gentleman from Georgia [Mr. Cook] that I asked to look at his bill, and promised to

return it to him the next day. That is correct, is it not?

Mr. COOK. That is correct.

Mr. SPARKS. And I returned it to him as soon as I came into the Hall, for I had my overcoat and cane in my hand, having just entered the Hall, when I returned it to him. When he said to me that he wanted to report it to the House, I said to him that the chairman of the Committee on Military Affairs had entered into an agreement with me not to have that done.

Mr. COOK. I so stated; and I told the gentleman that the chair-

man could make no such agreement.

Mr. SPARKS. I said that the chairman of the Committee on Military Affairs had entered into such an agreement.

Mr. COOK. I so stated; and I said to the gentleman that the Committee on Military Affairs had instructed me to report the bill to the

House, and I should do so the first opportunity.

Mr. SEELYE. The point raised by the gentleman from Georgia [Mr. Cook] is not vital to the question, although in reference to that point I understand the matter exactly as it has been presented by the gentleman from Illinois, [Mr. SPARKS,] my colleague on the Committee on Indian Affairs. The vital question here is whether this matter of the transfer of the Indians to the War Department belongs properly to the Committee on Indian Affairs or primarily to the Committee on

Military Affairs. The House has referred to the Committee on Indian Affairs two bills upon this subject and resolutions of the Legislature of California bearing upon the subject. By what I conceive to have been a misapprehension one bill was referred to the Committee on Military Affairs, and that committee, as I am informed, has taken testimony exclusively upon one side of the question.

Mr. COOK. Not at all. The gentleman has been misinformed.

Mr. SEELYE. If so, then I am happy to be corrected. The Committee on Indian Affairs have been engaged in carefully maturing their bill and in taking testimony upon the subject, and they now report their bill to the House, together with the testimony and a minority report, and ask the attention of the House to the subject. I submit that if the House understands the question, there can be no difference of opinion in regard to it.

Mr. BANNING. Mr. Speaker, I do not know why this bill more roperly belongs to the Indian Committee than to the Committee on

Military Affairs. Mr. SEELYE. Will the gentleman allow me to state a single point?

Mr. BANNING. Mr. Speaker, I believe I have the floor.
Mr. SEELYE. Will the gentleman allow me to state—
Mr. BANNING. Not at this time. Mr. Speaker, I do not know whether the Indian Committee knows better than the Military Committee whether the War Department is ready to take charge of this

Mr. SEELYE. Will the gentleman allow me a single inquiry? Mr. BANNING. I wish now, Mr. Speaker, to say one word as to what I have said and done in regard to this matter. I have seen no occasion from the beginning to the end for any jealousy between the two committees. I hope to see this transfer made, because I believe it is for the best. When the gentleman came and spoke to me, I told him that we could consider the bill in the House together. We can

do that now; we can consider his bill or our bill; I do not care which. More than two weeks ago we perfected a bill in the Military Committee, sent it here, and after it was reported to the House, but before it had been acted upon, it was lost. After that time I had an interview with the gentleman. Then after our bill was perfected, I went to the gentleman from Georgia, [Mr. Cook,] in whose hands it was, and asked him to give it to the gentleman, in order that he might consider it in connection with his own bill. Then we reported our bill to the House; it is here now. It has been postponed for two weeks to allow ample opportunity for examining it and to give time for printing all the testimony for the information of the House, and the gentleman to make his report.

The gentleman says we have taken no testimony against this transfer. We have taken the testimony of Army officers who are conversant with the matter; we have taken the testimony of Mr. Welsh, who has been so largely concerned in the management of the Indians, who has considered the subject well and thoroughly, and who has been greatly interested in it, as a Christian and philanthropist. have put that testimony in the hands of the printer, so that it may all be brought here for the information of the House. Has the gen-

tleman done more?

Now, sir, I say in regard to the consideration of this bill, let the time be fixed sufficiently ahead to have all the testimony printed, and if the bill reported by the gentleman is one better prepared or more desirable to be passed than the one we have presented, it shall receive my hearty support; and the Committee on Military Affairs will not find any fault that the Indian Committee have succeeded in framing

and the state of the control of the ing the interest of the Indians ought to come before us. This question did come before us, and we have considered it. I have no objection to the action by the other committee. I care not how many committees may consider the subject; I care not how maturely the question may be examined. For this proposition to transfer the Indian Bureau from one Department to another is certainly a very important

But I call the attention of gentlemen to the fact that while we are squabbling here as to the jurisdiction of these two committees the Committee on Appropriations have stepped in and taken control of this question. In the general appropriation bill, already reported, they propose the transfer of all this matter to the War Department. Now, in order to enable us to consider this question as it should be considered, in order that all the information which we ought to have upon a matter of this importance may be before the House and the country, I think we ought to appoint an early day for the considera-tion of this bill. In that appropriation bill the transfer is made. That bill is now under consideration; it is before the House. But no testimony, none of the necessary information, so far as I know, is before the House. What I ask the House to do is to fix as early a day as possible—
Mr. BANNING. Do you think that your testimony can be printed

and brought back to the House at an earlier day than that already

Mr. SCALES. We do. We think our testimony can be printed and brought back by Wednesday week or Thursday week at furthest. And the consideration of this question ought to be hurried up. The

members of this House want that information; the country wants it, and we cannot overestimate the importance of the question. That being the case, I insist that we should fix the carliest possible day; and while we are considering this appropriation bill let us consider this bill which is the great phicar to place in that bill

this bill which is the great subject embraced in that bill.

Mr. SEELYE. The gentleman from Ohio [Mr. Banning] wished to know why this matter belonged to the Committee on Indian Affairs rather than to the Committee on Military Affairs. I before endeavored to state the reason; it can be put into a single phrase: simply because the matter primarily has reference to the interests of the Indians and has not reference primarily to the interests of the Army. If the question shall be decided by the House favorably to the transfer, then of course it will belong to the Committee on Military Affairs to provide for competent agencies to carry out the measure. But the exact question in the first place is whether the transfer should be made; and that involves the question whether the change is to be made in the interest of the Indian or for the sake of the Army. I say it is for the sake of the Indian we are considering this question; and upon that there is no dispute. Nobody pretends to claim that the first question here is for the sake of the Army. Nobody pretends to say the first point is what is the interest of the War Department, but what is the interest of the Indian? If we decide the interest of the Indian requires this transfer, then of course the Committee on Military Affairs are to bring in the necessary means to get if through.

Mr. HANCOCK. Mr. Speaker, the gentleman from Massachusetts does not present the issue quite as comprehensively as the facts would warrant. I do not think the inquiry is limited as to whether the object of the bill is the interest of the Indian or the interest of the War Department. That occurs to me to be rather an unfair statement of the question under consideration. The object of this bill I hope is in the interest of the people and of the Government of the United States.

I had the privilege, by the permission of the House, of preparing a bill on this subject to which I have given some attention. And it was referred to the Committee on Military Affairs, and for these reasons: The change contemplated devolves new duties upon the officers of the Army. It requires certain duties to be performed by the military proper.

Mr. SEELYE. Let me ask the gentleman a question, and that is, whether these duties could be devolved upon the officers of the Army unless the transfer were previously authorized?

Mr. HANCOCK. That is a very proper inquiry, but it is a question to be disposed of by the House and not by either committee.

I understand the gentleman's position to be opposed to this transfer, and if the House shall agree with him, of course it will reject the bill reported by the Committee on Military Affairs; but if, on the other hand, the House shall agree to this transfer, then, according to his own position, he as a member of the Committee on Indian Affairs will have no further duty in connection with it. It then becomes a question properly referable to the Committee on Military Affairs.

The primary question is not one particularly depending on the action of the committee at all, but upon the view the majority of members may take as to the propriety of the transfer being made. In that I presume in the main members will satisfy themselves without material assistance or interference on the part of either of the

Now, Mr. Speaker, that being conceded, and I think my friend from Massachusetts will not controvert the correctness of it, the next inquiry is as to the duty which devolves upon the one or the other committee having that measure in charge.

Take it for granted that the House will agree to this transfer, because it seems to be pretty generally conceded upon all sides that the transfer had better be made, and that being conceded the inquiry is of course who can better determine the duty to be performed by the respective branches of the Army. The object in drawing this bill was to take it as far as possible away from all political connection, and by an amendment, which I presume was reported, there is no special bureau with which it is to be connected altogether in the War Office. The duties are to be performed by officers of the Army, and special duties are assigned to officers of a particular rank and jurisdiction.

Another branch of the duty devolves upon the Quartermaster's Department. I believe that the Committee on Military Affairs are familiar with the organization of the Army and the ability of the respective branches of that Army, and are better qualified to determine how and in what manner these various duties can be performed than any other committee.

Another branch of service in connection with the Indians is to be performed by the Commissary Department of the Army. Assuredly it is the province of the Committee on Military Affairs to determine that point.

Another service is to be performed by the Pay Department of the Army, a branch of the service especially within the jurisdiction and under the supervision and direction of the Committee on Military Affairs.

Now, Mr. Speaker, these are details of the bill necessary to be provided which can be done better by the Military Committee than by the Committee on Indian Affairs.

However, it seems to me the inquiry is of little practical utility as to which one of these committees has stronger grounds for jurisdiction. They have both acted and the result of their action is before

the House. My proposition in the outset was that the two reports might be set down for consideration upon the same day. One or the other of the bills might then be adopted by the House as the one or the other might seem best calculated to carry into effect the objects sought to be accomplished. A good deal of testimony has been taken, I think, by both committees, constituting a book of matter which will require considerable time to look through. This bill reported from the Committee on Indian Affairs, with a divided committee, with a majority and minority report, would seem to warrant indulgence of sufficient time at least for each and every member to familiarize himself with the reasons assigned pro and con.

Now I do not think there is any such great emergency as would warrant hasty action on a question of such grave importance both to the Indian and to the whole people of the United States.

Mr. PAGE. Let me suggest to the gentleman from Texas that in

Mr. PAGE. Let me suggest to the gentleman from Texas that in the legislative appropriation bill, now in Committee of the Whole, the Committee on Appropriations have recommended the transfer of the management of Indian affairs from the Interior to the War Department.

Mr. HANCOCK. I have been absent for some days and am not aware of all that has been before the House, but I do not see how any embarrassment arises from what the gentleman from California has stated. At any rate, this is a question which I would dislike to see hurriedly or superficially considered. It is one which I have considered a good deal myself. I know that there are difficulties connected with it. I wish, therefore, to give the very best consideration to the subject, both for the sake of the people of this country and of the Indians; and hence I made the motion that the consideration of the report of the Committee on Indian Affairs be postponed until the day fixed for the consideration of the bill reported by the Committee on Military Affairs.

on Military Affairs.

Mr. RANDALL. I regret what I may term the premature agitation and discussion of this question; but as allusion has been made to the action of the Committee on Appropriations, it is proper for me to state the grounds upon which that committee were required to deal with this question. The plain question was presented to the committee whether they would make an appropriation for the next fiscal year to the Indian Bureau of the Interior Department, where the management of the Indian service now rests. The question had been agitated whether this transfer should be made; therefore when we approached the appropriation for the Indian Bureau we deemed it proper to look squarely in the face this question. But before dealing with it the members of the Committee on Appropriations sought advice and information. We obtained the information that both the committees that were then considering the subject were, by a majority of their respective members, in favor of this transfer. We therefore submitted the question to the Committee on Appropriations for a vote whether we should appropriate any money for the Indian Bureau with the Interior Department during the next fiscal year.

ment during the next fiscal year.

Now, mark you, the transfer of the Indian service to the War Department necessitates no additional Bureau whatever in the War Department. The service now performed by the Bureau on Indian Affairs in the Department of the Interior can be dispensed with, and all that service performed by officers of the Army upon the pay which they now receive; so that in that respect the amount of money expended where it now is in maintaining a Bureau can be entirely saved.

now receive; so that in that respect the amount of money expended where it now is in maintaining a Bureau can be entirely saved.

Let me refer to another point. We in no manner sought to interfere with what might be called a detailed bill for the management of Indian affairs. By an examination of the amendment which the Committee on Appropriations have reported it will be seen that, while the transfer is made so that the Indian service can be thoroughly and efficiently and honestly performed by the War Department and by the Army officers, the amendment in no respect interferes with any subsequent legislation proposed by these committees as to the details of the management. In our amendment we leave—which I believe to be proper for the first year—this transfer discretionary as to its arrangement according to such rules and regulations as the President of the United States may deem necessary; so that there is in fact, by the amendment of the Committee on Appropriations providing for the transfer, a flexibility, as I may name it, of administration which I believe would be conducive to harmony in the service.

I believe would be conducive to harmony in the service.

Now, one other point. The committee, with singular unanimity, reached the conclusion, with the majority of the other two committees, that this transfer should be made. And I say to the House, so far as we were able to learn, the Indian will not only not suffer by the transfer, but will be enormously benefited by an administration more secure and honest than that which has existed in the Interior

Under the act of March 3, 1849, which organized the Interior Department, the transfer was made in as few words as it is made by the amendment which we have offered, and that discretion, as far as I can remember—it is some days since I read the law—that discretion which we propose to give the President of the United States under our amendment was accorded to the Secretary of the Interior in that law. We have, therefore, so arranged it in the amendment of the Committee on Appropriations that this transfer can stand upon its own feet and go forward; and if the Committee on Indian Affairs or the Committee on Military Affairs or the House and the Senate shall deem that further legislation in connection with the details and management of Indian Affairs is necessary, well and good.

As one of the results of this transfer, the expenses of the superin-

tendents of Indian affairs, the agents, and the interpreters to the agencies can all be saved to the Government by assigning idle military officers to those duties. In addition, the civilization of the Indian, which costs for the current fiscal year when it shall be completed about a million of dollars, can be provided for under the administra-tion of the War Department for half the money, and the work done quite as well. Then, in addition to that million of dollars, or about a million of dollars, which can be saved and no injury whatever done to the Indian, we will at the proper time propose that these extreme outposts shall be drawn in. It has been suggested that two new military posts shall be established, one at the mouth of the Big Horn River, where it runs into the Yellowstone, and another on the Rosebud River. Both can be reached by navigation, which will do away with the necessity of keeping up six or eight other military posts which are extremely far away and approachable only by wagon—Fort Laramie, Fort McPherson, Fort Ellis, Fort Steele, and some others. Now, an immense saving to the Government comes in there in connection with the transportation of the commodities necessary to sustain the Indians; and we believe with General Sheridan in his testimony before the Committee on Military Affairs, that in the course of a year, or two years at the outside, three and a half millions of dollars can be saved to the Government in this connection in the management of Indian affairs.

I have never yet been able to have an intelligent contradiction to

I have never yet been able to have an intelligent contradiction to the proposition that when Army supplies are being distributed to the Army, why at the same time Indian supplies could not be distributed to the Indians.

These officers are governed by military laws; they are susceptible of prompt punishment if they fail faithfully to perform their duties; and I must say here deliberately that a man in the Army who is dishonest is the dishonorable exception, and that it is seldom in my experience that I have seen such a case in the Army. Where an Army officer has committed fraud or perpetrated wrong, he is subjected to immediate punishment. How many Indian agents I would like to immediate punishment. How many Indian agents, I would like to ask, who have committed frauds, have been punished at all? That is one reason which I had in favor of this transfer. Why, sir, every deficiency bill brings up proof after proof as to the manner in which the Indians are robbed in every direction. It is a strange instance where an Indian agent is punished for injuries committed on the Indians; that is one reason which stands to my mind irresistibly as an argument in favor of this transfer. Another point which makes me favor this transfer is that millions of dollars can be saved in the matter of transportation in connection with the Indian business

Mr. BANNING. So much has been said about this matter belonging to the Committee on Indian Affairs under the rules of the House, that I ask that the rule of the House governing the Committee on Indian Affairs be read for the information of the House, and I hope

that gentlemen will give their attention to its reading.

Mr. SEELYE. We have read it several times in our committee. The Clerk read as follows:

There shall be appointed at the commencement of each Congress a Committee on Indian  $\Delta$  flairs, to consist of eleven members. [There are no duties assigned to this committee by the rules.]

The SPEAKER. It is the duty, however, of the Chair to say that the House has assigned duties to this committee, and has the right to do so, and that in the judgment of the Chair this question as to the reading of the rule does not settle this controversy; the House must

settle it.

Mr. BANNING. I merely had the rule read for the purpose of showing that when the bill was referred to the Military Committee we were charged with its consideration as well as the gentlemen of the Indian Committee. In considering the bill we have endeavored to perform our duty faithfully. We have considered the bill in all it details; and as it must be carried out by the War Department, the Commissary Department, the Quartermaster-General's Department, and the Paymaster-General's Department, I would like to know if it is not in the province of the Military Committee to consider the bill; and when we come into the House and ask, not that our bill shall be passed before the gentleman's bill, but that the information we have collected shall be published and the two bills considered together, do we ask too much ?

Mr. SEELYE. I have no doubt that the bill reported by the gentleman from Georgia [Mr. Cook] has been very wisely conceived and is a very judicious plan, provided this transfer be ordered by the House. But the exact point which the gentleman from Ohio [Mr. Banning] seems to overlook is that he has brought before the House a bill makseems to overtook is that he has brought before the House a bill making provision for a transfer which has not yet been considered and which the House has not yet ordered. After it has been considered and after the House has ordered that this transfer shall take place, then I have no doubt that the bill he has presented will be favorably received by the House.

The gentleman from Pennsylvania says that he received early in-formation that the majority of the members of the Committee on Military Affairs and of the Committee of Indian Affairs were favorable to the transfer. I am quite unable to say how the information respecting the Committee on Indian Affairs reached the gentleman, for I venture to say that that committee did not know themselves until yesterday morning whether a majority was in favor of the transfer or not, and it was only determined at the meeting of that committee,

counting all the members present, by a majority of one in favor of the transfer. A minority of the Committee on Indian Affairs, on very full discussion, opposed the transfer, and I hope that the House will pronounce an opinion unfavorable to the transfer. But the exact point here is that the gentleman from Ohio or one of his colleagues on the Military Committee has introduced a bill providing for certain ma-chinery to carry out a course of action not yet considered or adopted by the House

Mr. CONGER. I send to the Clerk's desk and ask to have read the resolution reported by the chairman of the Committee of Ways and Means on January 5 for the distribution to the different committees of the subject-matters involved in the President's message and accom-

panying documents.

The Clerk read as follows:

Resolved. That so much of said message and documents as refers to Indian affairs e referred to the Committee on Indian Affairs.

Mr. CONGER. Mr. Speaker, by that resolution all that part of the President's message relating to Indian affairs, and all the portions of the reports of the officers of the Department connected with the management of Indian affairs and all matters relating thereto, were, by a vote of the House, as soon as the committees were appointed, referred to the Committee on Indian Affairs. Of course, as we all know, the subject-matter of this transfer was considered as among these reports, And very properly that committee, by order of the House, should take into consideration and were required to take into consideration all the subjects, as well what was contained in the message as in the other papers and documents connected with Indian affairs

It is immaterial to me what committee may report upon this subject. I desire this only, that the report of the Committee on Indian Affairs with the proof, as well as the report of the Committee on Military Affairs with their proof, may be printed and laid before the House a sufficient length of time before the day for their considera-tion to enable members to give at least a fair hearing and consideration to the subject. I desire to take no part in this matter, except to call the attention of the House to the fact that the earliest and fullest submission of all these matters was made to the Committee on Indian Affairs, and it was submitted to the Committee on Military Affairs only incidentally and, perhaps, by mistake.

Mr. COX. The House is in this predicament: We have two committees, both of which have been charged by order of the House with the consideration of the subject of the transfer of Indian affairs to the War Department. Both of these committees have reported in favor of the transfer.

Mr. BANNING. One unanimously and the other divided.
Mr. COX. I think the debate on this subject now is somewhat premature. I would like if possible to hear the discussion upon this subject before we pass upon it in the appropriation bill. The Indian Department has been trying for years to civilize such Indians as the War Department could not kill. That has been going on for years. I think it is in the interest of the Interior Department, with all its paraphernalia of transportation and agencies and its contract system, to keep the Indians alive in order to fleece them; while it is the interest of the War Department, backed up by the men upon the border, to exterminate the Indians, according to a motto which has been very frequently quoted here in the House that "the best Indian is the dead Indian."

I do not wish to pass upon this question immediately. It is a question of economy. The gentleman from Pennsylvania on my right, [Mr. RANDALL,] when the discussion comes up on the appropriation bill and we have reached the last section but one, can tell us wherein the Indian can be protected and wherein we can save money by it. I should like to hear that discussion.

I have remonstrances from men who have had large experience in this Indian business—good men, Christian men, men like Colonel Manypenny, of Ohio, once an Indian commissioner. He is a man of pure character; one who stood by the Indians in former days against the War Department. He sends to me a carefully-prepared written statement in protestation of any transfer of this Indian Bureau to the War Department. I do not desire to pass upon it now. It is a matter for fair discussion, not for premature discussion. It is the interest of the House and of the country, not so much that one committee should have precedence over another as that the whole question should come

up in one debate and be disposed of promptly.

Mr. VAN VORHES. Before this subject is finally disposed of, I ask, on behalf of the minority of the standing Committee on Indian Affairs, permission to present a minority report, that it may go with the other and be printed and laid upon the tables of members. I do not wish to be cut off from the right to do so by the previous question, or by any action that may be taken in this matter.

The SPEAKER. The Chair will see that the gentleman is not so

cut off. His proposition will be entertained at the proper time.

Mr. VAN VORHES. I wish to say in this connection that I desire
to corroborate to the fullest extent what has been said by the gentleman from New York [Mr. Cox] in reference to Mr. Manypenny, of Ohio, who was so long an Indian commissioner in this country. gard his evidence to be of the utmost importance, and he is against

this proposed transfer.

The SPEAKER. The Chair understands the question now before the House to be upon referring this bill, or the substitute for the sundry bills upon the subject, to the Committee of the Whole House for consideration two weeks from Thursday next, after the morning hour. Does the Chair hear any objection?

There being no objection, it was so ordered.

The SPEAKER. Is there objection to printing the report and testimony from the majority of the Committee on Indian Affairs together with the minority report of the gentleman from Ohio, [Mr. VAN VOR-

There was no objection, and it was so ordered.

Mr. SPARKS. It is the understanding that the report of the Committee on Indian Affairs shall have precedence?

The SPEAKER. Precedence over what?
Mr. SPARKS. Over the report of the Committee on Military Af-

The SPEAKER. That it shall be regarded as the first in order?

Mr. SPARKS. Yes.
The SPEAKER. Is that agreed to by the gentleman from Ohio, Mr. Banning?

Mr. BANNING. I have no objection to it. I have no other wish in this matter than that this bill may become a law. I do not think any member of the Committee on Military Affairs has any other wish in the matter.

The SPEAKER. If there is no objection such will be the order. No objection was made, and it was so ordered.

### ENROLLED JOINT RESOLUTION SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 52) directing the commissioners of the District of Columbia to pay the interest on the bonds issued in pursuance of the act of Congress approved June 20, 1874, out of any funds in the United States Treasury subject to the requisition of said commissioners, and for other pursuance. commissioners, and for other purposes.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. GORHAM, its Secretary, announced that the Senate had passed bills and a joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 4) for the relief of William Bowlin;

A bill (S. No. 43) granting a pension to Urial Bundy; A bill (S. No. 130) to relinquish the interests of the United States in certain lands to the city and county of San Francisco, in the State

A bill (S. No. 545) granting a pension to Abraham Ellis; and A joint resolution (S. R. No. 2) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the

Hawaiian Islands.

The message also announced that the Senate had passed without amendment House bills and a joint resolution of the following titles:
A bill (H. R. No. 215) granting a pension to John G. Parr, of Kittan-

ning, Pennsylvania;
A bill (H. R. No. 1599) granting a pension to Frances C. Elliott; and
A joint resolution (H. R. No. 65) authorizing Edwin James, consular agent at San José, to accept a piece of plate from the Queen of Great Britain.

### REAL-ESTATE POOL-RECUSANT WITNESS.

Mr. GLOVER. I am directed by the special committee on the District real-estate pool and Jay Cooke & Co.'s indebtedness to make a

report to the House.

The SPEAKER. The Chair will inquire whether this report relates to the question of contumacy on the part of a witness?

Mr. GLOVER. It does, and is therefore a privileged question.

The Clerk read as follows:

On the 24th day of January, A. D. 1876, the House adopted the following resolu-

On the 24th day of January, A. D. 1876, the House adopted the following resolution:

"Whereas the Government of the United States is a creditor of the firm of Jay Cooke & Co., now in bankruptey, by order and decree of the district court of the United States in and for the eastern district of Pennsylvania, resulting from the improvident deposits made by the Secretary of the Navy of the United States, with the London branch of said house of Jay Cooke & Co., of the public moneys; and whereas a matter known as the real-estate pool was only partially inquired into by the late joint select committee to inquire into the affairs of the District of Columbia, in which Jay Cooke & Co. had a large and valuable interest; and whereas Edwin M. Lewis, trustee of the estate and effects of said firm of Jay Cooke & Co., has recently made a settlement of the interest of the estate of Jay Cooke & Co., has recently made a settlement of the interest of the estate of Jay Cooke & Co., as it is alleged, of the numerous creditors of said estate, including the Government of the United States; and whereas the courts are now powerless by reason of said settlement to afford adequate redress to said creditors:

"Resolved, That a special committee of five members of this House, to be selected by the Speaker, he appointed to inquire into the nature and history of said real-estate pool and the character of said settlement, with the amount of property involved in which Jay Cooke & Co. were interested, and the amount paid or to be paid in said settlement, with power to send for persons and papers, and report to this House."

Under said resolution the undersigned committee was appointed, and in conformity with the power therein conferred have sent for persons and papers. The committee caused a subpana duces tecum to be issued and duly served on one Hallet Kilbourn, a resident of this District. Said subpana is in the words and figures following, to-wit:

Hallet Kilbourn: We command and strictly enjoin you that, laying aside all manner of business an

of Washington, District of Columbia, on Saturday, the 4th day of March, A. D. 1876, at the hour of ten o'clock a. m. of said day, to testify what you know in regard to the matters to be inquired of by said committee; and that you also diligently and carefully search for, examine, and inquire after, and bring with you and produce, at the time and place aforesaid, the certain deeds, and deeds of trust declarations of trust, and printed papers referred to therein, relating to the following squares, parts of squares, lots, and parcels of ground, or real property, situate in the city of Washington, in the District of Columbia, to wit: All the property described in the paper writing hereto attached, marked exhibit A., and made a part of this subpoena; also relating to any other property purchased or sold by you as trustee for either the real-estate pool, in which the firm of Jay Cooke & Co., or Messrs. Stewart, Hilyer & Sunderland, or either of them, had an interest, together with all copies, draugths, and vonchers relating to said documents, and all other documents, letters, and paper writings whatsoever, including bank-books, bills of exchange, bank-checks, stubs of checks, ledgers, blotters, day-books, and other books of accounts, maps, that can or may afford any information or evidence relating to the said matters to be inquired of by said committee, belonging to you or subject to your control, either individually, or as trustee, or as a member of the firm of Kilbourn & Latta.

Herein fail not, and make return of this summons.

Witness my hand and the seal of the House of Representatives of the United States, at the city of Washington, this 28th day of February, A. D. 1876.

[SEAL.]

MICHAEL C. KERR, Speaker.

Attest:
GEORGE M. Adams, Clerk,
By Green Adams, Chief Clerk.

EXHIBIT A

Square.	Lot.	Area.	Rate.	Assessment of 1875.	To whom assessed.
		Square feet.		Value.	
66	of 1	22, 638 8, 529	25	\$5, 627	J. M. Latta.
	2	8, 529 39, 501	18	1, 535 5, 925	Do. Do.
	3, 5 6, 8	37, 413	20	7, 483	Do. Do.
67	3.5	33, 920	12	4, 070	Do.
	3, 5 of 6	3, 440	15	516	Do.
	9, 11	25, 750	12	3, 090	Do.
	12	10,000	15	1,500	Do.
	13, 16	34, 294 11, 322	20	6, 617	Do.
	17 19	8, 174	25 18	2, 831 1, 471	Do. Do.
68	2, 3	14, 700	10	1, 470	Do.
-	15, 16	14, 872 30, 000	15	2, 231	Do.
- 9	12, 26	30,000	12	3, 600	Do.
	27 28, 34	2,000	15	300	Do.
69	35 43 alley	14, 000 13, 500	12	1,680	Do.
70	35, 43, alley. 16, 17	20, 350	10	1, 080 2, 036	J. F. Olmstead. J. M. Latta. J. F Olmstead.
	of 1	10, 207	30	3, 062	J. F Olmstead.
-	of 2	5, 235	12	634	Do.
72	8	11, 472	10	1, 147	Do.
	of 12	8, 461 3, 906	12	1, 015 586	Do. Do.
	20	1, 907	15	286	Do. Do.
	1, 7, 12, 17, all.	64, 937	25	16, 234	Do.
93	2, 6, 13, 16	97, 468	30	20, 240 4, 552	J. M. Latta.
	1,6	15, 172	30	4, 552	Do.
0.0	2, 7, all	22, 400	25	5, 600	Do.
92 97	3 G. N. 18, 25	39, 441 20, 195	22 15	8, 677 3, 020	Do. Do.
34	of 9	3, 139	15	471	Do.
	of 10	4, 515	35	1,580	Do.
	1, 5, 9, 10, 12	47, 304	50	23, 652	Do.
	2, 4, 13, 14	40, 166	45	18, 075	Do.
115 (all)	6, 8	35, 313 14, 856	35 65	12, 360	Do. Do.
	36	2, 200	25	9, 656 550	Do.
134	27, 35, 37, 42	39, 887	20	7, 977	Do.
43.000	43, 49	12, 989	15	1,948	Do.
138 151	3	41, 388	70	28, 972	Do-
	17, 19	5, 989	20 20	1, 198	Do.
	23, 24 27, 37	4, 000 23, 390	20	800 4, 660	Do. Do.
4.	38	2, 200	25	550	Do.
	39, 114, 149	9, 900	18	1, 782	Do.
	148, 117, 78, 113	67, 974 119, 30s	15	10, 696 14, 317	Do.
	4, 75	119, 303	12	14, 317	Do.
	115, 77	1, 760 3, 960	18	31, 680 713	Do. Do.
155 (all)	14, 16	41 580	15	6, 237	Do.
	17	41, 580 7, 520	20	1, 504	Do.
	18	10,000	25	2,500	Do.
	19, 23	33, 360	20	6, 672	Do.
166 (all)	1 2	10,000 7,080	35	3, 500 2, 124	Do. Do.
	3, 8	74, 340	20	14, 868	Do.
	9, 10	24, 780	25	6. 196	Do.
	- 11	24, 780 7, 080	30	2, 124	Do.
	12	10,000	35	3, 500	Do.
	13, 13	23, 606	25 20	5, 903	Do.
	13, 13 16, 26 27, 32	123, 680 48, 168	30	24, 735 14, 452	Do. Do.
157	~, 52	19, 493	45	8, 772	Hallet Kilbourn.
	2	11, 593	40	4, 637	Do.
	3	14,000	35	4, 900	Do.
	of 5	2, 820	35	987	John F. Olmstead.
158	23, 38 of 2	38, 932 6, 213	40	9 495	T W Latte
158	3	14, 464	40	2, 485 5, 786 3, 969	J. M. Latta. J. M. Latta, trustee. Do.
	8	8, 820	45	3, 969	Do.
	å of 9 and 10	15, 759	40	6, 303	100.
	17	16, 632	40	6, 653	Do.
	18	13, 794	35	4, 828	Do.
	19 of 21	12, 163 4, 133	35	4, 257	Do.
176	01 21	1, 626	40	1, 653 358	Do. Do.
	2,4	6, 139	18	1,100	Do.

EXHIBIT A .- Continued.

Square.	Lot.	Area.	Rate.	Assessment of 1875.	To whom assessed.
*		Square feet.		Value.	
177	E.	4, 110	20	\$822	Do. ·
***	F.	2, 683	18	483	Do.
181	1	1, 883	75	1, 412	Hallet Kilbourn, trustee
	32, 43	33, 322	40	13, 327	Do.
	31	2, 390	45	1,719	Do.
1922	3, 2	5, 459	45	2, 457	Do.
182	36	4, 148	60	2, 489	John F. Olmstead.
	37, 38	5, 767	40	2, 307	Do.
	40, 46	23, 938	40	9, 595	Do.
	47	1,981	70	1, 387	Do.
195	11 and 12	14, 620	40	5, 848	James M. Latta.
	13	6,075	50	3, 038	Do.
	14, 17	25, 790	45	11,606	Do.
	18	6,075	50	3, 038	Do.
4	19, 21	20, 695	40	8, 278	Do.
	22, 25	25, 790	30	7, 738	Do.
204	5, 8	38, 036	25	9, 509	Hallet Kilbourn, trustee
	9, 10	15, 100	20	3, 020	· Do.
	11	10,000	25	2, 500	Do.
	12, 14	27, 988	20	5, 598	Do.
234	30	3, 172	15	476	James M. Latta.
241	39	3, 019	65	1,962	John F. Olmstead.
	40, 42	10,887	60	6, 583	Hallet Kilbourn.
	43, 44	3, 634	35	1, 272	Do.
	63, 66	15, 076	65	9, 799	Do.
242	4, 6	27, 216	80	21, 774	Do.
	of 8, 9, and A.	19,617	70	13, 732	Do.
	63	18, 015	75	13, 511	J. F. Olmstead.
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Said Kilbourn appeared as a witness before the committee on the 4th day of March, 1876, at ten o'clock a.m.; and, after being duly sworn according to law, was interrogated as follows:

By Mr. NEW:

By Mr. New:

Question. State your name.

Answer. Hallet Kilbourn.
Q. How long have you resided here?

A. About fifteen years.
Q. Are you the Hallet Kilbourn referred to in this subpæna duces tecum?

A. Yes, sir.
Q. What has been your occupation?

A. For ten years I have been in the real-estate business here.
Q. State whether or not Mr. Latta was a partner of yours?

A. Ho is.
Q. You are the same Hallet Kilbourn spoken of and who testified before:

Q. You are the same Hallet Kilbourn spoken of and who testified before a joint committee at the last session of Congress? A. Yes, sir.

O. State whether you have in your possession now and have brought to the com-

Q. State whether you have in your possession now and have brought to the committee-room the papers, documents, memoranda, &c., referred to in the subpæna duces tecum served upon you?

A. I have not.
Q. State whether you are prepared to produce them at this sitting of the committee?

A. I am not prepared to produce them to-day.

Q. State whother you are willing to produce them now or at any future sitting of this committee?

This committee?

A. As at present advised, I am not prepared.

Q. You refuse to produce them before the committee in response to this sub-

Q. Are you still will be state the reasons therefor, my personal reasons. My partner and myself are in a private business. We have no connection with the Government of the United States, and never have had; are conscious of having violated no law; are not charged with any fraud. Our business that we do is done with private citizens throughout the country, and I stand upon the right which I think belongs to every private citizen not accused of violating any law of being protected in his papers. Whatever the law decides, however, I am willing to abide by. I sustain but one relation to the Government, and that is to pay taxes and obey the law. That is the only transaction I have with the Government at all.

Q. Are you still Mr. Latta's partner?

A. Yes, sir.

Q. And the business relations with reference to these matters heretofore subsisting between you still exist?

A. Yes, sir, except what may have been changed by the transactions of the partnership business, the purchases and sales that have since been made?

By Mr. Lews:

By Mr. Lewis:

Q. When did Mr. Olmstead become a member of this firm? A. He has had a special interest within the last year or two. He is interested in the profits; that is the relation he sustains to it.

By Mr. SMITH:

Q. Do you refuse to answer because you think such answer would criminate

you?

A. O, not at all, sir; not at all. If anybody will make an oath, an affirmation, or affidavit that in anything in connection with this we have violated any law, or committed any fraud, we will give you our books, give the whole history of our firm from the day of our baptism until the present time.

MARCH 11, 1876—10 o'clock a. m.

MARCH 11, 1876-10 o'clock a. m.

HALLET KILBOURN recalled.

By Mr. NEW:

Question, Mr. Kilbourn, before an announcement is made by the committee of Question. Mr. Kilbourn, before an announcement is made by the committee of the conclusion to which they have arrived in reference to the questions raised as to the subpena duces tecum, they desire to ask you some additional questions. I believe you have already stated before this committee that you are a resident of this District, and that your business is that of real-estate agent or real-estate broker? Answer. Yes, sir.

Q. How long have you been in that business in this city?

A. A little over ten years, I think.

Q. When did Mr. Latta become your partner?

A. When I commenced business; we commenced in 1865, I think.

Q. When did Mr. Olmstead become a partner?

A. Within a couple of years, according to my recollection.

Q. Are they both still your partners?
A. Yes, sir.
Q. Are you acquainted with Henry D. Cooke?
A. Yes, sir.
Q. How long have you known him?
A. Well, I think for ten or twelve years.
Q. During what part of that time did Henry D. Cooke reside in this city?
A. I think he has resided here ever since I have known him.
Q. Is he the same Henry D. Cooke who was governor of this District and exofficio president of the board of public works?
A. Yes, sir. I think so.
Q. Was he a member of the banking house of Jay Cooke & Co., lately doing business in this city?
A. I understand he was.
Q. Can you tell about when that banking house began business in this city, and when it ceased to do business here?
A. I cannot tell when it commenced. I think it ceased in September, 1873.
Q. For about what length of time was it in business in this city as a banking house?

house?

A. For ten or twelve years, I should judge; possibly over. I do not know exactly.

Q. State whether you have any knowledge of the existence of what was and is known as the "real-estate pool" in this city, the same referred to by you in testimony given by you before a congressional investigating committee during the first session of the Forty-third Congress.

A. I know all there is about it. I think.

Q. You mean to answer that you have knowledge upon that subject?

A. Yes, sir; I think I know all about it.

Q. Upon page 255 of Senate report of the investigation in which you testified during the last Congress, a letter is referred to in which you are represented as using this language: "Henry D. Cooke has anthorized me to draw on him for \$25,000 cash for real-estate pool." I wish you to state to whom that letter was addressed.

A. I think it annears in the testimony them. 

e pool? A. We did; or I did, in connection with the other moneys put in for a common

In purchasing real estate for the pool?

Q. In purchasing real estate for the pool?
A. Yes, sir.
Q. When did Jay Cooke & Co. furnish this money? To refresh your recollection, I will say that Mr. Latta testified that it was about August 25, 1871.
A. I think it was in 1871. That is my recollection, that it was along in that year. By Mr. LEWIS:

Q. About the time you wrote that letter to Mr. Huntington?
A. I do not know. I do not know that we had invested any at that time, but probably arrangements were made at that time.

By Mr. NEW:

Q. You think it was in the summer of 1871.

A. Yes, sir. I do not know that it was all expended during 1872, but I presume the arrangement was made, as instated, to use the \$25 000.

Q. Was there a fund raised by those who constituted the pool?

A. Certain parties put in a certain amount of money each.

By Mr. Lewis

Q. That constituted a general fund? A. Yes, sir.

By Mr. NEW:

Was this money put in your hands? Yes, sir. Thus constituting what is commonly called a real-estate pool?

How much was thus put into your hands, or the firm of which you were a

Member?

A. Of course I have held the right to decline to answer that, and I will not now hesitate to do so. I will detail all the history of this pool to that extent. Five gentlemen each put in \$5,000, and Jay Cooke & Co. put in \$25,000. Now you have the whole extent of the pool.

By the CHAIRMAN:

Q. That was the entire sum at any time put in?

A. There was an assessment made after Jay Cooke & Co. failed of \$2,000 each to meet payments. Jay Cooke & Co. did not pay this, and these other parties paid \$2,000 after. I may say now that is the whole of it. Out of this great, big, world-wide noised-abroad pool, that is the whole sum of money that was ever put in it in the world. By Mr. Lewis:

Q. Was that assessment of \$2,000 in addition to the \$5,000? A. Yes, sir; to meet payments, five gentlemen paid. Jay Cooke & Co. never paid that.

By the CHAIRMAN:

Q. No member of your firm put in any after that? A. Never.

By Mr. NEW:

Q. There was \$5,000 each originally put in by each of five different persons? A. Yes, sir.
Q. And \$25,000 in addition by Jay Cooke & Co.?
A. Yes, sir; that is the whole sum and substance of it.

Q. What was the aggregate amount of the assessment? Å. Ten thousand dollars, so that \$60,000 was all that was ever put in.

By Mr. New :

Q. You may state whether this money was used by you in purchasing real estate for the pool.
A. Yos, sir.
Q. Were purchases made by you as trustee for the members of the pool?
A. Yes, sir.

- Q. In purchases that were made for the pool, how were conveyances taken; to members of the pool or to some other person or persons in trust?

  A. They were generally taken to me as trustee.
  Q. You say generally. Was there any exception?
  A. There may have been when I was away.
  Q. I mean was there any exception?
  A. None except to some person as trustee or some other member of the firm.
  Q. Were the conveyances in such cases executed to you as trustee?

  A Year sir.

Q. Were the conveyances in such cases executed to you as trustee?
A. Yes, sir.
Q. Did such instrument of purchase or conveyance name the beneficiaries?
A. No, sir.
Q. Was there at the time of the execution of such instrument of trust any other or separate instrument showing for whom the purchases were in fact made?
The WITNESS. At the time the several purchases were made?
Mr. NEW. Yes.
A. No, sir.
Q. Was there at the time of the execution of those instruments of trust any other or separate instrument showing for whom the purchases were made in fact?
A. I think when we received the money we gave to the parties or beneficiaries a statement showing what proportion each had put in.
Q. There were, then, when money was paid separate instruments of the kind named executed?
A. There was a statement given by us, signed by me I think, given to the par-

named executed?

A. There was a statement given by us, signed by me I think, given to the parties furnishing the money. That is my recollection of it.

Q. You say at the time the money was furnished?

A. I think that was at the time the money was paid in.

Q. But when a purchase was made and a conveyance taken to yourself as trustee, did you at that time, as trustee, or at any time, execute to the members of the pool, or any of them, any declaration of trust?

A. I understand it now. I stated when they advanced this money. I think it was after we made the purchase and invested the money; I think then we gave a statement showing what property we had purchased. That is my recollection of it now.

By the CHAIRMAN:

- Q. There was nothing indicating title for the benefit of these gentlemen? A. O, no; we have all the abstracts and everything to show in our office.

By Mr. NEW:

- By Mr. New:

  Q. Were there any other written declarations of trust executed by yourself or your firm or any member of the firm, as trustee, and delivered to the parties other than what you have named?

  A. No, sir; that is all.

  Q. Had you or your firm or any member of your firm any interest except as agents or real-estate brokers and trustees in said pool?

  A. Not at first.

  Q. Had you at any time?

  A. We purshased one interest—we have purchased all the interest.

  Q. You first purchased one interest?

  A. Yes, sir.

  Q. Was that a purchase by yourself or by the firm?

  A. A purchase by the firm.

  Q. By the firm consisting of Kilbourn & Latta, or Kilbourn, Latta & Olmstead?

  A. I do not remember whether Olmstead was then in the firm or not.

  Q. About when was that interest purchased?

  A. That was in 1873, I think. It was before the last investigation.

  Q. To refresh your recollection, you then stated that you thought it was about six months prior to that time?

  A. Yes, sir.

  Q. That investigation commenced March 5, 1874.

  A. The purchase was made in 1873 some time.

  Q. From whom did you purchase the interest you referred to—the first interest that your firm purchased?

  A. From the owner. I respectfully decline to answer who the parties were.

  Q. Did you purchase his entire interest?

  A. Yes, sir.

  Q. Was it a purchase from one member of the pool, or more than one?

  A. At that time I purchased the interest of one man who had put in \$5,000.

  By the CHAIRMAN:

By the CHAIRMAN:

Q. What amount was paid for that interest? A. Precisely what he gave, \$5,000. And we paid the assessment of \$2,000 our-dives; gave him exactly what he gave without interest.

By Mr. NEW:

Q. How many members of the pool were there before you became a member? I believe you have in fact answered.

A. Five gentlemen besides Jay Cooke & Co. put in \$5,000 apiece.

Q. Will you state where each of these five members reside?

A. I do not know that I could do that. Mr. Chairman, if you will indulge me, I respectfully decline to give any testimony as it relates to these individuals.

Q. Do you decline to state where they reside?

A. I do not know that I could. I could upon reflection, probably.

By the CHAIRMAN:

Q. Would you refuse to state, if you knew? We want to know whether that is no of the questions you decline to answer.

A. I decline to answer except upon consultation with my counsel.

By Mr. New:

Q. For the present you decline to state, even if you were certain as to the locality, where they do reside?

A. Yes, sir; I respectfully decline to state anything in relation to individuals who did business with us except upon consultation with my counsel.

Q. Will you please state their names?

A. That I beg to include in the same answer.

Q. State by what members of the pool you were supplied with money to be invested therein, other than Jay Cooke & Co.?

A. The money was supplied by five gentleman who comprised the other members of the pool aside from Jay Cooke & Co.?

A. Yes, sir. I will state this: If it can be shown in any way that the Government is interested or that it will promote the interests of the Government in any way to the extent of one dollar, I will tell everything about it. I will tell everything about it if the Government has been wronged in any shape or manner. The Chairman. That is what we expect to show, and we hope you will co-operate with us in doing it.

WITNESS. I am willing to do anything that will do that.

The Chairman. But we would not allow you to be the entire judge about that. WITNESS. Anything that you can show; but it seems to me it must be brought around in some other way than by going through our books.

Mr. New. We are calling you to aid us.

WITNESS. If the Government has been defrauded in any way through us we are ready to give you all information; but this being a purely private business matter of course we must decline to give publicity to that until it is shown that it has some connection with the Government.

Mr. New. Is the instrument executed to you or the firm as trustees recorded in our books or is there any official record of it in this District? WITNESS. The papers we gave to the parties that furnished the money? Mr. New. No. sir; the instrument executed to you, or your firm, or any member

Mr. New. No, sir; the instrument executed to you, or your firm, or any member thereof, as trustees.

Witness. Yes, sir; all were recorded in the recorder's office of the District of Columbia. They are all on record here in the District.

Q. Did such recorded instruments set forth all or any of the trusts upon which you or any of your partners, as such trustee or trustees, held the property described in such instrument?

A. The records will speak for themselves. We can furnish you with the deeds and deeds of trust.

Q. Do you recollect how that is?

A. My recollection is that all that was put on the record is the conveyance of title to us as trustees and the trust deed we gave back for deferred payments. The negotiations we had with the owners of the property.

Q. When did you first begin to keep a record in your office of such instruments, if you kept one?

A. That I cannot tell.

Q. Did you keep a record in your office of such instruments?

A. That I cannot tell.
Q. Did you keep a record in your office of such instruments?
A. The presumption is that we have a record of all our business transactions.
Q. So far as you do know, that is the fact, is it not?
A. Yes, sir. I do not think we have transacted any business except we have a record of it.

By the CHAIRMAN:

Q. Has that been known to the members of the pool?
WITNESS What is that?
The CHAIRMAN. The fact that you have kept a record.
A. I do not know that we have kept any record of that part of it. I presume we kept copies of the papers we gave them.
Q. The beneficiaries have knowledge that you are keeping an exact account of

Q. The beneficiaries have knowledge that you are keeping an exact account of your transactions, have they not?

A. I suppose so. I think, Mr. Chairman, you will find in that previous examination there the record of all the property purchased for this pool. If you desire it, we can give it to you. It is a matter of record. I think it is all stated there, but I am not resiritive.

I am not positive. \*
Mr. New. We know that to be a fact.

By Mr. Lewis:

Q. Do you mean this exhibit attached to your subpana duces tecum?
A. Probably four fifths of that belongs to Sunderland & Hillyer; four fifths of that property.

By the CHAIRMAN:

By the Chairman:

Q. Was the other property embraced in that bought by you as trustee?

A. I say that my impression now is that four-fifths of the property you call for is property we bought for Sunderland & Hillyer, and I presume the other property is purchases we made for the pool.

Q. In addition to what you say is embraced in this list as having been purchased for the pool by you, are there any other lots or blocks of ground here that you have purchased, not in that?

A. I do not know. I have not looked over it carefully. After looking it through, I presume that all the property you have got in there is purchased by us as trustees; and four-fifths of that property is for Sunderland & Hillyer, and the other one-fifth is for this pool. I find upon examination of the list of property attached to the subpcena that while it includes all the real estate purchased for the pool—Stewart, Sunderland & Hillyer—it also includes property purchased for Kilbourn & Latta and the individual members of the firm, and also thirty-five pieces of real estate which we know nothing about, never having had anything to do with it.

By the CHAIRMAN:

& Latta and the individual members of the firm, and also thirty-five pieces of real estate which we know nothing about, never having had anything to do with it.

By the Chairman:

Now, Mr. Kilbourn, it is due to you to say that the committee have considered very maturely the question submitted by your attorney and the response made by Mr. Christy, and not only that, but the general subject in all its lights, and have come to the conclusion that they require you to respond to the requirements of that subpena duces tecum—that you shall produce the books and papers as therein set Forth; and we hope that you will at once see the necessity of it. We are engaged in a legitimate investigation, one in which every good citizen ought to give his assistance. We do not mean to do any harm or detriment to any interest, and hope you will at once respond in good faith to the requirements of that subpena. We are very anxious to facilitate this investigation and get rid of it. It has now been upon the hands of Congress for nearly three years, and we think the whole thing can be explained satisfactorily to Congress and the country in thirty days, perhaps even in less time, in ten days. I do not see why it cannot be in a single meeting, and we hope you will aid us to do so.

WITNESS. As I stated, I should have counsel to speak for me, but he is not here. I stated on oath the extent of this pool, and that it was such a trivial matter, and I thought that that would be satisfactory. At the same time I can make this further statement, that, if it can be satisfactorily shown in the remotest degree that the Government or the public interest is in any way concerned in this matter, we are willing to give the whole thing to the country. And I would like to have this put on record too, that I think fully four-fifths of that property belongs to Sunderland & Hillyer. Mr. Hillyer, the representative of said irm, was here the other day, and is now willing to come and tell all about that. If we should bring up the books and papers in reference

Witness. I understand that it is not stated that we are shielding anything, but it is a general inquiry for looking through our books and papers, with the idea that possibly something might be found in which the Government is interested.

The CHAIRMAN. No, you are laboring under a misapprehension. I will make this brief statement to you, and then leave it to you either to comply with the subpœnaers that the consequences.

brief statement to you, and then leave it to you either to comply with the subpœns or take the consequences.

Mr. New. And also as to answering the questions that he has refused to answer. The Charram. We know, (whether you do or not.) as a matter of record, that Jay Cooke, McCulloch & Co., directly, and Jay Cooke & Co., indirectly, are indebted to the Government. We know, if you do not, that Jay Cooke & Co. have an interest in this real-estate pool. Can you not see that to this extent the Government? And now we are trying to ascertain what that interests.

WITNESS. Excuse me right there. We have settled with Jay Cooke & Co. The Charraman. We say that that settlement has not covered the interest.

WITNESS. That is the point I want to get at.

The CHARRAM. Your own, like a great many other settlements in the past, has been made to the detriment—whether intentionally so or not—of the parties concerned.

WITNESS. I understand. As I said, of course I have had counsel in the matter all

Wirness. I understand. As I said, of course I have had counsel in the matter all

WINESS. I understand. As I said, or course I have had counsed in the matter and the time, but he is not here now—

The CHAIRMAN. We have heard everything that counsel could say.
WITNESS Of course it is proper for me to consult with him. As I stated, anything that I can do to promote the interests of the Government in any way, shape, or manner, I will do cheerfully.

By Mr. LEWIS:

By Mr. Lewis:

Q. If your counsel advises you, after the announcement of the decision of the committee, to respond to this subpana duces tecum and also to answer the questions that have been propounded to you this morning, are you prepared to do it?

A. I think he would be a very poor client that would not stand by the advice of his counsel. That is what I employ one for. It is only the question of my legal rights that I wish protected.

Mr. New. Do you desire to consult with your counsel further as to whether you shall, or shall not, or will, or will not, reconsider your declication to produce the books and papers, &c., named in the subpana duces tecum, and your refusal to answer the questions that have been asked you during this investigation?

WITNESS. I think it is but proper that I should; I would certainly like that privilege.

WITNESS. I think to its out proposed to the group of the day can you inform us whether you will maintain your present attitude in that regard before the committee, or whether you will respond?

WITNESS. I have been trying all morning to find Judge Black.

Mr. New. You can see him during the day?

WITNESS. I think so.

Mr. New. Suppose you indicate some hour now.

Witness. I think so.

Mr. New. Suppose you indicate some hour now.

Witness. I can communicate with the chairman or any one of the committee at any time the committee indicate. I do not know where Judge Black is, and I can let you know at ten o'clock Monday morning.

Mr. New. We would like to know to-day.

The Chairman. We must press this matter forward, it has been delayed so much, and you owe it to the committee at least, if not to yourself, that your attorney should be here.

and you owe it to the committee at least, if not to yourself, that your attorney should be here.

Mr. New. Do you think you could appear here at the adjournment of the House this afternoon with your counsel?

WITNESS. If I can find him. I certainly will appear anyhow and let you know whether I can find him or not.

Mr. Lewis. Perhaps we had better say three o'clock.

WITNESS. If you will indicate any hour I will be here.

Mr. New. We will expect you here at three o'clock, and then a determination of this matter by you, whether counsel shall be with you or not.

The committee then took a recess until three o'clock.

The committee resumed its session at three p. m.

Mr. New stated that at the meeting of the committee this morning the witness, Hallet Kilbourn, had expressed a desire to confer further during the day with his counsel, and that in order to give him the opportunity to do so the committee had adjourned to this hour. The committee had now met, not for the purpose of hearing further argument in the premises, but of knowing what the witness had finally determined upon, as to whether he would or would not respond to the subpowae duces tecum, and whether he would or would not answer those questions which he has heretofore failed to answer.

Mr. Black, counsel for the witness, said that he wanted a record made up, which would justify one party or the other in doing what they respectively intended to do. He wished, therefore, to put some questions to the witness.

By Mr. BLACK:

Q. Please state to the committee, on your oath, whether there is anything in the nature or history of this real-estate pool connected with any public affair, or whether it is purely a private matter.

A. It is purely a private matter, and has no relation in the remotest degree to any public interest whatsoever.

Q. Was it, or not, a private partnership?

A. It was entirely so.

Q. Relating to private business?

A. Yes.

Yes. Was there any public money invested in it by anybody?

A. Yes.

Q. Was there any public money invested in it by anybody?

A. Not a dollar.

Q. Is it connected in any way with the public act of any officer of the District of Columbia or the United States Government?

A. Not in the remotest degree. Jay Cooke & Co. put in \$25,000.

Q. Are they in it now?

A. No, sir; nobody is interested in it now but Kilbourn & Latta.

Q. Have you ever objected to a revelation of that business on any other ground than that it is a mere private transaction?

A. That is the only reason why I have ever objected to answering questions about it, that it is a purely private business.

Mr. Black. That is all that I want to ask the witness. But I want to go a little further and have this record put into shape so that it will bear the test of the scrutiny of any other tribunal before which it may hereafter be brought. To that end I call the attention of the committee to a fact which occurred before the committee at a former meeting, namely, a call upon the party who was promoting this investigation for any contradiction of the statement which the witness has just made, that this is purely a private afkir; and I now repeat (representing the witness, and as his counsel) his entire willingness to answer any interrogatories that the committee may put to him concerning the nature and history of the real-estate pool, so called, provided that any gentleman here, or any member of the committee, will express his conviction, grounded on any fact known to him, that there is any connection whatever with any public man that Congress has a right to investigate or to found any legislation upon. If that be so, then there is an end of all controversy; the witness "comes down" immediately and gives the committee any information that may be wanted on the subject. Otherwise it must be taken for granted that the nature and character of that transaction is what he described it to be on his cath, a purely private matter.

Mr. New. I desire to say, in answer to counsel and with reference to the

questions which he has propounded to the witness, that in the opinion of the committee those questions, in their very nature, contemplate the statement of a conclusion and not the statement of facts on which a conclusion may be based; not the facts from which the committee could or would form a conclusion. Therefore the committee will not ask Mr. Kilbourn any questions by way of cross-examination. In the next place I desire to say in respect to what has been said about there being no party or about the necessity of some party making certain statements or declarations, to the effect that this is a public matter, and not a private matter, that on a former occasion the same proposition was suggested by yourself and the committee then answered, as the committee now answers, that we are acting on a resolution adopted by the House of Representatives. In other words, so far as we may know from the record, the party complaining or suggesting that there may be some discovery that will be of benefit to the Government as a creditor of Jay Cooke & Co., is the House of Representatives. We feel that we have no alternative, and no duty to perform, except to proceed with the investigation for the purpose of discovering what may be (if anything) discovered as to the history of the real-estate pool, and as to the indebtness of Jay Cooke & Co. to the Government. I desire, in conclusion, to have the witness state whether or not he desires still to abide by his action heretofore in refusing to respond to a subpena duces textm and in refusing to respond to questions which have been propounded to him. Mr. Black rose to make some remarks.

Mr. New. The committee cannot hear any further argument in the matter. There has been oral argument on both sides, and if the committee is to make any progress in this investigation these arguments must of course have a termination.

After conference with the other members of the committee, Mr. New said: For the purpose of giving Mr. Kilbourn and yourself a little further time to consider, we have c

MARCH 13, 1876-10 o'clock a. m.

Hallet Kilbourn, the witness, being present before the committee, the chairman said: By the agreement at the last meeting on Saturday evening, this morning was set apart to hear your final decision as to whether you would respond to the subpena duces tecum and would answer those questions which you were asked and to which you refused to respond last week.

The WITNESS. I have nothing further to say, except that I respectfully decline to answer, for the reasons heretofore stated.

The committee are of opinion and report that it is necessary, for the efficient prosecution of the inquiry ordered by the House, that said Hallet Kilbourn should be required to respond to the subpena duces tecum and answer the questions which has refused to answer; and that there is no sufficient reason why the witness should not obey said subpena duces tecum and answer the questions he has declined to answer; and that his refusal as aforesaid is in contempt of this House.

J. M. GLOVER, Chairman.
J. D. NEW.

B. B. LEWIS.

A. HERR SMITH.

Mr. PRATT is absent.

Mr. GLOVER. Mr. Speaker, I presume the House is now fully in possession of facts enough to enable it to understand the attitude of this witness toward this House. I am instructed by the committee to ask the adoption of the following order, upon which I ask the previous question:

Ordered. That the Speaker issue his warrant directing the Sergeant-at-Arms attending this House, or his deputy, commanding him to take into custody forthwith, wherever to be found, the body of Hallet Kilbourn, and him bring to the bar of the House to show cause why he should not be punished for contempt; and in the mean time keep the said Kilbourn in his custody to wait the further order of the House.

The previous question was seconded and the main question ordered; and under the operation thereof the order was adopted.

Mr. GLOVER moved to reconsider the vote by which the order was

adopted; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to:

## ORDER OF BUSINESS.

Mr. HOLMAN. I rise for the purpose of moving that the House resolve itself into Committee of the Whole on the state of the Union for the purpose of resuming the consideration of the legislative appropriation bill. Pending that motion I yield for a moment to the gentleman from Kentucky, [Mr. Boone.]

### PAWNEE INDIANS.

Mr. BOONE. I am directed by the Committee on Indian Affairs to report, in response to a letter of the Secretary of the Interior, a bill to authorize the sale of the Pawnee reservation.

There being no objection, the bill (H. R. No. 2678) was read a first and second time.

Mr. BOONE. I move that this bill be ordered to be printed, referred to the Committee of the Whole on the Private Calendar, and be made a special order for next Monday at one o'clock

The SPEAKER pro tempore, (Mr. RANDALL.) The Chair would suggest that that order may interfere with the call of States and Territories for bills and joint resolutions.

Mr. BOONE. I am not particular when this bill shall come up, pro-

vided it receives consideration early next week.

Mr. KELLEY. I object to the appropriation of Monday to any special order. Monday has its appropriate business, which I think should not be infringed upon by any special order. I have no objection to making the bill a special order for some other day.

Mr. BOONE. Well, say Friday.

The SPEAKER processors. Evidence appropriate business.

Mr. BOONE. Well, say Friday.
The SPEAKER pro tempore. Friday is private-bill day.
Mr. BOONE. Then, let Thursday, the 23d, be fixed.
Mr. WILSON, of Iowa. After the morning hour.
Mr. BOONE. I modify my motion so as to fix Thursday, the 23d, after the morning hour.

The SPEAKER pro tempore. The Chair hears no objection to the motion of the gentleman at modified; and it will be regarded as adopted.

DEFALCATION OF WILLIAM T. COLLINS.

Mr. HOLMAN. I yield to the gentleman from Pennsylvania, [Mr.

Jenks.]
Mr. Jenks, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of the Interior be directed to communicate to this House the amount of defalcation of William T. Collins, late pension gent at Washington City; who were his bondsmen and for what amount; what steps have been taken for the recovery of said defalcation; and where the said William T. Collins is now residing.

Mr. JENKS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DISTRICT JUDGE FOR COLORADO TERRITORY.

Mr. HUNTON. By the instruction of the Committee on the Judiciary, I ask unanimous consent to report back for adoption the following resolution:

Resolved, That the Attorney-General of the United States be, and he is hereby, requested to furnish to this House at an early day copies of all letters, telegrams, and papers asking for the removal of Judge Belford, a district judge for the Territory of Colorado, and copies of all letters, telegrams, and papers asking for the appointment of Judge Stone to succeed Judge Belford; also copies of all papers, letters, and telegrams appertaining to the alleged arbitrary and corrupt rulings, orders, and decrees of Judge Stone in the interest of those who procured his appointment, which are now on file in the office of the Attorney-General; also the names of all persons who otherwise than in writing demanded the removal of Judge Belford and the appointment of Judge Stone.

Mr. KELLEY objected, and the resolution was not received.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I now renew my motion that the House resolve itself into the Committee of the Whole on the state of the Union to resume the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to.

### MESSAGE FROM THE SENATE.

A message from the Senate.

A message from the Senate. by Mr. Sympson, one of its clerks, announced the passage of the bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri, without amendment.

It further announced the passage of a bill (S. No. 546) to further the administration of justice in the State of Colorado; in which the concurrence of the House was requested.

### LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Cox in the chair,) and proceeded to consider the special order, being the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other pur-

Mr. BENNETT. Mr. Chairman, I have with some care examined the bill reported to the House by the Committee on Appropriations and now under consideration. And I am well convinced that many of its provisions, in relation to the governments in the Territories, should they become law, will work great hardship to the people of the Territories, seriously embarrass the administration of their governments; and greatly retard the growth of their people and the development of their resources.

I have several amendments prepared, which I propose to offer to the bill, as the proper sections are read by the Clerk, and at this time I desire only to submit some general remarks upon the bill as it applies to the Territories, in the hope that the House may reverse what I deem the hasty and unwise conclusions of the committee. Sweeping reductions have been reported in the appropriations for the Territories. These reductions were doubtless honestly made by the committee in the supposed interest of economy and retrenchment, and in so far as

Mr. Chairman, neither myself nor the people whom I have the honor to represent are unaware of the universal demand of the American people for retrenchment in the public expenditures of the Government, nor of the pressing necessity therefor. Everywhere, all ernment, nor of the pressing necessity therefor. Everywhere, all ever this country, in public and private life, in official and in social circles, in politics and in religion, are to be seen the ugly evidences and baneful influences of extravagance and its consequent demoralizations and corruptions. And he who attempts to fasten this stain upon the garments of any one class, or of any one party, simply insults the common intelligence, controverts the common history, and does violence to the common experience of the country. The evil has pervaded all elements of society and infected all political parties. We need not be at a loss to discover the prime cause of all this disorder and loss of public and private virtue, for it is but the natural order and loss of public and private virtue, for it is but the natural result of a great civil war and the demoralization which it created. Neither is it profitable to discuss the responsibilities of that war, for its causes, its operations, and its results have passed into history, and the brave men who met each other in the deadly strife, where

Once was felt the storm of war, When it had an earthquake's roar, And flashed upon the mountain height And smoked along the shore—

now sit happily together under the "banner of beauty and glory," with each other vieing in the prayer-

Peace, thy olive wand extend, And bid wild war his ravage end.

It is well, then, in these times of peace to correct the abuses of war. He who sees no corruptions in public affairs is totally blind; for all who have eyes can say

My business in this state
Made me a looker-on here in Vienna,
Where I have seen corruption boil and bubble,
Till it o'errun the stew.

And he who sees corruption only in the ranks of his political opponents and in the lower walks of life is partially blind; for-

Corruption is a tree, whose branches are Of an immeasureable length; they spread Everywhere; and the de w that drops from thence Hath infected some chairs and stools of authority.

In ferreting out corruption the people of this country, without distinction of party, bid you Godspeed. Let justice be meted out in its fullest measure, for "he who will not be ruled by the rudder must be ruled by the rock."

But the bill now under consideration aspires to apply the corrective in the direction of retrenchment. And to this the whole country gives its profound and grateful sanction. Too long have the people waited, watched, and prayed for this reform, while they have been answered with "a maximum of words and a minimum of deeds."

But, Mr. Chairman, I submit that the cheapest is not always the best, and every reduction of expense is not always economy. It is neither economy nor good husbandry to indiscriminately cut and prune the barren and the fruitful alike. Neither is it a good system of pruning which adopts an inflexible rule to cut all vines alike by a

fixed percentage of measurement.

Mr. Chairman, I think I can show that the committee in their zeal for retrenchment have not used a proper discrimination, and that the per-cent. rule which they adopted worked great injustice and utterly fails to accomplish reform, but inflicts only evil where good was intended.

In order that we may understand ourselves and our relations to each other in these matters, I desire to look for a moment and inquire what are these Territories? Who are they who live out there, and are asking rights before an American Congress?

I will take the Territory of Idaho as an average example. This Ter-I will take the Territory of Idaho as an average example. This Territory was organized by an act of Congress, and is in every sense the creature of the General Government. In area, the Territory is three times as large as the State of Indiana. In beautiful scenery, of snow-capped mountains and lovely valleys, of grand cascades and calm lakes, it far surpasses the famed land of the Swiss, for I have seen them both. In beauty and salubrity of climate it is the peer of Italy for I have conjugate them both. Italy, for I have enjoyed them both. Its great mountains are permeated everywhere with quartz lodes and ledges of gold and silver, while amid the sands of its streams and its bars the freed golden dust meated everywhere with quartz lodes and ledges of gold and silver, while amid the sands of its streams and its bars the freed golden dust glitters in the sun, forming a fabulous array of marvelous deposits which will require the industry of ages to develop and exhaust, while pasturage, timber, fish, and game are in inexhaustible supply. Talk of your Hawaiian Islands, and your treaties of reciprocity with them, here in Idaho we offer a reciprocity backed by resources contrasting with those of the Hawaiian Islands as this great Republic of ours contrasts with the land and hereditaments of His Majesty King Kalakua. The people who live out there are your sons and brothers. They were not of that class whose ambition ascended no higher than to sit down quietly within sight of the chimney-smoke of the old home in New England or in the valley of the Mississippi, and content themselves with the little patrimony of their fathers, and satisfy their souls with eating at the same table, sleeping in the same bed, and voting the same ticket all their lives. No, they were made of sterner stuff. They possess that ambition which "is a spirit in the world that causes all the ebbs and flows of nations." They joined that grand army of pioneers who turned their faces toward the Pacific, trailing the broad plains, blazing the grand forests, and bridging the great rivers, that the course of empire might be charmed on its way westward. They belong to that mighty host of pilgrims who, with brave hearts and strong arms, have built empires in the valley of the Mississippi, scattered gardens over the plains, crossed the snow-capped mountains, everywhere met and conquered hardships and dangers, and are today upheaving the empires in the valley of the Mississippi, scattered gardens over the plains, crossed the snow-capped mountains, everywhere met and conquered hardships and dangers, and are to-day upheaving the river-beds and digging down the hills to supply the world with the precious metals "that fill the coffers of kings, replenish the exchequers of nations, and assist a return to specie payment in the only way possible." Now, then, let me ask you what you have done and what the Committee on Appropriations propose to do for such a country and such a people?

We have a government out there given to us by Congress and with

We have a government out there given to us by Congress, and with the recollection fresh in our minds that the prime cause of our revolutionary war was that we were taxed without representation and that swarms of officers were sent hither to rule us, we are to-day taxing the people of the Territories without granting them the representation for which we went to war with Great Britain. The people in the Territories are interested in the election of a President in every way that it is possible for the people of the States to be, and in many additional

ways. You elect your governors and your judges; ours are appointed for us by the President, we having neither a choice of President nor his appointees. The appointments are generally made in the interest not of the people over whom they are to rule, but in the interest of party, and at the suggestion often of Senators who know but little of our needs and care less. And this rule is not peculiar to any one party, for it has always been so.

But you ask how can these things be avoided? I answer that the Constitution should be amended so as to do away entirely with the cumbrous and unfair machinery of an electoral college, and each qualified voter of the Republic should be allowed to vote directly for President, whether he is a citizen of the United States residing in a State or a citizen of the United States residing in a Territory.

State or a citizen of the United States residing in a State or a citizen of the United States residing in a Territory.

Again, the people of the Territories should be allowed to elect their own officers, as do the people of the States. In this way the people there would get their choice of rulers and a great source of political patronage be removed. A bill is now pending before the Committee on Territories for this purpose, and I understand will be reported adversely to the House, for what reason I am unable to perceive, unless it comes from that inordinate desire of all the sons of Adam to have somebody to rule over. Since the war has enfranchised the negro and given him the right of choosing his own rulers and of representation in Congress, there is nobody left disfranchised but your brothers in the Territories.

Then, again, the people of the Territorics have no representation in either House of Congress. It is true they are allowed the privilege of sending a Delegate to this House, who if he conducts himself modestly and does not meddle too much in public business is allowed a chair to sit down in when he is tired, and listen to the wit and the wisdom of the men who represent his old home in the States and who have never obeyed the injunction of "Go West and grow up with the country," and be disfranchised. It is true he is allowed to debate; but after he has had his say, after he has exercised his great constitutional right of "jaw-bone," and sits down feeling that he has made the subject luminous with his eloquence and his logic, the roll is called, and the Representatives of the people in the States, including the colored brethren, vote, it may be, unanimously against his proposition, and he is not even allowed to vote for it, that he may go back to his constituents and parade his record in self-defense. And worse than that, the Delegates are excluded from the committees of the House; even those committees whose business directly concerns the people of the Territories, as for instance those of Mines and Mining, Indian Affairs, Military Affairs, Public Lands, Private Land Claims, Pacific Railroads, Commerce, and Post-Offices and Post-Roads. On all these committees a Delegate from his experience could be of invaluable service to the committee, to his constituents, and to the country, and having no vote, could not possibly do harm if he desired. Yet during the first week of this session a resolution was introduced into the House for this purpose, and was referred to the Committee on Rules, and has never, I believe, been heard from. And this Committee on Rules is composed of good sort of men, all of whom are prospective, and one of whom a present candidate for the Presidency, and doubtless expecting the Delegates from all the Territories to vote for him in the national convention. You ask what is the remedy in this case

The people of the Territories are as intelligent, patriotic, and honest as yourselves. They are equally interested with you in all matters that come before this body. Questions of finance, of tariff, of customs, of revenue, of resumption, of inflation, and contraction, equally affect them, while in many matters their interests are even more immediate and pressing than yours. The great questions of the mines, the public lands, the Indians, the military, post-roads, and internal improvements are of vital interest to them, and often affect you but remotely. Suppose a Territory may not have a population as great as is required for a congressional district in a State, what then? I may be asked. I answer, first, that the people in a congressional district in a State are also represented in the Senate, and in a State Legislature that is supreme within its local jurisdiction, and its enactments are executed by an executive of their own choice; while the people of the Territories ask no Senators, and their local affairs are regulated by Congress, and executed by officers not of their selection.

In the second place I answer that it is not always numbers that entitle communities to representation. The framers of the Constitution recognized a different rule, for they allowed equal representation in the Senate and that each State should have at least one Representative without regard to population. As each Territory has all the machinery of a State government, all the local interest, and all the general interests of a whole State, to say nothing of a mere congressional district, I am unable to see the wisdom or the justice in a denial to them of full representation in the House. Originally these necessities were not so pressing and a disfranchisement did not work so harshly, for then a territorial government was but temporary and soon gave way to State government; but now when the population required for a State has been so extended these territorial governments become more than temporary, and are humiliating, oppressive, and directly in contravention of the principles of a free self-government. And the outlook is rather gloomy, for when, as in the case of New Mexico, after a disfranchisement and vassalage of nearly a quarter of a century she comes here, fulfilling all the requirements of law, she is met in the Senate by the mighty empire of Delaware, and her

admission is higgled over and allowed to get in, if at all, by a close vote. When the people of a Territory ask a donation of public lands for the construction of a railroad they are met by those who already have their roads with the cry that the public lands should be kept for the "actual settler." They seem to think that if granted for railroad purposes the lands will be carried off to some other planet out of the reach of this historical "actual settler." The average Congressman seems unable to discover that without a railroad these millions of acres are worthless to the "actual settler," while with a road the actual settler can get plenty of Government land, and the railroad land, too, if he desires it. Until the road is built the "actual settler" is a myth. The building of the road makes the farms and brings the actual settler along with it and renders the Government land valuable which before was not worth a farthing.

land valuable which before was not worth a farthing. But, to return to my subject. What does the Committee on Appropriations in the bill now before us propose to do for the development and settlement of the Territories? What have they done to encourage the vital industries and to promote the growth of the Territories? What have they devised to hasten the end of this anomalous system of territorial governments begotten of an adulterous connection between patriotism and tyranny? What impetus do they give to the adding of new States to the Union and new stars to the flag? Let us see. A few years ago the United States Government erected at Boise City, in the Territory of Idaho, a magnificent assay building, and supplied it with a full complement of machinery necessary to its successful operation. The building was constructed of stone, under the direction of the Supervising Architect of the Treasury, at a cost of over \$50,000, since which time it has been in working order. The last Congress appropriated \$7,500 for its expenses. That appropriation will expire on the 30th day of June next. The Committee on Appropriations have refused to make any appropriation for its continuance. I shall at the proper time offer an amendment restoring the appropriation with a reasonable reduction. If my amendment is not adopted, the assay office will be abolished, a severe blow given to the interests of the laboring-people of that Territory and to the principal industry of that country. I suppose the reason of the course of the committee is found in the fact that during the last year the amount of assaying done at the office did not pay enough to meet the expense to the Government. While I shall at the proper time explain this, I now say generally, that if it is in the interest of economy to abolish entirely all institutions of the Government which do not pay expenses, then indeed is the field for retrenchment inviting, for in that case you can abolish the postal system in all the Territories and in the sparsely settled States; for it

But, Mr. Chairman, I submit whether such a rule can be adopted. The question of economy cannot be solved by a calculation of the actual cash saved to the Government. If I can show that the assay office at Boise City is of great service to the mining interest, and that its discontinuance would work injury to that great branch of industry, I shall appeal to this House to reverse the opinion of the committee and by its action subserve that higher economy which does not always look at paltry dollars and cents as its true measure, and I shall hope that my appeal will not be in vain.

and I shall hope that my appeal will not be in vain.

If the House can conceive the earnest protest of the people in the mining districts against the abolition of the office as being worth anything or entitled to any consideration, the office will certainly be continued and made even more efficient than at present. If the continuance did not affect seriously the most vital interest of the people of Idaho, and more particularly the thousands of our citizens who are engaged in the mining districts, the act of abolishing the office and saving \$7,500 per annum to the Government might be tolerated on the paltry ground of economy; but when viewed in a larger sense, and considered in the light of its great utility to the people of the Territory as well as to the commercial interest of the country at large, it will not, I apprehend, be deemed wise or economical to suspend or abolish its operation at this time. The important branch of industry, its development and success, in aid of which the Government constructed the assay office at a cost of \$50,000, stands as much in need of the aid and congressional encouragement now as did the necessity for the creation and construction of the office in the first instance.

By the act of continuing the assay office on its present plan, and under its present judicious management, nine thousand people out of a population of about fifteen thousand are directly interested and affected thereby, because that is the proportion of the population at present engaged in the business of mining, and producing gold and silver in our mineral districts. The wise and liberal legislation of Congress which called the office into existence was based on the absolute necessity of protection to and encouragement of the arm of industry confined to the production of the precious metals. The cause for continuing in operation the office is both great and urgent. By means of the privileges and advantages afforded by the office the miner who invests his capital and labor is enabled to determine and secure the just value of his toil, and the whole business community protected against exacting monopoly in the undervaluation of the bullion taken from the miner. Suspend the business of this office, and you turn loose upon the honest toiling classes, who brave the hard-

ships incident to a mining life and occupation, a horde of bullion brokers and private assayers who are placed in a position by organized combinations and fraud to oppress by tax and unreasonable charges

By the establishment of the office and the appointment of an assayer and melter and refiner by the Government of the United States as now, honest dealing is guaranteed to the miner who produces the gold and silver and the merchant who makes advances upon the credit of the bullion as stamped by the sworn officers of the United States, a credit which cannot be elicited or secured on bullion stamped by private operators in the business of assaying. No commercial house New York, San Francisco, Chicago, Philadelphia, Saint Louis, or New Orleans will credit the private stamp as designating the value of the bullion or bar of gold or silver, and the consequence and inevitable result is that the miner or merchant must submit and pay the tax of another when the bar is finally disposed of.

Take the history of every new mining district on the Pacific coast in process of development, and you have before you these certain facts: from ten to twenty thousand assays will be necessitated in the process of opening up a mineral district; and it makes no difference whether the ore justifies or not, the price of the assay averages from five to seven dollars and a half for each assay, which when made gives no guarantee of its accuracy. At the present time the miners and producers are protected from those extortions by the presence of the Government office, where tests are honestly made and reliable returns rendered, and at less than one-fifth the cost of private charges, so that by the advantages and facilities given to the people in Idaho, by the maintenance of the office under the auspices of the Government, developments are more general, labor and capital more steadily directed, and encouraged by the correct medium through which results are given and determined in the progress of opening up mines.

It is not only the men who go into the mining districts and perform the

physical labor and risk their personal means, but the capitalists in New York and other large cities in the East, West, North, and South, who participate in the enterprise of mining and place their means and capital in that channel of industry, who derive the benefits from the establishment of an assay office by the Government. The whole business and operation of the office and the reports of its officers as to the nature, extent, and peculiar character of the mines and mineral resources, as examined by them, and certified to them by and through the most reliable medium, and from the highest and most authenticated sources, go to the country at large, and are considered of an invaluable character. Will the Government deprive the laboring and commercial classes, as well as the very useful class of people of the country known as capitalists, of the great benefits secured by the continuance, or will it cut off those privileges and advantages, suspend the operations of the office, and save under the pretense of reform \$7,500 per annum?

The isolated condition of our Territory, our mineral districts being hundreds of miles from communication by rail or water transportation, leaves us a little world in ourselves engaged in the business of producing gold and silver. Carson City, five hundred miles; Portland, nearly six hundred; San Francisco, more than seven hundred miles away; abolish the office and you force the people of Idaho to ship their gold dust and gold and silver bullion to some one of those points and wait for returns before they can put the proper or correct

value upon the result of their labor.

Again, Mr. Chairman, the salaries of our territorial officers are so reduced in this bill that every branch of our civil service will be crippled and obstructed. For instance, take as an example the salaries of our judges. The judicial system in the Territories consists of one chief and two associate justices. These judges hold the district courts in all the counties and a supreme court once a year at the capital. They have both territorial and Federal jurisdiction. should be men thoroughly learned in the law and fully competent to perform their varied and responsible duties. They perform the duties of State circuit judges, State supreme judges, and of the United States circuit and district judges. In the Territory of Idaho, to reach all the courts, our judges are compelled to travel each year thousands of miles, and wholly on horseback and by stage-coach. They work nearly the whole time. On account of the distance from railroad, for everything which they have to buy they pay nearly double as much as is paid in the States. They receive their pay in currency; and, as gold is the standard of value there, every dollar is discounted 15 per cent. The salary of a judge is now \$3,000, and so inadequate is this sum that a few years ago the territorial Legislature passed an act increasing the pay, as follows:

Be it enacted by the Legislative Assembly of the Territory of Idaho, The salaries of the following officers of Idaho Territory are hereby increased, in addition to the compensation already provided by the United States Government, as follows: governor, chief justice, associate justices, each, the sum of \$2,500 per annum; to the secretary of the Territory, \$1,000 per annum.

And Congress, exercising its controlling authority over the territorial Legislature, annulled the act and passed a future prohibition, as follows:

In an act of Congress approved July 15, 1870, the following provision is found:

Sec. 3. And be it further enacted, That all acts and parts of acts heretofore passed by the Legislative Assembly of Idaho Territory that provide for the payment of salaries or extra compensation out of the territorial treasury to officers holding commissions by Federal appointment in said Territory are hereby disapproved of

and annulled; and the Legislative Assembly is hereby prohibited from making any appropriations from the treasury of said Territory to any such officers, or persons, under any pretense of adding to or increasing their compensation as fixed by the United States.

Thus it will be seen that Congress will neither pay our officers reasonable salaries nor allow us to do so ourselves.

I intended to ask this Congress for an increase of salary for the judges, for we have competent men, citizens of the Territory, and the people desire to retain them. Yet this bill reduces their salaries to \$2,800, which after the discount is \$2,125. And this is done while the same bill for less labor and no more responsibility gives the judges in the District of Columbia \$4,000. The result will be that no respectable lawyer will hold the places in the Territories, and the people there, the interests of the Territory and the United States alike, will be turned over to the tender mercies of "shysters," sent there from the purlieus of police courts in search of bribes.

I earnestly protest against such an unjust and dangerous proceeding. I could say the same in relation to other officers whose salaries are reduced, and will do so when I have an opportunity to offer amend-

ments. Until then I drop this subject.

One other thing, and I am done. There are many ways to retrench in the Territories without doing this violence to all our interests. I mention only one—in the Indian service, that greatest of all swindles in this country. In the Indian service in Idaho alone a sum amounting to more than the whole expense of the territorial government might be saved. Every year about \$40,000 is appropriated for contingent expenses, and for giving presents to Indians, and for putting Indians on reservations in Idaho. At the proper time I want to show the House how that thing works. I have been for four years among these Indians, and I never knew one of them during that time put on a reservation, and I know that no man has attempted it: yet this fund has been regularly drawn by somebody. I know a small tribe of Indians whose agents each year drew \$20,000 which was appropriated, and from the evidence, taken in writing in my presence, of the Indians, I ascertained that not \$5,000 in eight years had been used for the Indians. But of this when the Indian bill comes up.

If you want to economize in the Territories, put a stop to the system based upon hypocrisy and theft, turn the Indians over to the War Department, and, instead of treating them as the pets of the na-tion, deal with them fairly, prevent them from being robbed by psalm-singing and non-psalm-singing thieves, allow them, not hundreds of square miles, as now, but land sufficient for their needs, and

then let them do as poor white men do, work or starve. In the language of another, I say:

In the language of another, I say:

The Indians cannot longer shirk the duties and responsibilities of human beings. They must decide what to do, and abide by their choice. The idea that the Government is going to carry the Indians like so many big bronze babies in its arms, and feed and clothe them and humor all their whims, and keep them well supplied with all sorts of toys, from glass beads to Sharpe's rifles, is too ridiculous to be tolerated. The truth is, the sentimental view of the Indians has played itself out. They have developed no capacities for civilization, no aptitudes for industry, no ambition for progress—nothing but laziness and an enormous ability to be supported by the Government, and an overmastering appetite for all the vices of frontier life. The time has come to look the facts squarely in the face. The laws which govern populations are terribly stern and inexorable in their operations. The fittest survive. The earth is for those who have the industry, the skill, the pluck and hardihool to possess it. All attempts to preserve a race of idlers and loungers and thieves, strutting about with feathers in their hair and moccasins on their feet, insisting that land enough shall be secured to each one of them to support forty whites, and that they shall be protected from imposition while committing all sorts of depredations, are too preposterous to be seriously entertained for a moment. The philanthropy is all on one side. There is no humanity in trying to perpetuate arace that will not civilize itself and cannot be civilized. It stands in the way of human progress. It eats the substance that belongs to nobler peoples. It is a drain on the productive capacities of the earth, and a burden that no government is bound to carry. The sooner the Indians are made to feel this fact, and compelled to choose whether they will go to work like other men or starve, the better for themselves and everybody.

Mr. Chairman, I shall not urge appropriations at this session out-

Mr. Chairman, I shall not urge appropriations at this session outside our regular sums for the territorial government. I shall yield to the great demands of the people for retrenchment. We in Idaho I shall yield We in Idaho are poor and needy. We have no capitol buildings, no United States court-house, our navigable rivers are obstructed, and we have no railroad or telegraph built by Government subsidy, yet all I shall ask is to be let alone, and not robbed of our just and necessary appropriations because others have been extravagant. And to this end I beg, in the name of common justice, common honesty, common sense, common decency, and common brotherhood, that you let us keep what little we have, and, if you want to retrench, do it where it can be safely done, but be sure you do not mistake injustice for economy and cripple where you ought to sustain. The best economy is that which fosters industry, develops the resources of a country, and does justice to all.

If you will not let us vote for our rulers; if you will not give us representation along with our taxation; if you will not let us be on your committees; if you will not allow us to pay our own officers increased compensation; if you will squander money on worthless Indians; if you will refuse us public lands within our own borders to build us a railroad; and if you will disfranchise us, in the name of American honor I insist that you shall not kill us in the name of economy.

Mr. BLOUNT obtained the floor.

I ask the gentleman to yield to me for a moment. I yield, as I understand the gentleman will take Mr. KELLEY. Mr. BLOUNT. only a moment.

Mr. KELLEY. I desire to ask the committee to rise for a few moments in order that I may bring to the attention of the House a paper just put into my possession charging me with most infamous crimes. [Laughter.] In view of the condition of my health I may be constrained to leave the House and therefore ask this indulgence. My statement will not take five minutes and the committee can then resume its session.

Mr. BLOUNT. I yield for that purpose.

Mr. KELLEY. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker pro tempore, Mr. Cox reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the special order, a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

#### PERSONAL EXPLANATION.

Mr. KELLEY. I desire the Clerk to read an article in the paper I send to the desk, the New York World of to-day, headed "Another investigation."

The Clerk read as follows:

WASHINGTON, March 13.

Washington, March 13.

One of Pennsylvania's noble Congressmen is next on the list to be investigated. A gentleman by the name of Martin Powers has written a letter to a member from Pennsylvania, referring to the relations which exist between the proprietor of a woolen mill on the Schuylkill, James Dobson, and W. D. Kelley. The letter is now in the possession of Mr. Mutchler, chairman of the Committee on Expenditures in the Interior Department, who will investigate the allegations. The letter states that for the past sixteen years Mr. Kelley has used his influence as a member of Congress to obtain contracts for Mr. Dobson from the Indian Bureau, to furnish blankets; that Dobson, who twenty years ago was a porter, is now worth \$10,000,000; and that Mr. Kelley has taken unto himself 20 per cent. of the profits of all contracts he has been influential in obtaining for Dobson, thereby netting in the neighborhood of \$1,000,000. Mr. Powers, in his letter, says that every time Mr. Kelley comes up to the Falls of Schuylkill from Washington or Philadelphia it is for the purpose of receiving a check from Dobson, and he states that there are witnesses who will prove, as well as bank documents, checks, stubs, &c., the truth of his assertions. He asks that Dobson be put upon the stand. The allegations of this letter, it is but fair to state, are not credited by those who know Judge Kelley or by those who are familiar with the awards for many years of the contracts for Indian blankets.

Mr. KELLEY, Mr. Speaker, I apprehend it is due more to the Members.

Mr. KELLEY. Mr. Speaker, I apprehend it is due more to the Messrs Dobson than myself that I should notice the statement just made. If there be a man in this House, or a person who knows me well, who attaches any importance to it, I have lived in vain.

Messrs. J. & J. Dobson (for Mr. James Dobson is but a junior part-

ner in the house) are men to whom I have invited the attention of ner in the house) are men to whom I have invited the attention of hundreds of visitors to Philadelphia from other States and other countries. The senior brother never was a porter, but came to this country a young man skilled in the manufacture of woolen goods, which skill, with his integrity and honorable aspirations, constituted his capital. He toiled diligently, having his young brothers and sisters about and dependent upon him. He has built up the most magnificent carpet-works in the State of Pennsylvania, and they do but supplement the other branches of his woolen business. As his brothers have come of age they have been associated with him as partners ers have come of age they have been associated with him as partners in his business. They have never asked me, and I have been their Representative now nearly fifteen years, to raise my voice in any department of the Government in favor of any character of contract for them. It is their pride that they do business on business principles, and when many years ago Hon. William A. Burleigh, the then Delegate, I think, from Dakota, was declaiming upon the frauds perpetrated upon the Indians in the matter of blankets and protesting that the blankets for them were bought abroad when better could be made at home, I publicly interrogated him as to what part of England contained the village of the Falls of the Schuylkill, in the twenty-first ward of the City of Philadelphia and the fourth congressional district of Pennsylvania; and he who will turn to the record will find that four times I put that question to him, each time record will find that four times I put that question to him, each time assuring him that the Messrs. Dobson in my district had been able to beat the world in both quality and cheapness of Mackinaw blankets, the kind to which he was referring. So they had, and they have maintained that supremacy by the superiority and cheapness of their work. Meeting those gentlemen one evening in social life the senior Mr. John Dobson made the statement publicly in my hearing that that debate on Saturday, and in the debating society as it was, had been more than \$100,000 in their pockets, for it had brought to them the trade of every Indian trader in the country and had enabled or the trade of every Indian trader in the country and had enabled, or

the trade of every Indian trader in the country and had enabled, or rather required, them to build an additional factory in order to supply the new demand for their commodity.

That they are my friends I admit; that I honor them for their energy, their character, their great success, I freely admit. But, on the other hand, when I turned to the directory to find the name of the man who signs the letter Martin Powers—for my friend and colleague [Mr. MUTCHLER] has kindly put it at my disposal since this article was brought to my attention—I do not find it among those of the residents of the village from which his letter is dated. I do, however, discover this from that letter: that, while it came privately to my colleague [Mr. MUTCHLER] through his mail and has not been communicated by him to a human being, the infamous scoundrel who thus assails the character of my honorable constituents has taken pains to give

it to the public through the press, knowing that the investigation he

invited would brand him, and not the man he slanders, with infamy.

With these remarks, I thank the reporter of the World for having said what he did as to the opinion of those who know me. I thank the House also for its kindness in rising to give me this opportunity to say what I have said.

#### CONTUMACIOUS WITNESS-HALLET KILBOURN.

Mr. GLOVER. Mr. Speaker, the Sergeant-at-Arms is now at the

bar of the House with the witness, Hallet Kilbourn.

The Sergeant-AT-Arms appeared at the bar with the witness and said: Mr. Speaker, in obedience to the order of the House, I now have in custody at its bar Hallet Kilbouru.

The SPEAKER. Mr. Kilbourn, you are presented at the bar of the House, upon the order of the House, under arrest on an alleged breach of the privileges of the House in refusing to answer certain questions propounded to you by a committee of the House, which questions that committee was authorized by the House to ask. It is my duty now, by authority of the House, to ask you whether you are now ready to answer those questions before the committee?

Mr. Kilbourn (the witness) said: As this arrest and these proceedings are a very important matter to me, a humble American citizen, I respectfully request this honorable body to allow me to be represented by my counsel, Judge Black, of Pennsylvania, and David Dud-

the SPEAKER. The House has heard the request of the witness, who states that in his judgment this matter is to him one of very great importance, and that therefore he desires, before further answering, to be heard before the House by counsel. What is the pleasure of the House?

I believe, sir, that the request of the witness to be heard Mr. NEW. by counsel before the House orally is without precedent in the proceedings of this House. Of course, however, it is for the House to determine how it will permit the witness to be heard.

Mr. PAGE. I move that the witness be heard through his counsel.

Mr. PAGE. I move that the witness be heard through his counsel.

The SPEAKER. The question is on the motion of the gentleman from California [Mr. Page] that the request of the witness be granted.

Mr. HOLMAN. Mr. Speaker, the motion of the gentleman from California involves an important matter of practice upon the part of the House, and certainly should be considered for a moment. I believe that while perhaps such a request has been made of the House of Representatives, this course has not heretofore been adopted in any instance, although for many years there has been scarcely a session of the House when some citizen has not been before it for disobeying its process and refusing to respond to proper interrogations. The usual practice has been where the witness desired to make a statement of the grounds upon which he thought he was excused from answering a question or perhaps producing a record or other paper which was required to be produced, to read or have read in the presence of the House such reasons as he might think proper to present why he should not respond to the demands made by the House through its proper committee.

A citizen placed in the attitude of a witness declining to answer a question in the presence of this House can scarcely assume the attitude that it is necessary for the protection of his rights that he shall be heard by counsel. It may be presumed that all gentlemen on the floor are prepared to assert with equal impartiality the rights of the citizen as well as the dignity of the House of Representatives and to secure to the country the benefit of the exercise of its proper powers. It would not seem that by any possibility wrong or injustice can be done by the House acting upon the facts as presented. The august character of the body and impartial attitude of the members composing this tribunal repel the idea of the possibility of hasty action or of injustice to a citizen or an improper imperiling of his rights.

It seems to me, sir, that a departure from the practice which has prevailed in our history, a practice uniformly adhered to during all these years, would be attended with many embarrassments. A case might be presented where the questions raised were of so complicated a character that the House might desire to deliberate, and in such cases it would undoubtedly stop to deliberate. But where, as in this case, a witness is required to produce a record or to answer a question and the reason for not producing the record or answering the question is so clearly presented as is done in this instance, where the committee, the organ of the House of Representatives, has furnished such facilities for presenting the exact point, it would scarcely seem that by this House sitting in a judicial capacity, protecting on the one hand the rights of the citizen and on the other its own dignity, injustice can be done or a conclusion reached which would be other than that which might be reached by such a tribunal upon the fullest argument of

I can only suggest, Mr. Speaker, that nothing is presented in this case in the paper which has been read at the Clerk's desk which would seem to justify a departure from this uniform practice. It is impossible that there should not be debate. I will not be told that this case is analogous to that of a witness brought to the bar of a court for being in contempt of its authority. There, sir, from the very necessity of the case, the judge cannot enter upon an argument; he can hear no suggestions unless they come from counsel. The court must hear and deliberate, not argue. Here, this tribunal, exercising high judicial powers, is a body at once deliberative and judicial in its character. It may consider, it may argue, and yet may impartially decide. If this gentleman desires to be heard through counsel, it is due, it seems to me, to the character of this body that counsel should be heard through a written presentation of the facts, which may be read to this body. The controversies incident to the ordinary tribunal of justice would be scarcely suited to our deliberations. Counsel for and against would scarcely suit the character of this body as a tribu-

and acting upon a judicial question.

I think, sir, it would not be wise to adopt this motion. If this citizen desires time to be heard and to prepare his reasons for not answering the questions propounded or producing records other than those already presented to the House by the report of the committee, undoubtedly the House would give him proper time. But upon a question like this, which is not a new question, but one which certainly is in accord with the experience of every old member of this House, has occurred every session, to enter into a minute and learned discussion of questions such as spring up in courts of justice would scarcely comport with the character of this body or its mode of deliberation. I hope that no precedent such as this will be set. It is opening up a new field for the consumption of time, which is somewhat valuable and ordinarily valuable to the public service.

If it could be suggested that the rights or liberties of the citizen were imperiled by a failure to grant such hearing, we should all readily concede that it should be done; but no right is involved, no peril to the citizen is involved in this case. He relieves himself at once by

to the citizen is involved in this case. He relieves himself at once by answering the questions propounded to him and by the production of the record.

Why, sir, is it possible when the record which we have heard read shows that a single question was propounded, or a series of questions of the same general character, one of them involving whether or not the witness would produce a given record, that the House of Representatives will suspend the ordinary transaction of public business to hear arguments of counsel upon a question which arises daily in the transaction of public business in every department of life and constantly here?

Such discussions, sir, would not enlighten the tribunal, it seems to me, that is to pass upon the subject. This is not a question that arises casually or once in a long period, but it is a question of constant recurrence which citizens in their public relations are obliged to meet, not only in courts of justice or elsewhere in public employment. Sir, I cannot think that it is desirable that a new precedent should

be established. If the citizen now at the bar of the House requires be established. If the citizen now at the bar of the House requires further time to prepare an answer to be read by himself, or at his instance, it is highly proper that his request should be granted without a moment's hesitation, judging by the former action of the House; but if counsel are to be heard, it is easy to imagine cases where counsel would have the right to be heard, for the whole people in answer to an argument presented in behalf of a single citizen. It is safer that a tribunal such as this should not only exercise its whole power, whether touching matters of public concern or of common occurrence as well as to deliberate and importally decide proposed. as well as to deliberate and impartially decide upon such a question,

rather than a new element should be introduced into this body.

I have only thought it necessary to submit these remarks on the spur of the occasion from the reluctance I feel to enter on new fields in the House and to establish new precedents which in many contingencies might very greatly embarrass a proper exercise of the powers

of this body.

Mr. HOAR. Mr. Speaker, this resolution presents squarely a very grave question of constitutional liberty. The quiet attention which the House has paid to the suggestions of the distinguished gentleman from Indiana [Mr. Holman] shows that the House sees that a very important and grave question is before us. The question to be determined so far as this witness is concerned is this, whether he shall or shall not, if he persists in the attitude which he has taken before the committee, be punished by this House for a contempt. The House is authorized to detain him in its custody to the end of its session as a matter of coercion. It is authorized also to sentence him to imprisonment of reasonable duration as a matter of punishment if it shall be of the opinion that in the refusal to answer the questions lawfully propounded by

its authorized committee he is in contempt.

Now, the witness presents as his reason for this refusal a claim that he is within a protection secured by an express article of the amend-

ments to the Constitution, to wit:

The right of the people to be secured in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated.

Now, without expressing and, if there is to be any further hearing in this matter, endeavoring not even to form an opinion whether that right is properly asserted, everybody will agree that a right contained in the articles of amendment to the Constitution, ingrafted on it shortly after the time of its inception and almost contemporaneous with its adoption, is the most important right of a citizen.

Now is it or is it not true that an investigating committee of this House has a right to say to this man, "Let us search your papers for our information?" That is a pretty grave and serious constitutional question, and it is a question involving pretty grave and serious rights of a citizen. And shall that question be adjudged without hearing the citizen in the ordinary constitutional form in which the rights of all citizens are defended?
A further amendment to the Constitution says that "in all crim-

inal prosecutions the accused shall have the assistance of counsel for

his defense." Now I do not claim that the process under which this witness may be punished for a contempt of this House is a criminal prosecution in the ordinary sense.

Mr. LAPHAM. Will the gentleman allow me a moment?

Mr. HOAR. I think I can state the matter a little better if am allowed to state it consecutively, if the gentleman will pardon me.

Mr. LAPHAM. There is a provision in the statute.

Mr. HOAR. The Constitution is enough for my purpose.

Mr. LAPHAM. The gentleman was saying that it was not a criminal prosecution; I desire to correct him.

The SPEAKER. Does the gentleman from Massachusetts [Mr. HOAR] vield?

HOAR] yield?

Mr. HOAR. I do not yield for that purpose. If this witness should be hereafter indicted, as the statute authorizes, before the courts of this District, he would be there indicted for the crime of refusing to testify. But I concede and I believe that the punishment of this witness for a contempt of the House is not technically a criminal proceeding. But it is a criminal proceeding within all the constitutional reasons and the justice which led to the adoption of this provision of the amendments to the Constitution. That is, where a man is to be adjudged judicially guilty of wrong-doing, and where the consequence of that act is his punishment by being compelled to suffer in prison or by fine or something else, as a penalty, that has all the attributes of, and comes within the reason of, a criminal proceeding.

Now, if that be true, then the next question is, Ought he to be heard before the House judges him? The gentleman from Indiana [Mr. Holman] says this is a House composed of lawyers, of sensible men, who can themselves argue and deliberate and discuss. But the man who is interested in the result may perhaps present reasons which no merely impartial tribunal will think of for themselves. Nobely will deav the gentleman from Indiana does not deave the Nobody will deny—the gentleman from Indiana does not deny—that the man ought to be heard. If we decide, as we very probably may, that this protection of the papers of the individual cannot stand in the way of the public investigations which this House thinks necessary in the discharge of its high constitutional functions, whether of inquest or of legislation, still, before we come to that decision, we wish to hear what the man has to say who is interested in its result,

what to fleat what the man has to say who is interested in its result, especially before we enforce that decision by punitive process.

We agree, then, first, that here is an important constitutional right of the citizen to be settled; second, it is a right concerning which he is entitled to be heard. That was settled by this House in the last case of the kind before it, that of the witness Joseph B. Stewart. He was permitted to address the House for an hour on this precise question. I had the honor of being a member of the committee that was investigating matters connected with the Credit Mobilier fraud. The witness Stewart refusing to testify in regard to what he said was his private business, he was brought to the bar of the House and heard for an hour before he was remanded to the custody of the

Sergeant-at-Arms.

Then, if he is to be heard, it seems to me it follows as a matter of Then, if he is to be heard, it seems to me it follows as a matter of course that, as the Constitution provides in criminal cases, he ought to have the assistance of counsel for his defense. Many citizens, a very large proportion of the citizens of this country, men, women, and children, are persons absolutely incapable of being heard by their own voice before an audience like this. It is not given to them to have the self-possession, the knowledge of the law is not given to them, the gift of speech is not given to them which would enable them to have a hearing of any practical value except through counsel. If this man is not entitled to be heard by counsel, then the poorest triphyen who has just come over to this country, or the German est Irishman who has just come over to this country, or the German who cannot speak the English language, the woman who would almost faint at the severe aspect of our honorable Speaker bent upon her in displeasure [laughter] would not be any more entitled to be heard through counsel.

The English House of Commons—and certainly the American House of Representatives will not be behind the English House of Commons in its respect for constitutional liberty—the English House of Commons hears the citizen at its bar in civil cases where questions of private right are to be determined. In England, as is well known, Parliament has the power to legislate without restraint; and therefore in many instances it exercises what are in fact judicial functions; that is, it declares by statute between the conflicting rights of parthat is, it declares by statute between the connecting rights of parties. In those cases the citizen is always heard by counsel at the bar of the English House of Commons, and the books on parliamentary law are full of the rules of proceeding in examining witnesses in such cases, as gentlemen know.

Our Constitution does not allow this House to deal with that class of subjects. But here we have a judicial question involving the right of the citizen; and it seems to me, therefore, that he ought certainly to be heard through the mouth of his counsel.

I plant myself on this proposition, that there is no such thing known

to American constitutional law, no such thing known to the judicial habits of the American people as punishing a man without a hearing. And there is no such thing as a right to a hearing separated from the right to select the voice through which that hearing shall be had; and that a citizen unable or unwilling to be heard by himself is always entitled to be heard through his counsel.

Mr. JENKS. Mr. Speaker, in mechanics, it is held to be a good rule that no man shall take off the hands of another an unfinished job,

unless there be some sufficient reason for it.

Mr. HOAR. Before the gentleman proceeds with his argument, will he allow me to make one suggestion, which I forgot? In the last Congress the Speaker ruled, with the full assent of the House, that when a witness is held under these circumstances he is, like members, limited by the one-hour rule; so that the hearing asked in this case cannot be protracted.

I was about to say that the question now presented is, Shall this witness be heard by counsel before this House? It is not whether any witness shall ever be heard, but whether this particular witness shall or shall not be heard. It is only this individual case that we are called upon to decide; and it is always held unwise in law for a court to step outside of the record and decide a general principle independently of the particular case it is adjudicating.

Hence we will not discuss any supposed violation of the principle of liberty that every man shall be heard by his counsel; but we will merely discuss the question whether this man in this particular case shall be heard by counsel.

If this case were originally being considered by the House and if the witness were giving his testimony directly to the House, it might be proper that he should be heard by counsel. But when this House has delegated his examination to a committee and his examination is there to be taken, it is before the committee that he should be heard by his counsel as to whether he should answer the question or not. When the relevancy of the interrogatory is settled, (and that is now settled,) when that question has been raised before the committee and the committee has reported in full, shall this House take the unfinished job off the hands of this committee and establish the precedent that when the witness has had ample opportunity to be heard before the committee by his counsel the time of the House

shall be consumed by hearing counsel again?

If it be true that this witness must be accorded this opportunity, it is true of every other witness who may come before the committee. The consequence would be that all that would be necessary to consume fully the time of this House till next July would be for every witness to prove contumacious and to demand a hearing before the House for an hour, as the gentleman from Massachusetts has sug-gested. In this way our whole time might be occupied with hearing

counsel of contumacious witnesses

Now when we have transferred the duty of examining this witness to a committee, when we have authorized them to inquire, when they alone can hear the testimony, I insist that it is before the committee that counsel should be heard on a question of this kind; that the

suppose this same principle should be applied to the courts of justice with reference to contempts? In such cases the court itself judges whether the witness is in contempt. You never knew a court to step aside from the issue then trying to get up an issue with a witness whether he was in contempt of that court or not, and hear that question discussed for an hour by counsel for the witness and perhaps for an hour by counsel on the other side. If that were allowed in any court, the judicial process could be obstructed by the contumacy of witnesses in such a way that it would be impossible to attain the ends of justice. Now, the time of this court is just as important as that of any other court of justice. Two hundred and ninety-two men need not sit here to determine whether this man, in refusing to answer questions which this House has already passed upon as relevant, is guilty of contempt, when we have a committee specially constituted to inquire concerning that matter. Hence, although I should be very much pleased personally to hear the honorable gentlemen who would appear as counsel in this case, yet I think such a proceeding would infringe upon what seems to be the judicious rule with respect to cases of this

Mr. CONGER. Mr. Speaker, on so grave a subject as this it would be well perhaps for the House to understand exactly the position of the question and the attitude of the witness now brought before us. Let us consider for what this witness is called before the bar of the

House by its order. Mr. GLOVER, Will the gentleman allow me to interrupt him a

Mr. CONGER. I have but a few remarks to make, if the gentleman will allow me to finish.

Mr. GLOVER. The witness desires to withdraw his application to

Mr. GLOVER. The witness desires to withdraw his application to be heard by counsel and to be allowed to have a written argument read from the Clerk's desk; and if that is conceded by the House—

Mr. CONGER. Well, Mr. Speaker, that has no particular bearing upon what I have to say on this case. It may be important as a piece of information, but not otherwise. [Laughter.] The settlement of this grave question and of the duty of the House in connection with it does not depend upon the momentary caprice of the witness as to whether he will be heard by counsel or by a written statement. In pursuance of the order which this House adouted and which the pursuance of the order which this House adopted and which the Speaker has carried out, this witness is called before us. The officer Speaker has carried out, this witness is called before us. The officer of the House is directed to bring him to the bar of the House, for what purpose? To show cause why he should not be punished. He is not brought here to answer the inquiry which the Speaker propounded to him, whether he would reply to the questions asked. The warrant of this House directs that he be brought to the bar for the express purpose of showing cause why he should not be punished for contempt. That being the object, the remarks of the gentleman from Massachusetts [Mr. Hoar] are very applicable to this case. I

submit that it is unworthy of the dignity of the House to bring a man before its bar to show cause why he should not be punished without permitting him in some manner to show such cause. If he be able to speak for himself and show that cause to this House, let him do it himself. If he need counsel to show cause why he should not be punished, let him have counsel. If he prefers to make a statement in writing and let the Clerk read it from the desk, let him take that course to show cause. But I do assert here that it would be unprecedented for this House to bring any citizen to its bar and call upon him to show cause why he should not be punished by this House and then to set the seal of silence upon his lips. Therefore I claim, whether there have been precedents or not, that this House should consider the manner in which he may show cause, and permit him to do it in a way which shall most effectually give his reasons why he should not be punished by the House.

The suggestion of the gentleman, showing another way in which he may show this cause, removes perhaps the necessity of further argument—that he should be permitted to do it by counsel on this floor. But I, for one, maintain that whenever a citizen is brought here and is unable to speak for himself, he shall have that opportunity before his liberty is taken away, before he shall be incarcerated—as

one witness was for months.

Mr. BRIGHT. I rise to a point of order.

The SPEAKER. The gentleman from Tennessee rises to a point of order, and he will state it.

Mr. BRIGHT. I understand the witness has withdrawn his application to be heard by counsel, and there is nothing pending before the House. The proposition, as I understand it, is to have his reasons purging him from contempt read at the desk.

The SPEAKER. The Chair is not able to see in the suggestion of

the gentleman from Tennessee anything requiring him to rule as on a

point of order.

Mr. BRIGHT. There is nothing before the House; no question

pending.

The SPEAKER. There is a request on the part of a witness that he be heard by written statement, to be read at the Clerk's desk; and on that the gentleman from Michigan has the floor.

Mr. CONGER. The witness at the bar has not ventured to take

such part in the proceedings of this House as to make motions or to withdraw motions. I am a little surprised at the point of order raised here by my acute friend, that the witness made this motion or that the witness can withdraw it; and therefore I apprehend that the gentleman merely made his point of order to interrupt the current of

genteman merely made in spoint of order to interrupt the current of my remarks, knowing my excessive modesty and the ease with which I am thrown off my guard. [Laughter.]

Mr. BRIGHT. Permit me to explain.

Mr. CONGER. At some private interview I shall be very happy to do so. [Laughter.] I will neither take up the time of the House with the multitudinous explanations of my friend nor admit my inability to perceive them without such great labor bestowed upon them.

Mr. BRIGHT. All right, sir.

Mr. CONGER. Now, Mr. Speaker, whatever the interruptions may be, and whatever he may fail to communicate to the House, this question still remains, that by order of the House and its enforcement by the Speaker's warrant, this witness is brought to the bar of the House and required here in the presence of the House to show cause why punishment should not be inflicted upon him. He has asserted through his friends that he desired to do it by counsel; he has asserted it himself in the presence of the House that he desires to show that cause by his counsel, and by counsel recognized by every gentleman in this House as one well worthy to speak in regard to the rights of a citizen, to his constitutional rights; well worthy to speak in regard to the duty and obligation and precedents of this House; well worthy, I humbly admit, to give instructions on such a subject to me equally with the gentlemen who offer voluntarily to give them.

It is to that point I rose, and that only; and I know not, only from the remarks of the gentlemen of the House, as I have heard nothing from the witness, that he has changed the request he made to the House. That stands made in the House here, and therefore I insist that when that request is made by a citizen it shall be heard, or at least the House shall consider the proposition whether it be not proper and right that he should be heard, if he so desires, by counsel

before he is punished.

Mr. PAGE. I made the motion that the witness before the House be heard by his counsel. I did it on my own motion, without any consultation whatever. I did it simply because my idea of justice and fair play has always taught me that no citizen or person should be convicted or punished without first having been heard. If the witness before the House withdraws his application to be heard by his counsel and desires to have a written statement read, I am ready to withdraw my motion; but until I hear such a statement coming from authority on that side I insist on my motion, and demand the revious question. Mr. GARFIELD.

Mr. GARFIELD. That is right; let us settle that question now.
Mr. GARFIELD. I move to lay the gentleman's motion on the table.
Mr. GARFIELD. Let us have a vote.
The House divided; and there were—ayes 110, noes 59.
Mr. PAGE demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were-yeas 117, nays 74, not voting 98: as follows:

The question was taken; and there were—yeas 117, nays 74, not voting 98; as follows:

YEAS—Messrs Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., Banks, Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Cate, Chapin, John B. Clarke of Kentacky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cowan, Cox, Culberson, Cutler, De Bolt, Dibrell, Durham, Eden, Egbert, Ellis, Faulkner, Felton, Forney, Franklin, Fuller, Glover, Goode, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harris, On, Hartzell, Haymond, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, Hunton, Hurd, Jenks, Thomas L. Jones, Kehr, Franklin Landers, George M. Landers, Lane, Lewis, L. A. Mackey, Maish, McFarland, McMahon, Metcalfe, Milliken, Morgan, Morrison, Neal, New, O'Brien, Odell, Parsons, John F. Philips, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, John Robbins, William M. Robbins, Miles Ross, Savage, Scales, Singleton, Slemons, A. Herr Smith, Southard, Sparks, Springer, Stenger, Stone, Teese, Terry, Thompson, Throckmorton, Tucker, Turney, John L. Vance, Waddell, Gilbert C. Walker, Warren, Wike, Alpheus S. Williams, James Williams, James D. Williams, Jeremiah N. Williams, Willis, and Yeates—117.

NAYS—Messrs. John H. Baker, Ballou, Beebe, Blaine, Bradley, William R. Brown, Horatio C. Burchard, Campbell, Cannon, Caswell, Conger, Danford, Dobbins, Douglas, Dunnell, Eames, Evans, Farwell, Fort, Foster, Freeman, Frost, Garfield, Benjamin W. Harris, Hathorn, Hendee, Hoar, Hoskins, House, Hunter, Hyman, Kasson, Lapham, Leavenworth, Levy, Lynch, Magoon, MacDougall, McDill, Miller, Monroe, Mutchler, Nash, Norton, Oliver, Page, Plaisted, Potter, Ridlle, Robinson, Rusk, Sampson, Sinnickson, Smalls, Strait, Stevenson, Thornburgh, Washington Townsend, Tufts, Van Vorhes, Robert B. Vance, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, White,

So the motion was laid upon the table.

During the roll-call the following announcements were made:
Mr. COCHRANE. My colleagues, Mr. Powell and Judge Ross.

are absent in attendance upon our colleague, Judge Ketchum, who

is seriously ill.
Mr. HUNTER. My colleague, Mr. Cason, is absent on account of

Mr. WILLARD. My colleague, Mr. HUBBELL, is absent on account of sickness. If he were here I have no doubt he would vote "no."
Mr. LANE. Mr. WIGGINTON, of California, is absent on account of sickness. If he were here I have no doubt he would vote "no."

sickness. If he were here I have no doubt he would vote "no."
Mr. TOWNSEND, of New York. I am paired with Mr. DAVIS. If
he were present I should vote "no," and I presume he would vote

Mr. HENDEE. I desire to announce that my colleague, Mr. JOYCE, is absent on account of sickness. If he were present I have no doubt he would vote "no."

The result of the vote was announced as above recorded.

Mr. BANKS. I move that the witness have leave of the House to make his statement in writing, to be read from the Clerk's desk.

The motion was agreed to.

The SPEAKER. The witness is at liberty now to make such a statement,
HALLET KILBOURN (the witness) said: I beg to submit this paper

as my answer.

The Clerk read the paper handed him by Mr. Kilbourn, as follows:

To the House of Representatives :

A committee of your body has expressed its determination to report me as a contumacious witness. You will probably be moved to pun-ish me for this supposed offense. I beg you to hear my simple state-

ment before you strike.

I am sure that neither the House nor the committee, nor anybody else concerned in this business, has any desire to do me a wanton injury or to invade my just rights. I am equally free from all intent to violate or evade the duty which I owe to the House. So far from any actual contempt of your honorable body, I have the profoundest respect for its authority when exercised within legal limits. I do not permit myself to doubt for a moment that whatever you do will be done in good faith according to your apprehension of law, justice, and

constitutional liberty.

I am charged with refusing to answer a pertinent and proper question propounded to me by the committee. If this be true I have committed a criminal offense, but before I can be punished for it my guilt must be established upon a legal trial. Where shall the trial be had

and who are my judges?

I admit that this House as well as the Senate had originally the power to try and punish for all contempts that might be committed against it; and as to contempts generally, each House is still in the possession of the same jurisdiction which it had from the beginning. But as regards the particular offense which a witness commits by re-Statutes, page 17, have declared it to be an indictable misdemeanor, and transferred the whole power of trial and punishment to the criminal courts of the District. You can legally do nothing but certify

through your Speaker the facts found by the committee, and leave the case to be dealt with by the District attorney, the grand jury, and the court. It will not be asserted that this law is void. No one will say that the two Houses of Congress had not the right to disarm themselves of a power which they thought might be better placed in the hands of the judicial authorities. This being done by the concurrence of both Houses and the approval of the Executive in the solemn form of a law, it is to be obeyed like any other law. It is of universal application and must be followed in all cases which come within its purview. The provisions of it by express words are for "every person who being summoned" refuses, &c., and prescribe what is to be done "whenever" a witness fails to testify. There is no rule of interpretation which will make my case an exception out of a statute so broad in its terms. Nor will it do to say that this is not the exclusive mode of proceeding. Disobedience to the lawful process of this House is a public offense—a contempt. A hearing of the case before this body is a trial. A judgment against the accused party is a conviction. Imprisonment in pursuance of such conviction is execution. To punish a man here, and then send him to the courts to be punished again, would be a flat violation of the Constitution. The jurisdiction belongs exclusively either to the House or to the court. If one has it, the other has it not. The written law delares that it belongs to the court, and not to the House. I do not say that this law is a wise one. Perhaps it cripples the power of this body, where it ought to be strengthened. It is your business to say whether it shall be repealed or not. But while it remains on the statute-book you will not refuse to obey it.

The history of the legislation on this subject will satisfy you that my interpretation of the statute now in force is correct. In 1857 (Statutes at Large, page 155) it was enacted that a witness guilty of this offense "shall, in addition to the pains and penalties now existthis offense "snail, in addition to the pains and penalties now existing, be liable to indictment as and for a misdemeanor." This left the House in possession of its old power, and the provision for superadding another punishment was unconstitutional. In 1862 it was repealed. (See 12 Statutes at Large, page 335.) In 1874, upon a general revision of the statutes, the present law was passed, which gives the jurisdiction entirely to the courts, and authorizes them to inflict, not an additional punishment, but the only one that can be inflicted for the effects at the solution of the term of the statutes for the offense. It is not to be doubted that the words "in addition," &c., which the act of 1857 contains, were designedly left out of the revised code so as to bring it within the Constitution, by providing for one trial and one punishment only, and giving exclusive power to the court.

Let me remind you again that you are sitting as a criminal tribunal, to try me for a supposed offense against the United States. If you have jurisdiction, your decision is final, and must be conclusively taken as right. But if the power you exercise does not legally belong to you, then your judgment of conviction will be as void as the decision of a lynch court of the power power and it is a supposed to the power power and the power power power power and the power ion of a lynch court or a military commission, and it cannot be ex-

ecuted without making your officer a trespasser.

But I will make no conflict with the authority of this House unless I am driven to it by the stress of sheer necessity for the preservation of my undeniable rights. It is easy to bring this affair to a plain issue. If the committee or the House will find and assert the truth of any fact which connects the real-estate pool with any public interest which it is the duty of Congress to protect, you shall at once have all the information I can give you about its nature and history. I have asserted on oath that it is purely a private transaction, having no connection, direct or indirect, with any public affair or with the official conduct of any officer. The truth of my statement is made manifest by all the facts which are known, and nothing is even alleged from which a contrary inference can be reasonably drawn.

Now let the question be squarely presented. If the committee or the Househas any well-grounded reason to believe that the production of my private papers or the revelation of my private business will promote any public interest or remedy any public wrong, and if either the committee or the House will assert that to be true as matter of fact, the House and all its committees shall have whatever is demanded, or if any private individual will make oath that the papers asked for will lead to the detection of any misgovernment or the exposure of wickedness in high places, they shall be open as day to your inspection. On the other hand, I cannot acknowledge the naked arbitrary right of the House to investigate private business, in which nobody but me and my customers have any concern,

my customers have any concern,

Thus far it is not alleged that my papers will prove official corruption anywhere. Jay Cooke & Co.'s connection with the pool has long ago been fully and satisfactorily explained, and no new light could possibly be thrown on it by the publication of other names. The deposit made by the Secretary of the Navy with the London house of Jay Cooke, McCulloch & Co. is certainly useless or worse, for it cannot be pretended that the pool had anything to do with that.

But it is alleged that the United States, being a creditor of Jay Cooke & Co. have an interest in showing that the trustee who settled with

& Co., have an interest in showing that the trustee who settled with as Co., have an interest in snowing that the trustee who settled with us for that share of the pool got less than he ought to have received. I assert that the United States are otherwise secured; that Mr. Lewis did get all he was entitled to, and I deny that the fairness of his settlement with us can be impugned by any facts sought in this investigation. But assume that these things are true, what has Congress to do with them? The bankrupt court alone has authority to furnish the remedy for a wrong like this. There and there only can a complaint be heard against the settlement made by the trustee. Do you propose to take away the jurisdiction of the court and assume it yourselves? Will you set aside the agreement of the parties by an act of Congress? Admitting for the argument's sake that my papers may be legal evidence in some possible controversy before a judicial tri-bunal, does that justify an unreasonable search of them now by order of this body for the purposes of an investigation to which they have no relevancy whatever?

I am far from desiring to stand in the way of any investigation you may please to make concerning public affairs. On the contrary, I will freely give you all the aid I can. But I cannot submit to an examination of my private business unless some public reason be assigned

for it. If the House insists, I must take the consequences.

I solemnly trust that the whole House will see the gross injustice of either certifying me to the district attorney for prosecution or of convicting me here.

Mr. HOAR. I ask that the particular questions which the witness refused to answer may be read.

The SPEAKER. The Chair will now propound to the witness the questions to which answers by him have been refused.

Mr. Kilbourn, are you now prepared to answer, upon the demand of the proper committee of the House, "where each of these five members reside," meaning the members of the pool?

The WITNESS. No, Mr. Speaker; I respectfully decline for the reasons I have heretofore given.

The SPEAKER. In your statement?
The WITNESS. Yes, sir.
The SPEAKER. Are you prepared to answer any of the questions which follow that one?

The WITNESS. I beg respectfully to decline.
The SPEAKER. For the same reasons?
The WITNESS. Yes, sir.
The SPEAKER. Are you prepared to produce, in obedience to the subpana duces tecum, the records which you have been required by the committee to produce?

The WITNESS. Not at present.
The SPEAKER. You decline for the same reasons?

Yes, sir.

The WITNESS. Yes, sir.

Mr. GLOVER. I offer the resolution which I send to the desk and upon it demand the previous question. It is due to the House to say that if that resolution should be adopted it will be followed by another resolution in exact accordance with the precedents of the House.

The Clerk read the resolution, as follows:

Resolved, That Hallet Kilbourn, having been heard by the House pursuant to the order heretofore made requiring him to show cause why he should not answer questions propounded to him by a committee, and respond to the subpena duces tecum by obeying the same, and having failed to show sufficient cause why he should not answer said questions and obey said subpena duces tecum, be, and is therefore, considered in contempt of the House because of said failure.

Mr. CONGER. I suggest that the words of that resolution are not in accordance with the order made by the House, and that perhaps it would be better to conform to the order; the order was that he should appear before the House and show cause why he should not be punished for contempt. I think the House should keep within its own

The previous question was seconded and the main question ordered; and under the operation thereof the resolution was agreed to.

Mr. GLOVER moved to reconsider the vote by which the resolu-

tion was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GLOVER. I now offer the following resolution, on which I demand the previous question:

demand the previous question:

Resolved. That in purging himself of the contempt for which Hallet Kilbourn is now in custody, the said Kilbourn shall be required to state to the House whether he is now willing to appear before the committee of the House to whom he has hitherto declined to obey a certain subpoena duces tecum and answer certain questions and obey said subpoena duces tecum, and make answer to said questions; and if he answers that he is ready to appear before said committee and obey said subpoena duces tecum and answer said questions then said witness shall have the privilege to so appear and obey and answer forthwith or so soon as said committee can be convened; and that in the mean time the witness remain in custody; and in the event that said witness shall answer that he is not ready to so appear before said committee and obey said subpoena duces tecum and make answer to said questions as aforesaid, then that said witness be recommitted to the said custody for the continuance of such contempt; and that such custody shall continue until the said witness shall communicate to this House, through said committee, that he is ready to appear before said committee and make such answer and obey said subpoena duces tecum, and that in executing this order the Sergeant-t-Arms shall cause the said Kilbourn to be kept in his custody in the common jail of the District of Columbia.

Mr. HOAR. Will the gentleman from Missouri allow me to make

Mr. HOAR. Will the gentleman from Missouri allow me to make

Mr. HOAR. Will the gentleman from Missouri allow me to make a suggestion as to a matter of practice?

Mr. HOLMAN and Mr. STONE demanded the regular order.

Mr. HOAR. I want to make a suggestion in regard to one sentence of his commitment. It provides that the witness shall be committed until he signifies to the committee his willingness to answer the questions propounded to him. Ought it not to be "until the further order of the House?" Suppose the witness shall express a willingness to the committee to appear and testify, and should then, after being released, refuse to testify?

Mr. HOLMAN. That is all implied.

Mr. HOAR. I hope the gentleman will insert the words "until further order of the House."

Mr. HOLMAN. That results inevitably.

Mr. HOAR. The gentleman will see that this resolution proposes to discharge the witness on his expressing his willingness to testify before the committee.

Mr. HOLMAN. He has to come here to signify that willingness, and those words are not necessary in the resolution.

Mr. HOAR. Well, if you do not want to do it I do not care about it. The previous question was seconded and the main question ordered; and under the operation thereof the resolution was adopted.

Mr. GLOVER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid

The latter motion was agreed to.

And then, on motion of Mr. DURHAM, (at five o'clock and thirty minutes p. m.,) the House adjourned.

## PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CHITTENDEN: The petitions of the Concord Baptist church of Brooklyn, New York, signed by the pastor and officers; of a large mass meeting of the citizens of Brooklyn, New York, signed by Rev. Theodore L. Cuyler, D. D., for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. COCHRANE: The petition of citizens of Allegheny County,

Pennsylvania, that the present duty on foreign coals may not be removed, to the Committee of Ways and Means.

Also, the petition of 48 soldiers of the late war, residents of Allegheny County, Pennsylvania, that soldiers, sailors, and marines of the late war and their heirs (except commissioned officers) be granted a bounty of \$8.33\frac{1}{8} per month for the time served, deducting all United

States bounty heretofore paid, to the Committee on Military Affairs. By Mr. CUTLER: The petition of the Park Presbyterian church of Newark, New Jersey, signed by the pastor and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of Joel D. Thompson, A. G. Cornish, and other citizens of Gilette, New Jersey, of similar import, to the same com-

By Mr. EAMES: The petition of George W. Butler, C. C. Stillman, and other citizens of Westerly, Rhode Island, of similar import, to the same committee

same committee.

By Mr. ELKINS: The petition of residents and citizens of Santa F6, New Mexico, for the increase of the efficiency of the Medical Corps of the United States, to the Committee on Military Affairs.

By Mr. FORT: The petition of W. T. Kerr and 116 other citizens of Norman, Illinois, for the repeal of the specie resumption act, to the Committee on Banking and Currency.

By Mr. HOAR: The petition of the Trinity church of Neponset, Massachusetts, officially signed, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HOUSE: The petition of Elizabeth McClure, for compensation for the use of her building and damage to the same by the United

By Mr. HOUSE: The petition of Elizabeth alcelure, for compensation for the use of her building and damage to the same by the United States Army, to the Committee on War Claims.

By Mr. LAPHAM: A letter from James Tanner, department commander of the order of the Grand Army of the Republic, relative

mander of the order of the Grand Army of the Republic, relative to the action of that order concerning the extension of the time for filing applications for pensions, to the Committee on Invalid Pensions.

By Mr. McFARLAND: The petition of James D. Green, for a pension, to the Committee on Invalid Pensions.

By Mr. McMAHON: The petition of 1,843 soldiers in the late war and the Mexican war, (from the National Military Home at Dayton, Ohio,) that some action be taken for the release of Edward O'Meagher Condon, now confined in a British prison, to the Committee on Foreign Affairs.

By Mr. MONROE: The petition of William B. Malor, John Rankin, and other citizens of Clark County, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. PARSONS: The petition of William Geisel, for relief, to the Committee on Military Affairs.

Also, the petition of J. R. Middleton, for compensation for 20,000 pounds of bacon taken by United States troops, to the Committee on War Claims.

Also, the petition of H. S. Saunders, for compensation for damages to his property by United States soldiers, to the same committee.

By Mr. SEELYE: The petition of the Methodist Episcopal church

of Highlandville, Massachusetts, signed by the officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of the First Baptist church of Fitchburgh, Massachusetts, signed by the pastor and many members of the church, of similar import, to the same committee.

Also, the petition of the Woman's Temperance Union of East Hampton, Massachusetts, officially signed, of similar import, to the same committee.

By Mr. SMITH, of Georgia: The petition of James Sutlive, for compensation for care and storage of cotton belonging to the United States, to the Committee on War Claims.

By Mr. SWANN: The petition of Ann Atkinson, for a pension, to

the Committee on Revolutionary Pensions.

Also, the petition of Rebecca C. Rhodes, for a pension, to the same

committee.

By Mr. THROCKMORTON: Remonstrance of the Creek, Choctaw, and Seminole delegations, against the organization of the Indian Territory into a Territory of the United States, to the Committee on the Territories

the Territories.

By Mr. TURNEY: The petition of John Long and 57 other soldiers of the late war, citizens of Leechburgh, Armstrong County, Pennsylvania, that the soldiers, sailors, and marines of the late war (except commissioned officers) be granted a bounty of \$8.33\frac{1}{2}\$ per month for the time served, deducting all United States bounty heretofore received, to the Committee on Military Affairs.

Also, the petition of J. M. Dinsmore and 53 other soldiers of the late war, of Westmoreland County, Pennsylvania, of similar import, to the same committee.

to the same committee.

By Mr. VANCE, of North Carolina: The petition of Minerva Will-

iams, for a pension, to the Committee on Invalid Pensions.

Also, the petition of William Young, for a pension, to the same

committee.

Also, the petition of William C. Rains, for compensation for damages received while a prisoner of war, to the Committee on War

Also, the petition of Mrs. A. D. Reeves, for re-imbursement for use of her property in Charleston, South Carolina, in 1865, by the Freedmen's Bureau, to the same committee.

By Mr. WILLIAMS, of Delaware: The petition of 250 citizens of Kent and New Castle Counties, Delaware, for an appropriation for straightening, deepening, and widening Duck Creek, in said State, to the Committee on Commerce.

By Mr. WILSON of Lawar. The petition of L.W. Berlin and Office.

By Mr. WILSON, of Iowa: The petition of J. W. Beall and 25 other citizens of Tama County, Iowa, that the duty on flaxseed and flax-seed-oil be retained, to the Committee of Ways and Means. Also, the petition of Josiah Homer and 103 other citizens, of Clin-

Also, the petition of Josian Homer and 103 other citizens, of Chirton County, Iowa, of similar import, to the same committee.

Also, the petition of William Green and 40 other citizens, of Cedar Rapids, Iowa, of similar import, to the same committee.

Also, the petition of C. H. Kentner and 40 other citizens, of Tama

County, Iowa, of similar import, to the same committee.

Also, the petition of George Wagner and 50 other citizens, of Linn

County, Iova, of similar import, to the same committee.

## IN SENATE.

## WEDNESDAY, March 15, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved.

### PETITIONS AND MEMORIALS.

Mr. KERNAN. I present the petition of a large number of lawyers and some of the judges of the southern and eastern districts of New York, praying that a law be enacted providing for the appointment of stenographers for the courts of the United States in the southern and eastern districts of New York. I move that the petition be referred

to the Committee on the Judiciary.

The motion was agreed to.

Mr. KERNAN presented a memorial of the Seneca Nation of Indians, in the State of New York, remonstrating against the passage of a law transferring the guardianship and property of said Indians by the United States Government to the State of New York; which was referred to the Committee on Indian Affairs.

Mr. CAMERON, of Wisconsin, presented a petition of citizens of Wisconsin, praying for the establishment of a post-route from Marine Mills, Washington County, Minnesota, to Osceola Mills, Polk County, Wisconsin; which was referred to the Committee on Post-Offices and

Mr. HARVEY presented a concurrent resolution of the Legislature of Kansas, in favor of the grant of a right of way through the Indian
Territory to two certain lines of railroads; which was referred to the
Committee on Indian Affairs, and ordered to be printed.

He also presented a concurrent resolution of the Legislature of Kan-

sas, in relation to certain Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed. He also presented a concurrent resolution of the Legislature of Kan-

sas, in favor of the passage of an act to protect public highways; which was referred to the Committee on Military Affairs, and ordered

to be printed.

Mr. WITHERS presented the petition of N. H. Vansandt, of Richmond, Virginia, late of the United States Navy, praying for the re-moval of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. MITCHELL presented the petition of P. A. Owen, late a captain in the Ninth United States Infantry, praying the passage of a bill authorizing the President to restore him to his former rank in the Army; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Oregon, praying the pas-

sage of a law granting the right of way to the owners of the Thomas and Ruckle and Meacham wagon-roads through the public lands in Oregon; which was referred to the Committee on Public Lands.

Oregon; which was referred to the Committee on Public Lands.

The PRESIDENT pro tempore presented the petition of Daniel L.

Maniner and 886 others, of Taos County, New Mexico, praying that
Congress disapprove a special law passed by the Legislature of that
Territory to fill the vacancy in the judgeship of the probate court of
that county by appointment of the governor instead of electing that
officer by a vote of the people; which was referred to the Committee on Territories.

Mr. MORRILL, of Vermont, presented the petition of Henry W. Hoffman, late collector, &c., of the port of Baltimore, Maryland, praying to be relieved from liability for certain losses occasioned by the dishonesty of one of his clerks; which was referred to the Committee on Claims.

#### REPORTS OF COMMITTEES.

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of John Reid, of Cincinnati, Ohio, praying compensation for military supplies furnished to the United States in July, 1863, submitted an adverse report thereon; which was agreed to, and

ordered to be printed.

Mr. WRIGHT. I am also directed by the same committee, to whom was referred the petition of John G. Worthington, of Fairfax County, Virginia, praying compensation for twenty-five hundred cords of wood, alleged to have been cut upon and taken from his premises during the late war by an agent of the United States Government under authority from an officer of the Quartermaster's Department, to submit an adverse report thereon, and ask that the claim be disallowed.

The PRESIDENT pro tempore. The report will be printed and the

committee discharged from the further consideration of the petition,

if there be no objection.

Mr. WITHERS. I ask that the report be laid upon the table for the present.

The PRESIDENT pro tempore. The report will lie on the table.
Mr. COCKRELL, from the Committee on Claims, to whom was referred the petition of Thomas P. Jordan, praying compensation for certain corn taken by the military authorities in June, 1865, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the memorial of Patrick Eagin, in his own right and as administrator of the estate of William Donnelly, deceased, praying payment for four hundred and forty-one bales of cotton said to have been taken by the military authorities of the United States at Wilmington, North Carolina, and for certain liquors alleged to have been sold to the United States, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

## BILLS INTRODUCED.

Mr. WEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 600) to extend the time for the completion of certain railroads in Louisiana; which was read twice by its title, referred to the Committee on Railroads, and ordered to be printed.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 601) providing for appeals from United States district to United States circuit courts in causes of a criminal nature; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 602) for the relief of Captain P. A. Owen; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to intro-

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 603) to establish a post-route in Oregon; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. LOGAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S.No. 604) for the relief of James L. High; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

### CUSTOMS COLLECTIONS IN ALASKA.

Mr. SARGENT submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to furnish for the information of the Senate the report of William G. Morris, special agent, upon the Territory of Alaska, and the collection of customs revenue therein.

### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the petition and papers of Harvey & Livesey be taken from the files of the Senate and referred to the Committee on Claims.

# On motion of Mr. HARVEY, it was

Ordered, That the petition of John Birkett be taken from the files of the Senate and, with the accompanying and additional papers, referred to the Committee on Claims.

On motion of Mr. SARGENT, it was

Ordered. That the heirs of Augustus Ford have leave to withdraw their papers from the files of the Senate.

On motion of Mr. WHYTE, it was

Ordered. That the petition and papers in the case of Henry W. Hoffman, of Cumberland, Maryland, be taken from the files of the Senate and referred to the Committee on Finance.

### LIEUTENANT BENJAMIN L. CORNISH.

The PRESIDENT pro tempore. If there be no further resolutions, the Calendar of unobjected cases will now be taken up at the point

where the Senate left off yesterday.

The CHIEF CLERK. The first bill on the Calendar at the point indicated is the bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry.

The bill was read the second time, and considered as in Committee of the Whole. It provides for the payment to Benjamin L. Cornish, late second lieutenant in the Thirty-second Regiment of Wisconsin Nate second neutenant in the Thirty-second Regiment of Wisconsin Volunteers, of the pay and emoluments of a second lieutenant of infantry from the 11th of November, 1864, to the 12th June, 1865, during which time he actually performed duty and was regularly commissioned as second lieutenant, but was not mustered in, deducting whatever amount, if any, shall have been paid to him for his services in the Army during the time specified.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## MAJOR JUNIUS T. TURNER.

The next bill on the Calendar was the bill (S. No. 561) for the relief of Major Junius T. Turner; which was read the second time, and considered as in Committee of the Whole. It provides for the payment to Junius T. Turner, of Washington, late captain in the Third Regiment of Maryland Cavalry Volunteers, of such sum as shall equal the travel-pay of a captain of volunteers from Washington to San Francisco, such distance to be computed by the nearest traveled route.

Mr. DAVIS. Is there a report in that case?

The PRESIDENT pro tempore. There seems to be no report.

Mr. DAVIS. I think we ought to have the bill explained.

Mr. DAVIS. I think we ought to have the bill explained.
The PRESIDENT pro tempore. It was reported by the Senator from Alabama, [Mr. SPENCER,] who is not now in his seat.
Mr. SHERMAN. Unless there is a report I think the bill ought to

Mr. LOGAN. I can explain to the Senate the point of this bill. I do not know whether the report has been printed or not, but I have a recollection of the bill. I have no objection to its going over, how-ever. This man was enlisted in San Francisco and was discharged in Washington. Under the law, soldiers are entitled to mileage to the point of enlistment from where they are discharged; and this case comes under that provision of the law. It is all right; but I am willing it should go over for the present.

The PRESIDENT pro tempore. The Chair is advised that there is

Mr. DAVIS. I would ask the Senator from Illinois why, if the law be as he has stated, this man was not paid under the law, without requiring a special act?

Mr. LOGAN. That is a question I cannot answer. A great many

things come under the provisions of law which are not paid without special acts. If there is a report, let it be read, and that will explain it.

The Chief Clerk read the following report, submitted by Mr. Spen-

CER December 15, 1874:

The Committee on Military Affairs, to whom was referred the bill (S. No. 845) for the relief of Junius T. Turner, having had the same under consideration, submit

the relief of Junius T. Turner, having had the same under consideration, submit the following report:

This is a bill to pay petitioner the travel-pay of a captain of volunteers from Washington, District of Columbia, to San Francisco, California, the latter place being the place of enlistment and home, the former the place of discharge. It appears this officer was denied such travel-pay because of transfer from one regiment to another, he having been discharged from the regiment in which he enlisted to accept a commission as an officer in a Maryland regiment, the Department ruling that he had, by such transfer, forfeited his claim for expenses of travel. This construction is severe and inequitable, and should not be regarded as a forfeiture, or a contravention of section 15, act January 29, 1813. (See extract of act accompanying report.) This officer is entitled to the travel-pay claimed, and the committee recommend passage of bill.

This officer is entitled to the travel-pay claimed, and the committee recommend passage of bill.

Section 15, act approved January 29, 1813, reads as follows, namely:

"That whenever any officer or soldier shall be discharged from the service, except by way of punishment for an offense, he shall be allowed his pay and rations, or an equivalent in money, for such term of time as shall be sufficient for him to travel from the place of discharge to the place of his residence, computing at the rate of twenty miles to a day."

Section 5, act July 22, 1861, reads as follows, namely:

"And be it enacted. That the officers, non-commissioned officers, and privates, organized as above set forth, shall, in all respects, be placed on the footing, as to pay and allowances, of similar corps of the regular Army."

The above-recited law stands unrepealed upon the statutes and remains in full force and effect.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### CITIZENS' BUILDING COMPANY.

Mr. INGALLS. Senate bill No. 401 was partially considered yesterday morning and laid over at the expiration of the morning hour pending a motion of the Senator from Ohio, [Mr. Sherman,] who offered an amendment in the nature of a substitute. I move that the Senate proceed to the consideration of that bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 401) to incorporate the Citizens' Building Company of Washington.

Mr. INGALLS. The bill having been read yesterday morning in the hearing of the Senate, the question, I suppose, would recur upon the amendment of the Senator from Ohio. I ask that it be reported

by the Clerk.

The PRESIDENT pro tempore. The substitute will be reported. The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill and insert:

That section 553 of the act authorizing incorporations in the District of Columbia shall be held to extend to and include building associations.

Mr. EDMUNDS. It should be "section 553 of the Revised Statutes relating to the District of Columbia," giving the exact designation of

the statute, I think.

Mr. INGALLS. I have made some inquiry in relation to the nature of this organization, and am convinced that the object which I beof this organization, and am convinced that the object which I believe the Senator from Ohio has in view cannot be reached by the amendment that he has submitted. This association of gentlemen known as the Citizens' Building Company of Washington was organized for the purpose of improving a square of ground in this city by the construction of ninety dwelling-houses upon it. The stock is divided into five hundred and twenty-five shares, which are already subscribed and held by about four hundred persons. From this fact alone arises the necessity for an act of incorporation, the number of persons being so great and their interests so diversified that it is impossible for them to conduct the enterprise under the forms of an ordinary sible for them to conduct the enterprise under the forms of an ordinary

business partnership.

I would call the attention of the Senator from Massachusetts, [Mr. Dawes,] who objected yesterday to the bill, to the fact that there are no special privileges conferred in the proposed act which we are now considering. It is an association for the purpose of enabling poor men to obtain homes by the payment of a small monthly sum amounting under the by-laws and constitution of this organization to \$10 per month; and, as I said before, the reason why it is impossible to conduct this under the forms of a partnership is from the fact that there are about four hundred stockholders. I would call the attention of the Senator from Ohio to the fact that the object cannot be accomplished by an amendment to the chapter of the Revised Statutes to which he has referred, because that chapter contains certain provisions which are inconsistent with the purposes and objects these gentlemen have in view. For instance, the five hundred and fifty-sixth

section in the last clause declares All the elections shall be by ballot, and each stockholder shall be entitled to as many votes as he owns shares of stock in the company, and the persons receiving the greatest number of votes shall be trustees.

In this case, the object being to enable poor men to obtain homes by a small monthly payment, the purpose would be very largely defeated if the persons who owned more than one share of stock were entitled to more than one vote in the corporation; and the by-laws and the constitution which they have already adopted limit the number of votes to one for each stockholder irrespective of the number of shares that he may be the owner of.

Section 560 is one of forfeiture, declaring that-

It shall be lawful for the trustees to call in and demand from the stockholders all such sums of money by them subscribed at such times and in such installments as the trustees shall deem proper, under the penalty of forfeiting the shares of stock subscribed for and all previous payments made thereon, if payment shall not be made by the stockholder within sixty days after a personal demand or a notice requiring such payment shall have been published for six successive weeks in a newspaper in the District.

The object is not to accomplish a forfeiture of these shares; but wherever by misfortune or inability a stockholder is unable to pay the amount that is due upon the stock or the share held by him, a forfeiture of fifty cents per menth has been agreed upon by these gentlemen as the only forfeiture that shall be collected; and if they are to organize or to attempt to organize under the provisions of the general law, they cannot by their constitution and by-laws make a provision that shall be in conflict with this statute. The effect of that would be to deprive the very men who are entitled to the benefits of this law from all the advantages they could derive under it. There is another objection also in section 564, which declares

The capital stock so fixed and limited shall be paid in, one-half within one year, and the other half thereof within two years from the incorporation of the company, or such corporation shall be dissolved.

The object being as I say to enable these poor men to obtain a home by a small monthly payment of \$10, if that provision is to apply to the association, of course they cannot carry out the object for which they are organized, because it is supposed that under the operation of this law, by the monthly payments, the forfeitures, and the profits to be derived from the buildings that are constructed and sold, the association will be able to be wound up in from five to seven years, and not within two years, as section 564 prescribes.

I therefore think, sir, that the act of incorporation is entirely innocent: that it is even to upon of the objections urged by either the

cent; that it is open to none of the objections urged by either the Senator from Massachusetts or the Senator from Ohio; and I understand that the gentlemen composing the association are entirely willing that the liability clause shall be inserted if it be so desired. I trust, therefore, that this amendment may be withdrawn and that the bill may be amended, if the Senator from Vermont still insists, by inserting the provision fixing the liability of the stockholders to the amount of stock held by them, and that with that amendment the bill may pass as reported by the committee.

Mr. SHERMAN. Mr. President, the people of Ohio, like the people of nearly all the States, have had a great deal of experience of special legislation in favor of corporations, and their experience has led them to the conclusion that it was unwise in any case where private interto the conclusion that it was unwise in any case where private interest was involved to charter special corporations; and the constitution of Ohio, made over a quarter of a century ago, in 1850, after a long experience with special corporations, absolutely forbade them; so that it is not now possible in the State of Ohio to organize a private corporation except under and in pursuance of general laws. I believe that is the experience of nearly all the States of the Union; in those that I am familiar with at least they have adopted general incorporation laws. Some years ago we were troubled and much of our time was occupied in passing private bills for the benefit of the people of this District, and some of the most peculiar organizations in the way of corporations have been created here that can be found probably on any statute-book. One that is just brought to my mind by recent circumstances is the charter of a cemetery association that is now a close and absolute monopoly, so that three or four men own a grave-yard where thousands of bodies are buried, and absolutely prevent and prohibit people managing their own property in their own way, or burying the dead in that ground except on the terms they them-selves prescribe for pecuniary considerations; and yet it is organized

There are other corporations created in this District under laws passed hurriedly by Congress, probably upon some plausible pretext, which are grossly wrong in their character, wrong in their purposes, and wrong in their details. Therefore it was that a few years ago, when the general bill that I propose to extend was introduced, I re garded it with great pleasure as a progress in the legislation of this District to require all corporations to be organized under general law, and to conform to certain general principles which by experience had been shown to be proper and necessary in the organization of private corporations. Since that time we have been but very little disturbed by applications for private acts of incorporation; or, when we have passed any, they have generally either been wrong, or were to meet cases that were not provided for by the general statute.

When this bill was introduced, and it was said that building associations did not come under the provisions of the general incorporation act, I thought that was wrong; because building associations in modern times are a great convenience, especially in securing to poor people homes at a moderate cost; and therefore a building association people homes at a moderate cost; and therefore a building association is just as much an object of usefulness as a mining corporation or a manufacturing corporation or any other corporation. Here is a corporation to erect buildings, to improve a square. It is a proper object of association, but such associations ought to be governed by the general law. If we extend to persons engaged in building associations the same facilities, the same provisions that we do to manufacturing and all other private corporations, we give them all the facilities we ought to give, and that is the amendment I propose. I do not know that it is antly worded; it may be necessary to change it; but as a that it is aptly worded; it may be necessary to change it; but as a matter of course the Committee on the District of Columbia can do

matter of course the Committee on the District of Columbia can do that. But it seems to me we ought not to pass any private act of incorporation for this purpose unless it conforms to the general law. To incorporate building associations on peculiar terms, giving them peculiar facilities, I think is wrong. All the objections that are made now by the Senator from Kansas can be easily met by what is called a trusteeship. If this is merely an effort to improve a particular square of ground, and that square is owned by a number of persons, and that want some means by which they can act in concert, the and they want some means by which they can act in concert, the proper way is to select from among them or from among the citizens of the District some trustee who, under defined, prescribed regulations, may act as the trustee for all the parties. There can be no difficulty in these parties joining together and prescribing terms and conditions which shall regulate the conduct of the trustee just as well as the law can do it, and much better. Then the courts of the District can enforce the provisions creating the trust and the terms and conditions agreed upon. It seems to me that the object, if there is anything peculiar in the object to be attained by this bill, can be better accomplished by the voluntary act of persons interested in this square of ground through a trustee rather than through a cor-poration. But at all events I shall not myself vote for any private corporation in this District where the scope, the purpose, the object can be carried out by a general act of incorporation or by the general law now 'upon the statute-book rather than by special acts of incorporation. If we once open the door again to the passage of private acts of incorporation in this District, there will be no end to the special legislation we shall be called upon to pass.

Mr. HAMLIN. Mr. President if Lunderstand the Senator from Kon-

Mr. HAMLIN. Mr. President, if I understand the Senator from Kanas correctly he states, and I think very clearly, the reasons why the persons who want to be incorporated in this instance may not well exercise their powers under the general law. If that be so, it furnishes a ground why this bill should be passed outside of the general law, or if it is to come within the provisions of the general law, then the general law itself should be changed. As one individual, I have no difficulties whatever in relation to creating corporations for the purpose of facilitating the modes of doing business to gentlemen who wish to engage in it. I only ask, so far as I am concerned, that the provisions which are contained in any act of incorporation shall be, first, such as will give the facilities desired, and second, protect the rights of all others. In looking at this bill it seems to me that it is

defective in three particulars, and I rise to make the suggestion to the Senator who has it in charge; one, however, I understand him to say that he will himself propose to insert: First, The bill should contain what we call an individual-liability clause. If the parties do business as copartners, they are each responsible for all the debts of the copartnership. If they are incorporated, it seems to me if they are each held responsible individually, in addition to the stock, to an amount equal to that, it is a hardship of which they have no right to complain, and it is an obligation that we should impose upon them. Second, I think there should be incorporated in the bill, to save all trouble, a provision giving to Congress the power to alter, or amend, or repeal this act at any time if they see fit.

Mr. EDMUNDS. Does not the bill contain that clause?

Mr. HAMLIN. No, sir.

And, third, there should be a provision in it, in my judgment, prohibiting their doing business in any way or manner outside the limits of this District; for while under the decisions of the courts the power might be doubtful, they might attempt to and perhaps by law could exercise powers and duties under this corporation outside of the limits of the District. With those three amendments to the bill, I shall vote for it very cheerfully. Without them, I cannot vote for it.

Mr. DAWES. Mr. President, in the remarks which I made yester-

day in reference to this bill, of course the Senator from Kansas will understand that I had no hostility either to the gentlemen who are named as corporators, or to the object designed by the proposition to incorporate them. What I said was designed as a general suggestion. I felt then, and I still feel, that the objections which I submitted to the Senate yesterday were sound, and that, in some respects, the Senator has not removed them. I agree with the Senator from Ohio, and had probably been prompted very much by the experience which the Senator from Ohio has had here. There have crept upon the statute-book, in reference to the District of Columbia, some of the most pernicious corporate powers that are found on any statute-book in the country; and under cover of uncertain phraseology which it seemed impossible that anybody could adopt accidentally, powers have been granted heretofore in the District of Columbia that it would seem to me Congress never, with their eyes open, could have been induced to agree to; and under the cover of apparently harmless phraseology and for purposes wide from the titles of bills and the general current of phraseology, business has been carried on in all parts of the coununder the corporate powers of corporations instituted here in the District of Columbia where it was supposed legislation for the business interests of the country was least of all to be centered.

A word now in reference to this special corporation. A building association, properly managed, in the hands of sagacious, wise, and

prudent men, has, I have no doubt, been of beneficial interest to men of limited means, saving up from month to month a small portion of their earnings; but, while that is true, building associations have also been pitfalls into which honest men have been drawn by the management of other people to lose all they had and be bound to fulfill engagements they did not know what they were. And therefore I would not want to incorporate a building association under any general law, for its whole working for good or for evil would depend upon the character of its officers. I am informed that there are many private associations in this very District to-day carrying on building associations which happen to be in the hands of prudent and wise men that are doing a great deal of good in that way; but if you put it into the power of a corporation and select men by a majority of shares or in any way of that kind, the poorest, the least able to defend and protect themselves, those most needing the beneficial results of such an association, will be the last to receive them.

I desire to co-operate with the Senator from Kansas in putting this of the evils I apprehend. I think I should be willing to vote for it if he would put two provisions in, one that the liability of all these stockholders shall be equal to the amount of their stock—

Mr. INGALLS. I shall move that amendment.

Mr. DAWES. And put that upon the face of every paper they issue, by enactment in the statute, so that they cannot deceive anybody about that. And then provide that in a reasonable time the whole thing shall be wound up, so that nobody shall get a square of ground or any amount of real estate in this city and hold it in perpetuity, in defiance of the most beneficial of all the laws of the land, that which distributes the estates of persons in due time among their heirs and friends.

heirs and friends.

Mr. INGALLS. If the Committee on the District of Columbia had not been satisfied that the object sought to be accomplished by this bill could not be obtained under the general incorporation act, the bill would never have been reported. I am as much opposed as the Senator from Massachusetts or the Senator from Ohio to encumbering the statute-books with special incorporation acts conferring peculiar mixilizers when the objects expect to be attained can be accomprivileges, when the objects sought to be attained can be accom-plished under general law. But I think it has been sufficiently shown that this is a case which is outside of the general law as it now stands. It is very true that the act providing for incorporations might be amended so as to apply to building associations organized as this is; but until that is accomplished it is impossible for these gentlemen to carry out their laudable and legal purposes in the way suggested by the amendment offered by the Senator from Ohio. I am entirely willing and shall move that the bill be amended by providing for the individual liability of the stockholders to the amount of the stock held by each one, and I shall also propose at the proper time—I think I cannot do it now-to add a section, five, in the following language:

The corporation hereby created shall have no authority to transact business outside of the District of Columbia; and Congress may at any time alter, amend, or repeal this act.

I think that this amendment will substantially meet all the objections that have been urged against the bill; and I therefore express the hope that the Senate will refuse to agree to the amendment offered by the Senator from Ohio, and that I may then have leave to offer the amendments I have indicated already, and that, thus may need the bill may need.

amended, the bill may pass.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the amendment offered by the Senator from Ohio.

Mr. SHERMAN. In order to enable the Senator from Kansas to perfect the bill, I withdraw my amendment.

The PRESIDING OFFICER. The amendment of the Senator from

Ohio is withdrawn.

Mr. EATON. Mr. President, I am opposed to special acts of incorporation. We have had sufficient experience in my State and section to make me an opponent of such acts. I would suggest to the Senator from Karsas, who finds it necessary to have two, three, or four amendments before this bill will be satisfactory even to himself, why not amend the general law, if it needs amendment, so that these peo ple may incorporate themselves under that? I have not examined the general law, but it strikes me, from what has been said by the Senator from Kansas, that with very little amendment of it these people could organize under that law.

If the door is once opened to special acts of incorporation, when will it be closed? It is good policy, has been so found in numbers of the States, to stop passing special acts of incorporation, and to extend the provisions of their general laws so that all and every class of industries may be brought within their grasp. I see no reason why there cannot be such an amendment to the general law here as will enable these gentlemen to organize thereunder, and thus avoid what I re-

gard as a very great evil.

Mr. INGALLS. The only objection to the course suggested by the Senator from Connecticut in relation to the amendment of the general law is that it would require the repeal or essential modification of certain provisions that are wholesome and necessary as applied to the corporations provided for in that general act, but that would be fatal to the accomplishment of the results which are desired to be accomplished by the bill now under consideration. I am not aware that any special evil could result to anybody from the passage of this bill. Its purposes are beneficent; its objects are recognized as among the most humane and valuable of modern business transactions, in permitting men of small means and small income and small monthly and annual compensation to devote a certain portion of their earnings in secur-ing homes for themselves, which they would otherwise be debarred from obtaining; and I can see no objection to the passage of this bill with the amendments that have been suggested by the Senator from Maine, [Mr. HAMLIN.] As the amendment of the Senator from Ohio has been withdrawn, I will now move to amend the bill by inserting an individual liability clause, as follows, at the end of section 4:

Provided. That the provisions of section 562 of the Revised Statutes in relation to the liability of stockholders shall extend to and be made applicable to the stockholders in the corporation created by this act.

Mr. WRIGHT. I wish to suggest to the Senator from Kansas and to the Senate, that it seems to me that the difficulties which seem to surround this question might all be solved by taking an intermediate

the Senator from Ohio for the reason that the provisions of the law as they stand at present are inapplicable to building associations.

Mr. INGALLS. That amendment is withdrawn.

Mr. WRIGHT. I understand, however, it is withdrawn for the purpose of allowing amendments to be made to the bill to perfect it; and will probably be renewed. But whether that be so or not, the and will probably be renewed. But whether that be so or not, the suggestion I have to make is nevertheless in point. I understand the objection to it arises from the fact, as already stated, that the general law as it stands at present is inapplicable to building associations. Now I think there is a feeling on the part of the Senate that, if possible, we should avoid these special acts of incorporation. I think it is true now in many of the States that by constitutional provision the Legislature is inhibited from passing special acts of incorporation, but all corporations are organized under the general law.

As the law stands at present in this District provisions are made for

As the law stands at present in this District provisions are made for corporations not for pecuniary profit; those for pecuniary profit; and there are also corporations provided for cemetery purposes, and perhaps for some other purposes; and there are provisions in the general law peculiar to these several different kinds of corporations, based upon the business in which they may engage. Now I suggest that there may be two or three sections added to the general law having in view the organization of building associations, and putting provisions in the general law that are peculiar to such associations; and if there be difficulty, as the law stands now, in the amendment suggested by the Senator from Ohio, or the proposition to make the general law applicable to corporations for building purposes, you can have three or four sections added to the general law under which all building associations can organize, instead of having a special act, as is proposed here, and that upon the same principle, as the law stands now, we have different provisions, depending upon the objects and purposes of the corporation. As already suggested, we have corporations not for pecuniary profit, and we have one class of regulations for them; we have corporations for pecuniary profit, and we have another class of regulations for them. But it is said that the class of regulations applied to the last class are not applicable to building associations for the reasons stated. Now, why not have a general law under which all building associations can organize, instead of passing

a special law in this case, and next year passing a special law for another case? That is the suggestion I have to make.

Mr. INGALLS. I see no objection to the general course proposed by the Senator from Iowa. I think it would be highly appropriate that a general law should be passed permitting the incorporation of building associations. The difficulty in this case, however, arises from the fact that these gentlemen, supposing that they could organ-ize under the general act, or that if they could not so organize they could carry on their business as a partnership or by trustees, proceeded to purchase the tract of ground that is named in the bill at an expense of about \$100,000. They have already constructed nine houses that have been sold under the regulations provided by their constitution and by-laws. The number of stockholders is 400; the number of shares is 525; the monthly payments are \$10; and it is absolutely essential in order to the accomplishment and securing of their legal rights that they should have the benefits of an act of incorpora-

If the bill were open to any of the objections which have been urged, if the bill conferred any special privileges, if there were lying latent or lurking obscurely within it any of the banking or other privileges that have been exercised by other corporations, I should say certainly let the bill be defeated or its consideration postponed or delayed; but, when the facts are all stated—and the objects are certainly admitted to be humane and beneficent—I can see no reason why they should be denied the benefits of this act of incorporation which they now ask, leaving the subject of a general law to be considered

hereafter

Mr. WRIGHT. Allow me to ask a question in that connection for information. Do I understand that this bill proposes to validate the action of these parties so far, or will they have to take new steps for

the purpose of organizing?

Mr. INGALLS. This bill incorporates the gentlemen named and their associates, and confers upon them the one distinct and simple authority to exercise "the corporate powers usually enjoyed, such as are required to enable them to purchase, take, hold, and convey square 363, in Washington City, District of Columbia, and to improve the same by building dwelling-houses thereon, and to sell and convey them to stockholders or others for the benefit of the stockholders;" and provides further that, when the improvement of the square is completed, the dwellings sold, and the proceeds distributed, then the company shall cease to exist. There could be nothing more simple and innocent than that.

Mr. WRIGHT. I understand they have already purchased this square, but I ask, has the title been taken in the name of the pro-

spective company?

Mr. INGALLS. I do not know.

Mr. WRIGHT. Or in the name of the individual owners, or of some one person in trust for all?

Mr. INGALLS. I cannot answer any of these specific questions.

Mr. WRIGHT. So that in any event the probabilities are, if this
bill shall be passed, they must needs have the title made to the new corporation.

Mr. INGALLS. I have no information whatever on the subject to

which the question of the Senator from Iowa relates.

Mr. WRIGHT. If that be so, I can see but little more difficulty in having a general law and organizing under it, so far as the title is concerned, than in passing this bill.

The PRESIDING OFFICER. The question is on the amendment

of the Senator from Kansas.

Mr. EDMUNDS. Let it be reported again.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. It is proposed to insert at the end of section 4-Provided. That the provisions of section 562 of the Revised Statutes in relation to the liability of stockholders shall extend to and be made applicable to the officers and stockholders in the corporation created by this act.

Mr. EDMUNDS. I do not think that amendment will quite effectuate the object we have in view and that the Senator from Kansas has in view. That single section applies only to one branch of liabilities, and those merely of stockholders alone, that until the capital stock is paid up they shall be liable. There are other sections of the general law relating to the withdrawing of capital and the making of dividends when there are debts still outstanding, which are of great importance to creditors of corporations. I therefore venture to move to amend the amendment of the Senator from Kansas by strik-ing out all after the word "that" and inserting—

The provisions of the Revised Statutes of the United States relating to the District of Columbia relating to the liability of the officers and stockholders of corporations shall apply to the officers and stockholders of said corporation.

That is the corporation named in the bill. That I think will cover the subject of liability to the extent that the general law covers it.

Mr. INGALLS. I accept that amendment.

The PRESIDING OFFICER. The Senator from Kansas accepts the amendment of the Senator from Vermont. The question then is on agreeing to the amendment as modified.

The amendment, as modified, was agreed to.

Mr. INGALLS. In compliance with the suggestion made by the Senator from Maine, and in order to obviate any possible objection that may be urged against the bill, I offer as an additional section, to be numbered 5, the following:

The corporation hereby created shall have no authority to transact business outside of the District of Columbia; and Congress may at any time alter, amend, or repeal this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PURCHASE OF LAND AT KEY WEST.

The PRESIDING OFFICER. The bills on the Calendar will be

proceeded with.

The next bill on the Calendar was the bill (S. No. 391) to authorize the Secretary of War to purchase for the use of the United States a parcel of land at Key West, Florida, now the property of Walter C. Maloney and wife, which was considered as in Committee of the

The Committee on Military Affairs reported the bill with an amendment to strike out all after the enacting clause, and in lieu thereof to

insert the following:

insert the following:

That the Secretary of War be, and he is hereby, authorized to purchase, for the use of the United States, at a price which shall be agreed upon between him and the owners, and not to exceed a reasonable sum, a certain parcel or tract of land belonging to W. C. Maloney and wife, lying and situated on the island of Key West, Florida, and adjoining the military reservation on said island: Provided, That the title of said parties to said property shall be found to be in all respects good and valid in law and equity,

SEC. 2. That if the Secretary of War and the owners of said property shall be unable to agree upon a price to be paid by the United States for said land, or if for any reason the United States shall fail to acquire the title to the same within a reasonable time after the passage of this act, then it shall be the duty of the Secretary of War to cause the possession of said property, or such port of it as is now or may be occupied by the United States, to be restored to the owners thereof.

Mr. EDMUNDS. Is there a report?

or may be occupied by the United States, to be restored to the owners thereof.

Mr. EDMUNDS. Is there a report?

Mr. COCKRELL. There is a report.

Mr. EDMUNDS. Let it be read.

The PRESIDING OFFICER. The report will be read.

The Secretary read the following report, submitted by Mr. Cock
RELL from the Committee on Military Affairs on the 7th instant:

The Committee on Military Affairs, to whom was referred the bill (S. No. 391) to authorize the Secretary of War to purchase for the use of the United States a parcel of land at Key West, Florida, have considered the same and submit the follow-

ing report:
This bill authorizes the Secretary of War to purchase a tract of land on the island of Key West, Florida, adjoining the military reservation.
Walter C. Maloney, ir., addressed a letter to Senator C. W. Jones touching this matter, in words as follows, to wit:

KEY WEST, FLORIDA, November 6, 1875.

KEY WEST, FLORIDA, November 6, 1875.

water C. Maloney, Jr., addressed a letter to Senator C. W. Jones touching this matter, in words as follows, to wit:

KEY WEST, FLORIDA, November 6, 1875.

DEAR SIR: Presuming upon your kind offers, I herewith inclose a map of the island of Key West, which, upon examination, will show you the cemetery laid down in red lines, my wife's portion of the same being 130 by 117 feet. The street which you will find running through said cemetery is only an imaginary street, it being owned by my wife Euphemia, there being a great many officers and soldiers buried on the same.

Some years ago I offered to sell to the Government five acres contiguous to said cemetery for the sum of \$1,000, and a bill passed the House of Representatives (H. R. No. 4005) on the 19th of February, 1873, authorizing the Secretary of War to purchase the same for that sum. I am not now willing to sell at that price, but shall demand according to the rate which lands in the immediate vicinity have been selling; for instance, square 55, being about four hundred feet square, was divided, as shown by the map, and sold under execution at my instigation under foreclosure of mortgage, and brought \$3,360. Thus you will perceive that lands must have rapidly increased in value since my said offer was made. The Government has also on another portion of my land erected privies, which are used by the troops, and which thus far I have been unable to have removed, although I have repeatedly requested it. You will therefore oblige me very much by giving this matter your attention, as eighteen or twenty years' occupancy by the Government is sufficient time to await their pleasure. My wishes in the matter are, first, immediate and unobstructed possession of my property. If that is refused upon the ground of military necessity, then that the value of such quantity of land as is desired be ascertained according to our State statute, (vide acts 1945, chapter 25, section 2, pamphliet 43), or I will agree to submit the value to arbitration, the United States choosing on

rocate.

My father joins me in kind regards.

Your obedient servant,

W. C. MALONEY, JR.

Hon. CHARLES W. JONES, United States Senator, Washington, D. C.

December 18, 1872, General Hardie, inspector-general, made a report, of which the following is an extract, to wit:

[Extract from General Hardie's report, dated New Orleans, December 18, 1872.] A small piece of ground, outside the limits of the United States property at the barracks, appears to have been used during the war, though private property, for cemeterial purposes, it lying immediately outside the cemetery.

Adjacent is another parcel of land, private property, used for the men's sinks. The garrison limits cannot be contracted by the withdrawal of the bodies interred in the private property referred to, nor should the sinks be brought into the garrison limits. A plat, exhibited to the department commander and furnished the inspector-general at Washington with a copy of this report, exhibits the narrowness of the limits. The unhealthiness of the climate in the summer season forbids the propinquity of causes damaging to health.

Five acres of land, which can be bought at \$200 per acre, will furnish ground to include the cemetery site and other necessary land; and it is recommended that an application be made by the department commander to the Secretary of War to have the necessary appropriation for the purpose applied for.

This was accommanded by the following letter of the Secretary of War January.

This was accompanied by the following letter of the Secretary of War, January

WAR DEPARTMENT, January 13, 1873.

The Secretary of War has the honor to submit to the House of Representatives, for its consideration, with a view to the necessary legislation to carry it into effect, an extract from a report of Inspector-General James A. Hardie, of an inspection of the post of Key West, Florida, in which he recommends the purchase of five acres of land for the enlargement of the post, which is now insufficient for the wants of the garrison.

WM. W. BELKNAP, Secretary of War.

February 3, 1874, the Secretary of War wrote a letter touching this land, as follows, to wit:

WAR DEPARTMENT, February 3, 1874.

WAR DEPARTMENT, February 3, 1874.

The Secretary of War has the honor to recommend to the House of Representatives legislation by Congress authorizing the purchase of a piece of land adjoining the military post at Key West, Florida, embracing within its area five aces, the same being contiguous to and south of the reservation, including therein the private property taken in the year 1862 for the enlargement of the said military post, in extent being three hundred feet deep and seven hundred and fourteen feet long, or thereabouts, said land claimed and owned by one William C. Maloney, and that a sum not to exceed \$1,000 be appropriated to pay therefor.

In this connection attention is invited to letter from this Department, dated January 13, 1873, submitting to the House an extract from a report of Inspector-General James A. Hardie, of an inspection of the post of Key West, Florida, in which he recommended the purchase of the land referred to; also, to House bill 4005, third session Forty-second Congress, authorizing the purchase of the property, which passed the House February 19, 1873.

WM. W. BELKNAP,

WM. W. BELKNAP, Secretary of War.

January 26, 1876, the Secretary of War wrote the following letter, namely:

WAR DEPARTMENT, Washington City, D. C., January 26, 1876.

SIR: I have the honor to forward to you a copy of a letter of Mr. W. C. Maloney, of Key West, Florida, addressed to you on the 6th November, 1875, relative to certain lands owned by his wife, and occupied by the United States for military

certain lands owned by his wire, and occupied by the United States for initiary purposes.

Efforts have been made by this Department to obtain authority to purchase the land referred to by Mr. Maloney, as will be seen by the copies of letters herewith, addressed to the House of Representatives.

You will perceive by the papers herewith that a bill (H. R. 4005) passed the House at the third session of the Forty-second Congress, and was referred to the Military Committee in the Senate February 21, 1873, but, for want of time, probably, was never reported.

At the price now asked this land will cost about \$4,620. It is, however, important for the Government to own this property, and I would recommend its purchase at the price named.

the price named.
Your co-operation is respectfully requested.
Very respectfully, your obedient servant,

WM. W. BELKNAP,

Hon. CHARLES W. JONES, United States Senate.

The map forwarded by Mr. Maloney, marked 415-1, War Department, 1876, is inclosed herewith.

The Government has for years been using a portion of this parcel of land for grave-yard and sinks. The owners are entitled either to the possession of this parcel held by the Government or to a reasonable price or value for the same.

Your committee therefore recommend the accompanying bill as a substitute, and recommend the passage of the same.

Mr. EDMUNDS. I very much question whether we had better buy any more land in Key West, Florida. The post for a very large part of the year is known to be a very unhealthy one, and it is not a very good place for a military post in any case. For a naval station it may be of some consequence at some time. But, however that may be, it appears to me that the proposition reported by the Senator from Missouri gives an authority to the Secretary of War such as we are not accustomed to give to any officer of the United States under any circumstances; that is, an unlimited authority to buy just as much land as he pleases of these people and at a price that he is willing to give. The provision as it stands is that he is to buy at a price agreed upon. The provision as it stands is that he is to buy at a price agreed upon, not to exceed a reasonable sum, of which he, of course, and the other parties must be the judge under this bill—"a certain parcel of land belonging to W. C. Maloney and wife"—without either describing the lands by metes or bounds or putting any limitation upon the quantity. I think we ought not to confer upon any executive officer of the Government any such authority in either of these respects; and I move to amend the amendment reported by the committee by striking out the words "a reasonable sum" and inserting "\$2,000," which is double the price this gentleman offered to sell the land for a few years ago, and he says it has since been in the occupation of the Government. He says later, it is true, that the value of land has increased there; but, if he treats this as a former appropriation, I suppose the value of the rest of the land will have increased enough certainly if we give him double what he was willing to sell it for a few years ago. It seems to me it is all we ought to authorize to be given.
The PRESIDING OFFICER. The question is on the amendment
of the Senator from Vermont to the amendment of the committee.
Mr. COCKRELL. The reason the committee did not fix the price
was that they were unwilling that the price which was recommended

by the Secretary of War, amounting to \$4,620, should be paid. We thought that was too much; but we were not able to fix what was a fair and reasonable price, and we presumed that, with all these facts before the Secretary of War, and these offers, he would not venture to give more than had been asked: \$4,620. That was the reason we referred that discretion to him. In regard to the quantity, it was not supposed that the Secretary of War would undertake to purchase any more than had been under negotiation for a series of years, and which more than had been under negotiation for a series of years, and which would be reasonable and necessary for the use of the garrison. Then we reported an additional section, that, in the event they cannot agree upon the price, the Department shall surrender the possession. The committee were not wedded to the idea that the Government should purchase the land. They dig not really have anything before them but what they have reported to the Senate. They were not certain that it was a matter of necessity, and therefore they did not want to give a peremptory order to purchase, but wanted to leave it discretionary, and if the Secretary of War does not purchase they thought possession ought to be surrendered. So far as an individual member of the committee is concerned. I have no objection to the \$2,000 being of the committee is concerned, I have no objection to the \$2,000 being inserted

Mr. EDMUNDS. I should not have ventured to make these suggestions if it had not been for the circumstance, aside from the matter of principle, that I have seen this place myself within a couple ter of principle, that I have seen this place myself within a couple of years last past; and certainly if I owned the land I should be very glad to sell it for \$400 an acre, or even \$200 an acre. The island of Key West is not famous for the value of its land. It is a flat coral rock, with sea mud and sand washed on to it in some places, so that there is some earth on some parts of it. But this land lying alongside of the military reservation or post is low, where the tide almost overflows it; and whether it belongs to these people or is public property as a part of the sea-shore, of course we do not know. But that

can be provided for. Mr. COCKRELL.

can be provided for.

Mr. COCKRELL. I will explain that this is in the rear of the military reservation; it is not next to the shore. The military reservation on the south is a straight line, and on the west is a straight line, and on the east follows the shore; and this is at the southwest corner of that reservation, entirely away from the sea-shore.

Mr. EDMUNDS. It may not be right on the shore, but as I remember the points of the compass even in that location it would be between the reservation and the shore, although the reservation itself borders on the shore, and as the shore trends westward it would fall in it.

Mr. COCKRELL. There is a map with the papers which explains it.
Mr. EDMUNDS. Take that to be so, I will not detain the Senate
on the question of which side of the reservation this land lies, for it would not change its value much in the chaparral that grows there. But what I wish to suggest is that, if we authorize the Secretary of War to give double what this gentleman asked for his property a very few years ago, we shall have contributed our share toward the rise of real estate in that region, for almost the sole value of real estate there is estate in that region, for almost the sole value of real estate there is the circumstance that it is a military and naval station, and if the military and naval operations of the United States were withdrawn from that island, as I think they ought to be—but I do not undertake to instruct the Chair, [Mr. ANTHONY,] who is on the Naval Committee, or my friend from Illinois, [Mr. Logan,] who is on the Military Committee, as to either of these propositions—the land would not be worth anything at all. There is a little manufacture of cigars, &c., carried on there which furnishes a little industry, and there are some wreckers there, but it is a very small village. So I think we should be doing a very liberal thing to this gentlemen if we doubled his price of doing a very liberal thing to this gentleman if we doubled his price of

a few years ago instead of quadrupling it, as he wishes us to do.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the Committee on

The amendment to the amendment was agreed to.
Mr. EDMUNDS. I move to insert after the word "tract," in line
6, the words "not exceeding five acres," which will limit it to the quantity named.

Mr. COCKRELL. I have no objection to that amendment.

The amendment to the amendment was agreed to.

Mr. EDMUNDS. I suggest to my friend from Missouri that in the seventh line, where this land is stated to belong to Maloney and wife, it would be better to say "claimed by," for, although there is a proviso that we shall not get it unless the title is found to be in them, it would be more harmonious to say "claimed by," and then the proviso would operate more correctly. I move to strike out "belonging to"

and insert "claimed by."

The amendment to the amendment was agreed to.

Mr. WRIGHT. I wish to suggest to the Senator from Missouri whether it may not be necessary for him to have some provision here making an appropriation of the money to pay the sum that may thus be agreed upon? There is no appropriation as the bill stands as amended.

amended.

Mr. COCKRELL. The reason that was not put in the bill was that we did not know that the Secretary of War would actually make the purchase. If the price shall not be agreed upon, the land is to be returned to whoever may be the owner of it, and if we made an appropriation it might not be needed for that reason. The money can be appropriated in a general appropriation bill.

Mr. WRIGHT. I suppose the appropriation can be made after the

bargain is made; but the Senator will certainly see that if this contract should be concluded and the land obtained, there is no way the parties can get the money under this bill as it stands.

Mr. COCKRELL. I do not want to provide for raising money un-

less I know that we shall need it.

Mr. EDMUNDS. I think that all authorities of this kind—as we have put them into later bills about the purchases or sales of lands—ought to be exercised within a limited time by law, so that if the ought to be exercised within a limited time by law, so that it the thing should be forgotten now, ten years hence some fresh Secretary of War may not be stirred up to buy land that at that time we should not need at all. Therefore, I move to amend by adding at the end of the amended section we are having under consideration the words:

But this authority shall expire at the end of two years from the passage of this act.

Mr. COCKRELL. "One year" would do just as well.
Mr. EDMUNDS. Very well, "one year;" that is better.
The PRESIDING OFFICER. The Senator from Vermont moves

to amend the amendment in the manner which will be read.

The CHIEF CLERK. It is proposed to insert at the end of the first section the amendment of the committee:

But this authority shall expire at the end of one year from the passage of this act.

The amendment to the amendment was agreed to. Mr. EDMUNDS. In the second section the Secretary of War is directed, if he does not make the purchase, to cause the possession of the property, or such part of it as is occupied by the United States, to be restored "to the owners thereof." If Maloney and wife are not the owners, and there are some other owners who put in no claim, and who have abandoned any claim that they may have ever had, some old outstanding title, it would not be right probably to restore it to Mr. Maloney, and it would not be necessary to restore it to the owners unless they should come forward and make some claim. I think it would be well to make that direction to restore apply to Maloney and wife, and upon the condition that it turns out to belong to

Mr. COCKRELL. I have no objection to that amendment. The Senator from Florida, who is not now present, [Mr. Jones,] stated that there was no question about the ownership of Mr. Maloney; still if he is not the owner of it, the possession ought not to be restored to him, and it ought not to be restored to any owners unless they want it.

Mr. EDMUNDS. I do not know that there is any dispute about the title; but as a matter of precaution in legislating, I think we ought not to direct the Secretary of War to turn this property over to anybody unless it belongs to him; and in that the Senator from

Missouri agrees.

Mr. COCKRELL. That is correct.

Mr. EDMUNDS. I therefore move to insert after the word "property," in line 7 of section 2, the words "if the same belongs to said Maloney and wife."

The amendment to the amendment was agreed to.

Mr. EDMUNDS. And to make it harmonious I move to strike out
the three last words of that section, "the owners thereof," and insert the word "them."

The amendment to the amendment was agreed to.

Mr. LOGAN. I believe, in order to prevent trouble hereafter, I will
offer this amendment, to come in after the last word of the first sec-

And that the necessary amount of money to pay for the said land in the event of purchase is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment to the amendment was agreed to.
The PRESIDING OFFICER. The question is on the amendment of the Committee on Military Affairs as amended.

The amendment, as amended, was agreed to.
Mr. JOHNSTON. The Senator from Vermont offered an amendment

Mr. JOHNSTON. The Senator from Vermont offered an amendment requiring that the property should be returned to Maloney and wife? Mr. EDMUNDS. If they own it.
Mr. JOHNSTON. I suggest to the Senator that the property ought to be returned to the person from whom it was taken, whether he had title or not. The Government ought not to take property from a man, whether he has title to it or not. The question of his title is for the

Mr. EDMUNDS. But as this bill is for Maloney and wife, and no-body else is complaining, I think, inasmuch as the Secretary of War would have authority without any act of Congress to restore land that he is wrongfully occupying and could be compelled to do so by suit at law, it would be scarcely necessary to make a general provision that he shall give it up to whomsoever it belongs; but, inasmuch as they are the only claimants, if it belongs to them it ought to be returned to them, and if it does not belong to them it ought not to be returned to anybody until some one comes forward to claim it, as it is not worth anything.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed. Its title was amended so as to read: "A bill to authorize the Secretary of War to purchase a parcel of land on the island of Key West, Florida.

SIOUX RESERVATION.

Mr. ALLISON.. I ask unanimous consent to make a report. The

Committee on Indian Affairs, to whom was referred the bill (S. No. 590) providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, instruct me to report it with amendments; and I ask that the bill may be considered

Mr. EDMUNDS. I think the amendments had better be printed,

and let the bill go over until to-morrow.

Mr. ALLISON. There is a special assignment for to-morrow, made by unanimous consent. I ask to withdraw the report.

Mr. EDMUNDS. I shall ask that the bill go over when reported

again just the same, in order to have the amendments printed.

Mr. ALLISON. I make the report then, and ask that the amendments proposed by the committee be printed. I should like to give notice to the Senator from Vermont and other Senators that I will ask

an early day for the consideration of this bill.

Mr. EDMUNDS. I have no objection to its being considered, but inasmuch as it is an important bill I think it right that we should see what the amendments are and let the bill take the regular course of

lying over and having the amendments printed.

Mr. HITCHCOCK. I should prefer that the amendments be printed.

Mr. EDMUNDS. That is the order.

### CHARLES E. HOVEY.

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of Senate bill No. 575, for the relief of Charles E. Hovey. Mr. HITCHCOCK. The regular order on the Calendar is the bill preceding that. We are down on the Calendar to the bill immediately preceding the bill named by the Senator from New Jersey.

Mr. FRELINGHUYSEN. I have been out of the Senate part of the

morning, and I noticed that bills were being taken up on motion. If the Senator has no objection, I should like to have this bill disposed of now. I have been requested to call it up by persons interested in it.

Mr. HITCHCOCK. I have no special objection to the bill, seeing that it is an unimportant one and will take but a moment; but we are on the call of the Calendar of unobjected cases, and this bill immediately follows the next bill in order.

Mr. FRELINGHUYSEN. If the Senator objects, I withdraw the

application.

### DISTRICT INSURANCE LAW.

The PRESIDING OFFICER. The next bill on the Calendar will

The next bill on the Calendar was (S. No. 569) to provide for the incorporation and regulation of insurance companies in the District of Columbia.

Mr. JOHNSTON. I object to the consideration of that bill. The PRESIDING OFFICER. Objection being made, the bill goes

### SCHOOL LANDS IN NEBRASKA.

The next bill on the Calendar was the bill (S. No. 256) to confirm

school-indemnity selections of public lands by the State of Nebraska.

Mr. PADDOCK. I will state in regard to that bill that a similar bill has already passed the House and been referred by the Senate to the Committee on Public Lands and by that committee referred to myself as a subcommittee. I had not intended to formally report the same until to-morrow, as I have just received the bill from the committee and have had no opportunity to compare the two.

Mr. HITCHCOCK. The bill which passed the House is precisely

the same as the bill reported by the Committee on Public Lands.

Mr. PADDOCK. So I understand, and I have been instructed by the Committee on Public Lands to substitute that bill for the Senate bill if, on examination, I found this to be so; but, as I said before, it has just been referred to me and I have had no opportunity to ex-

mr. HITCHCOCK. That is precisely the purpose for which I rose, to move to substitute the House bill. It is exactly in the same language as the bill reported from the Committee on Public Lands.

Mr. PADDOCK. I am ready to take up the House bill if my colleague thinks it best to do so, after the statement that he has made, and it is in order to do so.

Mr. HITCHCOCK. Then I move that the House bill No. 1962 be

substituted for the bill reported from the Committee on Public

Lands.

Mr. PADDOCK. I do not understand that motion to be in order.

The PRESIDING OFFICER. The House bill is not before the Senate and not in possession of the Senate, but of the Committee on Public Lands, and it must be reported from that committee or the committee discharged from its further consideration before it can be considered by the Senate.

Mr. HITCHCOCK. Then I will move that the Committee on Public Lands.

Mr. HITCHCOCK. Then I will move that the Committee on Public Lands be discharged from the further consideration of House bill No. 1962, it being in precisely the same terms as the bill already reported from that committee.

Mr. PADDOCK. I had been instructed by the Committee on Public Lands to report the House bill when satisfied that the Senate and the House bill are the same, and to recommend its passage. I had not had an opportunity to compare the two bills to see if they are exactly similar, but I am ready to take the statement of my colleague that they are, as he says he has done it.

Mr. HITCHCOCK. The bills are exactly the same.

Mr. PADDOCK. I do therefore now report that the Committee on Public Lands, to whom was referred the bill (H. R. No. 1962) to confirm certain school-indemnity selections of public lands by the State of Nebraska, have instructed me to report it without amendment, and recommend its passage.

The PRESIDING OFFICER. The Chair will receive the report,

if there be no objection.

By unanimous consent, the bill was considered as in Committee of the Whole. It directs that the selections of school lands made by the State of Nebraska as indemnity for tracts in sections 16 and 36, otherwise disposed of, which are suspended in the General Land Office for the reason that they are for lands which, under the act of March 6, 1868, can only be disposed of under the homestead and pre-emption laws, and to which no other legal objection exists, shall be confirmed, and title be transferred to the State as in other cases of such selections

Mr. PADDOCK. When I reported from the committee Senate bill No. 256, I sent up in connection with the bill a letter from the Commissioner of the General Land Office recommending its passage and stating the reasons for it fully. I ask that the Secretary read that letter.

Mr. HITCHCOCK. I can state in a word what I think will satisfy every Senator present as to the object of the bill. It is simply to correct a mistake in the act of 1868. By that act sections 16 and 36 in each township in the State are set apart for school purposes; and it is also provided that when those sections have been occupied by settlers who were on the lands prior to surveys, the State is authorized to select other lands contiguous in lieu of those sections so occupied. By the act of Congress at the time the Pacific railroad was located lands within twenty miles of that road were reserved from settlement. By the act of 1868, when these lands were reserved from settlement. By the act of 1868, when these lands were restored to market, the expression was "for pre-emption and homestead only," Congress evidently intending to make that distinction, but selling the lands at public sale, as in other portions of the country, at a certain time. Therefore the Commissioner of the General Land Office did not feel justified in confirming these selections until it shall be corrected in the manner that this bill proposes to correct it. Mr. SARGENT. There is no conflict in this case between settlers?

Mr. HITCHCOCK. There is no conflict between settlers or any-body else. The bill is prepared in accordance with the wishes of the Commissioner of the General Land Office, and there is no objection

Mr. PADDOCK. I renew my request that the letter of the Commissioner be read.

The PRESIDENT pro tempore. The letter will be reported.

The Secretary read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE, Washington, D. C., February 8, 1876.

Department of the Interior, Grneral Land Office,

Washington, D. C., February 8, 1876.

Sir: In reference to Senate bill No. 256, entitled "A bill to confirm certain school indemnity selections of public lands by the State of Nebraska," which you filed in this Office for an expression of my views thereon, I have the honor to state that it appears that Nebraska, having the right to select school land under the acts of 20th May, 1826, and 26th February, 1859, (now sections 2275 and 2276 of the Revised Statutes,) as indemnity for lands in sections 16 and 36, granted for schools, but which were otherwise disposed of on account of pre-emption claims acquired prior to survey, or from other causes, selected certain lands as such indemnity, and on their being reported to this Office and examined here, the selections, to the amount of 31,611.86 acres, were found to embrace tracts lying within the alternate sections reserved to the United States in acts of Congress making land grants for reilroad purposes, and the price thereof fixed at \$2.50 per acre, and which come under the operation of the act of Congress of March 6, 1868, providing that the lands therein referred to shall be subject only to entry under the pre-emption and homestead laws.

This Office holds that where, as in this case, the sections 16 and 36 appropriated for schools lie within the limits of railroad grants, and selections are to be made of indemnity for tracts lying therein which have been otherwise disposed of, this may be done from the alternate reserved sections, within the same limits, the price of which is fixed at \$2.50 per acre, where there is no express provision of law to prevent it; but in the case of these selections, the prohibition contained in the act of March 6, 1868, of any other disposal of the lands than such as is provided for in the pre-emption and homestead laws stands in the way of the approval thereof; that prohibition extending to the even-numbered sections along the routes of the several roads mentioned in the act of July 1,

and to secure to the acts amendatory thereof. [See acts]
purposes," and the acts amendatory thereof. [See acts]
Apart from the prohibition referred to, there is no reason why the tracts called for in these selections should not be appropriated for the purpose of their selection which would not apply to any other tracts held at the double minimum price which might be selected. I think that this bill (S. No. 256) should be passed.

Very respectfully, your obedient servant,

L. K. LIPPINCOTT,

Acting Commissioner.

Acting Com

Hon. A. S. Paddock, Chairman Subcommittee of the Committee on Public Lands, United States Senate.

The bill was reported to the Senate without amendment, ordered

The bill was reported to the Senate Without attendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. If there be no objection, Senate bill No. 256, which is a duplicate of the bill just passed, will be removed from the Calendar by indefinite postponement. The Chair hears no objection.

## EXTENSION OF TIME FOR BOUNTIES.

Mr. LOGAN. I ask leave to report a bill from the Committee on Military Affairs, with a view of having it taken up and considered now. The Committee on Military Affairs, to whom was referred the bill (H. R. No. 525) to extend the time for filing claims for additional bounty under the act of July 28, 1866, which expired by limitation on January 30, 1875, until March 1, 1880, have directed me to report it without amendment. This bill is for the purpose of extending the time of application for bounties in the Second Auditor's Office. We passed a bill through the Senate the other day almost identical with this, the only difference being that the House bill extends the time this, the only difference being that the House bill extends the time six months longer than the Senate bill; but inasmuch as they have more difficulty in getting up bills in the House than we have here, one of the Representatives, who introduced this bill, asked me if I would not have it taken up in the Senate. The difference is so slight that I think it would be a proper thing for the Senate to pass this bill; and then I will ask that the Senate bill be postponed indefinitely, the only difference being, as I stated, six months' additional mr. SARGENT. Has the Senate bill passed the Senate?

Mr. LOGAN. It has passed the Senate.

The PRESIDENT pro tempore. The bill will be read for informa-

The Chief Clerk read the bill.

Mr. LOGAN. I see there is a mistake in the print of the bill; "1880" is not the proper time. I did not see the inside of the bill; I only read the outside; and I now withdraw the report.

The PRESIDENT pro tempore. Does the Senator suggest a correc-

tion ?

Mr. LOGAN. I will correct it by the papers, for I know it is a mistake. I will not ask the Senate to pass the bill now.

#### CHARLES E. HOVEY.

Mr. FRELINGHUYSEN. I move to proceed to the next case on the Calendar, Senate bill No. 575.

The PRESIDENT pro tempore. That bill is regularly in order. The bill (S. No. 575) for the relief of Charles E. Hovey was read the second time, and considered as in Committee of the Whole. It is a direction to the Secretary of the Treasury to pay to Charles E. Hovey, out of moneys collected by him under an alleged contract with the Secretary, dated January 6, 1873, such sum as, in the opinion of the Secretary, is sufficient to reimburse Hovey for expenses in of the Secretary, is sufficient to re-imburse Hovey for expenses inor the Section of the services information given and services performed, not to exceed the moiety of the moneys so collected.

Mr. FRELINGHUYSEN. The case is simply this: The Government had a claim against the Mobile and Ohio Railroad for duties on

iron imported prior to the war; it had instituted suits, and had failed to recover on those suits, when this Charles E. Hovey went to the Secretary of the Treasury and informed him that he had information which he would give him which would enable the Government to recover the duties; whereupon the Secretary of the Treasury, Mr. Bourwell, under the joint resolution to enable the Secretary of the Treasury to collect wrecked and abandoned property, derelict claims and dues belonging to the United States, made a contract with Mr. Hovey that he should have a moiety of the sum recovered by the information which he should furnish. The suits were then proceeded with, and a compromise made by the Government with the railroad company, by which the Government received into the Treasury some \$23,000. Mr. Hovey made claim for his moiety of that sum under the contract. The Assistant Secretary of the Treasury gave his opinion that he was clearly entitled to it. The Secretary of the Treasury, Mr. Bristow having become Secretary, dissented from that opinion, and thought that the contract was not properly made under the joint resolution to which I have referred for the recovery of derelict claims. The Comwhich I have referred for the recovery of derelict claims. The Committee on Finance, to whom this matter was referred, had some difference of opinion as to whether this contract did strictly and literally come within that resolution or not; but it was very clear that the Secretary of the Treasury had made the contract with Mr. Hovey, and that the Government had received some \$22,000 or \$23,000 by means of his services. This bill provides that the Secretary of the Treasury be authorized in his discretion to pay Mr. Hovey such sum as will compensate him for the expenses he has incurred, the information he compensate him for the expenses he has incurred, the information he has given, and the services he has rendered, not exceeding in any event one-half of the sum recovered. There is a printed report setting out all the facts which can be read, if Senators desire to hear it.

The bill was reported to the Senate without amendment.

Mr. COCKRELL. I desire to ask the Senator from New Jersey a question. Ought not the expenses to come out of this moiety under the contract if the Secretary of the Treasury should deem that this man is entitled to the moiety?

is entitled to the moiety?

Mr. BAYARD. That is provided for, I think.
Mr. LOGAN. That is part of the bill.
The bill was ordered to be engrossed for a third reading, read the third time, and passed.

# MAJOR FOSTER A. HIXON.

The next bill on the Calendar was the bill (S. No. 333) for the re-The next bill on the Calendar was the bill (S. No. 353) for the relief of Major Foster A. Hixon, late a paymaster in the Army; which was considered as in Committee of the Whole. It provides that the claim of Major Foster A. Hixon, late a paymaster in the Army of the United States, to be credited in the settlement of his accounts with the sum of \$10,000, which he claims was stolen from him at Charleston, South Carolina, on the 1st of March, 1867, and all claims for credits and differences in his accounts as such paymaster be referred to the Count of Claims ferred to the Court of Claims.

The bill was reported from the Committee on Claims with an amendment to strike out the following words, beginning in line 8

amendment to strike out the following words, beginning in line 8:

And all claims for credits and differences in his accounts as such paymastershall be, and hereby are, referred to the Court of Claims, with jurisdiction to hear and determine the same. And if the said Court of Claims shall be satisfied from the evidence that he suffered the said loss, and that it is equitable and just the said amount should be allowed to him, it shall make a decree to that effect, upon which the proper accounting officer of the Treasury shall allow him the amount so decreed as a credit in the settlement of his accounts: Provided, That the testimony of said Hixon shall be received in his own behalf by said court, and that an appeal shall be allowed to either party as in other cases.

And in lieu thereof insert:

Shall be, and hereby is, referred to the proper accounting officers of the Treasury Department, with directions to examine the same; and if they shall be satisfied from the evidence presented that he suffered such loss without any negligence on his part, and that it is equitable and just the said amount should be allowed to him, they shall allow him the amount as a credit in the settlement of his accounts.

Mr. SARGENT. I should like to inquire if the committee themselves are fully satisfied that there was a loss without any fault on the part of this officer?

Mr. MITCHELL. I made the report, and I am convinced from the

testimony in the case fully.

Mr. SARGENT. It is not a doubtful case?

Mr. MITCHELL. No; I would not have consented to report the bill favorably if it had been.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MRS. ELIZA T. POTTER.

The next bill on the Calendar was the bill (S. No. 384) for the relief of Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina; which was considered as in Committee of the Whole.

The Committee on Military Affairs reported the bill with an amendment, which was to strike out all after the enacting clause and in-

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,000 to Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina.

Mr. WITHERS. Let us hear the report read or have some statement from the Senator who reported the bill.

Mr. BOGY. We should have some information in regard to it.
Mr. LOGAN. I can state substantially the facts as the report gives Mr. LOGAN. I can state substantially the facts as the report gives them. There are a great many papers and much evidence connected with the case. The case came up in 1859, and the Senate passed a bill giving this lady \$20,000, just as the committee reported it. It is the same bill precisely, word for word. It went to the House of Representatives and on account of the want of time the bill did not pass that House. Again it was reported to the Senate and for want of time it was not taken up. The facts are that this lady resided in Charleston, South Carolina, with her husband during the war. They were considered according to the testimony people of some wealth. were considered, according to the testimony, people of some wealth. She used, as the proof both of confederate officers and Union officers and soldiers on both sides shows, for charitable purposes, \$40,000 of her money. Since that time her husband has died and she is left in destitute circumstances, her property being destroyed. She lost some two or three hundred bales of cotton; but that of course is not a matter in consideration. She lost all of her property; and in view of the expenditures made during the war for charitable purposes, the Senate, in 1869, concluded to make her a gratuity of this amount of money as they had done for the Sisters of Charity in Charleston for the same purpose. That is the fact.

The statement I have made is fully borne out by reliable testimony on both sides showing these facts. We have reported the same amount that the Senate formerly thought ought to be allowed, and on the

Mr. SARGENT. Was that amount paid at that time?
Mr. SARGENT. But not the House of Representatives?

Mr. LOGAN. No, sir; the amount was not paid. That is all there is in this case.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## MINERAL LANDS IN MISSOURI AND KANSAS.

The next bill on the Calendar was the bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872; which was considered as in Committee of the Whole.

The bill was reported from the Committee on Mines and Mining with an amendment, to strike out the word "State," in the third line, and insert "States;" and after "Missouri," in the same line, to insert "and Kansas;" so as to make it read:

That within the States of Missouri and Kansas deposits of coal, iron, lead, or other mineral be, and they are hereby, excluded from the operation of the act en-

titled "An act to promote the development of mining resources of the United States," approved May 10, 1872.

The amendment was agreed to.

Mr. WRIGHT. I rise for the purpose of making some inquiries. Of course it is impossible for us to understand from the mere reading of this bill its object, and I therefore propose to ask the Senator from California to explain the object of the bill. It is impossible to

from California to explain the object of the bill. It is impossible to understand it from its language.

Mr. SARGENT. The act of 1872 relates to the States and Territories containing precious metals, gold and silver, and recognizes what are called mining customs, a species of common law that grew up among miners for years before Congress or the courts took any notice of the business of mining. The law of 1872 was aptly designed to enable miners to acquire titles to their lands on paying the value which the United States set upon those lands into the public Treasury. These customs were recognized for the nurses of showing hours. These customs were recognized for the purpose of showing bona fide occupation and the extent of the possession at a given time, the time of the passage of the law; after that the amount being regulated

by the statute.

Mr. WRIGHT. Where there were precious metals?

Mr. SARGENT. Mines of precious metals; but the wording of the law was sufficient to take in coal lands and mineral lands containing non-precious metals. The States of Missouri and Kansas, in which non-precious metals. The States of Missouri and Kansas, in which no such customs exist, and in which many of the features of the law are inapplicable, find that the law as extended over them prevents them from acquiring ordinary mineral lands; that is to say, coal lands, and prefer, as has been explained to the committee, to be remitted to the laws that existed before the act of 1872. To that the Mining Committee have no objection whatever, and this bill merely excludes them from the provisions of this act of 1872.

Mr. H AMLIN. The Senator can also state, I think that in every instance where the attention of the committee has been called to it,

other States have already been excluded in precisely the same way.

Mr. SARGENT. The Senator is correct so far as the Senate is concerned. This same bill, applying to both Missouri and Kansas, passed the Senate at the last session. A similar bill was passed by the House of Representatives, but there was a difference in the wordthe House of Representatives, but there was a difference in the wording of the acts; they did not exactly coincide. I believe it might be stated more accurately by saying that the bill passed the House and came to the Senate, and on the suggestion of the Missouri Senators it was amended in some slight particulars. It went back to the House, and they failed for want of time to act on the Senate amendment; but the Senate and House have both acceded to the policy of this bill.

Mr. HAMLIN. And I think I am right in my recollection in saying that anterior to that time a bill certainly passed which met the requisition of your own State, Mr. President, in relation to mineral resources.

resources.

Mr. SARGENT. That is quite possible; I do not now remember it.

Mr. HAMLIN. And that became a law, based upon the same principle with this bill. I was not present at the meeting of the committee when this bill was agreed upon; I could not be, as I was attending upon another committee; and although it did not receive my support there, I believe it is eminently right.

Mr. WRIGHT. I am to understand then, of course, that the Committee on Mines and Mining, after a careful examination of this subject, are unanimously of the opinion that it is proper and right that

ject, are unanimously of the opinion that it is proper and right that these States should be excluded from the act of 1872, and that that

is the whole object and purpose of this bill.

Mr. SARGENT. The Senator is correct in his view.

Mr. WRIGHT. Therefore I understand that the general law touching all other mineral lands where there are not precious metals is made to apply to these States, they being exempted from the act of

Mr. SARGENT. That is the purpose of the bill. Mr. ALLISON. Do I understand the Senator from California to say that the mining law of 1872 applies to all coal lands unless spe-

Mr. SARGENT. I say that the act of 1872 is so drawn in the first section of it, as the Senator will observe, that it may possibly be applied to coal lands. At any rate they find some embarrassment in these States in the application of the law, and therefore ask to be relieved from it in regard to mineral lands containing non-precious metals.

Mr. ALLISON. I made that inquiry with a view of suggesting that my own State, the State of Iowa, be included in this bill.

Mr. SARGENT. I have no objection at all to including Iowa.

Mr. ALLISON. I do not know that it is necessary to make such an amendment, and will not press it now.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

It was ordered that the amendment be engrossed and the bill read

a third time.

The bill was read the third time, and passed. Its title was amended so as to read: A bill to exclude the States of Missouri and Kansas from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

# LIEUTENANT JOSEPH WHEATON.

The next bill on the Calendar was the bill (S. No. 578) for the re-

lief of the administratrix of the estate of Lieutenant Joseph Wheaton,

The PRESIDENT pro tempore. This bill was reported adversely, and will be passed over.

JOHN MONTGOMERY AND THOMAS E. WILLIAMS.

The next bill on the Calendar was the bill (S. No. 111) for the relief of John Montgomery and Thomas E. Williams.

The PRESIDENT pro tempore. This bill was reported adversely,

and will be passed over.

Mr. WRIGHT. The report in that case was made by the Senator from Florida, [Mr. JONES,] and a motion to reconsider was entered. Unless there be some special consideration, I know no reason why that matter should not be disposed of rather than have it remain on the Calendar.

Mr. WITHERS. The motion to reconsider was made by the Sen-

ator from Kentucky, [Mr. STEVENSON.]
The PRESIDENT protempore. The pending motion is to reconsider the vote indefinitely postponing the bill.
Mr. COCKRELL. I object to the present consideration of the bill. I see the Senator from Pennsylvania [Mr. WALLACE] is not in his seat, and he is interested in the matter.

Mr. WRIGHT. I shall not insist upon its disposal. I supposed the

Senators interested in the bill were present.

Mr. CONKLING. I do not like to make objection to any particular bill; and the reason is obvious to everybody; but I am not at all sure that it is not my duty to make an objection to any bill whatever before it is presented; and the Chair looking about the Senate, or rather about the Senate Chamber, will anticipate what I mean. There are a great many seats here, sometimes occupied by members of this There are very few here occupied in that way now; and if we are to consider bills which are of any importance, unless they are very clearly right, I think it might be proper to take some measure to have the attendance of a larger portion of the Senate than is here

Mr. WRIGHT. I suggest to the Senator from New York that the matter to which I called attention was a private bill which had been indefinitely postponed and a motion to reconsider entered. The Chair remarked that the bill would be passed over and not be taken up in

remarked that the bill would be passed over and not be taken up in regular order. My object was to get such cases out of the way.

Mr. CONKLING. Was this an adverse report?

Mr. WRIGHT. It was reported adversely.

Mr. CONKLING. I sympathize heartily with the Senator about that particular bill, without knowing what it is.

The PRESIDENT pro tempore. Objection being made to considering the question of reconsideration, it goes over.

# EDWIN FAIRFAX GRAY.

The CHIEF CLERK. The next case on the Calendar is the bill (S. No. 23) for the relief of Edwin Fairfax Gray; which was reported adversely on the 1st instant from the Committee on Claims and postponed indefinitely; and on the 10th instant the vote to postpone indefinitely was reconsidered and the bill placed on the Calendar.

The PRESIDENT pro tempore. This will take a like course with

The PRESIDENT pro tempore. This will take a like course with the preceding bill, and be passed over.

Mr. WRIGHT. Unless there be some reason why this should be postponed, I think it might as well be disposed of.

Mr. COCKRELL. This bill was considered upon my report and indefinitely postponed, and at the instance of the Senator from Texas [Mr. MAXEY] I had it reconsidered, and I will have him sent for. I do not like to take action in his absence. do not like to take action in his absence. I suppose he is desirous of having it disposed of.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were re-opened, and (at two o'clock and eighteen minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

## WEDNESDAY, March 15, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev.

The Journal of yesterday was read and approved.

CONTINGENT EXPENSES OF THE TREASURY DEPARTMENT.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in compliance with section 193 of the Revised Statutes, a report of the contingent expenses of that Department for the fiscal year ending June 30, 1875; which was referred to the Committee on Appropriations.

## FISH AND FISHERIES.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Commissioner of Fish and Fisheries, asking an ap-

propriation for the propagation of shad and other food fish for the fiscal year ending June 30, 1876; which was referred to the Committee on Appropriations, and ordered to be printed.

### INDIAN DEPREDATIONS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with the provisions of an act approved May 29, 1872, the claims of sundry persons for compensation for Indian depredations; which was referred to the Committee on Appropriations.

### REFERENCE OF SENATE BILLS.

The SPEAKER. If there be no objection, the Chair will now present to the House for appropriate reference bills on the Speaker's table. Of course these bills cannot be presented without consent.

Mr. WILSON, of Iowa. Does that imply that all the bills shall be

Mr. WILSON, of Iowa. Does that imply that all the bills shall be taken up and referred?

The SPEAKER. They can be, if no objection be made.

Mr. WILSON, of Iowa. But suppose objection be made to the reference of one bill. On yesterday a bill in relation to the admission of New Mexico into the Union was objected to.

The SPEAKER. The Chair is not able to see the good policy of refusing to refer a majority of the bills on the Speaker's table because one or two may be objected to. The Chair, however, makes no objection to asking that all the bills on the Speaker's table have appropriate references this morning.

ate references this morning.

Mr. RUSK. I would like to retain my right to object until I hear the title of each bill read. In all probability I would have no objection to the reference of all the bills on the Speaker's table; but I would like to hear the title of each bill read before I give up my right

to object.

The SPEAKER. The Chair desires to say that these requests are made only in the interest of facilitating the business of the House.

Mr. FORT. I trust the gentleman will not object.

Mr. RUSK. I do not object to going to the Speaker's table for the purpose of referring the bills, but I would like to retain my right to object to the reference of any bill, if I should desire to do so, when I

Mr. RANDALL. That would be very unfair, for it might leave a single bill on the Speaker's table and give it an undue advantage over

The SPEAKER. Objection being made, the request is withdrawn.

### JOHN E. KELLEY.

Mr. MORRISON. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and hereby is, authorized and required to pay to John E. Kelley the regular compensation as messenger for forty-nine days' service, rendered from December 23, 1875, to February 9, 1876, inclusive, notwithstanding his failure to take the prescribed oath before entering upon the discharge of his duty as such messenger.

There was no objection, and the resolution was adopted.

MILITARY WAGON-ROAD IN COLORADO AND NEW MEXICO.

Mr. ELKINS. I ask unanimous consent to submit for consideration and adoption at this time the resolution which I send to the Clerk's desk.
The Clerk read as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to this House, with its accompanying map, the report of Lieutenant Ruffner, of a survey made under the direction of the War Department for a military wagon-road from Fort Garland, Colorado, to Fort Wingate, New Mexico.

There was no objection, and the resolution was adopted.

## TIMBER LANDS OF THE UNITED STATES.

Mr. WALLING, by unanimous consent, from the Committee on Public Lands, reported back with amendments the bill (H. R. No. 1191) to regulate the survey and sale of the timber lands of the United States, and moved that the bill be printed with the amendments and recommitted to the Committee on Public Lands.

The motion was agreed to.

TAXATION OF PERSONAL PROPERTY IN THE DISTRICT OF COLUMBIA.

Mr. WALLING. I ask unanimous consent to introduce and have Mr. WALLING. I ask unanimous consent to introduce and have referred to the Committee on the Judiciary a resolution relative to the assessment and collection of taxes in the District of Columbia.

Mr. McCRARY. That subject is now being investigated by the Committee for the District of Columbia.

Mr. WALLING. It is a judicial question simply.

Mr. McCRARY. Let the resolution be read.

The Clerk read as follows:

The Clerk read as follows:

Whereas it is stated that no assessment or collection of taxes on personal property in the District of Columbia has been made as required by an act of Congress approved March 3,1875, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1876, and for other purposes;" and whereas it is alleged as a reason for such non-assessment and collection that the said act is insufficient in law to secure its enforcement: Therefore, Resolved, That the Committee on the Judiciary be, and it is hereby, instructed to inquire whether or not such tax has been duly assessed and collected, and if not, the reasons therefor, and what legislation, if any, is necessary to secure the enforcement of said act according to its true intent, to the end that the moneys afforcement of said act according to its true intent, to the end that the moneys afforcement of said act according to the Treasury of the United States to re-imburse the same for the payment of the February, 1876, interest on the bonds of said District.

Mr. HENDEE. I desire to say that the Committee for the District Mr. HENDEE. I desire to say that the Committee for the District of Columbia are now investigating that very subject. We have had it under consideration for several weeks, and have already prepared a bill for the purpose of taxing the property of this District and to correct any error in that regard that may heretofore have occurred in the District. Further, the Committee for the District of Columbia have a subcommittee on judicial questions, and I think this resolution should properly go to that committee. I can assure the gentleman that it shall be well, fairly, and fully considered, and an early report made. made.

Mr. WALLING. With that understanding I have no objection to that reference. The language of the resolution will have to be changed accordingly.

The SPEAKER. The change will be made.

The preamble and resolution as modified were referred to the Committee for the District of Columbia.

### MILITARY ACADEMY APPROPRIATION BILL.

Mr. HAMILTON, of New Jersey. I am instructed by the Committee on Appropriations to report back the Senate amendments to House bill No. 810, making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, and to move that the amendments of the Senate be printed and that the House non-

concur in the same. Upon that motion I call the previous question.

The SPEAKER. Does the gentleman include in his motion a request for a committee of free conference on the disagreeing votes of

the two Houses?

Mr. HAMILTON, of New Jersey. I do not.
Mr. NEAL. Let the amendments of the Senate be read.
Mr. FORT. I understand that there are many of them and some

Mr. FORT. There are twenty-three amendments of the Senate.
Mr. RANDALL. There are twenty-three amendments of the Senate.
Mr. FORT. They can be examined when printed, and I hope their reading will not now be insisted upon.
Mr. NEAL. I will withdraw the call for the reading of the amend-

The motion of Mr. Hamilton, of New Jersey, was then agreed to.
Mr. HAMILTON, of New Jersey, moved to reconsider the vote just
taken; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

#### SAMOAN OR NAVIGATOR'S ISLANDS.

Mr. FAULKNER, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Foreign Affairs be instructed to inquire into the extent and character of the powers conferred by the United States upon A. B. Steinberger as special agent or commissioner to the Samoan or Navigator's Islands, and in the execution of this inquiry to call upon the Secretary of State for all correspondence between the said Steinberger and the Department of State touching the objects, operations, and results of said mission or agency.

## JOHN MOONEY.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. 2679) for the relief of John Mooney, of Saint Louis, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# ASSAY OFFICE AT NEW ORLEANS.

Mr. O'BRIEN, by unanimous consent, reported from the Committee on Coinage, Weights, and Measures, as a substitute for House bill No. 1165, a bill (H. R. No. 2680) to establish an assay office at New Orleans, Louisiana; which was read a first and second time, ordered to be printed, and recommitted.

## NATIONAL SURGICAL INSTITUTE.

Mr. HOLMAN, (by request,) by unanimous consent, introduced a bill (H. R. No. 2681) to incorporate the National Surgical Institute of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## ATLANTIC AND GULF OF MEXICO SHIP-CANAL.

Mr. HARTRIDGE, by unanimous consent, introduced a bill (H. R. No. 2682) to provide for a survey to determine the practicability of a canal communication between the waters of the Atlantic and Gulf of Mexico through the Okefinokee Swamp; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## MRS. REBECCA S. HARRISON.

Mr. HARTRIDGE also, by unanimous consent, introduced a bill (H R. No. 2683) to regulate the pension of Mrs. Rebecca S. Harrison; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# SUBSIDIES FOR RAILROADS, ETC.

Mr. LAPHAM, by unanimous consent, presented a concurrent resolution of the Legislature of the State of New York, relative to the granting of subsidies by Congress in aid of the Texas Pacific Railroad and other internal improvements; which was referred to the Committee on the Pacific Railroad, and ordered to be printed in the Precent

The resolution is as follows:

Concurrent resolution relative to the granting of subsidies by Congress in aid of the Texas Pacific Railroad, and other internal improvements.

Concurrent resolution relative to the granting of subsidies by Congress in aid of the Texas Pacific Rallroad, and other internal improvements.

Whereas it appears that applications for the aid of the National Government in the form of money, credit, bonds, or indorsements of the bonds of private corporations are now pending in the Congress of the United States to an amount exceeding \$600,0.000 for the purpose of promoting schemes of canals, railroads, or other internal improvements, the value and utility of which are at least doubtful, and which are not demanded for present commercial, military, or national reasons; and whereas it also appears that important committees of the said Congress are now seriously considering the propriety of recommending the appropriate legislation whereby the United States will be committed to a guarantee or indorsement of the interest payments upon the bonds or promissory obligations of certain railroad corporations, amounting, in the aggregate, to about \$230,000.000 in gold, for the purpose of constructing a railroad line from Northeastern Texas to the Pacific Ocean, near the thirty-second parallel of latitude, with numerous branches thereof, amounting to over three thousand miles; and that this encouragement given to this class of proposals tends constantly to swell the number and extent of such applications, and is giving rise to many schemes of like questionable character, which have failed to secure the approval of private capitalists, and which, by their combined influence and support, embarrass, retard, and interfere with the proper subjects of legislation: Therefore,

Be it resolved, (if the assembly concur.) That it is unwise, impolitic, and dangerous at this time of depressed trade and heavy financial burdens for Congress to embark the country upon such gigantic works, and thereby invite other and further demands for national assistance to the detriment of the people and good government; and that our Senators and Representatives in Congress be requested to use all proper

STATE OF NEW YORK, IN SENATE, February 15, 1876.

The foregoing resolution was duly passed.

HENRY A. GLIDDEN. Clerk. STATE OF NEW YORK, IN ASSEMBLY, February 16, 1876.

The foregoing resolution was duly passed. By order.

EDWARD M. JOHNSON, Olerk.

LOSSES BY INDIAN DEPREDATIONS.

Mr. THROCKMORTON, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of the Interior be requested to furnish for the information of the House of Representatives the number of claims for losses through Indian depredations filed or presented in his Department since the date of the report of Acting Secretary B. R. Cowen, January 9, 1875, with names of the claimants, the amount of each claim, the date and locality of the depredation, and the tribe or band of Indians committing the same.

## LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. I move that the rules be suspended and that the House now resolve itself into the Committee of the Whole for the further consideration of the legislative, executive, and judicial appropriation bill. I desire to state that the Committee on Appropriations propose to devote the whole of to-day to general debate; and after to-day, if the committee is sustained by the House, general debate will be closed, and the further consideration of the bill proceeded with by paragraphs under the five-minute rule.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. Turney in the chair,) and resumed the consideration of the special order, being the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877,

and for other purposes Mr. BLOUNT. I yie

Mr. BLOUNT. I yield to my colleague, [Mr. FELTON.]
Mr. FELTON. Mr. Chairman, retrenchment and economy in the public expenditures is the declared policy of this House. The country in its financial embarrassment demanded this much at our hands. They confided in our promise of reform. With a democratic House of Representatives a reduction of official patronage, of public indebtedness, and of attending taxation must necessarily ensue. realization of these hopes is guaranteed by what this House has already accomplished in this direction. We are moving steadily along the "whole line," reducing the expenditures of the Government to the lowest point consistent with the good faith and efficiency of the Government, creating no office for favorites, continuing no man in place if his services can be dispensed with, making no appropriation of money unless essential to the happiness and prosperity of the country, and bringing the salaries of officials to a level in some measure equal to and compatible with the straitened circumstances of those whom

we represent and serve.

Just now there is much said and written upon financial questions. Just now there is much said and written upon financial questions. Every man has his theory of finance. Inflationists, contractionists, resumptionists, are everywhere and in all political parties. Every financial nostrum is put forward by its inventor and licensed vendor as a specific for all the financial ills the country is heir to. I submit, the solution of these difficulties in part is to be found in curtailing expenses, economizing in every possible way, and husbanding the internal and custom revenues of the country.

There are certain great commercial and industrial laws above and outside of legislative enactments, beyond our control. Sometimes

outside of legislative enactments, beyond our control. Sometimes these laws may be modified, diverted for a time from their natural functions, disturbed and disarranged by unwise tinkering and impolitic intermeddling; just, for example, as the motion of some great celestial body under fixed law may be disturbed temporarily by some inferior satellite, or just as the magnetic needle when in the neigh-

borhood of large metallic deposits may be disturbed, its variations uncertain, its trembling movements unreliable. But all these disturbing influences are temporary and local, and the great primary law of their organization soon asserts its authority and supremacy. great laws of commerce, of productive industry, and the hundred departments of human activity and enterprise may be disturbed and disarranged for a time by bad laws. But if these great principles are not weighted and pressed down by accumulating debts, they will

adjust themselves to every exigency of the country.

It is amusing to hear some men discourse upon the ease and practicability of resuming specie payments at any given time. It is the act of sovereignty, they say, and only requires the edict of the soverign to accomplish the desired object. I have read the story of Canute, who was carried by his courtiers into the path of the rising tide and was told by these flatterers that it only required a wave of the royal hand and a word from royal lips to send back that irresistible torrent and to establish his claim to supreme authority. You remember that the wise and virtuous monarch sent those courtiers home wiser if not better men. Equally absurd, in my judgment, is it for Congress or the Executive or for boards of trade to fix the day or the year when the country shall commence specie payments; forgetting, as they do, that the laws regulating trade and commerce and production, and specie and currency are beyond and superior to their sovereign will; forgetting also that this country is weighted and pressed down with a load of taxation and debt that renders it well-nigh helpless. We must remove or greatly lighten these weights, ease this pressure of

I know that heretofore in times of suspension, both in this country and in England, resumption has been reached by previously fixing the day; but legislators in these several cases, like the Delphian oracle, took good care before giving an answer or fixing anything defi-nitely to acquaint themselves with surroundings and learn that the proposed project was possible; yet in every one of these instances of forced resumption incalculable loss and financial distress was the result. Legislators simply demonstrated their capacity to crush out all productive industry and commercial thrift by crushing out the self-regulating principles which underlie all production and commerce

merce.

I will not speak at this time of excise laws; how odious they are to the people of this country. Excise is taken from the Latin excidere, to cut off. It is a term used in finance to signify a duty charged in a country upon articles produced in that country before they are permitted to get into the hands of the public. These laws were introduced into Rome by Augustus. There they led to abuses innumerable, and gave rise to many civil dissensions. Tiberius declared that the army, for whose benefit the tax had been levied, depended upon it for support, and this was the only way by which he reconciled the reconciled ties continuance. people to its continuance.

This excise system was first introduced into England in 1626 by a This excise system was first introduced into England in 1020 by a commission under the greal seal. Its first introduction into our civilization was therefore an act of tyranny. Parliament protested against it and it was canceled. This tax was re-established in England by parliamentary act, 1643, both of the contending parties availing themselves of its benefits, but pledging themselves to its abolition as soon as the war should close. Cromwell, by acts unauthorized by law, continued it in existence, and a portion of this internal revenue was assigned to the Crown in compensation for hereditary revenues arising from feudal prerogatives which were then abolished. So then to-day this system of taxation stands out in our civilization as a modern supplement to ancient feudalism.

The very name is objectionable to American freemen. It was this

hatred to excise and stamp duties which gave birth to American liberty; and the spirit of Boston in 1776, which now pervades the whole land, can never be reconciled to it. It is true the Government during the administration of Washington inaugurated a limited system of excise duties; but even that gave rise to insurrections and civil disturbances, and upon the accession of Jefferson to the Presidency and upon his recommendation the whole system of internal taxes was abolished. May I not assert that whenever this Government shall become as pure, as economical, as wise as it was in the days of Jefferson, this anti-American system of taxation will again disappear? the war, and perhaps was needful for a few years after the war, because everything, labor, capital, production, all, must and of right should be made tributary to the credit of the American Government. Every species of property and industry is pledged to the redemption in good faith of every promise and obligation of the Government incurred in the war for the restoration of the Union.

But I assert if the retrepulment in public expanditures which this

But I assert, if the retrenchment in public expenditures which this House proposes to effect had been inaugurated six or eight years ago, and had been adhered to by the dominant party, this vexatious system of taxation might to-day cease, and the revenue arising from customs duties levied upon importation of foreign merchandise would meet every demand of an honest and wise government. Let us see what this tax has done for the manufactories, the occu-

pations, and the agricultural production of the country. It has gathered from all these since 1863, when it was put in action, \$2,086,590,703.88. Admitting its necessity during the war and perhaps up to 1870, this excise has collected from the labor and production of American citizens since 1870 \$789,264,865.87. It was made

Commissioner.

necessary by the war and the results of the war until 1870. Since that period it has been made necessary by the extravagance and culpable expenditures of the Government.

What has it done for my own State, a State desolated by war? in ruins, needing all the products of her labor for recuperation and self-sustentation. From Georgia it has gathered since 1866, when it became operative in that State, \$19,668,419.03. From 1863 and 1866 it has reaped from-

Virginia	\$45, 097, 215 80
West Virginia	7, 722, 908 55
North Carolina	13, 184, 970 50
South Carolina	7, 060, 054 39
Alabama	
Mississippi	
Louisiana	31, 746, 917 00
Texas	
Tennessee	19, 194, 825 00

Making a grand total collected from the States especially devastated by war, since their national rehabilitation, of \$157,249,645.60. This is a direct tax upon their labor and the great agricultural staples of that section. The increased amount paid by Virginia shows what tobacco is doing toward the support of the Government, and shows that agriculture must be drained of its hard earnings while many investments of the capitalist are exempt from every form of taxation. I feel that there is not only hardship, but injustice here. The Commissioner of Internal Revenue says in his report, after giving the net amount of receipts from all sources of internal revenue during the last amount of receipts from all sources of internal revenue during the last fiscal year in the several States and Territories:

The results thus shown do not indicate that the States paying the largest amounts of internal revenue pay in proportion to their relative population or wealth.

This is the injustice connected with this whole system, particularly with that portion of the revenue extracted from tobacco States. All excise duties are strictly direct taxes, levied upon or cut off, excidere, from the industries of the country; and the Commissioner says the States paying the largest amount do not pay in proportion to their relative population or wealth.

The Constitution says, article 1, section 2:

Representatives and direct taxes shall be apportioned among the several States \* \* according to their respective numbers.

Here in this report it is boldly announced that the wealth of the country does not sustain the burdens of the country.

Referring once more to the Southern States and the \$157,000,000 Referring once more to the Southern States and the \$157,000,000 that has been gathered from them—principally from their agricultural productions—since 1863, permit me to remark that I have seen penury casting in its two mites, well-nigh all its living, to sustain some cause which lay near its heart; but here we have States prostrated by war, the accumulations of a century swept from existence, States mourning like Rachel because their "children were not," widowhood and orphanage filling the land with their tears and a struggle for bread going on among all classes of society; yet in the midst of their bitter poverty and desolation they pay into the Trefsury of the United States within ten years, as a direct tax upon their labor and production, this immense sum of money, and for all this their patriotism is sometimes impeached, their professions of loyalty are sometimes criticised, and impeached, their professions of loyalty are sometimes criticised, and upon their reception into the Union of States the entente cordiale of a common brotherhood is sometimes denied them.

But, sir, I favor consolidation of districts and retrenchment of expenditures in the revenue department of Georgia for reasons specially applicable to my State. Economy in public expenditures, removal of supernumerary officials, and an equitable adjustment of taxation are the great demands of the country just now. In Georgia the Internal Revenue Department of the Government, with its association and collusion with the Department of Justice, (so called,) offers the most promising field for retrenchment and reform that I know of in

all the complex machinery for carrying on the Government.

The aggregate receipts from each collection district in Georgia for the fiscal year ending June 30, 1875, were:

First district Second district Third district Fourth district	63, 643 88, 362 181, 109	12 85 22
Total	388, 226	84

Now let me ascertain the expense of collecting this amount of revenue. I submit a letter from Hon. D. D. Pratt, Commissioner:

TREASURY DEPARTMENT, OFFICE INTERNAL REVENUE, Washington, February 23, 1876.

Sir: In compliance with request contained in your letter of 22d instant, I have the honor to hand you herewith the amount allowed for each collector and deputy collector in the State of Georgia for the fiscal year 1875:

First district of Georgia :			
Personal salary of collector, per annum.  Three deputies, \$1,500 each One deputy.	4 50	00	00
Second district of Georgia:			
Personal salary of collector, per annum  Four deputies, \$1,500 each One deputy. One deputy, four months Third district of Georgia:	6,00	00	00
Personal salary of collector per annum One deputy Three deputies, \$1,500 each	1,80	00	00
One special deputy	1,50	JU	UU

Fourth district of Georgia:	
Personal salary of collector, per annum	3,000 00 7,500 00 1 <sub>7</sub> 800 00 600 00
Respectfully,	

Hon. W. H. FELTON, House of Representatives.

The total amount of these items of expense is \$45,300. Permit me to ask the attention of the House to one feature in this list of expenditures.

The amount of revenue collected in the first district was \$55,111.65. The expense, as given in this letter from the Commissioner, was \$10,300. The amount collected in the fourth district was \$181,109.22. The expense, as given by the same authority, was \$12,900.

While the amount of revenue in the fourth district is more than

three times the amount collected in the first district, yet the expense in the fourth is only a fraction more than it was in the first district.

Here we have an unanswerable argument for the equalization of these expenditures.

The expense should bear some proportion to the amount of work done, and these districts should not be continued for mere partisan purposes, as sinecures for favorites, Government asylums for its politi-

cal pensioners.

If one collector with a salary of \$3,000, a limited number of deputies judiciously located in the State, and two clerks—if they can do the work which is now done by this large number of employés, let us have consolidation and retrenchment in the revenue department

of Georgia. But, sir, the expense I have mentioned is only a small part, a fraction of the cost of this department in my State. So far everything seems legal. Fixed salaries, regular work. This corps of officials are not responsible for the extravagance of the Government in the number of its appointees or the amount of money paid them. The Congress of the United States is accountable for such permitted extravagance.

agance. But there is another Department of the Government, a sort of adjunct or auxiliary of this revenue department. The two are so blended in my State that it is difficult to disentangle their interlacing threads. You can only trace the one through the other, as you trace the blackish, fetid drainage of some great city through the clearer waters of some stream into which the sewer empties. This other department is called—hear it, ye gods!—"the Department of Justice."

There is such a "reign of terror" exercised over the upper counties of the State which I in part represent upon this floor that I feel constrained to make some effort for the removal or explanation or modification this terrories are to describe the state which I in the second strained to make some effort for the removal or explanation or modification this terrories are the second strained to make some effort for the removal or explanation or modification this terrories are second strained.

ification of this terrorism perpetrated under the guise of law.

That there are violations and intentional infractions of the revenue laws is not denied. That these violations should be prosecuted and punished is not controverted, but rather insisted upon.

The people of my State are faithful and loyal adherents to every

the United States, and there is no State in the Union where the citizens and the State authorities will exert themselves more zealously in executing the laws of the Federal Government than Georgia.

Our people recognize this whole country as their common country, the home of their children. If, in the future, emergencies should arise imperiling the honor or glory of its flag, that flag will find no stronger arms nor braver hearts coming to its defense than will be found in the military contributions of the empire State of the South. The courage and endurance that illustrated her sons upon a hundred bettle fields of civil strife are now and forever at the disposal of the battle-fields of civil strife are now and forever at the disposal of the General Government.

One other remark. The counties in my State that are suffering most at this time from the maladministration of the revenue laws are the counties where the citizens generally are making the greatest efforts to abolish in their midst all the evils resulting from the traffic and intemperate use of alcoholic liquors.

In Gilmer County I am told, under the local-option law that is in force in our State, the people have succeeded in abolishing the retail

traffic in the county.

In some counties in my district where these outrages are perpetrated I know that the young men are banded together in temperance organizations, and have well-nigh swept the manufacture of liquor

State suffering most from these revenue difficulties.

I mention these facts to show that the people who are crying out against these oppressions are no apologists for "illicit distillation," no advocates for "crooked whisky," or abettors of a smuggled liquor

Indeed, the farmer, who grows his small crop of tobacco is frequently arrested, sometimes subjected to innumerable indignities, and only finds escape possible by complying with the illegal demands

made upon him.

I can speak from personal knowledge, and say that county jails are frequently crowded with men who have been arrested and brought there seventy-five or a hundred miles from their homes; away from their witnesses, away from their friends, away from commissioners who should investigate their cases by other county jails. Hundreds of these men are thus incarcerated, humiliated, bullied, and fleeced,

For

who are as innocent of crime as you, sir, or any other man on this

Now, you will remember, these deputy marshals and commissioners receive fees, perquisites; and it is no surprise, when you remember they charge up mileage against the Government for themselves and their prisoners, to learn that they sometimes travel a hundred miles when the same work could be done by traveling fifty miles; and the mileage of an innocent man counts as well as the mileage of a guilty

mileage of an innocent man counts as well as the mileage of a guilty man; the fees for conducting the preliminary investigation of an innocent victim count as though he was guilty.

It appears during the last fiscal year out of the cases before the Federal court for violating the revenue laws in Georgia there were one hundred and one suits decided in favor of the United States, and eighty-four suits decided adversely to the United States, and twentynine suits dismissed, showing conclusively that a majority of the arrests are innocent men, or without evidence sufficient to convict them. You and I will never know how many of these arrested parties not reported in this class were discharged and dismissed by commissioners and marshals before reaching the court in Atlanta. I see ties not reported in this class were discharged and dismissed by commissioners and marshals before reaching the court in Atlanta. I see also, on July 1, 1875, there were one hundred and fifty-three suits pending, and it is reasonable to suppose that among these pending cases there are as many innocent parties as there were in the suits disposed of. Indeed more, for this system of terrorism and fleecing is growing more clamorous for victims from day to day. I wish I

had the reports for the present fiscal year.

Now, I see an item in the report of the Attorney-General that throws a great deal of light upon the irregularities of which I speak. In statement of expenditures made by the Department of Justice to defray the expenses of the courts of the United States for the year ending June 30, 1875, for the district of Georgia, are the following items of expenditures:

r marshals	\$78, 700	00
Attorneys	6, 105	00
Clerks		
Commissions		
Rents	1,500	00
Miscellaneous	309	00
Total	95, 337	80

Think of this, Mr. Cnairman. Out of \$95,337.80, \$78,700 is paid to these deputy marshals and their chief, who are spreading terror, sorror, and death through the upper counties of Georgia. Should we be surprised that innocent men are arrested?

This tells the story of men being handcuffed and pushed at the point of the bayonet a hundred miles distant from home to undergo a preliminary trial. Mileage fees, perquisites, all charged up against the Government, amounting to \$78,700, all under excuse of enforcing the revenue laws. the revenue laws

In the United States the marshals cost \$2,393,681.78. But all this is a trifle compared with the violence and bloodshed of which they are guilty in my State.

Let me give you some of their proceedings. These vigilant deputies, after stuffing their pockets full of warrants, (and I wish the testimony I have as to the character of those warrants was official so I might use it; but it is not, and I pass it over,) place themselves at the head of a squad of Federal soldiers, say a dozen or more, and thus they proceed to counties distant from railroads, and with no law but a ruffian's greed, backed by shot and bayonets, they enforce their

I will ask the Clerk to read, as part of my remarks, extracts from two newspapers, published one in Gilmer County and one in Cherokee County, Georgia.
The Clerk read as follows:

[From the Ellijay Courier, January 16, 1876.] CONCERNING RECENT ARRESTS.

ELLIJAY, GEORGIA, January 16, 1876.

ELIJAY, GEORGIA, January 16, 1876.

EDITOR COURIER: On Friday night, the 14th instant, I was on my way home in the upper portion of this county, from where I had been making boards that day. I had my crosscut-saw with me. I came by the still-house of Mr. John Emory. Near there I met with some boys—Sison, Rogers, and Leatherwood The night was dark and cold. We went into the still-house to warm by the fire and to wait awhile for the moon to rise. While sittling there some men entered the door and ordered us to surrender. We made no resistance. In a few moments we heard a gun fire just out of doors. We heard no one halted, nor no word spoken by any one out doors. Just after this a soldier entered the house, and one who was guarding us said: "Grady, was that you fired?" He answered, "Yes." The guard replied, "That's right, pour it to them." Then Grady stepped out doors and was absent a few moments. The sergeant in charge then bursted up all the beer-stands, destroyed the still and other articles, and broke up a wash-pot in the yard, handrifed my self and the three boys with me, and carried us up to John Emory's dwelling. They then entered the house, found a keg of brandy, filled their canteens, found some jugs and filled them, then bursted the keg and poured out the contents on the floor. The lady, Emory's wife, cried and plead with them not to do so. I demanded of them if they had any warrant against me or either of the others. They gave me no satisfaction. They cuffed us together, two and two, and then carried us up into Fannin County. The night was very cold, and we were made to wade water-courses on our way; our clothes were frozen upon us. We were retained as prisoners till we were brought down below Ellijay, when Leatherwood and myself were released, the second night after our arrest. We never heard a word of Emory's murder until we came back from Fannin County, the day after the murder. Then we heard that John Emory had been killed at the still-house, and the gun whe heard in my opinion, was the gun that kil

protection during the war under the Union flag, and my son served in the Union Army. And I now ask, in the name of God, of liberty, justice, and everything that is sacred, if these things are to be tolerated in this country? Is the great Government of the United States to back the bloody and vindictive Blacker and his vile crew of criminals that he has selected in this country to aid him in his hellish work, under the pretense of enforcing the revenue laws, in this the glorious centennial ways of the crickers.

when I was arrested I demanded their authority for my arrest; told them I had a family of small orphan children alone at home, with no mother with them, and plead with them with tears in my eyes for my release, that I might go to my children; but it was all in vain. Such is liberty now, it seems.

B. HALLFORD.

[From the Cherokee Georgian, February 9, 1876.]

OUTRAGES OF REVENUE SCOUTS.

Reports reach us from reliable sources that the revenue agents continue their unwarrantable and tyrannical conduct in the upper part of this county. At a late hour on the night of the 26th ultimo, one of these agents entered the house of Michael Cline, and, brandishing his cocked revolvers, so badly frightened Mrs. Cline, who was in a critical condition, that her recovery is doubtful.

Last Wednesday night an old out-house occupied by the notorious Cook women was burned, and one of the women thereupon went to Cartersville and reported a number of citizens living in the neighborhood as being either Kn-Klux or illicit distillers. The result was that on Thursday night some revenue officials, aided by a squad of Federal soldiers, went to the domicile of the parties reported, arrested eight citizens, some of whom are above suspicion, and carried them off. One of the prisoners was Mrs. James McCoy. They broke into her husband's house late in the night, captured him and her, and forced her to march on foot to the old Burrows place, and there, almost without shelter or fire, she was kept until late Friday morning. Mrs. McCoy was in the poorest condition that a wife could be to endure harsh treatment.

The truth of these reports is youched for by several credible witnesses.

treatment.

The truth of these reports is vouched for by several credible witnesses. The facts would induce one to think he was reading of some high-handed outrage perpetrated in a Turkish province, were he not informed that they occurred in republican America. How long is such tyramy to last? Government is a sham, democratic institutions are a failure, if such shameful proceedings are permitted to

Mr. FELTON. All this, and it is not a tithe of the violence these men are guilty of, in a State under civil law, in a country whose proud boast is that no citizen, however humble, can be arrested and pun-

boast is that no citizen, however humble, can be arrested and punished without due process of law—in a country whose glorious heritage is the subjugation of military to civil anthority.

Men having the commission of deputy marshals, a civil office, halt men at dead hours of the night, and if they refuse to obey shoot them down as outlaws. Helpless and delicate women are arrested and so exposed as to endanger life. The entire section of the State is disturbed and trembling with apprehension, not knowing where the blow will fall or when their money will be exacted.

As the Representative of this people I protest against the unrightense continuance of these outrages.

ous continuance of these outrages.

eous continuance of these outrages.

Mr. Chairman, now for the remedy.

First. This bill suggests one remedy, consolidation and retrenchment.

My observation teaches me that one effectual way to suppress wrongand pamper men at the expense of the Government whose services can be dispensed with.

Second. Require every man arrested for violating the revenue laws

to have his preliminary trial in the county in which the offense is alleged to have been committed. Stop this despotic work of drag-

alleged to have been committed. Stop this despotic work of dragging men a hundred miles from their homes for the mere pecuniary benefit of some pliant tool of those in power.

Third. Take these Federal troops and put them at some employment worthy of an American soldier; and, if the President cannot find marshals with sufficient respectability to induce citizens to assist them in making these arrests, then ask the governors of the States to order out a posse comitatus of citizens, and my word for it all these revenue troubles will cease in Georgia.

# TEXAS PACIFIC RAILWAY.

Mr. ATKINS Mr. Chairman, the most notable event which has Mr. ATKINS Mr. Chairman, the most notable event which has marked the material progress of our country within the last twelve months was the railway convention in the city of Saint Louis in November last. Thirty-one States and Territories were assembled, through their duly-accredited representatives, charged with the patriotic duty of considering and devising the best mode of constructing another transcontinental railroad to the Pacific coast.

From the high character of these representative men, their acknowledged ability, and the long public service of many of them in the business, commercial, and professional walks of life, the entire public felt guaranteed in the most sanguine expectations of the result of their labors. They were delegates assembled from every quarter and section of the broad Union, without fee or compensation, intent upon the evolution of a single thought. That grand idea found expression in the unanimous demand of that convention upon the Congress of the United States for an open highway for all time to come for the Government and the people of this whole country from the Atlantic to the Pacific Ocean. Accomplished, and it would stand to-day as the most important event of modern times.

What is the proposition? The bill which I had the honor to introduce provides that the Texas and Pacific Railway Company, already richly endowed by splendid land grants, both by the State of Texas and by the United States, amounting to many millions of acres, in consideration of a guarantee by the Government of the United States of 5 per cent. interest on the company's construction bonds, the interest not to exceed \$1,750 per mile—thereby assuring the sale of the bonds in European markets at par, and thus cheapening the cost of the whole road—gives to the Government a first mortgage upon the entire road, equipments, and net earnings, the proceeds of the sale of

the lands, and also as additional security authorizes the retention by the Government of amounts due the company for Army and postal transportation and telegraphic facilities, and provides that the Government may further hold in the Treasury of the United States \$5,000

per mile of the bonds of the company while the road is being built.

Was ever security made stronger or more certain? Not only does the Government retain a lien on the property created by a loan of its credit and upon the lands heretofore granted several years since, but, in addition, becomes the mortgagee of the donation from Fort Worth to El Paso, which the munificence of the great State of Texas has be-

stowed upon the company.

What further security is given to the Government for this mere extension of credit? I answer, the absolute remission to the Government of 33,000,000 of acres of land which is now granted to the Atlantic and Pacific Company, and which, by the enactment of this bill into a law, reverts to the United States for the benefit of actual set-Is the reversion to the Government of such a large quantity of land nothing? Why, sir, it is worth at least \$50,000,000; more than half the entire amount of bonds were the Government required to pay every dollar of it. Add the 33,000,000 acres of land which the bill returns to the Government to the 9,000,000 of acres unencumbered, donated by the State of Texas, computed at \$3 per acre, a low price for that rich and prolific soil, beneath a more than Italian sky, together with the grant in the Territories of 10,000,000 of acres, and we have at the outset a present and unfailing security against the loss of a dollar upon the part of the United States. The whole amount of bonds to be issued for the entire road would not exceed \$90,000,000, and, at 5 per cent., the amount of annual interest, if every bond were issued, would not exceed \$4,350,000. But as the bonds are only to be issued as the road is built in sections, the last bond will only be issued as the last section is contracted for. Besides the bill provides that there shall be no accumulation of interest, because, whenever the company shall fail to pay the annual coupons of interest, the Government at once has the right to sell the property of the company and the road itself. Hence the Government would not, could not, be involved for only six months' interest before it would have the right to sell, and indemnify itself. And as the bonds are only issued as the road is constructed no large amount of bonds would at any time be upon the market.

I invoke especial attention to this point and challenge refutation. Observe, in order that the Government shall be certainly protected, the company is required to pay the interest every April and October; that is, every six months. Now suppose that the company shall build as much as one hundred miles in six months, which is, perhaps, a large estimate, and should fail to provide for the interest, amounting to \$87,500, when due, it is the privilege of the Government to foreclose the mortgage and sell enough of the property of the company at once to re-imburse itself for any payment it may have made. Of course no further issue of bonds can be made by the company until it shall recover its franchises by paying back to the Government the installment of interest it had advanced. Hence, in no event can the Government be bound for the interest on bonds except for a limited distance of the road, until the whole road is completed. the road is built through to the Pacific, no one pretends, with its connections all perfect and commanding the vast resources of trade which naturally belong to this line, but that its dividends will be ample to meet accruing interest and create a sinking fund sufficient to extinguish the bonds. The dividends of the Union Pacific and Central acific are more than sufficient for these uses on their debt.

With the vast increase of population and the improvements and developments of the age, it is safe to infer that the lands themselves would be worth five if not ten times that sum as soon as the road is finished. But the security does not stop here. The construction of this great highway between the Father of Waters and the Pacific Ocean upon the thirty-second parallel of latitude, thus avoiding snow summits on the one hand and malarial districts on the other, passing through a country unparalleled for the richness of its soil and the value as well as variety of its productions, by which the commerce of the States of the Atlantic slope and the interior is exchanged for the tropical wealth of the regions toward the setting sun, must and does afford the amplest guarantee of adequate profits upon the whole line over the gross earnings. And this net dividend belongs to the Government and enters into the collaterals in addition to those stated at the beginning of my remarks, which the United States holds as independent and the collaterals in addition to those stated at the beginning of my remarks, which the United States holds as

indemnity against possible loss.

By reference to the last annual report of the Central Pacific Company and the Southern Pacific, and which are to some extent owned by the same individuals, it will be found that their net incomes for several years have been largely in excess of the interest asked to be guaranteed by this bill. The net earnings of the Union Pacific and Central Pacific Railroad Companies are shown by this report for 1875, even upon their 2,250 miles of finished railway, to have been \$6,729 per mile. The gross earnings for 1875 were \$15,433,179.01. Deducting interest on their bonds loaned them by the United States of about \$4,000,000, and about \$11,500,000 is the remainder. The companies have issued of first-mortgage bonds about the same amount that was loaned them, say \$65,000,000, and deducting same for inter-est on this sum, and the handsome profit of about \$3,500,000, foots up that year's operations. There is every reason to believe that the Texas and Pacific Railroad Company would surpass these results as soon as this road is completed. Even upon the finished road upon which no

guarantee of interest is asked in this bill, between Shreveport and Fort Worth, a distance of about 400 miles, with terminal points of no mentionable importance, the net income of that unfinished part of the road has been about equal to the interest sum in question. How, then, can this indorsement of the interest on the bonds-not of the bonds themselves let it be distinctly borne in mind-be fairly con-

sidered a subsidy?

I think I have shown by comparison with actual facts and figures that the net profits upon the road would more than meet the annually accruing interest. This calculation did not claim any advantages over the other transcontinental line by reason of the great difference in the cost of construction per mile, the Central Pacific costing over \$107,000 per mile, while the Texas and Pacific will cost less than \$40,000. Nor was the superiority of the line upon the thirty-second parallel of latitude insisted upon as the more likely to declare large dividends by reason of less capital being expended in construction and on account of its superior advantages as to the natural wealth of the country through which it passes as compared with the other lines. might fairly be pointed to, for there is not beneath the sun such a country as much of that through which this road will run, if we consider all the elements of wealth and fruitfulness which the bounty of nature has lavished upon this favored land, and which, when this road shall penetrate it and carry to it teeming thousands of hardy emi-grants of pluck and enterprise, intent upon securing from the grasp-ing hand of remorseless capital a home for their struggling families, will rise as by magic under the guidance of honest industry and skill from the haunt of the wild beast and the brutal savage into organized communities and States, where the benign influences of religion and law will be substituted for the scalping-knife and tomahawk. Even the State of Texa alone, with her boundless undeveloped resources, and the hidden wealth of the mines of Arizona, New Mexico, and the adjacent states of Mexico, would afford a never-failing supply of transportation and traffic which would insure the healthy revenues of the enterprise. The increase of wealth and of population in Texas since the war is simply marvelous. Her great staple of cotton and her boundless resources of live stock, not to speak of her valuable mines of coal and minerals, the rich treasures which lie half concealed beneath her floral bosom, constitute the basis of a commerce which alone would make the whole road a financial success. The resources of this route are truly wonderful both in their extent and variety.

This great interoceanic thoroughfare would bring us directly into communication with the republic of Mexico with her 9,000,000 of population, embracing an area of 862,460 square miles, a district as large as the whole of the States east of the Mississippi River, and equal in extent to several first-class countries in Europe combined. The fierce partisan and political revolutions which have for more than a century swept over that unhappy and badly-governed people have operated as a perpetual drawback upon the development of the unparalleled natural resources which distinguish that country from any other of equal proportions on the face of the earth. Although within the last quarter of a century there has been a marked improvement in the habits of industry among the population and Mexican commerce has assumed a place among the tabulated reports of trade, still, from a variety of causes, it is very far below the standard of what even is expected of a semi-civilized race. But as it is, the United States, which is her nearest geographical neighbor, has but little trade with that nation. England, by her wide-awake diplomacy, has managed to monopolize the bulk of Mexican commerce

The United States import nearly \$100,000,000 of sugar and molasses annually, two-thirds of which is brought from Cuba, and is manufactured at exorbitant prices, on account of the war which has now raged for seven years in a form which shocks the moral sense of Christendom.

Our importation of coffee, tropical fruits, leather, tin, rubber, cigars, and varieties of ornamental wood, such as logwood, rose, mahogany, ebony, and other kinds; all of which articles are manufactured or grown in Mexico, besides many others not named, would afford the basis of a profitable trade with that country. But Mexico, in her mineral resources, whether for the richness or extent of her mines, is the wonder of the civilized world. Humboldt, shortly after the beginning of this century, said that Mexico up to that time had yielded over six billions of gold and silver. Her export product of silver amounts now to \$25,000,000 annually. And yet this land, teeming with more than oriental wealth, lying in a day's travel from the Mississippi River, is sending her exports thousands of miles across the ocean and bringing her imports in return, and thus cultivating the most amicable relations with European and other countries, while the United States, for the want of a railway from the Mississippi River to her borders, are losing nearly all of this valuable trade, but which with proper efforts upon our part might be made to quadruple itself in a single decade.

Nor is that the worst feature of the situation. The remoteness of these neighboring shores from their respective central governments, the facilities for brigandage, to which an almost imaginary boundary offers scarcely an obstruction, affording opportunities and inducements to robbery and murder, the recent and too frequent occurrences of which even now render the danger imminent of embroiling the two republics in war, demand that this road be constructed so that no such painful imminency would exist. Mexico has lately under her present ruler shown great liberality in the facilities extended to her own and foreign companies to construct railways within her borders. So much so, it is safe to predict that, by the time the locomotive can pass from the Mississippi River to San Diego, Mexico will be connected with this great line by means of several roads now projected and partly under way, thus linking the two countries in one commercial embrace. So that, instead of spending millions of dollars to protect our borders from forays of Mexican banditti, and perhaps war with that people, these unhappy and bloody results may be entirely averted by a wise, prudent, and economical foresight upon the part of American statesmanship; and, in the stead of devastated fields, sacked cities, and a ruined commerce for our neighbor, we may be the instrument of enabling her to permanently establish her weak and tottering political structure upon a sure foundation—may stimulate her people in all the industrial arts, develop her vast resources, agricultural and mineral, and at last, after centuries of unsuccessful struggles, where the hero of to-day becomes the victim of to-morrow, advance her name upon the roll of enlightened and well-established governments, under a free constitution.

satesistat satisfies, where the hero of to-tay becomes the victim of to-morrow, advance her name upon the roll of enlightened and well-established governments, under a free constitution.

With such a newly-developed country at our doors, who shall calculate the inestimable value of a commerce so rich, varied, and exhaustless? This commerce would especially pay tribute to this road, and can any one for a moment doubt the abundant revenue it would afford?

But neither Mexican commerce nor the Territories through which this road will pass, and which will be touched into renewed life as if by the spear of Ithuriel, and made to pour forth of their bountiful resources, but the empires of China and Japan, Australia, and the isles of the sea are waiting to infuse the rich currents of their trade and commerce through this main artery, which connects with numerous veins along the whole length and thereby enriches and vitalizes the entire systems.

The measureless wealth of the traffic of these ancient empires has enriched every nation that has ever enjoyed it. And as this route presents fewer obstacles, lower grades, less climatic extremes, (being below the snow-line and above the malarial belt,) and shorter distances from ocean to ocean, with harbors at its oceanic termini of the largest capacity, in which navies might ride, it thus holds out every inducement to invite the friendly visit of that vast and varied commerce.

est capacity, in which navies might ride, it thus holds out every inducement to invite the friendly visit of that vast and varied commerce. This route, then, once established as the transcontinental link in the great international circuit or highway of commerce between the Orient and Occident, who so bold, with all the other advantages, but barely alluded to, which it possesses, as to deny or challenge its success; yea, the complete success of a great enterprise, which shall forever stand as a monument of physical science and commercial greatness?

But it is said that as the Government has been made liable for a heavy indebtedness on account of the aid given to the transcontinental line north of us, so in this case it will be involved. The cases are not analogous. Those companies built their roads at double what they ought to have cost, and they secured from Congress a loan of \$65,000,000 of United States bonds, on which the Government is to pay the interest until their maturity without the company paying back a dollar, except the net profits of the company should it amount to over 10 per cent.; any surplus over 10 per cent. net profit the company is to refund. But since the road was built at double the cost it should have been, of course 10 per cent. upon the real cost would be 20 per cent. upon what it should have cost, hence it is clear that the company will pay nothing to the Government until the maturity of their bonds, which had thirty years to run from their issue.

But this bill requires that commissioners appointed by the President of the United States shall inspect the road as it is built, and that the bonds of the company thus indepted shall not be issued to the

But this bill requires that commissioners appointed by the President of the United States shall inspect the road as it is built, and that the bonds of the company thus indorsed shall not be issued to the company only as the money is needed to pay for work actually done, thus securing a faithful administration of the bonds of the company by having the earnings of the road to meet the interest upon the bonds issued for work done. Thus it is clear that no large sums of interest will accrue without the corresponding means of meeting it through the earnings and profits of the road which is constructed pari passu as the bonds issue. It must be admitted that this bill guards every point and provides every precaution against abuse of power or imbeliity of administration.

Unlike the Central Pacific, Union Pacific, and Southern Pacific, which are believed to be under one management, and, whether they are or not, act as a close corporation, this company does not ask for the loan of the bonds of the Government. Unlike them, too, Congress holds forever the right to regulate freight and fares and to keep the road as an open highway for the Government and the people. Unlike them, this company can never become a monopoly.

them, this company can never become a monopoly.

Sir, I assert here to-day that these other roads, forming one combination, with the extraordinary chartered privileges of prescribing their own tariff of rates and tolls, and with the obligation resting upon the Government to even pay over \$3,000,000 annually for them in the way of interest besides being bound for the principal at maturity, which is \$65,000,000, does constitute the grandest subsidized monopoly upon this continent. Moreover the only mode left to relieve the Government and the people of the grinding exactions of this overgrown power, which casts its shadow over the interests of the people and is eating up their substance and amassing in their own vaults, as they themselves have boasted, enormous profits and dividends, is to pass this bill and enable this company to construct this great road under the restrictions of power therein contained for the

benefit of the people and their commerce, limiting the toll rates to a basis of a just balance between capital and production, not driving the one out of profitable employment, nor yet repressing unjustly and

injudiciously the energies of the other.

By building this road the Government and the people forever secure a through road from the Mississippi River to the Pacific Ocean, entirely under the control of Congress as to its rates of fares and freights. It will afford the only successful competitor to that graspnig monopoly which now dominates States and is independent of the United States, and forces the Government to pay its debts—a monopoly which well-nigh confiscates the produce of the people by its exorbitant tolls, and which dares to obtrude itself into these Halls to dictate to the representatives of the people what they should do or decline todo, that that monopoly may be protected and perpetuated. The bill particularly guards against allowing this company ever to form any combination with any transcontinental line of railway now in existence or which may hereafter be constructed in arranging a table of freights and fares; but, on the contrary, Congress expressly reserves the right to supervise and control the tariff of rates and forever to keep the road as an open highway, with which all other companies may prorate upon equal terms, thus securing the people in all time to come against a monopoly.

The counter-proposition to this bill comes from a company that

The counter-proposition to this bill comes from a company that owns a monopoly built by the money drawn from the Treasury of the United States, the people's money. If they have money to invest in another transcontinental line, why do they not pay the interest on their bonds instead of annually drawing from the Treasury of the United States about \$3,000,000 for that purpose? And does any one suppose that a corporation which now enjoys an uninterrupted monopoly would in good faith construct this line of railway upon the thirty-second parallel of latitude upon the terms proposed in this bill with the exception of the indorsement, the effect of which would inevitably be to erect a powerful and successful rival to the road which they now own at such tremendous cost. Individuals might be guilty of such folly, but far-seeing, selfish corporations, never! No; this is only another illustration of the Greeks bearing gifts. If that corporation were to build the road as they propose under their bill now before Congress, it would only be an extension of their already unbridled monopoly, the very thing this measure is intended to counteract and defeat.

Not centent with the \$65,000,000 of United States bonds and the payment of the annual interest for them, and an empire of land donated to them besides, this grasping company coolly demands of Congress to take away the grant of land made in 1871 to the Texas and Pacific Railroad Company, in which they have a vested right, and give it to them, and thus enable that company to control the only gateways to the Pacific coast. Like the daughters of the horse-leech, they continually cry, "Give, give!"

If this powerful railroad combination is permitted to monopolize the

If this powerful railroad combination is permitted to monopolize the only communication to the Pacific, whether upon one line or two, it will not be long until its great wealth and power will enable it to own and control the lines of ocean travel from the Pacific Coast to China, thus practically subjecting the commerce of the world to the exactions of its own rapacity. The highest duty this Government owes to commerce, to the people of this Union, and to itself is, to see to it that no such exclusive monopoly shall ever be allowed to lay its iron grasp upon the best interests of mankind.

This company would have us believe that it is imbred with the

This company would have us believe that it is imbued with the pride of American nationality. Let us see. It is charged, upon the authority of witnesses believed to be entirely reliable, sufficiently so to authorize an investigation to be instituted by resolution of this House, that this company has effected an alliance or contract with an English oceanic steamship company, by which all American commerce under the control of this railroad company is to be carried exclusively upon English bottoms, thus practically driving American merchantmen from the high seas. Give them the exclusive transcontinental routes which they are asking for, with their oceanic connections and foreign alliances acting as one corporation for all practical purposes, and truly they have dominated the commerce of the world to their own selfish designs. Accede to their extraordinary demands now pending in Congress and they will grasp the seepter of universal commercial empire.

I have no war to make upon these enterprises or any other which have for their object the building up and development of this great country, no matter where or in what portion of the Union they may be located. Such are justly entitled to reap reasonable dividends upon their investments; and where competition is allowed, it rarely happens that exorbitant profits are realized. But in this instance no competition exists. And now, when the Eastern, Southern, and Middle States seek to secure an open highway for their commerce between the oceans, what do we find? This Hall is besieged by lobbyists and interested officers and directors and stockholders of this huge railroad ring, using every endeavor to defeat this measure, and thereby secure for themselves in perpetua one of the most merciless monopolies of this or any other age or clime. Will Representatives listen to their siren voices?

With their pockets crammed full of Government bonds and proceeds of millions of acres of public lands, and with unheard of profits by doubling their rates since Congress refused further aid to the Pacific Steamship Company, the two combining for that purpose, in

order to make up for the aid thus cut off, amounting in eight months to several millions of dollars' increase, they come here and have the to several millions of dollars' increase, they come here and have the unblushing temerity, with an assumption of saintly virtue, to inveigh and remonstrate against subsidies. Covered, shingled all over with Government bonds, and interest, and lands, and unusual charter-privileges, and yet virtuously crying "subsidy;" thinking that political war cry will alarm the representatives of the supposed State-rights school of members and force them into opposition.

What is a subsidy? It is a gift. Does Congress give anything by this bill to the Texas and Pacific Company? Not a dollar. If ever the Government should be called upon to pay a dollar, it is abundantly secured against loss in the future. But no business man can or will say, with the facts before him, with the vast resources and connections upon which this company relies and to which I have already referred, that one dollar will ever fall upon the Government.

already referred, that one dollar will ever fall upon the Government.

Then it is no subsidy that is asked by this company.

But who has asked and received a subsidy? Who now annually receives the aid of the Government as regularly as the one-armed soldier receives his pension? Who but this unpatriotic and selfish corporation who are here hanging around these lobbies to defeat this great measure for the relief of the people, this open road for the commerce of this country and of the civilized world, this great highway of nations, whose low freights and cheap fares make it the successful competitor of their darling monopoly? They talk about Congress squandering the public lands upon these companies, with 25,302,400 acres of land donated to the Union Pacific and Central Pacific, besides what has been given to the Southern Pacific Company. They protest, in the name of the public credit, against the Government affording the loan of its name to the company even to guarantee only the interest on the bonds of the company, and talk about building railways out of the funds of the Treasury itself. And yet these two companies have in their strong boxes \$65,092,192 of Government bonds. What disinterested patriotism! Obtaining their charter at a time when the exigencies of the Government were imperious, the utmost stretch of power was given them; and, not content with that, they now force the Government, upon the technicalities of the law, through the courts to pay their interest, although they publish to the world that their profits of the last year were over \$6,000,000.

I am not here to appeal in behalf of this road on the ground that it

am not here to appeal in behalf of this road on the ground that it is a southern enterprise purely. True it is a southern enterprise; it is more. It is a national undertaking. The whole Union needs this road. There is necessity for the road South, and there is also necessity for this road North. The rapidly-increasing commerce of the whole Atlantic slope from New York to New Orleans needs this free outlet. And I am gratified that this bill will find warm supporters when this floor from every quarter of this broad lead. Why hat? upon this floor from every quarter of this broad land. Why not? It is not sectional or partisan. The most extreme opponents of the bill, I am sorry to say, are to be found in that district of the Union which was most scorched by the flames of the late war, and which lie nearest to the eastern terminus. Coming from a region sadly in need of some recuperating measure, I feel somewhat astonished, for I had hoped that we of the South could all agree upon one idea, and that is the necessity of rehabilitation and the mode of accomplishing it; but

it seems that in that fond idea I am mistaken.

The southern Representatives, as a class—I am not speaking of those sometimes styled upon the floor as ex-confederates, for I recognize no such distinction and acknowledge no such disability as is confessed in the admission, for we are either peers or we are interlopers-have ever manifested an indisposition in urging forward those measures of internal improvement and material advancement which the northern and eastern, and indeed the western members have claimed and secured for their sections. We have stood by a construction of the Constitution the practical effect of which has been to enrich the North and impoverish the South. I am for the Constitution. I have sworn to support it, and, so help me, I intend to do so squarely. I am for the Constitution and the Union; and I am for this bill, for it accords with the Constitution and it will strengthen the Union.

But what I desire to say is, the southern members have attended to sentimental politics, while the northern members have looked after practical matters. See the difference. But a decade or so ago, and places upon which populous cities now stand were then in the wilderness. Territories have become States; railroads have been built and cities founded; and the flood-tides of immigration have inundated those regions of the far Northwest; while the Southern States, resurvessed for their climate and soil advantal to the production of unsurpassed for their climate and soil, adapted to the production of the cereals, cotton, tobacco, rice, sugar, and tropical fruits, have lagged supinely behind in the great race of improvement. It is true that we have borne the burden of the war and the still worse burden of bad government in many of the States since the war, while the representative people were laboring under political disabilities; but it must be confessed that, independent of these drawbacks, we have not pressed our wants and urged our claims to a fair share of the favors of the Government to which we are justly and constitutions. favors of the Government, to which we are justly and constitutionally entitled. I am aware that a very few gentlemen upon this floor who are strict constructionists will not perhaps indorse this sentiment.

There is high authority in the democratic party North and South to be cited in behalf of this principle of aid to internal improvements.

Such great and respected names as Cass and Douglas are committed to the policy. Admit that these land grants were originally wrong, it is too late now to undo what has been done. But this bill does not propose the voting away of a single acre, but rather to give back

33,000,000 of acres to the control and possession of the Government, as before remarked. Shall gentlemen stand here with any show of grace and consistency and obstinately oppose the poor boon asked for, in which the Government, as has been established, will not, cannot, lose a dollar, when that boon will prove a blessing not only to the South, but will diffuse a healthy influence all over the country by employing labor and enabling the people of the South and Southwest to purchase abor and enabling the people of the South and Southwest to purchase of our northern, eastern, and western fellow-citizens their wares, manufactures, and supplies. I repeat that they stand here and oppose this measure and at the same time represent upon this floor the wealth which this policy that they denounce helped to create in their own congressional districts. How much of the \$1,751,271 which Congress has voted to roads and canals in Indiana was invested in the district of my friend Mr. Holman? And how much of the \$647,354 donated to his State for public works did his district get? And was his district benefited by the aid given by the Government to the Portland Canal? I believe the gentleman both advocated and voted for that measure.

I have a table taken from a report of the Secretary of the Treasury to the Senate, January 7, 1874, showing what amounts of money each State and Territory has received from the General Government from 1789 to 1873 for railroads, canals, and wagon roads, and also for public works from 1865 to 1873:

Statement showing the amounts expended by the United States for the varicateners showing the amounts expended by the United States for the various public works of the Government in each State and Territory of the Union, from June 30, 1855, to June 30, 1873, together with the expenditures of the United States in aid of construction of canals, railroads, and wagon-roads from 1789 to 1873.

States and Territories.	Public works, 1865 to 1873.	Railroads, canals, and wagon-roads, 1789 to 1873.	Total.
Maine	<b>\$3, 030, 500 71</b>	\$137,008 92	\$3, 167, 509, 63
New Hampshire	1, 285, 212 34		\$3, 167, 509 63 1, 285, 212 34 209, 256 35 6, 071, 197 65
Vermont	1, 285, 212 34 209, 256 35		209, 256 35
Massachusetts	6, 071, 197 65		6, 071, 197 65
Rhode Island	880, 211 29		880, 211 23
Connecticut	676, 724 19		676, 724 19
New York	15, 688, 222 32 374, 595 82	3, 500 00	15, 691, 722 32
New Jersey Pennsylvania	374, 595 82 3, 574, 564 23		374, 595 82 3, 574, 564 23
Delaware	794, 731 85	450, 000 00	1, 244, 731 85
Maryland	3, 574, 564 23 794, 731 85 757, 204 02	1, 051, 990 00	3, 574, 564 23 1, 244, 731 85 1, 809, 194 02 15, 520, 224 10
District of Columbia	14, 822, 805 27	697, 418 83 57, 538 27	15, 520, 224 10
Virginia	1, 898, 039 23	57, 538 27	1, 955, 577 50
West Virginia	5, 094 25		5, 094 25
North Carolina	693, 413 52	205, 000 00	898, 413 52
South Carolina	782, 054 06 264, 178 08 1, 977, 442 98 304, 874 32	9,961 92	792, 015 98
Georgia	264, 178 08	020 012 42	264, 178 08
FloridaAlabama	1, 977, 442 98 304, 874 32	230, 013 43	2, 207, 456 51
Mississippi	136, 505 81	873, 872 88 994, 936 14	1, 178, 747 20 1, 131, 441 95
Louisiana	2, 466, 976 00	296, 968 04	2, 207, 456 51 1, 178, 747 20 1, 131, 441 95 2, 763, 944 04
Texas	240, 209 09	200, 000 01	240, 209 09
Arkansas	49, 103 25	573, 390 84	622, 494 09
Missouri	495, 370 73	1, 049, 800 38	1, 545, 171 11
Kentucky	24, 417, 90	1, 183, 511 00	1. 207 928 90
Tennessee	446, 826 29 1, 080, 975 12 647, 354 98	5,000,00	451, 826 29 3, 183, 863 50 2, 398, 626 50 9, 386, 057 23
Ohio	1, 080, 975 12	2, 102, 888 38	3, 183, 863 50
Indiana	647, 354 98	1, 751, 271 52	2, 398, 626 50
Illinois	8, 638, 177 24 3, 681, 997 60	747, 979 99	9, 386, 057 23
Michigan	21 2221 22 2 22	1, 330, 024 26 422, 508 36	5, 012, 021 86
Iowa	1, 781, 165 22 2, 544, 560 53	422, 508 36 84, 226 66	2, 203, 673 58 2, 628, 787 19
Minnesota	810, 481 49	562, 775 51	1, 373, 257 00
Kansas	60, 497 40	2 422 564 52	2 483 161 99
Nebraska	245,000 00	174, 826 15 3, 399 87 2, 506, 533 96	419, 826 15 422, 681 23 8, 379, 995 34 1, 060, 169 14
Nevada	245, 000 00 419, 281 36	3, 399 87	422, 681 23
California	- 5, 873, 461 38	2, 506, 533 96	8, 379, 995 34
Oregon	868, 879 23	191, 292 91	1, 060, 169 14
Territory of Arizona		246, 415 20	246, 415 20
Territory of Colorado	39, 400 09	13, 826 76	53, 226 85
Territory of Idaho	49, 733 15	36, 500 00	86, 233 15
Indian Territory	41 575 00	7,920 00	7, 920 00 41, 575 00
Territory of Montana	41, 575 00 17, 996 52	217, 072, 42	235, 068 94
Territory of Utah		217, 072 42 7, 943 70 148, 989 68	7, 943 70
Territory of Washington	65 119 45	148, 989 68	7, 943 70 214, 102 13
Torritory of Wyoming	27 454 00	40,000 00	77, 454 92
			10,000 00
Connecticut and New Jersey	23, 499 79		23, 499 79
Connecticut and New Jersey Maryland and Virginia Louisiana and Arkansas.	23, 499 79 180, 645 18 95, 000 00		180, 645 18
Wisconsin and Michigan	50,000 00		95, 000 00 50, 000 00
Utah, Nevada, and California, (C.	30,000 00		50, 000 00
P. R. R.) Utah, Nebraska, and Wyoming,		34, 267, 704 49	34, 267, 701 49
(U. P. R. R.)		34, 350, 703 70	34, 350, 703 70
Kansas and Colorado, (K. P. R. R.) Iowa and Nebraska, (S. C. & P. R.		7, 766, 212 21	7, 766, 212 11
R.) Miscellaneous, repairs of fortifica-	*** *** ***	2, 182, 703 38	2, 182, 703 38
tions, &c	\$18, 082, 524 14	\$5, 499, 069 25	\$23, 381, 593 39
Total	103, 294, 501 34	104, 705, 163 43	207, 999, 664 77
RECAPITULATION.			
Sixteen southern and border States Northern and western States and	11, 612, 086 56	6, 981, 982 90	18, 594, 069 46
Territories	76, 859, 609 51 14, 822, 805 27	97, 025, 761 70 697, 418 83	174, 885, 371 21 15, 520, 224 10
Grand total	103, 294, 501 34	104, 705, 163 43	207, 999, 664 77

With this record, Mr. Chairman, staring gentlemen in the face, I most respectfully submit, is it fair play? Is it generous? Nay, sir, is it just that these neglected portions of the Union should be refused the aid asked for? Ay, more, should be even heard with impatience, and treated as though they had no claims or rights which the majority should respect. Even in the prostrate condition of the Southern States, with their political relations kept disturbed by partisan agitators for the unholy and unpatriotic purpose of personal and party aggrandizement; with the labor system disorganized, and public con-States groaning beneath the grievous load of taxation and debt inherited from the war and the reconstruction policy; the figures show that these States annually furnish at least half of the export trade of this country, which goes to pay foreign interest and other indebtedness, and otherwise adjust the balance of trade between this country

and foreign powers.

Here, sir, is the large sum of \$104,705,163.43 that Congress has appropriated from 1789 down to 1873 for railroads, canals, and wagonroads, of which sum the States of West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee, twelvein number, have received \$20.46 Set 56, while the other States have received \$101.458,501.57. ana, Texas, Arkansas, and Tennessee, twelve in number, nave received \$3,246,861.56, while the other States have received \$101,458,501.87. These States contain \$12,499 square miles, while the other twenty-six States contain 1,075,854 square miles only. Of this pittance West Virginia gets not a dollar; Texas not a dollar; Georgia, one of the original thirteen, gets not a dollar; South Carolina, another one of the old thirteen, gets only \$9,961.92; Tennessee received only \$5,000, and would not have got that but for the brave volunteers who followed the flag of the Union borne by her illustrious Jackson through the forests and swamps of the southwest to drive back the savages

and to aid in conquering a peace with the haughty Britons upon the victorious plains of New Orleans.

Virginia, the cradle of the Revolution, the mother of the statesmen and heroes whom American patriotism will forever delight to honor; and heroes whom American patriotism will forever delight to honor; who in the prodigality of her generosity consecrated to freedom an empire, has received of this meager sum \$57,538.27. And now, when the voice of Old Virginia is heard upon this floor pleading her own and the cause of her neglected sisters, it is stifled in the cry of subsidy that hoarsely murmurs through this Hall. Do I hear it from any of her own Representatives? I trust not.

The average politician never looks beyond the territorial periphery of his immediate district, and therefore when a proposition comes forward that does not locally affect his immediate constituency we generally find him arrayed in rather estantations, opposition; but I

generally find him arrayed in rather ostentatious opposition; but I

hope there are none such among us.

I am here to advocate a great measure of relief to the whole American people—a national measure—which is broad enough to embrace the national welfare. It is not in the interest of any company or set of men I speak. I care not the toss of a copper for the personal agencies that are employed to do this great work. I dare say this company has a record as yet untarnished; certainly I so believe; if there are corrupt influences on either side of this issue, all I have there are corrupt influences on either side of this issue, all I have to say is that I scorn the men so engaged, and hold them in unutterable contempt. I support this measure because it is in the interest of the people and of the freedom of commerce. I support it because it is right. There is an omnipotence in the right. In the name of justice, of the equalization of favors granted by this Government to the different geographical sections of this Union—for, as I said in a speech in this House over two years ago, "There are now, happily, no longer any political sections"—in the name of national consistency and generosity, in the name of the right, which neither man nor nations dare disregard I appeal to this House in behalf of my neglected. tions dare disregard, I appeal to this House in behalf of my neglected and impoverished people.

Gentlemen of the North, the bounty of this Government, gathering

its revenues from the South as well as the North, has adorned your cities with splendid architectural monuments, erected your colleges and benevolent institutions, improved your rivers, dug your canals, deep-ened your harbors, and constructed your network of railways, by which towns and cities have risen like magic. You represent that immense wealth and population. By means of this bounty, you feel a glow of pride at your advanced civilization, which the Government nourished and protected; and now, when there is nothing more for Government to do for your States and we of the South ask for tardy Government to do for your States and we of the South ask for tardy justice, we are met by some with the cry of subsidy. Some of you forget the bounteous hand of Government that lifted you out of the vale of poverty and the depth of the wilderness. After being the recipients of governmental favor, and having grown from territorial sucklings to great and powerful States, you all at once conclude that the principle of subsidy, as you call it, is wrong. 'Twas right when you asked and received it, but ah! circumstances alter cases. Should the South sels it it is wrong.

the South ask it, it is wrong.

Now, it would be an interesting chapter of the political history of this country to present to the public in which the position of the leading men of all parties in Congress, democratic, whig, American, and republican, is shown, in favor of the principle of governmental aid to internal improvements.

Take the case of the grant to the State of Indiana in aid of the Wabash and Eric Canal. This act granted to the State of Indiana 1,439,272 acres; it passed in 1827. Such well-known democrats as

Thomas H. Benton, John H. Eaton, Richard M. Johnson, William Rufus King, Horatio Seymour, and others voted for the bill.

Again, in 1830. Take the grant of 2,595,053 acres in aid of the Illinois Central Railroad. The bill was introduced by Stephen A. Dougnois Central Railroad. The bill was introduced by Stephen A. Douglas and reported from the Committee on Public Lands by General Shields, both democratic Senators from the State of Illinois. It was supported by such democratic Senators as Atchison, Benton, Bright, Cass, Douglas, Houston, King, Shields, and others. In the House it was voted for by such democrats as Bissell, Thomas L. Harris, John A. M'Clernand, William A. Richardson, John L. Robinson, Frederick Stanton, and many others.

I recur to this vote to show that leading democrats from the Northern States voted for these land subsidies; and while the bill I advocate does not ask an acre of land or a dollar in money, but simply a loan of Government credit for the payment of interest upon the amplest and most indisputable security, it is to be slaughtered by the cry of subsidy and by political anathemas of democrats chiefly from Indiana, Illinois, and California, all having been largely endowed with lead creater.

with land grants.

If this aid was wrong and unconstitutional, it is not too late to remdy the evil. It is perfectly competent to make restitution, and, in fact, the duty of those States to do so; if they have been made the favored recipients of this unconstitutional and unjust appropriation of the common treasure belonging to all of the States and people alike, without the warrant of the Constitution, will any gentleman give me a good reason why restitution should not be made? I can conceive in morals or religion no purer or better test of sincere reformation than a willingness to restore that which has been unjustly obtained. Now, if it is unconstitutional for Congress to aid this Texas and Pacific company, then it was wrong and unconstitutional for it to aid the very many northern enterprises which have had the fos-tering protection and bounty of the Government.

But I take it that no one will for a moment think of restitution.

Then let me beseech gentlemen to be just and consistent, and to quit

talking about the Constitution, when its invocation is a mere pretext. Even some of our southern friends are very much agitated over the apprehension that the Constitution is about to be violated. I would maintain it in its integrity.

But let us examine the ground upon which southern members stand. They are viewing the Constitution from the old stand-point of the ante bellum era, the age peculiarly distinguished for the dogmas of State rights, the school of literal and strict construction. Well, we have seen how that school ended and broader and more liberal views Under that liberal view a majority of all parties have committed themselves to the policy which is asked in this bill. True some members from the South have stood back, and with hands uplifted have seen hundreds of millions voted away, nearly all going to the Northern States. But now when the precedent has been set, and the Constitution as expounded by the Supreme Court grants the power, the Congress time and again recognizing it and acting upon it, and the people accepting it and thereby ratifying the principle; and when the southern people, stricken as if by a paralysis of their commercial and financial affairs and languishing under the blight of their poverty and ruined fortune, seek this as a means of rehabilitation, shall their own Representatives gravely tell them it is unconstitutional?

In perusing the Annals of the Fifteenth Congress, I find that Henry St. George Tucker, a historic and distinguished name in Virginia, as chairman of a committee appointed to take into consideration the message of President Monroe in reference to roads and canals, submitted a report indorsing strongly the power of Congress "to lay out, improve, and construct post-roads through the several States military assent of the States;" also, to open, construct, and improve with the roads through the several States "with the assent of the States;" and also asserted the power of Congress to authorize the cutting of canals

through the States with their assent and to make military roads.
Such is a part of the record of the early days of the Republic. It
has been accepted as a precedent and followed in numerous instances,
supported by the leading men of all parties.
On the 4th of February, 1817, Mr. Calhoun advocated in the House

of Representatives the constitutional power of Congress to appropriate the dividends and bonds of the United States Bank for the purpose of building roads and canals. Again, in 1835, he advocated aid by the General Government to a road from Cincinnati to Chattaand by the General Government to a road from Chemman to Chattanooga; and in 1849 he was understood to favor the principle of Government aid to the Pacific Railroad on the southern route.

But, to go still further back in our political annals, we find that as
early as 1806 Mr. Jefferson, the apostle of democracy, signed the bill
for the road from Cumberland to Wheeling.

Mr. Monroe in his message to Congress words the processity of lib.

Mr. Monroe, in his message to Congress, urged the necessity of liberal appropriations to such objects of internal improvements as were national in their character and design. He recommended the construction of a road from this city to New Orleans. This may be found

in Gales & Seaton's Debates of Congress, volume 1.

In these times, Mr. Chairman, Virginia gave the key-note to the politics of the Union. Here, then, were democratic Presidents recommending in their messages the very principle which we maintain in this bill; and, sir, they were sustained in Congress by the democratic Representatives of the States.

In vain may we cite them to the great Carolinian who is on record declaring the constitutionality of this almost identical enterprise. His powers of induction and analysis are at fault in this instance, I suppose. We refer our friends to the honored names of Benton, and Polk, and Douglas, and we might add, did time allow, to a host of others, if perchance the patriotic services and fame of these great men shall lend potency to the argument. And, what might be still more preponderating, it cannot be denied that the democratic party from time immemorial have admitted the power of Congress to vote money to the improvement of rivers running through two or more States, holding that such rivers constituted national commercial highways. Now, will any one claim that a great transcontinental railway is less a national commercial highway than a river running through two States? Ay, but we are met, that Congress can vote lands but cannot vote money. Are not the lands the property of the General Government, and are they not convertible into money? Then, where is the difference? It is a distinction without a difference.

is the difference? It is a distinction without a difference.

Were I asked for the power to grant this aid, I would proudly and confidently point to the clause in the Constitution which declares that Congress has the power to establish post-roads. It even declares rivers post-routes. Certainly it might declare and authorize the con-

rivers post-routes. Certainly it might declare and authorize the construction of a railway for a post-road.

Again, Congress has the power to regulate commerce among the States, &c. How better can commerce be regulated; how better can the essential constituent of commerce, which is freedom, be preserved, than by means of railway transportation? The railroad has become so necessary to commerce, that it may be said to be its most important promoter and its most effective agent.

Government has the right unquestionably to make roads for the transportation of its armies and munitions of war. This power is inseparable from its existence as an independent political power. There is no need of a direct grant of authority to do that, since it is founded in the first law of nature, self-existence. Rome constructed her great historic ways, which to-day perpetuate her glories more than her temple or coliseum, her senators or her heroes, handed down in history. Every nation has built its roads and deepened its rivers. General Jackson, as commander of the volunteers of the State of Tennessee in 1814, by direction of the Fresident of the United States, Mr. Madison, a Virginia strict constructionist, opened through the wilderness from Tennessee to Natchez a military road, for which Congress appropriated \$5,000 to be applied within the limits of the State of Tennessee, the only appropriation that was ever made by Congress for the building of roads of any kind in that State, as before stated. But the principle of the power is as well illustrated by that grant as though hundreds of millions were involved.

Congress has the power to admit new States. Now, would any one suppose that that seemingly simple grant would carry along with it such an immense range of powers? Why, sir, under that power the United States from thirteen States—half of them of inconsiderable size—have grown to be a mighty Republic stretching from the lakes to the Gulf of Mexico, and from the Atlantic to the Pacific Ocean, with thirty-seven stars upon its flag and with territory sufficient to largely increase the number of States. Under it the great apostle of democracy, Mr. Jefferson, purchased Louisiana Territory from Napoleon, extending from the Belize to the forty-second parallel of north latitude, and along with it the exclusive navigation of the Mississippi River, embracing an empire within itself—a district of country which to-day has well-nigh grasped the scepter of political power so long held by the North and East. Under this power the Floridas were purchased of Spain; under it Texas was annexed; under it our Mexican acquisitions were made, and which to-day we seek to bind more closely to us by the construction of this road.

Now, if this vast territorial domain can be acquired under this power to admit new States, would it be a violent stretch of power to open those Territories up to immigration and settlement and enable them to become self-sustaining political communities or States, and thus relieve the General Government of the expense of supporting their governments? If so, how better could this end be attained—and all must admit that it is laudable—than by facilitating the means of transportation and intercommunication with them?

Sir, it is idle in the face of these facts and principles to deny the constitutionality of this measure. A fair construction of the instrument itself warrants the conclusion that the bill is not in conflict with the Constitution. The very recent decision of the Supreme Court in the case of the Union Pacific Railway decides and settles the whole question, leaving no doubts as to the constitutionality.

Southern men standing guard over dreamy theories of the Constitution is "love's labor lost." Nor is that all that is lost—the opportunities of their own homes and constituencies are lost. I hope never to see the States obliterated from the map of our common country. To them, in my judgment, is intrusted the guardianship of property and personal liberty; but it is not wise, nor is it the best mode to maintain and preserve the rights of the States by assuming powers that do not belong to them and by denying to the central Government powers plainly vested in it by the Constitution.

While as a matter of public utility there has from the foundation of the Government always been a class of persons in this country opposed to this system of Government aid even for national highways, and I confess that I have inveighed, not against its unconstitutionality, but against its sectional injustice and favoritism, the time has come

at last when this policy, which has prevailed despite the efforts of those who opposed it, whether upon the ground of unconstitutionality or of inexpediency, must be equalized throughout the country. Had a different policy prevailed there might be some reason for not entering upon it now; but since the North, East, and West have been made the fortunate recipients of this beneficence, it seems but fair that the system should be extended so as to embrace that section of the Union which alone has been neglected. With these stubborn facts confronting us, how any Representative from this neglected section can reconcile it to his convictions of duty to oppose this bill, passes my comprehension.

It will not do to seek shelter behind the Constitution. Even a strict construction of that instrument will not afford protection to the opponents of this measure, as I have shown. And if southern statesmanship should refuse to plant itself upon the higher level of more liberal ideas and progressive policy which all parties now claim has obtained and thereby should dash the golden chalice from their lips, declining all kindly proffer of assistance; indeed withholding by their own direct agency this meed of justice, thereby riveting the fetters of poverty and perpetuating the burdens of hopeless taxation and political degradation and inequality for all time—turning abruptly away from our shores the stream of immigration and capital so much needed and desired by our people, which alone can re-instate our impoverished social and political systems and again enrich them with the life currents of material prosperity—I say, sir, if this is the rôle of southern statesmanship, then indeed am I no judge of what constitutes the duty of a southern statesman in this the critical hour of our civilization.

But a voice comes to us from away among the mountains of Virginia. The disciple of Calhoun, who for long years sitting as at the feet of Gamaliel, and who now, in the grandeur of his character, the honesty of his motives, and the integrity of his patriotism, would cast no reproach upon the past, but would lend every effort for the hopefulness of the future and the prosperity of his country, in an able letter addressed to the distinguished chairman of the Pacific Railroad Committee, abjuring southern Representatives to beware how they are led away from their practical duties at this time by strained constructions of the teachings of the State-rights school, in speaking of this identical enterprise, Hon. R. M. T. Hunter says:

To prevent so grand an achievement by interposing objections derived by an extreme extension of the State-rights doctrine, where there is neither use nor necessity for it, is only to bring into odium and ridicule those grand old bulwarks of human liberty, those prime defenses of American harmony and progress.

In all the theories of rehabilitation, and in all the modes of improvement and development which the wide range discussion has taken of that subject, no plan, next to good government, presents such speedy and thorough relief as the construction of this link in the great international highway for the transit of the world's commerce.

and thorough relief as the construction of this link in the great international highway for the transit of the world's commerce.

Among enlightened statesmen of all political faiths the sectional jealousies and feuds engendered by the late sanguinary war in a great measure have passed away. Let us build this road, and the Southern States, so highly favored by nature, will again pour their rich treasures into the markets of the world doubling the value of their exports, securing to the United States an increased trade; in a word, becoming at once great and powerful States, united to their sisters under a common Constitution, with no other ambition than a common destiny. Place these States and people once more upon their feet, and a decade will not pass by before every section of the Union will feel and realize the benefits from such a policy, and will rejoice in our recovery and restoration; and instead of southern prosperity diminishing the general weal, it will but add to it, and intensify and expand the national power and glory.

The South, with unequaled natural resources, from a variety of

The South, with unequaled natural resources, from a variety of causes, political, social, and revolutionary, lags behind in the race of progress. Her 19,800 miles of railroads languish for the sustenance which this magnificent main trunk artery would afford

which this magnificent main trunk artery would afford.

If the natural fertility of our soil, its normal adaptation to every variety almost of production, with our genial climate, in spite of the political drawbacks and social disorders which usually follow great and violent revolutions, can and have in such a material manner helped to swell our annual foreign budget, I ask is it wise to insist upon a policy which restrains and represses the efforts of the people of these States in their laudable endeavors to regain their material prosperity? Do not wise statesmanship and an enlightened policy advise a liberal, fostering, and just encouragement; a policy which stimulates their energies to the highest degree, animates the people with renewed hope, strengthens their confidence, opens the way to enable them to rebuild their shattered fortunes and kindle anew the smouldering fires of patriotism which long and cruel neglect has partially smothered?

The building of this road would in an incredibly brief space of time transform the whole South. Her rich plantations, once the home of comfort and thrift, many of them have now become the scenes of dilapidation and decay; and instead of her cities and towns, many of them being the seats of opulence and culture, are with rare exceptions passing beneath the baleful shadow of decadence and often bankruptey, and all are colored with "the sere and yellow leaf;" but give the South this "letter of credit," and not only would the honest industry of that people be awakened to renewed vigor, but the laboring masses all along its line would take hope again. Soon the work-

shops and factories now closed as if clad in mourning would greet the ear with the busy hum of their activities, and the neglected farms the ear with the busy hum of their activities, and the neglected farms would put on a brighter livery, and the smile of "hope long deferred" will once more radiate the countenances of a people weary with their burdens. Then will the whole commercial and industrial system of the South be vitalized by the ten thousand streams of wealth and genial influences which this railway connection of the Atlantic and Pacific shall infuse into it, realizing in its fullest and Attantic and Facine shall infuse into it, realizing in its infest and broadest sense the transcendent advantages which accrue to such a highly-favored location, that of being immediately on the great world-wide thoroughfare which bears upon the bosoms of oceans and across continents the commerce of the whole earth. Then, too, will those lofty dreams of destray be realized in which the profound minds of Calhoun and Benton reveled, and which their unerring ken pointed out over a quarter of a centum ago, now nearly the average ago of a of Calhoun and Benton reveied, and which their unerring ken pointed out over a quarter of a century ago, now nearly the average age of a human life. Who, I ask, shall measure the advantages to the whole Republic which with so little effort will become practical realities while now they only "cast their shadows before?"

In the passage of this bill is contained the only measure of financial

relief which I have dared to hope for from this Congress. oncilable views of the majorities in the two Houses of Congress and, if that were not so, the known antagonism of the President to any liberal financial scheme, utterly preclude all hope of the adop-tion of any measure of relief for the business interests of the country, now staggering over the abyse of universal bankruptcy. The founcial registers tell us that over seven thousand business firms in the United States suspended in 1874, and in 1875 over five thousand did the same thing. Look in whatever direction you will there are the wrecks of fortunes, blasted expectations, and ruined estates. Property is an incumbrance, and fails to produce the revenue with which erty is an incumbrance, and fails to produce the revenue with which to pay annual taxes, and strong men become anxious lest their wives and little ones may want bread; in hundreds of thousands of cases they do want bread, and their cries go unheeded. With all this we are told there is too much money. Yes, there is plenty in the hands of capitalists and bankers, but it is so hedged around by protective legislation and the privileges of monopoly that it dictates its own terms of circulation and investment, and where real estate or property is mortgaged for its temporary use, the foreclosure amounts to practical confiscation. The fact is well understood by the people that the laws have been framed to magnify the purchasing power of money and to decrease or diminish the capacity of land and other property to pay debts. property to pay debts.

But the panacea for all this panic, want of confidence, and general distress, in the estimation of some gentlemen on this floor, is resump-tion of specie payment. Why, silver to-day is worth less than greention of specie payment. Why, silver to-day is worth less than greenbacks. But resumption in gold! That is, pay to the creditor the \$100 the debtor owes him besides \$13 premium, and all then will be well. In other words, tax the indebtedness of the Government and people 13 per cent. that the financial Utopia of resumption may be reached; that is, to relieve the distress of the people, add still more to their burdens by lessening the circulating medium and requiring gold in the payment of debts. The gold is not in the country. The whole American product of gold does not pay over half of our foreign and home interest.

home interest.

home interest.

If the fear of resumption has stopped the mills and factories, the forges and furnaces, suspended business in a thousand forms and thrown upon the land millions of idle hands, until the whole country is panting as with a stroke of paralysis, what would be the effect of resumption in fact? Now, sir, I am candid when I declare it to be my solemn conviction, after having brought to the subject much labor and research, and after giving it the benefit of my best but humble abilities, that the path to relief and renewed prosperity does not lie through contraction, but rather expansion of the powers of the body-politic. The patient does not need depletion and starvation, but, on the contrary, plain and generous nutriment. Yet one of the ablest on the contrary, plain and generous nutriment. Yet one of the ablest members of this House declares that his only objection to this bill is its tendency, strange to say, to postpone specie payment. That is the way to bring it about, in my opinion.

Useless extravagance should be avoided both by the people and the Government, a sensible and frugal economy should be practiced. At the same time it is in the power of the Government to give an impetus to all kinds of industry and traffic by putting this great enterprise

upon a solid foundation.

Tens of thousands, yes, perhaps, directly and indirectly, hundreds of thousands of idle hands, now only consumers, will be converted into producers; trade will revive, confidence will be restored, capital will creep out of its hiding-places and seek investment; millions of dollars in the Old World, now rusting for the want of use, will rush to our renewed and revived country; our farms will be extended, our shops will be increased, labor will exert itself, and productions will multiply, until our exports will exceed our imports; gold will flow in upon us, the balance of trade will be in our favor, when the difference between coin and paper money will disappear, and resumption, the long and much-desired end, will be reached ere we are aware of it, with loss and depression to none.

It might be profitable to study the recent able and successful financial policy of France, by which she recovered from the disasters of the late invasion by Prussia. With two of her provinces torn from her bleeding body, she has paid her indemnity of \$1,000,000,000 in gold, and to-day is in a more prosperous condition financially than her vic-

torious conqueror, who, like the United States, has contracted her currency and repressed the energies of her people and forced them into idleness, and made them consumers instead of producers. the close of the war, issued legal-tenders, revived her industries, set all of her population at work, and soon her exports exceeded her imports, and the gold returning for her exports she was enabled to pay off her and the gold returning for her exports she was enabled to pay off her foreign debt. Her exports last year amounted to \$225,000,000 more than they did ten years ago. Instead of gold being the cause of her increased exports and revived industries and general prosperity, it is the result of these things. Specie payments in gold followed the liberal policy and the national and individual prosperity, rather than preceded it. With this enlightened fiscal policy she unites a liberal system of interval improvements and under the influence of the two system of internal improvements, and under the influence of the two together the nation has never before enjoyed a brighter prospect for

In our own country the financial crash which followed the conclusion of the war of 1812 about reached its height in 1817. New York and Pennsylvania determined upon a system of turnpike-building and giving aid to companies to do the same thing. Did not the splendid

system of canals in New York owe its paternity to financial depression? And were they not constructed during a time of great pressure for the purpose of affording relief to the people?

It has been said that Pennsylvania projected her first railroad to protect her citizens from the devastation of financial depression. I do not advocate the theory that government should become paternal, or that, as a principle, it should favor local enterprises; but I do most emphatically declare that at an unprecedented time like this, when neighbor refuses to trust his neighbor and whole communities are heighfor refuses to trust his heighfor and whole communities are bankrupt and idle, in the presence of a great and overwhelming specter which sits like the angel of night brooding over every interest in the land except the strong-box of the capitalist and banker, that it is the duty of the Government, where it is well secured, to lend its credit to a great enterprise like this that promises the most successful issue and would be followed by a revival of trade, by renewed hope and and would be followed by a revival of trade, by renewed hope and confidence among the people, and general prosperity in business. Such is my answer in brief to those who think well of this bill but who are deterred from voting for it because they think it may prolong the period of resumption of specie payment.

In the Forty-third Congress southern members had as a reason for holding back on this question the fact that the bill did not provide any investigate appreciate with any point upon the Mississipi Pivar.

any immediate connection with any point upon the Mississippi River; and the local jealousies of rival points tended still more to widen the breach and prevent that harmony and union so essential to succ Fortunately that cause of disagreement is obviated in the present bill, by providing for branches from the eastern terminus of the main trunk to New Orleans, Vicksburgh, and Memphis. And in the event these branch roads are not commenced in good faith by companies obtaining charters from the States of Louisiana and Arkansas within one year, then it is made the duty of this company to build these branches within three years from the date of the passage of this bill.

Who will undertake to measure the value of the stake which the Southern States hold in this great measure of relief—Virginia, North Carolina, and South Carolina on account of their commercial connections, and Tennessee, Alabama, Georgia, and Kentucky on account of their vast deposits of coal and iron and agricultural resources, which, without some such stimulus as the building of this road will give, must for many years remain undeveloped? The State which I have the honor in part to represent has a coal area of thirty-seven hundred square miles, while Alabama has forty-three hundred square miles. Iron ore of the best quality abounds in exhaustless quantities in both States. These coal-fields, ore-beds, quarries of limestone, and most excellent timber all lie adjacent to each other. Pig-iron is being manufactured in Tennessee at a cost of \$15 per ton, very little over what the coal and ore can be had at in Pennsylvania. Capital cannot find in the civilized world a more inviting field for investment and enterprise than in the Southern States.

Gentlemen of the South, can we longer afford to haggle over ex-ploded theories of government, when in fact the Government and the orld is moving ahead and bids us follow if we would not supinely

This road will bring the remote sections of the Union into close harmony and affinity. As it spans the rivers, crosses the plains; and scales or tunnels the mountains, it practically annihilates the remoteness of the sections, thereby strengthening the cords of union and brotherhood. No stronger guarantee of future peace can be made between the widely separated people of the States of this Union. Not even the common traditions of glorious memories nor the enduring parchment of organic laws can knit the people of the Alleghanies and of the States of the states and states are states of the states of the states and states are states and states are states and states are states and states are states are states and states are sta of the Sierra Nevadas more closely together than these bars of iron will link them. The steam-engine has become the great civilizer and educator. Wherever it has penetrated it has carried commerce, civ-

Mexico. It is so in our Western Territories.

The achievements in physical science are rapidly revolutionizing the nations of the earth. The great motors of civilization which marked the ages since the dawn of the Reformation to the close of the eighteenth century were grand moral truths and metaphysical intellections. The Old World, guided by the light which the genius of a Bacon or a Milton shed upon it, advanced high the standard of purely intellectual development. In no age of the world, not even when Ho-

mer sang or Cæsar wrote, did the power of human thought sway over human destiny such an imperial scepter. Out of the profound depths of learning and mental activity possessed by a few during the Middle Ages, issued the school of the Reformation, which the faith and genius of Luther illustrated, and from which sprang as by a natural lineal of Luther illustrated, and from which sprang as by a natural lineal descent the political axioms which eventually crystallized into that liberty which asserted itself at Runnymede, and finally crowned our own Revolution with immortal and unfading triumph. But it has been reserved for a Fulton, a Morse, a Whitney, and a Maury to set in motion a few laws of physical science which, while they do not contradict or conflict with the well-established principles of moral and political science, have produced the most astounding results in the domain of civilization. These great physical agencies of electricity and steam, harnessed under the direction of human genius to the car of science, have substituted the labor of untold millions of the car of science, have substituted the labor of untold millions of hands and have reconstructed the map of nations and the geography of the world. Countries distinct and separate have been assimilated and consolidated, and continents remote and inaccessible have been made contiguous. But of these agencies the railroad has led the way. Wherever its iron track has marked the continents, the car of progress and civilization has followed. Before the curling smoke of the locomotive the wild and untutored savage has either fled to other

wilds or has felt and acknowledged its civilizing influences.

Under the eleventh article of the treaty of Guadalupe Hidalgo, signed February 2, 1848, our Government solemnly stipulated with Mexico to protect her citizens from the depredations of the Indian tribes inhabiting Territories of the United States, promising the fullest indemnity for all losses or injuries which might be inflicted by the savages upon the persons or property of Mexican citizens. How can that protection be better or cheaper afforded than by the means of this thirty-second parallel road?

In case of war with any foreign power, the Pacific coast being most remote from the centers of population and from the Central Government, and being our weakest defense, would most likely be suggested by military strategy as the point of assault. In such an event it would be of the utmost importance that the Pacific coast should be connected with the States east of the mountains by a road upon the thirty-second parallel as well as by the present line town in operation. The successful defense of California against foreign invasion might depend upon the existence of this southern line; at least grave temporary results might be averted; and beyond all doubt very great expense and heavy outlays might and would in case of invasion be saved in the transportation of men, munitions, and supplies. This railway, and the telegraph, which has become almost universally a concomi-tant, would afford safer protection to our fellow-citizens who bask in the vernal sunshine and are fanned by the balmy zephyrs of the golden State than if the Pacific coast "should be guarded by a hundred frown-ing bastions, or its harbors should be covered with floating batteries" that wake the very echoes of old ocean herself

The building of this road will save many millions by diminishing the Army and by affording cheaper and more reliable transportation for men and supplies. A committee of the Forty-third Congress estimated in a report made to that body that the Government would save \$10,000,000 in the annual cost of the Army by its reduction and in cheapening transportation. It will also save to the Government several millions of dollars annually in the way of cheapening postal and telegraphic facilities. It will open direct communication between Saint Louis, now the commercial emporium and distributing center of the great West and the Pacific coast upon equal terms with other cities, which boon is now denied that great region on account of the selfish policy of the Union Pacific Company refusing to prorate with the

Kansas and Pacific Railroad Company.

The masses of the people in the Southern States have only to demand of their Representatives in Congress a united support of this bill to secure its passage. The strongest argument yet advanced against the proposition is the want of unity among ourselves. Genagainst the proposition is the want of limity among ourselves. Gentlemen of the North feel in their very hearts the justice of this measure, and would doubtless support it but for the consideration that some southern members oppose it. They do not feel willing to assume the responsibility before their constituents of recording their votes for it, when the record shows that southern Representatives stand in opposition. Hence the responsibility upon gentlemen from the South becomes a very grave one. Shall it be told the people of the South that her own members gave the fatal blow to her hopes? That through their dissensions, indifference, or opposition outright, our generous friends in the North and East and West were forced into opposition for purposes of self-defense before their own constituencies?

Mr. Chairman, there is one fact which I desire in a most emphatic manner to acknowledge. I refer to the noble and patriotic views and sentiments of unaffected sympathy which I have heard gentlemen, members of this House, of opposite politics to myself, express in behalf of the bleeding section from which I come. Sir, if I know anyhalf of the bleeding section from which I come. Sir, if I know anything of the feelings and opinions of the southern people, it is that they are tired of excitement, of crimination, and of sectional hate. They would, if allowed by sectional partisans, be on terms of perfect amity and concord. Had not the insane policy of reconstruction involved both the danger of losing their liberties and the destruction of their property, the people of the Southern States would have been almost entirely without partisan bias. As it is, if let alone, they are thinking about keeping the wolf from the door, about improving their wasted places and decaying homes, rather than indulging in dreams of empire, of political dynasties, and successions. They would look upon the construction of this road as the strongest, most unmistakable, and substantial proof of the good feeling of the people of the Northern States, and with feelings welling with kindness and recipro-cal sympathy, would gracefully acknowledge the generosity of the act, by throwing open both their hearts and homes with the abandon of the most prodigal hospitality. As it is, we hope we cherish no reveng-

ful memories toward any.

The friends of this measure from the South decline to connect this proposition with the party politics of the day. We desire to lift it to a higher plane than that of mere partyism. The South cannot afford to advertise her material interests to be bartered for in the political market. We are fearfully in earnest about this matter. We need We want it upon the soundest basis to be devised. desire the bill to be submitted to the critical test of discussion, and we expect and will accept every amendment which is offered in good faith to perfect the bill in the interests of the people, the Government, and the commerce of the country. The commerce of the country and the products of labor have paid tribute long enough to a heartless monopoly; let us now have an independent highway under the complete control of the people's representatives, with low freights and fares, and accessible to every line of railway which may wish to constitute it is the control of the people's representatives. nect with it; then will transportation and production settle in the scales of justice to an exact equipoise when commerce shall be emancipated from the fetters of monopoly, and, being regulated by great natural laws, its freedom shall be proclaimed as the policy of this country.

This connecting link upon the isothermal line of the thirty-second parallel between the oceans cannot fail of completion, nor can its construction be much longer delayed. The fiat of the people which makes and unmakes Presidents, Senators, and Representatives has gone forth. Its demand upon this Congress is imperative and inexorable. row plea of party advantage will avail with the people. If this enterprise is made partisan, Congressmen have made it so, not the people. Their interests every way demand the adoption of a different policy. The industrial interests and commerce of no State of this Union, whether South or not, should be subordinated to and squared by the

procrustean beds of party platforms.

This grand conception, long the favorite thought of Calhoun and Benton and Clay, like many other grand ideas, at first scouted, but finally triumphant and accepted, has struggled through the mists of error, ignorance, and prejudice, until it now finds, I believe, not an enlightened opponent to doubt its feasibility and importance. The only opposition arises as to the manner of its construction. But soon that will disappear in the light of a great and overwhelming national necessity. The more it is discussed and agitated, the stronger it commends itself to public confidence. Like the oak upon the mountain, moored in the rifted rock, the ruder the storm-king shall break through its limbs and tear its branches and beat upon its gnarled trunk, the firmer it becomes rooted to its granite foundations.

Mr. Chairman, as a great measure of economy, of peace between the East and the far West, of peace between the Government and the Indian tribes, of maintaining a treaty of peace with our turbulent neighbor, Mexico, of protection to the people against the merciless exall, should Congress grant the aid of the loan of its credit to this company because it is right, and because the Southern States need this aid, and most respectfully ask it at the hands of their Northern sisters.

## REDUCTION OF EXPENDITURES.

Mr. COCHRANE. Mr. Chairman, it is with no little pleasure that I arise to express my cordial approval of the main features of the appropriation bill now under consideration. The promises which public men make to their constituents should always be kept sacred. It is a matter to be deplored that those high in office so often forget the pledges which they have made to their people at home; and that, too, often when the fair promises which they have made have served to secure their election. This forgetfulness is not always attributable to a lack of principle, but more frequently springs from the multitudinous cares and worries incident to the position which they hold. If the members of this House entered into any solemn covenant with their constituents, it was that they would inaugurate a system of retrenchment and reform.

All over our broad land, from every city and town, village and hamlet, the cry of a suffering people went up demanding that the prodigal expenditures of public money should cease, and that the affairs of the Government should be controlled by honest men. That corruption in high places prevailed to an alarming extent, that the public money was being squandered, were facts well known to the people. For years they had appealed to the party in power for re-lief; but instead of their condition becoming better it became worse, lief; but instead of their condition becoming better it became worse, until finally in 1874, rising in their might, they swept from this House the republican majority which had so long controlled it, and, placing us here, demanded with all the earnestness begotten of suffering that we give them the relief which they so much needed. Our path was a plain one, our duty clear. First, we were to discover and expose those in office guilty of corruption; second, we were to adopt a system of rigid economy in the administration of public affairs.

This House is certainly deserving of congratulation for its faithful

performance of duty thus far. Through the earnest efforts of the Committee on Expenditures in the War Department, one of the highest officials in the land (the late Secretary of War) has been shown to have been guilty of the highest crimes, and his infamous practices have been exposed to the eye of the nation and the world. Other equally alarming developments will likely be made before the present ession closes, and doubtless many of those who have long enjoyed the public confidence and esteem will share the fate of Mr. Belknap. It can certainly be no pleasure to this House to thus detect and expose corruption and fraud where only honesty and purity should exist, but the duty is an imperative one and will be faithfully and fearlessly performed. Its performance is demanded not by any political party, but by the honest masses of the people of the country.

I cannot agree with those who assume that there is no virtue outside of the democratic party. I believe that the great masses of the American people are honest. The day has passed when party whips will serve to lash the people within party lines. The question asked by the people now is not whether a candidate for public office is a democrat or a republican, but rather, "Is he an honest man, and is he capable of filling creditably the position to which he aspires." We democrats who occupy these seats one our election not to the fact democrats who occupy these seats owe our election not to the fact that we are democrats, but rather to the fact that our constituents had confidence in our integrity, and believed that they could rely

upon our faithfully serving them.

It has been hinted in some of the newspapers that the investigations now being conducted by the committees of this House will disclose the fact that certain members of the democratic party have been connected with the frauds which have been perpetrated. However this may be, let the investigations go on; let no effort be spared to discover the offenders, and let the most severe punishment be in-flicted upon the guilty, irrespective of the party to which they may belong. I here declare in this presence that if it should be discovered belong. I here declare in this presence that if it should be discovered that any democrat has been robbing the people, or directly or indirectly aiding and abetting others in a violation of law, I will cheerfully join hands with the republicans in this House to expose and punish him. In the discovery and punishment of crime we should dismiss all party passion and prejudice and heartily co-operate with each other. Forgetting all political differences, we should press forward in the utmost earnestness to accomplish the great work before us.

It is greatly to be regretted that certain gentlemen upon the other side of this House should have so far forgotten themselves as to seek to cover up the atrocity of the crimes of the late Secretary of War by

to cover up the atrocity of the crimes of the late Secretary of War by an attack upon the members of the committee who detected and ex-posed those crimes. I think I can safely say that no democrat here would stoop to such action, however great the danger which threat-

This House also deserves credit for the efforts which it has made to reduce the expenses of the Government. The Military Academy bill, which recently passed the House, appropriated \$105,509 less than the sum appropriated for a similar purpose by the last (Forty-third) Congress. The consular bill appropriated \$460,737.50 less, and the fortification bill \$722,000 less than were respectively appropriated by the last Congress for similar purposes. Thus in these three bills there is an aggregate saving to the Government of the large sum of \$1,288,246.50.

It is matter worthy of notice that the sums estimated as being necessary and demanded by republican officials to cover the expenses of the Military Academy, consular and diplomatic service, and to provide fortifications and armament thereof, and torpedoes, are so greatly in excess of the sums really necessary for those purposes. In the matter of the Military Academy, the late Secretary of War (Mr. Belknap) requested an appropriation of \$437,470. The appropriation granted by this House, however, was \$259,231. The estimate for the consular and diplomatic service was \$1,352,485. The appropriation made was \$914,247.50.

The estimate for fortifications, &c., was \$3,406,000; the amount appropriated for that purpose was \$315,000. The aggregate amount appropriated for the purposes mentioned was about \$1,488,478.50; whereas the amount demanded was \$5,195,955. The great excess of the amount demanded over the amount really necessary is calculated to give rise to the most grave apprehensions. Such a demand will certainly not be favorably received by an already impoverished people.

The appropriation bill now under consideration, however, is of much greater importance than any of a like character which have pre-ceded it, for by this bill it is proposed to save the enormous sum of \$5,724,417.39. The amount appropriated by the last Congress for similar purposes was \$18,734,225. The amount now proposed to be appropriated is \$13,009,807.61. In addition to the amount thus saved there is a further saving in the matter of official postage-stamps of more than \$100,000. If we look at the amount which the several Departments ask that we should now appropriate, we are startled at its proportions. The aggregate amount estimated is \$20,836,307.50. This amount is \$2,102,082.50 more than was appropriated by the last Congress and \$7,826,499.89 more than is proposed to be appropriated by the present bill. These figures need not be commented upon. They speak for themselves, and will beyond doubt be carefully scanned by a people already overburdened with taxation.

There are some few objectionable features about the present bill, however, which are worthy of notice. The chief and most important of these is the great reduction of the appropriation for labor in the United States mints and assay offices. A reference to the appropria-

tion bill of the last (Forty-third) Congress will disclose the fact that \$250,000 were appropriated for the wages of workmen and adjusters in the Mint at Philadelphia. The present bill appropriates only \$200,000 for that purpose. The former bill appropriated \$85,000 for wages of workmen and adjusters at the mint at Carson, Nevada. The present bill appropriates only \$20,000 for that purpose. former bill appropriated \$275,000 for wages of workmen and adjusters in the mint at San Francisco, California. The present bill appropriates only \$225,000 for that purpose. The former bill appropriated \$15,335 for wages of workmen at the mint at Denver, Colorada. The present bill appropriates only \$10,000 for that purpose. The former bill appropriated \$50,000 for wages of workmen at the assay office at New York. The present bill only appropriates \$20,000 for that purpose.

A comparison of the appropriation bill of the Forty-third with that of the Forty-second Congress will show that the appropriations for wages to laborers at the places mentioned are almost identical. Why is it that so great a reduction is proposed in the present bill? The very last class of people in the country to strike at is the class of laboring-men. I do not understand it to be contended that the wages which for years have been paid to the laborers in the mints are too high. If it can be satisfactorily shown that the number of laborers is too great, that the Government does not require the services of so and if the present appropriations are sufficient to pay reasonable living wages to all who are employed, there can be no objection to the provisions of the bill referred to.

But if it be a fact that the Government will employ as many laborreduction, I will feel compelled to oppose it. The laboring-men of this country are entitled to consideration, and their interests should ever be faithfully guarded. True it is that the capital of the country should be protected. It is contained and their interests should ever be faithfully guarded. should be protected. It is certainly entitled to proper legislation, but while we are thus protecting capital we should not forget the claims of labor. So long as I occupy official position I shall ever strive to protect the interests of the laboring-men of my district and country. The aggregate amount proposed to be deducted from the amount of last year's appropriation is \$200,335. Surely this is a very great loss to fall upon the workingmen and their families, and no such reduction should be made unless clearly necessary and proper.

I also think that the reduction in the wages of the employés of the

I also think that the reduction in the wages of the employés of the post-office department of the House is too great. By comparing their present salary with the amount proposed in this bill to be paid, it will be found that there is a reduction of about 60 per cent. in their wages. This I regard as being too great. These employés have very onerous and responsible duties to perform; and while in the general reduction which is being made in salaries they should not entirely escape. I think that the proposed reduction is far from reasonable. scape, I think that the proposed reduction is far from reasonable. Again, the great reduction of force in the folding department may

not prove a wise or proper thing.

Again, it is a grave question whether there is a sufficient appropriation for the Post-Office Department. Of all Government departments no one has greater demands made upon it by the people than the Department of which we are now speaking. The people of the country are clamorous in their demands that new post-offices shall Thus the business of the Department is constantly increasing. In my judgment a liberal provision should be made for this Department. We should not appropriate too much money, but we should be sure that we are appropriating enough to cover all expenses. If, however, the workingmen at the mints should be fully paid, the post-office employés receive a just compensation, and the

present number of folders be retained, the great fact still remains that the passage of this bill will save to the country more that \$5,000,000.

The great majority of the provisions of the bill are worthy of the highest commendation and reflect great credit upon the Committee on Appropriations. The whole bill bears evidence of great research and exhaustive labor. There can be no doubt but that the various Departments of the Government here have been overcrowded with A far greater number have been employed than clerks and employés. clerks and employes. A far greater number have been employed than were necessary to do the work. The salaries, too, have, in many instances, been high and often greatly in excess of the amount which should have been paid for the work done. By reducing these salaries and diminishing the number of employes a great deal of money will

be saved to the people.

There is one provision in the bill which should receive the unauimous support of the House, and that is the provision reducing the salary of Senators and Congressmen. Under ordinary circumstances I do not think that the sum of \$5,000, is too much for the members of the Senate and House to receive. The expenses incident to a winter residence in Washington are so great that it requires some economy to make the salary pay expenses. But, while this is true, we should not forget that we are living in no ordinary times. Never has there been greater suffering throughout the country than that which prevails to-day. We no longer hear the busy hum of industry, which greeted our ears but a few years ago; every manufacturing and business interest in the country is suffering. The arm of trade is paralized. There is little demand for labor. Thousands of men and women in every State throughout the country, unable to obtain employment, are dependent upon charity for their daily sustenance. Examine the dockets of our bankrupt courts and you will there find the names of a multitude of those who once were numbered among our most

wealthy and prosperous. Want and misery stalk through the land. Surely in view of these facts we should cheerfully deprive ourselves of some luxuries, if not necessities, and by so doing lend our mite toward lightening the burdens of the people.

I was surprised at a statement made by my colleague from Penn-

sylvania [Mr. Townsend] in his speech of Saturday last. In opposing the passage of the present bill he said:

We are now on an upward movement. We are moving on the incoming wave of a renewed prosperity. We have touched the bottom of our disasters, and we are now emerging from the trials and troubles imposed upon us by an inflated currency and an unfortunate system of finance, the resulting incidents of the late rebellion. I say that we are emerging from that unfortunate condition, and our furnaces, forges, and manufactories are opening their doors and setting their machinery again in motion; at least I know that is so in the district I have the honor to

I will not dispute the accuracy of the honorable gentleman's statement so far as his own district is concerned, although it strikes me as very singular that there should be a return to prosperity while the causes which brought disaster are not removed. We still have an "inflated currency," and there has been no recent change in the "unfortunate system of finance." The honorable gentleman does not, however, accurately picture the present condition of the manufacturing interests of the country at large. The "wave" of which he speaks has expended its force in his district. Its effects have been unfelt The people of my district are still struggling amid the gloom of financial embarrassment, and their condition is that of the people of the whole country.

If my colleague, however, were correct in his statement, there could still be no necessity for Congress to appropriate an amount of money largely in excess of the amount required. However prosperous we are as a nation, the money of the people should not be foolishly frittered away. Among the reductions made by this bill, and to which the honorable gentleman objects, is the reduction of 10 per cent. upon the salary of the officer in charge of the Pension Office.

The statement is made that-

that gentleman was brought here in the expectation that he would receive \$3,000 a

The basis of this expectation is not stated. The reduction proposed is certainly not large and should not be made the subject of complaint. The Bureau of Pensions is not likely to remain long in its present condition. It has been proposed to transfer that Bureau from the Interior Department to the War Department. A bill for that purpose has already been introduced in this House by the chairman of the Committee on Invalid Pensions, [Mr. Jenks.] Should this bill

pass there will be an immense saving to the people.

I will not attempt at this time to go over the various items of this bill in detail. It may and doubtless will be necessary to make slight changes and modifications in some of its provisions, but I heartily indorse that which it is intended to accomplish, namely, a saving of an enormous amount of public money.

We should not, however, stop with the passage of this bill. The work of retrenchment must be carried on further. Wherever money can reasonably be saved it should be saved. Necessary internal improvements should not be neglected; but all large appropriations for improvements, however useful, but the making of which could be delayed without injury, should be avoided. When we shall have established a wise system of finance, afforded adequate protection to home industries, and inaugurated a reign of economy, then, and not till then, will our country emerge from the darkness which enshrouds it and bask in the sunshine of peace and prosperity.

and bask in the sunshine of peace and prosperity.

Mr. Chairman, I yield the remainder of my time to the gentleman from New York, [Mr. MILLER.]

Mr. MILLER. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. Cochrane] for the courtesy of yielding the unexpired portion of his hour to a political opponent.

I wish to make a few remarks by way of explanation of the vote that I shall give upon this bill and of the votes I have given and shall continue to give upon all bills looking to a reduction of salaries. The rule that seems to me just in dealing with these questions is this: Where a salary has been greatly raised since the war on the plea that the cost of living has been largely increased by the inflation of the currency, this fact is prima facie evidence that the salary is now too large and ought to be diminished. On the other hand, where a salary stands at the same amount as before the war, when the currency was on a specie basis, this fact is prima facie evidence that the salary is not now unreasonably high, and that this is not the place for a wise and just retrenchment.

Acting upon this rule, I voted for the reductions in the Military Academy appropriation bill proposed by the Committee on Appropriations. Those salaries had been raised by the law of 1857, and the committee did not propose to place them as low as they had been up to that date. I thought, and still think, that the committee were But when we came to the diplomatic and consular appropriation bill, we found the committee proposing to reduce salaries that had not been raised since the act of 1856. Those salaries were fixed at their present amount in the law of 1856, twenty years ago, under a democratic administration, when the currency was on a specie basis and when the cost of living as measured by any standard was not one-half what it is to-day. Surely, unless the law of 1856 was outrageously extravagant, there could be no necessity or apology for cutting down those salaries at the present time, and I confess that I could not understand by what rule of economy or of statesmanship the committee could justify their proposed reduction. At all events I could not justify it by any rule of mine, and so was compelled by my judgment to vote against the committee on most of the amendments offered.

Besides, sir, it seemed to me a most inopportune time either to reduce the number of our consuls and commercial agents, or to cheapen the qualifications of our foreign representatives. At a time when we were about bringing our currency up to the standard of the commercial nations of the world, and thus making it possible for our people to compete successfully in foreign trade and to regain something of their lost commerce, at such a time it seemed to me unwise to lessen our efforts to secure able representatives abroad or to reduce the number of our consuls and commercial agents in the various countries where we might expect to find a market for the products of our fac-tories and our farms. For these reasons, sir, I opposed the reduction of diplomatic salaries and also opposed the reduction of the number of our consuls and commercial agents which we now need more than ever before.

Now, sir, I come to the civil appropriation bill now before the House; and, by the rule already stated as governing my action, I must give it my support so far as it reduces salaries that have been greatly give it my support so far as it reduces salaries that have been greatly raised during and since the war, and raised upon the plea that the cost of living had been greatly increased. These salaries, like others, have been raised upon the plea, no doubt resting upon fact, that the cost of living has been greatly increased by the inflation of the currency. But the facts now being all reversed, the currency having been greatly appreciated, the price of every article of food and of clothing having been greatly reduced, and the country striving to get back once more upon the firm ground of specie payments, why, I ask, is not this a favorable and proper time to reduce salaries?

And, Mr. Chairman, it is an auspicious time to make the attempt

for another reason, and the opportunity should not be lost. We are on the eve of a presidential election; each party is on its good behavior before the country. If salaries cannot be reduced now they never can be reduced, I care not what party is in power. I dislike very much to allude to party motives and party interests in this discussion, but, sir, we must deal with facts as they exist. I think it right and proper to use if possible party ambition and personal ambition to secure healthy legislation for the people. And I know that parties in this House do not stand on equal grounds in this competition. All will admit that while it requires a political virtue by no means too common to be willing to reduce the salaries of your political friends, it is a comparatively easy display of political economy to be willing to reduce the salaries of your political opponents and cut down the perquisites of offices which your friends have no prospect of filling. [Laughter.] It is very much like the patriotism of Artemas Ward's hero who was willing to send all his wife's relations to the war. But even this economy by proxy is not without its merit and may be turned to good account at the present time; and I sincerely trust the distinguished chairman of the Committee on Appropriations, [Mr. Randall,] who is known to the country as the champion of low salaries, at the present time at least, may be able to hold his party up to the mark of this high patriotism. And, sir, I can assure him I will join with any party in this House, and I trust with all parties, in reducing the salaries of all the officers of the Government which have been greatly raised within the last fifteen years, so far as we have the constitutional power to reach

Mr. Chairman, if the committee will indulge me further, I will state some of the advantages which I think will result from a fair and honest reduction of salaries. I pass by for the present the saving of four or five millions of dollars to the Treasury, although in our present depressed financial condition this is a consideration of no present depressed inancial condition this is a consideration of no small consequence. Yet, in my opinion, the incidental and collateral advantages of such legislation will be worth much more to the country than the money saved. In the first place, it may be expected to check that mad desire for governmental appointment which seems to have seized upon our brightest young men all over the country. Every member here has daily evidence of this growing folly. Young men of the finest talents and of good family connection, who, if they would but settle down to hard work in any of the occupations or professions of life, might soon become leading citizens of their coun professions of life, might soon become leading citizens of their counties, and might in a few years, if they choose, represent their constituents in State or national capitals, tempted by the higher temporary salaries offered by the Government, are now clamorous for appointments even to the most subordinate positions. We who are upon the ments even to the most subordinate positions. We who are upon the ground know what a misfortune success would be to them. Fortunately but few obtain places, while the great army of applicants stand waiting expectant and idle; and this, too, at a time of life when idleness and hesitancy are so fatal to future success. And this state of affairs is equally damaging to the employés in your Departments. The inroad of this new army of applicants fills every clerk with apprehension and anxiety. He is taught to believe that the retention of his position depends upon influence and not upon merit. The shadow of dependency falls upon his path; a shadow that always darkens if it does not blight.

Now, sir, I know no remedy for this state of things but to remove the cause of this fearful competition and scramble for place. And the cause is this: The Government is offering higher salaries for untried, inexperienced clerks than private business can afford to pay.

Government is offering inflation prices which private business has long ceased to offer. Now there is no other remedy for this evil than the one proposed. No competitive examination can check this rush of new applicants. As I have said, this class is made up of our brightest young men, fresh from their teachers and their books. No competitive examination would have any terror for such applicants. No, sir; if you would remove this unhealthy desire for governmental appointments from the minds of the young men throughout the country, from those who hold positions in the Departments, you must restore the equilibrium between prices paid by the Government and prices paid by citizens in the various callings and occupations of life. Then paid by citizens in the various callings and occupations of life. Then this unseemly and unhealthy desire for office would cease; then the employé of your Departments would hold his position by merit, and not by influence. The Government would need his services as much as he could need the place. He might have less money, but man does not live by money alone. He would hold his office by a more certain tenure, and would hold it without any loss of independence or manhood. Perhaps I am over nice on this point; but I had a hundred times rather a son of mine would earn his bread as a hired hand upon a farm than that he should cross the threshold of one of your Depart. a farm than that he should cross the threshold of one of your Departments to hold a position by any other influence than his own founded upon merit. Do not understand me as wishing to cast any reflection on the gentlemen holding positions in your Departments. I know many of them, and some of them are among the most intelligent gentlemen I have met in this city. But what I desire is, and all I desire is, that their lives shall not be harassed by anxiety and that they shall not be "pushed from their stools" by influence just when fitted and educated by experience here to be of the most service to their country. I want the tenure of their office to be as certain and as honorable as their merits. No one, sir, I believe is more willing to assist worthy citizens from his district than I am; and while you continue this system, while you hold up these salaries as wonderful prizes be fore the eyes of our young men, I presume that I with the rest shall insist that my district shall have its proportion. But why should we seek to maintain a system that consumes half the time of the Representative, and that wears out the very life of the applicant? I shall vote to reduce the salaries of the subordinate appointees of the Goverument with less regret, because I believe it will remove some of the worst evils of patronage; surely "a consummation devoutly to be

But, sir, I am still more anxious to reduce the salaries of the higher officers of the Government, and for stronger reasons. Most of these salaries have been raised to cover and meet inflation prices, and ought in all fairness to be reduced now that the real value of the dollar as a purchasing power has been nearly doubled.

These measures, however, commend themselves to my mind, not so much by the amount of money saved to the Treasury, as by the influence they will have upon society and upon the country. If Congress will reduce the salaries of its own members honestly and fairly, and will reduce the salaries of its own members honestly and fairly, and first, and will then reduce the salary of every other officer under the Government where it has the constitutional right to reach them, it will arrest the attention of the country, and will call a halt in that mad extravagance of expenditure that is leading so fast to public and private bankruptcy. But gentlemen say we must not reduce these salaries, because the present style of living will not allow it. That may be true; but unfortunately the style of living will increase in cost fastar than will salaries, no matter how often or how high they are raised. But six it is this very extravagance of style that every year raised. But, sir, it is this very extravagance of style that every year is driving thousands into bankruptey and hundreds into crime. Speculation and extravagance in expenditure have always been and always will be the natural and certain result of an inflated currency. But these influences have been greatly stimulated and aggravated by the example of those high in wealth and position.

One of the most discouraging features in our present depressed financial condition is that so many of our people are living beyond their income. The fictitious prosperity of inflation has led many of our people to be careless, and often reckless in expenditure. They felt no necessity to limit their expenditures to their incomes when the abundant supply of money made it so easy to discount all their golden dreams in generous credits. But, sir, when the inflated balloon in which we were all so merrily sailing collapsed, we found our generous credits turned into burdensome debts. Now a general reduction of salaries will arrest the attention of the country, and make it easier to return to a less expensive and more honest style of living.

We can have no public censor, as the Romans had, to keep the expenditures of our people within their incomes; we cannot by law control private expenditures, nor can we mark out by law the line that divides a generous and wise hospitality from a foolish and demoralizing extravagance. But while we cannot do this, we can by a wise limitation of salaries see to it that those in high positions do not lead in this foolish and demoralizing extravagance, but maintain the simple and better manners of the earlier days of the Republic, which are more in keeping with the character of our Government and the needs of our times.

There can be no doubt that such action on our part would meet with the grateful approval of the country; and, sir, a republic, no less than other forms of government, should rest on the affections of

Now, sir, a general reduction of salaries would not only be grate-

fully received by the people but would encourage and strengthen them for the duties now before them. There are two Herculean tasks that await the action of the American people that will demand all their wisdom and all their constancy. First, we must maintain the honor and credit of the Government by providing for a steady and gradual reduction of the national debt, and second, we must restore our currency to the standard of actual values as measured by specie. For it must never be forgotten that an inflated currency is the ever-fruitful source of this social extravagance that leads to so much ruin and, alas, to so much dishonor and crime. There is no safety but to return as speedily as possible to the honest money of the Constitution.

All the prosperity of inflation has proved a delusion and snare; all its flattering promises have turned to ashes in the grasp. On all sides we hear the complaint that business is paralyzed, capital is unemployed, labor is idle, enterprise is at a stand-still. Our opportunity and our duty are now one. Let us rebuild our prosperity on the

solid rock of a sound currency, but to do this we must have the Government and the people in perfect sympathy.

Let us show to the people, what undoubtedly is the fact, that this Government can be administered at one-third less cost on specie values than it is possible to administer it under an inflated currency. Let us show them that we are ready to commence the reduction now on the strength of the promise already made of resumption in 1879. If we could have the same union of sentiment and action between the Government and the whole people that existed between the administration and the loyal States during the dark days of the war we could lead our currency steadily up to the specie standard hand in hand with the revival of every business interest of the country.

Then, sir, the Union re-united would commence its second century with a sound currency and enter upon a career of prosperity unknown and undreamed of before. As a means to this end, and as a policy which can only be justified by expecting these results, I shall vote for this bill under the limitations named and for all similar bills look-

ing to a reduction of salaries.

Mr. JENKS. Mr. Chairman, by the permission of the Committee on Appropriations I shall, in the progress of the consideration of this bill, offer an amendment authorizing the transfer of the Pension B. reau of the United States from the Interior Department to the War Department, and I rise now for the purpose of explaining the provisions of that amendment and the proposed economy that would be accomplished by this transfer. It may be stated that probably three-fourths of a million of dollars can be saved by the transfer of this Bureau, and that its business can be done more intelligently, more diligently, and more purely than it is now. My purpose will be to state the facts to the House, and if I so show I shall expect to receive the support of those who believe that economy, diligence, and purity should characterize the administration of the Government.

But, Mr. Chairman, before I enter into the consideration of the transfer itself I desire to submit to the House some views in respect to certain allegations concerning the law, all important to those whom to certain allegations concerning the law, all important to those whom I as one have the honor especially to represent here. As the chairman of the Committee on Invalid Pensions and as members of that committee we feel it to be our duty to see that those who are committed to our charge shall not be wronged. As the conduct of all mankind depends somewhat on their abstract beliefs, it is necessary that those abstract beliefs, if they be flagrantly wrong, shall be rectified. The necessity for this occurred to me, and I suppose probably to every other person who has given it any attention at all, on the 1st day of March, some two weeks since. In the presence of this lst day of March, some two weeks since. In the presence of this House there was under consideration and discussion a certain bill concerning pensions. In that discussion I insisted that an invalid pension was a debt, a debt of the highest order, and one that no nation could refuse to pay, unless she stood distinctly on the ground of unequivocal repudiation. To demonstrate that fact will be my first labor in this discussion. I now assert that an invalid pension is a debt. In order to call the attention of the House to the discussion that occurred on that day. I said to the Clerk's desk to be read to that occurred on that day, I send to the Clerk's desk to be read remarks made by the honorable gentleman from Iowa, [Mr. Kasson,] which I have marked.

The Clerk read as follows:

Again, the granting of these pensions now under consideration was an act of sovereign gratuity by the Government in recognition of the services supposed to have been rendered by the pensioners; and every pensioner is constantly at the discretion of his Government as to the amount of his compensation and as to the continuance of his pension.

Mr. JENKS. I ask the Clerk to read also from the remarks made by the honorable gentleman from Illinois [Mr. HURLBUT] the passage I have marked.

The Clerk read as follows:

The Clerk read as follows:

First, sir, I desire gentlemen to consider here that there is not and cannot be any such thing as a vested right, a commercial transaction between the country and those who are the recipients of its bounty. Every nation has the right inherently to command the services of its citizens just whenever it calls for them, to call for their lives, to demand their money; and the measure of the citizen's duty is only limited by the necessities of the country. There is no contract of dollars and cents in that. So whoever may render service in a military capacity to the nation simply does his plain, unmistakable, undeniable duty, and whatever reward the nation may give him for having done that duty is in the line of free gift and grace, and not in the line of contract. And until this time I never heard any man talk of any such thing as a contract between the soldier and the nation giving him the right to a pension.

Mr. JENKS. I ask the Clerk also to read from the remarks of the

honorable gentleman from New York [Mr. Townsend] the passage I

The Clerk read as follows:

The Clerk read as follows:

Now the committee that matured this bill was the Committee on Revolutionary Pensions and the War of 1812. We matured a bill relating wholly to the pensioners of the war of 1812. We brought that bill into this House, and if it had been left in its application to the pensioners of the war of 1812 I should feel I was doing here, as I felt I was doing in the committee, my duty to the pensioners and the country in sustaining that bill. But not upon the ground that the pensioner has the right with the muzzle of a pistol to demand of the country a pension. Good God! are we to have that doctrine presented here or anywhere else that a pensioner has the right to make such a demand of the country? Not at all. It is not upon any such ground. It was upon the ground that these men had rendered efficient service, and it became the country to be liberal to them in turn. The service was all rendered before the pension was granted.

Mr. JENKS. From these extracts it will be seen that three gentlemen of experience, learned in the law, and for whom personally and as lawyers I should have the highest respect, have asserted that au invalid pension is not a debt; that it may be granted or withheld at the pleasure of the Government; that there is no obligation to pay it; that it is simply a gratuity. Now, if it be a gratuity, we may at any moment cut off these pensions; we may refuse to pay them from any moment that it may occur to the legislative branch of the Government that it is for the interest of the Government so to do. If that be so it is a most fatal truth for these pensioners who have been deprived of their limbs in the cause of their country.

Now, in order to refute what seems to me to be a most flagrant fallacy, I propose to discuss the question at this time, because, first, I think the Pension Bureau, which we seek to transfer, has been laboring under the same fallacy, has been of the opinion that they may grant or refuse a pension as they see proper, that they may expedite it or delay it as to them may seem convenient, that they may grant it to a political friend or deny it to a political opponent as may seem best for party purposes. It is to refute this view, and that the péople may comprehend what is a right and what is a gift, that I propose now to discuss this as the first question in this bill.

A contract, as we are led to suppose from our early legal lucubrations,

is an agreement for a sufficient consideration to do or not to do some given thing; a promise for a consideration, an offer for a consideration accepted. This constitutes a contract as differently expressed by different authors. Now, if the Government before the soldier entered the Army told that soldier that if he should enter and become disabled he should be paid a pension, that would be a contract, if the soldier entered the Army and was disabled. I apprehend that cannot be disputed.

First, in 1776, before the revolutionary war had made its crippled and disabled soldiers, there was a resolution passed in the Continental Congress which to be sure might not be binding as a law, but is certainly binding in good faith. I read from Mr. Ruff's Pension Man-

The Continental Congress by a series of resolutions passed August 26, 1776, provided that every commissioned and non-commissioned officer and private in the Army who should lose a limb in any engagement, or be otherwise so disabled in the service of the States, in the war then existing with the mother country, as to be rendered incapable "afterward of gaining a livelihood," should receive during life, or the continuance of such disability, one-half his monthly pay after his pay as a soldier should coses. dier should cease

Hence, before the revolutionary war had made its cripples, there was a promise by the Government to those who were disabled in the cause of liberty that they should receive a pension. If that promise cause of liberty that they should receive a pension. If that promise is binding upon the nation after they were organized under the present Constitution, it is a contract as to these soldiers. We will see now whether that was ratified by the United States. In 1790, after the organization of the Government, the Congress of the United States passed an act, approved April 30, 1790, "for the regulation and formation of the armies of the United States." That act provided—

That if any commissioned officer, non-commissioned officer, private, or musician aforesaid shall be wounded or disabled while in the line of his duty in public service, he shall be placed on the list of invalids of the United States at such rate of pay and under such regulations as shall be directed by the President of the United States for the time being.

That was in 1790. Thus at that time the resolution of the Con-That was in 1790. Thus at that time the resolution of the Continental Congress was ratified in the passage of the general Army bill, and it was promised that any one disabled in the line of his duty as a soldier should be paid a pension. If that promise was accepted by the soldier and he was disabled, was it not a contract and has he not a right to demand his pension?

In order that there never should be any misapprehension on this subject and that every well-informed man should know his rights, prior that the properties a similar resolution or law

ject and that every well-informed man should know his rights, prior to every war, with very few exceptions, a similar resolution or law has been enacted. Such re-enactment took place before or in the early stages of every great war. In anticipation of the war of 1812 with Great Britain, and for the very purpose of inducing enlistments, there was passed an act approved January 11, 1812, entitled "An act to raise an additional military force." It provided—

That if any officer, non-commissioned officer, musician, or private shall be disabled by wounds or otherwise while in the line of his duty in public service, he shall be placed on the list of invalids of the United States at such rate of pension and under such regulations as are or may be directed by law, &c.

So that we find that prior to the Revolution an act of this kind was passed and prior to the war of 1812 it was reiterated. But it may be pleaded that the statute of limitations applies as to all these Since 1865 many statutes of limitations have been passed de-

priving pensioned soldiers of their rights. It has been assumed repeatthis House that these soldiers are not entitled as of right to pensions; that these are a mere gratuity. At a proper time we will consider whether these limitation acts ought to stand upon the statute-books or whether they are a disgrace to our legislation. time I will say nothing more about them. But I assert here broadly that with very few exceptions the rule is that every invalid pension is a debt, and a debt the nation ought not to repudiate.

In 1862 it became necessary, as was supposed, to reiterate the same legislation. Hence we find that on the 14th of July, 1862, an enact-

ment of this kind was passed, which is to be found in the Statutes at Large, volume 12, page 556. Although this principle had been as-serted frequently and broadly in many enactments and re-enactments, it was the intention of the Government that this matter should be placed beyond doubt. It was intended that no soldier in the Army should doubt or hesitate for a moment in the belief that if he were disabled in his country's service he should not be consigned for the disabled in his country's service he should not be consigned for the residue of his days to penury and pauperism, or in case of death his surviving family subjected to the same fate. This provision was enacted in order that he might feel at ease; that he might rest in the confident belief that if he sacrificed his all for his country, that country would provide for those whom he left behind. Hence in 1862, before very many invalid pensioners had been made, this act was

That if any officer, non-commissioned officer, musicians, or private of the Army, including regulars, volunteers, and militia, or any warrant officer or petit officer, musician, seaman, ordinary seaman, flotilla man, marine, clerk, landsman, pilot, or other person in the Navy or Marine Corps, has been since the 4th day of March, 1861, or shall hereafter be, disabled by reason of any wound or disease contracted while in the service of the United States in the line of duty, he shall, upon making due proof of the fact according to such forms and regulations as are or may be provided for by or in pursuance of law, be placed upon the list of invalid pensioners of the United States.

This act was to a large degree prospective. The great mass of those who are now pensioners were then able-bodied men. Under the provisions of this act they stepped into the ranks. They had the assurance of the country whose honor they had always regarded as holy and sacred that if they were disabled or should die in the service of their country they and theirs should be provided for.

Mr. HURLBUT. What is the date of the act which the gentleman

has just read?

Mr. JENKS. July 14, 1862; prior certainly to the time when the great mass of our pensioners had become such.

Mr. HEWITT, of Alabama. If the gentleman will allow me, I would have a such as the properties of President Lincoln, issued in remind him that in the proclamation of President Lincoln, issued in 1861, calling for volunteers, a promise was made that such as might be wounded or should contract disease in the war should have a pension; and Congress afterward ratified that promise.

Mr. JENKS. The facts are as the honorable gentleman from Alabama [Mr. Hewitt] states them. The pension law of 1862 was not passed before the first soldier went into the Army; yet prior to that time the soldiers had the word of a man they had reason to trust that if they should go into the service they should be provided for. Shall that word be disgraced here on the floor of this Congress? Shall we disregard that contract in view of which they went into the Army? They obeyed the call of their country; and in that view they did only their duty, it is true, as the honorable gentleman from Illinois [Mr. HURLBUT] has said; but it was a duty the performance of which was dangerous, and it was performed under the promise that this provision would be made. Dare we repudiate that promise and say that it is not a contract? Shall we say to a man who asks for a say that it is not a contract? Shall we say to a man who asks for a pension, "You are the acceptor of a gratuity; you are a mendicant; we can grant you this or refuse it at our option, and no one can charge us with injustice?" In the name of the 200,000 invalid pensioners of the United States, I repudiate this doctrine. If their pension certificates are to be regarded as badges of medicancy, they would spurn them from them and hurl them in your face.

They are their right; and when I sit it, my committee adjudicating

They are their right; and when I sit in my committee adjudicating whether a pensioner be entitled to a pension or not, I do it upon the principle that the claimant comes there asking for his legal right, and I am bound to grant it if he brings himself within the provisions of the law. Hence I hope it may never be again asserted on the floor of this House, and more particularly by what would seem to be con-certed action, for no sooner was it asserted by one than it was followed by others, that it was not a debt.

One of the honorable gentlemen assigns as a reason that he had never heard of such a thing. The fact that he had never heard of such a thing was no argument why it did not exist, because if we were

such a thing was no argument why it did not exist, because if we were to test the existence of what is true by what any man knows, the truth on earth or in the universe would be extremely limited.

Another reason assigned was that they only did their duty. That is true. They did their duty, and when the Government promised them this if they did their duty, are they not entitled to it? A man may only do his duty when he performs his daily labor for his employer; he is only doing his duty, but is not his employer under obligation to pay him? The fact that he is doing his duty is no argument against it; and we insist an invalid pension is a debt and should be so recognized by the Government, and in the organization of courts for the adjudication of such claims we should take the same care as in the organization of any other court in the United States. If this business is not fairly and honestly done, diligently and economic

ally done, where it is performed now, then let us place it where it will be.

So much for this question which has consumed more time than I intended. I will pass now to the consideration of the main question before the House, and in order that it may be fully comprehended, I will send up the bill and ask the Clerk to read it as part of my remarks. It is introduced as an amendment to the bill under consideration by the courtesy of the Committee on Appropriations. It is House bill No. 2590, transferring the Bureau of Pensions from the Interior Department to the War Department.

The Clerk read as follows:

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That from and after July 1, 1877, the Pension Bureau of the United States, with all its duties, funds, accounts, claims, records, books, papers, property, and appurtenances, shall be transferred from the Department of the Interior to the Department of War.

Sec. 2. That the Secretary of War shall exercise all the powers and discharge all the duties heretofore exercised and performed by the Secretary of the Interior in relation to pensioners and the Pension Bureau; and all accounts shall be subject to adjustment by the officers of the Treasury now having charge of the department of accounts of said Bureau and the pension agents and agencies.

Sec. 3. That on and after the date aforesaid, there is hereby established in the War Department an office to be known as the Pension Office; and the Secretary of War shall detail from the commissioned officers of the Army an officer to take charge of said office, and administer its affairs under regulations to be made and promulgated by the Secretary of War; the officers of otaled shall, for the time he may be detailed to the charge of the Pension Office, have the pay and allowances of a colonel, and shall perform all the duties now performed by the Commissioner of Pensions.

may be detailed to the charge of the Pension Office, have the pay and anomaces of a colonel, and shall perform all the duties now performed by the Commissioner of Pensions.

SEC. 4 That on and after the date aforesaid, the office of pension agent and pension agencies for the disbursement of the pension fund shall be abolished and discontinued; and on and after the payment of the quarterly payment due pensioners on the 4th day of June, 1877, all funds remaining in their hands shall be paid into the Treasury of the United States.

SEC. 5. That the duties heretofore performed by the pension agents and agencies shall be performed under the direction of the Secretary of War by the Pay Department of the Army; and the Secretary of War is authorized to detail such additional force of commissioned officers as may, through knowledge and experience of disbursing duties, be suited and necessary to perform such duties; the officers so detailed to give bond in such sum as shall be approved by the Secretary of War for the faithful discharge of their duties.

SEC. 6. That the Secretary of War is hereby authorized to re-organize and re-adjust the several divisions of the Pension Bureau, and detail officers and employés to do the work in such manner as shall conduce to the good of the service. Any officer authorized to investigate any suspected attempts to defraud the United States in or affecting the administration of any law relative to pensions, and to aid in prosecuting any person implicated, shall have the power to administer oaths in the course of any such investigation.

SEC. 7. That the details of commissioned officers under sections 5 and 6 of this act may be extended to officers on the retired list of the Army; and such officers while so serving shall have the pay and allowances of officers of like grade on the active list.

SEC. 8. That on or before the 1st day of July, 1877, the Secretary of the Interior shall cause the Pension Bureau in all its parts and duties to be in full readiness for the transfer mentioned in s

Mr. JENKS. The provisions of this act as a rule are general in their terms without going into detail of administration of the Office. It was thought expedient, and it seems also wise, to leave the working out of the details, after the general plan shall have been laid. to administration.

The bill has been drawn on that principle, and with the exception of the seventh section and the fourth and fifth sections, which I will consider in the course of my remarks, I need only say that it provides for the removal of the Pension Bureau and the conduct of it in the

War Department.

The seventh section, which is new in its character, provides that those in the half-pay service of the Government may be employed in the duties of that Office. It gives the means by which many now paid by the Government may be utilized. There can now be employed in this Pension Office if transferred to the Army, the half-pay officers from the grade of captain down, and one-half, at least, of all that is now paid out in carrying on the Pension Office will be saved in this way, while it will afford employment to those who are now unfit for way, while it will afford employment to those who are now until the field duty and are now on the half-pay list of the Government. The amount thereby saved will be one-half of what is now paid to the employés in this Office. To whatever extent those half-pay officers may be able to do the work of the Office, and it is claimed they may be able to do it to a large extent, of the three hundred necessary they will at least supply the place of one hundred and fifty, leaving to be paid one hundred and fifty full-paid pension officers. It would reduce the force substantially one hundred and fifty in that particular and afford employment to those now in the half-pay service of the Gov-

The third and fourth sections of the bill, for doing away with pension agents, I will dispose of as we go along. These pension agencies seem to be one of the most flagrant excesses of our Government.

In the consideration of this subject I will call the attention of the House to what may seem rather a platitude at first glance. There are general principles so obvious they seem to have lost all their value from their mere all-pervading abundance, just as the sunlight in all its beauty and sublimity is forgotten in its magnificent beneficence, from its mere exuberance. With reference to this Bureau it seems to me some of the plainest principles of our Government have been forme some of the plainest principles of our Government have been forgotten. In our form of government the people inherit their rights, and directly or indirectly grant to the Government its powers. They are the principals; it is the agent. They are the creators; it is the creature. Under certain powers of attorney, if I may so style them, known as constitutions, State and national, they grant certain powers.

to others to act for them. These constitutions, so far as they grant the powers, authorize those acting for the people to do certain duties, when the persons to whom the powers are granted have been qualiwhen the persons to whom the powers are granted have been quantified in a given way. But anything that is not within these grants is an assumption wrongful and flagrant.

The Army, the Navy, the Territories, and the treasures belong to the people. If anything be left without an owner it is subject to the the people. If anything be left without an owner it is subject to the common-law right of occupancy; and that instinct pervades almost the whole human race, that if a thing be lying open without an owner any person coming along may occupy it and have a good title to it. Now, with reference to this, it seems as if the people are entirely forgotten, and as if the territory of the Government, to a great extent, and its treasures are presumed by those in power in this Bureau to be open to general occupancy, and that they can acquire title to anything they can lay hands upon, because they have forgotten the people have any definite ownership. This principle vindicates itself in that the employés of a corporation do not conceive so clearly of the privilege of ownership existing in it, and take from it more freely than they would from a private individual. In a great Government we find persons doing deeds and committing crimes against the Government in the way of appropriating property and moneys which they would never think of doing if they were in the employment of an individual.

Now, the first fact I want to have understood in reference to this Bureau, and I may say everywhere else, is, that there is an ownership as to the property of the National Government; that her treasures are her own, and not open to general occupancy at all. And I fear this principle has been violated by this Bureau, as I shall be able to show as I proceed. In order that the business of the Government may be done with facility it is divided into certain Departments. Those Departments in themselves have no rights to any particular parties of the public territory or the public treasure. It is only in proportion as the work can be best attended to that it should be assigned to any particular Department or Bureau. Now, if the Department of War can do this duty which we propose to assign to it with greater intelligence, greater economy, greater diligence, and greater purity than where it is now, it ought to be removed there. And we propose to show that the business can be done more intelligently, more economically, more diligently, and more purely by this transfer of the Bureau.

On this point I ask the attention of the whole House. We have en-On this point I ask the attention of the whole House. We have endeavored to obviate any possibility of party opposition by fixing that the transfer does not occur until 1877. In 1877 no one can tell whether the Administration will be democratic or republican. This may hit the one party or it may hit the other. But if it is right, I ask that it shall be done. We fixed the date of the transfer in 1877 that it might have the candid consideration of every member of this House. And I ask you to join in effecting this transfer if to you it seems right. If it does not seem right, and it is not right, I am just as sincere in the desire that you shall not do it as any man in this House. But to me desire that you shall not do it as any man in this House. But to me

it seems it should be done.

Let me show how this Bureau came first to be placed in the Department of the Interior. In 1849 it had been concluded to organize a new Department to be known as the Department of the Interior. Duties were assigned to that Department. This pension duty was one. At that time it was comparatively trifling; and when a man has a small work to do he is not apt to consider very carefully whether he is to have it done in the most economical way or not; but if the work becomes vast in its proportions, then it is of importance that he should have it done in the most economical way. Hence this Bureau being small at the time, was assigned as a mere fragment to make work for the Interior Department. But this state of things does not now exist. This Bureau has become an important department. It has an expenditure of \$29,000,000. It provides for the payment of 234,000 pensioners. An army of men stands behind its awards. They receive their daily bread in many instances from it. What was then transferred has become great. What was then an insignificant labor has swelled in its dimensions until it is immense; and while it is a has swelled in its dimensions until it is liminense; and while it is a great burden it is also a great honor to our country; and on the other hand it is a great shame if we do not see that it is honestly and well administered. It was assigned to the Interior Department only for the purpose of making work for the new Department without any particular reason why that assignment should be made. Now the labor has increased; and if it naturally belongs to the War Department and the labor can be greatly reduced by transferring it there, it is our duty to make that transfer.

Now what are the duties of the Pension Office? What does it do?

Now, what are the duties of the Pension Office? What does it do? In the first place, it adjudicates or determines the right of certain persons to certain funds of the Government; it determines the question of a debt between the soldier and the Government, and also determines the propriety of granting gratuities in some instances, and after that is done it pays out the debts and gratuities. A great proportion of the labor of the Office is that involved in the adjudication as to who are entitled to pensions. The great work is the granting

or refusing of pension certificates.

or refusing of pension certificates.

Now, in granting pension certificates what questions arise? The first is, was the man claiming a pension regularly mustered; was he wounded in the service in the line of his duty; was he regularly discharged? Is the applicant the man who was thus mustered; who was thus wounded in the line of his duty and discharged? One question to be decided is that of personal identity. The question whether

a man was wounded in the line of duty is a military question; the question of his discharge is a military one. As a rule, the only one that arises in the case that is not a military question is that of the personal identity of the party, except certain medical questions, which may be either military or civil. We all know the difference in value between an unskilled laborer who gets from four to six dollars a month and a skilled laborer who gets three or four dollars a day. The soldier is the skilled, the civilian the unskilled laborer. A word which would be in a civilian's vocabulary an exotic is to the military man a household word; a question being military, he can decide it at once. The question, then, is whether this business can or cannot be discharged more intelligently and more quickly when done by skilled instead of unskilled labor.

There is another thing to which I desire to call the attention of the committee. Between the 4th of March, 1875, and the 3d of February, 1876, one hundred and twenty-eight employés of the Office have been discharged and ninety-six new appointments made. man should be permitted to remain in the Office until he acquired experience, that system might work, but where it is a political office this cannot be done. Every time there is a change of political parties it is probable a large proportion of the skilled labor will be removed and unskilled labor substituted. In a court of justice it would never be entertained for a moment to permit a man unlearned in the law to sit upon the bench except in trivial cases; we always require that a legal question shall be decided by those learned in the law. Now why not apply the same rule to military questions in this case? Is that court whose awards annually disburse \$29,000,000 too insignificant to justify the employment of skilled labor † It would be more intelligently done. It would also be more economically done.

With reference to economy, among the greatest sinecures that ever overspread the country are the offices of pension agents. Twenty men

added to the Pay Department of the Army might do the whole work, whereas there are now fifty-eight pension agents at a cost to the Government of over \$426,000. About 214,000 vouchers are filled and mailed quarterly to the pensioners; one man can fill 12,000 vonchers quarterly; multiply that by twenty, it will amount to \$240,000, and that is

more than is required to be done, for which the Government now pays, including contingencies, over \$448,000.

These pension agents, some of them, draw salaries and contingencies of over \$15,000 a year. Their average salary and contingent is \$7,767, or about that. The amount of their labor may be illustrated by a statement I received from a clerk of one of these officers to where character for vergeity a member of this House is ready to to whose character for veracity a member of this House is ready to certify. He states that with a salary of \$900 he did all the work that was done at one of these agencies except signing the checks, which the pension agent himself might do in twenty minutes a day, and for signing the checks the agent received over \$6,600 annually.

Another agent in an adjoining city, after paying all expenses for rent, fuel, &c., received \$84,800 of clear money. There are fifty-eight of these men, and their average salary is over \$7,000 and odd. All the expenses of the Bureau and agencies and the expense to the Government is over 4 per cent., and it could probably be done for 1 per cent. It certainly can be done for half a million less, or probably three-features of a million less, or probably three-features of a million less.

fourths of a million.

These agents are scattered like the roots of a mighty cancer all over the land; they are eating out the vitals of the country; they are planted everywhere, and you will scarcely find a congressional district from which the influence of some such officer does not come; and if his stipend be decreased, he will go to the polls and cut off their votes and defeat the member who has the manhood to attack them. These agents can well afford to spend something for political purposes or to prevent or defeat any act that might be pending. In 1874 an attempt was made by a reforming Congress that seemed to be seized with a temporary spasm of reform to cut off this allowance of thirty cents for each voucher. It was attempted to cut off the payment of this fee at a time when they were costing the Government about \$114,000. The agents came swarming here, made a compromise with that Conto cut off five cents, leaving twenty-five cents still. What a fearful reform that was!

We ask something more radical; we ask that they shall be cut up by the roots, \$4,000 and all, and that twenty men shall do what now costs so much. For that purpose I have introduced this transfer as a part of the appropriation bill, as a retrenchment measure. We say that not only can it be done more economically in this respect, but

there is another aspect of the case to be considered.

There are made upon the War Office and the Surgeon-General's Office each year by the Pension Bureau 56,000 calls for evidence. More than half the work of this Pension Bureau in the adjudication of pension cases is dependent upon the War Office and the Surgeon-General's Office for evidence. Any one who takes up a claim and examines it, can see in a very short time where the evidence comes from and

what it is to be decided upon.

This Pension Bureau, located some quarter of a mile distant, sends fifty-six thousand written calls for evidence to the War Office, or the Surgeon-General's Office. It is easier to ask questions than to answer them. This takes time, besides the writing of one hundred and twelve thousand letters, to transmit the letters backward and forward and to look up the evidence. The greater part of the work done in the adjudication of these pension cases is at this time probably done in the War Office and the Surgeon-General's Office.

The Surgeon-General's Office has but sixty-one employés on this work, and the War Office has but fifty-five, making one hundred and sixteen employés in both Offices. The Pension Bureau has three hundred and ninety-three employes. If you should go down there to-day with a pension claim and ask why they do not act upon it, their response will be, "We are waiting for evidence from the War Office, or the Surgeon-General's Office." That is, three hundred and ninety-three men in the Pension Bureau are made to wait on one hundred and sixteen men in the other two Offices. Now, what well-informed economist would permit such a state of things as that? Would he not put them both under the same head and say that whenever there is any waiting there shall be a redistribution of force, so that each Office should have its proportionate share of workmen? I apprehend the War Office and the Surgeon-General's Office have too small a number of employés for this work. In my judgment there should be an increase of force in the Surgeon-General's Office, sufficient at least to bring up this business.

Here is another thing in reference to this matter. If these officers and employés were in the same Department there would be saved a great deal of unnecessary labor of this kind. For instance, I have here the case of Henry Kilbourn, No. 181643. In this case there were three requisitions for substantially the same evidence, or at least what one single request might have obtained. This case came to my attention casually; I was not looking for it at all; but it came before me in my duties on the committee. In this case the Pension Bureau sent three times for substantially the same evidence. How did that occur? Probably just in this way: Some man writes to inquire why the claim has not been disposed of. It is easier to sit down and fill a blank calling for more evidence than it would be to examine the records and see if the claim was in order for adjudication or not. So the blank is filled, and the additional copy of the roll and hospital record

Now, if this was an isolated case, it is not likely I would have come across it among the few cases that came before me. I went to the Surgeon-General's Office and asked how many such applications in one year were made of that Office. I received in writing the reply that there had been more than thirty-eight hundred, or about 21 per cent. Now, if they were all in the same Department, this would be avoided. There were over thirty-eight hundred applications for evidence made of the Surgeon General's Office. Of the War Office there were many more. Probably in both there were ten thousand cases where applications were made for new evidence, in cases where they already had evidence on record. Therefore, in this respect, we see that this work would be more diligently done if this transfer should be made.

Another instance of lack of diligence. This seems to me to be an instance of flagrant wrong. If it was an isolated instance I would not so strongly insist upon it. But it is in the interest of common honesty and decency that I ask the House to consider another case which I have here. It is the case of John Murphy. The charge made was something like this: That the Pension Bureau, lest it should run out of work, was in the habit of granting a pension below the grade to which the applicant was entitled, in order to compel him to make another application, and thus there would be more cases for the Office to work upon, and thereby the Pension Bureau would be able to keep

to work upon, and thereby the Pension Bureau would be able to keep its full force. That was the charge.

I inquired a little into this case of John Murphy, which it was claimed was one among many of the kind. I refer to this only as an illustration. I have not been able to find to what extent this practice exists; but it exists to some extent, whether with the intent alleged I cannot say. In this case of John Murphy, No. 105481, the man was blind. He sent in his application to the Pension Bureau in 1867. The action of the Bureau was this contaments. man was blind. He sent in his application to the Pension Bureau in 1867. The action of the Bureau was this: September 15, 1870, he was granted a pension of \$15 per month. Prior to that the surgeon's certificate, dated July 28, 1868, is, "Surgeon Randall reports disability total." That is, at the time the pension was granted the surgeon had reported to the Office that the applicant was totally disabled. On the day the pension was granted it seems the man was totally disabled; he was blind, wandering about sightless and in darkness. Very soon after the pension of \$15 a month was granted he receives notice from his attorney to apply for an increase, and he does apply accordfrom his attorney to apply for an increase, and he does apply accordingly; and on the 15th of December, 1870, the grade "total" was again returned. His certificate is then increased in amount to \$20 per month January 11, 1871. But this is not yet the final consummation by any means. It is necessary to call the matter up again, and require this poor blind man again to seek his evidence in darkness. He applies for another increase, and the return "total" is again made. He gets notice to go and apply for an increase; and he gets it every

time. His pension is then raised to \$24 per month. That is on the 4th day of June, 1872. First it is \$15, then \$20, and then \$24.

Now, you would conclude that they had done with this man; that the subject was about exhausted. But no, gentlemen, they were not done by a great deal. They had only just commenced. They then sent out some detective or some other officer of the service; a by some means they reduced his grade. We find that on the 14th of November, 1873, his pension was reduced to \$18 per month. Thus they took another twist at this poor blind man. You might suppose that this was the end of the matter. But it is not. They increase the pension again to \$24 per month. In accordance with a notice dated January 5, 1876, his pension is increased to \$24, commencing September 1, 1875. Thus we see the number of different changes in

this pension from the time of its granting.

Now, Mr. Chairman, ought this thing to be tolerated? Ought an office that performs its work no more diligently and honestly than this be permitted to exist under a Government of American freemen who claim to be honest? I say that something ought to be done; and I have felt it my duty as chairman of the committee to bring the matter to the attention of this House and ask action upon it.

But the business is done negligently in another way. For instance, if you look at the report of the Third Auditor of the Treasury you will find that the amount of money disbursed by this Department to Army pensioners is returned on page 17 as \$29,171,179. You would expect that the return of the Pension Bureau would correspond with that. But it does not. If you look at the return of the Commissioner of Pensions you find that the amount paid to Army pensioners is returned as \$29,162,768. It will be seen that there is a discrepancy of something over \$8,000 in the figures. I do not charge that this is the result of fraud; because I do not intend to charge anything that I am not fully assured of. It may be fraud; it may be negligence. Charitysays, call it negligence; and I am disposed to do so. But negligence of this kind in business matters requires reprobation; and I ask that this House shall award to this Bureau that reprobation which it seems to deserve in this connection.

Let me give you another illustration of a similar character. If you employed an agent who was responsible for the disbursement of a large amount of money, say thirty or forty million dollars, you would expect the accounts to be kept so that you could tell just where each dollar went. The larger the amount to be disbursed the more you would insist upon strict accuracy in its disbursement and in the keeping of the accounts. Now, in the report of the Commissioner of Pensions there is an item of \$2,855,189 disposed of in one single lump and in such a manner that no living man can tell where it has gone, except on his mere ipse dixit, without going over every pension claim paid

within the year.

[Here the hammer fell.]
Mr. RANDALL. I ask unanimous consent that the time of my colleague [Mr. Jenks] be extended.

There was no objection.

Mr. JENKS. In explanation of the item I have just referred to, the Commissioner, in an official communication, makes the following statement:

The difference between the annual amount of the roll, \$26,289.519.59, and the amount disbursed, \$29,683,116.63, is \$3,393,597.04, which is thus explained:

214, 523	
	00
9, 362	04
12,830	39
575	00
51, 291	
-1,744	
2, 885, 189	18
3, 393, 597	04
_	9, 362 12, 830 575 51, 291 1, 086 , 885, 189

H. M. ATKINSON, Commissioner.

Hon. GEORGE A. JENKS, House of Representatives.

In other words, there is an item of \$2,855,189.18, which you cannot find any account of in any book without going over every claim that has been paid. Now I do not call this fraud; there may be fraud in it; but I do not know it; and I do not propose to assert it. But I do sert that there is negligence in it, negligence of the most flagrant character, that demands attention at our hands. I might extend these illustrations of negligence almost beyond limit.

But there is something even worse than this. There has been a But there is something even worse than this. There has been a steady growth in the expenses of this Bureau from the time it did its most efficient work until the present time. For instance, in 1866 this Bureau granted about fifty thousand original pensions. In that year the Bureau, from the best information I can get, was working honestly and well. Last year it granted what would be equivalent to 12,800 or 13,000 original pensions. In saying "equivalent" I mean this: An increased-pension claim is not so laborious to adjudicate as an original claim. From the best information I can get, a person an original claim. From the best information I can get, a person can adjudicate from eight to fifteen increased claims to each original claim. I take the lowest-estimate and divide the number of increased claims by eight; adding the result to the number of original claims, the amount is 12,800 adjudicated this year.

The number of clerks employed this year was four hundred and twenty, that is during the year ending 30th of June, 1875. The number of clerks employed in 1866, when fifty thousand claims were adjudicated, was one hundred and seventy-five. That is, the labor has diminished in inverse ratio, and the force has increased proportionally. This being so would need explanation. It is capable of some explanation in this way, that the claim to be adjudicated as you get further away from the time of the occurrence of an event causes more labor because it takes more evidence to do the work. You have to call two witnesses to prove a fact when at an earlier time perhaps one would do. That will explain some portion, but not one-fifth or one-tenth of the discrepancy, so that we must conclude there is a great deal of waste of labor in this Bureau. I called the chief clerk, and inquired of what use was the finance department consisting of forty-eight, and he said that if the Third Auditor of the Treasury was up with his work there would be no necessity for continuing it.

Now, there are barnacles fastened on this machine all over. It has been used as the place in which the politician might put his protégés when they came here after he had been elected to Congress. This is

all wrong, and should be obviated by this Congress

But there is another view than this. I wish to call the attention of the House to the appropriations for different years. There has been a steady increase in the expenses of this Department in this wise: The appropriation of 2d of March, 1865, for this Bureau was \$237,920; onthe 23d of July, 1866, it was \$236,340, and on March 2, 1867, it was on the 23d of July, 1866, it was \$236,340, and on March 2, 1867, it was \$257,920. It still goes up from this on, as a rule. The next year there was a presidential election, and if you were looking out right sharp for things you might expect for that year the appropriation would be increased, and in that expectation you would not be disappointed. The next year the appropriation for this Bureau was \$349,240, an increase of nearly \$100,000! That may have no significance, and it may have a good deal. I am saying this not for any purpose to attack the republican party, but to attack its extension as a political office, and to maintain the principle that this is an office which should not be to maintain the principle that this is an office which should not be used for political purposes either by the republican or democratic party. If it is so used, then let us withdraw it as soon as possible from any such temptation at least.

The appropriation for this Bureau continued to increase until for the last year it amounted to \$529,580. This constant increase of ap-propriation requires consideration at our hands. When there is less work done there are more employes, and with an appropriation more than doubled, is it not the duty of the House to inquire whether this Bureau is where it should be or not? I ask you to consider it hon-

estly as men, and not as politicians.

There is another feature to which I wish to call the attention of the House, which seems to me to be a most flagrant violation of law by this Bureau. The indications so far have been cases of negligence, but what I am now coming to is fraud—nothing more and nothing less than embezzlement under the statute—and that is the misappropriation and diversion of a public fund from the purpose for which it was granted to another and different purpose. John Stiles was called before the Committee of Invalid Pensions and testified that he had been employed in the service of the republican congressional committee that the purpose is the proposed for the committee of the republican congressional committee. mittee during the summer and had been paid out of the pension fund. This substantially was his evidence. Mr. Atkinson, the Commissioner of Pensions, testified that William Caffrey and others who had been employed by the republican congressional committee had also been paid out of the invalid-pension fund. This is diverting a public fund from the purpose for which it was appropriated, and the statute says from the purpose for which it was appropriated, and the statute says this shall be visited with punishment of not less than one year in the penitentiary. But this is not the worst of it. If this were all, and there were nothing more, it might be passed over on the principle deminimus in law. But it is a custom, and is proved to be a custom by the late Courmissioner of Pensions himself. In his testimony, page 8, he stated that he understood from all parties that this was the custom—that he did it on that principle. Embezzlement a custom! A crime visited with penal servitude of one year in the penitentiary become a custom! The people groaning under the burden of taxation and diversion of a public fund from its proper purpose for party purposes! If this be a custom, is it not our duty to see that that custom poses! If this be a custom, is it not our duty to see that that custom shall cease? It has become so customary indeed that the party who gave the testimony scarcely conceived that he had done any wrong. He has been guilty of an act, it is true, which at law amounted to embezzlement, and yet did not in his testimony seem to be aware that he had perpetrated any wrong. It is an outrage that ought not to be longer tolerated. I now send up to the Clerk to be read a letter which came before me casually, showing the necessity in this Office that the officers paid out of its fund shall do only the work of the office.

The Clerk read as follows:

FULTON, OSAGE COUNTY, NEW YORK, September 26, 1875.

Fulton, Osage County, New York, September 26, 1875.

Dear Sir: Yours of September 22, 1875, is received, together with letter and blanks from the Commissioner's Office at Washington.

Now in regard to these blanks, that is for proof of marriage, and medical testimony, showing the date and cause of the soldier's death, his condition from time of his discharge, and the origin of his disease; they have all been filled out according to request and sent, and most of them two or three times over; and why this poor widow should be compelled to go to all of this extra trouble and expense to furnish it all over again I am certainly at a loss to conceive.

This seems to be truly a hard case. The soldier was sick and blind for years, which fact has been repeatedly shown to the pension officers, and the fact was at the same time shown that his ailments were brought on by his services in the Army, and so acknowledged by the Pension Department; and while in this condition he had to be cyried about from nearly one end of the State to the other repeatedly to obtain the testimony necessary to establish his claim, so that he might get something to enable him to procure proper medical aid and food and raiment to subsist upon. And the Pension Office acknowledged the receipt of his papers, and that they were correct, and that his claim was just. But they have still withheld his pension and allowed him to barely subsist upon town support and the charity of the neighbors, and, lastly, to die from actual want of proper medical attendance and the common necessaries of life. And now his widow asks for the portion the law allows her, and has sent all of the proofs necessary to establish her claim, and that too at considerable expense and trouble; and she has no more than sent them before she is required to furnish the same right over again, word for word. She has endured in this matter in the way of trouble and expense all furnish the exact same proofs which she has already furnished; and if she were able, I cannot see for the life of me

me that the Commissioner should at once either tell her that there is nothing for her—that is, that the Government is ungrateful for the services of her soldiers—or at once allow her claim and pay it. These few remarks, my dear sir, are submitted in kindness and without any intentional disrespect.

And now will you have the kindness to present this matter at Washington in its true light, and as soon as possible transmit to me the results?

Respectfully, yours, &c.,

J. D. BROWN,

WILLIAM E. PRESTON.

Mr. JENKS. The widow pleads her cause while the fund that is provided by law to pay the officers of the court to grant her relief is appropriated by custom for party purposes. In the early winter, in one of the dailies, my eye caught an item somewhat like this: "The one of the dailies, my eye caught an item somewhat like this: "The attention of a policeman this morning was attracted by the wailing of a child in a dilapidated tenement, to which he went, and upon the floor sat a sobbing child about eighteen months old, cold, and alone by the side of its dead mother. A post moviem examination developed the fact that she had no food in her stomach. She had died of starvation." Perhaps she was the wife of one of the boys in blue who attested his patriotism by his life's blood. If she was not, hundreds and perhaps thousands of parallels are awaiting the action of this tribunal.

on the street-corners the cripple stands and holds out the hat; he must beg or die. While he stands begging, around the fund a grateful nation has provided for his relief every obscene bird of corruption gathers. Shall this continue? Common decency demands it shall cease. If embezzlement must exist as a custom, (which God forbid,) let it fasten upon some other fund than this. This is the poor remuneration of the deceased, the pay of the mutilated soldier, the price of the blood of patriot heroes, "whose blood, so holy is it, would not stain the purest rill that sparkles among the bowers of bliss." Let the vile hands of corruption at least refrain from its pollution. May that which a nation's faith and gratitude have appropriated to the perfect purpose reach the worthy claimants of the nation's instands.

beneficent purpose reach the worthy claimants of the nation's justice and bounty undelayed, undiminished. By a transfer to the War Office this political defilement would be avoided.

Another suggestion is not unworthy of consideration. From the very nature of our institutions a large standing Army is obnoxious, and yet, until that period shall arrive at which every man will be a law unto himself, an Army is necessary. We, with propriety, maintain a Military Academy to educate the officers. These educated officers should not be lost to the nation. Employment should be provided for them; so that our Army, which in time of peace should only be a nucleus, should have a frame-work of skilled commanders, so that it may on any sudden emergency expand to meet any contingency. This change will enable the Government to retain those who have been educated at the public expense. These, with many other considerations, lead us to the conclusion that greater efficiency, purity, and economy will be maintained in this service by its transfer. Indeed, there is reason to fear that to a very great extent these considerations are largely forgotten in the Department of the Interior. From its conduct one would be almost led to suppose the great truth that the Department is but an agent of the people is not regarded. Officers' salaries and emoluments are disposed of with a hand more prodigal than that with which even the spendthrift would scatter his stores. Let there be a return to the days of primal simplicity and frugality. Let it be known the Government and its offices are not made or maintained for the benefit of office-holders and hangers-on, but for the

general good.

I ask for this subject your thoughtful consideration. I beg that all considerations of party or patronage may be forgotten. This bill provides for the removal on the 1st of July, 1877. Neither democrat nor republican can say now whether it is his own patronage he is diminishing or that of his competitor for popular favor. I believe the change to be right, and upon the broad principles of right and wrong I desire it shall be determined. I ask this in the name of the aged veteran who followed the chivalric Scott at Lundy's Lane, or the heroic Jackson at New Orleans, whose palsied limbs now tremble on the brink of the grave. In the name of the disabled heroes of Buena Vista and Cerro Gordo, I ask it. In the name of the boys in blue, who on the long, weary march, in the crowded hospital, on scores of battle-fields, amid the death-dealing storms of war, with their lives and blood sealed their devotion to their country and her flag, I ask it. It is my hope and trust that this subject should receive such consideration as will enable us to act upon it in an enlightened, conscientious, and states-

man-like view.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker pro tempore, Mr. TURNEY reported that the Com-mittee of the Whole on the state of the Union had, according to order, had under consideration the special order, a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced the passage of a bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United

States," approved May 10, 1872, with amendments, in which the concurrence of the House was requested.

It further announced the passage of a bill (H. R. No. 1962) to confirm certain school-indemnity selections of public lands by the State of Nebraska, without amendment. It further announced the passage of the following bills; in which

the concurrence of the House was requested:

An act (S. No. 391) to authorize the Secretary of War to purchase parcel of land on the island of Key West, Florida; An act (S. No. 401) to incorporate the Citizens' Building Company

of Washington;

An act (8. No. 384) for the relief of Mrs. Eliza Potter, widow of orenzo T. Potter, deceased, late of Charleston, South Carolina; An act (8. No. 333) for the relief of Major Foster A. Hixon, late a

paymaster in the Army;
An act (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantry;
An act (S. No. 561) for the relief of Major Junius T. Turner; and
An act (S. No. 575) for the relief of Charles E. Hovey.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Walling for one week on important business, and to Mr. Meade for six days from the 16th instant on account of important business.

#### LAWS RELATING TO POST-OFFICE DEPARTMENT.

Mr. LUTTRELL, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back, as a substitute for House bill No. 1304, a bill (H. R. No. 2684) to amend section 251 of an act to revive, consolidate, and amend statutes relating to the Postact to revive, consolidate, and amend statutes relating to the Post-Office Department, approved June 8, 1872, as amended by the twelfth section of an act entitled "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1875, and for other purposes," approved June 23, 1874; which was read a first and second time, ordered to be printed, and recommitted to the Committee on the Post-Office and Post-Roads, with leave to expect the control of the report at any time.

## PROMOTION OF NON-COMMISSIONED OFFICERS.

Mr. FAULKNER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be requested to inform this House whether the act of the 4th of August, 1854, and since incorporated in the Revised Statutes, section 1214, has according to the true intent and meaning of said act been carried into effect by the promotion of non-commissioned officers of the Army to appointments as commissioned officers in any corps of the line for which-they may have been found qualified, and, if so, to state to what extent that provision has operated to the promotion of non-commissioned officers, and what, if any, has been the effect upon the service of such promotion.

Mr. FAULKNER moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MORRISON. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned.

## PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. CANNON, of Utah: Memorial of John Van Cott and Samuel

Malvin, for indemnification for losses sustained by reason of the encampment of United States troops on their wheat-fields, to the Committee of Claims.

mittee of Claims.

By Mr. FROST: Petition of Isaac Fenno & Co., and other merchants of Boston, Massachusetts, for amendments to the bankrupt law, to the Committee on the Judiciary.

Also, petition of E. R. Mudge, Sawyer & Co., and other merchants of Boston, Massachusetts, of similar import, to the same committee.

By Mr. HOOKER: Petition of Mrs. Nancy Wells, for compensation for supplies furnished United States Army, to the Committee on War Claims

By Mr. HOPKINS: Papers relating to the claim of Nancy G. Miller for occupancy of and damage to her property adjoining the site of Camp Howe, near Pittsburgh, Pennsylvania, to the Committee on

War Claims.

By Mr. HUNTON: Claim of William C. Beckley, for compensation for supplies furnished the United States Army, to the same committee.

By Mr. JENKS: Memorial of Elizabeth Bowers, for a pension, to the Committee on Revolutionary Pensions.

By Mr. KELLEY: Petition of citizens of Philadelphia, Pennsylvania, for the repeal of the resumption set, the acceptance of level.

nia, for the repeal of the resumption act, the acceptance of legaltenders in payment of all dues to the Government, the substitution of legal-tenders for national-bank notes, and protesting against the imposition of duties on tea and coffee, to the Committee on Banking and Currency.

By Mr. KIDDER: Petition of J. Noland and 43 others, of Dakota Territory, for relief from irregular surveys of public lands, to the Committee on Public Lands.

By Mr. LAPHAM: Resolutions of Importers and Grocers' Board of

Trade, of the city of New York, for an early resumption of specie payments, to the Committee on Banking and Currency.

Also, papers relating to application of Lewis E. Winans, for a pension, to the Committee on Invalid Pensions.

By Mr. MacDOUGALL: Petition of Slocum Howland and 62 others,

that the Constitution be so amended as to allow a direct vote of the people for President and Vice-President, to the Committee on the Ju . ciary.

By Mr. SWANN: Memorial of Henry W. Maid and others, for the equalization of the bounties of soldiers who served in the late war for the Union, to the Committee on Military Affairs. By Mr. WHITE: Petition of 121 soldiers of the Fourteenth Ken-

tucky Cavalry, for \$100 bounty, deducting amounts heretofore received, in accordance with the terms of enlistment; and also, that the provisions of the general pension laws be extended to the widows and orphans of the deceased soldiers of said regiment, to the Committee on Invalid Pensions.

By Mr. WILLIS: Petition of Bernard McKiernan and several hundred others, for the passage of a law prohibiting traffic and monopoly in public land, to the Committee on Public Lands.

# IN SENATE.

# THURSDAY, March 16, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved.

ADJOURNMENT TO MONDAY.

Mr. ANTHONY. The Senate does not seem to be pressed with business, and, what is a singular fact, we adjourned at two o'clock yesterday. There is a great deal of business to be done in committee and a great deal of Department business. I therefore move that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

## PETITIONS AND MEMORIALS.

Mr. CONKLING presented the memorial of Balch, Price & Co., J. and W. Burroughs, and other leading business men of the city of Brooklyn, New York, remonstrating against the repeal of the bankrupt law, and praying for its amendment; which was referred to the Committee on the Judiciary.

He also presented the memorial of Ovington Brothers, E. Lewis, E.

D. Burt & Co., and other leading merchants of the city of Brook-lyn, New York, remonstrating against the repeal of the bankrupt law, and praying for its amendment; which was referred to the Com-mittee on the Judiciary.

He also presented the memorial of James H. Pillinger, Kenyon & Newton, and other leading business men of the city of Brooklyn, New York, remonstrating against the repeal of the bankrupt law, and praying for its amendment; which was referred to the Committee on the Judiciary.

He also presented the petition of Mary M. J. Frank, widow of Paul Frank, late colonel Fifty-second New York Volunteers, praying to be allowed a pension; which was referred to the Committee on Pen-

He also presented the petition of Mary Ann Lynch, orphan child of James Lynch, late a private in Company A, Sixty-seventh Regiment New York Volunteers, praying to be granted arrears of pension; which was referred to the Committee on Pensions.

He also presented resolutions adopted by the Importers' and Grocers' Board of Trade of New York, favoring an early resumption of specie payments and opposing all measures looking toward a further inflation of the currency; which were referred to the Committee on

He also presented resolutions of the Board of Commissioners of Pilots of New York, protesting against the proposed amendment to Senate bill No. 373, to promote the efficiency of the light-house service of the United States; which were referred to the Committee on

Mr. WINDOM presented a joint resolution of the Legislature of Minnesota, in favor of requiring the Indian Department to keep the various bands of Chippewa Indians on their reservation; which was

referred to the Committee on Indian Affairs.

Mr. BOUTWELL presented the petition of Timothy Newhall, praying remuneration for an invention to protect life upon steamships;

which was referred to the Committee on Claims.

Mr. WALLACE presented a petition of the Captains' and Vessel-Owners' Association of Philadelphia, praying for the abolition of the system of compulsory pilotage; which was referred to the Committee on Commerce.

He also presented two petitions of soldiers of Pennsylvania, praying for a general bounty law; which were referred to the Committee

on Military Affairs.

Mr. JONES, of Florida, presented the petition of Lovel Moore, praying compensation for services as a soldier in the Army of the United States during the war of 1812; which was referred to the Committee on Military Affairs.

He also presented a petition of the mayor and board of aldermen of Milton, Florida, praying for a contribution of public documents and books for a public library in that town; which was referred to the Committee on Education.

Mr. McMILLAN presented a joint resolution of the Legislature of Minnesota, in favor of the passage of an act by Congress, granting pensions to the officers and privates of the Minnesota State militia who were disabled in the Indian massacre of 1862; which was re-

ferred to the Committee on Pensions.

He also presented a joint resolution of the Legislature of Minnesota, in favor of the establishment of mail-routes from Brown's Valley post-office to North Island Settlement, on Lake Traverse, and from Brown's Valley post-office to Ortonville, on Big Stone Lake; which was referred to the Committee on Post-Offices and Post-Roads.

### PUBLICATION OF DEBATES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to whom were referred three resolutions touching the printing of the reports of the debates of Congress in the Congressional Record, (one recommitted and two original,) to report them back and ask to be discharged from the consideration of the first two, and to report the third with an amendment.

The PRESIDENT pro tempore. The committee will be discharged from the further consideration of the first two resolutions, if there be no objection. The third resolution will be reported and placed on

the Calendar.

The CHIEF CLERK. The Committee on Printing report the resolution with amendments which, if agreed to, will make the resolution read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the proceedings and debates of the two Houses of Congress shall be printed in the Congressional Record as actually taken down by the official reporters, (excepting grammatical errors, which may be corrected,) and shall be furnished to the printer in season for the number of the Record to be issued next after the day of such proceedings and debates.

The PRESIDENT pro tempore. Does the Senator from Rhode Island ask for the present consideration of the resolution?

Mr. ANTHONY. I do not ask its present consideration, for I suppose, as it created some discussion when up before, it will be debated

Mr. CONKLING. Let the resolution be read again.

The Chief Clerk again read the resolution.

The PRESIDENT pro tempore. The resolution will be placed on the Calendar and printed.

## REPORTS OF COMMITTEES.

Mr. HAMLIN. The Committee on Post-Offices and Post-Roads, to whom were referred a resolution of the Legislature of Wisconsin, in favor of increased mail-service on a route therein named; a resolution of the Legislature of California, in favor of increased mail-service on two routes therein named; a resolution of the Legislature of Wisconsin, in favor of additional service upon a route therein named; and numerous petitions, praying for the establishment of post-routes, have directed me to report them back and ask to be dis-

named; and numerous petitions, praying for the establishment of post-routes, have directed me to report them back and ask to be discharged from their further consideration. These resolutions and memorials ask for increased service, and that is a matter of administration belonging exclusively by law to the Post-Office Department.

The PRESIDENT pro tempore. The committee will be discharged from the further consideration of the memorials.

Mr. HAMLIN. The same committee, to whom were referred the bill (S. No. 262) to establish a mail-route therein named; the bill (S. No. 306) to establish certain post-roads; the bill (S. No. 310) in regard to postal routes; the bill (S. No. 328) to establish a mail-route in the State of Oregon and Idaho Territory; the bill (S. No. 357) to establish certain mail-routes in California; the bill (S. No. 357) to establish certain post-roads; the bill (S. No. 364) to establish a certain mail-route in West Virginia; the bill (S. No. 344) to establish a post-route; the bill (S. No. 449) to establish eertain post-roates; the bill (S. No. 451) to establish a certain post-route; the bill (S. No. 474) to establish a post-route in the State of Arkansas; the bill (S. No. 501) to establish certain post-routes in the State of Wisconsin; the bill (S. No. 503) to establish a post-route; the bill (S. No. 505) to establish certain post-routes; the bill (S. No. 512) to establish a post-route in Texas; the bill (S. No. 515) to establish certain post-route in the State of Arkansas; the bill (S. No. 512) to establish a post-route in the State of Florida; the bill (S. No. 521) to establish a post-route in the State of Florida; the bill (S. No. 581) to establish a post-route in California; the bill (S. No. 581) to establish a post-route in California; the bill (S. No. 582) to establish a post-route in California; the bill (S. No. 582) to establish a post-route in Texas; the bill (S. No. 595) to establish a post-route in Texas; the bill (S. No. 595) to establish a post-route in Texas; the bill (S. No. 595)

to whom was referred the bill (H. R. No. 2262) establishing post-roads,

reported it with amendments.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2312) granting a pension to Nicholas Strite,

submitted an adverse report thereon; which was ordered to be printed,

and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 2294) granting a pension to Gilbert Reed, late a second lieutenant in the Eleventh Tennessee Cavalry, submitted an adverse report thereon; which was ordered to be printed, and the bill was

He also, from the same committee, to whom was referred the bill (H. R. No. 1580) granting a pension to Almon P. Graves, reported it

without amendment

Mr. HITCHCOCK, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 258) to amend the charter of the Capitol, North O Street and South Washington Railway Com-

pany, reported it without amendment.

Mr. HAMILTON, from the Committee on Pensions, to whom was referred the petition of George N. Barber, late private in Company G, Fourteenth Regiment New York Volunteers, praying to be allowed a pension, reported adversely thereon and asked to be discharged from its further consideration; which was agreed to.

from its further consideration; which was agreed to.

He also, from the same committee, to whom was referred the bill (H. R. No. 2297) granting a pension to Jane N. Willard, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. BOOTH, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2298) granting a pension to Emma A. Tuttle, widow of Charles H. Tuttle, late a private in Company I, Twenty-seventh Ohio Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1811) granting a pension to Fannie E. Records submitted

(H. R. No. 1811) granting a pension to Fannie E. Records, submitted

an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 682) granting a pension to Morris Dwight, submitted an adverse report thereon; which was ordered to be printed, and the bill

was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Joseph A. Kelting, praying to be allowed a pension, submitted an adverse report thereon; which was agreed to, and ordered to

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2305) granting a pension to Melville H. Hudson, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

## BILLS INTRODUCED.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 605) for the relief and re-appointment of Captain Thomas B. Hunt, assistant-quartermaster in the United States Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 606) to establish the Territory of Pembina, and to provide a temporary government therefor; which was read twice by its title, referred to the Committee on Territories, and ordered to be

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 607) for the relief of Eliza Howard Powers; which was read twice by its title, and, together with the accompanying papers, referred to the Committee on Pensions.

## GOLD AND SILVER.

Mr. BOUTWELL. I submit the following resolution for present action, if there is no objection:

Resolved. That the Secretary of the Treasury be directed to furnish the Senate with a statement of the product of gold and silver in the United States from the year 1850 to the year 1875, inclusive; also, a similar statement for the same period of time of the product of gold and silver in other parts of the world; also, an estimate of the amount of gold and silver coin and bullion in the United States at the present time.

The resolution was considered by unanimous consent.
Mr. DAVIS. Do I understand that the resolution calls for the product per annum of gold and silver in the United States?
Mr. BOUTWELL. For each year from 1850.
Mr. DAVIS. Does it so read?
The PRESIDENT pro tempore. It does not so state.
Mr. BOUTWELL. Then I move to insert the word "annual," so

as to read "annual product of gold and silver in the United States from the year 1850."

The amendment was agreed to.
Mr. COCKRELL. I suggest as an amendment that the statement commence with the year 1845 instead of 1850. To that I think there will be no objection.

Mr. BOUTWELL. Very well; I have no objection to that.

The PRESIDENT pro tempore. That amendment will be made, if

there be no objection.

Mr. THURMAN. I suggest another point which the resolution does not embrace, and that is, that it state the annual import and export of gold, how much comes into the country and how much goes out. Of course by import I mean to include, as far as possible, all

that is brought in by persons coming to this country, and by export all that which goes out. I am under the impression that some such report was made several years ago.

Mr. BOUTWELL. I will not object to that amendment, but the last inquiry relative to the quantity of gold and silver coin and bullion in the United States at the present time will present the result. The imports and exports are processes affecting the result, which will be taken into account by the Director of the Mint in making up this statement under the third head of the resolution. However, if the Senator from Ohio thinks it important to know the progress of the trade in bullion, I do not object to the amendment he suggests. What we want is the result of both processes.

Mr. SHERMAN. I will state to my colleague that, if he will look Mr. SHERMAN. I will state to my colleague that, if he will look at the last finance report or any one of those reports for the last six years, he will find appended a table which gives not only the exports but the imports for each year since the foundation of the Government of both gold bullion and other bullion. There are regular tables attached to the finance report which contain that information. However, if my colleague would like to have it in this form, I suppose there will be no objection.

Mr. THURMAN. I said that my impression was that I had seen such a report. The reason I desire the information is that I am of onlying

a report. The reason I desire the information is that I am of opinion that a very great error exists in the public mind on this subject. There are a great many people who think that whenever there is a balance of trade against us it is all paid in gold. It is not forty-eight hours since I heard a very wise gentleman state that two hundred millions since I heard a very wise gentleman state that two hundred millions of gold were exported from this country every year to pay the balance against us. I am under the impression that the entire amount of gold ever exported from this country in any one year is only a little over \$60,000,000, and that there is nothing like that as the average annual export of gold. If the tables are in the finance report mentioned by my colleague and if the facts are there, I do not desire to encumber the resolution with any further amendment.

Mr. DAVIS. My impression is that the idea of the Senator from Ohio [Mr. Thurwax] is one which would be of great service. Prob-

Ohio [Mr. THURMAN] is one which would be of great service. Prob-Ohio [Mr. Thurman] is one which would be of great service. Probably the tables referred to do not contain the estimated amounts of exports and imports, although I am sure they contain the production and the amount in the country. At any rate, this information would be coupled with the rest and be easy of reckoning and easy of access. Therefore I think it would be well to include the annual import and export of gold. If the information is contained in the tables appended to the finance report, as the Senator from Ohio nearest me [Mr. Sherman] thinks it is, it would only involve the refurnishing of it on this sheet, and it would be a matter of general information.

SHERMAN] thinks it is, it would only involve the refurnishing of it on this sheet, and it would be a matter of general information.

Mr. SHERMAN. I said before that I had no objection to it if Senators wanted it, but as a matter of course our regular table of imports and exports shows for every year the amount of imports of gold and silver, just like any other import or export. Those tables are furnished to us and laid on our desks every year. There is one table attached to the finance report which contains a résumé for every year since the foundation of the Government. But I have no objection to including this information; and I think it would be just as well to have the information from the tables put on this paper in order to furnish not formation from the tables put on this paper in order to furnish not only the gold production but the amount of gold passing between this and foreign countries. Therefore I have no objection to the amendment

Mr. MORRILL, of Vermont. I merely desire to say that the tables of the exports and imports of gold and silver will not be entirely accurate, for all or nearly all the gold that is carried abroad in the pockets of travelers fails to be entered at the custom-house, and large amounts are taken from the United States into the Canadian Dominions for the purchase of stock, of which no account is taken. Therefore any tables that we may have will not be entirely accurate.

Mr. DAVIS. However, it can be estimated, as it has been hereto-

Mr. MORRILL, of Vermont. It is not estimated at all.
Mr. WALLACE. I suggest to the Senator from Massachusetts that
what the country wants to know is not so much the amount of gold
in the country as the amount of gold in the Treasury over and above
the present demands upon that gold; and if he will so amend his
resolution I think it will be more satisfactory.
Mr. BOUTWELL. I object to including that in this resolution. I
am not seeking for the condition of the Treasury, but for the condition of the country with reference to the product and sunly of gold

tion of the country with reference to the product and supply of gold and silver. The question how much there is in the Treasury can be ascertained by looking at the debt statement for the first of the

present month.

Mr. WALLACE. Could not that just as well be ascertained in mak-

ing this examination? Let us know the quantity in the Treasury.

Mr. BOUTWELL. I prefer that some other gentleman should introduce a resolution on that subject if the Senate desires to ascertain that fact. Let the resolution be read as it now stands modified. The Chief Clerk read the resolution as modified, as follows:

Resolved, That the Secretary of the Treasury be directed to furnish the Senate with a statement of the annual product of gold and silver in the United States from the year 1845 to the year 1875, inclusive; also, the annual import and export of gold and silver from the beginning of the Government to the present time; also, a similar statement for the same period of time of the product of gold and silver in other parts of the world, and also an estimate of the amount of gold and silver coin and bullion in the United States at the present time.

Mr. BOUTWELL. The introduction of the second amendment has disturbed the connection, and therefore in the third clause as to the product in the other parts of the word the language should be, "from 1845 to 1875 inclusive."

The PRESIDENT pro tempore. The resolution will be so modified.

Mr. CAMERON, of Pennsylvania. I should like to hear the resolu-

tion again read.

The PRESIDENT pro tempore. The resolution will be again read.

The Chief Clerk read as follows:

Resolved. That the Secretary of the Treasury be directed to furnish the Senate with a statement of the annual product of gold and silver in the United States from the year 1845 to the year 1875, inclusive; also the annual import and export of gold from the beginning of the Government to the present time; also a similar statement of the product of gold and silver in other parts of the world from the year 1845 to 1875, inclusive; also an estimate of the amount of gold and silver coin and bullion in the United States at the present time.

Mr. CAMERON, of Pennsylvania. I should like to hear the amendment of my colleague.

The PRESIDENT pro tempore. It was not reduced to writing and

not accepted.

Mr. WALLACE. It was not accepted. I suggested that the prop osition the country wanted to consider was, not the quantity of gold that has passed through our hands, but where is the actual amount of gold in the Treasury beyond the demands thereon. That is the pertinent question, it seems to me, for the Senate, and I move to amend the resolution, therefore, by adding some such words as these:

Also to show what the amount of gold in the Treasury is at this date, after deducting the actual demands thereon.

Mr. CAMERON, of Pennsylvania. That is more important, I think, than all the rest of the resolution; and if my colleague had not made the motion, I should move the amendment myself. I desire now to the motion, I should move the amendment myself. I desire now to know, and I think the whole country does, how much gold we have in the Treasury, how much we can rely upon when we compel the banks of the country to resume specie payments. That is the practical question. The rest is that sort of information which any man can get in an hour or two by going around the Departments. What we want to know now is how much we can depend upon when the day comes and the moment arrives when the whole business of this country is to be changed by the operations of the Treasury. I want to know especially how much gold we have got to-day or had last week, if you choose; and then we can judge how much we shall have next year, or the year following, or the year succeeding-1879-when resumption is

to take place.

Mr. THURMAN. I have no objection to the amendment suggested by the Senator from Pennsylvania, although I believe precisely that question has been answered by the Secretary of the Treasury, in compliance with a resolution of the House of Representatives at this session; but it will cost very little trouble to repeat it in this document,

and make it as complete as possible.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Pennsylvania on the right of the Chair [Mr. WALLACE] will be reported.

The CHIEF CLERK. It is proposed to add to the resolution the fol-

Also, that he state what amount of gold will be in the Treasury after deducting to present demands thereon.

Mr. EDMUNDS. There will not be any, because all the greenbacks are a present demand.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Pennsylvania.

The amendment was agreed to.

Mr. THURMAN. I rise simply to correct a statement which I made
a moment ago, and which might be misunderstood. I said that it was my impression that the export of gold in no year had much exceeded sixty millions of dollars. I meant, of course, after deducting the import of gold. I believe, to speak more accurately, that the export over and above the import has reached as high as \$71,000,000. I think that is the highest amount. Of course I deduct from the export the import, and speak only of the balance.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution, as amended, was agreed to.

## PERSONAL EXPLANATION.

Mr. ALLISON. I move to proceed to the consideration of the bill

Mr. Allison. I move to proceed to the consideration of the oni (S. No. 590) providing for an agreement with the Sioux Nation in re-gard to a portion of their reservation, and for other purposes. Mr. CAMERON, of Pennsylvania. Before that motion is put I de-sire to have a letter read, which I think is a privileged question. Mr. MORTON. I have no objection to taking up the bill named by the Senator from Iowa, but will ask the Senate to take up the special ander the bill in regard to counting the electoral votes which by order, the bill in regard to counting the electoral votes, which by unanimous consent was to come up at one o'clock.

The PRESIDENT pro tempore. That bill will not be displaced. It was made the special order for one o'clock.

Mr. CAMERON, of Pennsylvania. What I have risen to is I believe

a privileged question,
The PRESIDENT pro tempore. The Senator from Pennsylvania asks for the reading of a paper as a privileged question. It will be read. The Chief Clerk read as follows:

[Special dispatch to the Chicago Tribune.] PRIVATE SECRETARIES.

WASHINGTON, D. C., March 12.

Washington, D. C., March 12.

The New York Mercury announces, in its letter from this city, that a large number of prominent Congressmen have private secretaries who are paid by the Government under various pretexts. It says:

"Your correspondent also learned that a young man on the pay-roll of the Treasury Department at the rate of \$2,000 a year has, for nearly two years, been detailed, as private secretary to Senator Cameron. He does nothing else; is never at the Treasury except when drawing his salary; and in this way the people of the United States are taxed to pay for the private secretary to a Senator who, more than any other, can afford to have one for himself. There are other Senators who are favored in the same way. The private secretary of Senator West, of Louis'ana, is a clerk in the War Department. Another young man from the Indian Bureau fills the same position for Senator West, of louis, and another from the War Department is secretary for Senator West, of Indian Bureau fills the same position for Senator Wash, of Illinois. All these men are paid by the Treasury, though they perform no public service. Secretary Bristow knows it, yet he declines to interfere."

Mr. CAMERON, of Pennsylvania. Mr. President, during the entire period of my service in the Senate this is the second time that I have risen to a personal explanation. I desire only to say that, so far as I am concerned, the statement just read is unqualifiedly false. I have never allowed a clerk in any of the Departments to write anything for me. Sometimes in their kindness to me clerks who belong to Pennsylvania have offered to assist me in my correspondence; but I

have always refused such offers. All my writing is done by myself or a private secretary paid by myself.

I have for long years lived within my own income. I have always felt that a man who does not spend more than his income in any one year will not be under obligations pecuniarily to anybody; and I have acted on that rule. That rule will go a little further, and keep men from doing wrong things. The man or woman who will dress beyond his or her means, or who will buy diamonds without money to pay for them, will always be in trouble or in danger of getting into trouble. I have never got into that trouble I have had nothing to do with jobs. I have never purchased a dollar's worth of property in the District of Columbia amid all the temptations I have had in thirty years to do so; and I have never allowed anybody to buy any for my I have never had any connection pecuniarily with anybody in this Government, or in this District, or anywhere else. In short, Mr. President, I always attend to my own business; I think it is better done in that way.

Mr. WEST. Mr. President, I believe my name is the next one men-

tioned in that category. [Laughter.] I will only say in regard to it that, if that correspondent will furnish me the name of that young

man I will order him to report to-morrow morning at nine o'clock for duty. He has never presented himself yet.

Mr. ALLISON. I think it due to my colleague, [Mr. WRIGHT,] whose name I see mentioned there, and who is necessarily absent from his seat in the Senate to-day by illness, that I should say that there is not one word of truth in that statement so far as it applies to him.

Mr. LOGAN. I am not in the habit of rising to personal explanations in the Senate; but inasmuch as my name is mentioned in this article and it is brought before the Senate, I will take this occasion to say that it is an infamous lie, and it is only a part of the infamous to say that it is an infamous lie, and it is only a part of the infamous lies that have been sent from this city of Washington about me for the last four months in reference to everything that could be imagined. They are wholesale lies, and that is about all that the class of persons who are engaged in Washington City in sending these things write. I never had a private secretary detailed from any Department in my life. I do my own writing. There is a clerk to my committee who is paid like other committee clerks; and he does not belong to the War Department or to any other Department, but came here with

me from Chicago, a private citizen, to act as clerk to my committee. That is all the clerk I have or have ever had, and he is the clerk of

the Committee on Military Affairs.

Mr. EDMUNDS. I think if we devote ourselves to responding to all the falsehoods that are stated about this body and about men engaged in public affairs there will be no time to legislate at all, because the newspapers are published daily all over the country and they can furnish occupation, and constant occupation, if we engage in the business of feeling obliged to get up every time a lie is told and say it is not so. I am reminded of that especially in this connection, for I find lying on the desk of my friend at my side a paragraph in the Baltimore Gazette, which sets forth:

graph in the Baltimore Gazette, which sets forth:

It is now pretty definitely ascertained that the Administration has urged its friends in the Senate to resist by every possible means the passage of the act passed by the House for the protection of witnesses who testify before congressional committees. The effort to secure its defeat in the Senate will be headed by CONKLING, who has been engaged for several days in looking up authorities to support his side. Whether EDMUNDS will second him or not is as yet uncertain. Locan is especially active to secure the defeat of the measure, because there are several persons under indictment in Chicago for their connection with whisky frauds who would be glad to get off by telling all they know about LOGAN's connection with crooked whisky to a congressional committee. It is really a matter of life and death with more than one prominent republican that this act should be defeated, and they will leave no stone unturned to accomplish it.

Lof course should not have said anything about this sort of thing.

I of course should not have said anything about this sort of thing, because it would take all our time if I did, if the subject had not been brought up at this moment; but I feel competent to say from the Judiciary Committee, who have the bill referred to in charge— and I think I can may for every member of it of both parties; although I am not authorized to say it, but I will take that liberty—that in respect of any influence from any quarter, Administration or outside, or from Senators on the subject of that bill, there has not been a particle of any description, and that the committee are considering the bill in a regular way, and when they make up their minds about it they will undoubtedly report.

Mr. THURMAN. Mr. President, I ought perhaps to say, that so far

Mr. THURMAN. Mr. President, rought perhaps to say, that so far from the Committee on the Judiciary doing anything to delay that bill—if it is not improper to state what took place in the committee thus far—it was taken up out of its order, and it is the first business now before the committee, and is receiving the earnest consideration of the committee. I can say for one, that I never have known or heard of any outside influence being brought to bear upon any member of the Committee on the Judiciary in connection with it.

Mr. CONKLING. Mr. President, it cannot be more unusual for the Senator from Illinois behind me [Mr. Logan] than for me to refer to newspaper paragraphs, such, for example, as this one to which the Senator from Vermont [Mr. EDMUNDS] has called attention; but because of the somewhat general uprising this morning to make denial, should I remain silent room might be left for injurious inference. For this reason it may be well to say that, as far as regards me and as far as I know, or have heard in respect of others, except as I list-ened to the reading by the Senator from Vermont, there is no truth, none at all, no foundation whatever for the allegations in the paragraph read, and no pretext for them.

In this respect, however, the paragraph is not singular, but one of a multitude. But, as the Senator from Vermout has well said, he, who charged with public responsibility, attempts in these days to follow up or answer all the vile imputations—for such they are they are more than untruths, they are malicious, studied imputations— he who attempts to follow up these sinister false statements, and suc-ceeds, must be industrious indeed. For one I have spared myself such efforts for all these years, and have been willing to trust to truth and

to the sense of my countrymen to find it out in the end.

The mention of this subject suggests one further remark: The popular elections recently held in my own State and elsewhere, just now notably in New Hampshire, give me one satisfaction above all others. They go far to show that, if the time has not passed, it is rapidly passing when the American people can be blinded, deceived, and misled by the incessant perversions of facts and events, and the monstrous aspersions poured at large on men in public life, and men in the way of other men, and on the agencies and instrumenmen in the way of other men, and on the agencies and instrumentalities of government. These elections confirm the hope that if the time has not come, it is near at hand, when the sin and fall of an individual—the crime and guilt of individual offenders who betray their trusts and defile themselves, can no longer be expanded and dispersed for partisan and revengeful uses till it begrimes the body of men charged with public administration. The day, I trust, is near at hand when the licentiousness of such abuse will no longer escape through understanding, when it will be no longer regarded as an evil extending only to the defamation and attempted destruction of individuals, but when it will be regarded, as it is, as a crime

against progress and free institutions.

The inference from these years of accumulated accusation against those intrusted with national affairs, is that time has failed to make good the idea or the hope that republican government is better than

monarchy.

These institutions of ours were builded only recently—their foundthese institutions of ours were builded only recently—their foundations were laid not in the gray twilight of an early age, but when the beams of many centuries lighted the builders—the architects were picked men from different nationalities, and they had profoundly studied governments in all their known forms—the theater whereon the experiment has been working is favored above other lands; if such a government, blest in opportunity—the only considerable experiment of free government extant on the globe, has indeed at the end of a century culminated in a saturnalia of fraud, in a carnival of end of a century culminated in a saturnalia of fraud, in a carnival of venality, and unworthiness, it is time to ask who shall come next in the march of nations to dispute the divinity of kings? Which nation shall brave the danger of rearing "a government of the people, by the people, and for the people," if in truth it be that in the last half of the nineteenth century the only such government on earth is honey-combed with venality, fraud, betrayal, bribery, infamy? Truth and patriotism rise up against such monstrous misrepresentations, and truth and patriotism will prevail against them.

Individuals may flinch under these inflictions; but I con-No, sir. Individuals may flinch under these inflictions; but I console myself in the belief, of which I see may signs, that the discern ing judgment which resides in great masses of men will winnow the wheat from the chaff, and the chaff from the wheat, and distinguish between those who fall, or have fallen, fallen before temptation, and those who, making no parade of public or of private virtue, but walking by the lights and with the modicum of integrity vouchsafed to common mortals, strive in heart and conscience to do the duties set before them. My belief is, that it grows surer and safer, that it is safer now than it was not long ago, for every man who is honest to trust his reputation to the general discernment, the conscience, and

intelligence of his countrymen.

Mr. LOGAN. Mr. President, I certainly should not add a word to what has been said, but that there is one thought to which I desire at least to give expression in reference to these attacks which are being made in the newspapers.

It is asserted in this paper that certain Senators here are very busy

urging in every possible way the defeat of a certain bill. I must confess that until now I did not know that that bill had reached the Senate. I suppose I neglected when it was reported here to listen to it, and certainly neglected to examine the records in regard to it. call upon every Senator who belongs to the Judiciary Committee if I have ever mentioned that subject to any of them or any other Senator on this floor, either for or against the bill. I do not know what the bill is.

Mr. President, it has become common in this country whenever a question is before the Congress of the United States for certain persons to write articles for newspapers, or telegraphic dispatches, ascribing corrupt motives to members and Senators for either favoring or opposing a bill. Here my name is mentioned in connection with opposition to the bill named. Whether I shall oppose it or not, God knows; I cannot tell until I hear it read; and I pledge my word before my God and country that I will either oppose or favor it as my own judgment shall dictate, irrespective of what any man may say or any newspaper may say. I have always, I hope, had that much independence; but I am said to oppose the bill; why? Because I have friends connected with the whisky ring that I want to protect!

I believe there is no man in this country who has had the political life I have had who has been more maligned, slandered, and abused than I have been. From the time I entered the service of my country in 1861 up to this time there is no crime known in the catalogue of crimes that I have not been accused of by infamous liars, villains, scoundrels, and slanderers. I have been inked all over this winter. When I was lying on my sick bed, not able to turn myself in bed, some papers charged that I was pretending to be sick because I was afraid of the exposure of whisky frauds.

afraid of the exposure of whisky frauds.

I cared nothing for these charges. I never answered them. I believed that the people of my country knew me well enough to know that they were vile slanders. But, inasmuch as the subject has been brought up this morning, I desire to say that I never have been interested in a distillery in Chicago or any other place, and never owned a dollar of stock in a distillery in my life. I never trafficked in a gallon of whisky in my life. I never had a cent's interest in whisky, wines, high-wines, or anything of that character in my life, directly or indirectly. More than that, I never knew of any frauds myself until they were developed: I never winked at one in my life; never until they were developed; I never winked at one in my life; never had any associations with the men who may have perpetrated them that would even justify a suspicion against me. I knew nothing whatever about these frauds except as they were published. No man whatever about these frauds except as they were published. No man can say that I have ever thrown a straw in the way of the Government prosecuting any man charged with any offense whatever, although it has been charged time and again that I was interposing here in behalf of indicted men. I appeal to the officers of the Government, and they will tell you that I have never spoken to one of them on the subject one way or the other. They accuse me of having friends indicted. There is perhaps one or two men indicted for fraud that I recommended for office, but I certainly believed them to be heavet. I presume other goatlamen have recommended more fraud that I recommended for office, but I certainly believed them to be honest. I presume other gentlemen have recommended men for office who probably have done wrong. I may have recommended a man for office who may be indicted for whisky frauds. If that is a crime, to that extent I am guilty, but no more.

I now wish to say a word further, and it is the last time I expect to answer any charge whatever that is made against me. The other day in the New York World it was said that there was information before the committee of the House of which Mr. CLYMER is the chair-

man that I was connected with the "Teton Sioux" scandal. What that scandal is I do not know; but I went to Mr. CLYMER and asked him, in the presence of the Senator from Pennsylvania, and he said it was a lie made out of whole cloth; that he had never said such a word, and never had heard of it. This is the way these things go

over the country.

I have been charged in the newspapers with everything. If I am guilty of anything, let them bring it forward. I know not why it is that these charges are made against me all the time. I know nothing of them except to know they are lies. I know, more than that, that the man does not live on the face of God's green earth who will stand before me and face me and say such things are true. They may slander me and malign me, but no man has the manhood to face me in open day and charge me with these offenses to my face. Cowards may hide behind newspapers, but brave and honest men never do it. I slander nobody myself. I accuse no man of crime except when the crime is proven. I have that much manhood. My charges against men are to their faces, in the open day. These malignant, lying, viperous, hissing, slanderous vampires, that desire to destroy the reputawhich our foundation as a government rests, by trying to make the country believe that every man who is in public life is a thief.

This much I say; no more, no less, Mr. President.

## BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. A message from the Fresident of the United States, by Mr. U. S. Grant, jr., his Secretary, announced that the act (S. No. 160) for the relief of S. K. Thompson, having been received by the President of the United States March 2, 1876, and not having been returned by him to the Senate wherein it originated within ten days, (Sundays excepted,) as prescribed by the Constitution, had become a law without his apparent

The message also announced that the President had this day ap-

proved and signed the act (S. No. 360) to establish certain post-routes in the State of Texas.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. McDONALD, it was

Ordered, That the petition and papers in the claim for pension of Nathan Bramstetter, guardian of Louisia White, be taken from the files of the Senate and referred to the Committee on Pensions.

PASSAGE BETWEEN CUMBERLAND AND SAINT SIMON SOUNDS.

Mr. NORWOOD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, requested to communicate to the Senate his opinion as to the importance and practicability of deepening the inside passage between Cumberland Sound and Saint Simon's Sound, State of Georgia, with estimates of the probable cost of such improvement in connection with any contemplated improvement of the inside passage between Fernandina and the Saint John's River.

### COUNTING OF ELECTORAL VOTES.

The PRESIDENT pro tempore. The morning hour has expired, and

the special order is now before the Senate.

The Senate, as in Committee of the Whole, resumed the considera-tion of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon.

The PRESIDENT pro tempore. The Senator from Tennessee [Mr. Cooper] proposed an amendment for which the Senator from Virginia [Mr. Johnston] moved a substitute, and the Senator from New Jersey [Mr. Frelinghuysen] has moved to perfect the text of the amendment of the Senator from Tennessee by an amendment which is now the pending question. The Secretary will report it.

The CHIEF CLERK. The amendment of the Senator from Tennessee [Mr. COOPER] is to add to the second section of the bill:

And if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States, in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

The amendment of the Senator from New Jersey [Mr. Freling-huysen] is to strike out all after the word "agree" in the first line of the amendment of the Senator from Tennessee, and insert:

The difference shall be immediately referred to the Chief Justice of the Supreme Court, the Presiding Officer of the Senate, and the Speaker of the House, whose decision shall be final. If the Chief Justice is absent or unable to attend, the senior associate justice of the Supreme Court present in the Capitol or other place of meeting shall act in his place.

Mr. THURMAN. Mr. President, the amendment offered by the Senator from New Jersey proposes to refer the difference between the two Houses to the umpirage of three individuals: the Chief Justice of the Supreme Court, the President of the Senate, and the Speaker of the House of Representatives. It is plain that this is not referring it to any judicial tribunal, and if such a reference as this can be made then it is equally clear that a reference might be made to any other three individuals. There is nothing in the fact that the three individuals named in the amendment are officers of the Government. If this reference can be made to them it may be made to three private citizens, and it can only therefore be justified upon the ground that Congress, having power to provide by law the mode of counting the votes, its power is almost or quite unlimited in the choice of the means. I shall not undertake to say what are the limits upon our power of legislation in this respect. It is always dangerous to undertake to set fixed limits to a power of the Government before the case arises, for the plain reason that no one can foresee all the cases that may arise in the history of the country.

But it seems to me perfectly clear that this proposition is not consistent with the spirit of the Constitution. The Constitution provides—and I beg pardon for occupying the time of the Senate in saying what has been said and what is known to every Senator; and yet the importance of this subject will be perhaps a sufficient excuse

The President of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

From the plain language of the Constitution, no function or duty is devolved on the President of the Senate except to "open all the certificates in the presence of the Senate and House of Representatives." is not said that he shall count them, nor is it said in express words that they shall be counted by the two Houses in joint convention, and the practice of the Government has not been entirely uniform. The Senator from Maryland [Mr. WHYTE] called our attention the other day to the proceedings when the vote was counted at the first election, the election of General Washington as President of the United States and Mr. Adams as Vice-President, and it is true that those proceedings did give some color to his proposition that the power of counting, and therefore the power of determining what is the true return, is vested in the President of the Senate. I say those proceedings seemed to give some color to that proposition, because in that case "John Langdon, esq., one of the Senators from the State of New Hampshire, was elected President of the Senate for the sole purpose of opening and counting the votes for President and Vice-President of the United States." That languages would seem to interest the them. States." That language would seem to import that he was to do the counting, and yet it does not necessarily follow, because a President of the Senate was necessary in order that the votes might be opened, and therefore in order that they might be counted, and nothing, I think, of any great force can be gathered from the use of that lan-

guage in the resolution appointing Mr. Langdon President of the Sen-The proceedings, however, go on further. On the 6th of April, 1789, it was ordered by the Senate-this was immediately on the election of Mr. Langdon-

Ordered, That Mr. Ellsworth inform the House of Representatives that a quorum of the Senate is formed; that a President is elected for the sole purpose of opening the certificates and counting the votes of the electors of the several States in the choice of a President and Vice-President of the United States.

The same remarks that I have made in reference to the resolution by which Mr. Langdon was appointed will apply to this part of the order that the fact be communicated to the House of Representatives. Then the order goes on further:

And that the Senate is now ready in the Senate Chamber to proceed in the presence of the House to discharge that duty,

What "duty" is here spoken of? What duty is it that the Senate is to discharge? If you take the language of the order, it can only be the duty of counting the votes. It then proceeds further:

And that the Senate have appointed one of their members to sit at the Clerk's table to make a list of the votes as they shall be declared, submitting it to the wisdom of the House to appoint one or more of their members for the like purpose.

That was the order of the Senate, and Mr. Ellsworth subsequently reported that he had delivered the message. Then-

Mr. Bondinot, from the House of Representatives, communicated the following verbal message to the Senate:

"Mr. President: I am directed by the House of Representatives to inform the Senate that the House is ready forthwith to meet the Senate to attend the opening and counting of the votes of the electors of the President and Vice-President of the United States."

And he withdraw.

And he withdrew.

That sheds no light on the subject.

The Speaker and the House of Representatives attended in the Senate Chamber for the purpose expressed in the message delivered by Mr. Ellsworth; and after some time withdrew.

some time withdrew.

The Senate then proceeded by ballot to the choice of a President of their body pro tempore. John Langdon, esq., was duly elected.

The President elected for the purpose of counting the votes declared to the Senate that the Senate and House of Representatives had met, and that he, in their presence, had opened and counted the votes of the electors for President and Vice-President of the United States, which were as follows.

Then follows the table. Certainly it must be admitted that, looking at that record alone, it would seem as if the idea at the commencement of the Government was that the President of the Senate was not only to open but that he was to count the votes. I am told —I have not seen it and referred to it myself—that these proceedings which I have read from our Manual are not quite complete, and that a reference to the Journal rebuts to some extent the presumption arising from what I have read; that it was considered then that the duty of counting the votes devolved on the President of the Senate; but I do not think that much weight can be attached to that precedent dent, even though it was set by those who met immediately after the adoption of the Federal Constitution. No question was then made; there was no contest for the Presidency; General Washington had received every vote; and there was no contest of any consequence for the office of Vice-President. There was nothing to do but the min-isterial duty of making a table of the electoral votes and adding it up. That was all; and a precedent set under those circumstances, without any discussion whatsoever and where there was nothing to raise any discussion or question, is not one entitled to any great weight in settling a matter so important as this.

For reasons which I have already stated and which I shall not bore the Senate with repeating, it seems to me quite inadmissible to adopt the theory that the counting of these votes, and consequently the function of judging which is the true return, is devolved upon the President of the Senate. The bare fact, which we are to presume must have been foreseen by the framers of the Constitution, that the Vice-President might himself be a candidate for the Presidency or for reelection, shows that, if the counting of the votes were devolved upon him if the indicate further of deadding upon the validity of the residence. him, if the judicial function of deciding upon the validity of the returns were devolved upon him, it would be devolved upon a man who was a judge in his own cause. There is no provision in the Constitution that if he is a candidate he shall not act in the premises; on the contrary, the provision of the Constitution is so mandatory that, as was shown by the Senator from Indiana [Mr. Morron] the other day, in no less than six instances has the Vice-President opened the votes when he himself was a candidate either for the office of President or for re-election to that of Vice-President; and to say that our Constitution is so defective that it makes the determination of who has been elected the Chief Mogistrate of the Penphlic to depend on the best of the contract of the Penphlic to depend on the best of the chief Mogistrate of the Penphlic to depend on the best of the Penphlic to depend on the best of the Chief Mogistrate of the Penphlic to depend on the penphlic to depend on the penphlic to the penp elected the Chief Magistrate of the Republic to depend upon the will of the very man who is a candidate for that office is to condemn the Constitution beyond redemption. No, sir, the Constitution is not so Constitution beyond redemption. No, sir, the Constitution is not so defective as that. Nothing but the strongest, clearest, and most precise language could drive us to an interpretation of that sort. I therefore think, with great deference to my friend from Maryland who took that ground the other day that that interpretation is not the correct one, and while the twenty-second joint rule was, in my judgment, an improper rule, and while the subject was not one to be regulated by any joint rule of the two Houses, but to be regulated by law—yet I think that the determination then arrived at, after discussion, after a full consideration of the subject and in the light of the experience of the Republic is worth much more than this precedent set by the of the Republic, is worth much more than this precedent set by the first Congress in counting the votes for General Washington.

Mr. CONKLING. Will the Senator allow me to ask him a question, if I do not interrupt him?

Mr. THURMAN. With great pleasure.

I was diverted for a moment during part of his Mr. CONKLING. argument. I beg to inquire whether the Constitution, as he understands it, means in the words "the votes shall then be counted," that the counting must be by the two Houses? He has been explaining himself touching the function of the presiding officer. My inquiry is whether these words which he understands, commit to Congress or, more exactly speaking, to the two Houses of Congress then gress or, more exactly speaking, to the two Houses of Congress then assembled, the duty of counting the votes; or whether the words "the votes shall then be counted," leave a discretion to the law-making power to provide by whom the count shall be made?

Mr. THURMAN. The Senator from New York was not, I think, here on the former day when I gave to the Senate my view—

Mr. CONKLING. I was not; I would not have interrupted him if I had been. I was necessarily absent that day and did not hear the

I had been. I was necessarily absent that day and did not hear the

Mr. THURMAN. I have no objection to restating, and I will endeavor to do it briefly, my view on that subject. I think that the spirit of the Constitution requires that these votes shall be counted in some mode by Congress or the convention of the two Houses; but what shall be the mode? Now, I repeat what I said the other day, that it is a fundamental principle that, where any power is conferred upon the Government, or any Department, or officer thereof, and the mode of exercising that power is not prescribed in the Constitution itself, it belongs to the law-making power to prescribe the mode. I said the other day that that was a fundamental principle of the Government, but I need not have gone to any general principles of government, because it is expressly declared in the Constitution, as we all know in the very familiar paragraph, the last of section 8 of article 1, in which, after enumerating the powers of Congress, it is said:

The Congress shall have power to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any Department

What could be broader than that? It is wel! known that that was only put in out of abundant caution; that those powers would have belonged to the Congress by necessary implication, even if that clause were stricken out of the Constitution; but it is put in there that there may be no question about it that Congress has these powers.

Now, the power to count these votes must be a power of the Government or of some Department or officer thereof. If it is, then Congress has power to make all laws necessary and proper for carrying into execution that power. I have, therefore, thought from the beginning that a joint-rule was not the proper mode, but that a law was the proper mode, and that that law would be binding upon Congress, as well as upon everybody else, as long as it remained in force. Then comes the question, What mode shall be prescribed? I have said before that I do not undertake to place limits arbitrarily upon the mode which we may adopt. Definitions are very dangerous, as every lawyer knows. It is not safe to undertake beforehand, and before the case arises, to make an arbitrary, absolute definition, the boundaries of which can never be passed, no matter what may be the exigency. That is always unsafe. Therefore no wise man is apt to go beyond the case in hand, whether he is sitting as a judge or sitting as a Senator.

I do not undertake, then, to say what are the boundaries of our nower, in the execution of our legislative duty, to provide for the mode of counting these votes; but this I do say, that the spirit of the Constitution requires that this matter shall be settled, if it is possible to settle it, by the Senate and the House of Representatives, either acting separately or acting in joint convention. Either one way or the other, the spirit of the Constitution requires that it shell be settled in that mode. The Senators and Representatives are to be present when the votes are counted. They are to be opened in their presence. The usage of the Government has been to appoint tellers from the two bodies; and it seems to me that it never was contemplated that the determination of any question which should arise npon that count should be decided by some other tribunal or body

This being my view, I cannot concur with the idea that this power can be devolved upon the Supreme Court, as was suggested, if I am not mistaken, by no less eminent a Senator and distinguished a jurist than the present chairman of the Judiciary Committee at a former session. You cannot compel the Supreme Court to execute any such power as a court; that is very certain. The Supreme Court, as a court, has nothing but judicial power; and its original jurisdiction is expressly defined in the Constitution; and determining any question of election is not one of the original powers thus conferred on the court. Then the other powers of the Supreme Court are appellate powers. It has such appellate jurisdiction as may be provided by law; that is, as Congress may confer upon it. As I said the other day, the appellate jurisdiction spoken of in the Constitution is appelday, the appellate jurisdiction spoken of in the Constitution is appellate jurisdiction from the inferior judicial tribunals of the country. That I am right in this has been settled by the Supreme Court again and again. If my memory is not at fault, there is an old case away back in Dallas's Reports, in which the Supreme Court held that they could not determine an appeal from one of the Executive Departments of the Government. But we have lately had the most marked

case, the most important case that could possibly arise on that question perhaps, thoroughly investigated by the Supreme Court. be remembered that when the Court of Claims was established its sole power was to hear and decide whether a claim was established its sole power was to hear and decide whether a claim was valid or not, without any power to give judgment. It could simply report its finding to Congress; it had no power to give any judgment whatsoever. That was the Court of Claims as originally constituted. An act was passed authorizing an appeal to the Supreme Court from this finding of the Court of Claims. The Supreme Court after an elaborate discussion decided that no such appeal could be entertained by the Supreme Court, because the Court of Claims as then constituted, having no power to render a judgment, was not a judicial tribunal at all, but a mere commission, and that the power of appeal to the Supreme Court was limited to appeals from judicial tribunals, and therefore it was held that the appeal would not lie, and it was dismissed. Congress, to remedy that defect, then passed the present law giving to the Court of Claims the power to render judgment; and since that appeals to the Supreme Court have always been entertained by that court. This is the latest and most authoritative decision after great discussion and great consideration, that the Supreme Court can en-tertain no appeal except from judicial tribunals and exercise no function that is not judicial. I do not, therefore, believe that this power can be given to the Supreme Court as a court, and for that reason I am strengthened in the belief that it is a question which ought to be settled by the Congress.

Mr. CONKLING. Will the Senator let me interpose there for a mo-

ment?

Mr. THURMAN. Yes, sir.
Mr. CONKLING. The Senator has just concluded an argument addressed, as I understand it, to the incompetency of one agency to receive a delegation of this power. He has argued to show that the Supreme Court as a court is such a creature under the Constitution that it cannot be charged with this function. That is all. If it does not interrupt or unpleasantly dislocate the argument of the Senator, I wish he would tell us what his opinion is as to the power of the two Houses, the law-making power, to deposit it with some agency or instrumentality whose function is not so limited by the Constitution that it cannot receive and perform this duty. That is the question to which my mind addresses itself—the Senator, I am sure, will apprehend me—whether the law-making power may create an instrumentality for this purpose, although it may be true that the Supreme Court as such is an instrumentality which by the laws of its own be-

ing would be incompetent to become such an instrument.

Mr. THURMAN. I had already said that I would not undertake to define our legislative power in providing a mode for the solution of this problem, for the reason that I stated it would be dangerous to attempt it. But this I have intimated, and this I say now more distinctly, that in my judgment we shall act most within the spirit of the Constitution and nearest to its letter if this matter shall be decided by the Senators and the Representatives of the people, and that we ought not for one moment to think of going outside of the Congress if we can find a proper and safe mode for deciding this question

within the halls of Congress.

That brings us to the question, Can we devise such a mode? The whole difficulty arises from the fact that two or more returns may be made from a State. That is no fanciful apprehension, for that fact has occurred in the past and may occur again in the future. To let the first section of this bill stand and strike out the second section would, as I said the other day, have the effect to throw the determination of the question, in cases where there were two or more returns, into the hands of the President of the Senate, and that I do not think there are many Senators on this floor who would agree to. Such, I

think, is not the Constitution.

Then you must provide some other mode. The second section of the bill provides that all the returns shall be opened and laid before the convention that is assembled. That prevents the President of the Senate, by merely presenting a single return and suppressing the other, from determining the question; and it is obviously proper that he should be required to lay all the returns before the convention. In fact, the Constitution declares that he "shall open all the certificates;" and if he is not invested, as I have argued, with the power of determining which is the valid certificate and which is not the valid certificate, then it follows that it is his constitutional duty to open all the returns and to lay them before the joint convention. there might be some question about that, this second section very properly makes it his duty to do so. Then what does it provide? It provides that that return shall be counted which the Senate acting separately, and the House acting separately, shall decide to be the valid return. But then arises the difficulty immediately, the possibility, nay, it may be the probability, that one House may decide in favor of one return, and the other House in favor of another return, and that therefore neither return could be counted, and the vote of the State would be lost.

The paramount duty of Congress is to see that no State shall lose her vote, that no State shall be deprived of her voice in the selection of the Chief Magistrate of the nation; and therefore we cannot, as it seems to me, with propriety put any scheme upon our statute-book which is so radically defective as this. We ought to provide for the ultimate decision. When we come to provide for the ultimate decision. ion there is great trouble. If we take the proposition of my friend

from Tennessee, [Mr. Cooper,] that the voice of the House expressed in the manner provided in his amendment shall predominate over that of the Senate, we place before the House a very strong temptation to disagree with any conclusion at which the Senate may arrive, because the effect of the disagreement is to throw power into the hands of the House. That is certainly a very serious objection; for, although we are bound to consider that the House of Representatives is a responsible part of the Government and not to impute to it or to its members any improper motive, yet we do know that, so weak is human nature, the best prayer that was ever uttered was "Lead us not into temptation."

In view of this, and believing that this matter ought to be settled by the Senators and Representatives in Congress, and looking also at the Constitution, which requires the votes to be opened and to be counted in the presence of both Houses, I have come to the conclusion that the proposition of the Senator from Virginia [Mr. Johnston] is the nearest to the Constitution in its spirit and in its letter, and probably in practice would be the best that could be adopted. In counting the votes Congress does not act in a legislative capacity. We all agree to that. The Constitution convenes both Houses together, as it were in a joint convention; and although it does not declare that that joint convention shall act as a convention, although it confers upon it by no direct or express words any function at all, either of decision or of legislation, certainly none of legislation, yet the idea of the Constitution is that the Senate is to be there, the representatives of the States, as well as the members of the House, the representatives of the People, and that all are to participate in the decision of this great question, who has been elected to the Chief Magistracy of the Republic? And therefore it does seem to me that we are abiding by the Constitution more closely, both abiding by its letter and its spirit more closely, when we make both the Senate and the House of Representatives acting together the ultimate umpire where the two Houses have disagreed. I see no other solution that is likely to be as satisfactory to the people, to the country, to the States, and to the requirements of justice and truth. Hence, unless something shall be urged that shall alter my opinion on this subject, I am inclined to favor the proposition of the Senator from Virginia. That, if adopted, will require the Senate to act as well as the House. That will not be an abnegation of any power on the part of the Senate, as it might seem that the proposition of the Senator from Tennessee would be. That will require of us to perform the function whi

would be. That will require of us to perform the function which reason and our presence there when the votes are counted as required by the Constitution would seem to impose upon us.

Then the only point that remains, if I am right in this view, is, How shall that question be decided? Shall it be decided by a vote of the two Houses sitting as a convention, a vote in which the ballot or the voice of each Senator and each Representative is to count one, as if it was one body; or shall it be, as the amendment proposes, that the vote shall be taken so that each State shall have one vote? Upon that question a great deal can be said on both sides. A great deal can be said in favor of a vote in the joint convention just as if it was one body, or a vote as proposed by the amendment by States; and it is very difficult indeed to make a satisfactory argument, owing to the fact that there is so much ambiguity in the Constitution upon this subject. But if I am right in saying that the mode of counting is left to the law-making power, it would follow that we have a right to adopt any mode which is fair and just and consistent with the spirit of the Constitution. I have endeavored to show that it is not consistent with the spirit of the Constitution to devolve this power upon the Supreme Court, nor consistent with the spirit of the Constitution to devolve this power upon the Supreme Court, nor consistent with the spirit of the Constitution to devolve this power upon the Supreme Court, nor consistent with the spirit of the Constitution to devolve the power upon the Supreme Court, nor consistent with the spirit of the Constitution to devolve the power upon the Supreme Court, nor consistent with the spirit of the Constitution, and that is not opposed to any express provision of the Constitution, and that is not opposed to any express provision of the Constitution, and that is consistent with truth and justice, we are at liberty to adopt.

I think, therefore, after much reflection on this very difficult subject, that it is competent for us to adopt the mode proposed by the Senator from Virginia; and then the only point that remains is, is that the mode most consistent with the spirit of the Constitution 7 As I said, there might be some difficulty about that; but, inasmuch as it is somewhat in analogy to the way in which the vote of the House is taken when the House elects a President, a pretty far-fetched analogy, I am compelled to admit, I am inclined to think that that is the lest mode in which we can solve this engage.

I thank the Senate for having listened to me again on this subject, and promise not to trouble them any more.

I thank the Senate for having listened to me again on this subject, and promise not to trouble them any more.

Mr. CHRISTIANCY. Mr. President, so meager is the provision of the Constitution in reference to the counting of votes for President and Vice-President of the United States, and so entirely blank is that instrument as to any mode of deciding upon the authenticity or validity of the certificates, that it would almost seem, and some Senators appear really to be of the opinion, that our fathers in framing the Constitution must have acted upon the Irishman's plan of constructing a cannon; which was to make first a large hole and then

cast the cannon around it. The Constitution, in one view of it, certainly seems to have taken one step in that process, and seems to have left to us only the ingenuity of taking the other, unless we find upon examination that what at first seems to be a vacuum is in fact filled, and becomes solid by some implication from the affirmative provisions of the Constitution itself.

As to the affirmative provisions which it has made, it is very clear that no joint convention of the two Houses for the counting of the presidential vote is contemplated where the votes of all are to be taken collectively. It is not even expressly provided that the two Houses shall meet, though this is clearly implied, as the votes are to be opened and counted in the presence of both Houses. The language is this:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

Representatives, open an the certificates, and the votes shall then be counted.

It does not say by whom the votes shall be counted; and as it does expressly provide that the President of the Senate shall open all the certificates, and then immediately declares that "the votes shall then be counted," without saying by whom, there is, as it seems to me, a fair though not conclusive inference that it is not made the duty of the President of the Senate to count them, because, if this had been intended, the language in that connection would naturally have been, as already suggested by several Senators, "the President of the Senate " \* \* shall open all the certificates and count the votes."

Now, as this counting is required to be in the presence of the two Houses, and no provision is made by whom the actual count shall be made, it seems to me that the counting may be considered as, in legal effect, the work of the two Houses, for which each is responsible. Not that each member of each House shall actually count all the votes and make the necessary lists, which would be practically very difficult, but that each House should appoint some member or members of its own to count them; in other words, to act as tellers, and to perform their work in the presence of the two Houses. This is the mode provided in the twenty-second joint rule, now repealed, and in the first section of the bill now before us, and this mode is I think the fair result of the interpretation of the Constitution above indicated; and the matters of mere detail for the purpose of accomplishing this mode of counting and of deciding, as provided in the first, third, and fourth sections of the bill, would, I am inclined to think, come fairly within the constitutional power of Congress.

sult of the interpretation of the Constitution above indicated; and the matters of mere detail for the purpose of accomplishing this mode of counting and of deciding, as provided in the first, third, and fourth sections of the bill, would, I am inclined to think, come fairly within the constitutional power of Congress.

As to the question between the provisions of the twenty-second joint rule, preventing any vote being counted except by the concurrent vote of the two Houses, and the provisions of this bill, that no vote or votes from any State shall be rejected except by the affirmative vote of the two Houses, the question is not so clear as it might at first appear; the difference between the two Houses would necessarily be upon the authenticity or validity of the return or certificate, as there could be no other ground upon which either House could honestly reject the votes, and a dishonest rejection the framers of the Constitution certainly did not attempt to provide for. But a difficulty arises here from the silence of the Constitution, which does not seem to have contemplated the possibility of any disagreement of the two Houses upon the authenticity or validity of the certificate; and yet we all know that such difference of opinion and such disagreement not only may arise, but have actually occurred. Still this question of the authenticity of the certificate, though not provided for or apparently thought of by the framers of the Constitution, is actually and necessarily involved in the counting of the votes, which they did provide for, and therefore within every recognized principle of interpretation must be considered as having been contemplated by them, and yet they have made no express provision for the decision of the question arising upon such a difference. But is no mode for its decision to be fairly implied?

If the mode of deciding such a difference between the two Houses is implied or fairly inferable from the provision actually made, that implication is as much a part of the Constitution as if expressed, and no different mode of deciding the question would be within the power of Congress.

Now, if it be true that under the Constitution the counting is to be considered, in legal effect, the act of the two Houses; and if, as I have suggested, the question of the due authentication of the certificates of election is necessarily involved and included in the counting provided for, then, as there is an absence of any express provision for any other mode of decision, it would seem almost of necessity to follow that the decision upon the authenticity and validity of the certificates should be decided by the same bodies who make the count; in other words, by the two Houses, whose act in legal effect the counting is. But if a decision by the two Houses, or, as claimed by some, the decision by the President of the Senate, is by fair implication from the Constitution the mode of decision intended, then very clearly no other mode can be provided by Congress any more than if the implication claimed had been an express provision of the Constitution.

Up to this point no difficulty could arise if both Houses agree in their decision; nor could there be any difficulty if the two Houses were acting strictly in joint convention, so that the vote of each member of that joint body should count as part of the aggregate of the whole. But if they are to act and decide separately, and not jointly, as seems to have been conceded, each House may come to a different conclusion; one for allowing the certificate and counting

the vote, and the other against it. And a similiar difficulty would arise in reference to the first section of this bill when there is but one return from a State, as under the second, when there are two sets of certificates. The question is, Who or what tribunal shall decide when the two Houses acting separately disagree? If the authority of the two is equal and opposed to the other in its decision, how much greater reason is there for saying that the certificates from any State shall be admitted and the vote counted than for holding that it shall not be admitted or counted. Certainly it cannot be said that there has been any decision in its favor; and there may be much difficulty in finding any more intelligible ground for holding that the vote should be counted than that it should be excluded. It was, I suppose, upon considerations like this that the twenty-second rule was adopted. And yet the result, I confess, does not strike my mind as favorable or just, since it puts it in the power of either House alone to disfranchise. a State. Just reasoning should lead to just results; and when it does not, a lurking fallacy is to be suspected. And we should seek to find where it is; or, if not found, then whether the difficulty does not arise from the actual deficiency of the Constitution itself.

It was said yesterday that when the two Houses disagree, their au-It was said yesterday that when the two Houses disagree, their authority being equal, the equilibrium might be overcome and the scales turned in favor of the admission of the certificate and the counting of the vote by the presumption in favor of the authenticity and validity of the certificate. That would be so if the validity and authenticity were conceded; but it is precisely this which is not conceded, and about which the two Houses disagree. And if we are to base our presumption upon the face of the papers alone and the signature and seal, it would seem to be begging the whole question at issue between the Houses to overcome the difference between them by such a presumption from the face of the papers alone. But when by such a presumption from the face of the papers alone. But when we take a little broader view of the matter, and consider the stu-pendous wrong of disfranchising a State, and the more significant fact that but one return or certificate has been sent up from the State, that no other return is sent up, and no conflicting claim is presented by other certificates or returns, and the strong probability that such would have been presented had there been any ground for them, the probability is so strong that the one sent up is correct as to amount to a moral certainty; and it is very difficult to see how either House could honestly decide against its admission, and a dishonest decision of one House against its admission ought to be disregarded rather than to disfranchise the people of a State. These considerations seem to me to lead to the conclusion that in the great majority of cases of the kind justice would be much more likely to be reached by admitting the returns and counting the vote, when the two Houses disagree upon a single return from a State, than by excluding it; and that this conclusion is more in accordance with the tacit assumptions of the Constitution itself, which seems to assume that the vote is to be counted. I can, therefore, as at present advised, vote for the first section of the bill; and the more readily because it seems to me the same result would follow from the Constitution without the bill, and that the bill only embodies in a compact and authentic form the conclusions fairly resulting from the Constitution itself.

But I am far from being very confident of the correctness of this conclusion or the reasoning by which I have reached it, and may change my opinion entirely in the course of the discussion. The silence, the apparently utter hiatus in the Constitution, makes it very difficult to find any landmarks by which I can, with any confidence of certainty, guide my course. And I feel some of the same kind of uncertainty as I can imagine I might feel if thrown out into void space beyond sight of the stellar universe, and should there undertake to ascertain courses and distances and to divide that void space into definite areas. From such a position, so obscured by distance, I feel no strong confidence of being able to shed so strong a light upon the questions before us as to remove all the doubts of others or even my

But take now the case provided for by the second section of the bill, where there are two certificates or returns, or two sets showing the election of a different ticket or different men, one House deciding for one and the other for the other, and let us consider the question as it would stand upon the Constitution without the aid of this bill. If the two sets of returns were equally well authenticated, and other things being equal, (and a disagreement can hardly be supposed if they were not,) no such presumption would arise in their favor as in the case where there is but one return from a State; and the two Houses being divided in opinion, there is nothing to turn the scale in favor of either, what would be the result without this bill? Could the vote be counted? Certainly not; unless the President of the Senate is to decide, for otherwise there is no decision, and one cannot be counted unless both are counted; and if both are counted, they would neutralize each other, and the result would be the same as if

neither had been counted.

The Constitution has provided no tribunal for the decision upon such a disagreement, unless, as I have suggested, that by implication the President of the Senate is to make the decision. And if, as already suggested, there be any implication in the Constitution that the two Houses are to decide upon the validity of the returns or certificates, or that the President of the Senate is to decide it before or after the Houses have disagreed, then this implication, being as much a part of the Constitution as if expressed, it would be a violation of the Constitution for Congress to pass an act providing any other mode or tribunal for its decision.

It is only in the event that the Constitution has made no provision by implication, (for there is none expressed,) that it could be competent for Congress to establish a mode or tribunal for the decision. If there be no implication of any mode, and the Constitution can be said to have entirely omitted to provide for the decision, then perhaps it might be said the intention was to leave the mode of decision to the discretion of Congress. But the tribunal for this purpose must be one which can act and decide immediately upon the occurrence of the disagreement, for the Constitution evidently requires immediate decision.

The President of the Senate shall, in the presence of the Senate and the House of Representatives, open all the certificates, and the vote shall then be counted.

If Congress can provide such a tribunal at all, it must be in their power to select that which in their opinion is best adapted to effect the object, a fair and speedy decision. But there are so many obvious objections to giving the power to the House of Representatives, voting by States, or to them with the two Senators of the State voting by States, and either of these methods is so obviously calculated to defeat the majority of the people of all the States interested, that I could in no event vote for any such tribunal. It would be far better to provide for a joint vote of the members and Senators of all the States, as in joint convention. But the insuperable objection to this would be that it would be in manifest violation of the affirmative provision of the Constitution, meager as that provision is; for in providing for the counting of the votes in the presence of the two Houses, the Constitution clearly enough indicates that it is not to be a joint convention, but that each House is to act in its separate capacity

Of all the modes suggested for the decision of the question, when the two Houses disagree, if there be power to establish any tribunal, I am most inclined to that suggested by the Senator from New Jersey, to call in the Chief Justice or one of the justices of the Supreme Court to act with the Speaker of the House and the President of the Senate, and making the decision of the majority of these final. I think, however, it would be still better to call in the Chief Justice and the next senior justice, or, if there be no Chief Justice, then the two senior justices (according to date of commission) to act with the President of the Senate and the Speaker of the House, and making the decision of the majority of these four final. This would be certainly better and more likely to secure a fair and impartial decision when the President of the Senate and the Speaker of the House happen to be of the same political party. But, for the reasons already suggested, I doubt the competency of Congress to provide any tribunal at all for the decision of such a question, and as yet incline to the opinion that the two Houses in their separate capacity are the tribunal of the Constitution, and I am inclined to think the only safe mode to remedy the evil is by an amendment of the Constitution itself.

But, with my present views, I have come to the conclusion to sup-port the present bill; but I am still open to conviction, and hope to

derive more light from the discussion.

The Senator from Ohio [Mr. THURMAN] said that it was incompetent to devolve this duty upon the justices of the Supreme Court; and his objection apparently seemed to be based upon the idea that it would be devolved upon them as a court. I do not understand this to be the fact, but it is only a mode of designating certain persons who are to act with the Speaker and with the President of the Senate. I am not sure that even that would be competent; but I wish to hear further discussion upon the subject.

Mr. FRELINGHUYSEN. The amendment which I offer is to add

at the end of the second section these words:

The difference

Between the two Houses-

shall be immediately referred to the Chief Justice of the Supreme Court, the presiding officer of the Senate, and the Speaker of the House, whose decision shall be final. If the Chief Justice is absent or unable to attend, the senior associate justice of the Supreme Court present in the capital or other place of meeting shall act in his place.

The word "capital" is printed "capital" instead of "capital." That correction should be made.

I was somewhat impressed by the argument made by the Senator from Maryland [Mr. Whyte] for the purpose of showing that the Constitution contemplated that the vote should be counted by the President of the Senate; but I am satisfied, on reviewing that subject, that my first impressions were correct, and that the Constitution does not contemplate that the President of the Senate should count the vote. The fact that the Constitution does in terms provide what duty the President of the Senate is to perform, to wit, that he is to open all the certificates, and omits to provide that he shall count the vote, I think is conclusive that it was not intended that he should do more than he is expressly authorized to do by the Constitution.

one examining the resolution of the convention that formed the Constitution, (passed September 17, 1787,) I think the Senator from Maryland gives it a misconstruction. That resolution had for its object the setting the wheels of this Government in motion, and after giving direction for the election of electors and having the certificates returned, the resolution provides:

That the Senators and Representatives should convene at the time and place assigned; and that the Senators should appoint a President of the Senate for the sole purpose of receiving, opening, and counting the votes for President.

Or, to read it otherwise, "That the Senators shall have some person

to preside for the sole purpose of receiving, opening, and counting the

votes for President.'

It is true that by the Constitution the President of the Senate is to receive and open the votes; but the phraseology of this resolution is to be construed according to the well-known rule, "Reddendo singula singulis." The words of the resolution are to be taken singly, and the only intention of that resolution is that they shall have a presiding officer, in order that the votes may be received, opened, and counted, as provided in the Constitution.

Mr. THURMAN. From what page does the Senator read?

Mr. FRELINGHUYSEN. Page 387 of the Manual.

The bill under consideration, as it stands, in effect says that when more than one return is made from any State and the two Houses disagree as to which is the true return, the vote of that State must be lost. Permit me to say to Senators that we all know that is a result that the Constitution did not contemplate. Whatever errors we may make in acting on this subject, we know that we commit an error if we enact a law leaving the election of the President in that position. It would be a great calamity to the country to have the will of the people defeated in the election of President by the failure to count

people defeated in the election of President by the failure to count the vote of one State. It might lead to results that we do not even dare to contemplate. It is our duty to make such enactment that the vote of every State shall certainly be counted.

We must then take some action. The Constitution being silent, it is perhaps impossible to invoke its affirmative sanction for any plan that we may propose. No proposition can be put forward in support of which its advocates can turn to the Constitution and say, "Here is the positive authority for the proposition." The best that can be said for any plan is that it is not in violation of any provision of the Constitution. If I may have the attention of the Separar from Ohio. Constitution. If I may have the attention of the Senator from Ohio, [Mr. Thurman,] it seems to me that the plan which he favors comes near to being a violation of the Constitution. The Constitution has told us what part the House of Representatives shall take in the election of President, and we may not say that instrument intended that the House should take other or further action than that stated by it. It has declared and defined what shall be the province of the House in the election. It has said that if no person has a majority of the whole number of electors, then the House, voting by States, shall from those having the highest number, not exceeding three, choose a President. The Constitution has told us when and how the House of Representatives is to vote for President, and I think we have no right to assume that it contemplated that the House should vote in any other

manner than is plainly stated in the Constitution.

We conclude that the President of the Senate is not to count the votes, because the Constitution says he is to open the votes, and does not say he is to count them. And by the same reasoning we conclude

that the House is not to vote in the exigency we are contemplating. The Constitution declares when and how the House is to vote.

The amendment which I have proposed is not contrary to the Constitution, and the duty is on us to meet the difficulty in some way. The question to be submitted, and upon which a difference arises between the two Houses, is a judicial question. It is a question as to the authenticity of a return, and it is also undoubtedly a political question. It is no less a question than who shall be the Chief Magistrate of the nation; and the tribunal to make that determination should be one having judicial and political characteristics. The amendment suggests that it shall be the head of the judiciary, the President of the Senate, and the Speaker of the House. Thus we have the repre-sentative of the States in the presiding officer of the Senate; the rep-resentative of the popular branch of the Legislature in the Speaker of the House of Representatives. They probably, in a difference between the House and the Senate, would in opinion represent their respective Houses, and being a judicial as well as a political question, we invoke the aid of the head of the judiciary. The high character of this tribunal, composed of men who have been selected by the nation, gives security against all partisan and all unjust decisions. Their determination would be made with the eyes of the nation upon them. The tribunal comports with the dignity of the great question, and would be safe and conservative; and I doubt whether it is possible to adopt

It is said that the votes are to be counted in the presence of the It is said that the votes are to be counted in the presence of the Senate and House. That is true, but the difficulty we are meeting is that of there being votes which they cannot count, where the Senate says, "Count them," and the House says, "Let them not be counted." Intervention thus becomes necessary. Therefore let us establish this tribunal, representing each House, and invoking the aid of the judiciary to determine what is the vote, that it may be counted in the

presence of the two Houses.

Mr. JOHNSTON. The amendment offered by me is not properly printed. It purports to strike out all after the word "and" of the amendment of the Senator from Tennessee [Mr. Cooper] and insert my amendment. Instead of that it is to come in at the end of the second section of the bill, being an addition to that section. On the top of the second page of the printed amendment the word "voting" is omitted before "by States." Then, in order to perfect the amendment, I desire to add after the word "vote," in the fifth line on the second page, the words, "a majority of such representation shall cast the vote of the State."

The PRESIDING OFFCER, (Mr. CAMERON, of Wisconsin, in the nair.) The amendment will be reported as modified.

The CHIEF CLERK. It is proposed to insert at the end of the second ection of the bill the following:

If the Senate should vote for counting one certificate and the House of Representatives another, the joint meeting of the two Houses shall finally determine which shall be counted, voting by States, the representation from each State, including the Senators therefrom, having one vote. A majority of such representation shall cast the vote of the State, but if the representation of any State shall be equally divided its vote shall not be counted.

Mr. JOHNSTON. I suppose, although strictly speaking the amendment of the Senator from New Jersey is the one before the Senate, it is not improper to consider all the amendments which are before the body. It seems to me that the amendment offered by the Senator from Tennessee is liable to several objections. In the first place it provides for the decision of a question by one body where the two bodies disagree. In the event that the Senate should decide in favor of one set of returns and the House in favor of another, the amendment of the Senator from Tennessee provides that the question shall be decided by the vote of one of these bodies, excluding the vote of The amendment is objectionable in that respect, for in a the other. matter of disagreement in regard to the vote of a State each body should have a right to express their opinions and be heard. Each body should be allowed a vote in the final arbitrament of that question, and it should not be left exclusively to one of the two Houses to decide. That would be proper according to my view in any question arising between the two Houses, and it is rendered particularly proper in the consideration of this particular question.

The bill is one relating to the election of both President and Vice-President. The first and second sections refer to counting the votes for both officers; but the second section especially says that the returns of the election for President and Vice-President in such States shall be opened by the Vice-President "in the presence of the two Houses when assembled to count the votes." And the amendment of the Senator from Tennessee proposes a mode of settling a disputed question in regard to the election of both officers.

The twelfth article of the Constitution of the United States declares that where there has been no election by the people the House of Representatives shall elect the President and the Senate of the United States shall elect the Vice-President. We are now considering a measure in regard to the election of both these officers, not the President only, but the President and Vice-President also. The bill is applicable to both of these officers, and we must therefore frame a law so as to be operative as to each of those officers, and not to one alone, and that shall not deprive either body of its constitutional right. While the Constitution declares that the Vice-President shall be elected, in the event that there is no election by the people, by the Senate of the United States, the amendment of the Senator from Tennessee pros to take away entirely from the Senate any voice in his election. I think, therefore, that the amendment of the Senator from Tennessee is liable to the fatal objection that it deprives the very body which the Constitution itself provided shall decide that question of any choice in the matter.

Mr. EATON. Will my friend allow me to ask him a question?
Mr. JOHNSTON. Certainly.
Mr. EATON. Does the logic of the Senator's argument carry it to the extent that under certain circumstances a President might be elected of one party and a Vice-President of another party?

Mr. JOHNSTON. I think not, under the amendment I propose.

Mr. EATON. I speak of the logic of the argument, not of the words of the amendment.

Mr. JOHNSTON. I think that the suggestion made by the Senator from Ohio in regard to the amendment of the Senator from Tennessee has great weight. He suggested that in times of high party excitement, times which lead not only men but public bodies from what they might do in cooler moments, the House of Representatives might attempt to usurp the functions of the Senate by intentionally differing from the Senate. Take the case of the two Houses being under the control of two different political parties. A question arises in which the Senate votes one way and the House another. Then in in which the Senate votes one way and the House another. Then in the face of a disagreement between those two bodies the House under the small part of the Senate votes. der the amendment of the Senator from Tennessee would have a right to determine the whole question. That might be an inducement to the House to differ from the Senate in order that they might thus be the House to differ from the Senate in order that they might thus be enabled to exercise this whole important function. It seems to me that we ought not to put any such power as that in the hands of any-body; that we ought not by adopting such an amendment to enable the House of Representatives by differing designedly from the Senate to acquire the right and power to decide the question themselves to the exclusion of the other body. Therefore that amendment is objectionable on that account.

Nor do I think the amendment of the Senator from New Jersey is the prepare solution of this question. I believe that the Constitution

the proper solution of this question. I believe that the Constitution intended in the beginning that Congress should decide these questions. I do not think it was ever contemplated by the framers of that instrument, or that it is in accordance with its spirit, that any-body or any set of men but the Congress should decide these very important questions; yet the amendment of the Senator from New Jersey calls in an entirely new body, one not recognized at all by the Constitution, a body to be created now by law, never thought of at the time the Constitution was framed, having its whole existence in this proposed law and originating on this particular occasion. Such a body is no part of the regular Government of the United States, but is a new body to be brought into existence for the first time

I respectfully suggest to the Senator from New Jersey that the Speaker of the House, as such, is not recognized in the Constitution in regard to the count of the votes for President and Vice-President, but is only a member of the House. He performs no function; he does nothing more than any other member of the body and has no greater power. He is ignored in the Constitution. When they meet in joint assembly the President of the Senate presides over the body. The Speaker does not preside. He is there as a member of the House but not as Speaker of the House. He has nothing to do, therefore, beyond any other member of the House on that occasion, and the selection of him to discharge any important duty as Speaker is therefore outside of the original purpose of the Constitution, and if he has to have any especial powers they have to be given to him now. The same is true in regard to the appointment of the Chief Justice as a member of this new tribunal. That was never contemplated by the Constitution. It was intended in the beginning that any questions which might arise on this matter should be decided by Congress alone, and by nobody else. If we adopt the amendment of the Senator from New Jersey we create a body of men who are to act when the circumstances arise, who have been contemplated by no previous law, by nothing in the Constitution of the United States itself, and who are to solve and settle a question which according to my view the Constitu-tion intended Congress itself to settle.

It is agreed upon all hands that it is the duty of Congress to pro-

vide for a contingency in which there may be two returns from a State when the question arises as to which of those returns shall be counted. All agree that nobody in the beginning contemplated, and no one contemplates now, that the fair vote of a State should be excluded. The right of every State to vote lies at the very bottom of our consti-tutional rights. If it is ever conceded that a contingency may arise in which the fair vote of a State shall be excluded, then we at once lay a foundation for the destruction of our Government. The Constitution intended that not only the votes of one State or two States should be counted, but that the votes of all the States should be counted; every State; not nineteen out of twenty, not thirty-six out of thirty-seven, but the whole thirty-seven. Each and every State has a right to have its vote counted in the election of President and Vice-President. Therefore, this being a fundamental right lying at the very foundation of our Government, it is imperative on us to find. some mode to provide against a contingency which may defeat the vote of a State. What seems to have been the original purpose of the vote of a State. What seems to have been the original purpose of the Constitution? It appears to me there can be no doubt on that sub-It does not seem that there was any idea, either in the framers of the Constitution or in the Constitution itself, that anybody could exercise that right except the Congress of the United States. The Constitution provides that where there is no election by the people the House of Representatives shall elect the President, and where there is no election by the people the Senate shall elect the Vice-President. It provides that the two bodies shall meet in joint session. The joint convention shall separate only for certain specified purposes, namely, where questions arise to be decided-touching any return. In that case the two bodies are to separate and each shall decide for itself. There may be a contingency in which the two bodies acting separately may differ. One may decide in favor of one set of returns and rately may differ. One may decide in favor of one set of returns and the other in favor of another. It does not seem to me that the powers of the Congress of the United States are insufficient to provide for a contingency of that sort. The fact being admitted that it is the duty of Congress to provide for the counting of every vote of a State, (and that fact cannot be disputed,) if the Constitution itself fails to provide for the mode of doing this, can there be any doubt of the power of Congress, under the general section read by the Senator from Ohio, to provide for this emergency? If the machinery is not provided by the Constitution itself, the power to provide that machinery is given to Congress. The Constitution says that the votes of the States shall be counted. If it omits to provide how it may be done in each and every emergency when an unexpected difficulty arises, under its general power Congress can give each State its vote, in order to preserve the spirit of our institutions. The Constitution in substance allows the two bodies together by law to provide a mode in which that difficulty shall be removed and that the vote of that State shall be counted. The question is What mode is most in constitution with the calculation. The question is, What mode is most in consonance with the spirit of the Constitution? What did the Constitution intend in the beginning? What did the framers of the Constitution intend? What mode is most likely to be the one which was originally intended, and which would carry out the spirit and intention of the Constitution most effectually?

As the Constitution has mentioned no other body but Congress, as there is no reference anywhere in the instrument to this duty being there is no reference anywhere in the instrument to this duty being performed by any body but Congress, whenever we go outside of Congress to get any man, or any set of men, for the purpose of deciding this question, we go outside of the spirit of the instrument, and outside of its letter. The right course to pursue is to see what the spirit of the instrument is, what was intended in the beginning, what the purpose of it was, that whatever remedy we do adopt we may adopt the one nearest to the spirit of the instrument. The amendment proposed by myself answers that end. Here is a law providing how the certificates as to the election of the President and the Vice-President, two great officers, shall be determined. We have to count

the returns for both, and we must provide by law for counting them both. Then in attempting to do that we must look to see what the Constitution intended. It is clear that the Constitution intended that, in a certain contingency, the election of President should be settled by the House and the election of Vice-President should be settled by the House and the election of vice-President should be settled by this body. To propose that the House should have the complete right to settle both these questions is not in conformity with the spirit of the Constitution. I cannot see that there is any other solution of the question. If we adopt any other we go outside of the letter and outside of the spirit of the Constitution, and, therefore, it seems to me that the amendment proposed by myself is the only proper solution.

Mr. HOWE. Mr. President, I would not trouble the Senate with any remarks at this time if it were not for the fact that I hold some impressions upon this question which I have not heard yet expressed by any Senator who has preceded me in the debate. I speak of them as impressions rather than as a belief; but, whether they are one or the other, they are so strong upon me that I think it worth while for

me to give them to the Senate.

I agree with all other Senators that this is one of the most important pieces of legislation that I have seen before this body since I have had the honor of a seat here; and I may be allowed to say that to me it is altogether the saddest piece of legislation. It is to me, as It is a longer the saddest piece of legislation. It is to me, as I doubt not it is to the Senate at large and the country as well, a melancholy reflection that we should at this early period of our history require additional legislation, special legislation, in order to execute properly the very simple trust which the Constitution confided to the States and to the Congress of the United States. When the constitutional convention, after a great deal of discussion, after prolonged deliberation, finally invented the plan of having the States make known their choice for President through an electoral college, and had declared to that end that they might appoint a prescribed number of electors in any way the Legislature of the State thought best, I do not think it was contemplated by any one member of that convention that it would ever be a doubtful question, in fact, among honest men who had been appointed by the Legislature of any given State. When the convention said that at a given time the two Houses of Congress should be convened together, and that there the votes which had been returned from the different States should be spread open, and, in the presence of all the members of Congress, those votes should be counted, I do not think it ever entered into the mind of one member of that convention to suppose that a difficulty should ever arise in that joint convention as to which missive purporting to come from a State should be respected as the message of that State. already we know historically that that convention was overconfident either as to the sagacity or the integrity of the men who were to come afterward. Questions of great difficulty have already arisen; and this bill, as well as all the amendments proposed to it, is full of prophecy that like difficulties may occur hereafter. If such difficulties are to come, we ought to deliberate very carefully and very conscientional to the company to the compa tiously how we can best avoid them, or how we can best meet them and deal with them if they must arise.

I have given undoubtedly much less attention to this subject than

I have given undoubtedly much less attention to this subject than I ought to have done. I will say right here, however, that, upon such consideration as I have bestowed upon the subject, if I am called upon to choose between the different expedients already laid upon our desks, I should prefer myself the provisions of the bill reported from the Committee on Privileges and Elections to any of the amendments which have been offered. Before telling why, I want to make another preliminary remark; and that is, that I am one of those who supposed that all the power of every kind which the constitutional convention intended should ever be everyfully the Covernment of the United intended should ever be exercised by the Government of the United States that convention vested in one or the other of the three departments which it created under this Constitution; and I cannot help feeling to-day that there is no power which the Government can exercise which is not in its nature legislative, executive, or judicial. If it be executive, it belongs to the executive department of the Government in express terms by the Constitution. If it be legislative, it belongs to the Congress of the United States, to the legislative department of the Government, in express terms by the Constitution. the contrary, it be judicial in its nature, it belongs to the judicial department of the Government, as fixed by the Constitution; it does not wait for an act of Congress to vest it there; it does not need a

not wait for an act of Congress to vest it there; it does not need a tribunal or that you pass an act of Congress for it.

Is this power executive in its nature? What is the power that you propose to exert? Briefly this: There is the State of Rhode Island, which is entitled to four votes upon the election of your next President and Vice-President. I suppose the Legislature of that State has provided that those electors shall be chosen by the people, or does the Legislature arroint them itself?

the Legislature appoint them itself?

Mr. ANTHONY. They are chosen by the people.

Mr. HOWE. Suppose it shall so happen that next autumn there comes to the President of the Senate a letter from Rhode Island signed by four men who claim to be the electors of the State, and who say by four men who claim to be the electors of the State, and who say that they voted for Brown for President and Wilkins for Vice-President, and that there shall come another letter from the same State, signed by four gentlemen claiming also to be electors of that same State, saying that they voted for two other and different people. Or, to suggest another case which presents precisely the same difficulty, suppose there come two letters from the State of Rhode Island signed

precisely the same, but one letter says that the State of Rhode Island voted for Brown and Wilkins and the other letter says that it voted for two different men. There the question is presented. In the first case, you know that everybody voted; that one set of those fellows who claim to be elected is absolutely the right set. In the other case, everybody knows that one of those letters is a forgery. One is true, You want to ascertain how to determine in the one the other is false. case which of the letters is the true letter and which is the lorged, or, in the other case, which set of four men was legally authorized by the State of Rhode Island to declare its wishes in the presidential what is the nature of that question? What is the election. Now, what is the nature of that question? What is the nature of the power which determines that question? If executive, clearly the President should determine it; but then no one will say that it is executive, or at least no one has yet said that. Well, is it legislative? This bill, and each one of the amendments, and all the discussion to which I have listened seem to go upon the supposition that it is legislative power. If it be, I wish Senators would consider for a moment whether they can abdicate, transfer, transmit the exercise of that power to any other body in the world. The Constitution says that legislative power is vested in a Senate made so and so, and in a House of Representatives made exactly so, and in no other way. Those two bodies, under the correction of the President, are to wield all legislative power, and for the very gravest reasons in the world the Constitution vested this legislative power in these very peculiarly constituted bodies. Now, can you delegate the exercise of any part of legislative power to any other tribunal? I simply state the question. I do not argue it.

Mr. EDMUNDS. And do not answer it.
Mr. HOWE. No; I do not answer it. I will give my own opinion.
My own opinion is that it cannot be delegated; and therefore if I were driven to the conclusion that the decision of this grave question, this momentous question, this question upon which, under conditions entirely conceivable, may hang the issues of civil war—if I were driven to the conclusion that that is a legislative question, I should say that, when the question arises which one of these letters from Rhode Island shall be respected as the voice of Rhode Island, it must be settled either by the joint convention or by the several Houses acting separately; nor can it be left to arbitration, no matter who may be the arbitrators. There is but one way under the Constitution in which it can be settled, and that is by bill, going through all the forms of enactment, becoming a law by the approval of the President of the United States, or receiving the vote of two-thirds of each House over his veto. That is my own conclusion. I do not propose to argue it, and I do not propose to occupy the attention of the Senate any longer than to make one other suggestion—probably it already occurs to so many Senators as have done me the honor of listening to me—and that is that in my own mind the power which can definitely settle that question, conclusively settle that question which letter reflects the voice of Rhode Island, is not the exercise of executive power, is not the exercise of legislative power, but is the exercise

of judicial power.
Who are interested in that question? If those four votes would change the political complexion of the executive department of the Government for four years, it is a question which interests certainly all the political parties into which the people of the United States may be divided; and in that sense it interests all the people of the United States. Nay, the political complexion of these parties may assume a hue, a color which would make the great issues of peace and assume a flue, a color which would make the great issues of peace and war with foreign powers actually to depend upon the question which of those letters actually represents the will of Rhode Island. But then there are two or more persons who have a peculiar and a pecuniary interest in that question. Who are they? The men who are rival candidates for the Presidency. Count one of those letters true, and one man becomes President of the United States; count the other, and another becomes the President of the United States. Now, is the Presidency under our system of government an office or is it not? If it be an office, why is not the selection of men to fill it as jealously guarded and as jealously controlled as the selection of men to fill any other office? If the dispute be about the choice of a municipal officer, the sheriff of a county, or anything of that sort, and a question arises before the board of county canvassers, or whatever they may be called, as to which of two letters from a certain town contains the true vote as to which of two letters from a certain town contains the true vote of that town, that question, everybody knows, I suppose, at this day, is under the government of all our States plainly a judicial question. The courts have so held over and over again; and in one instance to my knowledge it has been held that a dispute between two contending candidates for the office of governor of a State was a question to be settled by the judicial tribunals of the State. The sitting governor, the occupying governor, has been ousted from office, and another man has been invested with the office under the judgment of a court of law. In what respect, except in point of mere dignity, does court of law. In what respect, except in point of mere dignity, does the office of President differ from the office of governor?

If, then, this be a judicial question, it belongs of course to the courts of the United States. The Senator from Ohio says that the Supreme Court cannot take original jurisdiction of the question. He is undoubtedly right about that, for the very good reason that it is not one of the questions nominated in the Constitution over which the Supreme Court has original jurisdiction; but, if it is a judicial question in its nature and a question which arises under the Constitution of the United States, it belongs to some court of the United States,

that which has original jurisdiction. Does it arise under the Constitution of the United States? What does the Constitution say? Not contemplating that there may be any dispute, that there may be any two pretenders to the office of elector of a State, it says these two things: First, that when the two Houses get together the votes given by the States shall be counted; and you do not obey the command of the Constitution by anything short of that; no matter what the dispute may be, no matter what the difficulty may be of determining what are the votes of the State, the command of the Constitution is explicit that the votes shall be counted. What more? It says this other thing, that the man who has the majority of the votes shall be President; not the man whom the president of the convention shall assert has the majority; not the man whom the joint convention shall say has the majority; not the man whom the two Houses shall say; not the man to whom it may be awarded by any arbitration that may be possibly manufactured, but the man who has the majority. He is the man upon whom the Constitution, which we are all sworn to support, devolves the office of President. Therefore I think, myself, that by the express letter of the Constitution this question is a judicial question, and all the legislation you want is such as may simplify and expedite the trial and the determination of it.

plify and expedite the trial and the determination of it.

I know very well that it does not matter at all who decides this question which may arise in the States touching the vote of a State, if after all the vote which the State really gave is counted in the convention and goes into the summing up of the general result, no matter who gets it, whether the president of the convention, the Speaker of the House, the Clerk, or any member; but, if there is a dispute as to which is the true vote, then it has to be decided by somebody. I admit, if you leave it to the president of the convention, he may decide it wrong; if you leave it to the two Houses, they may; if you leave it to any of the tribunals suggested by the different amendments, they may decide it wrong; and I admit, if you ent amendments, they may decide it wrong; and I admit, if you leave it to the judicial tribunals, they may decide it wrong; and so, after all, the command of the Constitution may not be obeyed, and

the true vote of a State may be rejected and a false vote substituted.

But the two reasons why I conclude that this power belongs to the courts, and to nobody else, are: First, I think it is judicial power in its nature, and so has gone by the express delegation of the Constitution to the courts, and, secondly, if I were myself, instead of being a Senator, a full-fledged constitutional convention, and were making a constitution upon this point, I would delegate this power to the courts; not because they cannot blunder or be dishonest even as well as other tribunals, but because they have less excuse for blundering and are under greater obligations to be honest than most other tribunals, the forms of procedure in the courts are so deliberate, both parties are so carefully heard, testimony is so fully adduced, and the opportunity is given for so careful a weighing of it, and they act before the whole world, their judgments are submitted to the criticisms not merely of the present generation but of all time. So, as I was about to say, if I were making a constitution, I should take pains in most explicit terms to give this authority to the courts.

Mr. MORTON. Mr. President, there are three propositions here as amendments to the second section of this bill. That section provides

for a case where there are two returns of electoral votes from the same State, and further provides that only that return which both Houses agree is the true and valid return shall be counted.

The first amendment, that offered by the Senator from Tennessee. The first amendment, that offered by the Senator from Tennessee, [Mr. Cooper,] is that in case the two Houses do not agree upon the same return the question shall then be referred to the House of Representatives, and they shall vote by States, and that return which has a majority of the States represented in the House shall be counted. The Senator from Virginia [Mr. Johnston] proposes to amend that by providing for a joint convention of the two Houses, the Senators and Representatives to meet together and compose one body, but that in that capacity, each Senator and each Representative having one vote, the vote shall again be taken by States. For example, the State of Delaware would have three votes in this joint convention, having of Delaware would have three votes in this joint convention, having two Senators and one Representative. The two Senators would cast the vote of the State, or one Senator and one Representative could cast the vote of the State, or one senator and one representative contacts the vote of the State. In other words, it is proposed to give the Senators a vote in the determination of the voice of the State, just as a member of the other House would have in the election of President.

The third proposition is submitted by the Senator from New Jersey

The third proposition is submitted by the Senator from New Jersey [Mr. Frelinghuysen] to provide that, in case of disagreement of the two Houses in determining which is the valid return, then the question shall be referred to the decision of the President of the Senate and Speaker of the House, acting together with the Chief Justice of the Supreme Court; that they shall constitute a tribunal. Of these three propositions, that of the Senator from New Jersey is, in my opinion, much the best. It is much more fair, equitable, and republican then either of the others in my independ lican than either of the others, in my judgment.

But, sir, I now present the question as to whether you can constitute an umpire between these two Houses. In the first place, to go back to the main proposition, the Constitution declares that—

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

Two constructions are contended for here. One is that the President of the Senate himself shall open and count the votes and shall determine all questions arising upon the certificates or, in case there are two certificates, shall decide which is the true and valid return. That is one construction claimed. There is another that the duty of the President of the Senate is simply to open the certificates in the presence of the two Houses; that the two Houses are assembled not as a joint convention, but each in its separate capacity; that they are as a joint convenient, the sees in the separate capacity, that they are there not only as witnesses, but they are there as judges; and if a question arises in regard to the vote of a State or a part of it, it is to be settled by the two Houses who are present there as the judges of the election.

We could, without doing any great violence to the Constitution, adopt either of these constructions. Each is possible under the language. The Constitution says:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

It does not say who shall count them; it leaves it open to inference that they shall be counted by the two Houses on the one hand or by the President of the Senate on the other. I will assume; for the sake of the argument, that you can give to it either construction. I will assume that it is open to both views. Then the question comes, which is the more reasonable, which is the better, which is the safer of the two: to adopt that construction which gives this great power to one man, the President of the Senate, who may be counting the votes for himself, as it has turned out six times in our history; or would it be safer to leave it to the determination of the two Houses of Congress, representing the States and the people? If we are open to adopt either one of these constructions, I say the latter is the safer, it is the more reasonable, it is in conformity with the spirit of our Government and of popular institutions. I then adopt the latter construction.

If the votes are to be counted by the two Houses, a disagreement arising, how shall that be settled? In the first place the first section of this bill provides for the case where there is but one certificate, where there is but one set of electoral votes; there is no question that that certificate does come from the State; but it may be defective. For example, it may not state that the electors voted by ballot, as the Constitution requires; it may not show that separate lists were made, as the Constitution requires; it may not show that the vote was cast on the day the law requires; or it may not be properly authenticated by the governor, according to form. There may be doubts upon these questions; but still, the return itself being admitted to be the only one from the State, that section of the bill provides that the return shall be counted unless both Houses concur in saying that some one of these objections is so clear as to require its rejection. That part of it is safe enough. There is only one return; the authenticity of it is admitted, but there is some defect about it. That defect shall not reject the return unless it is so plain that both Houses concur in rejecting it. That is safe for the country.

We then come to the case where there are two sets of electoral

votes—two certificates, and each on its face is prima facie the vote of the State. How, then, shall it be determined? I assume that the Senate is acting patriotically and honestly; I assume that the House would act in the same way. They may be composed of different parties, but we must leave something to the integrity of men, no difference by what political name they may be called. There are two sets. The Senate resolves in favor of one set, the House resolves in favor of the other set. There is a disagreement. The Senator from Ohio said that it was the intention that the State should have a vote, and so I say. The intention is that the State should have a vote, but if the thing is in that condition that Congress cannot determine which is the correct vote, it will be the misfortune of the State if the vote is lost. That is all you can say about it. It is like any other case where the tribunal cannot agree. Appropriation bills are absolutely necessary to carry on this Government; and yet if the two Houses cannot agree about them the bills are lost. It is the misfor-tune of the Government; it may be the destruction of the Government, but you cannot create an umpire in that case to pass an appropriation bill and determine whether the appropriation shall be made.

Mr. SARGENT. It is because the Constitution prohibits it in that case. Does the Constitution prohibit it in the other?

Mr. MORTON. I do not know that the Constitution prohibits it in that case any more than it prohibits it in the other. It provides that all the powers of this Government shall be in the three departments, the executive, the legislative, and the judicial; and when the judicial cannot agree and fails to act, that is the end of it; and so with the legislative. I know of no provision in the Constitution authorizing you to create an umpire between the two Houses in regard to this question any more than in regard to a legislative question. Take a case where there are eight judges on the bench of the Su-preme Court, an even number, and they stand four and four. They have failed to act. The judgment of the court below may be affirmed because the judgment of the court above is equally divided, or where affirmative action is positively required, as in the case of a mandate, the judges being equally divided, it falls. You cannot provide for an umpire in that case to come in and settle the question in case of a division of the Supreme Court.

Now I want to consider very briefly the amendment offered by the Senator from Tennessee providing that in case the two Houses of Congress shall disagree, then the House of Representatives, voting by States, shall settle the question. I would say to my friend that I am opposed to that upon every ground; first, because it is inequitable, it is unjust, and I can see no logical propriety in taking a vote by States in determining a question of that kind as to which may be the true

return from a State. There it may be a question arising upon the certificate, or possibly, though I cannot see how, a question of fact out-States seems to me to be illogical in every respect. It recognizes a principle to which I am unalterably opposed. We have got one vote principle to which I am unalterably opposed. We have got one vote by States in the Constitution. That is enough. I undertake to say by States in the Constitution. That is enough. I undertake to say it is to-day the most dangerous provision in that instrument, and it ought to be out of it. It has been exercised but twice, and each time it brought the Government into great danger. The idea now of giving to the House of Representatives the power of voting by States to disfranchise a State, or to admit this return or that return, the effect of which might be to give to the House itself the election of a Pres-ident, or to give the election to that candidate who had a majority of States in his favor voting by States in the House, but to whom a large majority of that House personally might be opposed, is too dangerous to be tolerated. I have already shown by a calculation which has been made that you may take the present House of Representatives and out of two hundred and ninety-two members forty-five members can elect a President against the wishes of nearly two hundred and fifty, and that nineteen States having less than a population of eight millions can elect a President over the other States having a population of thirty-two millions.

Sir, if I had the time I could go into the history of the election of President in the House of Representatives in 1801 to show that it presents the most powerful temptation to corruption of any process connected with our whole Government; and if it were not for shocking the sensibilities of men, if it were not that I might detract something from that reverence which time has cast upon certain characters, I might refer to the history of that election to show that perhaps it was the most corrupt election in the history of our Government. I referred this morning to an old document that I remembered to have seen some time ago, and I read from a speech made by Mr. Bayard, of Delaware, in February, 1802, in regard to the election by the House of Representatives in 1801, a speech made in Congress by one who participated in that election. I will ask the Clerk to read from where I have marked on page 417 to page 420 of the volume, Debates on the Judiciary, which I send to the desk. The Chief Clerk read as follows:

In have marked on page 417 to page 420 of the volume, Debates on the Judiciary, which I send to the desk.

The Chief Clerk read as follows:

The case, sir, to which I refer carries me once more to the scene of the presidential election. I should not have introduced it into this debate had it not been called up by the honorable member from Virginia. In that scene I had my part; it was a part not barren of incident, and which has left an impression which cannot easily depart from my recollection. I know who were rendered important characters, either from the possession of personal means or from the accident of political situation. And now, sir, let me ask the honorable member what his reflections and belief will be when he observes that every man on whose voot the event of the election hung has since been distinguished by presidential favor. I fear, sir, I shall violate the electron of parliamentary proceeding in the mentioning of names; but I hope the example which has been set me will be admitted as an excuse. Mr. Charles Pinchney, of South Carolina, was not a member of the House, but he was one of the most active, efficient, and successful promoters of the election of the present Chief Magistrate. It was well ascertained that the votes of South Carolina were to turn the equal balance of the scales. The zeal and industry of Mr. Pinckney had no bounds. The doubtful politics of South Carolina were decided, and her votes east into the scales of Mr. Jefferson. Mr. Pinckney has since been appointed minister plenipotentially to the court of Madrid; an appointment as high and honorable as any within the gift of the Executive. I will not deny that this preferment is the reward of talents and services, although, sir, I have never yet heard of the talents or services of Mr. Charlos Pinckney. In the House of Representatives I know what was the value of the vote of Mr. Linn, of New Jersey. The delegation of the State was in his hands. Mr. Claiborne has since been raised to the high dignity of governor of the Mississippi Te

competition for the presidential office, of deciding the election in his favor.

Mr. MORTON. That extract from a speech of Mr. Bayard showing very clearly that the election of President by the House of Representatives or the decision of any question referred to that House where the vote was to be taken by States would be within the reach of the patronage of the President, proves the danger of that form of election. Aside from all questions of unfairness, aside from giving to the smallest State in this Union, with a population of not one hundred thousand, the same voice in the selection of a Chief Magistrate

or in determining some question upon which that election turns that the great State of New York has with nearly five million people, such a plan of election is a strain upon popular government in this country to which our institutions ought never to be subjected again, if possible. There are other features connected with that election that I might refer to, going to show the same thing; but coming down to the election of John Quincy Adams, Mr. Clay, one of the most distinguished members who has ever had a seat in this body, long the great leader of his party, as a member of the House of Representatives voted for Mr. Adams when the election went to the House; and afterward being appointed Secretary of State, he had a stigma affixed upon him from which he never escaped through a long and

honorable life.

The proposition of my friend from Virginia as well as that of my friend from Tennessee recognizes this principle of the independence and the sovereignty of the States, thus subdividing the nation, and giving to each one a voice in the settlement and determination of this question—a principle which in its amplification and in its consequences was the foundation of the doctrine of secession, and has

quences was the foundation of the doctrine of secession, and has brought upon this country the greatest evils under which it has suffered. I can never consent, so far as I am concerned, to vote for any bill that further extends the operation of that doctrine.

If we have power at all, which I do not think we have, to create an umpire to decide where the two Houses disagree, I then submit to my friend from New Jersey as well as to all the Senate, that the safest and best proposition is to introduce the Supreme Court in that case. If upon the question of a vote of a State that may turn a presidential election the House and the Senate cannot agree, the country would not be so well satisfied with a decision made by the country would not be so well satisfied with a decision made by the President of the Senate and the Speaker of the House and the Chief Justice, a special tribunal, as it would with a decision made by the Supreme Court of the United States. If we can call in an outside tribunal, one already existing, or if we can create one, would not the Supreme Court of the United States be more satisfactory to this nation than any other one whose services we could invoke? And if, as the Senator from Ohio argued, you cannot confer the power upon the Supreme Court, because there can be no appellate jurisdiction conferred upon that court that does not come from an inferior court, as there could not be an appeal taken from the Court of Claims until you first gave the Court of Claims the power of finding a judgment— if he is technically right about that, if we cannot call in the Supreme Court as a supreme court to decide that question, still we can do this, and I invite the attention of Senators to this: If we can make a special tribunal out of the Speaker of the House, the President of the Senate, and the Chief Justice, we can make a special tribunal to consist of the judges of the Supreme Court. I have therefore drawn up the form of a proposition, if it be the pleasure of the Senate to establish an umpire, which I will read—it is not in order now, but I will read it for information—and I avoid the technical difficulty suggested by the Senator from Ohio, that you cannot confer this power on the Supreme Court as a supreme court, but keeping in mind the other suggestion, that we can create a special tribunal, then I say we can make that special tribunal to consist as well of the judges of the Supreme Court as of the Speaker of the House, the President of the

Supreme Court as of the Speaker of the House, the President of the Senate, and the Chief Justice.

Mr. STEVENSON. Will the Senator from Indiana allow me to suggest to him—and I make the suggestion to the Senator from New Jersey as well—might not this question come before the Supreme Court of the United States as a judicial question, as much, for instance, as in the case of Marbury vs. Madison? I can very well understand how a judicial question involving this election might come before the Supreme Court in its judicial character; and it seems to me an objection, therefore, to make them decide, or at least the Chief Justice to decide it, not as a judicial question, when he may be after

Justice to decide it, not as a judicial question, when he may be afterward called upon to decide it judicially.

Mr. MORTON. I think this question cannot come before the Supreme Court judicially; certainly not under the present law that we have; but I will now read the plan of the amendment that I would suggest in case the Senate determines that we have the power to es-

That the judges of the Supreme Court of the United States shall be assembled in the chamber of the Supreme Court at the same time that the two Houses of Congress are counting the electoral votes for President and Vice-President; and in case the two Houses shall fail to agree as to which is the true and valid return as provided for in this section, the returns shall be immediately submitted to the said judges, who shall summarily decide which is the true and valid return, which return shall be counted.

It seems to me that, if we have got to refer this question to anybody, it would be more satisfactory to refer it to the Supreme Court of the United States; and if you cannot do it in the character of Su-preme Court, then let your special tribunal be composed of judges of that court, and let them decide it, and decide it forthwith.

My opinion is that there is a defect in the Constitution. I think this whole electoral-college business ought to be destroyed. The purpose of it has failed utterly. It is entirely useless; it is dangerous; but until that amendment is made, my opinion is you cannot do better than to take this bill substantially as it has been reported to this body.

Mr. EDMUNDS. Mr. President, I think it quite obvious that we cannot conclude this discussion to-night. It has been valuable to us all, and the question is of so great importance that reflection upon what

has been said I have no doubt will be advantageous to each Senator. I move therefore that the Senate now proceed to the consideration of

Mr. RANDOLPH. Before that motion is put I should like to bring I submitted an amendment which seems to have escaped the attention of most of the Senate, the reason being that it was then out of order and that it was not printed with the other amendments. I should like to have the amendment that I proposed laid before the Senate,

in order that it, with the others, may be discussed.

Mr. MORTON. It has been printed.

Mr. EDMUNDS. It will come up in due time.

Mr. RANDOLPH. But it was printed on a separate slip, and during the whole discussion it has not entered into consideration as one

ing the whole discussion it has not entered into consideration as one of the amendments that might possibly be adopted.

Mr. MORTON. I overlooked it. I should like to hear it read.

The PRESIDENT pro tempore. The Secretary will report the printed amendment of the Senator from New Jersey, [Mr. RANDOLPH.]

The CHIEF CLERK., The proposed amendment is to insert as an additional section the following:

SEC. —. Should the two Houses of Congress, acting separately, fail to agree as to which is the true and valid return of a State, then, and in that event only, the President of the Senate shall render a decision of the question, and such rendition shall be in favor of that return of a State which shall have received a majority of all the votes cast in both Houses of Congress, considered as if both Houses had cast their votes in joint meeting assembled.

Mr. MORTON. I will ask to have the amendment which I suggested

The PRESIDENT pro tempore. The suggested amendment will be

The Chief Clerk read as follows:

That the judges of the Supreme Court of the United States shall be assembled in the chamber of the Supreme Court at the same time that the two Houses of Congress are counting the electoral votes for President and Vice-President, and in case the two Houses shall fail to agree as to which is the true and valid return as provided for in this section, the returns shall be immediately submitted to the said judges, who shall summarily decide which is the true and valid return, which return shall be counted.

The PRESIDENT pro tempore. This amendment will also be printed. Mr. EDMUNDS. I renew my motion for an executive session. The motion was agreed to; and the Senate proceeded to the consid-

eration of executive business. After eight minutes spent in executive session the doors were re-opened, and (at three o'clock and fifty minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

THURSDAY, March 16, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution and bills of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 65) authorizing Edwin James, consular agent at San José, to accept a piece of plate from the Queen of Great

Britain;
An act (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri;

An act (H. R. No. 215) granting a pension to John G. Parr, of Kittanning, Pennsylvania;
An act (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1877; and An act (H. R. No. 1599) granting a pension to Frances C. Elliott.

ARMING AND EQUIPMENT OF THE MILITIA.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting a communication and accompanying papers from the Chief of Ordnance, relative to the arming and equipment of the militia of the United States and the laws pertaining thereto; which was referred to the Committee on Military Affairs.

LOSS OF CLOTHING OF ENLISTED MEN.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the proceedings of a board of survey, convened at Omaha Barracks, Nebraska, on the loss of clothing of certain enlisted men of the Twenty-third Infantry; which was referred to the Committee on Military Affairs.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the proceedings of the boards of survey convened on clothing lost by certain enlisted men of the Twentieth Infantry; which was referred to the Commit-

tee on Military Affairs.

## ALLEGED IRREGULARITIES IN PITTSBURGH CUSTOM-HOUSE.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, transmitting, in response to a resolution of the House of Representatives of the 13th instant, copies of letters made the basis of an investigation recently made into alleged irregularities in the management of the custom-house at Pittsburgh; which was referred to the Committee of Ways and Means.

#### ORDER OF BUSINESS

The SPEAKER. The Chair will again inquire this morning whether there be objection to the presentation for appropriate reference of bills on the Speaker's table?

## There was no objection.

#### SENATE BILLS REFERRED.

The following Senate bills on the Speaker's table were severally read a first and second time and referred to committees, as follows: A bill (S. No. 4) for the relief of William Bowlin-to the Commit-

tee on Military Affairs.

A bill (S. No. 43) granting a pension to Urial Bundy—to the Committee on Invalid Pensions.

A bill (S. No. 130) to relinquish the interests of the United States

in certain lands to the city and county of San Francisco, in the State of California—to the Committee on Military Affairs.

of California—to the Committee on Military Affairs.

A bill (S. No. 545) granting a pension to Abraham Ellis—to the Committee on Invalid Pensions.

A joint resolution (S. R. No. 2) authorizing Rear-Admiral J. J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands—to the Committee on Foreign Affairs.

A bill (S. No. 546) to further the administration of justice in the State of Colorado—to the Committee on the Territories.

A bill (S. No. 229) to enable the people of New Mexico to form a constitution and State government, and for the admission of said

constitution and State government, and for the admission of said State into the Union on an equal footing with the original States—to the Committee on the Territories.

A bill (S. No. 509) for the relief of John A. Shaw-to the Committee

A bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to premote the development of the mining resources of the United States," approved May 10, 1872, with amendments.

Mr. BLAND. I ask unanimous consent that the amendments of the Senate be non-concurred in and a conference asked on the disagreeing

votes of the two Houses.

There being no objection, it was so ordered.

A bill (S. No. 575) for the relief of Elias E. Hovey-to the Committee of Ways and Means.
A bill (S. No. 561) for the relief of Major Junius T. Turner—to the

Committee on Military Affairs.

A bill (S. No. 560) for the relief of Benjamin L. Cornish, late second lieutenant of the Thirty-second Wisconsin Volunteer Infantryto the Committee on Military Affairs.

A bill (S. No. 401) to incorporate the Citizens' Building Company of

Washington, District of Columbia-to the Committee for the District

A bill (S. No. 391) to authorize the Secretary of War to purchase a portion of land on the island of Key West, Florida—to the Com-

a portion of land on the island of Key West, Florida—to the Committee on Military Affairs.

A bill (S. No. 384) for the relief of Mrs. Eliza Potter, widow of Lorenzo T. Potter, deceased, late of Charleston, South Carolina—to the Committee on Military Affairs; and

A bill (S. No. 333) for the relief of Major A. Hixon, late a paymaster in the Army—to the Committee on Military Affairs.

## REFERENCE OF PAPERS

The SPEAKER. The Clerk of the House calls the attention of the Chair to the facts which will now be read by the Clerk.

The Clerk read as follows:

The following papers were presented at the Clerk's desk under the rule without indorsement thereon of any member's name or the committees to which they are desired to be referred:

The remonstrance of William P. Clyde and others against the passage of the bill (H. R. No. 523) authorizing vessels built abroad, but belonging wholly to citizens of the United States, to be registered as vessels of the United States.

The remonstrance of Van Brunt Brothers and 41 others, of a similar

import.
The remonstrance of Elias A. Chambers and 20 others, of similar import.

A petition for the improvement of the Snake River

A petition of the citizens of Ashley, for the relief of Edward O. M. Condon.

A petition of William Wheeler Hubbell, accompanied with a plan to establish a commercial money currency, &c., to the Committee of Ways and Means.

Mr. RANDALL. I move that all the papers which have been read shall be referred to the appropriate committees. It appears that they did not have upon them either the name of the member presenting them or where he wishes them to be referred; but, by unanimous consent, they can receive the appropriate reference.

The SPEAKER. It will be so ordered unless objection be made,

and they will be referred to the appropriate committees; and the Chair hears no objection. The Chair made this statement at the suggestion of the Clerk, for the purpose of reminding gentlemen of the importance of observing these little matters of form in the indorsement of papers and their proper reference.

#### ELECTION CONTEST-COX VS. STRAIT.

Mr. RANDALL, by unanimous consent, submitted additional papers in the contested-election case of Cox vs. Strait, of Minnesota; which were referred to the Committee of Elections.

### ORDER OF BUSINESS

Mr. RANDALL. I now call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at half past twelve o'clock. The first business in order during the morning hour is the call of committees for reports of a public nature. The call rests with the Committee on the Judiciary.

Mr. HURD. When the morning hour terminated under the last call of this character the Committee on the Judiciary had reported a substitute for House bill No. 363, to provide for holding terms of the district and circuit courts of the United States at Jackson, Tennessee. That is a bill which it is necessary shall be passed now.

Mr. KNOTT. Before that bill is taken up, I ask the gentleman from Ohio [Mr. HURD] to yield to our colleague on the Committee on the Judiciary, the gentleman from New York, [Mr. LORD,] to submit a report and have a day assigned for its consideration.

Mr. HURD. I will yield for that purpose.

### DISTRIBUTION OF GENEVA AWARD.

Mr. LORD. By direction of the Committee on the Judiciary, I report a substitute for House bills Nos. 211, 445, 528, and 2144, to provide for the distribution of unappropriated moneys of the Geneva award. In connection with the bill I submit also the report of the majority of the committee and also a report from the minority of the committee. The bill involves the distribution of a large sum of money, more than \$10,000,000, and is of very great interest to the parties claiming a portion of the Geneva award. I move that the substitute and accompanying reports be printed.

The bill (H. R. No. 2685) was then read a first and second time, and,

with the accompanying reports, ordered to be printed.

Mr. KNOTT. In this connection I desire to say that what is alluded to by the gentleman from New York [Mr. LORD] as the minority report of the Committee on the Judiciary is simply the views of a single member of that committee. I desire to ask for myself, the gentleman from Wisconsin, [Mr. LYNDE,] and the gentleman from North Carolina, [Mr. ASHE,] the privilege of submitting our views in a separate paper, and that they be printed, so as to be considered with the bill now reported from the committee.

There was no objection, and it was so ordered. Mr. LORD. I now move that the further consideration of this bill be postponed until Thursday, the 30th of the present month, and that it be made the special order for that day. In the mean time the bill and the reports can be printed.

Mr. HOLMAN. Not to interfere with reports from the Committee

on Appropriations.

The SPEAKER. Unless objection be made it will be so ordered.

Mr. HOLMAN. I must object to this being made the special order, unless it is understood that it shall not interfere with the reports from the Committee on Appropriations.

Mr. LORD. I have no objection to that.

Mr. McCRARY. Is the order proposed that the bill shall be made the special order for the day named and from day to day until disposed of?

The SPEAKER. It is not.

Mr. McCRARY. Then I suggest to the gentleman from New York [Mr. LORD] that the order be modified in that way, so that the bill

may be considered from day to day until disposed of.

Mr. LORD. That is the order I intended to ask the House to make.

There was no objection, and accordingly the further consideration of the bill was postponed until Thursday, the 30th instant, and made the special order for that day and from day to day until disposed of, reports from the Committee on Appropriations excepted.

Some time subsequently,
Mr. LORD said: For considerations which have influence upon the
Committee on the Judiciary, I will ask the consent of the House to
change the order made in reference to the Geneva award bill, so as to fix for its consideration Wednesday, the 29th of this month, instead of Thursday, the 30th.

The SPEAKER. The Chair begs leave to suggest to the gentleman

from New York that where so many special orders are being made they must be considered by the House in the order in which they are set down; and there is very little gained in changing the days for their consideration from one day to another so near. If the gentleman de-

sires it, however, the Chair will submit his request to the House.

Mr. LORD. There are certain reasons why the time fixed for the consideration of the bill should be Wednesday, the 29th, instead of Thursday, the 30th; and I desire, on behalf of the Committee on the Judiciary, that the change be made.

There being no objection, it was so ordered.

UNITED STATES COURTS IN TENNESSEE.

The House then resumed the consideration of the bill (H. R. No. 265-6) to provide for holding terms of the district and circuit courts of the United States at Jackson, Tennessee.

The question was upon ordering the bill to be engressed and read a

Mr. HURD. I yield for three minutes to the gentleman from Ten-

Mr. CALDWELL.]

Mr. CALDWELL.]

Mr. CALDWELL. I do not rise for the purpose of discussing the bill now before the House so much as for the purpose of making an explanation. There is an urgent necessity in the section of country which I have the honor in part to represent for the passage of some such measure as this. I had the honor of introducing into this House a bill to provide for the holding of this court at the city of Hum-House a bill to provide for the holding of this court at the city of Humboldt, regarding it, as I did and as many people in that section of the country do, as a place possessing superior accessibility for those having business in the courts. The Committee on the Judiciary have thought proper to select Jackson, Tennessee, as the place at which to hold these courts, influenced no doubt by the fact that the buildings at Jackson intended for that purpose are of a more commodious character than those at Humboldt, and by the additional fact that there are convenient larger libraries for reference, and also the still further fact that at one time the courts were held at Jackson. While I regret that the committee have seen proper to select Jackson, Tennessee, as the place for holding these courts, still, the committee having so decided, I trust the House will pass the bill without opposition.

Mr. HURD. I now yield three minutes to the gentleman from

Tennessee, [Mr. ATKINS.]

Mr. ATKINS. In addition to the facts stated by my colleague [Mr. Caldwell, of Tennessee] that at Jackson there are larger libraries and more commodious buildings for court purposes, I will remark that Jackson is a very flourishing city, and is at or near the geographical center of that division of the State. I merely wish to ask one question of the gentleman who reports this substitute. I am aware that the introduction of the substitute is intended to prevent the establishment of a separate and distinct judicial division by pro-viding for two terms in that division; but I desire to ask whether it is not admissible and expected that process shall issue from this court at Jackson to the counties named in the original bill, which I introduced?

Mr. HURD. Undoubtedly it is true that the court will have power to issue process to the particular counties named in the original bill presented by the gentleman from Tennessee, and it will undoubtedly be the pleasure, as it will be the duty, of the judge of that court to so issue process as that the interests of litigants in those counties

may be best promoted.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HURD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

DISTRICT JUDGE FOR COLORADO TERRITORY.

Mr. HUNTON, I am instructed unanimously by the Committee on the Judiciary to report back the following resolution, with a recommendation that it be adopted:

Resolved. That the Attorney-General of the United States be, and he is hereby, requested to furnish to this House at an early day copies of all letters, telegrams, and papers asking for the removal of Judge Belford, a district judge for the Territory of Colorado, and copies of all letters, telegrams, and papers asking for the appointment of Judge Stone to succeed Judge Belford; also, copies of all papers, letters, and telegrams appertaining to the alleged arbitrary and corrupt rulings, orders, and decrees of Judge Stone in the interest of those who procured his appointment, which are now on file in the office of the Attorney-General; also, the names of all persons who otherwise than in writing demanded the removal of Judge Belford and the appointment of Judge Stone.

Mr. KASSON. Mr. Speaker, does this resolution come from the Committee on the Judiciary?

The SPEAKER. It is the unanimous report of that committee. Mr. HOAR. I am not aware of any authority for stating that it is

the unanimous report of the committee.

The SPEAKER. As the Chair understood, it was just now so stated by the gentleman from Virginia, [Mr. HUNTON.] The Chair inquires of that gentleman whether he did not so state?

Mr. HUNTON. I stated that I was directed by the Judiciary Committee to make this report and ask the adoption of the resolution. The SPEAKER. Did not the gentleman state that he was directed

by the unanimous order of the committee to make the report?

Mr. HUNTON. I probably did; and I still think so. But the gentleman from Massachusetts [Mr. HOAR] seems to have known nothing of the action of the committee upon the resolution. I think it

probable he was not present at the meeting.

Mr. HOAR. I certainly do not wish to find fault; but I do not un-

derstand that as a matter of ordinary precedent there is any authority for stating that the report of a committee is unanimous, unless the have authorized that statement to be made.

Mr. HUNTON. I have no objection to modifying my statement, and saying simply that I am instructed by the committee to make

Mr. HOAR. Mr. Speaker, I know nothing about the facts of this

matter myself; I have never learned any of the details. But I understand that under former administrations, and administrations of different politics from the present, the Executive has refused to communicate to either House of Congress the names of persons advising or remonstrating against Executive appointments, on the ground that such advice relates to the executive duties of the President, and is not within the scope of an inquiry by either House. I know also that very early in the present Administration, in a matter which involved no suggestion of anybody's misconduct, but presented the naked question of principle, the present Executive, under the advice of his then Attorney-General, refused to make answer to a request coming from the Senate couched in similar terms to this resolution.

Mr. HUNTON. All I know about the resolution is that it was introduced into the House by a gentleman from Missouri and referred to the Committee on the Judiciary. That committee thought the House had a right to the information called for, and have instructed me to report the resolution back with a recommendation that it be

Mr. HOAR. I desire to say that if the President of the United States should (as I do not think he ever will) consult me about the character of a person proposed for judge or for any other high office character of a person proposed for judge or for any other high omce in my State, and I should give him information on that subject, I would understand that such information was given to him in confidence; that as a citizen I had the right to say to the President of the United States that a certain person proposed for judge was not a good lawyer or was not of fit character for the appointment; and I should regard it as a breach of confidence if the President should disclose that advice to anybody without my consent. I hope the House will not make such a request of the Executive; but I do not care to make any point in regard to the matter.

The resolution was adopted.

UNITED STATES COURTS AT CHATTANOOGA, TENNESSEE.

Mr. HURD, from the Committee on the Judiciary, reported, as a substitute for House bill No. 488, a bill (H. R. No. 2687) to provide for holding of terms of the district and circuit courts of the United States at Chattanooga, Tennessee; which was read a first and second time.

The first section provides that there shall be two terms of the United

States district court for the eastern district of Tennessee, held at Chattanooga, in the county of Hamilton, in the State of Tennessee, in said district, in each year from and after the passage of this act, the time and length of said term to be fixed by the judges of the said

courts respectively.

The second section provides that the clerk of the district court for the eastern district of Tennessee, the marshal, and district attorney the eastern district of Tennessee, the marshal, and district attorney for said district shall perform the duties appertaining to their offices respectively, for said courts; and the said clerk and marshal shall each appoint a deputy to reside and keep their offices at Chattanooga and who shall, in the absence of their principals, do and perform all the duties appertaining to said offices respectively. That each of said courts shall be held in a building to be provided for that purpose by the State or municipal authorities without expense to the United

Mr. HURD demanded the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

UNITED STATES COURTS AT KANSAS CITY, MISSOURI.

Mr. HURD also, from the same committee, reported a bill (H. R. No. 2688) to provide for holding terms of the district and circuit courts of the United States at Kansas City, Missouri; which was read a first and second time.

The first section of the bill provides that there shall be held two

terms of the United States district and circuit courts for the western district of Missouri in the city of Kansas, in the State of Missouri, in each year from and after the passage of this act, the time and length of the terms to be fixed by the judges of said courts re-spectively; that the clerk of the district court for the western dis-trict of Missouri, the marshal, and district attorney for said district shall perform the duties appertaining to their offices respectively for said courts; and the said clerk and marshal shall each appoint a deputy to reside and keep his office at the said city of Kansas, and who shall, in the absence of the principal, do and perform all the duties appertaining to said office; and that each of said courts shall be held in a building to be furnished for that purpose by the State or municipal authorities without expense to the United States.

Mr. HURD. I yield for ten minutes to the gentleman from Mis-

souri, [Mr. Philips.]
Mr. Philips, of Missouri. In the first place, Mr. Speaker, I rise to a question of order, that as this bill in its operation and execution will necessarily involve the expenditure of public money, it should be

referred to the Committee of the Whole for consideration.

Now, sir, it is true that while the bill provides that the marshal and clerk of the present district and circuit courts of that district shall furnish deputies to reside at Kansas City to perform the duties of their principals, yet there are other expenditures which are the necessary concomitants of courts which must be furnished and provided by the Gen ral Government. It is in fact a separate court, in that these deputies are to do the business of their principals, and of course are to be provided with records separate from the records kept at Jefferson City, and necessarily under this bill there will be separate grand and petit juries at each of these terms of court.

Under this bill there will be, as the law now stands, two terms of the district and two of the circuit court in each year held at Kansas City. The judiciary bill passed by this House has not yet become a law, so that the conduct of these courts will be attended with two separate grand and two separate petit juries in each year, and records will have to be furnished both for the circuit and district courts, as also for the bankrupt court. While it is true in the latter portion of the bill the duty is imposed upon the State government of Missouri or the municipal corporation of Kansas City to furnish a house in which this court is to be held, it will be optional with them whether they furnish it or not. The first portion of the bill unqualifiedly es-tablishes this court there, and if the State government and municipal corporation of Kansas City should decline or refuse to furnish this building, the next call will be upon the General Government to furnish a building, and it is impossible without the expenditure of public money to conduct the court.

The SPEAKER. The Chair overrules the point of order. He thinks

it goes beyond the limits of propriety on questions of this kind. It would be really difficult to imagine any legislation enacted by Congress that does not involve some expenditure. This may, but the expenditure is so clearly an incident that the Chair does not think it

brings the bill within the rule. The point of order is overruled.

Mr. PHILIPS of Missouri. Mr. Speaker, I should have been much pleased to concur in the report of the Judiciary Committee, but a sense of duty to my constituents and to the people of the State of Missouri impels me not only to dissent from it, but to oppose it. For a long time there was but one Federal court in the State of Missouri, held at the city of Saint Louis. After a while a district court was organized at Jefferson City, and the State was divided into two districts, the eastern

and western.

After the war, when the jurisdiction of the Federal courts had been After the war, when the jurisdiction of the Federal courts had been largely extended and their business augmented, Congress was importuned to establish also a United States circuit court for the western district of Missouri at Jefferson City, and only four years ago Congress acceded to this demand. And the circuit court is but fairly under headway when it is proposed by the bill under consideration to establish, not another court, but two additional terms of court; in effect four, two of the district and two of the circuit court, at Kansas City, on the western line of the State, only one hundred and sixty miles from Jefferson City, within the same jurisdiction now covered by the court held at the City of Jefferson.

Jefferson City, sir, is the capital of the State of Missouri. There is

Jefferson City, sir, is the capital of the State of Missouri. There is the seat of government; there sits the supreme court; there is the State library; there are all the officers and offices of the State government. The people of the State are necessarily called there to transernment. The people of the State are necessarily called there to transact all their business with the State department, and they are content and satisfied that this court should be where it is. The place is accessible to the people of the State. The greatest railroad in the State passes through it, extending from Saint Louis to Kansas City. The Missouri River, bisecting the State from east to west, sweeps by it. A railroad reaching out to the north accommodates the people of the northern part of the State. Railroads extending to the northwest and to the southwest accommodate the people of those sections. But now it is proposed to establish in effect four more terms of court two of it is proposed to establish in effect four more terms of court, two of the district and two of the circuit, at Kansas City, in the same judicial circuit; to divide the jurisdiction and the honor and patronage with the people of Jefferson City. I say, sir, it is unnecessary, it is un-

The bill in its present provisions is most onerous and unjust to the Federal officers stationed at Jefferson City. The judge, the marshal, the clerks, and all the officers about these courts have located themthe clerks, and all the officers about these courts have located them-selves at Jefferson City. They have acquired homes and established their families there. The second section of this bill requires the mar-shal and the clerks at their own expense to conduct and carry on a court at Kansas City. It requires the district judge and the United States circuit court judge to go there and hold these terms of court at their own expense. Already the salaries of these officers are moderate. Under the present appropriation bill it is proposed still further to cut them down; and now, for the accommodation of the people at Kansas City, it is proposed by this bill that this marshal and these clerks shall at their own expense furnish deputies to conduct and carry on a court at this city. It requires these deputies to conduct and carry on a court at this city. It requires these deputies to reside there. Ordinarily, a principal who is to be held responsible for the conduct of his deputies ought to be permitted the supervision and superintendence of the conduct and acts of his deputies. This privilege and this right are denied these principals under this law.

I submit this consideration: If there be any public necessity for the organization of synchronization of such as a superintend district court within this consideration.

the organization of another circuit and district court within this same jurisdiction, why not organize and constitute it in the regular way, define its jurisdiction, say over what counties this court shall exercise jurisdiction, to what counties its process shall go. As is well known by every lawyer who practices in the United States courts, four out of five of the suits that are instituted in them are by non-

resident plaintiffs. The convenience of defendants and their lawyers and witnesses is not consulted in this matter.

Mr. HURD. I rise to a question of order. Have not the ten utes allowed to the gentleman from Missouri expired?

The SPEAKER. If the gentleman's time is to be counted from the moment when he arose to make the point of order, it has expired. If he was to be heard ten minutes on the bill itself, it has not ex-

Mr. PHILIPS, of Missouri. This is a matter of very considerable importance to my people. I hope I will be allowed to proceed.

The SPEAKER. The gentleman from Ohio [Mr. HURD] has the

right to resume the floor.

Mr. PHILIPS, of Missouri. I will not consume any time unnecessarily. I have not consumed much of the time of the House during this session.

The SPEAKER. The gentleman has but little time left at best.

He will proceed.

Mr. PHILIPS, of Missouri. I trust the House will give me time to be heard on this matter. Those whom I represent and who are most directly interested in this question are not here. The Federal officials affected really have no man of their politics on this floor from Missouri to represent them, and I ask permission to be heard in their

hissouri to represent them, and I ask permission to be heard in their behalf and the people of Jefferson City.

As I was proceeding to say, if the object of organizing this court at Kansas City is to accommodate the people, I submit that it does not relieve the very people who ought to be relieved by the organization of these courts. It only favors the plaintiffs and the plaintiffs' lawyers. In other words, it will favor Kansas City and the lawyers who reside there and non-resident plaintiffs; but not the people of the State of Missouri. For under this bill process may be issued from this court at Kansas City against a defendant residing in the city of Jefferson, or in the southern part of the State, or any part of the district, and the defendant with his lawyers and witnesses will be taken nolens volens to Kansas City. So the erection of this court in effect does not oblige the defendants and it does not oblige the people of the State of Missouri, but it will oblige a man living in Kansas City, or who may live over the line, to sue defendants resident anywhere Therefore as respects any benefit to the people genin the district. erally they have no more security in the proposed bill than the exist-

I repeat with emphasis, that if there be any public necessity for the constitution of a court at Kansas City, let it be done in the regular and usual way, with a defined territorial jurisdiction, with all the paraphernalia of a court; its judge and quota of ministerial officers to conduct it in decency and respectability.

Here the hammer fell.

Mr. HURD. I now yield ten minutes to the gentleman from Mis-

Mr. HURD. I now yield tell minutes to the general souri, [Mr. REA.]
Mr. REA. Idesire to state to the House that the proposition involved in this bill relates to the location at which United States district courts are to be held. Sir, I have had the honor to introduce into this House a bill to direct this court to be held in the city of Saint Joseph, in the district which I represent. I desire to state that Missouri is divided into two judicial districts, one known as the eastern judicial district with its court at Saint Louis, which includes the smaller area of Missouri, and the western district with the court held at Jefferson City. The western district is a very large district. Gentlemen all know that Missouri is a very large State. I think and believe that there ought to be a court held in the western district west of Jefferson City, (Jefferson City is in the eastern portion of the western district,) but not at Kansas City. In taking this position I do not desire to be understood as having any local opposition to Kansas City, but I believe that the court should be held at Saint Joseph, because great public interests demand that it shall be held there.

ests demand that it shall be held there.

Now what has been the action of Missouri upon this question of holding courts? I desire to say that the supreme court of the State of Missouri for a series of years has been held at three places in the State; one at Jefferson City, one at Saint Louis, where the district courts are held, and one at Saint Joseph, in the western portion of the State. The supreme court of the State was fixed at that place by the receive and that arrangement continued mutil the adortion of by the people, and that arrangement continued until the adoption of the new constitution of the State by which the court is held at the capital of the State. Again, a few years ago the lunatic asylum of the State was located near the center of the State at Fulton, but the Legislature of the State, owing to the growing population of the State, passed an act authorizing that one branch of that institution should be located in the northwestern portion of the State at Saint Joseph, thereby showing that the people of Missouri whenever they acted on this matter have shown that whenever they have sought to find a central point in the western portion of the State they have fixed on Saint Joseph as that point. The Missouri River flows through the State of Missouri near the center from northwest to southeast, dividing the State into nearly two equal portions, and the sessions of the district and circuit courts are now held either at Saint Louis or Jefferson City, both on the southern side of the river, and if you pass this bill and put this court at Kansas City you will have three courts held in that State and all of them upon the southern side

This is about all I have to say.

I think that there ought to be a court held in the western part of the western district of the State, but I believe that it ought to be held elsewhere than at Kansas City. The citizens of the State, in selecting the point at which to hold her supreme court in the western portion of the State, fixed it at Saint Joseph, and so far as court facili-

ties are concerned, so far as railroad facilities for travel, so far as the accommodation of those who are compelled to visit the city for law purposes are concerned, Saint Joseph is unsurpassed by any city or location in the State. I hope therefore that this House will, in selecting a central point for the holding of this court, follow and be governed by the wisdom that the State Legislature of Missouri showed in fixing a point for the meeting of the supreme court of that State. I hope the bill will not pass.

Mr. HURD. I now yield ten minutes to the gentleman from Missouri Mr. Fixing and Mr. Fixing Mr.

Mr. FRANKLIN.]

Mr. FRANKLIN.]

Mr. FRANKLIN. I indulged the hope that the bill now pending, so meritorious in its features, would meet the fate of similar bills that have been before this House and receive its sanction without debate. And I assure you that were it not that the interests of the people of the district that I have the honor to represent, nay, were not the people of almost the entire western part of Missouri interested, and deeply interested in its passage, I should not even for the few moments I am allotted occupy the attention of the House in its discus-

It is the highest duty of Congress, the representatives of the people, to enact such legislation as will be the most beneficial and will most promote the welfare of the people. Now, I undertake to say that I can demonstrate to this House that more than a million of people will be benefited by the passage of this bill. If my colleague from Missouri is in earnest, if he is opposing this bill on principle, I pray him to tell why he sat silently in his seat this morning when a similar bill for the benefit of the people of Tennessee was brought before the House. Why did he sit silently when a bill authorizing another district in West Virginia was brought before us for action? Why did it not occur to him then that a point of order might be raised because money had to be appropriated?

Now this is the most meritorious of any bill of this character that has been before the House this session. Let me state what Congress has done in this matter of increasing judicial districts. I point to the State of Rhode Island, with only thirteen hundred and six square

State of Khode Island, with only thirteen hundred and six square miles of territory and with a population of less than a quarter of a million; they have two places for holding courts there.

There is the great State of Missouri, the fifth State in the Union, that has progressed in wealth, population, and all material interests that go to make a great people and a great State, with more rapidity in the last decade than any other State in the Union, with a population in 1870 of 1,750,000 and supposed now to be over 2,000,000, and we have only two places in which to hold the United States courts. And yet forscoth because this bill may interfere somewhat with the And yet, forsooth, because this bill may interfere somewhat with the hotel and boarding-house keepers of Jefferson City, my colleague [Mr. Philips] asks the House not to pass it, because the interests of his constituents will be affected thereby.

his constituents will be affected thereby.

The State of Tennessee, with a much less area than the State of Missouri, and which is no more compact in territory, has five places in which these courts are held. The State of West Virginia, with, I believe, only 23,000 square miles of area, has four places for holding the United States district courts. The State of Indiana has four places for holding United States courts: Indianapolis, New Albany, Evansville, and, I believe, Fort Wayne.

Kansas City is situated one hundred and fifty-eight miles from Jefferson City. The western judicial district of the State of Missouri comprises all that portion of the State west of Jefferson City and extends some miles east of it: for it must be horne in mind that Jeffers

tends some miles east of it; for it must be borne in mind that Jeffertends some miles east of it; for it must be borne in mind that Jefferson City is situated almost upon the eastern line of the western judicial district. Kansas City is situated one hundred and fifty-eight miles west of Jefferson City, with a population of 45,000, and is the greatest railroad center in this country; the center of one of the richest agricultural regions in the world. It is a city that, from an insignificant village of a few hundred people in 1865, surrounded by a country that was torn and rent by the red hand of war, in the last decade has grown to be the largest city between Saint Louis and San-Francisco, with its network of railroads reaching their iron hands out into all portions of the country, and with a wholesale trade extending

Francisco, with its network of railroads reaching their iron hands out into all portions of the country, and with a wholesale trade extending into all the Territories west of her and penetrating into the State of Texas. And yet the gentleman talks about the railroads and conveniences of Jefferson City, a town where the mere landing of a single steamboat produces quite a commotion. [Laughter.]

Now we only ask that this Congress will extend to the people of Western Missouri and to Kansas City just what it has granted to other States in similar bills. We have passed this morning two bills for the State of Tennessee, a State which, according to the last census, has a population of but 1,255,000, and which now has five places for holding United States courts. Yet, because this bill may take away some patronage from Jefferson City, we are told that the interests of a great part of the State of Missouri will be affected and injured by it if we pass it.

I undertake to say that there is no point in any State of the importance of Kansas City, situated as that city is situated, that is as far from the place of holding the United States court as Kansas City is. Since the western district of Missouri was organized the tide of population has swept from the eastern to the western portion of the State, until it is now the wealthiest and most populous part of the State of Missouri. When this western district was organized the great State of Kansas was but the abode of Indians; now it has more than a half a million of people within its borders, and is penetrated by sev-

eral of the most important railroads of the country, from one end to the other, from the east to the west, from the north to the south, railroads that then were not thought of. The State of Missouri at that time had only one hundred and twenty-five miles of railroad.

Mr. PHILIPS, of Missouri. The circuit court has been established at Jefferson City only about four years.

Mr. FRANKLIN. Yes; but how long since the United States district the light them?

trict court was established there?

Mr. PHILIPS, of Missouri. About twenty years.
Mr. FRANKLIN. "About twenty years." Call it twenty years, and since that time what has occurred? The tide of population has swept to the western part of Missouri.

Mr. PHILIPS, of Missouri. I will state what has occurred.

Mr. FRANKLIN. I have only ten minutes, and cannot yield for

interruptions

Mr. PHILIPS, of Missouri. About ten thousand people have moved

away from Kansas City within the last three years.

Mr. FRANKLIN. No, sir; the census taken since shows that Kansas City has greatly increased in population in the last three years.

Since the establishment of the western district great States have been Since the establishment of the western district great States have been established on the shores of the Pacific Ocean, great States have grown up between the Missouri River and the Rocky Mountains. And yet the gentleman who represents the Rip Van Winkle district of Missouri does not seem to appreciate it at all. He seems to think that the same order of things should go on now as thirty years ago. Had he been in Congress when the bill was before the House establishing the westcongress when the bill was before the House establishing the western judicial district of Missouri, and had he then represented the district in which Saint Louis was situated, he would have taken the position that the court ought not to go from Saint Louis; he would have told us that the interests of his constituents would be affected by the bill and that it ought not to pass; that is, the hotel and boarding-house keepers would lose some of their patronage.

Now, this bill does not compel any man to bring a suit in Kansas City. It does not say that the court there shall have exclusive juris-

diction so far as any particular county is concerned. It allows the plaintiff to elect where he will institute suit.

Mr. PHILIPS, of Missouri. Will the gentleman allow me to ask

him a question

Mr. FRANKLIN. I would like to accommodate the gentleman but I have not time.

Mr. PHILIPS, of Missouri. I only wish to ask the gentleman if he does not live in Kansas City?

Mr. FRANKLIN. I say that the interests of more than one million of people demand that this court shall be located at Kansas City.

[Here the hammer fell.]
The SPEAKER. The time of the gentleman has expired.

Mr. HURD. I now yield five minutes to the gentleman from Iowa,

[Mr. McCrary.]
Mr. McCrary.]
This bill presents to the House two questions: First, whether there ought to be an additional place for holding the United States court in the State of Missouri, and, secondly, whether Kansas City is the place at which it ought to be located, if such additional court is needed. As to the first question, Mr. Speaker, I think there can be no doubt that more than two places ought to be fixed by law for holding Federal courts in the great State of Missouri. In this respect that State has not facilities equal to those of other States of the Union which are similarly situated with regard to population, territory, and business to be transacted by the Federal courts. If gentlemen will refer to the statutes they will find that there is no other State at all equal to the State of Missouri in point of population, in extent of territory, in amount of business, which has not more than two places of holding Federal courts. The State of Iowa, which I have the honor in part to represent, which borders upon the State of Missouri, has four places of holding the district court, and only one place, however, of holding the circuit court. If the law were changed, as I think it should be, so that these two courts should be held at the same time and place, the State of Iowa would be provided with four places for court is needed. As to the first question, Mr. Speaker, I think there

should be, so that these two courts should be held at the same time and place, the State of Iowa would be provided with four places for holding both the circuit and district courts.

I think, then, that the State of Missouri ought to have at least three places for holding these courts. This being so, the only remaining inquiry is as to whether Kansas City is the most appropriate and convenient point for locating the court. It is certainly true, as the gentleman from Missouri who has just preceded me has said, that Kansas City is one of the largest, most flourishing and prosperous cities in the whole western country. It is certainly the largest and most important place outside of the city of Saint Louis within the State of Missouri.

But, Mr. Sneaker, there are other things that a large t

But, Mr. Speaker, there are other things that should enter into the location of Federal courts. They have always been and always should be located somewhat with reference to their peculiar jurisdiction. Every gentleman knows that the jurisdiction of these courts arose out of interstate commerce and communication; and the point for locating a Federal court should be the point at which there is most of that sort of commerce, trade, and traffic which necessarily comes into the Federal courts for adjudication. Hence it is that these courts are generally located very near to the borders of our States, at points where there is a great deal of interchange between the citizens of different States. In this respect the city of Kansas is a good location for a Federal court, because it is a large commercial city, having very considerable trade with the adjoining States and Territories. Again, sir, the Federal courts, certainly the district court, should always be located with reference to the admiralty jurisdiction.

Mr. REA. Will the gentleman permit me to ask him a question?

Mr. McCRARY. I have but five minutes, and I prefer not to yield.

In this respect also it will be found that the city of Kansas is well located, being upon the Missouri River, one of the most important navigable streams in the country.

I think, then, sir, without detaining the House—because I want to be brief—that the State of Missouri ought to have another place for holding these courts, and that the city of Kansas, whether it be considered with reference to its population, as being a center of interstate commerce, or with regard to its location upon a great navigable river, is the most convenient and appropriate point for locating the

Mr. PHILIPS, of Missouri. If the morning hour has expired, I

call for the regular order.

The SPEAKER. The regular order is this bill, unless it is superseded by some matter of higher privilege.

Mr. HURD. I move the previous question.

The previous question was seconded and the main question ordered;

and under the operation thereof the bill was ordered to be engrossed and read a third time; being engrossed, it was accordingly read the third time.

The question being on the passage of the bill, Mr. BLAND said: I hope the bill will not pass in this shape. I call for a division on the question of passage.

The question being taken, there were ayes 109, noes not counted.

So the bill was passed.

Mr. FRANKLIN moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUBSTITUTION OF SILVER COIN FOR FRACTIONAL CURRENCY.

Mr. RANDALL. I rise to call up a privileged motion, the motion to reconsider the recommitment of the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency. If the House so desires, I have no objection to the consideration of the bill in Committee of the

Whole; and perhaps upon a point of order it must go there.

The SPEAKER. The Chair would suggest that the first question is upon reconsidering the vote by which the bill was recommitted. The question being taken, the motion to reconsider was agreed to. The SPEAKER. The bill is now before the House.

Mr. RANDALL. I desire to make a motion that the House resolve

itself into the Committee of the Whole for the consideration of this bill; but I would like, in the first place, to have the House agree to limit the debate in Committee of the Whole to two hours, allowing fifteen minutes to each speaker.

## SALE OF LANDS IN KANSAS.

Mr. GOODIN, by unanimous consent, from the Committee on Public Lands, moved that the committee be discharged from the further consideration of a bill (H. R. No. 1984) to provide for the sale of certain lands in Kansas, and the same be referred to the Committee on Indian Affairs; which motion was agreed to.

## SUBSTITUTION OF SILVER COIN FOR FRACTIONAL CURRENCY.

Mr. RANDALL. I move the rules be suspended and the House resolve itself into the Committee of the Whole on the state of the Union on the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency. Pending that motion, I move that general debate in the Committee of the Whole on the state of the Union on that bill be limited

Mr. PHILLIPS, of Kansas. I suggest ten-minute speeches.
Mr. RANDALL. I accept that as a modification of my motion.
There was no objection, and it was ordered accordingly.
The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. SAYLER in the chair.

The CHAIRMAN. The question under consideration is the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency. The House has ordered that general debate be limited to two hours, to be divided into ten-minute speeches. The bill was read, as follows:

The bill was read, as follows:

Beit enacted by the Senate and House of Representatives of the United States in Congress assembled: That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$163,000, to provide for engraving, printing, and other expenses of making and issuing United States notes.

SEC. 2. That the Secretary of the Treasury is hereby directed to issue silver coins of the United States of the denomination of ten, twenty, twenty-five, and fifty cents, of standard value, in redemption of an equal amount of fractional currency, whether the same be now in the Treasury awaiting redemption or wherever it may be presented for redemption; and the Secretary of the Treasury may, under regulations of the Treasury Department, provide for such redemption and issue by substitution at the regular subtreasuries and public depositories of the United States until the whole amount of fractional currency outstanding shall be redeemed.

Mr. RANDALL. The first section of this bill provides for the appropriation of \$163,000 for the reprinting of worn and mutilated United States notes commonly known as "greenbacks." The second section provides for what I may term the substitution of silver coin section provides for what I may term the substitution of silver coin of the denominations therein stated for fractional currency now out. There can be but little discussion as to the first section, because all agree to the absolute necessity of that appropriation. The amount asked for reprinting the mutilated and worn fractional currency by the Treasury Department was \$255,450.25. This brought the committee directly to consider the propriety and feasibility of the substitution of silver coin for fractional currency now out, and it reached the conclusion that now is the time when that substitution for fractional currency by the issuance of silver coin, one of the constitutional tional currency by the issuance of silver coin, one of the constitutional legal-tenders, could be successfully accomplished.

They further reached the conclusion that as a question of economy

in the annual cost to the Government it was possible to make this

in the annual cost to the Government it was possible to make this change now. And when I shall have heard the objections to this bill, if there are any, I shall be able to meet them, and explain more at length at the close of this debate, and give the figures and reasons which brought the Committee on Appropriations to that conclusion. On this branch, as to the economy of the substitution, I desire to have read certain remarks prepared by the gentleman from Missouri, [Mr. Wells,] a member of the Committee on Appropriations, who has been necessarily called away, as an intelligent exposition of the attitude of the committee. If Mr. Wells were present he would perhaps be able to explain in detail, if questioned, the assertions he makes, and as far as able in his absence I will do it.

The remarks of Mr. Wells were read by the Clerk, as follows:

Mr. Wells, of Missouri. Mr. Chairman, I desire to submit a few facts relative to the fractional currency of the country, and endeavor

facts relative to the fractional currency of the country, and endeavor to show that the actual amount now in circulation does not exceed \$30,000,000. In order to do so it will be necessary to refer to the monthly statements made by the Secretary of the Treasury and to

such other data as I have been able to procure.

It will be seen by the statement of the Secretary of the Treasury dated March 1, 1876, that the volume of fractional currency amounted to \$45,120,132.47. I am informed that of this amount there was in the vault of the Treasury \$5,000,000, leaving in circulation that day

\$40,120,132.47

\$40,120,132.47.
On examination, I find that of the series of 1862 there was outstanding July 1, 1875, \$4,328,336. Of this issue there was outstanding March 1, 1876, \$4,297,613; destroyed during eight months, \$30,775. Of this amount there was in the Treasury as specimens, which was never put in circulation, the sum of \$28,620, leaving, as actually redeemed of said issue, but \$2,105.
Of the second series issued in 1864 there was outstanding July 1, 1875, \$3,139,847. Of this series outstanding March 1, 1876, \$3,119,204. Actually destroyed during the eight months, \$20,643. Of this amount there was in the Treasury as specimens, which were never in circula-

there was in the Treasury as specimens, which were never in circulation, \$14,800, making of said issue that had actually been in circula-

tion and redeemed in eight months but \$5,843.

Of the third series issued, of 1866, there was outstanding July 1, 1875, \$31,646.43. Outstanding March 1, 1876, \$30,865.25. Actually destroyed during eight months \$78,118. Of said amount there was in the Treasury as specimens, which were never in circulation, \$56,300, leaving the actual amount that was redeemed of the outstanding cur-

rency, \$21,818.

It will be seen that the amount now outstanding of the three series March 1, 1876, is \$10,503,342.

Taking this as a basis of the redemption of this class of currency redeemed during the past eight months, and after deducting the amount that was destroyed during said period, fractional currency that had never been put in circulation, it will be found to be the sum

of only \$28,966.
Of the fourth series issued, of 1868, there was outstanding July 1, 1875, \$15,165,237. Outstanding March 1, 1876, \$9,290,085. Redeemed in eight months, \$5,875,152.
The amount of fractional currency of the respective series outstand-

The amount of fractional currency of the respective series outstanding amounts to \$16,378,494, and it may be proper to state that the chief clerk of the United States Treasury Bureau, who has for years handled the books, recording the daily, monthly, and yearly receipts of fractional currency of the series called in, has after a careful estimate placed the loss of this currency at twelve millions. Again, it is estimated that twenty-three millions of fractional currency is abundantly sufficient to supply the country with small change, exclusive of nickels and promise. by the country with small change, exclusive of nickels and pennies, which amount to upward of \$2,000,000, so that thirty millions of silbut allow nearly one-third to be hoarded without causing a scarcity in any part of the country. Assuming such to be the case, the amount now in the Treasury, say five millions, believed to be a fair estimate of the average of this class of currency retained in the Treasury, toof the average of this class of currency retained in the freasury, to-gether with the amount that is estimated by the chief clerk of the United States Treasury Redemption Bureau, which is not less than \$12,000,000, making a total of \$17,000,000 to be deducted from the whole amount reported by the Treasurer as outstanding, namely, \$45,120,132.40, will leave of this class of currency only \$28,120,132.40, which I believe to be a fair calculation and estimate, especially so when we take into consideration the fact that, from the statement prepared by the Treasury Department for the fiscal year 1875, the average amount in course of transit to the Treasurer's Office daily is

\$110,589 and the average amount from the Treasurer's Office \$110,246. The same year there was printed and issued from the Treasurer's Office upward of \$40,000,000 of fractional currency, showing plainly that a large amount did not remain out but a short time. An examination of the currency when returned still further corroborates this statement, as it is quite new and but little worn.

Taking the fractional currency actually outstanding, as I have estimated it to be, at \$28,000,000, as a basis, which would seem to be a fair estimate, it costs the Government over 5 per cent. per annum to print and recirculate this currency. I believe that no person, after giving this question a fair and impartial, investigation, can come to any conclusion other than the one the committee of which I have the honor to be a member has arrived at, which is to substitute silver in its place.

In support of this conclusion it is only necessary to refer to the statement prepared at the Treasury Department, which I hold in exhand, showing that it cost the people for the printing and other expenses of the fractional currency \$1,410,746.95 for the year ending June 30, 1875.

It is my purpose to show the House that it will be a saving to the Government to issue silver coin in lieu of said currency for the following reasons: Standard silver bullion can now be purchased at the rate or price of from 103½ cents to 105½ cents per ounce. The coining rate of this silver is 124.4 cents per ounce, which makes the stamped or nominal value from 18.6 to 21 cents per ounce greater than the bullion or export value. The gold premium must rise above these rates before the coin can be disturbed for melt or export.

To secure silver for the manufacture of \$30,000,000 in coin it will be necessary to issue \$25,200,000 of gold bonds drawing 5 per cent. They can be placed at or above par, or exchanged for the silver at the figures stated. The annual interest on that amount of bonds will be

I have no doubt that a 4½ per cent. bond could be placed at par or exchanged for silver, which would make the interest \$1,134,000.

There being already coined and ready for circulation \$12,000,000, which is now a dead letter and an expense, and there being sufficient silver at the different mints to coin \$4,000,000 more, would make a total of \$16,000,000.

To enable the Government to purchase \$14,000,000 additional silver, it would take \$11,760,000 of gold bonds say, at 5 per cent. interest, would amount to \$588,000; at 4½ per cent. interest, would amount to \$529,000.

Taking the estimated expense of the fractional currency per annum to be \$1,410,746.95 and the interest on \$25,200,000 at 5 per cent. per annum—which would be necessary to secure \$30,000,000 of silver bullion—which would amount to \$1,260,000, would make a saving of \$150,746.95; at 4½ per cent. would be a saving of the currency of \$276,746.95. The interest on \$11,760,000 of 5 per cent. bonds to purchase \$14,000,000 of silver bullion would be a saving of \$822,746.95;

at 4½ per cent. it would be a saving of \$881,746.95.

It will be borne in mind that in this estimate I have not taken into consideration the rents paid by the Government in connection with the preparation of fractional currency, which amounts to several thousand dollars annually.

In calculating the cost of coining the silver it is estimated by the Director of the Mint that it will not be necessary to recoin oftener than once in fifty years, making the expense about \$9,000 per annum, the first cost being 1½ per cent. In the event of gold being coined at the same time in the mints, its cost will be much less.

at the same time in the mints, its cost will be much less.

From the facts before us I trust there can be but one conclusion, and that will be that the sooner this perishable and expensive currency is superseded by the issuing of silver coin in its place the greater satisfaction it will be to the people of this country.

Before the Clerk had concluded the reading, the time had expired. Mr. BLOUNT took the floor and yielded his time, when the reading of the speech was concluded.

Mr. WARD. Before the gentleman from Pennsylvaniatakes his seat, I desire to ask him one or two questions.

Mr. RANDALL. My time has expired under the limitation of de-

Mr. RANDALL. My time has expired under the limitation of debate to ten minutes.

Mr. WARD. I do not think there will be any objection to the gen-

tleman answering the question which I will propound to him.

The CHAIRMAN. The gentleman from Georgia has three or four minutes of his time left.

Mr. BLOUNT. Very well; I will yield to the gentleman from New

Mr. WARD. The question I desire to put is this: Whether this bill provides that the Secretary of the Treasury in his discretion may issue this silver coin?

Mr. RANDALL. It does not, as the Secretary of the Treasury has that discretion now, but fails to execute the law. This question was presented to us as an economical one; and further on in its considera-tion as one of public policy. If the gentleman from New York will read the second section, he will there find the Secretary of the Treasury is directed to issue silver coin in substitution of fractional cur-

Mr. WARD. Then in that connection I desire to say a few words. The CHAIRMAN. The gentleman has two minutes of his time

Mr. WARD. I desire to say to the committee that I regard this

issue of silver as premature. The House to-day, in my judgment, is not fully advised whether silver is at par, or above or below par. will readily occur to gentlemen that, if silver is above par even per cent., the moment this coin is issued it will be hoarded, and then we will be left without either silver, coin, or fractional currency for small change, to the extent of the silver coin thus issued. I believe, Mr. Chairman, this is a partial attempt to resume in advance of the proper time. If we are to issue this currency I think it should be left to the discretion of the Secretary of the Treasury to do it at a time when silver is at or below par. I know of no measure more advisable than the issue of currency of this kind for the people; but if you issue it prematurely and failure results, we will be subject to the ridicule of the country.

I want to say that, from my observation while in France during the suspension of specie payment, I incline favorably to the issue of small silver currency at as early a period as it can prudently be done. I found an abundance of silver coin in circulation among the people of that country to such an extent that the people really did not miss the absence of gold and considered paper preferable for ordinary use: and the consequence was that at that time gold was at a premium of only ½ per cent.; and, in fact, since the suspension of specie payments by the Bank of France their paper has never depreciated below 2½ per cent. discount, and it is now to-day at par. Therefore I know of no measure that I would more earnestly desire to see carried out than this, if the time had arrived. But I feel that the time has not arrived. Silver is not yet at par or below nor see at overrout this measure. Silver is not yet at par or below par, so as to warrant this measure.

Mr. RANDALL. Silver is below greenbacks.

Mr. WARD. I am not aware of that.
Mr. RANDALL. Yes; its market value shows it.
Mr. WARD. But the moment this bill passes it will go above par and it will be withdrawn from circulation as currency.

[Here the hammer fell.]

Mr. WARD. I desire to say but a very few words more.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from New York [Mr. HEWITT] has the floor.

Mr. REAGAN. I desire to offer an amendment to the bill.

Mr. WARD. I do not propose to make any extended remarks. I

only want two or three minutes.

Mr. RANDALL. There are two hours allowed for debate, and if necessary that time can be extended.

The CHAIRMAN. Does the committee, by unanimous consent, extend the time of the gentleman from New York, [Mr. WARD?]

Mr. RANDALL. Let the gentleman take his ten minutes in his own right.

Mr. KELLEY. Whose ten minutes would the committee give him?

Mr. RANDALL. His own.
The CHAIRMAN. Is there objection to the gentleman from New
York proceeding for ten minutes?
Mr. KELLEY. If that would exclude any other gentleman who is
now entitled to the floor, I object.

now entitled to the floor, I object.

Mr. RANDALL. It does not.
Mr. KELLEY. Do you propose to extend the time allowed for debate by these ten minutes?
Mr. RANDALL. Yes, sir.
The CHAIRMAN. The gentleman from New York will proceed.
Mr. WARD. Mr. Chairman, I do not wish to occupy the time so kindly allotted to me; not being aware that a question so important would be brought forward to-day, I shall therefore not detain the committee but a very few moments. My object in rising was to make a few suggestions which I have already offered.

There is no member of this House more anxious for the resumption of specie payments than I am; but I desire to say, and I think that is the impression of the country generally, that resumption cannot be attained until some very distant period. And it should be our object in the first place before we issue this silver currency to put ourselves in the direction of a return to a sound and convertible currency; but in my judgment until legislation tends in that direction, and until in my judgment until legislation tends in that direction, and until paper approximates more nearly in value to gold than it does now, it would be injudicious and impolitic for us to undertake this partial resumption.

It will be recollected that under a late Secretary of the Treasury there was an attempt made to issue a portion of the currency in silver. I remember going myself into a bank on one occasion and being handed in silver part of the amount I was drawing. But all the silver issued at that time was immediately hoarded. Not a dollar of it went into circulation.

If this House desires to go in the direction of resumption, it must direct its attention toward the convertibility of the paper currency of the country. It is not essential in order to attain that result that there should be any very rapid contraction of the currency. I am satisfied that if Congress would adopt a plan of very moderate contraction of the legal-tenders it would be a step in the right direction, and would not at all interfere with the business interests of the country, as the country would rapidly adapt itself to the new condition. After a few years we might be enabled to determine the time when we should resume, and such moderate contraction would soon lead to confidence and gradual prosperity. No one expects immediate re-sumption, but what the country does expect and our financial and commercial interests demand is that we should put ourselves in the direction of specie payment, and no let-alone policy, no policy that

involves anything but the contraction of the legal-tender circulation You may contract it only a million a month, or half a million a month; but the very moment you do that, you will find that confidence will return, capital will be invested, and there will be a general feeling of returning prosperity. And there is no other method by which you can attain it except that of funding your legal-tender and having it ultimately all withdrawn, relying on the banking currency of the country for necessary uses and to supply any deficiency of the legal-

Now, until we approach or put ourselves in the direction of a return to a sound convertible currency, I regard it as impracticable or at least unadvisable to use this silver currency. I should be very sorry as a member of this House to vote for this measure, for I believe that within a brief time after the issue of this coin the silver would be withdrawn from circulation. By this measure I feel we would place ourselves in a false position before the country and the world. Therefore, in my oninion, the time has not arrived when this world. Therefore, in my opinion, the time has not arrived when this change can safely be made. And I hope this bill may be amended; if it is desirable to pass it, leave the power where it now is, so that the Secretary of the Treasury shall have the discretion to issue the silver whenever in his judgment silver is sufficiently low in the market to warrant its being done.

Mr. HEWITT, of New York. Before commencing my remarks, I ask the clerk to read an amendment which I propose to offer at the proper time.

The Clerk read as follows:

Strike out all after the words "section 2" and insert the following:
That sections 1 and 2 of the act entitled "An act to provide for the resumption
of specie payments," approved January 14, 1875, are hereby repealed, and that the
Secretary of the Treasury is hereby authorized and directed to sell and dispose of
so much of the silver bullion and coin now accumulated in the Treasury as may not
be required for the current operations of the Mint.

Mr. HEWITT, of New York. Mr. Chairman, lest the remarks which I am about to make may be misunderstood, let me say at the outset that, in view of the gravity of the financial condition of this country at the present time, all questions of party should be sunk in an earnest and determined effort of patriotic men to unite, without regard to party, to secure such legislation as will tend to relieve our finance from embarrasement, to place our money system upon a sound basis from embarrassment, to place our money system upon a sound basis, in harmony with the currency of the rest of the world, to restore to activity the depressed industries of the country, and to give speedy employment to the idle army of laborers who now occupy the land. For one, I here declare my readiness and my intention not to permit any party trammels or any fear of the political consequences to interfere with my duty in this respect, and I here state that I am quite ready to advocate any policy, wherever it may originate, which will bring us back to the only sure ground of a specie basis.

## THE RESUMPTION ACT OF 1875.

But the existing laws regulating the finances of the country are essentially in execution of the policy of the republicans, and will be discussed as such. The act of January 14, 1875, "to provide for the resumption of specie payments" on the 1st of January, 1879, was agreed upon by a cancus of republican Senators and made a party measure, both in the Senate and the House of Representatives, the democrats both in the Senate and the House of Representatives, the democrats generally voting and many of the leaders of the democratic party speaking against it. It was, therefore, a republican, and not a democratic, measure; and, unless the majority in this House see fit to assume the responsibility by indorsing it in whole or in part, the failure of this act to produce any beneficial results to the suffering business of the country, its tendency to aggravate the evils under which the people are groaning, and the want of statesmanship apparent in the framing of legislation confessedly powerless for good unless supplemented by further legislation are chargeable to the republican party, and the republican party alone.

That the act cannot be carried into effect without further legislation is practically admitted by the present able Secretary of the

tion is practically admitted by the present able Secretary of the Treasury in his last annual report to Congress, in which he uses the

following cautious but unmistakable language:

The act in question not only makes express provision for resumption at a fixed date, but commits the Government to the use of all such means as may be needful to that end. If experience shall show that the means provided by Congress need to be supplemented by further legislation for the easier and more certain accomplishment of the end, it must be assumed that Congress will not suffer the great purpose to be impeded for want of such additional legislation. The act confers large powers upon the Secretary of the Treasury touching the issue of United States bonds for the purpose of procuring the supply of gold necessary to execute such of its drovisions as go into immediate operation and to provide for the redemption in gold of United States notes outstanding on and after January 1, 1879. In this respect the power conferred upon the Secretary is ample, but if for any cause it should be found impracticable to accumulate in the Treasury a sufficient amount of gold to carry out the provisions of the act, the Secretary is left without the choice of other means to accomplish the end. It may perhaps be doubted whether the process of accumulating a large amount of gold by a given time could go on without meeting opposition from the financial powers of the world. It is safe to say that so large an amount of gold as would be required to carry out the purpose and direction of the act cannot be suddenly acquired. It can only be done by gradual processes and by taking advantage of favorable conditions of the money market from time to time.

This is the cautious official language, which, when translated into plain English, means that it is not possible to resume specie payments in 1879 by the mere accumulation of gold without contraction; that the resumption act therefore was a hasty piece of crude partisan legis-

lation, meant to gain a temporary political object, and without any just ground for expectation on the part of its framers that it could produce any permanent beneficial results. But it has been productive of very great evils, and has operated as a most serious check to any revival in the business and the industries of the country. No prudent man will engage in any new enterprise or lock up any capital in the face of a law on the statute-book, the execution of which, as the Secretary plainly warns the country, will derange the money markets of the world, and, as a consequence, bring ruin and disaster upon those who may happen to have large obligations to meet, based though they may be upon enterprises which would be abundantly remunerative when once completed and properly established in the general system of trade. The resumption act therefore produces a paralysis of enterprise, energy, and capital, and labor stands idle and suffering throughout the land.

To amend this act so as if possible to remove this paralysis is undoubtedly the part of statesmanship and the duty of Congress; but until to-day no effort has been made in this direction either by the minority or the majority of this House. It is natural that the country should regard with intense interest the slightest movement of Congress toward remedying the evils under which it is suffering, and it is the duty of every member of this House to study with the utmost care any proposition, however limited in its scope, which bears upon the resumption act and the carrying of any of its provisions into

#### SILVER-COIN CLAUSE.

One of these provisions is contained in the first section of the act, and directs that the Secretary of the Treasury shall, "as rapidly as possible," provide silver coins to take the place of the fractional currency, and no doubt the framers of the act regarded the substitution of silver for the fractional currency as the first effective step in the direction of specie payments. But those who have made finance a subject of study did not so regard the measure at the time of its passage, and subsequent experience and examination have fully confirmed this view. The law, however, was mandatory, and the Secretary proceeded to purchase the bullion and coin it into money, and no doubt would long since have begun the exchange of silver for paper if he had not come to the conclusion that it was doubtful whether the silver would remain in circulation. At the date of the passage of the law and for some months previous the price of gold had ranged between 110 and 1138, at which rate it would not pay to melt up or export the coin, and there were plenty of patriotic republicans who asserted that the best money in the world would never again go to a discount of 15 per cent. But in the very next month after the passage of the act gold went to 15\frac{a}{5}, in March to 17 per cent. and during the rest of the year ranged between 17\frac{a}{5} and 15 per cent. premium. Of course no silver was paid out, not even on "the five-dollar-resumption plan."

Now let us see what the Secretary says about it in his annual re-

port, page 27:

port, page 27:

The Secretary has been urged to begin the work of resumption by issuing silver coin in redemption of outstanding currency, and it has been insisted that under the first section of the act he has no discretion, but must issue the silver coin as fast as it can be turned out from the mints. While the act requires the coinage to proceed as rapidly as practicable, it does not in terms require the Secretary to issue it at once, nor does it fix the time when the issue must begin. For obvious reasons it has been, and yet is, impracticable to put or keep silver coin in circulation. The present depreciation of currency below gold precludes the possibility that silver would remain in circulation; and therefore it has been deemed impracticable to issue it for the present, or until, by the nearer approach of, or greater preparation for, general resumption, there shall be such an appreciation of the circulating currency of the country as would give assurance that the silver coin to be issued would not be hoarded for shipment abroad or converted into plate and jewelry or reduced to bullion.

Here, then, is the official confession that the republican silver reof keeping silver coin in circulation depends upon the premium on gold, which, during the past year, has fluctuated 9½ per cent; and thus far there is nothing on the statute-book or in the laws of nature which will warrant any man in asserting that this range of fluctua-tion will not be maintained and may not be even greatly exceeded. To legislate silver into circulation under such circumstances is pure guess-work, without the first element of statesmanship or any proper regard for the laws of finance. The attempt to do this has simply made the financial magnates of the republican party ridiculous throughout the country and a laughing-stock to the financiers of the world. If it had its origin, which I do not believe, in the fertile brain of the distinguished Senator who regulates the republican financial legislation, it will justly entitle him to a high place among the many "cheap Johns" who have figured in the history of finance.

# FALL IN THE PRICE OF SILVER.

But there is such a thing as luck, even in legislation, and the re-But there is such a thing as luck, even in legislation, and the republican party have always had their share of it, and it was never more manifest than in this silver business, as I shall endeavor to show. At the date of the passage of the resumption act, and for some months thereafter, the price of fine silver in London averaged 56.99 pence, practically 57 pence per ounce. But meanwhile the Big Bonanza began to pour into the markets of the world its marvelous product of silver. I have no doubt that the promoters of the resumption act knew perfectly well what was going to happen, and thought it would not be a bad thing if they could get a cash market for \$40,000,000 of their product, and especially for a goodly pile of it be-

fore the general market was affected by the enormous yield of silver. Mark how careful the act is to instruct the Secretary to proceed to coin the silver as rapidly as possible, and yet how indifferent it is as to the paying out of the coins. In fact it would suit the bonanza party better that they should not be paid out at all. The very best thing that could happen to them would be to transfer the bullion from their mines to the United States mints and let it lie there. This would be a sale of the mine, better than the Emma operation, without any "curses coming home to roost." Well, it appears by the report of the Director of the Mint that these bonanza gentlemen were pretty successful in getting rid of their silver before it fell in value. He purchased \$12,658,054.68 up to the 1st of October last at an average of 111.4 cents per ounce, which is the equivalent, as near as may be, of 56½ pence per ounce in London. The price last week in London is 52½ pence per ounce, a fall of nearly 4 pence per ounce, which, on the quantity purchased to October 1, makes a difference of nearly \$1,000,000, and including that since purchased, of over \$1,000,000 out of the Treasury into the pockets of the "big bonanza" party. No wonder that the Secretary was directed to hurry up with the coinage, while no one was found to hurry up the issue of the coins. from their mines to the United States mints and let it lie there. This

FREE COINAGE OF GOLD.

But this was not all that the bonanza party secured by the act of January, 1875. The product of their mines is only 60 per cent. in silver; the remaining 40 per cent., luckily for them and the country, is in gold. To get this gold put into double eagles used to cost something. In fact, it always costs something, but formerly they had to pay the cost or seignorage, which was \$\frac{1}{2}\$ of 1 per cent. By the second section of the resumption act, which might with more propriety be termed the "big bonanza act," this seignorage is remitted, and now the people of the United States pay for coining the gold of the big bonanza party into double eagles, which are promptly exported and sold at an advance of \$\frac{1}{5}\$ of 1 per cent. over bullion. No doubt the financial wiseacres of the republican party believed that the stamp of the United States Mint would keep these double eagles at home, and were willing to pay \$\frac{1}{5}\$ of 1 per cent. for this benefit, which no one will deny would have been cheap at the price; but, as the Secretary was not prepared to hoard gold as well as silver and there was no use for gold in this country, it went abroad under laws more powerful than the clauses of the bonanza act, and will continue to go until a practical scheme of legislation is devised looking to the certain resumption of specie payments. of January, 1875. The product of their mines is only 60 per cent. in resumption of specie payments.

I have said that there is such a thing as luck even in legislation, and that the republican party or "big bonanza" party has its share of it. The fall in the price of silver within four months has made it possible to put subsidiary silver coins into circulation, without their leaving the country or going into the melting-pot, unless gold should advance to 120 per cent. or the price of silver should again advance in the London market. That this fall in the price is a piece of unexpected good fortune to the Treasury officials is apparent from the report of the Director of the Mint, transmitted to Congress by the Secretary of

the Treasury in December last. He says, on page 306:

During the last two months, September and October, the price in London has recovered from fifty-five pence to about fifty-seven pence.

And then adds at the close of the section, on page 307:

We may reasonably expect an increased demand for silver, but not sufficient to cause for some time a material alteration in the present relative valuation of gold and silver, which is about one to seventeen.

This report was dated November 20, 1875, not four months ago, and in the interval the ratio between gold and silver has fallen to as one

DEMOCRATIC APPROVAL WANTED.

Who will say that this is not unexpected good luck? So much so, that the Secretary has taken heart, and sees his way clear to putting out the silver, provided he can get the approval of a democratic House. Why does he want this approval? He has the power without it. He is a republican official, and the law under which the action is proposed to be taken was passed by a republican Congress and approved by a republican President. But gold may go to 120 per cent. one of these fine days, and then where will go his silver coinage? It will disappear in a night, and next morning the people will find themselves without small change to do business. Whose fault will that be? As the law now stands, the republican party will have to bear the odium. Or the price of silver may suddenly go up to fiftyto bear the odium. Or the price of silver may suddenly go up to fifty-five or fifty-seven pence per ounce, as it would do if the big bonanza were to "peter out," and then the silver would go "where the wood-

were to "peter out," and then the silver would go "where the woodbine twineth," and the people would be looking out for change; which might result in a change of Administration.

Of course it will be a very convenient answer to say that the Secretary did not, and in fact declined to, substitute silver for currency until he was directed to do so by a democratic House, and that the democrats and not the republicans are responsible for the consequences. If, however, gold or the price of silver should not advance, and the silver coinage should stay out, it will be a republican measure, the success of which will inure to their credit and be claimed as the first practical step in the direction of specia resumption. It is "beads

I win and tails you lose" every time.

O, most judicious Secretary, to come thus to a House new to business, and composed largely of members never before in public life,

and persuade them to assume the responsibility of a measure which thus far has only resulted in the loss of a million dollars in the purchase of silver, and in the coinage "free gratis for nothing" of the bonanza gold!

Will you walk into my parlor, Says the spider to the fly, &c.

But, still more astute, in going to the Committee on Appropriations on the plea of economy getting the committee to recommend to this House the passage of a mandatory act relieving the Secretary and the republican party from the responsibility of a great financial blunder!

PLEA OF ECONOMY FALSE.

And now for the plea of economy with which the astute Secretary

And now for the plea of economy with which the astute Secretary baited the silver hook which secured a favorable report from the Committee on Appropriations for the bill now under discussion.

In the report of the Director of the Mint, page 301, it is asserted that the annual renewal of fractional currency amounts to \$36,000,000, the cost of which, during the last fiscal year, is estimated by the Treasury officers to have been \$1,410,746. I have searched in vain through the reports of the Treasury officials for the data upon which this estimate is made, and except in the report of the Director of the Mint for the estimate itself. I find, however, in the report of the Register, page 511 that the number of fractional notes canceled and destroyed during the second of the control 511, that the number of fractional notes canceled and destroyed during the year was 191,360,000, which would make the cost of renewing each note fourteen-nineteenths, equal to about three-quarters of a cent. In order to ascertain whether this is a fair cost or not, I have applied to the American Bank-Note Company and the National Bank-Note Company for information as to the fair cost of renewing \$36,000,000 of currency annually, and I now submit their responses, each made without the knowledge of the other:

NEW YORK, March 6, 1876.

New York, March 6, 1876.

Dear Sir: In reply to your note of the 4th instant as to how much, in our judgment, is a fair cost of producing \$36,000,000 in fractional currency on the best quality bank-note paper, with the best safeguards in engraving, we have to say that \$36,000,000 in fractional currency, divided as to denomination, ten cents, twenty-five cents, and fifty cents, and proportion of each the same as the fractional currency produced by the Government during the fiscal year ending 30th June, 1875, can be furnished, entirely new, at, in round figures, \$1,000,000, and kept in condition for circulation by such re-issues as might be found necessary, at an expense not to exceed \$700,000 per year, and this figure could probably be reduced to half a million if we could be unrestricted in our judgment as to the best methods of preparing the work.

The estimate of 4 per cent. cost upon its round value is entirely too high.

We base our estimate upon a contemplated issue requiring the production of about 13,000,000 impressions, all denominations combined.

Very sincerely, yours,

A. D. SHEPARD, President National Bank-Note Company.

Hon. A. S. HEWITT, Washington, D. C.

AMERICAN BANK-NOTE COMPANY, New York, March 6, 1876.

New York, March 6, 1876.

Dear Sir: I have your favor of 4th instant. The expense of renewing annually \$36,000,000 of fractional currency would of course depend upon the relative proportions of the different denominations issued. Assuming, however, that Dr. Linderman's statement of cost. \$1,400,000 is based on the issue of the last fiscal year, I find that the proportions in round figures were, \$2,000,000 in ten-cent notes, \$20,000,000 in twenty-five-cent notes, and \$8,000,000 in fifty-cent notes. If asked to estimate on the part of this company for this amount of work, executed in the very best style, with all the printings necessary for proper security, and on good, substantial paper, I would name \$950,000 as about a fair price. You will readily understand, sir, that my estimate of cost is based on the assumption that the work would be done by a corporation organized to transact its business in the most efficient manner, and at the least possible expense, and not at a Government establishment, where the operations are conducted without a due regard to economy.

If I can be of any further service to you in this connection, do not hesitate to call upon me at any time.

Yours, very truly,

C. L. VAN ZANDT,

C. L. VAN ZANDT, Vice-President.

Hon. Abram S. Hewitt, House of Representatives, Washington, D. C.

Whether these estimates are correct or not, it is stated by the Secretary that owing to some error in the appropriation bill of last year the sum of \$250,000 was needlessly expended in stamping by hand instead of plate-printing. This would reduce the cost estimated by the Treasury to \$1,160,746. Again, it is alleged that the renewals are in excess of the actual necessities of the case. I think that the experience of every one will confirm the statement that the currency now in circulation is in remarkably clean and excellent condition. To me it is inconceivable that more than \$1,000,000 per condition. To me it is inconceivable that more than \$1,000,000 per annum can be properly expended in renewals of the fractional currency, including all expenses; and I am satisfied that contracts can be made with perfectly responsible firms to do the work for less money. Taking, then, the fair cost at a million of dollars annually, let us compare it with the cost of substituting silver for the paper currency. The total amount in circulation is \$42,000,000. This sum must be purchased by the issue of either \$4\frac{1}{2}\$ or 5 per cent. bonds, the higher rate having already been paid to the extent of \$15,000,000 of bullion already purchased. The annual interest charge alone is therefore \$1.800.000.

The Director of the Mint states, on page 302, that the cost of coining \$43,854,708 last year was \$889,370, which is the expense to which the country will be put at once for the substitution. The cost of maintenance afterward would be a merely nominal amount, unless by the rise of gold as compared with paper or by the rise in silver the coin should go abroad or be melted up, in which case this outlay would be utterly lost, and would have to be incurred again whenever we might return to specie payments. It is just this contingency which the Secretary (and with good reason) so fears that he wants the command of

retary (and with good reason) so fears that he wants the command of Congress to make the issue.

To save, therefore, what I estimate too largely at \$1,000,000 to maintain the currency, and which the Treasury estimates at \$1,160,746, we must annually pay out at least \$1,800,000 in interest, besides the expense of coinage. I cannot see the economy, and I shall be glad to see it pointed out before this additional load is added to our burdens of taxation, already too heavy to be borne.

#### NOT A STEP TOWARD SPECIE PAYMENTS.

But they tell us that this is the first step in the resumption of specie payments, and for that reason the hard-money men of the House should support it. If it were in reality a step toward specie payments, I would support it with all my heart even at the unnecessary cost of the operation. I acknowledge myself to be for hard money, for resumption, and for quick resumption, as the shortest and best, and in my judgment the only road out of the distress and stagnation of business which prevail throughout the land.

But I deny that the substitution of subsidiary silver coin for the

fractional currency has anything to do with the resumption of specie fractional currency has anything to do with the resumption of specie payments. It is the substitution of metallic tokens for paper ones. The only specie resumption known to the law or to the great commercial nations is resumption in gold. For minor coins, copper, nickel, silver, or paper may be used; and their purchasing power, whenever they may be in excess of the demand, will be measured by what they will produce in gold. The fractional currency now in use derives its value from the fact that it is redeemable in sums of \$5 or upward in legal-tender notes, and the legal-tender dollar will purchase—with gold at 15 per cent. premium—87 cents in gold. The subsidiary silver dollar—with silver at 52\frac{3}{2} pence per ounce—will only purchase 83.4 cents in gold. cents in gold.

To substitute the silver for the paper is therefore to substitute a coin of less purchasing power for the fractional currency. The resumption of specie payments means that one dollar in currency shall sumption of specie payments means that one dollar in currency shall purchase one dollar in gold. The existing paper is therefore nearer to specie payments than the proposed silver coin. The substitution is therefore a step backward from and not a step forward to specie payments, and is therefore in direct violation of that clause of the New York democratic platform on which every democratic member from that State holds his seat on this floor, to wit: "Steady steps toward specie payments, no step backward."

But the silver will not only possess less purchasing power than paper, but it is more fluctuating in value. During the last four years legal-tender notes have fluctuated in value 10.38 per cent., while during the same time silver has fluctuated 12.44 per cent.

But in other particulars the investment of \$40,000,000 in silver not available for specie payments is an enormous step backward, inasmuch

available for specie payments is an enormous step backward, inasmuch available for specie payments is an enormous such backward, masmuch as it deprives us of the use of \$40,000,000 which might be invested in gold and thus put us well on the way toward the accumulation of that sum which is necessary to be in hand before we can retire or make our legal-tender notes equal in value to gold. This error is so serious that I am amazed at the hardihood of the promoters of the resumption act in ever supposing that the people of this country would permit such a diversion of their resources to the creation of a currency more depreciated than the paper money now in use; and I can only account for it on the theory that the managers of the republican party themselves stand aghast at the humiliating position in which they are placed in reference to the resumption act, upon which they staked their whole financial reputation and which was proclaimed to the world as the panacea for all our wees, surely bringing us to specie payments by the 1st of January, 1879.

After one year's trial, the specie in the Treasury available for resumption instead of being increased has run down to \$13,341,423.76, and the Secretary of the Treasury confesses that he is powerless to increase the reserves; the purchases of silver for coinage have resulted in a loss of \$1,000,000, besides the cost of coinage, and it is certain to depreciate still more; the Mint has been kept at work at the public expense coining gold for private parties to export for their own profit; the premium on gold is advancing from day to day, indicatively. own profit; the premium on gold is advancing from day to day, indicating a steady recession from specie payments; and this is the whole practical fruit of the resumption act. As to the silver business they fear to go on, lest the loss be aggravated by a further fall in value, and they fear to stop and sell the silver because the loss already incurred and the sham preteness of the resumption act will then become apparent to the whole country. They have therefore resorted to the shrewd device of committing the majority of this House to the substitution of silver coin for fractional paper currency, thus seeking to avoid the just responsibility for their blunders of legislation and improvidence of expenditure. improvidence of expenditure.

# MAKING SILVER A LEGAL TENDER.

There is still one other explanation of this bold attempt to secure There is still one other explanation or this bold attempt to secure the approval of a democratic House to this sham resumption in depreciated silver coins. It is perhaps intended to follow up this movement with an effort to secure legislation making silver a legal tender for the payment of debts larger than \$5, possibly of all debts. It may well be argued that if it be resumption to pay debts under \$5 in silver, it is equally specie resumption to pay larger debts in the debts, for they are only aggregates of five-dollar debts. The argument is so

sound that it shows the hollow nature of the whole pretense that there is any specie resumption in the substitution for paper of silver worth less than the paper it replaces, when the paper itself is at a discount of one-eighth as compared with gold. Throughout the commercial world there is but one standard of value and that is gold, measuring all commodities, silver included, and any attempt to substitute anything for gold, even though it be metallic, whether silver, copper, or iron at a higher rate than its true value in gold, is to rob somebody of some portion of his existing property.

#### WHO WILL BE ROBBED?

And who, Mr. Chairman, will be robbed and who will get the benefit of the fraud? The fractional currency is essentially the poor man's money. The bulk of it at any one time is in the actual possession of the laboring classes of this country. If you take away from them what is worth eighty-seven and one-half cents in gold and replace it with what is worth only eighty-two and five-eighth cents, you rob the working classes of nearly 5 per cent., five cents out of every dollar of their scanty possessions. No human device can ever prevent debased money when redundant from falling to its true value as compared with other commodities. The dollar may be still called a dollar, but the adulteration not apparent on its face will betray itself in the increased price of every commodity which the poor man's family consumes. Says Adam Smith:

The nominal sum which constitues the market price of every commodity is necessarily regulated, not so much by the quantity of silver, which according to the standard ought to be contained in it, as by that which it is found by experience actually is contained in it.— Wealth of Nations, book 1, chapter 11.

But we shall be told that this advance in the price of what he needs, will be compensated by a corresponding advance in his daily wages. In times of great activity, when the demand for labor exceeds the supply, this might and probably would be true, but in times like the present, when men stand idle "all the day long," seektimes like the present, when men stand idle "all the day long," seeking for work, there would be no advance in wages, and the laborer, now so poorly paid and so badly pinched, will be the sole sufferer. The result is the old story, that the "rich man's field is fertilized by the sweat of the poor man's brow." Of all devices for making the rich richer and the poor poorer, the debasement of the currency is the most ingenious, the most fertile, and the most successful. The victous results of such currency are too well known to need elaboration at my hand, but it would be easy to fill the RECORD with citations from the greatest authorities in history and finance. Let one from Man the greatest authorities in history and finance. Let one from Macaulay suffice:

The evils produced by this state of the currency were not such as have generally been thought worthy to occupy a prominent place in history. Yet it may well be doubted whether all the misery which had been inflicted on the English nation in a quarter of a century by bad kings, bad ministers, bad Parliaments, and bad judges, was equal to the misery caused in a single year by bad crowns and bad shillings. Those events which furnish the best themes for pathetic or indignant eloquence are not always those which most affect the happiness of the great body of the people. The misgovernment of Charles and James, gross as it had been, had not prevented the common business of life from going steadily and prosperously on. \* \* \* But when the great instrument of exchange became thoroughly deranged, all trade, all industry, were smitten as with a palsy. The evil was felt daily and hourly in almost every place and by almost every class; in the dairy and on the threshing-floor, by the anvil and by the loom, on the billows of the ocean and in the depths of the mine, nothing could be purchased without a dispute. Over every counter there was a wrangling from morning to night. The workman and his employer had a quarrel as regularly as the Saturday came round. \* \* \*

But the evil does not stop with the daily transactions of the poorer

But the evil does not stop with the daily transactions of the poorer classes. Although we call them "the poorer classes," they are nevertheless great capitalists in the aggregation of their humble savings. They own mainly the deposits in the savings-banks, which in my own State (New York) have now reached the enormous sum of \$315,000,000. I regret that my time has not permitted me to procure the exact figures as to the number of deposits and withdrawals of \$5 and less during the year; but my knowledge of these banks justifies me in saying that the aggregate of such entries is very large. If the whole \$315,000,000 should be withdrawn in sums of \$5 or less, paid in silver, the loss to the depositors would amount to over \$15,000,000 in the single State of New York alone.

#### DEPRECIATION OF CURRENCY.

But, Mr. Chairman, why need I elaborate this proposition, which only needs to be stated to secure the assent of every intelligent member of this House? No one here wants to legislate for a depreciated currency, and we all profess to be striving to give the country a better, that is, a more valuable currency, one which will purchase more and not less gold to the dollar. The insuperable objection to the pending bill is that it gives us a currency still more depreciated than the one we have; one that will, in other words, purchase less gold to the dollar. But, besides being now depreciated, it is liable to great and sudden fluctuations, whereby it may suddenly disappear from public use, and cause the loss of the entire cost of its coinage; or, if this does not happen, depreciate so rapidly as to rob the poor of their subsistence and of their savings. It is following up in time of peace, when there is no call for it, the same policy which in time of war caused the passage of the legal-tender act, whereby the creditor class was taxed for the benefit of the debtor, resulting in the practical transfer of the whole debt of the people to the Government, and in the actual spoliation of all persons living on annuities and other fixed incomes. The loss, the distress, and the desolation caused by this act will not pass away so long as any one of the present generation of men shall But, Mr. Chairman, why need I elaborate this proposition, which only

survive. But it was perhaps a necessary incident to the preservation of "the life of the nation." The life of the nation is no longer in peril. Let us therefore refrain from further legislation, however covert, in the direction of confiscation, and especially of the hardearned savings of the poor.

The bill now pending means depreciated currency; therefore it means confiscation; therefore it is unjust and unwise, and should have no favor from either side of this House. And yet I can understand why it may receive the republican vote, because it is the only method by which they can transfer the responsibility of the blunders of last year to the democratic party; but why any democrat should vote for it, unless he be so rabid an inflationist in principle that he prefers something less valuable than paper money, utterly passes my

What, then, should be done? There is in truth but one straightforward road out of the scrape. "If thy right eye offend thee, pluck it out." The resumption law, so far as it relates to the coinage of silver, was a blunder; the purchase of the silver bullion was a blunder, and an expensive one; the coinage of this bullion is a blunder, the best remedy for which is to sell the silver for what it will bring and save the further loss which will result from its almost certain continued fall in price. The Big Bonanza has already yielded \$273,000,000, which has caused a fall of four pence per ounce in four months. Its which has caused a fall of four pence per ounce in four months. Its yield is increasing daily. It is estimated that the California Company alone have \$300,000,000 in sight. Two silver-clad Senators have already taken their seats in the adjoining Chamber, and there are four more said to have the necessary qualifications for promotion to the same high dignity as soon as there are vacancies. A fall of one penny per ounce means a loss of \$800,000 on the \$40,000,000 required for our minor currency. Unless the silver lining to the cloud hanging over the country is a delusion, the fall of saveral paperies per ounce in minor currency. Unless the silver lining to the cloud hanging over the country is a delusion, the fall of several pennies per ounce is inevitable, just as surely as the dividend on Consolidated Virginia shall be continued and those on California shall commence. It is no answer to this statement that the price of silver is to-day a little higher in London, and may possibly go back to fifty-five or fifty-six pence per ounce. This only shows the instability of its value, and the peculiar infelicity of the present time for attempting to put it into circulation. When it has settled down to something like a steady price, and we are prepared to resume specie payments gensteady price, and we are prepared to resume specie payments generally, subsidiary silver coins will as of old, if not redundant in amount, fill a nseful and necessary place in the currency of this as of other commercial nations. But meanwhile let the nation do what any sensible man of business would do, get rid of a commodity which is sure to fall, and above all, let the democrats of this House reject this white elephant of silver which the republicans offer to their ac-

ceptance. Timeo Danaos et dona ferentes.

There is, indeed, one other alternative, not so wise as to be rid of the silver altogether, until the general resumption of specie payments, but to which under the circumstances assent might be given. The silver already coined might be paid out, taking the chances of its circulation, or possibly of its being hoarded by the poorer classes to some extent. If by the rise in gold or in the price of silver it should be exported, the country will still possess a reasonable supply of fractions. tional paper currency by which its current operations might be carried on under difficulties until the supply could be increased, but to purchase and coin any more silver seems to me a waste of the public money and an idle experiment which should not be tolerated. So long as the silver coin is worth less than the fractional currency, and is not in excess of the absolute needs of the community, it will continue to circulate without raising prices upon the poor, just as any money to-kens, no matter of what material made, will to a limited extent cir-culate in any community without regard to their intrinsic value. But the moment there appears to be an excess of such tokens, they will in reality lose their fictitious value, and although they will be passed

at their face, the price of everything they buy will advance.

To show the danger, however, even of issuing the amount of silver now in the Mint, let me call the attention of the House to the following extracts from the Evening Post and the London Times of yester-

FINANCE AND TRADE.

The following shows the value in gold of \$100 greenbacks (Treasury notes, including fractional currency and national-bank notes) at twelve o'clock to-day, and at the same hour of the days named:

March 15, \$87.33; March 14, \$87.05; March 13, \$87.24; March 11, \$87.24; March 10, \$87.33; March 9, \$87.24.

The value in gold of \$100 subsidiary silver coin, called big bonanza currency, is today \$85.53.

day \$5.53.

The price of silver in London has advanced to 54d. per ounce, a rise of 1gd. inside a week. The New York equivalent for this is \$1.189 gold per ounce, or deducting freight, insurance, &c., about \$1.182 per ounce. Last week the price was as low

s \$1.14 per ounce. The Herald this morning contains the following dispatch from London:

"LONDON, March 14, 1876.

"The Pall Mall Gazette this evening has a special telegram from Berlin, which states that the German government contemplates a postponement of the proposed demonetization of silver in consequence of its depreciation of value, which will involve a loss to the treasury of several millions of marks."

If the Berlin advices of the Pall Mall Gazette are true there is no reason why the price of silver in London should not at least return to the prices current last year, the lowest of which was 55½d. per ounce. As we showed on Monday, if silver in London advances to even 55d. (it now being 54½d.) and gold here remains at 114½, the big bonanza currency (subsidiary silver coin) will be taken for export.

The question may be asked, What harm will be done if it is exported? The answer is this: Under existing laws the Treasury is directed to issue 5 per cent. bonds

to enable the Director of the Mint to buy silver. If enough silver is bought to entirely replace the fractional notes, (over \$40,000,000.) and this subsidiary coin is exported, then the Treasury is, under the law, to issue more bonds and the Director buy more silver, and so on ad infinitum. It is within reason to suppose that \$100,000,000 of 5 per cent. bonds may be issued in this way, and then the country not have enough subsidiary silver coin left in it to serve the purposes of small change. It is unnecessary to point out that this would be very acceptable to the big bonanza people, as it would give them a steady market for their products and a customer not disposed to haggle about the price. The interests of the public, however, require that this silver business shall be stopped now, and that, respecting the silver coin on hand, it shall be disposed of in the way which will entail the least loss on the Government.

As a sanitary measure, the substitution of silver for fractional notes is perhaps defensible; as a financial measure there is neither justification nor excuse for it, at least so far as public considerations are involved.

LONDON, Tuesday, March 14, 1876.

The Times this morning in its financial article says:

The Times this morning in its financial article says:

"Bar silver was in strong demand yesterday, and in the absence of supplies was nominally quoted at 53½ to 53½ pence per ounce. The more the circumstances under which the fall in silver has occurred are considered, the clearer does it become that they could hardly have been more unfavorable to permanent recovery. Apart from the diminished demand for export to the East, the demonetization by Germany, the temporary stoppage by several nations of their mints, and the increased production of mines, it seems to be evident that silver, as a standard of value, either in combination with gold or by itself, has had its day in Europe. To attempt to force this country into using it again as a legal tender side by side with gold is as impossible as to restore the old coaches in the place of railways."

Finally, Mr. Chairman, let me say that I have spoken but to little purpose if I have not made it clear that, while my objections to this bill rest upon the eternal principles of truth and justice and have been made in the interests of sound legislation, the plea which I have addressed to the House has been made mainly in behalf of the laboraddressed to the House has been made marnly in behalf of the labor-ing classes of this country. I shall not take the position of a dema-gogue, and claim to be more devoted to the claims and rights of labor than other gentlemen on the floor of this House. While I will yield to no man in my desire to promote the interests of labor, I believe that every member on both sides is governed by the same desire, especially in a season of such manifest distress. But I have been driven to make these remarks in order that I may satisfy my own conscience and redeem the pledge which I made to my constituents before I received their votes as their Representative.

During my canvass I was brought face to face with many thousands of men who live by the daily labor of their hands. Many delegations of these men called upon me personally, and I was touched beyond measure by the almost universal expression of their hopes and their wishes. They told me that they were not going to vote for me because I was a democrat and they were democrats, nor because I had made them any contributions of money, or had demoralized them with free liquor, nor because I belonged to them and had to suffer with them, but because they believed that the working classes had been cursed with bad legislation, which interfered with a just distribution of the proceeds of labor; that every time a law was passed affecting their interests it was sure to contain some provision which in a covert way tended sooner or later to deprive them of their just dues; and they came to me as a man who was accustomed to study these questhey came to me as a man who was accustomed to study these questions and would have the courage to stand up in this House and resist all legislation, coming no matter from which side, democratic or republican, which might tend to their injury or to the restriction of their just rights under the laws of nature. The simple confidence of these honest and trusting souls went to my heart. Once already it has been my duty and my privilege to protest against any narrowing up of the field for employment by the restriction of American commerce, and this day I raise my voice in pursuance of my pledge in solemn warning against legislation which will tend to rob the laboring classes, upon whose shoulders rest the pillars of the state of any ing classes, upon whose shoulders rest the pillars of the state, of any portion of the just compensation of their toil.

During the delivery of the above speech, the time of Mr. Hewitt, of New York, having expired,

Mr. HOLMAN said: I hope there will be no objection to allowing

the gentleman a further extension of ten minutes.

Mr. KELLEY. I hope 'hat two hours' additional debate will be

allowed.

Mr. RANDALL. The House alone has the power to extend the time for debate, but I am quite willing that all the discussion which may be necessary to enable us to come to a conclusion on this subject shall be had.

The CHAIRMAN. The proposition before the House is that unanimous consent be given to the gentleman from New York [Mr. Hew-ITT] to extend his remarks for ten minutes.

Mr. KELLEY. I hope he will have unlimited time.

Mr. CONGER. I suggest that his time be extended for fifteen min-

ntes. I like the silvery ring of this political screed, and I hope the gentleman will have full time allowed him.

The CHAIRMAN. If there be no objection the gentleman's time will be extended for ten minutes.

Mr. O'BRIEN. Even if fifteen minutes be allowed it will not be sufficient to enable the gentleman to finish his remarks.

Mr. HOSKINS. I hope his time will be extended indefinitely.

There was no objection; and the time of Mr. HEWITT, of New York, war extended for fifteen minutes.

When Mr. HEWITT, of New York, referred, as above, to the expenditure of \$250,000 additional by the Printing and Engraving Bureau, Mr. GARFIELD said: The amendment was introduced by the chair-

man of the Committee on Appropriations, and I do not think there was any clerical error about it.

Mr. RANDALL. I made no mistake.

Mr. GARFIELD. I think there was no mistake in that.
Mr. RANDALL. I read from a paper furnished me by the Printing
Bureau, and which I am willing to have read again if necessary. The CHAIRMAN. Does the gentleman from New York yield any

Mr. HEWITT, of New York. I only know that \$250,000 was expended in the Printing Bureau owing to some unnecessary legislation.

Mr. RANDALL. I can explain that fully if you will permit me to

do so. The law last year provided for three plate-printings, three impressions, and required the Secretary of the Treasury to have an extra plate for the work, which has heretofore been done by what is known as the surface process; and that did increase the expenditures to about the amount named. The Secretary of the Treasury had to about the amount named. The Secretary of the Treasury nau never before printed these notes except in an economic manner as to the sales. This mode required an additional expenditure of \$250,000, and if we enter again into the printing of fractional currency that expenditure will be necessary. Under the law of last session three plate-printings were required. If the House should at this session determine to continue the issue of this fractional currency, then the committee would recommend that the old practice of surface-printing be returned to. The amendment was offered in the Senate and confirmed by a conference committee.

#### VENTILATION OF THE HALL.

Mr. KELLEY. I want to ask, not only in my own name but in the name of a number of gentlemen sitting around me, that the Door-keeper be directed to open some of the doors in this box.

The CHAIRMAN. The Doorkeeper informs the Chair that he has

already ordered the doors to be opened.

#### SUBSIDIARY SILVER COIN.

The CHAIRMAN. The time of the gentleman from New York [Mr.

HEWITT] has again expired.

Mr. SPRINGER. I hope his time will be extended until he finishes his remarks.

There was no objection; and Mr. HEWITT continued and completed his remarks as printed above.

Mr. RANDALL. I move that the committee now rise in order to

obtain from the House an extension of time for general debate upon

The CHAIRMAN. The time fixed by the House for general debate on this bill has not yet expired, and will not expire for half an hour.

Mr. RANDALL. I want to get rid of the annoyance of constantly

extending the time of gentlemen on the floor.

Mr. HOLMAN. Unanimous consent in the committee may accomplish the same purpose. It is not necessary to go through the formality of the committee rising in order to reach the object the gentleman has in view.

Then I ask unanimous consent that the time for Mr. RANDALL. general debate in Committee of the Whole be extended for two hours

beyond the limit fixed by order of the House

The CHAIRMAN. The Chair will suggest that the committee has no power to change the order of the House. The gentleman from Pennsylvania, [Mr. Kelley,] who is next entitled to the floor, can proceed by unanimous consent.

Mr. GARFIELD. I think we had better rise, and determine this

Mr. HOLMAN. We can accomplish the same purpose by unanimous consent in committee. The CHAIRMAN. Does the gentleman from Pennsylvania [Mr.

ARADALL] submit the motion that the committee now rise?

Mr. RANDALL. That was my motion originally; but some gentlemen suggested that the object could be accomplished in committee by unanimous consent. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and Mr. Hunton taking the chair as Speaker pro tempore, Mr. SAYLER reported that, pursuant to the order of the House, the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency, and had come to no resolution

Mr. RANDALL. I now move—
Mr. GARFIELD. Will the gentleman allow me to suggest that he now simply ask the House to remove the limit for general debate and

not to fix any limit until to-morrow morning.

Mr. RANDALL. And let the limit of speeches to ten minutes each continue as already offered.

Mr. GARFIELD. Take away all limit of general debate. Mr. RANDALL. I do not want to take away the limit of ten minutes, so that every member who obtains the floor can speak for an hour.

Mr. GARFIELD. I do not mean that; but I mean to fix no time

mr. GARTIELD. I do not mean that; but I mean to ix no time now for the close of general debate.

Mr. RANDALL. I have no objection to that.

Mr. KELLEY. Allow me to suggest to my colleague [Mr. RANDALL] that there will probably be no more important bill than this

in the discussion it will invite. I think that he had better allow for to-day a rather free range in the discussion of this bill. how long it will take me to say all that I have to say. I do not know The fact that I am here to speak in my present condition of health is evidence of my earnestness on this question. I do think the discussion will not take a wide range, but that it will be as important in its character as

the discussion upon any bill that will be brought into this House.

Mr. RANDALL. I do not object to gentlemen roaming and rambling as much as they please about this one single simple proposition of substituting silver coin for fractional currency; but for the sake of the Bureau, for the sake of preventing what is apprehended now, a scarcity of change, I want this question to be determined as soon as possible.

Mr. KELLEY. I quite agree with my colleague in that respect. I think it very important that there should be an early determination of this question.

Mr. RANDALL. Besides, there is another view to take of this matter. The people who have been suspended in this Bureau should be quickly made aware whether they can be re-instated or whether their removal is to be permanent.

Mr. KELLEY. I agree to that.
Mr. RANDALL. I now move to reconsider the vote by which the limit of two hours was fixed as the time for general debate upon the bill now in Committee of the Whole, so that general debate shall continue without limit, under the ten-minute rule, until the further order of the House.

Mr. GARFIELD. Say fifteen minutes.
Mr. RANDALL. Very well. I am willing to extend the time for speeches to fifteen minutes each.

The motion to reconsider was agreed to.

Mr. RANDALL. I withdraw the motion to limit the time for general debate. I now move that the rule be suspended and that the House resolve itself into Committee of the Whole for the purpose of resuming the consideration of the bill for the issue of silver coin in place of fractional currency. And pending that motion I move that all speeches thereon be limited to fifteen minutes each.

The motion to limit speeches to fifteen minutes each was agreed to, and the motion that the House resolve itself into Committee of the

Whole was also agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SAYLER in the chair,) and resumed the consideration of the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States in place of fractional currency.

The CHAIRMAN. By order of the House, general debate upon this bill is limited to speeches of fifteen minutes each, and the gentleman from Pennsylvania [Mr. Kelley] is entitled to the floor.

from Pennsylvania [Mr. Kelley] is entitled to the floor.

Mr. Kelley. Mr. Chairman, the fact that I attempt to address the committee is evidence of my earnest desire that the considerations involved in this bill may be understood and appreciated. I agree with my colleague [Mr. Randall] as to the importance of appropriating money to restore the production of fractional currency and to re-employ as soon as possible, if they are to be re-employed, the people now furloughed and in idleness.

But this bill involves very grave considerations. The gentleman from New York, [Mr. Hewitt,] in so far as he has dwelt upon the fluctuations in the price of silver during the year, has verified the predictions I made when the bill providing for the purchase and coining of silver was under discussion, and that I had made in newspapers over my proper signature when it was first proposed. Yet he has presented fully to the committee but one of the horns of the dilemma, and alluded but incidentally to the other.

but incidentally to the other.

No American staple is depreciating so rapidly in current market value as silver. The causes of the depreciation are manifold. It is due not only to the enormous production of the great Bonanza mines, nor to the recent disclosure of the fact that the Uncomphagre range in southern or middle Colorado is likely to yield larger amounts of silver than any of the mines of Nevada, for beyond and more potent than these causes has been the demonetization of silver by Germany, Holland, Sweden, Denmark, and Japan, and the closing of the mints of the Latin monetary union against the coinage of silver. These causes are supplemented by the results of the impoverishment of the people, which has destroyed the market for silver for manufacture into articles of utility and beauty, and enabled those who produce such articles to buy silver-ware at pawnbrokers', sheriffs', or marshals' sales, in all the forms of elegance into which it enters into private use, at less per ounce of fine silver than they can in the general bullion market.

This discussion is not upon money proper, but upon our subsidiary coins, which all nations regard as mere tokens, the intrinsic value of which they make several per cent. below their nominal or face value, and never make legal-tender for a considerable sum. In so far as foreign trade is concerned they are not regarded as money, but are a mere medium of exchange among the people of the nation by the government of which they are issued. Though on this minor element of money the discussion is furnishing us with pregnant illustrations of the fact that money is a national institution, that it depends upon decrees of government, and that this is equally true whether it be of gold, of silver, or of paper, and that the special value of gold and silver is dependent on their use or distance as money. ver is dependent on their use or disuse as money.

My theoretic friends around me, who bring to us the dogmas of the school of economists to which they are attached and speak ex-cathedra as they would to a class of collegians, tell us that gold and silver are the only invariable standards of value. Sir, standards are fixed, do not fluctuate, are not given to vicissitudes, do not vary; and yet these gentlemen, accepting as they do Michel Chevalier as a living teacher of their school and the late Richard Cobden as one of its great masters, are referred to the Congressional Library to find Chevalier's book on the Probable Fall of Gold, in the third edition of Cobden's translation, published in London, Manchester, and Edinburgh in 1859, when, owing to the general use of silver as money and the immense influx of gold from California and Australia, that metal, unchanging standard as it was, sank so rapidly in comparison with silver that Chevalier hastened to admonish the French government that it must protect the people against the effect of its depreciation by the establishment of an exclusively silver coinage, and Cobden hastened to translate the book and publish it in the cities I have named, whereby it was run to a third edition by 1859. To those who believe that an unchangeable standard of value can be found in a merchantable commodity the value of which is constantly changing, I spe-cially recommend chapter 4 of section 4 of this work. But things have changed and the other standard, poor silver, has been demonetized, disowned, and is disclaimed even by my friend who just addressed us, who said it would be robbery to coin as legal tender that which is to all India, to nearly two-thirds of the people of the world, their unvarying standard of value. Pretty standards are these commodities which dance so gay a dance in change of value!

But this is apart from the main discussion. The speech of the gentle-

man from Missouri, [Mr. Wells,] which was, as he is absent, read from the Clerk's desk, gives us details taken from the reports of the Director of the Mint and the Comptroller of the Currency. It will therefore be well to ascertain the value of these reports. Sir, events recently developed have made those of us whose faces are most wrinkled by age feel that close observation would show that we were blushing; and I have heard nothing in the way of discreditable disclosure that pained me so much or caused the blush of shame to so mantle my cheek as reading the reports of the Director of the Mint and of the Comptroller of the Currency; the study of the annual reports of the Comptroller proves that he embodies in his own person and character the disinterested patriotism of the Vicar of Bray and the progressive philosophy of Demetrius the silversmith. The report of the Director of the Mint is little more than an advertisement of old Townsend's genuine sarsaparilla. [Laughter.] It is a pamphlet molded upon the advertising pamphlets of that physician, whose sands of life are nearly run. Pages of it are covered with evidence of the increasing value of the stock of the mines on the Comstock lode, and its bulk is swollen so that it is inconvenient for carriage by the insertion of maps of mines and their machinery, intended to demonstrate the truth of his advice to the people that if they want to buy stock in the Comstock mines they had better do it at once. [Laughter.]

Turning to the report of the Comptroller of the Currency, you will

find that while he is severe upon all who now differ with him in opinion, his severity falls not more harshly upon any dissenter than it does upon the doctrines uttered by John Jay Knox, Comptroller of the Currency, while President Grant still favored the maintenance of a flexible currency; for in a preceding report he had reproduced what he had said in a report that preceded that, urging Congress to re-establish, if it did not maintain, a system of temporary loans or convertible bonds. And now since the President has changed his opinion on that subject, he sees nothing so obnoxious to the life of our country or the prosperity of the people as the propositions he had thus persistently maintained. Therefore I ask gentlemen, before accepting any statement made in those reports, to consider them and see whether they are not the discreditable things I have described.

The Director of the Mint tells us that all the available Treasury vaults are gorged with silver coin, and he dilates upon the necessity of constructing new vaults to contain the coins yet to be manufactured. We must, he says, have \$40,000,000 of these tokens before we can begin to issue them. Why, sir, if they would stay in circulation when put out, could they not put them out as fast as they were made, and take in a like amount of that which they were to substitute, until they had gradually filled the channels for small change? Why wait until the "Big Bonanza" owners have sold and we have converted \$40,000,000 of their depreciating commodity into the 5 per cent. goldbearing bonds of a nation whose credit stands at 4 per cent. in the markets of the world? Sir, the reason was that to put it out would demonstrate the folly of the thing. If silver was then of a value which would yield a profit on its export, it would go abroad as fast as it was emitted; it would go into the melting-pot; at any rate it would disappear and put an end to the experiment, because by issuing coined substitutes for the fractional currency now in use and destroying the notes thus called in would, if the coins were exported or melted, bring the people to a condition in which they would have no subsidiary currency for small transactions, such as paying the boot-black, or for a carride, or for any other of the minor but most frequent commercial exchanges of life.

But there is, as I have intimated, another horn to our dilemma. is this. If silver continues to depreciate, we will have private manufactories of dimes, twenty-cent pieces, quarters of dollars, and half dollars established all over the country, and especially in the neigh-

borhood of the "Big Bonnaza." Manufacturers of these articles will then be able to make them of full standard value; nay, more, whenever ilver shall depreciate a little further, they can give in their private dimes and double dimes and half dollars a percentage more of silver than the Government does, and still have a more profitable business than almost any other branch of industry. They, and not the Gov-ernment, will have the benefit of the seigniorage upon the subsidiary coinage, and this result, which neither the Director of the Mint nor the Comptroller of the Currency points out will be felt, namely, that when the coins, whether issued from the Mint or private factories, are worn to the extent of 20 or 25 per cent., or as was the case with the English subsidiary coinage when it had not been renewed for a century, 50 per cent., the Government must take it in at its full value and recoin it; that modern Issacher the American people bearing the burden.

The two horns of the dilemma are before us, and no man can tell

upon which we are most likely to alight if we pass this bill. I have been studying the subject. I had with these papers in this envelope, until I was foolish enough to lend them to some gentleman who will probably upon this notice restore them, financial articles on the silver question from the Englishman, published at Calcutta, as late as January 14, and an elaborate editorial on the same subject from the Two Republics, the official organ of the Government at the city of Mexico. They were each instructive, and I regret that I cannot bring them fully to the attention of the committee. I am however able to say that the financial editor of the Englishman said:

No power on earth can check the depreciation of any marketable commodity that is largely increased in production as compared with any other that is stationary or becoming scarcer.

And again-

Nothing, so far as we can see, will check the gulf that is gradually dividing gold rom silver, if the relative production of each metal is to go on as it has been doing and as it is likely to do. A point must in time be reached at which it will not pay so the city of the control of the cont

to raise silver.

[Here the hammer fell.]

Mr. WHITE. I move that the gentleman's time be extended.

The CHAIRMAN. For what length of time?

Mr. RANDALL. Fifteen minutes.

The CHAIRMAN. The Chair hears no objection to extending the gentleman's time fifteen minutes.

Mr. KELLEY. The papers of yesterday brought us information that the consequences of the contraction of the money of the empire by the demonetization of silver upon the industries of the people and the revenues of the government has induced the Emperor of Germany to order the continuance of the old thaler as legal tender. That incorder the continuance of the old thaler as legal tender. to order the continuance of the old thaler as legal tender. That in-telligence had, as the gentleman from New York [Mr. HEWITT] showed us, the effect of putting up the price of silver one pence an ounce for fine silver.

There are difficulties in comparing the official papers before me with the prices quoted by the gentleman, because these papers give the price of standard while he spoke of that of fine silver. Here is the report of the Secretary of the Treasury, made February 10, 1876, in response to a resolution of the House of January 24, 1876, requesting a response to a resolution of the House of January 24, 1876, requesting a statement of the amount of coin in the Treasury at the close of business on December 31, 1875, together with the dates and price of the several purchases of silver and the amount of gold-bearing bonds exchanged for them under the act of January 14, 1875. It shows (and it should be borne in mind that it speaks of standard silver and not of fine silver; that is, of silver alloyed to the standard of our subsidiary coins) that the Treasury began buying silver on February 5, 1875, and then paid per ounce \$1.132. As soon as it was known that the Government had become a purchaser, the Bonanza people put up the price to \$1.134, at which they kept it till February 13, when foreign silver, chiefly German coin, began to flow into our markets, and nearly five hundred thousand dollars' worth was purchased at \$1.131. But to trace the decline in price would be tedious. It will answer my purpose to say that the last reported purchase, that of September 18, 1875, was at \$1.11, a depreciation of two cents and two mills. Since then, as the chairman of the Committee on Appropriations [Mr. RANDALL] has let us know, we have been able to buy it, if I understood him correctly, at \$1.03. May I ask the gentleman at what we can buy it

Mr. RANDALL. I think it depreciated from causes which I can

explain, if the gentleman desires.

Mr. KELLEY. I merely want the fact as to the lowest price.

Mr. RANDALL. As I understand, it reached as low as 102½ or 103, and has fluctuated up to 106; so that, if I were to speak on the subject to-day, I would say that it is somewhere between 103 and 106.

Mr. KELLEY. That is for standard silver. Now I have the San Francisco rates for fine silver from the 3d of January to the 26th of

On the 3d of January the gold value of fine silver per ounce was \$1.22. One dollar in legal-tender fractional-currency notes was then worth two mills and four-tenths of a mill more than two silver half dollars. On the 26th of February fine silver had sunk to \$1.16; and legal-tender fractional notes were worth 3.9 per cent. more than our silver coins of like denomination. The depreciation since that time has been far more rapid than it had been at any previous period.

Mr. Chairman, when Mrs. Toodles reports to her exemplary husband her purchase of a door-plate bearing the name of a man named Thompson—Thompson with a "p"—which she had bought because it might come of use some time if by chance she should survive poor, dear

 $\begin{array}{l} \Gammaoodles, the\ popular\ impression\ is\ that, looking\ to\ the\ interest\ account,\\ she\ did\ not\ make\ a\ good\ investment\ of\ her\ husband's\ funds.\ And\\ yet\ I\ do\ not\ know\ that\ it\ was\ not\ a\ wise\ one\ in\ comparison\ with\ our \end{array}$ investment of 5 per cent. gold-bearing bonds in a commodity that has thus rapidly depreciated. For the door-plate of Thompson with a "p" might possibly find a purchaser at a reasonable price, but we are increasing our oppressive gold indebtedness in order to buy an article against which the markets of the world are being closed by reason of its general disuse as money and consequent steady depreciation, and which is so useless to us that we must construct new vaults in which to store it.

India herself finds that she is unable to retain her share of the trade of the world while she retains silver as her legal tender, and the rupee, a silver coin which represented two English shillings, was, on the 21st of February, worth but  $1s.\ 8^s_4d.$ ; which was a fall in sixteen days from  $1s.\ 9^s_4d$ . to  $1s.\ 8^s_4d$ .

teen days from 1s. 9½d. to 1s. 8¾d.

It is therefore gravely proposed that India shall abandon the use of silver, but she finds two difficulties in the way. The first is that she has not the means with which to buy the necessary amount of gold, for she must have \$500,000,000 on hand when she undertakes to substitute gold coins for her silver ones. But, secondly, she finds the same difficulty that we encounter; that is, that if we were ready to purchase a few hundred millions of gold there is nobody who has it to sell. With the monetization of gold by Germany and the demonetization of silver by her and Holland and Sweden and Denmark and the Latin league, the great gold-using nations are compelled to retain as a basis for their currency extraordinary amounts of that metal, so that the Bank of England, which had never held one hundred and fifty millions of dollars, now holds largely over one hundred and fifty millions; and the Bank of France holds the unparalleled sum of over four hundred millions. To obtain and hoard these vast amounts they have squeezed Germany out of nearly all these vast amounts they have squeezed Germany out of nearly all the new gold marks she has issued, and have forced her to tolerate the use as legal-tender of her recently demonetized thaler. The gold of the world is demanded by the great creditor nations; and in order that France and England may leave the minor countries with which they trade a gold basis for their currency, they must drive Germany back to the use of silver and paper. Yet here we are, because the own-ers of the Big Bonanza find the price of their commodity declining, undertaking to bull silver against the nations of the world, and to save a few citizens from possible bankruptcy by increasing our gold indebtedness. A more quixotic movement no legislative body ever went into.

In this connection I may not inappropriately remark, sir, that In this connection I may not inappropriately remark, sir, that when within four weeks the purchase of the Suez Canal was under discussion in the British Parliament, a gentleman inquired whether the statutes for the punishment of parliamentary contractors were still in force, and Mr. Anselm Rothschild—I do not know that I give the first name of the gentleman correctly—arose and vindicated his right to be in the British legislature by proving, not that he was not an owner in the Big Bonanza, but that he did not belong to the firm that had sold shares of stock in the Suez Canal to the Government.

Mr. GARRIELD been made a remark in his seat inaudible at the

Mr. GARFIELD here made a remark in his seat inaudible at the reporters' desk, to which Mr. KELLEY replied.

Mr. KELLEY. I am having a little side discussion as to whether any member of the House or Senator can possibly own stock in the Bonanza or other Comstock mines. I do not know.

Mr. RANDALL. I can answer for myself that I own stock in noth-

Mr. KELLEY. God bless you! I never suspected you of being in the Big Bonanza. I know that you are very near as poor as I am; and there is not required a much better certificate of integrity than you and I have on that score. But if you lived in San Francisco and represented the Big Bonanza State here or in the other House, I

might suspect you of owning shares.

Mr. RANDALL. I want to say just there that I find in the Constitution of my country that silver is a legal tender, and I want to ap-

proach to that. Mr. KELLEY.

Mr. KELLEY. Are you going to pay bonds with it?

Mr. RANDALL. No, sir. I am going to approach to specie payments as fast as I can without injury to the industries of the country, and I want to take the broad view of this question that this introduction of silver has no connection with the resumption of gold as

duction of silver has no connection with the resumption of gold as between the nations.

Mr. KELLEY. O! I understand that!

Mr. RANDALL. But except in so far as this, that I believe there would be a sentiment created among the people, and that when they have the handling of silver they may want by some means to go a little further and handle gold.

Mr. KELLEY. In this matter we want sense, not sentiment. I should, perhaps, Mr. Chairman, have gone further than I did in disclaiming any suspicion that my colleague was interested in the Big Bonanza. I do not suspect that any member of this body is so situ-Bonanza. I do not suspect that any member of this body is so situated. I know that we are all incorruptible. I was only speaking of

what might happen.

Mr. RANDALL. Well, I know myself, as I suppose I do, and that is what the people say you should do.

Mr. KELLEY. There is no specie payment in this; for if my colleague will go to Canada and take \$10 in ten-cent notes of our fractional currency and \$10 in silver dimes, he will find that he can buy with

the notes, the paper money, more of any commodity than he can with the same number of silver dimes. I learned this fact from commercial articles in the Canadian papers and the statement of one of

[Here the hammer fell.]
Mr. KELLEY. I would ask the House to give me a few minutes
ore. I understood that my friend from Iowa, [Mr. OLIVER,] who more. is to follow me, has a few minutes to spare, which he is willing to

yield me.

Mr. OLIVER. I thought the time of the gentleman from Pennsylvania had been indefinitely extended.

The CHAIRMAN. It was not; that was not the order of the committee; but if there be no objection the time of the gentleman from Pennsylvania will be extended. No objection was made, and it was so ordered.

Mr. KELLEY. Not knowing how much time would be allowed me,

Mr. KELLEY. Not knowing how much time would be allowed me, I have spoken in a very random way.

In order to get silver we had prior to the 31st of December, 1875, paid \$574,017 in gold interest on bonds previously issued for its purchase, apart from the expense of converting it into coin. We then had some four millions of uncoined bullion. We are now asked to buy enough to require us to add\$1,260,000 of annual gold interest to the amount already incurred. When you remember that the interest on a 5 per cent. twenty-year bond, without compounding, pays the sum of the principal in twenty years and leaves you in debt for the entire principal, you will find that we shall be paying two or three million dollars a year in gold for the privilege of using a currency which if it rises to a year in gold for the privilege of using a currency which if it rises to a given value will be exported, or if it sinks below a certain price will a given value will be exported, or if it sinks below a certain price will tempt counterfeiting, and enable the counterfeiter to give you better money than the Government issues. Will not this be paying too dear for so unreliable a whistle? What is it that oppresses the American people to-day? Why, sir, it is a system of absenteeism more destructive to American industry and enterprise than English absentees ever tive to American industry and enterprise than English absentees ever were to Ireland; a funding system by which our bonds pledging us to pay high rates of gold interest, pledging us to pay them every twenty years, and still to owe the sum of the principal in gold, are held by foreigners, and which thus takes from our industry and enterprise their life-blood; which is thus to be perpetuated and extended, by increasing our gold-bearing indebtedness in the vain hope of bulling silver against the nations of the world. This is what we have been ingeniously led into, and what this bill proposes.

They tell us—and by they I mean the Director of the Mint and the Compresses of the Courteness—of the cost of making paper freetings.

Comptroller of the Currency—of the cost of making paper fractional currency. They do not also tell us, sir, that there has been a gain of \$10,000,000 to the Treasury in great part by loss or destruction notes. That has been a loss to each individual who lost any part of the sum, but a benefit to the Government. It is carried beyond the country in

the pockets of travelers.

Mr. RANDALL. I do not want the Government to make money in that way. Do you?

Mr. KELLEY. I will speak for myself. It is consumed in every fire; it sinks in every vessel that goes down carrying its living freight below the floods. I do not want the Government to make money in that way; but I want to remind the gentleman that five-cent pieces have also been lost, and ten-cent pieces, and quarters, and half dollars, and dollars; and that, when coins are lost, no one but the owners of gold or silver mines are benefited; the Government loses and the loss gold or silver mines are benefited; the Government loses, and the loss of the individual is not diminished.

Mr. RANDALL. These losses do not bear any relation whatever in

amount as compared with rags.

Mr. KELLEY. "Rags" the money of your country, sir! [Laugh-

ter.]
Mr. RANDALL. The fact is that coin lasts fifty years, while this currency which you want me to describe as the money of my country

A MEMBER. Hardly that.

Mr. RANDALL. Yes, hardly that; and, furthermore, this money is lost in the main by poor people, for whom you have so much compassion. The loss of fractional currency is somewhat between seven and ten millions of dollars a year.

and ten millions of dollars a year.

Mr. KELLEY. So the Director of the Mint and the Comptroller tell us; but does that give us assurance as to the facts? My colleague would soothe the souls of the losers by robbing them of four cents on every dollar, by making them take silver with which they can buy but ninety-six cents' worth of commodities, of which they can buy one hundred cents' worth with the "rags" which saved his country in the hour of its greatest danger.

Mr. RANDALL. That is caused by the standard created by your own law, making a dollar in silver three hundred and eighty five and three-tenths grains.

three-tenths grains.

Mr. KELLEY. I tell the gentleman that you can buy with ten ten-cent rags more than you can with ten jingling silver dimes with

ten-cent rags more than you can with ten jingling silver dimes with which he proposes to afflict the laboring people of the country.

Mr. HUBBELL. If that is so, why does not our American fractional currency go to Canada?

Mr. KELLEY. I asked my colleague whether he would pay the bonds in silver, and he said he would not. But it is proposed to make silver a legal tender for \$10; and it is shrewdly suggested that it should be made a legal tender for \$10. You would cheat the poor American, cheat the widow or the orphan who is entitled to \$20, \$30,

\$40, or even \$99 semi-annually of interest by paying them depreciated silver; and when you come to pay the Rothschilds and the Barings, to whom you pay tens of thousands, you will see to it that they get gold. I do not believe in any such uneven-handed justice.

Mr. RANDALL. Will the gentleman allow me to ask him a ques-

Mr. KELLEY. Certainly.
Mr. RANDALL. Are you in favor of issuing such silver as we have on hand now coined and stamped?

Mr. KELLEY. I am in favor of issuing it or selling it; but I am opposed to taxing the farmer's and laborer's thews and sinews to buy gold to exchange for silver in order to rob them of a part of the value of the fractional currency that they now hold. Issue what silver coin you have—I should have come to that point—let it go; and if it dis-

appears, substitute fractional notes for it again.

But when you remember that your Treasury, pledged to resume specie payments, holds but \$13,000,000 of gold, and that a diminishing quantities in estimating the value of gold and silver, would it not be the part of wisdom to order the Secretary of the Treasury to stop in-creasing the gold debt of the country and the draught for gold to be paid to foreigners; to prohibit him from buying with gold-bearing bonds a commodity which, if some of the nations of the world do not soon remonetize it, may drop in value until pure nickel will stand on a par with it.

I prefer the proposed amendment of the gentleman from New York, [Mr. Hewitt,] which is that the silver, both coin and bullion, shall be sold, that the Government pocket the loss already made rather than impose it upon the laboring classes and the business men of the country. I am anxious that the country should be supplied with fractional currency, that part of our currency that circulates most freely and changes hands most frequently. Now a word in a partisan

Mr. GARFIELD. Will the gentleman allow me one question?
Mr. KELLEY. Certainly.
Mr. GARFIELD. I would inquire of the gentleman how his argument would fit the notion of allowing the five-cent nickels to remain in circulation as they do?

Mr. KELLEY. I do not ask the withdrawal of the five-cent nickel. Mr. GARFIELD. Why not?

Mr. KELLEY. Every man who takes it knows that it is but a token good for five cents, because the Government has made it money, and it is in limited amounts interchangeable for lawful money.

Mr. GARFIELD and Mr. RANDALL rose

Mr. KELLEY. Not two at a time, gentlemen, nor when you have led me on a false scent. [Laughter.]

Mr. GARFIELD. If the gentleman is in favor of continuing the five-cent nickel because everybody takes it and nobody loses by it, how is the poor man to be swindled by taking a twenty-five-cent sil-

Mr. KELLEY. If the gentleman will raise the question in this House whether we shall renew the issue of five-cent notes and call in the five-cent nickels, I will vote for it, because the notes were and

would be full legal tender.

Mr. HOAR. I would ask the gentleman—

Mr. KELLEY One at a time now. Neither of them have intrinsic value; they serve to make exchanges. Do you ask, when you take a check for a thousand dollars on the credit of an individual, that it a check for a thousand dollars on the credit of an individual, that it shall have the intrinsic value of a thousand dollars? You know it has not. You know it is what my colleague calls our legal-tender money, "rags;" and yet you take a check for a thousand dollars or for ten thousand dollars. Why? Because you know that a sufficient credit lies behind it, and you also know it is not probable that the bank it is drawn upon will shut its doors before you will present it.

Mr. HOAR. Now, allow me a question.

Mr. KELLEY. Let me finish this illustration. If you take a baggage check and hand your trunk, containing tens of thousands of dollars.

gage check and hand your trunk, containing tens of thousands of dollars in value to some unknown man who bears the badge of an authorized and responsible company, do you ask that your check shall have the intrinsic value of your trunk? No. Why not? Because you know that it involves the responsibility of a credit abundantly able to re-

munerate you for the loss of your trunk.

Mr. HUBBELL. And when you ask that your check shall be re-

Mr. KELLEY. You get your trunk back or you get the value of it. I want the greenbacks made redeemable, and these gentlemen around me prohibit it. I want the Government to restore its faith to the American people, and prove to them that it is honest. It stands to-day degraded, disgraced, and dishonored in the eyes of such of the people as are not bondholders. It put out the legal-tender money under the express stipulation that it should be convertible into interest-bearing bonds. It floated the legal-tenders in that way into all the channels of trade. And then, meanly, dishonestly, and disgracefully, the Government withdrew its pledge and depreciated the people's money. I plead with gentlemen to make the greenback as it then was, convertible and interconvertible.

Mr. BLAINE. The greenback interconvertible! Mr. KELLEY. Yes.

Mr. BLAINE. O, no.

Mr. KELLEY. After it ceased to be convertible into 6 per cents

you could exchange it for seven-thirties.

Mr. BLAINE. Not interconvertible in them.

Mr. KELLEY. You could exchange it into seven-thirties, giving you higher interest than the 6 per cents, and you could convert it into compound-interest notes, getting them from the Treasury. And with temporary loan certificates it was absolutely convertible and interconvertible, and the integrity and character of the Government require the restoration of such a provision of law.

[Here the hammer fell.]
The CHAIRMAN. The time of the gentleman has expired.
Mr. BRIGHT. I hope the gentleman will be allowed to go on.
Mr. KELLEY. I have about concluded what I have to say. I willing to endeavor to answer the questions which gentlemen about

me desire to ask.

Mr. HOAR. The gentleman retains the floor, as I understand, for the purpose of answering a question which I wish to put. There is one respect in which I do not exactly understand his position. If you stamp something upon a piece of paper that has no value and compel the laboring-man to take it, I do not understand how you thereby do him a greater benefit than when you stamp precisely the same thing on a piece of silver, which has great value, and compel him to take it. How is it that the latter cheats the laboring-man, while the former does not?

Mr. KELLEY. I speak, sir, of facts rather than theories. I tell ou that to-day you can buy more gold with a greenback than with

the same nominal amount in silver.

Mr. HOAR. Will the gentleman allow me to put my question in another form? Suppose you take this piece of paper made by the Government—paper costing comparatively nothing—and tie this piece of silver to it or under it, would it be worth more or less to the poor man whom the gentleman says we are robbing? and if worth more, would it not continue to be worth just as much if you took away the

paper and left the stamped silver?

paper and left the stamped silver?

Mr. KELLEY. You have heard, Mr. Chairman, of the Scotch lord who did not want to pass a light guinea himself and gave it to his driver, with instructions to get it off if he could. After they had passed the next toll-gate Donald said to him, "Your lordship, I have gotten it off." "How?" "Ah, I put it between two farthings, and the man at the gate took it without noticing it!" That is the properition the goal lower would have me discuss whether if I inconsition. osition the gentleman would have me discuss, whether, if I ingeniously contrive to pass a greenback with a silver dollar tied to it, it would be worthless. The light guinea did not impair the value of the farthings that canceled it. the farthings that concealed it.

Mr. HOAR. My friend says that if you take away from the laboring man these stamped pieces of paper, which are worth nothing be-fore they are stamped, and give him in exchange the same stamp on a piece of silver which is of value all the world over, you have cheated

Mr. KELLEY. Now let us see whether this paper of the Government is "worth nothing but its stamp." If my friend has a thousand dollars of taxes to pay, that "worthless paper" will pay them. If he holds any other obligation of the Government—

Mr. HOAR. Are they paid by the Government? By whom are

Mr. HOAR. Are they paid by the Government! By whom are they paid?

Mr. KELLEY. O, I am not going to run into nice metaphysics. I answer with the facts of current history; with facts that these learned schoolmen cannot dispute. If judgment be obtained against a man in a court for \$1,000, and the sheriff is about to seize his property, that "worthless paper" pays the debt and releases the property. If stocks be on sale in the market, that "worthless paper," those "rags," will buy and pay for them. In France, (where they are more honest or less foolish than we,) during even the time of the Commune, when the pétroleuses were burning the homes of the rich and the public buildings, gold never reached a premium of 3 per cent. in the irredeemable notes of the Bank of France. Why? Because, as I say, the French government was more honest or wiser than the Amer-

the irredeemable notes of the Bank of France. Why? Because, as I say, the French government was more honest or wiser than the American Government has shown itself, and made those notes a legal tender for all debts, public and private.

Mr. GARFIELD. That is, it always redeemed its notes.

Mr. KELLEY. It always received the money which it made the people receive. It receives its own paper for taxes, for government dues, and thus for the time being it demonetizes gold. It was our dishonoring of our own paper that called the "gold-room" of New York into existence, that brought thither the vampires of the world to fasten and fatten upon the industries of the country. It was the dishonesty and fatten upon the industries of the country. It was the dishonesty of the American Congress and Government in repudiating the money it created and forced the people to receive that has cost us the countless millions made and lost in the "gold-room" of New York and through its influence

Mr. HOAR. I want to ask my friend from Pennsylvania whether the "dishonesty of the American Government" in regard to its own paper is the "dishonesty" of refusing to redeem it on demand or the "dishonesty" of redeeming it on demand?

Mr. KELLEY. The Government and people would have been able to obtain gold in exchange for notes for the few purposes for which

it would have been needed, as the Bank of France pays it voluntarily, if it had not transferred the products of industry and enterprise from every legitimate owner to the speculators of the "gold-room" in New York, by establishing two legal tenders, one of gold for duties on foreign imports and in payment of bonds, and one of paper for that

patient ass the American people.

Mr. GARFIELD. Allow me now to put a question. If my friend will come down to a very small matter for a moment. I am very earn-I am very earnest in the hope that I may bring my friend down from his sixteen-foot horse to a very small matter. The gentleman said a while ago that it was an outrage upon the poor men, the widows and the orphans—those people for whom I admit he has always been so careful in his legislative career-to force upon them silver ten-cent pieces and quarlegislative career—to force upon them silver ten-cent pieces and quarters and half dollars of less value proportionately than the standard dollar of our country. Now I ask how it is that the five-cent pieces made from nickel coming from a mine close by the gentleman's district, which he knows all about, and which he has been so earnest in promoting, which is a "big bonanza" in its way—I admit the gentleman is in no way related to it except by neighborhood—I ask him how it is that we do not cheat the laboring man, the widow, and the orphan when we force upon them millions of five-cent nickel pieces which are worth just about one cent aniece. 20 per cent, of their face value when we force upon them millions of five-cent nickel pieces which are worth just about one cent apiece, 20 per cent. of their face value or I think considerably less; but if we give them a silver dime or quarter or half dollar, worth about 90 per cent. of its face and which passes for sums of \$5 just as well as the five-cent pieces pass within their limit, we are cheating the people? How is it that silver is so dreadful and cruel a thing, and nickel, which the gentleman has championed here for the last ten years, is so good and blessed?

Mr. KELLEY. I hand the gentleman from Ohio the bill to have him refer to that part of it which relates to nickel coinage, and while he is finding it I will go on and say what I have to say. We are discussing this hill. [Langhter] I should like him to show me any.

he is finding it I will go on and say what I have to say. We are discussing this bill. [Laughter.] I should like him to show me anything in it that refers to nickel coinage. I am going to answer what is practical and pertains to the bill under consideration. Why is the

greenback worth more than silver?

Mr. GARFIELD. I am not talking about silver.

Mr. KELLEY. I want to talk about it. I knew it was a small thing you were going to bring to my attention. I cannot get below the dime, because there is nothing less than that discussed in this

II. [Laughter.]
Mr. GARFIELD. But the other leads to nickel.
Mr. KELLEY. There is nothing less than a dime discussed in this

Mr. TOWNSEND, of New York. Will the gentleman yield to me

for a question?
Mr. KELLEY.

Let me answer this question first. [Laughter.] Give me ten greenbacks, give me one hundred of them, and I will go to your Treasury and will get a one or a ten-dollar note for them. to your Treasury and will get a one or a ten-dollar note for them. Give me a thousand of them, and I will go to your Treasury and get a hundred-dollar note for them; and either of these notes will be a legal tender in payment of debt to any citizen of the United States or to any foreigner dwelling among us. Where is the provision for the redemption of your silver dimes? Can you change them for greenbacks at the Treasury?

Mr. WHITE. Will the gentleman let me ask him a question?

Mr. KELLEY. One at a time. Where is the provision for the redemption of the silver dimes? You may hold them by the hogsheadful and you cannot pay more than \$5 of them away in any one debt. Nor can you convert them into greenbacks at the Treasury. Therefore it is that the rags, yes the rags, [laughter,] the rags of the chairman of the Committee on Appropriations, are worth more in the

man of the Committee on Appropriations, are worth more in the pocket-book of a man than his jingling silver pieces of like denomination.

Mr. WHITE. I should like to ask the gentleman a question for information.

Mr. GARFIELD. What about the nickel, which is below ten cents?
Mr. KELLEY. Too small, sir. [Laughter.]
Mr. WHITE. I should like to ask the gentleman from Pennsylvania whether or not, if silver were made a legal tender, it would not answer all the gentleman's objections?

Mr. KELLEY. The chairman of the committee who is managing

Mr. KELLEY. The chairman of the committee who is managing this bill does not propose to make it a legal tender, and I am engaged on practical questions now. [Laughter.]

Mr. TOWNSEND, of New York. If the gentleman will allow me, I will ask him one question. Does he consider it justifiable to call the American people an ass since the New Hampshire election? [Laugh-

Mr. KELLEY. I was not up there; and if I am to believe the organ of my friend, the New York Tribune—

Mr. TOWNSEND, of New York. Not my organ.

Mr. KELLEY. I say if I believe the gentleman's organ of opinion, I cannot say the American people who live in New Hampshire are an ass, for it says the republican speakers took the most money with them. I do not know how the election was carried, but the New York Tribuna with the same of the s York Tribune says it was the result of a purchase. [Laughter.] I do not, however, believe it, because I am sure my friend from Ohio carried it by his eloquence, and he did not talk about five-cent pieces

either. [Laughter.]
I wish to get to my seat, but as I said I want to refer to the political aspect of this discussion and to remark that the gentleman from New York [Mr. Hewitt] spoke as a democrat, and I speak as a republican. I opposed the passage of the bill authorizing the issue of gold bonds for the purchase of silver. I saw it was fraught with dan-

ger. I predicted that, if it passed, it would bring the administration to these halls demanding increase of taxation, and that increased revenue could only be drawn from the reduced production of the laboring people of the country. I said it would close factory, forge, and furnace; that it would diminish the price of the farmer's products; that it would spread bankruptcy throughout the land; that it would spew out of the country the little gold in it, and every one of my predictions has been verified, so that believing your Treasury held from \$70,000,000 to \$90,000,000 of gold the report lies before us showing that at this hour it has but \$13,000,000.

Mr. GARFIELD rose.

Mr. KELLEY. No. By the purchase of silver adding two millions more annually to our gold payments by the issue of further bonds we may come to the day when even the Treasury of the United States may go to protest. Let us revive our industries—

Mr. GARFIELD. Let me ask the gentleman whether he did not in

the same prophecy predict the Treasury would go to protest before Congress began?

Mr. KELLEY. Not at all; I never did. Mr. GARFIELD. I so understood him. Mr. KELLEY. You may have so understood me, but I never said I am not responsible for your comprehension; I am only respon-

Mr. GARFIELD. The newspapers so reported.
Mr. KELLEY. The facts are these: The editor of the Philadelphia Times, having heard that I had said the Government of the United States would go to protest or that the President would call Congress together to give it relief, sent one of his commissioners—I believe so the together to give it relief, sent one of his commissioners—I believe so the gentlemen of the press are called—to see me. I was glad to see him. He was an intelligent gentleman, and put his questions to me with point. I told him I had not said exactly that. I had, however, said that the revenues were running down; that they would run down; that the law had imposed duties upon the Secretary of the Treasury which, if he executed them with fidelity and with due regard to the sinking fund, would possibly bankrupt the Government, and that I regarded it as a not very remote possibility that the President might have to call Congress together before the regular day of meeting. have to call Congress together before the regular day of meeting.

The New York Tribune took me up and showed my utter ignorance and folly by saying the Secretary of the Treasury could avert such a possibility, for he had the right to issue 5 per cent. bonds to an unlimited amount. He was to take up thirty millions of bonds for the sinking fund, and I did not see the philosophy of taking up thirty millions for the sinking fund and issuing fifteen millions for the purchase of silver. I did not see that that would maintain the sinking fund interest. But the Scarter wild interest that the sinking fund interest. fund intact. But the Secretary did just that. He did not maintain the sinking fund. He did issue fifteen millions of bonds with which to purchase silver and retire greenbacks. And let us look at what would have been his condition if he had maintained the integrity of the sinking fund; thirteen millions of dollars in the Treasury and fifteen sinking fund; thirteen millions of dollars in the Treasury and fifteen millions of additional bonds outstanding. If he had maintained the integrity of the sinking fund and gone on to buy silver as he has done, and redeemed greenbacks as he has also done, your Treasury would be to-day minus in available unpledged gold over \$2,000,000; and the President, seeing that sad condition coming, might, in his wisdom, have called Congress together to provide against the contingency. So that I was not so much of a fool when I would the predictions. So that I was not so much of a fool when I made the prediction as the gentleman seems to have thought me.

Mr. REAGAN. Mr. Chairman, as soon as it will be in order for me to do so, I propose to offer the amendment which I send to the desk

to be read.

The Clerk read as follows:

Add to the bill the following section:
SEC. 3. That the silver coins of the United States of the denomination of \$1 shall be a legal tender at their nominal value for any amount not exceeding \$50 in any one payment; and silver coins of the United States of the denominations of less than \$1 shall be a legal tender at their nominal value for any amount not exceeding \$25 in any one payment.

Mr. REAGAN. I have had the impression that it was the wish of the American people as soon as they could to resume specie payment, and, if not, to make gold and silver the currency of the country, to and, if not, to make gold and silver the currency of the country, to make the currency of the country equivalent to gold and silver. Gold and silver are the constitutional currency in this country. In the judgment of some, other things are lawful currency; but as to these there is no question that they are the lawful and constitutional currency of the country. We need both. When we see that the aggregates of the interest to be paid on the bonds of the Federal Government held abroad, the interest which has to be paid on State bonds, and the interest which has to be paid on railroad and other corporate bonds are taking out of this country not less than two hundred will. bonds are taking out of this country not less than two hundred millions of specie annually, I have not been able to understand why our legislation should demonetize a part of the constitutional currency of this country and place it that much further out of our power to reach a constitutional currency.

Nature has placed within our reach and within our possession vast amounts of silver as well as gold. We have been in the habit of regarding it as one of our national blessings that we have it. We are, perhaps, the largest silver-producing country in the world. Is it to our interest to demonstize that which is known to the commerce of the world as money, and is recognized by our Constitution as money, which we have in large abundance and need daily in the ordinary business of life, as well as for the uses of the Government? I do not know, sir, that the amendment which I propose to offer to this bill will do all that I desire to see done in making silver a practical and useful part of the currency of this country. But it does seem to me a step in the right direction to the extent to which it goes.

I confess, sir, as I claim no special wisdom on the subject of currency, that I have been almost confused by the remarks of the learned and distinguished gentleman from New York [Mr. Hewitt] and the eloquent gentleman from Pennsylvania, [Mr. Kelley,] who have just addressed the committee. They seemed to object to silver: First, because it was not valuable; not so valuable as currency; and then they object to it because it is so valuable that currency will take its place and it will have the country. And now patiently and correctly as and it will leave the country. And now, patiently and earnestly as this committee has listened to the remarks of those two gentlemen, I ask if there is any gentleman in the House who can tell whether their objection was most to the fact that silver would be too valuable or most to the fact that it would not be valuable enough? It seems to me that there was an objection to silver in any form or for any purposes of money on the part of both of them.

One of the gentlemen said that Germany from her necessities had

been compelled to change her policy of demonetizing silver, and to make it again a part of the currency of that empire. The other said, speaking however before him, that in consequence of the recognition of this value given to silver by making it money in Germany, it had increased one cent an ounce in its value, and would leave this coun-

try and go to foreign countries.

Mr. Chairman, if we have silver coin which will stand at or nearly at par all the time, if we make the silver dollar a legal tender for any sums in any one payment of \$50, we give it by our law a money value with the people that it does not have now. If we make the smaller with the people that it does not have now. If we make the smaller silver coins a legal tender in any one payment for \$25, we give it a money value that it has not now. By the law as it stands to-day silver is only a legal tender for \$5 in any one payment. I would have been disposed to make it a legal tender for a larger amount than is proposed in that amendment; but I submit it as it is for the purpose of seeing if it draws a friendly expression from this House.

In relation to driving silver out of the country by the increase of its price, I have only this to say: I have referred to the fact that to pay the interest on United States bonds and the interest on State and railroad and other bonds, we must send out of the country not less than \$200,000,000,000 of gold abroad annually.

If the policy of the governments of the Old World has increased the value of silver, then it aids us to utilize our silver. For every million of silver that they take out they leave a million of dollars in gold

ion of silver that they take out they leave a million of dollars in gold here that would have gone in its stead, and that silver would help to pay this interest or to meet the balances of exchange in trade. If that be true, then it furnishes a coin currency at once that may be

that be true, then it furnishes a coin currency at once that may be utilized in contributing to the amount of specie and in meeting the business necessity of this country and of other countries.

Now, sir, when we look to the fact that there is a yield of very many millions of silver annually, that it is the constitutional currency of the country, that the people would be glad to possess it and would be benefited by that possession, I desire to know if it is right to go forward in the policy of demonetizing the constitutional currency of the country, and substituting in its place a paper currency which many people do not think equal to a metallic currency. What is the advantage of issuing a deregoided paper currency instead of which many people do not think equal to a metallic currency. What is the advantage of issuing a depreciated paper currency instead of giving a money value to coin, the constitutional currency of this country? I confess, sir, that I feel scarcely able to comprehend the line of suggestion and argument made by the two gentlemen who have preceded me and who have studied this subject more than I have done, and may be greatly wiser upon it than I am. But I am not able to comprehend—it may be my fault, not theirs—why we should reject a metallic currency, which is the constitutional currency of the country, and demonetize it for the purpose of issuing a depreciated paper currency. I do not understand that. We may adopt a theory by which we may get along with paper and without a metallic currency, but there does underlie this in the judgment of the entire country the idea that the currency of the Constitution is a metallic currency, and is better than its representative, a paper currency.

currency, and is better than its representative, a paper currency.

I know and recognize the fact that for the purpose of commerce we cannot expect all the offices of money to be performed by metal, but while we cannot make a coin or metallic currency answer conveniently while we cannot make a coin or metallic currency answer conveniently all the uses of commerce, still to strike down the value of our metallic currency, to demonetize it, to make, in the language of a number of gentlemen on this floor, a commodity of it by changing it for paper and that paper redeemable—how? By re-exchanging it for other paper. Is it supposed that this will give us a currency that will have the confidence of the American people, that will bring stability to our business transactions and will secure soundness in trade, uniformity in the prices of labor and weaponts the present of this contraction. in the prices of labor, and promote the prosperity of this country, and at the same time keep prices without fluctuation either in money, labor, or commerce? If it will not it seems to me a fallacy. Ido not propose to go further into this question than simply to suggest that silver is the constitutional currency, that we have it in abundance, that the policy to demonetize it discriminates unjustly against the interests of our own people and in favor of the bondholders in Europe who hold our national bonds, our State bonds, and our railroad bonds.

I trust the amendment I have offered or something like it will be adopted. I would go further myself, but I trust that something will be done that will recognize the money value of silver, thus utilizing

the products of our mines and giving us a currency better than a de-preciated paper currency, relieving to that extent the financial con-dition of the country and to that extent taking one step toward the resumption of specie payments.

One word more before I take my seat. I am not sure that the second section of the bill is to prove effective in preserving to us a fractional currency. It may be that silver coin, being more valuable than the fractional paper currency, may sink into the bank vaults of the country and leave us without any fractional currency. But I do not propose to go into that question now. I merely propose, in connection with the part of the bill which relates to the coinage of silver, to increase the value of one part of the constitutional currency of the country, and utilize our accumulating millions of silver for the relief of our financial embarrassments.

Mr. RANDALL. I move that the committee do now rise.
Mr. HOLMAN. Before the committee rises, I desire to submit an amendment to the bill to add the words which I send to the Clerk's desk; and I will ask that they be read:

The Clerk read as follows:

The Clerk read as follows:

The owners of silver bullion may deposit the same in any mint of the United States to be formed into coin of the denomination aforesaid; it shall be lawful, however, to refuse any deposits of less value than \$100. The charge for converting standard silver into such coin shall be fixed from time to time by the Director of the Mint with the concurrence of the Secretary of the Treasury, so as to equal the actual charges and cost at each mint of the material, wastage, and use of machinery in such coinage: Provided, however. That such silver coinage shall not, together with the silver coin of the denomination as aforesaid and the silver bullion now owned by the United States, exceed in par value the par value of the fractional currency now authorized by law, and the Secretary of the Treasury shall not be authorized to further increase the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage.

Mr. RANDALL. The gentleman from Iowa [Mr. OLIVER] desires to give notice in the same way of another amendment.

Mr. OLIVER. I give notice that at the proper time I will move the amendment I send to the Clerk's desk.

The Clerk read as follows:

SEC. 3. That section 3586 of the Revised Statutes is hereby repealed and the following enacted in lieu thereof, to wit:

SEC. 3586. The trade dollar shall be a legal tender only to the amount of \$1 in any one payment, and the fractional silver coinage shall be a legal tender only for an amount less than \$1 in any one payment.

Mr. DUNNELL. I desire to give notice that at the proper time I will move to amend the pending bill by striking out the second sec-

Mr. PAGE. I give notice that at the proper time I will move the amendment which I send to the Clerk's desk to be read.

The Clerk read as follows:

Insert after the word "redemption" in the seventh line the following:
And the Secretary of the Treasury shall continue such redemption of fractional
currency by causing, under proper regulations, the coinage of not less than \$1,000,000
each month, and issuing the same until all the outstanding fractional currency be
redeemed.

Mr. LANDERS, of Indiana. I give notice that at the proper time will move the amendment which I send to the Clerk's desk. The Clerk read as follows:

Add to section 2 the following:
That the Secretary of the Treasury be, and he is hereby, authorized and directed to have all silver bullion on hand at the present time coined into silver coins of the denominations of ten, twenty-five, and fifty cent pieces of standard value, and pay the same out, together with that already coined and in the Treasury, for any debts or demands against the United States in any way that he may prescribe.

Mr. SHEAKLEY. I give notice that at the proper time I will move the amendment I send to the Clerk's desk.

The Clerk began the reading of the I roposed amendment as follows: That so much of section 3 of the act entitled-

Mr. RANDALL. That is not germane to the subject-matter of this

The CHAIRMAN. What is the amendment?

Mr. RANDALL. It relates to the third section of the resumption

The CHAIRMAN. The Chair must rule that the amendment is not

in order.

Mr. PAGE. Let it be read. How can we tell what it is if we do not hear it read?

Mr. LANDERS, of Indiana. Does the Chair rule the amendment out of order?

The CHAIRMAN. The Chair so rules.

The CHAIRMAN. It will be read, if there be no objection. There was no objection, and the Clerk read as follows:

SEC. 3. That so much of section 3 of an act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as requires the Secretary of the Treasury to redeem legal-tender notes to the amount of 80 per cent. of the sum of national-bank notes issued to any banking association increasing its capital or circulation, or to any association newly organized, as provided in said section, and also so much of said section 3 as relates to or provides for the redemption in coin of the United States legal-tender notes on and after January 1, 1879, and all other provisions of law inconsistent with this act are hereby repealed.

The CHAIRMAN. The Chair will read for the information of the committee the rule upon this subject:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. And no bill or resolution shall at any time be amended by annexing thereto or incorporating therewith any other bill or resolution pending before the House.

Mr. RANDALL. The Chair is clearly right.

The CHAIRMAN. The Chair decides that the proposed amendment is not in order

Mr. RANDALL. I move that the committee now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SAYLER reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States instead of fractional currency, and had come to no resolution thereon.

#### ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of

the following title; when the Speaker signed the same:
An act (H. R. No. 1962) to confirm certain school-indemnity selections of public lands by the State of Nebraska.

## CONFERENCE COMMITTEE.

The SPEAKER announced the following members as the conferees on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872: Mr. Turney, Mr. Bland, and Mr. Phillips, of Kansas.

#### VENTILATION OF THE HALL

Mr. YOUNG. I am instructed by the subcommittee of the Committee on Public Buildings and Grounds upon the ventilation of the Hall of the House of Representatives to report the resolution which I send to the Clerk's desk.

The Clerk read as follows:

The Clerk read as follows:

Whereas the subcommittee charged by resolution of this House with the duty of devising and reporting the measures necessary to be adopted in order to seeme a proper and healthful ventilation of the Hall of the House of Representatives have caused a thorough examination by architects, engineers, and other experts to be made of the present means and appliances for ventilation, and have also caused the atmosphere with which the Hall is now filled, and which members and others are compelled to breathe, to be analyzed by competent chemists and medical professors; and whereas all of said persons have made reports to said committee agreeing unantmously in the opinion that until certain improvements and alterations are made in the present system of ventilation it is improvements and alterations are made in the present system of ventilation it is improvements and alterations are made in tha larger number, including the galleries and members on the floor, will be dangerous to the health, and even to the life, of those who breathe the impure and poisonous atmosphere that would thereby be created: Therefore,

Be it resolved. That the Doockeeper of the House be, and he is hereby, directed that from and after the passage of this resolution he will not allow persons to enter the galleries, except those having the privilege of the reporters' and diplomatic galleries and such as under the rules of the House enter on the cards of members, until the further order of the House.

Mr. YOUNG. This is one of the temporary expedients that the

Mr. YOUNG. This is one of the temporary expedients that the committee have deemed it necessary to resort to in order to relieve the Hall from the dangerous atmosphere we are breathing. It is with very great reluctance that the committee make any recommendation for excluding any person from the Hall or the galleries of the House of Representatives. But we found it was absolutely necessary from the testimony of medical experts, and we have ventured to submit

this resolution to the House and ask to have it adopted. I yield to the gentleman from Illinois, [Mr. HARRISON.] Mr. HARRISON. The committee have had before them Surgeon-General Barnes and several other officers and chemists, several architects, and the different engineers of this House and of the Senate. We have found some very extraordinary facts in connection with the ventilation of this Hall. The pumping apparatus, or fan, which is supposed to drive fresh air into this room purports to have a capacity for sending in here fifty thousand cubic feet of pure air per minute. By actual test, with the present condition of the flues, we find that only fifteen thousand cubic feet can and is at any time pressed in here—oftener not more than ten thousand feet. Surgeon-General Barnes and the chemist with whom he supplied us, a high officer in the Army, report to us that it is absolutely essential for the safety of members and of people in the galleries that, when the galleries are ordinarily filled, there should be at least one hundred thousand cubic feet of fresh air per minute coming into this room; that much is necessary for absolute safety. But for the purpose of health we ought to have from one hundred and fifty thousand to two hundred thousand cubic feet of fresh air per minute; whereas we are getting only fifteen thousand, often not over ten thousand.

It is utterly impossible to remedy this for some little time to come. Our present supply of air is wholly deficient. Deprived of that amount of oxygen necessary for our health, our systems are daily more or less enervated; and the draughts coming in from the open doors, combined with the poisonous atmosphere, are subjecting all of us constantly to the danger of pneumonia and typhoid fever. Men in this

stantly to the danger or pneumonia and typhoid lever. Men in this Hall are imbibing the seeds of disease every day that they come here. We feel, too, that we are inviting the public here to a place that is dangerous to their health. The gallery behind me is occupied from day to day by our friends who come here to witness our deliberations. We see there day after day, week after week, the same persons, watching intently our proceedings. We are destroying their health, when we ought to try to protect them. [Laughter.]

We find that it is utterly impossible to bring about immediately an

adequate remedy. We propose this with reluctance as a temporary measure. It is proposed in accordance with the recommendations of the gentlemen whom we have consulted, and whose reports in writing will in a day or two be presented and printed for the information of the House. In submitting this report we are offering not simply our own views, but the views of those who are experts in these matters, and who tell us that under existing arrangements we cannot get into this House air enough for the safety of members themselves. while sitting here day after day legislating for the people, should we be compelled to poison ourselves because idlers—I am sorry to say that a large proportion of them are idlers—force themselves into the galleries? We cannot make discriminations. We therefore propose that the galleries shall be closed to all except the privileged classes and such as, being here from a distance, may get admission upon the criders of members. the orders of members.

Admission to the diplomatic gallery is regulated by the rules. with the reporters' gallery. Into the members' gallery, members under the rules can introduce their friends or strangers. But as to the gen-eral mass of people who come here, we propose that they shall be admitted only on cards from members. We propose this with reluctance; but we do it for the absolute safety of members and of the

public.

Mr. CONGER. I hope that this resolution will not be pressed to-ight. One of the very remarks which one of the gentlemen of the committee has been perhaps compelled to make here as a reason for the adoption of the resolution will not sound well in the ears of our constituents. I greatly regret that even for our own personal convenience it should be proposed for the first time in the history of this nation to close the galleries of the Hall of the House of Representa-

tives to all but "privileged classes."

Mr. HARRISON. Will the gentleman allow me to make a single suggestion? Under the rules of the House certain persons have the right of admission to our galleries; and this resolution does not interfere with that. We have decided it to be best to adopt this measure for a few days until we can devise some remedy of a more permanent

character

Mr. CONGER. I would seek some other remedy than a resolution of this House making a distinction among the American people—allowing only "privileged classes" to come here and witness the deliberations of the national Congress. [Applause in the galleries.]

Mr. HARRISON. Will the gentleman allow me to explain? The distinctions of which the gentleman speaks do not originate with us;

the rules of the House give certain persons the privilege of the gal-leries. We have not undertaken to interfere with that matter.

Mr. CONGER. Ah! but, Mr. Speaker, we are responsible for the rules; we are responsible for sending out to the American people from this democratic House, whose members profess to be the peculiar advocates of universal rights, this first message from our Halls that under our rules or outside of our rules, by resolution or without resolution—I care not from what source the authority comes—we draw a line between classes of the American people in regard to their right to attend the deliberations of the common servants of the common

I have nothing more to say except to hope that this resolution may

it sounds throughout the length and breadth of the land.

Mr. HARRISON. I fear, sir, that in the hurry of debate I used a word or phrase which I did not intend. The resolution speaks of persons privileged. In alluding to that I used the words "privileged classes," referring simply to the persons to whom the rules of this House give the privilege of the floor or of the galleries. The use of the phrase "privileged classes" was a slip of the tongue. The privilege of the reporters' gallery and the privilege of the diplomatic gallery are regulated by the rules; we do not undertake to interfere with that matter. So in regard to admission to the floor Separators exthat matter. So in regard to admission to the floor, Senators, exmembers, governors of States, &c., are privileged. This is all I meant. When I referred to "classes," I should simply have said "persons," which is the language of the resolution.

which is the language of the resolution.

So far as regards the question of democracy, I knew that that fling would come from the other side of the House; and before this report was made I consulted some of the leading members on that side. They cared more for their lives than for the clap-trap that might be sent abroad in connection with this resolution. We came not here to discuss politics. There are gentlemen belonging to the republican side of this House who are now lying at the point of death. There are gentlemen belonging to the democratic side of the House who are to-day suffering from the poisonous atmosphers of this Hall. One of to-day suffering from the poisonous atmosphere of this Hall. One of them has been during the night snatched as it were from the jaws of death, after having been given up by his physicians and making his will. He has rallied, and in all likelihood will recover. Are we then to have it thrown into our faces here that we are talking politics when we are trying to save the men who give up their time to the Govern-

we are trying to save the men who give up their time to the Government and come here to attend to the affairs of the people?

A MEMBER. At \$5,000 a year. [Laughter.]

Mr. HARRISON. Men, sir, who have wives and children to support; and shall we murder them simply because gentlemen try to alarm us by talking about "privileged classes;" about persons privileged under the rules? We come here, democrats and republicans, to do our duty. The republicans on our committee are for this. More of them discussed it than democrats. We have approached more

republicans than we have democrats. We never dreamed that any one would give it a political turn. We thought perhaps some one might attempt to do it, but we did not think a gentleman so able as the gentleman from Michigan [Mr. CONGER] would throw any such this restriction of the way was an of the second state. thing into our face. We mean in this resolution nothing of the sort. We do not want you republicans on the other side killed off in this way. We will beat you at the elections, and not get rid of you by

way. We will beat you at the elections, and not get rid of you by pneumonia. [Laughter.]

Mr. CONGER. Mr. Speaker, I was well aware, nobody could be more aware of the fact than I am, that every thoughtful, reflecting gentleman upon that side of the House would have expected a resolution that struck at the equality of citizenship in the United State s would be opposed by gentlemen on this side. The natural instincts of gentlemen would have expected some one here would oppose a resolution which made a privileged class in the year. Hell of the resolution which made a privileged class in the very Hall of the House of Representatives of the American people. It happened to fall to my humble lot to make that opposition to-day here, when others might have done it much more successfully, I admit; but that it should come from our side is as natural as it is for us to breathe the air of freedom, and to believe and to labor to make universal the idea

of the absolute equality of American citizenship.

And the gentleman did the republican side of this House no more than exact justice by asserting we would oppose a resolution which did recognize any class distinction at all. But has it come to this, sir, that under the resolution of the House appointing this committee, after the strange revelations made here in the discussion a day or two since in regard to the impurities of the basement and of the air and of the things which gather around us, there can be no other remedy or the things which gather around us, there can be no other remedy here than to clear the galleries. Is there a lack of air on God's earth that this House cannot reach it? Are all mechanical appliances a failure? Are we shut in here with no possibility of having God's pure air either pumped in, or coaxed in, or brought in by resolution under the previous question, [laughter,] or under a suspension of the rules, or in any other way? [Renewed laughter.] Why do not gentlemen bring air in here—they have a large majority on that side?

[Laughter.]

Mr. SPRINGER. The wind is all over there. [Laughter.]

Mr. CONGER. I know it is said there are among the republicans of the country some ignorant people. I am sorry to say it. It is said the earthquakes which spread through the country follow the natural consequence of the success of the democrats in getting control of this House. [Laughter.] I never thought so. It may be said the impurities of air Congress has suffered under for years and years, ever since this Hall was made, are worse this year than others. Who pretends to say it? [Laughter.] I only ask the gentlemen who have charge of the subject to exercise the powers which this House has given them in ample measure to open passages to let the air again into this room, and take other means than make class distinction in this country; to take other means than driving away citizens who come a thousand miles to witness our deliberations, [laughter;] driving them away from our galleries unless they can find some member of Congress, following society life, to give them a card with his name on it; and, to show they are personally present, have the right upper corner turned down. [Laughter.]

I have but one or two words more to say on this. I have before me

I have but one or two words more to say on this. I have before me the living example of a man who has endured this air and this atmosphere for twelve or fourteen years, the venerable gentleman from Pennsylvania, [Mr. Randall,] chairman of the Committee on Appropriations, and I submit to all who have been acquainted with him whether he has not added vigor year by year, gained health and strength, and as far as this side of the House is concerned gained additional power to lash us day by day and he has done it without sufstrength, and as far as this side of the House is concerned gained additional power to lash us day by day, and he has done it without suffering. There is my friend from Indiana, [Mr. Holman,] always delicate, [laughter,] always slender, and yet I have never seen the influence of this atmosphere prevent his rising up and giving that peculiarly classic motion of his hand to every objection which he would make, hour by hour and minute by minute, in this House. [Laughter.] Notwithstanding the evils of the atmosphere in this Hall, we may be thankful he is able still to stand up and watch against unreasonable appropriations of the people's money, [laughter;] and I had almost said, except they apply to his own region of country,

reasonable ones also.

Here is the trouble about this: Old members in this Hall who can live through one Congress in it are fire-proof; I was about to say for-ever, but I ought not to extend my remarks perhaps beyond the period of our existence in this limited sphere. It is those who come from outdoor life, from breathing the pure air continually in all the avocations of life, and that come here and pursue sedentary lives here, breathing pure air only when they are passing from the seclusion of their rooms to the worse seclusion of this Hall, that suffer most; and it would be the same if they passed from their outdoor vocations in life to any office where they would pursue sedentary lives.

The air here is bad enough, subjecting the members continually to cold and sickness and all the changes which a sedentary life and bad air may bring upon them; but in my humble judgment the remedy lies beyond anything that is suggested here. The remedy lies in an entirely different arrangement of the structure of this Hall. Who else would put a box within a box, so that if any air could reach the inner chamber it must pass by a winding and obstructed way into the House? Who else would have the air which we breathe come in

through long, rusty iron pipes into this Hall, and that in insufficient quantities? Why, sir, if this Hall could be extended to one side with no partition between us and the windows through which the light of heaven and the air of heaven may come, there would be better air, heaven and the air of heaven may come, there would be better air, there would be more cheerfulness, there would be less ill-temper, there would be less wrangling, and we would pursue our business here in the House with better health and better feeling, more to our own satisfaction and more to the satisfaction of the country. Why, sir, the air of this House is worse than dyspepsia; the atmosphere we breathe is worse than the overflow of bile. It is no marvel to me that we have periodically every two or three days a time when members must give vent to their imprisoned feelings and passions or die; and I have thought sometimes it would be better they should die; it would be more graceful, it would be more dignified. [Laughter.]

Now, let that committee, Mr. Speaker, instead of proposing this

would be more graceful, it would be more dignified. [Langhter.]

Now, let that committee, Mr. Speaker, instead of proposing this resolution or using the phrase which I understand is not in the resolution, which my friend inadvertently did use—let that committee pursue the project of finding out how the pure air, and I wish I might add the free light of heaven, an come unobstructed into our Hall; and I venture to say that when that is done there will be better legislation here; there will be better health among the members; there will be less leaves of absence for sickness, and our ears will not be pained with continual notices that our brethers are despendent. e pained with continual notices that our brethren are taken from this floor to sick beds; and there will be less occasion for the memorial

this floor to sick beds; and there will be less occasion for the memorial services which have become so strangely frequent in these later years.

Mr. WILSON, of Iowa. I think, Mr. Speaker, this is too serious a matter to make light of. My friend from Michigan [Mr. Conger] admits that the air is impure. He admits that it is the cause of much ill-health and ill-temper here. He admits that the Hall needs reconstruction, and that almost everything imaginable is wrong with it at present. Now, sir, I had hoped that the suggestions made by this committee would have met with some encouragement, and I am a little sorry that my friend from Michigan caught at this expression. little sorry that my friend from Michigan caught at this expression, class," occurring in the report, in order to turn the report itself into ridicule.

Some members are absent occasionally on business, some on pleasure, and many on account of illness; some leave in the middle of the session, some are only present when they are interested in the pro-

ceedings.

I can say, Mr. Speaker, what I think very few members of this House can say, that I have never been absent from a sitting of this House, that I have never been absent from a vote of this House, that I have never been absent from any business of this House since I was first a member of it. I came here with a constitution that I did not believe could be shaken by anything; but I find here an atmosphere worse than that of the cattle-yards in Iowa, worse than that of any emigrant-ship that ever crossed the Atlantic, and I find that I cannot stand it and stay in the House as regularly as I have previously. For the first time since I have been a member of the House I am compelled to go out every day while some friend is making a long speech, and I am blessing him while out, for the first time I ever prayed for long-winded friends, for making the long speech, so that I can get fresh air.

If we are to do business in this box without any improvement in the system of ventilation, gentlemen must divide themselves into relief parties who will sit here and inhale death in turn and alternately go out for fresh air. I have entertained the thought that where such important business is being transacted each member is responsible for what is done and should give it his personal attention. The commitimportant business is being transacted each member is responsible for what is done and should give it his personal attention. The committee tell us we need ten times the amount of fresh air the capacity of our fans will furnish, to provide oxygen for the large audiences that are here daily, and on the authority of such experts as the Surgeon-General. Is it asking too much of the people to invite them to refrain from poisoning themselves and us for just a few days?

Now, if the suggestion of the committee is obnoxious to my friend from Michigan, why not shut up all the galleries, by unanimous consent, for a day or two at least, while changes can be made in the construction of this building? It is in our power by unanimous consent to change our rules in that respect for a short time. If the idea in

to change our rules in that respect for a short time. If the idea in the mind of the gentleman from Michigan is this, that we are likely to shut out our colored brethren in the galleries, one thousand of whom desire to visit us daily, I will promise for one to bring one of them every day and put him in my own seat while the committee is making the experiment. I have no idea of that kind. I do not wish to prolong anything in the shape of class distinctions. I once sat here gradually killing ourselves by breathing the atmosphere in this Hall, and something ought to be done to improve it.

Mr. HARRISON. Gentlemen have been asking us why we don't do this and something ought do the This reaching the strength of the transfer of

do this and why we don't do that. This resolution proposes to close the galleries for, we hope, only a very few days. We are preparing a report, which we hope will be adopted by the House, which will again open the galleries. This will be only for a few days.

That portion of the resolution, I will say to my friend from Michieur, and the same of the resolution.

igan, was suggested by my friend from Iowa [Mr. Kasson] as one of the things necessary under the rules of the House. It was suggested by the physicians who were before us to limit the attendance to three hundred. The gentleman from Iowa thought that would be the best, so as to cover those who had the privileges of the floor. Mr. YOUNG. I now call the previous question.

Mr. BURCHARD, of Illinois. Will my colleague [Mr. HARRISON] allow me to call his attention to the latter part of the resolution? It speaks of allowing persons to have the privileges of the galleries who are entitled to enter under the rules on the cards of members. Now I know that there is nothing in the rules, unless an amendment has been adopted very recently, in regard to the admission of any person been adopted very recently, in regard to the admission of any person on the cards of members, and I have not known previous to this Congress cards sent in to members to be signed by them. I know the practice has prevailed, but there is nothing in the rules that authorizes it, and that part of the resolution would exclude everybody who did not procure a card signed by a member, and it seems to me that would impose a great burden upon members.

Mr. HOLMAN. I desire to suggest that a motion be made by the gentleman from Tennessee, [Mr. YOUNG,] who made this report, to recommit it for the purpose of having the matter more carefully considered. Let us examine into the matter carefully and perhaps we

sidered. Let us examine into the matter carefully and perhaps we may agree to take action in the direction he proposes.

Mr. BLAINE. I desire to recall to the recollection of the gentleman from Indiana [Mr. Holman] what several gentlemen who have had some years of service here will remember. It was a favorite motion of the gentleman from Illinois [Mr. Washburne]—he offered it at several sessions—that immediately after the adjournment of the House the doors on this floor and above in the galleries, and all the windows opposite to these doors, should be opened and kept open a considerable number of hours. Now, everybody will observe that no sooner do we leave this Hall than every door is closed up and all this bad air remains in the Hall until morning. As an old member, I can say that I have never known the atmosphere of this Hall so bad as it has been this winter. But if at the adjournment of this House the Doorkeeper would leave every door on this floor and in the galleries open, and the connecting windows open, I believe it would make a very great difference in the atmosphere of the Hall.

Mr. ATKINS. That is done now.
The SPEAKER. The Chair will state to the gentleman from Maine,
[Mr. BLAINE,] by request of the Doorkeeper, that it is his uniform
habit every day as soon as the House adjourns to open all the doors and leave them open until half past eight or nine o'clock. The Door-

keeper desires that this statement should be made.

Mr. BLAINE. Well, I was not aware of that fact.

Mr. FOSTER. The Doorkeeper is certainly in error as to the time he leaves the doors and windows open. I have had occasion to come here on several evenings, and I always find them closed up a little past seven o'clock.

Mr. BLAINE. I do not know what the truth may be, but certainly all gentlemen who have served in this House for many years (and I am one of that number) will testify I think and agree that from some cause or other there never was such a bad air in this Hall as there has been this winter. I think that is the universal testimony.

Mr. YOUNG. I propose in a moment to move to recommit the res-

olution to the committee. Before I do so, however, in justice to my self as chairman of the subcommittee and gentlemen who have served

with me, I wish to make a very brief explanation.

I do not agree, sir, with my colleague on the committee from Illinois, [Mr. Harrison,] that we expected any opposition from the opnois, [Mr. Harrison,] that we expected any opposition from the opposite side of the House. I certainly expected nothing of that sort. I thought that this was a measure which every gentleman on this floor of every party would readily agree to if they could be convinced as to the necessity or propriety of such a measure, and so far from expecting that gentlemen on the other side of the House would make opposition, remembering the traditions of my own party, I should have concluded that the opposition, if any, would come from this side of the House. I remember that we have been called for years past the "great unwashed democracy," and if any opposition was to be made to exclude the sovereigns from the galleries of the House—the people who wish to come here and witness our legislation—I should have expected that the opposition would have come from my own side

Mr. FOSTER. The motion to recommit has been made upon your

side of the House.

Mr. YOUNG. I have not yet made the motion; but, sir, I now disclaim in my own name and in that of all the committee any partisan object whatever in the introduction of this resolution. It is one indicated as they thought by the necessities of the occasion. We have several republican members on this committee, and those gentlemen acted with us in entire accord. I have also consulted on the subject gentlemen on the other side of the House who are not members of the committee, and with one distinguished leader of the House on that side, and it was at his suggestion that we excluded from the galleries

everybody excepting those who were privileged.

The resolution as originally drawn up by myself provided for the admission of a limited number of persons. At the suggestion of the distinguished gentleman from Iowa, [Mr. Kasson,] that was changed so as to leave admissions to be made as they are now made to the

floor by the Speaker or members.

I now move to recommit the resolution to the Committee on Public Buildings and Grounds, and I would like to have the gentleman from Michigan [Mr. Congen] appointed on that committee, so as to let

him investigate these matters for himself.

Mr. HOAR. Before the gentleman concludes I would like to say one word. The committee will find no opposition, I think, from the

republican side of the House, if they find that on reflection this is the best proposition to be made. I am quite sure that there will be no attempt to make political or partisan capital on this side of the House

As I am up I desire to say that I came to this House eight years ago, the youngest member of my delegation. I am now the senior in continuous service, and within that brief period seven members of that delegation have died, and that is a fact which impresses me with great seriousness.

The motion to recommit was agreed to.

Mr. RANDALL. Was the motion on which we just voted to recommit ?

The SPEAKER. It was.
Mr. RANDALL. Why not pass the resolution?
Mr. HOLMAN. I trust the resolution will be recommitted.
Mr. HARRISON. There is no sense in recommitting it.

Mr. WHITE. The committee have already reported it. Whossible use can there be in recommitting it?

The SPEAKER. The resolution has already been recommitted.

Mr. WHITE. I move to reconsider the vote by which the resolu-

tion was recommitted.

Mr. WILSON, of Iowa. Let the motion to reconsider be entered upon the Journal and be pending.

Mr. MacDOUGALL. I move that the House now adjourn.

DISTRICT OF COLUMBIA.

Pending the motion to adjourn, Mr. LANDERS, of Indiana, asked unanimous consent to submit for consideration at this time the following preamble and resolution:

consideration at this time the following preamble and resolution:

Whereas the report of the Commissioner of Internal Revenue for 1873 shows conclusively that the District of Columbia since 1863 paid, exclusive of the income tax, into the United States Treasury the sum of \$4,695,190,94, or more than all the other Territories combined, and more than the following seven States, each having two representatives upon the floor of the United States Senate, namely: Arkansas, Wisconsin, Florida, Kansas, Minnesota, Nebraska, Nevada, and Oregon; and whereas it is un-American and undemocratic to deprive any large community of Americans of the sacred right of the ballot and of the right to select their servants by universal suffrage: Therefore, in consideration of these premises,

Resolved, That the Committee for the District of Columbia be, and they are hereby, ordered to report back to the House as soon as possible the bill now before them restoring an elective government and a Delegate in Congress to the people of the District of Columbia.

Mr. BURCHARD, of Illinois. That resolution ought not to be adopted at this time. Let it be referred to the Committee for the District of Columbia.

Mr. LANDERS, of Indiana. Very well; let it be referred.

There was no objection, and the preamble and resolution were accordingly referred to the Committee for the District of Columbia.

LEAVE OF ABSENCE.

Mr. PACKER asked and obtained leave of absence until Monday

Mr. Purman was granted leave of absence until the 23d instant.

The motion of Mr. MacDougall was then agreed to; and accordingly (at five o'clock and forty minutes p. m.) the House adjourned.

## PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. GOODIN: The petition of Byron Judd and others, of Wyandott, Kansas, that legal-tender notes be made receivable for all
dues, public and private, and for the issue of 3.65 interconvertible
bonds, to the Committee on Banking and Currency.
By Mr. HENDERSON: The petition of James D. Camp and 232
others, citizens of Lee County, Illinois, that the present rate of duty
on linseed, linseed-oil, and jute may be maintained, to the Committee
of Ways and Manne.

of Ways and Means.

By Mr. LANE: Resolutions adopted at a public meeting at Portland, Oregon, March 13, 1876, relative to the Northern Pacific Railroad, to the Committee on the Pacific Railroad.

By Mr. NORTON: Remonstrance of the Seneca Indians of New York against the passage of the bill accompanying Executive Document No. 106, to the Committee on Indian Affairs.

By Mr. O'NEILL: The petition of Martha J. Coston, for compensation for the manufacture by her of the Coston signal-lights for the

Navy, to the Committee on Naval Affairs.

Also, memorial of the Vessel-Owners' and Captains' Association of Philadelphia, favoring the repeal of compulsory pilotage on coastwise vessels, to the Committee on Commerce.

Also, resolutions of the Philadelphia Maritime Exchange, recom-

mending the repeal of compulsory pilotage on coastwise vessels, to the same committee.

By Mr. PIERCE: The petition of officers and mariners at the port of Boston, that the shipping act of 1872 may be continued in force with such proper amendments as will more fully protect them, to the same committee.

By Mr. ROBBINS, of Pennsylvania: The petition of Michael Farrell, Henry Steiger, Edward Shields, and Mary Willis, sufferers by the ex-plosion at Frankfort Arsenal, August 7, 1875, for relief, to the Committee on Invalid Pensions.

By Mr. SPRINGER: The petition of Eli H. Hosea, acting regi-

mental adjutant of the Tenth Illinois Cavalry, for pay for services rendered prior to being mustered into the service, to the Committee on War Claims.

By Mr. STRAIT: A joint resolution of the Legislature of Minnesota, requesting that settlers on the lands along the line of the Brainard and Saint Vincent branches of the Saint Paul and Pacific Railway be allowed to complete their title to the same.

Also, a joint resolution of the Legislature of Minnesota, that the

Indian Department be required to keep the various bands of Chip-

pewa Indians on their reservation.

Also, a joint resolution of the Legislature of Minnesota, requesting the establishment of a post-route from Brown's Valley to North Island Settlement, on Lake Travers, and from Brown's Valley to Ortonville, on Big Stone Lake, to the Committee on the Post-Office and Post-Roads

Also, a joint resolution of the Legislature of Minnesota, asking that pensions be granted the officers and privates of the Minnesota State militia who were disabled in the Indian massacre of 1862, to the

Committee on Invalid Pensions.

By Mr. SWANN: Remonstrance of J. Knox & Co., W. H. McMichael & Sons, Thomas D. Loney & Co., and 75 other merchants, bankers, and business men of Baltimore, Maryland, against the abolition of the United States subtreasury in that place, and asking an appropriation for the purpose of continuing it there, to the Committee on Appropriations.

Also, a resolution of the Corn and Flour Exchange of Baltimore, Maryland, signed by Charles D. Fisher, president, of similar import,

to the same committee.

By Mr. THOMAS: The petition of citizens of Maryland, for an appropriation of \$30,000 for the removal of obstructions in the naviga-

tion of the Great Choptank River, between Denton and Greensborough, Maryland, to the Committee on Commerce.

By Mr. THORNBURGH: The petition of Mrs. Susan Willard, for compensation for supplies furnished to and rent for building used as a hospital by the United States Army, to the Committee on War

Claims

By Mr. WILLARD: The petition of Mrs. Louisa Freeman and other citizens of Barry County, Michigan, that the Secretary of the Interior be directed to place the name of Louisa Freeman on the pension-roll,

to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of Delaware: The petition of N. H. Coverdale, for relief from penalty of failure to fulfill a contract with the Navy Department occasioned by Government seizure of his vessels, to the Committee on Naval Affairs.

By Mr. WILLIAMS, of Wisconsin: The petition of Peter Meagher, for relief, to the same committee.

# HOUSE OF REPRESENTATIVES.

FRIDAY, March 17, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

PITTSBURGH CUSTOM-HOUSE.

Mr. HOPKINS, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the letter of the Secretary of the Treasury, in answer to House resolution of March 13, and the report of A. K. Tingle and George H. Fox, special agents of the Treasury Department, dated February 21, 1876, relative to illegal charges and irregularities in the Pittsburgh custom-house, be printed for the use of the House.

BRIDGE ACROSS MISSOURI RIVER.

Mr. KEHR, by unanimous consent, from the Committee on Commerce, reported as a substitute for House bill No. 313 a bill (H. R. No. 2689) to authorize the construction of a bridge across the Missouri River at or near Sioux City, and moved that the bill be printed and recommitted.

Mr. HURLBUT. Not to be brought back on a motion to reconsider.

The SPEAKER. It will be so understood.

There was no objection, and the bill was read a first and second time, ordered to be printed, and recommitted.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty minutes past twelve o'clock. This being Friday, the first business in order during the morning hour is the call of committees for reports of a private nature. The call rests with the Committee on Patents.

## COMMITTEE ON CENTENNIAL CELEBRATION.

Mr. BANKS. I would like to move a resolution, which I have not now prepared, for reference to the Committee on the Centennial Celebration, authorizing that committee to sit during the vacation of Congress, if it be necessary. I desire to refer such a resolution to that committee for consideration.

Mr. RANDALL. I would suggest to the gentleman from Massachusetts [Mr. Banks] that it is manifestly proper the committee

should sit during the vacation, for reasons which must be obvious to

II. Why not adopt the resolution now !
Mr. BANKS. I have no objection, if the House will consent. I agree with the gentleman from Pennsylvania [Mr. RANDALL] that it will be almost indispensable for the committee to hold sessions during the vacation of Congress. There should be some representative of Congress at the centennial exposition in regard to the convenience of members and the regulation of the course of business so far as they are concerned. I will ask that the consent of the House be given to the committee for that purpose.

Mr. HARDENBERGH. May I ask also that the committee have power to employ a clerk?

Mr. RANDALL. O, no; do not embarrass the proposition in that

Mr. HARDENBERGH. Then let the proposition be referred to the committee

Mr. RANDALL. Do not do that.
Mr. HOLMAN. If the only object is to allow this committee to be in session during the sessions of the House, I suppose there will be no objection.

The SPEAKER. The proposition is to authorize the committee to sit during the vacation of Congress.

Mr. HOLMAN. If it is to be attended with no expense, there will be no objection to that.

Mr. HARDENBERGH. I withdraw my motion.

Mr. HOLMAN. I suppose the gentleman from Massachusetts [Mr. Banks will not object to the addition of the proviso that this shall

not be attended with any expense to the Government.

Mr. BANKS. So far as I am concerned, I am perfectly willing that

such a proviso shall be added.

Mr. RANDALL. Do not let us put in that proviso. Let it be understood without placing it upon the record.

Mr. HOLMAN. If that is unanimously understood, I have no objec-

tion. The SPEAKER. The gentleman from Massachusetts moves that the Select Committee on the Centennial Celebration be authorized to sit during the recess of Congress. Is there objection?

There was no objection, and it was ordered accordingly.

## RE-IMBURSEMENT TO THE CITY OF BALTIMORE.

Mr. THOMAS, from the Committee of Ways and Means, reported a bill (H. R. No. 2690) to refund to the mayor and city council of Baltimore certain moneys illegally assessed and collected for internal-revenue taxes; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

## F. M. BLOUNT.

Mr. THOMAS also, from the same committee, reported back, with the recommendation that it pass, a bill (H. R. No. 915) for the relief of F. M. Blount, of Chicago, Illinois; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

# JAMES J. WARING.

Mr. THOMAS also, from the same committee, reported back, with the recommendation that it pass, a bill (H. R. No. 776) for the relief of James J. Waring, of Savannah, Georgia; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

# EXCHANGE BANK OF PITTSBURGH, PENNSYLVANIA.

Mr. WIKE, from the Committee on Banking and Currency, reported back, with an amendment, a bill (H. R. No. 2018) to authorize the Exchange National Bank of Pittsburgh Pennsylvania, to improve

Exchange National Bank of Pittsburgh Pennsylvania, to improve certain real estate.

The bill was read. It provides that the Exchange National Bank of Pittsburgh shall have power and authority to hold, improve, and lease a certain lot or piece of ground situate on Fifth avenue and Diamond street, in Pittsburgh, Pennsylvania, adjoining the property owned and used by the corporation as its banking-house; the lot having been owned by the institution during its existence under a State charter, and since its organization as a national bank.

The amendment reported by the committee was read, as follows:

The amendment reported by the committee was read, as follows:

Add to the bill the following:

Provided, That no funds of the said bank, except its surplus beyond the amounts required to be retained by section 5199 of the Revised Statutes of the United States, shall be applied to said improvement.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

## CLAIMS.

Mr. BRIGHT. The Committee of Claims have had under consideration sundry claims arising under the act of July 4, 1864, examined and allowed by the proper accounting officers since December 7, 1874, amounting to \$158,548.10, and have directed me to report a bill with a recommendation that it be referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

The bill (H. R. No. 2691) for the allowance of claims reported by

the accounting officers of the Treasury Department was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### CHANGES OF REFERENCES.

Mr. BRIGHT. The Committee of Claims have examined the bill (H. R. No. 1953) for the relief of Alfred Muller, late acting assistant surgeon in the United States Army, and find it to have been improperly referred. They have therefore directed me to report it back and to move that it be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. BRIGHT, from the Committee of Claims, reported back petitions and bills of the following titles, and moved that the Committee of Claims be discharged from their further consideration, and that they be referred to the Committee on War Claims; which motion was agreed to:
Petition of R. R. Brown, of Lexington, Kentucky, for relief, in con-

sequence of services rendered to the United States

Petition of William Glenn, for payment of moneys due for his son's

services in the Army;
A bill (H. R. No. 841) for the relief of A. G. Collins;
A bill (H. R. No. 2010) for the relief of Andrew Lutz, of New York

City;
A bill (H. R. No. 2035) for the relief of Morgan Rawls, of the State of Georgia;
A bill (H. R. No. 2048) for the relief of Joseph G. Tilford, major of

A bill (H. R. No. 2040) for the relief of Joseph G. Thiord, major of the Seventh United States Cavalry;
A bill (H. R. No. 2104) for the relief of certain Cherokees and citizens of Kansas and the Indian Territory;
A bill (H. R. No. 2374) for the relief of Homer R. Parish;
A bill (H. R. No. 2377) for the relief of William E. Gere, of Madison

County, Illinois; and
A bill (H. R. No. 2421) for the relief of George Cowles, of New
Haven, Connecticut.

WILLIAM J. POLLOCK.

Mr. PHILIPS, of Missouri, from the Committee of Claims, reported back adversely a bill (H. R. No. 1048) for the relief of William J. Pollock; which was laid on the table, and the report ordered to be

#### B. F. WEST & CO.

Mr. BRADLEY, from the Committee of Claims, reported back a bill (H. R. No. 40) to re-imburse B. F. West & Co., of Martin's Ferry, Ohio, for internal-revenue stamps stolen from Cambridge, Ohio, post-office, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# HIBBEN & CO., OF CHICAGO, ILLINOIS.

Mr. TUCKER. I am directed by the Committee of Ways and Means to report back a bill (S. No. 490) for the relief of Hibben & Co., of Chicago, Illinois, with the recommendation that it do pass; and I

ask that it be put on its passage at once.

The bill, which was read, authorizes and directs the Secretary of the Treasury to pay to Hibben & Co., of Chicago, Illinois, the sum of \$3,912.16, or so much thereof as the said Hibben & Co. shall prove, to the satisfaction of the Commissioner of Internal Revenue, that they have expended in the purchase of revenue stamps used by them to stamp manufactured tobacco upon which a tax had been previously paid under the revenue laws in force at the time of its manufacture and sale, but which was made liable to be stamped under the act of

and sale, but which was made hable to be stamped under the act of July 20, 1868, thus requiring a double tax on the same tobacco.

Mr. BRADLEY. I would like to hear the gentleman from Virginia explain to the House how these beneficiaries have paid this tax twice?

Mr. TUCKER. I will explain it. Hibben & Co, paid a tax of fifteen cents upon certain manufactured tobacco. The act of 1868 was afterward passed requiring a tax of sixteen cents and a new stamp. These parties did not dispose of the tobacco before that act of 1868 went into operation, and the internal-revenue officers required the payment of this new tax of sixteen cents before the sale of the topayment of this new tax of sixteen cents before the sale of the to-bacco. They had paid fifteen cents under the previous law and then sixteen cents under the law of 1868, and the proposition now before the House is that they shall have refunded to them the sixteen cents tax. Mr. BRADLEY. I should like to ask whether the prior tax which

Mr. BRADLEY. I should like to ask whether the prior tax which had been paid was denoted by affixing the stamps to the package? Mr. TUCKER. I do not exactly remember how that was.

Mr. BURCHARD, of Illinois. If my colleague on the committee will yield to me I will explain that matter. The prior tax was paid under a law which did not require any stamp. The tobacco was merely to be put up in certain packages. The law of 1868, however, required the affixing of stamps. As has been stated, this tobacco was manufactured before the law of 1868 and paid the tax then imposed. There was a certain time within which tobacco could be put upon There was a certain time within which tobacco could be put upon the market without payment of the new tax, but the evidence before the Committee of Ways and Means shows that the parties in whose favor this bill is proposed to be enacted were unable to dispose of their tobacco in that time. The Committee of Ways and Means of the last House reported unanimously in favor of refunding this tax. bill has passed the Senate unanimously, and has been reported back from the Committee of Ways and Means unanimously.

Mr. TUCKER. I am obliged to the gentleman from Illinois, my colleague on the Committee of Ways and Means, for explanation in reference to the details of the law. I believe there was a mode of designating the payment of taxes by stencil-marks prior to the passage of the act of 1868, and by that mode these parties paid the fifteen cents tax. They were not, however, able to dispose of their tobacco before the new law went into operation, and were compelled to pay the new tax of sixteen cents. There can be no question about the justice of this claim. The Committee of Ways and Means examined it carefully, and instructed me to report it back to the House unanimously. We were about to submit a report upon this case when this bill came

down from the Senate.

Mr. BRADLEY. The only question in my mind was as to the evidence that the tax had been twice paid. After hearing the statements of gentlemen I feel satisfied in that regard.

Mr. TUCKER. I will say for the satisfaction of the gentleman from Michigan that I am satisfied the tax was paid, but the act itself only requires the refunding of it when the Department shall be satisfied. only requires the refunding of it when the Department shall be satisfied it was twice paid.

The bill was ordered to a third reading; and it was accordingly.

read the third time, and passed.

Mr. HARRISON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COLLECTORS AND SUPERVISORS OF INTERNAL REVENUE.

Mr. TUCKER. I am instructed by the same committee to report back a bill (H. R. No. 1585) to authorize the Commissioner of Internal Revenue to designate and fix the points at which collectors and supervisors of the revenue shall hold their offices.

The SPEAKER. That is a public law, and cannot be received on

private-bill day

Mr. TUCKER. I withdraw the bill for the present.

#### RELINQUISHMENT OF TITLE BY THE UNITED STATES.

Mr. PIPER, from the Committee on Commerce, reported a bill (H. R. No. 2692) to relinquish the title of the United States to certain property in the city and county of San Francisco, California; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

#### CHANGE OF NAME OF STEAMBOAT CHARLES W. MEAD.

Mr. PIPER also, from the same committee, reported back a bill (H. R. No. 726) to change the name of the steamboat Charles W. Mead, with the recommendation that it do pass.

The bill, which was read, directs that authority is thereby given to the owner of the steamboat Charles W. Mead, of Allegheny City,

Pennsylvania, to change the name of said vessel to that of General

Meade, by which name said steamboat shall hereafter be known.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. PIPER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

# PATENTS IN MISSION LAND CASES.

Mr. LANE, from the Committee on Public Lands, reported back, with a favorable recommendation, the bill (H. R. No. 631) providing for the adjudication and issue of patents in mission land cases in the State of Oregon and the Territories of Washington, Idaho, and Montana; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

# HOT SPRINGS RESERVATION.

Mr. LANE also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2382) granting the right of way to the Hot Springs Railroad Company over the Hot Springs reservation in the State of Arkansas; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## CHANGING REGISTERS AND NAMES OF VESSELS.

Mr. WARD. I desire to ask the Chair if a bill to change the register of a vessel is regarded as a private bill?

The SPEAKER. In the judgment of the Chair it would be a public bill. It pertains to and affects a very important general system.

Mr. WARD. I have another bill which I am directed to report, by

Mr. WARD. I have another bill which I am directed to report, by the Committee on Commerce, to change the name of a vessel. I did not regard it as a private bill and did not report it when the Committee on Commerce was on call a few minutes ago. One bill, however, was reported for that purpose by the gentleman from California, [Mr. PIPER,] and, if in order, I desire to report this one.

The SPEAKER. The Chair is not advised what has been the practice hithere is reference to hills of that kinds and partil further of

tice hitherto in reference to bills of that kind; and until further ad-

vised he would rule that they were public bills.

## ROBERT TANSILL.

Mr. KNOTT, from the Committee on the Judiciary, reported back the bill (H. R. No. 198) to relieve the disabilities of Robert Tansill, of Virginia, with amendments by the Senate, and the recommenda-tion that the amendments of the Senate be concurred in. The amendments of the Senate were read, as follows:

In line 2 after the word "the" insert the word "political." Amend the title so as to read "An act to relieve the political disabilities of Rob-ert Tansill, of Virginia."

The amendments of the Senate were concurred in.

#### HENRY B. KELLY.

Mr. KNOTT. I am instructed by the Committee on the Judiciary to report back the bill (H. R. No. 2197) for the relief of Henry B. Kelly, of Louisiana, from political disabilities imposed by the four-teenth amendment, with the recommendation that it pass. I will state that there is a petition by the party seeking to be relieved.

The bill was read. It removes from Henry B. Kelly, a citizen of Louisiana, all political disabilities imposed by the four-teen in amendment the Constitution of the United States by reason to amend-

ment to the Constitution of the United States, by reason of participation in the late rebellion.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, (two-thirds voting in favor thereof.)

#### CHANGES OF REFERENCE.

On motion of Mr. HOAR, by unanimous consent, the Committee on the Judiciary were discharged from the further consideration of the following bills; and they were referred to the Committee of Ways

The bill (H. R. No. 853) to repeal certain words and lines of chapter 6, title 35, section 3369, of the Revised Statutes at Large; and The bill (H. R. No. 2172) to regulate and facilitate the payment of

duties on imported merchandise.

#### ASSIGNEES OF WILLIAM T. CHEATHAM.

Mr. HUNTON. I am instructed by the Committee on the Judiciary to report back without amendment, and with the recommendation that it do pass, the bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, and I ask that the The bill was read. It directs the Secretary of the Treasury, out of

any moneys in the Treasury not otherwise appropriated, to pay to G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham, the sum of \$164, in full for moneys wrongfully collected from said William T. Cheatham by the internal-revenue collector for the second district of the State of Kentucky, in 1870, as a tax for keeper of bonded

warehouse in December, 1869, and January, 1870.

The bill was ordered to be read a third time, and it was accordingly

read the third time, and passed.

Mr. HUNTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## C. M. PURVIANCE AND F. WYETH ..

Mr. EDEN, from the Committee on War Claims, reported back with the recommendation that it do pass, with amendments, the bill (S. No. 192) for the relief of Caroline M. Purviance and Francis Wyeth; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be

#### LEGAL REPRESENTATIVES OF JOHN W. GALL.

Mr. CALDWELL, of Alabama, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 252) for the relief of the legal representatives of John W. Gall, deceased, late of Company A, One hundred and thirtieth Regiment Illinois Volunteers; and the same was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### SAMUEL CRARY.

Mr. CABELL, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 927) for the relief of Samuel Crary; and the same was laid on the table, and the accompanying report ordered to be printed.

#### JOSEPH ANDERSON.

Mr. WARREN, from the same committee, reported a bill (H. R. No. 2693) for the relief of Joseph Anderson, of Nashville, Tennessee; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## W. W. VAN ANTWERP.

Mr. ELLIS, from the same committee, reported back, as a substitute for House bill No. 107, a bill (H. R. No. 2694) for the relief of W. W. Van Antwerp, late of the Fourth Michigan Cavalry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### ALMONT BARNES.

Mr. SMITH, of Pennsylvania, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1200) for the relief of Almont Barnes; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### HEIRS OF WILLIAM A. GRAHAM.

Mr. DOUGLAS. I was absent from the House, having been detained in the committee-room by business at the time the Committee Mr. DOUGLAS. on Patents was called. I now ask unanimous consent to report the bill which I send to the Clerk's desk that it may be passed. I will ask that the reading of the report be dispensed with, unless some gentleman calls for it.

The Clerk read the title of the bill, as follows:

A bill (H. R. No. 431) for the relief of the heirs of William A. Graham.

#### The bill was read, as follows:

The bill was read, as follows:

Whereas it appears that William A. Graham, in the year A. D. 1837, filed his application in due form for letters-patent for a certain invention or discovery of a novel method of or means for extinguishing fires, with apparatus for making the same effective, and died in the year A. D. 1857, without procuring letters-patent therefor: Therefore,

Be it engeted by the Senate and House of Representatives of the United States of America in Congress assembled. That the heirs of the said William A. Graham, late of the town of Lexington, in the county of Rockbridge and State of Virginia, be, and are hereby, relieved of and from all disabilities now existing and preventing them from renewing or reviving said application by the administrator of the estate of said William A. Graham, deceased; that such administrator be, and is hereby, authorized to renew said application or file a new one; and that the Commissioner of Patents be, and is hereby, anthorized and directed to grant and issue letters-patent for the invention or inventions set forth in such application: Provided, That such alleged inventions shall be found to have been new and useful at the time of filing such application; said patent when issued to have the same force and effect as though no delay had occurred in prosecuting said application or in granting a patent thereon: Provided, however, That all persons or parties having machines containing said inventions, or any part thereof, in use at the time of issuing such patent, shall have the right to continue the use thereof without charge or molestation.

The committee reported the following as an amendment to the bill:

The committee reported the following as an amendment to the bill:

In line 21, after the word "molestation," insert the words "nor shall any one be liable for an infringement of the invention of said Graham prior to the issuing of the letters-patent therefor."

Mr. HURLBUT called for the reading of the report but subse-

quently withdrew the call.

Mr. DOUGLAS. I ask that the bill be now engrossed and read a

The amendment reported by the Committee on Patents was agreed

to.

The bill, as amended, was ordered to be engrossed and read a third

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The bill, as a second to be the bill of the bill time; and being engrossed, it was accordingly read the third time,

Mr. DOUGLAS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PAY OF TELEGRAPH OPERATORS IN THE CAPITOL.

Mr. HOSKINS, by unanimous consent, from the Committee of Accounts, reported back a joint resolution (H. R. No. 70) fixing the pay of the telegraph operators of the House and Senate, and moved that the committee be discharged from the further consideration of the same and that it be referred to the Committee on Appropriations. The motion was agreed to.

#### ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House now resolve itself into the Committee of the Whole on the Private Calendar. This is "private-bill day," and the morning hour has expired.

Mr. RANDALL. Has objection been made to our proceeding so that all the committees shall be called for reports of a private na-

The SPEAKER. The Chair has heard no objection, but the motion of the gentleman from Tennessee is a question of superior privilege.

Mr. BRIGHT. I cannot yield; this is the day for the consideration Mr. BRIGHT. I canno of the Private Calendar.

Mr. RANDALL. There are quite a number of private bills in the hands of committees which, if they could be reported, could be placed on the Calendar and could be considered to-day.

The SPEAKER. The Clerk informs the Chair that there are already so many bills to be prepared for reference to the Committee on the Private Calendar that it would be impossible for the clerks to prepare any more for reference to that committee.

The question was taken on Mr. BRIGHT'S motion; and on a division

there were—ayes 39, noes 67; no quorum voting.

Mr. BRIGHT. I call for tellers.

Mr. HOLMAN. I hope the gentleman from Tennessee will consent to the completion of the call of committees for reports of a private nature, so as to place all on a similar footing.

The SPEAKER. Does the gentleman from Tennessee [Mr. Bright]

insist on a demand for tellers

Mr. BRIGHT. No, sir; I will not insist upon it.
The SPEAKER. Then the gentleman's motion is lost.
Mr. RANDALL. I suggest, then, that we proceed with the call until all the committees shall have been called for private business.

No objection was made, and it was so ordered. The SPEAKER pro tempore, (Mr. WILSON, of Iowa, in the chair,) continued the call of the committees.

#### BEUBEN WRIGHT.

Mr. SEELYE, from the Committee on Indian Affairs, reported back, with an adverse recommendation, the bill (H. R. No. 1330) for the re-

lief of Reuben Wright; which was laid on the table, and the accompanying report ordered to be printed.

#### S. P. MARSHALL

Mr. BOONE, from the same committee, reported as a substitute for House bill No. 118 a bill (H. R. No. 2695) for the relief of S. P. Marshall, of Sioux County, Iowa; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### WILLIAM T. BRYSON.

Mr. BANNING, from the Committee on Military Affairs, reported adversely on the petition of W. T. Bryson; which was laid on the table, and ordered to be printed.

#### THOMPSON B. M'COY.

Mr. BANNING also, from the same committee, reported adversely on the petition of Thompson B. McCoy, praying to be honorably dis-charged from the military service of the United States; which was laid on the table, and the report ordered to be printed.

#### JOHN GOWERS.

Mr. BANNING also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1581) for the relief of John Gowers, late of Company C, One hundred and eleventh Regiment New York Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the report ordered to be printed.

#### SALE OF ORDNANCE STORES.

Mr. BANNING also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 2012) to authorize the sale of certain ordnance stores to the First Troop of Philadelphia City Cavalry

## The bill was read as follows:

That the Secretary of War be, and he is hereby, authorized to sell to the First Troop Philadelphia City Cavalry, at the cost price thereof to the United States, one hundred new Springfield carbines, caliber forty-five hundredths, with such acconterments, equipments, and ammunition for the same as may be required; the money received therefor to be passed on the books of the Treasury to the current appropriations for the Ordnance Department of the Army.

Mr. BANNING. I will state that this bill provides that there shall be no loss to the Government in this sale of arms; and the Secretary of War has written a letter, which I now ask to have read, showing that there is no objection to the bill if the money is paid to the Ordnance Department.

The Clerk read as follows:

# WAR DEPARTMENT, Washington City, March 9, 1876.

Washington City, March 9, 1876.

Sie: I beg to acknowledge the receipt of your communication of this date, (the inclosure of which was not received.) and to state that I have examined, however, House bill No. 2012, which is referred to therein, being for the sale of certain arms and accounterments to the First City Troop of Philadelphia, and to say that the arms, ammunition, and accounterments are on hand, and there is no objection to their sale, in view of the provision of the bill; that the money received therefor shall pass to the credit of current appropriations for the Ordnance Department.

Very respectfully,

GEO. M. ROBESON. Acting Secretary of War.

Hon, H. B. Banning,
Chairman Committee on Military Affairs, House of Representatives.

Mr. RANDALL. I suppose there is no objection to this bill. It follows the practice usual in such cases. It is a bill that I myself introduced, and one in which I feel a great deal of interest. I hope

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. BANNING moved to reconsider the vote by which the bill was

passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

# CHARLES W. MACKEY.

Mr. HURLBUT, from the Committee on Military Affairs, reported back, with an amendment, a bill (H. R. No. 2482) for the relief of Charles W. Mackey, late first lieutenant Tenth Regiment Pennsyl-

vania Reserve Volunteer Corps.

The bill directs the Secretary of War to expunge the record of the dismissal of Charles W. Mackey, first lieutenant Company C, Tenth Regiment Pennsylvania Reserve Volunteer Corps, and grant him an

honorable discharge from the Army, to date July 11, 1863.

Mr. HURLBUT. I ask that the report be read.

The report was read, stating that Charles W. Mackey was improvidently dismissed the service, was never under arrest during all the time when the court-martial proceedings were had, but was actively engaged on duty with his company in actual service until he received notice of his dismissal; that the evidence of the single witness, on which the conviction was had, has been abundantly disapproved by evidence submitted to the Committee on Military Affairs; that the faithfulness and efficiency of Lieutenant Mackey has been completely established, and it is but just to him and to the military service that the recent grainst him should be converted.

the record against him should be corrected.

The amendment reported from the committee was to strike out the word "expunge" and insert the word "correct."

The amendment was agreed to; and the bill, as amended, was or-

dered to be engrossed and read a third time; and being engrossed, it

was accordingly read the third time, and passed.

Mr. HURLBUT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## WASHINGTON LIGHT INFANTRY AND CLINCH RIFLES.

Mr. HURLBUT, from the Committee on Military Affairs, reported a joint resolution (H. R. No. 85) to authorize the Secretary of War to issue certain arms to the Washington Light Infantry of Charleston, South Carolina, and the Clinch Rifles of Augusta, Georgia; which was read a first and second time.

The question was upon ordering the joint resolution to be engrossed

and read a third time.

The joint resolution authorizes the Secretary of War to issue to the Washington Light Infantry, of Charleston, South Carolina, and the Clinch Rifles, of Augusta, Georgia, three hundred and twenty improved breech-loading rifles, or such number thereof as shall be necessary to fully arm and equip said organizations, in order that they may participate in and form a part of the centennial legion of the original thirteen States of the Union, which legion has been designated to appear and participate in the international centennial exposition to be held at Philadelphia in 1876; provided that the same can be done in the judgment of the Secretary of War without prejudice to the public service, and also that the commissioned officers of each of said organizations, or a majority of them, shall make, execute, and deliver to the Secretary of War such bond of indemnity for the safe return of the arms, after the close of such exposition, as the Secretary of War shall require

Mr. HURLBUT. I will state for the information of the House that the two military organizations referred to in this joint resolution are a part of what is known as the centennial legion, designated to take part in the celebration of the centennial anniversary of the Independence of the United States at Philadelphia. The States of South Carolina and Georgia are largely indebted to the United States in their supplies of arms, and these arms cannot be obtained from the States. I have some personal feeling in this matter, because some years ago, more than I like to own now, I had the honor of being a member for many years of the first-named organization. I desire that the House will pass this joint resolution, for it will do no injury to the public service, and will enable these two old, well-established, and creditable military organizations to take part in the display which is proposed for our national centennial anniversary.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HURLBUT moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## DANIEL K. SERGEANT.

Mr. GLOVER, from the Committee on Military Affairs, reported back adversely the petition of Daniel K. Sergeant, late second lieutenant Company B, One hundred and thirteenth United States Infantry Colored Volunteers, for additional compensation; which was laid on the table, and the accompanying report ordered to be printed.

# JOSEPH B. EATON.

Mr. COOK, from the same committee, reported back the petition of Joseph B. Eaton, of Boston, Massachusetts, for payment for supples to the Army of the United States in the Mexican war, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on War Claims.

The motion was agreed to.

#### TIMOTHY MACMAHON.

Mr. TERRY, from the same committee, reported back adversely a bill (H. R. No. 2567) for the relief of Tunothy MacMahon, late a private of Company A, Thirty-fifth Regiment Indiana Volunteers during the war of the rebellion, from the sentence of court-martial, and for other purposes; which was laid on the table, and the accompanying report ordered to be printed.

# L. M. BLACKMAN.

Mr. STRAIT, from the same committee, reported a bill (H. R. No. 2696) for the relief of L. M. Blackman, late Fourth Tennessee Cavalry; which was read a first and second time, and, with the accompanying report, ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

# PRESENT TO MINISTER AT BOGOTA.

Mr. FAULKNER. The Committee on Foreign Affairs have in-Mr. FAULKNER. The Committee on Foreign Affairs have instructed me to report back, with a recommendation that it do not pass, the joint resolution (S. No. 9) authorizing Hon. William L. Scruggs, United States minister at Bogota, to accept a present from the Queen of Great Britain. I ask that the joint resolution be read. The joint resolution was read. It authorizes William L. Scruggs, United States minister at Bogota, to accept a silver inkstand, with a suitable inscription, from the Queen of Great Britain, as a testimonial of her appreciation of his services as a British arbitrator in an important case between British subjects and the government of Colombia.

ant case between British subjects and the government of Colombia.

Mr. FAULKNER. Mr. Speaker, the Committee on Foreign Affairs does not recommend the passage of this joint resolution. It regrets to differ so widely as it does in this case from a co-ordinate branch of the Legislature. It differs from the Senate not only as to the general policy of this legislation, but it looks upon this particular

case as involving a principle highly objectionable, and as establishing a precedent which ought not to be encouraged.

This species of legislation has grown upon us within the last few years. There have been more of such applications before the present Congress than were before all preceding Congresses in the first sixty years of the history of this Government. If the recent mul-tiplication of these cases afforded evidence of an increase in the performance of praiseworthy deeds demanding national recognition, I should not have so much objection to them as I now have. Indeed, I should, as an American citizen, rejoice to learn that some one of my countrymen had every day in the year performed an act calculated to attract the grateful recognition of foreign governments, and thus shed luster upon their own country. But when we are called upon, as we are now being called upon almost every day, to exercise this del-icate constitutional power in cases which have no extraordinary merit of any kind to recommend them, and which sometimes involve very questionable principles, it is time to pause and reflect a little upon the character and effect of such legislation.

Our plain and republican ancestors had a very different view of the policy of these foreign presents from that which seems to prevail in these days. They looked upon all such gifts by foreign princes to our public officers with extreme disfavor, as tending to open the door to foreign influence; and if not in opposition to the letter of the Constitution, they held the practice, at least, not to be in accordance with the popular tastes and feelings of the country. Sixty-five years of our history elapsed before Congress gave its assent to the acceptance by any public officer of this Government of a present from a foreign prince or state. The earliest instance in our legislation of an effort to procure such consent was in 1798. This case is so remarkable in many of its features and so full of instruction, that I will ask to call

the special attention of this House to it.

Thomas Pinckney, of South Carolina, had been accredited as our minister plenipotentiary both to Spain and to Great Britain. Upon leaving those countries he was tendered by the King of Spain and the King of Great Britain certain customary presents. He declined to receive them, upon the ground that the Constitution of his country forbade his acceptance of them without the consent of Congress; but he announced at the time of so declining that he would bring the subject to the attention of Congress and ask its consent to his acceptance of these presents. He accordingly did so by a letter addressed to the Speaker of the House. No case upon its facts could have presented a fairer opportunity to test the opinion of Congress upon the principle and policy involved in these presents. Mr. Pinckney was a distinguished man. He had borne an honorable part in our revolutionary struggle. He had but two years before received the votes of eleven States for the office of President of the United States against John He had signalized his diplomacy abroad by the negotiation of a valuable treaty. He had ceased to be a minister plenipotentiary, and was at that time an influential member of the body to which he addressed his application. And yet after full debate upon the policy of allowing such presents, and amid the highest tributes of personal respect for the character and conduct of the minister, Congress rejected his application. The vote was taken by ayes and noes, and was never reconsidered. A few days afterward Mr. Pinckney himself addressed the House upon the subject, and while he did not seek to reverse the judgment of that body, he expressed the hope that the House would by some resolution indicate the grounds of their decision, so that no implication personally injurious to him should be drawn from their action. This request was acceded to, and a resolution was prepared by one of his friends and unanimously adopted by the House, declaring that "it was induced to such refusal solely by motives of

general policy, and not by any view personal to Mr. Pinckney."

The next case was in 1814, when application was made on behalf of
General Andrew Jackson to permit him to accept a present of a tract
of land tendered to him by the Creek Indians. This also was rejected
by Congress. Forty years passed before any further application was
reals to Congress to consent to such crifts, when in 1954. made to Congress to consent to such gifts, when, in June, 1854, Matthew F. Maury, a distinguished scientist, and at that time an officer of our Navy, was allowed to accept the present of a gold medal from the King of Sweden for his discoveries in the physical geography of the sea and the currents of the ocean, which had proved so useful to persons of all nations engaged in navigation and commerce.

During this period of sixty-five years from the origin of our Gov-

ernment, the presents tendered to our ministers, consuls, and officers abroad were treated as the property of the Government, not as private donations to the individuals by whom they were received. They were deposited in the Department of State where suitable for such disposition, and where not so suitable, as in the case of the lion and horses presented to the consul of Tangier by the Emperor of Morocco, they were ordered by Congress to be sold at public auction, and the proceeds of sale ordered either to be paid into the public Treasury or applied to some charitable institution in this city. So largely had these presents accumulated in the State Department, and so burden-some had their preservation become, that President Jackson in a special message to Congress in 1834, after announcing that he had

given positive instructions that no more of such presents should be received by any of our public officers abroad, without the prior consent of Congress, recommended that the State Department might be disencumbered of all that were then on deposit there, and that they might be distributed to the parties who had originally received

them, or their heirs.

This recommendation of President Jackson seems to have revived the idea that these presents from foreign states were hereafter to be treated as the private property of the persons to whom they were given. Accordingly, from 1854 to the present time, many cases have occurred in which Congress has given its consent that such presents might be accepted and retained by the parties as their private propmight be accepted and retained by the parties as their private property. But in looking back to all these cases, except some of recent date, it will be found that they were testimonials accorded either for great and important discoveries in science, philosophy, and the arts, in which the names of Maury, Henry, and Bache shine conspicuously as among the benefactors of our race, or they are accorded for some splendid achievement of heroism and self-sacrifice in the cause of humanity. It was worthy of Great Britain to signalize her appreciation of the arduous and generous sacrifices of those heroic officers who have due to the day are great of the articles are the sacrifice of the search of the braved the storms and the dangers of the arctic seas in search of the lamented Sir John Franklin, and it was befitting an American Congress to respond with favor to such an appeal. So, where the officers of the United States ship Vixen imperiled their lives to save those of British officers and sailors, it was right that the British Queen should acknowledge her gratitude for such heroic service and that Congress should consent to it. But when an Assistant Secretary of the Navy and officers of our Navy visited a European capital, and they were there loaded with presents because of such visit, which presents were permitted to come into the country duty free, or where a lieutenant of the Army under the direct order of the Secretary of War performs the ministerial duty of inspecting military stores purchased by a for-eign prince, it is a perfect farce to dignify gifts for such services by invoking the constitutional power of Congress to exempt them from the general prohibition of the Constitution.

In looking at the more recent of these cases which have been brought before Congress, we are struck with two features which distinguish some of them at least from those of a former period of our history. These are that the acts for which these presents are bestowed are utterly destitute of any rare or extraordinary merit. Again, there is a growing habit of conferring upon our officials those decorations and insignia of foreign orders which are discountenanced by our republican system and belong almost exclusively to the aristocratic institutions of the Old World. Not less than ten of these foreign decorations have with the consent of Congress been conferred upon officers of the United States since the late war, and several are now pending

before Congress.

But, to come to the particular joint resolution which is now before us for concurrence or rejection, what is the act? What is the service which is now sought to be made an exemption from the general constitutional prohibition?

Some British subjects had large pecuniary claims against the Colom-Some British subjects had been subjected by the government. These claims were controverted by that government, and resulted in an arbitration, Mr. Scruggs, our minister resident, being selected by the British claimants as one of the arbitrators. Who was selected by the Colombian government does not appear from the subject of the selected by the Colombian government does not appear from the subject of the sub Who was selected by the Colombian government does not appear from any of the papers. An award was made adjudging a large amount due to these British claimants. This result was of course satisfactory to them, and by consequence to the British government. We have no means of knowing from any of the papers before us how far it was satisfactory to the Colombian government. Possibly it may think very unkindly of the award. The British government now asks our consent to confer upon one of these arbitrators a present for the judicial service rendered in making an award in favor of her subjects. We do not learn that this liberality has been alike extended to the Colombian arbitrator, nor that the present designed for the British arbit. lombian arbitrator, nor that the present designed for the British arbi-

trator meets with the concurrence of the Colombian government.

Now, sir, what is an arbitrator? He is a judge voluntarily selected by the parties to a controversy. His functions are judicial. He determines in pais upon the rights of the parties just as a judge would or should do if the case were before him in court. The law protects him from all the temptations to improper influence as fully as it does that of a judge in court. There is not, I am sure, a member of this body who would not revolt at the idea of a present made to a judge by one of the parties pending the controversy, or by one of the parties, and especially the prevailing party, after the decision was rendered. The present may be a small one; but that does not change the principle or the law of the case. To retain in the public mind full confidence in the purity and impartiality of a judicial officer, there should be no presents tendered or received, whether before or after a judicial decision. And for one I will never consent to give the high sanction of our legislation in support of any such practice. It is a well-recognized principle of both English and American law

that the smallest gratuity, even a contribution by one of the parties to the necessary expenses of an arbitrator, would vitiate the award and set it aside. Upon grounds like these an award was set aside by Lord Chancellor Hardwicke more than a century ago. His words upon that occasion are worthy of being quoted. He says:

When arbitrators, let their character be otherwise never so unexceptionable, take money of one of the parties singly, whether for expenses or anything else, before

making the award—as this is a matter of so tender a nature that even the appearance of evil in it is to be avoided, and this practice may be of dangerous example—it is sufficient cause to set aside the award; for, if this should be suffered, it will be hard to distinguish what is corruption.

It is true the doctrine here announced by this distinguished jurist It is true the doctrine here announced by this distinguished jurist only applies to some expenses paid to the arbitrator before the award, and perhaps this is all that the law in its imperfection can reach; but common sense teaches us that the expectation of reward may exercise an influence on the mind almost as fully as a reward actually given; and we, who are tied down by none of the technicalities of the courts, and must take an enlarged view of the motives which influence human action, if we believe that the practice of making presents subsequent to an award may by any possibility influence the decision in favor of the party most likely to make such presents, then we are bound to discountenance as practice which in the language of

we are bound to discountenance a practice which, in the language of Lord Hardwicke, "is of evil example," and may tend to corruption.

Mr. Speaker, as these applications for authority to accept presents from foreign states are rapidly multiplying, and as I have never seen in any commentary upon our Constitution or in any debate in Congress any explanation of the just limits of this power, I think it is time that we should reach some definite rules to govern us in the exercise of the functions devolved upon us by the Constitution. It is obvious that the enlightened framers of that instrument thought it improper, as a general practice, to permit an officer of this Government to accept from any king, prince, or foreign state any present or title of any kind whatever. But they foresaw that cases might or title of any kind whatever. But they foresaw that cases might occur in which such presents might be accepted with propriety, and they consequently vested in Congress the authority to determine when such exception should be made to the general prohibition. This devolves upon Congress not only the right, but the duty, of discrimination in all such cases; and while I would not undertake to decide for others, I have fully made up my mind that I will not by my vote further sanction this legislation, unless the case comes fully up to two essential conditions.

First. The act performed or service rendered for which this high

First. The act performed or service rendered for which this high distinction is asked should be of a character to be worthy of national acknowledgment. It is not a right demanded of Congress, but a distinction and a favor to be conferred by this body. It should be something worthy of such distinction. The French have well embodied this idea when they exclude from the Legion of Honor all who have not performed "les actions d'éclat," brilliant deeds, or rendered some not performed "les actions d'éclat," brilliant deeds, or rendered some extraordinary service in the cause of science, philosophy, and the arts, or in the interests of humanity. The English have recognized the idea when they forbid even the English sovereign to allow a subject of Her Majesty to accept the insignia of a foreign order from any sovereign of a foreign state, except such insignia or decoration shall be conferred "in consequence of active and distinguished services before the enemy either at sea or in the field." There should be something in the act performed worthy of the interposition of Congress, some act that when enshrined in the legislation of this body is worthy of remembrance for its own intrinsic merit.

remembrance for its own intrinsic merit.

Secondly. The present should not have its inducement in any transaction that militates in the slightest degree against the interests, the principles, or the policy of this country, nor should it be assented to by Congress if it conflicts in the remotest manner with any of those safeguards to the pure administration of justice which we have been taught to respect and cherish.

Now, Mr. Speaker, I will say that the case presented by this joint

resolution does not, in my opinion, come within either of these indispensable conditions.

I will further remark that I shall vote against giving the consent of Congress to the acceptance by an officer of this Government of any title, insignia, or decoration conferred by a foreign prince or state and if I had no further reason to assign for this opposition, it would be sufficient for me to say that such titles and decorations cannot be reciprocated by our Government upon the subjects or citizens of other

History furnishes us with a very interesting anecdote, which is characteristic of the Virgin Queen of England after whom the State of my friend before me [Mr. Tucker] and my own State have been named. Henry IV of France invested two of the bravest and most gallant officers of the English auxiliaries with the collar of the Order of Saint Michael for the services they had done him in the war; but on their return to England they were committed to prison for daring to accept this honor from a foreign sovereign, and the decoration was ordered immediately takesent heart to the Ernsch woneren Herr Majesty. ordered immediately to be sent back to the French monarch, Her Majesty proudly observing, "that as a virtuous woman ought to look on none but her husband, so a subject ought not to cast his eyes on any other sovereign than that of his own country. I will not," said she, "have my sheep marked with a strange brand, nor suffer them to follow the pipe of a strange shepherd."

In conclusion, Mr. Speaker, I will say most distinctly, that I believe the British government has been governed in this request by pure and honorable motives; and I will further say, that I have no reason to doubt that our minister, in the award which he rendered in this case, was controlled exclusively by considerations of equity and justice; but when called upon as a member of Congress to give my consent to the accentures of a present for indicial corriect surface. consent to the acceptance of a present for judicial service rendered as an arbitrator, I think the precedent a bad one, and ought not to be

encouraged. I therefore move the indefinite postponement of this joint resolution of the Senate.

The motion was agreed to.

## CONVENTION WITH CHINA.

Mr. HEWITT, of New York, from the Committee on Foreign Affairs, reported a bill (H. R. No. 2697) supplementary to the act en itled "An act to carry into effect the convention between the United States and China concluded on the 8th day of November, 1858, at Shanghai," approved March 3, 1859, and to give the Court of Claims jurisdiction in certain cases; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JOTHAM A. DRAPER.

Mr. PATTERSON, from the Committee on the Territories, reported back, with a recommendation that it pass, a bill (S. No. 386) approving an act of the Legislative Assembly of Colorado Territory.

The bill was read. It provides that an act entitled "An act for the relief of Jotham A. Draper," passed by the Legislative Assembly of Colorado Territory, approved February 9, 1872, be approved by Con-

The bill was ordered to a third reading, read the third time, and

passed.

Mr. PATTERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on

The latter motion was agreed to.

#### ADVERSE REPORTS.

Mr. PHELPS, from the Committee on Revolutionary Pensions, reported back adversely the following petitions; which were laid on the table, and the accompanying reports ordered to be printed:

The petition of Carter Wilkie;
The petition of John Cothran; and
The petition of Joseph Carter.

#### MARY DESBROW.

Mr. PHELPS also, from the same committee, reported a bill (H. R. No. 2698) granting a pension to Mary Desbrow; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### CHANGES OF REFERENCE.

Mr. JENKS, from the Committee on Invalid Pensions, reported back petition and bill of the following titles, and moved that the commit-tee be discharged from the further consideration of the same, and that they be referred to the Committee on Revolutionary Pensions; which motion was agreed to:

Petition of William Young, veteran of the war of 1812, the war with Mexico, and the war between the States, praying for a pension;

A bill (H. R. No. 2614) granting a pension to Jacob Black, a private soldier of the war of 1812.

Mr. JENKS also, from the same committee, reported back a bill of the following title, and moved that the committee be discharged from its further consideration, and that the same be referred to the Committee on War Claims:

A bill (H. R. No. 2624) for the relief of Thomas Fisher, administrator of John Larkin, of Memphis, Tennessee.

## ELIZABETH M'CHENEY.

Mr. JENKS also, from the same committee, reported back adversely the memorial of Elizabeth McCheney; which was laid on the table, and the accompanying report ordered to be printed.

# THOMAS CRAWFORD.

Mr. JENKS also, from the same committee, reported a bill (H. R. No. 2699) restoring the name of Thomas Crawford, a soldier of the Mexican war, to the pension-rolls; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# MARIA W. SANDERS.

Mr. JENKS also, from the same committee, reported back, with a recommendation that it pass, the bill (S. No. 375) for the relief of Maria W. Sanders; which was referred to the Committee of the Whole on the Private Calendar.

# RUTH ELLEN GREELAUD.

Mr. JENKS also, from the same committee, reported back the amendment of the Senate to the bill (H. R. No. 1596) granting a pension to Ruth Ellen Greelaud, with the recommendation that it be concurred in.

The amendment of the Senate was read, as follows:

 ${\bf A}{\bf d}{\bf d}$  at the end of the bill "that the pension hereby granted commence from and after the passage of this act."

The amendment was concurred in.

#### EDWARD DEMPSEY.

Mr. RICE, from the same committee, reported a bill (H. R. No. 2700) for increase of pension of Edward Dempsey, late a private Company C, Eleventh Kentucky Cavalry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### CHARLES BUGBEE.

Mr. RICE also, from the same committee, reported back a bill (H. R. No. 1995) granting a pension to Charles Bugbee, late private Company A, Third Vermont Volunteers, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### NANCY H. BLACKNALL.

Mr. RICE also, from the same committee, reported a bill (H. R. No. 2701) granting a pension to Nancy H. Blacknall, widow of Thomas Y. Blacknall, late a private Company L, Seventh Tennessee Cavalry; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### NANCY TRUE.

Mr. RICE also, from the same committee, reported back a bill (S. No. 504) granting a pension to Nancy True, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be

#### ELIZABETH B. THOMAS.

Mr. BAGBY, from the Committee on Invalid Pensions, reported back a bill (S. No. 431) granting a pension to Elizabeth B. Thomas, widow of Lorenzo Thomas, late of the United States Army, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar.

#### ELMIRA E. CRAVATH.

Mr. BAGBY also, from the same committee, reported back a bill (S. No 40) granting a pension to Elmira E. Cravath, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar.

#### ELIZABETH B. DYER.

Mr. BAGBY also, from the same committee, reported back the amendment of the Senate to a bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance United States Army, with the recommendation that it be concurred in.

The amendment of the Senate was read, as follows:

In lines 7 and 8, strike out the words "May 20, 1874," and insert from "the passage of this act."

The amendment was concurred in.

## GEORGE M. D. THORNTON.

Mr. BAGBY also, from the same committee, reported back a bill (H. R. No. 2078) granting a pension to George M. D. Thornton, late of Company C, One hundred and nineteenth Illinois, with the recommendation that it do pass; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## ADVERSE REPORTS.

Mr. SINNICKSON, from the same committee, submitted adverse reports in the following cases; which were laid on the table, and ordered to be printed:

A bill (H. R. No. 241) granting a pension to John O'Hea;
A bill (H. R. No. 2470) granting a pension to Mary A. Hough; and
The petition of J. S. Peck and others, praying for pensions for the
widow of Alanson Kittridge, late private of the Fourth Vermont

## BRIDGET T. HOPPER.

Mr. SINNICKSON also, from the same committee, reported a bill (H. R. No. 2702) granting a pension to Bridget T. Hopper; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# WARREN F. WOOD.

Mr. SINNICKSON also, from the same committee, reported a bill (H. R. No. 2703) granting a pension to Warren F. Wood; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JOSHUA W. BLACK.

Mr. SINNICKSON also, from the same committee, reported a bill (H. R. No. 2704) granting a pension to Joshua W. Black; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### SARAH BUERY.

Mr. BLISS, from the same committee, reported a bill (H. R. No. 2705) granting a pension to Sarah Buery; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

GEORGE W. LEAMY. Mr. BLISS also, from the same committee, reported a bill (H. R. No. 2706) granting a pension to George W. Leamy; which was read a first

and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MARY F. HALL.

Mr. BLISS also, from the same committee, reported a bill (H. R. No. 2707) granting a pension to Mary F. Hall; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed. ADVERSE REPORTS.

Mr. BLISS also, from the same committee, reported back, with ad-

verse recommendations, the following bills and petition; which were laid on the table, and the accompanying reports ordered to be printed:
The bill (H. R. No. 1613) granting a pension to George W. Bates;
The petition of Margaret May, praying for a widow's pension; and
The bill (H. R. No. 1658) granting a pension to Mary Reed, widow
of John M. Reed.

#### J. E. BUTTS AND M. F. BUTTS.

Mr. HEWITT, of Alabama, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 425) granting a pension to James Eli Butts and Melinda Frances Butts; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### JOHN L. BRITTON.

Mr. HEWITT, of Alabama, also, from the same committee, reported back, with an adverse recommendation, the bill (H. R. No. 383) granting a pension to John L. Britton, late drum-major of the Second New Hampshire Volunteers; which was laid on the table, and the accompanying report ordered to be printed.

#### MARY A. ALLEN.

Mr. HEWITT, of Alabama, also, from the same committee, reported back, with a favorable recommendation, the bill (H. R. No. 1496) granting a pension to Mary A. Allen; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### ORDER OF BUSINESS.

The SPEAKER. The call of States for private bills has now been completed.

Mr. BRIGHT. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

Mr. HOOKER. I ask the gentleman to withhold that motion for a moment to allow me to introduce for present action a joint resolution to which I think there will be no objection.

Mr. BRIGHT. I yield to have the resolution read.

## EXPENSES OF INDIAN DELEGATION.

Mr. HOOKER. I ask unanimous consent to report from the Committee on Indian Affairs a joint resolution for the relief of the Turtle Mountain band of Chippewa Indians.

The joint resolution was read. It authorizes the Secretary of the Interior to pay, out of the funds appropriated for the support of the Indian Bureau, a sufficient amount to pay the board bill while in Washington and transportation to their homes of the Turtle Mountain band of Chippewa Indians, consisting of Little Shell, the chief of said band, and three headmen, all Indians, and one interpreter, provided that said amount shall not exceed the sum of \$1,000.

Mr. HOOKER. I report this joint resolution at the instance of the entire Committee on Indian Affairs. This band or delegation of Indians have been here for the last two and a half or three months, and the expenses of their support are daily increasing; and upon an application being made the gentleman from California [Mr. PAGE] and myself, a subcommittee of the Committee on Indian Affairs, went to the Secretary of the Interior. He advised us that the contingent fund of \$5,000 for the defraying of these expenses had been exhausted; that if any portion of it still remained in the Department he would not hesitate to appropriate it for the purpose, and he recommended such legislation as was necessary to accomplish the object. I therefore make this report, and unless some gentleman makes objection to the joint resolution I shall ask its immediate passage.

There was no objection, and the joint resolution (H. R. No. 86) was received, read three times, and passed. entire Committee on Indian Affairs. This band or delegation of In-

received, read three times, and passed.

Mr. HOOKER moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

#### PRIVATE CALENDAR.

Mr. BRIGHT. I now insist on my motion that the House resolve itself into Committee of the Whole House for the consideration of the Private Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the Private Calendar, (Mr. Wilson, of Iowa, in the chair.)

#### LAND CLAIMS IN MISSOURI.

The first business on the Private Calendar was the bill (H. R. No. 819) to confirm certain land claims in the State of Missouri.

Mr. BUCKNER. I understand that there is to be some objection offered to this bill which I have reported from the Committee on Pri-

vate Land Claims. My voice is not in such condition to-day that I can address the committee, and I ask unanimous consent that the bill be passed over for the present, not losing its place on the Calendar.

There was no objection, and it was so ordered.

## JAMES B. ARMSTRONG.

The next business on the Private Calendar was the bill (H. R. No. 101) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March

3; 1873.
The bill was read. It directs the Secretary of the Treasury to pay to Edward S. Armstrong, of Ralls County, Missouri, the sum of \$1,673.14, it being his aliquot share of the sum of \$13,385.09, as one of the brothers and next of kin of the said James B. Armstrong, deceased, appropriated by the said act for the relief of the heirs and next of kin of said James B. Armstrong, deceased.

The second section repeals the provision of said act requiring sat isfactory proof to be made to the Secretary of the Treasury that said heirs at law and next of kin or such thereof as shall demand their aliquot shares under and by virtue of said act remained loyal adherents to the cause and Government of the United States during the

war of the rebellion.

Mr. PHILIPS, of Missouri. I move that the bill be laid aside to be reported favorably to the House.

The motion was agreed to.

#### PRIVATE LAND CLAIMS IN NEW MEXICO.

The next business on the Private Calendar was the bill (H. R. No-344) to confirm certain private land claims in the Territory of New Mexico.

The bill was read. It provides that private land claims numbered 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 73, 74, 75, 77, 78, 79, 80, 82, 83, 84, 85, 86, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, and the Zia Santa Ana and Jemes Pueblo Indian claim, reported as Pueblo claim T, in the Territory of New Mexico, as known and designated by the numbers and letter aforesaid in the reports of the surveyor-general of said Territory, and on the books of the Commissioner of the General Land Office, be, and the same are thereby, confirmed in accordance with the grant by the Spanish or Mexican authorities, as the case may be, provided that such confirmation shall only be construed as a quitclaim, or relinquishment, of all title or claim on the part of the United States to any of the lands embraced in either of the said claims, and shall not affect the adverse rights of any person or persons to the same or

The second section authorizes and directs the Commissioner of the General Land Office, without unreasonable delay, to cause the lands embraced in said several claims to be surveyed and platted at the expense of the United States; and, upon the filing and approval of said

surveys and plats in his Office, patents shall issue for said lands.

The third section provides that all surveys authorized by the act shall conform to, and be connected with, the public surveys of the United States in said Territory, so far as the same can be done consistently with the land-marks and boundaries specified in the several grants upon which said claims are founded; provided, that when said lands are so confirmed, surveyed, and patented they shall, in each case, be held and taken to be in full satisfaction of all further claims or demands against the United States for the lands embraced in said claims; provided further, that no grant bearing date since the 18th day of August, 1824, shall be confirmed or patent issue for more than eleven leagues of land for each original claimant or grantee under said Mexican government.

Mr. DUNNELL. I call for the reading of the report.

The report of the Committee on Private Land Claims was read, as follows:

The bill provides for the confirmation of certain private land claims in accordance with the grants by the Spanish or Mexican authorities; that such confirmation shall be construed only as a quitclaim or relinquishment of all title or claim on the part of the United States to any of the lands embraced in either of said claims; and that this act shall not affect the adverse rights of any person or persons to the same or any part thereof

part of the United States to any of the lands embraced in either of said claims; and that this act shall not affect the adverse rights of any person or persons to the same or any part thereof.

Prior to August 24, 1821, the country now comprising the republic of Mexico and the Territory of New Mexico belonged to Spain; but by the treaty of Cordova, between Spain and Mexico, of that date, Spain acknowledged the independence of Mexico, and all this vast territory came within her legal jurisdiction.

Down to that time the vacant lands lying within the limits of what is now the Territory of New Mexico had been granted by the Spanish authorities, to any one who applied for them for the purpose of settlement and cultivation, in almost unlimited quantities.

The grants sought to be confirmed by this bill were all embraced within the limits of said Territory, and date back to a very early day, commencing in 1699, and extending from that time down to the deckaration of Mexican independence in 1821, since which time grants have been made by the Mexican government until the cession of said Territory to the United States in 1848.

On the 18th of August, 1824, some three years after this Territory came into the possession and under the jurisdiction of Mexico, a law or decree was passed by the Mexican Congress, termed a colonization law, which provided that the government, conformably to the principles established in said act, should proceed to the colonization of the territories embraced within the limits of said republic, and the government was required to take the steps necessary to carry into effect the government was required to take the steps necessary to carry into effect the said decree. Accordingly, on the 21st of August, 1828, a code of rules and regulations was prescribed, established, and promulgated by the government, designed to effect the object and intention of the said act.

Those regulations declared that the governors of said territories were authorized, in compliance with said act of 1824, and under the c

persons, whether Mexicans or foreigners, who may ask for them for the purpose

persons, whether Mexicans or foreigners, who may ask for them for the purpose of cultivating or inhabiting them.

By the decree of the Mexican Congress of August 18, 1824, before referred to, the governors of said territories were prohibited, after that date, from granting more than eleven square leagues of said vacant lands to any one person, and the last clause in the bill limits its effect to that amount.

Under the terms of the treaty of Gandalupe Hidalgo, between the United States and the republic of Mexico, in 1848, the Territory of New Mexico was ceded to this Government, and all grants of land in said Territory, made by either Spain or Mexico previous to said treaty, were to be protected by the United States Government, and the rights of all claimants and settlers under said grant were to be recognized and respected.

Mexico previous to said trenty, were to be protected by the United States Government, and the rights of all claimants and settlers under said grant were to be recognized and respected.

In 1854 Congress, in order to put the vacant lands in said Territory upon the market, open them up to settlers, and relieve the several Departments of the Government from the labor, annoyance, and enormous expense growing out of the settlement of these disputed land claims in said Territory, under the said Spanish and Mexican grants, passed an act by which it was provided that a surveyor-general should be appointed for New Mexico, whose duty it should be to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico.

The said surveyor-general was authorized by said act to issue notices to the contesting parties in said land claims, summon witnesses before him, and do all acts necessary to a proper and full investigation of all the said disputed claims which might arise within his jurisdiction.

He was required, after a full hearing and examination of all the muniments of title and the proofs of each claimant, to make a detailed and complete report of all such claims as were based upon grants made previous to the cession of said Territory to the United States under the treaty of Guadalupe Hidalgo in 1848, with his decision as to the validity or invalidity of each claim under the laws, usages, and customs of the country previous to said cession.

The said report was required to be made to the Secretary of the Interior, to be laid before Congress, with a view to confirm bona fide grants and claims, and thus give full effect to the treaty we have before referred to.

The committee find, after a careful investigation, that each one of the claims or grants sought to be confirmed by this bill has been fully heard, examined, and passed upon by the surveyor-general of said Territory, in compliance with the provisions of the said act of Congress of 1854; and that he h

opinions. See the committee have been influenced to a great extent by the findings and decisions of the surveyor-general, owing to the fact that in the hearing upon each case before him he had all the oral and documentary evidence of title and possession, which we have been unable to obtain, and which we do not now deem important in view of his findings.

We believe that public policy, as well as justice to these claimants, demands that the rights to this property should be settled and known:

"In good faith and at great expense they have, in pursuance of our laws, appeared before the surveyor-general, and, after a patient examination of the whole case, have satisfied him that their claims are bona fide and ought to be confirmed; and hence the committee are of the opinion that it is but just and proper that they should be relieved from their anxiety in reference to this property, and that each one of said claims should be confirmed."

Your committee therefore recommend the passage of said bill.

Mr. HOLMAN. I ask that the bill may be again reported.

Mr. HOLMAN. I ask that the bill may be again reported.

The bill was again read.

Mr. HOLMAN. This bill embraces a very large district of land the title of which is vested in the United States by the treaty with Mexico, by which we acquired the Territory of New Mexico. The bill is exceedingly vague in its definitions. It refers to certain reports made by the surveyor-general, as I understand, of the Territory of New Mexico by numbers. The names of the persons who are supposed to be the owners of these lands by grants from Spain and from Mexico are not even mentioned to the House or incorporated into the bill nor is the extent of the lands the titles to which it is proposed. bill, nor is the extent of the lands the titles to which it is proposed to confirm indicated except by reference to these reports which are not in any way incorporated into the bill.

It is almost impossible to imagine an act of legislation more vague in its provisions. It disposes of a vast region of country, covering

many leagues, but refers to documents which do not even seem to be before the House. If it is true that this report, which I presume is a voluminous document of the surveyor-general of New Mexico, is on the Clerk's desk, I ask that it may be read. And I trust the Clerk

will find that report.

The CHAIRMAN. The Chair understands that it is not with the

bill Mr. HOLMAN. It is not even before the House. Any gentleman ion. This bill is can see what is the effect of this proposed legislation. This bill is intended to confirm titles both of grants originally made by Mexico prior to the acquisition of New Mexico by the United States in 1848 and also by grants made by the government of Spain.

The report says:

The grants sought to be confirmed by this bill were all embraced within the limits of said Territory, and date back to a very early day, commencing in 1699, and extending from that time down to the declaration of Mexican independence in 1821, since which time grants have been made by the Mexican government until the cession of said Territory to the United States in 1848.

I understand that these confirmations of titles do not apply to grants made after 1824, three years after the declaration of independence by Mexico from the government of Spain. I must object to this bill on account of its vagueness and want of definition of exactly what its account of its vagueness and want of definition of exactly what its effect will be and what its provisions are. I think it should itself indicate by description in some general form of the lands to be vested, and not leave it to the action of some ministerial officer of the Government, not do it by reference to records which are not even before the House. I think the persons who are to be the recipients of the benefits of this legislation should appear in some form or other and that there should be some description of the amount of land and the number of persons interested. It may involve a large description both of property and persons by a designation of their names, but, sir, this is a very large transaction. I infer from the reading of the report from the Clerk's desk that it covers hundreds and thousands of acres of land. Perhaps the gentleman having charge of the bill will explain to us the extent of this grant.

The titles to lands which were unquestionably good, where there was no doubt but what the property was private property when by the treaty with Mexico we acquired this region of country, have long since been confirmed. For many years after 1848 the legislation of Congress was largely employed in confirming titles to land claims under grants by Mexico and earlier grants made by the government of Spain. For many years after 1848 it was a fruitful source of legislative enactments, and the general belief is that all of the unquestionably good grants that were made in good faith by the respective governments of Spain and Mexico, where the conditions of the grants had been fully complied with, had been confirmed by our Government and the titles of the lands had passed to the persons entitled to the lands. But it must be borne in mind that all of these grants were made on conditions. The chain of titles by which grants are shown would be itself very vague, indefinite, and uncertain evidence. Where grants were well established and the evidence was complete and the conditions had been complied with, I presume legislation has already been had, though no doubt a great body of cases have come down to us of an uncertain character.

But, sir, we are proposing to appropriate a very large portion of the public lands and pass the title of it into the hands of private claim-Of course if the grants were bona fide, made by either Spain or Mexico, and the conditions have been complied with, why, the title ought to be confirmed by our Government. We agreed to confirm them by the treaty, but many years since this Government began to legislate on the subject. How does it happen that at this remote day this vast body of claims should come down for adjudication?

Another thing to which I desire to call the attention of the committee, Mr. Chairman, is the latter clause of the second section of the bill, which provides that the surveys shall be made of these hundreds of thousands of acres of land for the benefit of these private parties at the expense of the United States. I hope gentlemen will appreciate that this is an important provision. Here are vast bodies of country to be surveyed, not merely in their outlines, but subdivided as the lands of the United States are subdivided into sections, half as the lands of the United States are subdivided into sections, half sections, and quarter sections, for the benefit of the private parties whose titles are to be confirmed. Why, after this lapse of time, is that expense to be borne by the Government? I should like to hear from the gentleman reporting this bill on what ground he assumes that the United States should be held responsible through its Treasury for the expenses of making these surveys. If Mexico granted these lands to private parties, and the terms on which they were granted have been complied with, and it is desirable that the grantees should have their lands subdivided so as to make them immediately available, why is it that the Government of the United States should available, why is it that the Government of the United States should bear that expense? And when gentlemen remember that the expense of the surveys of the public lands constitutes a very important item of expenditure the importance of this provision will appear. Sir, I think this bill should not pass without a clearer definition of

what it proposes to accomplish, some descriptions of the lands which are referred to in the report simply by reference to the records, some names of the parties who are to participate in what may be a bounty on the part of the Government, rather than an act of justice in conon the part of the Government, rather than an act of justice in confirming former titles, some statement of what this legislative enactment is, so that this House may know exactly the effect of the passage of such a bill as this. I object to the bill itself; it is on account of the reasons I have sought to urge upon the House. I especially object to the provision of the bill by which the Federal Treasury is to be required to pay the expenses of these surveys for the benefit of these parties. These parties do not claim under our Government. If they did why the Government wight reproduct heavy the consequence. they did, why the Government might properly bear the expenses. They claim adversely to the Government under Spain, under Mexico, and under the treaty of 1848 by which this territory was acquired. If this vast domain is to be granted to these parties and surveyed, I insist that it should be done at the expense of the parties themselves.

I therefore move to strike out in line 4 of section 2 the words "at

the expense of the United States."

Mr. JOYCE. I shall object to any amendment to this bill.

Mr. HOLMAN. My friend cannot avoid amendments.

The CHAIRMAN. The House is now in Committee of the Whole,

and amendments are in order.

Mr. HOLMAN. Amendments are in order, and also debate, as my Mr. HOLMAN. Amendments are in order, and also debate, as my friend will find out. And my friend will discover the advantage to the public interests, how well the public interests are protected by this rule of the House allowing no limit to debate in the Committee of the Whole except under the hour rule, and also allowing amendments. My friend himself, when he shall have obtained the experience in this House which I hope he will obtain, will see the importance of debate and amendment upon bills of this character.

Mr. BUCKNER. Will the gentleman allow me to ask him a question?

Mr. HOLMAN. Certainly.
Mr. BUCKNER. How does the gentleman expect the Government of the United States to ascertain what its own lands are until these surveys shall have been made?

Mr. HOLMAN. I will answer my friend with great pleasure. It is not proposed at this time by the Government of the United States to proceed with the survey of the public lands in the Territory of New Mexico. It is therefore not important at this time that the Government should ascertain what other lands there are to be surveyed.

I will call the attention of my friend from Missouri [Mr. Buckner] to a practice which was deemed very just, so just that notwithstand-ing appeals have been made to both branches of Congress for three years to change the practice, neither branch has yet consented to reverseit. I refer to this: Whenever we make a grant of public lands to a railroad corporation, we incorporate in the bill making the grant a provision that the survey should be made at the expense of the corporation receiving the grant. We have steadily adhered to that practice as a Before the patent is issued for the land so granted the corporation is required to refund to the public Treasury the expense incurred by the Government in making the survey. My friend will remember the case to which I refer, where for three years an effort was made to induce the Government to vary from that rule, the case presented being as strong a case as could be possibly presented, and the Congress has refused to depart from this rule. The question has been asked, Shall the Government give lands to these corporations, and at the same time incur the expense of surveying the lands so granted in order to make them available? and the answer has invalinable to the control of the con

riably been in the negative It is proposed by this bill to survey lands belonging to private par-ties, not for the convenience and advantage of the Government of ties, not for the convenience and advantage of the Government of the United States in making sales of these lands or allowing them to be taken under the homestead law, but for the benefit of private parties; and it is proposed that the survey shall be made at the expense of the Government. That cannot be defended; no precedent can be referred to for such a practice. Gentlemen must remember, and I want my young friend [Mr. JOYCE] to bear in mind, that you are proposing here, by this bill, to withdraw hundreds of thousands of acres of the public lands, under vague, shadowy grants, where no actual possession was ever had of them by the claimants; you are proposing to withdraw these lands from the operation of that humane, that loftler policy of our Government, of securing the public lands to actual setpolicy of our Government, of securing the public lands to actual settlers under the homestead law. You are proposing by this bill to give to a single individual or claimant as high as forty-nine thousand acres of land, instead of dividing that land up into numbers of homeacres of land, instead of dividing that land up into numbers of homesteads for the benefit of actual settlers. It would require very strong proof of the grant either by Mexico or by Spain to justify, in my judgment, this monopoly of the public lands anywhere in this country. Mr. ELKINS. Will the gentleman allow me to ask him a question? Mr. HOLMAN. Certainly.

Mr. ELKINS. The gentleman styles these lands "public lands."

By what authority does he call them public lands?

Mr. HOLMAN. These are public lands, unless they were granted by Spain or Mexico.

by Spain or Mexico

Mr. ELKINS. That is just what the bill says, that they were

granted by the Spanish and Mexican governments.

Mr. HOLMAN. I understand all the features of this "old settler." My friend must not think that an old claim like this is not known

Mr. ELKINS. Then the gentleman should not misstate.

Mr. HOLMAN. They are public lands unless the grant of them has actually been made. Perhaps my friend will tell us how it happened that so long a period of time has elapsed since we acquired this Territory in 1848, and these titles, if they are against our Government, have not been confirmed in some of the constant acts of legislation that occurred for twenty years after that time, especially for the first fifteen years—how does it happen that these claims now crop out? Some of these claims, it is said, run back as far as 1699. Now, if

these grants have actually been in the possession of the claimants, actually held by them, then this long period of possession would itself be sufficient. But my friend will not pretend that there was possession. These are shadowy claims and titles. I have never heard one of these grants carefully discussed in this House, when you had the decourse thefore you that the shadowy character of the slaim was document before you, that the shadowy character of the claim was not apparent in one or two respects, either in respect to the original grant or the compliance with the conditions of the grant. Most if not all of these grants were made upon the condition of settlement,

and in most cases no settlement has been made upon them.

I move to strike out the words "United States" in the second section, and to insert in lieu thereof the words "parties respectively asserting claims to said lands;" so that this survey shall be at the expense of the claimants.

The CHAIRMAN. That is a modification of the gentleman's pre-

Mr. HOLMAN. Yes, sir. I now move to strike out, and to insert after the word "expense" the words "of the parties respectively asserting claim to such land."

Mr. JOYCE. Mr. Chairman, this bill which I had the honor to

report to this House underwent a very close and careful examination, in the first place before a subcommittee, and then before the whole committee; and the committee were unanimous in reporting in favor of the passage of the bill.

It appeared before the committee that in 1821 the government of Spain acknowledged the independence of Mexico; and in consequence of that acknowledgment the land now embraced within the Territory

of New Mexico came under the jurisdiction of the Mexican government By treaty stipulations between those two high contracting parties it became the duty of the Mexican government to take care of and protect the land titles that had been granted by the Spanish government previous to its acknowledgment of the independence of Mexico. These grants which are sought to be confirmed by this bill reach back, as the gentleman from Indiana [Mr. Holman] has said, to 1699, and extend from that period through the time that Spain and Mexico held possession of this territory.

In 1824, some three years after the acknowledgment of Mexican independence, a law or decree was passed by the Mexican Congress, called the colonization law, by which the governors of the various portions of territory or provinces now embraced in the Territory of New Mexico were empowered to grant these vacant lands to persons who applied for it for the purpose of settlement and cultivation or persons who had rendered important services, either civil or military, to the Mexican government. In 1828 a certain set of rules and regulations were established by the Mexican authorities in regard to these lands; and under this decree of 1824 and these rules of 1828 a provision was adopted limiting the amount of land that could be granted to any one individual to eleven square leagues. There was incorporated into the treaty between the United States and Mexico in 1848, known as the treaty of Guadalupe Hidalgo, a similar provision as in the treaty between Spain and Mexico, making it binding upon the United States Government to take care of and protect these land grants which had been made not only under the Spanish authorities but also under the Mexican authorities subsequently to 1821.

As gentlemen will see by reference to the report of the committee, Congress and the different Departments of our Government were for some time annoyed by these claimants, who were continually coming here for settlement of these old Spanish and Mexican land grants. Hence in 1854 Congress enacted a law providing for the appointment of a surveyor-general, to be appointed by the President and confirmed by the Senate, and whose duties are fully set forth in the report of the committee. This officer was authorized by that act to issue notices to the contesting parties in these land claims, summon witnesses before him, and do all acts necessary to a proper and full investiga-tion of all the said disputed claims which might arise within his juris-

He was required, after a full hearing and examination of all the muniments of title and the proofs of each claimant, to make a detailed and complete report of all such claims as were based upon grants made previous to the cession of said Territory to the United States under the treaty of Guadalupe Hidalgo in 1848, with his decision as to the validity or invalidity of each claim under the laws, usages, and customs of the content toms of the country previous to the cession.

Now, by reference to this bill it appears that there are a large num-

ber of these grants that are now sought to be confirmed by this legis-The committee took pains in each one of these cases to refer back to the report of the surveyor-general of New Mexico to see what conclusion he had come to in regard to these claims; and it will be seen that the law of 1854 made special provision that the surveyor-general should hold a regular court. He was to have a full trial upon each one of these cases. He was authorized to issue his notices and subpenas to call parties and witnesses before him, and then a full hearing was to be had. Each claimant came before him, produced all the evidences of his title; all his muniments of title and all his evidence in regard to the cession were put in. Then, if there were contesting parties, of course they were cited to appear, and they had a hearing before this surveyer-general. So that when this officer was through with this trial, the whole matter was adjudicated. He had everything before him, the evidence of all the parties upon all sides in regard to all these contested claims. He had the whole matter before him; and there was a perfect adjudication upon each one of these claims

I said, Mr. Chairman, that the committee had taken pains to go back and look into the history of this matter and see how each one of these claims had been passed upon by the surveyor-general of New Mexico; and in every one of them, without a single exception from beginning to end, there has been a trial before the surveyor-general upon the ground where all the evidence could be collected, where the parties resided, where the records were all kept, where the testimony could all be obtained. In every one of these cases there was a full and complete trial; and in each case the surveyor-general of New Mexico reported to the Secretary of the Interior and to Congress that these claims were bona fide claims, and should be confirmed by Congress. For, Mr. Chairman, by reference to the law of 1854, it will be found that it made further provision that after this hearing, this full adjudication of the matter before the surveyor-general, he should make his report to the Secretary of the Interior that this officer might lay the report before Congress, and that Congress might, if the claims were bona fide, confirm them to the claimants.

Mr. Chairman, I did not suppose that it was possible for any member of this House or any committee to make a report and bring in a bill that would be satisfactory to the gentleman from Indiana, [Mr. Holman.] Nobody expected that; but we did suppose, and do now, that we have a case here in which the facts are so patent and plain upon their face that the House will not hesitate for a moment to consent to the passage of this bill.

Now the gentleman says, how does it happen these cases are so old,

that they have been held back for these long years? For the plainest and best reason in the world, and that is because, in the first place, Mr. Chairman, it took years for these people to get their claims to-gether, to get evidence of their claims in shape to present before the surveyor-general. You will remember also that it was not until surveyor-general. You will remember also that it was not until 1854 that this office of surveyor-general was established so that these claims could be presented to him for consideration.

Mr. DE BOLT. How much land is contained in this grant?

Mr. JOYCE. If the gentleman will not interrupt me I will answer

him when I get through, if he desires to ask any questions.

Now, Mr. Chairman, it was not until 1854 there was any court established by which these claims could be adjudicated. These claimants came here to Congress session after session, made their applications and went away without any result at all. Since 1854 they have been most diligent in regard to this matter; they have got up their testi-mony and presented it before the surveyor-general, made up their claims and come here with his recommendation in every solitary case that the claim is valid and good and the grant ought to be confirmed

Another thing in regard to this bill. The gentleman from Indiana [Mr. Holman] says these are imaginary claims. He intimates that there is no foundation for them. By looking at these papers, by going back and examining the papers in each one of these cases find that those who are asking Congress to-day to confirm these grants are either the legal representatives or the heirs of the person to whom the grants were originally made, or the grantees themselves, and those grantees or their heirs or personal representatives have been from the day the grants were made down to the present time, and are now, in possession of these lands in the Territory of New Mexico. It is not, therefore, any mysterious claim; not some "trumpedup" thing brought in here. Not by any means, for the title was fully

made out before the surveyor-general in each one of these cases.

The gentleman says that the Government ought not to be put The gentleman says that the Government organ to the expense of surveying these lands. Sir, the Government never would have been called upon to make any survey of these lands had it not been for the fact that it has refused to issue patents to the men who own these lands and claim them to-day. That is the the men who own these lands and claim them to-day. That is the only reason. If the Government of the United States had not refused patents these claimants would not come up here to-day asking Congress to survey these lands at the expense of the Government. These grants were made by the Spanish and Mexican authorities to these people who took possession at the time and have held them, either themselves, their heirs, or their personal representatives, ever since. Is it unfair, is it unjust, if now, after these long years of delay and waiting, they come to Congress and ask the United States Gov ernment to treat these lands in the same way it treats other public lands? that is, allow the surveyor to go on and survey them so they may know the boundaries of their possessions and the Government may know what are its boundaries.

Now, Mr. Chairman, in regard to another matter. Here you will perceive, and the committee will perceive, that each one of these claims is referred to by number. As I understand it, they are the numbers given them by the surveyor-general; that each one of these claims has been marked out on the plat of the Government land and numbered in this manner. It seems to me that is all that is necessary in this regard; that it is all that any gentleman can really ask or desire in regard to the location of these lands or the amount of Whatever may be the amount, it is the amount included in each one of these numbered plats. It is the land these people are in possession of, the land granted to them or their ancestors years ago by the Spanish and Mexican authorities, the land they are now claiming before Congress. The land so claimed, and the grant of which is asked to be confirmed, is the land referred to in each one of these numbers. Perhaps the committee might have taken the pains, but it would have taken longer than this session, to have a map made of each one of these parcels of land and brought in here for the satisfaction of the gentleman from Indiana and others, showing the number of rods and perches contained in each one of these pieces of land. But we did not do so. We examined, as I said before, all the evidence presented before the surveyor-general in each and every one of these cases to see that in each case there was a full hearing and a full finding, and we largely based our report upon the adjudication in these different cases by the surveyor-general.

It seems to me the bill is properly protected in every way. Certainly, if it is not, there is no feeling on the part of the committee but to do exact justice as between these claimants and the United States and parties who may have conflicting interests. I repeat, it seems to me the bill is particularly well guarded in all these respects, and therefore, after looking the matter all over, I believe it is the greatest hardship to these men, after having kept them waiting for greatest nardship to these men, after having kept them waiting for years and years, now to refuse to confirm these grants. They have as much title to the lands as if they had paid money for them. Their ancestors paid for them in service to the Mexican and Spanish governments. They always have been in possession of them, and they come now and ask as a matter of justice that their claims shall be confirmed. They cannot sell them or mortgage them. They can do nothing but squat upon them until the Government has given its decision in their favor.

This is all I desire to say in record to this results.

This is all I desire to say in regard to this matter. It seems to me that the bill is well guarded, and that there can be no valid reason why the claims of these bona fide grantees and their heirs should not be

Mr. BLAND. I desire to ask the gentleman a question. I understand there have been efforts made to procure patents from the Department for these grants. I wish to know why the Land Office has not issued patents, and if there has been any ruling of the Land Of-

fice with reference to these claims?

Mr. JOYCE. The proper officer whose business it is to issue the patents cannot do it until the grants are confirmed by Congress

Mr. BLAND. I desire to ask the gentleman another question. How much land do these grants cover?

Mr. JOYCE. That question I cannot answer at this moment.

Mr. BLAND. Has there been any communication with the Land Department in reference to this bill; and, if so, what is their recom-

mendation? Mr. JOYCE. There was a communication between the Committee on Private Land Claims and the officers of the Land Office. Of course that was the first place the subcommittee went to to get information in regard to it.

Mr. WELLS, of Mississippi. Before the gentleman from Vermont resumes his seat, I desire to ask him how much land is embraced in

Mr. JOYCE. The same question was asked a moment ago by the gentleman on my left. It is impossible for me at this moment to state

the exact number of acres.

Mr. REAGAN. It has been stated by the chairman of the Committee on Private Land Claims that the titles which it is proposed shall be confirmed by this bill are honest, good titles in the hands of possessors. If that be so, what is the necessity for a law to confirm those titles? By the treaty of Guadalupe Hidalgo of 1848 the rights of all Mexican citizens in the territory acquired by that treaty are secured to them; land, and everything else. And the treaty goes further, and as to those Mexicans who desired to retain their original nationality and remove from the acquired territory into Mexico, their rights were reserved to them, with the privilege of selling or disposing of their lands as a citizen of the United States could do. Every grant that was a grant under Spain or Mexico was vested in the grantees by this treaty. If there was no title vested in the grantees, and if there were inchoate claims to lands, those were under the control of the Government, and it was competent for the Government, as in the case of the Louisiana Territory and Florida, to adopt such provisions as would secure to the claimants whatever equity might exist on account of these inchoate titles.

I take an interest in this bill because for thirty-seven years I have been looking at the history of the establishment of enormous Mexican claims, which in very many instances were fraudulent and without equity. And as the chairman of the committee may not be acquainted with the system under which these grants originated and with the facts upon which these claims were predicated, and may be feeling, as he has suggested, that justice requires the confirmation of these grants, it occurs to me that it is better to look at some ques-tions that underlie this matter, and see whether he has not been mistions that underlie this matter, and see whether he has not been misled as to the facts, as to the equities in this case, and as to the duties
of the Government in relation to these grants. If, as he says, they
were honest titles under Spain and Mexico, then they need no help
from us. They need no help, and the owners of them can vindicate
their titles in the courts of the country, as any gentleman here can
vindicate a title resting upon a patent from the Government of the
United States. In that case they want no legislation.

We are asked here to confirm nearly fifty grants. The act of 1854
says that none of them shall contain more than eleven leagues of land.
How much is that, sir? Forty-nine thousand and odd agrees. We

How much is that, sir? Forty-nine thousand and odd acres. We propose to confirm here forty-eight grants, each of which may possibly contain more than 49,000 acres. And yet, important as this is, the chairman, who feels so deep an interest in this matter, is unable to give the committee information whether these grants contain 49 acres or 49,000 acres each. It seems to me that where titles to tens of thousands and hundreds of thousands of acres are to be confirmed, it is somewhat incumbent on the committee to have given us some information as to the extent of these grants and the amount of

land covered by them.

Mr. BUCKNER. I desire to ask the gentleman a question. Does he mean to say that there ought to be a difference as to the action of

the committee whether the grant be ten acres or ten thousand acres?

Mr. REAGAN. No, sir. I do not mean to say that the principle would be different, but I mean to say that the fact is so important a one that it ought to have been made known to this House through its organ charged with the investigation of a set of claims that may amount to 2,604,160 acres of land; and that in the face of the fact that if they had good titles they needed no legislation. If they had inchoate claims and not titles, they ought in good faith to have made that fact known to the Government and honestly to have asked for whatever equities grew out of their inchoate claims, and not ask Congress to confirm these inchoate claims in fraud of the rights of the Government and possibly of the rights of other citizens.

Mr. BUCKNER. If the gentleman will permit me, I wish to make

Mr. BUCKNER. If the gentleman will permit me, I wish to make this statement—because his argument seems to be proceeding on an incorrect idea—that the Government of the United States, recognizing that there were inchoate titles in the Territory of New Mexico which they were bound to confirm by the treaty of Guadalupe Hidalgo,

authorized the surveyor-general as a judicial officer to take jurisdiction of these matters and to decide whether these claims were binding on the Government of the United States or not. This officer has reported in accordance with the law, and his report has been approved at the Land Office of the Interior Department, and it is now a question whether Congress shall approve of the judgment of this That is all.

Mr. REAGAN. The gentleman from Missouri is a little mistaken as to the terms of the treaty of Guadalupe Hidalgo if he understands it to mean that the Government of the United States bound itself to recognize inchoate claims to land. It only bound itself to respect titles or rights of property. I have stated the rule that would apply to this, as it was made to apply to the Territories of Louisiana and Florida, that the Government should have the control of the equities in regard to the inchoate claims to lands.

What I said was that honesty, fair dealing, and a direct course required that if these claimants had inchoate claims they should present that fact and enable the Government to decide upon the ques-tion of equities which grew out of their inchoate claims, and not come

here and ask us to do an unnecessary act in confirming valid titles.

Mr. BUCKNER. If these parties have perfect titles under the Spanish government they can assert their titles; but some of these titles are imperfect and inchoate, and therefore it is necessary that the record of their rights should be provided for by legislation.

Mr. REAGAN. I regret, Mr. Chairman, to be drawn into a discussion of a question like this without having had an opportunity to carefully examine it beforehand, and I only enter upon it because of the multiplied frauds that I have seen grow out of the claims under Mexican titles by which the foulest wrongs have been inflicted on the people of the State from which I come and of other States. I desire now to call attention to the eighth section of the act of July 22, 1854, and to direct the attention of the House to its meaning and effect. It provides—

That it shall be the duty of the surveyor-general, under such instructions as may be given by the Secretary of the Interior, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and

Now, it is said here that it shall be the duty of the surveyor-general to ascertain the extent of the grants, but the committee do not

And for this purpose may issue notices, summons witnesses, administer oaths, and do and perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the Territory to the United States by the treaty of Guadalupe Hidalgo of 1848, denoting the various grades of title—

I do not know what "grades of title" means; and we should hardly be able to learn the legal meaning of these words by looking into the laws of Spain, Mexico, and the Indies, under which these claims must have originated-

have originated—
with his decision as to the validity or invalidity of each of the same under the laws,
usages, and customs of the country before its cession to the United States; and
shall also make a report in regard to all pueblos existing in the Territory, showing
the extent and locality of each, stating the number of inhabitants in the said pueblos respectively, and the nature of their titles to the land; such report to be made
according to the form which may be prescribed by the Secretary of the Interior,
which report shall be laid before Congress for such action thereon as may be deemed
just and proper, with a view to confirm bona fide grants and give full effect to the
treaty of 1848 between the United States and Mexico; and, until the final action of
Congress on such claims, all lands covered thereby shall be reserved from sale or
other disposal by the Government, and shall not be subject to the donations granted
by the previous provisions of this act.

Now the point to which I wish particularly to call attention in this section is that the chairman of the committee informs us that the surveyor-general has summoned his witnesses before him to try the titles of these lands. An executive officer, not a judicial officer—a surveyor in the field, not a court of record—has done this. Under what system of laws were these titles tried?

Were they tried before a jury? The Constitution provides that a man shall not be deprived of his right to property except by trial before a jury. Was it the office of the surveyor-general to try titles to land, or was he merely permitted to go there and furnish information on which the Government should act in determining how far it on which the Government should act in determining how far it would respect the equity that may have existed under these inchoate claims to these lands? He was not sent there to try titles. It was for a court with a judge and jury, with its records and rules of evidence and of pleading, to do that. He as an executive officer was only authorized to collect information to enable the Government to determine the extent of the validity of the equities, and not to decide on the validity of titles, as the gentleman from Vermont [Mr. Joyce] suggested. He could not do that; he did not do it; and we are not furnished yet to-day, as I understand what has been said on this subnished yet to-day, as I understand what has been said on this subject, with one word in relation to the nature, character, and extent of the equities of these claimants under the law, but we are furnished with an argument to show that they have got honest, valid titles—that was the language of the gentleman from Vermont—and that they have been adjudicated, tried, and determined in the field without a intermediate of the state of t jury, without a record, without anything that usually accompanies a court clothed by the law and the Constitution with the right to determine questions of title.

Mr. BUCKNER. The title is against the United States and not against other parties. The bill provides that it shall not affect adverse titles. It is a mere act of confirmation.

Mr. REAGAN. Then let Congress provide for the confirmation of equitable claims, not for validating good titles. Under this law there may be tracts of 5,000 or of 49,500 acres of land claimed. How can we know the extent of the conflicting claims to those lands? My experience has been that under Mexican titles, whatever their origin, when they get before any sort of tribunal or commission specially appointed to ascertain the rights of claimants under them, the claimants never get less than they claim, but often much more than they ought to have. I do not know that it is so here, but that is my experience with the history of claims of this kind, and I suspect that there is a great deal in that direction.

But I want to call especial attention to this: What assurance have we that a claim may not be brought here involving 50,000 acres of land, which covers the whole of the claims of thirty or forty other claimants who are just as equitably entitled to the land as the claimants in whose favor the report is made? What evidence have we before us to enable us to determine that in the confirmation of any one of these grants we shall not be striking down the rights of ten or twenty persons who have just as good rights as the claimant for every

title we confirm? Besides, did the Government of the United States on the acquisition of this territory ever promise that it would carry out the Spanish or Mexican system of colonization, by giving eleven leagues of land to each settler? Our policy is to give one hundred and sixty acres to each actual settler, and we think we are pretty liberal in doing that. We did not inherit the system of Spain and Mexico of giving eleven leagues of land to each settler; we never proposed or agreed to adopt and continue any such system, and we never consented to execute any such grants where they remained unexecuted under the laws of that country. This being so, then as a duty which we owe to the Government and to the citizens of this country who may not know of the existence and to the citizens of this country who may not know of the existence of this bill in this House, I say that we should move slowly; we should know our ground; we should see that we are not wronging the Government out of milions of acres of land, that we are not wronging hundreds and thousands of the people of New Mexico out of rights just as good as these, who have just as strong equities as those who come here with their inchoate claims and ask this Government to confirm them into titles. firm them into titles.

It is suggested by a friend near me that this bill may embrace mineral lands. Of course it embraces mineral lands and everything else. 1 think it is meant to embrace everything.

I now want to call attention to the proviso of the first section of this bill, which goes to the question of confirmation of these titles. The section provides "that private-land claims No. 49," and so on to 104, "and the Zia Santa Ana and Jemes Pueblo Indian claim" "shall be confirmed in accordance with the grant by the Spanish or Mexican authorities, as the case may be." Now, what I have to say to the chairman of this committee and to all who are interested in this bill is that, if this language is correct, if they are "grants" from Spain or Mexico, then it is a superfluous act for us to provide for confirming them under the treaty of Guadalupe Hidalgo, which itself confirms them. If this is a correct recital, then the action of Congress now invoked is unnecessary. If it is not a correct recital in that respect, then it is wrong in concealing from us the facts upon which it is proposed that we shall act. If it is a fact that they are but incheate claims, then we have no evidence of the extent of the equities created under these inchoate claims.

The proviso of this section is to this effect:

That such confirmation shall only be construed as a quitclaim or relinquishment of all title or claim on the part of the United States to any of the lands embraced in either of the said claims, and shall not affect the adverse rights of any person or persons to the same or any part thereof.

"Not affect adverse rights!" Yet it is intended to confirm inchoate equities and to exercise a power which has been often construed to take away from all other claimants who have rights in inchoate equities all power to have their titles confirmed. Give these claimants a Government title, and, whatever the purpose of this bill may be, you will cut off all power from any other person holding an inchoate claim to contest the title issued by the Government of the United States.

Therefore this bill is not correct in that respect—is not right.

In conclusion what I have to say is that it seems to me a little strange that in the other Territories of this Union the Government thinks itself liberal and wise when it secures to actual settlers under its pre-emption and homestead laws one hundred and sixty acres each to all of the toiling millions who will go there and sixty acres each to all of the toiling millions who will go there and settle upon the public land and improve and occupy it, while here in New Mexico it is asked to consent, as a part of its policy, to give 49,500 acres of land to a like settler. Are we going to do such a thing as that? If we are going to give an inchoate claimant in New Mexico that much land, why not say that, in Montana, or in Idaho, or in any of the other Territories, he who first settles on the public lands shall be entitled to 40,500 acres and that all others who are there to settle must titled to 49,500 acres, and that all others who go there to settle must buy their lands of him? Shall we do that?

I regret to be called upon to discuss a question like this when I had not a moment's warning of the existence of this bill until I heard the remarks of the gentleman from Indiana, [Mr. HOLMAN.] But from a somewhat prolonged acquaintance with this description of land titles, and from a somewhat extended knowledge of the frauds by which they have been from time to time confirmed, I felt it to be a duty to the rights and interests of the Government and of the peo-

ple of New Mexico to make this brief exposition of the principles involved in this bill, and to enter this earnest protest against the wrong you will commit against the government and the people of New Mexico, and all the laudless people of this country who are seek-

ing homes, if you pass this bill.

Mr. ELKINS. I thank the gentleman from Texas [Mr. Reagan] very much indeed for pretending to help, as he claims, the citizens of New Mexico by his argument here. But I will tell him that this bill is framed in the interest of the people of New Mexico, and the gentleman mistakes the proposition and does not understand the bill of which he is speaking when he says it is not in the interest of the people of New Mexico.

A great deal has been said by the gentleman from Texas [Mr. Rea-GAN] and the gentleman from Indiana [Mr. HOLMAN] about the injustice and the vagueness and the indefiniteness of these private land claims. Now, I challenge either one of those gentlemen to show wherein there is anything vague or anything even approaching to it in any one of these claims from beginning to end. I beg here to inform this committee of the history of these private land claims. The gentleman from Texas, with his distinguished career as a lawyer and a public man, ought to know how New Mexico became a part of the territory of the Government of the United States. It was obtained

by conquest and by treaty.

One of the articles of that treaty provides that the people who shall remain in the Territory and become citizens of the United States shall be protected in their property without any tax or charge on the part of the Government of the United States. Just here I want to tell the gentleman from Indiana, [Mr. Holman,] when he talks about the expenses of the Government in adjudicating and surveying these private-land claims, that it is in accordance with the treaty in which this Government has severelly pladged its faith to protect these peoples. this Government has sacredly pledged its faith to protect these people that these lands should be surveyed at the expense of the Government; and I will tell him for his information (although he seems to hold all the information on these subjects bundled up within his own head) that the Commissioner of the General Land Office, from year to year in his reports, has recommended that these grants shall be surveyed at the expense of the Government as a matter of justice to the owners thereof. At the last session of Congress the Committee on Appropriations recommended an appropriation of \$10,000 for the survey of private land claims. Yet the gentleman says that this measure is without precedent. I hope he will excuse me for suggesting that he does understand the facts in this case.

Mr. HOLMAN. I did not say there was no precedent. I said that

the precedents on this subject did not justify this policy. I knew

what the precedents had been.

Mr. ELKINS. I am very sorry if I misunderstood the gentleman.

But, sir, the survey of these grants has been recommended time and again, and at the last session this House voted, as I have stated, \$10,000 for the survey of private land claims in New Mexico. intend, if the committee will indulge me, to explain, so far as I can, the history of these private land grants and urge some reasons in support of the bill under consideration. In the first place, I want to call the attention of the committee to one of the provisions of the treaty of Guadalupe Hidalgo, by which New Mexico was ceded to the United States.

Article 8 says:

Article 8 says:

Mexicans now established in Territories previously belonging to Mexico, and which remain for the future within the limits of the United States as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said Territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said Territories may either retain the title and rights of Mexican citizens or acquire those of citizens of the United States; but they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said Territories after the expiration of that year without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said Territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected.

The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy with respect to it guarantees equally ample as if the same belonged to citizens of the United States.

It will be borne in mind that in 1850 this country became a part of

It will be borne in mind that in 1850 this country became a part of the United States. In 1854, as soon as the question could be understood, the Congress of the United States, at the instance of the people of New Mexico, who demanded that the titles to the grants made to them and their ancestors by the Spanish and Mexican governments should be quieted and adjusted, and in obedience to the treaty, passed the act "to establish the office of surveyor-general of New Mexico, Kansas, and Nebraska," &c., the eighth section of which the gentleman from Texas [Mr. Reagan] has read. It was not for the people of New Mexico to question this law but to obey it, although ladmit that it was not a law fair to the people, but one under which they have been embarrassed and delayed in securing a recognition of their titles for twenty years; but nevertheless it was the law. That law provided "that it should be the duty of the surveyor-general, under such instructions as might be given to him, to ascertain the origin, nature, character, and extent of all claims to lands under the laws, usages, and customs of Spain and Mexico, and for this purpose to perform all other necessary acts in the premises. He shall make a full report on all such claims as originated before the cession of the territory to the United States by the treaty of Guadalupe Hidalgo,"

Here, sir, the power and authority to examine and pass upon these grants was vested in the surveyor-general, wisely or not I will not pretend to say. Certainly the act proved burdensome enough to the

people and put them to great expense in proving up and establishing the titles to the grants upon which they lived.

But what could the people do but follow this law? The gentleman from Texas [Mr. Reagan] talks about inchaate rights and titles. Sir, these are absolute grants, and vest a title in the grantees just as valid and good as the title under which the gentleman holds the house in which he lives. There is nothing inchoate, nothing imperfect in these grants; they are absolute.

Mr. REAGAN. Will the gentleman allow me to ask him this ques-

tion: If these are absolute grants, perfect grants, what is the use of

this legislation?

Mr. ELKINS. I will answer the gentleman, and I beg to be interrupted by all such questions. These are absolute grants; but the Government of the United States does not know where they are sitnated nor how to distinguish them from public lands. The surveyors of the Government lands have in many instances run the public lines over them, and thus they have been made the subject of pre-emption and homestead. In this way unutterable confusion has arisen. This matter has been fruitful of litigation and expense to the people. How can these claimants establish a good title so long as the title of the United States is not relinquished in some formal way? The Government of the United States has no legal right to these grants. Ejectments can be maintained upon these titles, and have been, in the courts against trespassers and persons claiming without title. But, sir, the time is coming when the public lands of the Government must be located and determined and when private land grants must be known as to their extent and limits. That is the reason this bill in the grants with the Carlot of the Court of the Carlot of the Ca It is both in the interest of the grantee and the Govis necessary.

Does not the gentleman from Texas know that in California there was a commission for a long time adjudicating claims of this kind, the Government confirming the grants, and the surveys made at the cost of the Government and patents granted? The gentleman must know that similar questions have arisen in connection with the cession of Louisiana territory from France. These are not new questions. In the gentleman's own State they are to-day adjudicating Mexican grants made prior to the independence of Texas.

I submit, Mr. Chairman, that it is easy for gentlemen to get up here and talk about indefiniteness; it is easy to make objection to any bill that comes before Congress; but when any gentleman can present here good reasons why these grants should not be confirmed, I am confident such reasons will receive respectful consideration and be fully

What did the gentleman from Vermont [Mr. JOYCE] having charge of this bill suggest? That his committee—as intelligent possibly as any committee in this House—had considered each of these cases. I want to state what each case means. Take No. 49 for instance; it came, as all others before this Congress, through the Commissioner of came, as all others octore this Congress, through the Commissioner of the General Land Office in this way: The people of New Mexico under the law of Congress were obliged to put their titles before the surveyor-general for examination; he was authorized to take testimony as to the nature and validity of the grants, the time of occupation, &c. Everything of that kind was adjudicated by the surveyor-general. I know that that officer was not regularly a court; but the Congress of the United States had invested him with the powers of a court in a certain sense so far as this question was concerned, and the people were compelled to submit to this procedure apparently irregular as it was. What does the gentleman from Texas mean when he says that this was a court which had no record, no jury, and no appellate tribunal?

Mr. REAGAN. I want to call the gentleman's attention to the fact that under the law the surveyor-general did have appropriate func-tions to ascertain the facts and report them to Congress for its action. That was what I stated; and I stated further that there were no records, no jury, no authority to determine questions of title. I did not state what I state now, that any such action would have been null

and void.

and void.

Mr. ELKINS. Mr. Chairman, here was an act of Congress which said to the people of New Mexico, "You shall do so and so." The people, following that act, went before the surveyor-general.

The gentleman says that that officer had no records before him. Why, sir, the original grant made by Spain or Mexico and all the papers were before him. Witnesses as to occupation and extent were before him. before him. How could the question be determined unless the original

grants were there?

Now, Mr. Chairman, it is no fault of the people of New Mexico or of these claimants that the Congress of the United States prescribed this method of proceeding. The gentleman may ask, Why did they not leave it to the courts? The gentleman from Indiana, [Mr. Hol-MAN,] not understanding the modus operandi, could not consistently with his nature, of course, do otherwise than object to this bill; but I am astonished that the gentleman from Texas failed to understand its provisions, and objects so earnestly. Possibly he might have understood that it was a court entitled to the same respect as any other

court. But the Government of the United States took the cases out of court and compelled these people, against their will, to file their muniments of title with the surveyor-general and submit to his decision. In many cases, sir, he has rejected their claims.

Again, I wish to call the attention of the committee to another fact. Each one of these claims is reported upon evidence in print before Congress. The grant, the translation of the grant, the act of possession, the testimony of witnesses, is all printed and in the hands of the committee who reported this bill. It has been laid before Congress and is now in print before this very House. I hold in my hand two large volumes of this evidence. Here the original grants and testimony taken before are printed by the surveyor-general in pur-suance of law, and yet gentlemen get up and say they want to know about these claims; that they want to understand the vague and in-definite claims to these lands; that they want to know why and upon what ground the public lands should be given to these people! Gentlemen rise and talk about public lands and the giving away of

I know how sensitive we all are about giving away anything, and particularly about taking anything. [Laughter.] The gentleman wants to defeat this bill by asserting that it is the giving away of public lands. There is no public land in this case. The claimants here have been upon these lands, they and their ancestors, in some instances near three hundred years. It is giving nothing to them; it is giving nothing away on your part, for you never had it to give away. If you confirm these grants you merely carry out the sacred treaty obligations of the Government to these people; you merely fulfill the treaty stipulations made on the part of the United States with the republic of Mexico.

The gentleman makes the argument ad hominem that if you do this for the citizens of New Mexico, why do you not make the same grant to other Territories? It is unworthy of the gentleman from Texas, it is unworthy of such an able lawyer as he is, to talk about giving 49,000 acres to each of the citizens of other Territories. No one knows better than he that this is an unfair argument. It is giving nothing to the citizens of New Mexico, nothing more than what they are entitled

to by right and justice and equity.

Mr. REAGAN. If we give these lands to New Mexico, is it not equitable and just that we should give like grants also to the other

Territories '

Mr. ELKINS. No one wants to give anything belonging to the Government to these citizens of New Mexico. The Government never had any title to this land. It belonged to these people and has belonged to them and their ancestors for hundreds of years. They merely ask you to take the hands of the Government off so that they may remain in quiet possession of their lands. They are in posses

Mr. ELKINS. I will answer that as I have heretofore. The Gov-

ernment sends surveyors over these lands and subdivides them, and along comes some man who enters a pre-emption claim, and then of course there is conflict between the pre-emptor and the original grantee. These people have the fee-simple right to this land under the treaty of Guadalupe Hidalgo, and no one knows it better than the gentleman from Texas. We solemnly stipulated in that treaty that these people should be protected in their property. They were protected under the very same treaty in California.

Now what is the history of this whole matter? Mr. Benjamin, who now resides in London, one of the ablest lawyers who ever held a seat in the United States Senate, was the first man who reported some of these cases. He reported favorably and they were confirmed. Mr. Orth, now our minister at Vienna, next made a report on some of these grants examined by the surveyor-general. Here is his report made to this House, and I wish to read a portion of it with the permission of the committee. He says:

mission of the committee. He says:

The bill herewith reported also provides for the issuing of a patent in each case. It is not assumed that a patent is at all necessary in order to confer or confirm title in these cases, for we are aware that our Supreme Court has decided that confirmation by act of Congress and approved survey under it are sufficient evidence of title without any patent; but we believe it due to these claimants, whose original title-papers have heretofore been surrendered to our Government, that they should not be put to the trouble of providing, each for himself or herself, a copy of the treaty of Guadalupe Hidalgo, of the act of Congress of July, 1854, of the act of Congress confirming such title and the survey under it, in order to feel assured that the lands which in some of these cases have been in the possession of these claimants or their ancestors for one hundred years is really their property.

I call the attention of the committee to this act of Congress. Every man who had a grant deposited his grant in the surveyor-general's office. There you have them all, and now you will not confirm the You compelled them to take to the surveyor-general their muniments of title; you heard witnesses; you passed some cases and you reject others; and now, when the cases which were reported favorably by the surveyor-general come up to Congress, there are gentlemen here ready to get up and talk about giving away the public domain. But let me continue the reading of Mr. Orth's report:

As American citizens they are entitled to a simpler evidence of title, and such as is given to our citizens who acquire real estate from the Government by the various modes provided by our laws.

In some of the acts heretofore passed in reference to lands under said treaty with Mexico patents have been required to be issued, while in others this has been

overlooked; hence we provide furthermore in this bill that in all cases in which confirmation has been had without the issuing of any patent such patents shall be issued, thus placing all claims under said treaty upon an equal basis.

Now, Mr. Chairman, I wish to answer while I am up on this occa-Now, Mr. Chairman, I wish to answer while I am up on this occasion the gentleman from Indiana when he says that all the good titles have been long ago confirmed. That is a very broad statement. Any one can get up and talk that way, but such, sir, is not the case. The gentleman is mistaken. Cases have been reported and are being reported, and will be reported as long as this act of Congress is in existence, unless you repeal it or until all the grants are confirmed. It is only with the greatest difficulty you can get action on one of these cases. These fifty cases have been distributed over eight or ten years. They are now before this House, and just as might be expected, gen-

They are now before this House, and just as might be expected, gentlemen get up and object to their confirmation and say that you are robbing the Government of its lands!

Now, Mr. Chairman, I deny that all the good grants have been confirmed, or that all but vague and uncertain grants have been confirmed, as the gentleman states. That is not the case. Mr. Orth in his report and Mr. Benjamin in his report have stated that these lands, instead of belonging to the Government, have been in the possession of the claimants in some instances one hundred years before this nation care into every contract of them in their possession should the came into existence, and some of them in their possession about the came into existence, and some or them in their possession about the time the Pilgrims landed in New England. And such is the case with many of the grants in this bill. Yet the gentleman says are we going to give away the precious public domain? Why, sir, you never had this land to give away. And you lose not an inch of the public domain by passing this bill. You only comply with the treaty and do an act of simple justice.

The gentleman from Indiana and against to appeal to the sensitive.

do an act of simple justice.

The gentleman from Indiana endeavors to appeal to the sensitiveness of the House about the expense. The gentleman says, "O, the expense of this!" That is the gentleman's forte. Expense! And every time he can attack a bill on the ground of expense he thinks he can compel the House to follow him. And now, as the gentleman wants to maintain a consistent record, he must fight this, right or

wants to maintain a consistent record, he must light this, right or wrong. He does not consider any rights in the parties for whom this bill is reported, but he gets up and says, "Here is some of the precious public treasure about to go, and although for a legitimate purpose, I must in being true to myself oppose it." I will say to the gentleman that when he is more sensitive as to the treaty obligations of the Government, and less sensitive in such a case as this about the publie Treasury, it will be better both for him and the honor of the Govern-

ment of the United States.

Now these people, as I have said, have time and again asked the executive department of the Government that these lands should be surveyed at the expense of the Government. I do not know where surveyed at the expense of the Government. I do not know where the gentleman from Indiana was when this appropriation of \$10,000 was got through last session. I suppose he was sick. [Laughter.] If the records are examined I am quite sure it will be found that he was not in the House on that day. If he had been, it never could have passed without the ever-constant and never-dying objection to expense. The gentleman never could have made such a mistake as being present and not objecting. It seems the gentleman must oppose everything, however right and proper it may be and no matter what committee reports it, if it involves expense. I have long watched his career, and while it may be worthy of commendation in some respects, I think it open to criticism in others. Constant negation is not the only element of a great stateman and the Government cannot be cononly element of a great statesman and the Government cannot be con-

only element of a great statesman and the covernment cannot be conducted on the principle of negation.

Mr. GARFIELD. Does the gentleman allude to the gentleman from Indiana, [Mr. HOLMAN?]

Mr. ELKINS. I have been making some reference to him, and I thought his photograph was sufficiently well drawn to be recognized.

Now there is another question. The gentleman from Indiana says: "Are you going to subdivide all these lands for these people?" The bill, Mr. Chairman, proposes a survey of the exterior boundaries to separate the Government land from this private land, and it is the separate the Government land from this private land, and it is the duty of the Government to do this. If a man owns property all around my property, as a matter of justice and right he should make the survey of the boundaries at his own expense. But here you have the treaty, which is a higher authority than any objection the gentleman can make, and higher than any act of Congress, which says that these people shall be protected. Now, what do you do? You compel the people to go before the surveyor-general to prove their titles at immense expense in the employment of counsel, the payment of witnesses' fees and all that and then you compel them to come nties at immense expense in the employment of counsel, the payment of witnesses' fees, and all that, and then you compel them to come to Congress to have their grants confirmed at the end of stubborn resistance, and after they are confirmed you say to them, "You shall pay for the survey of your own land, and tell the Government where its lands are situated." I say that this is against the common principles of justice and against the provisions of the treaty of Guadalupe Hidalgo, by which these people are protected in their land and by which they came into the United States.

The gentleman says that some of these lands are not in satural says that some of these lands are not in satural says that some of these lands are not in satural says that some of these lands are not in satural says that some of these lands are not in satural says that some of these lands are not in satural says.

The gentleman says that some of these lands are not in actual pos The gentleman says that some of these lands are not in actual possession of the grantees. The committee examined this question. It would have taken a bill as long as from here to Richmond, Virginia, to incorporate what the gentleman wanted. You must take some things for granted. The committee knew what they were doing when they reported this bill; and the gentleman ought to give some weight to their report, unless he wishes to brand the committee as incompe-

tent or unfair. The committee had each case before them; the sureyor-general had each case before him; so had the Commissioner of

the Land Office; and this is their report.

The gentleman from Texas [Mr. Reagan] says eleven leagues of land amount to 49,000 acres, and fifty claims of 49,000 acres each will cover nearly three millions of acres. I will answer the gentleman. Some of these claims, Mr. Chairman, amount to 2,000 acres; some to 5,000 acres; some to 30,000 acres or more; and in some instances there are as many as three hundred claimants or more in all of the original grantees and their descendants. The grant is sometimes to one man; sometimes to three, to five, to ten, and seventy men; and a whole county is sometimes located as colonization claims. This is the history of the transaction, and neither the gentleman from Texas nor the gentleman from Indiana can deny it.

Mr. Chairman, this may be voted down upon the declaration of the gentleman, with his wave of the hand, that it is not right, that it is wrong. But I warn you that if you do this you violate the treaty made by this Government with the government of Mexico. Now, I deny—and I do so for the information of the House and not with any bad feeling toward the gentleman from Texas—that there is anything here about inchoate titles. As I said before, I could read one of them for the satisfaction of the committee, if the committee had patience to listen to it. The gentleman ought to know that they are made by the legally constituted authorities, approved in most instances by the departmental assembly, and have all the formalities of law attaching to them. Why, then, does the gentleman talk about inchate titles and the Government giving away these lands? There is nothing in

this position.

The gentleman says that the nature and extent of the lands are not known here. If he had read the executive documents in each case he would have found statements of the extent of the lands and how long the claimants had occupied them, as also the original grants, translations, and evidence in each case, all of which was before the committee and printed. If the gentleman from Indiana had been half as industrious to do that as to look after the Treasury and to object to everything, he might have arrived at a different conclusion. But I believe if the Lord's Prayer was incorporated in a bill or presented by itself the gentleman from Indiana would want it amended or sent to some committee or voted down entirely. There is no qu stion that he would do this in the minds of those who know him. [Great laughter.]

Now, Mr. Chairman, there is another question to which I wish to refer. I know I am trespassing upon the time of the House, but I must beg its further indulgence.

Several Members. Go on; go on.
Mr. COOK. I rise to a question of order. There is great confusion in the House from gentlemen crowding around the gentleman who is speaking. This is a matter of great interest, and the whole House ought to have an opportunity of hearing the gentleman who represents the Targit of the Targit of

sents the Territory.

The CHAIRMAN. The committee will come to order.

Mr. ELKINS I speak fast on this subject and I speak earnestly.

I speak fast because I know how valuable the time of the House is, I speak fast because I know how valuable the time of the House is, and I speak earnestly because I know this is right, absolutely right, that these people have rights as a matter of justice, and rights covered by treaty and protected by laws of the United States. Now, if gentlemen will read the bill fairly, they will see that there is no cause for any difficulty about this. The gentleman from Indiana professes to appear as the champion of my people. He says, "If you confirm these grants a great many good people will be deprived of their homes." Now, it is in the interest of these people who own the lands that I want this bill passed, in order to settle the lines between Government lands and these grants. ernment lands and these grants.

Now, sir, this bill is drawn carefully. It provides that such confirmation shall only be construed as a quitclaim or relinquishment of all title or claim on the part of the United States to any of the lands embraced in either of the said claims, and shall not affect the adverse rights of any person or persons to the same or any part

thereof.
What is meant by adverse claimants? Other people who may have an equal interest in the lands, so that if the claim is confirmed to one man and another claims it he can assert his right; this is a saving clause protecting the adverse claimants, and that is what it is put in the bill for.

The gentleman from Texas [Mr. REAGAN] says that he has had thirty years' experience in connection with the land laws. I cannot measure years with the gentleman nor knowledge, but I can say that I have given some attention to the subject, and think I understand it, and I am willing, if any gentleman wants information, to be

catechised to any extent and to any length.

Mr. RIDDLE. The law provided that the surveyor-general should ascertain the amount of land involved in these claims. I would ask the gentleman from New Mexico if the exact number of acres in each

claim should not have been reported to Congress before Congress was called upon to confirm the titles?

Mr. ELKINS. I will answer the gentleman, and I am glad to answer all questions. One of the objects of this bill is to provide that the lands shall be surveyed, so as to ascertain the exact number of correction these claims.

acres in these claims.

Mr. RIDDLE. But should not the claims have been surveyed before being confirmed by Congress?

Mr. ELKINS. Well, if you were to make such a proposition as that, the gentleman from Indiana [Mr. Holman] would be on his tiptoes to know why the Government was called upon to survey lands

toes to know why the Government was called upon to survey lands which it has nothing to do with.

I will answer the gentleman from Tennessee and do it fairly. In the petition of the grantee in each there is an approximation to the number of acres. You should bear in mind that the Mexican government had no such regard for the public domain as we have. For the purpose of colonization they granted larger bodies of lands than are contained within the limits of some of your States. They did not grant them by acres, about which they knew nothing, but from the top of such a mountain to the borders of such a river, three, ten, twenty, or thirty miles, if you please, and whole colonies settled upon them. In this case the surveyor-general requires every man putting in a claim to state to the best of his knowledge the number of acres embraced in it.

Now, to make a preliminary survey would, in some cases, cost \$500 or more, and we must add to that the expense to which claimants would be put in going several hundred miles to the nearest court and bringing his witnesses with him. Suppose a claimant makes a survey, and the Government, after that survey has been made at his survey, and the Government, after that survey has been made at his expense, sees fit not to confirm the lands he claims, but some other lands with a different area. I can assure you, sir, that the bill is carefully guarded, and I submit to the House that it is better to say that the Federal Government, with all its appliances and officers, shall survey the lands at its own expense and have control of the entire matter than the grantee. It may appear unfortunate, I know, that God Almighty did not create some other agency than weak humanity to expense a but you must submit to the existing status. manity to execute laws; but you must submit to the existing status, you must trust to men—officers and surveyors; and I submit to the House that until another agency can be constituted we must intrust the administration of laws to officers, taking all the risks as to their

fidelity and honesty.

If there is anything wrong in this bill, anything that is not exactly glit, vote it down. I have used my best efforts as the representaright, vote it down. I have used my best efforts as the representative of the people of New Mexico to get action by Congress. You will not give us either a court or commission. The gentleman from Indiana [Mr. Holman] would object that it would take money out of the Treasury. I introduced a bill here to confer jurisdiction in these cases on the district court of the United States, and I was met with the statement "O, no! we cannot trust the courts. We cannot go to the additional expense; it will not do," while the people there are proceeding under the law at the same time. Now what are you going to do! There are claimants holding private land claims in good faith which they and their ancestors have lived on for a hundred years or more. All they ask is that the Government shall withdraw from asserting any claim. But even after passing this law the Government will still have control of the matter down to the issuing of the patents. If any person, the Attorney-General or any other officer, says there has been fraud in a given case the claim can be set aside. The Government retains all the power in its own hands at every point in the proceeding, and certainly would not survey a grant by any other boundaries than those expressed in it.

Now, sir, as I said before, it is I know an inopportune time to talk

to this House about anything relating to lands; and how easy it is for gentlemen to get up in this House and talk about "our lands," when these lands do not belong to the Government, and never did. Before you had a Government at all these lands were, and there was a title to them; and let me say to the gentleman from Texas [Mr. Reagan] and the gentleman from Indiana [Mr. Holman] that the papers in relation to these claims have not only been before the Commissioner of the Land Office in the Spanish language, but translated into English, and they are now before the House printed in both

Mr. REAGAN. Allow me to ask the gentleman a question. If it is necessary to redefine the boundaries of these land grants, why put into the bill a provision that the United States Government shall

issue patents for them?

Mr. ELKINS. I will state some reasons. I state as a legal proposition that the title secured by confirmation by act of Congress is

Mr. SAYLER. I would ask the gentleman if the sole purpose of this bill is to restore to a few people in New Mexico legal titles to a body of land so enormous that this House can scarcely conceive of the extent of it, and to dispose of the equitable rights of every settler on the lands?

Mr. ELKINS. Not at all. Mr. SAYLER. It does confirm the title, and the Supreme Court Mr. SAYLER. of the United States has decided that an equitable title in a settler

against a title confirmed by Congress is no title at all.

Mr. ELKINS. The gentleman cannot show any such decision. In respect to the public lands as settled by settlers the statement of the gentleman of the law is correct; but in respect to a Spanish or Mexi-

can grant confirmed by Congress, it is not so.

Mr. SAYLER. These Spanish grants are generally surveyed in such manner as to cover about three or four times as much as they were originally intended to cover. As a member of the Committee on Private Land Claims of the last House, and as a member of the Committee on Public Lands of this House, I desire to say that there is no

possible matter in which there is so much fraud as the manner in which these claims are made to extend from hill-top to valley, and from stream to stream, until they generally succeed in getting about three or four times as much within the limits of the Spanish grant as really belong to it. That is the reason why persons who hold these grants are so anxious that their titles shall be confirmed by Congress against the interests of the settlers who have gone in good faith upon these lands, recognized so long as the public lands of the United No question comes before the Committee on Public Lands oftener than questions such as this, and in my opinion this bill deserves serious consideration.

Mr. ELKINS. The gentleman has made a serious charge against the friends of this bill and against my people, and I will answer him. The people who have settled on these lands do not claim under the United States but under grants made by Spain and Mexico, and this bill saves the rights of all adverse claimants; it says so in terms. These are not like the public lands; the gentleman is entirely mistaken in that. I defy him to point to a decision, such as he has re-

Mr. REAGAN. Can the gentleman point to a decision that does not subordinate an inchoate title or equity to a grant made by the Government? I call the attention of every lawyer of this House to the fact that the unbroken line of decisions from the earliest date to this time has been as stated by the gentleman from Ohio, [Mr. SAYLER,] and no distinction is made between Spanish and Mexican titles or any other. The Government reserves to itself the right, as all governments reserve to themselves the power, to control all equitable and inchoate titles, and a confirmation by Government of such a title

settles the question against all others.

Mr. ELKINS. I think I have been very patient and indulgent to these gentlemen in answering their questions. The decision as stated by the gentleman is true as to the public lands. But the gentleman does not understand the question now before us. It is not that the These lands be-Government is called upon to grant public lands. These lands be-longed to these claimants before the Government had any jurisdiction there at all, and the gentleman from Ohio [Mr. SAYLER] ough, certainly to know that. The decision the gentleman quotes is not good

law in this case.

I have trespassed upon the patience of the committee much longer than I expected, and I am greatly obliged for the attention which has been given me and for the questions put to me by gentlemen.

Mr. GARFIELD. I have not heard all of this discussion. I would

like to inquire what is the theory of the gentleman from Texas, [Mr.

Mr. ELKINS. As I understand it he says that these are not grants, but that we want to make them grants. He says they are incaoate titles, not absolute grants by the Spanish government. I say they are grants; the grants were before the committee, every one of them, and they are absolute in their terms, grants in fee-simple.

Mr. GARFIELD. Then it is a question of fact.

Mr. ELKINS. I can only give my word for it, and the word of the committee for it. You have heard the gentleman from Vermont, [Mr. Joyce,] and the gentleman from Missouri, [Mr. Buckner,] who is just as good a lawyer as any of those who oppose this bill. He has

looked into this question and he knows what these grants are.

Mr. GARFIELD. I would like to inquire of the gentleman from
Texas [Mr. Reagan] if that is the issue between him and the gen-

Mr. GARTIELD. I would like to inquire of the gentleman from Texas [Mr. REAGAN] if that is the issue between him and the gentleman from New Mexico, [Mr. ELKINS.]

Mr. REAGAN. Partly. I said that if these were perfect grants, there was no use for more legislation to make them perfect.

Mr. ELKINS. You have done so for twenty years in California; and hardly a week passes but what you do it in California.

Mr. REAGAN. The gentleman has reference to equities.

Mr. ELKINS. I do not speak about equities. One word more. The gentleman from Texas [Mr. REAGAN] has tried to frighten us about mineral lands. Well, if the Spanish government gave the fee-simple title to a certain piece of ground, how are you going to get the minerals out of it after you have made this treaty? How will you take it away from the grantee? If the Spanish government owned this land and parted with the title to it, or if by the revolution of 1821 it became the property of the Mexican government and that government confirmed the grant, because the Mexican government became the successor to the Spanish government and ratified these grants, and being in fee-simple, of course they embraced all the minerals in the land. Why not? The Government is not robbed by that, nor injured in anywise; but to refuse to confirm these grants is an injusinjured in anywise; but to refuse to confirm these grants is an injus-

tice to the grantees.

One word more. The gentleman from Ohio [Mr. SAYLER] says that these grants may be extended so as to embrace three or four times as much as was originally intended. This cannot be, because they all have natural metes and bounds; and if the surveyors employed and paid by the Government do not survey them accordingly, whose fault is it? But should that prevent you from doing justice in this case?

You have your laws, and humanity is delegated to execute those laws. Now, Mr. Chairman, I call the attention of the committee to the Louisiana purchase. Portions of the cities of Saint Louis, Carondelet, and other places are upon grants precisely similar to these, measured by arpents and leagues. Every member from Missouri and from Louisiana knows that grants of this kind are nothing new in those States. The case is the same with California and in part with Florida. Why should New Mexico be excepted from the operation of

the same law

the same law?

To close what I have to say, the people of New Mexico have in good faith proceeded under the law of Congress; they have filed their titles, and those titles have been adjudged. As a matter of law, this question is res judicata. You have established your tribunal; you have fixed the time and place for the determination of these claims. All the people of New Mexico ask is that you shall carry out that act just as you told them you would. What objection is there to it?

I leave this question in the hands of the committee. I challenge the proof that there is one fraudulent claim included here. Most of

the proof that there is one fraudment claim included here. Most of them are from one hundred to two hundred years old; some of them thirty and forty years; none less than that. As to the eleven-league clause, it was put in the bill to prevent claimants taking more land than they were entitled to. Prior to the colonization laws of 1824 Spain they were entitled to. Prior to the colonization laws of 1824 Spain and Mexico could and did grant any quantity of land to one or more persons. After that date, however, by law a limit was placed upon the power to grant, which was not more than eleven leagues in area should be given to one individual. This was the law.

Mr. HANCOCK obtained the floor.

Mr. HOLMAN. In order to test the sense of the committee upon this bill, I move to strike out the enacting clause.

Mr. HANCOCK. I believe I am recognized, and I do not yield to the gentleman from Indiana for that motion.

The CHAIRMAN. The Chair has recognized the gentleman from

The CHAIRMAN. The Chair has recognized the gentleman from

Texas, [Mr. Hancock.]

Mr. Hancock.]

Mr. Hancock. Mr. Chairman, I wish to make a few remarks in relation to the pending bill. I know very little more about it than my colleague, [Mr. Reagan,] who has spoken upon it; but taking the report of the committee as reliable in regard to the facts, (and I do not feel that I have any authority to question their veracity,) it seems to me there is really nothing in this bill that can be rightfully complained of. I do not know that the United States Government has pursued the wisest course in adjusting the rights of these parties as secured by the treaty of Guadalupe Hidalgo; but it is the course that has been adopted and acted on uniformly in all that portion of territory acquired from Mexico under the terms of that treaty.

Mr. HOLMAN. If the gentleman from Texas will yield, I will make

a motion that the committee rise.

a motion that the committee rise.

Mr. HANCOCK. Mr. Chairman, if I yield for that motion, shall I be entitled to the floor when the Committee of the Whole resumes the consideration of this bill?

The CHAIRMAN. When the House again goes into Committee of

the Whole on the Private Calendar, the gentleman from Texas will be entitled to the floor upon this bill. Mr. HANCOCK. Then I have no objection to yielding for the mo-

tion that the committee rise.

Mr. HOAR. I rise to a parliamentary inquiry. If after the motion that the committee rise a motion should be made to strike out the enacting clause of this bill—which is the motion that the gentleman from Indiana indicates his desire to make—would not that motion, which is undebatable, take the gentleman from Texas off the floor?
The CHAIRMAN. According to the view of the Chair, the motion

to rise in Committee of the Whole is equivalent to the motion to ad-

journ in the House.

Mr. HOAR. I understand that.

The CHAIRMAN. And the motion to strike out the enacting clause would not be in order pending the motion that the committee

Mr. HOAR. Will the gentleman from Texas be entitled to the floor to conclude his speech before the floor is assigned to anybody else to

to conclude his speech before the floor is assigned to anybody else to move to strike out the enacting clause?

Mr. HOLMAN. I take it for granted that such is undoubtedly the parliamentary rule.

The CHAIRMAN. If the gentleman from Texas yields for a motion that the committee rise, and that motion should be agreed to, he will be entitled to the remainder of his hour when the House again goes into the Committee of the Whole on the Private Calendar.

Mr. HANCOCK. That is all I wish. With that understanding I yield for the motion that the committee rise.

yield for the motion that the committee rise.

Mr. HOLMAN. I make that motion.

The motion was agreed to.

The committee accordingly rose; and Mr. Holman having taken the chair as Speaker pro tempore, Mr. WILSON, of Iowa, reported that the Committee of the Whole on the Private Calendar had directed him to report, with a favorable recommendation, the bill (H. R. No. 101) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873; and also to report that the committee had had under consideration the bill (H. R. No. 344) to confirm certain private land claims in New Mexico, and had come to no resolution thereon.

# HEIRS OF JAMES B. ARMSTRONG.

The House proceeded to the consideration of the bill reported from the crouse proceeded to the consideration of the bill reported from the Committee of the Whole on the Private Calendar, being a bill (H. R. No. 101) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased," approved March 3, 1873.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

ADJOURNMENT TILL MONDAY.

Mr. SPRINGER. I move that when the House adjourns to-day it adjourn to meet on Monday next.

The question being taken, there were ayes 70, noes not counted.

Mr. RANDALL. I call for tellers.

Tellers were not ordered.

So the motion was agreed to.

Mr. PAGE. I move that the House now adjourn.

Mr. RANDALL. I hope it may be agreed to by unanimous consent to have a session to-morrow for debate only, no business to be transacted. Gentlemen can discuss whatever subject they please, including of course, if they so desire, the bill for the substitution of silver coin

for fractional currency.

Mr. HARRISON. Before that is agreed to, I wish to say—
The SPEAKER pro tempore. Is there unanimous consent that a session be held to-morrow for debate only?

Mr. PAGE. I object.

Mr. HARRISON. In support of the objection made by the gentleman from California, [Mr. PAGE, I wish to say that it is deemed advisable the House should adjourn for a couple of days, in order to allow the cleaning of the flues that supply this Hall with air. This is a measure absolutely demanded for the sake of our health; and in order that it may be carried out, it is highly desirable we should not hold a session till Monday.

The SPEAKER pro tempore. Objection being made, the proposition of the gentleman from Pennsylvania [Mr. RANDALL] is not

agreed to.

#### ARMY TRANSPORTATION.

Mr. ODELL, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Military Affairs be instructed to inquire into the contracts made by the Secretary of War in 1874 for the transportation of Army supplies from Chicago, Saint Louis, and New Orleans to the military posts in Texas, and ascertain whether the said contracts were awarded to the lowest bidders; and if not, whether the public interests were duly protected by the awards made.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Lane and Mr. Wigginton for one week each on account of sickness; to Mr. Tur-NEY for four days on account of important business; to Mr. Lord for one week on account of business which cannot be postponed; and to Mr. Sinnickson until Tuesday next on account of important business. And then, on motion of Mr. SPRINGER, (at five o'clock and fifteen

minutes p. m.,) the House adjourned.

# PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BALLOU: The petition of P. G. Delany and others, of Rhode Island, for the release of Edward O. Condon from a British prison, to the Committee on Foreign Affairs.

By Mr. BANNING: Papers relating to claim of the Mount Savage Iron Company, of Alleghany County, Maryland, for property taken in Louisiana by the United States Army, to the Committee on War

By Mr. BLAINE: The petition of Bangs, Brownell & Co., of New York, for compensation for property taken by the United States Government, to the Committee on War Claims.

By Mr. BURCHARD, of Illinois: The petition of 1,760 soldiers, for

the equalization of soldiers' bounties, to the Committee on Military

By Mr. COCHRANE: The petition of 31 soldiers, that the soldiers, sailors, and marines of the late war and their heirs (except commissioned officers) be granted a bounty of \$8.331 per month for the time Served, deducting all United States bounty heretofore paid, to the Committee on Military Affairs.

Also, the petition of citizens of Allegheny County, Pennsylvania, that the duty on foreign coals may not be removed, to the Committee

of Ways and Means.

By Mr. COX: The petition of Flora D. McKay, for a pension, to the Committee on Invalid Pensions.

Also, the petition of William M. Evarts and the body of the bar of New York City, for a law providing for stenographers for United States courts in the southern and eastern districts of New York, to the Committee on the Judiciary.

By Mr. DURAND: The petition of 71 citizens of Michigan, for the repeal of the resumption act, to the Committee on Banking and Cur-

By Mr. EAMES: The petition of Thomas F. Hendricken and 111 others, of Rhode Island, for such action as may be necessary to secure

to the Committee on Foreign Affairs.

By Mr. FROST: The petition of Rice, Kendall & Co., and others, for amendments to the bankrupt law, to the Committee on the Judi-

ciary.

By Mr. HALE: The petition of George Gwynn, for relief, to the

Committee of Claims. By Mr. HEWITT, of New York: The petition of citizens of New York, for one kind of money and the substitution of legal-tender notes for national-bank notes, to the Committee on Banking and

By Mr. HOUSE: The petition of William Stennett and George Mealer, to have the charge of desertion against them removed, to the Committee on Military Affairs.

Also, the petition of William Mann, for compensation for property taken by the United States Army, to the Committee on War Claims. Also, the petition of Willie Alsobrooks, for compensation for prop-

erty taken by the United States authorities, to the same committee. Also, the petition of William H. Johnson, of similar import, to the same commi ee.

By Mr. LAPHAM: Resolutions of the New York State Association, for an extension of the time in which applications for pensions may

be filed, to the Committee on Invalid Pensions.

By Mr. MORRISON: The petition of sugar-refiners, that no law By Mr. MOKKISON: The pertition of sugar-renners, that no law giving force and validity to the so-called reciprocity treaty with the Hawaiian Islands be passed, to the Committee of Ways and Means. By Mr. O'NEILL: The petition of Jules C. Landnire, for a pension, to the Committee on Invalid Pensions. By Mr. POWELL: The petition of Zebulon Vincent, for a pension,

and a balance of bounty-money due him, to the Committee on Invalid

By Mr. SHEAKLEY: The petition of citizens of West Middlesex, Mercer County, Pennsylvania, that a homestead and \$200 in money be granted the soldiers of the late war, to the Committee on Invalid

By Mr. VANCE, of North Carolina: A paper relating to a mail-route from Lenoir to Collettsville, North Carolina, to the Committee on the Post-Office and Post-Roads

Also, the petition of William P. Payne, for a pension, to the Com-

mittee on Invalid Pensions.

By Mr. WELLS, of Mississippi: The petition of M. W. Young, for the reconsideration of his claim disallowed by the southern claims commission under act of March 3, 1871, to the Committee on War

## IN SENATE.

# MONDAY, March 20, 1876.

Prayer by Rev. H. E. NILES, of York, Pennsylvania. The Journal of the proceedings of Thursday last was read and approved.

#### EXECUTIVE COMMUNICATIONS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, in response to a resolution of the Senate instructing the Secretary of the Treasury "to inquire and report how much more land on Fifteenth street will be required when the east front of the Treasury building is completed, and what will be the probable cost of the same, whether obtained at private sale or by condemnation for public use," transmitting a report of the Super-vising Architect of the Treasury; which, on motion of Mr. MORRILL, of Vermont, was referred to the Committee on Public Buildings and

Grounds, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of the Treasury, transmitting, in compliance with the resolution of the Senate of the 15th instant, the report of William G. Morris, special agent of the Treasury Department, on the Territory of Alaska and the collection of the customs revenues therein; which was referred to the Committee on Finance, and ordered to be printed.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of Feburary 3, 1876, a copy of the report of Major William P. Craighill, Corps of Engineers, upon the present condition as respects safety and permanency of the Aqueduct bridge over the Potomac River at Georgetown, District of Columbia; which was referred to the Committee on the District of Columbia, and ordered to be printed.

He also presented a communication from the Commissioner of Agriculture, transmitting additional information on the subject of "sea-island cotton;" which was referred to the Committee on Agriculture, and ordered to be printed.

## POST-ROUTE BILL.

Mr. HAMLIN. I move that the Senate take up House bill No. 2262 establishing post-roads. I make the motion simply for the purpose of recommitting it to the Committee on Post-Offices and Post-Roads, because I find upon investigation that several Senators who had certain suggestions to make and certain amendments to offer failed to present them, and I find by the rules at the present time that all such amendments must go to the committee before they can be considered. After the bill is taken up I will move to recommit it to the committee

The PRESIDENT pro tempore. The Senator from Maine moves to take up the bill and have it recommitted to the Committee on Post-Offices and Post-Roads. The Chair hears no objection, and it is so

should do, and indeed what I have resolved very often that I never would do, and that is to notice a matter in reference to my official conduct stated in the papers of the country. The circumstances, however, in this case are peculiar, and perhaps I am justified for that reason in making a departure from the rule which I had determined to observe.

On Thursday last, when I was confined in my house by indisposi-tion, the Senator from Pennsylvania, [Mr. Cameron,] the Senator from Louisiana, [Mr. West,] and perhaps one or two other Senators, referred to an article which charged them in connection with me with having as their private secretaries persons who were employed in the several Departments. My colleague [Mr. Allison] at the time was kind enough, and for that I thank him, to make an emphatic denial of it so far as I was concerned. The matter having been thus referred to, it is perhaps due to myself, for the first time since I have

been in the Senate, that I should say one word on the subject.

In the first place, I believe I have not been in the Indian Bureau for three years. As far as I know there is no person employed in any way in that Bureau whom I ever recommended. There is no person in the employ of that Department who does any work whatever for There is no person there who is my private secretary. mo private secretary now and never have had since I have been a member of the Senate; therefore I give to the statement an emphatic and unqualified denial. There could be nothing more false, more untrue, or more defamatory. The only person in the employ of the Government in any way connected with me is the clerk of the Committee on Claims, and how fathfully he discharges his duties I can appeal to every member of that committee without distinction of party. That is all I have to say on this subject so far as that statement is concerned.

I perhaps ought to notice another thing. There is a little paper, I believe, published in this city, which on the morning that these statements were made contained this article:

The New York Mercury charges that Senator Wuight, of Iowa, has a young man as his private secretary who is borne on the rolls of the Indian Bureau as clerk, but who performs no duty for Government except to draw his pay.

Why my friends who were charged in the other article were not why my hierarch who were charged in the other attere were not included in this I do not know. I suppose possibly it was because it was thought I was the only guilty one. I cannot very well imagine what else would have caused it. Whatever may be the motive, and I do not stop to inquire into it, I denounce it, whether in a paper of general or limited circulation in Washington City or elsewhere, as unqualifiedly false. As to the motive that may have inspired this article, I have none other than feelings of pity. I can only say, in common with other Senators on this subject, that if this malevolent, devilish, false, lying course is to be kept up, there is no safety for any man in this country so far as character is concerned, and the press becomes a disgrace to the country, to the age, and to our civilization.

## PETITIONS AND MEMORIALS.

Mr. THURMAN. I present a petition very numerously signed by the inmates of the Soldiers' Home at Hampton, Virginia, praying that Congress may adopt such measures as may seem best to procure the release of Edward O'Meagher Condon, who is under sentence of imprisonment for life in a British prison. I explained the facts in this case when I presented a petition a few days ago on the same subject. I move the reference of the petition to the Committee on Foreign Relations.

The motion was agreed to.

Mr. DAWES presented a petition of the Boston Society of the Medand the Boston Society of the Medical Sciences, praying that, after some date to be fixed several years in advance, the metric standards in the office of weights and measures at Washington shall be the sole authorized public standards of weights and measures; which was referred to the Committee on Finance.

He also presented a petition of merchants and business men in the city of Boston, praying that the bankrupt law may not be repealed, and asking an amendment of the same; which was referred to the Committee on the Judiciary.

Mr. BAYARD presented the petition of Joseph H. Glatts and 192 other citizens of Delaware, praying for the continuance of the present law providing for the payment of pensions; which was referred to the Committee on Pensions.

Mr. BOGY presented the memorial of John A. Seudder and other steamboat men of Saint Louis, Missouri, remonstrating against the passage of the bill (S. No. 373) to promote the efficiency of the light-house service; which was referred to the Committee on Commerce. Mr. KERNAN presented a petition of citizens of Flatbush, Long

Island, praying for a reduction of the third-class mail matter to one cent for every two ounces; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. WINDOM presented a joint resolution of the Legislature of Minnesota, in favor of Congress taking the steps necessary to obtain from the United States Government permission to make indemnity selections from lands known as salt-spring lands in that State; which was referred to the Committee on Public Lands.

was referred to the Committee on Funds.

Mr. ALLISON presented five petitions, signed by 493 citizens of Iowa, praying for an appropriation to complete the Fox River improvement and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accord-

ance with the third plan recommended by General Warren; which was referred to the Committee on Commerce.

He also presented a petition of the Board of Trade of the City of

Dubuque, Iowa, praying for the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. MITCHELL presented a petition of citizens of Oregon, praying for the establishment of a mail-route from Grant's Pass to Galice Creek, in that State; which was referred to the Committee on the Post-Office and Post-Roads.

He also presented a petition of citizens of Oregon, praying for the establishment of a mail-route from McMinnville, Yam Hill County, to Grand Ronde, Polk County, in that State; which was referred to the

Committee on the Post-Office and Post-Roads.

Mr. WHYTE presented the petition of William H. Shock and other chief engineers of the United States Navy who were fleet-engineers during the late war, praying to be awarded the same proportion of prize-money allowed to fleet-captains; which was referred to the Committee on Naval Affairs.

Mr. PADDOCK. I present a petition of numerous citizens of Nebraska, praying for the repeal of the law providing for the resumption of specie payments. I desire to state that I do not indorse the sentiment of the petition. I move its reference to the Committee on Finance.

The motion was agreed to.

Mr. BOOTH presented resolutions of the Legislature of California, in favor of an appropriation for the improvement of the harbor at Oakland, in the Bay of San Francisco; which were referred to the Committee on Commerce.

He also presented a resolution of the Legislature of California, in

favor of an appropriation by Congress for the purpose of erecting a light-house and fog-bell in the Straits of Carquinez, at or near Beni-

ria or Martinez; which was referred to the Committee on Commerce.

He also presented the petition of Henry A. Frink, late major of the
Eleventh Regiment Pennsylvania Volunteers, praying that he may
be granted arrears of pension from August 15, 1865, the time of his discharge from service, to September 1, 1873; which was referred to the Committee on Pensions.

Mr. ENGLISH presented the petition of the heirs of S. S. Hartshorn, praying for the extension of his letters-patent for an improvement in

buckles; which was referred to the Committee on Patents.

The PRESIDENT pro tempore presented a memorial of the Legislature of Wisconsin, in favor of the establishment of a tri-weekly mailroute from Waupaca, in the county of Waupaca, to Plainfield, in the county of Waushara; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a resolution of the Legislature of Wisconsin, in favor of a consolidated official centennial directory of the general and several State governments of the United States of America; which

was referred to the Committee on Appropriations.

Mr. CAMERON, of Pennsylvania, presented a letter from the Secretary of State, addressed to the chairman of the Committee on Foreign Relations, inclosing amendments to sections 91 and 168 of the regulations of consular courts in Japan, proposed by Hon. John A. Bingham, the United States minister at Tokei; which was referred to

the Committee on Foreign Relations.

He also presented a protest of Messrs. W. H. Parsons and J. C. Chew, United States Centennial commissioners from Texas, remonstrating against the passage of House bill No. 1749, proposing to supersede them and appoint others in their stead; which was referred to the Committee on Foreign Relations.

# RELIEF OF SIOUX INDIANS.

Mr. WITHERS. I am instructed by the Committee on Appropriations, to whom was referred the bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians, to report it with an amendment; and I am also instructed by the committee to ask for its present consideration.

its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It appropriates \$100,000 for the purpose of supplying the "Sioux Indians of different tribes, including the Santee Sioux of Nebraska," with necessary subsistence, namely, beef, bacon, flour, and corn, and for the necessary transportation thereof.

The bill was reported from the Committee on Appropriations with an amendment in line 7 after the word "hundred" and before "thousand" to insert the words "and fifty," so as to make the appropriation \$150,000

\$150,000.

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill read a third time. The bill was read the third time, and passed.

## REPORTS OF COMMITTEES.

Mr. WINDOM, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 823) to correct an error of enrollment, asked to be discharged from its further consideration and that it be

referred to the Committee on Finance; which was agreed to.
Mr. DORSEY, from the Committee on Appropriations, to whom was
referred the resolution of the council of the city of New Orleans, asking that the mint in that city be placed in operation or restored to

the original owner, asked to be discharged from its further consideration, and that it be referred to the Committee on Finance; which was agreed to.

He also, from the same committee, to whom was referred the memorial of the common council of Fredericksburgh, Virginia, in response to the action of the city of Boston requesting the erection of a monument at Yorktown, Virginia, commemorative of the closing battle of the war of the Revolution, asked to be discharged from its further

of the war of the Revolution, asked to be discharged from its further consideration, and that it be referred to the Committee on Public Buildings and Grounds; which was agreed to.

He also, from the same committee, to whom was referred the petition of Martinette Hardin McKee, widow of Alexander R. McKee, deceased, praying an appropriation by Congress sufficient to convey the remains of her late husband from Panama to Frankfort, Kentucky, to be interred in the cemetery at that place, asked to be discharged from its further consideration, and that it be referred to the Committee on Expression Relations: which was agreed to. Foreign Relations; which was agreed to.

Mr. DAVIS, from the Committee on Appropriations, to whom was referred the bill (S. No. 361) to provide for the payment of claims for Indian depredations, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which

was agreed to.

Mr. WINDOM, from the Committee on Patents, to whom was referred the petition of Harvey Lull, praying for an extension of his letters-patent for a self-locking shutter-hinge, submitted a report thereon accompanied by a bill (S. No. 608) to enable Harvey Lull, of Habelen, New Jarsey to make application to the Commissioner of Hoboken, New Jersey, to make application to the Commissioner of Patents for extension of letters-patent for a self-locking shutter-

The bill was read and passed to the second reading, and the report

as ordered to be printed.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the petition of Patrick J. Kennedy, late of Company D, Fourteenth Kansas Cavalry Volunteers, praying for the removal of the charge of desertion against him, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 378) for the relief of Sindey S. McLane, submitted an adverse

report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the Committee on Claims, to whom was referred the bill (S. No. 393) for the relief of William J. Anderson, of Pickensville, Alabama, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. MERRIMON subsequently said: The Committee on Claims reported the claim of William J. Anderson this morning adversely, and the bill was indefinitely postponed. I move to reconsider the vote by which it was indefinitely postponed, and that the bill be placed on the Calendar.

The motion to reconsider was agreed to.
The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The bill will be placed on the Calendar with the adverse report of the com-

Mr. COCKRELL. I am also directed by the Committee on Claims, to whom was referred the petition of Henry M. Naglee, of California, praying to be remunerated for unused tax stamps destroyed by fire, to report it adversely and ask to be discharged from its further consideration. I invite the attention of the Senator from California [Mr. SARGENT] to this case.

Mr. SARGENT. I suppose the case cannot go on the Calendar, as there is not a bill, but I am very sorry the committee have made an

adverse report. I believe there are numerous precedents for such relief as this petitioner prays for. I would like to ask if the committee have considered the fact that this person being compelled by law to pay in advance for the stamps on the brandy, the stamps were unused, he proving that they were destroyed, and whether the Government of the stamps were unused. ment ought not in that case to make reparation, and give him relief? I ask if the committee have considered that point fully?

Mr. COCKRELL. I think the subject was fully considered, and the

precedents all hunted up. I have no objection, if the Senator desires, that the report be placed on the table.

Mr. SARGENT. If the Senator will not object, I ask that the petition be re-referred. I think I can hand some precedents to the com-

mittee that will cover the case.

Mr. WRIGHT. I suggest to the Senator from California to let the report go on the table and he can then examine it; and if he thinks there is any necessity for moving a re-reference to the committee, he can then do so.

Mr. SARGENT. Very well; I will let it take that course.

Mr. CAMERON, of Pennsylvania. I desire to say in regard to the
petition of General Naglee that I wish it may not be disposed of by being laid on the table.

The PRESIDENT pro tempore. It will not be disposed of finally by

The PRESIDENT pro tempore. It will not be disposed of many by that course. The report will be printed and lie on the table for consideration. The Senator from California desires to consider it.

Mr. CAMERON, of Pennsylvania. I know something about that case. I think it is a most meritorious one, and I think it is one which before being decided against should have every consideration.

The PRESIDENT pro tempore. The Senator can call it up at any time

Mr. STEVENSON, from the Committee on Revolutionary Claims, to whom was referred the petition of the representatives of James Monroe, late President of the United States, praying compensation for services rendered by him during the war of the Revolution, asked to be discharged from its further consideration; which was agreed to.

Mr. HOWE, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1343) to relieve S. J. Gholson, of Missis-sippi, of political disabilities imposed by the fourteenth amendment

of the Constitution, reported it without amendment.

Mr. McDONALD, from the Committee on Pensions, to whom was

Mr. McDONALD, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1809) granting a pension to John A. Stewart, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the petition of Samuel Mills, of Baltimore, Maryland, praying to be allowed a pension for services rendered during the war of 1812, submitted an adverse rendered to be a greefed to and ordered to be adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 1347) granting a pension to Hattie D. McKain, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

#### BILL RECOMMITTED.

On motion of Mr. WALLACE, it was

Ordered, That the bill (S. No. 111) for the relief of John Montgomery and Thomas E. Williams be recommitted to the Committee on Claims.

Mr. THURMAN asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 609) to amend the act entitled "An act to amend and supplement an act entitled 'An act to establish a uniform system of bankruptcy throughout the United States;'" which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. BOGY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 610) to repeal section 14 of an act making appropriations for sundry civil expenses of the Government of the United States for the year ending June 30, 1871; which was read twice by its title, referred to the Committee on Indian Affairs,

and ordered to be printed.

Mr. SARGENT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 611) relating to the equitable and legal rights of parties in possession of certain lands and improve-ments thereon in California, and to provide jurisdiction to determine those rights; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. HAMILTON asked, and by unanimous consent obtained, leave

to introduce a bill (S. No. 612) for the relief of Ella P. Murphy; which

was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 613) to equalize promotion among the lieutenants in the line of the Army; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to

be printed.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 614) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. FRELINGHUYSEN asked, and by unanimous consent obtained leave to introduce a bill (S. No. 615) for the relief of General Eli Long, United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Mili-

tary Affairs.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 616) for the relief of Thomas Oxley, sr., a soldier of the war of 1812; which was read twice by its title, and, with the accompanying petition, referred to the Committee on Pensions.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 617) to establish certai: post-routes in Oregon; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 618) to establish a post-route in California.

introduce a bill (S. No. 618) to establish a post-route in California; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. INGALLS asked, and by unanimous consent obtained, leave to

introduce a bill (8. No. 619) to carry out in part the provisions of the act entitled "An act to abolish the tribal relations of the Miami Indians, and for other purposes," approved March 3, 1873; which was read twice by its title, referred to the Committee on Indian Affairs,

and ordered to be printed.

Mr. COOPER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 620) to remove the political disabilities of Mississippi, which was read twice by its James Argyle Smith, of Mississippi; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be

## PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BOGY, it was

Ordered, That John M. and James Scott and John Belsha have leave to withdraw their petition and papers from the files of the Senate.

On motion of Mr. JOHNSTON, it was

Ordered, That Samuel L. Gouverneur, administrator of James Monroe, deceased, have leave to withdraw from the files of the Senate his memorial and accompanying papers.

## ALABAMA SENATORIAL INVESTIGATION.

Mr. MORTON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved. That the Committee on Privileges and Elections have leave to sit during the sessions of the Senate while engaged in the investigation of the circumstances attending the election of Hon. George E. Spencer to a seat in this body by the Legislature of Alabama.

#### TRANSPORTATION OF BONDED MERCHANDISE.

Mr. SHERMAN. I move that the Senate proceed to the consideration of Senate bill No. 591.

The motion was agreed to; and the bill (S. No. 591) to regulate the transportation of bonded merchandise withdrawn from warehouse, was read the second time, and considered as in Committee of the Whole. It proposes to amend section 3000 of the Revised Statutes of the United States so as to embrace all merchandise withdrawn from bonded warehouse at one port for transportation without payment of duties to another port by land or water, including all merchandise mentioned in the Revised Statutes of the United States from sections 2816 to 2831, inclusive. All such merchandise is to be delivered to and transported by common carriers, to be designated for this purpose by the Secretary of the Treasury, and to or by none others; and such carriers are to be responsible to the United States as common carriers for the safe delivery of such merchandise to the collector or other chief officer of the customs at the port of its destination; and before any such carriers shall be permitted to transport any such merchandise they shall become bound to the United States in bonds of such form and amount, and with such conditions not inconsistent with law, and such security as the Secretary of the Treasury shall require. The Secretary of the Treasury is authorized to establish such rules and regulations not inconsistent with law for the due execution of the section of the Revised Statutes amended by the act as he may deem to be expedient and necessary; and no demand shall be made of the United States by reason of any loss incurred in the transportation of such goods.

Mr. MORRILL, of Maine. I would like to have the Senator from Ohio explain the bill.

Mr. SHERMAN. In explanation I will read the following letter from the Secretary of the Treasury:

# TREASURY DEPARTMENT, February 5, 1876.

TREASURY DEPARTMENT, February 5, 1876.

Sir: I have the honor to submit herewith for your consideration a draught of a bill to amend section 3000 of the Revised Statutes, so that merchandise may be transported thereunder over bonded routes from one port to another designated by law, as well as from district to district.

By section 9 of the act of March 28, 1834, the Secretary of the Treasury was authorized to establish such rules and regulations not inconsistent with law for the due execution of the act as he might deem to be expedient.

Under the authority so granted this Department, in its instructions of May 9, 1871, issued regulations providing that all transportation of dutiable merchandise in bond from one port to another port or place in the United States must be made either by sea-going vess-is registered or enrolled, entitled to the privileges of the coasting trade, or by common carriers designated for this purpose by the Secretary of the Treasury, over duly constituted bonded lines and routes as provided for in said instructions. This section of the act of 1854, however, was omitted from the Revised Statutes; and it is therefore deemed necessary that there shall be additional legislation upon the subject, as suggested in the draught of the bill above referred to, which requires that measures shall be taken in regard to the bonding of routes similar to those provided for in case of the transportation of unappraised merchandise under section 2990 of the Revised Statutes, it being considered advisable that the regulations in regard to transportation in bond of appraised and unappraised merchandise should allow the transportation of both classes over routes bonded for either purpose.

The passage of the bill will aid in making uniform the transportation of dutiable merchandise in bond as well from port to port as from district to district, and for that and the other reason-stated it is recommended.

The inclosed copies of letters relating to the subject from the collectors of customs at Boston, Portland,

B. H. BRISTOW.

Hon. John Sherman, Chairman Committee on Finance, United States Senate, Capitol.

The Committee on Finance have examined the matter fully, and

that there can be no reasonable objection to it.

Mr. MORRILL, of Maine. Will the Senator allow me to inquire whether this bill relates to goods imported in bond transferred from

one port to another within the limits of the United States exclusively?

Mr. SHERMAN. Exclusively so. Not only that, but as a matter of course goods must be taken from one port to another port in the United States; and one object of the bill is to enable the Government to carry from one port to another in the same district; for instance, to transfer from New York to Albany.

Mr. MORRILL, of Maine. The bill has no relation to goods imported through the United States for export to another country.

Mr. SHERMAN. Not the slightest. An inquiry was sent to the Sec-

retary of the Treasury by me, and his letters are published in the report, one of which I have just read, in which the subject is stated distinctly. The committee recommended to strike out the proviso, which we thought was rather indefinite, and gave rather too large a power, dispensing with the bond required by law in certain cases. on the whole we had better omit the proviso in the copy of the bill reported. I do not know whether the Secretary read the proviso which the committee recommend to be striken out.

Mr. CONKLING. There is no provise in the copy of the bill reported.
Mr. SHERMAN. Then the committee reported it without the proviso. The bill as framed in the Treasury Department had a proviso, which the committee struck out.

Mr. EDMUNDS. Was the bill reported to day?

The PRESIDENT pro tempore. It was taken from the Calendar on

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed. SIOUX RESERVATION.

Mr. ALLISON. I move to take up Senate bill No. 590 providing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purpose

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Indian Affairs with

amendments.

The first amendment was in line 4 of section 1 to strike out "three" and insert "five" before "persons;" and in line 6 to insert after "brigadier-general" the words "who shall be detailed for this serv-

That the President is authorized to appoint a commission consisting of five persons, one of whom shall be an officer of the Army not of a lower rank than brigadier-general, who shall be detailed for this service.

The amendment was agreed to.

The next amendment was in line 5 of section 2 to strike out "6" and insert "7" after "70;" so as to read:

And after July 1, 1877, no money shall be expended for the subsistence of the Sioux Nation unless upon said conditions.

Mr. HITCHCOCK. I would like to hear some explanation of the necessity of that amendment.

Mr. ALLISON. The committee thought that it would be too soon to provide these conditions in an appropriation made for the current year beginning the 1st of July next, and therefore it would be better to postpone the time one year, or at least leave that discretionary. I think myself it would hardly be possible to bring about this condition by the 1st of July next, and the committee thought the time had

better be postponed until the following fiscal year.

Mr. HITCHCOCK. So far as I am informed of the temper of these Indians, so far as any restriction of that kind is advisable at all, and so far as the necessity for any such restriction exists or is likely to exist, I am sure that it will occur during the coming summer if it ever occurs. The object of the restriction in the bill originally was to induce the Indians by the information that unless they yielded to what was an absolute necessity the appropriation which they have received, and which they have received in large amounts from the General Government, (receiving in the past few years between three and four millions of dollars over and above what was stipulated in their treaty,) would not be made. I am thoroughly satisfied that as a peace measure there is no better and stronger and surer policy to adopt; and I am as well satisfied that there is no occasion for any provision such as is proposed by the committee. There is no occasion of course for any stipulation in any bill in regard to an appropriation to be made next year, because we do not know that any such necessity may then exist; and if it does exist, the appropriation bill for that year will be the proper place, and that will be ample time for such a restriction. If there is any need of any restriction at all, it should apply to the coming summer, and I certainly see no reason

for postponing the restriction.

Mr. BOGY. Mr. President, only one word. This subject was very carefully considered by the Committee on Indian Affairs. The plan is, as stated by the Senator from Nebraska, to send a commission into that country to negotiate with those Indians for a portion of their reservation, that portion which is generally called the Black Hills country. By the treaty of 1868 we agreed to clothe and to feed the Sioux Indians. The provision for clothing has not yet expired, but that for feeding has expired. Nevertheless we have gone on as a matter of necessity and have fed them for a year or two, although there was no treaty stipulation binding us to do it.

We thought in the Committee on Indian Affairs that, as there was

a large population pouring into that country which would come in conflict with those Indians very soon, it was expedient, if possible, to avoid that conflict, and we thought by sending a commission there, headed by an officer of the Army of not lower grade than brigadier-general, with proper civilians, one of whom at least shall speak the Sioux language, so as to prevent their being imposed on by their in-terpreters, who are generally a pretty hard set of fellows, an arrange-ment could be made; but to effect that arrangement would be a slow proceeding, for the reason that the commission of last year, although well organized and well prosecuted, failed. While it is going on we thought it would be wiser to feed those Indians this summer, as has

been the case heretofore, but to let them know that unless some arrangement be made they will not be fed for this year, but while this negotiation is going on it will be expedient to provide them with provisions.

I am satisfied myself that if we could annually avoid war with these Indian tribes by an expenditure of from \$50,000 to \$75,000, or even \$100,000 say, it would be the best expenditure Congress could make, because a war with these Indians of a very few days would cost a great deal more money. We therefore thought in the committee that it was better not to refuse to feed them now and to feed them for this summer, and let the Indians know that unless some arrangement be made with them the feeding will not be continued hereafter.

It is very important, indeed, that some arrangement should be made. The Indians are now in the right; that is, the Black Hills country belongs to them by treaty stipulation, and the whites have no right to go there; yet they are going there in very large numbers, and it will inevitably lead to a conflict and to a war, and to very large expenditures on the part of the Government unless this be prevented. I am satisfied that it can be prevented by sending a commission there early, as soon as possible, and remaining there during the summer. I believe that portion of their country known as the Black Hills can be secured from them. It is, in point of fact, but a small proportion of that vast reservation; and to make that a success we thought, and I think also, that while the thing is going on the Indians should receive their rations, as they are now doing, although the treaty negotiated in 1868 has now expired, and it expired more than a year ago as far as the feeding is concerned. I therefore hope that the amendment as the feeding is concerned. I therefore hope that the amendment will be adopted. It was well considered by the Committee on Indian Affairs, well discussed. We obtained all the information from outsiders that we could get—men of reputation, men of character, men familiar with Indian affairs, and they all concur in this. I not only hope the amendment will be adopted, but I hope that the bill will

nope the amendment will be adopted, but I hope that the bill will pass as the only way to avoid a conflict with these Indians.

Mr. EDMUNDS. How many square miles of territory are embraced in this provision to be given up by the Indians?

Mr. BOGY. The Indian reservation itself is a very extensive one; large enough for a State—very large. The country which we propose to take is that portion lying between the North Fork and the South Fork of the Cheyenne River, which form the main Cheyenne when they join together. It is but a small portion of their reservation, perhaps not one-fifth perhaps not one-fifth.

Mr. EDMUNDS. How many square miles?

Mr. BOGY. I am not able to answer definitely, but the proportion is small. The reservation is very extensive, and the proportion to be taken is not very large.

Mr. ALLISON. I think the amount to be taken is about a thousand

square miles.

Mr. HITCHCOCK. I hardly suppose there is much encouragement for opposing this bill in its main features or for attempting to amend for opposing this bill in its main features or for attempting to amend it. So far as my experience has gone in the Senate during the last five years, there has been a readiness to vote the largest sums or the smallest amounts and with the least consideration for anything connected remotely or directly with Indian matters; and therefore I expect that this Senate will vote any appropriation or any measure of this kind appropriating the largest sum which the committee has been able to suggest, and with the slighest restrictions or amendments. Still, Mr. President, representing as I do the people of the State more directly interested in preserving the peace with these Sioux Indians—more so than any other State certainly of this Union if not Indians-more so than any other State certainly of this Union, if not any Territory—believing as I do that the present condition of affairs out there imperils the peace of the Northwest, and believing as I do that appropriations of the most extravagant character have been made that appropriations of the most extravagant character have been made and are proposed now to be made, and believing further that this bill should be amended in some minor particulars, I propose to ask for amendments such as I have suggested, and to get a vote of the Senate specifically and definitely on those amendments.

So far as concerns the policy, the wisdom of sending another commission to the Sioux Indians, the honorable chairman of the Committee on Indian Africa who has reported this bill has not very honorable.

tee on Indian Affairs who has reported this bill has not vouchsafed any information specifically. Certainly the experience of the past summer in regard to commissions, if we are to govern ourselves by the light of experience, does not encourage us in the hope that any new commission will be any more successful. Two commissions, large and expensive, and costing I presume more than \$100,000, were dispatched to these same Sioux people last summer, and we know the result. We know that the last commission were glad to be able to retire in good order, retire unharmed, from the last peace council with

that tribe

Mr. BOGY. There was only one commission sent. Mr. HITCHCOCK. Two commissions.

Mr. BOGY. One to investigate and one to negotiate.

Mr. BOGY. One to investigate and one to negotiate.

Mr. HITCHCOCK. But neither of them was sent without the money of the people of this country, and a good deal of it, if the honorable Senator will undertake to count the cost. The honorable Senator says to-day that he thinks \$50,000 or \$100,000 is well spent if it preserves the peace. That is very true; but \$50,000 or \$100,000 is the veriest trifle compared with the millions past Congresses have appropriated to support these Indians. The very preamble of this bill, which has been struck out by the committee, states distinctly that \$3,300,000 have been appropriated for these Sioux over and above the

amounts which were stipulated by the treaty which this bill is de-

signed to supplement.

We have this morning, within an hour, appropriated \$150,000 to feed those same Sioux Indians; and I think before this Congress is reed those same Sioux Indians; and I think before this Congress is called upon to appropriate \$70,000 more to send certain gentlemen who desire probably—because there are gentlemen who are very anxious to undertake this mission—to make a trip into this Sioux country, we should inquire into the necessity for this appropriation and into the policy and probability of such an appropriation accomplishing the purpose which is sought.

Mr. President there is a more or the many a late of the control of the purpose.

Mr. President, there is a man on the ground in the neighborhood to-day of these Sioux Indians better calculated, in my judgment, to make a treaty with them than any man or any set of men likely to be ap-pointed by the President or by anybody else to make a treaty. I mean General George H. Crook, who commands that department, a man who by his success in obtaining peace in Arizona several years ago deserves the confidence of the people of this country as an Indian peace-maker. He is there upon the ground to-day, there in the immediate vicinity of these Indians, and a simple resolution of this Congress would be quite sufficient to enable him to say everything to those Sioux Indians that it is necessary for this country to say, everything which will procure peace on their part if anything in mere words will procure peace. I believe that General Crook is the man who should be designated by resolution of this Congress as a commissioner, if you please, to make peace with these Sioux and to notify them that hereafter, not in 1877, not at some future time, which the Indians do not understand or will not understand or care for, but on the 1stday of next July, unless they will agree to these stipulations, the immense appropriations which Congress has made will cease. That I believe would be a proper peace measure; but I believe this is an expensive, useless, and extravagant

waste of the people's money.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee to strike out "six" and insert "seven."

Mr. HITCHCOCK. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas

33, nays 10; as follows:

33, nays 10; as 10110ws:

YEAS—Messrs. Allison, Anthony, Bogy, Booth, Boutwell, Cameron of Wisconsin, Caperton, Christiancy, Cooper, Davis, Dennis, Dorsey, Ferry, Frelinghuysen, Gordon, Ingalls, Johnston, Kernan, McCreery, McMillan, Maxey, Mitchell, Morrill of Maine, Morrill of Vermont, Patterson, Randolph, Ransom, Sargent, Sherman, Spencer, Stevenson, Windom, and Withers—33.

NAYS—Messrs. Burnside, Cameron of Pennsylvania, Cockrell, Hamilton, Hitchcock, Key, Merrimon, Paddock, Robertson, and Whyte—10.

ABSENT—Messrs. Alcorn, Bayard, Bruce, Clayton, Conkling, Conover, Cragin, Dawes, Eaton, Edmunds, English, Goldthwaite, Hamlin, Harvey, Howe, Jones of Florida, Jones of Nevada, Kelly, Logan, McDonald, Morton, Norwood, Oglesby, Saulsbury, Sharon, Thurman, Wadleigh, Wallace, West, and Wright—30.

So the amendment was agreed to.

The next amendment of the Committee on Indian Affairs was to unite sections 4 and 5 as one section and modify the language, so as

SEC. 4. That such commissioners shall each receive \$10 per day for their services while actually employed, and shall immediately enter upon their duties, and shall be authorized to employ a secretary, who shall be a stenographer, and also an interpreter, at a compensation not exceeding \$7 per day each, and shall make full report to the President at as early a day as practicable, which report, together with any agreement made with said Indian Nation, shall be submitted to Congress for its approval; and such agreement, when so approved, and not before, shall be binding upon the United States and Sioux Nation.

Mr. DAVIS. I ask the attention of the Senator from Iowa. As I heard the reading there is no limit to the time this commission may last.

Mr. ALLISON. There is no limit. It is not supposed they will occupy any longer time than will be absolutely necessary to perform the duties. I do not think any gentleman who will be appointed or who ought to be appointed on this commission will be anxious to re-

main there any longer than is actually necessary.

Mr. DAVIS. Nevertheless it may last for year Nevertheless it may last for years, as I understand. I would suggest to the Senator who has the bill in charge that we ought to limit it to some time, he knows best what time; if it is to

this Congress, say so.

Mr. ALLISON. There is no objection to a limitation in point

Mr. EDMUNDS. I should like to ask the chairman of the committee whether it is the purpose of the committee to make this compensation, which is now under consideration, additional to the compensation that the persons who may be selected may already be re-ceiving in the service of the United States?

Mr. ALLISON. No, sir; it is intended that any person now in the service of the United States shall receive no compensation.

Mr. EDMUNDS. That is not the construction that will be put on

this act, I suspect.

Mr. ALLISON. There is a law now, I believe—I cannot turn to it —which provides that no officer of the United States shall receive additional compensation for any service imposed on him, particularly

Mr. EDMUNDS. That is perfectly true; but, that being the law, when we pass a fresh one, which reads as this does, that you may select an officer of the Army, for instance by name, and that he shall receive \$10 a day for his services under this act, it might raise a pretty

serious question whether the new law does not mean what it says.

Mr. ALLISON. If the Senator will suggest an amendment embodying that idea, there will be no objection. It was the intention of the

committee that the military officer employed should receive no other

compensation in addition to his pay as brigadier-general. After "military officer" say "who shall receive only his Army pay."

Mr. EDMUNDS. Then suppose the President appoints the Secretary of the Interior for one. You want to have it apply to all officers hr. EDACHES. Then suppose the Freshent appoints the Sected tary of the Interior for one. You want to have it apply to all officers in the service of the United States.

Mr. WINDOM. A proviso will answer the purpose.

Mr. ALLISON. Any amendment the Senator from Vermont sug-

gests on that point will be gladly accepted by the committee, I am

Mr. EDMUNDS. I will suggest such an amendment presently. I will not stop the progress of the bill at this moment.

The PRESIDENT pro 'empore. The question is on agreeing to the amendment of the committee, which has been stated.

The amendment was agreed to.

The next amendment was in line 4 of section [6] 5 to strike out "10" and insert "20," and at the end of the section to insert:

and the further sum of \$50,000 is hereby appropriated to make suitable provision to aid the said commission in the discharge of the duties required by this act, and said sums shall be expended under the direction of the Secretary of the Interior.

So as to make the section read:

That the Secretary of War be required to furnish transportation, subsistence, and protection to the said commissioners during the discharge of their duties; and the sum of \$20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, as compensation for said commissioners, secretary, and interpreter herein provided for and the incidental expenses thereof; and the further sum of \$50,000 is hereby appropriated to make suitable provision to aid the said commission in the discharge of the duties required by this act, and said sums shall be expended under the direction of the Secretary of the Juverior. of the Interior.

Mr. HAMILTON. I would ask the Senator from Iowa if that is a corruption fund?

Mr. ALLISON. No, sir; it is not so intended.
Mr. HAMILTON. What is it for?
Mr. ALLISON. The Senator from Texas will readily see that when this commission goes out to treat with these Indians they will very likely reply, "You are already occupying our territory; there are three or four or five or ten thousand white people now in the Black Hills in violation of treaty provision. Now, if you want to make an agreement with us for the future, what have you to offer to us for this trespass on our territory in the past?" The intention was to enable the commission to be able to say something to these Indians with reference to the present occupation of this Black Hills country by the

Mr. HAMILTON. From the way it was worded I supposed it was intended to bribe the chiefs by presents, &c. I would suggest to the Senator from Iowa that we have done enough already, pretty nearly, to destroy all confidence on the part of the Indians in anything that we may promise, seeing that they are now being trampled upon by, as the Senatorsays, three or four or five or ten thousand men whom he told us the other day the Government was not able to remove from the Black Hills. I want to know what confidence the Indians will have in another treaty that the Government of the United States may propose to them. They had some experience last summer; we sent out two commissions, I believe, and spent a good deal of money, right in the face, too, of the knowledge that the Indians would not listen to them, for they stated before they left the city of Washington that they would not consent to make the cession; but notwithstanding

the Government made the experiment.

I suppose the object now is to try to conciliate the principal chiefs, to make another treaty under duress; to put the Indians under threats. to make another treaty under duress; to put the Indians under threats. I do not think it is a proper thing for the United States to do. Although these Indians are small compared with the United States; although they are contemptible in one sense of the word, yet they are human beings, and they have made solemn treaties with the United States. They have relied hitherto upon the candor and integrity of the United States. I think this whole bill as much as anything else says to them, "You cannot rely upon the Government of the United States in anything it says." Why, sir, look at it. On the face of it they are threatened, if they do not make this treaty under protest that they shall be starved out: and we are occupying all the protest, that they shall be starved out; and we are occupying all the valuable territory that they possess, pretty nearly the only territory out of which they can make a support at all. If the Senator from Iowa will say that this \$50,000 is intended to enable the United States to remove our people from the Black Hills, I will vote for it; for that is exactly what the Government of the United States ought to do, and it ought to do it without any ceremony, before it undertakes to treat with the Indians.

Mr. ALLISON. I desire to correct a misapprehension of the Senator from Texas as well as of one other Senator, and that is in reference to the conduct of the Government last year. There was but one commission sent out last year to treat with or make an agreement with these Sioux; and so far as the Government is concerned I can say to Senators that no money thus far has been expended for that say to Senators that no money thus far has been expended for that purpose. The gentlemen who went out there paid their own expenses, and they are told that no portion of those expenses can be re-imbursed until Congress passes a law authorizing it. Therefore it is within the province of the Senate to say whether or not any sum shall be expended for that commission that went out there last year; and so far as I am personally concerned, I am utterly indifferent as to what they

Now with reference to our obligations to these Sioux Indians, it is not proposed by this bill to interfere in the slightest degree with our treaty obligations except in so far as the public circumstances compel us to do so. It is impossible for the Government, except at a very large expense, to remove from the Black Hills the people who are going in there now by the thousand. Why? Because of the character of the country and because of the ease with which persons go in there with their teams and wagons. This bill contemplates that, instead of attempting to do that, we attempt to make a new bargain with these Indians in reference to that country. It is true we say to them in terms by the second section of the bill that if they do not agree to a reasonable bargain we will cease to support them from the Treasury of the United States, which we now do outside of and beyond any treaty stipulation that we have with them. We obligated ourselves under the treaty of 1868 to subsist these Indians for four years. That term expired in 1873. We are under no obligation now to subsist them that I know of by any treaty; but every Senator who has investigated the question knows perfectly well that these Indians cannot become self-supporting where they now are in any reasenable time; and therefore the alternative is presented to Congress either to subsist them or to starve them or to compel them by force of circumstances to raid upon the border settlements and to subsist themselves in that way.

This is the best adjustment that your Committee on Indian Affairs This is the best adjustment that your Committee on Indian Affairs could make in reference to this subject. I agree with the Senator from Texas that if it was practicable it would be better to remove the people who are now in the Black Hills from this reservation. They are there without authority of law, and in violation of law actually. They have no authority there. We solemnly set apart this region of country, including the Black Hills, for these Indians by the treaty of 1868; but people have gone in there, and it is a question of public policy with us whether or not we shall use the whole Army of the United States against our own citizens for the purpose of recovering this country because gold has been discovered there.

ering this country because gold has been discovered there.

Mr. MAXEY. I would ask the Senator from Iowa if he has any definite information as to the number of white people now in the

Black Hills country?

Mr. ALLISON. I have no other information except what is derived from public statements; but from the best data I can reach I think there must be some three or four thousand people now there in the hills or going into the hills. Of course that number will be largely swelled as the spring opens.

Mr. MAXEY. I then ask the Senator whether any steps were taken by the United States Government, by its military authorities or other-wise, to prevent these men going and settling within the Black Hills country

Mr. ALLISON. I understand that an order was issued last year—
Mr. MAXEY. I am not speaking of any order; but was any physical force used to prevent it?

Mr. ALLISON. A portion of the Army was sent into the hills last year, and men were driven out or taken out, as the case might be;

but what is the use of employing an army for that purpose when there is a region of twelve hundred miles in extent over which it is

perfectly possible to drive a wagon?

Mr. MAXEY. The purpose of this bill is, then, to negotiate whether these men are there rightfully or wrongfully, in view of the fact that three thousand or four thousand people are there; and the question is whether it is policy to negotiate for the purchase of the country from the Indians in order to make their settlement there a legal set-

Mr. ALLISON. That is the object of the bill, and it has no other object so far as I know.

Mr. EDMUNDS. The statement of the Senator from Iowa certainly presents a very extraordinary condition of things. Here is a reservation the property of these Indians and which the United States by treaty has guaranteed that they should possess without the intrusion of the whites into it; and our own citizens have been suffered to make an invasion to the extent of three thousand to four thousand it is said. I doubt very much whether there is half the number there, but the number up to five thousand or ten thousand would not be very material. Now, our citizens having against law and in known violation of the rights of these Indians invaded that country, and holding it, we are to step forward and in the face of that occupation tell these Indians, by a statute which ties up the authority of these commissioners to a particular form of treaty, that they must take that or take the consequences.

Now, Mr. President, is not that a very extraordinary attitude for the Government of the United States to assume? Is it not a confession that we either have not the power or have not the will to compel our own citizens to refrain from invading the rights of these savage and ignorant people that we have guaranteed they shall enjoy in safety and in peace? Is it not the first confession of the kind that we have undertaken to make by a solemn statute of the United States? Or, if not, is it not the last one that we ought to ever undertake to make? What becomes of what we call national honor, if that is not an obsolete term? What becomes of those provisions of the Constitution which require the Government of the United States to faithfully execute the laws, which include treaties? What becomes of the respect which these Indians or any others or any other nation can have for us if we calmly stand up and say in the face of the civil-

ized world that, these being Indians and being within our power and not having the physical force to resist our invasions, we will with our eyes open allow our citizens to invade their country, and then tell them that we will do nothing about enforcing their rights and repressing our own citizens unless they will give us the very land that we have invaded and seized?

Mr. HOWE. Does the bill say that?

Mr. EDMUNDS. Yes, sir; it says that in substance and in effect.

Mr. HOWE. Where?

Mr. EDMUNDS. In every word of it from the beginning of the whereases to the end of the corruption amendment, as the Senator from Texas has very properly styled it. It is the whole spirit of the bill. The Indian Committee have not recommended anything else, and they have had it under consideration. They do not propose to recommend anything else. Some influence undoubtedly has been brought to bear on the executive department of the Government to persuade that to hold up the exercise of its duty in excluding invasions into that country until we resort to pressure to get possession of

Mr. CONKLING. Will the Senator allow me a moment?

Mr. EDMUNDS. Certainly.

Mr. CONKLING. I was under the impression at first, as the Senator seems to be, and yet I could hardly think that impression was well founded, that the second section of this bill threatened to cut off appropriations which we are now bound to make, unless the Indians consented to the first section. If the Senator from Vermont knows how that is, I wish he would state. I can hardly suppose that that was the design of the committee, to say to these Indians that appropriations which by treaty the United States is bound to make and continue are to be cut off and refused unless they consent to what some Senator has called a new bargain. If the Senator from Vermont knows how that is, I wish he would enlighten me although other Senators. knows how that is, I wish he would enlighten me although other Senators may know exactly how it is.

Mr. EDMUNDS. I have replied to the Senator from New York in replying to the Senator from Wisconsin. I say that you cannot make anything else out of this long statement in this bill except that we intend to have these Indians understand, and we intend to understand ourselves, that we are to take no step at all in the performance of our duty under the present treaty to relieve their country from this lawless invasion of gold-hunters, unless by providing that the Indians shall leave it upon terms which this statute says the commis-

Indians shall leave it upon terms which this statute says the commissioners may offer to them. If there is any other construction to be put upon it I should be glad to have it stated.

Mr. ALLISON. I will state to the Senator that, so far from that being the proper construction, the very reverse is the one the committee intended. We provide here distinctly in the second section that we will not appropriate for subsistence. The law does not require us to appropriate for subsistence, nor does the treaty. Now, we simply say by this bill, "We will make a bargain with you, if we can, for the purchase of the Black Hills; if we cannot, we will, as you say we shall, stand on the treaty of 1858;" and that is all we say. "We will abide by that treaty; but, if we abide by it, we shall ask you to abide by it." That is all there is of that. We are bound to do certain things under the treaty of 1858. This bill contemplates that all those things shall continue to be done from year to year as that all those things shall continue to be done from year to year as now provided by law; but we say, "We will do more than the treaty provides; we will subsist you, and do certain other things for you for ten years to come if you will give up this little patch of a reservation known as the Black Hills." That is all there is.

Mr. EDMUNDS. Ah, Mr. President, the Senator has most skillfully missed the point entirely. The proposition of this bill is to leave the citizens of the United States now being in the lawless possession of this country, (and it being our duty to keep them out of it and to take them out of it,) exactly where they are, without taking any step or making any provision to enable the President to take them out or perform that branch of the treaty at all. We have got to look at the fact as it exists in order to understand the true meaning and interpretation of the statute and what its scope is; and we must not, terpretation of the statute and what its scope is; and we must not, therefore, shut up our eyes to what the Senator has said in his opening remarks, that here is a great wrong already perpetrated. This very land that it is proposed to acquire by this statutory enactment, as it is called, is already in the possession of these invaders, and the Indians are excluded from it in violation of our treaty obligations, to our knowledge. Now, the statute begins with this existing state of facts. It does not propose either as a condition precedent or a condition precedent or a condition precedent or a condition of the statute of the statut facts. It does not propose either as a condition precedent or a condition subsequent, or in any other way, that any steps shall be taken to right this wrong; but, leaving it just where it stands, we are to authorize these commissioners to tell these Indians, "You shall give up this little patch of territory," comprising somewhere from five to seven thousand square miles, "you shall give up that territory, and you shall also agree that you will acquiesce in such methods as may

you shall also agree that you will acquiesce in such methods as may hereafter be provided by law or adopted by the President to advance you in civilization and the means of self-support; that you must agree to. You shall put yourselves into our hands absolutely in respect to whatever method we may say is best for your civilization."

I have heard it often said that the best way to civilize an Indian is to cut his head off; and that seems to be the opinion of a good many people. At any rate, the two things which they are to do, outside of and independent of their present obligations, are, first, to give up their property to those invaders; secondly, they are to put themselves

into our hands to take any methods respecting their conduct which we think will tend to their civilization at any time hereafter. Those are the two cardinal propositions contained in the first section as to what the Indians are to do. I say that a bill which takes the facts as they now stand, with this wrong now perpetrated upon them, and undertakes to say to them, "The conditions upon which you shall have support hereafter, although you are not entitled to it except so far as the treaty gives it to you—the conditions upon which we will do anything for you hereafter are that you shall give up this land

do anything for you hereafter are that you shall give up this land and that you shall put yourselves into our hands; and, in order to do that, we will provide \$50,000 to aid in the laudable enterprise."

Mr. President, the way to do justice to the white people of the United States is to do justice also to everybody else with whom they come in collision; and the way to get a treaty from these Indians, if these Black Hills are desirable, which I very much doubt—and I will hazard the prophecy that in twenty-four months from this time there will not be a white miner in the whole body of those hills working—the way to get instice and propriety out of these Indians is to ing—the way to get justice and propriety out of these Indians is to begin by giving them their rights, and then you stand in that attitude where you can appeal to them and say "It is best for you and for us to make a change in our arrangements." But what will the Indians say? It is proposed now to make a new bargain. What guarantee are they to have that we will stand by the new bargain any more than the old one? What guarantee are they to have that their property on the south side of the Cheyenne Fork, lying between that and the great overland route to the Pacific, will not be occupied by white invaders; and, if occupied by white invaders, that the United States instead of driving them out or keeping them out will say to the Indians again, "You must give up that land to these white invaders, and then we will feed you some more?" But how are the Indians to support themselves if you constantly strip them of their huntinggrounds and their places where there are timber and streams, and then continually say to them, "You must either take what we give you and give up your land, or take nothing at all?" We cannot stand upon any such ground as that, Mr. President; and any treaty, in my opinion, that is made upon the basis of this statute will turn out just as the last treaty has turned out, to be merely as paper, so far as it respects the disposition of white people who invade them if there is any motive, either of land speculation or of gold, or of settlement, or whatever, that will lead our citizens to go there. And why so? These four thousand citizens of the United States when they went there went with their eyes open; they have invaded this country where they have no right to be; and we, instead of saying "You must go out of there and then we will see what we can do for the Indians," blandly acquiesce in that wrongful occupation; and, therefore, the intruders will say by a just logic, "If the United States acquiesce in this invasion they will in the next one, and we can take any part of the Indian territory that seems advantageous to us, and feel sure, from what has taken place, that we shall be protected instead of resisted in undertaking to do it."

There are other objections to this bill which strike me, but I do not know that they will other Senators. By the Constitution the power to make treaties is alone in the President and the Senate, and we have always hitherto made treaties with Indian tribes respecting the acquisition of territory. It is proposed by this bill to make a treaty with these Indians by commissioners appointed under the authority of law and with the approval of Congress, and not the approval of the President and the Senate under the treaty-making power. Can we do that? I do not see upon what ground we can do it. One Senator will answer, I have heard it suggested, that this is not a treaty but an agreement. That is merely another name for the same thing. This is a class of subjects which, from the foundation of the Government down to a very recent period, has always been considered by the courts and by Congress to fall within what is called the treaty-

making power. Mr. ALLISON.

We have a law now which prohibits the making of

Mr. ALLISON. We have a law now which prohibits the making of treaties with Indians.

Mr. EDMUNDS. We have a law, I know, that was passed under somewhat peculiar circumstances which prohibits us from making treaties with Indians; and I suppose we might have a law that would be just as good to prohibit us making further treaties or anything else with foreign nations, and we might have a law that prohibited the Senate from meeting or the President from sending messages to us; but it might turn out in the end that the Constitution was a higher law and that the rights of everybody under the treatymaking power must be guided by that and not by statutes. I think it would turn out so.

In short, Mr. President, although we have the law that the Senator from Iowa speaks of, I feel quite sure that the Constitution is still in force and that the treaty-making power does not reside in the Congress of the United States; and I am equally sure that this provision of this bill is to provide for a treaty and nothing else. You may call it a contract or agreement or arrangement or stipulation; you may exhaust the epithets of the lexicon, and you still have the substance of a treaty from the beginning to the end. The title of these Indians, which the courts have always decided was a good title to the extent of their occupation, and a title in this particular case which they obtained or rather had ratified to them by treaty, is now to be disposed of by an arrangement, if you call it that, a treaty in fact and in law I

call it, which is to change the sovereignty and the jurisdiction of this territory, and all rights to it, from these Indians to the United States. I do not believe that a law of that kind is constitutional. I do not know that it will make any difference with these Indians, or with the white people who wish to invade their territory and hunt for gold They will stay there with this law; they will stay there without it, so long as they see that Congress, or a considerable portion of it, is willing that the thing should go on in that way, and leave them and the Indians to settle their own affairs.

But the Senator from Missouri goes further, and says that this is necessary bill, because it is going to save us a war; that there will be collisions in this Indian country unless we move with expedition and with diligence, and we shall be involved in a war. How are we to be involved in a war if citizens of the United States invade a country where they have no business to go, with arms in their hands, and undertake to dispossess the rightful inhabitants of it, and are resisted? Suppose the Indians in the spring make an assault upon the intrenched camps of the miners, and beat them, and drive them out, is there any duty on the part of the United States to step in and back the miners? The Senator has stated in substance that it is the duty of the United States to aid the Indians to expel the miners. How then are we to have a war? Does the Senator from Missouri believe that these four thousand have so great an idea of their strength that they would rethousand have so great an idea of their strength that they would resist the military of the United States in equal numbers or greater numbers, and that they are going to carry on a successful war against their own country in holding on by right or by wrong, holding on any way to these mines? I do not think that is so. Undoubtedly, if the thing goes on, these Indians will feel that these white men are violently intruding upon their territory, and will take the Indian means, and the civilized means, too, of expelling them, and that is by applying force. Whether when the force hearing the Indians will held to Whether when the force begins the Indians will hold to civilized methods with prisoners and captives, I do not know; I should rather doubt it; but these men have gone there with their eyes wide open. They have violated our laws and our honor, and have violated the rights of the Indians; and the redress that we propose by this bill to give is the redress of taking the land that has thus been captured for the time being by this invasion, upon terms which we lay down in advance the Indians must come to, or else we tell them that they shall have no further favor or assistance from us.

Mr. President, I do say that it appears to me that this is proceeding in a wrong way. Undoubtedly it is a troublesome subject. It would be desirable to deal with it in some way; but I should feel much more disposed to vote upon the subject in any form rather than this, that would look likely to accomplish a similar result; that is a negotiation. Whether the President of the United States has authority, without any law to authorize it, to appoint commissioners to negotiate any treaty, I do not know. It has sometimes been questioned; but I think I would vote with pleasure for a simple concurrent resolution if you please, or any appropriate measure, which would authorize the President to appoint commissioners to treat with these Indians, not upon terms presented in advance which cannot be changed, but according to his discretion and that of his agents who are employed to execute this duty. Then when the treaty should be reported for approval by the Senate, as I think the Constitution requires, (but I waive that for the moment,) we could agree to it or not agree to it, just as this bill provides. If we should simply resolve that the President of the United States be requested to enter into negotiations with these tribes of Sioux with a view to obtaining this described territory upon reasonable terms, stopping right there and let him se lect, as this bill authorizes him in terms, such number of commissioners as he pleases, being the general of the Army out there alone who has been spoken of by the Senator from Nebraska, or being a larger corps coming from the executive head of the Government, with an open authority, and not with a treaty made in advance to which the Indians must come word for word and letter for letter or it all falls, and try to see what they could do, I should be greatly in favor of it, and I would vote for it with pleasure. But to do this which on its face appears to me to acquiesce in the present wrongful condition of things, if it does not do more, and to hold out a declaration to these poor people that they must give up the land—not negotiate but give it up, because it is what is called a strict conference, there is no latitude left for anybody—and then put themselves into our hands in respect to civilization or else they shall have no more aid from us, it appears to me would work in exactly the opposite direction from what it is intended to do. Instead of their meeting such a proposition with favor even for consideration, they would say, "We have no faith in you at all; you are violating this treaty now; you do not take any steps to correct it; but you come here not for negotiation, but with the strict terms in your hands, and tell us we must do so, and so, and so, and so, or you will leave matters just as they are and will do no more for us in any way." I do not believe they will submit to that; it is not human nature; and certainly Indian human nature is not any more easily coerced than is civilized human nature. We all know that. On the other hand, if we were to send commissioners there simply empowered to treat, without undertaking to of it, and I would vote for it with pleasure. But to do this which sioners there simply empowered to treat, without undertaking to foreclose the subject of the method of treating or the exact boundary of the land they are asked to give up, I believe that something possibly might come out of it.

Mr. MAXEY. I wish to ask a question. Have the Indians ever

made any formal demand on the United States Government to secure the lawful possession of that country to them of which they have

been unlawfully dispossessed by the whites?

Mr. EDMUNDS. I do not know whether they have or not. lieve, according to the reports of the Indian agents, who are all the people with whom they can have any immediate communication, and who are the agents of the Government for Indian intercourse, they have bitterly complained of this invasion of their rights. I think my friend from Iowa supports me in this statement. So that in substance they have done all that you can expect people with as little civilization as they possess to do. That is to say, they have remonstrated with the diplomatic representatives of the United States, to use such a phrase, residing at their courts against this invasion of

their territory, but of course that did no good.

Mr. MAXEY. As it is said that parties are unlawfully in possession, the question of right is to be looked into; and if possession is to be restored as it was, the point is whether a formal demand has been

made or not for possession.

Mr. EDMUNDS. What would be tantamount to that has been done over and over again.

I come now, apologizing for occupying so much time, to the last

Mr. HITCHCOCK. Allow me to ask a question. Does the Senator know that these Indians are not now and never have been on the reservation that he talks so much about, and that they positively refused to go upon that reservation to live and are now living outside

of the reservation and within the boundaries of the State of Nebraska?

Mr. EDMUNDS. No, Mr. President, I do not know it, and in the next place, if the Senator will pardon me, I do not think that what the question implies is exactly correct. The Indians, under the treaty of 1868, having a vast reservation as is stated-that is, a very large tract of country which is their reservation proper-have also hunting rights which extend over, I believe, a part of the State of Nebraska and part of the Territories west of that.

Mr. HITCHCOCK. They have no hunting rights in the State of

Mr. EDMUNDS. They did have at one time.
Mr. HITCHCOCK. They yielded those rights; and they positively refused at the outset to go on the reservation, and they have never up to this day conceded that point.

Mr. PADDOCK. My colleague is slightly mistaken in reference to that. So much of the Indian right to hunt within the State of Nebraska was taken away as excluded them from that section of the State in which their reservations were not placed, west of a certain meridian, which I do not now remember, and to the south bank of the White River. That small section of the State, the northwest corner of the State still remains where agencies are located. That is all.

Mr. HITCHCOCK. But my colleague is well aware of the fact that this reservation never extended to Nebraska, and that they never had any right in Nebraska except the right to hunt over a portion of the

any right in Nebraska except the right to nunt over a portion of the State, which right they have given up.

Mr. ALLISON. If the Senator from Nebraska will allow me to interrupt him, I think I can explain the matter.

Mr. EDMUNDS. I am looking for information and getting it.

Mr. ALLISON. The southern boundary of this Sioux reservation is the north line of the State of Nebraska, as stated by the Senator from Nebraska; but, as I understand, the north line of the State of Nebraska was run after the treaty of 1838; and the Sioux Indians not being very familiar with narallels of latitude and meridians of longibeing very familiar with parallels of latitude and meridians of longitude, being rather more familiar with streams and water-lines, insist that the real boundary was in a portion of what is now called Ne-braska. That is a matter that they have constantly disputed; although by the terms of the treaty the southern line of their reservation is the northern line of the State of Nebraska. Therefore they are liter-ally now off their reservation, although they claim that they are on territory which was originally intended to be embraced within it by

Mr. HITCHCOCK. But at the time of their location they refused positively to go to the Missouri River, where they were expected and

desired to go.

Mr. EDMUNDS. The treaty does not exactly require them to go to the Missouri River and stay there, but they agree to receive their supplies in the vicinity of the Missouri River; and the Senator says, undoubtedly correctly, for he is familiar with it, that they have not received their supplies there, but they have been delivered to them at

the agencies in his State.

Mr. HITCHCOCK. What I said was that their home, their agency buildings, their agency, never have been and are not on the reservation that is so much talked about. Much has been said about the rights of the Indians; but here is a treaty that the Indians made, and they

positively at the outset refused to comply with it.

Mr. EDMUNDS. That begs one question on which the Indian would probably like to be heard before we decide against him. When this treaty was made-Mr. HITCHCOCK.

So far as champions are concerned, they are

Mr. HITCHCOCK. So far as champions are concerned, they are very ably represented here, I am sure.

Mr. EDMUNDS. I am very glad they are, and particularly by my friend from Nebraska. They are a part of his constituents, according to his statement, and he has a right to speak for them, and I have not in so intimate a sense as he. But what my friend has said involves

one serious matter of right between the Indians and the United States. There may be Indian reservations within a State. There is nothing in the fact that Nebraska is a State that has anything to do with it that I know of. Her State sovereignty does not extend over them any more than the State sovereignty of New York does over the Senecas, if there are any of them left there. The Indians are Indians still, and the title of the State to the land they occupy does not depend upon the fact that she is a State, but it depends upon the fact that those lands have become the property of private citizens, deriving them from the United States, except in respect to the sixteenth and thirty-sixth sections and so on, that are given to the States after the surveys. So, then, these Indians at the time this treaty was made lived chiefly or partly in what is now claimed to be a part of the State of Nebraska near its north line.

Mr. HITCHCOCK. Not at all. They moved into Nebraska after

the treaty was make.

Mr. EDMUNDS. Well, put it that way, because the United States established their agency buildings on the north side of the White

River, if that is the name of the river.

Mr. ALLISON. The south side.

Mr. EDMUNDS. The south side of the White River or wherever the United States put up their agency buildings, I suppose the Indians clustered around. But, Mr. President, supposing the Indians have not any rights at all where they now are in the State of Nebraska; suppose they occupy the same relation to the State of Nebraska in respect of a right to be there that these miners do in their reservation, how does that help it? Does one wrong right another? But the Senator has not shown us that there is any wrong in the Indians being there, unless they are there in violation of the treaty.

Mr. HITCHCOCK. That is precisely what I have been saying and

Mr. EDMUNDS. Will the Senator read the clause of the treaty then?

Mr. HITCHCOCK. The clause of the treaty? I will read the description of the reservation:

Commencing on the east bank of the Missouri River where the forty-sixth parallel of north latitude crosses the same; thence along low-water mark down said east bank to a point opposite where the northern line of the State of Nebraska strikes the river; thence west across said river and along the northern line of Nebraska to the one hundred and fourth degree of longitude west from Greenwich; thence north on said meridian to a point where the forty-sixth parallel of north latitude intercepts the same; thence due east along said parallel to the place of beginning.

Showing that the north line of Nebraska was the south line of the

Indian reservation.
Mr. EDMUNDS.

Mr. EDMUNDS. That is perfectly clear; but that does not prove that the Indian ought to be deprived of his property because he is on the south side of his reservation. If he is not violating anybody's rights, if he is on the public lands of the United States that is not occupied, I do not know any reason why he has not just as good a right to be there as I have.

Mr. PADDOCK. Allow me to state that he is upon just that territory into which he was permitted to go under treaty to hunt. The Indian, in his interpretation of treaties, makes no distinction between a reservation and that section of country into which he is permitted to go to hunt. He therefore considers himself to be there right-

fully.

Mr. FRELINGHUYSEN. Do you think so?

Mr. PADDOCK. Undoubtedly. Mr. EDMUNDS. My friend from Nebraska on the right [Mr. PAD-Mr. EDMUNDS. My friend from Nebraska on the right [Mr. PAD-DOCK] has stated the case, as he always does, with great clearness, so that I understand it perfectly; but I am putting it now on the ground taken by my friend on my left, [Mr. HITCHCOCK,] and I am seeing how it will be supposing he is perfectly right in his doctrine that these Indians are outside of their reservation in the sense of being on the reservation they are not on it, and are therefore wrong. But does it follow that these Indians are committing any wrong upon any body, or violating any treaty, because having a reservation they have chosen to leave its limits and to set up a wigwam upon some public territory of the United States that is not occupied by anybody in territory of the United States that is not occupied by anybody in advance? Why has not an Indian just as good a right to put up a cabin on unoccupied land of the United States as a miner has? I do

oath on unoccupied tand of the United States as a miner has. I do not know any reason. I cannot think of any reason.

Mr. HITCHCOCK. He is not a citizen.

Mr. EDMUNDS. Suppose he is not; suppose he is an alien or an outlaw, a man under disabilities, he still has a right to be somewhere, and he does not violate any law by setting up his wigwam in the vicinity of buffalo ranges along the White River, where he can hunt conveniently. But as the Senator from Nebraska has stated the case, it is unnecessary to debate that question, because it is not the question. These Indians have a right to hunt in the country where they are now located, taking the phrase of my friend from Nebraska on the other side of the Chamber, and they cannot hunt there without being there; and there is nothing in the treaty which says that they shall only hunt one week in the year that I know of. They must subsist, except so far as we subsist them; and when you come to that, it is not altgether clear to my mind that these Indians have received by way of subsistence any more than we agreed to pay them. It is true that we have made appropriations for one or two years since the time we bound ourselves to make them; but whether it be true that these Indians have, taking it altogether from the making of the treaty to this time, actually received what they were entitled to, after the

property and the blankets and the supplies have gone through the strainers of the Departments, contractors, transporters, and Indian agents, is quite another question. I rather think if we could have a bill in equity, and an inquiry and an examination before a master, we should find that on the general average we have not yet actually

we should find that on the general average we have not yet actually put into the hands of these savages any more property than they were entitled to have under the treaty.

Mr. MORTON. I agreed with the Senator from Iowa to let this bill run a little while, concluding that it would soon pass. I am satisfied now that the discussion will be continued. I must therefore call for the regular order.

Mr. EDMUNDS. I hope the Senator will let me speak one minute

longer

Mr. MORTON. I thought the Senator was through.
Mr. EDMUNDS. I will not take more than a minute longer.
Mr. PADDOCK. Will the Senator from Vermont allow me a

word? Mr. President, in relation to the subject of supplies under the

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) Does the Senator from Vermont yield?

Mr. EDMUNDS. For a moment.
The PRESIDING OFFICER. The Senator from Indiana has called for the unfinished business.

Mr. EDMUNDS.

But he has yielded to me.

Mr. PADDOCK. I desire to say that from the outset the Indians themselves did not comply with the requirements of the treaty in respect to the matter of subsistence. The treaty required that the provisions, blankets, &c., should be delivered to each Indian. They were to be delivered to the Indians individually. In order to make were to be derivered to the Indians individually. In order to make that possible it was necessary that the Indians themselves should submit to an enumeration. That, from the commencement of the performance under the treaty until the day that they ceased to be fed under the four-year term, they always persistently refused to do. In that respect they violated the treaty. So it is impossible to tell whether they did receive so much as they should have received or whether there were always or not in respect to the treaty.

whether there were abuses or not in respect to that matter.

Mr. EDMUNDS. That may be true. That was not the part of the matter that I was alluding to. If they have not got as many blankets as they might have received if they had submitted to be counted, it is their own fault, and we have not had to give them blankets to that extent; but, although that was a violation of the treaty, like the waiver of a privilege that they have, they could not have their blankets until they came for them and were counted; and if they did not come and were not counted, they did not get them; that would not make any difference on this question. What I alluded to was what we have a pretty general understanding of, that in the distribution of goods there are many things done which ought not to be done

Mr. PADDOCK. I admit that.

Mr. EDMUNDS. A single word more. The last amendment of the committee I wish to call the attention of the Senate to, which provides that the further sum of \$50,000 is appropriated "to make suitable provision to aid the said commission in the discharge of the duties required by this act." It has been suggested that that had reference to getting rid of the miners and persuading them to be still or to go out so that the Indians could treat on fair terms in possession of their country again; but it does not say that. It is "to aid the commission in the discharge of the duties required by this act." Those duties are to say, first, to the Indians that they must give up this Black Hills country and, second, that they must put themselves into our hands for civilization and, third, that if they will do that they shall have appropriations for ten years. This money, therefore, in its expenditure is confined exclusively to aiding these commissioners in doing what they are to do, and that is to get the Indians to agree to these particular terms. I hope that the Senate will not adopt it, because we cannot disguise it from ourselves that it is like aid that is granted to commissioners making secret treaties with other powers, as has been done in the course of civilization a good many times for the purpose of dealing with the chief men of civilized as well as savage natious, by way of pecuniary inducements and benefits, to get them to do something which they otherwise would not do in surrendering the rights of their people.

them to do something which they otherwise would not do in surrendering the rights of their people.

Expressing my thanks to my friend from Indiana, I conclude.

Mr. MORTON. I now ask for the regular order.

Mr. MERRIMON. I beg to be allowed to offer an amendment, which I wish to have read for information.

The PRESIDING OFFICER. The amendment suggested will lie on the table and account.

the table and be printed.

Mr. MERRIMON. I ask that it be read.

The PRESIDING OFFICER. The amendment will be read if there be no objection

Mr. MERRIMON. I want to say in candor that I am opposed to this

bill out and out

The PRESIDING OFFICER. The Chair will remind the Senator from North Carolina that the morning hour having expired, and the Senator from Indiana having called for the consideration of the unfin-

ished business, it is out of order except by consent of the Senate.

Mr. MERRIMON. So I understood, but he yielded to me for a moment. I will take but a moment. I said that it was due to candor to say that I was opposed to this bill; but if it is to pass I think it im-

portant that certain amendments should be made. I offer this one now and shall offer others, if it is to pass, to make the whole bill har-

now and shall ofter others, it it is to pass, to make the whole bill harmonious with this. I move to strike out—

Mr. MORRILL, of Maine. That is not in order now.

Mr. MERRIMON. I want it read for information. I propose to strike out all after the word "that," in line 3 down to the word Sioux" in line 9 of section 1, and substitute what I have sent to the desk, and I ask that it be read.

The PRESIDING OFFICER. If there be no objection, the words proposed to be inserted by the Senator from North Carolina will be

reported.

The CHIEF CLERK. The amendment is to strike out all after the word "that," in line 3 of section 1 down to the word "Sioux" in line 9, and substitute for the words stricken out the following:

That the President is hereby authorized to detail for the service herein provided for five officers of 'he Army not below the rank of colonel, who shall compose a commission whose duty it shall be to visit the various tribes of the Sioux Indians.

The proposed amendment was ordered to lie on the table, and be

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. George M. ADAMS, its Clerk, announced that the House had passed the following bills:
A bill (S. No. 386) approving an act of the Legislative Assembly of

Colorado Territory

A bill (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignces of William T. Cheatham; and
A bill (S. No. 490) for the relief of Hibben & Co., of Chicago, Illinois.

The message also announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance,

United States Army;
A bill (H. R. No. 198) to relieve the disabilities of Robert Tansill,

of Virginia;

A bill (H. R. No. 1596) granting a pension to Ruth Ellen Greelaud; and

A bill (H. R. No. 811) making appropriation for the payment of invalid and other pensions of the United States for the year ending June

The message further announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal

year ending June 30, 1877.

The message also announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. Jacob Turney of Pennsylvania, Mr. R. P. Bland of Missouri, and Mr. John F. Philips of Missouri managers at the conference on its

The message further announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 101) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, de-deased," approved March 3, 1873; A bill (H. R. No. 431) for the relief of the heirs of William A. Gra-

ham

A bill (H. R. No. 726) to change the name of the steamboat Charles

A bill (H. R. No. 726) to change the name of the steamboat Charles W. Mead;
A bill (H. R. No. 2012) to authorize the sale of certain ordnance stores to the First Troop Philadelphia City Cavalry;
A bill (H. R. No. 2018) to authorize the Exchange National Bank of Pittsburgh, Pennsylvania, to improve certain real estate;
A bill (H. R. No. 2197) for the relief of Henry B. Kelly, of Louisiana, from political disabilities imposed by the fourteenth amendment;
A bill (H. R. No. 2482) for the relief of Charles W. Mackey, late first lieutenant Tenth Regiment Pennsylvania Reserve Volunteer Corps;
A bill (H. R. No. 2686) to provide for holding of terms of the district and circuit courts of the United States at Jackson, Tennessee;
A bill (H. R. No. 2687) to provide for holding of terms of the district and circuit courts of the United States at Jackson, Tennessee;

A bill (H. R. No. 2687) to provide for holding of terms of the district and circuit courts of the United States at Chattanooga, Ten-

nessee;
A bill (H. R. No. 2688) to provide for holding terms of the district and circuit courts of the United States at Kausas City, Missouri;
A joint resolution (H. R. No. 85) to authorize the Secretary of War to issue certain arms to the Washington Light Infantry of Charleston, South Carolina, and the Clinch Rifles of Augusta, Georgia; and A joint resolution (H. R. No. 86) for the relief of the Turtle Mountain Land of Chippeava Indians ain band of Chippewa Indians.

# ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; which were thereupon signed by the President pro tempore:

A bill (H. R. No. 83) for the relief of James A. Hile, of Lewis County, Missouri;

A bill (H. R. No. 215) granting a pension to John G. Parr, of Kit-

tanning, Pennsylvania;
A bill (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States for the year ending

June 30, 1877;

A bill (H. R. No. 1599) granting a pension to Frances C. Elliott;

A bill (H. R. No. 1962) to confirm certain school-indemnity selection of public lands by the State of Nebraska; and

A joint resolution (H. R. No. 65) authorizing Edwin James, consular agent at San José, to accept a piece of plate from the Queen of Great Britain.

### COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions

arising thereon.

Mr. RANDOLPH. Mr. President, under the rules of the Senate the amendment I propose to the pending bill will not be strictly in order until a vote has been taken upon the question before us. What that vote shall be may depend upon the existence of some better plan than any now under consideration, and I therefore beg to speak to the subject for a few moments.

The committee's bill has in view the passage of a law under which

the electoral vote of States shall be counted.

Debate has elicited these facts: That as to this important subject there is a vital omission in the organic law; that for many years there has been in force as a remedy for the defect a joint rule of Congress. That rule, now abrogated, is admitted on all sides to have been iniquitous in conception, dangerous in existence, and constitutionally without warrant. With its paternity denied by all and its abrogation delayed by none, it seems to have been a political bastard, whose usefulness was contingent upon a partisan emergency and whose life

closed with the first dawn of purer public sentiment.

The debate also discloses this remaining fact: That, agreed as we are as to the necessity of some new and equitable law which shall cover all contingencies likely to arise in the selection of a President and Vice-President, we are at great variance as to a remedial mode, comprehensive in its character and within our power to adopt.

The Committee on Privileges and Elections present their remedy in the pending bill; to it several amendments are offered, among them one of my own. Before presenting reasons in favor of this amendment I desire to state my objections to the committee's proposition, as

well as to some of the amendments thereto.

The original bill fails in its purpose, confessedly so, in contingencies likely to arise, that have arisen heretofore. It is imperfect because it leaves the count of the electoral vote of a State entirely dependent upon the concurrent vote of both Houses of Congress. Should

pendent upon the concurrent vote of both Houses of Congress. Should a State be so unfortunate as to have two sets of electors returned, and fail to convince both Houses of Congress as to which the true ones are, then its electoral vote is thrown out, its people wholly disfranchised. A large majority of the House of Representatives, for instance, might declare in favor of one set of returns; in the Senate all but one vote necessary to a majority might concur therein; yet this lacking vote, representing at best but half a State, and in fact but an individual opinion, would suffice to reject the electoral vote of a State.

Clearly it was not within the nurses of the fothers to give any

Clearly it was not within the purpose of the fathers to give any such extraordinary power to an individual over the people of a State, and that in deciding a question not judicial but political in its char-

There has been a general expression that the functions of members of both Houses of Congress are largely, if not altogether, ministerial as to the count of the electoral vote. The Constitution could scarcely have contemplated the almost instant transformation of a mere ministerial agent to that of a supreme judicial officer from whose flat no appeal could be taken.

The original bill fails in comprehensiveness. Its fault is that of

omission.

The second section reads thus:

SEC. 2. That if more than one return shall be received by the President of the Sec. 2. That it more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

Simply stated, the bill provides for the count of each undisputed electoral vote. In case of dispute as to the true returns of any State two hours only are allowed for reconciling the conflicting views of the Senate and House. Even this brief time is consumed in separate session; and, failing to agree, the electoral vote of the State is wholly

The disfranchisement of a people may thus hinge upon two quite possible contingencies: First, the easily procured and presented bogus returns so called from a State; next, the virtue of one or the other

of the great political parties, tested under the greatest temptation.

Practically the committee's bill gives to Congress a veto power upon the acts of States

The danger of adopting the second section of the pending bill can be briefly illustrated by taking the case of Louisiana.

Should that State return two sets of electors and the vote of one

or the other set be sufficient to determine the political ascendency of

one or the other of the parties, in the administration of Federal affairs, is it probable the Senate and House would agree as to which were the true returns? No. Then the vote of Louisiana would be rejected.

true returns? No. Then the vote of Louisiana would be rejected.

This might leave the remaining three hundred and sixty-two votes standing as follows:

This would insure a democratic President and Vice-President. Yet to the people of the country it might be made palpable that the rejection of Louisiana by a democratic House was a partisan action and to defeat, as it only could defeat, the election of a republican President, as the count of Louisiana's vote would do. I choose this illustration, that is hypothetically against my own party, to strengthen its force with my republican friends.

Aside from this narrow and partisan result there is an objection Aside from this narrow and partisan result there is an objection broader and deeper. It consists in the crime of deliberately disfranchising the people of a State—in the enormity of excluding one of our own—not because her rights are not equal, but because we have not patriotism, patience, and virtue enough to defend them. Yet this defense is one of, and perhaps the greatest of, our mutual obligations as States to each other. It is the keystone guarantee of the Federal compact. No, Mr. President, Congress has no right—never had, and never will have, if justice is to prevail—to disfranchise the people of any State. The admission of such power is fraught with danger to liberty itself. Peculiarly as to this matter the States stand as peers, nor erty itself. Peculiarly as to this matter the States stand as peers, nor can we, their servants in Congress, infringe the rights of the weakest of them.

Sir, it has been intimated at least that the rejection of contested electoral votes would be no fault of the Congress nor of the people of the uncontested States. This is not true. There is just as much power in Congress under the Constitution to assure the full vote of every State as to assure that of one. If we can provide by law for doing anything, (beyond the plain, though admitted imperfect, provisions of the Constitution,) we can provide for all contingencies foreseen as possible. Our duty, sir, is to leave no chance for injustice, no invitation to fraud.

The amendment of the Senator from Tennessee [Mr. Cooper] proceeds upon the theory of the constitutional provision regulating the selection of a President and Vice-President when no choice has been made by the electors. The theory seems to me to fail when applied to an equitable adjustment of the difficulty now under consideration.

to an equitable adjustment of the difficulty now under consideration.

The electors referred to in the Constitution were to be persons chosen by the State Legislatures—not by the people. They were to be an intermediate body between the States—not the people—and the executive officers selected. Their selection of proper officials was not expected to be controlled by party conventions, as has turned onto be the fact. It was anticipated they might differ in judgment to such degree as to leave no one person with a majority vote.

So plain is this anticipation that the Constitution provides that only three of all the persons voted for by State electors should be subsequently considered.

The electoral vote is a secret one. The power once exercised in

The electoral vote is a secret one. The power, once exercised, is ended. Thus the necessity for another tribunal, another electoral college substantially, in a contingency possible. That final tribunal, as we all know, is the House of Representatives; but only in the emergency named.

The whole of this residuary power of the House of Representatives proceeds upon the theory of a want of sufficient agreement between the agents or electors of all the States; not between people of the same State. The principle that lodged the first-named power in the No such principle applies in the adjustment of differences arising within a State. House of Representatives was that of protection to the smaller States.

The constitutional provision referred to is a remedy for what might otherwise be a fatal defect. It points to the legislative power, or a portion of it, as the proper power to decide who the Executive shall be in grave emergencies. In this view it is just now very suggestive. But it seems to me no more.

The amendment proposed by the Senator from Tennessee, to my mind, renders possible the selection of an Executive against whom the popular vote has been largely cast. It is no fair reply that this possibility already exists in another emergency. There should be no additional crevice through which the will of the majority of the people can be defeated.

ple can be defeated.

The amendment proposed by the Senator from Virginia [Mr. Johnston] proceeds upon the power of the two Houses to come together in joint meeting, and when together to act as a unit in Legislation. This power, in Congress, is not generally admitted. Its exercise, if constitutional, is hazardous and the line that most old-fashioned democrats deem as indispensable to true constitutional government is badly weakened by his plan, if not, for a period, absolutely lost sight of. I think the Senator will, upon reflection, agree with me that the actual amalgamation of the votes of the two Houses by meeting in joint convention is open to objection.

The amendment proposed by my colleague in substance provides for a court composed of the Chief Justice, the President of the Senate, and the Speaker of the House of Representatives. Though he

does not say so in words, his amendment would seem to imply a lack of power in Congress to do that which it gives authority to its agent to do; or, if I am wrong in this construction, then it doubts the fitness of Congress to decide a question "partly judicial, partly political." Yet, Mr. President, it is just such questions this body, at least, is often

called upon to decide.

But there is another objection to the amendment of my colleague that I deem fatal. This relates to the persons constituting the final tribunal named by him. The Chief Justice or senior justice holds his appointment from the President; not infrequently, as re-elections of Presidents occur, from the person to whom he owes his original elevation and upon whose continuance in the presidential office, as a matter of fact, he is called upon to decide. However just and honest his vote, this high judicial officer would stand in imminent danger of being questioned as to motive, and thus of losing his indispensable judicial influence. No part of the Supreme Court can be brought to the decison of a question that plain people would ever consider purely political without lowering public respect for that great and final tri-

Mr. President, I have proposed to add a new section to the bill now being considered, which I will thank the Clerk, if he has the amend-

The PRESIDING OFFICER. The amendment submitted by the

Senator from New Jersey will be read. The Chief Clerk read as follows:

SEC. —. Should the two Houses of Congress, acting separately, fail to agree as to which is the true and valid return of a State, then, and in that event only, the President of the Senate shall render a decision of the question, and such rendition shall be in favor of that return of a State which shall have received a majority of all the votes cast in both Houses of Congress, considered as if both Houses had cast their votes in joint meeting assembled.

Mr. RANDOLPH. Now, Mr. President, I hope it will be plainly seen that the adoption of this or a kindred section leaves no pretext for omitting the count of every electoral vote of all the States

The Houses of Congress, acting separately, failing to agree as to which the true returns of a State are, join in effect the aggregate vote of both, and those returns which shall have received a majority of all the votes of the members of both Houses are declared the true returns. The duty of making this declaration is put upon the President of the Senate. The decision is final; the case is ended. This plan has some affinity with parts of both of those suggested in the amendments made by the Senator from Tennessee and the Senator from Virginia. Through the votes of Senators the States, as such, are directly had. By the votes of members the people speak through their more immediate Representatives. Their is no exclusion of either voice. The larger States make their power felt through their greater number of Representatives; the smaller States assert their equal voice in the votes of their Senators.

It may be said that the voice of States is liable to be lost under my amendment. This may sometimes occur. Yet at all times the plan suggested by me is an important gain of power to the smaller States, as against relegating the decision of the question to the House of Representatives alone. Another view of the matter will disclose this fact. Under my plan the practical decision of the question may often rest with the States through the votes of Senators. Should the House of Representatives be about evenly divided, as is frequently the case, then the Senate, usually very unevenly divided politically, would have the controlling vote. In a word, the opportunities would be quite evenly divided as to whether the decision would be reached

by the controlling vote of the Senate or the House.

So, Mr. President, the amendment proposed seems to be as reasonably free from objection as any we are likely to adopt. Undoubtedly the wiser and safer plan would be to amend the Federal Constitution in such manner as to render the disfranchisement of the people of any State impossible. Meantime our duty is to provide the best system we can. That which I have proposed may be more objectionable under the light of full discussion than it now appears. It seeks no party advantage. It is in practice familiar to the people of all the States through the results of State legislative joint meetings. no small sanction from Congress itself since the passage of the law regulating the election of United States Senators. That law, it will be recollected, had for its object, almost its sole object at the time of its passage, the compulsory decision of a grave question, the selection of members of this body. The mode concluded upon as just and equitable was that of compulsory joint meeting when separate branches of a State Legislature would not or could not agree. I propose to apply to ourselves the same remedy for honest differences or factious opposition that we have assured the State governments was good for them.

Mr. President, I ought to say in justice to myself that I have not been able to give that full consideration to my own amendment which I had hoped to be able to do, and it is only within the last three or four hours that I have been able to touch it at all. I submit the suggestions I have made in the earnest hope that they may to some extent lead to a true and legitimate determination of this important, if not

the most important, question now before Congress.

Mr. WHYTE. Mr. President, I should not attempt so soon again to make any remarks in the Senate upon this subject were it not that it strikes me the Senate ought first to be brought to the conclusion whether this power, about which so much discussion is now being had, is not lodged with the President of the Senate, as I suggested when

making the remarks I did last Monday to the Senate. If that power is lodged now with the President of the Senate, then it is idle for us to waste time in statute legislation; but it is the duty of Congress, in case we have discovered an omission, to provide for contested elections, or, in case the power is doubtful as regards the President of the Senate, to propose an amendment to the Constitution; and therefore the preliminary inquiry is whether or not a constitutional amendment is necessary. That having been concluded, then what shall be the

character of that constitutional amendment?

There is a vast difference between the ministerial duty of the President of the Senate, as I maintained the other day, in counting the electoral returns, and granting a prima facie case to an officer, and the examination of the right of that officer to hold the place in the case of a contest whether as regards the electoral vote of a specific State or in regard to the aggregate votes of all the States. Therefore, whether in regard to the count there is an omission or not, it is clear that there is no provision of the Constitution for the case of a contested election of President or Vice-President before the people. Hence it is important, if we mean to make any provision in regard to the count of the vote, that we should go a step further and pro-vide for a contested election of President and Vice-President of the United States. I say that it is essential for us now to amend the Constitution, for, after reading the able arguments of the Senators on this floor on last Thursday, I have seen nothing to change the view which I had the honor to present to the Senate on Monday of last week. On the contrary, a close examination of the question and mature reflection not only satisfy me in regard to that view of the case as presented by my own reading of the Constitution, but I do not think the precedent established when the Constitution was set in motion can be "whistled down the wind" as it was by my friend the Senator from Ohio, [Mr. Thurman.] No, Mr. President, let us look at the point for a moment, and I shall not occupy the Senate long; let us look at the property of the preparation of the Senate long; let us look at the proposition as I presented it to the Senate upon that occasion.

The Senator from Ohio speaks of the precedent in the count. I did not call the attention of the Senate to the precedent in that respect; I called the attention of the Senate to what the convention that framed the Constitution, to what the men who were the makers of the Constitution asked the First Congress to do, and then followed it up by the precedent established by the first Congress that assembled under the Constitution. I called the attention of the Senate to the fact that, in the resolution which sent the Constitution to the Congress of the confederation and requested its delivery to the people of

the States for ratification, the express language was:

That the Senators should appoint a President of the Senate for the sole purpose of receiving, opening, and counting the votes for President.

That was his duty, to receive, to open, and to count the votes. That resolution went with the Constitution to the Congress of the Confederation; that Congress sent the Constitution, with this resolution, with the report of the committee, to the people of the States to be ratified by the people of the States. The people of nine States ratified it. Congress met under it; and, when Congress met what was the action of Congress? Its action was to elect a President of the Senate in the very words of this resolution, complying literally with it; the Senate of the First Congress elected John Langdon, one of the Senators from the State of New Hampshire, President of the Senate, senators from the State of New Hampstire, President of the Senate, "for the sole purpose of opening and counting the vote for President and Vice-President of the United States." Who was John Langdon? John Langdon, a Senator from New Hampshire, was the very first man to sign the Constitution, the work of the convention, under the name of George Washington. He was one of the framers of this very Constitution; he was one of those who gave it his signature to send it to the world; he was one of those who voted for this identical resolution; and he now becomes the hand of the convention to open and to count these very votes under that very resolution which he himself had voted for in the convention that framed the Constitution.

That is not all, Mr. President. Immediately upon the election of

Mr. Langdon the following proceedings were had:

Ordered, That Mr. Ellsworth inform the House of Representatives that a quorum of the Senate is formed; that a President is elected for the sole purpose of opening the cettificates and counting the votes of the electors of the several States in the choice of a President and Vice-President of the United States.

Who was to bear this message to the House of Representatives, that the Senate was now in session to attend upon the opening and counting of the votes by the President of the Senate who had been elected for that sole purpose? It was Oliver Ellsworth, who had done as much in the framing of the Constitution as any other member of the convention. Oliver Ellsworth knew what he was going to the House of Representatives for. He knew that the Senate of the United States was merely performing the duty of attending while the President of the Senate opened and counted the votes for President and Vice-President August Vice-President August Vice-President Vice-President

the Senate opened and counted the votes for resident and resolution ident of the United States.

That is not all, sir. Who else was there? Of the ten members of the Senate at that time, six were members of the convention that framed the Constitution. Of the very Senate that passed this resolution, the very Senate that ordered Mr. Ellsworth to 30 to the House of Representatives and invite them to attend to witness the counting of the votes by the President of the Senate, six had been participants in framing this very Constitution. There, if I remember correctly, were Langdon, and Ellsworth, and Robert Morris, and Bassett of Delaware, and Few of Georgia. There were the very men who knew exactly what was the intention of the framers of the Constitution, and knew exactly how to carry out that intention in setting the ma-chinery of the Government in motion. What did they go? Mr. Ellsworth went to the House of Representatives. The Senator from Ohio when he spoke about this precedent being of no great force added also that this most admirable compilation or history of the First Cong ess made by our worthy Chief Clerk was not an accurate account, and that an opposite presumption might be drawn by reading the Journal. He is mistaken. I have examined another history of Congress by Mr. Blanchard of the First Congress, and it corresponds exactly; and to-day I have got the Journals of the Senate from 1789 to 1793, and they confirm, and not only confirm, but make stronger, the theory that the House of Representatives and the Senate were mere attendants upon the duty discharged by the President of the Senate: they had no part or lot in it except to furnish two gentlemen on the part of the House and one on the part of the Senate to sit at the Clerk's table and make out a list as the President of the Senate declared the votes of the States. That is all. Let us see. Mr. Ellsworth proceeded to the House of Representatives and informed them that-

The Senate is now ready in the Senate Chamber to proceed, in the presence of the House, to discharge that duty.

I read from the Journal.

He informed them also that the Senate have appointed one of their members-To do what?

to sit at the Clerk's table to make a list of the votes as they shall be declared-

Declared by the President of the Senate-

submitting it to the wisdom of the House to appoint one or more of their members for the like purpose.

He reported that he had delivered the message.

Mr. Boudinot, from the House of Representatives, communicated the following

verbal message to the Senate:
"Mr. President, I am directed by the House of Representatives to inform the Senate that the House is ready forthwith to meet the Senate, to attend the opening and counting of the votes of the electors of the President and Vice-President of the United States

"To attend," to wait upon the President of the Senate as witnesses to attend him as he performs his duty, but not to take any part in the performance of that duty, not to interfere with him in discharging his office of opening, counting, and declaring the electoral votes of the various States; and so it goes on. They appointed tellers.

The President elected for the purpose of counting the votes-

That is the record of the First Congress. The record leaves out "opening the votes;" but—

The President elected for the purpose of counting the votes declared to the Senate that the Senate and House of Representatives had met, and that he—

John Langdon-

in their presence, had opened and counted the votes of the electors for President and Vice-President of the United States; which were as follows.

That is not all. John Langdon gave the certificate to George Washington of his election, and in that certificate, as the Senate will see, announced that-

The underwritten, appointed President of the Senate for the sole purpose of receiving, opening, and counting the votes of the electors, did, in the presence of the said Senate and House of Representatives, open all the certificates and count all

He, John Langdon, did, and nobody else did; and he certified that Washington was elected, and sent messengers to the President and to the Vice-President.

That is not all. What was done at the very next election of the President of the United States when George Washington was again elected? I turn to page 480 of this volume of the Journal. The very question was brought to the attention of the two Houses at that time; for there was a resolution passed by the House of Representatives to which the Senate gave its concurrence, which will be found on page 480:

The Senate proceeded to consider the resolution of the House of Representatives that a committee be appointed, to join such committee as may be appointed by the Senate, to ascertain and report a mode of examining—

Not of counting-

a mode of examining the votes for President and Vice-President, and of notifying the persons who shall be elected of their election, and for regulating the time, place, and manner of administering the oath of office to the President.

Of examining the votes, not counting them. The counting was done by the President of the Senate, and nobody at that day supposed for a moment that Congress could dislodge him from the position in which the framers of the Constitution had placed him. Now see, page 484, the report of that committee, composed of Mr. Izard and other gentlemen who had been members of the constitutional convention. James Madison was one of that committee on the part of the House; and I presume no man was more familiar with the Constitution, then but a few years framed, in which he took such a part; no man could have been more familiar with it, and no man could have known the intention and object of the framers of that instrument better than James Madison:

Mr. King, from the joint'committee appointed the 6th February, instant, reported, That the two Houses shall assemble in the Senate Chamber on Wednesday next. at twelve o'clock; that one person be appointed a teller, on the part of the Senate, to make a list of the votes as they shall be declared.

By the President of the Senate, just as it had been done four years before, when he opened them and read them, and the tellers made the count under his eye and under his hand, using them merely to do the manual labor of making the list, and certifying and handing it to him that he might announce the result.

Mr. SAULSBURY. I desire to ask the Senator from Maryland if the object of that resolution of the House for examining the votes of the electors of the different States was not to ascertain whether they were electoral votes or not? What was the object of examining on the part of the two Houses, unless it was with some view of regulating

and controlling the counting of the votes?

Mr. WHYTE. Mr. President, it was for the simple purpose of being a check upon the Vice-President or President of the Senate, so that the very object of the Constitution should be complied with of having witnesses who saw the certificates before the count had been announced by the Vice-President. That was the object. What is the meaning of tellers? Only to keep a tally of the votes. What power has a teller in an election but to keep a tally of the votes? He is only to mark them down and see that they correspond with the enunciation by the Chair. That is all, Mr. President.

To make a list of the votes as they shall be declared, that the result shall be de-livered to the President of the Senate, who shall announce the state of the vote and the persons elected to the two Houses assembled as aforesaid; which shall be deemed a declaration of the persons elected President and Vice-President, and, together with a list of the votes, be entered on the Journals of the two Houses.

Therefore in the beginning the eye of Congress was turned to this very question, and they recognized that the President of the Senate was the proper depositary of the votes, and that he was the proper person to discharge the duty of making the count and announcing it to the country in the presence of the two Houses. If any resolution of the House shows that, it was merely to attend upon the President of the Senate when he makes this count.

I have shown, Mr. President, that this was a resolution first from the convention that framed the Constitution to the First Congress, and that the First Congress obeyed that order, and after that the Con-gress in session when George Washington was elected the second time confirmed everything that had been done by the preceding Congress, and that was the uniform practice from that day down to 1865, for in 1857 Mr. Mason, presiding over the two Houses, did not count the vote of Wisconsin, as I shall show directly.

Some Senators seem to think that this is an extraordinary power. Why should it be so deemed? In regard to the election of President you have to find some similitude in your mode of procedure from the past. You have to look at the operations of your States, for after all we all, or certainly those of us who think the way I think upon constitutional questions generally, maintain that the Federal Government is but an aggregation of the State governments, and therefore what will apply within a State government may very well apply to the National Government so far as its method of exercising power is concerned; and does not every Senator on this floor know that the governors of nearly all the States, if not all of them, possess the same power in regard to the returns of elections of State officers? Certainly in my State, and I believe in most of the other States, the governors. ernor issues a commission upon the returns made through the clerks' offices of the various courts, or through the local boards of canvassers. He looks at those returns, and he issues the commission, and declares the party elected. Is not that so ? What is his duty? The other day my friend from Indiana seemed incredulously to smile when he asked me whether I considered it a ministerial duty to decide between two returns, and I said yes. I repeat it. There is not a canvasser of any State in this Union that does not have to do that very thing, and yet everybody knows his office is ministerial.

Mr. MERRIMON. Quasi judicial?

Mr. WHYTE. No, sir; not quasi judicial. On the contrary it is purely ministerial, and just as ministerial as that of the clerk of a court who is authorized to record a deed, and will not record the morning newspaper if you take it to him and ask him to do it. He is bound to record a deed where the law is complied with, and he looks to the deed to see if the law is complied with and if it is a deed to be recorded. If it is not, he is not bound to record it. Who would for a moment say that that was the exercise of a quasi judicial duty? for a moment say that that was the exercise of a quasi judicial duty? Cooley on Limitations lays it down so broad that no man can doubt it, that the power of a canvasser, though you may call it quasi judicial if you please, is not quasi judicial, but purely ministerial from the beginning to the end. Take, in passing, the case of a marriage license. A clerk of a court is authorized to issue a marriage license, but not to a minor. A gentleman presents himself at his desk and asks him for a marriage license. He looks at him and doubts whether he is of age. He has a right to refuse it if he thinks proper, and subject that man to the necessity of a mandams to compel him to perform that man to the necessity of a mandamus to compel him to perform that duty. More than that, he has a right to swear the man, and ascer-tain whether he is a minor or not before he issues a license. It is a purely ministerial duty. It has been recognized by everybody as a ministerial duty so far as the ordinary boards of canvassers are concerned. Such a person is a mere canvassing officer. In my judgment he represents the State. The State votes for President. Each State, says the Constitution, shall, under the direction of the Legislature, appoint electors, and the President of the Senate is the canvasser for the States; and, as such canvasser, performs merely the ministerial duty of deciding, prima facie, who is elected President or Vice-President

dent of the United States. Now, no Senator need answer me by saying that that decides the whole case, because there is no provision in the Constitution which looks to a contested presidential election. That may be an omission in the Constitution which ought to be supplied. Then you can take the contested election to the Supreme Court of the United States to determine who ought to be the lawful occupant of the White House; but, until some such provision is made in the Constitution, the President of the Senate, as a ministerial officer, determines who is elected President and Vice-President of the United States. Kent says so:

The President of the Senate, on the second Wednesday in February succeeding every meeting of the electors, in the presence of both Houses of Congress, opens all the certificates, and the votes are then to be counted. The Constitution does not expressly declare by whom the votes are to be counted and the result declared. In the case of questionable votes, and a closely contested election, this power may be all-important; and, I presume, in the absence of all legislative provision on the subject, that the President of the Senate counts the votes, and determines the result, and that the two Houses are present only as spectators, to witness the fairness and accuracy of the transaction, and to act only if no choice be made by the electors.

Sir, the presumption is conclusive, there being nothing else in the Constitution, the Constitution not specifically saying by whom, the Presumption is, from all the surrounding language, that the two Houses are only there as spectators, and that the President of the Senate is the proper person to count and to declare the vote; and, if I am not much mistaken, the distinguished Senator from Indiana thought the same way when he made his speech on the 17th of January, 1873:

Clearly-Said he

the framers of the Constitution did not contemplate that the President of the Senthe framers of the Constitution did not contemplate that the President of the Senate in opening and counting the vote for President and Vice-President should exercise any discreti mary or judicial powers in determining between the votes of two sets of electors, or upon the sufficiency or validity of the record of the votes of the electors in any State; but that he should perform a merely ministerial act, of which high powers may devolve upon him exencessitate ver, and whatever decision he may make between the two sets of electors or upon the sufficiency and validity of the record of the votes—whether on the evidence of the right of the electors to cast votes, or whether they have been cast in the manner prescribed by the Constitution—his decision is final.

So that the Senator from Indiana clearly accepted that as the true construction, that having this ministerial power lodged with him out of the necessity of things he might be called upon on some occasion to declare which of two returns he would take, or whether the people had the right to vote or not, and the Senator stated then that he considered his decision to be final, and I agree with him. If it is to be changed, it is to be changed by a constitutional amendment, and in no other form. Let us see what else the Senator said on that same subject on that occasion:

subject on that occasion:

The Constitution provides that the President of the Senate shall be the depositary of the electoral votes of the States, and that he "shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." It has been generally conceded that this means that the two Houses shall be present in their separate characters, and not as a joint convention; that they cannot act and vote as one body; that the two bodies cannot deliberate and act as separate bodies in each others' presence; that they are simply brought together to witness the result of the opening an I counting of the vote as reported by the President of the Senate. The fact that tellers have been generally appointed by the two Houses in nowise affects the question, for they are mere facilities to actually count and make record of such votes as the Vice-President hands to them for that purpose.

Can there be any doubt that it was the view of the Senator then that it was conceded on all hands that that was the status of the case under the Constitution of the United States? But, Mr. President, I may not perhaps be adding any strength to my argument with the Senate; but certainly to my judgment the authority I am about to quote was a high authority on constitutional questions; and therefore I ask permission to call the attention of the Senate to this question as presented by the late President of the United States and late tion as presented by the late President of the United States and late Senator who we regret to miss from the chair in my rear. I refer to a veto which he sent to Congress on the 20th of July, 1868-a veto which I had the honor to vote to sustain in company with Senator Hendricks and other gentlemen on this floor. It is not material to read any other portion of the message or to discuss any other part of the question raised in his veto further than this particular point referring to the power of the President of the Senate. Said President Johnson, on the 20th of July, 1868:

Johnson, on the 20th of July, 1868:

The mode and manner of receiving and counting the electoral votes for President and Vice-President of the United States are in plain and simple terms prescribed by the Constitution. That instrument imperatively requires that the President of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." Congress has, therefore, no power under the Constitution to receive the electoral votes or reject them. The whole power is exhausted when, in the presence of the two Houses, the votes are counted and the result declared. In this respect the power and duty of the President of the Senate are, under the Constitution, purely ministerial. When, therefore, the joint resolution declares that no electoral votes shall be received or counted from States that since the 4th of March, 1867, have not "adopted a constitution of State government under which a State government shall have been organized," a power is assumed which is nowhere delegated to Congress.

And so all the better reasoning in the case of Wisconsin was that way. There is no argument worthy of the name of argument that can be presented in reply to the statement of the case as made by Mr. Stuart, of Michigan, at that time, which Mr. Collamer thought so strong and so important in its character that he refused to vote for the resolution that had been proposed by Mr. Crittenden; and I ask

the attention of the Senate to Mr. Collamer's remarks on that subject. We all know that the certificate of the vote of Wisconsin showed hat the electoral college had met a day after the day appointed by law for casting the electoral vote, by reason of a snow-storm. We all know that Mr. Mason did not count Wisconsin, upon the ground that it would make no difference whether Wisconsin was counted or not; the result was the same; and, therefore, the vote was not counted. A debate arose, and Mr. Toombs, of Georgia, made a violent demonstration against the ruling of the President of the Senate. The announcement was made, and the Houses separated. The debate was resumed in each House, and, in the Senate, Mr. Crittenden, after a long debate, offered this resolution:

Resolved by the Scnate and House of Representatives of the United States of America in Congress assembled. That the electoral vote of the State of Wisconsin in the late presidential election, being given on a day different from that prescribed by law, was therefore null, and ought not to have been admitted or included in the count of electoral votes given in the late presidential election.

The Senate laid that resolution on the table, after Mr. Collamer's speech, without even a division. Now, let us see what Mr. Collamer

said:

I very much doubt whether the framers of the Constitution ever intended to leave the subject of the presidential election to the House of Representatives or the Senate, or either or both of them. There was a great deal of dedate in the convention that framed the Constitution as to the manner of choosing a President of the United States. Various projects were presented. Among others, it was very gravely debated whether he had not better be elected by Congress. For some consideration that proposition was under consideration. Various plans were put forward, various suggestions made as to the manner of choosing a President, and much difficulty was found in relation to it before a plan was arrived at and that so soon resulted in a practical failure as to lead to the change in the Constitution to what it now is in this respect. The Constitution vested in each House the power to decide upon the election of its members; it provided carefully that it would not trust to the two Houses to elect a President.

That is what we are trying to do here to-day.

It seems to me that if we consult history at all, and consider the probability of things even as they fall within our own observation and experience, we shall find that there is very little practical difference between leaving the presidential election to Congress and leaving Congress to decide that election.

He could not put it better than that by the use of human language. The convention would not leave it to Congress to elect, and now Congress proposes to elect for itself.

Mr. THURMAN. Shall I interrupt the Senator if I make a suggestion?

Mr. WHYTE. Not at all.

Mr. WHYIE. Not at all.

Mr. THURMAN. Does the Senator think that the question before
the Senate is whether we can go back of a return admitted to be genuine and regular upon its face? If he supposes that to be the question, I must say that I do not suppose it to be the question; nor do I see how it is involved. I certainly do not admit that you can go back and go into a contest of the election at all. I submit that the remarks that have been made, which he has read, both by the late Senator Johnson and Mr. Collamer and Mr. Crittenden, do not refer to a case like the present at all. The question now is, what must we do when the question is which of two returns is the genuine return? When you have decided which of them is the genuine return, I admit you cannot go back of that.

cannot go back of that.

Mr. WHYTE. Yes, sir, that is just what I am on. I say that Congress has no right to assume to itself to decide which is the right return, because the Constitution has put it in the hands of the President of the Senate, and until you amend the Constitution you have no right to take it away from him. That is my argument. The Senator was not in when I first commenced or he would have known that the is my argument. that that is precisely what I say. It is tinkering with the Constitu-tion if you do not go a step further. You want to decide which of the two returns is the right one, and not to go behind the return and take the evidence that is to give you the power to decide judicially. What is it that is to be done? One party in the House may say one is the right return; another party in the Senate may say another is the right return; and the State is disfranchised, which our fathers never meant.

The President of the Senate is the custodian of these votes; he is the can vasser of these votes; and he is just where the governor of a State is when he is bound to issue a commission upon the returns that are sent to him. He is bound to look at the returns and see that they comply with the law, and then he is to issue a commission to the man who upon the face of the return has a majority of the votes cast. That is the state of the case. I say that is a mere ministerial duty, and I should like to be pointed to some authority to the contrary. Every governor has to discharge that duty, not as governor, not in the discharge of those executive functions which are political exclusively in their character, and which are not subject to the revision of the courts. Take the case of a governor; and I liken the President of the Senate to him, for I see no difference. Suppose the President of the Senate wantonly rejects the legitimate return from a State; is there no power to compel him to count it? Is there a power to compel the governor of a State to count a return properly certified? The Senator from Wisconsin [Mr. Howe] truly said the other day there can be but one right return and one wrong one, and our fathers never expected us to legislate for a case where there should be two executives of a State at one time. Our fathers never expected us to be in a condition that we should doubt what was the executive authority which certified to the electors in any State of this Union. The Constitution prescribes the duty to the President of the Senate. The law of 1792 shows him how the certifica es are to be certified to him, shows him now he is to know who are the persons in the States claiming to be electors; and on that he has got to answer to the country and to his God that he discharges his duty faithfully. If he discharges it wickedly and puts aside a regular return which he ought to count, is he not in the same position as the governor of Kentucky, who is bound to issue a commission to the attorney-general upon the returns of the canvassers or the county clerks that he has a majority of the votes cast? When be adds them up and finds he has got a majority of the votes cast? When he adds them up and finds he has got a majority of the votes, he is bound to issue the commission. If he rejects the right return and counts him out, the courts of Kentucky by mandamus will compel him to issue the commission to the lawfully elected officer. That is the law. Nobody knows better than the Senator from Ohio that governors perform ministerial duties as well as discharge their general duties as governors of States. He himself has applied for a mandamus to compel the governor of Ohio to execute a law of his own State which he claimed was merely a ministerial duty upon his part; and in my State it has been decided over and over again, not only by democratic courts but by republican courts, without any reference to politics, upon the plain, square, judicial inquiry, and I ask the attention of the Senate briefly to it. In the case of Magrader vs. Swann, governor, reported in 1866, in 25 Maryland Reports, there is a review of all the cases:

The cases cited were used to sustain the position that the executive, in his political or discretionary powers, was beyond all judicial interference, not to sanction the application of the principle to the facts of each case.

Here is the clause of the constitution:

All elections of judges and other officers, provided for by this constitution, (states' attorneys excepted,) shall be certified and the returns made by the clerks of the respective counties to the governor, who shall issue commissions to the different persons for the offices to which they shall have been respectively elected, and in all such elections the person having the greatest number of votes shall be declared to be elected.

The court held, in regard to the duties devolved upon the governor by these sections of article 4, that

These are auxiliary ministerial duties imposed on the governor preliminary to the qualification of the judges and other officers, in the discharge of which he has been invested with no discretion, but is imperatively required by the organic law to perform in order to keep the departments of government in motion. The clerks' certificates determine "who has the greatest number of votes," or whether "the opposing candidates have an equal number of votes." In either event the injunction of the constitution is equally peremptory.

To go a step further, to show that this duty is merely ministerial, I refer to the case of The People vs. Pease, in the New York court of appeals, also decided, if I can judge from the names, by judges a majority of whom were in opposition to the democratic party. Speaking of canvassers, the court say:

These are all the safeguards the Legislature have thought proper to provide to insure the prevention of frandulent or illegal voting, and this leaves but little discretion to the inspectors. Their duties, except in the single instance adverted to, are simply ministerial in the reception of the votes, and entirely so in counting and making returns thereof.

And then, when they come to speak further on of the board of county canvassers, they say:

It is made the duty of the board of county canvassers, upon the statement of votes given, to determine what person by the greatest number of votes has been duly elected to any office mentioned in said statement. \* \* \* And the certificate of the board of canvassers authorized to canvass the votes given for any elective office is made evidence of the election of the person therein declared to have been elected.

The inspectors of elections are not judicial, but administrative officers. Their decision is final only as to receiving or rejecting votes; but the question whether a voter was or was not entitled to vote is open to examination in subsequent proceedings upon any competent evidence. (13 New York Court of Appeals Reports, page 45)

There is a clause in this decision in regard to county canvassers

which maintains the same ground precisely.

Mr. MORTON. Would it interrupt my friend if I called his atten-

Mr. MORTON. Would it interrupt my friend if I called his attention to a point in the line of his argument?

Mr. WHYTE. Not at all.

Mr. MORTON. I venture to suggest to the Senator from Indiana that, as I understand ministerial duty and as it is defined in books of law, it is one which is to be performed under the direction of another. Bouvier describes it thus:

That which is done under the authority of a superior; opposed to judicial; as, the sheriff is a ministerial officer, bound to obey the judicial commands of the court.

Where a duty is prescribed by law and the officer is simply to follow the law and do the particular thing the law requires, it is done by the direction of the Legislature and it is purely ministerial. Take the case which was presented from Louisiana in 1873. Suppose, when the President of the Senate comes to count the vote in the presence of the two Houses, he finds upon his desk two sets of returns from the State of Louisiana each of which bears what purports to be the great seal of the State, each signed by a person claiming to be governor. The question as to which of these returns is the valid and legal return from Louisiana is a question that is not ministerial, in my judgment, at all. It is the highest form of political duty, or, as was suggested by the Senator from North Carolina, [Mr. MERRIMON,] in one sense you may call it a judicial duty. If there is but one set of returns, and they are in form, and he opens them and counts them,

that is ministerial; but where he is called upon to decide some question that is not determined upon the face of the paper itself, that is a

political duty of the highest character, and is as far from a ministerial duty as any political duty can be.

Let me make a further suggestion. I will take the case of but one return. Suppose, when the President of the Senate opens that return, he finds that there is no statement on the tace of the return that the electors voted by ballot, as the Constitution requires. Is it necessary that the return should show the fact that the Constitution has been complied with? The decision of that question is political in its highest character. One lawyer may say that it is not necessary for the return to show that the electors voted by ballot; that is presumed to be their duty. Others may say that the return must show that the Constitution was complied with. Who is to decide that question? In one sense it is a judicial question of the highest character. The decision of that question is not ministerial at all. Again, the electors are required to vote for one person for President and another person for Vice-President, who shall not both be citizens of the same State. Suppose the returns showed, as in the case of Georgia at the very last count, that the persons receiving votes for President and Vice-President both lived in the same State. That was the fact in regard to three votes from Georgia? Shall the result of that be to cast the vote out? What shall be done with it? Shall it be rejected? The decision of that question is not ministerial, but is as far from it as it can be.

Mr. THURMAN. And in the case of Georgia the vote was for Gree-

y, who was dead.

which my friend read:

Mr. MORTON. The question was whether the vote for Greeley should be counted. In that case it was a notorious fact that he was dead; but it was a very important question, because it went to determine what constituted a majority of all the electors appointed. It might become a very important question in a close contest. The decision of the question as to whether the vote of Georgia should be

counted or not was very far from being ministerial.

One word further. Take the case of common canvassers in an election return created under the laws of a State. So far as their duty consists in simply counting the votes sent up, it is ministerial; but if there is a discretionary power reposed with that board of canvassers to determine certain questions that may arise, that discretionary duty is not ministerial, but it is judicial in its character. Almost every board of canvassers in every one of the States has to some extent judicial power conferred upon it. I want to call the attention of my friend to a point which I think is stated in the passage he read from Kent, that in the absence of legislation the President of the Senate will count the vote. I quote from the report of the committee from

Clearly the framers of the Constitution did not contemplate that the President of the Senate, in opening and counting the vote for President and Vice-President, should exercise any discretionary or judicial power in determining between the votes of two sets of electors or upon the sufficiency or validity of the record of the votes of the electors in any State; but that he should perform a merely ministerial act, of which the two Houses were to be witnesses and to make record. But the exercise of these high powers may devolve upon him ex necessitate ref, and whatever decision he may make between the two sets of electors or upon the sufficiency and validity of the record of the votes—whether on the evidence of the right of the electors to cast votes or whether they have been cast in the manner prescribed by the Constitution—his decision is final.

And unquestionably so. I presume the fact is that the framers of the Constitution and those who counted the votes during the first few elections did not contemplate the fact of two sets of electors. No such contingency ever happened until the case of New Jersey, within the last twenty-five years. They contemplated simply a ministerial duty. They did not expect the President of the Senate to perform anything but a ministerial duty; but, as stated by Kent and as stated in this report, if the two Houses of Congress decline to take any jurisdiction of the questions that may arise, then that duty would be devolved upon him ex necessitate rei. Somebody must decide it, and if he finds two sets of returns upon his table, if the two Houses of Congress refuse to decide the question, then the President of the Senate must decide it. He then determines whether the Kellogg govsenate must decide it. He then determines whether the Kellogg government or whether the McEnery government is the lawful government of Louisiana, whether McEnery should ceraify to the electors or Kellogg could do it; and in doing that it seems to me he would be exercising the very highest form of political power, entirely aside from a ministerial duty.

Mr. WHYTE. Now let me ask my friend the Senator from Maryland a question. The Clerk of the last House of Representatives

makes up a list of the succeeding House of Representatives. Suppose two sets of gentlemen claiming to represent the State of Louisiana in the House of Representatives, one with a certificate signed by Kellogg, the other with a certificate signed by McEnery, ask to be put upon the roll, so that when the roll is called they will be there to answer to their names; and the Clerk of the House puts one set on. Does the Senator from Indiana call that a judicial duty?

Mr. MORTON. As I understand the law organizing the House of Representatives it authorizes the Clerk of the old House to make up the roll of members of the new one for the purpose of organization; and should there be two sets of members certified to by different persons each claiming to be the governor of the State of Louisiana, inasmuch as the law authorizes the Clerk to make up the roll, it from necessity gives to him the choice for the time being, and that far his

duty is not ministerial. It is a higher duty, but it is one devolved

upon him by the law.

Mr. WHYTE. I will ask the Senator another question, because I differ with him upon that point. Suppose the governor of Indiana is authorized to issue a commission to the auditor-general of that State, if there is one, who shall be elected by a majority of the people of the State, and the law requires that the returns shall be made by the State, and the law requires that the returns shall be made by the clerks of the courts. Suppose the clerk of a court sends two returns, or there are returns from two persons claiming to be clerk of a court, and the governor of the State decides in favor of one of them, is that the performance of a judicial duty? Is the determining whether a law has been complied with the performance of a judicial duty?

Mr. MORTON. If I understand the question put by my friend, it is the made the greater of a State is called upon to convenience a State.

is where the governor of a State is called upon to commission a State officer, the auditor for example, and the clerks of the counties have sent up two sets of returns. The question supposes that the governor in that case may choose between these returns and determine which is the proper return, and issue a commission accordingly. If the law of the State authorizes the governor in such a case to decide which of the two returns is the correct one, that power of decision is not min-

isterial; it is judicial clearly.

Mr. WHYTE. But where it is just as the constitution leaves it, and there is no provision of law?

Mr. MORTON. Then the law authorizes him to make that decision. If there are two sets of returns both certified by competent authority, the governor has no discretionary power, he cannot issue a commission to anybody, because there is no evidence before him authorizing him to do it; but if the law of the State authorizes him in that contingency to decide which of the two is the correct return, the exercise of that discretionary power is not ministerial but it is judicial. In some States the governors have such power conferred upon them; in other States they have not. In the State of Indiana the governor has no such power, and if he should make such a decision and issue a commission his act would be a nullity and in violation of law. But if the law gave him the power to determine which of the two returns of the county clerks is the correct and true return, then the exercise of that discretionary power would be judicial.

Mr. WHYTE. The question has been decided over and over again

that where the governor is authorized and required to issue a commission upon certain returns made to him, he has to issue a commission and the contest comes afterward. He is bound to deliver the commission as the *prima facie* title. It is his duty to do it or the wheels of government would stop. There would be a hiatus in the office if there was no provision of law that the prior incumbent held

until his successor was appointed and qualified.

Mr. MORTON. Let me say to my friend that in the case he supposes himself, there is no prima facie title. He supposes a case where the lawful clerk of the county has made two returns, each of which is certified by the proper authority. In that case if the returns are contradictory, one is as prima facie correct as the other, and so there is no prima facie case about it. But if the governor is authorized to decide which is the correct return, I submit to my friend that that is not ministerial.

Mr. WHYTE. I am sorry to differ from so distinguished a lawyer. The courts, as far as I have examined the question, are unanimous upon that subject, that it is a ministerial duty, and governors have

been compelled by a mandamus to perform that duty.

Mr. MAXEY. Will the Senator from Maryland inform me whether in any case where an act of judgment is devolved upon an officer his

view that the power is ministerial would apply?

Mr. WHYTE. No, sir. Where he has discretionary power a mandamus will not lie; but where he is in the discharge of a mere ministerial duty a mandamus will lie. Let us see why a mandamus will not lie against the President of the Senate.

Mr. MAXEY. If the Senator will permit me, the point I would like to make is that where two certificates come up it is an act of judgment to determine which one of those certificates is the right one; and if it be an act of judgment it is not a mere ministerial act. The opening of a certificate, is a mere ministerial act unquestionably. The counting of the vote may be a mere ministerial act, but it may

also involve an act of judgment. Where there are two certificates it necessarily does involve an act of judgment.

Mr. WHYTE. If my friend will read Cooley on the subject he will find the whole thing explained and all the authorities cited. He will see that it is not an act judicial in its character, but that it is simply attached to the ministerial duty that the party may discharge it intelligently. Cooley cites the very case, according to my recollection, (for I cannot lay my hand upon the book,) of the clerk of a court who has to see that he complies with the law, who has to examine the paper that he is authorized to record to see that it complies with the law before he records it. The President of the Senate is in no other position than the governor of a State who is authorized to issue a commission upon the returns made to him. If there are two returns, there must be a lawful return and an unlawful one. If there are two governors there must be a lawful are two governors, there must be a lawful governor and an unlawful governor. Therefore there must be a right and a wrong. Neither the learned Senator from Indiana nor the Senator from Ohio need point out to me defects in the Constitution. I am not saying that there are no defects in the Constitution. I am not saying that it is the perfection of wisdom, because we know ourselves that at the election of

Jefferson in 1801 the defect of this very clause in the Constitution about the electors was discovered, and that it was amended; but our fathers had not got quite as far advanced in political ethics as we have. They did not an icipate two governors in one State. They thought the States were hardly big enough for more than one governor each, and therefore they looked to a return certified by one governor. ernor. I admit that you have to make some amendment to the Constitution, and all that I have argued against here is that by legislation you are seeking to take away from the President of the Senate his constitutional power. All that I have been attempting to say is to show that the power is with him, and that you are bound to amend the Constitution if you mean to take it away from him; and if you mean to give any person or any umpire authority to decide upon the returns, you had better go a step further and go behind the returns themselves. I have not much faith in election returns after the exhibit of the manner in which they were concocted in Louisiana. I do not speak of any party; I have not much faith in the men who put them up; and therefore if you are going to determine which of two returns you will take, go behind the returns and propose a constitutional amendment that will lodge the power to decide upon the prima facie case first, and then submit it to some court or some judicial tribunal to determine upon testimony who has been lawfully elected the President of the United States. That is the point I make. I am not quite sure that that power is not now lodged in the courts of the United States. I am not sure of the entire truth of the remark which fell States. I am not sure of the entire truth of the remark which fell from the Senator from Kentucky [Mr. Stevenson] the other day about the power of issuing a mandamus against the President of the Senate not being lodged either with the Supreme Court of the United States, exercising original jurisdiction, or with one of the courts of this District, and then the Supreme Court having appellate jurisdiction in the case. Why? Who votes for electors? Each State votes for electors. Each State can vote by its Legislature. It can vote by general ticket, and let a majority of the people of each State choose the electors. It can vote by districts. It can vote in any way the Legislature of the State shall determine. Therefore the State votes. The State is interested in having its vote counted. Suppose when the lawful State government sends its electoral vote here the President of the Senate refuses to count it. Why cannot that State, through its properly authorized officer, apply to the Supreme Court through its properly authorized officer, apply to the Supreme Court of the United States for a mandamos to compel the President of the Senate to count its vote? I would like to see some authorities to the contrary. If the Supreme Court cannot exercise original jurisdiction where a State is a party, because there the State is a party in claiming its vote, then the people can through the circuit court of the district and by appeal to the Supreme Court, test the question as to which is the lawful return upon which the President of the Senate is bound to base his decision.

I do not differ with gentlemen here that there is a defect in the Constitution in not providing for a case of contested election of President and Vice-President of the United States. I will vote to submit to the people of the States a constitutional amendment providing who shall count, who shall declare, in the first instance, the prima facie title to the office of President and Vice-President, and also designating a tribunal before which the contested election may be heard and decided in behalf of the person lawfully entitled to the office and lawfully chosen by a majority of the people in the several States; but I will vote for no bill that undertakes to assert upon the part of Congress the power of counting the electoral vote and deprive the President of the Senate of it, as I understand him to be entitled to it under

the Constitution as it now is.

Mr. DAWES. Mr. President, after this protracted debate upon a subject-matter the need of legislation in respect to which all of us admit, I should not think of engaging the attention of the Senate for a moment did either the discussion itself or the bill before the Senate meet certain difficulties which have for a long time existed in my mind in reference to this question. It was my lot for many years to be upon a committee in the other branch corresponding to the one which has reported this bill here, before which this subject was frequently brought, growing out of the apprehensions in the public mind arising from the danger which at this point the Government of the United States seemed exposed to in 1857, in 1861, and again in 1869. Although those dangers were of a different kind on each of those successive occasions, yet in attempting to find some remedy, some guard against the evil and the danger which those discussions gave rise to, I have listened patiently in this debate to see if the difficulties which I then encountered had found a solution either in this debate or in the bill before the Senate. I hope I may be permitted to express my disappointment that after so long a time and such a discussion, under circumstances so favorable, in which all parties seem to have addressed themselves to the question without the bias or passion of party; when no measure can become a law unless it receives the sanction of both parties, no measure is agitated that can have any possible bearing

upon any future contingency so far as we can foresee it now.

This bill in so far as it follows the outlines of the Constitution is without difficulty; but the moment it attempts to approach and grapple with the questions that may arise, with the actual difficulties, with those dangers to which I have alluded, if they ever shall exist, it seems to me it utterly fails. My disappointment is that there is going upon the statute-book a delusion, an appearance of provision against danger under which, when that danger shall arise, it will be found to be utterly unprovided for; and so we shall be carried along in fancied security until we are upon the danger itself, and when provision for it will be in the nature of things utterly impossible.

Those difficulties I wish briefly to state to see whether there is any relief from them either in this bill or in any possibility of legislation, and whether we had not better have addressed ourselves to some amendment of the Constitution rather than to have attempted to tide over a danger with what is, in my mind, utterly insufficient and will prove rather a snare than a protection. Take the electoral college from the moment its action comes under the provisions of the United States Government, either the Constitution or any legislation; follow step by step all the proceedings; and the moment you undertake to provide for the question which this bill and this earnest effort of this committee and this discussion is seeking to provide for, you run at once counter to the very provisions of the Constitution itself, and why? Because the danger is something else than that which we have discussed. It does not arise upon the papers. It does not arise upon any question that can be decided, whether by the President of the Senate or the two Houses of Congress, or any umpire that it is possible to provide for, upon the papers themselves. A discussion or deliberation of two hours' duration is provided in this bill. The Constitution provided that the States should appoint the electors. It was not anybody else but the States, the States as States, and in just such manner as each individual State should deem best. One State might appoint them by a popular vote; another by its Legislature; a third might clothe its governor with power to appoint them; but however appointed, it was the act of the State. It was the State, and not the nation, that was to a point them; and the State was to take good care, in the opinion of the framers of the Constitution, that its act, whatever it was, was to be verified by the State and not by the nation. The State was to verify its act and certify it in such way as each State might determine so to certify its act.

Each State shall appoint-

Is the language of the Constitution-

in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

In point of fact one State did provide that it should be by popular ote. To day in my State—and I doubt not that is an illustration of all the States—there are three methods: First, the popular method, and, if that fails, the legislative method; and, when the college meets on the first Wednesday in December, if there is a failure of a sufficient number to meet, the college itself fills up the number. But, however they were to be chosen, it was the act of the State, and it was the business of the State to verify and certify its own act and furnish each elector with the evidence of his appointment. Then the United States takes up the matter, and from that point provides by law just what is to be done. These electors bearing the certificate of their State are by the provisions of the Constitution and of the statute to meet at such place as the Legislature of the State has determined, and there in the manner prescribed by the Constitution these men bearing the certificate of the State, and these alone, are to cast their votes in a manner so particularly, so carefully guarded that the idea that it is possible for these particular men ever to make a mistake, or for any-body to ever make any mistake about the action of these particular men, seemed to be considered a phantom, a far-fetched idea. are, after they have voted and each man subscribed his name to the vote and sealed it up, by a special messenger to send that particular action, and no other, to the President of the Senate. The President of the Senate is the sole constitutional custodian of these certificates from the several States. He is to bring them upon a particular day into the presence of the two Houses, of the Senate and of the House of Representatives, and he is to open them. He is not to open anything else but these certificates. Nobody can clothe him with power to open anything else but the genuine certificate of each State; but that carries along with it the incidental power of determining whether the paper in his hand is that certificate or not. Right there at the outset, before he breaks its seal, he is to determine whether he does break the seal of this certificate or whether he has a false certificate in his hand. So far, incidental to the duty with which the Constitution clothes him of receiving and keeping this certificate and in the presence of the two Houses opening it—incidental to that and without which he cannot determine that he has performed this act—he must decide whether the paper coming into his hands is the genuine certificate. Then the several certificates, all opened by him and before him, are to be counted. When? When he is with them there in the presence of the two Houses, and nowhere else. That, it seems to me, disposes of every one of these amendments that propose to take these certificates out of the presence of the two Houses and submit them to another tribunal to be created for the purpose of determining what these men shall count, and then for us to say that a tribunal created by us determining what shall be counted does not

I am not going into the argument that has been so elaborately made by the Senator from Maryland [Mr. Whyte] as to whether these votes shall be counted by the President of the Senate or by the two Houses, because so far as my difficulties are concerned it does not matter. I have heard no one say that they were to be counted by anybody else, and therefore after he has brought them into a con-

stitutional presence, if I may use that word, namely, the presence of the Senate and the House of Representatives, they are "then" to be counted. That is, when they are there; and therefore they cannot be counted in any other presence and before any other tribunal or by any other tribunal. I think that the Constitution means that they shall be counted by the two Houses. I cannot quite agree with the Senator from Maryland, that they are to be counted by the President of the Senate, for the reason that the framers of the Constitution kept in their mind, when they prepared for the election of President, the States. They provided, as I have said, that the States should appoint the electors, that the college of electors should in the first instance choose the President and the Vice-President; they provided that, if the college of electors shall fail to do their duty, then the States in the House of Representatives, as States, shall elect the President, and the States as represented in the Senate shall elect the Vice-President. They have kept up the idea of the States all through, until, as they supposed, they had secured beyond peradventure the election of a President.

I am not discussing the question whether we can now in this day

I am not discussing the question whether we can now in this day afford to stand upon the ground of the States as against the people in the popular branch. I am one of those who believe in State rights, and I am one of those who so far as State rights are defined in the Constitution are for preserving them with sacred care, and I shall stand up for them. More than any other feature of this whole Constitution this idea is prominent, running from the time when the States reserved to themselves the power in such manner as they pleased of appointing the electoral college to the time when, if the electoral college fail to make that choice, they devolved it upon the States in the House of Representatives to choose the President and upon the States in these two bodies are there for any purpose whatever, they are first there to aid in the counting of the votes; and the question is whether they are there as one body or as two. The Constitution says this shall be done, not in the presence of the members of the Senate and House of Representatives, but in the presence of the Senate and of the House of Representatives. Therefore the only question that can possibly arise at that point, namely, whether the paper that the Vice-President opens is the real, genuine paper coming from the electors of a State, must be decided either by the two as one body or by the two in their separate capacity as Senate and House of Representatives. You depart at once from the whole theory and tenor of the provision the moment you say it is to be done by them in convention in one body. If you follow it out and in harmony with all its provisions, as it seems to me—I am only suggesting how it strikes my own mind—you must say that this incidental question necessary for the counting of the votes is to be determined by the two Houses as Houses, and so far as this bill recognizes that principle so far this bill is but carrying out what seems to me to be the plain provision of the Constitution. But then from that point I find no comfort in this bill. The

That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses acting separately shall decide to be the true and valid return.

Does that mean two returns purporting to come from the same electoral college? If you reflect how the electoral college acts, you will see that that is a contingency so remote, so impossible to happen, that for us to spend any time in providing for it seems to me to be entirely idle. They are to act on a particular day, and they cannot act on any other day. Each one of them is to vote and to sign his name to his vote, and the sign-manual of every one of them is attached to the certificate stating how they vote. That is to be sealed up on that day, and a special messenger is to take that to the President of the Senate. Now the idea that on that day these same men could do two different acts in that way, vote for one man, and then, before the day closed, falsify that vote by voting for another, supposes a contingency which, I am free to confess, I do not think the framers of the Constitution ever contemplated; and if that is what is meant by deciding between two returns from the same college, it is not worth while for us to spend a great deal of time on so remote and almost impossible a contingency. If, however, it means to meet the case of two returns coming from

If, however, it means to meet the case of two returns coming from a State, purporting to be the action of two sets of electors appointed by the State, what is to be done under this bill? That is a question of fact which set is appointed; and, considering the general manner in which they are appointed, by election by the people, it is a question of fact lying deep down, surrounded by difficulties, and to be determined, not upon inspection of the papers, but upon evidence to be taken outside of the papers, if such a contingency shall ever arise. On those two sets of papers it is proposed here to determine this question of fact, without any hearing of the question of fact whatever, for the papers are to be submitted to the two Houses of Congress and to be decided on a ten-minute debate in two hours. Well, that only puts one's hand on the mouth of a crater in the vain idea that you have closed it up. That is a poor cobweb attempt to smother a volcano. It is a delusion to the people if it means that; and, if it means the other thing, it is an impossibility almost in the nature of the case that there can be two certificates from the same set of men on the same day, under their own seal and under their own hand.

Mr. MERRIMON. Suppose, in a State where the electors are elected by the people, those who are in the minority insist that they really

got a majority of the votes?

Mr. DAWES. That is what I am discussing. I say, if it means that, if it means that those electors declared to be chosen are to meet on the proper day and send up a vote, and those who are defeated but who believed that they were really and actually elected are to do the same thing, so that we have two sets of certificates, I can understand that that is a danger upon which we are drifting, a danger which we have had warning time and again to provide for; and that was what I hoped from this able committee there would come out some remedy for. But what is it? It is to take these two certificates, and on the for. But what is it? It is to take these two certificates, and on the face of the certificates, and by a law of Congress limiting the deliberation to two hours, without testimony from any quarter whatever, to reach a result that the people of that State, or of the United States in certain contingencies, everybody will see it is impossible to expect will acquiesce in

Mr. MITCHELL. Allow me to ask a question. Suppose a case of

that kind just stated by the Senator, where two returns come up—
Mr. DAWES. From two different bodies?
Mr. MITCHELL. From the same body, in the case stated, where one part of the electoral college claim that they were elected and the

one part of the electoral conlege claim that they were elected and the other part claim that they were elected, and two returns come up.

Mr. DAWES. That would be from two different delegations.

Mr. MITCHELL. Yes. In that case do I understand the Senator to contend that, under the Constitution as it now stands, it is the duty of the President of the Senate to determine, before he breaks the which of the two is the correct return ?

Mr. DAWES. No, I did not say so. If I do not make it clear what I do mean before I get through—

Mr. MITCHELL. I understood the Senator to contend that there could be but one correct return from a State, and that under the Constitution it is the duty of the President of the Senate to determine, before he breaks any seal at all, which is that return.

Mr. DAWES. The Senator will allow me. I do think the Senator

will admit that there can be but one correct return in point of fact. Mr. MITCHELL. I admit that; but what I want to know is whether the Senator contends that, under the Constitution as it now is, it is the duty of the President of the Senate to determine, before he breaks

the seal, which is the correct return?

Mr. DAWES. If the Senator will excuse me from answering just at this point, I will proceed. Let me go through with my statement again. It is impossible for there to be more than one correct return; again. It is impossible for there to be more than one correct return; and in the nature of the case it is next to impossible that there can be two returns from the same body of men. Inasmuch as they have to act on one particular day; in broad daylight, and sign their names to what they do, in the nature of the case, I do not say it is impossible, but it is next to impossible, that there can be two returns from the same body of men in the State of Massachusetts or the State of Oregon claiming to be the electors. Then I say this provision can in practice have no possible application to any other case except where two sets of men in Massachusetts claim to be each one of them ap-pointed electors, and those two sets meet together at the capital of the State, and each one of them goes through with precisely the same form, voting for different men, and send up their votes; so that when they come to the President of the Senate, on the papers themselves there is nothing to guide him to determine which of them is correct and

Mr. MITCHELL. Now in that case, do I understand the Senator to say that it is the duty of the President of the Senate under the

Constitution to determine which is the correct one?

Mr. DAWES. I did say a moment ago that that was a case for which no provision had been made, and that was a danger upon which which no provision had been made, and that was a danger upon which we were drifting, and that I had hoped that, warned as we had been that such a contingency not only was possible but was almost probable, some provision would come from this committee. I said I had been disappointed in that hope. I said so because I stated that all the provision for such a case which they have made in this bill is that these two sets of certificates (the right or the wrong of which lies in a question of fact deep down among the complications and passions and frauds that exist in the State itself, which the Constitution has clothed with the power, and which along it has clothed with the and tradus that exist in the State itself, which the Constitution has clothed with the power, and which alone it has clothed with the power of making the appointment) shall be opened and laid before the two Houses, and that the decision upon them shall be made by a vote of the two Houses, and it provides by law that it shall be done in two hours, and decided without any evidence upon the question of fact. I regretted to be compelled to say that that was an attempt to stifle with the palm of a man's hand the crater of a volcano.

Mr. MITCHELL. I do not like to interrupt my friend, but I wish

to ask him one other question. I am a member of the Committee on Privileges and Elections, and trying to assist in this matter. What I want to know is whether the Senator means to be understood now as contending that there is no power in Congress under the Constitution to provide a means of determining as to which is the right certificate in a case of that kind, or whether the President of the Senate is compelled, under the plain provision of the Constitution, to deter-

mine it for himself?

Mr. DAWES. I am sorry, Mr. President, to be compelled to agree with the Senator from Wisconsin [Mr. Howe] on that point. I do not think the framers of the Constitution foresaw that when they

clothed the State with the power i'self to appoint the electors a contingency would ever arise where the State would fail to see to it that its appointment was so certain and so verified that no question could ever arise about it. Inasmuch as the State appoints, the State must determine whether the State has appointed or not; the State must determine whether it has performed its duty in the absence of any

constitutional provision.

Mr. MORTON. Will my friend allow me to call his attention to the questions that I think are involved in his argument?

Mr. DAWES. I am after light, nothing more.

Mr. MORTON. In a case where there are two sets of electors—take the case of Rhode Island during the Dorr trouble there; suppose a presidential election had occurred at that precise time and there were two sets of electors, one certified by the governor under the old charter government and the other certified by Governor Dorr under the Dorr government, and those two certificates or packages came here sealed. In order to settle which set of electors is to be counted in the vote it must be determined which is the government of Rhode Island, the Dorr government or the charter government. I suggest to the Senator whether that question under the Constitution of the United States must not be decided by Congress in such a case as that?

One other question in regard to what must be done in such a case.

Where there are two sets of electors and there are two packages, of where there are two sets of electors and there are two packages, or course the President of the Senate cannot, without some outside information, determine which is the proper certificate until he opens them. I understand the Senator to say that to determine on the face of these papers is simply to put the hand on the crater of a volcano; but the question goes back to which set of electors was chosen by the people or by the State. I want to call my friend's attention to this proposition, that the Constitution admits of no time for that investigation. vestigation.

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

There is no period of time in which you can go back into a State and inquire who was actually elected. And then further on it provides that when these votes are thus counted, if no one person has a majority of all the electors appointed, the House of Representatives shall immediately proceed to the election; so that there shall be no interregnum, there is no pause in the proceedings until a President is chosen either by the votes of the electors or the vote of the House of Representatives.

Mr. DAWES. The remarks of the Senator from Indiana are but in corroboration of the reply that I made to the Senator from Oregon, that the provisions of the Constitution fail to meet the case of a contest upon a question of fact. Those points that the Senator from Indiana has called my attention to are but anticipating what I was going

to say in a few moments.

The very fact that they are "then" to be counted, and as they appear then in that constitutional presence and nowhere else, shows that you have no more power to take them out of that presence before they are counted and submit them to the Supreme Court or to a court of arbitration than you have to submit them to a synod of Presbyterian ministers. The presence in which they are to be counted is fixed by the Constitution itself; and whether they are to be counted fixed by the Constitution itself; and whether they are to be counted by the President of the Senate or to be counted by the Senate and House of Representatives, they are to be counted "then," in that presence, and "then" means at that time, and "immediately" thereafter, if the electors shall have failed to make a choice, the House of Representatives by States is to make the choice. Thus it appears that the Constitution has provided no method, has left no opportunity, if I may use that phrase, for a contest upon a question of fact; and the committee, recognizing that fact, has provided for a method of determining it by smothering the fact. When two distinct certificates come up here to the President of the Senate, from two distinct and separate sets of electors in the State of Massachusetts, each one of them claiming to be the true board appointed by the State, there is no provision, no opportunity, no method pointed out by the Constitu-tion to determine that question of fact, and the Senator proposes, instead thereof, to take these two certificates, and on their face submit them to a two hours' deliberation in the two branches of Congress, and smother the voice of the State by the decision of those two branches Mr. McMILLAN. Will the Senator allow me to ask him a ques-

tion? In the present state of the Constitution can we make any

further provision than that?

Mr. DAWES. I was going to say, and had almost said it before the Senator interrupted me, that the fact that there is no other provision in the Constitution to meet this question, does not relieve us from the necessity, when there is a provision for amending the Constitution, of meeting the question.

Mr. McMILLAN. Will the Senator then allow me to suggest to

him that the joint rule of the two Houses which has existed up to this session has been repealed, and that before any provision for an amendment to the Constitution can transpire a presidential election must intervene; so that if this bill is not passed, there will be the mere naked provision of the Constitution of the United States, and

that would certainly leave us in a most unfortunate condition.

Mr. DAWES. If the Senator from Minnesota will indulge me, I will endeavor to state just what I think will be the result when we get through and pass this bill; and I propose to vote for it. My objection to the bill is that, as I said in the beginning, it is a delusion;

it purports to accomplish what it does not accomplish; it leads the

b purports to accomplish what it does not accomplish; it leads the people of this country into a snare because it leads them to think Congress has provided—

Mr. MORTON. If my friend will permit me a moment, as I am also in pursuit of light, I want to ask him a question. The twenty-second joint rule has been abolished. We have no rule. Suppose we fail to pass any law, and when we count the presidential vote less than a year hence there are from the State of Louisiana, if you please, two packages of electoral votes, each purporting to be certified to by two packages of electoral votes, each purporting to be certified to by a governor of that State and each bearing the fac simile of the seal of the State, so that you cannot tell by inspection which is the genuine and which is the false. I ask my friend, if we do not pass this bill and we have no rule, who is to determine the question between those two sets of votes? How is the question to be settled? Are you to cast aside both, or are you to count one? And if you are to count one, who is to select the one to be counted?

I would further add that the one is to be counted which is certified to by the governor of the State of Louisiana; and is not the question who is the governor or which is the government of Louisiana a proper question for the Congress of the United States to determine? Wher-

question for the Congress of the United States to determine? Wherever there is a dispute in regard to electoral votes or in regard to a Senator, is it not the proper thing for the Congress to say which is the government of a State, and, that being decided, then the votes of the electors who are certified by that governor are to be counted.

Mr. DAWES. I agree with the Senator that every disputed question which can possibly arise upon the papers themselves had better be decided by the two Houses as Houses than to be decided by the President of the Senate. But I was commenting upon the utter impossibility of deciding the question under the form or, without meaning any offense, under the pretext of deciding it by deciding upon the face of the paper where the question lies deeper than all that, and I was showing that that question, from the very provisions that I have was showing that that question, from the very provisions that I have discussed, there is as yet no provision of the Constitution to settle; and an act of Congress only deludes the people by giving them the idea that it is settled when in point of fact it is not.

But the third section, the Senator will allow me to say, is the most curious section that ever I saw in a statute. It proposes to determine the rule of deliberation in the two Houses of Congress by an act of

Mr. MORTON. Before my friend passes to the other point, will he

allow me—

Mr. DAWES. I wish to say but a few words more. The third section declares:

That when the two Houses separate to decide upon an objection that may have been made to the counting of any electoral vote or votes from any State, or for the decision of any other question pertinent thereto, each Senator and Representative may speak to such objection or question ten minutes, and not oftener than once: Provided, That after such debate has lasted two hours, it shall be in the power of a majority of each House to direct that the main question shall be put without further debate.

Mr. MORTON. Before my friend passes to the third section-and I shall be glad to hear him on that question—I ask him if the two Houses are not to settle the question between the two sets of electors in the case supposed, who is to settle it, and how is it to be settled? What would my friend do in that case? If we do not pass the bill and authorize the two Houses to settle the question, how is the question to be settled between two sets of electors?

and authorize the two Houses to settle the question, how is the question to be settled between two sets of electors?

Mr. DAWES. I never would content myself with doing what is in this bill, and I never would fancy that I had done my duty as a legislator if I stopped with the provisions of this bill. That this bill is better than none I have said, and that is why I shall vote for it. That it is all that can be done without an amendment to the Constitution, I have not disposition to deny. I have not found fault with it, and I have not criticised this measure in any such spirit as that. I have listened with entire sincerity to see if it were possible by an act of Congress to meet the exigency; and having deliberated in another committee a good deal upon that question, I did hope that this committee would solve that question; but they have not done it, and that was the burden of my talk. That they could do anything better than this, I am not prepared to say.

was the burden of my talk. That they could do anything better than this, I am not prepared to say.

Now the Senator will permit me to ask him what binding force as a rule upon the Senate or the House of Representatives this act of Congress can possibly have, if either desires to change it, when the Constitution itself says in so many words that each House may determine the rules of its proceedings itself, without the consent of the other House and of the Executive? That this may be treated as a walk of the Senator of the House instruction as the Senator of the other House and of the Executive ! That this may be treated as a rule of the Senate or of the House just so long as the Senate or the House is willing so to do, I will admit. It may be said that by passing this bill the Senate consents itself and the House consents itself to this law as its rule. That may be true; but the moment either wants to change it, it will have the power to change it without regard to this law. If, when the Houses are deliberating upon a question of this sort they choose to deliberate three hours, there is nothing in this law in the way, and it would not be a violation of this law, because this law is an attempt to exercise an authority over which because this law is an attempt to exercise an authority over which the Constitution says the body itself is supreme; and therefore this section, in the interest of dispatch, in the interest of necessity, as the Constitution now exists, is a mere rope of sand, and the Senate can do away with it or the House do away with it at its pleasure. It is as idle to enact what shall be the rule of this body and of the House

of Representatives by a statute as it is to enact what shall be the

The Senator has pressed upon me the question, what shall we do? I say, meet it fairly and squarely; bring forward some measure for an amendment of the Constitution upon a subject which the framers of the Constitution did not think there was any necessity for amending, but which subsequent experience has shown is vital and essential. But while such an amendment is pending and until it becomes a part of the organic law I shall vote for this bill; but I shall vote for it believing that, just so far as it follows the rules that existed before the twenty-second joint rule, it is but providing the uniform usage, and that the moment it goes beyond that it is only advisory and has no sort of binding force; and it is in vain for us to tell the people that we have met the peril, for the peril exists precisely under this bill as it existed before the twenty-second joint rule and when nothing but the usage under the Constitution was the guide of the two Houses.

Mr. MAXEY obtained the floor.
Mr. LOGAN. It is getting late, and if the Senator will give way I

will move an executive session.

Mr. MAXEY. I am satisfied. I do not care to proceed at this late hour

Mr. LOGAN. I move that the Senate proceed to the consideration

of executive business.

The PRESIDING OFFICER, (Mr. INGALLS.) Before submitting the question the Chair will lay before the Senate some bills from the House of Representatives for reference, with the consent of the mover. Mr. LOGAN. Certainly.

#### HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the

A bill (H. R. No. 101) amendatory of the act entitled "An act for the relief of the heirs and next of kin of James B. Armstrong, deceased,"

A bill (H. R. No. 2197) for the relief of Henry B. Kelly, of Louisiana,

from political disabilities imposed by the fourteenth amendment; A bill (H. R. No. 2686) to provide for holding terms of the district and circuit courts of the United States at Jackson, Tennessee; A bill (H. R. No. 2687) to provide for holding terms of the district

and circuit courts of the United States at Chattanooga, Tennessee; and

A bill (H. R. No. 2088) to provide for holding terms of the district and circuit courts of the United States at Kansas City, Missouri.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Military Affairs:

A bill (H. R. No. 2012) to authorize the sale of certain ordnance stores to the First Troop, Philadelphia City Cavalry;

A bill (H. R. No. 2482) for the relief of Charles W. Mackey, late

first lieutenant Tenth Regiment Pennsylvania Reserve Volunteer Corps; and

A joint resolution (H. R. No. 85) to authorize the Secretary of War to issue certain arms to the Washington Light Infantry of Charleston, South Carolina, and the Clinch Rilles of Augusta, Georgia.

The bill (H. R. No. 2018) to authorize the Exchange National Bank

of Pittsburgh, Pennsylvania, to improve certain real estate was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 726) to change the name of the steamboat Charles W. Mead was read twice by its title, and referred to the

Committee on Commerce.

The bill (H. R. No. 431) for the relief of the heirs of William A. Graham was read twice by its title, and referred to the Committee on

The joint resolution (H. R. No. 86) for the relief of the Turtle Mountain band of Chippewa Indians was read twice by its title, and referred to the Committee on Indian Affairs.

## MILITARY ACADEMY APPROPRIATION BILL.

The PRESIDING OFFICER laid before the Senate the following action of the House of Representatives:

IN THE HOUSE OF REPRESENTATIVES,

March 15, 1876.

Resolved, That the House non-concur in the amendments of the Senate to the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877.

Mr. MORRILL, of Maine. I move that that be referred to the Committee on Appropriations.

The motion was agreed to.

## MINERAL LANDS IN MISSOURI AND KANSAS.

The Senate proceeded to consider its amendments disagreed to by the House of Representatives to the bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the mining resources of the United States," approved May 10, 1872.

On motion of Mr. SARGENT, it was

Resolved. That the Senate insist on its amendments disagreed to by the House of Representatives to the said bill, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the managers on the part of the Senate be appointed by the President pro tempore.

Mr. SARGENT, Mr. COCKRELL, and Mr. HARVEY were appointed the conferees on the part of the Senate.

#### EXECUTIVE SESSION.

Mr. LOGAN. I renew my motion for an executive session.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were re-opened, and (at four o'clock and fifty-seven minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES. MONDAY, March 20, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Friday last was read and approved.

LEAVE TO SIT DURING THE SESSIONS OF THE HOUSE.

Mr. BEEBE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Committee on Expenditures in the Navy Department have leave to sit during the sessions of the House.

### TAX ON WHISKY.

Mr. BANNING, by unanimous consent, presented the petition of distillers, rectifiers, and wholesale liquor-dealers of Cincinnati and Hamilton, Ohio; Covington, Alexandria, and Louisville, Kentucky; Lawrenceburgh and Aurora, Indiana; and Peoria, Illinois, requesting Congress to determine at an early day any change of the rate of tax on whisky, because both the interest of the trade and the revenue demand it, and protesting against any change in the present plan of collecting the tax; which was referred to the Committee of Ways and

### PROTEST AGAINST CHANGE OF TAX ON SPIRITS.

Mr. SAYLER, by unanimous consent, presented the protest of Charles Hoeffer and 19 other distillers and rectifiers of Cincinnati, Ohio, against any change in the revenue law fixing the amount of tax on spirits; which was referred to the Committee of Ways and Means.

## CAPTAIN WILLIAM WELSH, LATE OF TWENTY-FIFTH INFANTRY.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of the Adjutant-General containing the military history of Captain William Welsh, late of the Twenty-lifth Infantry; which was referred to the Committee on Military Affairs.

## BREAKWATER AT SAN LUIS OBISPO, CALIFORNIA.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the report of the Chief of Engineers upon House resolution No. 139 to authorize the construction of a breakwater at San Luis Obispo, California; which was referred to the Committee on Commerce.

## ENLISTED MEN AS ARMY OFFICERS' SERVANTS.

The SPEAKER also, by unanimous consent, laid before the House a letter of the Secretary of War, transmitting a communication from Major Henry M. Lazelle on the subject of the employment of enlisted men as servants of officers of the Army; which was referred to the Committee on Military Affairs.

## VIENNA EXPOSITION.

Mr. WARD, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

tion; which was read, considered, and agreed to:

Resolved, That the Secretary of State be requested to communicate to this House the report of the special commission appointed to supervise the commission to the Vienna exposition, together with the correspondence of Mr. Jay, late minister to Austria, with the chief commissioner and with the Department of State, on the subject of the American department, together with such other papers and accounts relating to that business as may be necessary for a complete understanding thereof; and that the Secretary of State be further requested to advise the House what papers and reports connected with the Vienna exposition are now preparing for publication under the direction of the Department, and what amount, if any, remains unexpended of the \$200,000 appropriated by Congress for the representation of the United States at the Vienna exposition.

Mr. WARD moved to reconsider the vote by which the recolution

Mr. WARD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid

The latter motion was agreed to.

Mr. WARD. I now ask unanimous consent to have printed in the RECORD the memorial upon which that resolution is founded.

There was no objection; and the resolution was ordered to be printed, as follows:

To the honorable the Senate and the House of Representatives:

The petition of John Jay, late minister to Austria and member of the special commission of investigation appointed by the President to supervise the American commission to Vienna; of Thomas McElrath, a member of the original commission, a member also of the special commission of investigation, and subsequently charged with the closing of the American department and the returning the goods of exhibitors; of Colonel LeGrand B. Cannon, a member of the temporary commission

appointed by the President to the charge of the American department after the suspension of the original commission; of Theodore-Roosevelt, the only other member of the said temporary commission now in the country—the third member, Charles F. Spang, being absent in Europe; of Jackson S. Schultz, for some time chief commissioner in the charge of the American department, succeeding Colonel Cannon and his associates; and of H. Garretson, who succeeded Mr. Schultz as chief commissioner until the close of the exposition, respectfully pray your honorable body to call for and print the papers and accounts on file in the office of the honorable the Secretary of State relating to the management, conduct, and character of the said American department at Vienna.

The undersigned beg leave to show, in support of this petition, "that an event so unprecedented as the suspension by the President of a national commission representing in an international exposition the art, industry, science, and culture of the governmental investigation into the causes and extent of the irregularities demanding the suspension has not been made known, excepting by exparts statements and mutilated extracts, which have not enabled the country to judge where lay the responsibility for this national disaster; and that it seems due to the country at large, to the mass of exhibitors, and to officers of the Government concerned in the matter, including the suspended commissioners, that the entire record should be submitted to public scrutiny.

That it is believed that the accounts will show a large unexpended balance of the \$200,000 appropriated by Congress for the representation of American industries at Vienna; that should it be intended to submit to Congress and the country special reports of scientists upon particular branches of the exposition, such reports, if unaccompanied by the correspondence and reports now asked for, would give no idea of the administration and operation of the American department.

And your petitioners will ever, &c.

JOHN JAY.
THOMAS MCELRATH.
LEG. B. CANNON.
THEODORE ROOSEVELT.
JACKSON S. SCHULTZ.
H. GARRETSON,
[By telegraphic order.]

THE UNITED STATES, February 22, 1876.

## THEODORE DEHON.

Mr. ELY, by unanimous consent, introduced a bill (H. R. No. 2708) for the relief of Theodore Dehon, of South Carolina; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### ORDER OF BUSINESS.

Mr. GARFIELD. I demand the regular order.

The SPEAKER. The morning hour begins at sixteen minutes after twelve o'clock; and this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and to reconsider. Under this can include a reconstruction of the state and territorial Legislatures may be presented for reference and printing. Is it the pleasure of the House that this call shall continue until the States and Territories have all been called, without reference to the termination of the morning hour? The Chair hears no objection.

## SOPHIA A. WILSER.

Mr. BLAIR introduced a bill (H. R. No. 2709) for the relief of Sophia A. Wilser, administratrix of the estate of George Ailer, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

# JAMES L. BARBOUR.

Mr. BLAIR also introduced a bill (H. R. No. 2710) for the relief of James L. Barbour, of Washington City, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## MATTHEW G. EMERY.

Mr. BLAIR also introduced a bill (H. R. No. 2711) for the relief of Matthew G. Emery, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## H. D. WALBRIDGE.

Mr. BLAIR also introduced a bill (H. R. No. 2712) for the relief of H. D. Walbridge, of Cleveland, Ohio, for damages to property in Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## OVID H. CLARK.

Mr. JOYCE introduced a bill (H. R. No. 2713) granting a pension to Ovid H. Clark, late a private in Company F, Fifth Regiment Vermont Volunteer Infantry; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## WALKER'S STATISTICAL ATLAS.

Mr. HOAR submitted a concurrent resolution for printing additional copies of Walker's Statistical Atlas; which was referred to the Committee on Printing.

## MARY S. WEBSTER.

Mr. WARREN introduced a bill (H. R. No. 2714) granting a pension to Mary S. Webster; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## PRODUCT OF GOLD AND SILVER MINING.

Mr. BANKS introduced a bill (H. R. No. 2715) to utilize the product of gold and silver mining in the United States; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

## SHIP OCEAN EXPRESS.

Mr. BLISS introduced a bill (H. R. No. 2716) to give an American register to the ship Ocean Express, owned by Charles R. Flint, of New York; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## HUGH M'GOVERN.

Mr. BLISS also introduced a bill (H. R. No. 2717) granting a pension to Hugh McGovern; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### NICHOLAS BUSH.

Mr. G. A. BAGLEY introduced a bill (H. R. No. 2718) for the relief of Nicholas Bush, of Redwood, New York; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### STENOGRAPHERS IN UNITED STATES COURTS.

Mr. COX. introduced a bill (H. R. No. 2719) to provide for the appointment and to define the duties and fix the compensation of official stenographers in the United States courts in the southern and eastern districts of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## MARY F. M'KEEVER.

Mr. COX also introduced a bill (H. R. No. 2720) granting a pension to Mary F. McKeever, widow of the late Commodore Isaac McKeever, United States Navy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### JOHN HOFFMAN.

Mr. JENKS introduced a bill (H. R. No. 2721) for the relief of John Hoffman; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### CATHARINE BOWERS.

Mr. JENKS also introduced a bill (H. R. No. 2722) granting a pension to Catharine Bowers; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### JOHN HENDERSON.

Mr. STENGER introduced a bill (H. R. No. 2723) for the relief of John Henderson; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

## ANNA M. CLIPPINGER.

Mr. STENGER also introduced a bill (H. R. No. 2724) granting a pension to Anna M. Clippinger; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## REGULATION OF COMMERCE.

Mr. HOPKINS introduced a bill (H. R. No. 2725) to regulate commerce and to prohibit unjust discriminations by common carriers; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# MRS. NANCY G. MILLER.

Mr. HOPKINS also introduced a bill (H. R. No. 2726) to compensate Mrs. Nancy G. Miller for use of and damage done her property by a portion of the United States Army; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## JACOB G. EVANS.

Mr. SHEAKLEY introduced a bill (H. R. No. 2727) granting a pension to Jacob G. Evans, of Crawford County, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## AMOS A. YEAKEL.

Mr. SHEAKLEY also introduced a bill (H. R. No. 2728) granting a pension to Amos A. Yeakel, of Mercer County, Pennsylvania; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## NATIONAL-BANK CURRENCY, ETC.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 2729) to amend the act entitled "An act fixing the amount of United States notes and providing for the regulation of the national-bank currency, and for other purposes," approved June 20, 1874; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

# UNITED STATES MARINE CORPS. '

Mr. TOWNSEND, of Pennsylvania, also introduced a bill (H. R. No. 2730) to reduce, re-organize, and increase the efficiency of the Marine Corps of the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

## WILLIAM WHEELER HUBBELL.

Mr. FREEMAN introduced a bill (H. R. No. 2731) to make just compensation for the past making or use or vending of his patent explosive shell fuses and percussion exploders by the United States; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

#### CURRENCY.

Mr. TUCKER (by request of distinguished statesmen of Virginia) introduced a bill (H. R. No. 2732) to regulate the currency; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## ALBERT MILLSPAUGH.

Mr. WALKER, of Virginia, introduced a bill (H. R. No. 2733) for the relief of Albert Millspaugh; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### CATHERINE HARRIS.

Mr. WALKER, of Virginia, also introduced a bill (H. R. No. 2734) granting a pension to Catherine Harris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### E. T. PILKINGTON.

Mr. WALKER, of Virginia, also introduced a bill (H. R. No. 2735) for the relief of E. T. Pilkington; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### N. H. VAN ZANDT.

Mr. WALKER, of Virginia, also introduced a bill (H. R. No. 2736) to remove the political disabilities of N. H. Van Zandt; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### B. G. COGHLAN.

Mr. WALKER, of Virginia, also introduced a bill (H. R. No. 2737) for the relief of B. G. Coghlan; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## TAXES ON TOBACCO.

Mr. CABELL introduced a bill (H. R. No. 2738) to reduce the taxes on manufactured tobacco, and to regulate the taxes upon dealers in and producers of leaf-tobacco; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

### THOMAS OXLEY, SR.

Mr. HUNTON introduced a bill (H. R. No. 2739) for the relief of Thomas Oxley, sr., a soldier in the war of 1812, which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

## PATENT RIGHTS.

Mr. VANCE, of North Carolina, (by request,) introduced a bill (H. R. No. 2740) relating to suits by foreign corporations for infringement of patent rights; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

## CLERKS OF THE UNITED STATES COURTS.

Mr. VANCE, of North Carolina, also introduced a bill (H. R. No. 2741) to authorize the payment of certain fees to clerks of the United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## CYNTHIA A. MIZELLE.

Mr. YEATES introduced a bill (H. R. No. 2742) granting a pension to Cynthia A. Mizelle, of Bertie County, North Carolina; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Invalid Pensions, and ordered to be printed.

## MOSES W. ALEXANDER.

Mr. ASHE introduced a bill (H. R. No. 2743) for the relief of Moses W. Alexander; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## MAIL SERVICE IN GEORGIA.

Mr. COOK (at the request of his colleague, Mr. CANDLER) introduced a bill (H. R. No. 2744) to provide for the payment of the State of Georgia for services in carrying the mails of the United States; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## HOMESTEAD ENTRIES.

Mr. CALDWELL, of Alabama, introduced a bill (H. R. No. 2745) for the relief of persons who have entered lands under the homestead laws; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## MRS. MARY H. WALKER.

Mr. ELLIS introduced a bill (H. R. No. 2746) for the relief of Mrs. Mary H. Walker, widow of Colonel Thomas F. Hunt, late of the United States Army; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## W. H. TEGARDEN.

Mr. ELLIS also introduced a bill (H. R. No. 2747) for the relief of W. H. Tegarden, a citizen of Mississippi; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## G. P. WORK.

Mr. ELLIS also introduced a bill (H. R. No. 2748) for the relief of G. P. Work, a citizen of Louisiana; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

COMMISSIONER OF CUSTOMS AND COMPTROLLERS OF THE TREASURY.

Mr. BANNING introduced a bill (H. R. No. 2749) to repeal section 191 of the Revised Statutes, which provides that certified balances of the Commissioner of Customs and Comptrollers of the Treasury shall not be revised or changed by the heads of Departments; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

## SIGNAL SERVICE.

Mr. BANNING also introduced a bill (H. R. No. 2750) to limit and fix the Signal Service; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### FREDERICK VON WERDER.

Mr. BANNING also introduced a bill (H. R. No. 2751) granting a pension to Frederick von Werder; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# EDWARD O'MEAGHER CONDON.

Mr. BANNING also introduced a joint resolution (H. R. No. 87) requesting the President to intercede with Her Majesty the Queen of Great Britain for the release of Edward O'Meagher Condon, now confined in prison in Manchester, England; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

### SCHOONER MAYFLOWER.

Mr. MONROE introduced a bill (H. R. No. 2752) to change the name of the schooner Mayflower; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## OATHS, DEPOSITIONS, AND ACKNOWLEDGMENTS.

Mr. PAYNE introduced a bill (H. R. No. 2753) to amend section 1778 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### FORECLOSURE OF MORTGAGES.

Mr. HURD introduced a bill (H. R. No. 2754) concerning actions and suits on foreclosure of mortgages relating to particular property; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

### JOHN SADDLER.

Mr. KNOTT introduced a bill (H. R. No. 2755) for the relief of John Saddler, of Hardin County, Kentucky; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## A. GATES LEE.

Mr. BOONE introduced a bill (H. R. No. 2755) for the relief of A. Gates Lee, of McCracken County, Kentucky; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## NEWCOM THOMPSON.

Mr. BRIGHT introduced a bill (H. R. No. 2757) for the relief of Newcom Thompson, of Bedford County, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# UNION UNIVERSITY, MURFREESBOROUGH, TENNESSEE.

Mr. BRIGHT also introduced a bill (H. R. No. 2758) for the relief of Union University, at Murfreesborough, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# ELECTION OF POSTMASTERS.

Mr. RIDDLE introduced a bill (H. R. No. 2759) for the election of postmasters in all the cities and incorporated towns of the United States by the legally-qualified electors thereof at every presidential election; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# CUMBERLAND UNIVERSITY, TENNESSEE.

Mr. RIDDLE also introduced a bill (H. R. No. 2760) for the relief of Cumberland University, at Lebanon, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## E. OSCAR PEGRAM.

Mr. McFARLAND introduced a bill (H. R. No. 2761) granting authority to the southern claims commission to rehear the claim of E. Oscar Pegram; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## JOHN W. SPEARS.

Mr. McFARLAND also introduced a bill (H. R. No. 2762) authorizing the southern claims commission to rehear the claim of John W. Spears; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## FANNIE E. DUNN.

Mr. McFARLAND also introduced a bill (H. R. No. 2763) authorizing the southern claims commission to rehear the claim of Fannie E. Dunn; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## SOUTHERN CLAIMS COMMISSION.

Mr. McFARLAND also introduced a bill (H. R. No. 2764) to enable the claims commission established by the act of March 3, 1871, to examine and report on all claims heretofore filed before said commission and to close the business of said commission; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### JOHN T. CASTLE.

Mr. HAYMOND introduced a bill (H. R. No. 2765) for the relief of John T. Castle, late first lieutenant Forty-sixth Regiment of Indiana Volunteer Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### NEWTON B. ADAMS.

Mr. LANDERS, of Indiana, introduced a bill (H. R. No. 2766) granting a pension to Newton B. Adams, of Indianapolis, Indiana, from the date of his discharge on July 10, 1865, until June 29, 1874; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# TAXATION OF BUFFALO HIDES.

Mr. FORT introduced a bill (H. R. No. 2767) to tax buffalo hides; which was read a first and second time, and referred to the Committee of Ways and Means.

### JULIET A. HENDRICKSON.

Mr. BAGBY introduced a bill (H. R. No. 2768) granting a pension to Juliet A. Hendrickson, widow of William L. Hendrickson, late private Company E, Twenty-eighth Regiment Illinois Infantry Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### WILLIAM REYNOLDS.

Mr. REA introduced a bill (H. R. No. 2769) granting a pension to William Reynolds, late a member of Company H, Forty-first Regiment Enrolled Missouri Militia; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### AMENDMENT OF REVISED STATUTES.

Mr. MORRISON introduced a bill (H. R. No. 2770) to amend section 101 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## MRS. ANNA E. POLK.

Mr. FRANKLIN introduced a bill (H. R. No. 2771) for the relief of Mrs. Anna E. Polk, of Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## BYRON S. MORRIS.

Mr. GUNTER introduced a bill (H. R. No. 2772) for the relief of Byron S. Morris; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## FORT WAYNE MILITARY RESERVATION, ARKANSAS.

Mr. GUNTER also introduced a bill (H. R. No. 2773) subjecting the Fort Wayne military reservation, in the State of Arkansas, to entry as other public lands in said State; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## EDWARD F. EDDY.

Mr. DURAND introduced a bill (H. R. No. 2774) granting a pension to Edward F. Eddy; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# BARBARA STEPHENS.

Mr. SAMPSON introduced a bill (H. R. No. 2775) granting a pension to Barbara Stephens; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## MISSISSIPPI AND ILLINOIS RIVER CANAL.

Mr. SAMPSON also presented joint resolutions of the Legislature of Iowa, in relation to proposed canal from some point between the mouth of the Rock River and Clinton, Iowa, on the Mississippi River, to the Illinois River at Hennepin; which was referred to the Committee on Railways and Canals, and ordered to be printed.

## EQUALIZATION OF ARMY PROMOTION.

Mr. TUFTS introduced a bill (H.R.No.2776) to equalize promotions among the licutenants in the line of the Army; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# HOLDING OF THE PUBLIC DEBT BY CITIZENS.

Mr. BURCHARD, of Wisconsin, introduced a bill (H. R. No. 2777) to encourage and promote the holding of the public debt by citizens of the United States, and to secure without contraction return to a specie basis; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

## CENTENNIAL DIRECTORY.

Mr. WILLIAMS, of Wisconsin, presented joint resolution of the Legislature of the State of Wisconsin, asking Congress to unite with the Legislatures of the various States in compiling a centennial directory; which was referred to the Committee on Printing, and ordered to be printed.

### PROTEST AGAINST BRIDGING DETROIT RIVER.

Mr. WILLIAMS, of Wisconsin, also presented a joint resolution of the Legislature of Wisconsin, opposing the bridging of the Detroit River at Detroit, Michigan; which was referred to the Committee on Commerce, and ordered to be printed.

## LIGHT-HOUSE, STRAITS OF CARQUINEZ, CALIFORNIA.

Mr. PAGE presented joint resolutions of the Legislature of California, asking for an appropriation for the purpose of erecting a light-house and fog-bell in the straits of Carquinez, at or near Benicia or Martinez, California; which was referred to the Committee on Commerce, and ordered to be printed.

### IMPROVEMENT OF HARBOR OF OAKLAND, CALIFORNIA.

Mr. PAGE also presented the following joint and concurrent resolutions; which were referred to the Committee on Commerce, and ordered to be printed in the RECORD:

#### Joint and concurrent resolutions.

Joint and concurrent resolutions.

Whereas, in pursuance of the established policy of the Government of the United States in promoting the trade and commerce of the country by the improvement of our bays and harbors, the Government has inaugurated certain improvements of the harbor at Oakland, in the Bay of San Francisco; and whereas the appropriation heretofore made is wholly inadequate to the completion of the work now in progress: Therefore,

\*Resolved\*, That our Senators be instructed and our Representatives requested to use their utmost exertion to obtain from Congress a further appropriation for the improvement of said harbor at Oakland.

\*Resolved\*, That the governor be requested to transmit a copy of the foregoing preamble and resolution to our Senators and Representatives in Congress.

B. F. TUTTLE\*,

\*President of the Senate pro tempore.\*

G. J. CARPENTER\*,

\*Speaker of the Assembly.\*

(Indorsed:)
enate concurrent resolution No. 25 passed the senate February 18, A. D. 1876.
T. J. SHACKLEFORD.
Secretary of the Senate.

Passed the assembly February 28, A. D. 1876.

ROBT. FERRAL, Clerk of the Assembly.

This resolution was received by the governor this 2d day of March 1876.

E. W. MASLIN,

Private Secretary of the Governor.

A true copy. Attest: [SEAL.]

THOMAS BECK, Secretary of State.

## CERTAIN LAND TITLES IN CALIFORNIA.

Mr. PIPER introduced a bill (H. R. No. 2778) relating to the equiand legal rights of parties in possession of certain lands and improvements thereon in California and to provide jurisdiction to determine those rights; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## HASTINGS AND DAKOTA RAILWAY.

Mr. STRAIT presented a memorial of the Legislature of the State of Minnesota, asking an extension of the grant of the Hastings and Dakota Railway; which was referred to the Committee on Public Lands, and ordered to be printed.

## FORT ABERCROMBIE MILITARY RESERVATION, MINNESOTA.

Mr. STRAIT also presented a joint resolution of the Legislature of the State of Minnesota, requesting Congress to vacate that portion of the military reservation at Fort Abercrombie which lies on the east side of Red River, in the State of Minnesota, and to open the same to settlement and occupation under the homestead and pre-emption laws; which was referred to the Committee on Military Affairs, and ordered to be printed.

## TIMBER-CULTURE ACT.

Mr. DUNNELL presented a joint resolution of the Legislature of the State of Minnesota, requesting the passage of an act for an extension of time to settlers under the timber-culture act of Congress; which was referred to the Committee on Public Lands, and ordered to be printed.

## PROTECTION OF SETTLERS.

Mr. DUNNELL also presented a memorial of the Legislature of the State of Minnesota, asking Congress to protect settlers on certain public lands in Minnesota; which was referred to the Committee on Public Lands, and ordered to be printed.

## OSAGE INDIAN RESERVATION.

Mr. BROWN, of Kansas, introduced a bill (H. R. No. 2779) pro viding for the sale of the Osage Indian reservation in Kansas; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

# S. A. SHEPHERD.

Mr. GOODIN introduced a bill (H. R. No. 2780) for the relief of S. A. Shepherd; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

# MALTA LODGE, CHARLESTOWN, WEST VIRGINIA.

Mr. FAULKNER introduced a bill (H. R. No. 2781) for the relief of the trustees of Malta Lodge, Charlestown, Jefferson County, West

Virginia; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## JOHN VAN COTT AND SAMUEL MALIN.

Mr. CANNON, of Utah, introduced a bill (H. R. No. 2782) for the relief of John Van Cott and Samuel Malin, of the Territory of Utah; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## WAGON-ROAD, UTE RESERVATION.

Mr. PATTERSON introduced a bill (H. R. No. 2783) granting permission to construct and use a wagon-road through the Ute Indian reservation in the Territory of Colorado; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

#### RIGHTS OF SOLDIERS AND SEAMEN.

Mr. PATTERSON also introduced a bill (H. R. No. 2784) to amend section 2304 of the Revised Statutes, so as to enlarge the rights of soldiers and seamen thereunder; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be

## PRE-EMPTIONS.

Mr. PATTERSON also introduced a bill (H. R. No. 2785) to amend chapter 4, title 32, of the Revised Statutes of the United States, en-titled "pre-emptions," and to prevent frauds in the entry of the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

#### JOHN S. FILLMORE.

Mr. PATTERSON also introduced a bill (H. R. No. 2786) for the relief of the heirs of John S. Fillmore, of Denver, Colorado; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### ALFRED H. PFEIFFER.

Mr. PATTERSON also introduced a bill (H. R. No. 2787) for the relief of Alfred H. Pfeiffer, of Colorado Territory; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### TIMBER LANDS, COLORADO TERRITORY.

Mr. PATTERSON also presented a memorial from the constitutional convention of Colorado Territory, asking for the transfer of the timber lands of said Territory to its care and custody, and setting forth reasons therefor; which was referred to the Committee on Pub-lic Lands, and ordered to be printed.

Mr. PATTERSON. As the memorial is of some interest, I ask unanimous consent that it be printed in the Congressional Record.

There was no objection, and it was so ordered.

The memorial is as follows:

## MEMORIAL.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the convention assembled for the purpose of framing a constitution for the State of Colorado respectfully represents:

That the greatest attention ought to be directed to the preservation and care of those resources upon which the welfare of the people depends. This principle finds an especial application with us as far as our forests are concerned. With the exception of our mountain regions, but little timber is met with anywhere in Colorado. But along the creeks and rivers which cross our prairies we may find now and then a small spot covered with scattered trees and short, useless undergrowth. Our mountains alone contain forests worth the while to be mentioned and considered. But even these, except some valleys, where, indeed, beautiful forests are yet growing, present an alarming spectacle to the close observer. The slopes, ridges, and higher plateans of the mountains contain but few trees, generally short and twisted from their constant exposure to strong winds. The higher regions, of course, are bare on account of their great clevation. Only the more protected portions of the mountainous portion of Colorado, as far as we can estimate from the best topographical maps and our own knowledge, amounts to about 15,000,000 acres. Of these, 30 per cent. to contain about twenty-five cords of wood per acre and 10 per cent. unobjectionable forests. But the rapid increase of our population; the spread of industries, the building of extensive railroads, the reckless devastation of timber in cutting and transporting it, and the frequent fires—mostly caused by carelessness and often raging for months—threaten soon to destroy our forests and expose us to the danger of a wood famine, if some effectual means are not employed to check a further destruction and to remedy, as far as possible, the damage already done. The consequences of such a calamity would be severely felt; thousands of laborers would be thrown out of employment who had made a living in cutting, transporting, and working up the products of o

evil a which still increase the mischif. Those are produced by losing the beneficial missaces of our frozens upon librates and vegetation. A forest, or larger samples of trees and bushes growing rather in close preximity, is, to say, a magazine of missture, from which the attemptone piece is constantly supplied with this commodity, can et all you concluded by stating that experiments have shown that a single full-ther, regular forests keep the sell in which their stay to private the provided of the provid

to put the respective forests and waste forest grounds of all those regions where irrigation has to be used for agricultural purposes under the control of the respective territorial or State governments.

J. C. WILSON, President of the Convention.

Attest:

W. W. COULSON, Sceretary.

SETTLERS ON CAMP LOWELL MILITARY RESERVATION.

Mr. STEVENS introduced a bill (H. R. No. 2788) for the relief of certain settlers on the Camp Lowell military reservation, Territory of Arizona; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### CHARLES A. LUKE.

Mr. STEVENS also introduced a bill (H. R. No. 2789) for the relief of Charles A. Luke; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### LAW LIBRARY IN IDAHO.

Mr. BENNETT introduced a bill (H. R. No. 2790) making an appropriation for the purchase of a law library for the use of the courts and United States officers in the Territory of Idaho; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

### CHARLES L. DAHLER.

Mr. MAGINNIS introduced a bill (H. R. No. 2791) for the relief of Charles L. Dahler; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### RIGHTS OF THE PEOPLE OF THE TERRITORIES.

Mr. STEELE introduced a bill (H. R. No. 2792) to guarantee to the people of the several Territories a republican form of government and to secure them in the right of local self-government; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

### ORDER OF BUSINESS.

The SPEAKER pro tempore. The call of the States and Territories having been completed, the Chair will now recognize any gentlemen who were absent during the call.

## ALDEN ROSE.

Mr. WARD, of New York, by unanimous consent, introduced a bill (H. R. No. 2793) for the relief of Alden Rose, of the city of New York; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## PRE-EMPTION RIGHTS.

Mr. KIDDER, by unanimous consent, introduced a bill (H. R. No. 2794) to permit any person (except when such person may have sold or assigned a claim upon which he has filed his declaration of intention) to use his right of pre-emption on different tracts of land until he shall have made final proof and payment, and to repeal section 2261 of the Revised Statutes; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## BRIDGE ACROSS THE BIG SIOUX RIVER.

Mr. KIDDER also, by unanimous consent, introduced a bill (H. R. No. 2795) for an appropriation to repair the military bridge over the Big Sioux River near Sioux City, in the State of Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## COLONEL THOMAS S. READEN.

Mr. HARTZELL, by unanimous consent, introduced a bill (H. R. No. 2796) for the relief of Colonel Thomas S. Readen; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

The SPEAKER pro tempore. The call of States and Territories is now complete.

## THE CURRENCY.

Mr. ATKINS. I offer the bill which I send to the Clerk's desk, and I move that the rules be suspended and the bill passed. The Clerk read the bill, as follows:

## A BILL IN RELATION TO THE CURRENCY.

Be it enacted by the Senate and House of Representatives, That all of the provisions of the act entitled "An act to provide for the resumption of specie payment," approved January 14, 1875, which authorizes the Secretary of the Treasury to redeem or cancel United States notes and to sell United States by the accomplishment of that purpose be, and the same are hereby, repealed.

Mr. HOLMAN. I ask for the yeas and nays on the motion to susend the rules.

Mr. PAYNE. Is it in order to move an amendment? The SPEAKER. It is not.

The yeas and nays were ordered.

Mr. HAMILTON, of New Jersey. Does not the motion to suspend the rules require a second?

The SPEAKER. It does not.

The question was taken; and there were-yeas 109, nays 109, not voting 71; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Baker, Banning, Blackburn, Bland, Blount, Boone, Bradford, Bright, John Young Brown, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cate-

Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, De Bolt, Dibrell, Douglas, Durham, Eden, Egbert, Ellis, Evans, Faulkner, Forney, Fort, Franklin, Fuller, Goode, Goodin, Gunter, Andrew H. Hamilton, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Haymond, Hays, Hereford, Goldsmith W. Hewitt, Holman, Hopkins, House, Hunter, Hunton, Hurd, Hyman, Jenks, Thomas L. Jones, Kelley, Knott, Franklin Landers, Lewis, Lynde, McFarland, McMahon, Milliken, Morgan, Neal, New, Oliver, Phelps, John F. Philips, William A. Phillips, Poppleton, Rea, John Reilly, James B. Reilly, Rice, Riddle, William M. Robbins, Robinson, Savage, Sayler, Scales, Sheakley, William E. Smith, Southard, Sparks, Springer, Stevenson, Stone, Terry, Tucker, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, John W. Wallace, Erastus Wells, Whitthorne, James D. Williams, Jeremiah N. Williams, Woodworth, Yeates, and Young—110.

NAYS—Messrs. Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Ballou, Banks, Barnum, Bass, Beebe, Blaine, Blair, Bliss, Bradley, William R. Brown, Horatio C. Burchard, Caswell, Chittenden, Conger, Cox, Crapo, Cutler, Denison, Dunnell, Durand, Eames, Ely, Farwell, Foster, Freeman, Frost, Frye, Garfield, Hale, Robert Hamilton, Hancock, Hardenbergh, Hathorn, Hendee, Henkle, Ahram S. Hewitt, Hoar, Hoge, Hooker, Hubbell, Hurlbut, Joyce, Kehr, Kimball, George M. Landers, Lapham, Leavenworth, Luttrell, Lynch, Maish, McCrary, McDill, Metcalfe, Miller, Money, Monroe, Morrison, Nash, Norton, O'Brien, Page, Payne, Pierce, Piper, Plaisted, Potter, Powell, Prat, Randall, Reagan, John Robbins, Sampson, Schleicher, Schumaker, Seelye, Singleton, Smalls, A. Herr Snith, Strait, Stenger, Stowell, Tarbox, Thompson, Thornburgh, Throckmorton, Washington Townsend, Tufts, Charles C. B. Walker, Alexander S. Wallace, Ward, Warren, Wheeler, Whitchouse, Whiting, Wike, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James Williams, Walliams,

So (two-thirds not voting in favor thereof) the rules were not sus-

During the roll-call,
Mr. JONES, of Kentucky, said: I rise to a point of order. I want
to know why the gentleman from Indiana [Mr. HOLMAN] and the gentleman from Maine [Mr. BLAINE] are sitting at the Clerk's desk dur-

ing the call of the roll?

Mr. BLAINE. I desire to say, for the benefit of the gentleman from Kentucky, that I was at the Speaker's desk because the honorable Speaker sent for me.

Mr. JONES, of Kentucky. We did not know what you were doing

Mr. HUNTER. My colleague, Mr. Cason, is absent on account of sickness; if here, he would vote "ay."

Mr. DURHAM. I desire to state that Mr. Mackey, of Pennsylva-

nia, is detained from the House on account of sickness

Mr. LAPHAM. I desire to say my colleague, Mr. Davy, is absent

by the leave of the House.

Mr. TOWNSEND, of New York. I am paired with Mr. Davis; if I voted, I should vote "no," and I suppose Mr. Davis would vote "ay" if he were here.

Mr. LUTTRELL. I desire to state that Mr. WOODBURN of Nevada, Mr. WIGGINTON of California, and Mr. LANE of Oregon are detained Mr. Wigginton of California, and Mr. Lane of Oregon are detained in their rooms by sickness.

Mr. STONE. Mr. BUCKNER is absent by leave of the House. If present, he would vote "ay."

Mr. BLAND. My colleague, Mr. HATCHER, is absent by order of the House. If present, life would vote "ay."

Mr. POPPLETON. My colleague, Mr. Walling, is absent by leave

The result of the vote was announced, as above.

## ORDER OF BUSINESS.

Mr. NEAL. I call for the regular order of business. The SPEAKER. This being the third Monday of the month, the regular order is the consideration of business reported from the Com-

regular order is the consideration of business reported from the Committee for the District of Columbia.

Mr. RANDALL. I raise a question of consideration. My object is to allow the gentleman from Ohio [Mr. PAYNE] to submit another proposition in connection with the repeal of the resumption act.

Mr. FORT. We do not want anything more on that subject.

The SPEAKER. The Chair will direct the Clerk to read the rule.

The Clerk read as follows:

The third Monday of each month, from the hour of two o'clock p. m. until the adjournment of that day, shall, when claimed by the Committee for the District of Columbia, be devoted exclusively to business reported from said committee, and said committee shall henceforth be omitted by the Speaker in the regular call of committees.

The SPEAKER. The Chair holds upon the imperative language of this rule that the question of consideration cannot be taken against this committee on its demand for the regular order. Their right under the rule is absolute and cannot be interfered with by motions to suspend the rules. The Chair desires to say that any other ruling would have the practical effect of denying to the Committee for the District of Columbia any hearing in this House, because it would be practicable for gentlemen on the floor of the House during Mondays to consume the entire day by motions to suspend the rules. The Chair holds that the right of the Committee for the District of Columbia is clear, and that they alone can surrender it.

Mr. RANDALL. I ask the gentleman from Ohio in charge of the

Committee for the District of Columbia [Mr. Neal] to allow the gentleman from the Cleveland district [Mr. PAYNE] to submit his

Mr. NEAL. I would like to accommodate my friend, but I cannot in justice do so. The Committee for the District of Columbia is now ready to report more bills than we shall probably be able to dispose

of during the balance of the day.

Mr. RANDALL. That is rather a snap judgment to take of the House. We will have to wait until the time when the District Committee shall have disposed of their business, and then we can have an opportunity to vote upon the proposition. I regret that the gentleman from Ohio does not see the propriety of allowing the proposition to be submitted and voted upon now.

Mr. FORT and Mr. HOAR called for the regular order of business. The SPEAKER. The gentleman from Ohio [Mr. NEAL] is entitled to the floor.

### ANACOSTIA AND POTOMAC RIVER RAILROAD.

Mr. NEAL, from the Committee for the District of Columbia, reported back, without amendment and with a recommendation that the same do pass, the bill (S. No. 295) to amend the act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation."

The question was upon ordering the bill to be read a third time.

The first section of the bill provides that section 2 of the act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomae River Railroad, approved February 18, 1875, be, and is hereby, so amended as to extend the time for the completion of said road to six months from and after the completion of the streets now in process of improvement along and upon which the chartered rights of the company extend.

The second section grants the company the privilege of changing their terminus at Fourteenth street and Pennsylvania avenue west, as follows: Commencing at intersection of Twelfth street and Ohio avenue northwest, along and upon Twelfth to D street, along and upon D street to Fifteenth street, along and upon Fifteenth street west to Pennsylvania avenue, near the Treasury gates, being one square west of the present terminus; also, that the company may extend their road from the intersection of Twelfth street and Ohio avenue northwest, along and upon Louisiana avenue to the south side of Pennsylvania avenue at a point opposite Center Market; provided that whenever the street pavement may be torn up and travel thereon interfered with by removal of the track of said road said company shall, at its own expense, put such street pavement in as good order as before the laying of the track thereon.

The third section provides that Congress may at any time alter, amend, or repeal the act.

Mr. RANDALL. I rise to a point of order against this bill.
Mr. NEAL. I hope the gentleman will state his point of order.
Mr. RANDALL. I make the point of order that the Supreme Court of the United States have declared that the streets in this city belong to the Government, and this bill proposes to dispose of them for a certain purpos

The SPEAKER. The Chair overrules the point of order, because the Chair cannot hold it is his duty to construe the laws or the pub-

lic decisions of the courts.

Mr. RANDALL. That decision has already been rendered.

The SPEAKER. The Chair is not supposed to take cognizance of

all the judicial decisions of the country, and to attempt to execute them from this chair against the wish of the House. The Chair overrules the point of order.

Mr. NEAL. The act of which this is amendatory passed Congress

on the 15th of February, 1875. The amendments proposed are three in number. The first simply extends the time for the completion of the road for six months from and after the completion of the streets now in process of improvement along which this road is to extend and has previously been located. The second amendment simply changes the western terminus of the road, and provides that the road shall pass from the intersection of Twelfth street and Ohio avenue northwest, along and upon Twelfth to D street, along and upon D street to Fif-teenth street, and upon Fifteenth street to the west side of Pennsylvania avenue, near the Treasury gates, being one square west of the present terminus. The third amendment simply gives this company the right to extend its road from the intersection of Twelfth street and Ohio avenue northwest along and upon Lonisiana avenue to a

point opposite Center Market, south of Pennsylvania avenue.

The bill was then ordered to be read a third time; and it was read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RECORDING DEEDS AND MORTGAGES IN THE DISTRICT OF COLUMBIA.

Mr. CRAPO, from the Committee for the District of Columbia, reported back without amendment, and with a unanimous recommendation that the same do pass, the bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other convoyances affecting real estate in the District of Columbia.

The question was upon ordering the bill to be engrossed and read third time.

The bill was read. It provides that sections 446 and 447 of the Revised Statutes relating to the District of Columbia be repealed, and the following enacted in lieu thereof:

All deeds, deeds of trust, mortgages, conveyances, covenants, agreements, or any instrument of writing which by law is entitled to be recorded in the office of the recorder of deeds, shall take effect and be valid, as to creditors and as to subsequent purchasers for valuable consideration without notice, from the time when such deed, deed of trust, mortgage, conveyance, covenant, agreement, or instrument in writing shall have been acknowledged, proved, or certified, as the case may be, and delivered to the recorder of deeds for record, and from that time only.

Mr. CRAPO. I will state very briefly the changes which the passage of this bill will make in the existing law. By the Revised Statutes relating to the District of Columbia it is now provided that all deeds of trust and mortgages shall take effect and be valid as to subsequent purchasers for valuable consideration without notice, and as to all creditors, from the time when such deeds of trust or mortgages are delivered to the recorder of deeds for record. But all other deeds and conveyances of real estate and instruments of writing which deeds and conveyances of real estate and instruments of writing which by law are entitled to record, if they are delivered to the recorder of deeds within six months from the date of their scaling and delivery are valid and take effect as against all persons at the date of their acknowledgment, and not at the date of their being filed for record. That is, a person negotiating for the purchase of real estate in this District may, after a careful examination of the records, find that the record title is in the party with whom he is dealing; may pay the purchase-money, take the deed, and place it on record; and at any time within six months his title may be defeated by another deed

prior in date of execution but subsequent in time of record.

The legislation proposed in this bill is similar to that in force in nearly all, if not all, of the States of the Union. Its effect will be to facilitate the sale and transfer of real estate in the District, to protect innocent purchasers who rely upon the record title, and to restrain dishonest persons from fraudulent conveyances. It puts restrain dishonest persons from fraudulent conveyances. It puts conveyances in fee upon the same footing that mortgages now are. I think there can be no objection to the passage of the bill.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

#### COLUMBIA RAILWAY COMPANY.

Mr. HENDEE, from the Committee for the District of Columbia, reported back with amendments the bill (H. R. No. 1271) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871.

The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the act to incorporate the Columbia Railway Company of the District of Columbia, approved May 24, 1871, be, and the same is hereby, amended so as to extend the rights under said charter giving the said company the right and power to lay down a single or double track railway, with the necessary switches and turn-outs, on, through, and along the following avenues, streets, and highways in the city and county of Washington, in the District of Columbia, subject to all the provisions and regulations of the original charter and amendments thereto, commencing at the eastern terminus of Maryland avenue westwardly to its intersection with North B street; thence along Morth B street to its intersection with North B street; thence along North B street to its intersection with the right to run public carriages thereon drawn by horse-power.

The amendments reported by the committee were as follows:

Strike out section 2.
Add to section 4 the following:
The amount to be contributed to be ascertained, when the companies disagree, by the supreme court of the District of Columbia, upon application of any company interested, and on notice to, and hearing of, the parties interested.

Mr. HENDEE. I desire to say in explanation of this bill that it provides merely for an extension of the route of what is now known as the H street or New York avenue railway. That company has already built a road under an old charter, granted, I think, in 1870, from a point near the Treasury Department through part of New York avenue, K street, and Massachusetts avenue, thence, by way of the Government Printing Office, to the eastern boundary of the city. This bill proposes to allow the company to build a track from the eastern boundary through Maryland avenue to a point on North Capitol street very near the Capitol; thence down that street to a junction with its present track at the Government Printing Office. The object is

simply to allow people living on New York avenue, Massachusetts avenue, K street, and in the sections of the city contiguous to those streets, to come directly to the Capitol and return by means of these

streets, to come directly to the Capitol and return by means of these cars. The amount fixed for the fare is five cents.

That portion of the bill which allows the company to build a branch from the Government Printing Office, or from H and North Capitol streets, to the Old Soldiers' Home, we propose by the amendments to strike out; so that the bill will only empower the company to do what I have already stated. It is thought to be in the interest of the people, especially those living in the vicinity of New York avenue, Massachusetts avenue, and K street. The avenues and streets through which this extension of the road is to asso are very wide. through which this extension of the road is to pass are very wide;

and this measure can be no detriment to public travel in any manner.

Mr. MAISH. As I understand this bill, the company will have the right to use such motive power as the District authorities may ap-

Mr. HENDEE. The section containing that provision is to be struck out by the amendments we offer; so that the company will have the right to use nothing but horse-power.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

### CONSTABLES AND MARSHALS.

Mr. HENDEE, from the Committee for the District of Columbia, reported back with amendments a bill (H. R. No. 1256) to regulate the duties of constables and marshals in the District of Columbia where property is claimed to be exempt from execution.

The bill was read, as follows:

where property is claimed to be exempt from execution.

The bill was read, as follows:

Be it enacted, &c., That in the District of Columbia, from and after the passage of this act, it shall be the duty of the marshal or constable, as the case may be, where an execution or attachment against the property of a judgment debtor is placed in his hands for execution and the judgment debtor claims that has no property save that exempted by law, to select a jury of three responsible persons of the neighborhood, who shall first be sworn by the marshal or constable to well and truly perform the duty of taking an inventory and appraisement of the judgment debtor's property; and the marshal or constable, with the jury, shall proceed to take an inventory of the property of the judgment debtor and appraise it at a cash valuation.

If the jury shall find that the judgment debtor has more property than is, in their judgment, exempt by law, they shall certify upon the inventory and appraisement the amount over and above the legal exemption; and this amount only, as certified to by the jury to be over and above the legal exemption, shall be liable to attachment or execution. And where a jury finds that a judgment debtor has more property than is legally exempt and so certify, the debtor shall have the privilege of choosing what article or articles or piece or pieces of property shall be levied upon under the attachment or execution. If the jury shall find that the judgment debtor has none property than is, in their judgment, legally exempt, they shall so certify upon the inventory, and state the amount of it. If the jury see fit, they may question the debtor as to his property.

The judgment debtor shall afford the jury ample opportunity to make their investigation, and shall truly answer all their questions in relation to his property. The jurors and the marshal or constable shall receive from the judgment debtor, for their services in this connection, \$1 each; which sum, if not paid in ten days after the inventory and apprais

The amendments of the committee were read, as follows:

Section 1, line 29, insert after the word "debtor" the words "and any other

In line 30, after the word "property," insert the words "of the debtor, and said marshal or constable may administer the proper oath to the debtor or persons to be examined."

De examined."

In lines 44 and 45 strike out the words "and the debtor's property is appraised at less than \$150," and insert in lieu thereof the following words: "and if said jury shall certify that the debtor has no property liable to attachment or to be taken

In line 46, insert after the words "judgment creditor" the following words: "but if said jury shall certify that such debtor has property liable to attachment or to be taken on execution, then the costs of such investigations shall be paid by the judgment debtor."

Mr. HENDEE. Mr. Speaker, perhaps a statement in regard to this matter is necessary. We have found in our investigation that it is a matter of difficulty on the part of officers of this District having charge of the collection of debts, or service of writs of attachment or execution, to find among a great mass of people property upon which to satisfy those debts. They are evaded and eluded, and the property is secreted, and at the present time there is no law which compels a debtor or any other person to give any information as to his property, whether he has any liable to attachment or not.

Now, in this District there are various articles and kinds of articles are the stronger than the second of the second of

exempt from attachment and levy of execution. I wish to call the attention of the House not fully but partially to them. By section 797 of the laws of the District of Columbia as revised the following articles are exempt from attachment; I will not read the whole of

them: First, all wearing apparel belonging to the persons and all heads of families; second, beds, bedding, household furniture, stoves, &c., to the amount of \$300; third, provisions for three months' support, whether provided or growing; fourth, fuel for three months; fifth, mechanics' tools and instruments of trade or business amounting to \$200 in value, with \$200 worth of stock, &c.; sixth, libraries and implements of a professional man or artist to the value of \$300; seventh, one horse, mule, or yoke of oxen, one cart, dray, or wagon for said team; eighth, farming utensils, with food for such team, &c., to the value of \$100, family effects to the amount of \$400, one cow, swine, and six sheep. Other articles are also exempt from

It will be seen in all these different kinds of property exempt from attachment there is a certain limit in dollars beyond which the debtor is not entitled to his property as against execution or attachment. Now, there is no law in this District by which it can be ascertained whether the debtor has more or less than the law gives him of any particular class of property which is exempt from attachment; and it has been thought prudent and proper—and I think that something like this is the law of many of the States of the Union—to pass a law like that which we have proposed. It is simply this: that where an officer has in his possession a writ of attachment or execution for levy upon property of any debtor and the judgment debtor shall demand a jury, that jury shall be furnished him by the marshal or officer having the paper for levy of three persons of the neighborhood, who shall be sworn to the faithful discharge of their duty; and they shall then put the debtor and such other persons as they see fit on oath to determine the question whether in any one of the classes of property exempt from attachment the party has more than the law allows him. If they find he has in a particular class more than is exempt under the statutes of the District they shall so certify to the officer, and the balance of the property will then as a matter of course be subject to levy or attachment, giving to the debtor the right to choose what articles he shall submit to attachment or levy of execuchoose what articles he shall submit to attachment or levy of execution. In case the judgment debtor shall demand a jury to determine whether he has property not subject to attachment and shall succeed in showing to the jury he has no property subject to attachment, the costs of that investigation are to be paid by the judgment creditor. If it shall be determined when the judgment debtor asks for the hearing that he has property in either class liable to attachment, then the costs of that investigation are to be paid by the judgment debtor. It is opening up to the creditors doing business in this District a fair and conitable means by which they can get at property in this District. equitable means by which they can get at property in this District liable to attachment, thereby securing to them the payment of their honest debts. The committee was unanimous on this question. We really think the abuses practiced in this District for a great many years will be cured by this legislation. I move the amendments be

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time,

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, informed the House that the Senate had passed a bill (S. No. 591) to regulate the transfer of bonded merchandise withdrawn from warehouse; in which the concurrence of the House was requested.

The message further announced that the Senate had passed with an amendment, in which the concurrence of the House was requested, the bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians.

## CITIZENS' RAILROAD.

Mr. HENDEE also, from the Committee for the District of Columbia, reported back a bill (H. R. No. 1652) giving the approval and sanction of Congress to the route and termini of the Citizens' Railroad, and to regulate its construction and operation, with the recom-mendation that it do pass.

The first section of the bill provides that the approval and sanction

The first section of the bill provides that the approval and sanction of Congress be given to the construction, operation, and maintenance of a single or double track street-railroad by the Citizens' Railroad Company of Washington City, District of Columbia, a company incorporated in accordance with chapter 18 of the Revised Statutes of the United States applicable to the District of Columbia, which incorporation is confirmed and validated, along, upon, and over the following route in the city and county of Washington, District of Columbia, namely: Commencing at the intersection of Louisiana avenue and Seventh streets porthwest in the city of Washington: theree along Seventh streets northwest, in the city of Washington; thence along and upon Louisiana avenue to Sixth street west; thence along and and upon said Sixth street west to Gixth street west; thence along and upon said Sixth street west to Gixthe street north; thence upon and along said G street to Fifth street west; thence along and upon said Fifth street to Boundary street; thence along and upon Boundary street to Larch street, in the county of Washington; thence along and upon said Larch street to Elm street; thence along and upon said Elm street to Four and-a-half street; thence along and upon said Four-

and-a-half street to College street; thence along and upon said College street to the valley east of Howard University; and thence by the most practicable route to the southern or Harewood entrance to the Soldiers' Home; with a branch leaving the main line at the intersection of Fifth street and New York avenue northwest, and proceeding along and upon said New York avenue to North Capitol street; and thence along and upon said North Capitol street and its extension known as Lincoln avenue to Glenwood Cemetery.

The second section of the bill provides that whenever the foregoing route shall coincide with the route of any other duly incorporated railroad company or connect portions of such route, but one set of tracks shall be used, and each company using the tracks shall contribute equitably to the expense of laying and maintaining them; the amount so to be contributed to be ascertained, when the companies disagree, by the supreme court of the District of Columbia, upon application of any company interested and on notice to and hearing of the parties interested.

The third section of the bill provides that this company shall construct at least a single track over their route within six months from

the approval of this act, under penalty of forfeiture of this grant.

The fourth section provides that in the manner of laying its tracks and paving the same this company shall be under the control of the executive authority of the District of Columbia, and it shall pave its tracks and the spaces between them and for the space of two feet beyond the outer line thereof and keep the same in good order without expense to the United States or the District of Columbia; and that said pavements shall be as prescribed by the said executive authority of the District of Columbia; and the rate of fare charged and received by said company shall not exceed five cents a passenger for any dis-tance between the termini of said road.

The fifth section provides that Congress may at any time alter,

amend, or repeal this act.

Mr. HENDEE. I will detain the House but a moment in explanation of this bill. It has been looked upon by the committee as one of more merit perhaps than usually attaches to bills of this character. This company has already been authorized under the general law, and now seeks only from Congress to be allowed to construct the road, Congress having reserved to itself the power to determine the route which any road shall take in this District. This bill is to authorize the company to do so.

It authorizes the construction of a road to be operated by horsepower from a point near the junction of the Seventh-street railway and the Avenue railway on Louisiana avenue; to run upon that avenue to Sixth street west; thence along Sixth street to G street north; thence along G street to Fifth street west; thence along Fifth street to Boundary street, which is the northern boundary of the city; thence along some short streets there to Le Droit Park; and thence to the Soldiers' Home; with power to build a branch to Glenwood Cemetery.

The object of the bill is to furnish the citizens residing on Le Droit

Park and in that portion of the city and District communication with the heart of the city of Washington. They are now comparatively without conveniences in the way of travel by horse railways. It also allows the building of the road through Le Droit Park, which is owned by private citizens, and who are the gentlemen in interest largely in this bill and those to the Soldier Heart I think it will largely in this bill, and thence to the Soldiers' Home. I think it will be a great convenience to the people of the District of Columbia or the city of Washington, and to all parties who may visit the city and who desire to go to the Soldiers' Home and also to Glenwood Cemetery. I would say that there is no railway now to Glenwood Cemetery, and it seems quite proper that one should be built. It will enhance the value of the property of Le Droit Park. It will also largely enhance the value of the property in Fifth street and other sections of the city which it traverses; and this, as a matter of course, is of great benefit to the city, because as you enhance the value of real estate in the city, that real estate pays more of the taxes and other expenses of the city and District government.

I think upon this statement there can be no objection to the bill. The fare to be asked for passage over this road is only five cents, and it is a road extending some distance, and is to be built mainly and almost entirely by the people who own the Le Droit Park and the people who live on Fifth street and other streets near it. I hope the

bill will be passed.

Mr. GARFIELD. I desire to ask the gentleman a question. I noticed in the reading of a former bill, which was considered by the House earlier in the day, an expression that the cars might be propelled by horse-power "or any noiseless force." I do not think that that expression is in this bill, but I have not understood with certainty whether it is in the bill or not. It occurred to me that if that expression were construed to authorize steam-cars it might be productive of serious inconvenience. I ask the gentleman whether it is in the bill ?

Mr. ROBBINS, of Pennsylvania. I ask that the bill may be reported

again.
Mr. GARFIELD. Before the bill is again reported I would also ask the gentleman from Vermont [Mr. HENDEE] whether the committee have had in view existing roads to see whether the streets are not now being encumbered with more railroads than the city needs? This road, so far as I have been able to follow its route from the reading of the bill, seems an important one, and I think the bill ought to pass. But I should be sorry to see the use of steam authorized on the city

railroads by any terms that might be so construed without our design-

ing it.

Mr. HENDEE. In reply to the gentleman from Ohio I would say that this road is designated in the bill simply as a street railway. I do not think that under the terms of the bill the company would be a street railway. allowed to use any other power than horse-power. But for the purpose of settling that question I would propose to add to the end of section 1 the words, "to be operated by horse-power only." that amendment

Mr. GARFIELD. Now as to the other point. Will the gentleman state whether this road runs parallel to any other leading road?

Mr. HENDEE. In answer to that question I will say that it does

necessarily run parallel to other roads in the same way as the F street

railroad runs parallel to the Avenue railroad.

Mr. GARFIELD. But not very near?

Mr. HENDEE. Not very near. The nearest are the Seventh street road, and the Capitol and North O street road on the other side. One passes north and south upon Third street and the other upon Seventh street. The termini are quite distant from each other, and this runs midway upon Fifth street, and is no nearer to the other roads and I think not quite as near as the Ninth and Seventh street roads are now. And the Ninth and Eleventh street lines are, I think, nearer

than this road is to any road that runs in the same direction.

Mr. GARFIELD. Will the gentleman also allow me to ask him in this connection whether the chariot line is a chartered institution?

Mr. HENDEE. I understand that this is a private institution;

Mr. HENDEE. I understand that this is a private institution of the standard of inventions that would save the necessity of cutting up the streets of the city with railroad tracks, but I do not know about that.

The question was taken on Mr. HENDEE's amendment, and it was

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. HENDEE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table

The latter motion was agreed to.

CITIZENS' BUILDING COMPANY OF WASHINGTON.

Mr. HARDENBERGH, from the Committee for the District of Columbia, reported back a bill (S. No. 401) to incorporate the Citizens' Building Company of Washington with a favorabe recommendation. The bill was read, as follows:

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John C. McKelden, T. L. Tullock, B. F. Bigelow, Samuel Emery, M. Ashford, Frank M. Green, J. G. Judd, E. G. Davis, John Fraser, B. F. Fuller, Charles Bradley, C. C. Duncanson, W. B. Morgan, and their associates, are hereby created a body politic and corporate by the name of "The Citizens' Building Company of Washington City," and as such may purchase, hold, and convey real and personal estate, make contracts, sue and be sued, plead and be impleaded, may have a corporate seal, and may exercise all other powers incident to corporations and usually enjoyed by them, and such especially as are requisite to enable them to purchase, take, hold, and convey square 363, in Washington City, District of Columbia, and to improve the same by building dwelling-houses thereon, and to sell and convey them to stockholders or others, for the benefit of the stockholders: Provided, That the capital stock of the said company shall not exceed \$300,000.

holders: Provided, That the capital stock of the said company shall not exceed \$300,000.

SEC. 2. That the first meeting of said company shall be holden at the time and place at which a majority of the persons hereinbefore named shall assemble for that purpose, and five days' notice of such meeting shall be given each of said corporators; at which meeting, and at all annual meetings, and at all meetings specially called for that object, said company may adopt or amend a constitution, and enact, amend, or repeal by-laws regulating the affairs of said company, prescribing the number, character, and duties of their officers, and the manner of their election, and providing in all things for the management of the affairs of said company, or for securing its interests and welfare.

SEC. 3. That the powers of this corporation shall vest in a board of directors. who shall be chosen as provided by the company's constitution or by-laws, and shall consist of thirteen persons, and shall have perpetual succession, each one holding his office until his successor is chosen and qualified: Provided, That until an election by the stockholders of said company shall be had in accordance with the constitution and by-laws of said company, the persons hereinbefore named shall constitute the board of directors of said company.

SEC. 4. That when the improvement of said square 363 shall have been completed, the dwellings sold, and the proceeds distributed to the stockholders in the manner provided by the constitution, then the said company shall cease to exist: Provided, That the provisions of the Revised Statutes of the United States relating to the District of Columbia relating to the liability of the officers and stockholders of corporations shall apply to the officers and stockholders of said corporation.

SEC. 5. That the corporation hereby created shall have no authority to transact business outside of the District of Columbia; and Congress may at any time alter, amend, or repeal this act.

Mr. HARDENBERGH. The purpose of the bil

Mr. HARDENBERGH. The purpose of the bill is a very plain and simple one. A number of persons have aggregated their capital together in a building association and purchased a square of land. The simple purpose of this bill is to give them an act of incorporation whereby they can join their funds together and proceed to the erection of buildings upon the square. There is no general law in the District which admits of acts of incorporation, and therefore this bill is asked for and is reported by the manimous consent of the comis asked for and is reported by the unanimous consent of the com-

The bill was ordered to a third reading; and it was accordingly

read the third time, and passed.

Mr. HARDENBERGH moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

INEBRIATE ASYLUM, DISTRICT OF COLUMBIA.

Mr. STEVENSON, from the same committee, reported back, with a favorable recommendation, the bill (S. No. 359) to incorporate the Washington City Inebriate Asylum in the District of Columbia. The Clerk read the bill, as follows:

favorable recommendation, the bill (8. No. 359) to incorporate the Washington City Inebriate Asylum in the District of Columbia.

The Clerk reach the bill, as follows:

Beit enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That all persons who shall become subscribers pursuant to this act shall hereby constitute and be declared a community corporation and bodypolitic forever or until Congress by law direct this charter to cease and determine, by and under the name of the Washington City Inebriate Asylum of the District of Columbia; and by and under the same name and title they shall be able and capable in their corporate name to take, purchase, have, lease, and hold real estate, not exceeding sixty acres, in the District of Columbia, and erect thereon a building or buildings suitable for the purposes of an asylum hereinbefore named; and to take, purchase, hold, and convey such personal property as may be necessary to carry out the objects of said asylum, namely, the care and medical treatment and control of the inebriate, and for no other purpose. Said asylum shall have power to sue and be sued, to make and use a common seal and alter the same at pleasure, to take and hold any grant or devise of land, or any donation or bequest of money or other personal property to be applied to the maintenance of said asylum. But the limitation that the said asylum shall not take, purchase, have, lease, and hold real estate shall only apply to property leased or purchased, and shall not prevent the said asylum from taking and holding any estate, real or personal, given or devised to it, not exceeding in value \$500,000? Provided, That the property held by the said asylum shall never exceed \$500,000 in value.

Sec. 2. That any person donating the sum of \$10 to the asylum hereby incorporated shall be deemed a subscriber and stockholder.

Sec. 3. That the fund of said institution shall be \$50,000 but may be increased to \$300,000 at any time the board of directors may think

president or vice-president must be one, shall constitute a quorum for the transaction of business. All committees, physicians, agents, and officers, authorized by this act, or by the by-laws of this asylum, shall be lable in his or her individual capacity for any contract, debt, or engagement of said asylum after the full amount of their subscription is paid in.

SEC. 5. That w. W. Corcoran, George H. Plant, George W. Riggs, W. W. Moore, Samuel Norment, J. W. Thompson, Matthew G. Emory, John T. Given, A. E. Perry, John C. Harkness, William Stickney, J. C. McKelden, Joseph Burrows, doctor of medicine, William J. Murtagh, Columbus Alexander, William R. Riley, D. D. Cone, Thomas Berry, George W. Stickney, J. P. Halloway, John W. Simus, E. C. Carrington, James H. Stone, Dickerson Nailor, and Joseph T. Howard, doctor of medicine, shall constitute the first board of trustees, who shall hold their offices until a new board of trustees is cleeted; and they shall be commissioners, whose duty it shall be to locate the said asylum and to receive subscriptions to the funds of said institution.

SEC. 7. That the said institution shall have power to receive any inebriate who shall voluntarily make application thereto, and retain him or her therein for such period as may be deemed advisable by the physician in charge.

SEC. 8. That any justice of the supreme court of the District of Columbia, upon petition or complaint, duly verified and presented by any relative of an inebriate or habitual drunkard, or by any officer of this asylum, or by any officer of police of said District of Columbia, shall proceed thereupon to appoint a commission to inquire into the case in the same manner as is directed by law in relation to the care and custody of the persons and estates of idiots, lunatics, persons of unsound mind, and drunkards, and according to the rules and practice of the said supreme court in such cases. The person charged with being an inebriate shall have notice to be present himself, or by counsel, before such commission,

means of promoting the reformation of the persons employed. From the profits of such labor, if any, the actual cost of support of each incbriate may be deducted and retained by the institution, and any surplus shall be paid to his (or her) family, or, in case he (or she) have no family, to himself (or herself) or his (or her) committee, trustees, or guardian for his (or her) benefit, at the time of his (or her) discharge from the arrive Market and the property of the agreem.

in case he (or she) have no hamily, to himself (or herself) of his (or her) committee, trustees, or guardian for his (or her) benefit, at the time of his (or her) discharge from the asylum. And labor performed upon the grounds or premises of the asylum by immates thereof shall be fairly appraised, and the proceeds shall be disbursed as above provided.

SEC. 11. That no person shall sell any strong or spirituous liquors or wine or fermented liquors within the distance of one-fourth of a mile from the outward bounds of the land and premises of the said asylum hereby incorporated, and whoover shall violate the terms of this section shall forfeit \$50 for each offense, and shall also be guilty of a misdeameanor: Provided, That the site or location of said asylum be not nearer than one-quarter of a mile to the corporate limits of the city of Washington.

SEC. 12. That no person shall enter or pass upon the land or premises of said asylum, other than the officers of said asylum, officers of justice, and those having business with said asylum, without a written or printed pass or permit from that officer of the asylum who may be empowered by the by-laws of said asylum to issue such pass; and any person violating the provisions of this section shall forfeit the sum of \$10 and be guilty of a misdemeanor. All penalties imposed in this act shall be sued for and recovered in the name of the president of the asylum, and shall be paid to the treasurer thereof for the support of any poor persons who may be inmates of said asylum.

sued for and recovered in the name of the president of the asylum, and shall be paid to the treasurer thereof for the support of any poor persons who may be inmates of said asylum.

Sec. 13. That the superintendent of said asylum is hereby authorized to appoint two or more of the attendants and employés of said asylum as policemen, whose duty it shall be, under his order or that of the assistant superintendent, to arrest and return to the asylum such incbriates as have escaped therefrom, or any patient who shall violate any law of the asylum, or person trespassing on the grounds or premises of said asylum, contrary to the provisions of section 12 of this act.

Sec. 14. That the board of trustees of said asylum shall make an annual report at their first meeting in November of their proceedings, income, expenditures, the number of patients received, discharged, and remaining in the institution, verified by the affidavit of the president and the treasurer; which report shall be filed in the office of the Secretary of the Interior.

Sec. 15. That any State or territorial Legislature, municipal council, or authorities of the District of Columbia may provide for the maintenance in the said asylum of any number of poor patients by appropriating sufficient funds for that purpose; and any person who shall donate or leave by legacy the sum of \$5,000 to the said Washington City Incbriate Asylum shall establish forever a free bed in said asylum; \$2,500 shall provide a free bed in said asylum for six months in each year; the donor or legator shall have endowed, then the trustees of said asylum shall fill the said free bed with a poor patient. The said patients in said free bed; but in case the donor or legator shall have endowed, then the trustees of said asylum shall fill the said free bed with medical treatment free of charge, and like all other patients shall be subject to the rules and regulations of the said asylum.

Sec. 16. That Congress may at any time alter, amend, or repeal this charter: And provided, That no mone

Mr. STEVENSON. Before moving the previous question upon the passage of this bill, I desire to say a few words in explanation of its provisions. The importance, in fact the necessity, of this or a similar act of incorporation in this District cannot be overestimated. Institutions of a kindred character to the one sought to be founded by this bill now exist in many of the States of this Union, as well as in Canada and Great Britain; and, unless all testimony is to be disbe-lieved, have resulted in great good to the unfortunate persons for whose benefit they were founded. As will appear from the bill, the object of the asylum sought to be incorporated is the cure, medical treatment, and control of inebriates. This bill is, I think, so guarded in its terms that no practical difficulties can arise as to what persons are to be affected by its provisions. Section 9 is as follows:

That for the purposes of this act, any person who, by the use of intoxicating liquors or other intoxicants, has lost self-control or become incapable of proper attention to the care and management of his affairs, or habitually or periodically neglectful thereof, or dangerous to himself or others, shall be regarded as an inebriate or habitual drunkard.

It will be seen, sir, from the foregoing section that this asylum takes control only of those who have lost all ability or desire to control themselves. By section 10 of the act, the superintendent and others in charge of the asylum are authorized to give to such of the inebriates as are without the means of support such labor as may be adapted to their capacity and condition, and to that end workshops may be established in the institution. The profits arising from the labor of any inebriate thus employed shall go to himself or family, after deducting the actual expenses of such inebriate in the asylum. The

repriety of the latter provision can hardly be too highly commended.

Upon the points of the average duration of the residence of patients in such institutions and the proportion of cures effected, Dr. Dodge, superintendent of the New York State Inebriate Asylum, stated that after a careful examination he had come to the conclusion that the average residence is four months. As in all similar institutions, some remain only a few weeks, a large proportion remain three months, a goodly number continue six months, and a few remain one year, and even longer, but the average is four months.

The proportion of cures during the past two years, for which period he had reliable data, is 40 per cent. In using the term "cured" he

was not contented to put a man down as cured because he left the asylum in a state of sobriety and reasonably good health, but followed him up by correspondence with himself or his friends, and got the best information he could after being exposed to the risks and temptations of society.

Mr. Speaker, the gentlemen whose names appear in the sixth section of this bill as the first board of trustees of this institution are, as I believe, a sufficient guarantee that it will be inaugurated under auspices favorable to its usefulness and prosperity. The trustees are empowered to locate the asylum, receive subscriptions to its funds, and to take the necessary steps to carry into practical effect the provisions of this set. visions of this act.

No money is appropriated by this bill, the last section especially

providing that no appropriation shall ever be made by Congress for this institution. The bill, sir, is manifestly a just one, and I trust will pass without opposition.

I ask the previous question on the passage of the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. STEVENSON moved to reconsider the vote by which the bill

was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REFORM SCHOOL, DISTRICT OF COLUMBIA.

Mr. STEVENSON also, from the same committee, reported the bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia, with a favorable recommendation.

The Clerk read the bill, as follows:

(IR. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Columbia, with a favorable recommendation.

The Clerk read the bill, as follows:

Bet masted by the Sente and House of Representatives of the United States of the Clerk read the bill, as follows:

Bet masted by the Sente and House of Representatives of the United States of the District of Columbia shall be in charge of, and governed and managed by, a beard of seven trustees, who shall be appointed by the President of the United States, upon the nomination of the Attorney-General, each for the term of three years, but in such a manner that the terms of never than there of them shall expire within any one whose duty shall be prescribed by the beard.

Sec. 2. That the beard of trustees shall be a corporation by the name of the "beard of trustees of the Reform School of the District of Columbia," for the purpose of the Reform School of the District of Columbia, "for the purpose of the Reform School of the District of Columbia," for the purpose of the Reform School of the District of Columbia, "for the purpose of the Reform School of the District of Columbia," for the purpose of the Reform School of the District of Columbia, "for the purpose of the Reform School of the District of Columbia," for the purpose of the Reform School of the District of Columbia, "for the purpose of the Reform School of the District of Columbia," for the purpose of the Reform School of the District of Columbia, "for the purpose of the Reform School of the District of Columbia," for the purpose of the Reform School of the Reform

Sec. 10. That whenever there shall be as large a number of boys in the school as can be properly accommodated, it shall be the duty of the president of the board of trustees to give notice to the criminal and police courts of the fact, whereupon no boys shall be sent to the school by the said courts until notice shall be given them by the president of the board that more can be received.

Sec. 11. That if any person shall entice or attempt to entice away from said school any boy legally committed to the same, or shall harbor, conceal, or aid in harboring or concealing, any boy who shall have escaped from said school, such person shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall pay a fine of not less than ten nor more than one hundred dollars, which shall be paid to the treasurer of the board of trustees; and any policeman shall have power, and it is hereby made his duty, to arrest any boy, when in his power so to do, who shall have escaped from said school, and return him thereto.

Sec. 12. That the trustees shall have full power to place any boy, committed as herein described during his minority, at such employment, and cause him to be instructed in such branches of useful knowledge, as may be suitable his years and capacity, as they may see fit; and they may, with the consent of any such boy, bind him out as an apprentice during his minority, or for a shorter period, to learn such trade and employment as in their judgment will tend to his future benefit; and the president of the board shall, for such purpose, have power to execute and deliver, on behalf of the said board, indentures of apprenticeship for any such boy; and such indentures shall have the same force and effect as other indentures of apprenticeship under the laws of the District of Columbia, and be filed and kep; among the records in the office of the Reform School; and it shall not be necessary to record or file them elsewhere.

Sec. 13. That for the support of the boys sent to the Reform School, as hereinbefore menti

and one memoer of the House of Representatives, by the Speaker thereof, for the term of two years.

SEC. 17. That all acts and parts of acts incompatible with this act are hereby repealed.

Mr. DUNNELL. I wish to offer an amendment to the bill. I move to strike out in lines 6 and 7 of section 1 the words "upon the nomination of the Attorney-General." I can hardly see the necessity of giving the President the appointing power and then obliging him to accept the nominations of the Attorney-General. This bill does not require the Attorney-General to recommend, but does require the President to appoint upon the nomination of the Attorney-General. That seems to me unusual and a little out of order.

Mr. ANDERSON. I will say to the gentlemen from Minnesota that the law now in existence provides that these appointments shall be made upon the recommendation of the board of commissioners and the Attorney-General. It was simply for the purpose of simplifying these nominations that the recommendation is proposed to be placed in the hands of the Attorney-General, instead of the Attorney-General and the board of commissioners.

Mr. DUNNELL. I think my amendment is a very proper one. The amendment was not agreed to.
Mr. DUNNELL. Then I move to strike out the word "nomination" and insert in lieu thereof the word "recommendation," so that it will read, "who shall be appointed by the President upon the recommendation of the Attorney-General."

Mr. ANDERSON. I have no objection to that.

The amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed

Mr. ANDERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARKET-HOUSE ON SQUARE 446, WASHINGTON, DISTRICT OF COLUMBIA.

Mr. NEAL. I am instructed by the Committee for the District of Columbia to report back, with amendments and to recommend its passage, the bill (H. R. No. 2157) to provide for building a market-house on square 446 in the city of Washington, District of Columbia. The bill was read, as follows:

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized and directed, within thirty days after the passage of this act, to cause to be prepared plans and specifications for a market-house building, to be constructed of suitable materials to make a substantial, durable structure, on that part of square No. 446 purchased from W. W. Cororan, esq., for market purposes, in the city of Washington, in said District, fronting on Seventh street, extending from O street to P street, and of sufficient width to contain two hundred market-stalls not less than nine feet in length, with ample space for the use thereof for market purposes, together with proper sewerage, water-closets, water and gas pipes. The ground-plan shall show distinctly the location and size of each stall to be placed in said building, the width of passage-ways between said stalls; and each stall shall be numbered, and the number thereof shall be marked thereon on said ground-plan.

each stall shall be numbered, and the number thereor shall be marked thereon on said ground-plan.

SEC. 2. That, upon the completion of said plans and specifications, the commissioners shall fix the rent per annum that will be charged for each stall, which rent shall be payable in equal monthly installments in advance; but said rent shall not exceed an average of \$5 per month per stall; and the commissioners shall cause the amount of rent so fixed for each stall to be placed thereon on said ground-plan.

SEC. 3. That, immediately after the completion of said ground-plan the manner aforesaid, the commissioners shall give notice by publication in a daily newspaper

printed and published and of general circulation in the city of Washington, for six consecutive days, that said plan is subject to examination in the office of said commissioners, and that on a day to be named in said notice, not more than thirty days from the date of the first publication, they will proceed to sell at public auction, on said square, between the hours of one o'clock and four o'clock in the atternoon, the said stalls, as numbered on said plan, to the highest responsible bidder, subject to the rent fixed thereon, one-tenth of the purchase money to be paid in cash and the remainder in nine equal annual installments, bearing 8 per cent. per annum interest, payable semi-annually from and after the date of the completion of said building, as hereinafter provided for, and that said sale will be continued from day to day thereafter until all of said stalls are sold: Provided, That it shall not be obligatory upon said commissioners to continue such sales after a sufficient number have been sold to make the aggregate amount of purchase-money the sum of \$100,000; but any remaining unsold may be afterward sold by said commissioners at such time and upon such notice as they may deem advisable.

Sec. 4. That, on the day fixed in said notice, and from day to day thereafter if necessary, said commissioners shall proceed to sell said stalls at public anction to the highest responsible bidder, on said square, according to said ground-plan, upon the terms mentioned in this act, and subject to the rents hereinbefore provided for, and the execution by the purchasers respectively of an obligation or obligations in such form as said commissioners shall prescribe, indersed or otherwise secured to the satisfaction of said commissioners for the payment of the residue in the installments, and bearing the interest in the preceding section specified, execute to the purchasers respectively a certificate of such purchases or obligations in such form as said commissioners for the payment of the payment of the rents aforesaid,

lien shall nure to the benefit of the holder or holders of such obligation or obligations, and shall be enforced in favor of such holder or holders in the manner aforesaid.

Sec. 5. That, if sales of stalls shall be made amounting in the aggregate to the sum of \$100,000, and the first payment shall be made, and the obligations shall be executed as hereinbefore provided for, then it shall be the duty of said commissioners to proceed forthwith in the erection of said market-building with the stalls aforesaid, according to the said plans and specifications; and, for this purpose, they are hereby authorized and directed to enter into such contract or contracts as they may deem advisable; but the entire cost of said building, including the stalls, shall not exceed the sum of \$100,000; and said building and stalls shall be fully completed on or before the 1st day of October, A. D. 1876: Provided, That they shall not proceed with the erection of such building unless they can, by the negotiation of said obligations without recourse, together with the cash payments aforesaid, provide sufficient means to pay for the same.

Sec. 6. That, upon the completion of said building and stalls, the purchasers of said stalls respectively shall be, and they are hereby, authorized to take possession thereof, and to occupy and use the same for market purposes, upon the terms and conditions in this act set forth; and upon any failure, for the period of ten days after the same shall become due, to pay any installment of rent by any owner or lessee of any stall, or in default of the payment of any installment of purchasemoney, or of the interest thereon when the same shall become due, such stall and the right to the use thereof, may, at the option of the commissioners, be declared to be forfeited, which declaration of forfeiture shall be made a matter of record in the office of said commissioners, and a copy thereof shall be served upon the owner or upon the occupant of such stall; and thereupon, after five days' notice in a daily newspa

SEC. 7. That said stalls shall not be liable to any tax other than the rent herein-

SEC. 7. Thus said stans shall be 50 to be fore provided for.

SEC. 8. That, in the event that there shall be a change in the form of government in said District, then the powers conferred upon, and the duties to be discharged by, said commissioners under this act shall devolve upon and be exercised and discharged by the officer or officers having executive authority in said District.

The amendments reported by the committee were as follows:

In section 5 strike out "October" and insert "January;" also strike out "1576" and insert "1877;" also add to the section the following:

And provided further. That said commissioners are hereby authorized to settle for work already done and materials used in the construction of the foundation of the walls already constructed for a market-building on such square, and payment therefor shall be made out of the first proceeds of said sales according to such settlement.

Also strike out section 7 of the bill.

The question was upon the amendments reported from the commit-

Mr. RANDALL. I move, as a substitute for the entire bill, the joint resolution which I send to the Clerk's desk.

The Clerk read the joint resolution, as follows:

Joint resolution authorizing the commissioners of the District of Columbia to sell and dispose of, for school or other purposes, the square located in the city of Wash-ington and known as No. 446.

Resolved by the Senate and House of Representatives, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized and directed, in conformity with the terms and conditions set forth in their report of December 1, 1876, to sell and dispose of, for school or other purposes, the square located in the city of Washington and known on the plat of said city as No. 446.

Mr. NEAL. I believe that I had the floor, and I did not yield to the gentleman

The gentleman did not call the previous question, Mr. RANDALL. and I move this joint resolution as a substitute for the bill.

Mr. NEAL. I was on the floor.

Mr. RANDALL. The Chair recognized me to offer that as a substi-

Mr. KANDALL. The Chair recognized me to oner that as a substitute. The gentleman failed to call the previous question.

Mr. NEAL. No; we do not want any gag on this bill.

The SPEAKER pro tempore, (Mr. SAYLER.) The previous question not having been called, the amendment of the gentleman from Penn-

sylvania [Mr. RANDALL] is in order.

Mr. RANDALL. In connection with that amendment I ask the Clerk
to read a protest, which will speak for itself, against the passage of the original bill.

Mr. NEAL. Let the amendments of the committee be acted upon, in order to perfect the original bill.

Mr. RANDALL. We had better meet the matter right here.

Mr. NEAL. Very well. The Clerk read as follows:

Protest of the Market-Dealers' Mutual Protective Association against the favorable consideration by Congress of the bill authorizing the erection of what is known as the Coreoran market-house.

Protest of the Market-Dealers' Mutual Protective Association against the favorable consideration by Congress of the bill authorizing the erection of what is known as the Coreoran market-house.

The undersigned, executive committee of the Market-Dealers' Mutual Protective Association, in the name and on behalf of the organization which they have the honor to represent, beg leave respectfully to present to the honorable the Senate and House of Representatives this their protest against the favorable consideration by Congress of the bill authorizing the erection of what is known as the Corcoran market-house; and they beg leave further to embody herein certain statements of fact in connection therewith which will clearly establish, as they believe, the great injustice the bill in question must necessarily do them and the large interests they represent should it receive the sanction of your honorable bodies.

Your protestants desire to set forth that in 1872 they occupied what was called the Northern Liberty market-house, at the intersection of New York and Massachusetts avenues with K, Seventh, and Eighth streets; that by a wanton and reckless usurpation of authority on the part of the then board of public works, and at the instance (as is believed) of the Center Market Company, whose influence was paramount with said board, the Northern Liberty market-house was suddenly and without notice forn down and your protestants turned into the streets; that in this emergency they were compelled for the time being to re-establish their usiness in temporary sheds, and therein remained until through an organized effort they were enabled to secure an eligible lot and erect thereon, at great expense to themselves, the present imposing and magnificent market-house corner of K and Fifth streets.

That they were compelled for rely solely on their individual efforts to accomplish this, because of the repeated refusal of Governor Shepherd and the board of public works to entertain any proposition from them for sid in that behalf, sa

any public interest; a fact which is abundantly shown in its being located but three squares from the building devoted to the same purposes on the corner of K and Fifth streets.

That its erection is urged solely in the interest of the O Street Railroad Company and the property holders in the immediate vicinity of the square selected as its site; and to advance the interests of this small coteric, your honorable bodies are asked wholly to disregard and sacrifice those of a large number of your fellow-citizens whom the action of a corrupt board of public works and the preservation of their business, not choice, compelled to place their means in the jeopardy threatened by the bill against which protest is here entered.

That the erection of the Corcoran market house is not urged by any considerable number of people who are to be benefited through its supplying a want now felt or likely to be pressing. And while there might be some claim presented on the ground of necessity for the erection of such building at some point on Fourteenth street or contiguous thereto, there can be none urged in support of one at the point named in the bill as the site of the Corcoran market-house.

Having been driven from their former places of business through the machinations and jealousy of a rival company, working through a venal and corrupt board of public works, and having been compelled through the same influence, working through the same channel, to erect out of their own means their present beautiful and complete market-house; and having at large additional expense taken long leases of the stalls therein; and having, under so many disadvantages, once more established themselves in successful business, your protestants respectfully urge that it would be in the highest degree unjust for your honorable bodies, through such legislation as is threatened, again to destroy their prosperity and turn to naught the constant, persistent, and honorable labor of years; especially so when no public want is to be met and no public good subs

Mr. NEAL. By whom is that signed?
Mr. RANDALL. By Mr. Kelley, a butcher and a respectable citi-

Mr. NEAL. From where does it purport to come?

Mr. RANDALL. From the Northern Liberty Market Company,

three squares off.

Mr. NEAL. That is all we want to know.

Mr. RANDALL. A market-house built by private enterprise upon

The SPEAKER pro tempore. The first question is upon the amendments reported by the Committee for the District of Columbia.

Mr. NEAL In the section of the country from which I come the

democratic party has been generally recognized as the party of the democratic party has been generally recognized as the party of the people, organized in the interests of the people, and against monopolies of all kinds whatsoever. But to-day we have the strange spectacle of the great leader of that party upon the floor of this House stepping forward as the advocate of a monopoly and a corporation against the interests of the people of this city and of the District. I am amazed that such should be the action of the leader of the democratic party of this House.

Mr. RANDALL. You will not be so amazed when you hear my

statement

Mr. NEAL. What are the facts? The bill now reported to this House with the unanimous recommendation of the Committee for the District of Columbia provides for the erection of a market-house upon square 446 in this city, in such a way, as I think I shall be able to show, as will not cost the Government of the United States or the government of the District of Columbia one dollar.

government of the District of Columbia one dollar.

If the House will give me their attention for a short time, I shall endeavor, in as plain and concise a manner as I can, to explain the provisions of this bill. By the first section the commissioners of this District are authorized and required, within thirty days after the passage of this bill, to cause to be prepared plans and specifications for a market-house building, to be constructed of suitable materials upon the square named, situated between Sixth and Seventh and O and P streets, in this city. The plan for the building is to contain two hundred stalls of specified dimensions, and the ground plan shall distinctly show the location and size of each stall, and the number of each shall be marked upon the ground plan. After this has been done, the commissioners are further required to fix a rent per annum that shall be charged for each stall, which shall not exceed an aver-

age of \$5 per month, or \$60 per year.

Then, as the next step, after this shall have been done, the commissioners are authorized and directed to advertise in some daily newspaper printed within this city, of general circulation, the fact that the plan is subject to examination in the office of said commissioners; and after thirty days' publication they are required to proceed to sell at public auction upon the square, between the hours of one and four o'clock in the afternoon, the stalls numbered on the plan to the highest re-

sponsible bidder, subject, however, to the rental which shall have been placed upon them by the commissioners as required by the preceding section. One-tenth of the purchase-money is to be paid cash in hand and the remaining nine-tenths in nine equal annual installments, which shall bear interest at the rate of 8 per cent. per annum, payable semi-annually, to be secured in such manner as shall be satisfactory to the commissioners, they at the same time retaining a lien

when the commissioners shall have sold in this manner stalls that will aggregate in amount \$100,000, they are authorized to dispose of the notes and bonds which they may have taken for the deferred payments, without recourse upon the District government in any way whatever; and, after they shall in this way have secured and had paid into their hands the sum of \$100,000, they are authorized to advertise for the letting of the contracts and the erection of the building, but not (mark you) until they have in their hands every dollar that shall be required to commence and complete the erection of the market-house.

Right here I will state that under a previous law the Legislative Assembly of this District contracted for the erection of a markethouse upon this identical square; work was commenced; and to-day, by reason of a failure of the commissioners of the District to comply with the terms of their contract, the contractor holds a just and valid claim against the District authorities for the sum of \$6,000 or \$8,000 for work actually done. This bill provides that the commissioners shall rid themselves of this claim against the District authorities by settling with this contractor for the work actually done and which will be utilized in the erection of this building. The contractor is to be paid the amount allowed him upon such settlement out of the first

proceeds realized from the sale of these stalls. So that it will be seen that under the terms of this bill, carefully guarded in every particular, not one dollar of public money can be expended in the erection of this building. On the contrary, an examination of the facts will prove to the satisfaction of any one that money will be actually saved to the people of this District. The property upon which the market-house is proposed to be erected was property upon which the market-house is proposed to be erected was purchased for the purpose for which we now propose it shall be used so far back as 1872, for the amount of \$100,000, payable twenty years after date, with interest at the rate of 7 per cent. per annum; and from that time to this the authorities of the District have been required to pay this \$7,000 per annum as interest upon that obligation which is still outstanding and unsatisfied, while by the terms of this bill, if it shall become law and its provisions be fully and completely executed, \$12,000 will be realized every year as rent from the several stalls, two hundred in number, in the market-house, thus enabling the authorities of the District to meet, as it shall fall due from time to time, the \$7,000 interest, and in addition to this to accumulate gradually a sinking fund in their treasury for the final payment of the principal when it shall become due. The sum of \$5,000 will be collected by them every year, and put into their treasury as a sinking fund to meet the principal of this indebtedness at its maturity, as was contemplated by the acts of the Legislative Assembly under which the market-house was first proposed to be erected.

I maintain, Mr. Speaker, that those who constitute this monopoly, this corporation, which stands here alone to-day in opposition to the passage of this bill, have no rights upon which we need have any fear that we shall trespass. They have no merits whatever in the claim which they assert here in that protest. So far from this, whatever they have done in the premises has been done with full knowledge of all the facts which I have stated, and others to which I shall now direct your attention.

So far back as August 23, 1871, the first Legislature Assembly of this District passed a bill authorizing and requiring the committees on markets of the two houses of the Assembly to select, subject to the approval of the governor, sites for market-houses in the northern and western sections of the city, and the governor was authorized and directed to purchase the same upon the most reasonable terms. I repeat (for I desire to impress it upon your minds) that herein this act, so far back as 1871, we find a provision authorizing the purchase

of the site for this northern market.

Subsequently to this, on the 19th of June, 1872, the governor of the District was authorized and instructed to purchase this identical property, square 446, of Mr. W. W. Corcoran on the liberal and munificent terms proposed by him, as the act itself states. So that more than three years ago this square was purchased for the purpose of erecting thereon this market-house. Appropriations were made, bonds of the District government were authorized to be issued, the contract for the building of a portion of this market-house was actually entered into, and the work commenced. It failed only because of the failure of the governor of the District to negotiate the bonds of the District in accordance with the terms of the act. But from that day to this there have been from one hundred and fifty to two hundred butchers and market-dealers occupying temporary sheds upon this identical ground; men who were driven out of the old Northern Liberty Market, which had been torn down by the action of the board of public works; who were promised in lieu of that market the erection of this structure upon the site named in this bill, and who by the terms of the acts of the Legislative Assembly which had appropri-ated \$2,000 for the purpose of constructing these temporary sheds were authorized to enter and occupy them, free of charge, until the expiration of the leases which they held from the District government for the occupation of stalls in the Northern Liberty market. From that day to this these parties, from one hundred and fifty to two hundred of them, have been carrying on a market upon this identical square in temporary structures, which are insufficient at times to protect them from the weather.

Now, after all this had been done, after these acts had been passed after this property had been purchased and a contract for the erection of this market-house entered into and partly consummated, this monoply, this corporation which is here to-day protesting against the passage of this bill, as late as February 23, 1874, organized under the general law for the organization of incorporated companies in this District, and commenced the erection of their market-house which they complain we are now about to interfere with to the detriment of their rights and

So you will see these gentlemen have no equities in this case. The position they occupy to-day is one of their own voluntary selection, one into which they entered with the full knowledge of the fact that the District authorities had passed a law providing for the purchase of this property and for the erection of this market-house, and if they suffer in the slightest degree by the erection of this structure as now proposed, the fault will rest with themselves. Whatever injury or damage they may sustain will accrue to them through their own negligence in the premises.

And the simple question for us now to determine is whether we, in order to foster and build up this monopoly, shall say to these gentlemen who have incorporated this company that they shall have the exclusive right and privilege of furnishing all the citizens of the northern portion of this city with their provisions, with their meats and vegetables, or whether we shall permit other citizens who are engaged in like business to compete with them.

I maintain still further, Mr. Speaker, that to erect this market-house

market-mouse is nothing more or less than the part of good faith to the butchers and market-men who are in possession of the temporary sheds on this square 446; that it is no less than good faith to the citizens of that section of this city. I maintain furthermore that good faith to Mr. Corcoran, who sold these premises to the District government for the purpose of erecting a market-house thereon, requires this thing should be done. It is evident from the very language of the act under which the purchase was made that Mr. Corcoran had disposed of the property to the District for that purpose at something less than its true value. The act itself declares that the Government was authorized to purchase it on the munificent and liberal terms proposed by Mr. Corcoran And to-day Mr. Corcoran, in a letter which I hold in my hand dated December 30, 1875, states, first, that square 446 was sold by him to the District of Columbia for a market-place; and, second, that he desired and expected that square would be devoted to the purpose for which it was sold. It was expected at the time it was to be used for the erection of a market-house. So, while there may be no legal obligation on the part of the District so far as the rights of Mr. Corcoran are concerned, I maintain we will be guilty of bad faith to him if we now, as proposed by the gentleman from Pennsylvania, [Mr. Randall,] pass a bill or joint resolution providing for the sale of this

property and its use for any other purpose than that originally pro-

Now, sir, if the gentlemen who are opposed to the passage of this Now, sir, if the gentlemen who are opposed to the passage of this bill can show that by any possibility one dollar can be taken from the Treasury of the United States or from the District government, to be used in the erection of this market-house, then we as members of the committee are perfectly willing an amendment shall be made to prevent any such thing, although we believe that no such liability can now by any possibility be incurred either by the Government or by the District

by the District.

As appears from the argument of those interested in this monopoly, which has been laid upon the table of every member this afternoon, this identical property, this square 446, with all the disadvantages under which it has labored, with only these temporary sheds erected thereon, paid during the last year into the Treasury of this District government more than one-half of all the revenues derived from the market-houses of this city. Three thousand seven hundred and fifty-four dollars out of \$6,195 were paid by the occupants of the temporary sheds on this property—more than the four other market-houses com-bined. If there be anything wanting to show the necessity for the erection of this market-house, I think we find it in the very fact that one hundred and fifty or two hundred market-men and butchers in this city have been content under all these disadvantages to occupy these temporary sheds, and have been able to thrive and prosper in business there so as to pay into the District government treasury more revenue than all the other market-houses of the District combined.

Mr. RANDALL. Mr. Speaker, the petition which I presented came from parties in interest in another market-house, but the amendment which I offered, it seems to me, is right irrespective of any interest of these petitioners. This in fact to my wind is the promotion of

of those petitioners. This, in fact, to my mind, is the promotion of a private enterprise at the public expense. I have no earthly objection, if persons can be found who will contribute and subscribe money, if they think it a profitable investment to build all the market-houses they think it a profitable investment to build all the market-houses which they may deem to be necessary in this city; but I do distinctly object to giving away the District property to individuals for the purpose of erecting market-houses when I consider additional market facilities are not required. Indeed, sir, our experience in connection with the giving away of public land for the purpose of erecting a market-house is very much against the repetition of any such action on the part of Congress. All will remember the controversies which sprang out of the grant of land at the corner of Seventh and Pennsylvania avenue to private individuals upon which to erect a market-house. It immediately produced a collision between the market company and the owners of the stalls by reason of extravagant rates of pany and the owners of the stalls by reason of extravagant rates of rental, which, in fact, came out of the pockets of those who purchased rental, which, in fact, came out of the pockets of those who purchased the beef and the products in that market. So the other market, by the act of the board of public works, having been torn down and these market people having been sent off, they were forced into this market, but subsequently went up and bought a lot there with their own money and as a private enterprise erected a market building.

Now, if my amendment shall be adopted and the property shall be

sold, I have no earthly objection that these gentlemen, if they so desire, shall go there and purchase this lot, and put their market-house on it at their own expense. But I am unwilling to give the public property of this District to any private person for any purpose whatever; and least of all when it comes in competition with the citizens who in good faith have erected at their own expense another market-

house within three squares off.

And just let me say here that in passing this lot from Mr. Corcoran to the District there was no condition whatever in that sale. In regard to the necessity for this market, I want to show what is the fact, as I am informed, that stalls in the new market, the Northern Liberty market, have not been rented, and are not now entirely rented, proving that there is actually no necessity for another market up there.

If you will examine this bill, which I have only read to-day for the

first time, you will find that the certificate of the purchase of a stall-

Shall be deemed to vest in such purchaser the right to the use of the stall so purased in perpetuity.

And if you will read further on you will find it provided by the seventh section of this bill-

That said stalls shall not be liable to any tax other than the rent hereinbefore provided for.

Mr. NEAL. The committee have reported an amendment to strike out that section.

Mr. RANDALL. I am glad that they have come to their senses in

Mr. NEAL. I believe they are as much in their senses as the gen-

tleman ever was in his.

Mr. RANDALL. If my substitute be adopted, as I have said, and these people come in and buy that lot as any other people might do, I have no objection to their doing so; and I have no objection to there being as many markets as private enterprise and private money will build. But I am utterly unwilling to take the public lands of the District for such a purpose when I believe that a market there is unnecessary. I ask the previous question on the amendment.

Mr. HENDEE rose.

The SPEAKER pro tempore, (Mr. BLACKBURN.) The Chair understands that if the previous question be ordered on the amendment it will not be exhausted with the amendment.

Mr. RANDALL. In calling the previous question on the substitute I do not want to interfere with the consideration of the bill if the substitute should be voted down. I want that the bill shall be treated with all fairness. I only ask the previous question on my substitute, and I call for the reading of the substitute again.

The substitute was again read.

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Vermont, [Mr. HENDEE?]

Mr. HENDEE. It strikes me that the gentleman from Pennsylvania yield.

nia would be acting quite unfairly if he insisted on the previous question now

Mr. RANDALL. I only want the previous question on my substi-tute. But if the gentleman wishes to speak now and will agree to renew the call for the previous question after he has spoken, I will

withdraw it for the present.

Mr. HENDEE. I suppose it would be quite fair—

Mr. RANDALL. That is what I intend to be.

Mr. HENDEE. I suppose it would be quite fair, as the gentleman who offers the amendment has made the only remarks upon it, that I should now be heard. As a matter of course when I shall have spoken I will put the gentleman in the same position he occupies now.

Mr. RANDALL. The acting chairman of the committee who re-

Mr. RANDALL. The acting charman of the committee who reported the bill discussed it for a great length of time.

Mr. HENDEE. As a member of the committee I think I am entitled to make a few remarks. I did not intend to say anything upon this bill when it was reported by the acting chairman of the committee. But, inasmuch as it has created a little discussion and as I have some knowledge of the facts, perhaps it is proper that I should make a statement to the House and give briefly my views upon the proprieties of the passage of the bill. Several years ago, I think some four or five years ago, the city government purchased of Mr. Corcoran square No. 446, situated between O and P streets, in the northwest part of the city. It was understood at the time, and the agreement was made in perfect good faith between the purchasers and Mr. Corcoran the grantor, that the purchase was made for the purpose, and the sole purpose, of constructing a market upon the square. Now what has been the result? A great many people in the District of Columbia, poor people as well, perhaps, as people of means, in view of the fact that it had been agreed that a market should be built on that square, have purchased in different sections about that market-place property. They have built it up at great expense; they have made this a valuable part of the city; and they have done it almost solely upon the ground that Mr. Corcoran had virtually donated that ground for market purposes.

But now, the gentleman from Pennsylvania [Mr. RANDALL] says it would be unjust to the people who now occupy the Northern Liberty Market to allow another one to be built within the limits he has named, only three or four squares off. But I think the injustice is not to the parties who are occupying the Northern Liberty Market, not to the parties who are occupying the Northern Liberty Market, but directly to the parties who have purchased the property about square 446, improved that property, and made it valuable to themselves on the ground that they were to have a market in their immediate vicinity. There is where I think the injustice applies if you refuse to pass this bill. The gentleman desires to sell the lot. Now, this bill virtually is a sale of the lot, and it is a sale of the lot to the parties who shall build stalls or purchase stalls upon the ground, as provided in this bill. The bill provides that neither the District government part the United States Government either shall nay one dollar ernment nor the United States Government either shall pay one dollar toward the construction of this market building. We are already as a Government, standing behind the District of Columbia, indebted to certain parties for making improvements on this square for market purposes; the foundation-walls have already been constructed at an expense of about \$8,000; that \$8,000 has never been paid. To-day the party who did that work has a claim, and it is a good claim, against the Government. This bill provides that whoever builds the market shall pay that \$8,000, and relieve the District from the payment of it. Further, the bill provides that a certain rental shall be paid, and that rental will amount to \$12,000, or thereabouts, annually. Now, annually we are paying to Mr. Corcoran the sum of \$7,000 interest on the purchase-money for this square. This bill provides that that interest shall be paid out of the rentals. There is \$7,000 annually saved to the Government of the United States, and it seems to me that is an item worth considering, and I believe further that under the provisions of this bill we should realize also a revenue of \$5,000 a year, which in twenty years would pay the principal which we owe Mr. Corcoran for the site. This, sir, is a simple sale of that property, for just what it cost the Government, or the District govproperty, for just what it cost the Government, or the District government, as I look at it, to the parties who propose to build the market; and while we sell the land, as proposed by the gentleman from Pennsylvania, though not for the purposes proposed in his substitute, we relieve ourselves of a debt now existing of \$7,000 annually, and also of \$8,000 which we owe for constructing the market, so far as it has been constructed.

Now, during the last Congress over three thousand persons, if I remember the number right, petitioned that Congress to allow to be built on that square a market for their accommodation, just in accord-ance with the original agreement. Now I think that we should stand here in defense of the rights of those three thousand petitioners rather than the rights of that private institution known as the Northern Liberty market, which bought its property with its own money and stands on its own rights and is legitimately competing for the trade in this

Again, Mr. Speaker, what is to prevent the present owners of the Northern Liberty market from selling out to-day? Nothing in the world. If they can make money by it and make a good investment or profit by selling it for any other purpose, they have a right so to do. There is no law of Congress, neither can we pass one, which will prevent them from doing this, and then of course the whole northern part of the city would be without market accommodations.

This market is to be built under the regulations prescribed in this bill and must always be kept and used as a market, and a market for the benefit of the people living in that section of this city. Now, sir, let me say a little more. All the persons who stand upon

that square to-day, and there are about one hundred and twenty-five of them, together with the market-men who are in what is now known as the Northern Liberty market on K street, were formerly doing business in what was known as the Northern Liberty market on Seventh street and Massachusetts avenue, which was destroyed under the orders of Governor Shepherd. After its destruction they moved on to this square 446, known as Corcoran square. It is not a large square, and the gentlemen who were on that square and had money spent it in purchasing the Savage property and built the new Northern Liberty market; those who had no money were compelled to stay under the old sheds, and they are there to-day, doing a large amount of business and accommodating thousands of people in this city. There are now from one hundred and twenty-five to one hundred and fifty men who are occupying that square, and they only ask of the United States that they may from their own pockets, not from yours, not from mine, not from the Treasury of the United States or the District treasury, but from their own pockets, build a shelter which will properly protect them, and put them in a position to sell the people of this city good healthy meat and the vegetable products of the country. This is all they ask; simply the privilege with their own money to build themselves a market; and it seems to me that it would be great injustice on the part of the House to deny these people that

Mr. Speaker, I desire to say further that this matter was before the Committee for the District of Columbia in the last Congress, and was considered favorably. It has been before the committee this session, and arguments have been heard day in and day out for at least six weeks in regard to this market, and the committee are unanimous, as I understand it, in favor of the passage of this bil'. We found only one voice from this entire District opposed to the construction of this market, and that is the voice of men who are afraid of competition. Now, I say that competition is the life of business. I say that anything which prevents competition is contrary, to say the least, to your boasted democratic doctrine. I say give every person in the District who has the money the power to improve it with fine structures if they will, and we ought not to deny these gentle-

men this opportunity.

I now yield the floor for a moment to the gentleman from Virginia, [Mr. HARRIS.]

Mr. RANDALL. The gentleman from Vermont agreed to call the

previous question at the close of his remarks, but I have no objection to his yielding to the gentleman from Virginia.

Mr. HARRIS, of Virginia. I know this bill and its effect only from the reading of it and of the amendment offered by the gentleman from Pennsylvania, [Mr. RANDALL.] I know nothing of the parties interested in it, either personally or otherwise. But I think if the House will look for a moment at the two propositions now presented to them, it cannot hesitate to reject the substitute offered by the gen-

What is the purpose of the bill reported from the Committee for the District of Columbia? It is to divide this lot of ground, known as square No. 446, into two hundred lots, to be shown by a groundplan. These two hundred lots are to be put up for sale, subject to a ground-rent, which ground-rent is to be previously fixed by the board of commissioners. Each purchaser of a lot buys it in fee-simple, subject only to the ground-rent so fixed for the use of the property, and having bought it in fee-simple, of course it is in perpetuity. Here will be two hundred small lots, open to purchase by any poor man who desires to engage in the business of marketing. Any poor man in the city or in the country can come in and purchase one of these small lots. But if you put it up for sale in gross, as proposed by the substitute of the gentleman from Pennsylvania, this property which cost the city of Washington \$100,000, who can compete for its purchase? No one of Washington \$100,000, who can compete for its purchase? No one but moneyed men and capitalists. Then where lies the interest of the District of Columbia, to whom this land belongs—not to the United States Government, as would seem to be the impression conveyed by the argument of the gentleman from Pennsylvania, who says he is opposed to taking public property for private use. This is not taking public property for private use, but it is exposing to sale public property belonging to the District government, whose guard-

ians we are.

Mr. RANDALL. How do you propose to sell this land?

Mr. HARRIS, of Virginia. The bill provides—

Mr. RANDALL. You propose to give it away.

Mr. HARRIS, of Virginia. That shows that my friend has not read the bill even once.

Mr. RANDALL. I have read it.

Mr. HARRIS, of Virginia. Then you did not understand it; I will ive you the benefit of that excuse. This bill provides that this land give you the benefit of that excuse. This bill provides that this land shall be divided into two hundred lots, to be shown upon a ground-plan to be drawn by an architect and shown to the public by the commissioners. Before they are to be exposed for sale they are to be numbered and made subject to a ground-rent not to exceed \$5 per month, so that any purchaser, when he goes to buy, will know how much ground-rent he will have to pay. It is to be offered at public sale, lot by lot, until all the lots are disposed of. The two hundred lots are to be sold in fee-simple, subject to a ground-rent to be fixed in advance by the commissioners, so that no man shall be taken by surprise and each man will know when he buys what he is buying. That is a fair sale, at public auction, with due competition, open to poor men, men of moderate means. But the gentleman proposes to stall it in a lunw "for school or other puresses." sell it in a lump "for school or other purposes."

Mr. SAVAGE. Will the gentleman yield to me a moment to ask a

question for information ?

Mr. SAVAGE. Will the gentleman yield to me a moment to ask a question for information?

Mr. HARRIS, of Virginia. Certainly.

Mr. SAVAGE. Is the money for which these two hundred lots are to be sold to be paid into the District treasury or to be used for the erection of a market building?

Mr. HARRIS, of Virginia. The first \$100,000 is to be used for the erection of a building, and if there is a surplus after that, it will belong to the District of Columbia.

Mr. SAVAGE. Does the bill so provide?

Mr. HARRIS, of Virginia. And to be used to pay off the debt now resting on the property, and on which an annual interest of \$7,000 has to be paid by the District government. Now, which proposition presents the better chance to get a good price for this land? To sell it in gross, and open only to purchase by capitalists, or in small parcels, two hundred or more lots, by which means poor men can come in and compete for the lots, and the people of the District will be made good what they have paid for this land and fulfill the promise of Mr. Corcoran, who said when he sold this land that it was for a market-house? market-house?

I regard not those who have bought lots in expectation, or who have put up a market-house on their own hook, for they knew this land had been bought for a market-house, and that a market-house was to be built on it, unless by the connivance of those in charge, who had no right to make such a pledge, they were assured there would be no

market-house built there.

I think the substitute should be voted down for its ambiguity, if for nothing else. It says that this lot, No. 446, shall be exposed to public sale and in the lump "for school or other purposes." If it is to be for school purposes, then say so; if not, then strike out "for school or other purposes," and say for public sale and to the highest bidder, which of course will include only Mr. Corcoran and others of similar wealth.

According to promise, I now call the previous question on the sub-

stitute for the bill.

Mr. NEAL. I call the previous question on the bill and pending amendments.

The previous question was seconded and the main question ordered. The amendments reported from the committee were agreed to.

The substitute moved by Mr. RANDALL was not agreed to, upon a division; ayes 17, noes not counted.

The question was upon ordering the bill, as amended, to be engrossed and read a third time.

Mr. SPRINGER. I move that the bill be laid upon the table. The motion was not agreed to. The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third

The question was upon the passage of the bill.

Mr. RANDALL. Upon that question I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 22, noes 96.
So (one-fifth not voting in the affirmative) the yeas and nays were

not ordered.

The bill was then passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker— Mr. DURHAM. I move that the House now adjourn. Mr. HOLMAN. I trust the gentleman from Kentucky [Mr. Dur-HAM] will withdraw his motion for a moment.

The queston being taken on the motion, there were—ayes 72, noes 47. Mr. HOLMAN called for tellers.

Tellers were ordered; and Mr. Holman and Mr. Durham were

appointed.

Mr. HOLMAN. I trust the gentleman from Kentucky will withdraw his motion.

Several MEMBERS. Regular order!

Mr. DURHAM. I have no objection to withdrawing the motion to allow the gentleman from Virginia [Mr. Terry] to make a report; but I will not withdraw it for any other purpose.

The SPEAKER pro tempore, (Mr. SAYLER.) Debate is not in order. The House divided; and the tellers reported—ayes 88, noes 44. Mr. COCHRANE. I call for the yeas and nays. The yeas and nays were not ordered.

So the motion to adjourn was agreed to; and accordingly (at five o'clock and twenty minutes p. m.) the House adjourned.

#### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. ASHE: The petition of M. W. Alexander, for compensation as a route-agent on the Charlotte and Columbia Railroad, running between Charlotte, North Carolina, and Columbia, South Carolina, in the year 1865, to the Committee of Claims.

By Mr. BANNING: The petition of 26 steamboat-men and citizens

of Cincinnati, Ohio, for amendments to existing steamboat laws, to

the Committee on Commerce.

Also, a letter of Importers' and Grocers' Board of Trade of New York, in favor of the resumption of specie payments, to the Com-

mittee on Banking and Currency.

Also, the petition of distillers, rectifiers, and wholesale liquor-dealers of Cincinnati and Hamilton, Ohio; Covington, Lexington, and Louisville, Kentucky; Lawrenceburgh and Aurora, Indiana; and Peoria, Illinois, that Congress determine at an early day any proposed tax on whisky, and protesting against any change in the present plan of collecting the tax, to the Committee of Ways and Means.

Also, the petition of Frederick von Werder, for a pension, to the Committee on Invalid Pensions.

Also, remonstrance of Pfirman & Pface and 20 other distillers and rectifiers of Cincinnati, Ohio, against the passage of certain amendments to the revenue laws regarding the tax on spirits, to the Committee of Ways and Means.

By Mr. BURCHARD, of Wisconsin: Joint resolution of the Legis-

lature of Wisconsin, relating to a consolidated centennial directory

of the general and several State governments of the United States, to the Committee on the Centennial Celebration.

Also, joint resolution of the Legislature of Wisconsin, protesting against the construction of bridges across the Detroit River, to the

Committee on Commerce.

By Mr. COCHRANE: The petition of citizens of Allegheny County, Pennsylvania, that the present duty on foreign coals may not be removed, to the Committee of Ways and Means.

By Mr. COX: The memorial of John Sheridan and 100 others, that Treasury notes be made receivable for all forms of taxes, duties, and debts, and interchangeable at the will of the holder with the interest-bearing bonds of the Government; also, that 25 per cent. of the present bank circulation be withdrawn annually until all is replaced by greenbacks, to the Committee on Banking and Currency.

Also, the petition of Mrs. Gordon Granger, for a pension, to the Com-

mittee on Invalid Pensions.

By Mr. FRYE: The petition of J. H. Buchanan, Henry Worsham, and citizens of Ripley, Mississippi, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

Also, the petition of James J. Lourie, Edward H. Gibson, and other citizens of Washington County, New York, of similar import, to the

same committee.

Also, the petition of Gideon Noel, G. W. Sommers, and other citizens of Palo, Michigan, of similar import, to the same committee.

Also, the petition of the Grand Lodge of Good Templars of Missouri,

signed by the officers, representing 15,000 members, of similar import, to the same committee.

Also, the petition of David Winn, H. N. Price, and other citizens of

Also, the petition of E. G. Rugg, J. J. Pettit, and other citizens of

Kenosha, Wisconsin, of similar import, to the same committee.

Also, the petition of John J. Davis, Daniel W. Jones, and other citizens of West Bangor, Pennsylvania, of similar import, to the same committee.

Also, the petition of the New Jersey State Temperance Alliance, George Shepard Page, president, G. R. Snyder, secretary, of similar import, to the same committee.

Also, the petition of H. H. Heald, A. W. Mott, and other citizens of Granville Center, Pennsylvania, of similar import, to the same

committee. Also, the petition of the Grand Division of the Sons of Temperance

Also, the petition of the Grand Division of the Sons of Temperance of East Tennessee, signed by the officers, representing 248 members, of similar import, to the same committee.

Also, the petition of W. King, E. H. Williams, and other citizens of Indianapolis, Indiana, of similar import, to the same committee. Also, the petition of the Grand Temple of Honor and Temperance of New York, J. N. Stearns, grand worthy templar, R. C. Ball, grand worthy recorder, representing 30 subordinate temples and 1,200 members, of similar import, to the same committee.

By Mr. HENKLE: The petition of the Granite Cutters' Association, of Washington, District of Columbia, that a portion of the stone to be used in the construction of the War, Navy, and State Departments, be cut in Washington, District of Columbia, to the Committee on Public Buildings and Grounds.

By Mr. HEWITT, of Alabama: A paper relating to a post-route from Birmingham to Cedar Grove, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. HOAR: The petition of J. C. Stoddard, for an extension of a patent for a steam musical instrument, to the Committee on Patents.

By Mr. HOGE: The petition of the officers of the Richland Rifle

Club, a military company at Columbia, South Carolina, that the Secretary of War be authorized to issue to said company one hundred improved Springfield rifles in order that they may be better prepared to take part in the approaching centennial celebration, to the Committee on Military Affairs.

By Mr. JENKS: The petition of John Hoffman, to be relieved from

the sentence of a court-martial depriving him of pay as a United States soldier, to the Committee on Military Affairs.

Also, the petition of Thomas H. Martin, for an increase of pension, to the Committee on Invalid Pensions.

Also, the petition of citizens of Pennsylvania, for bounty and bounty land for soldiers of the war of 1861, to the Committee on War Claims.

By Mr. KELLEY: The petition of Major Thomas H. McCalla, for a full pension, to the Committee on Invalid Pensions.

By Mr. MacDOUGALL: The petition of citizens of New York, for the repeal of the check-stamp tax, to the Committee of Ways and

Means

Means

By Mr. MAGINNIS: The petition of settlers of Montana, for the survey of the public lands in order that they may obtain titles to pre-emption and homestead claims, to the Committee on Appropriations.

By Mr. MOREY: The petition of General E. S. Dennis, with accompanying papers, for the payment of his claim which was rejected by

panying papers, for the payment of his claim which was rejected by the southern claims commission, to the Committee on War Claims. By Mr. MORRISON: The petition of citizens of Illinois, for the repeal of the check-stamp tax, to the Committee of Ways and Means. By Mr. NORTON: Remonstrance of residents on the Allegany Indian reservations, against the passage of House bill No. 2158 of the present Congress, to the Committee on Indian Affairs.

By Mr. PATTERSON: The petition of the heirs of John S. Fillmore, for relief, to the Committee on Commerce.

Also, the petition of D. H. Moffatt, jr., and other citizens of Colorado Territory, for the repeal of the check-stamp tax, to the Committee of Ways and Means.

Also, the petition of F. D. Wright and other citizens of Colorado, of similar import, to the same committee.

By Mr. JAMES B. REILLY: The petition of Mrs. Bridgett Smith,

for a pension, to the Committee on Invalid Pensions.

By Mr. SAMPSON: The petition of Barbara Stephens, for a pen-

sion, to the same committee.

By Mr. SAYLER: The protest of Charles Hoeffer and 19 other distillers and rectifiers of Cincinnati, Ohio, against any change in the

revenue law fixing the amount of tax on spirits, to the Committee of Ways and Means.

By Mr. SPARKS: The petition of citizens of Nashville, Illinois, for the repeal of the check-stamp tax, to the Committee of Ways and

By Mr. SWANN: The petition of W. F. Keirle, for moiety as a detective in the Revenue Department under act of March 2, 1867, to the same committee.

By Mr. THOMPSON: The petition of P. E. Pillsbury and 120 others of Massachusetts, for the repeal of the check-stamp tax, to the same committee.

By Mr. TUFTS: Joint resolutions of the General Assembly of Iowa, or Rock River and Clinton, Iowa, on the Mississippi River, to the Illinois River at Hennepin, to the Committee on Commerce.

By Mr. WALKER, of New York: The petition of Margaret Mills,

widow of the late General Madison Mills, for a pension, to the Committee on Invalid Pensions.

By Mr. WALKER, of Virginia: The petition of N. H. Van Zandt, for the removal of his political disabilities, to the Committee on the

Also, resolutions of the Grand Lodge of Masons in Virginia in relation to Washington Monument, to the Committee on Public Buildings and Grounds.

By Mr. WIGGINTON: A paper relating to a post-route from Fresno to Panoche, California, to the Committee on the Post-Office and Post-

By Mr. A. S. WILLIAMS: The petition of 193 citizens of Detroit, Michigan, that authority be granted for the erection of a bridge across the river at Detroit, to the Committee on Commerce.

By Mr. WILLIAMS, of Delaware: The petition of 59 citizens of Delaware, that Treasury notes be made receivable for all forms of taxes, duties, and debts, and interchangeable at the will of the holder with the interest-bearing bonds of the Government, and that 25 per cent. of the present bank circulation be withdrawn annually until all is replaced by greenbacks, to the Committee on Banking and Cur-

Also, the petition of 88 citizens of Delaware, of similar import, to the same committee.

By Mr. WILLIAMS, of Wisconsin: The petition of James Cleland

and 29 other citizens of Rock County, Wisconsin, for the repeal of the resumption act, and against the tax on tea and coffee and the paying of a bonus to national banks, &c., to the Committee on Bank-

ing and Currency.
Also, the petition of E. G. Huggins and 479 other citizens of Wisconsin, that the present duty on linseed and linseed-oil be maintained,

to the Committee of Ways and Means.

By Mr. WILLIS: The petition of Colonel C. A. Ellis, First Missouri Cavalry, for a trial by court-martial or otherwise, to the Committee on Military Affairs.

Also, the petition of Wolff & Brown, for relief, to the Committee

on War Claims.

By Mr. WILSON, of Iowa: The petition of 3,500 citizens of Iowa, for the appointment of a commission to investigate and report the effects of the liquor traffic in the United States on the health, intelligence, industry, prosperity, crime, and pauperism of the individuals; also, upon taxation, revenue, and the general welfare of the country; to prohibit the importation of alcoholic liquors from foreign countries; to prohibit the manufacture and sale of alcoholic liquors as a beverage in the District of Columbia, in the Territories of the United States, and in all places where Congress exercises exclusive jurisdiction; to require total abstinence from alcoholic liquors as a beverage on the part of all officials and subordinates in the civil, military, and naval service of the United States, to the Committee on the Judiciary,

By Mr. WOODWORTH: The petition of H. Baldwin and 130 voters

and 222 women of Ohio, for the appointment of a commission to investigate and report upon the effects of the liquor traffic in the United

States, to the same committee.

## IN SENATE.

# TUESDAY, March 21, 1876.

Prayer by the Chaplain, Rev. Byron Sunderland, D. D. The Journal of yesterday's proceedings was read and approved.

#### PETITIONS AND MEMORIALS.

Mr. WRIGHT. I present the petition of the Right Worthy Grand Lodge of Good Templars of the United States, said to represent 850,000 members, the petition being signed by the officers thereof, praying for prohibitory legislation for the District of Columbia and the Territories; also, for the prohibition of the importation of alcoholic liquors from abroad; also, that total abstinence be made a condition of the civil, military, and naval service; and for a constitu-tional amendment prohibiting the traffic in alcoholic beverages throughout the national domain. I believe this question has passed from the Senate and the bill has gone to the House. Under that impression I move that the petition lie on the table.

The motion was agreed to.

Mr. WINDOM. I offer a similar petition of the Good Templars of the State of Minnesota, and, for the reason just stated by the Senator

The motion was agreed to.

Mr. WINDOM presented a joint resolution of the Legislature of Minnesota, in favor of the vacation by the Government of that portion of the military reservation at Fort Abercrombie, Dakota Territory, which lies on the east side of Red River in the State of Minnesota, and to open the same to settlement and occupation under the homestead and pre-emption laws; which was referred to the Committee on Public Lands.

Mr. KERNAN presented the petition of Margaret Mills, widow of the late Surgeon Madison Mills, brevet brigadier-general United States Army, praying that her pension may be increased from twenty-five to fifty dollars a month; which was referred to the Committee

on Pensions

Mr. CAMERON, of Wisconsin, presented a joint resolution of the Legislature of Wisconsin, remonstrating against the passage of a law authorizing the bridging of the Detroit River; which was referred to the Committee on Commerce.

Mr. LOGAN presented a petition of soldiers, sailors, and marines of the late war, praying for the passage of an act granting to them and their heirs—except commissioned officers—a bounty of eight and onethird dollars per month for the time served, deducting all United States bounty heretofore paid; which was referred to the Committee on Military Affairs.

He also presented a petition of citizens of Washington County, Illi-

nois, praying for the repeal of the two-cent stamp tax on bank-checks; which was referred to the Committee on Finance.

He also presented the petition of C. M. Levy, captain in the volunteer service in 1863, praying that he may be allowed the amount of two years' pay and allowances as captain and assistant quartermaster of volunteers; which was referred to the Committee on Military Affairs.

He also presented the petition of the Grand Division Sons of Tem-perance of Illinois, officially signed and representing 2,000 members, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the importation of alcoholic liquors; that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which

was ordered to lie on the table.

Mr. DAWES. I have a similar petition to that just presented by
the Senator from Illinois in reference to the liquor traffic, signed officially by the officers of the Temperance Alliance of the State of Mas-

sachusetts, and I ask that it take the same course.

The PRESIDENT pro tempore. The petition will lie on the table.

Mr. DAWES presented a memorial of merchants and business men in the city of Boston, remonstrating against the repeal of the bank rupt law, and that there may be essential amendments made thereto; which was referred to the Committee on the Judiciary.

Mr. SARGENT. I present a petition relating to the liquor traffic, similar to that presented by other Senators, from the Grand Lodge of Good Templars of California, officially signed, representing 211 lodges and an actual membership of 10,132. I move that it lie on the table.

The motion was agreed to.

Mr. COOPER. I present a similar petition from the Grand Divis-ion of the Sons of Temperance of East Tennessee, and I move that it lie on the table.

The motion was agreed to.

Mr. SHERMAN. I present a similar petition of the Sons of Temperance of Ohio, signed by the officers, representing 8,000 members. I move that it lie on the table.

The motion was agreed to.

Mr. MORRILL, of Maine. I present one of a similar character from the Grand Lodge of Good Templars, signed by the officers, represent-ing 14,000 members. I move that it lie on the table. The motion was agreed to.

Mr. DORSEY. I present a similar petition, signed by the officers of the Grand Lodge of Good Templars of Arkansas, representing 1,000 members. I move that it lie on the table.

The motion was agreed to.

Mr. McMILLAN presented the petition of S. W. Furber and others, praying that the present rate of duty on linseed and linseed-oil be retained; which was referred to the Committee on Finance.

He also presented a joint resolution of the Legislature of Minnesota, in favor of the passage of an act for the extension of time to settlers under the timber-culture act of Congress whose trees have been destroyed by grasshoppers; which was referred to the Committee on Public Lands.

He also presented a memorial of the Legislature of Minnesota, in favor of the extension of the Hastings and Dakota Railway; which was referred to the Committee on Public Lands.

Mr. CHRISTIANCY. I present the petition of D. Nettleton, A. Richards, and 257 other citizens of the State of Michigan, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and Territories of the United States. I am in doubt to what committee it ought to go. I do not understand that the action of the Senate, which has already been had, really touches this point. That was a matter of inquiry merely; and this calls for legislation. I move the reference of the petition to the Committee on the Judiciary.

The motion was agreed to.

Mr. BOUTWELL. I present the petition of the Methodist Episcopal church of Natick, Massachusetts, signed by its officers, and the petition of the Bay View Methodist church of Gloucester, Massachusetts, signed by its officers, in regard to the liquor traffic. I move that they be referred to the Committee on the Judiciary.

The motion was agreed to.

Mr. JOHNSTON. I present a petition from the Grand Division Sons of Temperance of Virginia, signed by W. F. Brown, grand worthy patriarch of Virginia, and E. D. Bland, grand worthy scribe, in regard to the liquor traffic; and I move that it be referred to the Committee on the Judiciary.

The motion was agreed to.
The PRESIDENT pro tempore. Shall all the other petitions offered this morning in relation to this subject take the same reference? They

were laid on the table.

Mr. WRIGHT. I call the attention of the Senator from Vermont, [Mr. EDMUNDS,] the chairman of the Committee on the Judiciary, to this question. The proposition is to refer all the petitions on the subject of the alcoholic liquor traffic to the Committee on the Judiciary. It occurred to me that that was hardly a proper reference. I call his attention to it, however, and if he has no objection, of course I shall not insist upon a contrary course.

Mr. EDMUNDS. I understood the Chair to say that they were to

Mr. EDMUNDS. I understood the Chair to say that they were to be laid on the table.

The PRESIDENT pro tempore. Three or four were laid on the table, and then a petition was offered by the Senator from Michigan, [Mr. Christiannex,] and inasmuch as it involved a constitutional amendment or legislation relating to the District of Columbia, it was referred to the Committee on the Judiciary. It was so referred on that Senator's motion. The others that followed were also referred to the Committee on the Judiciary. The Chair suggested that they had better all take the same course, and he asked the expression of the Senate on that point.

ate on that point.

Mr. ALLISON. Ought they not to go to the Committee on Finance, because they relate to the importation of liquors?

Mr. LOGAN. But the petitions call for a constitutional amend-

Mr. EDMUNDS. No; these petitions—I hold one in my hand—do not ask for any constitutional amendment, so far as I can see. They ask to have the sale and manufacture of these beverages in the District of Columbia and in the Territories of the United States prohibited. They ask also for the prohibition of their importation from foreign countries. Further, they ask for legislation that shall require "total abstinence from all alcoholic beverages on the part of all officials and subordinates in the civil, military, and naval service;" and, fourth, "to initiate and adopt, for ratification by the several States of the Union, a constitutional amendment, which shall make the traffic in alcoholic beverages illegal throughout our national domain." in alcoholic beverages illegal throughout our national domain." Three of these objects plainly are not those for judicial consideration, so to speak. They are objects which relate to the general welfare of the people in this District and in the Territories. They concern the subject of importation; they relate not only to the general welfare, but also to the question of revenue; and when it comes to total abstinence on the part of all officers and subordinates in the civil, military, and naval services—which, as the Senate decided in the case of Blount, does not apply to members of the House of Representatives or Senators, so that nobody here can be disturbed on that account that is a subject that ought to go to the Committee on the Civil Serv-

ice plainly.

I submit, then, that either this matter must be divided or it ought to go primarily to the Committee on the District of Columbia, as the first thing asked for, which is really the only practicable one probably, is the prohibition of this traffic in the District of Columbia and in the Territories. I ask, therefore, that the reference to the Committee on the Judiciary be changed to the Committee on the District of Columbia. Here we undoubtedly have constitutional power to do what the public welfare demands, and that committee is charged with

considering whether the public welfare does demand it.

I present the petition from the Grand Lodge of Vermont of the Independent Order of Good Templars, representing 5,400 persons, asking for this species of legislation, and I move that it and the other petitions go to the Committee on the District of Columbia, which is the

irst really practical point in the petition.

Mr. CHRISTIANCY. The reference of the petition which I presented would be as appropriate to the Committee on Territories as to the Committee on the District of Columbia.

Mr. EDMUNDS. Let us begin at home, right here in the capital.
Mr. CHRISTIANCY. I suppose one is equally competent to act
upon the subject with the other. The petition which I presented does
not ask any constitutional amendment or the prohibition of foreign importation, but simply prays for the prohibition of the manufacture

The PRESIDENT pro tempore. The Senator from Vermont moves the reference of all these petitions to the Committee on the District

of Columbia.

The motion was agreed to.

Mr. CONKLING. I have a petition like that presented by the Senator from Vermont, signed by the Good Templars of the State of New York through their proper officers, and I move that it take the reference given to the other.

The PRESIDENT pro tempore. The petition will be referred to the Committee on the District of Columbia.

Mr. CONKLING. I have also twenty-one hundred and eightyseven different petitions, accompanied by, I am instructed, one hundred letters, which I have not counted myself, in respect of the proosed change of the Pension Bureau to the War Department. petitions come from pensioners, both men and women, chiefly from the State of New York, but in some degree from other States. They assign, as well in the petitions as more especially in the letters, their reason for remonstrating earnestly against this change, and they make statements expressive of the truth, as they believe it to be, that the present pension service is economical, convenient, and certainly as free from danger of fraud as it could well be; and is in that respect, as in others, superior to the arrangement as it will be should the service be transplanted to the War Department. I suppose the Committee on Pensions is the appropriate committee to which to move a reference of these petitions

The PRESIDENT pro tempore. The petitions will take that refer-

Mr. CONKLING. I present also the petition of Maria H. Granger, widow of the late Major-General Gordon Granger, praying to be allowed a pension. In presenting this petition, I venture to say to the Committee on Pensions that it has the attention and solicitude of many persons whose judgment and wish are entitled at least to consideration in the committee. I move its reference to the Committee on Pensions.

The motion was agreed to.

Mr. KEY presented the petition of the Good Templars of Tennessee, officially signed, praying for prohibitory legislation for the District of Columbia and the Territories in relation to the liquor traffic; which was referred to the Committee on the District of Columbia.

Mr. GORDON. I present petitions for the improvement of the har-bor of Brunswick, from the city council of Brunswick, the mayor and council, also from the city council of Macon, Georgia, and also from the Board of Trade and of Pilotage of the city of Brunswick. I wish simply to remark that the city of Brunswick has probably the very best harbor south of New York, unless it be a harbor on the South Carolina coast. I hope that these petitions will receive the favorable attention of the Committee on Commerce, to which committee I move their reference.

The motion was agreed to.

Mr. GORDON presented a petition of citizens of Georgia, praying for the repeal of the bankrupt law; which was referred to the Com-

mrthe repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. McMILLAN. I present a petition which has been forwarded to me, signed by John Brown Smith, of Amherst, Massachusetts, praying for an amendment of the naturalization laws of the United States "so that they shall fully recognize the natural right of the citizens to withdraw allegiance from government at will and retain all such rights in their own self-sovereign individualities." In accordance with the request of the petitioner, I present the petition and move its

with the request of the petitioner, I present the petition and move its reference to the Committee on the Judiciary.

The motion was agreed to.

Mr. HAMLIN. I have received and been requested to present a memorial from citizens of this District, signing themselves "Good Templars," asking for prohibitory legislation for the District of Columbia and the Territories in relation to the sale of spirituous liquors and for an amendment of the Constitution so that the traffic may be prohibited all over the country. I move its reference to the Commit-

tee on Finance.

The PRESIDENT pro tempore. Other petitions of like nature have been referred to the Committee on the District of Columbia.

Mr. HAMLIN. Let it go there.

The petition was referred to the Committee on the District of Columbia

Mr. HITCHCOCK presented a petition from the Sons of Temperance of Nebraska, praying for prohibitory legislation for the District of Columbia and the Territories in relation to the sale of spirituous liquors; which was referred to the Committee on the District of Columbia.

Columbia.

Mr. CAPERTON presented the petition of R. C. Holloway, Thomas Collins, and other citizens of West Virginia, asking for a general law to prohibit the liquor traffic within the national jurisdiction; which was referred to the Committee on the District of Columbia.

Mr. INGALLS presented the petition of Elizabeth A. Bailey, widow of the late Captain David G. Peabody, praying to be granted a pension in the name of their daughter, Alice A. Peabody; which was referred to the Committee on Pagisians.

to the Committee on Pensions.

He also presented the petition of the Grand Lodge of Good Templars

of Kansas, signed by the officers, representing five thousand members, praying for prohibitory legislation in regard to the liquor traffic; which was referred to the Committee on the Judiciary.

Mr. KERNAN presented the petition of the New York State Temperance Society, signed by its officers, asking for prohibitory legislation for the District of Columbia and in the Territories relative to the traffic in alcoholic liquor; which was referred to the Committee on

the District of Columbia.

Mr. CAMERON, of Pennsylvania, presented the petition of Catherine T. Campbell, praying remuneration for the loss occasioned by the accidental shooting and killing of her son by the United States provost guard at Philadelphia, Pennsylvania, in March, 1865; which was referred to the Committee on Military Affairs.

## REPORTS OF COMMITTEES.

Mr. JONES; of Florida, from the Committee on Public Lands, to whom was referred the bill (S. No. 371) granting the right of way to the Saint John's Railway Company, asked to be discharged from its further consideration and that it be referred to the Committee on

Military Affairs; which was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 119) to authorize the Secretary of the Interior to sell at publie auction lands no longer required for military purposes, reported it with an amendment.

Mr. INGALLS, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 524) to amend section 1002 of

to whom was referred the bill (S. No. 524) to amend section 1002 of the Revised Statutes relating to the District of Columbia, reported adversely thereon; and the bill was postponed indefinitely.

Mr. SARGENT, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes, reported it with amendments. ments.

## MILITARY ACADEMY APPROPRIATION BILL.

Mr. ALLISON. The Committee on Appropriations direct me to report back the action of the House of Representatives on the amendments of the Senate to the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, and recommend that the Senate insist on its amendments to this bill and ask for a conference with the House of Repre-

and Mr. WALLACE.

BILLS INTRODUCED.

Mr. WHYTE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 621) for the relief of Jesse H. Weirick; which was read twice by its title, referred to the Committee

Weirick; which was read twice by its title, referred to the Committee on Claims, and ordered to be printed.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 622) for the relief of John L. Williams, sole heir of Eleazer Williams, deceased; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. SARGENT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 623) for the relief of settlers on certain lands in the State of California; which was read twice by its title referred to the Committee on Private Land Claims and ordered

title, referred to the Committee on Private Land Claims, and ordered

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 624) to incorporate the Citizens' Mutual Gas-Light Company of the City of Washington, District of Columbia; which was read twice by its title, referred to the Com-

mittee on the District of Columbia, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 625) approving the building of the Union Railroad of the District of Columbia; which was read twice by its title, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

## PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. KEY, it was

Ordered, That the petition and accompanying papers in the case of Moses Brooks be taken from the files of the Senate and referred to the Committee on Claims.

On motion of Mr. CAMERON, of Wisconsin, it was

Ordered, That the papers relating to the claim of Eleazer Williams be taken from the files of the Senate and referred to the Committee on Indian Affairs.

### EULOGIES OF SENATOR O. S. FERRY.

Mr. ENGLISH submitted the following resolution; which was referred to the Committee on Printing:

Resolved, (the House of Representatives concurring.) That 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Orris S. Ferry, late United States Senator from Connecticut, be printed, 4,000 copies for the use of the Senate and 8,000 copies for the use of the House of Representatives; and that the Secretary of the Treasury have printed the portrait of Mr. Ferry to accompany the same.

### HEIRS OF GENERAL JAMES H. CARLETON.

Mr. WRIGHT. I move to proceed to the consideration of Senate bill No. 63.

The motion was agreed to: and the bill (S. No. 63) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased, was considered as in Committee of the Whole.

Mr. WRIGHT. The bill was once before the Senate and was passed

over because of a suggestion made by the Senator from Vermont, EDMUNDS.] Since that time I have corresponded with the War Office and got information which I have submitted to him. There are one or two formal amendments. I ask that the amendments may be reported and acted on.

The PRESIDENT pro tempore. The amendments reported by the

Committee on Claims will be read.

The CHIEF CLERK. The amendments are in lines 5 and 6 to strike The CHIEF CLERK. The amendments are in lines 5 and 6 to strike out "Eva, Etta, Henry, and Guy Carleton, heirs," and insert "Eva Vansant, Henry Carleton, and Maud Carleton, children;" in line 8, after the words "legal representatives," to insert "in full satisfaction;" and in line 12 to strike out "with interest from the date of the award of the board of survey" and insert "being the amount found due by a board organized;" so that the bill, as amended, will read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eva Vansant, Henry Carleton, and Maud Carleton, children of General James H. Carleton, or their legal representatives, in full satisfaction for property destroyed by order of General Canby, dated Fort Oraig, New Mexico, February 21, 1862, the sum of \$7,600, being the amount found due by a board organized under Special Orders No. 159, issued by General E. R. S. Canby, and dated Santa Fé, New Mexico, September 3, 1862.

The amendment was agreed to.
Mr. DAVIS. I ask the chairman of the Committee on Claims whether this bill passed the Senate at the last Congress?
Mr. WRIGHT. It passed the Senate at the last Congress and also the Congress before. It is the same bill precisely as reported by the Senator from Virginia himself at the last Congress.
Mr. DAVIS. The same amount?
Mr. WRIGHT. The same amount exactly, and precisely the same bill.

Mr. DAVIS. Then I think it right; for I reported on that bill once, and it struck my ear when I heard it read.

The bill was reported to the Senate as amended, and the amend-

ments were concurred in.

The bill was ordered to be engressed for a third reading, read the third time, and passed.

The title was amended so as to read, "A bill granting relief to Eva Vansant, Henry Carleton, and Maud Carleton, children of General James H. Carleton."

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate;
A bill (H. R. No. 1256) to regulate the duties of constables and

marshals in the District of Columbia where property is claimed to

be exempt from execution;
A bill (H. R. No. 1271) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved

May 24, 1871;
A bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School in the District of Co-

A bill (H. R. No. 1652) giving the approval and sanction of Congress to the route and termini of the Citizens' Railroad, and to regulate its

construction and operation;
A bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of

gages, and other conveyances affecting real estate in the District of Columbia; and
A bill (H. R. No. 2157) to provide for building a market-house on square 446 in the city of Washington, District of Columbia.
The message also announced that the House of Representatives had postponed indefinitely the joint resolution (S. R. No. 9) authorizing Hon. William L. Scruggs, United States minister at Bogota, to accept a present from the Queen of Great Britain.
The message further announced that the House had passed the following hills:

having bills:
A bill (S. No. 295) to amend the act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation;

A bill (S. No. 359) to incorporate the Washington City Inebriate Asylum, in the District of Columbia; and A bill (S. No. 401) to incorporate the Citizens' Building Company of

Washington.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by

signed the following enrolled bills; which were thereupon signed by the President pro tempore:

A bill (S. No. 386) approving an act of the Legislative Assembly of Colorado Territory;

A bill (H. R. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham;

A bill (H. R. No. 490) for the relief of Hibben & Co., of Chicago, Illipois:

A bill (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance,

United States Army;
A bill (H. R. No. 198) to relieve the political disabilities of Robert Tansill, of Virginia; and
A bill (H. R. No. 1596) granting a pension to Ruth Ellen Greelaud.

## SIOUX RESERVATION.

Mr. ALLISON. I move that the Senate proceed to the considera-tion of the bill which was under consideration yesterday morning, being Senate bill No. 590.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 590) provid-ing for an agreement with the Sioux Nation in regard to a portion of their reservation, and for other purposes, the pending question being on the amendment of the Committee on Indian Affairs, which is to strike out in line 4 of section [6] 5 "10" and insert "20;" so as to make the amount "\$20,000."

Mr. DAVIS. Do I understand that as advancing the amount from \$10,000 to \$20,000 for the expenses of the commission?

Mr. ALLISON. That is the object.

Mr. DAVIS. Is there necessity for it?

Mr. ALLISON. The committee thought, inasmuch as the number

of commissioners was increased from three to five, it might require more than \$10,000, and they were not certain as to the length of time that it might be necessary to occupy, and therefore they proposed to insert \$20,000 in lieu of \$10,000. Of course if that sum is not neces-

Mr. DAVIS. I understood yesterday that there was an amendment offered or to be offered to the bill looking to the employment of Army officers, and in that case it certainly would not require anything like

the amount of \$20,000.

Mr. ALLISON. Of course it would not be used if the amendment of the Senator from North Carolina [Mr. Merrimon] should prevail. In that event this sum would not be required; but that has not yet been voted upon. If it should be adopted, only so much of the sum as should be required would be used.

Mr. DAVIS. My experience is that when money is appropriated

for a purpose, it generally gets out of the Treasury in some manner or other. If it is not used directly, it is indirectly. My fear is that this will all be used. I doubt the propriety very much, especially if the amendment of the Senator from North Carolina should prevail of appropriating even the half of \$10,000.

Mr. ALLISON. I think the Senator from West Virginia need have

no apprehension on that score. This appropriation is to be expended under the direction of the Secretary of the Interior, and of course none of it will be used unless it shall be absolutely required. I think

there is no dauger.

Mr. COCKRELL. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered; and being taken, resulted—yeas 21, nays 29; as follows:

YEAS—Messrs. Allison, Bogy, Boutwell, Cameron of Wisconsin, Conkling, Cragin, Dorsey, Howe, Ingalls, Jones of Nevada, Logan, Morrill of Maine, Morrill of Vermont, Paddock, Patterson, Sargent, Sherman, Spencer, West, Windom, and Wright—21.

NAYS—Messrs. Bayard, Caperton, Christiancy, Cockrell, Cooper, Davis, Dennis, Eaton, Edmunds, English, Ferry, Frelinghuysen, Gordon, Hamilton, Hitchcock, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, McMillan, Maxey, Merrimon, Ransom, Robertson, Whyte, and Withers—29.

ABSENT—Messrs. Alcorn, Anthony, Booth, Bruce, Burnside, Cameron of Pennsylvania, Clayton, Conover, Dawes, Goldthwaite, Hamlin, Harvey, Mitchell, Morton, Norwood, Oglesby, Randolph, Saulsbury, Sharon, Stevenson, Thurman, Wadleigh, and Wallace—23.

So the amendment was rejected.

The next amendment of the Committee on Indian Affairs was to add to section [6] 5 the following:

And the further sum of \$50,000 is hereby appropriated to make suitable provision to aid the said commission in the discharge of the duties required by this act, and said sums shall be expended under the direction of the Secretary of the Interior.

Mr. DAVIS. I think some explanation ought to be given why \$50,000 additional is appropriated by this amendment. We should know what it is for, what it means. We should not vote \$50,000 unless some explanation is given. I hope those who have charge of the bill and know what it is will tell us.

Mr. EDMUNDS. It was discussed yesterday. A full explanation

was given yesterday.

Mr. ALLISON. In reply to the query of the Senator from West
Virginia I will state that the committee believed that this sum might be necessary in order to effectuate what the bill proposes. It has been usual to appropriate these incidental sums as preliminary to making treaties with Indians. In 1867 Congress appropriated \$150,000 for a similar purpose, to effectuate the treaty of 1868. It is a question purely within the discretion of Congress whether or not this sum shall be appropriated for this purpose. The committee believed that it was essential in order to insure success, and therefore have reported this amendment. That is about all I can say with reference to it.

Mr. BOGY. I think that the Senate has not a correct understanding of this question, and indeed of this entire bill. The amendment which was voted on a while ago was to increase the appropriation for

which was voted on a while ago was to increase the appropriation for expenses from \$10,000 to \$20,000. That amendment was voted down. Now it is proposed to make an appropriation of \$50,000 for the purpose of enabling the commission to effect the object which is embraced in the bill. We have to approach this subject as a whole. These Indians are occupying a reservation, a portion of which we are anxious to obtain; it may be but a small portion of their reservation, but nevertheless it is a portion that they do not like to give up. It was stated yesterday by the Senator from Nebraska [Mr. HITCHCOCK] that this portion called the Black Hills country was not occupied by the Indians; that they were in point of fact yet in the State of Nebraska south of the line provided by the treaty of 1868. That is true. These two big tribes, or rather two bands composing one tribe, at the head of one of which is the noted chief called Red Cloud, and at the head of the other is the other noted chief called Spotted Tail, occupy with their agencies now a country which is outside of their reservation, south of the line of their reservation; but it is within the country Now it is proposed to make an appropriation of \$50,000 for the purpose south of the line of their reservation; but it is within the country which belongs to those Indians by treaty stipulation made with them some years ago, and which, indeed, has belonged to them from time immemorial, and they contend is their country yet; because we must all understand that these poor fellows do not very well comprehend all understand that these poor fellows do not very well comprehend this thing of a line unless it is very well marked by a stream or a mountain or a deep valley. The Indians believe now that both the Red Cloud and Spotted Tail agencies are upon their lands, and they occupy with their agency establishments and their towns and villages a country south of the Black Hills; but they nevertheless claim the Black Hills as their country. They are from that country; they were all, I may say, born in the Black Hills country, and they now roam over the Black Hills country as their own domain. It is to a certain extent their hunting-ground, although the game is rather scarce in that whole region of country. They do not like to give it up. in that whole region of country. They do not like to give it up. Why? But a short time ago, in 1868, we made a treaty with them by which they were told that they could keep that country for many, many years, indeed forever; and now we are calling upon them to cede perhaps the country that they like the best, the region between the two rivers, the North Fork of the Cheyenne and the South Fork of the Cheyenne. Now, is it to be supposed that these Indians, believing that it is their country, as in point of fact it is their country, will give it we wishout advants comparation with at their country, will give it up without adequate compensation, without proper means being used to obtain it from them?

The Senator from Vermont [Mr. EDMUNDS] yesterday said that the whites had no business there, and that they should be sent away by the strong arm of the Government. That is true. The persons who have been induced to go there now to hunt for gold have no business there; that is, they have no right to go there, but there they will go and there they are going every day. It is the duty of the Govern-

ment to prevent them from going there; but as the Government does not exercise that duty, what are the Indians to do? They are to repel the whites; they are to drive them away. How can they do it? Can they do it by gentle means? Can they do it by mild means? Can they do it by persuasion? They can only do it by using main force. To use main force leads of course to bloodshed, and bloodshed will lead to a war with them, because when they attempt to remove the lead to a war with them, because when they attempt to remove the frontier-men who go there, as a matter of course the whites will resist and the Indians will insist, and blood will be the result. That is inevitable. That will be the case this summer beyond doubt, because we do know that the whites are going there, right or wrong. They are wrong, but nevertheless they are going there and going in

pretty large numbers.

The object of this bill proposed by the Committee on Indian Affairs is to prevent that collision, is to send commissioners there to see these Indians and make them understand that the country is needed by the whites, that the whites are going there, and that as the whites will go there it will be better for them to submit quietly and receive

a fair compensation for it. The sum of \$50,000 was called yesterday, I think by two Senators, a corruption fund. To a certain extent that may be true, although it is not intended to buy Indians corruptly, but nevertheless it is an impossibility to negotiate any fair arrangement, call it agreement or a treaty, with the Indian tribes, unless you have presents to make to the chiefs. If you want to succeed, use those means that are necessary, means that have always been used, and without which you cannot succeed. Now the sum of \$50,000, when you consider the number of Indians who are in that country, is really a very small sum. There are between forty and fifty thousand Indians on that reservation, not belonging to the two tribes headed by Red Cloud and Spotted Tail; but all the Sioux Indians who are intended to be embraced in the arrangement proposed to be made amount to forty or fifty thousand. The object is to embrace them all in an arrangement by which they will voluntarily abandon the Black Hills country, abandon the country where they have their agencies now, and move farther north and to-ward the Missouri River. Unless the commissioners have these means and appliances they cannot succeed. One reason why the commission did not succeed last year was because they had no means at their

Mr. MERRIMON. Allow me to ask a question. In negotiating this proposed treaty, will my friend designate some of the special objects for which the \$50,000 are to be expended?

Mr. BOGY. The question of my friend from North Carolina—and

I wish to treat him with very great respect as well as kindness—shows that he is totally ignorant of Indian habits. You cannot treat with an Indian any more than you can with a Turk or an Asiatic without having presents. Why, sir, we heard the other day that in negotiating a treaty with the Grand Turk we had to give presents to his ministry; and it has been the law from the days of Alexander down with regard to the Asiatic tribes, and it is said these Indians are Asiatics. If they are, they have retained that habit.

Mr. EDMUNDS. May I ask if the practice has not sometimes pre-

Mr. EDMONDS. May I ask if the practice has not sometimes prevailed in Europe, to say nothing of America?

Mr. BOGY. It has prevailed all over the world, civilized and barbarian, and in all ages of the world; and it was a little observed when the "high joint" was here. It is, to a certain extent, a custom of all nations, not in the way of corruption. You cannot negotiate to-day a treaty with the Grand Turk without making a present to his ministers. It is not corruption; it does not mean corruption, although much fuss has been made over it in the House by some gentleman who spoke of it as remarkable that presents were bought in the city of Paris to give to those men. There is nothing wrong in it. It has been the custom from time immemorial that these presents are made to the ministry; and they are made in our country, and made all over Europe to-day, and very often in a very clandestine and very im-

Mr. EDMUNDS. Does the Senator mean to say that it is not wrong because it has been the custom from time immemorial? Is that the

reason why it is not wrong?

Mr. BOGY. That is an evidence that it is not wrong.
Mr. EDMUNDS. That would be evidence that stealing is not

Mr. BOGY. It is an evidence that it cannot be very corrupt when it has been sanctioned by the usage of centuries.

The PRESIDENT pro tempore. The morning hour has expired.

Mr. MORTON. I must ask for the regular order.

Mr. ALLISON. I ask the Senator from Indiana to pause a moment

that I may have the consent of the Senate to proceed with this bill

as soon as the pending measure is disposed of.

Mr. MORTON. If a vote can be obtained at once, I shall have no objection; but I am satisfied that this debate, will run on.

Mr. ALLISON. No; I say after your bill is disposed of.

Mr. MORTON. I beg pardon; I did not understand the Senator.
Mr. ALLISON. I will content myself with giving notice that I
shall call up this bill as soon as the bill of the Senator from Indiana is disposed of.

COUNTING OF ELECTORAL VOTES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1) to provide for and regulate the counting of

votes for President and Vice-President and the decision of questions

arising thereon.

Mr. MAXEY. Mr. President, no question of so much importance as the one now under consideration has been considered by the Senate during the present session.

The bill proposes to provide for and regulate the counting of votes for President and Vice-President, and the decision of questions arising thereon. We are warned by the past to provide for the future. With the majority in the two Houses representing opposing parties, the time is propitious for passing a wholesome law which all the people will recognize as honest and free from party bias. We should take advantage of the favoring circumstances.

The Constitution reads:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. (Part of the twelfth amendment.)

Here are two distinct duties to be performed. First, the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates. That is mandatory, not directory; it is unmistakable. The President of the Senate, and none other, shall open all the certificates; not part, but all. He cannot perform this duty except in the presence of the Senate and House of Reprethis duty except in the presence of the Senate and House of Representatives; not Senators and Representatives; not a mass convention of Senators and Representatives; but in the presence of the Senate organized and appearing in its organized capacity, and the House of Representatives there present, organized as such. So far, then, as opening all the certificates by the President of the Senate in the presence of the Senate and House of Representatives is concerned, there is no dispute; but it is insisted by the Senator from Maryland that the President of the Senate must not only open all the certificates, but must likewise count the votes: that the act of countings to vote but must likewise count the votes; that the act of counting the votes is a mere ministerial act, and that the sole office of the two Houses, who are required to be present, is to witness the performance of these who are required to be present, is to witness the performance of these two ministerial acts, namely: the opening all the certificates and the counting of the votes by the President of the Senate. If he is correct in this construction, then there is no need of any law. It would be a work of supererogation. The Constitution in this regard executes itself. The two Houses are figure-heads, and part of an imposing pageant.
I dissent from this construction. The duty of counting the votes

I dissent from this construction. The duty of counting the votes devolves in the first instance, in my judgment, on the Senate and House of Representatives. Why the necessity of requiring the Senate to appear organized and ready for business, unless it has business? Why require the House of Representatives to be present organized, unless for business? The very fact that the two Houses are required to appear in their organized capacities strengthens the construction which I place on the clause in question.

Had the framers of the Constitution designed to confer on the President of the Senate the duty as well as power of counting the votes.

dent of the Senate the duty as well as power of counting the votes, then why does it not say so? Why not read, The President of the Senate shall \* \* \* open all the certificates and count the votes? As the power is, in express terms, conferred upon the President of the Senate to open all the certificates, and is not conferred upon him in express terms or by implication to count the votes, we naturally conclude that the power of counting the votes was not lodged in the President of the Senate, but was lodged in the Senate and House of Representatives, then present by the mandate of the Constitution and organized for business, and none other being required to be present. This view is supported by the well-known rules of construc-tion and is consonant with right reason.

The second officer of the United States in rank opens all the certifi-

cates in the presence of the two Houses of Congress, and they, in his presence, count the votes. I say in his presence, because the Constitution says the votes shall then be counted.

If this view of the Constitution be correct, as I think it undoubtedly is, then it logically follows that Congress has the power to pass any law within the limits of its express or implied grants necessary and proper to carry out the foregoing provision of the Constitution.

Mr. EATON. Will my friend allow me to ask him a question?

Mr. MAXEY. Certainly.

Mr. EATON. He speaks of the two Houses being organized for business. Do I understand him to mean by that, that, when these two Houses meet together for the purpose of having the votes opened and counted, there are two organizations in the same room, one of the Senate and one of the House of Representatives?

Mr. MAXEY. That is precisely what I mean, sir. The Constitution

says:

The President of the Senate shall, in the presence of the Senate and House of depresentatives, open all the certificates, and the votes shall then be counted.

The word "Senate" means an organized body; the words "House of Representatives" mean an organized body. If it was designed simply to open the votes in the presence of Senators and Representatives, it would have said so; but it says "Senate," which is an organized body; it says "House of Representatives," which is an organized body; and I hold that these two bodies as organized bodies are present, and I have argued that they are present for business,

and I think there is force in that view.

The question then is, What law will most effectually secure a fair count of the electoral vote and to each State its undisputed and ines-

timable right of having its true and valid return of the vote of the people through the electors counted beyond peradventure

Now, I hold that the grant of power to and consequent duty upon the Senate and House of Representatives is a sacred trust of the very highest character devolved upon these two bodies for the soundest of

The Senators are the direct representatives of the States, or, if you please, the people of the States in their organized capacity under State governments, and the House of Representatives represent the people directly in their primary capacity, and the highest incentives that can impel man to honest action lie before them. These distinguished bodies organized for business, in order to proceed in an orderly manner without confusion, are presided over by the second officer of the Government. His incentive to honest action is of the highest character. Could there be a more enlightened court organized?

Now, as I have said, this duty of opening all the certificates and counting the votes is a trust reposed by the Constitution, the first in the President of the Senate, the second in the two Houses of Conthe President of the Senate, the second in the two Houses of Congress, and in no other body or persons whatever. It is in its nature like a personal trust, and can be delegated to no power on earth, and necessarily demands sound judgment and discretion. Would any one say that, when the Constitution says in terms "the President of the Senate shall open all the certificates," we, or any other power on this earth, can say "the President of the Senate shall not do this, but some other party we name shall do it?" Now, if the argument is sound, as I believe it is, that the two Houses are intrusted with counting the votes, we have no more right or power to take the authority out of the body of Congress to count the votes than we have to take out of the body of Congress to count the votes than we have to take away from the President of the Senate the power of opening all the certificates. It makes no difference that one is by express grant and the other by fair implication; the implied grant once established is just as binding, valid, effectual, and constitutional as the express grant. Therefore as in the case of the President of the Senate it is Therefore, as in the case of the President of the Senate it is clearly and in express terms a personal trust, so by fair implication the grant to the two Houses to count the vote is a personal trust, and cannot therefore be transferred to arbitrators, court, or commission not of the body, however exalted be the personages. If I am correct in my reasoning, it follows necessarily that the amendment of the Senator from New Jersey [Mr. Frelinghuysen] falls. The amendment of the services of ment is as follows:

The difference shall be immediately referred to the Chief Justice of the Supreme Court, the presiding officer of the Senate, and the Speaker of the House, whose decision shall be final. If the Chief Justice is absent or unable to attend, the senior associate justice of the Supreme Court present in the capital or other place of meeting shall act in his place.

And the same is true of the plan suggested by the Senator from Indiana [Mr. Morton] on Thursday last, and which is:

That the judges of the Supreme Court of the United States shall be assembled in the chamber of the Supreme Court at the same time that the two Houses of Congress are counting the electoral votes for President and Vice-President; and, in case the two Houses shall fail to agree as to which is the true and valid return as provided for in this section, the returns shall be immediately submitted to the said judges, who shall summarily decide which is the true and valid return, which return shall be counted.

The amendment of the Senator from New Jersey [Mr. RANDOLPH] I do not say would be unconstitutional. It reads thus:

SEC. — Should the two Houses of Congress, acting separately, fail to agree as to which is the true and valid return of a State, then, and in that event only, the President of the Senate shall render a decision of the question, and such rendition shall be in favor of that return of a State which shall have received a majority of all the votes cast in both Houses of Congress, considered as if both Houses had cast their votes in joint meeting assembled.

I will say, however, that it does not address itself to my mind as sound. The theory of the Legislative Department of our Government is that Senators represent States in their organized capacities as bodies-politic, while Representatives represent the people directly in their primary capacity. The books tell us that "State" and "people their primary capacity. The books tell us that "State" and "people of a State of a State are interchangeable terms. The whole people of a State in their aggregate capacity as a body-politic are represented in the Senate by two men: Senators; and this without regard to whether the aggregate is great or small, so it is a State. But the House of Representatives, representing the people, is very differently constituted. The State of New York has two Senators and thirty-three Representatives; the State of Delaware has two Senators and one Representative. Now, manifestly, the vote of the Delaware Senators counted along with her one Representative would weigh more than Representative. Now, manifestly, the vote of the Delaware Senators counted along with her one Representative would weigh more than the votes of the New York Senators counted along with her thirty-three Representatives. Such a plan follows no analogy of the Constitution, is not in accordance with the theory of the Constitution, and is, I believe, not the safest or best plan; and this applies also to the amendment of the Senator from Virginia, [Mr. JOHNSTON,] which made as follows: reads as follows:

If the Senate should vote for counting one certificate and the House of Representatives another, the joint meeting of the two Houses shall finally determine which shall be counted, by States, the representation from each State, including the Senators therefrom, having one vote; but if the representation of any State shall be equally divided, its vote shall not be counted.

The amendment of the Senator from Tennessee [Mr. Cooper] is plausible and would seem to rest upon the supposed analogy between a total failure of the electoral college to elect and the case under con-sideration, which is a partial failure, in ascertaining by the concurrent vote of the two Houses how one or more of the States voted, whereby

they would be thrown out and thus make a partial failure in the electoral college unless a plan is devised to save the vote, and his plan is presented, based I think on this supposed analogy. His amend-

And if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

Now the States as bodies-politic are directly interested in having true and valid returns of the people's votes through their electors. So are the people directly interested in their primary capacity. The question is not the same as that which arises in the House of Representation of the election of President devolves on that body. The election in the House takes place from the persons having the highest numbers, not exceeding three, on the list voted for as President. There may have been more than three voted for. In that case the Representatives of the State or States whose people voted for one of the dropped candidates cast about for a second choice, and when the third man is dropped his supporters go to a next choice. But in the case in hand it is not at all a question of choice. It is a question of justice and common honesty. The question, and the only question is, Which is the true and valid return? Which represents truly the will of the people as expressed through the electors? In the one case politics have all to do. In the other case, if we are honest, politics have nothing to do. But as I believe Congress (always confining the settlement of this question within itself) can constitutionally adopt this plan, my opposition to it is that I do not think it the ally adopt this plan, my opposition to it is that I do not think it the wisest and best. Then can the question be constitutionally settled and the rights of the people and of the States saved by a plan alike just to all? The first section of the bill under consideration is, in my judgment, substantially correct. It looks to only one certificate from a State. If the two Houses agree, there is an end of it. If they disagree, the vote shall nevertheless be counted. This is according to well-known principles of law, and I have heretofore said all in regard to that section I care to say.

The second section, so far as it goes, is to me unobjectionable. The trouble is it does not go far enough to provide a remedy to meet an

trouble is it does not go far enough to provide a remedy to meet an unfortunate case that has arisen in our history, and may again; that is to say, where two certificates come up from the same State, both seemingly of equal dignity and validity. What are you going to do about it? That section reads:

That if more than one return shall be received by the President of the Senate from a State purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

This section rightly requires the President of the Senate to open all the certificates. If the two Houses agree that one is the right certificate, then there is no contest, and that certificate ought to be counted. But suppose one House votes that one certificate is true and valid, and the other House votes the other certificate true and and valid, and the other House votes the other certificate true and valid, then what do you propose to do about that? I asked that question of the Senator from Indiana the other day, and he replied that in that case the vote of the State would fall. He deplored this result, but saw no way then of avoiding it. That cannot be. We must give force and effect to every part of this constitutional provision, if this be possible. Justice to the States, to the people, to the whole Union, a sacred regard for the peace and stability of the Union, demand that this problem should be solved.

The clause of the Constitution under consideration reads:

The clause of the Constitution under consideration reads:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

Clearly all the votes embraced in the true and valid returns or certificates are to be then counted; not part, but all; not at some future time, but then. Now it follows that of those presented, one from each State, is the right return; but one House says one is valid; the other says the other is valid. It is no uncommon thing in Legislatures and courts that opinions divide; still in a judiciously organized court, or in a Legislature, we get a binding decision of the question. think we can here.

Clause 4, section 3, article 1, of the Constitution reads:

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

Clause 5, same section, reads:

The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President f the United States.

Now here we have two organized bodies—the Senate and House of Representatives—required by the Constitution to be present when the certificates are opened and the votes counted, and the President of the Senate is also required to be present, and to open all the certificates. None others are required to be present. In an orderly proceeding, such as this great occasion demands, a presiding officer over these two organized bodies, assembled for a common purpose—the two bodies that comprise the Legislature of this Union—is necessary in the due order and eternal fitness of things. When these two bodies thus act the senior presiding officer should preside, to wit, the President of the Senate, and this bill recognizes this fact and so provides.

Section I, after providing for the assembling of the two Houses,

goes on, in lines 7 and 8, \* \* \* "and the President of the Senate

shall be their presiding officer."

Now here we have an organization and a presiding officer over that organization. A Senate, separately organized, representing States, which, as an organization, can withdraw in an orderly manner, and the House, representing the people, which can in like manner withdraw. Their deliberations concluded, they return and report to the common presiding officer, who is the second officer of the Government, and ordinarily elected by the people, filling the double capacity of Vice-President of the United States and President of the Senate. Suppose the House decides in favor of one certificate, the result is announced, and that is the vote of the House. Suppose the Senate decides in favor of the other certificate, the result is announced, and that is the vote of the Senate. Now these two votes are of precisely equal weight and equal dignity. In all like cases the vote of the presiding officer decides the question, and so it should be here, and in my judgment this is the true solution. The Senator from Maryland read the opinion of Chancellor Kent in support of his position. opinion read by him I think precisely accords with the opinions I have expressed. Chancellor Kent presumes that in the absence of all legislation the President of the Senate should count the votes as well as open all the certificates. It follows that in the presence of legislation devolving the counting of the votes in the first instance upon the two Houses the President of the Senate would not have such authority. But another valuable lesson is learned from this same opinion of Judge Kent. If in the absence of legislation the President of the Senate could count the vote, then a fortiori in the presence of legislation devolving this duty upon him, (he being part of the Senate, and thereby of Congress,) most assuredly, in a certain contingency, he could count the vote. he could count the vote

Now where the two Houses fail to agree it is the same in result as which case, applying the views of the distinguished chancellor, the count would fall upon the President of the Senate. The precedent relied on by the Senator was not a precedent under the Constitution, but a plan adopted to put the machinery of the new Government in

motion under the Constitution.

I will recall to the minds of Senators a few facts of history at this point which perhaps throw some light on the precedent from which the Senator from Maryland has read. The Congress of the confederation was in session at the city of Philadelphia in 1787, at the same time that the convention was in session. The convention, having closed its labors, through its President, General George Washington, made report thereof to the Congress of the confederation. In that report you will find, over the signature of General Washington, this recommendation, (and I will read only so much as pertains to the question before us:)

That the Senators should appoint a President of the Senate for the sole purpose of receiving, opening, and counting the votes for President; and that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

Thus it will be observed that the purpose and design of this was to pass without a shock from the old Government under the Articles of Confederation to the new Government under the new Constitution; and as Congress had never yet sat, as the Constitution had not been set in action, as the machinery of government had not been put in motion, the convention which framed the Constitution recommended to the Congress of the Confederation this mode. The Congress of the Confederation submitted by a resolution the work of the convention to the States for their ratification or rejection. At the first session of the First Congress succeeding the ratification of the Constitution by more than nine States, this resolution was introduced, that a President pro tempore of the Senate should be appointed for the sole purpose of receiving and counting the electoral votes. It was not a precedent under the Constitution, but a precedent adopted for the very purpose of setting the machinery of the Constitution in operation. Therefore I think that precedent is not applicable to the

Where the presiding officer is President of the Senate pro tempore, then I think his State cannot be deprived of its equal vote in the Senate; still, while in this exceptional case the President of the Sen-

Senate; still, while in this exceptional case the President of the Senate pro tempore acts in a double capacity, I do not think it at all changes the conclusions to which I have arrived.

An objection has been urged that the Vice-President may be a candidate for re-election or for the Presidency. So may any man or men you select, if they possess the constitutional qualifications; so that if this proves anything it proves too much. In the argument I have made I have not in the slightest degree taken into the account what may be the effect on parties. I have tried to arrive at a plan constitutional, simple, and most likely to prove satisfactory to the whole people. In conclusion, permit me to say that I rejoice that so great people. In conclusion, permit me to say that I rejoice that so great a question has been all the way through calmly, deliberately, and intelligently discussed in a spirit of fairness and freedom from partisan spirit, and I trust the wisdom of the Senate will devise some plan to meet every phase of this great question with which both Houses of Congress and the country will be satisfied.

In view of what I have said, Mr. President, I would suggest, though

it is not in order now, at the end of the second section to add:

But if the two Houses fail to agree as to which of the returns shall be counted, then the President of the Senate, as presiding officer of the two Houses, shall decide which is the true and valid return, and the same shall then be counted.

Mr. JONES, of Florida. Mr. President, I do not come before the Senate to-day with any plan to remedy this great difficulty. Much has been said here which meets my approval, and many plans have been proposed for adoption; but I propose to discuss the question as a constitutional question, and I intend to present to the Senate the reasons why I cannot support the present bill, or any of the amend-

ments that are now proposed.

The bill before the Senate implies so much that we ought all be loth to admit, that nothing but the strongest reasons should induce us to pass it even if we had the power. It presupposes contingencies and dangers that can never arise under a healthy administration of

the governments of the States of this Union.

I believe that this bill involves a plain departure from the Consti-tution, and provides machinery for determining the will of the peo-ple in elections for President and Vice-President not warranted by that instrument.

In principle it does not differ at all from the twenty-second joint rule so much condemned by Senators on this floor. That rule authorized either House of Congress to throw out the electoral vote of a State or of ten States when objection was made to them. This bill gives jurisdiction to the two Houses of Congress to do the same thing in a less offensive manner; for it provides that, if objection be made to the certificate from any State, the vote of such State may be excluded altogether by the two Houses of Congress.

The second section goes much further than this, and provides that, if more than one return shall be received purporting to be electoral certificates, all such returns shall be opened by the President of the Senate; and it is left to the two Houses, acting separately, to say whether any returns from such State shall be received or not.

Let us analyze these sections, and see what cases they provide for. The first section provides for the case of a single electoral return from a State to which objection of any kind is made by anybody and stated by the President of the Senate. The moment objection is made this law gives to the two Houses of Congress authority to settle the disputed question by rejecting the vote of one State, or of ten States, if the two Houses should concur in such rejection. the two Houses should concur in such rejection.

The law does not inform us what must be the character of the objection or whence it must come in order to justify the exercise of such an extraordinary power or jurisdiction. Shall the objection be technical or substantial? Shall it relate to the form of the certificate, the authority of the electors who signed it or of the governor who certifies to their identity? Shall the objection prevail for the want of a seal to the certificate, or other formal requirements, or must it go to the very right and title of the persons claiming to be the legally-elected electors?

This part of the bill vests an absolute power of rejection in the two Houses, for it makes the vote of each State depend upon the will and pleasure of these bodies. I cannot imagine a case where there is but a single certificate of election in which either House of Congress or

both Houses would be justified in rejecting it.

The second section of the bill provides for the case of two returns, a contingency that is hardly supposable except in a case of revolu-tion. The Constitution vests in the several States the power to select in their own way the electors for a President and Vice-President. Those officers, although vested with a duty which concerns the whole Union, are not officers of the United States. They are elected in conformity with the State laws, the same which govern the election of members of the Legislature, governor, and other local officials. They

may be appointed by the Legislatures or they may be elected by the people of the several States.

The view entertained of their duties by the framers of the Constitution, as we know, was very different from that which now prevails regarding them. It was expected that they would exercise an independent judgment in voting for President and Vice-President. But we know that under the present practice they meet only to record the will of those who elected them. But the mode and manner of their election was left to the laws of the States. This of necessity involves the right to determine all cases of contest arising out of the

claims of rival candidates.

The Constitution of the Union was created by people living under organized governments, and it was intended to operate over them only in that state. In construing the Constitution we must look to the view which was entertained by its framers of the powers of the electors. They are to be selected by the States in such manner as their Legislatures shall determine. It was intended that they should vote for whomsoever they pleased for the two first offices in this Government.

No person holding any office of honor and profit under the United States can become an elector. No Senator or Representative in Congress can become such. The selection of those officers was left exclusively to the States, and every question arising out of their election or appointment was left of necessity with the same authority. The laws of the States provide the manner in which these persons The laws of the States provide the manner in which these persons shall be chosen, and they may provide also who shall determine in cases of contest and difficulty, the persons who have been duly elected. Whatever may be the decision of the State authorities, or by whom made, it is binding on the United States. This bill proposes to take this power from the States and vest it in Congress, because I contend that the right of ultimate decision between two persons claiming a single office is a right which flows from the authority, and the authority least they orders and controls the election. Will save the authority alone, that orders and controls the election. Will any

one deny that the States cannot provide by law for determining cases of contest between opposing candidates for the office of elector? If they can, and the tribunal fixed by the local law is vested, as it must be, with the right of exclusive judgment, how can the same power of decision be exercised by another authority under a distinct govern-

This power belongs either to the States or to the Union. If to the latter it cannot be reconciled with the express authority vested in

the States by the Constitution.

But it may be said, Mr. President, that the object of the present law is to provide for the case of two rival governments, and that it is intended to give to Congress the power to decide between them when determining the electoral vote of the State. Sir, I protest against this dangerous doctrine. There is no such power vested in Congress or in either House of Congress. If this or the other House has authority to decide the question at all, it must be an exclusive authority, an authority from which there can be no appeal.

The Constitution contemplates that all the States of this Union shall always be connected with this Government by certain constitutional ties. In the very nature of things there never can be but one gov-ernment in a State with which this Government can have constitutional relations, or that can claim recognition from the authorities of the

United States.

The governments of the original States, differing as they did in many respects, were all recognized as legal governments, and so were all the governments of the States admitted into the Union afterward. But the framers of the Constitution were far-seeing men, and they foresaw that it was possible that the State governments, having legal relations with that of the United States, might be overthrown by usurpation or domestic violence too powerful for the local authorities to resist. And what did they do? Did they leave the matter to be decided by one or both Houses of Congress when the electoral vote of the State was counted? No, sir. They made it the duty of the United States to guarantee to each State a republican form of government, and to protect them against invasion; and upon application

of the Legislature or the executive against domestic violence.

It is impossible in the very nature of things that the lawful and rightful government of a State can be destroyed, or a rival power es tablished or put in operation, if this authority vested by the Constitution in the United States is faithfully and honestly exercised. It will be apparent that the Constitution contemplates that there will always be in existence in each State either an executive or a Legislature which will be entitled to make the application provided for in

case of threatened danger to the local government.

It is true that it is not every case of local disturbance that will call for the exercise of Federal power. But I do say that this is the remedy provided by the Constitution for maintaining intact the law-ful governments of the States and to enable them to fulfill the duties

which they owe to the people and to the United States.

What right have we to suppose that there will be two certificates from two sets of electors and two governors? The electors must all be elected under the State laws and certified by the governors of the States. These laws all provide for the canvassing of the votes by State officers, who are sworn to perform their duties. The governors are all sworn likewise to do their duty and are liable to impeachment if they willfully fail to perform it.

This bill looks only to the certificates of the electors; but it is manifest that under an authority to look into the certificate of the elector the right will be claimed, and may be exercised, to inquire into the

election of the electors themselves.

Now, I wish to know if gentlemen are willing that either House of Congress, in any event that can be supposed or imagined, shall go into an investigation of an election in a State held for electors of President and Vice-President. And that is what this bill proposes to au-

Now, I say that it would be as just, as proper, it would be as constitutional to give to Congress the power to investigate State elections held for governor and other local officers as it would be to authorize the same body to investigate elections held for electors. This is a

proposition which I defy any one to dispute.

The right of the States to elect or appoint electors, although derived from the Federal Constitution, is just as complete and perfect and independent as the right to elect a governor. The act provides that, if more than one return shall be received by the President of the Senate purporting to be certificates of electoral votes, that return shall be counted which the two Houses, acting separately, shall decide to be the true return.

The Houses are to withdraw to discuss and decide this question, and although debate is limited to two hours there is no limitation as to the time the investigation shall last or the range it shall take. On the contrary, the Houses, instead of being confined to the objection raised to the returns, may also decide any question pertinent thereto, and Congress is the sole judge of what is pertinent. And then the law, instead of providing that the main question shall be put after debate, simply gives the power to the majority to direct that it shall be put. Is it not known to Senators that elections take place in all States for Legislatures and State officers on the same day that the election is held for President; that both elections are held under the same law, by the same officers?

Now by giving authority to Congress, as is proposed by this bill, to

decide upon the validity of an election held for electors, you open up the whole subject of State elections to the review of Congress. You give to this body and the other House the power to strike down the most essential rights of the States, and make the right to vote by ballot at a State election an empty privilege to be exercised subject to the control and censorship of Congress.

Why, sir, under the second section of this bill, either House of Con-

gress can bring the whole returns of a State election here or can send a committee to the State and investigate anything and everything they please in connection with a local election. Yes, sir, and in defi-ance of State laws and constitutions, Congress can disregard the sanc-tity of the State ballot, and can force the citizen under oath to dis-

close how and for whom he yoted.

This is a power which never was intended to be lodged in either House of Congress. But it may be said that the bill only gives to the Congress the right to decide which is the true return, and that in the Congress the right to decide which is the true return, and that in the absence of some provision of law the same right will devolve upon the President of the Senate. I deny that this is so. The right to decide which is the true return in the case provided for by the bill, if it means anything, means a right of determining whether or not the electors who made them were legally elected.

How is this question to be settled? Certainly not by looking at the face of the returns. It can only be decided by investigating the primary election. The case contemplated by this law is not the case of double returns coming from the same body of electors—that is a case which is not supposed—but it is the case of two returns coming

case which is not supposed—but it is the case of two returns coming

from two rival bodies of electors.

In the first case the only question would be, who received the majority of the electoral body? But in the other case, and the only case which the second section of this bill provides for, the question always must be which of the rival bodies whose returns are before us was legally elected; and a mere statement of the proposition is enough to show to any mind what is involved in such an inquiry.

The President of the Senate is invested with no such power by the Constitution. It is true that it was expected that such a thing as two rival powers in a State might exist, but the Constitution did not intend to leave the decision of the claims of such powers to recognition to the judgment of either House of Congress. The President of the Senate was assigned a simple ministerial duty, to count the electoral votes in the presence of the two Houses of Congress, and in view of the safeguards provided against usurpations and illegal gov-ernments in the States it was not thought possible for any returns to find their way here except such as came from the local authorities of the States having recognized constitutional relations with this Government.

The United States had pledged all their power to the executives or Legislatures of the States in order to protect them against illegal au-thority. The simple recognition by President Tyler of the charter government in Rhode Island had the effect of ending the contest in that State between the rival powers. Suppose in that case the Dorr party had elected presidential electors and they came here with certificates, would there have been any trouble in deciding whether or not they should be received? The duty of the President of this body was the same at that time as it is now. Yet I imagine no one will say that he would have had any discretion to exercise in count-

ing the vote of Rhode Island.

Mr. President, this Government was founded in a great part upon the virtue of the people. It was not expected, sir, that our rulers would require penal statutes to compel them to discharge their duty. When Mr. Webster was reminded that the States by refusing to elect Senators could stop the operations of this Government, his reply was that it could not be done except by blackening the souls of State officers with perjury. If we have arrived at that point when we cannot trust our highest officers in the discharge of their plainest duties because of their party feelings and prejudices, we may rest assured that all the legal ingenuity of this body will not be able to devise laws that will preserve the principles of our Constitution.

The first section of this bill, as has been said by some of the Sena-

tors who have spoken, is comparatively harmless. It provides for the case of a single electoral certificate to which somebody may make an objection, and thus devolve upon the two Houses of Congress the unpleasant duty of deciding the question. It is the second section that is so full of danger in my opinion. It attempts to provide a remedy for the case of two electoral returns sent here from a State.

Now I submit to the Senate whether it would not be better to try and prevent two returns from coming here than to undertake to constitute a tribunal to decide between them after they are received.

We know that it was never contemplated that more than one electoral return would come from a State. In the nature of things there can be but one legal return. It never was intended that the President of the Senate should receive more than a single certificate of the electoral vote of any State, and his duty under the Constitution is

purely ministerial, to count the vote.

It never was the purpose of the Constitution that any contest whatever should be carried on here respecting the vote of a State for President and Vice-President. The danger in such a case depends not so much upon the fact of two returns, as upon the body which undertakes to decide between them. If the decision of the question is remitted to the State in which the contest arises it is impossible

that any trouble can flow from it.

Senators have spoken with great force and emphasis of the propriety of following as near as possible the spirit of the Constitution in framing a law upon this delicate subject. Now does it not occur to every one that the great source of danger in this case lies in the jealousy between the State and Federal authorities?

If a State should fail to vote or should voluntarily refuse to send here her electoral returns, such contumacy could lead to no serious trouble. But if this body were to disregard the vote of a State, such action would excite at once a spirit of indignation if not resistance, unless the very clearest grounds and reasons could be given for such a proceeding. But, sir, the assumptions of this bill amount to the assertion on the part of each House of Congress of an arbitrary right of rejecting the electoral vote of a State. In the event of two returns coming here, that one shall be received which both Houses acting separately shall decide to be the legal returns. shall decide to be the legal return.

This language is calculated, I think, to create a misconception as to its true meaning. It may seem to imply a duty on the part of each House to canvass the vote and count in the return of the State. That is not the case. The sense of the section may be stated thus: When two returns are received by the President of the Senate from any State, the vote of such State shall not be counted unless each House of Congress acting separately shall so decide. I say that this amounts to an arbitrary right of rejection on the part of the two

Houses of Congress.

There is no cause stated in the bill which must be found to exist before the State is disfranchised. There is no mode of trial pointed out which shall precede the judgment of the House upon this momentous issue. No provision is made for securing to the State interested an opportunity to be heard before a judgment is rendered against her. The Senate or the House may resolve to do this business in secret and exclude the world from all knowledge of the grounds

of their decision.

The Constitution contemplates that the counting of the electoral vote and all decisions affecting it shall be made under circumstances which place it beyond the power of either House of Congress to withdraw their proceedings from the public gaze. We know that when they meet together in the Hall of the House of Representatives to witness the counting of the electoral vote they are beyond the operation of those rules and principles which were intended to control them in their legislative character. The two Houses can do no legis-lative business together, and the whole legislative power of the Union is vested in them in their separate character as Senate and House of

Representatives

As I said awhile ago, it is insisted that the power of decision proposed to be given by this bill is the same that may now be exercised by the President of the Senate in the emergency stated; that this right flows as an incident from the duty devolved upon that officer to count the votes. This proposition is to me very illogical, for, if the President of the Senate has a right under the Constitution to decide all questions incident to the counting of the votes, how can Congress take it from him and vest it in another body? Upon the other hand, if no power of rejection is vested in the President of the Senate by the Constitution, such as this hill gives to the two Houses on ate by the Constitution, such as this bill gives to the two Houses, on what principle of constitutional law can it be claimed that an omis-sion in the Constitution to vest this power in any body or officer can furnish authority for the two Houses of Congress to confer it upon themselves?

The Constitution has provided the mode and manner of returning and counting the electoral votes. It took jurisdiction of the whole subject. Its sense and meaning are to be collected as well from what

it has omitted as from what it contains.

When the great case of Gibbon vs. Ogden was before the Supreme Court of the United States Chief Justice Marshall, for a time, was very greatly embarrassed in his judgment by the powerful arguments

were made at the bar.

Mr. Emmett, one of the distinguished counsel, maintained that, while the Constitution vested Congress with the power to regulate commerce, so long as Congress did not exercise the whole power, it was competent for the States to legislate in respect to any branch of the subject not provided for by some positive legislation of the General Government.

Mr. Webster replied (and this was the argument that impressed itself most upon the mind of the greatjudge) that, while there were some powers in the Constitution that were not in their nature exclusive and were not inconsistent altogether with legislation on the part of the States, still the commercial power was exclusive, and when this was conceded it was possible that Congress intended, by omitting to legislate

touching a particular subject, to exercise the very power of regula-tion which was conferred upon Congress by the Constitution. Now, sir, there are some parts of the Constitution to which this ar-gument can fairly be applied when the question is whether a particular power is vested in Congress by the Constitution. I know that Congress is invested with the power to pass all laws which may be

congress is invested with the power to pass all laws which may be necessary and proper for carrying out the powers vested in the Government or any officer or department thereof.

The authority proposed to be given to the Senate and House of Representatives by this bill cannot surely be derived from any of the express powers of the Constitution. There is not a word said in the article which contains the delegated powers on this subject of counting the electoral votes. All that the Constitution says in regard to

the electoral vote is to be found embodied in the second article. That article provides the mode and manner of returning and counting that vote. If it was intended that Congress should exercise authority over this subject by general legislation, why is it that the Constitution, instead of giving as in other cases a general power to Congress, has anticipated such legislation by a lengthy provision specifying particularly the manner in which the voice of the electors shall be certained? It was not the intention of the Constitution to leave to Congress the power to determine how the President and Vice-President should be elected. This is clearly indicated by the express words of the first section of the second article. After vesting the executive authority in these officers, it provides that they shall be elected as

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

After having stated in detail how the election shall be held and the returns made, the very same section specifies the part which Congress may take in this important business. It says:

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United

If the framers of the Constitution had supposed that Congress, under the general power to pass all laws necessary and proper to execute the powers of the Union, could determine the time of choosing the electors and the day on which they should vote, they were certainly at fault for having encumbered the Constitution with this

unnecessary provision.

This clause shows that they weighed this subject with great care, and that they thought it necessary not to leave to Congress any implied power over the election of President.

Now, sir, the power to decide whether the votes of two or ten States shall or shall not be counted is a far more important and delicate power than that given to Congress in express terms to fix the time of choosing the electors. And am I not warranted in saying that, if the Constitution intended that Congress should have any more extended power than is conferred by this clause, it would have said so in plain language?

The right of Congress to exercise implied powers cannot be doubted. But it cannot be deried that, in exercising implied powers, we are limited by the purposes for which they were granted for carrying into execution the expressly delegated authority of the Constitution.

We may pass laws which are necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution in the Government of the United States, or any officer or

department thereof. This is the language of the Constitution.

We have seen that all the power vested by the Constitution over the election of President is to be found in the articles of the Constitution which I have cited. This limits the authority of the two Houses over such election to the right of being present at the counting of the votes, and to fix the time of choosing electors and the places where they shall vote. Can we derive the authority to decide in the last resort between two electoral returns from a State from the power conferred upon us to witness the counting of the votes?

But, sir, I am free to admit that the evils apprehended by this bill and the several amendments proposed call for some remedy. And while I am well satisfied that we have no authority to give to either House of Congress, or to any other body or tribunal, the power to determine whether or not the electoral vote of a State shall be counted, I still believe that we have authority under the Constitution to I still believe that we have authority under the Constitution to so guard the rights of the lawful governments in the States as to render the difficulty which must flow from two returns impossible.

Now, sir, the guarantee clause in the Constitution was intended, first, to protect each State against invasion; secondly, against a usurpation of its government by preventing the overthrow of a republican form of government; and, thirdly, the protection of their governments against domestic violence. The guarantees against invasion and to secure a republican form of government were intended for the benefit of the people of each State, independent entirely of their State organizations. It was apprehended that the ambition of their local rulers, yielding to the influence or seductions of foreign enemies, might, as in the ancient confederacies, induce them to place the peo-ple under a foreign yoke, and subvert their local governments. Hence the right to interfere in case of invasion or to enforce the guarantee of a republican form of government is not made to depend upon the application of either the Legislature or the executive of the State; but the guarantee against domestic violence, which was intended to protect the local government, can only be made effectual when application is made in due form by the organs of such government the Legislature or the executive.

The object of the last guarantee was to secure to each State a single lawful government, and the whole power of the Union is pledged to secure that end. I am sure that I need not argue here that so long as there exists in a State but one legal government, with fixed relations toward this Government, such a difficulty as that provided for by this bill cannot arise.

Congress, as the representative of the sovereignty and power of the United States, is charged with the high duty of carrying out these

guarantees. It is beyond doubt its duty to secure the rightful government of each State against such violence as may prevent its authorities fulfilling their duties toward the United States by electing Senators and electors.

When there are two legislatures and two governors, Congress must decide which of them is legal. This is what Chief Justice Taney called "political recognition." And when this is done, the acts and proceedings of the authorities so recognized, in the language of the Supreme Court, bind all the departments and the officers of this Gov-

The Supreme Court in the case of Luther vs. Borden decided that it was competent for Congress to designate a court and give to it power to decide when the exigency had arisen when the power of the United States should be interposed to protect the lawful government of a State. Why may not such a tribunal be designated now; one which is placed by the character of its judges above all suspicion of party bias or prejudice, and to which the whole country can look up with confidence when difficulties come upon us? If such a tribunal can be designated, or if Congress itself will exercise with fairness and justness this high power conferred upon it by the Constitution, you need have no fear, sir, that two electoral returns from a single State will ever find their way here.

It has been argued by Senators on this floor since this debate began that this is a judicial function; that the duty proposed to be given to the Senate and the House is judicial in its character. Some say that it is ministerial. The Senator from Indiana [Mr. MORTON] says it is judicial. I have but this to say, in concluding my remarks, that if this be a judicial duty, I want Senators to answer me where this body gets power to delegate a judicial function to either House

of Congres

The Constitution provides that all judicial power "shall be vested in one Supreme Court and in such inferior courts as the Congress may from time to time ordain and establish." All legislative power by the same instrument is vested in the Senate and in the House of Representatives; and all executive power is vested in the President. If this be, as some claim it is, a judicial duty, I ask, Where is the power to give it to either House of Congress?

Mr. MERRIMON. Does not the Senate very often exercise judicial

functions ?

Mr. JONES, of Florida. I do not think so. If it does, it is without the warrant of the Constitution. No judicial function belongs to this body except in the single case where the Constitution invests it with such power. Mr. MERRIMON.

Mr. MERRIMON. The very question is whether the Constitution itself has not imposed the duty upon Congress to count the votes and decide all questions in connection with the count.

Mr. JONES, of Florida. I admit that the case of deciding whether a person is entitled to a seat on this floor or in the other House is an exception, because the Constitution has made it an exception, and we may, in determining upon the right of a Senator to a seat on this floor, exercise judicial functions; but when it comes to the delegating of judicial power generally, I do not believe that this or the other House has any right to delegate it except to some court in accordance with the Constitution.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) The question is on the amendment of the Senator from New Jersey [Mr. Frelinghuysen] to the amendment of the Senator from Tennessee,

[Mr. COOPER.]

Mr. EATON Let the amendment be read.

The PRESIDING OFFICER. The amendment will be reported. The Chief Clerk. The first amendment was offered by Mr. Cooper, to add to the second section these words:

And if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

The pending amendment of Mr. Frelinghuysen is to strike out all after the word "agree," in the first line of that amendment, and

The difference shall be immediately referred to the Chief Justice of the Supreme Court, the presiding officer of the Senate, and the Speaker of the House, whose decision shall be final. If the Chief Justice is absent or anable to attend, the senior associate justice of the Supreme Court present in the capital or other place of meeting shall act in his place.

The PRESIDING OFFICER. The pending amendment is the one offered by the Senator from New Jersey.

Mr. STEVENSON. I ask for the yeas and nays on that amendment. The yeas and nays were ordered.

Mr. JOHNSTON. I thought the amendment of the Senator from

New Jersey was the one pending before the Senate.

The PRESIDING OFFICER. It is the pending amendment, being an amendment to the amendment offered by the Senator from Ten-

Mr. RANDOLPH. I think the Senator, and perhaps the Senate, is under some misapprehension as to which amendment is pending. question is not on the amendment offered by the Senator from New Jersey now on the floor. The question is on the amendment of my colleague

Mr. JOHNSTON. I so understood.

The question being taken by yeas and nays, resulted-yeas 20, nays 29; as follows:

YEAS—Messrs. Allison, Anthony, Bruce, Burnside, Cameron of Pennsylvania, Conkling, Dawes, Ferry, Frelinghuysen, Hamlin, Howe, Logan, McMillan, Morrill of Vermont, Morton, Paddock, Robertson, Sharon, West, and Windom—20. NAYS—Messrs. Bayard, Bogy, Booth, Boutwell, Christiancy, Cooper, Davis, Eaton, Goldthwaite, Gordon, Ingalls, Johnston, Jones of Florida, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Merrimon, Mitchell, Norwood, Randolph, Ransom, Saulsbury, Stevenson, Thurman, Whyte, and Withers—29.

ABSENT—Messrs. Alcorn, Cameron of Wisconsin, Caperton, Clayton, Cockrell, Conover, Cragin, Dennis, Dorsey, Edmunds, English, Hamilton, Harvey, Hitchcock, Jones of Nevada, Morrill of Maine, Oglesby, Patterson, Sargent, Sherman, Spencer, Wadleigh, Wallace, and Wright—24.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question now recurs on the amendment offered by the Senator from Virginia [Mr. JOHNSTON] to the amendment offered by the Senator from Tennessee, [Mr. COOPER.]

Mr. JOHNSTON. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered.

Mr. RANDOLPH. I suggest that the amendment had better be read.

read.

The PRESIDING OFFICER. The Clerk will report the amendment. The CHIEF CLERK. The amendment offered by Mr. Cooper is in the following words:

And if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

The amendment to the amendment, offered by Mr. Johnston, is to strike out all after the word "and," in the first line of the amendment just read, and insert:

If the Senate should vote for counting one certificate and the House of Represent-atives another, the joint meeting of the two Houses shall finally determine which shall be counted by States, the representation from each State, including the Sena-tors therefrom, having one vote; but if the representation of any State shall be equally divided, its vote shall not be counted.

Mr. MORTON. I voted for the amendment offered by the Senator from New Jersey [Mr. Frelinghuysen] because if we are to establish an umpire to decide between the two Houses I believe his amendment much preferable to that offered by the Senator from Tennessee, [Mr. Cooper.] I believe, however, the proposition to vote by States, whether the vote is to be cast entirely by the members of the House of Representatives or cast by them in conjunction with the Senators,

to be the most objectionable plan that could be adopted.

Mr. STEVENSON. I am aware, Mr. President, of the difficulty involved in the solution of this question, nor do I undervalue its magnitude. I have given to its consideration the time and reflection which its importance demands. I have sought light in the ways of our fathers in the early Congresses. I have listened with great interest to the very able discussion which the subject has evoked in the Senate; and I frankly confess, sir, I have been unable to reach the conclusion that any of the legislation proposed by the pending amendments is sanc-

tioned by the Constitution.

I concur in the able argument of the Senator from Maryland, [Mr. I agree with him that the President of the Senate of the WHYTE.] United States is the only agency selected by the framers of the Constitution and named in that instrument as invested with the sole power of receiving, opening, and counting the votes for President as returned by the electoral colleges and of declaring the result of that election. The Constitution declares that-

The Constitution declares that—

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice.

Such I take to be the meaning, if not the very letter of the Constitution. Let us look to it as I have quoted it, words touching the duty of the Vice-President. The provision on this subject must be looked to as a whole and so construed as to make all its parts har-monize. The Constitution provides for the election of President of the United States. It was not by a direct vote of the people, but by a number of electors equal to the whole number of Senators and Representatives to which the State may be entitled, but with this important exclusion that no Senator or Representative or person holding an office of trust or profit under the United States shall be appointed an elector. Mark that, sir. The Constitution further requires that these electors shall meet in their respective States and vote by ballot for two persons—one for President and the other for Vice-President.

These electors are required to make a list of all the persons voted for and of the number of votes for each; which list they shall sign and certify and transmit sealed to the seat of Government, directed to the President of the Senate. This was a singular and somewhat curious innovation upon popular suffrage. It was a well-guarded instrumentality of an electoral college through which the popular voice was to select the President and Vice-President instead of by a direct vote. It seems to have been especially guarded from congressional interference in forbidding any Federal officer to become an elector. When these electors had been elected by the people and cast their votes in such manner as the Legislatures of the respective States might by law declare, then the results of the respective ballots by these electors in each State for President and Vice-President were transmitted to the seat of Government, directed to the President of the Senate.

Then come the provisions of the Constitution already quoted by me above prescribing the duties of the President of the Senate touching these returns. No one doubts that the President of the Senate is to break the seals of the certificates from the electoral colleges as to the votes for President and Vice-President. No one doubts that this duty is to be done in the presence of the Senate and House of Representatives. "And the votes shall then be counted." That is, the tellers are to put down the whole number of votes cast by the electors for President and Vice-President as shown by these certificates opened by the President of the Senate, and the result is then announced by him. This opening and counting by the President of the Senate is to be done without interference and without restriction, as I think, from any quarter. This is what I think is the true language and intendment of the Constitution.

The President of the Senate shall, in the presence of the two Houses, open all the certificates, and the votes shall then be counted. By whom? Clearly by him to whom they were directed; by whom they were opened; counted in the presence of the two Houses of Congress, as chosen witnesses selected by the Constitution to see that the certificates of the electors were all counted, and the results of such certificates to be recorded by the tellers; and the result was then to be announced by the President of the Senate whether any one had received a majority of the whole number of electors appointed, for President and for Vice-President. If so, then the persons receiving such majority for President and such majority for Vice-President were to be declared by the President of the Senate duly elected President and Vice-President of the United States. But it is insisted that because the Constitution does use the words "by the President of the Senate" after the words "shall then be counted," that the two Houses of Congress and not the President of the Senate are to count the votes for President and Vice-President.

I cannot concur in this construction. I do not believe that the two

I cannot concur in this construction. I do not believe that the two Houses of Congress are invested by the Constitution with any such power. I do not believe that the framers of that instrument ever intended that Congress should have any power or jurisdiction whatever over the certificates of the electoral colleges. Neither the spirit or letter of the Constitution clothes them with any such power. No provision seems to have been made for a contested election of President or Vice-President by the framers of the Constitution. To reach and provide for such a casus omissus the Constitution must be amended.

Had our fathers provided for such a contested election, I do not believe that they would have intrusted it to Congress. They were careful to guard all members of Congress and all Federal officers from being eligible as electors.

The very vice of the legislation proposed by these amendments is to give to Congress a power and control over the certificates of the electoral colleges that I wish to guard against.

The President of the Senate was the chosen instrumentality provided in the Constitution to open and break the seals of these certificates, in the presence of the Senate and House of Representatives, count the votes evidenced by these certificates, and have them recorded by the tellers.

Nobody doubts the power of the President to announce the result of the ballotings of the electoral colleges when ascertained by an examination of these certificates. And yet there is no express words in this clause of the Constitution which declares he must announce this result. It is but a direct legal implication of precedent words. So I insist that the words "shall then be counted," following the words empowering the President of the Senate to break the seals and "open all the certificates," evidently mean that the counting shall be by him. Why, Mr. President, the whole counting amounts to nothing more or less than the enumerating of the action of the electors. It is merely ministerial. The President of the Senate cannot alter, suppress, modify, or change one iota of the results shown by these certificates from the electoral colleges. He merely ascertains the action of these electors and announces it. If no one has received a majority of all the electors appointed in the several States, then the House of Representatives is to elect the President, giving each State one vote.

If two candidates have received an equal number of votes for President and there is a tie, then Congress does not decide, but the House of Representatives is to choose one of them by ballot.

All these amendments assume a power in Congress over the presidential election which I utterly deny is conferred by either the letter or spirit of that great charter of liberty. At least as I read it—I beg Senators to pause—and as we have gotten rid of that odious joint rule which threatened such danger to popular government, let us stand by the action of our fathers until some amendment to the Constitution providing for, a contested presidential election is proposed and adopted. I may be blindly in error in despite of my efforts to obtain light, but I see nothing but mischief in these amendments. I see no warrant in the Constitution for their enactment.

I voted against the amendment of the Senator from New Jersey, [Mr. Frelinghuysen,] not only because we, in my judgment, have no constitutional power to select an arbiter to decide a presidential election but for recess of obvious impropriety if the recession.

election, but for reasons of obvious impropriety if the power existed.

It might so happen that the power of the Supreme Court might in some extreme case be invoked to settle judicially the title of an incumbent elected by the people to the Presidency; but, the certificates of the electoral colleges suppressed or their results not properly reported, I do not say that the Supreme Court are invested with such power. I see, however, that in the debate in 1857 on the counting of the electoral vote it was stated that the Supreme Court might be called on judicially to settle the title of a claimant under the popular vote to the Presidency.

I can without any stretch of fancy imagine a case—not very probable—where the people had clearly elected a President of the United States and the certificates showed a clear majority of votes of the electors as having been cast for him—if the President of the Senate should refuse in such case to announce the result of the vote of the electoral colleges, and in presence of the Senate and House of Representatives attempted, for any cause whatever, grossly to violate his trust by fraudulently withholding the certificates with a view of defeating the popular voice, that there might be relief afforded by the Supreme Court of the United States. I will not undertake to specify the mode. I will not say that the Supreme Court would possess such power. The very fact that such jurisdiction is barely possible is enough to defeat the amendment of the Senator from New Jersey.

Mr. HOWE. I want to ask the Senator to what debate he alludes?

Mr. HOWE. I want to ask the Senator to what debate he alludes? Mr. STEVENSON. I think it was the debate in February, 1857, on the election of Buchanan and Breckinridge, when the vote of Wisconsin was counted by the President of the Senate although Wisconsin had voted on a day different from that prescribed by the act of Congress throughout the United States for the presidential election.

My recollection in that discussion is that at least one Senator stated that the power of the judiciary might be invoked in a case of wrong to pass on the election of President by the people in case of wrong or fraud. I do not remember that the statement was denied, although it may have been.

Mr. President, I deny that the power of Congress to witness the counting of the votes confers any power whatever upon that body to control the election of President, to correct any errors of the electors by exclusion, or to regulate a contested presidential contest. Still less can I consent to infer such a power from the clause relied on by the advocates of these amendments empowering the President of the Senate to open the certificates and count the votes in the presence of the Senate and House of Representatives.

Let us stick to the precedents of the early and better days of our fathers. John Langdon was elected President of the Senate especially to open and count the votes for President and Vice-President. For fifty years we went along under that practice, without mischief or bad results. Let us adhere to it. Let us not exercise doubtful power.

Mr. President, I will never believe, I cannot consent to believe, that any Vice-President or any President of the Senate will ever degrade himself, dishonor his country, and falsify his official vow by any improper tampering with returns and imposing on the people of the United States by fraudulently defeating the election of any one legally-elected President of the United States. If he did, he would promptly be impeached and hurled from office.

Mr. MAXEY. I would ask the Senator from Kentucky this ques-

Mr. MAXEY. I would ask the Senator from Kentucky this question: In view of the Blount case, suppose the President of the Senate should be a President pro tempore, and therefore not liable to impeachment?

Mr. STEVENSON. I suppose if he was President pro tempore he would discharge all the duties of Vice-President. The language of the Constitution is, the President of the Senate.

Mr. MAXEY. But I ask if he would be liable to impeachment under that decision?

Mr. STEVENSON. I do not understand the Senator.

Mr. MAXEY. In the Blount case it was decided that a Senator is not liable to impeachment. Suppose the President of the Senate is a President pro tempore; as a matter of course he is a Senator, and under that decision he would not be liable to the penalty.

Mr. STEVENSON. I cannot undertake to prescribe punishment in every extreme possible case. If not liable to impeachment, he would be subject to punishment civilly and to popular degradation. What offenses of the President of the Senate are impeachable is a question which I decline to pass upon without due consideration; but the Vice-President of the United States, who is usually the President of the Senate, is subject to impeachment, and he is the official to whom we look and to whom I have referred. If Congress possesses the power to legislate on the returns of a presidential election, why may not Congress determine who has been elected President of the United States? Why may not Congress then exclude States on some alleged irregularity? Where, if this power be legislative, is it to end? The Constitution makes the House of Representatives, voting by States, the electors of President if no candidate has received in the electoral college a majority of all the electors appointed. But if Congress can count the votes of the electoral college—count returns and exclude certificates of electors under its constitutional power—then I have no faith in the permanency of our free institutions. Never have I heard before of the existence of such a power. I look back for fifty

or sixty years and see how harmoniously and beautifully the action and construction claimed by me have worked. I am unwilling to change it. I will not anticipate danger. We must trust somebody. It occurs to me that the safest and wisest course to pursue is to adhere to the precedents which for sixty years guided our fathers in the selection of Chief Magistrate. Let us guard the States from encroachments of arbitrary Federal power upon their suffrage. I am an old-school democrat; and I shall vote with the Senator from Maryland, [Mr. Whyte,] whose speech I listened to with so much interest and whose enunciations I so heartily indorse.

Mr. THURMAN. I did not think I should trouble the Senate with another remark on this subject; but the respect that I sincerely feel for the Senators from Maryland and Kentucky, who differ so widely from the opinion that I have expressed, compels me to say something more

than I have already said.

How it could come into the head of any man looking at the Constitution alone and not looking at any usage under the Constitution to suppose that the power of counting the votes is conferred upon the President of the Senate, is almost past my comprehension. It has often been said that the framers of the Constitution, and especially that most distinguished man in letters, Gouverneur Morris, to whom the revision of the language of the Constitution was given, were masters of the English tongue; and that the Constitution itself is the most remarkable instrument to be found in the world for the clearness and terseness of its provisions. Let us turn to this provision and see what it is, and see what it would have been if the framers of the Constitution had intended what my learned friends suppose. The language is:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

If it were the intention that the President of the Senate should count the votes, would it not have been plainly said: "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and count the votes?" That would have been a briefer expression than is used. That would have been an expression free from all ambiguity. That would have been an expression in good, plain Anglo-Saxon. That would have been an expression as clear as the intellect of Gouverneur Morris, the reviser of the language of the Constitution. But there is nothing of the sort. It is simply said:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates—

And then it is saidand the votes shall then be counted.

Who is there who can say that the Constitution declares in express terms who shall count the votes? When it simply says, "and the votes shall then be counted," and says nothing more, who is there who can say that the Constitution in express terms declares that the Prescan say that the Constitution in express terms declares that the President of the Senate shall count the votes, or that it declares by whom the votes shall be counted? Manifestly there is no declaration on that subject. Manifestly it is not declared by whom the votes shall be counted. What is the consequence? These votes are to be counted, for they concern the election of the Chief Magistrate and the Vice-President of the Republic. The power to count them is a power conferred upon the Government, or some department or officer of the Republic. If, then, there is no declaration by whom they shall be counted I ask any lawyer in the Senate is there any alternative but counted, I ask any lawyer in the Senate is there any alternative but to say that the law-making power shall declare by whom they shall be counted? I ask any lawyer to say if it does not come within the express words of the last clause of section 8 of article 1, defining the powers of the Congress

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof?

And, without that clause in the Constitution, does not every one know that of necessity where a power is conferred upon a government or any department of a government by a written constitution and the mode of exercising that power is not prescribed, that mode is to be prescribed by the law-making power? Without that express provision in the Constitution, how could it be doubted that the law-

making power is to supply the mode of ascertaining the popular will?

But the Senator from Maryland seems to think that this might deprive a State of its vote for President. He seems to think that if the President of the Senate had the power, no State could be deprived of its vote. With great respect for him, how can that be? Suppose the President of the Senate has the whole power to decide that a given return, where there is but one return, is not a valid return, has not this man decided that that State shall be deprived of her vote? the case of Wisconsin in 1857. If the President of the Senate alone had the power to decide that question, and he had decided it against Wisconsin, would not Wisconsin have been deprived of her voice in the presidential election? Take any other case that you can suppose, and if you give this one man this power, may you not deprive a State by his fiat, and even when he is a candidate, too, of her voice in the presidential election? Take the case of Louisiana at the last election when she had two returns sent here. If you give the power to decide that question to one man, the President of the Senate, may he not decide it wrongly and deprive the people of their just choice; or may he not do what we did, reject both returns and disfranchise the

How, then, do you get rid of the difficulty by conferring the power upon one man? How does that secure to the people their voice in the choice of their Chief Magistrate? No, sir; give this power to whom you please, to one man or a thousand, it may be that the people of a State will unjustly lose their right. You cannot help that, because there is no human tribunal that is free from imperfection. Until men shall be gods, pure and omniscient, there will be error in

decision, and you cannot avoid it.

But, sir, this is not all in this matter—

Mr. MORTON. Will the Senator allow me to call his attention to the fact that if this matter is to be left entirely to the President of the Senate, it includes the power to disfranchise a State where there is only one return because of an imperfection in the return? He may say that the return does not show that the electors voted by ballot, and in his judgment that should reject the return from a State; but that return would not be rejected under this bill unless both Houses concurred in saying that it should be rejected; or, where there were two returns, he might decide which was the proper one.

wo returns, he might decide which was the proper one.

Mr. THURMAN. But, Mr. President, there is something more, for this goes deeper. We have no Vice-President of the United States now; but we have a President of the Senate. This Senate by a large majority has declared that a majority on this floor can displace that President pro tempore whenever it pleases. It may change him from day to day. Now suppose the presidential election was so close that everything depended upon the rejection of the vote of a single State, it may be the smallest in the Republic. Sir, what have you done? You have placed it in the power of a bare majority of the Senate to displace tile President of the Senate if they fear that his virtue or displace the President of the Senate if they fear that his virtue or his knowledge will decide that question against their party wishes. I make no accusation against the majority of the Senate or against any Senator. I do not believe that all men in public life are villains, and I never did believe; but I repeat what I said the other day, that the greatest prayer our race has inherited is "lead us not into temptation." Besides, sir, what inducements would you have to change your presiding officer with a view to a count of the votes at the presidential election?

But again, it is said that the judiciary can interfere. How can the judiciary interfere? It is said that if the President of the Senate does not count the right vote, a mandamus may issue to him. Well, Mr. President, I am an old lawyer, and it is a long time since I began the practice of the law; and the idea that the President of the Senate, exercising a power quasi-judicial, as he must do if he is to decide between two returns, and which it is simply idle to call ministerial, can be controlled in the exercise of that quasi-judicial power, or that power not quasi-judicial, but really judicial in its nature, by a mandamus of any court, is to me the most astonishing proposition. And how would it work in practice, pray? Certainly the Supreme Court of the United States has no original jurisdiction to issue any such mandamus, unless, indeed, it is given under that clause conferring original jurisdiction upon it, which says that it shall have original jurisdiction of controversies in which a State is a party. Now assume jurisdiction of controversies in which a State is a party. Now assume for a moment that a State could be a party asking for a mandamus to compel—what? To compel the President of the Senate to count the vote of the State of Louisiana for A B. What is the answer to that mandamus? The President of the Senate answers, "I have counted it for C D; the thing is done; my function has ceased; I am functus officio in the business." That is the first answer to it. But suppose that the ruling power in that State coincides with the President of the Senate in the count that he has made; suppose, for instance that Kellogg is governor de facto of Louisiana and the Presidence of the Senate in the count that he has made; suppose, for instance that Kellogg is governor de facto of Louisiana and the Presidence of the Senate in the count that we have that Kellogg is governor de facto of Louisiana and the President of the Senate in the count that we have the factor of the Senate in the count that he has made; suppose that the last made is supposed to the senate of the sena stance, that Kellogg is governor de facto of Louisiana and the President of the Senate counts Louisiana for the republican candidate, although a majority of the votes of Louisiana have been given for the democratic candidate, how are you going to get your mandamus; how are you going to get the State of Louisiana to apply for a mandamus?

And, sir, when is that question to be decided? Certainly the Constitution requires the count of the votes of the presidential electors to be concluded without delay; and the President is inaugurated, and how then are you to proceed? Are you to proceed through one year, two years, three years, in some circuit court of the United States or in the Supreme Court of the United States, in order to find whether the President of the Senate correctly counted the vote, and then to have a decree of the court that he did not correctly count it, and then when you have got that decree, how are you going to turn the incumbent out? Suppose that the incumbent has a majority of both Houses on the side of his party, of what value would be your decision of the Supreme Court?

Sir, does not every one see that this gets us into inextricable diffi-culty? The man who is declared to be elected must be inaugurated. You propose, then, a litigation after he is inaugurated, for there cannot be an interregnum, and that litigation may last for years, and when that litigation is determined and the decision is against the man when that litigation is determined and the decision is against the man who is inaugurated, where is the power of the Supreme Court to enforce it? Where is its Army? Where is its treasure? How can it enforce it, and especially how can it enforce it if Congress is of the same political party with the President in possession? Is it possible that our forefathers, those whom we have been accustomed to venerate as men the wisest in the history of nations, as the fountain of government, as men before whom the Solons and Lycurguses of the world must hide their diminished heads—is it possible that they have

framed such a government? I do not believe it. I believe that the Constitution is perfectly framed. I believe that our forester the not foresee the contingency that has happened. I believe, however, that the Constitution is a much more perfect instrument than it is supposed, for, though they did not foresee the particular case which has since arisen, it does so happen that that you can scarcely find a case that the language of the Constitution does not cover. That is the wonderful merit of our Constitution. It was well expressed by Chief Justice Marshall when, in answer to an argument that the framers of the Constitution never contemplated a particular case, he said, "It is not sufficient to negative a power that the framers of the Constitution did not contemplate that particular power or the exercise of that particular power; the question is, does the language of the Constitution cover the power?" Now, I say the language of the Constitution covers the power in this case; it makes it a legislative power to decide by whom and in what mode these votes shall be counted.

Now, sir, I want to stick to the Constitution as closely as I can. Inasmuch as the Senate and House of Representatives are called upon to attend the counting of these votes, I think for that and for other reasons that it was intended that this matter should be decided by the members of both Houses. I find that first in the fact that they are required to attend; I find it again in the fact that the Constitution requires that "the votes shall then be counted;" it admits of no delay. I find it in the fact that feet that if the votes shall then be counted; "I admits of no delay. I find it in the fact that if there is no above by the delay. I find it in the further fact that if there is no choice by the people, "the House of Representatives shall immediately proceed" to the choice. I find in all the facts an utter opposition to the idea of the delay incident to judicial proceedings, or any other delay. I think therefore that it was contemplated that this matter should be decided by the Congress or the members of Congress, and therefore I have been in favor and am in favor yet of so deciding it, either by the adoption of the proposition of my friend from Virginia, [Mr. Johnston,] or by that of my friend from New Jersey, [Mr. Randolph.] Either by treating the two Houses as a joint convention, and counting the vote of each member for one as in a joint convention, or by the mode proposed by the Senator from Virginia. I am in favor of deciding this vexed question.

I know very well that the decision can only be for a time. I feel

as strongly as any Senator on this floor can feel, that the Constituas strongly as any Senator on this floor can feel, that the Constitution needs amendment in regard to the choice of President. I feel
that the idea of electors of President entertained by our forefathers
has in practice wholly failed. Their idea was that these electors were
to make the choice of President according to their own good judgment and will. That idea has wholly failed. I believe that that
cumbrous machinery ought to be dispensed with. I believe that it
can be dispensed with, and yet preserve to the smaller States their
relative weight in the presidential election which they now enjoy, and
I believe it ought to be done. I believe that election who relative weight in the presidential election which they now enjoy, and I believe it ought to be done. I believe that some mode, clear and specific, free from doubt, ought to be constitutionally adopted for the counting and verification of the votes for President and Vice-President. But, sir, we cannot make a constitution in a day; we cannot amend the Constitution in a day. The necessity for action is a present necessity; it is upon us now, and the question is, shall we exercise that power which the Constitution does confer upon us, to provide for ascertaining the voice of the people according to the Constitution as it is ? tution as it is?

These considerations, and the firm belief that there is danger unless we settle this matter, induce me to hope that this Congress will adopt some measure which shall solve this problem. Certainly it is a difficult question; but that is no reason why we should not attempt

One word more, sir, and I have done. The Senator from Maryland read a passage from Kent. With great deference to him it seems to me that Kent's opinion is directly opposed to his argument. What is it that Kent says?

The Constitution does not expressly declare by whom the votes are to be counted and the result declared.

Every one must admit that. Then Kent goes on to say:

In the case of questionable votes, and a closely contested election, this power may be all important; and I presume—

It is a mere presumption-

in the absence of all legislative provision on the subject, that the President of the Senate counts the votes and determines the result, and that the two Houses are present only as spectators, to witn ess the fairness and accuracy of the transaction, and to act only if no choice be made by the electors.

"In the absence of legislative provision on the subject," which implies that if there is legislative provision on the subject the President of the Senate does not then count the vote and determine the

result. That is what he means.

Mr. WHYTE. May I ask the Senator from Ohio whether Chancellor Kent refers to legislation in regard to organic or statute law for Mr. THURMAN. Statute law plainly.

Mr. WHYTE. I do not think so.

Mr. THURMAN. My friend, I think, will see that it must be so when he consider for property. If the Constitution gives to the

Mr. THURMAN. My Iriend, I think, will see that it must be so when he considers for a moment. If the Constitution gives to the President of the Senate the right to count the votes, no legislation can take it away from him; that is clear. Why then should Kent talk of the absence of legislative provision? Kent was a man remarkable for the clearness of his diction. His commentaries have won the hearts of all the law students in the country, not so much for their great great areas and breadth as for the wonderful clearness that their great grasp and breadth as for the wonderful clearness that

marks them. Would be have talked in ambiguous language on this If the Constitution had said that the President of the Senate was authorized to count the votes, if the Constitution had conferred on him alone the authority to count them, would not Kent have said so? On the contrary, he says exactly the opposite. He says:

The Constitution does not expressly declare by whom the votes are to be counted and the result declared.

What, then, was in his mind? That which is in the mind of a lawer, and a great lawyer too, that the Constitution not having declared by whom the votes should be counted and the result declared, it necessarily followed that the law-making power had authority to act; and therefore he says that, in the absence of legislation, he presumes the President of the Senate declares the result, clearly recognizing that the law-making power had control over the subject.

Mr. President, I beg pardon for having occupied the time of the Senate again on this subject. I believe I promised the other day that I should say no more about it. I once more affirm, and I affirm it in all sincerity, that if it were not for the real respect I entertain for the legal and statesman-like opinions of my friends from Maryland and Kentucky, I should not have said one word to-day.

Mr. STEVENSON. I desire to add a solitary additional word. I had no purpose whatever of entering into the debate. I was not prepared to do so. I rose briefly to state before the vote was taken the ground upon which my opposition to these amendments would rest. The able arguments in their favor by political friends with whom I usually agree seemed to demand that much from me. The Senator from Ohio, [Mr. Thurman,] for whose opinions I have the highest possible respect and in whose judicial construction of any legal or constitutional question I have the greatest confidence, has replied to my few desultory observations at some length and with some animation. He seems to think it profoundly strange that any human intellect should seriously persuade itself that the President of the United States was the constitutional instrumentality through which the votes of the electoral colleges in the several States for President and Vice-President dent were to be counted.

I am somewhat surprised—perhaps as much so as my friend from Ohio—at this broad expression of wonder on his part for opposing views on any part of the Federal Constitution. It is an instrument whose opposite constructions has arrayed in fierce opposition parties and men from the moment it was ratified by the States. The fathers and men from the moment it was rathed by the States. The fathers who framed it have differed widely and warmly as to the true construction of many of its provisions. That antagonism of construction still continues. It seems to me somewhat strange that when the views entertained by the Senator from Maryland and myself of the precise clause of the Constitution which we are discussing was sustained by the usage and practice of our fathers for fifty years. tained by the usage and practice of our fathers for fifty years, the Senator from Ohio ought not to wonder that we still adhere to them. think the language of the Constitution not less than the early prece-

dents fully sustain us.

John Langdon was one who framed and signed the Constitution of the United States. He was, as the record shows, elected President of the Senate of the United States in the First Congress for the sole purpose of counting the votes of the electoral colleges in the States for President and Vice President. He did open and count them; a power which the Senator from Ohio [Mr. Thurman] wonders that any human intellect should conceive was conferred by the Constitution on the President of the Senato. The message sent from the Senator III and the Maria States are the states of the Senator III and the Senator III are the states of the Senator III and the states of the Senator III are the states of the states o ate of the United States to the House of Representatives by Mr. Ellsworth was that John Langdon had been elected President for the express purpose of opening the certificates and counting the votes of skippess purpose of opening the certificates and counting the votes of the electors of the several States in the choice of President and Vice-President of the United States. Oliver Ellsworth, who bore the mes-sage, and John Langdon, whom the Senate made its President, and who did open and count the votes for President and Vice-President in the First Congress of the United States, were both members of the convention which framed the Constitution, and they took the same view of this question entertained by the Senator from Maryland and myself; and yet in their time no wonder was expressed in any quarter as to their construction of this clause of the Constitution. So far from it, that construction which clothed the President of the Senate with the sole power of opening and counting the certificates of the electoral colleges of the vote for President and Vice-President of the United States was sanctioned by the uniform and unbroken usage of Congress for fifty years continuously from the beginning of the Government.

The claim of power by Congress over these certificates of the electoral colleges certifying the votes for President and Vice-President, and which is asserted in the pending bill, was, so far as history and precedent go, absolutely unknown to the framers of the Constitution and to the members of the early Congresses. This is a most astounding fact if any such power existed. If there is any fact patent in the Constitution it is that Congress was expressly excluded by the letter and spirit of the Constitution from any power to interfere with or control the certificates of the electors certifying the votes for President and Vice-President of the United States. The Senate and House of Representatives were the chosen witnesses of the Constitution to see that the President of the Senate received, opened, and counted all the certificates of the electoral colleges; that the tellers duly recorded the same, and that the President then faithfully announced the result of the election as evidenced by these certificates of the electors. What is there, then, to astound or surprise the Senator from Ohio that any Senator now on this floor should feel disposed to follow the framers of the Constitution in the construction and practice under this clause The wonder, it seems to me, should be how so of the Constitution? acute a lawyer and orthodox a constructionist as the Senator from Ohio [Mr. THURMAN] undoubtedly is should abandon the old landmarks of the fathers, ignore their usage of construction of the Constitution for one doubtful and dangerous. The Constitution declares

The President of the Senate shall, in the presence of the Senate and House of

In their presence, do what?

open all the certificates, and the votes shall then be counted.

Mr. THURMAN. Allow me to interrupt my friend.
Mr. STEVENSON. Certainly.
Mr. THURMAN. I ought to have mentioned perhaps that the reason of those proceedings in the First Congress is very plain. The Constitution provides that the Vice-President shall be the President of the Senate. Until it was declared who was elected Vice-President there was no such presiding officer of the Senate as the Constitution provided for; and it was necessary to have somebody for the simple and sole function of having the votes counted, and that Senate could do not one single act except count those votes until it had a Vice-President to preside over it. Hence in order to show that the Senate was not to do any legislative act or any other act whatsover, and in accordance with the recommendation of the convention which was read by the Senator from Maryland, John Langdon was selected President of the Senate for the sole purpose of opening and counting the votes for President and Vice-President. The language is not so clear at all that it would purport that he should count them, though I grant that he did it. But the reason why that limitation was put

I grant that he did it. But the reason why that limitation was put on the resolution, that it was for that sole purpose, was simply to disclaim any power in that Senate to do any act until it had the presiding officer provided for by the Constitution.

Mr. STEVENSON. Why, Mr. President, the reason given by the Senator from Ohio is no reply to the argument which I present. Why? Because the language of the Constitution is, the President of the Senate shall open, &c.; and the office of President of the Senate is an office created by the Constitution as much as the office of Vice-President. It was the President of the Senate—whether Vice-President. ident. It was the President of the Senate-whether Vice-President or President pro tempore—who is empowered and designated to open and count the votes. He did it in a ministerial capacity. He had no discretion. He was the instrument of the Constitution of making known, after opening and ascertaining from the certificates of the electoral colleges in the several States, the result of the ballots of their electors for President and Vice-President. He had no power to exclude, alter, or withhold one solitary certificate sent to him by the electoral colleges. The Senate and House of Representatives were to witness the discharge of this constitutional duty by the President of The tellers were to record the votes for President and Vice-President evidenced by these certificates, and the President was then to announce the result. If the certificates showed that a majority of all the electors of all the States had voted for one man as President, he was then to be declared elected by the President. If

All the dangers of double returns, &c., that the Senator from Ohio speaks of now existed then; and yet the wise and patriotic men who framed the Constitution, and who were then members of the Senate of the United States, elected John Langdon President of the Senate to open and count these certificates of the electoral colleges. The Senator from Ohio admits that he discharged that duty of opening, counting, and proclaiming the result. And that usage continued for The tellers were and are mere clerks, as I think, to years and years. record the result of the votes of the electors for President and Vice-President, as opened, counted, and announced by the President of the Senate. That result, the fact disclosed by those certificates, untouched, uninterfered with, was beyond the power of either House of Congress, or of both combined. Our fathers intended to guard the votes of electors from all congressional interference of any and every votes of electors from all congressional interference of any and every sort. They were wise and far-seeing men. They made no provision in the Constitution for contested presidential elections. I was amazed to hear the Senator from Ohio [Mr. Thurman] say that this power of Congress to count the votes, and regulate the same by law, was a legislative power. I deny it. Congress has no legislative power whatever over the result of the electoral colleges in the States in electing President and Vice-President. President and Vice-President.

The Senator from Ohio attempted to deduce the power from that clause of the Constitution conferring on Congress all authority, legislative authority, to effectuate certain granted powers. That clause has no application whatever to the subject of the election of President and Vice-President by the people of the States. Congress cannot interfere with that subject. If there is a tie in the electoral college or no candidate has received a majority of all the electors, then the House of Representatives is to elect, each State having one vote. I rejoice that Congress has no legislative power in counting the votes of the electors for President and Vice-President. Whenever such a power is usurped and exercised then our constitutional liberty becomes extinct. Neither House of Congress can reject the vote of a State, singly or combined. The only constitutional func-

tion assigned to Congress is to witness the opening of the votes of electors as certified to the President of the Senate and counted by him. Their duty is to witness and see that every return is opened and counted and the result as shown by the certificates of the elec-

toral colleges is correctly reported and correctly announced.

Had Congress the power to count and regulate these returns, then
Congress can regulate the election of President and Vice-President. If Congress can count the vote of one State and exclude another within the discretion of a majority, who shall measure the danger in high party times, or in times of great venality and corruption, the grant and exercise of such a power?

When I look to the language of the Constitution, or to the contemporaneous action of the early Congresses, when the President of the Senate alone exercised this power of opening and counting the votes, I am surprised, I confess, to find that this bill should, without some amendment to the Constitution, find among its supporters my distinguished friend from Ohio. I have listened with attention and interest to all his speeches, hoping that he would show the grant of constitutional power which sanctions this amendment. I confess I have neither seen nor heard it. The language and precedents of the early Congresses are all against the existence or the exercise of so dangerons a power.

Is that circumstance entitled to no weight? Are we to overturn all the rules of construction which look to the opinions and contemporaneous action of those who framed the Constitution and put the Government in operation as evidence of its true intendment and meaning? Is action of Congresses for fifty years in allowing the President of the Senate to count the votes to be utterly disregarded?

What says Chancellor Kent on this subject? I beg the attention of the Senator from Ohio to a word or two from him. He says "that the two Houses are present"—to count the votes? No, sir. The two Houses are present for another purpose. What is it? "As spectators, to witness the fairness and accuracy of the transaction." What transaction? Opening the seals; counting the vote of the electors in every State as certified by their colleges to the President of the Senate, as the sole instrumentality which the Constitution designates for the discharge of that duty. If this power be possessed by the two Houses of Congress as a legislative power, it must follow that the power to correct and to revise, to set aside and to add to, can likewise be exercised by them. Yield the legislative power to Congress, as claimed in the pending bill and amendments, and all the rest follow.

Our fathers would not allow a Federal officer or a member of Congress to be an elector; but their children propose to allow Congress the power to count and control the returns of the electoral colleges. Will the Senator from Kentucky allow me to make

Mr. WHYTE. suggestion?

Mr. STEVENSON. With the greatest pleasure,
Mr. WHYTE. It is a remarkable fact that in the convention the proposition originally agreed upon was that the President of the Senate should in the presence of the Senate open the certificates, and the votes should then and there be counted. That was the original report; but on motion the House of Representatives were included as spectators; and the words "in the presence of the Senate and House of Representatives" were put in after the word "counted." In the redraught of the Constitution those words are before the word "counted," but by the vote of the convention it was provided that the certifi-cates should be opened and counted in the presence of the Senate and House of Representatives.

Mr. STEVENSON. The fact stated greatly fortifies our construction which so surprises the Senator from Ohio. I thank my friend from Maryland for his pertinent suggestion. It is another fact going to show that the framers of the Constitution looked to the President of the Senate as constitutionally empowered not only to open but to count the votes certified by the electors to him. Chancellor Kent tells us the House and Senate were to be spectators of the accuracy and fidelity with which he discharged that duty, and further, that the tellers were to record what the certificates evidenced had been lone by the electoral colleges in voting for President and Vice-President. The President of the Senate opened and read the returns. The tellers

recorded the votes.

It is with extreme deference that I find myself differing on a question of constitutional construction with lawyers so eminent as the Senator from Ohio and others who coincide with him. But, tested by the language of the Constitution or the usages under it, I am con-strained to believe the bill wholly unconstitutional.

I agree with my friend from Ohio that human nature is not perfect. There may be dangers and difficulties that await us whatever construction shall prevail. I can see more from my stand-point as likely to flow from his construction than from mine. Nothing so appalls me as to hear the honorable Senator from Ohio say that Congress possesses the constitutional power to count and regulate the election of President and Vice-President; to prescribe when the vote of a State may be counted and when it may be rejected. The possession of such power is the tocsin of danger to free elections.

Mr. THURMAN. I beg my friend to allow me to ask him how he

will avoid that by allowing one man to analyze the vote?

Mr. STEVENSON. I reply that if he is the sole instrumentality named in the Constitution to receive, open, and count the certificates of the electoral colleges showing the votes for President and Vice-President in the States and certified to him, we have no power to disregard that mandate of the Constitution. It has operated well in the past; let us adhere to it. If we desire a change let us amend the Constitution. If a Vice-President ever sought to degrade himself by improper conduct in withholding returns or counting false ones, we would soon reach him. The Senator says that he never heard of the Supreme Court of the United States in exercise of its original jurisdiction issu-

ing a mandamus.

Mr. THURMAN. No, I did not say that.

Mr. STEVENSON. I will state directly what the Senator did say.

He said be had never heard of a case where the Supreme Court granted a mandamus in the exercise of its original jurisdiction. The Senator said he would like to hear of it. I will cite a memorable case to the Senator of the exercise of such original jurisdiction by the Supreme Court against a governor of a sovereign State, and that governor a governor of Ohio! I refer to the case of the State of Kentucky vs. Dennison, reported in one of the Howard Supreme Court Reports. The governor stands to the State in a position somewhat analogous to that occupied by the President to the United States. When William Dennison, the governor of Ohio, some years ago refused to deliver up to the governor. ernor of Kentucky a fugitive from justice escaping from the latter State, ernor of Kentucky a ingitave from Justice escaping from the latter State, on a requisition made by the governor of Kentucky, which, by the mandate of the Constitution of the United States he was directed to do, the State of Kentucky applied to the Supreme Court of the United States—an exercise of its original jurisdiction—for a mandamus against him to compel him to do his duty. The jurisdiction to issue the writ by the Supreme Court of the United States was denied by the attorney-general of Ohio, but the plea was overruled. The court held that they presented the autorney is not be written as invertible. that they possessed the power to issue the writ against Dennison as governor of the State of Ohio, who they held was in default in not surrendering the fugitive to the governor of Kentucky. They decided, however, that they had no power to coerce a State or its governor.

I will say that the Supreme Court of the United States would or

would not undertake to require the performance of a clear ministerial duty by an officer whom the Constitution of the United States has named and designated for receiving, opening, and counting the votes of the electoral colleges for President and Vice-President. I will never allow myself to believe that the President of the Senate elected of any political party will be so far recreant to his duty as to require the exercise of such a judicial power. I will never believe it. If such an instance should ever occur, I have no doubt a remedy will be found. Therefore I say "sufficient unto the day is the evil thereof." No such instance has occurred in the past. None such is likely to occur in the future. If it does, I neither assert or deny the power of the judiciary to afford relief by a proper correction. The danger of abuse is more likely to occur by allowing Congress to interfere with the returns of the electors of the States. We have had a dark experience of what Congress has done and may do again with some of

the States. Let us beware!

My friend from Ohio need not be amazed that any human intellect should undertake to construe the Constitution as the Senator from should undertake to construct the Constitution as the Senator from Maryland and myself propose to do. Abler and more distinguished Senators than either of us have reached the same conclusion. Jacob Collamer in his time was regarded as a pretty good lawyer; he was primus inter primos before any judicial forum, and as a leading and prominent Senator from Vermont for very many years in this Chamber he was regarded primus inter pares. He construed this clause, in 1857, as I do. He thought the President of the Senate could alone count the votes of the electoral colleges. I repeat, Jacob Collamer believed in no power of Congress to count votes or to evelude votes believed in no power of Congress to count votes or to exclude votes as certified by the electors. This statesman saw none of the dangers

as certified by the electors. This statesman saw none of the dangers now pictured as likely to occur if we do not pass this bill.

Mr. President, I have been drawn unexpectedly and reluctantly into this debate. Now I have spoken hurriedly and without preparation. I have no feeling on the subject whatever. I have tried to gain light from my distinguished friend from Ohio [Mr. Thurman] to guide me in my vote on the pending bill. I have listened to him attentively. His learning, his clear, discriminating intellect entitle his utterances to respect, not only in the Senate but everywhere else. He has, how-ever, failed to persuade me that the Constitution authorizes Congress to pass this bill. We have gotten rid of that hateful joint rule whose pernicious operation was acknowledged, a rule which should never

have been adopted and was always pregnant with danger.

Let us come back to old landmarks, and let us stand where our fathers stood so safely and so long. Let us not exercise doubtful powers or seek to clothe Congress with unlimited discretion to interfere with the certificates of the electoral college, and thereby control indirectly the election of President and Vice-President. Let us continue to trust the President of the Senate with the power confided to him by the Constitution of the United States, exercised in the presence of both Houses of Congress as chosen witnesses of that solemn and august ceremony in which he only announces to the Senate and to the House of Representatives the action of the electoral college in selecting the President and Vice-President of the United States.

What a solemn scene it is, occurring, as it does, once in every four years of our political calendar. No man lives with the true spirit of American liberty in his heart who does not feel that heart beat quicker when we, as we do in every quiet and peaceable election of President and Vice-President of the United States, give to the despotisms of the Old World new and enduring evidence of man's capacity for self-government.

I think Mr. President, we had better stand where we are. I see

possible difficulties, no matter what Congress shall do. It is impossible to guard against possible danger. Let us adhere to the limitations of the Constitution and seek to restrict, not to enlarge, congressional

Mr. WITHERS. Mr. President, at the risk of being very presumptuous, I propose to say a word or two in the discussion of this question. I am no lawyer, and consequently do not propose to quote any legal authorities for or against any proposition which I may advo-cate; but I am inclined to take what we call in our country a plain, common-sense, plantation view of this question. I am the more disposed to do this from the fact that I find gentlemen of the highest legal attainments and reputation who rely upon precisely the same

authority and the same paragraph and the same sentence to prove identically opposite propositions.

I have listened with great attention to the whole of this discussion. When I first suggested the difficulty which presented itself to my when I first suggested the difficulty which presented itself to my mind upon reading the bill as it was proposed by the committee who reported it here, I thought that it was a manifest defect; that the bill provided no agency by which the decision of the vexed question of double returns coming up from a State could be settled, thereby risking the loss of the electoral vote of that State. I think that the progress of this discussion has demonstrated that the objection was well taken; because it is admitted by a large proportion of those who have discussed the question that some agency or other should be provided, if indeed it does not already exist, for the contingency

which the second section proposes to meet.

Now, the discussion has drifted off into two great channels, if I may so express myself. One is upon whom the constitutional right devolves to count the vote of ordinary elections. The other is the proposition for which the amendment of my colleague was designed to furnish a remedy; and that is, what course shall be taken in the case where two returns come up from a State each claiming to be the proper return of that State. With regard to the first, I shall have very little to say beyond this, that the argument of the Senator from Maryland [Mr. Whyte] was, to my mind, almost conclusive on the subject that the framers of the Constitution designed that the duty of counting the votes should devolve upon the Vice-President of the United States. That the Constitution does not explicitly thus provide is true; but the argument of those who have urged that, because of the absence of that specific provision, we were therefore to assume that the power did not exist there, but that it existed to a much greater degree with the law-making branch of the Government, I think, is defective in this, that while the ministerial agency of the Vice-President is invoked by the Constitution to a certain degree in the ceremonial of deciding this question, to wit, in opening the vote, and while it is true that it says that vote shall then be counted, without specifying that the Vice-President shall count it, there is not one word of the agency provided by the Constitution which shall be played by the legislative branch of the Government further than that they shall be then and there present. No ministerial function under the Constitution devolves upon them at all. They have no right, so far as the Constitution shows us, of touching the returns in any manner, shape, or form. When I take this fact into consideration, coupled with the additional circumstance that clearly at the first meeting of the Senate and House of Representatives after the adoption of the Constitution the President of the Senate did not only open the vote but count it, and the additional fact that at the next presidential election the same duty was performed by the same officer, I think the objection of the distinguished Senator from Ohio [Mr. THURMAN] can scarcely hold good when he asserts that it is a most remarkable exhibition of the wonderful obliquity of intellect on the part of any person to suppose that under the Constitution the Vice-President was intrusted with this power.

The Senator with his usual ability brought to his aid the force of the argument based on the primary action under this Constitution by asserting that the then President of the Senate, Mr. Langdon, was elected for the sole purpose of opening and counting the vote, for the reason only that the Senate had not been organized under the Constitution and that there had been no organization of Congress under the Constitution. It seems to me, taking another branch of his argument and considering it in this connection, that if the legislation necesment and considering it in this connection, that if the legislation necessary by Congress under the Constitution to designate the officer or power that should have the right to count the vote had never been had previously, it was then had. The very resolution which empowered Mr. Langdon to preside for the sole purpose of opening and counting the vote was legislation, defining on whom this trust should be imposed. Therefore we have the additional precedent established by the election of Mr. Langdon for this purpose to show that it was the intention of the Constitution that the power should rest in the hands of the President of the Senate.

hands of the President of the Senate.

We have had arguments pro and con on the question upon whom the counting of the votes should devolve. One is sustained by the implication which I have mentioned, the only legislation which has ever been enacted by Congress upon the subject, pointing to the President of the Senate as the person by whom this duty should be performed, in the absence of a contrary or a specific provision in the Constitution that the Vice-President should perform it. There is not one word in the Constitution, there is not a letter or a syllable in it, to indicate by indirection or by implication that the duty hould devolve upon any one else.

Assuming, however, that this duty under the Constitution could be

properly exercised by the Vice-President or President of the Senate, I cannot go beyond that point and declare that, because of this legislative provision and because of the action under it, the Vice-President or the President of the Senate should also be intrusted with the power of deciding as to the validity of returns when two conflicting returns present themselves. That is a different question. The first action, the counting of the vote, is clearly ministerial. The last action is by no means clearly ministerial. When two conflicting returns come up, whoever decides as to which is the valid return exercises certainly a judicial function. It seems to me that that point is irrefutable. It cannot be urged that it is ministerial, or that it is executive, or legislative. He has to exercise the power of judgment in the matter.

cannot be targed that it is ministerial, or that it is executive, or legislative. He has to exercise the power of judgment in the matter.

Just here I will say that while I favor the proposition of my colleague, [Mr. Johnston,] for reasons which I will state more at length hereafter, no difficulty is presented to my mind by a proposition to vest this power in the House of Representatives, in a joint session of the two bodies, or in a vote by States; because, while it is true that the Constitution clearly separates the powers which are wielded by the Government into three great branches, executive, legislative, and judicial, yet there are certain great functions which must devolve, and do devolve, by the Constitution upon these legislative bodies. These functions are not only discretionary, but judicial, for the Constitution specifies that this body "shall be the judge of the elections, returns, and qualifications of its own members;" and so with the lower House. In cases of impeachment, the Senate constitutes the highest judicial tribunal known, and must of necessity exercise judicial powers. I, therefore, see no constitutional difficulty in providing by legislation that this judicial power shall be exercised either by the Vice-President, or by the House of Representatives, or by the Senate and House of Representatives. I think it is clearly competent for the law-making power to delegate this judicial duty to any or all of these.

The principal proposition, after the amendment offered by my col-league, is the one which proposes to substitute the judges of the Supreme Court as the umpire to decide in cases of doubt. to me that there does exist a constitutional difficulty in that case. The argument of the distinguished Senator from Indiana [Mr. Mor-Ton] the first day this question came up for discussion was to my mind perfectly conclusive and satisfactory, that we could not under the Constitution, and with a due regard to its provisions, delegate this duty to the judges of the Supreme Court; whether they acted as a Supreme Court, or whether they acted merely in their individual capacity, which the amendment suggested by the Senator from Indiana contemplates, for two reasons: First, the Constitution requires that the decision shall be then made; and it contemplates the presence of no person other than the Vice-President and the two Houses at the time the decision is made. If the Constitution had contemat the time the decision is made. If the constitution had contemplated the possibility of any power other than those mentioned discharging any duty which might directly or indirectly spring out of the performance of the function of counting the vote and declaring the result, it would have provided some means by which we should have a right to know that this additional tribunal was authorized by the Constitution; but no other person, so far as the provisions of that instrument go, is contemplated to be present, or anywhere near; and in addition the Constitution requires that the question shall be then decided. More than that, the judges of the Supreme Court may possibly themselves be called upon in their judicial capacity to decide sibly themselves be called upon in their judicial capacity to decide upon questions which may arise under the action which is taken in Congress at the time the vote is counted. I do not pretend to designate the quo modo in which the case may come up for their adjudication; but that such an event is possible I think can scarcely be denied. That being the case, it would be manifestly improper to require the Supreme Court to act as umpire in the decision of a question which they might subsequently be called upon to decide as the highest judicial tribunal of the land. Although it may be asserted that in the one case they would act in their individual capacity, and in the other as an organized legal tribunal, it seems to me that the difficulty other as an organized legal tribunal, it seems to me that the difficulty is merely evaded, and not met by the suggestion, because it would be impossible for a judge to divest himself of the opinions and conclu-sions which he reached as an individual when acting as an umpire. Therefore I think that the proposition to refer the decision of this question to the judges of the Supreme Court, as provided for in the amendment suggested by the Senator from Indiana, would be improper.

My primary purpose and desire in this whole matter is to secure some tribunal by which this question shall be decided. I am unwill-

My primary purpose and desire in this whole matter is to secure some tribunal by which this question shall be decided. I am unwilling to leave it undecided, because it may possibly be a fruitful source of the greatest dangers to our institutions. If no legislation is had, if this act is not passed here or if it fails to be agreed upon by the other House, if from any cause whatever we should not consummate any legislation providing for the contingency which we all so much deprecate, I think no Senator present will deny that in the not distant future we may be confronted with a condition of things which will test in a degree beyond any to which this Constitution has ever here-tofore been subjected, its vitality and its strength. I think it is the part of the Congress of the United States, as wise legislators, to provide a remedy, to avoid and prevent this contingency, if it be possible to do so. Therefore I am prepared now, if I cannot get the legistion which I desire, to take what I regard as next best, and having the primary purpose of securing some proper tribunal for the decision of such a question as will probably arise in the count of the next presidential vote.

In providing these agencies, among all the conflicting propositions which have been submitted by different Senators, it does strike me, after due deliberation and consideration, that that presented by my colleague is more in accordance with the principles of the Constitution, more in accordance with the usages which have prevailed in other departments of the Government, and that the spirit of our Constitution is carried out more fully thereby than by any of the propositions which have been offered in competition. If it were a question to decide simply upon the election of a President, we all know that the Constitution provides that that shall be done by the House of Representatives, who come forward and stand here as the representatives of the popular vote. But the same Constitution requires that the Senate in such a contingency shall have the privilege of deciding who shall be the Vice-President of the United States. It is therefore clear that in a case like the one under consideration, when two conflicting returns come up claiming to be the return of a State, we have to decide not only who is President but who is Vice-President as well. That decision should accordingly be had by the joint voice of the House of Representatives, who extend as the exponents of the popular will, and of the Senate who represent the will of the States.

The objection urged by the distinguished Senator from Indiana that the vote by States would be repugnant to the very spirit of our institutions, because it would stifle the voice of the people in certain cases, cannot be regarded as valid if you compare it with the provisions of the Constitution and with the ideas which animated the framers of that instrument in the construction of the theory and machinery of our Government. This Government is not a democracy purely; is not a government of the people per se; but it is a representative government. It is a federal government. All the provisions of the Constitution, and especially and a fortiori this one providing for the election of a President when there should be no choice by the people, indicate a purpose and intent on the part of the framers of the Constitution to provide a tribunal other than that of the popular vote to decide who should perform the functions of President in the contingency therein contemplated. They provided that this vote should be taken by States. Therefore I say it is no violation of the spirit of the Constitution, but on the contrary it is in strict accordance with the provisions of that instrument, that in such a case as the one now under discussion, where two conflicting returns come up here and when the question is as to who shall be elected both President and Vice-President, both these bodies should exercise a voice in the matter, and the vote should be taken by States, inasmuch as it is provided that the vote for President shall be taken by States in the House of Representatives in the event of no election being had by the people. The proposition of my colleague is therefore, I assert, strictly in accordance with the spirit and letter of our Constitution, and for that reason to my mind it is preferable.

I assert, strictly in accordance with the spirit and letter of our Constitution, and for that reason to my mind it is preferable.

I do not hesitate to say, however, that if I cannot get my first choice, if I cannot secure the adoption of this amendment, I will take some other amendment, my primary purpose being, as I designated in my opening remarks, to secure by legislation some tribunal, some authority, to have the right to decide this question when the difficulty presents itself, rather than to leave it open to be decided and become the subject of future squabble, and perhaps much greater difficulty than squabble; because we all recognize, not only the possibility, but the certainty that if no legislation is had to provide for the difficulty that may arise, if, in the event it shall arise we are left with nothing but the constitutional provision, there will be no concert of action, no unity of opinion, as to the power in whom the right of decision shall then be vested.

Mr. MORTON. It seems that the purpose of these several amendments is to provide some way by which the vote of a State shall not in any contingency be lost. The second section of the bill provides that where there are two returns that return shall be counted which receives the vote of both Houses as the valid return. If the two Houses do not agree as to which is the valid return, then no vote from that State shall be counted. The amendment we are about to vote upon provides that in such a contingency, where the Houses disagree, the two Houses shall be together as one body, Senators and Representatives, each having one vote, and the vote shall then be taken by States. For example, the State of Delaware would have one Representative and two Senators, and they would cast the vote of that State, which would count one. New York would have thirty-three Representatives and two Senators, making thirty-five, and they, or a majority of them, would cast the vote of New York, counting one. Aside from the inequality and the anti-republican character of such an election, the gross injustice to the people, the absolute stifling of the public voice, there are other objections to it in the very line which this amendment is intended to meet. If the vote is to be taken by States and there should be thirty-eight States, as there will be next fall, and the States should be equally divided, then the question is lost. In that case the contingency would happen under which the vote of a State would be lost, because the last tribunal provided for deciding the question would have failed to agree. When you come to take the vote by States there would be very great danger that the votes of particular States would be lost in taking that vote, because if the delegation is equally divided then the vote of that State is not cast, according to this very amendment:

But if the representation of any State shall be equally divided, its vote shall not be counted.

This very amendment provides for not counting the vote of a State in deciding the question where the delegation is equally divided; and that is a contingency very likely to happen. It will not happen very often, I trust; it has only occurred once in the history of this nation that there were two returns of electors from the same State. We may hope that that contingency will never occur again; but it may. Then, if there should be such a contingency, it is not very reasonable to suppose that the two Houses will not be able to agree upon which is the true and valid return. Still that contingency may happen; but where the vote is to be taken by States the contingency of the delegation being equally divided and the vote of the State being lost in that way, in determining the question either in the election of a President by the vote of the States or in the decision of this question by

the vote of the States, is likely to happen.

Mr. MAXEY. Will the Senator from Indiana allow me to suggest an amendment which I have prepared, in order that I may get his views upon it i

Mr. MORTON. I will give way to my friend in a moment when I get through with the point I am now making. I want to call the attention of the Senator proposing this amendment to a fact in our history, in the first election of a President by the House of Representatives in 1801. When that election took place, there were four-teen States in the Union. The delegations from two States were equally divided, and the votes of those States were not counted. From the very first ballot the delegations from Vermont and Maryland were evenly divided, and so those States were not counted; and that remained the case from the 11th of February until the 17th of February, and after thirty-five ballots had been taken the dead-lock in those two States was broken in this way: When they took the last ballot, after an hour's interval, on the thirty-sixth ballot, Mr. Morris, of Vermont, was absent, and the two Maryland Federalists, Craig and Baer, put in blank ballots, thus giving two more States to Jefferson, which, added to the eight which had always voted for him, made a majority. There were two States divided in the very first election by the House, a contingency likely to happen. So that, in endeavoring to meet this contingency of the two Houses being divided, the very plans resorted to are exceedingly liable to the same difficulty,

Causing the loss of the vote of a State.

While I agree in the main with the Senator from Ohio, [Mr. Thur-MAN,] it seems to me that he has not been entirely logical. My friend from Texas [Mr. Maxey] made a very able and a very clearargument this morning, but I think the final conclusion was not in harmony with the premises with which he started out. He took the ground that the two Houses would be present in their separate capacity; the Senate there as a Senate, the House as a House; not merely the members of the two bodies. In that I think he was entirely right; and he took the ground that these two Houses were to count the vote. It is a duty then devolving upon the two Houses, and I understood the Senator to argue that it was not competent for these two Houses to cast the duty of counting the votes or determining any question upon the Supreme Court of the United States, because it belonged to the two Houses in their legislative capacity; but, if I understood my friend at the close of his remarks he came to the conclusion that we could authorize the President of the Senate to count the vote in case of disagreement between the two Houses. If we can authorize the President of the Senate to do it by virtue of this law, if we can depute to him the power, we can depute it to any other specific tribunal that

Mr. MAXEY. If the Senator will permit me, I will state the posi-tion I took. The position which I assumed, as is very correctly stated by the Senator from Indiana, was that the two Houses appeared, organized in their separate capacities as a Senate and as a House, and over these organized bodies the President of the Senate presided; that under the Constitution you could not go outside of Congress to devolve the duty on anybody; that it was a personal trust. I further took the position that where these two Houses divided the vote of the Senate counted one, the vote of the House counted one, and the presiding officer being a part of Congress the duty of deciding the ques-tion where there was a divided vote between the two Houses could be devolved legitimately upon the President of the Senate, the presiding

officer, and you could not go outside of the body to decide it.

Mr. MORTON. I understood that to be the argument of the Senator; but still I think the difficulty is not obviated. When the two Houses come together and the President of the Senate presides over both bodies for the time being, he has no casting vote under the Constitution. The Vice-President has the casting vote in the Senate on an equal division of that body, by virtue of the Constitution. The President of the Senate pro tempore has no casting vote under the Conresident of the Senate pro tempore has no casting vote under the Constitution, but he simply votes as a Senator. If you give the President pro tempore a casting vote where the two Houses fail to agree in determining which is the true vote of a State, that right thus conferred upon the President of the Senate is given to him by virtue of a law, and does not belong to him under the Constitution; so that after all we are deputing to an umpire or to a third party the exercise of a we are depitting to an uniplie of to a third party the exercise of a duty which, according to the argument of the Senator from Texas, and I think very clearly, too, belongs to the two Houses as a part of the legislative power of the country.

MI. MAXEY. That unpire is a part of our own body. He is not an outside body, but is a part of Congress.

Mr. MORTON. That may be true. He is a member of this body

either as Vice-President or as a Senator; but the power conferred upon him is not given by the Constitution; it is a new power which we are conferring upon him. Our right to confer it does not depend upon the fact that he is a member of this body. If we have the power to confer this extraordinary function upon anybody, that power does not depend upon the fact that the person upon whom we confer it belongs to this body. We may confer it as well upon the Supreme Court as upon the President of the Senate.

The same argument applies in regard to my friend from Ohio, who was led into the same difficulty. He started out on the presumption that the two Houses must count the vote as a part of their legislative powers, but he ended by agreeing to the amendment of the Senator from Virginia [Mr. Johnston] that we might refer it to a joint convention of Senators and Representatives all voting together, the vote to be taken by States. If we can thus depute a legislative power to be exercised by a joint convention, a body unknown to the Constitution of the United States, and voting by States, a matter which the Constitution never contemplated, we can depute that power to the Supreme Court of the United States or to anybody else; so that I think my friend's conclusion was wrong. I deny the power to create an umpire to decide between the two Houses in a matter which is devolved upon the two Houses by the Constitution; but I said this, and I call the attention of my friend from Texas to it. He misapprehended my position a little. I say that, if we have the power to create an umpire or to call in a new tribunal, then I think the safest umpire, the one most satisfactory to the people of this nation, would be the Supreme Court of the United States, simply requiring that body to be in session when we come to count the votes; and in case of disagreement requiring it to decide it somewhere.

Mr. MAXEY. I think I understood the Senator's position, but, that he may understand mine, I referred to the page of the RECORD in which his view was given, and he will find by reference to it that this power was only to be exercised in a certain contingency, if tolerated at all.

Mr. MORTON. I failed to hear that part of my friend's remarks. Mr. MAXEY. I do not know but that I elaborated it. I referred to the page of the RECORD of Thursday last, which shows for itself, page 13.

Mr. MERRIMON. How would you give the Supreme Court juris-

Mr. MORTON. If we have power to give any outside tribunal jurisdiction we have power to give it to the Supreme Court, and that would be the most satisfactory tribunal to which we could refer so great a question. The people of this country would submit with more satisfaction to the decision of that body than they would to the decision of any one man, I care not how wise or how great he might be, or to any special tribunal that we might create.

In answer to the question put by my friend from North Carolina, I say we cannot confer the jurisdiction upon the Supreme Court as a Supreme Court. Still if we have the power to create a special tribunal we can confer it upon the judges of the Supreme Court because they are judges of that court.

Mr. MERRIMON. I ask the Senator where we get the power to

confer it upon any tribunal ?

Mr. MORTON. I have been trying to argue that we have not that power. I do not believe we have that power. I have said that if the unfortunate contingency should happen that the two Houses cannot agree which return shall be counted the vote of the State is lost; if it is left to the President of the Senate and he is not able to make up his mind which vote shall be counted, the vote is lost; or if you refer the whole matter to him and he comes to the conclusion that the certificate is defective where there is only one, the vote of the State is lost. The vote of the State may be lost in any contingency. In any way that you may dispose of this question, that is possible. You cannot devise any scheme under which the vote of a State may not possibly be lost. Under the very plan proposed by my friend from Virginia it is probable that the vote of a State would be lost. I have just shown that in the very first election made by the House two States were evenly divided and so remained for seven days until the thirty-sixth ballot was taken, and then the dead-lock was broken by one member dodging and two members from other States casting blank ballots.

Mr. RANDÖLPH. May I interrupt the Senator from Indiana for a

moment?

Mr. MORTON. Yes, sir.
Mr. RANDOLPH. The Senator from Indiana says that, under any tribunal that may be adopted or that has been suggested, it is possible to lose the vote of a State. I think if he will refer to the plan I suggested yesterday he will find that it would be impossible to lose the vote of any State. I made the argument yesterday; I do not know whether the Senator was present at the time or not. My proposition was this: That the two Houses should vote separately; that in the event of their not being able to agree as to which the true returns of a State were, and in that event only, the President of the Senate of a State were, and in that event only, the President of the Senate should declare which the true returns were; but that declaration should be based upon aggregating the votes of the two Houses, and a majority in that aggregation should determine the result. I would like to know from the Senator from Indiana whether that does not preclude the possibility of rejecting the vote of a State?

Mr. CAMERON, of Pennsylvania. I rise for the purpose of making a motion to go into executive session. We cannot get through with this subject to-day, and it may as well be disposed of hereafter. Does the Senator from Indiana The PRESIDENT pro tempore.

yield for that purpose?

Mr. MORTON. I yield for that purpose.

The PRESIDENT pro tempore. Pending the motion, the Senator from Texas [Mr. MAXEY] desires to present an amendment.

Mr. MORTON. Let it be read for information. I desire to hear it.

Mr. MAXEY. I move to insert at the end of section 2 the follow-

But, if the two Houses fail to agree as to which of the returns shall be counted, then the President of the Senate, as presiding officer of the two Houses, shall decide which is the true and valid return; and the same shall then be counted.

Mr. MERRIMON. I ask leave to submit an amendment which I send to the Clerk's desk, and which I ask to have read for information.

The PRESIDENT pro tempore. The amendment will be reported. The CHIEF CLERK. It is proposed to insert after the word "which" in section 2, line 7, the words:

Shall be duly authenticated by the State authorities, recognized by and in harmony with the United States, as provided by the Constitution.

So that, if amended, that portion of the section will read:

And that return from such State shall be counted which shall be duly authenticated by the State authorities, recognized by and in harmony with the United States, as provided by the Constitution.

The PRESIDENT pro tempore. The Senator from North Carolina

proposes to offer this amendment when it shall be in order.

Mr. MERRIMON. As I wish to submit some remarks upon it, I ask that the amendment be printed.

The PRESIDENT pro tempore. The amendment will be printed.

## EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed

to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session, the doors were re-opened, and (at four o'clock and eight minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

## TUESDAY, March 21, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read, corrected, and approved.

## ENROLLED BILLS SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 386) approving an act of the Legislative Assembly of Colorado Territory;
An act (S. No. 489) for the relief of G. B. Tyler and E. H. Luckett, assignees of William T. Cheatham;

An act (S. No. 490) for the relief of Hibben & Co., of Chicago, Illi-

An act (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance, United States Army;

An act (H. R. No. 1596) granting a pension to Ruth Ellen Gree-

laud; and

An act (H. R. No. 198) to relieve the political disabilities of Robert Tansill, of Virginia.

DISTRICT JUDGE FOR COLORADO TERRITORY.

The SPEAKER, by unanimous consent, laid before the House a letthe Steaker, by disaminous consent, that detote the House a letter from the Attorney-General, transmitting the original papers in the case of Judge Belford, late district judge of the Territory of Colorado, and also in the case of Judge Stone, of the same district; which were referred to the Committee on the Judiciary.

## IMPROVEMENT OF ALLEGHANY RIVER, PENNSYLVANIA.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the requirements of the river and harbor act of March 3, 1875, a report of the Chief of Engineers on the examination of the Alleghany River near Freeport, Pennsylvania; which was referred to the Committee on Commerce.

WAGONS, ETC., HIRED BY QUARTERMASTER'S DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a report of the Acting Quartermaster-General and accompanying statements relative to clothing, wagons, &c., hired by the Acting Quartermaster-General; which was referred to the Committee on Appropriations.

# NEZ PERCÉ INDIAN AGENT.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a copy of the order of May 12, 1875, relday to day, as we think we can dispose of it in one day.

ative to the protection of the Nez Percé Indian agent in the possession of his agency; which was referred to the Committee on Private Land Claims.

## WATER LOTS ON EAST BANK OF THE POTOMAC.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of the Chief of Engineers on the privileges on water lots on the east bank of the Potomac River; which was referred to the Committee on Expenditures in the War Department.

DR. D. M. ALLEN.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting copies of the papers in the case of Dr. D. M. Allen, arrested in 1862 and held at Camp Chase upon a charge of disloyalty; which was referred to the Committee on War Claims.

## FORTIFICATIONS ON GALVESTON ISLAND, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting the report of the Chief of Engineers on House bill No. 2089, to provide for the erection of military fortifications on Galveston Island, Texas; which was referred to the Committee on Military Affairs.

#### DISPOSITION OF INDIAN FUNDS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting the draught of a bill authorizing him as trustee of various Indian tribes to deposit certain funds in the Treasury of the United States in lieu of their investment; which was referred to the Committee on Indian Affairs.

### EMPLOYÉS OF INTERIOR DEPARTMENT.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, transmitting, in compliance with section 194 of the Revised Statutes, the names of clerks and others employed in his Department or in any of its Bureaus during the year 1875, the time they were employed, and the sums paid to each; which was referred to the Committee on Reform in the Civil Service.

#### COMMITTEE ON EXPENDITURES IN TREASURY DEPARTMENT.

Mr. BRIGHT, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Committee on Expenditures in the Treasury Department be instructed to inquire into the management and disposition of captured and abandoned property; and that said committee be increased to nine members, be authorized to send for persons and papers, and report to this House by bill or other-

#### NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. TERRY, by unanimous consent, from the Committee on Military Affairs, reported back the annual report of the board of managers of the National Home for disabled volunteer soldiers for 1875, and moved that it be printed and recommitted; which motion was agreed to.

## YOSEMITE TURNPIKE-ROAD COMPANY.

Mr. PAGE, by unanimous consent, introduced a bill (H. R. No. 2797) granting to the Yosemite Turnpike-Road Company right of way through the public lands for a wagon-road; which was read a first and second time, referred to the Committee on Public Lands, and ordered

WASHINGTON, CINCINNATI AND SAINT LOUIS RAILROAD COMPANY.

Mr. JONES, of Kentucky, by unanimous consent, from the Committee on Roads and Canals, reported a substitute (H. R. No. 2798) for the bill (H. R. No. 181) to authorize the Washington, Cincinnati and Saint Louis Railroad Company to construct a narrow-gauge railway from tide-water to the cities of Saint Louis and Chicago, with amendments; which were ordered to be printed and recommitted.

# THE POTTAWATOMIE INDIANS.

Mr. VAN VORHES, by unanimous consent, from the Committee on Indian Affairs, reported back a bill (H. R. No. 160) to make certain payments to the Pottawatomic Indians, with a report in writing; which was ordered to be printed, and the bill and report recommitted.

# REGULATION OF STEAM-VESSELS, ETC.

Mr. REAGAN. I am directed by the Committee on Commerce to report back a bill (H. R. No. 1190) to amend certain sections of titles 48 and 52, regulation of commerce and navigation and regulation of steam-vessels, Revised Statutes of the United States, pages 800 and 857, with a substitute, and to move that the substitute (H. R. No.

2799) be printed and recommitted.

There was no objection, and it was ordered accordingly.

Mr. REAGAN. I now ask that the consideration of the substitute be set for Tuesday of next week and from day to day until disposed of. Mr. HURLBUT. I do not object, if it is not to interfere with the

appropriation bills.

Mr. REAGAN. We do not ask that it shall interfere with appropriation bills

The SPEAKER. That is understood.

Mr. FRYE. There has been an assignment of an important bill reported from the Committee on the Judiciary for Wednesday of next week, and this should not interfere with an assignment already made.

The SPEAKER. With that modification the gentleman's motion will be considered as agreed to; that is, that it shall be the special order only for next Tuesday

There was no objection, and it was ordered accordingly.

### SCHOONER BERGEN.

Mr. TEESE, by unanimous consent, introduced joint resolution (H. R. No. 88) referring to the Court of Claims the claim against the United States for the loss of the schooner Bergen; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### WILLIAM WATTS.

Mr. EDEN, by unanimous consent, from the Committee on War Claims, moved that committee be discharged from the further consideration of a bill (H. R. No. 2361) to refund to William Watts, of the county of Boone, and State of Kentucky, the sum of \$5,610 illegally taken from him and paid into the Treasury of the United States by the collector of internal revenue for the sixth district of Kentucky in excess of the amount of lawful tax collected upon the sale of 28,031 pounds of tobacco on the 28th of June, 1864, and that the same be referred to the Committee of Claims; which motion was agreed to.

### ORDER OF BUSINESS.

Mr. HURLBUT. I hope we will now have the regular order of

business. There are important reports waiting.

The SPEAKER. The morning hour now begins at fifteen minutes to one o'clock, and the regular order of business is the call of committees for reports of a public nature, the call resting with the Committee on the Judiciary.

## TRANSFER OF CAUSES IN ALABAMA.

Mr. HURD, from the Committee on the Judiciary, reported back a bill (H. R. No. 1439) authorizing the transfer of certain causes from the circuit court of the United States for the district of Alabama at Mobile into the circuit court of the United States for the middle and

northern districts of Alabama at Montgomery and Huntsville, in said State, with the recommendation that it do pass.

The bill, which was read, provides that all civil causes, actions, which was read, provides that all civil causes, actions, suits, executions, pleas, process, or other proceedings whatsoever, which were transferred by the act of Congress approved March 3, 1873, from the district courts of the United States for the northern and middle districts of Alabama into the circuit court of the United States for the district of Alabama at Mobile, Alabama, and which are now pending in said circuit court, be, and the same are hereby, transferred from said circuit court at Mobile into the circuit courts of the United States for said northern and middle districts, respectively; and the circuit courts of the United States in and for said districts shall have jurisdiction to try and determine all such causes and actions so transferred the same as if such causes or actions had been originally brought in such circuit court; and the clerk of said circuit court at Mobile shall transmit all of the original papers in such causes, together with a complete transcript of all dockets, minutes, judg-ments, orders, and decrees, in such of said causes as are not finally disposed of in said circuit court at Mobile, to the circuit courts for said northern and middle districts, respectively, to each the causes, &c., as were originally transferred from the district courts of said

Mr. HURD. I will yield to the gentleman from Alabama, [Mr.

CALDWELL.

Mr. CALDWELL, of Alabama. Mr. Speaker, I apprehend that it is only necessary to state the object sought to be accomplished by this bill to commend it to the favorable consideration of the House. By turning to the act of March 3, 1873, it will be found that the circuitcourt powers which had previously vested in the district court for the middle and northern district of Alabama were taken away from those districts, and that the suits and causes then pending in those district courts were transferred to the circuit court at Mobile, Alabama. By act of June 22, 1875, there were two additional circuits established in Alabama, one at Montgomery and one at Huntsville, presided over by the same judge who held the circuit court at Mobile. All the causes in the district courts having been transferred to Mobile, the papers are there still. The object of this bill is to transfer those causes to the circuit courts in the two districts indicated. There is no objection to the bill and there can be none, and I trust the House will pass it.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CALDWELL, of Alabama, moved to reconsider the vote by which the bill was passed; and also moved that the motion to recon-

sider be laid on the table.

The latter motion was agreed to.

## APPROVAL OF BILLS IN ARIZONA.

Mr. LYNDE, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona.

The bill was read. It provides that every bill which shall have passed the legislative council and house of representatives of the Territory of Arizona shall, before it becomes a law, be presented to the governor of the Territory; if he approve it, he shall sign it, but if he do not approve it, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon their

journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law, the governor's objection to the contrary notwithstanding; but in such case the votes of both houses shall be determined by yeas and nays and be entered upon the journal of each house respectively. And if the governor shall not return any bill presented to him for approval, after its passage by both houses of the Legislative Assembly, within three days (Sundays excepted) after such presentation, the same shall become a law in like manner as if the governor had approved it; provided, however, that the assembly shall not have adjourned sine die during the three days prescribed as above, in which case it shall not become a law.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. LYNDE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

# CHAPTER 137 OF ACTS OF 1875.

Mr. LYNDE also, from the Committee on the Judiciary, reported back, with the recommendation that it do pass, the bill (H. R. No. 2324)

back, with the recommendation that it do pass, the bill (H. R. No. 2324) to amend section 3 of chapter 137 of the acts of the year 1875. \*

The bill was read. It provides that section 3 of chapter 137 of the acts of the year 1875 be amended by striking out, at the end of the section, the words "and the trial of issues of fact in the circuit courts shall in all suits, except those of equity and of admiralty and mari-

time jurisdiction, be by jury."

In its second section it provides that issues of fact in civil cases in any circuit court may be tried and determined by the court without the intervention of a jury, whenever the parties, or their attorneys of record, file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general

or special, shall have the same effect as the verdict of a jury.

Mr. LYNDE. It was formerly the law in the United States courts, as well as the law in most of the State courts, that where the parties were willing and agreed that a cause should be tried by the court were willing and agreed that a cause should be tried by the court they might waive the jury. At the time of the revision of the laws of the United States the law was changed and it is required that the trial of all issues of facts in all suits shall be by jury, and the courts have construed the law as meaning that they have no jurisdiction and no right to try a case, even where the parties consent. That has been found very inconvenient, and this bill is recommended by the Committee on the Judiciary as an amendment to the Revised Statutes. Statutes

The bill was ordered to be engrossed and read a third time; and

being engrossed, it was accordingly read the third time, and passed.

Mr. LYNDE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## SPEECHES IN CONGRESS.

Mr. LYNDE also, from the Committee on the Judiciary, reported back, with an adverse recommendation, the bill (H. R. No. 1197) providing for the printing of speeches and remarks of members of Congress and of United States Senators in the language in which they are delivered; and the same was laid on the table.

# CLERK OF GREENVILLE DISTRICT COURT, SOUTH CAROLINA.

Mr. ASHE, from the same committee, reported back, with the recommendation that it do pass, the bill (H. R. No. 2256) to provide for filling the office of clerk of the district court of the United States at

Greenville, South Carolina.

The bill was read. It authorizes and empowers the clerk of the circuit court of the United States for the State of South Carolina to perform the duties and receive the emoluments appertaining to the office of clerk of the district court of the United States at Greenville, in said State, which has circuit jurisdiction.

The bill was ordered to be engrossed and read a third time; and

being engrossed, it was accordingly read the third time, and passed.

Mr. ASHE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## CONTRIBUTIONS TO ELECTION FUNDS.

Mr. CAULFIELD, from the Committee on the Judiciary, reported back, with an amendment, the bill (H. R. No. 876) making it a misdemeanor for any person in the employ of the United States to de-

mand or contribute election-funds.

The bill provides that, from and after the passage of the act, it shall not be lawful for any person or persons in the employment of the United States to demand from any other person so employed any money or other valuables to be used as an election-fund or to de fray the expenses of an election in any State, county, or national election in the United States.

The bill in its second section provides that it shall not be lawful for any person or persons employed in the service of the United States, in any manner whatever, to contribute any money or other valuable thing to be used as an election-fund or to aid in the expenses of any election or canvass for an election in any State, county,

or district in the United States.

The bill in its third section provides that any person violating the provisions of either of the preceding sections shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined not exceeding \$1,000 and imprisoned not exceeding one year, at the discretion of the

The bill in its fourth section provides that the judges of the district and circuit courts shall give this act in charge to grand juries.

The amendment reported by the committee was as follows:

In section 1, line 5, after the word "demand," insert the words "or solicit;" so that it will read: "it shall not be lawful for any person or persons in the employment of the United States to demand or solicit from any other person so employed," &c.

Mr. CAULFIELD. I yield to the gentleman from Kentucky, [Mr. BROWN.

Mr. BROWN, of Kentucky. I was authorized by the Committee on Reform in the Civil Service to report a bill on this subject when that committee should be called, and I now desire to offer it as an amendment in the nature of a substitute for the bill just reported.

The SPEAKER. Does the gentleman from Illinois [Mr. CAULFIELD]

yield for that purpose?

Mr. CAULFIELD. I yield to the gentleman from Kentucky that

he may offer his substitute.

Mr. REAGAN. I desire to offer a section as a substitute for the first section of the bill, so as to perfect the original bill before the substitute is voted on.

Mr. CAULFIELD. I call for the reading first of the substitute

offered by the gentleman from Kentucky.

The Clerk read as follows:

Strike out all after the enacting clause and insert as follows:

SECTION 1. That no officer or employé of the Government shall require or request, give to or receive from, any other officer or employé of the same or other person, directly or indirectly, any money, property, or other thing of value, for political purposes; and any such officer or employé who shall offend against the provisions of the act shall at once be dismissed from the service of the United States, and also be deemed guilty of a high misdemeanor, and on conviction thereof fined not less than five hundred nor more than three thousand dollars, and imprisoned not more than one year, at the discretion of the judge trying the case.

SEC. 2. That the district courts of the United States shall have jurisdiction of the offenses created by this act.

SEC. 3. That the judges of the district and circuit courts shall give this act in charge to the grand juries.

The SPEAKER. The Clerk will now read the substitute for the first section sent to the desk by the gentleman from Texas, [Mr. REAGAN. 7

The Clerk read as follows:

Section 1. That from and after the passage of this act it shall be unlawful for any officer of the United States, postmaster, clerk, or employé of the same, to give, directly or indirectly, any money or thing of value to any person or persons or political party or other organization or association, for the purpose or with the intent to assist or forward the interests of any person or persons or political organization or party in any election for any officer of the United States or of any State. And it shall be unlawful for any person or persons to solicit, ask, receive, or accept any gift or donation of any money or other valuable thing for the purpose or with the intent that the same shall be used to assist in or influence the election of any officer.

The SPEAKER. Does the gentleman yield for that amendment?

Mr. CAULFIELD. I cannot yield for that amendment.

The SPEAKER. Then the amendment is not before the House.

Mr. HOAR. I desire to offer an amendment to come in as a proviso at the end of the second section.

Mr. REAGAN. I would ask the gentleman from Illinois [Mr. CAUL-FIELD] to consider that neither in the original bill nor in the substitute proposed by the gentleman from Kentucky [Mr. Brown] is the provision of the latter part of my amendment included.

The SPEAKER. The amendment is not before the House. Mr. REAGAN. How is it that amendments cannot be offered to the

bill ?

The SPEAKER. Because the gentleman from Illinois [Mr. CAUL-FIELD ] has the floor and is entitled to hold it for one hour under the

Mr. REAGAN. I give notice then that I will offer the amendment after the hour is out.

The Clerk read the amendment proposed by Mr. Hoar, as follows:

Provided, Nothing herein shall be construed to prevent voluntary contributions for the purpose of circulating documents or procuring public addresses for the purpose of giving information on questions of public interest.

The SPEAKER. Does the gentleman from Illinois yield for that amendment ?

Mr. CAULFIELD. At the present stage of the proceedings I cannot yield for that amendment. I have simply to say that as far as the bill which I have reported by order of the committee and the bill which the gentleman from Kentucky [Mr. Brown] has offered as a substitute are concerned, I see but little difference between the two bills, except that probably the bill offered by the gentleman from Kentucky is somewhat more comprehensive than the one reported by the committee. As between the two bills, I would certainly have no objection to either, but I stand of course by the report of the committee.

Mr. REAGAN. The gentleman will see that neither the bill nor the substitute makes it an offense to solicit or receive money, and the

men who solicit and receive money are generally worse than the men who give it. I hope he will accept the amendment I have offered.

Mr. BROWN, of Kentucky. I think the gentleman will see that my

substitute covers that point.

Mr. CAULFIELD. I will state to the gentleman from Texas [Mr. REAGAN] that I have read the bills carefully, and I am satisfied that the substitute makes the very provision that the gentleman is anxious

the substitute makes the very provision that the gentleman is anxious to make by his amendment.

Mr. TOWNSEND, of Pennsylvania. I ask the gentleman from Illinois [Mr. CAULFIELD] to allow me to offer an amendment?

Mr. CAULFIELD. It may be read for information.

Mr. HOAR. Will the gentleman from Illinois allow my amendment to be before the House?

Mr. CAULFIELD. I will allow the amendment of the gentleman.

Mr. CAULFIELD. I will allow the amendment of the gentleman from Pennsylvania to be read for information.

The SPEAKER. Then the Chair understands that the gentleman

from Illinois does yield to the gentleman from Pennsylvania, [Mr. TOWNSEND 1

Mr. CAULFIELD. That his amendment may be read for informa-

The SPEAKER. That was not the understanding of the Chair.

Mr. CAULFIELD. Then I yield for no purpose.

The SPEAKER. Is it then an amendment pending before the

House or not? The gentleman should say yes or no.

Mr. McCRARY. I wish to make an appeal to my colleague from Illinois, on the committee. He knows that the minority desire to propose the amendment suggested by the gentleman from Massachusetts, and I think on reflection he will conclude to allow a vote to be taken on that amendment.

Mr. CAULFIELD. I was not aware of the fact the gentleman states, and under this circumstance I yield to allow the amendment

to be offered.

Mr. TOWNSEND, of Pennsylvania. I hope the gentleman will allow

my amendment to be read for information.

Mr. CAULFIELD. O! It may be read for information.

The Clerk read the amendment proposed by Mr. Townsend, of Pennsylvania, as follows:

Provided, however, That any expenditure for election purposes allowed by the constitution or laws of any State shall not be construed as being within the provisions of this act.

Mr. TOWNSEND, of Pennsylvania. Now I ask the gentleman to allow that amendment to be before the House.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania for the purpose of offering that amendment?

Mr. CAULFIELD. I cannot yield.

Mr. TOWNSEND, of Pennsylvania. The gentleman will allow me to explain that the constitution and laws of the State of Pennsyl-vania allow certain expenses for electioneering purposes, and I ask him to except these from the provisions of his bill

Mr. BLAINE. Such as? Mr. TOWNSEND, of Pennsylvania. They are allowed for the distribution of information.

Mr. CAULFIELD. I now yield to the gentleman from Tennessee,

[Mr. Dibrell,] who introduced the bill.

Mr. Dibrell,] who introduced the bill.

Mr. Dibrell. I have carefully read the bill supported by the gentleman from Kentucky, [Mr. Brown,] and I believe it is more comprehensive than the one I introduced. I am willing therefore to accept it, and hope the House will pass it.

Mr. CAULFIELD. I now move the previous question on the pas-

sage of the bill.

Mr. TOWNSEND, of Pennsylvania. Before the gentleman does that I ask him if he will not allow my amendment to be offered to the House

Mr. HOAR. Before the previous question is sustained I desire to ask the gentleman from Kentucky [Mr. Brown]—I have not seen his bill in print—if he will consider my amendment as pending as a proviso to his substitute as well as to the original bill. If his bill should be substituted even after the House had adopted my amendment it would fall to the ground if it were only to the original bill. I do not ask him to accept it, but to allow it to be pending as an amendment to his substitute.

Mr. BROWN, of Kentucky. As I understand it, I will not now

object.

Mr. HOAR. Then, Mr. Speaker, I ask that it be considered as an amendment pending to both the bill and the substitute.

Mr. BROWN, of Kentucky. Before making that arrangement with the gentleman from Massachusetts, I would like to hear his amend-

the gentleman from Massachusetts, I would like to hear his amendment again reported.

Mr. REAGAN. I desire to call the attention of the gentleman from Kentucky [Mr. Brown] to the fact that his bill only provides penalties against officers and employés of the Federal Government. It does not provide a remedy against any one else; it fails in a most important feature to meet the necessities of the case.

The Clark again med the bill provided from the

The Clerk again read the bill reported from the committee with the amendments recommended by the committee, the substitute moved by Mr. Brown, of Kentucky, and the amendment proposed by Mr. HOAR.

The previous question was then seconded and the main question ordered.

Mr. HOAR. Before the House proceeds to vote, I suppose my friend from Illinois [Mr. CAULFIELD] intends to avail himself of his right to close the debate after the previous question has been ordered. I would like to say a few words in support of the amendment which I have

The SPEAKER. Does the gentleman from Illinois [Mr. CAUL-FIELD] yield to the gentleman from Massachusetts, [Mr. Hoar?]
Mr. CAULFIELD. I insist upon the previous question.

Mr. HOAR. I do not ask the gentleman to withdraw the previous lestion. This is a bill reported from the committee, and the gentleman reporting it has the right, if he chooses to avail himself of it, to an hour to close the debate upon the bill, after the previous question has been ordered. I ask him to yield for a few minutes, that I may, as a member of this committee, briefly explain my purpose in moving the amendment I have offered.

Mr. CAULFIELD. This amendment of the gentleman was spoken of in the committee, and I am willing to yield to him for five minutes

Mr. HOAR. It may take ten minutes; I will try to explain in five minutes. This is a very important bill and involves very important constitutional principles. It proposes to put a stop to the abuse of collecting money, by such moral intimidation as may well exist in such cases, from persons in the employ of the Government, to be used for political purposes. It is one of those measures which come naturally from the party in opposition to the Administration. There are many abuses which grow up in the political administration of this country, which the party in opposition to the Administration are likely to feel, are likely to perceive, and are more likely than their opponents to endeavor to eradicate. And no factious opposition should be offered to such reform.

The practice of using money corruptly to affect popular elections in this country is one of the most dangerous practices to our liberties. Where it prevails it poisons the waters of civil liberty in the fountain. I, for one, had rather be governed by a monarch or an order of nobility than be governed by a bribed majority in a popular vote. And the practice wherever it grows up ought to be burned out as with

a red-hot iron, no matter what party may have profited by it in the past or what party may hope to profit by it in the future.

There is but one thing more wicked, there is but one thing more dangerous. The corruption of voters where all the citizens, all the people, can vote is in its nature limited by the expense which would be required to corrupt them on a large scale. A fraud in the count by the officers having charge of an election is a worse and a graver danger and a greater crime. But this crime is great enough, wherever

it exists or wherever it is threatened, to demand the serious attention of the law-making power.

But in this attempt to correct this abuse, if it exists, or to prevent it if it be threatened, we must be careful not to invade the constitutional rights of any class of our citizens. I believe that those of our fellow-citizens who hold public office are not and should not be excluded from the exercise of their constitutional rights as American citizens. They should not be set apart as a class of pariahs or Brahmins, without political interests, without the right to exercise their fair share in the government of the state, and without the interests and the privileges which belong to the rest of us. I think it is the privilege of every American citizen to contribute voluntarily and without coercion or solicitation to two things, to the circulation of public documents, speeches, and essays on political questions, and to the aiding of public addresses made by persons who can instruct the people in that way. I think it comes within, if not the letter, certainly the spirit of that amendment to the Constitution of the United States which the State of Virginia proposed immediately upon its inception; that is, that Congress shall make no law abridging the freedom of speech or of the press. It is an abridgment of the freedom of the press to deny to any American citizen the right to present to any other American citizen any printed matter of a public nature which he conceives may aid him in the discharge of his political du-

I am willing to support this bill, stringent and severe as it is, pro-hibiting any officer of the Government from contributing, or any officer of the Government from soliciting of his fellow-officer a contribu-tion to political funds; but I desire to have this proviso inserted in the bill, that we shall not prevent the voluntary contribution by the office-holder for the mere purpose of circulating documents or of providing for public addresses. Without that it seems to me that this viding for public addresses. bill would trench upon the spirit and upon the letter of the second article of the amendments to the Constitution.

Mr. CAULFIELD. In reply to the gentleman from Massachusetts [Mr. HOAR] in what he has said about the amendment which he has offered, I have simply to say that it was the object of the member intro-ducing this bill, it was the object of the committee that reported it, to cut off all apologies and excuses of every kind and nature for perpetrating off all apologies and excuses of every kind and nature for perpetrating fraud in all elections and advancing the interests of any party, on the part of those who are employed by the Government. We felt that those officers who are in the employ of the Government should contribute their time exclusively to the Government that employs and pays them for their services. If the amendment is allowed it will only afford a cloak for contributions to election funds such as have heretofore existed. We wish to cut off all apologies, all excuses of every laboratory which may add to the every kind, all subterfuges of every character which may add to the

means of carrying on elections by contributions of funds on the part of those employed by the Government.

The bill as offered prohibits any officer in the employ of the Government not only from soliciting but also from contributing; it prohibits all kinds of contributions upon the part of every class of officials in the employ of the Government. We are opposed to the whole thing. We wish to establish a new rule; we desire that no vestige of the old custom shall remain.

The bill does not prohibit persons in private life, persons not in the employ of the Government, from contributing for such purposes as the gentleman indicates; but it will forbid every Government official, from the highest to the lowest, to contribute to the election fund in any possible shape. We believe the measure is right; it seeks to remedy a great evil; and we must therefore insist on its passage as reported.

Mr. BLAINE. Will the gentleman permit me to ask him one question? Is the language of the bill such as to include within its pro-

visions Senators and Representatives in Congress?

Mr. CAULFIELD. I do not so consider.

Mr. BLAINE. It seems to me that is a very important point to be

Mr. CAULFIELD. I do not consider that the bill includes Senators and Representatives, for the reason that they are not, properly speaking, officers of the Government.

Mr. BLAINE. Why not include them?

Mr. CAULFIELD. If the gentleman wishes to include them, he

may offer an amendment.

Mr. BLAINE. I will certainly do so if the gentleman will permit me, because my observation has been, and I think the testimony of the country will be, that larger "corruption funds" have been contributed in campaigns for Congress, both by successful and defeated candidates, than have been contributed for a generation by all the Government clerks aimed at in the bill. If you attempt now to cut off the five and ten dollar contributions, which certainly ought to be saved to the poor clerks from whom they may be taken, while you allow a member of Congress, or a candidate for Congress, to contribute \$5,000, or \$10,000, or \$20,000—which I have heard of being done—it seems to me your bill is a mere pretense, and does not strike at all at the chief feature of the existing evil.

The gentleman permits me, and I move to amend by inserting "Senators and Representatives in Congress."

Mr. CAULFIELD. I hold the floor. I refuse to yield further.

The SPEAKER. Does the gentleman yield for this amendment.

Mr. CAULFIELD. No, sir; I will not yield for any amendment;

and I will give very good reasons for not yielding.

Mr. BLAINE. But the gentleman yields for this.

Mr. CAULFIELD. I will not.

Mr. BLAINE. The gentleman said he would yield.

Mr. CAULFIELD. Very well; I withdraw the assent; I will not yield.

Mr. BLAINE. Then the gentleman declines to have Senators and Representatives brought under the same rule that he wants to apply

to Government clerks.

Mr. CAULFIELD. Mr. Speaker, there are other members of the Judiciary Committee, I understand, who have reports to offer. I do not know when our committee will again be called; and I wish to give those gentlemen an opportunity to report. But, in reply to the gentleman from Maine, I must say that, whatever his experience may have been in regard to contributions upon the part of members of Congress and frauds committed by them, I know nothing about them. He may speak from experience; I have no experience upon that subject.

Mr. BLAINE. I have run seven times for Congress; and I never Mr. BLAINE. I have run seven times for Congress; and I never contributed so much as a postage-stamp for any improper purpose in securing my election; but I could indicate gentlemen who, if rumor is to be trusted, have spent very large sums in political campaigns. I do not refer to any member of the present Congress.

Mr. CAULFIELD. I insist upon the previous question.

Mr. REAGAN. Before the gentleman does that

Mr. CAULFIELD. I can yield no longer.

Mr. BLAINE. I rise to a privileged motion. I wish to have a test made upon this question; and I move to reconsider the vote by which the main question was ordered. It will be for the House to say on yeas and nays whether it will include Representatives and Senators

A MEMBER. And candidates.

Mr. BLAINE. No, we cannot do that, because it is too indefinite.

But Representatives and Senators in Congress ought to be included. For that express purpose, I move to reconsider the vote by which the main question was ordered; and on that motion I call for the yeas and navs

Mr. HOLMAN. I trust there will be no objection to that course.

Mr. BLAINE. The gentleman from Illinois [Mr. CAULFIELD] did

Mr. CAULFIELD. I insist upon the previous question.
The SPEAKER. The gentleman from Maine [Mr. Blaine] moves to reconsider the vote by which the main question was ordered.
Mr. CAULFIELD. I did not yield for that purpose.
The SPEAKER. It is a privileged motion.
Mr. WHITEHOUSE. I hope the gentleman from Illinois will yield.

I think the amendment is eminently proper.

The SPEAKER. The gentleman is not in order.

Mr. HOLMAN. I trust there will be no objection.

The SPEAKER. The gentleman from Indiana is not in order. The question being taken on the motion to reconsider, the Speaker

declared that the "ayes" appeared to prevail.

Mr. CAULFIELD. I call for a division. Mr. CAULFIELD. I can for a division.
Mr. BLAINE. Let us have the yeas and nays.
The yeas and nays were ordered.
Mr. CAULFIELD. I am willing to yield—
Several MEMBERS. Regular order!

The question was taken; and there were-yeas 205, nays 4, not voting 80; as follows:

The question was taken; and there were—yeas 205, nays 4, not voting 80; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Banning, Barnum, Bass. Beebe, Blackburn, Blaine, Blain, Bland, Blount, Boone, Bradford, Bradley, Bright, John Young Brown, Horatio C. Burchard, Samuel D. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Caswell, Cate, Chittenden, John B. Clarke of Kentacky, John B. Clark, jr., of Missouri, Conger, Cook, Cowan, Cox, Crapo, Crounse, Culberson, Cutler, Davis, De Bolt, Denison, Douglas, Dunnell, Durand, Durham, Eames, Eden, Egbert, Ellis, Ely, Evans, Farwell, Frallkner, Felton, Forney, Fort, Foster, Franklin, Freeman, Frost, Frye, Ful ler, Garfield, Glover, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hathorn, Haymond, Hendee, Henderson, Henkle, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hoar, Hoge, Holman, Hopkins, House, Hubbell, Huuter, Hunton, Hurd, Hurlbut, Hyman, Jenks, Thomas L. Jones, Joyce, Kehr, Ketchum, Franklin Landers, George M. Landers, Luttrell, Lynch, Magoon, McCrary, McDill, McFarland, McMahon, Metcalfe, Miller, Milliken, Monroe, Morgan, Morrison, Neal, New, Norton, O'Brien, Oliver, O'Neill, Page, Parsons, Payne, Phelps, John F. Philips, Wilkiam A. Phillips, Pierce, Plaisted, Poppleton, Potter, Pratt, Rea, Reagan, John Beilly, James B. Reilly, Rice, Riddle, William E. Smith, Sparks, Springer, Strait, Stevenson, Stone, Stowell, Tarbox, Teese, Thompson, Thomas, Throckmorton, Martin L. Townsend, Washington Townsend, Tucker, Tafts, Van Vorhes, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Williams, James Williams, James D. Williams, Alpheus S. Williams, Charles G. Williams, James Williams, James D. Williams, Jeremiah N. Williams, William B. Williams, Fran

So the motion was agreed to.

Mr. HOUSE stated that his colleague, Mr. Young, was detained from the House by illness.

Mr. HUNTER stated that his colleague, Mr. Kason, was absent on

account of sickness

Mr. BASS stated that Mr. Danford, who was sick in bed, requested him to announce that was also the reason for his absence yesterday.

Mr. J. H. BAGLEY stated that his colleague, Mr. DAVY, was absent by leave of the House.

The vote was then announced as above recorded.

## QUESTION OF PRIVILEGE.

Mr. NEW. I rise to a question of privilege.

The SPEAKER pro tempore, (Mr. Cox in the chair.) The gentleman will state it.

Mr. BLAINE. I rise to a question of order. I wish to understand from the Chair when this question comes up in reference to which we have just voted on a motion to reconsider who will be entitled to

The SPEAKER pro tempore. The gentleman from Maine.

Mr. HOLMAN. I think it is time enough to decide that question when it arises. Whether the gentleman from Maine is entitled to the floor depends upon whether he is recognized by the House.

The SPEAKER pro tempore. The Chair has decided according to

uniform usage. Mr. BLAINE. Mr. BLAINE. That uniform usage gives me the floor.
The SPEAKER pro tempore. The Chair has so decided.
Mr. NEW. I wish first to inquire whether the morning hour has

Mr. NEW. I wish first to inquire whether the morning hour has expired?

The SPEAKER pro tempore. It has; and the gentleman from Indiana has the floor on a question of privilege.

Mr. NEW. Mr. Speaker, yesterday the gentleman from Missouri, [Mr. GLOVER.] the gentleman from Pennsylvania, [Mr. SMITH.] and myself, three of the members on the real-estate pool special committee, were subpœnaed to appear to-day at eleven o'clock before the grand jury of this District. Inasmuch as it seems to be well settled the privilege of a member is the privilege of the House, and that privilege cannot be waived except with the consent of the House, we have thought it to be our duty to submit this matter to the House for its direction. It may not be, however, improper for me to say we are entirely willing, with the permission of the House, to obey the process that has been served upon us. process that has been served upon us.

Mr. HOLMAN. Unless some gentleman desires to submit a proposition based on this announcement, I shall move the House resolve

itself into the Committee of the Whole on the legislative appropriation bill.

Mr. TUCKER. I wish to introduce a resolution.

Mr. HOLMAN. I will yield for that purpose.
Mr. TUCKER. In view of what my friend from Indiana, [Mr. NEW, ] mentioned to me this morning, I offer the following resolution. The Clerk read as follows:

Whereas John M. Glover, Jeptha D. New, and A. Herr Smith, members of this House and of the committee of this House for investigating the affairs of the real-estate pool of the District of Columbia, have been summoned to appear as witnesses before the grand jury of the district court for said District to testify; and whereas this House sees no reason why the said members should not appear and testify: Therefore,

\*Resolved\*\*, That they be, and are hereby, authorized to appear and testify under the said summons.

said summons.

Mr. HOAR. I desire to inquire of the gentleman who offered that resolution why it enumerates the committee these gentlemen are on? I suggest whether, as this is in reference to a privilege of a member of the House and not of any member of a committee, it should not be stricken out.

Mr. TUCKER. I do not think there is any necessity for it. If the gentleman will read the resolution he will see it is not because they are members of the committee, but because they are members of this House. It is a question of privilege in reference to them as members of the House.

Mr. HOAR. If I understand the resolution, it recites that the gentlemen who are summoned to appear are members of a particular committee of the House.

Mr. TUCKER. Yes, it does do that.

Mr. HOAR. I do not understand what that has to do with the resolution.

Mr. TUCKER. I will mention simply as indicating, although the summons did not do that, the character of the inquiry as to which they were to testify before the grand jury.

Mr. HOAR. How can the gentleman know that? I do not see how the House can know what questions will be asked before the grand

Mr. TUCKER. I do not think there can be any objection to it in this form.

Mr. HOAR. What has become of the privilege asserted the other

day in the case of the other members?

Mr. TUCKER. I do not know that all questions of privilege are

Mr. TUCKER. I do not know that all questions of privilege are in my custody, and I cannot answer it.

Mr. HOAR. I do not think anybody else can.

Mr. TUCKER. I offered, as the gentleman from Massachusetts knows, a paper on that subject, which has not been reported as yet from the Committee on the Judiciary.

The resolution was adopted.

## ORDER OF BUSINESS.

Mr. HOLMAN. I renew my motion.
Mr. BLAINE. Will the gentleman from Indiana [Mr. Holman] yield to me? I will not detain the House for a moment. I merely wish to have my amendment read and ordered to be printed.
Mr. HOLMAN. I do not yield.
Mr. BLAINE. I merely ask the gentleman to yield to have the amendment printed; that is all.
Mr. HOLMAN. I have no objection to its being printed. I do not yield to have it read.

yield to have it read.

Mr. BLAINE. I merely desire to have it printed in the RECORD.

It is only a few lines.

Mr. HOLMAN. I yield to have the amendment of the gentleman from Maine read.

The Clerk read as follows:

Amend section 2, line 2, by inserting after the words "United States" the follow-

Ament section 2, the 2, by inserting after the words. United States the following words:

Or any Senator, Representative, or Delegate in Congress.

And at the close of section add:

And the contribution of money or other valuable thing as herein prohibited by any Senator, Representative, or Delegate in Congress, while he was a candidate for such position, shall, in addition to the penalties herein prescribed, operate as a disqualification to his holding his seat.

Mr. BLAINE. I shall offer that amendment when the bill comes

up to-morrow.

The SPEAKER pro tempore, (Mr. Cox.) Does the gentleman desire to have the amendment printed in the RECORD only or does he desire

to have it printed otherwise?

Mr. BLAINE. Only in the RECORD.

Mr. HOLMAN. I yield now to the gentleman from Texas [Mr. REAGAN] for the same purpose.

Mr. REAGAN. I send to the desk an amendment which I desire to have read and to be printed in the RECORD. I will offer it as an amendment when the bill is again under consideration.

The Clerk read as follows:

Amend section 1 of the substitute by striking out of the first line of said section the words "of the Gevernment," and by inserting in lieu thereof the following:

Or other person, intending thereby to corruptly influence the election of any Senator or Representative in Congress or the election or appointment of any other officer of the United States.

Mr. HOLMAN. I now yield to the gentleman from Alabama [Mr. HEWITT] for another amendment which he desires to have printed.
Mr. HEWITT, of Alabama. I propose to offer as a substitute for

the pending bil, when I have the opportunity, the amendment which I send to the desk. I desire now to have it printed in the RECORD. The Clerk read as follows:

The Clerk read as follows:

Section 1. That it shall be unlawful for any person to solicit of any officer or employed the Government of the United States any contribution of money or other thing of value with intent to aid in securing the election of any person to any State or Federal office whatever.

Sec. 2. That from and after the passage of this act it shall be unlawful for any officer of the United States, postmaster, clerk, or employé of the same to give, directly or indirectly, any money or thing of value to any political organization or person with intent to assist or forward the interest of any political party or the election of any particular person or persons to any office, State or Federal.

Sec. 3. That any person violating the provisions of the foregoing sections of this act shall be guilty of a misdemeanor, and, upon conviction before a court of competent jurisdiction, shall be fined not less than \$1,000 and imprisoned for a period not less than six months, and shall be removed from office upon such conviction being certified by the clerk of the court before which such conviction was had to the appointing power. the appointing power.

## GENEVA AWARD.

Mr. FRYE, by unanimous consent, introduced a bill (H. R. No. 2800) to enable the Secretary of the Treasury to pay judgments provided for in an act approved February 15, 1875, entitled "An act providing for the payment of judgments rendered under section 11, chapter 459, of the laws of the first session of the Forty-third Congress; which was read a first and second time, referred to the Committee of Ways and Means, and, with an accompanying statement, ordered to be

TEXAN BORDER TROUBLES. Mr. SCHLEICHER, by unanimous consent, from the Committee on Texan Border Troubles, reported the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Committee on the Texas Border Troubles shall be authorized to have a map of the Lower Rio Grande engraved and printed to accompany their report and evidence.

## ORDERS TO PRINT.

On motion of Mr. CAULFIELD, by unanimous consent, the bill (H. R. No. 876) making it a misdemeanor for any person in the employ of the United States to demand or contribute election funds and the substitute therefor offered by Mr. Brown, of Kentucky, were ordered to be printed.

On motion of Mr. WALLACE, of South Carolina, by unanimous consent, the bill (H. R. No. 2255) for the relief of mail contractors for services rendered in certain States prior to May 31, 1861, was ordered to be reprinted.

#### LONDON AGENTS OF NAVY DEPARTMENT.

Mr. BEEBE, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of the Navy be, and he is hereby, requested to report to this House, at the earliest practicable date, a statement of the accounts of the Navy Department with the fiscal agents of that Department at London for each year from 1868 to date, giving the names of such fiscal agents, and showing the monthly balances of said accounts.

# MOVEMENT OF TROOPS IN NEW MEXICO.

Mr. AINSWORTH. I ask unanimous consent to offer for present consideration the following resolution:

Resolved, That the Secretary of War be directed to inform this House whether troops have been ordered from Fort Union to Colfax County, New Mexico; and, if so, why they were so ordered.

Mr. FORT. I object to the present consideration of that resolu-tion. Let it be referred to the Committee on Military Affairs. Mr. AINSWORTH. Very well.

The resolution was referred to the Committee on Military Affairs.

# LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. HOLMAN. I now insist on my motion that the House resolve itself into Committee of the Whole to resume the consideration of the legislative, &c., appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Cox in the chair,) and proceeded to consider the special order, being the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes. The CHAIRMAN. The gentleman from Ohio [Mr. FOSTER] is entitled to the description.

titled to the floor.

Mr. FOSTER. I yield for ten minutes to the gentleman from Mich-

igan, [Mr. Hubbell.]
Mr. Hubbell. Mr. Chairman, the experience of ages has confirmed the fact that the natural tendency of the human race is to arrange itself into nationalities, each under a separate and distinct

The first object of each of these separate organizations is to protect its subjects in their lives, property, and rights, and to encourage by every legitimate means the development of their material interests.

A judicious system of political economy, under which the wealth and prosperity of a nation may be advanced, commands in every country the best efforts of its ablest statesmen; and under each well-organized government laws are made and put in force mainly with the view of advancing the interests of its own people without regard to the interests of other communities or powers beyond a due respect.

tion and advancement. Even David A. Wells, in his report to the Secretary of the United States Treasury for 1868, page 23, says:

A careful study of the financial systems of the various commercial nations of Europe has led the commissioner unhesitatingly to the conclusion that, whatever may be the state of European public opinion in respect to free trade and whatever may be the claims professed for it on the broad grounds of liberality and humanitarianism, the fiscal legislation of Great Britain, France, Germany, Belgium, Holland, Austria, and Russia is now, and always has been, framed solely and exclusively with reference to one object, namely, the promotion of supposed national self-interest, and has never had the slightest regard to the interest of any other nation, or to any arguments other than those based upon specific national wants and national servicences.

Joseph Wharton, in his admirable brochure on national self-protection, justly claims that "the nation exists of itself and for itself, not by the grace or for the benefit of any beyond its boundaries;" and he logically adds that-

It cannot be seriously disputed that this exclusive property of each nation in itself, this assiduous caring by each for its own special weal, and this watchful, semi-antagonistic attitude of each toward its neighbors have the same beneficial effect upon each that comes to individuals from each person being perfectly convinced that his fate depends upon his own exertion of his faculties, that his task is to till his own field and mind his own family and business, being well-assured that he and his, and not others, shall reap the harvest and enjoy the fruits of diligence and thrift.

All nations may not adopt the same methods of carrying out this principle. In fact, no system of political economy ever has or can be devised that will be found to admit of universal application. As nations differ in the extent of their geographical boundaries, in the varieties and qualities of their soils, in the temperature and changes climate, in the diversity and extent of their mineral treasures, so will the people adapt themselves to their circumstances, without special reference to any defined or fixed system of political economy known in theory or practice.

Under these varying circumstances it has ever been the mission of enlightened statesmanship to discriminate and legislate with a strict regard to circumstances and with the view of securing the largest degree of prosperity to all classes within the commonwealth without

degree of prosperity to all classes within the commonwealth without reference to the policy or practice of other governments.

In all countries, in modern times, the revenues gathered into the national treasury are obtained mainly from the receipts accruing from a customs tariff. The grandeur of the Utopian theory of universal free trade has never yet been realized, and all modern policies go to show that in national practice the world is receding from this promised realization of the Cobden club and the free-trade fraternity generally.

In the United States, from the foundation of the Government down

to this centennial year, the policy of our statesmen has been, under the approval and support of a large majority of the people, in favor of a tariff not only for revenue but also for protection to the diversified interests of the whole country. It is true this system has its opponents, and at certain periods in our history they have for a time controlled and shaped tariff legislation in accordance with their own views, but in every case, as experience proved, with injurious and in many instances with disastrous results.

The protective policy is no visionary theory. That experienced statesman M. Thiers, in one of his best speeches before the Corps Législatif in 1870, on the advantages of protection to native industries, said: "Those who speak of universal, unrestricted competition, do not comprehend it. Do you know what true competition is? It is that no nation should ever suffer itself to make any surrender of its native industries. It is that no one should say that it will no longer manufacture cotton, because it cannot produce as cheaply as another; that it will no longer fabricate cloths, because it cannot fabricate at so good an account as its neighbor; that it will not raise grain, under the pretext that grain is produced more dearly than in other countries. The nation that should reason thus would exhibit the reasoning of an idiot. Do you know what is the true competition of nation with nation, the universal competition? It is a noble ambition on the part of each people; the noble emulation of producing everything, and even that which it produces with less advantage than other people. This competition has, as its result, the reduction of prices to the lowest

attainable standard throughout the entire world."
So also Sir Charles Wentworth Dilke, the English statesman, in his "Greater Britain," says: "Those who speak of the selfishness of the protectionists, as a whole, can never have taken the trouble to examine into the arguments by which protection is supported in Australia and America. In these countries protection is no mere national delusion; it is a system deliberately adopted, with open eyes, as one conducive to the country's welfare." And again: "If every State consults the good of its own citizens, we shall, by the action of all nations, obtain the desired happiness of the whole world, and this with rapidity."

Under the administration of the republican party the necessities

of the Government, growing out of the expenses of the war, compelled Congress to largely increase the rates of duty on imported goods. In framing the customs tariffs from year to year the double purpose was always kept in view of so arranging the scale of duties as to afford, first, a sufficient revenue to meet the demands upon the Treasury; and, secondly, to extend protection to such of our existing industries as were most affected by excessive importations of similar goods from European and other countries, as well as to call into existence other industries not then attempted.

to the interests of other communities or powers beyond a due respect for the regulations of international law.

It is not too much to say, after a practical test of fourteen years, that this policy of guarding and fostering our own home industries but it is and must ever be the fundamental basis of national legisla-

tories all over the country, in the rapid development of the agricultural interests and means of transportation, together with the general increase of wealth and rapid advances made in material progress, the people are now more strongly impressed with the wisdom and importance of the protective policy than ever before since the organization of the Government.

THE MORRISON TARIFF.

The so-called Morrison tariff, manufactured in New York City by order of the Free-Trade League, under the inspiration of the American members of the English Cobden club, strikes directly at the policy of protection, and aims a death-blow at many of our important industries, while none of them are allowed to escape its crippling influences.

In order to present these effects more clearly to this House and the country, I have had prepared, from official sources, a series of statistical tables, showing in detail the amount of duties collected during the last fiscal year under the operation of the present tariff. In connection with this I will present the estimated amount of revenue that will be realized during a similar period—the bulk of the importation being the same—under the working of the Morrison tariff, together with the increase and decrease of duty on specified articles and the not decrease in the aggregate of the year's receipts. These tables were compiled under the supervision of Dr. Edward Young, chief of the United States Statistical Bureau, from official records and careful estimates, and can be accepted as substantially correct: In order to present these effects more clearly to this House and the

Statement of amount of duty collected during the fiscal year ended June 30, 1875, on commodities enumerated in House bill No. 1711, and of estimated duties, on amounts entered in 1875, under the proposed rates of duty in said bill.

	Foreign merc	handise entere fiscal	ed into consumption year 1875.	during the	Proposed rate of	Estimated duties on	Decrease	Increase
Commodities.	Quantity.	Value.	Rate of duty.	Duty re- ceived.	duty in bill 1711.	amounts entered in 1875.	of duty.	of duty.
Cotton, manufactures of:  On all manufactures of cottons (except jeans, denims, drillings, &c.) not bleached, color'd, painted, or printed, and not exceeding 100 threads to the square inch, counting warps and filling, and exceeding in weight 5 ounces per square yard, unbleached.sq. yd. Bleached sq. yd. Colored, stained, painted, or printed.sq. yd. Finer and lighter goods of like description, not exceeding 200 threads to the square inch, counting the warp and filling, un-	89, 848, 00 20, 965, 020, 50 411, 750, 00		5 c. p. s. yd				335, 955 55 6, 970 24	
bleachedsq. yd			5 c. p. s. yd		4c. per sq. yd			
bleached sq. yd.  Bleached sq. yd. Colored, stained, &c. sq. yd. Cotton jeans, denims, drillings, bed-tickings, ginghams, plaids, cottonades, pantaloon stuff, &c., and not exceeding 100 threads in the square inch, counting warps and filling, and exceeding 5 ounces to the square yard,		2, 111, 871 95	5 c. p. s. yd. & 20%	1, 110, 035 50	5c. per sq. yd	713, 262 35	396, 773 15	***************************************
unbleached sq. yd.  Bleached sq. yd. Colored, stained, &c. sq. yd.  Kiper and lighter goods of like description	2, 258. 00 138. 00 26, 325. 00	3, 765 67	6 c. p. s. yd 6½ c. p. s. yd 6½ c. p. s. yd. & 10%	1,953 93	4c. per sq. yd 4½c. per sq. yd 5c. per sq. yd	1,316 25	1 93 637 68	
Reached sa vd		***********	6 c. p. s. yd		4c. per sq. yd	93 679 17	53 636 04	
not exceeding 200 threads to square inch, counting warp and filling, unbl'd.sq. yd. Bleached sq. yd. Colored, stained, &c sq. yd. Goods of lighter description, exceeding 200 threads to the square inch, counting the	1, 873, 581, 50	249, 220 00	6½ c. p. s. yd. & 15%	147, 315 11	5c. per sq. yd	30,013 17		
warp and filling, unbleached sq. yd	11 815 00	1 661 00	7 c. p. s. yd	876 47	5le per sq. yd	500.75	985 70	
warp and filling, unbleached sq. yd.  Bleached sq. yd. Colored, stained, &c. sq. yd. Plain woven cotton-goods, not otherwise specified:	11, 013, 90	1,001 00	7½ c. p. s. yd. & 18%	010 41	7ic. per sq. yd	390 13	269 12	
Unbleached, valued over 16 cents per square yard		27, 619 00 144, 707 00 989, 283 00	35%		}	290, 947 75	87, 812 03	
All other cotton goods		2, 182 00	35%35%	763 70	25%			
Valued not over 40 cents per poundlbs	14, 964, 00	The second secon	10 c. p. lb and 20%	110-120-VC 0-40-VC 71	10c. per lb	1, 496 40	1,006 60	
Valued over 40 cents per pound, and not over 60 cents per pound	314, 447, 25		20 c. p. lb. and 20%	Carrie and Carrie	20c. per lb		1230-1-125 1651	
Valued over 60 cents ner pound and not over	502, 450, 50	368, 765 00	30 c. p. 1b. and 20%	205, 965 15	30c. per lb	150, 735 15	55, 230 00	
80 cents per pound lbs. Valued over 80 cents per pound lbs. On spool-thread of cotton, containing on each spool not exceeding 100 yds. of thread doz. Exceeding 100 yards for every additional 100	1, 495, 768, 50		40 c. p. 1b. and 20%	O	40c. per lb	and the second		
Exceeding 100 yards for every additional 100 yards of thread on each spool or fractional	424, 748. 50	65, 919 00	6 c. p. doz. and 30%	45, 452 01	6c. per dozen	25, 484 91	19, 967 10	
part thereof doz	458, 667, 50	72, 013 00	6 c. p. doz. and 35%	48, 036 20	6c. per dozen	27, 520 05	20, 516 15	
Cords, gimps, galloon, and cotton laces, col'd Shirts and drawers, woven or made on frames		2, 842, 732 01	35%	926, 519 88	30%)	1 1 1 1 1 1 1		
Hosiery		4, 998, 936 95	35%	1, 631, 454 86	30%			
Velvet Braids, inserting, laces, trimmings, and bob-			35% 35% 35%			4, 600, 232 29	387, 551 61	
binet Other manufactures of, not otherwise specif'd.			35%	2, 081, 616 25	30%			
ron and steel, manufactures of: Pig-irontons			\$7 per ton			308, 743 00	93, 850 57	
Bar-iron, rolled or hammered: Flats not less than 1 inch nor more than 6								
inches wide. Flats not less than # inch nor more than 2 inches thick lbs lbs Round, not less than # nor more than 2 inches in diameter	4, 437, 537. 00	141, 101 99	1 c. p. lb	*40, 093 87	ic. per pound	22, 187 68	17, 906 19	
Square, not less than \(\frac{3}{2}\) nor more than \(2\) inches square  Flats less than \(\frac{3}{2}\) inch nor more than \(2\) inches thick, or flats less than \(1\) inch nor more than \(6\) inches wide  Rounds \(\frac{3}{2}\) inch nor more than \(2\) inches in	963, 044. 00	31, 592 15	1½ c. p. lb	*13, 050 85	₹c. per pound	7, 222 83	5, 828 02	
diameter			ng eight months and					tu for

Statement of amount of duty collected during the fiscal year ended June 30, 1875, &c .- Continued.

Commodities.	Foreign merc		ed into consumption year 1875.	during the	Proposed rate of	Estimated duties on amounts	Decrease	Increase
Commountees.	Quantity.	Value.	Rate of duty.	Duty re- ceived.	du'y in bill 1711.	entered in 1875.	of duty.	of duty.
ron and stee!—Continued.  Moisic iron made from sand ore by one pro-								
cess	100. 05 20, 214, 739. 00	\$6, 168 00 430, 987 74	\$15 per ton 70 c. p. 100 lbs	*\$1,503 87 *127,684 72	\$10 per ton \$10 per ton	\$1,002 50 90,244 50		
Boiler and other plate iron not less than three- sixteenths inch in thicknesslbs	127, 879. 00		1½ c. per lb					
Boiler and other plate-iron not otherwise spe- cified tons.			\$25 per ton					
Iron wire, bright, coppered, or trimmed, drawn and finished, not more than one-quar- ter inch in diameter, nor less than No. 16			100	18.				
wire-gauge	1, 840, 190, 00 211, 961, 00	*96, 590 00 *17, 653 00	2 c. per lb. and 15 % 3½ c. per lb. and 15 % 4 c. per lb. and 15 %	47, 060 37 9, 630 31	13 c. per lb 3 c. per lb	32, 203 32 6, 358 83	14, 857 05 3, 271 68	
Over or finer than No. 25lbs Iron wire bright, &c., covered with cotton, silk, or other materials, not more than one-quarter inch in diameter, nor less than	2, 865. 50	*409 00	4 c. per lb. and 15 %	172 29	4 c. per lb	114 62	57 67	
No. 16 wire-gaugelbs	82.00 706.00	*35 00	7 c. per lb. and 15 %	9 89	63 c. per lb 8 c. per lb	5 54 56 48	4 35	
Over or finer than No. 25	748. 25	*573 00	8½ c. per lb. and 15 % 9 c. per lb. and 15 %	143 53	9 c. per lb	67 43		
over No. 16 wire-gaugelbs.	1, 367, 689. 00	*86, 016 00	2 c. per lb. and 15 %	36, 526 56	13 c. per lb	23, 934 55	12, 592 01	
over No. 16 wire-gauge	266, 730. 00 1, 663. 00	*26, 011 00 *644 00	3½ c. p. lb. and 15 % 4 c. per lb. and 15 %	12, 148 64 149 25	3 c. per lb 4 c. per lb	8, 001 90 66 32	82 73	
Wire, spiral furniture-springs of iron wire  Sheet-iron, smooth or polished	7, 681. 00 4, 665, 827. 00	*446, 008 00	2 c. per 16. and 15 % 3 c. per lb	124, 983 68	13 c. per lb	134 41 93, 16 54	32, 667 34	
than 20 inch wire-gauge	1, 803, 518. 00 126, 694. 00	5, 446 04	1½ c. per lb 1½ c. per lb	1, 995 62	1 c. per lb 11 c. per lb	18, 035 18 1, 583 69	411 93	
ner than No. 25	765, 190. 00	*35, 801 75	1½ c. per lb		I c. perlb	7, 651 90		
one-half to six inches in width, under one- eighth inch thick, not thinner than No. 20	6, 561, 339. 00	*247, 229 51	1½ c. per lb		3 c. per lb	49, 210 04	25, 152 56	
wire-gauge	1, 745, 110. 00 284, 087. 00	*11,801 00	1½ c. per lb 1½ c. per lb 1½ c. per lb	4, 484 84	1 c. per lb 1½ c. per lb 1½ c. per lb	17, 451 10 3, 551 09	6, 139 23 933 75	
Slit rods	7, 362, 305, 00		1½ c. per lb		‡ c. per lb	55, 217 28	29, 450 17	100
Handsaws, not over 25 inches in lengthdoz Handsaws over 25 inches in lengthdoz	113, 75 167, 92	*781 00	75 c. and 30 % \$1 and 30 %	296 05	\$2 per dozen \$2.50 per dozen	227 50 419 80	68 55	
Backsaws not over 10 inches in lengthdoz Backsaws over 10 inches in lengthdoz	15. 00 35. 67	*109 00	75 c. and 30 %	41 97	\$2 per dozen \$2.50 per dozen	30 00 89 17	11 97	
Files, file-blanks, rasps, and floats, not over 10 inches in lengthdoz	325, 529, 25	Control of the Control	10 c. and 30 %		20 c. per lb	65, 105 85	27, 579 93	
Over 10 inches in lengthdoz	589, 957, 00	150, 789, 83	6 c. and 30 %	74, 692, 68	9 c. per lb	53, 096 13 3, 474 80	21, 596 55	
Needles for knitting or sewing mach's. n.l  Iron squares, marked on one sidelbs  All other of iron and steellbs	200.00	77, 324 00	\$1 per m. and 35 %. 3 c. per lb. and 30 % 6 c. per lb. and 30 %	4, 211 01	3 c. per lb		3, 736 21 29 89	
All manufactures of steel not otherwise speci-	392. 00					11 76	1000	
fied Steel railroad-bars	43, 683. 00	*3, 183, 156 00	45 per cent	1, 116, 258 17	30 % \$15 per ton, (2,240)	304, 195 71 655, 245 00	120, 396 85 461, 013 17	
diameter	4, 794, 718, 00	*269, 321 61	2½ c. per lb		2 c. per lb	95, 894 36	13, 193 45	
wire-gauge	774, 187, 00 57, 178, 00	*59, 187 09 *7, 745 10	3 c. per lb	21, 218 34 2, 454 64	2½ c. per lb 30 %	19, 354 67 2, 323 50	1,863 69 131 14	
Anchors and parts of	95, 468. 00 74, 387. 50	*4, 897 50	2½ c. per lb 2½ c. per lb	1,952 24	1½ c. per lb 2 c. per lb	2, 323 50 1, 432 02 1, 437 75	502 22	
washers	365, 812. 00	*16, 235 90	2 c. per lb	6, 768 14	1 c. per lb	3, 658 12	3, 107 02	
spikes, rivets, and bolts	287, 100. 00		2½ c. per lb	will constant	1½ c. per lb	4, 306 50		
flues	400, 181. 00 116, 999. 00	*17,061 00	3½ c. per lb 8 c. per lb	8,652 02	2½ c. per lb	10, 004 52 5, 849 95	2,802 09	
Wood-screws less than 2 inches	919, 203, 00 371, 847, 00	*182,677 00 *10,341 33	11 c. per lb	93, 604 85 5, 025 22	7 c. per lb	64, 344 21 2, 788 85	29, 260 64 2, 236 34	
Cast-iron steam, gas, and water pipeslbs Hollow-ware, glazed or tinnedlbs Cast scrap-iron	33, 529. 33 34, 455. 60	*2, 583 00 *29, 303 65	1½ c. per lb	1, 056 20 9, 467 57	å c. per lb 2½ c. per lb \$4 per ton	838 23 6, 891 12	217 97	
Wrought scrap-iron	701, 728. 14	*958, 421 64	\$8 per ton	255, 875 42	\$6 per ton	210, 518 40	45, 357 02	
less than one-quarter inch diameter, valued	14, 231, 987. 00	±710 100 00	2½ c. per lb	000 654 60	1½ c. per lb	213, 479 80	85, 174 88	
7 cents or less per poundlbs Valued over 7 cents and not over 11 cents per	THE CONTRACT STREET	COURT COMMA		THE PARTY OF A PARTY				
pound los. Valued over 11 cents per pound. los. Steel wire, less than one-quarter inch in diameter and not less than No. 16 wire-	7, 636, 041. 00 5, 908, 579. 00	*720, 346 50	3 c. per lb 3 c. per lb. and 10 %	257, 224 04	2½ c. per lb	190, 901 02 206, 800 28	21, 359 10 50, 423 79	
gauge	181, 164, 50 140, 059, 00 1, 020, 50	*51, 741 00	2½ c. per lb. and 20 % 3 c. per lb. and 20 % 9c. per lb. and 20 %	13, 505 14	4 c. per lb	7, 246 58 9, 804 13 61 23	3, 701 00	
ad: Sheets and pipeslbs	22, 163, 00	*2, 321 95	2‡ c. per lb 2‡ c. per lb	587 48	2 c. per lb	443 26	144 22	
Shot	58. 00 32, 770, 712, 50	*1, 559, 017 00	2 c. per lb	601, 257 48	12 c. per lb	327, 707 12	273, 050 36	
Pigs and bars fit only to be nanufact'dlbs  pper: Plates, bars, ingots, pigs	382, 150. 00 58, 475. 00	*13, 964 00	1½ c. per lb 5 c. per lb	5, 322 41	2 c. per lb 2 c. per lb	7, 643 00		\$2, 320
Braziers' conner-sheets rods nines and con-		10, 141 00	o c. per 10	2,001 30	c. per ib	1, 105 30	1, 101 00	
per buttons, and all manufactures of not otherwise specifics		*617 00	45 per cent		30 %		65 92	
Spunsilk for filling, in skeins or copslbs Silk in the gun, not more advanced than sin-	5, 735. 00	15, 796 00	35 %	5, 528 60	25 %	3, 940 00	1, 579 60	
gle, &o		11, 299 00	35 %	3, 954 65	25 %	2, 824 75	1, 129 90	

Statement of amount of duty collected during the fiscal year ended June 30, 1875, &c.—Continued.

	Foreign mer		red into consumption year 1875.	during the	Proposed rate of	Estimated duties on	Decrease	Increase
Commodities.	Quantity.	Value.	Rate of duty.	Duty re- ceived.	duty in bill 1711.	amounts entered in 1875.	of duty.	of duty
ilk—Continued.	ana jet	21 041 00	25.0/	9070 25	05.00	\$485 25	\$104.10	
Floss silk Sewing-silk in the gum or purifiedlbs. Buttons and ornaments for dresses, &c Lastings, mohair cloth, silk twist, &c., made			35 %		25 %	The state of the s		
soas to fit for buttons exclusively		4, 642 00 14, 476, 756 59	40 % 60 %	1, 856 80 8, 685, 113 96	10 % 40 % 40 %	1, 856 80 5, 790, 702 64	2, 894, 411 32	
Vestings, shawls, hosiery, ready-made clothes, &c	745, 484. 80	3, 309, 969 74	60 %	1, 984, 081 84	40 %	1, 323, 987 90	660, 093 94	
All other manufactures obacco: Cigars, eigarettes, &c lbs Leaf, unmanufactured and not stemmed lbs 7001:	7, 539, 598. 00	2, 805, 450 84 4, 201, 634 17	50 % 50, 50 less 10 & 60 % \$2.50 per lb. & 25 % 35 ceuts per lb.	2, 565, 074 69 2, 638, 859 31	\$3.50 per lb 40 c. per lb	2, 609, 196 80 3, 015, 839 20	049, 103 68	\$44, 122 376, 979
First class, value 32 cts. or less per lblbs	11, 455, 304. 00 1, 647, 829. 00	2, 932, 819 04 652, 293 07	10 cts. per lb.& 11 %* 12 cts. per lb.& 10 %*	257, 726 93	10 c. per lb	164, 782 90	72, 944 03	
Value over 32 cts. per lb	5, 480, 528. 00 2, 388, 629. 00	914, 139 00	10 cts. per lb. & 11 % 12 cts. per lb. & 10 % 1	999 764 00	5 c. per lb 10 c. per lb	238, 862, 90	94, 902, 00	
Value over 32 cts. per lblbs Third class, value 12 cts. or less per lblbs Value over 12 cts. per lblbs	21, 813, 748, 00 8, 985, 710, 00	2, 699, 011 70 1, 773, 814 00	3 cents per lb* 6 cents per lb*	602, 790 66 493, 930 30	3 c. per lb 3 c. per lb	654, 412 44 269, 571 30	224, 359 00	51, 621
First class, washed: Value 32 cts. or less per lblbs Value over 32 cts. per lblbs	14, 231. 00 315. 00	7, 163 00 259 00	20 cts. per lb. & 22 %* 24c p lb&20 %less 10*	3, 999 72 114 66	6 c, p. lb. and 50% 10 c. p. lb. and 50%			
First class, scoured: Value 32 ets. or less per lblbs Value over 32 ets. per lblbs	No transac	tions.			80 c. per lb			
Second class sconred.								
Value over 32 cts. or less per lb lbs Value over 32 cts. per lb lbs Third class, scoured :								A COLUMN TO A COLU
Value 32 cts, or less per lblbs					9 c. per lb			
Flannels, blankets, hats, knit goods, &c.:	9, 731, 146. 41	15, 297, 499 74	50 c. p. 1b. 30, 35 & 40*	9. 297, 499 74	70 c. per lb	6, 811, 802 49	2, 485, 697 25	
Value not over 40 cts. per lblbs	756. 25	124 5755	20 cts. pr lb. & 35 %*		20 c. p. lb		85 71	
lb	44, 416. 00	Les Allers	30 cts. pr lb. & 35 %*		30 c. p. lb	A 199	0000000	
lb	62, 024, 75 1, 663, 642, 67	54, 382 06 2, 487, 810 55	40 cts. pr lb. & 35 %* 50 cts. pr lb. & 35 %*	45, 160 39 1, 560, 286 96	40 c. per lb	24, 809 90 831, 811 33	20, 350 49 728, 475 63	
Endless belts or felts for paper or printing machines bs. Bunting sq. yd. Women's and children's dress goods, and real	126, 410, 00 6, 698, 50		20 cts. pr lb. & 35 %* 20 cts. pr lb. & 35 %*	63, 883 50 1, 866 71	30 c. per lb 15 c. per sq. yd	37, 923 00 1, 004 78	25, 960 50 861 93	
or imitation Italian cloth, not over 20 ets.	24, 109, 815, 00 40, 396, 185, 43	4, 323, 997 46 15, 830, 343, 19	6 c. p sq. yd. & 35 %* 8 c. p sq. yd. & 35 %*	2, 738, 777 43 9 414 998 01	9 c. per sq. yd	1, 169, 883 35 7 398 997 81	568, 894 08 9 015 370 90	
Valued over 20 cts. per square yard sq. yds All goods weighing 4 ounces and over, square yard lbs	1, 234, 825, 17	The second	50 cts. pr lb. & 35 %	Same of the same of		987, 860 13	Contract.	
Clothing, ready-made, and wholly or in part of wool	109, 548. 18			No.		219, 096 36	100000	
Webbings, weltings, braid, gimps, &c lbs Saxony, Wilton, and Tournay velvet carpets	540, 445, 58	The second second	50 cts. pr lb. & 40 %* 50 cts. pr. lb & 50 %*			843, 806 48	173, 238 88 200, 247 68	
wrought by Jacquard machinerysq. ydssq. yds	65, 372, 50 410, 761, 00	596, 015 51	70 c. p sq. yd.& 35 %* 44 c. p sq. yd.& 35 %*	354, 616 25	90 c. per sq. yd 65 c. per sq. yd	58, 835 25 266, 994 65	27, 419 77 87, 621 70	
Patent velvet and tapestry velvetsq. yds Tapestry Brusselssq. yds Treble-ingrain, three-ply, and worsted chain	223, 345, 00 1, 454, 710, 50	1, 282, 773 12	40 c. p sq. yd. & 35 %* 28 c. p sq. yd. & 35 %*	775, 739 30	65 c. per sq. yd 40 c. per sq. yd	145, 174 25 581, 884 20	87, 621 70 50, 541 08 193, 855 10	
Yarn, Venetian, and two-ply ingrain sq. yds Druggets and bockings, printed and col-	6, 169. 00	4, 137 74	17 c. p sq. yd. & 35 %° 25 c. p sq. yd. & 35 %*	1, 769 25	35 c. per sq. yd 30 c. per sq. yd	59 15 1, 850 70	10 10	81
ored sq. yds	19, 035. 00	9, 787 00		7, 405 09	20 c. per sq. yd	3,807 00	3, 598 09	
ruit: Candied citron, orange, and lemon peels lbs	1	8			8 c. per lb 55 c. per case			
Oranges in cases not over 40 x 17 x 14 inches Oranges in cases not over 28 x 14 x 18 inches	}	4, 233, 325 24	20 %	846, 664 99	118 c per case			
Lemons in cases not over 28 x 14 x 12 inches.  On all oranges and lemons not otherwise specified					20 %			
loves of kid	{	3, 555, 003 32	50 %	1, 777, 501 66	\$4 per doz \$2 per doz 6 c. per lb			
unpowder and all explosive substanceslbs air-pins made of wire	25, 452. 50		6, 10, & 30 c. p lb. & 20 50 % less 10 %	5, 312 95 32 516 40	6 c. per lb	1, 527 15 24, 614 45	3, 785 80 7 901 90	
arble: White, statuary, brocatella, &cfoot. Veined and other, in blocks or squares, foot.	718. 25 497, 621. 34	1,623 00	\$1 p cub. ft. & 25 % 50 c. pr c. ft. & 25%.	1, 124 00	60 c. per c. ft 30 c. per ft	430 95 149, 286 40		
Sawed, dressed, &c	5, 760. 00	1, 979 50	25 c. to 45 c. p sq.ft.&		10 c. per sq ft	576 00		
encils, of wood gross gross gross.	59, 869, 58 281, 967, 38	101 140 40	50 c. p gross & 30 %	61, 389 83	70 c. per gross 12 c. per gross	41, 908 71 33, 728 08	1, 597 05 19, 481 12 15, 847 98 14, 824 98 25, 455 42	
oap, fancy, perfumed, honey, &c	248, 181, 50 38, 891, 81	79, 154 39 217, 878 64	10 c. p. lb. and 25 %	44, 606 76	12 c. per lb	29, 781 78	14, 824 98 25, 455 42	
arnish, valued \$1.50 per gall galls	3, 264. 50 38, 525. 30	3, 179 00 21, 070 14	10 c. p. lb. and 25 % 35 %, 1 c. p. lb., 30 % 50 c. p. gal. and 20 %	2, 268 05 11, 557 59	\$1 per gal 20 c. per gal 3 c. per lb	3, 264 50 7, 705 06	3, 852 53	990
offee	317, 016, 309, 50 647, 080, 79				3 c. per lb 15 c. per lb	9, 510, 489 29 9, 706, 211 85		0 510 480
in in bars, blocks, and pigsewt sphaltumlbs	102, 904, 00 2, 351, 855, 00	2, 329, 487 96 26, 006 40	Do	6, 501 60	15 c. per lb 3 c. per lb Free of duty	345, 757 44	6, 501 60	345, 757
ricks and tiles, bath, fire, building-brick, roof- ing, and other tiles		72, 539 99	20 and 35 %	16, 731 60	do		16, 731 60	
Encaustic tiles		261, 741 10	35 % 20 %	52, 348 22	do		201 95 52, 348 32	
hemicals, dyes, drugs, and medicine: Acids, acetic, specific gravity 1,047 or less .lbs  Specific gravity over 1,047lbs	754. 00	138 60	5 c. per lb	37 70	do		37 70	
Acids, not otherwise specified	927 105 00	230 00	30 c. per lb. 10 %	23 00	dododododododo		23 00 567 10	
Benzoic	267, 125, 00 58, 071, 50	27, 046 00	10 %	2, 704 60	do		2, 704 60	
Chromic	45, 00 308, 90	20 438 00	10 %	3 090 00	do		3 080 00	
Gallic lbs. Rosallic lbs.	11.00	39 00 6, 077 00	\$1 per lb 20 % \$1 per lb	1, 215 40	dododododododo		1, 215 40	
Tannie lbs Tartarie lbs	117. 00 403. 00	89 00 156 00	81 per lb	117 00 60 45	do		117 00 60 45	

Statement of amount of duty collected during the fiscal year ended June 30, 1875, &c.-Continued.

	Foreign merc		d into consumption ear 1875.	during the	Proposed rate of	Estimated duties on	Decrease	Increase
Commodities.	Quantity.	Value.	Rate of duty.	Duty re- ceived.	duty in bill 1711.	am ounts entered in 1875.	of duty.	of duty.
Alum, sulphate and alumnialbs	6, 951, 396. 00		16 c. per 100 lbs	\$41,708 37	Free of duty		\$41,708 37	
Ammonia, acetate of	4. 00		25 c. per lb		do		1 00	
Carbonate oflbs	680, 345, 60	93, 812 00	20 %	18, 762 40	do			
Muriate or sal-ammonialbs	658, 724, 00	58, 324 00	10 %	5, 832 40	do			
Sulphate oflbs	24, 695, 00	1, 402 00	20 %	288 40	do		288 40	
niline dyes, or colors, not otherwise specified.lbs	189, 996, 25	597, 874 00	50 c. p. lb. and 35 %	304, 254 02	do		304, 254 02	
antimony, crude and regulus oflbs	326, 676, 00	35, 324 05	10 %		do			
antimony, crude and regulus oflbs	912, 147. 00		10 % less 10 %		do		8, 643 24	
Baryta, sulphate oflbs	2, 117, 854. 00	17, 995 00	c. per lb		do		10, 589 29	
Borax, refinedlbs	5, 153. 00	1, 224 15	0 c. per lb		do			
hloroformlbs	27. 00	18 00	\$1 per lb 20 %		do			
obalt and oxide oflbs	678.00	2, 604 00	81 per lb	520 80	do			
ollodionlbs.	52.00 404.00	140 00	10 c. per lb		do		10 10	
Copper, acetate of	404.00	67 116 00	20 %	49 619 91	do		19 496 10	
Drugs and dyes, not otherwise specifiedlbs	446, 227. 00	50, 229 00	10 %	5 027 20	do			
ndigolbs ogwood and other dye-wood extracts		197 496 00	10 %	19 749 60	do		19 740 60	
and anotate of brown (sugar of load)	3, 558, 00		5 c. per lb	177 00	do		127 00	
ead, acetate of brown, (sugar of lead)lbs	58. 00		10 c. per lb		do		5 90	
ime, acetate of	2, 232, 401. 00	73 996 00	25 %	18 481 50	do		19 491 50	
Anne, acetate of	4, 346, 00	9 500 10	50 and 12 c. p. lb	694 80	do		694 80	
Calcined	22, 251, 00		12 and 6 c. per lb	9 846 76	do		0.24 00	
Carbonate oflbs	185, 106, 00		6 and 1 c. per lb	10 603 01	do		10 602 00	
Sulphatelbs.	21, 593, 00	364 00	1 c. per lb	915 93	do		915 93	
Potash, or potassa, bicarbonate, chlorate, chro-	21, 333. 00	301 00	1 6. per 10	210 00			210 90	
mate, nitrate, iodate, prussiate	12, 528, 184, 50	991 566 00	e. to 75 c. per 1b	190 706 11	do	-0.151470.00570.0057	190 706 11	
Quinine, salts of	1, 427, 75	9 996 00	45 %		do		1 001 70	
antonine	101, 00	474 00	\$3 per lb	303 00	do		303 00	
Soda, acetate, bicarbonate, caustic, silicate, stan-	101.00	*** 00	to ber to	000.00			000 00	
nate, sulphate, &c		5 571 542 00	1 c. to 45 c. per lb	1 166 318 05	do		1, 166, 318 05	
Strychnineoz.	1.00		\$1 per ounce		do		1 00	
Sulphur, flour oflbs	39, 929, 00	891 00	\$20 p. ton and 15 %.	490 14	do			
Sumae	16, 542, 548, 00	533 713 00	10 %	53 371 30	do			
Zinc, sulphate oflbs	19, 696, 00		20 %	94 20	do		94 20	
Coal, bituminous and shaletons	436, 714, 00		75 c. per ton	327, 535, 50	do		327 535 50	
Culm and slack oftons	5, 646, 00		40 c. per ton	2, 258 26	do		2 258 26	
Coke	931, 00	9, 648 00	25 %	2, 412 00	do		2 412 00	
Emery, grains, ore, pulv. and pow'dlbs	1, 355, 321, 75		2 c. p. lb. to \$6 p. ton		do		16, 338 97	
Frease, all other		15, 783 00	20 %	3, 156 60	do		3, 156 60	
rindstones, rough or unfinishedtons	7, 656. 17	90, 172 25	≩1.50 per ton	11, 484 24	do		11, 484 24	
Hair, curled for beds and mattresses		58, 882 00	30 %	17,664 60	do		17 664 60	
logs' hairlbs.	3, 800, 00	57 00	c. per lb	38 00	do		38 00	
Mineral and bituminous substance, n. o. sp		154 67	20 %	30 93	do		30 93	
Paints, umberlbs .	513, 811. 00	5, 596 00	50 c. per 100 lbs	2, 569 06	do		2, 569 06	
Vandyke brown, and other paintslbs	38, 458, 00	3, 505 00	20 %	661 00	do		661 00	
Parchment			10 % and 30 % less 10	3, 106 35	do		3, 106 35	
Seeds, garden, &c., and bulbous roots		366, 127 25	2) and 30 %	83, 291 61	do		83, 291 61	
Starch, corn, potatoes, and rice	641, 982. 00	V. The Art day	i c. and 3 c. per lb. and 20 %		do		11, 071 95	
Stone, rough, building, sand, and paving			\$1.50 p. ton and 10 %		do		24, 720 62	
Callowlbs.	49, 537, 00	, 4, 414 50	1 c. per 1b	495.37	do		495 37	
Car, from the pinebbls	425, 50	2 501 35	20 %	500 27	do		500 27	
					do			

An analysis of the proposed tariff, and its effects upon the revenues, on the basis of last year's importations, will now be given; and some of its bearings upon the nation's industries will be briefly indicated.

## COTTON MANUFACTURES.

On plain unbleached cottons the duty is reduced from 5 cents to  $2\frac{1}{2}$  cents per square yard; on bleached cottons, from  $5\frac{1}{2}$  to  $3\frac{1}{2}$  cents per z<sub>2</sub> cents per square yard; on bleached cottons, from 5½ to 3½ cents per square yard; and on stained, painted, or printed cotton goods, from 5½ to 4 cents per square yard. On these three items there is an annual reduction of revenue amounting to \$344,843.88. On other cotton manufactures the duties are reduced in about the same ratio, making another annual loss of revenue amounting to \$1,384,906.29.

It is true the aggregate reduction of duty on cotton manufactures is less than \$2,000,000, and this would be more than made up by the increase of importations under the lower rate of duties. But is it sagacious statesmanship to reduce the tariff one-half and double the sagacious statesmanship to reduce the tarm one-han and double the importations of cotton goods? To bring our cottons from abroad and close up our own manufactories? The total importation of cotton fabrics in 1875 amounted in value to \$24,197,443.91. During the first month of the present year England has sent to our markets 800,878,210 yards of cotton goods, and the people are complaining of hard times and no employment for our operatives because our own mills are either closed or running on half time.

The raw cotton is raised in the United States, sent abroad to be manufactured, and then returned to our markets, thus taking the work and wages from our own operatives, and the bread from their families, to afford employment to those of other countries, while their employers pocket the profits on the goods thus manufactured abroad for American consumption.

Our skilled labor and manufacturing machinery are equal to that of any other country, and our own factory operatives have a legitimate claim to the benefits derived from the manufacture of all cotton goods consumed by our own people, without being compelled to submit to half pay and poor fare as is the case in European countries.

Under the present tariff this industry has developed rapidly in the United States. Not only have the older manufacturing States largely increased their facilities and the variety of their courtry and mixed.

increased their facilities and the variety of their cotton and mixed fabrics, but mills are being erected in the South and in other sections where they were before entirely unknown.

The main portion of all the cotton grown in the world is the product of our own country, and it is a reflection on the wisdom of our legislators and an injustice to our artisans and workmen and women to send the raw material abroad and buy it back manufactured into goods for home consumption. Rather should this be the great manufacturing center for cotton goods for the nations where the raw

material cannot be produced.

However, under the present tariff, our manufacturing facilities have been more than doubled during the last fourteen years. Cotton goods are just beginning to be exported in considerable quantities to other countries, even to England; and they are pronounced to be superior in quality to those of the country just named. There is every indication that if this industry is not made to suffer by our injudicious tampering with the tariff, the aggregate annual exports, from this time forward, will continue to increase rapidly. During the last year unexpected success has attended this enterprise. Our manufacturers are competing successfully even in the English markets, by offering for sale there a better article than England's own product. The Fall River correspondent of the Boston Journal (a good authority) writes that-

The beneficial results accruing from the shipment of cotton goods to England are becoming every day more apparent, and the outlook is decidedly hopeful and encouraging. The success of Mr. George F. Hathaway's visit to England is shown in the great activity and busy bustle among the Fall River mills. About fifteen thousand pieces of print cloths, one-eighth of the entire production of the city, are now exported each week, and for these goods better net prices are received abroad than at home. It has been said that the Fall River manufacturers sought by this movement simply to "tide over" an unusually depressed period, and the inference has been drawn that with the return of a brisk home demand they would gladly throw the goods back again into the home channels. But the developments that have arisen from the endeavor have given to the project a degree of certainty and of permanence that the manufacturers themselves did not anticipate. They expected to sell mainly the twenty-six-inch goods, which are two inches narrower than the American make and to manufacture which would involve very little change in their machinery. They are now selling these goods and receiving as high a price as the twenty-eight-inch goods bring in this country, while the cost of making is much loss.

much less.

The wider styles of print cloths so much in vogue in England, the thirty-two, thirty-four, and thirty-six inch goods, they did not expect to sell. But the English buyers offered such desirable prices for these goods that the manufacturers decided to make such changes in their machinery as would furnish a stated supply. But larger orders have been received and are yet coming forward and several corporations are now placing their mills largely on this kind of cloth. Manufactur-

ers elsewhere, moreover, are consulting with spinners respecting the preparation of their mills for similar goods, and in neighboring States arrangements to make a like description of cloth for exportation have been or are being made. These things, therefore, indicate that the manufacturers feel assured that the movement has in it elements of permanence and of stability, and they are now taking means to form an association and to agree in any event to ship abroad a certain portion of their production. The superiority of these goods as compared with those of English manufacture is readily apparent. They are made of better cotton, are firmer and of much handsomer texture. The goods on the other side are so filled with sizing that when they come to be printed the shrinkage is enormous, averaging, is is said, fully one-fifth, while the shrinkage of the American cloths is comparatively trifling, averaging at the outside not over 5 per cent. In fact so high an opinion have the English manufacturers of the cottons made on this side that they not unfrequently place upon their foreign shipments the American trademark in order to dispose of them to better advantage.

Under the practical operation of the proposed reduction of the present tariff this condition of affairs would be immediately changed. England would flood our markets with her poorer goods produced by cheaper labor, and cripple the power that now provides for the home markets and sends a surplus abroad. The foreign demand for our staple products will, at best, be only a secondary consideration, and can never compensate for the loss of the greater demand at home, destroyed by a reduction of the tariff for the benefit of British importations, and the unlimited introduction of foreign manufactures.

### IRON AND STEEL INDUSTRIES.

Following the Morrison bill in the order of its arrangement, the next attack is upon our iron and steel manufactories. The duties on the line of iron and steel and manufactures thereof are reduced by the proposed tariff, on a year's importations, to the extent of \$1,192,758.40. The duty on rolled iron generally is reduced one-half, bar-iron of the ordinary sizes and forms being placed at one-half cent per pound. Pig-iron is reduced from \$7 to \$5 per ton, or about 30 per cent. This is \$1 less per ton than it was in 1862, and \$4 per ton less than in 1864 and on to 1869, under which our iron-works received an impetus they had never before obtained. The London Times of a late date says:

The high tariff so long maintained by the United States has at length brought her producing power nearly up to her requirements.

But the same paper also remarks that the reduction of the duty to \$5 per ton will enable England to compete successfully in the American markets. This is the object of the framers of the new tariff, and if the bill should ever become a law they will succeed in the effort. Under the present tariff England sends more malleable and other iron, excepting pig, to the United States than she does to Germany, Belgium, France, Spain, and Austria combined. Their own official returns, copied from the London Times, show the following total exports from England for 1870, 1874, and 1875:

Exports of malleable and other iron, excepting pig.

Exports to—	1870.	1874.	1875.
United States. Germany Belgium France Spain Austria	717, 711 149, 548 9, 517 16, 058 27, 628	243, 139 93, 666 23, 979 15, 277 45, 724 6, 794	154, 775 44, 115 492 14, 033 22, 374
Other countries	920, 492 1, 140, 574	428, 579 1, 272, 771	235, 788 1, 275, 490
Tons	2, 061, 066	1, 701, 350	1, 511, 278

In the proposed tariff iron and steel generally are reduced 30 to 35 per cent. of existing rates. In commenting upon the practical results of this reduction, Mr. D. H. Mason, an experienced writer on the subject, remarks in the Chicago Inter-Ocean, in response to the popular voice of the country, that—

It is scarcely necessary to say that such reductions would be absolutely ruinous in the present state of these industries. The magnificent establishments that have grown up within a few years in this city and in other localities in the West would be closed without a hope of re-opening. Possibly the older works of the East would hold out for a few months, but every business man knows that a reduction of the duties on iron and steel of 30 to 50 per cent. of existing rates would bring heavy importations immediately from England, Belgium, and Germany to stock the market at ruinously low prices, the great object being to silence our own production and compel a surrender of the whole field to foreigners hereafter. If, in effecting this result, temporary losses to the foreign producers became necessary, they would be cheerfully submitted to. After the control of the market was secured they could make such prices as they pleased and amply re-imburse themselves.

Yet, with these facts before us, the proposition is to throw open our markets and obtain our supplies of iron and steel manufactures from other countries, while iron-ore and coal are more abundant in the United States than in any other portion of the globe, and the capacity for manufacturing is fully equal to the present and prospective demand.

But labor is better paid here than elsewhere, and a reduction of the tariff would only open our markets to be supplied with the products of the cheaper labor of other countries. Is it not wiser to sustain our present tariff and give our own workmen the opportunity of manufacturing for the home market and for others wherever our goods are wanted? We have long depended upon England for the principal proportion of our iron and steel, hardware and cutlery; but under

the effects of the present tariff the tables are turning, and our manufacturers are finding ready and profitable markets in that country. Referring to American competition with Sheffield, the newly elected president of the chamber of commerce of that city asserted in his recent inaugural address that it is not at all likely that Sheffield will ever again have anything like the trade with the United States she formerly enjoyed. Twenty years ago an American hardware-store contained chiefly Sheffield, Birmingham, and Wolverhampton goods, while a small space in the back part of the premises was devoted to American "notions." Now the state of affairs, says the president, is reversed. The Sheffield and Birmingham goods are put in a "corner," while the manufactures of America and Germany have extended so as to fill nearly the whole store. The newly elected president of the chamber of commerce of Sheffield went on to say that he had never seen, in all his experience, any article turned out of a well-established and reputable factory in the United States "that was not good of its kind." And articles such as files, table cutlery, &c., made only by hand in Sheffield, are produced by machinery in the United States. That the trade of Sheffield has been seriously affected by the en-

That the trade of Sheffield has been seriously affected by the energy, enterprise, and skill of American manufacturers is an established fact, and is receiving additional corroboration every day. The testimony of the English periodicals on this subject should be received as conclusive. Referring to it, the Ironmonger says that "in the management of the Bessemer 'plant' the Americans must be yielded the palm; and this palm was yielded even by the English steel-masters themselves at their great Barrow meeting. The real truth is that the Americans have learned how to make steel rails as well if not better than Englishmen, and there is no good to be obtained by hiding the fact." This concession is from an English source. In remarking upon it, the Pittsburgh (Pennsylvania) Daily Dispatch of a late date says:

a late date says:

The cautious admission quoted above was drawn out, it appears, by a recent report on the metal trade made by the American consulat Sheffield. The manufacturers of steel there had for some time experienced a great falling off in the amount of sales they made to Americans; but they did not anticipate that they would lose the trade of this country altogether, as they are very likely to do within a short time. According to the published figures there has been a rapid decline within three years in the importation of English steel. In 1873 Sheffield sent steel goods to this country the value of which is estimated at considerably more than eight millions and a quarter of dollars. In the following year her exports to this country were something over six millions, and last year they only amounted to \$3,456,160, being a reduction in three years of about \$5,000,000. But what is more encouraging is the fact that for a period of eleven months "not a single ton of Sheffield rails has entered the country. For the last nine months of 1873 and 1874, respectively, the value of the rails imported hither was \$1,311,890 and \$1,136,610."

Supposing the Morrison tariff had been in operation, would the facts of the case be as they are here stated? It is true the stringency of the times may have had something to do in checking the importation of Sheffield steel; but a protective tariff was the main cause. It is this that has given us the control of our own markets, and is enabling us to compete successfully abroad; a thing unknown under the operation of the low tariff prior to 1862.

## LEAD AND COPPER.

In the Morrison tariff the duty on lead and manufactured lead goods is reduced 30 and up to 50 per cent., except on one unimportant quality of pigs and bars; another direct blow at a valuable home industry.

On copper in plates, bars, ingots, and pigs the duties are reduced from 5 cents per pound to 2 cents, while copper ore is transferred over to the free list in the provision for the admission, duty free, of "mineral and bituminous substances in a crude state, not otherwise provided for."

Here a double blow is dealt at this new and important industry. The larger portion of the duty is removed from prepared copper, and copper ore is transferred to the free list. It is arranged that copper "not otherwise provided for" shall pay a duty of 30 per cent. ad valorem. This would make on ingots, cakes, pigs, and bars between 4 and 5 cents per pound duty. But the effect of this is very ingeniously got round by allowing "plate" copper to come in at 2 cents per pound. It is easy to see that plates can be made to such thickness as to be merely cakes rolled once, in which form copper, in large quantities, would reach our markets at a duty of only 2 cents per pound; and an easy and effectual way it would be to ruin the copper-producers of our own country and close up the mines.

But the severer blow is that aimed at our mining industries in the copper regions, by far the greater portion of which lie within the district which I have the honor to represent here. They, together

But the severer blow is that aimed at our mining industries in the copper regions, by far the greater portion of which lie within the district which I have the honor to represent here. They, together with those other industries which represent the hundred iron mines, the numerous blast-furnaces and rolling-mills, are spread over the upper peninsula of Michigan, and give employment and homes to laborers representing a population of nearly eighty thousand souls. There the mineral native copper is obtained either in masses or in

There the mineral native copper is obtained either in masses or in a state of comparative purity, requiring simply a mechanical process to crush and separate it from the rock, when it is at once prepared for smelting into ingots of pure copper, or into cakes, pigs, or bars, to meet the demands of business and the practical arts.

In 1873, there were 14,910 tons of pure metallic copper, in various

In 1873, there were 14,910 tons of pure metallic copper, in various forms, manufactured and sent to market from this region, at a value of \$8,200,500. In 1874, the yield was 17,327 tons, 4,500 tons of which were exported abroad, and the balance, 12,827 tons, were worked up at home in the prosecution of our own industries in the various sections

of the country. In 1875 the product was 17,500 tons, and the amount exported a trifle in excess of that of 1874.

It is proposed now in the Morrison tariff to admit copper ores free

Nothing is clearer to the intelligent mind than that this will of duty. not only close nearly every copper mine in the country, but utterly

preclude the idea of ever utilizing the rich ores of many of the western Territories.

Already the Chili copper mines in South America are supplying England with copper; and under the system of cheap peon labor there, Chilian copper ores can be landed in Baltimore and in other tide-water cities of the United States, and there smelted and placed on the market in direct competition with the product of the Lake Superior mines, at less cost than it could be delivered in those places or any other part of the Union, or the Chilian care can be carried. or any other part of the Union; or the Chilian ores can be carried to Swansea, there smelted, and imported under the two-cent-per-pound provision of the bill.

It will throw some light on this question to show here what rela-It will throw some light on this question to show here what relation the Chilian mines already bear to the copper industries in some other portions of the world, especially England, and the relation they will bear to our own country, if copper ores should be transferred to the free list of imported goods. A recent number of the official paper, published in Houghton County, Michigan, and edited by J. R. Devereux, esq., furnishes the following reliable statement:

LAKE SUPERIOR COPPER REGION AND THE TARIFF—CHILI AND ENGLAND CONSIDERED.

LAKE SUPERIOR COPPER REGION AND THE TARIFF—CHILI AND ENGLAND CONSIDERED.

The mineral statistics of the United Kingdom of Great Britain and Ireland for the year 1874 have just been received. The information generally is of interest to those concerned in mining, but we do not propose to dwell on anything but what directly reflects on copper mining.

The returns published include 119 copper mines, distributed as follows: In England 100, Wales 11, and in Ireland 8. The total quantity of copper ores produced in the year was 78,521 tons, worth to the sellers £336,415, and producing after being smelted 4,981 tons 11 cwt. of ingot copper. Comparisons with our own mines will not be out of order; and here we would remark that the copper ores obtained and smelted from all the mines in question equal just one-third of the quantity of rock stamped in the same year by the Calumet and Hecla mine. The yield of fine copper from the mines of the United Kingdom is equal to nearly half the amount produced by our leading mine in the same year. This shows the importance of this one mine in our midst, and gives an idea of the magnitude of the concern that we cannot obtain looking at it every day, without comparing it with the contide world.

The returns from the whole number of mines show a falling off from the preceding year (1873) of about 5 per cent., the fine copper produced being 269 tons less. This, however, does not apply to the two counties of Devon and Cornwall, which for the past year or two have maintained their position as producers. In 1872 Chili bars averaged £92 per ton, and that price encouraged the copper miner, especially as in the year before the same brand of metal sold as low as £64 per ton. The stimulus lent by the better price then admitted of a check in the downward career of the Cornish mines, which unless again applied will soon be evident.

For the ten years ending 1873 at Chili bars averaged £78 l0s. The latest reports quote them at £81 10s., and the figures of last year, compared with the results of copp

Subjoined are the figures referred to:

	10	118 (	VI.6.
In 1865.	Devon and Cornwall	59,	409
In 1874,	Devon and Cornwall	53,	281

Showing that in 1874 the quantity of copper ore raised in the two counties was only one-third of the quantity produced in 1865. Can anything show clearer than this that the English copper mines cannot live with the prices that have ruled on an average the ten years in question!

A glance here at the returns of copper from Lake Superior for the same years cannot be amiss:

A glance at the Lake Superior copper industry will show the disastrous results that must inevitably follow the introduction of copper ores free of duty. Up to the discovery and working of the Calumet and Hecla deposit, investments in the copper region had been

for the most part a losing business. Out of all the numerous ventures by capital in that way, but two or three mines had succeeded in making any return for the expenditures; and in those instances of success the profits were not extravagant as against the risks in-curred. This was the state of things more than twenty years after the curred. This was the state of things more than twenty years after the opening of the work of the copper region. It was the condition of affairs when by the act of February 24, 1869, Congress, in view of the distressed condition of the copper interests, after a very animated and protracted controversy, passed over the Executive veto what was then known as the "copper-tariff" bill, which fixed the precise duties which the Morrison bill proposes either to reduce or abolish. That bill was passed because of the fact, which was then demonstrated, that our industries were being crippled and threatened with complete ruin by the competition of the ores which this bill proposes to put on the free list. the free list.

For the year 1868 the Lake Superior mines produced only 9,985 tons of pure copper, as against 17,327 tons for 1874 and 17,500 tons for 1875. At that time this industry was regarded with distrust, and must, unaided by favorable legislation, have sooner or later been abandoned; and, instead of adding, as it does now, millions of dollars annually to the wealth of the nation, and of enabling us to compete successfully for a price for our surplus in the markets of the world, both Government and people would be to-day at the mercy of the other copper-producing countries, where labor costs less than half that it does in

the United States.

To-day there are but two mines to be relied upon for dividends outside of the Calumet and Heela. These are the Quincy and Central, and they make but a small return. All of the remaining portion of the investments in copper mines—and the amount is millions of dollars—afford no returns but hope, which never dies, or certainly that

would not remain to most of them to this time.

It is notoriously true that the business of mining is one of great risk, requiring the prospect of a large return to invite capital, which would otherwise prefer a venture giving a smaller but safer and surer

And now, with the duty on copper as it stands to-day, the two mines that were for many years the only successful ventures of the region, Cliff and Minnesota, having been abandoned, and only two, Central and Quincy, making small returns, save the Calumet and Hecla, the cost of production being at least seventeen cents per pound at the market for these two, it is evident that, if the duty on copper should be abrogated, or reduced even, the result on every interest outside of the Calumet and Hecla mine must be unmitigated ruin. It is not possible in such a case that any industry of this region, save the Calumet and Heela, could work for any considerable time, and the Government would thus crush out of existence—for through this whole country the effect would be the same—every copper mine but the Calumet and Hecla, which would then be its only reliance for that mineral. And how soon that might fail the history of the Minnesota and the Cliff affords some evidence.

Could anything be more unwise than such a course for the Government to pursue, or more destructive for the mines? While the siren hope still leads them on the great mass of the mines, though making no return for the investment—only promising well for the future—still add their portion of material wealth to the country, are still producers, and employ and pay the labor. Disturb this position, leave only one mine in the region at work, and labor will at once assume a new phase, and the Calumet and Hecla will no longer produce cop-

per at the present figures.

It would be the most unwise thing for the Government and the most unjust thing for the mining industries to remove or reduce the duty. It may be remarked further that the Cliff mine was abandoned by some of the most sagacious business men in this country as being unprofitable to follow longer; and the inducement that brought new capital to the investment was the protection which the Government extended to the copper interest. Without that this mine would be a ruin and a wreck to-day. It has been worked four years by the present company; and if the duty is removed the property will become worthless and the original investment will be sunk. Labor will be sent elsewhere to find employment—three hundred men are now employed—and the additional wealth that the conner raised gives to the

ployed-and the additional wealth that the copper raised gives to the country ceases. The Cliff is only an instance of capital recently invested in abandoned mines and new ventures. The result will be the same in every case.

SILK AND SILK GOODS.

This industry is of comparatively recent origin in our country. The fact, however, that mulberry orchards could be successfully cultivated, and silk-worms propagated to advantage, has long been known from actual test. But it was not until the tariffs of 1862 and subsequent

actual test. But it was not until the tariffs of 1862 and subsequent years increased the duties on imported silk and silk goods that attention to any considerable extent was given to the culture and manufacture of silk in the United States. The silk industry has from that period steadily increased up to the present time.

Of the average annual value of silk goods used—amounting to about \$60,000,000—one-half of the entire quantity is now manufactured in the United States. At the rate at which this industry has been developed during the last decade, there is no reason to doubt that in a few years more, under the present tariff, the American product will be equal to the entire demand, with a large surplus for export. But under the proposed tariff it is not possible that this indus-

try can long survive against the large increase of imported silks that will inevitably take place. Imported silk goods that are now paying a duty of 35 per cent. will, under the proposed tariff, be admitted at a duty of 25 per cent. Goods paying 40 will enter our markets at 30; and those silks now charged 50 and 60 per cent. will be admitted at 40 per cent. duty

Those familiar with the facts know that this comparatively new enterprise cannot successfully, under the reduced rates of duty, compete with France and other countries that have for centuries devoted their capital and cheap labor to the production of silk fabrics. It is unreasonable to expect such a result. Our silk industries must be protected or they must be abandoned. The new tariff reduces the annual receipts for duties on imported silk goods to the extent of \$4,234,674.04. No intelligent person has the presumption to claim that the home industry can long survive this radical reduction of the tariff under which our silk factories were built up and their products increased up to the aggregate of \$30,000,000 per annum.

### WOOL AND WOOLEN MANUFACTURES

On wool and woolen fabrics, including carpetings, the annual duties undergo a reduction of \$8,259,087.70, by the proposed change of tariff. On first and second class wools the duties are reduced about 50 per cent. This aims a serious blow at one of the important farming interests, and sends the manufacturers abroad for their supplies ing interests, and sends the manufacturers abroad for their supplies of wool, now obtained mainly at home. Our average annual product of wool, according to the best authorities, is 177,000,000 pounds, which, at the present average price, nets the farmers an annual income of \$50,000,000. The proposed reduction of the tariff will enable the wool-growing districts of the Argentine Republic to stock our markets with wool from that quarter, raised at comparatively little cost by the naked and poorly fed "peon" laborers of La Plata. To show the strength of the competition from that quarter it is only necessary to quote the expect of wool from Busnos Ayres and note its essary to quote the export of wool from Buenos Ayres, and note its rapid annual increase, as follows:

Exportation of wool from Buenos Ayres.

Years.	Number of bales.	Observations.
1832. 1840. 1850. 1854-55 1855-56 1856-57 1858-59 1858-60 1858-60 1858-76 1858-76 1860-761 1861-762	33, 273 37, 835	Increase in 8 years, 280 per cent. Increase in 10 years, 380 per cent. Increase in 5 years, 62 per cent. Increase in 1 year, 20 per cent. Increase in 1 year, 14 per cent. Year of the European crisis. Increase in 2 years, 11 per cent. Year of epidemic. Increase upon the anterior year, 58 per cent Increase upon the anterior year, 52 per cent Increase upon the anterior year, 21 per cent Year of epidemic.  Increase upon the anterior year, 52 per cent Increase upon the anterior year, 53 per cent
1864-'65 1865-'66	130, 532 144, 167	Increase

The bales weigh on an average 400 kilograms.

This is down to 1866; but subsequent years indicate a similar increase, though the exact figures are not at my command.

We can see clearly in this statement the source of our supplies under the operation of the proposed tariff, and can have no difficulty in estimating the disastrous results that will follow to the agricultural interests of our own country.

Another effect will be the decrease of the present supply of mutton, with a corresponding increase in the cost of this and other table meats. It is not the farmer and the wool manufacturer alone who will suffer, but the entire people.

But the wool and the nutritious food are not the only benefits derived from successful sheep-raising. It has been fully demonstrated that sheep, through the peculiar nutritiousness of their manure and the facility with which it may be distributed, are found to be the most economical and certain means of solving the highest problem in agriculture-that of constantly renewing the productiveness of the in agriculture—that of constantly renewing the productiveness of the land. It is estimated on good authority that fifteen hundred sheep folded on an acre of land for twenty-four hours, or one hundred sheep for fifteen days, would manure the land sufficiently to carry it through four years' rotation. It was the sagacious Thiers who said—

The agricultural industry of France cannot dispense with sheep.

The threatened destruction of this industry in our own country cannot fail to inspire the farmers and the people generally with the most serious concern.

With rare exceptions the wool manufacturers do not ask a reduction of the duty on wool. Our home product of wool under the fostering effects of the present and former tariffs, has been so increased in quantity and quality that they prefer the existing adjustment of the tariff on wool and woolen manufacturers to any change that can be

A reference to the proposed tariff will show that as with wool so with woolen and mixed fabrics the tariff is reduced 25 to 35 and even

Since 1862, under the increased tariff, our wool-manufacturing mills have been doubled in their number and capacity, while the increase in the quantity and variety, and the improvements in the quality of their products have kept pace with the enlargement of their facili-ties. Three-fourths of our annual consumption of woolen and mixed goods (the aggregate of the home and foreign supply amounting to \$240,000,000) are the product of our own mills and factories; and our facilities are capable of supplying the entire consumption of the country. Yet our free-trade advocates would open our markets to half-paid labor competition from abroad, close the doors of our mills, and turn our thousands of operatives upon the streets, as has already been done on several memorable occasions through the operation of low tariffs.

Contrary to the claim of the advocates of free trade, that a high tariff permanently increases the price of the home and foreign prodnct, it is daily demonstrated by actual experience that, with rare special exceptions, the effects are directly the opposite. Under the operation of the protective tariffs of the last decade, we are not only, as has been stated, producing double the quantity of woolen and mixed goods each year, but the qualities are better, the varieties greater, and the prices are lower in most cases, measured by a gold standard, than they were ever before in this country, and cheaper even than imported goods, until the imported article has undergone an actual reduction in price in order to effect sales in our markets. I will quote from a carefully-prepared article in the Republic Magazine in support of the well-established fact here presented. The writer remarks

John L. Hayes, esq., of Boston, secretary of the National Association of Wool Manufacturers, in a recent report on the progress of American manufactures, says: "We have, since the protective tariff of 1862, succeeded in making the European palace carpet, known as the Axminster carpet, superior in strength and wear to the French carpet, and in beauty and finish so exact a copy of the original that, side by side, it is difficult to detect any difference. These, "says Mr. Hayes, "we make at so low a cost that we have compelled the manufacturer of the foreign article to reduce his price a dollar or two a yard, although the American Axminsters are frequently put upon the market and sold for the foreign article." In Brussels and other rich and expensive carpets similar results have been reached, and the prospect now is that, as in the case of iron, cutlery, steel shovels, watches, clocks, sewing-machines, &c., our carpets will soon find profitable markets on the other side of the Atlantic.

Of home manufactures there has been brought out within the last five years a

the Atlantic.

Of home manufactures there has been brought out within the last five years a very large class of dress goods, embracing nearly every variety required for ladies' wear. "Our silks," says Mr. Hayes, "our lusters, our serges, and a great variety of cotton stuffs, of a class not made in this country at all until within the last five years, challenge comparison with any similar goods made abroad. And in the article of carpets," he continues, "I say without hesitation that we surpass the manufacture of any other country on the globe. But the great fact to be looked at," he adds, "is that we have not only done all this, but we have been enabled to make these goods cheaper through the competition that grows out of our protective system."

these goods cheaper through the competition that grows out of our protective system."

If the reader, in any of our larger cities where a wholesale business is done, will take the trouble to make inquiry, he will find that flaunel goods (and they are the basis of cloths and other woolen fabrics) are on a goid value from 15 to 20 per cent. cheaper now than they were in 1860. This fact is well known to the wholesale trade, though retail establishments may not have so informed their customers. The same is true of many other descriptions of manufactures. Says Mr. Hayes:

"We make all our undergoods, stockings, hosiery, and goods for underclothing, amounting to some \$40,000,000. Three or four years ago we made no goods of the class that are made atted to the form; but we have succeeded in making those, also, not by hand, but by machinery, and surpassing in quality any goods of the kind that are made abroad. The result of this has been that American competition has actually reduced the prices of the foreign articles."

This is our experience under a protective tariff; and when our currency, at no distant day, reaches a gold value, the prices of all staple and most of the minor articles of manufacture will range lower than at any former period in our history, excepting on extraordinary occasions under the pressure of a crisis or other unfavorable circumstances. Free traders may continue to spin fine theories, but Alexander Hamilton was right when he said that under protection, "the internal competition which takes place soon does away with everything like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital invested."

MARBLE IN BLOCKS AND SLABS. MARBLE IN BLOCKS AND SLABS.

Marble abounds in our own country, and has become an important industry; yet it would appear that the framers of the proposed tariff prefer to have our supplies brought from abroad. During the last year there were paid into the United States Treasury \$205,049.86 in duties collected on imported marble. The duty is 50 cents per cubic foot. The Morrison tariff reduces it to 30 cents. The increased importation under the reduced tariff cannot fail to seriously injure, if not wholly destroy, the home industry, especially in the districts near the sea-coast.

## PENCILS AND PENS.

Last year a revenue of \$61,389.83 was derived from imported pencils of wood filled with lead; but on an importation of a similar quantity under the Morrison tariff there will be a loss of revenue amounting o \$19,481.12.

On the year's importation of imported metallic pens the loss of revenue will be \$15,847.98. These reductions of duty will be made up y increased importations; but the effect will be to largely defeat the efforts of our own manufacturers of pencils and pens, and throw the business into the hands of foreigners. Whatever operates to diminish the number of artificers at home tends to impoverish the industrial We have the materials and facilities to manufacture all the pencils and pens required in the country. It is not so much the loss of revenue as the transfer of our industries to our foreign competitors that the proposed tariff aims to accomplish. Under its operation importations will be largely increased; but in the same ratio our home industries will be diminished, and our artisans and their families be made to suffer for want of employment. "Protection benefits the state by giving employment to the people."

#### OUR SOAP INDUSTRY.

All the plain and fancy soaps required should be manufactured at home, yet the returns show that during the last fiscal year \$147,845.80 were collected and paid in gold into the Treasury as duties on imported soaps. It is now proposed to decrease the aggregate receipts of revenue from this source to the extent of \$40,280.40. This will increase the importation and take the bread out of the mouths of our own soap manufacturers and their families.

#### ADDITIONS TO THE FREE LIST.

On articles transferred to the free list in the proposed tariff duties were collected during the last fiscal year to the amount of \$2,468,098. But this is as nothing compared with the disastrous results that must inevitably follow to many of our important and minor industries. But, lest I should be charged with a manifestation of undue alarm, I will quote the discriminating views of D. H. Mason, esq., of Chicago, who has given much attention to the subject. He says, correctly, that—

has given much attention to the subject. He says, correctly, that—
The folly and wickedness of the bill generally, as regards the greater industries of the country, as iron, wool and woolens, cottons, and the like, is exceeded when it comes to the proposed free list, in which a large number of leading articles now chiefly and in some cases wholly produced in this country are hereafter, if the bill should pass, to come from abroad. The immediate result would be to close the great chemical works, the manufactories of paints, drugs, oils, dyes, and the thousand like establishments that altogether make up an enormous aggregate of business. In many of these cases an entire independence of foreign supply has long been established, and the consumption of the country is almost wholly of its own production. In others, and this is true of most of them, there is a small importation; but in all cases the entire removal of the duty would be followed by large importations, for the time breaking the price low enough to silence our own manufactories, and then followed by an advance in price when they became masters of the field. The long catalogue of such articles now paying duty and proposed by this bill to be made free aggregates not less than two hundred millions in value as now manufactured in the United States, giving employment to 100,000 persons. Such is but an illustration of one of the classes of interests which these charlatans trifle with.

#### RECAPITULATION.

An analysis of the proposed tariff, under a comparison with the present rates of duty, gives the following results:

Decrease of duty from the actual receipts of the fiscal year 1875. Add amount duties not collected during eight months and three days under the provisions "less 10 per		\$18, 454, 081	72
cent."— Cotton goods	3, 591, 465 69		
CopperLeadWool	545, 887 23		

Increase of duty ..... 20, 038, 580 85

It will be observed that the "increase of duty" is not upon goods now paying duties, but mainly upon tea and coffee, which are now admitted free of duty, and ever ought to be, so long as they do not come in competition with home products of the same articles. The amount of duty proposed to be collected from these two items is \$19,216,701.14. So in future, if the proposed tariff goes into operation, the poor man's family will be taxed heavily for these two important articles of daily consumption.

Aside from the tax proposed to be levied on tea and coffee, the increased duties amount to only \$821,879.71, while the decrease for the year is over \$26,000,000. Practically, however, even if tea and coffee should not be taxed, there will be little or no decrease in the aggregate receipts. The duties from the increase of importations, now unusually large, will overcome the reductions proposed in the tariff, and in a very few years return a larger customs revenue than that now collected. The Morrison tariff is an invitation to foreign manufacturers to surfeit our markets with imported wares and the opporfacturers to surfeit our markets with imported wares, and the opportunity will be promptly embraced. The extent of its evil tendencies can scarcely be measured; and the country now appeals to the wisdom of this Congress to save the people from a practical realization of its fearful consequences.

Free-trade propagandists are energetically laboring to impress the people with their dogmas, and they are not without converts among the salaried classes, who are made to believe that free trade will reduce prices and increase the purchasing power of their salaries or wages. They forget that the very first tendency of a low tariff is to fill our markets with foreign products and not only reduce wages but transfer the labor to foreign countries. This has invariably been our experience in the past under low tariffs, and will be again if the

Morrison reduced scale of duties should be allowed to go into operation.

Having impartially considered the proposed tariff in detail, it will be in place now to devote the few minutes more allowed me to a brief consideration of some of the fallacies of the free-trade theories in connection with the claims of the protective policy to the confidence and indorsement of the people.

## FREE-TRADE FALLACIES—OUR FOREIGN COMMERCE.

One of the arguments most persistently adhered to by free-traders One of the arguments most persistently adhered to by free-traders is in support of their favorite dogma that "protection destroys foreign commerce." Like most of their claims, this one is without foundation. Our tariffs have been higher, very much higher, during the last fourteen years than ever before. During this period the increase

in our foreign commerce has been great beyond precedent. Here are the official figures showing the results:

Fourteen years under partial free trade.

Fiscal year.	Domestic exports.	Import entries.	Exports of imports.
1848	\$132, 904, 121	\$154, 998, 928	\$21, 128, 010
1849	132, 666, 955	147, 857, 439	13, 088, 865
1851	136, 946, 912 196, 689, 718	178, 138, 318 216, 224, 932	14, 951, 808 21, 698, 293
1852	192, 368, 984	212, 945, 442	
1853	213, 417, 697	267, 978, 647	17, 289, 382 17, 558, 460
1854	252, 047 806	304, 562, 381	24, 850, 194
1855	246, 708, 553	261, 468, 520	28, 448, 293
1856	310, 586, 330	314, 639, 942	16, 378, 578
1857	338, 985, 065	360, 890, 141	23, 975, 617
1858	293, 758, 279	282, 613, 150	30, 886, 142
1859	335, 894, 385	338, 768, 130	20, 895, 077
1860	373, 189, 274	362, 166, 254	26, 933, 022
861	228, 699, 486	335, 650, 153	20, 645, 427
Total	3, 384, 863, 565	3, 738, 902, 377	298, 727, 168

### Fourteen years under protection.

Fiscal year.	Domestic exports.	Import entries.	Exports of imports.
1862	\$213, 069, 519	\$205, 771, 729	\$16, 869, 466
1863	305, 884, 998	252, 919, 920	26, 123, 584
1864 1865	320, 035, 199	329, 562, 895	20, 256, 940
	323, 743, 187	248, 555, 562	32, 114, 157
	550, 684, 277	445, 512, 158	14, 742, 117
	438, 577, 312	417, 833, 575	20, 611, 508
	454, 301, 713 413, 961, 115	371, 624, 808	22, 601, 126
	499, 092, 143	437, 314, 255 462, 377, 587	25, 173, 414 30, 427, 159
1870 1871	562, 518, 651	541, 493, 708	28, 459, 899
	549, 219, 718	640, 338, 766	22, 769, 749
1873	649, 132, 563	663, 617, 147	28, 149, 511
1874	693, 039, 054	595, 861, 248	23, 780, 338
1875	643, 094, 767	553, 906, 153	22, 433, 624
Total	6, 616, 354, 216	6, 166, 689, 511	334, 512, 592

These are extraordinary and significant results. They are silent but unanswerable arguments against the free-trade theories and in favor of the protective policy. There is not only an unprecedented expansion of exports and imports, but it will be observed that in nearly every year the exports exceed the imports during the later period of

high-tariff experience.

But this is not all. The development of every other branch of our industries during the last fourteen years of high tariffs has been equal to, and in many cases even greater than, the increase in our foreign commerce. Protection indicates development and prosperity. Free trade means a surfeit of foreign-made goods, closed factories at home, idle workmen, and hungry families.

## INTERNATIONAL COMPETITION AND NATIONAL SELF-PROTECTION.

International competition is a system of peaceful warfare. The present English policy is a system of peacetil warrare. Each nation considers only its own interests in the struggle for ascendency. The present English policy is a system of so-called free trade, but her batteries of factories were erected, put in successful operation, and fully established in advance of other nations, under the most rigid and thorough system of protection ever maintained against foreign competition. At a subsequent period, when her manufacturing power had become thoroughly developed, the grand idea was conceived of making that the manufacturing center of and for the world, to which all raw material should come, and from which all manufactured goods would be exported for the use of the entire human family. Ireland and her West India and other colonies were prohibited from refining their own sugar or manufacturing their own goods. Carey, in his Social Science, says:

In his Social Science, says:

The first attempt at manufacture in the American colonies was followed by interference on the part of the British Legislature. In 1710 the House of Commons declared that "the erecting of manufactories in the colonies tended to lessen their dependence on Great Britain;" and the board of trade was ordered to report upon the subject. In 1722 the exportation of hats from province to province was prohibited and the number of hatters' apprentices limited. In 1720 the erection of any mill or engine for splitting or rolling iron was prohibited; but pig-iron might be sent to England duty free, thence to be returned in a finished form. Later Lord Chatham declared that he would not allow the colonists to make for themselves so much as even a single hobail.

When by these and other arbitrary measures England had obtained supremacy over the world in her manufacturing industries her pro-tective policy was relaxed, and a system of free trade was proposed tective poincy was relaxed, and a system of free trade was proposed to the world, with an invitation to all other governments to follow her example. The proposition was not accepted. Other nations, under the policy of protection then and still in vogue, put forth their efforts to increase their own manufacturing facilities, and have sucenors to increase their own manufacturing facilities, and have succeeded in competing successfully against the odds already obtained in England by prior development.

Failing in securing a system of free trade with other nations, England's next resort was to international commercial treaties, in which

she was partially successful. France and some other powers were forced or persuaded to modify their existing tariffs to some extent,

much to their subsequent regret.

Such are some of the means adopted by England to secure free trade with other portions of the world. Our own country has never yielded its right to control its own foreign commerce, although it has been for years and still is the objective point to which England's energies have been directed in order to secure a reduction of our tariffs. At the present time the Cobden club is doing much to mislead the public mind, both in America and elsewhere, and mold the popular sentiment in favor of free trade. It has already in its membership 691 persons, of whom 496 are residents of Great Britain, and 195 of various foreign countries, embracing the United States 56, Australia 3, Austro-Hungarian Empire 12, Belgium 10, Brazil 2, Canada 2, Denmark 2, Egypt 1, France 36, Germany 14, Holland 12, Italy 14, Mexico 1, Norway 2, Portugal 5, Russia 8, Servia 1, Spain 9, Sweden 4, and Switzerland I. Some of these members are men of enormous opulence, as Baron Lionel N. de Rothschild, Nathaniel M. de Rothschild, M. P., and A. T. Stewart. A very wide range of pursuits are represented in and A. T. Stewart. A very wide range of pursuits are represented in the list of names—members of Parliament, princes, public functionaries, Representatives in Congress, foreign ministers, college professors, editors, and so on—clearly evidencing the vast power and extent of combination existent in the association, and the energetic influences which can be made to proceed from its deliberate action. Its objects, its mode of operation, and the character of its work are thus outlined in the "Report of the committee of the Cobden club, presented at the annual general meeting, June 26, 1875," as follows:

out filled in the "Report of the committee of the Cooden cito, presented at the annual general meeting, June 26, 1875," as follows:

During the year 1874 the committee distributed the following works:

1. Professor Thorold Rogers's Cooden and Political Opinion, (820 copies,) presented to the members of the club and to the free libraries.

2. Bastiat's Essays on Political Economy, a selection in English, (3,000 copies,) presented to members of the club and to free libraries, to workingmen's clubs, mechanics' institutes, &c., at home, in the United States, and in the colonies.

3. The History of England from 1832 to the Present Time, by Rev. W. Nassau Molesworth, (100 copies,) presented to the free libraries.

4. The Financial Reform Almanae for 1874, (3,000 copies,) presented to the members of the club, to the free libraries, and workingmen's clubs, &c.

5. Report of the Proceedings at the Dinner of the Cobden club, 1874, (Right Hon. W. E. Baxter, M. P., in the chair,) with the committee's report of the work of the club from its foundation, and an appendix relating to free trade in the colonies, (15,000 copies,) circulated among the members of the club and the various libraries, public institutions, associations, &c., with which the Cobden club is in communication, at home and abroad.

Since the beginning of the present year the new series of Cobden club Essays on Local Government and Taxation, which was announced in the last report, has been published, (2,000 copies.) The volume has been presented to all the members of the club, and to the free libraries at home and some of those in the United States, in the colonies, and on the continent. The number of copies sold from the publishers (312) will be found entered in the statement of receipts and expenditures up to the present date, which will be laid on the table.

The committee are glad to state that the work has been received with approval; and they desire to return their cordial thanks to the writers of the essays, to the literary committee, and to Mr. J. W.

The Financial Reform Almanac for 1015 (1,000 copies) has been purely distributed as before.

At the last general meeting the committee submitted the following proposals with regard to the future action of the club:

"1. To publish in a cheap form a selection from Mr. Cobden's speeches and works, and books and pamphlets calculated to further the cause of free trade, for circulation in Great Britain, the United States, and the British colonies.

"2. To assist in promoting lectures and publications on political economy and instituting rewards for essays in accordance with Mr. Cobden's views.

"3. To communicate with friends in other countries with a view of circulating free-trade publications and helping on measures likely to promote international amity."

free-trade publications and helping on measures likely to promote international amity."

With reference to the first proposal, the committee have communicated with Mr. Henry Richard, M. P., who reports that he is actively engaged in collecting and preparing the correspondence of Mr. Cobden for publication. The committee will lend their best aid in promoting this work.

The committee also propose to issue a revised edition of Sir Louis Mallet's Essay on the Political Writings of Cobden. Five thousand copies will be circulated. In order to carry out the second proposal, the literary committee has been empowered to offer prizes in connection with the lectures on political economy and English history, organized in several of the large provincial towns by the Cambridge University Extension Syndicate, the prizes to consist of sets of standard books relating to the subjects taught.

With a view to giving effect to the last proposal, the committee have authorized a translation to be prepared of the Hon. David Wells's speech on the "Results of Protection in the United States," delivered before the Cobden club 27th June, 1873, and 2,000 copies to be printed and circulated in Italy, where the interests of commerce are immediately threatened by the proposals of the Italian government in the direction of a protective tariff.

The gold medal of the Cobden club has been awarded to M. Michel Chevalier for his eminent services in the cause of free trade.

Here we obtain some knowledge of the efforts made by this wealthy and zealous organization in behalf of England's policy of free trade. Its efforts are directed more persistently against the United States than any other country. It is stated on reliable authority that the club is in communication with 256 public libraries in the United States, the Free-Trade League in New York, the Young Men's Free-Trade Association in Boston, various diplomatic representatives, Trade Association in Boston, various diplomatic representatives, members of Congress, and nearly all of our educational institutions. Among its members in the United States are: C. F. Adams, J. Q. Adams, Boston; H. Adams, Harvard University; Professor A. L. Perry, Cambridge, Massachusetts; E. Atkinson, Boston; S. Bowles, Springfield, Massachusetts; W. C. Bryant, New York; J. D. Cox, Cincinnati; Hon. S. S. Cox, New York; W. L. Garrison, Boston; W. M. Grosvenor, Saint Louis; J. T. Hoffman, C. T. Lewis, Manton Marble, R. B. Minturn, C. H. Marshall, J. S. Moore, New York; Charles Nordhoff, James Redpath, Washington; A. Pell, jr., Mahlon Sands, A. T. Stewart, New York; Professor W. G. Sumner, New Haven;

George Welker, New York; H. Watterson, Louisville, Kentucky; David A. Wells, Norwich, Connecticut; Horace White, Chicago; Professor Woolsey, LL.D., New Haven, Connecticut; David D. Field, New York; Hon. L. F. Foster, Norwich, Connecticut.

This is but a portion of the Cobden club membership in the United States. Working through the New York Free-Trade League, it has

States. Working through the New York Free-Trade League, it has co-operative agencies distributed over the Union, with an extensive, comprehensive, and energetic propagandism in full aggressive operation. Its publications are regularly supplied to the libraries of our literary and educational institutions, and are largely read and used as text-books on political economy by professors and students. Referring to its aggressive operations in the Western States, the Chicago Inter-Ocean says:

Inter-Ocean says:

It has influential representatives in all the strongholds which command the public mind: in the pulpit, in the press, in the college, in the counting-room, in the circle of diplomacy, in the ranks of authorship, in the legal profession, and even in Congress. And what is the ultimate object of all this association and combination! Hidden as it may be under adroit phrases and sincere as may be some of the votaries of free trade, the ultimate object is to abolish all custom-houses, to repeal all tariffs on imports, to open all ports indiscriminately to the entrance of foreign goods, in order that Great Britain—with its vast mercantile navy, its numerous insurance companies, its extensive network of branch houses, agents, factors, and banking facilities, its astute devices of consular action and diplomatic manipulation—shall become a sort of commercial sponge to soak up the profits of the world's exchanges by obtaining, through these overwhelming advantages, a monopoly control over many foreign markets. All this is projected to be accomplished in the prostituted name of "the freedom of commerce."

So much for the instrumentalities put forth by England in order to create public sentiment in the United States against the established policy of protection to our own home industries. If our democrat friends in this House will appoint another investigating committee, and direct it to trace the proposed new tariff to its origin, they will find that it was compiled under the inspiration of this same English free-trade club, with the approval of the New York Free-Trade League. It was subsequently submitted to David A. Wells for revision, and Mr. Wells is the active representative in the United States of the Cobden club, and a zealous co-operator with the New York Free-Trade League.

WILL CONGRESS RELINQUISH AN ESTABLISHED POLICY TO GRATIFY ENGLAND ?

One of the paramount obligations of Congress is to guard the interests of the people; and a leading quality of successful statesman-ship is ability to plan and carry out those measures which will best accomplish this object.

It is now conceded by every disinterested patriot in the land that

reasonable legislative protection to American industries should be the established policy of the Government. This principle has always been recognized as the basis of our prosperity. It was the aim of our earliest statesmen. Washington, in his first messsage to Congress, said:

The safety and interest of the people require that they should promote such manufactures as tend to render them independent of others for essential, particularly for military, supplies.

The first act of the First Congress was prefaced by a preamble, declaring its object as follows:

Whereas it is necessary for the support of the Government, for the discharge of the debt of the United States, and the encouragement and protection of manufact-urers, that duties be levied on goods, wares, and merchandise imported.

In his second message to Congress Washington used this language: Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to insure a continuance of their efforts in every way which shall appear eligible.

Dr. Franklin, in 1771, thus expressed his views on the subject:

It seems the interest of all our farmers and owners of land to encourage our young manufactures, in preference to foreign ones imported among us from distant countries.

In 1779 Alexander Hamilton wrote as follows:

To maintain between the recent establishments of one country and the long-matured establishments of another country a competition on equal terms, both as to quality and price, is in most cases impracticable. The disparity in the one or in the other or in both must necessarily be so considerable as to forbid a successful rival-ship without extraordinary aid and protection from the government.

Henry Clay, in 1824, in one of his unanswerable speeches on the importance of protection, said:

Into most desirable that there should be both a home and a foreign market. But with respect to their relative superiority, I cannot entertain a doubt. The home market is first in order and paramount in importance. \* \* \* But this home market is first in order and paramount in importance. \* \* \* But this home market, desirable as it is, can only be created and cherished by the protection of our own legislation against the inevitable prostration of our industry, which must ensue from the action of foreign policy and legislation. \* \* If I am asked why unprotected industry should not succeed in a struggle with protected industry, I answer: The fact has ever been so, and that is sufficient; I reply, that unform experience evinces that it cannot succeed in such a struggle, and that is sufficient. If we speculate on the causes of this universal truth, we may differ about them. Still the indisputable fact remains. \* \* \* The cause is the cause of the country, and it must and will prevail. It is founded on the interests and affections of the people. It is as native as the granite deeply embosomed in our mountains. General Jackson in 1824 wrote:

General Jackson, in 1824, wrote:

It is time that we should become a little more Americanized, and, instead of feeding the paupers and laborers of England, feed our own.

James Madison, in 1828, said:

A further evidence in support of the constitutional power to protect and foster manufactures by regulations of trade—an evidence that ought in itself to settle the question—is the uniform and practical sanction given in that power, for nearly forty years, with a concurrence or acquiescence of every State government throughout the same period and, it may be added, through all the vicissitudes of party which marked that period.

Mr. Adams, in a report from the Committee on Manufactures to Congress, in 1832, said:

And thus the very first act of the organized Congress united with the law of self-preservation, by the support of the government just instituted, the two objects combined in the first grant of power to Congress: the payment of the public debts and the provision for the common defense by the protection of manufactures. The next act was precisely of the same character: an act of protection to manufactures still more than of taxation for revenue.

Daniel Webster, in 1833, thus appealed to Congress in behalf of American labor:

The protection of American labor against the injurious competition of foreign labor, so far, at least, as respects general handicraft productions, is known historically to have been one end designed to be obtained by establishing the Constitution; and this object, and the constitutional power to accomplish it, ought never to be surrendered or compromised in any degree.

Abraham Lincoln, on being nominated to the Legislature of his State, in 1832, in a speech said:

I am in favor of the internal improvement system and a high protective tariff.

In three compact sentences, defining the wants of the country, President Grant thus expresses his views:

A duty only upon those articles which we could dispense with, known as luxuries, and those of which we use more than we produce.

All duty removed from tea, coffee, and other articles of universal use not produced by ourselves.

Encouragement to home products, employment to labor at living wages, and development of home resources.

Thus from the lips of Presidents and statesmen, in all periods of our country's history, we have abundant evidence of the indorsement of the policy of protection. It has always been accepted as the national, or, as Clay expressed it, the American system; and its advocates were never more strongly impressed with its importance as the basis of national prosperity than at the present time.

In looking for the cause of this we find it in the evidence afforded by the fact that, as has already been shown, our manufacturing facilities have been doubled in the last fourteen years, and a vast number of new and important branches of industry have been successfully added to those already in existence. We also find that our foreign commerce has increased a hundred per cent. in the same period and that our exports exceed our imports. Again it is shown that a wide foreign market is opening up for the sale of manufactured goods, while the foreign demand for agricultural products has increased to an average value of \$450,000,000 per annum.

it a mark of statesmanship, therefore, or even of ordinary wisdom, to destroy, or even reduce, the protective features of an established tariff policy that has contributed so largely to the general development of the country? It will be well to "make haste slowly" in this movement, and consult well the voice of the country before the contemplated radical changes in the tariff are adopted, to be

regretted when it may be too late to remedy the error thus committed.

Mr. FOSTER. Mr. Chairman, when the bill now under consideration was reported to the House I stated that its general scope was sustained by the minority of the committee, and that while we were willing to join the majority in a radical reduction of expenditures we could not fully sustain the bill, and that we should move amendments in various places, which, if adopted, will add perhaps one or one and a half millions of dollars to the bill; that notably the proposed appropriations for the Internal-Revenue Bureau were so much reduced as to seriously jeopardize the successful collection of the revenue. A more careful analysis of the bill since it has been printed confirms my opinion that amendments should be made as then suggested. The republican members of the committee entered upon the task assigned them with an earnest determination to make such reductions in the working force of the various Bureaus as was possible without injuring their efficiency. They appreciated to the fullest extent the de-pressed condition of the industries of the country. They further appreciated the fact that all business enterprises were economizing to the utmost limit and that in consequence of this depression and economical tendency the revenues would necessarily be reduced. They also appreciated the fact that the country demands a reduction of expenditures to the lowest possible limit consistent with the proper working of the Government machinery.

Mr. Chairman, entertaining these views they have, as attested by the honorable chairman of the committee, discharged the high trust conferred upon them without regard to the interest of any party, but

On this question we have planted ourselves on a purely business basis. The minority of this House stand to-day ready and willing to aid the majority in the reduction of appropriations to the lowest possible limit consistent with the proper conduct of public affairs. saying this I do not contend that we are perfect in our judgment, but I intend to exercise my best judgment in the direction here indicated, and shall act in this House in accordance therewith, and what I say for myself I concede to others on both sides of the House.

This much I have said, Mr. Chairman, because our friends on the other side have charged the minority with being the enemies of reform. What interest have the majority in economical government that we have not? Why should we want extravagant appropriations more than they?

Mr. Chairman, the country will judge us fairly. The majority cannot afford to reduce the expenditures of the Government to such an extent as to cripple the working of the machinery thereof any more

than we can. Then why should we not approach this subject as intelligent business men, as I hope we all are, without seeking party advantage? Let us make these appropriations as carefully and judiciously as if it were a matter purely personal to ourselves. The chairman of the committee, who has during his long service here been the advocate of high salaries, may talk himself hoarse in protesting his submission to the will of the people in vain if in his humiliation he goes to the other extreme and by his action cripples the governmental machinery. Should his action have this result, he will next year bow his head still lower in humble submission to public judgment when he is called upon to act upon a flood of deficiency bills.

It is due the great party that has so successfully governed the country for the past sixteen years to say that its policy has been that of a steady and safe reduction of the force of Government employés since the culmination of numbers and expenses was reached in 1867. If it had control of this House to-day this policy of reduction would be strictly and inexorably adhered to. Since 1867 the reduction in the number of employés of the Treasury Department, exclusive of the Bureau of Engraving and Printing, has exceeded twelve hundred, and the reduction in cost has now reached about one and a half millions of dollars. In the other Departments affected by the bill before us the reduction made since 1867 has been probably one thousand in numbers, at a saving of more than one million of dollars; making a grand total in reduction of more than twenty-two hundred in numbers, and an annual saving of two and a half millions of dollars. As we recede from the years of immense clerical force demanded by the results of war, we have annually reduced the number and cost of em-

ployés as the business would permit.

These measures of economy have been the result of the action of the legislative branch of the Government while under the control of the great party to which the nation owes its existence toaday, and in this policy of economy the executive branches have cordially co-operated. The Secretary of the Treasury has annually called the attention of Congress to the necessity of frugality and economy in expenditures, as witness the following from his last annual report to this Congress

The Clerk read as follows:

The Clerk read as follows:

Frugality in administration is among the foremost and most important points of a sound financial policy. Faithful collection of the revenue and reduction of expenditures to the lowest point demanded by the necessities of government, constitute the first duty of those intrusted with making and administering the law. The obligation to adhere strictly to this duty has peculiar force while the public indebtedness is large and the industries of the country are suffering from financial depression. Rigid economy at such a time must lead to two important results: first, advancement of the credit of the Government throughout the financial world, and hence ability to refund the debt at a lower rate of interest; second, and by no means least in importance, greater willingness on the part of the people to bear the burden of taxation, when they see that their Government, like themselves, is reducing expenditures to the lowest practicable point, and applying the revenue received from them to its necessary and legitimate purposes. The general depression of business which followed the era of inflation and extravagance, through which we have just passed, has made it necessary that individuals, associations, and corporations should reduce their expenditures to the minimum; and, having done so, the tax-payers have a right to demand that the Government shall do likewise. While the interest on the public debt, and all other national obligations, must be promptly met, there are many points at which it is believed that considerable reduction of appropriations can properly be made; and the Secretary invites critical examination of all the estimates submitted to Congress. Increase of public expenditures in time of great prosperity and extravagance is accomplished by an easy process; but a corresponding reduction when the reverse comes can be brought about only by the closest vigilance and most determined resistance to every appeal for appropriations not required by the existing necessities of government.

Mr

Mr. FOSTER. This, Mr. Chairman, is sound advice, such as I trust this House will approve. The Secretary not only gives us good advice, but he acts upon it himself. The chairman of the committee referred to the fact that the appropriations for the collection of the customs were made permanent and do not pass annually under the various of Congress. Whether it is wise or not to change the present review of Congress. Whether it is wise or not to change the present form (which I understand has existed from the beginning) of making these appropriations I will not stop to discuss, but I do know that in the exercise of the discretion therein conferred on the Secretary of the Treasury he has reduced the number of employés engaged in the collection of the customs so that the annual saving will reach one and a half millions of dollars. Yet, Mr. Chairman, this very officer, with such a splendid record on the very question now so interesting to our friends on the other side, was not consulted when this bill which so much affects the Department over which he so ably presides was being prepared. I do not improperly divulge committee secrets when I say that the committee has been met by the republican Bureau officers, when their advice was sought, with a most commendable spirit; and while they could not assent in all cases to the radical reductions proposed by the committee, they have without a single exception suggested reductions in their several Bureaus, and I might with propriety add that the committee have met as much difficulty in endeavoring to satisfy their democratic friends, the officers of this House, as they have encountered from any of the republican Bureau officers

Mr. Chairman, having said this much in a general way, I propose now to discuss the bill somewhat in detail, and first let me call the attention of the House to an error in the statement made by the chairman of the committee, unintentionally no doubt, but a very important and serious error. When he introduced the bill he made this statement:

We have been able to make full comparison with the estimates for next year and the appropriations of the current fiscal year. The estimates as furnished for sub-

jects embraced in this bill from the Departments amounted to \$20,773,306.70. The appropriations for the purposes embraced in this bill for the current fiscal year were \$18,734,422.20. The appropriations which we recommend for the adoption of the House are \$12,799,833.61—a reduction upon the estimates of about \$8,000,000 and upon the previous appropriation of about \$6,000,000.

Now what are the facts? I call the attention of the committee to the last page of the bill, where it will be seen by referring to the item "for the Court of Claims, contingent expenses and pay of judgments," the amount appropriated last year was \$435,390. The estimates for the year ending June 30, 1877, are \$2,035,340. The amount appropri-ated by this bill is \$31,000; not one cent to pay judgments of the Court of Claims, simply an appropriation for the running expenses of

the court.

I now call attention to the appropriations for the operations of the mints and assay offices. It will be seen by reference to next but the last page of the bill, under the item "for the mints and assay offices," that there was appropriated last year \$1,220,145; that there was estimated for the year ending June 30, 1877, \$1,592,945; and that there is appropriated by this bill \$728,810. The mints and assay offices in this country, the assay offices particularly, are practically self-sustaining; that is to say, the charges cover the expenses. In the first place, this bill reduces the expenses for labor very largely, as illustrated by the gentleman from Pennsylvania, [Mr. Cochrane.] I thoroughly agree with him in his strictures upon that feature of this bill, reducing the pay of laborers in these mints. Very grave reasons should be made manifest to justify the striking down of this reasons should be made manifest to justify the striking down of this

branch of the service of the country.

But my purpose in calling attention to this assay-office appropriation was to have the House understand that a very large appropria-tion is made that does not appear in the footings of the bill. Under the lead of my colleague, the late able chairman of the Committee on Appropriations, [Mr. Garfield,] a genuine reform was established in the matter of making certain classes of appropriations. Instead of appropriating the revenues from any given branch of the service for the maintenance of the service from whence the revenue came, he adopted in lieu thereof the policy of compelling the revenue to be paid into the Treasury and appropriations to be made therefrom—a sound principle, and one which ought not to be deviated from under any ordinary circumstances. Now this so-called reform of the committee proposes, on page 36 of the bill, as follows:

And refining and parting of bullion shall be carried on at the mints of the United States and at the assay office, New York; and it shall be lawful to apply the moneys arising from charges collected from depositors for these operations, pursuant to law, to the defraying in full of the expenses thereof, including labor, materials, wastage, and use of machinery.

This clause probably appropriates all the difference between the sum estimated for and the sum appropriated by this bill. If you will deduct from the \$2,035,000 estimated for to pay judgments of the Court of Claims—for which no appropriation whatever is made by this bill—the \$31,000 appropriated for the running expenses of the court, we will have a difference of \$2,004,000, which by every reason of fairness should be deducted from the statement of differences of appropriations. If you will also add the amount appropriated by the provision of the bill which I have just read for mints and assay offices, there will be \$844,000 more to be added to the bill. Therefore, instead of there being a reduction of \$8,000,000 from the estimates, it is a reduction of but \$5,000,000.

The same course of reasoning brings about the following result in reference to the appropriations made by this bill compared with those of last year: The appropriation made last year to pay judgments of the Court of Claims was \$435,000; the appropriation made this year for the expenses of the court is \$31,000; a difference of over \$400,000. The amount appropriated by the provision of the bill which I have read is \$728,000, making about \$1,000,000, which by every reason of fairness should be deducted from the \$6,000,000 of reduction that the chairman of the committee claims is made from the amount appropriated last year. The chairman, therefore, should have stated that the reductions from the appropriations of last year was \$5,000,000 instead of \$6,000,000, and that the reduction from the estimates for

the year ending June 30, 1877, was \$5,000,000 instead of \$8,000,000. What does this bill do? We have the statement of the chairman, which you all remember and which I do not care to read at this time, in which he says that the committee adopted the unvarying rule of a reduction of 10 per cent. on the salaries and of 20 per cent. on the force of employés. What is done in the bill by that unvarying rule? I have here a table which shows that in the Bureaus of the Treasury, War, Navy, Post-Office, Agriculture, and Department of Justice there is a reduction of the number of employés of 1,034. The 20 per cent. rule of reduction would be 809, thus showing that 225 persons are to be thrown out of employment over and above the unvarying rule of 20 per cent. adopted by the committee. In all the Departments there are 5,185 clerks and employés, and we find by this bill a reduction of about 1,400. Twenty per cent. of the total amount of the employés would be 1,036, thus showing that this bill proposes to throw out of employment 364 more persons than would be thrown out if the unvariable rule by which the committee has been governed had been carried out in the bill.

We find also that in the various Departments the number of employés whose salaries are not reduced by this bill is 1,802; the number whose salaries are reduced is 1,209. The percentage of reduction on the salaries of the number reduced is certainly more than 15 per cent.

What has really been the principle that has governed the com-

mittee in the matter of salaries in the preparation of this bill ? I undertake to say that the chairman has unintentionally misled the House in saying that he has followed an unvarying rule of reduction of 10 per cent. on the salaries. To the rule of the committee, as stated by the chairman, there are numerous exceptions. The committee has gone back to 1865, 1863, 1857, and 1855, and ascertained what the salaries were at these dates, and then deducted therefrom 10 per cent. Take many of the chiefs of divisions in the various Bureans of the Treasury Department, for instance, and in the War Department and other Departments, whose salaries within the last few years have been increased to \$2,100 and \$2,400, or thereabouts. We go back to 1865 and find that their salaries at that time were \$2,000, and we have taken therefrom 10 per cent. That is the principle upon which the committee has acted, and that accounts for the very large percentage of reduction of salaries as shown by this table.

The chairman of the committee claims great credit for coming in

here and putting his party, as he proposes to do, upon record for a reduction of 10 per cent. upon their own salaries. Why, sir, if the policy which this committee adopted in preparing this bill is carried out in regard to our own salaries, we must go back to 1865 and previous thereto and find out what our salaries then were, \$3,000 each. If the majority desire to be consistent, take from this sum your 10 per cent. and then come into this House with your bill; you will then be consistent. I want to say that if the principles adopted in this bill are approved by the House I shall, if no other member does, move a reduction of 10 per cent. from \$3,000, the salary as fixed when that of the clerks was fixed, from whose pay we now deduct 10 per cent. If this is done the committee can boast of a further reduction of nearly \$700,000.

Curiously enough, I find that the salaries of the first, second, third, and fourth class clerks and of the two-thousand-dollar chiefs of divisions were fixed in 1855 and in 1857, in good old democratic times, when the cost of living in this city was certainly 33 per cent. less than it is to-day. Those salaries have come down to us through all these years. If they constitute an abuse, it is one that has been inherited from the democratic party. We to-day propose to make this reduction upon these salaries which were fixed in 1855 to 1865, and then go to the country claiming a great credit for reducing our own salaries 10 per cent! There is no consistency in this House, if the principle of this bill is adopted, unless we make our own salaries \$2,700.

Now, Mr. Chairman, there is an abuse, the mileage abuse, that ought to be corrected. I hope I do not violate the secrets of the committee-room when I say that the minority tried to remedy it, and we shall seek to remedy it in this House. There are members on this floor who receive more as mileage than other members of the House do as pay and mileage put together. One of the good results of the "salary-grab bill," and about the only thing there was in it that the people approved, was the removal of this mileage abuse. Now, the minority of the committee propose to substitute actual expenses for mileage, in lieu of the present vicious system of payment of

Now let us take up this matter a little in detail and see what the result is. I will take first the State Department. In that Department there are to-day one hundred and sixteen employés at an annual cost of \$135,360. There are recommended in this bill seventy-six employés at an annual cost of \$87,470, a reduction of forty in number, an annual cost of \$47,890—a reduction not of 20 per cent. in numbers, but of 35 per cent., and 35 per cent. in cost. Now I undertake to say that if there is any Department of the Government that has the confidence of the country, it is the Department of State. Every gentleman who is acquainted with the workings of that Department will agree with me that it is carefully, economically, and prudently managed. I doubt not myself that reductions may be made there as elsewhere; but I want to say that neither the able head of that Department nor any one of his employés was ever consulted when this bill was being prepared. Up to this day not a single member of the committee has consulted with the Secretary of State upon this subject.

Take the Treasury Department. In the office of the Secretary of the Treasury there are employed to-day four hundred and eighty-four persons. The bill proposes to reduce the number to three hundred and seventy-seven, a reduction of one hundred and seven. But, to be entirely fair in getting at this percentage, I want to say that the committee, and especially my friend from Indiana, [Mr. HOLMAN,] were very "sweet" upon the charwomen of that Department. The number of these has been ninety, and when the proposition was made to reduce that number, for some reason or other our friends on the other

side opposed the reduction.

Mr. HOLMAN. Does my friend from Ohio [Mr. FOSTER] mean to intimate that as to these old ladies employed to sweep out the Department he was in favor of reducing the number?

Mr. FOSTER. I was not.
Mr. HOLMAN. Then the gentleman from Ohio agreed with his colleagues on the committee in letting the old ladies hold their places.

Mr. FOSTER. Certainly.
Mr. HOLMAN. That is my recollection.
Mr. FOSTER. It is my recollection too. I remember, also, (as we have got into committee secrets a little,) that when the proposition was made to reduce the number of charwomen in the State Department from twenty to ten, I objected to it, but the gentleman from Indiana insisted upon the reduction. But, as I said, the gentleman

from Indiana was "sweet" on the charwomen of the Treasury De-

Mr. HOLMAN. I have no recollection as to the charwomen of the State Department. My friend seems to have watched with great vigilance that portion of the bill relating to the ladies employed in the various Departments.

Mr. FOSTER. I only alluded to the course of the gentleman from

Indiana on this subject—

Mr. HOLMAN. My friend should mention, however, that it is not the clerks of the Department he is speaking of, but the old ladies who at the close of office hours go into the Departments to sweep out the buildings.

Mr. FOSTER. Certainly.
Mr. HOLMAN. I will not say what transpired in the Committee on Appropriations; but I do not remember that my friend from Ohio was the champion of the charwomen of the State Department, though

he may have been.

Mr. FOSTER. I gave the gentleman from Indiana the credit of being the champion of the charwomen of the Treasury Department. I simply wanted to say that, after deducting the charwomen, as to whom no reduction was made, the number at present employed is 354, and the force proposed in this bill, deducting the charwomen, is 287, the percentage of reduction being 26 per cent., not the "invariable rule" of 20 per cent.

Now, neither the Secretary of the Treasury nor any one of the employés of his Department was consulted while this bill was being prepared. He himself, in a commendable spirit, proposes reductions; but what do we do? To-day there are in the Secretary's Office ten chiefs of divisions. They are men surrounding the Secretary of the Treasury to whom are referred the various branches of business that have to be conducted in that office. They are his eyes, his ears, his judgment; men upon whom he must rely for facts and even for law. The number of these chiefs has been reduced to five. The Secretary of the Treasury says that he can reduce the number to eight, but that

he cannot successfully run that Department with any less number.

Now, Mr. Chairman, after considerable examination of this Office, I
want to say to the House that I believe it is the worst policy that can possibly be inaugurated to reduce below a proper number this class of officers or to diminish their pay. We throw upon the Secretary of the Treasury more work than one hundred men are physically able to perform. He must rely upon this class of employés for his judgment upon matters that come before him. A mistake on the part of these men, a want of integrity on their part, would in a single in-stance cause the loss of ten times all that we might save by the re-

duction of their salaries.

I would first secure for these places men of capability, men of integrity; and I would pay, as a business man always does under similar circumstances, the amount necessary to obtain them. The bill proposes to reduce these officers to five. The Secretary of the Treasury says he cannot run that Department with less than eight. This is the Secretary who of his own motion, in a part of the appropriations where he has discretion, has reduced the cost of the collection of your cus-It has discretion, has reduced the close of the concentral of your customs more than a million and a half of dollars. Now, Mr. Chairman, I am willing to take the judgment of that Secretary as to what his force ought to be. He meets us in a commendable spirit. He is willing to make certain reductions—a large reduction I might say. He may be willing to come down to 20 per cent.; but he cannot successfully run his Office with a reduction of 26 per cent. He speaks for himself in the following letter:

himself in the following letter:

TREASURY DEPARTMENT, March 15, 1876.

Sir: I have the honor to invite your attention to the very large reduction, both in the number of employés and the compensation, of those to be retained in this Department, as proposed in the legislative, executive, and judicial appropriation bill reported to the House.

The business of the Treasury Department cannot properly be transacted with the force provided for in the bill, and I recommend that the Burcau officers of the Department be allowed to state their views to the committee as to the proposed reduction in their respective Offices.

Referring to the Secretary's Office, about which I can speak with more personal knowledge, I am positive in saying that it will be impossible to perform the duties imposed upon it by law with the number of officers, clerks, and employés allowed by the bill, which reduces the present number by one hundred and seven persons.

While the public business of the Secretary's office can be transacted more satisfactorily with ten chiefs of divisions, I am willing to undertake the task of getting along with eight divisions, and would suggest the consolidation of the divisions of loans and currency and the internal revenue and navigation divisions, leaving eight divisions with chiefs and eight assistant chiefs; and with a less number than this the public interests will suffer.

The present compensation of the chiefs of divisions is not a sufficient remuneration for the duties and responsibilities devolving upon them; but, appreciating the determination of the Committee on Appropriations and the House of Representatives to reduce salaries, I refrain from making any recommendations in that direction, but desire to invite your particular attention and that of the committee to the large and unequal discrimination in the bill against the assistant chiefs of divisions, whose compensation is proposed to be reduced \$600 per annum each, while that of the chiefs is reduced but \$300 each. I recommend that the salary of the

I am, very respectfully,

B. H. BRISTOW.

P. S.—Your special attention is called to the inclosed memorandum respecting the duties of divisions in the Office of the Secretary of the Treasury.

B. H. BRISTOW.

Hon. Samuel J. Randall, Chairman Committee on Appropriations, House of Representatives.

the majority of the committee has adopted. Let us take the Comptrollers. There are four controlling officers among the Departments, the First and Second Comptroller, the Collector of Customs, and the Auditor for the Post-Office Department. Let us examine the reductions we make in these different Offices. The First Comptroller now has a force of 49 persons; we reduce the number to 39, a reduction of 20 per cent. The Second Comptroller has a force of 73 persons; we reduce the number to 48, a reduction of 34 per cent. in numbers and of 40 per cent. in cost. The Commissioner of Customs, another controlling officer, who controls the expenditures of as large sums as any one of the other officers, has 32 persons employed under him; we reduce the number to 21, a reduction of 34 per cent. in numbers and of 40 per cent. in cost. The Sixth Auditor has 243 persons employed under him; we have reduced the number to 226, a reduction of 7 per cent. in number and of 15 per cent. in cost.

There are some strange inequalities in this "unvarying rule" which he majority of the committee has adopted. Let us take the Comp-

Now I cannot understand why these discrepancies exist. There is another and remarkable feature about this matter. In the First Comptroller's Office the deputy formerly known under the name of chief clerk received \$2,000 a year until changed to \$2,800 by the Kellogs bill last year, a salary fixed, I think, in 1857, and which was never raised, except upon the percentage paid in 1867 or 1868, until raised by the Kellogg bill, as above. We propose in this bill to reduce his salary 7½ per cent., a reduction of \$200. So with the Second Comptroller. But we take the deputy comptroller of the Currency by the troller. But we take the deputy comptroller of the Currency by the nape of the neck and reduce his salary from \$3,000 to \$2,250, a reduc-

tion of 25 per cent.

The deputy commissioner of customs is paid \$2,250, a reduction of 10 per cent. The deputy comptroller, as before stated, receives \$2,600. The duties of one are certainly as arduous as those of the others. We can take most of these chiefs of divisions and put them back to where they were in 1865 and take from their pay 10 per cent. But here is a certain class, one or two persons, from whom we only take  $7\frac{1}{2}$  per cent. from \$2,800, when their salaries previously had been only \$2,000.

Take the Comptroller of the Currency. His force is reduced 32 per cent. and 36 per cent. in salaries. The Comptroller states to us that he cannot possibly run his Department with the force we give him, and he makes this statement in a letter to my colleague on the committee from New York, [Mr. Wheeler.] His letter is as follows:

TREASURY DEPARTMENT,

nim, and he makes this statement in a letter to my colleague on the committee from New York, [Mr. Wheeler.] His letter is as follows:

Theasury Department,

Office of Comptioller of the Current,

Washington, February 23, 1576.

Sir: In accordance with your verbal request I inclose herewith the tables desired by you; also, a statement showing the amount of bank-notes which have been received from the engravers and issued to the national banks, and the amount of national-bank notes which have been received and destroyed since the passage of the act of June 20, 1874. From this statement it will be seen that \$191,3346.20 of mutilated notes have been returned to this Office, counted, and destroyed during that period. The amount of national-bank notes received from the engravers during the same time was \$241,332,587 and the amount issued to the banks \$188,266,529, making an aggregate of \$623,983,736 which has passed through the hauds of the employes in this Office during the last nineteen months, or an average of more than \$32,800,000 of currency monthly—a larger amount it is believed than has been received and issued by any Office in the Treasury Department, and a much larger amount of bank-notes than has ever before been counted and issued in any country during the same period of time. The average amount of national-bank notes contained in the vaults of this Office during the present fiscal year is more than \$70,000,000, and the amount held at the present time is more than \$80,000,000. No losses whatever have occurred in the transaction of this immense volume of business, and no complaints have been made, so far as I am aware, by any of the twenty-two hundred national banks, or other correspondents, of incompetency or fraud.

The Comptroller gives a bond of \$100,000 for the faithful performance of his duty and the deputy one of \$50,000. None of the other employees of the Office are required to give bonds. The responsibility for these large sums of money is of necessity delegated, in a great measure, to the chiefs o

The business of this Office, unlike that of many of the Offices of the Treasury Department, is continually increasing, and will, under the present system, continue to increase during the next fiscal year. The amount of national-bank notes to be permanently retired and the amount of bonds to be surrendered will undoubtedly be much greater during the next fiscal year than during the last.

The general depression of business throughout the country, and the consequent financial failures, make it more necessary than ever that the reports of the banks should be carefully examined. The consequent amount of correspondence is therefore greatly increased. The business of the Office is conducted upon the principle of a well-managed bank, and all letters are, as a rule, answered upon the day of their receipt.

of a well-managed bank, and all letters are, as a rule, answered upon the day of their receipt.

The amount of additional force estimated for the last year has proved to be somewhat larger than is necessary, and on this account a number of the employés have been occupied elsewhere in the performance of duty. The number of clerks of the lower grades may therefore be somewhat diminished, and I propose a reduction of nineteen employés: making a reduction of \$18,700.

The chiefs of divisions, the stenographer, and many of the other clerks have been employed in this Office for many years. Their predecessors have been induced by higher compensation to accept positions of trust in other places. Bank officers in this city and elsewhere, whose responsibility is far less than that of those holding similar positions in this Office, receive far greater compensation; and I therefore urgently

request that no other deductions be made from the estimates of this Office than those named herein.

Very respectfully,

JNO. JAY KNOX, Comptroller.

Hon. WILLIAM A. WHEELER, House of Representatives.

National-bank notes redeemed and destroyed from June 20, 1874, to January 31, 1876. Monthly average..... 32 841 249

bill proposes to give him \$1,531,000, a difference of \$620,000. It is proper to add that the Department has consolidated the collection districts in the country to one hundred and sixty-five, and proposes to consolidate them further, down to one hundred and twenty-nine; and that by this consolidation, if carried out by Congress, they can reduce the cost of making this collection to \$1,900,000. The bill proposes to

reduce the number of the collection districts to one hundred and five.

Now, Mr. Chairman, I have always favored the consolidation of the
collection districts to the utmost extent practicable, but I must in this matter be governed somewhat by the able gentleman who presides over that Bureau, and his corps of able assistants. They claim if this reduction is made, as proposed in this bill, it will be impossible to collect the revenues of the country. I give it as my opinion, let it be worth what it may, that it is impossible to successfully collect the revenues of the country on the appropriation here made. I hold in my hand a letter from the Commissioner of Internal Revenue, which contains his protest against this proposed reduction of collection districts to one hundred and five, which I ask to be printed with my remarks:

printed with my femarks:

TREASURY DEPARTMENT, OFFICE OF INTERNAL REVENUE,
Washington, February 26, 1876.

SIE: Referring to the amount asked for the "salaries and expenses of collectors of internal revenue" for fiscal year 1877, I have the honor to state that the original estimate of \$2,151,000 for this service submitted by the honorable the Secretary of the Treasury was conscientiously made upon the basis of the machinery of collection as then duly constituted. It was considered as so near the amount that would probably be actually expended, as to lead to the adoption of a plan of consolidation, which had received much consideration for a considerable period of time, and was the result of much special examination with direct reference thereto, and had also been the subject of many reports to this Office by its agents in different sections of the country.

which had received much consideration for a considerable period of time, and was the result of much special examination with direct reference thereto, and had also been the subject of many reports to this Office by its agents in different sections of the country.

This Office moved slowly in the matter, because of its desire not to allow its earnest wish for economical administration to cripple in any degree the efficiency of the service, or render the enforcement of the internal-revenue laws less thorough and uniform throughout the Union.

There are many circumstances incident to the collection of the revenue in each district that should be fully considered before a decision of the question whether that district could, be judiciously consolidated with other districts without detriment to the service.

This Office from the very nature of things is practically familiar with all such considerations, and by reason of its experience in dealing with such questions and its practical knowledge of the necessities of the service in each district, as well as of the persons upon whom will probably devolve the duty of collecting the revenue in the territory covered by the districts proposed to be consolidated, should be better qualified than any other branch of the Government to advise judiciously adiated intelligently concerning what consolidations, if any, should be made.

The consolidations made as above stated, and which took effect on various dates from December 10, 1875, to February 1, 1876, were as numerous as this Office felt warranted in recommending. It was deemed better to wait and see how these recent consolidations were going to work, and to make further consolidations as fast as experience and other circumstances should render them advisable.

This Office was met by your committee with a proposition on make a reduction in the number of districts from one hundred and sixty-six, the present number, to one hundred and five, thus abolishing sixty-one districts. It has given to this proposition that degree of atte

Another consideration which has weight with this Office is that anything which tends to cause delay in the filing here of the accounts of collectors or which tends to lengthen the time before acts of collectors or their deputics are passed upon by this Office tends to weaken its control over them and to reduce its chances of promptly detecting defalcations and its ability of taking prompt steps to protect the interests of the United States as well as of the tax-payers. This is so because an increase in the area of the territory in the district of a collector increases the time required to obtain the reports from his deputies which are necessary to enable him to make to this Office his reports for the entire district. The check of the collector and is deputies is thus seriously diminished and the liability to loss through them much increased. This delay makes the reports of the collector later in arriving at the Department, and gives him, if so disposed, more time in which to conceal his missioings or in which to escape arrest and punishment if necessary.

As the result is time seen to be to diminish the rigor of the check of this Office upon collectors, and also that of the latter upon deputy collectors, it is easy to see the property of the collector of the collectors and the collectors of the collectors and the collectors of the collectors and the collectors of the collectors of the service, the di

Hon. S. J. Randall, Chairman Appropriation Committee, House of Representatives, Washington, D. C.

I certify that the above is a true copy of original letter, press copy of which is on file in this Office.

D. D. PRATT, Commissioner Internal Revenue.

The next estimate for appropriation on account of internal revenue is for salaries, expenses, and fees of supervisors, agents, surveyors, gaugers, store-keepers, and miscellaneous expenses, \$2,300,000. The bill proposes for this purpose \$1,450,000. These estimates can be reduced \$50,000 on account of the reduction proposed in the bill for the pay of gaugers. It can be reduced \$139,000 more on account of the abolishment of the office of supervisor, which the Commissioner agrees to, but only on condition that he is supplied with an increased force of superial agents. A difference may be made of \$200,000 sioner agrees to, but only on condition that he is supplied with an increased force of special agents. A difference may be made of \$200,000 by the change of gauging, as recommended by the Commissioner; so that a total of about \$350,000 may be properly reduced from the sum recommended by the Department—\$2,300,000. But the Department says, and it is my own judgment after careful investigation, that it is utterly impossible, utterly unsafe, and will jeopardize to a great degree the collection of revenue if we make the reduction as proposed by this bill. The committee will testify with me to the generous manner in which it was met by Mr. Pratt and his subordinates. They met us in a spirit of economy and reform in every respect. They erous manner in which it was met by Mr. Pratt and his subordinates. They met us in a spirit of economy and reform in every respect. They proposed of themselves every possible reduction that could be made consistent with the safe working of that Department. They agreed to a 20 per cent. reduction of their force. But instead of that, we make it 25 per cent. They say to us that they cannot possibly run that Department successfully on the force that we propose to give them, and I propose to take their word.

Now, take the Interior Department, if you please. What is amazing to me in the examination of this Department is to find that the salaries generally speaking in the Interior Department have not

salaries, generally speaking, in the Interior Department have not been increased in the last fifteen years. There are surrounding the Secretary of the Interior eight clerks who to-day are receiving \$2,000 a year each. They are to that Secretary what the chiefs of divisions in the Office of the Secretary of the Treasury are to him. They are

his eyes and his ears and his judgment. To the Secretary of the Inhis eyes and his ears and his judgment. To the Secretary of the Interior is referred more labor than fifty men have the physical capacity to perform, and he must rely upon his chiefs of divisions for advice and coansel. One of these chiefs is disbursing officer, and disburses \$4,000,000 annually. He gives a bond of \$80,000 and supervises the appropriations for the entire Department, drawing his warrants therefor. And yet he receives but \$2,000 to-day, and we propose by this bill to reduce his salary 10 per cent. I say for this Department what I said for the Secretary of the Treasury: I would increase rather than diminish the salaries of these important chiefs about that Secretary than diminish the salaries of these important chiefs about that Secretary. There is no business interest in this country that employs the talent possessed by these clerks for the sum that is paid them.

Take the Commissioner of the Land Office. We reduce his force

about 20 per cent.; and yet there is a law upon your statute-books to-day compelling him to make an index of the records there; and I want to say to this House, what may be a surprise to them: there is no index in that Office, and cannot be, for the reason that Congress has never yet made a sufficient appropriation to make it.

[Here the hammer fell.]
Mr. HOLMAN. I trust there will be no objection to the extension

Mr. HOLMAN. I trust there will be no objection to the extension of the time of the gentleman from Ohio.

The CHAIRMAN. If there be no objection, the gentleman's time will be extended. For how long?

Mr. FOSTER. Only for five or ten minutes.

There was no objection, and Mr. FOSTER's time was extended.

Mr. FOSTER. This Office to-day has not not even a deputy com-

missioner, and yet it is a court, so to speak, adjudicating upon more value than the Supreme Court of the United States. Yet we take that Department where the force ought to be increased, and we reduce it 20 per cent., reducing the salaries also of the chief officers in that Department.

The percentage of high-grade clerks in this Office is much less than any other Bureau of the Government, being but 1½ per cent., while

all the rest run much higher.

I hold in my hand a letter from the Commissioner of the General Land Office protesting against the reduction in his Office, which I will incorporate in my remarks.

Department of the Interior, General Land Office,

Washington, D. C., Margh 14, 1876.

Sir.: Referring to that portion of bill H R. No. 2571, pages 52 and 53, making appropriations for the service of this Office, I desire to call your attention to the following points:

This bill fails to contain the provise of similar bills of previous sessions vesting in the Secretary of the Interior a discretionary power by which this Office was supplied with "copyists" (see United States Statutes at Large, volume 18, page 364) in the following language: "Provided that the Secretary of the Interior, at his discretion, shall be, and he is hereby, authorized to use any portion of said appropriation for piece-work, or by the day, month, or year, at such rate or rates as he may deem just and fair, not exceeding a salary of \$1,200 per annum;" and also fails to provide specifically for that class of clerks.

Consequently, under the provisicns of bill 2571 as it now stands, this Office will at the end of the current fiscal year be deprived of its entire corps of copyists. The result must necessarily be an entire suspension of one class of work and the serious obstruction of several other classes.

The public at large has been notified by my official report. (1875, page 21.) and to a still greater extent by the widespread announcement of the newspaper press, reported from time to time during the past six months, that this Office was engaged in collating the patents remaining on file here and at the several local offices with a view to the delivery of the same to the present holders of the lands.

The sum of this class of patents will comprise from one to two millions, of which there are some 30,000 cases in the State of Ohio; 60,000 cases in Indiana, and 120,000 to 150,000 cases in Illinois, with still larger numbers in Iowa, Missouri, California, &c.

The land-owners in these States, stimulated by the pre-announcement of the purpose of this Office, are aroused to a natural sense of the importance of securing these foundation titles to their possessions, and the correspondence of the Office abundantly shows that they are impatiently awaiting the completion and publication of the lists.

the lists.

At the present rate of progress in the work I shall be ready to deliver the patents for the States of Ohio, Indiana, and Illinois within six or seven months. Deprived of my corps of copyists, my ability to complete or even continue the work after June 30 next will cease entirely.

The proposed reduction of this particular class of employés will also still further postpone the performance of a labor imposed upon this Office by a law which has stood upon the statute-books for forty years, namely, the indexing of the records of patents, now comprising three millions and a half. This labor is required by the act of July 4, 1836; but through insufficiency of clerical force it has never yet been even commenced.

stood upon the statute-books for forty years, namely, the indexing of the records of patents, now comprising three millions and a half. This labor is required by the act of July 4, 1836; but through insufficiency of clerical force it has never yet been even commenced.

In view of these facts, I have the honor to recommend that line 1265 of bill H. R. 2571 be amended by substituting "ninety-six" for "eighty;" and that the proviso hereinbefore recited (pages 1 and 2 of this letter) be added to line 1270.

Upon the matter of the proposed allowance of salary for one draughtsman and one assistant draughtsman under the pending bill. I beg to state that the sum of \$1.400, fixed as the salary of the draughtsman for the ensuing fiscal year, is not sufficient to retain in the service of the Government a person competent to discharge the duties of that place. Not only should the principal draughtsman be conversant fully and thoroughly with the details, practical and theoretical, of the general surveying system of the United States and with the large body of laws controlling the same, but he should be competent as well to test the accuracy of the work and supervise the intricate computations which have to do with the surveys astronomically made of the boundary-lines which from time to time are established under authority of law, and which for all future time are to separate the jurisdictions of the Territories of the United States and of the States hereafter to be created therefrom. In other words, every motive of public economy, safety, and accuracy requires that the principal draughtsman of this Office should be a man of the bigbest scientific attainments in his profession. Such a man, I repeat, cannot be obtained at the salary proposed to be paid.

In my opinion a salary of \$1,400.

I deem itmy duty to further call your attention to the following special matters: In the appropriation for the current year; on the contrary, a clerk at that salary had long been provided for by law, although under a different designation.

I am, sir, very respectfully, your obedient servant,

s. S. BURDETT, Commissioner.

Hon. Samuel J. Randall,
Chairman Committee on Appropriations,
House of Representatives.

Comparative statement of percentage of high-grade clerks in the Departments and Bureaus.

State Treasury	Secretary's office Supervising		2			1000	-														1
State Treasury	Secretary's office		2				100		IIIV	1413	R RE			Tele						V.	Pr.
Treasury	office				 				1		4				10	4				8	
					 	10							6	*****	30	26		19		18	_ 0
Do	Architect.	0.000		100000			15000	100000	1000			1	2		1	2				1	
Do	1st Compt				 1								4		4	10		6		4	
Do	2d Compt				 1								4		4	10		10		6	
Do	Customs				 				1				2			3		6		6	1
Do	1st Anditor.				 				1				2		4	6		. 8		12	
Do	2d Auditor				 				1				3		4	25		40		25	1
Do	3d Auditor				 				1				3		4	15		45		25	
Do	4th Auditor.				 				1				2		1	12		8		8	
Do	5th Auditor.				 				1						2	5		4		6	1
Do	6th Auditor.				 				1				9		4	50		64		36	
Do	Treasurer	2	1	1		1		1	1	2	1	7			22	17		14		51	
Do	Register								1				4		4	8		2		4	
Do	Comptroller.								1			2			6	10		8		8	
Do	Int. Rev		1						7				1		20	30		40		20	
Do	Light-House								1						2	2		1		- 1	1
Do	Statistics								1				1		3	4		6		4	
	Eng. and								1			1								5	
100 100 100 100 100 100 100 100 100 100	Printing	11							T.												
War					 				1				3		5	4		4		12	
Do	A. G. O														10	15		30		110	
Do	Q. M. G														6	8		24		40	
Do	C. G. S				 								1		1	3		4		10	
Do	Surg. Gen				 								1		7	4		6		100	
Do	Ordnance				 								1		3	2		2		6	
Do	P. M. Gen							10000					1		5	6		12		10	
Do	Engineers												1		4	3		3		3	
	230812001011												9	30.000	10	9		10		6	
Interior									î				8			5		5		5	
Do	Land Office .												2		8	22		40		81	
	Pension														20	42		64		100	
	Patent												1	24	4	5	24	20	23	38	
Do	Education												1		2	1		1			1
Post-Office													4	1	17	61		48		63	
Agriculture											Service.		5	130035	7	4	1000	5		14	
Justice												1	3		5						

The only offices graded as low as the General Land Office are the Adjutant-General's, Quartermaster-General's, Surgeon-General's, and Peusion Offices.

We take the Commissioner of Pensions, who receives to-day \$3,000 a year, and reduce his pay to \$2,700. I suppose I am telling no secret when I say that the present Commissioner of Pensions has tendered his resignation, refusing to remain in that office even at the three-thousand-dollar salary; and yet we propose to reduce the salary of this important officer, who has the charge of payments to the soldiers of this country of twenty-nine and a half millions of dollars—

whe propose to reduce his pay \$300.

While I have taken up some Departments of the Government and some of the Bureau officers, it would be nothing more than fair for me to make a statement as to the number of employés that are pro-

posed for this House.

The present force of the Clerk's office is sixty-one; this bill proposes to reduce it to thirty-nine, a reduction of 36 per cent. While this bill takes twenty-two men out of the Clerk's office of the House, it only takes four men out of the Clerk's office of the Senate. The it only takes four men out of the Clerk's office of the Senate. The Clerk of the House is charged with the execution of various duties which in the Senate are performed by the Sergeant-at-Arms; for example, the heating and ventilating department, the Clerk's document room, the telegraph operator and messenger, which in the House are placed under the direction and control of the Clerk, are all in the Senate placed under the direction and control of the Sergeant-at-Arms. If the number of men performing these duties, which in the Arms. If the number of men performing these duties, which in the Senate are performed by persons on the roll of the Sergeant-at-Arms, be deducted from the Clerk's force, it leaves the Clerk of the House, composed of three hundred and two members, a force of thirty-one, while it gives the Secretary of the Senate, composed of only ninety-four members, a force of twenty-six for the performance of similar duties for that body, or a difference of only five men in the Clerk's office of the two bodies, the one composed of three hundred and two members and the other composed of only seventy-four members. Of course the layers the leaves the days the greater the wants of its members and course the larger the body the greater the wants of its members and the greater the force necessary to perform the duties of any office. If any proof were necessary on this point we have only to compare the amount of business done in the House in any given Congress with that done in the Senate. Take the Forty-third Congress for example.

	nced in the House.	
Bills and jo	s of bills introduced in House	1,025
Exces	s passed by House	703

The Journal of the House for the same Congress is three times as

large as the Journal of the Senate.

But again. In the Thirty-eighth Congress the force in the Clerk's office was fifty. The House had one hundred and ninety-six members, while the present House has three hundred and two members. The business and labor of the Clerk's office have increased in a much larger proportion than this increase in membership.

For example, take the number of bills and joint resolutions intro-

duced then and now:

In the Thirty-eighth Congress 995 In the Forty-third Congress 5,053

Take the petitions and memorials introduced then and now. the Thirty-eighth Congress those introduced filled in the file-clerk's room twenty-five boxes; those introduced in the Forty-third Congress filled two hundred and thirty-eight boxes.

Take the Journal of the House then and now. The Journal of the

first session of the Thirty-eighth Congress has 1163 pages; of the Forty-third Congress has 1766 pages. And so in every branch and desk of the Clerk's office has the labor of the office increased corre-

spondingly.

Spondingly.

Yet, notwithstanding this large increase in the business and labor of the office, it is now proposed by this bill to give the Clerk of the House composed of three hundred and two members a force of thirtynine, while the force required for the Thirty-eighth Congress composed of only one hundred and ninety-six members was fifty.

The table which I hold in my hand showing the reductions in the Clerk's office will be printed with my remarks.

Table showing reduction in Clerk's office.

Clerk's office—Present and proposed force.	Presentannual salary.	Proposed sal- ary.	Reduction in dollars.	Percentage of reduction.
Green Adams, Chief Clerk	\$3,600 60 2,592 00	\$2, 250 2, 000	\$1,350 00 592 00	37. 5 22. 8
Elijah T. Keightley, assistant to Chief Clerk John H. Patterson, chief messenger	2, 160 00 2, 102 40	1,800	360 00 2 102 40	16. 6
Charles S. Vorhees, messenger	1,440 00	1, 200	240 00	162
Charles H. Smith, journal clerk	3,600 00	2, 250	1,350 00	37. 5
Daniel Flanagan, assistant journal clerk Neill S. Brown, reading clerk	3,000 00	2, 250	3, 000 00 750 00	25
Thomas S Pettit, reading clerk	3,000 00	2, 250	750 00	25
Henry H. Smith, tally clerk	3,000 00	2, 250	750 00	25
Ferris Finch, file clerk	2,592 00	2,000	592 00	22.8
T. O. Towles, printing and bill clerk	2, 592 00	2,000	592 00	22, 8

Table showing reduction in Clerk's office-Continued.

	nual	al.	n in	of D.
Clerk's office—Present and proposed force.	Present annual salary.	Proposed sal	Reduction dollars.	Percentage reduction
Isaac Strohm, enrolling clerk	\$2,592 00	\$2,000	8592 00	22.8
Thomas B. Dalton, assistant enrolling clerk.	2,160 00	1,800	360 00	16. 6
Theodore F. King, assistant enrolling clerk. Joseph H. Francis, resolutions and petitions. Henry M. Beadle, distributing bills to com-	2, 160 00 2, 160 00	1,800	2, 160 00 360 00	16. 6
mittees	1,800 00		1,800 00	
Thomas M. Baker, newspaper clerk	2, 160 00	1,800	360 00	16. 6
John P. Jeffries, assistant clerk	1,800 00		1,800 00	
Joseph M. Brown, stationery clerk	2, 160 00	1,500 1,200	660 00 600 00	30. 5
John F. Ancona, book-keeper	1,800 00 1,440 00	1, 200	240 00	331 16, 6
Fontaine W. Mahood, folder	2, 520 00	1,800	720 00	20
Edwin L. Jewell, assistant index clerk	1,800 00		1,800 00	
Morgan Rawls, superintendent document-	1 000 00	1 000		13.6
Arthur L. Thomas, folder	1,800 00	1,800 1,200	240 00	16.6
P. H. Winston, folder	1, 440 00	1, 200	240 00	16. 6
David C. Gowdey, folder	1, 440 00	1,200	1, 440 00	20.0
William H. Wiggins, folder	1, 440 00		1, 440 00	
John D. Young, librarian	2, 160 00	1,800	360 00	163
William O. Reeves, assistant librarian	2, 160 00		2, 160 00	
Washington M. Hardy, folder	1,440 00	1, 440		
William H Smith messenger	1,440 00	1,440		
Jacob P Bightsell folder	1,440 00		1, 440 00	
Edward W. Jones, page at Clerk's desk	*2 50			
James A. Dawson, folder	1,440 00			
Henry A. Alcott, messenger	1,440 00		1, 440 00	****
Frank Lamar, folder	1, 314 00		1, 314 00	
George M. Chapman, folder	1,440 00		1, 440 00 1, 440 00	
George W. Parvis, folder	1,440 00 1,440 00	1, 440	1, 440 00	
J. W. Carr, clockman	300 00	1, 110	300 00	
J. F. Knapp, telegrapher	1100 00			
Edward F. Riggs, telegraph messenger	*2 50			1330
William P. Russell, laborer		820		
Franklin Temple, laborer	720 00	720		
Robert Richardson, laborer	720 00	720		
William R. Grubb, laborer	720 00	729		
Nathan M. Lathim, laborer	720 00		720 00	
Sandy Bruce, laborer	720 00		720 00	
Elias Polk, laborer	720 00	1 000	720 00	
George C. Ellison, engineer	1,800 00	1,800 1,200	240 00	16.6
Levi Jones, assistant engineer	1, 440 00 1, 440 00	1, 200	240 00	16. 6
David Small, assistant engineer	1, 440 00	1, 200	1, 440 00	10.0
Eppa Norris, fireman	1,095 00	900	195 00	17. 8
P. M. Higgins, fireman	1,095 00	900	195 00	17. 8
Simeon J. Davenport, fireman	1,095 00	900	195 00	17. 8
Henry C. Bolland, fireman	1,095 00	900	195 00	17.8
Lawrence J. Riley, fireman	1,095 00		1,095 00	
Thomas McKay, fireman	1,095 00		1,095 00	
Total	100, 074 40	54, 450	45, 624 40	22

<sup>\*</sup> Per day during session.

† Per month during session.

Force of clerks now, 61; force under proposed bill, 39. Average reduction of salaries, 21 per cent. Reduction of force, 36 per cent. Reduction of expenses, 45 per cent.

Now, Mr. Chairman, after a great deal of investigation of this subject, I give it as my opinion that a reduction of 20 per cent. of the number of employes can be made if judiciously done. I stand upon that. But I do not believe that upon the reduction as made by the

bill it will be possible to run these Departments successfully.

Mr. TOWNSEND, of Pennsylvania. I desire to ask the gentleman a question if he will permit me.

Mr. FOSTER. Certainly.

Mr. TOWNSEND, of Pennsylvania. I would like to know from the gentleman what is the reason that the clerk of the Committee of Ways and Means the mest important committee in the House is put Ways and Means, the most important committee in the House, is put down to \$2,250, while the salary of the clerk of the Committee on Appropriations is put at \$2,400.

Mr. FOSTER. I would prefer that the gentleman should ask that

Mr. FOSTER. I would prefer that the gentleman should ask that question of my friend the gentleman from Indiana, [Mr. HOLMAN.] Mr. HOLMAN. And I would like my friend from Ohio to answer the question thus: That the clerk, as is well known to every gentleman in the House, including the gentleman from Pennsylvania, the clerk upon whom devolves the most laborious duties in this House, requiring the largest range of experience of all the clerks of the House, is the clerk of the Committee on Appropriations; and that for that

reason, and that only, this discrimination was made.

Mr. TOWNSEND, of Pennsylvania. I always understood that the Committee on Ways and Means was the most important committee of the House and has heretofore been, and if the tariff bill comes up, as it is likely to do, the clerk of that committee will have more duties to perform than the clerk of the Committee on Appropriations.

Mr. HOLMAN Litrust my friend will allow me to say here that

Mr. HOLMAN. I trust my friend will allow me to say here that on any one of the great appropriation bills of the House, any one of them, the amount of labor required to be performed, the range of in-telligent information required to be possessed by the clerk, is to a much greater extent than is required by the clerk of the Committee of Ways and Means in reference to the measures that generally come up before that committee.

Mr. TOWNSEND, of Pennsylvania. It did not use to be so.

Mr. HOLMAN. It certainly is so now and has been so for several

Mr. TOWNSEND, of Pennsylvania. I observe that the salary of Mr. TOWNSEND, of Pennsylvania. I observe that the salary of the deputy first comptroller is cut down only 7 per cent., while the deputy comptroller of the currency is cut down 25 per cent. I would like the gentleman from Ohio to tell me the reason for that.

Mr. FOSTER. Well, I can hardly answer the gentleman from Pennsylvania. I know that the deputy first comptroller is reduced only 7½ per cent. and that the deputy comptroller of the currency is reduced 25 per cent.

Mr. TOWNSEND, of Pennsylvania. I would ask the gentleman from Indiana [Mr. HOLMAN] to answer the question.

Mr. HOLMAN. What is the question? Will the gentleman repeat it?

Mr. TOWNSEND, of Pennsylvania. What is the reason that the deputy first comptroller is only reduced \$200, or 71 per cent., while the Comptroller of the Currency, who has to render large security, is reduced from \$3,000 to \$2,250, or 25 per cent.? I desire to know the reason or principle which induced the committee to make that dis-

reason or principle which induced the committee to make that distinction between the two deputy comptrollers.

Mr. HOLMAN. I will try to state the principle on which it was done. The gentleman from Pennsylvania will not state that the relative salaries, the relation of those salaries, is not reasonable as they stand now. If the gentleman assumes, as was stated by the gentleman from Ohio, [Mr. FOSTER,] that this reduction of salaries has been upon a given per cent., a uniform one, then the question put by the gentleman from Pennsylvania is a very proper one; but that was only gentleman from Pennsylvania is a very proper one; but that was only a very general rule and there are multitudes of exceptions to it in the bill. My friend will observe that those exceptions grow out of the results of our legislation from year to year on the subject of salaries partly, resulting from the running up of a given salary in an appropriation bill. In this manner these inequalities have increased from year to year; so that if the gentleman asks me why one salary is reduced only 7½ per cent. and another is reduced 25 per cent., I will simply say that the reduction was made for the purpose of getting some reasonable harmony in salaries. My friend will not say that the salaries of these Comptrollers are disproportioned at all.

Mr. FOSTER. Allow me to say that the salary of the deputy first

comptroller was raised last year while that of the deputy comptroller of the currency had stood I think at \$2,500 for a number of years. We only reduced it 7½ per cent., and that may be right; I do not know

about it.

Mr. HOLMAN. If the gentleman sets out with the proposition that

Mr. HOLMAN. If the gentleman sets out with the proposition that salaries are all to be reduced on a dead level and a given per cent., then he would find inequalities all through this bill. If he inquires whether salaries are reasonable in themselves or bear proper relation to one another, then I am willing to answer his questions.

Mr. TOWNSEND, of Pennsylvania. I am trying to find out the principle on which the committee acted.

Mr. HOLMAN. The principle has been to fix reasonable salaries. You would be certain to make unreasonable salaries if you reduce them by a given per cent., because inequalities exist through the action of Congress in increasing particular salaries on appropriation bills. Why, only last year the salaries of a whole group of officers were thrown up beyond the proper proportion as regards their salaries.

Mr. FOSTER. That is all very well; but the chairman of the committee told the House that we had adopted an invariable rule.

Mr. HOLMAN. O! my friend from Ohio certainly misquotes the

Mr. HOLMAN. O! my friend from Ohio certainly misquotes the chairman of the committee.

Mr. FOSTER. O! no; I had it read only a few minutes ago.
Mr. HOLMAN. That was only a general principle.
Mr. FOSTER. The general principle in making the bill was a run

and a jump, in my judgment.

Mr. HOLMAN. My friend had as much to do with it as any other gentleman of the committee, and has generally concurred in the principles of the bill.

Mr. FOSTER. O, no!
Mr. TOWNSEND, of Pennsylvania. I desire to inquire from the gentleman from Indiana whether the deputy first comptroller gives any security for the performance of his duties.

Mr. HOLMAN. I think not; I believe the law does not require him

to do so.

Mr. TOWNSEND, of Pennsylvania. Did I not understand the gentleman from Ohio [Mr. FOSTER] to say that the Comptroller of the Currency has to give \$50,000 security?

Mr. FOSTER. I believe so.

Mr. TOWNSEND, of Pennsylvania. Then the salary of the deputy first comptroller is reduced from \$2,800 to \$2,600, giving no security, and the deputy comptroller of the currency from \$3,000 to \$2,250, and has to give \$55,000 security. and has to give \$25,000 security.

I desire to ask another question from the gentleman from Indiana, and it is whether or not the first deputy comptroller, whose salary is only reduced \$200, is a democrat?

Mr. HOLMAN. The first deputy comptroller?

Mr. TOWNSEND, of Pennsylvania. Yes.

Mr. HOLMAN. I really do not know what gentleman holds the office, and I should not regard it a very elevated view of questions of

salary to determine them upon the politics of the gentleman who may happen to hold the office.

Mr. TOWNSEND, of Pennsylvania. I agree to that.

Mr. HOLMAN. I have not gone into that detail.
Mr. FOSTER. Now I want to call attention to one other item in this bill; that is, the appropriations for public buildings and grounds in this District. It will be seen that by this bill very small appropriations are made for this purpose. I want to enter my protest against the action of the Committee on Appropriations in this particular. It throws out of employment

Mr. HOLMAN. Will my friend allow me a moment?

Mr. FOSTER. Let me finish this sentence. It throws out of employment a very large number of laboring people, and it will prevent the maintenance of the present beautiful squares and plots of ground in this city. I do not know what the purpose of my friend from Indiana, [Mr. HOLMAN,] or of the chairman of the committee, [Mr. RANDALL] or of the committee itself is in this reduction. But [Mr. RANDALL,] or of the committee itself is in this reduction. But if they want to extend their economy in this direction, they might

rent they want to extend their economy in this direction, they might rent these plots of ground for cow-pastures, and thus increase the revenues of the Government.

Mr. HOLMAN. I trust the gentleman from Pennsylvania, [Mr. Townsend,] who has asked so extraordinary a question, almost equal to that asked by Mrs. Toby of her husband on a very interesting occasion.

Mr. FOSTER. Let me finish my speech.
Mr. HOLMAN. Just a moment. By this bill the salary of the first
Comptroller of the Treasury is \$4,500, and of the deputy first comptroller \$2,600; the salary of the Second Comptroller is \$4,500, and of the deputy second comptroller is \$2,600. Now, which of these deputy comptrollers, each receiving the same salary, does my friend think has been discriminated for or against because he is a democrat?

Mr. TOWNSEND, of Pennsylvania. I was inquiring concerning

Mr. TOWNSEND, of Fennsylvania. I was inquiring concerning the deputy first comptroller.

Mr. HOLMAN. His salary is fixed by this bill at \$2,600.

Mr. TOWNSEND, of Pennsylvania. Yes.

Mr. HOLMAN. And the salary of the deputy second comptroller is

Mr. TOWNSEND, of Pennsylvania. Yes.
Mr. HOLMAN. Concerning the politics of which one does the gentleman inquire?

Mr. TOWNSEND, of Pennsylvania. I would like to know the poli-

tics of both. Mr. HOLMAN. The gentleman knows very well that it is the cus-

tom of this Administration to retain many officers, such as deputy comptrollers, who differ in opinion with the Administration?

Mr. TOWNSEND, of Pennsylvania. I think, if my friend will inquire to-morrow of the chairman of the Committee on Appropriations,

Mr. HOLMAN. And the deputy first comptroller is a democrat.

Mr. HOLMAN. And the deputy second comptroller also?

Mr. TOWNSEND, of Pennsylvania. I do not know.

Mr. HOLMAN. What is the opinion of my friend on that point?

Mr. TOWNSEND, of Pennsylvania. I have no opinion, for I do

not know

Mr. HOLMAN. My friend must see that the two deputy comptrollers receive by this bill exactly the same salary, \$2,600, and the two Comptrollers receive \$4,500 each. The salary of the two deputy comptrollers is reduced \$200 each and of the two Comptrollers \$500 each. Does my friend see in that any evidence of discrimination in favor of or against any man on account of his politics?

Mr. FOSTER. I cannot yield further. I have but this additional to say: Following the safe precedents established by the republican

party, I repeat that the minority place themselves squarely in the line of retrenchment and reform, and will deliberate on the bill before us in a strictly non-partisan manner, regarding the questions presented simply as business propositions to be determined upon

business principles.
The CHAIRMAN.

The CHAIRMAN. The gentleman from North Carolina [Mr. Scales] is entitled to the floor.

Mr. HOLMAN. I ask the gentleman to yield to me for a few

Mr. SCALES. Certainly, I will do so.
Mr. HOLMAN. While the general temper of the speech of the gentleman from Ohio, [Mr. FOSTER,] who is a member of the Committee on Appropriations, is reasonable and fair, there seems to me to be an unreasonable disposition on his part to create an impression against this bill, such as I think a member of the committee that reported it should not seek to create. Indeed the remarks of the gentleman from should not seek to create. Indeed the remarks of the gentleman from Ohio sounded to me very much like the remarkable suggestion of the gentleman from Pennsylvania, [Mr. Townsend,] that this bill is in some degree, in some of its features, an outgrowth not of the public interest, but of a desire to promote partisan interests.

Now, what can be more unjust than to raise a question of a political character in regard to one of these deputy comptrollers, admitting that

characterin regard to one of these deputy comptrollers, admitting that one of them is a democrat and the other a republican, when the fact is apparent to every member on this floor that their salaries are fixed at exactly the same sum, \$2,600 each? Now, if the object of calling attention to this is to induce gentlemen on that side of the House to oppose this attempt to reduce the expenditures of the Government, we will have to accept it in the spirit in which it is made. But I really trust that the action of this House on this bill, the first impor-

tant appropriation bill of this session which seeks to reduce expenditures, will not be approached by gentlemen upon the republican side of the House in the spirit thus indicated.

And I would say further, and I say it with great pleasure, that the members of the minority of the Committee on Appropriations have not exhibited any desire to throw obstacles in the way of a reasona-ble retrenchment of the expenditures of the Government. And some of the members of that committee, representing the minority of this House, have gone to the full length with the majority in their desire to reduce the expenditures of this Government to the extent that they are affected by the provisions of this bill.

When the gentleman from Ohio [Mr. FOSTER] seeks to impress upon this House the fact that the reduction of salaries proposed by this bill is made upon a positive scale of reduction, by a given percentage, and then predicates an argument against the bill that in some instances the reduction is more than that percentage and in some in-

stances it is less, he does himself great injustice.

It is injustice to members of that committee, all of them; for the gentleman from Ohio well knows that while the general proposition was that the salaries should be reduced 10 per cent. and the force of employés 20 per cent., it was impossible in the nature of things to adhere to any such unvarying rule. In many instances salaries are reduced much more than 10 per cent, and the force of employés much more than 20 per cent., depending on the judgment the committee was able to form as to what was necessary for the public service, and

But, sir, whatever view may be taken of this bill by this side of the House or by the other side of the House, one thing is true, and I call upon the gentleman from Ohio, who hears me make the statement, to say whether he cannot confirm it, that the Committee on Appropriations in framing this bill, one of the most complicated which will priations in framing this bill, one of the most complicated which will come before the House in the way of appropriations, had but one object in view, and that was simply to reduce the appropriations to what was necessary and proper to be made for each Department—only to the extent required by the public service and not beyond it. He will agree that with an eye single to that object alone the labors of the last two months have been employed by that committee I think that I may say that neither personal nor partisan considerations have been displayed in the action of that committee on any one occasion. I will say further that I think there is not one reduction made sion. I will say further that I think there is not one reduction made by this bill in the proposed reduction of these millions when at least some members representing the minority of the committee and the minority of the House have not given the measure cordial and earnest

My friend shakes his head; and the gentleman from Pennsylvania, [Mr. Townsend,] after raising the question as to whether, when you put two deputy comptrollers on exactly the same footing at salaries of \$2,600 each, it does not tend to establish the proposition that some favoritism was shown in behalf of one department occupied by democrats, has not thought proper to notice other portions of the bill. The gentleman from Pennsylvania as well as my friend from Ohio should bear in mind that there is one branch of the Government, this House of Representatives, with its army of employés, which stands upon a somewhat different footing politically from the other departments of the Government. I should like to have the gentleman from Ohio rise up and answer the question whether the Committee on Appropriations in making appropriations for this House of Representatives, where its friends are involved, where their number and pay are involved, made any attempt to discriminate in their favor as compared with the reduction of salaries and number of employés in

the other branches of the Government? Mr. FOSTER. As the gentleman from Indiana well knows, I have already to-day in my speech made the statement that you have discriminated too much against this House, that you have reduced the number of its employes too much. The gentleman also well knows that the tenor of my speech favors reduction and that the action of the minority of the committee has been in favor of a general reduction of 20 per cent. My purpose was to call attention to discrepancies in the bill and to places where we could not go along with the com-

mittee, and particularly to show—

Mr. SCALES. I yielded the floor with the understanding that this was not to come out of my time.

was not to come out or my time.

Mr. HOLMAN. Certainly.

Mr. FOSTER. I wished to show particularly to that side of the House that, if the principle of reduction of clerk's salaries was to be maintained, as a matter of consistency it was the duty of the House to reduce the pay of members to \$2,700 a year.

Mr. HOLMAN. I desire to be heard for a moment on that question.

Now, to illustrate the principle upon which this bill is largely framed, I will take the two Comptrollers, the First and Second Comptrollers, and the deputy comptrollers of the Treasury Department. The salaries of the First and Second Comptrollers have been raised to \$5,000 each. The deputy comptrollers were provided by an act of the last session of Congress with a salary of \$2,800 each. It was thought proper to reduce the salary of the Comptrollers to \$4,500 each. I think no gentleman will say that is an unreasonably low salary; on the contrary, most gentlemen will say that salary might be safely still further reduced. The deputy comptroller in the main is as important an officer as the Comptroller himself, and generally performs the larger portion of the service of his particular office. His salary is put at

\$2,600. I do not think that is unreasonable. The gentleman from Ohio cannot complain of that, nor will the gentleman from Pennsylvania who is so eager to make a point against the bill say those reduc-

tions are unreasonable.

They are important offices, I know; but what is the use of talking about a bond? There is no liability under that bond, if the officer brings integrity and reasonable vigilance to the performance of his It seems to be the fixed policy on the part of the Government to relieve an officer from the embezzlement of his subordinate, and the giving of a bond cannot be urged as a reason for high salary, for the officer incurs no liability under it if he be an honest and compe-

the officer man. Honesty, competency, vigilance, and good faith in the public service are all the qualities required.

My friend says that the committee have gone back prior to the fixing of salaries last year, and to a period so remote as 1865 and 1867, and have even gone back as far as the year 1853 to get the data upon which there exists a period so remote as 1865 and 1867, and have even gone back as far as the year 1853 to get the data upon

which these salaries should be reduced.

Now, does not my friend know that those are exceptional cases only? For the salaries were disproportionately high for the importance of the offices, and have been from time to time reduced in the course of events. And does he not know another thing, that he cannot safely say that the salaries that were established in this Government prior to 1860 were reasonable salaries, not too high? I want the gentleman to say that they were too low or that they were just right. The gentleman objects to the reduction of salaries that existed under demographs. eratic administration. Does he say that all the salaries as they stood when his party came into power were fair and reasonable salaries, neither too high nor too low?

Mr. FOSTER. I made no criticism on that point at all. I presumed that they were not too high. But the gentleman says that these are exceptional cases. Does he not know that the salaries of the first, second, third, and fourth class clerks were fixed prior to 1860 by the democratic party, and that these are the clerks that run through all

the Departments ?

Mr. HOLMAN. And you say they are too high?

Mr. FOSTER. I did not make any such statement. I do not say either that they are too high or that they are too low. I merely made the statement to support my argument that if a reduction is made in these salaries as fixed in 1855 under democratic administration, when our salaries were \$3,000, it would be fair that we should take a proportionate percentage off our own salaries. Does the gentleman favor that proposition?

Mr. HOLMAN. I understood the gentleman to say—
Mr. FOSTER. Will you answer my question? Do you favor that

eduction?

Mr. HOLMAN. I am coming to that.
Mr. FOSTER. I should like an answer to that question.
Mr. HOLMAN. I shall not escape it or forget it. I under

I shall not escape it or forget it. I understood the entleman to say that he thought the salaries prior to 1860 were too high. Yet, although I have been here for a considerable number of years, I cannot remember when that side of the House denounced existing salaries as too high to be tolerated and demanded their re-

Mr. FOSTER. That was the gentleman's position then.
Mr. HOLMAN. I agreed fully with the gentleman; and I shall
appeal to the record of eighteen years ago as a record of history on that very subject.

Mr. FOSTER. What was the position of the gentleman's party at that time?

Mr. HOLMAN. The gentleman opens a field for me now. [Laughter.] My party was exactly in the position of my friend's party now; exactly so. Not so earnest, not so resolute perhaps in insisting on high salaries, but at the same time inclined to apologize for the salaries as they stood. But I do not remember in that olden time to salaries as they stood. But I do not remember in that orden time to have heard any gentleman stand upon the floor of the House and deliberately vindicate high salaries as the true policy of a republican government. I do not remember of such an instance. No! No!

Mr. FOSTER. The only instance I can remember during my service in the House of any gentleman on either side advocating high salaries.

ries is that of the present chairman of this very Committee on Appropriations

Mr. HOLMAN. He is absent now.
Mr. FOSTER. I mention that on account of his late conversion.
Mr. HOLMAN. The gentleman ought to remember that the chairman of the committee is not present in the House. The measure to

which he refers was carried.

Mr. TOWNSEND, of Pennsylvania. Will my friend yield to me a

Mr. HOLMAN. Certainly.
Mr. TOWNSEND, of Pennsylvania. I wish to refresh his recollec-He must remember when a distinguished gentleman of the democratic party sitting down there right at the corner beside where the gentleman is now speaking advocated \$100,000 as the salary of the President of the United States and \$10,000 as the salary of a member of Congre

Mr. HOLMAN. I am surprised at the gentleman from Pennsylvania almost as much as at my friend from Ohio assailing men who

are not now present.

Mr. FOSTER. I hope the gentleman does not consider that I am assailing any one.

Mr. HOLMAN. They are endeavoring to make points on gentle-ten who are not here in the House. You came into power, as the men who are not here in the House. whole country knows, upon the assumption that the democratic party prior to 1860 had become extravagant in the expenditures from the Treasury of this nation. You acquired power on the cry of retrenchment and reform.

Mr. FOSTER. O, no. Mr. HOLMAN. That That is the fact; and yet unhappily, when it is

Mr. HOLMAN. That is the lact; and yet unnapply, when it is now attempted to make a reform in that respect, gentleman on the other side argue strenuously against it being done.

The salaries were too high prior to 1860, and yet there is scarcely a salary reduced by this bill below the salaries of 1860. These other salaries have grown up since that time under the ruling of the gentleman from Maine, [Mr. Blaine,] who, I see, is honoring me with his attention, that he was compelled to construe the rule—and I never heard that construction before during fifteen years, but it had grown up and become the law of the House—that an amendment to an appropriation bill enlarging a salary was in order, but one reducing a salary—not reducing an appropriation, but reducing a salary—was

Mr. BLAINE. Does the gentleman from Indiana mean to say that

that was a decision made by me?

Mr. HOLMAN. I say the gentleman from Maine was compelled

Mr. BLAINE. Why was I compelled to rule so?
Mr. HOLMAN. Because it was the law of the House.
Mr. BLAINE. It was a democratic construction of the rule which had obtained for more than twenty years; it was res adjudicata.
Mr. HAMILTON, of New Jersey. Did the gentleman from Maine ever take any means to change the rule?
Mr. BLAINE. Did the gentleman from New Jersey ever do the

same? [Laughter.]
Mr. HAMILTON, of New Jersey. It was for you to do it who had

the control of the House.

Mr. HOLMAN. I do not think the gentleman from Maine should pretend to defend himself in that way.

Mr. BLAINE. I have nothing to defend.

Mr. HOLMAN. Will the gentleman hear me?

Mr. BLAINE. With pleasure.

Mr. HOLMAN. It does not comport with his usual fairness. During the leaf of the leaf of the leaf.

Mr. HOLMAN. It does not comport with his usual fairness. During the whole of the last Congress he was a member of the Committee on Rules, and the same rule that we have adopted and were compelled to adopt in the interests of the Government, which enables you to reduce salaries on appropriation bills, was before the same committee of the last House. My friend knew the embarrassment occasioned by the existing rule, but he was compelled to rule against any other construction because it was contrary to the law of the House of Representatives. But the ground of complaint is that when this same rule was before his committee in the last Congress, by the adoption of which there might have been a great reduction of ex-penses, under a heavy burden of taxation which the people were bearing, it was important that the restriction should be placed. My friend did not think it proper to change the rule of the House which gives that power in an appropriation bill, the only effective bill that comes before Congress for the reduction of expenditures.

Mr. BLAINE. Allow me a moment?
Mr. HOLMAN. Certainly.

Mr. BLAINE. I said then, and I said in the committee-room this year, as the honorable gentleman who now occupies the chair, [Mr. Cox, ] as well as the Speaker of the House, will bear me out, that that rule to which the gentleman has adverted was in my judgment a bad rule, and the amendment was an equally bad rule; and I will tell

you why.

Under the rule now you can get any subject under the canopy of heaven introduced into an appropriation bill if you only label it retrenchment, and the moment you get it in an appropriation bill with all the chances coming from what the Senate may put on and what conference committees may get into the bills in the closing hours of the session, I tell the gentleman he has involved everything in uncertainty. I tell the gentleman it is a Trojan horse he has got into the administration of the House, and he will live long enough to see that I am speaking the sober truth when I tell him that in correcting a

Now, sir, while I am up, the gentleman from Indiana, who has called me into this debate, in which I had no purpose of participating, will allow me to make a little point upon the bill. The gentleman has referred to the fact of salaries being established by the demoeratic party before the republicans came into power. Well, sir, there was a series of salaries established at that time by various bills and measures, and among them by the measure of Mr. R. M. T. Hunter, whose bill established the salaries of the lower grades of clerks of the first, second, third, and fourth class. Now the gentleman proposes to

take 10 per cent. off from those salaries.

At the time that limit of salaries was made for the clerks the democratic Congress fixed its own salary at \$3,000.

Now, we have since then advanced our own salaries 60 per cent., and they stand to-day at \$5,000 a year; whereas these poor clerks who work their finger-ends off have not had their salaries advanced a particle, not a dollar. Now you come in here and propose to mislead the country and praise yourself on account of submitting your own

salaries to the same shaving and discounting that you put upon others. You take 10 per cent. off the salaries of members of Congress after they have been advanced 60 per cent., and then take 10 per cent. off want the gentleman to answer that point.

Mr. HOLMAN. I will try to do so.

Mr. BLAINE. One moment further.

Mr. HOLMAN. The gentleman has stated his point very well, and

will answer it.

Mr. BLAINE. Put your salaries as members of Congress, if you are sincere, back to the same grade that it was when the salaries of the clerks were established, and then put on your planing-machine

of 10 per cent. and go before the country honestly.

Mr. HOLMAN. The gentleman has spoken very well, and I shall very fully agree with him on that subject.

Mr. BLAINE. Very well; I will support your motion if you will

submit it.

Mr. HOLMAN. The gentleman cannot expect by this little speech, although it is a very good one, to prevent my recurring again to the other question. He says that the present rule will be found to be a grievous rule, a grievous mistake. Now let us see. The rule as administered by my friend for six long years, during all of which time he was chairman of the Committee on Rules, was this, that upon an appropriation bill you might increase a salary. And day by day, just as remorseless as the movements of time, measures were brought into this House to increase salaries. There is the ground of the inequali-ties of which the gentleman complains. When you apply the plane and reduce salaries 10 per cent. or 20 per cent., then the marvelous inequality of the old rule begins to make itself apparent. The salaries of your favorites grew up in monstrous proportions, while the salaries of others remained untouched. But according to the gentleman from Maine that was not a grievous rule which allowed unlimited raids upon the Treasury in the way of increase of salaries.

Mr. BLAINE. O, yes; it was a bad rule.
Mr. HOLMAN. That was a bad rule?
Mr. BEAINE. Yes; it was a bad rule.

Mr. HOAR. Allow me—
Mr. HOLMAN. In one moment. Will my friend from Maine, who says that the present rule is a grievous rule, and that the old rule was also a bad one, explain how it was that, with almost absolute power in regard to the administration of this House—for the gentleman's ability and experience made him complete master of the situationwill the gentleman tell how it was that that grievous error in the rules which enabled the running up of salaries in this House day by day was never sought to be reformed? But when we turn it right over, then we hear for the first time from the gentleman from Maine that this new rule is a grievous rule, just as was the old one. The present rule is a rule in the interest of economy and of the people. The old rule was one in the interest of a remorseless series of meas-Ine old rule was one in the interest of a remorseless series of measures by which the salaries of Government officials were increased.

Mr. BLAINE. Will the gentleman permit me—
Mr. HOLMAN. For a question only.
Mr. BLAINE. Does not the gentleman see the difference?
Mr. HOLMAN. I do see the difference.
Mr. BLAINE. I want to sale a question.

Mr. HOLMAN. I do see the difference.
Mr. BLAINE. I want to ask a question.
Mr. HOLMAN. My friend behind me from North Carolina [Mr. SCALES] is entitled to the floor.
Mr. BLAINE. I was asking the gentleman if he could not see the

difference

Mr. HOLMAN. I do see the difference, certainly; I answer the question without a moment's hesitation; there is a very striking difference. The one rule enabled the gentlemen here and in the other end of the Capitol to reward their friends with increased facilities for reaching into the Treasury, while the other rule, that adopted by this House, enables us, on the only bills which must certainly pass both branches of Congress, the appropriation bills, to cure the evils under which we have so long labored.

Mr. BLAINE. That remains to be seen. The gentleman will ob-

Mr. HOLMAN. The one is a measure of profligacy, the other a measure of economy. That is the difference; I can see it in a mo-

Mr. BLAINE. If the gentleman—
Mr. HOLMAN. I have not time now to yield.
Mr. BLAINE. Of course, after the gentleman has entirely misstated me

Mr. HOLMAN. For a question only.
Mr. BLAINE. Does the gentleman yield to me for two minutes?
Mr. HOLMAN. For a question.
Mr. BLAINE. I want—
Mr. HOLMAN. My friend can get the same of the Mr. BLAINE. I have not obtained the floor this session by courtesy; I have obtained it only where I was entitled to it by the rules.

Mr. HOLMAN. I will yield to the gentleman.

Mr. BLAINE. The rule to which the gentleman refers, which was an old rule and came down to us from a democratic régime, yet which he says I was answerable for not changing, the rule which I enforced, was a rule which belonged to the Committee of the Whole, with which

the Speaker of the House had as little or less to do than any other member of the House. Yet he holds me responsible for not seeking to change that rule. Sir, why not hold your honorable self responsible [referring to the Chairman, Mr. Cox,] whom, from your long experience and great knowledge of parliamentary proceedings, I called to my aid as an associate member of the Committee on Rules. And to my aid as an associate member of the Committee on Rules. And the gentleman from Pennsylvania, [Mr. Randall,] chairman of the Committee on Appropriations, was also on that committee. Did the gentleman from New York [Mr. Cox] or the gentleman from Pennsylvania [Mr. Randall] present this rule as a grievance then? Now that rule, Mr. Chairman, only permitted a single application to salaries. The rule you have now permits any subject of legislation, no matter how wild or how foreign, to be introduced into an appropriation bill, provided it has the delusive term retrenchment attached to it and therefore when that rule was adopted you transferred the it, and therefore when that rule was adopted you transferred the whole legislative powers of the House to the room of the Committee on Appropriations. And you will find in the workings of the rule all the evils which existed under the old law and a thousand more that under that rule had never been dreamed of.

Mr. HOLMAN. My friend, perhaps, is good at prophecy, but it may be that that is the only thing that will commend him in his answer. He prophesies that this rule, adopted in the interests of economy,

will work badly. We shall see.

Mr. BLAINE. We shall see.

Mr. HOLMAN. It seems now that the present Committee on Appropriations are to be held responsible during the last six years for not changing the rule. Mr. BLAINE. They

Mr. BLAINE. They never proposed it.

Mr. HOLMAN. Never proposed it! Why, the gentleman is certainly mistaken. I had the same rule, which is now the rule of the House in terms, before that committee during the whole of the last Congress. Does my friend say that the gentleman from New York [Mr. Cox] or the gentleman from Pennsylvania [Mr. RANDALL] called

it to the attention of the Committee on Rules?

Mr. BLAINE. Never that I remember. Never.

Mr. HOLMAN. Why, it was read at the Clerk's desk.

Mr. BLAINE. O, there of course, but I say that neither of the members of the Committee on Rules ever proposed that the committee should report it has a favorable to the House.

tee should report it back favorably to the House.

Mr. HOLMAN. My friend seems to think that the old rule was rievous because it enabled Congress to increase expenditures, and the other rule was grievous because it enables Congress to reduce expenditures.

But, Mr. Chairman, I cannot leave this subject without expressing But, Mr. Chairman, I cannot leave this subject without expressing astonishment that the gentleman attempts to escape from this dilemma by saying that he had nothing to do with the Committee of the Whole. It is the House that adopts the rules of the Committee of the Whole. Does the gentleman intend to say to the country that the Committee of the Whole adopts rules?

Mr. BLAINE. No; but the gentleman said I enforced the rule, and I called his straight that the Committee of the Whole adopts rules?

I called his attention to the fact that it was the chairman of the Com-

mittee of the Whole that enforced this rule, not the Speaker.

Mr. HOLMAN. But certainly the chairman of the Committee of
the Whole adopted the rules, whatever they might be, as announced
by the gentleman from Maine as Speaker of the House. That was inevitable

Mr. BLAINE. The gentleman must not make a little point upon that. If he saw such grievous propositions in the rule as he now pretends, why did he not on a Monday or at any other time propose to

change it? He sat here fourteen years under it, and never made any such proposition. This whole thing is pitiful; it is trifling.

Mr. HOLMAN. O, no! my friend is greatly mistaken about that. By his own rule it required a majority of the House to second the motion to suspend the rules. Did any gentleman on this side of the House while that rule was in force over got a majority to second. House, while that rule was in force, ever get a majority to second a motion to suspend the rules?

Mr. BLAINE. How long was that rule in force?
Mr. HOLMAN. During the larger portion of an entire Congress.
Mr. BLAINE. But you were here seven Congresses, in all twelve

Mr. BLAINE. But you were need seven congresses, in an entire years, before that rule was in force.

Mr. HOLMAN. And over and over and over again I protested against this rule without power to change it. But there is one fact which the gentleman must bear in mind, and I will put it on record. Let him say what he pleases about the gentlemen who have come into this Hall and now constitute the majority, the fact cannot be concealed that whether we acquiesced or not during those fourteen years, the moment we had the power to change that rule we said that the rules of this House should be administered in the interest of economy and not of extravagance in the Government, and we did it over my friend's protest. And when the natural force of the new rule begins friend's protest. And when the natural force of the new rule begins to appear, when we bring in bills proposing to reduce the expenditures of the Government, it is not marvelous that indirectly—not with very great directness—an effort is made to destroy the bill by assaults upon it.

Mr. BLAINE. I want you to be consistent on salaries of members

of Congress.
Mr. HOLMAN.

Mr. HOLMAN. Yes, sir; I shall be entirely consistent.
The CHAIRMAN, (Mr. Cox.) Does the gentleman from Indiana desire to be interrupted further?
Mr. HOLMAN. I do not think I will be interrupted any further.

[Laughter.] I say this seriously, for I do not expect to discuss the subject in a vein that will excite criticism.

subject in a vein that will excite criticism.

My friend threatens that if we reduce these salaries which had grown out of all proportion too large when you first came into power, (and I hear yet the ringing voice of gentlemen on that side of the House denouncing salaries sixteen years ago,) if we persist in reducing these salaries to what is fair and reasonable, to prices beginning to approach those which are realized in private employment, we are told as a mode of deterring us, if possible, that we shall be placed in the position of being compelled to reduce our own salary. Why, sir, the gentleman from Maine has not read the history of the democratic party aright, if he thinks that an intimation like that will affect our action. He must live very remote from the democratic element, and must be He must live very remote from the democratic element, and must be exceedingly uninformed of the democratic spirit, if he supposes that exceedingly uninformed of the democratic spirit, if he supposes that reducing salaries down to the standard of the olden time—that democratic time if you please, (and I do not desire to discuss a subject like this in a partisan spirit,)—will deter any democrat on this floor or elsewhere from demanding that there shall be retrenchment in the expenditures of the Government.

The gentleman from Ohio [Mr. FOSTER] says that if we go beyond 1860 in reducing salaries (and we go beyond 1860 as to very few salaries, indeed most of them have been increased since 1860) there must be a heavy raduction in the pays of morphory of the House and Senate.

be a heavy reduction in the pay of members of the House and Senate.

Mr. FOSTER. Will the gentleman allow me to correct him? He certainly knows that a large majority of the salaries reduced are of those fixed prior to 1860—the salaries of the first, second, third, and fourth class clerks and the chiefs of divisions.

Mr. HOLMAN. My friend is a frank, fair, and honorable gentle-

man; but he fails to present the fact.

Mr. FOSTER. Is not that the fact?

Mr. HOLMAN. The fact is simply this: When you fixed those salaries at \$1,200, \$1,400, \$1,600, and \$1,800, you fixed classifications that embraced almost all the employes in the Departments except that embraced almost all the employes in the Departments except the heads of the Departments and the heads of a few Bureaus. You had your Auditors and your Comptrollers; you had the heads of your Departments; you had a few heads of Bureaus; but the great body of your employés in the Departments were embraced within those four classes. How is it now? Does not my friend know that under that order of things the salaries I have been mentioning—those of the deputy first comptroller and the deputy second comptroller—would have been \$2,000? That was the highest.

Why even now in this bill we give \$2,600 to each deputy comptrol.

Why, even now in this bill we give \$2,600 to each deputy comptroller, which under that classification would be only \$2,000. All the way through you have a class of clerks at \$2,000, another class at \$2,500, another class at \$2,500, and the deputy comptrollers, who are

but a class of clerks, at \$2,600.

When my friend talks about going back to 1853, to the Hunter bill, for the purpose of seeking a classification and reducing that classification, he does himself absolute injustice. Now the range is from \$1,200, and we do not touch the lowest, to \$2,600. The range of democratic salaries was from \$1,200 to \$1,800, with few exceptional cases of clerks who received \$2,000. I can count those who received more than \$1,800 on the fingers of one of my hands.

Mr. BLAINE. Why did you not leave the \$1,800 where they are?

My friend did not mention that.

Mr. HOLMAN. We did not deem it necessary to make an intermediate class of clerks. Instead of what it was under the old administration of affairs, from \$1,200 to \$2,600. We have to leave them there. If we had come in with a bill bringing salaries down to the olden time, when there was no ground of feeling that republicanism would perish from the face of the earth in consequence of growing venality in public affairs—if we went back to that olden time, this bill would be reduced \$1,000,000 more. We are acting slowly. We understood we had a delicate task on our hands in reducing the expenses of this Government as far as they might be, and yet not give just ground of complaint on the part of any gentleman connected with the administration of the Govern-ment. We cannot afford, on the ground of patriotic sense of duty on the one hand, or policy on the other—we cannot afford, I say, to reduce these salaries now as they ought to be reduced, for we cannot afford this country should even have a suspicion that the democratic majority of this House would reduce salaries so as to embarrass any Bureau of the Government. No, sir; we have sought to reduce as far as we might for the present year and not as far as may be done next year, for next year the Departments will have accustomed themselves to a body of clerks who will comport well with the duties to be performed. You cannot do this all at once. You cannot come down at once from the extravagance of war times to the severe economy of a time of peace. We must reduce expenses as far as we can, and yet leave no Department of the Government in any of its branches with the shadow of a ground for complaint.

Now, as to the pay of members of Congress. This bill proposes to reduce that pay from \$5,000 to \$4,500, leaving the mileage as now fixed by law. The gentleman from Ohio suggests that if other salaries are reduced to what they were prior to 1860, we should go back to that time in applying the 10 per cent. rule here. I have attempted to show the injustice of that upon the ground of the different classification of clerks under the old order of things. I will say, however, to the gentleman that in my judgment the pay of members can be reduced lower than what is now proposed.

The party responsible for the administration of this House have The party responsible for the administration of this House have not increased salaries so far as this body is concerned. The increase of salaries of 1854-755 or 1855-756 from \$3 a day to \$3,000 a year was when the democratic party was in a minority in this House. When the increase occurred in 1866 from \$3,000 a year to the present salary of \$5,000 the democratic party was in the minority in this House. As a minority and as a party they have never increased the pay of members of Congress beyond \$8 a day during the session of Congress. The gentleman deems it probable they have resisted an attempt to further reduce the expenses of the Government for fear they will be put in the position of reducing their own salaries.

put in the position of reducing their own salaries.

Mr. FOSTER. Yes.

Mr. HOLMAN. My friend labors under a grievous mistake, for he would not go as far as some would go on this side in reducing salaries, providing he leaves the salary sufficient to meet the reasonable expenses of a member of Congress during the time he was employed in the public service. I lay down for myself but one rule, the rule of the olden time; that a citizen in public employ should receive the same compensation substantially he would receive if he discharged the same service with the same integrity and competency in a private the same service with the same integrity and competency in a private employment. Is not that a sound rule? Will gentlemen tell me why

employment. Is not that a sound rule? Will gentlemen tell me why this Government should pay its employes higher wages than they get, having the same integrity and ability, in other employments?

Mr. FOSTER. Right there let me ask the gentleman a question. Why does he then oppose the reduction of the pay of laborers? He knows that the pay of laborers in the employment of the Government is largely in excess of what private employers pay.

Mr. HOLMAN. I do not see exactly the object of my friend's exception.

Mr. BLAINE. If I do not interrupt the gentleman, while he is collecting his thoughts upon that point, I ask him to yield to me for a

Mr. HOLMAN. The gentleman will excuse me. I prefer to go on just now. There are certain laborers in this Government receiving \$720 a year. Does the gentleman from Ohio favor reducing those sal-

Mr. FOSTER. I asked the gentleman a question, and I wish an answer to that question before he proceeds to catechise me. It is well known that the gentleman from Indiana opposes the reduction of the salaries of these laborers. He announces as a principle that he favors a reduction of all salaries to the prices that private employers pay. Now, we pay these laborers—
Mr. HOLMAN. I do not yield to my friend for a speech. I merely

yield for a question.

Mr. FOSTER. I have asked the question, and it has not been an-

Mr. HOLMAN. My friend almost places me in the position of my friend from Pennsylvania, the chairman of the Committee on Appropriations, who, when somebody tried to get him down below a certain point, said he could not go below a dime. When my friend from Ohio in this indirect manner attempts to arraign before the country a salary of \$720 that you pay to employés of your Departments

Mr. FOSTER. I do not arraign it. Mr. HOLMAN. He endeavors to create a prejudice against it, and

says we ought to reduce it.

Mr. FOSTER. I am not in favor of that reduction.
Mr. HOLMAN. Then why do you mention it?
Mr. FOSTER. Because on the principle on which you are acting you ought to reduce those salaries, and yet you do not favor that re-

Mr. HOLMAN. My friend, I think, is not as frank as he ought to be on this point. Why bring up those salaries? Why not let them alone? I am not in favor of reducing them, I admit. I will apply the rule, however, of my friend which I have mentioned; I will apply it to all employes of this Government who receive large compensations. And I will say to my friend further that there are many labor-ing men in this country who are receiving \$720 a year. I do not know

that that is an extravagant salary.

Mr. FOSTER. For six hours' work?

Mr. HOLMAN. I do not think that it is a salary that ought to be complained of. And I must insist that my friend shall not place himself in a false position. I know that he would not reduce those salaries, and yet by his line of argument he would seem to intimate that even these lower salaries should be reduced.

Mr. FOSTER. What about the charwomen?

Mr. HOLMAN. O! I stand by the charwomen.

Mr. HOLMAN. O! I stand by the charwomen.
The CHAIRMAN. The Chair desires to say that he cannot protect the gentleman from Indiana in his right to the floor unless he refuses to yield.

Mr. HOLMAN. I cannot refuse to yield.

Mr. BLAINE. Knowing how good-natured my friend is, I wish to

address to him one question.

address to him one question.

Mr. HOLMAN. Not now; let me finish my sentence. There are certain employés we have not touched. We have not touched the employés receiving under \$1,200 a year. Gentlemen talk about insufficient salaries, salaries upon which the clerks cannot live. I have heard of ladies in this city, the widows of soldiers who fell in your service, with two or three little children, receiving a salary of \$900, and supporting themselves and those children, and educating them out of this small salary received from your Government; and yet we

hear gentlemen say that \$1,200, the lowest salary we fix by this bill for the neophytes in your Departments, is too low.

O, no.
D. Who said that?

Mr. GARFIELD. Who said that?

Mr. HOLMAN. Why, sir, these gentlemen are complaining of our classification, and saying that we are going back prior to 1860 and reducing the salaries fixed in democratic times, while they themselves charge, and I felt the truth of the charge at the time, that we are extravagant in the administration of this Government.

Mr. FÖSTER. Will the gentleman allow me— Mr. HOLMAN. Permit me to finish this matter of the compensapay of \$3,000, when the cost of living was far beyond what it is now. Nobody then proposed to raise that salary. How could any one propose to raise the salaries of members of Congress at a time when great numbers of our fellow-citizens were receiving thirteen or sixteen dollars a month and imperiling themselves in the public employment for which that salary was paid? At such a time this House had not the hardihood to propose an increase of salaries beyond the \$3,000. On the termination of the war, when it was reasonably certain that the cost of living would diminish as the elements of circulation would evidently be largely contracted from time to time, then the movement was set on foot to increase the pay of members of Congress up to \$5.000 a year. gress up to \$5,000 a year.

I have always felt that the salary which was deemed sufficient,

which was sufficient during that period of the war was not too low a salary; that it was a reasonable salary for that period; and that, if any change were made from the salary fixed in 1854-755 or 1855-756, it should have been to have gone back in view of the privations the people were called upon to endure rather than the amount of their compensation should be increased.

Here the hammer fell. ]

[Here the hammer fell.]
The CHAIRMAN. The gentleman's hour has expired.
Mr. HOLMAN. I ask the House to allow me just a few moments, inasmuch as I was interrupted all the way through.
Mr. BLAINE. I want the gentleman to yield to me for a moment. The CHAIRMAN. The gentleman's time has expired.
Mr. HOLMAN. I will yield to the gentleman from Maine in a moment if he will allow me first to finish what I have to say.
The CHAIRMAN. Is there any objection to the gentleman from Indiana proceeding? [Cries of "No!" "No!" and "Go on!"]
Mr. HOLMAN. I will close what I was attempting to say by simply this statement: That this question of salary, which is one that influences the destinies of this Government of ours, rises far above any mere personal considerations. In my judgment, this House can afford to reduce the salaries of members of Congress to a rate of compensation corresponding with the diminished expenses of living, and pensation corresponding with the diminished expenses of living, and also the diminished ability of the country to pay salaries ought to be taken into account.

I shall co-operate most cheerfully with the gentleman from Ohio [Mr. FOSTER] and the gentleman from Maine [Mr. BLAINE] on any reasonable basis they may suggest in favor of reducing the salaries of members of Congress to any reasonable degree lower than that now fixed by this bill; all I shall ask is this, that you shall not fix the salary so low that a man wealthy only in his capacity to serve the country, and having no other wealth, shall not be driven out of the public employment; but I know that, if you put the salary at \$3,000, or even less, you will not drive out of public employment those who desire public employment with one single purpose in view, to serve the best interests of their country to the best of their ability without any self-seeking or desire beyond the welfare of the country.

These considerations in favor of this bill are of a character, if gentlemen will permit me to say so, that do not admit of the petty comreasonable basis they may suggest in favor of reducing the salaries

tlemen will permit me to say so, that do not admit of the petty com-parisons that have been indulged in. We have reached a point when no friend of the country will insist on unimportant details as to comparative rates of salary. You have got, sir, a point to aim at far beyond that. No citizen can have watched the progress of events during the years since the close of the civil war when the extravagance of the Government fairly began without knowing—for it has been patent to his eyes and has fallen on his ear from every direction—that if free government is to be maintained in this country, if these free institutions of which our fathers were so proud themselves and our own glories are to be maintained, you have to get rid in public employ-

ment of the incentives to venality.

The evil which now assails this Government and imperils it is verality in public employés. It walks our streets in the glare of noon-day; it displays itself everywhere, in every field of public employment. The millions of dollars appropriated from the public Treasury annually, millions beyond what a frugal administration of our affairs requires, have bred a spirit of venality in our public employés absolutely imperiling the free institutions of this country. It is perhaps almost an inevitable outgrowth to some extent of the war. After the almost an inevitable outgrowth to some extent of the war. After the war closed new impulses had been given; and that up to this time, after eight years, no earnest or persistent effort had been made to check this growing evil, is one of the things that cannot be well understood. Public indignation moves slowly; but now, after a well-defined expression of public feeling, the representatives of the popular will begin to speak and begin to act. O, no, sir; this is not a question of a salary of \$800, or \$1,200, or \$1,400, or \$1,600, or \$2,600, but it is a question that lies at the very foundation of our Government. Shall there be purity in the administration of our public affairs? Shall there be be purity in the administration of our public alians; shall there be honesty in the Government? Does any gentleman, looking the subject fairly in the face, indulge the hope that you shall year after year make vast appropriations of money beyond the necessities of the Gov-

ernment and still have your Departments administered with purity and integrity? O, no! O, no! It cannot be hoped.

You have got to go far beyond in what will be necessary in retrenching now than you would have had to do if the work had been begun immediately after the close of the war. If at that time, instead of giving an impulse to increase of salaries, an attempt had been made at once to reduce the expenditures in every Department of the Government, we would not to-day have had the melancholy spectacle of our counwe would not to-day have had the melancholy spectacle of our country mortified and blushing as a nation for the absence of integrity in the administration of its affairs. We would have escaped all that. And here let me say to gentlemen that this is a subject that party has nothing to do with. When we shall have all been gathered to our fathers and the memory of most of us shall have passed away, the question on which we deliberate to-day will be in its effects absolutely fatal to this nation if we are now recessant to our data. But solutely fatal to this nation if we are now recreant to our duty. But if there shall be an earnest and persistent effort, overriding all quibbles and pretexts, to reduce the expenditures of the Government and diminish the drain upon our Treasury, we may indulge the hope that many long years will elapse before the fatal experience of this hour will again be encountered by the people of this country. If we do not do this; if we pass on in the old channels, and if the people do not most signally rebuke us, then no man looking to the future can anticipate what must be its final effect on the destinies of the country. It is venality in public employment that the people of this Government have to apprehend. If our Government is to remain a Republic it must be so because administered in honesty and integrity with every motive under heaven to produce such results, and none to produce contrary results.

I say, therefore, in regard to this bill, striking as it does at individual salaries, at the salaries of our friends in this House, at the salaries of your friends in the Departments, if there is not enough virtue now here to enable members to rise up above these personal considerations and look alone to the public interest and the public welfare, and to reduce the expenditures of this Government so far as they are involved in this bill, to the amount and to the point that are demanded by simple frugal economy, and nothing more, we will, so far as our action in this Congress is concerned, add to the perils to which this nation is exposed the further peril that the very fountains of justice and of law will be corrupted by the venality which we permit to be introduced into our affairs through the volume of appropriations

made by these bills.

Mr. BLAINE. I ask the gentleman to yield to me for a few moments.

Mr. HOLMAN. Certainly.
Mr. BLAINE. I will detain the gentleman from North Carolina [Mr. Scales] but a few minutes. I merely want to make a correction in regard to some matters which the gentleman from Indiana [Mr. HOLMAN] has brought into this debate—and I desire his attention while I do so-in regard to the rule upon which he has seen fit to comment, in connection with my occupancy of the Speaker's chair. I propose to give the history of that rule.

On the 14th of September, 1837, the House adopted this rule:

No appropriation shall be reported in such general appropriation bills, or be in der as an amendment thereto, for any expenditure not previously authorized by

aw.

At the next session of Congress, on the 7th of March, 1838, Mr. C. C. Cambreling, of New York, nomen venerabile, the chairman of the Committee of Ways and Means at the time, moved an amendment to an appropriation bill increasing the salaries of certain customs officials at Salem, Norfolk, and Charleston. The point of order was made that under the rule it was not competent for him to move that amendment. The point was made by Mr. George N. Briggs, afterward well known as governor of Massachusetts. Mr. Bell, of Tennessee—all of those connected with this matter happen to be well-known and distinguished men—moved an amendment to the rule. The Speaker at the time was James K. Polk, afterward President of the United States, and the Congress was largely democratic. In the United States, and the Congress was largely democratic. In pursuance of that motion of Mr. Bell, one week later an amendment to the rule was reported and adopted in these words:

Unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

The rule, as amended, read as follows:

No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several Departments of the Government.

Under that amended rule the amendment proposed to the appropriation bill by Mr. Cambreling became in order. And under that amended rule propositions for increasing salaries have been ruled in order as being of the kind that arose under "the contingencies for carrying on the several Departments of the Government." was adopted nearly forty years ago; it has been administered by more democratic Speakers than republican Speakers, and when my honorable friend from Indiana, [Mr. HOLMAN,] fresh and zealous, with that

freshness and zeal which are continuous in him, entered the House in

freshness and zeal which are continuous in him, entered the House in the Thirty-sixth Congress, he found this rule in force, and that was a strong democratic Congress. And the decision was made—
Mr. HOLMAN. Will the gentleman allow me?
Mr. BLAINE. Wait a moment, and then I will. The decision was made that the change in the rule was for the very purpose of permitting amendments to increase salaries.

Mr. HOLMAN. Allow me a question.

Mr. BLAINE. Yes, in a moment. The gentleman was in the Thirty-seventh Congress, and in the Thirty-eighth Congress, and I sat with him in that Congress. The gentleman was a venerable member when I entered Congress. [Laughter.]

Mr. HOLMAN. Yes, very.

Mr. BLAINE. And now he says that the reason he did not move to change the rule was that we had a rule here which required a seconding before a motion to suspend the rules could be voted upon. Sir, that rule was in force here only a part of one Congress, and the gentleman has sat here fourteen years

Mr. HOLMAN. I did not give that as a reason; I said it was the act. I had no reason—

Mr. BLAINE. I see the gentleman had no reason to give.
Mr. HOLMAN. The gentleman will find my record all right.
Mr. BLAINE. The gentleman will observe that this amended rule was adopted by a democratic Congress at the instance of one of the most illustrious members of the democratic party, Mr. Cambreling,

and under one of the most illustrious democratic Speakers, James K Polk. It was administered for twenty-two consecutive years under democratic Speakers and in democratic Houses; and the gentleman says now that I am responsible for this rule. Sir, I inherited, when I entered that chair, a body of rules—

Mr. HOLMAN. Allow me—

Mr. BLAINE. Wait a moment. I inherited a body of rules to administer, and I endeavored to administer them in good faith. I was minister, and I endeavored to administer them in good faith. I was no more responsible for a change in these rules than any other member on this floor; not one particle. I was not seated in that chair to make rules; I was seated there by the partiality of my party friends to administer the rules which were then in force. It was for the House to make rules. By the rules I was made chairman of the Committee on Rules, to which such subjects were to be referred.

Now, when the gentleman attempts to put upon me the responsibility of an old, time-honored, time-worn democratic rule, I think he is forgetting a little of that fairness which is a part of his nature. The gentleman and I have been old associates here, and it would take a great deal to make us have any difference except of a friendly character. I am sure he will see that in his zeal for economy, which I shall endeavor to second to the best of my ability, he did me injustice.

Mr. HOLMAN. The gentleman from Maine may examine carefully the record of the Thirty-sixth Congress, and he will find no instance

the record of the Thirty-sixth Congress, and he will find no instance in which the rule recently rescinded by this House was appealed to for the purpose of increasing salaries. He says it was a democratic rule. Without discussing that subject, I will say—

Mr. GARFIELD. My friend will allow me to say that it was in that very Congress that the gradation of salaries at \$1,200, \$1,400, \$1,600, and \$1,800 was adopted.

Mr. HOLMAN. O, no, no, no.

Mr. GARFIELD. Certainly it was.

Mr. HOLMAN. No; they were fixed by law.

Mr. GARFIELD. But the law was made then.

Mr. HOLMAN. My friend from Ohio [Mr. GARFIELD] served for many years upon the Committee on Appropriations; and it is strange that he should fall into such an error as that.

Mr. GARFIELD. It is no error.

that he should fall into such an error as that.

Mr. GARFIELD. It is no error.

Mr. HOLMAN. Certainly it is an error. Why, sir, the young men who are coming into public life will laugh at both my friend and myself if we exhibit such want of information as to legislative history.

The "Hunter bill," as it was called, fixed the gradations of salaries at \$1,200, \$1,400, \$1,600, and \$1,800. It was done not by an appropriation bill, but by law. Now I wish to say—and I want the attention of the gentleman from Maine still further-I have heard that interpretation of the rule of late years—
Mr. BLAINE. The rule was declared to have been framed for that

very purpose.

Mr. HOLMAN. I have seen the statement which my friend has read; but I would like him to find an instance in the Thirty-sixth Congress where that rule was appealed to on an appropriation bill to increase a salary. Let me go further. Take that period of time when the party represented on the other side of the House still remembered the rock from whence it was hewn and the principles on which it came into power—retrenchment and reform; take the Thirtyseventh Congress, and let the gentleman point me to a single instance where that rule was seized upon to increase a salary on an appropriawhere that rule was serzed upon to increase a satary on an appropria-tion bill. Let him come down to the Thirty-eighth Congress and point to an instance of that kind. It is possible there may be such; but I almost venture the assertion, (for I have watched the course of legislation closely,) that up to the close of the Thirty-eighth Congress the gentleman has before him the only instance where that rule was appealed to or made use of for the purpose of increasing a salary. He may come down to the year 1836 without finding another such instance. The year 1836 was the unfortunate beginning of the era of extravagance in which we live. It was then that the rule came into

requisition; it was then that that interpretation of the rule became prominent; and from that day to this these remorseless bills have grown upon our hands, these salaries have been vastly increased, this cupidity has pervaded every branch of the public service, until the nation now blushes for the record which Congress has made in this direction. And it was inevitable. Yet my friend from Maine thinks the reversal of that rule—the striking down of that rule as soon as we had the power to strike it down—was a mistake.

Mr. BLAINE. On the Lididact say that I lead you ought to have

Mr. BLAINE. O, no. I did not say that. I said you ought to have struck out that rule, but not put this in. That is what I moved in

the Committee on the Rules.

Mr. HOLMAN. I understood the gentleman to say that it was an

egregious error. Mr. BLAINE.

Mr. BLAINE. To put your rule in. And I say so now.
Mr. HOLMAN. Yet it was that rule which facilitated and made possible measures which bring the blush to the cheek of this nation to-day. Purity in government, honest administration of your affairs, was not to be expected when the rules of Congress were so inter-

preted as to encourage extravagant appropriations.

Mr. BLAINE. Your rule opens the door just as wide for abuses as the old rule did. It does more; it enables every conceivable piece of legislation to be brought in as a rider upon appropriation bills. The gentleman, as an old parliamentarian, knows that one of the evils that have come down to us from the experience of the British House of Commons, one that almost every State Legislature finds it necessary to guard against, one that we are warned against at the very threshold of our business here, is to keep general legislation off your appropriation bills. Now, the rule which the gentleman has put into our book, (while I have no doubt that in its motive it was just as pure and equitable as it could be,) opens the door to all manner and measure of abuse. The gentleman says that it was a considerable time before the old rule bore its full fruit of evil. This new rule which the gentleman has introduced may, like a new broom, sweep clean for a time; but I tell him, with some little experience in this matter—and he has even more than I—that, unless I entirely mistake the tendency and operation of rules of this kind, this will ultimately open the door to immeasurable abuses which the other was not competent the door to inflict. The old rule was limited to an increase of salaries. By the operation of this rule, under the idea of retrenching salaries, you may have all imaginable vicious legislation affecting the rights of the people, changing radically the laws of the country, interfering with every possible human right that may be reached by congressional enactment. Every conceivable measure of that kind may be piled upon an appropriation bill; and under the thumb-screw, under the pressure that attends legislation on appropriation bills, you thus force through Congress what in its calmer moments, upon the reports of appropriate committees, would never even get a respectable hearing in this House.

In that view I think the rule is utterly vicious.

Mr. HOLMAN. The new rule allows an amendment to an appropriation bill if germane to the subject-matter, or to change existing law if it retrench expenditures. There are two features; first it must be germane, and secondly it must retrench expenditures of the Government. Does not the gentleman from Maine well know that no citizen, no matter what other claim he might have for a seat as presiding officer of this House, would ever occupy that position and be willing in the very face of the people of this country to interpret that rule contrary to its express language. It must retrench expenditure and it must be germane to the subject-matter of the bill. Why talk about opening up this wide field! These monuments placed on each side opening up this wide held! These monuments placed on each side of that rule are too plain to be mistaken. It must be germane to the subject-matter of the bill and it must retrench expenditure. Peril there to the Government! Peril under that rule when within the restraints which itself provides it is within the control of the House! No; my friend falls into a mistake. He would never have dared to place the construction he did on that rule had he not found ancient precedent; and no man occupying that chair looking this House in the face, looking the people of the country in the face, would ever dare to place a construction on this rule which would violate those conditions, first that it should be germane to the subject of the bill, conditions, first that it should be germane to the subject of the bill, and secondly that it shall retrench expenditure. With these safe-guards the gentleman from Maine regards this as less safe than one which literally opens your Treasury, absolutely throws it open to the impulse of Congress in passing great appropriation bills! A rule which shuts up the Treasury, according to my friend from Maine, which shuts it up and puts guards around it, is more perilous than one to throw it wide over the court involve of this Honey when consider to throw it wide open to every impulse of this House when considering an appropriation bill.

One word more and I am through.

Mr. GARFIELD. I wish to call your attention to a point before

you sit down.

Mr. HOLMAN. I will say from the first hour—and the gentleman from Maine will confirm what I state so far as I am concerned, although of insignificant moment except to myself-that from the time that rule came to be first in active operation, when attempts were made time and again upon this floor to increase salaries beyond what was reasonable, I opposed it in every possible way; and the very moment there was an opportunity to secure its reversal, I took that step. The gentleman from Maine, with his experience in the administration of the House, may have deemed the old rule the safer one; but in my judgment it was a rule full of peril, while the present rule will be

found one of economy, one promotive of honesty in the Government.

Mr. GARFIELD. I desire the gentleman to allow me to call his attention-

Mr. SCALES. I think I have the right to the floor.

The CHAIRMAN. Does the gentleman from Indiana yield the

Mr. HOLMAN. I do. If the gentleman from Ohio desires to be heard, I hope the House will not refuse him the opportunity.

Mr. SCALES. I yielded the floor for one minute at the beginning of this discussion, and now all I have to say is that if gentlemen did more in observing the rules and less in talking about them, we would get along much better. I yield to the gentleman from Tennessee, [Mr. CALDWELL.]

Mr. CALDWELL, of Tennessee. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. Blackburn having taken the chair as Speaker pro tempore, Mr. Cox reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Egbert for one day; to Mr. DAVY for ten days on account of important business; to Mr. Buckner for ten days on account of illness; to Mr. Powell for three days on account of business; to Mr. MacDougall for two weeks on account of important business; to Mr. Lapham for one week; to Mr. Maish for five days; to Mr. McDill for three weeks from next Monday on account of sickness; and to Mr. Bland indefinitely on account of sickness in his family.

On motion of Mr. SMALLS, by unanimous consent, the leave of absence granted to Mr. RAINEY was extended for ten days on account

of important business

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, announced that it insisted on the amendments to the bill (H. R. No. 1251) to exclude the State of Missouri from the provisions of the act of Congress entitled "An act to promote the development of the minto by the House, agreed to the committee of conference asked for by House on the disagreeing votes of the two Houses, and had appointed as managers of said conference on its part Mr. SARGENT, Mr. COCK-RELL, and Mr. HARVEY.

It further announced that the Senate insisted on its amendments to the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, disagreed to by the House, asked for a committee of conference on the disagreeing votes of the two Houses, and had appointed as managers of said

conference on its part Mr. Allison, Mr. Logan, and Mr. Wallace. It further announced the passage of a bill (S. No. 63) granting relief to Eva Vansant, Henry Carleton, and Maud Carleton, children of General James H. Carleton; in which the concurrence of the House was requested.

# ENROLLED BILLS.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of

the following titles; when the Speaker signed the same:
An act (S. No. 295) to amend the act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation;" and

An act (S. No. 401) to incorporate the Citizens' Building Company

of Washington.

### BOUNTIES TO COLORED SOLDIERS AND SAILORS.

Mr. WELLS, of Mississippi, by unanimous consent, introduced a bill (H. R. No. 2801) to provide for the payment of bounties, &c., to colored soldiers and sailors and their heirs; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

# PAINTING OF BATTLE OF LAKE ERIE.

Mr. HEWITT, of New York, by unanimous consent, introduced a resolution authorizing the removal of Powell's painting of the Battle of Lake Erie to the art building of the centennial exhibition; which was read a first and second time, referred to the Committee on the Centennial Celebration, and ordered to be printed.

And then, on motion of Mr. MORRISON, (at five o'clock and ten minutes p. m.,) the House adjourned.

# PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BAKER, of Indiana: The petition of John B. Chapman, to be awarded the sum of \$3,063.40, found due him and so certified by

the accounting officers of the Treasury on the 20th day of November,

1850, to the Committee of Claims.

By Mr. BANNING: Resolution of the Cincinnati Chamber of Commerce, requesting the President and Secretary of War to have Newport Barracks, Kentucky, again occupied as a military post, and that the troops and military band be returned to said post, to the Com-

mittee on Military Affairs.

By Mr. ELY: The petition of Dr. P. F. Reuss, for a pension, to the Committee on Invalid Pensions.

By Mr. FAULKNER: The petition of Francis J. Wheeler, for reimbursement of money advanced on check-book to Hale Libby and Charles Burton, Thirteenth Regiment Maryland Volunteers, to the Committee of Claims.

By Mr. HAMILTON, of New Jersey: A paper relating to a postroute from Wertsville to Clover Hill, New Jersey, to the Committee on the Post-Office and Post-Roads.

By Mr. HOLMAN: Papers relating to the claim of John A. Coan, Government lessee of certain plantations in Louisiana, for relief, to the Committee on War Claims.

By Mr. HUNTON: The petition of Charles Kirby, for compensation for stores and supplies taken by the United States Army, to the Committee on War Claims.

By Mr. KIDDER: A letter from A. J. Smith, of Dakota, relative to the filing of pre-emptors on public lands, to the Committee on

By Mr. KIMBALL: Memorial of the Legislature of Wisconsin, asking for increased appropriations to extend the Signal Service for the benefit of the farming interests of the United States, to the Committee on Commerce.

Also, memorial of the Legislature of Wisconsin, for the establish-

ment of a tri-weekly mail-route from Waupaca to Plainfield, Wisconsin, to the Committee on the Post-Office and Post-Roads.

Also, joint resolution of the Legislature of Wisconsin, against building a bridge across the Detroit River in the State of Michigan, to the Committee on Commerce.

Also, joint resolution of the Legislature of Wisconsin, relative to a consolidated directory of the several States and the General Govern-

ment, to the Committee on Printing.

By Mr. McMAHON: The petition of Gideon Curtis, for a pension, to the Committee on Invalid Pensions.

Also, the petition of numerous soldiers in the late war with Mexico, now residents of Hampton Home, for active measures for the release of Edward O'M. Condon, to the Committee on Foreign Affairs.

By Mr. O'NEILL: Remonstrance of citizens of Philadelphia, against

the reduction of the tariff, to the Committee of Ways and Means.

By Mr. PAGE: The petition of H. B. Tichnor and others, that the
United States establish a military post in Alaska Territory, and for
the granting of certain privileges to the Alaska Ship-Building and Lumber Company, to the Committee on Public Lands.

Also, the petition of settlers upon the Albion grant, California, that House bill No. 321 be not passed, to the same committee.

By Mr. PARSONS: The petition of James T. White, for compensation for three hogsheads of tobacco taken from him by Colonel E. M.

Lowe, United States Army, to the Committee of Claims.

By Mr. PHELPS: The petition of Lieutenant-Colonel Henry A.

Frink, for a pension, to the Committee on Invalid Pensions.

By Mr. SEELYE: Memorial of the Engineers Club of Saint Louis, in behalf of the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

Also, the memorial of the Saint Louis Academy of Sciences, of sim-

ilar import, to the same committee.

By Mr. TOWNSEND, of New York: The petition of Elizabeth A. Zears, for an additional pension, to the Committee on Invalid Pensions. By Mr. VANCE, of North Carolina: Papers relating to the claim of John Waugh, for compensation for property destroyed by the United States Army, to the Committee on War Claims.

By Mr. WILLIAMS, of Indiana: The petition of John Burke, for additional compensation as a United States officer, to the Committee on Wilter Affairs.

on Military Affairs.

By Mr. A. S. WILLIAMS: The petition of 23 citizens of Hammond, Michigan, that authority be granted to construct a bridge across Detroit River, to the Committee on Commerce.

# IN SENATE.

# WEDNESDAY, March 22, 1876.

Prayer by Rev. J. O. A. CLARK, D. D., of Macon, Georgia. The Journal of yesterday's proceedings was read and approved.

### HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the

District of Columbia:

A bill (H. R. No. 1256) to regulate the duties of constables and marshals in the District of Columbia where property is claimed to be exempt from execution;

A bill (H. R. No. 1345) revising and amending the various acts establishing and relating to the Reform School of the District of Columbia; A bill (H. R. No. 1271) amendatory of the act to incorporate the Columbia Railway Company of the District of Columbia, approved

May 24, 1871;
A bill (H. R. No. 1652) giving the approval and sanction of Congress to the route and termini of the Citizens' Railroad, and to regu-

and to regulate its construction and operation;
A bill (H. R. No. 1922) providing for the recording of deeds, mortgages, and other conveyances affecting real estate in the District of Columbia; and

A bill (H. R. No. 2157) to provide for building a market-house on square 446 in the city of Washington, District of Columbia.

### PETITIONS AND MEMORIALS.

Mr. SHERMAN presented the petition of Darwin Weaver, J. S. Slack, and other citizens of Ohio, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia trict of Columbia.

Mr. DAVIS presented the petition of R. Hickman, M. E. Browse, and other citizens of Saint Mary's, West Virginia, praying for a general law to prohibit the traffic in intoxicating liquors to be used as a beverage within the national jurisdiction; which was referred to the Committee on the District of Columbia.

He also presented the petition of George C. Wilding, D. R. Groves, and other citizens of West Virginia, praying for a general law to prohibit the traffic in intoxicating liquors to be used as a beverage within the national jurisdiction; which was referred to the Committee on the District of Columbia.

Mr. CAPERTON presented the petition of David Teater, R. D. Petty, and others, praying for a general law prohibiting the traffic in intoxicating liquors to be used as a beverage within the national jurisdiction; which was referred to the Committee on the District of

Mr. BAYARD. I present a petition of the Sons of Temperance of Delaware, accompanied by a note from Mr. A. M. Powell, at whose request I present this petition, signed by two persons on behalf of themselves and other members of the society, praying for prohibitory legislation in regard to the sale and manufacture of alcoholic liquors in the District of Columbia and the Tarritanes of the United States in the District of Columbia and the Territories of the United States. I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. MERRIMON presented a petition of the Good Templars of North Carolina, officially signed, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. DAWES presented the petition of Charles M. Delano, Ezra Kingman, and other citizens of East Bridgewater, Massachusetts, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was

referred to the Committee on the District of Columbia.

He also presented the petition of Leopold Karpeles, a citizen of Springfield, Massachusetts, praying that he may be paid the sum of \$190, which he believes to be justly due him from the United States for services rendered as a soldier; which was referred to the Committee on Military Affairs.

Mr. WINDOM presented a petition of 469 citizens of Richland County, Wisconsin, praying for an appropriation to complete the Fox River improvement, and for the construction of a canal along the Wisconsin River from Portage City to Prairie du Chien, Wisconsin, in accordance with the third plan recommended by General Warren;

which was referred to the Committee on Commerce.

Mr. WRIGHT presented a petition of the Temperance Brotherhood of Christian Churches of the City of Brooklyn, New York, officially signed, representing 30,000 members, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Friends' First-Day School, of Wilmington, Delaware, signed by the superintendent, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. BRUCE presented a petition of the Sons of Temperance of the District of Columbia, officially signed, praying for prohibitory legislation for the District of Columbia and the Territories, for the prohibition of the importation of alcoholic liquors from abroad; that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment prohibiting the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

Mr. CHRISTIANCY presented the petition of M. B. Tower, L. S. Tower, and other citizens of Rollin, Michigan, praying for prohibitory legislation for the District of Columbia and the Territories, for the prohibition of the importation of alcoholic liquors from abroad; and that total abstinence be made a condition of the civil, military, and naval service; which was referred to the Committee on the District of Columbia.

Mr. WITHERS presented the petition of Mrs. F. T. McCune, widow of Gordon McCune, a soldier of the war of 1812, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. HOWE presented a petition of the Grand Division of the Sons

of Temperance of Wisconsin, officially signed, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the importation of alcoholic liquors from abroad; that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment prohibiting the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

Mr. CAMERON, of Pennsylvania, presented a petition of the Kennett monthly meeting of the Society of Friends and others, of the State of Pennsylvania, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of citizens of Pennsylvania, praying for the passage of a law granting to each soldier, sailor, or marine who served the nation during the rebellion a bounty of \$3.33 per month during the entire time served, deducting all United Statics bounties heretofore paid; which was referred to the Committee on Military

He also presented the petition of James Black, George F. McFarland, and others, citizens of Pennsylvania, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia; which was referred to the Committee on the District of Co-

Mr. BOOTH presented a petition of the Good Templars of California, officially signed, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Co-

Mr. HITCHCOCK presented the petition of Thomas C. Clark, late a soldier of the United States, praying that he may be re-imbursed the sum of \$1,000 paid by him to L. K. Woodberry, to quiet his claim to certain land entered by the petitioner under the homestead law; which was referred to the Committee on Public Lands.

The PRESIDENT pro tempore presented the petition of the Friends' Temperance Union of New York City, officially signed, asking for prohibitory legislation for the District of Columbia and the Territories; the prohibition of the importation of alcoholic liquors from abroad; that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment prohibiting the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

He also presented the petition of the Friends' Temperance Union of Ghent, New York, officially signed, asking for prohibitory legislation for the District of Columbia and the Territories; the prohibition of the importation of alcoholic liquors from abroad; that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment prohibiting the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

Mr. FRELINGHUYSEN presented the petition of Rev. J. Winans, Rev. George S. Mott, and other citizens of Flemington, New Jersey, asking for a general law to prohibit the liquor traffic within the national jurisdiction; which was referred to the Committee on the District of Columbia.

He also presented the petition of the New Jersey State Temperance Alliance, signed by George Shepard Page, president, and G. Y. Syder, secretary, asking for prohibitory legislation for the District of Columbia and the Territories; for the prohibition of the importation of alcoholic liquors from abroad; that total abstinence be made a condition of the civil, military, and naval service; and for a constitu-tional amendment prohibiting the traffic in alcoholic beverage through-out the national domain; which was referred to the Committee on the District of Columbia.

Mr. ALLISON presented a petition of the Good Templars of Du-buque, Iowa, officially signed, praying for the prohibition of the man-ufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District

Mr. MITCHELL presented the petition of M. C. George, James A. Warner, and other citizens of the State of Oregon, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the

Committee on the District of Columbia.

Mr. PADDOCK presented the petition of J. C. Chamberlain, O. F. Seelye, and other citizens of Nebraska, praying for the passage of a general law to prohibit the liquor traffic within the national jurisdiction; which was referred to the Committee on the District of Columbia

Mr. HAMLIN presented the petition of Dauiel D. Tappan, Abriel Holt, and other citizens of Maine, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

Mr. GORDON presented a petition of citizens of Macon, Georgia, praying the repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented the petition of James Riley, late corporal Company A, Sixty-first New York Volunteers, praying for a pension; which was referred to the Committee on Pensions.

Mr. BOGY presented a petition of the Grand Division of the Sons of Temperance of Missouri, officially signed, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the importation of alcoholic liquors from abroad; that total abstinence be made a condition of the civil, military, and naval service, and for a constitutional amendment prohibiting the traffic in alcoholic beverages throughout the national domain; which was re-

ferred to the Committee on the District of Columbia.

Mr. SPENCER presented the petition of Jonas W. Brown and C.
E. Jones, members of the Lodge of Good Templars of Idaho City, and others, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

which was referred to the Committee on the District of Columbia.

Mr. MORRILL, of Maine, presented the petition of Hiram Hicker,
Timothy Bailey, and other citizens of North Auburn, Maine, praying
for the prohibition of the manufacture and sale of alcoholic liquors
in the District of Columbia and the Territories; which was referred
to the Committee on the District of Columbia.

Mr. SAULSBURY presented a petition of the Good Templars of Washington Territory, signed officially, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the importation of alcoholic liquors from abroad; that total abstinence be made a condition of the civil-military, and naval service, and for a constitutional amendment prohibiting the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

#### REPORTS OF COMMITTEES

Mr. HAMLIN. The Committee on Post-Offices and Post-Roads, to whom was recommitted the bill (H. R. No. 2262) establishing post-routes, have directed me to report it back with amendments; and I desire to say to the Senate that as in some of the States the lettings will soon take place, I shall ask to take the bill up and have it acted

will soon take place, I shall ask to take the bill up and have it acted upon at an early day—to-morrow morning, if it can be done then.

Mr. MITCHELL, from the Committee on Claims, to whom was referred the petition of Francis J. Comstock, praying compensation for hay used by the United States Army in 1865-66, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. WRIGHT. I am instructed by the Committee on Claims, to whom were supposed to be referred certain papers in the case of John B. Garrison on the 17th of January, to move to be discharged from the further consideration thereof.

the further consideration thereof.

The motion was agreed to.

Mr. WRIGHT. I ask that a like order be made in reference to the papers in the case of Elonzo Snyder, referred to the committee on the 17th of January, and the papers in the case of Joseph Duncan, referred the 7th of February.

The PRESIDENT pro tempore. The committee will be discharged from the further consideration of these papers, if there be no objec-

Mr. WRIGHT, from the Committee on Claims, to whom was referred the petition of Martha T. McQueen, widow and administratrix of John McQueen, deceased, praying compensation for property taken and appropriated by United States troops in 1864, belonging to the estate of the decedent, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of John J. Anderson, surviving partner of the firm of Anderson & White, praying compensation for cotton belonging to that firm appropriated by the authority of the Government of the United States to the defenses of Nashville in 1862, submitted a report thereon, accompanied by a bill (S. No. 628) for the relief of John J. Anderson, surviving copartner of the firm of Anderson & White.

The bill was read and passed to the second reading, and the report

The bill was read and passed to the second reading, and the report was ordered to be printed.

Mr. CAMERON, of Wisconsin, from the Committee on Claims, to whom was referred the petition of Butler, Miller & Co., praying compensation for cotton taken and used by the United States in the fortifications at Nashville, Tennessee, in 1862, submitted a report thereon, accompanied by a bill (S. No. 627) making an appropriation to pay the claim of Butler, Miller & Co.

The bill was read and passed to the second reading, and the report was ordered to be printed.

as ordered to be printed.

He also, from the same committee, to whom was referred the petition of Warren Mitchell, of Louisville, Kentucky, praying to have refunded to him the amount of proceeds of certain cotton belonging to him seized and sold by the Government of the United States and covered into the Treasury, submitted an adverse report thereon; which was agreed to any ordered to be printed.

was agreed to, and ordered to be printed.

Mr. FRELINGHUYSEN. The Committee on Foreign Relations, to whom was referred the memorial of the Chamber of Commerce of New York, which sets forth that by the act of the Prince of Chosin an attack in defiance of the Japanese government was made upon the American vessel Pembroke, which the Americans successfully repulsed; that our Government has received \$750,000, which with its accumulations now amounts to a million and a quarter; that the whole loss of our nation was less than \$50,000, and praying that the

balance be repaid to the Japanese government, have directed me to submit a favorable report, accompanied by a bill to the effect that \$125,000 be reserved for prize-money, and that the balance be paid to the Japanese government, or be paid in trust for purposes of educa-

The bill (S. No. 626) in relation to the Japanese indemnity fund was read and passed to the second reading, and the report was ordered

Mr. BOOTH, from the Committee on Public Lands, to whom was referred the bill (S. No. 536) granting the right of way through the public lands for wagon-roads over the Blue Mountains, in the State

of Oregon, reported it without amendment.

Mr. McDONALD, from the Committee on Public Lands, to whom
was referred the bill (S. No. 49) to confirm to the State of Florida the swamp and overflowed lands granted under the act of September 28,

Mr. JONES, of Florida, from the Committee on Claims, to whom was referred the bill (H. R. No. 247) for the relief of James M. Coffinberry, of Cleveland, Ohio, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. CAPERTON, from the Committee on Claims, to whom were referred the papers in the matter of the application of Walker Pearce for additional compensation for services rendered as registrar of voters in Cumberland County, North Carolina, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Harvey & Livesey, praying compensation for labor, materials, and damage under contract for masonry work to piers and abutments for bridge at Rock Island, June 1, 1869, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the bill (S. No. 251) for the relief of William White, submitted an adverse report thereon; which was ordered to be printed, and the bill was post-

poned indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 1988) for the relief of Hermann Kreismann, United States consul-general at Berlin, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

#### BILLS INTRODUCED.

- Mr. HOWE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 629) for the relief of D. G. & D. A. Sanford; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. SARGENT asked, and by unanimous consent obtained, leave to

introduce a bill (S. No. 630) to establish a mail-route in California; which was read twice by its title, referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 631) for the relief of persons to whom the governors of the Northwestern and Indiana Territories confirmed lands; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Private Land Claims.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 632) to prohibit the manufact-

ure, importation, and sale of intoxicating liquors as a beverage in the Territories of the United States; which was read twice by its title, referred to the Committee on Territories, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 633) to prohibit the manufacture, importation, and sale of all intoxicating liquors as a beverage in the District of Columbia; which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 634) to amend the act entitled "An act to incorporate the Joint Stock Company of the Young Men's Christian Association of Washington;" which was read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 635) to amend section 4723 of the Revised Statutes; which was read twice by its title, referred to the Committee on Mili-

tary Affairs, and ordered to be printed.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 636) authorizing a geological survey of the Ozark range of mountains and the Upper Arkansas River; which was read twice by its title, referred to the Committee on Mines and Mining, and ordered to be printed.

Mr. BRUCE (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 637) to provide for the payment of bounties, &c., to colored soldiers and sailors and their heirs; which was read twice by its title, referred to the Committee on Mills.

which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 638) to declare the meaning of section 1209, Revised Statutes of the United States; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 639) for the relief of Samuel Noble; which was

read twice by its title, referred to the Committee on Claims, and or-

dered to be printed.

Mr. WRIGHT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 640) to quiet the titles of settlers on the so-called Des Moines River lands in the State of Iowa, and for other purposes; which was read twice by its title, referred to the Committee on Public Lands, and ordered to be printed.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 10) proposing an amendment to the Constitution of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered

to be printed.

Mr. MORRILL, of Maine, asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 11) to authorize the Joint Committee on the Library to send two paintings by Thomas Moran to be exhibited at the centennial exhibition at Philadelphia; which was read twice by its title, referred to the Committee on the Library and ordered to be printed. on the Library, and ordered to be printed.

### PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. MERRIMON, it was

Ordered. That Clarke & Given have leave to withdraw their petition and papers from the files of the Senate.

On motion of Mr. SPENCER, it was

Ordered, That the petition of James E. Slaughter, of Alabama, asking for the removal of his disabilities, be taken from the files of the Senate and referred to the Committee on the Judiciary.

THE CALENDAR.

The PRESIDENT pro tempore. If there be no further morning business the morning hour has expired, and the Chair will lay before the Senate the unfinished business, which is the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-

vide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon.

Mr. SHERMAN. In the absence of the Senator from Indiana, [Mr. Morton,] I suggest that the Calendar be proceeded with in order, commencing at the place where we last left off.

The PRESIDENT pro tempore. Is there objection?

Mr. EDMUNDS. For unobjected cases, the Senator means?

Mr. SHERMAN. Yes, sir.

Mr. EDMUNDS. Certainly. We ought not to proceed with the bill in the absence of the Senator from Indiana.

The PRESIDENT pro tempore. If there be no objection, the Calendar will be taken up and unobjected cases considered.

The first bill on the Calendar was the bill (S. No. 23) for the relief of Edwin Fairfax Gray, reported adversely from the Committee on of Edwin Fairfax Gray, reported adversely from the Committee on

Mr. COCKRELL. The Senator from Texas [Mr. MAXEY] is not in his seat, and I desire that the bill be passed over.

The PRESIDENT pro tempore. The bill will be passed over.

# HEIRS OF MAJOR D. C. SMITH.

The next bill on the Calendar was the bill (S. No. 548) for the relief of the heirs of Major D. C. Smith; which was considered as in Committee of the Whole. It relieves the heirs and bondsmen of Major D. C. Smith, late assistant paymaster of the United States Army, from the payment of \$166.39, and the interest thereon, as appears due upon settlement of his accounts.

The bill was reported from the Committee on Military Affairs with an amendment to strike out, in line 6, the words "39" before "cents," and insert "29," so as to read:

From the payment of the sum of \$166.29.

The amendment was agreed to. The amendment was agreed to.

Mr. EDMUNDS. Is there a report in the case?

The PRESIDENT pro tempore. There is a report.

Mr. EDMUNDS. Let us hear the report read.

The PRESIDENT pro tempore. It will be reported.

The Chief Clerk read the following report, submitted by Mr. Cock-

RELL, from the Committee on Military Affairs, March 13:

RELL, from the Committee on Military Affairs, March 13:

The Committee on Military Affairs, to whom was referred the bill (S. No. 548) for the relief of the heirs of Major D. C. Smith, have duly considered the same, and submit the following report:

Major D. C. Smith was a paymaster in the United States Army; was a gallant, efficient, and meritorious officer. On October 27, 1864, Major D. C. Smith, in company with several other paymasters, left Memphis, Tennessee, on board of the steamer Belle of Saint Louis for Saint Louis. At Randolph, Tennessee, this steamer started to land and was boarded by some eight or ten guerrillas, while others from the shore began firing into the steamer. The guerrillas on board undertook to force the engineer and officers of the boat to land.

Majors Buler and D. C. Smith took their revolvers and approached the guerrillas on board and began to fire and were fired upon, and Major Smith was mortally wounded and died; Major Buler was also mortally wounded. Their gallant conduct enabled the steamer to be saved, and thus the Government property on board the steamer was also saved. Paymaster-General Alvord reports the accounts of Major D. C. Smith as follows, to wit:

His final accounts show that at the date of his death he was indebted to

His final accounts show that at the date of his death he was indebted to

the United States From over additions in his accounts	\$234 30	00
Storegram had a first a sure of the delication	334	64
He is entitled to credit for pay from October 1 to 28, 1864	146 21	85 50
	Wilse	

Leaving balance due the United States ...... 166 29

"I inclose a copy of his chief paymaster's report, showing the very gallant manner in which he met his death defending the property of the United States. I therefore most cheerfully recommend the passage of this bill as amended, as I consider it a very just and meritorious one."

The amendment suggested is to strike out "30" and insert "20;" so that the bill as amended will read "\$166.29" instead of "\$166.39."

Your committee recommend the passage of the bill with the amendment suggested.

Mr. EDMUNDS. This is a very small bill of course, but I should like to ask the Senator who reported it on what principle the bill stands. Is it put upon the ground that this officer lost this money in consequence of his being killed in that engagement, or is it put upon the ground that it is a recognition of his meritorious services on that

Mr. COCKRELL. The accounts as made out after the death of Major Smith showed \$284.64 in his hands, and then from overadditions \$50, making a total of \$334.64. He was credited then with his pay, \$146.85, and for short additions, which were shown, \$21.50, making a total credit of \$168.35, leaving a balance of \$166.29, which the bill provides his heirs shall be credited with. Had Major Smith been living and able to have made up his accounts and brought forward all the little discrepancies that might have occurred in the small amounts which he had been paying out, the probability is there would have been nothing owing from him. This account was made up after his death by the War Department, and it was considered by the committee that really there was nothing due from his estate.

The bill was reported to the Senate as amended, and the amend-

ment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JANE A. HARRIS.

The next bill on the Calendar was the bill (H. R. No. 1600) grant-

ing a pension to Jane A. Harris.

Mr. INGALLS. There is an adverse report in that case, and it

should go over.

The PRESIDENT pro tempore. The bill will be passed over.

#### JOHN NEWS.

The next bill on the Calendar was the joint resolution (H. R. No. 64) granting the rights and benefits of the Soldiers' Home to John News; which was considered as in Committee of the Whole. It admits John News to the rights and benefits of the Soldiers' Home if it shall satisfactorily appear to the commissioners that he has not incurred any of the disqualifications named in section 4822 of the Revised Statutes of the United States.

Mr. SARGENT. I think there ought to be an explanation of the

joint resolution.

The PRESIDENT pro tempore. It is reported by the Senator from Illinois, [Mr. Logan,] the chairman of the Committee on Military Affairs.

Mr. LOGAN. There is a report with the joint resolution.
The PRESIDENT pro tempore. The report will be read.
The Chief Clerk read the following report, submitted by Mr. A. S.
WILLIAMS, from the Committee on Military Affairs of the House of Representatives February 11:

Representatives February 11:

The Committee on Military Affairs, to whom was referred the petition of John News for permission to enter the Soldiers' Home near Washington, District of Columbia, having considered the same, respectfully report:

That it appears from the records of the War Department that said News served in the United States Army for fourteen years, in four several enlistments, commencing August 12, 1851, and was discharged by the War Department, at his own request, August 12, 1874. It also appears from the records of the Navy Department that said News served in the United States Marine Corps eight years, in two enlistments of four years each, making his whole period of service in the Army and Navy about twenty-two years.

By the act of March 3, 1851, an honest and faithful service of twenty years in the Army is made a preliminary condition of admission into the Soldiers' Home. Your committee believe that, equitably, the case of this old soldier, who served in the two branches of service twenty-two years, comes within the liberal spirit and intent of this law, and is entitled to the benefits of the Soldiers' Home. They therefore unanimously recommend the passage of the accompanying joint resolution.

Mr. LOGAN. The whole case is set forth in the report.

Mr. LOGAN. The whole case is set forth in the report.

Mr. SARGENT. That is satisfactory to me.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

### TRUSTEES OF ANTIETAM CEMETERY.

The next bill on the Calendar was the bill (H. R. No. 1231) for the relief of the board of trustees of the Antietam national cemetery, re-

ported adversely from the Committee on Military Affairs.

The PRESIDENT pro tempore. There being an adverse report in this case, the bill will be passed over.

### ARSENAL AT STONINGTON.

The next bill on the Calendar was the bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut; which was

considered as in Committee of the Whole.

The bill directs the Secretary of War to sell for cash, after such advertisement as he may deem necessary, either by public auction or by inviting proposals for the purchase thereof, and in either case to the highest responsible bidder, a certain lot and parcel of land, with the buildings thereon, in the town of Stonington, Connecticut, belong-ing to the United States, formerly used for arsenal purposes. On receiving the purchase-money in full he is to execute the necessary

deeds of such property to the purchaser or purchasers thereof, conveying all the right, title, and interest of the United States therein. The proceeds of the sale, after paying the necessary expenses, are upon receipt of the same to be paid by the Secretary of War into

Mr. WITHERS. There is no report accompanying that bill. I would inquire of the Senator who reported the bill whether the Secretary of War has recommended the sale of this property? Mr. LOGAN. I think so. It will be found in the papers. Mr. WITHERS. There is no report accompanying the bill. Mr. LOGAN. It is presented on the recommendation of the Department, the property being useless to the Government.

The PRESIDENT pro tempore. There is a manuscript report from the Military Committee of the House of Representatives, which will be read if their he no objection.

be read, if their be no objection.

The Chief Clerk read as follows:

It appears from the letter of the Secretary of War and accompanying papers (see Executive Document No. 27, first session Forty-fourth Congress) that the Government owns a small brick building, 39 by 26 feet, end to end, and 10 feet high, erected in 1813, and used as an arsenal. The lot on which this building stands is small. This property, which is called an arsenal, has long since ceased to be used by the Government for any purpose, and is no longer needed for military or other public purposes, but is an expense to the Government and a nuisance to the town. The committee therefore concur in the recommendation of the Secretary of War that the property he sold, and accordingly prepart the accompanying bill providing

that the property be sold, and accordingly report the accompanying bill providing for the sale of the same.

Mr. LOGAN. If it were not for the necessity of sending the bill back to the House, I would suggest an amendment that the advertising shall not be shorter than a month.

Mr. EDMUNDS. The amendment ought to be made.

Mr. LOGAN. I believe I will move the amendment now, that the

advertisement or notice shall be for not less than a month.

The PRESIDENT pro tempore. Is there objection to the amendment suggested? The Chair hears none; and the amendment is made.

The bill was reported to the Senate as amended, and the amendment was concurred in.

It was ordered that the amendment be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

#### COUNTING OF ELECTORAL VOTES.

Mr. WHYTE. I call for the regular order of business. The Senator from Indiana is in his seat. The regular order was only postponed temporarily until he should come in.

The PRESIDENT pro tempore. The Senator from Maryland calls

for the regular order, which is the unfinished business of yesterday, being Senate bill No. 1.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of ques

tions arising thereon.

Mr. MORTON. I desire to ask Senators to remain here to-day until this bill is disposed of. It has been before the Senate for some time; it is a very important measure, and I hope Senators on this side of the Chamber at least will find it convenient to remain here and dispose of it to-day.

Mr. EDMUNDS. I suggest that the Senator ought to say "to-morrow," because there is some other business that ought to be done to-day on another subject. I would suggest to the Senator to fix to-morrow for disposing of this bill.

Mr. MORTON. I should prefer to have it disposed of to-day, if

Mr. SARGENT. I wish to give notice to the Senate that at the

Mr. SARGENT. I wish to give notice to the Senate that at the earliest moment I shall call up the diplomatic and consular appropriation bill. I propose to do it as soon as this bill is finished.

Mr. WHYTE. Mr. President, I hope the Senate will not be frightened out of its propriety by the supposition that I am about to make another speech on this important subject. Nothing is further from my thoughts. But after the judicial broadside fired into the Senator from Kentucky [Mr. STEVENSON] and myself yesterday by the Senator from Ohio, [Mr. THURMAN,] when, with uplifted hands, in wondering astonishment, he declared that it was past his comprehension how the idea could enter the brain of any man, upon reading the how the idea could enter the brain of any man, upon reading the Constitution as it is, that the duty of counting the presidential vote was lodged with the President of the Senate, I am quite sure the Senate will pardon me if, by one or two quotations, I show them that that idea entered into a brain larger than that of the Senator from Maryland and into heads which have worn the crown of laurel with as much grace and almost as much modesty as the Senator from

I referred, Mr. President, to the views of Chancellor Kent, and for the purpose to which I referred to these views they sustain my posi-tion, which was that, as the Constitution now reads, the President of the Senate is presumed to be the proper party to count the electoral vote; and so in confirmation of that I ask permission to read what was said in 1857 by Mr. Israel Washburn on the floor of the House of Representatives in regard to these views of Chancellor Kent:

I received a letter but a few days ago from a gentleman, eminent for his wisdom and ability, who stated therein that the late Chancellor Kent, of New York, had told him that there was clearly a casus omissus; that there was no power either in the House or Senate, or in a joint convention, to interfere and participate authoritatively in counting and declaring the votes and deciding upon their validity; and

he said that the chancellor added that he feared the time might come when the country would be shaken to its center on this point.—Congressional Globe, Thirty-fourth Congress, third session, page 657.

That was the sele purpose for which I referred to the opinion of Chancellor Kent; and he does most positively say that, looking at the Constitution as it is, the authority is lodged with the President of the Senate. So then when the Senator from Ohio said that reading the Constitution as it is it passed his comprehension how it could enter into the brain of any man so to construe it, he failed to remember that it entered into the brain of Chancellor Kent so to construe it.

Nor is that all, Mr. President. Mr. Stuart, of Michigan, who was a

prominent lawyer and a most honored member of this body, in this same discussion wherein I before referred to Judge Collamer's view, used these remarks:

I think the law might be made more specific; but I cannot admit that the law can provide for any other counting of the votes under the Constitution, than that they shall be counted by the President of the Senate.—*Ibid.*, page 664.

I disagree, therefore, with the honorable Senator from Kentucky [Mr. Thompson] when he supposes this is a count by the Senate. It is a count by the President of the Senate. To secure fairness and accuracy it is a public count before two responsible organized bodies under the Constitution.

And Mr. Benjamin, than whom no better lawyer ever sat within these walls, did not think it was unworthy of consideration, for he laid it down expressly that there ought to be a law-that is in regard to counting the vote not cast upon the day provided by law under the express grant of the Constitution—

There ought to be a law directing that hereafter, when the vote of a State presented for count shall appear to have been given on a day different from that provided by law, it shall be the duty of the President of the Senate not to count that vote.—Ibid., page 665.

Recognizing that the President of the Senate was the proper person to count the vote and no one else. And so Mr. Toucey, of Connecticut, a gentleman who had held the high and honorable position for fourteen or fifteen years of prosecuting officer of the State of Connecticut, called to the Cabinet of Mr. Polk as Attorney-General of the United States, an honored and respected Senator in this body for many years, said:

The whole proceeding of counting is based on the idea merely of disclosing to the public in a safe, authentic way, the actual state of the vote, and when that is ascertained truly, the President who is chosen by that vote is President, let Congress do what it may. \* \* \* And any law of Congress which undertakes by its operation to change the actual result as found upon an inspection of the facts would, so far as it changed or varied the result, be inoperative and of no effect; and hence I say to-day, as I said yesterday, that in my judgment the course of the Presiding Olicer.

Mr. Mason who had counted the vote upon the report of the tellers was entirely correct in the House of Representatives.-Ibid., page 666.

But, Mr. President, to prove that it not only entered into the brains of abler and stronger men than the Senator from Maryland, but had strong argument to sustain the rightfulness of such a lodgment, the Senator from Ohio to the contrary notwithstanding, I wish to go a step further and show that not only was this count the mere dis-closure in the presence of witnesses of the vote of the States and that neither House had anything to do with it, but that it was purely ministerial in its character, and not judicial at all, I wish to cite to this Senate the authority of a man with whom I differed as widely in politics as the poles are far apart, but a man whose talents no fair-minded man could deny, whose legal learning no man truthfully could gainsay, a man who held his seat high in the estimation of our coungainsay, a man who held his seat high in the estimation of our country, and whose memory to-day is as green as the shamrock in the hearts of the republican party of the United States—I refer to Hon. Henry Winter Davis. On page 658 of the volume of the Globe which I have cited will be found what he said in regard to this ministerial duty; and, more than that, while we are on the brink of this precipice which may involve us in trouble, let us listen to his warning note as to the difficulty which may arise by Congress tempering with note as to the difficulty which may arise by Congress tampering with this great question of counting the electoral vote.

In my opinion-

there is no judgment to be passed, either by the Senate or by the House of Representatives, or by the tellers, or by the Speaker of the House.

Every one, except the President of the Senate, is enumerated here by Mr. Davis.

by Mr. Davis.

I think that the Constitution of the United States has defined with perfect precision what we are here to do; and beyond that there is nothing to be done, except on a motion which has not yet been made.

The Constitution says that the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates that are Inid upon your table, as containing the votes of the various States, and the votes shall then be counted. They are to be counted in the presence, not of any joint convention, but of the Senate sitting separately, and of the House sitting separately, as separate Houses. It does not say that any result shall be announced. It does not require any judgment to be declared. It does not confer on either the Senate or the House the power to authorize the President of the Senate to declare who is the President of the United States.

Mr. QUITMAN. Will the gentleman permit me to ask a question? Who is to count the votes, and to decide whether a vote is to be counted or not?

Mr. Davis of Maryland. That is the precise point I rose to explain my views upon. The votes are to be "counted," and there the Constitution stops. What do gentlemen mean by the word "counted?" Do gentlemen mean that counting a vote here has the effect of a judgment upon the vote that is counted and admitted, or upon a vote which is not counted and is rejected? Do they mean to say that if a vote were rejected here upon the count by the tellers, or were admitted, it would

bind any authority known to the laws of the United States! It is that fertile source of all difficulty, this ambiguity in the phrase we are using. I apprehend that the only purpose of assembling here is to identify the things which are sent here as votes. The act is a ministerial and not a judicial one. Counting or refusing to count has no effect. Whether a vote shall or shall not have the effect of electing a President is, after the mere ministerial act of counting out the things sent here by the various States, referred by the Constitution of the United States to the body that is to elect in the event of a failure of election, and there is no motion that can be made here which can raise this question, unless some gentleman shall rise and move, in pursuance of the Constitution of the United States, that the House now proceed to the election of a President; and when that shall have been done, and the question shall have arisen whether the papers laid upon the Speaker's table, identified by their official certificates, counted by the gentlemen who are appointed to count, are legal or illegal, that question the House, and the House alone, have the power to decide; and until we are called upon to decide upon the question whether we shall or shall not elect a President, there is no practical question which can be raised in this House upon which our decision would be final. Although this House should go on and pass separate votes upon every vote before them, I apprehend they would be extra-judicial opinions upon facts which they have no right to pass upon separately, and they can only pass upon them upon the motion or upon the presumption that there is no election; and the only decision this House can come to is whether they will proceed or not now to elect a President. I presume that with reference to the Vice-President exactly the same question devolves upon the state, untrammeled by any count or refusal to count, accepting nothing as the basis of their decision except the papers identified here—identified before

And now, Mr. President, fortified with these views of eminent statesmen, I invoke another fire from the battery of the distinguished Senator from Ohio.

Mr. THURMAN. Mr. President, I really did not suppose that what I said yesterday would excite the sensitiveness of either of my friends to the extent it has done. I certainly did not intend to wound any-body's sensibilities. I said, and perhaps I ought to apologize for having said, that it did seem strange to me how the idea ever could have entered into anybody's head, looking to the Constitution alone and not at any practice under it, that the President of the Senate was

the judge in the case that is supposed by this bill.

Mr. WHYTE. The Senator must not suppose that I ever said he was the judge. Counting the vote, and judging of an election, are

different things

Mr. THURMAN. That is what I said, or at least what I intended to say. I do not know myself, except upon this new theory of the late Mr. Davis, how counting the votes and being a judge are not one and the same thing where any judicial question arises. When, for instance, the question is whether a return is in conformity with the statute, it seems to me the decision upon that is in its nature judicial, and not ministerial. When the question is between two returns from the same State, it does seem to my poor comprehension that the decision of that question is judicial in its nature, and not ministerial. That is the reason why I said that the power to count the votes does involve a power of judging what votes shall be counted and what votes shall be rejected. That being the case, I do not see for myself, as I said before, how upon the language of the Constitution the idea can be entertained that the President of the Senate is this judge.

The Senator reads a very able argument by the late Mr. Davis, which I never heard before, and to which I have listened with very great attention, at least all of it that he has read since I have come into the Senate, but if I apprehend what I heard, without knowing what preceded it, Mr. Davis did not entertain the opinion, but entertained directly the opposite opinion, that the President of the Senate was the judge in this matter. He supposes that when the returns are brought in they are to be counted. He says, however, that it does not matter whether they are counted or not, that the question whether or not those returns show an election of President is to be determined by the Honse of Representatives alone on a motion to go into the election of a President on the theory that the people have failed to elect, and in the same way that the Senate is to decide in respect to the Vice-President whether there has been an election or not. That, I understand, is his theory. It seems to me that it is not a sound theory; but if it were a sound theory, it would certainly show that the decision does not rest with the President of the Senate. Certainly Mr. Davis's opinion is distinctly against the power of the President of the Senate to decide the question.

But I do not quite understand that reasoning, I must confess; and I think that if a case had been brought to the attention of Mr. Davis, who was a very able man indeed, the very case presented by the second section of this bill, he would have had to give a reconsideration to the argument he made. He says that the two Houses are present at the opening of these votes to identify the returns, the Senate as a Senate and the House of Representatives as a House; that they are

there to identify them.

Mr. MORTON. How?

Mr. THURMAN. How they are to identify them he does not say.

He says they are there to identify them. Identify what? Identify certain pieces of paper which are laid upon the desk, or identify which is the true return? If it is meant simply to identify the papers which have been opened by the President of the Senate and laid upon the lack them they are there simply as witnesses to testify that two parallels. desk, then they are there simply as witnesses to testify that two papers from a single State, in the case of two returns being made from it, have been laid on the table, and there is no decision and no count; for according to Mr. Davis's argument that question then cannot be decided; the vote of the State cannot then be counted. The Constitution says the vote shall then be counted. His plan says the vote shall not be counted. That is what it comes to. If there are two returns, and if there is no power of decision in the President of the Sen-

ate, as he seems to admit, nor any power of decision in the Senate and House of Representatives there, then the plain provision of the Constitution that "the votes shall then be counted" becomes a nullity, for you do not count the votes then at all; but instead of then counting the votes, as the Constitution requires, you are simply to identify certain papers, and when the Senate has returned to its Chamber without any count of the votes of the State from which two returns have come, and without any declaration who has been elected, after that has taken place the House of Representatives is to go into the inquiry whether the vote of that State shall be counted, or which one of the certificates for that State shall be counted. Is that the Constitutution? Is that the Constitution which declares that the votes "shall then be counted," and if it appear that no one has received a majority of all the votes the House of Representatives shall "proceed immediately" to elect a President I is that it? I must confess, with great respect for the ability of the late Mr. Davis, I cannot see it. And it does seem to me that all this wandering about, with this plan, that plan, and the other plan, this interpretation and that interpretation, comes from losing sight of the plain provision of the Constitution and the fundamental principle of government, that where a thing is directed to be done and the mode is not prescribed by the Constitution, it belongs to the law-making power to provide for it.

Mr. JOHNSTON. Mr. President, in considering this question we

have to take the Constitution as it is, and not as we think it ought to be. It is agreed, I believe on all hands, that a better mode than the present for the election of President and Vice-President of the United States ought to be provided if possible; but until that is done by an amendment of the Constitution of the United States, we have to adapt our legislation and whatever we do in this regard to the exist-

ing provisions of that instrument.

The electoral college is just as much a constitutional body as the Senate and House of Representatives. It is equally established by the Constitution. We are bound to recognize it and to recognize the fact that it provides for an election of President and Vice-President partly by the States. The election of President and Vice-President is not merely the act of voting by the people, but it consists in everything necessary to elect the President and declare the result. The election consists, first, of the voting by the people; next, of the meeting of the electors in the several States and the casting of their votes; and then the certifying of those votes to the President of the Senate and of the assembling of the two Houses together and ascertaining the result in joint convention and declaring such result. All these things are necessary to make a complete election. If you stop at the vote of the people, the result is never ascertained. Altogether they constitute what we call the election of President and Vice-President; and in framing any law for the purpose of settling a disputed quesconnected with it, or to do anything necessary to carry out the constitutional provision relating to it, we must have regard to the provisions of the Constitution regulating the whole matter and what was intended by the instrument itself, by the framers of the Consti-

One thing that stands out prominently is that the States, as such, irrespective of their size or population, were to have a voice in the election of these two officers. When the Constitution was adopted the States were different in size, as they are now. It was known then that that inequality existed; it was known then that the time never would be when the States would be equal in size and population, but that that same inequality which existed then would go on as long as the United States lasted. Therefore the argument now that the States are so unequal in size is no reason why the original provision of the Constitution giving the States their due weight in the election of these two officers should be disregarded. It was a provision intended for the protection of the smaller States. They were bodiespolitic; they had their rights; there was danger that they would be overslaughed by the larger States, and that their rights would be destroyed by the greater representation that other States had in the House of Representatives. In order to protect them against that, the States were given a representation without regard to size in this body and also in the electoral college. Then I insist that any law passed on this subject must be passed with respect to these particular features and purposes of the Constitution which were to protect the smaller States against the dangers arising from the preponderance of the larger

Now, Mr. President, how do the electoral colleges vote? They vote by States. Each State elects a number of electors equal to her representation in the House and in the Senate. The State of Delaware elects three, the State of Virginia eleven, the State of New York thirty-five. When these electors meet together, those representing the States and those representing the people, they constitute one body in each State, and cast their votes as one body. They cast the vote of their State, and a majority casts it, if that majority be only

Now, to keep up the analogies of the Constitution and the unities of the Constitution, I insist that whatever we do in this regard shall be done in the same meaning, and in the same sense, and for the same purpose that the electoral college acts. We must endeavor to preserve the symmetry of our system, we must strive, in every step we take toward electing a President and Vice-President and declaring the result, to preserve the same analogies that guided the convention in establishing the electoral college and the mode of electing the President

and Vice-President. Any departure from that, anything going outside of that, is a violation of the purposes of the Constitution and the intentions of the framers of it, and should therefore not be adopted.

Hence, when it comes to the decision of any important question connected with the election of these officers, and to deciding which of two returns is the vote of a State, upon which decision the result of the election may turn, why is it not proper that that question should be decided upon the same principle, rule, and reasons that regulate the election of President in its other phases? If it was proper that the President should be elected by a joint vote of the people and the States; if it was proper that the electoral college should be constituted partly of the States and partly of the people, is it not equally proper that a question upon the decision of which the result may turn proper that a question upon the decision of which the result may turn should be decided in the same way that the election itself was intended to be decided? Certainly when we do that we keep up what the framers of the Constitution intended and we preserve the purpose of the instrument. If we go outside and adopt any plan different from or beyond that, we depart to that extent precisely from what was intended in the original framing of the Constitution; and, therefore, we do what was never intended and what is contrary to the interpretation. strument itself.

The Senator from Indiana proposes to let the judges of the Supreme Court, not sitting as a court but as individuals, decide this question in the last resort, and he does it upon the ground that letting the Senate and House of Representatives decide it is anti-republican, be-cause the States would thus be represented in the decision. It seems to me that if the Constitution intended that the States should be to me that if the Constitution intended that the States should be represented in all these questions, it cannot be contended that it is anti-republican. It is the purpose of the Constitution itself that the States should be represented; and when an amendment is offered which declares that the States shall not be represented as to any particular thing arising in this election, to that extent we depart from the Constitution and from our republican institutions. The members of this body and the members of the House of Representatives were elected by the people partly to perform these very functions. They were chosen for the purpose, among others, of deciding who in a cer-tain contingency should be President and who Vice-President. When the people voted for them, they delegated them to fulfill those duties; they elected them for that purpose as well as other purposes; and when we leave the question with the men thus elected by the people, we leave it where republican government ought to leave it, with the people or with the representatives of the people. But if we take it away from them and give it to nine other men never selected by the people, knowing little of the people, necessarily by the very nature of their functions and duties removed from the people and in no sense representing them, we get the decision of that great question away from a representative body of men to a body never elected by the people and having little connection with them. I can imagine no provision that would be further from the spirit of the Constitution and of our republican institutions, unless it would be to select six or eight of the ministers who represent foreign governments in this city and let them be constituted a court to decide upon this question. That would be just as far from my idea of what constitutes a republican government which is a representative government as the proposition submitted by the Senator from Indiana. I think, therefore,

that his amendment is wholly inadmissible.

Then I think the proposition of the Senator from New Jersey, [Mr. RANDOLPH, ] to a certain extent incorporating my view, is yet defective in one very important particular, and that is in its practical working. Now observe in what that defect consists. The two Houses meet together in the Hall of the House of Representatives to count the votes. If there is no objection made and the votes are simply counted throughout without any question arising, the two Houses do not separate at all until all the votes are counted and the result announced; but whenever a question arises to be decided the two Houses separate at once, and the Senate returns to its Chamber and the House remains in its, and each proceeds to act for itself on the disputed point. Suppose there be two returns from a State, and it becomes necessary to decide which is the right one. The two Houses separate, and each proceeds to act upon the question. After they have acted, the Senate is notified of the readiness of the House to receive them and returns to the Hall of the House of Representatives, and there it is ascertained that the House has decided in favor of one and there it is ascertained that the House has decided in favor of one return and the Senate in favor of the other. Now, the proposition of the Senator from New Jersey is that in that event the President of the Senate shall proceed to declare which return shall be counted, and shall base his decision upon a majority vote of the two bodies. But does not this practical difficulty arise: The vote of the House has been given in the absence of the Senate and of the President of the Senate; he does not know what it was; and the amendment provides no means of ascertaining what vote the House has given.

Mr. RANDOLPH. May I interrupt the Senator?

Mr. JOHNSTON. Certainly.

Mr. RANDOLPH. I should like to know whether the President of the Senate would not have the same means of ascertaining the vote of the House as he has of ascertaining that the House has disagreed at all. If he is competent to receive one message he is competent

at all. If he is competent to receive one message he is competent to receive both; and therefore the information is within his grasp and within his official grasp, as it seems to me.

Mr. JOHNSTON. I think not, sir; because all that the Senate

learns when it returns to the House is simply the result. How that has been attained there is no way of ascertaining. It is announced merely that the House has determined to accept one set of returns. By what vote the House has done that is not announced. The proposition of the Senator from New Jersey leaves that as a difficulty likely to impend, and does not undertake to remove it.

Mr. RANDOLPH. That is a mere matter of detail.

Mr. RANDOLPH. That is a mere matter of detail.

Mr. JOHNSTON. It may very well happen that the vote may not be taken by yeas and nays, and it might happen that that vote would be taken so that those who voted for the proposition and who voted against it could not be ascertained. Suppose it was a simple vote in the ordinary way: "All who are in favor of this proposition say ay, and the contrary no." It would be out of the power of the presiding officer of the House or anybody there to say how the vote was. No body could tell who were the members who constituted the majority

Mr. RANDOLPH. Does the Senator from Virginia mean to say that upon a question of that magnitude it is probable or even possi ble that the vote shall be taken in the manner indicated by him; that so undignified a proceeding as that would be likely to occur

Mr. JOHNSTON. I cannot say that it is probable, but I do say Mr. JOHNSTON. I cannot say that it is probable, but I do say that it is possible; and, while we are providing against these contingencies, let us provide against all. Let us have this law passed so that there can be no trouble in the execution of it, and have the mode so clearly defined that it meets every conceivable emergency.

Mr. RANDOLPH. Then I will answer the Senator by saying that in providing for the details the law may state that the vote shall be

Mr. JOHNSTON. That is possible. The law might be framed in such a way as to provide for that; but, as it stands now, that difficulty exists, and, to my mind, it is a serious one.

The Senator from North Carolina [Mr. Merrimon] has made a suggestion; and, as I am speaking on this subject, I may as well address myself to that as to the others. His proposition is to strike out all after the word "which," in section 2, line 7, and insert:

Shall be duly authenticated by the State authorities, recognized by and in harmony with the United States, as provided by the Constitution.

It seems to me that that amendment of the Senator from North Carolina is open to very serious objection. What is meant by being in harmony with the United States? Suppose we adopt that amendment and declare that that vote shall be counted which is certified by the authorities of the State in harmony with the United States, what does that mean? Does not that leave a wide field open for investigation and construction? What is the United States? The United States is the whole Government. It is the executive, the judicial, and the legislative departments of the Government. combined constitute the United States, and no two of them do it. It takes them all; and when we say that the government of a State is in harmony with the United States, I do not exactly understand the phrase or know how it will be interpreted. Take the existing state phrase or know how it will be interpreted. Take the existing state of things. The President belongs to the republican party; the Senate is republican; the House of Representatives is democratic; the Supreme Court and the judiciary are neither one nor the other, but are, as they ought to be, not politicians. Suppose the question should come up, whether or not a particular State government is in harmony with the United States, how is that fact to be ascertained? All mony with the United States, how is that fact to be ascertained? All the Departments of the Government are not "in harmony" with each other just now. There is a difference of opinion between the two Houses, the legislative branch; and a case might arise in which the government of a State could not be in harmony with the whole United States at the same time. A case might very well exist, too, where a State government had never been recognized by any Department of the United States. The elections come on in November. Most of the governors qualify in January. These returns are to be counted in February. No act of anybody, neither the legislative, executive, nor judicial branch of the Government, may have recognized the govern judicial branch of the Government, may have recognized the government of a State from the time of its inauguration up to the time of counting the electoral vote. I understand a recognition to mean some act of the legislative body recognizing a particular governor and a particular legislature as the legal government of a State, or through some proclamation of the President or some communication between him and them recognizing that as the legal government of the State. But the President cannot by general proclamation declare that a certain man is the governor of a particular State; that is not part of his duties. Neither can the Congress of the United States by law declare that a certain man is the governor of a State; that is no part of their constitutional power. All that either can do is, when a man claims to be the governor of a State, to recognize him in such intercourse as may take place between him and the United States or between him and a particular department of the Government in such manner as the Constitution and laws authorize States to have intercourse with that department. That is all we can do. We can only recognize him as governor when the occasion arises for the recognition. We cannot make a solemn recognition as an independent act. The recognition is the result of some intercourse between the two which requires that some act shall be done to bring it about. Until that is done there can be no recognition. It may very well beginned. that is done there can be no recognition. It may very well happen, therefore, that the State may not be in harmony with the United States. The State government may have never been recognized; and if the question of the returns comes up then, and it is to be tried

by that standard, we have nothing to decide it by. That practical difficulty arises in regard to that proposition, and I think, therefore, that it is objectionable also.

I desire to say a few words in regard to the proposition of the Senator from Maryland, [Mr. Whyte.] I differ as widely from him as I can, both upon the construction of the authority be quotes from Kent's Commentaries and upon the construction he puts upon the Constitution and the report of the committee quoted by him. His idea is that Chancellor Kent in his Commentaries recognized the right and power of the President of the Senate to count the vote; that that was a duty under the Constitution, and that Congress had no right to legislate upon the subject. I think, with all due deference to the learned Senator, that he construed the authority wrongly. This is the law that he read:

In the case of questionable votes and a closely-contested election, this power may be all-important—

That is, the power to count the votes-

and I presume, in the absence of all legislative provision on the subject, that the President of the Senate counts the votes, and determines the result, and that the two Houses are present only as spectators, to witness the fairness and accuracy of the transaction, and to act only if no choice be made by the electors.

Now I read that to mean this: There is a wide difference between constitutional provisions and legislative provisions. A constitutional provision is an amendment to the Constitution, a change in the organic law of the land. A legislative provision is an act of Congress, some proceeding of the two Houses in their legislative capacity. Chancellor Kent certainly knew the difference between a legislative and a constitutional proceeding; and when he used words intimating and a constitutional proceeding; and when he used words intimating that there might be a legislative provision on this subject, he certainly could not be held to have meant that the Constitution might be amended, and thus the difficulty avoided. We all know it is in the power of the country to amend the Constitution whenever three-fourths of the States agree to do so. There can be no question upon the right of amendments to the Constitution. He could not therefore have referred to amendments to the Constitution, nor could be have referred to any question connected with the Constitution itself, because certainly so learned and so accurate a man as Chancellor Kent knew the difference between the words constitutional and legislative, and he would not use the word "legislative" where he meant "constitutional." That any man, especially a learned law-writer, writing an elementary book for the regulation of the courts of the country and the instruction of the legal profession, should use words so loosely that he would not discriminate between the word "legislative" and the word "constitutional" is not to be supposed; and when he intimates, or says plainly, that there may be a legislative provision on the subject we understand him to mean that he thinks Congress has the right to pass a law on the subject, and by it to declare who shall count the votes. In that sense, if that view is true, he cannot be held to mean that the Constitution gives the Vice-President the right to count the votes, because if the Constitution did give that right then it could not hold that Congress could legislate on the subject. Whenever the right of Congress to legislate on the subject is conceded the right of the Vice-President under the Constitution to count the votes is denied. That proposition it seems to me is very plain. If the Constitution vested in the Vice-President the right to count the votes then no power can take it away from him; it belongs to him; he must exercise it; nobody else can. When Chancellor Kent says this is a subject upon which Congress may legislate, that Congress may provide who shall count these votes, of course his opinion is that the Vice-President has not the constitutional right to do it or that it is not vested exclusively in him.

I think that view is supported precisely by the report of the committee which was quoted by the learned and eloquent Senator from Maryland. It will be observed that the same body of men framed both the Constitution and the report. That was a report to the convention that framed the Constitution of the United States, and, was adopted by that body. In construing the two instruments, therefore, if we find any difference in phraseology between them, what is the natural inference? It is not that the two mean the same thing, but that they mean different things. If the same hody of men make two that they mean different things. If the same body of men make two instruments, and if in making one they use particular language and in making the other they use other language in regard to the same subject, no rule of construction authorizes us to assume that the two instruments have the same meaning. The Constitution provided, as originally framed, in the second section of the second article, that the Vice-President should open the votes and they should then be counted; just as the twelfth article of the Constitution now provides. After the Constitution was constructed the report was made. The object of the report was merely to put in force the Constitution. We then had no President, no Vice-President. This report was in the nature had no President, no Vice-President. This report was in the nature of a schedule, such as accompanies all new State constitutions, specifying the means of putting it in operation, and nothing more. The Vice-President could not count the votes and determine who was regularly elected, because he did not then exist. Somebody had to do it. Therefore they had to provide some temporary expedient, and having provided first in the Constitution in general terms that the Vice-President should open the votes and that they should then be counted, they provide in this report for a special officer to be elected by the Senate, who should do—what?

That the electors should meet on the day fixed for the election of the President, and should transmit their votes, certified, signed, sealed, and directed, as the Constitution requires to the Secretary of the United States in Congress assembled.

That provision was changed afterward by directing the votes to be sent to the President of the Senate.

That the Senators and Representatives should convene at the time and place assigned; that the Senators should appoint a President of the Senate for the sole purpose of receiving, opening, and counting the votes for President; and that after he shall be chosen, the Congress, together with the President, should, without delay, proceed to execute this Constitution.

Now, then, that officer was elected for a single purpose. particularly deputed by this report to receive, to open, and to count the votes; but when you come to the Constitution itself it authorizes him to receive and open, and omits to direct that he shall count the him to receive and open, and omits to direct that he shall count the votes. Then what is the rule of construction by our courts? When this report provides that the Vice-President or the presiding officer shall receive, shall open, and shall count the votes, and the Constitution says that he shall receive and open them, by what rule of construction, I ask, is it that anybody can say that he shall also count the votes? The instrument itself upon its face would seem to me to determine it. When we recollect that it was made at the same time that this report was made, by the same body of men, and that these words that are important and material in the report are omitted in the Constitution; when we recollect that the Constitution specially the Constitution; when we recollect that the Constitution specially takes away from the Vice-President that particular power, I cannot understand how it is that any one can contend that the framers of the Constitution intended that it should give to that officer the right to count these votes. Every rule of construction and every court in the land would determine that the Constitution meant something different from the report because it omitted an important part of the report; that it meant something different because it used different language; that it could not mean the same thing when the two were so widely different in their terms. Therefore, I respectfully submit to the learned Senator that his argument is in default in that respect.

Upon reviewing all the propositions that have been made, I still insist that the amendment offered by myself, that, where there is a insist that the amendment offered by myself, that, where there is a disputed question in regard to a return, the two Houses together, voting by States, should decide it, is the one most in consonance with the Constitution and with the spirit of our institutions. It preserves the legitimate and constitutional weight of the States, and it is the only mode suggested that does. It presents the same features that the electoral college has, and it is the only provision that does it. It carries out just what the framers of the Constitution seemed to intend, and it is the only one that does it. It remits the decision of an important question to the two Houses acting in their capacity under the Constitution and acting in the way that the Constitution in the Constitution and acting in the way that the Constitution in-

tended them.

It seems to me, therefore, with all due deference to the opinions of other Senators, that this proposition is the true solution of this question and should be adopted.

The PRESIDING OFFICER, (Mr. MITCHELL in the chair.) question is on the amendment offered by the Senator from Virginia [Mr. Johnston] to the amendment of the Senator from Tennessee, [Mr. COOPER.]

Mr. JOHNSTON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BOGY and Mr. HOWE. Let the amendment be reported.

The PRESIDING OFFICER. The amendment and the amendment to the amendment will be read.

The CHIEF CLERK. The amendment of Mr. Cooper is to add to

section 2 the following words:

And if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid one.

It is proposed to amend this amendment by striking out all after the first word, "and," and in lieu thereof inserting the following:

If the Senate should vote for counting one certificate and the House of Representatives another, the joint meeting of the two Houses shall finally determine which shall be counted, by States, the representation from each State, including the Senators therefrom, having one vote; but if the representation of any State shall be equally divided, its vote shall not be counted.

Mr. SARGENT. I should like to inquire whether if this amendment be adopted it so adopted becomes the text, so as to be capable of amendment.

The PRESIDING OFFICER. This is an amendment to the amendment of the Senator from Tennessee, and if adopted it will be still sub-

ject to amendment.

Mr. SARGENT. It can be superseded by another amendment?

The PRESIDING OFFICER. It will be open to amendment of course. The question is on the amendment to the amendment, upon which the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted-yeas 11, nays 39; as follows:

YEAS—Messrs. Allison, Bogy, Davis, Johnston, Kelly, McCreery, Ransom, Sargent, Saulsbury, Thurman, and Withers—11:

NAYS—Messrs. Booth, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Cockrell, Conkling, Cooper, Dawes, Dennis, Eaton, Edmunds, Ferry, Frelinghuysen, Gordon, Hamilton, Hitchcock, Howe, Ingalls, Jones of Florida, Key, Logan, McDonald, McMillan, Maxey, Merrimon, Mitchell, Morton, Norwood, Oglesby, Paddock, Randolph, Robertson, Sharon, West, Whyte, Windom, and Wright—39.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Bruce, Caperton, Clayton, Conover, Cragin, Dorsey, English, Goldthwaite, Hamlin, Harvey, Jones of Nevada, Kernan, Morrill of Maine, Morrill of Vermont, Patterson, Sherman, Spencer, Stevenson, Wadleigh, and Wallace—23.

So the amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amendment proposed by the Senator from Tennessee, [Mr. Cooper;] which will be read.

The Secretary read the amendment, as follows:

And if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

Mr. EDMUNDS. I ask for the year and nays on that.

The yeas and nays were ordered; and being taken, resulted—yeas 13, nays 35; as follows:

YEAS — Messrs. Bogy, Caperton, Cooper, Davis, Gordon, Johnston, Kelly, McCreery, McDonald, Ransom, Saulsbury, Thurman, and Withers—13.

NAYS—Messrs. Allison, Booth, Boutwell, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christianey, Cockrell, Conkling, Dawes, Dennis, Eaton, Edmunds, Ferry, Frelinghuysen, Hamilton, Hitchcock, Howe, Ingalls, Jones of Florida, Key, Logan, McMillan, Maxey, Merrimon, Mitchell, Morton, Oglesby, Paddewk, Robertson, Sargent, West, Whyte, Windom, and Wright—35.

ABSENT—Messrs. Alcorn, Anthony, Bayard, Bruce, Clayton, Conover, Cragin, Dorsey, English, Goldthwaite, Hamlin, Harvey, Jones of Nevada, Kernan, Morrill of Maine, Morrill of Vermont, Norwood, Patterson, Randolph, Sharon, Sherman, Spencer, Stevenson, Wadleigh, and Wallace—25.

So the amendment was rejected.

Mr. MAXEY. I handed in yesterday an amendment which I propose to offer at the proper time. I believe this is the proper time.

The PRESIDENT pro tempore. There is no amendment pending;

the bill is open to amendments.

Mr. MAXEY. I offer the amendment and ask that it be read.

The PRESIDENT pro tempore. The amendment will be reported. The CHIEF CLERK. The amendment is to add to the second section the following:

But if the two Houses fail to agree as to which of the returns shall be counted, then the President of the Senate, as presiding officer of the two Houses, shall decide which is the true and valid return, and the same shall then be counted.

Mr. EDMUNDS. I ask for the yeas and nays on that amendment?

The yeas and nays were ordered.

Mr. MAXEY. I ask that the whole section as it will stand if

amended be reported.

The PRESIDENT pro tempore. The section will be read as it will stand if this amendment be agreed to.

The Chief Clerk read as follows:

SEC. 2. That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return. But if the two Houses fail to agree as to which of the returns shall be counted, then the President of the Senate, as presiding officer of the two Houses, shall decide which is the true and valid return, and the same shall then be counted.

Mr. EDMUNDS. I have two objections to this amendment. The first is one perhaps of mere phraseology. It declares that "the President of the Senate, as presiding officer of the two Houses, shall decide." I do not think myself, under the Constitution, that any duty of the President of the Senate imposed upon him by the Constitution in respect of counting the votes is in the character of a presiding offi-cer of the two Houses, which implies a strict joint assembly, and logically to my mind would imply that the two Houses then and there assembled, as they frequently do in the States, as they do in my State, should act in a consolidated way and decide any question that might arise just as either House would alone. Therefore, phrased as the amendment is, I cannot vote for it for that reason, for I do not understand that the President of the Senate is the presiding officer of either House when he is performing that duty, in any legal and constitutional sense. That he sits in the chair, and that everybody keeps quiet, I agree; but in respect of it in a legal and constitutional sense I do not believe it at all. But of course it would be very easy to

change that phraseology.

The objection that I have in substance to this amendment, and which to my mind is absolutely fatal, is that the President of the Senate may be, sometimes has been, and very likely often will be a candidate for President or for Vice-President himself, and this amendment proposes that that very person, selected by designation, shall, in a case of great doubt and dispute, when the two Houses acting with a patriotic disposition to follow the law and the Constitution are unable to agree, decide himself whether he shall be President or not. It appears to me that that would be a very unsafe and dangerous proposition. It is wrong in principle, as I think; and that it would be dangerous in the last degree in practice, I have no doubt at all.

Mr. MERRIMON. Mr. President, I cannot support this amendment. In my judgment, after very considerable reflection, the duty of counting the electoral vote for President and Vice-President is devolved upon the Senate and the House of Representatives as composing the Congress. My mind is not clear whether the two Houses when sitting in joint session should vote as one body or vote separately. At the last session I ventured to say that they should vote as one body. The inclination of my mind now is the other way; but be that as it may, the exclusive jurisdiction is in Congress, and I think so for reasons which I will not now detain the Senate to express. Entertaining that view, we have no power to delegate to the President of the Senate, or to the Supreme Court, or to commissioners, or to any tribunal whatsoever the right to decide any controverted question arising upon the count of the votes. It must be done by the Congress; by the Senate and House of Representatives. As I said, I will not detain the Senate now by assigning the reasons why I think so. I merely wish to say that I cannot support this amendment upon that ground

Mr. BURNSIDE. Mr. President, I shall detain the Senate but a moment. I approach this question with a great deal of diffidence. It has been discussed by the best legal minds of the Senate and the best legal minds of the land; but I am well convinced that, if a constitutional mode could be adopted for perfecting the electoral returns before they come before the joint convention of the two Houses, it would be a desirable thing to do, and we should direct our efforts to bring that state of affairs about. There should be no bone of contention in the joint convention when it meets. The great danger is that there may be a difference of opinion there which might create such great discord as to endanger the peace of the country. Now, it does seem to me that it is within the province of the law-making power of the Government to impose upon the Supreme Court any duty which is reasonable and proper, just as Congress imposed on that court duties with reference to the appointment of registers in bank-ruptcy and the organization of bankrupt courts. These duties were quite outside of the specific duties of the Supreme Court under the Constitution, and it seems to me that all agents of this Government, whether Cabinet ministers, courts, or officers of any kind can have reasonable extra duties imposed upon them by Congress, which they are bound to perform or give up the positions they occupy.

Taking that view of the matter, it is clear to my mind that such leg-

Taking that view of the matter, it is clear to my mind that such legislation should be had here as to remove all doubt as to the prima facie legality, if I may so say, of these returns before they come to the joint convention. If the electors were made to meet, say, on the last Wednesday of November, instead of early in December, as the law now provides, and if the joint convention of the two Houses would meet, say, on the second Wednesday in February, instead of late in January, ample time would be given for an examination of these returns. I do not mean an examination of the matter inclosed in the envelopes, but an examination of the conditions under which the votes were east. If the electors were obliged by law to subscribe their names on the envelopes inclosing the returns, together with the date and hour of meeting and mode of procedure, then the returns when they reach the President of the Senate would show on their faces all necessary information to determine their legality or illegality.

If these returns could be submitted by the President of the Senate to the Supreme Court, either as a court or as a board of examination organized under a law of Congress for the purpose of examining the returns, the fact would develop itself at once if there were irregularities of procedure, or if two or more sets of returns had been forwarded from any one State. In the latter event the court or board of examination could send for witnesses and issue all necessary processes to determine which were the legal returns. After the necessary examination the legal returns could be certified back to the President of the Senate by the board of examination, and he would then be able to present to the joint convention at their meeting returns which on their faces would show themselves valid. Thus the intrusion of this bone of contention would be avoided.

There may be grave constitutional objections to this plan, but I can see no reason why the duty cannot be imposed upon the Supreme Court in some form. It seems to me an equitable way of arranging the matter, and one that would be acceptable to the people. The President of the Senate, in my opinion, could be authorized by Congress to part with these returns, for the time being, for the purpose of this examination.

It is gratifying to me, and must be to every Senator, to witness the spirit with which this question has been approached. There seems to have been no display of partisan feeling, and we should endeavor before we leave the subject to have it in such condition as to leave no ground for such a display at the meeting of the joint convention.

ground for such a display at the meeting of the joint convention.

I merely throw out these remarks for consideration. I have drafted an amendment to the bill covering these points which at the proper

an amendment to the bill covering these points which at the proper time I may offer.

Mr. SAULSBURY. Mr. President, I had not proposed to say anything upon this subject, but the amendment of the Senator from Texas is of a character that I think will be very dangerous in practice if it should be adopted. I only rise to say that I cannot vote for the amendment of the Senator from Texas. It proposes to confer in a certain contingency upon the presiding officer of this body the right to determine a question about which the two Houses of Congress are at disagreement. I think that would be a very dangerous power to place in the hands of any one man, however exalted his position, however pure his life and character. I would be unwilling to confer such a power, involving such consequences as would then probably arise, upon any one individual. Especially would I oppose the vesting of such great power in the Vice-President after there had been a disagreement between the two Houses of Congress upon the subject of which of two returns of the vote for President of the United States, certified from the same State, should be counted.

I fully realize the importance of the subject which has been brought to the attention of the Senate by the bill under consideration, and in the Committee on Privileges and Elections where it was under discussion I think the feeling very generally was that the question was one of vast importance and one which ought at least to be brought to the consideration and attention of Congress. The bill was reported from the committee for that purpose, with the distinct understanding that the respective members of that committee were not bound by the simple fact that the bill was reported to adhere to its provisions. I should have preferred the amendment offered by the Senator from Virginia, [Mr. JOHNSTON,] and I voted for that most cordially as an amendment but it has been voted down.

Virginia, [Mr. Johnston,] and I voted for that most cordially as an amendment, but it has been voted down.

Now, there is no doubt but what there might possibly arise a contingency in the history of this country when, if we have nothing but the constitutional provision on this subject, great difficulty and embarrassment may result. I have listened to this debate; I have heard the views of Senators in reference to the true meaning of the constitutional provision in regard to the counting and ascertaining of the result of a presidential election; and I must confess that I widely differ from my learned friend from Maryland [Mr. Whyte] in his view of that subject. The constitutional provision is simply that the presiding officer of the Senate shall receive and open the votes. It does not say nor does it imply, in my opinion, that he shall count the votes.

In fact, the argument of the Senator from Virginia this morning showed that if any implication arises from the language of the Constitution and the practice at the first Congress, it is adverse to the conclusions of the Senator from Maryland, and the implication is the other way, that he shall not count. Mr. Langdon, the first presiding officer of this body under the Constitution, before its adoption, was specially required and authorized to count the votes by resolution of the Senate when no such authority was conferred upon the presiding officer of this body under the language of the Constitution. The presiding officer at that time, Mr. Langdon, was appointed to receive, to open, and to count the votes; but under the constitutional provision, the President of the Senate was only to receive and to open the votes. There is no express grant of authority in the Constitution to the President of the Senate to count the votes; and I apprehend that it would have been perfectly competent at any previous period in the history of this country for the Congress of the United States to have determined for themselves, in the absence of an express provision on the subject, who should count the votes, whether the President of the Senate, or the Speaker of the House, or persons appointed by their respective Houses. There is nothing in the Constitution to inhibit it, neither by express provision, nor, as I conceive, by implication

I am fully aware that the precedents which have been cited are entitled to some weight as authority, indicating at least what may have been considered the meaning, but they are not constitutional provisions. The practice has been, and the precedents establish the practice, that the presiding officer of this body counts when there is but one return; but those precedents do not incorporate any provision into the Constitution, and in the absence of such a provision, I maintain that it would have been competent, on any occasion when the vote for President was to be counted, for the respective Houses of Congress to have designated some other party than the President of the Senate to count the votes. I am not saying that the practice has not been a wise one. I am only saying that that practice has not the force and effect of constitutional provision, that it incorporates nothing into the Constitution that is not there, and that in the absence of any constitutional provision on the subject as to who shall count the votes, it was competent for Congress to provide some person other than the President of the Senate to have counted them, if in their wisdom they had seen proper so to do.

had seen proper so to do.

Now, the bill as reported from the Committee on Privileges and Elections fails to provide for one contingency that may happen. I do not know that I have any serious objection to the bill except upon that ground, that it fails to provide for one contingency that may happen in the future history of this country, and that is that when two returns have been sent up from any State, and the two Houses of Congress are at disagreement in reference to which of those two returns are the true returns, then, if they cannot agree, but disagree, the vote of that State shall be thrown away. That such a contingency may arise is unquestionable, because it has arisen at one time, and at the very last presidential election such a contingency did arise, and the vote of Louisiana was cast aside.

Now, we ought not to leave this matter in that condition. The bill introduced by the Senator from Indiana does leave it in that condi-

Now, we ought not to leave this matter in that condition. The bill introduced by the Senator from Indiana does leave it in that condition, if there is no concord and agreement between the two Houses. The bill is defective in not further providing some rule by which the true returns from a State in that condition shall be counted. The amendment of the Senator from Virginia met the case, in my judgment, upon the true and proper ground; that was, to give to the two Houses of Congress, voting by States, the right and the power to determine that question. But that amendment has been voted down. And now an amendment is presented by the Senator from Texas that in that contingency—that is, upon the disagreement of the two Houses of Congress—the power shall be conferred on the presiding officer of this body. That, I say, would be conferring on him a most fearful power; and the exercise of that power on his part, I apprehend, would

not only create dissatisfaction, but might lead to results in themselves

very embarrassing.

It is not to be presumed that, if the two Houses of Congress disagree as to which of the returns in the case of double returns should be counted, there would be general acquiescence in the decision of the presiding officer of this body, and especially if his decision was cast in harmony with the views of his party on that subject. To avoid any such danger, to avoid the possibility of questioning the correctness of his action, I should be unwilling to see him placed in correctness of his action, I should be unwilling to see him placed in the possession of such authority. Nor do I believe that the presiding officer of this body has the right under the Constitution, as has been contended by some already, of judging when two returns are made which is the proper return. It is a case which was not contemplated by the Constitution, and for which no provision has been made; and if I could admit (which I do not admit) that the Constitution confers upon him now the power of counting the votes, that being a mere ministerial act, it does not confer upon him the power of judging as to which of two returns is the correct return; it does not deing as to which of two returns is the correct return; it does not devolve upon him the fearful power of deciding a question of that magnitude. Certainly it will not be contended that, when there are two returns presented to the presiding officer of this body where he must exercise judgment, where he must exercise discretion, the decision of that is the exercise of a ministerial act. It is a judicial act,

to all intents and purposes.

The Senator from Maryland, if I understand him aright, contends that the power to count the votes is lodged in the President of the Senate, and is a ministerial act; but if he means to go so far as to say that any decision which he may render between different returns is a ministerial act, I differ entirely and essentially from his conclusion. Wherever there is the exercise of judgment required, wherever there is discretion involved, then the act ceases to be a ministerial act and becomes, not quasi-judicial, but judicial in fact. So then, if I were to admit that under the Constitution the President of the Senate is invested with authority and power, not only to receive and open the votes, but to count the votes, I do not admit that, when the question is presented of deciding between two sets of returns, he is invested with any authority under the Constitution of deciding which shall be counted. That being the case, I was in favor of some amendment to the bill proposed by the Senator from Indiana which would meet that contingency. But nothing that I have seen yet fully meets with my approval except the amendment, which has been rejected, offered by the Senator from Virginia. It is true I voted for the amendment of the Senator from Tennessee [Mr. Cooper] as the next best proposition to meet the difficulty, but that likewise has been defeated. Now the proposition of the Senator from Texas [Mr. MAXEY] is of such a character, investing the presiding officer of this MAXEY] is of such a character, investing the presiding officer of this body with such fearful power, that I am unwilling that that should become a part of this bill, preferring, if it is to pass, that it pass without any such amendment. I shall therefore vote against his amendment, and it was more for the purpose of announcing my determination to do so that I arose on this occasion than to enter into any general discussion upon the bill or the subject which it brings to the structure of the Seveta.

attention of the Senate.

Mr. FRELINGHUYSEN. Mr. President, some days ago in making some remarks on this subject, I expressed myself as favorable to such an amendment as that which has since been proposed by the Senator from Texas. On reflection, however, I became so impressed with the fact that our past history shows us that the President of the Senate, either on a re-election as Vice-President or as a candidate for President, is so likely to be interested in the result of the question which he may thus be called upon to decide, that I abandoned that proposition may thus be called upon to decide, that I abandoned that proposition and introduced an amendment, which is not perfect, but which has hitherto commanded the most votes, that the Speaker of the House of Representatives representing the popular branch, the President of the Senate representing the States, and the Chief Justice, the head of the judiciary, should be a tribunal to decide the question. That, I concluded, was the best tribunal we could have; a tribunal further removed from political influence than any other; and nuless some other amendment is adopted, when this bill passes into the Senate, I

think I shall renew that proposition.

I simply rose to say that it seems to me the probability of the presiding officer of the Senate being interested in the question is a rea-

son why I shall not vote for this amendment.

Mr. SARGENT. Mr. President, I think it is a matter of regret that we cannot agree upon some plan for the decision of a question almost inevitable in the future, and where for the want of a decision the consequences are certain to be so grave. With what time and attention I have been able to give to studying the various amendments proposed, I have thought that the one proposed by the Senator from Texas was preferable to any other, although not entirely satisfactory. The Constitution contains in a single clause all power and all direction there is upon this matter.

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

It must either be done by the President of the Senate or by the two Houses. Certainly it is as fair to presume that by this provision of the Constitution it is as much intended that the duty of deciding which are the correct returns shall be devolved upon the President of the Senate as upon the two Houses. The proposition that the Houses, acting either separately or together, shall decide, has been already

rejected; and the only portion of the Constitution which has any operative effect left for us to act upon is the first portion of it, which says that this duty, so far as the opening at any rate is concerned, shall devolve on the President of the Senate.

I am aware that the contingency may arise, has arisen before in our history, when the President of the Senate would be a candidate for President or perhaps for Vice-President, and his act might have the effect to either elect or defeat him and his party in his aspirations to that office. But I had rather, even with any temptation which might arise under that condition of things, leave it to the fair judg-ment of any man of sufficient character to be intrusted with the posi-tion of presiding officer of the Senate than to leave it to either House, or to both Houses, or to any tribunal where it will be determined simply upon party considerations. I suppose there is no doubt that a decision by States in the House of Representatives would be influenced almost wholly by questions of party, and adding the Senate to them would not change those considerations at all. If the Senate and the House should decide this matter sitting in joint convention, and the House should decide this matter sitting in joint convention, each Senator and each member having one vote, it would still be determined by mere party considerations; and I doubt if we are to expect in a decision so made the highest equity; but to any man occupying the position of presiding officer of the Senate, who should wrongfully, and obviously wrongfully, decide, whereby he became a gainer and attained high office, the office of President or Vice-President, such contempt would follow him during his term and during his whole life that I believe any one would shrink from encountering it. In this day of the rapid propagation of public opinion, of the facility this day of the rapid propagation of public opinion, of the facility for making known all facts, of sifting things to the bottom, any man who should fraudulently decide in favor of his own claims by wrong-fully declaring upon these returns, would place himself in a more unenviable position than that of Benedict Arnold, I might say even than that of Judas Iscariot; and it would be impossible for any man, under any temptation or for any office, even if he could hold it after such an act, to shield himself or to encounter contempt like that which would fall on his head from the whole American people and from the inhabitants of this globe. Therefore I believe that that in itself would be a safeguard for the purity of his act, and a very high

For this reason I am disposed, for one, to vote for this amendment and to lodge this power where it would seem that by some plausible interpretation of the Constitution the fathers intended that it should be lodged. There may be some difficulty in the wording of the amendment. Of course in the Senate, when this bill is reported, if the amendment shall be now adopted, the phraseology can be changed; but there is certainly the idea carried in the Constitution that the resident of the Senate is the presiding officer of the body:

The President of the Senate shell, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

There certainly is a body assembled, a joint convention made up of the two Houses, assembled for this limited purpose, and a person is the two Houses, assembled for this limited purpose, and a person is designated who is to act in their presence, and act in the way that a presiding officer ordinarily acts. Of course he is not here called distinctly the presiding officer of the body, but the inference is certainly carried by the language that he is to act in a certain capacity, and to a very large extent in that manner; and therefore the phraseology itself does not trouble me much, but I believe it can be corrected in that manner, and therefore the phraseology itself does not trouble me much, but I believe it can be corrected in that respect, and may conform perhaps more nearly to the language of the Constitution by leaving out the words "as presiding officer of the two Houses," and simply require this duty of him in the presence of the two Houses.

I give thus briefly my reasons for voting for this amendment. I

think it is the best we have had.

Mr. EDMUNDS. Mr. President, I must confess my surprise at the ground upon which my learned friend from California has placed his support of this amendment, touching a man's judging in his own case. If I understand him, his reason for being in favor of this amendment, so far as it respects that particular feature of it, is that, if a man were to judge erroneously, wrongly, in his own case in order to gain the election, if he were a candidate himself, he would be so followed by obloquy and moral perdition in this world that he would be restrained

from doing it.

Mr. SARGENT. I spoke of corruption; not of an error in judgment. Errors of judgment we are all liable to; and so is any human

Mr. EDMUNDS. So we are; but I have always been taught to suppose that those people were least liable to errors of judgment who had no interest in the question to be decided. That is the very principle upon which, as I understand it, we nowhere in our polity, and nowhere in the polity of any civilized country, allow a man to be a judge in his own cause. It is not because any man who may happen to have a cause and be a judge is corrupt, or would mean to be corrupt if he decided his own cause; but it is because we know, as hurupt if he decided his own cause; but it is because we know, as human nature is, that no man in his own cause can generally be considered as impartial, that his mind is biased, and his intellect, therefore, is unable from the very nature of things to hold evenly and fairly the balance between opposing considerations or opposing facts. That I understand to be the principle upon which we do not allow people to act themselves where they themselves are concerned. That is the reason why we do not allow a Senator here to vote upon a measure in which he is directly and represently interested propositions. which he is directly and personally interested, peculiar to himself;

not that if he did it we should expect that he was doing it from corrupt motives, if he decided in his own favor, but because we should expect that he was incapable, in the nature of things, of bringing to the consideration of that question a perfectly impartial mind.

think that is the principle.

Now, here you propose by a distinct affirmation of law that a person who may be, and who often is, and is likely often to be, the very person whose right to the office is in question, shall, in a case of the greatest doubt, when the two Houses disagree, and when the direction in which that doubt may be solved is to turn the scale, be the judge himself. Mr. President, it does not appear to me that that is sound in principle or safe in practice; quite the reverse. If there is any man who ought not to be authorized to exercise any judgment to determine a disputed question it is that man who is interested in it; and yet this amendment selects the very person who in our past history has sometimes been, and in our future history often will be, the person voted for as either President or Vice-President of the United States. I do not think, therefore, that the reasoning of my learned friend from

California is well founded.

Mr. SARGENT. I might add another suggestion. This case, of course, is encompassed with difficulties. I presume that any one who addresses himself to it does it with some doubt, with some fear of the correctness of his own conclusions. I have endeavored to inform myself by the progress of this debate of the difficulties that were to be encountered, and to exercise such judgment as I could in arriving at a conclusion. At the same time I am aware that it is difficult for me, in the absence of light in the Constitution, and in view of such differences of opinion among those around me, to arrive at a conclusion in which I can have entire confidence; but I can suppose a case where if the presiding officer of the Senate was a candidate for the Presidency of the United States, nominated by any party or receiving

Presidency of the United States, nominated by any party or receiving any electoral votes, and it became his duty under a law like this to open and decide upon the returns, he would retire from the office; he would resign; and then it would be in the power of the Senate to choose some person who would not have this disability.

I am not sure that if it was decided that the responsibility had better be concentrated upon a single individual of high character rather than be diffused through a body where responsibility is entirely lost, so many partaking of it, and it becomes merely conventional and party, the law might not require that the presiding officer of the Senate should vacate his office if he became a candidate for President of the United States, or rather in case any electoral votes of the Senate should vacate his office if he became a candidate for President of the United States, or rather in case any electoral votes should be cast for him. That certainly would remove the difficulty. Then the presiding officer of the Senate does not pass upon a question the result of which is to give him either the Presidency or Vice-Presidency of the United States. I would suggest that to my friend from Vermont as entirely obviating the objection which he makes to the amendment. That is to say, the amendment might be so framed that in case the presiding officer shall receive electoral votes from any State in the Union he shall retire from his office and the Senate shall select a presiding officer whose duty it shall be to open the returns. returns

Mr. EDMUNDS. How do you get the constitutional power to do

Mr. WRIGHT. Mr. President, I was impressed, when the question was first mooted of the necessity for an amendment to this second section, that some plan should be devised to avoid or prevent what it was said would inevitably follow in case of a disagreement between the two Houses, that a State might be disfranchised. I then turned over in my own mind what plan would be better, which of the several amendments that have been suggested it would be better to adopt in order to meet the contingency that might arise. The more I have reflected upon the subject, the more I have been brought to the opinion that I believe it to be better and safer and more logical to leave

the bill as it stands.

I confess that so far as the amendment under consideration is concerned, it strikes me of all others as being the most objectionable. certainly cannot agree to the reasoning or argument presented by the Senator from California. It occurs to me that if that argument be sound, then upon the same principle it were better and safer in all cases to make a man judge in his own case, because that high sense of honor which the Senator presumes would obtain in the person who is to decide this question would necessarily keep him in the right path. All experience demonstrates this one thing, it seems to me, as conclusively as anything else that can be demonstrated, that we know less of the strength of our own prejudices than of anything on earth; and there is no one thing upon which we are such unsafe judges as when we come to determine how strong our prejudices or feelings or interests may be on a given question. If self in any instance this wavering balance shakes, it is rarely if ever right adjusted. We

wavering balance shakes, it is rarely if ever right adjusted. We may think it is, but it is inevitably true that it is not right adjusted. Now take the proposed amendment; however much may be the interest, however much may be involved in the question, personally or otherwise, to the person who has to decide it, he may attempt to divest himself of all prejudice and all feeling and all interest, and yet, all unconsciously it may be, he is thus influenced. It is dangerous for that reason to intrust him with the determination of that question. There can be but one reason, it seems to me, in logic for leaving this question to the presiding officer, and that is by reason of his relations to the two bodies. There is argument in favor of that by

reason of his relation, rather than leave it to an outside tribunal; and yet it seems to me that that reason is more than overcome by his possible, and in many instances his actual, relation to the question; and for that reason, without mentioning others, it seems to me that the argument against intrusting the power of deciding the question to him is all-conclusive.

Now, suppose the presiding officer shall not be the person, then it is proposed either that the judges of the Supreme Court, not as a court, shall be selected as the tribunal to which this question shall be left. Another proposition is that it shall be left to three persons perhaps—the presiding officers of the two Houses and the Chief Justice of the United States; and other tribunals have been named. It occurs to me that it is illogical, and in the face of the very theory of our system of government, the nature and duties and obligations in-posed upon the legislative department of the Government, that an outside tribunal shall be selected as umpire. It seems to me to be just as logical that in a case where the two Houses are unable to agree upon a bill, upon a joint resolution, or any other measure, you shall provide that an umpire shall be called in to settle this difference. If the presiding officer of the Senate can be trusted by reason of that sense of duty that he feels is imposed upon him, and that fear of public condemnation, then why not the two Houses of Congress? Each and every member of either House must be impressed just as much as he would be, and comes to the discharge of the duty impressed with the solemn obligations that are upon him. Now, when the two Houses, acting honestly, faithfully, with a sincere desire to arrive at what is right, as we must presume they are thus impressed, are unable to determine, why not there leave the question, and why seek for an outside tribunal to settle this question that they are unable to determine, a question that they have struggled to settle honestly and

faithfully and under their oaths?

It is said that it is unfair and that it is unjust to a State that its electoral vote shall be rejected, and that unless you provide some tribunal it may occur, the two Houses disagreeing, that the vote cannot be counted. Now suppose that shall occur. It occurs after an thousest and faithful effort on the part of the two Housest oagree. The two Houses have attempted to agree upon a bill and it fails; and the two Houses have attempted to agree upon this question and they fail. I think it would rarely occur that the question could be presented in such a form that the two Houses could not agree; but if it should occur, it results from mismanagement, corrupt, captious, unfair, unfaithful, conduct on the part of the officials of a State, because persons representing the State have sent up their returns in such a form that the two Houses, acting in good faith and under their sworn obligations, are unable to determine what shall be done. If in such an event a State shall not have its vote, it occurs to me it is only one of those cases where, whether by reason of the mismanagement of the State or by reason of the inability of the two Houses to agree after the most faithful action or both together, the State fails to have its vote, it may be a misfortune, but it is only another instance of those that frequently occur in legislation or in the administration of our affairs where there is loss, and it were better and safer that the loss should occur, perhaps, than to attempt to encourage any doubtful legislation or to provide a tribunal or method of settling it that is doubtful and questionable, to say the least of it.

I therefore have reached the conclusion that I shall vote for the

bill as it stands, so far as this section is concerned. I am opposed to the present amendment. I am opposed to the erection of any tribuoutside of the two bodies to come in and assist in this question. I think the two Houses ought to count the vote, and if they are unable to agree where there are two returns, then if it occurs that the vote of the State is lost it results after the most faithful, deliberate, and conscientious action, as I am bound to suppose, on the part of the two bodies. If then they are unable to agree, we have a case that is not provided for and that we cannot safely provide for, perhaps, as the Constitution stands.

Mr. DAWES. Mr. President, my difficulty with this amendment is that it derives its whole authority from a statute. A statute of the United States in this amendment devolves upon the President of the Senato, or, in the amendment of the Senator from New Jersey, upon three persons designated, or, in the amendment of the Senator from Indiana, upon the members of the Supreme Court—a statute devolves upon them the designation of a President of the United States for four ars. Their authority is derived solely from a statute of the United States, for nowhere in the Constitution of the United States is the idea broached that upon any individual in the United States shall be devolved the power of selecting the President of the United States He who decides this question designates a President of the United States, and he gets his authority from this statute and nowhere else. Whether the President of the Senate could be trusted, or whether

the gentlemen selected in the amendment of the distinguished Senator from New Jersey could be, or those high characters who consti-tute the Supreme Court of the United States, (which is, in my opin-ion, the best of all the amendments,) it is enough to my mind that they have no other authority to designate a President of the United States than that which they derive from this statute; and that while the Constitution of the United States took what its framers thought was all necessary pains at that time to guard and secure the selection by the people of a President, it has been left to us here to discuss the question whether by a statute we cannot safely designate a man or

men who will select for us a President of the United States. Sir, that is such a departure from the Constitution that I cannot vote for it. If there were no other objection, it is a power reposed in one man or in ten men, however high their character, that it would not be safe It is in violation of all the analogies and all the theories upon which the Government itself is based, and it would be the strangest anomaly in what would otherwise be called a free government of the people, that although in all things else the nation and the Constitution had studied to give effect to the voice of the people, we had here deliberately, by a short section of three lines, selected a man and clothed him with the power of saying who shall be the President of the United States.

It may be but the best way out of a difficulty, which I admit (as the Senator from Indiana has over and over again impressed upon the Senate) may exist; but because it exists, it does not authorize us without authority of the Constitution itself to clothe any man with this authority. I agree with what has just been said that while the Constitution does clothe these two Houses with power, if they fail to agree, the legal effect of it—if you do not put it into the bill—the consequence of their failing to agree is just what you have written out in this bill, nothing more. If a question arises, about the opening of a vote, whether you shall count it or not, and those on whom the Constitution has devolved the duty of deciding it fail to agree, the legal consequence is precisely what this bill says shall be the consequence. It cannot be counted, because those upon whom the Constitution has devolved the power of determining it have failed to agree that it shall be counted, or how it shall be counted. And because they fail to agree, and because the Constitution has not gone because they fail to agree, and because the Constitution has not gone further to dispose of the question, we propose to do so by a statute. The ingenuity of members of the Senate and the House may be exhausted upon selecting the best and the safest tribunal; but still it will lack constitutional authority, and, lacking constitutional authority, it is naught and being naught to set up a man as President of the United States without authority is another definition of usurpation.

Mr. FRELINGHUYSEN. Mr. President, I cannot agree with my friend from Massachusetts that these amendments, or any of them, look to defeating the will of the people and that this upports this

look to defeating the will of the people, and that this umpire, this tribunal, designates who is to be the President. The people who have voted, the electoral colleges, the States whose votes have been counted, have all had much to say as to who shall be President, and the object of these amendments, one and all, is not to defeat the will of the people, but to prevent the will of the people being defeated. It is in the event of there being two returns that we wish to have a tri-bunal to select the true one, because we believe that the Constitution contemplated that in that event the vote of each State should be counted. So it seems to me that these amendments cannot be char-

acterized as usurping the rights of the people.

Again, I cannot agree with my friend in his proposition that these amendments have nothing to rest upon excepting statute; that they have not a constitutional basis. Of course if they have not a constitutional basis, that is fatal to them. But I understand that when the Constitution says that "the votes shall then be counted," a duty is devolved upon the legislative branch of the Government. We are not told by the Constitution how we shall discharge that duty; and according to all the analogies of the Constitution, where any subject is devolved upon a legislative department of the Government and we are not told how we are to discharge the duty, we do it by legisla-tion; we are authorized so to do by the Constitution. The Constitution says that there shall be courts inferior to the Supreme Court. We go on and organize them. So here it says these votes shall be counted. We go on by legislation and say how they shall be counted. There is a difficulty in finding a tribunal upon whom we have a right to impose the duty against their will. This is a difficulty perhaps which would exist in reference to making the judges of the Supreme Court, not as a court, but as individuals, the tribunal in this case. If it is a new office created, they may accept it or not as they please; and that is the only difficulty that I see in our arriving at a perfectly satisfactory amendment.

Mr. DAWES. Of course the Senator from New Jersey knows that

I did not mean to say that these amendments were designed to defeat the will of the people; but the amendments may have that result, in-asmuch as the will of the people cannot be expressed by both of the certificates, and must be expressed through one or the other, and you clothe an individual with power to say which of those two. One of them expresses the will of the people, and the other defeats the will of the people. You give him the power to select between the two, and you give him the power to pervert the will of the people. That

is what I meant to say.

Mr. EDMUNDS. You do every judge in all cases.

Mr. DAWES. I know it; and therefore the Constitution thought it not wise to leave the question to one individual. If the meaning of the Constitution is that the votes shall be counted in such manner as the two Houses shall prescribe, it would be competent by legislation to prescribe a method for counting; but I have not understood any one, and certainly do not myself understand the meaning of the Constitution to be, that the votes shall be counted in such manner as the two Houses may by law prescribe, but they shall be opened by the presiding officer in the presence of the two Houses as Houses, not as members of the Houses, and that they shall then be counted. I have understood all to agree that that means they shall be counted then understood all to agree that that means they shall be counted then,

when they are in that presence, either by the President of the Senate, or by the two Houses, or by the joint action of the two Houses. If it is to be done by either, then it cannot be done by anybody alse.

I do not know how that could be made clearer. If it is to be done by

the President of the Senate, if that is the construction, in the presence of the two Houses, then it cannot be done by anybody else; and the attempt to clothe any other tribunal with the power to count the votes is to depart from that provision. If that provision of the Constitution means that it is to be done by the two Houses, then it cannot be done by anybody else, and the two Houses cannot devolve that trust on anybody else, nor can any law clothe anybody else with the power. That is my difficulty as well as objection, that it would not be safe to trust the President of the Senate with it, it would not be safe to trust any individual with it, it would not be safe to trust ten men picked out of the Senate of the United States with it, because underneath the point to be decided lie questions of fact growing out of the corruption and fraud and passion and disorganization and demoralization in a State, which has so weakened and perverted its government that the State cannot make manifest who are the men it has appointed to be electors. There is the difficulty; there it lies; and nothing will remedy it that does not reach that. Least of all will it remedy it for us to undertake to find an outside tribunal and

clothe it by force of law with this extraordinary power.

May I ask the Senator from New Jersey where in the Constitution
he gets the idea that the President of the Senate and Speaker of the Iouse and the Chief Justice of the United States shall be a tribunal to count these votes by determining which of the two votes shall be counted, for that is equivalent to counting them? I do not mean to criticise the propriety of such a tribunal if it were within the power of the Constitution, though I say that, of all tribunals outside, the judges of the Supreme Court are the best, because there is, thank God, still a reverence for the judges of the Supreme Court and the

court itself and its judgments.

Mr. FRELINGHUYSEN. I have no objection to stating to my friend that I certainly do not find it written in the Constitution that the presiding officers of the two Houses and the Chief Justice shall be a tribunal; but I do find it written in the Constitution, mandatory upon us, that we shall see that the vote is counted, without telling us how the vote is to be counted, and thereby imposing upon us as legislators the duty, I think, to make provision that it shall be

as legislators the duty, I think, to make provision that it shall be fairly and justly counted.

Mr. DAWES. Then I understand the reading of the Constitution by the Senator from New Jersey to be that when the votes are to be counted, the "then" in the Constitution (which is a time fixed, and that time is when the President of the Senate is in the presence of the two Houses, the Senate and House of Representatives, and "then" they must be counted) means that we can provide by law that in some other presence, before some other tribunal, it shall be determined how the Senate and House shall count the votes

Mr. FRELINGHUYSEN. My friend does not exactly get it yet. I think that the vote has got to be counted in the presence of the Houses. But like the cooking of a fish—you must catch it first. So you must know what you are going to count before "the votes" can "then be counted."

then be counted."

Mr. DAWES. In other words, if there are two certificates coming up from the State of Massachusetts, one having 13 votes for John Smith and the other having 13 votes for William Wilkins, and if the Smith and the other having 13 votes for William Wilkins, and if the two Houses, clothed with the power of counting the votes, cannot determine whether 13 votes shall be counted for John Smith or 13 votes for the other man, we refer it to a tribunal to determine which of them shall be counted, and then that judgment of the tribunal is binding upon the two Houses, and that is equivalent to the two Houses counting them! I do not so understand it. I think if this tribunal determine which 13 shall be counted, they have counted them. They have determined the fact; they have to all intents and purposes counted them, and it is not the two Houses that count them after that. It is the two Houses that record the judgment of this tribunal, to wit, that 13 more shall be added to John Smith instead

of William Wilkins. That is not counting the votes by the two Houses. That is trifling with the question. Somebody else counts those votes, and I do not find that somebody else in the Constitution.

Mr. HOWE. Mr. President, I cannot understand myself what difference, except in one point of view, it makes whom you select to decide the controversy that you have in comtemplation. If the Legislature has authority to name a tribunal to decide that controversy at that time, it does not make much difference who composes the tribunal, except in one point of view. If you want a republican decision, you had better frame your law so as to be sure of having a republican tribunal, and if you want a democratic decision, you had better take care to frame your law so that you have a democratic tribunal. You see the controversy is a very peculiar one that you are trying to have decided. It is a controversy upon which hangs the title to the highest decided. It is a controversy upon which hangs the title to the highest office under our Constitution, the highest office in the world, and it is a controversy to which all the people of the United States are parties on the one side or the other. It is a controversy so difficult of solution, a controversy the facts or the law concerning which are so involved, that, having been submitted to the House of Representatives and to the Senate separately, they have disagreed about it and do not come to the same conclusion. One thinks the right is one way and the other thinks the right is the other way. That is the sort of controversy. Now you want to pick out a man who shall say off-hand what shall be done with that question. Take a blind man, take a fool, take a sage, it will happen, whoever you take, that if he is a republican he will count the republican vote; if he is a democrat he will count the democratic vote. I take it there is not much doubt about that. I do not mean to impugn any man's good faith or his honesty when I say that. You call upon him to do a thing with only so much light before him as has led all the rest of the world to stumble. He finds every republican in the United States on one side of that controversy. He finds every democrat in the United States on the other side of it. He finds one House of Congress on one side of it and one House on the other side

Mr. MITCHELL. Suppose we appointed an independent power? Mr. HOWE. No matter how independent he is, what means has he within his reach of determining that question with anything like precision and accuracy? What you want is not a tribunal but a form of procedure, it seems to me. The law will not allow the title to a horse to be disposed of finally and conclusively without a form of procedure before a judicial tribunal, where evidence is heard from the mouths of sworn witnesses, witnesses who are examined and cross-examined, and where every point of law is settled by one learned in jurisprudence. When you have obtained a judgment in such a tri-bunal, then you allow the title to that horse to be disposed of, con-You know then who owns the horse; nobody in the world can dispute it. But here the gravest controversy in the world we suppose is going to be settled by a man or a tribunal who cannot swear a witwho cannot read a newspaper, who cannot have a deposition read before it, who cannot have an argument. Off-hand, from what he happens to know or to have heard, he is to pronounce upon the title to the Presidency of the United States, or to pronounce upon a fact which settles the Presidency.

I have voted against all these amendments. I shall vote against this amendment for the double reason, first, that I do not think in the Congress of the United States lies the authority to create any such tribunal; and, secondly, if it had power to legislate such a tribunal into being, I think we might get a better one than either that has been named yet, or at all events we might provide a better form of trial for any one of these tribunals than we yet have provided.

Mr. JOHNSTON. It is a rule that ought never to be departed from

in law, that nobody shall be called upon to decide a question who has any interest in the result, and that no one shall be a judge in his own case; yet the amendment of the Senator from Texas gives a decision on one of the most important questions that ever arose to the very man in all the United States most likely to have an interest in the

man in all the Child States most likely to have an interest in the result—the presiding officer of the Senate.

Mr. CAMERON, of Pennsylvania. I did intend to say a word when the Senator from Wisconsin [Mr. Howe] sat down, but I did not get the floor then. I may perhaps as well say now what probably I would have said then. While the Senator from Wisconsin said justly that men generally vote according to their prejudices and vote with their party and with their friends, yet it often happens that they do go with their consciences in preference to their friends. I believe a case might be found where the presiding officer of this body, although interested himself in the decision of this question, would vote with his adversa-

nimself in the decision of this question, would vote with his adversaries. I might bring to the Senator's mind by way of illustration a case which occurred here only a little while ago, when several Senators on this side of the House gave the doubt to their adversaries.

Mr. EDMUNDS. We gave the certainty to our adversaries.

Mr. CAMERON, of Pennsylvania. Undoubtedly not one of them would have done anything but what he believed to be right; but in the case of Pinchback, the presumed Senator from Louisiana, the doubts were given by enough of our friends on this side to deprive him of his seat. So I believe as men acted upon that occasion according to their consciences, men in the future will be found here in nim of his seat. So I believe as men acted upon that occasion according to their consciences, men in the future will be found here in this body who will act according to their consciences. I believe it is always right to give the doubts to your friends, personally or politically, but I am sure a good man will always act according to his conscience, no matter what the responsibility may be, no matter how great his personal interest may be in the decision.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Texas, [Mr. Maxey.]

Mr. Maxey. I presented this amendment because I believe it was

Mr. MAXEY. I presented this amendment because I believe it was Mr. MAXEY. I presented this amendment because I believe it was a constitutional solution of a very difficult problem. I did it believing, as I yet believe, that the mode provided is sustained by the Constitution. I do not propose to review one solitary argument that I made yesterday, nor to change anything I then said. I do not care, however, that the record of to-day's proceedings shall go forth to the world with the remark of the Senator from Virginia [Mr. Johnston] without some answer to it.

Upon what authority of the Constitution, upon what authority of the law, does he assume that in giving the settlement of the question to the Vice-President of the United States, presiding over the Senate, he is giving it to that man most of all others interested in the settlement of the question? If he be the old Vice-President and the count is of a newly-elected ticket, he goes out with that vote. He therefore does not count himself in, because he goes out of office with the coming in of the new President and Vice-President. It rests upon the assumption that the Vice-President is necessarily a candidate for re-election or a candidate for President. It is assuming that because

a man happens to be Vice-President he necessarily must be a candidate for re-election or a candidate for President. I only have this to say in reply to that: Under the Constitution of our common country any man having the constitutional requisites has just as much right to be a candidate for the office of President or Vice-President as the Vice-President or presiding officer of the Senate; so that the reason amounts to nothing. It is assuming that which is not necessarily true. It may be so or it may not be so. The same reason will apply to any tribunal whatever that might be selected for the settlement of this question, because every man has the same right if he has the constitutional qualification. It is a surpassing strange thing to me that gentlemen should object to reposing this trust in the Vice-President at this late day and hour, after the Government has followed it from its organization down to the year 1869.

Mr. MERRIMON. Eighteen hundred and sixty-five.

Mr. MERRIMON. Eighteen hundred and sixty-five.
Mr. MAXEY. Eighteen hundred and sixty-five was the time of the passage of the twenty-second joint rule, but I believe the election which took place in November, 1868, was the first election held under the joint rule of February, 1865. Up to the year 1869, according to the authorities, the Vice-President, or President of the Senate, had always counted the vote; and yet gentlemen pretend now that this power is so dangerous that of all men'in America the last man to intrust with it is the President of the Senate. They speak of it as something strange, and yet if I remember history correctly, at the very time of the contested election between Mr. Jefferson and Mr. Burr, the most excited race that ever was run in the United States. Burr, the most excited race that ever was run in the United States, requiring thirty-six ballots to settle the question, Mr. Jefferson himrequiring thirty-six ballots to settle the question, Mr. Jefferson himself was Vice-President. I appeal to gentlemen if it is not a correct statement of history that at that time Mr. Jefferson was Vice-President of the United States, having been elected under Mr. Adams at the time he was elected President, following General Washington's election. Over and over again the Vice-President has presided when he himself was either a candidate for re-election or for President; and yet during all that long period of our history we have never had one man in America who was so low, so utterly lost to every sense of honor, and justice, and of propriety, that we should have to leave, when we came to arrange the pictures of the Presidents and Vice-Presidents of this great and glorious Union of ours, one single niche covered with a black pall, as one in the palace of the Doge of Venice. No man yet in this country has betrayed that great trust, notwithstanding the fact that on every occasion up to the year 1868 this vote was counted by that on every occasion up to the year 1868 this vote was counted by the Vice-President. It does seem to me, when that remark is made, it is prostituting into the very dust the character of the men whom the people of this broad land of ours have thought fit to vote for as President and Vice-President of the United States. Are the people of this country so lost to honor, so lost to integrity, that they themselves would select a man to run for one of these high offices who was so corrupt, so steeped in moral iniquity, that he would count himself into office against the will of the people? I do not believe it. I have a higher regard for the character of the American people. I have a higher regard for the men whom the American people. I have a higher regard for the men whom the American people have brought to the front. The position will not do. It is degrading our own people and degrading the men whom our people have vested with high trusts.

When is it, under the amendment that I had the honor to offer, When is it, under the amendment that I had the honor to offer, that the Vice-President has the power to decide? Never when there is but one certificate of election, because if both Houses reject the certificate it goes out, and if one House goes one way and the other House goes the other way, it is counted. When there are two certificates, and both Houses agree upon one of the certificates, it is counted. When, then, does this great power of the Vice-President come in? It is only when every effort has been made, and the two Houses cannot agree. In that case you have got to do one of two things. If you reject the vote of the State, you may put a man in the presidential office who has not, as the Constitution requires, received a majority of the electoral votes of the people: for if you throw a vote a majority of the electoral votes of the people; for if you throw a vote aside, who can say that the man who is put in the presidential chair has the majority of the votes of the people? Our Constitution requires all the votes to be cast. If this great power has been intrusted to the Vice-President from the election of General Washington down to the last election of Mr. Lincoln, and never on a single occasion has he betrayed his trust notwithstanding that he was a candidate, I ask why, when only in one single state of the case power is to be intrusted to him, has he become so dangerons? Have the people of America been so forgetful of their duty in selecting good men and true as to put a man there who would betray the trust that was given him? That would be worse than murder itself. I do not believe it.

I admit, as has been stated often here, that this is a dangerous and a difficult problem. We must believe that there are some honest men in this world. While rumors are afloat all over the land of high orimes and misdemeanors committed by men in high places, while men have covered themselves from the crown of the head to the sole of their feet with infamy and with crime, and have fallen from their high position, yet I thank God He has put it into my heart not to believe that all men are dishonest and that I yet have confidence in man. I yet believe that the American people have the intelligence to put in position, whatever may be their politics, men of integrity, men who want to do right. I believe that the two Houses of Congress will want to do right; but, when the question comes up before

them, honest men may differ. One of the two Houses may decide this question in one way and the other House in the other way. If the matter is left to stand at that point, the vote of a State may unquestionably be lost. By the very losing of that vote a man may be placed in the presidential chair who had not a majority of the electoral votes by the people, as required by the Constitution.

The Constitution says:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the vote shall then be counted.

Not part of that vote shall be counted, but all of it. He who desires to stick to the Constitution as closely as I hope I do wants to see it carried out in its letter and in its spirit. The letter and spirit of the Constitution are that the votes contained in every valid certificate must be counted then and there and by the authority which the Constitution has pointed out for that high duty; that high trust, I will say, because I regard it as a sacred trust. So believing, I cannot conceive that the position which has been assumed here is tenable, unless you hold out the banner and write upon it in the face of all mankind that we have no confidence in man, that we believe that mankind that we have no confidence in man, that we believe that any man who is exalted to a high position will so far forget himself, his oath, his honor, the confidence which the people have placed in him, that he will prostitute all these, and, like Judas Iscariot, sell his master for a price. I do not believe that, and therefore I say that in some stage of this proceeding, if we wish to carry out the will of the people, we must trust somebody. I am willing to trust the man that the Constitution trusts, according to my construction of the Constitution, with the best lights before me. For that reason I have offered this sympathment not that it is a part measure with me for I have none this amendment, not that it is a pet measure with me, for I have none. this amendment, not that it is a pet measure with me, for I have none. I have done what other gentlemen here say they have been doing: I have been seeking light. If any Senator on this floor will point out a better and clearer plan than the one I have suggested, one that more thoroughly carries out the spirit and the letter of the Constitution, I will adopt his plan. All that I want to do is to secure to the States of this American Union their right beyond peradventure to have their vote counted in the election of President and Vice-President. dent of the United States.

Mr. CAMERON, of Pennsylvania. I would suggest to the Senator from Texas to make a correction in his amendment by blotting out the words "as presiding officer of the two Houses."

Mr. MAXEY. I will state to the Senator from Pennsylvania that

my attention was called to that by the Senator from Vermont. I think the expression "President of the Senator" is sufficient, and that the words "as presiding officer of the two Houses" are unnecessary. I ask that that modification be made.

The PRESIDENT pro tempore. The Senator has that right. The Senator from Texas modifies his amendment, and the Secretary will

report the amendment as modified.

The CHIEF CLERK. It is proposed to insert at the end of the second section of the bill the following:

But if the two Houses fail to agree as to which of the returns shall be counted, then the President of the Senate shall decide which is the true and valid return, and the same shall then be counted.

The PRESIDENT pro tempore. The question is on agreeing to this amendment, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAVIS, (when his name was called.) On this question I am paired with the Senator from Minnesota, whom I do not see in his seat, [Mr. WINDOM.] I should vote "nay" and he would vote "yea."

Mr. WEST, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. STEVENSON.] who would vote against the amendment, and I, if at liberty, would vote for it

The Secretary resumed and concluded the call of the roll; which resulted—yeas 7, nays 38; as follows:

YEAS—Messrs. Bogy, Cameron of Pennsylvania, Hamlin, Maxey, Robertson, Sargent, and Withers—7.

NAYS—Messrs. Allison, Authony, Bayard, Booth, Boutwell, Burnside, Cameron of Wisconsin, Caperton, Christianey, Conkling, Dawes, Dennis, Eaton, Edmunds, English, Ferry, Frelinghuysen, Goldthwaite, Gordon. Hamilton, Howe, Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kelly, Key, McCreery, McDonald, Merrimon, Mitchell, Morrill of Maine, Morton, Norwood, Oglesby, Sharon, Whyte, and Wright—38.

ABSENT—Messrs. Alcorn, Bruce, Clayton, Cockrell, Conover, Cooper, Cragin, Davis, Dorsey, Harvey, Hitchcock, Kernan, Logan, McMillan, Morrill of Vermont, Paddock, Patterson, Randolph, Ransom, Saulsbury, Sherman, Spencer, Stevenson, Thurman, Wadleigh, Wallace, West, and Windom—28.

So the amendment was rejected.

Mr. EDMUNDS. This question is so important and the discussions of it have been so interesting, as they really have, that I think further reflection upon the subject will be useful to the public interest; and I therefore move that the Senate proceed to the consideration of

executive business.

Mr. MORTON. I should be glad to continue the consideration of

this bill awhile longer.

Mr. EDMUNDS. Let it go over till to-morrow; we are not losing

The PRESIDENT pro tempore. The question is on the motion of the Senator from Vermont, [Mr. EDMUNDS.]

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session, the doors were re-opened, and (at three o'clock and fifty-seven minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

WEDNESDAY, March 22, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

STEAM FOG-SIGNAL AT MACKINAW.

Mr. DUNNELL, by unanimous consent, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 957) to appropriate money for the erection of a station and steam fog-signal at Mackinaw, Michigan; which was referred to the Committee on Appropriations.

# CONTRACTS FOR SERVILE LABOR.

Mr. LUTTRELL, by unanimous consent, introduced a bill (H. R. No. 2802) to prohibit contracts for servile labor; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### CHANGES OF REFERENCE.

Mr. WADDELL, by unanimous consent, from the Committee on the Post-Office and Post-Roads, reported back the following petitions, and the committee was discharged from the further consideration of the

same; and they were referred to the Committee of Claims:

The petition of H. G. Belding, of Minnesota, for relief for carrying mails between 1858 and 1862; and

The petition of Jeremiah Darling, asking pay for carrying United States mails over route No. 9497.

### RELIEF OF STATE OF KANSAS.

Mr. GOODIN, by unanimous consent, introduced a bill (H. R. No. 2813) relieving the State of Kansas from charges on account of ordnance stores furnished to Kansas Territory; which was read a first and second time, and, with the accompanying papers, referred to the Committee on Military Affairs, and ordered to be printed.

#### DATE OF PENSIONS.

Mr. RICE. I am instructed by the Committee on Invalid Pensions, to whom were referred House bills Nos. 316, 394, 463, and 1162, to report as a substitute therefor a bill (H. R. No. 2803) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted or which shall hereafter be granted upon applications filed previous to January 1, 1880, shall commence from the date of death or discharge, and for payment of arrears of pensions—which was read a first and second time and referred to the committee, and to ask that the bill, with the accompanying report, be referred to the Committee of the Whole on the state of the Union, and that the consideration of the same be assigned to Tuesday of week after next.

The SPEAKER. There is already one special order for that day.

Mr. RUSK. Then say Wednesday.

Mr. RICE. I will say a week from next Wednesday; two weeks

from to-day. Mr. HALE.

Mr. HALE. I hope the gentleman will except business of the Committee on Appropriations.

Mr. RICE. I agree to make that exception; and ask that the bill be considered from day to day, with that exception, until disposed of. The SPEAKER. Is there objection to making the order requested by the gentleman from Ohio, [Mr. RICE?]

There was no objection, and the order was made.

# CLERKS TO COMMITTEES.

Mr. WILLIAMS, of Indiana. I ask unanimous consent to make a report from the Committee of Accounts. I send it to the desk to be

The Clerk read as follows:

At a regular meeting of the Committee of Accounts, held Wednesday, March 15, at eleven o'clock a.m., the two committees mentioned herein were allowed one clerk jointly, to wit: the Committee on the Pacific Railroad and the Committee on Revolutionary Pensions and the War of 1812, and the compensation fixed at \$4 per diem from the 1st day of March, 1876.

Mr. WILLIAMS, of Indiana. I ask concurrence in that report.
Mr. HOLMAN. I object. I do not mean that I object to the subject coming before the House for consideration; I merely wish to vote against the report. I think we are increasing the number of clerks

unnecessarily.

The question being taken, the report was concurred in.
Mr. WILLIAMS, of Indiana. I desire to present another report from
the Committee of Accounts, and send it to the desk to be read.

The Clerk read as follows:

The Clerk read as follows:

The Committee of Accounts, to whom was referred a resolution of the Committee on the Investigation into Affairs of the Freedman's Savings and Trust Company, to allow the clerk of said committee \$5 per diem, made a report on the 9th day of March allowing \$4 per diem; and since that report was made, the chairman of said committee having represented to a portion of the committee the immense amount of labor performed by the said clerk, the majority of the said Committee of Accounts have instructed the chairman to report that said clerk be allowed \$5 per diem instead of \$4, as heretofore allowed, and recommend the adoption of the following resolution:

\*Resolved,\* That the clerk to the Committee on the Investigation of the Freedman's Savings and Trust Company be allowed \$5 per day, instead of \$4, as heretofore allowed, to commence from the date of his taking the eath of office.

The question being taken, the resolution reported by the Committee of Accounts was adopted.

#### HARRIET C. DUNHAM.

Mr. RUSK, by unanimous consent, introduced a bill (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### MARTHA L. REAMS.

Mr. McFARLAND, by unanimous consent, introduced a bill (H. R. No. 2805) restoring the name of Martha L. Reams to the pension-roll as the widow of William B. Reams, &c.; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

### BARBARA CHENOWITH.

Mr. ROBERTS, by unanimous consent, introduced a bill (H. R. No. 2806) for the relief of Barbara Chenowith; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

### CHANGE OF REFERENCE.

On motion of Mr. BANNING, by unanimous consent, the Committee on Military Affairs was discharged from the further consideration of the bill (H. R. No. 2558) for the benefit of A. L. Shotwell, of Jefferson County, Kentucky, and the same was referred to the Committee on War Claims.

### RICHARD H. FOUTS.

Mr. WOODWORTH, by unanimous consent, introduced a bill (H. R. No. 2807) for the relief of Richard H. Fouts; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

### CHANGE OF REFERENCE.

On motion of Mr. SLEMONS, by unanimous consent, the Committee on the Post-Office and Post-Roads was discharged from the further consideration of the bill to re-imburse H. R. Belding, of Minnesota, and the same was referred to the Committee of Claims

# ENLARGEMENT OF THE SIGNAL SERVICE.

Mr. YOUNG, of Kentucky, by unanimous consent, presented a petition from the Chamber of Commerce, Cotton Exchange, and city government of Memphis, Tennessee, to have the Signal Service enlarged; which was referred to the Committee on Appropriations, and ordered to be printed in the RECORD.

The petition is as follows:

To the Senate and House of Representatives of the United States in Congress assem-

Your memorialists, representing in their business and commercial capacity that section of country embraced within the limits of West Tennessee, North Mississippi, North Alabama, and Eastern Arkansas, respectfully show to your honorable bodies—

section of country emoraced within the limits of west tennessee, North Massissippi, North Alabama, and Eastern Arkansas, respectfully show to your honorable bodies—

That, since the establishment of the Signal Service Department of the United States Army, in the year 1871, the above-described districts have been made to realize, in a most forcible and convincing way, the great benefits conferred upon the country at large, and particularly upon these districts, by the investigations have been of signal advantage and benefits to these districts, both through the system of river reports, showing the probable changes in the Mississippi River, so extremely important to the agricultural, commercial, and river transportation interests of our community, and the valuable tabulated statements of heat and cold, frosts, rain-fall, storms, and other matter, so important in their bearing upon the agricultural interests of the whole country as affording valuable data in estimating the total agricultural productions of the States; yet, as at present distributed to the people, the system of daily weather bulletins reaches but a small portion of the populace, especially in the interior districts, while the limited number of reports from the many stations where the meterological observations are taken accorded to these districts, and especially to Memphis-their great central point of distribution—goes far to defeat the purpose of the law creating the Signal Service Department, at least as far as its benefits to these immediate districts are concerned.

We respectfully represent that to no community favored with the Signal Service bulletins could they be made so valuable as to the above-enumerated sections, situated as they are within the northern cotton belt, and dependent almost exclusively for their very existence upon the cultivation of that most sensitive of shrubs, the cotton plant, which is peculiarly affected in these northern regions by the varying extremes of heat and cold, rain-fall, and drought; and, developing an exte

more powerful and self-evident than those urged by any other section of the United States.

But we fully realize that, with the present appropriation at the disposal of the Chief Signal Officer, the demands of our community and the adjacent country for an increased amount of meterological information, so important to our agricultural interests, cannot be granted, nor can the information under present conditions be disseminated to any valuable extent, so far as these immensely important planting and agricultural interests are concerned.

We therefore pray that the appropriation for this Department, at present so incommensurate with its important and intrinsic value, be increased to such sum as the great experience of the Chief of the Department may determine to be necessary for its working in the manner originally contemplated by the law creating it.

J. T. PETTET.

President Chamber Commerce.

J. R. FLIPPIN.

Mayor of Memphis.

W. B. GALBRATTH,

President Memphis Cotton Exchange.

Official:
By order of the board of directors Memphis Cotton Exchange.
JNO. S. TOOF,

By order of the board of officers of the Memphis Chamber of Commerce.

JNO. S. TOOF,

#### JAMES S. LEATH.

Mr. YOUNG, of Kentucky, also, by unanimous consent, introduced a bill (H. R. No. 2808) for the relief of James S. Leath, of Memphis, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

### LA GRANGE SYNODICAL COLLEGE.

Mr. YOUNG, of Kentucky, also, by unanimous consent, introduced a bill (H. R. No. 2809) for the relief of the La Grange Synodical College of La Grange, Tennessee; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

### ADJUTANT-GENERAL'S REPORT.

Mr. JOHN REILLY, by unanimous consent, from the Committee on Military Affairs, to whom was referred the letter of the Secretary of War, transmitting the report of the freedman's branch of the Adjutant-General's Office for the year ending June 30, 1875, reported back the same and moved that it be recommitted to the committee, and that the letter and accompanying report be ordered to be printed.

The motion was agreed to.

### MRS. KATE L. ROY.

Mr. DOUGLAS, by unanimous consent, introduced a bill (H. R. No. 2810) for the relief of Mrs. Kate L. Roy, widow of Lieutenant-Colonel James P. Roy; which was read a first and second time, referred to the Committee on Invalid Pensions, and, with the accompanying papers, ordered to be printed.

# OFFICERS IN THE CUSTOM-HOUSE AT PITTSBURGH.

Mr. HOPKINS, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Secretary of the Treasury be requested to furnish the House with all the correspondence upon the subject of the change of officers in the custom-house at Pittsburgh; also, with a statement of any other influence not in writing which induced a revocation of his request for the resignation of the surveyor of the port at Pittsburgh.

# REMOVAL OF POLITICAL DISABILITIES.

Mr. GOODE, by unanimous consent, introduced a bill (H. R. No. 2811) to remove the political disabilities of C. A. Williamson, of New York; which was read a first and second time.

Mr. GOODE. I ask that the bill be put upon its passage.

The SPEAKER. The Chair would inquire whether this bill is accompanied by the usual petition?

Mr. GOODE. Yes, sir; the Clerk has the petition.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

### IMMIGRATION.

Mr. PIPER, by unanimous consent, introduced a bill (H. R. No. 2812) to amend an act supplementary to the acts in relation to immigration; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

# INDIAN DEFICIENCY BILL.

Mr. ATKINS. The Committee on Appropriations have instructed me to ask the House to take some action on the bill making appropriations to supply deficiencies for certain Indians. The bill passed the House appropriating \$100,000. It went to the Senate and was there amended by striking out \$100,000 and inserting \$150,000. The Committee on Appropriations instructed me to move a non-concurrence in that amendment; and I ask unanimous consent to take that bill are now.

No objection being made, the Clerk read the title of the bill, as follows: A bill (H. R. No. 2589) to supply a deficiency in appropria-

tions for certain Indians.

The amendment of the Senate was in line 5, after the words "one hundred," to insert the word "fifty."

Mr. ATKINS. I move that the amendment be non-concurred in. The motion was agreed to.

The SPEAKER. Does the gentleman desire to ask a committee of

onference?
Mr. ATKINS.

Mr. ATKINS. I do not. Mr. HOLMAN. We understand that under the rules under ordinary circumstances the request for a conference shall come from the branch of Congress which insists on the amendment.

# CONTRIBUTIONS TO ELECTION FUNDS.

The SPEAKER. The morning hour begins at twenty minutes before one o'clock; and the first business in order is the call of committees for reports of a public nature, the call resting with the Committee on the Judiciary. The House will now resume the consideration of the bill (H. R. No. 876) reported from the Committee on the Judiciary making it a misdemeanor for any person in the employ of the United States to demand or contribute election funds. The bill was still pending at the close of the morning hour yesterday. The gentleman from Maine [Mr. BLAINE] is entitled to the floor.

Mr. BLAINE. I ask that the Clerk report the original bill, the amendments reported from the committee, the substitute proposed by the gentleman from Kentucky, [Mr. Brown,] and the amendment moved by the gentleman from Massachusetts, [Mr. HOAR.]

The Clerk read as follows:

Be it enacted, &c., That from and after the passage of the act it shall not be lawful for any person or persons in the employment of the United States to demand from any other person so employed any money or other valuables to be used as an election-fund or to defray the expenses of an election in any State, county, or national election in the United States.

SEC. 2. That it shall not be lawful for any person or persons employed in the service of the United States, in any manner whatever, to contribute any money or other valuable thing to be used as an election-fund or to aid in the expenses of any election or canvass for an election in any State, county, or district in the United States.

election or canvass for an election in any state.

States.

SEC. 3. That any person violating the provisions of either of the preceding sections shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined not exceeding \$1,000 and imprisoned not exceeding one year, at the discretion of the judge trying the cause.

SEC. 4. That the judges of the district and circuit courts shall give this act in charge to grand juries.

In section 1, line 5, after the word "demand," insert the words "or solicit;" so that it will read: "it shall not be lawful for any person or persons in the employment of the United States to demand or solicit from any other person so employed," &c.

The substitute moved by Mr. Brown, of Kentucky, was read as follows:

Strike out all after the enacting clause and insert as follows:

SECTION 1. That no officer or employé of the Government shall require or request, give to or receive from, any other officer or employé of the same or other person, directly or indirectly, any money, property, or other thing of value, for political purposes; and any such officer or employé who shall offend against the provisions of the act shall at once be dismissed from the service of the United States, and also be deemed guilty of a high misdemeanor, and, on conviction thereof, fined not less than five hundred nor more than three thousand dollars, and imprisoned not more than one year, at the discretion of the judge trying the case.

SEC. 2. That the district courts of the United States shall have jurisdiction of the offenses created by this act.

SEC. 3. That the judges of the district and circuit courts shall give this act in charge to the grand juries.

The amendment moved by Mr. Hoar was then read, to add to section 2 of the original bill the following:

Provided, Nothing herein shall be construed to prevent voluntary contributions for the purpose of circulating documents or procuring public addresses for the purpose of giving information on questions of public interest.

Mr. BLAINE. I do not see the gentleman from Massachusetts [Mr. HOAR] now in his seat. I understood that his amendment was to be considered as pending to the original bill and also to the substitute. The SPEAKER. The Chair is well aware of the desire of the gentleman from Massachusetts, [Mr. HOAR,] but did not understand that

the gentleman from Kentucky [Mr. Brown] assented to that arrange-

Mr. BLAINE. I would then move—
The SPEAKER. The Chair would inquire of the gentleman from Kentucky [Mr. Brown] if he consents to the pendency of the amend-

ment of the gentleman from Massachusetts to his substitute?

Mr. BROWN, of Kentucky. I prefer not.

Mr. BLAINE. I now move as an amendment to the original bill that which I ask the Clerk to read. And I also move the same amendment to the substitute of the gentleman from Kentucky, [Mr. Browx,] as I believe I have the right to do. I do not know where it will properly adjust itself to the substitute; but in time I will so adjust it. I move the amendment to both the original bill and the substitute, so that in case the House should adopt either they may have my amendment incorporated.

Mr. COX. I rise to a point of order. Can the gentleman move two amendments at once?

Mr. BLAINE. What is to prevent my moving an amendment to the original bill and also to the substitute?

Mr. HOLMAN. That cannot be done.
Mr. BLAINE. Why not?
Mr. HOLMAN. The gentleman certainly can move but one amendment, make but one motion at a time.

Mr. BLAINE. Why not?

Mr. HOLMAN. Simply because—

Mr. BLAINE. A gentleman can move an amendment and an amendment to an amendment while on the floor.

Mr. HOLMAN. We think not. We think that a gentleman enti-

tled to the floor can offer but one amendment, which must be voted

Mr. BLAINE. I know very well what the rule is, and I know also that the uniform practice of the House has been to regard an amendment pending in the nature of a substitute as amendable. I move to amend the original bill, and I also move the same amendment to the substitute. That has been done a thousand times in the House.

Mr. HOLMAN. I think the practice of the House has been the re-

verse of that. A member may offer one amendment and one only; I have very often heard the ruling of the Chair to that effect.

The SPEAKER. The gentleman from Maine [Mr. BLAINE] does not offer two amendments to the original bill. He moves an amendment to the text of the original bill and a similar amendment to the text of the substitute. The Chair does not think that it is out of order to move two amendments under such circumstances.

Mr. BLAINE. I felt sure that the Chair must so hold, because that

is not only the rule of the House, but it has been the uniform practice of the House.

Mr. HOLMAN. I must say that it is not the uniform practice of the House, though the rule may be as stated.

Mr. BLAINE. I must differ with the gentleman in regard to the practice of the House. I ask the Clerk to read my amendment.

The Clerk read as follows:

Amend section 2, line 2, by inserting after the words "United States" in follow-

Amend section s, this s, by instantage in gwords:

Or any Senator, Representative, or Delegate in Congress.

And at the close of the section add:

And the contribution of money or other valuable thing as herein prohibited by any Senator, Representative, or Delegate in Congress, while he was a candidate for such position, shall, in addition to the penalties herein prescribed, operate as a disqualification to his holding his seat.

Mr. BLAINE. I desire to congratulate the House upon the formal surrender, if I may use that word, of that extreme doctrine of State rights which the other side of the Chamber have for many years held, in regard to the power of the General Government in any way to regulate elections in the States. It has been the function and, as they considered it, the duty of the republican party in Congress to pass certain enactments, designed to enforce purity and fairness in elections. They have usually been very strenuously resisted by our friends on the other side, on the ground that the National Government had no power whatever to interfere with, or in any way to control, elections in the States.

This bill proposes to go down into the States and to the counties, and to make it a penal offense, punishable in the courts of the United States, for any officer to contribute any money toward even a county election. I think it a very suggestive, and to me it is a very gratifying, circumstance, that the Committee on the Judiciary of this House, composed of very able gentlemen, a large majority of them demo-crats, and the chairman a State-rights democrat, have reported, and, as I understand it, unanimously, a bill proposing to regulate

elections in States and counties.

Mr. BROWN, of Kentucky. Will the gentleman allow me to ask

Mr. BROWN, of Kentucky. Will the gentleman abow me to asshim a question?
Mr. BLAINE. Not just now. I am just in the continuity of a certain argument. I will yield to the gentleman in due season.
Mr. BROWN, of Kentucky. I wish but a second.
Mr. BLAINE. I will yield hereafter to the gentleman if he will let me state my proposition without interruption now.

Now this, Mr. Speaker, I regard as a very significant circumstance in the political history of the times; and it is a very gratifying circumstance, because from it we may feel assured that the democratic party will unite with the republican party in all measures necessary to secure the purity and fairness and equality of elections throughout to secure the purity and fairness and equality of elections throughout the United States. It was very well remarked yesterday by the gentleman from Massachusetts, [Mr. Hoan,] who offered an amendment to this bill, that the worst form of government in the world to live under is a government of the people when the majority is bribed; and he stated very well that there was only one thing worse than the bribing of voters, and that was the fraudulent count of the votes after they were deposited in the ballot-box.

they were deposited in the ballot-box.

Now, I do not wish to embarrass this bill. I do not wish to put a single amendment on the bill that shall go outside of its legitimate object and purport. I shall not seek to have the House cover more objects than it can well carry out. But, at the same time, I take it to be a legitimate and pertinent subject to this debate to say that, inasmuch as our friends on the other side have surrendered and given up for the sake of purity in elections their constitutional scruples in regard to the right of interfering with and controlling the elections in States, we ought to go one step further. And I am glad that I have in States, we ought to go one step further. And I am glad that I have the attention this moment of the distinguished gentleman from Virginia, [Mr. Tucker,] because only within the last month I was very much interested in reading the account of a very extraordinary case that happened in Virginia in the election of a State senator. A contest came before the senate of Virginia, which body is certainly very largely—I do not know but unanimously—democratic. The committee of elections reported by a very decided majority in favor of the re-

publican contestant; but a minority report was sustained by the senate; and the sitting member was retained in his seat.

Now, that case presents so extraordinary a feature and invites so directly the legislation of Congress, that I venture to state it to the House; and if in any way I should misrepresent it, my honorable friend from Virginia will correct me. It seems that in Virginia there is a law permitting inspectors of elections, in case there is a larger number of ballots found in the box than there are names upon the registry, to do what they call "purging the ballot-box." They blind-fold a man, who puts in his hand and draws out enough of the ballots to reduce the number left to the number of the names on the registry. to reduce the number left to the number of the names on the registry. Now, in this ballot there was found to be a very large number of tickets in excess of the number of names registered. I wish I had one of those tickets here. The honorable gentleman from Virginia [Mr. STOWELL] hands me a specimen of each of the two sorts of tickets. One, it will be observed, is of very large size, being several inches each way, while the other is about an inch and a half long by an inch wild. It is homorable that the very bligger conditate of the state of the wide. It so happened that the republican candidate was voted for while. It so happened that the republican candidate was voted for upon a larger ticket. There were many hundreds more ballots in the box when the polls closed than the names on the registry—of course put there fraudulently. The inspectors in this case I believe were all democrats, were they not? The gentleman from Virginia [Mr. STOWELL] so states; I of course do not undertake to state the facts from my own knowledge. The blindfolded man, when he put his band in

Mr. GOODE. If the gentleman asks for information on that point,

I can give it to him.

Mr. BLAINE. I was addressing another gentleman.

Mr. GOODE. My colleague may not be able to give the facts as I

Mr. BLAINE. Wait till I state the case. If I do not state it correctly, the gentleman can then do so. The blindfolded man put his hand into the ballot-box, and almost as a physical necessity drew out the large ballots; so that when the poll was finally declared, although the large ballots; so that when the poll was finally declared, although there were notoriously and undeniably several hundred republican voters in the precinct, there were only five republican votes in the ballot-box. [Laughter.] Of course in the language of "Hon. Bardwell Slote," the democrat was elected "by a large majority."

Now, Mr. Speaker, I have no intention to overstate this case. If I have misstated it, I would gladly be corrected. If I have not misstated it, I am sure that honorable gentlemen on the other side, who must be just as anxious to secure fair results as we on this side, will write the intercept of the thore is a great a precessity for legis.

unite with us in agreeing that there is as great a necessity for legislation which shall secure an honest vote and a fair count as there is for providing that some poor, impoverished clerk shall not have five or ten dollars wrung out of him for election expenses. With that part of the bill I entirely sympathize—more for the sake of the clerk than on any other ground, because I think what the clerks have contributed has never amounted to a very large "corruption fund," whereas their contributions may have seriously inconvenienced themselves in a peenniary sense.

The gentleman from Michigan [Mr. HUBBELL] hands me a report showing that in 1856 the clerks were assessed twice in one year. It was a hard year for the democrats, and Pennsylvania was very close. [Laughter.] It took two assessments out of the poor clerks that year. I do not know the republicans have ever taken more than one. [Laughter.] Here it is in the testimony of one J. L. Cramer:

[Laughter.] Here it is in the testimony of one J. L. Cramer:

Question. Do you know for what State or for what purpose that money was collected either in 1856 or 1858?

Answer. I think the money of 1856 was collected to be appropriated to pay some balance to be supplied in Pennsylvania. If I remember aright, the democratic State committee had got into debt quite a sum of money, and it was with a view of liquidating that debt that the money was raised. It was just after the October election, I think. There was another collection to pay for some documents which had been printed to be distributed.

Q. Were there not two assessments made that year—one before the election and one afterward—to make up a deficiency?

A. That is what I spoke of. I think one was before election and one to make up a deficiency. I was under the impression the deficiency was the only one I had anything to do with.

I am not standing here to maintain that all parties have not been in the habit of doing this thing. There is no need of Phariseeism about it. It is a well known and recognized fact that persons holding about it. It is a well known and recognized fact that persons holding official positions in the United States have been in the habit of contributing toward election and campaign expenses. I do not think, however, so far as I know, there has been coercion under the republican régime in Washington. Ido not think that persons have been discharged or threatened for failing to contribute. I do not say I know it was done in democratic days either. That both parties have been in the habit of receiving assessments and contributions from their officeholders is something altogether too well known and altogether too notorious to be denied or quibbled about.

It may run into a great evil, and I thank the gentlemen of the Judi-It may run into a great evil, and I thank the gentlemen of the Judiciary Committee for proposing a remedy for that evil. I also thank the House for the very large majority with which yesterday they indicated their purpose of striking at an evil which is far graver than that, because I undertake to say, Mr. Speaker, that the contributions which are made in congressional elections, both by those who are successful and those who are defeated, exceed by many times over at every congressional election the sums which are contributed by persons holding Federal or State offices. I think that is equally notorious; and if we design to correct this evil, to cut it up by the roots, we should extend this law so that neither a Representative in Congress nor a Senator nor a Delegate in Congress nor a candidate for gress nor a Senator nor a Delegate in Congress nor a candidate for either of these places shall use money for the purpose of promoting his election.

The gentleman from Pennsylvania [Mr. Townsend] desires me to yield the floor to him, and I will do so at this time.

Mr. BROWN, of Kentucky. I believe the gentleman agreed to yield

to me.

Mr. BLAINE. I did; and, if the gentleman from Pennsylvania will excuse me, I will yield first to the gentleman from Kentucky.

Mr. BROWN, of Kentucky. I only ask the gentleman to yield to me for a question. He indulged in certain criticisms upon the original bill as it came from the Committee on the Judiciary. Am I to understand that he deems the substitute offered by myself open to the same objections urged by him against the original bill?

Mr. BLAINE. By a casual reading of the substitute I think it is. Mr. BROWN, of Kentucky. I think not.

Mr. BLAINE. In what respect does it differ from the original bill? Where is the difference between the two?

Mr. BROWN, of Kentucky. It will take me some time to define

of the Government.

Mr. BROWN, of Kentucky. It will take me some time to define

the difference.

Mr. BLAINE. If I understand the gentleman, he proposes to punish any one who interferes in a State election by contributing money.

Mr. BROWN, of Kentucky. Not at all, except officers or employés

Mr. BLAINE. The gentleman means to have a free blow in State elections, and only tries to control national elections.

Mr. BROWN, of Kentucky. It only applies to officers or employés of the Government who shall give or solicit money or other thing of value in any election; but I will read it:

That no officer or employé of the Government shall require or request, give to or receive from any other officer or employé of the same or other person, directly or indirectly, any money, property, or other thing of value for political purposes.

Mr. MILLIKEN. Now read the third section, that the judges of the district and circuit courts shall give this act in charge to the grand

Mr. GARFIELD. What page of the RECORD is the gentleman read-

ing from?

Mr. BROWN, of Kentucky. From page 19.

Mr. BLAINE. In what respect now does the gentleman hold that it differs from the original bill? The bill says for national, State, or county, and the gentleman's substitute states for "political purposes." Does not that include State and county elections? There is no lim-

Mr. BROWN, of Kentucky. It applies only to officers or employés of the Government, and not to persons not in employment of the Government

Mr. BLAINE. Yes, who interfere in State elections for political purposes, as you say. Suppose an Auditor or Comptroller in the city of Washington chooses to send a fifty-dollar bill out to Kentucky, or wherever he resides, to be used in a State election, or in a county election for a State officer or a county officer, does not the gentle-

man's bill punish him?

Mr. BROWN, of Kentucky. It punishes an officer or employé of

the Government, and not those not so employed.

Mr. BLAINE. What for ?

Mr. BROWN, of Kentucky. For contributing money for political

Mr. BLAINE. In his own State, in any State or county?

Mr. BROWN, of Kentucky. It does not relate to any person not in the employment of the Government who may contribute money in State elections, but proposes to punish all such officers or employes as

may accept, give, or solicit money for political purposes.

Mr. BLAINE. Then, if the gentleman makes any point at all, it is that he would not seek to correct corruption in State elections, but

only in national elections.

Mr. LUTTRELL. State laws will provide against that.

Mr. BLAINE. Then he does not go with the bill of the committee?

Mr. BROWN, of Kentucky. No, sir; but with the substitute.

Mr. BLAINE. He wants to save the State-rights doctrine. I now ield to the gentleman from Pennsylvania, [Mr. TOWNSEND.]

Mr. TOWNSEND, of Pennsylvania. I offer the amendment which send to the deal.

send to the desk.

The Clerk read as follows:

Provided. That any expenditures for election purposes allowed by the laws of any State shall not be construed as being affected by the provisions of this act.

Mr. TOWNSEND, of Pennsylvania. I offer that amendment feeling that the bill as reported by the Committee on the Judiciary interferes very materially with the laws of the State of Pennsylvania in regard to allowing election expenses; and in order that the House may understand how far the laws of Pennsylvania allow election ex-

penses, I ask the Clerk to read the sections which I have marked.

The SPEAKER. The Chair would inquire of the gentleman from
Pennsylvania what part of the original bill he proposes to amend?

Mr. TOWNSEND, of Pennsylvania. My amendment is to the first

section of the bill, which provides that-

From and after the passage of this act it shall not be lawful for any person or persons in the employment of the United States to demand from any other person so employed any money or other valuables to be used as an election-fund or to defray the expenses of an election in any State, county, or national election in the United States.

I desire that at the end of that section the proviso may be inserted; and that the House may understand my reason for doing so, I ask the Clerk to read the law of my State, which allows certain electioneering expenses as being proper and legitimate.
The Clerk read as follows:

The Clerk read as follows:

No person who shall hereafter be a candidate for the nomination or for election to the senate or house of representatives, or to any office of the judiciary, or to any State, municipal, or county office in this Commonwealth, shall pay or contribute, either directly or indirectly, any money or other valuable thing, or knowingly allow it to be done by others for him, either for the nomination, election, or appointment, except necessary expenses, as follows, to wit:

1. For printing and traveling expenses.
2. For olissemination of information to the public.
3. For political meetings, demonstrations, and conventions.

The foregoing expenses may be incurred either in person or through other individuals or committees of organizations duly constituted for the purpose, but nothing contained in this act shall be so construed as to authorize the payment of money or other valuable thing for the vote or influence of any elector, either directly or indirectly, at primary, township, general, or special elections, nominating conventions, or for any corrupt purposes whatever incident to an election. And all judicial, State, county, and municipal officers hereafter elected shall, before entering upon the duties of their respective offices, take and subscribe the oath prescribed by section 1 of article 7 of the constitution of this Commonwealth.

Mr. TOWNSEND, of Pennsylvania, Now, it will be characted.

Mr. TOWNSEND, of Pennsylvania. Now, it will be observed that the original bill coming from the Committee on the Judiciary would prevent any person from contributing to the expenses of an election, as allowed by the State of Pennsylvania. It would prevent any in-

dividual from contributing to the printing of tickets, to the printing of the addresses of the chairmen of county committees, from contributing to the expenses of holding political meetings, political demonstrates strations, political conventions, and, in fact, it would prevent any officer from contributing to election expenses in any shape or way whatsoever. I submit to those gentlemen on the other side of the House, who are stringently in favor of State rights, that their bill will override the law of my State and prevent the contribution to all such expenses as are provided for and allowed by the law of the State of Pennsylvania, and make unlawful there what is lawful now. I hope there may be no objection to the addition of that proviso.

I hope there may be no objection to the addition of that proviso. It refers entirely to State elections.

Mr. BLAINE. Two gentlemen from Virginia rose to interrupt me. If I misunderstood the law of Virginia and its operation, I shall be glad to be corrected. My remarks were addressed to the gentleman from Virginia [Mr. Tucker,] with whom I have the honor to serve on the Committee of Ways and Means.

Mr. Tucker. I did not rise, because really I was not cognizant of the facts of the case. My colleague from Virginia [Mr. Goode] in whose district the election occurred will be able to state the facts, and therefore I yield to him.

therefore I yield to him.

Mr. GOODE. I am sorry, sir, that the distinguished gentleman from

Maine has thought proper to go out of the record in discussing a simple matter of legislation, for the purpose of making an unfriendly critieism upon the action of the people whom I have the honor to represent upon this floor; and I am sure that if the gentleman was familar with the law of Virginia governing elections and with the facts of this case, he would have hesitated before going beyond the record in order

to lug into this discussion what he conceives to be an injury done to his party friends in Virginia.

Now, sir, I will say for the information of the gentleman from Maine that the law of Virginia under which that election was held for the purpose of carrying into operation and in good faith the balthe purpose of earlying into operation and in good fath the ballot system, to which we were strangers until it was put upon us by a convention known as the Underwood convention, composed, a large majority of it, of the gentleman's friends. The law of Virginia provides that whenever the ballots are closed it shall be the duty of the judges of the election to canvass the returns; that the ballots shall be taken from the ballot-box and shall be counted, and shall be made to compare with the poll-list, and if it appears after the count of the ballots that the number in the ballot-box does not correspond with the number upon the poll-book, that must be corrected. And the law proceeds to provide the manner in which it shall be corrected. It provides that the two judges of election, sworn officers of the law shall be blindfolded, and that they shall draw from the ballot-box tickets until the number remaining in the ballot-box shall be made to

orrespond with the number on the poll-book.

Mr. BLAINE. Then I stated it with precise accuracy.

Mr. GOODE. Allow me a moment further. The gentleman has referred to the case of Brady against Gayle, a contested-election case in the State of Virginia coming from the Portsmouth district. The gentleman said that all the three judges of election in that case were conservatives or democrats. I say for the information of the gentleman that he is mistaken; that one of them was a pronounced republican, and if I am correctly informed he has stated that the drawing

of the ballots on that occasion was done in strict conformity to law.

Mr. BLAINE. Was he the one that drew out the ballots? Was he the blindfolded man?

Mr. GOODE. No, sir, he was not; but the other two proposed that he should be the one, and he declined, having more faith in the honesty and integrity of his colleagues than the gentleman from Maine has, who knows nothing about them.

Mr. BLAINE. Then the democrats got their hands in and pulled out the ballots. [Laughter.]

Mr. GOODE. I undertake to say that they pulled them out in strict conformity to the law and in the way prescribed by law.

conformity to the law and in the way prescribed by law.

Now I will ask the gentleman a question, if he will permit me.

Was he a member of the Congress that decided the case of Hunt Was he a member of the Congress that decided the case of Hunt against Sheldon in the State of Louisiana, and did he not vote in favor of Sheldon in that case, and did not the record in that case prove that the commissioners and judges of elections in the State of Louisiana counted every solitary vote in every precinct giving Sheldon a majority, and threw out every solitary vote in the precincts giving Hunt a majority, on the ground that there was fighting at the rolls and therefore there was no freedom of election?

polls, and therefore there was no freedom of election?

Mr. BLAINE. I was a member of that House, but I was not on the floor; I was in the chair when the case of Hunt vs. Sheldon was decided, but I should be very sorry if the gentleman, for the purpose of vindicating the excellence and purity of the Virginia laws, should attempt to do so by taking the revolutionary proceedings which have occurred in Louisiana during the last six or eight years as a prece-

Now the gentleman admits that I have stated with precise accuracy the mode in which elections are held in Virginia; and, if I am correctly informed, in a large majority of the counties in Virginia there is no republican representative whatever among the inspectors or judges of elections, and they have the matter in their own hands and they have it by reason of these small tickets. It is a simple fact that under that law, if the judges wish to deprive the minority, or it may be even the majority, of their rights at the polls, it is perfectly easy for them to do

it; and to hold an election in that way, I care not who is responsible for the law, is no better than to decide it by throwing dice, and in that case it is throwing dice with one party having the dice loaded. I say that a ticket of that size-[holding up one, as follows:]

> City of Petersburg, Virginia ELECTION. vember 3rd, 1874 For Representative in Congress From 4th District : Wm. H. Mann. OF Nottoway County.

and I have seen one still smaller; I think I have seen them not more than half that large—I say that a ticket of that size is itself prima acie evidence of an intention to commit fraud.

Mr. GOODE. I am sure the gentleman does not intend to misrepresent the people of Virginia in regard to their statute-laws; and I will say, as he seems entirely misinformed on the subject, that we have laws on the statute-book requiring judges of our courts to appoint three judges of election for each precinct, and that one of them shall be of the opposite party to the other two.

Mr. BLAINE. Yes, and I have the authority of a distinguished gentleman from Virginia; I have no concealment about it; it is no other than Ex-Governor Henry A. Wise.

Mr. GOODE. We do not recognize Henry A. Wise as a democrat,

if you please. Mr. BLAINE. Mr. BLAINE. All right; he does not belong on our side, and I have his authority for saying that the pretense in Virginia of giving one of the inspectors to the opposite side is an outright fraud, and, to use his own words, "a fraud which out-Kelloggs Kellogg, out-carpetbags the carpet-baggers, and out-scalawags the scalawags." [Laugh-

That is just what he said to me; and he is aching for an opportunity to state it to a committee of this House.

Mr. WHEELER. He will have an opportunity of doing it in the case of the gentleman from Virginia who was just on the floor.

Mr. BLAINE. I did not intend to bring that in, but my friend has

mentioned it.

Mr. GOODE. I will be prepared when that case comes up to meet him or any other gentleman.

Mr. BLAINE. I hold in my hand an instructive volume. Here is.

a case relating to some ancient democratic practices.

Cornelius Wendell testifies that, under a democratic administration, he agreed to give 43 per cent. of the printing bills for the purpose of carrying the election for the democrats, and this question was addressed to him:

Question. Do you mean 43 per cent. of the profits?

I want the House to hear that.

Question. Do you mean 43 per cent. of the profits?

Answer. No. sir; 43 per cent. of the gross amount. We go by gross amounts entirely when we speak of percentage. I have been in the habit of doing the work for everybody who needs it, having the materials here, sometimes receiving or paying a percentage, as the case may be.

I do not wish to lug in the names of men who are gone, but this is historic.

By the CHAIRMAN:

Question. The President was a party to this arrangement, was he? Answer. Yes, sir; but I cannot say that he ever designated any particular man to be paid.

Now that bears a very striking resemblance, in its moral effect and in its moral bearing, to a case that has been convulsing this House of late, and of which I presume we will hear still more. Here was a deliberate arrangement with the man who became the Congressional Printer to pay 43 per cent. of the gross amount paid him for that printing for the purpose of carrying the elections for the democrats. That was when the democrats had control of this Government and of this House; that was the last experience we had of them in this

Now my honorable friend from Indiana, [Mr. Holman,] who yesterday spoke so eloquently about the degeneracy of the times and the venality of the times, would hardly believe—he certainly must have forgotten—that that was in the freshness and greenness of the youth of his long congressional service; and that away back, when the denocrats had absolute control here, the public printing was deliberately farmed out with the distinct understanding and with the knowledge of the Administration that 43 per cent. of the gross amount should be devoted to the purpose of carrying elections for the democrats.

Mr. HOLMAN. Will the gentleman allow me a moment?

Mr. BLAINE. Certainly.

Mr. HOLMAN. The gentleman from Maine [Mr. BLAINE] forgets

two things, and one of them he ought not to forget. The first is that the statement which he reads from the document before him was not finally sustained, but on the contrary, upon an examination of the whole testimony, it will not appear that any officer of the Government was implicated in that fraud. Secondly, the bare suspicion of that fact produced a political revolution in the country and brought

his party into power.

Mr. BLAINE. This is the identical Congressional Printer on the stand, the identical Cornelius Wendell; it is no outside or hearsay

Mr. HOLMAN. I am aware whose testimony the gentleman read. But the whole testimony taken together disproves the statement in the broad attitude in which it appears upon the printed page from which the gentleman read. But I desired to call his attention more especially to the other fact, that the suspicion that the officers of the Government were instigating such frauds produced a political revoovernment were instigating such tradits produced a political revolution which brought the gentleman's party into power. And does the gentleman expect that a widespread suspicion at this time, one well founded, will not produce a corresponding result?

Mr. STOWELL. Will the gentleman yield to me?

Mr. STOWELL. I will.

Mr. STOWELL. My colleague [Mr. GOODE] is correct in stating that the law of Virginia provides that there shall be three judges of elections and that the law of the station of the stations and that the law of the stations are stations and that the law of the stations are stations.

elections, and that one shall be a republican; and that the judges of elections shall be appointed by the judges of the courts of the several counties. But in point of fact—I speak now of my own district more particularly, because I am more familiar with it—I know of but one county in my district in which the county judges appointed a republican inspector or judge of election. In the other eleven counties of my district the judges of election are democratic throughout; all the election officers are democrats. And the ticket that has been shown here to-day by the gentleman from Maine [Mr. Blaine] is the ticket that was used against me at the last election in the city of Peters-

The following is a fac-similie of the ticket cast for my opponent in

the city of Petersburgh:

City of Petersburg, Virginia. ELECTION. For Representative in Congress From 4th District: Judge Wm. H. Mann, OF Nottoway County.

The ticket cast for me at the same election was about five inches

by three inches.

It is a well-known fact that in the city of Petersburgh there was not a republican upon any election board in any of the wards of that city. And when the polls were closed everybody was excluded from the room; no one left in the room but the three democratic judges of election and two clerks.

Mr. BLAINE. All democrats?
Mr. STOWELL. All democrats. One of them was blindfolded, and drew out the tickets, the republican tickets of course.

Mr. BLAINE. My hour is running out.
Mr. STOWELL. One point; the gentleman from Norfolk [Mr. Goode] stated that in the election in the city of Portsmouth, to which reference has been made, the two democratic judges of election asked the republican judge to be blindfolded. I believe that is correct, so far as my information goes. The gentleman is also correct in stating that the republican judge refused to be blindfolded, and he

stating that the republican judge refused to be blindfolded, and he gave as his reason that he would not be a party to any such fraud.

Mr. HOAR. I was out of my seat when this bill first came up this morning. I understand that the Chair was advised that the amendment which I moved yesterday was moved only to the original bill, but not to the substitute of the gentleman from Kentucky, [Mr. Brown.] If the Chair will pardon me I will state my recollection of the matter. The gentleman from Kentucky as I winderstead him first said that he The gentleman from Kentucky, as I understood him, first said that he would not object to my amendment being regarded as pending to his substitute. Then afterward, when I asked if my amendment was considered as pending both to the original bill and to the substitute, the gentleman from Kentucky said: "Before making that arrangement with the gentleman from Massachusetts I would like to hear his amendment again reported." After it was again reported the gentleman from Kentucky made no further objection to it. My attention was again called to the matter when the Chair called for a vote on the previous question and appropried the gentleman from Kentucky made no further objection to it. announced the order in which the amendments and bill would be voted upon, stating that my amendment was pending and applicable both to the original bill and the substitute, that the question would first be on my amendment to the substitute and then on my amendment to the original bill. But in order that there may be no doubt about it

I move it now as an amendment to the amendment of the gentleman from Kentucky. I suppose he will agree with my recollection that he said he would hear my amendment read before determining whether he would allow it, and that after the reading he made no objection

The SPEAKER. The recollection of the Chair is as stated by him

while ago. Mr. HOAR. Mr. HOAR. I was not present when the Chair made that statement. The SPEAKER. The Chair inquired of the gentleman from Kentucky, who did not very distinctly state his recollection; but this morning he declined to consider the amendment as pending.

Mr. HOAR. I offer the amendment now. The SPEAKER. The gentleman from Massachusetts [Mr. HOAR] now offers, as an amendment to the pending substitute, the proposition which he offered yesterday as an amendment to the original bill.

Mr. BLAINE. I now yield to the gentleman from Iowa, [Mr.

McCrary.]
Mr. McCrary. Mr. Speaker, I was very glad to co-operate with the
Judiciary Committee, and I shall be very glad to co-operate with all the Judiciary Committee, and I shall be very glad to co-operate with all the gentlemen of the House in this effort to provide for the purity of elections by means of an act of Congress. I have heretofore had occasion to take some part in other efforts directed to this same end. I have not on former occasions had the co-operation and the assistance of gentlemen on the other side of the House; I am very glad to have it now. Mr. Speaker, the general purposes of this bill meet with my hearty approval. The evil which is sought to be corrected is one which ought to be corrected. That evil is the practice which has existed among all parties in this country of levying in some form something in the nature of an assessment upon office-holders high and low for the purpose.

nature of an assessment upon office-holders, high and low, for the pur-

nature of an assessment upon office-holders, high and low, for the purpose of raising money to meet the expenses of election campaigns. That I am quite willing to prohibit; that I am desirous of prohibiting, and I am ready to support any measure which looks to that end. But, sir, I rose especially to say that I think the House ought to adopt the amendment offered by the gentleman from Massachusetts, [Mr. Hoar.] The bill, without that amendment, goes too far. I would like to call attention to the scope of the bill if it shall not be amended. The first section is right. It provides that—

It shall not be lawful for any person or persons in the employment of the United States to demand from any other person so employed any money or other valuables to be used as an election-fund.

That is entirely proper. But the second section, if not amended, is too broad, for it declares that—

It shall not be lawful for any person or persons employed in the service of the United States, in any manner whatever, to contribute any money or other valuable thing to be used as an election-fund or to add in the expenses of any election or canvass for an election in any State, county, or district in the United States.

Now, sir, in remedying what is known to be an evil, the House ought not to go so far as to prohibit an act which every gentleman upon the floor will concede to be perfectly right and entirely innocent. If this bill shall be passed without amendment, the simple fact that a man holds a commission as an officer under the Government of the United States will prohibit him from contributing any money or any valuable thing for the purpose of publishing and distributing in-formation, for the purpose of printing and circulating newspapers or public speeches or documents. It will in a word prohibit any man who happens to be an officer of the United States from contributing one dollar or one cent to distribute information in any possible way to be used in connection with a political campaign. And it prohibits it under a very severe penalty; for the third section provides that—

Any person violating the provisions of either of the preceding sections shall, upon conviction, be deemed guilty of a misdemeanor, and shall be fined not exceeding \$1,000 and imprisoned not exceeding one year, at the discretion of the judge trying the cause.

I think, sir, that the House will hesitate to go so far as to prohibit under a penalty like that what we all agree is perfectly innocent and entirely proper in the nature of a voluntary contribution for a proper purpose

Mr. BLAINE. The gentleman from Indiana [Mr. HOLMAN] desired, I believe, to ask me a question; and I yield to him for that

Mr. HOLMAN. Before putting the question, I wish to occupy just a moment with a single statement. Gentlemen on both sides will of course co-operate cordially in any measure that will secure purity in course co-operate cordiany in any measure that will secure purity in elections; but from the current of the remarks of the gentleman from Maine, it seems to me he proposes that this bill shall go far beyond its proper scope, and provide for curing such evils as might result from the legislation of States, as in the case in Virginia which he cites. Does the gentleman propose that legislation of Congress shall go to the extent of interfering with legislation of States as to the mode of managing elections?

mode of managing elections?

Mr. BLAINE. I hold that the Congress of the United States has a perfect right to provide the "time, place, and manner of holding elections for Representatives in Congress."

ons for Representatives in Congress.

Mr. HOLMAN. Undoubtedly.

Mr. BLAINE. That covers the ground.

Mr. HOLMAN. Undoubtedly Congress possesses that power.

Mr. BLAINE. Is the gentleman in favor of exercising it?

Mr. HOLMAN. I am in favor of exercising it with a proper regard with a legislation of the State. for the legislation of the State.

Mr. BLAINE. Is he in favor of exercising it so as to achieve the end-so as to keep frauds of that little ticket kind from being perpe-

trated as with a play of loaded dice.

Mr. HOLMAN. So far as it applies to the election for members of Congress—and it can only apply to them—I think this legislation is proper. I think the spirit of the original bill, as well as of the substitute, is clearly within the province of Congress. The question is

whether the gentleman proposes to go to the extent of curing evils of State legislation, of which he complains, in the State of Virginia. I hardly think he will seek to go that far.

Mr. BLAINE. I shall ask, Mr. Speaker, that this may be printed in the RECORD—I believe it is competent to do that—so the RECORD shall present a fac-simile; and I only regret that I have not got one about one-half the size, for I have seen a great many not over half

Mr. HOLMAN. Does the gentleman propose any legislation here which will reach that class of cases?

Mr. BLAINE. I said that if I proposed it on this bill, it would be charged that we were trying to lumber it down with other things; and therefore I shall not propose it now. I shall ask the Judiciary Committee, after having reported this bill, to take into consideration the far graver questions presented by such results as that. As the gentleman yesterday remarked, and I am but repeating myself in gentleman yesterday remarked, and I am but repeating myself in quoting them, bad as bribing the voter is, and it is an unendurable evil almost, it is not so bad as bold, naked fraud in the count. There you have literally taken away the foundations of free government. A fraud in the count is the destruction of republican government. One or two men may do more there than a thousand bribed men can do outside; and the Judiciary Committee are but sticking in the bark, they are pultering in a double sense if they put this forward as they are paltering in a double sense, if they put this forward as a remedy for securing purity in elections. This country demands elections shall be pure. There is not an honest man in either party who does not desire it. Without that, all government is a failure; and, sir, there is a widespread conviction to-day that in a good many of the States of this Union it is impossible to get a fair election. That the persons entitled to vote under the fifteenth amendment to the Constitution—the colored voters—get a fair show and equal chance to deposit their ballots is not believed by ten honest men north of Mason and Dixon's line, in my judgment. To that this thing should be addressed; to that this reform should go. We will go with you in this as far as he who dares go farthest. We invite you to go with us in providing, after we shall have destroyed bribery outside of the polling booth, that you shall not have the embediment of rescality here. ing-booth, that you shall not have the embodiment of rascality behind to vitiate and destroy the purity of elections within.

Now I wish to test the sense of the House on this matter. I believe

every gentleman has made the amendment which he desires.

Mr. REAGAN. The gentleman will allow me. I gave notice of an amendment yesterday, and now wish to offer one in lieu of that amendment. I wish to offer an amendment as a substitute for the first section of the bill.

Mr. BLAINE. That amendment may take a good while to read. wish to test the sense of the House on the previous question on the

bill and amendments.

Mr. HARRIS, of Virginia. I wish to say one word. I hope the gentleman will extend that courtesy to me.

Mr. BLAINE. I must have the previous question first.
Mr. REAGAN. If the gentleman's object is to get a good bill, he
will allow my amendment to be offered.
Mr. BLAINE. I have no objection if that side of the House will consent. I do not wish to be taken off the floor without testing the sense of the House on the previous question; therefore I demand it. Mr. HOLMAN. Does the gentleman demand it on the amend-

Mr. BLAINE. I demand it on the whole subject.
The SPEAKER announced that the vote by sound was against sec-

onding the previous question.

Mr. BLAINE demanded tellers.

Tellers were ordered; and Mr. Blaine and Mr. Caulfield appointed.
Mr. Caulfield. I rise to a point of order. I had the floor when
the gentleman made his motion to reconsider. I ask whether, when
he is through with his motion, the floor does not return to me by right?
The SPEAKER. The gentleman from Maine became entitled to the

floor by the result of the action of the House, and was entitled to hold it for one hour this morning. Before the termination of that hour he demanded the previous question. As against that the gentleman from Illinois is not entitled to the floor.

The House divided; and the tellers reported—ayes 73, noes 97.

The SPEAKER. The previous question is not seconded; and the Chair recognizes the gentleman from Illinois, [Mr. CAULFIELD.]

### MESSAGE FROM THE PRESIDENT:

A message, in writing, from the President of the United States was communicated by his Private Secretary, Mr. U. S. Grant, jr.

### CONTRIBUTIONS TO ELECTION FUNDS.

Mr. CAULFIELD. I yield to the gentleman from Virginia, [Mr.

Mr. GOODE. I sympathize entirely with the object contemplated by the gentleman from Maine in the amendment which he has proposed. But it seems to me that his amendment goes entirely too far. In my judgment the amendment offered by the distinguished gentle-

man from Maine is liable to grave and serious constitutional objec-The Constitution provides that-

Each House shall be the judge of the elections, returns, and qualifications of its

The Constitution further provides that-

No person shall be a Representative who shall not have attained the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

It will be seen that these qualifications relate entirely to age, to citizenship, and to inhabitancy. Now, sir, the Constitution having prescribed these qualifications, I ask the gentleman from Maine if it is competent for this House or for Congress to prescribe additional qualifications? Does not the mention of these qualifications necessarily exclude all others? It is a familiar principle expressio unius alterius est exclusio.

Now, sir, would it not be equivalent to imposing additional qualifications upon a member of Congress if the amendment offered by the gentleman from Maine should be adopted? It says that, if any member of Congress shall be guilty of the offense denounced by this act, it shall ipso facto operate as a disqualification to hold the seat to which he has been elected. In other words, you prescribe qualifications additional to those prescribed by the Constitution. If we say that it is a disqualification to hold a seat for any man to commit this offense, is it not equivalent to saying that in order to qualify himself offense, is it not equivalent to saying that in order to qualify himself to hold the seat he must abstain from the commission of this offense?

Again, the Constitution provides that-Judgment in cases of impeachment shall not extend further than to removal from flice, and disqualification to hold and enjoy any office of honor, trust, or profit un-er the United States.

It has been held that no Senator or Representative can be impeached. Now, sir, I ask the gentleman from Maine, if he disqualifies a member from holding office for the commission of this offense,

does it not virtually amount to an impeachment of that member?

Mr. BLAINE. Will the gentleman consent for himself and his side of the House to support the amendment, if that feature of it shall be

Mr. GOODE. No, sir; because I prefer the substitute.
Mr. BLAINE. I shall modify my amendment so that the gentleman shall not escape under that technicality.
[Cries of "Order" and raps from the Speaker's gavel.]
Mr. HÅMILTON, of New Jersey. I call the gentleman from Maine

to order

Mr. GOODE. GOODE. I prefer, Mr. Speaker, to propose my own amend-But I will ask the gentleman from Maine if he is about to abandon his amendment because he finds it obnoxious to constitutional criticism?

Mr. BLAINE. No, sir; I am going to change it because I do not want any technicality to be left as a pretext to excuse the gentleman

Mr. GOODE. It is very singular that we have had no proclamation of the gentleman of his intention to abandon his amendment until this criticism was made upon it, although the gentleman occupied the floor for an hour in advocacy of that amendment.

Now, sir, I insist that this is equivalent to the consequences of a

conviction on impeachment in a case where no impeachment has been allowed by the Constitution. In other words, the same results follow from the adoption of the amendment of the gentleman from Maine which would follow under the Constitution from a conviction upon impeachment. I trust that the distinguished gentleman from Maine will not be allowed to encumber this bill with grave constitutional difficulties. It is an important bill. It is intended to correct a growing evil. It is intended to apply a remedy to a most flagrant and out-

The gentleman from Maine has thought proper to go into the district which I have the honor to represent. I will say for the information of that gentleman that at the navy-yard at Gosport, in Virginia, no man can get any employment without a recommendation from the resulting accountite committee, and that, whatever his mechanno man can get any, employment without a recommendation from the republican executive committee, and that, whatever his mechanical skill or his qualifications may be, he is ostracised unless he can come with the indorsement of the gentleman's partisan friends. I know, sir, of my own personal knowledge, and I can give chapter and verse to show it, that many poor mechanics, dependent upon their daily labor for their daily bread, are required by the republican executive committee in that locality to submit to pecuniary assessments.

I am glad the gentleman from Maine has turned his attention to Virginia. I hope he will prosecute his investigations. I hope he will

Virginia. I hope he will prosecute his investigations. I hope he will go with me to the powers that be and invoke the powers of this Government for the suppression of this wrong and outrage in the locality to which he has referred in connection with the contested-election cases. I repeat that there are well-authenticated cases in which poor mechanics, dependent upon their daily labor for their daily bread, are compelled to submit to these pecuniary hardships, and to surrender a portion of their hard earnings in order to save the places upon which they are dependent for their bread, and not only for their own which they are dependent for their bread, and not only for their own bread, but for the bread of their wives and little ones. That is an everyday practice, sir, in the Norfolk navy-yard, and since the gentleman from Maine has thought proper to go into that locality I hope he will prosecute his investigation.

Sir, I was struck with the remark made by the distinguished gentleman from Massachusetts [Mr. HOAR] when he said—and I honor

him for the expression of the sentiment—that the practice of collecting money to be used for corrupt election purposes was the most dangerous practice to our liberties and that wherever this practice prevails it poisons the waters of civil liberty at its very fountain. It was a sentiment worthy to be commended, and I hope gentlemen on that side of the House will unite with us in suppressing this great

wrong.

Mr. HOAR. I did not say it was "the" most dangerous practice to our liberties. I said it was "one of the" most dangerous.

Mr. GOODE. That is immaterial; I adopt the sentiment in whatever phraseology the gentleman may have couched it.

Now, Mr. Speaker, I do not intend to follow the gentleman from Maine [Mr. Blaine] in his stump speech. In a certain contingency I may have an opportunity before the ides of November to discuss these questions. Unfortunately for the gentleman, it seems to be his habit of mind to stray into partisan politics whenever herises to address this House. We are here for the business of legislation, and for one mortal hour this morning we have been entertained by the gentleman with a harangue which would be appropriate on the stump

Now, in regard to my colleague, so called, from Virginia, [Mr.

STOWELL.]
Mr. STOWELL. Is that because you are not entitled to your seat? Mr. GOODE. The gentleman says that in Virginia the law is as I stated, that one judge should be selected from each political party. That is true; but if the gentleman had read further he would have That is true; but if the gentleman had read further he would have found that the law furthermore provides that all of the judges must be able to read and write. [Laughter.] Now the gentleman has the honor to hail from what is known as "the black district" in Virginia, and unfortunately, sir, there are not enough white republicans—I said unfortunately; I beg pardon, I meant fortunately—there are not white republicans enough to be found in the eleven counties which constitute his district to further the first his district to further the first him to be seen that the first him to be seen the seen from the seen that the first him to be seen to be seen the seen that the first him to be seen the seen that the first him to be seen that the s tute his district to furnish judges to meet the requirements of the law, who are able to read and write, [langhter,] and therefore it is that in his eleven counties only one republican judge of election, he says, has been appointed. Were not those democratic judges exceedingly fair? Does he not acknowledge their honesty and integrity and fairness when, democratic as they were, they had the honesty and the nerve to return the gentleman from Vermont—I beg pardon, from Virginia? [Laughter.]

Now, sir, he has eleven counties in his district, and there was not a solitary democratic delegate from his district from any of these

counties, but they sent an unbroken republican delegation until recently his friend and partisan, his colored friend, Mr. Ruffin, was expelled from the house of representatives for petit larceny, and the men of all parties, democrats and republicans, blacks and whites, arose in their majesty and strength and elected a white man and a democrate because he was beyond.

democrat, because he was honest.

Now, sir, such is the state of things in "the black district," which the gentleman has the honor to represent. If he will read the stat-ute he will find that the most plausible reason for not appointing re-publican judges of election in his district was that they could not be found who were able to read and write. I know that in the portion of the State from which I hail the judges (and I undertake to say they are as pure and incorruptible as ever adorned any bench in this land) have complied with the law and appointed in every case one republican judge of election.

republican judge of election.

Now I am indebted to the courtesy of the gentleman from Illinois, [Mr. Caulfield.] I rose to meet these personal allusions to my district, and if the gentleman from Maine [Mr. Blaine] will read the contested-election case of Brady vs. Gayle he will find that, after a searching and honest inquiry by a committee of the senate of Virginia, the seat was awarded to Mr. Gayle by a vote of 18 to 11, and the contested of the senate of th they did it expressly upon the ground that the surplus ballots were drawn out by a blindfolded judge in the only way provided by law.

Mr. HOAR. I desire to ask the gentleman from Virginia a question about the black district. I would like him to state under whose

training and administration of the laws the people of so large a district in Virginia are unable to read and write?

Mr. GOODE. The gentleman is bringing up the ghost of slavery.
Mr. HOAR. I asked but a simple question.
Mr. GOODE. I do not hesitate to say that, owing to the condition of servitude, these people have not had the opportunity to learn to

read and write.

Mr. HOAR. My question is this: Whose fault is it? Is it the fault of the blacks?

Mr. GOODE. I do not intend to be drawn aside to discuss these issues; they are dead, and they belong to the dead past. The gentle-man cannot draw me into any such snare.

Mr. HOAR. The gentleman was taunting the blacks of a district

of his own State.

Mr. GOODE. I do not intend to be led into that discussion. I see the object of the gentleman, and, sir, it is altogether unnecessary for the fowler to spread his net in view of the bird. [Laughter.] I know what the gentleman is after; I understand his tactics; we have had them from the beginning of the session, and the distinguished gentleman from Maine [Mr. BLAINE] led off in that direction. I for one do not mean to be led aside. I am here to discuss this bill, to do the work of legislation and the distinguishtion and the second results of the of legislation, and to serve the people who sent me here to the best of my humble ability.

I desire now to give notice that I will offer the following as an amendament.

ment both to the original bill and to the substitute, and shall ask a vote of the House upon it when the amendment offered by the gentleman from Maine [Mr. Blaine] shall have been voted down, as I hope

Mr. PAGE. I rise to a point of order. I desire to inquire how many amendments to this bill are in order?

The SPEAKER pro tempore, (Mr. Cox.) The gentleman from Vir-

ginia [Mr. GOODE] offers an amendment to the original bill and to the

Mr. REAGAN. I desire that my amendment shall be first read in

its order.

The SPEAKER pro tempore. The amendments will be voted upon in the order in which they are presented, first to the original bill and

then to the substitute.

Mr. BLAINE. I rise to a point of order. Under the rule I am entitled to a privilege of which I wish to avail myself. The previous question has not yet been seconded, and so long as it is not seconded I have the right to modify my amendment. The gentleman from Virginia [Mr. Goode] has criticised my amendment in its present form as violating the Constitution. Not wishing that any escape from a fair vote shall be had by a criticism of that kind, I modify my amendment.

Mr. CAULFIELD. I object to the amendment being modified.

Mr. BLAINE. But I have the right under the rule to modify it.
Mr. CAULFIELD. I insist that I still hold the floor.
The SPEAKER pro tempore. The gentleman from Illinois [Mr. CAULFIELD] is certainly entitled to the floor. The Chair has not yet cognized the gentleman from Maine, [Mr. BLAINE.]

Mr. GOODE. I desire to say that my amendment is designed as an independent section, both of the original bill and of the substitute. I wish to say, however, that I most emphatically prefer the substitute to the original bill.

The SPEAKER pro tempore. The Clerk will read the amendment of the gentleman from Virginia.

Mr. PAGE. I made a point of order, upon which I desire to have

Mr. PAGE. I made a point of order, upon which I desire to have the ruling of the Chair.

The SPEAKER pro tempore. What is the point of order?

Mr. PAGE. I desire to know how many amendments can be offered to this bill and be pending at the same time. My point of order is that there are already pending more amendments than the rule allows.

The SPEAKER pro tempore. The gentleman from California [Mr. PAGE] must know that many amendments can be pending, if offered to different portions of the bill.

Mr. BLAINE. Not at one time.

The SPEAKER pro tempore. The Chair did not decide that. The amendment of the gentleman from Virginia will be read.

Mr. BLAINE. That cannot be done until the other amendments are disposed of. The point of order made by the gentleman from California [Mr. PAGE] must certainly be good.

Mr. CAULFIELD. I hold the floor.

The SPEAKER pro tempore. The Speaker of this House who has just left the chair decided that various amendments could be made to different portions of the bill.

Mr. PAGE. I have raised a point of order, and I ask the ruling of the Chair upon it.

the Chair upon it.

The SPEAKER pro tempore. The Chair rules that various amendments can be offered to different sections of the bill.

Mr. BLAINE. While an amendment and an amendment to an

amendment are pending, is another amendment in order?

The SPEAKER pro tempore. The amendment does not go to the

whole bill.

Mr. BLAINE. We are not considering this bill by sections.
Mr. GOODE. I only intended to indicate that if the amendment of the gentleman from Maine [Mr. Blaine] should be voted down, I

would move that amendment.

Mr. BLAINE. That is all right.

Mr. GOODE. I ask that my amendment be read for information as

portion of my remarks.

Mr. HOLMAN. I ask the gentleman from Illinois [Mr. CAULFIELD] to call the previous question on the amendment of the gentleman from Massachusetts [Mr. Hoar] and let that be disposed of, so that if it is adopted or rejected another amendment can be in order.

Mr. CAULFIELD. I understood the gentleman from Virginia [Mr. GOODE] to ask for the reading of his amendment as a part of his re-

The SPEAKER pro tempore. The gentleman is entitled to that. The Chair will reserve his ruling upon the point of order as to the order of amendments, when the time for that ruling shall have arrived. The Clerk will read the amendment.

The Clerk began to read, and read as follows:

That if any person, with a view to the election to or obtaining votes for the office

Mr. HOLMAN. I rise to a question of order. The reading of this amendment furnishes no information as to the position it is proposed it shall occupy in the bill.

Mr. GOODE. I propose it as an independent section.

Mr. HOLMAN. To add this to the bill?

Mr. GOODE. Yes.

Mr. CAULFIELD. Let the Clerk proceed with the reading of the

The Clerk read the amendment, as follows:

The Clerk read the amendment, as follows:

That if any person, with a view to the election to or obtaining votes for the office of President, Vice-President, or the place of Senator, Representative, or Delegate in the Congress of the United States, or to the appointment to any office or post of honor or emolument under the Government of the United States of himself or any other person, shall use force or duress, by menace or violence to life, limb, property, or liberty, or shall commit bribery, or use money, property, or other thing of value, corruptly to influence any elector, voter, officer, or other person in or in respect to any election or appointment to any such office or post, he shall, upon conviction thereof, be fined not less than \$500 nor more than \$3,000, and be imprisoned not more than one year, at the discretion of the judge trying the case.

Mr. CAULFIELD. I now yield to the gentleman from Virginia

[Mr. HARRIS] for five minutes.

Mr. HARRIS, of Virginia. Mr. Speaker, I will not consume five minutes. I rise merely to repel what might seem to be an insinuation or reflection upon the Legislature of our State providing for the mode of disposing of an excess of ballots found in the ballot-box. The gentleman from Maine said the law seemed to be framed designedly for the purpose of enabling the dominant party to commit fraud, to cheat at elections. Now, sir, it is known to the country that the intelligent portion of the convention which framed this provision was composed mainly of white men from the North who went down to Virginia after the war, and I wish the Clerk to read an extract from the Code of Vir ginia together with an extract from the Code of New York, by which it will be seen that the New York men who were members of our convention brought the New York law with them and incorporated into our code that special provision with a view to prevent fraud. The provision of our code on this subject is copied almost *verbatim* from the New York law, and the same law I understand prevails in a majority of the States of this Union.

In regard to the political complexion of the commissioners of election, I will say that in the district where I reside a republican is appointed in every case along with a democrat to superintend the election. After those two statutes are read, I shall have nothing further to say, except to call the attention of the House and the country to the fact that our law was not framed for the purpose of facilitating cheating at elections, but was adopted in harmony with the law of New York, from which it was copied almost rerbatim. I ask the Clerk to read first the provisions of the Code of Virginia. The Clerk read as follows:

If the ballots in the ballot-box are still found to exceed the number of names on the poll-books, then the whole of the ballots shall be replaced in the ballot-box; and, after the same shall be well shaken, the conductor or one of the judges of the election, being blindfolded, shall draw therefrom a sufficient number of ballots to reduce the same to a number equal to the number of names of electors on the pollbooks.

Mr. HARRIS, of Virginia. Now I ask the Clerk to read the New York statute.

If, after having opended or canvassed the ballots, it should be found that the whole number of them exceed the whole number of votes entered on the poll-lists, the inspectors shall return all the ballots into the box, and shall thoroughly mingle the same; and one of the inspectors to be designated by the board shall publicly draw out of such box, without seeing the ballots contained therein, so many of such ballots as shall be equal to the excess, which shall be forthwith destroyed.

Mr. BLAINE. There is a very important difference between those statutes.

Mr. HARRIS, of Virgina. What is it?
Mr. BLAINE. The New York statute provides that the drawing

shall be done "publicly."

Mr. HARRIS, of Virginia. Yes, sir; the ballots are to be drawn in public; but it is provided also that the person shall not see the ballots. Our law provides, in order more effectually to prevent the person from group receiper the ballots.

or say the ballots, that he shall be blindfolded.

Mr. BLAINE. The gentleman will please observe that I did not say the law was presumptive evidence of fraud, but that the use of such a ballot as this [exhibiting a ballot] under the law was presumptive evidence of fraud, but that the use of such a ballot as this [exhibiting a ballot] under the law was presumptive evidence of fraud.

tive evidence of fraud.

Mr. HARRIS, of Virginia. And the law of our State provides that both political parties may have their representatives present at the opening of the boxes and the counting of the ballots. It prevents a mob from coming; but each political party is entitled to have its

chosen friends present.

Mr. WIKE. I desire to say that the law of Virginia on this subject is substantially the same as that of Illinois. Our law was passed by a republican Legislature and signed by a radical governor. I wonder that the radical members from the State of Illinois should have submitted to such an assault upon their election laws as the gentleman

from Maine has made.

Mr. McCRARY. Has the gentleman ever known ballots such as have been exhibited by the gentleman from Maine to be used under

Mr. WIKE. That has nothing to do with the law,
Mr. McCRARY. It has a great deal to do with the fraud.

Mr. WIKE. Probably there is no State in the Union that provides by law the length or breadth or thickness of the paper on which elecby law the length of breath of the the paper of which elec-tion tickets are printed. The laws of some States make provisions in reference to the character of the tickets, but none so far as I know prescribe the size of the tickets.

Mr. PAGE. I will inform the gentleman that the States of Cali-

fornia and Nevada have laws regulating the size of the ballots.

Mr. CAULFIELD. I yield ten minutes to the gentleman from New

Mr. CAULFIELD. I yield ten minutes to the gentleman from New York, [Mr. Cox.]

Mr. Cox. Mr. Speaker, there has been a great deal of unnecessary discussion here on this bill. Both parties in this House appear to be anxious for purity of elections. We all know how elections have been conducted in the Southern States since re-re-re-construction began. We all know how States have been overturned, as well by the use of military force as by legislative fraud and electoral impurity. Who are responsible for the long series of frauds in the Southern States? Our records will answer. Men have been elected to Congress by votes in this House who never were elected outside. It is pleasant now to see the gentleman from Maine all at once becoming so anxious about the purity of elections. coming so anxious about the purity of elections.

Mr Speaker, I do not like to refer to anything in connection with

natural history in this House. [Laughter.] I have already got into some trouble by that; but I think I might be pardoned if I should refer to the gentleman from Maine as having shed some "crocodile tears" over this subject. There is a little bit of poetry that might

apply to him:

How cheerfully he seems to grin; How neatly spreads his claws, To welcome little fishes in, With gently smiling jaws.

[Laughter.]

The gentleman from Maine is very sad and lugubrious over the con-

dition of the suffrage in this country. Why did not his zeal and that of his party begin long since?

From the earliest period known to the common law; from the earliest decisions of English jurisprudence, notably in the leading case decided by Lord Holt, it was declared penal for an election officer to refuse a legal vote. From the time when such a thing as voting was first known to civilization, elections have been guarded against fraud and force by judicious and penal legislation. The old English law provided that the military should not come within three miles of a voting-place. How has that law been regarded by the party which has that yower as long?

I need not dwell upon the special tit-for-tat argument which has been here indulged in. That party is responsible for the great bulk of the electoral fraud in this country in the last ten years. I do not except New York City, where there was a combination of bad men of both parties; nor do I except Philadelphia, where in the election last fall there were thousands and thousands of fraudulent names placed upon the voting-lists. One day while I was in that city just before the election the court struck off over eleven thousand fraudulent votes

from the registry list.

from the registry list.

No one party can claim immunity from these frauds. We are all more or less responsible for them, at least until we make adequate legislation to prevent them. The gentleman may say it belongs to our party and dates back to the days of James Buchanan. He quotes the old report, often refuted, that Mr. Buchanan had some sinister complication with such matters. I will not go so far back, Mr. Speaker, but I will go far enough back to attract the attention of the gentleman from California, [Mr. Page,] who just rose with moral and mental horror at the condition of other States in respect to this subject. I do it, too, in order to inform the gentleman from Maine. [Laughter.] When I was in California in the gentleman's district I happened to get two ballots then in vogue. happened to get two ballots then in vogue.

Mr. PAGE. That was not in my district. Do you refer to the Mare

Island ballots?

Mr. COX. Yes, sir.
Mr. PAGE. It is not in my district.
Mr. COX. I should not wonder if the same thing had been done in your district. [Laughter.]
Mr. PAGE. It is in the democratic district of my colleague, [Mr.

LUTTRELL. Mr. LUTTRELL. The frauds were practiced by the republican

party. Mr. COX. Let me take care of that man. [Great laughter.] I do not and will not now say the gentleman's district. Mare Island is the district. How did he find it out? [Laughter.] Did you ever hear of it before? I happened to get two of these tickets when I was at Mare Island and wat them into my pocket-book but when I was in attended. Island and put them into my pocket-book, but when I was in attendance on the Greeley democratic convention some one stole my pocket-

book, and so I lost my tickets. [Great laughter.]

Now by chance my friend from California [Mr. LUTTRELL] brings out the same sort of tickets. Here they are, [holding the tickets up.]

REPUBLICAN STATE TICKET.—For Governor, Newton Booth. For Lieutenant Governor, Romunido Pacheco. For Secretary of State, Drury Melone, For Controller, James J. Green. For State Treasurer, Ferdinand Bashr. For Surveyor-General, Robert Gardner. For Attorney-General, John L. Love. For Clerk of the Supreme Court, Grant I. Tangart. For State Printer, Thomas A. Springer. For Harbor Commissioner, John A. McGlynn, For Amed. to Art. 1 of the Const.—Yes. Refund Debt.—No. For Congressman.—Third District, John M. Coghian. For Assemblyman, M. J. Wright. For Shrving Joseph Jacobs. For Treasurer, E. D. Porkins. For Recorder, Geo. C. McKnier, For Clerk Class. A. Kidh. Administrator, Hazee Hoyt. For Governor, C. E. Holbrook. For Surveyor, Wm. W. Frich. For Survey of Schools For Treasurer, E. D. Dusta, A. D. Starr. For Coordinate, Ed. Longan and W. Markey. For Roadmaster, A. E. Thurber.

I wish if possible to have them printed in fac simile in the RECORD. I wish if possible to have them printed in fae simile in the RECORD. If it is possible to do this exactly, it would more than offset the gentleman from Maine. [Laughter.] I believe I will go over and show them to gentlemen on the other side, if they will allow me. [Great laughter as Mr. Cox crossed to the republican side.] Here, gentlemen, are these two tickets voted at Mare Island. They call these tickets the "tape-worm ticket" in California. [Laughter.] They are got up for the purpose of forcing them into the hands, in terrorem, of the navy-yard employés; and this bill is intended just to stop that rascality.

cality.

Mr. PAGE. Allow me for one moment. The republican Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after this ticket was voted at Mare Island, or the Legislature immediately after the Island immediately at the Island immediately at I lature that met subsequently, passed a law requiring a ballot eighteen inches long and four inches wide. [Laughter.] They required that ballot to be printed on paper of a uniform color, describing the type and everything in connection with it. In fact they revived the elec-

tion law of that State. That was signed by a republican governor, and was passed by a republican Legislature.

Mr. LUTTRELL. It was introduced in a democratic senate and by a democratic senator. I happened to be there and know.

Mr. COX. I have not spectacles which will magnify enough to enable me to see the names on these remarkable tickets. They are printed in such very small type, that I doubt whether there is any man here over the constitutional age to be a member who can read

man here over the constitutional age to be a member who can read them. [Laughter.] The eyes that can read these tickets must belong to one twenty-five years old, not over. The letters are printed so small on these "tape-worm tickets" that you cannot see them, by any arrangement, mechanical or political. [Laughter.]

Why were they put into this fraudulent shape? They were republican tickets, and are we not often informed by the gentleman that his party has an excess of moral purity? Did it repeal the trickery which sent the republican candidate to Congress here last Congress but one? The deprecatic candidate for governer. Governor Hardy but one? The democratic candidate for governor, Governor Haight, was also defeated by the use of these scandalous devices. I know that Governor Haight was beaten by a pretty large majority; but if this thing ran in the same way into other districts as they did in the

this thing ran in the same way into other districts as they did in the Mare Island navy-yard district, it was not a fair beat.

Now a few more remarks on the "tape-worm ticket" and I am done. These tickets were intended to intimidate the workingmen, to cheat them of their fair free will. The scheme is apparent: "No vote in this way, no work." It is worse tenfold, Mr. Speaker, than the use of the military against the ballot. It is worse tenfold than the old English mischief which kept the military near the voting-place, and which English law undertook to punish. It is fraud. The same thing, somewhat modified, has been practiced in other navy-yards, and the primary object of this bill introduced by the Judiciary Committee, notwithstanding the gentleman from Maine tried to divert and company the gentleman from Maine tried to divert and company the gentleman from Maine tried to divert and company to the same thing the gentleman from Maine tried to divert and company the gentl notwithstanding the gentleman from Maine tried to divert and complicate and enshroud it with all sorts of meanings applicable to Congress and otherwise—the meaning of this bill was that the employés of the Government should not be taxed against their free will under

of the Government should not be taxed against their free will under penalty of losing their bread and their places.

Now, Mr. Speaker, since I am going to make a few remarks on civil freedom I will leave this side of the House and go to my own. [Mr. Cox here, amidst great laughter, returned to the democratic side of the House.] I want the reporter, if it be possible, when he makes a fac simile of these tickets to count the names and offices upon them and the small space or slip allowed for the list, as that the property of the side of the small space of the side of the side of the side of the small space or slip allowed for the list, as that the property of the side of the small space of the side of the side of the small space of the side of the side of the side of the small space of the side of the and the small space or slip allowed for the list; so that we may see where the mischief is, and how proper it is to remedy it within our own jurisdiction as members of the Federal Legislature.

Now, I agree with the sentiment which was announced by the genthem an from Massachusetts [Mr. Hoar] and echoed on this side. I agree that one of the crying evils of our time is corrupt suffrage. The South more than any other section knows who has suffered by it. I believe that no higher grievance could be felt than the suffering under a had election system. And I will say this in conclusion, as the time a bad election system. And I will say this in conclusion, as the time of the gentleman from Illinois [Mr. CAULFIELD] is nearly out, that of all things to be guarded in this House and elsewhere, above the judiciary, above legislation, above all other matters pertaining to a republican government, is the foundation of American and all other republican polity, a fair and honest suffrage. Without it all your other liberties will fail; or, as Emerson has it:

For what avail the plow and sail, Or land or life, if freedom fail?

Mr. CAULFIELD. I yield now to the gentleman from California,

[Mr. LUTTRELL.

Mr. LUTTRELL. I want to say a word in relation to these tickets. I represent the district in which these tickets were used. Mr. Cogh-Mr. LUTTRELL. lan, who was the candidate for Congress at that time, was elected by these tickets by a very large majority. The next year when I made a canvass of this district I exhibited these tickets throughout the disa canvass of this district I exhibited these tickets throughout the district, and although Grant carried the district by 5,000 majority, I was elected by some 1,200 majority. And, sir, in the next Legislature that was convened a bill was introduced by a democrat and passed by a democratic senate and the republican assembly was forced to adopt it, introducing a uniform system of balloting in my State.

Mr. PAGE. Will the gentleman yield to me for a question?

Mr. LUTTRELL. I will yield in a moment. I want to say further that the honest workingmen, who bear scars from head to foot received in the service of their country while fighting for the Union, were forced to walk up shoulder to shoulder with those tickets ele-

vated in their right hands above their heads, while a navy-yard boss stood there with his book to count them and turn them off unless they voted that ticket?

Mr. PAGE. I want to ask my colleague whether he did not stump Sacramento County for NEWTON BOOTH, who was elected on that

ticket?

Mr. LUTTRELL. No, sir; I did not stump Sacramento County for Newton Booth as governor; but I stumped the State for Henry H.

Mr. PAGE. When NEWTON BOOTH was candidate for Senator, did

you not stump Sacramento County for him?

Mr. LUTTRELL. No, sir. I will tell you what I did do.

Mr. PAGE. Will my colleague answer my question?
The SPEAKER pro tempore. The gentleman can answer it in his

Mr. LUTTRELL. I aided the fusion ticket of democrats and liberal republicans, who abandoned the rotten republican party of California, and I stumped Sacramento County for that ticket; and that ticket was supported by the present attorney-general of my State and many of the leading democrats of my State, the present comptroller being one of them.

Mr. PAGE. Now, did you not stump for NEWTON BOOTH as Sena-

Mr. LUTTRELL. I never stumped the county for NEWTON BOOTH as Senator; never.

Mr. PAGE. I want to ask my colleague another question.

Mr. LUTTRELL. I do not yield further. I tell my colleague that what he has stated is incorrect. I stumped Sacramento County for the democratic ticket, as I hope to do again at the next election, and against all those infamous frauds which have been heaped upon our against all those inflamous radds which have been heaped upon our State by the gentleman's own party leaders.

Mr. CAULFIELD. I resume the floor.

Mr. PAGE. Will my colleague yield for one question?

Mr. CAULFIELD. The gentleman from California has not the

floor any longer.

Mr. Speaker, since this discussion commenced yesterday I have been handed by a republican office-holder in this city the paper which I send to the Clerk's desk and ask to have read. This paper was inclosed in an envelope, postage paid, and having printed on it the name of the present postmaster of this city, as I understand:

The Clerk read as follows:

Union Republican Congressional Executive Committee, Washington, D. C., August 7, 1875.

Washington, D. O., August 7, 1875.

Dear Sir: In view of the approaching presidential campaign and the State elections which are to occur the coming autumn, this committee has been directed to provide for the immediate and thorough re-organization of the republican party, and the circulation of such documents as will be essential for the work.

Assuming you to be a republican, desirous of maintaining the ascendency of the republican party, and thus securing the benefit of republican principles, and that to do this you are willing to contribute, to a reasonable extent, in providing the necessary and legitimate means to support the republican party, both in the form of personal effort and in the contribution of money, we hope you may be willing to send to the committee \$12, to be expended as above indicated.

The committee desire to enter upon their duties at once, and it is of the utmost importance that they be able to make up the list of contributors and those who will take an active part in the work and to judge the extent of the means to be at their disposal by the 1st day of the coming month.

Please reply under cover of the inclosed envelope, and greatly oblige the committee and your obedient servant,

J. M. EDMUNDS,

J. M. EDMUNDS.

It is particularly desired that in replying to this letter the name of the post-office and State, together with the date and name of the writer and his official title, should be written clearly and legibly, in order that credit may be properly given.

Mr. CAULFIELD. The Clerk will please read the names of the committee.

The Clerk read as follows:

Executive committee.—Hon. Z. Chandler, (chairman;) Hon. S. Cameron, Hon. John Coburn, Hon. John A. Logan, Hon. H. H. Starkweather, Hon. William M. Stewart, Hon. Marcus L. Ward, Hon. T. C. Platt, Hon. George C. McKee, Hon. J. M. Edmunds, (secretary,) Jacob Tome, (treasurer.) Union republican resident committee.—Hon. B. R. Cowen, Washington, District of Columbia; Hon. E. W. Barbour, Hon. Allan Rutherford, Hon. J. M. Edmunds, Col. C. W. Dave

Mr. CAULFIELD. I now yield to the gentleman from Virginia [Mr. GOODE] that he may offer his amendment.
Mr. GOODE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After section 3 in the bill, and after section 1 in the substitute, add the following: Sec. 2. That if any person, with a view to the election to or obtaining votes for the office of President, Vice-President, or the post of Senator, Representative, or Delegate in the Congress of the United States, or to the appointment on any office or post of honor or emolument under the Government of the United States, of himself or any other person, shall use force or duress, by menace or violence to life, limb, property, or liberty, or shall commit bribery, or use money, property, or other thing of value to influence any elector, voter, officer, or other person in or in respect to any election or appointment to any such office or post, he shall, upon conviction thereof, be fined not less than \$500 nor more than \$3,000, and be imprisoned not more than one year, at the discretion of the judge trying the case.

Mr. PAGE. I insist on the point of order which I made a while ago. The SPEAKER. The Chair overrules the point of order and holds that the amendment is in order, because the treatment and discussion of this bill thus far has been upon the assumption that the House is acting on the bill by sections; hence it is that to the original text of the bill four amendments have been already permitted to be offered,

not one of which was offered as an amendment to an amendment, but each one as an amendment to a separate and distinct part of the original bill. The bill having been so treated by the House, the Chair must therefore hold that the amendment is in order.

Mr. BLAINE. I do not wish to dissent captiously from any decision the honorable Speaker may feel called upon to make; still less do I wish to carry any difference to an appeal. But I do not think proper to remain silent and have it inferred that I concur in the decision

wish to carry any difference to an appeal. But I do not think proper to remain silent and have it inferred that I concur in the decision just made in regard to so many amendments being in order at the same time. I think the ruling is new and extraordinary.

Mr. CAULFIELD. I now yield for five minutes to the gentleman from Ohio, [Mr. SOUTHARD.]

Mr. SOUTHARD. I desire to state, Mr. Speaker, that, in accordance with the letter which was sent to the Clerk's desk to be read, by the gentleman from Illinois, [Mr. CAULFIELD.] documents were printed and circulars sent over the State of Ohio during the last political campaign. I saw but few other documents in that canvass, and I was actively engaged in it, except those coming from Washington from the union congressional committee. They were on various subjects, and particularly on "vaticanism in Europe and America," which greatly excited the public mind in the State of Ohio at that time. Why, sir, I understood that in the Western Reserve the good people would seek their homes long before the twilight came on through fear of the Pope, and after the election was over they measured the print of his "big toe" in the dust; and, if the republican papers are to be relied upon, they found it was forty feet long by actnal measurement. Those were the documents sent out there under the auspices of the union congressional executive committee, and paid for by contributions levied upon the clerks in the Departments. Now one word as to republican reform, one word as to civil-service reform under republican administration and under your republican President. In the year 1871, just before the last presidential campaign, the republican Congress passed a law providing that the Presreform under republican administration and under your republican President. In the year 1871, just before the last presidential campaign, the republican Congress passed a law providing that the President should establish a system of civil service and prescribe rules. The President did appoint the commission, and rules were devised by them, and among these rules the eleventh in number provided that there should be no assessment upon employés of the Government in the Government Departments; and, sir, it is a matter of notorious history that during the canvass of 1872 the clerks of the executive retired republican committee went into the Departments in this national republican committee went into the Departments in this city and solicited and accepted these contributions from the employés of the Government, and so openly and continually did the republican President violate the rules that were established by the republican civil-service commission that the chairman of that commission, Hon. George W. Curtis, was compelled to resign his position as chairman of the board, stating in his letter of resignation, as the reason for so doing, that the President himself had failed to observe and obey the rules prescribed by the commission. That was civil-service re-form under a republican administration. The time has come when we need reform in the civil service and either penal statutes or, what is better, a higher sense of public virtue on the part of officials, for the purpose of enforcing honesty in the elections.

the purpose of enforcing honesty in the elections.

Mr. CAULFIELD. I now demand the previous question on the bill and on the pending amendments.

Mr. BLAINE. I rise to a point of order. I simply desire to modify the amendment I offered before the previous question is seconded.

Mr. CAULFIELD. I object.

Mr. BLAINE. I think it is a right I have under the rules, and the gentleman's objection does not avail.

The SPEAKER pro tempore, (Mr. Cox.) Will the gentleman from Maine have the rule read on which he relies ?

Mr. HOLMAN. I think the uniform practice of the House has been to allow modifications to be made before the previous question is sec-

to allow modifications to be made before the previous question is sec-

Mr. BLAINE. The rule states it negatively, "motions to amend cannot be modified after the previous question is seconded." That will be found on page 10 of the Digest, and the privilege of modify-

ing has never been refused under the practice of the House.

The SPEAKER pro tempore. The Chair is under the impression that the practice of the House has been to allow modifications.

Mr. CAULFIELD. The gentleman has not read the rules, so far as

I have heard it

The SPEAKER pro tempore. Although the gentleman from Maine [Mr. Blaine] has cited no positive rule, the Chair is of the impression that the uniform custom of the House has been to allow modi-

fications to be made.

Mr. HOLMAN. I know that was the ruling of the Chair when the Saint Croix land bill was pending.

Mr. BLAINE. I state what I know to be the absolutely uniform practice of the House, and the rule that I have read has no meaning

at all unless it is that meaning.

The SPEAKER pro tempore. The gentleman's statement is taken as absolute verity on that subject.

Mr. BLAINE. The gentleman from Virginia [Mr. Goode] made

Mr. BLAINE. The gentleman from virginia [Mr. Goods] made the point—

Mr. CAULFIELD. I object to debate.

Mr. BLAINE. Then I modify my amendment as follows.

Mr. CAULFIELD. The gentleman rose to modify his amendment after I had called the previous question.

Mr. BLAINE. No, sir; I said half an hour ago that I desired to

modify my amendment, and the gentleman now occupying the chair

The SPEAKER pro tempore. The gentleman from Maine gave notice of it, and the Chair cannot take snap judgment on members. The Chair rules that the gentleman from Maine [Mr. Blaine] has a right to modify his amendment.

Mr. CAULFIELD. The question is, Who is attempting to take snap judgment?

The SPEAKER pro tempore. The Chair had no reference to the gentleman from Illinois, [Mr. CAULFIELD.]

Mr. HOAR. The rule is that amendments cannot be modified after

Mr. HOAR. The rule is that amendments cannot be modified after the previous question is seconded, not after it is called for.

The SPEAKER protempore. The Chair understands that perfectly. Mr. BLAINE. I want my amendment read as modified.

Mr. BANKS. I desire to say that while an amendment, unless it has been changed by a vote of the House, may be modified, the mover cannot take the floor from another gentleman who is legitimately entitled to it for that removes.

titled to it, for that purpose.

Mr. BLAINE. The hour of the gentleman has expired.
Mr. BANKS. If that is so—
Mr. BLAINE. I waited until the hour was out.
The SPEAKER pro tempore. The gentleman from Maine [Mr. BLAINE] gave notice that he had modified his amendment and the Chair postponed it for the time. If there is anything wrong it is in

Chair postponed it for the time. If there is anything wrong it is in the Chair postponing it.

Mr. BLAINE. The Chair is perfectly right.

Mr. CAULFIELD. How could the Chair postpone a motion when I occupied the floor?

Mr. BLAINE. He postponed it until you got through.

Mr. CAULFIELD. While I kept the floor or somebody representing me was on the floor, the gentleman had no right to make his motion. tion or to give notice of a motion, so that there could be no postponement by the Chair.

The SPEAKER pro tempore. The Chair has already ruled on that point. The Clerk will read the amendment as modified.

The Clerk read the modified amendment, as follows:

Amend section 2, line 2, by inserting after the words "United States" the follow-

Ament section 4, the 2 symmetric ing words:
Or any Senator, Representative, or Delegate in Congress.
At the close of the section add the following:
And the contribution of any money or other valuable thing, as herein prohibited, by any Senator, Representative, or Delegate in Congress, while he was a candidate for such position, shall subject the offender to the penalties herein pre-

Mr. BLAINE. I also reserved the right to move an amendment to the amendment of the gentleman from Kentucky [Mr. Brown] in the nature of a substitute, which I desire to be now read.

Mr. REAGAN. I have offered an amendment which has not been

Mr. BLAINE. Let mine be first read.
The SPEAKER pro tempore. The Clerk will read the amendment to the substitute.

The Clerk read as follows:

At the close of first section of the substitute add:
And the contribution of any money or valuable thing, as herein prohibited, by
any Senator, Representative, or Delegate in Congress, while he was a candidate for
such position, shall be deemed a misdemeaner, and the offender, on conviction,
shall be fined not less than \$500 nor more than \$3,000, and imprisoned not more
than one year, at the discretion of the judge trying the same.

Mr. BLAINE. This amendment disposes of the constitutional quibble made by the gentleman from Virgina, [Mr. GOODE.]

Mr. CAULFIELD. It is understood, of course, that these amendments are not accepted by the gentleman who reported the bill.

The SPEAKER pro tempore. The amendments are pending before the House. As the Chair understands it, the gentleman from Illinois [Mr. CAULFIELD.] mayes the previous question on the bill and all the [Mr. CAULFIELD] moves the previous question on the bill and all the pending amendments.

Mr. CAULFIELD. That is my motion.

The previous question was seconded and the main question ordered.

The SPEAKER pro tempore. The first question will be on the amendments reported from the Committee on the Judiciary to the original bill.

Mr. REAGAN. I ask now that the original bill, the substitute, and the several amendments thereto be read in their order.

The SPEAKER pro tempore. At the request of the gentleman from Texas [Mr. Reagan] the Chair will direct the Clerk to read the original control of the specific control of the s inal bill and the amendments thereto and the substitute and the amendments thereto.

The Clerk began the reading of the bill, the substitute, and the

ending amendments.

The amendment reported from the Committee on the Judiciary to the original bill was as follows:

In section 1, line 5, after the word "demand," insert the words "or solicit;" so that it will read: "It shall not be lawful for any person or persons in the employ ment of the United States to demand or solicit from any other person so employed," &c.

Mr. WIKE. I desire to ask the gentleman who has charge of this bill to permit the word "receive" to come in the amendment proposed by the committee; so that it shall read:

It shall not be lawful for any person or persons in the employ of the Government to demand, receive, or solicit, &c.

The SPEAKER pro tempore. That requires unanimous consent. Mr. CONGER. I call for the regular order. Mr. BANKS. This bill is reported from a committee?

Mr. CAULFIELD. Yes.
Mr. BANKS. If so, the member of the committee reporting the bill has one hour to close the debate after the previous question is

Mr. CAULFIELD. Is that so?

The SPEAKER pro tempore. It is so understood by the Chair. Mr. BANKS. At what time is this additional debate to be had?

It certainly should be before the vote on any of these amendments. Mr. HOAR. I rise to a question of order. I desire to call the attention of the Chair to the precise parliamentary condition of this matter. This bill was reported from the Committee on the Judiciary

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. Hoar] will suspend for one moment. The Chair would state, for the information of the gentleman from Massachusetts, that the rule on page 170 of the Digest is as follows:

The right of the member reporting the pending measure to close the debate is never denied him, even after the previous question is ordered.

But if, after having occupied part of his hour in closing the debate, he moves the previous question, he is then only entitled to occupy the floor for the remaining portion of the hour.

Mr. HOAR. This bill was reported yesterday from the Committee on the Judiciary. After the previous question was ordered, the gentleman from Illinois, [Mr. CAULFIELD,] my colleague on the committee, occupied a portion of his hour to close the debate and yielded a portion of it to me, and I spoke upon the bill. Then the previous question was reconsidered by a vote of the House; and the debate this morning has proceeded after the reconsideration. The right to close the debate upon this bill was exhausted yesterday. It is not now a measure reported from a committee to-day, but the right of the gentleman reporting it under the rule to close debate upon it was exercised on yesterday. The gentleman from Illinois [Mr. CAULFIELD] exercised on yesterday. The gentleman from Illinois [Mr. CAULFIELD] has fully exercised his right under the rule to close the debate on this bill. Therefore the right to close the debate after the previous ques-

tion has been ordered is now entirely gone.

The SPEAKER pro tempore. Nobody appears to be asking further time to close the debate; consequently the Chair need not rule on

Mr. CAULFIELD. I yield five minutes to the gentleman from Texas.

The SPEAKER pro tempore. The Chair, under the rule just read,

has decided that the gentleman has no further time.

Mr. CAULFIELD. I entirely misunderstood the Chair. I understood him to rule, in response to the point made by the gentleman from Massachusetts, [Mr. Hoar,] that I was entitled to an hour after the previous question was seconded.

The SPEAKER pro tempore. That was the first impression of the Chair; but the rule on the subject is absolute, and the Chair cannot

change it.

The Clerk resumed and concluded the reading of the bill and the various amendments as already given.

Mr. REAGAN. Mr. Speaker, my amendment has not been read. The SPEAKER pro tempore. The Clerk informs the Chair that it is not before the House.

Mr. REAGAN. It was offered and was received as pending, but the reading was waived.

The SPEAKER pro tempore. The Chair understands it was never presented to the House.

Mr. REAGAN. It was presented to the House, and it was agreed that it should be considered as pending, but its reading at the time was waived.

The SPEAKER pro tempore. The Chair understands that it was

offered yesterday.

Mr. REAGAN. This morning I obtained leave to offer another amendment in lieu of that. It was considered as offered, though the reading of it at that time was waived.

The SPEAKER pro tempore. The Clerk corrects the statement he before made to the Chair. The amendment is before the House, and

will be read.

The Clerk read as follows:

The Clerk read as follows:

Insert the following in lieu of section 1 of the substitute offered by the gentleman from Kentacky, [Mr. Brown:]

That from and after the passage of this act it shall be unlawful for any officer of the United States, postmaster, clerk, employé. Senator or Representative in Congress, or other person, to give, directly or indirectly, any money or any thing of value to any person or persons, or political party, or other organization or association, for the purpose or with the intent to assist or forward the interests of any person or persons, or political organization or party, in any election for any officer of the United States. And it shall be unlawful for any officer of the United States, postmaster, clerk, or employé, Senator or Representative in Congress, or other person or persons, to solicit, ask, receive, or accept any gift or donation of any money or other valuable thing for the purpose or with the intent that the same shall be used to assist in orinfluence the election of any officer of the United States. And such officer, postmaster, clerk, Senator or Representative in Congress, or other person shall, on conviction of a violation of this act by any court of the United States having jurisdiction of such offense, be fined in any sum not exceeding \$500 and shall be imprisoned for any time not exceeding six months. And any such officer of the United States, postmaster, clerk, employé, or Senator or Representative in Congress, shall, on conviction of a violation of the provisions of this act, be dismissed from such office or position of postmaster, clerk, employé, or Senator or Representative in Congress, shall, on conviction of postmaster, clerk, employé, or Senator or Representative in Congress.

Mr. CAULFIELD. I would like to inquire of the gentleman from Texas when he got consent to offer that amendment, and from whom? The RECORD shows nothing of the sort.

The SPEAKER pro tempore. The Chair understands that this amendment was offered this morning.

Mr. REAGAN. It was bad enough for the gentleman reporting this bill [Mr. CAULFIELD] to refuse to allow me a moment to explain my amendment; it is still worse for him to desire to exclude the amendment after it has been received as pending.

Mr. CAULFIELD. Does the gentleman say that he obtained con-

sent this morning to offer the amendment?

Mr. REAGAN. Yes, sir.
Mr. CAULFIELD. Then I beg the gentleman's pardon.
The SPEAKER pro tempore. The present occupant of the chair understands that this amendment was sent to the desk this morning in lieu of the amendment which the gentleman proposed yesterday to offer, as referred to in the RECORD. The House will now proceed to vote upon the several amendments in their order.

The amendment reported by the committee was read, as follows:

In section 1, line 5, after the word "demand," insert the words "or solicit;" so that it will read: "it shall not be lawful for any person or persons in the employment of the United States to demand or solicit from any other person so employed," &c.

The amendment was agreed to.

The SPEAKER pro tempore. The next amendment is that offered by the gentleman from Massachusetts [Mr. HOAR] to the original bill.

Mr. BLAINE. That is an amendment to the second section. Had not the amendments better be read in the order in which they apply

The SPEAKER pro tempore. The amendments are being voted on in the order in which they were offered.

Mr. BLAINE. But the Speaker decided a while ago that the bill was being considered by sections.

The SPEAKER pro tempore. The present occupant of the chair is aware of that.

Mr. BLAINE. Then I hope we shall take up the amendments in the order in which they apply to the bill. That is the uniform prac-

The SPEAKER pro tempore. Nearly all this proceeding has been going on by unanimous consent. The Chair, however, in view of the fact that the first step is to perfect the original bill, will take the amendments in the order suggested by the gentleman from Maine. The next question is on the amendment offered by the gentleman from Pennsylvania, [Mr. Townsend,] which will be read.

The Clerk read as follows:

Add to section 1 the following:

Provided, That any expenditure for election purposes allowed by the laws of any State shall not be construed as being affected by the provisions of this act.

The amendment was not agreed to.

The SPEAKER pro tempore. The next question is on the amendment of the gentleman from Maine, [Mr. BLAINE.]

The Clerk read as follows:

Amend section 2, line 2, by inserting after the words "United States" the fol-

lowing words:

Or any Senator, Representative, or Delegate in Congress.

And at the close of the section add:

And the contribution of money or other valuable thing as herein prohibited by any Senator, Representative, or Delegate in Congress, while he was a candidate for such position, shall subject the offender to the penalties herein prescribed.

Mr. SPRINGER. I call for the reading of the section as it will read if thus amended.

The Clerk read as follows:

The Clerk read as follows:

That it shall not be lawful for any person or persons employed in the service of the United States, in any manner whatever, to contribute any money or other valuable thing to be used as an election fund or to aid in the expenses of any election or canvass for an election in any State, county, or district in the United States. And the contribution of money or other valuable thing as herein prohibited by any Senator, or Representative, or Delegate in Congress, while he was a candidate for such position, shall subject the offender to the penalties herein prescribed.

Mr. BLAINE called for the yeas and nays on agreeing to the amendment.

The yeas and navs were ordered.

The question was taken; and there were-yeas 129, nays 86, not voting 74; as follows:

voting 74; as follows:

YEAS—Messrs. Anderson, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Ballou, Banks, Barnum, Bass, Beebe, Blaine, Blair, Bradley, Horatio C. Burchard, Caswell, Chittenden, Clymer, Conger, Cox, Crapo, Crounse, Cutler, Denison, Dunnell, Durham, Eames, Ellis, Ely, Evans, Farwell, Faulkner, Fort, Foster, Frost, Frye, Fuller, Garfield, Goodin, Hale, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Hartzell, Hathorn, Haymond, Hendee, Henderson, Hoar, Holman, Hopkins, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kehr, Kelley, Kimball, George M. Landers, Leavenworth, Lynch, Magoon, McCrary, McDill, Monroe, Morey, Morgan, Nash, Neal. New, Norton, O'Brien, Oliver, O'Neill, Packer, Page, Payne, Phelps, William A. Phillips, Pierce, Piper, Plaisted, Potter, Pratt, Rea, John Reilly, James B. Reilly, Riddle, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Seelye, Sinnickson, Smalls, A. Herr Smith, Springer, Strait, Stevenson, Stone, Stowell, Tarbox, Teese, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Turney, Van Vorhes, Charles C. B. Walker, Alexander S. Wallace, John W. Wallace, Walsh, G. Wiley Wells, Wheeler, White, Whiting, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, James D. Williams, William B. Williams, Wilshire, James Wilson, Alan Wood, jr., Woodburn, and Woodwith—129.

NAYS—Messrs. Ainsworth, Ashe, Atkins, Bagby, Blackburn, Bliss, Blount, Boone, Bradford, Bright, John Yonng Brown, Cabell, John H. Caldwell, William P. Caldwell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Mis-

souri, Cook, Cowan, Culberson, Davis, De Bolt, Dibrell, Douglas, Eden, Felton, Forney, Franklin, Glover, Goode, Gunter, Hancock, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hooker, House, Hunton, Hurd, Jenks, Thomas L. Jones, Lewis, Luttrell, Lynde, McFarland, Metcalfe, Milliken, Mutchler, Parsons, John F. Philips, Poppleton, Reagan, Rice, John Robbins, William M. Robbins, Roberts, Miles Ross, Sayler, Seales, Singleton, Slemons, William E. Smith, Southard, Sparks, Terry, Thompson, Throckmorton, Tucker, John L. Vance, Robert B. Vance, Waddell, Gilbert C. Walker, Warren, Erastus Wells, Whitehouse, Whitthorne, Wike, James Williams, Jeremiah N. Williams, and Yeates—86.

NOT VOTING—Messrs, Adams, Banning, Bell, Bland, William R. Brown, Buckner, Samuel D. Burchard, Burleigh, Campbell, Candler, Cannon, Cason, Chapin, Cochrane, Collins, Danford, Darrall, Davy, Dobbins, Durand, Egbert, Freeman, Gause, Gibson, Haralson, Benjamin W. Harris, Hatcher, Hays, Henkle, Hoge, Hoskins, Frank Jones, Kasson, Ketchum, King, Knott, Lamar, Franklin Landers, Lane, Lapham, Lawrence, Levy, Lord, Edmund W. M. Mackey, L. A. Mackey, Maish, MacDougall, McMahon, Meade, Miller, Mills, Money, Morrison, Odell, Platt, Powell, Purman, Rainey, Randall, Schleicher, Schumaker, Sheakley, Stenger, Swann, Thomas, Waldron, Walling, Walls, Ward, Wigginton, Willis, Benjamin Wilson, Fernando Wood, and Young—74.

So the amendment was agreed to.

During the vote, Mr. HURD stated that Mr. KNOTT was detained from the House by illness in his family

Mr. HUNTER stated that his colleague, Mr. Cason, was absent on

Mr. MONROE stated that his colleague, Mr. Danford, was detained from the House by illness

Mr. FREEMAN stated that he was paired with his colleague, Mr. Cochrane; that otherwise he would have voted in the affirmative.

Mr. McCRARY stated that his colleague, Mr. Kasson, was necessarily absent from the House, and that if present he would vote in the affirmative.

Mr. FORT stated that Mr. Hoskins was unavoidably absent.

The vote was then announced as above recorded.

Mr. BLAINE moved to reconsider the vote by which the amendment was adopted; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The question next recurred on Mr. Hoan's amendment.
Mr. CALDWELL, of Alabama. Is a motion to recommit in order?
The SPEAKER pro tempore, (Mr. Cox in the chair.) It is not, the main question having been ordered.
The Clerk read Mr. Hoan's amendment, as follows:

Provided, That nothing herein shall be construed to prevent voluntary contributions for the purpose of circulating documents or procuring public addresses for the purpose of giving information on questions of public interest.

Mr. HOAR. That comes in at the end of the second section. The SPEAKER pro tempore. So the Chair understands. The House divided; and there were—ayes 97, noes 111.

Mr. HOAR demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 92, nays 119, not voting 78; as follows:

The question was taken; and it was decided in the negative—yeas 92, nays 119, not voting 78; as follows:

YEAS—Messrs. George A. Bagley, John H. Baker, William H. Baker, Ballou, Bass, Blackburn, Blaine, Blair, Bradley, Horatio C. Burchard, William P. Caldwell, Cannon, Caswell, Conger, Crapo, Crounse, Denison, Dunnell, Eames, Evans, Farwell, Fort, Foster, Frost, Frye, Goodin, Hale, Hathorn, Haymond, Hays, Hondee, Henderson, Hoar, Hubbell, Hunter, Hurd, Hurlbut, Hyman, Joyce, Kehr, Kelley, Kimball, Leavenworth, Lynch, Magoon, McCrary, McDill, Monroe, Morey, Nash, New, Norton, Oliver, O'Neill, Packer, Page, Phelps, William A. Phillips, Pierce, Plaisted, Pratt, James B. Reilly, Robinson, Sobieski Ross, Rusk, Sampson, Seelye, Sinnickson, Snalls, A. Herr Smith, William E. Smith, Strait, Stowell, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Wheeler, White, Whiting, Andrew Williams, Charles G. Williams, James D. Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—92.

NAYS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, Banks, Barnum, Beebe, Blount, Boone, Bradford, Bright, John Young Brown, Cabell, Campbell, Cate, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cook, Cowan, Culberson, Culler, Davis, De Bolt, Dibrell, Douglas, Durand, Durham, Eden, Ellis, Elv, Faulkner, Felton, Forney, Franklin, Fuller, Glover, Goode, Gunter, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Jenks, Thomas L. Jones, Franklin Landers, George M. Landers, Lewis, Luttrell, McMahon, Metcaffe, Milliken, Money, Morgan, Morrison, Mutchler, Neal, O'Brien, Parsons, Payne, John F. Philips, Piper, Poppleton, Potter, Rea, Reagan, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Koberts, Miles Ross, Savage, Sayler, Scales, Slemons, South

So the amendment was rejected.

During the vote.

Mr. WALKER, of New York, stated that he was paired with his col-

league, Mr. MacDougall.
The vote was then announced as above recorded.

The question next recurred on Mr. Goode's amendment, to come in at the end of section 3.

The SPEAKER pro tempore. The same amendment has also been moved to the substitute.

The Clerk read as follows:

The Clerk read as follows:

That if any person, with a view to the election to or obtaining votes for the office of President, Vice-President, or the post of Senator, Representative, or Delegate in the Congress of the United States, or to the appointment to any office or post of honor or emolument under the Government of the United States of himself or any other person, shall use force or duress by menace or violence to life, limb, property, or liberty, or shall commit bribery, or use money, property, or other thing of value corruptly to influence any elector, voter, officer, or other person in or in respect to any election or appointment to any such office or post, he shall, upon conviction thereof, be fined not less than \$500 nor more than \$3,000, and be imprisoned not more than one year, at the discretion of the judge trying the case.

Mr. HAMILTON of New Jersey I understand that was offered as

Mr. HAMILTON, of New Jersey. I understand that was offered as

an amendment to the substitute.

The SPEAKER pro tempore. It was offered as an amendment to the bill and also as an amendment to the substitute.

Mr. HAMILTON, of New Jersey. It is perfectly inconsistent with

the bill.

The amendment was agreed to.

The question next recurred on the amendment offered by Mr. Town-SEND, of Pennsylvania, to section 1 of the substitute.

The Clerk read as follows:

Provided. That no expenditures for election purposes allowed by the constitution or laws of any State shall be construed as being within the provisions of this act.

The amendment was disagreed to.

The SPEAKER pro tempore. The next question is on the amendment of the gentleman from Maine [Mr. Blaine] to the substitute of the gentleman from Kentucky, [Mr. Brown.] The Clerk will read the amendment.

The Clerk read as follows:

Add to the first section the following:
And the contribution of any money or valuable thing, as herein prohibited, by
any Senator, Representative, or Delegate in Congress, while he was a candidate for
such position, shall be deemed a misdemeanor and the offender on conviction shall
be fined not less than \$500 nor more than \$3,000, and imprisoned not more than one
year, at the discretion of the judge trying the same.

Mr. BROWN, of Kentucky. Is that offered as an amendment to

the substitute offered by myself?

The SPEAKER pro tempore. The Chair so understands it.

Mr. BROWN, of Kentucky. I hope the House will vote it down.

The SPEAKER pro tempore. Debate is not in order.

The SPEAKER pro tempore. Debate is not in order.

Mr. SPRINGER. I would like to hear the substitute read as it

would be if this amendment were incorporated. Mr. BLAINE. My amendment comes in right at the end of the substitute.

Mr. BEEBE. I think it should be read before we are called upon

to vote on it.

The SPEAKER pro tempore. The Chair directs the substitute to

The substitute was read.

Mr. SPRINGER. Now let it be read as it will be if the amend-

ment is adopted.

Mr. BROWN, of Kentucky. Did not the gentleman from Virginia [Mr. Goode] offer his amendment also as an amendment to the sub-

The SPEAKER pro tempore. The Chair so understands it. It will

be reached in its turn.

Mr. BLAINE. I ask that my amendment may now be read, and

Mr. BLAINE. I ask that my amendment may now be read, and that the Chair shall state where it comes in.

Mr. BROWN, of Kentucky. Will it be in order for me to accept the amendment of the gentleman from Virginia?

Mr. BLAINE. Of course not; you cannot do it.

The SPEAKER pro tempore. It can only be done by unanimous

Mr. BEEBE. I would like to hear the amendment of the gentleman from Virginia [Mr. GOODE] read.

The SPEAKER pro tempore. The gentleman from New York [Mr. BEEBE] will hear it read when it comes up for action by the House. Mr. BEEBE. I want to have it read now, to see whether it meets the point which the gentleman from Maine has in view.

Mr. BLAINE. That is in the nature of debate.

Mr. BEEBE. I want to have it read for information.

The SPEAKER pro tempore. Gentlemen have always the right to have amendments read for information. The gentleman from Maine [Mr. BLAINE] calls for the reading of his own.

Mr. BLAINE. Of course; but the Chair could not rule that a sub-

sequent amendment to the substitute may be read while one is pending. That would be in the nature of debate. I do not object to its being read, but I do object to that ruling.

The SPEAKER pro tempore. The Chair has ruled correctly. The first section of the substitute will first be read as it will be if the amendment of the gentleman from Maine is adopted.

The Clark read as follows:

The Clerk read as follows:

SECTION 1. That no officer or employé of the Government shall require or request, give to or receive from, any other officer or employé of the same or other person, directly or indirectly, any money, property, or other thing of value, for political purposes; and any such officer or employé who shall offend against the provisions of the act shall at once be dismissed from the service of the United States and also be deemed guilty of a high misdemeanor, and on conviction thereof fined not less

than \$500 nor more than \$3,000 and imprisoned not more than one year, at the discretion of the judge trying the case. And the contribution of any money or valuable thing, as herein prohibited, by any Senator, Representative, or Delegate in Congress, while he was a candidate for such position, shall be deemed a misdemeanor, and the offender, on conviction, shall be fined not less than \$500 nor more than \$3,000 and imprisoned not more than one year, at the discretion of the judge trying the

Mr. BEEBE. I now call for the reading of the amendment proposed by the gentleman from Virginia, [Mr. GOODE.]

The SPEAKER pro tempore. The Chair thinks it may be read for

information

Mr. BLAINE. Does the Chair think that the rules permit that to be read?

The SPEAKER pro tempore. The Chair thinks that the amendment may be read, and will overrule any former practice if it be necessary

for that purpose.

Mr. BLAINE. I have no objection to its being read, but the rules

Mr. BLAINE. I have no objection to its being read, but the rules do not permit it.

Mr. GOODE'S amendment was again read.

Mr. BLAINE. Nobody can tell what that means. The other proposition is very plain. [Cries of "Order!" "Order!"]

The SPEAKER pro tempore. The gentleman from Maine knows

that no debate is in order.

Mr. BLAINE. It is as much so as that reading of this amendment

for information.

The question being taken on agreeing to Mr. BLAINE's amendment, on a division by sound the Speaker pro tempore said that in the judgment of the Chair the "noes" had it.

Mr. BLAINE. I call for the yeas and nays.

Mr. HOLMAN. I hope the gentleman will take a division first.

Mr. BLAINE. Very well; let the question be submitted to a division first.

The House divided; and there were—ayes 91, noes 117. Mr. BLAINE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. I rise to make a parliamentary inquiry. I desire to know if the House understands that this amendment to the substithe rouse understands that this amendment to the tute is precisely the amendment already voted on.

Mr. EDEN. I object to debate.

Mr. BLAINE. That is not debate.

Mr. BEEBE. It is very plain. Everybody understands it.

Mr. BLAINE. That is for the Chair to decide.

Mr. TUCKER. We quite understand it.
Mr. BLAINE. I have addressed a parliamentary inquiry to the

The SPEAKER pro tempore. Gentlemen can find out by making an examination at the Clerk's desk. The Chair is not bound after so

many readings to give gentlemen that information.

Mr. BLAINE. Will the Chair permit me to state to him that that is precisely the amendment which the House has already voted upon

and adopted as an amendment to the bill?

The SPEAKER pro tempore. The gentleman from Maine must observe the rules, or the Chair will have to read the rules on the gentleman. He would dislike to do that, because the gentleman is well informed upon them.

The question was taken; and there were—yeas 102, nays 107, not voting 80; as follows:

The question was taken; and there were—yeas 102, nays 107, not voting 80; as follows:

YEAS—Messrs. George A. Bagley, John H. Baker, William H. Baker, Ballom Banks, Bass, Blaine, Blair, Eradley, Horatio C. Burchard, Cannon, Caswell, Chirtenden, Clymer, Conger, Crapo, Denison, Dunnell, Durham, Eames, Evans, Farwell, Fort, Foster, Frost, Frye, Garfield, Hale, Andrew H. Hamilton. Robert Hamilton, Hathorn, Haymond, Hays, Hendee, Henderson, Hoar, Holman, Hubbell, Hunter, Hurlbut, Hyman, Joyce, Kehr, Kelley, Kimball, Leavenworth, Lynch, Magoon, McCary, McDill, Monroe, Morey, Morgan, Nash, Neal, New, Norton, O'Brien, Oliver, O'Neill, Packer, Page, Phelps, William A. Phillips, Pierce-Plaisted, Potter, Pratt, Riddle, Robinson, Sobieski Ross, Rusk, Sampson, Savage. Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stevenson, Stone, Stowell, Teese, Thornburgh, Martin I. Townsend, Washington Townsend, Tufts, Van Vorhes, Alexander S. Wallace, John W. Wallace, G. Wiley Wells, Wheeler, White, Whiting, Willard, Andrew Williams, Charles G. Williams, James D. Williams, William B. Williams, James Wilson, Alan Wood, jr., and Woodworth—102.

NAYS—Messrs, Ainsworth, Anderson, Ashe, Atkins, Bagby, John H. Bagley, jr., Banning, Barnum, Beebe, Blackburn, Bliss, Blount, Boone, Bradford, Bright, John Young Brown, Cabell, John H. Caldwell, William P. Caldwell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Cook, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Douglas, Durand, Eden, Ellis, Ely, Felton, Forney, Franklin, Glover, Goode, Goodin, Gunter, Hancock, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Henkle, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hill, Hooker, House, Hunton, Hurd, Jenks, Thomas L. Jones, George M. Landers, Luttrell, Lynde, McMahon, Metcalfe, Milliken, Money, Morrison, Mutchler, Parsons, John F. Philips, Poppleton, Res, Rieagan, John Reilly, James B. Reilly, Rice, John Robbins, William B. Brown, Brackner, Sambon, Hardenbergh, Benjamin W. Harris, Hatcher, Hoge,

During the roll-call,

Mr. FREEMAN said: Upon all questions relating to this bill I am saired with my colleague, Mr. Cochrane.

The result of the vote was then announced as above recorded.

Mr. WADDELL. I move that the House do now adjourn. [Cries of "No!" "No!" from both sides of the House.]
Mr. WADDELL. I insist upon my motion.
Mr. JONES, of Kentucky. I call for the yeas and nays.
The yeas and nays were not ordered.

The question was taken; and the motion to adjourn was not agreed.

The question recurred upon the amendment proposed to the substi-

The question recurred upon the amendment proposed to the substitute by Mr. Hoar.
Mr. CAULFIELD. Does not the amendment of the gentleman from Virginia [Mr. Goode] come first?
The SPEAKER pro tempore. The Chair is taking the amendments according to the sections to which they relate, pursuing the same course with the substitute as with the original bill.

Mr. HOLMAN. That is right.

The amendment proposed by Mr. HOAR was read, as follows:

Provided, Nothing herein shall be construed to prevent voluntary contributions for the purpose of circulating documents or procuring public addresses for the purpose of giving information on questions of public interests.

Mr. GARFIELD. Let us have intelligence in our elections. Mr. HOLMAN. O! that is a subterfuge.

The question was taken on the amendment; and on a division there ves 91, noes 119.

Mr. CONGER. I call for the yeas and nays. [Cries of "No!" "No!"] I understood that the yeas and nays were taken on this same proposi-sition when it was offered as an amendment to the bill, and therefore I withdraw the call.

The SPEAKER pro tempore. Then the amendment is not agreed to. The next amendment was that offered by Mr. GOODE as an additional section to the substitute proposed by Mr. Brown, of Kentucky; and it was read, as follows:

That if any person, with a view to the election to or obtaining votes for the office of President, Vice-President, or the post of Senator, Representative, or Delegate in the Congress of the United States, or to the appointment to any office or post of honor or emolument under the Government of the United States of himself or any other person, shall use force or duress, by menace or violence to life, limb, property, or liberty, or shall commit bribery, or use money, property, or other thing of value to influence any elector, voter, officer, or other person in or in respect to any election or appointment to any such office or post, he shall, upon conviction thereof, be fined not less than \$500, nor more than \$3,000, and be imprisoned not more than one year, at the discretion of the judge trying the case.

Mr. GOODE. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. Permit me one moment; nobody will vote against that amendment.

Mr. HOAR. I move to reconsider the vote by which the yeas and navs were ordered.

Mr. HOLMAN. I move to lay the motion to reconsider on the

Mr. CAULFIELD. I submit that the roll-call had commenced and

that the motion is not in order.

The SPEAKER pro tempore. The Chair was about to state that the gentleman from Massachusetts made the motion in time.

Mr. HOAR. I withdraw it.

The question was taken on Mr. Goode's amendment; and there were—yeas 210, nays 3, not voting 76; as follows:

The question was taken on Mr. Goode's amendment; and there were—yeas 210, nays 3, not voting 76; as follows:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, jr., John H. Baker, William H. Baker, Balleu, Banks, Banning, Barnum, Bass. Beebe, Blackburn, Blaine, Blair, Bliss, Blount, Boone, Bradley, Bright, John Young Brown, Horatio C. Burchard, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Caswell, Cate, Caulfield, Chittenden, John B. Clark, jr., of Missouri, Clymer, Conger, Cook, Cowan, Cox, Crapo, Culberson, Cutler, Davis, De Bolt, Denison, Dibrell, Douglas, Dunnell, Durand, Durham, Eames, Eden, Ellis, Evans, Farwell, Faulkner, Felton, Forney, Fort, Foster, Franklin, Frost, Frye, Garfield, Glover, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Hathorn, Haymond, Hendee, Henderson, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Holman, Hooker, Hopkins, House, Hubbell, Hunter, Hunton, Hurd, Huribut, Hyman, Jenks, Thomas L. Jones, Joyce, Kehr, Kelley, Kimball, Franklin Landers, George M. Landers, Leavenworth, Lewis, Luttrell, Lynch, Magoon, McCrary, McDill, McFarland, McMahon, Metcalfe, Milliken, Money, Monroe, Morgan, Morrison, Mutchler, Neal, New, Norton, O'Brien, Oliver, O'Neill, Packer, Page, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Plaisted, Poppleton, Potter, Pratt, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Sobieski Ross, Rusk, Sampson, Savage, Sayler, Scales, Schleicher, Seelye, Singleton, Sinnickson, Slemons, Smalls, A. Herr Smith, William E. Smith, Southard, Sparks, Springer, Strait, Stevenson, Stone, Tarbox, Teese, Terry, Thompson, Thomas, Thornburgh, Throckmorton, Martin I. Townsend, Washington Townsend, Tucker, Tuffs, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wal

maker, Sheakley, Stenger, Stowell, Swann, Waddell, Waldron, John W. Wallace, Walling, Walls, Ward, Whiting, Wigginton, Wike, Wilshire, Benjamin Wilson, Fernando Wood, and Young—76.

So the amendment was agreed to.

So the amendment was agreed to.
During the call of the roll,
Mr. GOODIN said: My colleague, Mr. Brown, is detained from the
House to-day on account of a death in his family; if present, he
would vote "ay."
Mr. CONGER. My colleague, Mr. Waldron, is absent by leave of
the House; if present he would vote "ay."
Mr. LUTTRELL. My colleague, Mr. Wigginton, and Mr. Lane
of Oregon, are both detained in their rooms on account of sickness;
if present they would vote "ay."
Mr. FREEMAN. I desire to state that I am paired upon this subject with my colleague, Mr. COCHRANE; otherwise I would vote "ay."
Mr. HOAR. I ask that by unanimous consent the names of those
voting in the negative only be read over by the Clerk.

with the negative only be read over by the Clerk.

Mr. HAMILTON. I call for the reading of the names on both sides.

The names of those voting were read by the Clerk, and the result announced as above recorded.

Mr. CLYMER. I move that the House now adjourn.

Many Members. O! No; O! No.

The motion to adjourn was not agreed to.

Mr. AINSWORTH. I move that the bill and amendment be re-

Mr. AINSWORTH. I move that the bill and amendment be recommitted to the Committee on the Judiciary.

Mr. BLAINE. That motion is not in order.

The SPEAKER pro tempore. The motion to recommit is not in order pending the previous question.

Mr. AINSWORTH. Then I move that the bill and pending amend-

ments be laid on the table.

The motion to lay on the table was not agreed to.

The SPEAKER pro tempore. The next question is upon the amendment moved by the gentleman from Texas [Mr. Reagan] to the sub-

Mr. REAGAN. I ask unanimous consent to modify the amendment by striking out the words "Senator and Representative in Congress" where they occur in the amendment the last place but one; they were put in there by inadvertence.

put in there by inadvertence.

Mr. THORNBURGH and others objected.
The SPEAKER pro tempore. Objection being made, the amendment cannot now be modified, the previous question having been ordered and being in process of execution.

Mr. REAGAN. Then I withdraw the amendment.
Mr. HURLBUT. That cannot be done.
The SPEAKER pro tempore. Only by unanimous consent.
Mr. HURLBUT. I object; we want a vote on it.
The question was taken upon the amendment of Mr. REAGAN; and was a division it was not acreed to—avec 35 nose not counted.

upon a division it was not agreed to—ayes 35, noes not counted.

The SPEAKER pro tempore. The question now is upon agreeing to the substitute, as amended, for the bill as amended.

Mr. BLANKE. The original bill contains the amendment which I

Mr. BLAINE. The original bill contains the amendment which I offered [cries of "Order!"] and the substitute contains the amendment of the gentleman from Virginia, [Mr. GOODE.] I think we had better have the yeas and nays upon the substitute as amended.

The yeas and nays were ordered.

Mr. BLAINE. I would rather have the original bill as amended;

Mr. SAYLER. I ask that I will take the substitute.

Mr. SAYLER. I ask that the substitute as amended be now read.

The Clerk then read the substitute as amended.

Mr. BLAINE. There is a great desire not to have the yeas and nays taken on this question, and I do not desire to factiously take up the time of the House. I will move to reconsider the vote by which the yeas and nays were ordered, and will be content to have the vote taken by a division on the substitute as amended.

The motion to reconsider the vote ordering the yeas and nays was

then agreed to.

Mr. BLAINE. I now withdraw the call for the yeas and nays.

The substitute, as amended, was then agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third

The question was upon the passage of the bill.

Mr. ATKINS. I call for the yeas and nays upon the passage of the bill.

The question was then taken upon ordering the yeas and nays; and upon a division there were—ayes 34, noes 127.

So (one-fifth voting in the affirmative) the yeas and nays were

The question was then taken; and there were—yeas 175, nays 8, not voting 106; as follows:

YEAS—Messrs. Anderson, Ashe, Atkins, John H. Bagley, jr., John H. Baker, William H. Baker, Banks, Banning, Barnum, Beebe, Blackburn, Blaine, Blount, Boone, Bradford, Bradley, Bright, John Young Brown, Cabell, John H. Caldwell, Campbell, Caswell, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Conger, Cook, Cowan, Cox. Crapo, Culberson, Culber, Davis, De Bolt, Denison, Dibrell, Douglas, Dunnell, Durand, Durham, Eden, Ellis, Evans, Faulkner, Felton, Forney, Fort, Foster, Franklin, Frye, Glover, Goode, Goodin, Hale, Andrew H. Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Haymond, Hendee, Henderson, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Holman, Hooker, Hopkins, Honse, Hubbell, Hunter, Hunton, Hurd, Jenks, Thomas L. Jones, Joyce, Kehr, Kimball, Franklin Landers, George M. Landers, Lapham, Lewis, Luttrell, Lynch, Lynde, Magoon, Mc-

Dill, McFarland, McMahon, Metcalfe, Milliken, Monroe, Morgan, Morrison, Mutchler, Neal, New, Norton, O'Brien, Oliver, O'Neill, Packer, Page, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Plaisted, Poppleton, Potter, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Robinson, Miles Ross, Sobieski Ross, Sampson, Savage, Sayler, Scales, Schleicher, Singleton, Smalls, A. Herr Smith, William E. Smith, Sparks, Springer, Strait, Stevenson, Stone, Teese, Terry, Thompson, Thomas, Thornburgh, Throckmorton, Martin I. Townsend, Tucker, Turney, Van Vorhes, John L. Vance, Robert B. Vance, Charles C. B. Walker, Gilbert C. Walker, Alexander S. Wallace, Erastus Wells, G. Wiley Wells, White, Whitehouse, Whitthorne, Willams, Jardeen Williams, Alpheus S. Williams, Charles G. Williams, James D. Williams, Jarerwill N. Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, Woodworth, and Yeates—175.

NAYS—Messrs. Ainsworth, William P. Caldwell, Hancock, Hyman, McCrary, Roberts, Slemons, and Wigginton—8.

NOT VOTING—Messrs. Adams, Bagby, George A. Bagley, Ballou, Bass, Bell, Blair, Bland, Bliss, William R. Brown, Buckner, Horatio C. Burchard, Samuel D. Burchard, Burleigh, Candler, Cannon, Cason, Chapin, Chittenden, Cochrane, Collins, Cronnse, Danford, Darrall, Davy, Dobbins, Eames, Egbert, Ely, Farwell, Freeman, Frost, Fuller, Garfield, Ganse, Gibson, Gunter, Robert Hamilton, Haralson, Benjamin W. Harris, Hatcher, Hatborn, Hays, Henkle, Hill, Hoge, Hoskins, Hurlbut, Frank Jones, Kasson, Kelley, Ketchum, King, Knott, Lamar, Lane, Lawrence, Leavenworth, Levy, Lord, Edmund W. M. Mackey, L. A. Mackey, Maish, MacDougall, Meade. Miller, Mills, Money, Morey, Nash, Odell, Platt, Powell, Pratt, Purman, Ralney, Randall, Rusk, Schumaker, Seely, Sheakley, Sinnickson, Southard, Stenger, Stowell, Swann, Tarbox, Washington Townson, A. Maris, Madelel, Waldron, John W. Wallace, Walling, Walls, Walsh, Ward, Warren, Wheeler, Whiting, Wike, James Williams, Williams, W

So the bill was passed.

During the roll-call, Mr. POPPLETON said: My colleague, Mr. Walling, is absent by leave of the House.

The result of the vote was announced as above stated.

Mr. CAULFIELD. I move that the title of the bill be amended so Mr. CAULITELD. I move that the title of the bill be amended so as to read: "A bill to prevent the solicitation, contribution, or acceptance by any officer or employé of the Government of money, property, or other thing of value for political purposes."

Mr. HOLMAN. It seems to me that the title ought to be a little broader. The word "officer" does not embrace a member of this House or the Senate.

Mr. McCRARY. The proposed title does not cover the whole scope of the bill. The bill provides a penalty for any "person" who shall do certain things.

do certain things.
Mr. HOLMAN.

Mr. HOLMAN. I move to amend the proposed amendment of the title by adding the words "and for other purposes."

The amendment to the amendment was agreed to; and the amend-

ment, as amended, was adopted.

Mr. CAULFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

# MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of its clerks, announced the passage of a bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut, with an amendment; in

which concurrence was requested.

It further announced the passage of a joint resolution (H. R. No. 64) granting the rights and benefits of the Soldiers' Home to John News; in which concurrence was requested.

It further announced the passage of a bill (S. No. 548) for the relief of the heirs of Major D. C. Smith; in which concurrence was requested.

# WITHDRAWAL OF PAPERS.

Mr. HEWITT, of New York, by unanimous consent, obtained leave for the withdrawal from the files of the House of papers relating to the claim of Marshall O. Roberts, for the refunding of money paid by him for property purchased at a tax-sale in Virginia, no adverse

mm for property purchased at a tax-sale in Virginia, no adverse report having been made.

Mr. HOLMAN, by unanimous consent, obtained leave for the withdrawal from the files of the House of papers relating to the case of George H. Hibben, no adverse report having been made.

Mr. HOLMAN. I move that the House now adjourn.

The motion was agreed to; and accordingly (at five o'clock and fifty-five minutes p. m.) the House adjourned.

### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. AINSWORTH: The protest of citizens of Dubuque, Iowa, against the use of Washington Square, in that city, for court-house purposes, to the Committee on Public Buildings and Grounds.

By Mr. BLISS: Two petitions of citizens of Brooklyn, New York, for the sale or exchange of Government lands at Wallabout Bay, Brooklyn, New York, to the city of Brooklyn for a public market site, to the Committee on Public Lands.

By Mr. CRAPO: The petition of David Baker, for extension of patent on improvement in spouts and lids of pitchers, to the Committee on

on improvement in spouts and lids of pitchers, to the Committee on Patents

By Mr. GARFIELD: The petition of O. S. Burt, U. G. Loomis, and a very large number of other citizens of Granger, Medina County, Ohio, for prohibitory legislation for the District of Columbia and the Territories, the prohibition of foreign importation of alcoholic liquors, and that total abstinence be made a condition of the civil, military, and naval service, to the Committee on the Judiciary.

By Mr. HALE: Papers relating to the petition of Harlan P. Eggle-

stone, for relief, to the Committee of Claims.

By Mr. HENKLE: The petition of W. H. Philip, W. S. Cox, J. T. Walker, and John McClelland, that the United States relinquish to the owners of lots in square No. 382, in the city of Washington, the ground in front of their respective lots and running to the new building line of the Washington market extended westward, to the Committee for the District of Columbia.

Also, memorial of the mayor and council of Annapolis, Maryland,

for aid to improve the harbor of Annapolis, to the Committee of

Commerce.

By Mr. HUNTON: Papers relating to the petition of Samuel C. Bagot, for compensation for property occupied by United States troops in Alexandria, Virginia, to the Committee on War Claims.

By Mr. HURD: The petition of F. J. King, W. W. Griffith, Russell C. Daniels, James R. Strong, and Edward Bissell, to be relieved from liability under a judgment in favor of the United States rendered in the circuit court of the United States for the northern district of Ohio against them as sureties of Harry Chase, formerly collector of the tenth collection district of Ohio, for \$35,638.80 and costs, to the Committee on the Judiciary.

By Mr. KEHR: Memorial of the Saint Louis Academy of Science in behalf of the metric system of weights and measures, to the Com-

behalf of the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. MONROE: The petition of John Schaffer and a very large number of other citizens of Ohio, for a commission of inquiry concern-

number of other citizens of Ono, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. MORGAN: The petition of Arthur W. Irving, for a pension, to the Committee on Invalid Pensions.

By Mr. PIERCE: The petition of Jones, McDuffee & Stratton and others, of Boston, Massachusetts, that a uniform rate of duty of 30 per cent. be levied on earthenware, crockery, china, and glass ware, to the

cent. be levied on earthenware, crockery, china, and glass ware, to the Committee of Ways and Means.

By Mr. PLAISTED: The petition of Sarah P. Wing, for a pension, to the Committee on Invalid Pensions.

By Mr. POPPLETON: The petition of J. B. Virdess and 106 other citizens of Cochranton and vicinity, Ohio, for the establishment of a post-route from New Bloomington to Cochranton, Marion County, Ohio, to the Committee on the Post-Office and Post-Roads.

By Mr. ROBBINS, of Pennsylvania: The petition of William Abendarth for a pension to the Committee on Invalid Pensions.

By Mr. ROBBINS, of Pennsylvania: The petition of William Abendrath, for a pension, to the Committee on Invalid Pensions. By Mr. STONE: Memorial of the Saint Louis Engineers' Club of Saint Louis, Missouri, in relation to the introduction of the metric system of weights and measures, to the Committee on Coinage, Weights, and Measures.

By Mr. TEESE: The petition of Abriel Abbott, for compensation for schooner Bergen, run into and sunk by the United States gunboat Periwinkle in 1864, to the Committee of Claims.

By Mr. WHITTHORNE: The petition of David Freed to authorize

By Mr. WHITTHORNE: The petition of David Freed, to authorize

a certain patent screw-propellor of his invention to be tested on vessels of the United States, to the Committee on Naval Affairs.

By Mr. W. B. WILLIAMS: Memorial of H. A. Reed, for compensation to the heirs of S. Reed for damages sustained by his estate from the United States Army during the war of 1812, to the Committee

By Mr. WILLIS: The petition of P. C. Van Gelder, G. F. Waldo, and a large number of other citizens of New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee

of Ways and Means.

By Mr. WOODWORTH: The petition of Richard H. Fouts, to be relieved from all liability on account of his service as first lieutenant and regimental quartermaster of the Thirty-second Regiment Ohio Volunteer Infantry in the late war for the Union, to the Committee on Military Affairs.

# IN SENATE.

# THURSDAY, March 23, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved. PETITIONS AND MEMORIALS.

Mr. THURMAN presented the petition of Frank Evans, of Ohio, praying that he may be allowed arrears of pension; which was r ferred to the Committee on Pensions.

He also presented the petition of J. A. Wood, G. C. Warner, and other citizens of Clarendon, Ohio, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the foreign importation of alcoholic liquors; that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which was referred to the Com-

mittee on the District of Columbia.

Mr. DAWES presented the petition of W. R. Browne, of Washington, District of Columbia, praying that he may be allowed a pension; which was referred to the Committee on Pensions.

He also presented a petition of the Methodist Episcopal church of

Lynn, Massachusetts, signed by the pastor and officers, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the foreign importation of alcoholic liquors; that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment to prohibit the was referred to the Committee on the District of Columbia.

Mr. FRELINGHUYSEN presented the petition of Rev. G. R. Snyder, Dr. R. M. Chase, and other citizens of Clayton, New Jersey, pray-

ing for a general law to prohibit the liquor traffic within the national urisdiction; which was referred to the Committee on the District of

Columbia.

Mr. CRAGIN presented the petition of Mrs. Mary F. McKeever, widow of the late Commodore Isaac McKeever, United States Navy, praying for the passage of an act for her relief, granting her a pension at the rate of \$50 per month; which was referred to the Committee on Pensions.

He also presented a petition of the Women's Temperance League of Portsmouth, New Hampshire, officially signed, praying for pro-hibitory legislation for the District of Columbia and the Territories, the prohibition of the foreign importation of alcoholic liquors; that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

He also presented the petition of William C. Zantzinger, praying that the law allowing a secretary to the Admiral and Vice-Admiral, entitled to the rank and allowances of a lieutenant in the Navy, be amended so as to include rear-admirals; which was referred to the Committee on Naval Affairs.

Mr. CAMERON, of Pennsylvania, presented a petition of working-men of Philadelphia, Pennsylvania, praying that the tariff laws may be undisturbed for the present; which was referred to the Committee on Finance.

He also presented a petition of workingmen of Scottdale, West-moreland County, Pennsylvania, praying that the tariff laws may be undisturbed for the present; which was referred to the Committee

on Finance.

He also presented a petition of workingmen of Berks County, Pennsylvania, praying that the tariff laws may be undisturbed for the pres-

ent; which was referred to the Committee on Finance.

He also presented the petition of Charles Bieler, John F. Buchanan, and other citizens of Pennsylvania, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the Dis-

Mr. ANTHONY presented a petition of the Good Templars of Montana Territory, signed by the officers, representing 700 members, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the foreign importation of alcoholic liquors; that total abstinence be made a condition of the civil, military, and naval service; and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of

# THE MISSISSIPPI ELECTION.

Mr. MORTON. I desire to give notice that on Monday next, at the expiration of the morning hour, I will ask the Senate to proceed to the consideration and finally dispose of the resolution for the investigation of the Mississippi election.

# REPORTS OF COMMITTEES.

Mr. EDMUNDS. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 555) to amend section 856 of the Revised Statutes, to report the same adversely, and to move that it be indefinitely postponed. This bill provides, in respect of the accounts of marshals and district attorneys and clerks of the circular statements. the accounts of marshals and district attorneys and clerks of the circuit and district courts of the United States, that there shall be an appeal allowed to them from the decision of the accounting officers of the Treasury to the Attorney-General, whose determination shall be final. We are of the opinion that that is a piece of legislation that ought not to be resorted to. We think that on the whole it is much safer to leave it where it is and have the accounting officers of the Treasury the responsible and final auditors of accounts in respect of all branches of the public service.

The motion to postpone indefinitely was agreed to.

Mr. EDMUNDS, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire, reported it with amendments.

to retire, reported it with amendments.

Mr. WITHERS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1118) granting a pension to Mrs. Jane Dulaney, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 39) granting a pension to Frederick Youngblue, of Company I, Twentieth Regiment Ohio Volunteers, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. HAMILTON, from the Committee on Pensions, to whom was

referred the bill (H. R. No. 111) granting a pension to David J. Garrett, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 610) granting a pension to Seth W. Homestead, reported it without amendment.

Mr. McDONALD, from the Committee on Pensions, to whom was referred the petition of Julia Scroggin, widow of Humphrey Scroggin, late a soldier of the Georgia volunteers in the war of 1812, praying for a pension, submitted a report thereon accompanied by a bill (S. No. 641) granting a pension to Julia Scroggin.

The bill was read and passed to the second reading, and the report

was ordered to be printed.

He also, from the same committee, to whom was referred the petition of Elizabeth Rice, widow of Marcus B. Rice, late a private in Company M, Seventh Kentucky Cavalry, praying to be allowed a

pension, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. BOOTH, from the Committee on Public lands, to whom was referred the bill (H. R. No. 280) to amend the act entitled "An act to appropriate lands for the support of schools in certain townships and fractional townships not before provided for," approved May 20, 1826,

reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 121) granting a pension to John Pierson, reported it without amendment, and submitted a report thereon; which was ordered to

be printed.

Mr. INGALLS. The Committee on Pensions, to whom was referred a very large number of memorials presented yesterday by the Sena-tor from New York [Mr. Conkling] remonstrating against any proposed change in the method of paying pensions and against the transfer of the Pension Bureau to the War Department, have instructed me to report them back to the Senate and ask to be discharged from their further consideration and that the same be referred to the committee appointed to examine the several branches of the civil service.

The PRESIDENT pro tempore. The Committee on Pensions will be discharged from their further consideration, and the memorials will be referred to the Committee on Civil Service and Retrenchment, if

there be no objection.

Mr. INGALLS, from the Committee on Pensions, to whom was referred the bill (H. R. No. 2304) granting a pension to Philip J. Shaw, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

He also, from the same committee, to whom was referred the bill (H. R. No. 258) granting a pension to William H. H. Anderson, submitted on adverse report thereon; which was ordered to be printed, and the bill was pesteoned indefinitely.

and the bill was postponed indefinitely.

Mr. BRUCE, from the same committee, to whom was referred the petition of Flias Anderson, late of the Twenty-second Independent Battery Ohio Volunteers, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

# BILLS INTRODUCED.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 642) for the extension of the patent of John

Thomas; which was read twice by its title, referred to the Committee on Patents, and ordered to be printed.

Mr. JONES, of Nevada, (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 643) to prohibit the transportation of liquid nitro-glycerine and to regulate the transportation of dynamite; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

# SALARY OF THE PRESIDENT OF THE UNITED STATES

Mr. WRIGHT. On the day Senate bill No. 72, fixing the salary of the President of the United States, was passed the Senator from Michigan [Mr. Christiancy] moved its reconsideration. If there be

objection on his part, I will ask the Senate to proceed to the consideration of the motion to reconsider.

Mr. CHRISTIANCY. As I made the motion, I wish to say at this time that there are several Senators who desire to be heard upon the question, who are not in the Chamber. I made the motion more on account of those who had voted in the negative and for the purpose of giving them an opportunity to be heard, than because I wished to say anything upon the subject myself. As soon as the Senators are present who wish to speak upon the question, I will call up the mo-

wish of the Senator from Michigan, especially if he feels that his obligations to others are such that he cannot consistently call up the motion at this time. I wished to call it up now, because I think it motion at this time. I wished to call it up now, because I think it due to the Senate and to the question that it should be disposed of; and I trust the Senator from Michigan will embrace the very earliest moment to call up the motion and get it out of the way. I therefore shall not insist upon it now; but I call the attention of the Senate, and especially of the Senator from Michigan, to the importance of having it disposed of. In view of the peculiar circumstances, I shall not press it now; but I trust at the very earliest moment the Senator will give it his attention, and get it before the Senate.

Mr. CHRISTIANCY. I have had no intention of producing any delay by not calling up the motion. When I made the motion last week I expected it to be brought up the next day or the day after; but the Senate was thin, and I desire to have a full Senate, and especially to have present those who took an interest in the bill who wished to say something upon it before it finally passed from the consideration of the Senate.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had disagreed to the amendment of the Senate to the bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians.

The message also announced that the House had passed the follow-

The message also announced that the flouse had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 876) to prevent the solicitation, contribution, or acceptance by any officer or employé of the Government of money, property, or other thing of value for political purposes, and for other

A bill (H. R. No. 1439) authorizing the transfer of certain causes from the circuit court of the United States for the district of Alabama, at Mobile, into the circuit court of the United States for the middle and northern districts of Alabama at Montgomery and Huntsville, in said State;

A bill (H. R. No. 1970) relating to the approval of bills in the Ter-

A bill (H. R. No. 2256) to provide for filling the office of clerk of the district court of the United States at Greenville, South Carolina.

A bill (H. R. No. 2324) to amend section 3 of chapter 137 of the acts

of the year 1875; and
A bill (H. R. No. 2811) to remove the political disabilities of C. H.
Williamson, of New York.

# ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; which were thereupon signed by the President pro tempore:

A bill (S. No. 295) to amend the act entitled "An act giving the approval and sanction of Congress to the route and termini of the Anacostia and Potomac River Railroad, and to regulate its construction and operation;" and

A bill (S. No. 401) to incorporate the Citizens' Building Company of

Washington.

### BILLS BECOME LAWS.

A message from the President of the United States, by Mr. U. S. GRANT, jr., his Secretary, announced that the following bills having been presented to the President on the 10th of March, and not having been returned by him to the Senate within the ten days (Sundays excepted) prescribed by the Constitution, had become a law without

An act (S. No. 225) granting six hundred and forty acres of land to the widow and heirs of James Sinclair, deceased; and An act (S. No. 416) for the relief of C. H. Frederick, late a lieutenant-colonel in the Ninth Missouri Infantry.

### COUNTING OF ELECTORAL VOTES.

Mr. MORTON. If there is no further morning business, I ask the Senate to take up the unfinished business, hoping to get through with it very soon.

The Senate, as in Committee of the Whole, resumed the considera-tion of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions

arising thereon.

Mr. MERRIMON. I now offer the amendment which I suggested the other day I would offer at the appropriate time.

The PRESIDENT pro tempore. The Secretary will report the amendment.

The CHIEF CLERK. It is proposed in section 2 of the bill, lines 7, 8, and 9, to strike out the words

The two Houses acting separately shall decide to be the true and valid return.

And in lieu thereof to insert-

Shall be duly authenticated by the State authorities, recognized by, and in harmony with, the United States, as provided by the Constitution.

# So that the section will read, if amended-

That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of the electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that return from such State shall be counted which shall be duly authenticated by the State authorities recognized by, and in harmony with, the United States, as provided by the Constitution.

Mr. MERRIMON. Mr. President, I offer no apology for venturing to present some views of my own in reference to the important question under discussion. It is confessedly one of the most serious moment, surrounded by a great multiplicity of complications and perplexing doubts. If I shall be able in any degree to assist in removing such difficulties I am sure the Senate will be satisfied; at all events, I will have the consciousness of having endeavored to discharge an important public duty.

It is very much to be regretted that the provisions of the Constitu-tion in reference to the election of President and Vice-President are

so general and so meager in their terms; and this regret is heightened by the fact that the debates in the convention which framed the Constitution on this particular matter, which have come down to us, are very limited, and not calculated to afford us any, or very little, light on the subject. Besides, there has been no official act or decision anywhere that is calculated to do so. Whenever action has been taken at all, (and this is an important fact to be kept in view in the course of what I have to say,) it has been taken without question and without debate; so that whatever has been done can scarcely be regarded in the light of precedent or authority binding in any degree

the action or judgment of Congress.

The terms of the Constitution are very general, they are meager, upon the subject, and almost everything is left to implication, to construction and inference under the rules that govern us in the interpretation of instruments like the Constitution. I think I may say with confidence that we are left exactly in the condition of a court that has no prior lights in which to construe a constitutional instrument submitted to it. This being the case, it is important, it seems to me, and I shall take that course in what I am about to say, that we should take a survey of the whole subject of the election of Preswe should take a survey of the whole subject of the election of President and Vice-President under the Constitution and not confine our investigation to a single clause. In my judgment and in my view, in order to have a complete and satisfactory comprehension of the subject under discussion, it is essential that we shall consider particularly and accurately the clause of the Constitution immediately preceding that which has been discussed. Upon that rests the clause that has been debated. It is essential that we should understand the ground-work before we can understand thoroughly and accurately the superstructure.

The second clause of article 2 of the Constitution provides in these

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

This provision of the Constitution is one of those provisions which guarantees to and establishes an absolute right in the States, one to be exercised solely by and for the benefit of the State rather than for the benefit of the United States. It establishes a right and power in the State which no Federal authority can compel the State to exercise which he Federal authority can compel the State to exercise which he Federal authority can compel the State to exercise which he Federal authority can compel the State to exercise which he Federal authority can compel the State to exercise which he Federal authority can compel the State to exercise which he Federal authority can compel the State to exercise which he Federal authority can compel the State to exercise which he Federal authority can compel the State to exercise the state of the Sta cise, which no Federal authority can in any way control or direct. It is as much a matter under the control of the State as the election of the chief magistrate of the State or the Legislature or the judiciary the chief magistrate of the State or the Legislature or the judiciary of the State. It is a matter that they have complete power to regulate and to determine as they will. The State is more interested in the subject—exercise of the right and power—than any other State or than the Federal Government. It is a right for the benefit of the particular State and by and through which the people may have a voice in the selection of Chief Magistrate of the National Government. The Constitution provides that the State shall participate in the election, and how its right shall be exercised through its legislative authority. It provides that the Legislature of the State may designate the manner of selecting electors to east the vote of the people tive authority. It provides that the Legislature of the State may designate the manner of selecting electors to cast the vote of the people of the State or of the State for President and Vice-President. The Legislature may provide that itself shall elect the electors who are to compose the electoral college and cast the vote. It may provide that the governor shall appoint them. It may provide that the supreme court of the State shall appoint them. It may provide that a commissioner shall appoint them. It may provide that the people of the State as a whole and by general ticket shall elect them; or it may provide that the people of each congressional district shall elect by districts.

districts.

This being a matter, I repeat, completely within the jurisdiction of the States through their legislative authority, Congress has no power to direct in that behalf at all. That being true, when the Legislature shall have acted, whether in one way or another, and an election shall take place or an appointment shall be made by the authority designated by the Legislature, neither Congress nor any Federal authority has any power or right whatever to inquire into the legality of such election or appointment. Why? Because it is a matter completely within the jurisdiction of the State. Suppose, for example, that according to the present prevailing custom in the several States a general election shall take place in a State and there shall be two political tickets before the people for election; that it shall appear by the final count of the popular vote that the democratic ticket shall have the majority, but the friends of the other ticket insist that the republican ticket really, in fact and in truth, apart from fraud, fraudulent and other unlawful considerations, have a majority. Suppose ulent and other unlawful considerations, have a majority. Suppose that should become a matter of great moment in the State, and not only in the State but that it should become a matter of the greatest moment to the nation, the election of President and Vice-President turning upon the vote in that State. Congress would have no right or power to interfere in any respect whatsoever to determine whether the one ticket or the other was elected. That is a matter with the State, and it is competent for the Legislature of the State to provide the proper means of contesting the election in that case. The State Legislature alone is vested with power to provide means and tribunals for contesting such election. nals for contesting such election.

If it should be suggested when the electoral vote is cast and is sent

to Congress that great frauds have been perpetrated by one party or the other; that votes have been bought by the score and by the thousand, and that force and intimidation have been used, that would be impertinent and vain; for it would be a matter clearly without the implication of Congress. It is a matter to be investigated conthe jurisdiction of Congress. It is a matter to be investigated, considered, and disposed of entirely by the State; and, if the State will provide no means to investigate and to settle fairly and justly as between contending parties, if it will not provide for a contest of such election, it is the folly of that State; it is the misfortune of that State. But, as I said, it would be perfectly competent for the State to provide a means of contest, just as the States provide means and tribunals of contest for the election of members to the Legislature, or the election of governor, or the election of any other officer. The point I make is that this is a matter completely within the jurisdiction of the State, and it remains there until the election takes place and the the State, and it remains there until the election takes place and the electoral college shall be organized in pursuance of law. After the election of electors has taken place or the appointment has been made, as may be provided by the Legislature of the State, and after any contest has been decided, should there be any provision in the State for a contest, then, under the law, the chief magistrate of the State gives to the person elected the certificate of election or appointment, which is the evidence of his right to sit and vote in and make part of the electoral college. The governor gives to each of the electors elected or appointed according to the law of the State a certificate, which is the evidence of his election, and, armed with that certificate, the electors who receive such certificate assemble together at the time and place prescribed by law and organize themselves into what is commonly called the electoral college of that State. When the electoral college is duly organized, then it is in condition to come in lawcommonly caned the electoral college of that State. When the electoral college is duly organized, then it is in condition to come in lawful contact with and to establish lawful, cognizable relations with the United States through Congress. And therefore, after the members of the electoral college—that is, the electors—have cast the vote one way or another, when the return of the vote shall come before Congress in the way and manner I will explain after a while, it is then, and not till then, competent for Congress to inquire whether the electoral college proceeded according to law. For example, suppose it should be suggested when the time shall come for Congress to count the vote—I shall show, I think, it has the power and the right and it is its duty so to do—and it should be suggested by a Senator, upon affidavit of some person or on any information of which Congress would take cognizance, that one, two, or three of the electors had been bribed to give the vote cast by them, or any other consideration touching the integrity of the vote cast by the electoral college should be suggested in a proper way, it would be perfectly competent for Congress to inquire into and settle the matter. It is not competent for Congress to inquire into the organization of

the college, the manner of appointment or election, whether that was accomplished by fraud or by other unlawful means; that is for the State; but the college must be established according to the laws of the State, and then, after that, it is competent for Congress to inquire into the action of the college, in order to see whether that was fair and just and lawful, and in that respect it may become of the very gravest moment that Congress should inquire whether the votes of the electors had been bought for the purpose of electing a particular candidate. It is like the case of the election of a United States Senator. Congress is like the case of the election of a United States Senator. Congress has no power to go into the State of North Carolina, for example, when a Senator-elect from that State, or one purporting to have been elected by its Legislature, shall make application for admission here, to inquire whether two, three, four, or a dozen members of the Legislature were elected by fraudulent means or unlawfully in any respect. That is a matter within the jurisdiction of the State authorities, within the jurisdiction of the Legislature; and when the Legislature within the jurisdiction of the Legislature; and when the Legislature decides, whether its decision be right or wrong, there is the end of the matter, and Congress has no jurisdiction to inquire into it. gress can have no jurisdiction for any such purpose. It must take the Legislature of the State as it is ascertained and established under the constitution and laws of the State. But when such Senator comes here and asks to be admitted, it is competent for the Senate, coming thus in relation with the Legislature of the State under the Constitution of the United States, to inquire whether the applicant bought one, two, three, or a dozen votes to secure his election. Nay, they not only have the power to do so, but it is the duty of the Senate to do so. Just so in the case where the electors comprising the electoral college Just so in the case where the electors comprising the electoral college are elected or appointed, according to the laws of the State, and when the college has been duly organized and proceeds to cast the vote, if it shall be alleged that fraud was perpetrated by the college thus proceeding, it is not only the right of Congress, but it is the duty of Congress, and one it cannot in conscience, if it would, evade, to inquire whether such fraud was perpetrated.

This part of my argument is not immaterial; it is very material as the distribution of the conscience of th

tending to show how rights and powers and duties spring up under the provisions of the Constitution, which are so meager in their terms the meaning of which we must ascertain and understand by infer-

ence, implication, and construction.

I trust those who do me the honor to pay attention to what I am saying will keep in view this fact: that it is the duty of Congress or the authority which shall count the votes for President and Vice-President, if it shall be suggested that there was fraud, to look into it, to try the question, and see and determine as the right may be, because, as this is material, this fact goes far toward showing that the President of the Senate is not adapted in the exercise of his powers to count the vote and determine important questions connected with such count.

I come now, Mr. President, to discuss the twelfth amendment to the Constitution, which, as I said in my opening remarks, rests upon the clause of the second article which I have just undertaken to expound. So much of the twelfth article of the amendment as is material for my purpose is in these words:

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and indistinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of Government of the United States, directed to the President of the Senate.

These last are very material words, as will appear by and by.

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

I want to call attention now particularly to the manner in which the electoral college, the State, and the people of the State, come in connection and contact with Congress. Is it not manifest that there must be some means by which whosoever shall count the electoral vote can see that the electoral college was indeed the lawful college? It is not expected, it cannot reasonably be expected, that Congress can take knowledge of it judicially or officially and rest satisfied with that; there must be lawful evidence to that end, evidence provided by law. The Constitution implies by every rule of reason and construction that there must be a means of evidence—muniments—by which it shall appear to Congress, the counting power, that there was a college duly ascertained and established, and that the college did act. Congress in the past has not been unmindful upon that subject, for it has provided—it was originally provided by the act of 1792—in the Revised Statutes, section 136, as follows:

It shall be the duty of the executive of each State to cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the day on which they are required, by the preceding section, to meet.

That clause provides for the evidence by which the elector shall know that he is an elector and a member of the electoral college, and by which Congress as the authority to count shall lawfully know that he was an elector. Now see how the relations—contact—is formed, fixed, and established by proper evidence—muniments—between the electoral college and through it between the State and the Congress, or the counting power, whatever that may be. This is yet further provided for by section 133 of the Revised Statutes, as follows:

The electors shall make and sign three cer'ificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President and the other of the votes for Vice-President, and shall annex to each of the certificates one of the lists of the electors—

These are material words-

One of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

That certificate of the election of the elector is material; it is material to show that he is an elector, and has a right to a seat in the college, and to participate in the college as a member; but it is not only material for that purpose, it is material for the further purpose that the counting authority, whether it be the President of the Senate or whether it be Congress, may see that he was elected or appointed according to the laws of the State in which he proposed to vote for President and Vice-President. That is the means; that is the evidence; that is the connecting link between the State and the counting power; and it is through and by means of that that the jurisdiction of Federal authority attaches, to the end that proper action in that behalf may be taken. Through and by the means so provided the State, the people of the State, and the Government of the United States come into conjoint and harmonious action.

What is the next thing to be done after the vote is cast by the electoral college? It were vain that the college should assemble and cast the vote if no means were provided by which it could be delivered to some proper, lawful, constitutional authority to compare and count the vote, to the end that it might be seen who was elected President and who was elected Vice-President. The Constitution provides how that communication shall be made, in these words:

And they-

The electors-

shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the Government of the United States—

That is the place, the general place, to which the return is to be remitted. Now mark the words that follow those; they are—directed to the President of the Senate.

Why "directed to the President of the Senate?" Is there any peculiar function in his office that makes him the very appropriate person to deposit it with? Is there anything about his person, or his character, or his official position or character, that makes him an appropriate person over any other officer of the Government for such purpose? How is he better qualified for the discharge of this high trust than the Chief Justice, or the Supreme Court, or the Speaker of

the House of Representatives, or the Attorney-General, or any of the other executive officers? On the contrary, there are grave considerations why he is an inappropriate person for that purpose; for, as is manifest, and as has been shown here, the President of the Senate may be one of the very parties whose right may be in question and to be examined and decided. His right to be elected as President of the United States may be the question involved. His right to be elected as Vice-President may be the question involved. Surely in such a case he would above all others be the least fit to take charge of the returns, unless there were some special reason why he should do so. Then, besides, he is but one man. He is more liable to be entrapped, to be deceived, to be misled by one consideration or another, infinitely more so, than the Supreme Court, more so than the Chief Justice, because he has no motive to expect that he is to be President. It is possible that he might be a candidate, but the Supreme Court as a body would be the infinitely more proper place to deposit this vote than the President of the Senate. The debates in the convention that framed the Constitution do not show, any official action taken or decision that has been made since the adoption of the Constitution do not show, anything which points him out as the appropriate, the essential depositary of the returns of the election any more than any other officer of the Government; and there are the considerations suggested, and perhaps others that I have not adverted to, which disqualify, unfit him to be charged with so grave a matter. In view of these considerations I do maintain, with all respect to everybody who contends otherwise, that it is absurd in reason and law, by inference, by construction to charge him with the high power and right to receive and count the vote for President and Vice-President.

There is another consideration pertinent to be considered here. Why were the returns required to be sent to the President of the Senate? Why does the Constitution use the words "directed to the President of the Senate?" If it was contemplated that the Vice-President should count the vote, why did it not say so? It was not contemplated that the Vice-President should have charge of the returns at all, but it was in his character as President of the Senate, and as President of the Senate alone. Besides, there might be no Vice-President; there might only be a President pro tempore of the Senate, and then they are sent to him. But there was a motive for using the words "directed to the President of the Senate." a reasonable motive, a logical motive; and what was it? The Senate is the higher branch of Congress, and the President of the Senate is the higher presiding officer in Congress, and by courtesy he has precedence in place and privilege wherever the two presiding officers of Congress are brought in contact in their official capacity. The convention had to provide some one to whom should be sent the returns of the electoral vote so that they might be properly counted and the result of the election determined, and as I shall show that Congress was the appropriate body to count it, where else could the returns be so well or appropriately sent to be laid before Congress as to the chief presiding officer in Congress, to wit, the President of the Senate? It was provided that the electoral returns should be sent to the President of the Senate as the most appropriate, the most direct, the most reasonable, the most orderly channel through which to bring the electoral colleges, and the States through the electoral colleges, in connection and contact with Congress, the counting authority of the electoral vote. That was the purpose, and in my view none other.

It does seem to me that one, looking with the pure light of reason at the surrounding circumstances of this whole matter, cannot doubt that such was the purpose. If such was not the purpose, I ask this question, why was it provided, after he is charged with the returns, that he should be further charged in express terms to do a particular act, to wit, to open the returns in the presence of the Senate and House of Representatives, and the last and most important duty of counting the vote devolved upon him by implication and inference? Can any reason be assigned for such a strange and illogical provision as that? It seems to me not. It was not intended that he should have any absolute control of the returns. Though they may have come to his possession the next day after the vote had been cast, he has no right to open them at his will and anywhere. He is to keep control of them; he is to keep custody of them, and to open them, not when he will, not where he will, not to make any decision about them whatsoever; but at a particular time prescribed and in a particular place he is to open them just like he opens any other communication sent to Congress through the President of the Senate. When messages come to Congress addressed to the President of the Government or another, or when a memorial comes to the Senate through the presiding officer, what does he do? By reason of the fact that it is addressed to him, or that it is delivered to him, he holds it until he comes into the presence of the Senate. In the presence of the Senate he does not deliver it sealed up. We never saw the presiding officer here deliver a message, or any document, to the Senate sealed up. He opens it, and having opened it to identify it, to see that it is the paper sent to the Senate, he then delivers it to the Senate. He says: "The Chair lays before the Senate the following executive message," or "this memorial." or whatever paper he is requested as President of the Senate to present, and to the end that the Senate may get jurisdiction of the

officer in Congress, and it is provided that he shall open the returns and open them only in the presence of the Senate and House. Why should he open them? For a good reason; to identify them as returns; to see that they are that which the law charges him to lay before the Senate and House of Representatives; and then by such means the Congress has complete jurisdiction, and his authority, as the means, as the officer through which the Congress takes jurisdiction, is over, except as he shall be directed in that behalf by proper order, or resolution, or act of the Senate and House of Representatives.

I asked the question a while ago, was there anything peculiar about his office that fitted him for this duty of counting the electoral vote? I endeavored to show that there was not, and that there are grave reasons why he should not be charged with any such power. Now, sir, I put the pertinent question, is there any power appropriate to that end but Congress? The Congress represents the sovereignty of the American people; it represents the sovereignty of the people en masse through the House of Representatives; it represents the sovereignty of the people as composing States, through the Senate. All power in the Federal Government, the aggregated, the absolute power of the National Government, is vested in Congress, except in so far as certain powers of government are limited to the executive and to the judicial departments of the Government by the Constitution. All power is in the Senate and House of Representatives with the limitations I have mentioned. In the absence of any express provision of the Constitution or necessary implication of the Constitution, (and it is not pretended that there is any in this case,) I ask the question again, is there any power as appropriate to count this electoral vote and determine all questions in connection with it, as the Congress representing the sovereignty of the American people as one nation, en masse, through the House of Representatives, and as composing States through the Senate? Sir, it is important in another view of sound policy and reason. Would it be possible to corrupt three hundred Representatives? Would it be as easy to corrupt three hundred Representatives? Would it be possible to corrupt three hundred Representatives? Would it be possible to corrupt three hundred Representatives? Would it be possible to corrupt three hundred Representatives? Would it be possible to corrupt the Congress as to corrupt one single officer, or the Supreme Court, or the Chief Justice, or one officer whomsoever he might be? The aggregate wealth of this country could not be practic

But there is another consideration why Congress is the appropriate power, and the law fixes it there, and that is this: Congress are responsible directly and indirectly to the people, the House of Representatives more particularly. The House of Representatives more particularly. The House of Representatives are elected directly by the people. They are responsible to them by their election every two years. What better tribunal to effectuate the popular will in a proper way as charged by the Constitution and law? The Senators are responsible to the people indirectly through the Legislatures of the States. It is believed by some statesmen, and I believe the doctrine has been acted upon by some political parties in this country, that the Legislature of a State has a right to instruct a Senator how he shall cast his vote on a particular question, and if he does not so, then to ask him to resign his place. At all events, he is responsible to the people of his State through the State Legislature every six years. The Supreme Court is not responsible, and the President of the Senate is not responsible to the people. He is in no sense dependent upon them; he is above them, and out of their way and reach.

I submit that these are grave considerations going to support the

I submit that these are grave considerations going to support the legal, logical, and necessary implication contained in this provision of the Constitution that the Congress is the proper authority to count

the electoral vote.

There is one other consideration which I will mention here in connection with the presiding officer. The Senate has decided that it has power to remove the presiding officer at will when there is no Vice-President. How easy it would be when the next electoral vote is to be counted, if it should turn out that the prevailing party in the Senate should apprehend that the presiding officer would not do their will—I make no intimation of any such purpose on the part of any-body, but only make the suggestion to illustrate the force of my argument—how easy it would be for the majority to remove the presiding officer and appoint a supple tool to take the responsibility to do the lawless, wicked work of party! The framers of the Constitution were too intelligent and rational to make any such provision, or to contemplate that any such thing should transpire in this country. To say that, by implication and inference from the provisions of the Constitution to which I have adverted, the President of the Senate is charged with power to count the electoral vote, is to contravene all rules of construction, the reason of the thing, and sound policy, as I have endeavored to make plain.

Having thus shown, as we must be directed and governed by implication and inference, that reason and sound policy force us to the conclusion that Congress should be the power to count the electoral vote, let us see where the law fixes the power by its terms and necessary implication. It is provided that the presiding officer, in the presence of the Senate and House of Representatives, shall open all the certificates, and then it is further provided that "the votes shall then be counted." Counted by whom? By the President of the Senate? Surely not. It is provided in express terms that he shall open the re-

turns. Why, I repeat, this the most important duty left to inference? The Senator from Ohio [Mr. Thurman] the other day, I thought put this argument with tremendous power. He called upon every lawyer to say, in the absence of any other provision and express words, to what authority was assigned the counting of the votes by that express provision. He insisted that, per force of this provision, the Congress, and Congress alone, was charged with the power; that by no rule of law could any other body or officer be charged with it; that intuitively the legal mind so assigned the power. He argued that it shocked the legal mind to contend otherwise. His argument impressed me forcibly. I concurred then most heartily and without hesitation—and reflection has only strenthened my conviction—that it is assigned to Congress. Why? Because it did not charge the President of the Senate to do it, but it did to do another thing. It did not charge the Supreme Court to do it; it did not charge any other functionary to do it; and in the absence of any such provision or charge, by the operation and the force and effect of the Constitution and legal principle ex vi termini, Congress is charged with that power. Congress is charged with every power of government unless it be lodged somewhere else by express terms or by necessary implication. In the absence of such provision it fixes it there inevitably. So that it follows, by the necessary fact of the express provision of the Constitution as well as necessary implication and by every argument founded upon sound and rational policy, that Congress has the power to count the vote and no other power can do it, and because Congress is thus charged therefore Congress cannot delegate its power to the Supreme Court, or to commissioners, or to the President of the Senate or any other power on earth. It is a duty that the Congress is as completely and thoroughly charged with as it is to pass a revenue law or any other act of legislation. It is fixed there. They cannot delegate it, however they m

The Senator from Maryland [Mr. Whyte] and the Senator from Kentucky [Mr. Stevenson] argued ingeniously and with much ability, the other day, to show the contrary of what I have advocated; and instead of resting their argument, as I humbly conceive, upon their own reason and a clear and critical discussion of the provisions of the Constitution, they relied greatly upon what they treated as precedents and speeches which had been made by various distinguished men in the past. Now, sir, with all respect and deference, I do insist that there is no precedent to sustain such a view as they held and contended for, and there is no precedent which contravenes the view of the Constitution which I have been presenting. Take the authority insisted upon by the Senator from Maryland. Before the Constitution went into operation, and in order to put it into operation, the convention that framed it passed an order providing—

That the Senators should appoint a President of the Senate for the sole purpose of receiving, opening, and counting the votes for President.

I have to say of this action on the part of the convention that it preceded the organization of the Government; it was an order passed by the convention in order to put the new Government into operation; it therefore cannot be regarded as setting a precedent for proceedings under the Constitution; but there is more than that. It does not provide that he—the President of the Senate—shall count the votes; it provides—that is the legal effect—that he is to be the presiding officer for that occasion, that he is to be the officer for the purpose of the count then to be made, and for no other purpose or occasion; and therefore, if a question had been raised, as I have shown a question might be raised, as to whether the electoral college had acted honestly and fairly and lawfully, I take it that Congress on that occasion would not have allowed Mr. Langdon to decide that question. The convention did not direct that he should count the votes; it directed that for a particular purpose, the opening and counting of the electoral votes for President and Vice-President, he should be the presiding officer; he should be the means through which the electoral college would come in contact with Congress. That is all this provides; that is all the effect and consequence that can properly be assigned to that action of the convention.

rly be assigned to that action of the convention.

Then, to show, furthermore, that the Congress did assert its power, let us see what it did do in that behalf. The Senate directed Mr. Ellsworth to proceed to the House of Representatives and notify the House that the Senate was ready to proceed, in conjunction with the House of Representatives, to count the electoral vote. The entry

on the Journal reads:

The Senate is now ready, in the Senate Chamber, to proceed, in the presence of the House, to discharge that duty.

That is, to count the electoral vote. He informed them also—
That the Senate have appointed one of their members, submitting it to the wisdom of the House to appoint one or more of their members for the like purpose.

That is, for the purpose of making a list of the votes.

The Senate and House of Representatives at that very moment recognized their right and their power in that behalf, for in counting the first electoral vote they appointed tellers. Tellers for what? To count and compare the vote when it should be opened by Mr. Langdon. If the Constitution charged Mr. Langdon, as is contended, with counting the votes, and if the Senate and House of Representatives were merely there as spectators and witnesses, what right had they to appoint tellers, what right had they to do anything in that behalf but to sit there merely as spectators and witnesses?

Mr. STEVENSON. May I ask the Senator from North Carolina a question?

Mr. MERRIMON. Certainly.

Mr. STEVENSON. Does the clerk who records my vote at a State election count that vote?

Mr. MERRIMON. No, sir. Mr. STEVENSON. Then the tellers are merely to record what the presiding officer does. The Senator attempts to escape the force of the argument that a President of the Senate was elected to count the votes because the Government had not then been organized. Could not the House and Senate have then counted at that time as well as at any other time? And if it was a constitutional obligation on them, as is now argued by the Senator, to count that vote, why should they have allowed the President of the Senate to count it?

Mr. MERRIMON. For the plain reason that the Constitution provided no means to bring the electoral college and the Senate and House of Representatives in connection with each other. It had provided no means whatsoever to that end, and the convention in the exercise of supreme power in that respect saw fit to provide how it should be done on that occasion, conforming their action to the provision of the Constitution which was to go into effect from and after that time.

But, further, if he was charged with power to count the vote and it was necessary to have tellers or a clerk to do the clerkly work of counting—adding up—the vote, what right had the Senate and House of Representatives to appoint them? Was it within their jurisdiction to appoint? That was a matter within the power and discretion of the President of the Senate, as they contend, and if he needed any persons to aid him in counting the vote, it was his right and his duty to appoint them. But Mr. Langdon did not assert the right and did not exercise the right to do so, but it was proposed by the Senate and by the House of Representatives that they should each appoint a teller, and they did appoint tellers, and the tellers counted the vote. And thus the Senate and House on that the first occasion were not mere spectators and witnesses; they exercised power in connection with the count of the vote; and if any question had arisen, who can say they would not have insisted on deciding it? Suppose it had then been suggested that a return was forged, does any one think that the Congress would have allowed Mr. Langdon to decide the question

whether it was or not? I do not think so.

Mr. WHYTE. Will the Senator from North Carolina allow me to ask
him where he finds anything about tellers in that original count; whether they were not appointed to sit at the Clerk's desk, and that

Mr. MERRIMON. If my friend is going to "stick in the bark" that way, I stand corrected. The language of the entry is that he informed them also-

That the Senate have appointed one of their members to sit at the Clerk's table to make a list of the votes as they shall be declared.

Mr. WHYTE. "As they shall be declared."
Mr. MERRIMON. "Submitting it to the wisdom of the House to appoint one or more of their members for the like purpose." I submit to everybody in all candor whether that is not the exercise of a power on the part of the Senate and House of Representatives which goes to show that they claimed authority in that behalf. I submit they had no such power, if the view contended for by the Senators from Maryland and Kentucky is correct. It was within the power and jurisdiction of the President of the Senate to appoint those persons to sit at the table and take a list of the votes. The fact that Conto sit at the table and take a list of the votes. The fact that Congress asserted the power makes it a precedent to show that such power has been exercised by Congress and may do so on all proper occasions, treating the President of the Senate as their official organ. At the next counting of the electoral vote the record shows that-

At the next counting of the electoral vote the record shows that—
The Senate proceeded to consider the resolution of the House of Representatives that a committee be appointed, to join such committee as may be appointed by the Senate, to ascertain and report a mode of examining the votes for President and Vice-President, and of notifying the persons who shall be elected of their election, and for regulating the time, place, and manner of administering the oath of office to the President.

Mr. King, from the joint committee appointed the 6th February, instant, reported, That the two Houses shall assemble in the Senate Chamber on Wednesday next, at twelve o'clock; that one person be appointed a teller, on the part of the Senate, to make a list of the votes as they shall be declared, and that the result shall be declared and the persons elected to the two Houses assembled as aforesaid; which shall be decemed a declaration of the persons elected President and Vice-President, and, together with a list of the votes, be entered on the Journals of the two Houses.

So that at the second counting of the electoral votes for President and Vice-President the Senate and House of Representatives did exercise power, did exercise control, did appoint tellers—not persons to sit at the Clerk's desk to make a list—but did appoint tellers; so that so far as that goes as a precedent at all it goes to support the argument I have submitted.

But, sir, as I said a moment ago-and if any Senator knows to the contrary I should be glad to be corrected-whatever has been done contrary I should be glad to be corrected—whatever has been done in connection with the counting of the electoral vote in the past has been done by toleration, without question and without debate. If there is a solitary exception to that rule, it is the case in which, in 1857, Mr. Mason, the then Presiding Officer of the Senate, would not allow a question to be raised as to whether the vote of Wisconsin was lawful or not, on a motion to reject the vote. He honestly assumed to himself the great power to decide that all objections were out of

order and would not allow debate. But history shows, and it is within the recollection of Senators here now, that the Senate was dissatisfied, and the House was dissatisfied, and that, if the election of President and Vice-President had then turned upon the vote of Wisconsin, his act might, it probably would, have produced a revolution. According to the strength of reasoning and justice and right, and in the provision of the Constitution, in my judgment, and with all due respect to his memory, he exercised an unwarranted power on his part. I make no question that he did it in good faith and under a high conviction of duty.

Mr. STEVENSON. I will state to the Senator that Mr. Mason, who then presided, expressly said at the time that he claimed no such

Mr. MERRIMON. But he exercised it.
Mr. STEVENSON. He said he did not exercise it; he merely acted under that duty confided to him of declaring the vote returned.

Mr. MERRIMON. I have no doubt that Mr. Mason did exactly what he thought was right and honest. I do not question his integrity, but I question the wisdom and the lawfulness of his view and his action, and it was questioned in both branches of Congress, and the action, I take it, would not have been allowed to stand if the election for President and Vice-President had turned upon the electoral vote of Wisconsin. That is the point I make. So, I repeat, there is no precedent, where there was a question and debate made, that contradicts

the argument that I have submitted here to-day.

The honorable Senators from Maryland and Kentucky have cited speeches made by distinguished Senators and others in the past. What are they? Only the opinions, and often hasty opinions, expressed by men of distinction. That is all; their words are no authority; and they have not stopped to cite opinions held by distinguished men on the other side. They were assembled just like we are; they were arguing the question as we are; and their opinion was worth no more than ours, except as some of them might be more in-telligent and able than some of us. I could point to the convincing arguments of able and distinguished men, delivered during this de-bate; they will probably be pointed to in the future, in the line of the view that I have been advocating; but what does that amount to, except as an expression of opinion? What does my argument to-day amount to, except as an expression of opinion? It is no preceding dent, it is my opinion and my argument; it is to be measured by its strength and its power, if it have any. If it has power in it, if it has strength in it, if it has convincing reasoning in it, it will control the mind of somebody here to-day, or somebody in the next Congress, or in the next age; but its weight as a precedent amounts to nothing. Just so as to the arguments cited by the Senators to support the view they have insisted upon. They were simply the opinions-some of them expressed hastily in a running debateof Senators or others,

and have no authoritative significance.

There is no official precedent, there is no official act that contravenes the view that I have insisted upon here to-day, or the power or right of the Senate to pass this bill, or one substantially like it, providing for and regulating the counting of the electoral vote. Not only are the precedents wanting, but the opinions of learned commentators are wanting. The only one that has expressed himself at any length at all upon the subject, so far as I now remember, is Chancellor Kent. He was a great lawyer, and fit and worthy and able to express an opinion on this subject; and if he expressed an opinion, I should regard it as entitled to very great weight. I venerate his memory, and I have the profoundest respect for his learning, his ability, and his opinions as a great judge and law-writer. But so far as he expressed any opinion in this respect—and it is strange that he did not say more—it goes to show, meager as it is, that he recognized as existing in Congress a power to pass some bill like that which it is proposed to pass now, regulating the manner of counting the electoral votes for President and Vice-President; for he says that, "in the absence of legislative authority," he presumes that it would be the duty of the President of the Senate to count the votes. That word "presume" is a word which implies a very dubious state of mind; it intimates that he scarcely thought so; he presumes so, because the President of the Senate had done it before. But his opinion was not founded upon reason or any construction of the Constitution, or any language in the Constitution, or any interpretation of it, or any inference from its provisions. His opinion, so far as it goes for anything, in my judgment, goes to show that he contemplated that such a power did exist, and that Congress might when it saw fit, when the condition of the country and the progress of the Government required it, exercise the

Mr. President, we well know that many of the provisions of the Constitution have lain dormant, and act after act has been tolerated, and without question and without argument, which when scrutinized could not be tolerated if the touch-stone of truth were applied. We find ourselves compelled every day to take some new view, to call into action some new provision of the Constitution in many of its features. Why, sir, the late war has developed views of the Constitution that would have startled the men who framed it, that would have amazed the most advanced statesman before the late war; and it is the province of Congress now to scrutinize in cooler times whether a proper construction was put upon it. What was done will be cited as precedents; but some of these will not be regarded as good precedents; they will only be regarded as good precedents so

far as they conform to reason and a proper construction of the Con-Many of its provisions are to be settled in the futuresettled differently from the action of the past, where the action of the past went unquestioned at the time. The decision of a court is only valuable as a precedent where the question was squarely presented and argued before the court, and when the court considered it, and upon mature deliberation decided it. In such a case the precedent is worth something, it commands respect and confidence. If we shall pass this bill, or one substantially like it, after this long de-bate and after it shall have been debated in the House, and the bill shall have become a law, it will be a precedent, because, upon due consideration of all the issues raised, the whole subject will have been discussed and examined pro and con in every light, and the proper authority to decide it will have come to a conclusion and taken action, and thus a precedent for all time will have been established. But if the bill shall not pass, if it shall not become a law, future

Congresses will be left to grope along, as we are doing to-day, and to settle the matter as their judgments may lead them.

It will be observed, Mr. President, that the bill under consideration provides, in the interest of the States, that "no electoral vote or votes from any State to the counting of which objections have been made shall be rejected except by the affirmative vote of the two Houses." If but one return shall come, it shall be counted; it shall be counted without reference to its irregularity, its imperfections, unless both branches of Congress shall concur in the opinion that it ought not to be counted. Suppose the electoral vote from North Carolina is sent, and it shall be suggested that it is a forgery; the Senate and House of Representatives have the right to inquire whether it be a forgery, they have the means of inquiring whether it be a forgery; they can send out a committee composed of Senators and members of the House to take testimony and ascertain whether it was indeed a forgery; or suppose some formal defect is suggested, they have the right to inquire into that, and debate the matter. Nevertheless, the vote shall be counted, unless both branches of Congress shall concur in rejecting it. It may be that there are defects about it that one House of Congress think would warrant Congress in rejecting it, and the other House of Congress may be of a different opinion. In such a case the vote must be counted. This is a liberal provision of the bill, and it seems to me a wise one. It is true Congress may decide against the vote of a State and reject it; but any power—the President of the Senate—might likewise decide against it if charged with the power to count the vote.

Now I put this view: Would not the American people be better satisfied that the Senate and House of Representatives should decide a question of that sort than that the President of the Senate, one manand perhaps he interested, should decide it? What other tribunal within the whole range of tribunals in this Government is so well calculated to decide that question as Congress? What other tribunal could decide it more to the satisfaction of the people of the United States than the Congress—the Senate and House of Representatives? And when both branches concur in making such a decision rejecting a vote, can anybody doubt that the American people would submit quietly and cheerfully to a decision so made? The decision would be made by a body representing the sovereignty and the will of the The great mass of them would be content, whatever their

predelictions.

I say, therefore, sir, that the provision is wise, it is in the interest of the States, it is in the interest of the people, the vote will be counted unless both branches of Congress shall concur in rejecting it, in which case it ought to be rejected, and the proper tribunal will have rejected it, and according to reason and theory and the Constitution it ought to be rejected, and therefore the people will be satisfied with it at all events, and better satisfied than if it had been rejected by the President of the Senate or any other tribunal whatever.

But, Mr. President, another case is provided for. The second sec-

tion of the bill provides-

That if more than one return shall be received by the President of the Senate from a State purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses, when assembled to count the votes, and that return from such State shall be counted which the two Houses acting separately, shall decide to be the true and valid return.

In my opinion the last clause of that section ought to be stricken out and the amendment which I have offered ought to be substituted, and for reasons which I now propose to submit. According to the Constitution and the law, the State governments are at all times in official and harmonious and lawful relations with the Federal Government, and the Congress and the President and all official authorities of the United States take official notice of such harmonious rela-We are bound to know such a state of things, whether we actually know it or not. A judge is bound to know the law whether he knows it or not. He takes judicial notice of the law. Many things that come within his jurisdiction he is bound to know, whether he does or not. Just so in reference to the relations between the State and the Federal Government. The authorities of the Federal State and the Federal Government. The authorities of the Federal Government take official notice of the proper lawful tribunals of the several States. But it is suggested, suppose a state of things where there is confusion in a particular State and there are two classes of persons purporting to be the officers of the State and to administer.

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State; for, as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the authority of the Government under which they are

its government, and each class sends up an electoral vote so that there are two electoral votes for President and Vice-President; what is to be done in that case? I say that that vote must be counted which is properly authenticated by the certificate of that governor who administers the government of the State in harmony with the Government of the United States. The President recognizes the governor of North Carolina; the authorities of the Federal Government—the Congress and all other authorities—are in proper relations with him; they have been in constitutional relations with him; they recognize him to-day; they recognize him at the time the electoral vote comes, at the time the electoral vote is to be counted, and it appears by the signature of that executive and by the seal of the State in conjunction with it that the electoral college was elected by the law of the State as he represents it. Then that vote so authenticated is to be

But it may be said that simply official notice of the existence of State officers is sometimes impracticable, and positive action must be taken.
What then shall be done? It is within the power of the President under the act of 1795 to recognize the lawful government of the State; and, when he recognizes a particular governor and a particular class of officers as the lawful governor and officers of the State, that is the State government in harmony with the United States, and the electoral vote sent forward by that authority under the amendment that I have submitted would be counted, or, if Congress had recognized a governor, then the electoral vote sent forward and accompanied by his certificate would be counted.

But there is another power above that of the President. His power to recognize a State government is derived from the act of 1795. He derives his authority from that, and from that alone. His act is subject to the review of Congress. Congress is the last power to determine what is the true and lawful State government. Congress may by concurrent resolution, and perhaps in other ways, recognize the governor and the other officers who represent the true State government. When Congress has thus recognized them by express resolution or in any other way as a Congress, the electoral ticket sent forward by the government as administered by such officers is the electoral vote which should be counted. That is the government which the people of the United States will be satisfied with, that is the lawful government. ment. I say they will be satisfied with it because the Constitution charges Congress, whenever it shall be necessary for it to determine the relations of the Federal with the State authorities, to decide it, and when they decide a matter thus within their jurisdiction the people submit to it just as they would to a decision made by the Supreme Court touching a matter that came completely within its jurisdiction, and cheerfully. If they will not, the government would be at an end and the people but a mob.

That is so, Mr. President, according to the terms of the Constitution, and a reasonable view of it, and it has been so expressly decided; and I take pleasure—I have done it before on former occasions and I do it again—in calling to the attention of the Senate the language of the Supreme Court in this respect. I believe that we ought to talk more and know more about the relations between the States and the Federal Government. We cannot study them too much. I do not believe in the idea that we are not one people under the Constitution. I believe that this is a nation. I believe that the States make up the Union; that they are of the Union and the Union is of the States; that each is made an organ for the other and supports the other, and there is no hostile element anywhere existing, there is no hostility or adverse right; and wherever hostility appears, it is because the machinery is not properly adjusted and is not properly operating; it is because of maladministration somewhere. This Government is imperium in imperio; it is a National Government and State governments combined. Our system is a mixed government, composed of State and Federal Governments. The National Government within its sphere is absolute and sovereign; the States within their sphere are absolute and sovereign; but the whole make up one Government, one system; they operate together like a nicely-adjusted piece of machinery. North Carolina is of the Union and for the Union; the Union is for North Carolina. They co-operate each with the other, and each makes up a part of the machinery of the other. The people of the Union and the Government of the Union are interested in every official act done in North Carolina, and the people of North Carolina are interested in every official act done by the people of the Union in every State, and by the authorities of the Union, under the Constitution and the laws. This is one system of government; it is one whole; and the only difficulty that Senators and statesmen can have is in ascertaining how the machinery shall be kept in harmonious action, and that is the question, in the respect that we have under discussion, that I am try-

ing to throw some light upon now.

I call attention to what the Supreme Court say as to the manner of ascertaining which is the true government and what is the power to determine that question in an emergency like the one suggested and like others I might mention. In Luther vs. Borden, Chief Justice Taney, delivering the opinion of the court, said:

appointed, as well as its republican character, is recognized by the proper constitu-tional authority. And its decision is binding on every other department of the Government, and could not be questioned in a judicial tribunal. It is true that the contest in this case did not last long—

This was the Rhode Island case-

This was the Rhode Island case—
long enough to bring the matter to this issue; and as no Senators or Representatives were elected under the authority of the government of which Mr. Dorr was the head, Congress was not called upon to decide the controversy. Yet the right to decide is placed there, and not in the courts.

So, too, as relates to the clause in the above-mentioned article of the Constitution providing for cases of domestic violence. It rested with Congress, too, to determine upon the means proper to be adopted to fulfill this guarantee. They might, if they had deemed it most advisable to do so, have placed it in the power of a court to decide when the contingency had happened which required the Federal Government to interfere. But Congress thought otherwise, and no doubt wisely, and by the act of February 28, 1795, provided that "in case of any insurrection in any State against the government thereof it shall be lawful for the President of the United States, on application of the Legislature of such State, or of the executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for, as he may judge sufficient to suppress such insurrection.

By this act the power of deciding whether the exigency had arisen upon which the Government of the United States is bound to interfere is given to the President. He is to act upon the application of the Legislature or of the executive, and consequently he must determine what body of men constitute the Legislature and who is the governor before he can act. The fact that both parties claim the right to the government cannot alter the case, for both cannot be entitled to it. If there is an armed conflict, like the one of which we are speaking, it is a case of domestic violence, and one of the parties must be in insurrection against the lawful government. And the President must, of necessity, decide which is the government, and which party is unlawfully arrayed against it, before he can per

That seems to me to be in all respects a proper, reasonable, and just exposition of the relations between the State and Federal Gov-

ernments in the respect referred to.

Mr. President, in the case provided for in the second section of this bill, I say that the President of the United States having recognized the proper authorities of the State, the electoral ticket sent forward the proper authorities of the State, the electoral ticket sent forward by those authorities must be counted, unless Congress shall reverse his action and declare that another body of officers represent the true authority of the State; and in the contingency that Congress shall so declare, then the electoral vote sent by that class of officers must be counted. I insist that the proposed amendment to the bill is wise for this reason: It relieves Congress, and parties in Congress at the time, from getting into squabbles about party ascendency and party success; it compels Congress in the count to accept the recognized government. government.

Mr. MORTON. Will my friend permit me to interrupt him?
Mr. MERRIMON. Yes, sir.
Mr. MORTON. While agreeing with most that has been said by the Senator from North Carolina, I desire to call his attention to the particular effect of the amendment which he proposes, so that he may answer the objection that I suggest, if it be an objection. He proposes to strike out all after the word "which," in line 7 of section 2, and insert a clause to make the section read:

And that return from such State shall be counted which shall be duly authenticated by the State authorities recognized by and in harmony with the United States as provided by the Constitution.

The objection I suggest to the amendment offered by the Senator is, first, that this undertakes to prescribe a rule by which the two Houses shall decide a question arising upon two returns. Congress would be bound to decide it that way if there was nothing else in it. If there are two returns, and one comes certified by the recognized government of the State and the other comes from a pretended government, if there be no other objection, that which comes from the recognized government of the State must be counfed. If Congress should recognized nize the spurious government or should fail to recognize the only gov ernment in the State, of course it would be a gross breach of its duty. I assume, therefore, that this amendment attempts to establish a rule I assume, therefore, that this amendment attempts to establish a rule by which Congress must be governed anyhow. But the question is whether itdoes not go too far. It says, "that return which shall be duly authenticated by the State authorities recognized by and in harmony with the United States as provided by the Constitution" shall be counted. Now, suppose there are two returns, one from the recognized government and one from a pretended government. Of course, as between the two, we must take that which comes from the recognized government. But are we bound to take that return?

Mr. MERRIMON. We ought to be.

Mr. MORTON. So far as the government of the State is concerned we ought to be; but are we bound to take that return? We should be under this amendment. It may turn out that the return which is

be under this amendment. It may turn out that the return which is sent up by the recognized government is so defective, or shows such facts that we cannot receive it. For example, suppose it does not show that the Constitution has been complied with, or suppose it shows on its face that it was not complied with? The Constitution requires its face that it was not complied with? The Constitution requires electors to vote by ballot; suppose the return shows upon its face that they voted viva voce? Can we receive it? Under this amendment we should be bound to receive it. We might reject it for the same reason under which both Houses would be authorized to reject a return under the first section. Suppose, if you please now, that the return which comes up from the recognized government shows that the persons voted for for President and Vice-President both resided in the same State, in violation of another provision of the Constitution, are

we bound to receive it? We should be under this amendment. Under the first section if there was but one return we should not be bound Therefore I suggest, even when the return comes from the recognized government, Congress should be left to reject it under the second section as we should have a right to do under the first if there is but one return. I trust I am comprehended by the Senator.

Mr. MERRIMON. I think I comprehend the honorable Senator.

Mr. MORTON. As the amendments stand, if there are two returns, then the case is taken out from under the operation of the first sec

then the case is taken out from under the operation of the first section, and there being two returns, that return which is authenticated by the recognized government of the State must be accepted; it does not leave to Congress the discretion it would have under the first section where there was but one return.

Mr. MERRIMON. The object of my amendment is to cut off the very difficulties that the Senator has suggested. Surely Congress would be willing to receive the return, if it was right in all other respects, which has been sent forward by the State authorities in harmony with the United States. The object of this amendment, the legal effect of it, is to put the electoral return as sent forward by the authorities in harmony with the United States upon an exact footing with the returns from every other State. It is to put the returns sent forward by the government not so recognized out of the case entirely; and if it should turn out that there is any defect in the returns sent forward by the government so recognized by the United States, of course it would be upon a footing with the returns from all other States, as if it was suggested that there was a forgery or that there was any other defect; a concurrent vote under the first that there was any other defect; a concurrent vote under the first

section would reject it.

Mr. MORTON. The precise point I call attention to is whether that would be the legal effect of the second section if amended as proposed. I ask the Secretary to read the second section as it would stand amended as my friend proposes, and then I ask him whether it does not in the case of two returns require Congress to accept any-

how that return which comes from the recognized authority f
Mr. MERRIMON. Not necessarily. The only effect I intended it to have is to put the return that is sent by the authority not in harmony with the United States out of the case altogether, and put the return sent forward by the lawful authority of the State and recogreturn sent forward by the lawful authority of the State and recognized by the United States on a footing with the returns sent from other States. I think that is legal and fair.

Mr. MORTON. Will my friend listen to the reading as amended? I ask that the section be read as it will stand if amended by this

amendment.

The Chief Clerk read as follows:

That if more than one return shall be received by the President of the Senate from a State purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, all such returns shall be opened by him in the presence of the two Houses when assembled to count the votes; and that returns from such State shall be counted which shall be duly authenticated by the State authorities recognized by and in harmony with the United States, as provided by the Constitution.

Mr. MERRIMON. I think that a legal construction of that amendment will give it this effect: that, if two returns are sent, that one which is sent by the authorities of the State not in harmony with the United States is put out of the count altogether and cast aside; and then it leaves the returns sent by the authorities recognized by the United States upon an exactly equal footing with the returns sent from every other State.

Mr. MORTON. Let me suggest an addition to my friend's amendment to obviate the objection, so that he may present the proposition

fairly as I think:

And that return which shall be duly authenticated by the State authorities recognized by and in harmony with the United States, as provided by the Constitution: *Provided*, That such return shall be otherwise the true and valid return.

Mr. MERRIMON. I do not think I have objection to that. I will scrutinize that suggestion after I get through with my remarks. It appears to me now that I have no objection to the suggestion, because my purpose is simply to put the returns sent forward by the authorities of the State in harmony with the United States upon an exact footing with those of the other States, and to put the returns sent by the authority not in harmony with the United States out of the case Surely there can be no objection to that.

The United States are in harmony, as I have said in the outset in debating this part of the subject, always with the proper State authorities; and, when an emergency arises so that positive action must be taken, first the President, if called upon, recognizes the lawful State ne taken, first the Frestoent, it called upon, recognizes the lawful State authority; and, if Congress shall not act, when the authority thus recognized by the President sends forward the electoral vote, that must be counted. If Congress shall reverse his action by a joint resolution or otherwise, and declare that the other authority is the lawful one, the vote sent by it must be counted. This provision cuts off the debate and dispute that might arise on the occasion of the counting of the vote, in times of high excitement, about whether one government.

ing of the vote, in times of high excitement, about whether one government was the lawful government or another government was the lawful government. We need to keep that question just as far from the occasion of counting the votes as possible.

Let me illustrate this point by putting a supposed case. I will take the case of Rhode Island during the Dorr rebellion. Suppose that Dorr's rebellion had succeeded further than it did and that it had gone on to the extent of electing or appointing an electoral ticket for President and Vice-President and the charter authorities had done

Suppose the rival governments had gone to that extent, and the Dorr government had sent forward an electoral return to Congress, and the charter government had done likewise. In that case, under the amendment that I have offered, as the charter govease, under the amendment that I have observed, as the charter government was the government in harmony with the United States, the Dorr return would have been put out of the case entirely. It would have given rise to no debate or trouble. Why? Because the other government was the government in harmony with the United States. The President had recognized the governor under the charter government, and Congress might therefore have recognized the governor under the charter government by joint resolution. In that case, under this amendment, the Dorr return would have given rise to no trouble at all; it would have been cast out. There would have been no doubt about it; and the regular return under the charter governno doubt about it; and the regular return under the charter govern-ment would have been counted just like the return from any other State. That is exactly what I want to effectuate. I wish to cut off disputes and quarrels that might arise at the time of counting the vote by excited factions or excited parties that might attempt to do an act unlawful in itself to affect the result at that moment.

But, Mr. President, I will not avoid any difficulty about this ques-on. I want to meet it, and meet it as fairly as I am able to do. Suppose the case, as it is alleged, was the case of Louisiana lately, where an election has been held—and, under such circumstances as that, it is contended there is no government at all—where the State government is completely dismantled; still there are two factions there. There is the Kellogg faction; there is also the McEnery faction, each claiming to administer the true State government. The Kellogg faction sends forward an electoral return; the McEnery faction sends forward an electoral return; and there has been no positive recognition by the President or by Congress of either of them. Then it may be asked, and, I think, with pertinence, what is to be done in that case? My answer to that is this: In the first place, it is not probable, it is only remotely possible, that such a case could ever arise. In the next place, it is not probable that the two branches of Congress, in the discharge of their high duty, would divide, one House against the other, upon a question of that sort.

Mr. JOHNSTON. Suppose one House recognizes one and the other

House the other f Mr. MERRIMON. Mr. MERRIMON. In that case I think they would be bound to count the one recognized by the President, unless Congress should

Mr. JOHNSTON. Would a State government in harmony with the President, but not with Congress, be in harmony with the United

States?

Mr. MERRIMON. Most assuredly not; the Congress is the supreme anthority in such a case. But that is to say the President is corrupt and has prostituted his office. We cannot proceed upon such a supposition. Laws are passed on the supposition that the authorities of the Government will do their duty as they understand it and faithfully. Mr. WHYTE. May I ask the Senator from North Carolina where

he gets the authority from the Constitution to require any certificate from the executive authority. I ask whether the electoral college itself may not certify its own vote?

Mr. MORTON. The act of 1792—
Mr. WHYTE. I ask in the Constitution. I know it is in the act of 1792; but where in the Constitution is there such a provision that

the electoral college cannot certify its own vote?

Mr. MERRIMON. Plainly, by the necessary, the essential, the inevitable implication. Unless some provision of that sort were made by act of Congress, how could Congress ever come in connection and contact with the electoral college? It is necessary that Congress should take some action to provide some means, some evidence by which the Congress, the counting power, shall know that the State had done its office or the people of the State had done their office in electing electors who make the electoral college. There is where the authority comes from. It comes by necessary and inevitable implication; and therefore the act of 1795 provides that the executive of the State shall give the elector a certificate of his election, and he shall send it with the certificate of the return. It is in that way the power is manifest and proceeds from the Constitution, or, rather, is inherent in it. And in answer to my friend from Virginia, if the President shall recognize an insurgent government, if he is corrupt enough to do it when he knows it ought not to be done, I see no other remedy than that the Congress must be bound by it, unless Congress will reverse his action; and to say to me that he is corrupt, deciding with his party for his party's sake, is to say to me that there must be the end of government, is to say to me the Senate will not act with the House and count the votes, and Congress will not perform that act, or will not do any other act that the Constitution charges We cannot proceed and act upon the supposition that the President is corrupt or that Congress is corrupt in any particular manner. The Constitution supplies the remedy; and if the President should recognize the State government in the case supposed, and evidence should be offered tending to show that he did it corruptly and prostituted his power, he could be impeached for it; but that is not a supposable case in debating a question like this.

I lo not think that in the case of Louisiana the State government was dismantled for reasons which I have given repeatedly on former occasions. But suppose a case—and it is a barely possible case—where a State government is completely dismantled; in the first place, I say,

it is barely possible that such a case could ever happen. In the next place, I say that, if it could, it is scarcely possible that when such a return would come to Congress the two Houses of Congress would not concur in rejecting it, and when they did concur in rejecting it the American people would sanction it. If the people of a State should behave so badly, if they should conduct the State government in such a way as to dismantle it and prostitute it by general disturbance, so as not to be able to tell whether they have any government at all the American people and the people in that very State would say that Congress ought to exclude such a vote from the count. Suppose that in that case the political parties in Congress should be so debased by party zeal as that they would not agree upon what was right in such a case, they would jeopardize the country, and the result would be they would sit and contest and wrangle about it until the 4th March would come; and, as the law now exists, when that time came, the controversy would be over. The President of the Senate pro tempore under the act of 1792 would be President and would remain President until, under the Constitution, a new election for President and Vice-President could take place.

That would be the effect. That is the way the matter would run. and it would give rise to no disorder. I say it is scarcely worth while to contemplate such extreme cases; they are barely possible. I trust in God the case never may arise. It is barely possible that such a con-

tingency could happen.

Before I take my seat, Mr. President, and I beg pardon of the Senate for detaining them so long—my only apology is that this is a very interesting subject, and I want to get and give all the light I can—I wish to consider how the two Houses sit together in counting the electoral vote. At the last session, in a hurried running debate here, I expressed the opinion with some hesitation that they sat together in joint session and acted as one body en masse, and that they did so in deciding all questions that came before them. I think that a fair argument can be made in support of that view. I know that one or two gentlemen entertained the view I then entertained, gentlemen for whom I have the highest respect, and they entertain that opinion still. I should be gratified to hear what they have to say on that subject. The strong inclination of my mind, however, is the other way after very considerable reflection, and I will submit one or two reasons that have brought me to that conclusion. The Constitution

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

It will be noted that the Constitution does not provide that it shall be done in the presence of the Senate and House of Representatives sitting in joint session, and I do not think by any implication we can supply those words. It is not necessary to do it. The Constitution can operate leaving these words to have their natural meaning and can operate leaving these words to have their natural meaning and force, and by implication or inference we cannot interpolate the words "sitting in joint session." If the Constitution read: "The President of the Senate shall, in the presence of the Senate and House of Representatives, sitting in joint session, open all the certificates," &c., then I would say without hesitation that they must sit as one body and en masse for the purpose of determining all questions that might arise in counting the vote. But it does not say that; it says the Senate and House of Representatives. The "Senate" has a technical meaning. It does not imply the seventy-four men who compose the Senate as Senators in their individual capacity. It implies the seventy-four men, or a quorum of them, sitting in this Hall, organized, with a presiding officer, and proceeding to business under organized, with a presiding officer, and proceeding to business under the Constitution and laws. That is what is meant by "Senate." It has a technical meaning. It means the Senators composing the Senate, organized in the Sonate or in the proper place to proceed and act, to do anything within their jurisdiction under the Constitution.

Mr. MORTON. I want to call the attention of my friend now to what I think is the defect in his amendment.

Mr. MERRIMON. I am not through on this point. I will ask the Senator to do so presently. The same remarks are applicable with the change of circumstances to the House of Representatives. The Constitution in this respect treats them as separate and distinct bodies, and it seems to me that they must vote and act as separate and distinct bodies; and, by the necessity of the case, when a question shall arise the two branches of Congress, proceeding as I have undertaken to indicate in my remarks they ought to proceed, the House of Representatives must decide the question for itself there in its own If practicable, the Senate might decide the same question for itself there; but, as it would not be practicable to do that, it must retire to its Chamber or some other convenient place and decide it there. When each has made a decision upon any particular question arising, then the two bodies may come together and announce the decision. Suppose they do not agree; then the disagreement has the same effect as the disagreement of the two Houses upon any measure of legislation or any other matter that they are called to act upon in their legislative capacity.

I will thank the Senator from Indiana now to make the explanation

that he desired to make a moment ago.

Mr. MORTON. The Senator from North Carolina, in his proposed amendment, strikes out that part of the second section which requires the joint action of the two Houses:

And that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

And he makes it read:

And that return from such State shall be counted which shall be duly authenticated by the State authorities recognized by and in harmony with the United States as provided by the Constitution.

I do not know whether he intends to leave out the concurrence of the two Houses, but he leaves the same question to be decided by his amendment. He requires that return to be counted which "shall be duly authenticated by the State authorities recognized by and in harmony with the United States." There is the question still to be demony with the United States." There is the question still to be decided which of these two pretended governments is recognized by and which one is in harmony with the United States. There being two returns and two pretended governments, somebody must decide that question. We say the President of the Senate cannot decide it; the House cannot decide it alone; the Senate cannot decide it alone. Therefore that government must be selected by both Houses; and the arrendment of the Senate will leave the minimum of the Senate will the amendment of the Senator still leaves the main question open to be decided, which is the government acting in harmony with the United States; in other words, which is the lawful government of the State. I submit to my friend that that question can only be determined by both Houses, and where the two Houses disagree about

that the question is left open just as it was before.

Mr. MERRIMON. My answer to that is this, and I thought I made myself understood awhile ago, that there is at all times an authority of the State government in harmony with the Government of the light of the state government in harmony with the Government of the light of the state government in harmony with the Government of the light of the state government in harmony with the Government of the light of the state government in harmony with the government of the light of the state government in harmony with the government of the light of the state government in harmony with the government of the light of the state government in harmony with the government of the light of There cannot be a time when the Government of the United States does not recognize one authority or another. Sometimes it becomes necessary to recognize it actively, as where there is a call upon the President to exercise power in suppressing an insur-rection against the State, or where it becomes necessary for Congress to guarantee to the State a republican form of government. In that case, where the President has recognized the authority, if Congress has not taken action, that electoral ticket would ordinarily be counted. To say that it would not be counted; to say that the Congress sitting here to count the electoral vote would not count it, and count it without debate, that they would go out of the way to raise a question, is to say, it seems to me, that they would be corrupt, that they would not be willing to submit in good faith to a provision of the law. Then I go further and say, that if it was contemplated that such contingencies could arise about a particular State, it would be competent for Congress in advance of the meeting of the two branches of Congress to count the electoral vote, to declare by concurrent resolution, over any action of the President, which was the lawful State government. But suppose that the wrangle, the conflict, that the Senator suggests, should arise, (which I endeavored to show was a bare possibility,) and the two parties, or the three parties, or the contending parties should consent to be prostituted by party zeal, so that they could not make a decision, the controversy would simply go on till the 4th of March, when it would end by limitation of time, and the President pro tempore of the Senate would be the President of the United States temporarily, and a new election would take place under the

Constitution and laws.

Mr. MORTON. I fear I did not make myself understood by the Senator from North Carolina. It comes right back to this point: here are two returns opened by the Vice-President from two pretended governments in a State. His amendment says that that return shall be counted which comes from the lawful government of the State, but the very question to be decided is, which is the lawful

government of the State?

Mr. MERRIMON. I go on the ground that it has been decided

before that time.

Mr. MORTON. I submit that is to be decided by both Houses, and my friend in his amendment strikes out that part which requires the

my friend in his amendment strikes out that part which requires the concurrence of both Houses.

Mr. MERRIMON. But I contend that the decision touching that matter has been made before actively by the President, where necessary for him to take action, or actively by Congress; and if there is a conflict of the parties whereby they cannot agree, the conflict goes on. I admit that you could possibly raise such a question; and if such a contingency should arise, then I think it would go on until, by lapse of time and by operation of law, the presiding officer of the Senten would become President, and a new election would have to take ate would become President, and a new election would have to take

place.

Mr. MORTON. The Senator says the decision would be made before as to which was the lawful government of the State; but who is to decide how that decision was made? Who is to decide that question? Suppose that question arises. I say the President has decided it, and we are bound by his decision. Another says no, the President never decided that question; he did a certain act, but that was not a recognition of the State government. I will call my friend's attention to an illustration of this very difficulty on this floor. I have averaged in the case that a verse from I opinion that the President up. argued in the case that arose from Louisiana that the President, under the act of 1795, had the power, and that he was authorized thereunto by Congress, to decide which was the lawful government of the unto by Congress, to decide which was the lawful government of the State, and that that decision was binding upon the whole Government until the United States, through Congress, by the action of both Houses, determined otherwise. I thought that was the law then; I think so now; but that view was disputed, I believe, by nearly everybody on this side of the Chamber, and some on the other side of the Chamber. Then it was argued that, although the President had a few recognized one covernment in Louisians at taken the recognized one covernment in Louisians at the lawful that the the lawful so far recognized one government in Louisiana as to keep the peace under it, he had not done an act which recognized it as the lawful

government. So, after all, the question comes right back. Here are two sets of returns. It is said the President has recognized the government that sent one of them; but who is to settle the question whether the President did recognize that government? That very question must be settled by somebody, and I submit it must be settled by both Houses. Therefore I think my friend's amendment is defective

Mr. JOHNSTON. Will the Senator from North Carolina allow me

to ask him a question ?

Mr. MERRIMON. Yes, sir.

Mr. JOHNSTON. I understand the Senator suggests as a mode of avoiding the difficulty that the two Houses may settle in advance the question suggested by the Senator from Indiana, but he provides no means of informing the two Houses officially that two returns exist. The returns are required to be sent to the Vice-President and remain in his custody. He opens them for the first time after the two Houses assemble in joint convention. That is the first official information that occurs that there are two returns, and it is too late then to provide for the difficulty suggested.

Mr. MERRIMON. We well know if such a state of things exists

in a State as that two electoral returns would be sent forward.

Mr. JOHNSTON. How do we know it?

Mr. MERRIMON. We do not know it officially, but still a member of Congress having personal knowledge of the facts would bring the matter before Congress officially; he could suggest it, and Congress could appoint a committee to institute an inquiry into the condition

of the State and take proper action by joint resolution or otherwise.

Mr. MORTON. Suppose in that case, if my friend permits me, Congress undertakes to settle in advance and cannot agree about it, then

comes the same question.

Mr. MERRIMON. I endeavored to explain that a moment ago. That case is barely a possible one, and not at all probable. In that case the controversy would go on until the 4th of March, as the law now stands, and the count of the vote for President and Vice-President would be defeated, and another election would have to take

place under the Constitution and laws.

Mr. JOHNSTON. I ask the Senator this question: The Constitu-tion provides that the certificate of returns shall not be opened until the two Houses meet in joint convention. How can the question as to which are the true returns be said to be up until the returns are opened? The Constitution provides that they shall not be opened until the two Houses meet in joint assembly. How is it possible to settle the question in advance 1

Mr. MERRIMON. I thought I had answered that, but I will do it

again.

Mr. JOHNSTON. I do not think the Senator can answer it very well.

Mr. MERRIMON. I think I can. My friend does not make it so by simply saying so. I cannot make anything so by simply saying it is so; I must have some reason to underlie my assertions. There must be reason, there must be substance underlying my declaration, or it is worth nothing. I say in the first place, as I said a moment ago, if such a controversy should arise in a State, it could not be done without the notice of the nation, and it would be perfectly competent before the time to count the votes arrives for a member of Congress to bring it before the House or the Senate and raise a proper inquiry in that behalf. That would be a contingency in which it would be proper for Congress to pass a concurrent resolution declaring that one government or the other was the lawful government and the one to be recognized by the United States, and when they had passed such a joint resolution, under the decision of the Supreme Court which I a joint resolution, ander the decision of the supreme Court, which I have read from, it would be the duty of Congress, the duty of the Supreme Court, the duty of the President and all other officials of the Union to recognize that as the true and lawful government.

But then my friend's question goes further than that. He says, how could you tell until the returns were opened which was the lawful Suppose, the moment the return is opened and it is handed to the tellers appointed under the direction of the two branches of Congress, it appears that one return is signed by John Smith. The Congress knows at once that John Smith is the governor of the State recognized by the joint resolution of Congress or the governor of the State recognized by the President, Congress having taken no action, and the count would be made forthwith. That is the way it would be done. Then if there was another return signed by John Jones, who represented the insurgent government of the State, the moment it was opened the Senate and House of Representatives would see that he was the insurgent governor. In that case the return would be rejected. It would not be counted at all, nor would it be debatable. That is the effect of my amendment; and it does seem be debatable. That is the effect of my amendment; and it does seem to me that under it the whole working machinery would operate thoroughly and well. The one main object I had in view in offering the amendment was to cut off a wrangle that might arise in the count of the vote about which was the lawful governor. I do not think it is very material for the reason I assigned a while ago, to wit, that it is harely possible that such a case could ever exist, and, if it should happen, then it is barely possible that Congress could ever become so prostituted by party zeal as that it would jeopardize the interests of the country by refusing to take proper action in that respect.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from North Carolina.

The amendment was rejected.

The amendment was rejected.

Mr. RANDOLPH. I have withheld the amendments that were

under discussion yesterday, partly because I did not intend to speak to them and partly because I felt that some amendments might be offered that would do away with the necessity for those which I had already presented. I have already said in substance all I intended to say as to what seemed to me the value of the amendments that I have placed before this body. There has been laid upon the desks of the members of the Senate this morning an amendment which I shall now offer, and I beg to call the attention of Senators to the fact that the amendment that is now to be offered is not that which was upon their desks a day or two ago, coming from me. It has been changed somewhat, in order to meet the objections urged by the Senator from Virginia [Mr. Johnston] and the Senator from Texas, [Mr. MAXEY,] among others. I have offered it in the spirit of compromise. It seems to me to cover some of the objections that have been offered by the Senators from Virginia and Texas, and I believe by the Senator from Tennessee, [Mr. Cooper.] I now offer as an amendment to the pending bill the additional sections which I send to the Chair, and I ask the Clerk to read them.

The CHIEF CLERK. It is proposed to insert as additional sections to the bill the following:

to the bill the following:

SEC. —. To insure each State the count of the electoral vote, except it shall be rejected, as provided for in section 1 of this act, it is declared the duty of each House of Congress to record its vote by yeas and nays upon all questions as to which are the true and valid returns of a State; and it shall be the duty of the presiding officer of each House to immediately forward to the other a true and detailed return of such vote.

SEC. —. Should it then appear that the two Houses have failed to agree as to which are the true and valid returns, they shall immediately re-assemble, and the President of the Senate shall amnounce those returns as valid which shall have received a majority of all the votes cast in both Houses of Congress, considered as if in joint meeting assembled.

SEC. —. Should it occur that the aggregate vote of both Houses be equally divided upon the question, then, and in that event only, the President of the Senate shall give the casting vote.

give the casting vote.

Mr. RANDOLPH. The Senator from Indiana, in speaking yesterday to this question, said that no plan had been presented, that no plan could be presented, which would not in certain exigencies leave a State unrepresented. I called his attention yesterday to the fact that the operation of the amendment that I had proposed would get rid of that difficulty. Under the amendment that I have suggested there is no contingency in which the electoral vote of a State can fail to be counted. Whether this be the right plan or not, I do not pre-tend to say; but I do say that the two Houses of Congress in one way or another will decide, and must decide, which the true returns of a State are, and the difficulty that has been so frequently suggested in the course of this debate is overcome by it, and that, too, in a plain, practical manner.

Mr. CHRISTIANCY. The chief objection I have to the pending amendment is that it seems to me to proceed on the erroneous idea that it is competent under the Constitution for the two Houses to meet and act in joint convention. It appears to me from the reading of the Constitution that they act in their separate capacities, and that it is incompetent to provide by an act of Congress for their ac-tion in joint convention at all. This amendment evidently proceeds on the idea that it is competent. It provides that:

The President of the Senate shall announce those returns as valid which shall have received a majority of all the votes cast in both Houses of Congress, considered as if in joint meeting assembled.

If that does not make a joint convention I am incapable of under-standing the language. Then, again, the last section of the amendment reads:

Should it occur that the aggreate vote of both Houses be equally divided upon the question, then, and in that event only, the President of the Senate shall give the casting vote.

That does not touch the point, however. The main thing, and it seems to me the sufficient one, is that it attempts to make a joint convention where the Constitution requires the two Houses to act in their separate capacities.

Mr. MORTON. I did not hear my friend from Michigan very distinctly, but I think he stated the objection to the amendment of the Senator from New Jersey. It proposes to have the effect of a joint convention without having it in fact. The two Houses shall vote separately, but, if they disagree, then we shall count the number of votes in the House and the number of votes in the Senate, the number on the one side and the number on the other side, and whichever aggregates the largest in favor of the return, that shall be counted. For example, there are two hundred and ninety-two votes in the House: one-half is one hundred and forty-six; seventy-four votes in the Senate: one-half is thirty-seven. The two Houses not agreeing, if there should be thirty-eightvotes in the Senate in favor of one set of returns and one hundred and forty-six votes in the House in favor of the same set, then add those two sums together and that makes the majority, and decides it. I state it correctly?

Mr. RANDOLPH. Yes, sir.

Mr. MORTON. I think that would be a very great anomaly under our Constitution, and it would hardly work.

Mr. RANDOLPH. I endeavored to show, in presenting the original amendment, that so far from this being an anomalous condition of affairs, as the Senator from Indiana has stated, in certain contingencies the States would practically decide the result through the vote of the Senate; that in other contingencies the House of Representatives, and thus the people, would decide; and that in still other contingencies, when the aggregate vote of the two Houses left the matter evenly divided, then, and in that event only, the President of the Senate with his casting vote would decide, as was contemplated by the amendment of the Senator from Texas. So then, it seems to me, if I may use the word, that the chances are equal in favor of one or the other of these plans; that no special advantage is given under the proposition I have made either to the Senate, to the House, or to the presiding officer of the two bodies. I am aware that the plan is open to the objection made by the Senator from Michigan; but if he will consider he will see that it is not a joint meeting, but that it is a law in effect fixing upon the President of the Senate a rule by which he shall in certain emergencies consider calmly the vote. That is all there is of it. It may have the effect of a joint meeting; I grant that it has; but it gets rid of the objection which has been urged, that there

is no right in the two Houses to come together in a joint meeting.

I have no further remarks to offer. The Senate has already been I suspect that the amendment detained a long time on this question. which I have offered will meet the fate that all the other amendments

have met with. I ask for the yeas and nays upon it.

The yeas and nays were ordered; and being taken, resulted—yeas 15, navs 37; as follows:

15, hays 31; as 10110Ws:

YEAS—Messrs. Bayard, Caperton, Cooper, Davis, Gordon, Johnston, McCreery, Randolph, Ransom, Saulsbury, Thurman, and Withers—12.

NAYS—Messrs. Bogy, Boutwell, Burnside, Cameron of Wisconsin, Christianey, Conkling, Crazin, Dawes, Dennis, Dorseev, Eaton, Edmunds, Ferry, Frelinghuysen, Goldthwaite, Hamlin, Howe, Jones of Florida, Kelly, Key, Logan, McDonald, McMillan, Merrimon, Mitchell, Morrill of Maine, Morton, Oglesby, Paddock Patterson, Sargent, Spencer, Wadleigh, West, Whyte, Windom, and Wright—37.

ABSENT—Messrs. Alcorn, Allison, Anthony, Booth, Bruce, Cameron of Pennsylvania, Clayton, Cockrell, Conover, English, Hamilton, Harvey, Hitchcock, Ingalls, Jones of Nevada, Kernan, Maxey, Morrill of Vermont, Norwood, Robertson, Sharon, Sherman, Stevenson, and Wallace—24.

So the amendment was rejected.

Mr. WRIGHT. I suggested the first day this bill was under consideration a difficulty that occurred to me under the first section. I have since called the attention of the chairman of the committee to the same difficulty, which is in no manner connected with the question we have been discussing; but it seems to me that the concluding language of the first section is such that it may lead to trouble, and indeed to very great trouble. I see no necessity at all for the concluding sentence of the first section. The possible difficultry arises in this way: It will be seen by consulting the prior part of the section that it is provided that unless the two Houses agree in rejecting a vote where there is but one return, that vote shall be counted. Then the concluding sentence is:

And any other question pertinent to the object for which the two Houses are assembled may be submitted and determined in like manner.

It seems to me that if a question is submitted and the two Houses do not concur in rejecting it or in the negative, then, under that language, it would be determined in the affirmative. I think it is susceptible of that construction, and therefore I suggest and I move to strike out the concluding sentence. I do not think it is necessary at all, for the reason that the two Houses would necessarily have the power and the right to take up any subject pertinent to the matter under consideration; and such question ought to be determined by the ordinary rules that obtain in deliberative bodies; whereas if this language is retained, it seems to me we may be led into the very difficulty that I suggest. Certain it is from this language, "determined in like manner," if the "like manner" refers to the provision touching the rejection of a vote where there is but one return and the two Houses cannot agree in such rejection, then it is to be counted; so if any question pertinent to the manner of counting the votes is

sented and the two Houses do not agree against the motion made, it seems to me it logically follows that it would be adopted.

Let me put an illustration. Suppose that during the time of counting the votes some person shall move that a committee be appointed, that the subject under consideration be referred to a committee of three or five. The two Houses separate and vote upon that question. That is a question legitimate and pertinent to the matter under con-The House of Representatives determines to vote for the committee, the Senate against it. It seems to me from this language it would follow that the committee would be raised.

Mr. MORTON. I would say to my friend from Iowa that if he makes a motion to strike out that sentence, as far as I am concerned, I shall not resist it. Perhaps there would be some obscurity in it, and I do not think it is necessary.

Mr. WRIGHT. I move to strike out the last sentence of the first

ection, in the following words:

And any other question pertinent to the object for which the two Houses are as-sembled may be submitted and determined in like manner.

Mr. THURMAN. The same question was before the Senate at the last session when the bill was up stricken out I believe unanimously, stricken out I believe unanimously.

The question is on the amendment

The amendment was agreed to.

Mr. WRIGHT. I suggest also an amendment in the last section of the bill to remove an obscurity. It is a matter of doubt, as the language stands, whether, if one House shall determine to take a recess, that operates to work a recess as to both Houses, or it is intended that a recess may be taken by one House and the other continue in

the discharge of its duty. I understand the intention is that one House may take a recess without working a recess of the other. I therefore suggest that in line 16 of section 4, between the words "recess" and "not," the words "of such House" be inserted.

Mr. MORTON. That is what it was intended to mean. I have no

objection to the amendment.

Mr. WRIGHT. I have no doubt that was the intention, but I think the language as it is leaves it a matter of doubt, and therefore I move the amendment.

The amendment was agreed to.

Mr. THURMAN. In order to make the bill consistent with the amendment adopted on the motion of the Senator from Iowa to the first section, I move to strike out of the third section, in lines 3 and 4, the words "or for the decision of any other question pertinent thereto." That is necessary after having stricken out the last sentence of the

Mr. WRIGHT. I suggest to my friend that I doubt whether it logically follows that you should strike those words out because we have omitted what was in the first section. This is giving a rule, as I understand, to govern the two Houses when they shall separate as I understand, to govern the two houses when they shall separate with reference to the discussion; and if you omit these words entirely it might be construed to follow that you cannot consider any other question except the single ultimate one. My object in striking out the language in the first section was that it was susceptible of a misconstruction as to the rule that would obtain in deciding such questions.

Mr. THURMAN. I think the words ought to go out. They were stricken out of the previous bill, and I think they ought to go out of this, for the very reason which the Senator has suggested, that they may be liable to a very wrong interpretation and are very objectionable to some Senators for fear of their being misconstrued. There can be no trouble about the Senate exercising any of the powers that are necessary for the convenience of its proceedings, and these words are not necessary in order to enable it to exercise those powers which are necessary to the proper order and convenience of its proceedings. I hope therefore there will be no objection to striking those words out. I want this bill to command as universal assent as it is possible to obtain for it, and these words are very obnoxious to some.

The PRESIDENT pro tempore. The question is on the amendment

of the Senator from Ohio.

The amendment was agreed to.

Mr. THURMAN. I wish to call the attention of the chairman of
the committee to one or two other amendments which were made at the committee to one or two other amendments which were made at the last session, which I think ought to be made in this bill. Line 8 of section 1 provides: "One teller shall be appointed on the part of the Senate and two on the part of the House of Representatives." I do not see any reason for distinguishing between the dignity or the weight of the two Houses. I move to strike out "one teller" and insert "two tellers," so that there may be the same number of tellers at the vert of each brench of the same number of tellers. on the part of each branch.

Mr. MORTON. I see no objection to that. I will only say that I believe that from the first count, which was made in 1789, it has been the custom to appoint one teller on the part of the Senate and two on the part of the House; but I see no reason for that. I have no

objection to the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. THURMAN. I now move to insert after the word "votes," at the end of line 11 of section 1, these words:

Which certificates shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A."

The reason for that is that the mode of calling the States upon any question whatsoever is different in the Senate from what it is in the House. In the Senate we always observe the alphabetical order; in the House, on the contrary, they call the States in the order in which they were admitted into the Union for petitions and the like—I do not refer to calling the yeas and nays, for of course then the members are called by their names.

Mr. MORTON. I have no objection to the amendment.

Mr. THURMAN. This adopts the simple plain rule of alphabetical order. The chairman of the committee says he has no objection to

the amendment.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. MERRIMON. I move to strike out in the third line of section 1 the words "the two Houses of Congress," and insert "the Senate and House of Representatives," so as to conform to the language of the Constitution. That was agreed to in the previous bill. It will then

That the Senate and House of Representatives shall assemble in the Hall of the House of Representatives at one o'clock, &c.

The amendment was agreed to.
Mr. MERRIMON. At the end of line 4 of section 1, after the words
"one o'clock," I move to insert the letters "p. m."
Mr. MORTON. All right.
The amendment was agreed to.
The bill was reported to the Senate as amended, and the amend-

ments made as in Committee of the Whole were concurred in.

The PRESIDENT pro tempore. The bill is still open to amendment.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. EATON. Mr. President, I do not desire at this late hour, after the prolonged discussion we have had, to detain the Senate long. I have voted steadily against every amendment that has been sought to be placed upon this bill, and I shall vote against the bill, and I desire to state very briefly the views which govern my action.

desire to state very briefly the views which govern my action.

In the first place, I am opposed to legislative tinkering of the Constitution; and the first question that each Senator should put to himself is, Is there any necessity for a bill of this character? And the second question is, Has Congress any power to legislate upon this subject whatever? A great deal has been said here with regard to the operation of parties in discussing amendments, and my good friend, the senior Senator from the State of Rhode Island, [Mr.Anthony,] gave the key to it. When a proposition was made that the House of Representatives as States should not proposition was made that the House of Representatives as States should not proposite the scale of since the second state of since the second state and state stat resentatives as States should vote upon this subject, my good friend, the Senator from Rhode Island, suggested, why not put in the words "the next democratic national convention?" This question ought not to be approached in any way in a party spirit. I will not be accused of discussing this question from that stand-point, because I

accused of discussing this question from that stand-point, because I undertake to say now that the Constitution is perfect to-day.

Mr. CAMERON, of Pennsylvania. Will the Senator from Connecticut give way? I believe the Senator from Connecticut is not very well to-day and does not care about finishing his speech now. I therefore move that the Senate proceed to the consideration of execu-

tive business

The PRESIDENT pro tempore. Does the Senator from Connecticut

yield for that purpose ?
Mr. EATON. Yes, sir.
Mr. EDMUNDS. What is the stage of the pending bill?
The PRESIDENT pro tempore. The question is on the passage of

Mr. EDMUNDS. Has the bill been read the third time?

The PRESIDENT pro tempore. It has been.

Mr. EDMUNDS. I did not know that. I ask, if we are going into executive session, that the bill as it now stands be printed, so that we may all see it to-morrow as it is.

Mr. MORTON. I hope we shall finish the bill to-day. We are very

near the determination of it.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves that the Senate proceed to the consideration of executive busines

Mr. MORTON. I hope that motion will be withdrawn. Let us

finish this bill.

Mr. BAYARD. I hope not. The Senator from Connecticut would Mr. BAYARD. I hope not. And prefer to go on to-morrow morning.

PRESIDENT pro tempore. The question is on the motion of

the Senator from Pennsylvania. Mr. HAMLIN. I want to make a suggestion to the Senator from Pennsylvania to accommodate the Senator from Connecticut. Instead of going into executive session, I ask that I be allowed to call up the bill establishing certain post-roads. It is highly desirable, because in some of the States for which routes are provided the lettings

are about to be advertised.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania insist on his motion?

Mr. CAMERON of Pennsylvania. Not at present. Mr. HAMLIN. Then, with the consent of the Senator from Connection

Mr. MORTON. Let not the electoral bill be displaced, but left as the unfinished business.

Mr. HAMLIN. I was going to make this suggestion with the consent of the Senator from Connecticut: I ask that this bill be informally passed by, to retain its place, and allow the post-route bill to be taken up

The PRESIDENT pro tempore. Is there objection to the suggestion of the Senator from Maine? The Chair hears none; and the post-route bill is before the Senate.

Mr. EDMUNDS. Now, I move that the bill about the electoral

votes be printed with the amendments as they stand.

The motion was agreed to.

## POST-ROUTE BILL.

The PRESIDENT pro tempore. The bill (H. R. No. 2262) establishing post-roads is before the Senate as in Committee of the Whole.

Mr. HAMLIN. I learn that the bill with the amendments has been

sent to the printer, which was unnecessary, as it was once printed, but there were three or four additional amendments reported when the bill was reported the second time which are not here, and I presume we cannot proceed with the bill now. I therefore shall have to postpone it until to-morrow morning. I will ask the Senate to take it up to-morrow in the morning hour, because the Department, as I have stated, is now waiting to advertise routes in certain States embraced in the bill.

## EXECUTIVE SESSION.

Mr. EDMUNDS. I move that the Senate proceed to the considera-

tion of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were re-opened; and (at three o'clock and sixteen minutes p. m.) the Senate adjourned.

## HOUSE OF REPRESENTATIVES.

THURSDAY, March 23, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev.

The Journal of yesterday was read and approved,

PAYMENT OF MISSOURI TROOPS IN UNION ARMY.

Mr. WELLS, of Missouri, by unanimous consent, introduced a bill (H. R. No. 2814) to authorize the Third Auditor of the Treasury to examine the evidence of payments made by the State of Missouri to State troops serving in the Union Army; and also the evidence as to supplies furnished to troops, and which are yet unpaid; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

LIGHT-HOUSE NEAR PORT AUSTIN, MICHIGAN.

Mr. CONGER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved. That the Light-House Board be requested to inform this House, first, what, if any, preparation has been made for building a light-house near Port Austin, Michigan, since the appropriation therefor was made; second, whether the interest of the navigation of the lakes would not be materially promoted by placing the proposed light-house out on the reef rather than on the shore; and, third, what, if any, additional appropriation would be required to place a sufficient light-house on the reef.

INDIAN DEFICIENCY BILL.

Mr. SEELYE. I rise to a privileged motion. I move to reconsider the vote by which the House yesterday refused concurrence in the Senate amendments to the Red Cloud appropriation bill, the bill (H. R. No. 2589) to supply a deficiency in appropriations for certain

The SPEAKER. Does the gentleman desire action on the motion

one of does he merely wish to enter it?

Mr. SEELYE. I would like action on the motion now. I can state the question very briefly; and I think that upon such statement the motion will command the assent of the House.

The reasons for the increase proposed by the Senate in this appropriation are that the actual appropriation for the Red Cloud agency last year was below the estimate of the expenses for that agency, while the actual expenses for the agency during the year have largely exceeded the estimate. The reasons for this excess are two: First, a very large incursion of Indians there in connection with the Black Hills negotiation during the last summer; and, second, the coming in during the present winter of a thousand wild Indians, who have not before reported at the agency. The consequence of this reduced appropriation and this increased expenditure has been the entire exhaustion of supplies for the Red Cloud agency at the end of last month. The exigency has been met by borrowing from supplies intended for the Spotted Tail agency, the only agency near at hand from which supplies could be procured. But this source of supply is very nearly exhausted; and within a very few days, unless this appropriation be made, the Indians of both these agencies will have no supplies. The estimate of \$150,000 is the lowest estimate on which the Indian Bureau and the Department of the Interior consider the supplies can be furnished up to the 30th of June next. The House passed the bill appropriating \$100,000. The Senate added an amendment of \$50,000, in which the House yesterday declined to concur. I move a reconsideration of that vote in order to move concurrence of the House in the Senate amendment.

I might state, Mr. Speaker, that the actual appropriation for these agencies last year was \$425,000 less than the estimate, while the actual

expenses have been very much more than the estimates.

Mr. ATKINS. Mr. Speaker, as I reported the bill, perhaps it would be proper for me to make one or two remarks. I certainly have no feeling myself in regard to this matter, either as a member of the House or as a member of the Committee on Appropriations. That committee investigated this matter as well as it could. It had all the facts before it. It had the report of the Commissioner of Indian Affairs; it had also the report of the Black Hills commission; and, sir, after a full investigation the committee were of the opinion that to feed after a full investigation the committee were of the opinion that to feed these wild Indians, of which the gentleman from Massachusetts speaks, only required from \$23,000 to \$25,000. I do not desire to make any attack whatever on the efficiency of the Indian Commissioner; not at all; but I must say in his appearance before the Committee on Appropriations he was able to give us but little information. After the committee investigated the matter they came to the conclusion that \$100,000 was an exceedingly liberal appropriation. Indeed, sir the \$100,000 was an exceedingly liberal appropriation. Indeed, sir, the committee thought for some time \$50,000 was enough. Finally, however, it was agreed, on motion—if I may speak not improperly of such a subject—of a republican member of the committee, to make the appropriation \$100,000.

Now, I believe that is entirely sufficient, so far as these Indians are concerned. As to any information which makes it necessary to increase the appropriation to \$150,000, in our judgment it is not before the committee. We are told that wild Indians have come in there lately. I suppose some have come in. The appropriation as asked for to feed those Indians amounted to only \$23,000 or \$25,000. It is true there is a deficiency, and there is always a deficiency, it seems to me, in reference to the management of Indian affairs. I think, if we agree to the bill as passed by the House and standing by the ac-

tion of the committee in this matter, \$100,000 will be found to be nple. I yield now to the gentleman from Wyoming, [Mr. STEELE.] The SPEAKER. Before the gentleman from Wyoming proceeds,

the Chair desires to say to the gentleman from Massachusetts that he is informed by the Clerk this bill has already gone to the Senate. He therefore respectfully suggests the motion to reconsider be left pending for the present and the gentleman from Massachusetts shall move to request the Senate to return the bill.

Mr. SEELYE. I am very happy to make that motion. I think it can be assented to by the House with the simple statement that there are now 19,000 Indians at least at these two agencies. are now 19,000 Indians at least at these two agencies. There is not a particle of food for them left at the Red Cloud agency belonging to the appropriation, and it has been borrowing from the Spotted Tail agency. It is a simple sum to find how much is necessary to feed these 19,000 Indians up to the 30th of June next. The Interior Department and the Indian Bureau have assured me that \$150,000 is the

lowest estimate they can make.

Mr. STEELE. Mr. Speaker, I desire to say one word in reference to this subject, and will ask the attention of the gentleman from Massachusetts. The Committee on Appropriations, before reporting this deficiency bill, authorized the President of the United States to send an officer of the Army to this agency for the purpose of making an examination into the nature of the deficiency and the amount which would be required to meet the demands of the Indians. I understand that report has not been received as yet by the committee. The officer designated to make that examination was Major Merritt, of the Ninth Cavalry. I see in the newspapers which I receive from my Territory it is stated, with how much truth of course I do not know, that Major Merritt was interviewed on his return from making that examination, and is reported as saying that an appropriation of \$50,000 would be amply sufficient to meet the demands of the Indians for their necessities.

I will also say to the gentleman from Massachusetts that I was at the War Department yesterday, and the report of Major Merritt was then there. Of course I made no examination of it, and perhaps it would be well for the House to have that report, in order that it might act with knowledge of the facts of the case before making any defi-nite appropriation. I do not know whether Major Merritt has reported \$50,000 as sufficient for the purpose, but the papers of my Territory have stated that he had come to that conclusion, and I suggest, as that report will be before the House in a day or two, that it would be wise to learn whether Major Merritt considers that there is a necessity for \$150,000 or only \$50,000, as it is a matter of considerable interest and difference.

Mr. SEELYE. I do not see any basis there for the action of the

May I be permitted to read two sentences from the message of the President of the United States transmitting this whole matter to the

I have taken proper steps to comply with this request of the House, but the present need of supplies is not disputed. A prolonged delay in furnishing provisions to these Indians will cause great distress and be likely to provoke raids on white settlements, and possibly lead to a general outbreak of hostilities.

This, sir, is the present need of the agency that urgently requires action on the part of Congress.

Mr. FORT. Will the gentleman favor the House with his views on

the obligation of the people of the United States to feed all wild Indians that happen to come into these agencies?

Mr. SEELYE. Well, sir, if the gentleman will tell me how much cheaper it is to feed these Indians than to fight them, he would not need to address to me that question.

Mr. FORT. I want to know what more abligations.

I want to know what more obligation we are under to Mr. FORT.

feed wild Indians than any others.

Mr. SEELYE. I acknowledge the interest and importance of the inquiry of the gentleman, and should be very happy in answer to it to give any information in my power at the proper time. But here is the simple fact before us, that these Indians have to face the alternative of starving or stealing. Now, the question is whether we shall oblige them to steal or keep them from starving. Which is the cheaper? It is not any question of general expediency, but what is the most economical procedure at the present time?

Mr. CONGER. I desire to ask the gentleman from Massachusetts whether it is not the policy of the Government to get all the Indians

upon reservations?

Mr. SEELYE. The Indians have been summoned there on the direct invitation of the Government.

Mr. BLOUNT. Will the gentleman from Massachusetts state how

many wild Indians are there?

Mr. SEELYE. There are now, according to the best estimate, nineteen thousand Indians at these two agencies. There are one thousand vild Indians, who have never reported themselves, who have appeared at the agency during the present winter. And they have appeared there because the Government sent out word that unless they did report themselves they would be forced to it. And the Government sent that word in order to prevent raids on the whites.

Mr. PAGE. And promised to feed them.

Mr. BLOUNT. I desire to ask the gentleman from Massachusetts another question. Does he propose to justify an appropriation of \$150,000 on the ground that one thousand wild Indians have come in

Mr. SEELYE. As I have already stated to the House before the gentleman from Georgia came in, the actual appropriations for this agency were \$425,000 less last year than the estimated expenses; and the actual expenses of the agencies have been very much more than the estimate, caused more by the large incursions of the Indians in connection with the Black Hills negotiations than by the fact of one

thousand wild Indians reporting themselves at the agency.

Mr. HOLMAN. Mr. Speaker, the necessity for this appropriation is not very clear. The council that was held in connection with the is not very clear. Indians to obtain a cession of the Black Hills region of country was in the first instance supposed to be the occasion for an increased appropriation, not so much a deficiency as because of the fact that a large body of Indians were gathered together at the Red Cloud agency large body of Indians were gathered together at the Red Cloud agency for the purpose of having that negotiation. It is now very well understood that the deficiency does not result to any considerable extent from that cause. The number of Indians that were gathered together, provided for by appropriations in the last Congress, was comparatively small, so small as to require a very slight appropriation. But large numbers of Indians were gathered together at that council from the other seven Siony agencies: there are girlly of them altogether. the other seven Sioux agencies; there are eight of them altogether. It was assumed—and the force of that assumption has not yet been destroyed-that the supplies furnished for these other Indians were of course unexpended while the Indians were withdrawn from those other agencies to the place where this council was held; so that, in the case referred to by the gentleman from Massachusetts, the Spotted Tail agency, there were supplies of course unused in consequence of Tail agency, there were supplies of course unused in consequence of sending a body of those Indians to another point. It is taken for granted that appropriations, covering a period of some two months at least for the other agencies, are still on hand, and that supplies for the expense of driving cattle and the like of that can be very well brought to Red Cloud agency for the purpose of meeting this deficiency. The estimate of the whole amount required was \$150,000. The House proposed to appropriate \$100,000.

Mr. BLOUNT. I want to ask my colleague on the Committee on

Appropriations, the gentleman from Indiana, if it is not true that, so far as the Indians of the Spotted Tail agency are concerned, most of

the supplies they used were brought with them? Mr. HOLMAN. I understand that to be the fact; not all the supplies that were furnished to them, but most of the supplies that the Indians of that agency received while at the Red Cloud agency, cattle being driven on the hoof. Still some supplies were furnished to them; just as to these other wild Indians and the Indians of the

other six Sioux agencies. It was the opinion of the Committee on Appropriations of the House that there would be no embarrassment in getting through the present fiscal year by the appropriation of \$100,000. The Senate has thought proper to increase that to \$150,000. The attention of the House has already been called to the uncertainty of the testimony which the Committee on Appropriations have received on this subject, in part growing out of the fact that the gentleman who is now Commissioner of Indian Affairs, Mr. John Q. Smith, whom I believe to be a very competent and honest man, has held the office but a very short time, and is but partially informed upon the subject. His predecessor of course, being out of office, is not available for information. The officer of the Army designated by the President, at the instance of the House, to furnish definite information has not yet made his report, but we shall probably have that report in a few days. It is believed that the report will be here in a very short time. That officer has already made the examination and is perhaps in this city, at least I infer so, for I noticed that he was in the city of Chicago a few days

ago; but I have no definite information on the subject.

The question between \$100,000 and \$150,000 is a matter which might as well undergo the examination of a committee of conference. the Senate shall deem an increased appropriation necessary and proper, it will produce no material delay; so that I suggest to the gentleman from Massachusetts [Mr. Seelye] that it would be far better to let the bill take the usual course.

Mr. ATKINS. Allow me to suggest that the officer whom the President sent out has returned and made his report, and I think it would be well for the House and the Senate to have that report before them before they act finally on this question. I trust therefore that the gen-tleman from Massachusetts will allow the bill to take the usual course,

and have a conference committee asked by the Senate.

Mr. HOLMAN. If, as my colleague has suggested, the officer of the Army detailed for the purpose of this investigation is in the city, there will be no great delay. A delay of a day or two certainly can do no harm. A conference on this subject would be well enough. I would say to the gentleman from Massachusetts that it is very seldom that an appropriation of anything like this amount of \$100,000 or \$150,000 has been made on such shadowy information.

The gentleman knows, of course, that this council in the Black Hills

The gentleman knows, of course, that this council in the Black Hills was unauthorized by law; not simply unauthorized by law, but in defiance of law, and when considerable sums of money are asked from Congress to pay the expenses of this council, held in violation of positive statute law, there ought to be some consideration.

Another fact: If my friend will examine the details of the expenditures for the use of the agencies, he will find that a portion of the money was expended in connection with this council held in express violation of law; so that the gentleman from Massachusetts [Mr. Seelye] will see that this subject is quite an important one. It is not

a mere question whether we shall appropriate \$100,000 or \$150,000 to feed starving Indians, but it is a question as to how far Congress shall go wantonly to work to ratify acts and expenditures of public money in direct violation of law. If we cannot restrain the Departments of the Government from spending money by positive limitation and prethen from diverting funds from one purpose to another, why then indeed the public Treasury is surrounded by very few and slight safeguards. All these subjects may well be considered, and it will involve a delay of a day or two only, which will do no harm.

I yield for a moment to the gentleman from California, [Mr. PAGE.]
Mr. PAGE. I do not care to discuss the subject really on its merits. I presume that the Committee on Appropriations as well as the Committee on Indian Affairs are in the possession of the fact that it is important that if any appropriation is made it shall be done immediately. The Committee on Appropriations very promptly reported to the House a bill appropriating \$100,000, and the House very promptly passed it. The Senate, as I understand, has amended the bill by adding to it \$50,000, making the sum in all \$150,000.

Now it seems to me that, upon the information now in the possession of the Indian Committee, and I presume the Committee on Appropriations is in possession of the same information, by the 1st of April these Indians will be without any food at all. Now, why will not the Committee on Appropriations consent to this amendment of the Senate; because they have this whole matter in their own hands, and when an appropriation shall be made for the next fiscal year they can deduct any amount now appropriated in excess of what is needed?

Mr. HOLMAN. In appropriating for the Indians you may take it for granted that every dollar will be expended, and that very promptly;

there is no chance of anything lapping over.

Mr. PAGE. I take it for granted that any appropriation made for a particular purpose will only be expended for the purpose for which is appropriated, and that this appropriation would only be used for

the immediate necessities of the Indians.

Mr. HOLMAN. The gentleman forgets the very case before us, that these Indians were taken to the council in violation of law.

Mr. SEELYE. Allow me one moment simply to say that, without

waiting for any estimate from the Department, it is a simple sum which we can calculate for ourselves. There are 19,000 Indians there now. Here is the statement of the agent dated February 24, 1876:

Over one thousand Indians from the north have arrived in obedience to your request, communicated to them by couriers sent from here. More are daily expected.

Now these 19,000 Indians to be supported from now until the 30th of June would cost about \$5 a piece with a prospect of more. Whether that is an adequate supply for furnishing them or not, the House can say. But with this statement I will accept the suggestion of the gentleman from Indiana, [Mr. Holman, ] and as the bill has gone before the Senate with the prospect that a conference will be asked by that body, I beg to withdraw the motion I have presented.

## IMPORTATION OF ALCOHOLIC LAQUORS.

Mr. BANKS. I hold in my hand a petition of four lines signed by nearly three thousand women of Massachusetts. It is a remarkably short document, considering that it expresses the opinions of so many women. I ask that it be printed in the RECORD. It is a remarkably women the encouragement given by the Government of the United States to the manufacture and importation of spirituous liquors for the purpose of increasing its revenues, and asking for the restriction of the manufacture and importation of intoxicating liquors to the quantity required for medicinal and mechanical purposes

The SPEAKER. The Clerk will read the four lines.

The Clerk read as follows:

We, the undersigned, women of the Women's Christian Temperance Union of Massachusetts. and others, respectfully pray for legislation respecting the manufacture of intoxicating liquors and the importation thereof into the United States to such an amount only as shall be required for mechanical or chemical purposes and in the arts.

Mr. BANKS. I move that the petition be referred to the Committee of Ways and Means.

The motion was agreed to.

# TRANSPORTATION OF MAILS BY RAILROAD COMPANIES.

Mr. STONE, by unanimous consent, introduced a bill (H. R. No. 2815) fixing the compensation of railroad companies for the transportation of the United States mails; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

COMMITTEE ON FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DOUGLAS, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Accounts:

Be it resolved by the House of Representatives, That the Committee of Accounts be, and they are hereby, authorized to fix the pay of the special messenger and watchman of the Committee of Investigation of the Freedman's Savings and Trust Company, and to report the same to this House.

JURISDICTION OF COMMITTEE ON THE TERRITORIES.

Mr. SOUTHARD. I ask unanimous consent to submit for consideration at this time a resolution which I send to the Clerk's desk, and

to make a brief explanation in regard to it.

The Clerk read the resolution, as follows:

Resolved. That the Committee on the Territories has exclusive jurisdiction of the question of the organization of a territorial government in the Indian Territory.

Mr. SOUTHARD. I desire to make a few words of explanation. On the 12th day of January, Mr. Franklin, of Missouri, introduced House bill No. 943, for the organization of the territorial government in the Indian Territory, which was referred to the Committee on the Territories, and that committee has since been considering that bill. Mr. HOLMAN. I do not object to this resolution if it does not give

rise to debate.

Mr. PAGE. I shall object to it if it is debated at all, unless the Committee on Indian Affairs can be heard. Mr. SOUTHARD. Certainly the Committee on Indian Affairs will

be heard.

Mr. HOLMAN. If it gives rise to debate, I must object.
Mr. SOUTHARD. Is the objection in time?
The SPEAKER. It is; the resolution was read merely for informa-

Mr. HOLMAN. I will not insist upon the objection, with the understanding Mr. HURLBUT. I renew the objection, and call for the regular

Mr. EDEN. I ask permission to introduce a joint resolution for

reference only Mr. SOUTHARD. Cannot the House act on this resolution with-

out further debate? The SPEAKER. Not unless the several objections and demands are withdrawn

Mr. HURLBUT. I will yield to my colleague [Mr. EDEN] to submit a joint resolution for reference only.

### BRIDGE ACROSS THE WABASH RIVER.

Mr. EDEN, by unanimous consent, introduced a joint resolution (H. R. No. 89) authorizing the construction of a bridge across the Wabash River; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### ORDER OF BUSINESS.

Mr. HURLBUT. I now call for the regular order of business.
Mr. BAKER, of Indiana. I desire to introduce a bill for reference

Mr. FOSTER. Wait until Monday next, when the States will be

The SPEAKER. The regular order has been demanded.

Mr. HARRIS, of Virginia. I desire to submit a report from the Committee on Elections.

The SPEAKER. That is a privileged question and in order.

### ELECTION CONTEST-BROMBERG VS. HARALSON.

Mr. HARRIS, of Virginia. I am instructed by the Committee of Elections unanimously to submit a report with accompanying resolutions, and I move that the report and resolutions be printed and laid on the table.

The resolutions were read, as follows:

Resolved, That Frederick G. Bromberg was not elected a member of the Forty-fourth Congress from the first congressional district of Alabama.

Resolved, That Jere Haralson was elected a member of the Forty-fourth Congress from the first congressional district of Alabama.

The report and accompanying resolutions were laid on the table, and ordered to be printed.

## ELECTION CONTEST-FINLEY VS. WALLS.

Mr. THOMPSON. I am directed by the Committee of Elections to submit a report with accompanying resolutions, and to move that the report and resolutions be printed and laid on the table.

The resolutions were read, as follows

Resolved, That Josiah T. Walls was not elected and is not entitled to a seat in the House of Representatives in the Forty-fourth Congress.

Resolved, That Josse J. Finley was elected and is entitled to a seat in the House of Representatives in the Forty-fourth Congress.

Mr. TOWNSEND, of New York. I desire on behalf of the minority of the Committee of Elections to submit a report with accompanying resolutions in this case, which I move be printed with the majority

The resolutions were read, as follows:

Resolved, That J. J. Finley was not elected and is not entitled to a seat in this Resolved, That Josiah T. Walls was elected and is entitled to a seat in this

House The reports and accompanying resolutions were laid on the table,

and ordered to be printed.

## ORDER OF BUSINESS.

Mr. HARRIS, of Virginia. I give notice that as soon as I think members have had an opportunity to examine these reports after they shall have been printed, I will call them up for action.

Mr. TOWNSEND, of New York. I desire to suggest that Mr. Walls,

the sitting member in the Florida case, is quite unwell, and although he is now able to be here the first time for ten days, he may need a little time in preparing his case.

Mr. HARRIS, of Virginia. It will be some time before these reports

Mr. STEVENSON. Is there a minority report in the case of Bromborg vs. Haralson?

Mr. HARRIS, of Virginia. That was a unanimous report.

### ENROLLED BILL SIGNED.

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same: An act (S. No. 359) to incorporate the Washington City Inebriate

Asylum in the District of Columbia.

### CHARGES AGAINST GEORGE F. SEWARD.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In answer to a resolution of the House of Representatives of the 23d of February ultimo, I transmit herewith a report of the Secretary of State and the papers which accompany it.

WASHINGTON, March 22, 1876.

The subject of the message is the charges against George F. Seward, late consular-general at Shanghai, and now United States minister to China.

The message and accompanying documents were referred to the Committee on Foreign Affairs, and ordered to be printed.

### POST-TRADER AT FORT CONCHA, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting copies of all papers pertaining to Joseph Loeb, post-trader at Fort Concha, Texas; which was referred to the Committee on Expenditures in the War Department.

#### ALABAMA RIVER.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the river and harbor act of March 3, 1875, a report of the Chief of Engineers on the examination of the Alabama River from Wetumpka to its mouth; which was referred to the Committee on Commerce.

#### ORDER OF BUSINESS.

The SPEAKER. Is there objection to taking up bills on the Speaker's table and referring them to the appropriate committees? There was no objection.

## ARSENAL AT STONINGTON, CONNECTICUT.

Senate amendment to the bill (H. R. No. 2143) for the sale of the arsenal and lot at Stonington, Connecticut, was taken from the Speaker's table and referred to the Committee on Military Affairs.

### SENATE BILLS REFERRED.

Senate bills of the following titles were taken from the Speaker's table, read a first and second time, and referred as indicated:

A bill (S. No. 63) granting relief to Eva, Etta, Henry, and Guy Carleton, heirs of General James H. Carleton, deceased—Committee on War Claims.

A bill (S. No. 548) for the relief of the heirs of Major D. C. Smith-Committee on Military Affairs.

A bill (S. No. 591) to regulate the transportation of bonded merchandise withdrawn from warehouse-Committee of Ways and Means.

## REDUCTION OF EXPENSES OF CUSTOMS COLLECTION.

The SPEAKER. The morning hour now begins at one o'clock; and the regular order is the call of committees for reports of a public

Mr. DIBRELL, from the Committee on Public Expenditures, reported as a substitute for House bill No. 1905 a bill (H. R. No. 2816) to reduce the expense of collecting customs; which was read a first

Mr. DIBRELL. I move that the bill be printed and recommitted,

and that the committee have leave to report it back at any time.

The bill was read. The first section provides that from and after the passage of the act no officer of the United States at any port of entry or port of delivery, acting in the capacity of collector of customs, appraiser, surveyor, or otherwise, at said port of entry or port of delivery, in the United States or in any of the Territories thereof, shall be allowed a salary or any fees to be paid by the United States in excess of the gross customs receipts or dues collected at said port of entry or port of delivery.

of entry or port of delivery.

The second section authorizes the Secretary of the Treasury to contract with such collectors, receivers, appraisers, and surveyors of customs at any port of entry or delivery where the amount of customs heretofore received has not been sufficient to pay the fees and salaries allowed by law upon such terms as he may think reasonable; but in no case shall such officer be allowed more than the gross receives of the United States at such part of entry or delivery.

the into case shall such officer be allowed more than the gross receipts of the United States at such port of entry or delivery.

The third section authorizes the Secretary of the Treasury, by and with the advice and consent of the President, to consolidate any of the districts or ports of entry or ports of delivery at such times and in such manner as he may in his judgment deem for the best interests of the service; but the Secretary of the Treasury is not to abolish or consolidate any port of entry or delivery when the services of a collector appraisary or surveyer or other person can be obtained for an lector, appraiser, or surveyor, or other person can be obtained for an amount not exceeding the receipts at such port.

Mr. HURLBUT. Mr. Speaker, is this bill reported for considera-

tion now? I understood the gentleman to ask that it be recommitted.

The SPEAKER. The Chair understood the gentleman from Ten-

nessee [Mr. DIBRELL] to request action on the bill at this time; but there is such confusion in the Hall that it is impossible for the Chair to hear distinctly the remarks of gentlemen on the outer row of seats.

Mr. DIBRELL. I ask that the bill be printed, and recommitted to

the Committee on Public Expenditures, with leave to report it back at any time.

I object to the leave to report back at any time.

The SPEAKER. Then the bill will be printed and recommitted. Mr. KASSON. I wish to ask the gentleman having charge of this bill whether he does not think it better that the Committee of Ways and Means should consider the bill. The question which it presents has heretofore been an embarrassing one to that committee; and as it relates to the collection of the revenues of the United States, it is so immediately within the province of that committee that jurisdiction of the question has never before been taken by any other committee. The importance of the matter I am familiar with through the inquiries of a former Ways and Means Committee, and while I have no wish to make any motion in conflict with that of the gentle-man reporting this bill, I think that on further reflection it will appear very desirable in the judgment of the gentleman's own committee that the committee having charge of the customs should consider this sub-

As I heard the bill read, it appeared to me that in many portions of the country where the question is one of guarding against smuggling and not of collecting revenue it would practically open up those ports to free smuggling. As the questions involved are so important, and as the Committee of Ways and Means has heretofore had it under consideration, it seems to me that unless the Committee on Public Expenditures has made a study of the whole system of customs and the revenue from importations, the House would be glad to have the judgment of the Committee of Ways and Means on the bill. I merely make this suggestion; I have no motion to make.

Mr. DIBRELL. I object to the reference of the bill to the Com-

mittee on Ways and Means, for if it goes there it will be the last of it. The third section has been added in accordance with a suggestion of the Secretary of the Treasury himself, contained in an official let-ter. I think the matter has properly been considered by the Committee on Public Expenditures, who are unanimously in favor of the bill. I hope it will be recommitted to our committee.

Mr. BURCHARD, of Illinois. I concur in the view taken by the gentleman from Iowa [Mr. Kasson] as to the proper jurisdiction of this question. It was considered by the Committee of Ways and Means in the last Congress, in connection with the matter of fees and salaries. It has an intimate connection with the question of smuggling and the question of proper compensation. I think it is far better it should be referred to the Committee of Ways and Means, who are in direct communication with these officers of the Treasury having charge of this subject. I think at least it should be referred to the Committee of Ways and Means for their consideration, and if they think it is a proper subject for the Committee on Public Expenditures to take jurisdiction of, I then shall have no objection to its being referred to the gentleman's committee.

Mr. DIBRELL. The bill saves to the Government \$200,000. We have been in consultation with the Secretary of the Treasury, and the

bill has been carefully considered by the committee.

The bill was ordered to be printed and recommitted.

ALE OF GOVERNMENT LANDS AT VINCENNES, INDIANA.

Mr. PARSONS, from the Committee on Private Land Claims, reorted back a bill (H. R. No. 192) authorizing the sale of certain

The preamble recites that the United States heretofore acquired for debt, through the intervention of trustees, certain real estate in and near the city of Vincennes, Knox County, Indiana, consisting of and near the city of Vincennes, Knox County, Indiana, consisting of about eighty acres of land, more or less, survey No. 5, township No. 3 north, range 10 west, second meridian, together with the half of lot No. 1 and the whole of lot No. 8, of Harrison's addition to said city of Vincennes, commonly called "The Steam-mill tract," or "Hall Neilson property;" and that the Ohio and Mississippi Railway Company, the Evansville and Crawfordsville Railroad Company, and the Indianapolis and Vincennes Railroad Company have severally placed Indianapolis and Vincennes Railroad Company have severally placed their tracks, switches, and certain buildings on said land while the title to the same was disputed; and it is desirable that said companies shall continue to occupy such portions of said land as may be necessary for the successful operation of their railroad lines.

The bill then provides that the Solicitor of the Treasury, if in his judgment the interests of the United States require it, with the approval of the Secretary of the Treasury, may sell or cause to be sold at private sale, for not less than its appraised value, to be ascertained under the direction of the Solicitor of the Treasury, to said companies so much of the same as may be required for their tracks, switches, shops, and other railroad purposes; provided that the aggregate amount so sold shall not exceed one-third of the whole of said land; and provided further that the remaining portion of said real estate may be sold under existing laws as may be convenient and desirable.

The amendments were read, as follows:

Strike out "third" in the eleventh line and insert "fourth."
Strike out all after the word "estate" in the twelfth line and insert "shall be subdivided, appraised, and sold to the highest bidder, after giving three months' public notice in one of the public newspapers published in the city of Vincennes, Indiana: Provided, That no portion of said lands shall be sold for less than its appraised value: And provided, That this actshall not prejudice any adverse claim or right to said lands.

Mr. PARSONS. Mr. Speaker, it will be remembered by the House that this bill was reported by me from the Committee on Private Land Claims about the 10th of last month. There seemed then to be some misapprehension as to whether the design of the committee, although it had given careful consideration to the subject as provided for in the bill, was not in conflict with existing law, and whether there was not involved in some way homestead pre-emption or mili-tary reservation such as would preclude the right under the existing law of the Solicitor of the Treasury to sell at private sale. In order to correct the misapprehension and to show that there is existing law governing this case, I will ask the Clerk to read section 3749 of the Revised Statutes.

The Clerk read as follows:

SEC. 3749. The Solicitor of the Treasury is authorized, with the approval of the Secretary of the Treasury, to rent, for a period not exceeding three years, or to sell, at public sale, any unproductive lands, or other property of the United States acquired under judicial process or otherwise in the collection of debts, after advertising the time, place, and conditions of such sale for three months preceding the same in some newspaper published in the vicinity thereof, in such manner and upon such terms as may, in his judgment, be most advantageous to the public interest.

Mr. PARSONS. It will be observed that the main portion of the amendment added to the original bill after reconsideration by the Committee on Private Land Claims is simply in accordance with the existing law of the land, a law which was in existence at the time the original report was made. There is not now and was not then any divergence from the law and practice which had been carefully weighed by the committee. Those present who remember the original report will recollect that this land was covered into the Treasury, so to speak, because of debts due from the Bank of Vincennes, a depository of public funds; that it was never any part of the public domain, but an old French grant. The title is in the United States, and the bill as now amended complies with existing law. Unless some gentleman wishes to be heard on the question, I will demand the

previous question.

Mr. CONGER. I should like to ask the gentleman from Kentucky whether in the adjudication in favor of the United States there was any right of redemption or reversionary interest to heirs or other per-

Mr. PARSONS. The original bill shows fully that the United States is the sole owner, and that there is no dispute as to the title. If the gentleman from Indiana [Mr. HOLMAN] were here, he would corroborate what I have stated, as he has fully examined the subject. The rate what I have stated, as he has fully examined the subject. The title I believe is in the United States, but in the amendment there is a provision reserving any question of private rights.

Mr. CONGER. If that be so, then I do not object.

Mr. PARSONS. I demand the previous question.

The previous question was seconded and the main question ordered;

and under the operation thereof the amendments were agreed to; and, as amended, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and

Mr. PARSONS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## TIMBER ON INDIAN RESERVATIONS.

Mr. BOONE, from the Committee on Indian Affairs, to whom was recommitted the bill (H. R. No. 1297) prohibiting the cutting of pine timber on any Indian reservation or lands to which the Indian title or right of occupancy has not been extinguished, reported it back with amendments.

The bill was read. It provides that it shall not be lawful for any agent or officer of the Government, unless especially authorized thereunto by act of Congress, to sell, or authorize the sale, or the cutting or removal of any timber on any Indian reservation, or from any lands to which the Indian title or right of occupancy has not been extinguished.

It provides in its second section that it shall not be lawful for any person to cut or remove, from any such reservation or lands, any timber thereon, or remove therefrom any logs or lumber cut or manufact-

ured from timber which grew thereon.

In its third section all sales or transfers, and all contracts relating to or concerning any transfer of any logs, timber, or lumber cut or manufactured from timber taken from any such reservations or lands are declared null and void, unless the same shall be authorized by special act of Congress.

The amendments reported by the committee were read, as follows: After the word "extinguished," in section 1, line 8, add these words: "and the title to which may hereafter revert to the Government of the United States."

In section 2, line 2, strike out the word "or" and insert the word "and;" so that it will read, "it shad not be lawful for any person to cut and remove," &c. Add the following proviso:

Provided. That this act shall not be construed to prevent Indians or other per-

resourced, that this act shall not be construed to prevent indians or other persons who are bone fide residents upon such Indian reservatio. s from cutting and using such of the timber growing thereon as may be necessary for agricultural and mechanical purposes: And providing also, That when deemed necessary by the Secretary of the Interior for the public service he may authorize the sale of timber, for the use of steamboats only, on such reservations on the Missouri River.

Mr. BOONE. By a former action of the House this bill was amended so that the word "pine" was stricken from the bill, and it was made to apply to all kinds of timber. In that condition it was recommitted to the committee, who have directed me to report the amendments which have been read.

I will state for the information of the House that the reason for the first amendment arose from the fact that in New York there was a certain reservation, the ultimate title to which when the Indian title is extinguished will go to a company; and in order to avoid any interference with that, we make the bill simply apply to that class of Indian reservation the ultimate title to which may revert to the United States.

There was a further objection to the bill indicated by the honorable

gentleman from Texas, [Mr. Reagan, ] which was that Congress had no right to interfere with this timber upon the Indian lands, in consequence of what he conceived to be a constitutional difficulty. Upon that I simply desire to remark that in 19 Wallace in the case of The United States vs. Cook this question was before the Supreme Court of the United States and was definitely settled. The Supreme Court emphatically decided in that case that the titles that the Indians have in the reservations are simply possessory, and as the ultimate title will, when they are extinguished, revert to the Government of the United States, that even for timber which has already been cut by the Indians, or other persons, the Government still has title to it,

by the Indians, or other persons, the Government still has title to it, and may maintain an action of replevin for it or claim and delivery of personal property as we have it in Kentucky; so that the objection suggested by the honorable gentleman from Texas I think presents no difficulty in the way of the passage of this bill.

The whole purpose of this bill, I will state further, is to prevent the destruction of timber upon these lands. It is said that if we pass this bill the Indians will be debarred from pursuing what they have heretofore pursued as a matter of profit to themselves—what they call "logging" in the Territories. The evidence before the committee establishes the fact that not only the logging but the log-rolling on the principal part of this timber land is done by persons who are speculating in the timber by and with the consent, I am sorry to say, in some instances, of the Indian agent. Whether he is interested in these contracts or not, of course I do not pretend to say. But that the timber, all the valuable timber, on these lands will ultimately be destroyed, unless there is some stop put to it by law, there can be no possible doubt. I think, therefore, there can be no reasonable objection to the passage of a bill like this.

Mr. CONGER. I approve of the object of this bill and concur in its provisions. But it seems to me that there are one or two matters that should have received the consideration of the committee and been

that should have received the consideration of the committee and been provided for further than has been done in the bill or amendments, and one of these was alluded to by the gentleman who reports the bill, but was not sufficiently explained.

On some of these reservations the Government has erected sawmills at the expense of, or with the money of, the Indians, and has sent proper persons to manage those mills and to teach the Indians how to manufacture lumber. In the clearing of land, which the Government encourages, the pine in many cases is taken for the purpose of clearing, and is sawed in these mills erected by the Government for these Indians. I submit to the gentleman that if this lumber were used for any other purpose than for the immediate use of the Indians upon the reservation, all that class of business in any reservation must be stopped. I think that such cases ought to be provided for more fully than they are in the bill.

There is another point to which I wish to call the attention of the gentleman. All persons who are familiar with the growth and decay of pine timber, and especially with its destruction after fires have passed through pine forests, are aware that, when a fire has raged through a pine forest, the first year thereafter a large portion of the timber is destroyed and rendered worthless by worms boring into the timber, and the second year invariably the entire mass of timber that has been burned over is destroyed so as to be utterly useless for any

has been burned over is destroyed so as to be utterly useless for any purpose except for fuel or rails; that it is utterly useless for lumber. Now on these reservations in the pine lands they are subject always, from accident and other causes, to the ravages of fire. I see no reason why, if on an Indian reservation fire has spread and destroyed millions of feet, as it may well do in one fire, of fine timber, so that the first year a large portion was destroyed by the natural enemy, the worm, and the second year destroyed by the same cause—why there should not be in such an exclusive bill as this some provision that there might be some authority vested sequently a preserve the value there might be some authority vested somewhere to preserve the value of the timber in the burned district to the Indian tribe occupying the reservation.

Every man familiar with the subject knows that the ravages of fire destroy in the Northwestern States millions and millions of dollars' worth of property every year, or would destroy it except that those who are the owners of the property are compelled to place force enough in the woods to take out the timber the first year or in the second year after the fire.

I submit then that, in view of the loss of so much value as might

I submit then that, in view of the loss of so much value as might occur on these Indian reservations, we should lodge with some power the right to allow the Indians to save that which would otherwise be utterly lost to them and to everybody else. If the committee have not taken that subject into consideration, I submit that it is a very important one, as every one living in the pine regions knows it to be; and, while you protect the living pine, I see no reason why we should condemn to utter loss such portions as may have been injured by fire, and which may be made available for timber within two years after the ravages by fire. I see no provision in the bill for any such contingency, but in all such cases it must necessarily await the action of Congress.

Now I submit that in many such cases the time when the destruction by fire took place and the extent of that destruction might not be ascertained sufficiently here to make proper provision for it by a I do not suggest where this power should special act of Congress. lie. There must somewhere in the Government be some power adapted to meet such emergencies as that, and perhaps save to the tribe many thousands of dollars from their loss of timber. I make the sug-I make the sug-

gestion merely. I make no motion in regard to it.

Mr. BOONE. I would simply remark in reference to the suggestion made by the gentleman from Michigan that to adopt his view of it would simply, in my opinion, allow the very means to be used which we are now trying to prevent in order to stop the destruction of this To designing parties who desire to get timber it is an easy matter to cause fires to pass through the reservation; and, if it is the law that all dead timber may be made up into lumber and hauled off as a matter of speculation, I would venture the assertion that you

as a matter of speculation, I would venture the assertion that you would find no difficulty in giving employment for a large number of saw-mills in sawing up the dead timber on these reservations.

I think, therefore, it better to prohibit all persons from dealing in this kind of timber at all. I think it is better for the Indians and better for the Government that the timber should lie there and rot, or stand there and rot, than to allow persons to go there under the pretense of taking off the dead timber, to mutilate or carry off the other timber. The interest of the Indians does not demand, so far as I have been able to find out or believe, that speculation in timber shall be resorted to at all. What we want to do is to furnish them with homes, and the best method is to preserve intact, not only the growing, but every other character of timber on their lands. That is the ordinary course that farmers pursue in reference to their lands and that is the course we ought to pursue in reference to these Indian lands. I think, therefore, that there would be danger in adopt-

dian lands. I think, therefore, that there would be danger in adopting the suggestion of my friend from Michigan.

Mr. CONGER. It is very true that it might lead to the destruction of timber by fire set on purpose, but there are in the pine lands valuable regions of fine pine, but which the moment the pine is removed are utterly worthless for any purpose whatever. Lands worth \$25, \$30, and even \$100 an acre for the standing pine upon them in the three Northwestern pine-growing States, when the pine is removed some of them are not worth ten cents an acre. It is so in the Indian reservations. Now it may be that it is better that the entire valua of the mare not worth ten cents an acre. It is so in the indian reservations. Now, it may be that it is better that the entire value of the growing timber and the burning timber shall be lost than to encourage a violation of law by inducing men to set fire to the pine forests. I thought differently, and therefore I made these suggestions.

Mr. BOONE. I move the previous question.

The previous question was seconded and the main question ordered. The amendments reported by the committee were agreed to. The bill, as amended, was ordered to be engrossed and read a third

time; and it was accordingly read the third time, and passed.

The SPEAKER. Does the title need amendment?

Mr. BOONE. I move to amend the title by striking out the word

"pine."

The motion was agreed to.

Mr. CONGER. I suggest that, inasmuch as the bill has been amended so as to make it refer only to reservations to which the Indian title has been extinguished and which would revert to the United States, words indicating that should be added.

The SPEAKER. The Chair would suggest that the words "and for other purposes" would cover everything.

Mr. CONGER. I agreent that.

Mr. CONGER. I accept that.

The amendment was agreed to.

Mr. BOONE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

SETTLEMENT OF ACCOUNTS OF ARMY AND NAVY OFFICERS.

Mr. HARDENBERGH, from the Committee on Military Affairs, re ported back, with a recommendation that the same do pass, the bill (H. R. No. 1942) to re-enact and continue in force the act of June 23, 1870, entitled "An act to authorize the settlement of the accounts of officers of the Army and Navy;" and moved that the bill be referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

The motion was agreed to.

# PRESIDIO RESERVATION, CALIFORNIA.

Mr. HARDENBERGH, from the same committee, reported back, with a recommendation that the same do pass, the bill (S. No. 130) to relinquish the interest of the United States in certain lands to the city and county of San Francisco, in the State of California

The question was upon ordering the bill to be read a third time.

Mr. HOLMAN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOLMAN. This bill proposes to grant away land belonging to the Government, and I think needs some explanation. I suppose Mr. HARDENBERGH. This is a Senate bill, and it came over here

ith a printed report.

Mr. HOLMAN. We have had no opportunity to examine it.

The SPEAKER. The Chair will sustain the point of order, and the bill will be referred to the Committee of the Whole.

Mr. HARDENBERGH. I ask that the report and the letter of the Secretary of War in relation thereto be read.

The SPEAKER. That is not now in order, the bill having been

referred to the Committee of the Whole on the state of the Union.

Mr. HARDENBERGH. I understand that the gentleman from In-

diana [Mr. Holman] withdrew his point of order until the report was

Mr. HOLMAN. I did not. I think there should be time to examine the bill and report.

## MILITARY ROAD IN OREGON.

Mr. THORNBURGH, from the Committee on Military Affairs, reported back, with a recommendation that the same do pass, the bill (S. No. 252) donating the military road running from Astoria, Oregon, to Salem, in that State, to the several counties through which it passes

The question was upon ordering the bill to be engrossed and read a third time.

The bill provides that the military road from Astoria to Salem, in the State of Oregon, constructed under the following acts of Congress approved February 17, 1855, March 2, 1857, and June 14, 1858, shall be donated to the several counties in said State through which it runs, to wit: Clatsop, Washington, Yam Hill, and Polk, to each such portion as runs through it; that the said counties hereafter shall own and control the same; and that it shall be abandoned as a military road.

Mr. THORNBURGH. The only question involved in this bill is whether the Government shall continue to keep up this military road and the bridges on it, or allow the counties in Oregon through which it runs to maintain it at their own expense.

The bill was ordered to a third reading; and it was accordingly

read the third time, and passed.

Mr. THORNBURGH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## FORT LARAMIE MILITARY RESERVATION.

Mr. COOK, from the Committee on Military Affairs, reported back, with a recommendation that the same do pass, the bill (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory.

The question was upon ordering the bill to be engrossed and read a third time.

The bill reduces the military reservation of Fort Laramie, in the Territory of Wyoming, to an area of fifty-four square miles; and provides that the said reservation shall, after the passage of the act, be limited and bounded as described and declared in executive order of

The second section provides that all that portion of land added to the reservation of Fort Laramie by executive order of April 2, 1872, shall be eliminated therefrom and restored to the body of the public lands, subject to all provisions of the laws of the United States re-lating to the public lands, in the same manner and to the same extent as if said lands had never constituted a portion of said military reservation.

Mr. COOK. The only question involved in this bill is this: Before 1869 a military reservation was established at Fort Laramie, embracing fifty-four square miles. Subsequently, in 1872, the reservation was extended by an order issued, under the direction of the President, by the War Department for the purpose of giving the Government the control and protection of the Indian agency near there from intruders. Since that time the Indian agency has been removed a hundred miles farther distant, and the Secretary of War, together with General Sheridan, who is in command of that department, say that there is no reason and propriety for continuing this reservation with its present limits, but recommend that it be reduced to its original its present limits, but recommend that it be reduced to its original limits, and that the additional land shall be restored to the public lands and be subject to the provisions of law relating to the public lands. The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed. Mr. COOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

table.

The latter motion was agreed to.

# INDIAN HOSTILITIES IN OREGON AND CALIFORNIA.

Mr. COOK also, from the Committee on Military Affairs, reported back, with an amendment, the bill (H. R. No. 147) to authorize the Secretary of War to pay the expenses incurred by the State of Oregon and the citizens of California in suppressing Indian hostilities in the States of Oregon and California in the years 1872 and 1873.

Mr. COOK. As this bill makes an appropriation, I move that it be referred to the Committee of the Whole on the state of the Union, and that the accompanying report be printed. The motion was agreed to.

## DEPOSITS BY ARMY OFFICERS.

Mr. A. S. WILLIAMS, from the Committee on Military Affairs, reported back, with a recommendation that the same do pass, the bill (H.

R. No. 2121) to authorize commissioned officers of the Army to make deposits under the act of May 15, 1872.
 The question was upon ordering the bill to be engrossed and read

a third time.

The bill authorizes commissioned officers of the Army to make deposits of money with any Army paymaster, and makes applicable to such deposits the provisions and restrictions of the act of May 15, 1872, establishing a system of deposits, and authorizes the officers to withdraw their deposits on the completion of each and every term of five years' service, commencing from the date of their first deposit under the act.

The bill was ordered to be engrossed and read a third time; and

being engrossed, it was accordingly read the third time, and passed.

Mr. A. S. WILLIAMS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

### APPOINTMENTS IN THE ARMY.

Mr. A. S. WILLIAMS also, from the Committee on Military Affairs, reported back, with a recommendation that it pass, the bill (H.R. No. 816) to repeal section 1218 of the Revised Statutes of the United States.

The bill was read. It provides that section 1218 of the Revised

Statutes be repealed.

Mr. PAGE. What is the section which this bill proposes to repeal? Mr. A. S. WILLIAMS. It is as follows:

No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United

That act was passed in 1866. Most of the persons originally affected by it have, with few exceptions, had their legal and political disabilities removed; and I suppose there is no more objection to their hold-

ing a military office than to their filling a civil position.

Mr. HURLBUT. At what time was this bill considered by the Military Committee?

Mr. A. S. WILLIAMS. While you were absent in Illinois.

Mr. HURLBUT. All right.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. A. S. WILLIAMS moved to reconsider the vote by which the

bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

## PAY AND ALLOWANCES OF ARMY OFFICERS.

Mr. BANNING, from the Committee on Military Affairs, reported, as a substitute for House bill No. 1806, a bill (H. R. No. 2817) to regulate the pay and allowances of Army officers; which was read a first and second time.

The bill was read, as follows:

The bill was read, as follows:

A bill to regulate the pay and allowances for forage and quarters of Army officers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the officers of the Army shall be entitled to the pay herein stated after their respective designations:

The General, \$1,000 a year;

The Lieutenant-General, \$2,000 a year;

A major-general, \$3,000 a year;

A colonel, \$3,500 a year;

A clonel, \$3,500 a year;

A captain, (mounted.) \$2,000 a year;

A captain, (mounted.) \$2,000 a year;

A captain, (mounted.) \$1,800 a year;

A regimental quartermaster, \$1,800 a year;

A first lieutenant, (not mounted.) \$1,500 a year;

A second lieutenant, (mounted.) \$1,500 a year;

A second lieutenant, (mot mounted.) \$1,500 a year;

A second lieutenant, (mot mounted.) \$1,500 a year;

A second lieutenant, (not mounted.) \$1,500 a year;

A chaptain, \$1,900 a year;

The ordnance store-keeper at Springfield armory, \$2,000 a year;

All other store-keepers, \$2,000 a year;

All other store-keepers, \$2,000 a year;

The ordnance store-keepers at Springfield armory, \$2,000 a year;

All other store-keepers, \$2,000 a year;

To the General, for three horses;

To the General, for three horses;

To the General, for two horses;

To a major-general, for two horses;

To a brigadier-general for two horses;

To a brigadier-general for two horses;

To a captain, (mounted.) for one horse; when on duty in the field for two horses;

To a captain, (mounted.) for one horse; when on duty in the field for two horses; A bill to regulate the pay and allowances for forage and quarters of Army officers

To an adjutant, for one horse;

To an adjutant, for one horse;
To a regimental quartermaster, for one horse.
Sec. 3. That now or hereafter no officer selected, detailed, or assigned to duty upon the staff of, or as aid to, the General or Lieutenant-General shall be entitled to or receive any additional pay or allowances by reason of such selection, detail, or assignment, except that of the next grade above his actual rank in the Army: Provided, That the pay and allowances of no officer upon the staff of the General shall be more than the pay and allowances of a colonel of cavalry, or, upon the staff of the Lieutenant-General, more than the pay and allowances of a lieutenant-colone of cavalry.

of cavalry.

SEC. 4. That, at all posts and stations where there are no public quarters, officers

may be furnished with quarters in kind by the Quartermaster's Department as now allowed by regulations: Provided, That the amount paid is not in excess of \$12 per room per month, except at San Francisco, where the amount s all not be in excess of \$15 per room per month: And further provided, That the allowance of rented quarters and fuel shall not increase the pay and allowances of any officer beyond the sum of \$5,00.

SEC. 5 That so much of the act entitled "An act to increase and fix the military peace establishment of the United States," approved July 28, 1866, as authorized regimental adjutants and quartermasters to be extra lieutenants, be, and the same is hereby, repealed: Provided, That the officers now holding said positions shall not be displaced from the grades of first or second lieutenant, respectively, as now held, but assigned, without prejudice to their rank, to the first vacancies occurring among the lieutenants of their respective grades.

SEC. 6. That all chaplains hereafter appointed shall be appointed for a term of four years only, subject to re-appointment by the President, with the advice and consent of the Senate.

SEC. 7. That sections 1261 and 1271 of the Revised Statutes of the United States, and all other acts or parts of acts inconsistent herewith, be, and the same are here.

and all other acts or parts of acts inconsistent herewith, be, and the same are here-by, repealed.

Mr. HURLBUT. I rise to a privileged question. The SPEAKER. The morning hour has expired. EQUALIZATION OF BOUNTIES

Mr. HURLBUT. There was a special order set for to-day, the bill for the equalization of bounties. I desire to say that my friend from Tennessee, [Mr. Thornburgh,] whose bill has been adopted by the Committee on Military Affairs, is unable to take charge of it to-day. I ask that this special order be postponed until next Tuesday at the expiration of the morning hour.

Mr. BANNING. I suggest to the gentleman to fix Wednesday.

Mr. KEHR. There is a special order for next Tuesday, the steam-

boat bill having been assigned for that day.

Mr. HURLBUT. Very well; I will say Wednesday, with the con-

sent of the House.

The SPEAKER. If there be no objection, the bill (H. R. No. 58) to equalize the bounties of soldiers who served in the late war for the Union will be postponed until next Wednesday and be made a special order for that day at two o'clock, with all the privileges which it now

There was no objection, and it was ordered accordingly.

### MILITARY ACADEMY APPROPRIATION BILL.

The SPEAKER announced the appointment of Mr. Hamilton of New Jersey, Mr. Randall, and Mr. Wheeler as the committee of conference on the part of the House upon the disagreeing votes of the two Houses on the bill (H. R. No. 810) making appropriations for the support of the Military Academy for the fiscal year ending June 30,

### APPROVAL OF BILLS.

A message, in writing, from the President of the United States was presented by U. S. GRANT, jr., one of his secretaries; who also announced that the President had approved and signed joint resolution and bills of the following titles:

Joint resolution (H. R. No. 65) authorizing Edwin James, consular

agent at San José, to accept a piece of plate from the Queen of Great

An act (H. R. No. 215) granting a pension to John G. Parr, of Kit-

tanning, Pennsylvania:

An act (H. R. No. 811) making appropriations for the payment of invalid and other pensions of the United States for the year ending June 30, 1877;

An act (H. R. No. 1599) granting a pension to Frances C. Elliott; and An act (H. R. No. 1962) to confirm certain school-indemnity selections of public lands by the State of Nebraska.

## ORDER OF BUSINESS.

Mr. RANDALL. I move that the House resolve itself into the Committee of the Whole to resume the consideration of the legislative appropriation bill.

Mr. BOONE. I rise to a privileged question. The bill (H. R. No. 2678) to authorize the sale of the Pawnee reservation was made a special order for to-day after the morning hour. The bill No. 58 had been made a special order previously, but I understand is now post-poned. I want to know whether it is now in order to take up House

The SPEAKER. The response of the Chair is that in reference to all these special orders it is within the power of the House to take up and consider just such business as it pleases. The gentleman from Pennsylvania [Mr. RANDALL] moves that the House resolve itself into the Committee of the Whole on the state of the Union to resume the

consideration of the legislative, executive, and judicial appropriation bill. That motion is in order, notwithstanding the special orders.

Mr. BOONE. I hope that motion will not be pressed. The bill which I have named is an important matter, and has been made a special order for to-day. I would like to have it taken up.

## LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDALL. Pending my motion to go into Committee of the Whole, I move that all general debate on the legislative appropriation bill be terminated in two hours and a half.

The motion was agreed to.

The question being taken on the motion of Mr. RANDALL that the House resolve itself into Committee of the Whole, it was agreed to.

The House accordingly resolved itself into Committee of the Whole

on the state of the Union, (Mr. Cox in the chair,) and resumed the

consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

Mr. DURHAM. Mr. Chairman, I had desired to make some gen-

eral remarks on this appropriation bill; but as the time has been limited, and a great many gentlemen are anxious to make speeches, I find I cannot have the opportunity. I therefore ask the privilege of having printed in the RECORD some remarks I had wished to make on this appropriation bill and kindred subjects.

There being no objection, leave was granted.

Mr. SCALES. Mr. Chairman, this debate has taken a wide range. Since the bill came before the committee for its consideration we have had speeches and dissertations upon every conceivable subject connected with the Union and all its varied and diversified interests. I propose in the time allotted to me to claim the attention of the House to several clauses of the bill itself. The Committee on Appropriations are doing a good work in retrenchment and reform, and deserve the countenance and support of all who favor an economical and honest administration of the Government, without regard to party. In the Military Academy bill, in the diplomatic and consular appropriation bill, and in the fortification bill, the only three passed appropriation bill, and in the fortification bill, the only three passed up to this time, they have saved on the same appropriations of last year \$1,288,246.50. In the legislative, executive, and judicial appropriation bill, now under consideration, they propose to reduce the expenditures of last year \$5,724,417.39, which will be a reduction of the estimates this year to the amount of \$7,826,499.89. Now, sir, this proposition deserves our serious attention, and I trust will in the main receive a cordial support, both in this House and in the Senate. test can now be made as to the sincerity of the professions in the way of retrenchment and reform.

To enable the committee to reach these conclusions and recommend so large a reduction in this bill it was necessary to transfer the Indian Bureau from the Interior to the War Department. question of the gravest importance both to the country and to the Indian, who is directly to be affected by it. The Committee on Indian Affairs have given this subject much consideration, and they have sought for and obtained the opinions of men, both soldiers and civilians, of the largest experience and the maturest judgment in all matters pertaining to the solution of the Indian question, which all admit is most important and difficult. These gentlemen have differed much in their opinions; but, after weighing the whole together with much solicitude and care, the majority of the committee have reached the conclusion that the transfer is demanded by the best interest alike of the Indian and the Government. Under the present system the business of feeding, clothing, educating, civilizing, and christianizing the Indians is intrusted to agents from civil life, who are selected by the different religious bodies and nominated by them to the Presi-

dent, who upon such nomination makes the appointment.

The agencies are divided among and assigned to the different religious bodies, and this division and assignment are recognized and accepted by them all, with the distinct understanding, to which custom has given all the sanctions of law, that each church is to have sole control of its own agency. Thus we have in the Indian Territory sectarian agencies filled by sectarian agents. To illustrate, a vacancy occurs in an agency. The particular sect to which it has been assigned is notified that they must make a nomination and upon this nomination the President appoints. No other sect can or will be heard as to this appointment. There may be and doubtless are thousands without the pale of that church who are as well and in many respects better qualified, but that will have no weight in determining the appoint-The agent must be recommended by that church, and through him and with the money furnished by the Government this particular sect or church carries their missionary operations among the Indians at this point.

To prove this I quote the language of the Commissioner on Indian Affairs on page 23 of his report for the year 1875. After saying that no desire for church propagation on the part of any religious denomina-tion, with one exception, has in any way interfered with the purposes

of the Government, he adds this language:

At the several agencies assigned to the care of the Catholics no restriction has been placed upon their system and methods of education, and no other religious body, so far as I am aware, has in any way attempted to interfere. I regret to say this is not true, so far as the Catholics are concerned, of some of the agencies assigned to other religious bodies.

If more proof were needed it can be found, I apprehend, in the evidence of all the religious denominations, that in the agencies assigned to them they expect no interference, and any effort in that way by others is regarded as an intrusion upon their rights, and it is made the subject of complaint.

Now, sir, the Constitution declares that no religious tests shall ever be required as a qualification to any office or public trust under the United States, and Congress shall pass no law respecting an establish-

ment of religion or prohibiting the free exercise thereof.

In this system the Constitution is violated in spirit and letter. This is a Government office, a public trust provided for by law, and it is filled, not from the people, but from a sect, which is to have exclusive charge of the agency. The body may act conscientiously, and doubtless do so far as they can, but it will be seen that however else qualified it is essential that the religions opinions of the agent must accord with the body appointing him and whose missionary work among the Indians he has in charge. Here, then, is a religious test of office distinctly, squarely, and confessedly made. Again, the Indians at this point must and will be taught the peculiar tenets and doctrines of the religious body to whom it has been assigned. This is expected, and not only expected, but encouraged as can be abundantly shown by the reports of the commissioners and by any and all the religious bodies themselves. At this point, then, the Government establishes one religion to the exclusion of all others. The poor Indian, who has been robbed of his lands, swindled out of his annuities, must now take such religion as the Government sends him. He can have no choice, and is not even allowed to hear any other gospel except such as his agent may profess. The Mohammedan in his conquests to propagate the religion of his prophet says, in his intolerance, "Death or the Koran." We, in christianizing the Indians, say to them, "Take the religion we send or nothing." It may be said that these agencies are equally divided and no preference is shown to one church or another. I am not advised as to the basis upon which this division is made; but not advised as to the basis upon which this division is made; but however this may be, it is no answer to the objection we have stated.

Now, sir, I would not be understood as underestimating the value and importance of the services rendered by these different religious bodies in the efforts of the Government to civilize the savage races. bodies in the efforts of the Government to civilize the savage races. They must have schools, they must have teachers and preachers, and they must be taught the Christian religion; and to have this efficiently and faithfully done we must in a great degree rely upon the noble and self-sacrificing men and women who, taking their lives in their hands, with no reward or hope of reward here, go out as missionaries of the Gospel among the Indians. But I would give all the largest liberty; I would open wide every door of access into that country and shut it to none. I would have the Government give its countenance and protection to all, and leave the results to their own faithfulness and energy, to the truth, and to God.

faithfulness and energy, to the truth, and to God.

But there is another objection to this, and that is the partisan character of the appointments. I do not charge this upon the churches. I doubt not they would have it different; but the faithful and active I doubt not they would have it different; but the latering and active partisan must have his reward, and these offices in the gift of the administration in power have been and will be filled by its own zealous adherents. I know, sir, this has been denied; but from information I have on the subject I apprehend upon an investigation it match I have on the subject I apprehend upon an investigation it will be found that few, if any, agents are appointed who are not in political accord with the party in power; and it is too often the case that when the man is found who will bear the test in religion and politics, he unites in himself all the qualities essential to secure the agency. It is unjust and bad enough to turn the poor, untutored Indian over to the sole control of a sectarian body, but it is a wrong which amounts to a crime to turn him over soul and body to a secta-rian and political zealot and bigot.

From such a source, unfaithful partisan agents, spring all or most of the ills to which Indian flesh is heir, and hence on every side we hear the robbery and plunder, suffering and starvation, of the Indian. This brings us to consider the fraud and corruption of the present system. Under a joint resolution of Congress adopted March 3, 1865, a committee of both Houses was appointed, consisting of Doolittle, Foster, Ross, Nesmith, Higby, WINDOM, and Hubbard, names well and most of them favorably known to the country, whose duty it was to in-quire into the condition of the Indian tribes, and their treatment by the civil and military authorities of the United States. Of this committee Senator Doolittle was chairman and made the report. Among the papers accompanying this report I find a subreport from Hon. J. W. Nesmith, one of the committee, to the chairman, from which I beg leave to read:

W. Nesmith, one of the committee, to the chairman, from which I beg leave to read:

Another great cause of complaint is the worthless quality of the goods which are bought in the Atlantic States and sent out for distribution among them. There is a great fault somewhere, either on the part of the agents who make the purchases in the eastern market, or on the part of the merchants or contractors who supply the goods. From the personal inspection which I have given those goods, and on comparing them with the invoices, I am thoroughly convinced that the contractors are guilty of the most outrageous and systematic swindling and robbery. Their acts can be properly characterized by no other terms. There is evidence also that the persons employed in the Department to make the purchases are accomplices in these crimes. I have examined invoices of purchases made by the Department or its agents in eastern cities, where the prices charged were from 50 to 100 per cent. above the market value of good articles. Upon an examination of the goods I have found them, as a general thing, worthless and deficient in quantity. Among them were "steel spades," made of sheet-iron; "chopping axes," which were purely castivon; "best brogans," with paper soles; "blankets," made of shoddy and glue, which came to shreis the first time they were wet, &c.

But the folly or wrong of these purchases, made by dishonest agents from dishonest contractors, does not cease here. Many articles are purchased which would be utterly useless to the Indians if their quality was ever so good, such as iron spoons, mirrors, gimlets, Jew's-harps, hair-oil, finger-rings, and, in one case which came under my observation, forty dozen pairs of elastic garters were sent out to a tribe in which there was not a single pair of stockings. Agent Wilbur, in charge of the Yakama reservation, in a report upon this subject, says:

"The goods furnished from the Atlantic States have been of an inferior quality. often damaged, and sometimes short in quantity. Of the first invoic

Here we have Jew's-barps. Very well, let them have Jew's-harps. It is said music hath charms to soothe the savage breast, and I will not object to music. Here, too, we have hair-oil, [laughter,] and fingerrings, and, among other things, forty thousand pairs of elastic garters.
[Great laughter.] What advance in civilization does this demonstrate? It would seem in all the ornaments of the person and conveniences of dress they have reached a point in which they equal if not surpass our own fair daughters. Fearing some of my bachelor friends may not understand this, I will tell them that when they sent these forty thousand pairs of elastic garters they were just about as useful as if they had sent so many shoe-strings and no shoes, or a as useful as it they had sent so many snoe-strings and no snoes, or a lot of linchpins without wheels; for with all these forty thousand pairs of garters not a single pair of stockings was sent. [Laughter.] My friend suggests that the garters ought to be used to hang the parties who perpetrated so gross a fraud. In that I agree with him, and no doubt so will the House.

Then again, sir, at that time there was a law that thereafter no goods should be purchased by the Indian D. partment or its agents, for any tribe, except upon the written requisition of the superintendent in charge of the tribe. This law was violated, and the then Commissioner of Indian Affairs, William P. Dole, in spite of that law staring him in the face, made requisitions, not one of which had been recommended or prescribed by agents in charge of the tribes, as the law required. In that same report I find the following, showing the frauds in the

transportation as well as in the goods:

In that same report 1 find the following, showing the frauds in the transportation as well as in the goods:

The time and manner in which the goods have been shipped have been most unfortunately chosen. The goods of 1863 were not only shipped by the costly isthmus route, but they were subject to exorbitant charge for packing, drayage, &c., (for detail of which see comparative schedule, marked G.) and the bulky mater of some of the articles was such as to make the freight a great deal more than the value of the goods delivered. Handled axes, hatchets, pitchforks, garden-hoes, &c., were packed in huge pine boxes, to be transported over the route from Baltimore and New York to Warm Springsand Umatilla. The transportation of the bulky wooden handles was five times the value of the articles, handle and all, after delivery, while the Indians would have thought it no hardship to have made the handles themselves out of the timber which grows upon their own reservation.

The purchases of 1864 were all shipped via Cape Horn and San Francisco to Salem. Salem was the proper destination of no part of the goods. Your familiar acquaintance with the country enables out osee at once the absurdity of shipping goods bound for Warm Springs or Umatilla up the Williamette River to Salem thence down the river to Portland again, toward their final destination. The goods designed for Siletz agency afford a still more marked instance of mismanagement. They have been transported from San Francisco to Salem at a cost of about \$75 per ton, and now the most economical way to get them to their destination will probably be to ship them back to San Francisco again at like cost, and thence direct to Siletz at a cost of about \$16 per ton. The only other alternative is to transport them on pack-mules from Salem to Siletz, which probably will not cost less than \$100 per ton. In regard to the quality and suitableness of the goods shipped, it has generally been such as could have been anticipated where the purchaser was entirely unacquainted with th

sary to point out all these failures or swindles, but a few of the most glaring must suffice.

Merrimae prints are named in the invoices of both years. This, as is well known, is the most costly sort of calico, and the prices paid have corresponded with the invoice quality, but not a yard of Merrimae calico has ever been put in the package; on the contrary, the article shipped has always been of a very inferior quality, such as can be bought for 25 or 30 per cent less than the Merrimae, and is worth to the Indians, who are expected to consume it, less than half. The article shipped as cotton duck was of a light and inferior article of common drilling. A considerable part of the thread sent out was rotten and utterly worthless. The needles, the buttons, the fish-hooks and lines were of the most inferior description, and of very little value to the Indians. Spoons enough were brought to give nearly half a dozen to every one of the tribe, and they were so worthless that the Indians generally refused to carry them away after they were given out. Fancy mirrors, costing \$5 per dozen, were sent; they proved to be little looking-glasses about two inches in diameter, and worth absolutely nothing to the Ind' ns. A lot of steel weeding-hoes, handled, proved to be little laffairs, intended for 'he use of some delicate lady, if indeed they were intended for use at all. Scisson-and shears in inordinate quantity and utterly worthless in quality were sent. Tin. Tare, packed in roomy cases, until the freight was far in excess of the value. Fryingpans of thin sheet-iron, utterly worthless, and so esteemed by the Indians. In short, the entire purchases show either ignorance of the Indians' wants or design to defraud them. to defraud them

Again, on the next page of the report, we find the following:

Huntingdon's requisitions of the 24th of September, 1863, were in the Department at Washington when the purchases of 1864 were made, and by reference to Huntingdon's schedule, which I append, it will be seen that Messrs. Dole and Gordon had as little comprehension of the requisition as they had regard for the law of Congress, which they were palpably violating. Huntingdon asked for "small steel ploughs," and they sent him "fancy mirrors;" he asked for "harness for ponies," and they sent him "frying-pans" and "knitting-needles;" he asked for "axes and grain cradles," and they responded with "scissors and iron spoons."

Thus it will be seen from this report that there had been frauds in quality, frauds in quantity, frauds in price; that there had been frauds in the purchaser, frauds in the seller, frauds in the agent, frauds in the superintendent, frauds in the trader at the post, frauds in the carrier in the route selected, and in the number of miles, and last, though not least, fraud strongly suspected, if not absolutely proved, in the Indian Commissioner, within two steps of the White House itself. But I desire to say here that no one suspected, no one believed, no one even intimated, that the occupants of the White House between 1862 and 1869 knew of or had any connection with these frands or any other. No, sir, it is but simple justice to them to say that they were not only honest but were above suspicion. There was a ring then as now, and it permeated the whole Indian Bureau with all its connections and agencies.

Again, sir, in 1868 a peace commission was appointed by the President, under an act of Congress, consisting of Generals Sherman, Harney, Terry, Augur, and others. Let us hear what they say after

investigation as to the agents and men in the service of the Indian Burean:

The records are abundant to show that agents have pocketed the funds appropri The records are abundant to show that agents have pocketed the funds appropriated by the Government and driven the Indians to starvation. It cannot be doubted that Indian wars have originated from this cause. The Sioux war in Minnesota is supposed to have been produced in this way. For a long time these officers have been selected from partisan ranks, not so much on account of honesty or qualification as for devotion to party interests and their willingness to apply the money of the Indians to promote the selish schemes of local politicians. We do not doubt that some such men may be in the service of the Bureau now; and this leads us to suggest that Congress pass an act fixing a day (not later than the 1st of February, 1869) when the offices of all super intendents, agents, and special agents shall be vacated. Such persons as have proved themselves competent and faithful may be re-appointed. Those who have proved unit will find themselves removed without an opportunity to divert attention from their own unworthiness by professions of party zeal.

So thoroughly were the commissioners impressed with the fraud and corruption in this Bureau that they recommended that all the offices of the agents, special agents, and superintendents should be vacated; and the only criticism I would make upon this recommendation is that it was not as extensive as the facts demanded. It should have included all officers in the service of the Bureau.

This report came from men who opposed a transfer at that time of the Indian Bureau to the War Department, and is therefore entitled the Indian Bureau to the war Department, and is therefore entitled to greater weight. Later in that year, after further investigation, they had a subsequent meeting and they changed their minds, and recommended by resolution that the transfer be made.

But it will be said by the opponents of this measure that all this

took place before the present system of nomination by religious bodies had been inaugurated. I have already shown that from the nature of the case this change is not and cannot be a remedy; and in this opinion I am conclusively sustained by the facts.

In the spring of 1875 Professor Marsh, of Yale Scientific School, New

Haven, Connecticut, a gentleman of high character as a scholar and as a man, visited Red Cloud agency on a scientific mission, and while there he came into possession of facts which showed frauds as he believed in the agents and the contractors. These facts with others afterward obtained led him to charge fraud not only at the agencies, but that these frauds were winked at by the Secretary of the Interior and the Commissioner of Indian Affairs. Here we get in one step of the White House; from the last step God grant that the nation may ever, in accordance with truth and justice, be spared.

A commission was appointed, and upon it was placed a gentleman A commission was appointed, and upon it was placed a gentleman of high character and distinction, now on this floor, from West Vir-ginia. He can correct me if I am wrong. By their recommendation the agent and the inspector, nominated by a religious body, were both removed from office and two contractors forever excluded from any further contracts with the Government. They made no recommenda-

tion as to the Commissioner or the Secretary of the Interior.

But these high officers came out of the transaction badly damaged in reputation; dark suspicion with its horrid front and threatening aspect confronted them at every step; rumors were afloat in the atmosphere all around them; public confidence was shocked. The storm lowered, the muttering of the thunder was heard, and ere it breaks in all its fury upon their devoted heads they step down and out with certificates of good character in their pockets from the White House. Add to all this sworn testimony recently taken, and the conclusion is inevitable that the ring yet exists in all its power and has made fearful inroads upon the Treasury of the country. That there are honorable exceptious among the officers and employés of this Bureau I thankfully and cheerfully concede, and among them I would name the present Commissioner, who has been in office but a short time, and the board of commissioners, against whom I have not heard even so much as an intimation; but in spite of them the ring exists and its crushing weight felt and shared by both the Indians and the people.

But I am met just here, as I was in the committee, with this idea:

But I am met just here, as I was in the committee, with this idea: Granting all you say in view of the recent developments of fraud and peculation in the War Department, what will you gain by the transfer in this respect? I acknowledge the force of this argument, and at times I feel it is almost unanswerable. I confess, sir, while investigating this subject, when I remembered the poor Indian, how he had been robbed and plundered and oppressed; when I heard of the corruptions and frauds developed in the War Department in the person of its highest officer, only one step from the White House, my heart sayle within me: I almost despaired of relief for the Indian heart sank within me; I almost despaired of relief for the Indian.

In the Interior Department he and his people and the Government have been robbed, as he knows from his own sad experience. In the War Department, by the corruptions of the late Secretary, he finds the poor soldiers, the brave defenders of their country, by combinations and rings robbed of the small pittance they receive as pay. If he goes to the Post-Office Department, he hears of straw-bids and fraudulent contracts, by which the country has been defrauded of millions. If he turns, then, from earth to sea, and goes to the Navy, even there he finds the same evidences of fraud and corruption. If he goes to the State Department, he hears of the Emma mine and its frauds mentioned in connection with the name of our foreign minister to the court of England, to the dishonor and prejudice of our nation. Faint and sick at heart he turns from all these. A bright thought strikes him; he remembers his Great Father, who professedly so loves his red children, whom he calls the wards of the nation. With new hope and a quickened step he turns to the White House. Surely here he may find a resting-place and secure retreat from the frauds which are stary-

ing and dwarfing his people. Alas! alas! at the very threshold he meets the private secretary and the brother of the President, both dearer to the Great Father than his red children and wards. He recognizes the secretary as the man who, in the far West, was indicted for frauds on the revenue, and who was believed to have an intimate connection with the whisky ring, and he recognizes in both dealers in post-traderships and in other positions by which he has been swindled, and he learns that the Great Father is on guard, not watching the interests of his red children, wards of the nation, but watching for va-cancies in office, that he might be the first to notify his brother and aid him in securing it. Of course Orville made nothing by it, and the President knew it, his only object being to add another victim and martyr to the large number already taken from the Grant family who have sacrificed themselves alone for the good of their native country, in asking positions in the gift of the Great Father; but the poor Indian is not presumed to know this. He turns away in despair. He is hedged in by sea and land. Whither shall he flee to escape the trader and the agent and their accomplices? If he takes the wings of the morning, and flees to the utmost parts of the earth, even there a post-trader shall minister to him and a contractor shall guide him. In the depths of his despair and misery he may well exclaim:

Me miserable! which way shall I fly?

Which way I fly is hell; myself am hell; And, in the lowest deep, a lower deep, Still threat ning to devour me, opens wide.

But, sir, "hope springs eternal in the human breast," and I will not, I—for the sake of the Indian and the honor of my country—dare not despair. I answer the argument, make the transfer as asked for in this bill, and we will do what the peace commissioners recommended in 1863, as already referred to. We will vacate every office in all its various branches connected with the Indian Bureau. We will turn out every employé from cellar to garret, from turret to foundation-stone, from the highest to the lowest, from the jolly, portly old rat that devours his cheese in a night to the diminutive little mouse whose nibbling thefts are barely visible. All, all shall go; and when it is all swept and garnished, we will replace them with Army officers who are already paid, who are proverbial for honor and high integrity, and whose rigid code of laws will tolerate no conduct or behavior unbe-coming an officer and a gentleman. With the true soldier covetous-ness is contemned, avarice despised, and illiberality regarded as mean-ness. Careful of their own honor, they infringe not upon the honor or the rights of thers. Quick to resent an insult, when avenged they are equally quick to forgive and to forget. Prompt to guard and defend the life and honor of the nation, when done, they are the best conservators of peace. These are the characteristics of the true soldier, and I trust and believe we have many bright examples in our We trust to them the life and honor of the nation and feel secure; cannot we also intrust to their care and proverbial generosity the poor abused and down-trodden Indians?

But it has been said, and will be said again, that they believe too much in war, and if we want peace we must have civilians, and I find it usual with the officers who are interested in the continuance of the Indian Bureau to attribute all the wars with Indians to the Army. With a holy horror they detail the cruelties of the "Cheyenne war in 1864, culminating in the massacre at Sand Creek of one hundred and twenty friendly Indians, mostly women and children, resting in their own hunting-grounds under the protection of our flag, known as the Chivington massacre." They tell of the Sioux war in 1852 and 1854, costing from \$20,000,000 to \$40,000,000, and the loss of several hundred lives. They tell with great gusto of the Chevenne war that followed in 1867, in which we lost three hundred soldiers and spent millions of money, while but six Indians were killed; of the Navajo war in New Mexico, and all the other Indian wars. They tell us that it has cost the United States in these wars \$1,000,000 to kill one Indian, and gravely shake their heads and say the Army did this, and therefore humanity and religion rise up alike in holy horror at this transfer. Now let us look at the facts of the case and see who is responsible for the horrors of war, and to whom we are indebted for

the blessings of peace.

Mr. Doolittle, chairman of the Joint Special Committee on the Con-

dition of the Indian Tribes in 1867, says in his report:

The committee are of opinion that in a large majority of cases Indian wars are to be traced to the aggressions of lawless white men, always to be found upon the frontier, or boundary-line between savage and civilized life. Such is the statement of the most experienced officers of the Army, and of all those who have been long conversant with Indian affairs.

Colonel Kit Carson, who has lived upon the plains and in the mountains since 1826, and has been all that time well acquainted with the Indian tribes in peace and in war, confirms this statement. He says: "As a general thing the dificulties arise from aggressions on the part of the whites." "The whites are always cursing the Indians, and are not willing to do them justice."

The Indian peace commission, in their report of 1868, say, as I have already quoted:

It cannot be doubted that Indian wars have originated from this cause. The Sioux war, in Minnesota, is supposed to have been produced in this way. It was Colorado troops that involved us in the war of 1864-'65 with the Cheyennes. It was a regiment of hundred-day men that perpetrated the butchery at Sand Creek, and took from the Treasury millions of money. A regiment of Montana troops, last September, would have involved us in an almost interminable war with the Crows but for the timely intervention of the military authorities.

These extracts taken from reports, all of which when made were

against the transfer and a part of which were devoted to an argument against it, should prove conclusively that the regular Army was not responsible for the war but were the conservators of peace; that the wars were due in the main to reckless, bad white men always found on the frontier. So far as I am advised, there is not a charge that can be sustained against any regular officer or soldier of the Army, and be sustained against any regular officer of soldier of the Army, and where soldiers have had any agency whatever in them they have been volunteer soldiers, troops of the Territory under command of volunteer officers. This was beyond all doubt the case in the terrible and cruel massacre of Sand Creek. Chivington was the officer in command; he was an officer of the Territory, and, I have been informed, a professed minister of the Gospel, and I suspect an Indian preacher. But while the name of Chivington and infamy are forever inseparable, yet it brings no blot to the Army, for he was not one of them; but it is said that the Army is demoralizing in its influence and leaves in its train vices and immorality of the worst type and disease and in its train vices and immorality of the worst type, and disease and death in its most loathsome form. This I am prepared to admit to some extent is true, but then it cannot be worse, indeed not so bad, in its terrible effects upon the Indian as their poisonous contact with bad, dissolute, dissipated, and reckless white men unrestrained and without any law, who hang around these agencies under the present system. In 1867 General Pope reports, under what its friends call the Christian system, that one Indian out of every five has fastened upon him the fangs of a loathsome and deadly disease. But I

Again it is said with an air of triumph that officers do not teach school; neither do the agents, but the officers will protect schools; they will respect religion, encourage the missionary, open the door now shut to all the churches who in a spirit of Christian emulation

will watch and work and stimulate each other in their efforts to promote the glory of their Master and the good of the Indian.

I would now call attention to the fact, of much importance in my view in the consideration of the question, that the Army is indispensable to the peace and quiet always of the wild Indians and often of

those who have made advances in civilized life. In 1874 General Sheridan reports that he had eighteen thousand troops under his command, and all of them are scattered through the Indian Territory, near the reservations on the frontier, in the interest of protection and peace alike to the white and Indian. The whole number of troops will not exceed twenty-five thousand; and thus it will be seen you have nearly three-fourths of the Army already engaged in this work. You must feed them there and you must pay them there. Why not let them do all the Indian work while there, and get rid of the expense and often frauds of the agents and contracts? And then, again, the commissary and quartermaster of the Army, while feeding and clothing and providing for the wants of the Army, can do the same for the Indians. Their appointments to this

army, can do the same for the Indians. Their appointments to this end are systematic and complete, as admitted by the Commissioner of Indian Affairs. The Commissioner advises this change.

I call the attention of the committee to the report of the Commissioner on that subject. The Commissioner, as is known, is opposed to the transfer. He says:

There is, however, a sphere of service now undertaken by this Bureau which might, to its great relief, be transferred to the War Department. The supplies of clothing and subsistence required to be purchased for the Indian service amount to about \$2.000,000. Much the larger portion of this sum is expended in purchasing for the Sioux and several other tribes a few articles in large amounts. The Indian Bureau has never had an adequate appointment for making such large purchases and for transportation of the articles to the distant parts of the country. The Quartermaster and Commissary Departments of the Army have such appointments in complete organization, through which the War Department would be able to purchase, inspect, and transport the goods and supplies required to subsist the Indians and fulfill the treaty obligations with much more regularity and system than is possible for this Bureau as at present organized.

That, sir, is the language of the present Commissioner on page 20 of his last report.

I will add to this, it can be done much cheaper and better. General Sherman and several other intelligent Army officers and civilians esti-

mate that in this alone we can save several million dollars.

According to the reports of 1874 there are in all about 279,000 Indians. These Indians are classified by the Indian Commissioner in his report of 1874, and the first class in number, amounting to 98,108, are described as wild, untamed Indians, from whom you may expect hostilities and who require the presence of the military. There is then a second class, about 52,000, more advanced in civilization, and yet are designated as hostile, and they too require at some time the restraint of the Army. So with others that we might name. There will then be at least 150,000 of the Indians who will need the military to keep down war and promote peace and civilization. Let me ask then, again, why not turn the whole Indian question over to them? Why have a divided jurisdiction? Let the entire jurisdiction be lodged somewhere. You cannot do without the Army, and we can do with-

out the agents, &c.

Again, sir, this demand for the Army increases. On page 29 of his report the present Commissioner says:

It should also be remembered that we might naturally have expected an increase instead of a diminution in disturbance and depredation on the part of the Indians, with a correspondingly increased cost for police and restraint by the Army, on account of the growing settlements which have pushed their way on every side, up to the border and sometimes into the very heart of the Indian country.

Now, sir, let us look for a moment at the expenses. To keep up this Indian Bureau and its agencies, two superintendents are re-

quired, at \$4,000. There are sixty-nine agents, at \$1,500 each; making \$103,500. Then there is the Iowa agency, \$500, and seven special agencies, \$10,500; clerks, &c., \$4,600; five inspectors, \$15,000; traveling expenses of same, \$7,500; Indian Burean, \$69,830; other expenses, books, &c., \$10,000; commissioners of the Indian board, \$15,000; and they ask, in addition to that, for \$5,000 more, which would be \$20,000 a year. These items make in all a sum of \$245,000. Then there is spent at each agency \$6,000 a year, making \$456,000. The total is thus \$701,000.

It is not an unfair calculation to say that we can save at least onehalf of this sum by the bill introduced by the committee.

Thus, sir, we save money: We unite the jurisdiction and give one Department sole control. We preserve the peace, give as good if not better schools, have them better taught, promote law and order among the Indians as well as bad white men, and give them liberty of conscience and protect them in worshiping God according to the

of conscience and protect them in worshiping God according to the dictates of conscience, under their own vine and fig. tree, while none dare molest or make them afraid. The policy of the Government will be peace and good-will to the Indians, and this policy will be carried out by the Army. They will obey orders, and if not carried out the home Government will be responsible, and not the Army.

Now, Mr. Chairman, I call the attention of the committee for a moment to one other clause of the bill, that in relation to the President's salary. I had the honor, at the beginning of the session, to introduce a bill for a reduction of the President's salary. I know, sir, a proposition of this sort is regarded very unfavorably by some gentlemen. I know it has been called meanness. But, sir, I see that in the other end of the Capitol, if I may be allowed to allude to it, acthe other end of the Capitol, if I may be allowed to allude to it, action has been taken upon this very question. I feel curious to know how some gentlemen on the other side of this House may vote, gennow some gentlemen on the other side of this House may vote, gentlemen who may be more or less interested in the question. I warn them that already three candidates for the Presidency have voted for a reduction of the salary to \$25,000. The Senate passed the bill by a considerable majority, and these gentlemen have the start of you, and will, unless you are more active, take all this wind out of your sails. Now, sir, I call the attention of the House and the country to the expenses and the emoluments of the presidential office. The President receives to day.

dent receives to-day

Salary Secretary, \$3,500; assistant secretary, \$2,500 Secretary detailed from the Army at his official wages Two executive clerks, \$2,300 each, \$4,600; steward, \$2,006. Messenger, \$1,200; furnace-keeper, \$864 Two policemen, \$2,640; one night watchman, \$900. One night usher, \$1,200; two doorkeepers, \$1,200 each, \$2,400. Contingent fund, including stationery. Official postage-stamps Annual repairs of President's Mansion Refurnishing same. Fuel for Executive Mansion and green-house Lights, fixtures, and gas Necessary repairs to the green-house and care of same.	6, 000 2, 500 6, 600 2, 064 3, 540 3, 600 6, 000 600 10, 000 10, 000 5, 000 5, 000
Interest on Executive Mansion annually	30,000
	150, 904
Reduce the salary	25, 000

And I desire to say right there that I have been under the impression-and I think other gentlemen have had the same impressionthat the President had only a private secretary and an assistant secretary. But, sir, he has more than that. We have spent \$3,500 every year for a private secretary; for an assistant secretary, \$2,500. And in addition to these the President has had detailed for his own use at the Executive Mansion General Babcock, at his official salary of \$2,500. Up to the time of General Jackson there was no secretary, no clerk to the President. General Jackson had one clerk, who was merely to sign land patents. But now, with but little more to do, the President has three secretaries and two executive clerks.

But not only that, Mr. Chairman; he has received about the same for the last eight years, except the contingent fund. That in 1868 was \$3,000, in 1873 it was made \$4,000, and since that it has been \$6,000. In estimating what the country pays the President we should estimate the house in which he lives. You give him the costlict furniture at a heavy expense, as I have shown. And you furnish him a house the annual interest on the cost of which at 10 per cent.

is over \$30,000. Sum total, \$150,904.

Cannot we reduce these expenses? Is it not right to reduce them?

Do not the people demand that it shall be done?

Now I want to show to the committee and to the country what it has cost the Government in the last few years to furnish and repair the President's House. The items are as follows:

And this is in addition to the old furniture sold. Again, sir, in 1866 there was a-

1	Denciency for repairs and furnishing of	\$4,000
ı	Alterations in Executive Mansion	2,000
l	Repairs of green-house	500
	To complete the repairs for year ending June 30. 1867	6, 000
1	To complete the repairs and furnishing by act approved July 28, 1866	20,000
ı	In 1868 the annual repairs for President's house were	5, 000
۱	Flower-pots, glass, twine, &c	1,000
ļ	Additional repairs of conservatory and plants	5,000

Now, sir, that was under Mr. Johnson's administration. When he came in it was said that he found nothing in the Executive Mansion, and we spent about \$116,000 in furnishing the house. After 1869, what was done? One would have thought that the house was repaired, that the furniture was ample, and all the arrangements were complete. But in 1869 there is spent-

For annual repairs Flower-pots, glass, and twine Refurnishing President's house	\$10,000 1,000 25,000
In 1870 there is spent for—	
Repairs and refurnishing President's house	15, 000 10, 000 1, 000 2, 500
In 1871 there is spent for—	
Annual repairs	3, 904 84 1, 466 89
In 1872 there is spent for—	
Repairs on Executive Mansion	10, 345
In 1873 there is spent for—	
Annual repairs. Refurnishing the same and green-house.	15, 000 20, 000

Thus it will be seen that the whole cost since the year 1866 up to 1874 was \$252,214.73, and since 1874 the expenses have been as in 1874, and calculation can easily be made as to the amount spent under General Grant's administration.

Now, Mr. Chairman, I understand that my time is nearly out. I simply ask the House if, with all these appropriations and the completeness in furniture of the President's House, and the amount given him, he cannot live comfortably, luxuriously, on \$25,000 a year? I believe he can. I have no doubt that he can. Gentlemen here who are anxious to occupy the position will not hesitate a moment to accept it, nor will their aspiration diminish if this reduction is made.

We will have candidates enough and as good Presidents.

Mr. YEATES. Mr. Chairman, it is with some reluctance that I attempt to address the committee this morning, being quite unwell; but I feel that I would do injustice to myself and to the people I represent if I were to sit longer in this House without raising my voice in behalf of that noble constituency that sent me here. I know, sir, that many gentlemen who occupy a place like that which I occupy have been considerably intimidated during this session by the taunts and threats that have been hurled from the other side of the House. We have seen bold leaders marching down the aisles with their fists clenched and shaking them toward this side of the House and de-nouncing us as rebels; and the distinguished gentleman from Massa-chusetts [Mr. Hoar] has read us a lecture, in which he says that he is tired of hearing men on this side of the House, who so recently have gotten here, giving him their advice.

Mr. Chairman, I stand here by the grace of the American people. I stand here to-day by the free choice of the people of my district to represent that district and my State in this Congress. I am not accustomed to hear men speak of myself and other gentlemen as rebels.

Sir, these republican leaders have been so accustomed to tyrannize over men, that they think now they can rule the country as they please; and I am not at all astonished when I see them making such Herculean efforts to hold the place and power they have held so long.

It may be thought by gentlemen that I am a red-hot rebel, and that I am standing here to lecture them. That is exactly what I want them to understand I am not doing. The people that I represent are as loyal to the Government as the people of Massachusetts, New York, New Hampshire, or any other State in the Union. My people, from the earliest settlement of our country, have been fired with the spirit of liberty and freedom, and in all contests and everywhere have never surrendered that principle. Why do gentlemen, after saying that they have pardoned the people of the South and invited us to seats on this floor, undertake repeatedly to wave the hand of tyranny over us and declare that we ought not to speak and vote according to the dictates of our conscience?

I rise to-day, Mr. Chairman, to criticise the character and acts of the republican party since the war. I march to the task, sir, boldly, and when I do it, sir, I want to discriminate between national honor and republican honor. Gentlemen on the other side of the House have for a long time assumed that disloyalty to the republican party is disloyalty to this Government, and they have held the rod over our friends here who come from the North until they have shaken the confidence of some of them; but I tell you, sir, that disloyalty to the republican party is not disloyalty to the Government. I claim, Mr. Chairman and gentlemen of the committee, to be as patriotic a man as there is in this House. I came here with no other purpose but that of serving the country honestly and faithfully. I am not a very hot partisan, but I am determined to maintain the principles I hold according to the best of my ability.

I want to draw a comparison and show to my friends around me that the cry of gentlemen on that side of the House in regard to rebels is not honest, but hypocritical. When you hear them talk sometimes, you would think their idea was that a man who had been in the army of the Confederate States was not fit to occupy a place on this floor or to hold any office of profit or honor under the Government. The gentleman from Maine, [Mr. Blaine,] when we had under him interrupt me. I hope I will be pardoned for entering a little into

discussion the amnesty bill, undertook to produce here a letter which he said he had received from a distinguished gentleman from North Carolina. I want the country to know who are his associates in the South. He had read here a letter of Governor Holden, of North Carolina, his political ally, his warm friend, his supporter perhaps for his ambitious views and schemes, and he held that letter up here as a letter from a model patriot, who was crying out for his own liberty and his own rights. Sir, Governor Holden for twenty-odd years was the leading secessionist in North Carolina, the head and front of the rebellion—a member, gentlemen, of the secession convention; and he signed the ordinance of secession with a new gold pen, and then waved it three times around his head and said it should be placed away among the valuable archives of the family, and that no mortal man should ever write with it again. This is the friend of the dis-tinguished member; this is the man he wants to make out is better than the men on this side of the House. But that is not all.

I could go through the Southern States and select leading secessionists of the country whom the republican party has hugged to its bosom long ago. There is one distinguished hero and leader, General Longstreet, whose fiery columns were felt on every battle-field but a few years ago, and whose name was worth a thousand men to the cause of secession. Where is he to-day, and where has he been for the last eight years? He is on that side, and they think h m a marvelously

proper and good patriot. I will tell you a secret. The republican party undertook to buy up the men of the South with office and money. Those who sold themselves they thought to be patriots, and those who did not they de-nounced as rebels. That is what you have done. Therefore, gentle-men, I feel free to speak here in this House; for people have sent me here as they sent you, to represent them as a free and independent man. Let the country understand that. Do not let it be said or thought that because there are a great many southern democrats here this is, therefore, an ex-confederate House of Representatives. They are undertaking to weigh down the democratic party of the North by saying this is an ex-confederate Congress that has met here. North by saying this is an ex-confederate Congress that has met here. Why, Mr. Chairman, and gentlemen, they carried me up on a high mountain, showed me the glories and beauties of the republican party, and said: "All this will I give thee if thou wilt fall down and worship me." And I said to them: "Get thee hence, Satan; it is written thou shalt not live by office alone." [Great laughter:] And not only my humble self; there is not a southern democrat here but has heard the same siren voice and beautiful song. They kept us out in the cold; they would not pardon us; they tried to starve us into submission to their party, and now they raise the howl that we are rebels, because they cannot buy us. Gentlemen, you have got Holden and Longstreet, and a thousand more, whom you bought up and put in your pocket, and whom you now consider marvelously proper and paticitie men. This country will judge of such things. Let me tell you, gentlemen here, who represent the North, that there are Union soldiers tlemen here, who represent the North, that there are Union soldiers

on this side of the House.

Mr. WHITE. Will the gentleman allow me?

Mr. YEATES. No. There is on this side of the House my distinguished friend from Ohio, [General Banning,] who was on the Union side, and my distinguished friend from Ohio, [General Rice,] who by his modesty of demeanor always commands my respect, who spilled his blood for the Stars and Stripes that are waving over your head, Mr. Chairman; and yet I say to you that the gentleman from Maine [Mr. Blaine] and the gentleman from Massachusetts [Mr. HOAR] think more to-day of Bill Holden and Longstreet than they do of General Rice, General Williams, General Banning, and the other noble democrats here who fought and bled for their country. It is

noble democrats here who fought and bled for their country. It is all party hypocrisy and humbug, that they expect to cry aloud this summer to carry the election. [Laughter.]

Mr. Chairman, I expect to speak boldly and freely, and to keep within the bounds of patriotism, too. [Renewed laughter.] That is what I expect to do. I have been thinking over these things for several days past, I confess. I have seen gentlemen on that side of the House, merely for political effect, waving their hands toward us and denouncing us as unpatriotic and not true to the country, especially the gentleman who rose up a little while ago to interrupt me, [Mr. White,] calling us rebels. I have looked about me here and seen those good men who fought in that contest and came home victorious and offered us the hand of reconciliation and peace. Though I despise the contemptible manner in which we have been treated I despise the contemptible manner in which we have been treated and insulted here, thank God I can say to-day that I love the Government of the United States, and shall stand by it as long as I live.

Mr. FOSTER. Good!

Mr. YEATES. You cannot drive me ever again to go against this Gov-

Mr. YEATES. You cannot drive me ever again to go against this Government. You may try to place my section of the country in the position that Great Britain has placed Ireland, and get up a contest and war of feeling between us everywhere, but we will not be a party to such a strife. [Applause.] We intend to stand up here for the rights of the Government. It will be the last lesson as well as the first that we will teach our boys around us, to stand by the old flag and by the principles of the democratic party. [Great applause and laughter.]

Mr. WHITE. A question now?

Mr. YEATES. No; you have had four weeks already. [Laughter.] Ido not say that I would not yield to some gentlemen from

I do not want to take up much of the limited time of the detail. committee when there are so many others here who wish to address the committee. But I propose to look a little around us and see what we have had; what this great republican party has done for us

I will tell you one thing it has done. It has undertaken to bribe the people. It has demoralized the people. It has made an attack upon the virtue of the people. It has broken down the purity of the ballot-box. It has destroyed the freedom of voting in my section of my country, if not in yours. It has raised the standard of the military and placed it. Mr. Chairman even in your own city in terrare your the and placed it, Mr. Chairman, even in your own city, in terror over the ballot-box, a thing entirely inconsistent with liberty. I do not say the republican party has not done some good things. There are men in the republican party whom I like, who, I think, are patriotic in their motives. But their party is now being driven to the wall, and is fighting, with a tenacity with which it never fought before, to retain position and place.

You see, sir, they did not expect when we were turned loose that this House would so soon be democratic. [Laughter.] It frightened them; they were amazed at it; and they have undertaken, as I said before, to lay the burden of secession upon the northern democrats, weighing them down with us, so that they may beat the democratic party in the coming contest.

I said, Mr. Chairman, that the republican party had done great harm in the South. I am prepared to prove that. Our colored friends once looked upon the republican party as being their saviour. They are learning better. Now, Mr. Chairman, to be perfectly serious, we all know that the republican party did not start out in the war with the aim of freeing the colored people. It declared in its resolutions in Congress and in the proclamations of its President that that was not the object. But, sir, the colored man was freed, in spite of both the northern and southern men, by the will of God. And the colored

people are learning that.

Another thing: The republican party did not willingly give the colored man his right to vote.

A MEMBER. Who did?

Mr. YEATES. I will answer that question. They undertook to pass the fourteenth amendment to the Constitution of the United pass the fourteenth amendment to the Constitution of the United States and said to the southern people, "Vote for that; you are fresh out of the war; now turn around and abuse and curse your friends, and let them die." We would not do that. If the republicans could have got the white people of the South to have voted with them they would have let the colored man go on forever without a vote. But when they found out that the southern people, though defeated in arms, still rose pure and strong in virtue and could not be beaten down in that way, they threatened us that they would let the colored people vote. Is not that the history of the times?

So, in due course of time, when they could not get our votes, then

they turned the colored people loose and let them vote. What else did they do? They multiplied offices, and filled those offices with ten thousand carpet-baggers who came down and prejudiced the colored people against us. As Mr. Bruce, the colored Senator from Mississippi is reported to have said the other day in the Senate, they poisoned the minds of the colored people; they left the country a howling waste and wilderness; they destroyed liberty in Louisiana and South Carolina, and in all the States where they had the power

But, gentlemen, you are vastly mistaken if you think that the colored people are going to hold to you forever. You have held them for a while; but you have not the power or influence to bear upon the colored men to keep them your servants, for they will vote as they please in the coming election. That may sound a little unpleasant to my friends on the other side who have been trying to teach the colored men that they were their lord and saviour. I admit that colored men that they were their lord and saviour. I admit that the time has been when some of the colored people would bow down to that party; but they will not bow down much longer. That is

Mr. Chairman, I have not time as my friend from Georgia did the other day to go into details and show the utter rottenness of the revenue system that exists in the South. I say that those officers were placed there not only as spies upon us but to rob the people. And they did rob us. Why, sir, I represent a poor people. If I had the heart to tell you of the feelings of our people a few years ago and of our poverty—if I had the siren voice and sweet tongue of my friend over the way, perhaps I might melt you to tears. When our "boys" over the way, perhaps I might melt you to tears. When our "boys" came home, bruised and wounded, the land was grown up with weeds and briars. But they went to work; they worked like men. The good Lord blessed us with most abundant crops. What was the result? These myriads of office-holders came along through the country; they took our cotton and our tobacco. They taxed us upon stamps; they taxed our land; they taxed us upon everything. They threatened us and arrested us and carried us before the Federal courts. Why, gentlemen, I tell you there was a perfect "reign of terror;" and they left our country desolate.

All the time they were trying to force us to be republicans. Talk about your patriotism! Your patriotism oozes out of the tingers of your republicanism. You love your party better than your country. That is not all. Your party corrupted the colored people, and corrupted the white people. Our land has been robbed and plundered. Stealing has been the order of the day. And the stealings have been been that the thick conital. I do not know where the provider work of the conital ways and the provider to this conital. brought to this capital. I do not know where the spoils were di-

vided, nor who shared them. That is a republican mystery. But one thing is certain: the streams of money that have been running from the South since the war have been coming to Washington by one means or another, and very few democratic barks have floated on those corrupt currents. Why, sir, if that good man, Abraham Lincoln—and I do not offend my own poople when I say that I always did believe him to be a good man, and I believe it to-day—had lived, and when he was stricken down it was a sad blow to the South—if Lincoln had lived, there would have been a different state of things to-day. But, Mr. Chairman, in the excitement of the hour following his death the republicans in the North set themselves to work to grind our people to the earth because we would not submit to their behests. Mr. Chairman, do not you and everybody else know that men having the blood running through their veins that we have can-not be made to succumb to force? We must contend for that which we believe is right.

Now, Mr. Chairman, these people have not the same excuse that Now, Mr. Chairman, these people have not the same excuse that Pat had when he stole the pig. All the money they have taken from us is gone. Somebody was talking about paying us back the cotton tax; and the gentleman from Maine [Mr. Hale] rises up and predicts that this democratic House is going to tax the country millions instead of economizing. It is true that the Supreme Court has said that \$60,000,000 was taken from our people illegally and without right. But, sir, it is gone now and we cannot get it back. I say they have not the same excuse that Pat had, for when Pat stole Mr. Malonav's nig and was asked by the priest what he would do on the dor nave not the same excuse that Pat had, for when Pat stole Mr. Maloney's pig and was asked by the priest what he would do on the day of judgment: "Does your honor say that Mr. Maloney would be there and his pig would be there?" "Yes," said the priest; "and what will you do then?" "Why, I would say, 'Mr. Maloney, here is your pig." [Laughter.] They cannot say that. They have stolen the pig from us, taken him away and devoured him long since; but, sir, by the magnanimity and generosity of the Government of the United States we have come here to represent our country, and are going to represent it faithfully and honestly. I am prepared to vote for any measure which may be started on that side of the House or on this side

which looks to the welfare and prosperity of the country.

Mr. Chairman, I have not time to review the whole history of the republican party since the war. I may do that some time during the summer, but not here now on this floor. I will, however, say on the authority of a gentleman recently elected Senator from Kentucky, that the republican party in five years of Grant's administration has spent more money than was spent from the time George Washington was sworn into office down to the time James Buchanan left it. In five years of profound peace, with the exception of the Modoc Indian war, the republican party spent more than was spent by the Government from the time George Washington was inaugurated down to the time James Buchanan went out of office! Although we had spread the area of our territory; although we had crossed the Alleghany Mountains; although we had stretched out beyond Kentucky, Illinois, and Indiana; although we had driven back the Indians with terrific slaughter and at great cost; although we had purchased Missouri and Louisiana and Florida, and paid for them; although we had conquered Mexico and acquired territory by the treaty of peace; although the great tide of white emigration had poured over the Rocky Mountains and settled down into the valley of the Sacramento and all along the Pacific slope; although we had won New Mexico and Texas, and at New Orleans had whipped the British once more; although we had done all this, and paid for it, yet there was less money spent in all that time, down to the going out of office of James Buchanan, than was spent by Grant's republican administration in five years. What has become of all this money? Where has it all gone? One thing is very clear, that we have none of it.

Now, Mr. Chairman, I come to the question before the House, and that is this bill of retrenchment, economy, and reform. Right here I propose to look at the acts of the republican party since we have been propose to look at the acts of the republican party since we have been here during this session. I say that they have undertaken to throttle every investigation we have attempted, and I want the country to hear the reason for it. You were here ten years, and what did you expose? You of the republican party were here for ten long years, and by a large majority, as was said by some one a little while ago. What did you do in the way of exposing fraud? What did you expose? Where were your committees of investigation? You say now we are going to work to carry these investigations on in a spirit of partisanship. If that be so, why did you not do it before, so that we could not indulge in any such partisanship? Why did you not expose the Belknap frauds? Some gentlemen on committees from that side have got quite industrious in hunting up private people, looking after private citizens, and in this way trying to keep the office-holders out of sight. When investigations are going after the office-holders, they vate citizens, and in this way trying to keep the office-holders out of sight. When investigations are going after the office-holders, they have not been known to work very hard. [Laughter.] Why not go after the office-holders, and not after private citizens who are not holding office, but perhaps would like to? [Laughter.] By so doing perhaps you think you will throttle investigation; but you are very much mistaken. We are going to stay here and pursue these investigations, to fight it out on that line if it takes all summer. [Laughter.] I remember, if I am not mistaken, Mr. Chairman, not very long ago, during the last Congress, a witness was brought up here who would not answer questions. What did you do with him? You put him in jail and kept him there until he did answer. This House has brought up a witness who refuses to answer, because it is likely, if he should do

so, it will make some one sick. [Laughter.] You now talk of the despotism of the House of Representatives and the outrage committed upon a free American citizen. We are in favor of exposing fraud and corruption, and the people will see the matter in its proper light; and what you are doing here your papers are doing, making the same

Not only that, Mr. Chairman, but when we undertook from the Judiciary Committee to bring in a bill to strike at a crying evil and a shame in regard to elections—when we undertook to make provision for a defect in the law as it stands in that regard, the gentleman on the other side jumped up and said so far as these frauds were conon the other side jumped up and said so far as these frauds were concerned they were only in reference to Congressmen. If that were so, as the gentleman from Maine said, why did he not provide the remedy before? Why did not the distinguished gentleman from Maine, if he was sincere in that declaration, last year and the year before that bring in his bill to do away with this shame and outrage? I say one thing, Mr. Chairman, that that gentleman very nearly overrant this side of the House yesterday. [Laughter ] He not only leads that this side of the House yesterday. [Laughter.] He not only leads that side of the House, but he undertook to come over here and lead us; and came very nearly doing it. [Laughter.] I was ashamed of it, I confess, when I knew that for years he and his party had been in power and had not undertaken to make this reform.

I wish to state now distinctly that I do not know how it is in your country, but my friend from Virginia [Mr. GOODE] will agree with me that we can hardly get an election down in our country without the interference of office-holders. It was that evil the Judiciary Com-

mittee wished to correct.

Right here, Mr. Chairman, in Washington City, where these poor women and poor boys are working for their mothers and their little brothers and sisters, when an election comes round, the Interior De-partment and the Treasury Department send out their orders and levy a tax upon the head of every one of them; and pay they must. And the aggregate amounts to hundreds of thousands of dollars as a corruption fund with which the republican party may carry the elec-tions and beat down the free will of the people. That is the reason why they fought it as soon as we struck at it.

A MEMBER. And they must go home and canvass their neighbor-

Mr. YEATES. Yes, sir; I thank the gentleman for the suggestion. They must go home and canvass their neighborhoods. They got leave of absence for ten or fifteen days to go home to New Hampshire the other day, and every fellow that refused to go was spotted. That is what we are driving at, to keep the men who are high in place from grinding down the poor laborers and others who are in the Government offices in Washington City and in the navy-yards throughout

But is not the patrotism of the gentleman from Maine [Mr. BLAINE] magnificent? He wishes to go for the Congressmen. He says they are the most corrupt of all. How does he know that they are corrupt? Why does he not state it? Why does he not talk it right out? Ah! geutlemen of the committee, we are trying to break down this abuse, and I tell you we ought to have fought it on that principle and stood by it. But we have got it all now Congressmen. down this abuse, and I tell you we ought to have fought it on that principle and stood by it. But we have got it all now, Congressmen and Senators and everybody else, and we will see who will last the longest at it. We have not got any money ourselves. [Laughter.] We are trying to live right, down in poor old North Carolina, Virginia, and Georgia. We are working hard, and the people have sent us here for a purpose. We have not had any chances of this kind down there and we do not want them either. But we want the free expression of the people at the ballot-box.

Why, Mr. Chairman, I am the first democrat that has stood on this floor since the war from my district. And why? Simply because the free expression of opinion has never been obtained or permitted in my district before 1874. That is the reason. Why, sir, the colored people have been threatened, and have been told that if we were

people have been threatened, and have been told that if we were elected we would put them back into slavery, and they actually told me, "Mr. YEATES, if you are elected and do not carry us back into slavery we will go for you ever after." [Laughter.]

We are going to give them more liberty than they ever had before. I have seen a colored man myself go to the ballot-box five times pale and trembling to vote for your humble servant and turned away every time afraid to do it. And he never got his vote in uptil a steer-cart ran away and drew off the crowd, and he then slipped it in. [Laughter.] I was glad the steer-cart did run away because it gave me onter.] I was glad the steer-cart did run away, because it gave me an-

other vote.

You talk about intimidation. I have seen white folks in our country afraid to vote because they were under some Government officer. But I tell you they need not be afraid; there is a voice rising from that country that is going to speak in patriotic tones as loud as any thunder. We are increasing. We have got a broad territory in North Carolina, Virginia, Georgia, and Alabama. We do love our country. It is as fair a country as God ever gave to man. I love our country is eas-beach and watch the rolling in of the tide that tells me that this is the land that God gave to my fathers. I have stood, sir, among its blue mountains of the West and drank in the pure air that among its blue mountains of the west and drain in the pure are made God so freely gave us. I have hung over our dark, sluggish streams and dreamed of the stories of heroic deeds of the past. I have prayed, Mr. Chairman, that God would send a tide of population into our country that would wake us up, that would make us thoroughly industrious, that would bring commerce and wealth and position to

our country. And it is coming. The men of the North are coming in there constantly; and if they come republicans, it is not long be

in there constantly; and if they come republicans, it is not long before they vote the democrat ticket.

The gentleman over there from New York, [Mr. TOWNSEND,] who speaks sometimes so facetionsly, has a friend in my town who wanted me to make that gentleman's acquaintance, but the gentleman has looked so ferocious that I hardly dared to do it. His friend in my district is a mighty clever man. He was a republican for some time, but now he votes the democratic ticket regularly.

I tell you, sir, that we have a territory that if filled up will bring a volume of strength to the democrats. I beg you gentlemen not to be scared, do not be uneasy, do not be frightened. We are going to help you to preserve the Government and bring it back to its former purity, when it was a joy and glory to us, and now we want to get some of the joy.

some of the joy.

There have been speeches made here, Mr. Chairman, intended for Buncombe; but this is intended for the good of the country. [Great laughter.] Entirely for the good of the country. It is to hold up and sustain the weak and drooping hands of our friends in the North, and let them know that we are not going to be the heavy load upon them which the republicans are not going to be the neavy load upon them which the republicans are trying to represent us to be. Al! gentlemen, just tell your people, of the friends of the republicans, Longstreet and Holden, they are very fond of them and would have been fond of me, too, if I had joined them. But why am I called a rebel! Because I belong to the democratic party. That is the idea; that is the distinction which you make. They would be fond enough of us if they could only get us over. Did not they send for a good solel from North Caralica, Indea Sattle and make him minister to rebel from North Carolina, Judge Settle, and make him minister to Peru! Why, he has killed some of your folks; certainly he has; slaughtered them on the battle-field, yet when, he came and joined the republican church and was baptized into the republican faith he was a very proper man. That is all there is in it.

Gentlemen of the democratic party of the North, the hope of the South is in you; I say it in all solemnity. [Langhter on the republican side of the House.] You gentlemen on the opposite side might have given us hope if you had possessed patriotism enough to have done it, but it was not in you; you were sectional, and when you could not beat us down you threatened us with the colored vote, and you have got it for a short time, but it will soon leave you. The reason why I say that the hope of the South is in the democratic party and the patriotic men of the country, is because they are the only people in the North who ever held out the hand of friendship to us; who have ever undertaken to bring us back into the Union and make us good citizens; but you gentlemen on the opposite side have made us by your persecutions dislike you more than you have accused us of disliking the Union. Now you understand what I mean.

Mr. WHITE rose.

The CHAIRMAN. Does the gentleman from North Carolina yield?
Mr. YEATES. No, sir; no, sir! I have got the floor and I do not yield it.

The CHAIRMAN. Then the gentleman from North Carolina will

Mr. YEATES. I started out to say to my democratic friends that our hope is in you and the hope of freedom and civil liberty everywhere.

I say this, Mr. Chairman, that as an individual, (I do not speak for a party,) but as an individual living down in the swamps of North Carolina, when I saw Grantism becoming so powerful in the country I saw something about to take place worse than secession, and that was to change the character of the Government. I tell you that there is hardly a man in the South belonging to the republican party who would not have made Grant king or anything else he asked for; and the country is indebted to the liberal republicans in the North for coming out and denouncing him and his administration and helping to drive that administration from power. Gentlemen, we must do these people justice. I say now that I feel that, if it had not been for the Government-loving people of the republican party, who came out and denounced these frauds and corruption, such a change might have and denotinced these trades and correption, such a change might have been attempted. Massachusetts, or a portion of it—I see before me a distinguished exception—would have gone and put a crown on him as Mark Antony undertook to put it upon Cæsar.

I say, gentlemen, the principles of the democratic party are right, and this Government, in my opinion, cannot be successfully managed

and this Government, in my opinion, cannot be successfully managed outside of the principles of the democratic party: economy, retrenchment, and reform. Yes, sir, we are bound to have these principles.

Mr. Chairman, I listened with great pleasure to the speech of the gentleman from Indiana [Mr. HOLMAN] the other day. It was one of the best speeches, I think, I have heard in this House. He spoke my sentiments; and, though I do not know whether I shall support every item in the bill or not, for I have not examined them with care, I am in favor of the principles of the bill, and I think it does great credit to the heart and partiotism of the distinguished chairman and credit to the heart and patriotism of the distinguished chairman and the distinguished committee that reported it. Why, gentlemen, what has brought about all this corruption in the land? It is the thirst for office. What created this thirst for office? The high salaries allowed. What was the object of that? The republican party multipled offices to buy up and corrupt the people and attach them to their party. The time has come to put a stop to that. I tell you, sir, that the plowman out in his field has heard the whistling notes of money at this capital and has stopped and turned to see if he could not procure an office. The workman has done it. It has been the case everywhere, and you see here a perfect stream of men from the beginning to the end of the session, coming from all parts of the country, from its fields and its workshops, to Washington, to see if they cannot get

What will become of the industries of the land? I believe that officers of the Government ought not to receive any more money than they absolutely need to stay and serve the Government in their

Now, Mr. Chairman, when first I heard that the committee were Now, Mr. Chairman, when arst I neard that the committee were going to reduce these salaries it hurt my feelings, [laughter;] it certainly did. I reckon, speaking boastfully, that I am about as poor a member as there is here and I need my salary as much as any man, and it certainly did hurt me. But I began to think over it and what was the object of it, and I said to myself "Cannot I give up such portion of my salary as an enlightened Congress may see fit to take away for the purpose of preserving the Treasury of the country and increasing the love for work, labor, and industry?" It is my duty to do it although I may need every cent. I will do it and stay here if the people send me back. It becomes every member here to do it and not to set to work to abuse the committee and run down the efforts of the patriotic committee to reduce the expenses of the Government and save the millions to the people that every week and month and year are taken from them. That is what we want.

I tell you, gentlemen, that if \$50,000 salary is left in the hands of the President of the United States with all the other advantages that he has of place and pomp and circumstance, instead of there being one or two men from Maine and one or two from Massachusetts and one or two men from Maine and one or two from Massachusetts and other States seeking for the position, there will be about a thousand from each State who will want it. The scramble for office will become so corrupting and baneful in this country that this Government cannot continue in its present form. Simplicity is a principle of republican government, and no republican form of government can stand long against the tide of corruption there is in this land. It may do for one man who holds the arm of power and can command the people to bow down before him and yield obedience. But I tell you that a government that must be built upon the virtue of the people cannot exist as a republican government when that virtue is poisoned at the fountain-head, when the people are led astray by the love and thirst for

Gentlemen, we must go back to the practices and principles of our fathers, when George Washington was so patriotic as not only to refuse the crown that was offered him, but to refuse to take pay for a Jefferson, of Madison, and of the Adamses, who gave so much character and beauty to the patriotic history of Massachusetts. Let us go back to those times. The war is ended; we want peace. God is ready to smile upon this land, to banish all our troubles and dissensions, to remove the poverty of the people, if we will but return to the paths of virtue. The fountain of public virtue has become corrupted; private character has been attacked. There never has been a country that so suffered from political and social sores as this country is suffering

Now what shall we do? Shall we stand by our Committee on Appropriations, or shall we let a selfish purpose to get and hoard money deter us from doing our duty? I appeal to you on this side especially; you were sent here in the interest of economy and reform, and the people will hold you responsible for your acts here. You owe it to your-selves, to your constituents; you owe it to future generations to lift the warning voice now against this tide of oppression and corruption

the warning voice now against this tide of oppression and corruption that is going over the land.

Mr. Chairman, I was going on to say that we are going to have a big fight in this country this year, but I hope it will not be a very harmful one, and I hope we will have a good time of peace after the fight is over. The armies of the contending parties are marshaling for the fray. I believe they say our pickets were driven in the other day in New Hampshire. That was only a little skirmish, however. The banners of our party are floating now in the breeze; our men are getting ready from Maine to California. We are going to plant our standard right in the White House; that is where we are going, gentlemen. Hanghter, I and do not get mad and say we are rebels and tlemen, [laughter,] and do not get mad and say we are rebels and secessionists. [Renewed laughter.] We are going there, and when we get there we will clean out the Augean stable; we certainly will. We intend to reform this Government if the people will stand by the

party that is trying to do right.

When I said, some minutes ago, that our hopes in the South are in the democratic party, some of my friends on the other side laughed. It is not the first time that I have heard folks laugh. What produces laughter? It is produced in various ways. There are some over there who often try to raise a laugh by getting off something that the reporters cannot take down—"Ah," "H-m;" "O! my," and so on. [Laughter.]

I meant what I said, and if those gentlemen had lived in my country they would mean it too. If they had seen their industries broken down, their money taken from them, their prison-houses filled, and the tide of corruption that is flowing down there from that party, they would say that their hopes were in the noble democratic party, which will provide for them a pure administration of the Govern-

I tell you, gentlemen, when in 1874 I began to hear the news I felt

very much as the immortal Mr. Slote said last night, "G. H."—Glory Hallelujah! [Great laughter.] I certainly did. When the first Hallelujah! [Great laughter.] I certainly did. When the first sweet notes came from Massachusetts and told me that the tidal wave had struck that coast and was sending to Congress a set of men who loved their country more than party—well, I can hardly tell how I did feel. [Laughter.] I said to myself, There is hope in the old country yet. I thought the time was coming when this Government would not stand longer in awe of one man. And when that tidal wave began to roll on throughout the land from the East to the West, from the northern lakes away down to Florida, I felt double "G. H."

[Great laughter.]

I felt very much as one does when he stands on some high prominent place looking for the first coming of the sun. Did you ever do it? It is a most beautiful sight. Come with me down to our own mountain country, and go up on some lofty peak and look for the coming of the glorious sun. You know it is coming, for you see the first gray streak across the heavens, which tells you that the god of day is about to appear from behind the distant hills. Presently he comes with his full power, with his melting, life-giving, and beautiful rays. He lights up all the hills; the insects are humming, the birds are warbling; the farmer is singing at his work, and all nature

is animated and beautiful. Darkness has fled away; the great shadows of night have crept behind the western hills.

And so I think it is now. The sun of democracy is rising; its first rays can be seen and felt even here. It has been behind the clouds, but it is coming out, and just so surely as it comes out shining with its full effulgent light this darkness and corruption will skulk away and hide itself in the ground. That is what will become of some of you. [Laughter.]

Mr. Chairman, I thank you and my friends for the courteous at-

tention you have given me. I am sorry to have troubled you so long.
Mr. THROCKMORTON addressed the committee. Before the con-

clusion of his speech,

The CHAIRMAN said: The time of the gentleman from Texas [Mr.

THROCKMORTON] has expired by reason of the expiration of the time
allowed by the House for general debate.

Mr. THROCKMORTON. I would like very much to conclude my

Mr. HOOKER. I ask unanimous consent that the gentleman's time be extended

The CHAIRMAN. If there be no objection, the gentleman's time will be extended.

Mr. HURLBUT. I believe the time for general debate was limited by the House. I hope the gentleman will have leave to print the

residue of his remarks.

The CHAIRMAN. Does the gentleman from Illinois [Mr. HURLBUT] object to the gentleman from Texas having sufficient time to conclude his remarks?

Mr. HURLBUT. I do, unless the time for general debate is ex-

Mr. RANDALL. It is manifest that we cannot to-day enter upon the consideration of this bill by clauses for the purpose of amendment, and therefore I am disposed to accommodate the gentleman

from Texas. Does the gentleman from Illinois object?

Mr. HURLBUT. Will the gentleman consent to give our side of the House one hour now or to-morrow !

Mr. RANDALL. To-night.
Several Members. O, no; to-morrow.
Mr. HURLBUT. There have been now three speeches in succession on one side

Mr. RANDALL. If the House will consent to waive private-bill business to-morrow, I will consent to allow one hour more for general debate to-morrow.

eral debate to-morrow.

Mr. HURLBUT. Let it be understood that when the bill comes up again one hour shall be given to this side of the House.

The CHAIRMAN. The Chair will say that the time has been nearly equally divided on this bill between gentlemen on both sides, according to the list which is on the Speaker's desk.

Mr. RANDALL. I do not think there has been any unfair distribution of the time. If the House will consent to do away with prints bill beginner.

vate-bill business to-morrow, I will agree to give one hour more for

general debate on this bill.

Mr. HURLBUT. The understanding is, then, that you will give another hour for general debate when the bill comes up again #

Mr. RANDALL. No, sir; I would like to have it understood as

applying to to-morrow.

Mr. HOAR. The gentleman from Pennsylvania will permit me to call his attention to the fact that it requires unanimous consent for

the gentleman from Texas to proceed; and that the unanimous consent necessary for waiving the consideration of private bills to-morrow may be had at the same time by one arrangement.

Mr. RANDALL. I agree to that suggestion.
Mr. HOAR. It may be necessary for the committee to rise for a moment to get that consent. It cannot be done in Committee of the

Whole.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. Cox reported that the Committee of the Whole on the state of the Union, having had under consideration the legislative,

executive, and judicial appropriation bill, had come to no resolution

Mr. RANDALL. I move that the general debate on this bill be extended for one hour to-morrow after the morning hour, in addition to the time which the gentleman from Texas may occupy this evening. The SPEAKER. The Chair would suggest that the order with reference to to-morrow's business had better be made to-morrow.

Mr. RANDALL. I think the House can make it to-night.

The SPEAKER. Undoubtedly, by unanimous consent.

the motion of the gentleman?

Mr. RANDALL. The first branch is that general debate on this

bill shall be extended for one hour after the gentleman from Texas closes, and that we go into Committee of the Whole for that hour's debate to-morrow after the morning hour.

The SPEAKER. The gentleman from Pennsylvania moves that the House shall again resolve itself into Committee of the Whole for the footbard of the bill at the collection of the whole for the footbard of the bill at the collection of the whole for the footbard of the bill at the collection of the whole for the footbard of the bill at the collection of the whole for the footbard of the bill at the collection of the whole for the footbard of the bill at the collection of the whole for the footbard of the bill at the collection of the bill at the col

further consideration of this bill at two o'clock to-morrow or at the close of the call of committees for reports of a private nature; and that thereafter general debate be limited to one hour, in addition to the

thereafter general debate be limited to one hour, in addition to the time which the gentleman from Texas may occupy this evening.

Mr. WHITE. I rise to a parliamentary inquiry. Will the effect of that be to cut off gentlemen who have had their names put down on the list for speeches?

The SPEAKER. It certainly will.

The motion of Mr. RANDALL was agreed to.

Mr. PANDALL moved to reconside the vectorist takent and also

Mr. RANDALL moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### RELIEF OF SIOUX INDIANS.

The SPEAKER, by unanimous consent, laid before the House a message from the President of the United States, transmitting, in response to resolution of the House of February 3, a report of Lieuten ant-Colonel Merritt, of the Ninth Cavalry, charged by the Secretary of War with the duty of making inquiries into the cause of the exhaustion of the appropriation for the support and subsistence of the Sioux Indians for the present fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

## ORDER OF BUSINESS.

Mr. RANDALL. I now move that we go into the Committee of the Whole on the state of the Union, so that the gentleman from Texas may finish his speech. We came out of committee with the understanding we would go back to allow the gentleman to conclude his speech.

Mr. BOONE. There was a special order for to-day, the bill providing for the sale of the Pawnee Indian reservation; but instead of taking up that special order the House went into the Committee of the Whole on the state of the Union to consider the appropriation bill. I desire now to call up that special order.

The SPEAKER. If the gentleman insists on taking the sense of the House on that subject, he can do so by moving an amendment to

the motion of the gentleman from Pennsylvania.

Mr. BOONE. I will do that, unless gentlemen will consent to postpone the consideration of that special order to a future day.

The question was taken on Mr. Randall's motion, and it was

So the House resolved itself into the Committee of the Whole on the

state of the Union, (Mr. Cox in the chair.)

The CHAIRMAN. The House resumes the consideration of the legislative, executive, and judicial appropriation bill, and the gentleman from Texas is entitled to the floor.

Mr. THROCKMORTON resumed the floor and concluded his speech. The speech in full is as follows:

TRANSFER OF THE INDIAN BUREAU TO THE WAR DEPARTMENT.

Mr. THROCKMORTON. Mr. Chairman, I propose to address the committee on a practical question, and one of as much importance to

the country as any before us for consideration.

The subject of our Indian relations demands the earnest and most serious attention of Congress. The magnitude of the expenditures and the preservation of the lives and property of the people living along the rapidly extending settlements of the frontier, require at our hands the closest scrutiny and the most thoughtful consideration. The border settlements are constantly menaced and depredated upon by a treacherous people, who respect treaty obligations only when it suits their convenience. A people who are reared in the belief that their future existence in the hunting-grounds of the Great Spirit will be made happy in proportion to the number of thefts and murders committed by them on earth.

How to discharge the moral as well as treaty obligations of a great and powerful nation to these untutored children of the soil; how to foster and encourage the spirit of peace with those so inclined; how to restrain and punish the vicious; how to protect them from the consequences of contact with the unprincipled and rapacious adventurers of our own race, and, while doing all this, to keep a watchful eye on the expenditures of the Indian Department, and to limit its appropriations to the lowest point consistent with the sacred obligations of the Government, is the difficult problem now presenting itself to us for solution.

Prior to 1849, the management of Indian affairs was under the control of the War Department. Heavy expenditures were then in-curred, and the last appropriation for Indian purposes, made before the transfer of the management to the Interior Department, amounted to something over \$900,000. Since that period many new obligation: have been incurred by the Government, toward the Indians of the new western States and Territories, but it is not believed that the additional tribes provided for, and consequent obligations incurred, justify the large increase in the expenditures; for while new obligations were assumed, old ones have been canceled, and others have been greatly The appropriations for Indians for the fiscal year ending June 30, 1860, as nearly as I have been able to ascertain the amount, was about \$1,790,000. So that we see the increase in the eleven years following the transfer from the War to the Interior Department runs up from a fraction over \$900,000 to \$1,790,000, which cannot be regarded as a very extraordinary increase. By reference to the report of the Commissioner of Indian Affairs, made to this Congress, it will be seen that the appropriations for Indian purposes, beginning with the fiscal year of 1870 and ending with the fiscal year of 1876, amounted to \$43,608,332; there being also a deficiency of \$495,000 for 1874, and a supposed deficiency of \$200,000 for this year, yet to be provided, making a total of \$44,303,332, or an average of annual appropriations of \$6,329,047.

In this connection it may not be wrinteresting a proceedable. up from a fraction over \$900,000 to \$1,790,000, which cannot be re-

In this connection, it may not be uninteresting or unprofitable to look back and see the expenditures of the Government for all purposes at different periods of our national existence, and compare these with the immense expenditures of more recent years, and their enormous increase for Indian purposes. If the time would permit, such comparison would prove not only curious and interesting, but profitable. The last three years of General Washington's first term, with a population, in 1790, of 3,929,214, amounted to \$19,240,334. In 1822 the total expenditures of the Government, with a population of about 10,000,000, were \$17,676,592. In 1823 the expenditures were \$15,314,171.

These total expenditures included every item of appropriation—the revolutionary debt, pensions, the entire civil list, the War, Navy, and Indians. Deducting the revolutionary debt and pensions, according to Mr. Benton, the other expenditures for the years mentioned amounted to about \$8,000,000, being only \$1,661,000 more than the average appropriation for Indians alone for the last seven years.

By reference to the recent of Treasurer New it will be seen that the

By reference to the report of Treasurer New it will be seen that the total expenditures for the year 1875, including interest on the public debt, civil and miscellaneous, War, Navy, and Interior Departments, amount to \$274,623,392. Deducting interest on public debt, the sum of total expenditures is \$171,529,848.70. Rating our present population at 40,000,000, including Indians, this would give as the cost of government of all ages, classes, and colors, Indians included, at \$4.28 per capita. By a further reference to the report of the Commissioner per capita. By a further reference to the report of the Commissioner of Indian Affairs it will be seen that our total present Indian population, exclusive of Alaska, is 279,337, which I believe to be very considerably beyond the real number. Now, take the average appropriation of the last seven years, of \$6,329,047, and you will find the cost of the government of these Indians to be about \$23.05 per capita.

It should not be forgotten that many of the Indians included in this enumeration receive nothing from the Government, and others but a very trifling amount, thus showing that the real amount per capita would be greatly increased to such as are the peculiar recipiants of the

very triling amount, thus showing that the real amount per capita would be greatly increased to such as are the peculiar recipients of the bounty of the Government. So that to provide for carrying on the government of a great people, inhabiting a vast extent of country, bounded by two oceans and extending on its northern border through fifty-eight degrees of longitude, and through twenty-four degrees of latitude, including all its expenditures of every kind, save interest on the public debt, is five times less per capita for our own people than the cost of taking care of the Indians.

It is worthy of serious reflection that the cost of the executive, legislative, and judicial departments of the Government, its Army

legislative, and judicial departments of the Government, its Army and Navy, its consular and diplomatic service, the protection and maintenance of its commerce, its pension list, its harbor and river improvements, and railway obligations, with the administration of its laws, all, are five times less in proportion than the expenditures incurred in taking care of a few thousand treacherous and blood-thirsty savages, and peddling out to them civilization and religion in small but choice quantities.

It is not denied that there has been an express and recepits for the same property of the same pro

It is not denied that there has been an excuse and necessity for an increase in the expenditures of the Indian affairs of the Government, but it is seriously controverted that the amount of such increase is either justifiable or defensible. The treaties made, and the obligations assumed by the Government with the Indians in the earlier days of its existence, and indeed up to 1860, were prudent and economical. No obligation was assumed or liability incurred that was not instificially sixtuated that there has been an expense and indeed up to 1860. Since then there has been an extravagance in treaty stipjustifiable. Since then there has been an extravagance in treaty stipulations neither commendable or excusable; a lavishness in appropriations truly alarming, and a looseness in the administration of the Indian affairs of the country that is culpable and disgraceful. It is time that there should be the severest retrenchment and reform in this regard. How is it to be attained? In my judgment the first great step toward it is to return to the early policy of the Government. Place the entire direction and control of this branch of the public service under the management of the War Department and get rid of the rings, the combinations, and the army of office-holders and employés who now control and direct it, many of whom are beyond question fattening upon the misfortunes and ignorance of the Indians

and the stupidity and rascality of Government officials.

Mr. Chairman, is there a remedy, cannot the expenditures of the Government in this regard be reduced, and at the same time full justice be done to these people? To understand whether there is extravagance in the management of the Indian affairs of the Government, we must look into the organization of the Indian Bureau and see its workings and results. The organization of this Bureau in the Interior Department, with its chief and forty-one clerks and eleven copyists, messengers, and laborers, is kept up at an annual cost of \$71,420. It is believed that by the proposed transfer one-half of this expenditure can be saved—perhaps greatly more. Then there is a commission appointed to serve without pay, but at a cost of \$15,000 for expenses. For what purpose, let me inquire, was this commission appointed, and why is it that gentlemen of high and known integrity are called upon to serve in this capacity without compensation? The answer is, for years the cry had gone throughout the length and breadth of the land that the Government was defrauded in the purchase and the Indians were cheated in the amount and character of supplies furnished. The facts were so patent, and the scandal so great, the humiliating confession was made by Congress that the official power of the Government was so feeble these frauds could not be prevented without the charitable service of good and prominent men, who should see that justice was done the Indians in the pur-chase of supplies. It is the duty of this commission to inspect con-tracts, the quality of supplies, and vonchers for expenditures. This \$15,000 item of expense can be saved by the purchase, delivery, and distribution of supplies in the same manner and under the same reg-ulations as now provided for Army supplies. The officers of the Army are specially educated to discharge such duties. They are amenable directly to punishment by court-martial if they fail in their duty. Their life positions as officers in the Army depend upon the prompt

Their life positions as officers in the Army depend upon the prompt and faithful discharge of their duties.

Next, you have three Indian inspectors, as an appendage to the Indian Bureau, at an annual salary of \$3,000 each, and traveling expenses to the amount of \$6,000, making a total saving in this item of \$15,000, by dispensing with these officials. These inspectors, like the commissioners, were appointed to see that the Indians were not defrauded and to look after their general wants, but whose especial duty, I presume, it is to see that the superintendents and agents displaying their duties to the Government and to the Indians. charge their duties to the Government and to the Indians. May not their services be dispensed with? If the War Office is to direct this management there are regular commissioned officers of the Inspector-General's Department who inspect and report upon the condition of every branch of the military service, and would inspect this and report upon it as they now do of the Army proper. Then there are two superintendents, with a salary of \$2,000 each, with clerks and copyists, making \$4,600 more, and a general appropriation for southern super-intendency of \$10,000, making a total for the two superintendencies, not counting incidentals included in other appropriations, of \$18,000, which may be saved by cutting off these officials and transferring their duties, if necessary to be performed, to officers of the Army

already receiving pay.

The object of these superintendencies being to look over the conduct of their agents and after the wants of the Indians under their content of the Indians under their content. trol, and, in the general management, to act as a kind of connecting link between agents under them and the Interior Department, may not their duties very properly devolve upon the major-generals of the Army, commanding departments in which Indians are located, and under them, upon brigadier-generals commanding military districts? The duties now performed by these officers are not so onerous as to be seriously interfered with by these additional require-

After the superintendents come sixty-nine agents at a salary of \$1,500 each, one agent at \$500, and seven special agents at \$1,500 each, making a total for agents of \$114,500; also an appropriation of \$10,000 for buildings and repairs at agencies, and \$36,000 in two different items for contingencies, including traveling, incidental, current, and contingent expenses of superintendents and agents and of their of-In this connection it will be interesting, and I believe time well spent, to look at the number and character of the employés of these numerous agencies and the cost to the Government for their

support.

By reference to the Official Register of 1875, beginning on page 359 and ending on page 371, will be found the name of each agency and agent, the name and occupation of each employé, and the pay of each. We find seventy-eight agencies, with seventy-seven agents, (whose salaries have already been mentioned,) and six hundred and thirty employés whose pay amounts to \$456,055. These employés include physicians, clerks, commissaries and assistant commissaries, teachers and assistant teachers, carpenters, blacksmiths and assistant blacksmiths, wagonmakers, shoemakers, laborers, superintendents of farming, farmers and assistant farmers, cooks, laundresses, matrous, seaming, farmers and assistant farmers, cooks, laundresses, matrons, seam-stresses, gunsmiths, interpreters, engineers, industrial teachers, saw-yers, wheelwrights, butchers, bakers, messengers, detectives and special detectives, herders, chief herders and assistant herders, millers, su-perintendents of schools, teamsters, superintendents of labor, ferry-men, head chiefs, chiefs of police, apprentices, watchmen, and masons. There are forty-four physicians, with salaries amounting to \$49,900. The Indians have their own native physicians or medicine-men, and

seem as prone to be imposed upon by quacks as our own race. They have root and herb doctors, cold-water doctors, steam doctors, faith doctors, and the more civilized tribes regular-bred physicians. Some of the tribes have a rule that when a doctor is unlucky and loses a number of patients he may be killed by the relatives with impunity. I am not sure that it is a bad rule, and that it might not be enforced with propriety among more civilized people.

It is also observable that out of the seventy-eight agencies there

are nearly one-half of them without physicians. Now, if these can get along without a physician, why not the others? But, sir, if transferred to the War Department, such medical aid as may be needed can be furnished without great cost, and this item of \$49,900, or a large

part of it, may be saved.

The agents, clerks, herders, butchers, teamsters, superintendents of schools, farmers, commissioners, watchmen, masons, bakers, messengers, cooks, matrons and assistant matrons, laundresses, seamstresses, chiefs of police, apprentices, and detectives may well be dispensed with. When the duties of any one of these may be necessary, they can be discharged by commissioned and non-commissioned officers and privates of the regular Army. There is something exceedingly ludicrous in the idea of employing cooks at salaries, ranging from \$350 to \$600 per annum, to dress and prepare the beef issued to the Indians. In the list of employés you will find that France and China have contributed their entered to the land of the contributed their entered to the land of the contributed their entered to the land of the contributed their entered to the contributed their ente have contributed their quota to prepare the beef rations in a manner that will give it a relish and make it tempting to the delicate palates of these naked warriors, who, before these refining influences of civilization were thrust upon them, were in the habit of taking their meat cold, straight, and raw. But, as ludicrous as this may appear, it pales into insignificance to the fact that matrons and assistant matrons are furnished to some of the more favored and aristocratic tribes, to aid in the rearing of their delicate and tender papooses, to teach the mothers how to nurse and wrap them properly, to pass them through the teething stage, and indicate the proper period when they should be weaned, and laundresses to wash and iron their linen and do up their garments in the most approved and fashionable style, after they have been fitted, cut, and made up by the seamstresses. Without going further into the details of the expenses and necessity

of these employes at the agencies, it is safe to say that one-half of the expenditures so incurred may be saved to the Government, say \$228,-277 per annum. Indeed, more than this may be saved, because the salaries of teachers may be cut down with propriety. The farmers,

blacksmiths, wheelwrights, and other necessary laborers who receive small salaries, as a rule, may be left untouched. In connection with these expenditures, it will be proper to call at-In connection with these expenditures, it will be proper to can attention to the extraordinary item paid to printers and papers by the Indian Bureau, for printing or advertising, amounting to within a fraction of \$45,000. This amount is paid out in items ranging from three to five thousand dollars. It is divided between one hundred and fifty newspapers or printers, making an average to each of about \$300, which is certainly a very heavy contribution from one Bureau of a Department to the public press of the country. By reference to the Official Register it will be observed that some of these newspapers received large amounts. One received \$5,659.44; another, \$4,469.50; four, over \$2,000 each; six, \$1,000 each; eleven, over \$500 each, and twenty-four, over \$100 each. Certainly the advertising for the Indian Bureau, if transferred to the War Department, in connection with the advertisements for Army supplies, might be reduced at least one-half, say \$25,000, thus saving \$20,000 in this expenditure.

It may not be amiss to refer to section 5 of the act of March 3, 1875, which says that "hereafter not more than \$6,000 shall be paid in any one year for salaries or compensation of employés at any agency, in addition to the salaries of agent," with this proviso at the end of the section: "that in case it should be necessary at any agency to have more employés than are provided for in this section the Secretary may by written orders, authorize the necessary increase, but in no case shall the amount expended exceed \$10,000 in any one year, and that the provision of this section shall apply to the fiscal year ending June 30, 1875." By reference to the Register it will be seen that the 1875." By reference to the Register it will be seen that the following agencies exceed the limit of \$10,000 for salaries of employés, namely: San Carlos, \$10,800; Red Cloud, \$11,180; Nez Percé, \$11,480; Osage, \$14,420; Yakama, \$10,300; and twenty-four agencies exceed \$6,000 and one where it costs \$2,050 to pay out \$7.000 to the Indians.

Thus it will be seen, by cutting down the Indian Bureau one-half, and reducing the expense of that branch of the service transacted at Weshington.

Washington; by dispensing with the commissioners, inspectors, agents, superintendents, and the expenses incident to each; and by reducing the number of persons employed at the agencies, a reduction may be made of \$490,000. These reductions are only proposed to be made in the organization, machinery, and workings of the Indian Bureau and

its appendages. But there are other fields equally as promising in rich results that should be carefully explored.

In the appropriation act of 1875 there occurs an item of \$30,000 for contingencies of the Indian service, including traveling, incidental, current, and contingent expenses of superintendents and agents, and of their offices; certainly a very liberal allowance. There are two other items which add \$6,000 more for the same purpose. In the same act, it will be seen, that the tribes in the Territories of Arizona, Colorado, Dakots, Idaho, Montana, Utah, Washington, Wyoming, and the Indian Territory, and in the States of California, Oregon, and Necessia and the States of California, Oregon, and Necessia and States of California a vada, are provided for in the general provisions of the act under their

respective names; and subsequently in the act additional appropriations are made for each State and Territory mentioned, under such general and comprehensive items, as follows:

For the general and incidental expenses of the Indian service, in the Territory of Arizona, presents of goods, agricultural implements, and other useful articles, and to assist them to locate in permanent abodes, and to sustain themselves by the pursuits of civilized life, and for educational purposes, to be expended under the direction of the Secretary of the Interior, \$65,000.

For New Mexico, \$40,000; being an addition of \$105,000 to \$450,000 previously appropriated in the same act for these two Territories. the same manner and for the same purposes, California received an additional sum of \$60,000; Colorado, \$5,000; Dakota, \$20,000; Idaho, \$10,000; Montana, \$20,000; Nevada, \$35,000; Oregon, \$45,000; Utah, \$20,000; Washington, \$25,000; Wyoming, \$5,000—aggregating \$350,000 to be expended under the general direction of the Secretary of the Interior, and for Indians who had been mainly provided for previously in the same act. In the general provisions of the act, Oregon received \$53,200 for tribes mentioned by their names, besides the \$45,000 just referred to. In another part of the act for the Malheur reservation, in the same State, \$35,000 more are appropriated for the general purpose of civilization, subsistence, education, care of the sick, for the support of the aged, helpless, orphans, and in other respects to promote their civilization, comfort, and improvement.

The great bulk of the last appropriations referred to do not seem to have been made in pursuance of any treaty obligations, but appear simply as an enormous gratuity, to be expended under the direction of the Secretary of the Interior. However just and pure that officer may be, the placing such large sums at his sole disposal, and in such sweeping and loose terms, is certainly not wise or commendable legislation. At a time when the Treasury is so burdened as at present, prudence would seem to require an accurate knowledge of the necessity of such large and indiscriminate grants of money and power, as well as great care, and certainty in directing the bounties of the Government in such manner as to insure their reaching the objects of its charity, instead of being squandered on favorites, or in perpetuating political power.

I cannot, Mr. Chairman, leave this branch of my subject without asking your attention, and that of the committee, to some other feat-

asking your attention, and that of the committee, to some other reatures of the last Indian appropriation bill.

For the Arapahoes, Kiowas, and Comanches of the Indian Territory there was appropriated \$67,700 under treaty stipulations. For the Arapahoes, Cheyennes, Wichitas, Kiowas, and Comanches, for their subsistence, \$300,000; and for the affiliated bands of Wichitas, Caddoes, and Comanches of the same Territory, there were appropriated, for the purchase of goods, provisions, and other articles, as the President may from time to time determine, and for the purpose of instructing them in agricultural and mechanical purposits educaof instructing them in agricultural and mechanical pursuits, education, medicine and medical attendance, for the support of the aged, sick, orphans, and in any other respect to promote their civilization, comfort, and improvement, \$50,000, and still another appropriation of \$300,000 for the support of three thousand captive Arapaho, Cheyenne, Kiowa, and Comanche Indians, and for their education and civiliza-tion. These Indians are members of the same tribes the appropriations for whom aggregate \$764,400, and which bands and tribes (with the exception of the affiliated Caddoes, Wichitas, Tawacairoes, Keechies, Wacoes, and one hundred and sixty-five Comanches) have made constant war upon Texas, and a large number of whom openly defied the power of the General Government for eighteen months. These Indians have been under treaty obligations with the Government for many years; yet they have openly and most flagrantly violated them in years; yet they have openly and most flagrantly violated them in hundreds and hundreds of instances. Still the appropriations for their support, education, civilization, and for the promotion of their comfort, and for the relief of their aged, sick, helpless, and orphans, continue to be made. Are there not thousands of aged, sick, and helpless of our own people whom we cannot provide for? And have we not many old soldiers of the war of 1812, and of the Mexican war, who appeal to us in vain for a recognition of their services, and others of them who fell upon the fields of their country's glory, and others who have died, whose widows and orphans her a pittance at your hands. have died, whose widows and orphans beg a pittance at your hands, but are denied? Let the American Congress be just to the soldiers of the Republic, and to their widows and orphans, before it lavishes thousands, nay millions, in feeble attempts to civilize and make comthousands, hay mittions, in reconstruction that the com-fortable lazy and treacherous savages, whose hands are recking with the blood of our citizens, and whose atrocious cruelties and brutal outrages upon captive women have no parallel in the annals of the most barbarous people.

I desire also to call attention to the appropriations for the different bands of Sioux Indians, which aggregate \$1,785,600. Of this amount \$159,400 are to be expended under the tenth article of the treaty of April 29, 1868, in the purchase of clothing for males over fourteen years of age; in the purchase of flannel, hose, calico, and domestics, required for females over twelve years of age, and for such flannel and cotton goods as may be necessary for boys and girls. There are twenty-four similar annual installments yet due, or, in round numbers, yet to be provided, \$3,825,600, which is to purchase clothing for a set of vagabonds who never dreamed of any covering except a blanket or buffalo-robe in winter, and a breech-cloth in sum-

mer.
There is another item of \$1,000,000 for the purchase of beef, flour, sugar, and bacon, which refers to no treaty obligation that I can see, but is merely a gratuity to a people who had subsisted on the spoils of the chase, and were utterly strangers to bacon, flour, and sugar.

There is still another item for a portion of the Sioux of \$100,000, which is to be applied, as the President may direct, "to the promotion of their civilization, comfort, and improvement."

These items of the last appropriation for Indians have been re-

ferred to simply to call attention to the fact that many of them are made where no treaty stipulation seems to require them; and to show the further fact that abuses have been gradually creeping into the management of our Indian affairs, both in the making of treaties and in appropriating money for the Indians, which should be corrected. Whether the transfer is made to the War Department or not, I believed the state of th lieve a very large reduction in expenditures can properly be made, and every treaty and moral obligation due from the Government to the Indians be carried out in good faith. If the transfer is made, the reduction in the expense in the management of them will amount to at least \$1,000,000.

But I favor the transfer for a higher and more important reason than that of economy. It is one of the highest duties of the Government to afford adequate and sure protection to the lives and property of its people on the border. It is as incumbent on the Government to do this as it is to repel invasion by a foreign foe, or to protect our commerce and the lives and property of our people from pirates on the high seas. Notwithstanding this highest duty of government, the people along the line of our border settlements have been a continued prey to the perfidy and treachery of the Indians. It is to the interest of the officers and soldiers of the Army to preserve peace with the Indians. Their comfort and their lives depend, in a measure, upon it.

Those of us acquainted with the Indians of the plains know full well that if the troops were withdrawn, and full rations with clothing issued to them, with the wisest and best of agents to control them, they could not be restrained from plunder and murder. In Texas, and in the territory adjacent thereto, the peace policy has had full opportunity for trial, and it has proved a lamentable and most distressing failure. Notwithstanding the renewed treaties entered into with the Comanches, Cheyennes, Arapahoes, Kiowas, and Apaches by the Government, directly after the war; and notwithstanding General Custer's severe winter campaign a few years thereafter—when their outrages had become unendurable on the Kansas border—which resulted in a terrible battle with much loss of life to our troops, but in a serious defeat to the Indians; and notwithstanding ample provision was made, and large reservations of land selected for them in a region of country well adapted to their wants and habits, and every effort made to induce them to peaceful habits, yet, sir, in despite of these efforts, and with troops scattered along the whole line of the frontier, these Indians kept up their murderous forays upon the whole extent of our outside settlements, often penetorays upon the whole extent of our outside settlements, often pene-trating between the military posts far into the interior settled coun-ties of the State, sometimes in bodies of one to two hundred warriors, attacking neighborhoods in the broad sunlight of day, murdering all who fell in their way, carrying women and children into a cap-tivity worse than death, destroying property, and stealing thousands of horses and cattle. This state of things existed on our border be-fore the war, and with an exception of about eight months just after the war it has continued until the last twelve or eighteen months. Owing to the energy of such gallant officers as Mackenzie, Miles, and others of the Army and our own State troops, and the energy of General Ord, for some time past we have had comparative immunity from the Indians. But so severe have these depredations been from In-dians, who had treaties with the Government, that Texas has been cuans, who had treaties with the Government, that Texas has been compelled to keep State troops in the field since 1870, and up to this time, at a cost to the State of about \$1,000,000, which we believe the General Government justly owes us, and which, in my candid judgment, is traceable to the peace policy that has been pursued, and which would have been prevented, besides the great saving of life and property, if the Indians had been under the control of the military, with authority to punish them for infractions of their treaty obligations.

Mr. Chairman, I have before me an official prest of Great News

Mr. Chairman, I have before me an official report of General William Steele, the adjutant-general of Texas, containing a tabular statement of Indian depredations in Texas since 1866, giving the date of incursions, the date of murders and robberies, the names of the victims killed and those carried into captivity, and the counties and places of their residence. It is a closely-written document of twentytwo pages, and does not pretend to give all the casualties that have occurred, but such as have come through official sources. It foots up 120 persons killed; 28 wounded; 36 carried into captivity; 19 attacked who escaped; horses stolen, 10,064; cattle stolen, 12,555; the United States mail-coach plundered; 1 Government contractor's train robbed and destroyed, and 7 of the teamsters killed and burned, (and a fact not stated in the report, but within the knowledge of his comrades who escaped, that one of the wounded men was tied to a wagon-

who escaped, that one of the wounded men was tied to a wagon-wheel and burned while stilk-alive,) with other casualties mentioned in the report, which I will not repeat.

Accompanying the report is an extract from a communication addressed by the governor of Texas, August 5, 1867, to E. M. Stanton, Secretary of War, which transmits officially received information of depredations by the Indians after the war, and up to July, 1867, showing the murder of 162 persons, the captivity of 43, the wounding of 24, with the loss of over 30,000 head of cattle, 3,781 head of

horses, and 2,430 goats. In a letter accompanying the report, General Steele says that the partial returns made to his office falls far short

of the actual truth.

Mr. Chairman, will the story be believed when told that captive Mr. Chairman, will the story be believed when told that captive women and children have been taken to Indian reservations, to which fathers have followed them only to find that the power of the Government was so feeble and its laws and treaties so feebly enforced that they were powerless to obtain a release of the prisoners, and that weeks, and often months, have elapsed before their freedom could be secured through purchase? But occurrences like these, so hamiliating to the Government, and repugnant to every feeling of the proposed to the proposed to the proposed to the government. humanity, have often happened to citizens of Texas, under the opera-tions of the benign "peace policy." Sometimes these poor victims have been carried great distances from Texas to remote localities, where they have been ransomed by agents, United States officers, or traders.

I remember twenty-three women and children returned to the authorities of Texas by the kindness and generosity of a gentleman who was a trader near some post or agency on the Kansas border. On another occasion a mother and four daughters were restored through the kindness of United States officers. I am acquainted with that the kindness of United States onicers. I am acquainted with that family, and know the story of their captivity. On a Sabbath day, the husband, with his family, was going from one settlement to another. The husband was murdered and scalped, the mother, an infant, and four daughters captured, the mother and daughters tied and lashed with thongs of raw-hide on horses. The mother was allowed to keep her babe, but as they traveled in haste, on account of its continuous cryping, it was snatched from her and its brains dashed out against a tree and the corpse thrown down as they passed rapidly Who can realize that mother's feelings? But the anguish exon. Who can realize that inother's feelings? But the angular experienced at that terrible deed was nothing when compared to her future sufferings. Her own tortures, and the terrible and heart-rending cruelties perpetrated upon her helpless daughters, within her sight, are too horrible and atrocious to be described by human lansight, are too horrible and atrocious to be described by human language. A thousand times over would death's dark angel have been a welcome relief. But the poor victims survived. I saw them after their ransom, and more pitiable objects, with their scars and wounds still upon them, no eye ever beheld. But, sir, such pictures of suffering are sickening, and are referred to with reluctance, and only that you, who live so far away as not to know of them, may be admonished not to let a sickly sentimentality influence you in behalf of a race many tribes of whom have scarcely one redeeming quality, and who glory in deeds so atrocious and marders so foul that humanand who glory in deeds so atrocious and murders so foul, that human-

and who giory in deeds so atrocious and murders so four, that humanity sickens at the bare mention of them.

I would not apply this language to all of the Indian tribes, and even among those to whom more particular reference is made, the Kiowas, Comanches, Cheyennes, and Arapahoes, there are some who have observed their treaty obligations. The Caddoes and Toshewa's band of Comanches and some others deserve honorable mention. Others cannot be restrained except by the strong arm of the Government and then it must be made manifest to them that numishment. ment, and then it must be made manifest to them that punishment

shall quickly follow every violated pledge.

In my judgment, every violated piedge.

In my judgment, every civil agent should be dispensed with, except to a very few of the civilized tribes who have regularly administered laws and governments of their own. Even these I believe to be unnecessary. To others, where local agents are necessary, there should be officers of the Army detailed for the purpose; officers of experience, whose age would entitle them to be relieved from active duty in the field; and the employes at the agencies should be, as a rule, non-commissioned officers and privates of the Army, for the reason that in such management an important point to be kept constantly in view is discipline and subordination. As a matter of economy and accountability to one common head, it is also commendable.

Again, it is a refined cruelty to the Indians to keep them cooped up on the reservations. The God of nature created them with habits and

on the reservations. The God of nature created them with habits and instincts that lead them to the chase, to the waters of running streams, to grass-covered valleys, and widely extended plains. They should be permitted to indulge in these natural desires, for the purpose of obtaining food and skins and furs. And, further, that restraint should not create disgust and discontent. They should have reservations to be known as their permanent homes, and when they go in bodies on their regular spring, summer, and fall hunting expeditions, they should be accompanied with a few soldiers, whose duty it should be to direct their movements, in accordance with the permission granted by their agents. Even the wild tribes are to some extent a pastoral people, at least to the extent of rearing horses, and efforts pastoral people, at least to the extent of rearing horses, and efforts pastoral people, at least to the extent of rearing holes, and chorts should be made to induce them to raise cattle, sheep, hogs, and goats. They will more readily become herdsmen than farmers, though agriculture with them should not be omitted. The military posts, except as to the most vicious and turbulent tribes, should not be too near the reservations. Kindness and a faithful discharge of every obligation promised by treaty should be the rule and a strict compliance on promised by treaty should be the rule, and a strict compliance on

promised by treaty should be the rule, and a strict compliance on their part with every pledge should be firmly and rigidly enforced. Such are my views, Mr. Chairman; and I believe, if this transfer is made and the Army held responsible for an energetic and faithful management of the Indian affairs of the country, that it will result at once in the saving of at least \$1,000,000 to the Treasury, and in the end to millions more that otherwise will have to be paid for arduous winter and summer campaigns against the disaffected and discontacted tribes. discontented tribes.

The peace policy has had a long and fair trial. General Canby fell a victim to it in California. It failed in Arizona, and General Crook was sent to the rescue. It failed on the border of Kansas, and Custer made his famous winter march and gallant fight to prevent the sacrifice of more victims there. McKenzie and Miles and others on the borders of Texas and in the Indian Territory made their brilliant campaigns, but a little while since, at great cost, and some of them in intensely cold weather, to correct its evils in that quarter.

The results of this policy, so far as Texas is concerned, have been most deplorable. Dwellings and property destroyed, blackened ruins, murdered victims, whole neighborhoods broken up, entire families destroyed, with the torture and anguish of violated women, are the monuments of everlasting infamy erected to its unhallowed memory along the entire border of our State.

Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. RANDALL having taken the chair as Speaker pro tempore, Mr. Cox reported that the Committee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution thereon.

### PAWNEE INDIAN RESERVATION.

Mr. BOONE. Mr. Speaker, the special order for to-day was the consideration of the bill for the sale of the Pawnee Indian reservation. I move that the special order be postponed until Tuesday next, after the morning hour, with the understanding that it is not to interfere with appropriation bills and that it shall continue from day to day until disposed of.

Mr. KEHR. There is a special order for that day, as I understand it—the steamboat bill.

Mr. BOONE. I understand there is no such special order for that

day.

Mr. HURLBUT. I object to making it the special order from day

Mr. HUKLBUI. I object to making it the special order from day to day until disposed of.

Mr. BOONE. Very well; let it be the special order for next Tuesday after the morning hour, not to interfere with appropriation bills. There was no objection, and it was ordered accordingly.

### ANGELICA HAMMOND.

On motion of Mr. O'BRIEN, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Angelica Hammond, no adverse report having been

## WESLEY JONES.

On motion of Mr. WOODWORTH, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Wesley Jones, an applicant for a pension, no adverse report having been made.

## MRS. SIDNEY WOOD.

On motion of Mr. WOODWORTH, by unanimous consent, leave was also granted for the withdrawal from the files of the House of the papers in the case of Mrs. Sidney Wood, an applicant for a pension, no adverse report having been made.

# LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted, on account of important business, to Mr. Cowan for ten days; to Mr. Woodwortin for one week; to Mr. Hubbell until next Monday; to Mr. James B. Reilly for three days; and to Mr. Jenks for three days from next Monday; and the leave of absence granted heretofore to Mr. King was extended three weeks.

## MAJOR ARTHUR W. ALLEN.

Mr. HOOKER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, required to transmit to the House of Representatives copies of all correspondence between the Secretary of War and the Attorney-General, and all reports, orders, papers, proceedings, and testimony in reference to the trial by court-martial of Major Arthur W. Allen, commandant of the military post at Jackson, in the State of Mississippi.

Mr. HOOKER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid

The latter motion was agreed to.

## SETTLERS UPON RESERVED GOVERNMENT SECTIONS.

Mr. PHILLIPS, of Kansas, by unanimous consent, introduced a bill (H. R. No. 2818) for the relief of settlers upon the reserved Government sections of the public lands within railroad limits; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

## JACOB THIERER.

Mr. PHILLIPS, of Kansas, also, by unanimous consent, introduced a bill (H. R. No. 2819) for the relief of Jacob Thierer; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### MINING RESOURCES OF THE UNITED STATES.

Mr. BAKER, of Indiana, by unanimous consent, introduced a bill (H. R. No. 2820) to amend an act to promote the development of the mining resources of the United States; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

And then, on motion of Mr. HURLBUT, (at five o'clock and fifteen minutes p. m.,) the House adjourned.

# PETITIONS, ETC.

The following memorials, petitions, and other papers were presented

at the Clerk's desk under the rule, and referred as stated:

By Mr. BANKS: Memorial of 2,751 women of Massachusetts, that the manufacture and importation of spirituous liquors may be re-stricted to the quantity necessary for medical and mechanical uses, to the Committee of Ways and Means.

to the Committee of Ways and Means.

By Mr. BANNING: The petition of Army officers, for the passage of a law declaring the rule of promotion in the line of the Army, to the Committee on Military Affairs.

By Mr. CRAPO: The petitions of W. R. Browne and Penelope T. Heald, for pensions, to the Committee on Invalid Pensions.

By Mr. CUTLER: The petition of the Second Presbyterian church and congregation of Newark, New Jersey, signed by the pastor and officers of the church, for the appointment of a commission to inquire into the alcoholic liquor traffic, to the Committee on the Judiciary.

Also the petition of the Lutheran church at New Germantown

Also, the petition of the Lutheran church at New Germantown,

Also, the pertain of the Latheran Chuter at New Germandown, New Jersey, officially signed, of similar import, to the same committee.

Also, the petition of the Grand Division of the Sons of Temperance of New Jersey, signed by the officers, representing 3,500 members, of similar import, to the same committee.

By Mr. DARRALL: The petition of C. A. Frazee, to be allowed to file his claim for property taken by the United States Army during the late war before the Court of Claims, to the Committee on War Claims.

Also, the petition of Raymond Deshattes, of similar import, to the same committee

Also, the petition of François Simien, of similar import, to the same committee.

Also, the petition of Pierre J. Franciz and Emétilde Guilbeau, representatives of the estate of Ursin Bernard, deceased, for compensation for property taken by the United States Army, to the same com-

Also, the petition of Mrs. Raymond Reir, of similar import, to the same committee

Also, the petition of Edmond A. Guilbeau, of similar import, to the same committee.

Also, the petition of André Broussard, of similar import, to the same

By Mr. FARWELL: The petition of Mrs. H. C. Speight, to have restored to her the rights of citizenship, of which she claims to have been unjustly deprived by no fault of her own, but by the unnatural, forced, and unauthorized interpretation of the Constitution, and

in derogation of the underlying principles of our government and its institutions, to the Committee on the Judiciary.

Also, the petition of the Woman's Christian Temperance Union of Chicago, officially signed, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. FROST: Resolutions of E. R. Eastman, favoring a joint high commission to settle national disputes, to the Committee on Foreign Affairs.

By Mr. GARFIELD: The petition of the Methodist Episcopal church at Cincinnati, Ohio, signed by pastor and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

the Judiciary.

Also, the petition of T. Johnson, J. N. Reed, and other citizens of Berlinville, Ohio, of similar import, to the same committee.

Also, the petition of F. B. Hoover, J. H. Lockwood, and other citizens of Amelia, Ohio, of similar import, to the same committee.

Also, the petition of A. J. Bessey, J. M. Reynolds, and other citizens of Amwell, Ohio, of similar import, to the same committee.

By Mr. HENKLE: Memorial of William R. Wilmer, collector of internal revenue of the fifth Maryland district, for relief for loss of stamps and money in consequence of a robbery by burglars, to the stamps and money in consequence of a robbery by burglars, to the

Committee of Ways and Means.

By Mr. HEWITT, of New York: The petition of John L. Griffin,

James E. Heull, and other citizens of New York, for a commission of
inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciar

By Mr. HOUSE: The petition of Cummings, Doyle & Co., of Nashville, Tennessee, for pay for rent of buildings occupied by the United States Army, to the Committee on War Claims.

By Mr. KELLEY: The petition of citizens of Pennsylvania, that the tariff laws be not interfered with, to the Committee of Ways and

By Mr. LANE: The petition of T. B. Willard, Alexander Simon, F. S. Matteson, and other citizens of Oregon, for the improvement of the Coquille River, to the Committee on Commerce.

\*\*By Mr. MEADE: Memorial of the New York Cheap Transportation

Association, for further appropriations to aid in opening Hell Gate,

by Mr. MONROE: The petition of Charles J. Wright, Samuel Wise, and other citizens of Uniontown, Ohio, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciany.

Also, the petition of M. S. Gish, A. D. Welday, and other citizens of Amwell, Ohio, of similar import, to the same committee.

of Amwell, Ohio, of similar import, to the same committee.

Also, the petition of Isaac Bessey, S. T. Simonton, and other citizens of Ohio, of similar import, to the same committee.

Also, the petition of Henry Slyler, G. Gray, and other citizens of Limaville, Ohio, of similar import, to the same committee.

By Mr. MORRISON: The petition of the Good Templars of the State of Illinois, officially signed, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. O'NEILL: The petition of the Board of Trade of Philadelphia against chapting the organization of the United States Light.

phia, against changing the organization of the United States Light-House Board, to the Committee on Commerce.

By Mr. RIDDLE: The petition of John J. Boon, John A. Thompson, and other citizens of Jackson, Tennessee, of similar import, to the

same committee.

By Mr. ROBBINS, of Pennsylvania: The petition of Harvey Rowland and other manufacturers of the twenty-third ward of Philadel-phia, that the present tariff laws remain undisturbed, to the Committee of Ways and Means.

By Mr. TURNEY: The petition of Thomas W. McCune, George H. Everson, and 44 other citizens of Scottdale, Westmoreland County, Pennsylvania, of similar import, to the same committee.

By Mr. VANCE, of North Carolina: The petition of Samuel Pool, J. R. Clements, and other citizens of North Carolina, for a commission.

J. R. Clements, and other citizens of North Carolina, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. WALSH: The petition of J. B. Kunkeland many other citizens of Frederick County, Maryland, that the present tariff laws remain undisturbed, to the Committee of Ways and Means.

Also, the memorial of Peter May and Courad Walz, for compensation for damages by reason of grading the streets in Georgetown, District of Columbia, to the Committee for the District of Columbia.

By Mr. WARREN: Memorial of Joseph B. Braman, with reference expenditures at the Watertown expense, with accompanying reserved.

to expenditures at the Watertown arsenal, with accompanying pa-

pers, to the Committee on Military Affairs.

By Mr. WILLIAMS, of Wisconsin: The petition of the Grand Division of the Sons of Temperance of Wisconsin, signed by the officers, for a commission of inquiry concerning the alcoholic liquor traffic, to

the Committee of Ways and Means.

Also, the petition of Leonard Lee and 132 other citizens of Wisconsin, in favor of maintaining the present duty on flaxseed and linseed-

oil, to the same committee.

By Mr. WILLIAMS, of Delaware: The petition of citizens of Delaware, for a survey of the Brandywine River, to the Committee on Commerce.

By Mr. WILLIS: The petition of H. C. Smith, S. Avery, and other citizens of Oneida County, New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on Education and Labor.

Also, the petition of Aaron Hall, R. L. Holly, and other citizens of Adamsville, New York, of similar import, to the Committee on the Judiciary.

## IN SENATE.

# FRIDAY, March 24, 1876.

The Journal of yesterday's proceedings was read and approved.

## HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles and referred to the Committee on the

A bill (H. R. No. 1439) authorizing the transfer of certain causes from the circuit court of the United States for the district of Alabama, at Mobile, into the circuit court of the United States for the middle and northern districts of Alabama, at Montgomery and Huntsville, in said State

A bill (H. R. No. 2324) to amend section 3 of chapter 137 of the acts of the year 1875;

A bill (H. R. No. 2256) to provide for filling the office of clerk of the district court of the United States at Greenville, South Carolina; and A bill (H. R. No. 2811) to remove the political disabilities of C. H. Williamson, of New York.

The bill (H. R. No. 1970) relating to the approval of bills in the Territory of Arizona was read twice by its title and referred to the Committee on Territories.

The bill (H. R. No. 876) making it a misdemeanor for any person in the employ of the United States to demand or contribute election funds was read twice by its title.

The PRESIDENT pro tempore. If there be no objection, the bill

will be referred to the Committee on Civil Service and Retrench-

Mr. DAVIS. The bill came from the Judiciary Committee of the House, and I would suggest, unless there be some special reason why it should not take that course, that it be referred to the Committee

on the Judiciary here.

Mr. HAMLIN. Whom does it affect?

Mr. DAVIS. It affects the entire service, as I understand.

The PRESIDENT pro tempore. It relates to political contributions.

The Secretary will read the title of the bill.

The Chief Clerk read the title of the bill.

Mr. HOWE I think if any bill should go to the Committee on

Mr. HOWE. I think, if any bill should go to the Committee on Privileges and Elections, that certainly should. The PRESIDENT pro tempore. The Senator from West Virginia

Mr. DAVIS. I suggested that as the bill had come from the Judiciary.

Mr. DAVIS. I suggested that as the bill had come from the Judiciary Committee of the House probably it had better go to that committee of the Senate. There are some legal questions probably connected with it, although I do not know that there are. I have no choice as to what committee the bill is to be referred. I only want it to go to the appropriate committee.

Mr. HOWE. I think, if the Senator has no special reason for send-

ing it to the Judiciary Committee, there are no questions of law involved in it which almost any committee of the Senate cannot wrestle with; but if it concerns any particular branch of business under this Government it is that of elections; and therefore I hope the Senator from West Virginia will allow it to go to that committee.

Mr. DAVIS. Very well.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Privileges and Elections, if there be no objection.

### RELIEF OF SIOUX INDIANS

The Senate proceeded to consider its amendment to the bill (H. R. No. 2589) to supply a deficiency in the appropriations for certain Indians, disagreed to by the House of Representatives.

On motion of Mr. WITHERS, it was

Resoled, That the Senate insist on its amendment to the said bill disagreed to by the House of Representatives, and ask a conference on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the Presi-

Mr. WITHERS, Mr. ALLISON, and Mr. OGLESBY were appointed the

## PETITIONS AND MEMORIALS.

Mr. HOWE presented the petition of O. P. Dow, James Smith, and other citizens of Palmyra, Wisconsin, praying for a general law to prohibit the liquor traffic within the national jurisdiction; which was

referred to the Committee on the District of Columbia.

He also presented a memorial of the Chamber of Commerce of the city of Milwaukee, Wisconsin, remonstrating against the construction of a bridge across the Detroit River, and in favor of a tunnel to be constructed at a point where competent engineers have determined that it is entirely practicable and adequate to secure all the advantages sought to be obtained by the railways; which was referred to the Committee on Commerce.

Mr. CAMERON, of Wisconsin, presented a memorial of the Legislature of Wisconsin, in favor of an appropriation to improve the navigation of the Saint Croix River; which was referred to the Com-

mittee on Commerce.

He also presented a memorial of the Legislature of Wisconsin, in favor of amendments to the patent laws; which was referred to the

Committee on Patents.

Mr. CONKLING. I present the petition of James Fish, Willard Weller, and other citizens of Meriden, New York, praying for a general law to prohibit the liquor traffic within the national jurisdiction.

The PRESIDENT pro tempore. The petition will be referred to the Committee on the District of Columbia.

Mr. CONKLING. It relates to the Federal jurisdiction generally, I see, but I suppose it may go appropriately to that committee. I present also a similar petition, signed by George K. Hawley, W. W. Rockwell, and other citizens of Glen's Falls, New York, closing with the same prayer. I move its reference to the Committee on the District of Columbia.

The motion was agreed to.

Mr. CONKLING. I present a memorial of 530 pensioners of the State of New York, who are paid in person at the pension agencies, remonstrating against the abolition of local agencies; and a like memorial of 525 pensioners of the State of New York, who are paid in like manner, in person, at the agencies, remonstrating, for reasons which they give, and give persuasively, against the proposed change. Other petitions on this subject having gone to the Committee on Pen-

Other petitions on this subject having gone to the Committee on Pensions, I move that these take that course.

The PRESIDENT pro tempore. That committee was discharged from their consideration yesterday, and they were referred to the Committee on Civil Service and Retrenchment.

Mr. INGALLS. As the Committee on Pensions was discharged from the consideration of those petitions, I suggest to the Senator from New York that the petitions he now presents should be referred to the committee to evaluate the several breakers of the civil service. the committee to examine the several branches of the civil service.

Mr. CONKLING. I did not remark the reconsideration of the former reference. Had I been here, however, I would have suggested that in the other House this subject has been considered by the Committee on Pensions, and action has been taken by that committee. Although I know that the subject is embraced by general inclusion within the scope of the authority given to the special committee referred to, I am inclined to think that the Committee on Pensions ought to consider it. However, I have no choice of committee. The chairman of these two committees will settle it satisfactorily to them-

The PRESIDENT pro tempore. The petitions will be referred to

the Committee on Civil Service and Retrenchment.

Mr. HAMLIN. I present a remonstrance of a like character to those which have just been presented by the Senator from New York, signed by nearly 400 pensioners of the State of Maine, who are paid at Bangor. They remonstrate against any change. They know their own conveniences; they know how they are now accommodated better than any other class of men can know; and I think their wishes ought to be heeded.

Mr. ANTHONY. Is that a remonstrance against the regulation of the Pension Office in regard to geographical limits?

Mr. HAMLIN. No.

Mr. CONKLING. It is a remonstrance against the proposition to abolish local pension agencies, and transfer the whole thing to the War Department, and make pensions payable by drafts to be emitted from here and sent in each instance over the country to those who are to receive them.

The PRESIDENT pro tempore. The petition will be referred to the Committee on Civil Service and Retrenchment.

Mr. WRIGHT presented the petition of William Richards, of Washington, District of Columbia, attorney for the Chicago, Rock Island and Pacific Railroad Company, praying for the passage of an act directing the Commissioner of Internal Revenue to refund a tax of \$4,536.39, illegally assessed upon gross receipts derived from carrying the mails by the Chicago, Rock Island and Pacific Railroad Company, and paid by that company after the tax had been abolished by pany, and paid by that company after the tax had been abolished by law; which was referred to the Committee on Claims.

Mr. SHERMAN. I present a petition of a large number of citizens of Ohio, setting out that they have "observed with alarm and indignation the introduction into Congress of a scheme for tariff reducnation the introduction into Congress of a scheme for tariff reduction, prepared, as we believe, not by members of Congress, for the benefit of this country and its inhabitants, but by adherents of other nations, for the benefit of foreigners." They remonstrate against any change in the present laws, and pray "that, when alterations are made therein, at a more favorable time, counsel may be taken from our own countrymen and constituents, rather than from the industrial and commercial enemies of the country." I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. SHERMAN presented the petition of Virgil Sparks, William S. Wood, and other citizens of Wawarsing, Ulster County, New York, praying for a general law to prohibit the liquor traffic within the national jurisdiction; which was referred to the Committee on the District of Columbia.

Mr. OGLESBY presented the petition of David Winn, H. A. Price, and other citizens of Illinois, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and Territories; which was referred to the Committee on the District

of Columbia.

Mr. WALLACE presented a memorial of workingmen of the Star Iron-Works, Allegheny County, Pennsylvania, remonstrating against any change in the present tariff laws; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of Philadelphia, remonstrating against any change in the present constitution of the Light-House Board; which was referred to the Committee on Commerce.

He also presented a memorial of the Franklin Institute, of Philadelphia, praying for the repeal of the act permitting increased boiler pressure on steam-vessels; which was referred to the Committee on Commerce.

He also presented the petition of George H. Ritter, Henry Aaron, and other citizens of Pennsylvania, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented three petitions of L. J. Whitson, Isaac Broomell, and other citizens of Penningtonville, Pennsylvania, praying for the prohibition of the manufacture and sale of alcoholic liquors in the

prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which were referred to the Committee on the District of Columbia.

He also presented the petition of M. M. Bailey, E. Pennock, and other citizens of Chester County, Pennsylvania, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Pennsylvania Temperance Union, James Black, president, and D. C. Babcock, secretary, praying for prohibitory legislation for the District of Columbia and the Territories, the prohibition of the foreign importation of alcoholic liquors:

tories, the prohibition of the foreign importation of alcoholic liquors;

that total abstinence be made a condition of the civil, military, and naval service: and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

ADJOURNMENT TO MONDAY.

On motion of Mr. FRELINGHUYSEN, it was

Ordered, That when the Senate adjourn to-day it be to meet on Monday next.

THE POST-ROUTE BILL.

Mr. HAMLIN. Memorials have been presented and I wish now to suggest to the Senate, as we have voted to adjourn over until Monday, that it is very important that the post-route bill should pass. I ask the Senate now to take it up and consider it in the morning hour, so that we shall not interfere with the Senator from Connecticut, [Mr. EATON,] who is entitled to the floor at one o'clock on the elect-

oral bill. I move the present consideration of the post-route bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2262) establishing

post-roads.

The PRESIDENT pro tempore. The amendments reported by the Committee on Post-Offices and Post-Roads will be stated by the Secretary in the progress of the reading of the bill.

Mr. HAMLIN. I will make a very brief statement to the Senate, and perhaps no Senator will ask that the bill shall be read at length, which would take the best part of an hour. The Senate Committee on Post-Offices and Post-Roads have given to the consideration of this post-route bill much more care and attention than such bills have ordinarily received. We have first requested the indement of the post-route bill much more care and attention than such bills have ordinarily received. We have first requested the judgment of the Senator who has introduced a proposition for a post-route, in order to ascertain that there was a public utility and necessity for his amendment. We have done the same thing in regard to amendments proposed by members of the House which have been sent here. I have myself called personally upon every member who proposed an amendment, and have made an inquiry into the character of the route sought to be established. Several propositions were not entertained, and are not therefore included in the bill; but where the member gave such a statement as to induce us to believe they were proper they were admitted. When memorials and resolutions of State Legislatures were presented to this body and showed satisfactorily upon their face proper cases to be included, those cases have been included. Those embrace all the amendments of the committee save another class Those embrace all the amendments of the committee save another class which have been transmitted to us from the Post-Office Department. Under that statement of the case, if there be no call upon the part of any Senator, I ask that the reading of the bill may be dispensed with. The PRESIDENT pro tempore. Is there objection to dispensing with the reading of the bill? The Chair hears none. The question will be taken many agreeing to the avendments recovered.

with the reading of the birl. The chair heats hole. The question will be taken upon agreeing to the amendments reported.

Mr. HAMLIN. And if nobody wants to separate the amendments, I ask that the question be taken upon all of them together.

The PRESIDENT pro tempore. Is there objection to the question being taken upon the amendment in gross? The Chair hears no objection. The question is on agreeing to the amendments in gross. The amendments were agreed to.

Mr. HAMLIN. I am directed by the Committee on Post-Offices and Post-Roads to submit an amendment. I move to insert after line 628—

From Chardon to Chester Cross Roads.

The amendment was agreed to.

Mr. HAMLIN. I find that the House inserted, on pages 35 and 36,
the same route twice. It could do no harm, but it should not be in the bill. I therefore move to strike out of the bill lines 863 and 864, as follows:

From Petersburgh, in Grant County, via Patterson-Creek turnpike, to Burlington, Mineral County.

The amendment was agreed to.

Mr. PADDOCK. I send to the Clerk's desk certain amendments,

which are merely corrections of orthography.

The PRESIDENT pro tempore. The amendments will be reported.

The CHIEF CLERK. On page 21, line 489, it is proposed to strike out "Tokama" and insert "Tokama;" and in line 490 to strike out "Schmidt" and insert "Schwedt."

The amendment was agreed to.
Mr. PADDOCK. There are still other corrections.

Mr. PADDOUK. There are still other corrections.

The CHIEF CLERK. In line 492, page 21, it is proposed to strike out "Fairburg" and insert "Fairbury;" in line 494, strike out "Gem Rock" and insert "Glen Rock;" in line 495, strike out "Carrieo" and insert "Carrico;" in line 496, strike out "La Murieon" and insert "La Munyon;" and in line 503, strike out "Keatscatoon" and insert "Keatsatoose."

The appendment was accord to

The amendment was agreed to.

Mr. PADDOCK. I desire to remark in this connection that, as this bill was prepared in the other House, the Committee on Post-Offices and Post-Roads of the Senate is not responsible for the errors in spelling. I move on page 22 to strike out lines 520, 521, 522, 523, in the following words:

From Columbus, Platte County, via Monroe, Keatscotoose, Genoa, Woodville, Waterville, Boone, Albion, Oxford, Raeville, O'Neile City, Nebraska, to Custer City, Dakota Territory.

It will be observed that the same route is provided for in another part of the bill.

The amendment was agreed to.

Mr. HAMLIN. There is a typographical error on the first page. "Cropeville" should be "Cropville" The letter "e" should be omitted where it occurs in lines 7 and 9. That is all, I believe.

The PRESIDENT pro tempore. That correction will be made.

Mr. EDMUNDS. I should like to ask the Senator from Maine if

he can tell us approximately how many miles of new post-routes this bill establishes!

Mr. HAMLIN. I cannot.
Mr. EDMUNDS. How many in point of number?
Mr. HAMLIN. The bill itself will present that fact, though I have not counted them. I will say, however, that a very large number of the routes established in the bill are from one single point to another upon which service has been had for long years, what is called special service. The bill makes a very large number of them post-routes. They have been sent to us, and have been expressed as desirable, from the Department, because it makes a certain service, and makes the service subject to bidding instead of giving the Department the opportunity of making a special contract.

Mr. EDMUNDS. Do I understand the chairman of the committee

to say that by law now the Postmaster-General is authorized to put what is called special service over any road or railroad in the country that Congress has not established as a post-route?

Mr. HAMLIN. I mean to say that from a post-office on a route already established, whether it be a railroad or another route, to one single point, the Postmaster-General has, ever since I have known anything about it, and that I suppose is the law, been authorized to establish a special service; that is, from that office which is now establish. tablish a spectal service; that is, from that once which is now exactlished by law to a given point, making the compensation for transporting the mail over that route dependent upon the compensation arising from the office established. You have got such service in Vermont in very many cases. We have it in every State in the Union.

Mr. EDMUNDS. I am sorry to say that we have a good many things

in Vermont that we ought not to have, and have not some things that I think we ought to have. If that is the law I am sorry, because it vests a boundless discretion in the Post-Office Department. Before I am thoroughly satisfied that it is the law, I should be glad to have my honorable friend from Maine point out that part of the statute which confers that power. I dare say he is correct. I am not by any means

prepared to dispute it.

prepared to dispute it.

But what I rose chiefly to say, Mr. President, was, in this day of economy, to put the question whether here is not a good opportunity to economize? We all know from experience that when these routes are once established by law, although the Postmaster-General is not obliged to put service upon them, he is besieged by Senators and members of Congress (of whom I count myself one of the chief because the contract the con siegers) to put on the service, and the most frequent service; because everybody likes to get a letter once in ten minutes if he can—the most frequent service; because everybody likes to get a letter once in ten minutes if he can—the most frequent service possible. The consequence is, as a practical result, although it may be trifling in one particular instance, when you apply it to thousands, when you sum it all up, a very heavy drain is made upon the public revenues. The question that has occurred to me is, in these times, whether we could not beneficially to public interests, taking into view the interests of the Treasury and of the tax-payers as well as the interests of people who wish to send or receive letters, be exceedingly conservative in respect of establishing new post-routes. The Post-Office Department, as we all know, always has been, and is likely always to be, if we go on in this way, not self-sustaining, and a tax of several millions of dollars each year is imposed upon the people of the United States to keep it up. Of course, it is a very worthy object when properly managed, as I have no doubt it is now, a very desirable object; but if we can economize in diminishing the expenditures of the Post-Office Department, though the result is to make the people of the various States submit to some little inconvenience in respect of the celerity with which their letters are transmitted to some point close to their homes, I think we shall be doing a good thing. Therefore it is that I ask whether we have not here a point where, instead of launching out into these new expenditures, because that is what the effect of the bill is, we may not say that for this year we shall not establish any new post-routes at all, just as we have said, in substance, that we will not build any for-

tifications at all, and so on.

I am not prepared to make any special motion about it, because I am not sufficiently familiar with the subject of this bill to do so. Undoubtedly there are some items in it that are of prime public necessity; but taking it as a whole, considering the enormous proportions of this bill and the tens, and perhaps hundreds, of thousands of miles of service that are established in it, it has occurred to me whether here is not a golden opportunity to preserve the Treasury without do-ing any serious detriment for the time being to the interests of the people of the United States. I should like to hear from my friend

from Maine upon that topic.

Mr. HAMLIN. I have no doubt myself if we look around us we may find many opportunities in retrenching the expenses of this Government in the manner which the Senator from Vermont has suggested. We might amend the law and declare that Senators and Representatives in Congress should receive no compensation for their services for this year, because it is a hard time. We might abolish any particular branch of the public service for this year because it is a hard time; and we might replenish the Treasury in almost any direction by pursuing as rigid a rule for the various branches as the Senator suggests in relation to post-routes.

If the Senator will look at the bill, he will see that the new routes are mainly made up in the new States and Territories where the population is increasing with great rapidity, where people are going to inhabit and cultivate the lands; and it does seem to me that

they are entitled to some mail facilities.

I wish to say to the Senator what I had already stated before the Senator came in, that the Committee on Post-Offices and Post-Roads have examined this bill with a great deal more of care than any postroute bill that has ever gone through that committee since I have been a member of it. We sought the information of the Senator who asked that a route should be established. We asked the information individually. There were some twenty amendments sent over by members of the House. I went over myself with each amendment and saw the member of the House who presented it, and he made to me a statement which led me to believe that the public exigencies fairly required that the route should be established. We then took one other class of cases, a few in number, which were asked for by petitions, which stated the case, and upon inquiry at the Post-Office Department finding the information generally corroborated, we included them. There is one other class, three cases only I remember, of memorials from State Legislatures, which set forth the necessity for certain routes. It is true, undoubtedly, that there may be some routes in the bill upon which service should not be placed, but it is utterly impossible for any one committee to decide those questions as wisely or as well as the Department can, or as well and wisely as the Department will, with all the pressure that may be brought upon it.

The Senator is incorrect in supposing that there is not a very considerable number of routes established upon which no service is placed—I mean for a considerable time, sometimes for years. While I concur fully with the Senator that it is desirable that we retrench our expenses in all possible ways, I think the facilities which will be granted by the establishment of these routes ought to induce us to

pass the bill.

I want to say also to the Senator from Vermont that the committee is laboring very industriously for the purpose of finding some method by which the Post-Office Department shall be made, if not self-sustaining, much nearer to it than it now is; and I express the hope that we shall be able in a few days to make a report to the Senate, followed by other reports, which, if they shall meet the approving judgment of the legislative body, both House and Senate, will improve the financial condition of the Post-Office Department by some four or five or six million dollars. If Congress shall be able to accomplish such a result, we shall, I hope, bring the Department within the rule of being self-sustaining, or at least within that limit which will make it self-sustaining if we allow it an appropriation from the Treasury which shall be an equivalent annually for the service that the Government receives from the mails. That I would regard as self-sustaining, because I think we should not call upon any one class of our community to support the system exclusively for the benefit of the Government, as we should not call upon the Govern-ment to sustain it for parties outside, for whose benefit primarily it was originally established.

Mr. EDMUNDS. May I ask the Senator, as I dare say he can tell us readily—I do not know myself—what the total amount of the Government postage for the last fiscal year, under this extraordinary stamp contrivance that we have, has amounted to; that is, the paper. Supposing the stamps had represented actual value, what would have been the whole amount of postage paid by the Government in the last

fiscal year?

Mr. HAMLIN. I cannot give the Senator the precise figures, but I

approximate very closely to it when I say \$1,400,000.

Mr. EDMUNDS. Now, can the Senator tell me, as I have no doubt he can, (because I am sure he does not understand that I am criticising the committee; I am only making general observations,) how much the difference between receipts and expenditures of the Post-Office Department has been in the last fiscal year; and then, secondly, how much it was in the year before? so as to show to the Senate whether the difference between income and expenditures is increasing

or diminishing, taking the last two fiscal years for comparison.

Mr. HAMLIN. I must reply again that I cannot give the precise figures, but I will give them very nearly. The deficiency of the Post-Office Department the year preceding the last fiscal year was in round numbers about \$5,000,000; the last year about \$6,000,000. The Post-master-General tells us that under the existing arrangement of the Department for the ensuing year it will be about \$8,000,000. If think at the proper time, when I shall ask them to make such changes in the law as the committee believe to be desirable, I shall be able to demonstrate to the Senate that under existing laws our deficiency for the ensuing year will exceed \$10,000,000. The Postmaster-General estimates it at about \$8,000,000; it may be a few thousand dollars more or less; I do not recollect; but I am approximately accurate.

Mr. EDMUNDS. The substance of it is that regularly we have what an ancient Commissioner of Agriculture used to call "a most gratifying increase of expenses over receipts." That seems to be the

substance of it. Mr. HAMLIN.

That is so.

Mr. EDMUNDS. And what I wish to get at is how far that constant increasing drain on the Treasury is attributable to the enormous extension of new post-routes. Can the Senator give us any information upon that topic?

Mr. HAMLIN. That is utterly impossible. It would be a very great labor to analyze the subject so that I could give a specific re-I do not think they know at the Post-Office Department. It is undoubtedly true that in the sparsely-settled portions of the country long routes are established over which the mail is transmitted from which we receive very slight revenues; but I think the Senator from Vermont will agree with me that the hardy pioneer who goes into the forest or on to the prairies has a right to ask for mails, and we are bound to extend to him, the frontierman, reasonable mail facilities. There is no process in the world by which you can do that if you shall require every route to be anything like self-sustaining.

Mr. DAWES. I would inquire of the chairman of the committee if, in the book-keeping of the Post-Office Department, the amount which the Government pays for its own postage enters into the ex-

Mr. HAMLIN. It does not enter in.
Mr. DAWES. Then postage charged to the Government is in addi-

Mr. DAWES. Then postage charges to the the capenditures?

Mr. HAMLIN. I remarked a moment ago that the Postmaster-General had stated that the deficiency for the ensuing year would be \$5,000,000, and that I thought I should be able to satisfy the Senate at the proper time that the deficiency would probably be \$10,000,000; and I propose to do it by showing that the Postmaster-General in his \$8,000,000 had not included a million and a half at least which the \$8,000,000 had not included a million and a hair at least which the Government ought to pay, and will pay, and which should be added to this \$8,000,000; and that and one other item will make the deficiency for the ensuing year, I think, \$10,000,000.

Mr. DAWES. I would like to inquire of the chairman of the committee if he has the data from which he can state whether there

would be a penny's greater charge on the mails if the Government postage went free; if he has any idea that it would cost one penny more to carry the mail if the Government postage was abolished and

its matter went free !

Mr. SARGENT addressed the Chair.

Mr. EDMUNDS. I had not quite yielded the floor. I merely wish to say, in concluding, as I hope, what I have to say about this bill, that I am as much in favor of the hardy pioneer as my friend from Maine is; I consider myself to be one of that class; but when I look at this bill I find that the hardy pioneer lives in Maryland, and in Massachusetts, and, I dare say, in Vermont. I do not know how the bill is arranged, whether alphabetically or not. I do not see Vermont, but it is usually in.

Mr. HAMLIN. It is in the bill I suppose.

Mr. EDMUNDS. I will not under take to make capital for my State; but the hardy pioneer lives in Illinois, and in Indiana, and in Georgia, in Pennsylvania, and so on. Therefore I do not think that this can be considered as a bill devoted chiefly to the interests of the hardy It is undoubtedly true that all the citizens of this country, whether they are pioneers or what they may be, are entitled to fair and equal privileges under the law; but it does not follow because I choose to go and set up a camp for fishing or shooting in some fastness of the mountains of Vermont or Maine, that all the other people of the United States are to be taxed forthwith in order that I may get my daily papers every morning when I get my breakfast. At least I do not think it does. They are entitled everywhere to what is reasonable undoubtedly; but what is reasonable in a question of this kind depends a good deal upon the condition of the country. If the country is overflowing with wealth and with prosperity, we can give to the citizens of all parts of the country the benefits of the Government, those affirmative benefits of public works, public improvements, and public intercommunication, in a large degree and with more justice and propriety than we can at other times. This is one of the other and propriety than we can at other times. This is one of the other times. Therefore the question, which I have opened with great diffi-dence, is, whether this is not the time to say that we will have no further post-routes for this year except in some very special emer-gency. The Senator says in answer to that, why, you need not vote any compensation to Senators and members of Congress. If it were proposed to vote additional compensation to Senators and members of Congress I should quite agree with him, although he probably knows, as I do, that the present compensation to Senators and mems, with the prices of things in this city, which we can no more control than we can the tides of the sea, does not afford an adequate sum to live upon, if a person, as we are, obliged to stay here more than half the time, has the advantage of having his family and his children with him, whatever he might do if he expatriated himself from his home and left all that was of home behind him. So that is not the point. This is entering upon a new field or an extended field of public service; and what I wish to impress upon the Senate as far as I can is, that in doing that we ought not at this time to go beyond the urgent necessity of each particular case, because, as it appears by the Post-Office reports and transactions, these new routes do very largely every year increase the public expenditure without anything like a corresponding increase of the public receipts.

That is all I have to say.

Mr. SARGENT. I think Congress made a great mistake when some years ago it substituted for the cheap method of dispatching Department business the costly one of printing stamps and putting them upon the communications which go out from the Department. By this means, the franking privilege in fact, or the unrestrained use of stamps, is permitted all over the country and to thousands of persons

who never had it before. Under the policy of the old law, a person having a post-office the pay of which was \$12 a year had the right to send his letters in regard to his post-office business free. It was a very strong limit on the franking privilege. In any other office the postmaster had to pay his postage. Perhaps I am mistaken in the limit, but it was something thereabouts, applying to a very low grade of post-offices. Under the present system, postage-stamps are sent to every post-office, to Boston, to New York, and to San Francisco, as well every post-office, to Boston, to New York, and to San Francisco, as well as to the little twelve-dollar post-offices, and there is no guarantee that I know of that these stamps are not liberally used for private correspondence. Furthermore, there is an apparent expenditure out of the Treasury of about a million and a half per annum which goes to swell the budget, and goes to show how extravagant Congress is in relation to the expenses of the Government. In fact, ten, fifteen, or twenty-five thousand dollars at the very outside are thrown away because it is used to print a stamp to put upon a document when the document might just as well go with a stroke of the pen. It does not take any more of the time of the clerk to write a name than it does for the clerk to lick a postage-stamp, while the abuse which I refer to of the indiscriminate and improper use of stamps cannot exist in

to of the indiscriminate and improper use of stamps cannot exist in the other offices, because it is only at headquarters that they have a right to use this method of dispatching documents.

And then, again, there is a class of clerks who are compelled to be employed in order to keep the accounts of these postage-stamps. Altogether it is an expensive system. The Government probably is annually paying out of its pocket something about \$100,000 to administer this law, which saves the franking privilege, while it is not receiving a dollar's benefit and is probably swindled every day by the unauthorized use of stamps. I think a very decided reform—and I commend it to the Post-Office Committee—would be to abolish this system, so far as the Departments are concerned at any rate, of using stamps. Let us come down to first principles. It would not cost a dollar more to carry the mails without the stamps than with them; dollar more to carry the mails without the stamps than with them; the Government would not be compelled to spend a dollar, while it would save all this expense of scales to weigh the mailable matter of the Department, of clerks to affix postage-stamps, of clerks to keep an account of the issue of postage-stamps, and would save the tempta-tion we now extend to every postmaster in the country for the illicit use of stamps. I think it would be a reform to put Senators and Representatives in communication with the people as they were before, under a proper law. Perhaps the law before was abused, but I believe the abuses were magnified; they were caricatured and not fairly stated. I think under a proper law that would restrain abuse we should allow a Senator or Representative to communicate with his constituents, to send them information on their business and the public business, and receive from them their petitions or their requests during the sessions of Congress or at any other time when it might be

But there are certain ways in which the Government benefits the people, as it seems to me, that justify government, justify its existence. One of these methods is by means of the courts which we keep open at very large expense. We have our judges, our jurors, our marshals, our machinery of justice, bringing of course no revenue to the Government of the United States—an expensive process, but it protects the citizen in his life, in his liberty, in his property. For that reason they are important, and we do not ask the question whether they are a burden on the Treasury or not. We only guard

There are other matters, perhaps even of a more speculative nature, as for instance the Signal Service. If we are rigorously and sternly economical this year and determine to cut off everything which the Government could exist without, we might cut off the Signal Service. Of course there would not be a warning at Cape Hatteras or along the Atlantic cost or on the Gulf of the approach of storms, and we should not see such items we saw the other day in the papers, that a fleet on seeing the storm-signals immediately took refuge, and six hours thereafter a storm burst which unquestionably would have made a great many wrecks among them unless they had received this notice and taken this refuge. Still it can be cut off if we are so economical that we will not try to make the Government a benefit to the people in matters which are not absolutely required for the existence of the Government itself.

There is another branch of the service which has grown up within a few years that perhaps might be cut off on exactly the same princia few years that perhaps might be cut on on exactly the same principle, but I would not recommend it, and that is the life-saving stations along the Atlantic coast and along the Gulf. I believe they have none on my coast yet, although some exposed points have been legislated for and probably will be provided for during the coming year. Property and life are saved by these means; but the Government can exist without them. They are, however, a benefit to the people. They go right home to the interest of the whole people, and people. They go right home to the interest of the who people, and especially of the maritime classes and of merchants who are importing and exporting goods. They are a protection to commerce and the commercial classes and to our marine, and they ought not to be re-

duced.

In just the same way the postal service is a benefit to the people of the United States. Of course it costs the Treasury, it must cost the Treasury something, and unless we put up the postage probably it will increase perhaps not the percentage it costs, but the actual amount of deficiency will be greater year by year. Nevertheless I do not think

it ought to be cut off. The deficiency should be greater now than it was ten years ago because we have eight million more people now than we had then, and they are not gathered simply in cities but they have gone out to form new communities of growing Territories and growing States. They are at a distance from the old methods of com-

Unquestionably when the South was cut off by the accidents of war the postal service came nearer being self-supporting than it was before or has been since. I believe that during two or three years of the war it was absolutely self-supporting; but the reason was, that a very large territory in the Southwest less thickly populated than the Northern States was cut off, and we did not need to supply it with postal service; but nevertheless this service needs to be kept up, even if it does cost the Treasury something. A man sits down in his office in Burlington, Vermont, or in New York, or in Massachusetts, and writes a letter directed to Brazos, or directed to Montana; he wants that letter to go; perhaps it is an important communication from him to some person who has charge of his business interests there. Upon the speedy transmission of that letter may depend his interests or sales that he may make of property there, or of merchandise to go there; and consequently it is a benefit to the business of the old part of the country as well as to the new part of the country that communication should be kept up.

With reference to the post-routes in this bill, I have not examined them. I notice in my own State some were put in on my motion though they are not creations of new routes, and I call the attention of the chairman of the committee to that fact. For instance, here

is one:

From Guadaloupe, Santa Barbara County, via Lompoc, to the town of Santa Barbara in the same county.

That takes the place of another route somewhat longer. The progress of business, the growing up of towns and especially this town of Lompoc, has built up a community at Lompoc overshadowing anything else in its neighborhood, growing up in the last two years with from a thousand to twelve hundred people. This route is consequently shortened by the provision of this bill, and I have no doubt that that is the case with many of the routes which are here named; that is to say, that the growth of the business requires shorter and more direct routes. They build new wagon-roads in the Territories and new States; they make better modes of communication. The original mail service was sent upon natural routes, such routes as they could find along mountain crests or perhaps through valleys unimproved; and by the progress of settlement and the making of better routes they find shorter ones, and consequently they need that the postal service shall be changed; and the Department is extremely technical in this matter. Unless a route is distinctly named in the statute, although it may be a variation from another, they will not accept the variation, though it may be shorter, because they say they cannot let service to run over a route which is not declared by law.

Mr. EDMUNDS. Yes, but is there any instance in this bill in which

any post-route is abolished?

Mr. SARGENT. Yes, sir, in effect. There is the one I mentioned from Guadaloupe to Santa Barbara, in my own State, where a shorter route is established.

Mr. EDMUNDS. Will the Senator kindly read the clause which stablishes the new route and abolishes the old one?

Mr. SARGENT. It is entirely unnecessary to say so expressly, be-

Mr. SARGENT. It is entriesy unnecessary to say so expressly, because it is always done.

Mr. EDMUNDS. Well, let me—

Mr. SARGENT. I did not report the bill and do not care to be catechised about it. I am stating a fact within my own knowledge. Then I thought the Senator would be willing to Mr. EDMUNDS. be catechised.

Mr. SARGENT. I am stating a fact within my own knowledge and stating it clearly, too clearly to be misunderstood. I stated that this route to which I have reference, which is in the bill at my request, is a substitution in fact of a short route for a long one, cutting off I think some fifteen miles. The two roads run not directly parallel, but within a few miles of each other, the shorter one cutting off elbows, the new

route taking the place of the old. My observation in the Post-Office Department is that this is the uniform fact.

There is another fact in reference to this bill. The Post-Office Department rules that there are no post-routes except those that are named in the Revised Statutes or in laws that have been passed since the Revised Statutes; but it was found on examination of the Revised Statutes that many routes which are old, which have been run for years, which are as indispensable as any route in any of the old States, and some of them are in the old States,) were cut off by the Revised Statutes simply because they were not named. The effect of their ruling is to cut off all those routes, and the consequence would be, of course, a very great derangement of public business. My understanding of this bill is that it corrects a great many of these errors in the Revised Statutes. The chairman asserts that the routes which are liable to be cut off for want of being named in the Revised Statutes are replaced in this bill; and consequently the bill ought to pass.

It is entirely optional with the Post-Office Department whether service shall be put on any of these routes which are new. I conserve the property of the put of

tend, however, that it is an absolute necessity, and that it is not merely an advantage to the States in the West or Southwest, but it is an advantage to the old States to have their letters carried. Those

who live in the old States and in overgrown cities enjoy all the luxury of the Post-Office Department; they can sit at their breakfast-table and have the postman bring their letters at their breakfasts, and their daily papers and their magazines, or any merchandise that may be sent to them by mail—the eggs, if they please, that they eat at the breakfast-table; they can at their lunch-table have the same thing served up to them, and so at their office during the day and at their houses two or three times a day, as regularly as a telegram is sent from the telegraph office. I think they are not the ones to complain and to begrudge the service which is for the benefit of the more sparsely settled States and Territories, where none of these lux-uries are enjoyed. I hold that it is the right of our citizens, wherever they collect into a community—not a mere place for fishing and for hunting, but a community of five hundred or one thousand souls in the new States or Territories-to have rendered to them at least their weekly service. It is the method by which the Government heretofore has treated this matter; it is a wise one; and if it does cost something to the Treasury, it is not more true of it than it is of the Signal-Service, or of the life-saving service, or of the propagation of fishes, or the maintenance of courts, or any of those other matters which are a

the maintenance of courts, or any of those other matters which are a charge upon the Treasury and bring no revenue to it whatever.

Mr. WINDOM. Mr. President—

The PRESIDENT pro tempore. The morning hour has expired.

Mr. HAMLIN. I hope we may be allowed, with the consent of the Senator from Indiana, a little while to finish this bill.

Mr. MORTON. If this bill can be disposed of very shortly, say in the course of fifteen or twenty minutes, I shall have no objection; but the other bill has been hanging a good while, and I hope to see it finished.

Mr. WINDOM. I do not desire to take more than one or two min-

Mr. MORTON. I will let this bill go on a little while.

Mr. WINDOM. I merely wish to say that in stating the deficiencies of the Post-Office Department, I think there are two things that should be taken into the account, one of which has not been men-tioned here to-day. The Senator from California mentions the fact tioned here to-day. The Senator from California mentions the fact that the repeal of the franking privilege and the printing of stamps and furnishing them to the Departments makes an apparent additional cost of a million and a half or about that. In addition to that, also, it should be stated, I think, that before the repeal of the franking privilege there was a permanent appropriation of over \$700,000, or perhaps exactly that sum, which never entered into the appropriation bill, which never swelled the apparent deficiency at all; so that putting the two items together here are nearly two and a half million dollars of an apparent increase which is no real increase in the service.

So far as the opposition to this present bill is concerned, I think that it is the wrong one to economize on. Perhaps my views of that question may differ somewhat from those of the Senator from Vermont on account of our different positions. If it were not well known that the Senator from Vermont is economical on all occasions, it might possibly be supposed that his zeal in this case for economy was based somewhat on the principles of the individual who during the war was quite willing that all his wife's relations should be drafted. It so turns out that, while every other State of the Union has some post-route in this bill, the State of Vermont has none. I do not suspect that the zeal of the Senator from Vermont has been inspired by that fact; but if it were not well known that he is always for economy, it might possibly be supposed that it was his wife's relations he desired should go to the war rather than his own.

Mr. HAMLIN. There is an error in the bill which I think may be

MR. HAMLIN. There is an error in the bill which I think may be typographical and yet I want to be sure about it. Lines 434, 435, and 436 on page 19 should be transposed. They describe a route in Missouri; it should be a route in Illinois. Those words should be transposed to follow line 191.

The PRESIDENT pro tempore. The transposition will be made.
Mr. HAMLIN. I wish to say one word and only one word in reference to the suggestion of the Senator from California, and that is as to the matter of furnishing stamps for the use of the Government. The Committee on Post-Offices and Post-Roads are considering that very subject, and I am happy to say that I concur most cheerfully with the suggestion made by the Senator from California that we with the suggestion made by the Senator from California that we want the use of no Government stamps; that whatever may belong to the Government, whatever they may have to transmit in the mail, should bear the distinguishing mark of the Department from which it goes, and that is all. Then at the end of the year I hold that the Government should make an annual appropriation which would be equivalent to payment for all they have occasion to use the mail service.

My friend from Massachusetts put the question directly to me, if the mail matter of the Government were to be transmitted through the mail matter of the Government were to be transmitted through the mail without stamps, whether it would cost any more; or, in other words, if it adds anything to the mail service. I answer yes, it does. Nine-fifteenths of our service is predicated upon the weight of the mail; consequently nine-fifteenths of that weight would have to be paid for in increased amounts that are paid to your railroads. I think of the other six-fifteenths you would have about the same thing, because the property of the paid to your railroads. cause over any route now performed by coach service the man who makes the bid does inquire as to the amount of mail matter that he will usually have to carry, and he makes the weight of the mail one element of his contract.

I wish to say that we shall at the proper time submit a series of measures for the consideration of the Senate, and if there is that earnestness which is manifested by the Senator from Vermont to correct the existing, I will not say evils, but the existing condition of things in the Department and to bring it back toward being self-sustaining, the Senate shall have measures upon which they can vote to

accomplish that result.

Mr. SHERMAN. I should like to ask my friend from Vermont a question before he takes his seat. Do I understand him that the postroute bill or the insertion of a post-route in this bill makes it mandatory upon the Postmaster-General to establish service over that route?

Mr. HAMLIN. Certainly not.
Mr. SHERMAN. Now I wish to call attention to the fact that the language of the Revised Statutes changes what I always understood to be the established law. I have always understood that inserting a post-route in the post-route bill did not make it mandatory to put any kind of service on it; that it was not to be done unless the Postmaster-General saw proper. The Revised Statutes, as we have them before us, change, in my judgment, that law. I will read the section. In the first place, after making certain railroads and other public lines of communication post-routes, the section says expressly

The Postmaster-General shall provide for carrying the mail on all post-roads established by law as often as he, having due regard to productiveness and other circumstances, may think proper.

He is bound under the law therefore to carry the mail over all post-routes, and the only thing left to his discretion is how often. The section is cited as derived from an act of 1872. It certainly is not the law as I understood it to be; and I call the attention of the Senator

from Maine to it, so that he may look into it.

Mr. PADDOCK. It is certainly not the practice of the Depart-

ment.

Mr. HAMLIN. I will be frank in saying that I was not aware of the phraseology of that section; but they do not give that construction to it at the Department. They give the construction to that law, if that is the one under which they act, that there is a discretion within the Postmaster-General to establish service only upon

tion within the Postmaster-General to establish service only upon routes where his judgment shall determine it to be right and proper. Mr. SHERMAN. I have no doubt that is the law; but by the Revised Statutes, which are now the only law on the subject, and which the Postmaster-General, if his attention is called to the subject, is bound to obey, he is bound to put on every post-route service of some kind and for some time; and the only discretion he has is how often. I call attention to it, so that the Senator may in the first postal bill where he thinks it would be proper and pertinent see that it is made right. is made right.

Mr. PADDOCK. I desire to say to the Senator from Ohio that in my own State I know the practice of the Department is different;

because during the past season, in the interest of economy, the Department has withdrawn service altogether on several routes.

Mr. SHERMAN. Still the law is mandatory; and all I want to do is to correct the law according to the practice.

Mr. CAMERON, of Wisconsin. I wish to submit an amendment, to strike out lines 921 and 922, on page 38. The route intended to be established by lines 921 and 922, on page 38, is provided for in lines 903 and 904

Mr. HAMLIN. That is an error of the House. One of them should

be stricken out.

Mr. CAMERON, of Wisconsin. I move to strike out lines 921 and

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amend-ments made as in Committee of the Whole were concurred in.

It was ordered that the amendments be engrossed, and the bill read a third time.

The bill was read the third time, and passed.

## REPORTS OF COMMITTEES.

Mr. McDONALD, from the Committee on Pensions, to whom was referred the bill (S. No. 491) granting a pension to Eliza S. Manchester, asked to be discharged from its further consideration; which was agreed to.

Mr. CONKLING, from the Committee on Commerce, to whom was

referred the bill (H. R. No. 1796) to grant an American register to the Hawaiian bark Arctic, reported adversely thereon, and the bill was postponed indefinitely.

Mr. BOUTWELL, from the Committee on the Revision of the Laws, submitted a report, accompanied by a bill (S. No. 649) to perfect the revision of the statutes of the United States; which was read twice by its title.

The report was ordered to be printed; and, on motion of Mr. BOUT-WELL, the bill was recommitted to the Committee on the Revision of the Laws

Mr. ANTHONY, from the Committee on Printing, to whom was referred the bill (S. No. 563) to provide for the sale of extra copies of public documents and for the distribution of the regular official editions thereof, reported it with amendments.

## EULOGIES ON SENATOR O. S. FERRY.

Mr. ANTHONY. The Committee on Printing, to whom was referred a concurrent resolution for printing 12,000 copies of the eulogies delivered in the two Houses of Congress upon the late Orris S. Ferry,

late United States Senator from Connecticut, have directed me to report back the same with an amendment. The amendment makes an appropriation, and therefore the form of the concurrent resolution should be altered to a bill, which I will thank the Clerk to do.

The PRESIDENT pro tempore. That change will be made.

Mr. ANTHONY. The resolution calls for a portrait of Mr. Ferry,

and directs the Secretary of the Treasury to have it engraved and printed. A previous resolution ordered a portrait of Mr. Wilson in the same way; but there is no appropriation for carrying on the Bureau of Printing and Engraving, and the superintendent of that branch of the service is unable to execute the order of Congress unless

there be an appropriation, and this makes an appropriation therefor.

In offering this bill I desire to state that the practice of publishing the eulogies on members of Congress, with portraits, has become so well established, that it would be hardly consonant with the feelings of any of the Senators to break from it unless by some general rule applicable to the future; certainly we would not wish to depart from it in the case of Mr. Ferry, a man for whom we all had the highest admiration and respect. I understand there will be another proposition like this coming from the other House, and after that it is the opinion of the committee that the practice should be abandoned. It was abandoned some ten or twelve years ago, but has been gradually resumed.

Mr. STEVENSON. How long has it been the practice? I have known cases since I have been in the Senate where it has not been

Mr. ANTHONY. It was the practice when I first came to the Sen-

Mr. ANTHONY. It was the practice when I first came to the Senate, and was soon after abandoned; but it has been resumed in the last seven or eight years, so that the practice is now pretty uniform.

Mr. STEVENSON. Several cases have occurred in the Senate since I have been here. I can understand an exception in the case of a President or Vice-President of the United States; perhaps that might properly be regarded as an exception; but I had supposed the rule had not been re-established of printing portraits of deceased Sena-

Mr. ANTHONY. There was a portrait of Mr. Sumner and a portrait of Mr. Fessenden, and we all supposed the Senate would not like to omit any mark of respect to Mr. Ferry which had been shown to those who had preceded him. It was so in Mr. Buckingham's case

Mr. STEVENSON. When my late colleague, Mr. Garrett Davis, died, there was no portrait of him published, and I was informed that the custom had been abandoned.

Mr. INGALLS. Does this contemplate the engraving of a new

Mr. ANTHONY. Engraving a new plate.

Mr. SHERMAN. I hope the Senator from Rhode Island will at once introduce a resolution that hereafter, so that it may not apply to any case which has occurred, this habit of publishing obituary notices of this kind shall be discontinued. It is growing into an abuse. It was abandoned at one time, as I remember very well; I think a resolution was passed, or at all events an agreement was come to, that we would not publish such notices in this form, but let them go into the Congressional Record in the permanent record of our proceedings. It seems to me the practice of publishing of 12,000 copies of eulogies on a Senator ought to be discontinued. After this case has passed, we ought rigidly to adhere to the rule.

Mr. ANTHONY. And there is one other case of a member of the

House, who is already deceased, in whose case a resolution will prob-

ably come over.

Mr. SHERMAN. As to those who may die hereafter we ought to

agree.

Mr. ANTHONY. I think the practice to which the Senator from Kentucky refers was resumed in the case of Mr. Douglas, of Illinois, as to printing eulogies, and has been continued ever since.

The bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on announcement of the death of Orris S. Ferry, a Senator from the State of Connecticut, was read three times, and passed.

HARVEY & LIVESEY.

Mr. HOWE. The other day I entered a motion to reconsider the vote by which the Senate agreed to the report of the Committee on Claims upon the petition of Harvey & Livesey, praying compensation for labor, materials, and damage under contract for masonry-work to piers and abutments for bridge at Rock Island, June 1, 1869. I ask now that the Senate will agree to that reconsideration, and

ask now that the Senate will agree to that reconsideration, and recommit the petition to the Committee on Claims.

Mr. WRIGHT. I understand the Senator from West Virginia who, I believe, made the report makes no objection to the recommittal.

Mr. CAPERTON. No, sir.

Mr. HOWE. I spoke to the Senator from West Virginia.

Mr. WRIGHT. Perhaps there is no fair objection.

The motion to recommit was agreed to.

## BILLS INTRODUCED.

Mr. BOGY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 645) for the relief of the legal representatives of Charles M. McCord; which was read twice by its title, referred to the Committee on Naval Affairs, and ordered to be printed.

Mr. WALLACE asked, and by unanimous consent obtained, leave

to introduce a bill (S. No. 646) to regulate the practice in circuit courts upon decrees of final injunction in patent cases; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 647) for the more effectual prevention of cruelty to animals in the District of Columbia; which was read twice by its title, referred to the Committee on the Judiciary, and ordered

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 648) to provide for changes in alleys in the city of Washington by assent of parties interested; which was read twice by its title.

Mr. MORTON. I introduce the bill by request. I am not advised of the merits of the bill, but I move to have it referred to the Committee on the District of Columbia.

The motion was agreed to.

### RETIREMENT OF A JUDGE.

I ask unanimous consent, before taking up the Mr. EDMUNDS. special order, to call up the bill providing for the relief of the judge of the western district of Pennsylvania. It is a bill that will excite, I suppose, no discussion, and the public interest seems to require that this judge should be allowed to resign at the earliest moment possible, as he is incapacitated for business.

There being no objection, the bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire was considered as in Committee of the Whole. It extends the provisions of section 714 of the Revised Statutes to Hon. Wilson McCandless, judge of the district court of the United States for the western district of Pennsylvania, in consequence of his physical disability, notwithstanding he has not attained the

age of seventy years.

The Committee on the Judiciary proposed to amend the bill by ad-

ding the following:

Provided, That said McCandless shall resign his office within six months next after the passage of this act.

The amendment was agreed to.
Mr. EDMUNDS. I move to strike out the words "the honorable."
That term is never inserted in bills. This gentleman is an honorable

The amendment was agreed to.
The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. G. M. Adams, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 192) authorizing the sale of certain lands in Vin-

A bill (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory;
A bill (H. R. No. 1816) to repeal section 1218 of the Revised Stat-

utes of the United States; A bill (H. R. No. 1297) prohibiting the cutting of timber on any Indian reservation or lands to which the Indian title or right of occupancy has not been extinguished, and for other purposes;

A bill (H. R. No. 2121) to authorize commissioned officers of the

Army to make deposits under the act of May 15, 1872; and
A bill (H. R. No. 2821) to supply a deficiency in the appropriation
for the manufacture of postal cards for the fiscal year ending June

The message also announced that the House had passed the bill (S. No. 252) donating the military road running from Astoria, Oregon, to Salem, in that State, to the several counties through which it passes.

The message further announced that the House insisted upon its dis-

agreement to the amendments of the Senate to the bill (H. R. No. 810) agreement to the amendments of the Senate to the oill (H. R. No. 310) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1877, agreed to the conference asked by the Senate on the disagreeing votes of the Houses thereon, and had appointed Mr. Robert Hamilton of New Jersey, Mr. Samuel J. Randall of Pennsylvania, and Mr. William A. Wheeler of New York managers at the same on its part.

## ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 359) to incorporate the Washington City Inebriate Asylum, in the District of Columbia; and it was thereupon signed by the President pro tempore

## FIRST TROOP, PHILADELPHIA CITY CAVALRY.

Mr. CAMERON, of Pennsylvania. I ask the Senate to take up a House bill, which will take but a moment. It is the bill (H. R. No. 2012) to authorize the sale of certain ordnance stores to the First Troop, Philadelphia City Cavalry. I will read the bill, and I think there will be no objection to it. It provides:

That the Secretary of War be, and he is hereby, authorized to sell to the First Troop, Philadelphia City Cavalry, at the cost price thereof to the United States

one hundred new Springfield carbines, caliber forty-five hundredths, with such acconterments, equipments, and ammunition for the same as may be required, the money received therefor to be passed on the books of the Treasury to the current appropriations for the Ordnance Department of the Army.

I will say that the First City Troop of Philadelphia was organized in the early part of the Revolution and has existed ever since. It in the early part of the Revolution and has existed ever since. It was the body-guard of General Washington and was with him in his fights in the Jerseys. It has been kept up continually, and the city of Philadelphia has great pride in it. It was originally composed of the most distinguished men of that city, and the desire has been ever since to make every one of its members worthy to fill a much higher place than he does in the company. They are all gentlemen. They never interfere with anybody, but do their duty faithfully. At the beginning of the Morian war, they are their contains beginning of the Mexican war they sent their captain out with a company to Mexico. At the beginning of the last war the company volunteered to serve a couple of months on the Virginia border, and ou all occasions they are always ready to do that which a gentleman will do, his duty and more than his duty. They ask for no favor. They propose to pay the price these arms cost the Government and turn the money in before they get the carbines.

Mr. LOGAN. I do not want to make any contest about the bill,

but I suggest that I do not think it has been considered by the Military Committee. I do not know but that there may be great merit in it; but I think it ought to be looked into, because there has been an application made for arms to be furnished to various companies in Charleston, South Carolina, and divers and sundry companies all over the country, and in the Military Committee these applications have had some consideration and we have been inclined to think that the arms furnished to the different States on the requisition of the governor were sufficient and that we could not set the precedent allowing arms to be given out in this way. This is a different case; it is for a sale of the arms; but the same request may be made by a great many persons all over the country in order to get arms very cheap. It strikes me it is a matter that had better be considered by the com-

It strikes me it is a matter than the mittee. It think the bill ought to go to the committee.

Mr. CAMERON, of Pennsylvania. I have no objection to its going to the committee, but it seems to me that this would perhaps be a good precedent. It is the only case where any company or association of persons have offered to pay for what they get. These gentlemen will pay the full cost of the carbines and pay the cost of their transportation from the arsenal to Philadelphia, and I think it would be a good precedent to set before other people who come and ask for arms, for precedent to set before other people who come and ask for arms, for then we could say "This company here got arms, to be sure, but they have paid for them, and if you will do so we will allow you the same

Mr. LOGAN. I do not know that I have any opposition to the bill, but I would rather that it should go to the committee.

Mr. CAMERON, of Pennsylvania. Then I will not persist.

Mr. THURMAN. It occurs to me that all the security we want is that the arms should be kept in this country to be used by our own citizens. If they are kept for that purpose, we know very well that Springfield muskets or Springfield rifles will not be used against us, but they will be kept for the use of the militia of the United States, in whose hands they will be when they are wanted. Therefore, where there is no danger of the arms being made a matter of merchandise and sold abroad, where they are to remain in the hands of our own citizens, I do not see any objection to our furnishing all that anybody will buy. That is the way it strikes me. These arms will certainly be in the hands of honorable gentlemen who will keep them for the purpose for which they receive them and not make merchandise of

them. I really do not see any necessity for us committing the bill, and no reason why it should not pass at once.

The PRESIDENT pro tempore. Is there objection to referring the

Mr. LOGAN. I made no objection to the bill, but I must certainly disagree with my friend from Ohio. If the Government of the United States once engages in the business of making arms for the citizens, I only say it is a new business. We shall have to keep a great many officers engaged in the business at a considerable salary. The salaries of the officers and employés are not considered in making out the cost, nor are the buildings and machinery. So far as the principle is concerned I differ with the Senator from Ohio. I think it is entirely incorrect, and that we ought not to manufacture arms for the purpose

neorrect, and that we ought not to manufacture arms for the purpose of selling them at cost price. If we do, we go to great expense without any benefit derived by the Government whatever.

But I am not saying this in opposition to the bill. The bill may be the proper thing to do under the circumstance, and I make no opposition; I merely ask its reference that it may be considered.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Military Affairs if there be no objection.

## COUNTING OF ELECTORAL VOTES.

The Senate resumed the consideration of the bill (S. No. 1) to provide for and regulate the counting of votes for President and Vice-President and the decision of questions arising thereon, the pending

question being on the passage of the bill.

Mr. EATON. Mr. President—

Mr. BURNSIDE. I beg to ask the Senator from Connecticut to yield the floor for a few moments. I move a reconsideration of the vote by which this bill was ordered to a third reading, with a view to offer an amendment. to offer an amendment.

Mr. MORTON. If I understand the purpose the Senator from Rhode Island has in view, he proposes to offer an amendment. It cannot be done without a reconsideration; but, as the bill has been pending before the Senate for a long time, I suggest to the Senator that he have his amendment read for information, and he can speak to it in the present condition of the bill, and let the vote on reconsideration then be the test on his amendment. That will answer his purpose.

Mr. BURNSIDE. I am quite willing to take that course.

Mr. BAYARD. I hope the motion of the honorable Senator from Rhode Island will prevail. I was not aware that the bill had passed to a third reading. I had intended to offer in the Senate the amendment of the Senator from Tennessee [Mr. Coopers] the vote appear.

ment of the Senator from Tennessee, [Mr. COOPER,] the vote upon which was taken in his and my temporary absence from the Senate. Unexpectedly the vote was reached and taken, and I did desire to submit to the Senate a few remarks in favor of the amendment of the Senator from Tennessee. Now, as the bill has passed to a third reading, unless the reconsideration is ordered by the Senate, we shall be excluded from offering amendments; and yet I did desire that that amendment should be voted upon by a fuller Senate than those who amendment should be voted upon by a fuller Senate than those who were present at the time the vote was reached. I trust, therefore, understanding the motion of the Senator from Rhode Island to be for the reconsideration of the vote by which the bill passed to a third reading, it will prevail, and that no objection will be offered to it.

The PRESIDENT pro tempore. Is there objection?

Mr. MORTON. I withdraw the objection.

The PRESIDENT pro tempore. The Chair hears no objection. The motion to order the bill to a third reading is reconsidered, and the bill is now onen to amendment.

s now open to amendment.

Mr. BURNSIDE. I now offer my amendment. There is a misprint; the amendment is intended to take the place of the second section of the bill instead of the third as printed.

The Chief Clerk read the amendment; which is to strike out all of

section 2 and insert in lieu thereof-

That if more than one return shall be received by the President of the Senate from That if more than one return shall be received by the President of the Senate from a State, purporting to be the certificates of electoral votes given at the last preceding election for President and Vice-President in such State, he shall immediately make a report thereof to the Chief Justice of the Supreme Court of the United States, who shall at once cause the said Supreme Court to proceed to examine as to who are the legal electors of said State, and shall have power to send for persons and papers; and the said Chief Justice shall, on or before the last Tuesday in January next succeeding the meeting of the electors of President and Vice-President, report to the President of the Senate which of the said electors were legally elected; and the returns sent by the electors so designated shall, if in all other respects they are legal, be counted before the two Houses.

Mr. BURNSIDE. Mr. President, it was my intention to offer an amendment covering the points embraced in the remarks I submitted the day before yesterday; but, inasmuch as a constitutional amendment will doubtless be adopted before the presidential election of 1880, I have decided to confine my amendment to the case of two sets of returns from the same State.

I am aware that there may be a supposed constitutional objection to this, but I think in an emergency like this, if it is possible for Con-gress to give the Constitution a liberal construction which will enable us to avoid the discord that may arise from double sets of returns from any single State at the next election, we ought to do it. Take, for instance, the case of Louisiana. If the electoral votes should be so equally divided as to make the return from that State decide the election, it is clear to me, and must be clear to every Senator here, that the two Houses would disagree upon that subject. It is clear to me that the present House of Representatives, the same House which is to act when we count the electoral votes at the next presidential election, would declare the McEnery government the legal government of the State of Louisiana. We all know that the Senate would declare the Kellogg government the legal government because it has already passed a resolution to that effect.

Now, Mr. President, is it at all reasonable to suppose that either

party would be satisfied with the result in such a case when the electoral votes are counted next February? Does any Senator believe that there would not be great discord in the country if that state of affairs should arise? Yet under this bill it may arise. be the duty of Congress to pass some law or make some joint rule that will avert the difficulty.

The objection that my amendment is not constitutional does not strike me with the same force that it does many of the Senators with whom I have talked. I do not consider this a judicial question; I do not consider it a "case" within the meaning of the Constitution. It is simply a call from Congress on the Supreme Court to perform the reasonable duty of instructing them as to which is the legal Government and which set of electors were legally elected in a State. If it is a "case" at all, it is a "case" in which a State is interested, and therefore the Supreme Court has original jurisdiction.

I may say many things that seem absurd to the legal gentlemen in the Senate; but I am striving to get at some practical means of avoiding a very serious difficulty which may arise at the counting of the next electoral votes. If we cannot refer this question directly to the Supreme Court as a court, can we not refer it to it as a board of arbitration? Can they not resolve themselves into such a board for the time being? Is it not their duty as citizens of the United States and as officers of the United States and officers of the highest court of the land, one of the co-ordinate branches of the Government, to perform this work for Congress?

It is clear to me, and must be clear to the mind of every Senator here, that the people of the United States would bow to a decision of that kind without complaint. They are accustomed to regard the decisions of the Supreme Court as of great authority; they are accustomed to respect them, whether they are for or against them. There is no mode I can think of that would give such universal satisfaction to the whole people.

Another thing is very clear to me, that it was never the intention of the framers of the Constitution to make Congress the judge of the qualifications of the electors. If it had been so, the Constitution would have distinctly stated it. It makes each House the judge of the qualifications of its own members in express terms, but it does not imply even that Congress has any right to judge of the qualifica-

tions of the electors.

The framers of the Constitution probably never expected a difficulty of the kind we are discussing would arise. It is an unforeseen trouble which is presented to us, and we as representatives of the people are bound to grapple it in such a way as to avoid discord and danger.

bound to grapple it in such a way as to avoid discord and danger.

I offer this amendment in the best possible spirit. If it does not prevail, I shall vote for the bill as it stands; but I see a gap, and a very wide one, which in my opinion should be filled. I agree entirely with the Senator from Massachusetts [Mr. Dawes] that, as it stands, with the exception of creating a method by which we can have an orderly meeting of the two Houses in case the returns are all regular, there is very little in it.

I am much obliged to the Senator from Connecticut for yielding me

the floor.

Mr. EATON. I had supposed, Mr. President, that all amendments that were to be offered to the bill had been offered and disposed of; but now comes in this new amendment, and before I proceed to the discussion of the bill, I will say a word or two in regard to the amendment which has been offered by my distinguished friend from Rhode

Island, [Mr. BURNSIDE.]

In my view of the Constitution of the United States it is not competent for Congress to legislate on this subject, to throw into any other Department of Government, or to give to any other man in the world or to any other set of men in the world the power to decide this question. By the terms of the Constitution of the United States it belongs to the Congress of the United States to decide—to no other power, no other body, no other man. I beg leave to suggest to my distinguished friend that by an amendment to the Constitution of the United States, passed by two-thirds of each House of Congress and ratified by three-fourths of the States of the Union, he could arrive at the terms of his proposition, and, in my judgment, in no other manner. Therefore, Mr. President, I shall vote against that amendment.

Mr. BAYARD. With the permission of the Senator from Connecticut I will offer now an amendment, the amendment originally pro-

posed by the Senator from Tennessee, [Mr. COOPER.]

The PRESIDENT pro tempore. The amendment will be read for

The PRESIDENT pro tempore. The amendment will be read for information.

The CHIEF CLERK. At the end of the second section it is proposed

And that if the two Houses do not agree as to which return shall be counted, then that vote shall be counted which the House of Representatives, voting by States in the manner provided by the Constitution when the election devolves upon the House, shall decide to be the true and valid return.

Mr. EATON. Mr. President, the amendment which has just been offered by the Senator from Delaware I have no question as to the constitutionality of. If the House and Senate see fit to legislate on this question, it is competent for them to adopt an amendment of that character in accordance with the Constitution of the United States, as I understand that instrument. Objection was made the other day to this amendment, or one of a similar character, by the honorable Senator from Indiana [Mr. Morton] because it gave to the States too much power; because it gave to the small States a power which they ought not to have under our Government. With all that argument I take issue. I shall not vote for this amendment; but the argument against it in that regard, in my judgment, is not sound. Sir, by the terms of the Constitution of the United States, under certain circumstances the States hold that power, and I know of no reason why Connecticut and Delaware and New Hampshire and Massachusetts, States belonging to the old thirteen, should not exercise the same power with Indiana and Ohio and Missouri, children of the old thirteen. But I do not care to follow that line of argument, because I intend to vote against the amendment.

As I said yesterday, so I again say to-day, that the remarks which I shall submit to the Senate will not be in any degree tinctured by an exhibition of party feeling. My views of the importance of the subject, for upon it rests the peace of the whole Federal Union, the peace and well-being of the entire people of this broad land, I trust

peace and well-being of the entire people of this broad land, I trust will prevent from allowing any partisan feeling to appear.

It may not be unimportant to allude to the great contest in 1801, which contest discovered to the people of the Union that there was a great and lamentable defect in the Constitution of the United States. By the very means of that defect in the Constitution, the wishes of a large majority of the people of the United States came very near being defeated; an individual came very near being elected President of the United States who did not receive in fact one single vote within the limits of the Union for that high office. Thomas Jef-

ferson and Aaron Burr were the candidates of the then republican party for the offices of President and Vice-President. They received an equal number of votes, and by the terms of the Constitution as originally framed neither of them was elected President because a majority was necessary in order to constitute either of them President of the United States, and so the election was devolved on the House of Representatives. For many days a great contest went on; public feeling was aroused all over the country; but I am happy to be able to say here in 1876 that there were in 1801 honest public men, as I believe there are in 1876 honest public men. There were on that occasion men who trod under foot their political views, and one of them, a distinguished Representative from Delaware, the grandfather of one of our own number, a federalist of great renown, did not press the vote of his State, and thus Mr. Jefferson was elected to the office that the people designed him for. There were then, as there are today, public men in whom the people had confidence without regard to their political opinions. Mr. Jefferson was elected. Mr. Burr, of course, by the terms of the Constitution was elected to the second office. An amendment to the Constitution was necessary that there might not again be a difficulty of that character. The Constitution was anended, and from that day to 1865 the Constitution answered a proper and a beneficent purpose. In 1865 a little tinkering was thought necessary to be done and legislative action was had upon this very subject, and perhaps in another part of my remarks I may say more in regard to the unwiseness, the absurdity, the foolishness of that action. I take occasion now to say that we had better not again be guilty of any such absurdity or foolishness of that character.

Sir, there are two questions which each Senator ought to answer to himself. First, have we the power to legislate on this subject? Under a clause of the Constitution, I have no doubt that where the instrument is not plain in its terms, where its implied powers are not thoroughly understood and agreed upon, it is within the province of Congress to legislate upon the subject. Therefore in my judgment, as in the opinion of other Senators, legislation may be had when necessary to carry out the implied powers of the Constitution; but I desire to impress it upon every Senator in this body that all such legislation should be avoided, if possible. It is a dangerous power to exercise even when you possess it under the Constitution.

It becomes necessary, Mr. President, that we should look at the Constitution, because the second question to which I address myself is this: Is there any necessity for legislation? I desire to call the attention of the Senate in this connection to a clause in the Constitution which

has before been read:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

"The President of the Senate shall open all the certificates." That is his duty; that devolves upon him by the Constitution of the United States; and there is the end of his duty. So far as the Constitution is concerned, he opens the certificates, "and the votes shall then be counted." The duties of the President of the Senate or of the Vice-President of the United States are defined by the Constitution. There are other duties, and I shall have occasion, if timeserves me, to speak at length upon the duties which devolve upon the Senate and House of Representatives; but right here I desire to speak of the operation of that law, that constitutional law, as it sufficed to carry this people from 1801 to 1865. For more than sixty years the people of the United States went on and elected their electors of President and Vice-President; the certificates were sent to the Vice-President of the United States, the presiding officer of the Senate, and there never was any trouble, there never was any difficulty, there never was even (and that is the trouble we find to-day) discussion enough upon that very clause of the Constitution for the lawyers of the land to form their opinions; and we come now to the discussion of that question to-day, when, in my judgment, it has not ever been thoroughly discussed before, because there has been no necessity for the discussion.

But, sir, in 1865—and why I do not know; why I cannot conceive; why I have never heard anybody say—honorable gentlemen, acting under doubtless a high sense of duty, passed a certain rule which was called the twenty-second joint rule. Why they passed it nobody has ventured here to say; perhaps I shall learn by and by. There never had been any difficulty under the Constitution. Right in the throes of war, with a Vice-President occupying the seat which you honor and dignify, sir, of secession sympathies, a candidate himself for the high office of President of the United States, the certificates of the electors were opened according to law, and Lincoln and Hamlin were declared President and Vice-President of the United States. Why the necessity, then, for any such rule as the twenty-second joint rule? When the country was on the very verge of the most destructive civil war ever known to man, this instrument, this Constitution of the United States, controlled, and the personal honor, the personal integrity, of the then Vice-President of the United States forbade him not to do his whole duty, his full duty. Sir, I thank God I have not lost all confidence in the personal honor and the personal integrity of man. Then why was the twenty-second joint rule adopted? I will not

Then why was the twenty-second joint rule adopted? I will not undertake to say that it was adopted for the very purpose of disfranchising a people, but I say it has had the effect. But no matter why, the very fathers of it disown the child. It is no longer the rule. It is repealed. Now, sir, where does the repeal of that rule leave us? That

is the question. One good thing was done when the rule was repealed; but where does that leave us? The repeal of that rule leaves us exactly where we were before the rule was passed. The Constitution of the United States is now the governing power of the Senate and House of Representatives with regard to the election certificates of which I have spoken. The action of the Congress of the United States, or, if gentlemen desire to be technical, the action of the Senate and House of Representatives of the United States, under this clause of the Constitution was for seventy years honest, honorable, upright, just. What business has any man to suppose that it is going to be dishonest and corrupt hereafter? Sir, it is an old saying, and perhaps smacks somewhat of a vulgar saying, to speak well of a bridge that carries you safely over. Now, with this clause of the Constitution which has carried us along for three-quarters of a century why should we find fault to-day?

tury why should we find fault to-day?

We are told that it is a dangerous power to be intrusted to a single man, and he a possible candidate. There never was a cause in the world so weak but what its advocates could find reasons, poor ones, not world so weak but what its advocates could find reasons, poor ones, not infrequently; but one of the reasons that have been most harped upon here is that this is a dangerous power to place in the hands of one man. Sir, is this question properly understood? I said some minutes ago that the question had not yet been thoroughly discussed by the legal talent of the United States; it has been discussed, but not thoroughly. Does it rest with one man? Not in my judgment would the exercise of the power be dangerous if it did, but I will speak of that in another place; but does it rest with one man? I say no sir a thousand other place; but does it rest with one man? I say no, sir, a thousand times, no; it does not rest with one man. But suppose it does; let us for one moment consider the question from that stand-point. states or the President pro tempore of the Senate. For seventy-five years it has been properly exercised. We have been told on the floor of the Senate that six times within the last seventy-five years Vice-Presidents who have been candidates for re-election or for the Presidency have exercised this power. Six times in the last seventy-five years have candidates exercised this power; and yet the stars have not fallen, no injury has been done to any of the people of this land, and why beg a fight now? Why insist upon it that there is to be corruption hereafter.

Mr. President, one would suppose, I have been almost induced to suppose, that honorable Senators here gravely fear, assuming that the power is in the hands of the President of the Senate, that time in February next the President of the Senate, that some time in February next the President of the Senate of the United States will degrade his character and dishonor his high place. Sir, I do not fear it. I deny the power. I say, and shall endeavor to show before I get through, that it is somewhere else; but, assuming the power to be in the Vice-President of the United States, I do not fear it.

But now what is the true intendment of the Constitution? I desire to say, and particularly to my honorable friend from Indiana-for I know his ability and the power with which he grapples with constitutional questions—that for more than sixty years no question was ever raised; and there is the trouble with this whole matter to-day. The votes were opened, the certificates were counted, the elec-

wait until after the trouble does occur?

Mr. EATON. No. Mr. MORTON. I call my friend's attention to the fact that in 1857 in the counting of the votes a question arose which happened to be unimportant because it did not change the result. It was in regard to the counting of the vote of Wisconsin; but the danger that the nation passed through at that time, and avoided simply by the fact that the vote was not important to the final result, was such as to fill every member of both Houses of Congress with alarm, as is shown by the debate that subsequently occurred. Had the result of that election depended on the vote of Wisconsin nobody can tell what

might have happened.

Mr. EATON. The Senator from Indiana reads me rightly; I do not wish the horse to be stolen before a lock is put upon the stable door. I do not intend that it shall be stolen. I simply desire to say that in my judgment this question has not yet been thoroughly discussed; I hope it will be by my honorable friend from Indiana b fore the debate closes upon this bill. In the minds of many men whose opinions are deserving of great respect, among them the honorable Senator from Indiana and my distinguished friend from Ohio, [Mr. THURMAN, ] the time has arrived when something ought to be done.

THURMAN,] the time has arrived when something ought to be done. Now, Mr. President, I desire again to look at the clause in the Constitution: "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted." By whom? I insist, and I assert without fear of successful contradiction, giving due weight to the argument of my distinguished friend from North Carolina [Mr. Merrinon] made yesterday, that the votes are counted by the Senate and the House of Representatives, and not by the Vice-President or the presiding officer of the Senate. In my judgment, the Vice-President is the organ of the two Houses, and nothing else. It has never been my fortune, whether good or ill, to be present there as an actor or a spectator when the yotes have been counted for President and Vice-President.

Mr. SAULSBURY. If the Senator will allow me, he says the presiding officer of the Senate is the organ of Cengress. I wish to pro-

pound this question: Is it competent, if the two Houses of Congress e proper, to appoint some other organ for Congress to make known its will, or whether he considers that under the Constitution the President of the Senate is made the organ of the two Houses?

Mr. EATON. Of course he is. It is said by the Constitution that

he shall be.

Mr. SAULSBURY. To count?

Mr. EATON. No, to open. Will my friend state the question

Mr. SAULSBURY. I understood the Senator to say that the President of the Senate was the organ of the two Houses for the purpose of counting. I do not know whether I understood him correctly. Then I follow the precedent. It has been the practice, I understand, that he does open and announce the vote. I ask the Senator if he thinks it competent for the two Houses of Congress, when assembled, to appoint some other organ for the purpose of counting the votes?

Mr. EATON. They do now. They do it every time they meet.

They always do it.

Mr. JOHNSTON. Will the Senator allow me?

Mr. JOHNSTON. Will the Senator allow me?
Mr. EATON. Certainly, but I would like to answer one first. The
Constitution of the United States points out who shall open the certificates. The two Houses appoint counters now. Who are counters?
The tellers. Who appoints them? The Senate appoints its teller and
the House of Representatives appoints itstellers. Am I wrong? I suppose I am entirely right. The misunderstanding of my distinguished
friend from Delaware consisted in this: I said that the President of the Senate was the organ of the two Houses for a certain purpose; he is the organ of the Constitution to open the votes; he is the organ of the two Houses to declare the result after the two Houses have counted. There is no doubt about it in my mind; it is as clear as God's sun. Let me read. For another purpose, I sent for the Globe of 1860-761, and I will read from page 894. I think I am entirely right. The manner of going into the House, &c., I will not read:

The Vice-President took his seat on the right of the Speaker of the House of Representatives, and presided over the joint convention of the two Houses. The members of the Senate occupied seats provided for them in the area of the hall.

Mr. Trumbull, the teller appointed on the part of the Senate, and Messrs. Phelps and Washburne of Illinois, the two tellers appointed on the part of the House, took their seats at the Clerk's desk.

Mr. JOHNSTON. Tellers appointed by the President or by the

Mr. EATON. I have said by the Senate or by the House. "The teller appointed on the part of the Senate" is the language and "the two tellers appointed on the part of the House." I have been informed, I will say to my friend from Virginia, by a member of this body who has acted as a teller in the other House, that he was appointed by the House, and the Senate appointed its teller.

The VICE-PRESIDENT then said :-

And this is important-

"The two Houses being assembled, in pursuance of the Constitution, that the votes may be counted and declared for President and Vice-President of the United States for the term commencing on the 4th of March, 1861, it becomes my duty, under the Constitution, to open the certificates of election in the presence of the two Houses of Congress. I now proceed to discharge that duty."

That is all he had.

The Vice-President then proceeded to open and hand to the tellers the votes of the several States for President and Vice-President of the United States, commencing with the State of Maine.

The votes having been opened and counted, the tellers, through Mr. Trumbull, reported the following as the result of the count.

And then follows the result.

Mr. JOHNSTON. When was that?

Mr. JOHNSTON. When was that?
Mr. EATON. February, 1861. Now ir, what can be clearer to the mind of any constitutional lawyer than that the duty of the Vice-President is to open the certificates? They are sent to him; he is their custodian. On a certain day he meets the two Houses together in joint convention. He, their presiding officer, opens the certificates; and the Senate and the House of Representatives, through their tellers. tellers, count; not he. Sir, I have no doubt on this subject. the entire duty of the presiding officer of the Senate; not that, if I am wrong and it is his duty to count, I fear that he will not discharge his duty. I am talking now about what I believe the law is, the organic law of the land. Take the other view of this case. What are we, if we should live until the time arrives, and what are the members the House of Representatives? Witnesses of a pageant; that is all. According to the theory of my friend from Indiana, and I believe also According to the theory of my friend from Indiana, and I believe also of the distinguished Senator from Ohio, we are simply witnesses of

propose to meet this whole question, I will suppose that we are in joint convention next February. Our distinguished friend, the Presiding Officer of the Senate, who, I take the liberty to say, has been exceptionally fair as Presiding Officer of the Senate, is the presiding officer of that joint convention. Two returns come up from the same State, I will say my own State. I do not know well how anybody can steal I will say my own State. I do not know well how anybody can stear the seal of the "nutmeg" State and get two returns here; but I will the seal of the "nutmeg" State and get two returns here; but I will supsuppose that two returns do come up from Connecticut. I will suppose that, not the distinguished Senator from New York, [Mr. Conk-LING, [Gr he might not like to count on that occasion,) but my good friend the Senator from Massachusetts nearest me [Mr. Boutwell] friend the Senator from Massachusetts nearest me [Mr. Boutwell] is the teller appointed by the Senate. Two tellers have been appointed by the House of Representatives. What is it the duty of the honorable President of the Senate to do? Here are two returns from the State of Connecticut. Does he count them? No, a thousand times no. He has no warrant for it. There is no warrant in the Constitution; there is no warrant in practice for it. What does he do with those two returns? He passes them over to the honorable Senator from Massachusetts, our teller, and the two honorable iellers from the House of Representatives and those three men, count and determine the House of Representatives and those three men, count and determine the House of Representatives and those three men, count and determine the House of Representatives. the House of Representatives, and those three men count and determine the matter.

mine the matter.

I will go further. Suppose that there are two returns from the State of Connecticut, both, for the purposes of this argument, with the great seal of the State attached. It has been known for months that there were two such returns. Everybody has known it. It has been canvassed through the public press. There is not a member of the Senate nor a member of the House of Representatives who is not thoroughly informed with regard to those two returns and all the antecedents of those two returns. Do not let us blink this question. It is known that one of them is a bare, open fraud. One is the valid one; the other is the fraudulent one. The Senate know it; the House of Representatives know it. Suppose, for the purposes of the argument, that there is a supple tool in the Chair, not you, sir, as President of the Senate. Suppose he assumes to count, against the President of the Senate. Suppose he assumes to count, against the Constitution and against all practice under the Constitution, the well-known and absolutely false return. He never would count it in the world. He could not count it before the Senate and the Repthe world. He could not count it before the Senate and the Representatives of forty millions of people. Instantly a motion would be made by somebody, my friend from Vermont, or my friend from Indiana, and if by nobody else I would make it. This question would be tried, tried there, and properly tried. Then the joint convention would determine which was the true return; and, after the joint convention had spoken, the world would be satisfied. I say that, after the joint convention of the Senate and House of Representatives of the United States speaks authoritatively with regard to the return from any State, the world will be satisfied.

Mr. MORTON. Will the Senator permit me to ask him a question at this point? Could this joint convention determine it acting as one body, each Senator and each Representative having one vote?

body, each Senator and each Representative having one vote

Mr. EATON. Undoubtedly. Under my view, it is decided by a majority vote of the convention. I am very well aware that the Constitution does not expressly say that.

Mr. JOHNSTON. Will the Senator allow me to ask him a ques-

Mr. EATON. Certainly.

Mr. JOHNSTON. Does not the Constitution provide that the two Houses shall separate? Mr. EATON. On thi

Mr. EATON. On this point?
Mr. JOHNSTON. On any question.
Mr. EATON. I do not know; but I would like my distinguished friend to point it out to me.

Mr. JOHNSTON. It applies to all questions that come before that

Mr. EATON. It applies to this, I admit. I do not see the point, and there is not any, in my judgment. I assume that it is a joint convention; because everybody else for three-quarters of a century has assumed the same thing.

Mr. WHYTE. Will the Senator allow me to ask a question?
Mr. EATON. Certainly.
Mr. WHYTE. I ask if that very question did not come up in 1857;
whether Mr. Mason did not walk out with the Senate, without having

whether Mr. Mason did not walk out with the Senate, without having any vote in the body at all?

Mr. MORTON. Held it was not in order to make any motion.

Mr. WHYTE. Refused to hear any proposition.

Mr. EATON. Then all I have to say about it is that he did not do his duty. That is all there is about that. The question was a new one. It will not be new next February. We are now discussing that question, and this is the time to discuss it.

Mr. SARGENT. Will not that be a precedent?

Mr. EATON. It will be; but, to use a common expression, "that skimmer will not hold water," in my judgment. It is a joint convention. I have not time to go back and find, but I presume that the very Globe in which the account is printed calls it a joint convention. If 1 am right, (and I have no doubt about it,) the vote of every State in this Union will be counted next February; there will be no disen-franchising of the people of a State. The question will be opened and settled and passed on, not by any act of Congress, not by any legislative tinkering upon the Constitution, but by the great govern-ing power of the land, the Constitution itself.

Sir, I should be glad, if time would serve, to discuss at greater

length my construction of this clause in the Constitution; but time Is there any danger to be apprehended to the country that is the point that I desire to be calmly considered by every Sentator—is there any danger to be apprehended to the country, to its institutions, to the welfare of our people by this construction of the Constitution? Why, sir, the great right of the people is preserved intact, the right to have the certificates opened and counted and the

result declared.

There is another point. A friend might say to me from the other There is another point. A friend might say to me from the other side of the Chamber, "There is an objection to this construction of the Constitution, because a party majority would rule." That is true. Party majorities rule everywhere. I recognize the objection and its force; but let the construction of the Constitution be final; let us know what the law is forever. Parties change, but let the Constitution not be changed. This objection comes and must always come under this form of government of ours. Party comes in everywhere.
The very amendment that has been offered to-day in good faith by The very amendment that has been offered to-day in good faith by the distinguished Senator from Rhode Island gives to a party man the decision of this question. There is nobody in the United States that is worth having, there is nobody in the United States that can decide the question intelligently that is not in some way connected with some party organization. Of necessity he will not be a partisan in the decision of this question. God forbid! If you should give to the Supreme Court, if you could, the right to decide a question of this magnitude, while Ishould know that a majority of them belonged to a party different from the one to which I was attached, yet I should believe and expect that their decision would be honorable, just, and puriciply. We shall all agree upon one thing: no matter what we do believe and expect that their decision would be honorable, just, and upright. We shall all agree upon one thing: no matter what we do, no matter what construction we give to the Constitution, no matter what law of Congress you may pass in order to carry out the principles of the instrument, something must be left to human integrity, something must be left to man's honor, and I thank God for it.

One objection that I have to giving this power to any other body than the two Houses is, because the Constitution lodges it with us. We are forced by the Constitution not to shirk the duty but to perform it and Lack horarable Senators have you not confidence in

it, and I ask honorable Senators, have you not confidence in your own integrity?

Mr. President, I have discussed this question at some length, but let me suppose that I am entirely wrong—it is very possible that I may be—let me suppose that under the Constitution the power is vested, not as I claim it to be vested in the Senate and House of Repvested, not as I claim it to be vested in the Senate and House of Representatives, but in the Vice-President of the United States or the President of the Senate, as the case may be. If it be so, in God's name let it rest there. I thank God I have left in me some confidence in human nature. While I do not desire to say an improper thing in this high body, I have to say this, and I feel I have a right to say it: There is no Vice-President of the United States; there is a President of the Senate, and in that President of the Senate I have entire confidence. Therefore I say that if I am wrong in my construction left. fidence. Therefore I say that if I am wrong in my construction, let us have no legislation, and let this power rest where our fathers placed it.

Again, by a decision of the Senate the power is claimed—and I will not undertake to say wrongfully—that they have the right daily or hourly or fifteenminutely to make a new presiding officer of the Senate. If that is suggested as an objection, I have to say that I have confidence in the American Senate. I do not believe a majority of the American Senate would place a man in that chair to disgrace common humanity and cast a blot upon the fair fame of the United States. mon humanity and cast a blot upon the fair fame of the United States. I have no fear, I will not have any fear, on that subject. If my view and construction of the Constitution is wrong and that taken by others is right, whoever occupies that chair in February Lext will have the proud honor of declaring and announcing the future President and Vice-President of the United States; and, sir, he will do it honestly. With the eyes of the Senate and House of Representatives, with the eyes of feetir williams of feet people with the eyes of the whole sirilized of forty millions of free people, with the eyes of the whole civilized world upon him, he cannot disgrace himself. Whatever other men may think, I will not believe that integrity is a myth, I will not believe that our form of government has become a mockery all over the civilized world.

Mr. President, believing as I do that the power is ample now, I have voted steadily, as I said yesterday, against every amendment to this bill, and I shall vote against the bill itself for the reasons that I have given, and for the further reason that the second section of the bill is a bid for fraud—open, unmitigated fraud; not that my distinguished and honorable friend from Indiana [Mr. MORTON] and my equally distinguished and honorable friend from Ohio [Mr. THURMAN] so intend it; God forbid. They cannot think that I charge them with anything wrong; but I say the second section of the bill is a bid for designing men under it to defraud the people of their rights. Let every Senator read it; that very section tells men all over this Union how to get up

a set of returns, to bring them here, and to destroy and disfranchise the vote of a State. Therefore I will vote against the bill.

No legislation, in my judgment, is required. That Constitution under which we have lived, that clause under which we have acted for nearly three-quarters of a century is all we require to-day, no matter how it is construed, either my way or the other way. If anything is required, it is an amendment to the Constitution itself, and not legislation. If I could become convinced that there was any necessity for an amendment to the Constitution, then I would unite with my friend from Indiana in the purpose of framing such an amendment as would in our judgment answer for the people in the future; but no legislation upon this matter is required, especially no legislation under which one, two, three, or four States may be disfranchised. Let us go on as our fathers did; let us go on under this clause in the Constitution; and, my word for it, the spirit which comes before the eyes of the distinguished Senators from Indiana and Ohio will down, down, at the bidding of the President of this Senate when the votes are counted next for President and Vice-President of the United States.

Mr. BAYARD. Mr. President, the debate that has taken place in the Senate upon this grave and important subject, is a very strong proof of the want of direct provision in the Constitution in relation to this question of the count of electoral votes. It is seldom that so many views so diverse have been expressed in relation to a matter that should seem so simple in itself. At the election that shall have been held before the body of the American people, they will have expressed their will in regard to their candidates, and it would simply seem that nothing more was left than a declaration of results which had already been completed. From the foundation of this Government up to 1872 there had been one remarkable feature, the complete acquiescence at all times and under all circumstances of the people in every State with the result of the election for electors for President and Vice-President. Such a thing as an attempt to contest the election of the presidential electors never was known in our history until 1872. Such a thing as a double return of electoral votes from any State never had been heard of until the evil case and shocking precedent of Louisiana in 1872.

It seems to me that, in considering a question like this, a very grave and important lesson may be learned by us all. If there be a dishonest disposition, it will find some way or other a pretext for its exhibition and gratification. If there be a will, a way will be found for it; and if the disposition fraudulently to escape from the popular verdict does exist and dares to exhibit itself before the people of America, before one of their chief executive officers in the presence of the two Houses chosen by those people as their representatives, and shall not be withered and blasted in the attempt, then it will be a proof that the spirit that made this Government possible, that alone can make it permanent, has died out in the hearts of the American people. This Government of ours, frame it as we may, legislate upon it as we please, was meant, and meant only, for an honorable, a virtuous, and an intelligent people; and if those qualities have so sunk out of sight and practice that fraud in a matter touching their interests so deeply as the choice of their Chief Magistrate can be perpetrated in the presence of the two Houses of Congress, and the man survive it or the party survive it, then I say that our Government has been formed in vain, and we have only proved that we are unfit and unworthy of it.

In the various attempts which have been honestly made, intelligently made, to prescribe some means by which perfect justice may be reached in this important matter of counting these votes, I have felt the truth of Lord Bolingbroke's saying, versified by Pope:

For forms of government let fools contest, Whate'er is best administer'd is best.

We had in this country no question as to the action of the Vice-President in opening the certificates; the count of the tellers appointed for the mere arithmetical calculation of the votes cast never was questioned in this country until 1872. Then, under the maleficient working of a rule adopted without regard to the Constitution, under the assumption of powers utterly unwarranted by the two Houses of Congress, there came the assumption of a veto power by either branch of Congress, in silence, without debate, without reason, to throw out the electoral vote and disfranchise one or more communities at will. It was done. It was done in the case of Louisiana. It was done in the face of ballots then in existence, done in the face of returns then in existence which proclaimed palpably that the election had been held and that a majority of many thousand votes had been cast in favor of one electoral ticket. And yet the people of that State were deprived of any voice, and that majority was silenced in respect of its declaration as to who should or who should not be the President of the United States.

Now, sir, I can well understand that in the scant language of the Constitution, in those brief unsatisfactory phrases in which we find all that is to guide us—simply that the two Houses are to meet; thata certain officer is to preside, and that he is to open the certificates, and that then the counting is to take place—there is no suggestion of judgment, no suggestion of discretion, but simply the power to recite in a public meeting the result of action which has taken place the retofore in the States, and which is certified, according to the Constitution of the United States, to a certain officer of the Government. If the spirit which I trust will yet be the ruling spirit of this country, of self-respect in officers, of self-respect in people, of duty and fidelity to the great trusts of government—if this spirit shall prevail, I shall not fear that low fraud can ever be perpetrated in high places without instant moral, and I had almost said I trust physical, death would follow to the persons who attempt it. But nevertheless the time may arise; the suggestion, the evil suggestion has been made, and this bill unfortunately recognizes that fact as a possibility, that without the machinery for conducting a contested election of electors you are still to have a contest without the proper means of deciding it; and how is that to be done? A, B, and C, with their confederates, ten in number say, from the

same State, are voted for against ten other men as electors respectively. One of the tickets is defeated. It is so declared by the executive power of the State to have been defeated. Those on the defeated ticket, not satisfied with the verdict of the people, losing sight of that great duty of acquiescence in the popular declaration, meet and go through the forms of casting their electoral votes for a candidate, and send up here to the President of the Senate that which purports to be the result of their proceedings and a certificate of how their votes were cast. It has been done; the evil suggestion has been made, and this bill proposes to meet it. I for one am glad that it takes not the shape of a joint rule, which may be rescinded at will, as we have seen in this late joint rule begotten and carried into effect in silence and retired from without notification to the other branch of Congress simply by the sole action of the Senate. That rule is at an end. It has proved (not speaking of its own intrinsic want of merit) to have one of the greatest vices that a regulation can have, and that is a want of stability and certainty, because its existence depends upon the pleasure of the accidental majority of either body of Congress. Therefore it is plain that, if we can provide a wholesome and just and proper rule for this important subject, it should take the permanent form of a law, which can only be rescinded by the vote of each House and the signature of the President. Therefore to provide for meeting this question by legislation seems to me the proper way; and the only remaining consideration is whether we have the power under the Constitution so to deal with the subject.

I am inclined to think that there is some power in Congress on this subject. At the same time, I think the discussion we have had will develop to any thinking man the necessity for an amendment to the Constitution, so that there shall be with greater clearness a deposit of unquestioned and unquestionable power in some tribunal upon whose decision the American people will rest with satisfaction and with safety. But until that may be done, I still hope that there may be found warrant for some action which will make confusion, injustice, fraud, and escape from popular results difficult, if not absolutely im-

Here by this first section provision is made for the orderly count of the votes, and that no votes shall be rejected without the concurrent action of the two Houses. Then comes the questionable section, the second, which provides that, in case more than one return shall be received from any State, that one of the returns only shall be counted which the concurrent voices of the two Houses, acting separately, shall concur is the proper one to be counted, which means that, if the Houses fail to agree, the vote of the State is not to be counted at all. It will be then perceived that by a disagreement the same result is reached as though you had an absolute veto. The two Houses have but to disagree in regard to the counting of one and then the other of these duplicate returns and no vote is cast. Sir, I do not believe that by any ingenuity, arguing either by the letter or the spirit of the Constitution, it is possible to show that it ever was intended that the two Houses of Congress should disfranchise any State and keep her voice from being heard, according to her right, in the electoral college. I do not believe such a result can be honestly or fairly inferred or obtained from either the spirit or the letter of our charter of Government; and therefore when this question may arise it is bound to be settled in such a way that the voice of the State shall be heard, and that her electoral vote shall not be excluded from the canvass.

Many propositions have been made, and chiefly on this side of the Chamber, to ensure this result. That which was offered by my friend from Tennessee [Mr. Cooper] came nearest to meeting my approbation. I was absent accidentally from the Chamber, as was he, at the time the vote was taken upon it, and for that reason I have renewed the amendment, and now occupy the attention of the Senate for a few moments while I discuss it.

It will be observed that the sole duty and the sole power of the two Houses meeting to witness this counting, and the sole result of that joint convention under the Constitution in the Hall of the House of Representatives, is the ascertainment of a majority of the electoral votes for a candidate for the Presidency and likewise for the Vice-Presidency. The Constitution requires that the person taking this office shall have a majority of all the votes of the electoral college; and, unless that majority shall be found and shall be declared, no election has taken place; and then, immediately upon the failure to ascertain and declare such majority, the power and the duty at once devolve upon the House of Representatives to choose by ballot the President from those two persons having the highest number of votes. What shall defeat the possibility to declare a majority if there be but one return from each State, as there should be if decorum, if self-respect and decency shall govern the American people as heretofore, with the single exception of the case of Louisiana in 1872? Then there will be nothing but the arithmetical calculation of the votes as contained in the single certificates sent by each State to that joint assembly. But if there be a double return, the impossibility of declaring the majority becomes manifest; and then what is the course plainly provided by the Constitution? An election by the House of Representatives, the States voting as States. I do not propose to discuss—it is not necessary—the advisability of this feature of the Constitution. I think a great deal could be said to show why it was wise and right; but, whether wise or otherwise, it is the method pointed out by the Constitution, which we are all sworn to obey; and

it seems to me that, when we have reached a point when a decision must be made in regard to matters not apparently provided for, we can show our duty to this Government and our subordination to the provisions of this charter in no way so well as by adapting them to the case in hand. Therefore, if it shall be that two returns come up and the two Houses do not agree that the proper return shall be counted, then the amendment of the honorable Senator from Tennessee proposes instantly that the tribunal shall settle the question of the proper return which the Constitution has required to choose the President, in case a majority has not been declared of the electoral votes in favor of one of the candidates. The method proposed is in prein rayor of one of the candidates. The method proposed is in precise analogy; it is not only in analogy but it is in direct obedience to the requirements of the Constitution that confide the question of election immediately to the House of Representatives, that they shall vote as States individually in the event of the joint convention failing to find that a majority of all the votes of the electoral college

have been cast for any particular candidate.

Such a proposition, it seems to me, ought to be satisfactory to those who look, as I trust we all do, to the provisions of the Constitution for all the just powers which we propose to exercise.

Sir, it is very important in my opinion that an arbitrament should be provided in advance for this question of double returns. Double returns are in their nature and suggestion fraudulent on one side or the other, because there can be but one set of electors chosen and those who contest it unjustly necessarily are fraudulent. Now, if it shall be known in advance that we have provided a test for this, if it shall be known that we have provided a tribunal capable of making a prompt decision, then I believe the attempt will never be made. The very fact of providing for the arbitrament of choice between two returns, and having that before the eyes of the rogues who propose to contest elechaving that before the eyes of the rogues who propose to contest elec-tions in this way, will deter and discourage them, and the Senate and the House will have no trouble whatever on the subject. Nor have I any idea that the House of Representatives will be called upon at all to act under the provisions of the amendment which I have sent to the Clerk's table. Those who propose this species of contest—be-cause there must be of these two returns but one that is right—will see the folly of the attempt, which can end only in defeat. And when we shall have established a tribunal competent and trustworthy, the very one provided by the Constitution for the election of the Presivery one provided by the Constitution for the election of the President himself in case a majority of the electional votes has not been declared by the joint convention, when the States acting in their independent and sovereign capacity shall vote as individuals upon this subject, when that power and duty is confided to them, we may be sure that the attempt at a double return will never be made, and the count of the electoral votes will proceed with all that dignity, with all that simplicity, with all that impressiveness which marked it in days

The spectacle of an administration charged and possessed with all the great affairs of a Government like this, quietly, subordinately giving way to the new expression of the popular will, has been always something that has impressed not only those accustomed in other lands to the violent emotion of rulers no longer desired by the people, but it has been, I believe, a source of more pure patriotic pride to the American people to see their Government a Government of law and of order before which when the wish of the people is duly expressed instant acquiescence to it took place with order, with dignity, and

It is my earnest desire that all causes of dissatisfaction, of conflict, of misunderstanding, of possible difference should be removed, if possible, in advance by some action now in the shape of legislation by Congress. I believed at the beginning of this session, and still believe, that it would have been wiser to commit this question in advance to a joint committee of the two Houses; that they could in seclusion and retirement, without any of the excitement of debate, arrange upon some plan that would have been mutually satisfactory to each House, and therefore likely to command the assent of both will not yet despair. I still hope that, if this measure as it shall be passed by the Senate may not meet the concurrence of the House, a committee of conference may yet arrange it. I cannot conceive how any man can so degrade this subject as to bring it down to a mere partisan level. I cannot see how any man contemplating the great difficulty of this subject should not be willing to sink his private opinion in regard to measures in order to do everything that in him lay to produce a quiet, orderly, dignified, and just settlement of this question. Believing that the amendment offered by the Senator from Tennessee is the best solution thus far submitted to the Senate, and

that the vote upon it was taken before perhaps with somewhat of inadvertence, I trust it now will receive the approval of the Senate.

As I have said before, I believe the constitution of this tribunal of the House as the ultimate judge in case of difference between the two Houses as to which of the two returns shall be the just one—the mere constitution of that arbiter will of itself destroy the possibility of attempted contest or of attempted duplicate returns. The attempt will not be made because defeat certainly will await it. "Forewarned is forearmed," and therefore I will not believe that in the next presidential election, if this present measure shall become the law, the country will be distracted, disgusted, or disgraced by the sight of an attempt to contest an election by a defeated minority.

For these reasons, Mr. President, hastily and very lamely expressed, I hope the Senate will give its assent to this amendment.

Mr. MORTON. Mr. President, I submit to the Senate that this discussion has demonstrated the absolute necessity of the adoption of a law upon this subject. The diversity of opinion that has been developed here in a season of profound repose, when no party question can enter into it, when it is above and independent of party considerations, shows the necessity of having some established rule when

the time comes to count the presidential vote.

Let me suppose, for the sake of the argument, that the two Houses have assembled in the Hall of the House of Representatives to count the votes; let me suppose that two sets of electoral votes have been sent here from the State of Connecticut, and they are opened by the President of the Senate. What shall be done? The Senator from Maryland [Mr. Whyte] rises and says, "I demand that the President of the Senate shall decide which set of votes shall be counted." The Senator from Connecticut [Mr. EATON] rises and says, as he said here to-day, "No, a thousand times no; the President of the Senate has no to-day, "No, a thousand times no; the President of the Senate has no such power; the decision must be by this joint convention acting as one legislative body, each Senator and each Representative having one vote; that is the only constitutional method of settling this question between these electoral votes." He takes his seat. Then the distinguished Senator from Ohio [Mr. Thurman] rises in his place and says, "No, a thousand times no! There is no such thing as a joint convention; a body of that kind has never been recognized under the Constitution, never has been recognized by anybody in three-quarters of a centry." I understood my friend from Connecticut to say toof a century. I understood my friend from Connecticut to say today that for three-quarters of a century the idea of a joint convention had been recognized. I submit that my friend was mistaken in this, that for three-quarters of a century it never was recognized, and It is the forthee-quarters of a century it never was recognized, and I think was never seriously proposed by anybody. The Senator from Ohio says the Senate and the House of Representatives are present here under the Constitution as witnesses and as judges; and if a question shall arise involving a high discretionary power, it cannot be decided by the President of the Senate, whose duty is ministerial; it cannot be decided by a joint convention utterly unknown to the Constitu-

be decided by a joint convention interry linknown to the Constitution, entirely anomalous under our system of government; but it
must be decided like any other question, by the Senate and House of
Representatives, each acting for itself and in its own capacity.

This is the state of the case. The election is to depend upon which
set of votes is counted from Connecticut. If one set is counted, the
republican candidate is elected; if the other set is counted, the democratic candidate is elected; and here is a diversity of opinion and
confusion equal to that which prevailed at Babel. How is it to be
settled? Shall the two Houses separate, we to work, and legislate on confusion equal to that which prevailed at Babel. How is it to be settled? Shall the two Houses separate, go to work, and legislate on that question? That may take days. It has taken us seven days here now, in a time of profound repose, to consider this bill, and I am not sure that we shall get through with it to-day, for I am in momentary apprehension that some Senator will get up and move an executive session. But here the votes are to be counted. The 4th of March is close at hand. An utter diversity of opinion exists as to where the power is. The two Houses cannot separate and legislate. What is to be done? We can easily understand what will intervent. It was to be done? We can easily understand what will intervene. It was suggested by the Senator from Delaware a while ago that, in case an officer shall make a wrong decision, the moral reprobation of the world would fall upon him, and he said perhaps physical punishment; that is, he might fall like Cæsar. We can understand when such vast consequences are to depend upon the exercise of a power that may be a clear usurpation, and would be in the opinion of a majority of the people of this country, that that usurpation could not pass with impunity. How, then, can we decide that it shall be done by a joint convention in the passion and excitement of the hour and with such vast consequences depending upon it? How, then, can we decide that it shall be done by the two Houses; acting separately? It might be understood that, if the two Houses were to act separately, the question might be decided one way; if by a joint convention, another way; and, if by the President of the Senate, possibly another way; and the immediate result of the adoption of one or the other of these methods would come in largely to influence the judgment and increase the confusion and the danger of the hour. Therefore, I exhort Senators to avoid this danger by agreeing upon some method. It is not so important what that method is as that there shall be some plan agreed upon that will avoid these dangers which are right before us.

Mr. BAYARD. I concur most earnestly and warmly in this invita-tion of the Senator from Indiana; and there is now, by the amend-ment of the Senator from Tennessee, which I have offered again, a fair and a constitutional arbitrament, where the two Houses shall disagree, to prevent the occurrence of that which my honorable friend from Indiana and I both so justly dread and deplore. The proposi-tion is this: that we shall leave it just where our fathers left it; we shall leave it to the same body, acting as they said that body should act when the broad question of the election of President, without respect to the mere contest of votes, should be before them. Leave it just as they left it, to that body for its decision which they said was the proper one to decide the great question of elections, where a majority of the votes of the electoral college had not been declared by the Houses in joint convention to have been cast in favor of any candidate. I agree with my friend that it is not so much the quescandidate. Tagree with my friend that it is not so much the question as to how you shall have this matter settled, although it is important to us as citizens under a constitutional government and acting under its limitations, that we should not create a tribunal unwarranted by the Constitution; but here is a tribunal pointed out by

the Constitution as the peculiar and fitting one upon whom immediately shall devolve the duty of electing the President and Vice-President in case a majority of the electoral votes have not been ascertained to have been cast for any particular candidate. What objection tained to have been cast for any particular candidate. What objection can there be in my friend's mind to adopting this proposition

of the Senator from Delaware and to state the objection to referring the decision of the question to the House of Representatives voting by States. First, because the Constitution has made no provision for by States. First, because the Constitution has made no provision for the decision or settlement of any question, judicial or legislative, by the House of Representatives voting by States. It has provided for the election of a President, an anomalous, unfair, and, in my judgment, dangerous method, in a certain case; but in no other contingency is there to be any question settled in this Government by the House of Representatives voting by States. I would not extend the idea of settling questions by the vote of States, giving to the State of Nevada the same voice with New York, which has one hundred and fourteen times the propulation of Nevada.

fourteen times the population of Nevada.

fourteen times the population of Nevada.

Mr. WHYTE. I want to ask the Senator from Indiana if he does not really, under the second section of this bill, in a certain contingency, do the very thing that he now objects to doing; that is to say, upon a certain contingency throw the election into the House of Representatives? Take this case, and it is a mathematical calculation. It takes 185 votes to elect a President of the United States in the present college, counting Colorado. Suppose there are three candidates at the election. The republican candidate gets 177 undisputed votes; and the independent candidate 24 undisputed votes, which he could do by getting Illinois and Nevada and Nebraska. Suppose the could do by getting Illinois and Nevada and Nebraska. Suppose the democratic candidate gets 160 undisputed votes, leaving 8 votes, the votes of Louisiana, to determine whether the republican candidate was elected or not. Suppose that in Louisiana there is a contested was elected or not. Suppose that in Louisiana there is a contested election of great violence. The independent candidate is supposed by one party to be elected; the republican candidate is supposed by the other party to be elected. The republican electors get a certificate from Governor Kellogg of their election, cast their vote for the republican candidate, and that return comes to the President of the Senate. Suppose the electors on the independent ticket meet as a college, cast their votes for the independent candidate, certify under the Constitution, if there is no provision for the executive authentication of their election, that they have voted for the independent candidate. These returns are enemed by the President of the Senate candidate. Those returns are opened by the President of the Senate. The House honestly believe that the independent electors were elected in Louisiana. The republicans in the Senate believe that the republican candidates were elected. They separate. The House stands by the independent organization, the Senate stands by the republican election, thus defeating the election of President and throwing it into

the Honse of Representatives under the second section of the bill.

Mr. MORTON. I think the precise contingency mentioned by the Senator from Maryland may happen either by the vote of a State being lost, the two Houses not being able to decide, or by being cast in favor of an independent candidate; but that is the precise contingency which the Constitution has provided for when it declares that unless some one person shall have a majority of all the electors appointed the Hensechell immediately proceed to the the State Hensechell immediately proceed to the theory of the state of t does that change the principle? The Constitution has provided for the action of the House by States only in one case. Shall we extend that principle? The Constitution does not provide for the House by States only in one case. Shall we extend that principle? The Constitution does not provide for the House ever deciding any legislative or judicial question by States, but simple the constitution does not provide for the House ever deciding any legislative or judicial question by States, but simple the constitution are constituted as the constitution of the constitution of the House ever deciding any legislative or judicial question by States, but simple constitution are constituted as the constitution of the constitution of the constitution does not provide for the House ever deciding any legislative or judicial question by States, but simple constitution are constitution to the constitution of the constitution does not provide for the House ever deciding any legislative or judicial question by States, but simple constitution does not provide for the House ever deciding any legislative or judicial question by States, but simple constitution does not provide for the House ever deciding any legislative or judicial question by States, but simple constitution does not provide for the House ever deciding any legislative or judicial question by States, but simple constitution does not provide for the House ever deciding any legislative or judicial question by States, but simple constitution does not provide for the House ever deciding any legislative or judicial question by States, but simple constitution does not provide for the House ever deciding the constitution does not provide for the House ever deciding the constitution does not provide for the House ever deciding the constitution does not provide for the House ever deciding the constitution does not provide for the House ever deciding the constitution does not provide for the house ever deciding the constitution does not provide for the house ever deciding the c ply an election in certain cases; and in my opinion it is the most dangerous contrivance ever put into the Constitution. Would you extend that principle to the mere decision of a question on the electoral vote

when that may decide the question of an election?

The first election of President by the House took place in 1801, the House voting by States. The delegation from two States was divided from the 10th of February to the 17th, from the first to the thirty-sixth ballot, Vermont and Maryland. The dead-lock was finally broken by an intrigue, one member from Vermont dodging the vote, going out of the House, and two members from Maryland casting blank ballots. The history of that election, given by the distinguished member from Delaware, Mr. Bayard, two years afterward, shows that it was thoroughly corrupt in the sense in which that word is used in these times; that that election was controlled by appointments of members of the House of Representatives to office. More, there is an affidavit on file— I have it here, but I will not stop to read it—which shows that the vote of another State, on the last day when the election of Jefferson was finally made, was controlled by an agreement that the collectors of the district of Delaware and of the port of Philadelphia should not be removed by Mr. Jefferson. That election came near making shipwreck of the Government at that time. What followed in 1825, when Mr. Adams was elected? The same charge of corruption existed, a charge from which the great Clay never escaped, because he voted for Adams in the House, and was afterward appointed Secretary of State. How did that election result? Mr. Adams was elected, who received less than one-third of the popular vote of the United States; and General Jackson was defeated, who received the largest popular majority that any President ever has done up to this hour. The will of the people was overridden in 1825, and this form of election presents the opportunity and the power of doing that always. It presents the greatest possible inducement and the greatest possible opportunity for corrup-

tion. God grant we shall never have to pass through the ordeal of another election of President by the House of Representatives.

I want to make a remark in regard to the amendment of my distinguished friend from Rhode Island, [Mr. BURNSIDE;] and what I shall say will touch the whole question of furnishing an umpire either by the Supreme Court or by the House of Representatives or in any other form. The amendment proposed by the Senator from Rhode Island is this: that as soon as the electoral certificates are sent to the President of the Senate, before the time comes for counting the vote, they shall be sent to the Chief Justice of the Supreme Court or to

Mr. BURNSIDE. If the Senator from Indiana will allow me, it does not provide that they shall be sent to the Supreme Court, but the fact is to be reported to the Supreme Court.

Mr. MORTON. I give the substance, the idea of the amendment, that when the certificates are made up by the electoral colleges they shall indorse on the outside of the envelope, so that it can be read, (because the envelopes cannot be opened under the Constitution until you come to count the vote,) the names of the electors, by whom certified, and when elected, so that the Supreme Court shall be able to determine by an inspection of the outside of the envelope whether or not these electors were chosen under the recognized State government and have been certified by the recognized authority of the State. I submit to my friend, and I will read a very brief extract from the opinion of the Supreme Court to show it, that that transfers to the Supreme Court of the United States one of the great powers expressly reposed in Congress under the Constitution. The United States shall guarantee to each State a republican form of government, and to decide which is the government of a State, and whether it is republican in its form, is a power expressly devolved upon Congress, and cannot be transferred or deputed except for a single purpose, and that is to enable the President to determine what government he will sustain in a case of insurrection or domestic violence. In the case of Luther vs. Borden, a case familiar to you all, the court say:

Under this article of the Constitution it rests with Congress to decide what government is the established one in a State; for, as the United States guarantee to each State a republican government, Congress must necessarily decide what government is established in the State before it can determine whether it is republican or not. And when the Senators and Representatives of a State are admitted into the councils of the Union, the unifority of the government under which they are appointed, as well as its republican character, is recognized by the proper constitutional authority.

In the case supposed, where there are two sets of electors certified from two different pretended State governments, to decide which electors have a right to vote you must decide which is the government, and the decision of that question, which controls all others that may arise on it, is expressly vested in Congress under the Constitution. We cannot transfer it to the Supreme Court in advance. We cannot transfer it to any other power, except for the single and sole purpose of carrying out another provision, and that is to enable the President to protect the State against invasion or domestic violence, where it may be necessary, under the act of 1795, for the President to determine, when Congress is not in session, which is the lawful government of the State, as he undertook to do in the case of Louisiana.

Mr. BURNSIDE. I will ask the Senator from Indiana if there can

be no case before the Supreme Court by appeal which would require them to decide which is the lawful State government? Could there not be a case by appeal from a lower court by which the Supreme Court would be called upon to decide which was the State government?

I want to ask the Senator from Delaware [Mr. BAYARD] one questions to the state of the stat

tion. He says that in settling this question we should adhere to the rule established by the framers of the Constitution and allow the same method to be used in determining which are the correct returns as is used to elect the President when no one of the candidates has a majority. I submit to him and I submit to the Senate that in case no one candidate receives a majority every State has a right to vote as a State according to its political proclivities. It becomes a political question. They are bound to adhere to their separate political parties, in honor bound to vote for the men who represent their party, no matter whether they have received the highest number of votes or not. The question under discussion should not be decided politi-cally; but if you leave it to be decided in the same way that you elect a President, in case neither candidate receives a majority it will

be decided in a partisan spirit; whereas by the method I propose it will be decided upon its legal merits.

I submit that no party ties are so loose as to allow a member to vote just exactly as a judge on the bench of the Supreme Court would vote on a question of this kind. It is quite clear in my own mind that the proposition made by the Senator from Delaware, which he intended to make in all fairness, is not fair.

Mr. MORTON. It would perhaps be very desirable to have the solution of every question submitted to some tribunal entirely outsolution of every question submitted to some thounal entirity offi-side of political influences; and yet it so happens that the Supreme Court have said in this very case that the decision of the question as to which is the lawful State government in a State is a political ques-tion to be decided by Congress, and when decided by Congress that the Supreme Court of the United States and every other branch of the Government must abide by that decision. The power to settle that question has by the Constitution been placed in Congress, and I am trying to argue that we cannot take it out of Congress and lodge it anywhere else.

I come now to the other question asked by my friend, whether under certain circumstances the Supreme Court could not decide which was the lawful government of a State. So they can and did in the Rhode Island case. In that very case they recognized the doctrine that Congress is the power to settle the legal status of a State government, a political question, by which the courts are all bound; but in the absence of a decision by Congress, in that very case they said, as I have had occasion to argue in another matter before this body, that the supreme court of Rhode Island not being in question, its legitimacy not being questioned, the courts of the United States would follow the decision of the supreme court of the State of Rhode Island in determining which was the lawful government of that State. If the supreme court of Rhode Island had said that the charter government was the lawful government and not the Dorr government, the Supreme Court said it was bound to follow and to recognize the charter government as being the lawful government of Rhode Island. In that case the Supreme Court did decide it; but as a question coming up not from the decision of the lower court by appeal, as a political question to be decided as to which is the lawful government so as to know which government may certify to the electoral vote, that is a power that has been lodged in Congress, and it cannot be divested. We cannot commit it to anybody else.

I agree with my friend that if we could create an umpire, if it was in our power to refer the decision of this question to any other tribu-nal, I would prefer the Supreme Court of the United States. I believe the people would have more regard for its decision, that it would carry more authority, than any special tribunal we could create. Therefore I should prefer to refer it to that arbitrament if it were possible; but not regarding that as being within our power, I vote against the creation of any umpire. The least acceptable of all would be to refer it to the House and have it decided by a vote by States

I wish here to call the attention of the Senate to a fact which I I wish here to call the attention of the Senate to a fact which I have overlooked in the previous examination of this question, and that is, that so long ago as 1837 the Congress of the United States virtually assumed the jurisdiction to count the vote of a State in a case where the right of the State to vote at all was denied. I refer to the case of the State of Michigan. In that election there was a question as to whether the vote of the State of Michigan should be counted on account of a condition attached to her constitution. not entirely familiar with the details of the question, but the following joint resolution was adopted by the two Houses, showing that at that time the two Houses of Congress assumed the power to determine whether the vote should be counted in that case. The resolution was adopted by a vote of 34 to 9 in the Senate, and reads as fol-

That, in relation to the votes of Michigan, if the counting or omitting to count them shall not essentially change the result of the election, they shall be reported by the President of the Senate in the following manner: Were the votes of Michigan to be counted, the result would be, for A B for President of the United States, — votes; if not counted, for A B for President of the United States, but in either event A B is elected President of the United States, and in the same manner for Vice-President.

That was followed by the two Houses of Congress as late as 1869 in a joint resolution in reference to counting the vote of Georgia. The language of the two resolutions is identical. Evidently that offered by the Senator from Vermont [Mr. EDMUNDS] in 1869 was copied from

that in regard to Michigan in 1837.

Mr. WHYTE: I would suggest to the Senator from Indiana that it is copied from Mr. Clay's resolution of 1821 in regard to Missouri.

Mr. MORTON. I simply refer to it briefly for the purpose of showing that Congress assumed substantially the power over these contested votes long ago, and that seems to have been the better judgment of members of the two Houses at different periods of our history.

Mr MAXEY. I should like to ask the Senator from Indiana a question, as he has the floor, and I desire his opinion upon it. The amendment of the Senator from Rhode Island in substance is that where two certificates come up from the same State, purporting to be the cer-tificate of the electoral vote cast by that State, those returns are to be turned over or transferred by the President of the Senate to the Chief Justice of the Supreme Court-

Who shall at once cause the said Supreme Court to proceed to examine as to who are the legal electors of said State, and shall have power to send for persons and papers; and the said Chief Justice shall, on or before the last Tuesday of January next succeeding the meeting of the electors of President and Vice-President, report to the President of the Senate which of the said electors were legally elected.

The Constitution declares that:

The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted.

What I desire to have the Senator's opinion upon is this: Is it constitutional or legal for the President of the Senate to transfer to the Supreme Court or anybody else these certificates unopened? Second, if he has to open them, does not the Constitution require that "the votes shall then be counted?" Then where does the opportunity come in for the action of the Supreme Court as contemplated by this amendment? That is a question I cannot understand myself, and I should like to have the Senator's opinion upon it.

Mr. Morton. The Senator from Texas I think is quite right in his suggestion. If I understand it, his suggestion is that the President of the Senate is the custodian, and the sole custodian, of these certificates from the time they come to his hands; that he cannot transfer the custody of them to anybody; that he is responsible for

them, and if they shall be lost he is to be held responsible. In the next place, clearly he cannot open them until he does it in the preence of the two Houses. Not until that moment is anybody entitled to know what the contents of these envelopes may be.

Mr. MAXEY. And then the votes must be counted.
Mr. MORTON. And then and there the votes must be counted.
These provisions grew out of the theory of the electoral college, that it was to be composed of a body of independent men, acting entirely independent of pledges, of all outside influences, who should come together, and without each other's knowledge vote by ballot, so that one should not know how the other voted; and then that they should seal these votes up and they should be kept a secret until the very moment they were to be counted. We have seen how the whole theory failed, but still this is the provision of the Constitution of the United States

One word in regard to the bill and I am done. In regard to the first section of the bill there seems to be little or no controversy. That is, that there shall be no electoral vote rejected except by a concurrent vote of both Houses. There seems to be little difference of opinion about that, and that is the most material provision. Nearly all the questions will arise under the first section of the bill. It may not occur for fifty years again that we shall have two sets of electoral votes from the same State. It may occur next fall, but the chances are small of such an event. If it should occur, it is not very likely that the two Houses of Congress, acting under the pressure of high and solemn considerations of duty, would not be able to agree as to which return should be counted; so that that contingency in regard to which all this debate has sprung up is very remote indeed. There seems to be a desire to get some tribunal which shall decide the question, and the introduction of the House, voting by States, is suggested, the one way of all others which is the most liable to have a deadlock; for if there should be an even number of States upon each side, or if the delegation from the States should be divided, as occurred in two States in the very first election even, then there is no decision. So that you can hardly imagine a tribunal that might be created, even if we had the power, where this contingency would not happen; but if the second section of the bill were stricken out altogether the first is of inestimable importance. If there be a contingency in the second section that is not quite provided for, still it does not take away the importance of passing the first section, or the second section either, because that contingency is exceedingly remote. We can understand in view of what took place three years ago last month the necessity of providing some method for counting these votes. We cannot as common lovers of our country and patriots, sworn to stand by this Government, pass over the duty of providing against such dangers as lie right at the door.

Therefore I trust, Mr. President, that this bill will not be defeated because of a remote possibility. I trust we will consider the main subject and the principal dangers that are covered by this bill, and I hope it will pass. As I said before, any plan is better than none almost. After hearing all that has been said upon both sides, and I section either, because that contingency is exceedingly remote.

almost. After hearing all that has been said upon both sides, and I must say this debate has been conducted with great candor and I think with great ability and fairness, I am not now able to see where the bill can be improved.

Mr. FRELINGHUYSEN. I would call the attention of the Senator from Indiana to the second section. It provides that that return from such State shall be counted "which the two Houses acting separately shall decide to be the true and valid return." The question has been suggested to me as to what is to happen in case the two Houses acting

parately do not agree as to which return is the valid return.

Mr. MORTON. I suppose there would be no vote counted in that

Mr. FRELINGHUYSEN. Ought it not to say so? It might be insisted by those who hold that the Constitution imposes the duty of counting the vote on the Vice-President that he was to count it. At all events, I think it ought not to be left in doubt, but the words ought to be added at the end of that sentence:

And if the two Houses do not agree as to which is the true and valid return, then no vote shall be counted from that State.

Mr. MORTON. The Senator would arrive at the same thing by inserting the word "only" after the word "return;" "that return only from such State shall be counted."

Mr. FRELINGHUYSEN. I do not see that you can put it in fewer

I am sorry to see this bill not in a better shape than it is. I have no doubt when the Constitution imposes a duty upon Congre and says we shall count the vote, that we have the constitution imposes a duty upon Congress, and says we shall count the vote, that we have the constitutional right by legislation to do everything that is necessary to the safe counting of that vote. We have a perfect right by legislation to carry it out by creating a tribunal, and doing everything that it is necessary to do in order to secure a safe and complete count. The Constitution says so. The Constitution says we have got the right to pass all laws that are necessary to carry out the powers conferred by the Constitu-

As to the plan of referring the question to the House of Representatives, that House voting by States, it does seem to me that that is contrary to the Constitution. There is one point where I differ from the Senator from Delaware. It seems to me the Constitution precludes us from adopting the plan he proposes because the Constitu-tion has spoken. It has told us in what exigencies the election shall be determined by the House voting by States, and the expression of the case in which that is to be resorted to is the exclusion of all intendment that the House in any other emergency might decide upon

Mr. BAYARD called for the yeas and nays on his amendment, and

they were ordered.

Mr. SAULSBURY. Mr. President, I will vote for the amendment proposed by my colleague, though I would have preferred to have the amendment adopted as it was offered originally by the Senator from Tennessee, [Mr. Cooper.]

The bill of the Senator from Indiana does provide expressly for the rejection of the vote of a State. I am unwilling to vote for a measure which provides that the vote of any State of this Union shall be rejected, because I believe it is within the power of Congress to provide some fair and proper mode by which the vote of every State in this Union may be counted in the election of President. The amendment of Greed by my collegens is one mode and perhaps the foirest ment offered by my colleague is one mode, and perhaps the fairest mode that we can now hope to obtain for reaching that result. I shall

mode that we can now hope to obtain for reaching that result. I shall therefore support the amendment, and hope that it may be adopted. I have listened to this whole debate, I am free to say, with unusual interest, because the questions presented by the bill and the amendments are, as I conceive, of vital importance. If I understood the Senator from Maryland [Mr. Whyte] aright, and also the Senator from Kentucky, [Mr. Stevenson,] they believe that there is an omission in the Constitution, and that the defect can only be remedied by a constitutional amendment. With that view I do not concur; but I think that if there is any defect, the power is granted to Congress by express provision to make all laws necessary to carry out the grants of power contained in the Constitution; and that the power to count power contained in the Constitution; and that the power to count

the votes having been expressly given, Congress may determine the mode by which the votes shall be counted.

This is not a new question. It has been here before. The Congress of the United States as far back as 1800 considered this subject. I do not believe the discussion that occurred in the year 1800 upon this very question has been referred to in this debate, and perhaps it may not be amiss to call the attention of the Senate to that debate. The Senator from Maryland favored the idea that the President of The Senator from Maryland favored the idea that the President of the Senate was to count the votes. So far back as 1800 this question was brought to the attention of Congress, and was discussed in Congress, and I propose to show what the view of Congress, or at least a number of the members of Congress, at that time was upon the question of the power of Congress to deal with this subject. On January 23, 1800, on the motion of Mr. Ross, the Senate—

Resolved. That a committee be appointed to consider whether any, and what, provisions ought to be made by law for deciding disputed elections of President and Vice-President of the United States, and for determining the legality or illegality of the votes given for those officers in the different States.

On the next day it was

Ordered, That Messrs. Ross, Laurance, Dexter, Pinckney, and Livermore be the

And that committee reported a bill the provisions of which in full I have not been able to ascertain. On February 14—

Mr. Ross, from the committee appointed the 28th of January last, reported a bill prescribing the mode of deciding disputed elections of President and Vice-President of the United States; which was read and ordered to the second reading.

Some of the provisions of that bill I have been able to find, but not the whole of it in detail. The bill took up the whole subject. Some of the provisions of the bill provided for the appointment of what was called a grand committee selected out of the two Houses of Congress to meet in secret session, there to examine all the votes cast for President and all the petitions and reports that were made from the several States in connection with those votes, and to determine upon

the legality of the votes thus cast.

Mr. MERRIMON. Where did it lodge the power?

Mr. SAULSBURY. It lodged it in the two Houses of Congress, so far as I have been able to gather from such provisions of the bill as I have been able to find in this book. On March 3—

The Senate resumed the consideration of the amendment proposed to the first section of the bill prescribing the mode of deciding disputed elections of President and Vice-President of the United States.

I will read what was the substance of the provisions of the bill from a speech made by Mr. Pinckney, of South Carolina, who opposed the bill and spoke against it. In the course of his speech he said:

What is the mode proposed by this bill? That the Senate and House of Representatives of the United States shall each of them elect six members, who, with a chairman, be appointed by the latter from a nomination of the former, would form a grand committee, who should, sitting with closed doors, have a right to examine all the votes given by the electors in the several States for President and Vice-President, and all the memorials and petitions respecting them, and have power finally to decide respecting them, and to declare what votes of different States shall be rejected and what admitted, and, in short, that this committee thus chosen, and sitting with closed doors, shall possess complete, uncontrollable, and irrevocable power to decree, without appeal from their decision, who has been returned, and who shall be proclaimed President of the United States.

That is the even size of the bill reported by the committee contained.

That is the synopsis of the bill reported by the committee, contained in a speech of Mr. Pinckney, of South Carolina. That bill was considered at various times during the session and various amendments were offered. One amendment I will read:

The bill prescribing the mode of deciding disputed elections of President and Vice-President of the United States was read the third time.

On motion to strike out the ten first sections and insert—

I will read now what was proposed to be inserted as showing what the opinion of members of Congress at that time was as to the power

of Congress to deal with the question of counting, determining, and passing upon the votes of electors. The amendment is as follo

passing upon the votes of electors. The amendment is as follows:

Whereas, on an election of President and Vice-President of the United States, questions may arise whether an elector has been appointed in a mode authorized by the Legislature of his State or not; whether the time at which he was chosen and the day he gave his vote were those determined by Congress; whether he was not at the time a Senator or Representative of the United States, or held an office of trust or profit under the United States; whether one at least of the persons he has voted for is an inhabitant of a State other than his own: whether the electors voted by ballot, and have signed, certified, and transmitted to the President of the Senate a list of all the persons voted for, and the number of votes for each; whether the persons voted for are natural-born citizens, or were citizens of the United States at the time of the adoption of the Constitution, were thirty-five years old, and had been fourteen years resident within the United States; and the Constitution of the United States having directed that "the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and that the votes shall then be counted," from which the reasonable inference and practice has been that they are to be counted by the members composing the said Houses, and brought there for that office, no other being assigned them; and inferred the more reasonably, as thereby the constitutional weight of each State in the election of those high officers is exactly preserved in the tribunal which is to judge of its validity, the number of Senators and Representatives from each State composing the said tribunal being exactly that of the electors of the same State.

And then follows the amendment in the form of a section to carry

And then follows the amendment in the form of a section to carry out the objects proposed in the preamble. I will read the section:

out the objects proposed in the preamble. I will read the section:

Section I. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That whensoever the members of the Senate and House of Representatives shall be assembled for the purpose of having the certificates of the electors of the several States opened and counted, the names of the several States shall be written on different and similar tickets of paper and put into a ballot-box, out of which one shall be drawn at a time; and so soon as one is drawn the packet containing the certificates of that State shall be opened by the President of the Senate, and shall then be read, and then shall be read also the petitions, depositions, and other papers and documents concerning the same; and, if no exception is taken thereto, the votes contained in such certificates shall be counted; but if the votes, or any of them, shall be objected to, the members present shall, on the question propounded by the President of the Senate, decide, without debate, by yea or nay, whether such vote or votes are constitutional or not; and the votes of one State being thus counted, another ticket shall be drawn from the ballot-box, and the certificate and the votes of the State being thus counted, another ticket shall be drawn from the ballot-box, and the certificate and the votes of the State being thus counted, another ticket shall be drawn from the ballot-box, and the certificate and the votes of the State being thus counted, another ticket shall be drawn from the members of the said two Houses may adjourn from day to day until it be completed. A division of the question was called for, and that it first be taken on striking out. A motion was made to strike out of section 1, lines 10 and 11, these words: "and finally to decide" and to insert "into and report upon;" and a division of the motion was called for, and the first be faken on striking out; which passed in the negative—yeas 11, nays 18.

After several amendments were

After several amendments were considered the bill was finally discussed at length by Mr. Pinckney, of South Carolina. He opposed the bill, but he seemed to admit in his argument the right of Congress to count the vote.

Knowing that it was the intention of the Constitution to make the President completely independent of the Federal Legislature, I well remember it was the object, as it is at present, not only the spirit but the letter of that instrument, to give to Congress no interference in or control over the ejection of a President. It is made their duty to count over the votes in a convention of both Houses—

That favors the idea of the Senator from Connecticut, [Mr. Eaton]and for the President of the Senate to declare who has the majority of the votes of the electors so transmitted.

While he opposed the general provisions of the bill he went to the extent of passing upon the qualifications of the electors, taking it entirely away from the State; and he seemed in his argument to admit the power of Congress to determine the question of the votes. In that debate one of the questions that arose was that which has arisen in this debate, what is to be done with double returns? Mr. Pinckney took up that question, and after reading his speech I undertake to say that he did not deal with it with that frankness which his eminent character justifies us in supposing he ought to have dealt with it. He seemed to evade the question, did not meet it, but he seemed to meet it as my friend from Connecticut met it this morning by expressing his confidence in Congress and his confidence in every public man in the country. He could not anticipate that there would be any difficulty; he could not in the first place anticipate that such returns would be made. He had then the unbounded confidence that is exhibited by the Senator from Connecticut to-day. And yet our history proves that Mr. Pinckney was mistaken just as I fear the subsequent history of the country will prove that the Senator from Connecticut is mistaken when he expresses such unbounded confidence, not only in the Senate of the United States, but in every public man, the Vice-President, the Speaker of the House, and the members of this House and of the other. I share largely in the confidence which he has expressed in reference to humanity, but I have seen enough of life to know that our confidence is frequently misplaced, and I want to prepare against any contingency that may happen.

That bill came finally to a vote in the Senate of the United States

after the exhaustive argument of Mr. Pinckney, and I wish to read the names of the Senators who voted upon that bill.

When Mr. P. had concluded, the question was taken on the passage of the bill, and it was determined in the affirmative—yeas 16, nays 12, as follows:
YEAS—Messrs. Bingham, Chipman, Dayton, Dexter, Foster, Goodhue, Greene, Hillhouse, Latimer, Lloyd, Paine, Read—

From my own State-

Ross, Schureman, Tracy, and Wells.

NAYS—Messrs. Anderson, Baldwin, Bloodworth, Brown, Cocke, Franklin, Langdon, Livermore, Marshall, Mason, Nicholas, and Pinckney.

The proceedings to which I have referred show that at that early day the power was claimed for Congress not only to deal with the question we are now discussing, but to deal with other questions, questions which I do not believe we have the right to deal with. But the power of providing the mode of counting the electoral vote by legislation, especially where there is a seeming omission in the Constitution itself, was then fully recognized, and these proceedings

clearly indicate it.

I would not attempt to confer upon one House or both Houses of I would not attempt to confer upon one House or both Houses or Congress any power which is not expressly granted to them, for I am a strict constructionist of the Constitution. I believe that we have no right as a Congress to exercise any power which is not expressly given or which is not necessary to carry out the grants of power expressly given in the Constitution. I would not usurp any power whatever. I am as free from doing that as my honorable friend from Maryland or my honorable friend from Connecticut; but I do contend that the criticisms upon the position of my friend from Ohio are not warranted by the precedents that have been referred to as conclusive upon the contemporances interpretation of the provisions of the upon the contemporaneous interpretation of the provisions of the Constitution in this behalf. I hold that the incident which I have cited shows that at an early day, when the men were living who took part in the formation of the Constitution, when they were members of the Congress of the United States, this power was claimed for Congress. Some of the gentlemen who participated in the formation of the Constitution were there and voted upon the question. I would not, I repeat, invade that Constitution. I believe that the true interests and the true destiny of this country require a strict adherence to the provisions of the Federal Constitution. I would not usurp the power by Congress, but I would carry out the provisions of the Constitution. I would count the vote as it is. There is a provision in the bill of the Senator from Indiana that in a certain contingency the vote of a State shall not be counted, and I am opposed to that bill without some amendment to secure to every State in this Union the right to have her electoral vote counted.

Mr. President, I conceive that this is an important question. It is Mr. President, I conceive that this is an important question. It is one that ought not to be hastily passed upon, and I think the seven days which have been spent in the investigation and discussion of this subject have not been spent in vain. I hope that no hurried action will be taken, but that some action may be adopted in this House which will be concurred in by the other House, and that we may make proper provisions to remedy the evil which is seen and acknowledged by all.

I have said much more on this question than I designed to say at the

I have said much more on this question than I designed to say at the

Mr. BURNSIDE. Mr. President, I desire to make but a single remark, and that is, that the Supreme Court of the United States substantially decided in the Rhode Island case, to which the Senator from Indiana referred, that it was in the power of Congress to call upon the courts to decide which of the representatives of the State governments was in accord with the Government of the United States. I am indebted for this suggestion to the honorable Senator

from Florida, [Mr. Jones.]

If Congress has the right to call on the Supreme Court of the United States for a decision upon that point, it has the right to do it in this case. Some of the most distinguished Senators have said that this amendment presented the most desirable way to settle the difficulty, if it could be done constitutionally; and here, it seems to me, we have this point settled by the Supreme Court of the United States,

unless I misconstrue the substance of that decision.

nave this point settled by the Supreme Court of the United States, unless I misconstrue the substance of that decision.

Mr. JONES, of Florida. Mr. President, it is perhaps necessary for me to say a word in regard to my view of what the court did decide in the case of Luther vs. Borden. It did say, and the opinion will bear me out, that it was competent for Congress to designate a court that should have the power to say which of two rival powers in a State should be recognized as the legitimate power, with a view of obtaining the assistance contemplated by the Constitution to be extended by the Union. That was decided, beyond all doubt.

Mr. MERRIMON. Have you the decision before you?

Mr. JONES, of Florida. I have not. The court said that Congress had delegated the authority to the President by the act of 1795, and that it had done so wisely; but that it was equally competent for Congress to delegate the same authority to a court for a like purpose, and to withdraw it from the President.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD,] upon which the yeas and nays have been ordered. The amendment is to modify the second section before the question is taken on the amendment of the Senator from Rhode Island [Mr. BURNSIDE] to strike it out and insert a substitute. The Chair understands that this is the same amendment originally offered by the Senator from Tennessee, [Mr. Cooper.]

ment originally offered by the Senator from Tennessee, [Mr. Cooper.]

The question being taken by yeas and nays, resulted—yeas 18, nays

34; as follows:

YEAS—Messrs. Bayard, Bogy, Caperton, Cooper, Davis, Goldthwaite, Johnston, Kelly, Key, McCreery, McDonald, Maxey, Randolph, Ransom, Saulsbury, Thurman, Wallace, and Withers—18.

NAYS—Messrs. Allison, Anthony, Booth, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Conkling, Dawes, Dennis, Dorsey, Eaton, Edmunds, English, Ferry, Frelinghuysen, Hamilton, Hamlin, Howe, Jones of Novada, Logan, McMillan, Merrimon, Mitchell, Morrill of Maine, Morton, Oglesby,Paddock, Patterson, Sargent, Sherman, Whyte, Windom, and Wright—34.

ABSENT—Messrs. Alcorn, Boutwell, Bruce, Clayton, Cockrell, Conover, Cragin, Gordon, Harvey, Hitchcock, Ingalls, Jones of Florida, Kernan, Morrill of Vermont, Norwood, Robertson, Sharon, Spencer, Stevenson, Wadleigh, and West—21.

So the amendment was rejected.

The PRESIDENT pro tempore. The question recurs on the amend-

ment proposed by the Senator from Rhode Island, [Mr. Burnside.]

The amendment was rejected.

Mr. WRIGHT. I suggest an amendment to come in the second section—and I call the attention of the Senator from Indiana to it in order to make that clear which by possibility is not so clear as it stands now. As it reads now it is:

And that return from such State shall be counted which the two Houses, acting separately, shall decide to be the true and valid return.

I propose to insert after the word "return" in line 7 the words and that return only.

Mr. MORTON. That is what it is intended to mean, but I have no

objection to the word "only" going in.

The PRESIDENT pro tempore. Is there objection?

Mr. JOHNSTON and others. Let it be reported.

The CHIEF CLERK. In the seventh line of the section, after the word "return," it is proposed to insert "and that only;" so as to read:

Word "return," It is proposed to insert "and that only;" so as to read:
That if more than one return shall be received by the President of the Senate
from a State, purporting to be the certificates of electoral votes given at the last
preceding election for President and Vice President in such State, all such returns
shall be opened by him in the presence of the two Houses when assembled to count
the votes, and that return, and that only, from such State shall be counted which
the two Houses, acting separately, shall decide to be the true and valid return.

Mr. MORTON. I think the word "only" would be sufficient; but
I have no objection to the words "and that only."

The amendment was agreed to.

Mr. WHYTE. I desire to offer an amendment merely to take the sense of the Senate. I move to strike out all after the word "certified," in the twenty-sixth line of the first section, down to section 4, and to insert in lieu of the matter stricken out the following:

The President of the Senate shall in the first instance decide without debate upon all such questions and announce his decisions thereon; and when he shall have counted all the votes he shall announce the result according to his decision. After the whole count has been so made and the result thereof announced, if it appears that the result will be changed by the reversal of decisions made by the President of the Senate, any member of either House may appeal from any such decision. Upon such appeal the vate shall be taken by States, the members of both Houses from each State severally giving one vote.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Maryland, [Mr. Whyte.]
The amendment was rejected.
The bill was ordered to be engrossed for a third reading, and was

The PRESIDENT pro tempore. Shall the bill pass?
Mr. STEVENSON. I ask for the yeas and nays on the passage of

The yeas and nays were ordered; and being taken, resulted-yeas 32, nays 26; as follows:

32, nays 26; as follows:

YEAS—Messrs. Allison, Anthony, Booth, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Dawes, Dorsey, Ferry, Frelinghuysen, Hamilton, Hamlin, Hitchcock, Ingalls, Jones of Nevada, Key, Logan, McMillan, Merrimon, Mitchell, Morrill of Maine, Morton, Oglesby, Paddock, Patterson, Sargent, Sherman, Spencer, Thurman, Windom, and Wright—32.

NAYS—Messrs. Bayard, Bogy, Caperton, Cockrell, Conkling, Cooper, Davis, Dennis, Eaton, Edmunds, English, Goldthwaite, Howe, Johnston, Jones of Florida, Kelly, McCreery, McDonald, Maxey, Randolph, Ransom, Saulsbury, Stevenson, Wallace, Whyte, and Withers—96.

ABSENT—Messrs. Alcorn, Boutwell, Bruce, Clayton, Conover, Cragin, Gordon, Harvey, Kernan, Morrill of Vermont, Norwood, Robertson, Sharon, Wadleigh, and West—15.

So the bill was passed.

# HOUSE BILLS REFERRED.

The following bills from the House of Representatives were sever-

A bill (H. R. No. 192) authorizing the sale of certain lands in Vincennes, Indiana—to the Committee on Private Land Claims.

A bill (H. R. No. 361) to reduce the area of the military reservation of Fort Laramie, Wyoming Territory—to the Committee on Military

A bill (H. R. No. 1816) to repeal section 1218 of the Revised Stat-utes of the United States—to the Committee on the Revision of the Laws of the United States.

A bill (H. R. No. 1297) prohibiting the cutting of timber on any Indian reservation or lands to which the Indian title or right of occupancy has not been extinguished, and for other purposes—to the Committee on Indian Affairs.

A bill (H. R. No. 2121) to authorize commissioned officers of the Army to make deposits under the act of May 15, 1872—to the Commit-

Army to make deposits that the transfer of the manufacture of postal cards for the fiscal year ending June 30, 1876—to the Committee on Appropriations.

# MILITARY ARRESTS IN ALASKA.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States; which was ordered to lie on the table and be printed:

To the Senate of the United States:

In further answer to the resolution of the Senate of the 7th of January last, requesting to be furnished "with a statement of the number of military arrests made in the Territory of Alaska during the past five years, together with the date of each, the charge on which made in each case, the names of the persons arrested, and the period and character of the imprisonment of each in that Territory before trial or surrender to the civil authorities for trial," I have the honor to transmit herewith the report of the Secretary of War.

EXECUTIVE MANSION, March 24, 1876,

U. S. GRANT.

#### CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. SARGENT. I move that the Senate proceed to the consideration of the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes.

The motion was agreed to.

Mr. SARGENT. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to.

#### COUNTING OF ELECTORAL VOTES.

Mr. THURMAN. Before the doors are actually closed, I move a reconsideration of the vote just taken on the passage of Senate bill No. 1 relative to counting the electoral votes; and I wish to say a word. The vote on the bill strikes me with some surprise. What there is that gives any advantage to one party over another in it is past my comprehension. I do not see it in the bill, but there is an objection that has weighed no doubt with many who voted against the bill, and that is that it leaves a case unprovided for, a case where there are two returns from a State. It does not arrive at an ultimate decision, or at least it may not, on that question. I am strongly impressed with the belief that unless the Senate can become more harmonious than it is on this bill, we have no chance to get a law on the subject at this session. Therefore I, for one, am anxious to make one more effort in this body, where such a thing as debate is allowed, where a calm consideration of a great question can take place, to have this matter further considered.

Mr. MORTON. Do you propose to have it considered to-night?
Mr. THURMAN. No; but I ask that the motion to reconsider may
be entered in order that it may be further considered.
The PRESIDENT pro tempore. The motion to reconsider will be

#### EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were re-opened, and (at five o'clock and three minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

# FRIDAY, March 24, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of yesterday was read and approved.

# ABSTINENCE BY OFFICE-HOLDERS.

Mr. HOLMAN. I hold in my hand a memorial which I have received from the Women's Temperance League of Winchester, Indiana, signed by 1,104 citizens of that State, mostly ladies, asking congressional legislation to promote temperance in the service of the United States. I ask unanimous consent that the memorial may be printed in the RECORD—it is very brief—and referred to the Committee of Ways and Means, which has the subject under consideration.

Mr. KELLEY. The memorial, not the names?

Mr. MOLMAN. Yes. The memorial only I wish printed in the

There was no objection, and the memorial was referred to the Committee of Ways and Means, and ordered to be printed. It is as follows:

To the Senate and House of Representatives of the United States:

To the Senate and House of Representatives of the United States:

The undersigned, members of the Women's Temperance League of Winchester, Indiana, and citizens of Randolph County, do most earnestly and respectfully, in consequence of the great and growing evil of intemperance, spreading as it does crime, pauperism, ignorance, and o'her miseries through all grades of our American society, petition your honorable body to so amend the oath required of all the officers in the service of the United States as to require them to abstain from the use of intoxicating drinks as a beverage during their torm of office. This we ask because of the representative character of the persons whom the people have placed in such official position, and because of the salutary and beneficial influence such requirements and consequent conduct would exert upon all the young men of the nation, and also believing that such amendment to the oath of office, with the penalty of removal for its violation, would annually save millions of dollars for the Government.

Government.

We therefore most earnestly entreat you to grant our request by laying down such rules of sobriety for the government of those whom the people have placed over them as will secure our request.

# TRANSFER OF THE PENSION BUREAU.

Mr. RUSK. I ask unanimous consent to present the views of the minority of the Committee on Invalid Pensions in relation to House bill No. 2590, providing for the transfer of the Pension Bureau to the War Department, and move that they be printed, so that they may be in possession of the House.

There was no objection, and it was so ordered.

# POSTAL CARDS.

Mr. BLOUNT. I am instructed by the Committee on Appropriations to report a bill to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year ending June 30, 1876, and ask that it may now be put upon its passage.

The bill (H. R. No. 2821) was received and read a first and second

The bill appropriates the sum of \$62,300, out of any money in the

Treasury not otherwise appropriated, to supply a deficiency in the appropriation for the manufacture of postal cards for the fiscal year

ending June 30, 1876.

Mr. BLOUNT. As the House will have understood from having heard the bill read, there is a deficiency of some \$62,000 for the printing of postal cards. There has been an unusual demand upon the Department for them, and the supply is nearly exhausted. It will be exhausted about the 1st of April. The committee have thought it proper that the demand of the public for these cards should be met. The bill involves no expense except the cost of the paper, printing, packing, and delivery for distribution, which is about \$1.39 a thousand; whereas the revenues are \$10 a thousand, and they are really a source of revenue to the Government. Unless the bill is passed immediately, the manufacture will have to be stopped on the 1st day of

April.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BLOUNT moved to reconsider the vote by which the bill was bassed; and also moved that the motion to reconsider be laid on the

The latter motion was agreed to.

## EMPLOYMENT AND FEES OF UNITED STATES ATTORNEYS.

Mr. DURHAM. I ask unanimous consent to present, from the Committee on Expenditures in the Department of Justice, a report in relation to the employment of and fees paid United States attorneys and special attorneys in cases where the United States are a party, accompanied by a bill repealing section 363 of the Revised Statutes of the United States and substituting another section in lieu thereof. I desire to have the bill and the report with the exhibit marked "A" printed and recommitted.

There was no objection, and the bill (H. R. No. 2822) was read a first and second time, and, with the accompanying report and exhibit marked "A," ordered to be printed, and recommitted to the Committee on Expenditures in the Department of Justice.

#### GOVERNMENT FOR THE INDIAN TERRITORY.

Mr. WILSHIRE. I ask unanimous consent to report from the Committee on Indian Affairs a substitute for House bill No. 1923, to prowide a government for the Indian Territory, and ask that, with the accompanying report, it may be printed and recommitted.

The substitute, a bill (H. R. No. 2823) to provide a government for the Indian Territory, was received and read a first and second time.

The SPEAKER. If there be no objection, the bill and accompany-

ing report will be printed and recommitted to the Committee on Indian Affairs.

Mr. SOUTHARD. I desire to move that the bill be referred to the Committee on the Territories. I make this motion for this reason: The bill relates to the organization of a territorial government, and that is a matter which falls within the exclusive jurisdiction of the Committee on the Territories. On the 12th day of January a bill was introduced into the House for the organization of a government for the Indian Territory, and was referred to the Committee on the Territories. Since that time the committee have been considering that bill send will be ready to report that the territories. bill, and will be ready to report upon it at an early day. This bill covers precisely the same question, and it is manifestly inconsistent with the rules and the practice of the House that two committees should be considering identically the same subject at the same time. And I say further, so far as my knowledge extends and so far as I have been able to learn, there never has been a question of an organization of a Territory since the establishment of the Committee on the Territories that has not been in the exclusive control and jurisdiction of that committee. I therefore make this motion, that the bill be referred to the Committee on the Territories.

Mr. WILSHIRE. I hope the motion of the gentleman from Ohio [Mr. SOUTHARD] will not prevail. There is a difference between the organization of Territories hitherto and this particular case. The Territory proposed to be organized by this substitute is owned almost entirely by Indians. The soil is theirs in fee simple by treaty stipulations. A peculiar case is therefore here presented, and I think most certainly is within the jurisdiction of a committee of this House which is specially charged with the consideration of Indian matters; and I cannot conceive of any principle upon which the gentleman from Ohio can claim to have the bill referred to the Committee on the Territories. Mr. SCALES. The Committee on Indian Affairs have had this mat-

Mr. SCALES. The Committee on Indian Affairs have had this matter under consideration, and after consideration determined that they had the jurisdiction of it. I suppose the same action has also been taken by the Committee on the Territories. The object is simply to test the jurisdiction.

Now we think we have the jurisdiction because this pertains to a people who are not citizens of the United States. They have always been treated as a separate and independent people. We are free to admit that if this bill pertained to any other class of people or any citizens of the United States, then perhaps it would properly belong to the Committee on Territories. I think that would be in accordance with the rules. I read the rule in relation to the Committee on Territories:

It shall be the duty of the Committee on the Territories to examine into the

It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to dovise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.

There is no provision there for the organization of any Territory, but, as I said, I suppose under the custom of the House they have the right to act upon and report upon bills organizing Territories. But they have not that right upon any question touching the Indians. That belongs exclusively to the Committee on Indian Affairs, in my They have been turned over to the Committee on Indian Afration to do whatever is necessary for their interest and the interest of the Government. It seems to us that the question belongs to us; but if the House decides otherwise we are willing to give it up.

The chairman of the subcommittee was instructed to report the bill to the House, and ask that it be printed and recommitted to the committee. If it be the pleasure of the House to refer it to another com-

Mr. SOUTHARD. The rule which the gentleman from North Car-

olina has just read provides that-

It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.

Now, according to that rule, as I understand it, the Committee on the Territories has the exclusive and sole control of all matters relating to such means as are necessary to secure the rights and privileges of "residents and non-residents" in the Territories. Can it be pretended that these Indians are not "residents," and in addition to the Indians there are in this Territory a large number of American citizens, estimated at from fifteen to twenty thousand, whose rights are to be protected?. It is not citizens of the United States that the committee is concerned about. Under the rules, the committee are "to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents." There is no place for the question of citizenship.

Now, sir, it seems to me that there can be no question about the

jurisdiction in this case in view of the language of that rule.

There has been no Territory organized west of the Mississippi in which the Indians were not largely interested. Look at the case of Kansas, with her numerous reservations and the many questions growing out of the rights of Indians. That case was not referred to the Committee on Indian Affairs. I say that in the organization of all Territories the rights of the Indians are largely concerned.

This rule, if I understand its proper interpretation, is that the Committee on the Territories shall have the exclusive privilege of deter-

mining all questions which relate to the rights and privileges of all persons, resident and non-resident, who may be within the limits of

the Territory proposed to be organized.

Now, this bill which it is proposed to recommit to the Committee on Indian Affairs covers the whole question. The two committees for some time past have been delayed in the consideration of this question because of the conflict of jurisdiction. It seems to me that the House ought to settle the question of jurisdiction, and that the Committee on the Territories have exclusive control of the matter under and by virtue of the rule. No such duties are prescribed for the Committee on Indian Affairs, but it is clearly prescribed that it the Committee on Indian Aliars, but it is clearly prescribed that it shall be the duty of the Committee on the Territories, and it is so admitted by the gentleman from North Carolina, [Mr. Scales,] to take jurisdiction of all questions relating to the organization of Territories where Indians are not interested.

Mr. GOODIN. I desire to ask the gentleman a question. I would like to know of the chairman of the Committee on the Territories whether any bill has been referred to that committee in relation to

the organization of this Territory?

Mr. SOUTHARD. I will answer the gentleman. He asks if any bill has been referred to the Committee on the Territories in relation to this subject. Early in the session, on the 12th of January, a bill on this subject was introduced by Mr. Franklin, of Missouri, and referred to this committee. The committee have considered the bill very carefully and very patiently, and will be ready to report on the measure in due time. The bill referred to the committee was for the purpose of organizing a territorial government over the Indian Territory. Subsequent to that time, and on the 9th day of March, a resolution was offered which I ask the Clerk to read.

The Clerk read as follows:

Resolved. That the Committee on Indian Affairs be requested to inquire into the expediency of opening the Indian Territory to settlement by white men, establishing a form of government adapted to the peculiar wants of that Territory, giving to its inhabitants the rights of citizenship and homestead, and dividing the remaining lands according to the rights and equities of parties entitled thereto, with leave to report by bill or otherwise.

Mr. SOUTHARD. That resolution was agreed to by the House for the reason that no objection was made to it, no member of the Committee on the Territories having observed its introduction. That brings the question precisely before the House as to which committee is entitled to jurisdiction in this case, and as I said before it is man-ifestly inconsistent with the rules of the House and the proper transaction of its business that two committees should be charged with considering precisely the same subject-matter at the same time.

The Committee on the Territories has long had this question under consideration at this session of Congress, by reason of the bill which was first introduced and referred to it. I would add further that in the history of this House there has been no instance of organizing a territorial form of government that has not come under the jurisdic-

tion of the Committee on the Territories since that committee was established; none to my knowledge, and I have made extensive in-quiries. Therefore the Committee on the Territories is entitled to the support of this House upon the motion which I have made to refer this bill to that committee, the subject having already been consid-

ered by it in connection with the bill first referred to it.

Let the matter not be misunderstood. This bill relates to the rights and priyileges of residents and non-residents in the Territory covered The purpose and effect of this bill are not to better govern the Indians, but to prescribe a territorial form of government over that country, to authorize the appointment of a governor, secretary of the Territory, and the providing of a territorial legislature and the other machinery of a territorial government. It is a bill in all particulars similar to those which have prescribed forms of government for other Territories. Therefore I say there can be no doubt about the scope or effect of the bill, there can be no doubt about the jurisdiction of the Committee on the Territories, which committee has always had sole and exclusive jurisdiction over such matters.

Mr. PAGE. It seems to me, Mr. Speaker, that there can be no question as to the jurisdiction of the Committee on Indian Affairs in reference to this bill. The bill proposes to organize the Indian Territory under a territorial form of government. There are to-day five different tribes of civilized Indians within the territory proposed to be so organized, numbering from fifty thousand to fifty-five thousand, and there are very few white men in that territory, less than two thousand, I think. Now, if the Committee on Indian Affairs has any duties at all, if there is any bill which could be referred to that committee, it seems to me that this is one that should be so referred. The Committee on Indian Affairs has had this matter under consideration for the last two months, or at least for five or six weeks. We have heard all the representatives of the Indian tribes residing within this territory. They have presented arguments pro and con, some in favor of and some against the organization of a territory there, and they have done it with marked ability. This morning the committee listened for nearly three-quarters of an hour to an argument in favor of a territorial organization.

I say again that it seems to me that if there is any matter which should be referred to the Committee on Indian Affairs it should be the question of organizing the Indian Territory, a territory inhabited almost exclusively by these five tribes of Indians. I find nothing in the rules that gives the control of this matter to the Committee on the Territories. I say this, however, as a member of the Committee on Indian Affairs: I would not have objected to the Committee on the Territories taking the consideration of this bill had it been in relation to any other Territory excepting the Indian Territory. In a case of that kind I have no doubt it would be a matter purely within the jurisdiction of the Committee on the Territories. But as this is a bill for the purpose of organizing Indian territory exclusively, where there are 55,000 Indians, it seems to me that the Committee on Indian Affairs

should have the sole charge of it.

Mr. CONGER. It seems to me that this is not the proper time to raise the question between the committees of the jurisdiction of this subject. This bill, with the accompanying report, comes from the Committee on Indian Affairs, who ask that it be printed and recommitted to them. This bill was referred by the House to the Committee on Indian Affairs; by that reference it belongs to that committee, this particular bill, on which they now make their report.

More than that, by the resolution read a few moments ago at the

Clerk's desk, this House directed the Committee on Indian Affairs to examine into and report to the House upon this very subject. Now, whatever question may arise as to which committee shall finally report a bill for action to this House, it seems to me that courtesy requires that the House shall permit this committee to have its bill printed, to have its report printed, and that another committee shall not be allowed to stand by and take the report of the committee which has been carefully prepared, and as soon as prepared, have it transferred to them for their benefit.

I make these remarks in behalf of all the committees of this House who spend their time and give their labor to investigating the several subjects committed to them. They should be allowed the right to have their reports printed and recommitted to them—to the committee making the report, and not to another committee. When the question arises as to the jurisdiction of one of two committees to present a proper bill to the House for action, that subject can be then considered. But I do protest against taking from a committee, even before it has been printed, a bill referred to them and the report which they have made upon it, and transfer them to another commit-tee, which, so far as that report is concerned, has done nothing at all

in regard to it

Mr. HOOKER. I desire to say simply a word upon the proposition presented to the consideration of this House by the motion of the gentleman from Ohio, [Mr. SOUTHARD.] It seems to me that this subject-matter necessarily and properly pertains to the Committee on Indian Affairs, for the reason that prime among the subjects and objects of that committee is the making provision for taking care of the interests of the Indians. If this was simply a proposition to organize an ordinary territorial government with a homogeneous American population resident in the territory, it would be very proper and right and seemly that the Committee on Territories should have exclusive jurisdiction of the subject.

But inasmuch as the question of governing the Indians by constructing a territorial form of government for them is a question sui generis, and not like that referred to by the gentleman from Ohio in regard to organizing a territory of homogeneous American popula-tion with a view to final admission as a State, I think there can be no question as to the jurisdiction of the Committee on Indian Affairs over this bill. It is very well known to the House that in this Indian Territory there are various tribes of Indians, differing in numbers, differing in the legislation which prevails in their respective councils, and differing in their right of representation in their local legislatures. It therefore presents a very peculiar question, and not one such as is ordinarily presented to the consideration of the House upon a proposition to organize a territorial government upon the showing that a certain territory possesses the requisite amount of population. The primary question is whether the government for the Indians should be a government like that to which we would subject an ordinary territory consisting of American citizens; and this is a very dif-ferent question from that usually presented with reference to the organization of a territorial government.

This question has been elaborately considered by the Committee on

Indian Affairs. A very large amount of proof has been taken pro and con. Quite a number of gentlemen distinguished for their fidelity to the Indians-many of them Indians themselves, some of the whole blood and some of the half-blood—have been before this committee and have expressed their opinions with reference to the question both orally and in writing. It is well known that a difference of opinion exists among prominent and intelligent men of the Indian tribes themselves and those who thoroughly understand their interests as to the policy of organizing the Indians into a territorial form of government. Some conceive that the Indians have arrived at such a point of intelligence with reference to their own affairs and their own interests and the protection of their own rights as to fit them to be organized under a territorial form of government, looking finally to their admission into the Union. But it must be remembered that there are five nations of civilized tribes in this territory, while there are others who cannot probably be so classed. All these interests being involved, the ques-

probably be so classed. All these interests being involved, the question as to their representation in a territorial government is a subject which properly pertains to the Committee on Indian Affairs.

In answer to the remark of my friend from Ohio, [Mr SOUTHARD,] that the rules of the House give authority over this subject to the Committee on Territories and that no rule gives it to the Committee on Indian Affairs, I may very properly say that the other day, when the Committee on Appropriations, presided over with so much ability by my friend from Pennsylvania, [Mr. RANDALL,] which seems to draw to itself almost every subject and topic of legislation that can be presented for the consideration of the House—when that commits be presented for the consideration of the House—when that commit-tee reported the other day in the general appropriation bill a proposi-tion to transfer the Iudian Bureau from the Interior Department to the War Department, they were, in my humble judgment, treffching upon the functions of the Committee on Indian Affairs, who, though their special duties have not been defined under the rules, have confided to their hands the great questions of the interests and management of the Indians and the proper mode of carrying out the faith of the Government as expressed in the treaties with the various Indian tribes. The Committee on Appropriations, I say, undertook to handle that question to the exclusion, in my judgment, of the committee to

which it properly pertains.

And now, when a bill has been reported, when proof has been taken and presented to the House, and leave asked to print it and recommit it for further consideration of the committee who have already had the subject under examination, the proposition is made by a gentle-man from the Committee on the Territories to take this subject from the consideration of the committee who have spent days and weeks and months in the investigation of the question with regard to the interests of these people, whom the plighted faith of the nation requires us to guard and protect quite as much as the favored "wards" who are so often referred to in this House as constituting the subjects of

the nation's peculiar guardianship.

After this committee has considered this question laboriously for weeks and months, has reported to the House a bill with accompanying proof, and asked that it be printed and recommitted for further consideration, I do not think the House will consent to take this matter from the committee to which properly pertain the management and control of this question and transfer it to the Committee on Territories, whose functions are simply to present bills for the organization of Territories where the population is homogeneous, not where it is sui generis, as is the case with the Indians.

When the Indian Committee shall have passed upon this question, with all the proof it has taken and all the lights before it, it may conclude that a certain form of government ought to exist. But it conclude that a certain form of government ought to exist. But it cannot be supposed that an ordinary territorial form of government would be adapted to the condition, the wants, the necessities, and the respective rights of these various Indian tribes. Why? For the simple and obvious reason that, if in the Indian Territory you organize a territorial government in the ordinary form and manner, the control of that government will in a few years be possessed, necessarily in a large degree, by those who are not Indians. This, in my view, would be the effect of the organization of a territorial government in the ordinary form for the Indian Territory.

For these reasons I agree with my colleague on the committee in the

motion he has made to refer this question to the Committee on Indian whom it has long been considered.

Mr. WILSHIRE. Mr. Speaker, I wish to say a word with reference to the duties assigned to the Committee on the Territories. I do not agree with the gentleman from Ohio [Mr. SOUTHARD] in the construction of the rule on this subject. That rule provides that—

It shall be the duty of the Committee on the Territories to examine into the legislative, civil, and criminal proceedings of the Territories, and to devise and report to the House such means as, in their opinion, may be necessary to secure the rights and privileges of residents and non-residents.

I submit, sir, that by any proper rule of construction the assignment of this duty to that committee presupposes an existing government of the Territory before this committee can lay their hands upon the subject or exercise any jurisdiction. But whether that be so or not, the peculiar condition of the Indians inhabiting the Territory now sought to be organized renders it an especially appropriate subject for the consideration of the Committee on Indian Affairs to inquire first whether there should be any territorial government organized at all. Why? Because, if the Committee on the Territories will refer to the several treaties with these tribes, it will be found that they have accorded to them in fee-simple the right to the soil so long as they preserve their tribal relations. And more, they have the right to local self-government guaranteed to them by those treaties forever.

Mr. FRANKLIN. Will the gentleman allow me to ask him a question?

Mr. WILSHIRE. I cannot be interrupted. I submit to this House that state of facts itself raises a question that addresses itself par-ticularly to the Committee on Indian Affairs and should be consid-ered by that committee and passed upon before any other committee of this House should take cognizance of the subject. I now yield to

the gentleman from Massachusetts, [Mr. SEELYE.]

Mr. SEELYE. Mr. Speaker, the question how this Territory shall be organized must of course depend upon the question whether it shall be organized at all, and the question whether it shall be organized. ized at all depends primarily upon the wish of the Indians themselves and upon actual treaty stipulation with those Indians themselves and upon actual treaty stipulation with those Indians. And if that is not a question which primarily, and properly, and exclusively belongs to the Indian Committee for consideration, I do not know what question does. If it does not, it is about time I think the Indian Committee was entirely abolished. I demand the previous question.

Mr. SOUTHARD. Let us have a moment's further explanation; there have been three speeches on that side.

The SPEAKER. Does the gentleman insist on his demand for the previous question?

revious question? Mr. SEELYE. I do.

The previous question was seconded and the main question ordered. The question first recurred on Mr. Southard's motion to refer to ne Committee on the Territories; which was disagreed to.

The bill and the accompanying report were then ordered to be printed and recommitted to the Committee on Indian Affairs.

Mr. WILSHIRE moved to reconsider the vote by which the bill and eport were recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROTEST AGAINST REMOVAL OF DUTY ON IRON.

Mr. COCHRANE. Mr. Speaker, I hold in my hand the memorial of a number of iron-manufacturers of Allegheny County, Pennsylvania, protesting against the removal of the present duty on iron, and I ask unanimous consent that it may be printed in the RECORD; and, as there are but a few names attached, the names also be printed.

Mr. STEVENSON. How many names are there?

Mr. COCHRANE. There are only a few names, but if objection be made let it be printed without the names.

Mr. KASSON. I object, as the RECORD is already becoming too much encumbered by including matter which does not properly belong to it.

Mr. COCHRANE. I hope the gentleman will withdraw his objection in this case, as the memorial is exceedingly short, containing only two pergraphs.

wo paragraphs. Mr. KASSON. I understood it was to be printed with the names.

Mr. COCHRANE. I have withdrawn that portion in reference to the name

Mr. KASSON. If that be withdrawn and the memorial is short, I withdraw my objection; but I insist the principle is a wrong one.

The memorial was referred to the Committee of Ways and Means,

and ordered to be printed in the RECORD, as follows, without the

To the Senate and House of Representatives of the United States of America in Congress assembled:

gress assembled:

The petition of the undersigned, workingmen in the Star Iron-Works, in the county of Allegheny and State of Pennsylvania, respectfully represents that we have observed with alarm and indignation the introduction into Congress of a scheme for tariff reduction, prepared, as we believe, not by members of Congress, for the benefit of this country and its inhabitants, but by adherents of other nations, for the benefit of foreigners. We submit to your wise consideration the following facts: First. Under substantially the existing system of revenue from imports not only the manufactures but the general wealth and prosperity of this country have advanced at an unprecedented rate during the past lifteen years; manufactured goods of all sorts are more abundantly and cheaply produced here than ever before, and the industrial independence of this country is more nearly achieved. Second. In the depression of industry now prevailing all over the world the manufacturing population of this country are bearing their share of the common adversity with resolution, and are endeavoring with all their power to make

use of this period by improving and cheapening their processes, trusting when better times arrive to serve their fellow-citizens even better than hitherto. Third, This attitude of patient endurance and partially-suspended vitality would in many quarters speedily give place to despair and ruin if the changes proposed in the bill now before the Committee of Ways and Means shall be enacted into a law.

We respectfully petition your honorable bodies to leave the tariff laws undisturbed for the present, and, when alterations are made therein, at a more favorable time, to take counsel from your own countrymen and constituents, rather than from the industrial and commercial enemies of your country.

#### II. G. BOARDMAN.

Mr. COCHRANE, by unanimous consent, from the Committee of Claims, made an adverse report on the bill (H. R. No. 675) for the relief of H. G. Boardman, postmaster at Milton, Vermont; which was laid on the table, and ordered to be printed.

#### STEAMBOAT PARAGON.

Mr. COCHRANE also, by unanimous consent, introduced a bill (H. R. No. 2824) to change the name of the steamboat Paragon of Pittsburg, Pennsylvania; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## CORRECTION OF ERRORS IN REVISED STATUTES.

Mr. ROBINSON, by unanimous consent, from the Committee on the Revision of the Laws, reported a bill (H. R. No. 2825) to correct errors and supply omission, in the Revised Statutes of the United States; which was read a first and second time, ordered to be printed, and recommitted.

#### PETER WRIGHT & SONS.

Mr. BURCHARD, of Illinois, by unanimous consent, from the Committee of Ways and Means, reported a bill (H. R. No. 2826) to refund and remit certain duties to Peter Wright & Sons; which was read a first and second time, referred to the Committee of the Whole House on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### COMMITTEE ON EXPENDITURES IN THE TREASURY DEPARTMENT.

The SPEAKER. In accordance with a resolution of the House passed the other day, the Chair announces the following additional members of the Committee on Expenditures in the Treasury Department: Mr. Stenger, of Pennsylvania; Mr. Hooker, of Mississippi; Mr. Savage, of Ohio; and Mr. Wilson, of Iowa.

#### ORDER OF BUSINESS.

Mr. CONGER. I demand the regular order.
Mr. BRIGHT. I move that the House resolve itself into Committee

of the Whole House on the Private Calendar.

The SPEAKER. Without having a morning hour?

Mr. BRIGHT. I thought the morning hour had expired. I withdraw the motion.

The SPEAKER. The regular order having been demanded, the morning hour begins at one o'elock and ten minutes, and the business in order is the calling of committees for reports of a private nature. The call begins with the Committee on Patents.

# STEPHEN HULL.

Mr. J. H. BAGLEY, from the Committee on Patents, reported a bill (H. R. No. 2827) for the relief of Stephen Hull; which was read a first and second time.

The bill, in its preamble, recites that a patent for an improvement in harvesters was granted to Stephen Hull, which bears date September 14, 1869, and which, without any fault or negligence on his part, was not issued to him by the Commissioner of Patents till the 20th was not issued to him by the Commissioner of Patents till the 20th day of January, 1876; and the bill declares that said patent shall continue in force for the term of seventeen years from the said 20th day of January, 1876; provided that no person shall be liable to an action for any infringement of said patent which was done or committed previous to the said 20th day of January, 1876.

Mr. J. H. BAGLEY. I call for the reading of the report.

The report was read. The committee state that on the 14th day of September, 1869, a patent was granted to Stephen Hull for an improvement in harvesters, to continue in force for seventeen years; that this patent was withheld from the patentee by the arbitrary act of the then Commissioner of Patents for more than six years and four

of the then Commissioner of Patents for more than six years and four months, which arbitrary act is now conceded by the present head of the Office to have been wholly illegal and unjust. The reason given for not delivering the patent was that the patentee had neglected cerfor not delivering the patent was that the patentee had neglected certain requirements of the Office, but Commissioner Duell, in a decision rendered January 4, 1876, says: "After a careful consideration of all the facts and the law applicable to this case, I am convinced that the alleged laches of the applicant consist entirely in the delays imposed by the action of the Office, and for which the Office was solely responsible." The patentee claims, and justly, the committee think, that he should not be deprived of the enjoyment of his patent for the time that it was withedless. that it was withheld, and the committee therefore recommend the passage of the accompanying bill, which declares that said patent shall continue in force for seventeen years from January 20, 1876, the date when said letters-patent were delivered.

Mr. J. H. BAGLEY. It will be understood by the House from the reading of the report that this bill is not for an extension of a patent.

The case, which is fairly presented I think in the report is this: The patentee applied in 1869 for a patent for an improvement in harvesters. The papers were drawn and the patent was granted. But before the delivery of it the Commissioner ascertained or thought that there

was something imperfect in the application, and therefore withheld the patent. Upwards of six years passed away, and Commissioner Fisher, who was the acting Commissioner, retired from office, and Commissioner Duell came into the place. The patentee then applied to Commissioner Duell, and Commissioner Duell upon an examination of the case decided that by the arbitrary act of the Patent Office the patent was withheld from the patentee. He nowasks Congress to permit his patent to run from the 20th day of last January, when he came into possession of it. That is the substance of the case. The com-

mittee think it is a very proper and just case, and ask the House to decide upon it favorably. It is not an extension of a patent at all.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. J. H. BAGLEY moved to reconsider the vote by which the bill was passed, and also moved that the matien to according to the being the second and the second the second transfer of the was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

#### JOHN STAINTHORPE.

Mr. J. H. BAGLEY also, from the Committee on Patents, reported back, with an adverse recommendation, the memorial of John Stainthorpe, and the same was laid on the table, and the accompanying report ordered to be printed.

Mr. CONGER. I ask that the report may also be printed in the

There was no objection, and it was so ordered.

The report is as follows:

The report is as follows:

The petition of John Stainthorpe recites "that some time before the 6th March, 1855, he invented an improvement in machinery for molding candles which was not before known or used, and that he obtained letters-patent for his said invention dated 6th March, 1855, for fourteen years, which patent was extended for seven years." The patent therefore, after a life of twenty-one years, expired March 6, 1876.

Your committee, after a careful investigation, find the facts in accordance with the above statement, with the exception that a machine was used in England previous to the issue of this patent possessing some of the characteristics of the Stainthorpe machine. The possession of the letters-patent by the said Stainthorpe is, however, evidence sufficient to the committee that he had a right to what he claimed as his invention. The invention is of great value to manufacturers and to the public, reducing the amount of labor in a very great degree, producing candles many-fold faster than by the old method, and thereby of necessity reducing the cost of the article. The committee have no hesitation in saying that this inventor is entitled to great credit for his ingenuity. Mr. Stainthorpe, like many others of his craft, labored under the disadvantage of poverty, and was unable for the first fourteen years to realize much profit. It is not, however, in evidence that he was a loser, but, on the contrary, it seems he did receive a small compensation. After obtaining the extension Stainthorpe sold to parties in New Bedford, Massachusetts, his right in the patent for \$14,000. The patent has since been held as a monopoly, particularly in the manufacture of paraftine candles, the licensees being restricted from making that particular article. The result of the extension asked for will be to again place the patent in the possession of the present owners, Stainthorpe receiving as a consideration \$11,000, according to a contract already drawn and which the parties in interests. Vour committee, are some

## JACOB A. CONOVER.

Mr. J. H. BAGLEY also, from the Committee of Claims, reported back, with an adverse recommendation, the bill (H. R. No. 1381) for the relief of Jacob A. Conover; and the same was laid on the table, and the accompanying report ordered to be printed.

# FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. DOUGLAS, from the Select Committee on Freedmen's Banks, reported, as a substitude for Senate bill No. 141, a bill (H. R. No. 2828) to amend the act entitled "An act amending the charter of the Freedman's Savings and Trust Company, and for other purposes," approved June 20, 1874, and moved that the substitute be printed and recommitted.

Mr. EDEN. Is that report in order under this call?
The SPEAKER pro tempore, (Mr. SPRINGER.) The Chair thinks it
The Chair understands that this is a private bill.

The motion was agreed to.

Mr. DOUGLAS. I ask that the committee may be allowed to report it back at any time.

There was no objection, and it was so ordered.

## RAILWAY BRIDGE AT OMAHA.

Mr. PHILIPS, of Missouri. I am directed by the Committee on the Pacific Railroad to report back, with amendments, the bill (H. R. No. 1547) limiting rates for the transportation of freight and passengers over the bridge constructed by the Union Pacific Railroad Company across the Missouri River at Omaha, Nebraska.

The SPEAKER pro tempore. This report is not in order under the

present call.

Mr. PHILIPS, of Missouri. I think this might be considered a sport of a private character. It affects private corporations.

The SPEAKER pro tempore. The Chair thinks not. It is a public

#### A. K. EATON AND J. D. JENKINS.

Mr. PRATT, from the Committee of Claims, reported, as a substitute for House bill No. 988, a bill (H. R. No. 2829) for the relief of Ariel K. Eaton and James D. Jenkins; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### CHARLES MASON.

Mr. CASON, from the same committee, reported a bill (H. R. No. 2830) for the relief of Charles Mason; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### WILLIAM C. CALLAHAN.

Mr. CASON also, from the same committee, reported adversely on the petition of William C. Callahan, of Warsaw, Richmond County, Virginia, praying relief for money paid under a demand of the Post-Office Department and claimed as due on his accounts as postmaster before the war, for the sum of \$135; and moved that the petition be laid on the table and the report printed.

# The motion was agreed to.

# JAMES ALLENDER.

Mr. DUNNELL, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 650) for the relief of James Allender, of Preston County, West Virginia; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### L. MADISON DAY.

Mr. McCRARY, from the Committee on the Judiciary, reported a bill (H. R. No. 2831) for the relief of L. Madison Day; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

Mr. McCRARY. The chairman of the Committee on the Judiciary, I understand, desires to submit a minority report. He is not now in his seat, and I ask that he have leave to submit his report if he

The SPEAKER pro tempore. The Chair hears no objection, and the

#### leave is granted.

MRS. ELIZA E. HEBERT. Mr. CONGER, from the Committee on War Claims, reported a bill (H. R. No. 2832) for the relief of Mrs. Eliza E. Hebert; which was read a first and second time, and, with the accompanying report, ordered to be printed.

#### SUSAN P. VANCE.

Mr. EDEN, from the same committee, reported a bill (H. R. No. 2833) for the relief of Susan P. Vance; which was read a first and second time, referred to the Committee of the Whole on the Private .Calendar, and, with the accompanying report, ordered to be printed. SEWELL B. CORBET.

Mr. CABELL, from the same committee, reported a bill (H. R. No. 2834) for the relief of Sewell B. Corbet; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

# R. J. HENDERSON.

Mr. MILLIKEN, from the same committee, reported a bill (H. R. No. 2835) for the relief of R. J. Henderson, of Newton County, Kentucky; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

### JOSEPH WILSON.

Mr. MILLIKEN also, from the same committee, reported, as a substitute for House bill No. 183, with a favorable recommendation, the bill (H. R. No. 1836) for the relief of Joseph Wilson, of Bourbon County, Kentucky; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be

# N. H. VAN ZANDT.

Mr. KNOTT, from the Committee on the Judiciary, reported back the bill (H. R. No. 2736) to remove the political disabilities of N. H. Van Zandt, of Virginia.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

### M. A. HANCE,

Mr. SCALES, from the Committee on Indian Affairs, made an adverse report on the memorial of M. A. Hance, of Wyoming Territory, for relief on account of Indian depredations; which was laid on the table, and the report ordered to be printed.

# W. W. MORRISON.

Mr. TUFTS, from the same committee, made an adverse report on the claim of W. W. Morrison; which was laid on the table, and the report ordered to be printed.

### JOHN S. WALKER.

Mr. JOHN REILLY, from the Committee on Military Affairs, re-

ported back, as a substitute for House bill No. 148, the bill (S. No. 199) for the relief of the estate of the late paymaster Major John S. Walker, United States Army; which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## LIEUTENANT HENRY METCALF.

Mr. FAULKNER, from the Committee on Foreign Affairs, reported back adversely the joint resolution (8. No. 5) authorizing First Lieutenant Henry Metcalf, of the Ordnance Department, United States Army, to accept a decoration from the Sultan of Turkey; which was laid on the table, and the accompanying report ordered to be printed.

# HOMESTEADS AND BOUNTIES.

Mr. JENKS, from the Committee on Invalid Pensions, reported back a petition of citizens of West Middlesex, Mercer County, Pennsylvania, in favor of granting a homestead and \$200 in money to each of the soldiers of the late war, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on War Claims.

Mr. CONGER. I do not see why that should be referred to the Committee on War Claims. It relates to homesteads, and I think should be referred to the Committee on Public Lands.

Mr. JENKS. It relates to a bounty of \$200; and how that can go to the Committee on Public Lands, I cannot see.

Mr. CONGER. And how it can go to the Committee on War Claims, I cannot see.

The motion of Mr. JENKS was agreed to.

#### J. W. THORNTON.

Mr. JENKS also, from the Committee on Invalid Pensions, reported back adversely the bill (H. R. No. 169) for the relief of J. W. Thornton; which was laid on the table, and the accompanying report ordered to be printed.

#### EDWARD F. EDDY.

Mr. JENKS also, from the same committee, reported a bill (H.R. No. 2837) granting a pension to Edward F. Eddy; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

#### THOMAS H. MARTIN.

Mr. JENKS also, from the same committee, reported a bill (H. R. No. 2838) granting a pension to Thomas H. Martin; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

## HENRY W. HIGLEY.

Mr. BAGBY, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 2076) granting a pension to Henry W. Higley, of Lena, Illinois; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## HARRIET C. DUNHAM.

Mr. BAGBY also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 2804) granting a pension to Harriet C. Dunham, widow of Charles A. Dunham, late a private Company A, One hundred and eighteenth Regiment Pennsylvania Volunteers; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be privated. to be printed.

# LOUIS A. M'LAUGHLIN.

Mr. BAGBY also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H.R. No. 1521) granting a pension to Louis A. McLaughlin; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

### NANCY A. HAMMOND.

Mr. BAGBY also, from the same committee, reported adversely the memorial of Nancy A. Hammond, for a pension; which was laid on the table, and the accompanying report ordered to be printed.

# ELLEN MORROW.

Mr. RICE, from the same committee, reported a bill (H. R. No. 2839) granting a pension to Ellen Morrow, mother of John Morrow, late private in Company H, Potomac Home Brigade, Maryland Volunteers; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

### HARVEY BURK.

Mr. RICE also, from the same committee, reported adversely the bill (H. R. No. 1232) granting a pension to Harvey Burk; which was laid on the table, and the accompanying report ordered to be printed. GIDEON CURTIS.

Mr. RICE also, from the same committee, reported back the petition of Gideon Curtis, for a pension, and moved that the committee be discharged from its further consideration, and that it be referred to the Committee on Revolutionary Pensions.

The motion was agreed to.

## MARGARET A. NORTHERN.

Mr. RUSK, from the same committee, reported adversely the pe tition of Margaret A. Northern, for a pension; which was laiden the table, and the accompanying report ordered to be printed.

#### JOHN J. PARTILLO.

Mr. RUSK also, from the same committee, reported back, with a recommendation that the same do pass, the bill (H. R. No. 1931) granting a pension to John J. Partillo, of Gratiot County, Michigan; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

#### WILLIAM THOMAS.

Mr. RUSK also, from the same committee, reported, as a substitute for Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 2103, a bill (H. R. No. 2840) granting a pension to William Thomas; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

#### GREEN EDWARDS

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 2216, a bill (H. R. No. 2841) granting a pension to Green Edwards; which was read a first and second time, with the accompanying report ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

#### ROBERT S. TOLAND.

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 1734, a bill (H. R. No. 2842) granting a pension to Robert S. Toland, of Bay City, Michigan; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## JAMES C. BATES.

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 2117, a bill (H. R. No. 2843) granting a pension to James C. Bates, of Indiana; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### LEVI D. HAYWARD.

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 605, a bill (H. R. No. 2844) granting a pension to Levi D. Hayward; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

### HERMON NETTLEFIELD

Mr. RUSK also, from the same committee, reported, as a substitute for House bill No. 1527, a bill (H. R. No. 2845) granting a pension to Hermon Nettlefield; which was read a first and second time, referred to the Committee of the Whole on the Private Callendar, and, with the accompanying report, ordered to be printed.

### BARTON R. BAKER.

Mr. SINNICKSON, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 2050) granting arrears of pension to Barton R. Baker; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## LOVINA ADELINE BOWKER.

Mr. SINNICKSON also, from the same committee, reported, as a substitute for House bill No. 1353, a bill (H. R. No. 2846) granting a pension to Lovina Adeline Bowker; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

## LUCINDA STEARNS.

Mr. SINNICKSON also, from the same committee, reported a bill (H. R. No. 2847) granting a pension to Lucinda Stearns; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

### HENRIETTA J. FOUST.

Mr. SINNICKSON also, from the same committee, reported back, with a recommendation that it pass, the bill (H. R. No. 1680) granting a pension to Henrietta J. Foust; which was referred to the Committee of the Whole on the Private Calendar.

### F. M. BRUNER.

Mr. HEWITT, of Alabama, from the same committee, reported, as a substitute for House bill No. 2092, with a recommendation that it pass, a bill (H. R. No. 2848) granting a pension to F. M. Bruner; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

### CARLISLE BRIDGES.

Mr. HEWITT, of Alabama, also, from the same committee, reported back adversely the bill (H. R. No. 2502) granting a pension to Carlisle Bridges, of McCracken County, Kentucky; which was laid on the table, and the accompanying report ordered to be printed.

# GEORGIANNA PARKER.

Mr. HEWITT, of Alabama, also, from the same committee, reported

back adversely the petition of Mrs. Mary F. Parker, of Portsmouth. Virginia, for a pension for Georgianna Parker, daughter of George Parker, late a sail-maker in the United States Navy; which was laid on the table, and the accompanying report ordered to be printed.

#### SUSAN ELLEN STEWART.

Mr. HEWITT, of Alabama, also, from the same committee, reported back adversely the petition of Susan Ellen Stewart for a pension; which was laid on the table, and the accompanying report ordered to be printed.

#### WILLIAM RULE.

Mr. BRADLEY, by unanimous consent, from the Committee of Claims, reported, as a substitute for House bill No. 881, a bill (H. R. No. 2849) for the relief of William Rule, postmaster at Knoxville, Tennessee; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

#### MAJOR G. M. SCHOLEFIELD.

Mr. BRIGHT, by unanimous consent, reported back from the Committee of Claims the petition of the bondsmen of the late Major G. M. Scholefield for relief; and moved that the committee be discharged from its further consideration and that it be referred to the Committee on the Judiciary.

The motion was agreed to.

CONGRESSIONAL RECORD—HOUSE.

#### SARAH F. ALBERTSON.

Mr. ROBBINS, of North Carolina, by unanimous consent, reported back from the Committee of Claims, with a recommendation that it pass, the bill (H. R. No. 1503) for the relief of Sarah F. Albertson, of Boonville, Missouri; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

## ORDER OF BUSINESS.

Mr. RICE. I move that the House resolve itself into Committee of the Whole to proceed to the consideration of business on the Private Calendar.

vate Calendar.

Mr. RANDALL. I move that, according to order, the House go into Committee of the Whole on the legislative appropriation bill.

Mr. RICE. This is regular private-bill day—objection day; we insist that the regular order be maintained.

The SPEAKER pro tempore, (Mr. SPRINGER.) The Chair will state that yesterday afternoon the House made a special order that after the morning hour to-day the House would go into Committee of the Whole on the legislative appropriation bill. That is now the business in order.

Mr. RANDALL. I make that motion.
Mr. RICE. My motion was made first. I do not withdraw it.
Mr. RANDALL. It requires unanimous consent to supersede the

agreement made yesterday.
The SPEAKER pro tempore. The gentleman from Pennsylvania is

right.
Mr. HURLBUT. The order of the House is of record. I ask that

it be proceeded with.

The SPEAKER pro tempore. The regular order is called for, which is that the House now resolve itself into Committee of the Whole on the legislative appropriation bill. The gentleman from New York [Mr. Cox] will take the chair.

# LEGISLATIVE, ETC., APPROPRIATION BILL.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Cox in the chair,) and resumed the consideration of the bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes.

The CHAIRMAN. By order of the House the Committee of the Whole resumes the consideration of the legislative, executive, and judicial expressions the consideration of the legislative, executive, and judicial expressions the consideration of the legislative, executive, and

judicial appropriation bill; and general debate will terminate in one hour. The gentleman from Illinois [Mr. Hurlbut] is entitled to the

floor.

Mr. HURLBUT. Mr. Chairman, it seems to be the custom of the House on bills of this nature to allow the most unbounded latitude of discussion, and I propose to avail myself of the time allowed me to pass in review certain questions which, in my judgment, are of paramount importance to the peace, good order, and harmony of this nation, and I do it in reply to the long line of argument, assault, and invective which has been poured upon the republican party, its conduct and management, commencing with the thundering harangue of the gentleman from the highlands of Georgia [Mr. HILL] and ending with the good natural assaults and the gentleman from the highlands of Georgia [Mr. HILL] and ending

the gentleman from the highlands of Georgia [Mr. Hill] and ending with the good-natured scolding of the gentleman from the lowlands of North Carolina, [Mr. Yeates.]

There are questions that rarely come into this House, for the reason that the Representatives of the people are not as a general rule up to the requirements of their own position. The rank and file of this country—the thinking, working, voting, fighting men—are as a rule, on this question, in advance of their Representatives. Now, sir, whad here in the speech of the gentleman from Georgia on the amnesty bill one of the most astonishing parodies I have ever happened to hear upon the beautiful parable of the prodigal son. I do not know any particular in which the prodigal son of Scripture had not the advantage over the gentleman from Georgia and those who are united

with him in his movement. The prodigal asked the consent of his father. He asked for the share that belonged to him; he took it by father. He asked for the share that belonged to min, he took as gift. These gentlemen did not ask; they took. The parallel runs gill. These gentlemen did not ask; they took. The parallel runs along very well in the next matter; they both went off into far countries and "wasted their substance in riotous living." But, sir, the next feature in the case is wholly to the advantage of the prodigal of the Scripture, because he "came to himself." That is what these gentlemen have never done. Away off in that far country, in the misery to which he was reduced by his own unwise and wrongful act, the prodigal "came to himself;" and he remembered his father's

There was something strangely amusing in the pretense vauntingly set out by the gentleman from Georgia that he had come back to his father's house. The trouble with him was he would not come. We sent for him all sorts of messages, but he would not come; and from that time to this no man has ever heard from his lips, or any of those who train with him, those words of penitence which came from the back of the medical came and which cained him recognition. broken heart of the prodigal son and which gained him reconcilia-tion and re-admission to his father's house.

All along in all these debates there has been a constant assertion that no wrong had ever been done, that the rebellion in itself was a right thing, that they were obeying the higher law in attempting to break down this country. And they wonder now, to judge from the speeches I have heard lately, how it is that the American people do not trust them as frankly, as completely, as absolutely as they would men who had never sinned.

There is no use, Mr. Chairman, of mineing matters as to plain facts. There exists a division to this day in the public sentiment of this country as marked and distinct as it existed in 1864 and 1865. That distinction is between those who believed then and still believe that levying war against the United States was treason and crime and the men who did not so believe then and do not so believe now. That distinction is irreconcilable and it is one on principle. I have neither the time nor the disposition to deal with individual men. I propose to address myself to this question of the division upon principle that

exists in this country.

I assume, sir, that nine-tenths of those men who went into the rebellion in 1861 went because they believed they were right and believed all they said. They argued the question before their people broadly and strongly as to the right. Nor have I ever heard any man who went into that movement who did not justify it at the time it was done and insisted it was the only thing freemen could do. The literature of that time has not perished yet from the memory of men. There are here in this House, as there are everywhere, men who, by voice and by vote, by eloquence and by argument, by reason, by appeals to passion, by every means which could carry the public mind, urged their people to that fatal measure of secession and war, and so far as I know no man has ever taken back those arguments. They urged that this Government of the United States in 1860-761 was a tyranny so bad, that no free, self-respecting man could afford to stay in it. They alleged that to remain in that same old Government of ours would be to confess themselves slaves, and slaves of most unworthy

nasters. And, sir, the people were swept away by that doctrine.

Now, Mr. Chairman, there was logic in this thing. I can remember perfectly when nullification was trampled out under the armed heel of the last democratic President who ever stood by the nation. I can recollect when that attempt failed there was deliberately organized all over the southern country—deliberately carried into effect the means for sweeping, changing, controlling the whole public mind of that country; and those means did not fail. Then it was especially that this same doctrine of the right of secession, resting on the right of State sovereignty, was spread and taught everywhere. Then, as the best and wisest of all men I knew in that country wrote to me in "every avenue by which the hearts and intellects of the people can be reached has been perverted; the pulpit, the bench, the bar, the press, the school, the universi ies, have all been debauched with this doctrine.

And, sir, the logic of the men who prepared that doctrine is just as inexorable as any human logic can be. It is as accurate, as close, as complete as the Calvinistic doctrine of the five points: given original sin, and you come to universal damnation; given State sovereignty, and you come to secession and rebellion. [Laughter.]

This same doctrine, I am sorry to say, has been repeated here on this floor, and there is logic in that, because, if the doctrine of State sovereignty be true they these gentlemen, who in our conjuice and

this floor, and there is logic in that, because, if the doctrine of State sovereignty be true, then these gentlemen, who, in our opinion and under the Constitution and laws, committed treason, committed no crime. The doctrine of extreme State sovereignty justifies any citizen of a State in following that State against the Union; and hence it is repeated and brought in here, as in the very able and logical speech of the gentleman from Virginia, [Mr. Tucker,] because it is the only shield in the world against the fixing upon each man who took part in the rebellion the crime of treason and the name of traitor. But sir it is a pertipant inquiry and it is one that is asked by

But, sir, it is a pertinent inquiry, and it is one that is asked by thousands upon thousands of thinking men throughout the country. If it be true that, in all honesty and all fair dealing, believing the thing to be right, the men who inaugurated and carried on secession and rebellion were in 1861 honest in their hatred to the Union, their assertions of independence, and determination not to remain in the Union, the question arises, what has the nation done to them since to win back their affection? What justification is to be given for this

gushing of centennial patriotism? It is a question asked by the peo-

ple, and it is a question entitled to an answer.

Let us look at the facts of history, and I allude to them with no vindictive spirit. The war came, and then what followed? Army after army penetrated into the vast fields of the South, and whereever an army goes destruction follows; for, sir, there is nothing on earth that is so complete an instrument of destruction as an army. What followed? Losses of life innumerable, captures of cities, storming of towns.

Now, sir, not here, or anywhere, have I failed, or will I ever fail, to render to the men who met us in the field the tribute which is their due for the splendid manhood with which they fought out their cause. That is true and it is honorable, and it is American, and it belongs to me as well as it does to them. But, sir, in the end all this resistance failed. From mere weariness, exhaustion, and inability, the arms fell from hands that could no longer hold them. Was the defeat on the field the wearing out of their armies? Was that one of the tender ways in which the United States has won back this lost allegiance and this lost laye? and this lost love?

But it did not stop there. During the war, and as a war measure, the Commander-in-Chief of the armies of the United States declared freedom to a vast class of persons who had up to that time been called slaves and held as such. Look back at the records of that time. I read here in the debates of Congress many very interesting remarks of gentlemen then and now in the opposition, likening that order of the President to the Pope's bull against the comet, declaring it to be a mere brutum fulmen. But it did not so turn out. Large masses

of these men wherever the armies went became free.

What else? When the war was over, the first among the chief things done was the preparation and passage of an amendment de-claring this whole class that had previously been property to be men, and at one single blow \$400,000,000 of the best and most valuable property of the South were annihilated. Is it by that "confiscation," as they call it, that the love, the alienated affections, of the former slaveholders were won back? But, sir, it did not stop there. The inexorable logic of events drove this nation not only into the assertion of the manhood of the slave, but into the assertion of his civil and political rights; and the prejudices of two centuries were struck to the roots; the long inheritance of the sense of dominion and mastery was shocked to the last extreme; and without any preparation two races of men, of whom the one had been master in the fullest sense of dominion and the other had been slave in the most abject of all servitudes are brought face to face upon the theater of our Southern States, upon the common right of equal manhood and equal citizenhood. Is that which so shocks the heart, the feeling, the prejudice, the passions of the whole population down there—is that one of the means by which the affections that gush in such brave words upon this floor were won back? No, sir. We cannot truly say as a matter of fact that this nation was eminently magnanimous to those who revolted. Whether the nation intended it or not, no more severe, no more crushing, no more continual punishment could have been inflicted than has been inflicted under those amendments. And, sir, it is so felt and ecognized at the South to-day.

Few men, even of the most cautious minds, hesitate to say that the reconstruction amendments are a failure and a curse to the country, and the baser and more violent sort hesitate at no steps to make them

barren and fruitless of results.

Now, sir, the plain people in my country know all these facts. You cannot answer them by any well-constructed and rhetorical discourses over dead statesmen, whose lives you made bitter while they lived. Nor can you answer them by loving appeals to the Constitution, which the gentleman from Georgia says he carried off, like other defaulting partners who ran away carrying off the goods of the partnership, and are brought back by blue-coated policemen by the nape of the neck. No assertion merely of unreasonable and unwonted affection is going to change the deliberate, well-considered, solid, substantial opinion of the people of this nation; and by the people of this nation I mean the men who think, who act, who fought, who work, who vote. The gentleman from North Carolina [Mr. Yeates] gave utterance

yesterday to a sentiment which I have no doubt is true. He said that the South had come back, come back united with the democracy. Well, sir, the unconverted South ought to be united with the northern That is the place for it. Why not? These very things democracy. That is the place for it. Why not: These very things of which they complain, these amendments to the Constitution each and every one of them were passed in this House, in the State conventions, and in the Legislatures against the will, against the protest, and against the argument of the then existing democracy. There is and against the argument of the then existing democracy. There is not a statesman in the democratic party in the North that I know of who has not on the record to-day his settled opinion not only that these amendments never ought to have been put into the Constitution, but that they never were in fact legally and constitutionally

Now, sir, whether they are doing the democracy any good or not is entirely another thing. Whether it may not be that the taint, if I may call it so, the suspicion which in the popular mind attaches to men who have within the last ten years occupied the place which they have done—whether that taint will not affect in the public mind the men whom they have voluntarily claimed and who claim them as callies is a capacitor to be determined by allies, is a question to be determined hereafter.

There is another terrible mistake which seems to prevail among the

members of this House. There seems to be an impression as if the republican party of the United States were on trial. Well, it is on trial, as every other organization which wields power is, before the people; but the real party which is now standing the crucial test is this very majority in this present House. The calm, incorruptible scrutiny of the American people rests upon you to know whether you have the competency and the will to carry out those great reforms to which you affirm yourselves to be pledged. The trial works both ways. The great tribunal before which we are to be tried is the American people, and the American people are governed as all other people are by reason, by sentiment, by affection, and perhaps by prejudice. But, unless it shall be made to appear to the satisfaction of the thoughtful men of this country that there is better hope for the future prosperity, future unity, and future greatness of this country in the hands of the holy or unholy alliance of which the gentleman from North Carolina talked yesterday, rather than in the hands where it rests now, you need not expect any special change.

rests now, you need not expect any special change.

Sir, there are undoubtedly here a great many men on the other side of the House who have come into this House by the regular expression of the political opinions of the districts which send them; so also there are a great many men who are the spasmodic result of a certain hysterical affection of the body-politic, the result of some shock or disgust, and the trial is working now. The demonstration to be made is that you are more competent, more true to the Union, more true to its real interests, more true to its undeniable rights and to its future destinies than those who have had it in charge so long; and that sort of thing cannot be met by any petty line of business; it cannot be met by any flinging of mud. It has got to be met by demonstration of purpose, heart, and ability, and that is where this majority is now being tried. You cannot meet the demands of the people as you propose to do it in this bill by a rash, sweeping, cutting off of expenditures without any reason, or by simply asserting without any proof that the Departments of the Government are overloaded, or by cutting down the poor clerks from their monthly pittance. The American people are not poor. These gentlemen opposite, and especially the gentleman from New York, [Mr. WILLIS,] who represents, I believe, all the wealth of Wall street, have no right to talk about the American people being poor. They never have been, and they never will be too poor to pay a fair and competent price for the labor they ask from their public servants.

ask from their public servants.

But, sir, the question which overrides all others in this matter is the question of the maintenance and perpetuity of this nation. That is the real thing. With this doctrine of secession asserted here again upon this floor and argued elaborately, with the declaration that we are not a nation, with the assumption that we are but a loose confederacy of States, all men see an attempt to roll back the whole current of events, to set aside all the great fruits of the struggle the country has gone through; and I warn gentlemen here now that the most prominent sentiment in these United States to-day is nationality and the perpetuity of the country. And the man or men, the party or parties, that either run against it or that even indicate that they shudder from coming up to the full requisition of that demand, are doomed.

Now, sir, I for one desire the establishment of absolute peace, absolute order, perfect good-will all over this country; but I do not expect it to come from resolutions nor from speeches. I expect it to come in the only way in which it can come—by action. I expect the judgment and conscience and feelings of the great conquering, victorious portion of this nation in the late struggle to be satisfied by the acts of those who now are restored to the Union. Those acts are of a nature so plain, so manifest, so clear, that they will be satisfied with nothing else, for, sir, the people of these United States—and I mean by the people of the United States that mass of brain and bone and muscle which saved the country in its hour of peril and which defends the country now—that mass of mind and brain and muscle will not be satisfied with anything but the fruition of that for which they fought. They have accepted, sir, as full payment for all that they have done and suffered, the complete enforcement of the three great amendments to the Constitution. They receive them as payment for the services which they have rendered; they receive them as the reward and the result of the great war. They receive them as the reward and the result of the great war. They receive them in payment for their empty hearthstones and their crowded graveyards. And whenever it appears that in any part of this country there exist combinations by which the rights secured under these amendments are either violently or fraudently defeated, it touches the tenderest spot in the sensibilities of the people of this country.

Unless throughout this nation there shall be no differences between citizens; unless it shall be absolutely lawful and absolutely secure for any man anywhere under this flag to speak and act and vote just precisely as he likes; until that consummation has been reached, this cause of irritation and trouble will remain.

Mr. Chairman, every man knows that in all these things that I have said, or in what I may say, I am governed by no sense of personal bitterness. There is probably no man who stands upon this floor upon this side of the House who has such close relations by blood and kindred with the Southern States as I have. Some of the very leading spirits who assisted in seducing the people from their allegiance are among those who are bound to me by ties of kindred. I believe they were honest and earnest in what they did, but the cause for which they worked, the end which they sought to bring about, was,

in my judgment and in the judgment of the people of these United States, the most criminal for which men ever combined together. To strike at the life of a man is but to extinguish a single existence, but to strike at the life of the nation is to arrest the entire progress of civilization, to roll back the current of progress, and to cast us all adrift again upon a see without compass and without chart, and so the people have considered it.

the people have considered it.

It was said of old, Whether is the greater, the gift or the altar that sanctifieth the gift? What is there that a man values more highly than he values his life? And yet innumerable lives were freely offered up, sons given by their mothers, husbands parted from their wives, and their lives offered up on the altar of their country. It is by the price which we pay for things, or are willing to pay for them, that we value them. And we recognize the price that has been paid; we recognize that that price is one that cannot be afforded to be paid again in a generation, scarcely in the life-time of any nation. It is a full, complete, satisfactory price. And the reward that is claimed for it is not that men shall join in adopting resolutions, but that they shall recognize the dominion of the law; that they shall recognize that violence is not a mode to be applied among a nation of freemen to control elections.

When these thinge shall come to pass, when it shall come to pass in this country that everywhere throughout this nation the rights of all men, black and white and of all the intermediate shades, shall be recognized fully, completely, and absolutely, then there will be peace. But that peace never can come as long as men who themselves have been active in the original promulgation of this doctrine stand up before the American people asserting that same dangerous, suicidal, ruinous doctrine of extreme State sovereignty and the right of secession. Two-thirds of all the thinking men in this nation to-day have been educated up to this point: that they can raise their bold foreheads up to the blue sky that hangs over them, recognizing but the one flag of their country, and say in all honesty and pride: "Above us there is nothing but the nation; above the nation there is nothing but God."

I now yield to the gentleman from Iowa [Mr. Kasson] the remainder of my time,

der of my time.

Mr. KASSON. In approaching the consideration of this legislative appropriation bill, I feel that many in this House as well as myself must be embarrassed by two distinguishing facts that continually present themselves. The first is that the political situation of the House itself in relation to the General Government is peculiar. Very rarely does it happen in our history that the majority of the House of Representatives is antagonistic to the Administration of the country. In other countries having a responsible government it so happens that the administration changes with the majority of the popular branch of the legislative body. Here our Constitution provides for a different system; and hence it is possible, and to-day it is actual, that a majority of the body that originates appropriation bills is in political antagonism to the Administration charged with the function of executing the laws. This is the first difficulty.

And gentlemen of the majority will see, as clearly we do, that in the eyes of the country it subjects them to the suspicion, unless they act with great prudence and discretion, that they strike heavier blows in the reduction of appropriations at the Administration of the Na.

And gentlemen of the majority will see, as clearly we do, that in the eyes of the country it subjects them to the suspicion, unless they act with great prudence and discretion, that they strike heavier blows in the reduction of appropriations at the Administration of the National Government than they would do if they were in political harmony with that Administration. I beg to submit that thought to their consideration, and to take to myself also the proper consideration that the minority, being in harmony with the Administration, may possibly have such sympathy with it as not to be willing to go quite far enough. I propose to ascertain whether there may be some ground upon which the careful, prudent men of the majority of this House and of the minority may combine in the consideration of this bill.

The second fact is that the civil service in our country, which is so seriously struck at by this bill, is upon a different basis from that of any other country in the civilized world, I believe, whether under monarchical or republican administration. In no other country within my knowledge, and I have had actual contact with the civil force of several different nations—in no other country does the mass of the civil service in its personal composition depend upon the political complexion of the body making the appropriations. It does not even depend upon the political complexion of the administrative department. And the struggle of the true republicans and reformers in the United States to-day is to put our civil service upon a more permanent footing, to make attachment to the Constitution, obedience to the laws, integrity of character, and fitness for the office the leading characteristics and qualifications; and then, as long as they are faithful in the discharge of their duties in all the minor employments of the Government, to let them remain in office.

I submit that gentlemen on both sides of the House who seek the good of the nation will unite with me in the hope that at some time, not too long postponed, we may agree that the first question to be put to a candidate for a subordinate position under this Government shall not be to what political party do you belong? but shall relate to his fidelity to the Constitution, his observance of the laws, his honesty, and his fitness for the functions proposed to be assumed by him. Let me say that I am myself endeavoring to mature a bill upon these principles, and will present it to the House as early as I may be able to do so.

Then there is one other trouble in coming to the consideration of this bill in addition to those I have mentioned. That is, that the Committee on Appropriations, through its leading members, have not made it comfortable for those who dissent from their propositions to offer and support any amendment, no matter how carefully drawn, which shall propose any change in their bill. On the contrary, they have chosen hitherto in the main to insist that their propositions shall be supported in such a way as to shut out from fair consideration propositions for amendment coming from either side of the House. Owing to the views I entertain touching some of the provisions of this bill, I must appeal to the majority of this House whether it is not for the interest of the whole country that their minds shall be open to the reasons presented for some amendments to this bill, whatever side of the House they may come from, in order that we may arrive at correct results?

With these preliminary observations, and remembering the short time allowed me to direct the attention of the House to the provisions of the bill, let me proceed to apply what I have said to some of these clauses. The committee by this bill raise the question of compensation, beginning with the President of the United States and extending almost to the least of the appointees of the Government, coming down to \$1,200, where they stop. Is this proposition wise and right? Gentlemen know very well my position in the last Congress touching the compensation of members of the House and the Senate. Those who were members of the Forty-third Congress know well that I endeavored, as did the majority of the House, to comply heartily and frankly with the demand of the country, which I believed right, in the reduction of those salaries to the former standard. This committee have raised the question, shall we go further? Shall we go beyond what the Forty-third Congress did, and again raise the question then settled to the satisfaction of the country.

If the proposition be to make a sweeping, horizontal reduction of all salaries, the committee is nearly right. If, on the contrary, the action of the committee should have been directed to a discriminating consideration of those salaries which were too high with reference to the permanent wants of the Government and of the country, then the question is open to consideration and the bill should be amended. I have only to say that a thousand times sooner will I strike our own salaries down to the figures which prevailed prior to 1860, down to \$3,000, than touch the poorly paid laborious employés of your Departments living only upon salaries which have pertained to their positions for nearly thirty years. If you are going to strike these poor employés who now barely pay their yearly bills, let us strike down our own pay so that it will barely meet our yearly bills, living here in Washington in the humblest manner consistent with self-respect.

The committee have re-opened the whole question by the manner in which they have presented it to us; and I feel that my own self-respect will not allow me to receive \$4,500 if I am not willing to allow the laborious clerk to receive for the service which he renders the Government his \$1,400 or \$1,600 or \$1,800—salaries fixed before there was any depreciation in the currency of the country, or increase in the expenses of living, when rents in the city of Washington were nearly one-half what they are now.

Sir, if all the members of this House would take the trouble to acquaint themselves, as well as others of us who have been here longer, with the actual impossibility of these poor employés living on these reduced salaries and properly supporting and educating their families, they would at once put their hands upon those clauses of the bill and say, "You shall not touch those old-established salaries that have stood for over twenty years without being increased." If you strike at the salaries which were increased in consequence of the increased cost of living and the diminished value of the circulating money, then you are right. On that principle we on this side will work with you heartily and put them down to the least limit consistent with the employment of proper men and the decent support of human life here in this city.

What then will you do? Will you entertain an amendment that shall nullify those clauses of the bill that affect the old salaries that have stood in old times, salaries fixed when the political majority was different and never since changed, and limit your reduction to those that have been increased, or will you assent to the whole proposition of the committee and strike down all salaries irrespective of their relation to the necessary scale of expenditure or the responsibility of the office? Of course when these principles come to be applied, gentlemen must be prepared upon the very brief debate allowed on these mestions to come to some intelligent and proper opinions.

questions to come to some intelligent and proper opinions.

Now let me call attention to the two Departments with which I am most familiar; and the House will pardon me for saying that as to one of them, having once served in a post that rendered me familiar with every branch of that Department, I cannot see how this House can support the provisions of this bill. You will observe that there are some Departments of the Government whose labors have been largely increased during and at the close of the war, and whose labors have since been diminished. There we have been cutting down continually, and we ought to continue to cut down as the work diminishes. But there are some Departments of the Government where the work has increased in consequence of the termination of the civil war, where in the growth of the country increase of labor has necessarily resulted. There your theory of cutting down by a horizontal percentage cannot apply.

The Post-Office Department is one to which I refer more particularly now. During the civil war the post-offices throughout the Southern States had no administration from Washington. Since the close of that war those post-offices are restored. With every increase of settlement in the Territories and the Western States the labors of that Department increase, and in connection therewith the duties of the Sixth Auditor's Office of the Treasury. Do not gentlemen see, in contrast with certain Auditors connected with the Treasury and having charge of war expenditures, that while the duties of the latter are diminished and you may cut down the clerks in those offices, you cannot apply your 20 per cent. or any other percentage of reduction to the Post-Office Department without striking immediately at the ability of the Department to perform the public business.

The Post-Office Department, which by this bill is reduced in its force I think some eighty in number, is a Department which I submit to the House you cannot strike at to that extent without striking directly at the proper administration of the postal system and the proper work of that Department.

Then take the State Department, with which also, having been formerly charged in the Committee on Appropriations with some portions of its business, I have become familiar. You destroy in this bill the entire system of organization effected by the present Secretary

and approved by a former Congress.

When he came to that Office, Mr. Chairman, there was much confusion among all its papers and many defects in its system, partly owing to want of time in former administrations to systematize and arrange them, partly owing to the fact that the former Secretary, Mr. Seward, who was as we all know a very able man, had no time to attend to such details in his Department. The present Secretary, I submit to this House, has manifested a power of organization and of labor almost without precedent in this Department. It happens to be within my personal knowledge that there is no plowman, no artisan, between the Atlantic and Pacific who has worked as many hours per day for several years as has that Secretary. He has among other labors, by the aid of his assistants, (particularly of a former one,) entirely re-organized that Department with a view to its greater efficiency and to utilize the many historical papers on deposit there. An immense quantity of papers of the great statesmen of the country have been collected and arranged. Manuscripts reaching to hundreds of volumes have been put in order, indexed, and prepared for reference by future Secretaries through all time.

reference by future Secretaries through all time.

Now, Mr. Chairman, in that organization a former Congress has allowed him three Assistant Secretaries. This bill strikes off one of them, and in doing that it destroys the distribution of labor and organization of the work under which every branch of service of that Department is now going on. I am assured and believe that in doing this you perpetrate a serious injury upon the national interest, because in this organization he has classified duties and labor according to the assimilated questions arising in our foreign relations. He has consequently perfected and educated the officers and clerks in charge of these several branches, and if you take those away you leave no persons trained to the proper discharge of their duties in their places.

I wish to say also that in that Department there are six Bureaus

I wish to say also that in that Department there are six Bureaus and a chief for each. This bill reduces them to three, and when you come to examine the functions pertaining to each Bureau, you find that you cannot combine more than two with propriety without destroying the utility of the organization. I have reason to believe two as now existing can be merged into one, reducing the number to five; but beyond that this House cannot safely go.

but beyond that this House cannot safely go.

I withhold what I have to say on the details applicable to that Department until we come to the five-minute debate. I wish only to call the attention of the House now to the fact that it is not simply retrenchment accomplished by the bill, but disorganization. It is disorganization, and as such should receive the careful consideration of this House before it shall be adopted.

I believe, Mr. Chairman, that the majority of this House, if left to their own judgment, will be willing to consider the amending propositions on their merits, and weigh them for the good of the country at large. I regret that all these questions should come under political bias before the House. It is strange, passing strange, that we cannot consider questions of carrying on our common Government without perpetually making some political point between the opposite sides of this House. I appeal to gentlemen when they come to the practical administration of the Government of the country to give that Government adequate means to perform its functions properly, safely, and promptly.

You say retrenchment must be made, but that declaration is a word from the mouth, empty air, unless you make it upon a principle consistent with the public good. I remarked the other day, and repeat it now, if you merely retrench, and call that reform, without a sound principle upon which your retrenchment rests, you have made an extremely imperfect bill; for you can retrench by 50 per cent., by 75 per cent.; you can retrench and leave nobody to perform the functions of Government for pay. I wish no reserve or concealment about it. Wherever you find a useless employé you may properly discharge him, and ought to do it. What I object to is, that we are attempting to do what in no other country in the world ever before has been attempted to be done. We are attempting, we who are ignorant as I am touching many of the Departments, to strike down their force without the approval of the Department, without the advice of the Department,

against their representations, and in some instances, as a member of the committee stated on this floor, without consulting the respon-

sible officers of the Department.

The CHAIRMAN. The time allotted for general debate has now expired, and the Clerk will proceed to read the bill by clauses for amendment

Mr. PHILIPS, of Missouri. I desire to submit some remarks on this bill, but as the time has expired without affording me an opportunity to do so, I wish unanimous consent to print some remarks in

the RECORD as a part of the debates.

There was no objection, and it was ordered accordingly. [See Ap-

pendix.]
Mr. WHITE. I also desired to submit some remarks, but as the time has expired, I also ask leave to print them in the RECORD as part of the debates.

There was no objection, and it was ordered accordingly. [See Ap-

pendix.]
The Clerk proceeded with the reading of the bill.
Mr. KASSON. Is the reading now for information or for amendment.

Mr. RANDALL. The first reading of the bill was dispensed with, and now it is being read for amendment.

Mr. KASSON. I want the House to understand that before we go

any further. Mr. HALE. Whatever may be the actual record, it is evident gen-

tlemen did not understand the bill was being read for amendment.

Mr. RANDALL. I am willing to go back and commence at the beginning and read for amendment.

Mr. WADDELL. I rise to a point of order. When is an amend-

ment in order !

The CHAIRMAN. Amendment is in order at the conclusion of the

reading of each clause of the bill.

Mr. WADDELL. What do you call a clause.
The CHAIRMAN. Each paragraph; not a section.
Mr. WADDELL. Where a period occurs?

Mr. WADDELL. The CHAIRMAN. Amendments are in order at the end of the read-

ing of each paragraph or section.

Mr. WADDELL. The question is, what constitutes a paragraph?

The CHAIRMAN. The Chair understands the uniform usage of the committee to be to read the whole paragraph through; and the

gentleman knows what a paragraph is.

The Clerk informs the Chair that there has been no order waiving the first reading of the bill in committee. Is there objection now to dispensing with the first reading of the bill at length?

Mr. HALE. Let it be on the condition that we go back to the be-

Mr. HALE. Let it be on the condition that we go back to the beginning of the bill.

Mr. RANDALL. I agree to that.

Mr. CONGER. I object to waiving the first reading of the bill.

The CHAIRMAN. Does the gentleman from Michigan insist on the reading of the whole bill?

Mr. CONGER. Yes, sir.

Mr. GARFIELD. I hope the gentleman will not insist on that. If he does we will lose more than an hour.

The CHAIRMAN. If the gentleman insists, there is no alternative but for the Clerk to go on with the reading of the bill.

Mr. CONGER. I withdraw my objection.

There was no further objection, and the first reading of the bill was discovered with. dispensed with.

The Clerk proceeded to read the bill by paragraphs for amendment, and the following paragraph was read:

Senate:

Senate: Senate: For compensation of Senators, \$333,000; and from and after the 30th of June next the compensation of said Senators shall be \$4,500 per annum.

Mr. BAKER, of Indiana. I offer the following amendment: Strike out these words, "\$4,500 per annum," and insert "\$3,000 per annum; and no mileage or other allowance for stationery or otherwise shall be allowed them."

The question being taken on the amendment, it was not agreed to.

Mr. FOSTER. I offer the following amendment: Strike out "\$4,500" and insert "\$2,700."

I offer this amendment because the principle upon which the committee has acted has been a reduction of 10 per cent. upon salaries that were fixed in 1855, 1856, and 1857, and previous to 1865. The salary of a member of Congress at that time was \$3,000. I desire to reserve the consistency of this democratic and reform House, and I think that if these salaries are to be reduced as proposed by the committee, it is nothing more than fair, it is entirely consistent and in entire harmony with the principles upon which the bill has been framed, to reduce our own salaries to \$2,700.

Mr. RANDALL. Will you allow me to ask you a question? Why did you not propose that amendment in committee, instead of assisting in the reduction that they made of 10 per cent. on the salaries? Mr. FOSTER. I beg to say that I shall not be catechised here on this floor by the chairman of the committee.

Mr. RANDALL. I have the floor, and I want to show to the House and to the country the inconsistency and the duplicity of the gentle-man from Ohio in coming in here and offering an amendment to make our salaries \$2,700, when he assisted the committee in the reduc-

Mr. KASSON. I raise the point of order that proceedings in com-

mittee must not be disclosed here. Fortunately nothing requires to be said in support of it, because of the familiarity of the gentleman from Pennsylvania with the rules. Nothing is better understood than

Mr. RANDALL. I am only stating what has been stated over and over again, and I have been attacked here in my absence.

Mr. FOSTER. I have a very good answer to the attack of the gen-

tleman from Pennsylvania.

Mr. RANDALL. I have made no attack. I have stated facts.

Mr. FOSTER. You charged me with duplicity and inconsistency.

The CHAIRMAN. The Chair must call on members to observe the rules of debate. The rule is express that five minutes are allowed to the gentleman who proposes an amendment for speaking in support, and five minutes in opposition to it. The gentleman from Ohio offering the amendment has exhausted his five minutes, and for opposing the amendment five minutes are allowed, which the gentleman from

Pennsylvania has now.

Mr. RANDALL. I of course oppose the proposition of the gentleman from Ohio. I thought that in taking 10 per cent. off the salaries throughout we should take 10 per cent. also off our own salaries. I saw and now see no other ground upon which we can stand. I there fore, of course, object to that amendment fixing the amount at \$2,700, for the reason that there is no sincerity in it, in my judgment, and that the gentleman does not want it and does not expect it to be adopted. The bill fixes the salary at a point where I think it can safely rest with the approval of the country, and at a point which will enable us, in view of the rates of all commodities, to cover our

will enable us, in view of the rates of all commodities, to cover our expenses with our pay.

Mr. O'BRIEN. I desire to offer an amendment.

Mr. FOSTER. I wish to say a word. The gentleman from Pennsylvania has seen fit to charge me with duplicity in moving this amendment. Mr. Chairman, I recognize the right of the majority of this House to control this bill. I made this motion in honest good faith, as I do everything. There is no demagogery about it, and the gentleman from Pennsylvania well knows it.

When this question was first considered in committee the proposi-

When this question was first considered in committee the proposi-tion was made that a 10 per cent. reduction should be made all through. To that motion I agreed. But afterward, when we got into the bill, more than 10 per cent. reduction has been made. We have gone back on almost all the salaries of the employés of the Government to the time when our salaries were \$3,000, and have deducted 10 per cent. And I propose to hold the majority of this House and the chairman of this committee, who is so free in this early part of the debate to charge duplicity on me and others, to a strict account. I tell you, gentlemen,

there is no consistency in your bill unless you consent to a reduction of your own salaries to \$2,700.

Now, Mr. Chairman, I regret exceedingly that the chairman of the committee should have made this assault thus early in the debate. His own consistency can be called to account more than that of any other member of this House. Up to one year ago—the 3d of March, 1875—he was the advocate of high salaries, and this marvelous conversion of his has occurred since that day; perhaps since he has become the chairman of this committee, and since we have had a democratic House. I do not know for what reason. I charge him with no duplicity. I give him credit for an honest conversion. But I do

not apherby. I give him credit for an honest conversion. But I do not want him or any other gentleman to try to deter me from the discharge of my honest duty here by the charge of duplicity.

I now withdraw the motion to strike out the last word.

Mr. BAKER, of Indiana. Mr. Chairman, when I came here fresh from the people into the Hall of this House, and having been selected by them not as a politician, but from the fact that I had never been mixed up in politics, I came here with the pledge that I made to them and that I intend in all honesty and good faith, so far as I am able to do it, to redeem, to use my voice and my votes in the direction of economy, retrenchment, and reform; and when I say here that I am honestly in favor of it, I defy any man anywhere to say that in attempting to strike down the salaries provided in this bill for Senators and Members and Delegates of the House I am actuated by anything but a patriotic desire to lift from the shoulders of the toiling millions of this country, as far as I am able, the burden that is now bearing them down and crushing and paralyzing the productive industries of the country. In evidence of my good faith in this direction at a very early day during the present session of Congress I introduced a bill, not knowing what would be done in the way of striking at the present session of congress I introduced a bill, not knowing what would be done in the way of striking at the present session. troduced a bill, not knowing what would be done in the way of striking at poor clerks and tide-waiters, about the public Departments of the Government. I introduced a bill fixing the compensation of Senators and Members and Delegates of the House at \$3,600 a year, cutting off all mileage and other perquisites, because I believed the time had come when the interests of the country demand it, that men on the floor of this House should rise above mere grovelling petty pecuniary and party considerations and put their shoulders, as far as they are able, under the burdens the people are laboring under, and help to bring about purity and reform. I say here now that if the members, not simply from the "rural districts" that we have heard so much about, but the members who come here from their palatial residences in cities cannot serve the Government for \$3,000. palatial residences in cities cannot serve the Government for \$3,000 a year, the question should be relegated to their constituents and the opportunity afforded of sending men here actuated by patriotic influences who would be willing to serve for \$3,000 a year.

I say that for one, I am willing to serve here as long as I have any

desire to do so, and my constituents desire that I should serve, for

\$3,000 a year.

I think, Mr. Chairman, that judgment should commence in the house of the Lord, and that economy should be practiced right here. It is too easy, Mr. Chairman, for us to offer up vicarious sacrifices. It was Artemus Ward, I believe, who was willing to sacrifice upon the altar of his bleeding country every one of his wife's relations. I want to see ourselves subjected to this test, to see whether or not there is patriotism enough here to bring our own salaries down to the

sum of \$3,000 a year.

[Here the hammer fell.]

Mr. WHITE. I move to strike out the last word. Mr. Chairman, I also am in favor of retrenchment and reform; but it is not for gentlemen on the other side of the House to preach reform to us on this side of the House. I have never said anything in regard to that Belknap affair, but it has always occurred to me since that matter came before the House that it was very appropriate that the Chief Clerk of this House, Hon. Green Adams, against whom the suspicion of having pocketed some of the people's money exists, should carry the articles of impeachment over to the other wing of this Capitol against a man charged with stealing nothing from the United States Government, but from private individuals.

Now, sir, in regard to this bill it was stated the other day by the chairman of the Committee on Appropriations that he did not allow any "miserable man" to talk to him about his conscience. Whether he means to say that I was a miserable man, or that because he proposes to make this reduction I shall be a "miserable man," I do not know; but I will tell him that I am in favor of all reduction necessary for a proper and economical administration of the Government; I am in favor not only of striking \$500 off our salaries, but of striking off as much in proportion as we strike off from the clerks in the Depart-

I would like to refresh the gentleman's memory. When he a few years ago, speaking of this very salary-grab, said that he could not live here "with any sort of decency for less than \$7,500," does he propose to live in a sort of indecency now ! [Laughter.]

A Member. That costs more.

THITE. It reminds me very much of a Jew merchant that I ard of. He was trying to sell some of his goods to a country He told him he would sell him the article he was offering for Mr. WHITE. once heard of. \$20, and that that was 10 per cent. below cost. The farmer told him he did not wish to buy unless the merchant would take a fair remuneration, a fair profit. "O!" said he, "I vill tell you how dat is: These goots belong to a rich uncle of mine, and I'sh trying to prake him up!" When the republican party was in power you did not care how much we spent, for you were trying to break us up. Now you have the majority, and you are attempting to economize and reform. [Laughter, continuing for some time.]

The CHAIRMAN. The Chair must say to the galleries and to the members of the House that this applause must cease.

Mr. ATKINS. It was not applause, but laughter.

The CHAIRMAN. The gentleman from Kentucky [Mr. White]

has one minute and a quarter of his time remaining.

Mr. WHITE. I am of the opinion that not only Senators and Congressmen, but heads of Departments and their assistants and clerks, are overpaid; that nearly all the officials here in the city of Washington in the employ of the Government are overpaid. I mean by that, turn them out upon their resources and these same men cannot in any of the walks of private life obtain the salaries they are getting here; and as long as that is the fact there is room for reduction of I will join hands with the men on that side or on this side of the House to put these salaries down to prices in accordance with those paid for similar services in the private walks of life. [Here the hammer fell.] I withdraw my amendment to the amendment.

Mr. CHITTENDEN. I renew the amendment to the anendment.

And I hope I shall have credit for speaking sincerely. I do not believe it is possible for any man living to determine to-day by what method this Government is to adjust its expenditures to its income for the next five years. I therefore stand here earnestly and conscientiously to approve of every possible measure of economy, because I

believe the exigencies of the case require it. But I warn gentlemen that the people will judge our acts with discrimination.

This bill reduces the salaries of men and families in a great many cases below a point at which they can sustain themselves respectably. It does not reduce the salaries of members of this House and of the other House to the point of respectable living. I have been accustomed in better times to spend something more; but I can live here for the days that members of Congress on the average are required to serve for \$3,000 a year, and live respectably. I have been in Washington long enough to learn that. At any rate, I can live better than the clerk can live whose salary in 1856 was \$1,400 for the whole year, and which it is now proposed by this bill to reduce 10

I suggest to the gentlemen of this committee that if they begin by indorsing these propositions in respect to their own pay, the country will sit in judgment on your inconsistency. You do not propose to treat your employés as you do yourselves, and the people of the country cannot be misled or deceived in regard to that matter. The case is plain on the face of it. You can see that the salary of the fourteenhundred-dollar clerk was fixed when your salary was fixed at \$3,000

a year. And now look him in the face. That is what the country will You take 10 per cent. from his salary while you leave yours at \$4,500, 50 per cent. more than it was when his was fixed at \$1,400. Now, I do not see how you can go before the country and be sustained in that any more than the chairman of the Committee on Appropriations was sustained by his constituents when he claimed that \$7,500 a year was a fair compensation for a member of Congress. If we come here to make money, that amount is not more than a fair compensation; but if we come here to serve our country, then let us accept such sacrifices for ourselves as we require of Government employés. I desire to support this bill from beginning to end if I can consistently. I therefore support the amendment of the gentleman from Ohio. rithdraw the amendment to the amendment.

The committee arose informally to receive a

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of their clerks, informed the House that the Senate insists upon its amendments disagreed to by the House to the bill (H. R. No. 2589) to supply the deagreed to by the House to the bill (H. R. No. 2009) to supply the deficiency in the appropriation for certain Indians, and requests a conference with the House upon the disagreeing votes thereon, and have appointed Mr. WITHERS, Mr. ALLISON, and Mr. OGLESBY, the conferees on the part of the Senate.

The message further announced that the Senate had passed with

amendments, in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire.

The message further announced that the Senate had passed, and requested the concurrence of the House, in a bill of the following

A bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on the announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut.

#### MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by U. S. Grant, jr., one of his secretaries, announced that a bill of the following title, having been presented to the President on the 11th instant and not having been returned by him to the House within the ten days prescribed by the Constitution, had become a law without his signature:

An act (H. R. No. 29) for the relief of First Lieutenant Henry Jackson, Seventh Cavalry, United States Army.

# LEGISLATIVE, ETC., APPROPRIATION BILL.

The Committee of the Whole resumed its session and the consideration of the legislative, executive, and judicial appropriation bill.

Mr. HOAR. I renew the amendment to the amendment. I trust this House does not propose to repeat the pitiful spectacle which has been exhibited by former Congresses of the statesmen of this Republic spending a large portion of legislative time in wrangling about their own salaries. If there is anything in the political history of this country that I would give a hand to blot out, it is the debates and action on this subject of the pay of members of Congress which the last Congress and the Congress before the last exhibited to mankind.

I for one propose to yote against any chapper whatever in the salary Mr. HOAR. I renew the amendment to the amendment.

I for one propose to vote against any change whatever in the salary of members of Congress; first, because I think it is a thing that ought not to be perpetually stirred for political purposes; and because, on the whole, I think the present salary is as near right as we can get it. From necessity the people have trusted us—the only class of pubit. From necessity the people have trusted us—the only class of public servants who have been trusted in that way—with the right to fix our own compensation; and when it has once been fixed and acquiesced in by the public, it is in my judgment best that we should let it alone and not be constantly exposing ourselves as men to the imputation of low personal motives in dealing with this subject.

I do not think the amount paid to the clerks or other civil officers of the Government has any sort of relation to this question. When

of the Government has any sort of relation to this question. When we employ a clerk or other civil officer, he is employed for pay; and the proper rule or principle for determining what he shall receive is to inquire what, considering the state of the market, is the proper compensation or pay for such services in the business concerns of the country. So of the laborer. But the member of Congress is to receive, not pay; he is to receive an honorable maintenance, decent and moderate, while he is engaged in an honorable trust. There are and moderate, while he is engaged in an honorable trust. There are very few lawyers in this House, very few business men; very few men of any class who will stand up and say that their pay for rendering their best services to anybody, year by year, is properly covered by the sum of \$5,000. A large portion of them can earn twice or thrice the sum. Our fathers, when they fixed the salary of the President at \$25,000 a year, fixed their own at a small per diem of, I think, \$6. Do you suppose that Alexander Hamilton and James Madison were fixing their "pay" at \$6 a day? They were looking to see what was simply an honorable and just maintenance—

[Here the bounder fell]

Here the hammer fell.] Mr. HOAR. I wish I could be obliged with about two or three

Mr. RANDALL. I rise to oppose the amendment; and I yield my five minutes to the gentleman from Massachusetts, [Mr. HOAR.]
Mr. HOAR. They were looking to see what was an honorable and

just maintenance for the most distinguished and able men who could

be found in the several districts of this country, agreeing in political opinion with the majority of the people in those districts, who could be induced to serve the country in the exalted function of legislation. Now, I implore this House not to lay down for themselves or for their successors that exalted position and their personal relations to it.

I do not ask to be paid at the rate which we should be obliged to

a distinguished architect, to a distinguished civil engineer, to a distinguished lawyer, who might be called into the service of the country professionally on some great occasion; and, on the other side, I do not consent to have the compensation of a clerk, respectable and honorable as his compensation may be, brought into this de-

bate as a measure of my own.

The people were dissatisfied when in a time of great public pressure Congress raised the compensation of its members and with the circumstances which attended that transaction. I entirely respect and honor the position of the gentleman from Pennsylvania [Mr. RANDALL] in saying, as he did recently, that he yielded his individual judgment in a matter where he was personally concerned to the general sense of the people and was desirous of retracing the step that had been taken. I sympathized very much with him too when, in reply to an inquiry of some one what he did with the money, he said somewhat indignantly that it was none of the questioner's business—a very good and proper answer, in my judgment.

I hope we shall not in considering this subject look to see whether

I hope we shall not in considering this subject look to see whether somebody can go upon some stump where the question is not understood and say "I voted to cut down my compensation \$500, and Mr. Brown, running against me, voted to pat his compensation up." I hope we shall look simply at this one question, is it expedient to be constantly debating and stirring this subject? Is it not best for the country and the dignity of this House to let it sleep as the people have let it sleep ever since the bill increasing congressional salaries was repealed?

repealed?

On the other hand, is not the sum of \$5,000, under all the circumstances, a moderate, reasonable, and proper compensation? Is it more than that? Nobody outside finds any fault with it. You have a thousand calls upon you. You have to maintain a family in one place when the head of the family is in another place. To render this public service in the prime and vigor of your faculties you have to break up for years the business to which your life has been devoted. Taking all these things into consideration the people are satisfied that the salary of \$5,000 a year shall continue, if you will only let the question alone and not repeat the disgraceful exhibition of legislators and statesmen of the American people taking up hours and days and weeks of the public time in wrangling over this pitiful question of their own pay

[Here the hammer fell.]
Mr. RANDALL. Mr. Chairman, the difficulty we found ourselves in was this: that, if we reduced other salaries and did not reduce our own, we would be directly chargeable with inconsistency; and, while I have great respect for the views of the gentleman from Massachusetts, [Mr. Hoar,] yet his argument really would go to show that we ought not to reduce any salaries 10 per cent. It seemed to us there was but one safe, firm ground on which we could stand.

Mr. Hoar. Will the gentleman allow me to state my point again?

When you hire a clerk, you look to see for how much you can hire in the market an honorable and faithful clerk, and you grade his pay in that way. When you fix the pay of Congressmen you inquire what is the measure of a decent and honorable maintenance for the families and for the statesmen who are called to pass laws for the American The two have no sort of connection.

Mr. RANDALL. Mr. Chairman, we could not rest without touch ing our own salaries. Such, at least, was the judgment of the com-

A word or two now as to the clerks, about whom so much has been We do not touch the salary of any clerk at \$1,200 and under. We did reduce those above that figure the percentage which has been indicated. In so doing we took into consideration the large reduction of price in all the necessaries of life. It cannot be denied there has been very material reduction in the price of cotton goods, pota-

toes, bread, and the like.

This House a day or two ago, as an offset to the reduction provided for in this bill, passed an act prohibiting hereafter enforced contributions from clerks in the various Departments for political purposes. butions from clerks in the various Departments for political purposes. The practical result of that will be a saving to that extent to all these employés of the Government, while at the same time, in my judgment, it will be the breaking up of a vicious system of getting from the Treasury of the United States, not directly it is true, but nevertheless getting from the Treasury of the United States money by enforced contributions from employés to carry on elections. It comes right down to this: That while we give these clerks the salary provided for in this bill at the same time it has been provided they shall vided for in this bill at the same time it has been provided they shall not be compelled to contribute a certain percentage of their salary for political purposes.

Mr. HARRISON. Mr. Chairman, I oppose the amendment, but at the same time wish to say something as to the propriety of reducing our own salaries. It is not a question whether \$5,000 or \$4,500 the country to explain this or that particularly to him. We must go to them and show that we have laid down a rule, and have cut down

our own salaries in the same proportion that we have cut down the salaries of others. That certainly will be demanded of us

I am not speaking now for the sake of pleasing them, but the question will be asked, if members of Congress could change their own salaries, why did they cut down the salaries of all other employés of the Government from 10 to 20 per cent. and yet at the same time did not touch their own? We have said that the interest of the country demanded retrenchment, and we say so now, and the people will ask, such being the case, why did you not cut down your own salaries? No, sir, we cannot go before the people and satisfy them unless we show a disposition by our act here to reduce our own salaries 10 per cent. for the common good of the country. I hope, however, it will not be attempted to make the salaries so little that we cannot win not be attempted to make the salaries so little that we cannot support ourselves. Nevertheless, let us give something of our own pay to go into the coffers of the nation, and that far help to release the people from the debt under which by heavy taxation they now labor.

Mr. CASWELL. I move to strike out the last word of the para-

graph.

Mr. Chairman, I rise more particularly to say a word in reference to the charge of insincerity made by the gentleman from Pennsylvania [Mr. RANDALL] against the gentleman from Ohio in offering his amendment. That charge, no doubt, would be quite as applicable to a large portion of this side of the House, for we are all supporting it. a large portion of this side of the House, for we are all supporting it. In my judgment, this bill as it stands is a compilation of inconsistencies and of insincerities. We have just as good right to express that opinion as he has, that any of us are insincere in supporting the pending amendment. Now as to the proof. We are pretty well informed here that a short time ago the gentleman from Pennsylvania advocated on this floor, and I cannot think he would advocate a measure he did not then believe in, that a salary of \$7,500 was a sum not too large for a member of Congress. And, sir, I am inclined to believe, I am forced to the belief that when he placed in this hill the sum of am forced to the belief, that when he placed in this bill the sum of \$4,500 as a compensation for a member it must have been against his judgment; but he justifies himself on the ground that the people called him to an account and drove him from his position. Let me say, sir, that the people will see through this scheme, and will demand of the Committee on Appropriations, if we place our hands upon the salaries of the employés and clerks in the various Departments, and the heads of the Bureaus, that we also be consistent and sincere and place our salaries where they were in 1854, at the time these salaries were fixed, and then deduct therefrom the regular percentage. I say the people will see through this scheme, and will demand reduction of our own salaries as then fixed if we reduce the salaries of the employés in the various branches of the Government. It is well known, Mr. Chairman, that the ability and the assistants which we desire to draw from the people and place at the head of

Bureaus and in other positions under the Government cannot be obtained if we reduce these salaries. The compensation is already too small in many instances for that grade of talent we desire to secure. If we cut them down we must expect the character of service will

If we cut them down we must expect the character of service will retrograde and be inefficiently performed.

Mr. BLOUNT. I will be frank enough to say that in a great many features of this bill when they were under consideration in the committee, I did not concur at the time. They were adopted by the committee, and after the bill was completed, as I understand it, we agreed upon it, or a majority of the committee agreed upon it as the best upon 16, or a majority of the committee agreed upon it as the best thing that could be done. It was announced, and gentlemen seem to be continually recurring to that, by the chairman of the committee that the purpose of the committee was to reduce 10 per cent. in salaries and 20 per cent. in number. That was true as understood by the chairman at that time. We so understood it when we entered upon this bill. But when we began to take up the details, we began to find day after day that it was impossible to follow that rule; and therefore we went into each Department, considered it carefully, and arrived at the conclusions contained in this bill.

In the Post-Office Department our reductions have been very much less than they have been in any other direction. The gentleman from Iowa [Mr. Kasson] complains of what was done in the Sixth Auditor's Office. I may state to him that the Sixth Auditor himself is entirely content with what has been done in that Bureau. That we should commit errors is not unnatural; but I venture to say that any man will concede that a committee taking up all the details in this man will concede that a committee taking up all the details in this bill, examining it carefully, having all the several Departments before them, receiving their views and considering them, are much more likely to arrive at correct conclusions than this House.

Mr. KASSON. Will the gentleman allow me to say that I did not complain of the arrangements for the Sixth Auditor's Office? I only referred to that as one of the Offices whose business had been increased.

I had not examined what the committee had done.

Mr. BLOUNT. I will say that although the business has increased there to a greater extent perhaps than in any other Bureau, we have made reductions there and they are entirely satisfactory to the Sixth

Mr. FOSTER. The gentleman from Georgia does not want to mislead the House

Mr. BLOUNT. Of course not.

Mr. FOSTER. Then I wish the House to understand that amend ments have been made by the committee since this bill was reported, which are satisfactory to the Sixth Auditor.

Mr. BLOUNT. I do not so remember it. But let that be as it may,

it fully illustrates the fact that this committee, instead of doing what is charged upon them, of making an assault upon all the Departments of the Government for political effect, when proper and reasonable amendments have been proposed by the Departments have assented to them. And it comes with an ill grace from the gentleman of the committee who corrects me on that point to speak of

the inconsistency of the democratic House.

Now, Mr. Chairman, in regard to the question before the House, the reduction of our salaries. I will not undertake to argue whether or not that reduction is right or wrong. But I do say, sir, that it is apparent to the country that there is a reduction of at least \$5,000,000, and if this House shall ever accomplish that reduction gentlemen will in vain stand there and turn to the chairman of the committee and quote his speeches. They will in vain stand there and talk about your rules. What the country cares about is what we accomplish, and the country will understand such proceedings on the part of those gentlemen as a piece of deception. I expected this attack upon this very clause, by some perhaps from honest, and by some from insincere motives.

I heard, sir, at the outset, almost as soon as this was agreed upon, floating through the Capitol that as soon as the bill reached the Senate the salary of a member of Congress would be reduced to \$7 or ate the salary of a member of Congress would be reduced to \$7 or \$8 a day. I have heard all through the House predictions of the failure of this bill. Sir, if there be any failure I undertake to say the responsibility of it will not be over here, and that this side of the House will have no explanations to make to the country. I admit that there may be errors in the bill. It is natural there should be. But there is a great good to be accomplished by the bill and the country will see it. country will see it.

Mr. KASSON. I move to strike out the last word of the pending

I did not understand the gentleman from Georgia [Mr. Blount] to say that in addition to the fact that the arrangements in regard to the Sixth Auditor's Office have been made satisfactory upon consul-

tation with that officer, the proposition for the Post-Office Department was satisfactory to the officers of that Department. I wish he

ment was satisfactory to the officers of that Department. I wish he would state whether that is satisfactory to that Department.

Mr. BLOUNT. Will the gentleman allow me to answer him?

Mr. KASSON. Certainly. I asked the question for information.

Mr. BLOUNT. I desire, then, to say to the gentleman—

Mr. KASSON. At the same time I beg the gentleman not to take up my time beyond answering the question I have addressed to him.

Mr. BLOUNT. I want to answer it in my own way.

Mr. KASSON. Then he must excuse me. I put the question with a hone file desire for information.

fide desire for information. Mr. BLOUNT. You will get it bona fide if you let me give it to you

Mr. BLOUNI. Too will get it bona jude it you let me give it to you in my own way.

Mr. RANDALL. I will give the gentleman a direct answer if he will permit me. The Post-Office Department has assented to the amendments of the committee with very slight modifications, the amount of money involved in the difference being less than \$10,000.

Mr. KASSON. I observe from the printed statement which the committee has submitted that the estimate calls for three hundred

and seventy-five in number and the bill allows two hundred and ninety-eight. And I understood the gentleman from Georgia to say, in view of what I had stated about that Department and its increasing business, that there was but a slight reduction made there— Mr. BLOUNT. Not at all.

Mr. KASSON. And in pursuance of the plan which I presented to myself of getting at the honest needs of the Government and nothing else, I made the inquiry I did, and I regret that the gentleman from Georgia did not meet me in that spirit.

I consider this a clear reduction of the horizontal rate suggested by the committee. If I have misunderstood it I am anxious to be corrected, but that is what I find in the printed statement which I understand comes from the Committee on Appropriations. I do not now understand the chairman of the Committee on Appropriations to say that the Postmaster-General says he can discharge the duties of his Department with this large decrease of clerks. If he does say so I accept the statement with perfect sincerity, but I do not so under-

Mr. RANDALL. As I understand, the Postmaster-General is satisfied with this bill if we will increase the number of clerks four and the number of laborers five.

Mr. KASSON. 'If the gentleman's information comes from the Postmaster-General, and if he says that, I am satisfied. My information, however, is different. But I accept whatever the gentleman states of his own knowledge.

Mr. RANDALL. That was my understanding with the Postmaster-General, but if the gentleman has had any subsequent conversation with the Postmaster-General I cannot contradict any statement he makes about it; but I desire to say that we fixed upon this number of employés after the fullest conference with the Postmaster-General,

who was repeatedly before the committee.

Mr. KASSON. But not, I understand, with his concurrence.

While I am up, allow me to say that I trust that this 'discussion may go on in the spirit indicated by the gentleman from Massachusetts [Mr. HOAR] in his colloquy with the gentleman from Pennsylvania. I assure the gentlemen opposite that this side of the House does not want one clerk retained whose removal does not interfere

with the prompt transaction of the public business. But I do also know that in some of the Departments to day, with all the force they have now, there is much delay in getting business through without taking it up out of its regular order. This is the case in the Pension Office, in the Post-Office Department, and in some other offices.

[Here the hammer fell.]

Mr. HILL. I wish to say, Mr. Chairman, that I desire at the proper time—and I say it now because it may affect the vote on the pending motion of the gentleman from Ohio, [Mr. Foster]—to move to strike out the words "30th day of June" and insert the words "3d day of March."

The reason for this is that I have always thought that there was great force in the remark made by Mr. Madison when this same question was before the convention that framed the Constitution, and that was that he regarded it as a very indecent thing for members of Con-gress to be voting their own compensation. That was when the question of framing the Constitution was before the convention and there tion of framing the Constitution was before the convention and there were several propositions in relation to the pay of Senators and members of Congress before it. I have always believed that the proposition then before the convention that Senators and members of the House should be compensated by the several States was the proper method, for several reasons. It has since been judicially determined that Senators and members of Congress are not officers of the Federal Covernment, but officers of the States. I wish to remove a few as forces Government, but officers of the States. I wish to remove as far as possible what Mr. Madison regarded as an indecent thing, and that is, members voting their own compensation; and I think now is a

good time to set a precedent.

I concede that on several occasions members of Congress have voted their own compensation, but I have always thought it was a bad precedent. It was necessary, of course, in the First Congress, because there had been none preceding it, to fix the compensation; it has never been necessary since, and I think what was called popularly "the salary grab" in the last Congress would have lost much of its power if it had not applied to the Congress then in session; and it is according ing to the analogy of our laws that we should let our legislation have a prospective operation. Members are elected to a certain Congress with their pay fixed by law. I think it should not be increased or diminished so as to affect that Congress. I think this Congress ought to set that example, and whether they fix the compensation at \$2,700, or \$3,000, or \$5,000, or at \$8 a day, let it take effect with the next Congress. Let this Congress remove from itself the scandal, as Mr. Madison justly called it, of voting its own pay. On that question I concur in the remarks made by the gentleman from Massachusetts, [Mr. HOAR.] This arrangement may not be a perfect one, because one-In the remarks made by the gentleman from Massachusetts, [Mr. Hoar.] This arrangement may not be a perfect one, because one-third of the Senate retire on the 4th of March, but at least no member of this House, if this rule is adopted, will ever be voting on his own salary; and if the people choose to send him back here after the compensation is fixed for the next Congress, let them do so.

Mr. KASSON. Does the gentleman think it unsafe to allow Congress to reduce its pay? I know it is unsafe to allow them to in-

crease it.

Mr. HILL. I wish to establish a rule now, so that the future Congresses may not reduce or increase their pay. Of course it is more proper to reduce it than to increase it.

Mr. KASSON. In some of the States the constitution admits of a

decrease but forbids an increase

Mr. RANDALL. In reply to the gentleman from Georgia, I wish to remind him of this fact: that we have already appropriated money at the last session of the last Congress for the fiscal year which ends June This bill provides for the compensation of members of Congress and all other persons commencing from the 1st of July next, and therefore we must of necessity conform to that date.

Mr. HILL. Does this same bill reduce the pay of the President during

his term t

Mr. RANDALL. No; the Constitution does not permit that.
Mr. HILL. After the 4th of March next?
Mr. RANDALL. We do not reduce the salary of the President of

Mr. RANDALL. We do not reduce the salary of the President of the United States who now occupies the place, because the Constitution of the United States would not permit that.

Mr. HILL. Why not do the same thing here, and not reduce the compensation of the present members of Congress until that time?

Mr. RANDALL. Because the money for the payment of the salary of the President of the United States from the 30th of June to the 4th

of March next is already by law provided for.

Mr. HILL. Cannot you by changing the provisions of this bill make the same arrangement with regard to members of Congress?

Mr. FOSTER. I want to make a suggestion to the chairman of the Committee on Appropriations, [Mr. RANDALL.] If he will allow a vote to be taken on my amendment in the House by yeas and nays,

I will not press it now.

Mr. RANDALL. At this early stage of the consideration of this bill I cannot agree to make any arrangement out of the order of the usual rule.

Mr. FOSTER. There is no rule on that subject.

Mr. RANDALL. Well, the usual practice, if you please.
Mr. DOUGLAS. If the pending amendment is divisible, I ask to have a vote taken separately upon striking out the sum named, so as Mr. FOSTER. The chairman has a right to yield to me in the

House to offer my amendment,

Mr. RANDALL. I am not so instructed by the committee. I will

Mr. TOWNSEND, of New York. I move to strike out the last ten words of this paragraph. I have no hesitation in declaring myself opposed to the amendment of the gentleman from Ohio, [Mr. FOSTER,] opposed to the amendment of the gentleman from Ohio, Mr. Foster, J and I have no hesitation in declaring myself opposed to the proposition of the Committee on Appropriations. I came to this House under a substantial contract between me and the people of the United States that, if I would leave my business, in which I labored diligently for a long life, and come to Washington and act in the position of a Representative in this House, I should be paid \$5,000 a year. And I am unwilling to allow any set of persons, I do not care if they be my exercite there to practice a providential of the contract was not provided to the contract when we have the provident of the contract was not provident to the contract when we have the provident of the contract was not provident. associates here, to practice a repudiation of that contract upon me. [Laughter.] I am talking personally about the matter. My constituents believed that my services in this House of Representatives would be worth the sum provided by law to be paid to me, and it was for that reason that they elected me. I am boasting not one word over any other gentleman in this House when I say that, for I believe it was the opinion of the people of every other district in the United States that the men they elected as Representatives were

worth, or are probably worth, to the people of this country the sum that was proposed to be paid to them.

Now, we have one of two things to do in this matter; we must say that nobody but rich men shall represent the people of the United States in Congress or men who are willing to steal, or we must furnish a reasonable provision for the support of men who leave their farms, their merchandise, their professional business, to come here for the time being to look after the interests of the country. Now I do not believe that the people of this country desire to give over their not believe that the people of this country desire to give over their destinies to the professional politicians or to the rich men of the country. I have no quarrel with the rich men; I wish I were rich too. But it is not the wish of the people of this country that none but rich men shall come here. If my people do not want to pay me a reasonable provision for the support of myself and my family, they certainly will not send me here.

I have nothing to say about the remainder of this bill. I rose to a question of personal privilege, [laughter;] I rose to speak in regard to what every gentleman of this House knows to be strictly true, that the salary now maid him is not too much; that that amount of salary

the salary now paid him is not too much; that that amount of salary is necessary to every man who does not live out of his private fortune or some plunder of the Treasury, or post-tradership, or some railroad company; and there is not enough of those to go round. [Great laughter.] If we are to live at all respectably, to settle with our boarding-house-keepers and our washer-women, we will never reduce our salaries. I withdraw my amendment.

The question was then taken upon the amendment by Mr. Foster to fix the salary of Senators at \$2,700 a year, and it was not agreed

to upon a division—ayes 24, noes not counted.

Mr. HOSKINS. I move to amend by striking out the fourteenth line in relation to mileage of Senators and to insert what I now send

to the Clerk's desk.

Mr. HILL. I have indicated an amendment to the paragraph now under consideration. I move to amend by striking out the words "30th of June" and inserting in lieu thereof the words "3d of March." It will then read, "From and after the 3d of March next the compensation," &c. I desire to say in support of my amendment that I do not think the criticism of the gentleman from Pennsylvania [Mr. RANDALL] touches the question at all. If you can say, as this bill now does, that this reduction of our salaries shall take effect from and after the 30th of June, you can fix any date you please. If the total appropriation named in this paragraph is too much or too little, by

reason of my amendment, you can change it.

Mr. ATKINS. The language which the gentleman proposes to strike out belongs to the whole bill, not simply to that paragraph.

Mr. HILL. I do not so understand it.

Mr. ATKINS. Read it. Mr. HILL. The provision is:

From and after the 30th of June next the compensation of said Senators shall be  $\$4,500~{\rm per}$  annum.

Mr. ATKINS. That is the only place in the bill where the date is fixed.

fixed.

Mr. HOLMAN. The gentleman from Georgia [Mr. HILL] is right.

Mr. HILL. I know I am right.

Mr. ATKINS. I believe I was mistaken.

Mr. HILL. I think we ought to set this precedent.

Mr. HOAR. I rise to a parliamentary inquiry. I desire to have the Chair state what is the pending proposition.

The CHAIRMAN. The pending proposition is the amendment proposed by the gentleman from Georgia, [Mr. HILL.,] which will be read by the Clerk. by the Clerk.

The Clerk read as follows:

In lines 11 and 12 of the printed bill strike out the words "30th of June" and insert, in lieu thereof, "3d of March;" so that it will read: "From and after the 3d of March next the compensation of said Senators shall be \$4,500 per annum.

Mr. HILL. Mr. Chairman, I think it very important for this House to establish the precedent which I insist is involved in this amendment. It is more important than the question of reduction or increase of any salary. Let this House for the first time set the precedent and thereby if possible establish it is a principle, that members shall not

on any occasion vote on their own salaries. Let them vote if they choose upon the salaries of future Congresses, but not upon their own. It is an "indecent thing," and I think the practice ought-always to have been what I am now advocating. I regret that it has not been the practice heretofore. If it had been the practice we should have been saved a great deal of unnecessary scandal a few years ago. I

therefore insist upon the amendment.

Mr. O'BRIEN. Mr. Chairman, one of the principal objections to the amendment urged by the gentleman from Georgia [Mr. HILL]—and I think it is entitled to great weight in determining the votes of memis that it will be time enough at the next session of Congress to decide what shall be the pay of the Forty-fifth Congress, whether it be increased or diminished. It is not worth while now, in the first session of the Forty-fourth Congress, for us to interfere, in the way of decrease or increase, with the pay of the next Congress. It may very well be, as my friends around here tell me, that at the next session members will have been elected to the Forty-fifth Congress, but the new term will not commence before the 3d of March, 1877, and before that time there will have been an intervening session of Congress.

But, Mr. Chairman, that does not concern particularly the primary motive which induced me to rise here. I do not care specially whether this amendment fails or prevails. My principal motive is, before I conclude, to submit another amendment (if it be in order) which has already been spoken to but which has not yet been offered; it is that the compensation of members of this Congress, and so far as we can arrange it of all future Congresses, shall be the sum now fixed by law—\$5,000. I do not consider that either consistency, propriety, duty, or public sentiment demands that we shall make any change whatever in regard to our present compensation. I trust the Congressional Record will never again be discredited or disgraced by any such unseemly debate as that which characterized the Forty-second Congress, and which was renewed, as an inglorious legacy, in the Forty-third Congress. In this respect I concur in the expression which fell from the gentleman from Massachusetts, [Mr. HOAR.]

I think, sir, that the salary of \$5,000 a year, which was substituted for the salary of \$7,500 fixed in the Forty-second Congress, was determined in obedience to public sentiment. A salary of \$5,000 is in accordance with the will of the people; and I challenge my friend from Pennsylvania, [Mr. RANDALL,] I challenge my friend from Indiana, [Mr. Holman,] I challenge any member of the Committee on Appropriations to refer me to the action of any convention, any Legislature, any public body or popular assembly, asking that that salary be repealed or interfered with. If we are here to legislate in obedience to the will of the people, I ask where will you find the record or expression of any public sentiment which justifies us in interfering with a salary which was fixed for this Congress by a Congress which preceded it. If the argument of the gentleman from Georgia [Mr. Hill] is right, then as the Forty-third Congress has fixed our

salary, it is unseemly and indecent for this Congress to interfere with that salary either by increase or decrease.

Mr. Chairman, if I had the time I think I could demonstrate to this House that there is no public sentiment anywhere throughout the country, expressed within the last nine months, which demands of us the wholesale reduction and retrenchment embraced in this bill. I approve of these reductions in part; there may be here and there a salary that ought to be diminished or an office that should be altogether abolished. But I say there is nothing emanating from the public press or included in those party shibboleths "retrenchment, economy, and reform" which will justify the attempt made, I fear, in this bill to cripple the Government itself. I do not pretend to say that the democratic majority in this House or the democratic members on the Committee on Appropriations mean anything of that character. I do not profess to believe that they would for a moment be willing to make it even possible that such a thing should occur. But if I am to believe the language conveyed to me in writing by officers of this Government as high as the Secretary of the Treasury himself, speaking with reference to the details of his own office, its needs and requirements, then I am here to say that it is alleged this bill will interfere with the ordinary routine of the Government, and will to a certain extent embarrass the general business of the Department.

partment.

[Here the hammer fell.]

Mr. KELLEY. Mr. Chairman, is an amendment in order?

The CHAIRMAN. An amendment to the amendment of the gentleman from Georgia [Mr. HILL] would be in order.

Mr. KELLEY. I move to amend by striking out—

Mr. O'BRIEN. Will not the gentleman yield for a moment until I have stated the proposition I intended to move by way of amendment.

Mr. KELLEY. I presume I am going to make about the same motion that the gentleman would make.

Mr. O'BRIEN. I wish to move an amendment restoring the pay

Mr. KELLEY. I was about to move to strike out in the twelfth and thirteenth lines the words "\$4,500" and insert "\$5,000."

Mr. HOAR, I propose when these various amendments of detail

have been voted upon, to move to strike out the paragraph.

Mr. KELLEY, I am glad to know that my friend from Maryland anticipated me in what I think so proper an amendment as that the salary should remain at the sum now fixed by law. I have not par-

ticipated in the general debate on this bill. There is much in it that I approve and much more that I disapprove. I am in favor of reducing the clerical and all other force in the several Departments of the Government as much as can be done consistently with the maintenance of their efficiency. And wherever it can be shown there is a clerk or other employé who is supernumerary, whose place is a sine-cure, or whose duties might be performed by another without being burdensome, I say I shall gladly vote for such a reduction.

I do not believe, sir, the sentiment of the country demands the reduction of officials suggested by this bill. I do believe it proposes a reduction of force which would be disastrous to the service. I need go no further than to the Clerk's office for an illustration of that fact. Politically the question belongs to the other side. The Clerk is a democrat, chosen by the majority of this House; his appointees are all of the same party, and I do not complain of it. Had my party elected the Clerk all of them would have been republicans.

the Clerk all of them would have been republicans.

A MEMBER. Not so.

Mr. KELLEY. I think so; at least they would have professed to be republicans while holding an office. [Laughter.] Therefore I had no quarrel with the political character of the incumbents. It is not my question politically, but I do not believe that the number of employes left would effectively perform the duties of the office. I do believe the pay assigned to them is utterly inadequate and will only be accepted for the present in view of the present terrible depression private business is now suffering and the difficulty of finding employment. Were business in its normal condition, men fit to fill those Were business in its normal condition, men fit to fill those places could not be found at these salaries, perhaps, unless it was with

the assurance there were perquisites.

Now, I want to pay the employés of the Government fair and honest salaries and hold them to strict accountability. No man can bring his family here, to turn to the case of Senators and Representatives, no man can bring his family here and maintain them as they should be maintained on \$5,000 a year. No man who is deserving of the name of lawyer—there may be some members of the bar who are not much of lawyers who could not probably earn \$5,000 a year—no lawyer in full practice, who does not lay down \$5,000 a year for the honor of holding this office, the office of Senator or member. I do not believe the American people desire such pay to be put where poor men can-not fill the place, let their fitness be what it may, or that men shall come here to live in garrets, or to absent themselves from their fam-

come here to live in garrets, or to absent themselves from their lamilies to poach on the domains of others.

The American people love money. They love the excitement of gaining, but they spend and part with it by gift more lavishly than any other people. Look at our private benevolences, our schools, our churches, &c. They attest the little regard our people attach to the mere possession of money. There is something they pride themselves much more in than the retention of dollars and cents. It is the honor of their country. It is that they may stand well in the eyes of each other and of the world; and I should regard this bill as a reproach upon the people in that behalf—

[Here the hammer fell.]

The CHAIRMAN. The Chair will say to the gentleman from Penn-

sylvania that, properly speaking, his amendment is not an amendment to the amendment of the gentleman from Georgia, as one has reference to time and the other to the sum.

Mr. KELLEY. Very well; I will get five minutes more on it when

I submit it in order.

Mr. RANDALL. I hope not.

Mr. SINGLETON. As a matter of course it could not be ex-

Mr. KELLEY. I wish to say that I have accepted the amendment as proposed by my friend from Maryland, and am willing it should be pending in that way, and we will discuss it when the time comes. Mr. SINGLETON. Mr. Chairman, as a matter of course it could not be expected that any gentleman upon this floor in a five minutes' speech could say much that would throw light upon so grave a question of the course tion as we have under consideration. As a member of the Committee on Appropriations I deem it my duty to say when we came to the consideration of this bill there was no question of politics intro-duced. The question whether a man belonged to one party or another when we came to deal with his salary was never mentioned. Therefore to give this measure a political aspect is doing us injustice.

The purpose of the committee was in the first place to inquire whether the necessities of the country demanded there should be retrenchment of expenses in the various Departments. That was the first inquiry. I need not argue that proposition, for every member on

this floor knows there is a pressing demand, one we cannot avoid, for the curtailment of expenditures in every quarter where it can be done. The next question was, can we make this reduction without injury to the public service? We believed that that could be done. We differed somewhat as to the details, as to the manner in which it should be done, as to where we should apply the knife and where we should not. But it was agreed upon all hands that we could make this reduction without impairing the public service. The question arose how was this to be done, and after some discussion we adopted what was called the 10 per cent. rule; not as the gentleman from Ohio asserts to be departed from in no instance, to be adhered to in every case, but as a general rule, from which we might depart when-ever we found it necessary. Well, sir, in the course of our investiga-tions we found some of the salaries of these officers raised to such an

extent that, in order to bring them down to accord with others who were rendering like services, it was necessary we should reduce them more than 10 per cent. Hence it is you find that the 10 per cent. rule is not adhered to in every case. It was not adopted as an invariable rule, it was not intended to be such, and we have not in all cases followed it for the reasons I have explained.

Gentlemen dwell with peculiar emphasis upon the salaries of memderitiemen dwen with pecuniar emphasis upon the sharres of members of Congress. As long as the amendments offered looked to a reduction of these salaries below the pay proposed by the bill of the committee, I did not think it proper to say one word, but now, when it is proposed to raise the amounts above what was provided for in it is proposed to raise the amounts above what was provided for in the bill, I feel it my duty to stand by the report of the committee. I contend that \$4,500 is ample pay and ought to be satisfactory to every member of the House, and that the amendment of the gentleman from Maryland raising it to \$5,000 ought not to be adopted. I cannot sympathize with the gentlemen on the other side of the House, who seem to think that because they cannot get \$5,000 they must reduce the amount to \$2,700. If, as they contend, their services are worth \$5,000, and they cannot get that amount because of a difference of opinion among us, then let them take the next best thing attainable and be content with the \$4,500. In doing so we subject ourbe if we applied that rule to others and yet dodged it ourselves. If we had reported a bill reducing the salaries of all the clerks and employes and not our own, what would have been said on the other side ployés and not our own, what would have been said on the other side of the House? I know very well what would then have been the line of argument. It would have been said you have reduced the salaries of others but have left your own intact. The republicans have made resistance to every bill which the committee have reported. We have not been able to please them in any of the appropriation bills upon which we have been called to act. They have met them with proposed amendments which they believed would so clog and embarrass the bills as to have the effect to ultimately destroy them. I hope this side of the House will take cognizance of these facts and not be led off by these amendments. facts and not be led off by these amendments.

I do not pretend to say that the Committee on Appropriations has all the wisdom of this House. We do not know anything of these matters more than others except so far as they have been brought specially to our attention. We have communicated with the Departments; have had the headsof Bureaus before us with books, maps, and estimates; have collected and collated all the facts in our reach, and have endeavored honestly to discharge our duty with a view to the public interests of the country and justice to individuals. We there-

public interests of the country and justice to individuals. We therefore claim that this House should stand by the committee, that you should accept the report which it has made and adopt it with perhaps some slight amendments; but to undertake at the outset of this discussion to deal with this bill, as some gentlemen on the other side of the House propose to do, is to effectually destroy it.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia, [Mr. Hill,] to which the gentleman from Pennsylvania [Mr. Kelley] proposed an amendment not properly germane. The Chair will withhold putting the question on the last amendment until the first, that of the gentleman from Georgia, is disposed of until the first, that of the gentleman from Georgia, is disposed of.

Mr. JENKS. I rise really to oppose the amendment of the gentleman from Pennsylvania, and in order to do so I move an amendment to that amendment by striking out the last word in it.

The CHAIRMAN. The Chair desires to state to the gentleman that

Mr. JENKS. Very well; I move to strike out the last word in the amendment of the gentleman from Georgia.

The ground upon which I am in favor of this reduction of salaries and opposed to the amendment of the gentleman from Pennsylvania Mr. Kelley] is somewhat different from any I have heard stated. It is not for any partisan purpose that we ought to reduce or to increase these salaries one cent. We ought to do it on some other ground than that. And it is not a strictly proper question whether the people have demanded it at our hands or whether they have not, because we ourselves are a part of the people, and it as much our duty to speak as it is theirs; and it is in order that we may speak to the people with propriety that I would insist on this reduction of salaries.

After the failure of the great banking house of Jay Cooke & Co., in the fall of 1873, business depression spread all over the land, and from that time till this moment we feel that depression growing heavier and heavier. By that we were first brought fully into view of this fact, that the people, individually and collectively, were living too extravagantly; that we were spending more than we ought to do. It has happened to us in appearing before the people to speak to them time and again on this subject, and we have said to them, "It is your duty to reduce your expenses; it is your duty to forego every extravagance, and to cease to indulge in many luxuries in which you have hitherto indulged." But in order that we may speak to them with force, it is necessary that we should here speak to them, and say that we ourselves propose to forego something in the way of luxuries. If we ourselves propose to forego something in the way of fuxuries. In we merely stand here and say we expect you to give up some of your luxuries, while we leave our salaries untouched, they would not believe that we were speaking in honest good faith. But if we say to them we ask you to forego luxuries, let us make some reduction ourselves, and indicate that we desire all to forego luxuries, collectively and individually, so that this depression which has been spread over the nation by extravagance shall cease to exist.

Sir, it is in this view that I trust there will be a reduction in our own salaries to establish the principle and to show our bona fide teaching to the people that they must cease to be extravagant if they ever expect to recover from financial distress. We can extricate ourselves from it only by recognizing the fact that we have been spending too much. Whenever a manufacturer ceases to be able to pay what he has heretofore paid, he either reduces the salaries of his employés or reduces the number of his employés. Now, when this Government is placed in the same position, it is our duty to recognize the common-place business principles of reducing our expenditures.

Sir, I do not regard this question from any political aspect, but we

cannot speak to the American people with more good sense and more effectually than by saying, stop your luxuries and extravagance; and we cannot do that better than by first reducing our own salaries.

[Here the hammer fell.]

The question was on Mr. HILL's amendment.
Mr. RANDALL. I want to say a word.
The CHAIRMAN. Debate has been exhausted on the amendment.
Mr. RANDALL. That amendment would change the date of the entire bill.

The question was taken on the amendment; and on a division there res 84, noes 99.

Mr. KELLEY called for tellers.

Tellers were ordered; and Mr. HILL and Mr. RANDALL were appointed.

The House divided; and the tellers reported—ayes 75, noes 81.

The House divided; and the tellers reported—ayes 75, noes 81.

So the amendment was not agreed to.

The question recurred on the amendment offered by Mr. O'BRIEN and accepted by Mr. Kelley, in lines 12 and 13 to strike out the words "\$4,500" and insert in lieu thereof "\$5,000."

Mr. HOLMAN. The amendment is not subject to the point of order, I admit, for it does not change the existing law. In the interest of geometry, I wish to say a word expired this amendment.

economy I wish to say a word against this amendment.

Mr. Chairman, I trust the committee will not adopt this amend-If it is adopted, of course gentlemen understand that it is the abandonment of every retrenchment aimed at in this bill. The gentleman from Pennsylvania [Mr. Kelley] must know that in proposing to restore the salary by the provision of this bill to what it is now, he renders a reduction of salaries absolutely impossible, and neither he nor any other gentleman on either side of the House can consistently with his own sense of honor favor a reduction of any other salary unless the salaries of members of the House shall be reduced. I believe, sir, that it would be my duty, as a member of the Committee on Appropriations, to stand by this bill in this respect if the House, with the bill framed as it is, should conclude to accept that provision; but I learn from the arguments of gentlemen that inasmuch as the salaries of Senators and members of the House are reduced 10 per cent. and the salaries of other employés of the Government are reduced from 10 to 20 per cent., they will therefore use the failure in reducing the salaries of members to a corresponding extent as an excuse for opposition to the bill.

I have this appeal to make to the House, (I do not desire to make it to one side or the other, but to the House:) if it is intended that there shall be retrenchment in the expenditures of the Government, that they will not leave ground on which any gentleman can stand, a bulwark behind which they can intrench themselves in opposing every reduction of salaries proposed by this bill, I say to the gen-tleman from Pennsylvania, and I do it in no spirit of appeal to any tleman from Pennsylvania, and I do it in no spirit of appeal to any prejudice here or elsewhere, that in my judgment the salary of a member of Congress as now fixed by law is disproportionately high as compared with the salaries of employés of the Government in general, and especially as compared to the compensation paid for public services in the various States of this Union. And further, in a Government like ours, where frugality and simplicity of manners are the custom and can alone be in harmony with the idea of free institutions, I insist that high salaries tend to destroy that simplicity which compares well with a government like ours.

tions, I insist that high salaries tend to destroy that simplicity which comports well with a government like ours.

These gentlemen say that we cannot live respectably in this capital for a less salary than \$5,000 a year. I am certain that the salary is too high. I desire to say only in the presence of this House, and nowhere else, that this salary is too high. We lived through the war on a salary of \$3,000, and animated as men were then by a spirit of extriction. I never because the salary is the flower complete the salary in the salary is the salary in the salary of \$3,000. patriotism, I never heard a gentleman on this floor complain of the salary when the expenses of living were almost twice what they are now. I heard no complaints then of the salary being insufficient; and now. I heard no complaints then of the salary being insufficient; and if gentlemen could live in this capital with a family and live respectably, so that he would be glad to see any portion of his constituents when they came to this capital, at an expenditure of \$200 or \$250 a month, why a gentleman can certainly live very comfortably now with an ordinary family for from \$100 to \$150 per month, even during the session of Congress, without reference to that considerable period of his congressional term during which members are subject to their own control, to avoid expenditures and attend to their own affairs. I insist that the proposition that we should fix the salary at \$3,600 a year. sist that the proposition that we should fix the salary at \$3,600 a year would far better comport with the general salaries paid by the Government, and especially with the salaries paid by the States to their officers, than a salary of \$5,000 a year; and I would be glad to see the House adopt that amendment.

Mr. BAKER, of Indiana. Will my colleague allow me to ask him

a question ?

Mr. HOLMAN. My friend must see that I have got but a moment With the salary of members of Congress reduced, what gentleman, even though pressed by his clerical friends in the Departments—and I know that our friends on the other side of the House are so embarrassed—would feel any embarrassment at all in voting for the reduction of salaries.

But as it is now, unless we reduce our own salaries to compare somewhat with the reductions made in other salaries, gentlemen may well intrench themselves behind that fact and resist all reduction of well intrenen themselves behind that fact and resist all reduction of salaries. No, no, Mr. Chairman, if this House, in view of the pressure upon us for economy, greater than at the period when our salaries were \$3,000 a year, and the expense of living in this capital nearly twice what it is now—if this House will rise to the demands of the occasion, when public burdens are felt oppressively by all the industries of the country, when multitudes of the people are unemployed, when reduction of the expenditures of the Government is a thing important with the respectable sum. perative, if we reduce our own salaries now to the respectable sum of \$3,600—ay, a respectable salary, I say, for any gentleman in public or private employment—that would give an assurance to the country that there will be a permanent reduction in the expenditures of the Government.

[Here the hammer fell.] Mr. BAKER, of Indiana. V Mr. HOLMAN. Certainly. Will the gentleman answer a question?

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOLMAN. I hope I will be allowed to answer the question of

my colleague, [Mr. Baker.]
Mr. O'BRIEN. I ask unanimous consent of the committee that the time of the gentleman from Indiana [Mr. Holman] be extended for

The CHAIRMAN. The Chair must enforce the rule. The question is on the amendment of the gentleman from Maryland, [Mr. O'BRIEN.]

Mr. O'BRIEN. I desire to modify my amendment. Instead of striking out \$4,500 and inserting \$5,000, I will move to strike out all of the paragraph except the words "for compensation of Senators, \$333,000." That will answer my purpose more effectually, and I will now yield my five minutes to the gentleman from Indiana, [Mr. Holman.]

The CHAIRMAN. It requires unanimous consent to modify the

amendment.

Mr. GARFIELD. O, no.
The CHAIRMAN. The question is upon the amendment of the gentleman from Maryland, [Mr. O'BRIEN,] which has been debated on

Mr. DOUGLAS. I desire to move an amendment to the amendment. If I could have obtained the recognition of the Chair, I would have moved, in anticipation of what has fallen from the gentleman from Indiana, [Mr. HOLMAN,] an amendment reducing the compensation of members of Congress to \$3,600 a year, the sum indicated by

I do not intend to raise the question here or to discuss it when raised by the gentleman from New York [Mr. Townsend] and others as to rich men or poor men. I have heard that ad nauseam. I say to the gentleman from New York that, so far as this side of the House is con-cerned, especially the southern element of it, "Ye have the poor with you always.

I believe that I can live here very respectably on the sum I have named. I am certain that no member upon this floor on either side of the main aisle can need a higher compensation than that; and, if the present majority on this side of the House means anything at all,

it means that it is an expression of the demand of the people of this country for retrenchment and reform.

I shall not go into the question as to how the extravagant expendi-I shall not go into the question as to now the extravagant expenditures that have prevailed here for years past, especially since the close of the war, have been kept up. But I know one thing, that in that section of the country which I in part represent, standing in the presence of a diminishing revenue and the paralyzed industries all over the country, with a constant decline in the expense of living, the people did demand, in a voice that must be heard here and elsewhere, that there should be retrenchment in the expenditures of this Gov-ernment. My equanimity will not be at all disturbed by any taunts about my sincerity. I will let that question be tested by my acts. I will respond to the demand of my constituents and of the people of this country for retrenchment in this Government, in every branch

of it, the legislative as well as the others.

I was of the opinion that the principle enunciated in the amendment of the gentleman from Georgia [Mr. HILL] was correct, and that it was an "indecent thing" for us to be sitting here deliberating upon the matter of our own compensation, whether to increase or to diminish it. But I bow to the decision of the majority of this House. They have determined to retain that feature in the pending bill which allows us to pass upon that question. If I cannot carry my measure, I am in favor of carrying that which will most nearly approximate to it. If I cannot carry anything that more nearly approaches the realization of my ideas, I will accept the proposition of the Committee

on Appropriations.

I move to amend the amendment of the gentleman from Maryland [Mr. O'BRIEN] by striking out "\$5,000" and inserting in lieu "\$3,600" Mr. O'BRIEN. The insincerity, to say the least of it, of the argument of my friend from Indiana [Mr. HOLMAN] must be plainly evident to this House when we take into consideration the propositions

which are now pending before the House in reference to appropria-tions from the public Treasury. Why, sir, the picayune sums that will be saved to the Treasury by a reduction which is not demanded by any public sentiment, in relation to propositions brought forward in this bill for the reduction of the salaries of members of Congress and the employes of the Government, become insignificant when compared with that mighty sum which will be taken from the Treastry by a scheme which I consider a gigantic fraud, and which my friend from Indiana [Mr. Holman] is already pledged to support.

Mr. HOLMAN. What is that?

Mr. O'BRIEN. I find him here on this floor willing to cut down

salaries which have stood the test of a generation, which run all the way back to 1845 and 1852, and to do it in the interest of what he falsely calls a public sentiment in behalf of economy and retrenchfalsely calls a public sentiment in behalf of economy and retrenchment. I find him further advancing the insincere argument that the purpose is to prevent a raid upon the public Treasury, to save the people's money from being sacrificed by being given to members and other public officers in a proportion to which they are not entitled.

Mr. HOLMAN. Will the gentleman allow me to inquire what is the "gigantic fraud" to which he has referred?

Mr. O'BRIEN. I will tell the gentleman before I get through.

Mr. HOLMAN. I hope my friend will not forget it.

Mr. O'BRIEN. I remember both historically and by experience since I have been a member of this House that the distinguished gentleman from Indiana (and I honor him to a certain extent in regard

tleman from Indiana (and I honor him to a certain extent in regard to his course) has for fourteen years or longer been struggling here against adverse majorities, whether upon his own side or upon the other side of the House, advocating what he calls the principles of economy but what practically means compelling men to live upon wages which will not allow them decent attire or a respectable livelihood, thus exposing them in public life to vast temptations. I find that at last he seems to have succeeded. I find him here nominally that at last he seems to have succeeded. I find him here nominally the vice-chairman but practically the leader of your Appropriation Committee. [Laughter.] I find that he is flying the kite, the balance of the committee being but the tail of the kite; and on that kite is emblazoned his fourteen years' party shibboleth, "Economy!" At the same time, Mr. Chairman, I know that he is pledged to vote for a bill which if it should become a law (and it did pass the House at the least Congress) will in the estimation of some of the officers of the the last Congress) will in the estimation of some of the officers of the Government take \$100,000,000 from the Treasury.

Mr. HOLMAN. What bill is it?

Mr. O'BRIEN. I allude to the bounty bill which the gentleman

from Indiana is pledged to support.

Mr. HOLMAN. Does the gentleman mean the bill for the equalization of the bounties of the soldiers?

Mr. O'BRIEN. I do.
Mr. HOLMAN. Certainly I am for that.
Mr. O'BRIEN. The gentleman did not attempt in the last Congress to cut down these salaries; and I say that if, as he says, this is a time of general paralysis of industry and business, and therefore the salaries of public officers, and particularly members of Congress, should be cut down, then in the name of Heaven why take from the Treasury \$100,000,000, more or less, (I believe more,) at one swoop, under the form of bounties to soldiers.

[Here the hammer fell.] Mr. HOLMAN rose.

Mr. FOSTER. I move that the committee rise.

The CHAIRMAN. The Chair recognizes the gentleman from Indi-

ana, [Mr. HOLMAN.]
Mr. FOSTER. On what question?

Mr. PAGE. I rise to a point of order. I submit that debate is exhansted

The CHAIRMAN. Non constat that the gentleman from Indiana wishes to move that the committee rise.

Mr. PAGE. I object to debate on the amendment.
Mr. HOLMAN. Before making the motion which I design to make in a moment, that the committee rise, I must express my astonishment at the remarks

Mr. HOAR. I rise to a point of order. The gentleman from Indiana has no right to debate

Mr. O'BRIEN. I hope unanimous consent will be given for the gentleman from Indiana to proceed.

The CHAIRMAN. The Chair was about to rule that the gentleman

from Indiana is not in order in debating—
Mr. HOAR. I do not object to the gentleman receiving leave of

the committee to proceed—
The CHAIRMAN. The gentleman from Massachusetts [Mr. Hoar]

is also out of order.

Mr. FOSTER. I ask unanimous consent for the gentleman from

Indiana to proceed.

Mr. HOLMAN. I rise to a point of order. My point is that the

proposition now pending is subject to amendment.

The CHAIRMAN. The gentleman has the floor to make any amend-

ment which is in order.

Mr. HOLMAN. For the purpose of enabling me to submit a few remarks—I have but a word to say—I move to amend the amendment to the original text by striking out \$3,600 and inserting \$3,000.

The CHAIRMAN. There are already pending two amendments—one by the gentleman from Maryland [Mr. O'BRIEN] to insert \$5,000,

and the other by the gentleman from Virginia [Mr. Douglas] to insert another sum.

Mr. ATKINS. By what right can the gentleman from Indiana make the motion that the committee rise? He has not charge of this bill. Mr. FOSTER. I have already made that motion.

The CHAIRMAN. The Chair has not recognized the gentleman

from Ohio for that purpose.

Mr. HOLMAN. I rise to a question of order. I understood the motion was to strike out the section. If that was not the motion, I am mistaken

The CHAIRMAN. The Chair understood that the gentleman from

Indiana rose to a point of order.

Mr. HOLMAN. My point is this: That according to my understanding the gentleman from Maryland moved to strike out the paragraph; the gentleman from Virginia then moved to strike out \$4,500 and insert \$3,600. I think that is a correct statement of the history of the pending propositions.

Several MEMBERS. O, no.

Mr. HOLMAN. The gentleman from Maryland can state whether

The CHAIRMAN. The Chair will state the position of the ques-

Mr. FOSTER. If the gentleman from Indiana will renew my amendment at the close of his remarks, I will withdraw it.

Mr. PAGE and others objected to the withdrawal.

The CHAIRMAN. Objection is made.

Mr. HOLMAN. I rise to a question of order. I understand that the gentleman from Maryland moved to strike out the paragraph.

Am I correct?

The CHAIRMAN. The gentleman from Maryland made no such motion. The Chair will state the proposition. The gentleman from Maryland moved to strike out a certain sum and insert another sum. The gentleman from Virginia moved to insert still another sum in lieu of the sum proposed by the gentleman from Maryland. That is all the amendment to the amendment which now can be considered.

Mr. HOLMAN. I believe it is in order to move to strike out the par-

agraph.

The CHAIRMAN. It would be in order.

Mr. HOLMAN. Then I make that motion. I am opposed to striking out the paragraph, Mr. Chairman, but I avail myself of the courtesy of the committee in making that motion to submit some remarks, the remarks which I desired to submit a while ago.

Mr. HOAR. I wise to a question of order. The gentleman should

Mr. HOAR. I rise to a question of order. The gentleman should not address the House until the other questions are settled.

The CHAIRMAN. The gentleman cannot address us in opposition

to his own amendment.

Mr. HALE. I rise to a point of order.
The CHAIRMAN. The gentleman will state it.
Mr. HALE. I appeal to the gentleman from Indiana. He is unused to the ways of the House, and it is almost impossible for him to get the floor, but if he will wait until to-morrow we will help him to

get the floor. [Laughter.]

The CHAIRMAN. The gentleman is not stating any point of order.

Mr. HOAR. I do not desire at all to object to the gentleman from
Indiana speaking, but I do not see why he should address the committee by its indulgence and give notice he is going to move the committee rise when he gets through so that no one can ask for the same indulgence to answer him.

Mr. RANDALL. I do not believe the gentleman from Indiana will make any such motion after he has concluded his remarks. I will take care that nobody shall be refused the opportunity, if he wishes

it, to be heard on this question.

Mr. HOLMAN. I am glad, Mr. Chairman, I am sheltered by the chairman of the committee in saying he will take care no injustice shall be done. The gentleman from Massachusetts, if he understood what is going on, understood that I was simply proposing to move that the committee rise in consequence of the general disposition manifested in that regard. Why should I desire the committee to rise after submitting my remarks?

Now, Mr. Chairman, I rise simply to say that I was greatly astonished at the remark which fell from the lips of the gentleman from Maryland [Mr. O'BRIEN] when he declared that the proposition to equalize the bounties of the men who fought our battles in the late war, upon whose perilous devotion and in consequence of whose great sacrifices the maintenance of this Union was solely dependent, to whom we owe the life of this Republic—when he characterized the effort on our part to equalize their bounties and to do them equal justice as a monstrous fraud. Mr. Chairman, those are words which ought not to have dropped from the gentleman. They are words which never should have fallen on the ears of this House.

Mr. O'BRIEN. Will the gentleman allow me to say one word?

Mr. HOLMAN. Yes, for one word.

Mr. HOLMAN. 1 es, for one word.

Mr. O'BRIEN. I was limited to five minutes, and had to put my words very close together. When I charged that bill with being what I considered to be a gigantic fraud, I did not mean to say that anything the soldiers would draw from it would necessarily be a fraud, or at all a fraud, but that in the distribution of the fund appropriated by that bill it would be absolutely a fraud upon the Treasury and a fraud upon the soldiers. and a fraud upon the soldiers.

Mr. HOLMAN. I am glad that my friend makes even a lame

apology.
Mr. O'BRIEN. No, sir; no apology at all.

Mr. HOLMAN. An apology for so unfit a word! I am astonished as a citizen of this Republic that an effort to do justice to these men, to their widows and orphan children, should be so characterized. I regard that measure as appealing more strongly to the sense of justice of this Government, independent of the patriotic emotions of the country to which appeal is made, with more irresistible force than any other claim which can be made upon this Government from its foundation to the present hour, except that which we owe to the men whose heroism and sacrifice established our Government. One strong motive which actuates me now in any humble effort I may make to retrench the expenses of the Government is that the Treasury may be in condition to meet the demands of that bounty equalization bill. For I trust, sir, that it will pass this House with the unanimity it did at the last session of Congress. Instead of its calling for \$100,000,000, it is well known it will take from our Treasury at the outside during a period of some three years about \$29,000,000, and I indulge the hope, if this House can come up to the statesman-like proposition submitted by the gentleman from Virginia, to fix the pay of members of Con-gress at a fair and reasonable rate, and the other expenditures of the Government shall be brought down to a fair and reasonable basis— to a just and reasonable compensation for service rendered to this Government-that the sum required to meet this bounty will be more than saved during this present session of Congress. If the whole \$29,000,000 were to be withdrawn at once, still the expenditures would not be equal to the appropriations for the present fiscal year.

[Here the hammer fell.]
Mr. RANDALL. I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and Mr. Springer having taken the chair as Speaker pro tempore, Mr. Cox reported that the Commit-tee of the Whole on the state of the Union, pursuant to the order of the House, had had under consideration the special order, being a bill (H. R. No. 2571) making appropriations for the legislative, executive, and judicial expenses of the Government for the year ending June 30, 1877, and for other purposes, and had come to no resolution

#### JOINT RESOLUTION SIGNED

Mr. HARRIS, of Georgia, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the

A joint resolution (H. R. No. 64) granting the rights and benefits of the Soldiers' Home to John News

### CONFIRMATION OF TITLE

Mr. HARRISON, by unanimous consent, introduced a bill (H. R. No. 2850) to confirm to the city of Chicago the title to certain public lands; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Ains-WORTH for four weeks on account of business.

By unanimous consent, leave of absence was granted to Mr. Bass for ten days on account of ill health.

By unanimous consent, leave of absence was granted to Mr. Burch-

ARD, of Wisconsin, for ten days from Monday next.

### W. T. PATE.

On motion of Mr. HOLMAN, by unanimous consent, leave was given to withdraw from the files of the House papers, petition, and claim in the case of W. T. Pate.

### ADJOURNMENT OVER.

Mr. RANDALL. I move that the House do now adjourn.

Mr. PAGE. I rise to a privileged motion. I move that when the House adjourns to-day it be to meet on Monday next.

The question being taken on Mr. Page's motion, there were—ayes

on noes 31.

Mr. HOLMAN. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were—yeas 29, noes 89.

So (the affirmative being more than one-fifth of the whole vote) the yeas and nays were ordered.

the yeas and nays were ordered.

Mr. PAGE. I move that the House do now adjourn. I do not desire to stay here until the roll is called.

Mr. SAYLER. If the gentleman from California withdraws the motion that the House adjourn over until Monday I renew it.

The SPEAKER pro tempore. That is the pending question.

Mr. HOLMAN. I rise to a question of order. Is not the motion that the House do now adjourn in order at this stage?

Mr. RUSK. I demand the regular order.

The SPEAKER pro tempore. The gentleman from Indiana has raised a question of order, which he has the right to do.

Mr. PAGE. I proposed to withdraw the motion that when the House adjourn to-day it be to meet on Monday next but the gentleman from Ohio [Mr. SAYLER] renewed it, and so it stands now. And

the House has ordered the roll to be called on the question of adjourn-

ment to Monday next.

The SPEAKER pro tempore. In reference to the point of order raised by the gentleman from Indiana [Mr. Holman] the Chair decides that a motion to fix a day to which an adjournment shall take place has precedence over a motion to adjourn, and this question has been ordered to be taken by yeas and nays.

Mr. MORRISON. Was there a quorum present on the vote?

The SPEAKER pro tempore. A quorum did not vote.

Mr. MORRISON. As no quorum is present, I move that the House

adjourn.

Mr. PAGE. Upon the motion to adjourn over until Monday I be-

lieve a quorum voted, but on the question of ordering the yeas and nays there was not a quorum.

nays there was not a quorum.

The SPEAKER pro tempore. The rules provide that one-fifth of those present may determine the ordering of the yeas and nays, rether provide a quorum is present. The Clerk will call the roll.

The question was taken; and there were-yeas 72, nays 61, not voting 156; as follows:

The question was taken; and there were—yeas 72, nays 61, not voting 156; as follows:

YEAS—Messrs. Bagby, Banning. Beebe, Blackburn, Boone, Bradford, Horatio C. Burchard, Cabell, Cason, Caswell, Cate, John B. Clarkeof Kentucky, Crapo, Culberson, Eames, Ellis, Evans, Farwell, Faulkner, Ferney, Franklin, Goode, Gunter, Hancock, Hardenbergi, Henderson, Henkle, Hooker, Hopkins, House, Hubbell, Thomas L. Jones, Knott, Leavenworth, Levy, Lynch, Maish, Money, Morgan, Mutchler, Nash, O'Brien, Odell, Oliver, Packer, Page, Parsons, William A. Phillips, Pratt, Reagan, James B. Reilly, Rice, Sobieski Ross, Rusk, Sampson, Sayler, Sheakley, Smalls, Stone, Terry, Martin I. Townsend, Tucker, Tufts, VanVorhes, John L. Vance, Robert B. Vance, Waddell, Alexander S. Wallace, Walls, Alphens S. Williams, Charles G. Williams, and Yeates—72.

NAYS—Messrs. Anderson, Atkins, John H. Bagley, jr., John H. Baker, Bell, Blount, Bradley, Bright, John H. Caldwell, Caulfield, Chittenden, Cochrane, Conger, Cox, Cutler, Dibrell, Dunnell, Durbam, Eden, Faller, Andrew H. Hamilton, Robert Hamilton, Harrison, Hartzell, Haymond, Goldsmith W. Hewitt, Hoar, Holman, Hunter, Hurd, Jenks, Joyce, Kelley, Franklin Landers, Metcalfe, Morrison, Neal, New, Poppleton, Potter, Randall, Rea, John Reilly, Riddle, John Robbins, William M. Robbins, Robinson, A. Herr Smith, Springer, Stenger, Thompson, Throckmorton, Washington Townsend, Turney, White, Wike, Willard, Jeremish N. Williams, William B. Williams, Killiam B. Branum, Bass, Blaine, Blair, Bland, Bliss, John Young Brown, William R. Brown, Buckner, Samuel D. Burchard, Burleigh, William P. Caldwell, Campbell, Candler, Cannon, Chapin, John B. Clark, jr., of Missouri, Clymer, Collins, Cook, Cowan, Crounse, Danford, Darrall, Davis, Davy, De Bolt, Denison, Dobbins, Douglas, Durand, Egbert, Ely, Felton, Fort, Foster, Freeman, Frost, Frye, Garfield, Gause, Gibson, Glover, Goodin, Hale, Haralson, Benjamin W. Harris, Henry R. Harris, John T. Harris, Hartridge, Hatcher, Hathorn, Hays, Hendee, Hereford, Abram S. Hewitt,

During the call of the roll the following announcements were made: Mr. WALLACE, of South Carolina. My colleague, Mr. MACKEY, is confined to his room by sickness.

Mr. VANCE, of North Carolina. My colleague, Mr. Ashe, is detained from the House by sickness.

The SPEAKER pro tempore. On the question that when the House adjourns to-day it be to meet on Monday next, the yeas are 72 and the navs are 61.

Mr. HOLMAN. I make the point of order that that is not a quo-

The motion has not been agreed to.

The SPEAKER pro tempore. The point of order is well taken. The motion is lost, no quorum having voted.

Mr. HOAR. I rise to a question of order. I desire to call the atten-

tion of the Chair to the fact that on the question of fixing the time

to which the House shall adjourn no quorum is necessary.

The SPEAKER pro tempore. The Chair begs leave to differ from the gentleman from Massachusetts. The Chair calls the attention of the gentleman to the rule on page 5, which says:

But when less than a quorum is present no motion can be entertained except a motion to adjourn or for a call of the House.

The motion to fix a day to which the House shall adjourn has failed

for want of a quorum voting.

Mr. HOAR. This is a very important question and quite worth considering. A motion to fix the time to which the House shall adjourn is pertinent to a motion to adjourn. Is it possible that if ten men got here at the beginning of Congress, they could not fix the time to which they should adjourn. The power to adjourn over is involved in the power of the House to adjourn, and it has been so ruled a hundred times.

The SPEAKER pro tempore. The Chair has decided that point. Mr. HOLMAN. I move that the House do now adjourn.

The question was taken; and, on a division, there were-ayes 47,

So the House refused to adjourn.

Mr. SAYLER. I move that when the House adjourns it adjourn

to meet on Monday next.

The question was taken; and on a division, there were—ayes 74,

The SPEAKER pro tempore. The ayes have it.

So the motion was agreed to.

Mr. RANDALL. I make the suggestion that to-morrow be set apart

for debate upon any subject.

Mr. PAGE, and Mr. BAKER of Indiana, objected.

Mr. HOLMAN. I call for the yeas and nays on the motion to ad-

Mr. BLACKBURN. I make the point of order, Mr. Speaker, that the Chair having decided that the motion was agreed to and the decision having been announced to the House, it is too late for the gentleman to call for the yeas and nays. I will state further on the point of order that the Chair had entertained another motion. After having decided that the motion to adjourn over was adopted, the Chair accepted at the hands of the gentleman from Pennsylvania another proposal and submitted it to the House. The gentleman from Pennsylvania asked that the House should meet to-morrow for

debate only, which was subsequent to the decision of the Chair that the motion was agreed to.

Mr. ATKINS. I hope that no one will object to having a session to-morrow for debate. There are a great many gentlemen here who want to address the House, and I think it unkind for any gentleman

Mr. RANDALL. My proposition is for general debate on any sub-

ject

Mr. HOLMAN. I wish to make a statement. I rose at the same time the gentleman from Pennsylvania did for the purpose of calling for the yeas and nays. The gentleman from Pennsylvania began to submit his proposition to the House that to-morrow should be set apart for general debate only.

Mr. BAKER, of Indiana. To save trouble I will withdraw my objection to a session for debate to-morrow.

Mr. HOLMAN. I wish to state the facts. The gentleman from Pennsylvania began to make his proposition and I did not at once call for the yeas and nays. It was not until some gentleman objected to a session to-morrow that I made the call, so that the gentleman from

a session to-morrow that I made the can, so that the gentleman from Kentucky was correct in making his statement.

Mr. RANDALL. What I propose is that the session to-morrow shall be for debate on any subject, with the understanding that no business shall be done.

Mr. PAGE and Mr. HOAR objected.

The SPEAKER pro tempore. The Chair will decide the point of order raised by the gentleman from Kentucky, [Mr. BLACKBURN,] that it is in order and competent for the yeas and nays to be demanded upon the motion to adjourn over, no business having intervened. The Chair was interrupted by a point of order, and the Chair holds that

the call for the yeas and nays was in time.

Mr. BLACKBURN. Will the Chair permit me on the point of order simply to say that the gentleman from Indiana has himself just stated that the point of order made by myself was well taken; that the Chair had announced that decision on the motion to adjourn over, chair had announced that decision on the motion to adjourn over, and that subsequent business intervened, which was the request made by the gentleman from Pennsylvania [Mr. RANDALL] for unanimous consent; and that upon the Chair submitting that request to the House and objection being made upon the other side, then, and not until then, did the gentleman from Indiana call for the yeas and nays; so that the Chair had decided the question, if the gentleman from Indiana is correct, before his call for the yeas and nays and had entertained the request of the gentleman from Indiana.

The SPEAKER protempore. The Chair heard the call for the yeas and nays before the other request was made.

and nays before the other request was made.

Mr. HOLMAN. The gentleman from Kentucky is only mistaken in one respect, and that is as to my conceding that his point of order was well taken. I stated that when I called for the yeas and nays I did not do it at once. The gentleman from Pennsylvania [Mr. RANDALL] rose at the same time, and I admit that I heard some gentleman object to his proposition before I called for the yeas and nays. If in this state of facts I was in time, then I insist on the call. I did not call at once. not call at once. The gentleman from Pennsylvania made a proposition first, which was objected to.

The SPEAKER pro tempore. Is the call withdrawn or insisted on?

Mr. HOAR. Will the gentleman from Indiana allow me to say that

if my objection to a session for debate to-morrow is the only thing that stands in the way of closing the matter, I will withdraw the ob-

I will suggest that if any gentleman has any remarks but I will not withdraw my objection to a session to-morrow.

Mr. BEEBE. I understand that the House has already ordered that when it adjourns to-day it be to meet on Monday next.

The SPEAKER pro tempore. That is the order of the House, the

call for the yeas and nays not being insisted upon.

Mr. BEEBE. Then I move that the House do now adjourn. The motion was agreed to; and accordingly (at five o'clock and fifty-five minutes p. m.) the House adjourned until Monday next.

### PETITIONS, ETC.

The following memorials, petitions, and other papers were presented at the Clerk's desk under the rule, and referred as stated: By Mr. ANDERSON: The petition of Captain David Stinger, for

y for forage furnished the horses of his company in the Thirteenth

By Mr. BANNING: The petition of George P. Borden and 27 other officers of the United States Army, for legislation declaring the rule of promotion in the line of the Army, to the Committee on Military

By Mr. BASS: Resolutions of a joint meeting of the Board of Trade and citizens of Buffalo, remonstrating against the passage of the bill for bridging Detroit River, to the Committee on Commerce.

Also, resolutions of a joint meeting of the Board of Trade and citi-

zens of Buffalo, recommending certain steps with reference to the improvement of the navigable channel at the lime-kilns in Detroit River, to the same committee.

By Mr. BELL: Resolutions of the Board of Trade of Manchester,

New Hampshire, relating to specie payments and the tariff, to the Committee on Banking and Currency.

By Mr. BROWN, of Kentucky: The petition and papers relating thereto of S. C. Vick and others, for compensation for services rendered and supplies furnished the Federal Government during the late

war, to the Committee on War Claims.

By Mr. CASWELL: The petition of D. D. Davies, Frederick Gill, and other citizens of Spring Green, Wisconsin, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of ays and Means

By Mr. DANFORD: The petition of A. S. Corbly, F. M. Edwards, and other citizens of Amelia, Ohio, of similar import, to the same

By Mr. FARWELL: The petition of E. A. Clifford, postmaster at Evanston, Illinois, for relief, on account of the breaking into and robbing the post-office at said town of \$645.08, to the Committee on the Post-Office and Post-Roads.

By Mr. GOODIN: Papers relating to the claim of Benjamin P. Me-

By Mr. GOODIN: Papers relating to the claim of Benjamin P. Mc-Donald, to the Committee on War Claims.

By Mr. HATHORN: The petition of W. W. Warner and other citi-zens of Fulton, New York, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. HOLMAN: Memorial and resolutions of the greenback club of Mattoon, Illinois, against the demonetization of silver and in favor of greenbacks, based upon the resources and revenues of the nation, and the issue of an interconvertible bond, to the Committee on Banking and Currency.

Also, the protest and remonstrance of citizens of the District of Columbia against certain contemplated legislation affecting the loca-tion of certain railroads in said District, to the Committee on Public

Buildings and Grounds.

By Mr. KIDDER: The petition of the Good Templars of Yankton, Dakota Territory, officially signed, for a commission of inquiry con-cerning the alcoholic liquor traffic, to the Committee of Ways and Means

By Mr. LEAVENWORTH: The petition of S. P. Pierce and others, importers of china, glassware, &c., to reduce the duty on the same to 30 per cent., to the Committee of Ways and Means.

By Mr. MEADE: Memorial of the New York Cheap Transportation

Association, relative to the construction of a bridge across Detroit River, to the Committee on Commerce.

By Mr. NORTON: The petitions of citizens of Dunkirk, New York, for an appropriation to complete the channel and breakwater in Dun-

By Mr. O'NEILL: Memorial of the Franklin Institute of Pennsyl vania, for the repeal of the steamboat act of 1872, which permitted the increase of steam pressure, and for the re-enactment of the former law on that subject, to the same committee.

By Mr. PAGE: Memorial of R. S. Griffin and 177 other citizens of

Utah, representing that the reports of the investigation by Congress regarding the Emma mine misled the public in respect to the mines of Utah and are most unjust to the Emma mine, showing the great value of that mine and its loss through mismanagement, to the Committee on Foreign Affairs.

Also, memorial of R. P. Souresbery and 73 other citizens of Utah,

of similar import, to the same committee.

By Mr. PIERCE: Three petitions of the masters and owners of vessels engaged in the coasting trade, that compulsory pilotage be abolished so far as licensed and enrolled vessels are concerned, to the Committee on Commerce.

Also, the petition of merchants of Massachusetts, of similar im-

port, to the same committee.

By Mr. RANDALL: The petition of the First Presbyterian church of Philadelphia, signed by the pastor and officers, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. ROBBINS, of Pennsylvania: The petition of William Baldwin and other manufacturers of the twenty-third ward, Philadelphia, that the present tariff laws remain undisturbed, to the same committee.

By Mr. TEESE: The petition of the South Park church of Newwark, New Jersey, signed by the pastor and officers of the church, for a commission of inquiry concerning the alcoholic liquor traffic, to the same committee.

By Mr. TOWNSEND, of Pennsylvania: The petition of Robert O. Smedley, T. B. Evans, and other citizens of West Chester, Pennsylvania, of similar import, to the Committee on the Judiciary.

Also, the petition of Daniel S. Lukens, Howard Preston, and other citizens of Chester County, Pennsylvania, of similar import, to the

Also, the petition of Jesse Hicken, for a pension, to the Committee on Invalid Pensions.

By Mr. WHITING: The petition of 555 legal voters of Illinois and 444 women over the age of eighteen years, to prohibit the manufacture and sale of alcoholic liquors as a beverage in the District of Columbia and Territories of the United States, and to require total abstinence on the part of all officers and subordinates in the civil and military service of the United States; and to appoint a commission to investigate and report the effects of the liquor traffic on the health, intelligence, industry, property, crime, and pauperism; also upon taxation, revenue, and general welfare of the people of the United States, to the Committee of Ways and Means.

By Mr. WIGGINTON: The petition of citizens of Inyo County,

California, for relief, to the Committee on Public Lands.

By Mr. WILLIAMS, of New York: Remonstrance of Lawrence Hargroves and others, against any change in the tariff laws, to the Committee of Ways and Means.

By Mr. WOOD, of Pennsylvania. The petition of J. B. Moorhead and 68 other citizens of Montgomery County, Pennsylvania, of similar

import, to the same committee.

# IN SENATE.

# MONDAY, March 27, 1876.

Prayer by the Chaplain, Rev. Byron Sunderland, D. D. The Journal of the proceedings of Friday last was read and ap-

EXECUTIVE COMMUNICATIONS

The PRESIDENT pro tempore laid before the Senate a letter from the Secretary of War, transmitting, for the information of the Committee on Military Affairs, a communication from George R. Cecil, second lieutenant Thirteenth Infantry, relative to the reduction of the pay of second lieutenants, giving his objections thereto, with an indorsement by his post commander; which was referred to the Committee on Military Affairs, and ordered to be printed.

He also laid before the Senate a letter from the Secretary of War,

transmitting a communication from the Commissary-General of Sub sistence, dated the 20th instant, asking for an early appropriation of \$300,000 on account of subsistence of the Army for the fiscal year commencing July 1, 1876, with authority to expend the amount appropriated during the current fiscal year, to enable the Subsistence Department to purchase supplies for the remote posts in Arizona, New Mexico, Texas, Montana, and Dakota, during the months of April and May, 1876, in order to reach those posts early in the next fiscal year; which was referred to the Committee on Appropriations, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Pennsylvania, presented two petitions of citizens of Blair County, Pennsylvania; two petitions of citizens of Philadelphia, Pennsylvania; a petition of workingmen of Dauphin County, Pennsylvania; two petitions of workingmen of Montgomery County, Pennsylvania; three petitions of workingmen of Lawrence County, Pennsylvania; a petition of workingmen of Huntingdon County, Pennsylvania; sylvania; a petition of workingmen of Berks County, Pennsylvania; a petition of workingmen of Lehigh County, Pennsylvania; and a petition of workingmen of Bedford County, Pennsylvania, praying that the tariff laws may remain undisturbed; which were referred to the Committee on Finance.

He also presented the memorial of Samuel Riddle, William Simpson, John Ledward, J. P. Crozier, and 620 other manufacturers, mechanics, and citizens of Delaware County, Pennsylvania, remonstrating against the passage of any act reducing the duties on imported articles that enter into competition with American manufactures; which was re-

ferred to the Committee on Finance.

Mr. FRELINGHUYSEN. I present the memorial of workingmen of Passaic, New Jersey, remonstrating against the proposed change in the tariff laws. I observe they say in their petition that while they are ready to bear with resolution their share of the depression which exists all over the world, that resolution will be changed to despair if the proposed tariff bill passes. I move the reference of the petition to the Committee on Finance.

The motion was agreed to.

Mr. FRELINGHUYSEN presented a petition of pensioners of the
United States, residing in New Jersey, praying that Congress in deference to their interests will not pass a law changing the present mode of paying pensions; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. KERNAN presented a petition of the Lodge of Good Templars of Brooklyn, New York, praying for the prohibition of the manufac-ture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the petition of T. M. Eddy, William Ross, and

other citizens of New York, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories; which was referred to the Committee on the District of Columbia.

He also presented the memorial of John G. Reither, Edward T. Jackson, and 11 other business men of Brooklyn, New York, remonstrating against the repeal of the bankrupt act; which was referred to the

Committee on Finance.

He also presented the petition of William M. Whitney and George He also presented the petition of William M. Whitney and George T. May, praying for a just and equitable disposition of the money awarded to the United States by the tribunal of arbitration at Geneva; which was referred to the Committee on the Judiciary.

Mr. BOUTWELL presented the petition of the First Methodist church of Chelsea, Massachusetts, signed by pastor and officers, praying for prohibitory legislation for the District of Columbia and the

Territories, the prohibition of the foreign importation of alcoholic liquors, that total abstinence be made a condition of the civil, military, and naval service, and for a constitutional amendment to prohibit the traffic in alcoholic beverages throughout the national domain; which was referred to the Committee on the District of Columbia.

He also presented the petition of Rev. H. T. Cheever, H. R. Greene, and other citizens of Worcester, Massachusetts, praying for the prohibition of the manufacture and sale of alcoholic liquor in the District of Columbia and the Territories; which was referred to the Com-

mittee on the District of Columbia.

Mr. BOUTWELL. I present a joint resolution of the Legislature of Massachusetts in regard to the metric system of weights and measures, which I ask may be read and referred to the Committee on

The PRESIDENT pro tempore. The resolution will be reported and referred to the Committee on Finance, if there be no objection.

The Chief Clerk read as follows:

COMMONWEALTH OF MASSACHUSETTS.

In the year one thousand eight hundred and seventy-six.

Resolution in favor of the introduction of the metric system of weights and measures.

Resolved. That the Senators and Representatives in Congress from this Commonwealth are hereby requested to forward by all legitimate means the introduction of the metric system of weights and measures as the sole legalized standard throughout the United States.

Resolved, That the governor be, and he is hereby, requested to transmit to each of the Senators and Representatives in Congress a copy of the foregoing resolution.

House of Representatives, March 3, 1876.

Passed: sent up for concurrence.

GEORGE A. MARDEN, Clerk.

SENATE, March 9, 1876.

Passed in concurrence.

S. N. GIFFORD, Clerk.

SECRETARY'S DEPARTMENT, BOSTON, March 24, 1876.

A true copy.

HENRY B. PEIRCE, Secretary of the Commonwealth.

Mr. CHRISTIANCY presented a memorial of the bar of East Saginaw, Michigan, in reference to the Federal courts in that State; which was referred to the Committee on the Judiciary.

Mr. CAMERON, of Wisconsin, presented the petition of J. C. Penberthy and other citizens of Wisconsin, praying for a general law to prohibit the liquor traffic within the national jurisdiction; which was referred to the Committee on the District of Columbia.

He also presented the petition of M. F. Taylor and other citizens of Wisconsin, praying for the prohibition of the manufacture and sale of alcoholic liquors in the District of Columbia and the Territories;

which was referred to the Committee on the District of Columbia.

Mr. WRIGHT presented the petition of Isaac Herring, of Polk
County, Iowa, praying to be allowed a pension; which was referred
to the Committee on Pensions.

Mr. EDMUNDS. I present the petition and remonstrance of sundry citizens of Washington, against railroads on the public grounds, &c., which I ask may be referred to the Committee on Public Buildings and Grounds. I introduced last week a bill for the removal of ings and Grounds. I introduced last week a bill for the removal of the railroads on the public grounds, which, I understand, was referred contrary to my motion to the Committee on the District of Columbia. I understand that that matter properly belongs to the Committee on Public Buildings and Grounds, and I move a change of

The PRESIDENT pro tempore. The Chair hears no objection and that change of reference will be made. This petition will be referred

to the Committee on Public Buildings and Grounds.

Mr. CONKLING. I present a memorial signed by many business men, leading citizens of the county of Clinton, in the State of New York, saying that they observe with alarm the introduction of a scheme for tariff reduction and revision; which, in very earnest language, they protest against. I move the reference of this memorial to the Committee on Finance.

The motion was agreed to.

Mr. WITHERS presented the petition of Weisiger & Co., A. L. Allett & Co., and other merchants and business men of Richmond, Virginia, praying for a repeal of the bankrupt law; which was referred to the Committee on the Judiciary.

He also presented a communication from Governor Kemper, of Virginia, transmitting resolutions of the General Assembly, and the pe-

tition of the Virginia Military Institute, praying compensation for building, library, and scientific apparatus burned by order of General Hunter, commanding United States troops, during the late war; which was referred to the Committee on Claims.

Mr. MAXEY presented a joint resolution of the Legislature of Texas instructing her Senators and requesting her Representatives to urge upon Congress the early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the Army and Navy of the United States in the Mexican war; which was

referred to the Committee on Pensions.

• Mr. MAXEY. I also present the petition of John G. Walker, of Texas, praying for the removal of his political disabilities. I will say that I have known General Walker since 1846, and he is an honorable gentleman. I commend his prayer to the consideration of the Committee on the Judiciary, to which I move that the petition be referred.

The motion was agreed to.

Mr. WALLACE presented three petitions from citizens of Mifflin County, Pennsylvania, praying that the tariff laws may be undisturbed for the present; which were referred to the Committee on Fi-

Mr. BOGY presented a petition of pensioners of the United States, residents of the State of Missouri, praying for the continuance of the present system of paying pensions; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

Mr. THURMAN. I present a petition of twenty-six persons who were lately soldiers in the Union Army, who represent that in the late war each of them lost an eye, and pray for the relief that is mentioned in the patition. The petition is short and I ask that it may be read

in the petition. The petition is short, and I ask that it may be read.

The PRESIDENT pro tempore. The Secretary will report it.

The Chief Clerk read as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

ica in Congress assembled:

We, the undersigned, citizens of the United States, do respectfully and humbly petition your honorable bodies, and would represent that during the civil war of 1861 we abandoned for the time being our civic avocations and entered the military service of our country, and that during our connection with the Army, and while in the line of our duty as citizen-soldiers of the United States, we were the recipients of many severe wounds, and that we have each of us lost an eye.

And we would further respectfully represent that the loss of an eye secured for the "Roman soldier Flavius an augmentation of his pay, the civic crown, and other honors;" that in modern times such disfigurement is deemed a fit subject of reproach, and often hinders employment; that we regard the disfigurement from which we suffer, both bodily and mentally, as fully equivalent to the loss of a limb. We therefore earnestly and respectfully petition your honorable bodies that each of us may be furnished with an artificial eye, or in lieu thereof commutation in money for same equal to that now received by soldiers who have lost a limb.

The PRESIDENT was tempore. The petition will be referred to the

The PRESIDENT pro tempore. The petition will be referred to the

Committee on Military Affairs.

Mr. BOOTH presented a concurrent resolution of the Legislature of California, in favor of a repeal of the amendment to the postal laws increasing the rates of postage on third-class mail matter from one cent per two ounces to one cent per ounce; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. SHERMAN presented six memorials of the workingmen of Jefferson, Vinton, Perry, Ashtabula, Lawrence, and Belmont Counties,

in the State of Ohio, remonstrating against any immediate alteration of the tariff laws; which were referred to the Committee on Finance.

Mr. OGLESBY. I present the memorial of the National Board of Trade, praying that a committee be appointed on commercial relations between the United States and Canada. If I may be indulged, as this memorial is now, when I will read it. this memorial is very short, I will read it:

Memorial of the National Board of Trade of the United States to the honorable Senate and House of Representatives of the United States in Congress assembled:

and House of Representatives of the United States in Congress assembled:

The National Board of Trade respectfully petitions the honorable the Senate and House of Representatives that the President of the United States be authorized to appoint, at an early day, a commission of not less than five merchants and business men, familiar with the subject, to confer on the part of the United States with a like commission on the part of the Dominion of Canada on the subject of a treaty for reciprocal trade and commercial relations between the United States and the Dominion of Canada; said joint commission to be authorized on the part of their respective governments to suggest and recommend the details of provisions for such treaty, subject to the concurrence of the respective Governments of the United States, the Dominion of Canada, and of Great Britain.

Respectfully submitted, by order and on behalf of the National Board of Trade.

FREDERICK FRALEY, of Philadelphia,

President.

CHARLES RANDOLPH, of Chicago, Secretary. Washington, February, 1876.

I submit with this memorial the letter transmitting it from the secretary of the National Board of Trade, and I move that both papers be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. OGLESBY presented the petition of 37 citizens of the State of Illinois, praying Congress for the removal of the two-cent United States stamp tax on bank-checks; which was referred to the Committee on Finance.

He also presented the petition of 154 pensioners of the State of Illinois, in favor of the present system of paying pensions; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

He also presented the petition of David H. H. Sims, a soldier in the war of 1861, praying to be allowed a pension for wounds received while

charging works at Fort Blakely, Alabama; which was referred to the Committee on Pensions.

He also presented the petition of citizens of Decatur, Illinois, praying Congress to maintain the present rate of duty on linseed and linseed oil; which was referred to the Committee on Finance.

He also presented the petition of H. A. Mills, and 38 other citizens of Mount Carroll, Illinois, praying Congress for the removal of the two-cent United States stamp tax on bank-checks; which was referred to the Committee on Finance.

He also presented the petition of Harris B. Lovell, of Kane, Greene County, Illinois, formerly a private in the One hundred and twenty-second Regiment of Illinois Infantry, praying to be allowed a pension; which was referred to the Committee on Pensions.

Mr. MORTON presented the memorial of William H. English and other citizens of Indiana, praying that the tariff laws may remain undisturbed; which was referred to the Committee on Finance.

Mr. SPENCER presented the petition of James G. Naylor, praying that he may be allowed to complete the work of building the "Western market," in the city of Washington, in accordance with his contract heretofore made with the District commissioners; which was referred to the Committee on the District of Columbia.

#### REPORTS OF COMMITTEES

Mr. WRIGHT, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1589) to amend section 190 of the Revised Statutes, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 422) to amend section 190 of the Revised Statutes, reported adversely thereon, and the bill was postponed indefinitely.

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads,

Mr. HAMLIN, from the Committee on Post-Offices and Post-Roads, to whom was referred a resolution of the Senate directing that committee to inquire into some mode of bringing the Post-Office Department nearer to a self-sustaining basis, reported a bill (S. No. 650) fixing the rate of postage on third-class mail matter, and for other purposes; which was read and passed to the second reading.

Mr. STEVENSON, from the Committee on Revolutionary Claims, to whom was referred the petition of Osceola C. Green, administrator de bonis non and one of the heirs of Uriah Forrest, deceased, asking such herislation as will authorize newment to the estate of said deep.

such legislation as will authorize payment to the estate of said decedent of the amount of half-pay allowed by law for services rendered by him in the war of the Revolution, submitted an adverse report

thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Wade Hopkins, of Mississippi, sole surviving heir of Colonel David Hopkins, late of South Carolina, deceased, praying for commutation of half pay as officer in the revolutionary war, and for re-imbursement of certain moneys advanced by Colonel David Hopkins in aid of the war, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the petition of Rebecca Frances Bailey, only child and heir at law of Lieutenant Edward Lloyd, deceased, of the Continental Line, for half pay for life due Lieutenant Lloyd, submitted an adverse report thereon; which was agreed to, and ordered to be printed.

Mr. CLAYTON, from the Committee on Military Affairs, to whom was referred the bill (S. No. 203) for the relief of John L. Buck, of Pine Bluff, Arkansas, asked to be discharged from its further consideration, and that it be referred to the Committee on Claims; which was agreed to.

He also, from the same committee, to whom was referred the petition of John T. Tayler, late private of Company M, First Maryland Cavalry Volunteers, praying to have his army record corrected by the removal therefrom of the charge of desertion, reported adversely

thereon; and the report was agreed to.

He also, from the same committee, to whom was referred the bill (S. No. 296) to equalize fees allowed attorneys for collecting pay or

bounty, reported it without amendment.

He also, from the same committee, to whom was referred the bill (S. No. 216) for the relief of Lieutenant James B. Sinclair, United States Army, reported adversely thereon; and the bill was postponed

Mr. FRELINGHUYSEN. I move that the Senate proceed to the consideration of Senate bill No. 13, to amend the fourteenth section of the act to establish the judicial courts of the United States, approved

September 24, 1789.

Mr. COCKRELL. I ask the gentleman to give way that I may make a report or two from the Committee on Military Affairs, as reports are in order now.

Mr. FRELINGHUYSEN. If the bill is taken up I will give way for

Mr. FRELINGHUYSEN. If the bill is taken up I will give way for any morning business. I want to get it before the Senate.

The PRESIDENT pro tempore. The morning business is not concluded yet. The Senator from Missouri is entitled to the floor if he rises with a report.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the petition of Lovel Moore, of Florida, praying compensation for services as a soldier in the Army of the United States during the war of 1812, submitted an adverse report thereon; which was agreed to and ordered to be wrinted. as agreed to, and ordered to be printed.

He also, from the same committee, to whom was referred the peti-

tion of Samuel H. Leavitt, late Company C, Eighty-sixth New York Volunteers, praying payment of arrears of pay as lieutenant, submitted an adverse report thereon.

Mr. KERNAN. I should like that report to lie over.

The PRESIDENT pro tempore. The printed, if there be no objection. The report will lie on the table and

Mr. CAMERON, of Wisconsin, from the Committee on Commerce, to whom was referred the bill (S. No. 336) to authorize the construction of a ponton-bridge across the Mississippi River, from some feasible point in La Crosse County, in the State of Wisconsin, to some feasible point in Houston County, in the State of Minnesota, reported it without amendment.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 108) for the relief of Lieutenant Isaac S. Lyon, reported adversely thereon; and the bill was postponed indefi-

nitely.

Mr. BURNSIDE. I am also directed by the same committee, to whom was referred the bill (S. No. 291) for the relief of Francisco V.

De Coster, to report adversely.

Mr. WINDOM. I ask that that may go on the Calendar. I think a bill was passed very much like it the other day. I should like to have time to examine it.

The PRESIDENT pro tempore. The bill will be placed on the Calendar with the adverse report of the committee.

Mr. BURNSIDE, from the Committee on Military Affairs, to whom was referred the bill (S. No. 126) to restore appointments and promo-tions to the Pay Department of the Army, reported it with an amendment.

Mr. CONKLING. The Committee on Commerce, to whom was referred the bill (H. R. No. 2135) relating to the execution of custom-house bonds, direct me to report the same back with one amendment. I ought to say I think that but for the fact that the Senator from New Jersey and one or two other Senators have signified a wish to take up other bills this morning, I would ask that this bill be considered now. I will ask at an early time, if it be the pleasure of the Senate, that it may be considered.

The PRESIDENT pro tempore. The bill will be placed on the Cal-

Mr. CONKLING, from the Committee on Commerce, to whom was referred the bill (H. R. No. 726) to change the name of the steamboat Charles W. Mead, reported it without amendment, and submitted a

report thereon; which was ordered to be printed.

Mr. THURMAN. I am instructed by the Committee on the Judiciary, to whom was referred the bill (H. R. No. 356) concerning cases in bankruptcy commenced in the supreme courts of the several Territories prior to the 22d day of June, 1874, and now undetermined therein, to report it without amendment, with the recommendation that it pass. I will state that this bill simply provides for sending the papers which were in the supreme courts of the Territories to the district courts of the Territories, upon which jurisdiction in bank-ruptcy has been conferred by law. The jurisdiction was taken from the supreme courts of the Territories, but there was no provision for transmitting the papers in the cases there pending to the district courts; and the consequence is that the supreme courts of the Territories cannot proceed for want of jurisdiction, and the district courts cannot proceed for want of papers. The bill simply provides for transferring the papers, and there can be no objection whatsoever to it. I will state further, that whether the bankrupt law be repealed or not repealed, this bill ought to pass; for any repeal or proposed repeal I suppose would save pending cases. This bill is therefore necessary whether the bankrupt law be repealed or be not repealed. I ask that the bill may be put on its passage. I see no reason why there should be any delay.

Mr. MORTON. That bill, I think, will lead to some discussion. I gave notice last week that I would this morning ask the Senate to

take up and dispose of the resolution to investigate the election in Mississippi; and if there is no motion pending I now move to proceed to the consideration of that resolution.

The PRESIDENT pro tempore. The morning hour has not expired, and there is unfinished business which comes up after the morning

Mr. THURMAN. I hope the Senator from Indiana will not object to the present consideration of this bill. There cannot be any discussion upon it, for the bill simply provides to transfer the papers from a court that has lost jurisdiction to a court that has jurisdiction. What discussion can that give rise to?

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? Does the Senator from Indiana object?

Mr. MORTON. I inquire if there is a motion pending?
Mr. THURMAN. I move that the Senate proceed to the consideration of the bill which I have just reported.

Mr. MORTON. I move to amend the motion by inserting the Mis-

sissippi resolution.

The PRESIDENT pro tempore. If the Senator from Indiana objects, the bill cannot be taken up. Mr. MORTON. I object, then.

The PRESIDENT pro tempore. Objection being made, the bill will be placed on the Calendar.

APRIL 14.

Mr. SPENCER. I am directed by the Committee on the District

of Columbia, to whom was referred the petition of John M. Langston, John F. Cook, and others, praying that a holiday may be allowed employes of the Government Departments on April 14, 1876, to enable them to attend the ceremony of inaugurating a monument to the memory of Abraham Lincoln, to report a joint resolution, and I ask for its present consideration.

By unanimous consent, the joint resolution (S. R. No. 12) declaring the 14th day of April, 1876, a holiday, was read three times, and passed. The preamble recites that on the 14th day of April next, a statue secured by the contributions of the freedmen of the country to the memory of Abraham Lincoln, late President of the United States, will be unveiled with appropriate ceremonies in Lincoln Park, Washington City, District of Columbia; and that all persons desir-ing to do so should be given the opportunity of attending such exercises, thus by their presence honoring the memory of our martyred President. The resolution therefore provides that all persons employed in the various Departments of the Government situated in the District of Columbia be granted a general holiday on the 14th day of April, 1876.

#### MORAN'S PAINTINGS AT THE CENTENNIAL.

Mr. HOWE. The Committee on the Library, to whom was referred the joint resolution (S. R. No. 11) to authorize the Joint Committee on the Library to send two paintings by Thomas Moran to be exhibited at the centennial exhibition at Philadelphia, instruct me to report it back, with an an amendment, and to recommend its passage; and as it will take but a moment I presume, I ask for its present con-

By unanimous consent, the joint resolution was considered as in

Committee of the Whole.

The joint resolution was reported from the Committee on the Library, with an amendment to strike out all after the word "authorized," in line 4, and insert:

To permit Thomas Moran to exhibit at the international exposition at Philadelphia the two paintings executed by himself, entitled "The Cañons of the Yellowstone" and the "Chasms of the Colorado:" Provided, The said Moran shall cause the same to be insured to the satisfaction of the chairman of the Joint Committee on the Library of Congress for the benefit of the United States against loss by accident or otherwise, and shall return the same to their places in the Capitol on or before the 1st day of December next.

So as to read:

That the Joint Committee on the Library of Congress be, and they are hereby, authorized to permit, &c.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

## BILLS INTRODUCED.

Mr. EDMUNDS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 651) to provide that all pensions on account of death, wounds received, or disease contracted in the service of the United States since March 4, 1861, which have been granted, or which shall hereafter be granted on application filed previous to January 1, 1880, shall commence from the date of death or discharge, and for the payment of the arrears of pensions; which was read twice by its title, Mr. EDMUNDS. I introduce this bill to oblige some worthy gen-

tlemen interested in it, but without expressing any opinion in favor of it myself. I move that it be referred to the Committee on Pensions.

The motion was agreed to.

Mr. CLAYTON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 652) for the relief of certain officers of the line of the Army who have been unlawfully overslaughed and deprived of promotion; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed.

He also asked, and by unanimous consent obtained, leave to intro-

duce a bill (S. No. 653) relative to promotions in the line of artillery, cavalry, and infantry; which was read twice by its title, referred to the Committee on Military Affairs, and ordered to be printed. He also asked, and by unanimous consent obtained, leave to intro-

duce a bill (S. No. 654) to amend section 3755 of the Revised Statutes

of the United States; which was read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. SARGENT asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 655) to confirm to the city of San José, in the State of California, the title to certain lands; which was read twice by its title, referred to the Committee on Private Land Claims, and ordered to be printed.

Mr. DAWES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 656) granting a pension to W. R. Browne; which was read twice by its title, referred to the Committee on Pensional Colorada and advantage of the committee of the committee on Pensional Colorada and advantage of the committee o sions, and ordered to be printed.

Mr. MORTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 657) for the relief of Thomas F. Ryan and

Charles J. Knighton; which was read twice by its title.

Mr. MORTON. I introduce by request this bill, the merits of which I am not acquainted with. I move its reference to the Committee on

The motion was agreed to.

Mr. KERNAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 658) extending the jurisdiction of the Court of Claims, and for other purposes; which was read twice by its title.

Mr. KERNAN. I introduce this bill by request. I do not know anything of its merits. In order to show it to some officers it is de-

sirable to have it printed. I move that it be referred to the Committee on Patents and printed.

The motion was agreed to.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 659) giving the Court of Claims jurisdic-tion to hear and determine the claim of William T. Pate and Silas Q.

Howe for taxes twice paid; which was read twice by its title, and, with accompanying papers, referred to the Committee on Claims.

Mr. DORSEY asked, and by unanimous consent obtained, leave to introduce a bill (8. No. 660) for the relief of H. K. Randall and others, for damages to their property on Pennsylvania avenue, Washington, District of Columbia; which was read twice by its title, and, with the accompanying petition, referred to the Committee on the District of

Mr. CONKLING asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 13) requesting the President of the United States to accept the invitation of Peru to join in a conference of the governments of North and South America with a view to the amelioration and codification of international law; which was

read twice by its title, referred to the Committee on Foreign Relations, and ordered to be printed.

Mr. DAWES (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 661) to provide for the organization. ization of the Territory of Oklahoma, and for the better protection of the Indian tribes therein; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

#### PAPERS WITHDRAWN.

On motion of Mr. MORRILL, of Maine, it was

Ordered, That Jennie L. Wall have leave to withdraw her petition and papers from the files of the Senate on leaving copies of the same.

#### AWARD BY VENEZUELA.

Mr. JONES, of Florida, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to inform the Senate how much money, if any, there is in the hands of his Department paid by the government of Venezuela on account of awards of the mixed commission between the Government of the United States and the government of Venezuela under treaty of April 25, 1866; and what objection, if any, there be to the distribution of any amounts now in his hands to the holders of said certificates of award.

# SERVICE OF WRITS OF MANDAMUS.

Mr. MORTON. I move that the Senate proceed to the consideration of the resolution for the investigation of the Mississippi elec-

Mr. SARGENT. Will that interfere with the unfinished business? The PRESIDENT pro tempore. It will not when the morning hour

Mr.FRELINGHUYSEN. I wish to give notice that to-morrow morn ing, as soon as the common business is over, I will call up Senate bill No. 13. I wish to say that that bill was up and was about being put upon its passage, when, at the request of a number of gentlemen on the other side of the Chamber principally, who wished to consider it, it was postponed, and has been postponed from time to time. I also wish to say that I propose to modify the bill in consequence of conferring with some who are opposed to it, and I think it will then meet the approval perhaps of all the Senators. At all events, I wish them to-morrow morning to give me an opportunity of having the bill considered, as it was waived for their consideration.

Mr. INGALLS. Can the Senator not submit his modification

Mr. FRELINGHUYSEN. Yes, sir. I propose to strike out all after the word "writs," in the fourteenth line, on the second page. The effect of the bill then will be simply this: Where a State officer refuses to execute the mandate of the court, the court has the power to appoint some one to execute that mandate, not interfering in any manner with the rights of the States or with their power of taxation.

I will explain the bill when it is brought up.

Mr. MORRILL, of Maine. I feel bound to say to the Senator that there is an appropriation bill, which has met the consideration of the Senate for half a day or so, which it is very important should pass at the earliest moment. I hope therefore the Senator will take into con-

Mr. FRELINGHUYSEN. I understand that any bill is subject to an appropriation bill, when the chairman of that committee insists

# THE MISSISSIPPI ELECTION.

Mr. MORTON. I renew my motion that the Senate proceed to the

Consideration of the Mississippi resolution.

The motion was agreed to; and the Senate proceeded to consider the following resolution, submitted by Mr. Morron December 15,

Whereas it is alleged that the late election in Mississippi for members of Congress, State officers, and members of the Legislature was characterized by great frauds, violence, and intimidation, whereby the freedom of the ballot was in a great measure destroyed, a reign of terror established, ballot-boxes stuffed, spurious

tickets imposed upon voters, so that a popular majority of more than 25,000 was overcome, and in its place was given an apparent but fraudulent majority of more than 25,000; and whereas the Legislature thus chosen will have the election of a Senator to represent that State in this body; and whereas if these allegations are true a great number of the citizens of the United States have had their rights under the Constitution and laws of the United States wickedly violated: Therefore

under the Constitution and laws of the United States wickedly violated: Therefore,

Resolved, That a committee of five Senators be appointed by the Chair to investigate the truth of the said allegations and the circumstances attending said election, with power to visit said State to make their investigations, to send for persons and papers, and to use all necessary process in the performance of their duties; and to make report to the Senate before the end of this session of their investigation and findings.

The PRESIDENT pro tempore. The question is on agreeing to the

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. DAVIS. Do I understand that the resolution is on its passage? The PRESIDENT pro tempore. It is on its passage.

Mr. DAVIS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHRISTIANCY. Before that question is put, I wish to offer an amendment making it somewhat more definite.

This resolution, with its present recitals, would seem to imply—although I do not know that was the intention of the Senator from Indiana in presenting it—that the Senate would have power to incit. Indiana in presenting it—that the Senate would have power to institute this inquiry for the purpose of inquiring into the election of State officers, members of the State Legislature, or members of the other House. While I am anxious to have the information called for by this resolution in some authentic form, I do not feel that I have any right to demand it for any prying curiosity of mine or on any ground except as it may have some legitimate bearing upon some matter over which the Senate has a right to act in its legislative or its executive capacity. In order to avoid that difficulty, I send to the Chair a substitute for the resolution of the Senator from Indiana, and ask that it may be read, and I hope the Senator from Indiana will accept the substitute in place of the original resolution.

The PRESIDENT pro tempore. The proposed substitute will be

read.

The Chief Clerk read as follows:

The Chief Clerk read as follows:

Whereas it is alleged that the late election in Mississippi, in 1875, for members of Congress and State officers and members of the Legislature was characterized by great frauds committed upon and violence exercised toward the colored citizens of that State and the white citizens disposed to support their rights at the election, and especially that the colored voters, on account of their color, race, or previous condition of servitude, were by intimidation and force deterred from voting or compelled to vote contrary to their wishes for candidates and in support of parties to whom they were opposed, and their right to the free exercise of the elective franchise as secured by the fifteenth amendment to the Constitution thus practically denied and violated, and that such intimidation has been since continued for the purpose of affecting future elections; and whereas the people of all the United States have an interest in and a right to insist upon the enforcement of this constitutional amendment, and Congress, having the power to enforce it by appropriate legislation, cannot properly neglect the duty of providing the necessary legislation for this purpose: Therefore,

\*\*Resolved\*\*, That a committee of five Senators be appointed by the Chair to investigate the truth of these allegations and to inquire how far these constitutional rights have in the said election been violated by force, fraud, or intimidation, and to inquire and report to the Senate before the end of the present session whether any, and, if so, what, further legislation is necessary to secure to said colored citizens the free enjoyment of their constitutional rights, and that said committee be empowered to visit said State, to send for persons and papers, to take testimony on oath, and to use all necessary process for these purposes.

Mr. MORTON. If I understand the amendment correctly, I think

Mr. MORTON. If I understand the amendment correctly, I think under it the whole investigation can be made, and it puts beyond question the constitutional power of the Senate to make the inquiry. I am willing, therefore, to accept the amendment.

Mr. CHRISTIANCY. Before the question is put I wish to say a few

vords upon the resolution.

Upon the grounds and for the purposes stated in this substitute I can vote for the committee of inquiry; and shall do so, with the hope that, when that inquiry shall be had and all the facts are before us, the result may show that the rumors and reports of the wrongs and outrages complained of have been greatly exaggerated, and that the inquiry may thus tend to allay, rather than increase, public excitement, and to promote harmony rather than discord between the dif-

ferent sections of the Union. I will not now undertake to prejudge the facts or the evidence. I have all along since the close of the war felt the strongest and the warmest sympathy for our southern fellow-citizens and the most ardent desire for the promotion of their prosperity and welfare, which it has seemed to me could only be secured by kindness, forbearance, magnanimity and conciliation. I have been disposed to judge them with more liberality, to put a more favorable construction upon their actions and motives, and to make more allowance for their prejudices, their habits, and occasional outbreaks of passion and even violence than most men of the political organization with which I have gener-ally agreed and acted. In judging of all these things I put myself in their place, and ask myself if our positions had been reversed and we of the North had been born and raised in the South, with the education, habits, modes of thought, and prejudices incident to their situation, and we, like them, had been the losing party in the great death-struggle of the war, how much better we should have been likely to conduct ourselves in the matter of reconstruction and reconciliation than they have done. This consideration, it is true, will not excuse a general and preconcerted defiance of the Constitution or of any of its amendments or of the laws passed in pursuance of it, nor any general movement or conspiracy, by violence or intimidation, to deprive the colored citizens or

those who choose to act with them of the free exercise of the right of suffrage secured to them by the Constitution and laws. But, when we consider that the South suffered much more severely than we did by the war; that their people had been educated with quite different ideas of society and government; that, by the abolition of slavery and giving the right of suffrage to those who had been so recently their slaves, their whole peculiar social system was suddenly torn asunder, and the opinions, prejudices, habits and modes of thought, under the influence of which they had grown up to manhood, necessarily disregarded; and when we reflect that the habits, opinions, and prejudices of generations cannot be suddenly changed by reason or by law; we must feel that we had no right to expect that the new order of things, conducted upon other ideas and principles from theirs, would move on smoothly and harmoniously from the first, nor without some jarring, some collisions. Some conflicts between the old and the new ideas, the old and the new systems, must naturally be expected, and due allowance should be made for errors and faults incident to the situation, until, by kindness, forbearance, and magnanimity, time should soften down asperities and make us one homogeneous people.

Such has been my hope, my most ardent desire; for until this shall be accomplished there can be no general prosperity in any portion of the Union, no safety, no solid and enduring peace. My ardent desire for such a consummation may have swayed my judgment and led me to judge our southern brethren too leniently. I hope not; for if it be a delusion it is one so in consonance with all the better impulses of my nature that I must cling to it until the unwelcome evidence compels its rejection. I did believe from the utterances and professions of the representative men throughout the South and of those in the North in political affiliation with them, as well as the professions of North in political affiliation with them, as well as the professions of southern Senators here at the last regular session of this body, that the constitutional amendments and the necessary laws for carrying them into full effect had been accepted in good faith, as the final result of the war; and that, though there might be local exhibitions of hostility and some local conflicts, yet that all idea of general resistance had been abandoned. But if the evidence upon this inquiry shall show that, instead of some merely local and sporadic outbreaks of violence and intimidation, there has been anything like general concert of action throughout the State of alarge part of the State for syscert of action throughout the State, or a large part of the State, for systematically intimidating colored voters and those who were inclined to vote with them, for the deliberate and common purpose of depriving them of the right of suffrage guaranteed by the Constitution, no one will, no one can, regret it more than I shall. And if future developments should show that such a determination exists generally among the white population of the Southern States, and there should appear to be a concert of action in such a common purpose, I shall be compelled to admit what I have thus far refused to admit, that the war is, indeed, not yet over. For, though there is the kindest feeling among almost all classes and all parties in the North toward their southern brethren, and there is nothing in their power they would not do to promote the prosperity of the South while the latter shows a disposition to submit in good faith to the results of the war and to abide by the constitutional amendments; they are not willing to give up all the results of the war, gained at the cost of so much blood and treasure, and that, too, with the prospect of another like bloody contest to secure the same result.

In this last quarter of the nineteenth century, after so much progress has elsewhere, as well as here, been made in the abolition of slavery and in the elevation of the oppressed, those men are simply insane who think that the people of the United States will permit a single backward step in the march of freedom, or that they will ever cease their efforts to secure the enjoyment of equal rights to all men, without reference to race or color, until every man, white or black, throughout every State, shall receive the equal protection of the laws, and be allowed to east his vote according to his own good-will and pleasure, with none to molest or make him afraid. But as yet I will indulge in no gloomy apprehension of any such general movement or designs on the part of our southern fellow-citizens, but still indulge the hope that I have not been mistaken in their intention to abide by the constitutional amendments in good faith, and that this inquiry

may tend to establish that fact rather than to refute it.

I have the less fear of the success of any general movement by any great party, for the repeal or nullification of those amendments, because, though there may be great numbers of men in the South who desire to go into such a movement, their representative men have certainly too much intelligence not to see that any party which should dare to place itself upon any such ground, in any of the Northern States, or to favor it after coming into power upon any other issue, would thereby sound its own death-knell, and become a stench and a by-word to the nation for all future time; and that every man who favored it would pray, but vainly pray, that his dastard act might be shrouded in oblivion, lest his descendants to the tenth generation might inherit his infamy. No, Mr. President, (as you have heard me say before,) upon this question, all parties at the North have given bonds to fate. None want another war, and all understand that, sooner or later, that would be the inevitable result of again opening those dangerous questions by the repeal or nullification of these amend-

But there are still other grounds for the hope I have expressed as to the result of this inquiry. I take it for granted that the people of Mississippi have common sense and ordinary sagacity, upon matters

pertaining to their own interest; and it seems to me obviously against their interests and destructive of their welfare to keep up the sharp line of division and bitter hostility between the different classes of voters, and to inaugurate a state of chronic internecine war between the holders of property and the population upon whose labor they must chiefly rely for the material prosperity of the State; and they must know, or ought to know, that in the matter of influencing or con-trolling the colored voters, habitual kindness, for bearance, and persuasion and the various humane resources of superior intelligence will in the end accomplish much better and greater results than powder and ball, and will melt down barriers against which artillery would thunder in vain.

Again, it seems difficult to believe that the very people who have so recently and so eloquently denounced military interference and intimidation at elections should now, of their own accord, inaugurate a system of violence and intimidation in elections still more cruel and ble to much greater abuses.

No, Mr. President, sober facts and stern realities, established upon clear testimony, can alone deprive me of the hopes I have expressed. And now, Mr. President, in conclusion, I wish to say, that in the views I have expressed, I have been influenced by no merely party interest or partisan consideration whatever, and that, upon the principle and the merits of any question touching the restoration of peace and har-mony between the different sections of the Union, no merely partisan success or partisan consideration shall ever sway my action the weight of a single hair. If, in the main, I shall act, as it is probable I shall, with one party rather than the other, it will be only because (and so long as) I think the principles and measures of that party the most likely to promote the permanent public good. But the public good, as God shall give me to see it, instead of the interests of party, shall be my sole guide. Party interests are temporary: the nation is for all time. These questions are so momentous and the interests involved so vital to the present and future welfare of the entire nation, that, in my estimation, they are as far above mere party politics as heaven is above hell; and to sacrifice, or even to imperil, any of these great interests for merely party success, would be a crime alike against God, against the nation, and humanity itself.

The PRESIDENT pro tempore. The Senator from Indiana has accepted the substitute. The question is on the resolution as modified. Mr. COOPER. I call for the regular order.

The PRESIDENT pro tempore. The morning hour has expired. Mr. MORTON. I think we can have a vote without any delay. I move to vertexe the present and all prior orders for the purpose of

move to postpone the present and all prior orders for the purpose of continuing the Mississippi resolution and disposing of it. I think we can do it in a few minutes.

The PRESIDENT pro tempore. The unfinished business is the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30, 1877, and for other purposes. The Senator from Indiana moves the post-ponement of this and all prior orders for the purpose of continuing

the Mississippi resolution.

Mr. SARGENT. I shall strenuously resist that unless it is distinctly understood that if the vote is not taken in a few minutes we shall go

on with the regular order.

Mr. MORTON. I think we can get a vote soon.

Mr. SARGENT. If it is understood that, in case this resolution is to be debated on either side, it will be laid aside for the unfinished business, I will not object; but an indefinite postponement I should feel called upon from my duty to the business of the Senate to object

Mr. WITHERS. I think it may be safely assumed that the propo-

sition will be debated.

Mr. BAYARD. I merely rise to ask that the amendment offered by the Senator from Michigan be printed. It touches a matter of the very gravest importance, of the highest and, as I think, most dangervery gravest importance, or the ingless and, as I think, host dangerous exercise of alleged constitutional power by the Congress of the United States. On the mere reading of such a paper from the desk of the Clerk from the manuscript presented it is quite impossible to comprehend its entire effect. I should also say that, having great respect for the ability and fairness of the Scuator from Michigan, I would be very glad to read his remarks before making any comment upon them. The low tone of voice in which he delivered them rendered them inaudible to a great portion of the Senators. For that reason I trust the Senator from Indiana will not press the consideration of the question at all, either on his original resolution or on the amendment of the Senator from Michigan, but that the regular order will be proceeded with in accordance with the motion of the Senator from California. The question cannot be passed on without discus-

Mr. MORTON. This matter has been before the Senate for a long time, and Senators have had opportunities of considering the question in all its constitutional bearings. The form in which the Senator from Michigan has put the resolution, it seems to me, takes away the last pretense that it is not within the constitutional power of the Senate to make the investigation; and, as I think the adoption of this resolution is of more importance now than any other measure that will come before the Senate for a brief period, I ask that the

question be put on my motion to postpone.

Mr. SARGENT. ·I am willing to be instructed by the Senate; but I should really like to know, at the threshold of the business which

the Committee on Appropriations are bringing forward, whether the ordinary course of the Senate will still be pursued, so that we can have the consideration of the appropriation bills which we have prepared. The Appropriation Committee during the last week were quite liberal; they gave way for the consideration of a bill in which the Senator from Indiana took a very natural interest, and which certainly ator from Indiana took a very natural interest, and which certainly was an important one; day after day I waited until that bill could be disposed of, giving notice, however, that as soon as it was disposed of I would ask that this important appropriation bill might be considered. I do not say that the appropriation bills are the only important business of the country; but there are so many of them that they must have way, or they will fail to pass. I shall look upon it as somewhat in the nature of a test whether it is desired that we shall press these bills, as we have done heretofore, on the attention of the Senate, at this session, at every comportantly. Senate, at this session, at every opportunity.

Mr. HAMLIN. Will the Senator before he takes his seat inform me whether the Committee on Appropriations have any other bill from the House now before them?

Mr. SARGENT. Not any other now before them; several are in committees of conference, however.

Mr. HAMLIN. There is no other appropriation bill before the committee?

Mr. SARGENT. No. The one in the most state of forwardness is

the legislative appropriation bill, which we hope to get soon.

Mr. HAMLIN. That is in the House. While I individually wish to be guided by the Appropriation Committee, it does not seem to me that we are now in a condition to anticipate any pressure in relation to the appropriation bills; and inasmuch as this other matter is one that has been long before the Senate, it does seem to me just and appropriate that we consider it, and that we shall do no injustice to the Appropriation Committee if we so vote, at the same time holding it to be a rule which will generally guide me to sustain that committee in getting its bills before the Senate, certainly whenever there is pressure or a want of time for the consideration of those bills.

Mr. SARGENT. One of the chief evils of legislation on appropria-

tion bills heretofore has been that they have been crowded into the very last of the session on almost any excuse. The Senate will ad-journ at half past two or three o'clock when those bills, which they say are so long pending, are ready for consideration, taking no action upon them; and week after week goes by, and month after month, until finally the Committee on Appropriations find themselves pressed in the last two weeks or the last week of the session with important business on their hands. Is it any wonder that there is careless legislation in them? Is it any wonder that the service is injured and that the Treasury is unnecessarily drawn upon? It is so year after year. Last year we succeeded, by persistently insisting, in getting some of the appropriation bills out of the way before that last period. Nevertheless the sundry civil bill and the deficiency bill, both of which ought to have been disposed of a fortnight before, were left to the very last night of the session.

It seems to me that in this very important bill the other House-as I shall call the attention of the Senate if I have the opportunity have entirely changed the foreign service; they have struck out consuls and reduced the salaries of ministers; and where a bill is before us, which, if adopted as it comes here, will have, as I believe, a baneful operation upon our foreign commerce and our foreign interests, we ought to take it up, and take it up in season, and consider it de-liberately, and determine whether such innovations ought to be made. I have no doubt it is a bill that will lead to a great deal of discussion. It ought to be discussed very fully pro and con. If there are any who can give reasons for the shape in which this bill reaches us from the other House, I am certainly anxious to hear them; and I have no doubt that many Senators, on the other hand, desire to give good reasons why the service should be maintained in something like its integrity for the sake of the business of the country. It is not like the ordinary appropriation bills heretofore reported; but it is an attempt at an entirely new departure, which requires careful consideration either to resist or to adopt. It seems to me that it ought to be taken up and considered at this time.

There is a probability that the various appropriation bills which we shall receive will contain very much this same question; that is to say, the service will be so changed, will be so mutilated by those appropriation bills, that a great deal more time than usual has got to be given to their consideration. They cannot be passed over in a few hours. The changes are not merely in principle, but in details, and time must be taken in order to do justice to the bills and justice

I consider it my duty to insist that we proceed with the unfinished business. Of course I am but one, and can only give my own vote; but I must say that I shall feel somewhat governed in my course hereafter by what action the Senate may take now.

Mr. EDMUNDS. The appropriation bill is undoubtedly important; the Government cannot go on without it. The resolution of the Sentaken place which it is publicly alleged have and are allowed to go on it that way and spread into other States, we shall not have any Government in a little while that will need any appropriation bills at all. Both these matters are of great importance; but, inasmuch as one of them is of that kind of importance which ought to require speedy inquiry in order either to vindicate the people of Mississippi

from a very widespread suspicion, or to ascertain what the tru(h may be if that suspicion is well founded, I believe it is our imperative duty to dispose of this resolution, which ought not to take more than a few hours. I cannot conceive any ground upon which, fairly conducted, it ought to occupy any considerable length of time. There will be plenty of time then to take up this bill about appropriations and to dispose of it. We have not fixed any day for the adjournment; we are under no pressure at this present time; but matters in the State of Mississippi, as they have been reported, and I certainly hope untruly, are in such a condition as to demand an inquiry, as it appears to me, on the part of Congress; but of course I dannot go into any discussion of the merits of either of these measures except so far as to show the importance of them. Now, therefore, although I almost always stand by the Committee on Appropriations, I s all feel compelled to vote in favor of the motion of the Senator from

Mr. SHERMAN. Mr. President, it is not only a rule, but the necessity is admitted usually, of giving the Committee on Appropriations the right to present its bills and have them acted on when they are ready for consideration. That rule or necessity is stronger now than ever before. We now know as a matter of daily history that the House of Representatives intend to present to us in these bills the consideration of every branch of the public service, not only upon the basis of existing law, but upon the basis of the law as they propose to make it, so that every law which affects a salary or expenditure is to be brought before us for revision and action in the appropriation bills. That has greatly delayed the appropriation bills in the other House-we have a right to speak of it as a matter of history so that of the bills which are usually in the Senate long before the 1st of March, and certainly long before the 1st of April, only two or three have passed the House. They will pass the House at a later period of the session than usual. It is perfectly obvious that the Senate, if they intend to keep up with the public business and pass the appropriation bills without being hurried at the close of the session, must take them up as they are presented in their order, so as to allow the Committee on Appropriations to consider the bills as they come over and have them acted on here as rapidly as they are presented.

I shall therefore vote with the Committee on Appropriations to take up their bills as they are presented against anything that I know of that is pending. I concede the importance of this Mississippi resolution. I was in hopes that the gentlemen on the left of the House would at once agree to this investigation on the basis now stated by the Senator from Michigan, and I am only surprised that the resolu-tion was not pressed before. Indeed I think it ought to have been passed in the first week of the session. After three months have rolled around, there is no greater necessity for it to-day than there was the day before yesterday or at any time within the last ninety or one hundred days. Therefore it is not wise for us to interfere with an order of business that has been established by the vote of the Senate, that to me to make an immediate necessity of the Mississippi case when there has been no necessity for it the last ninety days is to crowd aside business that we must consider and ought to consider dispassionately. If the Senator from California who has charge of the bill chooses to give way to-day for the Mississippi resolution, I have nothing to say; but as long as he says to us that there is an importance

in pressing that bill, I shall vote with him.

Mr. MORTON. I learn from the answer to the question asked by
the Senator from Maine that there is no other appropriation bill in the Senate now from the House except the one that has already been presented. The House, as I am told, is engaged on the legislative appropriation bill, and the House is still on the first section of it. They have had, I believe, two or three days of general debate on the bill without regard to any specific provisions; but I am advised— I heard a member of the House say last week, in talking about it, that he believed the House would be a month on that bill, and from the character of the bill I should not be surprised. Therefore I think the character of the bill I should not be surprised. Therefore I think there can be no hurry for the consideration of the present diplomatic appropriation bill. I do not apprehend that this resolution will take any great length of time. I do not desire to speak myself, and if there is to be any debate I think it will be very brief. I should be glad to have a vote immediately, if possible. Therefore I think the resolution ought to be taken up, and the public service in connection with the appropriation bills cannot suffer thereby. There are particular reasons why the resolution should now be disposed of ticular reasons why the resolution should now be disposed of.

The PRESIDENT pro tempore. The question is on the motion of

the Senator from Indiana.

The question being put, there were on a division—ayes 21, noes 26. Mr. MORTON. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

call the roll.

Mr. JONES, of Florida, (when his name was called.) I am paired with my colleague [Mr. CONOVER] on this question. If he were here he would vote "yea," and I should vote "nay," on this motion.

Mr. WITHERS. My colleague [Mr. JOHNSTON] has been called home by sickness in his family. I understood from him before he left that he was paired on all questions arising under this resolution with the Senator from Iowa, [Mr. WRIGHT.] If my colleague were

here he would vote "nay" on this proposition, and I presume the Senator from Iowa would vote "yea.

The roll-call having been concluded, the result was announced-yeas 28, nays 31; as follows:

YEAS—Messrs. Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Christiancy, Clayton, Conkling, Dorsey, Edmunds, Ferry, Freling-huysen, Hamilton, Hamlin, Harvey, Hitchcock, Ingalls, Logan, McMillan, Mitchell, Morrill of Vermont, Morton, Oglesby, Paddock, Robertson, Sharon, Spencer, and West—28.

West—28.

NAYS—Messrs. Bayard, Bogy, Booth, Caperton, Cockrell, Cooper, Davis, Dawes, Dennis, Eaton, English, Gordon, Howe, Kelly, Kernan, Key, McCreery, McDonald, Maxey, Merrimon, Norwood, Randolph, Ransom, Sargent, Sherman, Stevenson, Thurman, Wallace, Whyte, Windom, and Withers—31.

ABSENT—Messrs. Alcorn, Allison, Anthony, Conover, Cragin. Goldthwaite, Johnston, Jones of Florids, Jones of Nevada, Morrill of Maine, Patterson, Saulsbury, Wadleigh, and Wright—14.

So the motion was not agreed to.

#### PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. U. S. GRANT, jr., announced that the President had, on the 27th instant, approved and signed the act (S. No. 386) approving an act of the Legislative Assembly of Colorado Territory.

## CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1594) making appropriations for the consular and diplomatic service of the Government for the year ending June 30,

1877, and for other purposes.

The PRESIDENT pro tempore. The amendments of the Committee on Appropriations will be acted on as they are reached in the reading

of the bill in their order, if there be no objection.

Mr. SARGENT. Mr. President, a very few words preliminary to acting upon the amendments may perhaps be proper.

The bill which I hold in my hand, as it passed the House of Representatives, appropriated \$912,747.50. The Committee on Appropriresentatives, appropriated \$912,747.30. The Committee on Appropriations of the Senate have reported it back, with amendments, so that the amount is \$1,341,647.50. The amount of appropriations last year was \$1,374,985. That is to say, the bill which we now report to the Senate makes appropriations less than those made last year by \$33,337.50. These additions made by the Senate committee to the House bill are strictly in accordance with the service of last year. There is not an instance where we have increased a salary or created. There is not an instance where we have increased a salary or created an office. We have simply tried to preserve the integrity of the service for what we believe to be high public reasons. The reductions of \$33,000 and over are from the causes which I will now state. Here-5.5,000 and as the bill was passed by the House, the amanuensis of Mr. Schenck has been allowed \$2,500 on account of the minister's crippled arm. He being no longer minister, that item is not necessary for next year. The Mexican claims commission has closed its sary for next year. The Mexican claims commission has closed its business and the arbitrator has taken possession of it. That cost the present fiscal year \$28,700. We eliminate that clause from the bill. Following the statute of last year authorizing the contract to be made, \$5,000 was appropriated for a court-house and jail at Yedo, Japan. The contract has been made for a less sum, so that we are able to save in this bill \$1,150. There is a reduction in the Spanish claims commission in contingencies, and especially by rent, of \$3,088. The State Department is able to accommodate them in the new building, and thus save rent. One other item which makes up the amount is acknowledging the services of masters of vessels for the saving of life, \$500. The cost for ten years past has been an average of \$4,500. Five thousand dollars has been usually appropriated. It was thought that the average would not probably be exceeded, and it was safe therefore to make that reduction.

These are reductions of \$35,438, and account for the difference between this bill as reported back by the Senate committee and the bill of last year. I suppose the Senate is familiar with the nature of the changes that have been made in the consular and diplomatic service, and it will not be necessary for me, certainly not in any preliminary remarks, to call especial attention to them, or at any rate to make any extended reference to them. I will give an instance or two illustrating the nature of the House bill with reference to the

diplomatic service.

In 1856, twenty years ago, Congress fixed the salary of our ministers in Great Britain, France, Germany, and Russia at \$17,500, and that amount has been paid ever since. It perhaps was at the time somewhat of a reform, because the salary, the outfit, and the infit allowed to minof a reform, because the salary, the outher, and the line allowed to ministers, especially where they remained abroad but a year or two, made a greater amount than \$17,500 a year. This amount was fixed and has been paid ever since, and is not too large. The bill which we received from the House cuts these ministers down to \$14,000 each, which is too small. I will not discuss this particular provision unless some objection is made to restoring the salary to the amount fixed by the law in 1856, and as it has been ever since. the law in 1856, and as it has been ever since.

The same course is pursued with reference to the missions to Spain, Austria, Brazil, Mexico, Japan, &c. In the House bill there is a consolidation of Denmark, Sweden, and Norway under one minister, and \$6,.00 only allowed for the service of the minister. The South American republics are consolidated into very few missions, eleven of them reduced to four, contrary to our interests, political and commercial, as is believed by the Committee on Appropriations.

Then the House passed through with the consular service. They

leave out any of class 1 and class 2 in the bill by degrading those who are in class 1 down to class 3, and making a corresponding reduction down to the last class, where they eliminate consuls, leaving mere consular agents or entirely abolishing them.

In view of this action, in view of the features of the bill before us, which was referred to the Committee on Appropriations, the statement seems strange that the consular service is self-supporting, that it pays a revenue into the Treasury of a very large amount over and above expenses. It would seem from such a bill that this was a service in relieb there was a large deficiency and that it was a service in the consular service in the s above expenses. It would seem from such a bill that this was a service in which there was a large deficiency, and that it was necessary to cripple commerce, or take the risk of crippling commerce, in order to save the Treasury of the United States. The figures are that the total consular receipts for 1874-75 were \$.37,938.49; the whole cost of the consular service was but \$549,172.47; making an excess over cost of revenue into the Treasury above the expenses of \$148,816.02.

Mr. SHERMAN. Are all expenses included \$\frac{1}{2}\$ Mr. SARGENT. The figures include everything of every nature, loss of exchange, salaries, and everything else. Commerce pays this

loss of exchange, salaries, and everything else. Commerce pays this tax into the Treasury.

Mr. FRELINGHUYSEN. Will the Senator state the amount again?

Mr. SARGENT. The amount over and above expenses is \$148,816.02, nearly \$150,000.

Mr. DORSEY. That is on the basis of the estimates of the De-

partment?

Mr. SARGENT. That is the amount as shown by the Fifth Auditor's

report of actual receipts and expenditures.

Mr. DORSEY. That is on the basis of the estimates made by the Department for the consular service this year?

Mr. SARGENT. No; these are the figures of the expenditures and receipts for 1874-75, the actual figures, not an estimate or a guess. The foreign commerce of the country is increasing in a most gratifying way; and certainly it is a bad time to begin to cut down the agencies by which that business is facilitated. I have no doubt that the receipts from the consular officers will be greatly increased the

next fiscal year, provided the system is not crippled.

In 1870 the foreign commerce of the United States was \$875,708,616.

In 1874 it was \$1,265,719,964—an enormous increase in four years, nearly one-half. We are recovering from the effects of the war; our foreign commerce is becoming more adventurous and more successful, growing year by year, and counting by the hundred millions, under this very system. Now, are we to cripple it? Is it not well known that commerce will not seek a port where there is no representative of the Government of the United States? They are liable to all kinds

They will avoid a port from which you withdraw your consul.

However, I do not wish at this stage of the bill to be drawn into a discussion of details. I make these general statements in order that Senators may understand the nature of the reductions which were made in the House bill which was referred to us, and the nature of the additions which we have made by our amendments. In other words, we have not added one dollar to this bill that has not hereto-fore been appropriated and wisely expended. I think I may say, and it will be admitted by Senators on both sides of this Chamber-it has never been questioned anywhere - that the foreign department of the Government, the State Department, is as economically and carefully administered as it is possible to be. It is frequently the case, where there has been an appropriation of money the expenditure of which was vested in the discretion of the Secretary of State, that a considerable balance of the amount has been returned back into the Treasury. I have watched this for several years, and during the examination of this bill I have had occasion to observe how accurate were the impressions which I had in reference to that matter; and I am more and more convinced that the Secretary of State administers the funds under his charge carefully, exactly, and with economy.

I ask that the amendments be acted upon as we proceed with the

Mr. WITHERS. Before we proceed to the consideration of this consular and diplomatic bill by sections, I have a word or two to say of a general character in connection with the bill, being a member of

the committee which reported it.

The bill reported by the committee is framed upon the basis of an opinion that no further reductions in the appropriations for the consular and diplomatic service are practicable with a due regard to the interests of the country and the public service. I cannot agree in full to that opinion. I believe that the imperative necessity for reform in all departments of the public service is upon us, growing out of the present depressed financial condition of our country. I believe that if there is any one sentiment which more than another predominates in the public mind, it is the demand for greater economy in our public service, the demand that the great expenditures upon which our public service has been conducted for some years past shall be cur-tailed wherever it can be done with a proper regard for the interests of the service.

I agree fully and sympathize entirely with that feeling. I am not, however, prepared to say that the bill as passed by the lower House may not have gone too far in the direction of economy, that they may not have applied the pruning-knife too freely, especially to this consular and diplomatic service; and therefore in many respects I am prepared and shall cheerfully vote for amendments increasing the

appropriations made by the House for these purposes; but in other respects I think the bill as reported is objectionable. I believe in some instances the salaries therein provided may properly be reduced, and without any detriment to the public service. I believe that in some instances consulates may be abolished without in any degree impairing our public service. Thus believing, I shall vote upon the amendments as they are proposed by the committee in consonance with my own convictions of public duty and propriety. I have thought sary, being a member of the Committee on Appropriations, to make this general explanation of my position before we come to consider the bill by sections.

The PRESIDENT pro tempore. The Secretary will proceed to read the bill, and the first amendment will be stated as it is reached in the

reading.

The Chief Clerk proceeded to read the bill. The first amendment reported by the Committee on Appropriations was in line 10 to strike out the words "14,000" and insert "17,500," and in line 11 to strike out "56" and insert "70;" so as to make the clause read:

For salaries of envoys extraordinary and ministers plenipotentiary to Great Britain, France, Germany, and Russia, at \$17,500 each, \$70,000.

Mr. STEVENSON. I should like to ask the Senator [Mr. SARGENT] who has charge of this bill a question. Did the committee, in considering the reduction of salaries proposed by the House to our ministers to England, France, Russia, and Germany, take in consideration the relative difference in the cost of living at these respective courts? They were reduced from \$17,500 to \$14,000 a year by the House of Representatives, and the Senate is asked by the committee to non-concur in this reduction.

In former times the salaries were graduated by the difference in the cost of living at the respective capitals. The cost lier courts demanded the higher salaries. That standard of graduating salaries to our foreign ministers seemed just then, and I think it is just now. We know that the expenses of living in London used to be a third more than they were in Germany. If this be true, why should the salary be the

we know, too—at least I have been so informed—that the expenses of living in Russia used to be much less than in France. Why, if this be true, should the salaries be the same? It occurs to me that this practice in the early history of the Government, which continued I believe as late as 1849—'50, and perhaps even still later, of graduating these salaries to our foreign ministers by the cost of living at the respective courts to which they were accredited, was an equitable one. It is the only just standard of approximating justice in fixing the rate of compensation to our foreign embassadors. Those that are required to pay most should receive most.

the rate of compensation to our foreign embassadors. Those that are required to pay most should receive most.

In many of the provinces of continental Europe the expenses of living used to be greatly less, I might safely say a third if not a half, than the cost of living in London. I should like to hear from the committee why, if this difference in the relative expense of living in England and France as compared with Russia and Germany still exists, the salaries at those four courts are put at the same sum. If \$17,500 is given to our minister in London, (where, I admit, the expenses are very heavy, and have been possibly increased within the last few years,) why should not the salary of our minister to Germany be reduced, since the expenses of living at the latter court are greatly less than those in London or in Paris?

It would appear that the committee, in fixing the salaries at London

greatly less than those in London or in Faris?

It would appear that the committee, in fixing the salaries at London,
Paris, Berlin, and St. Petersburg at \$17,500 per annum to each, had
entirely ignored the difference in living at these respective courts.
Formerly the ministers to Berlin and St. Petersburg received greatly

less than the envoys to London and Paris.

Mr. SARGENT. The committee took some pains to inform themselves in reference to that proposition. Of course it would be a sufficient answer for us to say we simply take the service as we find it; but I thought it was better to go beyond that, and, if possible, to give any reasons which would be just defending the service. House-rent any reasons which would be just defending the service. House-rent in St. Petersburg costs 8,000 rubles for an ordinary modest house, such as is occupied by our representative, which I believe is about \$3,000. That takes one-third of the salary here given. A thousand pounds was paid by Mr. Schenck in London for his house-rent—\$5,000 for a modpaid by Mr. Schenck in London for his house-rent—\$5,000 for a modest, moderate sort of house, but such a one as he could afford to occupy; not too extravagant, and yet required. We are informed that St. Petersburg is one of the most expensive of foreign capitals, and I have no doubt that it is true. Certainly Germany is as costly as France; there can be no doubt of that. It has been so within the last few years. Since the empire has grown to such an extent, and since it has levied tribute on France, the vast amount of money expended there has brought expensive habits among the people which perhaps will never be corrected. At any rate, these expensive habits exist now, and Berlin is much more expensive, we are told, than either London or Paris. But Great Britain and France in 1856 were put together and two years thereafter Russia was added, and subsequently together, and two years thereafter Russia was added, and subsequently Germany was added. In adding Germany to this corps they abolcernany was added. In adding Germany to this corps they abolished a number of other ministers, which were consolidated in the mission to the German Empire, so that probably there was a saving on the old salaries by putting Germany in the list of first-class missions. If the question were asked whether these salaries of \$17,500 were extravagant, considering the cost of the cheapest of these missions, I think it would have to be insisted that the salaries are not too large; that they are really too small retain the too long. They are that

that they are really too small rather than too large. They are very

much less than any other nations pay, even nations much poorer than we are, with a larger debt, and with much less resources. we are, with a larger debt, and with much less resources. I do not see myself how any man can live, even respectably, upon the salary which we pay at either of these four courts. It certainly would be impossible for him to save any money. But as this is the amount which has been allowed for years, it looks like requiring that the diplomatic service in important posts shall be filled only by rich men for us to reduce the amount of salary which we pay them to such a figure that they must either appear meanly there or draw upon their own recoverse in order to write it the salary which we have the salary when the salary when the salary when the salary when the salary which we have the salary which we have a salary when the salary which we have a salary which we have a salary when the salary which we have a salary when the salary which we have a sa resources in order to maintain themselves in some respectable degree.

Mr. DAVIS. The first amendment involves the principle of the bill. The bill came to us reducing the salaries of our ministers at these four great powers, Great Britain, France, Germany, and Russia, to \$14,000 instead of \$17,500, as it has been heretofore. That will in a measure fix the principle on which the bill came to the Senate and which your committee has changed by this first amendment, and the same principle runs all through it. The salaries, charges, and compensation of the parties named in it have been by the House reduced in the aggregate by about half a million dellars. It him, I no other world Mr. DAVIS. The first amendment involves the principle of the the aggregate by about half a million dollars, I think. In other words, the total was \$912,750, as reported from the House, and now it is \$1,341,000, making a difference of about half a million of dollars' in-

crease by the committee of the Senate.

I am disposed to think that the House in some instances got the salaries below what a proper economical management of the Government would require. I believe in some instances they are too low, and that there ought to be an advance upon the House bill. I also believe that the Senate Committee has made advances where they ought not to have occurred. I think there is force in what the Senator from Kentucky has said, that the expenses of living in Great Britain and France are greater than in Germany and Russia. that view I move—I believe it to be in order—to strike out "Germany and Russia" from this clause, in order at the proper time to move that the solaries of the minutes to the clause. move that the salaries of the ministers to those two countries be made \$15,000.

The PRESIDENT pro tempore. The first question is on the committee's amendment. The Senator will have an opportunity of strik-

ing out afterward any part of this clause.

Mr. DAVIS. If we adopt the committee's amendment of \$17,500, will there be any power to change it afterward? My object is to have a vote to know whether the Senate desires to make the salaries of the ministers to Germany and Russia the same as those to Great Britain and France. I will take the suggestion of the Chair and seek to accomplish the object in any way he may suggest; but I prefer having

that test made before we act upon the amendment of the committee.

The PRESIDENT pro tempore. The unbroken practice of the Senate is to consider first the amendments reported by the committee having charge of the bill. This amendment of the committee does not touch the question raised by the Senator from West Virginia. The Senator can move an amendment transferring any part of the item, after the amendments of the committee have been acted on, as his proposition does not touch the amendment of the committee but the text of the bill.

Mr. DAVIS. As I understand it, the committee's amendment now is that the salaries of the ministers to these four powers shall be \$17,500. The amendment of the committee would certainly have to be changed in some way to reach the objects I desire if the Senate agree with me in making the salary of the German and Russian missions \$15,000.

The PRESIDENT pro tempore. The Chair will submit the question to the Senate now, if there be no objection. The Senator from West Virginia will state his amendment.

Mr. SARGENT. Let us vote on the committee's amendment. That wili be a test question. If that be voted down, we can alter the

paragraph.

Mr. DAVIS. I have no choice as to the manner it is reached. The Senator having charge of the bill, I understand, prefers that the vote be taken on the committee's amendment first.

Mr SARGENT. Let that be taken first. All those who want to

Mr SARGENI. Let that be taken list. All those who want to modify any part of the paragraph can vote against it.

Mr. DAVIS. I have no objection to that course.

The PRESIDENT pro tempore. The text can be changed at any time after the amendent of the committee is acted on.

Mr. WITHERS. Before the vote is taken I will inquire as to the right to offer amendments to the bill as reported by the committee. After we shall have proceeded to act upon all the amendments of the committee, will it then be in order to move an amendment to any of

those amendments which have been perfected by adopting them?
The PRESIDENT pro tempore. It will be.
Mr. WITHERS. That is all I want to know.
The PRESIDENT pro tempore. The Senator will understand that if his proposition is to touch the text untouched by the amendments of the committee, he will have a right to offer it; but to reach the amendments of the committee the Senate will have the opportunity on the question of concurrence in the Senate. Then any Senator can

move to modify them as he pleases.

Mr. WITHERS. That was precisely the point of my inquiry as whether or not we have the right to move amendments to such amendments of the committee as shall have been adopted by the Senate.

The PRESIDENT pro tempore. They will be open to modification in the Senate on the question of concurrence.

Mr. SARGENT. I concur entirely with the Senator from West Virginia that the amendment of the committee now pending is really a test one and illustrates the principle of the bill; and in order that it may be distinctly taken I ask for the yeas and nays on adopting the amendment.

The PRESIDENT pro tempore. The Chair will state to the Senator from Virginia that if this amendment should be agreed to in Committee of the Whole, when the bill is reported to the Senate the question will be on concurring in the amendments of the committee, at which time the Senator from Virginia or any other Senator can move to modify it as he may see fit. Then the question will be taken first on the modification, and then on the amendment as modified.

Mr. DAVIS. And we can modify any portion of the amendments

adopted in committee?

The PRESIDENT pro tempore. They can be modified by the Sen-

Mr. WITHERS. But the passage of the amendment precludes any further amendment in Committee of the Whole?

The PRESIDENT pro tempore. Certainly, because it is conclusive there; but when it is reported to the Senate it is in a different stage.

Mr. McDONALD. Do I understand that the Senate is now acting on the amendments of the Committee on Appropriations to the House

The PRESIDENT pro tempore. On the first amendment.
Mr. McDONALD. Striking out "\$14,000" and inserting "\$17,500?"
The PRESIDENT pro tempore. Yes, sir.
Mr. McDONALD. I understood the Senator from California to ask

for the yeas and nays on that. Mr. SARGENT. Yes, sir.

Mr. SARGENT. Yes, sir.
The PRESIDENT pro tempore. The yeas and nays are called for on this amendment.

The yeas and nays were ordered; and being taken resulted—yeas 32, nays 17; as follows:

32, nays 17; as follows:

YEAS—Messrs Allison, Bayard, Bogy, Booth, Cameron of Wisconsin, Christianey, Conkling, Cooper, Cragin, Dawes, Dennis, Edmunds, Ferry, Frelinghuysen, Hamilton, Hamlin, Harvey, Hitchcock, Ingalls, Logan, McMillan, Morrill of Maine, Morrill of Vermont, Morton, Oglesby, Paddock, Robertson, Sargent, Sharon, Sherman, Speneer, and Windom—32.

NAYS—Messrs. Cockrell, Davis, Eaton, English, Gordon, Kernan, McCreery, McDonald, Maxey, Merrimon, Norwood, Ransom, Stevenson, Thurman, Wallace, Whyte, and Withers—17.

ABSENT—Messrs. Alcorn, Anthony, Boutwell, Bruce, Burnside, Cameron of Pennsylvania, Caperton, Clayton, Conover, Dorsey, Goldthwaite, Howe, Johnston, Jones of Florida, Jones of Nevada, Kelly, Key, Mitchell, Patterson, Randolph, Saulsbury, Wadleigh, Vest, and Wright—24.

So the amendment was agreed to.

The Chief Clerk continued the reading of the bill. The next amendment of the Committee on Appropriations was in line 13, to insert after the word "Austria" the word "Italy;" so as to read:

For salarles of envoys extraordinary and ministers plenipotentiary to Spain, Austria, Italy, Brazil, Mexico, Japan, and China, &c.

Mr. McDONALD. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. STEVENSON. Why is this restored?

Mr. SARGENT. The bill as it comes from the House tears the service all to pieces. The reason we put Italy in this paragraph is because it is a mission of considerable importance. We simply restore cause it is a mission of considerable importance. We simply restore the service as it has been heretofore for years, believing that it is for the public interest. We understand by the rules of the Senate that we are to report appropriation bills according to the existing law. That is of itself a sufficient reason, and that is the general reason which applies all the way through, and specifically in this case. There is no showing why Italy should not be put in as well as Brazil, or Mexico, or Spain, or Austria. We have as large a commerce with it; we have as important political relations with it. For that reason we restored it. We have not created an office or created a salary, or displaced it from the service.

displaced it from the service.

Mr. Morris, the government of Italy
Mr. Morris, the government of Italy at the present time comprehends about as large a population as that of Great Britain, and it also comprehends the place where the Roman Catholic religion finds its head-center. It is of great political sig-Catholic religion finds its head-center. It is of great political significance, therefore, that our country should be represented at that court; and this Government now includes within it the former governments of Naples and Sardinia. Only a few years since we had missions at Sardinia and at Naples and at Rome, the whole cost of which was \$22,500. All these are now condensed into one mission, costing \$12,000 annually for the last few years. I hope that we shall not degrade this mission below what it has been since the accession to represent Victor Empayore.

power of Victor Emmanuel.

Mr. SHERMAN. Mr. President, I am surprised to see the vote on the last amendment. It does seem to me that if Senators will look at this matter in a dispassionate way, and not in any party aspect, the idea of reducing the salaries of our leading ministers below what they were twenty years ago is so totally unjustifiable that we ought not to divide about it. The salaries of these ministers was fixed by what is known as the Pennington act of 1856. Twenty years ago that act was passed by the unanimous vote of both Houses, the Senate being democratic and the House being republican. The salaries were fixed then in gold, when everything was based upon gold. It was called the diplomatic bill, and is so known in the ordinary phraseblogy of the Department of State. It was passed, after the

fullest consideration, with entire unanimity. That is the law of the land. It has stood there for twenty years, and nobody has ever pro-

posed to change it.

I am disposed to go as far toward economy as any member of this body, I think; and, if we have advanced during the war or since the war the salary of any of our civil or military or naval employés beyond what is reasonable, I am willing, without regard to circumstance or time or persons or place, to reduce it; but we ought not, when we or time or persons or place, to reduce it; but we ought not, when we are endeavoring to accomplish a real good, (to promote economy in the service of the Government,) to strike at all branches of the Government by some arbitrary rule, without regarding the circumstances which led to fixing the salaries. I say to Senators now that these salaries were fixed twenty years ago, without the slightest controversy, without the slightest dispute, upon a lower basis than those of the diplomatic service of any leading nation of the world. While the minister of Great Britain to the United States gets, according to the newspapers and the Blue-Book of England, somewhere between \$25,000 newspapers and the Blue-Book of England, somewhere between \$25,000 and \$30,000 a year, we pay our minister to live in London, a much more expensive place to live in than Washington, only \$17,500.

Mr. MAXEY. I wish to say to the Senator from Ohio that my vote

will be controlled by his answer to a question which I wish to put.

I understood him to say that the salary had not been increased for twenty years; that it stands as it did twenty years ago. Mr. SHERMAN. I ought to say that what I stated was literally true of the missions to Great Britain and France, but when Germany advanced to a great power and became an empire, absorbing several countries to which we had several missions, we put Germany on a footing with France and Great Britain. We saved money by that enlargement. Then Russia had been a warm friend of this country at every stage of its history; and when we were fixing the relations with this great power, we placed Russia, a country with seventy millions of people, on the same footing with the other empires of the

Mr. MAXEY. So that, as this bill is reported, the salary of the minister to the Germanic confederacy is not larger than that of the minister to England or France?

Mr. SHERMAN. The same. The Italian mission is what this amendment involves. That is the last portion of the world on which anybody ought to promote economy or to make a point. I remember very well that Italy was placed among the second-class missions shortly after the battles of Magenta and Solferino, which established Italy as a secondary power. It was on the motion of Mr. Burlingame, after those victories of Victor Emmanuel and the French against Ausafter those victories of Victor Emmanuel and the French against Austria, when Italy became a power in the world, that Italy was, by a unanimous vote and by a general hearty, joyous feeling, placed in the class of secondary missions at \$12,000 a year. That was in 1860, if I remember right, before the occupation of Reme but after the battles of Magenta and Solferino, by which Victor Emmanuel's dominions were extended. There it stands. Since Italy was placed on the secondary roll, it has advanced several grades really in power. Since that time it has occupied Rome, and now Italy is a great country of the Mediterranean—next to France the greatest country of the Mediterranean. iterranean-next to France the greatest country of the Mediterranean. It is a country with which our people have more intimate relations than almost any other country in Europe. Our American citizens go to Rome to study art and literature, and we have a good deal of commerce with Italy. Many commercial ports of importance are in Italy. We have quite a number of consuls there. It is now a great power. Why it should be stricken out of this bill when it has already advanced beyond the grade it was when the salary was fixed and when it was not so important a power as now, I do not know. Why it is stricken out of the list of second-class powers and put on a list by its ricken out of the list of second-class powers and put on a list by its stricken out of the list of second-class powers and put on a list by it-self, I cannot see. There is no sense in that, it appears to me. It seems to me, dealing with this bill, that we ought not to change the law in bills like this. Certainly we ought not to change the law

unless there is some reason for doing so, because there is less abuse in the diplomatic and consular service of our Government than in other branches of the Government. There never has been any abuse in the diplomatic and consular relations of the Government. That service has been conducted in the main with great ability and with great economy, and therefore it is idle to strike at these salaries unless there is some good reason for doing so. If Senators would go into the cities where these men have to live, and consider the peculiar re-lations which surround them, the difficulties that surround them, the habits and customs that form part of the expense, and the necessary expense, of a minister of the United States to one of these countries,

they would see that it is not wise economy to reduce these salaries.

I shall therefore vote with the Committee on Appropriations in restoring this bill to what the law requires; and I say neither House has a right to force the other House to consent to a change of existing law. Each House should freely consent to a change of the law before it is made. When the House of Representatives sends these appropriation bills to us proposing to radically change the whole service of the Government, it has no right to ask us to adopt those changes unless we see that there is good reason for changing the law.

Mr. MAXEY. Does the amendment of the committee correct the

appropriations so as to conform to the law as it stands?

Mr. SHERMAN. Yes, sir. I think, therefore, that we ought not to divide into political parties on this question because the democratic party happen to have a majority in the House. The very diplomatic bill to which I have referred was framed by a Congress in the midst

of high party excitement, when the Senate was three-fourths democratic, and the Honse of Representatives had a decided republican majority, and when party heats were at the highest, in 1856, in the midst of a presidential canvass; and yet no question was raised be-tween the two Houses as to the salaries, and if I remember aright, the bill was passed by a unanimous vote. It was framed in the

House of Representatives, passed there, and sent to the Senate, and finally passed both Houses, called the Pennington bill.

It seems to me that we ought simply to restore the service to what the law is, to what the law demands. If, then, our Committee on Foreign Relations and the Committee on Foreign Affairs of the House concur in any reasonable decrease in expenditures, let it be proposed and let us adopt it; or if there is a change of circumstances or some fact which leads us to believe that a minister who is provided for by law should be dispensed with, or a consulabolished, it is very proper for us to adopt that amendment; but we should not go to work in an appropriation bill and refuse to appropriate money to carry into execution the law. Look at this case. Some Senators refuse to concur in this amendment. If the Senate had not adopted this amendment already voted upon, the salaries of these ministers would have gone on, and they would have been entitled to the money, because the law says their salary shall be so much; but you have appropriated a less amount. That gives them a legal right to go before the Court of Claims and demand more money, because the law provides, that a minister shall have \$17,500, and the appropriation bill only gives him \$14,000.

Mr. DAVIS. The Senator will notice that there is provision for

Mr. SHERMAN. I am told that is arranged; but at any rate there is no reason for such action in this bill. There is reason sometimes for changing our salaries, which have been fixed some years ago, be-cause there is a change of circumstances. Money is worth more at different times; but in Europe it is different; gold is less valuable now than it was twenty years ago in every city in Europe; and therefore a salary of \$17,500 is less than a salary of \$17,500 twenty years

ago.

Is there anything in the power or ability of this Government that calls for this? On the contrary, the United States since this law was passed has nearly doubled in population, more than doubled in wealth, vastly increased in power and strength, and in every other Therefore there is no argument, it seems to me, in favor of these reductions, except a hap-hazard, blind strike in appropriation bills; and it seems to me we can only yield to that so far as the pub-

lic interest demands.

Mr. DAVIS. Mr. President, I do not know that I should have risen to say anything but for the last remark that fell from the Senator from Ohio. I was one of those who voted against the previous amendment of the committee on the ground, as I stated to the Senate, that I believed the Russian and German missions were not so expensive as those to Great Britain and France, and with a view at the proper time of moving a proposition to separate them. But the Senator from Ohio says there is no reason for these reductions except mere blind party policy striking hap-hazard. He certainly does not believe that. He does not mean that Senators only vote because of party zeal at blind hap-hazard. I think that is rather an extravagant assertion.

Mr. SHERMAN. I said we ought not to do it. We ought not to

Mr. SHERMAN. I said we ought not be make this reduction in this hap-hazard way.

Mr. DAVIS. Then I agree with the Senator, but I understood him Mr. DAVIS. If the Senator knows are that the senator knows are the senator knows. to say that he knew of no reason except that. If the Senator knows no other reason, some of the rest of us who happened to vote that

way believe we know a reason.

Mr. McDONALD. Mr. President, we are acting upon a bill sent to us from the House of Representatives which underwent a very thorough examination in that body, and on the final vote was passed by

an overwhelming majority.

Mr. EDMUNDS. Mr. President, I certainly do not wish to call my friend from Indiana to order; but I must call somebody to order in the constant habit we are falling into of relying upon the proceedings of the House of Representatives to influence our votes. all have done, but on the next gentleman I shall make it.

Mr. McDONALD. I am only following a bad example.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) In the

opinion of the Chair the point of order is well taken. It is not in order to refer to the proceedings of the House of Representatives.

Mr. STEVENSON. I did not hear the point of order of the Sena-

The PRESIDING OFFICER. The point of order raised was that it was not proper for a Senator to refer to the proceedings of the House of Representatives for the purpose of influencing the votes of the Senate.

Mr. STEVENSON. On that subject I desire to make a remark. Have I not a right to comment on this bill which comes from the House of Representatives? Am I precluded from referring to a bill which comes to me for my action? Can I not read it, and can I not show what the House has done in which I am asked to concur? Do I understand the Chair to rule that?

The PRESIDING OFFICER. No, sir.

Mr. STEVENSON. Let us understand one another before we go any further on this question. If it is not pertinent for a Senator to

comment upon a House bill on which the Senate is called upon to

act, I think the great right of discussion is taken away.

The PRESIDING OFFICER. The Senator misunderstood the Chair if he understood the Chair to decide in that way.

Mr. STEVENSON. I only want to know whether I can comment upon a bill which comes from the House.

The PRESIDING OFFICER. Undoubtedly.

Mr. STEVENSON. I cannot do that without referring to what the
House has done in that bill. If that is out of order, then one of the great rights of free discussion, it seems to me, is taken from Senators

Mr. McDONALD. Mr. President, I had said about all I had to say in reference to the action of the House on this bill; that is, that it had come to us from the House of Representatives after having been duly considered there, and passed, as I understood, by almost a unanimous

Sir, I have not yet heard in anything that has been said by members of the Committee on Appropriations of the Senate, who have charge of this bill, nor from any other member any reasons to satisfy me that the House was in error in regulating these salaries and making the appropriation as it has done in this bill. Until I am so satisfied, Senators may be surprised at the votes I shall give, but I shall continue to vote against the amendments.

Mr. MERRIMON. Mr. President, I voted against the amendment already acted upon, and in view of what has been said in reference to the vote of the minority on this question, I wish to say that I am very sure I desire to do nothing that will in any way impede the public service, or the public convenience, or the public good. Ever since the beginning of the Government I believe the practice has prevailed that the House of Representatives originates the general appropriation bills, and  $\Gamma$  take it that practice goes upon the ground that as they alone can provide for raising revenue in the first instance, they are better acquainted with the amount of money we have to expend for any purpose than the Senate. Whatever may be the reason, however, this has been the practice. I take it that my vote and action are based on that fact, that the House of Representatives are well informed as to what appropriations the Government is able to make, what amount of money we have to expend. I take it they are, like we are, patriotic, and desire to do their duty, and that they do not move in a matter of so much moment to the Government as this without having familiarized themselves with all the facts necessary for a reasonable and correct judgment. When, therefore, after long deliberation, they have come to a solemn judgment upon this matter and sent their action to this House, unless I can be satisfied that they have acted through inadvertence, that they were not properly informed, that they were deceived or misled by some consideration, I shall always whether the House be controlled by one political party or another, be inclined to follow the action of the House of Representatives. Under the Constitution all bills for raising revenue must originate in that House. We here in the Senate may amend those bills, but we cannot originate a bill to raise revenue. amend those bills, and I suppose that power is vested in the Senate with a view to cure any inadvertent misapprehension or misinformation which may have prevailed in the House, and a like practice it seems to me has prevailed in reference to the general appropriation bills. If I can be satisfied that the House committee were not well informed, that they did not know what they were about, that some material fact which they ought to have considered in connection with the salaries of our ministers to Great Britain, France, Germany and Russia was omitted, and that they have erred, then I am willing to join the Senate in correcting that error and exercising appropriate and reasonable power in that respect. But what I am called upon now to do is to offer the House an indignity, by saying that their committee did not know what they were about; that they were misinformed; and that they were not capable of understanding the subject thus committed to them; and that the whole House of Representatives of the American people, en masse, did not know what they were about when they passed this bill. I cannot do it. If Senators desire to change my vote on this question or any other in reference to a general appropriation bill, they have got to assign some reason going to show the inadvertence or the misinformation of the House

going to show the inadvertence or the misinformation of the House touching that matter.

Mr. MORTON. Mr. President—

The PRESIDING OFFICER. With the permission of the Senator from Indiana and of the Senate, as a point of order was raised, the Chair will direct the Clerk to read from the Manual the authority on this subject

The Chief Clerk read from page 231 of the Manual, as follows:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or the particular votes or majorities on it there; because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

Mr. MORTON. Mr. President, the Senator from Kentucky [Mr. STEVENSON] a few moments ago asked the question whether he was not at liberty to comment upon a House bill. Certainly he has that right; but I understood the question to go to this point: whether it is proper to argue that the House has fully considered a thing, understand it well, and that we ought to accept the conclusion of the House for that reason. I cannot agree with my friend from North

Carolina [Mr. MERRIMON] in his argument. We will presume that the House has done its duty; that it has considered this bill according to the best intelligence it has, and it is our duty to consider it in the same way, not to presume anything or concede anything because we suppose the House understood it, and therefore take it upon their judgment. The Constitution requires an appropriation bill to pass this body. What for? That we may give our opinion upon it as well as the House. It may be proper for it to originate in the House, but it comes here for the express purpose of being considered, and it is not our duty and we have no business to adopt it simply because the House has passed it. If that argument is to be used, you might as well

abolish this body, and have but one House.

I simply rose, Mr. President, for the purpose of calling the attention of the Seuate to the principle involved in this particular amendment. In lines 12 and 13, in providing salaries for our ministers to Spain, Aus-In lines 12 and 13, in providing salaries for our ministers to Spain, Austria, Brazil, Mexico, &c., Italy is dropped out of the House bill. It was before placed by the law in that class. Then in lines 16 and 17 an appropriation is made for Italy of \$8,000. The substance of the two taken together is that the salary of the minister to Italy is reduced from \$12,000 to \$8,000, and in the concluding part of this bill it is declared that the salaries fixed by the appropriation sections shall be becaused the salaries of these ministers and conselled a genbe hereafter the annual salaries of those ministers and consuls—a gen-

eral provision to that effect.

Now I desire to call the attention of the Senate to the vicious character of this legislation, and to give my opinion that it reverses the whole theory upon which the business of Congress is conducted. The two Houses are divided up into committees. It has been found in parliamentary history from the first organization of parliaments, that the business was best conducted by appointing a particular committee to consider a particular subject, and we have adopted standing committees. That was not the case in the first organization of Congress, but for many years we have had standing committees. For example, we have had a Committee on Foreign Relations. All business of that kind goes to that committee. In time it becomes much more familiar with subjects of that kind than the rest of the Senate for the reason that it is called upon to consider questions of that character, and naturally becomes better informed upon them. So with regard to the Committee on Commerce; commercial questions go to that committee, and members for years are considering questions of that character because they belong to that committee. So with regard to the judi-ciary; all questions in regard to the courts go to that committee. They become more familiar with the organization of courts and with our judicial system, and can give a better opinion upon questions of that kind than can a committee whose attention has been devoted to subjects generally or given to some other. This is the general prin-ciple upon which our committees are organized and the business of Congress conducted.

In the first place, should there be a mission in Italy at all? Should we have a minister there? That was a question for Congress. It came before Congress in a bill. That bill was referred to the Committee on Foreign Affairs of the House and was considered. It was decided that we should have a minister to the court of Italy and that decided that we should have a minister to the court of Italy and that he should have a certain grade. Congress upon deliberation determined not only that we should have such a mission, but the character of it, the grade of it, the dignity of it. The Committee on Foreign Relations, for the sake of illustration, having its attention frequently called to such subjects, perhaps is better calculated to judge than any other committee in this body what should be the grade of a mission to a particular court—at the court of St. James, in France, in Italy, in Austria—or whether we should have a mission at all to those courts. So with regard to the judiciary; whether we should have two district courts in the State of Ohio or only one—for the consideration of that question the Judiciary Committee is better informed than any other committee in this body; because they are fre-

quently called upon to pass upon such questions.

Now, when an appropriation committee assumes to pass upon the question whether we should have a mission at the court of Victor Emmanuel or not, or whether it shall be a first-class, second-class, or third-class mission—when an appropriation committee assumes to consider that original question, it arrogates to itself functions that do not belong to it and is in violation of the whole theory of the business of Congress. No one committee can consider all these questions intelligently. The Appropriation Committee of this body, I do not intelligently. The Appropriation Committee of this body, I do not care how able it is or how well informed, cannot undertake to pass upon the whole character of the public service in diplomatic relations, in interior relations, whatever we may have to do; and that is what this committee has assumed to do in the other House. It has arrogated to itself the determination of questions pertaining to every department of this Government. I understand the business of an appropriation committee to be this: Congress first provides by law to create a mission, provides for expenditures of various kinds, sala ries of domestic officers, of foreign ministers, of secretaries, and all that; and when we have determined by law what shall be created and what shall not, then the business of the Appropriation Committee is to appropriate money to meet the demands of the law, not to undertake to determine the whole question. That is enough business for such a committee, either in the House or in the Senate—fully as much as it can discharge intelligently. When it undertakes to determine whether we shall have a mission to the court of Victor Emmanuel and what his grade shall be, whether we shall have a con-

sul at Havre or at Lyons, whether we shall have a minister or only a consul-general in Japan, that committee draws to itself the whole ss of Congress, and to discharge it intelligently it ought to have as much capacity as all the other committees put together, because all the rest of them put together sometimes fail. It is simply preposterous, Mr. President. An appropriation committee, however able, however intelligent, and however patriotic, has not got the time to

however intelligent, and however patriotic, has not got the time to consider all these questions.

Suppose it is proposed to abolish a consulship in Japan, if you please. The Appropriation Committee simply strikes out the salary. Ordinarily that question ought to go to the Committee on Commerce. They have been acquainted with commercial subjects, have been considering the commerce with Japan for many years. It has been their special business, and they can pass upon that question more intelligently than any committee on appropriations; and yet this Committee on Appropriations of the House has taken from the Committee on Commerce and the Committee on Foreign Affairs and tee on Commerce and the Committee on Foreign Affairs and the Committee on the Judiciary all these questions and assumed to determine them for itself. When we get the legislative, executive, and judicial appropriation bill, which we shall have here in a few weeks, we may find out that they have determined to strike out certain courts by reducing the salaries of the judges, and thus assumed to exercise the peculiar functions of the Committee on the Judiciary.

I think the safest plan is to let the Committee on Appropriations confine itself to making those appropriations which the law requires. Whether salaries shall be reduced or whether certain offices shall be abolished should be left to be considered by those committees to which those subjects appropriately belong. Whenever one committee in this body or in the other House arrogates to itself the whole business of Congress, you will have loose and bad legislation, and they must necessarily legislate about what they do not half understand, and what they cannot understand, and what there is a great deal of presumption in their presuming to understand.

I have here the act creating this mission to Italy. I want to show that it was a distinct act, considered by Congress entirely aside from the question of appropriations. It was passed June 16, 1860:

Embassadors, envoys extraordinary and ministers plenipotentiary, ministers resident, agents, and secretaries and second secretaries of legation shall be entitled to salaries as hereinafter provided.

Envoys extraordinary and ministers plenipotentiary to France, Germany, Great Britain, and Russia, \$17,500 each; to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, \$12,000 each; to Chili and Peru, \$10,000 each.

That was the subject of separate consideration by Congress; but a committee on appropriations now takes the whole thing into its keeping and consideration, determines to strike down this mission

keeping and consideration, determines to strike down this mission altogether and reduce that one, and change the grade.

Mr. EDMUNDS. What was the date of that act?

Mr. MORTON. June 16, 1860.

Mr. DAVIS. Will the Senator give the page?

Mr. MORTON. I have lost it myself. I simply refer to that to show that this question of what the salaries should be ought to be a subject of separate legislation. If it is proposed to abolish the mission to Italy altogether, that should come before the Senate and be referred to the proper committee, that that committee may consider it: and when it has been considered, then they can report their acit; and when it has been considered, then they can report their ac-tion to the Senate. But for an appropriation committee to assume to itself the jurisdiction in that case and in every other is virtually taking upon itself the whole legislation of Congress; it is in violation of the theory upon which we do business, and we ought to give no countenance to it. Let the committee stick to its duty and be if the law is not right, then let the consideration of changes in the law be referred to the appropriate committee having charge of that subject, and let it be considered intelligently.

Mr. WITHERS. Will the Senator permit me to ask him a ques-

Mr. MORTON. Yes, sir.

Mr. WITHERS. I concur in a good deal that has been said by the Senator as to the assumption of powers by the Appropriation Committee; but it seems to me he would restrict them unduly in the As I understood him, he would restrict the Approother direction. As I inderstood him, he would restrict the Appropriation Committee solely and exclusively to voting such appropriations as the law prescribes for certain officers. If that be so, I do not see what is the use of the Appropriation Committee at all. If they are compelled to report simply an appropriation as the law provides for certain officials, I see no necessity for an Appropriation Commit-

Mr. MORTON. It has been thought better in a representative Government like ours that there shall not be continual appropriations, and that appropriations for fixed subjects, and for that amount which is determined, shall be made from year to year. We have departed from it in two things. We have departed from it especially in regard to the payment of interest on our public debt; but, so far as all other appropriations are concerned, they are required to be made from year to year. Our safety as a free people perhaps consists in that.

Mr. WITHERS. But I would respectfully submit to the Senator whether his construction of the duties of an appropriation committee is not virtually making the appropriations from year to year. If they are restricted rigidly simply to an appropriation of certain mon-

eys as provided by law, it seems to me it is a perpetuation of the ex-

ising appropriations.

Mr. MORTON. I will state what I understand to be the function of an appropriation committee. It is their business to find out what the law requires or authorizes to be paid in a single case. some cases where there is no fixed amount; for example, an appropriation for a public work. That is a question of judgment. That comes under another principle; and I think even in that case all such instances ought to be in some form considered by the appropriate

Mr. FRELINGHUYSEN. It always is.

Mr. MORTON. The laws are changed and sometimes it is a matter Mr. MORTON. The laws are changed and sometimes it is a matter of construction, and requires learning and ability to know what the law does require in a given case. If the law is not right, what I say is that the Appropriation Committee should not assume to determine that question. It may, if it chooses, present the matter to Congress and let that go before the proper committee and let it be determined in the right way. I think it is daugerous for one committee to arrogate to itself the determination of the character of the whole service. They cannot perform it well and wisely. I do not care how good their purposes are, one set of men cannot consider it fully.

Mr. WITHERS. I concur fully in that view of the Senator from Indiana, and I would say here that I deprecate as much as he or any

Indiana, and I would say here that I deprecate as much as he or any other Senator can the practice which has arisen in the legislation of Congress of legislating in appropriation bills; but I believe that the power which did not stop at ingrafting upon an appropriation bill a civil-rights bill ought not to rise up in holy horror at the suggestion

of an abrogation of an office.

Mr. STEVENSON. I do not concur in some of the positions assumed by the Senator from Indiana, [Mr. Morton,] and I am sorry to differ, too, with my friend from Virginia, [Mr. WITHERS.] I think the Appropriation Committees are the selected organs of either House of Congress to inquire into the legitimate expenditures of the Government in every department, and to recommend all proper appropriations required by each and all its agencies for the proper execution of its duties during each and every fiscal year. The duty of recommending appropriations carries with it an inquiry into the mode and manner of the service to be provided for in all its ramified forms. I think upon no other committee can this duty be imposed as upon the Committee on Appropriations. If they ascertain that an office is a sinceure, or that the compensation allowed is greatly above or below the service rendered by the incumbent, they should recommend an increase or decrease, as the case may be. If Congress concurs in the recommendation, then modify your existing law in such manner as to harmonize with the appropriation. What objection is there to this mode of legislation? How can any committee of appropriations properly discharge its duty without inquiring into the character and value of the service, whether beneficial or otherwise? If the service value of the service, whether beneficial or otherwise? If the service can be dispensed with, then to recommend no appropriation, but ask its immediate abolition. If the only duty of a committee of appropriations be to recommend the various amounts fixed by law as salaries, then the committee ought to be abolished. That seemed to be the argument of the Senator from Indiana, [Mr. MORTON.]

The Senator from Obio [Mr. SHERMAN] need have no alarm that, if the reductions of salaries proposed by the House bill are adopted, the proper legislation reducing the salaries to the proposed reductions will not be carried out. That Senator seemed to be amazed that any of the Senators upon this side of the Chamber voted to concur in the House bill reducing the salaries of the missions to France, Great

of the Senators upon this side of the Chamber voted to concur in the House bill reducing the salaries of the missions to France, Great Britain, Germany, and Russia. Now, Mr. President, (I am one who voted for the reduction proposed by the House bill,) I disclaim, sir, all party bias in that vote; for I do not hesitate to say, here and now, that there never was a time in the past history of this Government when stern economy was demanded by both parties in every Department of this Government than at this present hour. Our constituency demand it of us all, and that demand is not confined to party. I see and read in leading republican usages in the Northwest demands I see and read in leading republican papers in the Northwest demands for retrenchment and economy in our public expenditures as I do in democratic papers. The Secretary of the Treasury tells us that without economy we must expect empty coffers. I see it stated in a New York paper that there were seven thousand seven hundred commercial failures during the past year; a heavy increase over former years,

and they still continue.

The commercial disaster and extreme monetary depression demand of the American Congress in this hour of popular need the most rigid economy in every species of expenditure where the public service will justify it. Everywhere the evidences of the public monetary distress are seen, and bankruptcies are multiplying daily.

I hesitate not to say, in a spirit of patriotism rather than of party,

that I should rejoice to see the expenditures of this Government reduced during the next fiscal year \$30,000,000. If Senators on the other side persuade themselves that this sentiment emanates from any desire for mere party triumph, they are greatly in error. I would not knowingly make any reduction at the expense of any branch of the public service. But I believe the proposed reduction can be made without injury to our foreign service. When Senators go home they will readily realize the delusion that this demand for rigid economy, as wall as public hometry is confined available to any our return.

as well as public honesty, is confined exclusively to any party.

I am not disposed to be niggardly in salaries to our official employés, at home or abroad; but I shall earnestly strive for a moderate

reduction in all our expenditures where the public service will justify reduction in all our expenditures where the public service will justify such reduction. You have reduced the salary of the President of the United States one-half. Why was it done, except upon the ground of stern public necessity? You pay your Cabinet ministers in Washington in a depreciated currency \$5,000 a year. We know the claims on their hospitality, we realize the great expense of living in this great national metropolis. Why give to your minister at London over \$20,000? The salary is \$17,500 in gold. He is then paid in preparing for his return and for the period engaged in returning an additional sum which I have seen put at \$2,800 in gold, making, in all, \$20,300. sum which I have seen put at \$2,800 in gold, making, in all, \$20,300. Besides this a large amount is allowed the embassador for contingent expenses, which I saw put down for one year at London at over \$16,000. We have also a consul at London and a secretary of lega-\$16,000. We have also a consul at London and a secretary of legation. I am making no complaint. But I insist that the salary of the President of the United States, which has been cut down one-half, ought to bear some proportion to the salary of an embassador to London. If public necessity required a reduction of the salary of the President, might not a small reduction be made in this salary of \$20,300 in gold of the embassador at London? I may be in error, but I am persuaded this proposed reduction in these foreign missions might be had without detriment to the public service.

Mr. President, I remember as a school-boy in this capital many, very many long years ago, that the highest salary paid to any min ister was to our representative at the court of St. James. He then received a salary of \$9,000 per annum. We had then, in the persons of Rufus King, Richard Rush, Louis McLane, as able representatives as

any country ever sent abroad.

Mr. BAYARD. I ask my friend if the minister did not get an outfit ?

Mr. STEVENSON. I was coming to that. He got, I believe, an outfit of about \$9,000.

Mr. BAYARD. And an infit. Mr. SARGENT. Nine thousand dollars salary and \$9,000 outfit and \$4,500 infit.

Mr. STEVENSON. Nine thousand dollars salary and \$4,500 infit, but he had no extras

Mr. SARGENT. What kind does the Senator mean?
Mr. STEVENSON. Such as are now awarded our ministers. If
I am not in error, though I do not speak with entire accuracy, one of
our ministers at London was not allowed the extraordinary expenses caused by having to put his household in mourning on the death of the King, or taking part in the coronation of the Queen, or many other necessary extraordinary expenses which sometimes occur abroad. These are now properly allowed, in addition to the salary.

I admit, Mr. President, that the cost of living and of every thing else

has advanced greatly since that period. I am sure I desire that our ministers should be paid competent salaries. But I must say that they should bear some proportion to the salaries which are given to the President and his Cabinet. We know that the expenses of living are much more extravagant in Washington than in most of the Euare much more extravagant in Washington that it has been repean capitals. I cannot understand, if the salary of the President and his Cabinet are placed at \$25,000 and at \$8,000, why we cannot make a small reduction in some of our foreign ministers. Salaries of all public functionaries insidiously go up. They continually expand. all public functionaries insidiously go up. They continually expand. You rarely hear of their coming down without a public outcry against the injustice of such reduction. The House of Representatives, after the injustice of such reduction. The House of Representatives, after a full investigation, have attempted this reform. Will the Senate refuse to concur without testing the experiment? I agree fully to the sentiment so often expressed in this debate, that no Senator should feel bound to follow the House. By no means. We are here as Senators, upon our own individual sense of what is right and proper. I acknowledge that in the highest sense of official responsibility.

acknowledge that in the highest sense of official responsibility. Many Senators around me whom I honor and respect—and with whom politically I am accustomed to act—differ with me in the course which I feel it my duty to pursue in sustaining this proposed reduction.

It was my misfortune to differ with some of my political friends in reductions proposed by other appropriation bills during the present session. I am still on the saine line of retrenchment whenever it can be done without injury to the public service. It is an unpleasant duty, but the monetary depression which threatens almost national bankruptcy calls loudly for some effort in this line. I shall never be swerved from any vote which in my judgment duty demands; still less shall I ever utter a complaint against any other Senator in this Chamber who differs from me. I yield to all the same patriotic purpose and the same high resolve to promote the public good that I pose and the same high resolve to promote the public good that I would fain claim for myself. If Senators happen to see the same subject from different stand-points, we can all afford to differ, and at least yield our views to a majority of the Senate. I believe, in addition to the proposed reduction of salaries, that many of the smaller missions can in Europe as in Central America be amalgamated or united. If so, we can accomplish a healthy reduction in that line. If Congress intends in good faith to meet popular expectation by a large reduction of the annual expenditures of the National Government, it reduction of the annual expenditures of the National Government, it can only be done by lopping off and retrenching in every agency of the Government where it can be accomplished without actual injury. I am quite sure that very many items of expenditure can be reduced in the foreign service and many more can be entirely abolished. I find some of these contingencies at the respective courts are as follows:

That at Paris last year was \$3,650.62; in Germany, \$3,648.34; in England, \$3,859.29; and so we go on.

Mr. BAYARD. May I ask the Senator from Kentucky whether any portion of this fund he speaks of as being contingent entered into the personal expenses of the minister, or were they expenses that will arise, of an official and public character, necessarily in the execution of his duties?

Mr. SARGENT. They were for postage especially.
Mr. STEVENSON. I am sorry I cannot reply to the inquiry of my
friend from Delaware. I have not looked to see what the real character of these contingencies was. I see them quoted as contingencies, acter of these contingencies was. I see them quoted as contingencies, but I do not know of what items of expenditure they are composed. The Senator from California says they are for postage especially. That may be so; I am only sorry the Committee on Appropriations cannot give us every item, to let the Senate see whether some of them might not be dispensed with. We have, in addition to the embassador, a secretary of legation and a consul also at London. They of course receive stated salaries at much less amounts than the amount paid the ministers.

Mr. SARGENT. Will the Senator allow me? He speaks of a minister having a consul. I would like to ask the Senator if he is aware that there is no connection between a minister and a consul in relation to their duties, and that the consul pays over to the Government of the United States somewhere about \$52,000 annually above

Mr. STEVENSON. The Senator misunderstood me. I did not say the minister at London had a consul. I said there was a secretary of legation and a consul at London? I was aware that the minister at London and the consul there were independent positions; but I am not now aware, and I do not think the Senator from California is, nor do I think any human being can be, that the consul cannot and does not often perform many duties in the absence of the minister

which, were he present, would devolve on him.

Mr. SARGENT. I say they are independent.

Mr. STEVENSON. Of course they are independent, and their salaries are independent. I meant to convey no other impression.

Mr. SARGENT. And that consul himself pays, as the result of the existence of his office, something over \$50,000 into the Treasury of the United States.

Mr. STEVENSON. I am very glad to hear it. He deserves a good salary, and there is no proposition pending to reduce it. It is a great mistake to suppose that large salaries to ministers or to consuls enlarge our commerce. Commercial intercourse are the incidents of commerce, but do not create it. It is the sheerest fallacy to suppose that salaries to ministers or to consuls have any part in increasing or restricting our commerce. No, Mr. President, it is your protective policy which has crippled your commerce, and which if persisted in must destroy it. It is this unjust, restrictive policy—forbidding the building of ships where they can be built cheapest—this taxing of the materials and commodities which enter so largely in the building of ships, that has reduced within ten years past American tonnage so largely and increased that of Great Britain. I should delight to see this system of protection, which has so long shackled our commerce, utterly abandoned.

I should joyously welcome the triumph of a free, unrestricted American commerce, stripped of all protective restriction, whitening every sea with our ships and bearing to every shore under God's sky the fruit of our multiplied and varied industries, and hallowing the despotisms of the Old World with the gladsome light of the free institutions of the New. But this consummation is to be achieved by no scale of moneyed compensation to ministers or to commercial

agents.

Remove the restrictions that have driven your shipping to foreign

bottoms and make your commerce free.

But, Mr. President, I forbear. This subject of reducing salaries is always an unpleasant business. But, sir, it is a much sadder one to see the general depression and commercial gloom which, I am sorry to say, now like a great dark cloud darken every part of this land with their shadows. I am done. I rose to give the reasons which impelled me to support the pending provision in the bill which came from the House in its proposed reduction.

Mr. MORTON. One word, Mr. President. I am as much in favor of economy as the Senator from Kentucky; but it sometimes becomes a question, what is economy? If there is a desire to reduce these salaries there is a very plain way. A bill to reduce salaries may originate in this body. My friend has had all the session to introduce a bill to reduce the salary of the minister to Italy or to any other court. All that I was pointing out was this: that this legislation should be conducted according to the forms of congressional business. It has been found by hundreds of years of experience in parliamentary bodies that it is safer and better to divide the business up and let it be considered by appropriate committees. Under the guise of economy it is now proposed to trample all this experience under foot, economy it is now proposed to trample all this experience under foot, and that the Committee on Appropriations shall assume to itself to consider and determine all these questions. A few years ago, I believe some twenty-five or thirty, a bill was proposed creating the Department of the Interior. It was a long and carefully prepared act, considered by the proper committees. Suppose the Committee on Appropriations should assume that there is no necessity for that Department that the business expect to exact the Tree street Property. partment, that that business ought to go back to the Treasury Department, where much of it was formerly discharged, and they put it into the appropriation bill, striking out salaries for the Secretary of the

Interior and all his officers and transferring that over to the Treasury Department. That is the precise principle involved in this bill. We have a question in both Houses, Where shall the Indians be taken care of? Shall it be under the charge of the Interior Department, the present system, or shall it be transferred to the War Department and put under the care of the Army? That is a proper question for the Committee on Military Affairs to consider. It is a proper ques-tion for the Committee on Indian Affairs to consider. But the Ap-propriation Committee comes in and cuts the Gordian knot, and takes the whole matter into its own hands, and relieves the Committee on Indian Affairs and the Committee on Military Affairs from the further consideration of it.

That is the theory of this bill. It seems to me that it is neither economy nor is it wise. If these radical changes are to be made, missions reduced or abolished, consulships raised, lowered, or abolished, these things should be passed upon by Congress in a separate bill. There is ample time and there is no necessity for crowding everything into

is ample time and there is no necessity for crowding everything into the appropriation bills.

Mr. HAMLIN. Mr. President, I was a member of this body long years ago when a bill was reported from the Committee on Foreign Relations fixing and determining the salaries of our foreign ministers. It was many years ago. It was at a period of time when the scale of prices for all that a man would require to sustain life, to clothe and the state of the salaries of the salaries of the scale of prices for all that a man would require to sustain life, to clothe and the salaries of the salaries o feed him, either in this country or abroad, was vastly below that which exists to-day. It was a scale of salaries that was considered and carefully examined first by that committee to which it appropriately belonged, and it was then considered by both branches of Congress, and received their approbation. It is now proposed by the Committee on Appropriations of the House in the bill which they send to us to abolish a very large number of those missions and to reduce the salaries in

ish a very large number of those missions and to reduce the salaries in a still larger number. Is it wise? Is it economy? We all know that these several ministers are the representatives of our Government abroad. We all know that they reflect very much the character of our people and our institutions, and that in other countries there is an impression which is produced by the character of the minister we send there. We all know that one of the duties devolving upon that minister is one of simple hospitality, first perhaps it may be to the citizens of our own country who may have occasion to go always a second of the citizens of the country to which casion to go abroad, and second to the citizens of the country to which

he is accredited.

Taking then the fact that this was a scale of salaries agreed upon at a period of time when the price of everything was upon a lower scale than at present, taking the condition of these ministers at every court and the connection which they bear to our Government and the impress they are to make on the governments where they go by their ability in some degree to bestow those hospitalities that we as a people ought to be proud that they may be able to bestow, I think it is the worst of economies to seek to reduce them now. I adopt the argument of the Senator from Indiana as unanswerable, that there is no one committee composed of the best and most intelligent men, either in this body or in the other House, that can as well and as wisely determine what shall be done in relation to all the branches of the serv-

ice as the various committees to which those subjects appropriately go.

Now, sir, take this matter of foreign ministers. We divide here in
this body honestly upon what is the best policy of the country in
relation to our tariff. We have here men who are protectionists per se, it
may be; we have Senators who are free-trade men, or they so claim may be; we have Senators who are free-trade men, or they so claim to be. When you examine the subject carefully, you find that the one perhaps is not an ultra protectionist nor the other a free-trader; but we divide on the policy of our laws as to what extent in protection you shall go. I take up this bill, and I find first and foremost in tion you shall go. I take up this bill, and I find first and foremost in it that in five or six of the South American and Central American republics it has abolished our ministers. Is it wise? These republics are our neighbors. We ought to have a sympathy for them from our similarity of government. The commerce of these republics belongs to us, and we ought to have it. A wise statesmanship would give it to us—a statesmanship. I grant, that we have not exhibited for long years. When I turn to your tables of commerce, I find that year after year the commerce of these republics that ought to belong to us is dwindling away. And here you propose to strike a fatal blow and annihilate, in my judgment, the little that remains.

Let me address myself to the man who is the most liberal in his

Let me address myself to the man who is the most liberal in his construction in relation to revenue matters, and let me say to him that here is a field, and let me say also to the man who goes to the greatest extreme in seeking to protect the industries of our country by a system of tariff—let me say to all that here is a field in which you may open up a commerce of uncounted millions, if you will act wisely, worth more to the manufacturer and to the agriculturist of all parts of our country than any tariff law we can pass, be it free or be it restrictive. And how are we to maintain, or how, in other words, are we to increase these revenues and these commercial relations if we sever that connection which ought to exist between us and them by the appropriate diplomatic officers? We never can hold them in that way, and the remaining portion of the commerce of those countries which we still hold will vanish and go. We want the wisest and the best men we can get to place there for the purpose not of losing what we have got, but of securing new fields for our manufactures. There is to-day no implement of agriculture that is manufactured in the United States, I think, in which we cannot compete successfully with any country in the world and manufacture a better article, and there is no article that we manufacture that the uncul-

tivated fields of these republics do not require.

How are we to secure these new fields for our commerce if we sever How are we to secure these new fields for our commerce it we sever our relations with them? In my judgment, Mr. President, it would be the unwisest thing in the world. I know we have grouped several of them together in times past. It would be a wiser policy to-day to dissever those groups and add to your diplomatic officers in these republics rather than to restrict them. That would be economy, although you might expend a few miserable dollars in doing it. You though you might expend a few miserable dollars in doing it. You will if you act wisely, in my judgment, seek every occasion to cultivate first the relations of intimacy with all these republics that are so near to us, and in doing that you will next seek to secure that commerce which, I repeat again, belongs to us and which in years past we had much more of than we have now. Did the Committee on Appropriations in the House consider all these questions?

Mr. President, you ruled rightly that we may not refer to the action of that body. We may take the bill as it is presented to us as the action of that body, and moon that bill we can justly and properly

of that body. We may take the bill as it is presented to us as the action of that body, and upon that bill we can justly and properly comment. I may not ask, therefore, and consequently I do not ask, did the Committee on Foreign Affairs in the House of Representatives propose these changes in this bill? I may not ask it. Senators may

know, however, how it is.

Then I turn to another portion of the bill and I find here is consulate after consulate abelished. And what are these little consuls? They are useful officers to our commerce all over the world; they are requisite for the protection of seamen; they are requisite for the protection of the commerce of our country; and they are useful for the projection of the Treasury, as my friend from Vermont [Mr. Edmunds] suggests, to see that violations of the revenue laws of the country are properly guarded against by the certificates they shall give of the cost of the foreign article in that market, which is to be

fransmitted to our own.

Mr. SARGENT. There are forty of them struck out.

Mr. HAMLIN Forty and more. The time was when I had a very accurate knowledge of the whole consular system of this country much more than I possess now; but I may say that I have still that knowledge of the consulates of our country which enables me to say that I believe I know there are consuls after consuls stricken out here the loss of which will embarrass the commerce of the country

if the Senate shall agree to the measure.

Mr. MORTON. I will inquire of the Senator if either Committee on Commerce have been consulted?

Mr. HAMLIN. There again, Mr. President, under your ruling, I may not ask, and consequently I do not ask, if the Committee on Commerce in the House of Representatives were consulted and approved of this wholesale slaughter of our foreign consulates. I think I am authorized to read from newspapers, and to adopt the remarks which I find in the newspapers as part of what I say. I have not got the newspapers before me; but I do say, not what I hear in the House, but what I read in the newspapers, that the various committees in the House are at loggerheads because they have not been consulted upon these precise things.

Sir, before I will vote to make a wholesale slaughter of our consuls, I must have a report of the Committee on Commerce in the Senate. From the formation of the Government to the present time that committee has been intrusted with the duty of providing by proper laws for their appointment and by proper laws for the regulation of their duties. They are commercial officers; hence it has been appropriate that they should be considered by the Committee on Commerce.

I know, as the Senator from Virginia I think it was said, that we have precedents in abundance of regulating saleries if you please.

have precedents in abundance of regulating salaries, if you please, and of doing, I will admit, almost anything else by way of amendment to appropriation bills. I concede it; but never within the history of the Government has there been a time when the Appropriation Committee has sought to regulate the whole service of your country and to assume the control and regulation of every other committee that belongs to the legislative body. There have been large and sweeping amendments made upon the appropriation bills in relation to the Army; they have been made in relation to the Navy; but I think if Senators will go back to the Journals, I will not say that they will find in every instance, but in almost every instance they will find that those amendments have been prepared by the appropriate committees, and have therefore come to the body with the sanction of that committee to which the subject appropriately belonged. Consequently the precedents to which Senators refer have no relevancy and no application to this bill.

It is a vicious system of legislation. I am told that I must vote for this bill and vote the appropriations, or there is to be no appropriation bill. Well, sir, let it come; I only speak for myself, but I say, so vicious is that system that as one Senator I never will vote one dollar of appropriation under that limitation and under that threat dollar of appropriation under that limitation and under that threat of coercion. Other Senators will vote as their judgment leads them to believe is correct. Mine leading me to believe I am correct will restrain me from giving a vote under duress here. And this is in my judgment, I repeat, the poorest kind of economy. I will on all occasions when there shall be brought before this body any bill seeking to limit, diminish, or restrict the appropriations of the Government where they are now in excess, give to it my cordial support; but when a general system like this is presented, which seems to be the one that is to be adopted, I would not vote for that which of itself

abstractly might be right if I have got to take it only upon condition that I must vote for that which I know to be wrong. I think the rule is a wrong one. I will join the Senator from Kentucky or any other Senator when he will present a bill here and show me that the exigencies of the service require or that the service of the country will not be embarrassed or diminished—I will join with him in applying the proper corrective everywhere, while I will not join with him in being compelled to vote for a series of amendments, some of which I think I have knowledge enough to know are absolutely wrong and absolutely vicious. I cannot join with him because my judgment tells me the system is wrong and vicious and that it is an economy which all wise men would shun, and it is not true economy. It is the want of economy. If you do not give a fair and adequate compensation for the service performed, it is wrong; it is not econ-

omy.

Mr. President, when I rose I did not mean to say half what I have said, but taking this view, and letting this be all that I have to say upon this bill, I shall vote with all cheerfulness for the recommendations of the Committee on Appropriations of this body, believing that they have acted wisely and for the best interests of the whole country. Mr. COCKRELL. I wish to ask of the Senator from Maine an ex-

planation. Did I understand him to say that the commerce with

South America had been decreasing recently?

Mr. HAMLIN. Yes, sir; largely.

Mr. COCKRELL. Then, I desire to ask, has the number of commercial agents been increased there in the last fifteen years?

Mr. HAMLIN. Diminished.

Mr. HAMLIN. Diminished.
Mr. COCKRELL. In the last fifteen years prior to this bill?
Mr. HAMLIN. Yes, sir; diminished.
Mr. COCKRELL. I mean every year prior to this bill?
Mr. HAMLIN. Yes, sir.
Mr. STEVENSON. I will state to the Senator from Missouri that from 1861 to 1874 there was a diminished American tonnage on American this of 7 277 810 tons.

from 1861 to 1874 there was a diminished American tonnage on American ships of 7,277,819 tons.

Mr. EDMUNDS. Between what years?

Mr. STEVENSON. Eighteen hundred and sixty-one and 1874, a period of thirteen years. I will state further that in 1860 the total American tonnage that entered British ports was 1,747,651 tons and the British tonnage that year was 1,136,364 tons. That was in 1860. Now we have had the high salaries, and in 1870 the American tonnage entering British ports was 479,670, while the British was 2,778,823 tons, and all our commerce now, I believe, or almost all comparatively, is carried by British bottoms, and not by American bottoms. It is a great mistake to suppose that salaries can increase commerce. Consuls and embassadors are the incidents of commerce; they do not create it;

it is all a mistake to suppose so.

I go with my distinguished friend from Maine in all he says about the independence of the Senate and about having committees who have charge of the matter to consult with the Appropriation Committee, but at last it is the Appropriation Committee which has the right to recommend these appropriations. Why, sir, we passed a treaty here not long since—I believe I may mention it as a matter of history—and yet I am informed from the papers that treaty has not yet become effective. I suppose that the House of Representatives, the branch of the Government which the Constitution denominates the power to originate revenue bills, would not vote any appropriation until they had examined thoroughly into the history and bearing of every treaty that comes before them. So it is, I suppose, in a similar way with the Appropriation Committee, that they will not agree to recommend any appropriations until they know that the public service will be benefited thereby.

Mr. EDMUNDS. Before the Senator sits down, I wish to ask him

a question in reference to what he has just said about the tonnage of the United States in 1860 and 1871, or whatever the time was. The Senator says it has vastly diminished since 1860, if I understand him. Mr. STEVENSON. I said in that period of thirteen years, from

1861 to 1874, the diminution against American shipping was 7,277,819

Mr. EDMUNDS. Now, I wish to ask the Senator in all fairness to state to the Senate whether he is not aware—

Mr. STEVENSON. Of the war?

Mr. EDMUNDS. That the rebellion swept from the seas substantially the whole of American commerce?

Mr. STEVENSON. I suppose that had a great deal to do with it, and I did not desire to conceal that fact; but even before that the gentleman must know that our American shipping had virtually gone

Mr. EDMUNDS. So it has virtually gone down.
Mr. STEVENSON. So the Senator will agree with me.
Mr. EDMUNDS. It went down under the arms of the rebellion,
and it will take a great deal of time to cure that wound that the rebellion inflicted on our country. I am glad to know that at this present day it is beginning to revive. But to have the honorable Senator from Kentucky, who knew so much about the rebellion and the devastation that it created, bring forward that circumstance as a reason why these salaries should be reduced rather astonishes me, I

Mr. STEVENSON. I am more astonished at the Senator from Vermont, who undertakes, as he always does, to bring in the rebellion against a simple statement of fact that the increase of salaries did not create commerce. Does he say that it does? The rebellion has ended for more than ten years, and will the Senator go back five years and try it and show whether the shipping occupies the same

position now it did then?

Mr. EDMUNDS. Mr. President, with the greatest possible respect to my friend, I shall always bring in the rebellion whenever it bears upon the subject under consideration. I am not in the least afraid of it. I am not afraid of being misunderstood about it. The rebellion is a great factor in the present distress of this country, and as such I do not intend to shut up my eyes to it; and when I see my honorable friend, a leader of the democratic party here, urging a pinching down of salaries that were established before the rebellion, upon the ground that our commerce on theseas has fallen off, and omitting to give any other reason for it than the fact that he may suppose there were too many representatives and consult abroad, I feel obliged, with great deference to him, (I hope it does not cut him or hurt his feelings,) to refer to what is the fact, as he has admitted, that our commerce was swept from the seas by the rebellion. If that disturbs anybody's equanimity it must be his misfortune, for I shall certainly allude to it every time it is a fair element in the consideration of any question; when it is not, I shall not, as a matter of course. But I do not know that we have yet got to that state of beatification that we cannot refer to a public historical fact which relates to a

that we cannot refer to a public historical fact which relates to a subject under consideration without somebody getting greatly disturbed and imputing to people motives in referring to the rebellion. Now, Mr. President, let us come to the case in hand. The commerce of the United States has fallen off since 1860. The reasons for its falling off I have stated to have been the effect of the rebellion. I repeat it, and everybody knows it. But, I take it, it does not follow, because our commerce has been destroyed by the rebellion, that we should drive nails into its coffin by undertaking to destroy all the representatives commercial and diplomatic that we have in countries representatives, commercial and diplomatic, that we have in countries with whom we have commerce in order to finish up the performance. That is the effect of it. We talk about economy, Mr. President, and we ought to at all times, and we ought to practice it; but we ought not to save at the spigot and waste at the bung, as the expression is. Economy is an honest preservation of the public money from being expended for useless and unnecessary purposes. Economy does not consist in failing to meet the necessary and indispensable expenses of the Government, I take it. I do not know any such economy.

The question, therefore, is, speaking broadly, whether we shall con-

tinue to endeavor to encourage and revive the commerce of the United States by keeping up closer commercial and diplomatic intercourse with the countries with which we are in relations, in order to stimulate in every possible way the development of our trade and the sale of our products, or whether we shall pursue the scheme that is adopted in this bill, of diminishing this service, putting every branch of it upon short allowance, striking out entirely large proportions of it, and then wait for events to revive our commerce. That is the question. If anybody can point out a salary anywhere in this bill that can be shown by the report of any committee on appropriations, or otherwise, to be unnecessarily large, (although it is entirely the wrong way to do business, in an appropriation bill to change the laws, and I have generally resisted with all the power I possess that sort of legislation,) I shall cheerfully vote to reduce it; but nobody in this debate, no committee that I have heard of anywhere, has undertaken by any inquiry or investigation—as numerous as they are—to show that any one of these salaries to our ministers or consuls abroad is in excess of

the necessary requirements of that station.

If you are to send a citizen of the United States to Great Britain, if you please, as the minister of our Government, do you not expect to pay him what it will cost him to live there in decent, not ostentatious, respectability? If you do not, then you must occupy one of two grounds: you must either say that you will only select the wealthy citizens of this country for the stations of public trust and honor or you will leave it to the poor ones that may be appointed to make up what is necessary to their livelihood by devious ways. Which does the honor of the Government require? Does anybody who professes to be a democrat or a republican wish to establish in this country the idea that wealth is an indispensable prerequisite to the holding of office and the discharging of public trusts? I take it not. Does anybody in this country intend to advance the proposition that we shall put men into office who are not sufficiently paid to keep them out of the temptation of doing wrong? I take it not. Therefore, Mr. Presi-dent, I assume that everybody will agree that every one of these salaries, taken by itself, ought to be large enough to support any citizen of the United States, without calling upon his private means, in that just and proper and simple republican maintenance of his establishment which belongs to the character of our nation and to enable him to discharge the duties he is called upon to perform.

If you apply that test, and I believe everybody will agree that it is a just one, where do you find yourself? Has any committee undertaken to report in respect of the expenses at the court of St. James, that it has been found that the minister of the United States at that court has been making money out of his office; that the salary was too great for his just necessities of livelihood? I have not heard any too great for his just necessities of livelihood? I have not heard any such information at all. It seems that those who arranged this bill—I must assume that it was the Department or somebody; I cannot assume that it was the House of Representatives; I have no right to refer to it, and I do not assume that it was—instead of making an

inquiry into the expenses of the British mission, the necessary and just expenses of it, have taken an arithmetic and slate and sat down and made a division which would cut horizontally over everything. If that is economical or even respectable legislation, I do not understand what that sort of legislation is.

There is one mission that I happen to know something about personally, and I only speak of it as an illustration, and that is the mission to Italy. I have seen the house in which the American minister to Italy lives—the second story of a house, the first story being let to other occupants, and the third story being let to other occupants. He lives in an obscure and quiet street; and yet in the city of Rome, where the salary is now \$12,000, it takes, if I am correctly informed, although my information is not recent, and not with reference to any bill of this sort, over one-third of the salary of that minister to pay the simple rent of that flat, in a little old stone house in a back street. Then, when you proceed to the other expenses of missions, think of the constant drain upon our ministers everywhere to take care of the needy, destitute citizens of the United States, and provide the means of their getting home—not an official duty which the statute enjoins, I admit, but a duty which the national honor, and the national charity, and the national pride absolutely enforce upon every one of our min-isters and consuls whenever they find a case of distress among the isters and consuls whenever they find a case of distress among the citizens of our country. Although such expenditure is paid really out of their private pocket, their private pocket is replenished by the amount of the salary which the United States pays them, and where they are poor men, of course they cannot pay it in any other way. Does anybody wish to cut short, at any one of these missions furnishing our minister, if he pays it out of his own salary, a salary sufficient to enable him to do semething in the way of charity to our ficient to enable him to do something in the way of charity to our destitute citizens who are stranded abroad? I take it not. Does anybody here wish to prevent an American minister at any one of these courts, if an American citizen comes to him respectable, wishing to observe the governments of foreign countries, and to bring home some knowledge useful here, from asking him to dine, or to sup, or to breakfast, and to meet distinguished citizens there from whom he can gain information in that country? I take it not. Does anybody here expect that an American minister is to do his duty, and shut himself up in his lodgings without going into the society of the capital to which he is accredited, in order that he may perform his duty, and make himself thoroughly acquainted with the operations of society and government in that country? I take it not. But do you intend any minister of ours to be mean enough to go and dine with every-body else, and never ask any of the people who have shown him hospitality to break bread with him? I take it not.

Mr. President, we must apply the good sense of economy to all such questions as this; and you must provide under the head of salary to these ministers a fund limited, scrutinized carefully I agree, but you must provide a fund out of which they can do those ten thousand things which are necessary to the welfare and to the honor of our country. When you come to look at that view of the case, \$17,500 at Great Britain, or \$12,000 at Rome, and so on, fail, really fail, to make up the indispensable expenses of these gentlemen. In the case of Italy, I happen to know it personally, and there are Senators within the sound of my voice, if they have not gone out recently, who have declined more than one of these missions in the course of the last five years, upon the simple ground that the compensation attached to the office was not sufficient to enable them to meet the expense, not that display, or splendor, or ostentation might call for, but those simple and necessary objects of expenditure to which I have alluded. And yet

Senators propose to cut down by one-third still.

Mr. President, somebody has talked about the demands of the people. The people whom I represent specially do not demand anything of the kind. They demand economy. They always have, and always will. They demand honesty and fair play, and I hope they will continue to do that, and I have no doubt they will; and therefore I extent to be instified when I yet to continue a solar at what the law. pect to be justified when I vote to continue a salary at what the law has fixed it, unless it is made apparent by some estimate and informas used it, unless it is made apparent by some estimate and information about the expenses relating to the discharge of that office that the salary is too high. When that is made apparent I shall most cheerfully vote to reduce it, and until that time I certainly shall not.

Mr. CAMERON, of Pennsylvania. Mr. President, I move that the Senate now proceed to the consideration of executive business.

Mr. SARGENT. O, let us finish this bill.
Mr. CAMERON, of Pennsylvania. I do not want to interfere with this bill, but there is some business in executive session which will Mr. SARGENT. It is too early yet; five o'clock will do.
Mr. CAMERON, of Pennsylvania. I do not like to interfere with

Mr. SARGENT. I trust the Senator will withdraw the motion. It

Mr. CAMERON, of Pennsylvania. Then I give notice that to-morrow at three o'clock I will ask the Senate to go into executive session.

Mr. MORRILL, of Maine. Mr. President, I do not intend to delay the Senate nor do I intend to discuss the question of salaries. The question of salaries, what they ought to be, is not germane at all to this bill. I can conceive of nothing more strangely out of place than the idea of undertaking to determine upon an appropriation bill what the service ought to be. The first thing and the only thing is, What is the service as established by law? The duty of an appropriation

committee is not legislative at all in any important sense whatever; it is administrative simply. Mr. President, unless we observe the fundamental distinctions between legislation and appropriation, this session will end when the next session begins in December next. As the Senator from Indiana has well said, there is no end to what may the Senator from Indiana has well said, there is no end to what may be said, must be said if everybody deems it expedient to become eloquent over the public service on an appropriation bill, and undertakes to say what it ought to be. Who of us here now are competent to settle that question, having the proper information on that subject? The Committee on Foreign Relations might be presumed to know something in regard to the relations of this part of the public service; but what is the general information in this body on that question? Does any Senator here outside of that committee feel himself competent to decide that question? Is there a Senator here who from the beginning of the session expected to be called upon on an appropration bill to say what this service ought to be? No, sir. Why? Because on this class of subjects it is not open to discussion; the Committee on Appropriations in the Senate, admonished by the Senator from Vermont as well as the rulings of the Chair—I do not allude to the House at all—but the duties of the Committee on Appropriations of the Senate are all done and consummated when they have told the Senate what the public service requires; and what the pubtook the Senate what the public service requires; and what the public service requires is what the law has stipulated. What the public service requires, that is the obligation; and it is an obligation resting on each member of Congress precisely as much as it rests anywhere else; and an appropriation committee has no function whatever in regard to the change of it. If either branch of this Congress undertakes to violate that fundamental principle of all legislative appropriation there is no end to the debate which must arise in this Congress. Senar or later both hereals a most account of the contract of the contrac Congress. Sooner or later both branches must come to comprehend that question. We divide here on the matter; we wrangle here, if you please—though perhaps I ought not to use that word—as to what the public service ought to be. It ends in—what? It ends in simply the majority voting down the minority.

Suppose it were possible that the two branches of Congress should

divide on the question, then the public service remains precisely as it began; neither branch of Congress has the authority or the power to change the public service so much as a single salary. That is a question of legislation, and can only be effected by the concurrent action of both branches of Congress and the approval of the President acting in perfect harmony. If Senators remember that fact, we shall see at once the impropriety, not to say absurdity, of one branch undertaking to revolutionize the public service without the assent of It cannot be done.

What is the rule that underlies all this? By the comity, by the usage, the House of Representatives, ordinarily, generally initiates the appropriation bills. It is of no great consequence which House initiates the measure; but ordinarily the House of Representatives does it. There is neither law, nor Constitution, nor joint rule of the bodies, which makes that imperative. According to my notion it may be done by either body. It is, as a matter of fact, ordinarily done by the House of Representatives, I repeat. What is expected to be done? To appropriate is simply to make a provision for the public service as it is established by law; and the moment that either branch of Congress established by law; and the moment that either branch of Congress departs from that rule, and undertakes to legislate upon an appropriation bill, it has violated a fundamental principle of legislation and made it impossible to have anything like independent legislation. Either branch of Congress which undertakes to change the public service on an appropriation bill is an innovator. It is an unauthorized and unparliamentary innovation. That is what it is. What is the result of it? If the other branch shall not agree to it, what is to be done? Is the bill to fail? Is Congress to give up? Are we to sit here the year round and make no appropriation because one branch be done? Is the bill to fail? Is Congress to give up? Are we to sit here the year round and make no appropriation because one branch of Congress violates a well recognized and fundamental principle of all legislation? No; that would not do. So what would be the result of it? If the other branch does not agree to it, then the branch innovating must back down. The moral sense of the public would demand it; their own returning sense would require it; and if the Senate of the United States would refuse to do a thing of that sort, I would refuse to be its agent on this floor instantly. If we present in an appropriation hill a matter of legislation distinctly by itself I would refuse to be its agent on this floor instantly. If we present in an appropriation bill a matter of legislation distinctly by itself, we are innovating on a fundamental principle of all legislation; and if the other House does not agree to it, the bill is not to fail, but the innovating party must submit, must withdraw from the innovation. That is the principle we should all recognize; that is a principle so high in morals, so absolutely obligatory in law, so binding by every principle of parliamentary law and comity, that no branch can stand in the face of it. The public sense would be shocked by a condition of things by which the two branches of Congress would become interlocked here and the public business of the country put to a standstill because one branch or the other had taken it into its head to force the other branch into submission by putting such a rider upon a money bill essential to the progress of the Government from day to

day, on pain of forcing the loss of the bill.

Mr. President, these are the circumstances under which we are legislating. L is neither optional with us nor with any other branch to propose to us an innovation of the public service upon one of these bills. Fundamental principles underlie the law; and however much we may squabble about it here, and howsoever much time we may spend in the end, either here in open Senate or in conference, we shall | master-General, transmitting the draught of a bill to enable that offi-

all of us come to recognize the principle which underlies all wholesome legislation, that this bill must be kept free, absolutely free. I do not mean to say that an appropriation bill may not be amended. It may. The public service may be changed. It may be changed by the recommendation of proper committees of the Senate and House having jurisdiction over those questions; but what I am arguing is against the impropriety of undertaking to regulate the public service on these particular money bills. Nothing can be more pernicious, nothing is more unsound, and nothing is more unauthorized as matter of legislation.

Mr. President, I am not going to discuss the features of this bill. Altogether the bill as reported to the Senate by our committee, as I understand it, is strictly in harmony with the public service as established by law. That is enough for the Committee on Appropriations of the Senate to know. It is all they have a right to propose to the Senate. An experience of some eight or ten years in connection with this branch of the service, so far as appropriating is concerned, leads me to agree with my colleague that the best interests of the public will be subserved by appropriating in the bill substantially for the service as it is.

Mr. CAMERON, of Pennsylvania. I will now ask the Senator from California to consent that I shall make a motion for an executive

Mr. SARGENT. On the suggestion of a number of Senators around me and knowing that the business is important, I consent; but to-morrow I shall insist on disposing of this bill.

#### EXECUTIVE SESSION.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and twelve minutes spent in executive session, the doors were re-opened, and (at five o'clock and four minutes p. m.) the Senate adjourned.

# HOUSE OF REPRESENTATIVES.

# MONDAY, March 27, 1876.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. I. L. TOWNSEND.

The Journal of Friday last was read and approved.

# COST OF SIGNAL SERVICE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting, in compliance with House resolution of the 23d instant, reports from the Chief Signal Officer, the Paymaster-General, and Quartermaster-General, showing the cost of the Signal Service during the last fiscal year. Mr. CLYMER. I introduced the resolution to which that is a reply.

move that the communication be referred to the Committee on Expenditures in the War Department.

The motion was agreed to.

## SUBSISTENCE OF THE ARMY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting a communication from the Commissary of Subsistence, asking for an appropriation of \$300,000, for subsistence of the Army for the fiscal year commencing July 1, 1876; which was referred to the Committee on Appropriations.

## PUYALLUP RIVER, WASHINGTON TERRITORY.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting, in compliance with the provisions of the river and harbor act of March 3, 1875, a report of the Chief of Engineers upon the examination of the Puyallup River, Washington Territory; which was referred to the Committee on Commerce.

## WILLIAM D. COLLINS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in reply to House resolution of March 14, 1876, in relation to the defalcation of William D. Collins, late pension agent at Washington, District of Columbia; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

## COLORED PENSIONERS IN MISSISSIPPI.

The SPEAKER also laid before the House a report of the Commissioner of Pensions, upon the House resolution of March 2, 1876, relating to claims for pensions of colored applicants residing in Mississippi; which was referred to the Committee on Invalid Pensions.

## INDIAN DEPREDATIONS.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in reply to a resolution of the 15th instant, in relation to claims on account of Indian depredations; which was referred to the Committee on Indian Affairs, and ordered to be printed.

DEPOSITS BY THE POSTMASTER-GENERAL IN THE TREASURY.

The SPEAKER also laid before the House a letter from the Post-

cer to draw on the Treasury, deposit, and redeposit such moneys as have been erroneously deposited to the credit of the Post-Office Department, with a letter from the Third Assistant Postmaster-General; which was referred to the Committee on the Post-Office and Post-

#### ORDER OF BUSINESS.

The SPEAKER. Is there objection to taking from the Speaker's table and referring the bills from the Senate and the House bills returned from the Senate with amendments?

There was no objection, and it was so ordered.

#### EULOGIES ON THE LATE SENATOR O. S. FERRY.

The bill (S. No. 644) to authorize the printing and distribution of the eulogies delivered in Congress on the announcement of the death of the late Orris S. Ferry, a Senator from the State of Connecticut, was taken from the Speaker's table, read a first and second time, and referred to the Joint Committee on Printing.

DISTRICT JUDGE OF THE WESTERN DISTRICT OF PENNSYLVANIA.

The amendment of the Senate to the bill (H. R. No. 219) to permit the judge of the district court of the United States for the western district of Pennsylvania to retire was taken from the Speaker's table and referred to the Committee on the Judiciary.

#### INDIAN DEFICIENCY.

The SPEAKER also laid before the House a message from the Senate, informing the House that the Senate insisted upon its amendments, disagreed to by the House, to the bill (H. R. No. 2589) to supply the deficiency in the appropriation for certain Indians, and requested a conference with the House upon the disagreeing votes thereon, and had appointed Mr. WITHERS, Mr. ALLISON, and Mr. OGLESBY the conferees on the part of the Senate.

Mr. HOLMAN. I suppose the House will comply with the request

of the Senate for a conference. The gentleman having charge of the bill is not now in his seat, but I think there will be no objection; and I therefore move that the request of the Senate be granted.

The motion was agreed to.

#### ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at twenty minutes before The SPEAKER. The morning hour begins at twenty minutes before one o'clock; and, this being Monday, the first business in order is the call of the States and Territories, beginning with the State of Maine, for the introduction of bills and joint resolutions for reference to their appropriate committees, not to be brought back on motions to reconsider. Under this call memorials and resolutions of State and territorial Legislatures may be presented for reference and printing. Is it the pleasure of the House that this call shall continue until the States and Territories have all been called, without reference to the termination of the morning hour? The Chair hears no objection.

## MARY LYNCH.

Mr. BLAIR introduced a bill (H. R. No. 2851) for the relief of Mary Lynch, executrix of Ambrose Lynch, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

# D. L. MORRISON.

Mr. BLAIR also introduced a bill (H. R. No. 2852) for the relief of D. L. Morrison, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## MARIA MILLS COLE.

Mr. BLAIR also introduced a bill (H. R. No. 2853) for the relief of Maria Mills Cole, Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## ELLEN C. DANGERFIELD.

Mr. BLAIR also introduced a bill (H. R. No. 2854) for the relief of Ellen C. Dangerfield and S. S. D. Barbour, Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## WILLIAM R. RILEY.

Mr. BLAIR also introduced a bill (H. R. No. 2855) for the relief of William R. Riley, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## GEORGE. A. YOUNG.

Mr. BLAIR also introduced a bill 'H. R. No. 2856) for the relief of George A. Young, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

# WATER-RENTS IN DISTRICT OF COLUMBIA.

Mr. HENDEE introduced a bill (H. R. No. 2857) to fix, regulate, and adjust water-rents in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## POSTMASTERS' CLAIMS FOR LOST STAMPS, ETC.

for loss of stamps, stamped envelopes, and other materials stolen or destroyed by the elements, without fault on the part of the postmaster making the claim; which was read a first and second time.

Mr. HENDEE moved the reference of the bill to the Committee on

the Post-Office and Post-Roads.

Mr. CLARK, of Missouri. I ask that the bill be referred to the Committee of Claims. Bills of this character have been referred to the Committee on the Post-Office and Post-Roads and have been reported back to be referred to the other committee.

Mr. HENDEE. I have no particular objection to the reference of the bill to the Committee of Claims.

The bill was referred to the Committee of Claims, and ordered to be printed.

## METRIC SYSTEM OF WEIGHTS AND MEASURES.

Mr. BANKS presented resolutions of the Legislature of the State of Massachusetts, in favor of the metric system of weights and measures as the sole legalized standard throughout the United States; which was referred to the Committee on Coinage, Weights, and Measures, and ordered to be printed.

#### W. R. BROWN.

Mr. BANKS also introduced a bill (H. R. No. 2859) granting a pension to W. R. Brown; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### SCIENTIFIC EXHIBITIONS, ETC., AT THE CENTENNIAL

Mr. BANKS also introduced a bill (H. R. No. 2860) to facilitate and encourage philosophical, mechanical, and scientific exhibitions and experiments at the centennial exhibition; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### A. HERBERT BAILEY.

Mr. WARREN introduced a bill (H. R. No. 2861) to re-imburse A. Herbert Bailey, of Boston, for duties illegally paid; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### COMPULSORY PILOTAGE.

Mr. EAMES presented resolutions of the General Assembly of the State of Rhode Island, for an act of Congress exempting coast-wise vessels from compulsory pilotage imposed by State laws; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### NATIONAL CREDIT.

Mr. WILLIS introduced a bill (H. R. No. 2862) to restore national credit by funding the non-interest-bearing debt into bonds bearing interest at the rate of 4 per cent. per annum, and to repeal so much of the act entitled "An act to provide for the resumption of specie payments," approved January 14, 1875, as requires the Secretary of the Treasury to redeem all outstanding legal-tenders with coin on and after January 1, 1879; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be

## EDWARD M'DONALD REYNOLDS.

Mr. WILLIS also introduced a bill (H. R. No. 2863) to restore Edward McDonald Reynolds to the Marine Corps; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

## HEIRS OF AUGUSTIN DE ITURBIDE.

Mr. WILLIS also introduced a bill (H. R. No. 2864) for the relief of the heirs and executors of Augustin de Iturbide; which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

## COURT OF CLAIMS.

Mr. TOWNSEND, of New York, introduced a bill (H. R. No. 2865) extending the jurisdiction of the Court of Claims, and for other purposes; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

## MARSHALL O. ROBERTS.

Mr. HEWITT, of New York, introduced a bill (H. R. No. 2866) for the relief of Marshall O. Roberts, of New York; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## AMENDMENT OF THE REVISED STATUTES.

Mr. G. A. BAGLEY introduced a bill (H. R. No. 2867) to amend section 2958 of the Revised Statutes; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

# MARGARET MILLS.

Mr. PLATT introduced a bill (H. R. No. 2868) granting a pension to Margaret Mills, widow of Madison Mills, late surgeon United States Army; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## LEGAL DAY'S WORK IN THE DISTRICT OF COLUMBIA.

Mr. HENDEE also introduced a bill (H. R. No. 2858) providing for auditing and paying claims of postmasters against the United States a legal day's work in certain cases in the District of Columbia; which

was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### AMENDMENT OF PENSION LAWS.

Mr. WILLIAMS, of New York, introduced a bill (H. R. No. 2870) to amend section 4702 of the revised and consolidated pension laws; which was read a first and second time, and referred to the Committee on Invalid Pensions.

#### PROOF OF MARRIAGE.

Mr. WILLIAMS, of New York, also introduced a bill (H. R. No. 2871) to amend the pension laws as to the manner of proof of marriage by the widows of deceased soldiers and sailors; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## JESSE HICKEN.

Mr. TOWNSEND, of Pennsylvania, introduced a bill (H. R. No. 2872) granting a pension to Jesse Hicken; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### CHARLOTTE M. BYERS.

Mr. STENGER introduced a bill (H. R. No. 2873) for the relief of Charlotte M Byers; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### JOHN W. HAMER.

Mr. MAISH introduced a bill (H. R. No. 2874) for the removal of the charge of desertion from John W. Hamer, late a private in the Seventh Regiment Infantry Pennsylvania Reserve Volunteers; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### LEGAL DAY'S WORK IN THE DISTRICT OF COLUMBIA.

Mr. MAISH also introduced a bill (H. R. No. 2875) to define a legal day's work in certain cases in the District of Columbia; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### DEPOSIT OF MONEYS PAID INTO UNITED STATES COURTS.

Mr. MAISH also introduced a bill (H. R. No. 2876) to amend certain provisions of the Revised Statutes of the United States relating to the deposit of moneys paid into the courts of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

#### PUBLIC BUILDING AT LANCASTER, PENNSYLVANIA.

Mr. SMITH, of Pennsylvania, introduced a bill (H. R. No. 2877) to provide for the purchase of a lot of ground and for the erection thereon of a building suitable for a post-office and internal-revenue office in the city of Lancaster, Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

# METHODIST EPISCOPAL CHURCH, OLDTOWN, MARYLAND.

Mr. WALSH introduced a bill (H. R. No. 2878) to re-imburse the trustees of the Methodist Episcopal church of Oldtown, Alleghany County, Maryland, for the destruction of the same by occupation by United States cavalry during the war; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on War Claims.

# FREDERICK DIVISION, SONS OF TEMPERANCE.

Mr. WALSH also introduced a bill (H. R. No. 2879) for the relief of Frederick Division No. 15, Sons of Temperance of the State of Maryland; which was read a first and second time, ordered to be printed, and, with the accompanying papers, referred to the Committee on War Claims.

# CITIZENS' MUTUAL GAS-LIGHT COMPANY.

Mr. HENKLE introduced a bill (H. R. No. 2880) to incorporate the Citizens' Mutual Gas-Light Company of the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## FREE PUBLIC HIGHWAY.

Mr. HENKLE also introduced a bill (H. R. No. 2881) to authorize the establishment of a certain free public highway in the District or Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## REMOVAL OF NAVAL LABORATORY.

Mr. HENKLE also introduced a joint resolution (H. R. No. 90) to authorize the Secretary of the Navy to remove the naval laboratory from the Washington navy-yard to the experimental battery at Annapolis Harbor; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

## T. J. PHILLIPS.

Mr. O'BRIEN (by request) introduced a bill (H. R. No. 2882) for the relief of T. J. Phillips, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## A. J. HARVEY.

Mr. O'BRIEN also (by request) introduced a bill (H. R. No. 2883)

for the relief of A. J. Harvey, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### R. B. CLARK.

Mr. O'BRIEN also (by request) introduced a bill (H. R. No. 2884) for the relief of R. B. Clark, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

#### WILLIAM SCHWING.

Mr. O'BRIEN also (by request) introduced a bill (H. R. No. 2885) for the relief of William Schwing, of Washington, District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

## ELIZABETH BROCKETT.

Mr. HUNTON introduced a bill (H. R. No. 2886) for the relief of Elizabeth Brockett, widow of Robert Brockett, a soldier of the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### WILLIAM STEWART.

Mr. HUNTON also introduced a bill (H. R. No. 2887) for the relief of William Stewart, of Saint Mary's County, Maryland; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

#### VIRGINIA MILITARY INSTITUTE.

Mr. HUNTON also presented a joint resolution of the Legislature of the State of Virginia, transmitting the memorial of the board of visitors of the Virginia Military Institute, praying for the relief of the institute; which was referred to the Committee on Education and Labor, and ordered to be printed.

#### WARRANTS OF ARREST.

Mr. VANCE, of North Carolina, introduced a bill (H. R. No. 2888) to limit the present power of the United States commissioners in issuing warrants of arrest against citizens of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## SURVEY OF CHATTAHOOCHEE RIVER.

Mr. HARRIS, of Georgia, introduced a bill (H. R. No. 2889) for the survey of the Chattaboochee River, in the State of Georgia; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

# TOWN CREEK, MISSISSIPPI.

Mr. MONEY introduced a bill (H. R. No. 2890) for the survey of Town Creek, Monroe County, Mississippi, and making an appropriation of \$1,000 therefor; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## PENSIONS TO VETERANS OF MEXICAN WAR.

Mr. MOREY presented a joint resolution of the General Assembly of the State of Louisiana, recommending that Congress grant appropriate pensions to the veterans of the Mexican war; which was referred to the Committee on Invalid Pensions, and ordered to be printed.

## FISH-CULTURE IN LOUISIANA.

Mr. MOREY also presented a joint resolution of the General Assembly of the State of Louisiana, recommending that the rivers of Louisiana be stocked with fish by the General Government; which was referred to the Committee on Appropriations, and ordered to be printed.

## ELIZA J. FOUT.

Mr. VANCE, of Ohio, introduced a bill (H. R. No. 2891) for the relief of Eliza J. Fout; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# COLONEL GODFREY WEITZEL, UNITED STATES ARMY.

Mr. BANNING introduced a joint resolution (H. R. No. 91) authorizing Colonel Godfrey Weitzel, United States Army, to accept the position of trustee of the Cincinnati Southern Railroad; which was read a first and second time, and referred to the Committee on Military Affelice.

## SAMUEL HOWARD, SR.

Mr. SOUTHARD introduced a bill (H. R. No. 2892) granting a pension to Samuel Howard, sr., late a private in the war of 1812; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

## ASBURY WADDELL.

Mr. WOODWORTH introduced a bill (H. R. No. 2893) for the relief of Asbury Waddell; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## J. E. PANKEY.

Mr. BOONE introduced a bill (H. R. No. 2894) for the relief of J. E. Pankey, of Fulton County, Kentucky; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

#### OFFICIAL PATRONAGE OF THE GOVERNMENT.

Mr. JONES, of Kentucky, introduced a bill (H. R. No. 2895) for the distribution of the official patronage of the Government in its Departments at Washington equally among the States of the Union; which was read a first and second time, referred to the Committee on the Juniciary, and ordered to be printed.

#### NIMBOD M'INTOSH.

Mr. WHITE introduced a bill (H. R. No. 2896) granting a pension to Nimrod McIntosh; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

#### SALLY BAXTER.

Mr. ATKINS introduced a bill (H.R.No. 2897) for the relief of Sally Baxter, of Carroll County, State of Tennessee; which was read a first and second time, referred to the Committee on Revolutionary Pensions, and ordered to be printed.

#### LIGHT AT MAUMEE BAY.

Mr. DIBRELL (by request) introduced a bill (H. R. No. 2898) to provide for the construction of a range-light at Maumee Bay; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

## WILLIAM T. PATE AND SILAS Q. HOWE.

Mr. HUNTER (by request) introduced a bill (H. R. No. 2899) giving to the Court of Claims jurisdiction to hear and determine the claims of William T. Pate and Silas Q. Howe, now pending in said court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## JOHN THOMAS.

Mr. LANDERS, of Indiana, introduced a bill (H. R. No. 2900) to extend the patent of John Thomas; which was read a first and second time, referred to the Committee on Patents, and ordered to be printed.

#### PAYMENT OF NON-COMMISSIONED OFFICERS.

Mr. SPARKS introduced a bill (H. R. No. 2901) for the payment of non-commissioned officers according to the duties discharged by them; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## BOUNTY LANDS TO SOLDIERS.

Mr. BURCHARD, of Illinois, introduced a bill (H. R. No. 2902) to grant bounty lands to soldiers who served in the late war to suppress the rebellion, and to the widows and children of such of them as are dead; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# JAMES H. LINN.

Mr. HARTZELL introduced a bill (H. R. No. 2903) for the relief of James H. Linn, late acting first assistant engineer in charge of the Mississippi squadron of the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

## JOSEPH KINNEY.

Mr. CLARK, of Missouri, introduced a bill (H. R. No. 2904) for the relief of Joseph Kinney, administrator of David Ballentine, for the burning and destroying of furniture by order of General Lyon; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# E. B. M'PHERSON, JR.

Mr. CLARKE, of Missouri, also introduced a bill (H. R. No. 2905) for the relief of E. B. McPherson, jr., of Boonville, Missouri; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## H. V. PHILPOTT.

Mr. HANCOCK introduced a bill (H. R. No. 2906) for the relief of H. V. Philpott, of the State of Texas; which was read a first and second time, referred to the Committee of Claims, and ordered to be

# CHARLES W. ADAMS.

Mr. HANCOCK also introduced a bill (H. R. No. 2907) to refer the claim of Charles W. Adams to the Court of Claims; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

## TAXES ON STATE OFFICERS.

Mr. HANCOCK also introduced a bill (H. R. No. 2908) authorizing the Commissioner of Internal Revenue to refund taxes collected on salaries of State officers; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

## MARY E. BRACKENBRIDGE.

Mr. SCHLEICHER introduced a bill (H. R. No. 2909) for the relief of Mary E. Brackenbridge; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

# BENJAMIN E. EDWARDS.

Mr. SCHLEICHER also introduced a bill (H. R. No. 2910) to confirm the title of Benjamin E. Edwards, his heirs, assigns, or legal representatives, to a certain tract of land in the Territory of New Mexico;

which was read a first and second time, referred to the Committee on Private Land Claims, and ordered to be printed.

#### FERDINAND CAIS.

Mr. SCHLEICHER also introduced a joint resolution (H. R. No. 94) to enable the Court of Claims to hear and determine the claims of the personal representatives of Ferdinand Cais, a citizen of France; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

## SOLDIERS' MONUMENT AT MUSCATINE, IOWA.

Mr. TUFTS introduced a bill (H. R. No. 2911) donating certain condemned cannon to the soldiers' monument at Muscatine, Iowa; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## JOHN Q. WILLIAMS.

Mr. C \TE introduced a bill (H. R. No. 2912) for the relief of John Q. Will ams, sole heir of Mary Ann Williams and Thomas Williams, decease 1, and sole heir of Eleazer Williams, deceased; which was read a arst and second time, and, with the accompanying papers, referred to the Committee on Indian Affairs, and ordered to be printed.

#### ST. CROIX RIVER.

Mr. CATE also presented a memorial of the State Legislature of Wisconsin, asking for an appropriation for the improvement of the Saint Croix River; which was referred to the Committee on Com-

#### AMENDMENT OF PATENT LAWS.

Mr. LYNDE presented a memorial of the Legislature of he State of Wisconsin, asking for amendments to the patent laws; which was referred to the Committee on Commerce.

#### BRIDGING DETROIT RIVER.

Mr. LYNDE also presented a memorial of the Legislature of the State of Wisconsin, protesting against bridging the Detroit River; which was referred to the Committee on Commerce.

#### OFFICIAL CENTENNIAL DIRECTORY.

Mr. LYNDE also presented a joint resolution of the Legislature of the State of Wisconsin, relating to an official directory of the general and several State governments of the United States of America; which was referred to the Select Committee on the Centennial Cele-

## MRS. JOSEPH S. WILSON.

Mr. LUTTRELL (by request) introduced a bill (H. R. No. 2913) making compensation to Mrs. Joseph S. Wilson, widow of Joseph S. Wilson, for collecting the scientific museum at the General Land Office; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

## POST-ROUTES IN CALIFORNIA.

Mr. LUTTRELL also presented a memorial of the Legislature of the State of California, for establishing post-routes from Mendocino to Eureka, California; which was referred to the Committee on the Post-Office and Post-Roads.

## CHEAP POSTAGE.

Mr. LUTTRELL also presented a concurrent resolution of the Legislature of the State of California, relating to cheap postage: which was referred to the Committee on the Post-Office and Post-Roads.

## CHIPPEWA INDIANS.

Mr. STRAIT introduced a bill (H. R. No. 2914) to aid the various bands of Chippewa Indians herein named to obtain subsistence by agricultural pursuits and to promote their civilization; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

# JAMES H. DAVIDSON.

Mr. STRAIT also introduced a bill (H. R. No. 2915) for the relief of James H. Davidson, late colonel One hundred and twenty-second Regiment United States Colored Troops; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

# W. B. ASHTON.

Mr. CROUNSE introduced a bill (H. R. No. 2916) for the relief of W. B. Ashton; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## C. T. SPEER.

Mr. PATTERSON introduced a bill (H. R. No. 2917) to restore C. T. Speer, of Colorado Territory, to his rank and position as second lieutenant in the Eleventh United States Infantry; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

## SCHOOLS IN DENVER CITY, COLORADO.

Mr. PATTERSON also introduced a bill (H. R. No. 2918) donating to the board of education of the city of Denver, lot No. 143, in the east division of the city of Denver, Colorado Territory, for common-school purposes; which was read a first and second time, referred to the Committee on Education and Labor, and ordered to be printed.

#### BRIDGING BIG SIOUX RIVER.

Mr. KIDDER introduced a bill (H. R. No. 2919) making an appropriation for building bridges over the Big Sioux River at or near Richland, Canton, and Sioux Falls; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

#### DEVELOPMENT OF MINING RESOURCES.

Mr. BENNETT introduced a bill (H. R. No. 2920) to amend an act to promote the development of the mining resources of the United States; which was read a first and second time, referred to the Committee on Mines and Mining, and ordered to be printed.

#### LAW LIBRARY FOR WYOMING TERRITORY.

Mr. STEELE introduced a bill (H. R. No. 2921) making an appropriation for the purchase of a law library for the use of the courts and the United States officers in the Territory of Wyoming; which was read a first and second time, referred to the Committee on the Territories, and ordered to be printed.

#### COLLECTORS OF INTERNAL REVENUE.

Mr. WALLACE, of South Carolina, (by request,) introduced a bill (H. R. No. 2922) to authorize the Secretary of the Treasury to make allowances for compensation to collectors of internal revenue who went out of office prior to February 8, 1875, upon final settlements of their accounts; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

#### HOMESTEAD ENTRIES IN MICHIGAN.

Mr. HUBBELL introduced a bill (H. R. No. 2923) extending the time within which homestead entries upon certain lands in Michigan may be made; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

#### PROMOTION OF ARMY OFFICERS.

Mr. HUBBELL also introduced a bill (H. R. No. 2924) to promote officers of the Army as provided in section 1204 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### GEORGE A. LEMERT.

Mr. SOUTHARD introduced a bill (H. R. No. 2925) making provision for the payment for a horse to George A. Lemert, late a captain in Company F, Ninety-seventh Regiment Ohio Volunteer Infantry in the war of 1861; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

#### JAMES C. LINDSEY.

Mr. GARFIELD introduced a bill (H. R. No. 2926) granting a pension to James C. Lindsey; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

## GENERAL WEITZEL, UNITED STATES ARMY.

Mr. BANNING, by unanimous consent, presented a resolution of the Cincinnati Chamber of Commerce, asking that the law be so modified as to permit General Weitzel, United States Army, to accept the position of trustee of the Cincinnati Southern Railroad; which was referred to the Committee on Military Affairs.

## RESUMPTION OF SPECIE PAYMENTS.

Mr. PAYNE. I move that the rules be suspended, and that the bill which I send to the Clerk's desk be passed.

## The Clerk read as follows:

## A bill to provide for the gradual resumption of specie payments.

A bill to provide for the gradual resumption of specie payments.

Be itenacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be the duty of the Secretary of the Treasury, during each and every year from and after July 1, 1876, and until the legal-tender notes of the United States shall be appreciated to par value with gold and shall be convertible into coin, to cause to be set aside and retained in coin an amount equal to 3 per cept. of such legal-tender notes outstanding; and, from the date of such convertibility as aforesaid, the amount of coin set aside and retained as aforesaid shall be held as a resumption fund in respect to said legal-tender notes, and shall at no time be less than 30 per cent. of such outstanding legal-tender notes: Provided, however, That the coin so set aside and retained as above provided shall be counted as a part of the sinking fund for the purchase or payment of the public debt, as required by section 3694 of the Revised Statutes.

SEC. 2. That it shall be the duty of each national banking association during each and every year from and after July 1, 1876, and until the full and complete resumption of the payment in specie of its circulating notes, to set aside and retain from the eoin receivable as interest on the bonds deposited with the Treasurer of the United States as security for its circulation an amount equal to 3 per cent. of its circulating notes issued to such association, and not surrendered; and from the date of its resumption of specie payments as aforesaid the amount of coin to be held and maintained as a resumption fund shall at no time be less than 30 per cent. of its outstanding circulation: Provided, however, That the coin by this section directed to be set aside and retained shall be counted as a part of the lawful money reserve which said associations are by existing laws required to maintain.

SEC. 3. That so much of section 3 of an act entitled "An act to provide for the resumption of specie pa

Mr. KASSON. Does this bill come from any committee of the House 9

The SPEAKER. It does not.

Mr. KASSON. I ask the gentleman from Ohio [Mr. PAYNE] whether he does not desire the judgment of one of the regular committees of

the House on this bill?

Mr. PAYNE. I ask for the yeas and nays on my motion to suspend the rules and pass the bill.

Mr. KASSON. I suggest that the Committee on Banking and Currency, of which the gentleman from Ohio [Mr. PAYNE] is a member, would be a very proper committee to consider this bill.

Mr. CONGER. May I ask whether the bill is printed?

Mr. PAYNE. I do not yield for any purpose. I ask for the yeas and nave

The SPEAKER. The Chair understands that the bill is printed. Mr. HOLMAN. Is it in order to divide the several propositions

The SPEAKER. The Chair understands that the bill is printed.
Mr. HOLMAN. Is it in order to divide the several propositions embraced in the bill, so as to have a separate vote on the last section. The SPEAKER. It is not.
Mr. HOLMAN. I trust the gentleman from Ohio will allow that. Mr. GARFIELD. My colleague can arrange the matter so that separate votes may be had. I ask him to do that.
The SPEAKER. The gentleman refuses to yield for any purpose. Mr. HOSKINS. I desire to inquire whether the bill as read by the Clerk is precisely the bill known as the "Payne bill," which is printed. The SPEAKER. The Chair is not able to answer that inquiry. Mr. HOSKINS. Then I inquire of the gentleman from Ohio, [Mr. PAYNE.]

Mr. HOSKINS. Then I inquire of the gentleman from Ohio, [Mr. PAYNE.]

Mr. PAYNE. I answer that it is precisely that bill without change. I wish to explain, however, that it is not the bill which has been here-tofore introduced in the House.

The SPEAKER. Explanations, which are in the nature of debate, are not in order. The gentleman from Ohio calls for the yeas and nays. The yeas and nays were ordered.

Mr. KASSON. I wish to inquire whether this bill does not violate the public faith pledged to the sinking fund?

Mr. RANDALL and others objected to debate.

The SPEAKER. No debate is in order. The gentleman from Ohio [Mr. PAYNE] refuses to yield for any purpose.

Mr. KASSON. I believe it is in order to make an inquiry.

The SPEAKER. Of the Chair.

Mr. KASSON. Then I will ask the Chair whether this bill does not violate the pledge of the United States to maintain the sinking fund?

The SPEAKER. The Chair has no authority to answer any question of that kind.

Mr. KASSON. Therefore I should be glad to have an answer from the gentleman from Ohio.

The question was taken; and there were—yeas 81, nays 157, not

voting 51; as follows:

The question was taken; and there were—yeas 81, nays 157, not voting 51; as follows:

YEAS—Messrs. Ashe, Bagby, John H. Bagley, jr., Barnum, Bell, Blount, Bradford, John Young Brown, Cabell, John H. Caldwell, Caulfield, Chayin, Clymer, Cochrane, Collins, Cook, Cox, Culberson, Cutler, De Bolt, Douglas, Durham, Felton, Forney, Gibson, Goode, Gunter, Hancock, Hardenbergh, Henry R. Harris, Harrison, Hartridge, Henkle, Goldsmith W. Hewitt, Hooker, Hopkins, Hunton, Hurd, Knott, George M. Landers, Lane, Levy, Luttrell, Lynde, Maich, Meade, Metcalfe, Milliken, Money, Morrison, Mutchler, Parsons, Payne, Phelps, Piper, Powell, Randall, Reagan, William M. Robbins, Roberts, Miles Ross, Schleicher, Singleton, Siemons, William E. Smith, Stenger Swann, Terry, Thomas, Throckmorton, Tucker, Turney, Robert B. Vance, Walsh, Wigginton, Wike, Alpheus S. Williams, James Williams, Jeremiah N. Williams, Yeates, and Young—81.

NAYS—Messrs. Adams, Anderson, Atkins, George A. Bagley, John H. Baker, William H. Baker, Ballou, Banks, Beebe, Blackburn, Blair, Boone, Bralley, Bright, William R. Brown, Horatio C. Burchard, Burleigh, William P. Caldwell, Campbell, Cannon, Cason, Caswell, Cate, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Conger, Crapo, Cronnse, Danford, Davis, Denison, Dibrell, Dobbius, Dunnell, Durand, Eames, Eden, Egbert, Ely, Evans, Farwell, Faulkner, Fort, Foster, Franklin, Fuller, Garfield, Glover, Goodin, Hale, Andrew H. Hamilton, Robert Hamilton, Hartzell, Hathorn, Haymond, Hendee, Henderson, Hereford, Abram S. Hewitt, Hoar, Holman, Hoskins, Hubbell, Hunter, Hurlbut, Hyman, Thomas L Jones, Joyce, Kasson, Kehr, Kelley, Kimball, King, Franklin Landers, Lapham, Leavenworth, Lynch, Magoon, McCrary, McFarland, McMahon, Miller, Monroe, Morey, Morgan, Nash, Neal, New, Novton, O'Brien, Oliver, O'Neill, Packer, Page, John F. Philips, William A. Phillips, Pierce, Plaisted, Platt, Poppleton, Poter, John Reilly, Rice, Riddle, John Robbins, Robinson, Sobieski Ross, Rusk, Sampson, Savage, Sayler, Scales, Se

worth—157.

Notice of the state of the state

So the House refused to suspend the rules.

So the House refused to suspend the rules.

During the vote,
Mr. WELLS, of Missouri, stated that he was paired with Mr. BLAINE,
who, if present, would vote in the negative.
Mr. HALE stated that his colleague, Mr. FRYE, who was unavoidably absent, would, if present, vote in the negative.
Mr. J. H. BAGLEY stated that he was paired with his colleague,
Mr. DAVY, who, if present, would vote in the negative.
Mr. WALLACE, of South Carolina, stated that his colleague, Mr.
MACKEY, was confined to his room by sickness.
Mr. SEELYE stated that his colleague, Mr. FROST, who was absent.

Mr. SEELYE stated that his colleague, Mr. FROST, who was absent, would, if present, vote in the negative.

Mr. ODELL stated that his colleague, Mr. Bass, who was absent by leave of the House, would, if present, vote in the negative. Mr. HOSKINS stated that his colleagues, Mr. MacDougall and Mr.

AVY, who were both absent, would, if present, vote in the negative. Mr. HOPKINS stated that his colleague, Mr. MACKEY, was confined to his house by sickness, and that his other colleague, Mr. JENKS, was unavoidably absent.

Mr. CALDWELL, of Tennessee, stated that his colleague, Mr. House, was confined to his room by illness.

The vote was then announced as above recorded.

#### MESSAGE FROM THE PRESIDENT.

A message in writing was received from the President of the United States, by Mr. Grant, his Secretary; and further it was announced that the President had approved and signed, on March 25, 1876, bills

of the following titles:
An act (H. R. No. 80) granting a pension to Elizabeth B. Dyer, widow of Alexander B. Dyer, late brigadier-general and Chief of Ordnance, United States Army; and
An act (H. R. No. 198) to relieve the disabilities of Robert Tansill,

of Virginia.

EVENING SESSIONS.

Mr. RANDALL. I move to suspend the rules and adopt the following resolution.
The Clerk read as follows:

Resolved. That the rules be suspended so as to enable the House to take a recess daily for three days of the present week, to wit: Tuesday, Wednesday, and Thursday at half past four o'clock p. m., until half past soven o'clock p. m. pose of considering the legislative, executive, and judicial appropriation bill.

Mr. GARFIELD. Let me make a suggestion to the gentleman from Pennsylvania. I believe experience has shown that at this period of the session we can do more work if we sit until half past five o'clock each day. If members will agree to sit each day until half past five o'clock, and work on this legislative appropriation bill, they will do more work than they would by adjourning at half past four, and com-ing here to attend a night session, and having a call of the House to compel the attendance of a quorum.

Mr. RANDALL. My judgment is, and I think it is that of the Committee on Appropriations, that it will be better for us to have evening sessions now during the cool weather than to be forced to have them near the end of the session.

The House divided; and there were—ayes 109, noes 78.

Mr. RANDALL. I demand the yeas and nays.

Mr. HOAR. I do not think it is necessary to consume time by call-

anight session any day he desires by a majority vote.

Mr. RANDALL. I prefer to have the yeas and nays. I wish to relieve the Committee on Appropriations of any responsibility for delay in the transaction of the public business.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 152, nays 71, not voting 66; as follows:

The question was taken; and it was decided in the affirmative—yeas 152, nays 71, not voting 66; as follows:

YEAS—Messrs Anderson, Ashe, Atkins, Bagby, George A. Bagley, John H. Bagley, ir, Banks, Barnum, Beebe, Bell, Blackburn, Blount, Boone, Bradford, Bradley, Bright, John Young Brown, Burleigh, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cate, Caulfield, Chapin, Chittenden, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cook, Cox, Culberson, Cutler, Davis, De Bolt, Dibrell, Dobbins, Douglas, Dunnell, Durham, Eden, Egbert, Faulkiner, Felton, Forney, Foster, Franklin, Fuller, Glover, Goode, Goodin, Gunter, Hale, Andrew H. Hamilton, Robert Hamilton, Hardenbergh, Henry R. Harris, John T. Harris, Harrison, Hartridge, Hartzell, Haymond, Hendee, Henderson, Hereford, Abram S. Hewitt, Goldsmith W. Hewitt, Hoar, Holman, Hopkins, Hunter, Hunton, Hurd, Hyman, Thomas L. Jones, Franklin Landers, Lapham, Leavenworth, Luttrell, Lynde, Maish, McFarland, Meade, Metcalfe, Miller, Milliken, Money, Monroe, Morey, Morgan, Morrison, Mutchler, Neal, New, Packer, Parsons, Payne, Phelps, John F. Philips, Piper, Poppleton, Potter, Randall, John Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Robinson, Miles Ross, Savage, Savler, Scales, Schleicher, Seelye, Sheakley, Singleton, Slemons, A. Herr Smith, William E. Smith, Southard, Sparks, Springer, Stenger, Stevenson, Stone, Stowell, Terry, Thompson, Thomas, Throckmorton, Tacker, Tufts, Turney, John L. Vance, Robert B. Vance, Waddell, Waldron, Walling, Walsh, Ward, Wigginton, Wike, Willard, James Williams, James D. Williams, Jeremiah N. Williams, William R. Brown, Horatio C. Burchard, Cannon, Cason, Caswell, Conger, Crapo, Crounse, Danford, Denison, Durand, Eames, Evans, Farwell, Fort, Gibson, Haborn, Hays, Hooker, Hobkins, Hurlbut, Joyce, Kasson, Kehr, Kelley, King, Lane, Levy, Lynch, Magoon, Nash, Norton, O'Brien, Oliver, O'Neill, Page, William A. Phillips, Pierce, Platt, Powell, Reagan, Sobieski Ross, Rusk, Sampson

So (two-thirds having voted in favor thereof) the rules were suspended, and the resolution was adopted.

During the call of the roll,
Mr. CALDWELL, of Tennessee, stated that his colleague, Mr.
Young, was absent in the discharge of committee-duty. The result of the vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Sympson, one of their clerks, informed the House that the Senate had passed joint resolutions of the following titles; in which the concurrence of the House was requested:

A joint resolution (S. R. No. 11) to authorize the Joint Committee on the Library to permit Thomas Moran to exhibit two paintings at the centennial exhibition at Philadelphia; and A joint resolution (S. R. No. 12) declaring the 14th day of April, 1876,

a holiday.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a bill (H. R. No. 2262) establishing post-routes.

HARBOR OF REFUGE AT SAND BEACH BAY.

Mr. CONGER, by unanimous consent, introduced a bill (H. R. No. 2927) for the government and control of the harbor of refuge at Sand Beach Bay, on Lake Huron, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMMITTEE ON EXPENDITURES IN THE INTERIOR DEPARTMENT.

Mr. MUTCHLER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Committee on Expenditures in the Interior Department have permission to sit during the sessions of the House.

#### SUBSIDIARY SILVER COIN.

Mr. RANDALL. I move that the rules be suspended and that the House resolve itself into Committee of the Whole on the bill in relation to the deficiency in the Printing and Engraving Bureau of the Treasury Department.

The motion was agreed to.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. Sayler in the chair,) and resumed the consideration of the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department, and for the issue of silver coin of the United States in place of fractional currency

Mr. TOWNSEND, of Pennsylvania. If in order I desire now to

offer an amendment, which I send to the desk.

The Clerk read as follows:

At the end of the printed bill insert there words:

Provided. That all such coin shall be exchangeable at par by the assistant treasurers and designated depositaries for United States notes in sums not less than \$3; and shall be receivable for postage and revenue stamps, and for all dues to the United States except customs, in sums not over \$5, and shall be redeemed on presentation at the Treasury of the United States in such sums and under such regulations as the Secretary of the Treasury shall prescribe: Provided, also, That the total issue of such coin shall not exceed at their nominal value the sum of \$50,000,000

I belive that by order of the House the length of Mr. RANDALL. speeches in this debate is limited to fifteen minutes.

The CHAIRMAN. It is. The gentleman from Indiana [Mr. Lan-

DERS] is entitled to the floor.

Mr. LANDERS, of Indiana. Mr. Chairman, in the short time allotted to me for the discussion of this question I cannot go into

details. I very much regret, sir, to be compelled to take issue with the committee that reported this bill, a majority of whom are democrats. This bill, as reported its to aid in carrying out the first section of the resumption act of 1875, that was voted against by every democrat, then a member of this House, and an act, the repeal of which has been called for by two conventions held in my State, and which will undoubtedly be called for by the democratic convention yet to assemble. All parties in my district condemn this law, and would alike rejoice to hear of its repeal.

I regret that a bill to carry out any provision of this odious and bankrupting legislation of the republican party should be brought

forward and supported by this House.

This act proposes a change in our financial system by changing the character of our legal-lender money into an interest-bearing debt, thus increasing it nearly \$400,000,000. The interest on such increase at 5 per cent. per annum would amount to nearly \$20,000,000, to be paid by increased taxation.

Mr. Chairman, the decline in values and the bankruptcy incident to the withdrawal of so large a volume of currency from business circles, being more than one-half our present volume, as is provided in this resumption act, can only be counted by the billions. This act is an "elephant" on the hands of the republican party. They are at a loss to know what to do with it, as is shown by the action of the Secretary of the Treasury in refusing to commence redemption with \$12,000,000 silver on hand.

\$12,000,000 silver on hand.

They are anxious to saddle it upon democrats, and have us assume the responsibility and risk of a failure in carrying out its provisions. I regret, sir, that some democrats here are willing to assist in the management of their "elephant." Were we invited to the feast when the law was passed? So far from being willing to divide honors with you, the gag was applied and you were compelled to vote without an opportunity of expressing in any way your views upon this important question.

Mr. Chairman, this bill can have no other effect than to give your

support to the Secretary of the Treasury in carrying out one of the provisons of this same act, so bitterly opposed by democrats at its passage. The principle of increasing the interest-bearing obligations of the Government and the contraction of the currency I protest against. The provisions of this bill cannot be carried out without a sale of Government and the least of the contraction of the currency I protest against. ernment bonds to take up the fractional currency

Mr. Chairman, the office this currency has performed has been sat-'isfactory, and the people are satisfied with it, and the party that re-tires this currency and fails to furnish some other equally as good will be held to strict account.

Mr. Chairman, I regret to see members here so hasty in imposing Mr. Chairman, I regret to see members here so hasty in imposing legislation upon the country. The people do not ask the enforcement of this resumption act, but demand its repeal. Will you carry out their wishes? The vote upon this bill will show who are to control legislation. You now have the power, and if you expect the people to trust you again, you must do their bidding. This resumption act has been a failure; it has but few friends. Since the passage of the law business is everywhere paralyzed and bankruptcy frightfully on the increase.

The national bankers are now hedging against the ruin that the enforcement of this law will bring to their business. They know resumption is impossible with their present volume of currency and the small amount of gold within their reach to redeem with. They are retiring their currency, and consequently adding additional burdens

to business operations.

Mr. Chairman, since the Secretary of the Treasury commenced the enforcement of this law, I understand he has sold bonds and bought bullion to the amount of \$16,000,000. Twelve millions have been coined. All this is idle. Money is the tool of business, and like tools,

coined. All this is idle. Money is the tool of business, and like tools, amounts to nothing when unemployed.

I am opposed to keeping money unemployed. We need not stop to abuse republicans for selling our bonds that are now on interest and keeping this silver hoarded. We should act in a way that will promote the best interest of the Government, while we are here to represent it. In view of this, I have a substitute to offer for the second section of the bill. It gives the Secretary power to pay out on debts against the United States all the coin now on hand and to be coined out of the bullion on hand in any to way, way, as he may received. be coined out of the bullion on hand, in such way as he may prescribe. This money should be put in circulation to do the business of the country. Should there be more than is required to do the business, there is provision for the retirement of fractional currency. When legal-tender notes are preferred fractional currency, they can be exchanged at the Treasury of the United States on demand. Some will say this is inflation, but I hope our hard-money friends will not express an increase of hard money. oppose an increase of hard money.

Mr. Chairman, the currency has been contracted more than \$40.

000,000 since this resumption act was passed. Cannot we afford to put in circulation \$16,000,000 of silver coin? This would to some extent relieve business, and confidence would be somewhat restored. It would be a declaration that we did not intend to enforce the resumption act. If the committee will amend this bill so as to provide for the purchase of bullion, out of which to coin money and make silver a full legal tender, as gold now is, and would make no provision for the retirement of fractional currency, I would regard it as a

wise measure and worthy of support.

The interest on the bonds is payable in coin. Silver is coin, the same as-gold, according to our Constitution. Then why keep it demonetized, when we can make it useful in paying the interest on the public debt?

The country was looking hopefully to this House, it being democratie, and always regarded as the supporter of legislation in the interest of the productive industry of the country. They expected, and had a right to expect, that all Government money be made of equal value, so as to have one currency for all, as declared in the democratic platform made in New York in 1868. This could be done at once if we would require the Government to receive her own notes for debts due her and make silver a full legal tender. When we propose to make legal-tenders receivable for tariff dues the question is: How will you pay the interest on your public debt?

I answer, that all Government money, both coin and paper, would be par and of equal value. We have an abundance of bullion, both silver and gold, that is transported to foreign countries annually. Invest your legal-tender notes in silver and gold bullion, coin it, and pay the interest on your public debt with it.

Mr. EAMES. Mr. Chairman, the act of January 14, 1875, authorizes and requires the Secretary of the Treasury, as rapidly as practicable, to cause to be coined at the mints of the United States silver coins of the denominations of ten, twenty-five, and fifty cents, of stand-The country was looking hopefully to this House, it being democratic,

coins of the denominations of ten, twenty-five, and fifty cents, of standard value, and to issue these coins in redemption of an equal number and amount of fractional currency of similar denominations; and to enable the Secretary of the Treasury to prepare and provide for such redemption, authorizes him to use any surplus revenues from time to time in the Treasury not otherwise appropriated, and to issue and dispose of, at not less than par in coin, the bonds of the United States to the extent necessary to carry the act into full effect, and to use the proceeds thereof for the purposes named in the act, one of which is the redemption of the fractional currency.

Under and by virtue of these provisions of the law the Secretary of the Treasury has caused silver coins of the denominations named

in the act to be coined, and on the 25th of January, 1876, there was

in the Treasury \$11,202,258.60 of silver coins and \$4,146,932.67 of silver bullion, and on the 24th day of February last of silver coins and bullion \$14,193,618.70. This act in express terms authorizes and requires the Secretary to cause silver of the denominations named to be coined, and to issue them in redemption of fractional currency, and upon such issue authorizes and requires him to redeem an equal amount of fractional currency until the whole amount of fractional

currency outstanding shall be redeemed.

The provisions of this act, so far as applicable to the coining of silver and the issue of silver coins in redemption of the fractional currency, seem to be sufficiently definite and explicit, without further legislation, to require the Secretary of the Treasury to issue the silver coin now in the Treasury and to apply it to the redemption of the fractional currency. But a doubt seems to exist whether or not the time for the issue of the silver coins is not, at least to some extent, in the discretion of the Secretary of the Treasury. And for the purpose of removing this doubt the bill now pending before the House in its second section expressly directs the Secretary to issue the silver coins now in the Treasury in redemption of an equal amount of fractional currency.

This bill, introduced merely to make definite and certain the re-demption of the fractional currency with silver coins as intended by the act of January 14, 1875, has been made the pretext for a somewhat the act of January 14, 1875, has been made the pretext for a somewhat violent attack upon the republican party by the gentleman from New York [Mr. Hewitt] in his speech a few days since. The gentleman seems to think that his party, the democratic party, will be held responsible for the legislation upon this subject of a republican Congress, by an act which proposes simply to remove a doubt as to the time when what is required by the act of the last Congress shall be done. He need have no fears on this ground. The act of January 14, 1875, was passed by a republican Congress and approved by a republican President; and so far as the pending bill is a remedy for any defect in that act, if it is passed it will be upon the suggestion of a republican Secretary of the Treasury, by the democrats and republicans of a democratic House, with the assent of a republican Senate and the approval of a republican President. It may therefore be hoped that the appeal of the gentleman from New York will not de-feat the bill, but that it may be considered without regard to party and solely upon its merits, and with a view simply to the best inter-

ests of the country.

About thirteen millions of silver coins of the denominations of ten, About thirteen millions of silver coins of the denominations of ten, twenty-five, and fifty cents are now in the Treasury. What shall be done with these coins? No one suggests that they shall be any longer held in the Treasury. The complaint is that they have already been kept there for too long a period.

The opponents to the issue of these coins in redemption of the frac-

tional currency say: "Dispose of them immediately for use in the mechanical arts or as bullion for export to other countries, and apply the proceeds to some obligation of the Government." To issue these coins now, they say, for the purpose of circulation in the place of the fractional currency, is a "blunder," for which let the republican

party be held responsible.

Mr. Chairman, the republican party, I think, is willing to assume the responsibility of an attempt to redeem the fractional currency in silver coins as proposed in the act of January 14, 1875, and in the pending bill, and to make that attempt now, in the hope that the rewill justify the reasonable expectation that the silver coins issued will be kept in circulation and be used as currency in place of the fractional currency. If this can be done, it will be a step in the right direction. For it is certainly advisable to substitute the money of direction. For it is certainly advisable to substitute the money of the Constitution for a fractional paper currency, justified only by the extreme necessity of the Government, and receivable for public dues, except customs, only to the extent of \$5 and exchangeable for legal-tenders only in sums above \$3.

It is a very small kind of currency to be issued by a Government of 40,000,000 people and holding the first place among the nations of the world. If what is recognized as money by every commercial people can be substituted for this scrip it will be a creditable thing for the Government, even if it can go no further in the same direction by redeeming the legal-tenders in gold and silver.

by redeeming the legal-tenders in gold and silver.

But it is said that the silver coins if issued cannot be kept in circulation as currency. If this is so, it may be wise to melt and dispose of them for other uses. It seems to me, however, that this step may be safely taken now. Silver is of less value in gold now than legal-tenders; and, if it shall so continue, as it will, until gold is at a premium of 20 per cent., there is no reason to suppose that silver coins when issued will not be kept in circulation as currency. Nor is it probable that silver will increase in value or that the premium on gold will go beyond 20 per cent. The product of silver is increasing from year to year, and the highest premium on gold for the last five years was in 1873, when it reached 19½ per cent., and during these years fluctuated between 15½ and that point.

And, besides this, the experience of the past shows that about the amount of fractional currency now outstanding is required as currency in the trade and business of the country in small transactions. If, then, the fractional currency is redeemed and an equal amount of silver coins of the same denominations is issued, the volume will be the same and the necessity for its use for change will keep it in circulations.

culation as currency

In addition to this, silver coins have a value, irrespective and inde-

pendent of the value of silver bullion for use in the mechanical arts or for export. Fractional currency is not a legal tender for any amount. Under \$3\$ it cannot be exchanged for anything which is a legal tender. Silver coins to the extent of \$5\$ are a legal tender for all debts and obligations. Silver coin therefore is equally good for circulation as fractional currency, and is preferable to it, inasmuch as it is by law a legal tender for the payment of all debts under \$5\$. For these reasons, if no other existed, the silver coins now in the Treasury should be substituted for the fractional currency.

Treasury should be substituted for the fractional currency. But there is another reason which commends this bill to the favorable consideration of the House. It is not only in the direction of specie payments but it is also in the direction of economy. The fractional currency is easily defaced, torn, and mutilated. It must be retired, and new issues made from time to time to keep it in a fit condition for use and circulation. The estimates show that this can be done only at an annual expense to the Treasury of about a million of dollars. The substitution of silver coins for the fractional currency will save this amount annually to the Treasury. The silver coins when issued will continue for half a century as fit for use as when first issued from the mints.

But it is said that the Government has the use of the amount of the fractional currency in circulation, and that this is more than an equivalent for the large expenditure required for its annual renewal, because the interest which the Government will lose or have to pay on the money or bonds which are required to obtain the silver coin is greater than the expense now required to renew from time to time the currency. But it is only to the extent of the difference between this interest and the cost of supplying fractional currency that the Government will suffer any loss in its revenues.

But besides this the fractional currency is a debt which sooner or later must be met and paid by the Government just as its legal-tenders and bonds are a debt which must some time be met and paid. And when it is paid the Government has only discharged its obligation, and from that time only ceases to derive a benefit which it previously had by a refusal to meet its just obligation. By redeeming the fractional currency in lawful money the Government merely pays a debt, and in no true sense loses anything, unless it is entitled to receive interest upon what it owes.

As well, then, upon the ground that the substitution of silver coin for fractional currency is in the direction of resuming specie payments, as for the reason that by such substitution an annual expense of a million of dollars will be saved to the Treasury, this measure ought to receive the approval of the House, without regard to its political effect, either upon the democratic or republican party.

either upon the democratic or republican party.

It may be but a small beginning in the direction of resuming specie payments. It will, however, I hope, prove to be only the beginning of the end, and ultimately lead to the payment in lawful money of the legal-tender notes of the United States.

The appearance of silver coin as a part of the currency will to some extent restore confidence in the purpose of the Government to meet its other obligations in lawful money, and will be a step in the direction of restoring the money of the Constitution and of the commercial world as the only standard of value in the transactions of business compares and trade.

business, commerce, and trade.

In the hope that such will be the result I shall give my vote for the bill.

Mr. PHILLIPS, of Kansas. Mr. Chairman, when this bill was before the committee the other day, I listened with interest, and not without admiration, to some portions of the speech of the gentleman from New York, [Mr. Hewitt.] He brought to the attention of the House statistics not altogether new on this floor, but facts bearing upon the proposition of the committee that were pertinent and proper facts to consider while acting on a bill like this; facts which cannot be brought to our attention too often or impressed upon us too deeply. And for these reasons I more deeply regretted the closing part of the gentleman's speech, when he took his statistics, the valuable opinions he owed the country, and his eloquence, and trailed them all in the pool of partisan politics. And, sir, when that speech is read, as it will be read throughout the country, the people will first admire the mind which brought to the attention of this House those facts so pertinent and so necessary, and will then regret that the men upon this floor are unable upon this question to rise above all party and give to their country what that country has the right to ask

are unable upon this question to rise above all party and give to their country what that country has the right to ask.

Now what is this bill? When we first assembled here the Treasury Department, through its proper officer, estimated for \$163,000 to print the Government notes, as is reported in the first section of this bill, and for \$250,000 to print the fractional currency. We are to-day, so the Secretary of the Treasury informed me on Saturday, on the very eve of a famine for want of fractional currency, and we have seen for six weeks part of the machinery of the Government stopped. We have seen the employés of the Printing Bureau discharged or furloughed, and to-day this necessary wheel of the Government machinery is arrested because Congress has been unable to meet the question, and the country witnesses the remarkable spectacle of a block in necessary Government business, certain to result in mischief to the commerce of the country, in order that a partisan point be made or a market found for the unmerchantable silver of Nevada.

made or a market found for the unmerchantable silver of Nevada.

Now, what is the question? Instead of furnishing this \$250,000 to print the fractional currency up to the end of the fiscal year, the Committee on Appropriations bring in a bill to issue this subsidiary

silver coin. Now mark the proposition. We have, since we passed the resumption act, been buying a good deal more than one-third of the whole silver product of our mines. We have not issued it. It is not in circulation. We have of that silver held back nearly two-fifths of the whole product of those mines. And in the face of that fact it has diminished in value in that the product of the second that fact it has diminished in value in that the second that

fact it has diminished in value in that time more than 5 per cent. There is but one question in this bill, and that question I wish to impress upon this House. We have already two standards of value, gold and legal-tender; and now this House in this bill proposes to have a third, that of subsidiary silver coin. I warn the House that the moment this subsidiary silver rises above the price of the legal-tender, that moment it becomes a commodity and goes out of the country, leaving us without change; and when it falls below legal-tender you defraud the laborer and reduce the value of the currency instead of appreciating it, for he can to-day buy more gold with the legal-tender than the silver. That is not all. We have had a remarkable spectacle within a month. I find from the statement of the Director of the Mint that a month ago our subsidiary silver coin was 3 per cent. and one mill below legal-tenders. In ten days it fell 1 per cent., and in those ten days we lost \$160,000 on our stock of silver on hand. When the gentleman from New York [Mr. Hewitt] spoke a week ago it had risen 3 per cent. and one mill in three days. How did it so rise? I will tell you. Mr. Secretary Bristow, when silver touched that point, 4 per cent. below greenbacks, bought more than half a million in California, which is now arriving. As he was directed to buy silver, he no doubt acted wisely in buying when it was so low.

The British Parliament a few weeks ago passed a bill to pay the whole of the expenses of its Indian service in silver coin, and telegraphed to San Francisco for the silver, and they telegraphed back that they had sold it all to Mr. Bristow. There is no doubt but what they could have filled both orders. A few men in New York are able to bull the market in silver. They took advantage of this opportunity and will do it again; but there was nothing reliable or permanent in it. By telegraph we learn that last week it fell ½ per cent. lower than the lowest rate it had ever touched before. That was last Friday; and since then it has again risen three-fourths of 1 per cent., and thus stood yesterday at 103½ cents in gold per ounce sterling silver. This was worth \$1.18 in greenbacks, would coin into \$1.244 in our subsidiary silver, and taking 1 per cent. and one mill for coining, thus produced 5 per cent. more of subsidiary silver coin than the \$1.18 that bought it, or is, in other words, worth that much less.

Now, sir, these are facts, and the proposition to issue this silver coin is not, in any conceivable sense, a step in the direction of specie

Now, sir, these are facts, and the proposition to issue this silver coin is not, in any conceivable sense, a step in the direction of specie resumption. However much we may differ on that subject, this subsidiary token business raises entirely different questions. It proposes disturbing the standard of value by issuing this coin that rises or falls in one or two hours or one or two days as many per cent. I want to warn the members of this House of this fact. It is proposed that we shall issue this silver coin which is bound to depreciate, which may fall 50 per cent. below par, and which we are thus asked to make a standard at the very moment it is for this reason rejected as a standard by every nation in Europe.

The bill proposes to authorize the Secretary of the Treasury to issue in lieu of the \$45,000,000 of fractional currency now in circulation an equal amount, if necessary, of this depreciated silver, and to sell the gold-bearing bonds of the United States to buy it. Others propose to amend so that the Secretary shall issue the fifteen millions he now has, but forbidding him from buying any more. Sir, do we want two standards of subsidiary coin? Are we to have fractional currency and silver mixed, or are we to reduce the volume of small change to one-third of what it is now? I say that this measure will lead to fearful confusion in the subsidiary currency of the country, and the moment our greenbacks fall 2 per cent. below this silver, our subsidiary coin becomes a commodity, it goes in a day, and we are left without change. I do not wish to consume the time of the House. I will not indicate for a moment that any undue influence has been brought to bear upon the House in favor of the passage of this bill in the interest of the silver mines in Nevada, but I rose simply to say to the House that this measure will inextricably confuse the currency of the country. It is no settlement of any question. It is no resumption of specie payments, and the argument that the clinking of silver will make our people desire the clinking of gold is simply preposterous as an argument. With less than thirteen millions of gold in the Treasury we might want it very badly before we could get it. It is certainly a very questionable kind of legislation, which is in itself confessedly injudicious, but which is to lead or force us to legislation that could not receive the assent of our deliberate judgment.

confessedly injudicious, but which is to lead or force us to legislation that could not receive the assent of our deliberate judgment.

Mr. BURCHARD, of Illinois. Mr. Chairman, the United States I believe is the only civilized nation that does not to-day have in circulation silver coin as a subsidiary currency. Even France, which is so often referred to as a model monetary nation, has, according to a late report, \$160,000 of silver in circulation in that country.

We to-day, the American Congress, are debating the question whether we shall admit silver to constitute a part of our currency. It has been demonstrated here, after a most careful examination—and I understand the statement receives the unanimous assent of the Committee on Appropriations—that it is really cheaper and more economical for the United States to issue silver coin as a part of the subsidiary currency of the country than to print and issue fractional

As a matter of economy the committee have reported the bill to this House. It is opposed here by gentlemen who do not believe in a metallic currency of any kind. They look upon this as the first step, an insidious advance upon their theory that there is no necessity for a metallic currency and no necessity for a standard of value. They believe that you can do the business of the country on paper promises. It is not surprising, therefore, although it is demonstrated that it is cheaper and more economical to issue silver coin as a subsidiary currency than fractional currency, that they should oppose this bill.

It has been said in debate "standards are fixed, do not fluctuate, are not given to vicissitude, do not vary." Is it true that standards are fixed and do not fluctuate? Sir, there are no perfect invariable standards of length, space, quantity, time, or motion. All alike in this mutable, changing world are affected by surrounding circumstances. Heat expands the metal yard-stick and surveyor's chain; moisture swells woody fiber, and both affect textile fabrics. Shall the surveyor, therefore, discard his chain and use elastic India-rubber tape-lines?

The pendulum swings faster on a frosty morning and is tardy under summer heat. Shall we reject chronometers and measure time by the movements of the stars or the shadow of the sun? To have a measure movements of the stars or the shadow of the sun? To have a measure of time absolutely invariable, the length of the pendulum, the density of the air, and the resistance of friction science as well as observation tells us must remain the same. The pendulum's length must be adjusted to the mountain-height and to the sea-level. All that is claimed for the precious metals in this respect is that they are less variable, taking into account all the circumstances that affect value from one year to another and from one day to another, than paper promises are. I believe, sir, that we need a certain standard, and I believe that this bill is a step and a necessary economical step in that direc-

And here let me call attention to the fallacy of the arguments of some gentlemen whom I have heard on this floor in regard to paper money. My colleague from the La Salle district, [Mr. CAMPBELL,] speaking the other day in regard to the American system of finance, as he called it, recognized only that function of money which makes the bill of exchange, by the bank-check or any other species of paper promise to pay. He did not in his remarks, nor did the gentleman who followed in the same strain, recognize any other function of money, namely, to serve as a standard of value, for which purpose all

civilized nations have adopted the precious metals.

The proposition of this bill is to issue in place of about \$28,000,000 of fractional paper currency, in actual circulation, the coin that is already in the Mint of the United States. There are objections made which I will not now stop to answer, except to say, in regard to the argument presented that this coin will be drawn away from the country if the credit of the nation should depreciate, that we do not expect that the credit of the nation will depreciate. I do not think that as long as the administration of the Government is in the hands of the republican party they will permit the credit of the nation to depreciate, but it will continue to appreciate, even measured by the rate of interest, as it has appreciated for the last half dozen years, from over 6 per cent. in gold until now it is almost at 4 per cent., if not quite, as asserted the other day by the gentleman from Pennsylvania, [Mr. Kelley.] Neither do I believe that the country will permit the democratic party to assume the control of this Government unless the people shall be satisfied that the democratic party will not assail the honor and credit of the Government by attempting to undo what has been done by the republican party in advancing and appreciating the credit of the nation.

This question of supplying the country with the precious metals is not a new question. There is no theme more instructive, no subject

more interesting, than to go back thirty or forty years and review the debates and discussions of the time when the old democratic party had the control of the Government. I wish I had time to read what was said by Jackson, and Benton, and Walker, and Levi Woodbury, and other men I might name, who were prominent in the discussions of the currency question growing out of the proposed re-charter of the Bank of the United States, prior to 1836. It was then said that the privilege of issuing small notes had driven the coin from the country. President Jackson not only recommended in his messages to Congress that the United States should discourage the issue of small notes by refusing to deposit the money of the Government in banks that issued bills of a denomination less than \$5, but in his last annual message he said:

In the acts of several of the States prohibiting the circulation of small notes, and the auxiliary enactments of Congress at the last session forbidding their reception in payment on public account, the true policy of the country has been advanced and a larger proportion of the precious metals infused into our circulation.—Gales & Seaton's Register, volume 13, part 1, page 634.

President Jackson recommended that the party itself should see to it that the several State Legislatures repealed all laws permitting the issue of small notes. Many of the States did repeal those laws, and in consequence it was claimed, and I believe the statistics showed it, that in 1836 the amount of specie in the country, according to the report of Mr. Woodbury, had increased from \$25,000,000 in 1833 to \$75,000,000 or \$80,000,000 in 1836. This was claimed as one of the fruits of the withdrawal of small note sirely increased fixed in the description of the second constant. the withdrawal of small-note circulation and efforts to accumulate

The proposition for the suppression of small notes received the sanction of the most illustrious names in English financial legislation— Peel, Canning, Brougham, Huskisson, Liverpool, and Wellington.
In the parliamentary debate in 1828 the chancellor of the exchequer

There was a natural antipathy between the one-pound note and the guinea. They would not exist together, for the note soon drove the sovereign out of circulation.

The Duke of Wellington said:

The experience of the last few years had proved that one-pound notes and gold overeigns would not circulate at the same time.

Mr. Huskisson said:

When the paper is let in the gold will disappear. They might vote the money, they might coin it, but how could they retain it in the country?

Such is the invariable rule. You recollect the remark that is attrib-uted to Edmund Burke, in a letter he wrote to Mr. Canning in 1797, when it was proposed to allow the Bank of England to issue notes of a denomination less than £5, or \$25. He said:

Tell Mr. Pitt that if he consents to the issue of £1 notes he will never see a guinea

As a matter of fact it was some twenty-five or thirty years before

As a matter of fact it was some twenty-five or thirty years before guineas were again in circulation in England.

And it has been so in this country, and will be again. As long as by our laws we prevent the issue of silver coin for circulation and authorize the issue of fractional paper currency, silver will not circulate. Withdraw the fractional paper currency and, whether it be cheaper or dearer, the silver must come in here. We raise from our mines almost \$40,000,000 a year, which flows through our country, a steady stream, from which we are unable to draw even a portion for our own use as a circulating medium. But even if we were destinted our own use as a circulating medium. But even if we were destitute of silver, the discontinuance of the issue of fractional paper currency would soon supply an abundance of silver currency provided the Government will permit its coinage.

Here the hammer fell.

Mr. BRIGHT. Mr. Chairman, I propose to submit some remarks upon the bill which is now pending before this committee, and if I can have the attention of the committee I think I can demonstrate that the bill as a whole ought not to pass. While I have no objection to the first section of the bill, as to the second section I conceive that it is unnecessary as well as impolitic. Unnecessary, because it is already the existing law; impolitic, because the democratic party has no interest in shouldering the financial blunders of those upon the opposite side of the House. If disaster should hang upon the heels our financial policy, let the fault lie at the doors of those who are

the authors of the system.

Without further remarks upon that subject, I would state as a proposition that our fractional silver currency now on hand should be issued, but not for the purpose of redeeming any portion of our fractional paper currency. If I can have the attention of this committee tional paper currency. If I can have the attention of this committee for a few minutes I think I can demonstrate the truth of the proposition which I have submitted. We have now already in the mints of the United States about \$12,000,000 or \$15,000,000 of fractional silver currency. Let that be issued, but let not the fractional paper currency be redeemed through the operation of law. If there should be a redundancy of the fractional currency, the silver coin and the fractional paper currency combined, then, the fractional currency being redeemable in legal-tenders, the excess would be disposed of in that way. If there should not be enough of fractional currency, then legal-tenders could be exchanged for the deficiency. If the fractional silver currency should be unnecessary or should go to the payment of either a home or a foreign debt, it would answer the purpose of gold to that extent, and would not prejudice the interests of the country. So much upon that point.

I have another suggestion to make in relation to it, one which I think will more thoroughly demonstrate the impropriety of the passage of the second section of this bill. First, it is cheaper to the Government of the United States to arrest the execution of what is called the fractional-silver clause of the act of January 14, 1875. A few figures which I present will verify what I have to say. The fractional currency reported by the Treasurer of the United States in his report to Congress in December, 1874, amounted to \$45,880,000. Fine silver bullion yields 12 per cent. in coinage, according to the last report of the superintendent of the Mint. Hence it would take about \$37,000,000 in gold bonds to buy sufficient silver bullion to make the necessary coinage. Deduct the amount of bullion already purchased, \$12,658,000, from \$37,000,000, the required silver bullion, and it would leave a balfrom \$37,000,000, the required silver bullion, and it would leave a balance of \$24,000,000 of bullion at gold value to be yet purchased. The interest of this \$24,000,000, payable quarterly, would amount to 6 per cent., which would equal \$1,440,000 in gold. This, converted into legal-tenders, would give a premium of \$75,000; so that the interest and the premium would yield \$1,515,000 in legal-tenders. That would be the annual cost of the bonds yet to be purchased to execute the law of January 14, 1875, in its relation to the fractional currency. Upon the other hand, the expenses for the manufacture of fractional currency as reported by the Committee on Appropriations amount to \$1,100,000, which, taken from \$1,515,000, would leave a balance of \$415,000 annually in favor of the fractional currency.

But, in addition to that, I maintain that the fractional currency may

But, in addition to that, I maintain that the fractional currency may be engraved and printed much more cheaply than at an expense of

Upon a partial examination which I have madé into this subject, I find that a large proportion—supposed to be about 60 per cent.—of the fractional currency is returned to the Treasury of the cent.—of the fractional currency is returned to the Treasury of the United States which might remain on issue; and the average life of our fractional currency ought to be at least two years instead of fifteen months, as it is now reported. That being the case, there should be a diminution in the cost of the fractional currency perhaps to the extent of 25 per cent. In addition to that, I am satisfied that the amount paid in the different chemical processes for the execution of that currency is too great, and that there should be a diminution in that respect to the contract of the cont After making a net calculation as nearly as I could approximate the truth, I have come to the conclusion that this fractional currency ought to be prepared at an annual expense of \$300,000, which, deducted from \$1.515,000, leaves an advantage of \$715,000 in favor of the fractional currency over the plan of selling bonds for the purpose of procuring silver bullion to execute the law. This amount is a consideration which ought to have its weight with those who have to vote upon this subject.

But independently of that, Mr. Chairman, there is another consideration to which I wish to call the attention of this House. If the cost of the fractional currency were equal to that of the coinage of fractional silver, it is to be considered that we furnish home labor in the preparation of the fractional currency on the one hand, and upon other we sell gold bonds, the interest of which goes to feed the foreign vampires that are sucking the blood from the American nation.

To bring the matter home. We have recently seen about fifteen hundred employés turned out from the Bureau of Printing and Engraving in midwinter, poor and shelterless, under the operation of that law: famine and disease are now pictured on the shriveled cheeks of some of those poor unfortunates. If discrimination is to be made at all, let the Government of the United States feed its own labor, take care of its own helpless dependents; let it not be throwing bait after bait to the European cormorants that are swallowing up the labor and sap-

ping the foundation of our own Government.

Something has been said about General Jackson and the democratic party. Every one of the men of that party at the time referred to denounced a national debt as a national curse; and it is not to be found upon the record that even Madison or Jackson or Adams, if you please, ever advocated a foreign debt to relieve the necessities of the Government in a time of peace or administer your financial system. They were wise, and advocated the doctrine of Mr. Benton that if you wish to reach specie resumption it must arise out of the prospentry of the nation, and not by plunging the nation deeper in debt for the purpose of reaching a supposed end. Such a financial system would not only disturb the finances proper, but would derange the whole system of your revenue laws and come down with a nighty pressure of taxation upon the bone and the sinew of the laboring masses who support the Government and who constitute its pride in peace and bulwarks in war.

Mr. Chairman, I say let the appropriation provided for in the first section of the bill be speedily made. Let the suffering employes be recalled and put to their wonted labor. But when they return, let them remember that it was not the democratic party which aimed the blow to strike down the system of fractional currency, to deprive

them of employment, and to sell gold bonds in Europe and oppress the people with taxation to pay the interest.

Mr. Chairman, I have only to say in conclusion that I regret that I cannot support the second section of the bill. I think it ought to be stricken out, and a section inserted providing simply for repealing and arresting the excution of the first section of the act of January

14, 1875.
Mr. HAMILTON, of New Jersey. Mr. Chairman, I-shall support this bill, first, because it is a movement toward the resumption of specie payments to the extent of the fractional currency it proposes to substitute. The subsidiary silver coin is one of the species of money known to the Constitution and recognized in the commercial world. Secondly, on the ground of economy. It now costs the Government annually in round numbers \$1,400,000 to keep the fractional

currency afloat.

The gentleman from New York [Mr. HEWITT] is of the opinion that that estimate is too large, and has the estimate of one or two banknote companies fixing the amount for manufacturing the same at about \$1,000,000. It necessarily costs the Government more to manufacturing the saine at about \$1,000,000. It necessarily costs the Government more to manufacture it than it could be done by private enterprise. Besides, the gentleman omits a large item of expense to the Government; I refer to the large force required at the Treasury, sub-treasuries, and depositories of the Government to annually pay out, receive, count, and destroy the fractional currency and to keep the necessary accounts connected therewith.

The committee fully investigated the subject, had before them the Secretary of the Treasury, the Treasurer, the Superintendent of the currency printing, and others, and there can be no question that the expense to the Government is fully equal to the amount named,

\$1,400,000.

The estimated amount of fractional currency in use is about

\$28,000,000; suppose it be set down at \$30,000,000.

We have now coined and silver on hand to be coined sufficient to issue \$18,000,000 of the subsidiary silver coin—to make, say, \$12,000,000 more would require the purchase of about \$10,000,000 of silver bullion. Should 5 per cent. bonds to that amount be issued there-

for, the interest thereon would be \$500,000. No one supposes that the silver coin on hand would be sold; it would, doubtless, lie idle in the rults of the Treasury if not substituted for fractional currency. The result then, in an economic view, is the difference between the cost now to the Government, \$1,400,000, and the interest on, say, \$10,000,000 of 5 per cent. bonds, \$500,000; leaving an annual gain to the Government of \$900,000.

The gentleman from New York, [Mr. Hewirt,] it seems to me, indulged more in fancy than fact when he expressed his fears that the poorer classes would be detrimentally affected by the issue of the sub-York) hold the sum of \$315,000,000 deposits, and if the whole sum, \$315,000,000, should be withdrawn in sums of \$5 or less, paid in silver, the loss to the depositors would amount to over \$15,000,000. Now, it is manifest that this suggestion is purely imaginary, as out of the \$30,000,000 to be put affoat throughout the United States the savings-banks of New York would get hold of a mere trifling amount. Besides, I think it would be difficult to persuade the poor man that \$5 in silver would not be as desirable to him as so much fractional currency.

Let us go this far toward constitutional money. The republican party conceived and brought forth what they are now pleased to designate as the rag-baby; they forced the illegitimate bantling upon the country against the protest and remonstrance of the democratic party; and in order to prolong and perpetuate its existence, they resorted to the reprehensible means of re-organizing and packing the Supreme Court of the United States that they might overturn its well-considered judgment that the bantling was illegitimate, unconstitutional, and not a legal tender for money. It is now very unkind, very unnatural, for that party to repudiate their offspring, and to attempt to quarter it upon the democratic household.

I regret to see a few of my democratic friends disposed to foster

the bantling, and to give it their countenance and support. I trust upon reflection they will see the propriety of leaving it severely alone and entirely in the charge and management of its own paternal house-

hold.

Having forced it upon the country, and thereby engendered the wild and reckless trade and speculation which collapsed into the late panic and disturbance, bringing in the want and distress which now pervades the country, the republican party alone should be held responsible for the results. If they had been willing to let the judgment of the Supreme Court as pronounced by Chief Justice Chase and his four able associates (five against three) stand in force, as it should have been allowed to stand, being undoubtedly the correct in-terpretation of the Constitution and of the power of Congress upon the subject, the disturbed condition of the country would not have had an existence.

The resumption of specie payments would have followed directly upon that decision as a matter of course; the great railroad corporations of the country, with their thousand of millions of indebtedrations of the country, with their thousand of millions of indebtedness, with the other millionaire debtors, would have been obliged to meet their engagements upon a specie basis. The greenback issue would have had only the value which its convertibility into specie would have given it. Business and trade would have been conducted on a sound specie basis, and the wild schemes, reckless adventures, overtrading, and extravagance which followed the overturn of that desiring would have been recovered.

decision would have been prevented.

But the republican party, with the present Executive at its head, (now professedly so clamorous for resumption,) yielded to the power and influence of the great railroad corporations; and, as soon as it was ascertained what the decision of the court would be, an act was hurried through Congress, by virtue of which one judge was pensioned off the bench and another additional judgeship was created, giving the present Executive the appointment of two new judges. He had no difficulty in finding men of the needful inflation ideas, with convictions to the end desired; they were readily supplied by the two powerful railroad corporations of the country, one from the Pennsylvania Company and the other from the Camden and Amboy Company; their nominations were confirmed by a republican Senate with pany; their nominations were confirmed by a republican Senate with becoming expedition; and thus a majority of one in favor of sustaining the rag-baby and of overturning the well-considered and solemn decision of the court, which had been pronounced by Chief Justice Chase and his four able associates was obtained. And by this republican legislation and executive management the solemn judgment of the Supreme Court, which by a vote of 5 to 3 judges had pronounced the rag-baby illegitimate, was by a vote of 5 to 4 judges overruled, and the bantling declared legitimate.

To show the interest which those railroads had in overturning that

To show the interest which those railroads had in overturning that decision, I send up to have read copies of the undertakings of two of those companies with the holders of coupons against them:

The Clerk read as follows:

## Memorandum.

Memorandum.

Mr. — has this day presented to the Pennsylvania Railroad Company — coupons, due April 1, 1870, of the second-mortgage bonds of the said company and has demanded payment thereof in gold or its equivalent, and the nominal amount of said coupons has been paid to the said holder by the said company in United States legal-tender notes, without prejudicing his right to recover the difference between the said nominal sum and the currency value of a like sum in gold upon the 1st day of April, 1870, which difference the said company agree to pay in legal-tender notes to the said holder, with interest from date hereof, upon the 1st of April, 1871, upon surrengler of this memorandum, unless in the mean time it shail be decided by the Suprefile Court of the United States that debts contracted prior to the 25th of February, 1862, may be discharged in legal-tender notes of the United

States; in which event no obligation to pay shall arise under this memorandum: It being expressly agreed, however, that in case the Supreme Court of the United States shall within one year from the 1st day of April, 1870, decide that debts contracted in lawful money of the United States before the 25th of February, 1862, must be paid in gold, the said company will within twenty days from the rendering of such decision pay the said holder, upon the surrender of this memorandum, the aforesaid difference in legal-tender notes, with interest.

Treasurer.

[SEAL.]

Resolution as to payment of interest.

Extract from the minutes of the joint board of directors of the United Canal and Railroad Companies of New Jersey, held at Trenton, February 26, 1870.

"Resolved, That the treasurers of the united companies be directed to pay the interest coupons on bonds issued prior to February 25, 1862, and other obligations created prior to that time in the usual currency of the country as heretofore, but to notify the parties interested that the difference between the value of said currency and of gold at the time of payment will be hereafter paid by the companies should the right to require the same become the settled law of the land.

Mr. HAMILTON, of New Jersey. It is said that these undertakings were prepared by the respective counsel of those two companies, who were afterward appointed judges, and made two of the number who

gave the overruling decision.

It is not my purpose nor do I wish to be understood as impugning the integrity of the judges referred to. We have a right to believe that their opinions were expressed from honest convictions, but those convictions were well known prior to their appointment, and we may be well assured that had they not entertained such convictions they would not have been appointed.

The reprehensible part of the transaction was, that the party in power set to work and by legislative and executive contrivance and management re-organized, changed, and packed the Supreme Court in order to secure a decision to sustain their greenback issue against the solemn prior judgment of the court, against the plain import of the Constitution, and against the almost universal judgment and the Constitution, and against the almost universal judgment and opinion of the legal, judicial, and intelligent men of the country.

opinion of the legal, judicial, and intelligent men of the country.

We are now reaping the harvest of derangement and distress which that reprehensible management brought forth.

Mr. Chairman, in my judgment there is but one direct way out of the entanglement in which the country is placed, and that is by an unqualified repeal of the legal-tender enactment, as applied to all contracts made prior to its enactment or which may be made in the future, and by making the greenback issue receivable for all debts, duties, and taxes to the Government. Let the Government, with the great railroad corporations the banks, and other millionaire debtors. great railroad corporations, the banks, and other millionaire debtors meet their engagements on a specie basis—the only money known to the civilized world—and business will soon revive upon a stable foundation and all will be well.

The pretended resumption bill which, under the party lash and without due consideration, was rushed through during the closing hours of the last Congress and became a law against the vote of every democrat in each branch of Congress, is nothing but a hollow sham,

a perfect abortion.

The gentleman from Maine, [Mr. Blaine,] who discoursed for a whole hour a few days since on the subject, while he totally avoided, any models are the subject, while he totally avoided. with the craft of a politician, to announce or recommend any mode for resumption, was obliged to admit the futility of the bogus measure which he aided largely to enact. He said:

The act providing for resumption in 1879 requires, in the judgment of the Secretary of the Treasury, some additional legislation to make it practical and effective. As it stands it fixes a date, but gives no adequate process: and the paramount duty of Congress is to provide a process.—Congressional Record, February 11, page 19.

Now, with this forced admission—because it is only the declaration of the whole country—we had a right to expect that the great leader of his party and prominent candidate for presidential honors would have announced a policy, a plan for resumption. But see how wisely a politician can talk and commit himself to nothing! In the same paragraph he goes on to say:

paragraph he goes on to say:

And in all legislation looking to that end it must be borne in mind that unless we move in harmony with the great business interests of the country we shall assuredly fail. Specie payments can only be brought about by wise and well-considered legislation based on the experience of other nations, embodying the matured wisdom of the country, healthfully promoting all legitimate business, and carefully avoiding everything that may tend to create fear and distrust among the people. In other words, what we most need as the outgrowth of legislation is confidence, public and private, general and individual. To-day we are suffering from the timidity of capital, and so long as the era of doubt and uncertainty prevails that timidity will continue and increase. Steps toward inflation will make it chronic; unwise steps toward resumption will not remove it. We shall have discharged our full duty in Congress if we can mature a measure which will steadily advance our currency to the specie standard, and at the same time work in harmony with the reviving industries and great commercial wants of the country.

Words! words! So far as any plan or policy for resumption is concerned, they are nought but sounding brass and tinkling cymbals. Now, Mr. Chairman, I am no candidate for President, and can therefore afford to express an opinion and am at liberty to give a plan, whether it be good, bad, or indifferent.

My plan is to take away the enforced character of Uncle Sam's notes, and let him, like you and I and every other citizen when he gives his notes to pay money on demand, be compelled to do so, and also be compelled to take his own notes in payment of all dues to

Mr. GARFIELD. Mr. Chairman, I desire to submit a few reflections on this bill, and to say at the outset there are but two points

for this House to determine in order to decide whether they will pass or reject the bill. The first is its relation to economy in expenditure. We are confronted with the fact that the appropriation for printing the fractional currency has run out, and are now called upon to appropriate \$418,000 to keep up the work for the remainder of the fiscal year. The Committee on Appropriations find, if we issue the silver we have on hand and proceed to substitute silver for paper fractional currency as far and as fast as we can, we shall need but \$163,000 to be now appropriated to eke out the supply of the paper fractional currency while the substitution is taking place. If we do not, if the silver portion of this bill is rejected, we must appropriate just \$225,000 more than the amount proposed in this bill. We must take it in hand at once and determine whether we will turn back from the silrer policy of the Government and at once appropriate a quarter of a million more to print paper scrip, or go on with the silver resumption and save immediately in this bill a quarter of a million of dollars.

Mr. KELLEY. Will the gentleman permit me to ask him a ques-

Mr. GARFIELD. Excuse me; I cannot yield.
Mr. KELLEY. What amount will we have to report in support of mints to coin silver if substituted for this paper?
Mr. GARFIELD. If I had time I would gladly yield. The other point is the relation of this bill to the general question of the resumption of specie payments. These are the two principles involved.
But before I come directly to the merits of the two points, I wish to call attention for a few moments to some of the criticisms rule on this

call attention for a few moments to some of the criticisms made on this call attention for a few moments to some or the criticisms made on this bill. First, to my great amazement, is the charge made by the gentleman from Pennsylvania [Mr. Kelley] in his speech that the Director of the Mint had done a disgraceful thing, which ought to make the cheek of every man redden with shame, because he had put into his annual report a statement of the condition of the great silver mine I will quote the language of the gentleman, so I may of this country. do him no injustice:

Turn to the report of the Director of the Mint; it is little more than an advertisement of old Townsend's genuine sarsaparilla. [Laughter.] It is a pamphlet molded upon the advertising pamphlets of that physician, whose sands of life are nearly run. Pages of it are covered with evidence of the increasing value of the stock of the mines on the Comstock lode, and its bulk is swollen so that it is inconvenient for carriage by the insertion of maps of mines and their machinery, intended to demonstrate the truth of his advice to the people that if they want to buy stock in the Comstock mines they better do it at once. [Laughter.]

I will say in response to that, what my friend from Pennsylvania ought to have known, that we have for years annually appropriated \$10,000 to \$15,000 to secure statistics of the precious metals, and nearly two years ago that particular work was placed under the control of the Director of the Mint by the Secretary of the Treasury. I will print his letter of July 3, 1874, by which it is made the duty of the Director of the Mint to see to this business of collecting statistics of the precious metals:

TREASURY DEPARTMENT, Washington, D. C., July 3, 1874.

Sir: The collection of statistics of mines and mining, for the continuation of which there is an appropriation of \$10,000, is hereby devolved upon your office, and you are anthorized and instructed to take such action as will in your most efficiently and economically attain the object of the appropriation above referred to. Very respectfully,

CHAS. F. CONANT, Acting Secretary of the Treasury.

H. R. LINDERMAN, Esq., Director of the Mint.

He was obeying the laws of the United States and the order of his a statesman finding fault because his Government, or the officers of it, were doing what they could to ascertain the facts concerning the greatest silver mine this world has ever known? Who else but a man who had a scheme to further, or a special policy to carry out, which policy came into collision with so great a fact as this great silver mine, would have found fault because the Government was as-certaining what its character was? Why, sir, I hold in my hand copies of official letters from the French government in which the great finance minister Léon Say, details an officer to be sent over to the United States with instructions to go in person and examine these silver mines and make thorough report, so they may show what this great new American silver product is, and what its effect is likely to be upon the money of the world.

Shall we, then, in the American Congress attack our own Government for taking such means at a less expense to ascertain our own silver product? I will print these papers as a part of my remarks.

[Copy of translation ]

Letter from Léon Say to Colonel Jules Berton.

PARIS, January 31, 1876.

SIR: I thank you for the general information with which you have furnished me relating to the production of precious metals in the United States.

I have authorized Mr. Ruan, director of the French mint, to enter into correspondence with you, and ask for reports upon everything which appertains to the monetary question, as well as circulation, in the United States, and more particularly to the production of mines.

I hope that the relation which will be established between you and the mint of France will enable us to prosecute with usefulness the studies we have undertaken, in order to prepare us to revise the monetary convention concluded in 1865 with a certain number of powers, which convention expires in 1880.

I beg you to receive the assurance of my sentiments of high consideration.

Very respectfully,

Minister of Finance,

Paris, February 1, 1876

PARIS, February 1, 1876.

SIR: In conformity with instructions that have been transmitted to me by the minister of finance, and of which you are cognizant, I beg to request you to transmit to me reports upon everything appertaining to the monetary questions and circulations in the United States, and more particularly upon the production of mines. The following are the principal points to which for the present I call your attention:

First. Monetary question in the United States. Ways and means proposed to prepare the resumption of specie payments within the fixed period of three years. Statistics of the national banks and other financial establishments. Amount of the issue of greenbacks and other paper moneys.

Second. Organization and administration of the United States Mint. Statistics of the coinage. Circulation of gold and silver coin, and what is the special importance of the coinage of the trade-dollar and its use.

Third. Production of gold, silver, and quicksilver in the Pacific States, and more particularly in California and Nevada.

Fourth. To point out the leading silver mines now being worked on the great Comstock Lode in Nevada, and the importance of the auriferous lands and grants of California.

Fifth. Valuation of the production demostic consumption and exportation of

consider Lode in Nevaca, and the importance of the autherous lands and grants of California.

Fifth. Valuation of the production, domestic consumption, and exportation of precious metals. recious metals.

I shall avail myself of the opportunity of asking you for such other information is will complete the points above indicated.

Accept, sir, the assurance of my sentiments of high consideration.

I. RUAN,

Director of the Mint.

Colonel JULES BERTON.

[Translation.]

PARIS, January 29, 1876.

PARIS, January 29, 1876.

My Dear Sir and Colleague: I take the liberty of introducing to you Colonel Jules Berton, ex-vice-consul of France in California, and actual president of the London and Pacific Coast Mining Bureau.

The French administration has the greatest desire to be enlightened upon various questions connected with the monetary organization in the United States, as well as the production of precious metals and quicksilver in the Pacific States.

I will be very grateful to you for whatever you can do in order to enable Mr. Berton to fulfill with usefulness the mission with which he is intrusted by the French administration.

I thank you, therefore, beforehand for the reception you will kindly extend to Mr. Berton. Rest assured, sir, that for my part I will seize with eagerness the opportunity of making myself agreeable to you.

Accept, my dear sir and colleague, the expression of my sentiments of high consideration.

L. RUAN,

L. RUAN, Director of the French Mint.

Dr. Linderman,
Director-General of the United States Mint,
Washington.

I come now, Mr. Chairman, next to notice some criticisms on this bill by the gentleman from New York, [Mr. Hewitt.] When he first started out in his speech he said:

For one, I here declare my readiness and my intention not to permit any party traumels or any fear of the political consequences to interfere with my duty in this respect, and I here state that I am quite ready to advocate any policy, wherever it may originate, which will bring us back to the only sure ground of a specie basis.

I thoroughly agreed with him, and expected to hear a good business speech from a business stand-point. But before he had gone a bow-shot from his introduction he began to say this measure is a repubsnot from his introduction he began to say this measure is a republican, not a democratic, measure, and appealed to his democratic associates not to bolster up by their indorsement a republican measure, which, if unaided, may fail and disgrace the party that originated it. And all through the speech I was impressed with this thought: that, rather than that a republican measure should prove successful, he would see it fail in order that the republican party might not get any credit for it. For example, he said:

credit for it. For example, he said:

But the existing laws regulating the finances of the country are essentially in execution of the policy of the republicans, and will be discussed as such. The act of January 14, 1875, "to provide for the resumption of specie payments" on the 1st of January, 1879, was agreed upon by a caucus of republican Senators, and made a party measure both in the Senate and the House of Representatives, the democrats generally voting and many of the leaders of the democratic party speaking against it. It was, therefore, a republican, and not a democratic party speaking against it. It was, therefore, a republican, and not a democratic party speaking against or in part, the failure of this act to produce any beneficial results to the suffering business of the country, its tendency to aggravate the evils under which the people are groaning, and the want of statesmanship apparent in the framing of legislation confessedly powerless for good unless supplemented by further legislation are chargeable to the republican party, and the republican party alone.

This is not my ideal of particits statesmanship. I do not besitate.

This is not my ideal of patriotic statesmanship. I do not hesitate to say that if the majority of this House propose a measure which will bring prosperity to this country and restore the ancient standard of values I will go with them heart and soul if the measure would give you a quarter of a million of votes. I am amazed that men should stand up here on great questions of this sort and make it a matter of first inquiry which party may be helped or hurt by it.

I pass from that consideration to another criticism. My friend from

New York says that the only reason why there is any possibility of issuing this silver successfully is not because of the wisdom of the republican party, but because of a streak of good luck they have had. He says that they have stumbled upon two items of good luck: the discovery of the great Bonanza mines and the demonstration of silver in Germany. Let me ask my friend if he has carefully read the history of this matter? I turn to the Congressional Record and read a paragraph or two from the speech of my friend Senator Sherman on the 22d of December, 1874, when the resumption bill was reported.

The first section of the bill provides for the resumption of specie payments on the fractional currency. It is confined to that subject alone. It so happens that at this particular period of time the state of the money market, the state of the demand for silver bullion, and more especially the recent action of the German Empire, which has demonetized silver and thus cheapened that product, enables us now, without any loss of revenue, without any sacrifice, to enter the market for the purchase of bullion and resume specie payments on our fractional currency.

He then goes on to say that our fractional currency and subsidiary ilver are now almost on a level of value. - There was no luck about The demonetization of silver in Germany had happened two years before that time. The Bonanza mines had been discovered long before. It was a plain matter of fact, well known at the time and announced by the author of the bill. Where is the luck?

Mr. HEWITT, of New York. How was it six weeks afterward?

Mr. GARFIELD. As a matter of course fluctuations followed, which it was easily foreseen might follow. But I have quoted those remarks by Senator Supply to show my friend from New York it.

remarks by Senator Sherman to show my friend from New York it was not a matter of mere blind luck as he stated.

Now I call attention, in the next place, to what seems to be the Malakoff of my friends on the other side, especially the gentleman from New York, namely, the question of economy; and in this I observe that there is another bonanza besides silver. The gentleman from New York asks for bids from a couple of corporations to see whether he cannot get the work done cheaper than it is being done in the Treasury, and these two bids are printed in his speech; one bank-note company saying they can do the work for a round million

of dollars; the other saying they can do the work for a round minton of dollars; the other saying they can do it for perhaps \$950,000; and then he attempts to show we are paying \$1,410,000 to do that work. To do what work? The work of the gentleman's two bank-note companies? By no means. Did the gentleman suppose that the companies? By no means. Dut the general suppose that the printing and engraving of these notes was the whole cost of the fractional currency? By no means. What more? We have a great Bureau in the Treasury where these notes have to be counted, recounted, and counted again. We have a bureau in New York to gather up these very fractional notes, and twelve men are in the emgather up these very fractional notes, and twelve men are in the employ of the United States for the sole purpose of sorting, counting, and returning to the Treasury the filthy, worn-out fractional currency. We have eight more men in Boston for that purpose; five or six more in Cincinnati; and in all the sub-treasuries of the United States we keep a force of men employed on this very business of the fractional currency. But what is the \$1,410,000 of which the gentleman from New York speaks? I have here an official paper from the Treasury Department which gives \$1,082,521 as the expense incurred last year by the Bureau to do the engraving and printing, we furnish-Treasury Department which gives \$1,082,521 as the expense incurred last year by the Bureau to do the engraving and printing, we furnishing the paper, not the paper of commerce on which the bank-note companies would print, but our distinctive paper, which is a safe-guard against counterfeiting, and more expensive than that of those bank-note companies. The gentleman will find on a full examination of the facts that the work is done cheaper in the Treasury than the gentleman's bank-note companies do it. Then there is the expense incurred for counters in the currency division, \$60,000; \$65,000 for the same purpose in the Register's Office; \$181,000 in the Treasurer's Office; and the expense of express charges of fractional cururer's Office; and the expense of express charges of fractional currency to and from the Treasurer's Office \$20,000 more. I submit a letter from the Treasury Department showing the items of cost in the

TREASURY DEPARTMENT,

Bureau of Engraving and Printing, March 20, 1876.

SIR: I inclose, by direction of Mr. Conant, a statement, as requested by you, showing the amount in sheets and values and the cost of fractional currency printed and delivered by the Bureau of Engraving and Printing from July 1, 1869, to June 30, 1875, giving the amount for each fiscal year.

Very respectfully,

HENRY A. JEWELL, Chief of Bureau.

Hon. James A. Garfield, House of Representatives.

Statement of the expense of preparing, issuing, and redeeming the fractional currency of the United States for the fiscal year 1875.

Expense incurred by the Bureau of Engraving and Printing, (as per letter herewith).

Expense incurred by the currency division, Secretary's Office, (see letter herewith).

Expense incurred by the Register's Office, (see letter herewith)...

Expense incurred by the United States Treasurer's Office.....

Expense of express charges of fractional currency to and from Treasurer's Office. 60 660 00 65, 770 00 181, 644 00 20, 151 75

So that nearly a million and a half of the charge that this paper So that nearly a million and a half of the charge that this paper money cost us is not for printing and engraving, but for handling, which would necessarily be done if the bank-note companies had the work. Therefore, on the score of economy the gentleman has mistaken wholly and totally the elements of the problem. If the gentleman wants to go back and give this work to the company that manufactured notes for the southern confederacy, he cannot sustain his position on the score of economy.

Now, Mr. Chairman, take another view of this question. Do gentlemen of the House know what we have paid out for the printing of fractional currency? Do they know how much has been issued? I will tell them. The whole amount issued up to the 30th of June, 1875, amounts to the enormous aggregate of \$340,348,179.40.

I copy from the public-debt statement the amount of fractional currency outstanding by the end of June in each year since 1864:

June 14, 1864, fractional	currency	\$21, 031, 948	85
June 30, 1865, fractional	currency	25, 005, 828	76
June 30, 1866, fractional	currency	27, 070, 876	96
June 30, 1867, fractional	currency	28, 307, 523	52
June 30, 1868, fractional	currency	32, 626, 951	75
June 30, 1869, fractional	currency	32, 062, 027	73
June 30, 1870, fractional	currency	39, 878, 684	48

June 30, 1871, fractional currency	. \$40, 574, 765 20
June 30, 1872, fractional currency	
June 30, 1873, fractional currency	. 44, 799, 365 44
June 30, 1874, fractional currency, (Bristow, June 3, 1874)	
June 30, 1875, fractional currency	
A verage outstanding for twelve years \$35,000,000	- A - A - A - A - A - A - A - A - A - A

This table shows that the average outstanding amount during the last twelve years has been about thirty-five millions, and the amount outstanding on the first day of the present month was \$45,124,134.47.

I had also a table compiled from the official records showing the face value of the fractional currency issued each year since 1869 and its cost of printing and engraving.

Cost of fractional currency.

Fiscal year.	Number of sheets de- livered.	Face value.	Cost.
1869-'70	8, 577, 996 7, 904, 100 9, 637, 900 11, 478, 300 11, 964, 500 12, 988, 000	\$31, 209, 716 31, 103, 900 31, 816, 900 38, 674, 800 38, 927, 900 36, 612, 800	\$926, 072 36 712, 074 19 931, 527 55 1, 159, 289 69 917, 664 32 1, 083, 521 20
Total	62, 550, 996	208, 346, 016	5, 730, 149 31
Average per annum	10, 425, 166	34, 724, 336	955, 024 90

This table shows that during the last six years the average amount issued has been over thirty-four millions a year of face value and the average cost has been \$955,024.90 per year. This of course does not include the cost of assorting, counting, and redeeming. Could we estimate the expense of assorting and counting at the various subtreasuries, it would swell the annual cost considerably more than a million and a half per year.

Altogether it costs us very nearly \$2,000,000 a year to keep up our fractional currency. Now, if we issue silver in place of this fractional currency it will stay out forty or fifty years without renewal and after one issue it will be half a century before we shall be called upon to replace it at all except in case of actual loss. The gentleman refuses to give up a currency which must be renewed every ten months; we propose a currency that need not be renewed for half a century. He refuses to abandon a currency that costs nearly \$2,000,000 a year; we propose a currency which cost us but one-fiftieth of that after the cost of the first issue is borne.

Therefore, for the purpose of economy, we should pass the bill as

reported by the committee.

But in the second place the gentleman says that this bill will rob the poor man. I will quote a paragraph from his speech:

And who, Mr. Speaker, will be robbed and who will get the benefit of the fraud? The fractional currency is essentially the poor man's money. The bulk of it at any one time is in the actual possession of the laboring-classes of this country. If you take away from them what is worth eighty-seven and one-half cents in gold and replace it with what is worth only eighty-two and five-eighths cents, you rob the working-classes of nearly 5 per cent., five cents out of every dollar of their scanty possessions. No human device can ever prevent debased money from falling to its true value as compared with other commodities. The dollar may be still called a dollar, but the adulteration not apparent on its face will betray itself in the increased price of every commodity which the poor man's family consumes.

Mr. Chairman, did any body ever before hear that one-half a dollar stamped on a piece of silver, stamped with the Government stamp, is not to be more relied upon than a piece of paper with fifty cents printed on it? By what logic, by what possible feat of intellect, can a man confront a proposition of that sort and not absolutely burst forth in laughter at the absurdity of his own conception? Cheat the laboring-man! Does not my friend know that this question of the relation of silver coin to gold coin is two hundred years old? Two hundred years ago all the intelligence that Newton and Locke could bring to bear upon this subject resulted in proving the impossibility of sustaining in equipose two standards of value, the one silver and the other gold-

[Here the hammer fell.]
Mr. PAGE. I am now entitled to the floor, and will yield ten minutes to the gentleman from Ohio.

Mr. GARFIELD. I am very much obliged to my friend from Cal-

The attempt was made to keep up two standards of value, one of gold, one of silver, and it was found utterly impossible, because the value of the two metals fluctuated in the market, and finally, after a thorough discussion of the whole subject, it was found impos sible to keep up a double standard. Some nations took silver as their standard of value and some took gold; but almost all nations have adopted one metal for their standard coin and another metal for a subsidiary coinage for the sake of change. Most nations have adopted gold as the standard of value and silver as a subsidiary currency. Why? They cannot so well divide gold as silver for small coin. The case is well stated by a recent author:

There is no law, statute or common, which gives any private person, company, or institution the right to take silver to the mint and demand coin in exchange. Thus it is left in the hands of the Treasury and the mint to issue so much and such denominations of silver coins as they may think needful for the public service. This state of the law is perfectly right, because, as the silver coins are tokens

they cannot be got rid of by melting or exportation at their nominal values. If individuals were free to demand as much silver coin as they liked a surplus might be thrown into circulation in years of brisk trade which in a subsequent year of depressed trade would lie upon people's hands.

The United States has also adopted this wise policy, and our silver coin is to-day under our laws more valuable than that of any other nation. Here is a table showing the relative valuation of the subnation. sidiary silver coinage of different nations:

Legal ratios of value of gold to silver.			
United States	14.95	to	1
Great Britain	14. 2	to	1
France	13. 2	to	1
Germany			
Latin states Coinage Union*	13, 2	to	1
Scandinavian states Coinage Union	14 8	to	1

The United States silver coinage is a little more valuable and it has more silver in it than the silver coinage of the other countries named.

Now, the gentleman from New York [Mr. HEWITT] must make his attack against England and against all the countries of the world which follow the wise practice of the last two hundred years if he raises the question as an injury to the poor man.

Mr. HEWITT, of New York. Will it always retain that relative

Mr. GARFIELD. We can always keep our silver coin in proper relation to gold.

Mr. HEWITT, of New York. Will you redeem it in gold?
Mr. GARFIELD. It is a legal tender for the payment of debts up to \$5. For all ordinary purposes of change it does exactly what a gold dollar would do.

The wisdom of the last two hundred years have taught the nations that this is the wisest thing to do.

The only possible danger I can see in this measure is that, should Con-

ress so behave as to depreciate the value of greenbacks until gold should reach a premium of 120, the silver might become more valuable than the greenbacks and be driven out of circulation. But I remind gentlemen of the fact that, notwithstanding all this fluctuation, the premium on gold has not been so high as 120 since 1871, and we ought to have enough faith in ourselves and enough determination that we will not permit such unwise legislation as to make this bill dangerous in that respect. Our friend from New York finally says that this will be no step forward toward specie payments. He seems to prefer paper for our fractional currency. I do not know that my friend means to stand by that; but his language seems to imply that

he wants us to resume in gold, and have a paper fractional currency.

Mr. HEWITT, of New York. I meant just the opposite.

Mr. GARFIELD. I hope he did mean it, but he did not say the opposite.

Mr. HEWITT, of New York. I certainly did say it.

Mr. GARFIELD. In order to do the gentleman no injustice, I quote in full what he did say, and it is as follows:

But I deny that the substitution of subsidiary silver coin for the fractional currency has anything to do with the resumption of specie payments. It is the substitution of metallic tokens for paper ones. The only specie resumption known to the law or to the great commercial nations is resumption in gold. For minor coins, copper, nickel, silver, or paper may be used; and their purchasing power, whenever they may be in excess of the demand, will be measured by what they will produce in gold. duce in gold.

The remainder of what I desire to say is to this point: will this measure be a step toward the resumption of specie payments? If not, then I am opposed to it, however economical it might be. If it is a fair step toward specie payments, then I am in favor of it, however costly it may be. Now, what is the fact? Does any gentleman believe that we shall ever have resumption of specie payments until we get back to our old standard of gold with a subsidiary coinage of silver? Are we not bound to do that? And if we cannot do both at once, shall we show our unwillingness to do the one thing it is possible for us to do? That is the whole question. We have now coined, in pursuance of law, \$14,000,000 of subsidiary silver coin, upon which we have lost nothing. The gentleman from New York says we have lost \$1,000,000. Even counted in gold, the difference is only \$222,000, will be seen by the following statement from the Director of the Mint:

The amount of silver bullion purchased under the act of January 14, 1875, has been 11,130,072 standard ounces, at an average rate or price of 109 cents per ounce standard in gold coin, the cost of which bullion was \$12,239,643.

The present rate in London is 541 pence, which corresponds with 107 cents per ounce United States standard, and makes the depreciation of the stock in the hands of the Government about \$222,000, and not \$1,000,000, as stated by Mr.

With silver at 107 cents per ounce United States standard, a dollar in subsidiary silver coins is of the gold value of eighty-six cents. Gold was  $114\frac{1}{2}$  yesterday, which makes the greenback dollar worth eighty-seven cents and three mills.

What shall we do with that amount of silver coin? Shall we turn back on our tracks and refuse to issue it or shall we issue it in place of the perishable, wasting, uncertain paper currency that now circulates for change? The gentleman from Missouri [Mr. Wells] has shown that there has been lost by wastage in the hands of the people about \$15,000,000 of this paper fractional currency.

<sup>\*</sup>These countries, France, Belgium, Italy, and Switzerland, coin a silver five-franc piece on the basis or ratio of  $15\frac{1}{2}$  to 1. This coin is an unlimited tender in payment. All denominations below it are subsidiary and limited tender.

these very poor laboring people for which the gentleman from New York [Mr. Hewitt] has so much sympathy have suffered all or nearly all that loss

Now shall we put into their hands a currency less perishable? Shall we familiarize the American people with the use of coin, of the coin recognized under our eld laws, our laws before the war? Or shall we put off this opportunity which is now open to us to educate the people by putting in their hands \$25,000,000 of coin money, of lawful coin, although it is subsidiary coin and not up to the full value of gold? It is a legal tender, and by law it is the lawful coin of the country. Shall we do that much toward resumption of specie payments? Shall we do that much toward resumption of specie payments?

Mr. KELLEY. Legal-tenders to what amount?

Mr. GARFIELD. To the amount of \$5. Shall we do that much now, when we can, when we have already half done it? We have half enough silver coin ready to be issued for the purpose of supplying what everybody knows will be a sufficient amount of change for the business of the country. And if we do just as much more as we have already done we shall have made the substitution complete. We can then dismiss an army of clerks and counters and workmen who are now making our paper fractional currency, and in the common school of the silver currency we can begin the work of educating our

school of the silver currency we can begin the work of educating our people up to the gold standard when the time comes.

I hope we will not go back on our policy; that we will not here show our unwillingness to resume specie payments, when we can hurt nobody, when we will be wronging nobody, when we will not be affecting injuriously any great interest of the country. No one pretends that this will produce any shock to business. The stock argument used against our resuming payments in gold does not apply to this. It is safe, easy, and economical; it is honest; it is keeping good faith for us so to do. I dare not vote against it, for in so doing I should take a step toward repudiation; I should aid in breaking the public faith. I shall vote for this measure whatever its origin, democratic or republican.

[Here the hammer fell.]

[Here the hammer fell.]

Mr. PAGE. How much time have I remaining?
The CHAIRMAN. The gentleman has five minutes of his time left.
Mr. PAGE. Of course it will not be expected that in five minutes
I shall attempt to discuss the merits of this bill.

I shall attempt to discuss the merits of this bill.

There has been an attempt on the part of some of those who have spoken upon this bill to make it appear that California and the Pacific coast, and particularly Nevada, have a different interest in the passage of this bill from the rest of the country. Sir, the Pacific coast, including California, Nevada, and Oregon, have purchased from the Government of the United States \$4,000,000 of this silver circulating realizations this circumstance in four which they have said the medium, this silver subsidiary coin, for which they have paid the Government dollar for dollar in gold. I trust it will not again be charged that the Pacific coast will be particularly benefited by this bill more than any other section of country, providing as it does for recalling from circulation \$16,000,000 of paper fractional currency and

substituting a similar amount of silver coin.

The gentleman from Pennsylvania [Mr. Kelley] said the other day that this bill proposes to give to the laboring men of the country a silver coin which is worth from four to five cents on the dollar less than the paper fractional currency now in use. If the gentleman will go to San Francisco and purchase of a merchant a bill of goods and offer to pay for it with greenbacks, that merchant would add to his bill at least the difference between gold and greenbacks, from 12 to 13 per cent. But if he should propose to pay for the goods in silver coin there would be no addition at all to the bill. Silver coin is today used upon the Pacific coast at par with gold, notwithstanding the charge that silver is variable in value, in the payment of all bills, with the exception that in the case of a large amount of silver coin there is a small discount, as a matter of course. The inconvenience of having this large amount of silver coin on hand would cause perhaps a discount of 11 or 2 per cent.

But, Mr. Chairman, I contend that the Revised Statutes fix the But, Mr. Chairman, I contend that the Kevised Statutes hx the value of your silver coin. Congress can make it of any value it pleases; it can make a dollar in silver equal to the dollar in gold. But Congress has debased this silver coin for the purpose of preventing it from being sent out of the country. Two silver half-dollars are not the equal in value of a dollar in gold coin; but the Congress of the United States can make two silver half-dollars equal intrinsically in value to a gold dollar.

in value to a gold dollar.

The gentleman from New York [Mr. HEWITT] attempted the other day to make this House believe that since the act of January 14, 1875, day to make this House believe that since the act of January 14, 1875, was passed the republican party had experienced great good luck in the subsequent discovery of the great Bonanza mine of Nevada. Why, Mr. Chairman, one year ago last December stock in the Consolidated Virginia mine, known as the Bonanza mine, was worth \$750 a share, a higher price than it is selling for to-day. So that the republican party were not "going it blind" when they passed the act providing for the redemption of the fractional currency, for the Bonanza mine instead of being struck some three months afterward. Bonanza mine, instead of being struck some three months afterward, as the gentleman supposes, was quoted in the market at that time higher than the stock is selling at to-day.

Mr. Chairman, notwithstanding the fact that the Government now proposes to sell its silver to the people of this country for paper, while California has paid in gold coin for her \$4,000,000 of silver, so that she will suffer by this measure a loss of between \$400,000 and

\$500,000, yet, as a Representative from that State, favoring as I do the resumption of specie payments at an early day, I cannot stand here to say one word against this bill, but shall on the contrary give

it my hearty support.

Mr. TOWNSEND, of Pennsylvania. Mr. Chairman, when I heard the opening remarks of the gentleman from New York [Mr. Hewirr] the other day, upon the first discussion of this bill, I congratulated myself, as did the gentleman from Ohio, [Mr. GARFIELD,] that at last we had come across a democratic statesman who had promised to discuss this question without regard to party. But I had not list-ened for two minutes nor heard more than two or three sentences before I found that the gentleman's remarks in their whole tenor and tone were of an intensely partisan character. He endeavored by every art and artifice in his power to rally to the defeat of this bill the democratic forces. He called upon them in every way whereby he could appeal to democratic prejudice to oppose the bill. He held up before them the great Bonanza and the rich mine-holders of Nevada, and indulged in some seemingly unparliamentary remarks concerning his peers in the other end of the Capitol: the silver-min-ing Senators from Nevada. He endeavored to impress upon his political associates that if this bill should pass and should be a failure it would be attributed to the democratic party and they would have to bear the ignominy, if there be such attached to its failure; that if it should be a success then the republican party would point to it as a republican measure and claim the merit of having enacted it into a law. He endeavored, therefore, by every possible means to rally them, hoping that whenever the vote should be taken they would come to his support as the Alpine warriors sprang up on the hillside at the bugle-call of Roderick Dhu.

He endeavored to impress upon the mind of the House the fact that if this bill should pass the poor man was to be robbed; that the measure would take from him a portion of his hard-earned wages and was fikely to impose upon him a larger burden than he is now obliged to bear. His argument was that as silver was depreciating it would buy less of gold than paper would buy, and that therefore the poor would suffer the burden of the difference between the gold value of the fractional currency and the gold value of silver coin. But unfor-tunately for his own argument he admitted in two different places in his speech that the subsidiary coins, such as are contemplated, can be floated in the country for the benefit of the public without causing any depreciation or any loss to the people. He has told you that although there has been a fall in the price of silver within four months yet it may be possible to put subsidiary silver coins into circulation without their leaving the country or going into the melting-pot unless gold should advance to 120 or the price of silver should again rise in the London market. In this paragraph he has abandoned the whole tenor of his speech, which was to endeavor to impress upon us the idea that the fall of silver was going to be a burden upon the wages of labor. But he abandons it still more frankly and still more fully when he comes a little further down in his speech and says:

So long as the silver coin is worth less than the fractional currency, and is not in excess of the absolute needs of the community, it will continue to circulate without raising prices upon the poor, just as any money tokens, no matter of what material made, will to a limited extent circulate in any community without regard to their intrinsic value.

Here, then, is a total abandonment of the whole idea that he was endeavoring to infuse into the minds of members and an acknowledgment that the silver coinage, although it might be worth less in the market to purchase gold, would still circulate sufficiently or so far as might be necessary for the purpose of supplying the every-day wants of the community.

But notwithstanding all this, he still goes on endeavoring to impress upon us the idea that silver in all probability will rapidly fall, and that the difference between the purchasing power of silver and the purchasing power of fractional currency will be so great as to be a burden upon all the working classes of the community. speech he answers himself on another point, when he quotes from the London Morning Times as follows:

Bar silver was in strong demand yesterday, and in the absence of supplies was nominally quoted at 53½ to 53½ pence per ounce. The more the circumstances under which the fall in silver has occurred are considered, the clearer does it become that they could hardly have been more unfavorable to permanent recovery. Apart from the diminished demand for export to the East, the demonetization by Germany, the temporary stoppage by several nations of their mints, and the increased production of mines, it seems to be evident that silver, as a standard of value, either in combination with gold or by itself, has had its day in Europe. To attempt to force this country into using it again as a legal tender side by side with gold is as impossible as to restore the old gasches in the place of railways.

That, too, answers the other argument, be made, that silver might.

That, too, answers the other argument he made, that silver might rise in price to such extent it would be exported instead of being

Now, Mr. Chairman, the gentleman has attempted to impress upon the minds of all who listened to him the propriety and necessity of the minds of all who listened to him the propriety and necessity of the minds of all who listened to him the propriety and necessity of keeping up paper currency among the people instead of silver coin, and he quoted the Latin maxim *Timeo Danaos et dona ferentes*, which, being properly interpreted according to his doctrine, means that democratic rags are better than republican silver. [Langhter.]
I want to say if there be any doubt or difficulty in regard to the

silver coin contemplated for circulation in the country, that difficulty is remedied by the amendment I have proposed, which I ask the

The Clerk read as follows:

At the end of the printed bill insert these words, namely: Provided, That all such coins shall be exchangeable at par by the assistant treasurers and designated depositaries for United States notes in sums not less than \$3: and shall be receivable for postage and revenue stamps and for all dues to the United States, except customs, in sums not over \$5, and shall be redeemed on presentation at the Treasury of the United States in such sums and under such regulation as the Secretary of the Treasury shall prescribe: Provided, also, That the total issue of such coins shall not exceed at their nominal value the sum of \$50,000,000.

Mr. HEWITT, of New York. Will the gentleman let me ask him a question?

Mr. TOWNSEND, of Pennsylvania. Certainly. Mr. HEWITT, of New York. Let me ask him whether the effect of his amendment is not to redeem republican silver in democratic rags? [Laughter.]

[Here the hammer fell.]
Mr. RANDALL. Mr. Chairman, the chief objections which have been made to the substitution of the silver coins for the fractional currency are

1. That it will be a depreciation of the currency.
2. That the value of the silver may rise or that of the greenback depreciate to a point that would render it profitable to melt or export, and the people thereby put to serious inconvenience for want of

The first objection is readily answered. There is no proposition to depreciate the silver coins. On the contrary, the bill provides for the issue of silver coins of the same weight and purity as have been issued by the Mint since 1853, and which have been since then a legal tender to the extent of \$5. In fact, the coins proposed to be issued are slightly more valuable than those coined from 1853 to 1873, as they contain, I am informed, one grain and eight-tenths more standard silver to the dollar, this addition to the weight having been prescribed by the coinage act of 1873, the object being to make the silver subsidiary coin of \$1 conform to the weight and value of the five-franc silver coin of Europe, and, I believe, of the dollar of some of the South American states. The business of a community cannot be carried on without change-money. Since gold is not coinable into the divisions of a dollar, silver coins of a higher nominal value than bullion value are used by all nations, except such as have the single sil-

The silver subsidiary coins of the United States have a higher value as compared relatively with gold than those of any other country, as will be seen from a statement which I present, prepared at my request by the Director of the Mint:

Relative values of gold and silver in the coinage systems of countries of the gold standard.

Country.	Relative coins.		Pure	Relative	
	Gold.	Silver.	Gold.	Silver.	value.
Bogota Egypt England Germany Portugal Scandinavian Union United States	pound mark 1,000 reis	piaster piaster shilling mark 500 reis crown dollar	Grains. 22. 49 115. 5 113. 001 5. 531 25. 087 6. 225 23. 22	Grains. 141, 009 14, 298 80, 727 77, 16 176, 824 92, 392 347, 22	1 to 12½ 1 to 12.3 1 to 14.2 1 to 13.9 1 to 14 1 to 14.8 1 to 14.95

Relative values of gold and silver in the coinage systems of countries of the silver standard.

Country.	Relative coins.		Pure	Relative	
	Gold.	Silver.	Gold.	Silver.	value.
Austria* Mexico* Netherlands* Russia*	gulden peso gulden 5 rubles	peso florin	Grains. 11. 2006 22. 8477 9. 3332 92. 5713	Grains. 171. 466 377. 1718 145. 8324 277. 7158	1 to 15½ 1 to 16½ 1 to 15½ 1 to 14½

\* These countries issue a gold coin for commercial or trade purposes.

Relative values of gold and silver in the coinage systems of countries of the double standard.

Country.	Relativ	re coins.	Pure 1	Relative	
	Gold.	Silver.	Gold.	Silver.	value.
Latin Union includes France, Italy, Belgium, and Switzerland	5 francs.	5 francs.	22, 4012	347. 22	1 to 151

All silver coins less than the five-franc piece are subsidiary, and the relative val-uation, based on such subsidiary coins, would be 1 to 13.2.

This statement shows that in France, Belgium, Italy, and Switzerland the legal ratio of the small silver-change money to the gold coins is as  $13\frac{9}{10}$  to 1; Great Britain,  $14\frac{9}{10}$  to 1; Germany,  $13\frac{9}{10}$  to 1; Sweden, Denmark, and Norway,  $14\frac{8}{10}$  to 1; United States,  $14\frac{9}{100}$  to 1, or nearly 15 to 1. We therefore give a silver coin to our people more valuable than either of the countries named.

The fractional currency is a promise to pay, redeemable in legal-tender notes, both debts. The material of these notes is perishable, and as money has no intrinsic value such as silver has.

It is depicted here that a great robbery is to be perpetrated by the issue of these coins on the poor, and we are asked by the gentleman from New York to wait until "silver has settled down to something like a steady price and we are prepared to resume specie payments generally. Silver coins will, as of old, if not redundant in amount, fill a useful and necessary place in the currency of this and other countries.

Let me say in reply, this same depreciation will exist whenever they may be issued, now or hereafter; whether as I propose, or as is indicated. This picture is overdrawn of the injury to the poor, for indicated. This picture is overdrawn of the injury to the poor, for five silver dollars will in all ordinary transactions buy as much as a five-dollar gold piece. Nay, more; if the substitution of a silver coin for irredeemable paper money is robbery, then our present condition is one of a robbery of the poor every day in the circulation of paper money inferior in value to gold, and which only possesses about the same purchasing power at its nominal value as the silver coins proposed now to be substituted.

If the issue is restricted as provided for by law I think these silver coins will maintain a purchasing power equal with legal-tender notes, or even gold, in small payments and in change, even when we shall resume specie payments in full.

resume specie payments in full.

After the limit of substitution is reached of silver coin for fractional currency, then no further issue of silver coin can take place beyond such amount, except for gold coins at par, under the coinage act. yond such amount, except for gold coins at par, under the coinage act. The entire amount of substituted silver coin proposed will be needed and actually employed as change-money, and being procurable only from mints for gold coin at par, a redundancy is impossible.

This check and the limited amount for which they are a legal tender will effectually check any of the evils predicted, and no loss can result to the people, as it will be current at its nominal value.

The gentleman from New York [Mr. Hewitt] also spoke of the evis of a depreciated and defective coin currency in England, as devicted by Macanlay which was by climings until hearrely recognized.

evis of a depreciated and defective coin currency in England, as depicted by Macaulay, which was by clippings until 'scarcely recognizable; but if we had followed that historian a few years, he would have also told us of the prosperity which followed the recoinage and the issue of silver to the amount £7,000,000, or nearly \$35,000,000.

What we propose is not the issue of debased coin, but coin of standard value, of authorized weight and purity under the coinage act, and we were all in the proposed by the proposed by the proposed in the

more valuable than issued by the more enlightened countries of Europe.

The fractional currency requires constant renewal, living from nine to fifteen months, to be again and again renewed at great cost, as has been shown by Mr. Wells, a member of the Appropriation Committee. Away from centers this currency becomes worn and muti-lated. The great benefit of gold and silver coin as a circulating medium is that no advantage is derived by the brokers and money-changers over the poor, for the fractional currency is more easily counterfeited. I am free to confess, however, in this respect that the Government has availed itself of every caution to prevent such illicit issue. The fact stands out, nevertheless. The loss to the people in destroyed fractional currency has been enormous. Some estimate it up to ten or twelve millions. The metal is not destroyed even by fire.

I now come to the second objection, that the silver may not remain out by reason of an increased value in gold premium or in silver premium, or in both. I would be gratified if some provision of law could be enacted which would appreciate the greenback, or that such a condition of trade causes could be reached to produce the same result, for then the silver would remain out with certainty; in the absence of such a condition of things we must encounter some risk, but before we adjourn the success or failure of this undertaking will be settled, and if we have erred it is in our reach promptly to correct. Silver bullion will be in excess of our requirements, and there is no

reason for us to apprehend a rise in gold much above the present rate.

We are told to have fear of Germany in connection with this silver problem. Her neighbors, France, Belgium, Italy, and Switzerland, where the double standard of gold and silver prevails, have recently

protected themselves against any act of Germany in this respect by action in what may be termed a silver convention at Brussels, as stated in a letter to me from our Director of the Mint.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE DIRECTOR OF THE MINT,
March 6, 1876.

DEAR SIR: In further reply to your inquiries relative to the silver question, I have to inform you that we now have the result of the silver convention recently held at Brussels, Belgium.

The convention fixed the limit of the silver coinage for 1876, for the countries named as follows:

nameu, as ionows:	
	Francs.
France	54, 000, 000
Italy	36, 000, 000
Belgium	11, 000, 000
Switzerland	7, 000, 000

108, 000, 000

Of which 30,000,000 francs have already been coined by France, leaving 78,000,000 francs as the amount which may be coined during the balance of this year.

The amount of silver required for this coinage will not exceed \$15,000,000, which is a mere trifle compared with the supplies likely to come on the market.

Very respectfully,

H. R. LINDERMAN, Director.

Hon. SAMUEL J. RANDALL.

Mr. RANDALL. Why, sir, France alone coined \$60,000,000 in five-franc pieces in 1873. These countries are practically closed against silver, thus to avoid an influx of such from Germany. I will now show the relative value of the silver dollar and the greenback dollar for each day since January 1 to March 15 of this year, which exhibits the fact that the silver dollar has averaged about 2 per cent. less in gold value than the greenback and that the silver dollar has not at any time in that period risen above the greenback. If this coin had been put out by the Secretary on the day first named, January 1, not a dollar of it would have been exported or melted.

Comparative value of silver and greenback dollar from January 3 to March 15, 1876, inclusive.

	e of sil- ounce,	value dollar.	Gold v	ralue of—	ss in gold te of green- c dollar.
Date.	Gold value of sil ver per ounce fine.	Currency of gold d	Silver dollar.	Greenback dollar.	Excess i value of back dol
January 3	\$1 22	\$1 13	₹0 88. 25	<b>\$0</b> 88, 49	Cents
4	1 217	1 124	88. 16	88, 88	.5
5	1 214	1 125	87. 89 87. 89	88. 79 88. 79	
7	1 211	1 128 1 128	87. 70 87. 70	88. 59	.8
8	1 211	1 131	87. 70	88, 30	.6
10	1 21	1 13½ 1 12%	87. 52 87. 52	88. 39 88. 59	1. 0
12	1 21	1 122	87. 52	88. 59	1.6
13		1 128	87. 52	88. 79	1.5
14	1 21	1 127 1 135	87. 52 87. 16	88. 59 88. 39	1.5 1.6 1.5 1.5 1.5
17	1 20%	1 131	87. 16	88. 39	1.5
18		1 13	87. 16	88, 49	1.3
19	1 201	1 127 1 135	86. 98 86. 98	88. 59 88. 39	1.6
21		1 13	87. 16	88. 39	1.5
22	1 201	1 13	86. 98	88. 49	1.5
24 25	1 20g	1 13	87. 06 87. 16	88. 49	1.4
26	1 201	1 13 1 13	86. 98	88. 49 88. 49	1.3
27	1 20	1 127	86. 80	88, 59	1. 5
28	1 201	1 13	86, 98	88. 49	1. 3
29 31	1 201 1 201	1 13 1 13 <sub>2</sub>	86. 98 86. 98	88, 49 88, 39	1.5
February 1		1 134	86. 98	88. 39	1.4
2	1 201	1 131	86. 98	88, 39	1.4
3		1 13	86. 98	88, 49	1.5
5	1 20	1 13 1 127	86. 80 86, 08	88, 49 88, 59	1.6
7	1 19	1 127	86. 08	88. 59	25
8	1 19	1 12%	86. 08	88. 59	2.5
9	1 19	1 127	86. 08 86. 08	88, 59 88, 59	2.5
11	1 18	1 127	85. 35	88. 59	3.2
12	1 18	1 13	85. 35	88. 49	3. 2
14		1 131	85. 35	88, 39	3.0
16	1 179	1 131	85, 17 85, 35	88, 30 88, 39	3. 2
17	1 18	1 13½ 1 13¾	85. 35 85. 35 85. 35	87. 91	2.6
18		1 133	85. 35	87. 91 87. 91 87. 91	2.6
19	1 18	1 133 1 137	85, 35 85, 35	87. 91 87. 81	2.6
23	1 18	1 14%	85. 35	87. 62	2.3
24		1 137	85. 17	87. 81	2.6 2.6 2.5 2.3 3.5 3.8 4.6 4.1
25 26	1 16	1 14	84. 24 83. 91	87. 71 87. 71	3. 5
28	1 16	1 14	83, 91	87. 71	3, 8
29	1 15	1 14	83. 18	87, 71	4.6
March 1	1 151	1 141	83. 54	87. 62	4.1
3	1 14	1 148 1 148	82. 46 82. 46	87. 43 87. 14	5. 0
4	1 14	1 148	82.46	87, 24	4. 8
6	1 143	1 143	83.00	87, 14	4.1
8	1 15	1 145	83, 18 83, 18	87, 24 87, 33 87, 24	4.1
9	1 15	1 148	83. 18	87. 24	4. 2
10		1 14	83. 54	87. 33	3.8
11	1 164	1 148 1 142	84. 69 84. 63	87. 24 87. 14	3.0
14		1 147	85. 35	87. 05	1.7
		4 4 19			
15	1 184	1 145	85. 53	87. 33	1.8

The check of law on the issue will prevent a redundancy, and, with the limit as to legal-tender, will without doubt preserve the purchasing power with the division limitations under the dollar.

One other fact ought to be mentioned. At the time we lost our stock of silver coin after the war commenced, silver was worth in London sixty-one pence per ounce; it is now worth fifty-three pence. We will therefore replace our stock of coin at seventeen cents per ounce less.

This silver once out will tell its own story, as it did in England at the time the gentleman from New York failed to mention, as described, under a recoinage, by Macaulay. I am willing to try this experiment, and, further, to advise others to do so, in view of the great benefits to the people which must accrue, not to the Bonanza interest, but

to all the people. • Mr. Chairman, there are various bonanza interests which ought Mr. Chairman, there are various bonanza interests which ought not to be forgotten in the discussion of this proposition. There is a bonanza interest of gold, there is a bonanza interest of silver, and there is a bonanza interest of nickel. There is also a bonanza interest not yet mentioned, and that is the bonanza interest of the bank-note engraving companies. I could show by reports to Congress that from 1863 to 1874 these bank-note companies in New York and elsewhere, now resisting this substitution of silver for paper fractional currency, received more than \$9,000,000 from the Government. It is important to them therefore to obstruct this substitution, because they have a direct pecuniary interest in keeping afloat paper fractional currency. In conclusion, let me say this bill only asks the substitution of sil-

rer coin for paper fractional currency. It can safely be done, as silver coin will remain in circulation so long as gold is below 1.20. Silver is now from 2 to 5 per cent. below the greenback, and being the least valuable, will circulate. Besides, being an overvalued coin the Government stamp, it will be barred from exportation as

bullion.

The relative cost of production also comes into view here as one advantage in favor of silver, and it was one of the grounds upon which we based our action in favor of this bill. The coining of silver costs about 1½ per cent. of its face value, while as to fractional currency it is disputed whether it costs 3½ or 5 per cent. of its face value. Silver is one of the constitutional legal-tenders, and continues in use for fifty years on the average, and then the loss is only to the extent of wear; while, on the contrary, fractional currency lives only for fifteen months.

I propose for the moment, Mr. Chairman, to look at this question in a political aspect. I would like to know when it ceased to be a democratic measure or a part of the democratic doctrine to stop the issue of silver coin. It is a coin recognized in the Constitution of our country. It is inseparable from the traditions of the democratic party. That great democratic light, Silas Wright, author of the sub-treasury system, which I have been taught to believe one of the greatest blessings which evar overtook a people, distinctly recognizes gold and silver as the only constitutional currency for this country. In my judgment, until we do restore gold and silver, of course by gradual means and not suddenly to the serious injury of business—I say until we do reach specie payment we cannot reach that full measure of prosperity which the great material resources of the country and the industry

and energy of our people so richly promise.

Mr. HÖLMAN. I desire to submit as an additional section to the bill what I send to the desk. I ask that it may be reported by the

The CHAIRMAN. The Chair will state that all the amendments

that have been sent up have simply been read for information.

Mr. HOLMAN. I understand that the bill is open to amendments, and it is totally immaterial when the amendments come in. no rule to prevent any number of amendments from being offered in Committee of the Whole.

Mr. RANDALL. I may state that I have no wish to prevent any amendments being submitted. I am willing that the gentleman from Indiana [Mr. Holman] shall present his amendment along with all the other amendments; and after they have all been presented I shall move that the committee rise and report the bill and amendments to the House. I shall then in the House ask the previous question, so that by one step after another we shall reach a vote on every amend-

Mr. HOLMAN. It will then be understood—that is the effect of the proposition of my colleague, the chairman of the Committee on Appropriations—that by unanimous consent all amendments offered here may be brought into the House. Without unanimous consent some of them might be brought into the House in accordance with

the rules and some might not.

Mr. RANDALL. Of course I only mean such amendments as are

germane

Mr. HOLMAN. But, even if germane to the bill, it may be that more amendments will be offered than are admissible under the rules. I therefore ask unanimous consent that amendments being germane may be offered to the bill in committee and brought into the House may be offered to the bill in committee and brought into the House for action. In this way a fairer expression of opinion can be had than if the rules are strictly enforced. My friend from Pennsylvania [Mr. Randall] will see that if this is not agreed to, while every gentleman has a right to offer his amendment and have it voted on in Committee of the Whole—this being a revenue measure—he has not the right to have it brought before the House unless it be adopted in committee. It therefore set numinous consent that grantlemen may committee. I therefore ask unanimous consent that gentlemen may submit their various propositions, and that they may be voted on in the House in the order in which they are presented.

Mr. RANDALL. I want to get an opportunity for a vote to be had

in the House on every amendment.

The CHAIRMAN. Will the chairman of the Committee on Appro-The CHAIRMAN. Will the chairman of the Committee on Appropriations allow the Chair to make a suggestion, so that the proper order may be maintained? The amendments may, by consent of the committee, be regarded as all pending, and as pending in the order in which they have been offered. They have not been directly offered, because there has been no reading of the bill by sections or clauses as yet. But if the purpose of the gentleman from Pennsylvania is to be carried out by consent of the committee, all the amendments that have been offered or may be offered prior to the rising of the committee may be considered as pending to the bill when reported.

Mr. KASSON. So far as germane. Mr. HOAR. Will the gentleman from Pennsylvania yield to me

for a suggestion?
Mr. RANDALL. Certainly.

Mr. HOAR. I think the suggestion of the gentleman from Indiana [Mr. HOLMAN] is a very important and a very wise one; that is, that these amendments offered in the Committee of the Whole cannot properly test the sense of the House, or afford any record by which our constituents can know our action, unless unanimous consent be given that they may be offered in the House. I hope that unanimous consent will be given, and I ask the gentleman from Indiana to make that request for unanimous consent to apply to all the appropriation and revenue bills which are discussed in Committee of the Whole.

Mr. HOLMAN. The gentleman from Massachusetts will bear in mind that this is the bill pending now. It is a very good rule here.

I agree with the gentleman to that extent.

Mr. KELLEY. I wish to ask if gentlemen contemplate the usual five-minutes debate on amendments in committee?

Mr. RANDALL. We have discussed this bill very thoroughly.

Mr. KELLEY. But there are a number of amendments, and those amendments need discussion. I believe the rule is that in Committee

of the Whole amendments may be submitted, and five minutes' debate had upon them.

Mr. RANDALL. I will make this suggestion: I am willing to ask that in the House five minutes shall be allowed in advocacy of an amendment, and five minutes in opposition to it.

Mr. KELLEY. I would rather have the five-minutes debate in the Committee of the Whole. There are very nice distinctions between the amendments, and they are very important ones, and I would like to hear from the authors and opponents of those amendments their reasons. This is a grave question, the question whether we shall add \$1,260,000 a year to our gold indebtedness for the purchase of a depreciating commodity-

A Member. That is debate.

Mr. KELLEY. And its conversion into coin. That is a grave question, and I think is entitled to consideration.

The CHAIRMAN. The Chair will suggest that that is under the

control of the committee.

Mr. RANDALL. I move, with that understanding, that the committee rise, and report the bill and all the amendments to the House.

Mr. KELLEY. I hope the committee will not rise and report the

Mr. WELLS, of Missouri. I desire to offer an amendment.
Mr. RANDALL. I yield to the gentleman for that purpose.
The CHAIRMAN. The Clerk will first read the amendment sent up by the gentleman from Indiana, [Mr. HOLMAN.]

The Clerk read as follows:

The Clerk read as follows:

Add the following as an additional section:

SEC. 3. The Secretary of the Treasury is hereby prohibited from making any further increase in the interest-bearing debt of the United States by the issue and sale of bonds for the purchase of silver bullion for coinage. But silver bullion shall, under regulations to be prescribed by the Secretary of the Treasury, be received by the several mints for fabrication into subsidiary coins and paid for in such coins at a rate or price per ounce, to be fixed from time to time, according to the market rate, by the Director of the Mint, with the approval of the Secretary of the Treasury, on the basis of the difference between the par value of such coin and the value of such bullion, and an addition not exceeding 1 per cent, in the discretion of the Secretary of the Treasury, shall be made to the purchasing price as an allowance for the transportation of the coin. And the excess of the par value of such coin over the value of the bullion so deposited, less the amount that shall be allowed for transportation, as aforesaid, determined as above provided, shall be from time to time covered into the Treasury, as the Secretary of the Treasury shall direct: Provided, however, That such silver coins of the denominations aforesaid and the silver bullion, now owned by the United States, shall not exceed in par value the par value of the fractional currency now authorized by law.

Mr. BURCHARD, of Illipois.

Mr. BURCHARD, of Illinois. I offer the following amendment:

Add to section 2:

Any owner of silver bullion may deposit the same at any mint, to be formed into dollars, half-dollars, quarters, and dimes, at the standard value of such coin, paying the Government the cost of such coinage. And the mint at which such deposit of bullion may be made shall coin the same in the order of the delivery of said bullion at the mint.

Mr. KELLEY. Will private citizens receive them when they are worn half away?

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. RANDALL] yield for the discussion of the amendments offered?
Mr. RANDALL. I do not yield.
The CHAIRMAN. Then discussion is not in order.

Mr. HOLMAN. I trust the gentleman from Pennsylvania will allow me three minutes.

Mr. RANDALL. I propose when we go into the House to allow five minutes' debate upon each amendment for and against.

Mr. HOLMAN. I fully concur in the course suggested by the gentleman from Pennsylvania, [Mr. RANDALL,] but I hope the chairman of the committee will remember that when he is acting by unanimous consent it is well enough to be a little more than fair.

Mr. WELLS, of Missouri. I offer the following amendment to the amendment of the gentleman from Indiana, [Mr. HOLMAN:]

Provided. That if silver bullion is not presented for coinage in sufficient quantity to meet the demand for the redemption of fractional currency the Secretary of the Treasury may, under the provision of the act of May 14, 1875, purchase silver bullion for the purpose of coinage, as provided in this act.

Mr. WILLIAMS, of New York. I offer the following amendment:

In the tenth line, after the words "United States," strike out the balance of the second section and insert the following:

And the Secretary of the Treasury shall not be authorized to further increase the interest-bearing debt of the United States by the issue and sales of bonds for the purchase of silver bullion for coinage.

Mr. PHILLIPS, of Kansas. I offer the following amendment:

Strike out the second section and insert;
SEC. 2. That there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$200,000 to provide for engraving, printing, and other expenses of making and issuing United States fractional currency of existing denominations.

Mr. LANDERS, of Indiana. It has been proposed that these amendments now offered should be printed. I would inquire whether all the amendments heretofore offered to this bill will not be printed likewise?

The CHAIRMAN. That depends upon the action of the House. Mr. RANDALL. I move that the committee rise and report the

bill with all the pending amendments to the House.

Mr. KELLEY. I hope the committee will not rise for that purpose.

The question was taken on Mr. RANDALL's motion; and it was agreed to.

agreed to.

The committee accordingly rose; and Mr. Springer having taken the chair as Speaker pro tempore, Mr. Sayler reported that, pursuant to the order of the House, the Committee of the Whole had had under consideration the bill (H. R. No. 2450) to provide for a deficiency in the Printing and Engraving Bureau of the Treasury Department and for the issue of silver coin of the United States instead of fractional currency, and had come to no resolution thereon, and had directed him to report it back to the House with sundry amendments pending thereto.

Mr. RANDALL. I now ask the House to confirm the agreement made by unanimous consent in Committee of the Wholes of that when the bill and amendments are considered in the House there may be

allowed five minutes' debate upon each amendment.

The SPEAKER pro tempore. The Committee of the Whole had no power to make any arrangement to bind the House, and the gentleman from Pennsylvania will please state what agreement he pro-

Mr. RANDALL. I understood that it was unanimously agreed in Committee of the Whole that we should report the bill and all the amendments to the House and allow five minutes' discussion on each amendment in favor of it and five minutes against each amendment.

The SPEAKER pro tempore. That will be the order of the House unless objection be made. The Chair hears none.

Mr. RANDALL. I now move that the bill and all the pending

amendments be printed in bill form for the use of the House. The motion was agreed to.

EXPENDITURES AND EMPLOYÉS IN THE INDIAN SERVICE.

The SPEAKER pro tempore, by unanimous consent, laid before the House the following message from the President of the United States; which was read and referred to the Committee on Indian Affairs:

To the House of Representatives :

In further answer to the resolution of the House of the 6th of January last, with regard to certain expenditures and employes in the Indian service, except those on duty in the Office of the Secretary of the Interior, &c., I have the honor to transmit to you a supplementary report received from the Secretary of the Interior respecting and explaining a clerical error to be found in that portion of the statement of the Interior Department which relates to the expenditures of the board of Indian commissioners, and to ask its consideration in connection with the papers which accompanied my message of the 3d of February last.

U. S. GRANT. U. S. GRANT.

EXECUTIVE MANSION, March 27, 1876.

## JAMES A. HILE.

The SPEAKER pro tempore also, by unanimous consent, laid before the House the following message from the President of the United States; which was read, and referred to the Committee on Military

To the House of Representatives:

I have the honor to return herewith, without my approval, the bill (H. R. No. 83) entitled "An act for the relief of James A. Hile, of Lewis County, Missouri," for the reasons set forth in the accompanying communication of the Secretary of War.

U. S. GRANT.

EXECUTIVE MANSION, March 27, 1876.

## CENTENNIAL EXPOSITION.

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

To the House of Representatives:

I have the honor to transmit herewith a communication received from the chairman of the board on behalf of the United States Executive Departments, containing in detail the operations of the board, and setting forth the present embarrassments under which it is now laboring in the endeavor to conduct the participation of the Government in the centennial exhibition, and showing very clearly the necessity of additional funds to carry out the undertaking in a creditable manner.

U. S. GRANT.

EXECUTIVE MANSION, March 27, 1876.

Mr. KELLEY. I move that the message and accompanying documents be printed, and referred to the Select Committee on the Centennial Exhibition.

The motion was agreed to.

#### INDIAN DEFICIENCIES.

The SPEAKER pro tempore announced that the Speaker had appointed the following as the conferees on the part of the House upon the disagreeing votes of the two Houses upon the bill (H. R. No. 2589) to supply the deficiency in the appropriation for certain Indians: Mr. ATKINS of Tennessee, Mr. HAMILTON of New Jersey, and Mr. HALE

#### LEAVE OF ABSENCE.

Mr. Mackey, of Pennsylvania, was granted leave of absence for five days on account of sickness.

Mr. SMITH, of Georgia, was granted indefinite leave of absence from the 28th instant on account of important business.

Mr. Hartridge was granted indefinite leave of absence on account of serious illness in his family.

Mr. Blaine was granted leave of absence for ten days.

# CHARGES AGAINST GEORGE F. SEWARD.

Mr. CALDWELL, of Alabama, submitted the following resolution; which was read, considered, and adopted:

Which was read, considered, and adopted:

Resolved, That the Secretary of the Treasury be requested to communicate to this House any information or facts bearing upon the business of the consular agent of the United States at Shanghai, China, while under the administration of George F. Seward, late consul-general at that port, and now envoy extraordinary and minister plenipotentiary of the United States near the court of the Emperor of China, together with such correspondence as has been had with that officer in matters of accounts and the manner of transacting the business of his office; also, correspondence between the years 1862 and 1874 between the Treasury Department and the State Department in reference to this officer's official transactions.

#### SOUTHERN CLAIMS COMMISSION.

Mr. DIBRELL, by unanimous consent, submitted the following preamble and resolution; which were referred to the Committee on

Whereas by the Constitution of the United States the people of the several States

Whereas by the Constitution of the United States the people of the several States are secured in their possessions from unreasonable searches and seizures and assured that their right to private property shall not be violated nor taken for public use without just compensation; and whereas these provisions were originally intended to apply to the people of all the States alike; and whereas the southern claims commission, now sitting in Washington City, District of Columbia, by authority of an act of Congress, to pass and decide upon the claims of the people of the South for property taken during the late war, are reported as deciding said claims not according to the proof and law, but from unofficial and merely unsworn statements of secret spies and informers, thus violating that provision of the Constitution which secures to the citizen a just compensation for property taken by the Government: Therefore,

\*\*Beit resolved\*\*. That a committee of —— be appointed by the Speaker of the House of Representatives, whose duty it shall be to hear proof and report to this House, first, whether or not said commission is acting in accordance with the law under which they are appointed and the Constitution they are sworn to support; second, whether or not they are authorized by law to employ secret spies and informers, and, if so, by whom are they appointed, and under what law and by whom are they appointed, and under what law and by whom are they appointed, and under what law and by commission appears to the Government; fourth, and as the existence of a secret police or spies in a free country is a standing menace to the liberties of the people, and a public declaration of a want of confidence in the integrity and honesty of the people, let them report whether or not it would not be to the best interest of the Government to dispense with their services, and whether or not the honor of the Government would not be best subserved by the dissolution of said commission.

## POST-ROUTE BILL.

Mr. CLARK, of Missouri. The annual post-route bill has been returned to-day from the Senate with sundry amendments. It is important that the bill should be passed as soon as possible, and in order that the amendments of the Senate may be considered and reported to the House to-morrow, I ask unanimous consent that they be now taken from the Speaker's table and referred to the Committee on the Post-Office and Post-Roads.

No objection was made, and accordingly the amendments of the Senate to the bill (H. R. No. 2262) establishing post-roads were taken from the Speaker's table, and referred to the Committee on the Post-Office and Post-Roads.

Mr. RANDALL. I now insist on my motion to adjourn.
The motion was agreed to; and accordingly (at five o'clock and twenty-five minutes p. m.) the House adjourned.

## PETITIONS, ETC.

The following memorials, petitions, and other papers were presented

at the Clerk's desk under the rule, and referred as stated:

By the SPEAKER: The petition of John Whittaker, R. S. Spencer,
and other citizens of Bourbon, Marshall County, Indiana, for a commission of inquiry concerning the alcoholic liquor traffic, to the Com-

mittee on the Judiciary.

Also, a memorial of the people of the county of Taos, New Mexico, asking relief from unjust legislation in the matter of the appointment

asking relief from unjust legislation in the matter of the appointment of a probate judge for said county, to the same committee.

By Mr. BAKER, of Indiana: Papers relating to the petition of Mary Barr, for a pension, to the Committee on Invalid Pensions.

Also, the petition of J. D. Wilkins, H. H. Tyrell, and other citizens of Bourbon, Indiana, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee of Ways and Means.

By Mr. BANNING: The petition of J. A. Payne, second lieutenant Nineteenth United States Infantry, giving a list of 22 officers who are first lieutenants and junior to petitioner by original entry into the service, and asking for the declaration of a rule of promotion in the line of the Army, to the Committee on Military Affairs.

Also, the petition of O. F. Forbus, first lieutenant Fifth United

States Infantry, and William H. Hathaway, second lieutenant Fifth United States Infantry, giving a list of 24 of their juniors who have been promoted over them, and asking similar legislation, to the same committee.

committee.

Also, the petition of W. T. Krause, first lieutenant First United States Infantry, for similar legislation, to the same committee.

Also, the petition of C. H. Smith, colonel Nineteenth United States Infantry; E. H. Liseum and J. S. Seefe, first lieutenants Nineteenth United States Infantry; George H. Cook, Charles Venon, and George B. Reed, lieutenants Nineteenth United States Infantry, for similar legislation, to the same committee.

Also, the petition of George McDermott, first lieutenant of Fifth United States Infantry, showing that a number of his juniors have been promoted over him contrary to law, and asking for relief, to the same committee.

By Mr. BLAIR: The petition of Webster M. Rains, M. D., for compensation for medicines furnished sick and wounded United States soldiers, to the Committee on War Claims.

By Mr. CABELL: The petition of citizens of Franklin County, Virginia, for the establishment of a post-route from Pullimans to Sydnorsville, Virginia, to the Committee on the Post-Office and Post-Roads

By Mr. COCHRANE: The petition of iron-manufacturers and laboring-men of Allegheny County, Pennsylvania, that the present tariff laws may not be disturbed, to the Committee of Ways and Means.

By Mr. CONGER: Remonstrance of the Cheap Transportation Company of New York, against bridging the Detroit River, to the Committee on Commerce.

By Mr. CUTLER: Remonstrance of the workingmen of the county of Passaic, New Jersey, against any modification of the tariff, to the Committee of Ways and Means.

By Mr. DANFORD: Remonstrance of W. W. Holloway and 95 other citizens of Bridgeport, Ohio, of similar import, to the same committee. Also, remonstrance of Thomas Hometon and 155 other citizens of

Steubenville, Ohio, of similar import, to the same committee.

By Mr. DIBRELL: The petition of Joseph Ruohs, for a rehearing of his claim for compensation for quartermaster stores taken by the United States Army, rejected by the southern claims commission, to the Committee on War Claims.

By Mr. DOUGLAS: The petition of Matthew Woodyard, of similar import, to the same committee.

By Mr. DURHAM: The petition of Abijah B. Gilbert, for additional compensation for the use of his ferry by the United States Army dur-

compensation for the use of his ferry by the United States Army during the late war, to the same committee.

By Mr. EGBERT: The petition of A. T. Mortimer, O. E. Taylor, and other citizens of Eric, Pennsylvania, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. HAMILTON, of New Jersey: Remonstrance of workingmen and citizens of Sussex County, New Jersey, against any change in the tariff laws, to the Committee of Ways and Means.

By Mr. HARDENBERGH: The petition of F. M. Faircloth, for reimbursement for losses during the war, to the Committee on War Claims.

Claims.

By Mr. HEWITT, of Alabama: A paper relating to a post-route from Birmingham, Jefferson County, Alabama, via Irondale and Cedar Grove to Cropwell, Saint Clair County, Alabama, to the Committee on the Post-Office and Post-Roads.

By Mr. HILL: Memorial of citizens of Georgia, for a post-office at

Fair Play, in Morgan County, Georgia, to the same committee.

By Mr. HOPKINS: Remonstrance of workingmen of Allegheny County, Pennsylvania, against the reduction of the tariff on imports, to the Committee of Ways and Means.

By Mr. HUNTER: Remonstrance of citizens of Clay County, In-

diana, of similar import, to the same committee.

By Mr. JACOBS: The petition of the people of Cowlitz County, for the improvement of Cowlitz River, Washington Territory, to the Committee on Commerce.

Also, a paper relating to a post-route from Columbus to Yakama City, Washington Territory, to the Committee on the Post-Office and Post-Roads.

By Mr. KIDDER: A paper relating to the establishment of certain

post-routes in the Territory of Dakota, to the same committee.

By Mr. KIMBALL: Memorial of the Legislature of Wisconsin, asking for the amendment of the patent laws, to the Committee on Pat-

Also, memorial of the Legislature of Wisconsin, asking for an increase of mail service from Lake Fire to Hartford, in Washington County, Wisconsin, to the Committee on the Post-Office and Post-

By Mr. KNOTT: The petition of Thomas J. Durant, for leave to present his claim for service as United States attorney for the district of Louisiana to the Court of Claims for adjustment, to the Com-

mittee on the Judiciary.

By Mr. LYNDE: Memorial of the Legislature of Wisconsin, asking

for the establishment of a tri-weekly mail south from Marquette, by way of Kingston, to Portage, Wisconsin, to the Committee on the Post-Office and Post-Roads.

Also, memorial of the Legislature of Wisconsin, asking for an increase of mail service on mail route 25151, from Lake Fire to Hart-

ford, Wisconsin, to the same committee.

Also, memorial of the Legislature of Wisconsin, asking for the establishment of a tri-weekly mail-route from Waupaca to Plainfield,

Wisconsin, to the same committee.

By Mr. McCRARY: The petition of O. F. Bresee, that a certain fund arising from the sale of confiscated property, now in the Treasury, be paid to him, to the Committee on the Judiciary.

By Mr. McFARLAND: Papers relating to the claim of R. R. Rob-

inson, for compensation for two hundred and twelve gallons of apple brandy illegally seized by internal-revenue officers, to the Committee of Ways and Means.

Also, the petition of Alexander Ayers, for a modification of the tax on tobacco for the benefit of small farmers, to the same committee.

Also, the petition of citizens of Sullivan County, for a post-route from Kingsport to Arcadia, Tennessee, to the Committee on the Post-Office and Post-Roads.

By Mr. McMAHON: The petition of Captain Jasper M. Whitty, and

25 other disabled volunteers, that they be furnished with artificial

eyes, to the Committee on Invalid Pensions.

Also, the petition of Mrs. Louis Seebohm, for compensation on account of the death of her husband in the United States service, and for other relief, to the Committee of Claims.

By Mr. MUTCHLER: Remonstrance of citizens of Pennsylvania, against a reduction of the tariff duties, to the Committee of Ways and

Means.

By Mr. PACKER: Remonstrance of workingmen in the county of Dauphin, Pennsylvania, of similar import, to the same committee.

By Mr. PARSONS: Papers relating to the claim of Blanton Duncan, for compensation for rents and damages to property during the war, to the Committee on War Claims.

By Mr. PIPER: Resolutions of the board of supervisors of San Francisco

cisco, California, relating to the Presidio lands, to the Committee on

Military Affairs.

By Mr. RANDALL: The petition of Albert V. Conway, to have the Secretary of the Treasury issue to him new bonds in lieu of bonds which by a forgery were caused to be canceled and other bonds issued for them to persons not authorized to receive them and who are outside the jurisdiction of the United States, to the Committee of Ways and Means.

By Mr. RICE: The petition of William Anderton and 215 other soldiers and pensioners of the late war, that the provisions of the act of June, 1874, granting pensions at the rate of \$24 per month to all soldiers who have lost a leg above the knee, be extended so as to include all those who have lost a leg below the knee or an arm below

the ellow, to the Committee on Invalid Pensions.

By Mr. RIDDLE: A paper from Sperry & Co., of Nashville, Tennessee, in favor of the reduction of the tax on distilled spirits, to the

Committee of Ways and Means.

By Mr. RUSK: Papers relating to the claim of Dr. Gustavus B.

Homer, to the Committee on Military Affairs.

By Mr. SAMPSON: The petition of Mr. E. S. SAMPSON, in behalf of his constituents, for the extension and establishment of certain post-routes, to the Committee on the Post-Office and Post-Roads.

By Mr. SCHLEICHER: Memorial of the heirs of Charles Fierer,

asking for relief, to the Committee on War Claims.

Also, the petition of William Schuchardt, for compensation for procuring depositions and other documents used by the United States in settling claims with Mexico, to the Committee on Foreign Affairs.

By Mr. SEELYE: Resolutions of the Suffolk District Medical So-

ciety, in favor of the metric system of weights and measures, to the

Committee on Coinage, Weights, and Measures.

By Mr. SINNICKSON: The petition of Charles P. Stratton and more than 1,300 other citizens of the first district of New Jersey, for the extension of the national credit to the completion of a great southern line of railroad to the Pacific, to the Committee on the Pacific Railroad.

By Mr. STEVENS: A paper relating to the establishment of certain post-routes in the Territory of Arizona, to the Committee on the

tain post-routes in the Territory of Arizona, to the Committee on the Post-Office and Post-Roads.

By Mr. SWANN: The petition of the Madison Avenue church of Baltimore, Maryland, signed by the pastor and officers, representing 480 members, for a commission of inquiry concerning the alcoholic liquor traffic, to the Committee on the Judiciary.

By Mr. THOMPSON: The petition of Almira Fitts, for a pension, to the Committee on Invalid Pensions.

Also, the petition of Elizabeth M. Livingstone, of similar import, to the same committee.

Also, the petition of Maria D. Pierce, of similar import, to the same

committee.

By Mr. THORNBURGH: The petition of Margaret A. Gillem, of similar import, to the same committee.

By Mr. TOWNSEND, of Pennsylvania: Remonstrance of Samuel Riddle, William Simpson & Sons, Shaw & Esrey, John Ledward, J. P. Crozers' Sons, and 620 other manufacturers, mechanics, and citizens of Delaware County, Pennsylvania, against reducing the duties

on imported articles that enter into competition with American man-

ufactures, to the Committee of Ways and Means.

By Mr. TURNEY: The petition of citizens of Westmoreland County, Pennsylvania, for a change in post-route No. 8619, so as to include the village of Huckleberry, to the Committee on the Post-Office and Post-Roads

By Mr. VANCE, of Ohio: The petition of Isaac C. Dovel and 52 other workingmen of Lawrence County, Ohio, that the present tariff laws be left undisturbed, to the Committee of Ways and Means.

Also, the petition of A. McGoon and 118 other workingmen of Hock-

Also, the petition of A. McGoon and 118 other workingmen of Hocking County, Ohio, of similar import, to the same committee.

Also, the petition of Samuel E. Sworts and 90 other workingmen of Vinton County, Ohio, of similar import, to the same committee.

By Mr. WALLACE, of Pennsylvania: Remonstrance of 400 workingmen of Lawrence County, Pennsylvania, against any change in the present tariff laws, to the same committee.

By Mr. WALLING: Memorial of John H. Kelly, Peter Duffy, and others, of Perry County, Ohio, asking for the establishment of certain post-routes in Ohio, to the Committee on the Post-Office and Post-Roads. Roads.

By Mr. WARD: Petition of importers and dealers in crockery, china, and glassware, showing that the present duty on these articles is excessive, and asking a uniform rate of duty of 30 per cent., to the

Committee of Ways and Means.

By Mr. WARREN: The petition of John Griffin, for arrears of pay and bounty as a United States soldier, to the Committee on Military

Also, remonstrance of H. W. Jordan and 72 other dealers in live stock, against the passage of the proposed act requiring the unloading of cattle in transit, to the Committee on Agriculture.

By Mr. WHITE: The petition of Nimrod McIntosh, for a pension,

By Mr. WHITE: The petition of Nimrod McIntosh, for a pension, to the Committee on Invalid Pensions.

By Mr. WILLIAMS, of New York: The petition of Daniel Cady, Charles Bliven, and 100 others, that the tariff may not be changed at this time, to the Committee of Ways and Means.

By Mr. A. S. WILLIAMS: The petition of 64 citizens of Michigan, for the prohibition of the manufacture, importation, and sale of intoxicating liquors to be used as a beverage in the Territories and District of Columbia, to the same committee.

Also, the petition of the Jefferson Avenue Methodist Episcopal church and Central Methodist Episcopal church, of Detroit, Michigan, of similar import, to the same committee.

Also, the petition of 56 citizens, of Michigan, for a commission of inquiry concerning the alcoholic liquor traffic, to the same committee.

By Mr. WILLIS: The petition of John D. Terry, for an increase of pension, to the Committee on Invalid Pensions.

By Mr. WOOD, of Pennsylvania: Remonstrance of A. B. Miller and 84 other citizens of Montgomery County, Pennsylvania, against any change in the existing tariff laws, to the Committee of Ways and Means.

By Mr. WOODBURN: The petition of Lemuel Allen and other citizens of Nevada, for the establishment of a post-route from Wadsworth to Stillwater, Churchill County, Nevada, to the Committee on the Post-Office and Post-Roads.

By Mr. YEATES: The petition of William E. Bond, for relief, to

the Committee of Ways and Means.

Also, the petition of citizens of Beaufort and Pitt Counties, North Carolina, relating to the establishment of a daily mail-route from Wilson to Washington, North Carolina, to the Committee on the Post-Office and Post-Roads.

Also, the petition of William E. Bond, for compensation for commissions as collector of internal revenue on cotton shipped in bonds and under assessor's permits produced in and shipped from his district, to the Committee of Ways and Means.

## IN SENATE.

# TUESDAY, March 28, 1876.

Prayer by the Chaplain, Rev. BYRON SUNDERLAND, D. D. The Journal of yesterday's proceedings was read and approved.

## PETITIONS AND MEMORIALS.

Mr. KEY presented the petition of Mrs. Mary A. Lord, widow of Henry E. Lord, late captain of Company G, Thirty-seventh Indiana Volunteers, paying for arrears of pension; which was referred to the Committee on Pensions.

Mr. WALLACE presented two memorials of citizens of the counties of Berks and Allegheny, in the State of Pennsylvania, remonstrating against any change in the present tariff laws; which were referred to

the Committee on Finance.

Mr. WEST. I present, in the nature of a memorial to Congress, joint resolutions of the Legislature of the State of Louisiana, in favor of pensions to the veterans of the war with Mexico, their widows and minor orphans. I move their reference to the Committee on Pensions.

The motion was agreed to.

Mr. CONKLING. I present the memorial of workingmen of the county of Erie, in the State of New York, remonstrating against the proposed amendments to the tariff laws; and a similiar memorial signed by workingmen of the county of Clinton, in the State of New York, protesting in like manner. I move that these two memorials go to the Committee on Finance.

The motion was agreed to.

Mr. CONKLING. I present also a memorial of merchants in the city of Buffalo, New York, remonstrating against the repeal of the bankrupt act, and praying that amendments which they propose may be made to the existing law. I move that it go to the Committee on the Judiciary.

The motion was agreed to.

Mr. BURNSIDE. I present joint resolutions of the General Assembly of Rhode Island, in favor of the proposed repeal of compulsory pilot laws, with an accompanying letter from the governor of the State. I move their reference to the Committee on Commerce, and that the resolutions be printed.

The motion was agreed to.

Mr. SHERMAN presented a petition of citizens of Jackson County, Ohio, praying that the tariff laws may remain undisturbed; which

was referred to the Committee on Finance

Mr. BAYARD presented the petition of Dr. L. J. Draper, late assistant surgeon, United States Navy, praying to be restored to his former rank and position in the Navy, from which he was dismissed by the Secretary of the Navy without court-martial in 1865; which was

referred to the Committee on Naval Affairs.

Mr. STEVENSON presented the petition of Appleton, Lancaster & Co., Thomas D. Mitchell, and other merchants of Lexington, Kentucky, praying for the passage of the bill recently passed by the

House of Representatives repealing the bankrupt law; which was referred to the Committee on the Judiciary.

Mr. MORTON presented the petition of 173 pensioners of the United States, citizens of Indiana, praying for the continuance of the present system of paying pensions; which was referred to the Select Committee to Examine the Several Branches of the Civil Service.

He also presented the petition of D. P. Whedon, late United States district attorney for the second district of Utah praying for increased

district attorney for the second district of Utah, praying for increased compensation; which was referred to the Committee on Claims.

He also presented the petition of E. T. Cox, State geologist of In-

diana, and 8 others, praying that the Senate may without delay ratify the convention that has been entered into by the leading nations of the world for the establishment and maintenance of an international bureau of weights and measures, with the object of promoting permanence, precision, and uniformity in the standards, at the joint charge of the contracting powers; which was referred to the Committee on Commerce.

Mr. GORDON presented the petition of N. J. Hammond, Hillyer & Brother, and other citizens of Atlanta, Georgia, praying the passage of the bill which lately passed the House of Representatives repealing the bankrupt law; which was referred to the Committee on the Ju-

diciary.

He also presented resolutions of the Irish Literary Society in relation to the imprisonment of Edward O'Meagher Condon, in Great Britain; which were referred to the Committee on Foreign Relations.

The PRESIDENT pro tempore presented the petition of W. I. Hines, J. M. Roe, and 392 other members of the greenback club of Buchanan, Michigan, praying Congress to repeal the resumption law of 1875, and make greenbacks a full legal-tender except for the payment of gold bonds and gold interest; which was referred to the Committee on Finance.

He also presented the petition of William Loenthal and 120 others, praying for the passage of an act to equalize the bounties of all sol-diers who served during the late war, upon a basis of the actual term of service of each enlisted man; which was referred to the Committee on Military Affairs.

## REPORTS OF COMMITTEES.

Mr. MERRIMON, from the Committee on the District of Columbia, to whom was referred the bill (S. No. 293) authorizing the commissioners of the District of Columbia to cancel and annul the condemnation of ground in square 762, in the city of Washington, for a public alley, and for other purposes, reported it without amendment.

Mr. McDONALD, from the Committee on Public Lands, to whom

was referred the bill (S. No. 445) for the relief of settlers on public lands in the State of California, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

Mr. SHERMAN, from the Committee on Finance, to whom was re-

ferred the bill (H. R. No. 828) to correct an error in enrollment, sub-

mitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. SHERMAN. I am also directed by the same committee to report back the bill (S. No. 263) to amend the laws relating to legal tender of silver coin, with an amendment in the nature of a substitute.

Mr. BOGY. I should like to say a few words on that subject, and wish the bill to go on the Calendar.
Mr. SHERMAN. Certainly it will go on the Calendar. It is a ill

reported with an amendment.
The PRESIDENT pro tempore. The amendment will be printed.

#### BILLS INTRODUCED.

Mr. MITCHELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 662) to provide for the survey of the Mc-Kenzie River, Oregon; which was read twice by its title, referred to the Committee on Commerce, and ordered to be printed.

Mr. WRIGHT (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 663) incorporating the Sioux City, Black Hills and Pacific Railroad Company; which was read twice by its title, referred to the Committee on Railroads, and ordered

to be printed.

Mr. MORRILL, of Maine, (by request,) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 664) to improve the civil service of the Patent Office; which was read twice by its title,

referred to the Committee on Patents, and ordered to be printed.

Mr. HAMILTON asked, and by unauimous consent obtained, leave to introduce a bill (S. No. 635) repealing and declaring void certain sections of certain acts named therein; which was read twice by its title, referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. GORDON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 666) to authorize the Secre-

tary of the Treasury to make certain allowances to collectors in certain cases; which was read twice by its title, referred to the Committee on Finance, and ordered to be printed.

#### S. J. GHOLSON.

Mr. EDMUNDS. If there are no resolutions, I move to take up the House bill for the relief of the political disabilities of Samuel J. Gholson. It will take no time, of course. The committee report favora-

son. It will take no came, to bly upon it.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1343) to relieve S. J. Gholson, of Mississippi, of political disabilities imposed by the four-teenth amendment of the Constitution.

Mr. CAMERON, of Pennsylvania. Would it be proper to add any

other names to the bill?

The PRESIDENT pro tempore. The bill is open to amendment. Mr. CAMERON, of Pennsylvania. Then I move to add the name of Joseph E. Johnston, of Georgia.

Mr. EDMUNDS. I object to that. I would like to know upon

what ground that is proposed?

Mr. CAMERON, of Pennsylvania. Because I believe that he is as much entitled to a pardon as anybody else. He left the service of this country not in disgrace, but rather under circumstances favorable to himself. Like all the men who went into the rebel army, he fought against us with all his vigor, and did his duty there with great tought against us with all his vigor, and did his duty there with greateredit to himself and perhaps injury to us; but not with more injury than any other of the rebel officers did who were educated at West Point. I think he is as much entitled to relief as others. I have a personal knowledge of this gentleman. I had a good deal of intercourse with him at the beginning of the war, and I think that he was one of the best men who did leave the service.

Mr. EDMUNDS. The Senator from Pennsylvania evidently does

not understand the principles upon which the Committee on the Judiciary proceed in respect of these cases, and in that we have been sustained by the Senate on all occasions; and that is, we do not report in favor of removing the disabilities of the few people who are now left who went into the rebellion under circumstances of particular criminality, unless those people individually apply by petition for that relief. Then, if we find that they have lived meritorious lives since the rebellion, and when they left the Army, if they did leave the Army, they left it by a fair and honorable resignation and paid up their bills, squared their accounts, so to speak, we recommend the relief. Those are the principles upon which we stand. I think they commend themselves to the judgment of my honorable friend whom I am chiefly addressing. I hope he will withdraw his amendment.

Mr. CAMERON, of Pennsylvania. I do not understand that General Johnston has made application. In all the other requisites men-

tioned by the Senator from Vermont he is entitled to relief. He has not asked it; and if his name cannot be added to a bill of this kind, if it is a dangerous precedent, of course I do not desire to persevere in

my presentation of it.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania withdraw his amendment?

Mr. EDMUNDS. You had better withdraw it. It breaks up the whole principle we are acting on.
Mr. CAMERON, of Pennsylvania. I withdraw it for the present.
Mr. WHYTE. I move to insert the name of W. H. Jenifer, of Bal-

timore, Maryland.

Mr. EDMUNDS. The same objection exists to that. I do not wish

to take time by discussing it.

Mr. WHYTE. Mr. Jenifer filed his petition at the beginning of the session of Congress, asking that his disabilities might be removed, and the case has been in the Judiciary Committee I believe from that

day to this.

Mr. EDMUNDS. Yes, Mr. President, and until a vote of the Senate is taken discharging that committee it will stay there until we investigate it and know that the petition is regular and true and that the other principles which we apply to these cases exist in that case. It will receive due consideration in its order, and not out of it, unless the Senate so direct.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Maryland, [Mr. Whyte.]

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senate voting in favor thereof.

#### SERVICE OF WRITS OF MANDAMUS.

Mr. CONKLING. I ask the Senate to take up a bill which I think

Mr. CONKLING. I ask the Senate to take up a bill which I think will require but a moment, reported yesterday, which I spoke of as needing an early consideration. It is the bill authorizing one member of a firm to give a bond upon the importation of goods.

Mr. FRELINGHUYSEN. I gave notice yesterday that I would call up a bill which has been pending here some little while. I do not know that it would take a great deal of time. There is only a little of the morning hour taken up yet, and if my friend will allow this bill to take its place according to the notice, I would be glad, unless he is satisfied that the bill he proposes will lead to no discussion at all.

Mr. CONKLING. There is notedy in all the earth that I would

Mr. CONKLING. There is nobody in all the earth that I would like to do a generous thing for better than my friend from New Jersey. I remind him, however, that I was about to ask the Senate to consider this bill yesterday, and withdrew my request, because he intimated a wish to go on with another bill. This is a matter in which his constituents as well as mine are considerably interested. I do not think it will lead to discussion; but whether it will or not I will not press it against the Senator, even if I can, if he has anything he wishes to do. But I see the fates are with the Senator from New Jersey. The bill is not here. It is No. 2135, and is not in the files; so I cannot go on.
Mr. FRELINGHUYSEN. I move that the Senate take up Senate

bill No. 13, to amend the fourteenth section of the act to establish the judicial courts of the United States, approved September 24, 1789.

The motion was agreed to, and the Senate resumed the considera-

tion of the bill.

The PRESIDENT pro tempore. The bill having been reported and printed since it has been amended, it will now be read as amended. The Chief Clerk read as follows:

The Chief Clerk read as follows:

Be it enacted, &c., That whenever the circuit courts of the United States shall, in the exercise of their jurisdiction, issue writs of mandamus or other common-law writs, and the party or persons to whom said writs shall be directed shall, for any cause, neglect or fail to perform the act or duty required by the said writ or writs, the court from which said writ issues may, upon the application of the person for whose benefit the writ is issued, besides or instead of proceeding against the defendant by attachment, direct that the act required to be done shall be done by some person appointed by the court, at the expense of the defendant, to be recovered by the same process, by and along with the cost of said writ or writs; and when snot courts shall have rendered judgment against any municipal corporation or county, of any officer or officers of such corporation or county, for the recovery of any sum of money, and it is necessary to levy and collect a tax for the payment thereof, the said courts shall have power, through the proper officers of such corporation or county, or through the persons appointed as aforesaid, to levy and collect such a tax as may be necessary to pay such judgment, together with the costs of such procedure. of such procedure.

Mr. FRELINGHUYSEN. Mr. President— Mr. WITHERS. Will the Senator from New Jersey yield to me? Mr. FRELINGHUYSEN. For what purpose?

Mr. WITHERS. Simply for a statement.
Mr. FRELINGHUYSEN. Certainly.
Mr. WITHERS. My colleague [Mr. Johnston] is absent necessarily in consequence of sickness in his family. He requested me, if this particular bill should be called up for consideration, to ask for its postponement until such time as he could return, as he expected and desired to address the Senate upon the merits of the bill. I dislike to make any objection to the present consideration of the bill in view of the fact that the Senator who has it in charge has exhibited the most courteous deference to the wishes of Senators on this side and has already to my knowledge postponed the consideration of the bill at their request several times. I therefore simply state the views of my colleague on the subject and leave it to the Senator from New

Jersey to grant the request or otherwise, as he may see proper.

Mr. FRELINGHUYSEN. Mr. President, I move to strike out all
after the word "writs" where it occurs in the fourteenth line.

The CHIEF CLERK. The words to be stricken out are as follows:

And when such courts shall have rendered judgment against any municipal corporation or county, or any officer or officers of such corporation or county, for the recovery of any sum of money, and it is necessary to levy and collect a tax for the payment thereof, the said courts shall have power, through the proper officers of such corporation or county, or through the persons appointed as aforesaid, to levy and collect such a tax as may be necessary to pay such judgment, together with the cents of such proceedings. costs of such procedure.

The amendment was agreed to.

Mr. FRELINGHUYSEN. Mr. President, I wish to say a few words in reference to the bill as it now stands. When a law is to be passed, the proper inquiry is, what is the evil that is sought to be remedied? The evil is simply this: Municipal corporations in a number of States of the Union, such as cities, townships, counties, have, by their Legislatures, been authorized to issue bonds for the building of railroads and for other purposes. The same law which authorized the issue of the bonds provided that the municipality should be taxed at a given the bonds provided that the municipality should be taxed at a given rate, 1 per cent. or a 1 per cent. as the fact might be, a sum sufficient to pay the interest on those bonds. On the credit of those bonds, railroads have been constructed. The inhabitants of the municipality have the convenience resulting from them and their property has been

appreciated by those railroads. For one or two years, the coupons are paid; then the default is made in the payment of the coupons. are instituted in the Federal courts and judgments obtained. next process is to issue an execution, which, of course, is returned "No goods," and the next process is a mandamus from the court directing the proper officers of the county or other municipality to proceed to execute the State law and to raise the sum which the State has di-rected should be raised. The penalty, if the officer does not perform this duty, is punishment for contempt of the mandate of the court. To avoid this punishment and to avoid raising the money, these offi-cers resign, and that, as the law stands, is an end of the power of the court. This act authorizes the court in the event of such resignation to appoint other persons to carry out the directions of the State and enforce the law and the judgment.

These bonds are held by individuals all over the United States. I saw a statement that in the State of Maine alone the savings-banks of that State have a million of dollars of them. They are held by

persons of limited means in New Jersey.

Now, any person who thinks that a subordinate State officer by his wrongful act should defeat the judgment of the courts of the United States ought not to vote for this bill; but that any person who thinks that a subordinate State officer should not have that power should vote for this bill.

That a mandamus is the proper remedy in such case, I read from the second volume of Dillon on Municipal Corporations, section 687:

Where the law under which the debt was incurred provides for the levy of a special tax to pay it, this duty will be enforced by mandamus, and in such a case it is no answer to an application for this remedy that an execution has not been returned nulla bona or that the corporation debtor may have property subject to a sale on ex-

The Federal courts, as the law now stands, have no power to enforce these judgments. They can only act through the officers appointed by the State. That has been settled in two cases: first, in the case of the board of levy in the State of Louisiana for the parishes of Carroll and Madison, which issued bonds. They would not levy the tax, although authorized by the State to do it. The creditors sought in that case by a bill in equity to enforce a contribution from the inhabitants, but the court said that that remedy would not answer; the only remedy was a mandamus, and the only manner in which a mandamus can be enforced is according to law.

That Congress has full power to pass this act and that it is a duty

incumbent upon it, there can be no question. The Constitution of the United States provides that—

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish.

The Federal courts have no judicial power excepting as the Federal Legislature gives it to them, and we omit to perform a clear duty under the Constitution by refusing to pass such a law.

Story says, in his second volume, page 445:

To suppose that it is not an obligation on Congress to vest this power in the Federal courts, but that it might omit or decline to do it, is to suppose that, under the Constitution, Congress might defeat the Constitution itself.

That is in reference to the creation of inferior courts. And again, on page 435, he says:

The judiciary must be so organized as to carry into complete effect all the purposes of its establishment. It must at once possess the power and means to check usurpation and enforce the execution of its judgments.

The Constitution declares that Congress may create inferior tribu-The Constitution declares that Congress may create interior triunals and then provides that it shall have power to pass all laws to carry into effect the foregoing provision. In the case of The Supervisors rs. Rogers, which is reported in 7 Wallace, page 180, this question came before the court. The State of Iowa, for the enforcement of its State judgments, had passed such a law as we are now considering, providing that where the officers resigned the courts should have power to appoint other persons to perform their duties. By the laws of the United States the Federal courts have the right to adopt the procedure of the State courts; and in that case, where the officers who had to levy and collect the tax resigned, the circuit court of the United States, following that State act, did appoint others to perform the duty, and the collection was made.

Not to pass this act seems to me to be the greatest injustice; it is to permit the Federal courts of the nation to be treated with contempt; it is the authorization on the part of Congress of repudiation. tempt; it is the authorization on the part of Congress of repudiation. If the judgments of a State court are not enforced, the fault is with the State Legislature; if the judgments of the national courts are not enforced, the fault is with the national Legislature. It is not the province of the State courts to see that the judgments of the Federal courts are enforced. If, as in the case of Iowa, the States wish to avoid the evil we are considering as to their State courts, they can pass such a law, and under such legislation the national court can come in and take advantage of the State procedure, but when in any State, as in New Jersey or in New York, there is no such necessity, there being no such resignations by the officers, it then becomes incumbent on us to supply that defect of legislation.

on us to supply that defect of legislation.

Besides, Mr. President, this law would be of more advantage to the townships, counties, and cities that it is intended to reach than any law that can be passed. It will be a benefit to the debtor as well as to the creditor. The most important and valuable right that a State has is the right and power to make a contract; and nothing is a con-